

VOLUME I OF III

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Apr 29 2024

SC Court of Appeals

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

THE STATE,

RESPONDENT,

V.

QUAYSHAUN XZANDER CLARK,

APPELLANT

APPELLATE CASE NO. 2022-000962

RECORD ON APPEAL

BREEN RICHARD STEVENS
Appellate Defender

ALAN WILSON
Attorney General

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

DONALD J. ZELENKA
Deputy Attorney General

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

ATTORNEY FOR APPELLANT

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

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

ATTORNEYS FOR RESPONDENT

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

1 State of South Carolina) Court of General Sessions
 2 County of Lexington) Eleventh Judicial Circuit
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 4 State of South Carolina,) Transcript of Record
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June 27th-30th, 2022
 July 1st, 5th & 6th, 2022
 Lexington, South Carolina

B E F O R E:

The Honorable Debra McCaslin, Judge; and a Jury

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

L. Suzanne Mayes, Deputy Solicitor
 Rhonda W. Patterson, Deputy Solicitor

On behalf of the State of South Carolina

Anna M. Williams, Esquire
 Robert "Theo" Williams, Sr., Esquire

On behalf of the Defendant

Stacy S. Johnson, RPR
 Circuit Court Reporter

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7	S-114	FN Handgun	514	975	
8	S-115	Photographs(s)	514	956	
9	S-116	Extraction Summary	514	1181	
10	S-117	Photographs(s)	514	936	
11	S-118	Photograph	514	934	
12	S-119	Photograph	514	915	
13	S-120	Photograph(s)	514	955	
14	S-121	Photograph(s)	514	1091	
15	S-122	Photographs(s)	514	936	
16	S-123	Photographs(s)	514	931	
17	S-124	Photograph	514	969	
18	S-125	Photograph	514	969	
19	S-126	Photograph(s)	514	1123	
20	S-127	Bullet from Autopsy	514	916	1065
21	S-128	Photograph	514	838	
22	S-129				
23	S-130	Photograph of x-ray	514	909	
24	S-131	Photograph of x-ray	514	910	
25	S-132	Shell casings	514	931	1065

1	S-133	Projectile	514	1065	936
2	S-134	Photographs(s)	514	1091	1129
3	S-135	AK Owners Manual	514	840	
4	S-136				
5	S-137				
6	S-138				
7	S-139	Photograph(s)	514	964	
8	S-140	Unfired bullet	514	934	
9	S-141	Shell casings	514	856	1065
10	S-142	Projectile	514	936	1065
11	S-143	Shell Casings	514	859	1065
12	S-144	Photograph(s)	514		
13	S-145				
14	S-146	Screen shot from Extraction	514	1181	
15	S-147	Screen shot from Extraction	514	1181	
16	S-148	Screen shot from Extraction	514	1181	
17	S-149	Phone Log Entry	514	1183	
18	S-150	Web Search	514	1185	
19	S-151	Web Search	514	1185	
20	S-152	Web Search	514	1185	
21	S-153	Web Search	514	1185	
22	S-154	Web Search	514	1185	
23	S-155	Web Search	514	1185	
24	S-156	Web Search	514	1185	
25	S-157	Web Search	514	1185	

1	S-158	Web Search	514	1185	
2	S-159	Web Search	514	1185	
3	S-160	Web Search	514	1185	
4	S-161	Web Search	514	1185	
5	S-162	Web Search	514	1184	
6	S-163	Text Summary	514	1059	
7	S-164	Extraction Summary	514	1159	
8	S-165	Call Log	514	1168	
9	S-166	Contacts from Phone	514	1164	
10	S-167				
11	S-168				
12	S-169				
13	S-170	Shell casings	514	859	1065
14	S-171	Shell casings	514	954	
15	S-172	Phone Contacts	514	1182	
16	S-173	Safelite Auto Glass Receipt	514	1163	
17	S-174	Miranda Consent	514	718	
18	S-175				
19	S-176	Diagram	514	989	
20	S-177	Photograph	514	577	
21	S-178	Aerial Blowup	514	569	
22	S-179	████████ Road Occupants	514		
23	S-180	Photo Lineup	514	682	
24	S-181	Photograph	514	879	
25	S-182				

1	S-183	Photo Lineup	514	695	
2	S-184				
3	S-185				
4	S-186	Photograph	514	1065	
5	S-187	Photograph	514	1065	
6	S-188	Photograph	514	1065	
7	S-189	Photograph	514	1065	
8	S-190	Photograph(s)	514		
9	S-191	Photograph(s)	514		
10	S-192	Photograph	514	1065	
11	S-193	Photograph	514	1065	
12	S-194	Photograph	514	1065	
13	S-195				
14	S-19				
15	S-197	Photograph(s)	514	1091	1127
16	S-198	Photograph	514	1065	
17	S-199	Diagram	514	1132	
18	S-200				
19	S-201	Photograph	1198	1201	
20	S-202	Photograph	1198	1201	
21	S-203	Photograph	1198	1203	
22	S-204	Photograph	1198	1203	
23	S-205	Photograph	1198	1203	
24	S-206	Photograph	1198	1203	
25	S-207	Photograph	1198	1203	

1	S-208	Phone Contact	1198	1215	
2	S-209	AT&T Records	1198	1209	1216
3	S-210	Text Messages	1198	1209	1216
4	D-1	Photograph	646	649	
5	D-2	Photograph	646	649	
6	D-3	Photograph	646	1018	
7	D-4	Photograph	646	1018	
8	D-5	Photograph	870	870	
9	D-6	Photograph	870	870	
10	D-7	Photograph	870	870	
11	D-8	Photograph	870	870	
12	D-9	Photograph	870	870	
13	D-10	Photograph	870	870	
14	D-11	Photograph	1009	1009	
15	D-12	Photograph	1009	1009	
16	D-13	Photograph	1009	1009	
17	D-14	Photograph	1009	1009	
18	D-15	Photograph	1009	1009	
19	D-16	Photograph	1009		
20	D-17	Photograph	1009	1009	
21	D-18	Photograph	1009	1009	
22	D-19	Photograph	1009	1009	
23	D-20	Photograph	1009	1009	
24	D-21	Photograph	1009	1009	
25	D-22	Photograph	1016	1016	

1	D-23	Photograph	1021	1021	
2	D-24	Photograph	1023	1033	
3	D-25	Photograph	1023		
4	D-26	Body Cam Excerpt	1000	1004	
5	D-27	Photograph	1029	1033	
6	D-28	Bookbag (Remarked 28B)	1032	1032	1036
7	D-28	Photograph	1035	1035	
8	D-29	Photograph	1035	1035	
9	D-30	Photograph	1035	1035	
10	D-31	Photograph	1042	1043	
11	D-32	Photograph	1042	1043	
12	D-33	Projectile	1085	1086	
13	D-34	Projectile	1085	1086	
14	D-35	Photograph	1234	1235	
15	D-36	Photograph	1236	1237	
16	D-37	Photograph	1236	1237	
17	D-38	Photograph	1236	1237	
18	D-39	Photograph	1236	1237	
19	D-40	Photograph	1236	1237	
20	D-41	Photograph	1236	1237	
21	D-42	Photograph	1236	1237	
22	D-43	Photograph(s)	1236	1237	
23	D-44	Body Cam Excerpt	1306		

24

25

1 (The following proceedings were held June 27, 2022,
2 beginning at 11:33 AM.)

3 THE COURT: All right. Let me ask, do we have all
4 the jurors?

5 BAILIFF: Yes, ma'am.

6 THE COURT: Okay.

7 All right. Ladies and gentlemen, we are going to
8 begin jury selection, but before that I have several
9 questions I have to ask you. If you need to answer,
10 please stand. I will call on you. Do not blurt out
11 an answer. I will ask you the question. Again, if
12 you need to respond to any of the questions that I'm
13 getting ready to ask, please stand, I will call on you
14 individually and ask a question. Please do not stand
15 and start rattling off a bunch of stuff. Don't do it,
16 okay? And there might be a few questions that I might
17 ask you to come up and speak with me in private, but
18 I'll let you know if and when I get there.

19 All right. We are about to begin the trial of the
20 State of South Carolina versus Quayshaun Clark. I'm
21 gonna ask the State to stand and call their case.

22 MS. MAYES: Your Honor, may it please the Court?

23 THE COURT: Yes, ma'am.

24 MS. MAYES: Your Honor, before you is Indictment
25 Number 2022-GS-32-1991, the State of South Carolina

1 versus Quayshaun Clark. This indictment is for
2 murder. The victim being Minor , age 11, in the
3 Batesburg-Leesville area on June 9, 2021.

4 Also before you, Your Honor, is Indictment Number
5 2022-GS-32-1994, the State of South Carolina versus
6 Quayshaun Clark. This indictment is for possession of
7 a weapon during commission of a violent crime.

8 And Indictment Number 2022-GS-32-1993, the State of
9 South Carolina versus Quayshaun Clark. This indictment
10 is for discharging a firearm at or into a dwelling.

11 Your Honor, the defendant Quayshaun Clark is present
12 in the courtroom. He is represented by counsel and the
13 State is ready for trial in this case.

14 THE COURT: Thank you.

15 Mr. Williams, let me turn to you and Mr. Clark.

16 How does your client plead?

17 MR. WILLIAMS: Your Honor, he pleads got guilty.

18 THE COURT: Thank you.

19 All right. Ladies and gentlemen, again, before we
20 select a jury there are several questions which I will
21 ask you. If you need to answer any of these questions,
22 please stand and I will call on you individually.

23 First, I'm gonna let the attorneys for the State
24 introduce themselves and anyone else assisting in the
25 prosecution of this case.

1 or prejudice toward either the State or the defendant in
2 this case? If so, please stand.

3 Does any member of the jury panel have any religious
4 or moral beliefs which would prevent them from passing
5 judgment on another person as a member of the jury? If
6 so, please stand.

7 Does any member of the jury panel know of any reason
8 whatsoever why he or she should not serve as a juror in
9 this case with particular emphasis being placed on your
10 ability to be fair and impartial to both the State and
11 the defendant? If so, please stand.

12 Does the State have any additional questions it
13 would like to have asked?

14 MS. MAYES: Nothing from the State, Your Honor.

15 THE COURT: Anything from the defense?

16 MS. WILLIAMS: Nothing from the defense, Your Honor.

17 THE COURT: Okay.

18 All right. We're getting -- do you need a break?

19 She's got the list ready.

20 THE CLERK: No, not yet.

21 MS. MAYES: Your Honor, may we approach?

22 THE COURT: Sure.

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

24 (The following proceedings were held in open court.)

25 THE COURT: Can I see Juror Number 153, please.

1 If you could please approach the bench.

2 (The following proceedings were held at the bench
3 out of the presence of the jury panel.)

4 THE COURT: They tell me that you know Ms. Patterson
5 and that your daughter and --

6 MS. PATTERSON: Gabriele.

7 THE COURT: -- are friends.

8 He didn't -- he didn't --

9 POTENTIAL JUROR: It didn't click. Sorry. She's
10 friends with my wife, so we get together.

11 THE COURT: Well, she said that her daughter and
12 your daughter they all play together and all that good
13 stuff. Out of an abundance of caution, I'm gonna excuse
14 you from this jury.

15 POTENTIAL JUROR: Sounds good.

16 THE COURT: I will just because it's putting you
17 being friends with a solicitor and I think I can excuse
18 you for cause. Not that you've done anything wrong
19 because you haven't, okay? I starred your name. She'll
20 tell you what that means later.

21 Would you just -- would you come back later on
22 another case for us?

23 POTENTIAL JUROR: No, that's it. Yes.

24 THE COURT: Good. Well, we would love to have you.

25 We're gonna put him on another case.

1 You can go.

2 Thank you.

3 (The following proceedings were held in open court.)

4 THE COURT: All right. Ladies and gentlemen, let
5 me explain to you what's gonna happen next. We're gonna
6 pick the jury. We're done asking you questions.

7 When they call your name, I want you to walk up
8 through these double doors right to this podium and turn
9 around and face the doors. The State will say present
10 and the defense will say yay or nay.

11 When they call your name, please bring up all your
12 belongings because if you're going into the jury box,
13 we're gonna put you straight into the jury box, so bring
14 all your belongings.

15 Also I tell this to every jury. I do not want
16 anybody getting upset if you don't get picked. I hate
17 to tell you, but it has happened. These -- these lawyers,
18 they've got their own system of picking jurors. So,
19 again, nobody get upset.

20 Now the good news is that those of you who do not
21 get picked, this is the only trial this week. So
22 afterwards when we're done, you're gonna be excused and
23 you will be excused for the week. You won't have to
24 come back.

25 There is also a very slight paycheck. I can't --

1 we can't cut out the gas bill. It ain't gonna get you
2 anywhere. I'm not real sure it's gonna buy you lunch,
3 but you do get a little bit of money each day for being
4 here, and I certainly, and I know these lawyers do, the
5 State of South Carolina thanks you for coming because
6 I know what an inconvenience jury service can be. I
7 know we all have jobs and everybody has somewhere to go,
8 and that's great, but our justice system has to move on
9 and we can't do it without you, so from the bottom of my
10 heart I thank you for being here today.

11 They've got some way they print these names.

12 You're not -- you're not doing it by juror numbers,
13 right?

14 THE CLERK: I'll just call their name.

15 THE COURT: Okay. That's fine.

16 We ought to be ready in just a second.

17 THE CLERK: I'll say their juror number and their
18 name so they can find it faster on their sheet.

19 THE COURT: Okay. Thank you.

20 All right. The strikes are ten and five. Five for
21 the State, ten for the defense.

22 THE COURT: Suzanne, are those clerk's copies here
23 or just filed copies?

24 MS. MAYES: Those would be clerk's copies.

25 THE COURT: Clerk's copies. I just don't want them

1 coming after me for something that I've got.

2 All right. Again, when she calls your name, come
3 up through the double doors right in front of the podium.

4 Who's gonna go first?

5 THE CLERK: I have Juror 151. Bonita Newton.

6 (Whereupon, Bonita Newton, a white female, was
7 called forward.)

8 THE COURT: All right. Ms. Newton is gonna show
9 you-all how it's done.

10 We are picking twelve jurors and three alternates.

11 Perfect, Ms. Newton.

12 THE CLERK: What say you for the State?

13 MS. MAYES: Please present the juror.

14 THE CLERK: What say the defense?

15 MS. WILLIAMS: Please excuse the juror from the
16 trial of this case. Thank you.

17 THE CLERK: If you'll return to your seat, please,
18 ma'am.

19 Juror Number 107, Taneshia Jones.

20 (Whereupon, Taneshia Jones, a black female, was
21 called forward.)

22 THE CLERK: What say you for the State?

23 MS. MAYES: Please present the juror.

24 THE CLERK: What say for defense?

25 MS. WILLIAMS: Please excuse the juror from the

1 trial of this case.

2 THE CLERK: If you'll return to your seat, please,
3 ma'am.

4 Juror 156, Patricia Padgett.

5 (Whereupon, Patricia Padgett, a white female, was
6 called forward.)

7 THE COURT: I think she just left. I can't have
8 her leave just yet.

9 Did the first one leave also? Because I've got one
10 motion I've got to hear before I let the jury go.

11 All right. I'm sorry. Please.

12 THE CLERK: What say you for the State?

13 MS. MAYES: Please present the juror.

14 THE CLERK: What say for the defense?

15 MS. WILLIAMS: Please swear the juror.

16 THE CLERK: If you'll have a seat in the jury box,
17 please, ma'am.

18 Juror Number 213, Garette Watson.

19 (Whereupon, Garette Watson, a white male, was called
20 forward.)

21 THE CLERK: What say you for the State?

22 MS. MAYES: Please present the juror.

23 THE CLERK: What say for the defense?

24 MS. WILLIAMS: Please swear the juror.

25 THE CLERK: If you'll have a seat in the jury box,

1 sir.

2 75, Lisa Gantt.

3 (Whereupon, Lisa Gantt, a white female, was called
4 forward.)

5 THE CLERK: What say for the State?

6 MS. MAYES: Please present the juror.

7 THE CLERK: What say for the defense?

8 MS. WILLIAMS: Please excuse the juror from the
9 trial of this case.

10 THE CLERK: If you'll return to your seat, please,
11 ma'am.

12 130, Steven Mathis.

13 (Whereupon, Steven Mathis, a white male, was called
14 forward.)

15 THE CLERK: What say for the State?

16 MS. MAYES: Please present the juror.

17 THE CLERK: What say for the defense?

18 MS. WILLIAMS: Please swear the juror.

19 THE COURT: Now you can come on. They both -- they
20 both want you.

21 THE CLERK: 167, Janmarie Ritter.

22 (Whereupon, Janmarie Ritter, a white female, was
23 called forward.)

24 THE CLERK: What say for the State?

25 MS. MAYES: Please present the juror.

1 THE CLERK: What say for the defense?

2 MS. WILLIAMS: Please excuse the juror from the
3 trial of this case.

4 THE CLERK: If you'll return to your seat, please,
5 ma'am.

6 163, Sean Rayburn.

7 (Whereupon, Sean Rayburn, a white male, was called
8 forward.)

9 THE CLERK: What say for the State?

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

11 Please present the juror.

12 THE CLERK: What say for the defense?

13 MS. WILLIAMS: Please swear the juror.

14 THE CLERK: If you'll have a seat in the jury box,
15 please, sir.

16 95, Ciera Hickson.

17 (Whereupon, Ciera Hickson, a black female, was
18 called forward.)

19 THE CLERK: What say the State?

20 MS. MAYES: Did you skip one?

21 THE CLERK: I did. I did.

22 MS. MAYES: Please excuse the juror from the trial
23 of this case.

24 THE CLERK: If you'll return to your seat, please,
25 ma'am.

1 THE CLERK: 177, Rachel Sanders.

2 (Whereupon, Rachel Sanders, a white female, was
3 called forward.)

4 THE CLERK: What say the State?

5 MS. MAYES: Please present the juror.

6 THE CLERK: What say for defense?

7 MS. WILLIAMS: Please swear the juror.

8 THE CLERK: If you'll have a seat in the jury box,
9 please, ma'am.

10 136, Alexis McCoy.

11 (Whereupon, Alexis McCoy, a black female, was
12 called forward.)

13 THE CLERK: What say for the State?

14 MS. MAYES: Please excuse the juror from the trial
15 of this case.

16 THE CLERK: If you'll return to your seat, please,
17 ma'am.

18 131, Twanian Mathis.

19 (Whereupon, Twanian Mathis, a black female, was
20 called forward.)

21 THE CLERK: What say for the State?

22 MS. MAYES: Please excuse the juror from the trial
23 of this case.

24 THE CLERK: If you'll return to your seat, please,
25 ma'am.

1 38, Julie Cook.

2 (Whereupon, Julie Cook, a white female, was called
3 forward.)

4 THE CLERK: What say for the State?

5 MS. MAYES: Please present the juror.

6 THE CLERK: What say for the defense?

7 MS. WILLIAMS: Please swear the juror.

8 THE CLERK: If you'll have a seat in the jury box,
9 please, ma'am.

10 178, Chelsea Schultz.

11 (Whereupon, Chelsea Schultz, a white female, was
12 called forward.)

13 THE CLERK: What say the State?

14 MS. MAYES: Please present the juror.

15 THE CLERK: What say the defense?

16 MS. WILLIAMS: Please swear the juror.

17 THE CLERK: If you'll have a seat in the jury box,
18 please, ma'am.

19 113, Malissa Koon.

20 (Whereupon, Malissa Koon, a white female, was called
21 forward.)

22 THE CLERK: What say for the State?

23 MS. MAYES: Please present the juror.

24 THE CLERK: What say for the defense?

25 MS. WILLIAMS: Please swear the juror.

1 THE CLERK: If you'll have a seat in the jury box,
2 please, ma'am.

3 129, James Mathis.

4 (Whereupon, James Mathis, a white male, was
5 called forward.)

6 THE CLERK: What say the State?

7 MS. MAYES: Please present the juror.

8 THE CLERK: What say for the defense?

9 MS. WILLIAMS: Please swear the juror.

10 THE CLERK: If you'll have a seat in the jury box
11 please, sir.

12 52, Terri Dooley.

13 (Whereupon, Terri Dooley, a white female, was
14 called forward.)

15 THE CLERK: What say for the State?

16 MS. MAYES: Please present the juror.

17 THE CLERK: What say for the defense?

18 MS. WILLIAMS: Please excuse the juror from the
19 trial of this case.

20 THE CLERK: If you'll return to your seat, please,
21 ma'am.

22 132, Michael Mauldin.

23 (Whereupon, Michael Mauldin, a white male, was
24 called forward.)

25 THE CLERK: What say the State?

1 MS. MAYES: Please excuse the juror from the trial
2 of this case.

3 THE CLERK: If you'll return to your seat, please,
4 sir.

5 17, Jason Blackburn.

6 (Whereupon, Jason Blackburn, a white male, was
7 called forward.)

8 THE CLERK: What say the State?

9 MS. MAYES: Please present the juror.

10 THE CLERK: What say for defense?

11 MS. WILLIAMS: Please excuse the juror from the
12 trial of this case.

13 THE CLERK: If you'll return to your seat, please,
14 sir.

15 109, Bonnie Keisler.

16 (Whereupon, Bonnie Keisler, a white female, was
17 called forward.)

18 THE CLERK: What say the State?

19 MS. MAYES: Please present the juror.

20 THE CLERK: What say the defense?

21 MS. WILLIAMS: Please excuse the juror from the
22 trial of this case.

23 THE CLERK: If you'll return to your seat, please,
24 ma'am.

25 154, Michele O'Hara.

1 (Whereupon, Michele O'Hara, a white female, was
2 called forward.)

3 THE CLERK: What say for the State?

4 MS. MAYES: Please present the juror.

5 THE CLERK: What say for the defense?

6 MS. WILLIAMS: Please excuse the juror from the
7 trial of this case.

8 THE CLERK: If you'll return to your seat, please,
9 ma'am.

10 33, Audrey Campbell.

11 (Whereupon, Audrey Campbell, a white female, was
12 called forward.)

13 THE CLERK: What say for the State?

14 MS. MAYES: Please present the juror.

15 THE CLERK: What say for the defense?

16 MS. WILLIAMS: Please swear the juror.

17 THE CLERK: If you'll have a seat in the jury box,
18 please, ma'am.

19 155, Elizabeth Orchard.

20 (Whereupon, Elizabeth Orchard, a white female, was
21 called forward.)

22 THE CLERK: What say the State?

23 MS. MAYES: Please present the juror.

24 THE CLERK: What say for the defense?

25 MS. WILLIAMS: Please swear the juror.

1 THE CLERK: If you'll have a seat in the jury box,
2 please, ma'am.

3 Number 4, Jacqueline Anderson.

4 (Whereupon, Jacqueline Anderson, a white female,
5 was called forward.)

6 THE CLERK: What say the State?

7 MS. MAYES: Please present the juror.

8 THE CLERK: What say for the defense?

9 MS. WILLIAMS: Please excuse the juror from the
10 trial of this case.

11 THE CLERK: If you'll return to your seat, please,
12 ma'am.

13 114, Amy Kucharski.

14 (Whereupon, Amy Kucharski, an Asian female, was
15 called forward.)

16 THE CLERK: What say the State?

17 MS. MAYES: Please present the juror.

18 THE CLERK: What say for the defense?

19 MS. WILLIAMS: Please swear the juror.

20 THE CLERK: If you'll have a seat in the jury box,
21 please, ma'am.

22 39, Lane Cook.

23 (Whereupon, Lane Cook, a white male, was called
24 forward.)

25 THE COURT: We'll move to alternates.

1 THE CLERK: What say the State?

2 MS. MAYES: Please excuse the juror from the trial
3 of this case.

4 THE CLERK: If you'll return to your seat, please,
5 sir.

6 135, Shelbie Mazloom.

7 (Whereupon, Shelbie Mazloom, a white female, was
8 called forward.)

9 THE CLERK: What say the State?

10 MS. MAYES: Please present the juror.

11 THE CLERK: What say the defense?

12 MS. WILLIAMS: Please excuse the juror from the
13 trial of this case.

14 THE CLERK: If you'll return to your seat, please,
15 ma'am.

16 146, Jason Middleton.

17 (Whereupon, Jason Middleton, a white male, was
18 called forward.)

19 THE CLERK: What say for the State?

20 MS. MAYES: Please present the juror.

21 THE CLERK: What say for the defense?

22 MS. WILLIAMS: Please excuse the juror from the
23 trial of this case.

24 THE CLERK: If you'll return to your seat, please,
25 sir.

1 THE COURT: All right. The next juror is alternate
2 one.

3 THE CLERK: 60, Ashley Elliott.

4 (Whereupon, Ashley Elliott, a white female, was
5 called forward.)

6 THE CLERK: What say for the State?

7 MS. MAYES: Please present the juror.

8 THE CLERK: What say for defense?

9 MS. WILLIAMS: Please swear the juror.

10 THE CLERK: If you'll have a seat in the jury box,
11 please, ma'am.

12 41, Jennifer Couch.

13 (Whereupon, Jennifer Couch, a white female, was
14 called forward.)

15 THE CLERK: What say for the State?

16 MS. MAYES: Please present the juror.

17 THE CLERK: What say for the defense?

18 MS. WILLIAMS: Please excuse the juror from the
19 trial of this case.

20 THE CLERK: If you'll return to your seat, please,
21 ma'am.

22 103, Bobbi Sue Jeffries.

23 (Whereupon, Bobbi Sue Jeffries, a white male, was
24 called forward.)

25 THE CLERK: What say for the State?

1 MS. MAYES: Please present the juror.

2 THE CLERK: What say for the defense?

3 MS. WILLIAMS: Please excuse the juror from the
4 trial of this case.

5 THE CLERK: If you'll return to your seat, please.
6 175, John Rutledge.

7 (Whereupon, John Rutledge, a white male, was called
8 forward.)

9 THE CLERK: What say for state?

10 MS. MAYES: Please present the juror.

11 THE CLERK: What say for the defense?

12 MS. WILLIAMS: Please swear the juror.

13 THE CLERK: If you'll have a seat in the jury box,
14 please, sir.

15 Juror 168, Janet Robertson.

16 THE COURT: All right. For real we don't have
17 Ms. Robertson in here? Janet Robertson.

18 UNKNOWN VOICE: Oh, there she is.

19 THE COURT: I was gonna say wow, did we let her
20 escape.

21 (Whereupon, Janet Robertson, a white female, was
22 called forward.)

23 THE CLERK: What say for the State?

24 MS. MAYES: Please present the juror.

25 THE CLERK: What say the defense?

1 MS. WILLIAMS: Please excuse the juror from the
2 trial of this case.

3 THE CLERK: If you'll return to your seat, please,
4 ma'am.

5 111, Margaret King.

6 (Whereupon, Margaret King, a white female, was
7 called forward.)

8 THE CLERK: What say for the State?

9 MS. MAYES: Please present the juror.

10 THE CLERK: What say for the defense?

11 MS. WILLIAMS: Please swear the juror.

12 THE CLERK: If you'll have a seat in the jury box,
13 please, ma'am.

14 THE COURT: That's Number 3.

15 All right. We are done.

16 Let me see the lawyers for a moment before I excuse
17 the jurors.

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

19 THE COURT: I have a matter to discuss with the
20 lawyers. Give us about fifteen minutes and I'll call
21 you back in.

22 (Whereupon, the jury panel exited the courtroom.)

23 THE COURT: As far as this jury, I'm gonna get you
24 to take them to the jury room and I'll talk to them in a
25 minute.

1 BAILIFF: Follow me, please.

2 THE COURT: I just need to take up these matters.

3 Do not leave just yet.

4 (Whereupon, the jury retires to the jury room.)

5 THE COURT: All right. We've selected a jury.

6 It's my understanding the defense has a motion. I'll
7 be glad to hear from you.

8 MR. WILLIAMS: Your Honor, the motion will be a
9 Batson motion.

10 It's fairly obvious that the first three strikes
11 that were exercised on behalf of the State was numbers
12 36 -- I'm sorry, 95, 136 and 131.

13 THE COURT: Right.

14 MR. WILLIAMS: All three of those just happened
15 to be black females. There are no black persons who
16 have been selected for this jury and the defendant is
17 a black male.

18 THE COURT: Okay.

19 Let me hear from the State.

20 MS. MAYES: Yes, Your Honor.

21 I'm gonna begin with Number 95. Number 95, as she
22 approached and her shirt was visible, she had a slogan
23 on the shirt which says "No Human is Illegal" and that
24 is a common reference to the defund ICE or the anti-Ice
25 social media campaigns that are on-going and -- and very

1 common.

2 We certainly understand that sentiment, but it is
3 an anti-law enforcement, anti-enforcement of immigration
4 laws slogan. She's the only juror that approached with
5 anything similar that would be perceived as anti-law
6 enforcement, particularly in this case, Your Honor, where
7 we're gonna have numerous law enforcement witnesses.

8 The next juror, Your Honor, was 136. She is a
9 black female. She has an extensive record. That record
10 includes prior arrests for -- prior arrests for false
11 police report, simple assault and battery, injury to
12 personal property, simple assault, assault on a child
13 under the age of twelve. That charge alone, Your Honor,
14 would have justified our striking her. We don't want
15 any juror with any type of history of assault or domestic
16 violence. She also has a conviction for disturbing
17 schools, so she --

18 THE COURT: Well, was she allowed to even be sitting
19 on the jury?

20 MS. MAYES: She was, Your Honor. Those are all
21 arrests, but they don't show convictions. The disturbing
22 schools is a conviction.

23 THE COURT: All right.

24 MS. MAYES: And for comparison, Your Honor, we had
25 no other jurors of any race that were seated that have

1 arrests -- criminal arrests.

2 We have Juror Number 131, being a black female.
3 This is the juror, Your Honor, that came forward,
4 said she's heard about the case because she's in
5 Batesburg-Leesville, but, of course, she's the only
6 witness that acknowledged knowing about the case, but
7 specifically she knows juror -- I mean, potential
8 witness Taleka Lites. This happened at the home of
9 Taleka Lites. Taleka Lites resides at Lot 7. That
10 is where Quayshaun Clark was shooting from when this
11 occurred, so she's familiar with a witness that doesn't
12 just have a little bit of information, that witness --
13 it occurred at her residence.

14 THE COURT: I remember her telling me that she knew
15 the whole family. That's what she told all of us when
16 we asked about it.

17 MS. MAYES: She also indicated that she knew
18 Eddie Quattlebaum, who is a potential defense witness.

19 Next, Your Honor, the State struck 132, being a
20 white male. He also had an extensive history of
21 criminal arrests. Those included arrests for breach
22 of peace high and aggravated, simple assault, and
23 domestic violence, as -- as well as some other types
24 of arrests, so he's stricken as well because of his
25 record just as Juror 136 was.

1 Your Honor, the other strike the State utilized was
2 Alternate 1, and that was Juror Number 39. We struck
3 him, Your Honor, because he is an attorney. Obviously
4 there's no motion involved regarding that potential
5 witness, but I wanted that to be on the record as well.

6 THE COURT: And he was also a white male.

7 MS. MAYES: Yes, Your Honor.

8 And, for the record, as previously stated, there
9 are no other jurors who were seated that had any type
10 of arrests or any type of criminal behavior. There is
11 an alternate who was seated, Your Honor, who has on --
12 she had a failure to yield right-of-way, which is
13 traffic only, but we don't have anyone seated with
14 criminal arrests.

15 MR. WILLIAMS: Your Honor, obviously our qualm's
16 with the first twelve that are elected to be -- which
17 are chosen to be on the jury because she's already
18 struck all three blacks that appear on here.

19 And, Your Honor, I think the biggest problem she's
20 got with that is that when she refers to the shirt, it's
21 my understanding that she's using this young lady's
22 shirt, which is obviously some sort of expression of her
23 First Amendment rights, and she has said that somehow it
24 is attributed to defund the police. You're talking about
25 the same person who had a concealed weapons permit and

1 she possessed a gun, which is normally not -- doesn't
2 go hand-in-hand with defund police.

3 And the other thing is she had a Black Lives Matter
4 T-shirt on. Your Honor, I don't think that Black Lives
5 Matter is something that -- I would see nothing
6 objectionable for all of us to put on a Black Lives
7 Matter T-shirt because they do matter, just like white
8 lives. So this is clearly just a ruse to strike the
9 first three black people that were chosen.

10 MS. MAYES: Your Honor, if I could also add that
11 we did seat Juror Number 107, being a black female.
12 That juror was stricken by the defense. And also I
13 don't have the details on who else was seated as far as
14 ethnic background other than showing that 114, an Asian
15 female, was seated, as well as there's another juror,
16 Your Honor, that did not appear to be Caucasian.

17 MR. WILLIAMS: Your Honor, 107 was the one that
18 knew Jamiyah M. .

19 MS. MAYES: But that's a reason. That's a race
20 neutral reason that the defense used to strike a black
21 juror. We have cited our race neutral reasons. We
22 don't have any other juror who's wearing a T-shirt with
23 a slogan that openly said "No Human is Illegal". We
24 understand that concept, but it is a statement about
25 our laws, our immigration laws specifically, and the

1 enforcement of those laws by ICE. And this is very
2 active on social media. We have researched this on
3 other cases and in other situations. There are
4 petitions out there to defund ICE, to defund all
5 Federal governments and state and local governments
6 that enforce the immigration laws. That is a race
7 neutral reason, Your Honor.

8 MR. WILLIAMS: Your Honor, this is -- this is in
9 the abstract. She can't tie this person to that. I'm
10 not sure that that young lady that was up here picked
11 that T-shirt for any other reason than for Black Lives
12 Matter, but I think for her to use this as an argument
13 she would need to do a little bit more, I guess,
14 presentation in regards to this particular slogan and
15 how that has anything to do with not abiding by the laws
16 of the United States. She's just said these things. I
17 don't think there's basis. There's no law that says
18 that -- that if you have a slogan that says that, then
19 you should be able to strike those people. I mean,
20 that's -- that kind of what the First Amendment's all
21 about, Your Honor. And she does abide by the law. She
22 went and got a concealed weapons permit to abide by the
23 law.

24 THE COURT: Well, I don't hear anything about race,
25 religion, gender. None of that good stuff. It seems

1 like a -- to the State a perfectly -- what they believe
2 to be a perfectly race neutral -- I can't find anything
3 that -- she didn't mention Black Lives Matter, the
4 defense did. They're just mentioning the T-shirt, the
5 slogan on the T-shirt.

6 MR. WILLIAMS: And -- and probably that was done
7 selectively so that she wouldn't mention the other part
8 of the T-shirt which says that Black Lives Matter. I
9 can't -- obviously the prosecutor is very skilled with
10 her arguments, but that was on the T-shirt and the
11 record should reveal that that was on the T-shirt and
12 she was a black lady.

13 MS. MAYES: There were also pro-abortion, pro-choice
14 statements, as well as gay rights slogans, but what stood
15 out to us is she selected to wear this shirt on this day
16 for jury selection and it makes a direct statement about
17 law enforcement's enforcement of the immigration laws,
18 and that's our reason, Judge.

19 THE COURT: I don't find it -- I don't find anything
20 prejudicial in it. I'm gonna find that the State has
21 laid out what -- Number 95, the shirt, I don't find
22 anything prejudicial in that.

23 Number 136 had a record, including an assault on a
24 child, and 131 had information about the case or knew the
25 family and the witnesses and the defense.

1 I think all of those explanations -- and the burden
2 is with the State, are all neutral -- are all neutral
3 reasons, therefore, I'm gonna deny the Batson motion.

4 MR. WILLIAMS: Thank you, Your Honor.

5 THE COURT: Thank you.

6 Let's let the jury come back in. I was looking for
7 the right word that I wanted. Neutrally race related.

8 I'm sorry, Stacy. To the court reporter, that's
9 what I was trying to say. Race neutral reasons.

10 Thank you.

11 (Whereupon, the jury panel return to the courtroom
12 at 1:16 PM.)

13 MS. MAYES: May we approach, Judge?

14 THE COURT: Sure.

15 (Proceedings held at the bench out of the hearing
16 of the jury panel.)

17 MS. MAYES: In regards to records, we had the
18 alternate with a failure to yield right-of-way that we
19 seated. She was white. And then Alternate -- I'm sorry,
20 on the jury, 130, is a white male that is violation of
21 city ordinance, but it does not appear to be a criminal
22 arrest, so I just wanted to put that on the record.

23 THE COURT: Okay. Again, I'm gonna find that the
24 State had the burden of providing a race neutral
25 explanation and I think they did that.

1 MS. MAYES: I just wanted to put those two on the
2 record. The one that was seated that had the failure to
3 yield right-of-way is -- 111 was the failure to yield.

4 THE COURT: Okay.

5 All right. Thank you.

6 (The following proceedings were held in open court.)

7 THE COURT: All right. Ladies and gentlemen, I'm
8 gonna tell you it usually doesn't take us this long to
9 pick a jury and I apologize for taking so much time.

10 I'm gonna tell you, you can be excused. If you need
11 an excuse for work, if you will go to the first floor to
12 the clerk's office they will give you an excuse.

13 And also they tell me the check's in the mail.
14 Probably won't go out until this case is over with, but
15 you will be receiving a check.

16 Again, thank you for your service. I greatly
17 appreciate it. I hope everyone has a happy and safe
18 July 4th while we're here slaving away. Have fun.

19 Thank you.

20 (Whereupon, the jury panel was excused at 1:19 PM.)

21 THE COURT: All right. Can I get the jury brought
22 back in?

23 (Whereupon, the jury returns to the courtroom at
24 1:20 PM.)

25 THE COURT: Mr. Mathis, hold up right there. You

1 can go on. I'm gonna make you foreman.

2 FOREPERSON: Where do I sit then?

3 THE COURT: They're gonna tell you in just a second.

4 FOREPERSON: All right.

5 THE COURT: All right. Mr. Mathis is gonna be the
6 foreman in the first chair.

7 MR. WILLIAMS: Judge, may we approach?

8 THE COURT: Sure.

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

10 THE COURT: You-all, I got it. It's coming back.

11 Let me send you-all back and I'll bring you back
12 in just a second. I apologize. It won't be but for one
13 second.

14 (Whereupon, the jury retires to the jury room at
15 1:22 PM.)

16 MR. WILLIAMS: Thank you, Your Honor.

17 If I need to put that on the record, I'll be glad
18 to put that on the record.

19 THE COURT: No, no, no. We're fine. We need to
20 wait on the defendant. The defendant was not in here
21 when the jury came back in.

22 (Whereupon, the Defendant returns to the courtroom.)

23 THE COURT: All right. Are we ready to bring the
24 jury in?

25 MS. MAYES: The State's ready, Your Honor.

1 MS. WILLIAMS: Yes.

2 THE COURT: All right. Bring them back in.

3 (Whereupon, the jury returns to the courtroom at
4 1:24 PM.)

5 BAILIFF: Be seated.

6 THE COURT: All right. Ladies and gentlemen of
7 the jury, congratulations. You're our jury.

8 Mr. Mathis, will you do me the honor of being our
9 foreman?

10 FOREPERSON: Yes, ma'am.

11 THE COURT: All right. Thank you.

12 All right. Let me just explain some ground rules
13 to you. I see everybody's got their juror badges on.
14 Make sure you wear them every single day and wear them
15 proudly. People in the courthouse want to know who you
16 are and so do these lawyers because I'm gonna tell you
17 they're not gonna talk to you. If you see them, they're
18 gonna turn around and run the other way. They're not
19 allowed to talk to you by my order, so please don't think
20 that they're being rude because they're not. It's just
21 the way the system works.

22 This trial is gonna be a little different. I'm --
23 and usually I try to keep the jury informed. I'm gonna
24 have to ask you-all to call in and I would ask that you
25 call in tomorrow evening to get a report time. There

1 FOREPERSON: Yes, ma'am.

2 THE COURT: All right. You-all have a good day.

3 (Whereupon, the jury was excused for the day at
4 1:31 PM.)

5 THE COURT: Anything else from the lawyers?

6 MR. WILLIAMS: None for the defense.

7 THE COURT: All right. That was a long morning of
8 jury selection. You-all want to take a quick lunch break
9 and --

10 MS. MAYES: And what we see on this afternoon, Your
11 Honor, knowing that the defense has the burden of proof
12 regarding the Castle Doctrine hearing, we do expect at
13 least the defendant to testify.

14 As it relates to his potential testimony, we believe
15 we're gonna need to have the Jackson v. Denno in advance
16 of that so that we can use the contents of his statement
17 potentially for impeachment.

18 Our Jackson v. Denno would encompass two witnesses.
19 They're Agent Beeler from the U.S. Secret Service and
20 Detective Gilliam from the Lexington County Sheriff's
21 Department, and we're prepared to go forward with the
22 Jackson v. Denno at any point this afternoon heading
23 into the Castle Doctrine.

24 THE COURT: All right. Well, let me ask you this.
25 Is there a way that we can do the Jackson v. Denno, we

1 Honor, because he's the first witness to be called.

2 THE COURT: Okay. Are there any objections for the
3 record to that, Mr. Williams?

4 MR. WILLIAMS: No, Your Honor.

5 THE COURT: Thank you.

6 All right. I think the first -- are there any
7 others that counsel have agreed on as far as motions?

8 MS. WILLIAMS: No, Your Honor. I do not believe
9 that there are.

10 THE COURT: Okay. Well, it's my understanding
11 we're going to go forward with the Jackson v. Denno
12 first, and the State carries the burden.

13 MS. MAYES: We're ready when you are, Your Honor.

14 THE COURT: I'm ready.

15 MS. MAYES: The State calls Agent Bradley Beeler.

16 THE CLERK: Raise your right hand.

17 (Whereupon, Brad Beeler was duly sworn by the
18 Clerk of Court.)

19 THE CLERK: If you'll have a seat over there,
20 please. If you'll state your name and spell your last
21 name for the record, please.

22 THE WITNESS: My name is Brad and the last name is
23 Beeler, B-E-E-L-E-R.

24 MS. MAYES: I don't think that microphone's on,
25 Judge.

1 THE COURT: All right. Am I in control of that?

2 THE CLERK: I have it.

3 THE COURT: All right. The clerk's got it. Let's
4 try it again.

5 THE WITNESS: My name is Brad. The last name is
6 Beeler, spelled B-E-E-L-E-R.

7 BRAD BEELER,

8 having been duly sworn, testified as follows:

9 DIRECT EXAMINATION (In-Camera)

10 BY MS. MAYES:

11 Q. Okay. And tell us a little bit about yourself.

12 A. I'm currently a special agent with the United States
13 Secret Service where I've been employed for the last
14 twenty-three years.

15 Q. Okay. Tell us -- or give us an overview, if you can,
16 of what type of work you do with U.S. Secret Service.

17 A. Currently I'm assigned to the National Center for
18 Credibility Assessment at Fort Jackson, South Carolina,
19 where I serve as an instructor, as well as provide
20 polygraph examinations for the United States Secret
21 Service.

22 MS. MAYES: And, Your Honor, if it may -- if we
23 may note that in this hearing only there will be
24 references to the polygraph. That is only purposes for
25 this hearing in explaining what was taking place during

1 the course of the contact with the defendant. That is
2 not to be evidence to be offered in front of the jury.

3 THE COURT: Thank you.

4 And I assume no objection from you-all?

5 MS. WILLIAMS: No objection for the purposes of
6 this hearing, Your Honor.

7 THE COURT: Thank you.

8 BY MS. MAYES:

9 Q. Now, Agent Beeler, tell us how you became involved in
10 the investigation into the shooting death of 11-year-old
11 Minor , which occurred on June 9, 2021, here in
12 Lexington County.

13 A. I received a phone call from Detective Creech with
14 the Lexington County Sheriff's Office. He was aware that I
15 perform polygraph examinations in cases involving missing
16 and exploited children pursuant to our congressional
17 mandate and at which time I travelled to the Lexington
18 County Sheriff's Department to perform the polygraph.

19 Q. All right. Tell us what time you initially arrived at
20 the Lexington County Sheriff's Department.

21 A. I would say it was sometime after 5:00. I'm not for
22 certain, but I believe 5:30 would be an approximate time.

23 Q. All right. And what did you first do upon your
24 arrival?

25 A. I set up my instrument.

1 Q. And where was that?

2 A. I don't know the room number, but it would have been
3 at the sheriff's office in one of the interview rooms at
4 that facility.

5 Q. Okay. Now had the Quayshaun Clark, the defendant in
6 this case, already been placed under arrest?

7 A. I am not for certain if he was under arrest or not.

8 Q. Okay. Was he present at the Lexington County
9 Sheriff's Department?

10 A. He was.

11 Q. And what date was this?

12 A. This would have been on the 11th of June, 2021.

13 Q. So this is two days after the incident?

14 A. Yes, ma'am.

15 Q. And he is at the sheriff's department and if I
16 informed you that he had been already served with the
17 warrants and he had been placed under arrest by law
18 enforcement before you arrived, you wouldn't have any
19 reason to dispute that, would you?

20 A. I would not.

21 Q. So you arrive and begin setting up your equipment.
22 What happened next?

23 A. At which time I am introduced to the defendant to
24 begin the polygraph examination.

25 Q. Okay. Can you tell us whether or not he consented to

1 this?

2 A. He did.

3 Q. And how did you go about making that determination as
4 to whether or not he was consenting to participate in this
5 polygraph exam?

6 A. We have several forms that are standard Secret Service
7 forms that I reviewed with the defendant and he signed.

8 Q. Okay. I'm gonna show you what is currently marked as
9 Court's Exhibit 4 and ask you whether or not you recognize
10 these items?

11 A. I do.

12 Q. How so?

13 A. This is our standard Miranda form for polygraph.

14 Q. Okay. And what else is attached to what is State's 4?

15 A. I also see a standard consent form, which outlays
16 the purpose for our conversation, and -- as well as an
17 understanding that this conversation will not be audio or
18 video-recorded per policy.

19 Q. Okay. Now are you aware as to whether or not he had
20 already received or been advised of his Miranda rights
21 prior to your arrival?

22 A. Yes.

23 Q. Your understanding is that he had already received at
24 least one round of Miranda rights?

25 A. Yes.

1 Q. Understanding that, what effort do you take to,
2 again, advise him of his rights? And I'm gonna refer you
3 to Court's 4.

4 A. So as I go through the form on the last iteration
5 before his waiver, I put two X's there and I let him know
6 that even after he signs this form he can still revoke that
7 right at any point during our interaction.

8 Q. Okay. Now do you have a form identical to this with
9 you?

10 A. I do.

11 Q. I'm gonna ask you to refer to that, please.

12 Court's 4 you have already identified, but do these
13 two forms appear to be identical to the documents that you
14 went over with Quayshaun Clark?

15 A. Yes, ma'am.

16 Q. Are they, in fact, the same documents?

17 A. Yes, ma'am.

18 Q. Do they reflect his signature?

19 A. Yes.

20 Q. And do they reflect the date and time?

21 A. Yes.

22 Q. Being 6-11-21?

23 A. Yes.

24 MS. MAYES: Your Honor, this will be Court's 4.

25 MS. WILLIAMS: Without objection, Your Honor.

1 THE COURT: Okay. And that is -- tell me what that
2 document is.

3 MS. MAYES: Your Honor, it is going to be -- looking
4 here at the first page, this is going to be the warning
5 of rights and consent to speak.

6 THE COURT: Okay. And with no objection.

7 That's right, Ms. Williams?

8 MS. WILLIAMS: Yes, Your Honor.

9 THE COURT: Okay. Go ahead.

10 (Court's Exhibit Number 4, a polygraph consent, was
11 admitted into evidence for pre-trial purposes.)

12 BY MS. MAYES:

13 Q. Now take us through this document please, Agent
14 Beeler, which is marked as Court's Exhibit 4, starting
15 here at the top.

16 A. Okay. Would you like me to read it?

17 Q. Yes.

18 A. So I would have pulled next to the defendant with this
19 on a clipboard and I would have read the following. Before
20 I ask you any questions, you must understand your rights.
21 You have the right to remain silent. Anything you say can
22 and will be used -- anything you say can be used against
23 you in court or other proceedings. You have the right to
24 talk to a lawyer for advice before I question you and to
25 have him with you during questioning. If you cannot afford

1 a lawyer and want one, a lawyer will be appointed to you
2 by the Court. If you decide to answer questions now
3 without a lawyer present, you will still have the right to
4 stop questioning at any time.

5 Q. And what are the notations next to that last line?

6 A. Those notations, once again, I reiterate to the
7 defendant that even after he signs this form he can still
8 revoke his consent to speak at that point.

9 Q. All right. So who would have made the markings here
10 and here regarding the right to stop the questioning at any
11 time?

12 A. Those were my markings.

13 Q. Okay. To emphasize that portion of his rights?

14 A. Yes.

15 Q. What is the next line?

16 A. The next line is his waiver and he read those two
17 statements out loud and affixed his initials next to each
18 statement.

19 Q. And what are the statements?

20 A. I have read the statement of my rights and has been
21 read to me and I understand what my rights are. I
22 voluntarily waive my rights and I'm willing to answer
23 questions now at this time.

24 Q. Okay. And, again, who is making the initials to the
25 left?

1 A. That would be from the defendant.

2 Q. All right. And then below those rights, what, if
3 anything, do we see here?

4 A. That would have been his signature, him providing the
5 date, and I'm providing the time that he affixed on the
6 lower right.

7 Q. Okay. The date being June 11, 2021?

8 A. Yes, ma'am.

9 Q. And then who signs here as the witness?

10 A. That's my signature.

11 Q. Based upon your observations during the reading of
12 these rights and having Mr. Clark read the last two
13 statements aloud, did he appear to understand those rights?

14 A. Yes.

15 Q. Did he appear to be under the influence of any alcohol
16 or drugs that would have affected his ability to waive his
17 rights?

18 A. No, ma'am.

19 Q. Did he at any point in time ask for questioning to
20 stop?

21 A. No.

22 Q. Did he at any point in time ask for an attorney to be
23 present with him?

24 A. No.

25 Q. Did you promise him anything in exchange for

1 participating in interview questions with him?

2 A. No.

3 Q. Did you coerce him in any way to participate in
4 interview questions?

5 A. No.

6 Q. Based upon your observations, did his waiver of these
7 his rights appear to be free and voluntarily given?

8 A. Yes.

9 Q. Now we see here at the bottom the notation. What is
10 noted as the time?

11 A. 6:02.

12 Q. Okay. Since then, since this form was signed at 6:02,
13 you had the opportunity to go back and check that time?

14 A. I have.

15 Q. What, if anything, did you discover when you checked
16 this time that you noted as 6:02?

17 A. So our polygraph laptops are not connected to the
18 Internet, and never have been, and it is twelve minutes
19 slow. Approximately eleven to twelve minutes slow.

20 Q. So the actual time would be roughly 6:12 or shortly
21 thereafter?

22 A. Yes, ma'am.

23 Q. Now we're gonna look at the second form. This one is
24 noted to be a statement of consent. What is this?

25 A. Before the polygraph examination, we want to make

1 sure that the individual is freely consenting to the
2 conversation in addition to the polygraph regarding what
3 is written down as shooting in Batesburg, South Carolina.

4 Q. Okay. And can you read the form starting at the top?

5 A. I, Quayshaun Clark, of my own free will voluntarily
6 and without duress, threats or promises consent to be
7 interviewed and submit to a polygraph examination in
8 connection with an investigation concerning a shooting in
9 Batesburg, South Carolina. I understand the questions to
10 be asked on the test will be reviewed with me prior to the
11 examination. I represent that I am in good mental and
12 physical condition and know of no mental or physical
13 problem which would impair my ability to be examined by
14 polygraph. I also understand that I do not have to take
15 this polygraph examination and even after consenting to
16 do so I can stop the interview and test at any time. I
17 agree that I will not attempt to manipulate any of the
18 physiological response data collected during this polygraph
19 examination. I also understand that any attempt to alter
20 the physiological data may result in the early termination
21 of the exam. The examination room does not contain
22 audiovisual devices for monitoring.

23 Q. And who signs this consent form?

24 A. The defendant.

25 Q. And the date?

1 A. 6-11-21.

2 Q. And the time?

3 A. 6:05.

4 Q. All right. And so, again, based upon you later
5 discovering that your computer was roughly ten minutes off,
6 this would be 6:15 or shortly thereafter?

7 A. Shortly thereafter, correct.

8 Q. So take us through, Agent Beeler, how long of a
9 process this is and what kind of information do you need to
10 gather from a participant in a polygraph prior to actually
11 conducting the exam?

12 A. So the steps for a criminal polygraph examination
13 are going to be an introduction, an overview, handling
14 the paperwork that you just saw. We also conduct a medical
15 form in which we determine if the subject is medically
16 fit to make sure they're not under the influence of any
17 drugs, how much sleep they've had, then we move onto a
18 biographical form as well.

19 Q. And do you have your notes with you regarding those
20 responses?

21 A. Yes.

22 Q. What, if anything, did he tell you when you questioned
23 whether or not he had obtained adequate sleep prior to
24 participating in these interviews?

25 A. One second real quick. That would be on our medical

1 form. He stated over the last twenty-four hours he had had
2 twenty hours of sleep.

3 Q. Twenty hours of sleep?

4 A. Yes, ma'am.

5 Q. Did you consider that to be adequate sleep?

6 A. Very much so. Yes, ma'am.

7 Q. Were there any other concerns you had about his
8 physical state?

9 A. No, I went into depth regarding any mental health
10 and/or physical abnormalities that would preclude me from
11 going forward with the examination to include his last
12 oral intake to make sure that he had been feed prior to the
13 examination.

14 Q. And were you able to determine that he obtained
15 adequate food as well?

16 A. Yes, ma'am. Approximately thirty to forty minutes
17 prior to my interaction I believe he had a hamburger and a
18 drink.

19 Q. Now in the room that you're in, does he also have
20 access to a bathroom break if he needs it?

21 A. There's -- about thirty meters down the hallway,
22 there's a bathroom, and just prior to him coming to me I
23 believe Detective Mackinson asked him if he needed to use
24 the restroom.

25 Q. Okay. And in addition, having had adequate sleep,

1 having been provided food and having access to bathroom
2 breaks if he needs them, what other measures did you take
3 to ensure his comfort during your time with him?

4 A. I know that I asked him probably about halfway through
5 the polygraph examination if he needed to take a break to
6 use the restroom before we attached the components. He
7 stated he did not.

8 Q. Okay. And was it necessary for him to be in cuffs
9 while he was with you or what provisions did you make?

10 A. I made sure that his handcuffs were taken off prior
11 to my interaction.

12 Q. Okay. This initial contact that you had with him
13 from the outset of going over the forms, obtaining the
14 waiver and obtaining the consent until the completion of
15 your first contact with him, how much time transpired?

16 A. Approximately two hours.

17 Q. Okay. So if you began roughly 6:12 PM, you're gonna
18 end roughly 8:12 PM?

19 A. That sounds about right.

20 Q. Again, these are estimates --

21 A. Sure. Yes, ma'am.

22 Q. -- but you would approximate two hours?

23 A. Two hours.

24 Q. Now can you tell us whether that is routine, that
25 amount of time, for conducting the type of examination you

1 were doing in this case?

2 A. Given the breadth of information that we needed to go
3 through, that is very normal.

4 Q. Now in addition to the actual exam that you're
5 conducting, are you also asking questions?

6 A. Yes, ma'am.

7 Q. And that's an interview?

8 A. Correct.

9 Q. And has he consented to being asked questions as well
10 as taking the examination?

11 A. That is part of the consent form, yes, ma'am.

12 Q. Okay. I'm gonna go back to that. Can you tell us
13 what you're referring to specifically here on this form
14 that would be also consent to the interview, as well as to
15 the polygraph examination?

16 A. The first paragraph, I, Quayshaun Clark, of my own
17 free will, voluntarily and without duress, stress or
18 promise consent to be interviewed and submit to a polygraph
19 examination in connection with an investigation concerning
20 a shooting in Batesburg, South Carolina.

21 Q. Okay. So the interview is routinely part of the
22 process?

23 A. Yes.

24 Q. And were you aware that he had already been
25 interviewed at least initially by Detective Gilliam?

1 A. Yes.

2 Q. As well as Detective Mackinson there at the sheriff's
3 office?

4 A. Yes.

5 Q. Just prior to you going over the forms that you've
6 already talked about?

7 A. Yes.

8 Q. Now during the course of the interview, take us
9 through this first contact you have with him over this
10 two-hour period and tell us what, if anything, he makes
11 admissions to.

12 A. So just prior to that we do what's called an interview
13 worksheet where I get to know the examinee, find out about
14 his background, interests, previous work history. I also
15 have some behavioral analysis questions. Then we explain
16 the polygraph instrument, how it works. We take a practice
17 test and then we perform the actual examination.

18 Q. Did he ever admit to you in this initial contact that
19 he had fired a weapon on the night of June 9, 2021, at
20 [REDACTED] Road?

21 A. After the examination he did state that he fired a
22 weapon at that approximate time.

23 Q. Prior to that what statements had he made to you?

24 A. He stated he was present but did not fire a weapon.

25 Q. Okay. So the first statement is that he did not fire

1 a weapon?

2 A. Yes, ma'am.

3 Q. And then ultimately after you have conducted an
4 examination, he makes a statement where he admits to having
5 fired a weapon?

6 A. Yes, he stated he shot an FN nine millimeter pistol.

7 Q. Okay. So that would be what we're gonna call the
8 second statement because he is now admitting that he had
9 fired a weapon. He described this weapon to you as, I
10 believe you said, an FN model nine millimeter handgun?

11 A. Yes. FN being the manufacturer and nine millimeter
12 being the caliber.

13 Q. Were you asking him at this point if he had fired a
14 rifle caliber weapon such as a Draco, such as an AK that
15 would require 7.62 by 39 caliber ammunition?

16 A. I had not asked him about the 7.62 at that point.

17 Q. You had asked him simply if he had fired a weapon?

18 A. Yes, ma'am.

19 Q. And his acknowledgment is the FN nine millimeter
20 weapon?

21 A. Yes, ma'am.

22 Q. Do you have with you your notes that you have used to
23 summarize that statement regarding the FN nine millimeter
24 handgun?

25 A. As far as the polygraph report, ma'am?

1 Q. Yes.

2 A. Yes.

3 Q. And you can begin with your summary, which begins
4 Clark admitted.

5 A. Clark admitted he fired a weapon on 6-9-21 while he
6 was attending a party at a trailer park in Batesburg, South
7 Carolina. Clark said he was sitting in his car next to a
8 trailer when a commotion started to erupt from across the
9 trailer park. Shortly thereafter gunfire broke out and he
10 believed shots were fired in his direction. He stated he
11 retrieved his FN nine millimeter handgun from his glove box
12 and exited his vehicle. Clark said he fired approximately
13 nine shots in the direction of the individuals he perceived
14 that were shooting at him. Clark denied shooting a weapon
15 with a rifle caliber during this altercation.

16 Q. All right. So after the statement about the FN there
17 is a denial regarding the rifle caliber weapon?

18 A. Correct.

19 Q. And how did you go about sharing this information with
20 Detective Gilliam?

21 A. I don't know if it was Gilliam or Mackinson, but I
22 explained to them that we had a change from his previous
23 statement at which time they proceeded to speak with him
24 regarding that change.

25 Q. And do you know whether or not they did speak with

1 him?

2 A. Yes, they did.

3 Q. And did you remain there at the sheriff's department?

4 A. I did not knowing if I would be conducting any other
5 examinations.

6 Q. Okay. And you thought it might be possible that
7 you would need an additional examination on what subject
8 matter?

9 A. Whether or not a 7.62 caliber was fired by the
10 defendant.

11 Q. Okay. Do you have with you any indication or do you
12 have any indication of when you next had contact with the
13 defendant that evening?

14 A. I would have to go back to the timesheet that -- I
15 think we have down 9:33 approximation, about an hour and
16 four-minute interaction.

17 Q. Okay. And that's an estimate, again, based on the
18 audio and video recordings done by Detective Gilliam and
19 Detective Mackinson?

20 A. Yes, ma'am.

21 Q. And they do a follow-up interview, it ends and your
22 estimation is that your next contact would be around 9:33?

23 A. Yes, ma'am.

24 Q. And tell us what occurred during this course of your
25 interview.

1 A. At that time I was trying to conduct an additional
2 examination to determine whether or not he fired a 7.62
3 caliber.

4 Q. And what happened?

5 A. During the course of that interaction, he admitted
6 that he did fire a weapon that fired 7.62 projectiles.

7 Q. Okay. Do you have with you your notes regarding that
8 statement?

9 A. I do.

10 Q. And I'm gonna refer you to that beginning with Clark
11 admitted.

12 A. Clark admitted he fired a 7.62 caliber weapon during
13 this interaction on 6-9-21. Clark said the 7.62 caliber
14 weapon he fired is commonly referred to as a Draco.

15 Q. So let me stop you right there. He's not admitting
16 to firing a Draco, but to a weapon that would be commonly
17 referred to as a Draco?

18 A. In common public knowledge as a Draco, but he is not
19 stating that he fired a Draco.

20 Q. In style or appearance a Draco?

21 A. Correct.

22 Q. All right. And you have knowledge of the Draco?

23 A. Yes.

24 Q. And is that a weapon that would fire a 7.62?

25 A. Yes, ma'am.

- 1 Q. As well as an AK?
- 2 A. Yes.
- 3 Q. So you're questioning specifically about Draco-style
4 weapons that would fire 7.62 by 39 ammunition?
- 5 A. Specifically a pistol AK that would shoot a 7.62.
- 6 Q. Any -- any weapon that would appear similar to a Draco
7 and fire that type of ammunition?
- 8 A. Yes.
- 9 Q. Okay. Please continue.
- 10 A. He described the weapon as a pistol version of an
11 AK-47 that was almost entirely black in color.
- 12 Q. Okay. So he's able to describe the weapon that he
13 says he fired that night?
- 14 A. Yes, ma'am.
- 15 Q. And he calls it a pistol version of an AK-47?
- 16 A. Yes.
- 17 Q. And describes it as black?
- 18 A. Yes.
- 19 Q. Okay. Please continue.
- 20 A. He stated after gunshots erupted in the trailer park
21 on 6-9-21 that he retrieved the weapon from an area near
22 his vehicle.
- 23 Q. So he's not saying that it came from his vehicle?
- 24 A. Correct.
- 25 Q. He claimed that it was from an area near his vehicle?

1 A. He stated somebody was showing off the weapon earlier
2 in the evening and that's where he knew to go get it once
3 the situation erupted.

4 Q. Please continue.

5 A. At this time he shot the weapon nine or ten times in
6 the direction of the individuals he believed had fired at
7 him. He said after the situation calmed down he tossed the
8 weapon towards an adjacent trailer and he left the trailer
9 park in his vehicle.

10 Q. So he says he fired this gun nine or ten times?

11 A. Correct.

12 Q. And that he left it there at the scene?

13 A. Yes, ma'am.

14 Q. At any point in time did he acknowledge to you --
15 to your memory and based upon your notes that he had an
16 identical weapon registered to him?

17 A. I don't recall him ever stating -- he stated he owned
18 several weapons, but I don't recall him stating he owned
19 that type of weapon.

20 Q. Or that he had that weapon inside his vehicle that
21 night?

22 A. No, ma'am.

23 Q. What efforts did you make to apprise Detective Gilliam
24 and Detective Mackinson of this additional statement that
25 I'll now refer to as the third statement because he has now

1 acknowledged firing a Draco-type weapon that would fire
2 7.62 ammunition?

3 A. Yes, ma'am. At that point I asked Detective Gilliam
4 and Detective Mackinson to step in the room due to the
5 nature of what had been disclosed, the changes in his
6 story.

7 Q. Are you able to give us an approximation of what time
8 this would have been?

9 A. Once again I'm referring to the paperwork here, but
10 it would have been roughly 10:37 give or take a couple of
11 minutes there.

12 Q. All right. 10:37 PM?

13 A. Yes, ma'am.

14 Q. All right. So your initial contact with him had
15 roughly been about 6:12. I think you said when you arrived
16 he had already eaten and you took the cuffs off, then you
17 have new contact with him again at 9:33. Would he have
18 been in cuffs during this second portion?

19 A. No, ma'am.

20 Q. So he's not in cuffs during this time as well?

21 A. No, ma'am.

22 Q. And if you end around 10:37, that's gonna be roughly
23 an hour and four minutes with you?

24 A. Correct.

25 Q. So altogether he would have been with you the two

1 hours between 6:12 and 8:12 and the hour and four minutes
2 between 9:33 and roughly 10:37 PM?

3 A. Yes, ma'am.

4 Q. So a little over three hours?

5 A. Correct.

6 Q. During the course of that time, Agent Beeler, did
7 you ever threaten or coerce Quayshaun Clark in any way to
8 participate in an interview?

9 A. No, ma'am.

10 Q. Or to participate in any of the polygraph process?

11 A. No.

12 Q. Did you promise him anything in exchange for
13 participating in this interview?

14 A. No.

15 Q. Did he appear to be under duress at any point during
16 the course of your contact with him?

17 A. No, ma'am.

18 Q. Did you witness any of the other officers say anything
19 that would be perceived as coercion or a threat?

20 A. I did not.

21 Q. Throughout your last contact with him would he have
22 had access to a bathroom break if he needed one?

23 A. Yes.

24 Q. Or to food or water if he needed that?

25 A. Yes.

1 Q. Based upon all of your contact with Quayshaun Clark on
2 the night of June 11, 2021, did his participation in this
3 interview appear to be freely and voluntarily given?

4 A. Yes.

5 Q. Including that final statement, the third statement,
6 where he admits to firing nine to ten times the weapon that
7 would be a 7.62 caliber?

8 A. Yes.

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

10 BY MS. MAYES:

11 Q. I'm gonna show you what is Court's 5 for
12 identification and ask you whether or not you recognize
13 this.

14 A. I do.

15 Q. And how do you recognize it?

16 A. That was a drawing provided by the defendant outlining
17 the third statement of events.

18 Q. Okay.

19 MS. MAYES: This will be Court's 5 for evidence,
20 Your Honor. For -- as a Court's exhibit. I'm sorry.

21 THE COURT: Any objection?

22 MS. WILLIAMS: Without objection.

23 THE COURT: Okay. It's admitted.

24 (Court's Exhibit Number 5, a drawing, was admitted
25 into evidence for pre-trial purposes.)

1 BY MS. MAYES:

2 Q. This is Court's 5. Again, who is actually creating
3 this sketch or diagram?

4 A. The defendant.

5 Q. And is this consistent with the information that he
6 was providing to you during the course of the interview?

7 A. At that point in time, yes.

8 Q. And he has noted here that these two circles represent
9 what?

10 A. Two trailers.

11 Q. Across the way?

12 A. Yes.

13 Q. This here would be the drive separating the trailers?

14 A. Yes, ma'am.

15 Q. So he has identified two trailers here?

16 A. Yes, ma'am.

17 Q. And then this trailer here would be the trailer
18 that --

19 A. That's where he was at the party with and where he was
20 parked next to.

21 Q. Are you familiar with the case that that would make
22 this Lot 7?

23 A. I'm not that familiar with the lot.

24 Q. And he is representing here what?

25 A. Those were individuals he felt were being aggressive

1 towards him.

2 Q. So he claims that these people, he's drawing an arrow,
3 are coming in this direction?

4 A. Towards him, correct.

5 Q. And he has them across that road?

6 A. Yes.

7 Q. Across that roadway based on his statement to you that
8 night?

9 A. Yes, ma'am.

10 Q. And based upon this drawing?

11 A. Yes, ma'am.

12 Q. And, again, you're not involved in the CSI aspect of
13 this case, correct?

14 A. No, ma'am.

15 Q. Now do you recall during the course of your interview
16 with him if he acknowledged that other persons at Lot 7
17 were also shooting in addition to him?

18 A. I believe -- I don't recall him stating that anyone
19 else was firing.

20 Q. Okay. But he has stated that there was an FN nine
21 millimeter involved and then ultimately the Draco-style or
22 what would commonly be referred to as a Draco that fires
23 7.62 rounds?

24 A. Yes, ma'am.

25 MS. MAYES: Nothing else from Agent Beeler at this

1 time, Your Honor.

2 MS. WILLIAMS: May it please the Court?

3 THE COURT: Yes, ma'am.

4 CROSS-EXAMINATION (In-Camera)

5 BY MS. WILLIAMS:

6 Q. Good afternoon, Agent Beeler.

7 A. Good afternoon.

8 Q. I'm Anna Williams. Nice to meet you. Briefly, you --
9 I believe you indicated that the defendant stated he had
10 had twenty hours of sleep?

11 A. Yes, ma'am.

12 Q. And I know that usually the question is have they had
13 enough sleep, but did -- what -- did the fact that he had
14 had an unusually large amount of sleep indicate anything to
15 you?

16 A. It did not.

17 Q. Are there situations where someone could be suffering
18 from stress and perhaps have an abnormal amount of sleep?

19 A. I'm not familiar with that. I apologize.

20 Q. Quickly to walk through the timeline again, I believe
21 you indicated that you arrived at the sheriff's department
22 at around 5:30?

23 A. Yes, ma'am.

24 Q. And then you began interacting with the defendant at
25 6:14?

1 A. Approximately, yes, ma'am.

2 Q. Okay. And this first interaction about halfway
3 through you offered him a bathroom break; is that correct?

4 A. Yes, ma'am.

5 Q. Okay. And this first interaction ended at
6 approximately 8:12; is that correct?

7 A. Yes, ma'am.

8 Q. Okay. At this point he went with Detectives Gilliam
9 and Mackinson to a separate room?

10 A. Adjacent to this room, yes, ma'am.

11 Q. Are you aware of what went on in that room?

12 A. No, ma'am.

13 Q. Approximately what time did he come back into the room
14 with you?

15 A. I believe it was 9:33 is what we have down. It's an
16 hour and twenty-one minutes with the two detectives.

17 Q. Okay. And then you continue your interaction until
18 approximately 10:37; is that correct?

19 A. Yes, ma'am.

20 Q. Okay. And at that point Detectives Gilliam and
21 Mackinson reenter the room?

22 A. Correct. Yes, ma'am.

23 Q. Is that the end of your interaction with the
24 defendant?

25 A. Yes, ma'am.

1 Q. In this second interaction with the defendant, did you
2 offer him a bathroom break?

3 A. I do not recall at that point offering a break.

4 Q. Okay. I believe on Court's 4 it indicated that there
5 was no audio or visual recording that took place. Is that
6 unusual?

7 A. That's standard policy for us, yes, ma'am.

8 Q. Okay. I'm briefly going to reference Court's 5 if I
9 can get this to -- I understand the issue. Let's see. I
10 believe the solicitor indicated that the defendant put the
11 drawing -- put the individuals across the road here. Is
12 that your understanding?

13 A. Yes, ma'am.

14 Q. Did you ask him to draw this drawing?

15 A. I asked him if he would provide a representation of
16 his verbal statement, yes.

17 Q. Did you indicate to him that it needed to be drawn to
18 scale?

19 A. No, ma'am.

20 Q. Okay. Did he independently indicate to you that this
21 was an accurate representation of where these individuals
22 were?

23 A. I don't think that was asked. It was just a
24 representation of what transpired, so I don't think I
25 asked him -- if what you're asking is did I follow up with

1 is this a truthful, you know, statement, I don't believe
2 I asked that.

3 Q. Okay. So would it be fair to characterize it as a
4 rough estimate?

5 A. Yes.

6 MS. WILLIAMS: Thank you. No further questions.

7 THE COURT: All right. Thank you.

8 Any redirect?

9 MS. MAYES: Just briefly, Your Honor.

10 REDIRECT EXAMINATION (In-Camera)

11 BY MS. MAYES:

12 Q. So, again, each portion of that sketch was created by
13 Quayshaun Clark himself?

14 A. Yes, ma'am.

15 Q. Now one of the questions you got was about any
16 traumatic events. Is there a specific portion of the
17 polygraph data sheet which covers whether or not he may
18 have been exposed to any traumatic events which would
19 affect his ability to participate in this process?

20 A. Yes, ma'am.

21 Q. What is that question?

22 A. In the last twenty-four hours, have you experienced
23 any traumatic events.

24 Q. And what was his answer?

25 A. No.

1 Q. So he told you he had sustained no traumatic events in
2 the last twenty-four hours?

3 A. No, ma'am.

4 Q. And he had twenty hours of sleep?

5 A. Yes, ma'am.

6 Q. Now did you also have a question regarding his most
7 recent meal?

8 A. I apologize, ma'am. I didn't hear that last --

9 Q. His most recent meal.

10 A. Yes, ma'am. He said 5:30.

11 Q. That same day?

12 A. Yes, ma'am.

13 MS. MAYES: Thank you, Agent Beeler. Nothing
14 further.

15 MS. WILLIAMS: Briefly, Agent Beeler.

16 THE COURT: Yes. Go ahead.

17 RECROSS EXAMINATION (In-Camera)

18 BY MS. WILLIAMS:

19 Q. Did he indicate he had had any drugs or medications
20 consumed?

21 A. More than twelve hours ago he stated he had used
22 marijuana.

23 MS. WILLIAMS: Thank you. No further questions.

24 THE COURT: May I excuse Agent Beeler?

25 MS. MAYES: Yes. Yes, Your Honor.

1 THE WITNESS: Thank you, ma'am.

2 (Witness excused.)

3 MS. MAYES: Excused for the afternoon, correct,
4 Your Honor?

5 THE COURT: For the afternoon.

6 Yes, Agent Beeler. I think they want you to come
7 back.

8 MS. PATTERSON: Your Honor, the State calls
9 Investigator Carleisha Gilliam.

10 (Whereupon, Carleisha Gilliam was duly sworn by
11 the Clerk of Court.)

12 THE CLERK: If you'll have a seat over there,
13 please. If you'll state your name and spell your last,
14 please, for the record.

15 THE WITNESS: First name is Carleisha. Last name
16 is Gilliam, G-I-L-L-I-A-M.

17 CARLEISHA GILLIAM,

18 having been duly sworn, testified as follows:

19 DIRECT EXAMINATION (In-Camera)

20 BY MS. PATTERSON:

21 Q. Detective Gilliam, how are you this afternoon?

22 A. I'm doing well, ma'am.

23 Q. On June 11th of 2021, did you have the opportunity to
24 interview the defendant, Quayshaun Clark?

25 A. Yes, ma'am.

1 Q. And where did this interview take place?

2 A. At 521 Gibson Road in the Lexington County Sheriff's
3 Department Interview Room 2.

4 Q. Okay. And who was present with you during this
5 interview?

6 A. Detective Mackinson.

7 Q. And did either of you -- what was the purpose of you
8 wanting to interview the defendant, Quayshaun Clark?

9 A. Due to the nature of the case of him being a defendant
10 -- or the suspect for a murder case.

11 Q. And did you tell him the purpose of your interview?

12 A. Yes, ma'am.

13 Q. And did either of you read him his rights before the
14 interview got started?

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

16 Q. And you did?

17 A. Yes, ma'am.

18 Q. And do you remember what rights that you read to
19 Quayshaun?

20 A. His Miranda rights.

21 Q. And how did you read them? Verbatim or from a card
22 or --

23 A. From a card.

24 Q. Okay. And do you recall specifically what you
25 informed him of?

1 A. Yes, ma'am.

2 Q. And could you state it for the Court?

3 A. I don't have the --

4 Q. You don't have it? Well, let me ask you this. Let me
5 show you what's been marked as State's -- I mean, Court's
6 Exhibit Number 7, and ask you if you recognize that?

7 A. Yes, ma'am.

8 Q. And what is this?

9 A. That's me reading questions of Miranda rights.

10 Q. Okay. How do you know that is you reading him his
11 Miranda rights?

12 A. Because I reviewed it and signed it and dated it.

13 Q. Okay. And dated it?

14 A. (Nods head.)

15 MS. PATTERSON: Your Honor, permission to publish
16 this?

17 THE COURT: Absolutely.

18 Any objection?

19 MS. WILLIAMS: No objection, Your Honor.

20 THE COURT: No objection to letting you play it.

21 (Whereupon, Court's Exhibit Number 7 played.)

22 BY MS. PATTERSON:

23 Q. And, again, is that you reading Quayshaun his Miranda
24 rights?

25 A. Yes, ma'am.

1 Q. And what, if anything, did he say he -- did he say he
2 understood these rights?

3 A. Yes, ma'am.

4 Q. And did he consent to waiving these rights and agree
5 to speak with you?

6 A. No, ma'am.

7 Q. Did he consent to waiving his rights to --

8 A. Oh, he -- he stated that he would like to speak with
9 me. He understood.

10 Q. And was Investigator Mackinson present the entire time
11 that you spoke with the defendant, Quayshaun Clark?

12 A. I believe at some point Mackinson did step out when
13 Agent Brad Beeler arrived, but mostly Mackinson was in the
14 room.

15 Q. So for the majority of the time it was you and
16 Detective Mackinson?

17 A. Yes, ma'am.

18 Q. Did either of you force him to speak with you?

19 A. No, ma'am.

20 Q. Did you-all make any threats for him to speak with
21 you?

22 A. No, ma'am.

23 Q. Did either of you make any promises or hopes of reward
24 for Quayshaun Clark to speak to you?

25 A. No, ma'am.

1 Q. Did either of you use any intimidation or anything for
2 him to speak to you?

3 A. No, ma'am.

4 Q. And did you have any concerns about his ability to
5 understand what was going on?

6 A. No, ma'am.

7 Q. And to the best of your knowledge, was his statements
8 freely and voluntarily made to you?

9 A. Yes, ma'am.

10 Q. And, again, I know you said you were at the sheriff's
11 department when you spoke to him, but can you state
12 specifically where you were at the sheriff's department
13 when you-all conducted the interview?

14 A. In Interview Room 2.

15 Q. Were you able to understand his speech?

16 A. Yes, ma'am.

17 Q. And during the conversations were they coherent, were
18 you able to understand what he was saying?

19 A. Yes, ma'am.

20 Q. And for the majority of the conversations were they --
21 would you describe them as calm?

22 A. Yes, ma'am.

23 Q. And what time did you read Quayshaun his Miranda
24 rights?

25 A. I read his Miranda rights at 3:44. Approximately

1 3:44.

2 Q. And, again, I think you were present when Agent Beeler
3 spoke. What time did Agent Beeler get to the sheriff's
4 office?

5 A. I think Agent Beeler stated -- I don't recall the
6 exact time. I do know that it was after 5 PM.

7 Q. Okay. So after you read Quayshaun his Miranda rights
8 at 3:44, did you-all speak that entire time before Agent
9 Beeler gets there --

10 A. Yes, ma'am.

11 Q. -- or there were any breaks in between?

12 A. We did have dinner that evening before Agent Beeler
13 arrived.

14 Q. Okay. So you-all fed Quayshaun?

15 A. Yes, ma'am.

16 Q. Okay. I'm gonna show you what's been marked as
17 Court's Exhibit Number 6 and ask you to take a look at it.
18 Do you recognize what's in that photograph?

19 A. Yes, ma'am.

20 Q. And let me just ask you this. Were your interviews
21 audio -- audio-recorded?

22 A. Yes, ma'am.

23 Q. Were -- at some points were they video-recorded as
24 well?

25 A. Yes, ma'am.

1 Q. So State's Number 6, can you tell us what was going on
2 during this photograph?

3 A. During this time -- we'd asked Quayshaun prior to if
4 he wanted something to eat and we provided him -- we'd
5 given him the options that he would like and he decided to
6 go with Cook-Out, so that would be me, him and Detective
7 Mackinson eating burgers from Cook-Out.

8 Q. Okay. And, again, this would have been in Interview
9 Room 2?

10 A. Yes, ma'am.

11 Q. On 6-11-21?

12 A. Yes, ma'am.

13 Q. And this is the approximate time?

14 A. Yes, ma'am.

15 Q. And what time is that in nonmilitary time?

16 A. 5:40.

17 Q. 5:40. And this, again, would have been before Agent
18 Beeler got there to conduct his interview with Quayshaun?

19 A. Yes, ma'am.

20 Q. In addition to the food, did he get any bathroom
21 breaks or anything?

22 A. Prior to Detective Mackinson walking him over to
23 Agent Beeler, he asked Quayshaun if he needed to use the
24 restroom and he said not at that time. Detective Mackinson
25 explained to him that it may be a little lengthy process

1 and Quayshaun stated he wasn't sure if he needed to use it
2 during then, but he didn't need to at the moment.

3 Q. And was he in cuffs this entire time that you-all were
4 talking to him?

5 A. No, ma'am.

6 Q. Now initially when you spoke to -- when you
7 interviewed Quayshaun, because we've already went over
8 it, it was a lot of back and forth, he was with you and
9 Detective Mackinson and then he went to Agent Beeler, then
10 he was back with you-all, went to Agent Beeler, back with
11 you-all, went to Agent Beeler and then he was back to you
12 guys?

13 A. Correct.

14 Q. Does that sound right?

15 A. Yes, ma'am.

16 Q. Okay. When you guys -- as Solicitor Mayes stated,
17 Statement 1, what we call Statement 1, and that's when you
18 initially talked to him after reading him Miranda. Can you
19 tell the Court what, if anything, he advised you about the
20 shooting?

21 A. Quayshaun initially told us that he was there, but
22 he was not shooting during that time, but he did hear the
23 gunfire going off.

24 Q. Okay. And then after he spoke with Investigator --
25 with Agent Beeler and then he came back to you and

1 Detective Mackinson, what, if anything, did he state in
2 his second statement to you-all?

3 A. That he was shooting the FN pistol.

4 Q. And did he say anything about shooting a firearm that
5 would require a 7.62 caliber round?

6 A. No, ma'am.

7 Q. Okay. And then, again, he went to Investigator --
8 Agent Beeler, then he was back with you and Detective
9 Mackinson?

10 A. Yes, ma'am.

11 Q. Okay. And what, if anything, did he say in that third
12 statement?

13 A. That's when we was -- we was told that he had shot an
14 AK 47 with a 7.62 caliber round.

15 Q. Okay. And do you have a copy of your summary?

16 A. Yes, ma'am.

17 Q. Okay. And can you read to the Court exactly what
18 you have in your summary that Quayshaun advised you and
19 Detective Mackinson?

20 A. Yes, ma'am. Quayshaun began to explain he was trying
21 to get law enforcement because he heard his name being
22 mentioned as being involved in the incident. Quayshaun
23 advised he was notified by his landlord that law
24 enforcement was at his residence. I advised Quayshaun
25 that I knew he was present at the said party located at

1 Lot 7 and asked if he could walk me through it. Quayshaun
2 began telling Detective Mackinson and myself that everyone
3 was drinking and he did not know what started the
4 altercation. Quayshaun advised he was sitting inside of
5 his vehicle as he begun to hear gunshots. Quayshaun stated
6 that he jumped out of his vehicle as gunshots were coming
7 from every direction. Quayshaun advised he didn't know
8 which way to go. He ran beside -- behind his vehicle.
9 Quayshaun stated afterwards he ran to the other side and
10 continued to hear more gunshots. Quayshaun advised he then
11 ran back to his vehicle when he noticed everyone trying to
12 leave. Quayshaun stated that once he noticed everyone
13 leaving, he got into his vehicle and departed the scene.

14 I asked Quayshaun did he see anyone shooting and he
15 advised he did not. Quayshaun stated he heard multiple
16 people were placing him at the incident as the shooter.
17 Quayshaun advised he did not know why people were stating
18 he was a shooter. At that time Quayshaun did confirm
19 that he was at the location as the shooting took place. I
20 asked Quayshaun what kind of vehicle he was driving and he
21 advised a 1991 Mercury. I asked Quayshaun what was he
22 wearing and he stated a black T-shirt, the shoes he was
23 currently wearing, which was black and gray Nike tennis
24 shoes, and a black and a gray -- black and gray jeans.
25 Quayshaun advised he was at the party with his family,

1 but arrived by himself. Quayshaun stated he believed the
2 incident began from an incident that transpired at a store.

3 Quayshaun then proceeded to tell us the series of
4 events again. Quayshaun stated he was inside of Lot 7
5 when he walked outside of the residence and at that time
6 he was feeling a little good. Quayshaun stated that is
7 when he stated he made his way to his vehicle and sat
8 inside of it. During that time Quayshaun informed us he
9 heard a commotion, but did not pay much attention to what
10 was going on due to him not thinking anyone would start
11 shooting. Quayshaun advised that at the time he heard
12 someone saying they are coming across and heard gunshots.
13 Quayshaun then stated he heard gunshots and that is when
14 he ran in -- ran to the side of the house. Quayshaun
15 finished these series of events as he mentioned in his
16 previous statement.

17 Detective Mackinson then asked Quayshaun what names
18 he goes by. Quayshaun replied he goes by Quay, Shaun and
19 Ace. Quayshaun follow up the statement by he does not know
20 or associate himself with anyone else. Quayshaun began
21 explaining that his vehicle was parked by the front steps
22 of the front porch. Quayshaun stated he parked in the
23 front yard and he was unable to leave due to other vehicles
24 blocking him. I asked Quayshaun where was his girlfriend
25 Tameakeo. Quayshaun stated he was informed by his cousin

1 that she had left. Quayshaun advised he called Tameakeo
2 and she informed him that she was still at the residence.
3 Quayshaun stated after speaking with Tameakeo via telephone
4 after the incident, she advised Shell's daughter was dead.

5 At that time Detective Mackinson and Quayshaun -- I'm
6 sorry. At that time Detective Mackinson asked Quayshaun
7 about ownership of any firearms. Quayshaun stated that he
8 does not own a gun; however, it was in -- he does own a gun
9 and, however, it was in the trunk of his vehicle during the
10 shooting. Quayshaun informed us it was a small AR that
11 uses 300 Blackout ammunition. A photograph was provided of
12 a Draco and Quayshaun advised he does not own gun similar
13 to a Draco. Quayshaun also stated he was not aware if
14 anyone was shooting a firearm that looked like a Draco.

15 Quayshaun proceeded to say that during the shooting he
16 did not believe he heard pistols being shot. He heard --
17 do not believe he heard pistols being shot. Quayshaun
18 stated he heard multiple loud gunshots after running behind
19 the trailer. Quayshaun then stated his AR was inside the
20 trunk of his vehicle. Quayshaun advised people knew he
21 owned a gun and he believed that is why witnesses stated
22 he had a gun. Quayshaun advised the only person at his
23 vehicle was his cousin Nash, Nashua Smith. Quayshaun
24 stated Nash was looking in the trunk of his vehicle and
25 that is when he noticed his AR. Quayshaun advised that the

1 AR was in a black duffle bag in the trunk of his vehicle.

2 Quayshaun began to explain after the shooting incident
3 he went to his uncle's, Marvin Lites, residence to drop
4 off his vehicle. Quayshaun states he then got into the
5 vehicle with his cousin Shawanda Lites. Quayshaun stated
6 that he stayed the night at Angel's house, who is Nash's
7 girlfriend. Quayshaun advised he left the said AR in the
8 trunk of his vehicle at his uncle's house.

9 Quayshaun then advised us that he was shooting during
10 the incident. Quayshaun proceeded to say that he was
11 shooting a nine FN pistol. Quayshaun stated his pistol
12 was located in the glove compartment of his vehicle when
13 the shooting started. Quayshaun advised when the shooting
14 started he ran to the side of the residence. Quayshaun
15 stated as the shooting occurred he ran back to the vehicle
16 and retrieved his firearm. Quayshaun advised after he
17 retrieved his weapon he got out of his car and went to
18 the left of his vehicle toward a nearby tree and began
19 shooting. Quayshaun stated he was shooting diagonal
20 from the tree. Quayshaun stated he then ran back --
21 or ran behind his vehicle where he could hear more
22 shooting. Quayshaun advised he believes he shot nine
23 times. Quayshaun informed us after the incident he gave
24 the firearm to Shawanda Lites and she took it with her.

25 Agent Beeler advised after speaking with Quayshaun

1 about shooting a 7.62 caliber firearm he advised he did
2 shoot. Quayshaun stated he remembers being at his vehicle
3 when he heard someone say they're coming across. Quayshaun
4 stated he ran toward the back of the car and then ran
5 behind Lot 7. Quayshaun advised while on the side he
6 could hear more gunshots. Quayshaun stated he noticed
7 an AK and grabbed it because he did not know what else
8 to do. Quayshaun advised once he heard the gunshots die
9 down he tossed the AK. Quayshaun stated the AK did not
10 belong to him, but he found it propped on an unknown
11 object. Quayshaun advised after firing the gun he threw
12 it back from the area he found the weapon. Quayshaun
13 informed he believes he fired ten shots while using the AK.

14 Q. Okay. So did you just read the three different
15 statements that we've discussed?

16 A. Yes, ma'am.

17 Q. And the first one being denying firing any guns at
18 all?

19 A. Correct.

20 Q. And then the second one admitting firing an FN?

21 A. Yes, ma'am.

22 Q. And then the third one he admitted to firing an AK
23 that he found on the ground?

24 A. Yes, ma'am.

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

1 THE COURT: Take your time.

2 BY MS. PATTERSON:

3 Q. Going back to the beginning of your interview, you
4 stated that you read Quayshaun his rights around 3:44?

5 A. Approximately. Yes, ma'am.

6 Q. Had he been arrested at this time?

7 A. Yes, ma'am.

8 Q. Do you know where he was located in order to serve the
9 arrest warrants?

10 A. I believe that was [REDACTED] Spring Hill Road.

11 Q. Do you have any information whether or not this was
12 his residence?

13 A. At the time it was not what we had on file as a
14 residence for him.

15 Q. Okay. And let's just go through it one more time,
16 and I know we've talked about it, but I just want to make
17 sure the Court understands. So you and Detective Mackinson
18 initially started talking to Quayshaun at 3:44?

19 A. Yes, ma'am.

20 Q. Okay. And I think you said at some point you guys
21 stopped and you ate dinner around 5:40 and you were waiting
22 on Agent Beeler?

23 A. Yes, ma'am.

24 Q. And then Agent Beeler through his own testimony stated
25 he arrived about 6:12. Does that sound right?

1 A. That sounds about right.

2 Q. And then after Agent Beeler had his interview with
3 Quayshaun, then you and Detective Mackinson spoke again?

4 A. Yes, ma'am.

5 Q. And do you know approximately what time that was?

6 A. Approximately 8:12.

7 Q. Okay. And do you know how long that interview was?

8 A. Approximately about one hour and twenty minutes.

9 Q. Okay. And during that interview, is that when he
10 discussed using the F9 -- I mean, the FN?

11 A. Yes, ma'am.

12 Q. And then after that Quayshaun went to the interview
13 room again with Agent Beeler?

14 A. Yes, ma'am.

15 Q. And do you have any information about how long their
16 interview took place?

17 A. Approximately an hour and four minutes.

18 Q. Okay. And then after that interview with Agent
19 Beeler, Quayshaun Clark was back with you and Detective
20 Mackinson?

21 A. Prior to that Agent Beeler, me and Detective Mackinson
22 walked over to the room and that's when we were told that
23 -- of the 7.62.

24 Q. Okay. And so did you and Detective Mackinson follow
25 up with him again so he could give what we've referred to

1 as the third statement?

2 A. We had that conversation in the room with Agent
3 Beeler.

4 Q. Okay. And then did you-all meet up with Quayshaun
5 again?

6 A. Very brief.

7 Q. Okay. About how long was that interview?

8 A. Approximately seven minutes and thirty-six seconds.

9 Q. And so this entire time I think we calculated was
10 about seven hours from the start when you initially gave
11 him Miranda until later that evening after he gave that
12 third statement?

13 A. Yes, ma'am.

14 Q. Does that sound about right?

15 A. Yes, ma'am.

16 Q. And part of this time, again, it was devoted to his
17 time with Agent Beeler?

18 A. Yes, ma'am.

19 Q. And then the other time with you and Detective
20 Mackinson?

21 A. Yes, ma'am.

22 Q. Including the times that you-all took breaks and ate
23 dinner?

24 A. Yes, ma'am.

25 MS. PATTERSON: Thank you. Please answer any

1 questions the defense has.

2 THE WITNESS: Yes, ma'am.

3 THE COURT: Ms. Williams.

4 MS. WILLIAMS: May it please the Court?

5 CROSS-EXAMINATION (In-Camera)

6 BY MS. WILLIAMS:

7 Q. Good afternoon. Is it Officer Gilliam?

8 A. Detective Gilliam.

9 Q. Detective. Okay. Good afternoon, Detective Gilliam.

10 A. Good afternoon.

11 Q. Before you read the defendant his rights, did you make
12 any statements that, you know, I have to read these like in
13 the movies or anything of that nature to him?

14 A. I don't recall that.

15 Q. Okay. Do you recall making any sort of downplaying
16 statements before you read him his rights?

17 A. I do not.

18 Q. I believe you testified that you began your interview
19 with him at approximately 3:44 PM; is that correct?

20 A. Yes, ma'am.

21 Q. And then that you wrapped everything up approximately
22 seven minutes after he finished with Agent Beeler, so if my
23 math is correct that's 10:44 PM approximately?

24 A. I have 10:52 PM.

25 Q. So my math is incorrect. 10:52 PM. Okay. You

1 testified that he had declined a bathroom break initially
2 when he was going to his first interview with Agent Beeler;
3 is that correct?

4 A. Yes, ma'am.

5 Q. When he came back out to interact with you-all after
6 he gave his -- after the first polygraph was done, did
7 you-all offer him a bathroom break?

8 A. I don't recall.

9 Q. Okay. And then the third time he came back out it was
10 essentially a wrap up and do you recall if you offered him
11 a bathroom break at that point?

12 A. I do not.

13 Q. Detective Gilliam, did the defendant ever admit to
14 shooting the firearm that penetrated the residence of
15 [REDACTED] Road?

16 A. The defendant only admitted to firing a 7.62 caliber
17 firearm.

18 Q. Detective Gilliam, did the defendant ever admit to
19 shooting the firearm that penetrated the residence of
20 [REDACTED] Road?

21 A. No, ma'am.

22 Q. Okay.

23 MS. WILLIAMS: That's all I have, Your Honor.

24 REDIRECT EXAMINATION (In-Camera)

25 BY MS. PATTERSON:

1 Q. If Quayshaun would have asked for a bathroom break at
2 any point during the interviews, would you-all have given
3 him one?

4 A. Absolutely. Yes, ma'am.

5 Q. And isn't it true the 7.62 round is the one that
6 struck Lot 15?

7 A. Yes, ma'am.

8 MS. PATTERSON: No further questions.

9 THE COURT: Any redirect {sic}?

10 RE CROSS EXAMINATION (In-Camera)

11 BY MS. WILLIAMS:

12 Q. At the time you were questioning the defendant, did
13 you know that it was a 7.62 round that had penetrated the
14 residence?

15 A. I'm sorry. Repeat your question.

16 Q. At the time you were questioning the defendant, did
17 you know that it was a 7.62 round that had penetrated the
18 residence?

19 A. Yes, ma'am.

20 Q. But the defendant did not admit to shooting that
21 round; is that correct?

22 A. The firearm he did not admit to, but the caliber, the
23 7.62 caliber.

24 MS. WILLIAMS: Thank you, Officer Gilliam. No
25 further questions.

1 THE COURT: Anything further from the State?

2 MS. MAYES: Not on this issue, Your Honor.

3 THE COURT: May I let Detective Gilliam down?

4 MS. PATTERSON: Yes, Your Honor.

5 THE COURT: Thank you.

6 (Witness excused.)

7 MS. MAYES: The State has no more witnesses, Your
8 Honor.

9 THE COURT: Anything from the defense?

10 MS. WILLIAMS: No witnesses from the defense, Your
11 Honor.

12 THE COURT: Okay. So that's -- let me hear from
13 the State.

14 MS. MAYES: Yes, Your Honor.

15 So we're going to start with the interview with
16 Detective Gilliam. That is gonna be roughly 3:44 PM.
17 The defendant was located on that same day, June 11th.
18 This is two days after the crime. He is arrested,
19 brought to the sheriff's department, served with
20 warrants. He's in custody. He is read his Miranda
21 rights at the outset of that interview at 3:44, and
22 that is the audio recording that the Court heard. He
23 was read those Miranda rights by Detective Gilliam. He
24 participates in that interview even through the time
25 period of 5:40 PM where he is given a meal. He is seen

1 in the photograph, the still shot, from the video eating
2 a hamburger and a drink, along with both detectives. He
3 continues to participate in that interview and then
4 agrees to do the polygraph and separate interview with
5 Agent Beeler beginning at roughly 6:12. He stays with
6 Agent Beeler for a two-hour period. There is a lot of
7 information that they are covering during this time as
8 expressed by Agent Beeler. That's gonna include a medical
9 history, psychological history, other information that
10 could potentially affect the polygraph, as well as the
11 polygraph itself. He is then returned to Investigator
12 Gilliam and Investigator Mackinson at approximately 8:12.
13 He continues to participate in a voluntary interview up
14 through around 10:37 PM -- I'm sorry, 9:33 PM. Then around
15 9:33 PM he is gonna be with Agent Beeler again for one hour
16 and four minutes, up through approximately 10:37, and that
17 is because Agent Beeler is now preparing to ask him about
18 this additional weapon, the weapon that would fire a 7.62
19 round. He participates in that interview as noted by
20 Detective Beeler. Again, never asking for an attorney or
21 asking for questioning to stop. After he makes the
22 statement to Detective -- or to Agent Beeler that he did,
23 in fact, fire a weapon that would be a 7.62 caliber and
24 that he fired that weapon nine to ten times, he is returned
25 to Detective Gilliam and Detective Mackinson. He is with

1 them from 10:37 to 10:52, so roughly fifteen minutes, and
2 in that fifteen-minute period he does acknowledge to them
3 that he fired a weapon being a 7.62 caliber nine to ten
4 times.

5 So, Your Honor, it's roughly seven hours that he
6 is in custody there at law enforcement -- at the sheriff's
7 department being interviewed. We certainly don't dispute
8 he is in custody that entire time, but as explained by
9 Agent Beeler he is not in cuffs when he's with him. The
10 time with Agent Beeler is gonna amount to a total of three
11 hours and four minutes split apart during the course of
12 that evening and he is not in cuffs during that time.

13 He had been provided that meal at 5:40. We know from
14 the background history obtained by Agent Beeler that he had
15 slept a -- a substantial amount of time prior to coming in
16 for the interview. We know that the only drug that he
17 acknowledged using was -- had been marijuana approximately
18 twelve hours earlier, but that no one saw any indications
19 that he was under the influence of alcohol or drugs or
20 being affected by alcohol or drugs.

21 As noted by each witness, Your Honor, he was not
22 threatened or coerced in any way. He was not promised
23 anything in exchange for participating in these
24 interviews. He is there because he wants to tell his
25 side of the story, even drawing a sketch for Agent Beeler

1 when he has that opportunity. We know that the story
2 evolves from him not firing a weapon at all to firing
3 an FN nine millimeter pistol and finally to the third
4 statement being his acknowledgement that he fired a
5 weapon nine to ten times that was a 7.62 caliber. He
6 describes that as a weapon that would be commonly
7 referred to as a Draco in appearance but being a weapon
8 that would not look like an ordinary pistol. Those are
9 my words. He also states to them that he found it on
10 the ground and then left it on the ground.

11 Each witness, Your Honor, indicated that he appeared
12 to voluntarily waive his Miranda rights and participate
13 in this interview throughout course of the evening ending
14 at 10:52 PM. The State's position, Your Honor, is that
15 this is a free and voluntary interview with each member
16 of law enforcement and the statement is voluntary and
17 admissible.

18 THE COURT: I'd be glad to hear from you,
19 Ms. Williams.

20 MS. WILLIAMS: Your Honor, the defense would argue
21 that these statements were, in fact, not freely and
22 voluntarily given and certainly progressively as they
23 go on becoming less voluntary.

24 To begin with, I believe that the fact that the
25 defendant indicated that he had slept twenty hours prior

1 to this interview should certainly raise a red flag that
2 there was something going on and the defendant is not in
3 the right state of mind to consent to anything at this
4 point.

5 Furthermore, the defendant -- there was no testimony
6 that the defendant used the bathroom at all for seven
7 hours to include at 5:40 after he had eaten and drinken
8 -- I'm not sure what the past tense of "to drink" is at
9 this moment, but -- drank. Thank you. Indicates that
10 he had had food and drink at 5:40 PM and neither one of
11 these witnesses could recall whether after that initial
12 offer of a bathroom break in the first interview with
13 Agent Beeler that they had ever offered him another one,
14 so at this point you're going on five hours, no bathroom
15 break, you've eaten and had something to drink, and
16 there was no indication that he used the bathroom prior
17 to that.

18 Your Honor, this back and forth kind of mentality
19 between interview room and interview room would indicate
20 to me and to the defendant that they're not getting the
21 answers they want and this is going to continue until
22 they do and at some point the defendant needed to give
23 a statement that would end this whole thing and,
24 therefore, it wasn't freely and voluntarily given.

25 THE COURT: Anything else from the State?

1 MS. MAYES: Only, Your Honor, that there was also
2 testimony from Detective Gilliam at the outset that when
3 she explained the purpose of wanting to interview him he
4 said that he was intending to get to law enforcement
5 because he had heard his name was involved, so it
6 certainly shows a willingness on his part to tell his
7 side as -- as expressed to Detective Gilliam.

8 THE COURT: Okay. I'm -- I believe the State's
9 carried its burden of showing by a preponderance of the
10 evidence that these statements were made voluntarily.
11 I'm looking at the totality of the circumstances test,
12 went through the outline. Not only was he Mirandized
13 once, but twice. Once at 3:44 in the initial interview
14 and, again, by Agent Beeler who went a step even further
15 to fill out a medical and psychological history of the
16 defendant. He went onto say that -- and I thought he
17 was credible, that he understood his rights, that he was
18 not under the influence or did not appear to be under
19 the influence. He never stopped the interview. He never
20 asked for an attorney after being advised twice of his
21 Miranda.

22 You know, the twenty hours of sleep, this is a
23 preponderance of the evidence standard. I guess it could
24 go either way. The jury will decide whether beyond a
25 reasonable doubt that the statement was voluntary.

1 On top of that, he had adequate food. I saw the
2 photograph. There looked like there was a drink and also
3 a water bottle, a hamburger. He wanted -- they said they
4 went to Cook-Out, got him something to drink. A bathroom
5 was readily available. I don't know that an officer has
6 to ask a defendant or anyone being interviewed that they
7 need to go to the bathroom every hour. I would think
8 that somebody would tell them if they wanted to go.
9 Certainly it was available. I don't have any evidence
10 or testimony to the contrary.

11 He was not in cuffs. I think they tried to make
12 him comfortable or it appears that they did. I don't
13 see any threats, duress. I'm gonna admit that they're
14 admissible and then ultimately it's up to a jury to
15 determine whether they believe it or not.

16 Okay. Anything from the State?

17 MS. MAYES: Not on this matter, Your Honor.

18 THE COURT: Anything from the defense?

19 MS. WILLIAMS: Not on this matter, Your Honor.

20 THE COURT: Okay. Are we going into the Franks
21 hearing?

22 MS. WILLIAMS: Yes, Your Honor.

23 The defense would move for a determination as to
24 whether we are entitled to a Franks hearing and the
25 suppression of the evidence gathered in the search

1 warrants that were sworn out by Detective Gilliam on
2 -- the first one was June 21, 2021. The judge was
3 Magistrate Judge Brian Buck. The items requested to be
4 searched were four -- three Samsung phones and one iPhone
5 that were collected from the location of defendant's
6 arrest and then the second search warrant was a search
7 warrant sworn out by Detective Gilliam on June 2, 2022,
8 by Your Honor, and the search warrant was for an AT&T
9 phone number.

10 THE COURT: All right.

11 All right. Ms. Williams, I believe the burden
12 is on you to show that the affiant knowingly and
13 intentionally or with reckless disregard included false
14 statements in a search warrant. The standard is by a
15 preponderance of the evidence.

16 What is your offer of proof?

17 MS. WILLIAMS: Your Honor, as -- as an offer of
18 proof, we have two witnesses we would like to call to
19 the stand. The first one would be CSI Brenda Snelgrove.

20 (Whereupon, Brenda Snelgrove was duly sworn by the
21 Clerk of Court.)

22 THE CLERK: If you'll have a seat and if you'd
23 state your name and spell your last name for the record.

24 THE WITNESS: My name is Brenda Snelgrove,
25 S-N-E-L-G-R-O-V-E.

1 BRENDA SNELGROVE,
2 having been duly sworn, testified as follows:

3 DIRECT EXAMINATION (In-Camera)

4 BY MS. WILLIAMS:

5 Q. Good afternoon, Ms. Snelgrove.

6 A. Good afternoon.

7 Q. My name's Anna Williams. I'm not sure if we've met
8 yet.

9 A. I don't think so.

10 Q. Nice to meet you. What title do you go by?

11 A. CSI.

12 Q. CSI Snelgrove is appropriate?

13 A. Yeah, that's fine.

14 Q. CSI Snelgrove, did you execute a search warrant in
15 this case on [REDACTED] Spring Hill Road in Gilbert, South
16 Carolina?

17 A. Yes.

18 Q. And as a result of the execution of that search
19 warrant, did you collect any cell phones?

20 A. Yes.

21 Q. Will you please tell the Court what cell phones you
22 obtained.

23 A. Okay. If you'd hold on one second and let me get to
24 that search warrant. I collected a Samsung Galaxy A20, a
25 Samsung Galaxy A02s, Samsung Galaxy A02s, and an Apple

1 iPhone XS Max.

2 Q. CSI Snelgrove, at the time that you executed this
3 search warrant, did you know who those phones belonged to?

4 A. I believe we -- I was under the assumption that two of
5 them belonged to the defendant and two to his girlfriend,
6 two being brand new.

7 Q. You used the word "assumption". Why do you use that
8 word?

9 A. Because, I mean, do we really know who a phone
10 belonged to unless we do a search warrant on it.

11 Q. CSI Snelgrove, did anyone indicate to you who had
12 ownership of those phones when you executed a search
13 warrant?

14 A. I don't recall. They were in the girlfriend's room
15 in her purse, so.

16 Q. So you found phones in the girlfriend's room?

17 A. Three of them were, yes.

18 Q. In her purse?

19 A. Yes.

20 Q. And what assumption did you make about the three that
21 were found in her purse?

22 A. That two of them -- well, on the scene I couldn't
23 actually make an assumption of who they belonged to. It
24 would be later that it was pretty clear that two -- two
25 probably belonged to a guy and one to a female.

1 Q. And on-scene why could you not figure out who they
2 belonged to?

3 A. Because I don't have rights to go into them, yeah.

4 Q. And how did you obtain those rights to go into them?

5 A. It was a search warrant. An additional search
6 warrant.

7 Q. So until you obtained an additional search warrant,
8 you did not know whose phones you had in your possession;
9 is that correct?

10 A. That's correct. We just assumed they were theirs.

11 Q. And I'm going to -- do you have your notes with you?

12 A. I have some reports and search warrants.

13 Q. Do you have yours from executing this search warrant?
14 I know you have a lot --

15 A. For the phones?

16 Q. Yeah, for executing a search warrant on the home. Do
17 you have that with you?

18 A. I should. Just give me a second, please.

19 Q. Sure.

20 A. Okay. I have it.

21 Q. Okay. If I may refer you to your last page of the
22 execution of the search warrant on [REDACTED] Spring Hill Road.

23 A. Uh-huh.

24 Q. There is a CSI note at the bottom. Would you read
25 that for the Court, please?

1 A. I'm sorry. I don't know what you're talking about.

2 MS. WILLIAMS: May I approach?

3 THE WITNESS: Yes.

4 THE COURT: Yes.

5 THE WITNESS: Are you talking about my actual
6 report?

7 MS. WILLIAMS: Your report.

8 THE WITNESS: Okay. Sorry.

9 THE COURT: Maybe you can help me find it on the
10 search warrant. I don't see it.

11 MS. WILLIAMS: For the clarification, I apparently
12 asked a very ill question. I meant the officer's report
13 of the execution of the search warrant as opposed to the
14 search warrant itself. So she wrote a report regarding
15 her execution of the --

16 THE COURT: Okay. I got you.

17 MS. WILLIAMS: I apologize.

18 THE COURT: I was sitting here looking myself.

19 And we're talking about -- just for the record,
20 this is Judge Buck's search warrant?

21 MS. WILLIAMS: Yes, Your Honor. This is Judge
22 Buck's search warrant.

23 And actually, Your Honor, the search warrant that
24 was sworn out on June 2nd as well. They used the same
25 language, but at that -- well, you are correct. This

1 would only be relevant to Judge Buck's search warrant.
2 This particular one.

3 THE COURT: I'm trying to find that same language
4 in his search warrant.

5 MS. PATTERSON: You know what, I think you have
6 the wrong search warrant here. I attached the wrong
7 search warrant to the exhibit.

8 THE COURT: Well, I'm sitting here looking and I
9 don't see anything.

10 All right.

11 MS. MAYES: Your Honor, we have two that are marked
12 -- we went ahead and marked as Court's exhibits. These
13 are the ones we believe are the subject of the hearing.
14 One is going to be a search warrant for the four phones.

15 THE COURT: Okay. I don't have that one.

16 MS. MAYES: Okay. And then the other one is going
17 to be Court's 10 and this would be the AT&T records for
18 [REDACTED].

19 THE COURT: I've got that.

20 MS. WILLIAMS: Okay. Your Honor, defense counsel
21 thanks the prosecution for their assistance and would
22 like to move Court's 10, which is the search warrant on
23 June 2, 2022, as well as Court's 13, which is the search
24 warrant for June 21, 2021 into evidence.

25 THE COURT: All right. Court's Exhibit 10 is which

1 one? The first one?

2 MS. WILLIAMS: 10 is June 2, 2022. That's Your
3 Honor's search warrant.

4 THE COURT: Okay. And the other Court's exhibit is
5 number what?

6 MS. WILLIAMS: It's 13, Your Honor, and it was
7 taken out June 21, 2021, and I have a copy that I can
8 give Your Honor to reference.

9 THE COURT: Okay. I don't have one.

10 (Court's Exhibit Number 10, a 6/2/22 search warrant,
11 and Court's Exhibit Number 13, a 6/21/21 search warrant,
12 were admitted into evidence for pre-trial purposes.)

13 BY MS. WILLIAMS:

14 Q. Okay. To briefly refresh where we were at, you
15 executed a search warrant on [REDACTED] Spring Hill Road,
16 correct?

17 A. Yes.

18 Q. And I believe that you testified that on the scene
19 you couldn't figure out who the cell phones belonged to,
20 you needed an additional search warrant to find out who
21 they belonged to; is that correct?

22 A. Correct.

23 Q. Okay. Looking at your notes from the execution of
24 your search warrant on the property, the [REDACTED] property,
25 and looking at the last page of your notes of the execution

1 of that search warrant, what does it state at the bottom as
2 the CSI note?

3 A. It says further identifying information on the cell
4 phones was obtained after the search warrant was executed
5 on them.

6 Q. Okay. So prior to the execution of an additional
7 search warrant --

8 A. Uh-huh.

9 Q. -- you did not know who those phones belonged to?

10 A. No. I mean, like I said, we had just assumed that
11 they belonged to them because it was in their room -- her
12 room.

13 Q. You assumed that the cell phones that were found --

14 A. Belonged to the defendant and his girlfriend.

15 Q. But you did not know who they belonged to?

16 A. Unh-unh. I don't believe so.

17 Q. Okay.

18 MS. WILLIAMS: Thank you, Your Honor. No further
19 questions.

20 CROSS-EXAMINATION (In-Camera)

21 BY MS. MAYES:

22 Q. Al right. I just want to kind of go through this
23 slowly. Beginning with that search warrant at [REDACTED] Spring
24 Hill Road, I'm just gonna kind of make some notes as we go
25 so we can keep track of this, but [REDACTED] Spring Hill Road,

1 were you present for that search warrant?

2 A. Yes, ma'am.

3 Q. And did you have knowledge that that's also where the
4 defendant was actually arrested on June 11th of -- that
5 day?

6 A. Yes, ma'am.

7 Q. All right. So [REDACTED] Spring Hill Road. Now this is two
8 days after the crime?

9 A. I would have to look at the incident date. I
10 apologize.

11 Q. Okay. Go ahead and take your time. Do you have any
12 materials with you that you might need? Do you have like a
13 witness packet?

14 A. A witness packet? Oh, yes. I'm sorry.

15 Q. What night --

16 A. Yes, two days later.

17 Q. Okay. So you responded to the crime scene, Sergeant
18 Snelgrove, on the night of June 9th; is that right?

19 A. Yes, ma'am.

20 Q. And you remained involved in this investigation after
21 you worked the scene?

22 A. Yes, ma'am.

23 Q. Executing search warrants at various locations across
24 the way?

25 A. Yes, ma'am.

1 Q. Now between June 9th and June 11th, do you know
2 whether or not law enforcement was looking for the
3 defendant, Quayshaun Clark?

4 A. Yes.

5 Q. And ultimately he's arrested on June 11, 2021, at
6 [REDACTED] Spring Hill Road?

7 A. Yes, ma'am.

8 Q. And you also obtained a search warrant for that
9 residence?

10 A. I was given it, yes.

11 Q. Okay. And you're actually the officer who's present
12 and executing it along with others, correct?

13 A. Correct.

14 Q. Can you tell us what is on the return for [REDACTED] Spring
15 Hill Road, which was executed on June 11th, following the
16 arrest of Quayshaun Clark at that location?

17 A. Photographs of GPM, which is green plant material,
18 digital scale, smoking device, rolled brown paper
19 containing plant material, four cell phones, in parentheses
20 there's three Samsungs and one iPhone, plastic baggie
21 containing blue substance, handgun, ammunition, cartridge
22 cases.

23 Q. All right. So the four phones, let's start there.
24 The four phones that were found on Spring Hill Road, why,
25 if at all, is law enforcement interested in those four

1 phones?

2 A. Because people use their phones to -- basically for
3 everything in life. They communicate, they take them with
4 them to navigate, it also has location data on it possibly.

5 Q. Okay. So there is potential location data that could
6 put the defendant at the crime scene?

7 A. Yes.

8 Q. There are the potential of messages by iMessage or
9 other means? Text messages?

10 A. Correct.

11 Q. And potentially ingoing and outgoing call log details?

12 A. That's correct.

13 Q. And also web history?

14 A. Web history, pictures, videos.

15 Q. And do you consider all of that important in a murder
16 investigation?

17 A. Yes, ma'am. Definitely.

18 Q. I'm gonna show you what is Court's 16 and 17 and ask
19 you whether or not you recognize these items.

20 A. Yes, ma'am. 16's the purse with three of the phones
21 and number -- Court's Exhibit 17 is the phone that was on
22 the coffee table in the living room.

23 Q. All right. Now are you aware as to whether or not
24 the defendant's girlfriend Tameakeo Carnard also had
25 belongings at [REDACTED] Spring Hill Road when that search

1 warrant was executed?

2 A. Yes, ma'am. The bedroom that the purse was in
3 belonged to her.

4 Q. All right.

5 MS. MAYES: This will be Court's 16 and 17, Your
6 Honor.

7 (Court's Exhibit Number 16 and 17, photographs,
8 were admitted into evidence for pre-trial purposes.)

9 BY MS. MAYES:

10 Q. I'm gonna begin here with 16 and are there phones in
11 plain view in that purse?

12 A. Yes, ma'am.

13 Q. And based on all of the reasons that you've already
14 told us about, did law enforcement seize those phones?

15 A. Yes, ma'am.

16 Q. With the understanding they may be pertinent to this
17 murder investigation?

18 A. Yes, ma'am.

19 Q. And now I'm gonna show you what is State's 17 --
20 Court's 17. I realize this photo is dark. So the first
21 photo is going to be a phone, I think, on the coffee table
22 as you described it.

23 A. That's just another view of it.

24 Q. And then when you have a phone that is on and you
25 touch it or handle it in any way such as to seize it, what

1 occurs?

2 A. Well, it will pop up like that and I'm gonna try to
3 obtain a photo of it.

4 Q. Okay. So are you actually conducting a search here or
5 is this information in plain view?

6 A. No, that's information in plain view.

7 Q. All right. And is that routine when you're seizing a
8 phone that if there is any information that appears on the
9 screen as you touch it --

10 A. Yes.

11 Q. -- that you document it or photograph it?

12 A. We definitely try to.

13 Q. All right. And does there appear to be a photograph
14 of a female there on that phone?

15 A. Yes, ma'am.

16 Q. And, again, your understanding is that the defendant,
17 Quayshaun Clark, as well as his girlfriend, Tameakeo
18 Carnard, were located at this residence?

19 A. Yes, ma'am.

20 Q. And had their belongings there?

21 A. Correct.

22 Q. Did you also have reason to believe that the two of
23 them may have communicated together at some point regarding
24 this murder investigation?

25 A. Sure.

1 Q. And is that routine to seize all phones under these
2 circumstances?

3 A. Yes, ma'am.

4 Q. So the phones are taken from [REDACTED] Spring Hill Road.
5 That's a separate search warrant, correct?

6 A. Yes, ma'am.

7 Q. Now we're gonna move forward to the search warrant
8 that you were being questioned about and that is the search
9 warrant for an extraction on all four phones?

10 A. Yes, ma'am.

11 Q. And do you have a copy that search warrant?

12 A. Yes, ma'am.

13 Q. And who actually obtained that search warrant?

14 A. I do believe it was Detective Carleisha Gilliam.

15 Q. And just to clarify, at this point in time would you
16 have already documented what you seized as evidence to
17 include those four phones and relayed that information to
18 Sergeant Creech and/or Detective Gilliam?

19 A. Yes, ma'am. That's -- yes, ma'am.

20 Q. That's routine in the case?

21 A. That's very routine.

22 Q. Especially if it involves cell phones which may
23 belong to the defendant or contain communications with the
24 defendant?

25 A. Yes, ma'am.

1 Q. And this particular search warrant is asking to search
2 a black Samsung, another black Samsung Galaxy, another
3 black Samsung Galaxy in a glitter case, and then an iPhone,
4 correct?

5 A. Yes.

6 Q. And the iPhone is the one that contains the photo that
7 we just saw where a female is pictured in the background?

8 A. Yes, ma'am, because one of my descriptions was female
9 as background because I didn't have any other identifying
10 marks.

11 Q. Now at this point in time do you know for sure who
12 these phones belong to and which phone numbers are
13 attributed to the phones?

14 A. No, ma'am. I can only make assumptions.

15 Q. And what would be necessary in order for you to obtain
16 information like that?

17 A. It would be the search warrant.

18 Q. So the search warrant being already marked as a
19 Court's exhibit was drafted and executed for the purpose of
20 determining any content of these phones?

21 A. Yes, ma'am.

22 Q. As well as who might have a user account?

23 A. Correct.

24 Q. And any phone numbers associated with those?

25 A. Yes.

1 Q. Now ultimately who did phone extractions on all four
2 of these phones?

3 A. I did. Sorry. I did.

4 Q. And that's gonna include that iPhone, which has a
5 joint user account for both Tameakeo Carnard and Quayshaun
6 Clark?

7 A. I was not aware of that, but I did do the iPhone.

8 Q. You did the extraction?

9 A. I did the extraction.

10 Q. And provided it to Sergeant Creech and Detective
11 Gilliam?

12 A. Yes, ma'am.

13 Q. All right. As well as the black Samsung that -- are
14 you familiar with the phone number which is the 803 --

15 A. No, ma'am.

16 Q. -- [REDACTED]?

17 A. I would have to look at the report that was generated
18 from it.

19 Q. So that type of information where a follow-up search
20 warrant is done for phone records, for example, that comes
21 as a result of the extraction?

22 A. Yes, ma'am.

23 Q. And the extraction can actually obtain a phone number
24 associated with the phone?

25 A. That's correct. And sometimes you can see it listed

1 in the "about phone" section.

2 Q. Okay. And you are trained in doing the cell phone
3 extractions?

4 A. Yes, ma'am.

5 Q. And you have gone through how much training and
6 experience in order to conduct that?

7 A. Besides FTO, I also have the Cellebrite certified
8 operator and an analytical one as well.

9 Q. Okay. So you are familiar with the process of doing
10 the extractions and you did these extractions yourself?

11 A. That's correct.

12 Q. And then you provided the extraction results both to
13 Detective Gilliam and Sergeant Creech?

14 A. Yes.

15 Q. And while you're up here, let me just go ahead and
16 ask you about your work at the residence. You actually
17 processed Lot 15, didn't you?

18 A. That's correct.

19 Q. And Lot 15 is where Minor was inside when she
20 was struck by that bullet?

21 MS. WILLIAMS: Objection, Your Honor. Relevance.

22 MS. MAYES: I'm trying to cover everything that's
23 in the search warrant that might be an issue. If the
24 actual probable cause as set forth by Detective Gilliam
25 is not gonna be an issue, I can stop now.

1 MS. WILLIAMS: It will be an issue, Your Honor.

2 I withdraw my objection.

3 THE COURT: Go ahead.

4 BY MS. MAYES:

5 Q. So you worked Lot 15?

6 A. Yes, ma'am.

7 Q. And did you prepare a diagram regarding the results
8 of your work?

9 A. Yes, ma'am.

10 Q. And you also took photographs during the execution
11 of that search warrant?

12 A. Yes, ma'am.

13 Q. And then you're also aware as to whether or not a
14 bullet was retrieved from the autopsy of Minor ?

15 A. Yes, ma'am.

16 Q. I'm gonna show you what is Court's 1 and ask you
17 whether or not you're familiar with whether the bullet
18 retrieved from the autopsy of Minor was taken into
19 evidence by the Lexington County Sheriff's Department?

20 A. Yes, ma'am.

21 Q. And ultimately submitted to SLED for analysis?

22 A. Correct.

23 Q. I'm gonna show you what is Court's 19 and ask you
24 whether or not you're also familiar -- who was the lead CSI
25 officer out there?

1 A. I was.

2 Q. You're sergeant over CSI?

3 A. I am.

4 Q. I'm gonna show you what is Court's 19 and ask you
5 whether or not you're familiar with that item?

6 A. Yes, ma'am. This is the diagram I created to
7 encompass all of the lots.

8 Q. And can you tell us how many rounds were -- how many
9 casings noting 7.62 were found at Lot 7?

10 THE COURT: You know, can I see the lawyers for a
11 second?

12 I'm just somewhat concerned because I haven't made
13 a determination that you're even entitled to a Franks
14 hearing and it looks to me like we're into some
15 full-blown hearing.

16 This is my understanding. To mandate an evidentiary
17 hearing, your attack must be more than conclusory
18 and must be supported by more than a mere desire to
19 cross-examine, which is what I see happening right here.

20 Your motion should have been accompanied by an
21 offer of proof, including affidavits or sworn or
22 otherwise reliable statements of witnesses or an
23 explanation of their absence before I even get to this,
24 and then you-all are telling me if I'm reading your
25 motion correctly -- and this is your-all's motion, so

1 you-all just bear with me.

2 This motion states that you-all think that the
3 false statement is -- and I'm assuming you-all are
4 saying false -- after being placed under arrest,
5 Quayshaun admitted to shooting the said firearm that
6 penetrated the residence of [REDACTED] Road striking an
7 11-year-old victim in the head and a 13-year-old victim
8 in the abdomen. Phones -- Quayshaun's phones were
9 seized from Spring Hill Road and was placed into
10 evidence after being arrested.

11 What is your proof that that is not true?

12 MS. WILLIAMS: Your Honor, we only intended for
13 testimony to get into the identification -- with CSI
14 Snelgrove the identification of the phones in question
15 with regard to the search warrant.

16 So CSI Snelgrove, her only purpose was to testify
17 as to the identification of the cell phones, so at the
18 time the search warrant was sworn out they did not know
19 whose cell phones they were and, in fact, she testified
20 that three were found in a purse. So the only reason
21 she was up was simply to testify that in her notes she
22 has they did not know whose they were until she executed
23 the search warrant that is in question.

24 THE COURT: They -- they do search warrants all
25 day long on phones that they don't -- they pick up from

1 residences that they don't know who -- she just laid all
2 that out for you, and I know that to be true.

3 The purpose of the Franks hearing is for you to
4 tell me that this -- in this search warrant -- in this
5 affidavit is something admitted or false and I want to
6 know what your proof is. I don't see from what you-all
7 are telling me this has anything to do with the cell
8 phone. That might have been the purpose of the search
9 warrant, but you-all are saying the search warrant's
10 faulty.

11 MS. WILLIAMS: Yes, Your Honor.

12 THE COURT: And then the remedy to that is that I
13 would suppress -- if I agreed with you, I would suppress
14 those cell phones. Tell me how that gets there.

15 MS. WILLIAMS: Your Honor, Quayshaun never admitted
16 to shooting the firearm that went through the mobile
17 home to hit the little girl and, in fact, in the previous
18 hearing that is what Detective Gilliam stated in her
19 testimony.

20 THE COURT: She did.

21 MS. WILLIAMS: So if Your Honor would like, we can
22 call up the defendant to the stand as an offer of proof
23 to get him to state that and we move forward with your
24 determination.

25 THE COURT: And then we'll decide if we can go

1 through the whole hearing. I mean, I think we're kind
2 of jumping the gun here.

3 MS. MAYES: Well, the 762 will be important, Your
4 Honor. I think we can cut it down to just probably a
5 few series of questions, but the 7.62 is certainly
6 relevant and this is the only officer that can answer
7 that about the 7.62 since she worked the scene.

8 THE COURT: So you're saying that 7.62 are the
9 ones that were found not only in the autopsy but in the
10 home?

11 MS. MAYES: It's the round that, yes, that struck
12 the child inside the home.

13 THE COURT: The deadly round that ties him to the
14 shooting.

15 MS. MAYES: It is.

16 THE COURT: And he admits that he carried a
17 7.62-type Draco gun.

18 MS. WILLIAMS: Yes, Your Honor. And for the
19 purposes of this hearing only, we will stipulate that
20 the killing round was a 7.62 and that 7.62 were found
21 at the lot. If that will get us where we need to go,
22 we're happy to stipulate to those two things.

23 THE COURT: So then the question becomes -- I mean,
24 let's walk through this. The question becomes if I take
25 out Quayshaun admitted to shooting the said firearm that

1 penetrated the residence, he admitted to shooting a
2 firearm of a 7.62 and that happens to be the caliber of
3 the bullet that killed the victim, but on top of here
4 I've got several other witnesses.. This search warrant
5 says that they saw him carrying a 7.62. You-all need
6 to argue that to me. That's where we are right now as
7 far as I'm concerned before I allow any testimony.

8 You just hang tight over there.

9 THE WITNESS: Yes, ma'am.

10 THE COURT: Because I think that's the way the
11 procedure and the case law as I read it goes. If
12 anybody wants to disagree with me, I'll be happy to
13 hear from you.

14 MS. WILLIAMS: Your Honor, may I go reference my
15 search warrant so I have the exact language?

16 THE COURT: Okay. And on top of that, just to let
17 you-all know, it has to be knowingly and intentionally
18 or with reckless disregard for the truth.

19 Okay. Go ahead.

20 MS. WILLIAMS: And, Your Honor, we do not argue
21 that it was knowingly and intentionally. We are arguing
22 that she recklessly disregarded the truth in the wording
23 of her statement misleading the Court in stating that
24 Quayshaun had admitted to -- the way that it is
25 worded, it states after being placed under arrest

1 Quayshaun admitted to shooting the said firearm that
2 penetrated the residence of [REDACTED] [REDACTED] Road, Lot 15,
3 striking an 11-year-old victim in the head and the
4 13-year-old victim in the abdomen.

5 Your Honor, the use of the word "said" indicates
6 that he is admitting to shooting the exact firearm that
7 penetrated the residence and that he is admitting that
8 he -- not only did he shoot the exact firearm that
9 penetrated the residence, but that that is -- that he
10 did, in fact, strike the 11-year-old victim in the head
11 and the 13-year-old victim in the abdomen.

12 Your Honor, we believe that the language that was
13 used by Detective Gilliam in this affidavit was reckless
14 in its disregard for the truth, we have no indication it
15 was intentional, and that it misled the Court towards
16 granting a search warrant for phones that -- in addition,
17 we would state that the statement that Quayshaun's phones
18 were seized is misleading the Court because there's been
19 testimony that, in fact, three of them were found in a
20 purse, one of them was in a glitter case, and if we were
21 to allow testimony to continue along that way, I think we
22 would find that two of them, in fact, did not even belong
23 to Quayshaun, nor did he live there, and that would be
24 the defendant's argument with regard to quashing the two
25 search warrants or for argument in favor of the Franks

1 hearing.

2 THE COURT: All right. This is how the Court's
3 looking at it. I've got Judge Buck's search warrant
4 that lays out to get the phones and then my search
5 warrant that I signed with the same exact language in
6 it in order to look into the phones and extract the
7 material that had already been seized by this search
8 warrant.

9 All right. Let me hear from the State.

10 MS. MAYES: Yes, Judge. And the State's position
11 is that is absolutely true. It's certainly a reasonable
12 belief for the officer to put that in the search warrant
13 because it can be -- really it's very concise as to what
14 our evidence is and is a logical deduction from all of
15 that evidence. And when I say concise, there are six
16 different weapons that are gonna be fired at the scene,
17 but only one of them is a 7.62 caliber. That's the
18 caliber that the defendant admits to firing.

19 As Detective Snelgrove was going to set forth,
20 there are fifteen casings of 7.62 caliber, fired
21 casings recovered from Lot 7 where the defendant was
22 standing when he fired the weapon, and we know that
23 because he admits to being there and firing that weapon
24 nine to ten times was his statement, but we know from
25 the sketch he drew that he puts himself at Lot 7.

1 So we have fifteen fired casings that are 7.62.
2 No other location in this crime scene do we have that
3 caliber weapon. Everything else is a handgun. It's
4 either a nine millimeter or a 40 caliber.

5 So law enforcement was aware from the beginning
6 as will be evident during the course of this trial that
7 this was a large caliber gun that killed the victim
8 even before they got that bullet from autopsy. We knew
9 it that night because that fatal round goes into the
10 mobile home, comes out of a wall, goes into a
11 refrigerator, comes out of a refrigerator and strikes
12 the child in the head in the kitchen as she's ducking
13 down. It's only this type of round we -- we submit that
14 will be capable of doing that and that's information
15 all law enforcement had that night. Major crimes unit
16 already was aware that they were dealing with a large
17 caliber weapon, so when witnesses were saying that
18 Quayshaun Clark had the Draco-type weapon, he was firing
19 a weapon that looked like a Draco, they knew that that
20 was the weapon that they would ultimately be looking for.

21 In addition, Your Honor, there were rounds that one
22 comes into the mobile home, hits a dryer, comes out of
23 the dryer, goes through another wall, fragments into
24 three different pieces, and then a steel fragment is
25 found on the floor of the master bath. These are

1 steel-jacketed rounds. It's TulAmmo. And, again, it
2 was very obvious to law enforcement that this would be
3 the only caliber weapon capable of doing that.

4 So when he makes the statement to law enforcement
5 that he fired a 7.62 caliber gun from Lot 7, draws them
6 a picture where he's firing from and they find fifteen
7 fired casings from where he is and no other place at
8 the crime scene, it is absolutely logical for them to
9 conclude that he fired the weapon that struck the child.

10 Now ultimately when her autopsy was conducted on
11 the 12th, they were able to remove the fatal round. It
12 is consistent with the 7.62 round. That information
13 was known by Detective Joe Hart, he shared it with both
14 Detective Gilliam and Sergeant Creech while still at the
15 autopsy or immediately thereafter, so that's information
16 they had as early as June 12th as well.

17 So, Your Honor, the State's position is that the
18 information in the probable cause for that search
19 warrant is accurate. It is really semantics to say
20 well, he didn't outright admit to firing the weapon
21 that went through and killed the child. No, he never
22 made that statement. He never made the statement my
23 weapon entered that home and killed the child, but it's
24 a logical deduction from the crime scene evidence. It's
25 the only weapon fired that did this and we know -- we

1 have already matched that round from autopsy and we
2 know that those casings are recovered from where he's
3 standing, so the State's position is that the information
4 contained in that search warrant is accurate.

5 As to the phones, Your Honor, they were not able
6 to locate him at his home. We know that he fled the
7 scene the night of this crime. He fled the scene and
8 drops off a backpack with an aunt and leaves his car at
9 his uncle's house and he's not at his own home at [REDACTED]
10 Academy Street. He's ultimately arrested two days later
11 at this residence twenty miles away in Gilbert at [REDACTED]
12 Spring Hill. They find in the girlfriend's purse three
13 phones in plain view and then there's the other phone,
14 the iPhone, that is recovered from the coffee table.
15 Ultimately, Your Honor, that iPhone is a joint user
16 account. It's both her and his. They share a joint
17 user. That's been made really clear from the extraction
18 itself. The other phone, being the Samsung, is the phone
19 of Quayshaun Clark that they had the phone number for
20 and it's the same phone that we got the AT&T records on.
21 The other two phones, Your Honor, are the Samsungs that
22 we have sealed and consider to be sealed and we've
23 already addressed that, I think, previously that those
24 two Samsungs, although in her possession, are sealed
25 because they may potentially contain evidence that would

1 be privileged in nature. We don't know what's in them
2 and we're not pursuing that.

3 MS. WILLIAMS: If I may briefly reply, Your Honor?

4 THE COURT: You may, Ms. Williams.

5 MS. WILLIAMS: Thank you.

6 I believe the solicitor stated both that she
7 agreed that the language that is in here about Quayshaun
8 admitting to the shooting did not, in fact, happen. I
9 believe she stated that. And I believe she also stated
10 that, however, it was still accurate, which seems to
11 me nonsensical because it can't both be not true and
12 accurate, and then at the same time a conclusion by law
13 enforcement regarding what is, quote, a natural deduction
14 is not the same as an admission, and I would put forth
15 that I believe the Court would take different weight from
16 an officer's conclusion versus a defendant's admission.

17 MS. MAYES: I think it's semantics, Your Honor. He
18 admits to firing that gun --

19 THE COURT: Well, he admits to firing a gun and he
20 admits to firing a gun with a 7.62 caliber, however, he
21 denies that it was a Draco. He says it was -- somewhere
22 in my notes --

23 MR. WILLIAMS: An AR, Your Honor.

24 MS. MAYES: An AK.

25 THE COURT: An AK that had the 7.62 caliber that it

1 carried.

2 MS. MAYES: And that's what it is. Just to -- just
3 to clear that up, there is no Draco.

4 THE COURT: But this -- but this is the deal. If
5 I mark that even out, I mean, it seems like I just need
6 a comma here, you know. He admitted to shooting -- I
7 mean, he admitted that he shot, he just didn't know at
8 the time a 7.62 went into a trailer and killed somebody
9 is what the police are saying --

10 MR. WILLIAMS: That's what they're saying.

11 THE COURT: -- through their investigation because
12 that is the caliber of bullet that they took from the
13 11-year-old child.

14 Am I correct in stating that?

15 MS. PATTERSON: Yes, ma'am.

16 MS. MAYES: Yes.

17 THE COURT: And this is by June 21st of '21?

18 MS. WILLIAMS: Yes, Your Honor.

19 MR. WILLIAMS: The question is whether or not an
20 admission by a defendant is the same as conclusions
21 based on other facts and whether or not they're treated
22 with the same weight.

23 THE COURT: Well, you know --

24 MR. WILLIAMS: And I didn't mean to argue. I was
25 just speaking the obvious, Your Honor, I think.

1 MS. WILLIAMS: I would echo his arguments as if I
2 made them.

3 THE COURT: Okay.

4 MS. MAYES: We have the case law on that, such as
5 Davis, that even if -- upon deletion if the remaining
6 portions of the search warrant --

7 THE COURT: Well, that's part of the test. If you
8 take it out, is the search warrant -- is the probable
9 cause still there? Negligence and/or innocent mistake
10 is not enough is the case law that I've read, but, you
11 know, he admitted to shooting the firearm after being
12 placed under arrest. That part's true. I don't know
13 that he admitted that it penetrated the residence and
14 that it struck the 11-year-old victim.

15 If you've got some testimony to that, I guess I'll
16 have a hearing on it, but if I take that out, if I take
17 out he admitted to shooting the firearm -- and correct
18 me if I'm wrong, but this says he was witnessed by
19 several other witnesses carrying a 7.62 caliber Draco.
20 That's not up for --

21 MS. WILLIAMS: Your Honor, I did not include it in
22 my motion.

23 THE COURT: I did not see it included in the motion,
24 so if I take the language -- are you following along with
25 me, Ms. Mayes?

1 MS. MAYES: Yes, Your Honor.

2 THE COURT: Quayshaun Clark was witnessed by several
3 witnesses carrying a 7.62 caliber Draco firearm. After
4 being placed under arrest, all that's true, Quayshaun
5 admitted to shooting a firearm. I think I've got to cut
6 it off there.

7 MR. WILLIAMS: That's true.

8 THE COURT: Because he agrees that he fired a gun
9 that had 7.62 firearms. Unless somebody can give me
10 testimony from the State that he penetrated the -- he
11 admitted to penetrating the residence and striking the
12 11-year-old, and then I'm gonna pick back up, Quayshaun's
13 phones were seized from [REDACTED] Spring Hill Road, because
14 that's true, and they were placed into evidence. If I
15 take out that one line, I still think there's probable
16 cause.

17 Let me hear from you, Ms. Williams.

18 MS. WILLIAMS: Your Honor, I believe that if you
19 take out that one line with regard to -- they did not
20 have the identifications of the cell phones, so we would
21 argue that there still is not probable cause to do the
22 extraction on the cell phone.

23 THE COURT: Who lives at [REDACTED] Spring Hill Road?

24 MS. MAYES: The girlfriend of Nashua Smith and
25 Nashua Smith, a close associate of the defendant's, who

1 was also present at the crime scene at Lot 7.

2 MS. WILLIAMS: The defendant did not live there,
3 Your Honor.

4 MS. MAYES: And I believe the testimony already,
5 Your Honor, is that three of the phones were found in
6 the purse of Tameakeo Carnard, which is his girlfriend.
7 They reside together. They're supposed to reside
8 together at [REDACTED] Academy Street, but instead they're
9 found --

10 THE COURT: But she lives at [REDACTED] Spring Hill.

11 MS. MAYES: She was staying there with the
12 defendant instead of being at their home and the State's
13 position is because they're evading law enforcement, but
14 they're together and that's where three of the phones
15 are found. The fourth phone is that iPhone on the
16 coffee table which has the photograph on it and, Your
17 Honor, they had a reasonable basis to take that phone
18 as well. Any phone in that house could have potentially
19 contained information related to this crime. I realize
20 that ultimately two of the phones are -- are out of the
21 picture for reasons we've already discussed and that
22 they're sealed, but the remaining two phones are, in
23 fact, the phones of Quayshaun --

24 THE COURT: And that has nothing to do with the
25 Franks hearing. I remember us having a discussion on

1 that --

2 MS. MAYES: Correct.

3 THE COURT: -- and I think the defense agreed on
4 that.

5 MR. WILLIAMS: We do, Your Honor.

6 MS. WILLIAMS: Yes, Your Honor.

7 THE COURT: That was a confidentiality problem
8 there. It has nothing do with this Franks hearing.

9 MS. MAYES: And so those two remaining phones,
10 Your Honor, are, in fact, phones of Quayshaun Clark.
11 One is the iPhone where he is a joint user and the
12 other is his phone, the Samsung, that's in -- his
13 phone number.

14 THE COURT: Let me ask when they placed him under
15 arrest, where was he?

16 MS. MAYES: [REDACTED] Spring Hill Road.

17 THE COURT: Okay. All right.

18 MS. WILLIAMS: Your Honor, for the purposes of
19 the record, and I could be mistaken in this, I don't
20 believe there's any testimony regarding whose purse,
21 it was, just that they were found in a purse. Unless
22 I'm mistaken. Am I? I'm happy to be corrected just
23 for the purposes of the record.

24 THE COURT: I think that -- I'm not sure. I
25 thought somebody did testify to the phones found in the

1 purse.

2 MS. MAYES: I think, Your Honor, that there was
3 testimony already about the -- her belongings being in
4 that room, but I can tell you she's ultimately charged
5 with some marijuana. She's got her own charges that
6 arose out of this.

7 MR. WILLIAMS: Those have been dismissed, Your
8 Honor.

9 MS. MAYES: Right. Okay. She was arrested based
10 on, I believe, items inside that purse.

11 MR. WILLIAMS: And they were subsequently dismissed,
12 Your Honor.

13 MS. MAYES: I can cover more --

14 THE COURT: Okay. Let me tell you. I think I've
15 heard enough and this is my ruling. I mean, clear from
16 the testimony, even in the Jackson v. Denno hearing,
17 okay, with Detective Gilliam, it was clear to me that
18 he did not admit to shooting the 11-year-old. I don't
19 believe that was a confession by no means, and if you
20 read this -- and the standard is preponderance of the
21 evidence, but I read it -- I guess you could read it
22 both ways, but I'm telling you it looks to me like it
23 states that he admitted to shooting the 11-year-old.
24 I'm gonna take that out and find it to be put in here
25 with reckless disregard because I believe that's what

1 it is. It might be a conclusion that law enforcement
2 came to after all their investigation that it had to be
3 the 7.62 caliber, but to say that he admitted to it --
4 it sounds like he admitted to it. Honestly, I think if
5 you put a comma in here it might would be -- and adding
6 a couple of words, it might make a whole different
7 meaning, but out of an abundance of caution, but -- I'm
8 striking it. So I'm striking it.

9 However, even with me striking it, if there remains
10 sufficient content in the warrant affidavit to support
11 a finding of probable cause, no hearing is required for
12 Franks. So if I strike it, I believe there is probable
13 cause. There's several other witnesses that they even
14 state that he carried a 7.62. The phones seized from
15 [REDACTED] Spring Hill Road, well, that was where he was
16 arrested, but I'll strike that portion. I'm denying the
17 hearing based on the fact that once I strike it there's
18 still probable cause.

19 MS. WILLIAMS: Thank you, Your Honor.

20 THE COURT: And I think that settles that hearing.
21 Any objection from the State?

22 MS. MAYES: None from the State, Your Honor. We
23 would just make State v. Davis a part of the record,
24 and I have several copies of it.

25 The State v. Davis, Your Honor, being, of course,

1 the case citing the principle that you just made part
2 of the record is even with the deleted portion, if the
3 probable cause set forth in the affidavit is sufficient
4 on its own without that additional language, that the
5 search warrant is not invalid. And State v. Davis is
6 354 S.C. 348.

7 THE COURT: Thank you.

8 Okay. Do we have any more motions besides our
9 protection of personal property or whatever, the Castle
10 Doctrine? The PPPA.

11 MS. WILLIAMS: No other motions from the defense,
12 Your Honor.

13 THE COURT: And from the State?

14 MS. MAYES: And, Your Honor, if Sergeant Snelgrove
15 can be released.

16 THE COURT: Yes.

17 I left you up here. I am so sorry. I apologize.

18 THE WITNESS: That's okay.

19 THE COURT: Any objection to her being excused?

20 MS. WILLIAMS: No objection, Your Honor.

21 THE COURT: Not excused from the trial, but just
22 out of this chair for right now.

23 Thank you.

24 (Witness excused.)

25 MS. MAYES: Your Honor, as far as any other

1 usually have to listen to find out what's going on in
2 a case, but is Lot 15 the victim's home?

3 MS. MAYES: It is -- Your Honor, it's the home
4 that the victim was visiting when she was killed. She
5 was inside.

6 THE COURT: Visiting.

7 MS. MAYES: Yes.

8 THE COURT: Okay.

9 MR. WILLIAMS: But there may be witnesses who will
10 be testifying that also abide in that home other than
11 just the victim and/or the mother of the victim.

12 THE COURT: All right. Now tell me that again,
13 Mr. Williams.

14 MR. WILLIAMS: I believe Mr. Jackson may -- did
15 Mr. Jackson live there? Deterious Jackson, I believe
16 that's his name, resides there also.

17 MS. MAYES: That is correct.

18 MR. WILLIAMS: So it's not just the victim and
19 the -- and children living there, but there are other
20 individuals who stay there who may or may not have an
21 impact on the case in regards to what was transpiring
22 there.

23 THE COURT: Okay. Well, then -- why don't I do
24 this? Unless you can show me a good reason why, then
25 I'll let it progress and we'll see what the testimony

1 is, you can bring it back to my attention, but for
2 right now I'm gonna leave it out until you can tell me
3 something else because I'm not real sure I know what
4 it has to do with a shootout or an alleged shootout or
5 whatever happened. Let's hear the testimony and then
6 we'll decide.

7 MS. MAYES: And in addition, Your Honor, as to
8 any gang-related information, I don't know yet to what
9 extent the defense may want to explore that, this is a
10 gang-related event. I want to make that clear. The
11 defendant, Quayshaun Clark, is a validated Gangster
12 Disciple. There's another person who is present at
13 Lot 7 where the defendant was. He is a validated
14 Rollin' 90s Crip. Across the way at Lot 16 are -- is
15 at least one person who is a validated Crip. The State
16 does not intend to go into that, but if that door is
17 opened by the defense it's gonna have to be opened all
18 the way. We cannot misrepresent to the jury that there's
19 only gang members on one side --

20 THE COURT: And not the other. I got you.
21 Let me hear from you.

22 MR. WILLIAMS: Your Honor, the way I understand
23 the gangs involved in Batesburg, the relationships
24 between them, one is Crips, one is Bloods, and if
25 there's any allegation about my client is a GD and he

1 -- which he denies that he is, but there's -- they're
2 not all the same, if you will, Your Honor. We won't
3 be bringing up any gang-related information because I
4 don't think it's helpful to the trial of this case.
5 We can talk about the individuals who were just coming
6 down there and firing their weapon and who may or may
7 not have shot back. We don't know that gang relationships
8 have to be brought into this. If I'm understanding what
9 the solicitor's saying --

10 THE COURT: She's willing to keep it out.

11 MR. WILLIAMS: -- I'm good with that because I
12 don't think it helps anybody, Your Honor.

13 THE COURT: If both sides can agree to keep it
14 out, then so be it. However, if you open the door,
15 it's free game, so be careful.

16 All right. So I've got no gang-related testimony,
17 the marijuana in Lot 15 is off limits unless you bring
18 it up to the Court and we -- then I'll rule on it then.

19 Those are her motions in limine. If anybody opens
20 the door to either one, it's free game.

21 Anything else, Ms. Mayes?

22 MS. MAYES: Nothing at this time, Your Honor.

23 MR. WILLIAMS: Nothing by the defendants, Your
24 Honor.

25 I don't know who's to stand up now. We've been

1 know last night if -- I got home and thought about it.
2 I did not know if I put on the record that I included
3 both search warrants in that Franks hearing. If I
4 didn't, it's the same ruling for both of them.

5 All right. Now let me ask the bailiff. Do we
6 have any media here?

7 BAILIFF: I'll go check, Judge.

8 THE COURT: Thank you.

9 COURT DEPUTY: No media has come through the kiosk
10 yet, Your Honor.

11 THE COURT: Okay. If they do, can they notify us
12 because I want to talk to them before they set up, okay?

13 COURT DEPUTY: Yes, Your Honor.

14 THE COURT: And then let me remind everybody in
15 the gallery that there is no cell phones allowed in this
16 courtroom unless you are a court official or an attorney
17 or law enforcement.

18 MR. WILLIAMS: Your Honor, could I bring one thing
19 up?

20 THE COURT: Sure.

21 MR. WILLIAMS: Suzanne and I were talking this
22 morning and we talked about making sure that none of
23 the witnesses talk about Bloods, Crips or GD's or
24 anything like that.

25 THE COURT: Right. That was an agreement from

1 yesterday.

2 MR. WILLIAMS: Yes, ma'am.

3 And now for purposes of the hearing, Suzanne was
4 talking about for the purposes for this hearing if
5 something like that would come up, it's not in front
6 of the jury. I don't know how she thinks it may come
7 up, but if -- I don't know that it matters a lot for
8 purposes of this hearing, Your Honor, because there's
9 no jury here.

10 MS. MAYES: Right. I think what -- what we
11 discussed this morning is that if either side feels
12 it's somehow relevant to the issue of the Castle
13 Doctrine, we're not in front of the jury, so I don't
14 have an objection, but in front of the jury is where
15 we definitely want to make sure that it's limited.

16 Also, Judge, we talked this morning. There is one
17 -- there is one participant in this who makes an excited
18 utterance just before firing and testimony will be he's
19 the first to fire, and he states "I'm big Crip, bust,
20 bust", and I think there is -- I think both sides agree
21 that that's not objectionable.

22 MR. WILLIAMS: Well, Your Honor, in thinking about
23 this further, I don't think anybody should talk about
24 Bloods or Crips even in the Castle Doctrine.

25 MS. MAYES: Okay. If that's the defense's position

1 as to -- that's your position now?

2 MR. WILLIAMS: It is. I had to think about it, but
3 I don't think either one since we agree on that.

4 There is one other thing, Your Honor, and it kind
5 of caught us a little off kilter. The assault and
6 battery of a high and aggravated nature is obviously not
7 being tried. It's not one of the charges that he's being
8 tried on today. We would move in limine that there be
9 no discussion about the other alleged victim in this
10 particular case.

11 There is a substantial amount of video of this
12 child and it's -- it's quite upsetting, sad, for anybody
13 who has children or maybe even not children to see this
14 child because she's basically having a panic attack,
15 she's been shot in the back, and everybody is trying to
16 get her to breathe -- yes.

17 So, Your Honor, we would move that any -- any
18 testimony about this other alleged victim who is not
19 being -- not having her case tried --

20 THE COURT: I was wondering why there wasn't a
21 charge for the other --

22 MS. MAYES: Right. So she is included -- she's
23 inside the home, Your Honor, that the discharge of
24 a firearm into a dwelling encompasses. We're not
25 offering the videotape, but we are offering -- there's

1 a photograph of her outside that shows the injury.
2 That directly relates to that charge of discharging a
3 firearm into a dwelling. She's in that dwelling and
4 that's how she was struck, but we're not offering the
5 actual video of -- of any of that.

6 I think the Court and everyone is aware of where
7 we stand right now with the attempted murder statute
8 and the specific intent and it's an entirely different --

9 THE COURT: Right.

10 MS. MAYES: -- aspect of law than we're dealing
11 with with murder. There is certainly transferred intent
12 with murder. Unfortunately, where we stand right now
13 pursuant to the State v. Michael Juan Smith case is that
14 we don't have the transferred intent with the attempted
15 murder and it requires a specific intent and that limits
16 us regarding that indictment, but the indictment for
17 discharging a firearm into a dwelling covers her and
18 everyone else in -- inside that residence.

19 MR. WILLIAMS: But to a certain extent it's not
20 necessary because if the person that is shot and killed
21 is inside the trailer, that would -- that would amount
22 to a discharge of a firearm into a dwelling, so it's not
23 necessary to bring that picture of this other alleged
24 victim if her case is not be being tried. You can still
25 try the case of shooting a weapon inside of a dwelling

1 without having that picture of that other person inside
2 it because it's -- obviously it's more prejudicial.
3 There's no reason to bring it up because you've got to
4 shoot inside the dwelling for the person to be convicted
5 of the murder.

6 MS. MAYES: So part of the evidence in that case
7 is that that home was struck eight times. We have
8 eight different defects to that home at Lot 15. Eight
9 separate events have occurred where projectiles have
10 entered that mobile home. At least one of those results
11 in shrapnel to this child and she's struck, which is an
12 entirely different bullet than the one that strikes the
13 11-year-old and kills her, so it's all relevant under
14 that indictment, Your Honor.

15 It is certainly -- he's charged with discharging a
16 firearm at or into a dwelling, which is general intent,
17 but it's not one time or two times. It's at least eight
18 different times that home is struck and we're gonna have
19 evidence that at least some of the fragments recovered
20 are lead component or steel component which is consistent
21 with the TulAmmo steel-jacketed 7.62 ammunition that he's
22 using. So how many times that home is struck and what
23 happened when it was struck is all relevant.

24 MR. WILLIAMS: Your Honor, we're not trying to keep
25 out the number of shots that hits the trailer, we're not

1 trying to keep out the number of fragments that occurred
2 inside the trailer. The only thing we're keeping out or
3 trying to keep out is this other alleged --

4 THE COURT: Is the picture of the victim --

5 MR. WILLIAMS: Yes, ma'am.

6 THE COURT: -- that he's not on trial for.

7 MS. MAYES: So the photo aside, the fact that this
8 child is struck is part of the res gestae of this crime.
9 I mean, it explains where she was and what she was doing
10 and there are gonna be photographs of the interior of
11 this home, which shows her bedroom, which was also
12 struck. I just want to make sure there is no limitation
13 in that regard.

14 MR. WILLIAMS: Well, obviously, Your Honor, we don't
15 agree with that.

16 THE COURT: Well, hold on just a second.

17 You-all bring me my computer right quick.

18 Let me get something and I'll be right back.

19 (Recess taken at 9:24 AM.)

20 (Back on the record at 9:29 AM.)

21 THE COURT: All right. You-all give me just a
22 second.

23 All right. Well, let me ask because discharging a
24 firearm into a dwelling doesn't require a showing that
25 somebody was inside or was hurt or any of that, and I

1 guess my concern is we're bringing in a second victim
2 that he's not on trial for, and the Court believes that
3 would be highly prejudicial to show her picture and say
4 she was shot in the back when the statute itself doesn't
5 require a showing of somebody hit or somebody even being
6 in the house other than it needs to be occupied by
7 persons. So I don't understand if he shot eight times
8 why you would need to show the photo.

9 MS. MAYES: We understand the Court's ruling,
10 Judge. We do believe the occupied element would --
11 would be required, so --

12 THE COURT: I do believe that, too.

13 MS. MAYES: -- so we're gonna have multiple
14 photographs, interior and exterior, including that
15 child's bedroom, so we just want everyone to be aware
16 that that evidence will be coming.

17 THE COURT: Okay. Well, I think that's fine, but
18 I don't believe I'll allow a picture of the child that
19 was struck because he's not on trial for that and I
20 do believe in weighing it -- after looking at it, the
21 elements of the crime and in weighing it, I think it's
22 highly prejudicial to the defendant if I allow that
23 photo, so no photo.

24 So let me make sure from both the State and the
25 defense we're not even gonna mention this other child

1 being shot.

2 MS. MAYES: And, Judge, we will certainly mention
3 that she was present. She was in her bedroom. There's
4 gonna be photographs of at least two projectiles that
5 enter her bedroom.

6 Her mother's in the courtroom, so I just want to
7 make sure she understands the Court's ruling, too, as
8 to -- as to Jamiyah being -- Jamiyah being injured.
9 Jamiyah being in the home, coming into the living room
10 after being in the bedroom, is certainly something we
11 can talk about.

12 THE COURT: Does the defense agree?

13 MS. WILLIAMS: Yes, Your Honor.

14 THE COURT: The Court agrees. No photos and no
15 mention of her being shot, but show her bedroom, show
16 where she lived, show she lived in the house. I do
17 think you have to show that the house was occupied.

18 All right. Anything else from the State?

19 MS. MAYES: Nothing from the State, Your Honor.

20 THE COURT: Anything from the defense?

21 MS. WILLIAMS: Nothing from the defense, Your
22 Honor.

23 THE COURT: Okay. So now we've got the Castle
24 Doctrine.

25 MS. MAYES: The State is ready to proceed, Your

1 Honor.

2 THE COURT: Okay. Go ahead.

3 MS. WILLIAMS: Your Honor, the defendant moves for
4 immunity from prosecution pursuant to South Carolina
5 Code 16-11-440(C). I believe the burden is on the
6 defendant and we would call Tameakeo Carnard as our
7 first witness.

8 (Whereupon, Tameakeo Carnard was duly sworn by
9 the Clerk of Court.)

10 THE CLERK: If you will have a seat over there.
11 You can remove your mask. If you'll say your name and
12 spell your last, please, for the record.

13 THE WITNESS: Tameakeo Carnard. T-A-M-E-A-K-E-O
14 C-A-R-N-A-R-D.

15 TAMEAKEO CARNARD,
16 having been duly sworn, testified as follows:

17 DIRECT EXAMINATION (In-Camera)

18 BY MS. WILLIAMS:

19 Q. Good morning, Ms. Carnard. How are you?

20 A. Good morning. I'm fine.

21 Q. You are comfortable if I refer to you as Tameakeo?

22 A. Yes, ma'am.

23 Q. Thank you. Tameakeo, where do you live?

24 A. In Spartanburg, South Carolina.

25 Q. Is that where you lived at the time of this shooting?

- 1 A. No, ma'am.
- 2 Q. Where did you live at the time of the shooting?
- 3 A. ■ Academy Street, Batesburg, South Carolina.
- 4 Q. Okay. And did you live there with anyone?
- 5 A. Yes, ma'am.
- 6 Q. Who did you live there with?
- 7 A. Quayshaun Clark and my four-year-old daughter.
- 8 Q. Okay. And are you in a romantic relationship with
- 9 Mr. Clark?
- 10 A. Yes, ma'am.
- 11 Q. Do you have a child with Mr. Clark?
- 12 A. Yes, ma'am.
- 13 Q. Is that your four-year-old daughter?
- 14 A. Yes, ma'am.
- 15 Q. What's her name?
- 16 A. McKennna.
- 17 Q. How do you spell that?
- 18 A. M-c-K-E-N-N-A.
- 19 Q. Okay. How long have you and Mr. Clark been in a
- 20 romantic relationship?
- 21 A. Years. Like nine years.
- 22 Q. Like nine years?
- 23 A. Yes, ma'am.
- 24 Q. Were you in a relationship at the time of this
- 25 shooting?

1 A. Yes, ma'am.

2 Q. Okay.

3 All right. I'm gonna ask you to -- starting at the
4 beginning of that day, which was June 9, 2021, what did you
5 do? What do you remember doing, if anything, first thing
6 that morning?

7 A. I stayed home until about 4:30 and then I finally came
8 out.

9 Q. Okay. So where did you come out to?

10 A. Marvin's house.

11 Q. Who is Marvin?

12 A. Quayshaun's uncle.

13 Q. Do you know Marvin's last name?

14 A. Lites.

15 Q. Do you know where he lives?

16 A. Yes.

17 Q. Can you tell the Court?

18 A. I think it's [REDACTED] Ridgell Street. I don't know the
19 exact address, but he stays on Ridgell Street.

20 Q. And is Ridgell Street in Batesburg?

21 A. Yes, ma'am.

22 Q. Okay. Is it on the Batesburg side of Batesburg?

23 A. Yes, ma'am.

24 Q. Okay. So you went out to Marvin's house?

25 A. Uh-huh.

1 Q. Who did you go there with?

2 A. By myself.

3 Q. By yourself?

4 A. Uh-huh.

5 Q. Who did you meet there?

6 A. Quayshaun, a few other of his family members.

7 Q. Do you recall who was there with you?

8 A. Cedric, Shawanda, Johnny. There were a few other
9 people, but I don't really remember everybody who was
10 there.

11 Q. Approximately how many people were there with you?

12 A. Maybe six or seven.

13 Q. Okay. Do you know Cedric's last name?

14 A. Lites.

15 Q. What's Shawanda's last name?

16 A. Lites.

17 Q. And what's Johnny's last name?

18 A. Lites.

19 Q. Okay. And why were you-all there? You may have
20 already told me.

21 A. Shawanda, it was her birthday, and we were planning
22 on just cooking and having a good time for her birthday.

23 Q. Okay. And so did you-all end up staying there all
24 day?

25 A. No, ma'am.

1 Q. What happened?

2 A. Marvin was like -- he didn't want us there, so we
3 left.

4 Q. Okay. So Marvin didn't want you-all staying and --

5 A. (Nods head.)

6 Q. Is that because you-all were partying?

7 A. No, he was just aggravated that day and he really
8 didn't want anybody to stay at his house.

9 Q. How old is Marvin?

10 A. I don't know. I don't know exactly.

11 Q. Is it fair to say that he's older than you-all are?

12 A. Yes, ma'am.

13 Q. So Marvin asked everyone to leave. Where did you-all
14 go from there?

15 A. To Taleka's house.

16 Q. And what is Taleka's last name?

17 A. Lites.

18 Q. Okay. And where does Taleka live?

19 A. In -- well, she lived in Rocky Lane Trailer Park.

20 Q. Okay. And do you know what road that's on?

21 A. [REDACTED] Road.

22 Q. Okay. And is that in Batesburg?

23 A. Yes, ma'am.

24 Q. The Batesburg side of Batesburg?

25 A. Yes, ma'am.

- 1 Q. What's Taleka Lites' relationship to Shawanda Lites?
- 2 A. Her cousin.
- 3 Q. So Taleka Lites said that it was okay for her cousin's
- 4 party to come to her house?
- 5 A. Yes, ma'am.
- 6 Q. Okay. So approximately what time did you leave
- 7 Marvin's house to go to Taleka's house?
- 8 A. Maybe 4:45.
- 9 Q. And that's 4:45 PM?
- 10 A. Uh-huh.
- 11 Q. Okay. Did you drive by yourself?
- 12 A. Yes, ma'am.
- 13 Q. So when you got to Taleka's house, was there anybody
- 14 else there?
- 15 A. Uh-huh. The people that live in the house. Taleka,
- 16 Shantell, Valsha.
- 17 Q. What is Shantell's last name?
- 18 A. Jeter.
- 19 Q. And then what was the third one?
- 20 A. Valsha.
- 21 Q. Valsha. How do you spell that?
- 22 A. V-A-L-S-H-A.
- 23 Q. Okay. And then what is her last name?
- 24 A. Lites.
- 25 Q. Lites.

1 Okay. So the occupants of her house were there when
2 you got there?

3 A. Uh-huh.

4 Q. Was there anyone else there?

5 A. Not that I know of because it was just like a family
6 get-together. Really not too many people.

7 Q. Did more people show up later?

8 A. Yes, ma'am.

9 Q. Okay. When did you -- did you stay there the whole
10 evening?

11 A. Yes, ma'am, until -- I went home to change because it
12 was -- we had been out there all day. I was sweaty. I
13 went home about fifteen or twenty minutes and came back.

14 Q. Okay. So at some point you left Taleka's house to go
15 home?

16 A. Yes, ma'am.

17 Q. Okay. And do you recall when that was?

18 A. I don't know the exact time it was when I left. I
19 know it was dark.

20 Q. Okay. Did you drive yourself?

21 A. No.

22 Q. Who drove you?

23 A. My cousin, Kashia Norris.

24 Q. Kashia Norris?

25 A. (Nods head.)

1 Q. And how do you spell Kashia's name?

2 A. K-A-S-H-I-A.

3 Q. Thank you. That's for the court reporter.

4 And why did Ms. Norris drive you?

5 A. Because my car was blocked in.

6 Q. Okay. So you left sometime when it was dark out to go
7 change your clothes because you were sweaty?

8 A. Uh-huh.

9 Q. And what time -- well, you were gone for approximately
10 how long?

11 A. Fifteen to twenty minutes.

12 Q. Okay. And then when you were coming back --

13 A. Uh-huh.

14 Q. Well, did you drive yourself back?

15 A. No, ma'am.

16 Q. Who drove you back?

17 A. Kashia.

18 Q. Okay. And what, if anything, did you notice when
19 Kashia was driving you back in?

20 A. When we entered the trailer park, it was people
21 standing on the opposite sides between two trailers and
22 they were just standing out there and like facing where we
23 were like this. And it was a whole bunch of guys.

24 Q. And by like this, do you mean crossing their arms?

25 A. Uh-huh.

1 Q. Okay. And they were all men?

2 A. Uh-huh.

3 Q. Approximately how many people were there?

4 A. It had to be like eight or nine of them.

5 Q. Okay. And by across the trailer park, can you try
6 your best to describe what you mean by that?

7 A. Okay. Entering the trailer park you pass a few
8 trailers and before you get to the split they were like
9 standing in between two yards. Like Comilla's trailer and
10 the trailer behind it.

11 Q. Okay. So you referred to Comilla. Is that Comilla
12 Jackson?

13 A. Yes, ma'am.

14 Q. Okay. So when you enter the trailer park, Comilla
15 Jackson's trailer is on your left?

16 A. Uh-huh.

17 Q. And then following that there's another trailer; is
18 that correct?

19 A. Right.

20 Q. Also on your left?

21 A. Uh-huh.

22 Q. And all of this is before a split in the driveway?

23 A. Right.

24 Q. Where is Taleka's house located with regards to
25 Comilla's house and this other trailer?

1 A. You split off to the right and then go down a little
2 bit and then it's right there on the right-hand side.

3 Q. Okay. So Taleka's house is on the right-hand side?

4 A. Uh-huh.

5 Q. So you're driving up the driveway --

6 A. (Nods head.)

7 Q. -- and on your left is where you noticed there being
8 some guys standing?

9 A. Right.

10 Q. And it was between Comilla's lot and then the lot
11 behind her --

12 A. Right.

13 Q. -- as you were coming into the trailer park?

14 A. Uh-huh.

15 Q. All right. So you noticed them standing there. What
16 happened next?

17 A. I got out the car and I was still looking because
18 there was nobody there at first, no people was standing
19 outside, so I was looking. It was looking a little weird
20 to me, so I was still looking and then -- okay. Let's see.
21 I talked to Tykira Johnson and I was asking her, you know,
22 like what's going on, you know, nobody is over here or
23 anything like that because they were out there screaming
24 and yelling, and she --

25 Q. I want to stop you right there.

1 A. Okay.

2 Q. All right. So just to put you where you're located,
3 you said you got out the car. Where did you get out of the
4 car?

5 A. It was like the edge of the driveway in Taleka's yard
6 because there was so many cars that was there.

7 Q. Okay. So your cousin couldn't pull in --

8 A. Right.

9 Q. -- because there were too many cars there?

10 A. Right.

11 Q. So at this time approximately how many people are at
12 Taleka's house?

13 A. It was a good bit of people there.

14 Q. Okay.

15 A. I don't know exactly how many people, but it was a
16 good bit of people.

17 Q. Okay. Approximately how many cars?

18 A. Maybe like ten cars.

19 Q. Was the driveway full at this point?

20 A. Uh-huh.

21 Q. Okay. And had these people arrived over the course
22 of the day?

23 A. When I came back, it was more cars than it was before
24 I left.

25 Q. Okay. Are you able to tell us anyone that you

1 recognized when you got back?

2 A. Hugo. I noticed him. I know he wasn't there before
3 I left.

4 Q. Okay. And what is Hugo's regular name?

5 A. Well, they call him Hugo. I think it's Carlos.

6 Q. Carlos?

7 A. Uh-huh.

8 Q. Do you know what his last name is?

9 A. Chapman or Chatman or something like that.

10 Q. Okay. So you noticed Hugo. You're not sure of anyone
11 else who was there?

12 A. Right.

13 Q. But it was a bunch of people?

14 A. Uh-huh.

15 Q. Okay. So you mentioned that you were talking with
16 someone named many Tykira Johnson?

17 A. Right.

18 Q. And you asked her what was going on?

19 A. Uh-huh.

20 Q. Who is Tykira Johnson?

21 A. She stays in the trailer behind Comilla's trailer.

22 Q. Okay. So she lives at the trailer on the left-hand
23 side behind Comilla's trailer?

24 A. Right.

25 Q. Is that one of the trailers that was bordering the

1 yard with the boys?

2 A. Yes, ma'am.

3 Q. Okay. Are you positive she lives there or do you just
4 associate her with that trailer?

5 A. No, I'm positive she lives there.

6 Q. Okay.

7 MS. MAYES: And, Your Honor, if we could have
8 references to lot numbers. Taleka Lites is gonna be
9 Lot 7. The reference to Comilla is Comilla Jackson.
10 She's the resident at Lot 15 and the next lot that
11 they're referring to, Tykira Johnson, that's Lot 16.
12 I think it's gonna be better for the record if we can
13 keep a counting of the lot numbers.

14 THE COURT: Okay. Can you clarify for that for us,
15 Ms. Williams?

16 MS. WILLIAMS: Yes, Your Honor.

17 THE COURT: Just for the record so we know where
18 we're talking about.

19 MS. WILLIAMS: Absolutely.

20 THE COURT: Thank you.

21 BY MS. WILLIAMS:

22 Q. Okay. So -- so you said -- for the record, and I
23 don't believe that -- do you have knowledge of what lot --
24 what the lot numbers are?

25 A. No, ma'am.

1 Q. If I were to tell you that Comilla Jackson's lot was
2 Lot Number 15, would you have a reason to disagree with me?

3 A. No, ma'am.

4 Q. If I were to tell you that the lot behind that is
5 called Lot 16, would you disagree with me?

6 A. No, ma'am.

7 Q. And if I were to tell you that Taleka Lites' lot was
8 Lot 7, would you disagree with me?

9 A. No, ma'am.

10 Q. Okay. So that may be easier for them later on.

11 THE COURT: Thank you.

12 MS. WILLIAMS: Yes, Your Honor.

13 BY MS. WILLIAMS:

14 Q. So Tykira Johnson, you asked her what was going on?

15 A. (Nods head.)

16 Q. She lives -- it's your understanding that she lives
17 at Lot 16; is that correct?

18 A. Correct.

19 Q. Okay. So what is -- what was your understanding from
20 Tykira Johnson?

21 A. She was like I don't know. I'm about to tell them to
22 leave my grandma's house.

23 Q. Okay. Did she appear to be upset?

24 A. No.

25 Q. How would you describe her demeanor?

1 A. I'm not gonna say she was like very calm, but she
2 started walking across the road like immediately after she
3 said that.

4 Q. Okay. So she indicated to you that she was going to
5 try to get -- was it your understanding that it was the
6 individuals across the street in the lot -- in the yard
7 behind Comilla's house, Lot 15, that she was trying to go
8 speak to?

9 A. Uh-huh.

10 Q. Okay. So you watched Tykira walk across the street?

11 A. Uh-huh.

12 Q. Then what happened?

13 A. She said something to a guy that was standing out
14 there. She wasn't like facing him while she was speaking
15 with him. She was like -- basically like how you're
16 looking at me now, she was like saying something to him,
17 but she proceeded to walk off after that and she went
18 inside the house.

19 Q. Okay. And so for the record, by looking at me now,
20 you were looking at the judge, and so she was approximately
21 two or three feet away from this individual?

22 A. She -- she was close to him like, but she wasn't
23 speaking directly to him like face to face. She had her
24 face turned like that and the person was looking at her
25 like (demonstrating) and she -- I guess she said what she

1 said and went inside the home.

2 Q. Okay. Could you -- and you couldn't hear what she
3 said?

4 A. No, ma'am.

5 Q. And that's because she was in the -- across the
6 street?

7 A. Right.

8 Q. Okay. Do you know the name of the boy that you saw
9 her speak with?

10 A. They called him -- I think this is her cousin. I
11 don't know if they're brother and sister or cousins. I
12 think they're cousins though.

13 Q. Okay. So you believe she spoke to her cousin?

14 A. Uh-huh.

15 Q. Do you know her cousin's name?

16 A. They call him Jaylock.

17 Q. Do you know what his government name is?

18 A. Jaquarious, I think.

19 Q. And his last name?

20 A. Johnson.

21 Q. Okay. And then you observed her go in the house?

22 A. Uh-huh.

23 Q. What did you next notice?

24 A. She didn't come back out.

25 Q. Okay. What happened next?

1 A. A white Impala started coming into the trailer park
2 and when they got beside Comilla's house they stopped and
3 Donald Jackson got out the passenger side of the car.

4 Q. Okay. And how do you know Donald Jackson?

5 A. Because he's a family member of Quayshaun's.

6 Q. Okay. So you saw Donald Jackson get out the
7 right-hand side of the white Impala?

8 A. Right.

9 Q. What did you see Donald Jackson do?

10 A. He got out of the car and started walking down to
11 Taleka's house.

12 Q. And he got out of car when it was --

13 A. By Comilla's house.

14 Q. By Comilla's. So by Lot 15 the white --

15 A. Uh-huh.

16 Q. You're fine. I'm just clarifying it for the record.

17 A. Okay.

18 Q. Okay. So by Lot 15 you observed Donald Jackson get
19 out of the white Impala?

20 A. Uh-huh.

21 Q. And walk to --

22 A. Lot 7.

23 Q. -- Lot 7?

24 A. Correct.

25 Q. Okay. What next?

1 A. He came and he tried to speak to DeRoyce and DeRoyce
2 told him that he didn't want to talk to him.

3 Q. Okay. Who is DeRoyce?

4 A. Quayshaun's cousin as well.

5 Q. Okay. And what is DeRoyce's last name?

6 A. Lites.

7 Q. Okay. And was DeRoyce located at Lot 7?

8 A. Yes, ma'am.

9 Q. And were you still currently located at Lot 7?

10 A. Yes, ma'am.

11 Q. Okay. So you observed Donald Jackson speak to DeRoyce
12 and it was your understanding that DeRoyce did not want to
13 speak with Donald Jackson?

14 A. Correct.

15 Q. Okay. What did you observe next?

16 A. Excuse me. He got mad and he walked off for probably
17 like a minute or two, then he came back.

18 Q. And by "he" do you mean Donald Jackson?

19 A. Correct.

20 Q. Do you know what direction Donald Jackson walked in?

21 A. He walked behind me. Because we were standing in a
22 little circle. It was me, Taleka, Valsha, Shantell,
23 Shawanda, we were standing -- and DeRoyce. We were
24 standing in a circle and that's when he walked in the
25 circle and said DeRoyce, let me talk to you for a second,

1 and he was like no, I have don't anything to say to you.

2 Q. Okay. So -- I know you're gonna get frustrated with
3 me, but where was this circle?

4 A. At the edge of the house. Like the end of the
5 trailer. If you're coming in, the edge of the trailer is
6 where we were standing in a little circle.

7 Q. So is that the front left edge of Lot 7 closest to the
8 driveway?

9 A. See, the front and the back of the trailer's like --
10 the front door is facing the back of the trailer park, but
11 the back door is like facing the front of the trailer park.

12 Q. Okay. So if I -- if I were to say that it was the --
13 so the front door of Lot 7 faces towards the rear of the
14 trailer park, right?

15 A. Yes.

16 Q. Okay. So you were standing towards the corner of
17 Lot 7 that is closest to the main road, [REDACTED]?

18 A. No.

19 Q. No.

20 A. It's the little dirt part, you know, the gravel part.

21 Q. And you were standing -- you were standing by the
22 driveway?

23 A. Uh-huh.

24 Q. Okay. The main driveway of the road?

25 A. Right.

1 Q. And you were at a corner of the lot?

2 A. Uh-huh.

3 Q. Was that corner closer to the back door or to the
4 front door?

5 A. The back door.

6 Q. Okay.

7 THE COURT: Can I just stop you just for a second
8 because I'm the one that's gonna be making this decision
9 and it's really confusing.

10 Do we have a map or a drawing? Because it's --

11 MS. PATTERSON: That's what I was gonna check on.

12 MS. MAYES: We do have Court's Exhibit 1 that was
13 presented yesterday. It's right there, Rhonda, to the
14 left.

15 THE COURT: It's hard for me to decide where
16 everybody is because I don't know where Lot 7 and
17 Lot 16 and Lot 15 is.

18 MS. MAYES: Judge, we also have an aerial
19 photograph, which is Court's Exhibit 12.

20 MS. WILLIAMS: That will do nicely.

21 I apologize, Your Honor.

22 THE COURT: That's okay. It's just getting really
23 confusing for the Court to decide.

24 MS. WILLIAMS: I understand. I apologize. I am
25 -- I forget myself.

1 All right. Your Honor, may I ask the witness to
2 step down from the stand?

3 THE COURT: Yes.

4 You can step down.

5 BY MS. WILLIAMS:

6 Q. All right. So looking at Court's Exhibit 12, okay,
7 this right here, is that the main road?

8 A. Yes, ma'am.

9 Q. Is that's known as [REDACTED] Road?

10 A. Yes, ma'am.

11 Q. Okay. This right here, is that what we have been
12 referring to as the driveway?

13 A. Yes, ma'am.

14 Q. Okay. What is marked as Lot 15, is that what is
15 Comilla Jackson's house?

16 A. Correct.

17 Q. Okay. Lot 16, is that the home that you were
18 referring to Tykira Johnson going into?

19 A. Correct.

20 Q. Okay. Lot 7, is that Taleka Lite's house?

21 A. Right.

22 Q. So to briefly go back over your old testimony, when
23 you were driving back in from having gone to change your
24 clothes --

25 A. Uh-huh.

1 Q. -- will you indicate -- without drawing on it, will
2 you indicate where you saw the young men standing?

3 A. (Witness complies.)

4 Q. Okay. So in the yard between Lot 15 and 16?

5 A. (Nods head.)

6 Q. Okay. Will you indicate where Kashia dropped you off?

7 A. She was parked like right here. That's where I got
8 out at.

9 Q. Okay. And will you, please, indicate where you saw
10 the white Impala?

11 A. It was like right here.

12 Q. Okay. And that's where you saw Donald Jackson jump
13 out?

14 A. Right.

15 Q. Okay. Where were you standing at that time?

16 A. Here. Oh, right here, sorry, on the edge of the
17 house.

18 Q. Okay. And is that where the circle of people was that
19 you were indicating earlier?

20 A. Yes, ma'am.

21 Q. Okay. Perfect.

22 Thank you. Return to the stand.

23 MS. WILLIAMS: Your Honor, may I approach just for
24 future --

25 THE COURT: You may.

1 MS. WILLIAMS: -- so you can point up to that.

2 BY MS. WILLIAMS:

3 Q. Okay. So just for one more time could you indicate
4 where you were standing in a circle?

5 A. Right -- right on the edge right there.

6 Q. Okay. And which direction were you facing?

7 A. The road.

8 Q. Okay. And you saw Donald Jackson walk past you?

9 A. He came in the circle, said DeRoyce, can I talk to you
10 for a minute, he was like no, I don't have anything to say
11 to you, and he walked like back here behind me.

12 Q. Okay.

13 A. Well, I'm pointing at the back here behind me.

14 Q. Okay. So further towards into Lot 7?

15 A. Right.

16 Q. Okay. What happened next?

17 A. He walked back where we were and he looked around at
18 all of us in the circle and he started jumping up and down
19 screaming saying "they won't smoke, they won't smoke".

20 Q. Okay. So I'm gonna stop you there. Approximately how
21 long was he gone from your circle?

22 A. Like a minute or two.

23 Q. Okay. All right. And then without telling me what he
24 said, he came back in and he was agitated; is that correct?

25 A. Uh-huh.

1 Q. Okay. So what happened next?

2 A. He started saying what he was saying and, you know,
3 he always acts the fool, so, you know, nobody is paying
4 him any attention. We didn't even want him there, but he
5 somehow popped up.

6 Q. Okay. So to your knowledge Donald Jackson had not
7 been invited?

8 A. Right.

9 Q. Okay. So he arrives in the middle of your circle,
10 he's jumping up and down, he's being excited, what happened
11 next?

12 A. That's when the guys started coming across the road.

13 Q. Okay. And by the guys coming across the road, will
14 you indicate on Court's Exhibit 12 where they're located?

15 A. (Witness complies.)

16 Q. Okay. So there was --

17 A. It was a line of them.

18 Q. Okay. So the line -- the folks from across the road
19 start coming over?

20 A. Uh-huh.

21 Q. What happens next?

22 A. I see them with guns in their hands and I started
23 running.

24 Q. Okay. Approximately how many people with guns in
25 their hands did you see?

1 A. I really don't know. It had to be all of them that
2 had guns, but I don't know exactly how many had guns, but
3 approximately all of them.

4 Q. Can you recall specifically how many guns you know you
5 saw?

6 A. I saw three.

7 Q. Okay. So you saw multiple people coming across the
8 road, you know you saw three guns, and you ran. What
9 direction did you run in?

10 A. Towards the house.

11 Q. Okay. You ran in away from them?

12 A. Uh-huh.

13 Q. At any point did you see Quayshaun?

14 A. No, ma'am.

15 Q. Okay. When you were -- when you were running, where
16 did you end up?

17 A. Inside the house in the bathroom.

18 Q. Okay. At what point, if any, did you hear gunshots?

19 A. Oh, as soon as I started running.

20 Q. Okay. So looking at Court's Exhibit 12, can you
21 indicate approximately where on Lot 7 the bathroom is
22 located in the mobile home?

23 A. Oh, goodness. It's probably like right up in here.

24 Q. So was it close to the door?

25 A. No. Like when you get inside the house, you go to the

1 left and down the hall and the bathroom is on the left-hand
2 side.

3 Q. Okay. So you ran inside the house into the bathroom?

4 A. Uh-huh.

5 Q. You said you first started hearing gunshots when you
6 started running?

7 A. Uh-huh.

8 Q. At what point did you stop -- at what point, if any,
9 did you stop hearing gunshots?

10 A. I was in the bathroom on the floor. I -- I stopped
11 hearing them when I was in the bathroom on the floor, but
12 it was -- the gunshots went on for a long time to me.

13 Q. How -- how many gunshots approximately do you think
14 you heard?

15 A. I don't know. Honestly I don't know.

16 Q. Was it more than five?

17 A. Definitely.

18 Q. Was it less than a hundred?

19 A. Uh-huh.

20 Q. Okay. So is it fair to say you heard many gunshots?

21 A. Right.

22 Q. Were you able to tell where they came from?

23 A. No. I really wasn't trying to focus on where they
24 were coming from. I was just scared.

25 Q. Okay. So you're in the bathroom, the gunshots stop.

1 A. Uh-huh.

2 Q. What did you do next?

3 A. I came outside of the bathroom and I was looking
4 around the house, I didn't see nobody, so I walked outside
5 on the back porch where I ran in at and everybody was gone.

6 Q. Okay. Will you indicate, again, on Court's Exhibit 12
7 where the back porch is?

8 A. The back porch is like right here.

9 Q. Okay. And you said that everyone was gone?

10 A. Uh-huh.

11 Q. What do you mean by that?

12 A. No one was there. Every car was gone and I didn't see
13 any people.

14 Q. Okay. So where had there been cars before?

15 A. Here, here, on the edge of the yard.

16 Q. So you're indicating on the edge of Lot 7 towards the
17 driveway?

18 A. Uh-huh.

19 Q. Okay. And all of those cars were gone?

20 A. Uh-huh.

21 Q. Where was -- do you know where Quayshaun was?

22 A. No, his car was gone as well.

23 Q. Okay. What did you do at that point?

24 A. I came outside and I seen someone walking down the
25 road like of the -- walking down like right here.

1 Q. So from the area of Lot 15 and 16 towards Lot 7?

2 A. Uh-huh.

3 Q. Okay. Do you know who that individual was?

4 A. Shandrika Jay.

5 Q. Okay. And is that the mother of the -- of the victim
6 in this case?

7 A. Right.

8 Q. Okay. And what was Ms. Jay's demeanor?

9 A. Well, after I got out there, you know, I could just
10 see somebody walking and then I started hearing crying and
11 I heard "my baby is gone" and I was like "who is that" and
12 she said "this is Shell Jay" and, you know, I broke down
13 like because I knew her baby.

14 Q. Okay. So you knew the victim?

15 A. Uh-huh.

16 Q. And you -- you know Ms. Jay?

17 A. Uh-huh.

18 Q. Is that -- how do you know -- how do you know Ms. Jay?

19 A. We really grew up in the same town.

20 Q. Okay. Is it fair to say that Batesburg is a small
21 town?

22 A. I'm not from Batesburg. I'm from Ridge Spring.

23 Q. Okay. And did Ms. Jay grow up in Ridge Spring?

24 A. Uh-huh.

25 Q. Is it fair to say that Ridge Spring is perhaps even a

1 smaller town than Batesburg?

2 A. Uh-huh.

3 Q. Okay. So you knew Ms. Jay?

4 A. Uh-huh.

5 Q. And at that point is that when you understood that
6 Ms. Jay's daughter had died?

7 A. Right.

8 Q. Okay. So what -- what you did do next?

9 A. I started looking for people, you know, like the
10 victim -- well, not the victim, but the people that lived
11 in the house.

12 Q. In which house?

13 A. Taleka's house.

14 Q. In Taleka's house?

15 A. Uh-huh.

16 Q. Okay. And why were you looking for them?

17 A. Because I couldn't find them anywhere. Like I was
18 just trying to make sure everybody was okay.

19 Q. You were checking up on everybody?

20 A. Uh-huh.

21 Q. Okay. When did you next come in contact with
22 Quayshaun?

23 A. I called him and he told me he was at his uncle's
24 house.

25 Q. Okay. What time did you call him?

1 A. I don't really remember. I know it had to be like ten
2 something or maybe eleven.

3 Q. Okay. Is it fair to say it was that evening after --

4 A. Right.

5 Q. -- after the events happened?

6 A. Uh-huh.

7 Q. Okay. And did you convey to him that Ms. Jay's child
8 had been shot?

9 A. I said that a child had been shot.

10 Q. Okay.

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

12 BY MS. WILLIAMS:

13 Q. Tameakeo, while all of this was happening, did you see
14 anyone on Lot 7 with a gun?

15 A. No, ma'am.

16 Q. Okay.

17 MS. WILLIAMS: Please answer any questions the
18 solicitor may have for you.

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

20 THE COURT: Take your time.

21 CROSS-EXAMINATION (In-Camera)

22 BY MS. PATTERSON:

23 Q. Good morning, Tameakeo.

24 A. Good morning.

25 Q. Let me just make sure I have a couple of things

1 straight because your statement is a little different today
2 than it was on June 11th of 2021. Do you remember talking
3 to an investigator with the Lexington County Sheriff's
4 Department?

5 A. Yes, ma'am.

6 Q. And you spoke to him after Quayshaun had been arrested
7 at [REDACTED] Spring Hill Road, correct?

8 A. Correct.

9 Q. And he sat you in his car, correct?

10 A. Uh-huh.

11 Q. And he asked you about what you knew about this
12 shooting, right?

13 A. Right.

14 Q. And during that time you told the officer that when
15 you got back to Lot 7 from coming to your house you saw
16 guys over at Lot 16 standing there with their hands in
17 their waistband, correct?

18 A. (Nods head.)

19 Q. And today you're saying you saw them with their hands
20 crossed.

21 A. They -- I told him that the hands were crossed.

22 Q. Okay. But then you also told him you saw them with
23 their hands in their waistbands?

24 A. No, I didn't say anything about a waistband.

25 Q. You didn't say anything about a waistband?

1 A. No.

2 Q. Okay. And today you said that over at Lot 16 you saw
3 three guys with guns, correct?

4 A. No, I said I saw three guys -- when they were coming
5 across the road, I saw three guys with guns out of the ones
6 that were there coming across the road.

7 Q. So you saw -- eventually three guys came from Lot 16
8 towards Lot 7 and you saw three of them with guns; is that
9 what you're saying?

10 A. They were all here. It was a car parked here, it was
11 a lot of them standing here and it was a few of them
12 standing here, but they were going back and forth from
13 Lot 15 to 16.

14 Q. And when did you see there was three guys with guns?

15 A. When they were coming across the road.

16 Q. And just slow the pointer down a little bit. How far
17 did they get across the road when you saw them?

18 A. They were on the -- the dirt part where the rocks --
19 the gravel was.

20 Q. But this wasn't information that you gave that officer
21 on June 9th -- on June 11th of 2021, was it?

22 A. I told the officer exactly what I'm saying today.

23 Q. That you saw three guys with guns come from across the
24 street?

25 A. I saw -- I told him I saw guys with guns coming across

1 the street. I didn't put a number on it.

2 Q. Isn't it true that you told them you saw another male
3 was -- another male, just one, meaning just one, coming
4 across the way with a gun?

5 A. No.

6 Q. You didn't say that?

7 A. I saw three of them coming across with guns, but I --
8 it was a lot of them, but I saw three of them with guns.

9 Q. And today you're testifying that you actually had a
10 conversation with Tykira about what was happening?

11 A. Yeah, I told the officer that as well.

12 Q. And it's your testimony you told him that, true?

13 A. Right.

14 Q. Okay. And then she told you she didn't know, that she
15 was gonna tell those people to leave, right?

16 A. She told me she was going to tell them to leave her
17 grandmother's house.

18 Q. And so that's her grandmother's house over there at
19 Lot 16?

20 A. Uh-huh.

21 Q. And she went in the house and then you didn't see her
22 again?

23 A. No, ma'am.

24 Q. Did you ever see anyone following Tykira from Lot 7
25 over at Lot 16 with a gun in their hand?

1 A. No, ma'am.

2 Q. So you were standing there all that time and you never
3 saw that happen?

4 A. No, ma'am.

5 Q. And when you got back from -- you said before you left
6 the party it wasn't -- it wasn't a lot of people there?

7 A. It was a few people there, but it wasn't as many as
8 when I got back.

9 Q. And what do you mean by a few people? Was it twenty
10 people?

11 A. No. It definitely wasn't twenty people.

12 Q. Five people?

13 A. Maybe ten to fifteen people. Not even fifteen.

14 Q. Okay. And when you got back, it was more people
15 there, correct?

16 A. Uh-huh. Correct.

17 Q. And then at some point I think you saw DJ, who is
18 actually Quayshaun's cousin?

19 A. Uh-huh.

20 Q. You saw him arrive, didn't you?

21 A. Uh-huh.

22 Q. And then he came there and he was kind of loud I think
23 you said, hollering?

24 MS. MAYES: And I beg the Court's indulgence. If
25 we could just identify DJ.

1 THE COURT: Thank you.

2 BY MS. PATTERSON:

3 Q. What's DJ's real name?

4 A. Donald Jackson.

5 Q. Donald Jackson?

6 A. Uh-huh.

7 Q. And he's cousins with Quayshaun?

8 A. Uh-huh.

9 Q. And you've known him for a while?

10 A. Uh-huh.

11 Q. And I think you said that he came into a circle with
12 you, DeRoyce, Taleka and who else?

13 A. Shawanda and Valsha and Shantell.

14 Q. And he came in the circle, DeRoyce didn't want
15 anything to do with him, and he left and he went towards
16 the back of Lot 7; is that correct?

17 A. Right.

18 Q. Now let me ask you something. When you got back,
19 isn't it true Quayshaun was out there sitting in his car?

20 A. Yes, ma'am. He was there before I even -- in the car
21 before I even left.

22 Q. So he was out there this entire time?

23 A. Uh-huh. In the car.

24 Q. Where all this commotion as you described was going
25 on?

1 A. Yes, ma'am.

2 Q. Okay. And so then DJ came back into the circle and
3 he was hollering "they won't smoke, they won't smoke",
4 correct?

5 A. Yes, ma'am.

6 Q. That's your testimony?

7 A. (No verbal response.)

8 Q. And isn't it true that his words were directed to that
9 crowd over there?

10 A. I don't know who it was directed to because nobody was
11 talking to him in Lot 7.

12 Q. And was anybody talking to him over at Lot 15?

13 A. No.

14 Q. And where was he when he was yelling "they won't
15 smoke, they won't smoke"?

16 A. He was on the edge of the house there where I was.

17 Q. So he was over there at Lot 7 at the edge?

18 A. Uh-huh.

19 Q. And I think you said you also noticed Hugo when you
20 got back, correct?

21 A. Correct.

22 Q. Did you tell the officer that last year when you
23 talked to him?

24 A. Yes, ma'am.

25 Q. You did?

1 A. (Nods head.)

2 Q. And then you said before you got into the -- back into
3 Lot 7 you heard gunshots, right?

4 A. While I was running I heard gunshots.

5 Q. And I think you told the officer back on June 11th of
6 last year that the shots that you heard all sounded like
7 pistol shots, correct?

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

9 Q. Is that what you told them?

10 A. Yes, ma'am.

11 Q. So you didn't hear any loud shooting gun?

12 A. Oh, it was loud, you know, but I'm thinking they're --
13 they were pistols like, so I didn't really know.

14 Q. And I think you described it as pop, pop, pop when you
15 talked to him?

16 A. Uh-huh.

17 Q. Would that still be your testimony?

18 A. Right.

19 Q. And you couldn't tell if they were coming from Lot 7?
20 You couldn't tell where they was coming from, right?

21 A. No, ma'am.

22 Q. Okay. And then at some point -- and you heard all of
23 this while you were in the bathroom hiding, right?

24 A. Uh-huh.

25 Q. And at some point when all the gunfire stopped, you

- 1 came out?
- 2 A. Uh-huh.
- 3 Q. And everybody was gone, including Quayshaun, correct?
- 4 A. Correct.
- 5 Q. And that's when you ran -- you saw Shell Jay or
- 6 Shandrika?
- 7 A. Uh-huh.
- 8 Q. And you found out that her baby had been killed,
- 9 right?
- 10 A. Right.
- 11 Q. And you said that you called Quayshaun, correct?
- 12 A. Uh-huh.
- 13 Q. Did you call him at the [REDACTED] number?
- 14 A. Yes, ma'am.
- 15 Q. And that was his phone number that night?
- 16 A. Uh-huh.
- 17 Q. And you told him about what happened, didn't you?
- 18 A. No, I didn't tell him about what happened. I was
- 19 just saying that I heard that a child was killed.
- 20 Q. So you told him that a child had been killed, correct?
- 21 A. Uh-huh.
- 22 Q. And he didn't bother to tell you anything?
- 23 A. He just told me he was at his uncle's house.
- 24 Q. He was at his uncle's house?
- 25 A. Uh-huh.

1 Q. And that address, again, was at Ridgell Street, I
2 think it was?

3 A. Ridgell.

4 Q. Ridgell Street?

5 A. Uh-huh.

6 Q. So he didn't go to your home at [REDACTED] Academy Street,
7 did he?

8 A. We weren't planning on staying home that night. When
9 we don't have our child, we really don't stay there.

10 Q. But you had just been back there to change clothes,
11 correct?

12 A. Right.

13 Q. And you had been there earlier that day, right?

14 A. Uh-huh.

15 Q. And Marvin didn't want you-all at his house because he
16 had ran you off from that house earlier that day, correct?

17 A. Uh-huh.

18 Q. So were you-all gonna go to stay at Marvin's house
19 after that party?

20 A. No, ma'am.

21 Q. But that's where he told you he was, correct?

22 A. Uh-huh.

23 Q. And so I think you also told the officers there had
24 been issues between Lot 7 people and Lot 16 people in the
25 past, right?

- 1 A. No, I never said that.
- 2 Q. You never said there had been tension between the lots
3 in the past?
- 4 A. No, ma'am.
- 5 Q. You never told them that every time you-all pull up
6 it's like people from 16 was staring over at you-all?
- 7 A. That night.
- 8 Q. That night?
- 9 A. Uh-huh.
- 10 Q. But never before that night --
- 11 A. No.
- 12 Q. -- had you encountered that with people at Lot 16?
- 13 A. Right.
- 14 Q. Do you know Kay Norris?
- 15 A. I mean, I don't know him know him, but I know him.
- 16 Q. Isn't it true he was out there at Lot 7 that night?
- 17 A. Not that I remember.
- 18 Q. So you don't remember seeing him out there with a gun?
- 19 A. No. No, ma'am. I heard he was out there, but I don't
20 know.
- 21 Q. Okay. And isn't it true DJ had a gun out there?
- 22 A. I don't know if he had a gun. He was there, but I
23 don't know if he had a gun.
- 24 Q. And when you were in the house, did you ever see DJ
25 come back in there?

1 A. No. When I ran in, I wasn't looking back, I wasn't
2 looking for anything. I was just trying to hide.

3 Q. And after the shots stopped, isn't it true DJ came
4 back in with a gun?

5 A. I don't know.

6 Q. You didn't see that?

7 A. (No verbal response.)

8 Q. And at some point you met up with Quayshaun even after
9 you called him to tell him a child had been killed, didn't
10 you?

11 A. Uh-huh.

12 Q. And you-all met up and where did you-all go?

13 A. I went to my cousin's house.

14 Q. And that's the house at [REDACTED] Spring Hill Road?

15 A. Right.

16 Q. And isn't it true that you-all went there to hide out?

17 A. No, ma'am. That's where we were planning on staying
18 there that night. When we don't have our child, we don't
19 really stay home.

20 Q. Okay. And isn't it true you knew what Ace had did
21 that night?

22 A. What do you mean?

23 Q. Did you know that he had been shooting a gun out
24 there?

25 A. I didn't see him shooting a gun.

1 MS. MAYES: And just clarification as to "Ace".

2 THE COURT: Thank you.

3 BY MS. PATTERSON:

4 Q. Quayshaun Clark.

5 A. I didn't see him shooting a gun.

6 Q. And isn't it true that Quayshaun, he has guns,
7 correct?

8 A. Yes, ma'am, he does.

9 Q. And he had them out there at that party that day,
10 didn't he?

11 A. I don't know because I didn't see him with them.

12 Q. And isn't he known to carry a FN-9?

13 A. A pistol. Yes, ma'am.

14 Q. And isn't he known to have carried the AK?

15 A. No, ma'am.

16 Q. You never saw him with that?

17 A. No.

18 Q. Okay. But you knew he had one, right?

19 A. An AK?

20 Q. Uh-huh.

21 A. No, ma'am.

22 Q. You knew -- let's see.

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

24 BY MS. PATTERSON:

25 Q. So you didn't know he had an AK-P7 pistol?

1 A. No, ma'am.

2 Q. You didn't know that?

3 A. Not to be with him or anything like that and I don't
4 even -- it's not even an AK.

5 Q. It's an AK pistol. Some people commonly refer to it
6 as a Draco.

7 A. No, definitely not.

8 Q. Not specifically a Draco, but it's like one.

9 A. No.

10 Q. You didn't know he had that gun?

11 A. No.

12 Q. So you wasn't aware what he shot himself with the year
13 prior to this incident?

14 A. I knew about him shooting himself in the foot, but I
15 don't know what he shot himself with.

16 Q. So you didn't know what he shot himself with. You
17 never saw it. And you-all shared a home, correct?

18 A. I know he has guns.

19 Q. Okay.

20 A. I'm not saying that I know exactly what kind of gun
21 that it is that he has, so I can't answer that.

22 Q. Do you know what the gun looked like?

23 A. Yes, ma'am.

24 Q. Okay. I'm gonna show you Court's Exhibit 25. Did you
25 ever see him with a gun like that?

1 A. It doesn't look like that.

2 Q. It doesn't look like that?

3 A. (Shakes head.)

4 Q. Okay. Did it look similar to that?

5 A. No.

6 Q. And you're not aware that that's the kind of gun that
7 he shot himself with the -- in the foot with it the year
8 prior?

9 A. No, ma'am.

10 Q. Okay. So what's different about his gun than that gun
11 right there?

12 A. It's not like that.

13 Q. It's not like that? That's your testimony?

14 A. (No verbal response.)

15 Q. So you're saying that he never told you that night
16 that he had to shoot someone in self-defense, did he?

17 A. No, ma'am.

18 Q. And over the course of your nine-year relationship --
19 and you also share a child, correct?

20 A. Uh-huh.

21 Q. Wouldn't it be safe to say you've had a lot of private
22 important conversations?

23 A. Yes.

24 Q. But that was one that you-all never had that night?

25 A. Never.

1 Q. Okay. In fact, the morning after the shooting you
2 guys went and got new cell phones, didn't you?

3 A. Yes, because mine was messing up.

4 Q. Okay. And you also got a new telephone number, didn't
5 you?

6 A. It came with it. I can't get the same number.

7 Q. You couldn't get the same number?

8 A. No.

9 Q. You couldn't port your number over --

10 A. No.

11 Q. -- like a lot of people do?

12 A. No, because the service of the phone. I forgot what
13 kind of phone it was.

14 Q. Okay. And isn't it convenient that you guys -- both
15 of you would get two new phones the next morning after this
16 shooting? Isn't that convenient?

17 A. That wasn't even being thought about honestly.

18 Q. Okay. You-all just happened to do it that morning?

19 A. Yes.

20 Q. Okay. And isn't it true that on your iPhone you was
21 the authorized user, correct?

22 A. Uh-huh.

23 Q. And Quayshaun Clark was the authorized user, correct?

24 A. Of what?

25 Q. Of your phone. Your iPhone.

1 A. No.

2 Q. He was not?

3 A. (No verbal response.)

4 Q. And during the early morning hours after the shooting,
5 isn't it true that you made searches on your phone to help
6 Quayshaun cover up what happened?

7 A. No.

8 Q. You didn't make any searches on your phone?

9 A. Not that I recall.

10 Q. Okay. You didn't make any searches of your phone
11 inquiring "what can you do if there's a shooting and people
12 say you shot someone"?

13 A. I may have.

14 Q. You may have made that search?

15 A. Yeah, because we had heard that people were saying
16 that he shot someone.

17 Q. And so you made another search, "what about if someone
18 shoots at you and you shoot back and someone dies, people
19 say you did it", is it possible you made that search as
20 well?

21 A. Yes, ma'am.

22 Q. And did you also search how to get rid of gunshot
23 residue out of your hair?

24 A. No. Now I did not search that.

25 Q. You didn't make that search?

1 A. No.

2 Q. What about a search stating or inquiring "how to get
3 gunshot residue off your hands"?

4 A. No, ma'am.

5 Q. So you wouldn't have made that search either?

6 A. No, ma'am.

7 Q. What about a search inquiring "why are the first
8 forty-eight hours crucial after a murder"? Did you make
9 that search?

10 A. No, ma'am.

11 Q. So who besides Quayshaun Clark had access to your
12 phone?

13 A. No one.

14 Q. No one?

15 A. Uh-huh.

16 Q. So the only two people who had access to your phone is
17 you and Quayshaun Clark, correct?

18 A. No, Quayshaun doesn't have access to my phone.

19 Q. He's not an authorized account user on your phone?

20 A. No, ma'am.

21 Q. I thought you just testified that he was.

22 A. I just told you no, he was not.

23 Q. He was not?

24 A. Unh-unh.

25 Q. So if those searches are on your phone, they just

1 magically appeared?

2 A. I'm not saying that, but I didn't search anything like
3 that.

4 Q. And isn't it also true that you contacted Lexington
5 County Crime Stoppers after this?

6 A. No, I did not.

7 Q. You did not contact them?

8 A. No, ma'am.

9 Q. You did not contact them in an attempt to throw them
10 off somehow about what happened?

11 A. No, ma'am.

12 MS. PATTERSON: I beg the Court's indulgence, Your
13 Honor.

14 THE COURT: Take your time.

15 BY MS. PATTERSON:

16 Q. Now you-all -- he was at his Uncle Marvin's house when
17 you first talked to him, correct?

18 A. Uh-huh.

19 Q. And then at some point were you with him when he
20 dropped off his backpack at his Aunt Wanda's house at
21 █ North Railroad Avenue?

22 A. I didn't leave the trailer park until like 1:30, 2:00
23 in the morning.

24 Q. So you wasn't with him when he went to his Aunt
25 Wanda's house to drop off that backpack?

1 A. No, ma'am.

2 Q. And do you know how he got from his Uncle Marvin's
3 house to meet you at the [REDACTED] Spring Hill Road address?

4 A. No, ma'am.

5 Q. So you didn't go out and pick him up?

6 A. No, ma'am.

7 Q. Or your cousin who you'd been riding with that night?

8 A. No, ma'am.

9 Q. And your daughter was already in Spartanburg that day
10 with your mom?

11 A. Yes, ma'am.

12 Q. And you said you may have made a couple of those
13 searches, but not all of them, and you did not contact
14 Lexington County Crime Stoppers, correct?

15 A. Unh-unh.

16 Q. Let me go back to something, too, because you said you
17 told the officer on June 11th of 2021 that you saw three
18 guys instead of the one, but isn't it true you even told
19 him what the one guy was wearing that you said came from --
20 that you saw coming from across the street?

21 A. No, ma'am.

22 Q. You didn't say you saw someone from across the street
23 at Lot 16 wearing a white tank top with a gun?

24 A. No, it wasn't a tank top. It was a T-shirt.

25 Q. So you just remember seeing what that one person was

1 wearing. What was the other two people wearing?

2 A. I don't remember.

3 Q. You don't remember what --

4 A. They had on dark colors.

5 Q. Okay. But you didn't tell the officer about that or
6 you said you did?

7 A. I told them about it, but I didn't describe what the
8 other ones had on.

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

10 THE COURT: Take your time.

11 BY MS. PATTERSON:

12 Q. I think you've already testified, but I want to make
13 -- make sure I'm tracking you right. Court's Exhibit 34,
14 does that look familiar?

15 A. The bag?

16 Q. Yes.

17 A. Uh-huh.

18 Q. Okay. And so is this the bag that contained the two
19 new phones that you guys bought the morning after the
20 shooting?

21 A. Uh-huh.

22 Q. And that was at the Spring Hill -- your cousin's
23 house, correct?

24 A. Right.

25 Q. And the searches that you do admit to doing on your

1 phone, was Quayshaun there when you made those searches?

2 A. He had to be in the house, yeah.

3 Q. Okay. And, again, just to make sure I'm clear,
4 Quayshaun Clark never told you that he fired any shots that
5 night, did he?

6 A. Never.

7 Q. He never told you that he had to use his gun in
8 self-defense, did he?

9 A. No, ma'am.

10 MS. PATTERSON: Thank you.

11 THE COURT: Ms. Patterson, are you finished?

12 MS. PATTERSON: Oh, I'm sorry. Thank you.

13 THE COURT: I didn't know if you were conferring.

14 MS. PATTERSON: I'm sorry.

15 THE COURT: Any redirect?

16 MS. WILLIAMS: Yes, Your Honor.

17 REDIRECT EXAMINATION (In-Camera)

18 BY MS. WILLIAMS:

19 Q. So I'm gonna try to go through in order because that's
20 how my notes are.

21 So the solicitor indicated that -- well, asked you if
22 you ever saw anyone follow Tykira across the road.

23 A. Uh-huh.

24 Q. And it's your testimony that you didn't see anyone
25 follow her?

1 A. Right.

2 Q. Okay. You also indicated that Quayshaun was in his
3 car while all of this was going on; is that correct?

4 A. Uh-huh.

5 Q. Do you still have your little pointy thing?

6 A. Uh-huh.

7 Q. Okay. Oh, I need to switch exhibits.

8 Looking at Court's Exhibit 12, can you indicate to me
9 where Quayshaun's vehicle was?

10 A. Right here.

11 Q. Okay. So further back from the driveway?

12 A. Uh-huh.

13 Q. And which way was his -- do you recall which way his
14 vehicle was pointing?

15 A. The back was facing like this part of the house and
16 the front was facing that way.

17 Q. Okay. So the back of the vehicle was facing the woods
18 and the front was facing the driveway?

19 A. Uh-huh.

20 Q. Okay. And Quayshaun was in his vehicle?

21 A. Correct.

22 Q. And where were you-all again if you'll indicate?

23 A. Here.

24 Q. Towards the front. And that's where Donald Jackson
25 was as well?

1 A. Uh-huh.

2 Q. Okay. Did you ever see Quayshaun and Donald Jackson
3 speak?

4 A. No, ma'am.

5 Q. And we've made a lot of -- a big deal about Donald
6 Jackson. Do you know why anyone -- why people weren't
7 talking to him? I believe that's what you testified, that
8 people weren't talking to him.

9 A. Yes.

10 Q. Do you know why?

11 A. Yeah, because he started an altercation between the
12 family and he made them fight.

13 Q. Was -- this fight that you're referring to, was it
14 prior to this incident?

15 A. It was like a week before.

16 Q. Was this altercation between the family?

17 A. Uh-huh.

18 Q. So he caused family members to fight with other family
19 members before?

20 A. Correct.

21 Q. So no one was talking to Donald Jackson?

22 A. Not at all.

23 Q. Okay. Do you know the difference between a pistol and
24 a rifle?

25 A. Yes.

1 Q. Do you know the difference between a pistol and a
2 rifle gunshot?

3 A. Louder.

4 Q. Is that because you know it or is that because you
5 assume it?

6 A. Assume it.

7 Q. Okay. All right. The solicitor also covered for a
8 while your knowledge of Quayshaun's guns and I believe you
9 stated that you know that Quayshaun has guns; is that
10 correct?

11 A. Uh-huh.

12 Q. How often do you spend looking at Quayshaun's guns
13 with him?

14 A. I don't really.

15 Q. Have you ever handled Quayshaun's guns?

16 A. No, ma'am.

17 Q. Does he come in and discuss them with you?

18 A. No, ma'am.

19 Q. The solicitor also focussed on a lot of testimony --
20 on some messages or some searches that may have been done
21 on your phone after the shooting.

22 A. Uh-huh.

23 Q. At this point can you describe your state of mind to
24 me?

25 A. I was worried.

1 Q. What were you worried about?

2 A. Because people were saying that he did something to
3 someone.

4 Q. Okay. Is it fair to say that you were scared?

5 A. Uh-huh.

6 Q. Is it fair to say that you love Quayshaun?

7 A. Yes, ma'am.

8 Q. Did you know that he had done anything to anyone?

9 A. No, ma'am.

10 Q. But you had just heard people --

11 A. Right.

12 Q. -- saying that it was him?

13 A. Uh-huh.

14 Q. Okay. How did Quayshaun appear to you?

15 A. I'm not gonna say that he was, you know, like -- he
16 basically was just saying like they're saying I did this,
17 so I want to clear my name, you know.

18 Q. Okay. Did he appear concerned that folks thought it
19 was him?

20 A. Uh-huh. Definitely.

21 Q. And you've been with a him a long time?

22 A. Uh-huh.

23 Q. So nine years?

24 A. (Nods head.)

25 Q. Did you get the indication from him that he thought

1 that he had done it at that point?

2 A. No, ma'am. It's just he wanted to just get -- wanted
3 people to understand that he didn't do it.

4 Q. Did you ever get the impression that he thought that
5 he had in this period of time, the day after, the day
6 before, did you ever get the impression that he thought
7 that he had hurt anyone?

8 A. He was like I want to clear my name. I don't, you
9 know, want people thinking this about me because he --

10 Q. It's okay.

11 A. He just didn't want people saying that he did
12 something that he know he didn't do.

13 Q. So you thought -- your impression was that he knew he
14 didn't do it?

15 A. Right.

16 Q. And you were scared?

17 A. Uh-huh.

18 Q. And you've been together a long time?

19 A. Correct.

20 Q. Okay. Tameakeo, the solicitor's characterization
21 earlier was that you were covering up something. Just for
22 the record, what -- what did you think you were doing?

23 A. Nothing really honestly, and I know this is not
24 pertaining to the case, but I have a ten-year-old brother
25 who was shot and killed when he was ten years old.

1 MS. PATTERSON: Objection, Your Honor. That has
2 nothing to do with this case.

3 THE COURT: I agree. Relevancy.

4 BY MS. WILLIAMS:

5 Q. Okay. Tameakeo, were you scared?

6 A. Uh-huh.

7 Q. Were you scared for Quayshaun?

8 A. Yes, ma'am.

9 Q. Did you think that he had hurt anyone?

10 A. I didn't think he hurt anyone, but he just wanted to
11 clear his name.

12 MS. WILLIAMS: I beg the Court's indulgence.

13 MS. PATTERSON: Is she done?

14 THE COURT: Are you --

15 MS. WILLIAMS: No further questions, Your Honor.

16 MS. PATTERSON: I apologize.

17 THE COURT: No, no.

18 RE CROSS EXAMINATION (In-Camera)

19 BY MS. PATTERSON:

20 Q. So you were hearing people saying that Quayshaun is
21 the one that shot Shell Jay's daughter, correct?

22 A. (Nods head.)

23 Q. So you didn't think to ask him if he did this?

24 A. I mean, I knew he didn't do it. Like I -- just
25 knowing him, I know he didn't do something like that.

1 Q. But you didn't ask him if he did it?

2 A. No, ma'am.

3 Q. Okay. And he knew that people were saying these
4 things, too, correct?

5 A. Uh-huh.

6 Q. And I think you said he just wanted to clear his name.
7 Is that what you're saying?

8 A. Yes, ma'am.

9 Q. So he wanted people to know he didn't do it; is that
10 what you were saying?

11 A. Uh-huh.

12 Q. So at any point did he say I had to do this?

13 A. No, ma'am.

14 Q. So he just told you he didn't fire a gun that night?

15 A. He didn't tell me anything about firing a gun or say
16 that he didn't fire a gun. He just said he wanted to clear
17 his name.

18 Q. So he wanted to clear his name, but he never told you
19 he fired a gun?

20 A. Right.

21 Q. Are you aware that he told law enforcement he fired a
22 gun from Lot 7 that night?

23 A. No, ma'am.

24 Q. Are you -- so you're not aware that he told law
25 enforcement he fired nine or ten rounds that night from

1 Lot 7?

2 A. No, ma'am.

3 Q. And this was never a discussion that you guys had?

4 A. No, ma'am.

5 Q. As close as you were?

6 A. Unh-unh.

7 MS. PATTERSON: No further questions, Your Honor.

8 MS. WILLIAMS: Your Honor, may the witness be
9 excused?

10 THE COURT: Yes. Thank you.

11 (Witness excused.)

12 THE COURT: I don't believe you're excused from the
13 trial of the case, just excused from the witness chair.

14 THE WITNESS: Okay.

15 MS. WILLIAMS: The defense would call Quayshaun
16 Clark to the stand.

17 THE COURT: Okay. Quayshaun Clark.

18 (Whereupon, Quayshaun Clark was duly sworn by the
19 Clerk of Court.)

20 THE CLERK: If you'll have a seat over there. If
21 you'll state your name, please, and spell your last for
22 the record.

23 THE WITNESS: Quayshaun Clark. Last name Clark,
24 C-L-A-R-K.

25 QUAYSHAUN CLARK,

1 having been duly sworn, testified as follows:

2 DIRECT EXAMINATION (In-Camera)

3 BY MS. WILLIAMS:

4 Q. Good morning, Mr. Clark.

5 A. (Nods head.)

6 Q. Is that a yes?

7 A. Yes, ma'am.

8 Q. Okay. I'm gonna have to ask you to speak clearly.

9 I know you're kind of soft-spoken, so this is for the
10 reporter, okay?

11 A. (No verbal response.)

12 Q. All right. So the same questions that I asked
13 Tameakeo. The morning of June 9, 2021, what, if anything,
14 do you remember about that morning?

15 A. Got up, went and fed my dogs like I do every morning.

16 Q. Okay. And where -- where did you get up at? Where
17 were you living?

18 A. [REDACTED] Academy Street.

19 Q. Okay. And how many dogs do you have?

20 A. At that time it was like four or five.

21 Q. Four or five dogs. So you got up and fed your dogs.
22 Do you remember what happened after that?

23 A. I went home, showered, went back to my uncle's house.

24 Q. Okay. So you went -- so you say you went home,
25 showered, went back to your uncle's house?

1 A. Yes.

2 Q. At some point did you go to your uncle's house that
3 morning?

4 A. Yes.

5 Q. Okay. And is your Uncle Marvin Lites?

6 A. Yes, ma'am.

7 Q. And where does he live?

8 A. [REDACTED] Ridgel Street.

9 Q. And that's in Batesburg?

10 A. Yes.

11 Q. And that's the Batesburg side of Batesburg?

12 A. Yes.

13 Q. Okay. So went to your uncle's house at some point
14 that morning and you went back to your house to shower and
15 then you went back to your uncle's house?

16 A. Yes.

17 Q. Okay. So when you ended up at your uncle's house the
18 second time, why were you there?

19 A. Just chilling, figuring out what we was gonna do with
20 the day.

21 Q. Okay. Who all was there with you?

22 A. At the time it was me and my uncle; my dad, Johnny,
23 and a couple of other people.

24 Q. Okay. And what's your dad's full name?

25 A. Johnny Lites.

1 Q. Okay. Do you recall who the couple of other people
2 were?

3 A. I don't remember actually at the moment.

4 Q. Okay. So you're at your uncle's house, you're hanging
5 out and do people show up?

6 A. Yeah, because, I mean, it was my cousin's birthday.
7 We had called her over and was trying to figure out what we
8 was gonna do with the day.

9 Q. Okay. So which cousin's birthday was it?

10 A. Shawanda Lites.

11 Q. Okay. And so you called Shawanda to figure out what
12 you were gonna do for her birthday?

13 A. Uh-huh.

14 Q. And so did Shawanda come over?

15 A. Yes.

16 Q. Did anyone else come over with Shawanda?

17 A. Not at the moment, no.

18 Q. Okay. Did Tameakeo ever come over?

19 A. Yeah, later on.

20 Q. Okay. So approximately how long were you at your
21 uncle's house?

22 A. All that morning and almost all that day until we had
23 left and I went back home. Well --

24 Q. You say you went back home before that. Was that in
25 the morning when you went back home and then came back or

1 was that in the afternoon?

2 A. It was closer to 12:00.

3 Q. Closer to 12:00. Okay. Then you came back after you
4 had showered?

5 A. (Nods head.)

6 Q. And what time did you-all leave if you -- what did you
7 do eventually later on that afternoon?

8 A. We wind up leaving because he -- my uncle's always
9 grumpy and he -- I guess just ain't want nobody over
10 there at the moment or whatever and so -- I mean, we had
11 eventually wound up leaving and going to Taleka's house.

12 Q. Okay. So you ended up leaving your uncle's because
13 he was being grumpy and you went over to Taleka's house?

14 A. Yes.

15 Q. Now Taleka's last name is Lites; is that correct?

16 A. Yeah. Yes, ma'am.

17 Q. And where does Taleka live?

18 A. In Rocky Lane on [REDACTED] Road.

19 Q. Okay. And looking up on Court's Exhibit 12 -- is the
20 pointer still up there?

21 A. Yeah.

22 Q. Could you indicate to me which one is Taleka's house?

23 A. Right here.

24 Q. Okay. Now had Taleka invited you over there?

25 A. Yes, ma'am.

1 Q. Okay. And what was your understanding of the reason
2 why she had invited you over there?

3 A. Because they already know how my uncle is and they
4 didn't -- they was like man, you-all can just come over
5 here like.

6 Q. Okay. And you say "they", so --

7 A. Yeah, her and her sister.

8 Q. And what's Taleka's sister's name?

9 A. Valsha Lites.

10 Q. Valsha Lites. And does she live there with Taleka?

11 A. Yes, ma'am.

12 Q. Okay. So you left Marvin's house and you went over to
13 Taleka's house around what time?

14 A. Midafternoon.

15 Q. Okay. So did you drive by yourself?

16 A. Nashua was with me. Nashua was there.

17 Q. Okay. And what is Nashua's last name?

18 A. Smith.

19 Q. And he sometimes goes by Nash; is that correct?

20 A. Uh-huh.

21 Q. Are you related to Nashua?

22 A. Yeah, he's my cousin.

23 Q. Your cousin. Okay. And he rode with you; is that
24 correct?

25 A. Uh-huh.

1 Q. Did Tameakeo ride with you?

2 A. No.

3 Q. So midafternoon you went over to Taleka's house. You
4 drove Nashua. Can you indicate to the Court where you --
5 where you parked your vehicle?

6 A. It was like mostly back here.

7 Q. Okay. And I'm actually gonna go back. When you were
8 driving into the mobile home park, did you notice anything
9 unusual?

10 A. No.

11 Q. Okay. So you didn't really notice anything unusual,
12 you went and parked your car, and if you'll, again,
13 indicate where you parked it.

14 A. Right here.

15 Q. Okay. So by the back door of Lot 7?

16 A. Yeah.

17 Q. Okay. All right. Well, then can you tell me what
18 happened next?

19 A. I was kind of in and out of the house and we had
20 eventually got to the point where we was cutting the music
21 on and I had -- like I said, recently I had got my speakers
22 fixed. Like Nashua was the one who fixed my speakers and
23 that -- like that was the previous day, but the same day
24 when I was trying to get my speakers like playing music for
25 the yard because everybody liked music and everything and

1 like it went out and --

2 Q. I'm gonna cut you off there and we're gonna go through
3 the speakers. So at some point during the party or the
4 gathering you-all decide you need some music; is that --

5 A. Yeah.

6 Q. Okay. And you -- had you volunteered to play the
7 music?

8 A. I mean, yeah, it was just something I did, so.

9 Q. Okay. Where -- and you indicated that your beakers
10 had just -- your speakers had just been fixed?

11 A. Uh-huh.

12 Q. Okay. What had been wrong with your speakers?

13 A. It just wasn't all the way complete with the process
14 of getting them hooked all the way up.

15 Q. Okay. And when had you had issues with your speakers
16 before?

17 A. Like a few days previous. Like two days before it
18 kept going in and out and I had to buy other stuff to get
19 it to work better.

20 Q. Okay. So you were having trouble with your speakers?

21 A. Uh-huh.

22 Q. Where on your car are your speakers located?

23 A. In my trunk.

24 Q. In your trunk. Okay. So you were gonna play music.
25 Did you try to play music?

1 A. Yes.

2 Q. What happened?

3 A. I did -- I played like -- I didn't get all the way
4 through the first song before it went out.

5 Q. Okay. So it wasn't -- it wasn't very successful?

6 A. No.

7 Q. Okay. What became your focus at that point?

8 A. To get my speakers fixed.

9 Q. Okay. Who was there with you who could help you with
10 that?

11 A. Just Nash.

12 Q. Okay. So do you have any idea around what time your
13 speaker went out?

14 A. It was like -- we weren't there for over an hour I'd
15 say.

16 Q. Okay. So we talked about the fact that your speakers
17 were in the trunk of your car. What else do you usually
18 keep in the trunk of your car?

19 A. I had a duffle bag with my guns in it.

20 Q. Okay.

21 MS. MAYES: I'm having trouble hearing, Judge.

22 THE WITNESS: I said I had a duffle bag with my
23 guns in it.

24 BY MS. WILLIAMS:

25 Q. Okay. Now how many guns do you own?

1 A. Three.

2 Q. Okay. Walk me through what they are and when your
3 speaker went out where they were located in your car.

4 A. They were in my trunk and -- well, I had an FN-9
5 pistol that was initially in my glove compartment and I
6 had an AR pistol, I think it's a 300 Blackout, that was
7 in the trunk, and I had an AK pistol, which was a 7.62,
8 in my trunk.

9 Q. Okay. So you've got a nine in your glove box, an
10 AK and an AR in your trunk?

11 A. (Nods head.)

12 Q. The AK and the AR, are they in anything?

13 A. Yes. It was in a duffle bag, like a bag that I bought
14 from Palmetto State.

15 Q. Okay. They were in a duffle bag?

16 A. Uh-huh.

17 Q. And they were located in the trunk with your speakers?

18 A. Yes.

19 Q. So while your cousin was in there working on your
20 speakers, what did you decide to do with that duffle bag?

21 A. I moved them from the trunk into the inside of the
22 car.

23 Q. Okay. While your cousin was working on his -- on your
24 speakers, did your trunk have to be open?

25 A. Yes.

1 Q. Okay. So when your trunk was open and you had your
2 guns in it, you moved them into the center of your car; is
3 that correct?

4 A. Yeah.

5 Q. And why did you do that?

6 A. Because they were more exposed and then there was a
7 lot of people -- well, a few people out there that I just
8 didn't want in my business or whatever.

9 Q. Okay. Let's talk about the people who were out there.
10 Approximately how many people were out there?

11 A. At the time I'd say close to twenty people or so.

12 Q. Okay. Are you able to give me the names of anybody
13 else besides Nashua?

14 A. I knew -- the people that lived there were Shantell,
15 Taleka, Valsha, my cousin Shawanda, and I really wasn't
16 too familiar with everybody else that was out there. I
17 didn't -- I didn't -- I knew a couple of people that had
18 came later, but I really -- didn't really know everybody.

19 Q. Okay. So while your cousin is working on your
20 speakers, where were you located?

21 A. In my car.

22 Q. Okay. So he's working on your speakers. What happens
23 next?

24 A. I was just -- I was like tuning the radio and, you
25 know, after that like that's when I finally like eventually

1 heard gunshots, but before that I heard like a commotion,
2 but I kind of like didn't pay it any attention because I
3 was focussed on getting my speakers fixed.

4 Q. Okay. Well, let's -- let's talk about the commotion.
5 So for most of the day was everything fine?

6 A. Yeah.

7 Q. Okay. When's the first time that you got the sense
8 that something was a little iffy?

9 A. I had -- I kind of received a call from my cousin and
10 he was like all yelling and I was just like -- I really
11 didn't want to hear it because, like I said, previously him
12 and -- him and my -- some other of my family members had
13 got into an altercation.

14 Q. Okay. So we're gonna talk -- that cousin who called
15 you on your phone, what's his name?

16 A. Donald Jackson.

17 Q. Donald Jackson. And he called you and he was yelling
18 in the phone?

19 A. Yeah.

20 Q. Do you remember what he was yelling about at all?

21 A. No, I just -- when I heard him yelling, I was just
22 kind of like -- I was like listening a little bit and I
23 just like kind of put the phone down --

24 Q. So -- I apologize. I cut you off. I didn't mean to
25 cut you off. So he's yelling in the phone and you're kind

1 of not really engaged; is that right?

2 A. Yeah, I didn't -- I really didn't want to hear it, you
3 know.

4 Q. And why didn't you want to hear it?

5 A. For one, I was aggravated with my speakers and, two,
6 he's just always like that. I mean, it's something I just
7 kind of brush off.

8 Q. Is it fair to characterize Donald Jackson as a bit of
9 a hothead?

10 A. I wouldn't necessarily say that.

11 Q. What would you say?

12 A. Easily agitated like.

13 Q. Okay. Easily agitated. So you got a phone call from
14 him, didn't really pay attention. Did you hang up the
15 phone?

16 A. No.

17 Q. Okay.

18 A. I didn't -- I didn't really like want to hang up on
19 him like. Just being straight up, I just -- I didn't pay
20 no attention to him. I knew like if I was to hang up I
21 was gonna hear about why I hung up on him the next time I
22 saw him, so I just kind of didn't...

23 Q. Okay. So how long did -- did he talk to you?

24 A. I don't know. Like he didn't really talk to me. I'm
25 just like hello and he was like hollering and stuff, so I

1 just kind of put the phone down.

2 Q. So eventually the conversation with him ends?

3 A. Yeah.

4 Q. Okay. What happened next?

5 A. I continued working on my speakers and everything and
6 I think he eventually came. I don't really remember what
7 time it was, but I heard him out there and -- and I heard
8 more yelling.

9 Q. Okay. And you say you heard him out there. Does
10 Donald have a distinctive voice?

11 A. Yeah. I mean, I kind of know different voices like.

12 Q. Okay. And who else did you hear yelling out there?

13 A. It was kind of like a commotion coming from everywhere
14 really like, but I heard him. I knew he was there.

15 Q. Okay.

16 A. I was trying not to engage in whatever he had going
17 on.

18 Q. So you heard a commotion, you heard people yelling,
19 and where were you located while all this was going on?

20 A. I was in my car the whole time.

21 Q. Okay. And you don't know -- well, do you know what
22 they were yelling about?

23 A. No.

24 Q. Okay. And is that because you weren't paying
25 attention?

1 A. I really didn't care.

2 Q. Okay. Fair. So you're sitting in your car. Now tell
3 me what happens.

4 A. I remember TK and -- I don't know her real name. What
5 she say her name was? I just know her by TK.

6 Q. That' s-- only tell me what you know. You know her by
7 TK.

8 A. And she -- she was coming over there and she told us
9 like something -- something about, I don't know, they
10 arguing or whatever and they talking about fighting or
11 whatever or something, they're wanting to fight, and I was
12 just like tell them to chill out like.

13 Q. And did you speak more with TK after that?

14 A. She had went over there and said -- said whatever,
15 I don't know what she said, but she came back and she
16 was still talking about whatever they were saying and
17 everything, and I was just like man, I ain't worrying
18 about that.

19 Q. Okay. So TK went over there and then she came back.
20 Did she go back over there again or where did she go from
21 there?

22 A. I didn't see her after that.

23 Q. You didn't see her after that?

24 A. (Shakes head.)

25 Q. Okay. So you told TK tell them to chill out. What

1 happened next? Were you in your car at this time?

2 A. Yeah.

3 Q. Okay. It what happened next?

4 A. I heard gunshots after that.

5 Q. All right. So you heard gunshots. Where did you --
6 did you know where they were coming from?

7 A. Not the specific location, but I just know they was
8 coming from in front of me.

9 Q. Okay. So in front of your vehicle?

10 A. Yes.

11 Q. Okay. Will you show the Court again where your
12 vehicle was located.

13 A. Right -- right here.

14 Q. Okay. And so by -- in front of your vehicle. Where
15 -- where -- indicate, please, the general area that you
16 thought you were hearing gunshots.

17 A. Like just like this area.

18 Q. Okay. So you hear gunshots. What do you do?

19 A. First I -- I had ducked down in my car and then I --
20 I was gonna look over to like see who was shooting, but I
21 see the gunshots kept going, so I got out, ran behind my
22 car, and after I ran behind my car -- I initially ran to
23 the side of the -- the back part of the trailer, back here,
24 and that's whenever I decided to go back to my car and I
25 grab my gun and I ran back to the back of the trailer and

1 I was gonna initially go to the other side over here, but
2 I heard gunshots coming from that side and I ran back by
3 my car, and that's when I started shooting.

4 Q. Okay. So we're gonna slow down. So you -- and stop
5 me if I'm saying anything wrong. So you jump out of your
6 car?

7 A. (Nods head.)

8 Q. And you run back behind the trailer?

9 A. (Nods head.)

10 Q. And then you go back to your car to get the gun. Why
11 did you go back to your car to get your gun?

12 A. I couldn't go nowhere else. I just wanted to protect
13 myself.

14 Q. Were you scared?

15 A. Yeah.

16 Q. And you said you wanted to protect yourself?

17 A. (Nods head.)

18 Q. Okay. So you grab your gun and you run around to the
19 other side, but you heard gunshots coming from there; is
20 that correct?

21 A. Uh-huh.

22 Q. Okay.

23 A. Turned around and went back to my -- like behind my
24 car, then that's when I got up and started shooting.

25 Q. Okay. And were there -- while you were shooting,

1 where did you hear -- did you hear other gunshots?

2 A. Yes. I actually saw the fire.

3 Q. Where did you see the fire from?

4 A. There were shots coming from like this area and in
5 this area.

6 Q. So to the right kind of where the driveway is located
7 on Lot 15; is that correct?

8 A. Uh-huh.

9 Q. And then a little bit more in front of Lot 15; is that
10 correct?

11 A. Yeah.

12 Q. Okay. So you saw -- you said you saw fire. What do
13 you mean by that?

14 A. Like from a gun.

15 Q. Okay. Did you see anyone at any point coming towards
16 you?

17 A. Yeah.

18 Q. Okay. Tell me a little bit about that. What did you
19 see?

20 A. I just seen a guy coming waving a gun, just shooting
21 everywhere.

22 Q. Okay. And by everywhere, do you mean like not --

23 A. It looked to me like he was shooting at everybody.

24 Q. Okay. And can you describe him?

25 A. It was a little dark. I mean, I really didn't see

1 him. Like I just know he was -- he wasn't short and a
2 black guy.

3 Q. Okay. A black guy. You're not real sure. Was it
4 dark at this point?

5 A. Yeah.

6 Q. Okay. So you fire back. What direction are you --
7 are you firing?

8 A. Towards the guy coming across the street.

9 Q. Okay. And where was the guy who was coming across the
10 street? Would you indicate to the Court?

11 A. It was like -- say like right -- right in that area.

12 Q. So he was on the mobile home driveway in between Lot 7
13 and Lot 15?

14 A. Yeah.

15 Q. So he was around there; is that correct?

16 A. Yeah.

17 Q. Okay. At any point did you hear the gunfire -- the
18 gunfire stop?

19 A. Eventually whenever I had ran out of am -- when my
20 magazine was empty, I had ran back behind my car and --
21 and I ran behind the trailer again and I heard it stop and
22 I ran back behind my car and everybody started leaving,
23 so whenever I wasn't -- when I was no longer blocked in,
24 that's when I left.

25 Q. Okay. So I'm gonna walk you through that last bit

1 then. All right. So you said whenever my magazine was
2 empty. At what point did you stop shooting?

3 A. When my magazine was empty.

4 Q. Okay. All right. And was there still gunshots --
5 gunfire going on at that time?

6 A. Yeah.

7 Q. Okay. And you ran behind your car and then behind the
8 trailer and then back behind your car?

9 A. Yes.

10 Q. And then at the point where you -- you were behind the
11 -- at what point did you hear the gunfire stop altogether?
12 Was it the initial time you were behind your car or the
13 time you were behind the --

14 A. No, I was -- I was behind the trailer when I heard it
15 stop. That's whenever I ran back behind my car.

16 Q. Okay. And I apologize.

17 A. That's when I started leaving.

18 Q. I've worded this poorly. So one more time. Your
19 magazine was empty, gunshots were still going off?

20 A. Yes.

21 Q. Okay. And then you ran behind your car; is that
22 correct?

23 A. Yes.

24 Q. And then you ran behind the trailer; is that correct?

25 A. Yes.

1 Q. And at this point you hear the gunfire stop; is that
2 correct?

3 A. Yes.

4 Q. So you ran back behind your car?

5 A. Yes.

6 Q. And then you waited until you could leave because you
7 were blocked in?

8 A. Yes.

9 Q. Okay. All right. I'm gonna take you back to grabbing
10 your gun, okay? When you went in your car to grab your
11 gun, what gun did you grab?

12 A. I grabbed my AK that was closest to me.

13 Q. Okay. And can you describe once more where your AK
14 was located?

15 A. I had it in my duffle bag.

16 Q. And where was your duffle bag?

17 A. When I had got it out of the trunk, I had just kind of
18 like slung it in my car. It was like in between the seat,
19 like in between the front and the back.

20 Q. Kind of where the console's located?

21 A. It's just like the armrest of the driver's seat like.
22 It was like in between that.

23 Q. Okay. Did you decide to grab the AK or --

24 A. I just grabbed what was closest.

25 Q. Okay. So you grabbed the gun that was closest to you

1 and gunshots were going off at the same time?

2 A. Yes.

3 Q. Okay. You say you fired shots. What direction did
4 you fire shots in?

5 A. Towards the guy that was coming across the street.

6 Q. Toward the guy was coming across the street. Were you
7 afraid at that point?

8 A. Yeah.

9 Q. Did you have a gun pointed on you at that point?

10 A. I mean, he was kind of waving everywhere with it.

11 Q. Okay.

12 A. I heard bullets hitting off the car and I heard --
13 I heard a couple of shots hit behind like in the bushes
14 behind me like.

15 Q. Okay. So you don't believe he was shooting
16 specifically at you, but he was shooting in your direction?

17 A. Like I said, I felt he was shooting at everybody.

18 Q. At everybody. Okay. Do you have any idea where the
19 bullets you shot ended up?

20 A. The first shots I saw were like -- like the first
21 three or four shots I saw like hit -- hitting the ground
22 and I seen the dirt popping up.

23 Q. Can you indicate for the Court where you saw those
24 shots popping up?

25 A. Like in that area.

1 Q. Okay. And at that point did you lose track of where
2 your bullets were going?

3 A. Kind of, yeah.

4 Q. But were they still going towards the shooter who was
5 coming at you?

6 A. Yeah.

7 Q. Okay.

8 A. He -- he eventually ran.

9 Q. Okay. When -- when did he run?

10 A. Close to whenever my gun stopped shooting.

11 Q. Okay. All right. So you got in your car. What did
12 you do with the gun?

13 A. I just threw it on the back seat.

14 Q. Threw it on the back seat. Where did you go from
15 there?

16 A. My uncle's house.

17 Q. And is that Marvin Lites' house?

18 A. Yes, ma'am.

19 Q. Okay. What did you do at Marvin Lites' house?

20 A. I waited for -- to see if anybody else was gonna come
21 and I had got in touch with my cousins and they was telling
22 me that they couldn't find Taleka and I was like what
23 you-all mean. I was thinking she probably had got shot and
24 whatever and that's whenever they finally like pulled up
25 and I was -- I was thinking my girl was with her, but she

1 wasn't, and she wound up calling me -- or I don't know if I
2 called her or she called me, but she wound up calling me
3 and that's whenever she was telling me like something had
4 happened, like they was saying -- they said like Shell's
5 daughter had got killed.

6 Q. Okay. So you're gonna get annoyed with me, but I'm
7 gonna walk you through that again. So you were worried at
8 first that something had happened to Taleka?

9 A. Yes.

10 Q. And that's because Taleka -- is Taleka family?

11 A. Yes, ma'am.

12 Q. Okay. Is she your cousin?

13 A. Yes, ma'am.

14 Q. Approximately how many family members were in
15 attendance at Lot 7 that day? It's okay to give me an
16 approximate number. That's okay.

17 A. Like seven, eight, probably more.

18 Q. So it was a family gathering and you had family there;
19 is that correct?

20 A. Yes.

21 Q. And the people who lived in the lot are related to
22 you; is that correct?

23 A. Yes.

24 Q. Is it fair to say that you love them?

25 A. Yes.

1 Q. Okay. So you get to your uncle's house and initially
2 you're worried that something had happened to Taleka, but
3 later you find out from your girlfriend, Tameakeo, that
4 Shell's daughter had been hurt?

5 A. Yes.

6 Q. Okay. Did anybody ride with you?

7 A. I can't remember if Nash had got in the car with me or
8 did he get in the car with Shawanda. I really -- that I
9 can't remember right now.

10 Q. Okay. But you know when you got to Marvin's house
11 that Nash was there --

12 A. Yeah.

13 Q. -- and he had either come with you --

14 A. No, he wasn't there. Like I don't -- like I said, I
15 don't remember if he rode with me or rode with Shawanda.
16 Like my mind was kind of like real panicked like and I just
17 stressed out. I didn't know what was gonna happen and I
18 -- I didn't know if somebody was gonna come by shooting or
19 I didn't know what to think. My mind was just kind of
20 everywhere.

21 Q. Why were you panicked, Quayshaun?

22 A. Because I didn't know what was going on, like why
23 everybody was shooting. I didn't know --

24 Q. You didn't know why everyone was shooting?

25 A. No.

1 Q. Were you scared?

2 A. Yeah.

3 Q. Okay. So you leave -- at some point do you leave your
4 uncle's house?

5 A. Yes.

6 Q. Okay. Where do you go?

7 A. I had got in the car with Shawanda and kind of rode
8 around trying to cool down a little bit.

9 Q. Okay. And so you got in the car with Shawanda. Where
10 does that leave your car?

11 A. At my uncle's house.

12 Q. Okay. And then had you removed the gun from your car?

13 A. No.

14 Q. To your knowledge, did anyone ever remove that gun
15 from your car?

16 A. I mean, not that I know of.

17 Q. Okay. So you got in the car with Shawanda and you're
18 trying to cool down.

19 A. (Nods head.)

20 Q. What happened next?

21 A. We just kind of rode around and we eventually linked
22 up on Nashua's girlfriend's house.

23 Q. What's her name?

24 A. I know her by Angel.

25 Q. Okay. And so you went to Nashua's girlfriend's house.

1 Did Shawanda stay there with you?

2 A. No.

3 Q. She just dropped you off?

4 A. Yes.

5 Q. Okay. Was Nashua there?

6 A. Yes.

7 Q. Okay. Was anyone else there with you?

8 A. No, not at the time.

9 Q. Okay. When does Tameakeo -- when do you reconnect
10 with Tameakeo?

11 A. It was a little like -- it was late. I guess they was
12 helping everybody like down there because of the shooting
13 or whatever.

14 Q. Okay. So it was -- she was delayed because of the
15 shooting?

16 A. Yes.

17 Q. Okay. You heard some testimony earlier from -- you
18 know, from Tameakeo and there was some discussion about
19 what happened next. There was some discussion about buying
20 some phones.

21 A. Uh-huh.

22 Q. Do you remember anything about buying phones?

23 A. I remember like she said her phone was messed up, but
24 I initially had wanted another phone because I had people
25 calling me telling me about oh, they said you did this,

1 you did that and such and such, said they're gonna do this,
2 this person said they was gonna do this. I was like I
3 didn't even want like everybody to keep calling my phone,
4 I guess, so I got a new one.

5 Q. You got a new phone because people were -- and tell me
6 if I'm mischaracterizing -- harassing you; is that correct?

7 A. I wouldn't necessarily say that. It was like sending
8 messages back and forth.

9 Q. Okay. There was a lot going on on that phone?

10 A. Yeah.

11 Q. Okay. At this point are you concerned about anything?

12 A. I mean, they were saying -- they were saying that a
13 little girl had got killed and I just kind of looked at it
14 like -- off the top like they was gonna say like, whatever,
15 hand of one, hand of all or whatever, but I really didn't
16 know.

17 Q. Okay. Did you think you had killed anyone?

18 A. No.

19 Q. Did you ever intend to kill anyone?

20 A. I mean, I didn't intend to kill anyone. I just wanted
21 the guy that was coming at us like to just whatever, like
22 just quit doing what he was doing.

23 Q. Did you want him to back up?

24 A. Yeah.

25 Q. Did you want him to quit shooting at you?

1 A. Yeah.

2 Q. Okay. So you're at -- you go and buy -- you get new
3 phones. I'm gonna take you -- take you through giving the
4 statement, okay? So at some point you're arrested; is that
5 correct?

6 A. Yes.

7 Q. And is this on June 11th?

8 A. Yes.

9 Q. Okay. So is that two days later?

10 A. Yes.

11 Q. Okay. And did you give statements to the police?

12 A. Yes.

13 Q. Okay. Did you change your -- did you tell the police
14 the truth when you gave your first statement?

15 A. No.

16 Q. Did you tell the police the truth when you gave your
17 second statement?

18 A. No.

19 Q. What about the third?

20 A. Not -- not really, no.

21 Q. Okay. All right. Why?

22 A. Because I -- I didn't know like that I was gonna be
23 able to get a lawyer or whatever and I was just scared not
24 knowing what was gonna happen.

25 Q. Okay.

1 A. And whenever I was arrested, they was telling me that
2 I was charged with murder and everything and I was just
3 like there ain't no way. I just --

4 Q. So you were scared?

5 A. Yeah.

6 Q. And you were talking to police?

7 A. Yeah.

8 Q. Had you ever been involved in anything -- had you ever
9 been arrested for murder before?

10 A. No.

11 Q. Had you ever been arrested for anything like this
12 before?

13 A. No.

14 Q. Okay. You were scared --

15 A. Yes.

16 Q. -- and gave a statement to the police?

17 A. Yes, ma'am.

18 Q. Did the statements become more truthful as they went
19 on?

20 A. Yes.

21 Q. Why is that?

22 A. I just felt like they was gonna figure it out anyway
23 and I -- the last statement I gave I didn't like fully
24 tell the truth because I -- I actually wanted a lawyer
25 there like, but I didn't know how to go about getting one.

1 Q. Okay. Let me ask you have you ever hired a lawyer
2 before?

3 A. It was previously. Like a few years before.

4 Q. Okay. So it had been a long time and I'm gonna bring
5 it out. What did you hire a lawyer for?

6 A. I had got caught with a little bit of marijuana.

7 Q. Okay. So it was not a violent crime?

8 A. No.

9 Q. It was a small amount of drugs?

10 A. Yes.

11 Q. A small amount of marijuana?

12 A. Uh-huh.

13 Q. Okay.

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

15 BY MS. WILLIAMS:

16 Q. Just, again, briefly, when you made the decision to
17 shoot your gun, why were you shooting?

18 A. Because I didn't want to get hurt. I knew I had
19 family members like present.

20 Q. Okay.

21 A. I didn't want any of them -- any of them to get hurt
22 either.

23 Q. And were you the first person to shoot?

24 A. No.

25 Q. Okay.

1 MS. WILLIAMS: Thank you, Quayshaun. Please answer
2 any questions the solicitor may have for you.

3 THE COURT: Ms. Mayes.

4 MS. MAYES: Yes, Your Honor. May it please the
5 Court?

6 THE COURT: Yes, ma'am.

7 CROSS-EXAMINATION (In-Camera)

8 BY MS. MAYES:

9 Q. Mr. Clark, I want to start by these -- this series
10 of statements. I think you just said that -- well, your
11 testimony today is because they were gonna figure it out
12 anyway; is that right?

13 A. Yes.

14 Q. What you mean by that is law enforcement, the State
15 and this Court, figured out that it was your AK, that AK-P7
16 you bought from Palmetto State Armory, that killed Minor
17 . That's what you're talking about, right?

18 A. I really didn't know that. I didn't --

19 Q. But you know it now.

20 A. That's what you-all are saying.

21 Q. All right. Let's talk about the first statement that
22 you gave, Mr. Clark. Can you see from here -- from where
23 you are?

24 A. Yes.

25 Q. All right. You're arrested on June 11th. You were

1 advised of your Miranda rights obviously by Detective
2 Gilliam?

3 A. Yes.

4 Q. And then later you're advised of your rights again
5 by Agent Beeler, who was working with you on the polygraph
6 exam?

7 A. Yeah, I guess.

8 Q. That's the form we saw yesterday where you signed it?

9 A. Uh-huh.

10 Q. Put your initials by it?

11 A. Yeah.

12 Q. All right. Your first story is that you never fired
13 your gun at all --

14 A. Uh-huh.

15 Q. -- and you never saw anyone else firing, right?

16 A. Yes.

17 Q. And then your second story is gonna change and you're
18 gonna say well, you fired a gun, but it was only that
19 FN nine millimeter pistol that you had, right?

20 A. Yes.

21 Q. And you denied to police that you even had that AK
22 with you. You said you had the AR, the 300 Blackout with
23 you, right?

24 A. Yes.

25 Q. And then your third story when you're told repeatedly

1 that the rifle caliber involved that penetrated Lot 15,
2 Comilla Jackson's home, was a 7.62 caliber weapon --

3 A. Yes.

4 Q. -- so your third story is that you fired a 7.62
5 caliber weapon, but that it wasn't yours, you found it on
6 the ground propped up against something, right?

7 A. Yes.

8 Q. And then you said you left it at the scene?

9 A. Yes.

10 Q. And you said you fired that gun nine or ten times?

11 A. Something like that.

12 Q. You drew a sketch about where you say that people were
13 coming?

14 A. Uh-huh.

15 Q. We're gonna take a look at that right now. This is
16 State's -- or Court's 5. Do you remember drawing that
17 sketch?

18 A. Yes.

19 Q. So just to be clear, you're right here at Lot 7. Your
20 car is parked out here?

21 A. Yes, ma'am.

22 Q. You've seen that Snapchat video, haven't you, where
23 your car's shown?

24 A. No.

25 Q. You haven't seen that?

1 A. (Shakes head.)

2 Q. Lot 16 and then Lot 15. So at Lot 7 is gonna be
3 Taleka Lites. It's gonna be -- earlier that night, your
4 girlfriend, but she leaves and then comes back?

5 A. Yes.

6 Q. It's gonna be Kay Norris. Kayvonte Norris. You know
7 he was out there, right?

8 A. Yeah, I heard he was out there, but I didn't actually
9 see him.

10 Q. All right. It's gonna be DeCarlos Chatman, who you
11 call Hugo?

12 A. Yeah.

13 Q. You saw him out there?

14 A. Yeah.

15 Q. Okay. And then your cousin DJ and you last saw your
16 cousin DJ here at Lot 7, right?

17 A. I actually heard him. I didn't actually speak with
18 him.

19 Q. You know DJ was there based on your testimony just a
20 little while ago on direct examination, correct?

21 A. Yes.

22 Q. Now over here at Lot 16 you made a reference to
23 someone named TK?

24 A. Yeah.

25 Q. That's Tykira, right? Tykira Johnson?

1 A. I just know her by TK.

2 Q. All right. So there's a female who you know by TK
3 here and there are individuals who are gathered here for a
4 graduation party in this area, correct?

5 A. Well --

6 Q. Between Lot 16 and Lot 15?

7 A. -- I don't know what they were doing. I just -- like
8 I -- initially at Lot 7, we -- it was my cousin Shawanda's
9 birthday and like some -- like two of my little cousins had
10 graduated, so we was kind of putting that together, like a
11 birthday slash graduation get-together.

12 Q. All right. Are you aware of individuals here between
13 Lot 16 and 15 in the yard area? Did you see them?

14 A. I really didn't pay attention. I saw people on the
15 other side of the trailer.

16 Q. All right. So you don't recall seeing anyone here?

17 A. I wasn't paying attention to that area.

18 Q. All right. Now right about here is gonna be an
19 individual by the name of De Alewine, correct?

20 A. Who?

21 Q. De Alewine.

22 A. I don't know him.

23 Q. Var Pugh?

24 A. Oh, yeah, I know him.

25 Q. Okay.

1 A. But I don't know if he was there.

2 Q. All right.

3 A. I heard he was there, but I don't know.

4 Q. So you say that out of nowhere you see an individual
5 about right here near the fork in the road?

6 A. Yeah.

7 Q. That's your testimony?

8 A. It was him -- it was that one individual that came
9 across the street.

10 Q. The individual that you say you don't know his name?

11 A. I don't know him.

12 Q. And is that what you drew here in your sketch for
13 law enforcement? That would be 15? I mean, that would
14 be 16, that would be 15, and then this would be would the
15 Lot 7?

16 A. Actually that was 15 and this other one was 14.

17 Q. All right. So what are -- what are these three
18 circles right here intended to be?

19 A. Those were people that was like out there in the road.

20 Q. All right. Doing what?

21 A. Just standing.

22 Q. Just standing. They're just standing there?

23 A. Yeah.

24 Q. They're not shooting?

25 A. No. I mean, I don't know if they were shooting. When

1 I saw -- I saw fire coming from the area, it was just the
2 one guy that I saw come across the street waving a gun and
3 shooting.

4 Q. So these three circles that you drew, you're not
5 intending to say that they're all three shooters, correct?

6 A. I saw fire coming from that direction, so they
7 probably were shooting.

8 Q. Where was Hugo?

9 A. I have no idea.

10 Q. All right. So looking here, you're saying that there
11 were people right about here going back to where this would
12 be with the fork in the road?

13 A. Yeah.

14 Q. That would put it right about here, right?

15 A. Kind of. Yeah, in that area.

16 Q. Okay. And you're saying that you see fire, but you
17 can't see who's shooting?

18 A. I just didn't know who was shooting. I don't know who
19 they were. I saw fire coming from multiple directions.

20 Q. So now you're saying it was coming from multiple
21 directions?

22 A. It was coming from -- it was coming from there, like
23 where the guys were, and it was coming from the guy that
24 was walking toward us shooting and it was -- I saw gunshots
25 everywhere. Like fire. I saw fire coming from this area.

1 Q. All right. So let's go back then to your sketch, the
2 sketch you drew two days after this happened when it's
3 fresh in your mind. You have three circles here above the
4 fork in the road, correct?

5 A. Yeah.

6 Q. Which would be right about here, correct?

7 A. Yes.

8 Q. So your story when you finally admitted that you fired
9 a 7.62 caliber weapon is that you find it on the ground,
10 it's just propped up on something. You deny that it's your
11 gun?

12 A. Yeah.

13 Q. And then you say you left it there at the scene?

14 A. Yeah.

15 Q. One of the other things that you said is that you
16 didn't actually see someone shooting, you just heard
17 someone say, quote, they're coming across, and then you
18 heard gunshots?

19 A. Yeah, gunshots started after she -- after the girl
20 said that. I didn't know where it actually came from. My
21 girlfriend said that.

22 Q. Okay. So you heard someone yell "they're coming
23 across" and you say you heard gunshots?

24 A. Yeah.

25 Q. That was another one of your statements back on

1 June 11th, correct?

2 A. Yeah.

3 Q. And now you're saying you see gunfire, correct?

4 A. Yeah. I said that that night, too.

5 Q. So now let's move to the fourth story, and that's the
6 story you're telling today, and that's that you fired the
7 gun that you owned?

8 A. Yes.

9 Q. And that's gonna be an AK-P7 purchased at Palmetto
10 State Armory?

11 A. Yeah.

12 Q. That fires 7.62 by 39 ammo?

13 A. Uh-huh.

14 Q. What did you have it loaded with?

15 A. The 7.62 by 39.

16 Q. TulAmmo?

17 A. I don't know if that's the brand.

18 Q. We're gonna take a look at what is State's -- or
19 Court's 23 and Court's 24. These would be purchase
20 records from Palmetto State Armory showing the purchase
21 date March 15th of 2020 and it's the AK-P7, correct, with
22 the serial number?

23 A. Yeah.

24 Q. It's called a pistol because of the size of it, but
25 the caliber is the rifle caliber, 7.62 by 39, correct?

1 A. Yeah.

2 Q. Now when you bought it, let's take a look at this
3 receipt here, this is Court's 24. You bought it with that
4 rifle bag --

5 A. Uh-huh.

6 Q. -- that you talked about having all your guns in that
7 night?

8 A. Yeah.

9 Q. That's gonna be the black nylon bag, okay?

10 A. Yeah.

11 Q. And you bought it the same day you bought the AK,
12 correct?

13 A. Yes.

14 Q. And the total purchase price for all of these items
15 was \$933.00, correct?

16 A. Yes.

17 Q. So that's a lot of money that you spent on that
18 firearm, right, Mr. Clark?

19 A. Yes.

20 Q. So where is it today? Where's that gun?

21 A. The last I saw it was in my car.

22 Q. Your car at your Uncle Marvin's house?

23 A. Yes.

24 Q. You're telling us you don't know where that gun is?

25 A. No.

1 Q. And that gun's valued at almost a thousand dollars, if
2 not more, today?

3 A. Yes.

4 Q. So let's talk about this timeline of events that
5 occurred after you leave the crime scene. Where's the
6 first place you go?

7 A. To my uncle's house.

8 Q. All right. So this is June 9th?

9 A. Yes.

10 Q. Your story today is that you fired the AK. You say
11 you fired it until the magazine was empty, right?

12 A. Yes.

13 Q. And that magazine carries thirty rounds?

14 A. Yes.

15 Q. All right. Who fired your FN-9 out there, Mr. Clark?

16 A. I don't know.

17 Q. It wasn't you though, was it?

18 A. No, ma'am.

19 Q. Okay. So you're firing the AK-P7, all thirty rounds,
20 right there adjacent to Lot 7, correct?

21 A. I'm pretty sure it wasn't thirty rounds. I didn't
22 have that many in there.

23 Q. How are you moving around out here?

24 A. At -- before I started shooting, I was on foot. I was
25 running around the yard.

1 Q. Okay. So you're running around while you have the
2 gun?

3 A. No, I initially got the gun after I ran.

4 Q. What are you doing as you're firing all of those
5 rounds?

6 A. Standing in one spot.

7 Q. You say you were in one spot the whole time?

8 A. Yes.

9 Q. And your car's right here, correct?

10 A. Yes.

11 Q. Before we get into that timeline, I want to show you
12 a couple of things. Court's 21 and 22 are from a Snapchat
13 video. Do you recognize where you are?

14 A. Yeah, that's by my trunk.

15 Q. Okay. That's by your trunk and this is right out on
16 the steps at Taleka's house, right?

17 A. Yes.

18 Q. Okay. So you dispute that this is a Snapchat video
19 from that night?

20 A. No.

21 MS. MAYES: All right. Court's 21 and 22, Your
22 Honor.

23 (Court's Exhibit Number 21 and Court's Exhibit
24 Number 22, photographs, were admitted into evidence for
25 purposes.)

1 BY MS. MAYES:

2 Q. And here you are on the phone earlier that night. We
3 see a date reflected of 6-9-21. This is gonna be prior to
4 the shooting. Who's that behind you on the steps?

5 A. I can't make him out clearly.

6 Q. And that's you right there in the foreground?

7 A. Yes.

8 Q. The Same video still shot. This is gonna be
9 Court's 22. What are we looking at here?

10 A. The trunk of my car.

11 Q. And what are we looking at in your car right here?

12 A. That looks like my speakers.

13 Q. All right. Do you see the markings of that nylon bag
14 in that photograph? Do you want me to show it to you up
15 close?

16 A. Oh, yeah, I see it.

17 Q. Okay. So that's the a bag where you kept all three of
18 those weapons?

19 A. No, I kept two of them in there.

20 Q. What were those two?

21 A. The FN-9 -- I mean, the AR pistol and the AK pistol.

22 Q. All right. Where was your FN nine millimeter?

23 A. The glove compartment.

24 Q. So this is the bag that contained your AK?

25 A. Yes.

1 Q. The gun we just talked about that you're testifying
2 today that you used?

3 A. Yes.

4 Q. At what point did you take that out in order to film
5 the Snapchat video and show that gun off?

6 A. I didn't.

7 Q. You deny that?

8 A. (No verbal response.)

9 Q. I'm gonna show you another photo, which is Court's 36.
10 Do you recognize your vehicle in that photograph?

11 A. Yes.

12 Q. Right here?

13 A. Yes.

14 Q. Court's 36. The same car we just saw before except
15 now the trunk is not visible. If you're standing here by
16 your car, Mr. Clark, what is right here?

17 A. The road. A trailer.

18 Q. Lot 15?

19 A. Okay.

20 Q. Lot 16?

21 A. Yeah. Hold up. Is that -- are you sure that's not
22 14 and 15?

23 Q. Well, that's a mobile home there, correct?

24 A. Yeah.

25 Q. And a mobile home here, correct?

1 A. Yeah.

2 Q. Your car's here?

3 A. Yes.

4 Q. 16?

5 A. Okay. Yeah.

6 Q. So this is your viewpoint that night if you're
7 standing by your car, correct?

8 A. I was in my car.

9 Q. You're in your car, but eventually you get out of your
10 car?

11 A. Uh-huh.

12 Q. You get out of your car with the AK-P7?

13 A. I don't recall if I did.

14 Q. You're firing that gun in this direction because you
15 say you see people or you see fire about right here,
16 correct?

17 A. Yes.

18 Q. Okay. But that's the direction you're shooting at,
19 correct?

20 A. Yes.

21 Q. All right. You get out your AK-P7 and you've already
22 said that you never got out the FN-9 nine millimeter and
23 you didn't fire that gun?

24 A. No.

25 Q. Your cousin DJ fired that gun, didn't he?

1 A. I don't know who fired it. The only way I knew it was
2 fired is because whenever I had got it, whenever I got out
3 of my -- when I left my uncle's yard, I noticed one of the
4 mags were empty.

5 Q. Well, that's what I'm -- that's about what I'm getting
6 to. So your testimony is that you had moved your AK from
7 the trunk to inside your car?

8 A. Yeah.

9 Q. And you know people saw you inside your car with that
10 AK out, right? You know that?

11 A. Yeah.

12 Q. Okay.

13 A. Eventually.

14 Q. You say that your FN-9 is somewhere in your glove
15 compartment, that nine millimeter, right?

16 A. Yes.

17 Q. After this shooting occurs, you've got the AK in your
18 hands and you put it back in the car with you when you flee
19 that scene?

20 A. Yeah.

21 Q. And you fled that scene quick because I don't think
22 it's any surprise to you that with that many shots that
23 rang out everybody in the area of Batesburg-Leesville that
24 was in response time got out there. Batesburg-Leesville,
25 as well as law enforcement from the sheriff's department?

1 A. I left as soon as all the other cars were gone. I was
2 the last one that left.

3 Q. All right. So you knew that law enforcement was
4 coming from every direction?

5 A. I mean, I wasn't thinking about it. I was just
6 thinking about who was gonna reload that gun and come back.

7 Q. So you admit you got out of there as quickly as
8 possible?

9 A. Yeah.

10 Q. And you had your gun with you, that AK-P7, that you
11 had emptied the magazine on?

12 A. Yes.

13 Q. And you got back in the car?

14 A. Yes.

15 Q. How do you get your FN nine millimeter back,
16 Mr. Clark? How do you get it back before you leave out
17 there so quick?

18 A. Everything was just right there scattered on my seat.

19 Q. It was right there?

20 A. Yeah.

21 Q. On your seat?

22 A. On my seat.

23 Q. So your testimony is that that FN-9 is now on your
24 seat?

25 A. Yes.

1 Q. Who did you leave with?

2 A. Me and Nashua had got in the car together. I moved it
3 so he could get in and that's when I realized like one of
4 my -- it was shot. Like one of the mags was out -- empty.

5 Q. So you had no knowledge that your FN was also used in
6 this shootout until you get back in your car and you see it
7 laying on your car seat?

8 A. Yeah.

9 Q. All right. You said you're with Nash?

10 A. Yes.

11 Q. So you're gonna leave the scene immediately?

12 A. Uh-huh.

13 Q. And now you've got both the AK-P7 that you fired and
14 the FN nine millimeter and you know it was fired, too,
15 right?

16 A. Yeah.

17 Q. And you say that's laying on what seat?

18 A. It was on the passenger side.

19 Q. Where do you go?

20 A. I went to my uncle's house. My Uncle Marvin.

21 Q. All right. So that's gonna be the [REDACTED] Ridgell?

22 A. Yes.

23 Q. Now why did you go to Marvin's house when you told us
24 that Marvin didn't want you-all there?

25 A. He didn't want that crowd there. He didn't want a

1 crowd of people in the yard or house. I always come around
2 when I'm by myself.

3 Q. And it's just you and Nashua Smith, your cousin?

4 A. Yes.

5 Q. Did Nashua Smith tell you he fired that nine
6 millimeter?

7 A. No.

8 Q. Your testimony is you didn't see anybody fire that
9 nine millimeter and you have no idea how they got it --

10 A. No.

11 Q. -- and how it got back to you?

12 A. It was in my car after I got back in.

13 Q. So you arrive at Uncle Marvin's house and the thing
14 you do there is you leave your car?

15 A. Yes.

16 Q. That Grand Marquis?

17 A. Uh-huh.

18 Q. Is that here in this photograph, Court's 32?

19 A. Yes.

20 Q. That's your Grand Marquis?

21 A. (No verbal response.)

22 MS. MAYES: No objection, Your Honor.

23 (Court's Exhibit Number 32, a photograph, was
24 admitted into evidence for pre-trial purposes.)

25 BY MS. MAYES:

1 Q. So looking here at 36, that's gonna be your Grand
2 Marquis there in that Snapchat video taken from before this
3 shooting?

4 A. Yeah.

5 Q. And now looking here at Court's 32, that's your Grand
6 Marquis where it's found by law enforcement two days later
7 on June 11th --

8 A. Yeah.

9 Q. -- just sitting there at your Uncle Marvin's house?

10 A. Yeah.

11 Q. So you leave your car there. What do you do next?

12 A. I had got into -- well, my cousin Shawanda had reached
13 out to me. I eventually left -- rode off with her and we
14 just kind of rode around trying to clear my mind and cool
15 down a little bit.

16 Q. All right. So you rode off with Wanda Lites. Where
17 did you ride to?

18 A. Nowhere specific. Just rode around.

19 Q. All right. But one of the things that you do with
20 Wanda Lites, and it's about 1:30 in the morning now, is you
21 give her your backpack, don't you?

22 A. Well, yeah.

23 Q. I'm gonna show you what is Court's 29, 30, 31.

24 THE COURT: Any objection?

25 MS. WILLIAMS: (Shakes head.)

1 THE COURT: No objection.

2 (Court's Exhibit Number 29, 30 and 31, photographs,
3 were admitted into evidence for pre-trial purposes.)

4 BY MS. MAYES:

5 Q. Do you recognize these?

6 A. (No verbal response.)

7 MS. WILLIAMS: No objection, Your Honor.

8 THE COURT: Thank you.

9 BY MS. MAYES:

10 Q. All right. So it's around 1:30. You agree with that,
11 don't you, Mr. Clark?

12 A. Say that again.

13 Q. It's around 1:30 in the morning?

14 A. I really didn't know what time it was.

15 Q. But you wouldn't dispute that it was 1:30 in the
16 morning if that's information that Wanda Lites gave law
17 enforcement, correct?

18 A. Yes.

19 Q. All right. So now we're in the early morning hours
20 of June 10th. After leaving your car at Uncle Marvin's,
21 you give this backpack to your Aunt Wanda?

22 A. Cousin.

23 Q. Cousin. What's in the backpack?

24 A. I remember that there was a box of ammunition and it
25 looks like gun parts.

1 Q. What's this right here in Court's 30?

2 A. That's my FN.

3 Q. That's the FN nine millimeter --

4 A. Uh-huh.

5 Q. -- that was fired out there and you say you found on
6 the front seat of your car?

7 A. Yes.

8 Q. You put that in a backpack with a bunch of ammo and
9 you give that to your cousin Wanda, right?

10 A. Yes.

11 Q. And that ammo includes this box right here of the nine
12 millimeter rounds with a GFL headstamp. Do you know about
13 those?

14 A. I didn't. I just know it's ammo.

15 Q. Okay. Ammo that would go with that FN nine
16 millimeter, right?

17 A. Yeah.

18 Q. So you get rid of the gun?

19 A. Not necessarily got rid of it. I just didn't -- in
20 case I got pulled over -- well, in case we got stopped or
21 whatever --

22 Q. You didn't want to get caught with the gun that was
23 used out there at the shooting, right?

24 A. No, I -- I know how situations happen and I didn't
25 want to get caught with a gun and get shot.

1 Q. Get shot?

2 A. (No verbal response.)

3 Q. All right. I'm gonna put here that you left your
4 backpack with the FN nine millimeter with your Cousin
5 Wanda.

6 A. Yes.

7 Q. Well, let's go back to that Grand Marquis. We know
8 your AK was not in that backpack. We've got the trunk,
9 you've got the inside of the car. Where was that AK when
10 you left your car with your Uncle Marvin?

11 A. It was in the back seat.

12 Q. It was in the back seat?

13 A. Uh-huh.

14 Q. One of the other things you gave Wanda Lites was the
15 key to this car, correct? Do you remember leaving her the
16 keys to your Grand Marquis?

17 A. I don't recall. If I did, I don't recall.

18 Q. Okay. So this is gonna be the night of the 9th
19 after the shooting into the early morning hours of the
20 10th. You never came back and got this car, did you?

21 A. No.

22 Q. You didn't need your car over that two-day period?

23 A. I mean, I did, but everybody's saying that this was --
24 this was what happened or putting my name in or whatever
25 and, like I say, I was already receiving phone calls that

1 people was saying they're gonna do this and do that, so I
2 just didn't want --

3 Q. So you left your car here because you didn't want to
4 be associated with that car basically, right?

5 A. Yes. I mean -- yeah, but I just didn't want to get
6 seen in it because people know my car.

7 Q. Well, law enforcement also knew what your car looked
8 like, didn't they?

9 A. Yeah, I'm pretty sure.

10 Q. Okay. So now we're gonna move forward to June 11th,
11 which is now two days later. Where were you during that
12 two-day period, Mr. Clark?

13 A. I was at Angel's house.

14 Q. And Angel is the girlfriend of your cousin Nashua
15 Smith, right?

16 A. Yes.

17 Q. And that's gonna be the [REDACTED] Spring Hill address in
18 Gilbert?

19 A. Uh-huh.

20 Q. And you knew at [REDACTED] Academy Street that law
21 enforcement had already been out there looking for you,
22 right? Take a look here at Court's 35.

23 A. At that time, no, I didn't.

24 MS. MAYES: All right. Court's 35 without
25 objection, Your Honor.

1 (Court's Exhibit Number 35, a photograph, was
2 admitted into evidence for pre-trial purposes.)

3 BY MS. MAYES:

4 Q. That's your home there at [REDACTED] Academy, right?

5 A. Yes.

6 Q. And that's actually in Batesburg?

7 A. Yes.

8 Q. Do you remember telling this officer here that you
9 knew your name was involved in this shooting and you had
10 been notified by your landlord that law enforcement had
11 been to your home, that home?

12 A. Correct. That was later that day. Later that day on
13 the 9th. It was like -- probably like that afternoon or
14 whenever.

15 Q. Well, by the time you're apprehended, you knew that
16 law enforcement had been at this address looking for you,
17 right?

18 A. Yes.

19 Q. I'm gonna show you what's Court's 33. Do you
20 recognize that home as that home on Spring Hill?

21 A. Yes.

22 Q. And when you're located by law enforcement around
23 3 PM, a little after 3 PM on the 11th, you're twenty miles
24 away in Gilbert, aren't you?

25 A. Yes.

1 Q. Looking here at 34, already in evidence as a Court's
2 exhibit, those are two new phones that your girlfriend
3 bought the day before on the 10th, isn't it?

4 A. Yes.

5 Q. Now already in evidence as Court's exhibits are 16
6 and 17. Your girlfriend Tameakeo had the iPhone?

7 A. Uh-huh.

8 Q. You've got a user account on that iPhone as well?

9 A. I didn't -- I never used her phone.

10 Q. You say you never used that phone?

11 A. Yeah.

12 Q. So do you know why someone using that phone has you
13 as a joint user?

14 A. Not at the moment, no.

15 Q. Do you know why someone using that phone after the
16 shooting attempted to access your messages from your own
17 phone number, the [REDACTED] number?

18 A. I didn't know that was possible from another phone.

19 Q. So looking here we've got an iPhone and then we've
20 got your phone here somewhere in that mix, which is the
21 Samsung Galaxy, and it's your phone that has the
22 [REDACTED] number, right?

23 A. I guess, yeah.

24 Q. Well, you know that's your number, don't you?

25 A. I actually didn't remember until you just refreshed

1 my memory.

2 Q. Okay. Well, you don't dispute that's the number you
3 were using with your Samsung Galaxy on the night of this
4 shooting on June 9th?

5 A. No, I don't.

6 Q. We're gonna take a look now at some records.

7 MS. MAYES: And this is pursuant to a Notice of
8 Evidence, Your Honor, pursuant to 19-5-520, with
9 previous notice given to the defense. This pertains
10 to AT&T records. It looks like that was filed back on
11 June 9th of 2022, and the records being Court's
12 Exhibit 37, records of AT&T.

13 THE COURT: Any objection?

14 MS. WILLIAMS: No objection, Your Honor.

15 THE COURT: Thank you.

16 (Court's Exhibit Number 37, AT&T records, was
17 admitted into evidence for pre-trial purposes.)

18 BY MS. MAYES:

19 Q. I'm gonna give you a chance to look at these records
20 up close. Court's 37.

21 So you talked earlier on direct examination about
22 that communication you had with your cousin DJ.

23 A. Uh-huh.

24 Q. DJ actually called your phone fourteen times that
25 night and you attempt to call him back.

1 A. Yeah, probably to see what he wanted.

2 Q. I'm sorry?

3 A. I said probably to see what he wanted.

4 Q. Okay. Well, I just wanted to clear that up because
5 earlier on direct you said you didn't really want to have
6 anything to do with him or really know what that was about,
7 but you know you did call him back?

8 A. Yeah.

9 Q. Okay. And then eventually you-all talk and he's
10 yelling and he's very agitated, isn't he?

11 A. I don't know the order of those calls. Like are you
12 saying that he called me that many times before or after?

13 Q. Fourteen times --

14 A. Before?

15 Q. -- between 8 PM and when this shooting happens at
16 10:30.

17 A. He -- he may have.

18 Q. Okay. And you're gonna talk with him sometime shortly
19 after 9 PM and you describe him as being very agitated and
20 I believe your words were "hollering", correct?

21 A. Yeah.

22 Q. And part of the reason for that is that DJ was
23 involved in a beef with De Alewine, wasn't he?

24 A. I don't know nothing about that De Alewine.

25 Q. You would agree that the phone call that you got from

1 him is 9:09 PM. Does that sound right?

2 A. I guess, yes.

3 Q. Prior to the shooting, right?

4 A. You mean before?

5 Q. Prior --

6 A. Yeah.

7 Q. -- before the shooting. Now all this testimony about
8 "they won't smoke", "they won't smoke", that's about this
9 beef that DJ has to meet with De Alewine at Rocky Lane as
10 you put it?

11 A. I -- I don't know nothing about that, what they had
12 going on. I didn't even hear him say that.

13 Q. Your testimony is you hear him yelling, you hear him
14 agitated, but you don't know what he's agitated about?

15 A. Yeah, because I really didn't want to hear it.

16 Q. Okay. You're at Lot 7?

17 A. Yeah.

18 Q. Where do you see DJ?

19 A. I didn't see him. I heard him.

20 Q. And where did you see Hugo?

21 A. He was closer toward the front.

22 Q. Right about here?

23 A. More like closer toward the corner of the trailer.

24 Q. You're aware, aren't you, Mr. Clark, that Hugo fired
25 the first shots out there?

- 1 A. I didn't know that.
- 2 Q. You didn't know that?
- 3 A. No.
- 4 Q. Hugo is with all of you here at Lot 7, isn't he?
- 5 A. Yeah.
- 6 Q. So you say you don't know who fired the first shots
- 7 and you just saw fire coming from a gun?
- 8 A. Yeah, I heard -- I heard it first and then I --
- 9 whenever I looked I saw fire.
- 10 Q. You heard Hugo yelling, didn't you?
- 11 A. No.
- 12 Q. You didn't hear Hugo's voice?
- 13 A. I heard -- I heard a lot of distorted voices like
- 14 yelling.
- 15 Q. You heard Hugo out there yelling "bust, bust" --
- 16 A. No, I didn't hear him say that.
- 17 Q. -- firing the first shot?
- 18 A. I didn't hear him say that.
- 19 Q. What did you hear him say?
- 20 A. I didn't hear him say nothing. I just -- you know,
- 21 like whenever you hear a lot of people talking, you just
- 22 hear voices among voices. Like I didn't --
- 23 Q. You heard DJ?
- 24 A. Yeah, he was yelling. I didn't see him.
- 25 Q. Who was he yelling at?

1 A. I don't know.

2 Q. Well, was DJ yelling at someone at Lot 7 or is he
3 yelling at someone over here in the area of Lot 15 and 16?

4 MS. WILLIAMS: Objection, Your Honor. I believe
5 that this has been asked and answered. He stated he
6 didn't know who he was yelling at.

7 THE COURT: Well, I think she's moved on. Go ahead.

8 THE WITNESS: I don't know.

9 BY MS. MAYES:

10 Q. Do you here yelling coming from this location?

11 A. Not really, no. I didn't -- I just know I heard
12 yelling. I heard what was around me.

13 Q. All right. So one of the things you said to law
14 enforcement is that right before the shooting you were
15 feeling, quote, a little good. How much had you had to
16 drink that night?

17 A. I had a couple of drinks.

18 Q. How much had you had to smoke that night?

19 A. Probably like a -- just one blunt.

20 Q. So you're smoking and drinking. What are you
21 drinking?

22 A. I was -- I had took a shot of liquor and I had a
23 couple of beers.

24 Q. Looking here at 36, according to your testimony where
25 are you at as you're firing your shots?

- 1 A. You can't see the area that I was in.
- 2 Q. All right.
- 3 A. It was a little bit further over.
- 4 Q. This way?
- 5 A. No, kind of back. Like just -- actually like straight
- 6 out from my car door.
- 7 Q. All right. Straight out from your car door.
- 8 A. Probably back a little bit.
- 9 Q. And you're not firing at Lot 7, are you?
- 10 A. No, I was --
- 11 Q. You're firing in another direction, aren't you?
- 12 A. -- I was firing at the person coming across the
- 13 street.
- 14 Q. In this direction?
- 15 A. Roughly.
- 16 Q. So you and Tameakeo are staying together at the house
- 17 at [REDACTED] after you dropped off your car and no longer at
- 18 [REDACTED] Academy, right?
- 19 A. She came a little later on that night or morning or
- 20 whatever.
- 21 Q. On the 10th?
- 22 A. Uh-huh.
- 23 Q. And then what did you-all do?
- 24 A. Nothing. Just stayed at the house.
- 25 Q. You and Tameakeo together?

1 A. Yeah.

2 Q. All right. At 6:15 in the morning on the 10th,
3 there's a search that says "if someone shoots at you and
4 you shoot back and somebody dies and people say you did it,
5 what to do?". Who did that search?

6 A. I don't know.

7 Q. You don't know? Who did a search at 8:59 AM, "how can
8 you get gunpowder residue out of hair?". That's you, isn't
9 it?

10 A. No.

11 Q. Well, she's in -- she's in the bathroom during this
12 shooting, Mr. Clark.

13 A. I didn't recall using her phone.

14 Q. You don't recall, but you could have?

15 A. I don't have her password to use her phone. I never
16 use her phone.

17 Q. Who did a search at 9:01 AM, "removing gunshot residue
18 from hair"?

19 A. I don't know.

20 Q. Who did a search at 9:45 AM, "why is the first
21 forty-eight hours crucial in murder"?

22 A. I don't -- I don't know.

23 Q. You and her were together for those searches, weren't
24 you?

25 A. What do you mean?

1 Q. Well, you-all talked about this. You were telling her
2 that your name was in this.

3 A. Yeah, I told her that.

4 Q. So those searches just mysteriously appear on that
5 phone?

6 A. I have no access to her phone. I didn't use her
7 phone.

8 Q. You-all didn't talk about those two searches -- those
9 searches together as they're being done?

10 A. No.

11 Q. So we know that you're here when you get that phone
12 call from DJ.

13 A. Yeah.

14 Q. We know that you're here when you call DJ back.

15 A. Yeah.

16 Q. We know that you're here when eventually the two of
17 you talk and there's also records of a text message sent
18 from DJ to you.

19 A. I didn't talk to him.

20 Q. Why is it, Mr. Clark, that when your phone is
21 recovered on the 11th that there's all of those call
22 logs that we just looked at that came from the phone
23 company have been deleted from your phone showing your
24 communications with DJ?

25 A. I deleted -- I deleted my calls because I don't

1 necessarily want those on my phone.

2 Q. You deleted them?

3 A. Yeah, because I wasn't no longer using it.

4 Q. You were no longer using it on the 11th when it was
5 seized because you had just bought that new phone with
6 Tameakeo on the 10th?

7 A. Yes.

8 Q. So you go in and delete the messages from the date of
9 this crime, which is June 9th, but you didn't delete the
10 call logs from June 2nd, did you? You left some of those
11 call logs.

12 A. I wasn't sure -- usually whenever you delete calls,
13 it deletes -- it don't -- you don't -- you can't erase all
14 your calls at one time in a log.

15 Q. All right. So you just felt the need to delete the
16 night of the 9th and the following day, the 10th, because
17 you had gotten a new phone, right?

18 A. I -- I don't recall, but, yeah.

19 Q. And that's gonna include that text message that you
20 got from DJ on the night of the 9th even though you got
21 other text messages from prior to that, right?

22 A. Maybe. I don't know. I really don't remember what I
23 had on my phone.

24 Q. Well, you wanted to make sure that no one could find
25 those communications with your Cousin DJ, didn't you?

1 A. I didn't look at it that way.

2 Q. Well, how did you look at it?

3 A. I don't know. Not like that. I don't know.

4 Q. So your testimony today is that all of those previous
5 statements to law enforcement were not true and today
6 what's true is you fired your own AK-P7 that you had with
7 you and that you had moved to the front of your car during
8 the course of the evening. You move it out of the trunk
9 and you move it inside the car, right?

10 A. Yeah.

11 Q. What time did you do that?

12 A. I don't know the exact time.

13 Q. Well --

14 A. I just know whenever Nash was working on my speakers,
15 I had it like sitting on the top of my speakers and I moved
16 it from there because it was exposed.

17 Q. What do you mean by that?

18 A. Everybody could see it.

19 Q. Well, everybody did see it.

20 A. Yeah, that's what I meant.

21 Q. So sometime between when this is taken earlier that
22 night and when the shooting happens, you had moved that bag
23 with the guns inside of your car?

24 A. Yes.

25 Q. But you actually had -- you didn't just move the bag

1 inside the car, you actually have the AK out, don't you,
2 Mr. Clark? You had it out?

3 A. I don't recall having it out.

4 Q. You don't recall?

5 A. If I did have it out, it was probably laying in my
6 trunk when I -- whenever I took the bag from back there.

7 Q. What I'm asking you is you had that AK out. Let's
8 take a look at that gun. This is Court's 25. That's
9 identical to your AK-P7 that's already in from earlier.
10 This is gonna be the AK-P7 model that you purchased from
11 Palmetto State Armory. What I'm asking you is you had that
12 gun out while inside your car, didn't you, Mr. Clark?

13 A. Like I said, if I did have it out, it was because it
14 wasn't in the bag. It must have been in the trunk.

15 Q. And that FN nine millimeter ends up out of your glove
16 box and in your car as well, doesn't it?

17 A. Yeah.

18 Q. And your testimony is that during the shooting you run
19 behind your car and then behind the trailer?

20 A. Yeah.

21 Q. And then eventually you go back into your car and you
22 get the AK-P7 out?

23 A. Yes.

24 Q. And you fire all your shots from around here?

25 A. Yeah.

1 Q. Until your magazine's empty?

2 A. Yeah.

3 Q. And then you're gonna put it back in your car?

4 A. Yeah.

5 Q. And your testimony is you have no idea who used your
6 FN nine millimeter?

7 A. I don't.

8 Q. You deny giving that to someone in advance because
9 you knew that smoke was gonna happen?

10 A. Yeah.

11 MS. MAYES: Nothing further.

12 MS. WILLIAMS: No further questions, Your Honor.

13 THE COURT: All right. Can we take a -- it's almost
14 12:00. Can we take a short break?

15 MS. MAYES: This may be ideal for lunch, Your Honor,
16 just because we know we've got to -- well, I don't know
17 how many other witnesses you have.

18 MS. WILLIAMS: The defense is finished with
19 witnesses, Your Honor.

20 MS. MAYES: We just need to get some exhibits
21 together, so whatever the Court wants to do.

22 THE COURT: Okay. Then why don't we take a lunch
23 break. Let me excuse the -- I'm gonna let you go back
24 to the table, okay?

25 (Witness excused.)

1 THE CLERK: If you'll have a seat, please. State
2 your name and spell your last for the record.

3 THE WITNESS: My name is Cameron Sherban,
4 S-H-E-R-B-A-N.

5 CAMERON SHERBAN,
6 having been duly sworn, testified as follows:

7 DIRECT EXAMINATION (In-Camera)

8 BY MS. MAYES:

9 Q. All right. Tell us a little bit about yourself.
10 Where are you employed?

11 A. I'm a detective with the Lexington County Sheriff's
12 Department with the major crimes unit.

13 Q. All right. How long have you been with major crimes?

14 A. I've been in major crimes for four years now. I've
15 worked with the SVU team, the Internet Crimes against
16 Children, but do assist with other cases as well.

17 Q. All right. Did you have an opportunity to be involved
18 in this investigation involving the murder of Minor
19 on June 9, 2021?

20 A. Yes, I did.

21 Q. And did you come out to [REDACTED] Road in response to
22 this shooting?

23 A. I did.

24 Q. Along with multiple other members of the Lexington
25 County Sheriff's Department?

1 A. Yes.

2 Q. And can you tell us whether there were also members of
3 the Batesburg-Leesville Police Department as well?

4 A. Yes, there was.

5 Q. And upon your arrival was the defendant, Quayshaun
6 Clark, still at the scene or had he fled the scene?

7 A. I did not see him there.

8 Q. Okay. Ultimately pursuant to your investigation,
9 did you have an opportunity to recover a doorbell
10 video/audio from a neighbor in another neighborhood which
11 depicted the gunshots in this case?

12 A. Yes, I did.

13 Q. I'm gonna show you what is Court's 18 and ask you
14 whether or not you recognize this item?

15 A. I do, yes.

16 Q. How so?

17 A. That is the doorbell camera and I've got my initials
18 up there. It's a copy of it.

19 Q. Okay. You recovered this yourself?

20 A. I did.

21 Q. How did you go about authenticating the date and time
22 as being the night of June 9, 2021, at roughly 10:30 to
23 10:35 PM when this event occurred?

24 A. I went to the residence and I met with the resident,
25 Mr. Kneece. He was able to provide this to us. I actually

1 saw the video. I was actually able to look at the camera
2 system and he verified it and we verified the time that was
3 running at that time and also we were able to verify the
4 times from that night.

5 Q. How close in proximity is that neighborhood to the
6 area of [REDACTED] Road, also known as the Rocky Lane
7 Mobile Home Park?

8 A. I looked at Goggle Maps and it's about fifteen hundred
9 feet. It's a few football fields.

10 Q. Okay. And from where you are -- I'm gonna hand you a
11 laser and ask you from where you are if you can show us the
12 general area of the neighborhood in which you recovered
13 this audio?

14 A. The neighborhood would have been up about here if this
15 map continued up. This is [REDACTED] Road. Kendall Drive is
16 a neighborhood that through the trees through -- just it's
17 another road up from there.

18 Q. Okay. And based upon your notes from reviewing this
19 audio, were you able to determine a general estimate of how
20 many shots you hear fired?

21 A. Throughout the entire incident?

22 Q. Yes.

23 A. There's -- there's about fifty-eight shots. I mean,
24 I can't -- I can't tell completely conclusively because of
25 echos and things like that, but it's very close to about

1 fifty-eight shots were fired.

2 Q. Fifty-eight shots. Prior to hearing any shots at all
3 ring out, what type of audio do you hear? What sounds are
4 you hearing?

5 A. You can hear typical summer night sounds of crickets,
6 bugs, frogs. I don't -- I don't know exactly what, but
7 you can kind of hear that in the background, but then very
8 faintly if you turn the volume up you can actually hear
9 what sounds like people talking, yelling, some people
10 screaming. You can hear female higher pitched voices and
11 you can also hear some male voices that sound a little bit
12 lower through that neighborhood.

13 Q. Okay. How long does it appear that the yelling where
14 you hear female voices and male voices goes on?

15 A. Throughout the entire video. From start to almost the
16 end.

17 Q. And then ultimate how long do the shots ring out if
18 you have a record of that?

19 A. Yeah, shots are fired for about -- for about a little
20 less than one minute. You can hear them start at 10:34:30
21 and then there's a large amount of shots that start at
22 10:34:55 and there's shots all in between there.

23 Q. Okay. So roughly in that time period between 10:34
24 and 10:35 is when the shots are heard?

25 A. Yes, ma'am.

1 Q. Now do all of the shots sound the same?

2 A. No, they don't.

3 Q. How, if at all, can you describe any difference within
4 the shots that you're hearing on this audio?

5 A. So as I was reviewing the video, there's -- as I
6 mentioned, at 12:34 and about 30 seconds there's about
7 eight shots of one gunfire that I can hear. There's a
8 short pause after those shots ring out and then at 10:34:44
9 there's about twenty shots that are extremely much louder
10 than the other shots that I heard just before that. After
11 those louder shots are fired at 10:34:55 there's about
12 thirty more shots that are back to what the first eight
13 shots were like. So in between there there's a very
14 distinct louder gunshot sound than the other ones in
15 between there.

16 Q. You would describe an estimate of about twenty shots
17 that appear to be very distinct?

18 A. Yes.

19 Q. Do they appear louder than the other shots?

20 A. Yes.

21 Q. From a different type of weapon than the other shots?

22 A. I can't tell that, but it -- it's possible. I'm not
23 certain.

24 Q. You're able to detect a difference?

25 A. There's a difference, yes. You can tell it's much

1 louder.

2 MS. MAYES: This would be Court's 18 for evidence,
3 Your Honor.

4 MR. WILLIAMS: Without objection, Your Honor.

5 THE COURT: Thank you.

6 (Court's Exhibit Number 18, an audio/video
7 recording, was admitted into evidence for pre-trial.)

8 BY MS. MAYES:

9 Q. And, again, this -- this would be the view of this
10 video doorbell from the residence in which it was taken?

11 A. Yes, he has a -- he has a couple of cameras on his
12 property. One specifically faces out towards the street
13 from above the garage and that camera is facing Kendall
14 Drive which also is facing where [REDACTED] Road would be
15 through the trees a way, but it is facing that direction.

16 Q. All right. And then looking here at the top, we see
17 the date being June 9, 2021?

18 A. Yes, ma'am.

19 Q. And the time at this point is gonna be roughly
20 10:33 PM?

21 A. That's correct.

22 Q. And do you already hear at this point in the recording
23 the sound of the yelling?

24 A. Yeah, you can -- you can hear people talking, yelling
25 in the background even at this juncture.

1 (Whereupon, Court's 18 was played.)

2 BY MS. MAYES:

3 Q. Now in addition to obtaining that video, did you
4 also have an opportunity to speak with the defendant's
5 girlfriend in this case? I believe her name is gonna be
6 Tameakeo Carnard.

7 A. Yes, I did.

8 Q. And can you tell us whether that followed the arrest
9 of the defendant at [REDACTED] Spring Hill Road on June 11th?

10 A. Yes, it was after.

11 Q. And have you had an opportunity to listen to the
12 recorded version of that interview with Ms. Carnard?

13 A. Yes, I have. I recorded the interview and I have
14 re-listened to it.

15 Q. And in addition to recording it, did you also create
16 notes in the form of a supplemental report that documented
17 the information provided to you by Ms. Carnard?

18 A. Yes, I do.

19 Q. The first thing that I want to ask you about is a
20 description of any other person with a firearm.

21 A. She described -- at one point in the interview, she
22 said that there was a male with a white shirt, but she
23 didn't describe much other than that one person. That was
24 the one that she said had a white shirt on. She did say
25 there were many people, but that was the only one with a

1 description of a shirt.

2 Q. All right. And does she tell you where she is when
3 she sees this?

4 A. She said that she was to the right, which Lot -- if
5 you're looking -- driving into there is Lot 7 and she was
6 talking about two different trailers across the other way,
7 which would have been 15 and 16.

8 Q. Okay. So 15 and 16. And she described that while
9 she's at Lot 7 she sees one person with a gun?

10 A. Yes.

11 Q. Did she ever give a description of three guns?

12 A. No, she did not.

13 Q. Now in addition to that, what, if anything, did she
14 say about whether she ever saw anyone shooting?

15 A. She said that she -- when she saw the gun, she ran
16 inside and she heard all the shots inside. She did not see
17 anyone actually shooting.

18 Q. All right. So she's gonna run inside the home at
19 Lot 7 and indicates to you she never saw anyone shooting?

20 A. That's correct.

21 Q. Now did you have an opportunity to ask her about prior
22 to the shooting observing any individuals over near the
23 area of lots 16 or 15?

24 A. Yes, ma'am. Prior to the shooting as in that
25 evening --

1 Q. Yes.

2 A. -- she said that there were a few guys standing out
3 there with their hands in their waistband. She initially
4 showed me that and then I clarified that later in the
5 interview and she said yes, they were standing with their
6 hands in their waistband.

7 Q. Okay. And when you say she initially showed you that,
8 can you tell us what you're referring to?

9 A. She -- when she was sitting in the side seat of my
10 car and she actually motioned like her hand was in her
11 waistband.

12 Q. Okay. So she's indicating to you that at some point
13 prior to the shooting she saw individuals here at Lot 15
14 or 16 with their hands in their waistband?

15 A. Yes, yelling back and forth with the other lot that
16 was there.

17 Q. Okay. So indicating knowledge that persons in this
18 area would have been armed or appeared to be armed?

19 A. Yes, ma'am.

20 Q. And engaged in some type of yelling with persons at
21 Lot 7?

22 A. Yes.

23 Q. Now did you ask her if there had been any type of
24 history or did it come up in your conversation with her
25 whether there had been any type of history of arguments

1 between Lot 7 and persons at Lot 16?

2 A. It did. At one point she just said that there --
3 there had been multiple arguments going on from them. She
4 didn't say exactly how many and how long, but she did say
5 there had been something in the past.

6 Q. So that would be knowledge of past -- some type of
7 past altercations involving Lot 7 and Lot 16?

8 A. Yes, ma'am.

9 Q. This will be Court's Exhibit 38. I'm gonna show it to
10 you real quick. Do you recognize this?

11 A. Yes, ma'am.

12 Q. How so?

13 A. This is a DVD of the -- or CD of the interview that I
14 had with her. My initials are on it.

15 MS. MAYES: 38 for evidence at this time, Your
16 Honor.

17 THE COURT: Any objection?

18 MR. WILLIAMS: Without objection, Your Honor.

19 THE COURT: It's admitted.

20 (Court's Exhibit Number 38, a recorded interview,
21 was admitted into evidence for pre-trial purposes.)

22 (Whereupon, Court's Exhibit Number 38 was played.)

23 BY MS. MAYES:

24 Q. All right. Is that a reference to Lot 17 {sic} and
25 Lot 16?

1 A. Yes, it is.

2 Q. Can you tell us whether or not she spoke to you about
3 what the defendant admitted to her his role in this was?

4 A. She did speak about that. I asked her if they -- you
5 know, of course, they're in a relationship. I asked her
6 what he had told her and she said that he didn't know
7 anything, that nothing happened. He just got out of there.
8 He got down and got out is what she claimed he told her.

9 (Video continued playing.)

10 Q. All right. And then were you able to discuss with her
11 whether anyone had left messages, anonymous tips to Crime
12 Stoppers that did not involve Quayshaun Clark?

13 A. She claimed that she had made some anonymous tips.

14 Q. So she told you she had made anonymous trips to Crime
15 Stoppers?

16 A. Yes, ma'am.

17 Q. And you actually spoke about that?

18 A. Very briefly. She just kind of in passing said I
19 actually made some of those anonymous tips to you guys.

20 Q. And "to you guys" was referring to the Lexington
21 County Sheriff's Department?

22 A. Yes, ma'am. To law enforcement.

23 (Video continued playing.)

24 Q. All right. Throughout that entire communication with
25 her, which was recorded and you're making notes, did she

1 ever report to hearing Donald Jackson say "they won't
2 smoke"?

3 A. No, ma'am.

4 Q. Is that something that you would have noted?

5 A. Yes, it would have been. There was only one name she
6 gave and Donald Jackson was not one of them.

7 Q. All right. And if she had told you or given a
8 description of three individuals with guns coming toward
9 Lot 7 and into Lot 7, is that something you would have
10 noted as well?

11 A. I would have noted that, yes, ma'am.

12 MS. MAYES: Thank you. Nothing further.

13 MR. WILLIAMS: May it please the Court?

14 THE COURT: Yes, sir.

15 CROSS-EXAMINATION (In-Camera)

16 BY MR. WILLIAMS:

17 Q. Good afternoon.

18 A. Good afternoon.

19 Q. So she's telling you that she made some anonymous tips
20 and I assume that you-all have a method with the sheriff's
21 department to record any and all anonymous tips that come
22 in things, right?

23 A. Yes, sir.

24 Q. Who did -- who did she make the anonymous tips to? Do
25 you know if it was recorded at the sheriff's department or

1 the Batesburg Police Department or what have you?

2 A. I do not. I didn't follow up with that.

3 Q. So you didn't do any followup to see if perhaps in
4 some of those anonymous tips she was making comments that
5 she didn't feel comfortable telling you that particular
6 night because anonymous tips are by their nature anonymous,
7 so she may have given you Donald Jackson's name in one of
8 those anonymous tips or at least give the police department
9 Donald Jackson's name on one of those anonymous tips?

10 A. I'm not sure.

11 Q. Because we didn't listen to them and you still possess
12 that information, don't you?

13 A. I don't have any of the anonymous tips.

14 Q. Let me ask you this. On the anonymous tips, if
15 they're recorded at the sheriff's department, would there
16 be -- they're called anonymous, but is there a way to see
17 what phone number they actually came from?

18 A. I'm not sure. I know some go through the sheriff's
19 department and some go through Crime Stoppers and that's a
20 different organization altogether.

21 Q. But if they went through the sheriff's department,
22 there would be a way to see exactly who called in those
23 anonymous tips, wouldn't there?

24 A. There would.

25 Q. So perhaps she might have made the same information

1 that you were being cross-examined with over the anonymous
2 tips, maybe it was recorded at the sheriff's department,
3 but we don't know because we didn't check it?

4 A. Yeah, it's speculative.

5 Q. All right. Let me ask you about what we've seen up
6 here, which is the sound information that you brought,
7 which is very interesting. Since we're not in front of the
8 jury, I'll say are you -- are you familiar with the Kennedy
9 assassination?

10 A. Not really. I mean, history books.

11 Q. Okay. Well, you know, at one point in time there was
12 a lot of discussion about the -- the grassy knoll and there
13 was actually the ability of people who deal with sound and
14 to deal with recordings to make a determination in regards
15 to how many shots were fired and probably if you had the
16 person qualified they can make the distinction in regards
17 to what the weapon was that was used. Have you done any
18 investigation into that type of science that can determine
19 what type of weapon is being used?

20 A. I'm unable to do that.

21 Q. Have you attempted to locate any type of expert that
22 deals with that?

23 A. I did not.

24 Q. Now if you had gone to that trouble, would you have
25 been able to -- maybe to make a determination in regards

1 to the difference in the sounds from the various weapons?

2 Clearly there is a difference.

3 A. Yes, there is a difference.

4 Q. And, of course, that difference is based on what the
5 weather's like, whether it's raining or not raining, but
6 there's a difference on the same night, the same time, so
7 there's got to be a difference in either the distance away
8 from the house or a difference in regards to what weapons
9 are being used?

10 A. Most likely, yes.

11 Q. So if we took that extra step, we could find out in
12 regards to whether or not those -- the weapon that was
13 being fired in the middle was and AR or AK, an automatic
14 weapon I'll say, or whether or not it is some sort of rifle
15 or some sort of pistol or what have you, couldn't you?

16 A. Possibly.

17 Q. But we didn't do that, right?

18 A. No.

19 Q. All right. So let me ask you about the information
20 that was in here where they're talking about she says --
21 on that particular night she talks to you about a bunch of
22 people between lots 15 and 16 and she talks about that
23 there had been problems at that -- between those two lots
24 before and she describes that as being when people pull up
25 sometimes they come out and look, right?

1 A. Uh-huh.

2 Q. Well, did she give you a timeframe in regards to when
3 that was, whether or not it was a year ago, a month ago,
4 two months ago?

5 A. No, she did not.

6 Q. So the relevance of that -- obviously everything is
7 relevant depending on the time period involved, so if
8 nothing had gone on for two years prior to that or one year
9 prior to that, that's not an indication of some on-going
10 problem, is it, because it has to be based in time for it
11 to be important, right?

12 A. Yes.

13 Q. All right. So let's talk about -- now about you said
14 the hands -- the hands were in the waist like this. Is
15 that how she described them?

16 A. No, that's not.

17 Q. Show me -- if you don't mind, would you stand up and
18 demonstrate how she that her hands -- the hands were in the
19 waistband?

20 A. She kind of reared back and said they were standing
21 like this with one hand in.

22 Q. Okay. She didn't demonstrate that there was a gun in
23 the waistband, did she?

24 A. I don't recall.

25 Q. You didn't ask her if there was a gun visible in the

1 waistband, did you?

2 A. No.

3 Q. So whether or not you're sitting back with your arms
4 crossed like this or sitting like that, do you find that to
5 be some sort of distinguishing modeling or characterization
6 that indicates a different level of threat than the other?

7 A. I guess so. I'm not sure where you're going with
8 that. Like --

9 Q. Well, she didn't say there was a gun there. She said
10 that -- she had the hand in the waistband as opposed to
11 having your arms crossed.

12 A. Okay. Are you saying like having the -- more ability
13 and means to grab something from there as if the arms are
14 crossed you can't reach anything?

15 Q. I guess I'm trying to figure out the point of the
16 question. I'm trying to figure out why that's important to
17 you whether or not they had the hands -- had one hand in
18 the waistband versus having the arms crossed?

19 A. It's -- the way that she had described it, that
20 standing with the hand in the waistband can be a -- kind of
21 a threatening way to stand, trying to show off what you
22 might have, what you may not have.

23 Q. As opposed to leaning back with your arms like this?

24 A. Yeah, that's more passive, more closed off.

25 Q. Okay. So the one person that she said that she

1 described in your tape, as well as with the -- your taped
2 -- your typed up information, she described one person.
3 She never said that that was the only person that she saw,
4 did she?

5 A. Are you talking about the male with the white shirt
6 walking across or --

7 Q. Yes.

8 A. Okay.

9 Q. Did she only say one person walked across?

10 A. She mentioned just one person walking across.

11 Q. Did she say that only one person walked across?

12 A. She saw one person walking across. I'm not -- I don't
13 remember if she said only one person walked across. She
14 just described one person. I don't know if she used the
15 word "only".

16 Q. Because maybe the only person she could describe was
17 one person, but she didn't describe the other two people
18 that came across with him.

19 A. I don't know that.

20 Q. There's a lot of I don't know's between these two
21 things, but this happened a night after -- what time was
22 this -- this statement taken?

23 A. This was taken on the 11th of June.

24 Q. All right. And when was the shooting?

25 A. On the 9th of June.

1 Q. So two days had passed, right?

2 A. Yes.

3 Q. Who talked to her that night? Did anybody talk to her
4 that night?

5 A. At the house?

6 Q. No, on --

7 A. On the 9th?

8 Q. Right. Nobody saw her that night, right?

9 A. I don't believe she was there that night like where we
10 were talking to her. I don't know.

11 Q. Do you know when she left the scene?

12 A. I believe it was before we got there.

13 Q. Do you know?

14 A. She -- I believe she said that she got there -- like
15 nobody that was there saw anything and she had left prior
16 to.

17 Q. Do you know how long she waited there before law
18 enforcement got there?

19 A. I do not.

20 MR. WILLIAMS: That's all the questions I have,
21 Your Honor.

22 THE COURT: Any redirect?

23 MS. MAYES: Yes, Your Honor.

24 REDIRECT EXAMINATION (In-Camera)

25 BY MS. MAYES:

1 Q. And on that note, law enforcement was talking to
2 individuals who came forward?

3 A. Yes, ma'am.

4 Q. And making notes of their names and their addresses
5 and their phone numbers?

6 A. Yes.

7 Q. And that includes numerous people out there at the
8 scene who chose to stay, correct?

9 A. Yes, and many people that came out that were not a
10 part of it. We still interviewed everybody that we could.

11 Q. All right. And persons around Lot 15 were
12 interviewed?

13 A. Yes.

14 Q. And persons around were Lot 16 who was there, such
15 as the homeowner, Alicia Burgess, and -- and others were
16 interviewed?

17 A. Yes.

18 Q. And then I believe somebody at Lot 7 affiliated with
19 that residence was interviewed?

20 A. Yes.

21 Q. And then there were two girls, Kelly Conyers and
22 Yamira Sackel, who chose to stay and volunteer information
23 to law enforcement?

24 A. I don't know the names, but, yes, there were many
25 people that stayed back.

1 Q. And Tameakeo Carnard is not one of the people that
2 stayed behind to provide information to law enforcement,
3 correct?

4 A. That's correct.

5 Q. One of the questions you were asked is about the
6 Crime Stoppers method. If her phone indicates that she's
7 making Crime Stoppers' tips, do those necessarily go to
8 the sheriff's department or is there another agency who
9 oversees those?

10 A. Crimes Stoppers takes the tip and then they send it to
11 us, so they're the ones that originally take the message.

12 Q. Okay. Those messages eventually make their way to the
13 officer, correct? The lead agent?

14 A. That's correct.

15 Q. But you don't necessarily have to leave a name or
16 number affiliated with those messages?

17 A. No, you don't.

18 Q. They are anonymous?

19 A. That's right.

20 Q. And regarding the questions about the sounds that
21 you're hearing, in addition to you reviewing that audio,
22 was it also reviewed by your CSI team?

23 A. Yes, it was.

24 Q. And as well as Thom Smith who has knowledge of
25 firearms within CSI?

1 A. I believe it was, yes.

2 Q. And then ultimately you're aware that the ballistics
3 in this case went to the South Carolina Law Enforcement
4 Division to a firearms examiner?

5 A. Yes, they did.

6 Q. So if an expert is unable to make a determination on
7 sound alone, that's not something that you'd be personally
8 involved with, correct?

9 A. Not at all.

10 MS. MAYES: Nothing further.

11 MR. WILLIAMS: No questions on recross, Your Honor.

12 THE COURT: Can I let Detective Sherban down?

13 MS. MAYES: Yes, Your Honor.

14 (Witness excused.)

15 MS. MAYES: The State calls CSI Sergeant Brenda
16 Snelgrove.

17 (Whereupon, Brenda Snelgrove was duly sworn by the
18 Clerk of Court.)

19 THE CLERK: If you'll have a seat, please, and
20 state and spell your last for the record.

21 THE WITNESS: Brenda Snelgrove, S-N-E-L-G-R-O-V-E.

22 BREND A SNELGROVE,

23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION (In-Camera)

25 BY MS. MAYES:

1 Q. All right. And tell us a little bit about yourself,
2 Sergeant Snelgrove. How long have you been involved in
3 the CSI work for the major crimes unit at the sheriff's
4 department?

5 A. For about seven years.

6 Q. And can you tell us whether you were working the scene
7 that night at [REDACTED] Road?

8 A. Yes, ma'am. I was the lead CSI.

9 Q. All right. We're gonna take a look at one photograph
10 that's already in evidence up here, and this is gonna be
11 Court's 12. We've got Lot 7, we've got Lot 16 and we've
12 got Lot 15. Can you tell us whether or not spent shell
13 casings were found in the area of Lot 7?

14 A. Yes, ma'am.

15 Q. Can you tell us whether spent shell casings were found
16 in the area here between Lot 15 and 16?

17 A. Yes, ma'am.

18 Q. And can you tell us whether spent shell casings were
19 found here around the front or corner of 15?

20 A. Yes, ma'am.

21 Q. So that's gonna cover this area in between, up through
22 about right here?

23 A. And a little bit past the way, yes.

24 Q. Now throughout your examination of that crime scene,
25 were any shell casings recovered in the roadway?

1 A. No, ma'am.

2 Q. Or here in the fork of the road?

3 A. No, ma'am.

4 Q. Or here around the area of Lot 6?

5 A. No, ma'am.

6 Q. Looking here at Lot 7, how many different shell
7 casings were recovered?

8 A. Different makes, calibers?

9 Q. Yes.

10 A. Three.

11 MS. MAYES: And, Your Honor, I'm gonna pass up to
12 you what is Court's 19 already in evidence for you.
13 That will allow you to follow along and, if we can,
14 we're gonna use a duplicate copy of that on the overhead
15 as well.

16 THE COURT: Thank you.

17 BY MS. MAYES:

18 Q. Do you have a copy of what is Court's 19, Sergeant
19 Snelgrove?

20 A. This diagram?

21 Q. I'm going to show it to you and ask you whether or not
22 you recognize it?

23 A. Yes, ma'am.

24 Q. Okay. Can you follow along as we use this one?

25 A. Yes, ma'am.

1 Q. Now were you able to document through your sketch
2 diagrams from the scenes the ballistics evidence recovered
3 from Lot 7?

4 A. Yes, ma'am.

5 Q. As well as the ballistics evidence recovered here in
6 this yard area between 16 and 15?

7 A. Yes, ma'am.

8 Q. Were you able to also depict the shell casings -- I'm
9 gonna do sort of a curve or semicircle here -- outside of
10 Lot 15?

11 A. Yes, ma'am.

12 Q. And if any shell casings had been recovered along the
13 roadway or the fork of the road, would those have been
14 depicted on your diagram as well?

15 A. Yes, ma'am. That's correct.

16 Q. And you're taking photos out at the scene as you
17 recovered each casing?

18 A. Yes, ma'am.

19 Q. Yourself here working Lot 15?

20 A. Yes, ma'am.

21 Q. I believe CSI Browning working 16?

22 A. Yes, ma'am.

23 Q. And I believe that CSI Cody Weyandt is working Lot 7?

24 A. That's correct.

25 Q. Who was the supervising CSI officer at the scene?

1 A. That was me.

2 Q. All right. So you as the CSI sergeant, you're able as
3 you're going to make sure you're aware of all items being
4 found?

5 A. Yes, ma'am.

6 Q. As well as reviewing photographs after the fact --

7 A. That's correct.

8 Q. -- in order to prepare this diagram?

9 A. Yes, ma'am.

10 Q. So looking now at what is Court's 19 --

11 MS. WILLIAMS: Your Honor, I apologize. Is it in?

12 MS. MAYES: It's in with the Court. I believe
13 you've got 19, Your Honor.

14 THE COURT: I've got 19.

15 Is there an objection to this?

16 MS. WILLIAMS: Yes, Your Honor, there is.

17 If we may approach?

18 THE COURT: Yes.

19 MS. WILLIAMS: Thank you.

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

21 MS. MAYES: Well, we'll allow you to cross-examine
22 on that issue. This is already in, Court's 19, so we can
23 cover that through firearms as well.

24 THE COURT: Wait. Wait just a second. Let me make
25 sure.

1 MS. MAYES: And we might have a redacted version.

2 MS. WILLIAMS: I'm not sure Court's 19 went in.

3 THE COURT: It hasn't been in yet. That's why I
4 asked you if it was in and then she popped it up there
5 and I asked if there was an objection.

6 MS. WILLIAMS: Yesterday?

7 MS. MAYES: Yes.

8 THE COURT: Yesterday. That has not been in.

9 THE COURT REPORTER: It was shown yesterday.

10 THE COURT: It was?

11 THE COURT REPORTER: Uh-huh. During Ms. Snelgrove
12 -- or Officer Snelgrove's --

13 THE COURT: I don't have it in mine.

14 THE COURT REPORTER: I just have it on my list when
15 she testified yesterday, but --

16 MS. WILLIAMS: I hate to ask you do this, but maybe
17 we can check the --

18 MS. MAYES: Can I clarify, Your Honor, with the
19 witness?

20 BY MS. MAYES:

21 Q. Do you have -- do you have the redacted version that
22 shows only the headstamps, Sergeant Snelgrove?

23 A. I'm sorry. I'm not tracking.

24 Q. Yes. Do you have the redacted version of this diagram
25 that shows only the headstamps and not the SLED findings?

1 A. Not with me.

2 THE COURT: Okay. I want to -- before we go on, I
3 want to make sure about this Exhibit Number 19. She --
4 I think what happened was yesterday when we were doing
5 the Franks hearing and I stopped you-all and said hey,
6 what are you-all doing, I hadn't ruled whether they were
7 entitled to a hearing yet, and this was your witness that
8 you called.

9 MS. WILLIAMS: Yes, Your Honor.

10 THE COURT: And then I think we stopped and I laid
11 out the procedure for the Franks hearing and decided you
12 weren't entitled to a hearing, and I think this is when
13 19 -- she just wants to make sure that she let 19 in
14 without an objection.

15 MS. WILLIAMS: Yes.

16 MS. MAYES: That's my memory, Judge that we used
17 this when I was cross-examining Sergeant Snelgrove.

18 THE COURT: And I'm gonna get you to check and see
19 if she objected or agreed just for the record so I can
20 have a clean record here, so give us just one second
21 while we get the court reporter to check.

22 (Whereupon, a portion of the record was read back.)

23 THE COURT: So it was never admitted.

24 MS. MAYES: Okay. All right.

25 THE COURT: I knew there was a problem in cutting

1 off this witness yesterday.

2 MS. MAYES: Okay. Judge, we're gonna make a
3 redaction. I believe that the objection pertains to
4 shot by the same gun in reference to the 40 caliber
5 Smith & Wesson cartridge cases. We're gonna make a
6 redaction as to that, the headstamp that is significant
7 at this time, and we're gonna make that redaction and
8 offer this as Court's 19.

9 THE COURT: Any objection to that?

10 MS. WILLIAMS: Your Honor, no, I have no objection
11 to changing the description.

12 THE COURT: Okay.

13 MS. WILLIAMS: Thank you.

14 THE COURT: All right. With that change then,
15 Ms. Mayes, going to allow it in.

16 MS. MAYES: And then if we could also see
17 Court's 19.

18 (Court's Exhibit Number 19, a diagram, was
19 admitted into evidence for pre-trial purposes.)

20 BY MS. MAYES:

21 Q. All right. Sergeant Snelgrove, taking a look here
22 at this photograph. Now it's gonna be set at a different
23 angle than we're seeing here in Court's 12 with Lot 7 and
24 Lot 15 and 16. This is gonna be the opposite angle as if
25 you're looking down the road toward Lot 7 on the right and

1 Lot 15 and then Lot 16 on the left.

2 A. Yes, ma'am.

3 Q. Looking here at Lot 15, how many different -- I'm
4 sorry -- Lot 7, how many different shell casings are
5 recovered from Lot 7?

6 A. Three.

7 Q. Three different weapons. What are those caliber
8 casings based upon the head stamps?

9 A. Nine millimeter, 40 caliber and 7.62 by 39 millimeter.

10 Q. All right. How many shell casings were found at Lot 7
11 that were nine millimeters?

12 A. Three.

13 Q. Now you actually went to that search warrant that
14 was executed at, I believe, the home of Wanda Lites -- or
15 the consent to search that was done at the home of Wanda
16 Lites, being the cousin of the defendant? That's gonna be
17 Railroad.

18 A. Yes, ma'am.

19 Q. I'm gonna show you what is already in. This is
20 gonna be Court's 29, being a backpack with a shoebox in
21 it, Court's 30 being an FN nine millimeter, and then
22 various ammunition being Court's 31.

23 A. Yes, ma'am.

24 Q. Can you tell us whether ultimately law enforcement
25 was able to determine what weapon fired those three nine

1 millimeter casings that were found at Lot 7?

2 A. That was the FN that was collected from Wanda Lites.

3 Q. All right. Those came from the FN nine millimeter and
4 that's that same gun that I just showed you that came from
5 that backpack?

6 A. Yes, ma'am.

7 Q. And then what notes do you have about the type of
8 headstamps on the ammunition that you found there at Lot 7?

9 A. GFL.

10 Q. GFL?

11 A. Yes, ma'am.

12 Q. Was there GFL ammunition of nine millimeter caliber
13 recovered in this photograph that we're looking at right
14 here, 31, also in that shoebox in that backpack?

15 A. Yes, ma'am. It's the box that's white, red and black.

16 Q. I'm gonna show you what is 39. Court's 39. Do you
17 recognize this?

18 A. Yes, ma'am.

19 Q. What headstamp is on that nine millimeter ammunition?

20 A. GFL.

21 MS. MAYES: Court's 39, Your Honor.

22 MS. WILLIAMS: No objection, Your Honor.

23 (Court's Exhibit Number 39, GFL ammunition, was
24 admitted into evidence for pre-trial purposes.)

25 BY MS. MAYES:

1 Q. All right. So to clarify, this ammunition recovered
2 here from the shoebox in the backpack at the cousin --
3 Wanda Lites, the cousin of the defendant, on Railroad
4 Avenue on June 11th matches the ammunition at the crime
5 scene?

6 A. Yes, ma'am.

7 Q. And then ultimately when this FN nine millimeter was
8 recovered by you, it was submitted to the State Law
9 Enforcement Division?

10 A. Yes, ma'am.

11 Q. For firearms analysis?

12 A. Correct.

13 Q. And you were able to compare it to those three casings
14 that were picked up outside Lot 7 that were nine millimeter
15 and had a GFL headstamp on them?

16 A. Able to compare the headstamps, correct.

17 Q. And those casings with the headstamps went to SLED as
18 well, right?

19 A. Yes, ma'am.

20 Q. And ultimately SLED determined that it was this gun
21 that fired those three nine millimeter casings at the
22 scene?

23 A. Yes, ma'am.

24 Q. And you didn't have a weapon recovered that fired the
25 7.62 caliber, did you?

1 A. No, ma'am.

2 Q. You were present when the search warrant was
3 executed at the uncle's house, being Marvin Lites, also
4 on June 11th, two days after the shooting, and this Grand
5 Marquis was part of that search?

6 A. Yes, ma'am.

7 Q. And you're photographing it and taking part in that
8 search yourself?

9 A. Yes, ma'am.

10 Q. Did you ever recover that AK-P7 that had been
11 purchased by the defendant at Palmetto State Armory?

12 A. No, ma'am.

13 Q. Didn't find it in his trunk or his vehicle?

14 A. No, ma'am.

15 Q. Or any ammunition associated with it?

16 A. No, ma'am.

17 Q. Has it ever been found by law enforcement?

18 A. No, ma'am.

19 Q. Now even without that were you able to submit to the
20 South Carolina Law Enforcement Division for analysis those
21 fifteen casings that were recovered from Lot 7 that were
22 7.62 by 39?

23 A. Yes, ma'am.

24 Q. What headstamp was on those?

25 A. It's 7.62 by 39 millimeter TulAmmo.

1 Q. TulAmmo. And how many casings were found and
2 recovered on the night of June 9th there at Lot 7?

3 A. Fifteen.

4 Q. And those were also submitted to the State Law
5 Enforcement Division?

6 A. Yes, ma'am.

7 MS. MAYES: Court's 40.

8 Court's 40 without objection, Your Honor.

9 (Court's Exhibit Number 40, a photograph, was
10 admitted into evidence for pre-trial purposes.)

11 BY MS. MAYES:

12 Q. Looking here at Court's 40, that is what you just
13 noted would be the 7.62 by 39 marking on the headstamp,
14 being the TulAmmo?

15 A. Correct.

16 Q. So all fifteen of those go to the State Law
17 Enforcement Division and was it determined that they were
18 fired by the same gun?

19 A. Yes.

20 Q. And then ultimately how many 40 caliber casings did
21 you find at the scene of Lot 7?

22 A. Two.

23 Q. And what headstamp was on those?

24 A. It was an GFL 40 caliber.

25 Q. Was that weapon recovered in order for the State Law

1 Enforcement Division to compare?

2 A. No, ma'am. I don't believe so.

3 Q. Now going back to this diagram, Lot 15, the exterior
4 of Lot 15, how many casings were found here in this sort of
5 semicircle right here at the edge of Lot 15?

6 A. Five.

7 Q. And those are what caliber?

8 A. 40 caliber.

9 Q. And what headstamp was on those?

10 A. Winchester.

11 Q. Now we're gonna look at the area that includes Lot 15,
12 but it's gonna be this general area between 15 and 16, so
13 it's gonna be this entire yard area here, which if we look
14 at it on the aerial it's gonna be this area here. Was a
15 380 casing recovered?

16 A. There was one.

17 Q. And what was its headstamp?

18 A. R-P 380.

19 Q. Is that what we're looking at right here on the 12 --

20 A. Yes, ma'am.

21 Q. -- that's in pink?

22 A. Yes, ma'am.

23 Q. And what type of caliber casing are we looking at
24 here, all of these that we see in blue?

25 A. Nine millimeter.

1 Q. And how many casings did you have of those?

2 A. I'll have to count real quick. Thirteen counting mine
3 and Browning's.

4 Q. And what was the headstamp on those?

5 A. S&B 9 by 19.

6 Q. S&B 9 by 19?

7 A. Yes, ma'am.

8 Q. So all of those spent casings from a nine millimeter
9 also had the same headstamp?

10 A. Yes.

11 Q. Now I realize this is kind of hard to differentiate,
12 but we've got purple and then right up here we've got a
13 purple. What are we looking at there?

14 A. That is a projectile that Browning collected by the
15 vehicle.

16 Q. So there's an actual projectile located here in
17 Number 11?

18 A. Yes.

19 Q. And that struck the vehicle?

20 A. I don't recall. I'll have to look at his stuff again.

21 Q. Okay. What was determined -- what type of gun fired
22 that projectile?

23 A. It was connected to the FN that we collected at the
24 cousin's house.

25 Q. All right. So one projectile that is known to have

1 been fired by the FN nine millimeter?

2 Then was there an unfired round also recovered out
3 here somewhere?

4 A. Yes. Number 12 is a cartridge, so that means it's an
5 un-shot bullet.

6 Q. Okay. So there are at least three weapons being fired
7 from Lot 7?

8 A. Yes.

9 Q. There is at least one weapon being fired from the
10 area in front and sort of in this pattern near the corner
11 of Lot 15?

12 A. Yes, ma'am.

13 Q. And then a nine millimeter being fired in the area
14 between Lot 15 and 16?

15 A. Yes, ma'am.

16 Q. And at least one casing recovered from a 380?

17 A. That's correct.

18 Q. Throughout your work at this scene, did you ever
19 recover any other type of casings to indicate that a 7.62
20 was being used other than what you have described here at
21 Lot 7? Is that the only location in which casings for a
22 7.62 --

23 A. For casings, correct. Yes.

24 Q. Okay. No indication of casings of a similar caliber
25 from this area?

1 A. No, ma'am.

2 Q. Or from this area?

3 A. Correct.

4 Q. And I believe you've already indicated that all of
5 those casings are from the same gun?

6 A. Yes.

7 Q. Now who actually worked the interior of 15?

8 A. I did and Browning assisted.

9 Q. What, if anything, can you tell us about your work
10 inside 15?

11 A. In reference to?

12 Q. To any indications of defects.

13 A. There was a piece of metal. Come to find out, it was
14 -- I believe it was steel and that's consistent with the
15 7.62 rounds.

16 Q. Okay. I'm gonna show you what is 41 and ask you
17 whether or not you recognize that?

18 THE COURT: Any objection?

19 MS. WILLIAMS: No objection, Your Honor.

20 THE COURT: Thank you.

21 (Court's Exhibit Number 41, a diagram was admitted
22 into evidence for pre-trial purposes.)

23 MS. MAYES: I believe without objection, Your Honor,
24 we're gonna hand this to the Court.

25 Do you have a copy of this yourself?

1 THE WITNESS: Yes, ma'am, I do.

2 THE COURT: Thank you.

3 MS. MAYES: And, Judge, we're gonna work off of the
4 duplicate version.

5 THE COURT: Okay.

6 BY MS. MAYES:

7 Q. These notations were made by you, Sergeant Snelgrove?

8 A. Yes.

9 Q. Looking here at the layout of the home, what do we see
10 here?

11 A. That's the victim.

12 Q. Okay. Take us through the different areas of the
13 home, if you would.

14 A. So when you walk in the front door, which is gonna be
15 towards the bottom of the page, if you look to the right
16 that's a little hallway that leads to two different
17 bedrooms and a bathroom, and then to the -- when you first
18 walk in, it's the living room, to the left you have like
19 a dinette area and the kitchen, a pantry, the washer and
20 dryer, and then it goes back to a master bedroom and
21 bathroom.

22 Q. Okay. Now looking here at Court's 40 already in
23 evidence, what, if anything, do you have knowledge of
24 regarding this particular ammunition, being the 7.62 by 39,
25 and whether that TulAmmo is steel-jacketed?

1 A. Yes, it is.

2 Q. Is that the only ammunition recovered from the scene
3 that was, in fact, steel-jacketed?

4 A. From what I recall and there in the house, yes.

5 Q. So looking here we're gonna start with A1. What is
6 the defect that you describe as A1 and why does it break
7 off into multiple pieces?

8 A. So that hits the exterior wall of the residence, comes
9 through the residence and goes into that dryer. I'm not
10 sure how many layers it goes through in the dryer, but that
11 would cause damage to the projectile. In this case, we see
12 that it splits off into three larger area -- pieces, sorry,
13 and it goes through the pantry door and into the master
14 bedroom's ball -- sorry, the wall, pantry wall, the master
15 bedroom's wall, and then there's a piece that I located in
16 the master bathroom, which is labeled 11.

17 MS. WILLIAMS: Admitted without objection, Your
18 Honor.

19 THE COURT: Thank you.

20 (Court's Exhibit Number 42, 43 and 44, photographs,
21 were admitted into evidence for pre-trial purposes.)

22 BY MS. MAYES:

23 Q. So we're gonna start here with this photo where it's
24 going to exit the dryer and I think you indicated that the
25 path of the bullet is that it's gonna come in from the

1 outside of the mobile home and first hit this dryer?

2 A. Yes.

3 Q. And then it's gonna come through this dryer?

4 A. Yes.

5 Q. Where does it go next?

6 A. Goes into the wall of the pantry.

7 Q. Is that what we're looking at here in State's 43?

8 A. Yes.

9 Q. And it's now in three separate fragments?

10 A. Yes, at least three.

11 Q. And as it's broken into three pieces, where ultimately
12 do you find a steel fragment consistent with the steel
13 jacket of the 7.62 round?

14 A. In the master bathroom.

15 Q. Is that what we're looking at here in Court's 44 with
16 Marker 11?

17 A. Correct.

18 Q. Does that indicate to you that this particular
19 projectile that enters the outside of the home goes through
20 the dryer, goes through the pantry wall and then ends up on
21 the master bedroom floor would be from the 7.62 round?

22 A. Yes, ma'am.

23 Q. Now we also want to take a look after A1, go to C.
24 Take us through C1, C2, C3, C4, C5, and C6, and tell us,
25 please, what is happening with the path of that bullet.

1 A. So this projectile or bullet enters in the exterior,
2 the interior of that wall. The outside I labeled as C1,
3 the inside I labeled as C2. It comes through. There's a
4 wall that goes around two sides of the refrigerator and it
5 goes through that wall, then it comes out of that wall,
6 goes into the back of the refrigerator, comes out and
7 re-enters the side of the refrigerator, which is C5, and
8 then on the outside of the refrigerator is what I labeled
9 as C6, and that is what enters our victim.

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

11 BY MS. MAYES:

12 Q. All right. You photographed the path of that bullet
13 that you just described as C1, C2 as it enters the
14 refrigerator, comes out of the refrigerator and then comes
15 -- comes in the direction of Minor ?

16 A. Yes, ma'am.

17 MS. MAYES: 46, 45, 47.

18 MS. WILLIAMS: 45 through 47 without objection for
19 the purpose of this hearing.

20 THE COURT: Okay. Thank you.

21 (Court's Exhibit Number 45, 46 and 47, photographs,
22 were admitted into evidence for pre-trial purposes.)

23 BY MS. MAYES:

24 Q. All right. What are we looking at here in 46?

25 A. That is what I ended up labeling as C6. That's where

1 it exited out of the refrigerator.

2 Q. So it's come in here, through here, through the
3 refrigerator and then back out of the refrigerator again?

4 A. That's correct.

5 Q. And this would be the exit from the refrigerator?

6 A. Yes.

7 Q. Now did you measure that height?

8 A. Yes, ma'am.

9 Q. What is that measurement?

10 A. It was about three feet off the ground.

11 Q. Three feet. Looking here at 45, this is where you
12 found Minor ?

13 A. Yes, ma'am.

14 Q. Does that indicate to you whether or not she's
15 standing fully up or is she ducking?

16 A. She's definitely dunking.

17 Q. Was there any indication of a blood trail other than
18 where she's located in 47?

19 A. I'm sorry. Repeat that.

20 Q. Other than where we see the blood trail in 47 where
21 she's located, do you see any other blood trail?

22 A. No, ma'am.

23 Q. So all indications are that she is struck here as
24 she's ducking beside the refrigerator?

25 A. Yes, ma'am.

1 Q. And then remains in that location as she hits the
2 floor?

3 A. Yes, ma'am.

4 Q. Was killed instantly?

5 A. Yes, ma'am.

6 Q. That particular bullet is the bullet that came from
7 autopsy, and I believe you spoke briefly yesterday about
8 that particular bullet, but I'm gonna show it to you again.
9 Court's 1.

10 MS. MAYES: I believe this is already in, Your
11 Honor, but if not we'll offer it at this time.

12 THE COURT: Which number is it?

13 MS. MAYES: Court's 1.

14 MS. WILLIAMS: Without objection.

15 THE COURT: Number 1 is in.

16 BY MS. MAYES:

17 Q. Court's 1 being the projectile from autopsy?

18 A. Yes, ma'am.

19 Q. That was also submitted to the State Law Enforcement
20 Division?

21 A. Yes, ma'am.

22 Q. And determined to be consistent with a 7.62 by 39
23 round?

24 A. That's correct.

25 Q. Now in addition to those defects that you spoke of

1 where the steel-jacketed fragment was found on the master
2 bathroom floor that originated from Defect A and this
3 projectile which originates from Defect C, both associated
4 with a 7.62 --

5 A. Yes.

6 Q. -- were there other indications of gunfire that came
7 into the home?

8 A. Yes, ma'am. We had more projectile defects on the end
9 of the house.

10 Q. And what about any bedrooms inside the home?

11 A. That would be the end bedroom completely to the right
12 from the front door.

13 MS. MAYES: 48 and 49 as Court's exhibits.

14 MS. WILLIAMS: Without objection, Your Honor.

15 THE COURT: Thank you, Ms. Williams.

16 (Court's Exhibit Number 48 and 49, photographs,
17 were admitted into evidence for pre-trial purposes.)

18 MS. MAYES: And State's 50 -- Court's 50.

19 MS. WILLIAMS: Also without objection, Your Honor.

20 THE COURT: Thank you.

21 (Court's Exhibit Number 50, a photograph, was
22 admitted into evidence for pre-trial purposes.)

23 BY MS. MAYES:

24 Q. So looking here at your diagram, was there any
25 indication that gunfire also hit the underpinning of the

1 home and the roof area of the home?

2 A. Yes, ma'am.

3 Q. Where are those noted on your diagram?

4 A. Those are to the right, the bedroom all the way to the
5 right when you're standing at the front door.

6 Q. All right. I want to take a look at those. 51.

7 MS. MAYES: No objection, Your Honor, to Court's 51.

8 THE COURT: Yes, ma'am.

9 (Court's Exhibit Number 51, a photograph, was
10 admitted into evidence for pre-trial purposes.)

11 BY MS. MAYES:

12 Q. That would be the underpinning of the home?

13 A. That's correct.

14 MS. MAYES: And no objection, Your Honor, to 50.

15 BY MS. MAYES:

16 Q. That is coming up through the roof?

17 A. It's kind of going on the side. I'm not really sure
18 how to describe it.

19 Q. Go ahead.

20 A. It's kind of -- it kind of entered and then kind of
21 rode the edge of the material.

22 Q. All right. Now as a CSI officer, does that indicate
23 to you, the size of this entry defect, that this is a large
24 caliber weapon?

25 A. I don't know if I would say that.

1 Q. Okay. What can you tell us about it?

2 A. That it was a projectile. As far as any other --
3 anything else about it, I can't say.

4 Q. Okay. Were you able to recover this particular
5 projectile?

6 A. No, ma'am.

7 Q. Now I'm gonna take a look at Court's 48 in evidence,
8 no objection, is this that bedroom of the home that you
9 spoke of?

10 A. Yes, ma'am.

11 Q. Appears to be a child's bedroom?

12 A. Yes, ma'am.

13 Q. And then 49 being a closer up view of that mirror?

14 A. Yes, ma'am.

15 Q. Based upon you working this scene, what's right
16 outside of here?

17 A. That's gonna where the tongue of the trailer is.

18 Q. All right. That's the outside? That's the exterior?

19 A. Yes.

20 Q. How many projectiles entered from this area of the
21 trailer exterior and then entered into that child's
22 bedroom?

23 A. From right there near the window AC there was two.
24 We do have some pieces that enter in above, which would
25 be from those -- that you said the roof.

1 Q. Okay. So at least two projectiles enter here and
2 do they stay in that room or do they travel elsewhere
3 throughout the house?

4 A. It appears that they travelled.

5 Q. I'll show you a photograph.

6 MS. WILLIAMS: No objection, Your Honor.

7 THE COURT: Thank you, Ms. Williams.

8 (Court's Exhibit Number 52, a photograph, was
9 admitted into evidence for pre-trial purposes.)

10 BY MS. MAYES:

11 Q. This photograph is dark and was taken at night, but
12 looking here at Court's 52, do you see the general area
13 here in which it would have entered?

14 A. That's gonna be the back of the house, not the side.

15 Q. Okay. And then Court's 53.

16 MS. WILLIAMS: Without objection, Your Honor.

17 THE COURT: Thank you.

18 (Court's Exhibit Number 53, a photograph, was
19 admitted into evidence for pre-trial purposes.)

20 BY MS. MAYES:

21 Q. And looking here, is this that bedroom?

22 A. Yes, that's the bedroom.

23 Q. Okay. So altogether looking at everything, I'm
24 gonna go back to that diagram that you did that shows it
25 all, where that defect is occurring, looking here at that

1 diagram, what can you tell us about where we're seeing
2 that defect that enters into the child's bedroom?

3 A. I'm not sure what you're asking.

4 Q. Okay. Do you have your marker -- laser?

5 A. Yes.

6 Q. Okay. Those two photographs that we last saw, where
7 are they here on your diagram?

8 A. So the last one that we just saw is gonna be this
9 area from the outside. The other one of the mirror, that
10 rectangle piece right there, that is gonna be the mirror
11 and this is gonna be the AC unit.

12 Q. Going back to 48?

13 A. Correct. The left window.

14 Q. And, again, if you could show us on here.

15 A. That's the mirror and that's the window AC unit.

16 Q. Okay. Now where are we seeing on here the indications
17 of the roof area and the underpinning?

18 A. That's gonna be kind of these top two, UM-1 and UM-2.

19 Q. Altogether did there appear to be eight different
20 entry locations for that residence from projectiles?

21 A. Let me check my diagram real quick.

22 Q. Okay.

23 A. I'm only seeing six.

24 Q. Okay. Take us through those.

25 A. We have two that enter in close to the window, the

1 right of the window and the window AC unit. These two
2 right here, UM-1 and UM-2, those are gonna be from the
3 roof area or that lip. We have the one entered on the
4 left side of this window unit and then we also have one
5 that went into the underpinning, so that one didn't enter
6 into the residence. We also have what we talked about
7 earlier entering into the dryer.

8 Q. Okay. And so just to clarify, those are the ones that
9 go into the residence?

10 A. Yes.

11 Q. Now let's include the ones that are gonna strike the
12 underpinning and the roof.

13 A. So B is -- like I said, A hit the underpinning
14 underneath that window unit. We had one on this side that
15 hit the window unit. I'm not sure if that was G-1 or G.

16 Q. And do you have with you your notes from your -- your
17 handwritten notes from the scene?

18 A. Yes, ma'am.

19 Q. Okay. So A1 you have already indicated?

20 A. Yes, ma'am.

21 Q. B is going to be the back side and enters the
22 underpinning of the home?

23 A. Correct.

24 Q. C is the projectile that enters and strikes the
25 victim?

1 A. Yes, ma'am.

2 Q. E is going to enter the back side right side window of
3 the child's bedroom?

4 A. Yes, ma'am.

5 Q. F is going to be a second projectile which enters the
6 right side window of the child's bedroom?

7 A. Yes, ma'am.

8 Q. And G is going to enter the back side underpinning of
9 the home?

10 A. Yes, ma'am.

11 Q. U is going to be where?

12 A. That's gonna be part of that roof section. I'm not
13 really sure what you call that of a trailer.

14 Q. Apex of the roof maybe?

15 A. Apex. That's fine.

16 Q. All right. And then Unmarked 2, it just means you
17 can't reach up that high?

18 A. Correct. It was a little high up there.

19 Q. But looking here at 50, you noted at least two
20 separate unmarked projectiles there for U Number 1 and
21 U Number 2?

22 A. Yes, ma'am. This one, UM-1 -- yeah, that's right.
23 UM-1 and UM-2.

24 Q. Okay. So we have A, which is an entry; B, which is an
25 entry; C, which is an entry. That's three?

1 A. Yes.

2 Q. E, which is an entry?

3 A. Uh-huh.

4 Q. And F, which is an entry?

5 A. Uh-huh.

6 Q. That's five?

7 A. Correct.

8 Q. G, which is an entry?

9 A. Uh-huh.

10 Q. And that's the underpinning of the home?

11 A. Yes.

12 Q. That's six?

13 A. Correct.

14 Q. And then two separate entry locations to the apex or

15 roof of the home?

16 A. Yes, ma'am.

17 Q. Which are Unmarked 1 and Unmarked 2?

18 A. Yes, ma'am.

19 Q. So a total of eight?

20 A. Yes, ma'am.

21 Q. And that's gonna include the underpinning and the

22 roof itself?

23 A. Yes, ma'am.

24 Q. Now I want to go back to that purse that we saw

25 recovered with those phones in it at [REDACTED] Spring Hill on

1 June 11th. That's gonna be the residence of Nashua Smith
2 and his girlfriend and you were present for that search as
3 well, correct?

4 A. Yes, ma'am.

5 Q. And you're aware that the defendant and his
6 girlfriend, Tameakeo Carnard, were also located by law
7 enforcement at that residence?

8 A. Yes, ma'am.

9 Q. You're actually the one that went in and did the
10 majority of the search and took these photographs, correct?

11 A. Yes, ma'am.

12 Q. And that's gonna include the recovery of that phone
13 that lay on the coffee table, being an iPhone?

14 A. Yes, ma'am.

15 Q. And then the recovery of those three phones from that
16 purse?

17 A. Yes, ma'am.

18 Q. As well as the recovery on that coffee table, the same
19 coffee table we're looking at here where we see Marker 8,
20 what we see in Court's 34, was a Metro T-Mobile bag?

21 A. Yes.

22 Q. And that bag was found right there next to the iPhone
23 to indicate that at least two phones had been recently
24 purchased?

25 A. Yes, ma'am.

1 Q. And then looking here at Court's 16, three phones
2 there in the purse of Tameakeo Carnard?

3 A. Yes, ma'am.

4 Q. And you seized all of those, as well as that iPhone
5 that we just spoke about?

6 A. Yes, ma'am.

7 Q. And you're the one who actually did the phone
8 extractions on them?

9 A. Yes.

10 Q. And provided those phone extractions to both Sergeant
11 Creech and Detective Gilliam?

12 A. Yes.

13 Q. What else did you find in that purse that relates to
14 the ammunition in this case, Sergeant Snelgrove?

15 A. I found a couple of cartridge cases.

16 Q. And by that you meant spent shell casings?

17 A. Yes, they were -- they were fired.

18 Q. Spent shell casings in the purse of the defendant's
19 girlfriend, Tameakeo Carnard?

20 A. Yes.

21 Q. I'm gonna show you what is Court's 54 with the marker
22 being 5 on it.

23 MS. MAYES: 54.

24 MS. WILLIAMS: No objection, Your Honor.

25 THE COURT: Thank you.

1 MS. MAYES: There's also a second page.

2 MS. WILLIAMS: No objection to the second page
3 either, Your Honor.

4 THE COURT: Thank you.

5 (Court's Exhibit Number 54, photographs, were
6 admitted into evidence for pre-trial purposes.)

7 BY MS. MAYES:

8 Q. So -- and you noted all of this as you went not only
9 by photo documentation, but by your own notes?

10 A. Yes.

11 Q. All right. So looking here at Marker 5, those are
12 shell casings you found in the purse of Tameakeo Carnard?

13 A. Yes, ma'am.

14 Q. And what headstamp did those shell casings have?

15 A. GFL.

16 Q. The same GFL nine millimeter headstamps that were back
17 at Lot 7 at that crime scene?

18 A. Yes, ma'am.

19 Q. And do you send those to the State Law Enforcement
20 Division for analysis?

21 A. Yes, ma'am, they were.

22 Q. So those had the same headstamp as the three spent
23 casings at the scene, those GFL nine millimeters?

24 A. Yes, ma'am.

25 Q. You sent these to SLED, these two along with the other

1 three?

2 A. Correct.

3 Q. And can you tell us whether SLED was also able to
4 match those to this FN nine millimeter shown in Court's 30?

5 A. Yes, ma'am.

6 Q. So we know they were fired from this gun as well?

7 A. Yes, ma'am.

8 Q. And ended up in her purse at the home you're executing
9 the search warrant on two days after the murder of Minor
10 '?

11 A. Yes, ma'am.

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

13 Nothing further, Your Honor.

14 THE COURT: All right. Before cross can we --
15 we've been at it an hour and a half, can we take a quick
16 break, Ms. Williams?

17 MS. WILLIAMS: Your Honor, I would have asked for
18 a break if you weren't asking. Thank you.

19 THE COURT: Okay. Let's take -- we'll come back
20 at 3:15.

21 Officer, you're still under oath. I can't let you
22 talk to anybody in the case, okay?

23 THE WITNESS: Yes, ma'am.

24 THE COURT: Thank you.

25 (Whereupon, a recess was taken at 2:57 PM.)

1 (Back on the record at 3:14 PM.)

2 THE COURT: All right. Are we ready to get started?

3 MS. MAYES: Yes.

4 THE COURT: All right, Ms. Williams.

5 MS. WILLIAMS: May it please the Court, Your Honor?

6 THE COURT: Yes, ma'am.

7 CROSS-EXAMINATION (In-Camera)

8 BY MS. WILLIAMS.

9 Q. Good afternoon, CSI Snelgrove. How are you?

10 A. I'm doing well. How about you, Ms. Williams?

11 Q. I'm doing okay. I'm gonna try to stand somewhere
12 where I'm not in the way.

13 All right. I believe the solicitor -- the last thing
14 the solicitor covered with you was the phones -- was the
15 purse that you had located at [REDACTED] Spring Hill Road in
16 Gilbert; is that correct?

17 A. Yes, ma'am.

18 Q. Okay. Do you have knowledge as to whose home that
19 was?

20 A. I know it was told to me, but I don't remember the
21 name. I know they've said it already, but I do know they
22 said she was saying there.

23 Q. Okay. And do you have knowledge as to whether there
24 were other people staying there other than my client and --
25 well, if I were to say that my client and Ms. Tameakeo

1 Carnard were there, would you agree with me?

2 A. Yes.

3 Q. Okay. Do you have knowledge as to whether there were
4 other individuals at that -- who were staying at that
5 location in that time period?

6 A. Yes, ma'am. In another room.

7 Q. Okay. Do you know who those individuals were?

8 A. I don't.

9 Q. Okay. All right. I'm gonna take you back to June 9,
10 2021. What time did you arrive on-scene?

11 A. It was approximately 23:38 hours.

12 Q. 23:38 hours. And in laymen's terms, is that 11:38 PM?

13 A. Yes.

14 Q. Okay. Do you know what time shots were fired?

15 A. I know it was talked in the investigation, but I don't
16 remember off the top of my head.

17 Q. If I were to tell you that shots were fired around
18 10:34 that evening, would you disagree with me?

19 A. I wouldn't agree either, so.

20 Q. Okay. That's fair. That's fair. Do you have any
21 feelings for how long after shots were fired you arrived
22 on-scene?

23 A. It was a little while. I live all the way in a
24 different county, so it takes me a little while to get
25 there.

1 Q. Okay. And when you got on-scene, who all was there?

2 A. A lot of people.

3 Q. And by a lot of people?

4 A. There were a lot of citizens and a lot of law
5 enforcement officers there.

6 Q. Okay. Approximately how many citizens? And rough
7 estimates are fine here.

8 A. At least fifty.

9 Q. Okay. And then approximately how many law
10 enforcement? And, again, rough estimates are fine here.

11 A. Fifteen, twenty maybe.

12 Q. Okay. And were all of those law enforcement officers
13 with the Lexington County Sheriff's Department?

14 A. No, ma'am. There was also Batesburg-Leesville there
15 as well.

16 Q. Okay. And by Batesburg-Leesville, was that their
17 police department that was there?

18 A. I apologize. I didn't clarify. Yes.

19 Q. Okay. All right. When you arrived on-scene, had the
20 scene already been marked of?

21 A. Yes, the majority of it was.

22 Q. What do you mean by the majority of it?

23 A. Because we ended up having to go back and add some
24 more tape.

25 Q. To which area of the scene?

1 A. The back of 7, I believe.

2 Q. Okay. So --

3 A. The wood line.

4 Q. Okay. Looking at -- I believe it is Court's 19 that I
5 am looking for.

6 A. That's the diagram.

7 Q. I'm looking for the diagram. Thank you.

8 THE COURT: I've got one. I think Court's 19 is
9 right there. I apologize. They gave it to me to follow
10 along with.

11 MS. WILLIAMS: Thank you, Judge.

12 BY MS. WILLIAMS:

13 Q. All right. Looking at Court's 19.

14 All right. Do you have a pointer?

15 A. Yes.

16 Q. Are you able to indicate for us what area you added on
17 later on in the evening?

18 A. I believe they added onto back here.

19 Q. So they added crime scene tape?

20 A. Because there was -- there's also other houses back
21 here, so to block this area off from other residents in
22 that neighborhood.

23 Q. Got you. Okay. And at what point did you add the
24 additional tape to block off 7?

25 A. I couldn't even tell you, but I know it was before we

1 started processing.

2 Q. Do you think -- so you arrived on-scene at 11:38,
3 correct?

4 A. Yes.

5 Q. All right.

6 A. Was it -- I cannot speculate time. There was a lot
7 going on when we arrived. We had to calm the crowd down a
8 few times. I'm not gonna put a time on that.

9 Q. Can you tell me if it was immediately when you arrived
10 on-scene?

11 A. No.

12 Q. Okay. So when you arrived on-scene, part of the scene
13 had been marked off. Will you indicate to the Court on
14 Exhibit 19 what -- what part was originally marked off when
15 you arrived to the best --

16 A. To the best of my ability, I know we had some tape up
17 over here or officers -- we had officer vehicles lined up
18 down the road or on the side of the road, I should say,
19 kind of. We also had some tape over here.

20 Q. Okay.

21 A. I would have to look at photos for more. I'm not a
22 hundred percent sure.

23 Q. Okay. But just in general, I'm placing my pen here to
24 represent the road --

25 A. Okay.

1 Q. -- and I'm placing it perpendicular to Court's
2 Exhibit 19 along where it states [REDACTED] Road. In reference
3 to my pen, where would you say the tape was here?

4 A. I want to say some crossed the road, but I can't -- I
5 cannot say. I'm sorry.

6 Q. Okay. So you're not certain whether the road was
7 marked off with tape?

8 A. No.

9 Q. I apologize. I'm a slow note-taker.

10 All right. So part of the scene had been marked off.
11 When did you start -- approximately how long after you
12 arrived did you start processing the scene?

13 A. I can look at when I started taking my photos. So it
14 would have been about, say, 12:51, so that would be the
15 morning of the 10th.

16 Q. When you started processing?

17 A. That's when I started my photographs.

18 Q. And based on your testimony today, that would be
19 approximately an hour and ten minutes after you arrived?
20 You stated you arrived around 11:38 PM?

21 A. Yeah.

22 Q. Okay. Would you describe the scene as hectic when you
23 got there?

24 A. Yes.

25 Q. Okay. When you're determining where shell casings

1 are, how do you do that?

2 A. We look.

3 Q. With your eyes?

4 A. Yes.

5 Q. Did you have flashlights?

6 A. Yes. We also had a giant scene light out there.

7 Q. Okay. And do you look in any particular sort of
8 pattern or do you just look around?

9 A. It kind of depends. On this one, it was walking
10 around and looking.

11 Q. Walking around and looking?

12 A. Yes.

13 Q. Now were some of these premarked before you started
14 walking around and moving?

15 A. Yes.

16 Q. Are you aware of who premarked these shells before
17 you --

18 A. Just deputies.

19 Q. Do you know if they were trained in CSI as CSI
20 investigators?

21 A. Well, if Sergeant Strock was one of them, he's had
22 some training in it.

23 Q. Okay. Do you know -- let me -- do you know who was --

24 A. No. Like I said, I don't.

25 Q. Okay. Do you know if it was Batesburg-Leesville?

1 A. I don't.

2 Q. Okay. So some of these shell casings were premarked
3 by some law enforcement officer?

4 A. Correct.

5 Q. How were these marked?

6 A. I think it was with tape, like crime scene tape, the
7 yellow tape. There might have been some other ways they
8 marked them, but I don't remember. It's common for scenes
9 where if a deputy arrives on-scene and sees it, they mark
10 it so that they make sure they don't step on it or someone
11 else doesn't step on it. It's a common courtesy.

12 Q. Okay. So if I were to -- would you disagree with me
13 if I said that some of them were marked circled with crime
14 scene tape to indicate where they were?

15 A. Marked with crime scene tape, yes.

16 Q. Okay. And you did Lot 15; is that correct?

17 A. That's correct.

18 Q. Okay. And Browning did Lot 16?

19 A. Yes.

20 Q. And then -- and I'm gonna mispronounce the name.

21 A. Weyandt.

22 Q. Weyandt did Lot 7?

23 A. Yes.

24 Q. Okay. At what time did you finish processing the
25 scene?

1 A. I'd have to look. Sorry. It would have been a little
2 bit before 5:04.

3 Q. So that's approximately five -- four and a half hours
4 after you started?

5 A. That's correct.

6 Q. Okay. When you were processing Lot 15, did you start
7 on the outside or the inside?

8 A. Outside.

9 Q. Okay. And I'm gonna point on Court's Exhibit 19 --

10 A. Yes, ma'am.

11 Q. -- and I'm placing my pen over the blue "1" and the
12 blue "2" to mark them off. If you look below the Uniball
13 pen, is that a fair representation of the area that you
14 were in charge of?

15 A. Actually if you put the pen in between my 1 and the 2
16 and that Number 13, that would be accurate.

17 Q. Okay. Like that?

18 A. Yes.

19 Q. Okay. And then there -- I can see the one there.

20 All right. So looking at just that area, you
21 processed the outside first. Were you -- did you find
22 all of those shell casings when you first processed the
23 outside?

24 A. No, ma'am.

25 Q. What do you mean?

1 A. Well, 12 was located by another deputy later when we
2 were inside Lot 15.

3 Q. When you were inside processing Lot 15?

4 A. Correct.

5 Q. Okay. So 12, the sole 380 caliber cartridge shell
6 that was found, was found later by a different detective?

7 A. Uh-huh.

8 Q. Okay. Are you -- all of the shell casings that are
9 marked on Court's Exhibit 19, were all of them found on the
10 same evening?

11 A. No.

12 Q. Okay. What do you mean by that?

13 A. There was additional ones located at Lot 16.

14 Q. And if I were to tell you -- begging the Court's
15 indulgence -- that the ones found on another date were --
16 are marked up there as -- well, it would help if I had the
17 right one -- as Item 12, Item 13 and Item 14, would you
18 disagree with me?

19 A. Item 12, 13 and 14?

20 Q. Yes, ma'am.

21 A. I would not agree -- I mean, I would not disagree with
22 you.

23 Q. Okay. All right. Thank you. And to your knowledge,
24 when were those shell casings found?

25 A. That same day just a few hours later.

1 Q. But on a separate trip back?

2 A. Correct.

3 Q. Okay. So when you first did the scene, not all the
4 shell casings were found; is that correct?

5 A. Well, this was Browning's part, but correct.

6 Q. I'm not -- all right. So when CSIs were out at all of
7 the scenes --

8 A. Yes.

9 Q. -- not all of the shell casings were found at that
10 initial point?

11 A. Yes, ma'am.

12 Q. But CSI Browning later went back to retrieve
13 additional ones?

14 A. Yes, ma'am.

15 Q. That were found at a later time?

16 A. Correct.

17 Q. Okay. I'm going to ask that you look at your sketch,
18 and I believe it was 21, of the defects in the mobile home.
19 I'm trying to not get these too out of order.

20 THE COURT: You're looking for what, 41?

21 MS. WILLIAMS: Yes, Your Honor. I believe so.

22 THE COURT: I did it again. I'm sorry.

23 MS. WILLIAMS: Thank you.

24 BY MS. WILLIAMS:

25 Q. All right. CSI Snelgrove, are all exterior defects

1 marked on that diagram?

2 A. No.

3 Q. Will you please point out the defects that are not
4 marked on that diagram using your pointer?

5 A. G over here.

6 Q. Are there any additional unmarked defects that were
7 found on the mobile home that are not marked?

8 A. We did also have some on this side.

9 Q. Did you have any on the exterior of the mobile home
10 where the bathroom wall is?

11 A. No, ma'am.

12 Q. You did not find a bullet hole that went through the
13 shower to the exterior wall?

14 A. Inside, but you asked exterior.

15 Q. Was there not a defect on the exterior of the mobile
16 home right here?

17 A. Not that I'm aware of.

18 Q. Okay. Talk to me about this defect you found in the
19 shower.

20 A. I'd have to see the picture.

21 Q. Well, I can refer you to your notes. If you look at
22 -- first, let me clarify. Do you have your notes?

23 A. I have my notes, but that was not documented. We
24 couldn't find anything that led to that one.

25 Q. That's exactly what I'm going to refer you to. So if

1 you're looking at page six, so the very last page of your
2 notes for your search of [REDACTED] [REDACTED] Road, and there's a
3 paragraph underneath, which you've done your markers at the
4 top, and then halfway through the second paragraph what
5 does it state about the additional defects in the master
6 bath -- in the bathroom?

7 A. That additional defects relating to the projectile
8 fragment defects were located on the east wall of the west
9 end bedroom near the door believed to be originating from
10 the projectile that hit and entered the underside of the
11 lip of the residence on the west end. An additional defect
12 believed to be a projectile defect was located in the west
13 wall of the master bathroom and another one in east wall of
14 the master bathroom. The origin of these defects believed
15 to be from the same projectile was not located.

16 Q. So that would be a defect here?

17 A. I'm sorry. I don't remember.

18 Q. Okay. There was a defect on both the east and the
19 west walls of the master bedroom, so there would be a
20 defect somewhere on this wall?

21 A. Correct.

22 Q. And there would be a defect somewhere on this wall?

23 A. Correct.

24 Q. And according to your report, the origin of these
25 defects was not located; is that correct?

1 A. The origin of them, correct.

2 MS. WILLIAMS: Your Honor, I have no further
3 questions for this witness.

4 THE COURT: Wait. Wait. Wait.

5 MS. WILLIAMS: Your Honor, if I may briefly consult
6 with my co-counsel.

7 THE COURT: You may.

8 BY MS. WILLIAMS:

9 Q. CSI Snelgrove, did you find -- my apologies. We're
10 gonna reference Court's Exhibit 19 again. Did you find
11 any projectiles or projectile fragments or are you aware
12 of anyone finding any projectiles or projectile fragments
13 in the vicinity of Lot 7?

14 A. Not that I'm aware of.

15 Q. But you did find shell casings on the opposite side of
16 [REDACTED] Road?

17 A. Yes.

18 MS. WILLIAMS: All right. No further questions,
19 Your Honor.

20 REDIRECT EXAMINATION (In-Camera)

21 BY MS. MAYES:

22 Q. Just briefly, Sergeant, I'm gonna take a look here at
23 your diagram, which is 41.

24 A. Uh-huh.

25 Q. Now you have already described the entry defects into

1 the home that are A that goes through the dryer, breaks
2 into the three fragments and one of those fragments ends up
3 in a bathroom and it was steel in nature?

4 A. Yes.

5 Q. And then C is the bullet that travels through the
6 home, through the refrigerator, out the refrigerator and
7 strikes Minor ?

8 A. Yes.

9 Q. B is also depicted on your diagram here.

10 A. That is the underpinning under the window unit.

11 Q. All right. I'm gonna show you Court's 55.

12 MS. MAYES: No objection, Your Honor. This would
13 be Court's 55.

14 THE COURT: Okay.

15 (Court's Exhibit Number 55, a photograph, was
16 admitted into evidence for pre-trial purposes.)

17 BY MS. MAYES:

18 Q. That shows B entering the home, correct?

19 A. Yes. Well, the underpinning.

20 Q. At the underpinning. Then you have E, which is one of
21 those rounds that enter from the outside, goes through the
22 child's bedroom, through a mirror, and F also going from
23 the outside through that child's bedroom and through the
24 mirror?

25 A. Yes, ma'am.

1 MS. MAYES: 56 and 57.

2 MS. WILLIAMS: Without objection, Your Honor.

3 THE COURT: Okay.

4 (Court's Exhibit Number 56 and 57, photographs,
5 were admitted into evidence for pre-trial purposes.)

6 BY MS. MAYES:

7 Q. And they are depicted here, being E. That's your
8 handwriting?

9 A. Yes, ma'am.

10 Q. On the marker?

11 A. Yes, ma'am.

12 Q. So that's E and that's F?

13 A. Yes, ma'am.

14 Q. Both of those striking through the bedroom of Jamiyah

15 M. and through the mirror that we saw --

16 A. Yes, ma'am.

17 Q. -- here in this photograph, Court's 48?

18 A. Yes, ma'am.

19 Q. And then G, I think, is the one that you don't have
20 on your diagram?

21 A. Yes, ma'am, which is approximately over here.

22 Q. Okay. And G comes through the underpinning of the
23 home, correct?

24 A. Yes, ma'am.

25 Q. And I believe that was already shown earlier in a

1 photograph of the underpinning?

2 A. Oh, yes, ma'am, it was.

3 Q. All right. And then U Number 1 and U Number 2 are
4 both gonna strike -- that's Unmarked 1 and Unmarked 2.
5 Those were those two entry markings that we see in the apex
6 of the home -- or the roof?

7 A. Yes, ma'am.

8 Q. All right. Did you have any indication that anyone
9 inside this home is firing out of the home?

10 A. No, ma'am. There's no projectiles -- I mean,
11 cartridge cases located inside. We did have those defects
12 on the front of the residence.

13 Q. And that's what I want to do is ask you to explain
14 those.

15 A. It's H that entered the residence. The unmarked one
16 above it was -- it appeared to be coming from inside and
17 didn't exit.

18 Q. All right. So just to clarify --

19 A. So it possibly like rode that wall.

20 Q. All right. So just to clarify that, where are we
21 seeing that on the diagram?

22 A. I apologize. I didn't have it up there. It was
23 approximately about right here. We had the projectile
24 going -- we had the defect going inward and then above it,
25 it was protruding -- a piece of the metal was protruding in

1 an elliptical shape.

2 Q. Okay. So there are multiple projectiles that have
3 entered. There's E, there's F, there's G, there's some
4 coming in through the roof, there's B coming in through the
5 underpinning, and then we know this one breaks into three
6 fragments, and then we know this one strikes Minor .

7 A. Yes, ma'am.

8 Q. So are those -- and then, of course, the two, E and F,
9 that are gonna enter into Jamiyah's bedroom --

10 A. Yes, ma'am.

11 Q. -- strike a wall and travel forward?

12 A. Yes, ma'am.

13 Q. Were you able to find any of those projectiles in a
14 solid piece?

15 A. No, ma'am.

16 Q. All of them had either broken into projectiles or
17 could not be recovered?

18 A. Correct.

19 Q. And that includes G, which is not shown?

20 A. Yes, ma'am.

21 Q. E, F?

22 A. Yes, ma'am.

23 Q. Unmarked 2?

24 A. Yes, ma'am.

25 Q. Unmarked 1?

1 A. Yes, ma'am.

2 Q. And then you indicated that somewhere there's an H
3 and it looks like it was a projectile that was not able to
4 actually exit the home; is that correct?

5 A. The H entered into the home, but -- I mean, into that
6 exterior wall, but we don't know where it goes after that.
7 We were not able to discover any damage on the inside.

8 Q. All right. So I just wanted to clarify that about H.
9 Even though you don't know the origin of H, is that
10 consistent with some projectile from one of these other
11 bullets that entered the home not being able to exit?

12 A. Are you talking about the one labeled H?

13 Q. Yes.

14 A. It is not consistent.

15 Q. Explain that.

16 A. Because it is actually entering. It's an entrance.

17 Q. That's what I meant. I'm sorry.

18 A. So it's entering, but we don't -- like I said, we
19 didn't see where it entered the interior wall of the
20 residence.

21 Q. All right. I'm sorry. I misworded that. It's an
22 entry here?

23 A. Yes.

24 Q. But apparently --

25 A. It like stops.

1 Q. Okay.

2 A. And then above it was that one that could not exit.

3 Q. All right.

4 A. That was unmarked.

5 Q. And so is that common when a dwelling is shot into?

6 A. Yes.

7 Q. And, again, no indications that anyone inside 16 is
8 firing shots?

9 A. No, ma'am.

10 Q. Now looking here at that diagram or the area we have
11 of the road, I just want to ask you one more time, you have
12 three CSI officers out there working the scene?

13 A. Counting myself, yes, ma'am.

14 Q. You're working 15, as well as the exterior, Browning's
15 working 16, and Weyandt's working 7?

16 A. Yes, ma'am.

17 Q. But all of you are working together?

18 A. That's correct.

19 Q. And if any casings are found by any additional law
20 enforcement members, did you take those into evidence?

21 A. Yes. They notify us and we'll have it photographed
22 and collected.

23 Q. So there is documentation of every shell casing that
24 you were able to recover from this scene?

25 A. Yes.

1 Q. As well as the original location in which it's found?

2 A. Correct.

3 Q. I want to show you what is 5 now. You're not familiar
4 with this item, but I'm gonna show it to you. If this
5 would be 15 -- I'm sorry, 16, and this is 15 and this is
6 7, and this is the fork in the road?

7 A. Yes, ma'am. Right.

8 Q. Did you recover any shell casings from this area near
9 the fork or within that road?

10 A. No, ma'am.

11 MS. MAYES: Nothing further.

12 THE COURT: Thank you.

13 MS. WILLIAMS: Briefly, Your Honor.

14 THE COURT: Yes, ma'am.

15 RE CROSS EXAMINATION (In-Camera)

16 BY MS. WILLIAMS:

17 Q. CSI Snelgrove, what's the purpose of crime scene tape
18 again?

19 A. Keeping people out of the scene.

20 Q. Is that because if people are going through the scene
21 or driving through the scene --

22 A. They're not driving through -- oh, I'm sorry. Finish.

23 Q. That's okay. Is that because if people are, we'll
24 say, entering the scene they could cause evidence to move?

25 A. Yes.

1 Q. Or be damaged?

2 A. Yes.

3 Q. So if a bunch of vehicles drove down a road, could
4 that cause shell casings to be moved and/or damaged?

5 A. Yes.

6 MS. WILLIAMS: No further questions, Your Honor.

7 THE COURT: Thank you.

8 THE COURT: Can I let Agent Snelgrove down?

9 MS. MAYES: Yes, Your Honor.

10 (Witness excused.)

11 MS. MAYES: The State calls Agent Michelle
12 Eichenmiller, Your Honor.

13 (Whereupon, Michelle Eichenmiller was duly sworn
14 by the Clerk of Court.)

15 THE CLERK: If you'll have a seat up there. If
16 you'll state your name and spell your last name for the
17 record.

18 THE WITNESS: Michelle Eichenmiller,
19 E-I-C-H-E-N-M-I-L-L-E-R.

20 MICHELLE EICHENMILLER,
21 having been duly sworn, testified as follows:

22 DIRECT EXAMINATION (In-Camera)

23 BY MS. MAYES:

24 Q. Good afternoon, Agent Eichenmiller. I'll keep this
25 brief. You've been a firearms expert at the State Law

1 Enforcement Division for how many years?

2 A. Approximately seventeen.

3 Q. And how many times have you been qualified previously
4 as an expert in the field of firearms examination?

5 A. Over a hundred.

6 MS. MAYES: Your Honor, at this time the State
7 offers Agent Eichenmiller as an expert in firearms
8 analysis.

9 MS. WILLIAMS: Without objection, Your Honor.

10 THE COURT: Thank you.

11 BY MS. MAYES:

12 Q. All right. So I'm gonna take a look here at 19. It's
13 an item that you're not familiar with, but what you are
14 familiar with is whether or not you were submitted fifteen
15 casings that are marked as TulAmmo 7.62 by 39?

16 A. Yes.

17 Q. And were you able to do an analysis on those fifteen
18 casings to determine whether or not they were fired by the
19 same firearm?

20 A. I did.

21 Q. And, again, you didn't have an actual firearm to
22 compare those to, did you?

23 A. No, I didn't have one.

24 Q. So you had to do that examination just looking at the
25 casings alone?

1 A. Yes.

2 Q. And what, Agent Eichenmiller, did you determine about
3 whether those fifteen casings with the headstamps 7.62 by
4 39 TulAmmo were fired by the same weapon?

5 A. Yes, in my opinion they were fired by the same
6 firearm.

7 Q. That's gonna be these fifteen rounds shown here in
8 this photograph from your bench notes?

9 A. Yes.

10 Q. All fired by the same firearm?

11 A. Correct.

12 Q. Now in addition to that, you were submitted a
13 bullet from the autopsy of Minor . Looking here
14 at a photograph from your bench notes, being Court's
15 Exhibit 1 --

16 A. Yes.

17 Q. -- what caliber round did you determine that to be?

18 A. That was consistent with being a 7.62 by 39 caliber
19 bullet.

20 Q. All right. And were you able to make a determination
21 as to any possible firearms that fired that 7.62 by 39
22 caliber round?

23 A. Yes. In the absence of a firearm, we put the
24 measurements into a database and it turns out what
25 manufacturers makes firearms with those specifications.

1 Q. All right. Now ordinarily when you do that, do you
2 get a big long list of potential firearms?

3 A. It depends.

4 Q. Is that common though to get a big long list?

5 A. Usually the list is pretty substantial.

6 Q. And in this particular case, how long was that list?

7 A. There were three manufacturers on this list.

8 Q. So you only have three potential weapons that are
9 known to the State Law Enforcement Division that could have
10 fired this particular projectile?

11 A. Three in the database that we have, so that's from all
12 over the world. So three.

13 Q. Including the FBI?

14 A. Correct.

15 Q. And what are those three weapons?

16 A. It's Olympic Arms, Palmetto State Armory or Ruger
17 manufacturers.

18 Q. Okay. So the Palmetto State Armory, that's
19 manufactured here -- right here in Lexington County,
20 correct?

21 A. I'm not sure if they're manufactured here, but they
22 are in South Carolina.

23 Q. And does that include the AK -- well, tell us what
24 is the weapon known to be manufactured by Palmetto State
25 Armory.

1 A. I believe they manufacture an AK-style rifle.

2 Q. All right. That would be the AK-P7. If you could
3 read directly from your report, please.

4 A. I don't have the manufacturer -- I mean, the make in
5 here, the model name. I just have the manufacturer.

6 Q. Okay. Being the Palmetto State Armory?

7 A. Yes.

8 Q. 7.62 by 39?

9 A. Correct.

10 Q. I'm gonna show you this item, which is already in
11 evidence as a Court's exhibit, this being a firearms
12 transaction record in the name of Quayshaun Clark. What
13 is the particular manufacturer shown here of this
14 particular item purchased by Quayshaun Clark in March of
15 2020?

16 A. It's made by Palmetto State Armory.

17 Q. And what is the model?

18 A. AK-P7.

19 Q. All right. And what is the caliber or gauge?

20 A. 7.62 by 39 millimeter.

21 MS. MAYES: Nothing further.

22 THE COURT: Any --

23 MS. WILLIAMS: No questions for this witness,
24 Your Honor.

25 THE COURT: All right. May I excuse Agent

1 Eichenmiller?

2 MS. MAYES: Yes, Your Honor.

3 THE COURT: Thank you.

4 I'm not excusing you from the trial, just for
5 today.

6 THE WITNESS: Got you.

7 (Witness excused.)

8 MS. PATTERSON: The State calls Kelly Conyers.

9 (Whereupon, Kelly Conyers was duly sworn by the
10 Clerk of Court.)

11 THE CLERK: When you sit in that chair, if you'll
12 state your name and spell your last name for the record.

13 THE WITNESS: My name is Kelly Conyers and my last
14 name is C-O-N-Y-E-R-S.

15 MS. PATTERSON: Thank you, Kelly. You can have
16 a seat.

17 You can adjust the microphone so you will feel
18 comfortable.

19 KELLY CONYERS,

20 having been duly sworn, testified as follows:

21 DIRECT EXAMINATION (In-Camera)

22 BY MS. PATTERSON:

23 Q. Good afternoon.

24 A. Good afternoon.

25 Q. Kelly, I'm gonna just get to -- straight to the point

1 with you this afternoon. I know you're a little nervous.

2 A. (Nods head.)

3 Q. Were you at Rocky Lane Mobile Home Park on June 9th of
4 2021?

5 A. I was.

6 Q. And had you been there before this day?

7 A. I have.

8 Q. And are you related to anyone who lives out there at
9 Rocky Lane?

10 A. I am.

11 Q. And who are you related to?

12 A. Tykira and her mom. I'm also kin to Ace and Taleka
13 and the rest of the -- that was in the other house.

14 Q. And you said Ace. So you're referring to the
15 defendant, Quayshaun Clark?

16 A. Yes, ma'am.

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

18 THE COURT: I don't have any more. You-all took
19 all you gave me.

20 BY MS. PATTERSON:

21 Q. Kelly, as you give your testimony I'm gonna give you
22 this. If I can figure it out --

23 THE COURT: There's one right over here,
24 Ms. Patterson.

25 Ms. Patterson, she has one.

1 MS. PATTERSON: Okay.

2 Is it turned on?

3 THE COURT: Why don't you show her how to point it.

4 BY MS. PATTERSON:

5 Q. And as we go through your testimony, you can just
6 kind of use the pointer to just kind of explain to everyone
7 where you're talking about. So Ms. Vicki, she's related to
8 you, and where does she live?

9 A. Right here.

10 Q. In Lot 16?

11 A. Yeah.

12 Q. So when you got out there at Rocky Lane this
13 afternoon, do you remember about what time you got there?

14 A. I do not. I just know it was still daylight.

15 Q. Okay. And where did -- did you drive yourself?

16 A. I drove my car with other people with me.

17 Q. Okay. Who all was with you?

18 A. There was me, Mariah, Tykira, Yamira, and her son.

19 Q. And where did you-all go?

20 A. We parked over here at Lot 16, but we went over here
21 to Lot 7.

22 Q. So you're familiar with the people at Lot 7?

23 A. I am familiar with people at Lot 7 and Lot 16.

24 Q. Okay. And what was going on over there at Lot 7 on
25 this day?

1 A. They had a little graduation party and it was one of
2 the cousin's birthdays, so we were just -- I mean, we go
3 over there a lot, you know, we be chilling and things, so
4 that's all it was. Just to have fun.

5 Q. Okay. And did you see Ace over there that day?

6 A. I did.

7 Q. And did you by chance see him with a gun?

8 A. Not in his hand, no, ma'am.

9 Q. Okay. Did you see a gun on any of his property?

10 A. I just scene them in the trunk.

11 Q. In the trunk of whose car?

12 A. Of his car.

13 Q. How were you able to see that?

14 A. The trunk was opened.

15 Q. Okay. And you were able to see the actual gun?

16 A. Yeah.

17 Q. Do you remember what it looked like?

18 A. It was just a long -- a long black gun.

19 Q. Okay. And do you know what kind of gun it was?

20 A. I don't really. I'm not too familiar with guns, but
21 I just know it wasn't no handgun.

22 Q. It wasn't a handgun?

23 A. No.

24 Q. And at some point I think you told law enforcement, I
25 think, that the tone of the party changed?

1 A. Yeah, it was -- we was really having a great time at
2 first. I mean, I just -- I can't remember exactly what
3 time, but I know at nightfall everything changed.

4 Q. And what changed?

5 A. In terms of the people who was there with us at first,
6 everything was good. It just took some other people. When
7 I came out the house, there were people that wasn't there
8 earlier in the day.

9 Q. Do you remember anybody in particular?

10 A. DJ, Kay Norris, Hugo, Nitro, De Alewine.

11 Q. Okay. Do you know DJ's real name?

12 A. I just know him as DJ.

13 Q. Okay. And when you came out of the house, where did
14 you see DJ?

15 A. We was at Lot 7. I was at the back. I came out the
16 back door. I was on the inside, so when I came out the
17 back door that's when I heard him, you know, yelling or
18 whatever.

19 Q. And do you know who he was yelling at?

20 A. I don't know exactly who he was yelling at. I just
21 know when I came out the door he was screaming and
22 hollering.

23 Q. And do you know where the people were who he was
24 yelling at?

25 A. They was over here at Lot 16.

1 Q. And where was DJ at when he was doing all this
2 yelling?

3 A. Okay. When I seen him, I was coming out the back door
4 of the house -- at Lot 7. I was coming out the back door
5 and I seen him right there when I was on the steps.

6 Q. And he was yelling towards the people at 15 and 16?

7 A. Well, there wasn't nobody, you know -- I'm thinking --
8 I mean, the people that was out here, over here, they were
9 just like lined up right here by this bush.

10 Q. Okay. And did -- did it seem like he was yelling at
11 them in a friendly manner?

12 A. No.

13 Q. Okay. And were they yelling back at DJ?

14 A. Of course.

15 Q. Okay. And I think you mentioned seeing a Hugo?

16 A. Yeah.

17 Q. And where did you see Hugo?

18 A. He was lined up right over here.

19 Q. Okay. And what about this Kay Norris person?

20 A. He was over there, too. He followed -- he followed
21 us. When I came out the house, you know, seeing the guns,
22 hearing people saying there was too much BS going on, this
23 and that, I was just trying to figure out what was going
24 on.

25 Q. Now you mentioned guns. Who did you see with guns?

1 A. I seen Kay Norris with one and also Hugo.

2 Q. And where were they when you saw them with guns?

3 A. Over here, but Kay Norris was following me, Mariah,
4 Kira across the way and I know him and Tykira had a prior,
5 you know, little beef or whatever, so I was just telling
6 her run because, you know, I seen him with a gun, flashing
7 a gun in his waistband, so I was just scared that he was
8 just trying to do something to her.

9 Q. Okay. Did you see anybody who was in between Lot 15
10 and 16 with guns?

11 A. No.

12 Q. Okay. And so when you saw Kay Norris with a gun, he
13 was following Kira towards Lot 16; is that correct?

14 A. Yeah.

15 Q. And so you told her to run?

16 A. Yeah, I did.

17 Q. And did she run?

18 A. She ran, but we stopped. We stopped and we were just
19 trying to calm the people down that was between 15 and 16.

20 Q. Okay. So after you saw DJ yelling at people towards
21 this way, these people started yelling back?

22 A. Yeah.

23 Q. And you were trying to calm them down?

24 A. Yeah.

25 Q. Okay. And did Kay Norris remain over here?

1 A. He didn't. He never made it to the yard. He was just
2 like -- like right -- like right in here.

3 Q. Okay.

4 A. He never made it into the yard.

5 Q. So he never made it over to Lot 16?

6 A. No.

7 Q. Did you see where he went when he turned around?

8 A. He was just, you know, just standing right -- you
9 know, everybody was just like -- well, I'm not gonna say
10 everybody, but just like the few that I seen they was just
11 standing right here.

12 Q. Now did you ever see anybody in Lot 15 cross over the
13 road and go --

14 A. No, nobody crossed -- while I was outside, nobody ever
15 crossed the road.

16 Q. Okay. And why did you go over to Lot 16?

17 A. Because my car was parked -- my car was parked right
18 here at Lot 16. Every time I go over there, I park my
19 car in the same spot, so I was just trying to diffuse the
20 situation because, you know, kids -- you know, there's
21 been plenty of times, you know, we've been over there and,
22 nothing, you know, never happened, so I don't know why it
23 took that day, you know, for something to go down, but I
24 just -- I know people at Lot 7 and people at Lot 15 and 16,
25 so I was just trying to be the bigger person and trying to

1 calm everybody down.

2 Q. And so were you about to leave going towards your
3 car?

4 A. Yeah, after I tried to diffuse the situation. I was
5 right over here trying to diffuse the situation and I was
6 fixing to get in my car and as soon as I opened car door,
7 I -- I looked back and Carlos had -- was shooting up the
8 gun in the air. He let the shots -- he let the first shots
9 off and he's the only person I seen shoot.

10 Q. And you say Carlos. Is that who you refer to as Hugo?

11 A. Yes, ma'am.

12 Q. And is that DeCarlos Chatman? Do you know that name?

13 A. I don't know his actual real name, but -- I just know
14 his last name's Chatman, but I don't know the other name.
15 I just call him Hugo.

16 Q. Okay. And so you saw Hugo and where, again, was he?

17 A. He was still in the same spot over here. Nobody never
18 crossed the road except for when Kay did that little bit of
19 walking, but nobody ever crossed each side.

20 Q. And before he let off those shots, did you hear him
21 say anything?

22 A. He was just like, you know, he's Big C, so after
23 that shit -- I mean, excuse me -- you know, he just let
24 off shots. As soon as I opened my car door, you know, I
25 wasn't able to leave because when I was trying to diffuse

1 the situation everybody was telling me, you know, leave
2 me alone, this and that, so I was like I'm fixing to go
3 home and as soon as I opened my car door, he got off the
4 first shots. I looked back, I seen him, I ran in -- ran
5 inside Lot 16 and ran in the back door where Kira and her
6 grandmother be.

7 Q. Okay. And so what you ran over to Lot 16, did you see
8 anybody over there shooting?

9 A. I didn't. I was inside the house.

10 Q. You was inside?

11 A. Yes, ma'am. Then I came out after all the shots were
12 let off and I heard Shell Jay saying that her daughter had
13 been shot, so we went inside Lot 15 where Shell came from
14 and we seen her laying on the floor. It was like -- it was
15 the kitchen -- I would say it's -- I just know it was right
16 there close by the back door.

17 Q. Okay.

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

19 BY MS. PATTERSON:

20 Q. And, Kelly, I just want to be sure. You said that the
21 defendant is your cousin?

22 A. Yes.

23 Q. And you called him Ace, I think?

24 A. Yeah.

25 Q. And Hugo was over at Lot 7?

1 A. Yes, ma'am.

2 Q. And do you know if he -- had you hung out at Lot 7
3 with him before?

4 A. I have.

5 Q. Okay. So he's friends or associates with the people
6 at Lot 7?

7 A. Uh-huh.

8 Q. And, again, where was he when you saw him shoot that
9 first shot? Hugo.

10 A. Carlos was up here. See, on this picture it makes it
11 seems like it's so far away, but when you're actually there
12 it seems like it's closer, so. But, yeah, he was standing
13 right over here.

14 MS. PATTERSON: Thank you, Kelly.

15 THE COURT: Any cross?

16 MS. WILLIAMS: Yes, Your Honor.

17 CROSS-EXAMINATION (In-Camera)

18 BY MS. WILLIAMS:

19 Q. Good afternoon, Ms. Conyers. My name is Anna
20 Williams. How are you doing?

21 A. Just nervous.

22 Q. I promise it will be quick.

23 All right. I believe that you testified when the
24 solicitor was asking you that there were people -- that
25 you noticed that there were people lined up by a bush over

1 by Lot 15?

2 A. (Nods head.)

3 Q. Will you indicate, again, one more time to the Court
4 where that was?

5 A. (Witness complies.)

6 Q. So that is starting at the bush and then going down --

7 A. No. I'm just nervous, my hand is shaking, but it was
8 right here.

9 Q. Okay. So I'm gonna put my fingernail here. Was it
10 like that?

11 A. Yeah.

12 Q. Okay. So looking at Court's Exhibit 12, starting at
13 the bush in front of Lot 15, going down next to the road
14 toward Lot 16; is that correct?

15 A. Yeah.

16 Q. Okay. And you mentioned that you tried to calm down
17 those -- those folks?

18 A. Yeah.

19 Q. Are you able to identify who they are?

20 A. Yeah, but I don't know people by real names, but it
21 was Quaja, DT, EC, De Alewine, and we call him Smiley.

22 Q. All right. So Quaja, DT, Smiley, De Alewine. Did I
23 miss anybody?

24 A. EC.

25 Q. EC. Okay. But you don't -- you don't know their

1 regular names?

2 A. Well, I mean, I know -- I know De Alewine and I think
3 DT's real name is like Jeron. Jeron.

4 Q. And do you know Jeron's last name?

5 A. I guess it's Johnson or -- his mama's last name is
6 Johnson, so I'm guessing Johnson.

7 Q. Is he kin to Tykira?

8 A. Yeah. He's kin to me also.

9 Q. Okay. And does everyone -- does Tykira, your grandma
10 and --

11 A. She's not my grandma. That's Tykira and Jeron's last
12 name.

13 Q. Okay. And is her name Ms. Vicki?

14 A. Yes, ma'am.

15 Q. And does she live in Lot 16?

16 A. Yes, ma'am.

17 Q. Okay. So you stated to the solicitor that while you
18 were outside you didn't see anybody cross the road; is that
19 correct?

20 A. No. Yeah, that's correct.

21 Q. Okay. All right. So you got over by your car and you
22 said you were trying to get in your car when you --

23 A. Well, I tried to -- I tried to diffuse the situation
24 before I got in my car, but when I opened my car doors
25 Carlos let off the first shots before any other shots had

1 gone off.

2 Q. Okay. So Carlos -- you're at your car and Carlos lets
3 off the first shots?

4 A. (Nods head.)

5 Q. And Carlos is the only person you see shooting?

6 A. Yes, ma'am.

7 Q. Did you ever see Quayshaun shoot?

8 A. I have not. I did not. I didn't ever see him with
9 a gun or none of that. I just seen it in the trunk.

10 Q. Okay. So you see Carlos let off the shots while
11 you're at your car and then you run inside and you hide in
12 the bathroom with Ms. Vicki and Tykira.

13 A. Well, we went in her room. Her bedroom.

14 Q. You went in the bedroom with Tykira and Ms. Vicki?

15 A. Yes, ma'am.

16 Q. Okay. So when the rest of the gunshots were going
17 off, where were you?

18 A. I was inside of Lot 16.

19 Q. So would you have been able to see if anyone was going
20 across the road at that time?

21 A. I wouldn't have.

22 MS. WILLIAMS: Thank you, Ms. Conyers. I appreciate
23 it.

24 THE WITNESS: Yes, ma'am.

25 THE COURT: Any redirect? I mean, anything

1 Ms. Mayes -- Ms. Patterson. I'm sorry.

2 REDIRECT EXAMINATION (In-Camera)

3 BY MS. PATTERSON:

4 Q. Did you see which direction Hugo was shooting?

5 A. In the air.

6 MS. PATTERSON: That's all I have, Your Honor.

7 THE COURT: Okay. Can I excuse, Ms. Conyers for
8 today?

9 MS. PATTERSON: For today. Yes, ma'am.

10 THE COURT: Thank you. You're still under a
11 subpoena, but for today I'll excuse you.

12 Thank you.

13 (Witness excused.)

14 MS. MAYES: The State calls Nokia Tolen.

15 THE COURT: Let me ask the lawyers right quick
16 because I need to put a message on the recording for the
17 jury.

18 Do you think we'll need them tomorrow afternoon?

19 MS. MAYES: Judge, it's almost 4:00. This may be
20 our last witness and I would just state that under the
21 immunity act the burden is on the defendant, it's by a
22 preponderance of the evidence.

23 THE COURT: It is.

24 MS. MAYES: The State feels that the burden has not
25 been met, we're gonna call this witness, and we may very

1 THE WITNESS: Nokia Tolen. Tolen, T-O-L-E-N.

2 NOKIA TOLEN,

3 having been duly sworn, testified as follows:

4 DIRECT EXAMINATION (In-Camera)

5 BY MS. MAYES:

6 Q. All right. Nokia, I'm gonna just cover a few things
7 with you today. I don't think we necessarily need to get
8 into everything that you know about this case, but I'm
9 gonna show you right up here on this board an overview of
10 the lots, being Lot 7, Lot 15, Lot 16. I'm gonna show it
11 up close to you and let you take a look at that.

12 A. Yes, ma'am.

13 Q. All right. Now I'm gonna put it back up here on the
14 board. On this particular night, how did you get involved
15 in this?

16 A. Well, I got off work and I was riding through town and
17 I seen DJ walking and he flagged me down.

18 Q. All right. We'll pull the microphone up to you a
19 little bit closer.

20 A. Well, DJ flagged me down on the way from work and
21 asked me can I take him to the trailer.

22 Q. All right. And when you say DJ, you're referring to
23 Donald Jackson?

24 A. Yes, ma'am.

25 Q. And he is the cousin of the defendant in this case,

1 Quayshaun Clark, also known as Ace?

2 A. Yes, ma'am.

3 Q. And he flags you down and is it fair to say this is
4 around -- it's before any of this occurs, so what time
5 would you estimate that to be? And you don't have to be
6 exact.

7 A. It's a little bit after 5:30.

8 Q. All right. He flags you down and where do you-all
9 end up?

10 A. We left from there and went to the ATM. After we
11 went to the ATM, we -- I took him somewhere to take care
12 of something and then we went to Harley's store in Ridge
13 Spring.

14 Q. All right. So you were at a store in Ridge Spring?

15 A. Well, Monetta. I'm sorry.

16 Q. Monetta. Who do you and DJ have riding in the car
17 with you?

18 A. It's just me and DJ.

19 Q. Who do you see at that store in Monetta?

20 A. De Alewine.

21 Q. De Alewine. And De Alewine was in a car with who?

22 A. Var Pugh.

23 Q. All right. So De Alewine and Var Pugh are in one
24 vehicle and you and DJ are in another?

25 A. Yes, ma'am.

1 Q. Did you yourself witness beef between them?

2 A. I witnessed beef between DJ and De.

3 Q. De Alewine and DJ?

4 A. Yes, ma'am.

5 Q. And was that beef in regards to actually having some
6 type of confrontation?

7 A. Yes.

8 Q. And where was the first agreement that everybody would
9 meet up for this confrontation to occur?

10 A. Well, De told them -- told me personally that he will
11 meet DJ at his house because I tried to neutralize the
12 situation, but he said pump that, I'm pulling up to his
13 house.

14 Q. Okay. And so the first agreement is that De Alewine
15 and DJ are gonna meet at DJ's house and this for the
16 purpose of a confrontation?

17 A. Yes, ma'am.

18 Q. And did De Alewine actually show up?

19 A. Yes, ma'am.

20 Q. And was he still with the individual that you know to
21 be Devarus Pugh, also known as Var Pugh?

22 A. Yes, ma'am.

23 Q. And did they actually have a confrontation there?

24 A. De got out of the car talking junk and as words
25 exchanged back and forth and everything, he had his hands

1 in the back of his waist and everything talking junk, and
2 so he -- he stood in the road until Batesburg came down the
3 street. When Batesburg police was coming down the street,
4 he told him well, meet me at Rocky Lane.

5 Q. Meet me at Rocky Lane?

6 A. Yes, ma'am.

7 Q. And Rocky Lane is a reference to this mobile home park
8 right here, right?

9 A. Yes, ma'am.

10 Q. So De Alewine tells DJ meet me at Rocky Lane?

11 A. Yes, ma'am.

12 Q. And at this point in time Var Pugh has given some
13 indication that he may be armed because you said he's got
14 his hands in his waistband somehow?

15 A. That was De.

16 Q. De. I'm sorry. That's De Alewine. So DJ knows that
17 De Alewine may be armed?

18 A. Yes.

19 Q. And there's an agreement to now meet at Rocky Lane?

20 A. Well, he told him to meet him at Rocky Lane. There
21 wasn't no agreement.

22 Q. Okay. But you-all end up at Rocky Lane?

23 A. Yes, ma'am.

24 Q. Now during this point in time that you-all are
25 sitting at DJ's house working up to what you just described

1 happened, working up to when everybody actually meets up
2 up here, what kind of mood was DJ or Donald Jackson in?

3 A. DJ was upset because De confronted him at the store.

4 Q. He was agitated?

5 A. Agitated is a similar word for it. He was like -- I
6 can't really describe it. It's not agitated, but more
7 upset and everything, disappointed because the guy
8 approached him and everything, and he wasn't bothering
9 nobody.

10 Q. All right. And did he remain in that state of mind
11 the whole time you-all are at his house?

12 A. Oh, it was a lot of commotion going on about it and
13 everything because of how he came not only from the store,
14 to his house and everything, so I could understand him
15 being upset about the situation.

16 Q. And you're a witness to that?

17 A. Yes, ma'am.

18 Q. And is he on his phone?

19 A. Well, throughout the night, yes, he was on and off
20 his phone.

21 Q. All right. And were you yourself a witness to the
22 people that he was calling or did you not know that?

23 A. I had no idea who he was talking to.

24 Q. So you don't have personal knowledge of how many times
25 he made calls to his cousin Quayshaun Clark?

1 A. No, ma'am.

2 Q. But you know he was on the phone?

3 A. Yes, ma'am.

4 Q. And from there where do you and DJ go when you leave
5 DJ's house?

6 A. From there -- we sat there for about like two, two and
7 a half hours before we actually went anywhere.

8 Q. And were you-all drinking?

9 A. Yes, ma'am.

10 Q. Does that include DJ?

11 A. Yes, ma'am.

12 Q. Is he smoking, too?

13 A. At that point, no.

14 Q. Okay. So he's drinking. What's he like when he's
15 adding alcohol to this equation?

16 A. I'd say choir boy goes crazy. He's got lot of mouth
17 and everything, you know.

18 Q. All right. So eventually you and DJ go and end up
19 where?

20 A. We end up at Rocky Lane.

21 Q. All right. Now have you added anybody else to the car
22 when you and DJ go to Rocky Lane?

23 A. Kay Norris.

24 Q. All right. Kay Norris. At this point -- they call
25 you Nitro?

- 1 A. Yes, ma'am.
- 2 Q. At this point, Nitro, is Kay Norris armed?
- 3 A. Yes, ma'am.
- 4 Q. And you're still driving?
- 5 A. Yes, ma'am.
- 6 Q. And when you-all pull up at Rocky Lane, where do
- 7 you-all go to actually get out of the car?
- 8 A. Lot 7.
- 9 Q. Lot 7. On the way to Lot 7 -- because this is the
- 10 main road here?
- 11 A. Yes, ma'am.
- 12 Q. So you're gonna come in through here?
- 13 A. Yes, ma'am.
- 14 Q. So to get to Lot 7 you've got to drive past here?
- 15 A. Yes, ma'am.
- 16 Q. Whose car did you see around this area at Lot 15?
- 17 A. Var Pugh.
- 18 Q. All right. And Var Pugh's the guy you told us about
- 19 earlier that De Alewine had been with?
- 20 A. Yes, ma'am.
- 21 Q. So in that area around Lot 15 and Lot 16 you see the
- 22 vehicle of Var Pugh?
- 23 A. Yes, ma'am.
- 24 Q. Is that reason to believe De Alewine may be with him?
- 25 A. Yes, ma'am.

1 Q. And just to clarify, this home here, which is the
2 home of Comilla Jackson where she lives with her two little
3 girls and where Shell Jay was visiting with her two little
4 girls, they don't have any connection to Var Pugh, do they?

5 A. Not really.

6 Q. Or to De Alewine?

7 A. Not really.

8 Q. And you're -- Batesburg's a small town. A lot of
9 people are related to one another?

10 A. Yes, ma'am.

11 Q. Or they know each other?

12 A. Yes, ma'am.

13 Q. So for whatever reason Var Pugh and De Alewine end
14 up parking their car right here, but not because they're
15 visitors inside Lot 15, correct?

16 A. Yes, ma'am. Basically because there was two parties
17 going on.

18 Q. And the other party is gonna be right here in this
19 yard between 16 and 15?

20 A. Yes, ma'am.

21 Q. And that's a graduation party --

22 A. Yes, ma'am.

23 Q. -- for, I think, the Wigfall kids?

24 A. Yes, ma'am.

25 Q. One of which you are related to?

1 A. Both of them.

2 Q. So that's an outdoor party and this is an outdoor
3 party and as you come by with Kay Norris and DJ, you-all
4 spot Var Pugh's car?

5 A. Yes, ma'am.

6 Q. And you believe now De Alewine's there?

7 A. Yes, ma'am.

8 Q. Now when you arrive at Lot 7, who else had you brought
9 along or told to meet up there?

10 A. Before we made it down that way, I called Hugo.

11 Q. All right. And is Hugo DeCarlos Chatman?

12 A. Yes, ma'am.

13 Q. And why did you ask him to come?

14 A. I felt like he might have been able to help me
15 neutralize the situation.

16 Q. And you weren't aware or were you aware that he was
17 actually armed himself?

18 A. I wasn't aware.

19 Q. So you asked him to come and has he shown up by the
20 time that you get there?

21 A. Well, he shows up up at DJ and them's spot.

22 Q. I'm sorry?

23 A. He shows up where me and DJ was at at his house.

24 Q. Okay.

25 A. That's where I spoke to him at.

1 Q. So that was earlier when you-all were at DJ's?

2 A. Yes, ma'am.

3 Q. Okay. And then by the time you arrive here with
4 Kay Norris and Donald Jackson, DJ, with you and you end up
5 making it to Lot 7, is Hugo there yet or do you know?

6 A. From my knowledge I don't know.

7 Q. Okay. So you're not sure when Hugo made it there?

8 A. No, ma'am.

9 Q. But do you have knowledge that eventually he did make
10 it there?

11 A. If not before me.

12 Q. Now when the first shots are fired, Nokia, where are
13 you?

14 A. I'm beside Lot 7.

15 Q. Is it this side or this side?

16 A. The other side.

17 Q. Okay. This side right here?

18 A. Yes, ma'am.

19 Q. I'm gonna show you some photographs that are already
20 in evidence. I think you're aware of a Snapchat video that
21 had been taken a little bit earlier that night?

22 A. Yes, ma'am.

23 Q. And looking here at the Snapchat video still shot,
24 this is Court's 36, do you recognize that vehicle that we
25 see there on the overhead?

- 1 A. Which one?
- 2 Q. Right here. Sorry. The dark colored -- it appears to
3 be a Grand Marquis-style vehicle, 36.
- 4 A. Yes, ma'am.
- 5 Q. Whose car do you know that to be?
- 6 A. Ace.
- 7 Q. And who is Ace?
- 8 A. Shaun.
- 9 Q. Shaun? Shaun Clark, the defendant?
- 10 A. Yes, ma'am.
- 11 Q. All right. And what do we see in the background up
12 here? Is that gonna be 15 and 16?
- 13 A. Yes, ma'am.
- 14 Q. We see right up here. All right. So this is the side
15 that you're on right here?
- 16 A. Yes, ma'am.
- 17 Q. Everybody parked like right along here?
- 18 A. (No verbal response.)
- 19 Q. Were you aware of who fired the first shots?
- 20 A. No, ma'am.
- 21 Q. I think you said earlier that at this point in time
22 Hugo or DeCarlos Chatman is out of your line of sight?
- 23 A. Yes, ma'am.
- 24 Q. Do you have a pointer up there with you?
- 25 A. Is this it?

1 Q. I'm gonna switch with you because this one may be
2 easier for you to use. Just push that red button right
3 there.

4 Looking at this, can you show us where you're standing
5 when you hear the first shots fired?

6 A. Up in this area.

7 Q. Okay. Outside though?

8 A. Yes, ma'am.

9 Q. And is Hugo in your line of sight at this point?

10 A. No, ma'am.

11 Q. So you don't know where he is?

12 A. No, ma'am.

13 Q. But you know that shots are fired?

14 A. Yes, ma'am.

15 Q. What do you see occur as those shots are fired?

16 A. When I see the shots are fired?

17 Q. What's occurring?

18 A. I see all kinds of chaos when the shots are fired.

19 Q. Okay. Tell us what else you see.

20 A. Well, before the shots was fired, I seen -- when we
21 pulled up, DJ jumped out of the car and he said something
22 to DeRoyce. DeRoyce was thinking that they had some
23 problems or whatever, but DJ was telling him this ain't
24 even about you.

25 Q. All right. So was DeRoyce also a visitor here at

1 Lot 7?

2 A. Yes, ma'am.

3 Q. All right. So when you-all arrive, DJ gets out. Is
4 he still in state of mind you described earlier?

5 A. Yes.

6 Q. So he tells DeRoyce this ain't even about you?

7 A. Yes, ma'am.

8 Q. What happens next?

9 A. He goes in the house and --

10 Q. DJ goes inside the house?

11 A. Yes, ma'am, and --

12 Q. Okay.

13 A. -- once he goes inside the house, after he comes
14 outside the house, he came out yelling, shots were fired,
15 and then Ace started firing.

16 Q. So you see DJ come out of the house and that's when
17 shots -- he's yelling?

18 A. Yes, ma'am.

19 Q. And that's when shots are fired?

20 A. Shots start firing shortly after DJ walked out the
21 door.

22 Q. Who is with DJ?

23 A. Ace.

24 Q. And you're referring to the defendant?

25 A. Yes, ma'am.

1 Q. Was Ace also coming out of the house?

2 A. Yes, ma'am.

3 Q. And what, if anything, did Ace have?

4 A. He had a gun in his hand.

5 Q. What kind of gun?

6 A. They say it was a Draco. That's what he called it.

7 Q. What did it look like to you?

8 A. It was about this long and black.

9 Q. All black?

10 A. Yes, ma'am.

11 Q. I'm gonna show you 25 and ask you whether or not

12 that's consistent with the gun you saw?

13 A. Yes, ma'am.

14 Q. But it's all black and it's long and it is not a

15 pistol?

16 A. No, ma'am.

17 Q. And Ace is with DJ from what you can see?

18 A. Yes, ma'am.

19 Q. And as soon as you see Ace with that gun, how much

20 time passes until you start hearing shots?

21 A. A few seconds.

22 Q. And then you left with who?

23 A. DJ and Kay Norris.

24 Q. Other than seeing Ace with that gun, do you know of

25 anyone else who was actually shooting at Lot 7?

1 A. I thought Nash was shooting and everything because I
2 took a gun from him and everything, but come to find out
3 they said they never found any shell casings from that
4 gun or whatever, but that's -- that's the only person I --
5 actually I heard. I didn't see.

6 Q. Right. And we only want to know what -- what you
7 saw. But Nash would be the Nashua Smith who lives at [REDACTED]
8 Spring Hill?

9 A. Yes, ma'am.

10 Q. Also a cousin of the defendant, Quayshaun Clark?

11 A. And mine's.

12 Q. And yours. You thought he was shooting because you
13 saw him with a gun?

14 A. Yes, ma'am.

15 Q. And you took that gun from him later and you turned
16 that into the police?

17 A. Yes, ma'am.

18 Q. And that was a 380?

19 A. Yes, ma'am.

20 Q. And so what you're referring to is the fact that no
21 380 shell casings were actually found here?

22 A. Yes, ma'am.

23 Q. But aside from that, you know that Kay Norris was
24 armed when you-all went over there?

25 A. Yes, ma'am.

1 Q. Do you know where Kay Norris was when the shooting was
2 going on?

3 A. No, ma'am.

4 Q. Do you know where DJ was when the shooting was going
5 on?

6 A. Once DJ came out the door, DJ got busy. He was
7 talking and moving.

8 Q. All right. He's talking and moving. So were you able
9 to determine whether or not DJ had a gun?

10 A. No, ma'am.

11 Q. And were you able to determine whether or not DJ was
12 firing shots?

13 A. No, ma'am.

14 Q. So the only person that you saw with the gun as the
15 shots are being fired is -- is Ace with the big gun?

16 A. Yes, ma'am.

17 Q. And once those shots start happening, do you take
18 cover or get out of the way?

19 A. I froze.

20 Q. Okay. And so from that point on are you watching
21 everybody else around you?

22 A. I'm watching straight forward.

23 Q. You're only concerned with your own safety?

24 A. Yes, ma'am.

25 MS. MAYES: Thank you. Nothing further.

1 THE COURT: Ms. Williams.

2 MS. WILLIAMS: Thank you. May it please the
3 Court?

4 CROSS-EXAMINATION (In-Camera)

5 BY MS. WILLIAMS:

6 Q. Good afternoon, Mr. Tolen.

7 A. Good afternoon, ma'am.

8 Q. My name is Anna Williams. I don't believe we have met
9 before.

10 A. No, ma'am.

11 Q. All right. So you told the solicitor that your day
12 started with DJ flagging you down?

13 A. Yes, ma'am.

14 Q. Are you related to him?

15 A. Not that I know of.

16 Q. So if you referred to him as your cousin when you were
17 speaking with officers, why would you do that?

18 A. Refer to him as my cousin?

19 Q. Uh-huh.

20 A. Everybody that I know they consider us family. I
21 have so many cousins that they claim are my cousin and I
22 don't even know if they're cousins or not. I just accept
23 it --

24 Q. Okay.

25 A. -- whenever I'm with them.

1 Q. I apologize. So it's just a term you use?

2 A. Yes.

3 Q. All right. So you picked up DJ and you went to a gas
4 station in Monetta?

5 A. Yes, ma'am.

6 Q. And there you saw him and De Alewine getting into
7 something?

8 A. Well, actually DJ wasn't getting into it. DJ was
9 coming out the store. He wasn't bothering nobody. He
10 went in there to get us some beer and he was coming out and
11 De -- De was inside the store following him and followed
12 him out of the store still antagonizing him.

13 Q. Okay. So they were antagonizing him and summarize
14 what you told the solicitor earlier.

15 A. And he -- DJ came and got in the car. I asked him
16 what's going on. I said hold on, let me go try to talk
17 to him, so I go try to talk to him and everything and he
18 said man, F that, I'm fixing to pull up at that house and
19 everything, and I was like well, pump it then, and I got
20 back in the car.

21 Q. Okay. And you-all drove to DJ's house --

22 A. Yes, ma'am.

23 Q. -- in order to meet up with De?

24 A. Well, that's where we was heading in the first place.

25 Q. That's where you --

1 A. That's where we was going in the first place.

2 Q. And you-all just told De that's where you were going?

3 A. No, we didn't tell him nothing. He got -- that's what
4 De said, we gonna meet you at his house.

5 Q. Okay. So they told you they would meet you?

6 A. Yes.

7 Q. I got you. Okay. So they said they'd meet you there?

8 A. Yes.

9 Q. Okay. And then everyone decides to change location
10 because the cops show up?

11 A. I guess that's why he changed locations because
12 from where I was standing, DJ, he was talking, and De was
13 talking, De wasn't making no move towards the car. He
14 just had his hands flexed, like he had his arms behind his
15 back or whatever, but I guess what diffused the situation
16 was when Batesburg drove down the highway. If Batesburg
17 police wouldn't have road down the highway, he probably
18 still would have been out there doing the same thing. It's
19 like he was hellbent on having some kind of altercation
20 that day.

21 Q. And by "he" you're referring to?

22 A. De Alewine.

23 Q. Okay. So De was hellbent on having an alter --
24 your impression was that he was hellbent on having an
25 altercation that day?

- 1 A. Yes, ma'am.
- 2 Q. So you're hanging out at DJ's house. You call Hugo?
- 3 A. Yes, ma'am.
- 4 Q. And why do you think Hugo will be able to help diffuse
- 5 the situation?
- 6 A. Because I feel like, you know what I'm saying, Hugo,
- 7 De and Var, they deal with the same people.
- 8 Q. Okay. So you feel like he might be able to talk sense
- 9 to them?
- 10 A. Yes, ma'am.
- 11 Q. Is Hugo older than De and Var?
- 12 A. Yes, ma'am.
- 13 Q. Okay. So maybe more respected in their group of
- 14 friends?
- 15 A. Yes, ma'am.
- 16 Q. Okay. So you-all are hanging out at DJ's house. You
- 17 have some alcohol. I believe you testified to that?
- 18 A. Yes, ma'am.
- 19 Q. And you decided to drive to -- you-all go to Rocky
- 20 Lane?
- 21 A. (Nods head.)
- 22 Q. Whose decision was it to go to Rocky Lane?
- 23 A. Well, that was part of the plan in the first place
- 24 because Wanda was having a birthday party.
- 25 Q. Okay. And Wanda --

1 A. Wanda Lites is Shaun and them's cousin. That was the
2 whole purpose of us going to Rocky Lane in the first place
3 is for the birthday party.

4 Q. Is to go Shawanda's birthday party at Lot 7?

5 A. Yes, ma'am.

6 Q. Okay. And what kind of car do you drive?

7 A. At that time I was driving a 2'13 Chevy Impala, white.

8 Q. So you were driving a white Impala?

9 A. Yes, ma'am.

10 Q. Okay. So what time do you head over to Shawanda's
11 birthday party?

12 A. It was -- I got to say it was nine, close to ten. I
13 don't know exactly the time we left to go over there.

14 Q. Was it dark?

15 A. Yes, ma'am.

16 Q. Okay. And so you got over there and I'm gonna ask
17 you to slowly -- I know you just testified to this, but I'm
18 gonna ask you to go through it one more time just slowly
19 for me.

20 A. Yes, ma'am.

21 Q. You get over there. When does DJ jump out of your
22 car?

23 A. Okay. DJ jumped out of my car when we pull in the
24 driveway.

25 Q. In who's driveway?

1 A. Lot 7.

2 Q. Lot 7?

3 A. Yes, ma'am.

4 Q. Okay. And you see DJ --

5 A. Because at first we stopped in between 15 and 16

6 because my little -- I seen my little cousin and I told

7 him I had a bad feeling about the night and I told him he

8 needed to get -- get on out of here.

9 Q. Okay. So you stopped at Lot 15 and 16?

10 A. I stopped in the driveway.

11 Q. In the driveway. So that you could tell your

12 cousin --

13 A. I stopped right there.

14 Q. All right. And so looking at Court's Exhibit 12,

15 you're stopped about halfway on the driveway between

16 Lot 15 and 16?

17 A. Yes, ma'am.

18 Q. Okay. To tell your cousins -- are those the Wigfalls?

19 A. Yes, ma'am. Demontrell, I had called him over to the

20 car and told him I had a bad feeling about this and he

21 needed to leave.

22 Q. Okay. So you had a bad feeling so you told Demontrell

23 that he needed to go?

24 A. Yes, ma'am.

25 Q. Did you see Quaja out there? Wigfall.

1 A. Not at the moment. I just seen him.

2 Q. Okay. So you saw --

3 A. I just seen him.

4 Q. Now why did you have a bad feeling so that you warned
5 Demontrell?

6 A. Because it started from the store. De was agitating
7 this man from the store, then he comes -- shows up at this
8 man's house and everything. It seemed -- like I said, it
9 seemed like he was hellbent on some type of altercation.

10 Q. So, Mr. Tolen, let me ask you if you knew that De was
11 hellbent on some kind of altercation, why did you drive DJ
12 and Kay from DJ's house to Rocky Lane?

13 A. Because they -- they told us to meet them there. We
14 didn't leave then. We sat there for like two, two and a
15 half hours before we even moved. So I'm figuring by the
16 time we got down there they should be gone because I had
17 did some running around with my cousin and everything
18 before I actually came back and got them and took them down
19 there.

20 Q. Okay. So you figured they should have been gone?

21 A. Yes, ma'am. I didn't know about the graduation party
22 that night either.

23 Q. Okay. But when did you get your bad feeling back so
24 that you pulled your cousin over?

25 A. When I -- when I pulled down there and I seen his car

1 over there.

2 Q. When you saw De's car?

3 A. When I seen Var Pugh's car.

4 Q. Var Pugh's car.

5 A. Because he was in the car with Var.

6 Q. Okay. So you stopped and you told your cousin he
7 probably needed to go?

8 A. Yes, ma'am.

9 Q. Is your cousin younger than you?

10 A. Yes, ma'am.

11 Q. Okay. And you went over to Lot 7 and that's where DJ
12 jumped out?

13 A. Yes, ma'am.

14 Q. Okay. Where did you go when DJ jumped out?

15 A. In front of my car.

16 Q. In front -- and can you point for the Court where your
17 car was located?

18 A. My car was located over here.

19 Q. Okay. So it's your testimony that your vehicle was
20 located at the end of the driveway leading into Lot 7?

21 A. Yes, ma'am.

22 Q. Okay. Close -- close to the road?

23 A. A little bit closer to the steps.

24 Q. A little bit closer to the steps?

25 A. Yes, ma'am.

1 Q. Was there another --

2 A. Because cars had started thinning out by the time I
3 got there.

4 Q. I'm sorry?

5 A. Cars had started thinning out by the time I got there.

6 Q. Cars had started thinning out. Okay. So you see DJ
7 go into the house?

8 A. Yes, ma'am.

9 Q. And then you see him come back out?

10 A. Yes, ma'am.

11 Q. And when he comes back out, what happened?

12 A. When he come back out, he was yelling across the
13 street towards that way wherever De was at.

14 Q. Okay. Could you see De?

15 A. No, because my vision ain't too good.

16 Q. I see your glasses. That's all right.

17 Okay. So he's yelling. Does he go back in the house
18 at that point?

19 A. No, ma'am.

20 Q. Okay. Where does he go?

21 A. He goes down the steps. He comes out yelling on the
22 steps and then he goes down the steps.

23 Q. Okay. Where's Quayshaun when Donald Jackson's going
24 down the steps?

25 A. On the top of the steps.

1 Q. Quayshaun's on the top of the steps. And which --
2 where are you located?

3 A. Lot 7.

4 Q. And where are you standing at Lot 7?

5 A. Right there before -- in front of my car right there
6 in between the steps and the car.

7 Q. Okay. So if your car is kind of in the middle of the
8 driveway right there and the steps are approximately in the
9 middle of the mobile home, you're standing in between your
10 car and the steps?

11 A. Yes, ma'am. The front of the car because I pulled in
12 nose first.

13 Q. Okay. And you see Quayshaun come out the door?

14 A. Yes, because I was talking to DeRoyce at the time at
15 the front of my car.

16 Q. Was Quayshaun shooting his gun when he came out the
17 door?

18 A. No, ma'am.

19 Q. Okay. When were shots fired?

20 A. It was shortly after DJ got finished yelling.

21 Q. And where was DJ when he finished yelling?

22 A. When he got finished yelling, DJ was like off -- off
23 to the side, the right side.

24 Q. Okay. And where was Quayshaun when DJ finished
25 yelling?

1 A. Still on the steps.

2 Q. Still on the steps?

3 A. Yes, ma'am.

4 Q. And then so you're still -- are you standing in

5 between the steps and your car?

6 A. Yes, ma'am.

7 Q. All right. And so the first shots you hear fired,

8 where did they come from?

9 A. I have no idea.

10 Q. You have no idea?

11 A. No.

12 Q. Did they come from Quayshaun?

13 A. No, ma'am.

14 Q. Okay. I apologize. I take notes. It takes me a

15 minute.

16 A. Yes, ma'am.

17 Q. All right. So you froze I believe you said?

18 A. Yes, ma'am.

19 Q. Okay. And briefly the people you saw shooting were

20 who?

21 A. Well, actually I didn't see nobody shooting once the

22 commotion -- when DJ ran, the commotion went this way. I

23 seen Ace with a gun, but I an definitely never say I seen

24 him shot the gun.

25 Q. So you didn't see him --

1 A. I seen -- I seen him with the gun, but I didn't see
2 him shoot the gun.

3 Q. Okay. So the commotion started, you see DJ go across,
4 you hear gunshots?

5 A. I heard an explosion.

6 Q. You heard an explosion?

7 A. I heard -- no, I heard gunshots and then I hear an
8 explosion.

9 Q. Okay. Gunshots, then an explosion, but you don't know
10 who was firing?

11 A. No.

12 Q. And you didn't ever see Quayshaun shoot, you just saw
13 him with the gun?

14 A. Yes, ma'am.

15 Q. Are you able to identify anybody who was shooting?
16 Did you actually -- actually see anybody shooting?

17 A. The only person I seen that I thought was shooting was
18 Nash -- Nashua Smith.

19 Q. Okay. So you thought Nash might have been shooting?

20 A. Yes, ma'am.

21 Q. And so you got a gun from him?

22 A. Yes, ma'am.

23 Q. And what did you do with that gun once you got it?

24 A. I turned -- well, at first I put it in my car and I
25 took DJ and Kay home and I came back to the scene because

1 I remembered my cousins was still there and I stayed on
2 the scene until everything was over with and I talked to
3 the -- the detectives and the officers on the scene and I
4 told them what I knew and I turned the gun into the police
5 station that next morning.

6 Q. Okay. Now I'm gonna break it down a little bit
7 further. When you came back to the scene, did you see blue
8 lights?

9 A. Yes.

10 Q. Did that make you nervous?

11 A. Of course.

12 Q. Did you take the gun somewhere else?

13 A. No, I kept the gun in the car. I just put it in
14 somebody else's car on the scene.

15 Q. You put -- you put the gun in someone else's car?

16 A. Yes, ma'am.

17 Q. Okay. Whose car did you put the gun in?

18 A. I don't know if it's his or his old lady's, but
19 Jeremiah Israel. I gave it to Jeremiah Israel.

20 Q. Jeremiah Israel?

21 A. (Nods head.)

22 Q. Okay. And when did you get the gun back from Jeremiah
23 Israel?

24 A. About eight something the next morning.

25 Q. Okay.

1 A. Well, I didn't get it from him. He left it outside
2 for me and I went and got it. He said he never touched it.

3 Q. I'm good with that. Okay. So you left the gun in
4 Jeremiah Israel's car when you saw the blue lights?

5 A. I took it out of my car and put it in Jeremiah's.

6 Q. Okay. You put it in his car.

7 Okay. And when you went back the next day --

8 A. Yes, ma'am.

9 Q. -- you found a gun in a bag outside; is that correct?

10 A. Yes, ma'am.

11 Q. Okay. And Jeremiah told you he hadn't touched the
12 gun?

13 A. Yes, ma'am.

14 Q. Okay. And then you took that gun immediately to the
15 police?

16 A. Yes, ma'am.

17 Q. Okay. Now I don't want to embarrass you, Mr. Tolen,
18 but I am gonna ask why were you nervous about going to blue
19 lights and have the gun?

20 A. I've got a record.

21 Q. Okay.

22 A. I've been in and out with police for most of my life,
23 you know what I'm saying? I finally got my life together,
24 but I still have nervous tension when I get around police.
25 Even like this I get to shaking.

1 Q. That's all right. That's all right.

2 MS. WILLIAMS: Begging the court's indulgence.

3 BY MS. WILLIAMS:

4 Q. I swear I'm not trying to embarrass you, but just to
5 be clear, are you the same Nokia Tolen -- and I'm
6 pronouncing it correct?

7 A. Nokia.

8 Q. Nokia. I'm sorry. Who just finished a burglary
9 sentence?

10 A. Yes, ma'am.

11 Q. For fifteen years?

12 A. Yes, ma'am. I took it to the door.

13 Q. I'm sorry?

14 A. I took it all the way to the door and I maxed it out
15 and changed my life. I'm not embarrassed by nothing I
16 ever did in my life, you know what I'm saying? I learned
17 my lessen. Yes, I did it, I manned up to it, I got my time
18 out the way, I came home with no strings attached.

19 Q. I don't think anyone can argue with that.

20 I appreciate it, Mr. Tolen.

21 Oh, I apologize. My co-counsel has another
22 question.

23 BY MS. WILLIAMS:

24 Q. All right. You're not gonna believe me when I say
25 this is the last question, are you?

1 A. That's okay.

2 Q. Okay. Mr. Tolen, when did you get out?

3 A. October 1, 2018.

4 Q. Okay.

5 MS. WILLIAMS: Thank you, Mr. Tolen. I appreciate
6 it.

7 THE WITNESS: You're welcome.

8 THE COURT: Any redirect?

9 MS. MAYES: Yes, Your Honor.

10 REDIRECT EXAMINATION (In-Camera)

11 BY MS. MAYES:

12 Q. Now, Mr. Tolen, just to clarify a few things, you say
13 that you already had a bad feeling as you're coming through
14 here and you see Var Pugh's car?

15 A. Yes, ma'am.

16 Q. But going back a little bit earlier, you already had
17 asked Hugo to come over there and calm the situation down?

18 A. And by us sitting there for about like two and a
19 half hours, I'm thinking that they might have left and
20 everything, so I wouldn't even have to worry about the
21 situation.

22 Q. All right. So the whole point of you getting Hugo
23 over there is because you know that De Alewine and Var Pugh
24 said meet on Rocky Lane?

25 A. And if they there I might need him to help me.

1 Q. All right. So the belief was that they were gonna
2 make it there that night, De Alewine and Var Pugh?

3 A. Yes, ma'am.

4 Q. So Hugo rides separately from you?

5 A. Yes, ma'am.

6 Q. And then when you and DJ and Kay Norris arrive, you
7 know that at least Kay Norris is armed, correct?

8 A. Yes, ma'am.

9 Q. And then you said you warned your little cousin.
10 That's Demontrell Wigfall?

11 A. Yes, ma'am.

12 Q. He was up here visiting this group at this graduation
13 party, wasn't he?

14 A. Yes, ma'am.

15 Q. And you warned him; hey, I've got a bad feeling,
16 something might be going down?

17 A. Yes, ma'am.

18 Q. And then by the time you're here and you're outside
19 and the shots start, you said that you saw the defendant
20 with the big gun?

21 A. Yes, ma'am.

22 Q. And just to clarify, does he already have that gun on
23 him when he comes out of the house?

24 A. Yes.

25 Q. And he's with DJ at that time?

1 A. Yes. DJ was leading the way out the door.

2 Q. DJ's leading the way?

3 A. Yeah.

4 Q. And when you -- you said that you see him with the
5 gun and that you hear shots that appear to be or sound
6 like they're from that gun, how much time difference are
7 we talking about?

8 A. About -- about a matter of seconds.

9 Q. Okay. Just within seconds of when you see him with
10 the big gun you hear the shots that you believe are from
11 the big gun?

12 A. Yes, ma'am.

13 Q. And so that's part of the reason you told the police
14 that you knew Ace was firing the big gun?

15 A. Yes.

16 Q. And I think you used the word "Draco"?

17 A. Yes, ma'am.

18 Q. But it looks like what you would call a Draco?

19 A. (Nods head.)

20 Q. And you actually came back to the scene that night
21 after you left, didn't you?

22 A. Yes, ma'am, but I pulled over to Lot 15 and Lot 16.

23 Q. And you came back -- and you came back to check on
24 Minor because you --

25 A. I didn't -- I didn't -- I hadn't even known about the

1 little girl at that time.

2 Q. You came back actually first realizing that your car
3 had been hit?

4 A. Yeah, I came back to check on my little cousin and
5 when I got there, I seen De there and I confronted De right
6 there in front of the police and I told him you're the
7 MF'er that got all this started and I was fixing to fight
8 him in front of the police, but somebody called my name off
9 to left, so when I looked and I turned back around he was
10 gone, and then I walked back to my car to talk to people,
11 that's when I seen I had bullet holes in my car. At the
12 time I still hadn't known that the baby had been shot and
13 I start spasing out about my car because my car had been
14 shot and then next thing you know I heard --

15 Q. Ms. Jay?

16 A. -- Ms. Jay says you worried about your car and then
17 she said something else, but I didn't quite understand and
18 I just seen a whole pack of people charging towards me.
19 So, me, I got in my defense mode, but Leah Burgess grabbed
20 me and told me what was going on and that just put me in
21 shock because like -- I told them I didn't even know.

22 Q. So you -- you're talking about your car having been
23 hit and Ms. Jay says your, car my baby?

24 A. Yes, pretty much.

25 Q. And you -- once you realized that, you stayed and

1 talked to the police that night, didn't you?

2 A. Yes, ma'am.

3 Q. I believe Hamp Gardner, Major Gardner, was one of the
4 people you were communicating with that night?

5 A. Yes, ma'am.

6 Q. And you told them what --

7 A. Hampton Taylor and Doloes Chandler.

8 Q. And you told them what you knew?

9 A. Yes, ma'am.

10 Q. That included the defendant firing the big gun that
11 you believed to be a Draco?

12 A. Yes, ma'am.

13 MS. MAYES: Thank you, Mr. Tolen. Nothing further.

14 MS. WILLIAMS: Your Honor, if I may briefly?

15 THE COURT: Yes.

16 RECROSS EXAMINATION (In-Camera)

17 BY MS. WILLIAMS:

18 Q. All right. You heard a big gun, but did you ever --
19 you never saw anyone shoot?

20 A. No, ma'am.

21 Q. Okay. Do you have any idea where the first shots were
22 coming from?

23 A. No, ma'am.

24 Q. Okay. The solicitor just mentioned that -- and you
25 mentioned that you had some bullet holes in your vehicle?

1 A. Yes, ma'am.

2 Q. Where were those bullet holes?

3 A. I had one by my gas tank and one through my lower
4 bumper all in the back.

5 Q. All in the back?

6 A. Yes, ma'am.

7 Q. Okay. The one by your gas tank, was it -- is your gas
8 tank on the left side of your vehicle?

9 A. It was on the left, yes.

10 Q. It's on the left side?

11 A. All the shots that was in my -- the two shots that's
12 in my vehicle came from Lot 7.

13 Q. Okay.

14 A. It's like -- it was like they was running away
15 shooting like this, but they were shooting behind because
16 it was an entry wound on my trunk, not a exit wound. I
17 ended up later finding a bullet inside my trunk later on
18 down the road and the other one on my bumper since it --
19 since it was plastic, you could see it coming in and you
20 can see how it kicked out, so everything came from that
21 side.

22 Q. Okay. What happened to that bullet you found in your
23 trunk?

24 A. I turned it into the police.

25 MS. WILLIAMS: No further questions, Your Honor.

1 THE COURT: Thank you.

2 Ms. Mayes, can I let Mr. Tolen down?

3 MS. MAYES: Yes, Your Honor.

4 THE COURT: Mr. Tolen, thank you. You're excused
5 for the day, but I believe you're still under a subpoena,
6 so make yourself available.

7 THE WITNESS: Yes, ma'am.

8 (Witness excused.)

9 THE COURT: Do you-all need a few minutes before
10 arguments?

11 MS. WILLIAMS: Please, Your Honor.

12 THE COURT: Okay. Let's take about a ten minute
13 break and we'll come back and I'm gonna hear arguments.

14 (Recess taken at 4:45 PM.)

15 (Back on the record at 4:59 PM.)

16 BAILIFF: Remain seated. Come to order. Court's
17 now in session.

18 THE COURT: All right. Ms. Williams, are you
19 arguing?

20 MS. WILLIAMS: Yes, Your Honor.

21 THE COURT: Okay. And you've read and you know
22 your -- the elements that you must meet under the
23 Protection of Persons and Property Act. You carry
24 the burden, it's by a preponderance of the evidence
25 and I'm to consider the elements of self-defense. So

1 I'll be glad to hear from you.

2 MS. WILLIAMS: Yes. As Your Honor stated, we are
3 -- we are claiming immunity under the Protection of
4 Persons and Property Act for the actions of Quayshaun
5 Clark on the night of June 9, 2021. We move for immunity
6 under South Carolina Code 16-11-440(C) specifically.
7 There are multiple provisions within that statute that
8 grant immunity. We are moving under (C).

9 THE COURT: That's right.

10 MS. WILLIAMS: As the Court stated, we must prove
11 by a preponderance of the evidence that this statute
12 applies in order for the Court to grant immunity. A
13 preponderance of the evidence, as the Court knows, is
14 less than reasonable doubt. It is the civil standard
15 which means more likely than not.

16 So, Your Honor, looking at the elements, the first
17 one, a person who is not engaged in an unlawful activity.
18 Your Honor, I believe there was no testimony today to the
19 effect that at the time of the shooting when self-defense
20 was initiated that Quayshaun was doing anything illegal
21 at that moment. There's been no allegation. He says he
22 was working on -- there was testimony that he was working
23 on his speakers in the vehicle, there was testimony from
24 his girlfriend that he was in his vehicle, and there was
25 testimony from a State's witness that he was on the porch.

1 Your Honor, it's the defense's position that none
2 of these are unlawful activities and, therefore, we meet
3 Element Number 1.

4 Element Number 2, and who is attacked. Well, Your
5 Honor, Tameakeo indicated that she heard gunshots coming,
6 which to me indicates attack. Quayshaun indicated that
7 he saw fire across from him, that he saw someone with a
8 handgun coming towards him, and that he heard gunshots.
9 All of these support that Quayshaun was attacked.

10 Looking at State's witnesses, Ms. Conyers testified
11 that -- while she testified that Hugo was shooting into
12 the air, no one testified that Quayshaun saw Hugo
13 shooting into the air. She testified that there were
14 further gunshots after, so from Ms. Conyers' perspective
15 there is no indication that any one did not feel attacked.
16 She heard gunshots before shots happened.

17 Listening to the Ring doorbell, you can hear shots
18 fired, then louder shots fired, which I believe is the
19 State's position that those louder shots came from
20 Quayshaun's gun, but regardless there were shots fired
21 first that even the State does not claim came from
22 Quayshaun. So who was attacked? I believe that, Your
23 Honor, furthermore there were shell casings found all
24 on the other side of the street as we went through in
25 detail, so Element 2, and who was attacked has been met.

1 Element Number 3. In another place where he has a
2 right to be. Your Honor, he was at his cousin Shawanda
3 Lites birthday party. I don't think there's been any
4 testimony to the contrary. All testimony has been that
5 there was a birthday party for his cousin Shawanda Lites
6 going on there.

7 Finally, the fourth element. He reasonably
8 believes it is necessary to prevent death or great
9 bodily injury to himself or another person or to prevent
10 the commission of a violent crime as defined in Section
11 16-160. I believe I'm missing part of that. I believe
12 it's 16-11-160.

13 Your Honor, Tameakeo testified that she was at --
14 she was at Lot 7. She testified that his cousins were
15 at Lot 7. Quayshaun testified that he was at Lot 7 and
16 that his cousins were at Lot 7, and, furthermore, that
17 he was afraid. I think everyone -- let's see here.
18 Kelly or Ms. Conyers testified that Quayshaun's cousins
19 were at Lot 7, so there were people at Lot 7, his family
20 was at Lot 7, and he was being fired upon, and I think
21 anybody who's being fired upon would reasonably believe
22 that it is necessary to defend themselves in that
23 situation.

24 Your Honor, I believe, furthermore, that there was
25 testimony that he was aiming towards the combatants. I

1 don't think there has been any testimony that he was
2 aiming anywhere else other than across the street
3 towards the other individuals who were shooting.

4 Your Honor, this is a very sad case. I don't
5 think anyone can say that it's not. A horrible thing
6 happened, a little girl died, but looking at the
7 evidence, Your Honor, if Quayshaun Clark's bullet did
8 kill that little girl, it was most certainly in
9 self-defense; in defense of himself, in defense of
10 those at that property with him. I believe we've met
11 that burden based on the testimony you've heard today,
12 and I believe that under the statute he is immune from
13 prosecution.

14 THE COURT: Thank you, Ms. Williams.

15 Ms. Mayes.

16 MS. MAYES: Yes, Your Honor.

17 And you have already received the State's memorandum,
18 as well as the law submitted, Your Honor, which includes
19 State v. Young, as well as recent cases from 2019 on
20 through 2020 regarding the Castle Doctrine, including
21 State versus Andrews, State versus Marshals, and then
22 State versus Kimball.

23 As noted, Your Honor, the burden of proof is on
24 the defense. There is certainly not a showing by a
25 preponderance of the evidence that he has acted in

1 self-defense.

2 Your Honor, that last witness, Nokia Tolen, laid
3 it out. He brings this group there with him because
4 there is a beef that's already existing. They know that
5 at least one of those parties they believed to be armed,
6 being De Alewine, because he sees his hand in his
7 waistband. When Nokia Tolen brings DJ, Donald Jackson,
8 and Kay Norris to Lot 7, they already know that there's
9 an agreement to meet up there and finish this beef.
10 Kay Norris is armed. It is certainly a reasonable
11 inference for anyone that if they already know De Alewine
12 is armed. They're not gonna be going over there unarmed.
13 They've got Kay Norris with them and he's armed. He's
14 also made a call to Hugo to meet him over there -- to
15 meet them over there as well. We know from testimony
16 that Hugo is armed. We know from testimony that
17 Quayshaun Clark originally had three guns in his trunk
18 -- or two guns in his trunk and one gun in his glove box,
19 being the FN nine millimeter. We know that those guns
20 are moved from the trunk into his car. We know that by
21 the time these shots ring out and Nokia Tolen sees DJ
22 comes out leading the way, as he put it, and Ace, the
23 defendant, right with him the defendant already has his
24 gun out. He's already armed.

25 Your Honor, this is mutual combat. It's the very

1 definition of mutual combat. One of the cases that
2 we've submitted is State versus Young with those elements
3 being knowledge that the other parties are armed, the
4 preexisting beef or altercation, and there's been
5 numerous testimony about that. We can hear the yelling
6 back and forth on the audio before those shots ring out,
7 but what's apparent from those shots ringing out is how
8 quick it is that everyone is already armed, they're
9 already ready to go. No one's having to leave and go
10 find guns.

11 We know that the defendant's FN nine millimeter is
12 used in this crime. At least three shots are fired at
13 the scene and those casings are recovered from the scene.
14 Two casings end up the purse of his girlfriend two days
15 later. Somebody's picked up brass from that scene, but
16 regardless we know that at least two of his weapons are
17 involved.

18 Your Honor, this is not a situation where he's
19 attacked and then has to somehow defend his vehicle or
20 defend his own home. He's already armed and other people
21 already have access to his weapons. There's no duty to
22 retreat under the immunity act, but he was inside, comes
23 outside, already armed. Mutual combat. We know by his
24 own testimony he received that phone call from his cousin
25 DJ. We know the testimony is that DJ had been worked

1 up since he saw De Alewine at the store making calls.
2 We know that he makes numerous, numerous calls to the
3 defendant and the defendant eventually takes one of those
4 calls. He says he doesn't remember what's said, but that
5 DJ is extremely agitated. DJ ends up coming to Rocky Lane
6 to Lot 7 where his cousin Quayshaun Clark is and where
7 his cousin Quayshaun Clark has at least three firearms
8 in that vehicle.

9 Somehow that firearm makes it out of the car with
10 Quayshaun Clark as he comes out of the house with DJ
11 leading the way and nobody here can tell us who's firing
12 his FN nine millimeter, but it's already made its way
13 into somebody's hands as well.

14 And that yelling, Your Honor, from what we can hear
15 on the video is going on for well over a minute, but
16 according to the testimony much, much longer before those
17 shots ring out.

18 We heard testimony that DJ is standing in Lot 7
19 yelling at Lot 16 and Lot 16's coming back -- yelling
20 back. That came from both the defendant's girlfriend,
21 as well as Kelly Conyers.

22 We know, Judge, that when Quayshaun Clark comes out
23 of that house gun in hand it is within seconds that his
24 gun is heard -- what Nokia Tolen believes to be his gun
25 heard firing. We know he fires at least fifteen rounds

1 because that's how many casings are left behind at the
2 scene.

3 We know from that photograph that we saw that
4 his line of sight is directly at Lot 15 where he says
5 he's firing. It's not only in his line of sight, but
6 it's also in his line of fire. He fires that gun at
7 least fifteen times in that direction, Your Honor,
8 which is certainly an act of intent. We know from the
9 circumstances intent can be inferred.

10 He says he's firing at someone, but he can't tell
11 us who. He says that that person somehow crossed the
12 way over. That's not consistent with what he originally
13 said in his statement to law enforcement, at least
14 certainly not the first story. He's now testifying that
15 he sees people who have come all the way over and they're
16 standing near Lot 6 and he sees fire in the air. There
17 are no casings from CSI found at that location, Your
18 Honor. Absolutely none. The testimony is that everybody
19 stayed in their respective lots. Lot 7 persons were
20 firing from Lot 7. We have at least three. Lot 16
21 persons were firing from that yard area between 16 and
22 15. We know multiple rounds fired there from a nine
23 millimeter.

24 The next shooter that we believe is firing is one
25 round from a 380 between 15 and 16 and then someone is

1 around that area near Lot 15 that Nokia Tolen indicated
2 he saw that vehicle with Var Pugh, the same vehicle we
3 believe De Alewine to have been in, we have 40 caliber
4 shots from that location, but all of those casings are
5 within the yard doubt areas of each respective lots.
6 There's no indication anyone is in the roadway or has
7 crossed over.

8 So, again, Your Honor, a major inconsistency in
9 the defendant's statement, but as the defendant stated
10 someone is firing and he sees fire in the air. He can't
11 tell us who, he can't tell us that he's been attacked,
12 he can't tell us even who they're firing at, only that
13 he already has that gun out and is firing; not once, not
14 twice, but at least fifteen times. I submit more.

15 Now most significantly, Your Honor, is DeCarlos
16 Chatman, who they know as Hugo. Hugo was at Lot 7.
17 Hugo is an acquaintance of the defendant and everyone
18 else at Lot 7. The testimony is that it's Hugo who
19 fires the initial shots. Those shots are fired, Your
20 Honor, pursuant to this mutual combat to set this off.
21 He's firing into the air. It's well known that people
22 across the way are armed, it's known to people at Lot 7
23 are armed, and he certainly is aware that other people
24 have shown up with DJ.

25 He says he didn't see Kay Norris walk across the

1 way with that gun in his hand, but Kelly Conyers did.
2 Tameakeo Carnard testified that somebody tried to come
3 from 16 across the way with a gun in hand, so we know
4 that on both sides guns are alleged to have been
5 presented prior to any shots going off.

6 Hugo fires those first rounds into the air and
7 that's to set it off and from there it's on. This is
8 as many people who have guns firing those guns until,
9 as the defendant put it, his magazine was dry. That,
10 Your Honor, is the very definition of mutual combat under
11 State v. Young.

12 In addition, I want to take a look at State v.
13 Young, Your Honor, because the language that the Court
14 used, that being a 2020 Supreme Court case, it's as if
15 they pre-envisioned this exact scenario. The Court
16 talks about a reckless shootout that occurs in a
17 residential setting and that that action amounts to a
18 depraved indifference to human life and precludes the
19 application of self-defense. The Court states we hold
20 mutual combat can properly serve as the basis for a
21 murder charge for the death of a noncombatant under
22 the hand of one is the hand of all under the theory of
23 accomplice liability. When two or more individuals
24 engage in combat via a reckless shootout, they
25 collectively trigger an escalating chain reaction that

1 creates a high risk to any human life falling within the
2 field of fire. In that type of gunfight, all individuals
3 are willing to use lethal force and display a depraved
4 inference to human life. More importantly, an innocent
5 bystander such as Minor , would not be shot but for
6 the willingness of all combatants to turn an otherwise
7 peaceful environment, often a residential setting into a
8 battlefield. In a real sense, each combatant aids and
9 encourages all of the other combatants, whether friend
10 or foe, to create illegal crossfire.

11 That is the exact scenario that we have here, Your
12 Honor. He has that gun originally in the trunk, he moves
13 it inside the car and then by the time these shots ring
14 out, he's got it in his hand already. He knows it's
15 coming.

16 There may be no witness that heard him expressly
17 state what his intent was, but it is inferred from his
18 conduct and from the circumstances of this offense.

19 THE COURT: Well, wasn't there like fourteen phone
20 calls to his phone?

21 MS. MAYES: There were, Your Honor. Of those we
22 know that DJ was attempting contact with him multiple,
23 multiple times. We can show that at least one of those
24 was answered and he testified that at least one of those
25 was answered.

1 THE COURT: And all of those were prior to the
2 shooting and prior to -- let me make sure I get all the
3 parties right because it gets kind of confusing -- that
4 DJ, the man who just testified and the person that they
5 picked up before they got to the trailer park?

6 MS. MAYES: Yes, Your Honor. So those messages
7 are specifically -- those phone calls are made from his
8 cousin Donald Jackson directly to him. We know that at
9 least one call is answered at 9:09 PM, which is gonna be
10 roughly an hour and a half before this, but it's after
11 the confrontation at the store in Monetta --

12 THE COURT: Right.

13 MS. MAYES: -- and it was while they are at the
14 house, DJ's house.

15 THE COURT: It's the time period in between that
16 they called Hugo, pick up somebody else --

17 MS. MAYES: Yes.

18 THE COURT: -- and get to the trailer park.

19 MS. MAYES: That's correct, Your Honor.

20 And the testimony of Nokia Tolen is that during
21 that time at DJ's house De Alewine shows up there,
22 they continue to have this beef and there's conversation
23 about meeting at Rocky Lane. Rocky Lane being the
24 trailer park. We know that Var Pugh takes De Alewine
25 there and we know that Nokia Tolen takes DJ, Donald

1 Jackson, there, but along with Kay Norris, who's armed,
2 and we know that it's prior to them arriving that this
3 phone call takes place between Quayshaun Clark and
4 Donald Jackson.

5 We also know that that phone call is deleted from
6 his actual phone. There's no record of that call taking
7 place in his phone. His explanation was that he deleted
8 calls because he was getting a new phone, ironically,
9 the day after this occurred and while his phone is being
10 traced by the U.S. Marshal Service because he's wanted in
11 connection with this crime.

12 So in addition to his call logs being deleted,
13 there's also a text message from Donald Jackson that we
14 know exists because it's in his phone records from AT&T
15 already in evidence, but he states he does not know what
16 happened to that text. It's unrecovered in the phone
17 extraction. So that -- those communication take place
18 prior to his arrival there.

19 At some point he and DJ are together because, as
20 Nokia Tolen puts it, DJ comes out, he's leading the way
21 and the defendant is already armed, and this seems
22 simultaneous with Hugo firing the shots in the air to
23 set it off.

24 So, Your Honor, we certainly believe that there is
25 the willingness to engage by all parties. We believe

1 that each party has the knowledge and is aware that
2 other parties are armed as set forth in Young.

3 And then finally, Your Honor, there is certainly no
4 withdrawal by the defendant. That's the third aspect of
5 mutual combat, has there been a withdrawal prior to the
6 lethal force. Here he never withdrew. He says he only
7 stopped firing because his magazine ran dry and we know
8 Minor was killed by a bullet from that gun prior
9 to his magazine running dry.

10 We also consider Your Honor his credibility under
11 State versus Pickerel. State versus Pickrell is one
12 of the most recent cases on Castle Doctrine. It was
13 submitted to you. That is going to be 435 S.C. 417, a
14 2021 case, and that case deals specifically, Your Honor,
15 with inconsistencies in self-serving statements by a
16 defendant in an immunity hearing.

17 THE COURT: I read it.

18 MS. MAYES: And that's exactly what we have here,
19 Your Honor. He goes through four different stories. He
20 tells law enforcement first he never fired the gun and
21 doesn't know who was shooting. We know he flees the
22 scene. We know he leaves his car at his Uncle Marvin's
23 house. We know he gets rid of the FN nine millimeter
24 and it ends up with his cousin Wanda Lites. We know
25 that his AK-47 disappears completely from his car and

1 has never been recovered. We know that he doesn't go
2 to his own home at [REDACTED] Academy Street and ends up twenty
3 miles away in Gilbert staying with his cousin Nashua
4 Smith, who was also at the crime scene.

5 So we first know that his statement to law
6 enforcement is I don't know who was shooting and I
7 didn't shoot and then it changes to I only fired the
8 FN nine millimeter. He certainly has knowledge that
9 that gun was used in the commission of this offense,
10 although during his testimony, again, I note to be
11 self-serving, he states he has no idea who used his FN
12 and how it ended up back in his car.

13 Your Honor, next he changes his statement at the
14 end of that night on June 11th to say he fired a
15 7.62 by 39 caliber gun, but it was not his. It's a gun
16 that just happened to have been at the crime scene he
17 found propped up on an object, felt the immediate need
18 to use it, so saw it sitting there, he used it and then
19 he left it there and fled the scene.

20 By the time he testified today, he's now
21 acknowledging that it was his gun and I submit the
22 reason we had that whole series of events, obviously
23 he is evading his -- his responsibility in this, but he
24 didn't want to admit that it was his gun because then
25 he'd have to admit he knew this was coming and had his

1 gun out and was already prepped and prepared to use it,
2 and that's exactly what happened, Your Honor.

3 He went from having that gun in his trunk, to with
4 him inside the car, to then having it out and ready to,
5 go as Nokia Tolen puts it, as shots rang out. They all
6 know it's coming. That's why they went there. That's
7 why DJ went there. That's why Kay Norris came there
8 armed. That's why Kay Norris goes across the way to
9 confront somebody near Lot 16 with a weapon. That's
10 why people at Lot 16 are standing out there hands in
11 waistband yelling back. Everybody knows this is coming
12 and that's why Hugo fires those first shots into the air
13 to set this off.

14 Your Honor, the significance of mutual combat is
15 that it precludes self-defense and certainly in that
16 scenario the defense has not met the burden of proof by
17 a preponderance of the evidence as to self defense,
18 but even, Your Honor, looking at it in the light most
19 favorable to the defendant, even without mutual combat
20 there is evidence of bringing on the difficulty. He's
21 moved that gun from his trunk to his car and now has it
22 out and ready to go. He is certainly associating with
23 every other individual there who is involved in this.
24 He has knowledge that this is occurring and he is armed
25 and ready to go and just by the displaying of that weapon

1 and participating in this environment he is bringing on
2 the difficulty.

3 Your Honor, if the testimony was that he was inside
4 the house, although he has no duty to retreat under the
5 immunity act, if he's inside the house but comes out,
6 that's the opposite of retreating. He is bringing on
7 the difficulty by coming into the fray as his cousin DJ
8 is leading the way and is agitated and hostile and is
9 there for the purpose of settling this beef with
10 De Alewine. I think it would be common knowledge to
11 anyone in this scenario that no one's gonna show up to
12 a gunfight without a gun.

13 Your Honor, as I stated, even in the light most
14 favorable to the defense they have not met their burden
15 of proof by a preponderance of the evidence as to
16 self-defense. The State's position is that the immunity
17 act does not apply in this case. He did bring on the
18 difficulty, he did participate in this, but pursuant to
19 State versus Young he is a mutual combatant.

20 THE COURT: I'm glad to hear anything else,
21 Ms. Williams.

22 MS. WILLIAMS: Thank you, Your Honor.

23 Just going off what the solicitor just stated, I
24 don't believe anyone testified that he came outside of
25 the house after gunshots were fired. I believe there

1 was one witness who testified that he came out of the
2 house, but that the gunshots began after he was outside
3 of the house, so I'm not sure where that came from, but
4 I don't believe there was testimony to that effect.

5 Your Honor, I noticed there were three main themes
6 going on in the solicitor's argument and I'd like to
7 address them in turn. First is credibility. Your Honor,
8 it puts the credibility of my client into question and
9 I would -- I would state that while he certainly has
10 lied to the police before, he admitted that on the stand
11 today, he admitted that he had made multiple statements
12 and that none of them were correct, and I believe if
13 Your Honor listened to the rest of his testimony he was
14 very clear on what happened and why he did it. I believe
15 that my client came off as completely credible as to the
16 fact that, yeah, he did leave the car there, yeah, he
17 did go to this other place. I don't -- I believed every
18 word he said and I believe he came across as credible in
19 his story as to his actions afterwards and his actions
20 before. He was at a party, he came, he was frustrated
21 that his speakers weren't working, he heard gunshots,
22 he shot back, he got in his car. Yeah, they went to --
23 he heard his name was mixed up in it. He didn't want
24 to be involved in it. He was scared. I think those
25 are normal -- maybe not commendable behaviors, but

1 normal behaviors when you've been involved in a shootout
2 and I don't think anyone's denying that Mr. Clark was
3 involved in a shootout.

4 Looking at credibility, I believe the State rests
5 most of their counterpoints regarding the location of my
6 client when all this was taking place on one individual
7 by the name of Nokia Tolen. Nokia Tolen who picked up
8 DJ and took him to Monetta to a gas station. Nokia Tolen
9 who saw this altercation take place and took DJ to DJ's
10 house and then saw that these other people were coming
11 with him and there was an exchange there. Nokia Tolen,
12 who had such a fear that some -- something would happen
13 that he called Hugo to come out and try and settle this
14 down because he knows both parties and knows that Hugo
15 is friends with the other side. Nokia Tolen who stops
16 and warns his little cousin that something's gonna be
17 happen -- is gonna happen that day and warns him off and
18 wanted him to leave. Nokia Tolen who stated that he saw
19 -- he did state that he saw our client exit the house
20 after DJ, but then Nokia Tolen takes a gun from someone
21 who's there that he saw shooting and he didn't -- why
22 would you take a gun from someone you saw shooting if
23 you didn't have anything involved with what was going on
24 there? He takes that gun. He then takes it to someone
25 else, leaves it in their car, his friend says he didn't

1 touch it, puts it in a bag outside where he gets it. I
2 don't even know if that's the same gun that Nokia Tolen
3 took from the scene.

4 So if we're looking at credibility, I don't think
5 that Nokia Tolen is perhaps the most credible witness
6 whatever his intentions might have been. He admits that
7 he was drinking that day, Your Honor, and I'll leave it
8 at that, so credibility.

9 State v. Young. Your Honor, the State rests a
10 lot of their argument on State v. Young being the
11 quintessential case that would -- that represents mutual
12 combat in a similar situation. Your Honor, I, too
13 , read State v. Young, and in State v. Young there are
14 three individuals. There are two on one side of this
15 altercation and one on the other and they have a shootout
16 that starts in one area, then goes to another and then
17 goes to another and then goes to another over the course
18 of an hour. At one point in their shootout, they're in
19 a residential area, so -- the Court, I believe, calls it
20 a cat and mouse game.

21 THE COURT: Uh-huh.

22 MS. WILLIAMS: So clearly they have a prior dispute
23 going on here. And one of the individuals is shooting
24 at the other two and a little girl's hit and killed.
25 And, Your Honor, the State mentioned the hand of one is

1 hand of all theory. In that case, they were using mutual
2 combat to convict the person -- to convict the other side
3 of the conflict who did not kill the little girl.

4 THE COURT: That's right. I read it.

5 MS. WILLIAMS: So in that case, Your Honor, if we're
6 gonna rely on State v. Young, I want to know where all
7 the other indictments are for everyone else who was
8 shooting because that would be analogous. Everyone else
9 who was shooting, they could all be indicted for mutual
10 combat under State v. Young, Your Honor. There was lot
11 of testimony about agreements between a whole lot of
12 people who aren't here, but there was no testimony --
13 no testimony about an agreement between my client and
14 anyone else. There is one phone call -- well, there
15 are fourteen phone calls to him and there is one phone
16 call back, so we know that he had contact with Donald
17 Jackson once. The testimony we have regarding their
18 relationship, there was beef. Everybody had beef with
19 Donald Jackson. He's -- no one wanted -- both sides
20 didn't want to characterize him as agitated. Neither
21 Quayshaun nor Mr. Tolen wanted to use the word "agitated"
22 to describe him, but both kind of went around it. Both
23 the solicitor and myself attempted to get testimony to
24 describe him as agitated, but no one was able to do that.

25 And I -- so there was a conversation that took

1 place. My client, he stated he wasn't paying attention.
2 Tameakeo stated there was beef, there was something going
3 on, he wasn't in the family. Your Honor, there's been
4 no testimony to the contrary, there has been nothing,
5 and it's more likely than not. This is not beyond all
6 reasonable doubt, it is more likely than not, and there
7 has been nothing that they have said that shows that
8 there was any kind of willingness for him to jump in
9 or go along with whatever Donald Jackson's plan was
10 regardless.

11 So State v. Young means something. I'm not sure
12 it means that any shooting in a residential area is
13 entitled to a mutual combat determination.

14 The third and final point, Your Honor. I lied. I
15 have a mini point. I apologize.

16 THE COURT: No, you're fine.

17 MS. WILLIAMS: There is a mini point along the lines
18 of case law. There is a case called State v. Bowers, and
19 I have copies for Your Honor and for opposing counsel.

20 If I may approach. I don't believe it was given
21 to you by opposing counsel.

22 THE COURT: No, I think I did my own research on
23 it, but go ahead.

24 MS. WILLIAMS: And I will be candid with the Court.
25 It was a Court of Appeals case --

1 THE COURT: Yes.

2 MS. WILLIAMS: -- and cert was granted on it in
3 May -- it was granted May 22, 2020, and in this case --
4 if we're gonna be drawing similarities, in this case
5 there was a mutual combat scenario in which a flare gun
6 initiated the entire scenario, which I think is a little
7 bit more analogous, and in that case they found that a
8 mutual combat determination was not valid and, again,
9 it is -- in all candidness, we don't know what the final
10 outcome will be, but we know that current valid case law
11 is what the Court of Appeals states, and in that case
12 they stated that to maintain that an argument that did
13 not involve appellant manifested his assent to engage in
14 mutual combat with the person who died is illogical.

15 It's illogical, Your Honor. No one has said that
16 he was part of any sort of agreement. He was there, he
17 shot back because he was being shot at. There has been
18 nothing presented that shows otherwise. Your Honor,
19 there was -- and I'll leave it to Your Honor to read the
20 case. I'm not going to go through it step by step.

21 THE COURT: No, I've read this case and it laid out
22 the history of mutual combat pretty good.

23 MS. WILLIAMS: It did. It was very good, Your Honor.

24 THE COURT: Yeah, it did.

25 MS. WILLIAMS: So final point. This time I am

1 telling the truth. Mutual combat, what are the elements?
2 Mutual intent and willingness to fight, which can be
3 manifested by the acts and conduct of the parties and the
4 circumstances attending and leading up to the combat.
5 I think that's arguable if I'm being candid with the
6 Court regarding mutual intent. I think that's probably
7 arguable in any self-defense case because you have two
8 people shooting at each other, but you have to meet all
9 of the elements of mutual intent.

10 Fight must arise out of a preexisting dispute.
11 Your Honor, I know the State's position. Your Honor,
12 we -- there is no evidence that my client even knew
13 what the content of that dispute was, that he was not
14 a participant. There are a lot of names thrown around
15 today and a lot of people who did know about the dispute,
16 but my client, who is on trial today, is not one of
17 them.

18 Your Honor, the combatants must be armed with a
19 deadly weapon. Well, there were guns on both sides. I
20 think that one is fairly met.

21 Your Honor, I'm gonna skip over the fourth point
22 because I want to end on that one, but the fifth point
23 is that the agreement to fight is entered into prior to
24 the beginning of combat. That flows along with the lines
25 that the fight must arise out of a preexisting dispute.

1 We continue to maintain that there was no agreement to
2 fight prior to the shooting initiating.

3 The point I want to end on, and this was added
4 into case law on mutual combat by State v. Taylor, which
5 severely abrogated the application of mutual combat, and
6 State v. Taylor is 356 S.C. 227. I have a copy of that,
7 Your Honor.

8 THE COURT: I got it.

9 MS. WILLIAMS: Thank you.

10 THE COURT: I did my homework on mutual combat.

11 MS. WILLIAMS: Each party must know that the other
12 is armed with a deadly weapon. Your Honor, I don't
13 know how anyone can testify to what the other parties
14 knew when we don't even know who they were, the people
15 who were shooting on the other side. We've had some
16 speculation as to people who were over there, but,
17 number one, we don't have their identities. Number two,
18 we certainly don't have their state of mind or what their
19 knowledge was with regard to what my client had on him.
20 Each party much know. They had -- they might have known
21 that Kay Norris had a gun on him, they might have known
22 -- I don't know if DJ had a gun or not, I can't remember
23 if anyone testified, but there has been no one who has
24 testified as to whether or not my client -- whether the
25 other side, the other party, knew that my client had guns.

1 Nothing was testified to that effect, Your Honor. Each
2 party must know. That was added in by State v. Taylor
3 and, Your Honor, doesn't apply here.

4 Your Honor, my client maybe didn't behave the most
5 honorably after the fact. He was scared. He didn't know
6 what to do. He just shot his gun and as he testified up
7 there nothing like this had ever happened before, but what
8 we're looking at is the moment when he starts shooting.
9 The moment when he starts shooting if it was justifiable
10 under the statute, he should be granted immunity from
11 prosecution, and at the moment he started shooting he was
12 afraid, he didn't know why they were shooting at him.

13 Your Honor, I will sit down now, but I believe we
14 have met our burden.

15 THE COURT: Well, let me ask you because when I read
16 State v. Taylor. I did a little highlight on it about
17 the flashing of guns isn't enough for mutual combat.

18 MS. WILLIAMS: Your Honor, I -- I will be honest,
19 I don't recall specifically. I'm looking for the specific
20 area.

21 THE COURT: It is only logical that the evidence of
22 the agreement to fight be plain. To maintain that an
23 argument did not involve the appellant manifested his
24 assent to engage in mutual combat is illogical.

25 I'm just curious. I just made a little highlight

1 of it.

2 MS. WILLIAMS: Your Honor, I do have highlighted
3 on my State v. Taylor that there's no indication that
4 one individual knew that the petitioner was armed with
5 the knife. It was a knife fight case.

6 THE COURT: Right. I think it was a woman. She
7 stabbed him or something. I remember the facts.

8 MS. WILLIAMS: It seems like the edge was a domestic
9 dispute-type deal.

10 THE COURT: Yes.

11 MS. WILLIAMS: And that in this case they found
12 that mutual combat did not apply because there was no
13 indication that the individual who was killed knew that
14 the person who killed him was armed with a knife and
15 that there was no indication that there was preexisting
16 ill will between the parties. Again, not between parties
17 who were over on the lot, but between my client, and that
18 they found that there was mutual willingness -- that that
19 was insufficient evidence of mutual willingness to fight
20 in that scenario.

21 Your Honor, there were -- there were a lot of people
22 willing to fight that day. I submit that my client wasn't
23 one of them.

24 THE COURT: All right, Ms. Mayes.

25 MS. MAYES: All right, Your Honor.

1 In essence, these actions of Quayshaun Clark are not
2 justifiable under the statute. That's the big picture
3 that we're looking at right now. Take mutual combat,
4 take the fact that he fires into the mobile home, take
5 all of that out of the equation, and let's just look at
6 this from the statute itself. Was he attacked? There's
7 no evidence that he was attacked other than his own
8 self-serving statements creates a jury issue for the
9 Court to consider.

10 The other factor for the Court to consider is
11 whether or not he was able to establish self-defense on
12 his own by a preponderance of the evidence, and we
13 submit that he has not. But the reason he's not
14 attacked, he testified that he sees the other person
15 armed and he sees shots -- he sees the flash of shots.
16 That he's saying he knows that he's armed -- they're
17 armed.

18 The testimony of Nokia Tolen, who is just feet away
19 from Quayshaun Clark, is that Quayshaun Clark comes out
20 already armed. Already armed.

21 THE COURT: Before the shooting started.

22 MS. MAYES: Before the shooting, bringing on the
23 difficulty, and who was in front of him leading the way?
24 His cousin DJ, who is the other half of this original
25 beef.

1 So when we talk about mutual combat, Your Honor,
2 the State is not required to prove a formal agreement,
3 it's the circumstances, it's the conduct, which can be
4 inferred, and it's the actions. He's already armed,
5 he's already prepared because he knows what's gonna
6 happen and he's willing to engage, but aside from all
7 that we certainly take the position, Your Honor, that
8 State v. Young not only applies, but that it's essentially
9 tailor-made for this exact scenario for a child who's
10 killed inside of a home because of a reckless shootout
11 involving at least six different firearms. At least.
12 People who have been going back and forth all night long,
13 people who had a beef that moved from one place around
14 8:00 or earlier at a store, moved to another place at
15 the home of Donald Jackson and then now is gonna move
16 to a third place, being Rocky Lane where that's the
17 agreement that they're gonna meet and finish this, and
18 it's already known or believed that De Alewine has a
19 weapon and we know that Kay Norris gets there with a
20 weapon. We know from witness testimony Kay Norris
21 displays that weapon and confronts someone and then by
22 defendant's testimony he claims he sees somebody else
23 coming across with a firearm, but it doesn't gel, Your
24 Honor, with the eyewitness testimony of Nokia Tolen that
25 he's already got that gun out, he's already ready, he

1 knows what's coming and he's willing to engage.

2 Your Honor, under the very basic assessment of
3 whether or not immunity applies, it does not. He was
4 not attacked. The first shots fired are by Hugo, who's
5 in his own lot. He fires that weapon without being
6 attacked and the statute does not apply.

7 The State maintains he fires that weapon with
8 depraved indifference to human life and continues to
9 fire it in the direction of that mobile home where he
10 knows he's firing, but we're not even required to prove
11 any of that at this point, merely that they have not
12 met the burden of proof. He was not attacked and he
13 certainly by having that weapon out and ready to go
14 brought on the difficulty.

15 THE COURT: Anything else?

16 MS. WILLIAMS: Your Honor, I would just offer that
17 there was the Ring bell with the gunshots in regards to
18 whether or not he was attacked. Even if we're looking
19 at it in the light that the State would say that the
20 louder gunshots were his and that Hugo shot a couple of
21 times into the air, there were additional gunshots heard,
22 I believe, Your Honor, in between the initial gunshots
23 and the loud gunshots, so I'm not sure who's shooting
24 or how those shells got on the other side. I would put
25 forth to the Court that those are indications that my

1 client was being attacked.

2 THE COURT: Well, Hugo's the one everybody --
3 there was testimony Hugo shot first and Hugo is on the
4 defendant's side.

5 MS. MAYES: He is, Your Honor, and that nine
6 millimeter that has already got to be out of his car --

7 THE COURT: Somehow got out of the glove
8 compartment.

9 MS. MAYES: And is already out because we know
10 that --

11 THE COURT: And somebody shot it. We just don't
12 know who.

13 MS. MAYES: And that -- that gun is fired at least
14 three times, Your Honor, and we know that he -- he
15 claims to have no knowledge of how that gun got out, but
16 there's certainly evidence that can be inferred from the
17 circumstances that it was already out because, again,
18 they know this is gonna happen and there is an agreement.
19 We don't have to establish a formal agreement. The
20 circumstances and conduct can arise --

21 THE COURT: Arise from the conduct of the parties.
22 Okay. Anything else before I say we are adjourned?
23 Go ahead.

24 MS. WILLIAMS: Okay. Thank you, Your Honor.
25 Just briefly, yes, the gun was out in his vehicle.

1 He doesn't know who shot it. No one knows who shot it,
2 but there was an individual who's involved in all of
3 this, Your Honor, whose version that involved my client
4 having his gun out on the porch, who found a gun that he
5 took from someone, Your Honor. It's a credibility issue.

6 I'll sit down now.

7 MS. MAYES: Just like Pickrell and just like
8 Marshall and just like Andrews, all in which the request
9 for immunity was denied.

10 THE COURT: Got you.

11 Okay. I will rule in the morning. Let's have the
12 lawyers here at 9:00, the jury's coming at 9:30, and
13 we'll start this case.

14 And I see that there's been more people added to
15 the gallery, so let me -- I'm glad to have you, but let
16 me tell you no cell phones are allowed in this courtroom,
17 so make sure you-all leave them in the car tomorrow.
18 Save you a trip back.

19 All right. With that said, I'll see you in the
20 morning. Court's adjourned.

21 MR. WILLIAMS: All right.

22 MS. MAYES: Thank you, Your Honor.

23 (Whereupon, the proceedings were concluded for
24 June 28, 2022, at 5:47 PM.)

25 (The following proceedings were held June 29,

1 (Recess taken at 9:28 AM.)

2 (Back on the record at 9:43 AM.)

3 BAILIFF: All rise. Court is now in session.

4 THE COURT: All right. Please be seated.

5 Did I give you-all time enough to do the exhibits?

6 MS. WILLIAMS: Yes, Your Honor. We reviewed the
7 exhibits that had previously been admitted as Court
8 exhibits. I believe that the only one that we are
9 stipulating to, Your Honor, is what was known as
10 Court's Exhibit 12, which is the aerial photo of the
11 lots.

12 I can tell Your Honor that we agreed that we would
13 just need to go through each of the exhibits.

14 THE COURT: As they come up?

15 MS. WILLIAMS: Yes, Your Honor.

16 THE COURT: Okay.

17 All right. Stacy, are you ready?

18 THE COURT REPORTER: Yes.

19 THE COURT: All right. I told you I would rule on
20 the defense's motion for immunity under the Protection
21 of Persons and Property Act, otherwise known as the
22 Castle Doctrine.

23 In my ruling, I will let both parties know that
24 the standard is by a preponderance of the evidence and
25 I also must consider the elements of self-defense in

1 determining whether the defendant is entitled to the
2 Act's immunity; the self-defense elements being bringing
3 upon the difficulty, whether the defendant actually
4 believed he was in imminent danger, and whether it was
5 a reasonable belief of imminent danger.

6 He was -- he claims he was where he was supposed
7 to be. It's my understanding from the evidence he was
8 an invited guest, I believe that's undisputed, so there
9 is no duty to retreat.

10 However, bringing upon the difficulty, I've heard
11 testimony from both sides. The testimony, and I'm
12 summarizing it, is that the defendant had three guns in
13 his car. I think that's undisputed also. I listened to
14 the defendant say that gunfire just erupted and he ran
15 around the trailer and he only fired back when he saw
16 someone cross the street.

17 However, there's also testimony that -- and through
18 a diagram that I looked at, there were no bullet casings
19 to prove that anybody crossed the street whatsoever. In
20 fact, in contradiction to him saying that he only
21 pulled out the gun when he saw someone coming, the
22 State produced photographs of him carrying an AK-47.

23 I will also note that the defendant, I believe,
24 has given three different statements and probably
25 testified a little bit different to his statements

1 when he testified here in this hearing.

2 There's also testimony that he went inside with a
3 fellow named Hugo. I don't know what his real name is,
4 but I made my note as Hugo, and they both came out with
5 weapons in their hands. And there's testimony from a
6 -- is it Mr. Tolen? Who said that Hugo's the one that
7 fired the first shot and then here comes the defendant
8 right behind him with the AK.

9 So the Court does not believe that the defense has
10 met their burden by a preponderance of the evidence that
11 he did not bring on the difficulty and -- and further
12 there's testimony that was presented that there was an
13 argument beforehand, there were phone calls that were
14 at least to the defendant's phone, I believe fourteen
15 of them, that this was planned with the people across
16 the street to me.

17 Whether he believed he was in imminent danger,
18 I don't believe either that's been proved by a
19 preponderance of the evidence if I take into
20 consideration both testimony, and I know the defendant
21 refutes it, but he came out, they fired the first shot
22 on that side of the road. I don't want to call them a
23 gang, but I believe from Lot 7 is where the first shot
24 was fired and the defendant was right behind him with a
25 gun.

1 The reasonable belief of imminent danger, I think
2 the same set of facts, I don't believe that was proved
3 by a preponderance of the evidence.

4 Let me just check my notes because I have several
5 things.

6 And while I know that there was testimony from the
7 defense and also from another witness, who is the
8 girlfriend -- the defendant's girlfriend, I found her
9 testimony not to be credible, as well as his, and I
10 think it's well established under South Carolina law
11 that credibility determinations are entitled to a great
12 deference to the Court, and I'm citing State v. Johnson.

13 So I've considered Subsection 16-11-440(C), I've
14 addressed all the elements of self-defense. I find that
15 he more likely than not contributed to bringing upon the
16 difficulty by having the three guns with him, by coming
17 to the residence armed shortly before the shooting began.

18 Also there is a -- there was a photo presented and
19 testimony that he was in the trailer with another, I
20 guess, invited guest and then came out shortly, that
21 other guest fired the first shot and the defendant was
22 right behind him with his gun, and the picture showed
23 that.

24 I find that there's more likely than not that there
25 was no actual imminent danger when looking at the crime

1 scene photographs, taking into account the defendant's
2 testimony. There were no bullet casings found where he
3 stated where the assailant -- he said the assailant was
4 firing at him. In fact, all the bullet casings were
5 found on each side of the road, none of them were in
6 the road. It looks like the other side never left their
7 property and Lot 7 never left their property.

8 There was also fourteen phone calls, one was
9 answered, and all of these parties were involved in that
10 altercation.

11 And, again, under State v. Johnson there's no
12 requirement that I believe the defendant's versions of
13 the events and that I can take credibility into my
14 determination.

15 So considering the totality of the circumstances,
16 the Court finds that he was not acting in accordance
17 with the Castle Doctrine and the case will proceed to
18 trial.

19 Any objections from the State?

20 MS. MAYES: Your Honor, may we approach?

21 THE COURT: Sure.

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

23 THE COURT: All right. Let me go back on the
24 record.

25 The lawyers were letting me know -- there's so

1 many parties involved I think I got their names wrong,
2 so I'm gonna ask the attorneys if I mess it up again to
3 please let me know.

4 First, the photo that I was talking about him
5 coming out of the house, that was testimony. It was
6 not a photo. There was testimony from Mr. Tolen that
7 the defendant went into the house along with DJ, who
8 is -- let me make sure I get this right, DeCarlos
9 Chatman --

10 MS. PATTERSON: No.

11 THE COURT: -- and when they come out they are both
12 armed.

13 I got it wrong?

14 MS. MAYES: Yes.

15 MS. PATTERSON: Hugo is DeCarlos Chatman. DJ is --

16 MS. MAYES: Donald Jackson.

17 MS. PATTERSON: -- Donald Jackson.

18 THE COURT: Okay. Donald Jackson and the defendant
19 went into the house.

20 Mr. Tolen, his testimony was that he saw them go
21 into the house and they come back out and both of them
22 are armed and shortly thereafter DJ fires a shot and
23 then the defendant starts shooting.

24 There's also a photo of the three guns -- or two
25 guns in the trunk of the defendant's car and there was

1 testimony that the nine millimeter that was also used
2 in the shooting was originally in the glove compartment
3 and somehow was involved in this shooting.

4 Are there any other names that I need to correct?

5 MS. MAYES: I think --

6 THE COURT: And that Hugo was the one that fired
7 first.

8 MS. MAYES: Yes, Your Honor. Hugo --

9 THE COURT: And Hugo is DeCarlos Chatman.

10 MS. MAYES: Yes, Your Honor. Hugo, DeCarlos
11 Chatman, according to the testimony of Kelly Conyers,
12 fires the first shot from Lot 7 and then coming from
13 the house, as Nokia Tolen testified, was DJ, which is
14 Donald Jackson. He did not see or hear --

15 MR. WILLIAMS: Can we approach, Your Honor?

16 MS. MAYES: I'm just gonna finish putting this on
17 the record.

18 MR. WILLIAMS: Okay.

19 MS. MAYES: His testimony was that he did not see
20 a weapon on DJ, he could not confirm whether or not DJ
21 was armed, but he saw that the defendant already had his
22 AK-P7 out and as they come out with DJ leading the way
23 shots erupts.

24 THE COURT: From Hugo?

25 MS. MAYES: Yes, Your Honor.

1 THE COURT: So DeCarlos Chatman. That's what I
2 remember the testimony to be.

3 THE COURT: All right. If you-all want to approach,
4 that's fine.

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

6 THE COURT: All right. I believe the defense
7 wants to place an objection on the record and I'm gonna
8 let them.

9 Go ahead.

10 MR. WILLIAMS: Your Honor, we understand the
11 Court's rulings and we understand that the Court is
12 -- now is eliciting facts to base those rulings on and,
13 of course, the Court makes the determination in regards
14 to what -- why the Court rules the way it does and what
15 the facts is, at least, whatever way it believes.

16 What we except to, Your Honor, is the solicitor
17 attempting to change the factual scenario that the Court
18 is ruling on. We don't -- because that's -- we think
19 that, in effect, is assisting some particular way in --
20 in the presentation of the order, Your Honor.

21 THE COURT: Okay. Thank you.

22 Ms. Mayes.

23 MS. MAYES: Yes, Your Honor.

24 THE COURT: And as the Court stated, there is,
25 I believe, at least three, six, seven, maybe eight

1 people involved, not to mention a huge crowd that's
2 gathered at Lot 7, and that the names -- I think I got
3 two of the names wrong about who went into the trailer,
4 so I did ask the State to give me those names so I could
5 be correct for the record, but I'll be glad to hear
6 from you on that.

7 MS. MAYES: Yes, Your Honor.

8 The State's commentary is solely to clear up any
9 -- anything on the record regarding the identities of
10 the parties. We had lengthy testimony yesterday,
11 numerous names were called, and everyone involved in
12 this case also has an alias or a shorten name.

13 THE COURT: That's right.

14 MS. MAYES: And so we -- we simply wanted the
15 record to accurately reflect the testimony from Nokia
16 Tolen and Kelly Conyers, and I believe that has been
17 accomplished.

18 THE COURT: All right. I know that they do have
19 aliases. I listened to the testimony myself. I guess
20 I was getting Hugo and DJ, who is the one who -- Donald
21 Jackson, who is the one who went into the house, and
22 Hugo was the first to fire.

23 It doesn't change my ruling at all because the
24 basis of my ruling is that all of these were on Lot 7.
25 It started at Lot 7 and that's where the defendant was

1 located. And, again, there's testimony that Donald
2 Jackson went in and I believe his testimony -- correct
3 me if I'm wrong on the witness, the witness, but it was
4 Mr. Tolen who testified that DJ and the defendant went
5 into the trailer, they came out, both were armed, the
6 defendant specifically with the AK. Moments later shots
7 were fired by Hugo and Hugo is -- and this is what I
8 needed help with -- Deterious Chatman, who fired the
9 first shot, and then there's testimony that the next
10 thing Mr. Tolen knew is that other shots were being
11 fired, and I find that he willfully joined the battle.

12 So based on that, based on the preponderance of the
13 evidence, I find that he is not entitled to protection
14 or immunity under the PPP Act.

15 Now let me ask, is there any objection to my ruling
16 from the State?

17 MS. MAYES: None from the State, Your Honor.

18 THE COURT: Anything from the defense?

19 MR. WILLIAMS: Your Honor, obviously we're much
20 more satisfied with that deal, but we would ask the
21 record to note that if this is the conclusion of the
22 Court's ruling on that particular standard, that we
23 would object to the Court's ruling on that as -- as
24 he's not entitled to the stand your ground protection,
25 as well as renewing any other motions that we had

1 previously made so that they're preserved for the record
2 so that no one will note that we for any reason waived
3 any exception that we've made in the past.

4 THE COURT: Right. And I'm gonna tell you, all of
5 your objections are noted for the record. They are
6 preserved for appeal for appellate purposes. So noted.

7 All right. Where are they?

8 COURT DEPUTY: They're standing right there.

9 THE COURT: Okay. Let me take up a matter with the
10 media right quick. If I could have them come in.

11 DEPUTY: Bring them in.

12 THE COURT: And can I have the lawyers, please?

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

14 THE COURT: All right. Now let me go on the record
15 about -- oh, I need to wait for the defendant.

16 I'm sorry. I didn't know he was out.

17 DEPUTY: During the pause we figured we'd take care
18 of this before the jury was brought in.

19 (Whereupon, the defendant returns to the courtroom.)

20 THE COURT: All right. Let me go on the record
21 about the jurors. When I arrived this morning, there
22 was a note from one of the jurors, and I will note that
23 the jury has not been sworn in yet, we were doing the
24 stand your ground hearing.

25 This note is from Juror Number 156 -- 156 and it

1 (Whereupon, the jury enter the courtroom at
2 10:19 AM.)

3 THE COURT: All right. Good morning. Please be
4 seated.

5 All right. Juror Number 60, you are now part of
6 the original jury. You are juror number twelve, okay?

7 JUROR NUMBER 60: Yes, ma'am.

8 THE COURT: Okay.

9 All right. I'm gonna get the clerk to swear the
10 jury in, please.

11 THE CLERK: Please stand and raise your right hand.

12 (Whereupon, the jury was duly sworn by the Clerk of
13 Court.)

14 THE CLERK: Please respond by I do or I affirm.

15 (Whereupon, the jury responds.)

16 THE CLERK: Be seated, please.

17 THE COURT: All right. Let me speak to the jury
18 just for a moment.

19 Before we begin the trial of this case, I thought
20 it might be helpful if I explained to you basically how
21 a trial proceeds. First, the State will make an opening
22 statement. An opening statement is not evidence. It is
23 simply an outline to help you understand what that party
24 expects the evidence will show. The defendant may, if
25 he wishes, present an opening statement, but he does not

1 have to for reasons that I will explain.

2 Following the opening statements, you will hear
3 testimony and evidence in the case. This will consist
4 of testimony from State's witnesses, as well as any
5 exhibits which will be introduced into evidence.

6 Following the completion of the testimony, the
7 attorneys will again have an opportunity to what is
8 called a closing statement or summarize the case from
9 their respective points of view. Again, these arguments
10 are not evidence.

11 Following the closing statements by the attorneys,
12 I will instruct you on the law of South Carolina as it
13 pertains to the issues that have arisen in the case.
14 When I have completed my instructions to you, you will
15 then be permitted to begin your deliberations in order
16 to reach a verdict.

17 Ladies and gentlemen, you are now the jury in
18 this case and I want to take a few minutes to tell you
19 something about your duty as jurors and to give you
20 some instructions. At the end of the trial, I will give
21 you more detailed instructions and those instructions
22 will control your deliberations. It will be your duty
23 to decide from the evidence what the facts are. You
24 and you alone are the judges of the facts. You will
25 hear the evidence, decide what the facts are, and then

1 apply those facts to the law, which I will give to you.
2 That is how you will reach your verdict.

3 In doing so, you must follow the law whether you
4 agree with it or not. The evidence will consist of the
5 testimony of witnesses, documents and other things that
6 are received into evidence as exhibits, and any facts on
7 which the lawyers agree or which I may instruct you to
8 accept. You should not take anything I may say or do
9 during the trial as indicating what I think of the
10 evidence or what your verdict should be.

11 This is a criminal case brought by the State of
12 South Carolina.

13 Where's the indictments? Do I have the
14 indictments?

15 THE CLERK: I apologize.

16 THE COURT: Sorry.

17 THE CLERK: I apologize.

18 THE COURT: That's okay.

19 THE CLERK: I didn't realize it wasn't there.

20 THE COURT: I've got so much paper over here.

21 The State charges the defendant with murder,
22 possession of a weapon during commission of a violent
23 crime, and discharging a firearm into a dwelling. The
24 charges against the defendant are contained in the
25 indictment. The indictments are not evidence of

1 anything. It is simply the description of the charge
2 made by the State against the defendant.

3 The defendant has pled not guilty to the charges
4 and he is presumed innocent unless and until proven
5 guilty beyond a reasonable doubt. Proven guilty beyond
6 a reasonable doubt is proof that leaves you firmly
7 convinced of the defendant's guilt.

8 A defendant has the right not to testify and never
9 has to prove his innocence or present any evidence.
10 The burden of proof is always upon the State of South
11 Carolina.

12 The following things are not evidence and you must
13 not consider them as evidence in deciding the facts of
14 this case. Statements and arguments of the attorneys,
15 questions and objections of the attorneys, and testimony
16 that I instruct you to disregard.

17 Evidence may be direct or circumstantial. Direct
18 evidence is testimony by a witness about what that person
19 personally saw, heard or did. Circumstantial evidence
20 is indirect evidence; that is, proof of one or more
21 facts from which one can find another fact. You are to
22 consider both direct and circumstantial evidence. The
23 law permits you to give equal weight to both, but it is
24 for you to decide how much weight to give any evidence.

25 There are rules of evidence which control what can

1 be received into evidence. When a lawyer asks a question
2 or offers an exhibit into evidence and the lawyer on
3 the other side thinks it is not permitted by the rules,
4 that lawyer may object. If I overrule the objection,
5 the questions may be answered or the exhibit received.
6 If I sustain the objection, the questions cannot be
7 answered and the exhibit cannot be received. Whenever
8 I sustain an objection to a question or deny a motion
9 to admit an exhibit into evidence, you must ignore the
10 question or the existence of the exhibit and you must
11 not guess what the answer would have been or what the
12 exhibit would have shown.

13 Sometimes it may be necessary for me to request
14 that you leave the courtroom while I discuss with the
15 lawyers questions that come up during the trial. If
16 this occurs, you should not speculate about our
17 discussions or the reason that you were asked to leave
18 the courtroom. This is simply a procedure that the
19 law requires when certain legal issues arise.

20 There also may be occasions where I ask the
21 attorneys to approach the bench so that I can discuss
22 a legal issue with them in private. I will do this as
23 often as possible so you will not be required to leave
24 the courtroom more than is absolutely necessary.

25 Again, if I ask the attorneys to step up to the

1 bench or if I ask you to leave the courtroom, please do
2 not think that anybody is trying to hide anything from
3 you or keep any evidence from you. This, again, is
4 simply a procedure used by all lawyers and by all courts
5 to determine and decide legal questions.

6 In deciding the facts of this case, you may have
7 to decide which witness to believe and which witness not
8 to believe. You may believe everything a witness says
9 or only part of it or none of it. In deciding what to
10 believe, you may consider a number of factors, including
11 the following. The witness's ability to see, hear or
12 know the things testified to, the quality of the witness's
13 memory, the witness's manner while testifying, whether
14 the witness has an interest in the outcome of the case,
15 any motive, bias or prejudice, whether the witness was
16 contradicted by anything the witness said or wrote before
17 the trial or by other evidence, how reasonable was the
18 witness's testimony when considered in the light of other
19 evidence which you believe.

20 Until I advise you to begin your deliberations,
21 you must not discuss this case with anyone, including
22 your fellow jurors, friends, family members, and anyone
23 involved in this case. This includes discussions face
24 to face, those by telephone, e-mail, texts, blogs,
25 Twitter, Facebook, Google, or any other method of

1 communication. You may not use a computer, a cell
2 phone or an electronic device with communication
3 capabilities at any time while in the courtroom or
4 during your deliberations. During your breaks for meals
5 you may use these devices; however, you may not at any
6 time use these devices to get or send information about
7 the case. This includes information about a party, a
8 witness, an attorney or a court officer, news accounts
9 about the case, research on any topics raised and any
10 topics you think would be helpful in deciding the case,
11 or any testimony presented by any witness. During the
12 trial do not read, listen to or watch any news reports
13 about the case.

14 And I will tell you that this case does have media.
15 We have media today. You will not be on TV. They are
16 not allowed to take your photo. You will be referred
17 to by a number, your juror number.

18 So do not listen to or watch any news reports about
19 the case. This includes anything that may be in the
20 newspapers, on the Internet, radio or television. You
21 must not consider anything you may have read or heard
22 about the case outside of this courtroom whether before
23 or during the trial.

24 After the case is submitted to you, you must discuss
25 it only in the jury room with your fellow jurors. The

1 attorneys and the parties, I believe I told you this
2 earlier, in the case have been advised that they are not
3 to talk to you at all. So if you see anyone involved
4 in the case and they don't say hello, they're not being
5 rude, they're not being unfriendly, they are just
6 following my instructions.

7 It is important that you keep an open mind and not
8 decide any issue in the case until all of the evidence
9 has been presented, the parties have made their closing
10 arguments, and I have instructed you on the law in this
11 case. It is your sole responsibility to determine the
12 guilt or innocence of the defendant and your verdict
13 must be based solely on the evidence as it is presented
14 to you in this trial and on the law as I instruct you
15 during and at the close of trial.

16 Mr. Foreman, it's your duty to preside in the jury
17 room and be the jurors' spokesperson here in court. It
18 will also be your duty to write the verdict, but I will
19 give you further instructions about that at the conclusion
20 of the case. I do not allow note-taking during a trial,
21 so it's important that you pay attention.

22 Now in order to preserve everyone's rights, I'll
23 give the parties an opportunity to object to anything
24 I've said or any exceptions.

25 Anything by the State?

1 MS. MAYES: Nothing from the State, Your Honor.

2 THE COURT: Anything by the defense?

3 MS. WILLIAMS: Nothing from the defense, Your Honor.

4 THE COURT: All right. We will now begin the trial
5 of this case.

6 Is the State ready?

7 MS. PATTERSON: The State's ready, Your Honor.

8 May it please the Court?

9 THE COURT: Yes, ma'am.

10 MS. PATTERSON: Good morning.

11 On June 9th of 2021, 11-year-old Minor was
12 so excited. School was almost out. She had met her
13 goal with making good grades and her mother, Shandrika
14 Jay, had ordered her a new cell phone. What a happy
15 day. She would really be able to make those TikTok
16 videos that she liked to make now.

17 And even more exciting, she was gonna get to hang
18 out with her bestie, Comilla Jackson, who was like an
19 aunt to Minor, and she was going over to Comilla's
20 house located at [REDACTED] Road with her mother,
21 Shandrika, her little sister, Akia, to play with
22 Comilla's daughters, Jamiyah and Princess.

23 Across the way from Comilla's mobile home, Lot 15,
24 was Lot 7, and there was a party going on; a birthday
25 party slash graduation party that had been going on for

1 most of the day. There was a lot of folks going over,
2 they were inside and outside, partying, hanging out.

3 By the time Minor and her family arrived to her
4 Aunt Comilla's house, the group at Lot 7 had become rowdy
5 with a group between Lot 15 and 16 and nothing to do with
6 Comilla Jackson and her daughters.

7 A couple of guys from Lot 7 follows a lady over to
8 Lot 16, and this will make sense to you I promise later
9 on, and at least one of those guys had a handgun, and
10 this sparked a tense, volatile exchange between all of
11 the parties at the different lots.

12 The lot -- the people that followed her to Lot 16
13 went back to Lot 7 and then someone from Lot 7 began
14 shouting and shooting a gun in the air and then the
15 terror of gunfire erupted.

16 There will be shots from both sides, there will be
17 handguns from both sides, and then there will be shots
18 from one big gun. A gun that shot at least fifteen
19 rounds of a 7.62 by 39 ammunition. And one of these
20 would be the shot that penetrated Comilla's mobile
21 home, that went through a wall, out of a wall, into the
22 refrigerator, striking 11-year-old Minor . Striking
23 her as she bent down and squatted trying to protect
24 herself from the biggest appliance she could find, a
25 refrigerator, striking her in the right side of the head

1 and killing her instantly.

2 They had only been there a few minutes when all of
3 this happened, turning an exciting day into a dreadful
4 day, a tragedy, a deadly day.

5 Now you will hear from witnesses about what was
6 going on in the Rocky Lane Mobile Home Park prior to
7 this unthinkable tragedy at Lot 15. You will hear who
8 they saw there and what they witnessed and the fact that
9 they saw the defendant, Quayshaun Clark, right before
10 the gunfire erupted with what they described as a big
11 gun.

12 And you will hear how he joined in the fray. You
13 will hear how after the shots stopped, the defendant fled
14 the scene, and you will hear about all the attempts that
15 he did to try to cover up the fact that he was shooting
16 this big gun that shot the 7.62 by 39 ammo, and then you
17 will hear how he owns an AK-P7 pistol, and then you will
18 hear how Minor tragically died.

19 Now the evidence will show that the defendant's
20 cousin, a DJ Jackson, a DJ or a Donald Jackson, had been
21 confronted earlier that day by someone named De Alewine
22 at a convenience store located in another city. You
23 will hear how DJ and De Alewine also got into it again
24 at DJ's house and how they agreed to meet at the Rocky
25 Lane Mobile Home Park to settle the beef.

1 You will hear how DJ made multiple calls to his
2 cousin Quayshaun Clark because he was mad, he was
3 agitated, and he was ready for a gun battle with De
4 Alewine and his group, how he knew they were armed, and
5 I submit to you that he contacted his cousin because he
6 knew his cousin was at Rocky Lane, he knew his cousin
7 would be armed, and he knew his cousin had his back.

8 And you will hear how when DJ got to Rocky Lane he
9 was still agitated. He went over to Lot 7 and he began
10 yelling at the group across who was actually at another
11 party, a graduation party, and he began yelling at that
12 group and, of course, they began yelling back. It was
13 chaotic. It was loud. It was the beginning of the gun
14 battle. And you will get to hear it. Someone in the
15 neighborhood over, they had a Ring camera and it captured
16 this sound of this gun battle over at Rocky Lane Mobile
17 Home Park.

18 And then DJ got with his cousin Quayshaun, who at
19 the time had already taken his AK-P7 pistol out of the
20 bag that was in the trunk to the front of his car and
21 then into the house at Lot 7, and then you will hear
22 how Quayshaun came out of the house with his gun in hand
23 right before the shots erupted.

24 Then you will hear about someone named Hugo or a
25 DeCarlos Chatman. He was also one of the defendant's

1 associates and he started it all. He shot that first
2 shot up in the air from Lot 7 and then all hell broke
3 loose and that's when both sides started exchanging
4 gunfire. And the evidence will also show that not only
5 was one of the defendant's guns involved in this gun
6 battle, but two.

7 And the evidence will show you this wasn't
8 self-defense. Quayshaun Clark was a participant in
9 bringing about the difficulty, which is the first
10 requirement for self-defense. One must be without fault
11 in bringing on the difficulty. This was mutual combat.
12 This was mutual involvement. He knew what was about to
13 happen, he was prepared for it to happen, and he willfully
14 participated in it. He had intent and a willingness to
15 fight, a willingness to join in with his cousin DJ.

16 And, again, you will hear how he fled the scene and
17 he tried his hardest to cover up the fact that he had shot
18 that gun out there that night. He hid his car at another
19 location he was not at. Somehow that AK-P7 disappeared.
20 He was at somebody else's house. He and his girlfriend
21 were buying new phones the next morning and he involved
22 his family in the coverup. And you'll also hear the
23 different stories he gave to law enforcement.

24 None of that equates to self-defense. What that
25 is, is malice, and that is something else that we are

1 required to prove. Murder is defined as the unlawful
2 killing of another with malice aforethought. Malice is
3 defined as ill will, hatred, hostility.

4 Now the law doesn't require ill will toward the
5 individual injured, such as Minor , but rather it
6 signifies a general malignant recklessness of the lives
7 and safety of others, and that's exactly what you will
8 hear about. The defendant didn't care who was around.
9 He was reckless of the lives and safety of the others.
10 And malice doesn't have to exist for a long period of
11 time. It just must exist right before and at the time
12 the act is committed. It can be proven directly or
13 circumstantially and we will be putting before you
14 both types of evidence.

15 It can be proven, like I said, circumstantially
16 by shooting a high-powered gun in a crowd of people
17 multiple times in a confined residential area and then
18 fleeing the scene and trying to cover it up.

19 And I submit to you that in this case malice
20 existed as soon as the defendant pulled out that AK-P7
21 knowing where he was. He had been there all day. He
22 was at his cousin's house. And he had it ready for
23 battle. Again, not caring who was around like children
24 such as Minor .

25 He fired that gun at least fifteen times intending

1 to hurt or kill those at Lot 15 and 16 and anyone in
2 between. The intent meant for them was transferred to
3 Minor when all she was doing was bending down to
4 protect herself from the hail of gunfire that she heard
5 outside that home.

6 Now you will hear how this is still an on-going
7 investigation. Law enforcement hasn't given up on
8 trying to identify the other shooters out there that
9 night because we know there were other shooters and
10 evidence we will present to you show that. I mean, it
11 was different ammunition found at both lots. We're not
12 hiding that.

13 But it's hard for law enforcement. People don't
14 like to talk, to tell on others. Nobody wants to get
15 involved, but you will hear from a few brave people
16 during this trial, the few out of all those people out
17 there who were willing to stay behind and talk to law
18 enforcement. However, law enforcement has not given
19 up. They can't give up. They won't give up.

20 Now Judge McCaslin will instruct you at the
21 conclusion of this trial that the State, Ms. Mayes and
22 I, we bear the burden of proving this case beyond a
23 reasonable doubt. And that's not beyond all doubt.
24 It's doubt that leaves you firmly convinced.

25 It's impossible to prove anything beyond all doubt

1 and, again, you just must be firmly convinced of the
2 defendant's guilt. We welcome that burden and we are
3 certain that we will meet that burden and for the
4 defendant's involvement in this gun battle that killed
5 11-year-old Minor , we're gonna ask that you find
6 him guilty. Find him guilty of murder, guilty of
7 possession of a weapon during the commission of a
8 violent crime, and guilty of discharging a firearm into
9 a dwelling.

10 Thank you.

11 THE COURT: Thank you, Ms. Patterson.

12 Ms. Williams.

13 MS. WILLIAMS: If it may please the Court?

14 THE COURT: Yes, ma'am.

15 MS. WILLIAMS: Ladies and gentlemen, good morning.

16 Let me start by saying how terribly sorry we all
17 are to have to be here today. None of us can speak to
18 what Ms. Jay must be feeling and I think it is safe to
19 say that no one in this trial is going to state that
20 what happened to Minor is anything other than
21 horrific and tragic.

22 However, what happened to Minor , it is the end
23 result of a brutal event certainly, but the individuals
24 responsible, they are not sitting in this courtroom right
25 now and I suspect you will not hear from them.

1 At this point I am not going to say anything else
2 on the subject. It's not because I don't want to. It's
3 because I can't. As the judge has instructed you earlier
4 today, nothing that I say is evidence. Nothing that the
5 solicitor has said is evidence. They are going to need
6 to bring witnesses to testify to all of that. In fact,
7 so far there is no evidence in this case. The evidence
8 part is next.

9 As the judge also told you, we don't have to prove
10 anything. My client, Mr. Clark, Quayshaun, does not have
11 to prove anything. That burden lies with the State and
12 the State must prove each element of every crime to you
13 beyond a reasonable doubt.

14 Now as she said, what is reasonable doubt? It is
15 doubt that leaves you hesitant to choose between Story A
16 and Story B. The State must present you with evidence
17 that pushes you beyond that hesitancy and leaves you
18 firmly convinced in your choice. I submit to you that
19 they cannot do that.

20 The judge has already informed you-all of your
21 role. You are the finders of the facts. You ultimately
22 get to determine what is true and what is not true. As
23 I said, you're going to be presented with evidence from
24 the State. You have already heard what they think
25 happened. What they think happened. But if you changed

1 some of those pieces of evidence, this case goes from
2 being a murder trial to one of self-defense.

3 Ladies and gentlemen, this is an extremely emotional
4 case. There is absolutely no way that it cannot be. I
5 believe the evidence will show that everyone involved
6 -- most everyone involved on both sides is family.
7 Please remember that these witnesses, they have emotions,
8 they're people, and those emotions, they can cause
9 biases. The law doesn't say that the witnesses can't
10 have emotions. The law doesn't say that you can't have
11 emotions. What the law says is that you can't use those
12 emotions in evaluating the evidence in this case.

13 While listening to the testimony in this case,
14 please remember that everyone involved is human, everyone
15 involved had and has a point of view, and everyone
16 involved is connected with someone.

17 Ladies and gentlemen, I will not waste more of your
18 time. I appreciate you being here today. At the close
19 of all the evidence in this case, we are going to ask
20 that you find our client, Quayshaun Clark, not guilty
21 on all counts.

22 Thank you.

23 THE COURT: Thank you, Ms. Williams.

24 The State may call their first witness.

25 MS. MAYES: The State calls Nikki Rodgers.

1 (Whereupon, Nikki Rodgers was duly sworn by the
2 Clerk of Court.)

3 THE CLERK: Have a seat, please, ma'am. Once you're
4 seated, state your full name; spelling your last on the
5 record, please.

6 THE WITNESS: Nikki Rodgers, R-O-D-G-E-R-S.

7 NIKKI RODGERS,

8 having been duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MS. MAYES:

11 Q. Good morning, Ms. Rodgers. Tell us a little bit about
12 yourself. Where are you employed?

13 A. I'm employed with Lexington County 9-1-1. I'm the
14 communications chief. I'm responsible for all of the
15 operations of the 9-1-1 center for Lexington County, and
16 that's it.

17 Q. Okay. I need you to pull the microphone up a little
18 bit closer to you.

19 A. There you go.

20 Q. All right. You are the chief of the Lexington County
21 9-1-1 center?

22 A. Yes, ma'am.

23 Q. Now does that include 9-1-1 calls that are made from
24 other areas within the county such as Batesburg-Leesville?

25 A. Batesburg-Leesville has their own 9-1-1 center for

1 their police calls. We handle all of their EMS calls and
2 their fire calls.

3 Q. All right. And as a result, do you sometimes
4 receive calls that are transferred over from the
5 Batesburg-Leesville Police Department that are 9-1-1 in
6 nature?

7 A. Yes, ma'am.

8 Q. And specifically how do you go about maintaining
9 there at the Lexington County 9-1-1 center 9-1-1 calls that
10 are made and recorded?

11 A. So we have a lot of computer systems, but we have
12 basically recording software that records the phone calls
13 from the time that they are actually transferred or start
14 ringing and, of course, the whole entire conversation is
15 recorded. Those are kept on file for ninety days and then
16 they're automatically deleted from our system through
17 technology. And then we have a CAD system, which is a
18 computer-aided dispatch system, and that's basically your
19 records management system and it tells us what calls are
20 coming in, we add information to those call cards, we keep
21 up with what units, what agencies we dispatch to that call
22 for service, and then all of the callers' information that
23 we record for the responders.

24 Q. All right. All of that data that you just mentioned,
25 the recorded calls, as well as the data entry notes that

1 are made by a dispatcher, who is the custodian of records
2 for that information?

3 A. I am.

4 Q. All right. And as custodian of records, I'm gonna ask
5 you whether or not you received a subpoena for information
6 on June 9th of last year 2021 --

7 A. Yes, ma'am.

8 Q. -- in the evening hours regarding specifically an
9 event at [REDACTED] Road?

10 A. Yes, ma'am.

11 Q. Being a mobile home park in the Batesburg-Leesville
12 area of Lexington County?

13 A. Yes, ma'am. That's correct.

14 Q. Were you able to provide those recorded 9-1-1 calls?

15 A. Yes, I was.

16 Q. Were you also able to provide the -- what you termed
17 CAD or data information sheets related to the times that
18 calls came in?

19 A. Yes, I was.

20 Q. All right. I want to start here by asking you what
21 is the time of the first call that you-all received out to
22 [REDACTED] Road?

23 A. It was 10:35 and 22 seconds PM.

24 Q. 10:35 PM?

25 A. Yes, ma'am.

1 Q. That's gonna be the first call. And I believe that's
2 a citizen call?

3 A. Yes, ma'am.

4 Q. From someone in the area?

5 A. Yes.

6 Q. Now were you able to determine the nature of the call?
7 And I just want to leave that brief in terms of do you know
8 whether or not there was gunfire involved?

9 A. Yes. There was multiple calls and multiple callers
10 stating that there was a bunch of fire.

11 Q. All right. Gunfire?

12 A. Gunfire.

13 Q. As a result of that, what type of units did you send
14 out to respond to [REDACTED] Road, that mobile home park?

15 A. We responded the Lexington County Sheriff's Department
16 and EMS. Lexington County EMS.

17 Q. All right. So Lexington County Sheriff's Department
18 and EMS?

19 A. Yes, ma'am.

20 Q. Both en route. Now in addition to that first call
21 that you received at 10:35, can you tell us whether or not
22 you also received a call from a citizen by the name of
23 Alicia Burgess?

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

25 Q. What time did the 9-1-1 call come in from Alicia

1 Burgess?

2 A. Alicia called at 22:37 and 22 seconds, which is
3 10:37 PM.

4 Q. All right. I'm just gonna need you to convert
5 everything over to civilian time.

6 A. All right.

7 Q. So 10:37 PM is gonna be that first -- or the call from
8 Alicia Burgess?

9 A. Correct.

10 Q. And that's gonna follow that first call that's made by
11 a citizen at 10:35?

12 A. Correct.

13 Q. And do you have the name of this citizen that made
14 that first call at 10:35?

15 A. Tanisha.

16 Q. Okay. So that was a Tanisha. Now did you also
17 receive a call from a Comilla Jackson?

18 A. Yes, ma'am.

19 Q. And what time do you show her 9-1-1 call reaching you?

20 A. 10:43 PM.

21 Q. 10:43 PM?

22 A. Yes, ma'am.

23 Q. And in relation to the call from Comilla Jackson, do
24 you also have information at this point that Minor
25 had been shot?

1 A. Comilla Jackson advised that --

2 Q. Okay. I want to stop you right there and -- just so
3 that you don't say what -- repeat what she said to you,
4 did you receive information as to a child being shot?

5 A. Yes, ma'am, we did.

6 Q. Okay. And as a result of that, do you have
7 information as to the time that the Lexington County
8 Sheriff's Department's first unit arrived out there at
9 the scene?

10 A. Yes, ma'am. The first unit that arrived was at
11 10:51 PM.

12 Q. Okay. And does your information show the name of that
13 officer?

14 A. It shows the unit number, which is 921.

15 Q. All right. And he's arriving at 10:51. I think you
16 indicated that some of these calls are gonna come through
17 to Batesburg-Leesville initially?

18 A. Yes, ma'am.

19 Q. So Batesburg-Leesville may also have officers in the
20 area?

21 A. Yes, ma'am.

22 Q. And then do you have information as to what time EMS
23 arrived there at the scene?

24 A. The officer advised to send EMS in at 10:51 because
25 they were on standby.

1 Q. Okay. And do you have the information as to what
2 time they got there? But the call -- the call into EMS is
3 going to be 10:51?

4 A. Yes, ma'am. Give me one second. I apologize. I've
5 been on nights, so just give me just a second.

6 Q. Let me -- let me go back to this notation. Do you
7 have information here from -- from your notes that the
8 scene is actually secured for EMS at 10:51?

9 A. Yes, that's the time that I gave you initially. The
10 scene was secure --

11 Q. Okay.

12 A. -- for EMS to come in at 22:51 and they responded in
13 and we also had LifeNet responding also.

14 Q. LifeNet being the helicopter?

15 A. Yes, ma'am.

16 Q. All right. So just to clarify that, law enforcement
17 arrives first and then they confirm whether or not the
18 scene is secure for EMS to enter?

19 A. Yes, ma'am.

20 Q. Okay. And that was done at 10:51?

21 A. Correct.

22 Q. I'm gonna show you an item and ask you whether or not
23 you recognize this?

24 A. Yes, ma'am. Yes, ma'am. It has my initials and date
25 on it.

1 Q. All right. This would be State's 81. You said you
2 recognize your initials?

3 A. Yes, I do.

4 Q. And you've also had an opportunity to listen to this?

5 A. Yes, ma'am.

6 Q. And confirm that this is one of the 9-1-1 calls from
7 June 9, 2021?

8 A. Yes, it is.

9 Q. And, of course, the date on here just reflects the
10 date that the recording was made?

11 A. Correct.

12 Q. Or the recording was copied?

13 A. Correct.

14 Q. But this is the original 9-1-1 call from June 9, 2021?

15 A. It is.

16 Q. As it relates to Comilla Jackson. Is that accurate?

17 A. Yes, ma'am.

18 Q. Comilla Jackson being the individual noted here to
19 have placed that call at 10:43 PM.

20 MS. MAYES: Your Honor, at this time the State
21 offers 81 as evidence.

22 THE COURT: Any objection?

23 MR. WILLIAMS: One second, Your Honor.

24 No objection, Your Honor.

25 THE COURT: It's admitted.

1 (State's Exhibit Number 81, a 9-1-1 call, was
2 admitted into evidence.)

3 MS. MAYES: Nothing further of Ms. Rodgers at this
4 time.

5 MR. WILLIAMS: May it please the Court?

6 THE COURT: Yes, sir, Mr. Williams.

7 CROSS-EXAMINATION

8 BY MR. WILLIAMS:

9 Q. Good morning, Ms. Rodgers.

10 A. Good morning.

11 Q. I have to raise my eyes sometimes, too, so I can see
12 what's going on.

13 A. Right.

14 Q. So you are the head of 9-1-1; is that correct?

15 A. Yes, sir.

16 Q. And how long have you had that job?

17 A. I've been employed for twenty-eight years. I started
18 out on the floor and I became the chief in 2004.

19 Q. Basically a long time?

20 A. A long time.

21 Q. So what you are basically testifying to, if I'm
22 correct, is the records obviously that you maintain because
23 you don't work twenty-four hours a day, do you?

24 A. No. Pretty close though sometimes.

25 Q. Pretty close to sometimes. Were you working -- do you

1 recall whether or not you were working that night?

2 A. I was not working that night.

3 Q. Okay. So that would be the night of June 9, 2021.

4 And obviously you have staff there that works there. You
5 were -- you were explaining something relatively unique,
6 and that is that you receive the 9-1-1 call calls for the
7 county; is that correct?

8 A. Correct.

9 Q. And Batesburg-Leesville, where I live, it's got a
10 separate little deal and they're in charge of what? What
11 information do they receive?

12 A. They receive the exact same information that we
13 receive and are set up similar to us so the calls in their
14 jurisdiction as far as the municipality of the land line
15 phones go to them. With the invention of cell phones, it
16 depends on what tower you hit as to what 9-1-1 center that
17 you get when you dial 9-1-1, so anything in that close
18 proximity may go to that municipality first before they
19 transfer it to us.

20 Q. So really what you're saying is that -- I don't know
21 that everybody knows this -- is that you really don't know
22 who you're getting when you call 9-1-1 sometimes if you --

23 A. If you're calling from a cell phone, you could get
24 anything.

25 Q. So if you lived in Batesburg or you called 9-1-1, you

1 might get the town and then the town would refer you, if
2 you will, to the county; is that right? If you were
3 outside the city limits.

4 A. Correct. If it's a medical call or a fire call or
5 they need assistance from law enforcement.

6 Q. And when you say if it's a medical or a fire call,
7 where does that go if it's a medical call or a fire call?

8 A. So there's one -- there's one EMS agency for the
9 entire Lexington County. It's not broken out by
10 municipality, there's one agency, and then for
11 Batesburg-Leesville Fire Department we actually dispatch
12 for them. They do not dispatch fire out of their 9-1-1
13 center in the town.

14 Q. Right. And they have both of those areas. They're
15 actually located right on Highway 23, right?

16 A. I believe so. I'm not sure of their address, but,
17 yeah, they're located in the town.

18 Q. Right. And are you familiar with Batesburg-Leesville?

19 A. I am.

20 Q. So you know they're repaving that road on 23 right
21 there?

22 A. Uh-huh.

23 Q. So if you are looking for [REDACTED] Road, to find [REDACTED]
24 Road you would just go out 178, wouldn't you? If you were
25 leaving -- if you were from the fire department or if you

1 were from the ambulance.

2 A. I have no idea where [REDACTED] Road is. I would have to
3 look it up on a map.

4 Q. So when you -- when you pass information onto
5 Batesburg-Leesville, do you check and see where the
6 incident location is?

7 A. Yes. We have mapping software that actually puts in
8 that address and brings that address up on our computer
9 software, which is attached to our CAD system.

10 Q. So when you look at that mapping software, you can
11 tell exactly whether or not it's within town limits or if
12 it's just outside the town limits?

13 A. Yes.

14 Q. Do you know from your own knowledge, I guess, as to
15 whether or not [REDACTED] Road is in the town limits of
16 Batesburg-Leesville or if it's in Lexington county just
17 outside Batesburg-Leesville?

18 A. Let's see. [REDACTED] Road is in the County's
19 jurisdiction, but it is right outside the line of
20 Batesburg.

21 Q. And you're looking at a map, so when you say right
22 outside you're talking less than maybe a mile outside
23 Batesburg-Leesville?

24 A. Well, I'm not looking at the map right now. I'm
25 looking at the CAD.

1 Q. But you know that?

2 A. Yes.

3 Q. Okay. Are you familiar with where [REDACTED] Road is?

4 A. No, sir.

5 Q. So it would require somebody who deals maybe with
6 law enforcement to testify about where that is and how
7 close it is to the roads and stuff like that?

8 A. I would think so, yes, sir.

9 Q. All right. So do you know how many calls that you got
10 on -- for 9-1-1 that related to this particular incident
11 that night?

12 A. Let me look at my notes and count them. Give me one
13 second.

14 Q. All right. You're good.

15 A. It looks like four.

16 Q. You got four calls. Now that would be obviously
17 people who had some knowledge about what was transpiring
18 or they wouldn't be calling you. So you have at least
19 four calls going to you. Do you know how many calls
20 Batesburg-Leesville received before it was switched over
21 to you?

22 A. I do not.

23 Q. Are you familiar that you did have several calls
24 coming from Batesburg-Leesville that were transferred to
25 you?

1 A. Yes, sir.

2 Q. Do you not keep up with the number of those calls that
3 come to you from Batesburg-Leesville?

4 A. They would be included in here, so if it was a
5 duplicate caller or a duplicate situation it would be
6 recorded in here.

7 Q. So do you know how many calls Batesburg-Leesville
8 sent?

9 A. If they did not send them to us, I would not be able
10 to give that. If they're taking additional information,
11 they may have additional records that I would not have.

12 Q. I got you. So really to get a full picture you would
13 need somebody from Batesburg-Leesville who was recording
14 that information?

15 A. It's possible they would be able to give you that
16 information, yes.

17 Q. Right. So when Batesburg-Leesville would get it,
18 they would talk to the caller and then they would tell
19 them, well, you don't -- you don't need me, you need to
20 call 9-1-1 in the county?

21 A. Well, they would transfer it and you'll hear on the
22 tape what they do is transfer it to us and we usually
23 are both on the phone at the same time so we're gathering
24 the same information and passing it onto the responders
25 whether it's Batesburg-Leesville police or the sheriff's

1 department at the same time and they're both getting the
2 same information.

3 Q. So you referenced two calls, one at 10:37 and one at
4 10:43; one from Burgess and one from Comilla Jackson.

5 Well, you've got a call that Unit 921 was sent out from
6 Lexington County Sheriff's Department. Is that when it
7 was sent out at 10:51?

8 A. It was actually dispatched -- the first sheriff's
9 department unit that was dispatched was at 10:42 and 20
10 seconds, so that's 10:42 PM.

11 Q. That's right. So 10:42 is when Lexington County sent
12 out the first -- sent out the first officer --

13 A. Correct.

14 Q. -- out to the scene. So that's why when it says first
15 unit 10:51 PM, that's when that particular officer arrives
16 on the scene and he is seeing the scene and he says it's
17 okay for EMS to come out?

18 A. Correct.

19 Q. Because you want your officers out there securing the
20 scene before you send in the doctors and the fire people
21 in, right?

22 A. Yes, sir.

23 Q. Do you have any idea as to the number of
24 Batesburg-Leesville police officers that were on the scene
25 way before Lexington County Sheriff's Department showed

1 up on the scene?

2 A. I do not. We do not keep track of those officers.
3 We do not dispatch for Batesburg-Leesville police, so I
4 would not have that information.

5 Q. All right. So somebody with Batesburg-Leesville would
6 have to provide that information in regards to when their
7 officers got out there?

8 A. Yes, sir.

9 Q. Are you knowledgeable as to whether or not
10 Batesburg-Leesville police officers were actually on-scene
11 before Lexington County Sheriff's Department?

12 A. I have no idea.

13 Q. You wouldn't be stunned about it, would you?

14 A. No.

15 MR. WILLIAMS: I beg the Court's indulgence for
16 one minute.

17 THE COURT: Take your time.

18 MR. WILLIAMS: That's all the questions I have,
19 Your Honor.

20 THE COURT: Any redirect?

21 MS. MAYES: Just briefly.

22 REDIRECT EXAMINATION

23 BY MS. MAYES:

24 Q. So just to clarify, the 10:35 is going to be the first
25 9-1-1 call, then you go to 10:37 and to 10:43?

1 A. Yes, ma'am.

2 Q. And the 10:51 that's noted here for the first unit,
3 being Unit 921, that's the time of arrival?

4 A. Yes.

5 Q. You had actually sent him out to the scene at what
6 time?

7 A. 921 was dispatched at 22:46.

8 Q. And makes it there by 10:51?

9 A. Yes, ma'am.

10 MS. MAYES: Thank you.

11 THE COURT: May I excuse Ms. Rodgers from this case?

12 MR. WILLIAMS: Without objection, Your Honor.

13 THE COURT: State?

14 MS. MAYES: Yes, Your Honor. She may be excused for
15 the day.

16 THE WITNESS: Thank you.

17 THE COURT: For the day.

18 Ms, Rodgers, they're excusing you for the day.

19 THE WITNESS: Thank you.

20 (Witness excused.)

21 MS. MAYES: The State calls sergeant Ben Strock.

22 (Whereupon, Ben Strock was duly sworn by the Clerk
23 of Court.)

24 THE CLERK: Have a seat, please, sir. Once you're
25 seated state your full name; spelling your last on the

1 record, please.

2 THE WITNESS: My name's Sergeant Ben Strock. I'm
3 the West Region supervisor. Last name spelling,
4 S-T-R-O-C-K.

5 BEN STROCK,
6 having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. MAYES:

9 Q. All right. Sergeant, tell us a little bit about
10 yourself. You've been with the Lexington County Sheriff's
11 Department how long?

12 A. Approximately seven years.

13 Q. All right. And can you tell us what type of work you
14 do as a sergeant for patrol?

15 A. I am the West Region supervisor for the shift -- C
16 shift and basically I just monitor and maintain all the
17 patrolmen that work under me while working.

18 Q. All right. And as a patrol officer, do you respond to
19 multiple scenes as they occur?

20 A. I do.

21 Q. This includes shootings?

22 A. I do.

23 Q. And this includes homicides?

24 A. I do.

25 Q. And in this particular case, I'm gonna take you back

1 to the night of June 9, 2021, one year ago. [REDACTED] [REDACTED]

2 Road. Did you respond to that location?

3 A. I did.

4 Q. And, in fact, who is unit 921?

5 A. That would be my call sign for radio.

6 Q. All right. So you were, in fact, the first officer

7 arriving out there at that mobile home park at [REDACTED] [REDACTED]

8 Road that night?

9 A. Representing Lexington County Sheriff's Department,
10 correct.

11 Q. So I want to ask you a little bit more about that.
12 Were there other members of law enforcement already present
13 at the scene when you got there at 10:51?

14 A. Yes, ma'am, there was.

15 Q. Okay. And what agency were they with?

16 A. Batesburg-Leesville Police Department.

17 Q. And so on that note, [REDACTED] [REDACTED] Road, that mobile home
18 park, is within what proximity to the Batesburg-Leesville
19 area of Lexington County?

20 A. It's just outside their town jurisdiction. Probably
21 within a quarter of a mile.

22 Q. And it's within the jurisdiction of Lexington County?

23 A. That is correct.

24 Q. But Batesburg-Leesville law enforcement would be
25 closer to that scene than yourself?