

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge

RECEIVED

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DANIEL TAYLOR JONES,

APPELLANT

APPELLATE CASE NO. 2024-000129

RECORD ON APPEAL

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VOLUME I OF II
PAGES 1-500

INDEX

INDEX	i
PRE-TRIAL TRANSCRIPT DATED JANUARY 17, 2024	1
DEFENSE MOTION TO COMPEL DISCOVERY OF TESTIFYING OFFICERS’ TRAINING RECORDS BY MS. ZMROCZEK.....	1
COURT DENIES MOTION TO COMPEL DISCOVERY OF TESTIFYING OFFICERS’ TRAINING RECORDS	2
TRIAL TRANSCRIPT DATED JANUARY 22-26, 2024.....	8
OPENING STATEMENT BY MR. POGUE.....	9
OPENING STATEMENT BY MS. ZMROCZEK	22
TESTIMONY	
CHRISTOPHER SWYGERT	
Direct Examination by Ms. Patterson	34
Cross-Examination by Ms. Zmroczek	48
Redirect Examination by Ms. Patterson.....	94
Recross-Examination by Ms. Zmroczek.....	105
DAVID PAYTON	
Direct Examination by Mr. Pogue	109
Cross-Examination by Ms. Zmroczek	130
Redirect Examination by Mr. Pogue.....	147
Recross-Examination by Ms. Zmroczek.....	148
COREY CHANEY	
Direct Examination by Ms. Patterson	151
Cross-Examination by Ms. Zmroczek	158
Redirect Examination by Ms. Patterson.....	160
JACQUELINE AIKEN	
Direct Examination by Ms. Patterson	162
Cross-Examination by Ms. Zmroczek	186
Redirect Examination by Ms. Patterson.....	206
Recross-Examination by Ms. Zmroczek.....	208
JADA ELLISON	
Direct Examination by Ms. Patterson	211
Cross-Examination by Ms. Zmroczek	231

Cross-Examination <i>in-camera</i> by Ms. Zmroczek	234
Continued Cross-Examination by Ms. Zmroczek	236
Redirect Examination by Ms. Patterson	253
Recross-Examination by Ms. Zmroczek	258
ROY WILLIAMS	
Direct Examination by Mr. Pogue	261
Cross-Examination by Ms. Zmroczek	268
PATRICK WARD	
Direct Examination by Ms. Patterson	272
<i>Voir Dire</i> Examination by Ms. Zmroczek	275
Continued Direct Examination by Ms. Patterson	277
DEFENSE OBJECTION TO STATE’S EXHIBIT #60 (.300 BLACKOUT CASES) BY MS. ZMROCZEK	294
COURT’S RULING FINDING STATE’S EXHIBIT #60 (.300 BLACKOUT CASES) ADMISSIBLE	295
TESTIMONY	
PATRICK WARD	
Continued Direct Examination by Ms. Patterson	295
Cross-Examination by Ms. Zmroczek	319
Redirect Examination by Ms. Patterson	347
Recross-Examination by Ms. Zmroczek	351
MICHAEL HART	
Direct Examination by Ms. Patterson	354
Cross-Examination by Ms. Zmroczek	389
Redirect Examination by Ms. Patterson	435
Recross-Examination by Ms. Zmroczek	439
JENNIFER NATES	
Direct Examination by Mr. Pogue	442
Cross-Examination by Ms. Zmroczek	457
PAUL GREER	
Direct Examination by Mr. Pogue	459
Cross-Examination by Ms. Zmroczek	490
Redirect Examination by Mr. Pogue	497
ANGELINA PHILLIPS	
Direct Examination by Ms. Patterson	499
Cross-Examination by Ms. Zmroczek	517

STATE RESTS.....	521
DEFENSE’S RENEWAL OF ALL PRIOR MOTIONS AND OBJECTIONS BY MS. ZMROCZEK	522
TESTIMONY COLLOQUY WITH DEFENDANT	522
DEFENSE MOTION TO EXCLUDE DEFENDANT’S PRIOR JUVENILE ADJUDICATIONS PURSUANT TO RULE 609(D), SCRE BY MS. ZMROCZEK	523
RESPONSE BY MS. PATTERSON.....	524
COURT’S RULING FINDING EVIDENCE OF DEFENDANT’S PRIOR JUVENILE ADJUDICATIONS ADMISSIBLE	525
DEFENSE MOTION TO EXCLUDE DEFENDANT’S PRIOR JUVENILE ADJUDICATIONS PURSUANT TO RULE 403, SCRE BY MS. ZMROCZEK	530
COURT’S RULING FINDING EVIDENCE OF DEFENDANT’S PRIOR JUVENILE ADJUDICATIONS ADMISSIBLE	531
TESTIMONY	
DANIEL JONES	
Direct Examination by Ms. Zmroczek.....	534
Cross-Examination by Ms. Patterson.....	572
Redirect Examination by Ms. Zmroczek	601
Recross-Examination by Ms. Patterson	607
MELISSA PATRICK	
Direct Examination by Ms. Zmroczek.....	617
Cross-Examination by Ms. Patterson.....	622
Redirect Examination by Ms. Zmroczek	625
PATRICK WARD	
Direct Examination by Ms. Zmroczek.....	626
Cross-Examination by Ms. Patterson.....	632
Redirect Examination by Ms. Zmroczek	635
MICHAEL HART	
Direct Examination by Ms. Zmroczek.....	637
DEFENSE RESTS	642
DEFENSE RENEWAL OF ALL PRIOR MOTIONS AND OBJECTIONS BY MS. ZMROCZEK	642

DEFENSE MOTION TO PROHIBIT THE STATE FROM ARGUING INFERRED MALICE FROM THE USE OF A DEADLY WEAPON DURING CLOSING ARGUMENT BY MS. ZMROCZEK.....	644
RESPONSE BY MS. PATTERSON.....	644
COURT DENIES DEFENSE MOTION TO PROHIBIT THE STATE FROM ARGUING INFERRED MALICE FROM THE USE OF A DEADLY WEAPON.....	646
CHARGE CONFERENCE	647
DEFENSE OBJECTION TO INFERRED MALICE CHARGE PURSUANT TO <u>STATE V. BURDETTE</u> BY MS. ZMROCZEK.....	649
RESPONSE BY MS. PATTERSON.....	650
COURT OVERRULES OBJECTION TO INFERRED MALICE CHARGE	650
DEFENSE MOTION TO CHARGE LESSER INCLUDED OFFENSES OF ASSAULT AND BATTERY, FIRST, SECOND, AND THIRD DEGREE BY MS. ZMROCZEK.....	651
RESPONSE BY MS. PATTERSON	652
COURT’S RULING DENYING MOTION TO CHARGE LESSER INCLUDED OFFENSES OF ASSAULT AND BATTERY, FIRST, SECOND, AND THIRD DEGREE.....	653
DEFENSE OBJECTION TO ACCOMPLICE LIABILITY CHARGE BY MS. ZMROCZEK.....	655
COURT OVERRULES OBJECTION TO ACCOMPLICE LIABILITY CHARGE	656
DEFENSE MOTION TO CHARGE BELIEVABILITY OF DEFENDANT AND WITNESSES WITH PRIOR RECORDS BY MS. ZMROCZEK.....	660
RESPONSE BY MS. PATTERSON	661
COURT’S RULING GRANTING MOTION TO CHARGE BELIEVABILITY OF DEFENDANT AND WITNESSES WITH PRIOR RECORDS	661
STATE’S OBJECTION TO CHARGE ON BELIEVABILITY OF DEFENDANT BY MR. POGUE	662
COURT RENEWS RULING GRANTING MOTION TO CHARGE BELIEVABILITY OF DEFENDANT	663

DEFENSE’S MOTION FOR SPOILIATION CHARGE BY MS. ZMROCZEK	664
RESPONSE BY MS. PATTERSON	665
COURT’S RULING DENYING MOTION FOR SPOILIATION CHARGE	667
DEFENSE MOTION TO CHARGE LESSER INCLUDED OFFENSE OF INVOLUNTARY MANSLAUGHTER BY MS. ZMROCZEK	667
RESPONSE BY MS. PATTERSON	670
COURT’S RULING DENYING MOTION TO CHARGE LESSER INCLUDED OFFENSE OF INVOLUNTARY MANSLAUGHTER	672
COURT’S DECISION TO CHARGE SELF-DEFENSE	672
CLOSING ARGUMENT BY MS. PATTERSON	674
CLOSING ARGUMENT BY MS. ZMROCZEK	692
CLOSING ARGUMENT IN REPLY BY MS. PATTERSON	710
CHARGE ON THE LAW	716
DEFENSE RENEWAL OF MOTION TO CHARGE INVOLUNTARY MANSLAUGHTER BY MS. ZMROCZEK	733
JURY QUESTION	737
RECHARGE ON THE LAW OF MURDER	738
DEFENSE RENEWAL OF PRIOR OBJECTIONS BY MS. ZMROCZEK	740
VERDICT	741
SENTENCING	742
INDICTMENTS	744
SENTENCE SHEETS	750
CERTIFICATE OF COUNSEL	756

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
DEFENDANT’S EXHIBIT #1 (SWYGERT BODY CAM VIDEO).**

1 JANUARY 17, 2024

2 (WHEREUPON, the proceedings began at 2:30 p.m.)

3 THE COURT: Well, first off, Aimee, why don't you tell me
4 what it is you're -- it looks to me like you're wanting
5 training records from 2018 to present. What's the relevance
6 and why are we seeking that?

7 MS. ZMROCZEK: Okay, Your Honor, and I've gone about this
8 a couple of different ways and they've all been denied, which
9 I've taken issue with because this happens a lot. And I
10 talked to Ms. Patterson before. My -- my frustration is not
11 with the Solicitor's Office. It's with the Sheriff's
12 Department on this issue because I'm wasting valuable court
13 time coming in here asking for things that are not protected,
14 and then -- and then they're getting ordered and -- and -- but
15 anyway.

16 What I'm looking for, Your Honor, is -- so the officers
17 that were involved in this investigation -- obviously, he was
18 charged with murder. We have a different position on -- on
19 the charges that we think are appropriate, and a lot of those
20 -- a lot of the issues that we're going to hear about -- that
21 you're going to hear about today -- and I know that I've had
22 this case for almost -- almost four years now, so I know a lot
23 about it. I know you don't know a lot about it, so that's --
24 but a lot of the issues --

25 THE COURT: I don't know a thing about this case. I'm

1 the scope of the discovery. Well, these people's training
2 records have nothing to do with the defendant's culpability.

3 But if it makes you feel better, I do have some case law
4 on point for this. Another case that's seminal in regards to
5 criminal subpoenas for records is *United States v. Nixon*,
6 which is 418 U.S. 683. That's not in my memo. And it just --
7 and it also says here -- I believe it was on page 701. It
8 says generally the need for evidence to impeach witnesses is
9 insufficient to require its production in advance of trial.
10 So . . .

11 THE COURT: Okay. I'm going to deny your request.
12 Anything else?

13 MR. DEASON: No, Your Honor.

14 THE COURT: Okay. Mr. Deason, if you need to be excused,
15 you may.

16 MR. DEASON: So -- and to be clear, I'm sorry if I'm
17 beating a dead horse. Thank you, by the way. My folks don't
18 need to show up with any written materials for court next
19 week; right?

20 THE COURT: No. I'm not going to do any of the training
21 records on the subpoena.

22 MR. DEASON: Thank you.

23 MS. ZMROCZEK: But they are all under --

24 THE COURT: Absolutely. If they are under a subpoena,
25 Mr. Deason, they need to show if they're coming to testify.

1 I'm not allowing them to bring their training records. I just
2 do not see the relevance of it to this case.

3 All right. Now, let me -- Aimee, do you have anything
4 else in here that's going to take me a while? I see you've
5 got your *Jackson v. Denno*.

6 MS. ZMROCZEK: The body cam. The -- the -- the issue --
7 so I do have issues with the body cam. I do have that policy
8 and -- and so there are -- so the issues with regards to --
9 and I know that dismissal of the case because of they -- you
10 know, they didn't preserve -- like they -- they let the truck
11 go. I learned that this week that they --

12 THE COURT: All right. Wait a minute. Let me catch up
13 with you now.

14 MS. ZMROCZEK: Okay.

15 THE COURT: Which -- on your motion thing --

16 MS. ZMROCZEK: Oh, yeah, yeah. Okay.

17 THE COURT: Which one are we looking at?

18 MS. ZMROCZEK: So Number 1. Like, the first two we don't
19 really deal with today. Well, I'll get the -- I'll get the
20 voir dire questions actually this afternoon when I get back,
21 but -- but the motion for -- to dismiss for discovery
22 violations, and again, it's -- it's not --

23 THE COURT: And for spoliation?

24 MS. ZMROCZEK: Yeah. Or the spoliation.

25 THE COURT: Shouldn't charge.

1 Your Honor, this policy that Ms. Zmroczek handed up, it
2 governs making audio and/or video recordings at scenes. This
3 is an investigative technique, Your Honor, but body cams, in-
4 car recording systems, as stated in this policy, is intended
5 to supplement.

6 Officers wrote reports. I think I got reports from every
7 officer except for one, and that was Harris. However, his
8 interactions with Mr. Jones were very minimal, and it was
9 captured on other officers' body cams because, again, a lot of
10 officers responded to the Bachman Road address as well. And
11 just briefly looking at this policy, it doesn't require even
12 the capture of the video of all time -- of the entire
13 incident.

14 THE COURT: No. It's just intended to supplement --

15 MS. PATTERSON: To supplement.

16 THE COURT: -- their investigative techniques.

17 MS. PATTERSON: Right.

18 THE COURT: There's also not a penalty for not abiding by
19 it either.

20 MS. PATTERSON: Right. And then officers are allowed to
21 not only cut off the audio, as I was saying, but also they can
22 cut off the video, which they did not. They recorded all of
23 the interactions at every scene with every person. I mean,
24 this is due to safety. They can discuss tactics. This is to
25 protect the integrity of the investigation.

1 Again, there was someone still on -- on the loose that
2 they had to apprehend. So there was nothing in bad faith of
3 the officers who may have turned off audio. They were doing
4 this because they are allowed to do so during an active
5 investigation.

6 THE COURT: Well, let me ask you this, Ms. Patterson.
7 Are all the officers readily available to testify in this
8 case?

9 MS. PATTERSON: They are. I mean, I may not call them
10 all in the State's case in chief, but they are readily --

11 THE COURT: Readily available.

12 MS. PATTERSON: -- available to testify. And I think
13 she's subpoenaed most of them who were out there that had the
14 body cam, and we provided all the body cam that we were
15 provided through the Sheriff's Office.

16 MS. ZMROCZEK: And again, I'm trying to be very clear.
17 I'm not saying that the State is hoarding body cams somewhere.

18 THE COURT: Right. I got it, I got it.

19 MS. PATTERSON: And as I said, I think every officer did
20 provide a supplement -- supplemental report except for one
21 officer, and she has him under subpoena.

22 THE COURT: Okay. All right. At this time, Ms.
23 Zmroczek, I'm going to deny the motion on several bases.

24 First, clearly, this is a policy with the police
25 department, and they're using it just to supplement their

1 So the point being is that when -- especially when
2 officers say things like based on my training and experience,
3 well, then I need to know what your training and experience
4 is. So that's the relevance to it. I mean, I'm not just
5 willy nilly going fishing for whatever.

6 Now, there is a *Giglio* because I have not received any
7 *Giglio*, and I know that some officers are retired, but some
8 officers are not there anymore. And if there's a -- if
9 there's an issue, I'd like to know that too.

10 But I digress, because I'm trying to keep those two
11 things separate, because what I want to focus on is when --
12 when an officer get ups -- gets there -- up there and says,
13 based on my training and experience and I don't have their
14 training --

15 THE COURT: I understand.

16 MS. ZMROCZEK: That's my --

17 THE COURT: My ruling still stands, but I -- your
18 argument is noted for the record.

19 Now, a motion to exclude the co-defendants' flight and
20 trial outcome. Do you have any intentions of doing that, Ms.
21 Patterson?

22 MS. PATTERSON: Your Honor, I will agree to not bring up
23 the trial. However, I think his flight is part of the *res*
24 *gestae*. I think we should be able to tell the whole story
25 about how both suspects were apprehended. I mean, I don't

1 think we should be just allowed to tell part of the story and
2 not all of the story. We're not going to get into a lot of
3 it, but --

4 THE COURT: This defendant certainly didn't try to flee.
5 It's the co-defendant who fled.

6 MS. ZMROCZEK: It's mainly -- it's the -- it's -- it's
7 really, like, I don't --

8 THE COURT: It could cut both ways.

9 MS. ZMROCZEK: Well -- and I -- right, but I don't --
10 well, but -- but I really want to stay away. I know it could
11 cut both ways, but I just -- I think it's PCR and cleaner wise
12 to -- to -- if they -- the flight I have less of a problem
13 with because it wasn't my -- it wasn't my client that fled.
14 It was his, but the -- the verdict I do have a -- you know, I
15 just -- if they -- typically, when they do co-defendants, they
16 say something like that -- that is for a different -- that
17 trial is for a different time or something like that, but I --
18 I really have -- I don't want them to -- and I know that it
19 could cut both ways either, but I don't --

20 THE COURT: Well, I mean, it's part of the story. The
21 guy -- the co-defendant fled.

22 MS. ZMROCZEK: He fled, but --

23 THE COURT: I'm just saying the *res gestae* by all means.

24 MS. PATTERSON: And I think I should be allowed to say,
25 you know, this is Jones's day because I don't want it -- I

1 State of South Carolina) Court of General Sessions
2 County of Lexington) Eleventh Judicial Circuit

3

4 State of South Carolina,) Transcript of Record
5 vs.) 2022-GS-32-00268
6 Daniel Taylor Jones,) 2022-GS-32-00269
7 Defendant.) 2022-GS-32-00275

8

9 January 22nd-26th, 2024
10 Lexington, South Carolina

11

12 B E F O R E:

13 The Honorable Debra R. McCaslin, Judge; and a Jury

14

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

16

17 Rhonda W. Patterson, Deputy Senior Solicitor
18 Bradley P. Pogue, Assistant Solicitor
19 On behalf of the State of South Carolina

20

21 Amiee J. Zmroczek, Esquire
22 On behalf of the Defendant

23

24

25 Stacy S. Johnson, RPR
Circuit Court Reporter

1 solely on the evidence as it is presented to you in this
2 trial and on the law as I instruct you during and at the
3 close of trial.

4 Mr. Foreman, it is your duty to preside in the jury
5 room and be the jury's spokesperson here in court. It
6 will also be your duty to write the verdict, but I'll
7 give you more instructions on that at the conclusion of
8 this case.

9 In order to preserve everyone's rights, I will give
10 the parties an opportunity to object to anything I have
11 said.

12 Any exceptions to anything I've said to the jury by
13 the State?

14 MS. PATTERSON: None from the State, Your Honor.

15 THE COURT: Any by the defendant?

16 MS. ZMROCZEK: No exceptions, Your Honor.

17 THE COURT: We will now begin the trial of this
18 case.

19 Ms. -- Mr. Pogue.

20 MR. POGUE: Thank you, Your Honor. May it please
21 the Court?

22 THE COURT: Yes, sir.

23 MR. POGUE: Good morning.

24 Cold, cowardly and brutal. \$50. You're here today
25 because a young man was murdered in his own front yard

1 because of \$50.

2 Nearly four years ago on March 27, 2020, Barry Joe
3 Chavis, Junior, known by his friends and family as B.J.,
4 he was only twenty-eight years old when he was savagely
5 gunned down in front of his friends in his own front yard
6 right down the road from his mother's house by the
7 defendant in this case, Daniel Jones, and his accomplice,
8 Chris Shumpert, over a \$50 dispute. Cold, cowardly,
9 brutal.

10 My name's Bradley Pogue. I've been a violent
11 crimes prosecutor for the better part of a decade here
12 in Lexington County. This is my cocounsel, Deputy
13 Solicitor Rhonda Patterson. She's also a violent crimes
14 prosecutor here in Lexington County.

15 And I could go on and tell you more about our
16 resumes and more about our backgrounds, but that's not
17 really important and that's not why you're here.

18 As I mentioned and as you heard at the opening
19 of this case yesterday, you're here today because the
20 defendant, Daniel Jones, is charged with murder, assault
21 and battery of a high and aggravated nature, and
22 possession of a weapon during the commission of a violent
23 crime.

24 During the course of this trial, you'll hear and
25 you'll see evidence that's presented by us, the State,

1 that will show the cold and cowardly and brutal fashion
2 in which the defendant, Daniel Jones, and his accomplice,
3 Chris Shumpert, brutally murdered the victim B.J. Chavis
4 and injured another victim, Kevin Kimbler, who was shot
5 in his upper thigh.

6 Now a lot of times I have like a big board or I'll
7 have a Power Point presentation that I'll go through with
8 you as I'm talking to you, but you're gonna see a lot of
9 evidence over the course of this week and you're gonna
10 see a lot of visual pictures and aids and I want you to
11 just be able to sit here and relax and just listen to me
12 for a few minutes without having the distraction of those
13 sorts of things.

14 During the course of this trial, the evidence will
15 show that on the morning of March 27, 2020, B.J. let
16 Christopher Shumpert, the defendant's accomplice, and
17 his girlfriend Jacqueline Aiken take showers at his home
18 at [REDACTED] Fish Hatchery Road, which is in the Gaston area
19 of the county. At the time of his murder, B.J. was --
20 and his friends Jada Ellison and David Payton, who's also
21 known as Bubba, were staying at B.J.'s house. Jada and
22 Bubba were dating at the time and Jada was also friends
23 with Shumpert's girlfriend, Jacqueline Aiken. Jada had
24 recently loaned Jacqueline \$50 and later that day was
25 attempting to get Jacqueline to pay her the money back.

1 Jada, Bubba and Jacqueline will all admit that they
2 struggle with addiction and were using drugs at this point
3 in their lives.

4 After a few hours of trying to reach Jacqueline by
5 phone, Jada began to grow angry and frustrated that
6 Jacqueline wasn't answering or responding. Later that
7 afternoon, sometime around 5 PM, she got B.J. to drive her
8 and Bubba to Lane's house, a gentleman who lives on
9 Treemount Road, which is also in the Gaston area of the
10 county. Jada believed that Jacqueline and Shumpert were
11 hanging out over there that day.

12 Upon arriving at Treemount Drive, Jada was mad. She
13 was angry. She was ticked off. She saw Jacqueline and
14 she confronted Jacqueline about the money that she owed
15 her and a fight broke out between the two. Jada quickly
16 got the best of Jacqueline in the fight and found that
17 Jacqueline had a couple of hundred dollar bills on her.
18 Jada took one of the hundred dollar bills and got back
19 into B.J.'s truck with B.J. and Bubba.

20 B.J. began to drive off back towards his house on
21 Fish Hatchery Road, but Shumpert was very angry at this
22 point at what had just transpired, and he and Jacqueline
23 jumped into his black Chevy Mailbu and began to chase
24 B.J.'s truck down Treemount Drive. Shumpert kind of sped
25 past B.J.'s truck and the evidence will show that he

1 stopped kind of perpendicular to the road blocking B.J.
2 from being able to get past him.

3 At that point Shumpert gets out of his Malibu and
4 starts coming toward B.J.'s truck. Unable to get around
5 Shumpert's Malibu with Shumpert kind of coming at him,
6 B.J. takes out a pistol that he has in his truck, points
7 it at the ground and fires a warning shot into the ground.
8 At that point, that's the end of it. Shumpert gets back
9 into his car, B.J., Jada and Bubba head back to B.J.'s
10 house.

11 Now at this point Shumpert is explosively angry the
12 evidence will show and is determined to get revenge. A
13 few minutes later around 5:44 PM on the 27th, later that
14 day, Shumpert and Jacqueline pull up to Corey Chaney's
15 house on Earline Drive, also in the Gaston area of the
16 county, looking for the defendant, Daniel Jones. In
17 fact, it's the defendant's stepfather, Corey Chaney, who
18 lives at Earline Drive. They are captured on the home
19 surveillance video arriving around that time at Earline
20 Drive at the defendant's stepfather's house.

21 Testimony will show that when Shumpert pulled up to
22 Chaney's house he was angry and he was yelling about how
23 Jada stole money and that Shumpert wanted Chaney, the
24 stepfather of the defendant, to get some guns and come
25 with him to B.J.'s on Fish Hatchery Road. Chaney refused.

1 He said he was not gonna get involved and that Shumpert
2 should just call the police. Shumpert then asked Chaney
3 where he could find the defendant, Daniel Jones, and
4 Chaney told him not to get the defendant involved.

5 Shumpert at that time then left Earline Drive around
6 5:48 PM according to the surveillance video. Shumpert
7 continues driving around trying to find the defendant,
8 Daniel Jones, because he knows that the defendant has
9 guns. The testimony will show that eventually Shumpert
10 finds the defendant at his grandparents' house on
11 Bachman Road, also in Gaston. The defendant and Shumpert,
12 Daniel Jones and his accomplice, Christopher Shumpert,
13 at that point then arm themselves with a 9-milimeter
14 handgun and a .300 Blackout AR-style assault rifle and
15 they begin driving to B.J.'s house on Fish Hatchery Road
16 with Jacqueline in the back seat. Jacqueline does not
17 want to go along with whatever the defendant and Shumpert
18 have planned, so right before they get to B.J.'s house
19 they stop on a dirt road around the corner and let
20 Jacqueline out just before they get to B.J.'s house.
21 Shortly before 7:30 they pull up at B.J.'s house with
22 Shumpert driving and the defendant, Daniel Jones, in the
23 front passenger seat. Shumpert is armed with the handgun,
24 the 9-millimeter, and the defendant, Daniel Jones, has
25 the .300 Blackout AR-style assault rifle.

1 When they arrive in the front yard, the two
2 immediately get out of the car and point their guns at
3 B.J. B.J.'s in his front yard working on a motorcycle
4 or a moped when they pull up. In addition to B.J., Jada,
5 Bubba, a friend Steven Phillips and a friend by the name
6 of Kevin Kimbler, who I previously mentioned is a victim,
7 were all outside. Everyone that's at B.J.'s house,
8 including B.J. according to the testimony that you will
9 hear and the evidence that's presented, were all unarmed.
10 Shumpert immediately gets out of the car and charges up
11 to B.J. pointing the 9-millimeter at him. Again, B.J.
12 is unarmed. His pistol is still inside the truck that he
13 had -- that he was driving during the earlier incident.

14 Shumpert tells B.J. how does he like it now or
15 something to that effect while he's pointing the gun at
16 him and then he and the defendant, Daniel Jones, begin
17 firing at B.J. B.J. tries to avoid the gunfire, but he's
18 struck by two bullets both in the back you'll hear from
19 the forensic pathologist, Dr. Phillips. Evidence will
20 show that one bullet struck B.J. in the buttocks and hit
21 his femur where it meets his hips shattering that bone.
22 The second bullet entered in the lower right back of
23 B.J. and travelled through his body and exited through a
24 massive exit wound about the size of a tennis ball or
25 baseball to the right part of his neck, which obliterated

1 his carotid artery and causing near immediate death.

2 B.J.'s friend, Kevin Kimbler, who was also standing
3 in front of B.J.'s house during the shooting, was caught
4 in the crossfire and shot once in the upper thigh.

5 In all, the defendant, Daniel Jones, and Shumpert
6 rained down at least 21 total bullets on B.J. in a hail
7 of gunfire, 13 shots by Shumpert's 9-millimeter handgun
8 that he had, and at least 8 shots from the defendant's
9 .300 Blackout that he had.

10 Immediately after the shooting, Shumpert and the
11 defendant then speed off and go back to pick up
12 Jacqueline where they dropped her off right around the
13 corner. B.J.'s friends and family, including his mother
14 and his uncle, rushed to B.J.'s aid. There is nothing
15 that they can do at that point. 9-1-1 was called shortly
16 after 7:30 PM.

17 At 7:37 PM, the defendant, Shumpert and Jacqueline
18 are, again, shown on Corey Chaney's surveillance on
19 Earline Drive pulling up in Shumpert's black Malibu.
20 The defendant, Daniel Jones, is seen getting out of that
21 vehicle carrying a .300 Blackout rifle, a .300 Blackout
22 rifle that is later recovered by investigators near a
23 boat that's at that location at Earline Drive.

24 Shortly thereafter the defendant, Shumpert and
25 Jacqueline all get back in the car and leave Earline Drive

1 in Shumpert's Mailbu and drive to the defendant's uncle's
2 house now. Daniel Jones's uncle's house, Heath Short.
3 They drop the defendant off at Heath Short's house on
4 Archwood Drive.

5 Investigators will later go to Archwood Drive,
6 which is, again, also in the Gaston area, where Shumpert
7 and Jacqueline dropped off -- the defendant off. They
8 will go to Archwood Drive and they later recover a
9 9-millimeter handgun from a save at Archwood Drive that
10 was inside the uncle's Heath Short's save.

11 The defendant is apprahead -- excuse me --
12 apprehended a short time later back at Beckman Road at
13 his grandparents' house and Shumpert is eventually
14 apprehended at a hotel in Aiken.

15 SLED firearms analysis will show that the thirteen
16 9-millimeter casings that were found where Shumpert was
17 standing in the front yard of B.J. all matched the
18 9-millimeter handgun that was found by the investigators
19 at Archwood Drive in Heath Short's save. Furthermore,
20 the eight .300 Blackout casings that are also found in
21 the area where the defendant, Daniel Jones, was standing
22 in the yard of B.J. when he was firing, those eight .300
23 Blackout casings were also determined by the SLED firearms
24 analyst to have been fired by the .300 Blackout that the
25 defendant hid at his stepfather's house, Corey Chaney's,

1 near the boat that was recovered by investigators.

2 Evidence will also show that the defendant had
3 gunshot residue on his hand, but yet he had indicated to
4 Detective Hart that he had not handled or fired a gun
5 that evening. Gunshot residue.

6 As I mentioned before, the defendant in this case
7 is charged with murder, and what is exactly is murder
8 in South Carolina? The statute defines murder as the
9 unlawful killing of a person with malice aforethought,
10 either express or implied. What is malice aforethought?
11 Malice aforethought does not require any specific length
12 of premeditation. It can happen in an instant, in the
13 blink of an eye. Malice is a hatred, hostility or some
14 sort of ill will towards another person. It's also defined
15 as the intentional doing of a wrongful act without just
16 cause or excuse with an intent to inflict an injury.
17 Malice can be inferred from someone's conduct.

18 The judge mentioned to you direct and circumstantial
19 evidence in her opening colloquy to you and she'll also
20 at the end of this trial go through the law again in
21 regard to direct and circumstantial evidence. You can
22 use circumstantial evidence's of someone's behavior to
23 infer if you so choose that someone acted with malice.

24 Now the defense in this case, they have no burden
25 to present any evidence whatsoever. However, you may

1 or may not hear something about self-defense. So what
2 is self-defense in South Carolina? In order for us to
3 disprove self-defense, we will -- first, let me give
4 you the three prongs of self-defense. One, you must be
5 without fault in bringing upon the difficulty. Now
6 that's a big one. You must be without fault in bringing
7 upon the difficulty. Again, the evidence will show that
8 B.J. was shot in his own front yard while he was working
9 on a moped. Number two, be or reasonably believe to be
10 in imminent danger of death or serious bodily injury.
11 Or, three, it should be and three, have no other probable
12 way to avoid the danger of death or serious bodily injury
13 than to act as the defendant did in this particular case.

14 Now we all -- we bear the burden. If there's any
15 sort of claim to self-defense, all we have to do is just
16 disprove beyond a reasonable doubt just one of those
17 three. Not all three, just one of those three.

18 There's also the issue of if two people are shooting
19 at B.J., how do we know who fired the fatal shot? Well,
20 fortunately the law, again, the judge will discuss this
21 with you again at the end of the trial, but the law does
22 not require for us to figure out or prove who fired the
23 fatal shot for both the defendant, Daniel Jones, and
24 Chris Shumpert to both be guilty of murder. It's called
25 the hand of one is the hand of all. If a crime is

1 committed by two or more people who are acting together
2 in committing a crime, it doesn't matter who fired the
3 fatal shot or if one of them didn't even hit the person
4 at all, if they are acting together, then the act of one
5 is the act of both.

6 Now the judge mentioned, and I'm sure you've heard
7 in many television shows and books that you've read and
8 movies that you may have watched that involve, you know,
9 legal dramas, that the State bears the burden of proving
10 somebody guilty beyond a reasonable doubt. The judge
11 kind of touched on that a little bit, but what is beyond
12 a reasonable doubt? Well, the judge told you that proof
13 beyond a reasonable doubt is proof that leaves you firmly
14 convinced of the defendant's guilt.

15 Now, folks, there are very few things that we know
16 in this world to an absolute certainty. I always make
17 a joke the only thing I know to an absolute certainty
18 is that my momma loves me. The law does not require
19 the State to prove the defendant guilty to an absolute
20 certainty. We only have to prove beyond a reasonable
21 doubt. Not beyond all possible doubt. Any doubts you
22 have must be reasonable. So the law does not require
23 proof of certainty, just proof beyond a reasonable doubt.

24 Now I've seen defense attorneys before they'll have
25 like these charts that kind of have like a hierarchy of,

1 you know, possibly guilty or probably guilty and then it
2 goes to more probably guilty or definitely guilty, all of
3 that stuff is just designed to obscure what our burden is,
4 which is what the judge defines to you in her -- when she
5 gives the law to you at the end of this trial as evidence
6 that leaves you firmly convinced. That's all that it is.
7 Don't let anyone insult your intelligence or offend your
8 common sense.

9 Folks, the reason why we chose you-all for this
10 jury is because you struck us as folks who possess good
11 old-fashioned common sense. That's why you were chosen
12 for this jury. Now the judge told you that you can't
13 take the cell phones back there. When you get done
14 hearing all the testimony in this case and viewing all
15 the exhibits and watching all the videos, you can't take
16 your cell phones back there, but the most important thing
17 that you'll have back there in that jury room is your
18 common sense. If something doesn't smell right, if
19 something doesn't seem right, trust your common sense.
20 And the judge will instruct you on comon sense as well.
21 Don't lose the forest through the trees. I urge you to
22 use your common sense when reaching your verdict. In
23 fact, the word "verdict" is Latin. It means in Latin to
24 speak the truth. So, in other words, your verdict must
25 speak the truth. You have a duty to return a verdict in

1 this case.

2 When all the evidence is presented, we are firmly
3 convinced that we will have proven to you beyond a
4 reasonable doubt that the defendant, Daniel Jones,
5 coldly, cowardly and brutally murdered B.J. in his own
6 front yard.

7 Thank you.

8 THE COURT: Thank you, Mr. Pogue.

9 MS. ZMROCZEK: May it please the Court?

10 THE COURT: Ms. Zmroczek. Yes, ma'am.

11 MS. ZMROCZEK: Counsel, Your Honor.

12 Good morning. I had an opening line that was
13 starting like this: Reckless, lawful, involuntary, and
14 then I laughed in my head because, A, I looked down and
15 I see I have toothpaste on me, but the other thing is, is
16 that we didn't go to the same lawyer school, but we both
17 learned in lawyer school to do things in threes. So he
18 finishes with cold, callus, brutal and then I come back
19 at you reckless, lawful. Involuntary.

20 Ladies and gentlemen, my esteemed colleagues and
21 myself have been doing this for a long time. Every case
22 is different and every case is important. Rarely do I
23 agree with the State, but Mr. Pogue said a couple of
24 things that I do agree with before I start my
25 presentation, and that is common sense. Because the

1 judge is going to tell you -- Judge McCaslin is gonna
2 tell you at the end of this trial that you get to decide
3 what the facts are. That's why you-all are here. You
4 have to take everything that you're provided from within
5 this courtroom and then you have to make a decision as to
6 what the facts are. Then the judge will give you the law
7 and you have to then apply it.

8 But here's the thing. If you don't have all of the
9 facts, then your common sense would tell you that there's
10 got to be an issue and, ladies and gentlemen, that's why
11 we're here today. We're not here because this is not a
12 who done it. This is a why. And this is a what is the
13 proper charge.

14 I don't believe this one works. Sorry. Ah, hold
15 on.

16 Ladies and gentlemen, I'm an advocate. I understand
17 that while a person thinks that they'll never commit a
18 crime, that doesn't mean that a person won't be charged
19 with a crime and those people deserve every protection
20 afforded to us under the law and that's part of my duty.
21 My duty is to help you get the facts that you need to
22 make the right determination in this case.

23 And, ladies and gentlemen, I know that I don't work
24 for the State or a violent crime team, but I pride myself
25 in saying that I work for the Constitution. I work for

1 each and every freedom that that Constitution provides
2 not only Daniel, but everybody here in this courtroom.

3 I'm defending a legal system that we call the
4 greatest system in the world. But, ladies and gentlemen,
5 and I want you to remind you of this, it's only the
6 greatest system if everybody does their job. Me, the
7 State, the police officers, the witnesses. Because
8 that's all the information that you're gonna use to make
9 a determination in this case.

10 The judge talked to you about the burden of proof
11 and presumption of -- and the presumption of innocence.
12 Those aren't mere legal theories. What that means is
13 that each and every one of you has to protect and has
14 to come to a beyond a reasonable doubt conclusion that
15 Daniel is guilty of murder and when you see all the
16 evidence at the end of the case you'll see that that's
17 just not so.

18 Mr. Pogue talked about charts and I'm sure you've
19 all seen scales before and the scales are that way
20 because in civil cases they only have to tip a little
21 bit, but beyond a reasonable doubt, that's the highest
22 level of jurisprudence in this country, and it's done
23 that way for a reason because you're here to answer a
24 very serious question of fact. Thomas Jefferson once
25 said when justice is -- when one of us is denied justice,

1 all of us are denied justice.

2 I want to talk a little bit about getting to the
3 truth of why we're here and I want to start with this
4 common phrase. No good deed goes unpunished. To get
5 to the truth, it's crucial to have access to all the
6 relevant and complete facts. And, ladies and gentlemen,
7 what that requires is that for us to ask questions.

8 Now Mr. Pogue told you and the judge will tell
9 you and everybody will tell you I don't have to prove
10 anything. I could sit on my hindquarters over there
11 and not ask one question and not challenge one piece of
12 evidence and the burden would still be on the State.
13 It also doesn't change if I do ask questions or if I do
14 confront evidence because that burden still always remains
15 with the State. That's why they go first all the time.
16 It's because it's their burden.

17 A comprehensive understanding of the situation
18 allows for a more accurate and informed assessment. What
19 our system does is it allows for witnesses to take the
20 stand, to be sworn, and then to be confronted. So what
21 you're going to hear, ladies and gentlemen, is that this
22 is a tale of two defendants.

23 This wasn't about -- for Daniel, this wasn't about
24 \$50. This wasn't about any money. What the evidence
25 will show and what you will hear is that Daniel and Chris

1 are friends and it's going to come out, the evidence is
2 gonna show that they're all friends. All of these people
3 knew each other.

4 Now the witnesses -- the majority of the witnesses,
5 including the young ladies, he already said have drug
6 issues and you'll hear about those. But you're also
7 gonna hear the ages of these -- of these young people,
8 and this is where I want you to remind your common sense
9 to come back in because to have a bunch of eighteen
10 and 19-year-olds hang out and staying at a house of a
11 28-year-old and you get to ask yourself why.

12 So Chris -- the evidence will be Chris had a gunshot
13 right in front of him on Treemount Road, you'll hear
14 about that, but Daniel was nowhere around, he didn't know
15 anything about this because he had been working at his
16 farm. You'll hear that Daniel is a country boy. He
17 loves to hunt, fish and work on his farm. Because he
18 loves to hunt, he has a lot of guns and as you-all are
19 familiar with the Second Amendment, which is why we asked
20 you about that, we're allowed to have guns. Different
21 types of guns for different reasons. He has a .300
22 Blackout. You know what they do? They shoot hogs. Do
23 you know what hogs do to farms? They destroy them.
24 There's a legitimate purpose and reason for Daniel to
25 have his guns and that day when Chris comes over and says

1 I need help talking to Barry, you'll hear that one of
2 the witnesses, Jada, arm-robs basically, robs, beats up,
3 Jacqueline, whose Chris's girlfriend. Teenage drama.
4 Steals her money. And then after she steals her money,
5 beats her up. She's upset. Chris is upset. They don't
6 have a lot of money to go around and he just wants to get
7 it back.

8 The testimony will show that he goes to Mr. Chaney's
9 house and says will you help me get it back and he says
10 no, call the police, I don't want to get involved. And
11 then you'll hear that he goes to Daniel and says will you
12 help me get it back. There's nothing wrong with that.
13 Daniel knows all these people. He's like okay, something
14 must have happened, let's go -- let's go talk to some
15 sense into them. Daniel knows these people, okay, so he
16 knows who owns guns and you'll hear and see pictures of
17 B.J.'s gun and Bubba's gun and then rifles. Lots of guns.
18 It's the country. I understand. But that common sense
19 thing if you're going over to a place that you know there
20 are a lot of guns, maybe just keep yours in the car, bring
21 it with you, and that's what happens. You'll hear about
22 how many people are there when they get there and you'll
23 kind of see the chaotic.

24 Now I want to spend a lot of time in this opening
25 statement talking about cross-examination because

1 cross-examination is difficult and it appears adversarial
2 and it's not. It can be, but it's not. Because let me
3 tell you, if -- if the answer were just are you sure
4 about that, if that were the cross-examination, ladies
5 and gentlemen, I'd be out of a job and you-all wouldn't
6 need to sit here and listen to me, but -- but it's not
7 that. It's a theory that we call garbage in and garbage
8 out. What you will see and what you will hear is that
9 the corroborated credible evidence will show that Daniel
10 was lawfully armed in self-defense. Not raising
11 self-defense, not raising self-defense. He's arguing
12 that he shot his weapon with no intent. Ladies and
13 gentlemen, you will not hear anyone from this stand --
14 well, you shouldn't hear, maybe, who knows, their brains
15 have gotten more creative, I don't know, but you will not
16 hear anyone say Daniel expressed malice, I'm gonna kill
17 you, I'm gonna get his money back. You're not gonna hear
18 that because he was not trying to hurt anyone. He was
19 just trying to diffuse the situation that got out of
20 control and you'll hear why. So what it requires of me
21 so that you can find out what the facts are is that I
22 have to cross-examine.

23 Lexington County Sheriff's Department investigated
24 this case and you'll -- I think probably the first
25 witness was employed there, and they take pride in

1 their professionalism, and during the course of this
2 investigation you'll hear a lot of testimony from law
3 enforcement officers. You'll see a lot of testimony
4 from law enforcement officers and I'm gonna have to ask
5 them questions. And everybody may think ugh, you've
6 got the easy job, you get to poke holes at what they
7 did and what they didn't do. No. This isn't a game.
8 This isn't a fun thing. This is the only way that I
9 can help you get the facts so that you can make a
10 determination.

11 Now I'm just gonna laugh at myself because I keep
12 doing it, but I've been doing it for so long, here's
13 another three. Accountability, oversight and integrity.
14 That's the point of me asking questions about policies
15 and procedures, things were done a certain way, questions
16 about the investigation, how they followed up, how they
17 followed through because those are the answers that you
18 take with you to determine what happened. And, remember,
19 you have to determine it beyond reasonable doubt, okay?

20 The police and the Government hold people accountable
21 all the time. They oversee the evidence, they demand that
22 we honor their integrity, but, ladies and gentlemen, who
23 holds the police accountable and oversees them? Me and
24 you. That's what we're doing.

25 I like to say that cross-examination illuminates or

1 shines some light on problems in the investigation, on
2 things that may not be accurate, things that may have
3 been omitted, obscured or overstated, but at the end of
4 the day the truth and the search for that truth doesn't
5 change. You have to weed out the lies, the omissions,
6 the failure to follow through and ask yourself does that
7 make a difference.

8 These rights are so important, these
9 cross-examination rights, that they wrote them into
10 the Constitution under the Sixth Amendment. It says
11 this right is so essential that it says a right to
12 confront your accusers and confront witnesses against
13 you, so that's all we're doing.

14 A lot of times people look at defense attorneys and
15 say oh, you just -- you've got it easy, you just want to
16 poke holes and it was chaotic. Ladies and gentlemen,
17 that's what police officers are trained to do. And I
18 talked about the garbage in and garbage out because it's
19 not always their fault. The garbage in is if the
20 information that they're getting isn't accurate, then
21 that can mess up the investigation, and you'll find that's
22 exactly what happened here.

23 You're gonna have a bunch of biased narrators.
24 Jada, Jacqueline, David, who goes by Bubba, and Steven
25 Phillips possibly. But those weren't the only people

1 there. There were more people there and you'll hear me
2 ask about what they said and how they were interviewed.
3 And, remember, the case that's presented to you by the
4 State, that's what they are asking you to rely on. So
5 we're asking that they keep it thorough, accurate,
6 complete, truthful. That's all we're asking for.

7 The judge talked to you about objections and we are
8 certainly adversaries. We're colleagues, but I represent
9 Mr. Jones and I will do it vigorously and strenuously
10 object. And I laugh because when you see things on TV,
11 a crime is committed, investigated and solved in
12 forty-seven minutes, and that's not the reality. The
13 reality is when you're looking to take someone's liberty,
14 you want to make sure that we get it right.

15 As you listen to the evidence, and I'll remind you
16 of this when we get up in closing again, but things that
17 you want to ask yourself. Did the police build evidence
18 and charges around a suspect instead of charging the
19 suspect around the evidence? This is not a who-done-it.
20 Like I said, Daniel was there. You'll hear what
21 transpired, but the question that you're gonna have to
22 keep in your mind the whole time is, is murder the correct
23 charge?

24 I wish that this were real life. I wish that these
25 were Matlock moments. I wish Jack Nicholson was on

1 the stand telling me I couldn't handle the truth, but,
2 again, our cross-examinations will be more detailed,
3 more focussed, but they're still just as important.

4 So "why" is such a strong word. Unfortunately, it's
5 one that you're gonna hear a lot in this case. Lots of
6 witnesses have told lies and you already heard Daniel
7 when he was first confronted told a lie and so one of the
8 things that you have to consider when you are evaluating
9 the credibility is why -- why do people lie? Did they
10 lie because it's a defense mechanism, because -- because
11 they don't know what happened? Because they know why
12 they went there, they don't know what happened or did
13 they lie because they're trying to get out of trouble
14 or stay out of trouble? But those are the questions
15 that you get to answer from the evidence.

16 Now this is not a movie starring me, okay? This
17 is not A Few Good Men. This is real life. I want to
18 acknowledge that it doesn't get past us, it's not lost,
19 that a young man lost his life. It doesn't matter the
20 reasons that were involved or the things that this person
21 was involved in or these people were involved in. Any
22 time there's a loss of life it is tragic and it is sad,
23 but it's important to make sure that the correct charge
24 is assigned based on the facts.

25 Again, the evidence will show -- the competent,

1 credible evidence will show that he was lawfully armed
2 in self-defense when he shot his weapon in the ground
3 numerous times to get control of a situation that had
4 gotten out of control.

5 If you're gonna hear anything that I've said over
6 these last few minutes, I hope it is this. No malice,
7 no murder. It doesn't mean that there's not another
8 appropriate charge, but murder requires malice.

9 And here's the thing. It's counterintuitive to sit
10 there and look for malice because, ladies and gentlemen,
11 as the judge is gonna instruct you, that presumption of
12 innocence means that you have to not look for it. It has
13 to be overwhelming to you. It has to be proven beyond a
14 reasonable doubt. And if it's not, then murder is not
15 the correct charge. And when I get up at the end of this
16 case is and I tell you what the evidence showed, what we
17 think it showed, what we think it relates to and ask you
18 where that malice is, you'll see that Daniel was reckless,
19 but that this was not an intentional killing, and when I
20 ask you again at the end of the case to find that he's not
21 guilty of murder.

22 Thank you.

23 THE COURT: Thank you, Ms. Zmroczek.

24 Let me ask the Foreman, does the jury need a break
25 before we start calling witnesses? Are you-all okay?

1 ready?

2 FOREPERSON: Yes, ma'am.

3 THE COURT: Please be seated.

4 The State can call their first witness.

5 MS. PATTERSON: Thank you, Your Honor.

6 The State calls Agent Christopher Swygert.

7 THE CLERK: Would you please raise your right hand
8 and place your left hand on the Bible?

9 (Whereupon, Christopher Swygert was duly sworn by
10 the Clerk of Court.)

11 THE CLERK: All right. Please take a seat over
12 here in the witness box. State your full name and spell
13 your last for the record.

14 THE WITNESS: Christopher Swygert. S-W-Y-G-E-R-T.

15 CHRISTOPHER SWYGERT,

16 having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MS. PATTERSON:

19 Q. Agent Swygert, where are you currently employed?

20 A. SLED.

21 Q. And how long have you been employed at SLED?

22 A. Almost a year now.

23 Q. And were you previously employed with the Lexington
24 County Sheriff's Department?

25 A. I was.

1 Q. And how long were you employed with the Lexington
2 County Sheriff's Department?

3 A. About three years.

4 Q. And were you employed there during the year 2020?

5 A. Yes, I was.

6 Q. And in what capacity were you employed at the
7 Lexington County Sheriff's Department?

8 A. I was a patrol deputy.

9 Q. And as a patrol deputy, what were some of your duties?

10 A. Answering calls as they came in for service, helping
11 out people.

12 Q. Would you mean helping out people -- other officers?

13 A. Other officers, citizens. Like if I was out and about
14 patrolling, if somebody came up to me asking me questions,
15 assist them with anything they needed.

16 Q. Okay. So you were not in investigations?

17 A. No.

18 Q. Okay. But you are now at SLED?

19 A. Yes.

20 Q. And were you on call on March 27th of 2020?

21 A. I was.

22 Q. And did you receive a call for service at [REDACTED] Fish
23 Hatchery Road?

24 A. I did.

25 Q. And is this in Lexington County?

1 A. It is.

2 Q. And do you know what time that 9-1-1 call was
3 dispatched?

4 A. 7:31. 730.

5 Q. And, again, this was March 27th of 2020?

6 A. Yes, ma'am.

7 Q. And what call -- what time again was the 9-1-1 call
8 dispatched?

9 A. It came in at 7:30 and it was dispatched at 7:31.

10 Q. And do you know what time you arrived at the location?

11 A. 7:37.

12 Q. So you were there seven minutes after the 9-1-1 call
13 came out and six minutes after it was dispatched?

14 A. Yes, ma'am.

15 Q. And when you approached the scene, can you describe to
16 the jury the layout of the scene that you approached at
17 [REDACTED] Fish Hatchery Road?

18 A. It was a long like dirt driveway. As I came in,
19 there's -- there was a trailer on left, some sheds towards
20 the back kind of in the middle and then there were some
21 vehicles around. There was a vehicle next to the trailer
22 which there was a bunch of people standing around it when I
23 arrived.

24 Q. Okay. And when you first arrived -- and did you know
25 what type of call you were dispatched out to that location

1 for?

2 A. It came in as a shots fired and somebody had been
3 shot.

4 Q. So you knew coming in that somebody had been shot?

5 A. Yes, ma'am.

6 Q. And so when you get to the scene, are you able to
7 locate a possible victim?

8 A. Yes, we were able to locate two.

9 Q. Two victims?

10 A. Yes, ma'am.

11 Q. Okay. Let's discuss the first victim. Where was the
12 first victim lying or located?

13 A. When I pulled my truck up, the trailer to the left,
14 there was a vehicle to the left of it and as I came up
15 there was a victim right in front of truck laying on the
16 ground with somebody holding a -- pressure to his neck.

17 Q. And so what did you do as a patrol officer? Was your
18 attention focussed on this victim?

19 A. Yes, ma'am.

20 Q. And what did you do?

21 A. I insured that he had pressure to the wound and then
22 I obviously called for EMS and fire.

23 Q. And what, if any, injuries did you note on the victim?

24 A. He had a gunshot wound to the side of his neck.

25 Q. Okay. And is that the injury that you were focussed

1 on?

2 A. Yes, ma'am.

3 Q. And what about the person that was applying the
4 pressure to him?

5 A. He had a towel placed over his neck and was keeping
6 pressure on it to ensure that he kept pressure on it.

7 Q. Do you remember if there was any one else around this
8 particular victim?

9 A. There was several people.

10 Q. And what were they all doing?

11 A. Kind of upset, crying, yelling, screaming.

12 Q. And were they doing anything in particular to the
13 victim?

14 A. Just kind of standing around besides the one that was
15 on the ground applying pressure.

16 Q. And you said when you got there you noticed it was
17 several witnesses on the scene?

18 A. Yes, ma'am.

19 Q. Can you describe their demeanor?

20 A. They were crying, upset, obviously emotional about
21 what just happened.

22 Q. Okay. And what was your focus when you arrived at the
23 scene?

24 A. To obviously preserve any life that I could and make
25 sure that there was no -- secure the scene and make sure I

1 could obviously get other first responders in and there was
2 no harm to them or anybody else on the scene.

3 Q. Okay. And I just want to make sure I heard. You said
4 preserving the life of the victim?

5 A. Yes, ma'am.

6 Q. And you said there was another victim that you were
7 able to identify?

8 A. Yes, ma'am. He was sitting on the -- the porch of the
9 trailer.

10 Q. And before we get to the second victim, let me just
11 retract. Were you able to get a name for the first victim
12 that you're speaking of?

13 A. Yes, ma'am. Barry Chavis.

14 Q. Barry Chavis?

15 A. Yes, ma'am.

16 Q. Okay. And going back to the second victim, where was
17 he located?

18 A. He was sitting on the front steps of the trailer as
19 soon as I pulled in on the right.

20 Q. Okay. And what, if any, injuries did you note on that
21 victim?

22 A. He had a gunshot wound to the upper thigh on his right
23 side.

24 Q. Okay. And was there anyone assisting him or rendering
25 aid to him?

1 A. Another deputy came on the scene and we applied a
2 tourniquet.

3 Q. Okay. And did EMS or other first responders also
4 respond to the scene?

5 A. Yes, ma'am. Fire and EMS.

6 Q. Okay. And they came after you were already at the
7 scene?

8 A. Yes, ma'am.

9 Q. And what is a tone out call? What does that mean?

10 A. A tone out call is usually something -- a serious
11 call, usually somebody seriously hurt, injured. They tone
12 the radio out and dispatch all available units. If we're
13 on a call, we'll leave whatever call we're going to to get
14 to this call. It's a priority call. It means somebody's
15 life is in danger.

16 Q. Okay. And was this, in fact, one of those priority
17 call situations in which it was deemed a tone out call?

18 A. Yes, ma'am.

19 Q. So did other officers, in fact, arrive at the scene to
20 assist you?

21 A. Yes, ma'am. Several.

22 Q. And during this call, were you wearing a body cam?

23 A. Yes, ma'am, I was.

24 MS. ZMROCZEK: No objections to State's 2, 3 -- and
25 4? I'm sorry.

1 MS. PATTERSON: 2, 3 and 4.

2 THE COURT: What's the number?

3 MS. ZMROCZEK: 2, 3 and 4.

4 THE COURT: 2, 3 and 4 admitted with no objection.

5 (State's Exhibit Number 2, body cam footage,
6 and State's 3 and 4, photographs, were admitted into
7 evidence.)

8 B MS. PATTERSON:

9 Q. So I'm gonna show you State's 2, and although it's
10 admitted into evidence I want to see if you recognize
11 what's in that -- on that disk?

12 A. It's my body cam footage from that date.

13 Q. Okay. Now have you had an opportunity to review this?

14 A. Yes, ma'am.

15 Q. And is this your entire body cam?

16 A. No, ma'am.

17 Q. This is just an abbreviated portion of it?

18 A. Yes, ma'am.

19 Q. How long were you at the scene that night or that day?

20 A. I got on-scene at 7:00 and I think we finished around
21 -- I think it was like 1:00 in the morning.

22 Q. So there's a lot of footage --

23 A. Yes, ma'am.

24 Q. -- that's originally on here?

25 Let's just take a look at this.

1 THE COURT: Before you do that, can I see counsel
2 just for a second?

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

4 MS. PATTERSON: Permission to publish, Your Honor?

5 THE COURT: Yes, ma'am. You may go ahead.

6 (State's Exhibit Number 2 was played.)

7 BY MS. PATTERSON:

8 Q. And is that the scene on March 27th of 2020 as you
9 remember?

10 A. Yes, ma'am.

11 Q. And what is a DOA?

12 A. Dead on arrival.

13 Q. And you said -- was the other victim transported to
14 the hospital for treatment?

15 A. Yes, ma'am, he was.

16 Q. And is that the scene the way you described it, kind
17 of chaotic with people standing around?

18 A. Yes, ma'am.

19 Q. And were they focussed on the victim?

20 A. Yes, they were.

21 Q. And were they -- did they seem concerned about the
22 victims?

23 MS. ZMROCZEK: Objection, Your Honor. Speculation.

24 MS. PATTERSON: I said did they seem concerned.

25 THE COURT: I think he can testify to what he saw.

1 I'm gonna allow it.

2 Go ahead.

3 BY MS. PATTERSON:

4 Q. I'm gonna show you what's been admitted as State's 3
5 and 4. Do you recognize what's in those images?

6 A. I do.

7 Q. And what's in those images?

8 A. EMS, as well as other deputies. You've got one victim
9 on the ground in front of the vehicle and one on the porch
10 being treated.

11 Q. Thank you. I'm gonna actually start a little
12 backwards with State's 4. Where would your car have been
13 parked at when you pulled in?

14 A. Right there.

15 Q. That's your vehicle?

16 A. Yes, ma'am.

17 Q. And when you pulled in, I think you said that it was
18 -- the victim was lying -- the first victim identified as
19 Barry Chavis was lying in front of a truck that. Is that
20 depicted in this image?

21 A. Yes, ma'am. He was in front of this truck right here.

22 Q. And what about the second victim, were you able to
23 identify a name associated with that victim?

24 A. Kevin Kimbler. And he was right there on the steps.

25 Q. Okay. And so, again, you guys are -- you as a patrol

1 officer are concerned about preservation of life so you're
2 dealing with the treatment of those two individuals?

3 A. Yes, ma'am.

4 Q. And some of the witnesses that were there at the scene
5 -- and this is State's 3. Again, where would your car have
6 been marked?

7 A. Right there.

8 Q. Okay. And the vehicle that the victim was lying in
9 front of?

10 A. Right there.

11 Q. And is that EMS working on him in front?

12 A. Yes, ma'am.

13 Q. And did you yourself speak to any of the witnesses at
14 the scene?

15 A. I did.

16 Q. And do you remember who you spoke with?

17 A. Jada Ellison and Steven Phillips.

18 Q. And were they cooperative with you?

19 A. Yes, ma'am.

20 Q. Were they able to give you information about the
21 shooting?

22 A. They did.

23 Q. And what did you do with that information?

24 A. I passed onto my chain of command, to my sergeant and
25 the watch officer, and then also when major crimes showed

1 up.

2 Q. And during the course of the investigation and
3 speaking with the witnesses, were any -- were the shooters
4 identified?

5 A. Yes, ma'am.

6 Q. And who were they identified to be?

7 A. You've got Christopher Shumpert and Daniel Jones.

8 Q. And this was based on information gathered after
9 speaking with witnesses?

10 A. Yes, ma'am.

11 Q. And after speaking with the witnesses, was a possible
12 location of either of these suspects identified?

13 A. Yes, ma'am. On Beckman Road.

14 Q. On Beckman Road?

15 A. Yes, ma'am.

16 Q. And who was thought to be located at the Beckman Road
17 address?

18 A. Daniel Jones.

19 Q. And I think you said part of your duties as a patrol
20 officer is a to help deputies when you get to the scene. I
21 guess, secure the crime scene?

22 A. Yes, ma'am.

23 Q. And what is the importance of securing a crime scene?

24 A. To ensure that obviously no one else on the scene is
25 injured or hurt and the other responders are coming in as

1 well as, you know, preserve evidence.

2 Q. Okay. Is it your job to collect evidence?

3 A. No, ma'am.

4 Q. And if you were within what you consider to be the
5 parameters of the crime scene and you notice something that
6 may be involved in the crime, do you note it or is it
7 marked or something for crime scene investigators later?

8 A. Yes, ma'am.

9 Q. And did you do any of that? Did you see anything that
10 was germane to this investigation?

11 A. We found shell casings on the ground and we tried to
12 take pieces of notebook paper to put on the ground so we
13 would kind of know and once crime scene got there we could
14 kind of tell them where it was at.

15 Q. And if you noted something perhaps like a weapon,
16 would you have noted that as well?

17 A. Yes, ma'am. I would have secured it in my vehicle
18 with the amount of people that were on-scene.

19 Q. And how do you go about securing a crime scene?

20 A. Try to get -- obviously we cordon it off with our
21 yellow crime scene tape and then I would get everybody
22 that's on-scene outside of that crime scene tape and ensure
23 that no one comes inside the crime scene tape and I would
24 start a crime scene log notifying anybody that's there,
25 what time they got there and what time they leave.

1 Q. And as the investigation evolves is that crime scene
2 tape or that parameter sometimes is it expanded?

3 A. Yes, ma'am.

4 Q. And, again, how long were you at this location?

5 A. I believe I was at the location -- I was in there
6 until 9:31 when I left to go to Beckman Road.

7 Q. Okay. And at that point was the crime scene turned
8 over to major crimes?

9 A. Yes, ma'am.

10 Q. Now you said there was a possible of location of
11 Daniel Jones on Beckman Road. Did you respond to this
12 location as well?

13 A. I did.

14 Q. Do you know what time you responded to this location?

15 A. 9:31 and I arrived on-scene at 9:34.

16 Q. And was Mr. Jones at that location?

17 A. Yes, ma'am.

18 Q. Was he already in police custody?

19 A. He was.

20 Q. And what, if anything, did you do once you arrived
21 at that location?

22 A. I put him in the back of my patrol vehicle to
23 transport him.

24 Q. Okay. And did you have any other involvement in this
25 case?

1 A. No, ma'am.

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

3 THE COURT: Take your time.

4 MS. PATTERSON: Thank you, Agent Swygert. Please
5 answer any questions Ms. Zmroczek may have.

6 MS. ZMROCZEK: May it please the Court?

7 THE COURT: Yes, ma'am.

8 CROSS-EXAMINATION

9 BY MS. ZMROCZEK:

10 Q. Good morning.

11 A. Good morning.

12 Q. I want to show you what's been marked for ID as
13 Defendant's 18.

14 MS. ZMROCZEK: Oh, Your Honor, may I?

15 I've never tried a case in front of you, Judge.

16 Would you like us to ask if we may approach the
17 witness or do it once or how is it --

18 THE COURT: Do it once and then you're fine.

19 MS. ZMROCZEK: Okay. May I approach the witness?

20 THE COURT: Absolutely.

21 MS. ZMROCZEK: Thank you.

22 BY MS. ZMROCZEK:

23 Q. I'm gonna show you what's been marked for ID as
24 Defendant's 18. Do you recognize what that is?

25 A. Yes, ma'am.

1 Q. And does that fairly and accurately represent the
2 overlay and the driveway that you were at?

3 A. Yes.

4 MS. ZMROCZEK: And, Your Honor, at this time we
5 would move Defendant's 18 into evidence.

6 THE COURT: Any objection?

7 MS. PATTERSON: No objection.

8 THE COURT: I'd admitted.

9 (Defendant's Exhibit Number 18, a photograph, was
10 admitted into evidence.)

11 MS. ZMROCZEK: Thank you.

12 And may I publish?

13 THE COURT: You may.

14 BY MS. ZMROCZEK:

15 Q. So we're talking in the -- what region of the county
16 is this area?

17 A. South Region.

18 Q. Okay. So explain a little bit to the jury what that
19 means, what regions are.

20 A. Basically the county is split up into three regions to
21 separate north, south and west. South is basically any
22 where from Pelion, South Congaree, Swansea, Gaston, Pine
23 Ridge and Red Bank as well.

24 Q. And are there -- so you were a patrol officer at that
25 time?

1 A. Yes, ma'am.

2 Q. And so are you assigned to a specific region?

3 A. Yes.

4 Q. So when you get -- and are you always in that region?

5 A. Yes, unless I'm called to assist in another region or
6 something.

7 Q. Okay. But typically that South Region would be an
8 area that you patrolled, right?

9 A. Yes, ma'am.

10 Q. And so when you're patrolling, you're -- what are you
11 doing?

12 A. Depending on what's going on. If there's calls coming
13 in, I'm going to calls and answering calls for service.
14 Patrolling is just driving in the area and looking for
15 anything -- any crimes or anything like that.

16 Q. Okay. And you receive training for that as well,
17 right?

18 A. Yes.

19 Q. When you -- it's certainly a fundamental principle of
20 justice and law enforcement that investigations should be
21 conducted before making arrests, right?

22 A. Correct.

23 Q. And you -- although you're -- you're at SLED now,
24 correct?

25 A. Yes, ma'am.

1 Q. And you're in investigations, but you were just on
2 patrol duty, right?

3 A. Correct.

4 Q. So your duties are a little bit different. Like you
5 said, you want to make sure that the -- anybody who needs
6 assistance is getting it?

7 A. Correct.

8 Q. And you also want to secure the scene, right?

9 A. Yes.

10 Q. So tell the jury why it's important to secure a scene.

11 A. Obviously securing the scene I can prevent any harm
12 further to any of the victims that are on-scene, as well as
13 any other bystanders who are on-scene, as well as oncoming
14 first responders.

15 Q. So naturally when you're -- so you knew it was a
16 shooting I think you testified to, right?

17 A. Yes.

18 Q. And that comes over your computer?

19 A. It came over the radio, as well as dispatched on my
20 CAD system or computer.

21 Q. Okay. And so they tell you where to go and kind of
22 just a little bit about what they've learned from any 9-1-1
23 calls?

24 A. Yes.

25 Q. And so you get there and you go into this driveway

1 right here on Defendant's 18, right, and then you pull
2 right up to where we saw on the -- on the video that we've
3 seen?

4 A. Yes, ma'am.

5 Q. Okay. And now at that time, were you aware of any
6 evidence that could have been disturbed by driving into
7 that?

8 A. No.

9 Q. But one thing that you want to be sure of is that when
10 you respond you do it quickly, right?

11 A. Correct.

12 Q. But also cautiously?

13 A. Yes.

14 Q. Because it can taint a crime scene, right?

15 A. Yes.

16 Q. And I know that that sound a little nefarious, but it
17 just -- like you're not doing anything on purpose, right?

18 A. Correct.

19 Q. But sometimes things can happen in a crime scene that
20 can move the evidence or change it or you don't know what
21 happened before it got there either; is that correct?

22 A. That's correct.

23 Q. So -- but you said the call came in at around 7:30,
24 you were dispatched at 7:31 and you got there or arrived at
25 7:37?

1 A. Yes, ma'am.

2 Q. So when you got there, did you see any security
3 cameras around?

4 A. No, ma'am.

5 Q. So the -- and, of course, you had your body-worn
6 camera on, right?

7 A. Yes.

8 Q. And I'll get to that in a moment, so -- but the point
9 that I guess that I'm trying to make is that for that
10 seven minutes you don't know -- or you can't tell us what
11 was happening at the scene, right?

12 A. I cannot.

13 Q. You don't know if weapons were moved?

14 A. I do not.

15 Q. Or if they were removed?

16 A. Correct.

17 Q. Also, if there were just none there either, right?

18 A. Correct.

19 Q. All right. So I know we watched a little bit of your
20 body cam and I want to talk about body cams for a moment.
21 Tell the jury what a body cam is.

22 A. It's a camera that's attached to -- I attach to my
23 uniform and any time I get a call and I'm on call I
24 activate it so it can just show what happened on-scene and
25 what I saw and heard and talked to.

1 Q. And, in fact, there's a state statute that mandates
2 them, correct?

3 A. Correct.

4 Q. By the Legislature. They said we need these, right?

5 A. Yes.

6 Q. And then there's a local or a policy that your
7 sheriff's department creates that advises officers how to
8 operate and use their body cam; is that correct?

9 A. That's correct.

10 Q. And it says that any time you have contact with the
11 public it should be on, correct?

12 A. Yes, ma'am.

13 Q. And does everyone have a body cam?

14 A. As far as I know, yes, ma'am.

15 Q. Well, all the road -- the investigators don't, do
16 they?

17 A. I believe they do when they do investigations.

18 Q. Okay. So it's your understanding that when you worked
19 in there back in March of 2020 that the policy said turn
20 your body cam on and leave it while you're interacting?

21 A. Yes, ma'am.

22 Q. Okay. And you had an opportunity this morning to
23 review Defense Exhibit 1?

24 A. Yes, ma'am.

25 Q. Okay. And did it fairly and accurately represent the

1 rest of that portion that we saw?

2 A. Yes.

3 MS. ZMROCZEK: Your Honor, at this time I would move
4 defense one into evidence.

5 THE COURT: Any objection?

6 MS. PATTERSON: Without objection.

7 THE COURT: It's admitted.

8 (Defendant's Exhibit Number 1, body-worn camera
9 footage, was admitted into evidence.)

10 BY MS. ZMROCZEK:

11 Q. And before I publish it, I just want to ask you a few
12 questions. So we heard -- we saw that you were driving and
13 the body cam was on. Did you turn it on or how does that
14 -- like how does it get activated?

15 A. I turn it on.

16 Q. Okay. And then about 30 seconds in, is that how long
17 it takes for the audio to kick in?

18 A. Yes, ma'am.

19 Q. Okay. I want to play the body cam for you, but
20 obviously we saw the first two or three minutes, so we can
21 skip that.

22 (State's Exhibit Number 2 was played in error.)

23 MS. ZMROCZEK: All right. I think this is the
24 portion that we already saw. Let me stop. No wonder
25 it looks the same. I was playing theirs. There we go.

1 (Defendant's Exhibit Number 1 was played.)

2 BY MS. ZMROCZEK:

3 Q. Okay. I find it's probably gonna be easier if I just
4 stop and then ask you questions. So who is the officer
5 that is there at the scene with you?

6 A. Deputy Fine.

7 Q. That's Deputy Fine?

8 A. Correct.

9 Q. And is -- I'll have to get a pen. Can you identify
10 what I'm pointing to with my little laser pointer?

11 A. It appears to be a body camera.

12 Q. It's his body camera?

13 A. Yes, ma'am.

14 Q. So at the end of the day or at the end of the call or
15 the shift, how do we get the body cameras to where they
16 need to go? The information that's on the body cam, what
17 happens to it?

18 A. They're uploaded.

19 Q. They're uploaded and saved?

20 A. Yes.

21 Q. Okay.

22 (Defendant's Exhibit Number 1 playing.)

23 Q. All right. So you arrive first to make sure that the
24 scene is secure, right?

25 A. Yes.

1 Q. How -- what did you do to make sure that the scene was
2 secure?

3 A. I ensured I didn't see any weapons or anybody that
4 was --

5 Q. I'm sorry. Can you -- I couldn't hear you.

6 A. I made sure there wasn't any weapons visible or
7 anybody that was gonna cause any harm to myself or other
8 people arriving.

9 Q. So how many people do you think were there at that
10 time?

11 A. It was at least close to probably ten people.

12 Q. Okay. And so you inspected each and every one of
13 those people to make sure they didn't have a weapon on
14 them?

15 A. No, I did not.

16 Q. Okay. We talked about how you want to try to preserve
17 the integrity of the crime scene. Again, not maliciously,
18 but just haphazardly things can get tainted slash changed
19 in a crime scene, right?

20 A. Correct.

21 Q. And one of the things that we see is EMS, right?

22 A. Yes.

23 Q. And this is right in front of the vehicle. He's
24 walking directly towards Mr. Chavis, correct?

25 A. Correct.

1 Q. So I'm gonna back this up just a little bit. So that
2 is the EMS officer walking up, right?

3 A. Correct.

4 Q. And I'm gonna show you what's Defense Exhibit 2, which
5 is simply a screen shot. Is that -- does that identify the
6 EMS worker?

7 A. Yes, ma'am.

8 Q. Okay. And that's taken from that body cam?

9 A. Correct.

10 MS. ZMROCZEK: Your Honor, at this time we would move
11 Defense 2 in.

12 THE COURT: Any objection?

13 MS. PATTERSON: No objection.

14 THE COURT: It's admitted.

15 (Defendant's Exhibit Number 2, a photograph, was
16 admitted into evidence.)

17 BY MS. ZMROCZEK:

18 Q. As you're walking through the crime scene, where's
19 your body camera located on you?

20 A. The center of my chest.

21 Q. Kind of right in the center?

22 A. Yes.

23 Q. So it sees what you see and we get a little bit of the
24 ground as well?

25 A. Correct.

1 (Defendant's Exhibit Number 1 playing.)

2 Q. So when you're first walking up, clearly you're
3 interacting with this gentleman trying to apply pressure,
4 correct?

5 A. Correct.

6 Q. Did you happen to get his name?

7 A. I did not.

8 Q. Do you know if anyone took a statement from him?

9 A. I'm not sure.

10 (Defendant's Exhibit Number 1 playing.)

11 Q. All right. I stopped this here and I want to show you
12 State's {sic} 3. Does that fairly and accurately represent
13 a screen shot of what we're looking at?

14 A. Yes.

15 MS. ZMROCZEK: Your Honor, at this time we'd move
16 State's 3 in.

17 THE COURT: Any objection?

18 MS. PATTERSON: No, ma'am.

19 THE COURT: It's admitted.

20 (Defendant's Exhibit Number 3 was, a photograph,
21 was admitted into evidence.)

22 BY MS. ZMROCZEK:

23 Q. Okay. And I want to draw your attention right here.
24 Do you see where I'm circling?

25 A. Yes.

1 Q. Okay. So the truck is -- is kind of off the screen,
2 correct?

3 A. Correct.

4 Q. But what we see here are some defects and some items
5 on the ground, correct?

6 A. Correct.

7 Q. Okay. In fact, I've zoomed in for you, and I'll show
8 you Defense Exhibit 4 and ask if that is reflective of what
9 you saw and also on your body cam?

10 A. Yes.

11 MS. ZMROCZEK: Your Honor, at this time we'd move
12 Defense Exhibit 4 in.

13 MS. PATTERSON: Without objection.

14 THE COURT: It's admitted.

15 (Defendant's Exhibit Number 4, a photograph, was
16 admitted into evidence.)

17 BY MS. ZMROCZEK:

18 Q. So as you're walking through, your body camera -- and
19 you're making sure you're doing all your initial duties,
20 but your body camera is also picking up items of evidence
21 that could potentially be important later on, correct?

22 A. Correct.

23 (Defendant's Exhibit Number 1 playing.)

24 Q. Okay. We talked about how when you pulled up into the
25 scene you literally didn't know it at the time, but you had

1 pulled right into an important area of the scene, correct?

2 A. Correct.

3 Q. And we also see that there were several officers. I
4 think you called this a priority response?

5 A. Yes, there was.

6 Q. Okay. So there were multiple officers in multiple
7 vehicles, correct?

8 A. Correct.

9 Q. And two fire -- or two EMS trucks?

10 A. Yes.

11 Q. And how many fire trucks?

12 A. I'm not sure. It was at least one.

13 Q. Okay. At least one, right?

14 A. Yes.

15 Q. And so were some of those vehicles also within the
16 crime scene?

17 A. Yes.

18 (Defendant's Exhibit Number 1 playing.)

19 Q. Okay. At the what point do you want to have people
20 not walking all through your crime scene?

21 A. Once everybody's secured and the victims, whoever is
22 injured, are off the scene.

23 Q. Okay.

24 (Defendant's Exhibit Number 1 playing.)

25 Q. Okay. I'm gonna show you what's been marked as

1 Defense Exhibit 5 and ask if that fairly and accurately
2 reflects what's on your body cam and what you saw that day?

3 A. Yes.

4 MS. ZMROCZEK: Your Honor, at this time we would
5 move Defendant's 5 in.

6 THE COURT: Any objection?

7 MS. PATTERSON: No objection.

8 (Defendant's Exhibit Number 5, a photograph, was
9 admitted into evidence.)

10 BY MS. ZMROCZEK:

11 Q. And you said that you talked to two witnesses?

12 A. Correct.

13 Q. Okay. And would this be the two that you're referring
14 to?

15 A. Yes.

16 Q. Okay.

17 THE COURT: If I didn't say it for the record,
18 it's admitted.

19 (Defendant's Exhibit Number 1 playing.)

20 BY MS. ZMROCZEK:

21 Q. So you were talking about crime scene tape?

22 A. Yes.

23 Q. Okay. What's the importance of crime scene tape?

24 A. It's to cordon off the areas to where we think the
25 crime occurred basically.

1 Q. So it keeps people --

2 A. Yes.

3 Q. -- and other things from moving through and hopefully
4 not moving evidence?

5 A. Yes.

6 (Defendant's Exhibit Number 1 playing.)

7 Q. I know you were just asking this person a question.
8 Do you know who this person is?

9 A. I do not.

10 Q. I'm sorry?

11 A. I do not.

12 Q. Okay.

13 (Defendant's Exhibit Number 1 playing.)

14 Q. I see that you have a little notepad. Why are you
15 taking notes?

16 A. To pass onto investigations when they arrive on-scene,
17 as well as passing it onto my supervisor.

18 Q. Is that -- so when you're a road deputy, do you have
19 a bunch of tools available with you in your car at all
20 times?

21 A. I do.

22 Q. Like crime scene tape?

23 A. Yes.

24 Q. Notepads?

25 A. Yes.

1 Q. Witness statements?

2 A. Correct.

3 Q. Forms, I mean?

4 A. Yes.

5 Q. Okay. And as a road deputy, I think you said one of
6 your jobs was to gather enough information to provide to
7 the investigators when they get there; is that correct?

8 A. Correct.

9 (Defendant's Exhibit Number 1 playing.)

10 Q. So who is this that you were speaking with?

11 A. Steven Phillips.

12 Q. Steven Phillips. And you just kind of were asking
13 him general questions at that point?

14 A. Correct.

15 (Defendant's Exhibit Number 1 playing.)

16 Q. And I want to ask you a quick question real quick.
17 Do you -- you see this circle that I'm circling?

18 A. Yes.

19 Q. Do you know who drew a circle around that defect?

20 A. I do not.

21 (Defendant's Exhibit Number 1 playing.)

22 Q. All right. So I'm gonna show you Defendant's 7 and 9
23 and ask you if those fairly and accurately represent what
24 you saw and what we're seeing on the body cam?

25 A. Yes.

1 MS. ZMROCZEK: Your Honor, at this time we would
2 move 7 and 9 in.

3 THE COURT: Any objection?

4 MS. PATTERSON: Without objection.

5 THE COURT: Admitted.

6 (Defendant's Exhibit Number 7 and 9, photographs,
7 were admitted into evidence.)

8 BY MS. ZMROCZEK:

9 Q. So the things about body cams is they catch what we
10 call excited utterances, things that are happening right
11 after an impactful event, right?

12 A. Correct.

13 Q. And so what he's doing is he's pointing to the ground
14 and telling you they were shooting at the ground, right?
15 Or whatever he said?

16 A. Yes.

17 (Defendant's Exhibit Number 1 playing.)

18 Q. And he's pointing, he said B.J.'s over there, meaning
19 in front of the side of the vehicle, correct?

20 A. Correct.

21 Q. And where he's pointing, would that be where those
22 items are on the ground on Defendant's 3?

23 A. It's a little bit further back, not in front of the
24 vehicle.

25 Q. Okay. So when he's saying that he -- when he, Steven,

1 is saying that he was in front of the vehicle, did he mean
2 the front or did he mean the side?

3 MS. PATTERSON: Objection. Speculation.

4 BY MS. ZMROCZEK:

5 Q. Let me ask it this way. When he's pointing and
6 telling, were you -- what was your impression of where he
7 was saying?

8 A. It was over near the vehicle that's on the side right
9 there on the right.

10 Q. Okay.

11 (Defendant's Exhibit Number 1 playing.)

12 Q. I'm gonna show you Defendant's 11 and ask does that
13 fairly and accurately represent what we're seeing on the
14 body cam as well?

15 A. Yes.

16 MS. ZMROCZEK: Your Honor, at this time we'd move
17 Defendant's 11 in.

18 THE COURT: Any objection?

19 MS. PATTERSON: Without objection if I can --

20 (Defendant's Exhibit Number 11, a photograph, was
21 admitted into evidence.)

22 BY MS. ZMROCZEK:

23 Q. So you're talking to at -- least these two more
24 witnesses, right?

25 A. Correct.

1 Q. Did you get their names?

2 A. I did not.

3 (Defendant's Exhibit Number 1 playing.)

4 Q. And I'll show you Defendant's 12 and ask does that
5 fairly and accurately represent what we're seeing on the
6 body cam as well?

7 A. Yes.

8 Q. Okay.

9 MS. ZMROCZEK: Your Honor, at this time we'd move
10 Defendant's 12 in.

11 MS. PATTERSON: Without objection.

12 THE COURT: Okay. It's admitted.

13 (Defendant's Exhibit Number 12, a photograph, was
14 admitted into evidence.)

15 BY MS. ZMROCZEK:

16 Q. So what -- and what I'm referring to is -- and let me
17 play a little bit more so we can get a clear view.

18 (Defendant's Exhibit Number 1 playing.)

19 Q. Okay. This is what I'm referring to right here. So
20 this is you said Steven Phillips, correct?

21 A. Correct.

22 Q. And with whom is he speaking here?

23 A. That would be Deputy Harris. Now Sergeant Harris.

24 Q. Deputy Harris? Oh, he's now Sergeant Harris, right?

25 A. Yes.

1 Q. Okay. And let me just ask you this. You're the first
2 responding officer, but you have a whole team of officers
3 there to help you, so do they know that you're trying to
4 keep everything under control and so it's their assignment
5 or job to -- to start interviewing witnesses and getting
6 their names and things like that?

7 A. Yes. We usually devise a plan and talk to each other
8 and who's gonna do what and go from there.

9 Q. Okay. So, for example, when I showed you Defendant's
10 11 and asked if you got your names, you didn't, but do you
11 -- but would be good practice that somebody would have
12 gotten their names on the scene, right?

13 A. Yes.

14 Q. Okay. You would have expected that?

15 A. Yes.

16 Q. Okay.

17 (Defendant's Exhibit Number 1 playing.)

18 Q. So at this point now that the scene is starting to
19 get secure, you realize that there may be some evidence
20 relating to this incident underneath your vehicle?

21 A. Correct.

22 Q. Do you know if when you backed out or moved your
23 vehicle, did any of the casings get moved at all?

24 A. I'm not aware.

25 Q. I'm sorry?

1 A. I'm not aware.

2 Q. Okay.

3 (Defendant's Exhibit Number 1 playing.)

4 Q. And so what we just saw, those pieces of paper that
5 were on the ground, obviously they aren't crime scene, but
6 those are people trying to mark casings?

7 A. Correct.

8 Q. Okay. The ground was sand?

9 A. Yes.

10 Q. And is that a good in your -- if you know, and if you
11 don't know that's fine, but is sand a good substance for
12 getting shoe prints?

13 A. It can be.

14 Q. Okay. And that could help us know where people were
15 standing and things like that, right?

16 A. Correct.

17 Q. The problem though is when we have officers and just
18 lay witnesses walking through the scene and their shoes
19 aren't covered, then we don't know. We can't go back,
20 right?

21 A. Correct.

22 (Defendant's Exhibit Number 1 playing.)

23 Q. While you're backing up, this is just the inside of
24 your patrol vehicle?

25 A. Yes.

1 Q. And do -- and yours did not have a dash camera, did
2 it?

3 A. They did not.

4 Q. Okay. But it has this -- what do all deputy cars have
5 here? What's that?

6 A. It's a computer system. We have a CAD system on there
7 that tells us incoming calls, calls that we're supposed to
8 respond to.

9 Q. And does it type out the information as it's being
10 relayed to the -- to the dispatch officer and then you can
11 read it as well?

12 A. It's supposed to be if dispatch is doing what they're
13 supposed to be doing.

14 Q. Okay.

15 (Defendant's Exhibit Number 1 playing.)

16 Q. Now this happened in March of 2020, so -- and you said
17 you responded around 7:30, do you recall what time the sun
18 went down?

19 A. I do not.

20 Q. Okay. But it was -- you were kind of there at dusk;
21 is that correct?

22 A. Correct.

23 Q. Okay. But as officers you're trained to deal with
24 those kind of environmental situations, right?

25 A. Yes.

1 (Defendant's Exhibit Number 1 playing.)

2 Q. So this is Ms. Ellison; is that correct?

3 A. Correct.

4 Q. And had you had prior dealings with her? Were you
5 familiar with her at all?

6 A. I'm unsure if I'd seen --

7 MS. PATTERSON: Objection, Your Honor.

8 THE COURT: What's the objection?

9 Hold on. When they object, you-all need to --

10 MS. PATTERSON: Relevance.

11 MS. ZMROCZEK: Your Honor, I'm simply -- she's
12 walking up to him with a phone. I was just simply asking
13 if he had any contact with her.

14 THE COURT: I'm gonna allow it.

15 Go ahead.

16 BY MS. ZMROCZEK:

17 Q. Had you had -- had you had any dealings with her
18 before or had you just talked to her at the scene that day?

19 A. I'm not aware if I had before or not.

20 Q. Okay. And she's showing you -- is that her phone?

21 A. I believe it is.

22 Q. Okay.

23 (Defendant's Exhibit Number 1 playing.)

24 Q. And, again, I'll show you Defendant's 15. Does that
25 fairly and accurately represent a screen shot of what we're

1 looking at as well?

2 A. Yes.

3 Q. Okay.

4 MS. ZMROCZEK: And, Your Honor, at this time we
5 would move Defendant's 15 into evidence.

6 THE COURT: Any objection?

7 MS. PATTERSON: No objection.

8 THE COURT: It's admitted.

9 MS. ZMROCZEK: Thank you.

10 (Defendant's Exhibit Number 15, a photograph, was
11 admitted into evidence.)

12 BY MS. ZMROCZEK:

13 Q. And so these gentlemen here, are they with the police
14 force?

15 A. They're with fire.

16 Q. With the fire department?

17 A. Fire and EMS.

18 Q. Okay. When fire responds -- obviously there was no
19 fire, but the firemen respond to emergency calls?

20 A. They do.

21 Q. And they provide assistance as far as securing the
22 scene and providing light if it gets too dark?

23 A. Medical assistance.

24 (Defendant's Exhibit Number 1 playing.)

25 Q. Okay. So at this point we had crime scene tape up,

1 right?

2 A. Yes.

3 Q. Whose responsibility is it to keep people from getting
4 inside the crime scene?

5 A. Whoever's in charge on-scene.

6 Q. Okay. Do we know who was in charge at this time?

7 A. It should have been Sergeant Williams.

8 Q. Sergeant Lewis?

9 A. Williams.

10 Q. Oh, Williams. Okay. With an "A" or -- there were
11 several. Was it "A" or "V"?

12 A. "V".

13 Q. V. Vic Williams?

14 A. Van Williams.

15 Q. Or Van. Sorry. Van Williams.

16 A. Yes.

17 Q. And so you were talking to somebody and then you saw
18 that she was -- that someone was actually with Mr. Chavis,
19 right?

20 A. Correct.

21 Q. And she said that his phone was ringing?

22 A. Yes.

23 Q. Do you know if that phone was collected?

24 A. I'm not -- not sure.

25 Q. Okay. Again, because you're not in evidence

1 collection, right?

2 A. No.

3 Q. Okay.

4 (Defendant's Exhibit Number 1 playing.)

5 Q. Who is major crimes?

6 A. The investigators with Lexington County Sheriff's
7 Department.

8 Q. Okay. So when -- I guess you were inquiring if they
9 had been notified?

10 A. Yes.

11 Q. What kind of -- it was a priority response? I'm
12 sorry.

13 A. It was.

14 Q. Okay. So would -- did they not automatically get
15 notified or is that something that someone has to do at
16 the scene?

17 A. Somebody notifies the supervisor on-scene.

18 Q. Mr. Williams?

19 A. Correct.

20 (Defendant's Exhibit Number 1 playing.)

21 Q. Okay. I'm gonna show you Defendant's 10 and ask you
22 if this fairly and accurately represents what we're seeing
23 on the body cam and what you saw that day?

24 A. It does.

25 MS. ZMROCZEK: Your Honor, at this time we'd move

1 Defendant's 10 into evidence.

2 MS. PATTERSON: Without objection.

3 THE COURT: 10?

4 MS. ZMROCZEK: Yes.

5 THE COURT: Without objection it's admitted.

6 MS. ZMROCZEK: Thank you.

7 (Defendant's Exhibit Number 10, a photograph, was
8 admitted into evidence.)

9 Q. Is there a way for me to -- well, they'll have this
10 back there.

11 I'm circling Jada Ellison and the person that came and
12 talked to you when she showed you the phone, correct?

13 A. Yes.

14 Q. And they have -- between the two of them it looks like
15 about five bags; is that correct?

16 A. They have bags in their hands, that's correct. I
17 can't speculate just how many.

18 Q. Sorry?

19 A. Yeah, there's a couple of bags.

20 Q. Okay. Do -- do you know what was in those bags?

21 A. I do not.

22 Q. Okay. Do you know if they were searched for weapons
23 or anything?

24 A. I do not.

25 Q. Okay. But when you are at a major crime scene like

1 this, it's important that you keep as much of the scene
2 together that you can, correct?

3 A. Correct.

4 Q. Because there could be weapons being taken off the
5 crime scene right now. We don't know, right?

6 A. Could be. Correct.

7 (Defendant's Exhibit Number 1 playing.)

8 Q. Is he talking about a crime scene log?

9 A. He is.

10 Q. Okay. And the crime scene log, what does that do?

11 A. It identifies who was on-scene.

12 Q. Okay. And does it -- is it just for law enforcement
13 or anybody who's on-scene should be on that crime scene
14 log, right?

15 A. For first responders, any law enforcement, EMS, fire.

16 Q. Not lay witnesses?

17 A. No.

18 (Defendant's Exhibit Number 1 playing.)

19 Q. Before when I showed you the items that were on the
20 ground, do you know where those items are now?

21 A. No.

22 Q. Okay.

23 (Defendant's Exhibit Number 1 playing.)

24 Q. Can you tell us which officer this is?

25 A. I'm not aware. I don't recall.

1 (Defendant's Exhibit Number 1 playing.)

2 Q. So when we hear you talking, with whom are you
3 speaking?

4 A. Sergeant Van Williams.

5 Q. I'm sorry?

6 A. Sergeant Van Williams.

7 Q. Okay. So -- I mean, on the radio?

8 A. I was talking to Sergeant Van Williams at the time.

9 Q. Oh, okay. So Sergeant Williams isn't there?

10 A. He was en route.

11 Q. Okay. So -- but he was in charge of the crime scene
12 and he wasn't there yet?

13 A. He's in -- he's the one in charge. I relay all
14 information I had and passed along information and he
15 gives us orders.

16 Q. Okay.

17 (Defendant's Exhibit Number 1 playing.)

18 Q. So, again, I think that's officer -- now Sergeant
19 Harris?

20 A. Correct.

21 Q. Okay. And so one of the things that you keep in
22 your toolbox as a road deputy are statements to take from
23 witnesses?

24 A. Correct.

25 Q. Why is it important to take statements close in time

1 to what happened?

2 A. To pass onto investigators to ensure what's going
3 on on-scene and what happened so I can pass it on so they
4 have it for the investigation.

5 Q. In your training and experience -- how long have you
6 been an officer?

7 A. Six years.

8 Q. And at that point?

9 A. Three.

10 Q. Three. All right. So in the three years that you
11 had been an officer, in your training and experience is it
12 common to have the freshest memory closer in time?

13 A. Yes.

14 (Defendant's Exhibit Number 1 playing.)

15 Q. And so when you say you have way too many people
16 there, it's not just securing the crime scene for
17 protection, but you want to preserve and maintain as much
18 of the integrity and the evidence that we can, right?

19 A. Correct.

20 (Defendant's Exhibit Number 1 playing.)

21 Q. And so when you said it's not my first rodeo and one
22 of these, you as a road deputy responded to a lot of
23 chaotic crime scenes, correct?

24 A. Correct.

25 Q. And you received training on how to preserve those as

1 best you can, right?

2 A. Correct.

3 (Defendant's Exhibit Number 1 playing.)

4 Q. I'm gonna ask you questions now while it's playing
5 just because there's no audio. Tell the jury why there's
6 no audio now.

7 A. I muted my body cam to speak with Deputy Harris about
8 kind of what he had found out.

9 Q. I'm sorry?

10 A. About what he had found out during his investigation.

11 Q. Okay.

12 (Defendant's Exhibit Number 1 playing.)

13 Q. Now is it customary for you to write a report after
14 you respond to a scene?

15 A. Yes.

16 Q. And do you rely on -- what do you rely on to write
17 that report?

18 A. The information that's on-scene that I'm given, talk
19 to other deputies.

20 Q. Okay. And do you refer to your body cam at all?

21 A. Yes.

22 Q. Okay. Is it the policy of -- or was it the policy at
23 the time, if you remember, that if you were at a crime
24 scene and interviewed witnesses and took a pretty active
25 role in it that you should do a report?

1 A. Correct.

2 Q. Okay. So when we see your hand go up, is that how you
3 turn on and off the audio?

4 A. I was talking on my radio.

5 Q. Oh, okay. I guess one of the problems with having
6 your body cam in the middle of your chest is sometimes it
7 inadvertently gets covered up?

8 A. Yes.

9 Q. But, again, that's just inadvertent, right?

10 A. Correct.

11 Q. So we've had a pretty chaotic crime scene up to now,
12 we've had a lot of personnel and witnesses that have been
13 walking through this scene, right?

14 A. Correct.

15 Q. Okay. And then the seven minutes before anybody got
16 there we don't know what was happening, right?

17 A. Correct.

18 Q. I'm gonna show you Defendant's 6. Does that fairly
19 and accurately reflect what we see on the scene?

20 A. Correct.

21 Q. And the time is 20:03. What time is that in
22 nonmilitary time?

23 A. 8:00.

24 Q. 8:00?

25 A. Right.

1 Q. Okay.

2 MS. ZMROCZEK: Your Honor, at this time we'd move
3 Defendant's 6 in.

4 THE COURT: Any objection?

5 MS. PATTERSON: Without objection.

6 THE COURT: It's admitted.

7 (Defendant's Exhibit Number 6, a photograph, was
8 admitted into evidence.)

9 BY MS. ZMROCZEK:

10 Q. So in addition to people and personnel, we now have a
11 canine in the crime scene, right?

12 A. Correct.

13 Q. Okay. That apparently had to use the restroom.

14 Do you know if you or anyone advised to secure that --
15 the dog?

16 A. I'm not aware.

17 Q. Okay. Do you know where he came from?

18 A. I do not.

19 Q. Okay. Since there's no more audio, I'm just gonna
20 speed it up a little bit. In addition to all the other
21 elements that were in the crime scene, do you recall if it
22 was windy that evening?

23 A. I do not.

24 Q. You don't recall?

25 A. I do not.

1 Q. I went a little too far. I'm gonna stop it right
2 there and show you Defendant's 14 and ask if you recognize
3 that and does it fairly and accurately reflect what we're
4 seeing?

5 A. Yes.

6 MS. ZMROCZEK: Your Honor, at this time we'd move
7 Defendant's 14 to evidence.

8 THE COURT: Any objection?

9 MS. PATTERSON: No objection.

10 THE COURT: It's admitted.

11 (Defendant's Exhibit Number 14, a photograph, was
12 admitted into evidence.)

13 BY MS. ZMROCZEK:

14 Q. Do you know who that person was or what they were
15 doing in that shed?

16 A. I do not. It was behind the crime scene tape, so I
17 wasn't --

18 Q. Okay. And, again, that's the same area that we had
19 seen the items on the ground, but you don't know where they
20 went at this point?

21 A. No, ma'am.

22 Q. Let me show you Defendant's 8, where now it's six
23 minutes later. Does Defendant's 8 fairly and accurately
24 represent the canine still in the crime scene?

25 A. It does.

1 MS. ZMROCZEK: Your Honor, at this time we'd move
2 Defendant's 8 into evidence.

3 THE COURT: Any objection?

4 MS. PATTERSON: Without objection.

5 THE COURT: It's admitted.

6 (Defendant's Exhibit Number 8, a photograph, was
7 admitted into evidence.)

8 BY MS. ZMROCZEK:

9 Q. Were any tire impressions taken of any of the vehicles
10 so that we could rule out what tires were in the sand to
11 your knowledge?

12 A. Not to my knowledge. I don't know.

13 Q. Okay. Are those still the fire response team?

14 A. Yes.

15 Q. And they're part --

16 THE COURT: Ms. Zmroczek, I don't mean to interrupt
17 you, but let me check with the jury. They've been
18 sitting hear an hour and a half and I usually don't
19 let a jury sit that long.

20 Let me see the lawyers just for a second.

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

22 THE COURT: All right. Mr. Foreman, it's gonna --
23 they tell me -- because I'm gonna let you go to lunch
24 at 1:00, that's firm, but do you-all need a quick break
25 or do you want to try to go forward?

1 FOREPERSON: We're good to stay.

2 THE COURT: Okay. Let's carry on then.

3 MS. ZMROCZEK: Thank you.

4 THE COURT: I'm sorry to interrupt you.

5 MS. ZMROCZEK: No, no. You're fine.

6 And what I'll do is I'll try to get through the
7 screen shots.

8 (Defendant's Exhibit Number 1 playing.)

9 BY MS. ZMROCZEK:

10 Q. I'll show you Defendant's 15 and ask if that's fairly
11 and accurately represents what we're seeing on the screen?

12 A. Yes.

13 MS. ZMROCZEK: Your Honor, at this time we'd move
14 Defendant's 15 in.

15 THE COURT REPORTER: Hold on. You already --

16 THE COURT: I already had a 15, so are you sure
17 that's not maybe 16, 17 or 13? That's what I've got left.

18 MS. ZMROCZEK: I'm making it 19.

19 THE COURT: 19. Any objection?

20 MS. PATTERSON: No objection.

21 THE COURT: It's admitted.

22 (Defendant's Exhibit Number 19, a photograph, was
23 marked and admitted into evidence.)

24 BY MS. ZMROCZEK:

25 Q. So these are the three witnesses again, right? Isn't

1 -- aren't you taught that witnesses should be separated so
2 that they don't share their impressions or stories or
3 change their thoughts?

4 A. If we can, yes.

5 Q. That's typically the best practice, right?

6 A. Correct.

7 Q. Okay. Also one of the downfalls of turning your audio
8 off is sometimes you forget to turn it back on; is that
9 right?

10 A. Correct.

11 Q. And -- but the policy -- your body-worn policy says
12 any time you interact with witnesses or the public that it
13 should be on, correct?

14 A. Correct.

15 Q. Again, it wasn't malicious. You just -- it had been
16 off for so long you just forgot?

17 A. It is on. It's just muted.

18 Q. I mean, the audio.

19 A. (Nods head.)

20 Q. Okay.

21 (Defendant's Exhibit Number 1 playing.)

22 Q. I'll show you Defendant's 16 and asks if that fairly
23 and accurately represents what we're seeing?

24 A. Yes.

25 Q. So, again, you're at this point just trying to get an

1 understanding of what happened, right?

2 A. Correct.

3 Q. And he's pointing to you and telling you what he
4 observed or pointing for you?

5 A. Yes.

6 (Defendant's Exhibit Number 1 playing.)

7 Q. So do you know this female officer?

8 A. Yes.

9 Q. Is that Officer Sphon?

10 A. It is.

11 Q. And she had a body cam on as well, right?

12 A. I believe she did.

13 Q. Okay.

14 (Defendant's Exhibit Number 1 playing.)

15 Q. So ideally if you walk away and he's still talking,
16 somebody else's body cam should pick that up, correct?

17 A. Correct.

18 Q. So it's 8:16, so you've been there forty some odd
19 minutes, right, and you have the names and you have a
20 location of at least one person, right?

21 A. A possible location, yes.

22 Q. Okay. What's the Boom-Boom Room?

23 A. It just a room where kids that are underage like to go
24 to drink, smoke, have sex.

25 Q. And so that location was on your radar?

1 A. Yes, ma'am.

2 Q. Okay. Who is this young gentleman that you were
3 speaking to?

4 A. It's an investigator with Lexington County.

5 Q. Is he in the courtroom today?

6 A. He is.

7 Q. Do you mind pointing him out?

8 A. (Indicating.)

9 MS. ZMROCZEK: Your Honor, I would like to -- for
10 the record say that he -- Agent Swygert has identified
11 Investigator Hart.

12 THE COURT: The record is so noted.

13 (Defendant's Exhibit Number 1 playing.)

14 BY MS. ZMROCZEK:

15 Q. The crime scene log, and just visually, would reflect
16 at least over ten officers there at this point, correct?

17 A. I believe.

18 Q. Okay. So was there any problem in keeping the
19 witnesses separated at this time or do you know why that
20 wasn't done?

21 A. I'm unaware. I wasn't taking statements from people.

22 Q. Okay. And, lastly, I'll just show you Defendant's 17.
23 Does that fairly and accurately reflect what we're looking
24 at?

25 A. Correct.

1 MS. ZMROCZEK: And, Your Honor, at this time we'd
2 move Defendant's 17 into evidence.

3 THE COURT: Any objection?

4 MS. PATTERSON: Without objection.

5 THE COURT: It's admitted.

6 (Defendant's Exhibit Number 17, a photograph, was
7 admitted into evidence.)

8 BY MS. ZMROCZEK:

9 Q. Just a few more questions and then I will sit down
10 and be quiet.

11 You talked about responding to other scenes on direct,
12 correct?

13 A. Correct.

14 Q. And, in fact, you had -- when you submitted your body
15 cams into evidence, you had eight different episodes of
16 recordings; is that right? If you remember.

17 A. I don't remember, but I'm sure there probably was.

18 Q. That's fine. Every time you go somewhere, does it --
19 do you kind of generate a new action?

20 A. Depending on the situation.

21 Q. Okay. But you don't -- you don't typically keep your
22 body cam on when you're just driving in the car by
23 yourself, do you?

24 A. It always on. It's never activated to record.

25 Q. Okay. So you went to Bachman Road; is that right?

1 A. Correct.

2 Q. And that's where Daniel was?

3 A. Correct.

4 Q. How long had you been on shift that day?

5 A. I got on shift around 5:15.

6 Q. About 5:15. Okay. So pretty early on?

7 A. Yes.

8 Q. And I just need to ask you, Officer Swygert, have you
9 gotten any training in dealing with people not only in --
10 or in crisis situations?

11 A. Yes.

12 Q. Have you gotten any training to recognize any mental
13 health situations?

14 A. Some.

15 Q. Some?

16 A. Yes.

17 Q. Can that affect how you interact with people?

18 A. It can.

19 Q. Do you recall having some conversations with Daniel
20 at the -- at Bachman Road?

21 A. I remember talking to him vaguely, yes.

22 Q. I'm sorry?

23 A. I remember talking to him, yes.

24 Q. Okay. Do you recall telling him "I swear to God if
25 you" -- and pardon my French -- "I swear to God if you keep

1 it up you're going to get fucked up". Do you recall saying
2 that to him?

3 A. No.

4 Q. You don't recall?

5 A. No.

6 Q. Would it refresh your recollection to see it?

7 A. I mean, I guess.

8 MS. ZMROCZEK: Your Honor, I'll just get through all
9 these questions and then we can address that later.

10 THE COURT: Okay.

11 BY MS. ZMROCZEK:

12 Q. Did something happen in your vehicle at Bachman Road?

13 A. It did.

14 Q. Okay. Did Daniel bust his head open in your vehicle?

15 A. He did.

16 Q. Did that make you mad?

17 A. Yeah. He was also damaging my vehicle as well.

18 Q. I'm sorry?

19 A. He was damaging my vehicle as well.

20 Q. And -- and it was getting bloody, correct?

21 A. Yes.

22 Q. Okay. And that was frustrating you?

23 A. Yes.

24 Q. Do you recall telling Daniel that he was "a waste of
25 human space and breath for this world"?

1 A. No.

2 Q. Do you recall saying that you "don't give a flying
3 fuck" about what he was saying?

4 A. No.

5 Q. And would it refresh your recollection to see those?

6 A. I suppose, yes.

7 Q. Okay.

8 MS. ZMROCZEK: Your Honor, I think now would probably
9 be a good time to break and then --

10 THE COURT: All right. Let me see counsel right
11 quick.

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

13 THE COURT: Mr. Foreman, ladies and gentlemen, I'm
14 gonna let you-all go to lunch. Please be back at 2:00.
15 I'd like to start at two. So, you know, maybe about ten
16 till two if you could be in the jury room and we'll start
17 on time.

18 Remember, there's no talking about this case at all
19 even an amongst yourselves, okay?

20 Thank you.

21 (Whereupon, the jury was excused for lunch at
22 12:48 PM.)

23 THE COURT: Okay.

24 MS. ZMROCZEK: Briefly, Your Honor, the reason I
25 said that, I thought it would be a good time --

1 ready?

2 FOREPERSON: Yes, ma'am.

3 THE COURT: Thank you. Be seated.

4 I trust everybody had a good lunch. Anybody have
5 any problems during lunch with somebody trying to talk
6 to you or you talk to anyone else? Perfect.

7 All right. We're going to continue and I'm gonna
8 remind you, Detective Swygert, you are still under oath
9 and we'll pick up from where we left off.

10 Ms. Zmroczek.

11 MS. ZMROCZEK: May it please the Court?

12 THE COURT: Yes, ma'am.

13 MS. ZMROCZEK: Thank you.

14 And, Your Honor, before I get started, I had
15 previously shown and identified Defendant's 16, but I
16 did not move it into evidence.

17 THE COURT: You did not. I caught that on my list.
18 Is it in?

19 MS. ZMROCZEK: At this time I'd like to move it in.

20 THE COURT: Okay. Any objection?

21 MS. PATTERSON: No objection.

22 THE COURT: All right. Then it is admitted.

23 MS. ZMROCZEK: Thank you.

24 (Defendant's Exhibit Number 16, a photograph, was
25 admitted into evidence.)

1 THE COURT: The only one that I don't have is
2 Number 13.

3 MS. ZMROCZEK: I may have done two 15's instead
4 of a 13, so I'll fix that.

5 THE COURT: Go it.

6 MS. ZMROCZEK: Thank you.

7 CONTINUED CROSS-EXAMINATION

8 BY MS. ZMROCZEK:

9 Q. Officer -- or Agent. Sorry. Agent Swygert, outside
10 the presence of this jury I had an opportunity to show
11 you your body cam regarding the questions that I had asked
12 you.

13 A. (Nods head.)

14 Q. Did that refresh your recollection?

15 A. Yes.

16 Q. Okay. So do you recall saying those things to
17 Daniel?

18 A. That's what the video showed, so, yes.

19 Q. Okay.

20 MS. ZMROCZEK: Those are all the questions I have,
21 Your Honor.

22 THE COURT: Thank you, Ms. Zmroczek.

23 Ms. Patterson, any redirect?

24 MS. PATTERSON: Thank you, Your Honor. Just a
25 minute.

1 REDIRECT EXAMINATION

2 BY MS. PATTERSON:

3 Q. Agent Swygert, Ms. Zmroczek asked you about some
4 things you may have said to Daniel while located at the
5 Bachman Road address and now that your memory was refreshed
6 you do remember saying those things to him?

7 A. Vaguely, but, yes.

8 Q. Okay. And can you tell the jury what was going on
9 before you made those statements to him?

10 A. He was in the back of my patrol vehicle kicking the
11 doors, the back of it, messing up my patrol vehicle, and
12 then -- he once he busted his head, he started spitting
13 blood all over the patrol vehicle. When I opened the door
14 it -- I got blood all over me, as well as all over my stuff
15 in the front of the vehicle, my personal stuff.

16 Q. Did this conduct from Mr. Jones frustrate you?

17 A. Yes, ma'am, it did.

18 MS. ZMROCZEK: Objection, Your Honor. Speculation.

19 MS. PATTERSON: Your Honor, he can talk about his
20 reaction.

21 THE COURT: I think he can state his reaction.
22 I'm gonna allow it.

23 Go ahead, Officer.

24 BY MS. PATTERSON:

25 Q. And did Mr. Jones's conduct in the back of your patrol

1 car, frustrate you?

2 A. It did.

3 Q. And does Lexington County pay for you to get your car
4 clean?

5 A. It does not.

6 Q. And who would have to clean your car?

7 A. I would.

8 Q. And how long did it take you to clean your car?

9 A. It took me at least two hours on the scene and another
10 three hours once I got home after the end of my shift.

11 Q. And so I think you testified earlier you had been at
12 Fish Hatchery for about two hours dealing with that chaotic
13 scene?

14 A. Correct.

15 Q. And did you go to another scene in between Fish
16 Hatchery and Bachman Road?

17 A. We did some surveillance trying to see if we could
18 locate him on Treemount for a while. We were there for a
19 little while and then we headed over to Bachman.

20 Q. So it was a long night, I assume?

21 A. Yes.

22 Q. And so were you even the officer that had placed
23 Mr. Jones under arrest?

24 A. I was not.

25 Q. What was your job in dealing with Mr. Jones at the

1 Bachman Road address?

2 A. Just to transport him to the jail and book him in.

3 Q. And Ms. Zmroczek, she played the entire body -- I
4 think your entire Fish Hatchery Road body cam for you?

5 A. Yes, ma'am.

6 Q. And at any time during that entire body cam video,
7 did the name of the suspects change from your initial
8 interaction with the witnesses?

9 A. No.

10 Q. Was -- was it always Christopher Shumpert and Daniel
11 Jones?

12 A. It was.

13 Q. And isn't -- are you allowed to turn off the audio on
14 your body cam to discuss tactics and strategy?

15 A. Yes, ma'am, I am.

16 Q. And, in fact, I think you may be even allowed to turn
17 off the video, right?

18 A. As far as we were always to pause it or mute the
19 audio.

20 Q. Mute the audio. And if I can, I just wanted to
21 refresh your memory just one second because Ms. Zmroczek
22 talked about you speaking with one of the witnesses, Steven
23 Phillips.

24 (Video playing.)

25 Q. And this was Steven Phillips as Ms. Zmroczek pointed

1 out to you that you talked at the scene?

2 A. Yes, ma'am.

3 Q. And so Steven at this point told you where the
4 suspects were when they began shooting?

5 A. Yes. Where they were positioned at, yes.

6 Q. And after you received this information, did you
7 expand your crime scene?

8 A. Yes. Once we located some of the shell casings and
9 noticed that some of them were a little bit further back
10 than what I thought, we started expanding it back a little
11 bit further.

12 Q. And I think Steven was cooperative with you through
13 out that whole interaction at Fish Hatchery, wasn't he?

14 A. Yes, ma'am. Very cooperative.

15 Q. In fact, Defense Exhibit 19, and I think during the
16 video you was talking to Steven, right?

17 A. Yes, ma'am.

18 Q. And these other two witnesses on the scene, were they
19 talking to another officer?

20 A. They were talking to Sergeant Harris. Deputy Harris
21 at the time.

22 Q. Okay. So although they're sitting next to each other,
23 Steven was talking to you and the other two was talking to
24 another officer and he was getting their statements?

25 A. Yes, ma'am.

1 Q. And they were being cooperative, too, right?

2 A. Correct.

3 Q. And do you always have cooperation when you go to a
4 crime scene?

5 A. No.

6 Q. But these witnesses did?

7 A. Yes, ma'am.

8 Q. And Ms. Zmroczek also showed you a picture in Defense
9 10 and she pointed out to you Jada Ellison and David Payton
10 and their bags?

11 A. Yes, ma'am.

12 Q. Now were you the officer responsible for escorting
13 them inside the home that they were living to get their
14 belongings?

15 A. No, ma'am.

16 Q. And would that have been another officer?

17 A. Yes, ma'am.

18 Q. So you don't know if those bags were checked, do you?

19 A. Correct.

20 Q. And as she, again, pointed out, there were a lot of
21 people at the scene, right?

22 A. Yes, ma'am.

23 Q. Those were the witnesses that we just talked about
24 and do you know if this property -- if there's a lot of
25 Mr. Chavis's family that live on and around the property?

1 A. I'm unaware if there is.

2 Q. I'm sorry?

3 A. I'm unaware.

4 Q. You're unaware. But at the scene was it people who
5 identified themselves as being family members?

6 A. Yes, ma'am.

7 Q. Okay. And so is there a difference between witnesses
8 and bystanders?

9 A. Yes.

10 Q. And just because everybody's at the scene, does that
11 mean that they saw what happened?

12 A. No.

13 Q. And so if they didn't see what happened, would you get
14 statements from those people?

15 A. No, I would not.

16 Q. And she also showed you part of the video in which --
17 I beg the Court's indulgence -- I don't know if it's on
18 this picture, but I think this young lady was -- had
19 crossed the crime scene tape.

20 A. Yes, ma'am.

21 Q. And did you identify who she was?

22 A. I was told she was the mother.

23 Q. She was --

24 A. The mother of Barry.

25 Q. Barry's mother?

1 A. Yes, ma'am.

2 Q. And she was understandably upset, correct?

3 A. Correct.

4 Q. And when you tell her to get back across the crime
5 scene tape, did she oblige?

6 A. She did.

7 Q. And this man, he wasn't even across the crime scene
8 tape, was he?

9 A. No, he was not. He was behind it.

10 Q. And when you told him to leave, did he oblige as well?

11 A. Yes, he did.

12 Q. I'm gonna show you pictures State's 5 through 11.

13 MS. PATTERSON: And I've shared this with
14 Ms. Zmroczek.

15 MS. ZMROCZEK: Your Honor, no objection.

16 THE COURT: Okay. I'll wait until she moves them
17 in.

18 BY MS. PATTERSON:

19 Q. Take a look at those pictures. And do you recognize
20 these being still shots from that video that Ms. Zmroczek
21 showed?

22 A. Yes, ma'am.

23 Q. And do they fairly and accurately represent what was
24 represented on that video from your body cam at the scene?

25 A. Yes, ma'am.

1 MS. PATTERSON: Your Honor, at this time we move
2 State's 5 through 11 into evidence.

3 THE COURT: They're admitted without objection.

4 (State's Exhibit Number 5 through 11, photographs,
5 were admitted into evidence.)

6 BY MS. PATTERSON:

7 Q. Ms. Zmroczek kept asking you in Defense's 4 about this
8 -- these items on the ground?

9 A. Yes, ma'am.

10 Q. And in Defense's 3. I think this is just a further
11 image of these items on the ground?

12 A. Yes, ma'am.

13 Q. Had those been items of evidentiary value, would you
14 have marked them or collected them?

15 A. Yes, ma'am.

16 MS. ZMROCZEK: Objection, Your Honor. Speculation.

17 THE COURT: Well, let me see the lawyers just for a
18 second.

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

20 THE COURT: I'm just gonna get you to rephrase that
21 if you would please, Ms. Patterson.

22 MS. PATTERSON: Okay. I'll come back to it, Your
23 Honor.

24 BY MS. PATTERSON:

25 Q. In State's 5, does this appear to be the same image

1 as depicted in Defense's 4?

2 A. Yes, ma'am.

3 Q. And, again, in State's 6?

4 A. Yes, ma'am.

5 Q. And is this the truck that you saw Mr. Chavis's body
6 in front of?

7 A. It is.

8 Q. And in State's 7, what does that appear to be?

9 A. A cell phone, a wallet and a pack of cigarettes.

10 Q. And, again, that would have been the same thing that's
11 depicted in Defense's 4?

12 A. Yes, ma'am.

13 Q. The same location out there at the scene?

14 A. Yes, ma'am.

15 Q. And do you remember this gentleman at the scene?

16 A. I do.

17 Q. And where do you remember seeing him?

18 A. He was next to Mr. Chavis rendering aid.

19 Q. And he was rendering aid?

20 A. Yes, ma'am.

21 Q. And when he was rendering aid to Mr. Chavis, where was
22 his hands?

23 A. On Mr. Chavis's neck.

24 Q. And do you see that same gentleman -- this picture is
25 kind of dark. Let me bring it up to you.

1 A. Right there.

2 Q. Okay. And what is he doing in State's 9?

3 A. He was leaning over next to the vehicle. I believe he
4 was wiping his hand.

5 Q. He was what?

6 A. Wiping his hands.

7 Q. Let me show it to you again. Does there appear to be
8 anybody else in that picture with him?

9 A. It looks like there's a female.

10 Q. A female?

11 A. Possible female.

12 Q. Okay. Does he have his hands around her?

13 A. He does.

14 Q. And, again, this picture, do you see those same items
15 right here?

16 A. I do.

17 Q. And in State's 10, is that that same gentleman?

18 A. It is.

19 Q. Does he now appear to have items in his hands?

20 A. He does.

21 Q. Okay. And do they appear to be the same items that's
22 on the ground?

23 A. They do.

24 Q. And State's 11, is that just a closer up picture from
25 State's 10?

1 A. It is.

2 Q. Okay. Is that that same gentleman with those items in
3 his hand?

4 A. Yes, ma'am.

5 Q. And that was in the pathway where you were walking
6 back and forth because your body cam, again, is positioned
7 in front of your vest?

8 A. Yes, ma'am.

9 Q. And so it's capturing the images that's right in front
10 of you, right?

11 A. That's correct.

12 Q. And so if those were items that you would have seen
13 that would have been of evidentiary value, would you have
14 collected them?

15 A. I would have.

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

17 BY MS. PATTERSON:

18 Q. And, again, Agent Swygert, at that time whose
19 responsibility was it to collect evidence at the scene?

20 A. Crime scene.

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

22 Thank you, Agent Swygert. No further questions.

23 MS. ZMROCZEK: Briefly, Your Honor.

24 RECROSS EXAMINATION

25 BY MS. ZMROCZEK:

1 Q. So if it was crime scene's responsibility, then why
2 would you have collected it?

3 A. Collected what?

4 Q. She asked you if those had evidentiary value would
5 you have collected them and you said yes, but then she just
6 asked you whose responsibility it was to collect items and
7 you said crime scene?

8 A. Yes, if it would have been something that would have
9 been a danger to hurt somebody else on --

10 Q. I'm sorry?

11 A. If it would have been a danger to hurt somebody
12 on-scene, I would have collected it.

13 Q. So that's the only thing if it's -- is that the only
14 criteria to have evidentiary value?

15 A. No.

16 Q. Whose -- whose belongings were those?

17 A. I'm unaware.

18 Q. Who was the man in State's 10?

19 A. I'm not sure.

20 Q. The names didn't change, right?

21 A. No.

22 Q. But the crime scene certainly did.

23 A. I mean, I guess it could have. I don't know. I'm not
24 aware.

25 Q. Right. Because you weren't there when it happened?

1 A. Correct.

2 Q. And -- but you did drive into the crime scene, right?

3 A. Yes.

4 Q. And we painstakingly watched 48 minutes of people
5 moving in and out of the crime scene, right?

6 A. Uh-huh.

7 Q. And dogs?

8 A. (Nods head.)

9 Q. So the crime scene was manipulated unintentionally by
10 those actions, right?

11 A. Yes.

12 Q. And perhaps intentionally before you got there, but
13 you don't know, right?

14 A. Correct.

15 Q. And she asked you about if you were responsible for
16 escorting Jada and Bubba into the house to get five bags,
17 right?

18 A. Correct.

19 Q. You said no. Whose job was that?

20 A. Another officer on the scene.

21 Q. Do you know who -- which officer that was?

22 A. I'm not sure. There was many officers on the scene.

23 Q. I'm sorry?

24 A. There was lot of officers on-scene. I'm not sure. I
25 wasn't the one in charge.

1 Q. So -- go ahead.

2 A. I wasn't the one in charge.

3 Q. Right. Not in charge. Van -- Mr. Williams was in
4 charge?

5 A. Correct.

6 Q. But he wasn't there?

7 A. Correct.

8 Q. Okay. And so whoever the officer was in charge for --
9 to escorting those to people and letting them get five bags
10 out of the house and walk away, should have put that in it
11 a report, right?

12 A. I assume so, yes.

13 Q. Okay. I mean, that would be the -- not even just the
14 best practice, that would be a good practice, right?

15 A. Correct.

16 Q. That wasn't your job?

17 A. It was not.

18 MS. ZMROCZEK: Thank you. No further questions.

19 MS. PATTERSON: May this witness be excused, Your
20 Honor?

21 THE COURT: He may. You may step down.

22 MS. ZMROCZEK: Your Honor, he's under subpoena and
23 depending on if --

24 THE COURT: You mean you might need him back?

25 MS. ZMROCZEK: I just need to keep him on -- tell

1 him to be on standby.

2 THE COURT: Is he under your subpoena?

3 MS. ZMROCZEK: Well, no, he's under the State's
4 subpoena, but he's --

5 THE COURT: Are you gonna be where we can get in
6 touch with you if you're needed again?

7 THE WITNESS: Possibly. I don't know what undercover
8 operations are going on this week, so.

9 THE COURT: Well, make sure that you leave a number
10 with Ms. Patterson because I'm not gonna excuse you from
11 trial.

12 THE WITNESS: Okay.

13 THE COURT: You may be called back, so you need to
14 leave a number with Ms. Patterson, please.

15 THE WITNESS: Okay.

16 THE COURT: Thank you.

17 (Witness excused.)

18 THE COURT: Call your next witness.

19 MR. POGUE: Thank you, Your Honor.

20 The State calls David Allen Payton.

21 (Whereupon, David Allen Payton was duly sworn by
22 the Clerk of Court.)

23 THE CLERK: Please sit down in the witness box.
24 State your full name and spell your last for the record.

25 THE WITNESS: My name's David Allen Payton, Jr.

1 Payton is P-A-Y-T-O-N.

2 DAVID ALLEN PAYTON,

3 having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. POGUE:

6 Q. Hey, Bubba. I would ask you what your nickname was,
7 but I guess I just said it.

8 A. Yeah.

9 Q. Are you nervous here today?

10 A. Sir?

11 Q. Are you nervous here today?

12 A. Not really.

13 Q. Okay. Let's just start at the beginning. Where were
14 you staying in March of 2020?

15 A. I was staying -- me and my girlfriend was staying with
16 B.J.

17 Q. Okay. And where was that?

18 A. On Fish Hatchery Road.

19 Q. And is that in the Gaston area of the county?

20 A. Yes, sir.

21 Q. Is that in Lexington County?

22 A. Yes, sir.

23 Q. Okay. And were you staying there on March 27th of
24 2020?

25 A. Yes, sir. I believe so.

1 Q. Okay. About how long had you been staying there?

2 A. I want to say two, two and a half months.

3 Q. Okay. Were you staying there with anybody else?

4 A. I was staying there with my girlfriend at the time.

5 Q. Okay. And what was your girlfriend's name at the
6 time?

7 A. JADA. Jada Ellison.

8 Q. Okay. And do you also have a son with Jada?

9 A. Yes, sir.

10 Q. Okay. And was there anybody else that, you know, from
11 time to time that would come and go and stay at B.J.'s?

12 A. Yes, sir. Chris. Chris and Jacqueline. They would
13 come and stay a couple of nights.

14 Q. When you say Chris and Jacqueline, are you talking
15 about Chris Shumpert?

16 A. Yes, sir.

17 Q. And Jacqueline Aiken?

18 A. Yes, sir.

19 Q. Okay. And were they dating at the time?

20 A. They were.

21 Q. Okay. And did you and Jada and B.J., were you-all
22 acquaintances, friends, you-all hung out occasionally?

23 A. Yes, sir.

24 Q. And just to go ahead and get it out of the way, Bubba,
25 were you-all engaged -- did you-all have addictions? Were

1 you-all engaged in drug use at this time?

2 A. Yes, sir.

3 Q. Okay. What kind of drugs did you-all use?

4 A. Meth.

5 Q. Meth. Okay. Also as well, do you have a 2020
6 conviction for receiving stolen goods \$2,000 or less?

7 A. Yes, sir.

8 Q. A 2021 petit larceny --

9 A. (Nods head.)

10 Q. -- and a possession of meth and a burglary third; is
11 that right?

12 A. Yes, sir.

13 Q. Okay. All right. You indicated that you-all kind of
14 hung out from time to time and you said you-all were
15 staying there on March 27th?

16 A. Yes, sir.

17 Q. Did Jada ever loan Jacqueline any money that day?

18 A. Yes, sir.

19 Q. Okay. Tell me about that.

20 A. Jacqueline had borrowed I want to say \$50 from Jada
21 and they was supposed to come right back and they -- they
22 started ghosting -- ghosting us or whatever.

23 Q. Okay. So Jada had loaned Jacqueline, Christopher
24 Shumpert's girlfriend, \$50 earlier that day?

25 A. Yes, sir.

1 Q. Okay. And -- but you said Jada was trying to contact
2 her later that day?

3 A. Yes, sir.

4 Q. Was she starting to --

5 MS. ZMROCZEK: Objection, Your Honor. He's starting
6 to get into hearsay.

7 MR. POGUE: Your Honor, I can rephrase the question.

8 THE COURT: Okay. You can't say what somebody else
9 told you, okay? So you might need to rephrase that.

10 BY MR. POGUE:

11 Q. I'm just simply asking you did Jada try to contact
12 Jacqueline?

13 A. She did.

14 Q. Okay. Was she successful in getting ahold of
15 Jacqueline?

16 A. No, sir.

17 Q. Okay. Did she try to contact or call her multiple
18 times?

19 A. Yes, sir.

20 Q. Okay. After she couldn't get ahold of her, was she
21 getting angry?

22 A. A little frustrated.

23 Q. Okay. So what did you-all do after you couldn't get
24 ahold of her?

25 A. Well, we found out they was right down the street at

1 another friend of ours, Lane's house, off Treemount and --

2 Q. And is that -- is that Treemount Drive, is that also
3 in Gaston?

4 A. Yes, sir.

5 Q. Okay. So what did you-all do when you found that out?

6 A. Well, we went over there and Jada confronted
7 Jacqueline about the money and --

8 Q. Okay. So when you say you-all went over there, how
9 did you get over there?

10 A. B.J. B.J. took us over there.

11 Q. Did he drive you-all in his truck?

12 A. Yes, sir.

13 Q. So was it you, B.J. and Jada in the truck?

14 A. Yes, sir.

15 Q. All right. And you said when you got to Lane's house
16 on Treemount Drive, Jada saw Jacqueline there?

17 A. Yes, sir.

18 Q. And what did Jada do when she saw Jacqueline?

19 A. Jada confronted her about the money and they got into
20 a physical altercation.

21 Q. All right. And what happened after the physical
22 altercation or during the physical altercation?

23 A. Jada took -- took her money from her and we left
24 Lane's house and when we left Lane's house --

25 Q. Let me back up. Did she take all of Jacqueline's

1 money from her?

2 A. From what I remember, what she was owed pretty much.

3 Q. Okay. All right. And so what did she do after she
4 took -- took her money?

5 A. Like I was saying, we all got in the truck and left.

6 Q. You-all got back in B.J.'s truck?

7 A. Uh-huh.

8 Q. Okay. When you-all started to leave, what happened
9 next?

10 A. Well, we -- Treemount's partly dirt and partly
11 pavement, but we was on the dirt road part of Treemount
12 and Chris and Jacqueline was in their vehicle and sped up
13 behind us or got in front of us and brought us to a stop
14 and Chris popped out of the -- jumped out of his car and
15 proceeded to --

16 Q. Let me slow you down and back up a just a little bit.
17 So you said that you're riding in the car with B.J. and
18 he's driving his truck down Treemount?

19 A. Yes, sir.

20 Q. And whose car was Chris driving?

21 A. Chris was driving his vehicle.

22 Q. Was that a black Malibu?

23 A. Yes, sir.

24 Q. Okay. Was Jacqueline in the car with him?

25 A. Yes, sir.

1 Q. All right. And you said they did what when they
2 approached B.J.'s truck?

3 A. They got in front of us and slammed on brakes which
4 brought us to a stop, then Chris jumped out of his car and
5 proceeded to B.J.'s truck like I was gonna --

6 MS. ZMROCZEK: Objection, Your Honor.

7 THE COURT: Your basis?

8 MS. ZMROCZEK: Like he was gonna, so he's speculating
9 as to what was his state of mind.

10 THE COURT: Let me hear from you.

11 MR. POGUE: I don't believe he said anything. He
12 said like he was gonna never finished his statement, so.

13 THE COURT: Like he was gonna. That's all I heard.
14 Ask the question again then.

15 BY MR. POGUE:

16 Q. So let me ask you this. When Chris got out of the
17 car, was he angry?

18 A. Yes, sir.

19 Q. Was it obvious that he was angry?

20 A. Yes, sir.

21 Q. Okay. Was he -- did he block the road with his car so
22 that B.J. couldn't get by?

23 A. Yes, sir.

24 Q. Okay. And so when he gets out of the car angry and is
25 approaching B.J.'s truck, what happens?

1 A. B.J. fired a warning shot out the window. He stuck
2 the pistol outside of the window and pointed directly at
3 the ground, didn't point it towards them or nothing like
4 that. He fired off one shot and asked them -- asked them
5 to get back in the vehicle and --

6 Q. Okay. And so after he fired the warning shot, did
7 Chris get back in the car?

8 A. Chris did.

9 Q. Okay. And were you-all able to leave at that point?

10 A. Yes, sir.

11 Q. Okay. Where did you-all leave -- where did you-all
12 head to after that?

13 A. We went straight back to B.J.'s house.

14 Q. On Fish Hatchery Road?

15 A. Yes, sir.

16 Q. And when you-all got back to Fish Hatchery Road, did
17 you-all ever see Chris again that day?

18 A. Yes, sir. Chris -- Chris and Daniel pulled -- pulled
19 back up an hour later. I'd say about an hour after the
20 incident on Treemount.

21 Q. Was this -- was this towards the late afternoon,
22 evening?

23 A. Sir?

24 Q. Was this towards like the -- this is in the afternoon,
25 early evening that day?

1 A. Yes, sir.

2 Q. Okay. And -- and when you say Christopher pulls back
3 up, he's driving his -- the same Malibu?

4 A. Yeah, the same vehicle.

5 MS. ZMROCZEK: Your Honor, I'd object to leading.

6 THE COURT: It is leading.

7 BY MR. POGUE:

8 Q. What car was he driving?

9 A. Chris was driving his vehicle.

10 Q. Okay. And who was riding in the car with him?

11 A. Daniel.

12 Q. Okay. And when they pulled up, who was driving?

13 A. Chris was driving.

14 Q. And where was the defendant, Daniel, sitting?

15 A. Daniel was in the passenger.

16 Q. Okay. And where were you?

17 A. I was on B.J.'s front porch.

18 Q. Okay. Who all else was out there?

19 A. My girlfriend Jada, our friend Steven, Kevin Kimbler.

20 Q. When you say -- when you say Steven, what's Steven's
21 last name?

22 A. Steven Phillips.

23 Q. And Kevin's last name?

24 A. Kimbler I believe is how you pronounce it.

25 Q. Okay. And so you-all were all outside the house when

1 they pulled up is what you said?

2 A. Yes, sir. As soon as they pulled up, we all come to
3 -- come out onto the porch.

4 Q. Okay. And when they pulled up, what was B.J. doing?

5 A. B.J. was working in his little shed or -- he had an
6 18-wheel container, a shipping container, that he made a
7 workshop out of and that's where he was.

8 Q. Okay. He was doing some sort of mechanic maintenance?

9 A. Yeah.

10 Q. Okay. So when they pull up, what happens next?

11 A. Well, Chris -- Chris jumped out of his vehicle and
12 pulls out a handgun and puts it in B.J.'s face and said how
13 do you -- how do you like -- how do you like this shit now
14 or how's -- how's does that shit --

15 MS. ZMROCZEK: Your Honor, I'm gonna object to
16 hearsay.

17 THE WITNESS: That's exactly what he said.

18 MR. ZMROCZEK: Your Honor, I'm gonna object to
19 hearsay.

20 THE COURT: Hold on. When she objects, you need to
21 stop.

22 THE WITNESS: Yes, ma'am.

23 THE COURT: Let me here from you, Mr. Pogue.

24 MR. POGUE: Your Honor, as an initial matter, that's
25 clearly excited utterance at that point in the way he's

1 discussed at the bench and, therefore, I will allow a
2 limited testimony in that aspect of it.

3 MS. ZMROCZEK: Thank you, Your Honor.

4 THE COURT: Uh-huh.

5 (Whereupon, the jury return to the courtroom at
6 2:55 PM.)

7 THE COURT: All right. Mr. Foreman, is the jury
8 ready?

9 FOREPERSON: Yes, ma'am.

10 THE COURT: Okay. Thank you.

11 All right. Continue on, Mr. Pogue.

12 MR. POGUE: Thank you, Judge.

13 BY MR. POGUE:

14 Q. All right, Bubba. I believe you just recounted that
15 the defendant -- excuse me, the co-defendant in this case,
16 the accomplice, Chris Shumpert, had put the gun in B.J.'s
17 face. At that point -- what happened after he put the gun
18 in his face?

19 A. I mean, they exchanged a couple of words and, like I
20 said, B.J. proceeded to turn around and go back into his
21 little work area and --

22 Q. So let me stop you there. So B.J. has his back turned
23 to Shumpert at that time?

24 A. To Shumpert and Daniel as well.

25 Q. And where the defendant at this time?

1 A. On the passenger side of the vehicle with the assault
2 rifle.

3 Q. Okay. And so B.J. turns around and then what happens
4 next?

5 A. Chris -- Chris fired off three -- three or four shots
6 and he shot -- you could see he shot closer to B.J. and
7 there was a third one that struck B.J. and B.J. fell in
8 front of his truck and at the same time Daniel was shooting
9 the truck up with the assault rifle.

10 Q. Okay. So just so I understand, so Chris Shumpert
11 started shooting at B.J. when he had his back turned?

12 A. Yes, sir.

13 Q. And the defendant was -- started firing his AR-15 in
14 the direction of the truck that B.J. was standing next to
15 when this happened as well?

16 A. Yes, sir.

17 Q. Okay. All right. And so let me ask you this. I
18 think I previously asked you, what was Chris Shumpert's
19 demeanor? What was his -- was he angry, was he --

20 A. He was -- he was there for revenge.

21 MS. ZMROCZEK: Your Honor, I object and would like
22 to approach, please.

23 THE COURT: Okay.

24 THE WITNESS: I mean, I don't know.

25 THE COURT: Hang on just a second.

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

2 THE COURT: All right. Ladies and gentlemen of the
3 jury, I'm gonna strike his response. You are not to give
4 it any further consideration whatsoever. I'm striking it
5 from the record.

6 All right. You can ask another question.

7 MR. POGUE: Okay.

8 BY MR. POGUE:

9 Q. I'm just asking you like what his demeanor was, not
10 like what you think he was thinking. I'm just asking you
11 what was his appearance? Was he angry, was he sad or --

12 A. Definitely angry.

13 Q. Okay. And how about the defendant, Daniel Jones, what
14 was his demeanor? Was he angry, sad? What was his
15 demeanor?

16 A. I don't -- I'd say he was really just matching Chris's
17 energy.

18 Q. Okay. All right. So he was angry as well or he
19 appeared to you to be?

20 A. About to come off.

21 Q. And did Daniel Jones in your opinion ever do anything
22 to try to deescalate the situation at all?

23 A. No, sir.

24 Q. Okay. Was he there acting -- shooting along with the
25 accomplice, Chris Shumpert, at B.J.?

1 A. Yes, sir.

2 Q. Okay. And prior to that that day, I mean, did you
3 know Daniel Jones and Chris Shumpert when they pulled up?

4 A. Yes, sir.

5 Q. Okay. So you had hung out with them before? You knew
6 who they were?

7 A. Yes, sir. Went to school with them.

8 Q. All right. And do you see Daniel Jones, the person
9 that was fire the .300 Blackout at B.J. in this courtroom?

10 A. Yes, sir.

11 Q. Can you point him out?

12 A. That's him right there.

13 Q. Okay. Are you putting out the gentleman in the white
14 shirt at the defense table?

15 A. The white button-down shirt.

16 Q. Okay.

17 MR. POGUE: Your Honor, let the record reflect that
18 the witness has identified the defendant, Daniel Jones.

19 THE COURT: The record so reflects.

20 BY MR. POGUE:

21 Q. All right. And so after they fire at B.J. and you say
22 that he falls -- well, let me ask you this. Let me stop a
23 second. Did B.J. have any sort of weapon? Was he armed at
24 any point during this exchange?

25 A. No, sir.

1 Q. Did you have any weapon?

2 A. No, sir.

3 Q. Did anybody that was -- that you saw there outside
4 that -- B.J.'s house that was present during the shooting,
5 did they have any weapons?

6 A. No, sir.

7 Q. Did you-all ever, you know, see any guns or try to
8 hide any guns on the scene?

9 A. No, sir.

10 Q. Okay. When you -- let me ask you this. Did you ever
11 collect your items that you had on you at B.J.'s house when
12 you-all left after this shooting?

13 A. We did gather up our clothes.

14 Q. Okay. Did you take any weapons or any evidence from
15 the scene?

16 A. No, sir. No, I did not.

17 Q. Okay. What was in your bags?

18 A. Just our clothes.

19 Q. Okay. Was an officer with you when you-all were
20 collecting your things?

21 A. Yes, sir.

22 Q. Okay. All right. So after B.J.'s shot, what happened
23 after -- after he falls?

24 A. He falls and Chris and Daniel hopped -- jumped back in
25 the car and I'd gonna say hog tail out the driveway.

1 Q. Okay. And what happened after they left?

2 A. Like I said, me and my girlfriend ran over to B.J. and
3 kind of -- kind of rolled him over and all that.

4 Q. When you approached him, was he face up or face down?

5 A. He was face down.

6 Q. Okay. So when you-all approached him, did you-all
7 roll him over?

8 A. Yes, sir.

9 Q. Okay. And when you rolled him over, how bad -- were
10 his wounds bad in your opinion?

11 A. Yes, sir. There was a big hole in his neck kind of by
12 his jaw.

13 Q. Okay. So what did you-all do when you-all rolled him
14 over? Did you-all attempt to render aid at all?

15 A. We really just held him and held him really until his
16 last breath.

17 Q. Okay. And did you or anybody else that you saw on the
18 scene do anything or try to move any evidence or potential
19 shell casings --

20 A. No, sir.

21 Q. -- or guns?

22 A. No, sir.

23 Q. Okay. What was you-all's primary concern after the
24 shooting?

25 A. We was worried about B.J.

1 MR. POGUE: I beg the Court's indulgence.

2 For the record I'm playing Defense Exhibit -- I
3 don't know what the number is, but it's Swygert's body
4 cam video.

5 THE COURT: It's Number 1.

6 MR. POGUE: Defense Exhibit 1.

7 (Defendant's Exhibit Number 1 playing.)

8 BY MR. POGUE:

9 Q. Okay. This is at the 2 minute and 49 second mark.
10 Who is this person right here?

11 A. That's me.

12 Q. That's you?

13 A. Yes, sir.

14 Q. All right. Who is this person right here?

15 A. That's my girlfriend, Jada. Or was my girlfriend.

16 Q. Okay. This is B.J.?

17 A. Yes, sir.

18 Q. Okay. Who is this person right here?

19 A. That's Steven Phillips.

20 Q. Okay. And he was outside when this happened?

21 A. Yes, sir.

22 Q. Okay. And you were outside when this happened?

23 A. Yes, sir.

24 Q. And Jada was outside when this happened?

25 A. Yes, sir.

1 Q. Who's is this person right here?

2 A. That's Kevin Kimbler.

3 Q. Okay. Was Kevin injured in any way during the
4 shooting?

5 A. Yes, sir.

6 Q. What happened to Kevin?

7 A. I want to say he got a shot in his thigh.

8 MS. ZMROCZEK: Your Honor, I'm gonna object. This
9 is outside of his knowledge. He's not testifying as a
10 medical person.

11 THE WITNESS: He got shot in the side.

12 THE COURT: I'm telling you when they object, you
13 have to stop talking. Do you understand?

14 THE WITNESS: Yes, ma'am.

15 MR. POGUE: Your Honor, I think he can testify to
16 the location of the injury.

17 THE COURT: I believe that he can testify that he
18 thought he was shot and where he was shot.

19 So go ahead.

20 BY MR. POGUE:

21 Q. I believe you indicated you thought he was shot
22 somewhere on his side you said?

23 A. Yes, sir.

24 Q. Okay. All right. But he was outside when this
25 happened obviously?

1 A. Yes, sir.

2 MS. ZMROCZEK: Again, Your Honor, I'm gonna object
3 to leading.

4 MR. POGUE: I can rephrase the question.

5 THE COURT: I'm gonna let him go ahead.

6 Go ahead, Mr. Pogue.

7 BY MR. POGUE:

8 Q. Was -- was he outside when this happened?

9 A. Yes, sir.

10 Q. Okay. I guess it would have been kind of hard to get
11 shot if he wasn't.

12 MS. ZMROCZEK: Your Honor, I'm gonna object to --

13 MR. POGUE: I'll retract the statement, Your Honor.

14 THE COURT: Yes. Thank you.

15 I'm gonna tell the jury don't -- there's no need to
16 interject all that.

17 (Defendant's Exhibit Number 1 playing.)

18 BY MR. POGUE:

19 Q. The last one. Do you know who this person is right
20 here?

21 A. Yes, sir. His name's Todd.

22 Q. Do you know Todd's last name?

23 A. Sarvis I believe is how you pronounce it.

24 Q. Okay. Is it possible that he was out there at the
25 time?

1 MS. ZMROCZEK: Your Honor, I think the question was,
2 was it possible. I'm gonna object to that question.

3 THE COURT: And what's the basis for the objection?

4 MS. ZMROCZEK: He's asking him to speculate when he
5 says was it possible.

6 MR. POGUE: I'll rephrase the question.

7 THE COURT: Thank you, Mr. Pogue.

8 I'm looking at a picture outside at the scene.

9 BY MR. POGUE:

10 Q. Was he at the house outside when B.J. -- when the
11 defendant, Daniel Jones, and Chris Shumpert pulled up?

12 A. Yes, sir.

13 Q. Okay.

14 MR. POGUE: I beg the Court's indulgence.

15 THE COURT: Take your time.

16 BY MR. POGUE:

17 Q. I'm showing you State's Exhibit 3. Just so, for the
18 jury's clarification -- this is a laser pointer. If you
19 wouldn't mind taking that laser pointer and just
20 approximately indicate where both the defendant, Daniel
21 Jones, and Chris Shumpert were standing when this incident
22 happened, when they started shooting at B.J.?

23 A. Approximately right here.

24 Q. Speak up just a little bit so the jury can hear you.

25 A. Approximately right here beside the tree. On the side

1 of this tree right here.

2 Q. Okay. And who was right there?

3 A. Car was parked -- Chris's car was parked about right
4 here. Daniel was on the passenger side, so he would have
5 been right here.

6 Q. So the defendant, Daniel, is on the right side -- if
7 you're looking at the picture, the right side of the
8 vehicle there?

9 A. Yes, sir.

10 Q. And where was Christopher Shumpert?

11 A. Chris was toward the front driver's side of his
12 vehicle about right here.

13 Q. And where is B.J., his -- at this point where's his
14 body?

15 A. He's right here.

16 Q. Okay. All right. And just so we're clear, what kind
17 of gun did Chris Shumpert have when he started firing?

18 A. A handgun.

19 Q. A handgun?

20 A. Yes, sir.

21 Q. And what kind of gun did the defendant, Daniel Jones,
22 have when he started firing?

23 A. Just a rifle. An AR Vision.

24 Q. An AR-style rifle?

25 A. Yes, sir.

1 MR. POGUE: No further questions, Your Honor.

2 THE COURT: Thank you.

3 Ms. Zmroczek.

4 MS. ZMROCZEK: Thank you, Your Honor. May it please
5 the Court?

6 THE COURT: Yes, ma'am.

7 CROSS-EXAMINATION

8 BY MS. ZMROCZEK:

9 Q. Mr. Payton, how old were you on March 27th of 2020?

10 A. I was nineteen.

11 Q. You were nineteen?

12 A. (Nods head.)

13 Q. And how old was B.J.?

14 A. B.J. I want to say twenty-seven, twenty-eight.

15 Q. Okay. And how did you know B.J.?

16 A. Because -- just through I guess you'd say mutual
17 friends.

18 Q. I'm sorry. It's a little hard to hear. I think the
19 fan is on.

20 A. The best way I can describe is like mutual friends.
21 We met through mutual friends.

22 Q. Okay. How long did you know him?

23 A. I'd known B.J. for a few years.

24 Q. And how long did Jada know him?

25 A. Jada just recently met him.

1 Q. I'm sorry?

2 A. Jada had just recently met him for quite a few months.

3 Q. How many?

4 A. Quite a few months. Like a few months, probably like
5 six months. Fairly recent though.

6 Q. Okay. All right. I know that you kind of identified
7 where people were with the green button, but I'm gonna show
8 you what's been marked for ID as Defendant's Number 13.

9 That's the number I was missing, right?

10 THE COURT: Right.

11 BY MS. ZMROCZEK:

12 Q. Do you recognize what's being depicted in Defendant's
13 13?

14 A. Uh-huh.

15 Q. I'm sorry. You have to say yes or no.

16 A. Yes.

17 Q. Okay. So I'm gonna hand you this marker and I'm gonna
18 ask you to draw like a square where Chris's car was.

19 A. (Witness complies.) About right here. His car was
20 about right there.

21 Q. Okay. And if you'll just write car in that box so we
22 know.

23 A. (Witness complies.)

24 Q. And where was -- you said Chris got out of the
25 vehicle. He was driving. Where was he standing? And just

1 write a "C" where he was standing.

2 A. (Witness complies.)

3 Q. And a "B.J." where B.J. was standing.

4 A. (Witness complies.)

5 Q. And a "D.J." where Daniel was standing?

6 A. (Witness complies.)

7 Q. And a "D.P." where you were.

8 A. (Witness complies.)

9 Q. And a "J.E." where Jada was.

10 A. (Witness complies.)

11 Q. Is that behind you or on the porch?

12 A. Right over -- right over there.

13 Q. Right there with you and you-all were both on the
14 porch?

15 A. Yeah.

16 Q. I'm sorry?

17 A. Yeah.

18 Q. Okay. And who else was there?

19 A. Steven Phillips.

20 Q. Okay. Write an "S.P." for where Steven Phillips was,
21 please.

22 A. (Witness complies.)

23 Q. And who else did you say? Kevin Kimbler was there?

24 A. (Nods head.)

25 Q. And write a "KK" where he was, please.

1 A. (Witness complies.)

2 Q. Anybody else there?

3 A. Todd.

4 Q. Todd?

5 A. Todd.

6 Q. Toddy Sarvis?

7 A. Yes, ma'am.

8 Q. Okay. And where was Todd?

9 A. (Indicating.)

10 Q. Okay. And so as you have all of the initials on there

11 now, is that a clear and accurate or true and accurate

12 reflection of where everybody was that night according to

13 your testimony?

14 A. Yes, ma'am.

15 Q. Okay. If you'll just sign your name right here on the

16 bottom. Just right here so we know whose it is.

17 A. You mean, like as of when they pulled up and got out

18 of the car, right?

19 Q. Yes. Thank you.

20 MS. ZMROCZEK: Your Honor, I'm gonna show this to

21 them before I move it in.

22 THE COURT: Absolutely.

23 MR. POGUE: No objection, Your Honor.

24 THE COURT: Any objection?

25 MR. POGUE: No objection.

1 THE COURT: Okay. It's admitted.

2 MS. ZMROCZEK: Thank you, Your Honor.

3 (Defendant's Exhibit Number 13, a photograph, was
4 admitted into evidence.)

5 MS. ZMROCZEK: And if I may publish Defendant's 13?

6 THE COURT: You may.

7 MS. ZMROCZEK: Thank you. Which is gonna be really
8 hard to see.

9 BY MS. ZMROCZEK:

10 Q. But everything you drew and where you identified
11 everyone is where you said as they -- as the car was
12 pulling in, that's -- that's where everybody was located,
13 right?

14 A. Yes, ma'am.

15 Q. Okay. Thank you.

16 I want to ask you about a couple of things. The
17 first thing is did you have a cell phone that was working?

18 A. Jada and I -- me and Jada was using the same one.

19 Q. You and Jada were using the same cell phone?

20 A. Yes, ma'am.

21 Q. And what was that telephone number?

22 A. I'm not sure. I couldn't tell you.

23 Q. Okay. What was your -- what was your preferred method
24 of communicating?

25 A. Facebook Messenger.

1 Q. On Facebook Messenger?

2 A. That's my -- my preferred.

3 Q. Okay. What was your Facebook Messenger handle?

4 A. I don't understand. When you say Facebook Messenger,
5 how is it -- what was my handle?

6 Q. Was it -- did you use your name, David Payton?

7 A. Oh, yes. Yes, ma'am.

8 Q. Okay. So any messages that were on your phone -- or,
9 excuse me, on Facebook with the name of the author being
10 David Payton, those would be related to you, correct?

11 A. Yes.

12 Q. Okay. Mr. Payton --

13 MR. POGUE: Your Honor, may we approach?

14 THE COURT: You may.

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

16 THE COURT: Mr. Foreman, I'm gonna have to ask that
17 you-all go to the jury room for a few moments, please.

18 FOREPERSON: Yes, ma'am.

19 THE COURT: Thank you. Remember, no talking about
20 the case.

21 FOREPERSON: Yes, ma'am.

22 (Whereupon, the jury retires to the jury room at
23 3:18 PM.)

24 THE COURT: All right. Let me talk to the lawyers.
25 There's some Facebook photos I'd like to look at.

1 FOREPERSON: Yes, ma'am.

2 THE COURT: Please be seated.

3 Okay. Ms. Zmroczek, you may resume.

4 MS. ZMROCZEK: Thank you.

5 BY MS. ZMROCZEK:

6 Q. Mr. Peyton, did you own a .380 pistol?

7 A. No, ma'am.

8 Q. Okay. Did you have a .380 pistol?

9 A. Did I have one? No, ma'am.

10 Q. Mr. Peyton, I'm gonna show you what's been marked for
11 ID as Defendant's 20. Do you recognize what's been marked
12 for ID as Defendant's 20?

13 A. Yes, ma'am.

14 Q. I'm sorry?

15 A. Yes, ma'am.

16 Q. And what -- and does that refresh your recollection?

17 A. Yes, ma'am. It wasn't mine though.

18 Q. Okay. Whose .380 pistol was that?

19 A. A friend of B.J.'s.

20 Q. I'm sorry?

21 A. A friend of B.J.'s.

22 Q. A friend of B.J.'s?

23 A. Uh-huh.

24 Q. But it was in your possession within three days of
25 this incident?

1 A. I mean, when you say in possession as in like in that
2 picture, yeah.

3 Q. As in on your lap being in your possession?

4 A. Yes, ma'am.

5 Q. Okay. And you would also agree with me that -- let me
6 ask the question differently. I don't want to mess you up.
7 I'm gonna come back to that, okay?

8 A. Uh-huh.

9 Q. In fact, let's stick with guns for now, all right? So
10 on the 27th of March of 2020, you testified on direct that
11 B.J. took his gun and fired it out of his window onto the
12 ground?

13 A. Yes, ma'am. It hit the ground.

14 Q. Okay. And what time was that?

15 A. I couldn't tell you exactly --

16 Q. Okay.

17 A. -- but it was.

18 Q. Okay. Roughly?

19 A. I'd say the early -- it was like midday, kind of early
20 afternoon.

21 Q. Okay. So when you testified earlier, you said about
22 an hour before Chris came back.

23 A. Uh-huh.

24 Q. Is that correct?

25 A. Uh-huh.

1 Q. And I'm so sorry, but this court reporter is taking
2 down everything that we say, so you have to say yes or no.

3 A. Yes. Yes.

4 Q. Okay. And so I want to go back to that incident for
5 a moment, okay?

6 A. Yes, ma'am.

7 Q. And I'm talking about the incident on Treemount Road.

8 A. Yes, ma'am.

9 Q. Okay. And that was sometime in the late afternoon on
10 March 27th, right?

11 A. Yes, ma'am.

12 Q. And Daniel was not there?

13 A. Daniel was not.

14 Q. Did you text Daniel about this?

15 A. No, ma'am.

16 Q. Did you message him about it?

17 A. No, ma'am. Not that I recall.

18 Q. I'm sorry?

19 A. I don't recall.

20 Q. Okay.

21 A. No.

22 Q. So you say that Jada was owed money, okay?

23 A. (Nods head.)

24 Q. I want to talk about that for a minute.

25 A. Yes, ma'am.

1 Q. Before Jada takes the money she's owed from
2 Jacqueline, when was the first time you had seen them --
3 when was the closest in time you had seen them before that?
4 You said that they were ignoring you or ghosting you I
5 think was your word, right?

6 A. Yeah. We was all at B.J.'s house that morning.

7 Q. That morning?

8 A. Yes, ma'am.

9 Q. So what time did they leave?

10 A. I want to say like 9, 9-ish, 10-ish. Something like
11 that.

12 Q. I'm sorry?

13 A. Like 9-ish or 10-ish, something like that.

14 Q. 9-ish or 10-ish in the morning of March 27, 2020?

15 A. I know it was morning.

16 Q. I'm sorry?

17 A. I know it was morning.

18 Q. Okay. And then at what point -- so that morning they
19 weren't ghosting you because you saw them, right?

20 A. Yeah, that's how -- that's how Jacqueline borrowed the
21 money.

22 Q. I'm sorry?

23 A. That's how Jacqueline got the money from Jada.

24 Q. Okay. So she got the money, the \$50, Jada -- your
25 testimony is that Jada gave Jacqueline \$50 at 9 or 10 that

1 morning?

2 A. Let her borrow \$50, yes.

3 Q. Let her borrow \$50.

4 A. Uh-huh.

5 Q. At what time did she start ghosting you?

6 A. Like they was -- they was supposed to run down the
7 street and come right back, so they -- it was a couple of
8 -- a few hours went by. That's what I meant by ghosting.
9 Ghosting us.

10 Q. Okay. So what was that \$50 for that she was supposed
11 to run down the street?

12 A. I couldn't tell you.

13 Q. You couldn't tell me?

14 A. Unh-unh.

15 Q. Okay. I want to take you to March 26th of 2020, so
16 the day before, right?

17 A. Uh-huh.

18 Q. And you and Jada stayed at the Red Roof Inn, Room 225,
19 with Chris and Jacqueline, correct?

20 A. No, ma'am. We stayed at B.J.'s the night -- I want to
21 say the night before the incident me and Jada stayed at
22 B.J.'s with Jacqueline and Chris. We all woke up there the
23 same morning that she borrowed the \$50.

24 Q. Okay. So do you recall on March 26th of 2020 having
25 a Facebook conversation with Anthony Adkins?

1 MR. POGUE: Your Honor, I'm gonna object to relevance
2 at this point. That's --

3 MS. ZMROCZEK: Your Honor, I'm allowed to impeach
4 his witness.

5 THE COURT: I can't hear what --

6 MR. POGUE: I apologize, Your Honor. I said I'm
7 gonna object to relevance at this point in time unless a
8 foundation is laid.

9 THE COURT: So you need to wrap it up.

10 MS. ZMROCZEK: Right. I understand, but --

11 THE COURT: I'll let you try to make your point, but
12 you need to get to it.

13 MS. ZMROCZEK: Okay.

14 BY MS. ZMROCZEK:

15 Q. Do you remember having a Facebook conversation with
16 Anthony Adkins?

17 A. Not exactly. I mean, like I said, me and Jada shared
18 a phone. She had access to my Facebook as well.

19 Q. Okay. Which brings me to another question. Sometimes
20 she messaged people off of your Facebook, correct?

21 A. Yes, ma'am.

22 Q. Okay. I'm gonna show you what's been marked for ID
23 only as Defendant's 21 and I just want you to read it to
24 yourself and then I'm gonna ask you some questions when I
25 take it back.

1 A. It looks like Facebook messages.

2 Q. Have you had an opportunity to read it?

3 A. Yes, ma'am. I've read it.

4 Q. Does that refresh your recollection?

5 A. No, not a hundred percent. I mean, if you're
6 referring to us --

7 Q. I'm sorry?

8 A. I said not a hundred percent, but if you're referring
9 to like us having a room at the Red Roof that was not the
10 case. We might have been at the Red Roof seeing somebody,
11 but didn't have a room there.

12 Q. So when you said on 3-26 at 7:33 AM Airport Boulevard
13 at the Red Roof, what were you referring to then?

14 A. I was saying if you're referring to us like having a
15 room there, that wasn't -- that wasn't the case. Like I
16 said, we lived with B.J.

17 Q. Okay. You lived with B.J. and Jada for you said
18 two months?

19 A. I said a little over two months.

20 Q. Okay. And there were weapons in B.J.'s house?

21 A. Yes, ma'am. B.J. had weapons.

22 Q. Okay. And there were shell casings in B.J.'s house?

23 A. I don't know. I would assume. I assume there was.

24 Q. That's all right. If you don't know, you don't know.

25 A. No, ma'am. I don't.

1 Q. But in the two months you don't remember seeing those?

2 A. The weapons or --

3 Q. The ammunition.

4 A. I might have seen some .22 shells. He had a .22 rifle
5 he kept in his bedroom.

6 Q. Okay. So he had a .22 rifle in his bedroom and you
7 maybe saw .22 shells and what kind of -- what kind of gun
8 did he have that day in the -- on the 27th that he shot?

9 A. It was a .25.

10 Q. I'm sorry?

11 A. A .25-caliber.

12 Q. That was a .25-caliber?

13 A. Yeah, the pistol he kept in his truck.

14 Q. What did it look like?

15 A. I want to say it was silver I think.

16 Q. Okay.

17 A. It was small.

18 Q. All right. You were questioned by officers the
19 evening of the 27th, correct?

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

21 Q. Okay. And you told them that you called 9-1-1
22 immediately, correct?

23 A. Yes, ma'am.

24 Q. Okay. You had -- which drugs were you using on or
25 around March 27th of 2020?

1 A. Meth and marijuana.

2 Q. Meth and marijuana?

3 A. Yes, ma'am.

4 Q. When was the last time you used meth on March 27th?

5 A. I'd say it would have been either that morning or --
6 it had to be that morning.

7 Q. Okay. How did you get money?

8 A. What do you mean how did we get money?

9 MR. POGUE: Objection, again, to relevance, Your
10 Honor.

11 THE COURT: Where are we going with this,
12 Ms. Zmroczek? I'm giving you some leeway because you're
13 on cross, but -- but let's wrap it up.

14 MS. ZMROCZEK: Okay.

15 (Defendant's Exhibit Number 22 was marked for
16 identification.)

17 BY MS. ZMROCZEK:

18 Q. I want to talk to you about driving back down on the
19 27th you said in the late afternoon. Who was in the truck
20 when you went to Treemount?

21 A. It was me, B.J. and Jada.

22 Q. Okay. Where were you sitting?

23 A. In the passenger seat.

24 Q. Okay.

25 A. It was a single cab truck. Jada was in the middle,

1 B.J. driving.

2 Q. I'm sorry?

3 A. B.J. was driving, Jada was in the middle and I was
4 in the passenger seat.

5 Q. Okay. So all three of you-all were in the front,
6 right?

7 A. Yes, ma'am.

8 Q. You -- I want to ask you about that evening after this
9 event happened, right, you had a conversation with Daniel
10 on Facebook, correct?

11 A. I'd say might have spoke briefly, but, like I said,
12 I'm not sure due to the fact that Jada used my Facebook as
13 well.

14 Q. Okay.

15 A. So I'm not positive on exactly what you're --

16 Q. So I'm going to show you what's been marked for ID as
17 Defendant's 22 and ask if by looking at this you could see
18 if this was your conversation or Jada's conversation?

19 THE COURT: Is that for ID only?

20 MS. ZMROCZEK: For ID. Yes, ma'am.

21 THE WITNESS: I'm sure that that's Jada.

22 BY MS. ZMROCZEK:

23 Q. Okay. This was a conversation Jada was having on your
24 Facebook?

25 A. (Nods head.)

1 Q. Right?

2 A. Right.

3 MS. ZMROCZEK: And, Your Honor, I'm just be making
4 sure that's just for ID at this point.

5 BY MS. ZMROCZEK:

6 Q. B.J. also used meth?

7 A. Yes, ma'am.

8 Q. When's the last time -- did you-all use together?

9 MR. POGUE: Objection, Your Honor. Again, this is
10 -- relevance.

11 THE COURT: I agree.

12 Ms. Zmroczek, I don't find the relevance.

13 MS. ZMROCZEK: Okay.

14 BY MS. ZMROCZEK:

15 Q. You and Jada had a tumultuous relationship?

16 MR. POGUE: Again, objection to relevance, Your
17 Honor.

18 MS. ZMROCZEK: Your Honor, the relevance goes to
19 her --

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

21 THE COURT: Go ahead, Ms. Zmroczek.

22 MS. ZMROCZEK: Thank you.

23 BY MS. ZMROCZEK:

24 Q. Was there ever a time that you were asked to leave
25 B.J.'s house in those two months?

1 A. No, ma'am.

2 Q. Okay.

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

4 THE COURT: Take your time.

5 BY MS. ZMROCZEK:

6 Q. And so I just want to confirm just because I want to
7 make sure that I heard you correctly, that on Defendant's
8 Exhibit for ID 22, that the entire conversation from 3-27
9 going into 3-28 was Jada on your Facebook?

10 A. Yes, ma'am. Because I had nothing to say to Daniel
11 after -- after whatever --

12 Q. I'm sorry?

13 A. I said yes, because I had nothing to say to Daniel
14 after what happened.

15 Q. Okay. And there was only one phone?

16 A. Yes, ma'am. Like I said, we shared a phone.

17 MS. ZMROCZEK: Thank you. I have no further
18 questions, Your Honor.

19 THE COURT: Okay. Mr. Pogue.

20 MR. POGUE: Just very briefly, Your Honor.

21 REDIRECT EXAMINATION

22 BY MR. POGUE:

23 Q. I'm just gonna -- just very briefly, Bubba, just
24 put back up Defendant's Exhibit I think it says 13, the
25 locations where she had you draw where people were when

1 they pulled up, the defendant and Chris Shumpert.

2 Obviously this is four years ago. Do you -- are these
3 your approximations as when they pulled up or are these
4 the exact location of every single person?

5 A. That's approximately where everyone was like when
6 Chris and them pulled up.

7 Q. Okay. And did people say in the exact same position
8 when they pulled up or were people walking around, moving
9 around, running around?

10 A. Really just B.J., Chris -- B.J. and Chris were the
11 only ones really moving around.

12 Q. Okay. All right. And the .380 that she asked about,
13 did you have any ammo or I believe you said it was B.J.'s
14 -- your testimony was it was B.J.'s friend's .380. Did you
15 have any ammo for B.J.'s friend's .380?

16 A. No, sir.

17 Q. Okay. Were you looking for ammo for it that you had
18 -- were you looking for ammo for the .380?

19 A. Yes, sir, for B.J.'s friend.

20 Q. Okay. But you didn't have any?

21 A. No, sir, I didn't have any.

22 THE COURT: Anything else?

23 MS. ZMROCZEK: Just one question.

24 RE CROSS EXAMINATION

25 BY MS. ZMROCZEK:

1 Q. He asked you about people milling around, right,
2 afterwards?

3 A. Ma'am, I don't understand. You said milling around?

4 Q. I'm sorry?

5 A. What did you say again?

6 Q. He said -- he asked you on redirect about if those --
7 these were the approximate locations but that people were
8 moving afterwards, right?

9 A. Like I said, those were the locations of everybody
10 when they pulled up and the only ones that moved around was
11 B.J. and Chris and that's where B.J. had walked out -- out
12 of his workshop and then back towards the workshop and
13 Chris moving from in front of his car and walking back to
14 his car.

15 Q. Okay. And who was the officer that escorted you into
16 the house?

17 A. I don't remember none of the officers' names really.

18 Q. Do you remember if he -- do you remember any -- was it
19 a male or a female?

20 A. I'm pretty sure it was a male.

21 Q. Okay. Was he African American or Caucasian?

22 A. I'm not sure. I want to say -- I want to say white.

23 Q. Okay. Do you remember any other identifying features
24 about him?

25 A. I mean, not really. I was in shock, had just

1 witnessed a murder.

2 Q. Okay.

3 MR. ZMROCZEK: Nothing further, Your Honor.

4 THE COURT: Anything else, Mr. Pogue, before I let
5 Mr. Peyton down?

6 MR. POGUE: Nothing, Your Honor.

7 THE COURT: May he be excused?

8 MR. POGUE: Your Honor, the State doesn't intend to
9 keep him.

10 THE COURT: Okay. Mr. Peyton, you can be excused.
11 Thank you for coming.

12 (Witness excused.)

13 THE COURT: All right. Let me see the lawyers real
14 quick.

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

16 THE COURT: All right. We're gonna try to do a
17 short witness because it's getting late in the afternoon.
18 Is everybody okay or does the jury need a break?

19 FOREPERSON: We're good.

20 THE COURT: All right. I'm gonna ask the State to
21 call their next witness.

22 MS. PATTERSON: The State calls Corey Chaney.

23 (Whereupon, Corey Chaney was duly sworn by the
24 Clerk of Court.)

25 THE CLERK: Would you please have a seat in the

1 witness box. State your full name and spell your last for
2 the record, please.

3 THE WITNESS: Corey Chaney. The last name is
4 C-H-A-N-E-Y.

5 COREY CHANEY,
6 having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. PATTERSON:

9 Q. Good afternoon, Mr. Chaney. How are you?

10 A. Pretty good.

11 Q. Mr. Chaney, where do you live?

12 A. [REDACTED] Earline Drive. It's out in West Columbia.

13 Q. And who lives there at [REDACTED] Earline Drive with you?

14 A. Me and my wife.

15 Q. And what's your wife's name?

16 A. Jessica.

17 Q. And what's her last name?

18 A. Chaney.

19 Q. And do you know the defendant, Daniel Jones?

20 A. Yes, ma'am.

21 Q. And how do you know him?

22 A. He's my stepson.

23 Q. He's your stepson?

24 A. Yes, ma'am.

25 Q. And you were subpoenaed by my office to be here,

1 right?

2 A. Yes, ma'am.

3 Q. And this isn't somewhere that you would like to be, is
4 it?

5 A. Oh, no. Unh-unh.

6 Q. And do you remember back in 2020 did Daniel have a
7 friend named Chris Shumpert?

8 A. Yes, ma'am.

9 Q. And were they good friends?

10 A. Yes, ma'am.

11 Q. So you knew Chris pretty well?

12 A. Yes, ma'am. He was over at the house, yes.

13 Q. And did you know if he was dating someone back then?

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

15 Q. And what was her name?

16 A. Jacqueline. I think the last name was Aiken.

17 Q. And I'm gonna just take you back to March 27th of
18 2020. Do you remember Chris coming over to your house to
19 look for Daniel?

20 A. Yes, ma'am, I do.

21 Q. Now was Daniel at your home at that time?

22 A. No, ma'am.

23 Q. Was he living with you?

24 A. I think he was living with us, but he was staying with
25 his grandparents, too, like in between.

1 Q. And where was his grandparents living?

2 A. Over in Gaston. Probably about four or five minutes
3 from the house.

4 Q. And on this particular day was he staying at your
5 house?

6 A. No, ma'am. He was at his grandma's.

7 Q. And when Chris and -- who did Chris come there with?

8 A. Jacqueline.

9 Q. Do you remember what Chris was driving?

10 A. It was a black Maxima, I think, or Altima.

11 Q. Some type of black sedan car?

12 A. Yeah. Yes, ma'am.

13 Q. And when Chris and Jacqueline got there, what was
14 their demeanor? Were they happy, sad, something else?

15 A. They were nervous and scared.

16 Q. Scared?

17 A. Yeah.

18 Q. And did they try to get you to go somewhere with them?

19 A. Hey, they -- well, they asked me if I'd drive with
20 them and I told them no, I'm not getting involved.

21 Q. And without saying what they may have told you, as a
22 result of what they told you, what did you tell them to do?

23 A. Well, I told them that -- not to involve my son in
24 anything and that I would just drop it and call the law.

25 Q. And what?

1 A. I would drop it and call the police.

2 Q. Drop it and call the police and not to involve your
3 son?

4 A. Yes, ma'am.

5 Q. Those were your words to Chris and Jacqueline?

6 A. Yes, ma'am.

7 Q. And was Daniel at your -- again, Daniel wasn't at your
8 house, right?

9 A. No, ma'am.

10 Q. And did you have cameras out at your house on Earline
11 Drive?

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

13 Q. And what kind of cameras were these you had out there?

14 A. They were -- at the time it was Zoom-all and it's
15 linked straight to the cloud and everything is sent by
16 satellite and all that.

17 Q. So everything is automatically set or did you have to
18 set it?

19 A. No, it's automatically just like a cell phone.

20 Q. And did you alter or change the time or date on this
21 camera?

22 A. No, ma'am, you can't.

23 Q. And where was this camera positioned in relation to
24 your home?

25 A. To the left of my front door.

1 Q. Okay. So it captured the front of your yard?

2 A. Yes, ma'am. The driveway and front yard.

3 Q. Would it capture the side or the back of your yard?

4 A. To -- I mean, it would catch the front of my house,
5 but not the sides, no.

6 Q. And did you provide Investigator Hart with a copy of
7 the camera from March 27th of 2020?

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

9 Q. When Chris and Jacqueline came to your home?

10 A. Yes, ma'am.

11 Q. And I'm gonna show you what's been marked as State's
12 Exhibit 12 and ask you to take a look at it.

13 MS. ZMROCZEK: Your Honor, I have no objection.

14 THE COURT: Okay.

15 BY MS. PATTERSON:

16 Q. Let's just take this out of the sleeve and ask you to
17 take a look at this. Did you have an opportunity to review
18 this?

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

20 Q. And are those your initials on this CD?

21 A. Yes, ma'am.

22 Q. And you initialled it yesterday?

23 A. Yes, ma'am.

24 Q. And does this show the footage of Chris and Jacqueline
25 when they came to your house on March 27, 2020, looking for

1 your stepson, Daniel Jones?

2 A. Yes, ma'am, they do.

3 MS. PATTERSON: Your Honor, at this time we'd move
4 State's Exhibit 12 into evidence.

5 THE COURT: Without objection it admitted.

6 (State's Exhibit Number 12, Chaney surveillance
7 footage, was admitted into evidence.)

8 BY MS. PATTERSON:

9 Q. And let me show you State's Exhibit 13. Let me show
10 you State's 13 and ask you to take a look at that.

11 A. Yes, ma'am.

12 Q. And do you recognize what's in that picture?

13 A. Yes, ma'am.

14 Q. And what do you recognize?

15 A. That's my front yard and Chris and Jacqueline in the
16 car.

17 Q. Okay. And that's you at the car talking to them?

18 A. Yes, ma'am.

19 MS. PATTERSON: Your Honor, at this time we'd move
20 State's 13 into evidence.

21 MS. ZMROCZEK: Without objection. Your Honor.

22 TH COURT: It's admitted.

23 (State's Exhibit Number 13, a photograph, was
24 admitted into evidence.

25 BY MS. PATTERSON:

1 Q. And there's a pointer up there. There's a pointer up
2 there. Can you just point out to the jury and kind of
3 orient us where the cameras would be positioned?

4 A. Well, right here to the right at the very bottom
5 corner is my front steps.

6 Q. Right here?

7 A. Yes, ma'am. And to the top left about midway is the
8 driveway where you come in. Like right behind where the
9 car is to the left.

10 Q. Okay. Right here?

11 A. Yes, ma'am.

12 Q. Okay. And whose car do you recognize this to be?

13 A. That's Chris and Jacqueline's.

14 Q. Chris and Jacqueline. Who was driving at this time?

15 A. Chris.

16 Q. Chris. And where was Jacqueline sitting?

17 A. In the passenger seat.

18 Q. And that's you talking to them?

19 A. Yes, ma'am.

20 Q. And about -- do you remember how long they stayed at
21 your house?

22 A. It wasn't long at all. Probably four or five minutes.

23 Q. And were you present at the home when Investigator
24 Hart came out I think the next morning or the next day?

25 A. Yes, ma'am.

1 Q. And did you and your wife -- did you or your wife give
2 him permission to search the yard?

3 A. They told us basically that if we didn't give them
4 permission that they wasn't leaving, so.

5 Q. Did you give them permission to search?

6 A. I mean, I told them that they could go back there and
7 get it because they told us they wasn't leaving and that
8 could get a warrant anyway, so.

9 Q. And you never saw Daniel that day?

10 A. No, ma'am, I didn't.

11 Q. You never saw him come back to the house?

12 A. No, ma'am.

13 MS. PATTERSON: I beg the Court's indulgence of.

14 Please answer any questions Ms. Zmroczek may have.

15 CROSS-EXAMINATION

16 BY MS. ZMROCZEK:

17 Q. Good afternoon.

18 A. Afternoon.

19 Q. Mr. Chaney, you are Daniel's step-dad?

20 A. Yes, ma'am.

21 Q. And how long have you known him?

22 A. Since he was six years old.

23 Q. Since he was six years old?

24 A. Yes, ma'am.

25 Q. And you knew his friends?

1 A. Yes, ma'am.

2 Q. And you saw him interact with his friends?

3 A. Oh, yes, ma'am.

4 Q. And what kind of interactions -- let me ask it this
5 way. Were you able to observe his demeanor with his
6 friends?

7 A. Yes, ma'am.

8 Q. Was he the -- kind of the peacemaker with his friends?

9 A. Yes. I mean, yeah, they never really got in any major
10 trouble.

11 Q. And he knew -- and his friends were -- he had a lot of
12 friends, but on this date he was friends with Barry Chavis,
13 right?

14 A. Yes, ma'am.

15 Q. And he was friends with Chris Shumpert?

16 A. Yes, ma'am.

17 Q. And did he own an automatic rifle?

18 A. Oh, yes, ma'am.

19 Q. What did he -- did he use that for hunting?

20 A. Oh, yes, ma'am.

21 Q. How long -- you've known him since he was six. How
22 long has he been shooting guns?

23 A. Since he was about six.

24 Q. I'm sorry?

25 A. Since he was about six. We're into hunting and

1 fishing.

2 Q. In addition to outdoor sportsmen stuff, did you-all
3 have a pond or did your family have a pond?

4 A. Yes, ma'am.

5 Q. And what would you-all do at -- would you-all shoot at
6 the pond?

7 A. Yes, ma'am.

8 Q. What were you -- like target practice?

9 A. Yes, ma'am. It's the best backstop, you know what
10 I'm saying. A bullet ain't gonna ricochet or nothing.

11 Q. Okay. So you've seen Daniel shoot?

12 A. Yes, ma'am.

13 Q. He's handled guns since he was 6 years old?

14 A. Yes.

15 Q. How was his aim?

16 A. He's -- he's a good shot. He's a real good shot.

17 MS. ZMROCZEK: I beg the Court's indulgence.

18 I have nothing further, Your Honor. This witness --
19 if this witness may be released, if he could --

20 MS. PATTERSON: I have one follow-up.

21 MS. ZMROCZEK: Oh, I'm sorry. I'll wait.

22 THE COURT: Go ahead, Ms. Patterson.

23 REDIRECT EXAMINATION

24 BY MS. PATTERSON:

25 Q. So Daniel had guns?

1 A. Yes, ma'am.

2 Q. And he had an AR?

3 A. Yes, ma'am.

4 Q. Did he always keep it by the bass boat outside of the
5 house?

6 A. No, ma'am.

7 Q. Okay. And where did he usually store it?

8 A. It's usually in a gun safe or at his grandma's.

9 MS. PATTERSON: Thank you. No further questions.

10 MS. ZMROCZEK: Nothing further.

11 THE COURT: Thank you. May I excuse the witness?

12 MS. ZMROCZEK: I'm sorry?

13 THE COURT: Can I excuse this witness?

14 MS. ZMROCZEK: I would ask that he be released from
15 the subpoena so that he could stay in the courtroom if he
16 needed it.

17 MS. PATTERSON: No objection from the State.

18 (Witness excused.)

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

20 THE COURT: All right. Mr. Foreman, ladies and
21 gentlemen, I'm gonna let you go for the day. Let me
22 tell you, please don't talk about this case tonight with
23 anyone. I'll ask you my question in the morning. Plan
24 to stay a little bit later tomorrow. I know we've got
25 some long witnesses. We had some long ones today, but

1 Let me ask my morning question to the jury.

2 Have you talked to anyone, have you done any
3 research or has anyone tried to contact you about this
4 case? If so, please raise your hand.

5 Thank you.

6 All right. Now I'm gonna tell the State you can
7 call your next witness.

8 MS. PATTERSON: Thank you, Your Honor. May it
9 please the Court?

10 THE COURT: Yes, ma'am.

11 MS. PATTERSON: The State calls Jacqueline Aiken.

12 THE CLERK: If you could raise your right hand and
13 place your left on the Bible.

14 (Whereupon, Jacqueline Aiken was duly sworn by the
15 Clerk of Court.)

16 THE CLERK: Have a seat in the witness box. State
17 your full name and spell your last for the record.

18 THE WITNESS: My whole name? Jacqueline Elaine Aiken.
19 A-I-K-E-N.

20 JACQUELINE ELAINE AIKEN,

21 having been duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MS. PATTERSON:

24 Q. Good morning, Ms. Aiken. Can you just speak up a
25 little bit or turn the microphone to make sure we can hear

1 you.

2 A. Yes, ma'am.

3 Q. Good morning.

4 A. Good morning.

5 Q. How are you doing?

6 A. I'm doing well.

7 Q. Are you nervous about being here?

8 A. Yes, ma'am.

9 Q. Jacqueline, how old are you?

10 A. I'm twenty-two.

11 Q. And where are you currently living?

12 A. I'm at a rehab facility in --

13 Q. And why are you in rehab?

14 A. Because of my addiction issues.

15 Q. And have you battled with addiction issues for a while
16 now?

17 A. Yes, ma'am. Since I was fifteen, sixteen.

18 Q. And what is your drug of choice?

19 A. Heroin.

20 Q. And are you doing better?

21 A. Yes, ma'am.

22 Q. You're feeling better?

23 A. Feeling better.

24 Q. Is your dad in the courtroom?

25 A. Yes, he is.

1 MS. ZMROCZEK: Your Honor, I would object to
2 relevancy if her parents are in the courtroom.

3 THE COURT: I'm gonna let her go and give her a
4 little leeway.

5 Go ahead, Ms. Patterson.

6 BY MS. PATTERSON:

7 Q. And so let's just go ahead and talk about this. You
8 had a past -- some past convictions, correct?

9 A. Correct.

10 Q. And I think you've had a possession of controlled
11 substance --

12 A. (Nods head.)

13 Q. -- and possession with intent to distribute controlled
14 substance?

15 A. Yes, ma'am.

16 Q. And was that due to part of your addiction that you
17 just spoke about?

18 A. Yes, ma'am.

19 Q. Now, Jacqueline, I'm gonna take up back to 2020.

20 A. (Nods head.)

21 Q. Back in March of 2020, were you dating someone?

22 A. Yes, ma'am.

23 Q. And who were you dating?

24 A. Christopher Shumpert.

25 Q. And how long had you and Christopher Shumpert been

1 dating?

2 A. Not long.

3 Q. And were you guys living together?

4 A. Yes, ma'am.

5 Q. And where were you living?

6 A. Basically like couch to couch, hotel to hotel.

7 Wherever we could stay.

8 Q. Did you stay in his car sometimes?

9 A. Yes, ma'am.

10 Q. And what kind of car did he have?

11 A. I want to say a black or navy blue Chevy. Sort of
12 like a four-door sedan.

13 Q. And were you in school back in 2020?

14 A. No, ma'am.

15 Q. Were you working?

16 A. No, ma'am.

17 Q. And did you guys ever stay at a Treemount Road
18 address?

19 A. Did we stay there?

20 Q. Uh-huh.

21 A. We could have. It's possible, yeah.

22 Q. Did you-all hang out over there?

23 A. Yes, ma'am.

24 Q. And who lived over there?

25 A. Lane Taylor.

1 Q. And you said you-all would stay from couch to couch.
2 Would you-all ever stay at someone's house named Barry
3 Chavis?

4 A. Yes, ma'am.

5 Q. And how did you know Barry?

6 A. Through Jada and Bubba and Chris.

7 Q. Okay. And whenever you would stay at Barry's house,
8 would you just show up or did you have to get permission?

9 A. Permission most of the time.

10 Q. And you said you met Barry or did you call him B.J.?

11 A. B.J. Yes, ma'am.

12 Q. And you met him through Jada Ellison?

13 A. Yes, ma'am.

14 Q. And how did you know Jada?

15 A. I've known her since we were little. Like just
16 through people.

17 Q. And who was Jada dating back then?

18 A. David Payton. Bubba.

19 Q. Bubba. You call him Bubba?

20 A. Yeah.

21 Q. And did you know where Barry Chavis lived?

22 A. Yes, ma'am.

23 Q. And where did he live? Do you know the road?

24 A. Off of Fish Hatchery by the Shumpert gas station.

25 Q. Now did you know the defendant, Daniel Jones?

- 1 A. Yes.
- 2 Q. And how did you know Daniel?
- 3 A. Through those people as well.
- 4 Q. Okay. Were he and Chris friends?
- 5 A. Yeah.
- 6 Q. Were they best friends?
- 7 A. They were close to my knowledge.
- 8 Q. And do you remember the day that -- well, let me just
- 9 -- let me just back up a minute. When was the last time
- 10 that you and Chris stayed at B.J.'s house?
- 11 A. I believe the night before.
- 12 Q. The night before what?
- 13 A. The incident happened.
- 14 Q. That he got shot?
- 15 A. That he got shot.
- 16 Q. And during that time, did you owe Jada some money?
- 17 A. Yes.
- 18 Q. And how much money did you owe her?
- 19 A. Her, fifty.
- 20 Q. And did you owe anybody else some money?
- 21 A. Yes, Steven.
- 22 Q. How much money did you owe Steven?
- 23 A. Fifty.
- 24 Q. And who was Steven?
- 25 A. What do you mean?

1 Q. Was he a friend, too?

2 A. Yeah.

3 Q. And he hung out with everybody you just talked about?

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

5 Q. And at some point did Jada contact you about repaying
6 her money?

7 A. Yes.

8 Q. And did you immediately respond back to her?

9 A. No. I mean, yes and no.

10 Q. And did at some point you guys get into an altercation
11 about the money?

12 A. We did.

13 Q. Okay. Tell us about that.

14 A. All right. I had owed her some money and we were at
15 Treemount and me and Chris were there and I was making
16 money at that place and she and B.J. and David pulled up
17 and Jada got out and came to my passenger side door and she
18 was like where's my money, but, I mean, I guess she felt
19 like I wasn't going to come and like give her the money or
20 something, so she like initiated a fight. She snatched the
21 money from me, the hundred dollars, and I got out of the
22 car and we started fighting and then --

23 Q. Okay. And let me stop you just for a minute.

24 A. Yeah.

25 Q. Do you know how Jada and Bubba and B.J. got to the

- 1 Treemount Lane address?
- 2 A. Yeah, B.J. drove them there.
- 3 Q. And do you know what he drove?
- 4 A. A truck.
- 5 Q. Do you know if it was his or not?
- 6 A. I don't know. I guess it was his.
- 7 Q. Okay. So he drove a truck there and you said you got
- 8 out of the car and you-all start fighting. Whose car were
- 9 you in?
- 10 A. Chris's.
- 11 Q. And during the fight or before the fight Jada took a
- 12 hundred dollars?
- 13 A. Uh-huh.
- 14 Q. Now was this all the money you had?
- 15 A. No.
- 16 Q. You had more money?
- 17 A. Yes.
- 18 Q. And of all the people that was there at the scene,
- 19 was Daniel Jones there?
- 20 A. No.
- 21 Q. And did anybody try to break up the fight or anything?
- 22 A. To my recollection, I don't remember.
- 23 Q. Okay. And so after you and Jada got into a fight,
- 24 what happened?
- 25 A. They got -- well, Jada and David got in B.J.'s truck

1 and I got back in Chris's car and -- I got back in Chris's
2 car and then --

3 Q. Was Chris upset that you had got in a fight?

4 A. Yeah.

5 MS. ZMROCZEK: Your Honor, I'm gonna -- again, I'm
6 gonna object.

7 MS. PATTERSON: She can talk about demeanor as a
8 witness.

9 MS. ZMROCZEK: Your Honor, if she starts speculating
10 as to why, again, I'm gonna object.

11 THE COURT: Okay. She can't -- unless she knows.
12 She can't speculate as to why he was upset, but she can
13 certainly testify to what she saw.

14 BY MS. PATTERSON:

15 Q. Did he seem upset?

16 A. Yeah.

17 Q. And how did you feel?

18 A. I just wanted to get -- I just wanted to go. I wanted
19 to go away, like get on through.

20 Q. And did B.J. and Jada and Bubba, did they leave the
21 Treemount Lane address?

22 A. Yeah.

23 Q. And did you and Chris leave?

24 A. Yes.

25 Q. Now did anything --

1 MS. ZMROCZEK: Your Honor, again, I'm gonna object
2 to leading.

3 THE COURT: I don't think it was leading, but I'm
4 gonna let you go on, Ms. Patterson.

5 BY MS. PATTERSON:

6 Q. And did anything else happen at that address between
7 any of you guys?

8 A. I mean -- you mean like at that address or down the
9 road? Like what do you mean?

10 Q. Well, down the road did anything else happen?

11 A. To my best memory like they -- they pulled out first.
12 If I'm remembering correctly, they pulled out first and we
13 were behind them or -- or the other way around. I'm not
14 sure. It was four years ago. I'm trying to remember the
15 best I can. One of us stopped. B.J. stopped or -- yeah,
16 and got out of the car, out of the truck, and a shot was
17 fired. I don't remember what was said, but it was of a
18 hostile nature, of course, and they got back in the truck
19 and left and so did we.

20 Q. And I'm not asking you what anybody said, but you said
21 words were exchanged of a hostile nature between you?

22 A. Chris and B.J.

23 Q. Chris and B.J. And then you said something about a
24 shot was fired?

25 A. Yeah.

1 Q. Who shot a fired -- fired a shot?

2 A. B.J.

3 Q. B.J.?

4 A. B.J.

5 Q. And do you -- did you hear it or did you see it or
6 both?

7 A. Both.

8 Q. Okay. And where was the fired shot fired?

9 A. On the dirt road.

10 Q. Towards the ground?

11 A. Towards what?

12 Q. Was it towards the ground?

13 A. Yeah, towards the ground.

14 Q. In Chris's direction?

15 A. Yes.

16 Q. Okay. And what happened after that? Well, let me
17 back up. Was -- was B.J.'s car blocked or anything on that
18 road?

19 A. What do you mean?

20 Q. Was anything blocking B.J.'s truck?

21 A. No.

22 Q. And when Chris gets back in the car this time, what
23 was his demeanor?

24 A. Angry.

25 Q. He was angry?

1 A. (Nods head.)

2 Q. And after you and Chris -- what happened after that?

3 A. We went to go find Danny.

4 Q. You-all want to go find Danny and that's Daniel Jones?

5 A. Yeah.

6 Q. And why did you-all go try to find him?

7 A. Because Chris said he knew he had guns.

8 Q. He knew he had guns?

9 A. Uh-huh.

10 Q. And whose idea was this?

11 A. Chris.

12 MS. ZMROCZEK: Again, Your Honor, I'm gonna object

13 if they start going into what Chris said.

14 THE COURT: Okay. No, she hasn't said exactly what

15 he said.

16 THE WITNESS: I didn't say nothing about --

17 THE COURT: When I'm talking, you don't talk.

18 THE WITNESS: I'm sorry.

19 BY MS. PATTERSON:

20 Q. But it was Chris's idea?

21 A. (Nods head.)

22 Q. And so where did you-all go to look for Daniel?

23 A. First we went to his step -- no, his mom and

24 step-dad's house.

25 Q. And do you know where they lived?

1 A. I don't remember the road, no, but in Gaston
2 somewhere.

3 Q. And when you-all got there, was Daniel there?

4 A. No.

5 Q. Okay. And without saying what anybody else said, did
6 you-all talk to somebody there?

7 A. I didn't talk to anyone, but Daniel's step-dad talked
8 to Chris.

9 Q. Daniel's step-dad and Chris talked?

10 A. Yeah.

11 Q. And at this point was Chris still upset?

12 A. Yeah.

13 Q. And you said Daniel wasn't there?

14 A. Unh-unh.

15 Q. And how long did you-all stay at that location?

16 A. I want to say not long.

17 Q. Okay. And did you-all go anywhere else to look for
18 Daniel?

19 A. Yeah, I believe his grandparents' house.

20 Q. Okay. Do you know the address of that location?

21 A. No.

22 Q. And was he there?

23 A. I believe so.

24 Q. And without saying what anyone may have said, did
25 Chris tell Daniel what happened earlier that day at

1 Treemount?

2 A. Yeah.

3 Q. So Daniel knew what had happened?

4 A. Yes.

5 Q. And while you-all are at that location, did you see
6 anyone with guns?

7 A. Yeah.

8 Q. Who did you see with a gun?

9 A. Daniel.

10 Q. And anybody else?

11 A. I mean, what do you mean like who else?

12 Q. Who was at that location with you and Chris and
13 Daniel? It was you, Chris and Daniel at that location?

14 A. Yeah.

15 Q. And you saw Daniel with a gun?

16 A. Uh-huh.

17 Q. Did you see Chris with a gun?

18 A. Yes.

19 Q. What kind of gun did Chris have?

20 A. A 9.

21 Q. And what kind of gun did Daniel have?

22 A. An AR.

23 Q. Okay. And do you know where these guns came from?

24 A. No.

25 Q. But you got them at Daniel's grandmother's house?

1 A. Yeah.

2 Q. And about -- now at this point about how long had it
3 been since the Treemount incident?

4 A. I don't know. Maybe like thirty to an hour.
5 Thirty minutes to an hour.

6 MS. ZMROCZEK: I'm sorry, I didn't hear her response.

7 THE WITNESS: Thirty minutes to an hour to my
8 recollection.

9 MS. ZMROCZEK: Thank you.

10 THE WITNESS: I don't know the exact time.

11 BY MS. PATTERSON:

12 Q. But some time had passed?

13 A. Right.

14 Q. And then you-all are headed back from Daniel's
15 grandparents' house and where are you-all going?

16 A. I think they were going to B.J.'s.

17 Q. Going to B.J.'s?

18 A. Uh-huh.

19 Q. And on the ride to B.J.'s house, how are you feeling?

20 A. I'm scared.

21 Q. And why are you scared?

22 A. Because there's two dudes in the front seat with guns
23 and -- yeah.

24 Q. And let's talk about that. Who's driving at this
25 point?

1 A. Chris.

2 Q. And who else is in the front seat?

3 A. Daniel.

4 Q. And where are you sitting?

5 A. In the back seat.

6 Q. And without saying what they may have been saying,
7 were they discussing what was gonna happen at Fish
8 Hatchery?

9 A. I mean, no. I mean, I don't really remember. I was
10 just like in a petrified state like, you know. I don't
11 really remember. I mean, if they were I wasn't paying
12 attention.

13 Q. Okay. And did you tell them or did you say anything
14 about going to B.J.'s house?

15 A. Do what?

16 Q. Did you make any comments about going to B.J.'s house?

17 A. Did I make any comments?

18 Q. Yeah.

19 A. No. I mean, I was like I don't -- we don't need to go
20 there like, no, but I'm in the back seat, you know.

21 Q. So you told them you-all didn't need to go to B.J.'s
22 house?

23 A. Yeah.

24 Q. And did you go to B.J.'s house?

25 A. No.

1 Q. And what happened to you before you got to B.J.'s
2 house?

3 A. I was told to get out on a dirt road and shut up and
4 wait.

5 Q. And who told you that?

6 A. Chris.

7 Q. And did you get out of the car?

8 A. I sure did.

9 Q. And do you remember where you got out of the car at?

10 A. A dirt road. I don't know the name of it. It's right
11 beside of --

12 Q. Okay. I'm gonna show you State's 14 and 15 and ask
13 you to take a look at these photographs.

14 A. Uh-huh.

15 Q. Do you recognize what's in these photographs?

16 A. Yes, ma'am.

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

18 A. The dirt road I was on.

19 Q. And this is where Chris dropped you off at?

20 A. Yeah.

21 Q. Okay. And does it fairly and accurately represent --

22 A. More-so or less of the nature. I was down the road a
23 little bit or right there, yeah.

24 Q. Yeah, but you remember being at Fish Hatchery and
25 Cinder Hill?

1 A. Yeah.

2 MS. PATTERSON: Your Honor, at this time we move
3 State's 14 and 15 into evidence.

4 MS. ZMROCZEK: Without objection.

5 THE COURT: They're admitted.

6 (State's Exhibit Number 14 and 15, photographs,
7 were admitted into evidence.)

8 BY MS. PATTERSON:

9 Q. And so you said it was Chris's idea to drop you off on
10 this dirt road?

11 A. (Nods head.)

12 Q. And this is Fish Hatchery Road going this way?

13 A. No -- wait. Yeah.

14 Q. Okay. And so when Chris pulls out of -- off this road
15 dropping you off, did they go to the left or to the right
16 or do you remember?

17 A. I want to say to the -- I don't remember. I don't
18 really -- I don't remember. I don't know.

19 Q. You don't remember?

20 A. I don't. That's the dirt road and then Fish
21 Hatchery's that way. I want to say to the right.

22 Q. To the right?

23 A. Yeah.

24 Q. Is that the direction of B.J.'s house?

25 A. Right, yeah.

1 Q. Okay. And State's 15, is this just another image of
2 that dirt road that you was dropped off on?

3 A. Yes.

4 Q. And would that have been Fish Hatchery?

5 A. Yes, ma'am.

6 Q. Now when you're on that dirt road, do you hear
7 something?

8 A. Yes. I hear screams and gunshots.

9 Q. Screams and gunshots?

10 A. Uh-huh.

11 Q. And could you make it out if it was male scream or a
12 female scream?

13 A. A female scream.

14 Q. And how many gunshots did you hear?

15 A. Quite a few.

16 Q. And could you -- did you hear more than one type of
17 gunshots?

18 A. I mean, I really wasn't paying attention. I just
19 heard them, you know.

20 Q. And about how long had you been on that dirt road
21 before you hear the screams and the gunshots?

22 A. Not long. Like maybe five minutes, if that.

23 Q. And do you see Chris and D.J. -- I mean, Daniel Jones
24 after that?

25 A. Yes. We got -- I got picked back up.

1 Q. You got picked back up?

2 A. Uh-huh.

3 Q. And at that point who was driving?

4 A. Still Chris.

5 Q. And where was Daniel?

6 A. In the passenger seat.

7 Q. And without saying what anybody may have said when
8 they picked you up, did you -- first of all, did you ask
9 them anything about what happened?

10 A. No.

11 Q. And why not?

12 A. Because I already knew. I already knew.

13 Q. And were they discussing what happened?

14 A. I mean, not really. Not really.

15 Q. How were they acting?

16 A. More-so like nonchalant. Kind of jittery, but like,
17 you know, not really anything.

18 Q. And once you-all get back in the car, where do you-all
19 go?

20 A. To drop Daniel off.

21 Q. Okay. And do you remember going back to his mom's
22 house?

23 A. Yes.

24 Q. First of all, let me go back to State's 13. Let me
25 just bring it up here. Do you recognize what's in this

1 photograph?

2 A. Yes.

3 Q. Okay. And who -- who is in this car?

4 A. Me and Chris.

5 Q. You and Chris?

6 A. (Nods head.)

7 Q. And this is when you-all went to -- where are you-all
8 in this picture?

9 A. At his mom's house.

10 Q. And who is this man?

11 A. His step-dad, I believe.

12 Q. And so this is where you-all went first to look for
13 Daniel?

14 A. Right.

15 MS. PATTERSON: Your Honor, permission to publish
16 State's 12, which is already admitted in evidence.

17 THE COURT: It's granted. Go ahead.

18 (State's Exhibit Number 12 playing.)

19 BY MS. PATTERSON:

20 Q. Jacqueline, take a look at this portion of the video.
21 And who's driving the car?

22 A. Chris.

23 Q. Who is this?

24 A. That's me.

25 Q. And who is this?

1 A. Daniel.

2 Q. And can you see what's in Daniel's hands?

3 A. I mean, not really from this angle, no.

4 Q. Now can you see what's in Daniel's hands?

5 A. Yes, ma'am.

6 Q. And what is that?

7 A. An AR.

8 Q. And is that the gun you saw him with earlier?

9 A. Yes, ma'am.

10 Q. Before going to B.J.'s house?

11 A. Yeah.

12 Q. And is he walking around --

13 MS. ZMROCZEK: Your Honor, I have an objection.

14 best evidence is the video. Her perception could be
15 different from somebody else's. I think the video is
16 the best evidence.

17 THE COURT: I agree. We'll let the jury decide.
18 You don't have to narrate. The jury can see.

19 BY MS. PATTERSON:

20 Q. And that's the way you remember on March 27th of 2020?

21 A. Yes, ma'am.

22 MS. ZMROCZEK: No objection, Your Honor.

23 BY MS. PATTERSON:

24 Q. Jacqueline, I'm gonna just show you some photographs,
25 State's 16 and 17. Do you recognize what's in these

1 photographs?

2 A. Yes, ma'am.

3 Q. And are these like the same images we just saw from
4 that video?

5 A. Yes, ma'am.

6 Q. Okay.

7 MS. PATTERSON: Your Honor, we'd move 16 and 17
8 into evidence.

9 THE COURT: It's admitted without objection.

10 (State's Exhibit Number 16 and 17, photographs,
11 were admitted into evidence.)

12 BY MS. PATTERSON:

13 Q. And, again, these are just stills from that day?

14 A. (Nods head.)

15 Q. Now, Jacqueline, do you remember what all happened
16 after you-all left this residence?

17 A. Yes, ma'am.

18 Q. And what happened?

19 A. Me and Chris then drove to Aiken.

20 Q. You-all drove to Aiken?

21 A. Uh-huh.

22 Q. Before you-all drove to Aiken, what happened to
23 Daniel?

24 A. We dropped him off.

25 Q. Where did you drop him off at?

1 A. Either there or his grandma's.

2 Q. You don't remember?

3 A. I don't remember.

4 Q. Okay. And you and Chris you said went to Aiken?

5 A. Yeah.

6 Q. And why did you-all go to Aiken?

7 A. I mean, because he knew that the police was looking
8 for him.

9 Q. And where did you-all go in Aiken?

10 A. To a hotel.

11 Q. And did the police eventually find you-all in Aiken?

12 A. Yes, ma'am.

13 Q. And had you-all been there long?

14 A. No.

15 Q. And when law enforcement got there, did you speak with
16 them?

17 A. I did.

18 Q. You did?

19 A. Uh-huh.

20 Q. Did you tell them what you've told us today?

21 A. No, I lied at first because I was scared. I told them
22 that I went to my house instead of being dropped on that
23 dirt road.

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

25 THE COURT: Take your time.

1 MS. PATTERSON: Thank you, Jacqueline. Could you
2 please answer any questions Ms. Zmroczek has.

3 THE COURT: Ms. Zmroczek.

4 MS. ZMROCZEK: May it please the Court?

5 THE COURT: Yes, ma'am.

6 CROSS-EXAMINATION

7 BY MS. ZMROCZEK:

8 Q. Heroin is your drug of choice you said?

9 A. Yes, ma'am.

10 Q. How did you use it?

11 A. It snorted it.

12 Q. How did you use it?

13 A. Snorted it.

14 Q. Snorted it?

15 A. Yeah.

16 Q. And for how long have you been snorting heroin?

17 A. Since I was seventeen.

18 Q. Since you were thirteen?

19 A. Seventeen.

20 Q. Seventeen. Okay. When did you stop?

21 A. What do you mean when did I stop? I had to stop, you
22 know what I'm saying, to go to rehab. So, yeah.

23 Q. That rehab was part of your prison sentence, right?

24 A. Yeah. Yes, ma'am.

25 Q. Okay. You said that you had -- Jacqueline owed you

1 money. Or, excuse me, you're Jacqueline. Jada owed you
2 money?

3 A. No, I owed Jada money.

4 Q. I mean, you owed Jada money?

5 A. Yes.

6 Q. And for the first time today we're hearing that you
7 owed Steven money?

8 A. That's what I heard before, yes.

9 Q. Okay.

10 A. That's what Jada said whenever she took the hundred
11 dollars, she said that I owed the other \$50 to Steven.

12 Q. There we go.

13 A. Yes, ma'am.

14 Q. So Jada said you owed Steven money. You didn't owe
15 Steven money.

16 A. No, I didn't, but I -- I did take his stuff, so --

17 Q. Right.

18 A. -- so, therefore, I did.

19 Q. But you didn't owe him money?

20 A. Okay.

21 Q. So -- but you said that you were on Treemount making
22 money. Is that what you said?

23 A. I was making a serve if you want to be technical, yes,
24 ma'am.

25 Q. You were making a serve?

1 A. Yes.

2 Q. For some of us that don't know what that means, you
3 were at a restaurant?

4 A. Serving drugs.

5 Q. Serving drugs?

6 A. Yeah. Illegally, I guess.

7 Q. So they were your drugs and you were selling them?

8 A. Uh-huh.

9 Q. Okay. And that's how you got money?

10 A. Right.

11 Q. And that's how Jada got money?

12 A. Yes, I -- I guess.

13 Q. You and Jada were best friends?

14 A. Uh-huh.

15 Q. Right?

16 A. Yeah.

17 Q. Okay. So she -- so let's talk about Treemount for a
18 moment, okay? So who was all there?

19 A. I don't remember who all was in the house, but it
20 was --

21 Q. No, I want to talk about the cars outside.

22 A. Okay. Well, then you should have said that. Yes,
23 ma'am.

24 Q. Okay. Let me -- I want to talk about the cars
25 outside.

1 A. Yes, ma'am.

2 Q. Who was in your car?

3 A. Me and Chris.

4 Q. And who was in the truck?

5 A. Jada, David and Bubba -- I mean B.J.

6 Q. Where was Steven?

7 A. Not in the cars that I know of.

8 Q. Not there, right?

9 A. No.

10 Q. Okay. Steven's not there. You -- definitely not in
11 the car?

12 A. No.

13 Q. Didn't get in the car and ride back with anybody?

14 A. No.

15 Q. Okay. And you -- you get beat up and you get the
16 money that you're owed and the money that she took for
17 Steven and then she beat you up?

18 A. No, but -- I mean, we had an altercation.

19 Q. Okay. Sorry. You had an altercation. Did you call
20 9-1-1?

21 A. No.

22 Q. Why not?

23 A. Because we knew -- I mean, there was illegal activity
24 going on. What was the point of calling 9-1-1?

25 Q. Huh?

1 A. I said because we knew that there was illegal activity
2 going on, why would we call 9-1-1.

3 Q. Okay. And so -- but you had a phone, right?

4 A. Yes.

5 Q. What was your telephone number?

6 A. At that time?

7 Q. Yes. You don't remember?

8 A. I think it's [REDACTED]-1574.

9 Q. What number was -- so you thought it was, what,
10 [REDACTED]-574?

11 A. 1574.

12 Q. 1574. Okay. And then you also had Facebook?

13 A. Yeah.

14 Q. Right?

15 A. Yes.

16 Q. And did you use Facebook Messenger?

17 A. Yes.

18 Q. And what was your handle on Facebook Messenger?

19 A. I believe JJNicole back then.

20 Q. Okay. And you communicated on Facebook Messenger with
21 lots of people?

22 A. Yes.

23 Q. Brandon?

24 A. Whitaker.

25 Q. Whitaker. Brandon Whitaker. Tell the jury who

1 Brandon Whitaker is.

2 A. What do you mean tell them who he is? Like --

3 Q. He knew all of you-all?

4 A. Yeah.

5 Q. He was a friend, right?

6 A. Right.

7 Q. He knew you?

8 A. Uh-huh.

9 Q. And he knew Jada?

10 A. He did.

11 Q. And he and Jada talked on the phone?

12 MS. PATTERSON: Objection. Speculation.

13 THE WITNESS: I don't know that.

14 MS. ZMROCZEK: Okay. Don't know. That's fine.

15 THE COURT: Let's move on.

16 BY MS. ZMROCZEK:

17 Q. But you certainly were able to communicate via
18 messages, right?

19 A. Yes.

20 Q. Okay. Did Chris have a phone?

21 A. No.

22 Q. Okay. So just your phone?

23 A. Right.

24 Q. So it's your testimony that he told you to get out
25 of the car on some dirt road in -- right by Fish Hatchery,

1 right?

2 A. Yeah.

3 Q. Okay. And you had your phone?

4 A. Uh-huh.

5 Q. And you heard these shots and screaming?

6 A. Uh-huh.

7 Q. Did you call 9-1-1?

8 A. No.

9 Q. Why not?

10 A. Honestly, I don't know if even my phone was even on or
11 if I was using wi-fi at that time. I don't remember. This
12 was four years ago.

13 Q. Okay. I understand it was four years ago.

14 A. Yes, ma'am.

15 Q. And you were engaging in substances, i understand,
16 but --

17 A. Yeah. I was very, very under influence at that time.
18 I was high.

19 Q. And that -- that affects your memory, right?

20 A. Of course.

21 Q. And so it's hard for you to remember what happened?

22 A. Right.

23 Q. Okay. But you understand that you can call 9-1-1
24 without any wi-fi, right?

25 A. I didn't know that until now, but, yeah, I do.

1 Q. Okay. Because you said you had already knew what
2 happened down there?

3 A. I mean, I had a good idea, you know.

4 Q. Okay. But you weren't there?

5 A. I wasn't there.

6 Q. And you have no idea what was happening down there?

7 A. No, not at all.

8 Q. You knew B.J. had a gun?

9 A. Right.

10 Q. What kind of gun was it?

11 A. I don't -- I don't know.

12 Q. You don't know?

13 A. No, ma'am.

14 Q. What color was it?

15 A. I don't know.

16 Q. Okay. What about Jada?

17 A. What about Jada?

18 Q. Did she have a gun?

19 A. No.

20 Q. Bubba had a gun?

21 A. I don't know that.

22 Q. Don't know that. Okay. You -- I want to go back. I
23 know it was four years ago, so let's try to remember. I
24 want to go back to March 26th of 2020, okay?

25 A. Okay. That's the day before, right?

1 Q. The day before. You and Chris and Jada and Bubba
2 stayed at Room 225 at the Red Roof in?

3 A. Okay. Yeah.

4 Q. All four of you?

5 A. All four. That was the -- the hotel I owed her money
6 for.

7 Q. Right.

8 A. Right.

9 Q. And you -- you-all watched Netflix, hung out, right?

10 A. I guess so, yeah.

11 Q. Okay. And it was the four of you-all?

12 A. Yeah.

13 Q. And then they, Jada and Bubba, got up at about 9:00
14 and left that morning?

15 A. Okay.

16 Q. Do you recall -- do you recall sending messages to
17 Jada saying you left?

18 A. Oh, I mean, I guess. I don't remember.

19 Q. Huh?

20 A. I don't remember.

21 Q. Okay.

22 A. But, I mean, if I did, I did.

23 Q. Okay. And then -- and then -- so when did you-all go
24 to B.J.'s house?

25 A. What do you mean like when did we go? I don't -- I'm

1 not sure --

2 Q. Okay.

3 A. -- what time or anything like that, but --

4 Q. When did you shower there?

5 A. Whenever we do could.

6 Q. Huh?

7 A. Whenever we could.

8 Q. Okay. Let me be a little more specific. On the 27th
9 when did you shower there?

10 A. I don't even know if we did or if we didn't.

11 Q. Okay. You had asked Jada if you could shower that
12 evening, right?

13 A. Okay. Yeah.

14 Q. Okay. And so --

15 (Defendant's Exhibit Number 23 and 24 were marked
16 for identification.)

17 MS. PATTERSON: Your Honor, I'm gonna object to
18 relevance.

19 THE COURT: Well, I'm gonna need to see it to
20 decide.

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

22 THE COURT: I'm gonna allow it.

23 Go ahead, Ms. Zmroczek.

24 BY MS. ZMROCZEK:

25 Q. I'm gonna show you what's been marked for ID as

1 Defendant's 23 and ask you if you recognize the green box?

2 Would that be something that you had typed?

3 A. I mean, yeah, it looks like it.

4 Q. Yeah?

5 A. Yeah.

6 Q. Okay. And so at 10:37 PM on 3-26, you were asking to
7 shower at B.J.'s, right?

8 A. Yes.

9 Q. Okay. And with whom were you -- who did you have that
10 conversation with?

11 A. Jada.

12 Q. Okay. But later on that night instead you-all went to
13 the Red Roof Inn, right?

14 A. Right.

15 Q. Okay. And then the next day you said you don't
16 remember going over to B.J.'s during the day on the 27th?

17 A. No. If I did -- I mean, I don't remember really.

18 Q. Okay. I'll show you what's been marked for ID as
19 Defendant's 24. I'm gonna ask you if recognize the
20 conversation you were having on March 27th of 2020? You
21 can hold it.

22 A. Okay.

23 Q. Okay. So was Jada contacting you on March 27th?

24 A. Yeah.

25 Q. Okay. And so you-all have a conversation and you

1 respond to her back at 5:58:22 PM, right?

2 A. Okay. Yeah. Yes. It does say it, yeah.

3 Q. I'm not trying to trick you.

4 A. Right.

5 Q. And -- and you said "you pull up -- you pull up
6 talking all bullshit when my next stop was fucking B.J.'s.
7 You never cared about me, you a hater and you never wanted
8 me to win". Right?

9 A. That's what I said.

10 Q. Right.

11 A. Yes, ma'am.

12 Q. So this little group of friends that you-all had,
13 you-all would fight a lot, right?

14 A. No.

15 Q. No?

16 A. No.

17 Q. Okay.

18 A. I mean, not like that, no.

19 Q. That's just how you-all talk to each other?

20 A. I mean, after this -- I mean, that was after the
21 conflict; am I correct?

22 Q. 5:58:22. I wasn't there. Was it after the conflict
23 or before?

24 A. Yeah, it was after if I'm saying that. Yeah.

25 Q. Okay. So at 5:58:22 you-all have -- she's already

1 come and taken your money?

2 A. I believe so. I mean, I guess so.

3 Q. Okay. Well, why else would you say it, right, if
4 that's what you said?

5 A. It would have to be.

6 Q. Okay. And then I'll show you for ID State's {sic} 25.
7 (Defendant's Exhibit Number 25 was marked for
8 identification.)

9 THE COURT: For ID only?

10 MS. ZMROCZEK: Yes, ma'am. All of these are for ID
11 for now.

12 MS. PATTERSON: And, Your Honor, that's without
13 objection.

14 THE COURT: Thank you.

15 MS. ZMROCZEK: That's what? I'm sorry.

16 MS. PATTERSON: Without objection.

17 MS. ZMROCZEK: Okay.

18 BY MS. ZMROCZEK:

19 Q. All right. Do you recognize this conversation?

20 A. Yeah, I remember it.

21 MS. ZMROCZEK: Your Honor, at this time we'd move
22 State's -- or Defendant's 25 into evidence.

23 THE COURT: She's moving it in now with no objection.

24 MS. PATTERSON: Without objection.

25 THE COURT: Okay. It's admitted.

1 (Defendant's Exhibit Number 25, text messages, was
2 admitted into evidence.)

3 BY MS. ZMROCZEK:

4 Q. Okay. So what we see on the screen is you having
5 conversations, right? You're in the green?

6 A. Yeah.

7 Q. Okay. And so this is Jada reaching out to you --

8 A. Uh-huh.

9 Q. -- right? And then you say "that's what you did
10 impatient ass, why TF you still in my phone? You lost your
11 MF friend over a hundred, you broke ass bitch" right?

12 A. Yes.

13 Q. Okay. So you were ready to end that friendship over
14 the hundred dollars?

15 A. Uh-huh. Yeah. More-so the principle, but, yes,
16 ma'am.

17 THE COURT: Can you make that bigger? I don't think
18 the jury can see that. If you can.

19 Thank you.

20 MS. ZMROCZEK: Thank you.

21 BY MS. ZMROCZEK:

22 Q. Okay. And so the blue is not you, right?

23 A. The blue is not me.

24 Q. Okay. And when somebody tells you to find a new ride,
25 what does that mean to you?

1 A. I guess she's talking about Chris.

2 Q. Okay.

3 A. Yeah. I mean, I don't know. She could be talking
4 about a whole other lot of other things, but my insinuation
5 is she's talking about Chris, right?

6 Q. Right. And -- and you were confronted about whether
7 or not you were telling people that -- that she robbed you
8 and you said that's what you did, right?

9 A. Yeah.

10 Q. Okay. So do you have any conversations with her after
11 that?

12 A. I mean, not that I -- I mean, not that I can remember.

13 Q. Okay.

14 (Defendant's Exhibit Number 26 was marked for
15 identification.)

16 MS. PATTERSON: Your Honor, may we approach on this?

17 THE COURT: You may.

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

19 THE COURT: Okay.

20 BY MS. ZMROCZEK:

21 Q. All right. So I'm gonna just show you what's been
22 marked for ID as Defendant's 26 so I can ask you some
23 questions about it, okay?

24 A. Uh-huh. Okay.

25 Q. So you -- again, even though you were testifying that

1 you owed Steven money that day, that day --

2 A. It didn't come up that day, no.

3 Q. Okay. And after that you don't have any more
4 conversations with her, do you? Not that you recall.

5 A. Not that I recall.

6 Q. Okay. Did you-all ever speak after March 27th of
7 2020?

8 A. That was dated March 28th, wasn't it?

9 Q. I mean -- yeah. After March 28th of 2020.

10 A. I mean, yeah, we spoke after that.

11 Q. Okay. When's the last time you talked to Jada?

12 A. Like last year sometime.

13 Q. I'm sorry?

14 A. Last year sometime.

15 Q. Okay. All right. So you -- you said now that you
16 admit that you I lied to the police, right?

17 A. Yeah, at that time.

18 Q. At that time. Which was right after it happened,
19 right?

20 A. Yes.

21 Q. And it was this police officer right here, right?

22 A. I believe so.

23 Q. You believe so?

24 A. I mean if --

25 Q. If you were in his --

1 A. -- he was -- if he was the police officer that was
2 on-site, then, yeah, that's him. I don't remember that --
3 that whole day. Like it was just crazy, but, yes.

4 Q. Okay. And you were sitting in his car. You remember
5 that?

6 A. Yeah, I remember that.

7 Q. Okay. And he recorded your conversation?

8 A. Yeah.

9 Q. And you told him that you were in school?

10 A. I lied probably about that, too.

11 Q. I'm sorry?

12 A. I said I lied about that too, yes, ma'am.

13 Q. And then you told him that you were at your dad's
14 house the whole day?

15 A. Yeah, I did.

16 Q. Okay. And you told him that you woke up and did some
17 activities and Chris picked you up and you fell asleep in
18 the car and then you woke up in Aiken. That's what you
19 told him, right?

20 A. I believe so.

21 Q. Okay.

22 A. Yeah.

23 Q. You had -- you yourself had conversations with Brandon
24 Whitaker after this happened as well, right?

25 A. Right.

1 MS. PATTERSON: Objection. Relevance.

2 MS. ZMROCZEK: I'm getting there.

3 THE COURT: Well, she hasn't gotten there yet. I'm
4 gonna let her establish it.

5 BY MS. ZMROCZEK:

6 Q. All right. So the point being that you were -- you
7 were still in contact with your mutual friends, right?

8 A. Yeah.

9 Q. Okay. You also had conversations with Steven, right?

10 A. I don't remember.

11 Q. Okay. Were you friends with Steven?

12 A. I mean, we associated.

13 Q. Okay. And when you said you associated, did you-all
14 -- how did you-all associate?

15 A. I mean, we'd hang out, you know. I don't know.

16 Q. Okay. And so were you -- were you in contact -- you
17 were in contact with Steven on March 27th, the day that
18 this happened, right?

19 A. I don't know.

20 Q. Okay.

21 (Defendant's Exhibit Number 27 was marked for
22 identification.)

23 BY MS. ZMROCZEK:

24 Q. I'll show you what's been marked for ID Defendant's
25 27.

1 MS. PATTERSON: I don't see the relevance, Your
2 Honor.

3 THE COURT: All right. Well, let me look at it
4 then.

5 MS. ZMROCZEK: Again, not moving it in. Just asking
6 for a timeline.

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

8 THE COURT: Go ahead, Ms. Zmroczek.

9 MS. ZMROCZEK: Thank you.

10 BY MS. ZMROCZEK:

11 Q. I'm gonna show you what's been marked for ID as
12 Defendant's 27 and ask if this refreshes your recollection
13 on March 27th of having a conversation with Steven?

14 A. Uh-huh.

15 Q. Does that refresh your recollection?

16 A. Yes, ma'am.

17 Q. Okay. So you said that you woke up on March 27th,
18 2020 --

19 MS. PATTERSON: Your Honor, it's not admitted for
20 her to publish.

21 MS. ZMROCZEK: Okay.

22 THE COURT: You can't publish it.

23 BY MS. ZMROCZEK:

24 Q. What time did you wake up or did you tell Steven you
25 woke up on March 27th?

1 A. Around 12 something.

2 Q. I'm sorry?

3 A. Around 12 something.

4 Q. Okay. In the afternoon, right?

5 A. In the afternoon, yeah.

6 Q. Okay. And where were you at at that time?

7 A. I couldn't tell you.

8 Q. Okay. Let's see if 28 refreshes your recollection.

9 (Defendant's Exhibit Number 28 and 29 were marked
10 for identification.)

11 BY MS. ZMROCZEK:

12 Q. Let me show you 28 and 29 just to look at the
13 timeline, okay, and -- and your location.

14 A. Okay.

15 Q. Does that refresh your recollection?

16 A. Yes.

17 Q. Where were you at 12:41 on March 27th?

18 A. It says leaving B.J.'s.

19 Q. Okay. Leaving B.J.'s?

20 A. Uh-huh.

21 Q. And then at 1:01 is that when you left B.J.'s?

22 A. Yes, ma'am. That's what it says.

23 Q. Okay. And so you were having conversations with
24 Steven and with Jada that day, right?

25 A. Yes, ma'am.

1 Q. Okay.

2 MS. ZMROCZEK: I beg the Court's indulgence.

3 THE COURT: Take your time.

4 MS. ZMROCZEK: No further questions, Your Honor.

5 THE COURT: Okay. Ms. Patterson, any redirect?

6 REDIRECT EXAMINATION

7 BY MS. PATTERSON:

8 Q. Jacqueline, I think you already testified you were
9 under the influence that day, right?

10 A. Yes, ma'am.

11 Q. And so all these little things that Ms. Zmroczek asked
12 you about, what times you were at this place and that
13 place, do you clearly remember that?

14 A. No.

15 Q. But you do remember the traumatic incident?

16 A. Yes, ma'am.

17 Q. And she showed you a conversation in Defendant's 25,
18 and I think it was admitted, regarding a conversation that
19 you had with Jada.

20 A. Yeah. Yes, ma'am.

21 Q. So this came from Jada calling you some names?

22 A. Yeah.

23 Q. And stating Chris is going to jail?

24 A. Right.

25 Q. And you better find a ride?

1 A. Uh-huh.

2 Q. And she also discussed telling -- you telling people
3 she robbed you?

4 A. Uh-huh.

5 Q. And your response, "that's what you did impatient ass,
6 why you still in my phone, you lost your MF friend over a
7 hundred dollars, you broke ass bitch"?

8 A. Yes.

9 Q. And this would have been after the fight at Treemount?

10 A. Uh-huh.

11 Q. And this would have been after you heard shots and
12 screaming at Fish Hatchery?

13 A. Right.

14 Q. And that was the conversation that you and Jada had?

15 A. Yes, ma'am.

16 Q. And she also showed you a conversation that you and
17 Jada had in Defense's 24, Jada asking "where you go" and
18 "you ignoring me"?

19 A. Uh-huh. Yeah.

20 Q. So Jada was looking for you and that would have been
21 on the day of the shooting?

22 A. Right.

23 Q. Because you owed her money?

24 A. Yes, ma'am.

25 Q. And that would have been before she found you at

1 Treemount Lane, right?

2 A. That's correct.

3 MS. PATTERSON: No further questions.

4 MS. ZMROCZEK: Just one brief follow-up.

5 RECROSS EXAMINATION

6 BY MS. ZMROCZEK:

7 Q. So you -- you left B.J.'s at 1:00, right, according to
8 the timeline?

9 A. Right.

10 Q. And so you -- she at 2:00 sends you a message and asks
11 you where you are, right?

12 A. If that's what the times says, then, yes.

13 Q. Right. According to the timestamp.

14 A. Uh-huh.

15 Q. And you told this all to the police, right?

16 A. Yes -- no, I didn't.

17 Q. In February of 2023 you did?

18 A. Oh, okay. Yeah.

19 MS. ZMROCZEK: No further questions.

20 THE COURT: All right. Before I let her step down,
21 can I see counsel just for a second.

22 (Proceedings held at the bench; not reporter.)

23 THE COURT: All right. Madam Court Reporter, after
24 speaking with the lawyers, Exhibit Number 24 has been
25 moved into evidence.

1 (Defendant's Exhibit Number 24, text messages, was
2 admitted into evidence.)

3 THE COURT: All right. I'm gonna excuse this
4 witness, okay?

5 Thank you.

6 THE WITNESS: Thank you.

7 (Witness excused.)

8 THE COURT: All right. Mr. Foreman, you-all have
9 been sitting here since about 9:15. Would you-all like
10 a quick break?

11 FOREPERSON: Yes, ma'am.

12 THE COURT: All right. You-all take a break and
13 we'll be back in about fifteen minutes, okay?

14 Thank you. Remember, no talking about this case.

15 (Whereupon, the jury retires to the jury room at
16 10:25 AM.)

17 THE COURT: All right. How are we on like keeping
18 on schedule today?

19 MS. PATTERSON: Well, this would be a good time to
20 take a break. I just need to like see who's here.

21 MS. ZMROCZEK: I have no idea who they're calling,
22 so I can't --

23 MS. PATTERSON: We're kind of juggling schedules, so
24 I just really need to see who's here.

25 THE COURT: All right. Great. I think I'm gonna

1 go get me a cup of coffee.

2 (Recess taken at 10:26 AM.)

3 (Back on the record at 10:41 AM.)

4 THE COURT: All right. Are you-all ready to get
5 started?

6 MS. PATTERSON: We're ready.

7 THE COURT: Are you ready, Aimee?

8 MS. ZMROCZEK: We're ready. Thank you.

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

10 (Whereupon, the jury returns to the courtroom at
11 10:50 AM.)

12 THE COURT: Mr. Foreman, the jury ready?

13 FOREPERSON: Yes, ma'am.

14 THE COURT: Please be seated.

15 All right. Call your next witness.

16 MS. PATTERSON: The State calls Jada Ellison.

17 (Whereupon, Jada Ellison was duly sworn by the Clerk
18 of Court.)

19 THE CLERK: Please raise your right hand and place
20 your left on the Bible.

21 (Whereupon, Jada Ellison was duly sworn by the Clerk
22 of Court.)

23 THE CLERK: Thank you. Please have a seat in the
24 witness box. State your full name and spell your last
25 for the record.

1 THE WITNESS: Jada Ellison.

2 JADA ELLISON,

3 having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. PATTERSON:

6 Q. Can you spell your last name for the record?

7 A. E-L-L-I-S-O-N.

8 Q. Good morning, Jada.

9 A. Good morning.

10 Q. Jada, how old are you?

11 A. I'm twenty-one now.

12 Q. And where are you currently living?

13 A. With my fiance's mom.

14 Q. Is that in Lexington County, Columbia or somewhere
15 else?

16 A. Columbia.

17 Q. And, Jada, you've had a little run-in with the law
18 before, haven't you?

19 A. Yes, ma'am.

20 Q. And you have convictions for, I think, possession of
21 meth, resisting arrest and criminal conspiracy?

22 A. Yes, ma'am.

23 Q. And have you completed everything regarding those
24 cases?

25 A. Yes, ma'am.

1 Q. And are you doing better?

2 A. Yes, ma'am.

3 Q. Are you working?

4 A. Yes, ma'am.

5 Q. And let's go back to March of 2020. Who were you
6 dating?

7 A. David Payton.

8 Q. Is that also known it as Bubba?

9 A. Yes, ma'am.

10 Q. And how long had you and Bubba been dating?

11 A. A couple of months, I think. Or, no -- yeah, a couple
12 of months.

13 Q. And where were you and Bubba -- were you-all living
14 together?

15 A. Yes, ma'am.

16 Q. And where were you-all living?

17 A. With our friend B.J. at the time.

18 Q. And where did B.J. live?

19 A. I can't remember the exact address. Fish Hatchery
20 Road.

21 Q. And did you know Jacqueline Aiken?

22 A. Yes, ma'am.

23 Q. And how long had you and Jacqueline known each other?

24 A. Almost our whole life.

25 Q. And were you considered friends?

1 A. Yes, ma'am.

2 Q. And do you remember who Jacqueline was dating then?

3 A. Chris Shumpert.

4 Q. And let's go back to March 27th of 2020, the day B.J.
5 got shot. Had you seen Chris and Jacqueline that day?

6 A. Yes, ma'am.

7 Q. And where had you seen them?

8 A. I seen them off of Treemount and I seen them -- or,
9 no, I just seen them off of Treemount.

10 Q. Had you seen them earlier that day somewhere?

11 A. At B.J.'s.

12 Q. Were they living with B.J., too?

13 A. No, ma'am.

14 Q. Okay. And do you remember what time they left B.J.'s
15 house?

16 A. It was earlier that morning.

17 Q. And during that time did Jacqueline owe you some
18 money?

19 A. Yes, ma'am.

20 Q. And do you remember what she owed you the money for?

21 A. She had borrowed it for something.

22 Q. Okay. You don't remember what?

23 A. I think a hotel room.

24 Q. And how much did she owe you?

25 A. It was like fifty bucks.

1 Q. And did you want your money back?

2 A. Yes, ma'am.

3 Q. And did you contact Jacqueline about your money?

4 A. Yes, ma'am.

5 Q. And did she respond --

6 A. No.

7 Q. -- within time?

8 A. No, ma'am.

9 Q. And so how did that make you feel?

10 A. Like she was avoiding me.

11 Q. And so you said you saw Jacqueline and Chris later at
12 Treemount?

13 A. Yes, ma'am.

14 Q. And how did you get to Treemount?

15 A. B.J. had actually gave me a ride over there.

16 Q. Okay. And how did you-all get there?

17 A. In his truck.

18 Q. And who was with you-all?

19 A. It was me, B.J. and Bubba.

20 Q. And did you-all go to anybody's house in particular?

21 A. Lane Taylor's.

22 Q. And when you-all pulled up, where was Chris and
23 Jacqueline?

24 A. They were sitting in the car -- in their car -- or his
25 car.

1 Q. In Chris's car?

2 A. Yes, ma'am.

3 Q. And what did you do?

4 A. Well, I got out and I got in the back seat of Chris's
5 car.

6 Q. Okay. And then what did you do?

7 A. Confronted Jacqueline about like her avoiding my
8 messages and asked her if she had my money then and she
9 said yes.

10 Q. And did you get your money?

11 A. She had tried to hand it to me and when I went to grab
12 it, she didn't let it go, so the money that she went to
13 hand me ripped in half because she didn't let it go, so I
14 grabbed a hundred dollar bill out of her lap.

15 Q. So you grabbed a hundred dollars?

16 A. Uh-huh.

17 Q. But she had more money?

18 A. Uh-huh.

19 Q. And after you grabbed this money, what did you do?

20 A. I went to get out of the vehicle.

21 Q. And when you got out of the vehicle, did anything
22 happen between you and Jacqueline?

23 A. Yeah, we kind of -- we like got into a fight, but it
24 didn't last very long.

25 Q. You-all got in a fight. And did you get the best of

1 her?

2 A. Yes, ma'am.

3 Q. And did anybody try to break this fight up or
4 anything?

5 A. No, ma'am.

6 Q. And you said it didn't last long?

7 A. No, ma'am.

8 Q. And during this fight, who was there?

9 A. Chris, Chris's brother, Steven, Bubba, B.J.,
10 Jacqueline. I don't remember -- I think that's it.

11 Q. And how did Chris's brother get there; do you know?

12 A. I don't know how, no.

13 Q. And do you know how Steven got there?

14 A. No, ma'am.

15 Q. And what did you do with the hundred dollars?

16 A. I had gave fifty of it back to Steven because
17 Jacqueline stole \$50 from Steven I guess the night before
18 or a couple of nights before.

19 Q. But you said you took a hundred dollar bill?

20 A. Uh-huh. I just gave him the whole hundred and told
21 him to give me my fifty in change back because we was --
22 this is like the time we were getting into the fight.

23 Q. And after the fight, where did you guys go?

24 A. Well, me, B.J., Bubba and Steven, we all left and went
25 back to B.J.'s.

1 Q. So you don't know how Steven got there, but he left
2 with you-all?

3 A. Yes, ma'am.

4 Q. Okay. And do you know where Chris and Jacqueline
5 went?

6 A. They went in his car.

7 Q. And as you-all are leaving, did anything happen
8 between anybody in either group?

9 A. Chris kind of like pulled his car around B.J.'s in the
10 dirt road and stopped in front of us.

11 Q. So Chris -- so who left out first; do you remember?

12 A. I don't remember.

13 Q. Okay. But you do remember Chris pulling in front of
14 B.J.?

15 A. Yeah. Or he might have already been in front of B.J.,
16 but he stopped his car in front of us.

17 Q. Okay. And when he stopped his car in front of B.J.,
18 did anybody get out of Chris's car?

19 A. Chris did.

20 Q. And what did he do?

21 A. He just started yelling and like having -- I don't
22 know. He was just yelling, acting like he was about to do
23 something, and B.J.'s passenger side door was messed up on
24 his truck because Bubba was trying to get out and it would
25 not open, so B.J. kind of like took it upon himself and got

1 out.

2 Q. And did Chris approach either side of the truck?

3 A. Not -- not really. He was just walking up toward the
4 truck.

5 Q. And when B.J. got out of the car, did anything happen?

6 A. No. I mean, he just kind of like shut the argument
7 down.

8 Q. And then what happened?

9 A. Then Chris sped off and they went left at the end of
10 the road and then we went back to B.J.'s.

11 Q. And was B.J. able to move his car when Chris cut in
12 front of him?

13 A. No.

14 Q. And when you-all get back to B.J.'s house, do you-all
15 even discuss what happened at Treemount?

16 A. No, ma'am.

17 Q. And what do you-all do when you get to B.J.'s house?

18 A. Just went about our day just like any other day.

19 Q. And did you see Chris again that day?

20 A. Yes, ma'am.

21 Q. And where did you see Chris?

22 A. In B.J.'s yard.

23 Q. And before we get to that, do you remember about how
24 much time had passed between the Treemount Road incident
25 and the time you saw Chris again at B.J.'s house?

1 A. A couple of hours.

2 Q. A couple of hours. And do you remember who was at
3 B.J.'s house right before you saw Chris?

4 A. No. Can you ask me that again?

5 Q. Who was at B.J.'s house before you saw Chris pull up?

6 A. Like who was there?

7 Q. Yes.

8 A. Steven, me, Bubba, and B.J. I believe that's -- and
9 Kevin.

10 Q. Kevin?

11 A. Yes, ma'am.

12 Q. Kimbler?

13 A. Yeah.

14 Q. And where were you when you saw Chris pull up?

15 A. I was walking out the house.

16 Q. Out the house. And when you saw Chris pull up, what
17 were you thinking?

18 A. I was thinking that Jacqueline was in the car and she
19 was coming back telling me we need to fight again. I
20 thought she was coming back, not necessarily anybody else.

21 Q. And so what did you do?

22 A. I had walked up to the vehicle.

23 Q. And when you walked up to the vehicle, did you see
24 Jacqueline in the car?

25 A. No, ma'am.

- 1 Q. Who did you see in the car?
- 2 A. Chris Shumpert and Daniel.
- 3 Q. Daniel Jones?
- 4 A. Yeah.
- 5 Q. And who was driving?
- 6 A. Chris.
- 7 Q. And where was Daniel sitting?
- 8 A. In the passenger seat.
- 9 Q. And did they get out of the car?
- 10 A. Yes, ma'am.
- 11 Q. And do you know where B.J. was at this point?
- 12 A. He was walking from his shop. Like he was just
- 13 walking in front of his shop, pacing back and forth, I
- 14 guess.
- 15 Q. And you say they get out of the car and when they get
- 16 out of the car, do you see anything in their hands?
- 17 A. Yes, ma'am. They both had a gun.
- 18 Q. And do you know what kind of gun Chris had?
- 19 A. A Nine.
- 20 Q. And do you know what kind of gun Daniel had?
- 21 A. A .300 Blackout.
- 22 Q. And when you saw them with guns -- let me ask you
- 23 this. Did anybody else out there have a gun at this time
- 24 that you saw?
- 25 A. No, ma'am.

1 Q. And when you saw them get out of the car with these
2 guns, what did you do?

3 A. Well, I just -- I was standing there and I just had
4 like asked Chris, I was like what are you-all gonna do.

5 MS. ZMROCZEK: Objection, Your Honor. Hearsay.

6 MS. PATTERSON: She can say what she asked.

7 THE COURT: What she asked, not what anybody said.

8 Go ahead.

9 BY MS. PATTERSON:

10 Q. What did you ask Chris?

11 A. I had asked what are you-all gonna do, like --

12 Q. And after you asked Chris that, what happened?

13 A. He answered.

14 Q. Okay. And did anything else -- did you hear any --
15 not saying what anybody said, but did you hear Chris have a
16 conversation with anybody else out there?

17 A. Yes, ma'am. With B.J.

18 Q. And was it of a friendly tone?

19 A. No, ma'am.

20 Q. And what happened after Chris and B.J. exchanged those
21 words?

22 A. Chris started shooting the gun.

23 Q. Chris started shooting?

24 A. Yeah.

25 Q. And in which direction was Chris shooting at?

1 A. It was towards B.J., but it was toward like -- kind of
2 like just really everywhere toward B.J.

3 Q. And did Daniel start shooting?

4 A. Yes, ma'am.

5 Q. Did you see which direction he was shooting in?

6 A. Everywhere towards B.J.

7 Q. And where were they when they started shooting?

8 A. Right behind the car doors.

9 Q. And I'm gonna show you what's been admitted as
10 State's 3. I think there's a pointer up there. Do you
11 see a pointer like this up there?

12 A. Yes, ma'am.

13 Q. Do you recognize what's in this picture?

14 A. Yes, ma'am.

15 Q. And, again, explain to the jury where were you when
16 you saw Chris pull up.

17 A. I was like right here walking towards right over here.

18 Q. Okay. And does this picture show where you saw Chris
19 pull his car in at?

20 A. Yes, ma'am.

21 Q. Where did you see him?

22 A. Right there.

23 Q. Okay. Right there. And where was B.J.?

24 A. He was over in this area.

25 Q. Do you know you if there was anybody over there with

1 B.J.?

2 A. I believe Kevin was, but I wasn't paying too much
3 attention to where Kevin was at.

4 Q. And when Chris and Daniel pulled up in this car, did
5 they leave the car doors open or do you remember?

6 A. Yes, ma'am.

7 Q. And when they started shooting, you said they stood
8 right beside the car?

9 A. Yes, ma'am.

10 Q. So which side of that tree would Chris have been on?

11 A. They were both on the left side of the tree.

12 Q. Both over there?

13 A. Uh-huh.

14 Q. And Chris starts shooting first the Nine and then you
15 said Daniel starts shooting the .300 Blackout?

16 A. Yes, ma'am.

17 Q. Now during the altercation at Treemount, did you see
18 Daniel there?

19 A. I'm sorry?

20 Q. Was Daniel at Treemount during that incident?

21 A. No, ma'am.

22 Q. Now after the shooting started, did you see where
23 B.J. went?

24 A. He was trying to go, I guess, in front of his truck.
25 It was kind of like a dive more like though.

1 Q. And about how many shots did you hear?

2 A. A lot.

3 Q. And what did you do or where did you go when the
4 shooting started?

5 A. I hid behind the tree.

6 Q. Is the tree shown in this picture?

7 A. Yes, ma'am.

8 Q. And where's the tree?

9 A. Right there.

10 Q. And did you see how they left the yard?

11 A. I think they just pulled around, like -- you know,
12 kind of like just pulled around and left.

13 Q. So Chris parked the car facing B.J.'s truck?

14 A. Uh-huh.

15 Q. And then just turned around and left?

16 A. Yes, ma'am.

17 Q. Did you have a gun out there?

18 A. No, ma'am.

19 Q. Did you try to take anybody's gun?

20 A. No, ma'am.

21 Q. And after the shooting stopped, Jada, what did you do?

22 A. I ran to B.J.

23 Q. And when you ran over to B.J., what was you concerned
24 about?

25 A. Just trying to keep him alive.

1 Q. And what did you do to try to keep him alive?

2 A. I held a shirt on his wound.

3 Q. Where did you get the shirt from?

4 A. Steven.

5 Q. Was there anybody else there at the scene trying to
6 help B.J.?

7 A. Everybody that was there was trying to help.

8 Q. And that was your main concern, was your friend?

9 A. Yes, ma'am.

10 Q. And then do you remember law enforcement and other
11 people, did they arrive to assist B.J.?

12 A. Yes, ma'am.

13 Q. And while you were over there helping B.J., did you
14 remove anything from the scene?

15 A. No, ma'am.

16 Q. And you testified that you and Bubba was living there,
17 right?

18 A. Yes, ma'am.

19 Q. And at some point did you guys pack your bags and have
20 to leave the scene?

21 A. Yes, ma'am.

22 Q. And before doing so, did you talk to law enforcement?

23 A. Yes, ma'am.

24 Q. And did you tell them what happened?

25 A. Yes, ma'am.

1 Q. And did you tell them who pulled up at B.J.'s house
2 and started shooting?

3 A. Yes, ma'am.

4 Q. Did you tell them what kind of guns they had?

5 A. Yes, ma'am.

6 Q. And did you also assist or try to assist law
7 enforcement in locating Chris and Daniel?

8 A. Yes, ma'am.

9 Q. And do you remember what you may have told law
10 enforcement about their whereabouts?

11 A. I didn't. I don't think I knew Chris's whereabouts
12 at the time, but Daniel had -- I think he sent my Facebook
13 or David's, Bubba's, Facebook a message saying he was at
14 his grandma's.

15 Q. So Daniel reached out to you-all?

16 A. Yes, ma'am.

17 Q. And did you give law enforcement that information?

18 A. Yes, ma'am.

19 Q. And at that time were you and Bubba sharing a phone
20 or Facebook and all of that?

21 A. I don't think we were sharing a Facebook, but, yeah,
22 we were sharing my phone.

23 Q. You were sharing your phone. And in State's 8, Jada,
24 who is that?

25 A. Which? I think that's me.

1 Q. And who is that?

2 A. Bubba.

3 Q. And EMS and people had arrived to try to help B.J. at
4 that point?

5 A. Yes, ma'am.

6 Q. I'm gonna show you State's 4. I know you were trying
7 to describe in the other photograph where Chris pulled the
8 car up. Is this a better image?

9 A. Yes, ma'am.

10 Q. And where did you remember Chris pulling the car in?

11 A. Right there.

12 Q. Right there. And, again, where was Daniel standing?

13 A. You said where was Daniel standing at?

14 Q. Uh-huh.

15 A. Right here.

16 Q. And where was Chris standing?

17 A. Like right there.

18 Q. And, again, when the shooting started, where were you
19 standing?

20 A. Right here.

21 Q. And you didn't see Jacqueline there?

22 A. No, ma'am.

23 Q. And after this shooting, how were you feeling?

24 A. Really like disbelief. I couldn't believe that all of
25 that had happened over nothing.

1 Q. And do you remember if you tried to contact
2 Jacqueline?

3 A. I don't remember.

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

5 THE COURT: Take your time.

6 BY MS. PATTERSON:

7 Q. Jacqueline {sic}, I'm gonna show you --

8 MS. ZMROCZEK: Your Honor, I'm gonna object to her
9 showing -- if we may approach?

10 THE COURT: Yeah, I need to look at whatever it is
11 you-all are objecting to.

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

13 THE COURT: It's in evidence. Go ahead,
14 Ms. Patterson.

15 BY MS. PATTERSON:

16 Q. Jada, I'm gonna show you what's been admitted as
17 Defendant's Exhibit Number 13, I think, and ask you is this
18 where you remember Chris pulling his car at?

19 A. Yes, ma'am.

20 Q. And Daniel Jones here?

21 A. Yes, ma'am.

22 Q. And Christopher Shumpert here?

23 A. Yes, ma'am.

24 Q. And where would you have been standing?

25 MS. ZMROCZEK: Your Honor, I can't hear them.

1 THE COURT: If you-all can speak up just a little
2 bit. Defense counsel can't hear.

3 Can the jury hear?

4 Okay. Way back in the back one juror is having a
5 little problem hearing, so speak up.

6 BY MS. PATTERSON:

7 Q. And where would you have been standing?

8 A. I was literally like right in front of Daniel.

9 Q. Okay. And where was B.J.?

10 A. He was walking back and forth in front of the car
11 near his shop.

12 Q. Okay. And that's what you remember?

13 A. Yes, ma'am.

14 THE COURT: Will you put that microphone down just a
15 little bit toward you, please.

16 Thank you.

17 THE WITNESS: You're welcome.

18 THE COURT: If you can't hear, you-all raise your
19 hand and let me know.

20 BY MS. PATTERSON:

21 Q. So you remember Chris's car being there as well?

22 A. Yes, ma'am.

23 Q. And D.J. -- Daniel Jones here?

24 A. Yes, ma'am.

25 Q. Chris Shumpert here?

1 A. Yes, ma'am.

2 Q. And you said -- where do you remember -- you can use
3 the pointer -- where do you remember standing?

4 A. Right here.

5 Q. That's by the tree?

6 A. Yeah.

7 Q. And where was B.J. again?

8 A. He was like walking back and forth in front of the car
9 near his shop and his truck.

10 Q. Okay. And Steven and Bubba, do you know where they
11 were during all of this?

12 A. No, ma'am.

13 Q. Because you were concentrating on yourself?

14 A. Yes, ma'am.

15 Q. And, again, you had conversations with Jacqueline
16 trying to find her before you found her on Treemount?

17 A. Yes, ma'am.

18 Q. And do you know if you tried to contact Jacqueline
19 after the shooting?

20 A. I might have, but I don't remember to be honest.

21 Q. Okay. And I'm gonna show you Defendant's Exhibit 25.
22 Do you recall that conversation that you may have had with
23 Jacqueline?

24 A. Yes, ma'am.

25 Q. You do? And would this have been after the shooting?

1 A. Yes, ma'am.

2 Q. And why in the first statement would you be calling
3 her names?

4 A. Because it shouldn't have got to that point that it
5 did over a hundred dollars that had nothing to do with B.J.
6 or anybody else that had anything to do with this.

7 Q. And why did you tell her Chris was going to jail?

8 A. Because B.J. was dead.

9 Q. And how were you feeling when you were typing this?

10 A. I guess very angry.

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

12 THE COURT: Take your time.

13 MS. PATTERSON: Thank you, Jada. Please answer any
14 questions Ms. Zmroczek may have.

15 MS. ZMROCZEK: May it please the Court?

16 THE COURT: Yes, ma'am.

17 MS. ZMROCZEK: I beg the Court's indulgence. Thank
18 you.

19 (Defendant's Exhibit Number 30 was marked for
20 identification.)

21 CROSS-EXAMINATION

22 BY MS. ZMROCZEK:

23 Q. Jada, do you think your memory was -- about that
24 incident was more clear the day and the day after it
25 happened or now?

1 A. Probably that day.

2 Q. I'm sorry?

3 A. The day.

4 Q. The day it happened, right? And so do you recall on
5 March 27th of 2020 at 9:34 PM having a conversation with
6 Investigator Brock?

7 A. Yes, ma'am.

8 Q. And do you recall on 9 -- or, excuse me, at 9:36, not
9 9:27, on March 27th on 2020 telling Investigator Brock that
10 they didn't mean to do it?

11 A. Yes, I believe so.

12 Q. Okay. Do you recall -- we learned, and I think you
13 even testified to it, but I just wanted to make sure I
14 heard you correctly, that you used David's Facebook
15 Messenger as well as your own, right?

16 A. I don't -- I think he might have been using mine.

17 Q. So you never used his?

18 A. No, I think he was using mine. He would use his -- I
19 might have used his.

20 Q. Okay. I want to ask you if you know who Brandon
21 Whitaker is?

22 A. Yes, ma'am.

23 Q. Okay. I'm gonna show you what's been marked for
24 Defendant's -- ID as Defendant's Exhibit 30 and ask you if
25 you recognize that?

1 A. Yes, ma'am.

2 Q. Okay. And so you were using David's Facebook and left
3 a -- you sent a voice message to Mr. Whitaker on 3-28 at
4 12:38:05 AM, right?

5 A. I cannot remember if it was me, but maybe.

6 Q. Okay. Well, I'll ask you about it and then I can
7 refresh your recollection. How about that?

8 A. Yes, ma'am.

9 Q. Okay. Do you remember in that voicemail saying that
10 the funny think is --

11 MS. PATTERSON: Objection, Your Honor. It has not
12 been published. It has not be admitted.

13 THE COURT: It hasn't been admitted into evidence.
14 It cannot be published.

15 BY MS. ZMROCZEK:

16 Q. Would it refresh your recollection to hear the
17 conversation or the voicemail that you left?

18 MS. PATTERSON: Your Honor, may we approach?

19 THE COURT: Yeah, you-all approach.

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

21 THE COURT: All right. Mr. Foreman, ladies and
22 gentlemen of the jury, I'm gonna have to ask you to step
23 out of the courtroom for a moment.

24 Let me tell you before you go out, Mr. Foreman, I
25 took the liberty of ordering the jury lunch today. We're

1 going to have lunch at 1:00 and so we can try to work
2 through this case and get it going.

3 Let me take up a matter with the lawyers. I'll have
4 you back in shortly. Remember, do not talk about this
5 case.

6 Thank you.

7 FOREPERSON: Yes, ma'am.

8 (Whereupon, the jury retires to the jury room at
9 11:26 AM.)

10 THE COURT: All right. Be seated.

11 MS. ZMROCZEK: Thank you, Your Honor.

12 THE COURT: Okay.

13 MS. ZMROCZEK: All right. I'm gonna play a message
14 that you identified that either you or David made. You
15 can't remember, okay, so I'm gonna play it for you and see
16 if it refreshes your recollection, okay?

17 THE WITNESS: Yes, ma'am.

18 MS. ZMROCZEK: And, Your Honor, just so the record
19 is clear, this will be 31 for ID at this point.

20 THE COURT: Okay. 31 for ID.

21 (Defendant's Exhibit Number 31 marked for
22 identification.)

23 (Defendant's Exhibit Number 31 was played.)

24 EXAMINATION (In-Camera)

25 BY MS. ZMROCZEK:

1 Q. Does that refresh your recollection or do you need
2 to hear it again?

3 A. No.

4 Q. It doesn't refresh your recollection?

5 A. I don't -- still don't remember saying it, but,
6 yeah.

7 Q. I'm sorry?

8 A. It's obviously me, but I do not remember saying it.

9 MS. ZMROCZEK: Thank you, Your Honor. I think that
10 I can move it into evidence now.

11 THE COURT: Okay. Can I bring the jury back in?

12 MS. ZMROCZEK: Thank you.

13 MS. PATTERSON: Yes, ma'am.

14 (Whereupon, the jury return to the courtroom at
15 11:30 AM.)

16 THE COURT: All right. Mr. Foreman, the jury ready?

17 FOREPERSON: Yes, ma'am.

18 THE COURT: All right. Please be seated.

19 All right. You may continue, Ms. Zmroczek.

20 MS. ZMROCZEK: Thank you, Your Honor.

21 At this point I'd like to enter Defendant's 31 into
22 evidence and publish it for the jury.

23 THE COURT: Let me see counsel just for one second.

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

25 THE COURT: All right. Continue on.

1 CONTINUED CROSS-EXAMINATION

2 BY MS. ZMROCZEK:

3 Q. While they're working on that, I'm gonna ask you a few
4 more questions, okay? You recall --

5 MS. ZMROCZEK: And, Your Honor, actually if we may
6 approach one more time just so I don't --

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

8 BY MS. ZMROCZEK:

9 Q. Do you recall giving prior testimony in a different
10 hearing not related to Mr. Jones, right?

11 A. Yes, ma'am.

12 Q. Just like there, you were on the stand and put under
13 oath, right?

14 A. Yes, ma'am.

15 Q. Okay. Do you remember talking with Ms. Patterson at
16 that time and she asking you about going to Treemount that
17 afternoon?

18 A. Yes, ma'am.

19 Q. Okay. And you were under oath, right?

20 A. Yes, ma'am.

21 Q. Just like you are today?

22 A. Yes, ma'am.

23 Q. And you told her who were in -- who was in that truck,
24 right, on the way to Treemount?

25 A. Yes, ma'am.

1 Q. And who did you tell her was in that truck on the way
2 to Treemount?

3 A. Me, B.J. and Bubba.

4 Q. Okay. I'm gonna hand you what's been marked for ID.

5 MS. ZMROCZEK: Your Honor, bear with me.

6 (Defendant's Exhibit Number 33 was marked for
7 identification.)

8 BY MS. ZMROCZEK:

9 Q. It's been marked for ID as Defendant's 33, and I've
10 highlighted the portions for you to read to yourself, and
11 then I'll ask you some questions about it.

12 Does that refresh your recollection?

13 A. Yes, ma'am.

14 Q. Under oath, who did you say was riding in that truck?

15 A. On that piece of paper?

16 Q. Uh-huh.

17 A. Me, Steven, B.J. and Bubba.

18 Q. Okay. So your testimony today is that Steven wasn't
19 in the car on the way there, right?

20 A. Yes, ma'am.

21 Q. Okay. But your testimony before under oath is that
22 he was?

23 A. Yes, ma'am.

24 Q. Okay. And where was everybody sitting?

25 A. I have no idea.

1 Q. You have no idea?

2 A. No. I don't remember.

3 Q. Okay. And so -- and, in fact, you were asked a
4 separate time when -- just to be clear, who went with you
5 to Treemount. You were asked a second time under oath,
6 right?

7 A. I guess.

8 Q. Okay.

9 (Defendant's Exhibit Number 34 was marked for
10 identification.)

11 BY MS. ZMROCZEK:

12 Q. I'm gonna show you defendant's 34 for ID and just,
13 again, ask you to read it yourself and see if it refreshes
14 your recollection.

15 Does that refresh your recollection?

16 A. Yes, ma'am.

17 Q. So under oath a second time you were asked to be
18 clear, who was in the truck, and what was your response?

19 A. Me, Chris -- or no. Are you talking about in B.J.'s
20 truck?

21 Q. Uh-huh.

22 A. Me, B.J., Bubba and Steven.

23 Q. Okay. And then -- so your testimony is that you're
24 at Treemount, you get there, there's a -- whatever, you
25 take the money. Now I want to talk about that money for a

1 moment because you say that you were also getting \$50 that
2 she owed to Steven?

3 A. Yes, ma'am.

4 Q. Okay. Any reason why you -- or how did you know that
5 she owed money to Steven?

6 A. Well, Steven had told me that she stole money from him
7 a couple of nights -- either the night before or a couple
8 of nights before.

9 Q. Okay. You have -- you used Facebook Messenger?

10 A. I don't know. It could have been face to face.

11 Q. Ma'am?

12 A. I don't know. It could have been face to face.

13 Q. Okay. Well, when's the last time you talked with
14 Steven or when did he tell you about that?

15 A. I --

16 MS. PATTERSON: Objection, hearsay.

17 MS. ZMROCZEK: I didn't ask what he said. I just
18 said when did he tell you about that.

19 THE WITNESS: I don't remember.

20 THE COURT: I think she can answer that.

21 MS. PATTERSON: She said what did he say.

22 THE COURT: She's asking when.

23 MS. ZMROCZEK: When.

24 THE WITNESS: I don't know.

25 BY MS. ZMROCZEK:

1 Q. Okay. I'll show you what's been marked for ID as
2 Defendant's 34.

3 MS. PATTERSON: Your Honor, may we approach?

4 THE COURT: You may.

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

6 BY MS. ZMROCZEK:

7 Q. So you -- let me just ask you this way. You had
8 conversations with -- with people on Facebook a lot, right?

9 A. I guess. I guess you could say so.

10 Q. Okay. I want to ask you about the night before,
11 March 26th of 2020.

12 A. Yes, ma'am.

13 Q. First of all, what did you lend Jacqueline \$50 for?

14 A. I -- I don't really remember. I mean, like I said, it
15 could have been for a hotel.

16 Q. What?

17 A. It could have been for a hotel room.

18 Q. Okay. And, in fact, you, Chris, Jacqueline and Bubba
19 stayed in Room 225 at the Red Roof Inn March 26th of 2020?

20 A. I don't remember.

21 Q. You don't remember?

22 A. No.

23 Q. Okay. What was your phone number at that time?

24 A. I don't remember.

25 Q. Okay. If I read it to you, would that refresh your

1 recollection?

2 A. Maybe.

3 Q. Okay.

4 MS. ZMROCZEK: All right. Actually let me just
5 mark this as 55 {sic} and let you read it, too, so I'm
6 not giving you information.

7 (Defendant's Exhibit Number 35 was marked for
8 identification.)

9 BY MS. ZMROCZEK:

10 Q. Do you recall -- you said you were sitting in
11 Detective Brock's car, right?

12 A. Yes.

13 Q. Okay. I'm gonna show you Defendant's -- what's been
14 marked Defendant's 55 {sic} and ask if you recognize that
15 paper, your signature and the phone number.

16 A. Yes, ma'am.

17 MS. ZMROCZEK: Your Honor, at this time we would
18 move Defendant's 55 into evidence. It's 35. I can't
19 read my 3's and 5's. I'm sorry.

20 THE COURT: Any objection?

21 MS. PATTERSON: No objection.

22 THE COURT: It's admitted.

23 MS. ZMROCZEK: Thank you.

24 (Defendant's Exhibit Number 35, Consent to Search,
25 was admitted into evidence.)

1 MS. ZMROCZEK: Your Honor, I'm just gonna publish the
2 number.

3 THE COURT: That's fine.

4 BY MS. ZMROCZEK:

5 Q. [REDACTED]-1817, right?

6 A. I guess.

7 Q. Okay. Is that your signature right there and your
8 printed name?

9 A. Yes, ma'am.

10 Q. So is this your handwriting?

11 A. Yes.

12 Q. Okay. So back to Treemount, you get out there, you
13 take the money, you get back in the car, but you don't
14 remember where you were sitting, right?

15 A. Uh-huh.

16 Q. And when did B.J. pull out his gun?

17 A. I didn't --

18 Q. I'm sorry?

19 A. I didn't -- never seen B.J. with a gun.

20 Q. Okay. So you never saw a gun on Treemount that
21 afternoon?

22 A. No.

23 Q. Never heard a shot?

24 A. No.

25 Q. Okay. And how long did you know B.J.?

1 A. A couple of months.

2 Q. A couple of months?

3 A. Yes, ma'am.

4 Q. Okay. I'm sorry?

5 A. Yes, ma'am.

6 Q. Okay. And you -- you said that when you-all went back
7 to Treemount you kind of went about your day, right?

8 A. I'm sorry?

9 Q. You said when you-all went back to Treemount you went
10 back about your day?

11 A. We didn't go back to Treemount.

12 Q. Or -- sorry. When you went back to B.J.'s house?

13 A. Yes, ma'am.

14 Q. Okay. And what did you-all do for the rest of that
15 day?

16 A. I don't know. It was like -- it was a normal day. I
17 mean, just went about our day.

18 Q. I'm sorry?

19 A. I don't know exactly what we did. We just went about
20 our day.

21 Q. All right. What time -- when had you seen Jada that
22 -- or, excuse me, Jacqueline that day on the 27th of March
23 of 2020?

24 A. I don't know.

25 Q. Okay. I'm gonna show -- well, let me ask you

1 something first. Were you asked by Jacqueline anything
2 about B.J. or B.J.'s house?

3 A. I don't remember.

4 Q. Okay. I'll show you what's been previously
5 identified as Defendant's 23 and see if this refreshes
6 your recollection.

7 A. Yes, ma'am.

8 Q. Okay. So Jacqueline had asked you to get in touch
9 with B.J.?

10 A. Yes, ma'am.

11 Q. Okay. And did you -- what did you tell her?

12 A. Well, the previous messages from Jacqueline could have
13 been about someone else, so I could have been referring to
14 someone else in my response.

15 Q. Okay. And then you remember being at -- do you
16 remember Jacqueline ever being at B.J.'s that day?

17 A. That same day that --

18 Q. That all this happened. Uh-huh.

19 A. Earlier that morning.

20 Q. What time?

21 A. I don't know.

22 Q. Okay. But you said -- so if I'm clear, you don't
23 remember whether or not you saw her on the 26th?

24 A. Probably. I don't know.

25 Q. Okay. You -- but you remembered giving her \$50, but

1 you don't remember when?

2 A. Right.

3 Q. Okay. Do you remember --

4 MS. ZMROCZEK: Sorry. My papers are out of order,
5 Your Honor. I need to beg the Court's indulgence.

6 THE COURT: That's okay. Take your time.

7 BY MS. ZMROCZEK:

8 Q. How long before you got to Treemount do you remember
9 seeing or talking to her?

10 A. I don't think I had talked to her at all.

11 Q. Okay. But -- but you were looking for her. That's
12 what you testified, that she had ghosted you, right?

13 A. Yes --

14 Q. For how long --

15 A. -- so I hadn't talked to her. I had tried to reach
16 out to her.

17 Q. Okay. So -- and that would be on your phone that you
18 were trying to reach her?

19 A. Yes.

20 Q. About \$50?

21 A. Yes.

22 Q. Okay. And how long -- you say that she was ghosting
23 you and you really wanted that money, so how long of a time
24 period did it take for you to get built up?

25 A. Well, I wasn't necessarily built up. It's not like

1 I went over there to fight. I went over there to get my
2 money because she said she would have it the next day.

3 Q. Uh-huh. Okay. So twenty-four hours?

4 A. Probably -- no, it was longer than that.

5 Q. Okay. So you have no independent recollection that
6 she left B.J.'s house at 1:00 that afternoon on the 27th?

7 A. Unh-unh.

8 Q. No recollection at all?

9 A. I mean, it could have been, but I thought it was
10 earlier that day earlier than that.

11 Q. I'm sorry?

12 A. I said it could have been, but I thought it was
13 earlier than that that day.

14 Q. Okay. But it could have been that you saw her at
15 1:00, but by 2:00 -- or what time did you get to Treemount?

16 A. I obviously don't know any of the times.

17 Q. Okay. Do you --

18 MS. ZMROCZEK: I beg the Court's indulgence.

19 THE COURT: Take your time.

20 MS. ZMROCZEK: Your Honor, I need to -- I guess at
21 this point 31 has been -- I haven't heard it, but I'm
22 assuming that it's fine, so at this point I would like
23 to publish 31.

24 THE COURT: Okay. And that's gonna be without
25 objection now.

1 MS. PATTERSON: Yes, ma'am.

2 THE COURT: Okay. Go ahead.

3 (Defendant's Exhibit Number 31, a Facebook audio
4 clip, was admitted into evidence and played.)

5 BY MS. ZMROCZEK:

6 Q. Is that the voicemail that you left for Brandon
7 Whitaker?

8 A. I believe so.

9 Q. Okay. And that would be 3-27-20 at -- or, excuse me,
10 3-28-20 at 12:38:05 AM, right?

11 A. I -- yes, ma'am.

12 Q. Okay.

13 MS. ZMROCZEK: I beg the Court's indulgence.

14 BY MS. ZMROCZEK:

15 Q. I just have a couple more questions. I want to ask
16 you about guns, okay? Because you knew about the guns,
17 right?

18 A. A little bit, yeah.

19 Q. I'm sorry?

20 A. A little bit, yes.

21 Q. A little bit. Do you recall, again, speaking with
22 Detective Brock and telling him you knew about guns?

23 A. Yes, ma'am.

24 Q. Okay. So you knew a little more than a little bit,
25 right?

1 A. I guess. I guess if you -- yeah. Sure.

2 Q. You knew what a Nine was?

3 A. Yeah.

4 Q. You know what an AK .300 Blackout is, right?

5 A. Uh-huh.

6 Q. You could identify them by sight?

7 A. Yes, ma'am.

8 Q. Okay. But do you recall when you were talking to the
9 police what you told them about how you knew a Nine was
10 involved?

11 A. No, ma'am.

12 Q. Okay.

13 MS. ZMROCZEK: May we approach, Your Honor?

14 THE COURT: You may.

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

16 THE COURT: Mr. Foreman, I'm gonna have to ask
17 you-all to go to the jury room for just brief moment.
18 It won't take us long.

19 FOREPERSON: Yes, ma'am.

20 THE COURT: And, remember, no talking about the
21 case.

22 (Whereupon, the jury retires to the jury room at
23 11:55 AM.)

24 THE COURT: Do we have a clip of just that?

25 MS. ZMROCZEK: Yeah, I can pull it -- I'll pull it

1 more things on it.

2 THE COURT: Okay. We've got it all on the record?

3 MS. ZMROCZEK: Yes.

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

5 Let's have our witness back in.

6 (Whereupon, the witness retakes the witness stand.)

7 THE COURT: Now let me ask you, during this break
8 have you talked to anyone about this case?

9 THE WITNESS: No, ma'am.

10 THE COURT: Thank you.

11 (Whereupon, the jury return to the courtroom at
12 2:12 PM.)

13 THE COURT: All right. Mr. Foreman, the jury ready?

14 FOREPERSON: Yes, ma'am.

15 THE COURT: Please be seated.

16 I'm gonna remind the witness that you're still
17 under oath.

18 And, Ms. Zmroczek, you may continue.

19 MS. ZMROCZEK: Thank you, Your Honor.

20 (Defendant's Exhibit Number 32 was marked for
21 identification.)

22 CONTINUED CROSS-EXAMINATION

23 BY MS. ZMROCZEK:

24 Q. Jada, I just have a few more questions to ask you.

25 How long had you stayed with B.J. at B.J.'s house?

1 A. For about a month.

2 Q. About a month. And in that month, where did you
3 sleep?

4 A. In the back bedroom.

5 Q. In the back bedroom?

6 A. Yes, ma'am.

7 Q. Okay. And -- but you cooked meals in the kitchen?

8 A. Yes, ma'am.

9 Q. Spent time in the house, right?

10 A. Yes, ma'am.

11 Q. How many firearms did you see in that house?

12 A. I don't -- I don't know. Maybe one.

13 Q. Maybe one?

14 A. Yeah.

15 Q. Okay. Do you know what kind it was?

16 A. No, ma'am.

17 Q. Okay. And how many boxes of ammunition did you see
18 in there?

19 A. None.

20 Q. I'm sorry?

21 A. None.

22 Q. None. Okay. And you -- I want to -- sorry I'm
23 jumping around, but I'm trying to speed it up a little bit.
24 I want to go back to -- after this happens, right, and you
25 and David, Bubba, walk up to one of the investigators and

1 show them your phone, right?

2 A. I guess.

3 Q. To identify -- to identify Daniel?

4 A. Yes.

5 Q. And then -- and then you go back into the house to get
6 your stuff, right?

7 A. Yes, ma'am.

8 Q. Who went with you?

9 A. I don't know.

10 Q. Nobody?

11 A. No, someone did, but I don't remember who.

12 Q. Some -- like police or a person?

13 A. I believe a police officer.

14 Q. Okay. And do you remember who that -- you don't
15 remember who it was?

16 A. No.

17 Q. Could you describe them?

18 A. No.

19 Q. Okay. Do you -- and how many times or how long before
20 that had you seen David with a-- Bubba with a gun?

21 A. Never.

22 Q. Never?

23 A. Unh-unh.

24 Q. Okay. And how many times did you have a gun on you?

25 A. I don't -- I ain't had a gun.

1 Q. Never?

2 A. No.

3 Q. I'll show you what's been marked as Defendant's 32 and
4 ask if you recognize that?

5 A. That wasn't mine. That was before --

6 Q. I'm gonna ask --

7 A. Go ahead.

8 Q. Okay.

9 A. Go ahead.

10 Q. So my question is do you recognize this picture?

11 A. Yes.

12 Q. Okay. Is that you?

13 A. Obviously.

14 Q. Is that David?

15 A. Obviously.

16 Q. What's here?

17 A. A gun obviously.

18 Q. And March 26th?

19 A. Okay. That's an old picture.

20 Q. March 26th of 2020.

21 A. Just because it was on the 26th that it was posted
22 doesn't mean it wasn't an old picture.

23 Q. Okay. And the Carolina Lodge in West Columbia?

24 A. Yes. An old picture.

25 MS. ZMROCZEK: Your Honor, at this time we would

1 move Defendant's 32 in.

2 THE COURT: Any objection?

3 MS. PATTERSON: No objection.

4 THE COURT: It's admitted.

5 (Defendant's Exhibit Number 32, a photograph, was
6 admitted into evidence.)

7 BY MS. ZMROCZEK:

8 Q. So whose gun was that?

9 A. I don't know. It was an old picture. It wasn't mine.

10 Q. Okay. What kind of gun was it?

11 A. I don't know.

12 Q. Okay. You just had it in your shorts, but you don't
13 know what kind it was, right?

14 A. No.

15 Q. Where did it go?

16 A. I don't know.

17 MS. ZMROCZEK: I beg the Court's indulgence.

18 THE COURT: Take your time.

19 MS. ZMROCZEK: Nothing further, Your Honor.

20 THE COURT: All right. Ms. Patterson.

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

22 THE COURT: You take your time, too.

23 REDIRECT EXAMINATION

24 BY MS. PATTERSON:

25 Q. Jada, Ms. Zmroczek was asking you about your interview

1 with Detective Brock. Do you remember that?

2 A. Yes, ma'am.

3 Q. Do you remember telling Detective Brock when David got
4 out of the car he told you don't worry, he won't hurt you,
5 you're a girl?

6 A. I don't remember.

7 Q. Okay. You don't remember telling him that?

8 A. (No verbal response.)

9 Q. Do you remember telling Detective Brock that you
10 thought Daniel and Christopher was gonna try to shoot all
11 of you-all?

12 A. I'm sorry?

13 Q. Do you remember telling Detective Brock that you
14 thought Daniel and Christopher might try to shoot all of
15 you?

16 A. I don't know. I don't remember.

17 Q. Okay. Is that what you thought?

18 A. Yeah.

19 Q. And this picture she just showed you, and that's you
20 and Bubba?

21 A. Yes, ma'am.

22 Q. And it's labeled Carolina Lodge, West Columbia. Were
23 you and Bubba staying there right before the shooting?

24 A. I don't know. That's an old picture.

25 Q. This is an old picture?

1 A. Yeah.

2 Q. Because where were you-all staying right before the
3 shooting?

4 A. I don't know.

5 Q. Were you-all staying with B.J.?

6 A. I mean, yeah, but I don't know if we were staying --
7 because I know we weren't at that hotel because that was
8 like a couple of months before.

9 Q. So this is a couple of months prior to B.J. getting
10 shot?

11 A. Yeah.

12 Q. And Ms. Zmroczek was asking you, again, about your
13 interview with Detective Brock and she said did you tell
14 him that Daniel and Christopher didn't mean to shoot B.J.?

15 A. Yes, ma'am. I said that.

16 Q. You said that?

17 A. (No verbal response.)

18 MS. PATTERSON: And, Your Honor, this is State's
19 Exhibit 18, which is part of the interview that we
20 discussed outside the presence of the jury. I would
21 like to move it into evidence at this time.

22 THE COURT: Any objection?

23 MS. ZMROCZEK: None, Your Honor, as long as it was
24 within the parameters that we talked about.

25 THE COURT: Okay. It's admitted.

1 (State's Exhibit Number 18, Ellison audio clip, was
2 admitted into evidence.)

3 MS. PATTERSON: And permission to publish?

4 THE COURT: Yes, ma'am.

5 BY MS. PATTERSON:

6 Q. And, Jada, I want you just to listen to just a portion
7 of your interview with Detective Brock and see if this
8 refreshes your memory as to what you told him?

9 (State's Exhibit Number 18 was played.)

10 THE COURT: I think you need to probably start that
11 over because there was all this other stuff in there.

12 (State's Exhibit Number 18 was played.)

13 BY MS. PATTERSON:

14 Q. Could you hear -- could you hear your statement?

15 A. Yes, ma'am.

16 Q. And during your interview with Detective Brock, was
17 you still trying to process what you just had witnessed?

18 A. Yes, ma'am.

19 Q. And that was a friend killing another friend?

20 A. I guess, yes, ma'am.

21 Q. And was it hard to believe what you just had
22 witnessed?

23 A. Yes, ma'am.

24 Q. And I think the last thing you said was I guess they
25 were trying to kill him?

1 A. Yes, ma'am.

2 Q. And because what you testified about was that they
3 were shooting towards B.J.

4 A. Yes, ma'am.

5 Q. And Canon Ball?

6 A. Yes, ma'am.

7 Q. And was that Kevin Kimbler?

8 A. Yes, ma'am.

9 MS. ZMROCZEK: Your Honor, so I think this --
10 because we know, because we dealt with it, I think the
11 speaker sometimes just randomly starts talking.

12 THE COURT: You can cut it off.

13 MS. ZMROCZEK: Okay.

14 THE COURT: Thank you.

15 MS. ZMROCZEK: Certainly.

16 BY MS. PATTERSON:

17 Q. And I think Ms. Zmroczek asked you about your
18 knowledge of guns?

19 A. Yes, ma'am.

20 Q. And the gun that you saw Christopher Shumpert get out
21 the car with, did you know it was a handgun?

22 A. Yes.

23 Q. And was it later that you learned what type of
24 handgun?

25 A. Yes, ma'am.

1 Q. And but the weapon that you saw in Daniel Jones's
2 hand, you knew was a .300 Blackout?

3 A. Yeah, I knew. Yes, ma'am.

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

5 Thank you, Jada. Please answer any questions

6 Ms. Zmroczek has.

7 MS. ZMROCZEK: Just very briefly, Your Honor.

8 RECROSS EXAMINATION

9 BY MS. ZMROCZEK:

10 Q. So when Detective Brock asked you, you said you guess
11 they were shooting at him, right? Because you don't know,
12 right?

13 A. Yes, ma'am.

14 Q. But what you said as we heard is that they didn't --
15 well, we heard what they said, right? We heard what you
16 said, right?

17 A. What?

18 Q. That they didn't mean to do it?

19 A. I mean, yeah, but it's not my fault that they can't
20 aim and hit my friend and killed him.

21 Q. Right. But you don't know what was the intention in
22 their brains, right?

23 A. I mean, I don't see why you would point at someone
24 with a gun without the intention to shoot and kill
25 somebody.

1 Q. So did you have the intention to shoot and kill
2 somebody when you had a gun in your shorts?

3 A. No, but did I point it at somebody? Was I in their
4 the yard threatening?

5 Q. Oh, threatening him?

6 A. Was I in their yard threatening?

7 Q. I don't know.

8 A. Was I in their yard with a gun pointing at them?

9 Q. I do not know. Were you?

10 THE COURT: Okay. Let me stop that right here.

11 Let me explain to you, you don't get to ask
12 questions. You answer questions, okay?

13 THE WITNESS: Yes, ma'am.

14 THE COURT: Thank you.

15 BY MS. ZMROCZEK:

16 Q. You said that you were -- you told Ms. Patterson that
17 you thought you were gonna get shot by Daniel?

18 A. Yes, ma'am.

19 Q. Who you were standing right next to?

20 A. Yes, ma'am.

21 Q. He didn't shoot you, right?

22 A. Because I hid behind by a tree.

23 Q. You hid by a tree?

24 A. Behind a tree.

25 Q. Okay.

1 MS. ZMROCZEK: Your Honor, those are all the
2 questions I have.

3 THE COURT: Thank you.

4 MS. PATTERSON: Your Honor, we ask this witness be
5 excused.

6 THE COURT: Any objection?

7 MS. ZMROCZEK: No objection.

8 THE COURT: You can be excused. Thank you for
9 coming.

10 THE WITNESS: Yes, ma'am.

11 (Witness excused.)

12 THE COURT: Okay. You can call your next witness.

13 MR. POGUE: Thank you, Your Honor.

14 The State calls Roy Williams.

15 THE CLERK: Would you please raise your right hand
16 and place your left on the Bible.

17 (Whereupon, Roy Williams was duly sworn by the
18 Clerk of Court.)

19 THE CLERK: Thank you. Please have a seat in the
20 witness box. State your full name and spell your last
21 for the record.

22 THE WITNESS: It's Roy Williams. W-I-L-L-I-A-M-S.

23 ROY WILLIAMS,

24 having been duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MR. POGUE:

2 Q. Good afternoon, Mr. Williams. Are you currently
3 employed or are you retired?

4 A. I'm retired.

5 Q. And where are you retired from?

6 A. The Lexington County Sheriff's Department.

7 Q. And how long were you employed with the Lexington
8 County Sheriff's Department?

9 A. I was with Lexington County for seventeen years.

10 Q. Okay. And prior to that, were you in law enforcement?

11 A. Yes.

12 Q. Okay. All in all how many years did you spend in law
13 enforcement?

14 A. Twenty-nine.

15 Q. Twenty-nine. Okay. And what -- were you employed
16 with the Lexington County Sheriff's Department in March of
17 2020?

18 A. I was.

19 Q. In what capacity?

20 A. Investigator in major crimes.

21 Q. Okay. And did you ever become involved in the
22 investigation of this case?

23 A. I did.

24 Q. Okay. Where did you initially respond?

25 A. To [REDACTED] Fish Hatchery Road in Gaston.

1 Q. Okay. And when you responded to Fish Hatchery Road,
2 did you ever have a conversation with Detective Hart?

3 A. I did.

4 Q. Okay. And what did you do after the conversation that
5 you had about -- with Detective Hart?

6 A. Detective Hart asked me to --

7 Q. Without telling me -- without saying what Detective
8 Hart said after you-all had your conversation, what did you
9 do after that?

10 A. I went to Archwood Street.

11 Q. All right. And why did you go to Archwood Street?

12 A. I was attempting to locate the defendant's uncle,
13 Heath Short.

14 Q. You said Heath Short?

15 A. Yes.

16 Q. And is that in Gaston as well?

17 A. It is.

18 Q. All right. And when you arrived at Mr. Short's house,
19 was he there?

20 A. He was.

21 Q. Okay. And did you take a statement from Mr. Short?

22 A. Yes, I did.

23 Q. Okay. At any point did you ask Mr. Short for consent
24 to search?

25 A. I did.

1 Q. Okay. And after you asked for the consent to search,
2 what did you do next? Or what did he do next, I guess.

3 A. He escorted me to his bedroom where he kept the safe
4 to retrieve a pistol that he had.

5 Q. Okay. He escorted you to a safe to retrieve a pistol,
6 a handgun?

7 A. It was an FN 9=millimeter black in color.

8 Q. Okay. When you got to the safe, did he initially try
9 to pick it up?

10 A. He did.

11 Q. Okay. And what did you tell him?

12 A. I asked him to leave it in place so I could photograph
13 it.

14 Q. Okay.

15 MR. POGUE: I beg the Court's indulgence.

16 THE COURT: Take your time.

17 (State's Exhibit Number 19, 20, 21 and 22 were
18 marked for identification.)

19 BY MR. POGUE:

20 Q. I'm handing you up what's marked as State's
21 Exhibits 19, 20, 21 and 22. Do you recognize these images?

22 A. Yes, I do.

23 MS. ZMROCZEK: No objection, Your Honor.

24 BY MR. POGUE:

25 Q. And what are these images of?

1 A. The safe and the pistol and the empty magazine that
2 was in it.

3 Q. And are the images a fair and accurate reflection of
4 the gun as it was in the safe and the pistol as you saw it
5 there?

6 A. Yes, it is.

7 Q. Okay.

8 MR. POGUE: Your Honor, the State moves State's
9 Exhibits 19 through 22 into evidence.

10 THE COURT: Admitted without objection.

11 (State's Exhibit Number 19 through 22, photographs,
12 were admitted into evidence.)

13 MR. POGUE: Permission to publish, Your Honor?

14 THE COURT: You may.

15 BY MR. POGUE:

16 Q. Again, this is State's Exhibit 19. Is there a pointer
17 up there? Is there a laser pointer up there?

18 A. Right here.

19 Q. Is this the safe here?

20 A. Yes, it is.

21 Q. Okay. Is this the gun --

22 A. Yes.

23 Q. -- that Mr. Short showed you?

24 A. Yes.

25 Q. All right. Did you recover that gun?

1 A. I did.

2 Q. Okay. And is this that same gun?

3 A. Yes.

4 Q. And then 20, State's 20, is that just the logo from
5 the magazine of the gun?

6 A. That is.

7 Q. Okay. And is that the magazine from the gun?

8 A. Yes, it is.

9 Q. Okay.

10 (State's Exhibit Number 23 was marked for
11 identification.)

12 MS. ZMROCZEK: Your Honor, I have no objection.

13 THE COURT: Okay.

14 MS. ZMROCZEK: Again, no objection.

15 THE COURT: Let him lay the foundation.

16 BY MR. POGUE:

17 Q. Detective Williams, I'm handing you up State's
18 Exhibit 23. Do you recognize this particular item?

19 A. Yes, I do.

20 Q. Okay. And what is it?

21 A. It's the 9-millimeter FN that I recovered from the
22 safe.

23 Q. Does it also include the magazine there with it?

24 A. It does.

25 Q. All right.

1 MR. POGUE: Your Honor, at this time the State would
2 move State's Exhibit 23 into evidence.

3 THE COURT: Admitted without objection.

4 (State's Exhibit Number 23, a handgun and magazine,
5 was admitted into evidence.)

6 MR. POGUE: Permission to publish to the jury?

7 THE COURT: You may. It does have the little clip
8 on it, right?

9 MR. POGUE: Yes, ma'am.

10 MS. ZMROCZEK: It's secure, Judge.

11 BY MR. POGUE:

12 Q. All right. After you collected the gun from the safe,
13 did you leave at that point?

14 A. I did.

15 Q. I believe you said he did give you a statement as
16 well?

17 A. He did.

18 Q. And after you left, where did you go after that?

19 A. Later on that day I went to MUSC in Charleston to --

20 Q. And I apologize. Later on that day, is this the
21 morning after the shooting?

22 A. Correct.

23 Q. And you went to Charleston for the autopsy --

24 A. Yes.

25 Q. -- of the victim B.J. Chavis?

1 A. Yes.

2 Q. All right. And what was the purpose of you going to
3 the autopsy?

4 A. To be there in case there was anything to pass on --
5 any evidence to pass on, in which there was a -- I signed
6 a chain of custody form for the pathologist to receive the
7 projectile fragment.

8 Q. Okay. So the doctor gave you an item that she
9 recovered from the autopsy?

10 A. Yes, sir.

11 (State's Exhibit Number 24 was marked for
12 identification.)

13 MS. ZMROCZEK: No objection, Your Honor.

14 THE COURT: Okay. I'll let him lay a foundation.

15 BY MR. POGUE:

16 Q. I'm handing you up State's Exhibit 24. Do you
17 recognize that particular item?

18 A. Yes, I do.

19 Q. And what is that?

20 A. That's the projectile fragment that I was given by the
21 pathologist.

22 Q. Okay. Let me fix your microphone real quick and I'll
23 have you repeat that. It's a little hard to hear you.

24 A. I'm sorry. This is the projectile fragment that I was
25 given by the pathologist.

1 Q. At the autopsy?

2 A. Yeah.

3 Q. Thank you.

4 MR. POGUE: Your Honor, at this time the State moves
5 Exhibit 24 into evidence.

6 THE COURT: It's admitted without objection.

7 (State's Exhibit Number 24, a projectile fragment,
8 was admitted into evidence.)

9 BY MR. POGUE:

10 Q. And just to clarify for temporal purposes, when you
11 went -- approximately what time did you go over to Heath
12 Short's house, I forgot to ask you about that, on Archwood
13 Drive?

14 A. 1 AM.

15 Q. 1 AM. This is the morning after the shooting that
16 happened earlier that -- that evening?

17 A. Yes.

18 Q. Previous evening?

19 A. Yes.

20 Q. Okay.

21 MR. POGUE: Please answer any questions that defense
22 counsel may have.

23 THE COURT: Ms. Zmroczek.

24 CROSS-EXAMINATION

25 BY MS. ZMROCZEK:

1 Q. Good afternoon.

2 A. Hello.

3 Q. Former Investigator Williams, I hope you're enjoying
4 retirement.

5 A. I am.

6 Q. I just have a few questions for you. You were
7 employed for quite some time with law enforcement with
8 Lexington and other places, right?

9 A. Yes.

10 Q. And so you received training on how to process scenes
11 and do things at the scene, different -- different levels
12 of training, right?

13 A. Yes.

14 Q. And this day, on March 20th, you responded to the
15 scene?

16 A. Correct.

17 Q. And you had a body cam?

18 A. No.

19 Q. Okay. Did you have a phone? You were recording
20 interviews and things, right?

21 A. Yes. Yes.

22 Q. Okay. So you were -- you had a device that allowed
23 you to record interviews with people, right?

24 A. Correct.

25 Q. Okay. And then you did a three-page report -- or a

1 two-page report in this case, right?

2 A. Yes.

3 Q. Okay. And in there -- and I'm just gonna ask you some
4 questions, but I don't want you to what anybody said. I'm
5 just gonna ask you the questions, okay?

6 A. Okay.

7 Q. But you put in there who you spoke to at the scene,
8 right?

9 A. Yes.

10 Q. And tell the jury why it's important to talk to people
11 at the scene right when things happen.

12 A. People have different perspectives when they start
13 paying attention to what's going on, that sort of thing.

14 Q. Okay. And then later on can memories fade?

15 A. Correct.

16 Q. Okay. Or you can fill in the blanks with things?

17 A. (Nods head.)

18 Q. And so -- and so when you get them right then, it's
19 kind of fresh in their mind, right?

20 A. (Nods head.)

21 Q. And you spoke to Steven Phillips, right? And I'm not
22 gonna ask you what he said. Oh, you brought your report
23 with you?

24 A. Well, yes. Yes, I did.

25 Q. Okay. And after speaking with him, you learned where

1 people were located at this scene. He told you where --
2 and I'm not asking to say what he said, but you learned
3 where people were located at the time of the events,
4 correct?

5 A. Give me just a second. Yes, he did.

6 Q. Okay. And then you put that in your report and then
7 went and did some other investigation, right?

8 A. Right.

9 MS. ZMROCZEK: I believe those are all the questions
10 I have for you. Thank you.

11 THE WITNESS: Okay.

12 THE COURT: Thank you, Ms. Zmroczek.

13 Mr. Pogue, can I excuse the investigator?

14 MR. POGUE: Your Honor, we're fine with that.

15 THE COURT: Are you all right with that,

16 Ms. Zmroczek?

17 MS. ZMROCZEK: Yes, Your Honor.

18 THE COURT: You're excused. Thank you for coming.

19 (Witness excused.)

20 THE COURT: Is the jury okay, Mr. Foreman?

21 FOREPERSON: Yes, ma'am. Thank you.

22 THE COURT: Let call our next witness, please -- or
23 call the next witness.

24 MS. PATTERSON: The State calls Agent -- or
25 Investigator Patrick Ward.

1 (Whereupon, Patrick Ward was duly sworn by the Clerk
2 of Court.)

3 THE CLERK: Thank you. Please take a seat in the
4 witness box. State your full name and spell your last
5 for the record.

6 THE WITNESS: Patrick Ward. W-A-R-D.

7 PATRICK WARD,

8 having been duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MS. PATTERSON:

11 Q. And, Investigator Ward, where are you currently
12 employed?

13 A. The South Carolina Law Enforcement Division.

14 Q. And is that commonly known as SLED?

15 A. Yes.

16 Q. And what do you do at SLED?

17 A. I'm a special agent with the crime scene unit.

18 Q. And crime scene unit, is that commonly referred to as
19 CSI?

20 A. Yes.

21 Q. And how long have you been at SLED?

22 A. A little over a year.

23 Q. And where did you work prior to working at SLED?

24 A. At the Lexington County Sheriff's Department.

25 Q. And what was your position at the Lexington County

1 Sheriff's Department?

2 A. From 2008 to 2022 I was a crime scene investigator.

3 Q. So that's approximately fourteen years?

4 A. I'm sorry. 2018.

5 Q. 2018. Okay.

6 A. My apologies.

7 Q. So around four years you were a crime scene
8 investigator?

9 A. That's correct.

10 Q. And kind of explain to the jury what are the duties
11 and responsibilities of a crime scene investigator?

12 A. We were responsible for responding to major crimes
13 within the county. That would include documentation,
14 photography, collecting evidence, also processing evidence,
15 making sure that it was submitted to the right lab
16 requests.

17 Q. And what type of training did you do to become a CSI
18 investigator?

19 A. After applying and getting promoted into the position,
20 I've been to multiple trainings for shooting incident
21 reconstruction, photograph, latent print analysis,
22 bloodstain pattern analysis.

23 Q. And are you retired to participate in yearly trainings
24 or updates?

25 A. In my current position, yes.

1 Q. Okay. And do you have to have any mandatory
2 certifications to be a CSI investigator?

3 A. Not necessarily mandatory investigations, but I do
4 have to have to have training in bloodstain pattern
5 analysis, shooting reconstruction and photography and
6 latent prints.

7 Q. Okay. And -- but do you have any certifications?

8 A. I do.

9 Q. And what type of certifications do you have?

10 A. Currently I am certified through the International
11 Association for Identification as a certified crime scene
12 analyst.

13 Q. And throughout your years as a crime scene
14 investigator at the Lexington County Sheriff's Department
15 and now at SLED, about how many crime scene would you say
16 you have processed over your career as a CSI investigator?

17 A. I'd say approximately 350.

18 Q. And are you also responsible for collecting evidence
19 present at a scene?

20 A. Yes.

21 Q. And when you go to the scene, do you try to recreate
22 or attempt to recreate what happened at the scene?

23 A. Yes.

24 Q. And why would you do this?

25 A. We are basically trying to gather the facts of what

1 may have occurred at that particular incident and that
2 also enables us to locate additional items of evidence and
3 potentially any suspects or what may have happened to the
4 victim.

5 Q. And how many times have you testified in court?

6 A. I believe this is approximately seven or eight.

7 Q. And in which courts have you testified? Has it only
8 been in general sessions?

9 A. General sessions with Lexington County, as well as
10 magistrate courts.

11 Q. And have you been qualified as an expert before?

12 A. Yes, I have.

13 Q. And was it in the field of crime scene investigations?

14 A. Yes.

15 MS. PATTERSON: Your Honor, at this time we move
16 that Investigator Ward be qualified as an expert in crime
17 scene investigations.

18 MS. ZMROCZEK: May I voir dire, Your Honor?

19 THE COURT: Sure.

20 MS. ZMROCZEK: Thank you.

21 VOIR DIRE EXAMINATION

22 BY MS. ZMROCZEK:

23 Q. Investigator Ward, in 2018, how many -- excuse me,
24 2020, how many crime scene had you processed?

25 A. At that point in time probably close to a hundred.

1 Q. Okay. And what certifications did you have prior to
2 March 27th of 2020?

3 A. I had already obtained bloodstain pattern analysis,
4 several shooting classes and some latent print analysis.

5 Q. Shooting and fingerprint?

6 A. Yes, ma'am.

7 Q. Okay. And have you published any peer review articles
8 or done any --

9 A. No.

10 Q. -- of that kind of information? What about -- and you
11 said you had -- you didn't have to attend regular training
12 until you joined SLED?

13 A. I -- there are certain things that you should have as
14 a crime scene investigator. It was not mandated at the
15 County or really at SLED, but they do expect you to be
16 pursuing to better yourself.

17 Q. Okay. And you've since done that, right?

18 A. Yes.

19 MS. ZMROCZEK: Your Honor, I have no objection to
20 him being qualified as a crime scene investigator.

21 THE COURT: Okay. Let me talk to the jury just
22 for a second. Normally a person cannot give opinion
23 testimony. Normally a person testifies to things that
24 they either saw, heard, sensed, smelled or something,
25 but there is an exception in the law that allows for

1 someone who is qualified because of experience and
2 education they're permitted to give their opinion as
3 an expert and in this case this agent is going to be an
4 expert in the field of crime scene investigation. I
5 will tell the jury he's gonna be allowed to give his
6 opinion. That does not mean you must accept it, but it
7 is evidence for you to use in any way you see fit and
8 give it the weight you think it deserves, okay?

9 Go ahead, Ms. Patterson.

10 MS. PATTERSON: Thank you.

11 CONTINUED DIRECT EXAMINATION

12 BY MS. PATTERSON:

13 Q. Investigator Ward, can you explain to the jury how
14 you came to be involved in this case?

15 A. On the evening of March 27, 2020, I was notified of
16 a homicide investigation that occurred off Fish Hatchery
17 Road, made a phone call to get the basic facts of the
18 incident and then responded to the scene.

19 Q. Do you have the information of what time you were
20 called out to the scene?

21 A. Yes. I was notified at 8:09 PM.

22 Q. And what time did you arrive?

23 A. I arrived at 9:07 PM.

24 Q. And was this [REDACTED] Fish Hatchery Road?

25 A. Yes, that's correct.

1 Q. All right. And kind of describe to the jury what were
2 the weather conditions out that night.

3 A. It was clear and I believe 75 degrees.

4 Q. And can you describe the entrance to this residence?

5 A. There was a long unpaved driveway leading to the
6 residence. There were certainly mobile homes to the left
7 and right side of the roadway. It was a grassy, sandy
8 front yard and it had been secured with crime scene tape,
9 as well as other law enforcement vehicles and personnel.

10 Q. And is it normal for not only the crime scene tape to
11 make your perimeter but also law enforcement vehicles?

12 A. Yes.

13 Q. And it was dark when you arrived. Do you have any
14 kind of light source out there in the scene?

15 A. The Lexington County Fire Service had placed a mobile
16 light out in the front yard to basically light up the front
17 yard.

18 Q. And this made the area visible to you for your search?

19 A. Yes.

20 Q. And when you arrive at a scene, what is the first
21 thing that you do?

22 A. The first thing that I do is make contact with an
23 investigator, preferably the lead investigator, to get
24 additional facts of what may have occurred, to get -- ID
25 the victim or any potential suspects, and then we'll

1 generally do a walkthrough of the scene. In this instance,
2 they had already -- deputies had premarked certain items in
3 the front yard, so I was shown where those were located and
4 just made sure there was a search warrant in hand.

5 Q. And so do you remember if you spoke to Investigator
6 Hart?

7 A. Yes, I did.

8 Q. And he was able to give you information that had been
9 gathered during the course of the investigation?

10 A. That's correct.

11 Q. And do you -- why do you get that information to
12 assist you?

13 A. For my own personal notes so that I can write a report
14 at a later date.

15 Q. And you say you do a walkthrough. Do you remember
16 where on this property did you conduct your walkthrough?

17 A. Yes. In the front yard there were several cartridge
18 cases or multiple cartridge cases near a -- in front of the
19 deck, as well as to the opposite side of the tree.

20 Q. And so are you also interested in identifying any
21 possible victims that are still at the location?

22 A. Yes.

23 Q. And did you do so on this instance?

24 A. We did.

25 Q. And where did you locate -- how many victims were you

1 notified were at the scene?

2 A. I was notified that one victim was deceased on-scene.
3 A second victim had been injured and was transported from
4 the scene.

5 Q. And did you -- were you able to locate the victim that
6 was still at the scene?

7 A. Yes.

8 Q. And where was he located when you saw him?

9 A. He was located near the -- if you're viewing the front
10 of the residence, he was near the front left corner on the
11 ground in front of a Dodge Dakota and a scooter.

12 Q. Okay. And what, if anything, did you notice about his
13 injuries?

14 A. He appeared to have two suspected gunshot wounds to
15 his body.

16 Q. And did you notice where about his body these injuries
17 were located?

18 A. One injury appeared to have entered his back and
19 exited out his collarbone area and also grazed his chin.
20 A second one appeared to have struck him in the thigh or
21 buttocks area.

22 Q. And based on your experience, did you note what type
23 of caliber weapon was consistent it with causing these
24 injuries?

25 A. In my experience, the injury that he had sustained to

1 his back appeared to be more consistent with a rifle and
2 the one in his leg appeared to be more consistent with a
3 pistol caliber.

4 Q. And did it appear that the victim had been shot in the
5 area that he was lying?

6 A. Yes.

7 Q. And how did you determine that?

8 A. There was a pool of suspected blood immediately around
9 the victim. I didn't observe any blood trail that showed
10 that he may have been walking around after he was injured.

11 Q. And did you search the area around the victim's body?

12 A. Yes, I did.

13 Q. And were there any weapons or casings or any evidence
14 surrounding his body?

15 A. No.

16 Q. Did you search the victim's body itself?

17 A. Yes.

18 Q. And was anything found on his -- in his pockets or
19 anywhere on his body?

20 A. The only thing that we located of any evidentiary
21 value was a cell phone.

22 Q. Did you search any other areas on the property outside
23 of where the victim was lying?

24 A. We did search trees around the area, any structures.
25 There was a workshop to the -- west of the victim to his

1 left if you're facing him. We did not find any additional
2 cartridge cases or bullet defects to any structures.

3 Q. Okay. And that was, again, up there -- in relation
4 to the victim's body, where was that located?

5 A. If you were facing the residence, to your left would
6 be a trailer that appeared to have been made into like a
7 workshop.

8 MS. PATTERSON: I beg the Court's indulgence. I
9 have a lot of pictures I'm going to try --

10 (State's Exhibit Number 25 was marked for
11 identification.)

12 THE COURT: While you're getting those photos
13 together, I'm gonna let you go right quick, Aimee.

14 MS. ZMROCZEK: Thank you, Your Honor.

15 BY MS. PATTERSON:

16 Q. Investigator Ward, I'm going to show you what's been
17 marked as State's Exhibit 25. Are you familiar with what's
18 depicted in that photograph?

19 A. Yes, I am.

20 Q. And what is in that photograph?

21 A. This is a view of the front yard with the residence
22 on the right side of the photograph, as well as a
23 photograph of the vehicle and the workshop.

24 Q. Okay. And does this fairly and accurately represent
25 the way the scene looked at [REDACTED] Fish Hatchery Road on

1 March 27, 2020?

2 A. Yes.

3 MS. PATTERSON: Your Honor, at this time we'd move
4 State's Exhibit 25 into evidence.

5 THE COURT: Any objection?

6 MS. ZMROCZEK: Without objection, Your Honor.

7 THE COURT: It's admitted.

8 (State's Exhibit Number 25, a photograph, was
9 admitted into evidence.)

10 BY MS. PATTERSON:

11 Q. Now, Investigator Ward, before we go further, can you
12 orient us to this area?

13 MS. PATTERSON: We're just gonna turn one light off,
14 Your Honor.

15 THE COURT: That's fine.

16 Here come the bailiff. He'll know which one it is.

17 BY MS. PATTERSON:

18 Q. And there is a little glare, but can you kind of
19 point out where the Dodge Dakota truck is that you said the
20 victim was lying in front of?

21 A. Yes. This is the view from the rear of the vehicle.

22 Q. Okay. And where is that workshop that you spoke
23 about?

24 A. This lighted area here.

25 Q. And that's part of the area that you conducted your

1 walkthrough?

2 A. Yes.

3 Q. And you said you didn't find any weapons or casings
4 or anything at that end of the yard?

5 A. No, we did not.

6 Q. And I think you said that officers -- you can turn the
7 light on -- that officers had already started pre-marking
8 things in the -- at the scene?

9 A. Yes.

10 Q. And once you come to the scene and you see these
11 premarked items, do you do anything further to label them?

12 A. I will place my own markers down.

13 Q. You place your own markers. These are called
14 placards?

15 A. Yes.

16 Q. And are they in like numerical order?

17 A. Yes.

18 Q. And so in State's 25, we see -- is this these yellow
19 items that we see?

20 A. Yes, they are.

21 Q. And in preparing and documenting your report and
22 findings, did you prepare a diagram?

23 A. I did.

24 (State's Exhibit Number 26 was marked for
25 identification.)

1 Q. I'm gonna show you State's Exhibit 26. Are you
2 familiar with State's 26?

3 A. Yes, I am.

4 Q. And what is that?

5 A. This is a crime scene diagram prepared from the scene.

6 Q. From the scene. Does it fairly and accurately
7 represent your findings as reported and recorded from the
8 incident on March 27, 2020, at [REDACTED] Fish Hatchery Road?

9 A. Yes.

10 MS. PATTERSON: Your Honor, at this time we'd move
11 State's Exhibit 26 into evidence.

12 THE COURT: Any objection?

13 MS. ZMROCZEK: Without objection, Your Honor.

14 THE COURT: It's admitted.

15 (State's Exhibit Number 26, a crime scene diagram,
16 was admitted into evidence.)

17 BY MS. PATTERSON:

18 Q. Investigator Ward, what, if anything, was recovered
19 at the scene and noted by you in your report with regards
20 to .300 Blackouts?

21 A. From the front yard of the residence, we recovered --
22 I beg your indulgence. There were eight cartridge cases
23 that were headstamped .300 Blackout.

24 (State's Exhibit Number 27 through 33 were marked
25 for identification.)

1 BY MS. PATTERSON:

2 Q. Okay. And in State's 27 to 33, what is depicted in
3 these pictures?

4 A. Those are photographs of the markers that were placed
5 in the front yard by the cartridge cases that were
6 headstamped .300 Blackout.

7 Q. And you said there was eight of them that was
8 recovered?

9 A. Yes.

10 Q. And were they approximately located in the same area
11 of the yard?

12 A. Yes, they were.

13 Q. And did you take a lot of pictures of these of
14 casings?

15 A. Yes, we did.

16 Q. And before we take a look at those pictures, can you
17 explain to the jury what is a casing?

18 A. A casing, otherwise known as a cartridge case, is
19 essentially the part of a cartridge or sometimes what we
20 would call a bullet, that houses the primer on the base and
21 the powder inside the projectile or the bullet would then
22 be fitted into the cartridge case.

23 Q. Okay. And is this ejected when a gun is fired?

24 A. Yes.

25 Q. And how is it ejected?

1 A. Generally depending on the weapon it will be extracted
2 and then flung out to the side.

3 Q. Okay. And in State's 27 are all of these what you
4 just testified before were identified as the .300 Blackout
5 cartridge casings?

6 A. Yes, they were.

7 Q. And with this tree being our focal point, were they to
8 the left or to the right of that tree?

9 A. They were to the right.

10 Q. In State's 26, is that part of that same group that's
11 depicted in those photographs?

12 A. Yes.

13 Q. And can you see the truck in this picture where the
14 victim was lying in front of?

15 A. Yes, you can.

16 Q. And can you point it out to the jury?

17 A. This is a view from the rear of the truck.

18 Q. And State's 29, is that another photograph --

19 A. Yes.

20 Q. -- of that same group?

21 A. Yes. That's correct.

22 Q. And in documenting items of evidence located at a
23 scene, you take a lot of pictures, don't you?

24 A. Yes.

25 Q. And is this just more pictures of that same group?

1 A. Yes, it is. That's just a photograph that's kind of
2 establishing the location of each marker in relation to
3 the other markers.

4 Q. And what are these pieces of paper on the ground?

5 A. Those were pieces of paper that responding deputies
6 had placed beside the items of evidence prior to my
7 arrival.

8 Q. In State's 31, is that just a close-up of Number 1
9 that's photographed in that grouping, the .300 Blackout
10 grouping?

11 A. Yes.

12 Q. And the same with State's 32, Number 2?

13 A. Yes.

14 Q. And just another picture of Number 2. And so did you
15 photograph each and every .300 Blackout casing that you
16 found at the scene the way I just showed in Number 1 and
17 Number 2?

18 A. Yes, we did.

19 Q. And did all appear to be of the same brand?

20 A. Yes.

21 Q. And did you find anywhere else on that property any
22 other .300 Blackout casings?

23 A. We did not.

24 MS. ZMROCZEK: Any -- I'm sorry, I didn't hear that
25 question.

1 MS. PATTERSON: Any other .300 Blackout casings.

2 MS. ZMROCZEK: Okay.

3 BY MS. PATTERSON:

4 Q. Now did you recover any other cartridge casings at
5 the scene?

6 A. Yes, we did.

7 Q. And what kind of cartridge cases did you recover
8 next?

9 A. They were cartridge cases headstamped Blazer
10 9-millimeter Luger.

11 Q. From a 9-millimeter Luger?

12 A. (Nods head.)

13 (State's Exhibit Number 34 through 38 were marked
14 for identification.)

15 BY MS. PATTERSON:

16 Q. I'm gonna show you what's been marked as State's
17 Exhibit 34 through 38.

18 MS. ZMROCZEK: No objection.

19 BY MS. PATTERSON:

20 Q. I'll ask you if you recognize what's in these
21 pictures. And what do you recognize to be in those
22 pictures?

23 A. Those are photographs of the markers that were are
24 marking the locations of the 9-millimeter Luger cartridge
25 cases.

1 Q. Okay. And how many 9-millimeter Luger cartridge cases
2 did you recover at the scene?

3 A. Thirteen.

4 Q. Thirteen. And were they all grouped in a similar
5 fashion as the -- as the .300 Blackouts in a group setting?

6 A. Yes, they were.

7 Q. And is this the -- can you point out the group?

8 A. This area right here.

9 Q. And, again, I know it's hard to see, but where would
10 the victim's truck that he was lying in front of have been?

11 MS. ZMROCZEK: Objection, Your Honor. I think she
12 asked where was he struck.

13 THE COURT: No, where was the truck.

14 MS. ZMROCZEK: Truck. Thank you.

15 THE COURT: I'm gonna -- she can ask that.

16 Go ahead, Ms. Patterson.

17 BY MS. PATTERSON:

18 Q. Where would the truck -- if it was able to be in this
19 image, where would the truck have been?

20 A. It would be to the right.

21 Q. To the right. And State's 35, is that just another
22 image of that grouping of FN 9-millimeter casings?

23 A. Yes.

24 Q. And, again, do you do similar fashions? So you just
25 take different -- different views of the evidence?

1 A. Yes, that's correct.

2 Q. And in State's 7, is that just a close-up of one of
3 the items found in the FN 9 casings?

4 A. Yes. That's correct.

5 Q. And the same with State's 38, Number 8?

6 A. Yes. That's correct.

7 Q. And that's the way you would have photographed each
8 and every item in that group that you collected?

9 A. Yes.

10 Q. And I think it's pretty obvious, but the cartridge
11 casing in State's 38, which is labeled eight FN 9, is quite
12 smaller than the .300 Blackout cartridge casing, isn't it?

13 A. Yes.

14 Q. We talked about the diagram you made of the scene.
15 For the jury's benefit we've blown it up. And can you just
16 look at this and make sure that this is the same as the
17 diagram that you prepared?

18 A. Yes, it is.

19 Q. And, again, what is the purposes of making a diagram?

20 A. It's for purposes like today to show and visualize
21 where potential items of evidence were located within the
22 scene.

23 Q. I'll have you step down just a couple of times.

24 MS. PATTERSON: Your Honor, permission for the
25 witness to step down.

1 THE COURT: Absolutely you can step down.

2 MS. ZMROCZEK: And, Your Honor, may I?

3 THE COURT: And you may move.

4 BY MS. PATTERSON:

5 Q. And, Investigator Ward, just please remember to keep
6 your voice up so the court reporter can hear you. And
7 where on your diagram, that tree that we talked about was
8 our focal point, where would it have been depicted on your
9 diagram?

10 A. Right here.

11 Q. And where was that group of .300 are Blackout casings
12 recovered?

13 A. They're visualized here in the red.

14 Q. And that's to the right of the tree?

15 A. That's correct.

16 Q. And what about the FN 9-millimeter cartridge cases?

17 A. In the green here.

18 Q. Okay. And so, again, they were all like grouped
19 together around that tree and where on this is the victim's
20 -- the truck that the victim was lying in front of?

21 A. This is the Dodge Dakota right here.

22 Q. Okay. And do you have the victim depicted on this
23 diagram?

24 A. I do.

25 Q. And you have something labeled as a moped?

1 A. Yes.

2 Q. And that's right by the victim?

3 A. That's correct. Just to his -- what would have been
4 his right side.

5 Q. You can have a seat.

6 A. (Witness complies.)

7 MS. PATTERSON: And, Your Honor, I think I
8 published these photographs, but I don't think I
9 admitted 27 through 38.

10 THE COURT: They're not admitted yet.

11 MS. PATTERSON: Your Honor, at this time we move
12 that State's Exhibit 27 to 38 being admitted into
13 evidence.

14 THE COURT: 27 through 38. Any objection?

15 MS. ZMROCZEK: Without objection, Your Honor.

16 THE COURT: They're admitted.

17 (State's Exhibit Number 27 through 38, photographs,
18 were admitted into evidence.

19 BY MS. PATTERSON:

20 Q. So, Investigator Ward, in addition to photographing
21 and documenting these cartridge casings on your diagram,
22 did you also collect them?

23 A. Yes, I did.

24 MS. PATTERSON: Your Honor, may we approach?

25 THE COURT: You may.

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

2 (Court's Exhibit Number 3 was marked for
3 identification.)

4 BY MS. PATTERSON:

5 Q. Investigator Ward, I'm gonna hand up what's been
6 marked as Court's Exhibit 3 and ask if you recognize what
7 I've handed up to you?

8 MS. ZMROCZEK: Your Honor, I'm just gonna move this
9 unless you need it.

10 THE COURT: No. No. You can move it.

11 (State's Exhibit Number 60 through 63 were marked
12 for identification.)

13 BY MS. PATTERSON:

14 Q. I'm gonna show you State's Exhibit 60 and ask if you
15 recognize that?

16 A. I do.

17 Q. And what do you recognize State's 60 to be?

18 A. These are .300 Blackout cartridge cases headstamped
19 FC .300 Blackout.

20 Q. And where did you locate those?

21 A. I believe these are the ones that we located at the
22 second scene.

23 MS. ZMROCZEK: Your Honor?

24 THE COURT: Yes.

25 MS. ZMROCZEK: Your Honor, I have an objection.

1 I think we need to approach.

2 THE COURT: Okay.

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

4 THE COURT: I'm gonna put this objection on the
5 record that she objected to.

6 What number is that?

7 MS. PATTERSON: It's 60.

8 THE COURT: Exhibit Number 60, which are the
9 Blackout shells that were found at the home on -- is it
10 Bachman Road?

11 MS. PATTERSON: Yes, ma'am.

12 THE COURT: Okay. I'm gonna allow that. The
13 reason being is there's testimony that that's where the
14 gun was from, so I'm gonna allow it.

15 And I'm gonna assume you're gonna wrap that up
16 together, Ms. Patterson?

17 And I assume you're gonna wrap that up,
18 Ms. Patterson?

19 MS. PATTERSON: Yes, ma'am.

20 THE COURT: So go ahead.

21 BY MS. PATTERSON:

22 Q. Okay. State's 62, what is that and where were they
23 recovered from?

24 A. These are also cartridge cases headstamped FC .300
25 Blackout that were recovered at Fish Hatchery Road.

1 Q. And that would be the 1 through 19 that's indicated
2 on your diagram?

3 A. That is correct.

4 Q. Okay. And what about State's 63?

5 A. These are cartridge cases headstamped Blazer
6 9-millimeter Luger that were collected at Fish Hatchery
7 Road.

8 Q. And that would have been the ones you identified as
9 7 through 18, I think?

10 A. Yes, that's correct.

11 Q. Now in addition to -- in addition to the eight .300
12 Blackout cartridge casings and the 9-millimeter Luger
13 cartridge casings, did you collect any other items located
14 at the Fish Hatchery Road residence?

15 A. Yes, we did.

16 Q. And what was that?

17 A. We located projectile fragments on-scene.

18 Q. Okay. And on your diagram, did you indicate where
19 these fragments were located?

20 A. Yes, I did.

21 Q. And how did you label them?

22 A. They are indicated by markers 21, 22, 23 and 24 in the
23 yellow.

24 Q. Okay. 21, 22 and --

25 A. 23 and 24.

1 Q. And 24. And did you photograph those as well?

2 A. Yes.

3 (State's Exhibit Number 49 through 55 were marked
4 for identification.)

5 BY MS. PATTERSON:

6 Q. I want you to take a look at State's 49 through 55 and
7 what's in State's 49 through 55?

8 A. Those are photographs of markers indicating the
9 positions of the projectile fragments we located on-scene.

10 Q. And do they fairly and accurately represent the
11 photographs that were taken on March 27th of 2020 on Fish
12 Hatchery Road?

13 A. Yes, they do.

14 MS. PATTERSON: Your Honor, we move State's 49
15 through 55 into evidence?

16 THE COURT: Any objection?

17 MS. ZMROCZEK: I don't think so, Your Honor.

18 I tried to look at these ahead of time, but I just
19 wanted to make sure.

20 MS. ZMROCZEK: No objection, Your Honor.

21 THE COURT: They're admitted.

22 (State's Exhibit Number 49 through 55, photographs,
23 were admitted into evidence.)

24 BY MS. PATTERSON:

25 Q. And when you say fragment, what is a fragment? Is it

1 just as it sounds, like just a piece of something?

2 A. Usually we mean a piece of a bullet that we've
3 located.

4 Q. Okay. And is there any way to really indicate what
5 type of bullet fragment is it?

6 A. We would have to send that off for testing.

7 Q. And in State's 49 and 50, is 50 just a closer up of
8 49?

9 A. Yes, it is.

10 Q. And, again, where is this particular fragment, 24,
11 located?

12 A. It was located just under the driver's side door of
13 the Dodge Dakota.

14 Q. Flipping around to 21 and State's 52 and 53, is that
15 just a closer image of 21?

16 A. Yes.

17 Q. And, again, where was that located?

18 A. That was located in the yard -- the front yard a short
19 distance away from the Dodge Dakota.

20 Q. 22 and 22. In State's 54 and 22 and State's 55, is
21 that just is a closer image of 22?

22 A. Yes.

23 MS. ZMROCZEK: And what's number is that?

24 MS. PATTERSON: 55.

25 BY MS. PATTERSON:

1 Q. In State's 51, does it kind of show 21, 22 and 24?

2 A. I think 21 is just out of the shot, but on the diagram
3 21 is the furthest away from the truck.

4 Q. Okay. And do you have 23 photographed in any of the
5 photographs?

6 A. I think there's one image where it's vaguely visible,
7 but unfortunately we did not get a close up photograph of
8 that.

9 Q. Okay. And that fragment would have been closer to the
10 residence?

11 A. Yes.

12 Q. And, again, are these close as it relates to the Dodge
13 truck?

14 A. Yes.

15 (State's Exhibit Number 56 was marked for
16 identification.)

17 BY MS. PATTERSON:

18 Q. Okay. I'm gonna show you what's been marked as
19 State's Exhibit 56. First of all, let me ask you what's
20 indicated on this board on your diagram as Item 25?

21 A. Item 25 is here on the right side of the diagram.
22 That is a pistol magazine with cartridge case -- or
23 cartridges inside.

24 Q. And in State's 56, what's that picture show?

25 A. It's photograph of Marker 25, which was marking the

1 location of a pistol magazine with cartridges.

2 MS. PATTERSON: At this time, Your Honor, we move
3 State's Exhibit 56 into evidence.

4 THE COURT: Any objection?

5 MS. ZMROCZEK: No objection to the picture.

6 THE COURT: Admitted.

7 (State's Exhibit Number 56, a photograph, was
8 admitted into evidence.)

9 BY MS. PATTERSON:

10 Q. In State's 56 and on your diagram marked as 25, is
11 that the same on your diagram as 25?

12 A. Yes.

13 Q. And that is what type of magazine?

14 A. It appears to be a pistol magazine.

15 Q. Okay. And did you recover that pistol magazine?

16 A. Yes.

17 Q. And did you unload it?

18 A. I did not unload it on-scene.

19 Q. But did you take possession of it?

20 A. Yes.

21 Q. Okay. And would you say that this was found -- where
22 would you say this was recovered?

23 A. It was approximately near the entrance to the property
24 along the driveway. It was actually buried under some
25 sand.

1 Q. Buried under some sand near the driveway?

2 A. Yes.

3 Q. And later on did you empty it?

4 A. I did after I arrived back at the Lexington County
5 forensics lab.

6 MS. PATTERSON: I'm sorry. I didn't eat very much
7 lunch. I was told I failed to enter in 60 through 63
8 into evidence.

9 THE COURT: Any objection?

10 MS. ZMROCZEK: No, Your Honor.

11 THE COURT: Can you tell me what 63 is?

12 MS. PATTERSON: 63 are the 9-millimeters found at
13 Fish Hatchery.

14 THE COURT: Okay. We're gonna go ahead and admit
15 them without objection.

16 (State's Exhibit Number 60 through 63, cartridge
17 cases, were admitted into evidence.)

18 (State's Exhibit Number 64 was marked for
19 identification.)

20 BY MS. PATTERSON:

21 Q. I'll show you State's Exhibit 64. Let me ask you
22 something. When you did eventually unloaded that magazine,
23 how many rounds were recovered in it?

24 A. There were sixteen.

25 Q. And do you recognize what I just passed you up in

1 State's 64?

2 A. Yes, I do.

3 Q. And what is those?

4 A. Those are the 9-millimeter cartridges that were
5 located inside the magazine.

6 MS. PATTERSON: Your Honor, at this time we move
7 State's Exhibit 63 into evidence.

8 MS. ZMROCZEK: Without objection.

9 THE COURT: 63 or 64?

10 MS. PATTERSON: I meant 64.

11 THE COURT: 64. That's okay. Admitted.

12 (State's Exhibit Number 64, 9-millimeter cartridges,
13 were admitted into evidence.)

14 (State's Exhibit Number 65 was marked for
15 identification.)

16 BY MS. PATTERSON:

17 Q. And I'm gonna show you State's 65. Do you recognize
18 that?

19 A. Yes.

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

21 A. These are projectile fragments that were located and
22 collected at Fish Hatchery Road.

23 Q. Okay. And do they fairly and accurately represent
24 what you recovered?

25 A. Yes.

1 Q. And would these be the fragments that you've testified
2 to --

3 A. Yes.

4 Q. -- that's indicated on your diagram?

5 A. Yes. That's correct.

6 MS. PATTERSON: Your Honor, at this time we move
7 State's Exhibit 65 into evidence.

8 THE COURT: Any objection?

9 MS. ZMROCZEK: Without objection.

10 THE COURT: It's admitted.

11 (State's Exhibit Number 65, projectile fragments,
12 was admitted into evidence.)

13 BY MS. PATTERSON:

14 Q. And, again, how many fragments were those?

15 A. Four.

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

17 BY MS. PATTERSON:

18 Q. Now in addition to collecting the cartridge casings
19 and the fragments, did you also do anything with --
20 regarding the Dodge Dakota truck?

21 A. Yes, we did.

22 THE COURT: While you're showing those to her, is
23 the jury okay?

24 FOREPERSON: We probably need a break.

25 THE COURT: Yes.

1 Ms. Patterson, do you mind if I give the jury a
2 quick break?

3 MS. PATTERSON: No, Your Honor. We actually have
4 something to take up outside the presence of the jury.

5 THE COURT: Okay.

6 Mr. Foreman, I'm gonna give you-all a quick break.

7 We'll call you back in in just a few minutes. I
8 can just tell.

9 (Whereupon, the jury retires to the jury room at
10 3:38 PM.)

11 THE COURT: Okay. Be seated.

12 All right.

13 (State's Exhibit Number 39 through 42 were marked
14 for identification.)

15 MS. PATTERSON: Your Honor, I was about to show
16 Investigator Ward four pictures and one of them defense
17 has an objection to.

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

19 THE COURT: What's the objection?

20 MS. ZMROCZEK: Can we do it in black and white?

21 MR. POGUE: We'll put black box over it.

22 THE COURT: And the rest is fine?

23 MS. ZMROCZEK: Yes, Your Honor.

24 THE COURT: Let's take a break.

25 (Recess taken at 3:42 PM.)

1 (Back on the record at 3:58 PM.)

2 THE COURT: All right.

3 MS. PATTERSON: We re-did the picture.

4 THE COURT: Much better.

5 MS. PATTERSON: Yes, ma'am.

6 THE COURT: All right. Can I bring the jury in?

7 MS. PATTERSON: The State's ready.

8 THE COURT: Defense ready?

9 MS. ZMROCZEK: I'm sorry. Defense is ready, Your
10 Honor.

11 THE COURT: Let's bring them in.

12 (Whereupon, the jury returns to the courtroom at
13 4:03 PM.)

14 THE COURT: All right. Mr. Foreman, is the jury
15 much better?

16 FOREPERSON: Yes, ma'am.

17 THE COURT: Good. Have a seat.

18 Let me tell you-all what we're gonna do is, just to
19 kind of keep you updated, this is going to be our witness
20 for the day because the next witness is gonna be long.
21 So we're gonna take it up in the morning. We're gonna
22 start right at 9:00 so we can get through this case and
23 right now we are still on schedule to finish on Friday,
24 okay?

25 All right. Ms. Patterson.

1 MS. PATTERSON: Thank you.

2 BY MS. PATTERSON:

3 Q. Investigator Ward, I'll skip around a minute to
4 State's 42. Do you recognize what is in that photograph?

5 A. Yes, I do.

6 Q. What is that?

7 A. This is a area where the victim was found.

8 Q. And does that fairly and accurately what you saw that
9 night?

10 A. Yes.

11 MS. PATTERSON: Your Honor, at this time we move
12 State's 42 into evidence.

13 THE COURT: Any objection?

14 MS. ZMROCZEK: Without objection.

15 THE COURT: It's admitted.

16 (State's Exhibit Number 42, a photograph, was
17 admitted into evidence.)

18 BY MS. PATTERSON:

19 Q. And I think you testified based on your experience
20 and what you viewed at the scene, that this was a confined
21 blood spot?

22 A. Yes, that's what it appeared to be.

23 Q. You didn't see any trails of blood or anything?

24 A. No.

25 Q. And this is right in front of the truck?

1 A. Yes, that's correct.

2 Q. And this wouldn't have been anything of evidentiary
3 value lying here, would it?

4 A. I don't believe so. I'm not even really sure what
5 that is.

6 Q. Okay. And what are projectile rods?

7 A. Projectile rods or flight path rods are just --
8 they're just straight rods or sticks that we'll stick
9 through bullet holes to help us determine where a shot may
10 have originated from.

11 Q. And did you do that in this case with regards to that
12 Dakota truck?

13 A. Yes, I did.

14 Q. And did you photograph the use of the rods?

15 A. Yes.

16 Q. And I'm gonna show you State's Exhibit 39 through 41
17 and ask you to take a look at these photographs. Do you
18 recognize what's in these photographs?

19 A. Yes, I do.

20 Q. And what do you recognize in these photographs?

21 A. Those are photographs of the trajectory rods after I
22 placed them through the bullet defects on the side of the
23 truck.

24 Q. Okay. And do they fairly and accurately represent you
25 using the trajectory rods?

1 A. Yes.

2 MS. PATTERSON: Your Honor, we move State's Exhibit
3 39 through 41 into evidence.

4 THE COURT: Any objection?

5 MS. ZMROCZEK: Without objection.

6 THE COURT: They're admitted.

7 (State's Exhibit Number 39 through 41, photographs,
8 were admitted into evidence.)

9 BY MS. PATTERSON:

10 Q. And I called them projectile rods, but you corrected
11 me. They're trajectory rods?

12 A. They go by several different things. It's kind of
13 whatever you feel like.

14 Q. And can you point out to the jury what we're looking
15 at with regards to this photograph?

16 A. This is a view of the driver's side of the truck.
17 Here you can see two of the rods sticking out of the
18 driver's -- front driver's side door.

19 Q. And so you did notice several defects on this truck?

20 A. Yes.

21 Q. And in addition to where you have the trajectory rods
22 placed, are there other defects on the truck?

23 A. Yes, there are.

24 Q. And can you point them out to the jury?

25 A. In this photograph you can see one here and then two

1 to the front driver's side door. The -- obviously the tire
2 also deflated, so we assume that it had also been struck by
3 a bullet.

4 Q. Okay. So in addition to the ones that actually go
5 inside of the truck, there are some dings or defects on the
6 outside of the truck?

7 A. Yes.

8 Q. And is that just a closer image of that?

9 A. Yes, it is.

10 Q. And, again, what are we looking at in State's 40?

11 A. That's another photo of the driver's side of the truck
12 just from more of an angled view from the rear.

13 Q. And based on your experience, what type of caliber
14 weapon would have caused the ones that went into the
15 vehicle?

16 A. Handguns or rifles can do it, but typically in this
17 case it appeared to have originated from the .300 Blackout
18 cartridge cases.

19 Q. Okay. And what about these mere defects to the
20 truck?

21 A. Those appeared to be more straight on and did not
22 perforate the exterior of the truck.

23 Q. And do you know if that truck was towed away from the
24 scene?

25 A. Yes, it was.

1 (State's Exhibit Number 67 was marked for
2 identification.)

3 MS. PATTERSON: And we've moved State's Exhibit 26
4 into evidence which, State's 67 is just a duplicate of
5 it, and, Your Honor, at this time we move State's 67 into
6 evidence as well?

7 THE COURT: Any objection?

8 MS. ZMROCZEK: I think -- they're same thing.
9 That's fine.

10 THE COURT: All right. It's admitted.

11 (State's Exhibit Number 67, a photograph, was
12 admitted into evidence.)

13 BY MS. PATTERSON:

14 Q. Now in addition to the FN casings that you recovered
15 at the scene and the 9-millimeter casings and the fragments
16 and the magazine, did you recover any other items at the
17 scene?

18 A. Yes, we did.

19 Q. And what was that?

20 A. Inside the residence in a bedroom that was
21 purportedly belonging to the victim we did recover a
22 magazine, ammunition and a 22-caliber rifle.

23 Q. Okay. So you did search inside the residence?

24 A. Yes, we did.

25 Q. And why did you search inside the residence if

1 everything occurred in the yard?

2 A. Typically we would always search a residence in the
3 case of a homicide, but in this particular case we were
4 told that there were firearms and other items inside the
5 house that other residents were not allowed to be around.

6 Q. Okay. And what room, again, did you search in that
7 home?

8 A. We searched all the rooms, but the items of evidence
9 that we obtained were located in the bedroom.

10 Q. In the bedroom. And was you able to identify whose
11 bedroom that was?

12 A. Yes, I was told that it was Chavis's.

13 Q. Okay. And was anything of significance related to
14 anything you found outside recovered inside of the bedroom?

15 A. No.

16 Q. And, again, what items did you find inside the
17 bedroom?

18 A. There was a 22-caliber rifle that was propped up in
19 the corner of the bedroom. We also found an empty pistol
20 magazine and then I believe it was four boxes of ammunition
21 that did not match anything located outside.

22 Q. So there was a 22-caliber rifle propped up in the
23 room, an empty pistol magazine and four boxes of
24 ammunition?

25 A. Correct.

1 Q. And, again, none of these items were -- was there
2 any evidence of these items being used outside of that
3 residence?

4 A. No.

5 Q. So there were no casings or anything found in that
6 yard that would have coordinated with the items found
7 inside the residence?

8 A. No.

9 Q. Now in addition to the [REDACTED] Fish Hatchery Road, did
10 you respond to any other locations associated with this
11 investigation?

12 A. Yes, I did.

13 Q. And where was that location?

14 A. [REDACTED] Bachman Road.

15 Q. And do you know what time you responded to that
16 location?

17 A. I arrived on-scene at approximately 2:18 in the
18 morning.

19 Q. And do you know why you were called out to that scene
20 to process it?

21 A. We were told that several cartridge cases had been
22 located near a pond in the backyard of the residence and
23 we were advised to collect them for comparison purposes.

24 Q. And did you photograph your findings?

25 A. Yes, we did.

1 Q. And did you collect them?

2 A. Yes.

3 (State's Exhibit Number 57 through 59 were marked
4 for identification.)

5 BY MS. PATTERSON:

6 Q. I'm gonna show you State's 57, 58 and 59 and 60 and
7 61. I'm going to start with 57 through 59. Do you
8 recognize what's in those photographs?

9 A. Yes, I do.

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

11 A. These are markers located near the pond and the
12 residence -- backyard of the residence marking .300
13 Blackout cartridge cases.

14 Q. And 60 and 61. Do you recognize what I just handed
15 you?

16 A. Yes.

17 Q. And what are those items?

18 A. Item 60 are the six .300 Blackout cartridge cases that
19 we collected and then 61 are the 9-millimeter cartridge
20 cases. Four total.

21 Q. Okay. And those were collected at the Bachman Road
22 address?

23 A. That's correct.

24 MS. PATTERSON: Your Honor, at this time we move 57
25 through 59 into evidence.

1 THE COURT: Any objection?

2 MS. ZMROCZEK: Subject my previous objection.

3 THE COURT: Okay. It's admitted and her objection
4 is noted for the record.

5 (State's Exhibit Number 57 through 59, photographs,
6 were admitted into evidence.)

7 BY MS. PATTERSON:

8 Q. And I know this is difficult, again, for the jury to
9 see, so can you kind of point out what we're looking at in
10 State's 57?

11 A. This is a marker noting the location of a cartridge
12 case. Back here is actually a pond.

13 Q. What type of -- and let me just show you a closer up
14 picture of marker 31 in State's 58. Is that just a closer
15 image of 31?

16 A. Yes, it is.

17 Q. And what are we looking at again?

18 A. There are cartridge cases that were headstamped .300
19 Blackout.

20 Q. .300 Blackout. And State's 59, 32, can you point out
21 what we're looking at here?

22 A. This is a cartridge case that was headstamped Blazer
23 9-millimeter.

24 Q. And, again, these were the items that you collected at
25 the scene on Bachman Road, [REDACTED] Bachman Road?

1 A. Yes.

2 Q. Now would you -- and you said that the Dodge Dakota
3 located at Fish Hatchery Road was towed?

4 A. Yes, it was.

5 Q. And do you know where it was towed to?

6 A. To the Lexington County Sheriff's Department.

7 Q. And did you participate in any of the processing of
8 that truck?

9 A. Yes.

10 Q. And did you photograph that?

11 A. Yes.

12 Q. Investigator Ward, did you -- did you process the
13 outside of the truck any further while it was at the
14 Lexington County Sheriff's Department?

15 A. Yes.

16 Q. And did you find any other findings that were
17 different from when you processed it at the Fish Hatchery
18 Road address?

19 A. No.

20 (State's Exhibit Number 43 through 48 were marked
21 for identification.)

22 BY MS. PATTERSON:

23 Q. Okay. Let me just show you some pictures. 43 through
24 48. And do you recognize what's in State's 43 through 48?

25 A. Yes, I do.

1 Q. And what are they pictures of?

2 A. They're photographs of the victim's truck, as well as
3 pictures of the interior and the bullet defects.

4 Q. Okay. And do they fairly and accurately represent the
5 pictures that were taken during the processing of the truck
6 at the Lexington County Sheriff's Department?

7 A. Yes.

8 MS. PATTERSON: Your Honor, at this time we move
9 State's 43 through 48 into evidence.

10 MS. ZMROCZEK: No objection.

11 THE COURT: It's admitted.

12 (State's Exhibit Number 43 through 48, photographs,
13 were admitted into evidence.)

14 BY MS. PATTERSON:

15 Q. Do you know what date this was actually processed?

16 A. April the 7th.

17 Q. So it was a week or so after the shooting?

18 A. Yes.

19 Q. And I think you said this time you did look at the
20 outside of the vehicle?

21 A. That's correct.

22 Q. But you didn't note anything differently than what you
23 saw at the scene that night?

24 A. We didn't find any additional bullet defects.

25 Q. Okay. And this defect in the front, did you -- had

1 you already noted that?

2 A. Yes.

3 Q. Okay. And so these were just additional pictures of
4 the outside. Now this time while it truck was at the
5 Lexington County Sheriff's Department, did you process the
6 interior of the truck?

7 A. Yes, we did. We searched the interior.

8 Q. And what, if anything, did you find in the interior of
9 the truck?

10 A. We found projectile fragments as well as .380 pistol.

11 Q. You found a 380 pistol and where was the .380 pistol
12 located?

13 A. It was wedged between the front driver's seat and the
14 center seat.

15 Q. And would that be depicted in State's 47?

16 A. Yes.

17 Q. And State's 48?

18 A. Yes.

19 Q. Okay. And where in the truck did you find these
20 fragments?

21 A. There were several on the floorboard and we also had
22 to remove the door panel to extract them from the door
23 itself.

24 (State's Exhibit Number 66 was marked for
25 identification.)

1 BY MS. PATTERSON:

2 Q. Okay. And I'm gonna show you State's 66. And how
3 many fragments did you recover?

4 A. Six in total.

5 Q. Do you recognize State's 66?

6 A. Yes.

7 Q. What do you recognize that to be?

8 A. These are the six projectile fragments that were
9 recovered from the vehicle.

10 Q. Okay. And did you collect them?

11 A. Yes, I did.

12 Q. And seal them?

13 A. Yes.

14 MS. PATTERSON: And, Your Honor, at this time we
15 move State's 66 into evidence.

16 THE COURT: Any objection?

17 MS. ZMROCZEK: Without objection.

18 THE COURT: It's admitted.

19 (State's Exhibit Number 66, projectile fragments,
20 was admitted into evidence.)

21 BY MS. PATTERSON:

22 Q. And you said you removed the door panel to recover
23 some of those fragments?

24 A. Yes.

25 Q. And just for my knowledge, where else did you recover

1 from it?

2 A. There were, I believe, one or two located in the front
3 driver's side floorboard and then another we extracted from
4 the wheel well on the front driver's side tire area.

5 Q. Okay. The wheel well. And maybe other people know
6 it, but where would the wheel well be?

7 A. This defect here.

8 Q. All right.

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

10 THE COURT: Take your time.

11 Thank you, Investigator Ward. Please answer any
12 questions Ms. Zmroczek has.

13 MS. ZMROCZEK: Thank you, Your Honor. May it please
14 the Court?

15 THE COURT: Yes, ma'am.

16 (Defendant's Exhibit Number 38 through 66 were
17 marked for identification.)

18 CROSS-EXAMINATION

19 BY MS. ZMROCZEK:

20 Q. Good afternoon.

21 A. Good afternoon.

22 Q. You are a crime scene investigation expert, correct?

23 A. Yes.

24 Q. So obviously when you get to a crime scene, you don't
25 know what's happened before, right?

1 A. Correct.

2 Q. And the -- the best that you can do is draw things or
3 collect things or evaluate things that are as they are when
4 you got there?

5 A. That's correct.

6 Q. Okay. There are things that can manipulate a crime
7 scene?

8 A. Certainly.

9 Q. And taint it?

10 A. Yes.

11 Q. Change it, right?

12 A. (Nods head.)

13 Q. And did you watch any of the body cams in this?

14 A. I did not.

15 Q. You did not. Okay. So you're unaware, for example,
16 of dogs running -- or a dog running through the crime
17 scene?

18 A. I haven't heard anything about it.

19 Q. Okay. What about -- I want to talk about the sand,
20 the ground, okay? And so there are different types of
21 surfaces that can provide different types of evidence,
22 right?

23 A. Correct.

24 Q. Okay. And a crime scene kind of helps try to tell the
25 story, right?

1 A. Yes.

2 Q. All right. And so are you trained to photograph and
3 collect and evaluate footprints?

4 A. Yes.

5 Q. And is sand a good medium to get footprints out of?

6 A. Sometimes, yes.

7 Q. Okay. Do -- would that help us know where people were
8 standing or moving?

9 A. Yes, potentially.

10 Q. Okay. And so when you have a major crime scene, which
11 you would -- which you would consider murder a major crime?

12 A. Yes.

13 Q. Okay. And I wanted to -- let me finish that question
14 and then I'll come back. So when you have a major crime
15 scene, you want as much care as possible to preserve
16 evidence, right?

17 A. Yes.

18 Q. And so when the alarm went out that this was a
19 shooting, a homicide, how come you guys didn't -- how come
20 you as the crime scene expert didn't get notified until
21 thirty minutes afterwards? Do you know?

22 A. I'm not sure.

23 Q. Are you-all not included in the alerts that goes out?

24 A. No.

25 Q. Okay. But -- so when you're on call, does that mean

1 you're at the office ready to go? Or -- so it took an hour
2 to get there, right?

3 A. I believe this night I was at my residence.

4 Q. I'm sorry?

5 A. I believe this night I was at home.

6 Q. Okay. And so you have to be able to go get your stuff
7 and do all that, right?

8 A. Yes.

9 Q. Now I want to talk a little bit -- so when you got
10 there you said the first thing you do is you talk to the
11 investigators to see what happened, right?

12 A. Correct.

13 Q. If that information is relayed to you and is missing
14 some facts, that could -- that could taint what you do
15 because you were given information that maybe wasn't
16 accurate, right?

17 A. Yes, it can.

18 Q. Okay. I want you to look at State's -- I'd like us
19 to look at State's 67, okay? So I want to hand you --
20 actually I'm gonna hand all of these to you and then --
21 that we way don't have to do it individually. So if you'll
22 -- I'm not gonna ask you about all of them right now, but
23 I'm just gonna show you State's 37 through 66 minus --
24 well, I'm gonna hand you 55 and 44 separately and just keep
25 those separate and if you don't mind looking through those

1 to make sure that they fairly and accurately represent what
2 you took that evening. And these two. Sorry. And do
3 all of those pictures fairly and accurately represent
4 additional photos that you took?

5 A. Yes.

6 MS. ZMROCZEK: Okay. And, Your Honor, may we
7 approach briefly just about 37?

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

9 BY MS. ZMROCZEK:

10 Q. So when you talk about crime scene evidence, what kind
11 of things are you looking for?

12 A. It kind of depends upon what the nature of the call
13 is. If it's a shooting incident, we're gonna be looking
14 for cartridge cases, firearms, bullet defects, projectiles.

15 MS. ZMROCZEK: Your Honor, at this time I would
16 like to -- so I can ask him question and publish -- move
17 in 38 through 66, but minus 44 and 55.

18 THE COURT: Any objection to those?

19 MS. PATTERSON: No objection to those.

20 THE COURT: Okay. It's admitted.

21 (Defendant's Exhibit Number 38 thorough 43 and 45
22 through 54 and 56 through 66, photographs, were admitted
23 into evidence.)

24 MS. ZMROCZEK: And it's just easier if -- let me get
25 this out of the way -- we'll actually we're gonna need to

1 refer to it.

2 THE COURT: All right. Now let me make sure
3 everybody can see.

4 Can you see everything?

5 MS. ZMROCZEK: Perfect.

6 THE COURT: Okay.

7 BY MS. ZMROCZEK:

8 Q. All right. So do you-all have feet covers at the
9 county?

10 A. Yes.

11 Q. And what are -- tell the jury what are feet covers.

12 A. They're essentially booties that you put over your
13 shoes to prevent contamination with blood or to prevent
14 your shoes from being contaminated with blood.

15 Q. Okay. Can it also -- can booties can prevent officers
16 with tracks on their shoes from being left?

17 A. Yes.

18 Q. Okay. Another way that you identify shoes of officers
19 versus shoes of not officers is you can photograph
20 everybody's shoes, right?

21 A. Yes.

22 Q. Was that done in this case?

23 A. No.

24 Q. 22. That is what you already, I think, described sa
25 the -- one of the projectiles that you collected?

1 A. That's correct.

2 Q. Okay. And so when you put a placard on -- when you
3 put a placard on there, you're marking one specific item,
4 right?

5 A. Correct.

6 Q. Here's a closer up -- Defense's 39 is a closer up of
7 that picture and I have circled this up here. What is
8 this?

9 A. I -- I can't tell from --

10 Q. Would you like to look at the picture closer?

11 A. Sure. To me it looks like a leaf.

12 Q. Okay. Do you know if it's a leaf?

13 A. I don't know for 100 percent certainty.

14 Q. Okay. And are there other leaves around there?

15 A. Yes, there are some.

16 Q. Does that look like it?

17 A. Not necessarily that look just like that one.

18 Q. Okay. And so when you're out there and it's dark and
19 you're trying to collect evidence, do you know what is
20 relevant at that time?

21 A. It just depends on the situation.

22 Q. Okay. So are you limited in what you can collect?

23 A. We are limited as far as the scope of the search
24 warrant provides us.

25 Q. All right. Let's talk about search warrants for a

1 minute. So what does a search warrant -- why do you get a
2 search warrant?

3 A. We need search warrants to have essentially the right
4 to search a property to -- you know, the Fourth Amendment
5 basically dictates that we have one to collect evidence.

6 Q. Okay. And so when they were out there marking
7 evidence, they didn't have a search warrant at that time?

8 A. No, not at that time.

9 Q. Okay. And I want to show you Defense 40. What are
10 you photographing here? And if I need to bring it closer,
11 I can.

12 A. I believe that's an image of where one of the
13 projectile defects was located without the marker.

14 Q. Okay. All right. Explain how you -- does it also --
15 are there also a bunch of -- and I can bring it closer, if
16 I need to. Can you see some footprints in the sand?

17 A. Yes, it appears so.

18 Q. Okay. And so when I go to do a crime scene, you get
19 trained to do that kind of collection?

20 A. Yes.

21 Q. And they tell you generally you want an overall
22 picture of the scene, right?

23 A. Correct.

24 Q. And then if you see an item, you want to get a little
25 bit closer and they call that the mid length?

1 A. Midrange.

2 Q. Midrange?

3 A. Yes.

4 Q. And then you want to get right up on it and get a
5 closer picture, right?

6 A. Correct.

7 Q. Okay. And so when you -- and that's what you did in
8 this case, right?

9 A. Yes.

10 Q. All right. So 41, would that be things that you were
11 photographing prior to you putting the placards down?

12 A. Yes.

13 Q. Okay. And this doesn't have a little piece of paper
14 by it, so that's something that you just noticed that
15 wasn't marked?

16 A. Correct.

17 Q. Okay. Did you also notice defects -- and when I say
18 defects, I mean things that were -- for example, if a gun
19 or a projectile or a bullet were shot into the ground?

20 A. We -- it's very hard to tell in sand.

21 Q. Okay. Especially when people are walking around
22 because they could cover it up, right?

23 A. It happens, yes.

24 Q. Okay. And so we have 42, which are a bunch of
25 placards. What is this item?

1 A. I believe that's one of the pieces of -- either the
2 9-millimeter or the .300, but it appears to be the piece of
3 paper they would have marked the cartridge cases with.

4 Q. Okay. All right. And, again, a bunch of sand?

5 A. Yes.

6 Q. Okay. And also are tire tracks something that you are
7 trained to look and evaluate?

8 A. Yes.

9 Q. I want to show you defense 43, right? And that's one
10 of the projectiles that you -- or casings that you marked?

11 A. Yes, a cartridge case.

12 Q. And what's inside of that cartridge casing?

13 A. Sand.

14 Q. How did that sand get there?

15 A. Probably just from being ejected out.

16 Q. Okay. So it's possible that the cartridge gets
17 ejected out, collects sand and then lands up and down?

18 A. They do tumble sometimes.

19 Q. Okay. And if they are accidentally run over by -- or,
20 you know, manipulated by vehicles or people or dogs, could
21 that also cause that?

22 A. Yes.

23 Q. Okay. So we don't know?

24 A. Correct.

25 Q. All right.

1 MS. ZMROCZEK: Your Honor, may we approach about
2 these?

3 THE COURT: You may.

4 MS. ZMROCZEK: 44 and 55.

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

6 BY MS. ZMROCZEK:

7 Q. Okay. I'm gonna show you 55 again. Is this a picture
8 that you took?

9 A. I'm not 100 percent certain unless I saw the rest of
10 the picture of the shoes. I know I did photograph shoes in
11 the laboratory, but I'm not sure if those are the shoes.

12 Q. Do you have your report that says how many shoes you
13 photographed?

14 A. I did one pair of black and white Nike tennis shoes.

15 Q. And are these black and white Nike tennis shoes?

16 A. I can't tell you if they're Nike or not.

17 Q. All right.

18 MS. ZMROCZEK: All right. Your Honor, we'll leave
19 55 out for now, but I want to show 44, which I believe
20 I'm gonna move in without that.

21 MS. PATTERSON: Without objection.

22 THE COURT: If you can lay a foundation for it.

23 MS. ZMROCZEK: Okay.

24 BY MS. ZMROCZEK:

25 Q. Well, you took 44 for sure, right?

1 A. Yes.

2 Q. Okay. And that fairly and accurately represents
3 what you saw and what you photographed the evening of
4 March 27th?

5 A. Yes. Correct.

6 MS. ZMROCZEK: Your Honor, now at this time we would
7 move 44 in.

8 THE COURT: Any objection?

9 MS. PATTERSON: Without objection.

10 THE COURT: It's admitted.

11 (Defendant's Exhibit Number 44, a photograph, was
12 admitted into evidence.)

13 BY MS. ZMROCZEK:

14 Q. And that's, I guess, a better image. What is were you
15 -- what was the reason for taking this photograph?

16 A. There was an attempt to locate footwear and tire
17 tread impressions on-scene, so that's basically an overall
18 photograph of what we found.

19 Q. And you said that there was an attempt to?

20 A. Yes.

21 Q. Was that completed or why was that abandoned if it
22 wasn't completed?

23 A. There was just too much foot traffic through the
24 scene, so trying to isolate one pair of footwear
25 impressions or tire tread impressions was just impossible.

1 Q. Okay. When you -- when you started with Lexington
2 County, did you start as a crime scene investigator?

3 A. No.

4 Q. What did you start as?

5 A. I was a patrol deputy and a school resource officer.

6 Q. And as a patrol deputy, would you be considered a
7 potential first responder to a crime scene?

8 A. Yes.

9 Q. As a patrol deputy, did you receive the training on
10 if you're going to a major crime scene what you would --
11 what you would want to do to preserve as much evidence and
12 integrity of the crime scene as you could?

13 A. Yes.

14 Q. And was that something that all of -- everybody that's
15 a road deputy or patrol would have learned?

16 A. Yes.

17 Q. Okay. Even in -- even in chaotic situations?

18 A. As best as possible.

19 Q. And the way -- and so the way to be able to do that as
20 best as possible, especially if there's someone that maybe
21 needs medical attention, is you want to kind of make sure
22 and advise everybody that they use the same egress, the
23 same way in and same way out, right? Could that narrow it
24 down?

25 A. Potentially, but we don't always get that training to

1 that degree.

2 Q. Right. Okay. I'll show you Defense 56. You have
3 your report with you, right?

4 A. Yes.

5 Q. Okay. I want you to go to that section of your
6 report, if you don't mind. I believe it's page 8?

7 THE COURT: Hang on one second, Ms. Zmroczek.

8 Is that into evidence? Because I don't have 56
9 in unless I missed it.

10 MS. ZMROCZEK: I did 38 through 66 minus 55 and --
11 I'm sorry just making sure.

12 THE COURT: Okay. We're good. I'm sorry. I'm just
13 making sure.

14 MS. ZMROCZEK: No, I appreciate it.

15 BY MS. ZMROCZEK:

16 Q. Did you find page 8 of your report?

17 A. Yes.

18 Q. Okay. And can you --

19 FOREPERSON: Your Honor --

20 Q. So you observed a jacket on the floor?

21 THE COURT: Hang on one second.

22 Are you having a problem seeing?

23 FOREPERSON: Yes, ma'am. If you could move that
24 back for us, please.

25 THE COURT: Yes. The jurors cannot see.

1 FOREPERSON: Thank you.

2 THE COURT: There we go.

3 Thank you for bring that to my attention.

4 BY MS. ZMROCZEK:

5 Q. All right. 56. So this was inside of the residence,
6 right?

7 A. Correct.

8 Q. Where inside of the residence?

9 A. This was behind the door to the master bedroom on top
10 of a jacket.

11 Q. Okay. So behind the door of the master bedroom on top
12 of the jacket. And you said that the cartridge casing did
13 not appear to be related to the incident, therefore, it
14 wasn't collected?

15 A. Correct.

16 Q. How did you make the decision?

17 A. It did not match the headstamp or caliber of anything
18 located outside.

19 Q. Exactly, but if you weren't told that possibly other
20 people that lived at the residence had a weapon and
21 possibly displayed it, why wouldn't you collect it?

22 A. At the time there was also no evidence that any shot
23 had been fired inside of the residence.

24 Q. Okay. Could that be evidence of something being fired
25 inside the residence?

1 A. Yes, if we found bullet defect.

2 Q. Okay. And that's why you photographed it, right?

3 A. Correct.

4 Q. But didn't collect it, so we can't go back and compare
5 it to any guns, for example, that were found in the -- in
6 the property itself, right?

7 A. Correct.

8 Q. Okay. And that's Defense 57. Is that a closer up
9 view?

10 A. Yes. It is blurry unfortunately.

11 Q. Do you -- you don't use an iPhone for these, do you?

12 A. No.

13 Q. Okay. What kind of camera do you use?

14 A. It's a digital camera. An SLR camera.

15 Q. Okay. Are you able to like look at the pictures as
16 you take them?

17 A. Yes.

18 Q. Okay. So you try to not to have blurry ones, right?

19 A. Correct. Also on this evening I was not photographing
20 anything, it was my partner with me.

21 Q. Okay. Mr. Johnson or Sergeant Johnson?

22 A. Correct.

23 Q. Okay. And can you tell us what caliber that was?

24 A. I cannot.

25 Q. So we don't know?

1 A. No.

2 Q. Okay. All right. I want to stay at the scene for
3 just a little bit.

4 All right. Defendant's 58. Now you described some
5 of the items that you found in the master -- you say in the
6 bedroom. How many bedrooms did you see?

7 A. I believe there was at least two; one at the opposite
8 in and then the victim's bedroom.

9 Q. Okay. And so on State's 67, is this -- this is the
10 room that we're talking that you called the master bedroom,
11 right?

12 A. That's correct.

13 Q. And where was the other bedroom in and an amongst
14 this?

15 A. It was located on the -- this side of the residence.

16 Q. Okay. And so these items I think were -- they're
17 identified on this as 30 and 28?

18 A. That's correct.

19 Q. Okay. And that magazine, what kind of gun did it go
20 to?

21 A. I would have to have a closer photograph of the bottom
22 of the magazine.

23 Q. Okay. And then while at the scene one more time, I'm
24 showing -- I'm putting up -- publishing 65 and 66. I want
25 show you what I'm gonna do and then I'll -- so 65 and 66,

1 right? Is the trailer in 66 the same as 65?

2 A. Correct.

3 Q. Okay. So if we lay them like that, that would kind of
4 give us a longer view, correct?

5 A. Possibly, but they are from different angles.

6 Q. Okay. This tree -- and I'll just put it up here. So
7 this tree here on 66, is that -- where is that depicted in
8 on your report?

9 A. I don't know if I can reach it from here, but it's the
10 one depicted in the front yard.

11 Q. The only tree on there, right?

12 A. On the diagram, yes.

13 Q. Okay. And what about -- so 65 shows which shell
14 casings on this board?

15 A. I believe those are the 9-millimeters.

16 Q. Okay. So they would be right here?

17 A. Yes.

18 Q. Okay. So where's that tree on your diagram?

19 A. That's a second tree right here.

20 Q. Right, but it's -- so it's right here, right?

21 A. Approximately, yes.

22 Q. Okay. Is there a reason why it wasn't included on the
23 diagram?

24 A. Not every item is included on a crime scene diagram.

25 Q. Okay. I want to move to the vehicle -- the search of

1 the vehicle, okay? So that evening when we saw the little
2 projectile rods or directional rods or the rods, how about
3 that, the rods, what's the purpose of putting those rods in
4 there?

5 A. That's to give us an idea the possible angle of
6 impact of a bullet and that helps us to locate where a
7 shot approximately came from.

8 Q. Okay. And so -- perfect answer. Those are the things
9 I want to talk about. So the directionality shows, for
10 example, left to right and up or down, right?

11 A. Correct.

12 Q. And these were going down, correct?

13 A. I believe so.

14 Q. Okay. And you -- I'll show them to you because I
15 don't want to -- State's 39, right? Do you want to see it
16 closer?

17 A. I can see it.

18 Q. Okay. And so you did not put directional rods in all
19 of the defects, did you?

20 A. All of the defects that I could put a rod through I
21 did.

22 Q. Okay. So if it -- if there's no -- if it's just an
23 indentation versus a break, you don't put -- you don't
24 manipulate that, right?

25 A. Correct. To use a rod you have to have basically two

1 defects for the rod to actually stay in there.

2 Q. Okay. All right. And so you said the reason that
3 you do this is because you want to have an understanding of
4 from where something could have been shot, right?

5 A. Correct.

6 Q. So we have this and we have this. So we have the
7 directionality rods, we have all these, so did you take
8 that next step to figure out where people were standing?

9 A. They basically just give us a general idea, but we
10 didn't do a full reconstruction off the vehicle.

11 Q. But that's something that you're something certified
12 and trained in to do, right?

13 A. Yes, we can.

14 Q. Okay. When you respond to a crime scene and you're
15 collecting evidence, are you -- do you just get to do
16 willy-nilly or are you guided into what you are --

17 A. I'm basically left alone to mostly do what I need to
18 do.

19 Q. Okay. And so from all of the pictures, could you have
20 provided us information on from where somebody was standing
21 when they were shooting?

22 A. Yes.

23 Q. Okay. But you didn't do that, right?

24 A. I -- I don't understand the question.

25 Q. Was that done in this case? Do we know -- can you

1 show us through a scientific process where people were
2 standing?

3 A. Generally we don't always do a vehicle or a shooting
4 reconstruction on every scene.

5 Q. Okay. And we didn't do one on this one?

6 A. No.

7 Q. Okay. And so I want to talk about these casings,
8 right? These are casings. You talked about them being
9 ejected and you're trained to be able to say that, right?

10 A. Correct.

11 Q. So when a cartridge is ejected from a gun, where --
12 what direction does it travel?

13 A. It just depends on how the gun is being held.

14 Q. All right. And so that can affect it, right --

15 A. Correct.

16 Q. -- if somebody is walking? And then how far -- for
17 example, how far can these .300 Blackout projectiles travel
18 when they are ejected?

19 A. There's no scientific way to know that.

20 Q. Okay. I want to move back now, like I said, to the
21 search of the vehicle on -- after it was towed, okay? I'll
22 show you 63. What is that? What does that depict?

23 A. That's a photograph of under the seat, I believe.

24 Q. Okay. And what is under the seat?

25 A. It looks like some yellow tape.

1 Q. Okay. Do you have any idea why that was there?

2 A. No. It was just in the vehicle as we found it.

3 Q. It was just in the vehicle. Okay.

4 64. Did you take that picture?

5 A. Yes.

6 Q. Okay. Referring to this right here, did you swab
7 this?

8 A. No.

9 Q. Okay. Why do you swab things?

10 A. For potential touch DNA.

11 Q. All right. What about blood?

12 A. Yes. If we see blood present, we will swab it.

13 Q. Okay. And if -- and I think you did this several days
14 later?

15 A. It was -- yes.

16 Q. And do you know what that is?

17 A. It appears to be mud.

18 Q. Appears to be mud?

19 A. Yes.

20 Q. Did you swab it?

21 A. No.

22 Q. Okay. Do we know?

23 A. (Shakes head.)

24 Q. Okay. Typically we don't want to make assumptions.

25 When we're taking pictures of evidence, do we?

1 A. No.

2 Q. Okay. 59. That's -- this is the Dodge Dakota as
3 well, right?

4 A. Yes.

5 Q. Okay. And I'm referring to -- to this area and this
6 area here, right? You photographed it. Did you collect
7 that projectile?

8 A. I don't see a projectile there.

9 Q. Okay. I'll get a little closer. 54.

10 A. Yes, if we had located it, we would have collected it.

11 Q. Okay. Is it reflected that this was collected?

12 A. Is that a photograph of the rear passenger side or
13 front driver's side or passenger side?

14 Q. From your photograph it appears that it's the rear.

15 A. We have a projectile fragment from front driver's side
16 floorboard, three fragments from the front driver's door
17 and two from the driver's side wheel well.

18 Q. And I thought you said if we photographed we collected
19 it. Did I mishear that?

20 A. I -- if I had seen it, I would have collected it. I'm
21 not sure why it's not reflected in the report.

22 Q. Okay. But nobody else took these photos did they?

23 A. Jamie Johnson did.

24 Q. Okay. Is she trained like you are?

25 A. Yes.

1 Q. Okay. 60. And that was one that was collected or no?

2 A. I believe so, yes.

3 Q. Okay. And where was that one located?

4 A. I believe that was from the front driver's side door
5 pocket.

6 Q. Okay. And 61, that was the gun located inside the
7 truck?

8 A. Correct.

9 Q. Okay. 62, is that -- tell the jury what we're looking
10 at here.

11 A. That is another shot of one of the defects to the
12 front driver's side door.

13 Q. Okay. And because I don't know, are there two defects
14 or one defect and do we know which direction they were
15 travelling from?

16 A. Those are corresponding defects from outside going in.

17 Q. Okay. 45. Was that a magazine from a different gun
18 or was that a magazine from -- or is that the magazine from
19 61?

20 A. That's the magazine from the pistol.

21 Q. Okay. 47, is that just the flip side of it?

22 A. Yes.

23 Q. Okay. Let me show you Defense 50. What are those?

24 A. Those are cartridge cases.

25 Q. Expended?

1 A. Yes.

2 Q. Not bullets, right?

3 A. Correct.

4 Q. And where -- where were those collected?

5 A. Those were collected from the front driver's side door
6 pocket.

7 Q. And what caliber were those?

8 A. Those are .32 Smith & Wesson longs.

9 Q. Okay. And that's just the back seat of the vehicle,
10 right?

11 A. Yes.

12 Q. And so -- and that's just like any crime scene, you
13 photograph overall and then closer and closer pictures as
14 well, right?

15 A. Yes.

16 Q. Okay. And 53, what do we see here?

17 A. That's a cartridge case that was located in the front
18 driver's side seat.

19 Q. Okay. And so was that collected?

20 A. Yes, I believe so.

21 Q. So how many cartridge casings did you collect from the
22 vehicle?

23 A. I think five total.

24 Q. Are these the five on Defendant's 50?

25 A. I believe so. I believe one of those may be the one

1 from the crease of the seat.

2 Q. So do we have a picture of these other four? So
3 you're -- so it's your testimony that 53 is part of one of
4 those?

5 A. I believe so.

6 Q. Okay. Do we have pictures of where the other four
7 were located originally?

8 A. If there is, I haven't seen it.

9 Q. Okay. I want to ask you about -- so when things --
10 when things are placed somewhere, for example, in the
11 house, the jacket with the shell casing, if somebody had
12 gone in the house and placed that there, would you have
13 known that?

14 A. No.

15 Q. Okay. You talked about items that you collected from
16 the -- from the body, right?

17 A. Yes.

18 Q. A cell phone out of the pocket?

19 A. Yes.

20 Q. Okay. Why do you collect cell phones?

21 A. Cell phones, any kind of technology has become really
22 important to potentially notating times where conversations
23 may have taken place, if any text messages exists between
24 two individuals.

25 Q. And so after you collected it, it is your

1 responsibility to make sure that it's -- are you trained
2 to process those or do those go somewhere else?

3 A. I am trained to process them, but certain situations
4 require that I send them to somebody with more advanced
5 technology.

6 Q. Okay. And so in this case who -- did you process any
7 phones?

8 A. I did not.

9 Q. Okay. But you collected -- how many phones did you
10 collect total?

11 A. I believe that night only one.

12 Q. That night, but in this case how many?

13 A. I don't recall.

14 Q. Okay.

15 A. I think that was the only one.

16 Q. Okay. What is -- I beg the Court's indulgence.
17 Gunshot residue, is that something that can be collected?

18 A. Yes.

19 Q. And what does gunshot residue show us?

20 A. Whether a firearm was fired in the proximity of a
21 person.

22 Q. Okay. Or whether they fired a firearm?

23 A. Potentially, yes.

24 Q. Okay. And were there any restrictions -- when you got
25 there, was the body still there?

1 A. Yes.

2 Q. Okay. And was there a reason that you didn't do any
3 gunshot residue on him?

4 A. SLED will not process a GSR kit for a gunshot wound
5 victim.

6 Q. SLED won't?

7 A. No.

8 Q. Okay. What about for active witnesses or people that
9 we assume to be at the scene? Is there any restriction on
10 collecting GSR from David Payton?

11 A. They would have to be included on the search warrant.

12 Q. Okay. And to your knowledge, was that done?

13 A. No.

14 Q. Okay. Jada Ellison?

15 A. No.

16 Q. Todd Sarvis?

17 A. No.

18 Q. Kevin Kimbler?

19 A. No. He was also shot, so they would not have been
20 able to do one.

21 Q. All right. And then when you -- were you told exactly
22 how many people were witness to the shooting?

23 A. No.

24 Q. No?

25 A. No.

1 Q. Okay. So you don't know who was a witness versus a
2 participant versus a suspect at that time, right?

3 A. Correct.

4 Q. Okay.

5 MS. ZMROCZEK: I beg the Court's indulgence.

6 I believe those are all the questions I have.

7 THE COURT: Thank you.

8 Ms. Patterson.

9 MS. PATTERSON: Yes, ma'am. Very briefly.

10 REDIRECT EXAMINATION

11 BY MS. PATTERSON:

12 Q. Investigator Ward, will SLED do a GSR kit on anyone
13 who has been in a certain proximity of gunfire?

14 A. If they have been shot, as far as I'm aware they will
15 not process a GSR kit because there almost guaranteed to
16 find GSR.

17 Q. So you would be guaranteed to find GSR on someone who
18 was, in fact, shot?

19 A. Yes.

20 Q. Or anybody who had been in a certain proximity of the
21 gunfire?

22 A. Correct. Depending on how close they were.

23 Q. And what was the condition of the interior of the
24 truck during your search?

25 A. It was dirty. It looked like it had been used as a

1 work vehicle.

2 Q. And I think you testified -- I beg the Court's
3 indulgence.

4 And I think you said you recovered a .38 from the
5 vehicle?

6 A. A .380.

7 Q. A .380. Excuse me. I have that down. A .380 from
8 the vehicle. And what type of casings was that that was
9 recovered?

10 A. Those were .32 Smith & Wesson as longs.

11 Q. And so they were not the same as the .380 that was
12 recovered?

13 A. No.

14 Q. And those are the casings. And, again, where were
15 these recovered inside the vehicle?

16 A. As far as my notes tell me, they were from the front
17 driver's side door pocket potentially from in between the
18 seats.

19 Q. And, again, they were not a match to that .380 that
20 was recovered from the vehicle?

21 A. No.

22 Q. And in Defense's 54, I think Ms. Zmroczek asked you
23 about this item and you didn't collect it?

24 A. I'm not sure. My report may be incorrect. If I saw
25 it, I would have collected it.

1 Q. If you saw it and if you thought it was a jacket or
2 some type of fragment, would you have collected it?

3 A. Yes.

4 Q. And in Defense's 64, Ms. Zmroczek was asking you about
5 this, which you say appears to be mud to you, correct?

6 A. Yes.

7 Q. And if you thought this had been blood, would you have
8 done any further testing?

9 A. Yes.

10 Q. And in Defense's 44, she asked you about the presence
11 of footprints and tire prints. Are you able to date any of
12 that?

13 A. No.

14 Q. So you don't know when they occurred?

15 A. No.

16 Q. Do you even recall which area of the yard these were
17 present?

18 A. From that photograph I can't tell you tell, but they
19 were all basically the entire yard.

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

21 THE COURT: Take your time.

22 BY MS. PATTERSON:

23 Q. And just so we are clear, in State's 39, those
24 trajectory rods that you placed inside that Dodge Dakota,
25 which direction did you determine the flight path -- the

1 shots were fired from?

2 A. They appeared to be coming from the rear of the
3 vehicle towards the front at an angle.

4 Q. At an angle?

5 A. Yes.

6 Q. And, again, this is where the victim was lying?

7 A. Correct.

8 Q. And do you know if patrol officers get those booties
9 that Ms. Zmroczek talked about that cover your feet?

10 A. I don't think any of them are issued.

11 Q. To patrol officers?

12 A. Correct.

13 Q. That's something that CSI people would get?

14 A. Yes.

15 Q. And I think you said you would expect the scene to be
16 secured as best as possible in a chaotic situation?

17 A. Yes.

18 Q. Is that always the -- is it always easy to secure a
19 crime scene in a chaotic situation?

20 A. No. Generally the first responsibility is the
21 preservation of life.

22 Q. Preservation of life is the first responsibility.

23 MS. PATTERSON: Thank you, Investigator Ward.

24 MS. ZMROCZEK: Just very briefly.

25 THE COURT: Yes, ma'am.

1	RECROSS EXAMINATION

2 | BY MS. ZMROCZEK:

3 Q. Can you tell me which page are you referring to on
4 your report when you say where those cartridges were
5 collected out of the vehicle?

6 | A. I believe it's gonna be my page 3 or --

7 | Q. Okay. And do you mind if I just look at yours?

8 | A. (Handing.)

9 | Q. Thank you.

10 Okay. So it says the interior of the truck --
11 sorry. In the front driver's side door pocket, five
12 cartridge casings were located. That's what your report
13 says, right?

14 | A. Yes.

15 Q. Okay. And so that -- Defense 50, right?

16	A. Correct.

17 Q. Those are from the driver's side. All five of those
18 are from the drivers's side door pocket according to your
19 report?

20 A. Yes, according to my report.

21 Q. Okay. And so, again, then I want to ask you where in
22 your report does it say there's one recovered from the -- a
23 casing recovered from the interior -- 53, interior of the
24 seat? That's certainly not the driver's side door pocket,
25 is it?

1 A. No, it's not.

2 Q. Okay. And so where in your report is it reflected
3 that this one was collected?

4 A. I believe my report is -- I made an error in that
5 report.

6 Q. You think you made an error?

7 A. Yes.

8 Q. Okay. But --

9 A. It's not reflected in the report.

10 Q. Okay. So either you made an error in the report and
11 there were only four and then one in the seat or there were
12 five in the door and one in the seat that we just didn't
13 get collected, right?

14 A. Yes.

15 Q. Okay. But we don't know?

16 A. At this point, no.

17 Q. Okay. And how do -- how do shell casings, again, get
18 -- how do they become shell casings?

19 A. They have to be fired.

20 Q. They get ejected from a gun?

21 A. Yes.

22 Q. Okay.

23 MS. ZMROCZEK: That's all. Thank you.

24 THE COURT: Thank you.

25 Ms. Patterson, may I excuse this witness or do you

1 have anything else?

2 MS. PATTERSON: No, ma'am. We ask that this witness
3 be excused.

4 MS. ZMROCZEK: And we have no objection.

5 THE COURT: Thank you so much.

6 (Witness excused.)

7 THE COURT: All right. Mr. Foreman, ladies and
8 gentlemen of the jury, it's after 5:00. I know you-all
9 have lives. I'm gonna let you go. Please remember do
10 not read anything about this case, look up anything about
11 this case on the Internet, in the newspaper or on the TV.
12 You're not allowed to watch.

13 I will see you at 8:45 in the morning. We will
14 start promptly at 9:00 AM so we can stay on schedule.

15 Thank you so much. I hope you-all have a good
16 evening.

17 FOREPERSON: You, too.

18 (Whereupon, the jury was excused for the day at
19 5:13 PM.)

20 THE COURT: All right. Anything from the State?

21 MS. PATTERSON: No, ma'am.

22 THE COURT: Anything from the defense?

23 MS. ZMROCZEK: No, ma'am.

24 THE COURT: I will see you-all at 9:00 in the
25 morning. We're gonna start prompt. Thank you-all.

1 talk to you about this case or have you talked to anyone
2 about this case or have you done any research on the
3 Internet, Facebook, Twitter, anything to do with this
4 case? If so, please raise your hand.

5 Okay. Ms. Patterson, you can call your next witness.

6 MS. PATTERSON: Thank you, Your Honor. May it please
7 the Court?

8 The State calls Investigator Joe Hart.

9 (Whereupon, Michael Joe Hart was duly sworn by the
10 Clerk of Court.)

11 THE CLERK: State your full name and spell your last
12 name for the record.

13 THE DEFENDANT: My name is Sergeant Michael Joe Hart.
14 H-A-R-T.

15 MICHAEL JOE HART,

16 having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MS. PATTERSON:

19 Q. And, Sergeant Hart, good morning.

20 A. Morning.

21 Q. And can you tell the jury a little bit about your law
22 enforcement background?

23 A. Yes, ma'am. So I got in law enforcement in 2011. I
24 had gotten out of the Marine Corps infantry, gotten out of
25 the military, used the GI bill, went to college, got a

1 bachelor's degree in history. I got on at the sheriff's
2 department in 2011. At the sheriff's department, I've
3 worked as a patrol deputy, a field training officer,
4 resident deputy, investigator, senior investigator, and now
5 currently serve as a sergeant in the major crimes division.

6 Q. Okay. And back in 2020, what was your position with
7 the Lexington County Sheriff's Department?

8 A. I was an investigator assigned to the major crimes
9 division.

10 Q. And were you assigned to particular region?

11 A. No, ma'am. The major crimes division is -- we work
12 cases all over the county. We're not assigned to any
13 particular region.

14 Q. And were you assigned to a shooting that occurred at
15 [REDACTED] Fish Hatchery Road in the Gaston area of Lexington
16 County?

17 A. Yes, ma'am, I was.

18 Q. And can you tell us what time -- did you respond to
19 the scene?

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

21 Q. And can you tell us about what time you responded to
22 the scene?

23 A. Yes, ma'am. I got on-scene about 8:15 thereabouts.

24 Q. And that would be PM?

25 A. PM. Yes, ma'am.

1 Q. And when you get to a shooting scene such as this,
2 what is the first thing that you do when you arrive?

3 A. Well, the first thing I generally do when I go to any
4 scene that we're called out to is I'll try to make contact
5 with the deputy -- not necessarily the deputy in charge,
6 but the deputy with the most knowledge about the case
7 because I want to know what.

8 Direction I need to go, who I need to talk to, where
9 evidence is and that type of stuff, so I make contact with
10 the who has the most knowledge, usually the first to
11 arrive, the deputy that's gonna write the report, that's
12 the deputy that I try to make contact with. In this case,
13 it would have been Deputy Swygert.

14 Q. And so after you spoke with Deputy Swygert, were you
15 able to get the necessary information that you needed at
16 the time to begin an investigation in the case?

17 A. Yes, ma'am, I was.

18 Q. Were particular witnesses identified to you?

19 A. Yes, ma'am. We had three witnesses that had written
20 statements advising that they had witnessed the shooting.

21 Q. Okay. And did you receive those statements?

22 A. I did, yes, ma'am. I received all the statements,
23 even for those who did not witness the actual shooting.

24 Q. And for those who witnessed the actual shooting, after
25 receiving those statements was any follow-up interviews

1 done with them?

2 A. Yes, ma'am. We work as a team in major crimes, we're
3 assigned to teams, and my team investigators, Detective
4 Williams, who was here yesterday, and Detective -- then at
5 the time, Detective Brock, we spit up, kind of divide and
6 concur. We each talked to a witness. I spoke to David
7 Peyton or Bubba.

8 Q. And do you know which witnesses Investigator Williams
9 spoke to and Detective Brock?

10 A. Detective Williams spoke with Steven Phillips and
11 Detective Brock spoke with Jada Ellison.

12 Q. Okay. And were there other people at the scene who
13 didn't witness what happened?

14 A. Yes, ma'am. There were a ton of individuals on the
15 scene, which is not uncommon, who come after the fact.

16 Q. And were there people that you attempted to speak to
17 and didn't speak to?

18 A. Yes, ma'am. There was at least one that I attempted
19 to talk to who refused to talk to me.

20 Q. And I'm gonna show you Defense's Exhibit 14. Are you
21 familiar with the person in that picture?

22 A. I am. Yes, ma'am.

23 Q. And did you attempt to speak to this person?

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

25 Q. And was he cooperative?

1 A. He was not with me, no, ma'am.

2 Q. Okay. And at a scene is everybody always cooperative?

3 A. No, ma'am.

4 Q. Now I'm gonna show you State's Exhibit Number 8. Are
5 you familiar with the person in that picture?

6 A. I am. Yes, ma'am.

7 Q. And did anyone on your team attempt to speak with him?

8 A. None of the investigators had spoken with him, but
9 deputies on the scene had already made contact with him.

10 Q. And are you familiar with who this person -- the role
11 this person may have taken at the scene?

12 A. Yes, ma'am.

13 Q. And what was he doing?

14 A. He -- he was the individual who rendered aid. Our
15 understanding was he arrived after the shooting. He
16 arrived, found the victim in the state that he was in, and
17 attempted to render aid. He did not witness anything.

18 Q. And do you have any information about his current
19 whereabouts?

20 A. Yes, ma'am. It's my understanding he's currently in
21 Ohio.

22 Q. And, again, who did you say you spoke with?

23 A. I spoke with David Peyton. Bubba.

24 Q. Now when you arrived at the scene, were there any
25 victim's still at the scene?

1 A. Just the decedent.

2 Q. Okay. And what was the decedent's name?

3 A. Barry Joe Chavis, Junior. B.J.

4 Q. And were you made aware that there was possibly
5 another victim who was at the scene?

6 A. Yes, ma'am. I was notified that one was transported
7 to the hospital for treatment.

8 Q. And who was that victim identified to be?

9 A. Kevin Kimbler, Senior.

10 Q. And were you made aware of his injuries?

11 A. I was advised0.

12 MS. ZMROCZEK: Your Honor, I'm gonna object if he
13 talks describes or talks about his injuries. That's
14 absolutely hearsay.

15 THE COURT: Okay. I think -- let's not go into
16 hearsay.

17 Go ahead, Ms. Patterson.

18 BY MS. PATTERSON:

19 Q. Were you a made aware that he was shot?

20 A. I was. Yes, ma'am.

21 Q. And did you eventually make contact with him?

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

23 Q. And where was this?

24 A. PRISMA Health Richland Hospital.

25 Q. Okay. And did you interview him as well?

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

2 Q. And without saying what he may have said, was he able
3 to tell you what happened?

4 A. He was. Yes, ma'am.

5 Q. And do you know Mr. Kimbler's whereabouts?

6 A. He is currently deceased.

7 Q. Okay. And it was not due to this?

8 A. No, ma'am.

9 Q. And, Mr. Chavis, did you actually observe the injuries
10 to Mr. Barry Chavis?

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

12 Q. And what injuries did you observe?

13 A. I observed he had an injury to his lower back, a
14 larger upper chest/neck area, and then had an injury I
15 guess right -- kind of where the butt cheek meets the top
16 of the thigh, right there, and then an injury to the
17 outside of his right thigh.

18 Q. And was crime scene investigations called out to
19 process the scene?

20 A. They were. Yes, ma'am.

21 Q. And do you know if they were able to collect any
22 casings or any evidence associated with the shooting at
23 the scene?

24 A. Yes, ma'am. They were able to collect several casings
25 and bullet fragments and jackets.

1 Q. Okay. And while you were at the scene, did you notice
2 anything in particular about witness Jada Ellison?

3 A. When I -- when I arrived, the witnesses were sitting
4 against a fence and I observed Ms. Ellison appeared to be
5 texting on her cell phone.

6 Q. Okay. And what, if anything, did you do?

7 A. I directed deputies to determine if that communication
8 was in reference to the homicide and if it was to seize
9 that cell phone because obviously we need to figure out
10 whose she's talking to, what that conversation was about
11 and if it's germane to the actual investigation.

12 Q. Okay. And did you seize her phone?

13 A. We did. Yes, ma'am.

14 Q. And when you spoke to David Payton, where did you take
15 him to speak with him?

16 A. I spoke to him in my truck. I have a Chevy Silverado
17 pick-up truck unmarked and that's where -- when I'm not
18 able to meet with people in our office, that's where I meet
19 with people, in the truck. It's secluded, it's private,
20 tinted windows. People can't see what we're doing or what
21 we're talking about.

22 Q. And do you know where Detective Williams may have
23 taken Steven to speak with him?

24 A. In his county issued -- I think he had a Tahoe at the
25 time.

1 Q. And what about Detective Brock, where did he speak
2 with Jada?

3 A. In his county issued.

4 Q. And based on the conversations with these individuals,
5 were you-all able to get -- were the suspects identified?

6 A. They were. Yes, ma'am.

7 Q. And at any point during the conversations or during
8 the investigation, did the suspects change?

9 A. No, ma'am. When I -- in the conversations we had
10 there was never any doubt who the suspects were. All of
11 our witness knew personally our suspects.

12 MS. ZMROCZEK: Your Honor, may we approach?

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

14 BY MS. PATTERSON:

15 Q. And who were the suspects?

16 A. Chris Shumpert and Daniel Jones. Daniel Taylor Jones.

17 Q. And after speak with the witnesses, were you-all able
18 to identify a possible vehicle used?

19 A. Yes, ma'am. We learned that Mr. Shumpert was driving
20 a black Chevy Malibu.

21 Q. And what, if anything, did you do with this
22 information regarding this car vehicle description?

23 A. Well, we -- we have what we call a BOLO, a "be on the
24 lookout". They used to call it an all points bulletin,
25 APB, different names for it, but we essentially BOLO'd it

1 out to our agency and surrounding agencies to be on the
2 lookout for and then based on the vehicle description we
3 had deputies patrol from Treemount Road as a possible
4 location for that specific vehicle.

5 Q. And so after -- so you did have a possible location
6 for the suspects?

7 A. Yes, ma'am.

8 Q. And before we get to that, can you explain to the jury
9 when a shooting occurs and you have two victims and two
10 suspects, is there multiple officers covering multiple
11 scenes?

12 A. Yes, ma'am. We can have multiple, and as in this case
13 we had multiple scenes, and crime scenes vary. I mean,
14 we've had crime scenes as small as this witness stand,
15 crime scenes as large or bigger than this, and I think this
16 crime scene was as large or bigger than this courtroom out
17 at the house. So it's not uncommon to have more than one
18 crime scene that we have to divert resources to try to
19 secure evidence and locate witnesses or offenders.

20 Q. And I think you mentioned Treemount Lane?

21 A. Yes, ma'am.

22 Q. And did you send officers to Treemount Lane for a
23 possible location of either one or two of the suspects?

24 A. Yes, ma'am. We had learned that Mr. Shumpert and his
25 girlfriend had frequented that area, which is a house that

1 our patrol deputies were familiar with, so we requested
2 that our patrol deputies respond to that address and
3 attempt to locate them when we were trying to figure out
4 what resources we needed on the scene.

5 Q. And were you successful in locating anyone at that
6 location?

7 A. No, ma'am. They weren't able to locate anybody we
8 were looking for at that location.

9 Q. And at this point are you still working and using
10 other resources to try to locate the suspects?

11 A. Yes, ma'am.

12 Q. And in doing so, did you receive any information later
13 that night about a possible location of the defendant,
14 Daniel Jones?

15 A. We did. Yes, ma'am.

16 Q. And what was that possible location?

17 A. I had received information that his grandmother's
18 house was -- give me just a second. I don't want to get
19 the address wrong. I know it's Bachman Road, which is not
20 far from the scene. [REDACTED] Bachman Road.

21 Q. And after receiving that information, what did you do?

22 A. We requested deputies respond to that location.

23 Q. Okay. And did you ever receive any information that
24 Mr. Jones was located at that residence?

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

1 Q. And did you relocate to [REDACTED] Bachman Road?

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

3 Q. And at this point are you still -- has Mr. Shumpert
4 been located?

5 A. He has not. No, ma'am.

6 Q. And when you got to the Bachman Road address, was
7 there Jones already --

8 MS. ZMROCZEK: Your Honor, I'm gonna object to
9 leading. I've let it go on a little bit, but I would
10 object to the leading.

11 THE COURT: Okay. Finish answering your question.
12 I didn't think it was leading.

13 Go ahead.

14 BY MS. PATTERSON:

15 Q. When you got to the Bachman Road address, did you have
16 contact with Mr. Jones?

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

18 Q. Okay. And during that contact, was he behaving
19 peacefully?

20 A. Initially he was. Yes, ma'am.

21 Q. And then later on?

22 A. And then it -- it changed and he was erratic.

23 Q. Okay. And did you assign Investigator Williams to go
24 to another scene?

25 A. Yes, ma'am. Information that we were able to obtain

1 while at Bachman Road, initially it was a potential alibi
2 witness, Mr. Heath Short, on Archwood Street. I obtained
3 that information and requested Detective Williams respond
4 to that address and speak with Mr. Short.

5 Q. And did you know who Mr. Short was in relation to the
6 defendant, Daniel Jones?

7 A. What I was originally told was that it was his uncle
8 and --

9 MS. ZMROCZEK: Again, Your Honor. I object to
10 hearsay.

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

13 Rephrase that and I'm gonna ask the jury to
14 disregard it.

15 BY MS. PATTERSON:

16 Q. Were you able to find out a connection between Heath
17 Short and the defendant, Daniel Jones?

18 A. Yes, ma'am. We learned that he was his -- I believe
19 was his cousin, but he was referred to as his uncle.

20 Q. And while at Bachman Road did you-all obtain a search
21 warrant?

22 A. Yes, ma'am. We did.

23 Q. And after you retained that search warrant, was that
24 property searched?

25 A. It was. Yes, ma'am.

1 Q. And were items of evidence discovered at that
2 property?

3 A. They were. Yes, ma'am.

4 Q. And who was the crime scene investigator that was in
5 charge of the Fish Hatchery Road location?

6 A. We have -- in cases of homicides, we have two CSI
7 investigators to help each other out because they're
8 generally bigger scenes, so it would have been Detective
9 Ward, he was our on-call, and his backup would have been
10 Sergeant Jamie Johnson.

11 Q. Okay. And did anybody -- did any CSI investigator
12 respond to Bachman Road to collect evidence?

13 A. Yes, ma'am. They -- both of those individuals when
14 they were finished with Fish Hatchery responded to Bachman.

15 Q. Okay. And after the search at the Bachman Road
16 address, did you receive information about Christopher
17 Shumpert's whereabouts?

18 A. I did. Yes, ma'am. I was -- I learned that he had
19 been detained in Aiken County.

20 Q. And was anyone with him?

21 A. Our Fugitive Task Force and SLED agents with were him
22 and his girlfriend, Jacqueline Aiken.

23 Q. And did you respond to that location to speak with
24 them?

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

1 Q. And do you know, again, where they were apprehended?

2 A. If you'll give me just a minute, I'll tell you exactly
3 where they were apprehended. It was a motel named the
4 Guest Inn located 110 Frontage Road, Room 113.

5 Q. Let me just go back to my timeline. Again, what time
6 did you respond out to Fish Hatchery?

7 A. I got there about 8:15 PM.

8 Q. And do you know what time the defendant, Daniel Jones,
9 was detained at Bachman Road?

10 A. Shortly after 9 PM.

11 Q. Okay. And do you know what time Christopher Shumpert
12 was located in Aiken?

13 A. It was -- I believe it was after 1 AM.

14 Q. And after you went to Aiken, did you interview anyone
15 -- did you interview or speak with anyone down there?

16 A. Yes, ma'am. I spoke with Jacqueline Aiken in my truck
17 in the same manner I spoke to Bubba.

18 Q. Okay. And at some point during this investigation
19 did you receive information about a possible location of a
20 second gun?

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

22 Q. And where was that possible location?

23 A. It was at the defendant's mother's house. I know the
24 street was Earline Road. [REDACTED] Earline Drive.

25 Q. And after you received that information, what did you

1 do?

2 A. I contacted Detective Brock, who I work with, and
3 some other deputies to respond to that address with me to
4 attempt to see, number one, if the firearm was still there
5 and, number two, if we would be able to collect it.

6 Q. And when you receive information about a possible
7 firearm being present, are you -- how are you responding?

8 A. Well, in this incident as it's evidence and it's
9 potentially at a place where it could be moved, it's not
10 secure, we would have responded as quickly as we could just
11 to make sure because we were already behind the curve. It
12 had been there for several hours at that point, we want to
13 get there as fast as we can. So if nothing's happened to
14 it, it won't happen in the interim before we get there
15 will.

16 Q. And do you recall about what time of the day this was
17 that you got this information?

18 A. It was evening. It was nighttime. The next day on
19 the 28th.

20 Q. On the 28th?

21 A. Yes, ma'am.

22 Q. And when you responded to that location, who did you
23 make contact with?

24 A. Jessica Chaney.

25 Q. Okay. Did you have any contact with Corey Chaney?

1 A. Not that night.

2 Q. And did you let her know your reason for being at the
3 residence?

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

5 Q. And what did you let her know?

6 A. I let her know that we had obtained information that
7 the weapon was likely stored there.

8 Q. And what did you do after you gave her this
9 information?

10 A. After we spoke with her, we attempted to obtain
11 consent and then we searched and located the weapon.

12 (State's Exhibit Number 68 through 72 were marked
13 for identification.)

14 BY MS. PATTERSON:

15 Q. I'm gonna show you State's 68 through 72 and do you
16 recognize what's in these photographs?

17 A. I do. Yes, ma'am.

18 Q. And what's depicted in these photographs?

19 A. The location where the firearm was recovered and the
20 actual firearm itself.

21 Q. Okay. And did you threaten Jessica Chaney to search
22 this location?

23 A. No, ma'am. I did not.

24 Q. And do they fairly and accurately represent your --
25 your gun recovery on March 28th of 2020 at [REDACTED] Earline

1 Drive?

2 A. They do. Yes, ma'am.

3 MS. PATTERSON: Your Honor, at this time we move
4 State's 68 through 72 into evidence.

5 THE COURT: Any objection?

6 MS. ZMROCZEK: Subject to my previous objection.

7 THE COURT: They're admitted.

8 (State's Exhibit Number 68 through 72, photographs,
9 were admitted into evidence.)

10 BY MS. PATTERSON:

11 Q. Now, Sergeant Hart, is there a pond out there?

12 A. There is. Yes, ma'am.

13 Q. And can you kind of explain what we're looking at in
14 this photograph?

15 A. Yes, ma'am. This is the -- there's a carport here
16 that you can't see with a boat under it. This is the
17 back side of a boat and a tool box here and this is --
18 honestly I still haven't identified what this is, but it's
19 camouflage on the ground, and the information we learned it
20 was behind the camouflage thing or the camo thing on the
21 ground behind the boat.

22 Q. And did you search whatever this was?

23 A. Yes, ma'am. We did.

24 Q. And then in 69, what is this?

25 A. Yes, ma'am. This is a Dora the Explorer blanket on

1 the ground under the -- whatever the camouflage thing is.

2 Q. And did you remove that blanket?

3 A. We did. Yes, ma'am.

4 Q. And State's 70?

5 A. That's just the blanket fully uncovered.

6 Q. And State's 71?

7 A. That's the blanket open with the -- the firearm
8 visible.

9 Q. And did this firearm still have a magazine?

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

11 Q. And State's 72?

12 A. It just a closer picture of the firearm.

13 Q. And once you took these photographs, did you collect
14 that firearm?

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

16 THE COURT: It has a safety clip on it, right?

17 MS. PATTERSON: Yes, ma'am. It has the safety clip
18 on it and I'll just hold it up.

19 I apologize, Your Honor. We need a box.

20 THE COURT: Okay. That's okay.

21 (State's Exhibit Number 85 was marked for
22 identification.)

23 BY MS. PATTERSON:

24 Q. Investigator Hart, I'm gonna show you State's Exhibit
25 85.

1 MS. ZMROCZEK: I'm sorry, what's the number?

2 MS. PATTERSON: 85.

3 THE WITNESS: Yes, ma'am. I just wanted to see the
4 serial number.

5 BY MS. PATTERSON:

6 Q. Okay. And is this the gun that you recovered at
7 [REDACTED] Earline Drive on March 28th of 2020?

8 A. It is. Yes, ma'am.

9 MS. PATTERSON: Your Honor, at this time we move
10 State's 85 into evidence.

11 MS. ZMROCZEK: Subject to my previous objection.

12 THE COURT: So noted. It's admitted.

13 (State's Exhibit Number 85, a Diamondback AR Rifle,
14 was admitted into evidence.)

15 BY MS. PATTERSON:

16 Q. And, Sergeant Hart, what kind of weapon is this?

17 A. This is a commonly referred to as an AR platform rifle
18 chambered in a .300 Blackout. It's a Diamondback brand
19 firearm.

20 Q. And, again, does that gun also have a magazine
21 attached?

22 A. It did. Yes, ma'am.

23 Q. And did you -- did you disassemble or disengage the
24 magazine or whatever you call it?

25 A. Yes, ma'am. I removed the magazine from the magazine

1 well.

2 Q. Was it still loaded?

3 A. It was not. No, ma'am.

4 (State's Exhibit Number 86 was marked for
5 identification.)

6 BY MS. PATTERSON:

7 Q. And I'm gonna show you State's 86. Do you recognize
8 State's 86?

9 A. I do. Yes, ma'am.

10 Q. And what do you recognize it to be?

11 A. It the magazine that I removed from the firearm.

12 MS. PATTERSON: At this time we move State's 86 into
13 evidence.

14 MS. ZMROCZEK: Subject to my previous objection.

15 THE COURT: It's admitted.

16 (State's Exhibit Number 86, a gun magazine, was
17 admitted into evidence.)

18 BY MS. PATTERSON:

19 Q. And, again, it was emptied when you recovered the
20 gun?

21 A. Yeah, it was in the firearm, but it was completely
22 empty. There was no ammunition in it.

23 Q. And when Christopher Shumpert was located in Aiken,
24 what was he driving?

25 A. A black Chevy Malibu.

1 Q. And was this Chevy Malibu towed?

2 A. It was. Yes, ma'am. We took it to our headquarters
3 -- evidence -- for evidence and to be able to be searched
4 later.

5 Q. Okay. And were you involved in that search?

6 A. I was. I was the only person involved in that search.
7 Yes, ma'am.

8 Q. And during that search did you photograph and document
9 any of your findings?

10 A. I did. Yes, ma'am. I photographed everything.

11 (State's Exhibit Number 73 through 82 were marked
12 for identification.)

13 BY MS. PATTERSON:

14 Q. I'll show you what's been marked as State's 73 through
15 82 and ask you to take a look at these photographs. Do you
16 recognize what's in these photographs?

17 A. Yes, ma'am. These are the photographs I took of the
18 search of the vehicle.

19 Q. Search of the vehicle and that would be the black
20 Malibu?

21 A. Yes, ma'am. It would be.

22 MS. PATTERSON: Your Honor, at this time we move
23 State's 73 through 82 into evidence.

24 MS. ZMROCZEK: Without objection.

25 THE COURT: It's admitted.

1 (State's Exhibit Number 73 through 82, photographs,
2 were admitted into evidence.)

3 BY MS. PATTERSON:

4 Q. And did you take a lot of pictures?

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

6 Q. And this is just some of the pictures?

7 A. I'm sorry.

8 Q. This is just a few of the pictures we're gonna see?

9 A. Yes, ma'am. These are not all the pictures I took.

10 Q. And this will be passenger side. What, if anything,
11 did you notice about the passenger side of the black
12 Malibu?

13 A. That that front passenger side tire was deflated.

14 Q. Okay. And do you know if it was deflated in Aiken?

15 A. I know for a fact it was not deflated in Aiken.

16 Q. And did you notice any other defects to the passenger
17 side of that vehicle?

18 A. I didn't notice any defects at all. No, ma'am.

19 Q. I'm gonna go out of order a little bit. State's 77.
20 Is that the front of the vehicle?

21 A. It is. Yes, ma'am.

22 Q. Did you note any defects to the front of the black
23 Chevy Malibu?

24 A. No, ma'am. I did not.

25 Q. And State's 78. Did you note any damage to the

1 driver's side of the black Chevy Malibu?

2 A. No, ma'am. I did not.

3 Q. And State's 79, the back of the black Chevy Malibu.

4 Did you note any defects to it?

5 A. No, ma'am. I did not.

6 Q. And State's 80 is just another angle. Again, did you

7 notice any defects?

8 A. I did not. No, ma'am.

9 Q. And State's 81. Did you look inside of the black
10 Chevy Malibu?

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

12 Q. And did you find any items of evidentiary value?

13 A. No, ma'am. I did not.

14 Q. And State's 82. Again, the interior of this black
15 Chevy Malibu. Did you note or recover anything -- any
16 items of evidence?

17 A. No, ma'am.

18 Q. And did you also check the trunk of the car?

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

20 Q. And in State's 74, did you notice any items of
21 evidentiary value during the search of the trunk?

22 A. No, ma'am.

23 Q. In fact, what kind of items did you -- were present in
24 the trunk?

25 A. Clothing.

1 Q. Both male and female?

2 A. Yes, ma'am.

3 Q. And State's 76. Did -- did you notice anything of
4 evidentiary value?

5 A. No, ma'am.

6 Q. Now yesterday Investigator Ward talked about
7 processing the Dodge Dakota truck. Were you present during
8 that search?

9 A. I'm sorry, could you repeat that?

10 Q. The Dodge Dakota truck that was present at Fish
11 Hatchery Road, were you involved in that search with
12 Investigator Ward?

13 A. I was not present when it was searched. No, ma'am.

14 Q. Now did you ever return to Earline Drive?

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

16 Q. And when did you return there?

17 A. It looks like on April 2, 2020.

18 Q. And this would have been days after the shooting?

19 A. Yes, ma'am.

20 Q. And when you returned, what was your purpose for
21 returning to Earline Drive on April 2nd?

22 A. I had learned that there were security cameras on the
23 property that would have captured the defendants returning
24 to that address after the shooting.

25 Q. And when you went to that location, who did you make

1 contact with, if anybody?

2 A. Corey Chaney.

3 Q. Okay. And did you let him know the purpose of your
4 visit?

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

6 Q. And did he provide you with, I think, a SD card?

7 A. He did. Yes, ma'am.

8 Q. And were you will able to view the SD card?

9 A. Initially I was not able to view it because of the way
10 it's encrypted on the camera. It's an Amazon camera, but
11 then we -- we were able to get a converter from the company
12 to convert the videos through their converter and then I
13 was able to see the video. Yes, ma'am.

14 Q. And during your observation of the video, were you
15 able to get any information that was germane to this
16 investigation?

17 A. Yes, ma'am.

18 Q. Now at this point you had made contact with -- you
19 had already had personal contact with the defendant, Daniel
20 Jones?

21 A. Yes, ma'am.

22 Q. Chris Shumpert?

23 A. Yes, ma'am.

24 Q. And Jacqueline Aiken?

25 A. Yes, ma'am.

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

2 THE COURT: Take your time.

3 BY MS. PATTERSON:

4 Q. Investigator Hart, in that clip were you able to note
5 the black Chevy Malibu?

6 A. I was. Yes, ma'am.

7 Q. Did you know what time that was that that black Chevy
8 Malibu was present on Earline Drive?

9 A. Yes, ma'am. The video said 17:44, which is military
10 time. 5:44 local time PM.

11 Q. PM. And were you able to notice who was at the car
12 window talking?

13 A. Yes, ma'am. The individual standing outside was
14 Mr. Chaney.

15 Q. And did anyone else come up in that clip and speak
16 with the parties in the Chevy Malibu?

17 A. All I saw was Mr. Cheney.

18 Q. And did you note what time that black Malibu left
19 Earline Drive and went to the right?

20 A. It looked like 17:49, which would be 5:49 PM.

21 Q. And do you know what time the 9-1-1 call came out to
22 Fish Hatchery?

23 A. Not off the top of my head I don't.

24 Q. I think we already have it. 7:30 PM?

25 A. Yes, ma'am.

1 Q. And, again, were you able to have any contact with
2 these three individuals?

3 A. I was. Yes, ma'am.

4 Q. And did you note what time the black Chevy Malibu
5 returned to [REDACTED] Earline Drive?

6 A. The time on the video was 19:36, which have been
7 7:36 PM.

8 Q. And that would have been six minutes after the 9-1-1
9 call?

10 A. Yes, ma'am.

11 Q. And were you able to identify the two -- at least the
12 two individuals outside the car?

13 A. I was. Yes, ma'am.

14 Q. And who did you identify this to be?

15 A. Jacqueline Aiken.

16 Q. And who did you identify this to be?

17 A. Daniel Jones.

18 Q. And did you note what time that Malibu left that
19 location?

20 A. Yes, ma'am. It was 19:42 on the video or 7:42 PM.

21 Q. And this time which direction was it going?

22 A. It goes left.

23 Q. Are you familiar with the Fish Hatchery Road location?

24 A. I am familiar with that area. Yes, ma'am.

25 Q. In State's 14 and 15, already admitted into evidence,

1 are you familiar with what's depicted in these photographs?

2 A. Yes, ma'am. I am.

3 (State's Exhibit Number 84 was marked for
4 identification.)

5 BY MS. PATTERSON:

6 Q. And, first of all, let me show you this. Let me show
7 you State's 84. Are you familiar with the area that's
8 depicted in that map?

9 A. I am. Yes, ma'am.

10 Q. And does it fairly and accurately reflect the area
11 surrounding the incident location at [REDACTED] Fish Hatchery
12 Road?

13 A. It does. Yes, ma'am.

14 MS. PATTERSON: Your Honor, at this time we move
15 State's 84 into evidence.

16 MS. ZMROCZEK: No objection.

17 THE COURT: It's admitted.

18 (State's Exhibit Number 84, a Lexington County map,
19 was admitted into evidence.)

20 BY MS. PATTERSON:

21 Q. This is a Lexington County map. And if will orient
22 the jury to where the incident location would have
23 occurred.

24 A. Okay. So this is Fish Hatchery Road. This would
25 have been the driveway into the trailer park and this house

1 right here that says 3640 on the map is actually the -- the
2 incident location. It's that house right there in this
3 front yard here.

4 Q. And do you see Cinder Hill Court on this map?

5 A. I do. Yes, ma'am. It's this dirt road right here.

6 Q. And about -- approximately how far apart are those
7 two locations?

8 A. 150 yards maybe.

9 Q. And State's 14. Again, can you kind of just tell us
10 where this is located?

11 A. Yes, ma'am. So this right here would be Fish Hatchery
12 Road. The stop sign would be the stop -- where you would
13 stop before entering on Fish Hatchery Road and then this
14 would be going down Cinder Hill Court away from Fish
15 Hatchery Road.

16 Q. And State's 15?

17 A. Yes, ma'am. This is Cinder Hill Road looking back
18 towards Fish Hatchery. Right there is that stop sign that
19 you saw the back of. In the last picture Fish Hatchery
20 Road would down here going this way.

21 Q. And, again, how far apart are these two locations?

22 A. Again, as the crow flies from the house to that
23 intersection might be 150 yards, maybe a little more, a
24 little less.

25 Q. So is it possible to hear gunshots and screaming?

1 MS. ZMROCZEK: Objection, Your Honor. Speculation.

2 THE COURT: I agree.

3 Move on, Ms. Patterson.

4 BY MS. PATTERSON:

5 Q. But it's not that far apart, those locations?

6 A. No, ma'am.

7 Q. And have you had the opportunity to map out the
8 different addresses associated with this case?

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

10 Q. And what was your purpose of you doing that?

11 A. To determine -- so we tried try to determine the
12 distances between two areas, the roundabout time it would
13 take to travel between two areas so we could figure out
14 maybe something happening between getting from Point A to
15 Point B so we know kind of where to look for evidence or
16 witnesses.

17 Q. And you obtained all these possible addresses through
18 your investigation?

19 A. Yes, ma'am.

20 Q. And what about Treemount?

21 MS. ZMROCZEK: Your Honor, I would object. If he's
22 -- if he's gonna go off of a map, that's fine. I've not
23 been provided this information, it was not in discovery,
24 and so if they're gonna tour through Google maps, that's
25 fine, but I have no idea how he -- how he got this

1 information.

2 BY MS. PATTERSON:

3 Q. And how did you obtain this information?

4 THE COURT: Thank you.

5 A. Mapquest.

6 Q. And what was the distance between [REDACTED] Treemount and

7 [REDACTED] Earline?

8 A. It's 2.6 miles.

9 Q. Did you get an approximate time that it would take by
10 car to go between these two locations?

11 A. According to Mapquest, it's approximately a 9-minute
12 drive.

13 Q. And what about Earline Drive to [REDACTED] Bachman?

14 A. 7.4 miles or an approximate 17-minute drive according
15 to Mapquest.

16 Q. And between Bachman Road and [REDACTED] Fish Hatchery?

17 A. It's 3.8 miles, so an approximate 10-minute drive
18 according to Mapquest.

19 Q. And Fish Hatchery back to Earline?

20 A. 2.8 miles or an approximate 9-minute drive according
21 to Mapquest.

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

23 (State's Exhibit Number 83 was marked for
24 identification.)

25 BY MS. PATTERSON:

1 Q. Investigator Hart, when you made contact with the
2 defendant, Daniel Jones, at Bachman Road, did you obtain a
3 GSR sample?

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

5 Q. Did you note what time you took this sample?

6 A. Yes, ma'am. It was about eight minutes after midnight
7 on what would have been the morning of the 28th.

8 Q. And is there a timeframe required to take a sample
9 from someone after an incident -- a shooting incident?

10 A. Yes, ma'am. SLED requires us to collect it within
11 six hours of a shooting.

12 Q. Okay. And is that -- was that within your timeframe?

13 A. Yes, ma'am.

14 Q. And what was the purpose of you taking that GSR
15 sample?

16 A. So, again, as we learned yesterday, SLED will not
17 process a victim or somebody who admits to being around
18 gunfire, but if we don't have an admission of being around
19 gunfire GSR helps us to identify if somebody could possibly
20 have been around gunfire.

21 Q. And can you take a look at State's 84.

22 A. Yes, ma'am.

23 Q. I apologize. I misspoke. State's 83. And is that
24 the GSR kit that you took from Daniel Jones?

25 A. It is. Yes, ma'am.

1 Q. On March 28th, the wee hours in the morning, of 2020?

2 A. Yes, ma'am.

3 MS. PATTERSON: Your Honor, at this time we move
4 State's 83 into evidence.

5 THE COURT: Any objection?

6 MS. ZMROCZEK: Without objection.

7 THE COURT: It's admitted.

8 (State's Exhibit Number 83, a GSR kit, was admitted
9 into evidence.)

10 BY MS. PATTERSON:

11 Q. Can you explain to the jury the process that you
12 undertook to obtain this sample?

13 A. Yes, ma'am. So obviously we had -- well, not
14 obviously, I guess, but we had obtained a search warrant to
15 get this information and we get those white kits that you
16 saw in the yellow envelope and it's already completely
17 sealed, so we have to open it, and inside of it has this
18 questionnaire form that we have to go through with the
19 person we're collecting the sample from. And then inside,
20 you see these two little tubes, well, the lids here are
21 suction cups on the bottom. So when we take them off, and
22 they're labeled left hand and right hand, put on gloves,
23 take the top off of this one, and basically just touch it
24 to the person's right hand, put it back on there, take the
25 left hand, repeat the same thing, and then we seal it back

1 in here with the evidence tape that it comes with, fill out
2 the envelope so SLED knows and then the form so they make
3 sure it meets the requirements for them to test it.

4 Q. And where was he located when you took this sample?

5 A. On Bachman. Bachman Road.

6 Q. And where at? Was he inside or outside?

7 A. At this point he was outside. We were standing behind
8 a patrol vehicle when we collected the sample.

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

10 BY MS. PATTERSON:

11 Q. And would you have obtained that -- did Mr. Jones
12 indicate to you that he had been around gunfire that
13 evening?

14 A. No, ma'am. If he had, we wouldn't have been able to
15 collect the sample.

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

17 THE COURT: Take your time.

18 MS. PATTERSON: Thank you, Sergeant Hart. Please
19 answer any questions Ms. Zmroczek may have.

20 THE WITNESS: Yes, ma'am.

21 THE COURT: Let me ask the jury.

22 Mr. Foreman, is the jury okay? Do you-all need a
23 break?

24 FOREPERSON: We need a break.

25 THE COURT: Okay. Do you mind, Ms. Zmroczek?

1 10:25 AM.)

2 THE COURT: All right. Mr. Foreman, the jury ready?

3 FOREPERSON: Yes, ma'am.

4 THE COURT: All right. We're gonna bring in lunch
5 for you again today, but today I'm telling you-all -- I
6 think they had you fill out and circle what you wanted
7 for lunch. I'm gonna let you eat in the jury room. The
8 minute you're finished I want you to knock on the door and
9 let me know so we can come back and get started, okay?

10 FOREPERSON: Yes, ma'am.

11 THE COURT: Okay. Ms. Zmroczek, we're on your cross.
12 You may proceed.

13 MS. ZMROCZEK: Thank you, Your Honor. May it please
14 the Court?

15 THE COURT: Yes, ma'am.

16 CROSS-EXAMINATION

17 BY MS. ZMROCZEK:

18 Q. Investigator Hart -- or sorry. Is it sergeant?

19 A. Yes, ma'am.

20 Q. Sergeant Hart, you were the lead investigator in this
21 case?

22 A. Yes, ma'am.

23 Q. Tell the jury what a lead investigator's job is to do.

24 A. A lead investigator is assigned a case and they're
25 responsible for the investigations of that case.

1 Q. So you are responsible for the entire investigation
2 relying on your coworkers?

3 A. Yes, ma'am.

4 Q. Okay. You review everything that your coworkers do
5 to submit to you before you put it in the case file or when
6 it's in the case file, right?

7 A. They don't submit it to me. No, ma'am. They submit
8 it to a supervisor, their supervisor in their chain, and
9 then it gets submitted to our system and I get it. I'm not
10 in the process of their submissions at all.

11 Q. Okay. But at what point do you review all the
12 evidence that is in for your case?

13 A. Whenever I'm done with the case, I -- I look over it.
14 Yes, ma'am.

15 Q. Okay. And so you've done that in this case?

16 A. Yes, ma'am.

17 Q. All right. And when -- when did you -- when was your
18 wrap-up date?

19 A. I don't know an exact date. I mean, we got evidence
20 back a year or so later from SLED, so I don't know the
21 exact date.

22 Q. Okay. But you have gone through all of the evidence,
23 right?

24 A. I've looked over all the evidence. Yes, ma'am.

25 Q. Okay. I'm gonna show you what's been marked as

1 Defendant's 55 and ask if you recognize this.

2 A. Yes, ma'am.

3 Q. And is that a record that Lexington County's Sheriff's
4 Department keeps as a business record in their cases?

5 A. It's a crime scene log.

6 Q. Uh-huh. And does it fairly and accurately represent
7 the entire crime scene log for this case on March 27th of
8 2020?

9 A. Yes, ma'am.

10 MS. ZMROCZEK: Your Honor, at this time we would
11 move Defense 55 in.

12 THE COURT: Any objection?

13 MS. PATTERSON: No objection.

14 THE COURT: It's admitted.

15 MS. ZMROCZEK: Thank you.

16 (Defendant's Exhibit Number 55, a crime scene log,
17 was admitted into evidence.)

18 MS. ZMROCZEK: And, Your Honor, may I publish?

19 THE COURT: You may.

20 BY MS. ZMROCZEK:

21 Q. All right. So a crime scene log has the name of the
22 people that are there, right?

23 A. Yes, ma'am.

24 Q. Okay. Has their signature if they can sign?

25 Sometimes like, for example, the EMS people would leave so

1 they couldn't sign, right?

2 A. Yes, ma'am.

3 Q. All right. And then the time in and the time out,
4 right?

5 A. Yes, ma'am.

6 Q. And these -- so the officers in charge, are those the
7 officers in charge or was that just you-all ran out of
8 room?

9 A. No, they -- they should have been in charge of the
10 actual crime scene log. They weren't in charge of --

11 Q. Oh, of the crime scene log?

12 A. Yes, ma'am.

13 Q. Okay. Got you.

14 And then it goes to a second page, correct?

15 A. Yes, ma'am.

16 Q. All right. And you've watched the body cams in -- the
17 body cameras in this case, right?

18 A. Yes, ma'am.

19 Q. Did you go back and ask the officers -- well, let me
20 ask it this way. How many body cams were provided to you
21 from this [REDACTED] Fish Hatchery Road?

22 A. I don't -- I don't know the number. I don't count
23 them. They're not provided to me. They're uploaded to an
24 online evidence depository which we can access.

25 Q. Okay. But you've accessed and looked at all of them?

1 A. Yes, ma'am.

2 Q. Okay. And so we know we have a body cam -- we have
3 actually eight submissions from Detective -- or from
4 Investigator Swygert, right?

5 A. I don't know how many, but I know we have some.

6 Q. Okay. Do you not have that?

7 A. I don't write it down. No, ma'am. It's online and we
8 have access to it online.

9 Q. Okay. Do we have any from Officer Fine?

10 A. I wouldn't know without looking.

11 Q. Okay. We -- let me ask it this way. If Officer Fine
12 had provided a body cam, it would have been turned over,
13 right?

14 A. Yes, ma'am.

15 Q. Okay. But we see Officer Fine in the videos. You've
16 been here watching the videos all day on Tuesday, right?

17 A. Yes, ma'am.

18 Q. Okay. And you saw Officer Fine with his body cam on?

19 A. Yes, ma'am. You mean on his --

20 Q. His body cam on his body?

21 A. Right.

22 Q. But it wasn't on, right?

23 A. I don't -- I can't confirm or deny that. I don't
24 know.

25 Q. Okay. If we don't have body cam submission from him,

1 then it wasn't on, right?

2 A. If we don't have a body cam submission from him, then
3 he did not submit a body camera, so the assumption is that
4 it was not on.

5 Q. Okay. And how many of these -- let me ask it this
6 way. The question I'm getting to is who escorted David and
7 Jada into the house?

8 A. I don't know. I was not on-scene at that point.

9 Q. Right. You weren't -- you were on-scene that night.

10 A. At that point.

11 Q. At that point.

12 A. Yes, ma'am.

13 Q. So to get that question, then what would the lead
14 investigator do? Because that's an important question,
15 wouldn't you agree, to let two people into a crime scene
16 and take five bags out. That's an important question,
17 right?

18 A. I think it's relative. I don't think it's -- they
19 were already in the crime scene.

20 Q. Right.

21 A. It's important to know what they took out of the crime
22 scene potentially.

23 Q. It is. Very. Especially if they had weapons in their
24 bags, right?

25 A. If they had weapons in their bags.

1 Q. And how would we know if they had weapons in their
2 bags?

3 A. Somebody would have to tell us, I guess.

4 Q. Or you could look?

5 A. I wasn't on-scene at this point.

6 Q. I understand that you weren't on-scene.

7 A. Okay.

8 Q. Investigator Swygert could have looked?

9 A. I don't know what his responsibility was at that point
10 in time.

11 Q. Okay. You've read every report from every officer
12 that has been submitted in this case?

13 A. Yes, ma'am. I've read all the supplemental reports.

14 Q. You would agree with me that in none of those reports
15 does it ever say I escorted two people into the house?

16 A. No, ma'am. I didn't see that in any of the reports.

17 Q. You didn't see that in any report?

18 A. No, ma'am.

19 Q. Okay. And we have reports from you, right?

20 A. Yes, ma'am.

21 Q. We have reports from Officer Swygert?

22 A. Yes, ma'am.

23 Q. Officer Spoon?

24 A. I'd have to look. I don't -- again, I don't -- it's
25 all in the report. I don't document who did or did not

1 write reports, but if you give me a second I'll look to see
2 if she submitted one.

3 Q. Sure.

4 A. Yes, I do have a report from her.

5 Q. Okay. Officer Medlin?

6 A. Yes, ma'am. I do have a report from him.

7 Q. Officer Fine?

8 A. Yes, ma'am.

9 Q. Officer Hallman?

10 A. Yes, ma'am.

11 Q. Hinton?

12 A. Yes, ma'am.

13 Q. V.T. Williams?

14 A. You said "V" as in Victor?

15 Q. "V" as in Victor.

16 A. Yes, ma'am.

17 Q. S.P. Platt?

18 A. Yes, ma'am.

19 Q. A.H. Williams?

20 A. Yes, ma'am.

21 Q. J.R. Brock?

22 A. Yes, ma'am.

23 Q. B.E. Millhouse?

24 A. Yes, ma'am.

25 Q. M.A. Jones?

- 1 A. Yes, ma'am.
- 2 Q. S.R. Dykes?
- 3 A. Yes, ma'am.
- 4 Q. R.E. Hunton?
- 5 A. Hunton?
- 6 Q. Yes.
- 7 A. Just a -- that's a SLED report, right?
- 8 Q. Tracking team agent incident report.
- 9 A. Yes, ma'am. I know I have that report.
- 10 Q. Okay. Officer Ward?
- 11 A. Yes, ma'am.
- 12 Q. Officer R.B. Williams?
- 13 A. Yes, ma'am.
- 14 Q. J.B. Anderson?
- 15 A. Yes, ma'am.
- 16 Q. C.J. Weyandt?
- 17 A. Yes, ma'am.
- 18 Q. B.V. Snelgrove?
- 19 A. I'm sorry. I know I saw one with her name, but I
- 20 don't know if it was supervisor or investigator. Let me
- 21 find it.
- 22 Q. Okay. Take your time.
- 23 A. You don't happen to have a page, do you?
- 24 Q. Okay. Officer Wenzel?
- 25 A. I'm sorry. Did you have a page?

1 Q. I do.

2 A. Okay. Yes, ma'am.

3 Q. And Officer Wenzel?

4 A. Yes, ma'am.

5 Q. Okay. Why is it -- you went to the academy?

6 A. Yes, ma'am.

7 Q. As did all of your -- everyone who is employed in law
8 enforcement in Lexington County goes through the training
9 academy at the criminal justice on Broad River Road, right?

10 A. Now they do. Yes, ma'am.

11 Q. Okay. In 2020, did they?

12 A. Yes, ma'am.

13 Q. Okay. So when you're there, you learn how to -- the
14 basics of law enforcement, right?

15 A. Yes, ma'am.

16 Q. And then when you go to your -- so everybody that's
17 in law enforcement goes there and then if they go to their
18 different agencies, then those agencies have policies as
19 well, right?

20 A. Yes, ma'am. They're actually hired by the agency and
21 the agency sends them to the academy. But, yes, ma'am.

22 Q. Okay.

23 A. But the agencies do have their own policies. Yes,
24 ma'am.

25 Q. All right. And are you familiar with your policies?

1 A. Yes, ma'am. I am.

2 Q. Okay. And your policies at Lexington County state
3 that when you do work on a major crimes scene that you
4 are to do a report or what they call a case supplement if
5 you're not the initial responding officer or the case
6 agent, right?

7 A. So even -- and it's not verbatim our policy, but
8 our policy say that if you do anything to supplemental the
9 report -- you should complete a supplemental report, yes.

10 Q. Okay. And so I want to -- I may have left Brock out.
11 Brock also did a report, correct?

12 A. Yes, ma'am. I think you said his name. Yes, ma'am.

13 Q. I think -- I couldn't remember. I just want to make
14 sure?

15 I'm gonna show you what's already in evidence as
16 Defendant's 12. Who is this?

17 A. That's currently Sergeant Willy Harris.

18 Q. Sergeant Willy Harris. And who -- with whom is he
19 speaking?

20 A. Mr. Phillips.

21 Q. Okay. And that's one of the three witnesses that you
22 relied upon to make this case, correct?

23 A. That is a witness that we consulted for the case.
24 Yes, ma'am.

25 Q. Okay. And where is Investigator Harris's report?

1 A. I don't have one, so my assumption is he did not
2 complete one.

3 Q. Okay. And then I want to ask you about -- you were
4 asked about this gentleman. Do you know who that is?

5 A. Yes, ma'am. It's Mr. Anthony Sarvis.

6 Q. Anthony Todd Sarvis, right?

7 A. Yes, ma'am.

8 Q. Okay. And when did you learn his name?

9 A. When I looked up our 9-1-1 caller to see who -- one of
10 our 9-1-1 callers was.

11 Q. Okay. And I want to come back to -- well, actually
12 since you mentioned that, so I don't forget, how many 9-1-1
13 callers were there?

14 A. I don't know if have the call cards with me. I know
15 there were multiple, but I don't know if I have the actual
16 call cards with me.

17 Q. All right. That's all right. David Peyton was not
18 one of them, correct?

19 A. I don't know. Again, I don't -- I don't the call
20 cards with me.

21 Q. You don't know. Okay. But you did, in fact, request
22 the 9-1-1 documents, right?

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

24 Q. You received what they call CAD reports?

25 A. Yes, ma'am. I did. I did obtain them.

1 Q. And you received the audio?

2 A. Yes, ma'am.

3 Q. Okay. And that would -- and those would accurately
4 reflect who called and what their names and numbers were,
5 right?

6 A. Not necessarily.

7 Q. Okay.

8 A. The numbers -- so if you call 9-1-1, the number is not
9 always reflected when they call. I forget what they call
10 it, that's not my line of business, but I know when I get
11 these back sometimes it just says E 9-1-1 and then a random
12 number that is not a phone number. And then obviously if
13 you have a cell phone that does not have service, you can
14 call 9-1-1 from a phone without service, but obviously it's
15 not gonna reflect a number because you don't have an active
16 number for it. So not necessarily, no.

17 Q. Okay. So why did you get the 9-1-1 communications
18 then?

19 A. To have the recordings and what was initially relayed
20 to law enforcement.

21 Q. Okay. And you also read the reports to hopefully get
22 some names if they're on there?

23 A. Yes, ma'am.

24 Q. And if they're on there, what do you then do?

25 A. Attempt to contact them if we can.

1 Q. Okay. So you said that there was one witness that
2 refused to talk to you. Was that Mr. Sarvis?

3 A. Yes, ma'am.

4 Q. Was he the only witness that refused to talk to you?

5 A. That's the only witness that I spoke to on that scene
6 that refused to talk to me. Yes, ma'am.

7 Q. Okay. But he did talk to some of your other officers,
8 correct?

9 A. Yes, ma'am. And I think the video we played the other
10 day he was talking to --

11 Q. Okay. And so when -- so you tried to talk to him
12 on-scene?

13 A. When I arrived, he was trying to leave so I talked to
14 him at that point.

15 Q. Okay. And then did you do a follow-up?

16 A. He didn't want to talk to me.

17 Q. Okay. If somebody doesn't want to talk to you, how do
18 you document that?

19 A. I can document it in a report.

20 Q. Okay. Where is that in your report?

21 A. It's not.

22 Q. Okay. At the academy when they -- when you learn
23 things, you learn that report writing's important, right?

24 A. Yes, ma'am.

25 Q. Okay. You want to be truthful, right?

1 A. Yes, ma'am.

2 Q. Accurate?

3 A. (Nods head.)

4 Q. And complete?

5 A. Yes, ma'am.

6 Q. And the reason that you do that is because so with
7 these twelve, fourteen people four years later are gonna
8 have to rely on that information and you've worked a few
9 crime scenes since March 27, 2020, right?

10 A. Several. Yes, ma'am.

11 Q. Several. And so it's hard to remember everything,
12 which is why you want to document it immediately, right?

13 A. Yes, ma'am. But just to clarify, the report's for us,
14 not for -- not for them. It's for us to remember.

15 Q. Certainly. It's for us to be able to help them decide
16 the facts, right?

17 A. Yes, ma'am.

18 Q. Okay. But it is for defense attorneys, right?

19 A. Yes, ma'am. You do get a copy of it.

20 Q. And for you so that you can remember?

21 A. Yes, ma'am.

22 Q. In fact, you've already referred to your report
23 several times today, right?

24 A. Yes, ma'am.

25 Q. And so if your report is not accurate and complete,

1 then there may be some things that we don't know about,
2 right?

3 A. Yes, ma'am.

4 Q. Okay.

5 A. But, I mean, potentially. Yes, ma'am.

6 Q. Potentially. But you talked -- who -- so of the
7 people that did call 9-1-1, who did you speak to?

8 A. Again, I don't have the records of who called 9-1-1.

9 Q. Okay. Did you talk to a man named Glenn Sawyer?

10 A. I'm sorry?

11 Q. A man named Glenn Sawyer.

12 A. I don't have his name in my report. No, ma'am.

13 Q. Okay. When you got there, it was about forty-five
14 minutes after, right?

15 A. Yes, ma'am.

16 Q. And so at that time when you arrived, does the scene
17 then get turned over to you and then you become in charge
18 of it?

19 A. No, ma'am. So my -- and another thing, major crimes
20 is a whole -- not just my responsibility, but our -- when
21 we get on-scene, we could -- we could leave that scene as
22 soon as we get there depending on what resources are needed
23 elsewhere or what information we have driving us, so it's
24 not gonna be automatically assigned to us when we get
25 on-scene because, you know, we might not stay there. We

1 have other responsibilities as opposed to just staying
2 there watching the scene.

3 Q. And we learned from Investigator Swygert that it's
4 actually V. Williams that was in charge of the scene,
5 right?

6 A. Yes, ma'am. He said Sergeant Williams was in charge.

7 Q. Sergeant Williams. Is it common for Lexington County
8 to have sergeants in charge of the scene not be at the
9 scene?

10 A. No, ma'am. It's not.

11 Q. Okay. When you arrived, you said that you spoke with
12 Officer Swygert?

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

14 Q. Okay. This is Defendant's 17. What time does that
15 reflect? I can hand it to you.

16 A. If you don't mind.

17 Q. Sure.

18 A. It looks like 20:19, which would be 8:19 PM.

19 Q. Okay. So around the time that you got -- shortly
20 after the time that you got there?

21 A. Yes, ma'am.

22 Q. All right. And so -- and this gentleman here,
23 Investigator Brock?

24 A. Detective Brock. Yes, ma'am.

25 Q. Detective Brock. Okay. And who -- who's back here

1 in the corner?

2 A. I'm sorry?

3 Q. Where I'm pointing my finger.

4 A. No, I see it. I just need to -- yes, ma'am. It looks
5 like there's two deputies and I believe that's Bubba, Jada
6 and Steven Phillips.

7 Q. Okay. And so when you interviewed them sometime
8 after this, you took them -- three officers -- three staff
9 members, you and two others, took them and interviewed them
10 separately, right?

11 A. Yes, ma'am.

12 Q. And why did you do that?

13 A. That's common practice. You want to get them --
14 well, first of all, you get them in a vehicle away from
15 everything else, to get rid of distractions, they're in a
16 quiet place and it's just one on one. And, secondly, we
17 separate them so one of them is not relying on the other's
18 memory to fill in the gaps in their -- in their stories.
19 If they don't remember, they just don't remember --

20 Q. Which is --

21 A. -- or if they remember something one way, we don't
22 want somebody correcting them and saying no, it was this
23 way.

24 Q. Sorry. I didn't mean to interrupt.

25 A. No, that's fine.

1 Q. And is that -- and that's important because you don't
2 want them discussing things and trying to figure it out or
3 make sure that their stories match or don't match, right?

4 A. We don't want them to inadvertently influence their
5 statements. No, ma'am.

6 Q. But they spent at least an hour, the three of them,
7 together before they were interviewed separately, right?

8 A. I don't know the timeframe, but they were -- obviously
9 they were together before they were interviewed by us,
10 yes, ma'am, the investigators.

11 Q. Okay. You also interviewed Jacqueline Aiken down in
12 Aiken?

13 A. Yes, ma'am.

14 Q. Just coincidentally her last name is the county that
15 she was in, right?

16 A. I understand. Yes, ma'am.

17 Q. And you have the capability when it works to record
18 interviews, right?

19 A. Yes, ma'am. I do.

20 Q. Okay. Did it work when you were interviewing David?

21 A. No, ma'am.

22 Q. And I think you said it was user error?

23 A. Most likely due to user error. Yes, ma'am.

24 Q. Okay. And -- but it was working when you interviewed
25 Jada? I'm mean, excuse me, Jacqueline.

1 A. Yes, ma'am.

2 Q. Okay. And she told you a whole bunch of baloney. Not
3 one thing she said in there was true except for my name is
4 Jacqueline Aiken, right?

5 A. Yes, ma'am.

6 Q. Okay. And what is obstruction of justice?

7 A. It's a common law charge. Basically the -- I mean,
8 the name is the charge. If you obstruct a criminal
9 investigation, if you obstruct the pursuit of justice, then
10 it's a crime.

11 Q. An obstruction by like lying?

12 A. Potentially. Yes, ma'am.

13 Q. Okay. Was she ever charged?

14 A. No, ma'am. She was not.

15 Q. Okay. But at this time last year she was still under
16 investigation for that, right?

17 A. Potentially. Yes, ma'am.

18 Q. Do you recall testifying in a hearing in March of
19 2023?

20 A. Yes, ma'am. I do.

21 Q. Okay. And do you recall under oath saying that she
22 was still under investigation?

23 A. I don't recall saying that, but I'm not saying I
24 didn't say it. I just don't recall.

25 Q. Okay. You met -- so the next time that you had a --

1 so you had a conversation with her on March 28th of 2020 in
2 the early morning hours?

3 A. Yes, ma'am.

4 Q. And then when's the next time you spoke with her?
5 Would that have been February of 2023?

6 A. Probably. Yes, ma'am.

7 Q. Okay. So in February of 2023, two years and eleven
8 months later, you learned that she was dropped off at Cedar
9 Hill Court, right?

10 A. Cinder Hill.

11 Q. Cinder Hill Court.

12 A. Yes, ma'am.

13 Q. And in February of '23 is when you went out and took
14 these pictures, right?

15 A. Yes. It was brand new information at that time. Yes,
16 ma'am.

17 Q. That was brand new information three years later?

18 A. Yes, ma'am.

19 Q. Okay. And so I just want to make sure I understood
20 your testimony. You said it was 150 feet from where she
21 was?

22 A. I said yards.

23 Q. 150 yards. Okay. And where was she on that road?

24 A. She indicated she was a few yards off of Fish Hatchery
25 Road.

1 Q. Okay. And there was no way to go back and corroborate
2 that with anybody, was there?

3 A. No, ma'am.

4 Q. So we just have to take her honest word for it, right?

5 A. Yes, ma'am.

6 Q. Okay. And she gave you all kinds of new information
7 that -- that you had never heard before?

8 A. Yes, ma'am.

9 Q. So your investigation -- your investigation and the
10 arrest wasn't based on anything she said?

11 A. No, ma'am.

12 Q. Okay. So I want to go back to -- you get to the
13 scene. It's very chaotic, right? Or is it not --

14 A. It was crowded. Yes, ma'am.

15 Q. Or was it --

16 A. I wouldn't say it was chaotic when I got there because
17 there wasn't -- like in the video there wasn't a bunch of
18 running around and stuff, but there were a lot of people
19 on-scene when I got there.

20 Q. Okay. And you-all are trained to -- to handle those
21 kinds of scenes. That's part of your training, right?

22 A. It's more on-the-job training. It's not -- there's no
23 book that says you have to go in and you do this exactly
24 because every circumstance, every crime scene's different.
25 So there's a -- there's a best way or a general way that

1 you would do things, but there's no specific training on
2 this is what you do when you go to a crime scene, no.

3 Q. Okay. And so how long were you at the scene on Fish
4 Hatchery Road approximately?

5 A. About -- I think it's a little -- a little under half
6 an hour.

7 Q. Okay. And -- but in that time you met with
8 Investigator Swygert, you talked to Mr. Peyton, you met
9 with Investigator Ward?

10 A. Yes, ma'am. And I conducted a walkthrough of the
11 scene.

12 Q. And you conducted a walkthrough of the scene with him?

13 A. Yes, ma'am.

14 Q. Okay. And so when you conducted the walkthrough, was
15 that before or after you had interviewed the witnesses?

16 A. It was after.

17 Q. And so --

18 A. I'm sorry. I conducted the interviews after the
19 walkthrough.

20 Q. Yes. So it was before?

21 A. Yes, ma'am.

22 Q. So at this time you don't know what's -- which cars
23 are involved? I mean, you know the Dakota is involved, but
24 there were several other vehicles in the scene, right?

25 A. I -- yes, ma'am. There were several other vehicles,

1 if that's your question.

2 Q. Okay. And did you check any of those vehicles?

3 A. I didn't check any vehicles. I looked at -- you now,
4 I did a walkthrough to look at the scene to try to figure
5 out -- before I interview witnesses, I want to get a feel
6 for the scene. Obviously crime scene hasn't arrived at
7 that point. I don't know what all evidence we have. I
8 know what responding deputies are telling me, the
9 information they've obtained, but I don't know exactly
10 where everything's at. So I want to get a feel for the
11 scene, see if I can kind of figure out, you know,
12 directionality of gunfire, that type stuff, the area we're
13 looking at, what type of evidence we might need to collect
14 because I know that CSI is coming before I conduct my
15 interviews. That way it gives the interview some relevance
16 while they're talking. I know well, I just saw this out
17 there, this is what going on. It's not just in the blind.
18 Because if I go look afterwards, it's not as helpful to me
19 as if I look before I talk to a witness.

20 Q. And other things that aren't as helpful is if the
21 people aren't truthful, right?

22 A. Absolutely.

23 Q. Okay. And so who makes the determination on what is
24 relevant evidence? If you don't know, who makes that
25 determination?

1 A. I don't want to say there's one person. It's kind of
2 a group decision. I mean, we've got, you know, down there
3 -- my lieutenant was down there, my sergeant got down
4 there, I was down there, crime scene was down there and
5 then obviously we had our watch commander who is the watch
6 commander on nightshift when the sheriff is not available.
7 He's basically -- he's a lieutenant or above. He's
8 basically the stand-in sheriff, but he would have been down
9 there. So it's kind of a -- we talk over the case and kind
10 of figure out what's there and figure out what we need and
11 don't need.

12 Q. Okay. And when you're doing that and you know it's a
13 shooting, are bullets and shell casings important?

14 A. Obviously. Yes, ma'am.

15 Q. Okay. And so through your investigation you learned
16 that there was a shooting earlier that day by Mr. Chavis?

17 A. An altercation with an alleged firearm being used.
18 Yes, ma'am.

19 Q. Well, it's interesting that you say that. You said an
20 altercation with an alleged firearm?

21 A. Being used.

22 Q. Okay. So was it used?

23 A. I don't know. We never investigated that incident.
24 It was never reported.

25 Q. Well, it was reported to you that evening.

1 A. No, ma'am. The -- the shooting that we responded to,
2 the homicide was reported, and through the homicide we
3 found out about the other. But as you said, when I spoke
4 with Ms. Jacob -- Ms. Aiken, Ms. Jacqueline Aiken, she
5 still didn't say anything about the earlier shooting.

6 Q. But Jada did?

7 A. Yes, ma'am. She did.

8 Q. Okay. So it was reported it to you that evening?

9 A. It was -- we learned it through another investigation.

10 Q. Are we dancing around words? Is that not --

11 A. No, ma'am. That crime was not reported to us. What
12 we responded to was the homicide --

13 Q. I understanding.

14 A. -- and that's what we were investigating. It wasn't
15 reported to us. We divined through that investigation.

16 Q. Okay. So when it was reported to you or if you want
17 to call it when you learned about it, did you then -- is
18 that better?

19 A. Sure.

20 Q. Did you then investigate it? Did you verify? Did
21 you go out to Treemount, look on the ground, see if there
22 was --

23 A. We did respond to Treemount. Yes, ma'am.

24 Q. For the purposes of seeing if there was a shooting
25 there? Not just for looking for people.

1 A. Yeah. When they went out there, they -- they looked
2 for shell casings. Yes, ma'am.

3 Q. They did? Who was that?

4 A. The deputies that went.

5 Q. Okay. And that would be in their reports?

6 A. I don't know if it is or if it's not, but --

7 Q. You haven't seen it in any of these reports, have you?

8 A. No, I haven't. I don't remember reading it. No,
9 ma'am.

10 Q. Okay. And you've already testified that you read all
11 of the reports, right?

12 A. Yes, ma'am.

13 Q. And we don't have any pictures?

14 A. I'm sorry?

15 Q. And nobody took any pictures out at Treemount that
16 day?

17 A. Treemount, no, ma'am.

18 Q. Okay. So what was -- what you learned through your
19 investigation was that money was taken by Jada, right?

20 A. Yes, ma'am.

21 Q. Okay. After that I think you said -- at what point
22 did you start making the decision for people to go places?

23 A. As -- after I spoke with Bubba, got the information
24 from the other investigators who had spoke to the other
25 witnesses and we learned that [REDACTED] Treemount Drive was a --

1 I'm sorry, Treemount Lane, Drive. I don't know if it's
2 road or -- we obviously want to locate Mr. Shumpert at that
3 point. We request deputies go down there and then after
4 they checked that address, then we asked them to check
5 Bachman because we learned that that was a possible
6 location for Mr. Jones.

7 Q. But you also had another investigatory tool, right?

8 A. I mean, we have tons. What --

9 Q. You had Jacqueline Aiken's telephone number, right?

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

11 Q. And you took that number and you gave it to Detective
12 Marthers, right? You had somebody ping her phone to find
13 out where her phone was is my question.

14 A. So I gave it to our fugitive -- once he wasn't located
15 -- I'm sorry -- just to clarify, once he wasn't located at
16 Treemount, we determined we had two suspects of a homicide,
17 so we notified our fugitive task force. Detective Shannon
18 Dykes is on our U.S. Marshals task force and we -- we
19 provided him with the information, including the phone
20 number, and they worked on attempting to locate Mr.
21 Shumpert since we had his phone number while we were still
22 looking for Mr. -- actually we gave him Mr. Jones's
23 information, too, but while we were still looking he
24 obviously has more resources being with the U.S Marshals
25 than we do and, you know, that's something we can assign

1 him while we're doing other stuff.

2 Q. And did he generate a report?

3 A. I believe he did do a supplemental report. Yes,
4 ma'am.

5 Q. Okay. And so after that information you actually had
6 somebody plot out where that phone number was pinging,
7 correct?

8 A. So afterwards, after this evening, everybody was
9 in custody, we went back and got search warrants for
10 Ms. Aiken's cell phone records based on the investigation
11 to determine where she was at and we used those records to
12 plot her location data to figure out where her phone was.
13 Yes, ma'am.

14 Q. Okay. And I'm glad you said that. Search warrants
15 are an important tool in investigations, right?

16 A. Yes, ma'am. They can be.

17 Q. Okay. And how many search -- how many search warrants
18 did you personally swear out? Let me ask it this way so
19 we're not here for a while, okay?

20 A. Okay.

21 Q. On March 28th, you asked for a search warrant on a
22 Chevy Malibu, which was Mr. Shumpert's car, correct?

23 A. Yes, ma'am.

24 Q. On April 1st, you asked for phone records for

25 [REDACTED]-0026?

1 A. Okay. But without looking, I just --

2 Q. Sure. I'm not trying to trick you. I'll give you my
3 whole search warrant book. So you had -- well, now that
4 you've got the whole thing, we can go through it quickly.

5 A. Okay.

6 Q. Number one, Officer Parchetta did a search warrant for
7 2018 Bachman Road, right?

8 A. Yes, ma'am.

9 Q. Okay. And when was that signed?

10 A. Hold on. I think number one should have been -- okay.
11 It looks like 11:44 PM.

12 Q. Okay. And then it was executed when?

13 A. 02:18.

14 Q. 02:18. So that's just after midnight?

15 A. I'm sorry. Yes, ma'am. That's 2:18 AM.

16 Q. Okay. So 2:18 in the morning?

17 A. Yes, ma'am. AM on March 28th.

18 Q. All right. And so when a warrant is executed that
19 means officers go into a place and look for what they think
20 would be items of evidentiary value, right?

21 A. Yes, ma'am.

22 Q. Okay. And then, number two, Sergeant Brian Anderson,
23 got a search warrant on March 27th for 3660 Fish Hatchery
24 Road, the incident location, right?

25 A. Yes, ma'am.

1 Q. And then March 28th, number three, you got a search
2 warrant for the Chevy Malibu?

3 A. Yes, ma'am.

4 Q. Number four, Investigator Brock on March 28th got a
5 search warrant for DNA swabs for Chris Shumpert?

6 A. Yes, ma'am.

7 Q. Number five, Officer Lagerer got a search warrant for
8 Room 131 at the Guest Inn, which you talked about earlier,
9 right?

10 A. Yes, ma'am.

11 Q. Also on March 28th, right?

12 A. Yes, ma'am.

13 Q. Okay. And then on six through eighteen, if you'll
14 flip through those, but those should all be search warrants
15 that you requested, the first two for phone records, and
16 the remaining for Facebook records, correct?

17 A. You said through what? What number?

18 Q. All the way through seventeen it should be. The first
19 two for phone records and the rest for Facebook records,
20 right?

21 A. I haven't got to seventeen, but thus far, yes, ma'am.
22 I'm at twelve now.

23 Q. And then Search Warrant Number 18 -- and, excuse me,
24 all of those were on April 1st, right?

25 A. Yes, ma'am.

1 Q. And you received all these phone records and all these
2 Facebook records in or around -- before June of 2020. Some
3 were March 4th, some were March 5th, but they were all
4 before June of 2020 that you had all of this information,
5 right?

6 A. I didn't look at the return sheets, but if you're
7 telling me they were, then it sounds accurate.

8 Q. All right. And let me -- and you had Facebook for
9 B.J. Chavis, two for Chris Shumpert, Cass Sprouls, some
10 unidentified number, Jennifer Candler, Jada Mae, Jacqueline
11 Aiken, another unidentified, David Payton. Those were all
12 the Facebook records that you received?

13 A. Yes, ma'am.

14 Q. Why did you subpoena Facebook records?

15 A. To determine if there were -- obviously we heard
16 Bubba and Jada both say that they use Facebook Messenger.
17 It's not uncommon, especially for people who don't have a
18 working cell phone number, they have a cell phone that they
19 use on wi-fi, to use Facebook Messenger because you don't
20 need service, you just need wi-fi. So obviously we got
21 the search warrants for the Facebook records to show any
22 communications between the parties to determine honestly
23 what we could prove as far as who's communicating with
24 who, who all's involved, if this was just bigger than the
25 defendants that were arrested or whatever information we

1 could divine from those records and those communications
2 that took part during that timeframe.

3 Q. Okay. So when you got them, did you go through them?

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

5 Q. Okay. So when you went through them and you heard
6 Defendant's 31, the Facebook message that Jada left, did
7 you do any follow-up investigation?

8 A. No, ma'am.

9 Q. Okay. Did you go through those Facebook records and
10 see any pictures that might have concerned you?

11 A. There were -- I mean, between all of them there were
12 probably several hundred pictures, but, no ma'am, I didn't
13 see anything that concerned me.

14 Q. You didn't see any that concerned you?

15 A. No, ma'am.

16 Q. Okay. So Defendant's 32 with Jada and Bubba in the
17 hotel room and a gun in her waistband, that didn't concern
18 you?

19 A. No, ma'am.

20 Q. Okay. Did you ever ask her about a gun?

21 A. I didn't -- I didn't see her again after -- after the
22 investigation because they were living with B.J. Chavis
23 at this point and once he was dead they were essentially
24 homeless. As a matter of fact, they were dropped off at a
25 gas station once we were done at the scene, so attempting

1 to contact them as very difficult. So I didn't make
2 contact with her again until prior to the last trial.

3 Q. Okay. And you -- so you had all the information that
4 you needed from Jada and B.J. and Steven that night and you
5 didn't follow-up with them again until weeks later?

6 A. We couldn't get in touch with them after that. No,
7 ma'am.

8 Q. Couldn't get in touch with them?

9 A. No, ma'am.

10 Q. You couldn't find where they were?

11 A. When we attempted to contact them, we could not get
12 in touch with them. We did not spend -- and understand,
13 Ms. Zmroczek, I know you understand, but when we are
14 assigned as investigators approximately 120 cases a year
15 and although this is a murder and we obviously invest a lot
16 of time into it, the next lady's harassment is just as
17 important to her as this murder is to her momma and
18 obviously, you know, we divert resources and time. This
19 case is gonna get a lot more of it, but we can't fully
20 abandon all our other cases, so I can't spend three years
21 trying to locate one -- one person when nothing in the
22 actual case in the investigation that led up to the
23 homicide changed in anything that I had.

24 Q. Okay. And it's important for Mr. Jones that you
25 investigate this case, right?

1 A. It was investigated. Yes, ma'am.

2 Q. Okay. And so when you went through those Facebook
3 pictures and you saw guns in Bubba and Jada's Facebook,
4 you didn't -- you didn't follow up with that?

5 A. Again, I didn't think it was relevant because there
6 was no testimony, there was no evidence that there was any
7 return fire to begin with. And even if there had been,
8 based on the information that we had and the statements
9 that we had, they would have been perfectly justified if
10 they had returned fire based on our understanding of what
11 happened. So obviously them owning and possessing firearms
12 is not illegal and would not concern us.

13 Q. So your testimony is -- let me try to understand --
14 that you had no information that anybody else had guns or
15 fired a weapon?

16 A. I had no information that anybody fired any weapons
17 back at Mr. Jones and Mr. Shumpert.

18 Q. Okay. Then let me ask this question. Did you have
19 any information that there was a gun seen at [REDACTED] Fish
20 Hatchery Road?

21 A. I received information after the fact that there was
22 a gun seen there. Yes, ma'am.

23 Q. Seen in the waistband of Mr. Chavis?

24 MS. PATTERSON: Your Honor, may we approach?

25 A. No, ma'am.

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

2 THE COURT: All right. Ladies and gentlemen of the
3 jury, I'm gonna strike the last portion, Stacy, about any
4 gun in a waistband. There has been no evidence presented
5 of that at all in this case. You are not to consider that
6 in your deliberations. I'm striking it from the record.

7 All right. Continue on, Ms. Zmroczek.

8 MS. ZMROCZEK: Thank you, Your Honor.

9 BY MS. ZMROCZEK:

10 Q. When you investigated this case and you had these
11 records, you were asking -- you were looking to see who
12 was communicating with who, right?

13 A. Yes, ma'am.

14 Q. Okay. And so did you map out what time and when they
15 were communicating around -- just around the date of this
16 incident?

17 A. No, ma'am. I didn't. I didn't have the time or the
18 resources to map it out, so what I do when I go through
19 Facebook records or phone records as well, I find the
20 timeframe that's relevant to the investigation and I look
21 through those and see if there's anything that appears to
22 be relevant to the case or anything like that, and that's
23 what I would have done. I wouldn't have mapped it out.

24 No, ma'am.

25 Q. Okay. And so talking about cell phones, those are --

1 those are -- they can be valuable tools of information,
2 right?

3 A. They can be. Yes, ma'am.

4 Q. Okay. And so you got a cell phone from Mr. Chavis's
5 person?

6 A. The cell phone was collected. Yes, ma'am.

7 Q. Okay. And when did you download that?

8 A. I did not.

9 Q. Okay. And, in fact, I think you saw it on the body
10 cam that his phone was actually ringing at the scene,
11 right?

12 A. Yes, ma'am.

13 Q. But we don't know who that was?

14 A. Obviously they didn't make contact. No, ma'am.

15 Q. Okay. Obviously they didn't make contact --

16 A. With Mr. Chavis.

17 Q. -- and you didn't download the phone?

18 A. There was no need to. No, ma'am.

19 Q. Okay. You collected another phone?

20 A. We have Jada's phone.

21 Q. Okay. And what about a Motorola phone?

22 A. I'm sorry. I'm not familiar.

23 Q. You don't recall that?

24 A. I don't recall it. No, ma'am. I'm not saying we
25 didn't, but off the top of my head I don't know about a

1 Motorola phone.

2 Q. All right. So I want to go back to -- just for a
3 moment to the evidence collection, right? So you met with
4 Ward and I think you testified, and I'm not trying to trip
5 you up. I just want to make sure that I understand because
6 I've a lot going on in my brain. Now you testified that
7 you met with Investigator Ward and did the walkthrough that
8 night, right?

9 A. Yes, ma'am.

10 Q. And then you didn't meet with him again when he did
11 the truck or anything like that?

12 A. I don't remember meeting with him when he did the
13 truck. No, ma'am.

14 Q. Okay. But you got the search warrant for the truck,
15 right?

16 A. Yes, ma'am.

17 Q. Okay. And did you follow up on the return with that?

18 A. I'd have to look at the search warrant. I don't
19 know if he did the return or if I did the return, ma'am.
20 Generally with our CSI, when they -- when they conduct a
21 search warrant on our behalf, when we obtain search warrant
22 generally they return it, but sometimes -- I might have
23 returned it, but without looking at it I can't answer that
24 question.

25 Q. Okay. And so when you're looking at returns, do you

1 just glance over them and assume that the person has done
2 their job correctly? For example, if there were -- did you
3 look at the pictures from the return?

4 A. I looked at the pictures of the truck. Yes, ma'am.

5 Q. Okay. And so when you saw five shell casings that
6 were identified in the door and in the door frame and then
7 you see a picture of a shell casings right in the driver's
8 seat, did that -- did you question at all if those were the
9 same or --

10 A. I assume it was handled in his report.

11 Q. Okay. And if that assumption was incorrect, then that
12 could affect your investigation, right?

13 A. No, ma'am. Not with his truck.

14 Q. Okay. When you got -- when you collected these items
15 of evidence, right, what was the purpose for that?

16 A. Which items of evidence are you referring to?

17 Q. The gun.

18 A. There was a -- there was a weapon we believed was used
19 in the homicide. We collected it for -- well, we collected
20 it for this purpose honestly, court purposes, but obviously
21 we sent it off for comparisons as well.

22 Q. Okay. And you said that when you -- because you
23 collected Jada's phone. I'm sorry. Going back to the
24 phone, you collected Jada's phone and, in fact, when you
25 got to the scene you even noted that you knew or recognized

1 Jada, right?

2 A. No, ma'am.

3 Q. Do you have your report in front of you?

4 A. I do.

5 Q. Okay. If you would turn to --

6 MS. PATTERSON: And, Your Honor, I'm gonna object
7 to the relevance of this.

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

9 THE COURT: Go ahead.

10 BY MS. ZMROCZEK:

11 Q. It's Bates stamped page 51. Do you have that?

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

13 Q. Okay. And after reading that, does it refresh your
14 recollection?

15 A. So it refreshes my recollection, but I did not -- I
16 did not recognize Jada because I didn't know her. I
17 recognized her because I was informed of who our witnesses
18 were. Does that make sense? Do I need to reword it?

19 Q. No.

20 A. Okay. So I didn't know anybody in any of these scenes
21 anywhere, I've never dealt with any of them, but when I get
22 on-scene Deputy Swygert is explaining who they have and
23 they have these three witnesses sitting over here, here are
24 their statement forms, we have these people, and I see lone
25 female on her cell phone. I obviously recognize her of the

1 three, she's the only female. Obviously none of the males
2 were named Jada. I recognize her as being that witness
3 with a cell phone.

4 Q. And you said you wanted to know with whom she was
5 communicating on her cell phone, right?

6 A. I wanted to know if it was in reference to the -- the
7 homicide. Yes, ma'am.

8 Q. Okay. And did you learn that information?

9 A. Yes. Yes, ma'am.

10 Q. Okay. And was it?

11 A. Yes, ma'am.

12 Q. Okay. And who was she communicating with?

13 A. Honestly without looking at my records I wouldn't be
14 able to tell you who she was -- who she was communicating
15 with, but I did learn it was in reference to the homicide.

16 Q. Okay. So did you do a follow-up investigation with
17 those people?

18 A. With the -- with the?

19 Q. With whomever she was talking to.

20 A. I know messages were sent to the defendant and I did
21 a follow-up investigation with them, but the person who she
22 was communicating with who was not on-scene I did not
23 because he was not on-scene. He didn't witness anything.

24 Q. Okay. And so when you have people on-scene and you
25 have to identify them as suspects or witnesses or just

1 random people that showed up, how do you -- how do that and
2 how do you differentiate that?

3 A. Generally they tell us. They tell us if they
4 witnessed anything and there's varying degrees of
5 witnessing. So if somebody hears something but didn't
6 see it is not gonna be as reliable as somebody who saw
7 something with their own eyes and obviously somebody who
8 saw something with their own eyes isn't gonna be as helpful
9 to us as somebody who saw something and they know the
10 parties involved, if that makes sense. And then you have
11 bystanders. Again, you know, every crime scene people show
12 up for, we as investigations get there and especially if
13 you're in a trailer park, you're just gonna end up with all
14 those people out there, so it's easy to show up with people
15 who didn't witness anything out there.

16 Q. And even though you testified that Mr. Sarvis didn't
17 want to talk to you, he was actually -- he had a Facebook
18 Live going during this time, right?

19 A. I don't know anything about that.

20 Q. Don't know anything about that.

21 A. It's news to me if he did. I -- I just never heard
22 anything about that.

23 Q. Okay. And are things like that important? If scenes
24 are being Facebook Live'd and then people have information
25 about it, is it possible that they could have gotten

1 information through that? Do you want people --

2 MS. PATTERSON: Speculation, Your Honor.

3 MS. ZMROCZEK: And I'll rephrase the question,
4 Your Honor.

5 THE COURT: Thank you.

6 BY MS. ZMROCZEK:

7 Q. Do you want people streaming Facebook Live from your
8 crime scenes?

9 A. Obviously we don't want anybody streaming a live
10 stream.

11 Q. Especially if they're inside the crime scene area,
12 right?

13 A. Preferably we wouldn't want anybody inside the crime
14 scene at all unless it's one of us doing our job.

15 Q. The statements -- let me rephrase that. When you went
16 to get the security cameras from Earline, right, the
17 Chaney's were cooperative? In fact, you didn't even have a
18 search warrant either time, right?

19 A. No. With -- so the first time I only met with Jessica
20 Chaney, she was cooperative, and the second time I only met
21 with Mr. Chaney and he was cooperative.

22 Q. Okay. And did you Mapquest the distance between 36
23 Fish Hatchery Road and the road -- the name that I always
24 mess up -- and where Ms. Aiken said that she was?

25 A. I did not. No, ma'am.

1 Q. Okay.

2 A. You're talking about where she told me that night that
3 she had been?

4 Q. No, no, no. I mean, three years later when you went
5 and took the pictures.

6 A. Oh, no, ma'am. It's -- I mean, it's right there. No,
7 I didn't. It's like the next driveway.

8 Q. Okay. So if Google Maps said it was three-tenths of a
9 mile, would you disagree with that?

10 A. If Google Maps said it was three-tenths of a mile, but
11 my -- and just let me -- my distance wasn't from driveway
12 to driveway. My distance was from where she would have
13 been standing based on her statement to the actual scene.

14 Q. And when you took that statement from her, you were
15 able to find her, right, in 2023?

16 A. Yes, ma'am.

17 Q. Okay. What follow-up information did you do about any
18 stolen motorcycles?

19 A. None.

20 Q. You were provided information on the scene about
21 stolen motorcycles?

22 MS. PATTERSON: Objection. Relevance.

23 THE COURT: Where are we going with that?

24 MS. ZMROCZEK: I'll rephrase the question.

25 BY MS. ZMROCZEK:

1 Q. You were told that Chris had been involved with
2 stealing a motorcycle?

3 MS. PATTERSON: Objection. Hearsay.

4 THE COURT: It is hearsay. We're getting -- let's
5 move on, Ms. Zmroczek.

6 MS. ZMROCZEK: I will move on.

7 BY MS. ZMROCZEK:

8 Q. When you -- did you investigate into the actual
9 evidence found at the scene? Did you look at -- I know
10 you looked at the truck you said and the directionality.
11 What about the defects in the ground? Did you look at any
12 of those?

13 A. I saw marks on the ground. I think one of them -- a
14 deputy had circled one of them.

15 Q. Do we know what deputy that was?

16 A. I don't know.

17 Q. Okay.

18 A. But it's not uncommon. They try to be -- deputies
19 try to be helpful. They try to mark evidence so -- not
20 just for our sake, but also for their sake so they know I
21 need to walk around that spot that's circled. But, you
22 know, when you have like fire service and EMS that is not
23 in their process at all. Their process is not preservation
24 of evidence. That's our deal, not there deal. They can --
25 I don't want to say they could care less about it because

1 I'm sure they could, but that's not -- that's not their
2 driving force.

3 Q. Sure. When you learned maybe through this testimony
4 here or maybe a year ago or maybe when -- when did you
5 learn that David and Jacqueline said that B.J. fired a
6 shot into the ground? When did you learn that?

7 A. I -- I had actually heard that while we were
8 investigating the initial investigation. It had come up.

9 Q. And what kind of gun did they tell you that was?

10 A. I don't recall.

11 Q. Okay.

12 A. I know it was a handgun. I do recall that.

13 Q. Okay. And you were here when Mr. Peyton testified
14 that it was a 25, right?

15 A. Yes, ma'am. I did hear him say that.

16 Q. Okay. And so have you found a 25 gun?

17 A. I have not. No, ma'am.

18 Q. Okay. Did you find ammunition for a 25?

19 A. I don't -- I didn't go back and look at all the
20 ammunition seized, but I -- I don't know if there was any
21 in the house.

22 Q. Okay. Did you -- but you knew that there was
23 ammunition found inside the bedroom of Mr. Chavis, right?

24 A. I knew there was ammunition found. Yes, ma'am.

25 Q. Okay. Did you find any guns to go with that

1 ammunition?

2 A. I don't know if any of that ammunition there for a
3 specific firearm. I know there was a firearm found in the
4 house, but I don't know how they correlated.

5 Q. Okay.

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

7 THE COURT: Take your time.

8 MS. ZMROCZEK: Nothing further, Your Honor.

9 THE COURT: Ms. Patterson, any redirect?

10 MS. PATTERSON: Just a few questions.

11 REDIRECT EXAMINATION

12 BY MS. PATTERSON:

13 Q. Detective Hart, did Van Williams arrive at the scene
14 that night?

15 A. He did. Yes, ma'am.

16 Q. And so even though it's uncommon for some of the
17 officers -- the officer in charge not to arrive at the
18 scene, he did, in fact, arrive at the scene?

19 A. Yes, ma'am. He was in the video.

20 Q. And in addition to the witnesses's account, do you
21 take any other information that you received through the
22 investigation before you make an arrest of someone?

23 A. Yes, ma'am. We -- I mean, it's not just based on
24 witness testimony. We have evidence. And evidence could
25 be -- I mean, I guess we discussed it in opening, it could

1 be circumstantial, it could be physical like the firearm
2 there. All of that stuff plays into the probable cause
3 that goes into making an arrest.

4 Q. And just because you get search warrants and you
5 obtain information related to that search warrant, does
6 that make that evidence automatically relevant to your
7 investigations?

8 A. No, ma'am. And often times with Facebook it's -- a
9 lot of it's not relevant.

10 Q. And I think Ms. Zmroczek asked you about Jacqueline.
11 Those video clips that we showed, did they show Jacqueline
12 on the video before the shooting at Earline Drive?

13 A. Yes, ma'am.

14 Q. And did it show her at Earline Drive six minutes after
15 the shooting?

16 A. It did. And let me -- let me clarify. I could tell
17 there was a female in the passenger side of that -- of the
18 Honda. She didn't get out, so I can't positively confirm
19 it, but I believe Mr. Chaney said she was, but -- and then,
20 yes, she was in the video afterwards. Yes, ma'am.

21 Q. And did you receive any information during your
22 investigation that she was at [REDACTED] Fish Hatchery Road
23 during the shooting?

24 A. No, ma'am. In fact, we were told she was not there.

25 Q. And Ms. Zmroczek went through at least twenty-five

1 reports, supplemental reports, you had from officers at the
2 scene.

3 A. Yes, ma'am.

4 Q. And you were missing one from Deputy Harris, correct?

5 A. Yes, ma'am.

6 Q. Was he wearing a body cam then?

7 A. He was. Yes, ma'am.

8 Q. And although it is Lexington County Sheriff's
9 Department to submit supplemental reports, is viewing the
10 body cam, would that also give officers information about
11 their role in the case?

12 A. Yes, ma'am. It would. In fact, the body cameras, and
13 it's been kind of an issue for us, but in instances like
14 this picks up stuff that we don't see, so it's -- you know,
15 it could be more helpful than a supplemental report because
16 if there's something -- it could pick up something that
17 they missed or they didn't see that was picked up by the
18 video camera.

19 Q. And I think you stated you didn't receive a report
20 from any victim about a shooting at Treemount, did you?

21 A. No, ma'am. We never got a report of it. In fact,
22 when I spoke with Ms. Aiken, who would have been the victim
23 in that case, there was -- there was no report of it. She
24 didn't mention it at all.

25 Q. But did you receive information through your

1 investigation that B.J. Chavis had fired a gun at
2 Treemount?

3 A. Yes, ma'am.

4 Q. And by the time you received this information, where
5 was Mr. Chavis?

6 A. He was deceased.

7 Q. And so would an investigation even been fruitful?

8 A. No, ma'am.

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

10 THE COURT: Take your time.

11 BY MS. PATTERSON:

12 Q. And Ms. Zmroczek was asking you were you present when
13 Mr. Peyton's testimony -- when he testified about the .20
14 that Mr. Chavis shot at Treemount?

15 A. Yes, ma'am.

16 Q. And you also hear him say that gun was placed back in
17 the truck?

18 A. Where he normally kept it. Yes, ma'am.

19 Q. And was that gun recovered in Mr. Chavis's truck
20 during the search?

21 A. There was a firearm and it matched the description.
22 It just was not a 25-caliber. Yes, ma'am.

23 MS. PATTERSON: Thank you. No further questions.

24 RECROSS EXAMINATION

25 BY MS. ZMROCZEK:

1 Q. It matched the description, but it was a .380, right?

2 A. Yes, ma'am. That's what I said. It just didn't match
3 the caliber.

4 Q. Okay. And did you look or inquire if -- into if there
5 were any .380's anywhere at Fish Hatchery Road?

6 A. I mean -- I'm sorry. Agent Ward with SLED testified
7 there were no .380's recovered outside in the crime scene
8 at all.

9 Q. Okay. And so what caliber was the casing and the
10 jacket that was inside of the house?

11 A. I don't know.

12 Q. Okay. Because in order to know, we have to take a
13 picture of the headstamp, right?

14 A. Yes, ma'am.

15 Q. Okay. So to say that there was none, there was none
16 identified. Is that a more correct answer?

17 A. No, ma'am. I said outside in the crime scene.

18 Q. Okay.

19 A. There were none outside the crime scene.

20 Q. Okay. What about inside the crime scene?

21 A. Inside the tape inside the crime scene, there were
22 no .380 shell casings. Now there was an unidentified
23 shell casing in the house, we don't know that was that,
24 but that was not outside where all the shooting and the
25 homicide occurred.

1 Q. Okay. Let me ask you this. Any security cameras
2 there?

3 A. No.

4 Q. So in the seven minutes or so that the 9-1-1 call
5 comes in until the first officer arrives, people can be
6 moving items, correct?

7 A. It looked like they were rendering aid.

8 Q. I'm sorry?

9 A. It looked like they were rendering aid. I didn't see
10 anybody -- when the deputy arrived, I didn't see anybody
11 moving any items other than towels and shirts.

12 Q. Okay. Let me ask -- sure. Let me ask the question
13 again. In the seven minutes that it took for Officer
14 Swygert to get there, you don't know what was happening?

15 A. Correct.

16 Q. You don't know if somebody shot a gun from the porch
17 and took it inside and took off their jacket and just
18 tossed it on the couch, right? We don't know.

19 A. Are you asking if somebody shot a gun after and then
20 took it inside and put it?

21 Q. Yes.

22 A. No, ma'am. We --

23 Q. You don't know that, right?

24 A. We don't have any additional 9-1-1 calls about
25 gunshots afterwards.

1 Q. Right. But when you say statements like no, there
2 wasn't, no, we didn't find any would be a more accurate
3 statement, right? Or no, I didn't picture any or no, I
4 didn't bother to look at that, right?

5 A. I think she said if there were any collected and my
6 answer was no, there were none collected.

7 Q. Okay. But you would agree with me that there were
8 unidentified shell casings at the house?

9 A. At least one. Yes, ma'am.

10 MS. ZMROCZEK: Thank you. No further questions.

11 THE COURT: Anything else, Ms. Patterson?

12 MS. PATTERSON: No, ma'am.

13 THE COURT: May I excuse this agent -- sergeant?

14 MS. PATTERSON: From the stand, but, Your Honor we
15 ask that his presence --

16 THE COURT: He's the case agent. He's not going
17 anywhere.

18 MS. ZMROCZEK: And, Your Honor, we may need to recall
19 him.

20 THE COURT: He's not going anywhere. He's gonna be
21 right there at that table.

22 MS. ZMROCZEK: Thank you.

23 (Witness excused.)

24 THE COURT: All right. The jury's been sitting for
25 an hour and five minutes, would you like a break or can

1 we call the next witness?

2 FOREPERSON: We're good.

3 THE COURT: We're good.

4 The State can call their next witness.

5 MR. POGUE: Thank you, Your Honor.

6 The State calls Jennifer Nates.

7 THE CLERK: Please raise your right hand and place
8 your left on the Bible.

9 (Whereupon, Jennifer Nates was duly sworn by the
10 Clerk of Court.)

11 THE CLERK: Please have a seat in the witness box.
12 State your full name and spell your last for the record.

13 THE WITNESS: My name is Jennifer Nates. N-A-T-E-S.

14 JENNIFER NATES,

15 having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. POGUE:

18 Q. Good morning, Ms. Nates.

19 A. Good morning.

20 Q. Where are you currently employed?

21 A. I'm employed by the South Carolina Law Enforcement
22 Division in the trace evidence section of the laboratory.

23 Q. Is that commonly known as SLED?

24 A. It is.

25 Q. And how long have you been employed at SLED?

1 A. I've been employed at SLED for -- it will be
2 twenty-seven years at the end of this year.

3 Q. Okay. And have you been employed there the whole
4 time as a -- as an analyst?

5 A. I have been employed as an analyst. My first year
6 of employment was as a drug chemist and then from then on I
7 transferred to trace evidence where I've been ever since.

8 Q. Okay. What's your educational background?

9 A. I have a bachelor of science degree in chemistry from
10 a small state school in Pennsylvania called California
11 University Pennsylvania. Once I received that degree, I
12 was then hired by SLED and began their training program for
13 the duties that I performed.

14 Q. Okay. And is one of the duties that you perform at
15 SLED to analyze gunshot residue?

16 A. That is one of the duties in the trace evidence
17 section, yes.

18 Q. Okay. And have you had specific training as it
19 relates to the collection and analysis of gunshot residue,
20 commonly known as GSR?

21 A. I have.

22 Q. Okay. Just very briefly, what does that training
23 entail?

24 A. Once I began the training in the trace evidence
25 section, it was the first type of analyses that I trained

1 on. It was training program that was under the lieutenant
2 of the department and the other senior analysts. It
3 consisted of written, practical and oral examinations,
4 taking some outside courses dealing with the
5 instrumentation that was used for gunshot residue analysis
6 and on the theory of the instrumentation used. It was also
7 workshops that were taken provided by scientific
8 organizations in that type of analysis. Once I completed
9 all of the modules of the training program, I was then
10 given a competency test. I successfully completed the
11 competency test and then was -- had to take part in a mock
12 court on that test. Once I successfully completed all of
13 this, I was then assigned to gunshot residue casework,
14 which I've been working since approximately 1999.

15 Q. Okay. And I don't know if I asked you this previously
16 or not, but do you know how many GSR analyses you've
17 performed in your career?

18 A. I have probably performed in excess of thousands as
19 each gunshot residue analyses as each gunshot residue kit
20 can contain two to four samples and I've worked well into
21 thousands of cases.

22 Q. Okay. And have you ever previously testified as an
23 expert witness in gunshot residue collection analysis?

24 A. I have.

25 Q. How many times?

1 A. I have testified 149 times in gunshot residue
2 analysis.

3 MR. POGUE: Your Honor, at this time the State would
4 move to qualify Ms. Nates as an expert in gunshot residue
5 collection and analysis.

6 MS. ZMROCZEK: No objection, Your Honor.

7 THE COURT: Okay. I'm gonna tell the jury, I told
8 you yesterday normally witnesses can't testify and give
9 opinion testimony, but, you know, due to education and
10 experience they're allowed to give their opinion if they're
11 an expert. In this case, this witness is gonna be an
12 expert in GSR?

13 MR. POGUE: GSR collection and analysis. Yes, ma'am.

14 THE COURT: Collection and analysis. So, therefore,
15 she's gonna give her opinion. You give it the weight you
16 feel that it deserves.

17 Go ahead.

18 MR. POGUE: Thank you, Your Honor.

19 I beg the Court's indulgence.

20 THE COURT: Take your time.

21 BY MR. POGUE:

22 Q. Ms. Nates, if you don't mind, explain a little bit
23 to the jury like what the primary purpose or utility for
24 gunshot residue collection and analysis is for law
25 enforcement investigations.

1 A. Usually a gunshot residue kit is collected because an
2 investigator wants to determine if a person or object was
3 potentially near the discharge of a fire, which includes
4 handling or actually discharging a firearm. So the whole
5 point of the test is to link somebody to that firearm
6 event.

7 Q. Okay. Do you-all have certain guidelines or
8 limitations that you require in order for you to perform
9 an analysis, a gunshot residue analysis, at SLED?

10 A. We do have specific requirements that mostly deals
11 with the collection of the kit. There has been testing
12 within our laboratory and outside of our laboratory that
13 determines that the majority of the gunshot residue will
14 not stay on a person's hand more than four to six hours
15 after the shooting incident. So in order for us to analyze
16 a gunshot residue kit, the kit has to be collected within
17 six hours after the shooting. The other restrictions that
18 we have are we do not routinely analyze GSR kits collected
19 from a shooting victim. If someone has sustained a gunshot
20 wound, they've already been associated with a shooting
21 incident. We also do not analyze kits that have been
22 collected from police officers as they are known to carry
23 firearms or from persons who are apprehended with a firearm
24 on their person. If you have a firearm on your person, in
25 your pocket, in your belt, you can transfer gunshot residue

1 to your hands so we already have a source that's known.

2 Q. Thank you. And kind of, if you don't mind, explain a
3 little bit of the process of how a gunshot residue kit is
4 received? Or let me do this first. Do you have like a
5 demonstration kit of some sort that you could show the jury
6 how a gunshot residue -- the kits that are provided to you
7 for analysis are performed?

8 A. I do.

9 Q. Okay. Would you mind doing that for the jury?

10 A. Do you want me to sit here?

11 THE COURT: You can step down.

12 MR. POGUE: Whatever the jurors prefer. If you'd
13 like to come down here so they can see a little bit better
14 would probably be good.

15 THE COURT: It might be easier because of that bar up
16 here.

17 THE WITNESS: So this is one the GSR kits that
18 we provide to the agencies throughout the State for
19 collection. There are several different types of kits
20 that are provided due to when COVID was in place and
21 there was a lot of shipping problems and supply chain,
22 we had to pick up some different suppliers, so we do
23 have several different types of kits the officers can use
24 for collection.

25 So the officer will open up the kit, which is sealed.

1 There is evidence tape and instruction sheet that tells
2 them how to collect a it. And then this is probably the
3 most important part of it, is the GSR information form.
4 This is where the officer will fill in who they were, who
5 collected it, the suspect's information or the subject's
6 information. One thing is whether the suspect is living or
7 dead because they still do collect kits from deceased
8 individuals. We just look at this whether we have to
9 analyze them or not due to some exceptions on those cases.
10 It will tell us if there's any debris or blood on the
11 hands. Blood can interfere with the analysis. It also
12 tells us brief descriptions what their occupation is.
13 Some occupations can lend a lot of metallic residue on a
14 person's hand, so it's good to know that on the front end.
15 And then we also have the collection date and time and the
16 incident date and time, which is where we determine how
17 long it was collected after the incident. Once they fill
18 that out -- they can either do that first or after the
19 collection -- there are two particle lifts. One labeled
20 right-hand and one labeled left hand.

21 So they will put the gloves on, open this up and then
22 dab this adhesive area over that entire hand to collect any
23 material that's present on that hand for us to analyze. So
24 once they complete that, they will put it back into this
25 container and move onto the next hand. Once they're done,

1 they put everything back into the kit, seal it and then it
2 comes to SLED for analysis.

3 BY MR. POGUE:

4 Q. Is it important for the law enforcement officer who's
5 collecting the sample to wear gloves when they collect a
6 sample?

7 A. It is important because as you know most law
8 enforcement officers will carry a firearm, so they already
9 have a potential for GSR on their hands, so they will wear
10 gloves so they're not contaminating the collection or the
11 hands of the person the GSR kit is being collected from.

12 Q. Thank you, Ms. Nates. You can return to the stand if
13 you'd like.

14 A. (Witness complies.)

15 Q. And I believe you mentioned a COVID protocol that
16 you had in place at the time. Did this -- did you ever
17 receive a submission regarding this particular case for
18 GSR analysis?

19 A. I did receive a submission for GSR analysis on this
20 case.

21 Q. And was that during the COVID protocol procedures that
22 you-all had in place at the time at SLED?

23 A. This case was analyzed during the COVID protocol
24 procedures that we had.

25 Q. Can you explain a little bit about the process of GSR

1 kits being received and how they were analyzed during that
2 time?

3 A. When a GSR kit is submitted to SLED, it's submitted in
4 our evidence control area. That means every case that
5 comes in from an investigating officer they'll bring all
6 their evidence in, it's assigned a unique laboratory
7 number. So the laboratory number is assigned to each case.
8 Every item of evidence is then assigned a unique item
9 number. So in this case, the GSR kit was assigned Item
10 Number 6 for this case. So once it comes into the evidence
11 control department, it is then put in our queue. They put
12 an assignment on it so it has a trace assignment on that
13 item of evidence. So we check our queue so we know what we
14 have pending. So when we are requested to analyze that
15 case or it comes up in our daily work, we will pick up the
16 evidence, bring it up to the trace department and then
17 usually the evidence will be placed in a secure location
18 within our department until it's processed. The technician
19 will take that case, open it up, verify all the information
20 is filled out correctly on the GSR information form, check
21 the samples, to look at the top of them to see if there's a
22 bunch of debris or anything on the sample that might
23 interfere with analysis. They then label each of the
24 particle lifts with the lab number and the item number and
25 then they will place it in a bin for the analyst to draw

1 from for the analyses.

2 Q. I'm handing you up what's marked as State's
3 Exhibit 83. If you wouldn't mind opening up that item and
4 tell me if you recognize that item that's already been
5 admitted into evidence?

6 A. So I do recognize it based on actually the outer
7 envelope. The outer envelope usually for GSR kits will
8 contain the laboratory number, the item number and they'll
9 write on what's inside it and in this case it has the
10 initials and date of the technician who opened it and
11 prepped it and then the initials and date that I put on it
12 when I opened the case for analysis and then inside this
13 envelope is the open GSR kit that contains the two particle
14 lifts and the GSR information form and I can identify it
15 the same way with the label that's generated with the lab
16 number and item number and then the initials and date that
17 are on that item.

18 Q. And what was the lab number in this particular case?

19 A. The lab number for this case was L-2010539.

20 Q. Okay. And the technician that you mentioned that
21 initially opens the outer envelope, they don't unseal the
22 actual specimen that's collected, do they?

23 A. No. They will only -- in this case they did not.
24 They will only open this envelope and they will put the
25 label on here that tells me what the lab number and item

1 number is for this item.

2 Q. And were you the analyst that unsealed the collection
3 and analyzed it in this particular case?

4 A. I was.

5 Q. Okay. And did you -- well, before I get to what your
6 findings are, what it is that you do and what is it that
7 you're looking for?

8 A. What we're looking for is for the presence of gunshot
9 residue. Gunshot residue is any and all residue that is
10 produced when a firearm is discharged. Specifically our
11 laboratory and most of the forensic laboratories across the
12 United States analyze for what is called P-GSR or primer
13 gunshot residue. This residue is even more specific to the
14 primer cartridge in the cartridge of the gun. So we are
15 looking for particles that are produced that contain
16 elements that are contributed by the primer composition.
17 So when a firearm's discharged, you're gonna have -- it's
18 basically a mini explosion. So you have your primer
19 composition that is hit by firing pin, so within that
20 composition is lead styphnate, antimony sulfide and barium
21 nitrate. These three elements are what cause the gun to
22 discharge. So you'll hit this primer, you'll have mini
23 explosion, a flame will go into your chamber, which lights
24 your smokeless powder. The smokeless is gonna burn. As it
25 burns, it's gonna increase heat and pressure. So that

1 pressure needs to be released and the way that pressure is
2 released it projects a bullet out of the firearm. So when
3 this happens, you have a cloud formed around the gun that
4 contains these molten material that has been generated from
5 that primer. So this molten material will contain barium,
6 antimony and lead, and that is considered a particle of
7 GSR.

8 Q. Okay. And you said that you analyzed the samples that
9 were collected in this case?

10 A. I did.

11 Q. Okay. And there were two; is that correct?

12 A. There were two samples submitted in this GSR kit.

13 Q. Okay. And what were your findings?

14 A. I analyzed the samples in this case and documented
15 that I confirmed four particles of primer gunshot residue
16 on the right hand and there were no particles of primer
17 gunshot residue found on the left hand.

18 Q. Okay. And were you the one that issued the report in
19 this particular case or wrote the report for SLED in this
20 particular case?

21 A. I was not.

22 Q. Explain a little bit why that didn't happen.

23 A. As mentioned earlier, this was done during COVID. We
24 had staffing restrictions for the laboratory during that
25 timeframe and only a certain number of people were allowed

1 in the lab during a certain time. So what we found to be
2 most efficient to continue case output was that I was in
3 the lab, so I would analyze the cases, I would compile the
4 data and then I would send it to a server -- send it all to
5 the server and then another analyst who was at home at the
6 time was able to compile all the data, all the electronic
7 worksheets, issue everything and generate the report. So
8 it just helped us maintain case output during that
9 timeframe we weren't shutdown.

10 Q. Okay.

11 MR. POGUE: I beg the Court's indulgence.

12 THE COURT: Take your time.

13 (State's Exhibit Number 87 was marked for
14 identification.)

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

16 MS. ZMROCZEK: I have no objection, Your Honor.

17 THE COURT: Since there's no objection. I'm gonna
18 let you carry on then, Mr. Pogue.

19 BY MR. POGUE:

20 Q. I apologize, Ms. Nates. Now I know that you were not
21 the one that wrote or issued the report, but I'm handing
22 you up State's Exhibit 87. Do you recognize this item?

23 A. This is the trace report that was generated for SLED
24 Lab Number L-2010539 using the data that I generated for
25 this case.

1 Q. And it summarizes your findings as well that you --
2 that you have when you looked at the --

3 A. Correct. The report is the compilation of my
4 findings, but all of the paperwork portion was performed
5 by another analyst.

6 Q. Okay. And who was that analysis who compiled the
7 report that you have?

8 A. Megan Fletcher.

9 Q. Okay. And does she peer reviewed your work? Are you
10 aware whether she peer reviewed? Is that what you-all call
11 it?

12 A. So the process during the COVID for how this happened
13 was I as the analyst would go through using the scanning
14 electron microscope verify the particles that were found,
15 the gunshot residue, compiled in my findings. Megan would
16 then log into that system and review everything that I
17 looked at. She had access to all the particle counts, to
18 the particles that I flagged, to the marked particles and
19 to the specter that I collected. So she would then review
20 all of that data, compile the report and then the report
21 would be sent to a third analyst to perform an official
22 technical review of the data.

23 Q. Okay. And so I believe -- I handed this up to you.
24 Is this a fair and accurate reflection of your findings
25 from your analysis of the GSR kit, and I believed you

1 referenced the lab number, for this particular case?

2 A. It is.

3 Q. Okay.

4 MR. POGUE: Your Honor, at this time the State
5 would move State's Exhibit 87, the SLED GSR report, into
6 evidence.

7 THE COURT: It's admitted with no objection Pogue.

8 (State's Exhibit Number 87, a GSR report, was
9 admitted into evidence.)

10 MR. POGUE: And just very briefly, Your Honor, to
11 publish.

12 BY MR. POGUE:

13 Q. And Item 6, that's the GSR kit; is that correct?

14 A. That's correct.

15 Q. And I believe you already explained what the elements
16 were, but does this report notate the presence of the
17 elements that you spoke about that you found on this
18 particular -- as relates to this particular item that was
19 submitted?

20 A. The report notates that particles characteristic of
21 primer gunshot residue were found, which are the particles
22 that contain barium, antimony and lead.

23 Q. Okay.

24 MR. POGUE: Thank you, Ms. Nates.

25 No further questions, Your Honor.

1 Please answer anything that defense counsel would
2 ask.

3 THE COURT: Ms. Zmroczek.

4 MS. ZMROCZEK: Thank you.

5 CROSS-EXAMINATION

6 BY MS. ZMROCZEK:

7 Q. Did you -- you did not collect -- even though you did
8 a lovely examination, you did not collect this gunshot
9 residue, correct?

10 A. No, ma'am. I did not.

11 Q. In fact, it was Investigator Hart, right?

12 A. I'm assuming. I could look -- I could refer to the
13 paperwork if you'd like me to.

14 Q. I will -- do you have your gunshot residue analysis
15 information form?

16 A. I do.

17 Q. Okay. If you will pull that out, that will help.

18 A. Do you need to see it?

19 Q. I think I have a copy.

20 A. Okay.

21 Q. So who collected and submitted that report at that --

22 A. It was documented it was collected by Detective
23 M. Hart with Lexington County Sheriff's Department.

24 Q. Okay. And did you watch him collect it?

25 A. No, ma'am.

1 Q. Okay. So you don't know if he did it the way that you
2 just showed, right?

3 A. I do not.

4 Q. Okay. And -- I need you to keep that form out because
5 Im gonna ask you a question. So when you get -- when you
6 get that kit you also get this collection form that has
7 some information on it, right?

8 A. That's right.

9 Q. And it lists hobbies, right?

10 A. It does.

11 Q. And you rely on this paperwork as part of -- as an
12 expert and as part of your training and analysis at SLED,
13 right?

14 A. We do rely on it in some cases. Yes, ma'am.

15 Q. Okay. And so can you tell the jury what hobbies were
16 listed under subject hobbies.

17 A. The hobbies that were listed were fish, deer hunting
18 and riding dirt bikes.

19 MS. ZMROCZEK: Thank you. I have no further
20 questions.

21 THE COURT: Thank you, Ms. Zmroczek.
22 Any follow-up?

23 MR. POGUE: No, ma'am.

24 THE COURT: May I excuse this witness then from the
25 State trial of this case?

1 All right. This is gonna be a long witness, so we
2 might have to break in between.

3 Any objection? Because their lunch is gonna be here
4 at one.

5 MS. ZMROCZEK: No objection.

6 (Whereupon, the jury return to the courtroom at
7 12:17 PM.)

8 FOREPERSON: Thank you.

9 THE COURT: Is the jury ready?

10 FOREPERSON: Yes, ma'am.

11 THE COURT: All right. Please be seated.

12 MR. POGUE: Thank you, Your Honor.

13 The State calls Paul Greer.

14 (Whereupon, Paul Greer was duly sworn by the Clerk
15 of Court.)

16 THE CLERK: Please have a seat in the witness box.
17 State your full name and spell your last for the record.

18 THE WITNESS: My name is Paul Greer. G-R-E-E-R.

19 PAUL GREER,

20 having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. POGUE:

23 Q. Good afternoon. Is it -- I never know. Do you-all
24 go by -- do you go by agent or do you go by -- what's your
25 title?

1 A. I'm a forensic scientist or criminalist within our
2 laboratory.

3 Q. Can I just call you Mr. Greer?

4 A. That will be fine.

5 Q. Good afternoon, Mr. Greer?

6 A. Good afternoon.

7 Q. Where are you currently employed?

8 A. I'm employed at the South Carolina Law Enforcement
9 Division, which is commonly known as SLED.

10 Q. Okay. And how long have you been employed at SLED?

11 A. I've been employed at SLED for almost ten years.

12 Q. Okay. And in what capacity are you employed at SLED?

13 A. I've been a firearms examiner in forensic services
14 laboratory for the entire time. When I was hired, that's
15 the department I began in.

16 Q. Okay. And if you don't find mind, tell the jury a
17 little bit about your educational background.

18 A. Sure. I received a bachelor of science in biological
19 sciences from the University of South Carolina. Upon my
20 employment at SLED, I began our SLED firearm and tool mark
21 in-house course of instruction training program. What this
22 is, is a 3-year or so apprenticeship-style training program
23 that's conducted right there at SLED under the direction
24 and supervision of other court qualified examiners. During
25 that time, I completed multiple written and practical

1 examinations. I assisted other examiners prep their
2 cases and conducted many microscopic comparisons. At
3 the conclusion of that training period, I was given a
4 multipart comprehensive exam that included some mock
5 casework. I successfully completed that and was deemed
6 competent to begin casework on my own.

7 Q. Okay. And what is the field of firearms
8 identification exactly? What all does it consist of?

9 A. Sure. Firearms identification in its basic form is
10 a discipline of forensic science where our main objective
11 is to dollar examine fired ammunition components such
12 as a fired cartridge case or a fired bullet in order to
13 determine if they were fired by a specific firearm.

14 Q. Okay. And I believe you mentioned the training and
15 the certifications that you have. Are you a member of
16 any professional organizations as it relates to firearms
17 identification?

18 A. Yes, sir. I am.

19 Q. And what are those organizations?

20 A. I'm a member of the Association of Firearm and Tool
21 Mark Examiners, which is know as AFTE, and this is an
22 international organization for firearms examiner to
23 participate and collaborate for training to be provided
24 through.

25 Q. Okay. And have you ever been qualified as an expert

1 witness in the area of firearms identification before?

2 A. Yes, sir. I have.

3 Q. How many times?

4 A. Approximately 49 times.

5 Q. Okay.

6 MR. POGUE: Your Honor, at this time the State would
7 move to qualify Mr. Greer as an expert in the field of
8 firearms identification and tool mark.

9 THE COURT: Any objection?

10 MS. ZMROCZEK: Your Honor, I'm familiar with
11 Mr. Greer. No objection.

12 THE COURT: All right. I'm gonna tell the jury
13 again Agent Greer is going to be an expert in the field
14 of firearm identification. You can give his testimony
15 the weight you think it deserves.

16 MR. POGUE: Thank you, Your Honor.

17 BY MR. POGUE:

18 Q. If you don't mind, tell the jury a little bit about
19 how you go about matching a spent fired casing that's been
20 expelled or has been fired by a particular firearm? How
21 do you match that? What's the process you go through to
22 determine whether you match that to a particular or a
23 specific gun?

24 A. Sure. We receive evidence such as those fired
25 cartridge cases from all over the State of South Carolina

1 and to get to the point of where we're able to identify a
2 specific cartridge case has been fired by a certain firearm
3 or by a singular firearm, there's a series of steps that we
4 go through. So we receive into the laboratory and we
5 examine that evidence and document it on worksheets and
6 through photography. As we're doing that, completing those
7 worksheets and the documentation, we're gonna look at those
8 cartridge cases, for example, and look at their overall
9 characteristics. So we're gonna look at their caliber,
10 determine that, look at the construction of those cartridge
11 cases, but more importantly we'll also look at the
12 characteristics on the primer area of that cartridge case
13 to look at the breechface marks, the type of firing pin
14 impressions and those type of shapes. Things that share
15 those similar characteristics, it's kind of like climbing
16 a ladder, if you will. Things that show those similar
17 characteristics, we will take to the next level of that
18 ladder and compare with each other. When we're comparing
19 things, we're gonna look at tiny microscopic scratches or
20 striations or impressions on the surface of those cartridge
21 cases and we're gonna look at that under high magnification
22 using a comparison microscope. What that is, if you'll
23 think back to a lab you may have taken in school, if you
24 had a microscope you were able to look at one item
25 underneath that. We're able look at two things at one time

1 with this microscope and are able to adjust the lighting
2 and the angles of this material in order to see those
3 microscopic scratches and striations and we're gonna
4 compare those items of those same characteristics under the
5 microscope in order to determine if they were fired by a
6 specific firearm. Those marks get on those cartridge cases
7 as a result of firing and that's all having to do with the
8 manufacturing of the firearm, how those components of the
9 firearm were made at the manufacturer and what tools and
10 machinery were used to create that firearm, and that's in
11 turn gonna mark the fired evidence, and that's how those
12 small impressions and striations get on that evidence.

13 Q. And, Mr. Greer, I'm actually gonna hand up to you a
14 couple of items that have already been admitted into
15 evidence and ask you if you can identify those and whether
16 you conducted any test fires on these particular items?

17 A. Yes, sir.

18 Q. But as an initial matter, did you receive and analyze
19 any firearms and/or casings and projectile fragments as
20 relates to this case?

21 A. Yes, sir. I did.

22 Q. All right. I'm handing you up what's already been
23 admitted into evidence as State's 85. I'm gonna give you
24 the whole box if that's best for you.

25 Do you recognize that particular item?

1 A. This firearm is unloaded. It's safe for me to handle.
2 I'm gonna look for several identifying features on here
3 that -- as part of my examination, we will make the
4 evidence with our unique SLED lab number, item number and
5 my initials, and I'm looking very quickly here for that
6 information on this firearm.

7 Yes, I do recognize this. This was determined to be
8 SLED Item 7 and it was one Diamondback Model DB-15
9 semiautomatic rifle and .300 Blackout caliber with Serial
10 Number DB1599685 with an optic accessory.

11 Q. Okay. And if you don't mind, just very briefly
12 demonstrate or explain to the jury how that particular
13 firearm operates.

14 A. Sure. So this is a semiautomatic rifle. In order
15 to fire this firearm, you would load cartridges into a
16 magazine. That magazine would be loaded into the magazine
17 well. At that time you pull back on this charging handle.
18 That would pull the bolt right here rearward in order for
19 it to come rearward and then be released so that it will
20 pick up a cartridge from the magazine that would be fed
21 into the chamber of this firearm for firing. At that point
22 in time, I would disengage the safety if it's engaged and
23 you would pull the trigger. With one pull of the trigger
24 one cartridge is fired. So the action would automatically
25 begin to move and open and unlock as a result of that

1 firing and it would load the next available cartridge into
2 the chamber. Again, you would get one cartridge. You'd
3 have to pull the trigger again to shoot the next cartridge.
4 So a semiautomatic rifle, one pull of the trigger gives one
5 fired cartridge.

6 Q. Okay. And did -- when you received that particular
7 item at SLED for analysis, what did you do with it? Did
8 you perform any tests or anything like that with the gun?

9 A. Yes, sir. I did.

10 Q. And what did you do?

11 A. When I received this, I, again, documented it on our
12 departmental worksheets and with photography. I then
13 examined it to determine what exactly it is and that's
14 what we determined it to be the Diamondback Model DB-15
15 and the caliber. I then examined to make sure that it
16 was functioning properly and as I expected and as it was
17 designed to. I looked down the barrel to determine the
18 rifling inside of this firearm and then ultimately I test
19 fired the firearm in our bullet recovery tank.

20 Q. Okay. And what is the purpose of you performing test
21 fires with a -- with a weapon that's submitted to you?

22 A. Sure. When we receive a firearm in a case for
23 examination, we will test fire the firearm in order to
24 compare those tests with each other and then compare those
25 test fired bullets and those test fired cartridge cases

1 from this gun to the evidence that we receive. That's how
2 we're able to determine if evidence cartridge cases or
3 evidence bullets were fired by a particular firearm.

4 Q. Okay. I'll let you go ahead and put that back in
5 here.

6 A. (Witness complies.)

7 Q. And when you conduct those test fires, do you collect
8 the test fired spent cartridges as well as the projectiles?

9 A. Yes, sir. Typically we do recover those test fired
10 cartridge cases and bullets.

11 Q. Okay. And I believe you indicated that was Item 7 in
12 your SLED lab report?

13 A. Yes, sir. That was -- State's Exhibit 85 was my SLED
14 Item 7.

15 Q. Okay. I'm handing you up State's Exhibit 23 that's
16 already been admitted into evidence. Do you recognize this
17 particular item?

18 A. Again, this is unloaded, safe for me to handle. I'm
19 gonna look again for those identifying marks that I scribed
20 on this firearm as part of my examination.

21 Yes, sir. I do recognize this.

22 Q. Okay. Do you also recognize the magazine?

23 A. Yes, sir. I do.

24 Q. Okay. And what is that particular item?

25 A. This was determined to be SLED Item 4. This is one

1 FN Model FNS-9 semiautomatic pistol, 9-millimeter Luger
2 caliber with a Serial Number of GKU0071389 and it was
3 submitted with one magazine.

4 Q. Okay. And as you mentioned with the Diamondback
5 rifle, did you also conduct test fires with that particular
6 handgun?

7 A. Yes, sir. I did.

8 Q. Okay. If you wouldn't mind, would you just also
9 demonstrate for the jury and explain a little bit about
10 how that particular gun operates?

11 A. Sure. This is semiautomatic pistol, so very similarly
12 to the rifle how it functions on its own, you pull the
13 trigger, but in order to fire and use this firearm properly
14 I would load a magazine with cartridges, insert that
15 magazine into the mag well. In this position with the
16 slide lock to the rear, you would just have to release this
17 slide and it would travel forward very rapidly and as it's
18 doing that, it would pull a cartridge out of that magazine
19 and feed it into the firearm's chamber for it to be
20 chambered and ready for firing. At that point in time you
21 would simply pull the trigger of the firearm to fire it.
22 One cartridge would be fired with a pull of the trigger and
23 the gun would start to -- the action would unlock and it
24 would start to actuate on its own as a result of the
25 firing. The slide would return to the rear. As it's doing

1 that, it would extract and eject the cartridge from the
2 chamber and from the firearm and when the slide comes back
3 forward as a part of that action, it would pick up the next
4 available cartridge from the magazine and, again, load it
5 into the chamber. You would then pull the trigger again to
6 shoot the next cartridge.

7 Q. Okay. Is that kind of handgun referred to also as a
8 semiautomatic handgun?

9 A. Correct. This is a semiautomatic pistol.

10 Q. And as you explained to the jury, would it -- every
11 time it's fired it ejects the spent cartridge case from the
12 gun onto the ground or whatever it may land?

13 A. Yes, sir. That's its design is to extract that
14 cartridge or cartridge case from the chamber and eject it
15 or kick it out of the firearm.

16 Q. And the same thing for the Diamondback .300 Blackout,
17 it also expends and ejects cartridge cases as well?

18 A. Yes, sir. That's correct.

19 Q. And I believe you also testified that you conducted
20 test fires with that particular weapon?

21 A. That's correct.

22 Q. And those were SLED Item 4.1?

23 A. Those did become SLED Item 4.1.

24 Q. Okay. I'm just gonna go through the painstaking
25 process of handing you up other items that were submitted

1 to you and see whether you -- of you'd tell the jury
2 whether you recognize them or not. All these items have
3 already been admitted into evidence.

4 A. Okay.

5 Q. This is State's Exhibit 60 that I'm handing up to you.
6 We'll just do them one at a time. That way you can explain
7 them to the jury.

8 A. State's Exhibit 60 has SLED items 34 through 39 and
9 those items were determined to all be fired .300 Blackout
10 caliber cartridge cases. So you can see the cartridge
11 cases in there. In this container there were six.

12 Q. Okay. And State's Exhibit 62?

13 A. Again, we do scribe this evidence with our unique SLED
14 item, lab number and initials. Additionally, I see that
15 these cartridge cases are still in a heat-sealed pouch with
16 my initials and seal date when I sealed them, so I'm
17 looking at some of that information here as I identify
18 these items.

19 State's Exhibit 62 was determined to be SLED items
20 9 through 16. And those are also .300 Blackout caliber
21 cartridge cases and there were eight of them here in these
22 pouches.

23 Q. And if you wouldn't mind, just notate on your report
24 all the ones that I've handed up to you so we can make sure
25 that you've identified all the ones that are in your

1 report.

2 I'm handing you up State's Exhibit 61.

3 A. State's Exhibit 61 were SLED items 40 through 43 and
4 those were each determined to be fired 9-millimeter Luger
5 caliber cartridge cases. So there's four cartridge cases
6 in this pouch.

7 Q. And State's Exhibit 63?

8 A. State's Exhibit 63 were SLED items 17 through 29 and
9 those were all determined to be fired 9-millimeter Luger
10 caliber cartridge cases. So there's a total of thirteen
11 cartridge cases in these Ziploc bags.

12 Q. Thank you.

13 Now I know we have not gone and discussed -- or had
14 you explain about any projectile fragments yet or
15 projectiles, so I'm handing you up State's Exhibit 65.
16 I'll go ahead and hand those up to you so we can identify
17 everything in your report.

18 A. Would you like for me to open this?

19 Q. Oh, yes. I'm sorry. Yes.

20 A. If I could borrow scissors or --

21 Q. I'm sorry. I thought it was already up there.

22 Sorry, Mr. Greer.

23 A. State's Exhibit 65 consisted of SLED items 30
24 through 33 and these all were projectiles or fragments. So
25 SLED Item 30 -- and, again, I see these are still in these

1 packages as I packaged them with my initials and sealed
2 date. SLED Item 30 was determined to be one bullet jacket
3 fragment. SLED Item 31 was determined to be one fired
4 bullet. SLED Item 32 was determined to be one fired bullet
5 jacket fragment. And SLED Item 33 was determined to be one
6 fired bullet jacket fragment.

7 Q. All right. State's Exhibit 66.

8 A. State's Exhibit 66 is determined to be SLED items
9 46, 47 and 48. SLED Item 46 I determined to be one
10 piece of lead. SLED Item 47 had multiple components and
11 some of them were very small with inside this packaging,
12 but it's one fired bullet jacket fragment, one bullet
13 jacket fragment and one piece metal. And SLED Item 48 I
14 determined to be one fired bullet jacket fragment and one
15 bullet jacket fragment. Again, some of this is very --
16 very small components there.

17 Q. State's Exhibit 24.

18 A. State's Exhibit 24 is contained within this small
19 capsule. That's SLED Item 3 and that was determined to be
20 two bullet jacket fragments and two pieces of lead. It's
21 very small material there.

22 Q. Okay. And at this point, Mr. Greer, have I handed you
23 up all of the items that were submitted to you for testing
24 at SLED that are in your report? If I'm missing something,
25 please let me know.

1 A. Yes, sir. Those are all of the items that were
2 submitted and documented in the first report. Yes, sir.

3 Q. Okay. And so all those items that you previously
4 identified in State's exhibits were submitted to you for
5 testing and did you conduct testing and analysis on all
6 those items?

7 A. Yes, sir. I did.

8 Q. And did you reach findings as relates to all those
9 items?

10 A. I did.

11 Q. Okay. And did you issue a report that publishes your
12 findings?

13 A. Yes, sir. I did.

14 Q. Okay.

15 (State's Exhibit Number 88 and 89 were marked for
16 identification.)

17 BY MR. POGUE:

18 Q. I'm handing you up state's Exhibits 88 -- I'll just
19 hand you 88 first. Do you recognize that particular item?

20 A. Yes, sir. I do.

21 Q. And what is it?

22 A. This is a -- appears to be a copy of the report that
23 I issued on February the 18th of 2021.

24 Q. And is it an exact duplicate of your report?

25 A. Yes, sir. It appears to be.

1 MR. POGUE: Okay. Your Honor, at this time the
2 State would move State's Exhibit 88 into evidence.

3 MS. ZMROCZEK: No objection.

4 THE COURT: It's admitted.

5 (State's Exhibit Number 88, a firearms report, was
6 admitted into evidence.)

7 BY MR. POGUE:

8 Q. I'm handing you up what's been premarked as State's
9 Exhibit 89. Have you ever seen this document before?

10 A. Yes, I have.

11 Q. Is that a color-coded Excel summary of the findings
12 from your report?

13 A. It is.

14 Q. Okay. And do you believe it will be helpful in having
15 the jury understanding the contents much your report?

16 A. Yes, sir. It would be.

17 MR. POGUE: Okay. Your Honor, at this time the
18 State would move State's Exhibit 89, the firearms report
19 summary, into evidence.

20 MS. ZMROCZEK: No objection, Your Honor.

21 THE COURT: It's admitted.

22 (State's Exhibit Number 89, a firearms report
23 summary, was admitted into evidence.)

24 MR. POGUE: Thank you, Your Honor.

25 Permission to publish, Your Honor?

1 BY MR. POGUE:

2 Q. Before we start going through the findings and
3 results, I asked you to explain cartridge -- how you
4 identify cartridge casings and matching them to a
5 particular weapon. How do you go through that process as
6 it relates to projectiles and what are projectiles?

7 A. Sure. Projectiles are the component or you might hear
8 it referred to as a bullet that travels down the barrel of
9 a firearm towards the target. So as that bullet is
10 travelling down the barrel of the firearm it is engaging
11 the rifling, if that type of firearm has rifling inside of
12 that barrel. The rifling consists of lands and grooves and
13 that's what's inside the barrel of a firearm that gives
14 that bullet its rotary twist or spin so that way it can
15 travel towards the target with the velocity and the speed
16 that it needs to. It's kind of like a quarterback throwing
17 a football. It puts that bullet in a nice tight spiral so
18 that way it can travel towards the target. As that bullet
19 is travelling through that barrel it has the potential to
20 take on markings that are inside of that barrel left from
21 wear, tear, corrosion and more specifically the
22 manufacturing process just kind of how we discussed the
23 manufacturing process with cartridge cases being marked by
24 breechface of those firearms.

25 So when we receive projectiles or fired bullets

1 or fragments, we do examine those and we start our
2 documentation, again, on those departmental worksheets.

3 And through photography and we're gonna look at the
4 construction of these fired projectiles and look at them
5 to determine what we can start to understand from them. So
6 that's gonna be what we call our generally rifling
7 characteristics. We're gonna look at it and determine its
8 weight if we're able, determine the diameter of that
9 bullet, and that's all gonna help us to determine the
10 caliber of that particular bullet. We're then gonna look
11 further and look at the rifling that's exhibited on that
12 bullet determining how many lands and grooves are on that
13 bullet that we see as is from travelling down a rifle
14 barrel, the direction of those lands and grooves, the
15 direction and twist of that rifling around the bullet and
16 also what kind of rifling. There's conventional rifling
17 that has a more square appearance, there's polygonal
18 rifling that has a more rounded appearance. Now we're
19 gonna do all those steps during our examination in order to
20 kind of climb that ladder again. Things that have the same
21 characteristics on them, we're gonna compare with each
22 other and we're gonna look at them, again, under the
23 comparison microscope and look at those small scratches and
24 striations inside those rifling impressions and compare
25 that with each other. We're then -- if we have a firearm,

1 we'll test fire it and collect those test fired bullets
2 from our water recovery tank and compare those with each
3 other and also with that evidence, and that's how we
4 determine if bullets were fired by same gun or a particular
5 firearm if we have one.

6 Q. Turning to your report and your findings as it
7 relates to the items that were submitted to you -- I beg
8 the Court's indulgence. I believe you said SLED Item 4 was
9 the 9-millimeter pistol that was submitted for testing to
10 you, correct?

11 A. That's correct.

12 Q. All right. On your summary -- on the summary here, he
13 says test fire submitted with magazine was all in working
14 order. Is that your findings?

15 A. Yes, sir. I test fired that pistol with the submitted
16 magazine and determined it was in proper working order.

17 Q. And Item 4.1 is what?

18 A. SLED Item 4.1 were the test specimens that I fired
19 from that gun. We track those test specimens as just a sub
20 item of that parent item, Number 4.

21 Q. Okay. And the same thing with Item 7. Is that the
22 .300 Blackout?

23 A. Yes, sir.

24 Q. Okay. It was in working order?

25 A. I test fired that firearm at the time of this first

1 report using a laboratory supplied magazine as it was not
2 received with a magazine and it was found to be in working
3 order.

4 Q. Okay. And Item 7.1, are those the test specimens?

5 A. That's correct.

6 Q. All right. Moving to the non-firearms that were
7 submitted to you for analysis, items -- SLED items 9
8 through, let's see, 16, what are those items?

9 A. SLED items 9 through 16 were all fired .300 Blackout
10 caliber cartridge cases.

11 Q. Okay. And what did you determine in regard to those
12 particular cartridge cases that they were fired by either
13 of the weapons that were submitted to you?

14 A. Based on my comparisons of those cartridge cases with
15 each other and also the test fired cartridge cases from the
16 Item 7 rifle, I determined that items 9 through 16 were all
17 fired by the Item 7 rifle.

18 Q. Okay. And Item 9, your Item 9 that was submitted to
19 you, was the description for that particular item Item
20 Number or Placard Number 1?

21 A. Based on the submission documents that we received at
22 the laboratory, it was listed on there as Item 1.

23 Q. Okay. And your Item 10, that was Item 2 described as?

24 A. That's correct.

25 Q. And Item 11 was described as Item 3?

- 1 A. That's correct.
- 2 Q. And Item 12 was described as Item 4?
- 3 A. Correct.
- 4 Q. And Item 13 was described as Item 5?
- 5 A. Correct.
- 6 Q. Okay. Item 14 was described as Item 6?
- 7 A. Correct.
- 8 Q. And Item 15 was described as Item 19?
- 9 A. That's correct.
- 10 Q. Okay. And Item 16 was described as Item 26?
- 11 A. That's correct.
- 12 Q. Okay. And moving to the -- Item 17 through 29, what
- 13 were those items that were submitted to you and what were
- 14 your findings?
- 15 A. Items 17 through 29, those were all determined to be
- 16 fired 9-millimeter Luger caliber cartridge cases based on
- 17 the comparisons of those items with each other and also
- 18 with test cartridge cases fired by the Item 4 pistol, it
- 19 was determined that Item 17 through 29 were fired by
- 20 Item 4.
- 21 Q. Okay. And just your corresponding SLED numbers to
- 22 the corresponding item descriptions, Item 17 was listed
- 23 as -- described as Item 7?
- 24 A. Yes.
- 25 Q. Okay. Item 18 described as Item 8?

1 A. Yes.

2 Q. SLED Item 19 described as Item 9?

3 A. Yes.

4 Q. SLED Item 20 described as Item 10?

5 A. Yes.

6 Q. SLED Item 21 described as Item 11?

7 A. Yes.

8 Q. 22 described as 12?

9 A. Yes, sir.

10 Q. 23 as 13?

11 A. Yes.

12 Q. 24 as 14?

13 A. Yes.

14 Q. 25 as 15?

15 A. Yes.

16 Q. 26 as 16?

17 A. Yes.

18 Q. 27 as 17?

19 A. Yes.

20 Q. 28 as 18?

21 A. Yes.

22 Q. And 29 as 20?

23 A. Yes, sir. Those are correct. That's how they were

24 described in our submission documents.

25 Q. All right. Moving along, I believe you may have

1 already mentioned these, but items 34 through 39, what were
2 those items and what were your findings?

3 A. Items 34 through 39 were each determined to be fired
4 .300 Blackout caliber cartridge cases and those were all
5 listed on our submission paperwork as Item 31. Based on
6 the comparisons of those items with each other, it was
7 determined that those were all fired by Item 7 as well.

8 Q. Okay. And, lastly, items 40 through 43, what were
9 those items and what were your findings?

10 A. Items 40 through 43 were all fired 9-millimeter Luger
11 caliber cartridge cases and they were all listed on our
12 submission paperwork as Item 32. Again, based on those
13 comparisons with those items with each other and those test
14 cartridge cases fired by the Item 4 pistol, those were
15 fired -- all determined to have been fired by Item 4.

16 Q. Just so I'm clear for the Court, every single
17 submitted cartridge casing that was submitted to you was
18 identified as definitively being fired by one of the two
19 particular weapons that were submitted to you?

20 A. Yes, sir. Each fire cartridge case that received, I
21 was able to determine that it was fired by one of the
22 firearms that were submitted.

23 Q. All right. Moving along to the projectiles, Item 3,
24 what was that and what were your findings as relates to
25 Item 3?

1 A. Item 3 was determined to be two bullet jacket
2 fragments and two pieces of lead. Based on the damage
3 that was sustained by Item 3, I was unable to determine
4 the caliber of it. And also when I looked at that through
5 the microscope, there were no marks of value found on that
6 item and it was determined that it was unsuitable for
7 identification with other firearms-related evidence.

8 Q. Can you explain a little bit to the jury as to what
9 makes a particular projectile fragment or the portions of
10 the materials in projectile fragments more or less of value
11 to you in regard to having unique markings for you to
12 identify to a particular gun or type of gun?

13 A. So when a bullet is travelling down a barrel, it has
14 the potential to take on the markings from the rifling that
15 are inside that barrel. As it strikes the target or during
16 its flight, it may have the potential to be damaged.
17 Sometimes when we receive these fragments, they're very
18 small pieces. We don't have much to really work on the
19 microscope, any valuable information to look at, and we're
20 looking for tiny microscopic marks already and so we want
21 to make sure when we we're looking at that that we have the
22 material in those lands and groves and sometimes just based
23 on the damage that they sustained or the size of those
24 fragments that we receive, we don't have anything that's
25 really useful for our examination and our comparisons, and

1 that's how something winds up being or ends up being
2 unsuitable for identification. And that could be due to
3 multiple different things, but a lot of times it's due to
4 the damage that it's sustained or it just doesn't have any
5 of those rifling marks. If you think about the shape of a
6 bullet, some of them have a rounded nose and that typically
7 doesn't even really engage the rifling. So we may receive
8 something that's just a part of that bullet jacket or that
9 copper colored jacket material that never engaged the
10 rifling so it doesn't have any valuable information for us
11 or any marks of value. So some of these pieces that we
12 examined are like that and some of them are in great
13 condition and we're able to see all the lands and grooves
14 or sometimes we just have portions of those if it's just a
15 fragment of the bullet.

16 Q. Okay. Moving along to SLED Item 30, which was
17 described as Item Number 21 in its submission; is that
18 correct?

19 A. That's correct.

20 Q. So Item 21, what were your findings as it relates to
21 that one?

22 A. SLED Item 30 was determined to be one bullet jacket
23 fragment. Again, very similar due to the damage or size of
24 that item, we were unable to determine the caliber of the
25 bullet jacket fragment. Also when I looked at it under

1 the microscope, there were no marks of value so it was
2 determined unsuitable for identification with other
3 firearms-related evidence.

4 Q. Okay. And SLED Number 31, was that described as
5 Item 22 in its submission to you for analysis?

6 A. Yes, sir. That's correct.

7 Q. Item 22, what were your findings as relates to 31?

8 A. SLED Item 31 was one fired bullet. Based on its
9 observable physical characteristics, Item 31 was most
10 consistent with bullets loaded in some 9-millimeter Luger
11 caliber cartridges. Further, I was able to compare SLED
12 Item 31 also with SLED items 32 and 33 and the fired bullet
13 jacket fragment that was submitted as Item 48. Ultimately
14 the results of those comparisons with each other and also
15 with SLED Item 4, which was the 9-millimeter pistol, those
16 results were inconclusive. I was unable to determine if
17 SLED Item 31 was fired by Item 4 or by another firearm with
18 similar rifling characteristics.

19 Q. I believe your conclusion on that one for my purpose
20 indicating that it could have been fired by -- or you made
21 it clear in your findings it was consistent with bullets
22 loaded into some 9-millimeter Luger caliber cartridge, that
23 it could have been fire by Item 4, but you could not say
24 that for certain?

25 A. That's correct.

1 Q. Item 32, which is -- was that described to you in its
2 submission as Item 23?

3 A. Yes, sir. It was.

4 Q. Okay. So 23, what were your findings as relates to
5 that particular item?

6 A. Item 32 was one fired bullet jacket fragment. Based
7 on my examination and due to the damage and size, I could
8 not determine the caliber of that fragment. Again, due to
9 damage and insufficient markings on that fragment, the
10 results of comparisons of Item 32 with Item 31 and 33 and
11 the fired Item 48 bullet jacket fragment with each other
12 and also with test bullets from Item 4, those results were
13 inconclusive. It could not be determined if Item 32 was
14 fired by Item 4 or by another firearm with similar rifling
15 characteristics.

16 Q. So for my understanding, it could have been fired by
17 Item 4, but you could not say that with any certainty, but
18 you could say that it was definitely not fired by Item 17,
19 the .300 Blackout?

20 A. Yes, sir. That's possible. It could have been fired
21 by Item 4. Those results are inconclusive. But based on
22 sufficient differences in overall class characteristics it
23 could not be fired by Item 7, which was the rifle.

24 Q. All right. Your Item 33, is that described as
25 Item 24?

1 A. Yes, sir. That's correct.

2 Q. Okay. So Item 24, what were your findings as relates
3 to that item?

4 A. That was determined, again, to be one fired bullet
5 jacket fragment. Based on its observable physical
6 characteristics, Item 33 was most consistent with being the
7 jacket portion of a jacketed bullet that's loaded into some
8 nominal .38 caliber cartridges. Further, I compared this
9 item with items 31, 32 and also the Item 48 fired bullet
10 jacket fragment and test bullets from Item 4. The results
11 of those comparisons were inconclusive and I could not
12 determine if that item was fired by Item 4 or by another
13 firearm.

14 Q. Just for my -- my understanding and the jury's
15 understanding, a nominal .38, what exactly is that and what
16 is that -- how does that imply?

17 A. Sure. When we refer to a bullet as a nominal
18 38-caliber, typically if you'll think of nominal, it's kind
19 of like an umbrella term that encompasses more common
20 caliber designations that you may be familiar with. The
21 nominal .38 is given when we don't have a specific weight
22 or a diameter to go with to actually determine more
23 specifically what caliber that bullet's consistent with
24 being. So within a nominal .38 family or caliber, if you
25 will, just to kind of understand that better, you have more

1 familiar terms such as 9-millimeter Luger, .380 auto, .38
2 Special, .357 Magnum, those are all calibers that are
3 within that nominal .38 family.

4 Q. So in summary, it came from some weapon that would
5 fire one of those types of calibers that you just mentioned
6 that was included under the nominal .38 umbrella, one of
7 which is a 9-millimeter, correct?

8 A. Yes, sir. That's possible.

9 Q. And with one you said was .380?

10 A. Yes, sir.

11 Q. And a nominal .38 Special, is that what you said?

12 A. Yes, sir.

13 Q. So it could have been fired by Item 4, was not fired
14 by Item 7, could have been fired by Item 4 or could have
15 been fired by another item?

16 A. That's correct.

17 Q. All right. Item 46, what was your finding as relates
18 to Item 46?

19 A. Item 46 was determined to be one piece of lead. Due
20 to damage and the size of it, I was unable to determine the
21 caliber. Item 46 was also unsuitable for identification as
22 there were no marks of value useful or suitable for further
23 examinations with firearms-related evidence.

24 Q. Okay. And Item 47 I believe included a couple of
25 fragments?

1 A. Yes, sir. SLED Item 47 had multiple components that
2 was determined to one fired bullet jacket fragment, one
3 bullet jacket fragment and one piece of metal.
4 Specifically, the fired bullet jacket fragment or all of
5 these items, those components, I was unable to determine
6 caliber due to damage or size.

7 The Item 37 bullet jacket fragment was unsuitable and
8 the Item 47 piece of metal I was unable to determine the
9 origin of it, so it was also determined to be unsuitable
10 for identification.

11 Lastly, with the Item 47 fired bullet jacket fragment,
12 I was able to compare that with items 31 through 33. The
13 Item 48 fired bullet jacket fragment and bullets that I
14 test fired from Item 4 and Item 7 and due to damage and
15 marks of unknown origin on that Item 47 fired bullet jacket
16 fragment the results were inconclusive. So I was unable to
17 determine whether that Item 47 fired bullet jacket fragment
18 was fired by Item 4, Item 7 or by the firearm or firearms
19 that fired items 31 through 33 or the Item 48 fired bullet
20 jacket fragment.

21 Q. And, lastly, Item 48, which I believe has two
22 components.

23 A. Yes, sir. SLED Item 48 was determined to be one fired
24 bullet jacket fragment and one bullet jacket fragment. I
25 was unable to determine the caliber due to damage of the

1 size of those fragments. Additionally, the Item 48 bullet
2 jacket fragment was unsuitable for identification. The
3 Item 48 fired bullet jacket fragment I was able to compare
4 with items 31 through 33 and also with test bullets fired
5 by the Item 4 pistol. Due to damage and insufficient
6 individual characteristics, the results of those
7 comparisons were inconclusive. I could not determine if
8 that fragment was fired by Item 4 or by another firearm
9 with similar rifling characteristics.

10 Q. Okay.

11 MR. POGUE: No further questions, Your Honor.

12 THE COURT: All right. Ms. Zmroczek, the jury's
13 lunch is here. I'd like for them to go eat their lunch,
14 which means I'm gonna have to keep you and you're not
15 allowed to speak to anyone about this case during lunch.

16 THE WITNESS: Yes, ma'am.

17 THE COURT: The jury's gonna go have their lunch,
18 they're gonna knock back on the door when they're finished
19 and we're coming back in.

20 Is that understood, Mr. Foreman?

21 FOREPERSON: Yes, ma'am.

22 THE COURT: All right. And there's no talking about
23 this case. I'm gonna let you-all go eat your lunch. As
24 soon as you-all knock on the door, we'll be back in.

25 You can leave everything up there. You just can't

1 1:53 PM.)

2 THE COURT: All right. Mr. Foreman, the jury ready?

3 FOREPERSON: Yes, ma'am.

4 THE COURT: Did you-all enjoy lunch? Good.

5 All right. I'm gonna tell the witness you're still
6 under oath.

7 Ms. Zmroczek, are you ready?

8 MS. ZMROCZEK: May it please the Court?

9 THE COURT: Thank you.

10 CROSS-EXAMINATION

11 BY MS. ZMROCZEK:

12 Q. Good afternoon, Agent -- I'll just call you Agent
13 Greer.

14 A. Good afternoon.

15 Q. It's good seeing you again.

16 A. Yes, ma'am.

17 Q. Thank you for being here. I just have a couple of
18 questions for you. Hopefully I won't keep you up here all
19 day, but the first question I have is how many hours -- so
20 you put together -- you did all the testing?

21 A. Yes, ma'am.

22 Q. Okay. And you put together your report, State's 88?

23 A. Yes, ma'am.

24 Q. Okay. And then did you put 89 together or did
25 somebody else do that?

1 A. I did not assemble that document. No, ma'am.

2 Q. But you certainly reviewed it?

3 A. Yes, ma'am. I reviewed it.

4 Q. All right. And so amongst all of the things, the
5 testing and the reports and reviewing of reports, about how
6 many hours do you think that you have worked on this case?

7 A. I don't have a total number of hours. I can say upon
8 my first examination of this evidence, I did start my
9 examination on February 2nd of 2021 and completed that on
10 February the 11th. Ultimately when I finish my case file,
11 the case goes through a review process to another reviewer
12 so it can be technically and administratively reviewed and
13 that was done by a separate reviewer that report was
14 approved on the 18th. So I don't have a certain number of
15 hours, but I can give you the timeframe, if you will, that
16 I've worked on this case.

17 Q. Because you want to make sure that what you're
18 testifying to is thorough?

19 A. Yes, ma'am.

20 Q. And accurate?

21 A. Yes, ma'am.

22 Q. And complete?

23 A. That's correct.

24 Q. And you also had to do some test fires; is that right?

25 A. Yes, ma'am. I did test fire the firearms.

1 Q. Okay. And did I hear you right, did you say that the
2 magazine was not submitted with the Item Number 7?

3 A. Originally as I received Item 7, there was not a
4 magazine that had been submitted with it in that packaging.

5 Q. Okay. Typically if Item -- if Item 7 was submitted
6 with the magazine, would you have shot -- would you have
7 executed a test fire or test fires from the magazine that
8 went with the firearm?

9 A. Yes, ma'am. If I received a magazine with a firearm
10 and that was the appropriate magazine for use in that
11 firearm, I would have test fired that magazine with it. I
12 did have a magazine that was submitted additionally later
13 on.

14 Q. Okay. When was that submitted?

15 A. If I may refer?

16 Q. If you don't mind. I'm sorry.

17 A. That was part of submission two to the SLED laboratory
18 and that was on April 1st of 2021.

19 Q. April 1st of 21?

20 A. Yes, ma'am.

21 Q. Okay. Thank you. And does it -- when you receive
22 these items, does it indicate who is requesting? Like is
23 it the agency or is it an agent or an officer in general?
24 Does it say who's requesting the examination?

25 A. Typically on our submission paperwork it has the name

1 of an investigating officer, as well as the agency in which
2 the submission is coming from.

3 Q. And do you know who that was in this case?

4 A. On this case for my submission two paperwork, the
5 investigating officer listed in our system was Michael Hart
6 and the agency was the Lexington County Sheriff's
7 Department.

8 Q. You are a firearms expert, meaning you -- you're
9 trained to be able to identify different firearms,
10 different shell casings and all of the intricacies of the
11 firearms that you've been discussing, right?

12 A. Yes, ma'am. I'm trained for firearms identification.

13 Q. And when -- if you were provided the actual items, for
14 example, if you were provided shell casings, then you would
15 do your own examination, right?

16 A. Yes, ma'am.

17 Q. Okay. But if you -- if you just have a picture of --
18 like a picture of a shell casing, are you able to identify
19 -- are you able to identify anything about them or would
20 you make an expert opinion about that?

21 A. No, ma'am. I would not perform an identification or
22 comparison of a photograph. I would look at the evidence,
23 examine that with it in my hand and placing it on the
24 comparison microscope.

25 Q. Okay. That's the best practice, right?

1 A. Yes. That is my practice.

2 Q. So if you're shown, for example -- I'm gonna put up
3 what's already in evidence as Defendant's 56, and I'm not
4 gonna ask you to identify it because is there any way that
5 you could identify this from this picture alone?

6 A. I would examine that in my laboratory setting on a
7 comparison microscope.

8 Q. Okay. And, again, I'm putting up Defendant's 54.
9 Does that go the same, the different fragments, as --

10 A. Yes, ma'am. Just like cartridge cases, I would
11 look at the bullet with it in my laboratory and on the
12 comparison microscope.

13 Q. Okay. And I'm showing you Defendant's 48. Were you
14 ever provided Defendant's 48 to examine?

15 A. I believe the only two firearms that were submitted
16 for examination were SLED items 4 and 7, which was the FN
17 pistol and the Diamondback rifle.

18 Q. Okay. I want to talk about -- I think it was Item --
19 yes, 33, right?

20 A. Yes, ma'am.

21 Q. Do you have that with you?

22 A. Yes, ma'am. I have my notes.

23 Q. Okay. And so Item 33 corresponds to which -- if you
24 have the laser pointer up there, which placard? And I'll
25 let you --

1 A. As far as Item 33 on our submission paperwork, it was
2 just listed as Item 24. If that corresponds to a placard
3 number, I'm not sure that's a placard or just an item
4 number as that placard.

5 Q. Okay. But it was just Item 24 when you received it?

6 A. Yes, ma'am.

7 Q. Okay. And you said it was your determination that it
8 was a .38-caliber nominal jacket I think you said, right?

9 A. Yes, ma'am. It was a fired bullet jacket fragment
10 that was determined to be most consistent with the jacket
11 portion of a jacketed bullet loaded into some nominal
12 38-caliber cartridges.

13 Q. And then we went through all the different ones that
14 fall under that -- within that category, right?

15 A. Yes, ma'am.

16 Q. All right. And so let me ask you this, Agent Greer.
17 If, let's say -- because a .380 was one of those nominal
18 categories, right?

19 A. That's correct.

20 Q. And so if you had a .380 gun, is that something that
21 you may have been able to test?

22 A. If I receive any firearm and it's able to be fired, I
23 would have tested and fired that, but I only had those two
24 firearms to use in my examination.

25 Q. Okay. Were there -- did you receive any 45-caliber

1 ammunition?

2 A. Based on what I received and was able to determine,
3 nothing that I can remember was consistent with a
4 45-caliber. I was able to determine Item 31 and 33 were
5 most consistent with being the 9-millimeter Luger or
6 nominal .38 and the rest was unable to determine the
7 caliber.

8 Q. Okay. So those two, like you said, it could be a
9 9-millimeter Luger or a nominal .38 and you would have done
10 additional testing if you had been provided additional
11 firearms?

12 A. If I had received additional evidence and it had the
13 firearms request to be examined, yes, ma'am, I would have
14 included that in my examination.

15 Q. And obviously if firearms aren't collected at a scene
16 then there's certainly no way it could get to you to be
17 tested, right?

18 A. I can only test what is submitted to the laboratory.

19 MS. ZMROCZEK: Thank you. I have no further
20 questions.

21 THE COURT: Thank you, Ms. Zmroczek.

22 MR. POGUE: Just very briefly.

23 THE COURT: Mr. Pogue.

24 REDIRECT EXAMINATION

25 BY MR. POGUE:

1 Q. Just to follow-up, I believe it got changed from one
2 to two. It was just one of the items and that was Item 24
3 that you couldn't narrow down further than nominal .38.
4 The other items were either unidenti -- you couldn't
5 identify or was consistent with a 9-millimeter; is that
6 correct?

7 A. So that was SLED Item 31, which was listed on our
8 paperwork as Item 22. That was consistent with being a
9 9-millimeter Luger caliber -- or bullet loaded into some
10 9-millimeter Luger caliber cartridge, and SLED Item 33,
11 which was listed on our submission documents as Item 24,
12 that was consistent with being the jacket portion of a
13 jacketed bullet loaded into some nominal .38 caliber
14 cartridges.

15 Q. Okay. So the item -- so Item 31, which was
16 corresponding as -- identified as Item 22 in the
17 description, that was a 9-millimeter Luger -- it was
18 loaded into a 9-millimeter Luger; is that correct?

19 A. Yes, sir. That was most consistent with a
20 9-millimeter Luger.

21 Q. Okay. And -- but Item 24, you can't narrow it down
22 further than -- excuse me -- Item 24 you weren't able to
23 narrow it down any more than a nominal .38, which includes
24 a 9-millimeter, correct?

25 A. Yes, sir. Based on its characteristics and due to the

1 weight and diameters that I was able to determine I could
2 only determine it to be consistent with a nominal .38.

3 MR. POGUE: Okay. Thank you.

4 THE COURT: Okay. Can I excuse this witness?

5 MR. POGUE: The State's fine with that, Your Honor.

6 MS. ZMROCZEK: No objection from the defense.

7 THE COURT: You may be excused.

8 (Witness excused.)

9 THE COURT: All right. Do you want to call your next
10 witness?

11 MS. PATTERSON: Yes, ma'am. But can we approach?

12 THE COURT: Sure.

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

14 THE COURT: All right. Call your next witness.

15 MS. PATTERSON: The State calls Dr. Angelina
16 Phillips.

17 (Whereupon, Angelina Phillips was duly sworn by the
18 Clerk of Court.)

19 THE CLERK: Thank you. Please take a seat in the
20 witness box. State your name and spell your last for the
21 record.

22 THE WITNESS: Angelina Phillips. P-H-I-L-L-I-P-S.

23 ANGELINA PHILLIPS,

24 having been duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MS. PATTERSON:

2 Q. Good afternoon, Dr. Phillips.

3 A. Good afternoon.

4 Q. Could you tell the jury what's your profession?

5 A. I'm a forensic pathologist.

6 Q. And are you also a licensed physician in South
7 Carolina?

8 A. Yes.

9 Q. And how long have you been a forensic pathologist?

10 A. Eight years.

11 Q. And can you tell us a little bit about your
12 educational background?

13 A. Yes. So I have an undergraduate degree in
14 anthropology from New York University, a master's degree
15 in human nutrition from Columbia University in New York.
16 I completed my medical school in upstate New York at
17 Upstate Medical University before going for four years of
18 pathologist training in Massachusetts and then there is one
19 more of additional training in forensic pathology, which I
20 did here in South Carolina.

21 Q. And what type -- first of all, what is a forensic
22 pathologist?

23 A. Forensic pathologist is a doctor who is trained in
24 the field of pathology and more specifically in that field
25 forensic pathology where we primarily do autopsies, which

1 is examining the body.

2 Q. And can you tell us a little bit more about your
3 training in pathology?

4 A. So in order to become a pathologist, you do four
5 years of residency training. In that four years, you're
6 trained in anatomic and clinical pathology. Anatomic
7 pathology is studying structure and disease, looking at
8 tissue. Clinical pathology is more on the laboratory side
9 of things. In forensic pathology, it's primarily on the
10 anatomic side of pathology and we complete approximately
11 fifty autopsies as a resident and as a fellow training in
12 forensic training, I do another two hundred autopsies
13 before I'm eligible to sit for my boards.

14 Q. And are you Board-certified as well?

15 A. Yes.

16 Q. And do you hold any memberships to any professional
17 organizations?

18 A. Yes, I do.

19 Q. And which ones are those?

20 A. I am a member of the college of American Pathologists,
21 the American Association of Clinical Pathologists, National
22 Association of Medical Examiners and the American Academy
23 of Forensic Scientists.

24 Q. And what exactly is an autopsy?

25 A. The autopsy is best thought of as a surgical procedure