

VOLUME III OF III

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

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

THE STATE,

RESPONDENT,

V.

QUAYSHAUN XZANDER CLARK,

APPELLANT

APPELLATE CASE NO. 2022-000962

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

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

1 A. No, I would not expect any cartridge cases from
2 revolvers.

3 Q. Why or why not?

4 A. A revolver typically keeps the cartridge case inside
5 the cylinder and once it's empty, then the user will have
6 to empty the cartridge cases.

7 Q. Okay. And there is an audio recording in this case
8 of gunfire. Is that something that you or your lab at the
9 State Law Enforcement Division do, listen to audio?

10 A. It's not a test that we perform at SLED.

11 Q. You're not able to listen to audio to determine a
12 caliber?

13 A. Correct.

14 Q. And the science that you've used today to determine
15 caliber, can you tell us whether or not that science is
16 accepted among peers in your field?

17 A. It is.

18 Q. And can you tell us whether the format and testing
19 that you used in this case is consistent with other
20 analysts at the State Law Enforcement Division?

21 A. It is consistent among the examiners at SLED and also
22 all over the world. We're an accredited lab, so that means
23 what we're doing at SLED is the same as other people are
24 doing in other labs.

25 Q. Does that include the FBI?

1 A. Yes.

2 MS. MAYES: Thank you. Nothing further.

3 THE COURT: Ms. Williams.

4 MS. WILLIAMS: Thank you. May it please the Court?

5 THE COURT: Yes, ma'am.

6 CROSS-EXAMINATION

7 BY MS. WILLIAMS:

8 Q. Good afternoon, Agent Eichenmiller. How are you?

9 A. Good. Thank you.

10 Q. What other guns fire 7.62 caliber ammunition?

11 A. There are different manufacturers and makes that can
12 fire that.

13 Q. Can you name -- well, let start's with -- can you name
14 some different makes?

15 A. There's Romarm, there's Draco, there are -- China
16 makes them, Russia makes them.

17 Q. Okay. So a Draco can also fire a 7.62 caliber?

18 A. Yes.

19 Q. Okay. And I believe you mentioned three manufacturers
20 that could have manufactured the firearm that fired the
21 projectile that was found in the victim?

22 A. Yes.

23 Q. Okay. Of those three manufacturers, how many
24 different firearms made by those manufacturers could have
25 fired that caliber?

1 A. Whatever -- whatever firearms they make that are
2 chambered for that caliber.

3 Q. So are there potentially multiple firearms basically
4 underneath each manufacturer that could have fired that
5 7.62 caliber?

6 A. Yes, there could be several styles of rifles that were
7 made.

8 Q. Okay. So you received two firearms in this case, I
9 believe -- well, three firearms in this case; is that
10 correct?

11 A. Yes.

12 Q. Okay. And did you test those three firearms -- or do
13 you know if they were tested for DNA?

14 A. I don't know.

15 Q. You don't know? Who would know that?

16 A. The DNA department.

17 Q. At SLED?

18 A. Yeah. Or it might be listed in the chain of custody
19 if somebody had it before me that's a DNA analyst.

20 Q. So you have no knowledge of that?

21 A. Correct.

22 Q. When you were comparing -- there were three GFL
23 cartridges that were found on the scene and then there were
24 two GFL cartridges that were found separately and were you
25 able to tell or are you able to tell when they were fired?

1 A. No.

2 Q. Okay. So if I fire from a firearm today and I fire
3 from a firearm next week and you look at the shell casings
4 and you compare with the firearm, you're able to say that
5 they both came from the firearm, but not when they were
6 fired?

7 A. Correct.

8 Q. Okay. That was a long question. Finally, did you
9 receive any other projectiles in this case other than the
10 ones that you've already seen today?

11 A. I don't believe so. I think we've covered them all.

12 Q. And if I were to -- if I were to show you something
13 that you perhaps -- that had a SLED marking on it to
14 refresh your memory, would that help?

15 A. Yes.

16 Q. Okay.

17 (Defendant's Exhibit Number 33 and 34 were marked
18 for identification.)

19 Q. All right. Can you tell me whether you have ever seen
20 Defendant's Exhibit 33 or Defendant's Exhibit 34 before?

21 A. I have. These were submitted to SLED. They're my
22 Item 1 and 2.

23 Q. Okay.

24 THE COURT: Any objection?

25 MS. MAYES: No objection.

1 THE COURT: They're admitted.

2 (Defendant's Exhibit Number 33 and 34, projectiles,
3 were admitted into evidence.)

4 BY MS. WILLIAMS:

5 Q. What findings about items 1 and 2 do you have?

6 A. Do to its size, I couldn't determine the caliber of
7 Item 1. It also had no marks of value suitable for
8 identification to a firearm. The same is true of Item 2.
9 I couldn't determine the caliber due to its damage. It
10 had limited marks of value and it may not be suitable for
11 identification, but it could be suitable for elimination.

12 Q. Okay. So were they both consistent with ammunition?

13 A. Yes.

14 Q. Okay.

15 MS. WILLIAMS: I have no further questions for
16 this witness at this time.

17 THE COURT: Any redirect?

18 Wait a minute. Ms. Williams is coming back.

19 Okay.

20 MS. WILLIAMS: I apologize, Your Honor.

21 THE COURT: That's okay.

22 BY MS. WILLIAMS:

23 Q. Agent Eichenmiller, did you go to the scene in this
24 case?

25 A. No.

1 Q. Did you examine the appliance that was put up by the
2 State earlier?

3 A. No.

4 MS. WILLIAMS: No further questions, Your Honor.

5 THE COURT: Okay. Now is there any redirect?

6 MS. MAYES: Yes, Your Honor.

7 THE COURT: Okay.

8 REDIRECT EXAMINATION

9 BY MS. MAYES:

10 Q. Regarding the question you got about a Draco. What's
11 a Draco?

12 A. It's a manufacturer of firearms.

13 Q. Okay. And what may be commonly referred to as a
14 Draco, is it similar in appearance to an AK?

15 A. Yes.

16 MS. MAYES: Nothing further.

17 THE COURT: Ms. Williams.

18 RECROSS EXAMINATION

19 BY MS. WILLIAMS:

20 Q. What are the differences in the appearance between a
21 Draco and AK?

22 A. Draco, I think, tries to make their gun resemble the
23 original AK, so maybe a couple of differences, but I'm not
24 familiar with exact differences.

25 Q. Does it have sometimes a wooden part to it as opposed

1 to all black? Would you know?

2 A. It could.

3 Q. Okay.

4 MS. WILLIAMS: No further questions, Your Honor.

5 THE COURT: All right. Thank you.

6 May I excuse, Ms. Eichenmiller?

7 MS. MAYES: Yes, Your Honor.

8 THE COURT: Thank you so much for coming.

9 (Witness excused.)

10 THE COURT: All right. Can I see the lawyers just
11 for a second?

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

13 THE COURT: All right. Let me ask the jury right
14 quick. There was a name inadvertently left off as a
15 witness, so I want to ask if anybody on the jury panel
16 happens to know an Alex Montzouros (ph.) with the
17 Lexington County Sheriff's Department, and it's spelled
18 M-O-N-T-Z-O-U-R-O-U-S.

19 Is that right?

20 MS. WILLIAMS: Your Honor, I believe I inadvertently
21 misspelled the officer's name, but I'll correct it
22 momentarily.

23 THE COURT: Okay. I'm sorry. I'm just spelling out
24 what you gave me.

25 MS. WILLIAMS: It's entirely my fault, Your Honor.

1 THE COURT: Maybe that's the way you pronounced it
2 the way she spelled it. Mountzouros. Alex Mountzouros.

3 THE COURT: All right. It's spelled
4 M-O-U-N-T-Z-O-U-R-O-S.

5 Any -- anybody on the jury know this person? If so,
6 please raise your hand.

7 Okay. Thank you.

8 Anything else from the State?

9 MS. MAYES: Not at this time, Your Honor.

10 THE COURT: Defense?

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

12 THE COURT: All right. Mr. Foreman, at this time
13 I'm gonna let you-all go to lunch. We have lunch coming
14 for you-all. It's probably not gonna be here for
15 another twenty minutes.

16 THE CLERK: Yes, ma'am. It will be here at one.

17 THE COURT: We told them to be here at one, but
18 this is our breaking point. You never know when we get
19 to break a little bit early, but at least it will give
20 you time to stretch your legs, walk around, use your
21 phones if you need to, but certainly not to talk about
22 this case or amongst yourselves.

23 FOREPERSON: Yes, ma'am.

24 THE COURT: So with that, we're gonna come back at
25 1:30, okay?

1 All right. Thank you.

2 (Whereupon, the jury was excused for lunch at
3 12:34 PM.)

4 THE COURT: All right. Court's adjourned until
5 1:30.

6 (Whereupon, a luncheon recess was taken 12:34 PM.)

7 (Back on the record at 1:44 PM.)

8 BAILIFF: All rise. Court's in session.

9 THE COURT: Be seated.

10 All right. Everybody get the case law?

11 MS. WILLIAMS: Yes. Thank you, Your Honor.

12 THE COURT: Are we ready to bring the jury in?

13 MS. MAYES: Your Honor, we are going to recall
14 Snelgrove. The photos are all taken by her and we're
15 showing them to counsel at this time to see if we can
16 work through any objections.

17 MS. WILLIAMS: Your Honor, I think no objection
18 to 126 as long as a proper foundation regarding the
19 ballistics is laid.

20 MS. MAYES: 121, Path A.

21 THE COURT: That was 121?

22 MS. MAYES: That was 126 we just addressed, Your
23 Honor.

24 THE COURT: Right. They just want a foundation.

25 MS. WILLIAMS: 121 is fine, Your Honor.

1 THE COURT: No objection.

2 MS. MAYES: 197.

3 MS. WILLIAMS: 197's fine, Your Honor.

4 THE COURT: No objection.

5 MS. MAYES: 134.

6 MS. WILLIAMS: No objection to 134.

7 THE COURT: Okay.

8 MS. MAYES: 199, a diagram.

9 MS. WILLIAMS: Your Honor, I'm gonna object to 199.

10 THE COURT: And the basis for the objection?

11 MS. WILLIAMS: The basis for the objection is I
12 don't believe that the witness will have requisite
13 knowledge in order to testify -- well, she might be able
14 to get there on that.

15 THE COURT: Well, let her lay a foundation and
16 then you can state your objection for the record.

17 MS. WILLIAMS: Assuming everything happens as it's
18 supposed to, there will no objection to 199.

19 MS. MAYES: And 86 and 87.

20 MS. WILLIAMS: No objection to 86 and 87.

21 THE COURT: Is that it, Ms. Mayes?

22 MS. MAYES: Yes, Your Honor.

23 (State's Exhibit Numbers 86, 87, 121, 134, and 197,
24 photographs, were admitted into evidence.)

25 THE COURT: Okay. Now can I bring the jury in?

1 MS. MAYES: Yes.

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

3 (Whereupon, the jury returns to the courtroom at
4 1:49 PM.)

5 THE COURT: Be seated.

6 All right. Let me ask the State to call their
7 next witness.

8 MS. MAYES: The State calls Sergeant Brenda
9 Snelgrove.

10 (Whereupon, Brenda Snelgrove was duly sworn by
11 the Clerk of Court.)

12 BREND A SNE LGROVE,

13 having been duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. MAYES:

16 Q. All right. Good afternoon. You are recalled now
17 following the testimony from SLED.

18 A. Good afternoon.

19 Q. And I want to start by asking you about your work
20 inside Lot 15.

21 A. Yes, ma'am.

22 Q. All right. And when we look at Lot 15, how much work
23 did you do on the interior of that residence in order to
24 recover projectiles?

25 A. A lot.

1 Q. Including fragments?

2 A. Yes.

3 Q. I believe you testified previously regarding any whole
4 projectiles that you were able to recover.

5 A. That's correct. None of them.

6 Q. Looking here at Lot 7 toward the direction of Lot 15,
7 what did you determine as to whether or not any defects
8 caused by gunfire existed here along the back side of
9 Lot 15?

10 A. It lined up approximate with Lot 7.

11 Q. I'm gonna show you what is State's 36 already in
12 evidence.

13 MS. WILLIAMS: Objection, Your Honor.

14 May we approach?

15 THE COURT: Yes.

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

17 THE COURT: Really no objection.

18 Continue on, Ms. Mayes.

19 BY MS. MAYES:

20 Q. And I'm gonna start by asking you about 86 in evidence
21 without objection. Who prepared this particular exhibit?

22 A. I did using Explorer Pictometry. It's Explorer
23 Connect Pictometry. It's through GIS.

24 Q. Are you trained in doing so?

25 A. There's no particular training for it, but we did have

1 a rollcall class with them when they came and showed that
2 it was available to us and I was like that would be really
3 great for CSI to use for actually this particular thing.
4 Of course, it didn't happen yet, but my idea was for that
5 and so I was like can I have rights and they gave me rights
6 and voila, I'm gonna use it. I use it about every time I
7 go and do a crime scene report.

8 Q. Okay. And can you tell us using this tool if you were
9 able to estimate the distance between Lot 7 and Lot 15?

10 A. Yes. It was approximately 218 feet. 218 feet.

11 Q. All right. 218 feet. So you're familiar with
12 football?

13 A. A little bit. Just a little bit. I mean, I know it's
14 like fifty yards, right?

15 Q. Are you familiar with how the hundred yards of a
16 football field would translate into feet?

17 A. Okay. Yeah, sort of.

18 Q. Okay. So is this less than 300 feet?

19 A. Yes, it's less than 300 feet.

20 Q. All right. And that would be from this corner of
21 Lot 7 to the left corner of Lot 7 along the back side?

22 A. Approximately, yes.

23 Q. Okay. Now we're gonna look at State's 87 also in
24 evidence without objection.

25 Now we're on the left corner of Lot 7. What can you

1 tell us about the distance between this location and the
2 approximated distance to the end of Lot 15? Again, on the
3 back side.

4 A. The font's a little small, I can't quite see it, and
5 I didn't remember that number. Sorry.

6 Q. Okay.

7 A. It's approximately 266 feet.

8 Q. Now looking here at State's 36 in evidence, what are
9 we looking at here from Lot 7 to this location?

10 A. That's gonna be vehicles and you can actually see a
11 pretty good pathway to Lot 15.

12 Q. All right. And would this be the front side of Lot 15
13 or the back side of Lot 15?

14 A. That's gonna be the back side.

15 Q. Now were you able to determine whether any type of
16 gunfire defects existed here along the back side?

17 A. Yes, there were projectile defects.

18 Q. And did you have the means to document those in a
19 diagram?

20 A. Yes.

21 Q. And in addition to the diagram, did you do any type
22 of work inside 15 to determine what path those defects or
23 the projectiles associated with them may have travelled?

24 MS. WILLIAMS: Objection, Your Honor. The witness
25 has not been qualified.

1 THE COURT: All right. Let me see the lawyers.

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

3 THE COURT: Mr. Foreman, I'm gonna ask you-all to
4 return to the jury room while I take up a legal issue
5 with the attorneys. Please do not discuss this case
6 amongst yourselves. It won't take long and I'll have
7 you back in the courtroom.

8 (Whereupon, the jury retires to the jury room at
9 1:58 PM.)

10 THE COURT: Okay.

11 MS. WILLIAMS: Your Honor, the defense is
12 objecting due to the lack of qualification of Sergeant
13 Snelgrove as a ballistics expert. It is the defense's
14 understanding that Sergeant Snelgrove is getting ready
15 to testify as to the path of the bullet that came from
16 Lot 7 and ended up in the victim's skull. In order to
17 do so, it is not a simple straight line path, Your Honor,
18 but to go as the State would have the projectile go it
19 goes through the outside wall of the mobile home, through
20 an inside cabinet, into the rear of a refrigerator, takes
21 a hard right turn out the other side of the refrigerator
22 and then ends up in the victim's skull, and that is the
23 path that -- my understanding is the State proposes to
24 have Sergeant Snelgrove testify to.

25 THE COURT: All right. Let me hear from you,

1 Ms. Mayes.

2 MS. MAYES: Yes, Your Honor. We did provide to
3 the defence in advance a copy of Sergeant Snelgrove's
4 education and experience, her CV, which includes her
5 numerous trainings. We are prepared to proffer her as
6 an expert, although it's the State's position that she
7 would not need to be qualified as an expert based on
8 these observations that were made and documented.

9 VOIR DIRE EXAMINATION (In-Camera)

10 BY MS. MAYES:

11 Q. I'm gonna begin, Your Honor, with asking Sergeant
12 Snelgrove about her training specifically to work at a
13 scene involving ballistics.

14 A. You're talking about a shooting incident
15 reconstruction?

16 Q. Yes.

17 A. So through my --

18 Q. Do you have a copy of your CV with you?

19 A. I do right here. Yes, ma'am. So we did a little bit
20 of it when I was in college. My degree is chemistry with
21 a concentration in forensic science. I have also done the
22 class at the South Carolina Criminal Justice Academy Crime
23 Scenes for New Investigators, and it involved some SIR,
24 which is shooting incident reconstruction. I also have
25 been in Crime Scene Reconstruction Level 1 and Level 2

1 through --

2 Q. I'm gonna stop you right there if I could. So Crime
3 Scene Reconstruction Level 1, what year did you attend
4 that?

5 A. 2016.

6 Q. And you how many hours was that course?

7 A. Forty hours.

8 Q. All right. So Crime Scene Reconstruction Level 1,
9 can you tell us whether or not that included ballistics
10 evidence?

11 A. Yes.

12 Q. Did that include flight path and trajectory?

13 A. It touched on it, yes.

14 Q. Crime Scene Reconstruction Level 2, have you attended
15 any course of that nature?

16 A. Yes, sir.

17 Q. And what year?

18 A. 2017.

19 Q. And how long was that course?

20 A. Forty hours.

21 Q. Now Level 2 Crime Scene Reconstruction, can you tell
22 us what, if any, amount of coursework would address the
23 flight path --

24 A. It touched on it as well.

25 Q. -- and trajectory of bullets? Can you tell us whether

1 or not that includes using different tools for determining
2 flight path?

3 A. More tools would be more into the Forensic Analysis of
4 Shooting Incidents in 2019.

5 Q. All right. So let me ask you, have you received
6 specific training regarding the use of tools, whether that
7 be string or laser?

8 A. Both.

9 Q. And specifically you mentioned the Forensic Analysis
10 of Shooting Incidents. What year did you attend that
11 course?

12 A. 2019.

13 Q. And in what state?

14 A. That was the North Carolina Justice Academy.

15 Q. And how many hours was that course?

16 A. Forty hours.

17 Q. Can you tell us whether or not that included the tools
18 that may be utilized such as lasers or string?

19 A. Yes.

20 Q. Did that include documentation by photos?

21 A. Yes.

22 Q. Did that include recovery of projectiles?

23 A. It didn't really cover recovery of them, touched on
24 it a little bit, but more of doing the flight, the path
25 that it took and the characteristics of a projectile

1 defect.

2 Q. In addition to that course, what, if any, training
3 have you received specifically to documentation and tracing
4 of ballistics evidence?

5 A. We talked about a little bit about it in the
6 Mathematical Shooting Incident Reconstruction as for in
7 shooting incidents.

8 Q. Would that be the forensic analysis of --

9 A. It was a webinar.

10 Q. This is a webinar. This would have been during COVID?

11 A. Yes.

12 Q. And that was entitled Mathematical Shooting Incident
13 Reconstruction?

14 A. Yes, and it was actually taught by the same experts
15 that did the Forensic Analysis of Shooting Incidents.

16 Q. And what year was that?

17 A. 2020.

18 Q. Now have you received any training specific to
19 photography?

20 A. Yes.

21 Q. And what year was that?

22 A. I've got a couple of them. We had one in 2016 that
23 was sixteen hours and then I took another one under Casson
24 as well, which was eight -- considered eight hours through
25 him as well, Photography Basics for Law Enforcement.

1 Q. And what year?

2 A. The 2020.

3 Q. Now I'm gonna ask you, again, regarding crime scene
4 reconstruction whether you had any specific training during
5 COVID?

6 A. Yes, there was another webinar. This Introduction to
7 Crime Scene Reconstruction. We talked a little bit of SIR
8 and BPA, which blood pattern analysis.

9 Q. And what year was that?

10 A. 2020.

11 Q. Now what about bullet hole documentation, specific to
12 ballistics, bullet hole documentation for defects, what
13 training have you had specifically in that area?

14 A. That was another webinar in 2020.

15 Q. Now what type of training certifications do you hold?

16 A. So certifications, that would be pretty much any of
17 that we get a certificate for.

18 Q. Have you had training specifically in homicide
19 investigation?

20 A. Yes. I attended a conference fairly recently of
21 homicide also with the -- the different -- the Crime Scene
22 for New Investigators, several of these classes touch on
23 how to process homicides.

24 Q. All right. The one that you mentioned most recently
25 and what year was that?

1 A. That was 2022.

2 Q. Would that be the North Carolina Homicide
3 Investigators Spring Training Conference?

4 A. Yes.

5 Q. And I'm gonna ask you whether or not you had training
6 specific to use of a farrow?

7 A. That was not at a conference, but the farrow was
8 previously in 2019.

9 Q. And what do we mean by farrow?

10 A. Farrow's a laser scanner. It takes photos of the
11 location and shoots out multiple lasers to get distances
12 and kind of like paints the picture.

13 Q. Is it possible for you, Sergeant Snelgrove, to
14 estimate how many physical crime scenes you've responded
15 to over the course of your work with the Lexington County
16 Sheriff's Department?

17 A. I have approximately 359.

18 Q. And does that include homicide investigations?

19 A. Yes.

20 Q. And how long have you been working specifically in
21 the field of crime scene investigation?

22 A. July will be seven years.

23 Q. And you began as a crime scene investigator in what
24 year?

25 A. 2015.

1 Q. Now in this particular case how did you go about
2 tracing the path of the bullet, specifically a bullet that
3 ended up being recovered from autopsy -- the autopsy of
4 Minor ?

5 A. We used trajectory rods and specifically the C --
6 sorry, I've got to look at it, C-2 and C-3, and we tied a
7 string in between so we could actually photograph that.

8 Q. Is that use of the string commonly accepted among
9 peers in your field?

10 A. Yes.

11 Q. Is your work subject to peer review?

12 A. Yes.

13 Q. And you have mentioned you are the sergeant of CSI?

14 A. Yes.

15 Q. Do you have supervisors as well?

16 A. Yes.

17 Q. Can you tell us whether or not Lieutenant McCann with
18 the major crimes unit is also familiar with your work?

19 A. She's familiar with my work.

20 Q. And would that include as overseeing the work you do?

21 A. That would be our peers, which would be other crime
22 scene investigators in our unit who have had extensive
23 training as well also under Casson, who we regularly go to
24 and ask questions to.

25 Q. And can you tell us whether your work being peer

1 reviewed is something you do on a regular basis?

2 A. Yes.

3 Q. And can you tell us whether you routinely work scenes
4 alone or whether you also have assistance?

5 A. Both.

6 Q. Does that involve consultations with others on the
7 case?

8 A. Yes.

9 Q. Including major crimes unit supervision?

10 A. Yes. That's fine, yeah.

11 Q. And the lead investigators?

12 A. Yes.

13 Q. Now you mentioned using the string. Can you tell us
14 what type of training you had specifically in that use of a
15 string or laser for documentation?

16 A. That would be in the classes that we previously spoke
17 about.

18 Q. And based on your work, were you able to document the
19 path of the bullet that travelled into the home and struck
20 a refrigerator?

21 A. Yes, ma'am.

22 Q. Do you believe that your work on that was done with
23 scientific reliability?

24 A. I would say so.

25 Q. Based on the training and experience you've gained in

1 the field?

2 A. Yes.

3 Q. And did that bullet exit the refrigerator?

4 A. Yes.

5 Q. Now as to your diagram, there's also a bullet which
6 is A?

7 A. Yes.

8 Q. Were you able to trace the path of that bullet to a
9 certain point within the home?

10 A. Yes.

11 Q. Is that consistent with your training and experience?

12 A. Yes.

13 Q. Were you able to document your -- by photos your
14 findings as you went?

15 A. Yes.

16 Q. Can you tell us, Sergeant Snelgrove, whether all of
17 your work in this regard has been consistent with your
18 training and experience in tracing the path of bullets?

19 A. Yes.

20 Q. Are you using tools that are commonly accepted among
21 peers in your field?

22 A. Yes.

23 Q. And in which you've been trained to do?

24 A. Yes.

25 Q. I'm gonna show you a collection of certificates

1 relating to crime scene investigation, crime scene
2 reconstruction and shooting incident reconstruction, and
3 ask you if you recognize these? And several more.

4 MS. MAYES: Your Honor, we would have these marked
5 as a Court's exhibit for Sergeant Snelgrove's proffer.

6 THE COURT: Any objection?

7 MS. WILLIAMS: No objection to that, Your Honor.

8 THE COURT: Okay.

9 MS. MAYES: And all previously provided as
10 discovery, Your Honor.

11 (Court's Exhibit Number 60 was marked for
12 identification.)

13 BY MS. MAYES:

14 Q. And, finally, Sergeant Snelgrove, was your work in
15 this case, which includes 199, being a diagram, and photo
16 documentation that you took within Lot 15 using the tools
17 you have mentioned, whether or not those were done in a
18 manner consistent with scientific reliability?

19 A. Can I clarify which one is 199?

20 Q. It is the diagram of the interior of Lot 15, which
21 reflects defects.

22 A. Yes, ma'am.

23 Q. And who prepared this diagram?

24 A. I did.

25 Q. Was this done consistent with your training and

1 experience?

2 A. Yes.

3 Q. And to the best of your knowledge, is that done within
4 the means of scientific reliability?

5 A. Yes.

6 Q. In this field?

7 A. Yes.

8 MS. MAYES: Your Honor, at this time the State does
9 offer CSI Sergeant Snelgrove as an expert in shooting
10 incident reconstruction.

11 THE COURT: Let me hear from you.

12 VOIR DIRE EXAMINATION (In-Camera)

13 BY MS. WILLIAMS:

14 Q. Sergeant Snelgrove, how many times have you been
15 qualified as an expert witness?

16 A. None actually.

17 Q. Specifically, what of your training was with regard to
18 the field of ballistics?

19 A. Let me go through it again.

20 Q. Well, I heard touched on a couple of times.

21 A. Yeah, the reconstruction Level 1 and 2, we touched on
22 it just because with a whole scene you have more than just
23 SIR and BPA, you also have what happens in a scenario,
24 so it's putting everything together to figure out what
25 happened first and what happened second.

1 Q. Let me phrase it this way. Have you ever taken any
2 courses or been certified -- any courses specifically on
3 ballistics, only ballistics?

4 A. Yes, that's gonna be the Forensic Analysis of Shooting
5 Incidents, the webinar, the Mathematical Shooting Incident
6 Reconstruction, and the forensic analysis and webinar
7 series bullet hole documentation.

8 Q. And, in sum, how many hours of training is that?

9 A. About forty-six hours in just those classes.

10 Q. Forty-six hours specifically in ballistics training?

11 A. That just spoke about that, yes.

12 Q. Okay. Sergeant Snelgrove, are you able -- how does
13 the twist rate of a rifle affect a bullet?

14 A. So I know what you're talking about, the whole 90
15 degree. It's not a 90 degree. It goes in an angle, so
16 that's not a 90 degree angle.

17 Q. And does -- the twist rate of a rifle, how does that
18 affect the stabilization of the bullet?

19 A. That's gonna be the speed and whatnot. That's more of
20 a firearm expert, so that's gonna be a little different.

21 Q. That's fair. Okay. So when a projectile hits a
22 building, what happens?

23 A. It goes through it if it has enough force.

24 Q. Does it always go through in a straight -- in a
25 straight line?

- 1 A. No, because sometimes you have yawl.
- 2 Q. Because sometimes you have?
- 3 A. What's called yawl.
- 4 Q. And what is that?
- 5 A. That's when it starts kind of flipping over.
- 6 Q. Okay. And how is it flipping over?
- 7 A. (Demonstrating.) I mean, over -- the projectile,
- 8 instead of going in a straight line, it's flipping.
- 9 Q. Is there a scientific term for the flipping?
- 10 A. Yawl.
- 11 Q. Okay. Is it -- how about this? Is it predictable?
- 12 The flipping of a projectile, is it predictable?
- 13 A. Yes, to some degree.
- 14 Q. To some degree?
- 15 A. Uh-huh.
- 16 Q. And have you have training in the predictability of
- 17 the yawl of a projectile?
- 18 A. Yes.
- 19 Q. And how does the yawl of the projectile affect the
- 20 trajectory of the bullet once it hits something?
- 21 A. That I would have to confer with my -- my references.
- 22 Q. Okay. And what references would you confer with?
- 23 A. With my books and my notes from the classes.
- 24 Q. Do you know the names of specific tomes that you would
- 25 refer to?

1 A. To a specific -- there's -- we have a shooting
2 incident reconstruction book -- well, crime scene
3 reconstruction book that covered that. It's from Bevel
4 Gardner and Associates. We have the documentation from
5 Casson Reynolds, whose is a certified SIR. He's used
6 multiple times on the stand. I mean, we can go on like
7 this for a while.

8 Q. That's -- I wanted, some examples, and you gave them
9 to me, so thank you.

10 A. Okay.

11 Q. What about temperature difference?

12 A. What about temperature difference?

13 Q. Does temperature affect the yawl as you said it of a
14 projectile?

15 A. I'm not sure. I've never heard of that.

16 Q. You're not sure if the temperature difference affects
17 the yawl?

18 A. I've never heard of it.

19 Q. And so if a projectile were to, say, hit a
20 refrigerator, which is usually at a lower temperature than
21 it would be outside, wouldn't you think you'd need to know
22 what the temperature -- how the temperature difference
23 would affect the yawl?

24 A. I mean, possibly, but it doesn't -- it doesn't even
25 affect to this in this state. It doesn't affect this.

1 Case. It goes into the refrigerator and you've seen where
2 it goes --

3 Q. Sergeant Snelgrove, the question was if a bullet
4 enters a different temperature.

5 A. It's gonna continue on until it's done.

6 Q. How would that affect the trajectory?

7 A. I've already answered that question. I do not know.

8 Q. Sergeant Snelgrove, how do you -- how does the density
9 of material that a projectile hits, how does that affect
10 the flight path on the other side?

11 A. When it goes through obstacles, it can slow it down.

12 Q. Okay. And does the density of the obstacle that it
13 goes through affect the trajectory of the bullet?

14 A. It can.

15 Q. How?

16 A. It can cause the flight pattern to swivel -- not
17 swivel, move a little bit.

18 Q. And what tools would you use in order to ascertain
19 that?

20 A. I mean, we can -- if we want to get into specifics,
21 we can use calipers, more trajectory rods, string, laser,
22 our eyes.

23 Q. Are you able to tell me -- and I swear I'm gonna sit
24 down in a minute, Sergeant Snelgrove. Are you able to
25 tell me based on the density of a bullet and its entrance

1 through -- or its entrance through a material the
2 probability that it would continue through additional
3 materials?

4 A. That would be additional training. That would take
5 additional training that I have not had, but then, again,
6 in the reconstruction I don't need it.

7 MS. WILLIAMS: Your Honor, I think I'm finished
8 with Sergeant Snelgrove.

9 THE COURT: Thank you.

10 MS. MAYES: And whenever you're ready, Your Honor.

11 THE COURT: Give me just a second.

12 All right, Ms. Mayes. I'll be glad to hear from
13 you.

14 MS. MAYES: Yes, Your Honor. Under Rule 702 in
15 the rules of evidence --

16 THE COURT: I'm sitting here reading it.

17 MS. MAYES: -- does not set forth any mandatory
18 qualifications that a witness must be in order to be
19 qualified as an expert. It recognizes there are a
20 variety of ways that a potential expert can gain skill
21 and knowledge in a respective field in order to assist
22 the factfinder. Rule 702 does provide that a witness
23 may be qualified as an expert based upon either
24 knowledge, skill, experience, training, or education.
25 Here with Sergeant Snelgrove, it is a combination of

1 all of the above, specifically in the field of homicide
2 investigations and crime scene investigation,
3 reconstruction, specifically regarding reconstruction
4 of bullet paths. Defects in the amount and quality of
5 an expert's education go to weight, not admissibility.

6 And, specifically, Your Honor, I believe some of
7 the questions posed by defense counsel during voir dire
8 would be questions that many, many experts in this field
9 would defer to someone else. She does not have to be
10 an expert across the board in every aspect of firearms,
11 only in this one specific area in which we're offering
12 her regarding the crime scene reconstruction and
13 documentation of the bullet path.

14 Your Honor, the State has met the requirements of
15 showing that Sergeant Snelgrove has specific, training,
16 experience, knowledge, and skill in this field, and we
17 are limiting this proffer to her identification of the
18 locations of defects, how she documented them and then
19 how she traced the path of that bullet using of the tools
20 that are accepted within her field.

21 MS. WILLIAMS: Your Honor, while Sergeant Snelgrove
22 is a fantastic CSI, and by putting her up on the stand, I
23 don't mean to question her ability to do her job. I do
24 question the Court designating her as ballistics expert.

25 Your Honor, this is not a simple trajectory of a

1 bullet. In order for this bullet to end up in this
2 child -- in the victim's head, it must go through the --
3 the outside of a mobile home, it must penetrate a wooden
4 cabinet, it must come back out of that wooden cabinet
5 and go into the back of a refrigerator, it must then turn
6 sharply right to go through that refrigerator in order to
7 end up with the victim.

8 Your Honor, at multiple points in that analysis,
9 an expert -- or a CSI would be required to make
10 determinations regarding density and likelihood that
11 the projectile would have continued in that path, that
12 perhaps it was a projectile fired within the domicile
13 that continued. If the projectile must have travelled
14 a very, very, very long way, it must have hit multiple
15 surfaces, which means that it spun multiple times, and
16 at one point it actually -- the refrigerator, I assume,
17 would be at a lower temperature than the rest of the
18 surrounding environment which would affect its ability
19 to spin and in what direction it would go, and I think
20 she needs to be able to testify to that, to how it would
21 react at each surface in order to show that the bullet
22 started on the outside across the street, came all the
23 way through that very long path that I just gave you.

24 Your Honor, I am not saying that she cannot testify
25 that a bullet came through the outside. I think at that

1 point I think that she certainly can. I think the
2 problematic parts are the additional material each time
3 it hits a different density, a different temperature, to
4 which she testified that she would need more training in
5 temperature and more training in density, and so I think
6 the complicated nature of this and her -- means that
7 she's not qualified to testify on it.

8 MS. MAYES: There has been no showing whatsoever,
9 Your Honor, that the temperature of the refrigerator
10 would in any way impact her ability to determine that
11 the bullet that comes in the refrigerator, comes out
12 of the refrigerator and strikes the victim, who is
13 standing next to the refrigerator, and this takes us
14 back to where we were in the beginning. This is all
15 information she is trained to document. It's observable.
16 The temperature of the refrigerator, if she wants to
17 ask questions like that during her examination, she
18 is welcome to do so, but it does not affect the
19 admissibility of this evidence. It would go to the
20 weight at most, but not its admissibility. Your Honor,
21 there's just been no showing that that in any way
22 impacts this evidence.

23 THE COURT: Well, I agree with you, but this is --
24 this is my problem, Ms. Mayes. I agree that she can
25 testify to the things that she does normally in her job

1 every day, and if it's measuring from one point of the
2 trailer to another, she can do that. She does not need
3 to be an expert to testify to what she does. However,
4 for her to give an expert opinion, you know, it -- it's
5 using common sense, it what she's done. She's seen
6 where the bullet hit. We know it went through the
7 refrigerator. It's common sense. That's what she can
8 testify to. I do not believe with forty-six hours of
9 training in ballistics and what I've seen, and I went
10 over these certificates, that she qualifies as an expert.

11 I just -- I'm not gonna qualify her as an expert,
12 but what I'm telling you is I think that she can testify.
13 And I've read Rule 701 and 702 and she can testify to the
14 daily things that she does every day as a CSI.

15 Now a CSI does a little bit more than the normal
16 officer who is on the scene and she's had some training
17 in things and I believe that she can testify to that,
18 but not to the point that she is an expert.

19 MS. MAYES: And, Your Honor, in that regard we
20 would cite In Re: Thomas 402 SC 373, 2013, which
21 has held that if a witness is not testifying as an
22 expert, they can still give opinion testimony, which
23 is rationally based on their perception.

24 THE COURT: That helps the jury understand what's
25 going on --

1 MS. MAYES: Yes.

2 THE COURT: -- and, you know, she's more experienced
3 than the regular police officer, not to cut anybody down,
4 but the regular police officer who comes in here and
5 testifies. She's the CSI. She has to have some kind of
6 training and she has.

7 She's had extensive training on -- on several
8 different issues from ballistics to bullet holes to a
9 bunch of other reconstructions, I think there's several,
10 and lasers, which she's done with her photos, and I think
11 she can testify to that as long as she's not here to tell
12 you that the refrigerator was 32 degrees and there was a
13 metallic such and such. She's not here to testify to
14 that. I'm not gonna let her. You'd need an expert to
15 testify to that. She's not here to do that. She can
16 testify to what she does in her normal course of business
17 and if she -- and she can offer an opinion on what she's
18 been trained in, what she's trained to look for.

19 I believe that's what In Re: Thomas states; is it
20 not, Ms. Mayes?

21 MS. MAYES: It is, Your Honor.

22 THE COURT: Thank you. Okay. That's my ruling.

23 MS. WILLIAMS: Thank you, Your Honor.

24 THE COURT: Can I bring the jury in?

25 MS. MAYES: Yes, Your Honor.

1 THE COURT: I'm also gonna add to the record that
2 a lot of these certificates here were like beginner's
3 courses that caused the Court some concern as far as
4 qualifying her as an expert.

5 (Whereupon, the jury returns to the courtroom at
6 2:31 PM.)

7 THE COURT: Okay.

8 All right. Mr. Foreman, is the jury ready?

9 FOREPERSON: Yes, ma'am.

10 THE COURT: Okay. Continue on, Ms. Mayes.

11 MS. MAYES: Yes, Your Honor.

12 CONTINUED DIRECT EXAMINATION

13 BY MS. MAYES:

14 Q. And prior to the objection I believe you had shown us
15 here that distance from 7 to 15 and then looking here at
16 State's 36, I was asking if this is the front side or the
17 back side of 15?

18 A. That's the back side of 15.

19 Q. All right. Now we're gonna take a look here at a
20 diagram in evidence, which is 90. And take us through,
21 Sergeant Snelgrove, who actually prepared this diagram?

22 A. I did.

23 Q. All right. Which would be the front side and which
24 would be the back side?

25 A. This side would be the front side and this is gonna be

1 the back side.

2 Q. All right. What appliances do we see in your diagram?

3 A. You see a television right here in the living room,
4 this is a refrigerator in a little kitchen area and an
5 oven, a dryer and a washer -- actually the dryer first and
6 then the washer.

7 Q. And can you tell us whether or not the victim -- what
8 area the victim was located in? Let me ask you that.

9 A. The victim was right here in front of the oven and in
10 between this wall and these appliances here.

11 Q. All right. Going back to 36, the back side, can you
12 tell us whether or not you were able to observe any gunshot
13 defects along the back side of the mobile home?

14 A. Yes, ma'am. We had a projectile defect here under the
15 AC unit and here.

16 Q. And what, if anything, were you able to determine
17 regarding what happened to the bullets once they entered
18 along here?

19 A. This one we actually discovered it goes into the dryer
20 and it comes out in pieces. The one under the AC unit, it
21 goes under -- it was in the underpinning and it terminated
22 under the house. This one right here, which was my C-1 on
23 the outside, C-2 on the inside. It -- we found another
24 projectile defect here in this wall behind the cabinet and
25 it goes -- and it enters in -- do you want me to continue

1 on?

2 Q. Yes. I'm gonna start by asking you about the one you
3 mentioned first, which is the one that you indicated
4 strikes a dryer.

5 A. Yes, ma'am.

6 Q. And you see the dryer there in your diagram?

7 A. Yes, ma'am.

8 Q. Let me move it up a little bit closer there on the
9 image. All right. Does that help you somewhat?

10 A. Yes, ma'am.

11 Q. All right. And, again, if you could show us where it
12 entered.

13 A. It enters about right here and then it goes into the
14 dryer and then it comes out about right here.

15 Q. Did you document this by photos during the course of
16 your work within the home?

17 A. I did.

18 Q. I believe State's 121 reflect your findings.

19 A. Yes, ma'am.

20 Q. So if we refer to that as A, can you tell us whether
21 or not that's consistent with the path you were able to
22 trace for that particular projectile?

23 A. Yes, ma'am.

24 MS. MAYES: State's 121 for evidence.

25 THE COURT: And that should be without objection is

1 what my notes say.

2 MS. WILLIAMS: It is, Your Honor.

3 THE COURT: Okay. It's admitted.

4 BY MS. MAYES:

5 Q. So we're gonna start here, Sergeant Snelgrove. We're
6 gonna take it back a little bit. Can you tell us what
7 we're looking at here with the very first photograph that
8 you have be labeled A1?

9 A. That's the back side of the residence. That's on the
10 left -- if you're looking at the back door that we saw
11 earlier, it's gonna be on the left side of that door.

12 Q. Okay. And next what you have labeled, can you tell us
13 what label you have there?

14 A. A2. I couldn't reach the other one in the other side
15 of the wall.

16 Q. All right. And what appliance do we see here?

17 A. That's gonna be the dryer. That's when I opened the
18 door of the dryer and you see where some of it came out,
19 some actually hit beside it. That's gonna be on the
20 interior side of the door for the dryer.

21 Q. Now what labels do we see here?

22 A. I labeled them as -- can you bring it in a just little
23 bit more? I think it's A3.1, 3.2 and 3.3.

24 Q. All right. And what does this represent?

25 A. That is gonna be what came out of the dryer.

1 Q. And we're now looking at how many fragments?

2 A. At least three.

3 Q. And what do we see here?

4 A. That's a close-up of A3.1, a close-up of A3.2 and
5 A3.31.

6 Q. Now you mentioned that there were additional defects
7 there along the back side?

8 A. Yes, ma'am.

9 Q. Let's talk specifically about the refrigerator.

10 A. Okay.

11 Q. What, if anything, did you note about the path of any
12 type of gunfire which ultimately left a defect within the
13 refrigerator?

14 A. We had a projectile defect here, a corresponding
15 one was to this wall here, and in front of that wall you
16 see that's the refrigerator, open the refrigerator you see
17 another projectile defect in the back of the refrigerator,
18 and you look to the left and you see on the inside of the
19 refrigerator you can see another projectile defect. If you
20 look on the outside of the refrigerator on that same side,
21 there's projectile defect on the exit.

22 Q. I'm gonna show you what is State's 126 and ask you if
23 you recognize this collection? What you just spoke of,
24 what label did you give this path?

25 A. It's gonna be C and it will have a number behind it.

1 Q. As it travels?

2 A. (Nods head.)

3 Q. Did you use any type of measurements while tracing
4 this path?

5 A. Oh, we used the scale and that can be used as a
6 measurement.

7 Q. Are you able to verify each of these photographs?

8 A. Yes, ma'am. They're my photographs.

9 THE COURT: State's 126 for evidence, Your Honor.

10 THE COURT: Any objection?

11 MS. WILLIAMS: No objection, Your Honor.

12 THE COURT: All right.

13 (State's Exhibit Number 126, photographs, were
14 admitted into evidence.)

15 BY MS. MAYES:

16 Q. So we're gonna start here. What do we see here on the
17 first page of 126?

18 A. That's gonna be what I labeled as C1.

19 Q. On the front side of the trailer or back side?

20 A. Oh, I apologize. Those are gonna be the back of the
21 residence.

22 Q. Next?

23 A. That's a close-up of it. That's gonna be in the
24 living room between the AC unit and the TV. It's gonna be
25 a corresponding defect to that one that we just saw on the

1 outside. And that's with a trajectory rod to get the idea
2 of where it went and we kind of look down that rod and we
3 see that right there, it's gonna be another projectile
4 defect, and right there at an angle you can see that's
5 another trajectory rod sticking in there, and it's pointing
6 back at that other trajectory rod. We connect a string to
7 it between the two trajectory rods so you can actually
8 visualize that in the photo.

9 Q. And just to clarify, all of this work is based on your
10 observations as you go?

11 A. Yes.

12 Q. And this is all visually apparent to you with the
13 naked eye?

14 A. Yes.

15 Q. Okay. This would just be a form of photo
16 documentation?

17 A. That's correct.

18 Q. And what is this object we see here?

19 A. That is a string that is being held up there to the --
20 held or tied to -- I can't quite remember off the top of my
21 head -- to the trajectory rod that was in that defect and
22 you can kind of see CSI Browning right there holding it
23 taut to that trajectory defect -- I mean, the projectile
24 defect. Like I said, on the other side of that wall where
25 we see that third projectile defect, which would be C3 --

1 well, I didn't label it -- yeah, I called it C3, is the
2 refrigerator, it's the back of the refrigerator, and as you
3 see here, that projectile entered here, it's gonna be at an
4 angle because it ends up coming over and goes to the side
5 and out of the refrigerator.

6 That's a close-up of it and then a little bit more --
7 better close-up of the other one and that's gonna be the
8 exit out of the refrigerator.

9 Q. C6 represents the ultimate travel of this bullet out
10 of the refrigerator?

11 A. Yes, ma'am.

12 Q. I'm gonna show you what is State's 46 already in
13 evidence. What are we looking at here?

14 A. That's gonna be the refrigerator and that wall that
15 we saw earlier. And I forgot to mention there is a
16 microwave as an appliance there and it's beside the
17 refrigerator.

18 Q. State's 45.

19 A. That's gonna be the victim.

20 Q. Looking here at State's 46, State's 45.

21 A. You see the refrigerator here and there's that cabinet
22 with the microwave on top of it.

23 Q. And, again, based on your observations at the scene,
24 is that defect and its location consistent with where the
25 victim was found?

1 A. Yes, ma'am, it is.

2 Q. Now I want to go back to that diagram and ask you
3 what else you observed along the back side of the trailer?

4 A. On the back side, we did have another projectile
5 defect that was under the window unit that was in the
6 underpinning.

7 Q. And do you recall how you labeled that?

8 A. B.

9 Q. Okay. And can you tell us whether inside the home
10 you recovered a steel magnetic fragment that would be
11 Number 11?

12 A. Yes, ma'am. I collected it in the master bathroom on
13 the floor of it.

14 Q. Already in evidence, Your Honor, 44, what are we
15 looking at here?

16 A. That's gonna be one of the items I collected as 11.

17 Q. Do we actually -- how many items do we actually see
18 in that photograph?

19 A. I can't tell at the bottom of it if that's part of
20 what I collected. I know I took two different photos with
21 11, they were in very close proximity of each other, so I
22 just collected them as one.

23 Q. All right. So we're looking here at Marker 11 and
24 then I'm gonna take a look here at Marker 11 as well.

25 A. Yes, ma'am. They were pretty close together on the

1 floor of the master bathroom.

2 Q. All right. I'm gonna show you what is State's 197.
3 If you could take a look at this collection of photos and
4 tell me whether or not you recognize them.

5 A. Yes, ma'am. These are my photos. I apologize. Yes,
6 those are my photos.

7 Q. Is it possible for you to estimate how many photos you
8 took during your work at that scene?

9 A. I can look at the number on here and it was 310.

10 Q. Okay.

11 MS. MAYES: State's 197 for evidence, Your Honor.

12 MS. WILLIAMS: Without objection, Your Honor.

13 THE COURT: It's admitted.

14 (State's Exhibit Number 197, photographs, was
15 admitted into evidence.)

16 BY MS. MAYES:

17 Q. Now this particular photograph that we're looking at
18 already in evidence showing the fragments, State's 44, one
19 fragment there and then a second fragment here, can you
20 tell us whether or not this would be the Lexington County
21 Sheriff's Department's Number 11 from inside Lot 15?

22 A. Yes, it's gonna be my Number 11 from Lot 15.

23 Q. A fragment which is steel magnetic?

24 A. Yes, ma'am. That's what we were advised.

25 Q. Let me show you 197 and ask you how this correlates

1 to that particular finding?

2 A. So we -- we have projectile defects on this wall.
3 That's where I labeled A3.1, .2, .3. That wall kind of
4 goes perpendicular to it. Maybe this way. Yeah. So we're
5 looking on this side.

6 Q. And then the next in that series. It's a little bit
7 closer there.

8 A. Yes, a little closer. It's not labeled because I
9 could not determine which 3. it was.

10 Q. Okay. So of the three fragments we saw earlier, you
11 were not able to determine which one of these fragments?

12 A. No, ma'am.

13 Q. Okay. What do we see here?

14 A. That's what appears to be a projectile defect or a
15 fragment defect.

16 Q. All right. And which room in the house is this?

17 A. That's gonna be the master bedroom.

18 Q. And does that master bedroom have a master bath?

19 A. Oh, yes, it does.

20 Q. And what are we looking at here?

21 A. That's gonna be the wall in the master bathroom and
22 you can actually see the carpet that's from the bedroom in
23 this photo.

24 Q. And is that the same master bath where Number 11 was
25 recovered?

1 A. Yes.

2 Q. Now in addition to 11, I'm gonna ask you whether there
3 was a fragment of lead labeled Lexington County Sheriff's
4 Department Number 10?

5 A. Yes, ma'am. That was the fragment I collected from
6 the hallway going to the other bedroom that had projectile
7 defects in it.

8 Q. I'm gonna show you State's 134 and ask you if you
9 recognize that item?

10 A. Yes, ma'am. That's the item I'm referencing, Item 10.

11 MS. MAYES: I believe 134 for evidence without
12 objection.

13 MS. WILLIAMS: Yes, Your Honor. Without objection.

14 THE COURT: It's admitted.

15 (State's Exhibit Number 134, photographs, was
16 admitted into evidence.)

17 BY MS. MAYES:

18 Q. What area of the home are we looking at here in
19 State's 134?

20 A. That's the hallway leading to the other bedrooms,
21 including the bedroom that has other projectile defects.

22 Q. And a close-up here?

23 A. Yes, ma'am.

24 Q. Is that consistent with the fragment that's been
25 previously mentioned?

1 A. Yes.

2 Q. You mentioned other bedrooms. Tell us how the other
3 bedroom corresponds with what we see here in State's 134.

4 A. There was a few projectile defects on the outer wall,
5 the end wall here, and we had multiple defects in this wall
6 and around the door, and we believe that this fragment is
7 from one of those defects.

8 Q. All right. Now I'm gonna ask you about a child's
9 bedroom, specifically already in evidence, State's 48. Is
10 that the bedroom you just referenced?

11 A. Yes, ma'am. This is the one. You're gonna see two
12 of those projectile defects right here in the mirror and
13 there's some up here at the top.

14 Q. All right. This child's bedroom with the pink
15 curtains, I'm gonna go back to this diagram, where looking
16 at this diagram would the child's bedroom be, looking here
17 at 90?

18 A. That's gonna be over here where this rectangle shape
19 is supposed to represent that mirror.

20 Q. And where from the outside of the home does that
21 particular -- do those two particular projectiles enter?

22 A. Over here if you're looking at this window with the
23 AC unit, it's gonna be on the right side of that window.

24 Q. And a close-up, State's 49, already in evidence, and
25 now looking at State's 36, where would that location be,

1 looking here at this photograph?

2 A. Right here.

3 Q. In addition to these findings, can you tell us what
4 we're looking at in State's 51 already in evidence?

5 A. That is the projectile defect I was actually
6 photographing in that video that you-all got to see
7 earlier.

8 Q. When we saw you down low?

9 A. Yes.

10 Q. And State's -- let me ask you this. How does that
11 correspond here with State's 90?

12 A. It gonna be in the underpinning over on this side.

13 Q. State's 50.

14 A. That's gonna be that same end of the mobile home and
15 it's gonna be up there, the roof, the apex, whatever you
16 want to call it. I'm not sure.

17 Q. And how does 50 correspond with your diagram here in
18 90?

19 A. It's gonna be up in this area because it was up near
20 the ceiling.

21 Q. And looking at 36?

22 A. Actually, it would be up here approximately.

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

24 THE COURT: Take your time.

25 BY MS. MAYES:

1 Q. I'm gonna show you what is 199 and ask you whether or
2 not you recognize this diagram?

3 A. Yes, ma'am.

4 Q. Who prepared this diagram?

5 A. I did.

6 Q. Okay. And can you tell us whether or not it is a fair
7 and accurate depiction of the defects you have already
8 noted?

9 A. It is, but remember it's not to scale.

10 Q. Okay. Other than not being to scale, does it show the
11 location of these defects that you have noted?

12 A. Yes, ma'am.

13 Q. Including the interior findings?

14 A. Yes, ma'am. Not all of them though. Just the major
15 -- a good bit of them.

16 Q. The ones that you've been able to actually testify
17 were entries?

18 A. Yes.

19 MS. MAYES: State's 199.

20 MS. WILLIAMS: Without objection, Your Honor.

21 THE COURT: It's admitted.

22 (State's Exhibit Number 199, a diagram, was admitted
23 into evidence.)

24 BY MS. MAYES:

25 Q. All right. Going back to this, 199, one more time as

1 to where the back side of the mobile home would be in this
2 diagram?

3 A. This is the back side.

4 Q. And as it relates to 36?

5 A. It's gonna be this side that you see. It's gonna be
6 the back door and those steps.

7 Q. All right. Looking here at 199, let's start over here
8 at the far left, which I believe you've previously called
9 the roof in the apex area, how many defects do you see
10 there?

11 A. Five.

12 Q. And how do you have them labeled?

13 A. All in my diagram I have UM, being be unmarked, 1,
14 UM2, F, E and G or something.

15 Q. And here as to F and E, could you tell us what room
16 of the home that represents?

17 A. That's gonna be that same room with the pink curtain
18 that we looked at earlier.

19 Q. State's 49.

20 A. Right there.

21 Q. And as for C, what, if anything, is significant about
22 C -- the path of C?

23 A. It goes through and at the other end you have the
24 victim.

25 Q. This is the one where the victim is on the opposite

1 side of the refrigerator?

2 A. Yes, ma'am.

3 Q. And you've addressed A3 already?

4 A. Yes, ma'am.

5 Q. And then finally what does 11 represent?

6 A. That's gonna be those two fragments I picked up out
7 of the master bathroom.

8 Q. Including the steel fragment?

9 A. Including the steel fragment.

10 Q. And 10?

11 A. And 10's gonna be a fragment I picked up out of the
12 hallway.

13 Q. Which corresponds with the child's bedroom?

14 A. Yes, ma'am.

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

16 Nothing further of Sergeant Snelgrove, Your Honor.

17 THE COURT: Ms. Williams.

18 MS. WILLIAMS: Briefly, Your Honor.

19 CROSS-EXAMINATION

20 BY MS. WILLIAMS:

21 Q. All right, Ms. Snelgrove.

22 A. Yes, ma'am.

23 Q. Looking at State's 199, is there a bullet defect
24 missing from the diagram here?

25 A. Yes, ma'am.

1 Q. Okay. Is there a bullet defect missing from the
2 diagram here?

3 A. Yes, ma'am.

4 Q. In fact, are there two defects because there was
5 one on both walls -- both sides of the wall that are
6 missing?

7 A. Yes, ma'am.

8 Q. Okay. Is there a bullet defect missing from the
9 diagram here?

10 A. Yes, ma'am.

11 Q. And then on the exterior wall, is there also a bullet
12 defect missing from the diagram?

13 A. Yes, ma'am. As I said, it doesn't have all of them
14 on there.

15 MS. WILLIAMS: Thank you, Sergeant Snelgrove.

16 No further questions for this witness.

17 MS. MAYES: Briefly, Your Honor.

18 THE COURT: Yes, ma'am.

19 REDIRECT EXAMINATION

20 BY MS. MAYES:

21 Q. And can you tell us whether the ones that you were
22 able to -- based on your training and experience that you
23 photographed as entries were documented?

24 A. Yes.

25 Q. Were you able to account for every exit of each

1 projectile?

2 A. Not for every one.

3 MS. MAYES: Thank you. Nothing further.

4 RECROSS EXAMINATION

5 BY MS. WILLIAMS:

6 Q. Sergeant Snelgrove, was this an entry defect?

7 A. It was an entry, but looking on the inside in there,
8 and I also had another CSI look at it, we could not find
9 where it entered into the home.

10 Q. Okay. So it entered from the outside into the --

11 A. At an angle, yes.

12 Q. Okay. But it did not actually enter into the
13 dwelling?

14 A. Not that we could find.

15 Q. Okay.

16 A. Because we were -- trust me, we were looking for it.

17 Q. And then the bullet defect here, I believe you
18 testified that you -- you missed it and so --

19 A. I wasn't the only one that missed it, but I did --
20 as you can see in my report, I did correspond these
21 together; however, I did state in my report that I was
22 not able to determine its origin.

23 Q. So are you -- do you have any findings to make
24 regarding whether this would be an exit or an entrance?

25 A. I don't. As I said previously, I'd have to look at

1 it a lot closer.

2 MS. WILLIAMS: Thank you, Sergeant Snelgrove.

3 THE WITNESS: No problem.

4 MS. WILLIAMS: May we release Sergeant Snelgrove?

5 THE COURT: Yes.

6 May I release her?

7 MS. MAYES: Yes, Your Honor.

8 THE COURT: I think that's it for you.

9 THE WITNESS: Thank you.

10 THE COURT: Thank you.

11 (Witness excused.)

12 THE COURT: Does the State want to call their next
13 witness or do we have time?

14 MS. PATTERSON: Your Honor, the State calls Sergeant
15 Adam Creech.

16 THE COURT: Okay.

17 (Whereupon, Adam Creech was duly sworn by the Clerk
18 of Court.)

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

22 THE COURT: Sergeant Anthony Adam Creech. Creech
23 is spelled C-R-E-E-C-H.

24 ANTHONY ADAM CREECH,

25 having been duly sworn, testified as follows:

1 DIRECT EXAMINATION

2 BY MS. PATTERSON:

3 Q. Good afternoon, Sergeant Creech.

4 A. Good afternoon.

5 Q. Sergeant Creech, where are you employed?

6 A. With the Lexington County Sheriff's Department.

7 Q. And how long have you been employed with the Lexington
8 County Sheriff's Department?9 A. I believe it's about twelve years and ten months. It
10 will be thirteen years this August.11 Q. And what is your current title at the Lexington County
12 Sheriff's Department?13 A. I'm currently a detective sergeant in the major crimes
14 division. I specifically supervise our special victims
15 unit.16 Q. And can you tell me how long you've worked in major
17 crimes?18 A. I can. I've been in the major crimes division since
19 July of 2014 and I was an investigator in that division
20 until October of 2017 and I've been over the special
21 victims unit as a sergeant ever since then.22 Q. And what do you mean by -- what types of cases do
23 you-all investigate in the special victims unit?24 A. So as part of the special victims unit, our day-to-day
25 priority is child abuse, vulnerable adult cases; however,

1 that being said, despite that being our specialty, every
2 two weeks out of the month we do what we call day call
3 on call for investigations and then nightshift on call
4 for investigations, and during those two week periods,
5 it doesn't matter what it is, whether it's a shooting, a
6 robbery, a homicide or anything around that or in between,
7 we may have to work that outside of our regular specialty.

8 Q. And I think you said you were a supervisor over that
9 unit?

10 A. Correct.

11 Q. And were you the supervisor in charge of the shooting
12 on June 9th of 2021 at [REDACTED] Road?

13 A. I was. We were the on call team that evening. I
14 believe, if I recall correctly, a lot of people actually
15 had gone home early that night and me and one of my other
16 investigators were in my office and he got my attention
17 and told me that he had seen a call card come in through
18 dispatch and upon reading the call card, I realized we
19 were dealing with a pretty serious situation and then I
20 went ahead and called the rest of the team and had
21 everybody respond.

22 Q. So how long did it take major crimes to get out there
23 to that scene?

24 A. Coming from headquarters in Lexington to [REDACTED] Road
25 driving pretty fast, I believe I was probably there in no

1 more than fifteen minutes, maybe twenty minutes. I know
2 while we were en route we were still listening to radio
3 traffic, the situation was still freshly developing, and
4 while en route I remember the patrol supervisor keyed
5 over on the radio saying do you need major crimes to be
6 contacted and major crimes keyed in over the radio we're
7 already on the way, all of us are coming, and I believe I
8 showed up on-scene very shortly after the road deputies
9 did. Probably within ten or fifteen minutes.

10 Q. And approximately, if you can recall, about how many
11 investigators with the major crimes responded out that
12 night?

13 A. So I had my entire team respond. I had three of
14 them respond to the scene with myself, I had one of them
15 go to headquarters, directed him to standby for a search
16 warrant, and then I contacted Sergeant Snelgrove with crime
17 scene, she was our on-call crime scene investigator, and
18 I requested her to respond and I went and told her to
19 advise her backup units to come as well because I knew we
20 were gonna be dealing with a pretty lengthy scene and I
21 knew this was gonna be more than one CSI could effectively
22 handle, and while I was on the phone with her, she piped
23 up and said my husband says he can come, too, do you want
24 him to come and I said, well, it sounds like we've got a
25 mess on our hands, so certainly if he's willing to come,

1 please send him, and he showed up as well.

2 Q. Okay. And so when you get to the scene, Sergeant
3 Creech, kind of describe what was it that you observed.

4 A. Certainly. It was a -- as you guys have seen that
5 overhead, it's a pretty close together trailer park. It's
6 -- it was very crowded. I had to park quite a ways up from
7 the trailer park because there were so many cars parked
8 along the road and in the road and I walked down. It was a
9 massive crowd of people. It was probably one of the most
10 populous crime scenes I've ever seen and I've been on a lot
11 of crime scenes. It was a pretty chaotic one at that, but
12 this was probably the biggest one in terms of just civilian
13 presence in the wake of what had just happened.

14 Q. And even though it was a chaotic scene, were you-all
15 able to maintain the crowd control pretty well?

16 A. We were I. Think that was probably -- that was
17 certainly a concern that it was gonna be a rowdy crowd and
18 I know a lot of officers showed up initially. I believe we
19 even had our North Region supervisor that was based out of
20 Irmo show up. So, you know, we had people come from all
21 over the county to help us. Thankfully the crowd was --
22 you know, I think a lot of them appeared to just be kind of
23 in shock over what happened, people were trying to figure
24 out what was going on. We did have some initial issues
25 with some scene control. The scene was initially kind of

1 focussed on Lot 15 because that's where we knew we had a
2 possible fatality. There were a lot of people kind of
3 clustered right up in front of 15 inside the crime scene
4 tape and actually one of the first things I did on-scene
5 was I had to kind of get the crowd's attention and just ask
6 for everybody to step out, and we didn't have any issues
7 with that. I think everybody just needed a little bit of
8 guidance of what to do because everybody was still kind of
9 reeling because we were in the immediate aftermath of what
10 happened.

11 Q. So despite the chaotic scene people were very
12 cooperative with law enforcement out there?

13 A. I would say so. I mean, obviously the crowd and
14 knowing that we had a child victim possibly -- I certainly
15 had some concerns over the crowd potentially being rowdy,
16 but other than just some occasional vocal people here and
17 there, I would say that we actually -- it was pretty good
18 once we started communicating with the crowd about what was
19 going on.

20 Q. And we've already heard extensive testimony about
21 CSI being out there and being responsible for securing and
22 processing the crime scene, but as sergeant of the special
23 victims unit in major crimes, did you also walk around the
24 crime scene as well?

25 A. I did. One, I was making a lot of phone calls

1 advising my boss of what's going on, communicating with
2 Detective Sherban, who was on standby wanting the search
3 warrant, kind of just wrapping my head around what we've
4 got going on. It's hard for me to make an informed
5 decision unless I know kind of what we're dealing with in
6 terms of the crime scene, so, you know, once the scene's
7 kind of secure and I've got detectives off starting to kind
8 of perform their tasks, I did look at the scene.

9 I looked all around Lot 15 and 16 and eventually I
10 was directed to Lot 7. In front of 15, I recall seeing a
11 cluster of 40 caliber shell casings in front of 15, smaller
12 caliber case in between 15 and 16, which appeared to be
13 mostly nine millimeter, and then in front of Lot 7 it was a
14 mixture of smaller handgun caliber casings and some pretty
15 large distinct steel casings, 7.62 shell casings, and then,
16 you know, of course, once we realized the scene was bigger
17 than Lot 15, we eventually expanded the crime scene tape to
18 encompass the front of 16 all the way down to Lot 7, which
19 actually, you know, kind of cut the roadway in half and
20 caused us other logistical issues throughout the night,
21 but it didn't cause any major problems.

22 Q. And about how long were you-all out there at that
23 scene that night?

24 A. Oh, gosh. I remember it started to get daylight when
25 we finally yet. I believe we had to bring in lights to

1 actually work the scene because it was in the middle of
2 the night. It was probably approaching 6:00, 6:30 in the
3 morning by the time we finally finished the on-scene
4 investigation and left.

5 Q. As the supervisor of this particular investigation,
6 were you privy to the information and were you -- did you
7 have continued involvement in the investigation into this
8 shooting?

9 A. I did. So as a supervisor, one of my immediate tasks
10 was to designate our lead investigator, so in this case
11 it was Detective Gilliam, who is seated in the courtroom
12 today, and so I was primarily relying on her to -- to be
13 kind of the focus of all information coming in because she
14 was a new detective at the time, so obviously she's keeping
15 me abreast because I've got my bosses to kind of stay in
16 the loop about what's going on and I need to know what's
17 going on because, again, I've got a new detective and other
18 people and they kind of need a little bit of guidance here
19 and there. And so -- so as new developments came up, new
20 names, circumstances, things we needed to do, obviously
21 that was all brought to my attention as it developed.

22 Q. Was it also brought to your attention when the
23 defendant, Quayshaun Clark, was arrested?

24 A. It was. I was made aware of when he was arrested on
25 June 11th, which was that Friday. I believe the shooting

1 itself was on Wednesday night. That Friday I was made
2 aware when he was arrested at [REDACTED] Spring Hill Road, which
3 is in the Gilbert area.

4 Q. And did you -- did it ever come to your attention
5 whose residence that was?

6 A. Yes, it's my understanding that was the residence of
7 Nashua Smith, who I was told was Quayshaun's cousin.

8 Q. And were you also notified -- or were you involved in
9 the recovery of the car that Quayshaun Clark was driving?

10 A. I was. So Mr. Clark was transported to headquarters
11 and Detectives Gilliam and Mackinson began to interview
12 him and while they were interviewing him Detective Gilliam
13 advised me that he told them that his car was parked at
14 [REDACTED] North Ridgell Street in Batesburg, so once -- kind of
15 juggling places a little bit, I started working on search
16 warrants for that location, as well as Mr. Clark's house
17 at [REDACTED] Academy Street in Batesburg, which incidentally is
18 about two miles from where the shooting took place.

19 While getting read to work on the search warrants, I
20 also contacted Special Agent Beeler with the U.S. Secret
21 Service to ask him to assist us with the interview and
22 so once they were all settled in the back, I got search
23 warrants for the vehicle, which I had Batesburg-Leesville
24 Police Department have an officer kind of start watching
25 to make sure it didn't go anywhere, and then once I got the

1 search warrants, myself and Sergeant Snelgrove responded
2 first to [REDACTED] North Ridgell Street, where we started
3 processing -- or attempted to process the vehicle, which
4 was a dark -- dark colored Grand Marquis.

5 Q. And let me stop you just for one second.

6 A. Yes, ma'am.

7 Q. So once Quayshaun Clark was arrested, that's when
8 you-all got the information about the whereabouts of his
9 vehicle?

10 A. That's correct. We -- I think somebody had been by
11 the house earlier in the night and noted the vehicle was
12 there, so, of course, we were interested in his car --
13 well, in his person because when he got arrested he
14 didn't have his vehicle with him, so once we found that
15 information obviously we were very interested in what could
16 have been present in the vehicle.

17 Q. And so at [REDACTED] North Ridgell Street, did you know whose
18 residence that was?

19 A. Yes, it was his uncle's house. His uncle, I believe,
20 name is Johnny Lites. I'm sorry. Johnny is his father.
21 I believe it's Marvin Lites.

22 Q. Okay. So his Uncle Marvin Lites' house?

23 A. Yes, ma'am.

24 Q. So did you participate in the search of this vehicle?

25 A. I did. Initially we didn't have a key to the vehicle,

1 it was locked, but while we were trying to get into it --
2 we actually tried to pry the trunk open. When we weren't
3 successful with that, Johnny Lites, the defendant's father,
4 told us that he could get the key and he left and a few
5 minutes later he came back with key to the car and we were
6 able to unlock the car then and -- and conduct a search on
7 it.

8 Q. And in searching the car, did you also search the
9 trunk?

10 A. We did.

11 Q. And did you recover any guns?

12 A. We did not. We were under -- led to be under the
13 impression that there would be firearms in the trunk, but
14 we did not find any firearms in the vehicle.

15 Q. Was there a gun bag in the car?

16 A. There was no gun bag in the car.

17 Q. Was there any 7.62 caliber ammunition in the car?

18 A. There was not. We didn't find any ammunition in the
19 car.

20 Q. And did you respond to [REDACTED] West Railroad?

21 A. We did, but before that we responded to [REDACTED] Academy
22 Street, which -- just to keep things in order. I don't
23 want to jump around, if that's okay?

24 Q. Sure. Thank you.

25 A. We responded next to [REDACTED] Academy Street, which would

1 be Mr. Clark's residence. It was locked. We had to get a
2 key from the landlord. We then searched the house. While
3 we were there, we found some -- I believe some shotgun
4 ammunition, if I remember correctly, in the kitchen, but
5 we didn't find any actual firearms in the house.

6 Q. And did the house appear to be occupied?

7 A. It did. There were sheets on the bed, clothes in the
8 dressers, clothes in the closet, children's toys on the
9 floor in the living room, food in the refrigerator. There
10 were no -- according to the landlord who brought us the
11 key, he wasn't aware that it had been vacated. I believe
12 Mr. Clark and his girlfriend were still tenants and we
13 didn't see any indication in the home to think otherwise.

14 Q. And so after -- and so there was no guns found at
15 [REDACTED] Academy Street. Were you able to locate any 7.62
16 caliber ammunition at [REDACTED] Academy Street?

17 A. We were not.

18 Q. And so once that search was conducted, did you respond
19 to the [REDACTED] West Railroad Avenue?

20 A. We did. That was a little kind of on the fly, for
21 lack of better words. As we were leaving Academy Street,
22 we figured out the key to Quayshaun's car had come from
23 his cousin -- his other cousin, Wanda Lites, who lived on
24 West Railroad Avenue, and so on the way back into Lexington
25 to regroup, we stopped by her residence to see if she was

1 home and were able to make contact with her.

2 Q. Okay. And when you made contact with her, was she
3 able to give you-all this backpack I think that we've
4 already discussed and is in evidence?

5 A. She did. She provided us with a backpack that she
6 said belonged to Mr. Clark.

7 Q. Let's see so I can make sure I have it right. Let
8 me just backtrack for a second. Looking at State's
9 Exhibit 32, was this the car that you participated in the
10 search in?

11 A. Yes, ma'am.

12 Q. Let's see. I messed it up. That's the car?

13 A. That is the car, yes.

14 Q. And State's 29, is that the backpack?

15 A. Yes, that would be the backpack that was recovered
16 from West Railroad Avenue.

17 Q. Okay. From Quayshaun's cousin, Wanda Lites?

18 A. That would be correct.

19 Q. And upon searching that backpack, what, if anything,
20 did you recover?

21 A. There was an FN pistol and in a shoebox there, there
22 was assorted ammunition. I don't remember all the calibers
23 that were in the box, but I think I remember some of it
24 being 300 Blackout, which would be a rifle caliber.

25 Q. And did you-all recover an AK in that bookbag?

1 A. We did not. The only firearm in the bag was an FN
2 pistol.

3 Q. And did you-all recover any 7.62 caliber ammunition
4 in that backpack?

5 A. We did not.

6 Q. Sergeant Creech, have there been any other guns
7 recovered during this investigation connected to this
8 shooting at [REDACTED] Road?

9 A. There was a 380 handgun that was brought to us by
10 Nokia Tolen on June 10th that he said had been used --
11 well, possessed by Nashua Smith during the shooting. He
12 brought it to us, but as far as we've been able to tell
13 ballistically there's nothing that's been linked to that
14 weapon in any context to the crime scene.

15 Q. And so were you-all able to recover any other weapons
16 that's been associated with the shooting at [REDACTED]
17 Road?

18 A. We have not.

19 Q. Is that something law enforcement is constantly
20 working on?

21 A. Certainly. So there's a process when it comes to
22 firearms and fired shell casings called IBIN and it's
23 basically a system that we can put the shell casings in
24 and if a firearm shows up in an incident today or tomorrow
25 or next week and theoretically if that same firearm's used

1 and the shell casings are recovered by law enforcement
2 and submitted to this system and we get a match that says
3 there's a firearm that was used in this incident here that
4 may be the same firearm as was used in this incident you
5 guys are investigating.

6 And in addition to that, we submitted a serial number
7 for a firearm that belongs to Mr. Clark into NCIC as a
8 felony firearm and it has also not shown up or we've not
9 been made aware of any law enforcement encounter with that
10 weapon.

11 Q. Okay. And throughout this investigation -- this is
12 still pretty much an on-going investigation?

13 A. It is. I mean, since we know there were a lot of
14 parties involved in the core events here, certainly it's
15 gonna be an on-going investigation as long as we have
16 potential questions of who was there and what their roles
17 were in this incident.

18 Q. So have you ever been able to identify any other
19 shooters -- positively identified any other shooter from
20 Lot 15 or 16?

21 A. So DeCarlos Chatman, also known as Hugo, as you guys
22 I'm sure heard, was charged in this case for possessing a
23 firearm during this incident based on witnesses who said
24 that he shot some rounds first and kind of instigated this
25 whole altercation. He was charged with possession of a

1 firearm by a person convicted of a crime of violence.

2 Q. Now do you have any information as to which lot Hugo
3 was at when he fired this -- fired a gun?

4 A. I do. He was associated with Lot 7.

5 Q. Okay. Have there been any other shooters from Lot 15
6 or 16 that have been positively identified?

7 A. No, we've had a number of people how identified
8 people who were at Lot 15 -- or mainly 16 who were there,
9 but we haven't had anybody who's definitively ID'd those
10 individuals as possessing firearms or shooting firearms
11 during this incident.

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

13 THE COURT: Take your time.

14 BY MS. PATTERSON:

15 Q. Sergeant Creech, as a major crimes sergeant and
16 investigator, do you have to work a great deal with cell
17 phone extractions and records?

18 A. Not so -- just to elaborate a little bit upon that,
19 I do. It's not because I'm specifically a sergeant in the
20 major crimes unit. Since 2015, I've been part of the
21 South Carolina Internet Crimes Against Children Task Force
22 and we've built a large specialty in internet crimes
23 against children. As part of that, because the nature of
24 those kind of investigations are heavily technology reliant
25 and as an investigator it became key that while learning to

1 investigate those cases I also began to become versed in
2 how to do digital forensics, cell phone extractions, and
3 cell phone analysis. Prior to being on the ICAC task
4 force, I'd become familiar with viewing cell phone
5 extractions just because we do get a lot of cell phone
6 extractions done on cases, but once I started to handle
7 those in a lot larger volume, I took the time and effort to
8 learn how to use what we call -- it's called Cellebrite.
9 I've also been certified in some other programs as well,
10 but Cellebrite has been kind of the main one that's been
11 on-going. And Cellebrite is a -- is a hardware and
12 software package developed by an Israeli company that's
13 basically used to conduct a series of data extractions from
14 a cell phone. We can get a logical extraction, a file
15 systems extraction or a physical extraction. Physical
16 extractions are pretty rare in this day and age, but most
17 phones that we encounter we can at least get a file system
18 or a logical extraction.

19 Just to expound upon that a little bit so you
20 understand what that means, the logical extraction is
21 gonna pull what you, the user of that phone, is gonna be
22 seeing, which is gonna be contacts, phone calls, text
23 messages. A file system goes a little bit deeper and
24 pulls things and data that you, as the user, aren't always
25 gonna see, and so -- I'm sorry, I'm kind of diverging a

1 little bit.

2 So as part of that Internet Crimes Against Children
3 Task Force, I learned -- got very familiar with doing cell
4 phone extraction, transitioned to a sergeant within the
5 special victims unit, still continued to work on ICAC
6 cases, still continued to do a lot of phone extractions
7 for my own cases and also assisting. If CSI gets
8 backlogged with time to do phone extractions, a lot of
9 times detectives will come to me and say can you help me
10 out with an extraction in this case, help us with the data,
11 sure. It's all a team effort. I'm there to help even if
12 I've got no skin in the game on a case. If I can help
13 somebody out, I'll take a few hours to download a phone and
14 help them look at the data and it helps us all out.

15 And since November, as well, I've also been part of
16 the U.S. Secret Service Cyber Crimes Task Force as well,
17 which is just basically kind of an extension of what I was
18 already doing just to get some additional training and
19 experience with the resources they have available.

20 Q. So what type of training did you undergo in order to
21 be able to perform a Cellebrite cell phone extraction?

22 A. So for a lot of the initial experience you're like
23 self-taught. Cellebrite's not super-complicated, but you
24 can get pretty nit-picky learning how to do some out of
25 the box stuff with it and certainly when it comes to

1 looking at the data.

2 I eventually was able to go to the Cellebrite
3 certification course, which is something lot of people
4 don't get a chance to go to, and I was certified as a
5 Cellebrite operator and a Cellebrite physical analyst.
6 Physical analyzer would be the software that's used to
7 actually review the data extracted from the phone and then
8 in addition to that I've probably -- in total probably
9 got about 140 hours of training in the last five or six
10 years dedicated to digital forensics in some form with an
11 emphasis on cell phone data and examination.

12 Q. And about how many cell phone extractions have you
13 performed?

14 A. I would guess -- probably conservatively I've
15 performed approximately two hundred cell phone extractions.

16 Q. And with all of the cell phone extractions that you've
17 performed, did you analyze the cell phone data that was
18 received from the extractions?

19 A. I did. I was -- didn't have the ability to actually
20 conduct the extraction in this case because I was doing
21 about six other things trying to supervise the
22 investigation, but once the cell phone extractions were
23 completed, I did help go through the contents.

24 Q. And in addition to the data that's generated from
25 the cell phone extractions, have you ever -- have you also

1 had experience in analyzing cell phone records?

2 A. I do. We frequently encounter cell phone records in
3 these kind of case. I don't do a lot of the plotting when
4 it comes to mapping with where those records occur, but
5 as far as going into the data, looking at call logs, text
6 message logs, subscriber information, reconciling that for
7 lack of better words for cell phone data from the actual
8 phone, I've got a lot of experience doing that.

9 MS. PATTERSON: Your Honor, at this time we move
10 that Sergeant Creech be qualified as an expert in the
11 field of mobile device forensics and data analysis.

12 MS. WILLIAMS: Without objection, Your Honor.

13 THE COURT: Okay. Again, I'm gonna tell the jury
14 that normally a witness cannot testify and give opinion
15 testimony. The exception is being qualified as an expert
16 when both sides have agreed that he's an expert due to
17 his education and experience; however, it is up to you
18 to decide how much weight you give his testimony. You
19 treat him just like any other witness.

20 Thank you.

21 MS. PATTERSON: Thank you.

22 THE COURT: Go ahead.

23 BY MS. PATTERSON:

24 Q. And, Sergeant Creech, you said you didn't yourself
25 perform the cell phone extraction associated with this

1 case, but did you have the opportunity to review it?

2 A. I did. I've looked at these two extractions rather
3 extensively.

4 Q. Okay. And I'm gonna show you what's been marked as
5 State's Exhibit 83 and ask you to take a look at this. Do
6 you recognize this CD?

7 A. Yes.

8 Q. What do you recognize this CD to be?

9 A. That system -- CD contains a report that was generated
10 so we -- to get the raw data from cell phone extractions,
11 there's -- you know, if I gave that to any of you, it would
12 be just be a pile of data taking up a bunch of space, but
13 you wouldn't be able to do anything with it, so what we do
14 is we load it into Cellebrite physical analyzer and then we
15 are able to generate a report with that data which comes in
16 -- it's in two forms. It comes in a PDF report and then a
17 program that you can load the program and you can kind of
18 move around and customize the data a little bit, but this
19 disk right here contains a copy of the report that was
20 generated off the phone extraction.

21 Q. And was this the cell phone extraction performed by
22 Sergeant Brenda Snelgrove?

23 A. Yes, and this would be specifically the extraction
24 which was performed on a Samsung Galaxy purported to belong
25 to Mr. Clark.

1 Q. Okay. And did you have the opportunity to review
2 this?

3 A. I did.

4 Q. And did it look accurate?

5 A. It did.

6 Q. Was it a fair and accurate depiction of the cell
7 phone extraction that you observed that Sergeant Snelgrove
8 downloaded on Quayshaun Clark's phone?

9 A. Yes.

10 MS. PATTERSON: Your Honor, at this time we move
11 State's Exhibit 83 into evidence.

12 THE COURT: Any objection?

13 MS. WILLIAMS: No objection, Your Honor.

14 THE COURT: It's admitted.

15 (State's Exhibit Number 83, a cell phone extraction
16 CD, was admitted into evidence.)

17 BY MS. PATTERSON:

18 Q. Now once it's -- once a cell phone extraction is done,
19 do you-all get like an extraction summary?

20 A. So if you've got the report loaded into the Cellebrite
21 reader or Cellebrite physical analyzer software, there's an
22 extraction summary that's one of the first pages that you
23 have -- well, I stand corrected. In the PDF report, there
24 is an extraction summary that's one of the first pages that
25 breaks down all the identifiers on the phone, as well as

1 the permanent information related to the case and the dates
2 the extraction was performed.

3 Q. And I'm gonna show you what's been marked as State's
4 Exhibit 164 and ask you to take a look at this. Do you
5 recognize that document?

6 A. I do. This would be the extraction summary for the
7 Samsung Galaxy phone belonging to Mr. Clark. This would
8 have been opened up in the Cellebrite reader program.

9 Q. Okay. And does it fairly and accurately represent the
10 summary that you reviewed in this case?

11 A. It does. It shows there was an advanced logical
12 performed, as well as the file system data extraction,
13 and it shows Mr. Clark's phone number associated with the
14 device and the date and time that an extraction was
15 performed.

16 MS. PATTERSON: Your Honor, at this time we move
17 State's Exhibit 164 into evidence I think without
18 objection.

19 MS. WILLIAMS: Without objection, Your Honor.

20 THE COURT: It's admitted.

21 (State's Exhibit Number 164, a cell phone extraction
22 summary, was admitted into evidence.)

23 BY MS. PATTERSON:

24 Q. And, again, I think you stated earlier, but just
25 explain to the jury what a logical extraction is.

1 A. Yes. So the logical extraction -- in this case a
2 report's generated that came from a logical extraction,
3 as well as the file system extraction, to really kind of
4 break it down. A good analogy that I like is if you think
5 of a cell phone and the data on it like a file cabinet.
6 You open that file cabinet. You, as the user of that cell
7 phone, you may leaf through the file cabinet and you've got
8 these labeled folders that say phone calls, contacts, text
9 messages, photos, videos, et cetera, the things that you as
10 the user of that phone are gonna commonly -- you're gonna
11 turn your phone on and those are things you're gonna
12 access.

13 The file system kind of takes it a step further and
14 says okay, so we're gonna take the data in these folders
15 and we're also gonna take the folders themselves and
16 we're gonna -- and maybe even the file cabinet out because
17 maybe there's paperwork inside the file cabinet or key --
18 organizational keys. It just kind of takes it a step
19 further. Sometimes a file system may recover user
20 accounts, passwords, web history, things that -- that are
21 not gonna be available on the phone at a cursory level, but
22 they are gonna pull from the logical, so you always perform
23 the logical and the file system. The file system's always
24 gonna pull the same data that's in the logical and logical
25 is never gonna contain as much as the file system, but you

1 always perform both just as a matter of redundancy because
2 they're both there, both options are available, and you
3 might as well do them both.

4 We talked about a physical briefly earlier. Physical
5 extractions are great because you can start getting into
6 information that's been deleted and recover all kinds of
7 nuts and bolts, but the problem is in this day and age --
8 ten, twelve years ago you could do physical extractions on
9 most cell phones. As technology's progressed, privacy
10 concerns have been more apparent. A lot of the
11 manufacturers of cell phone providers has just made that
12 increasingly difficult.

13 So you can in rare cases do physical extractions of
14 phones and get just a wealth of data, but it's really rare
15 in this day and age, you've got to make some significant
16 software modifications to the phone which damages the
17 integrity of the evidence and causes all kinds of issues
18 that from a legal standpoint makes it not feasible, so
19 although while a physical extraction is an option and
20 sometimes gets talked about, it's something we rarely
21 perform and did not get to do in this case.

22 Q. So let me make sure I understand this. So a logical
23 extraction was performed on Mr. Clark's phone?

24 A. Correct, a logical and a file system.

25 Q. And in a logical extraction sometimes you're unable to

1 obtain deleted information?

2 A. So you're never gonna obtain deleted information in
3 the logical extractions. Sometimes you will in a file
4 system, but it's pretty rare. Sometimes you may get an
5 indication that data was deleted and if it recovers the
6 data, that data is also present. If the data's been
7 deleted and it's been overwritten by the operating system,
8 then it's not gonna show up as present on the device or
9 it's not gonna show the status as deleted.

10 Q. And were you able to confirm a phone number associated
11 with your phone extraction?

12 A. The phone number associated with it was [REDACTED].

13 Q. Okay. And were you able to -- I'm gonna show you
14 State's Exhibit 173. Were you able to find any other
15 information in the phone that associated this phone with
16 Mr. Clark?

17 A. Certainly. What we have here is a digital receipt
18 for Safelite Auto Glass. It's got customer listed as
19 Quayshaun Clark with an address of [REDACTED] Academy, Batesburg,
20 South Carolina.

21 Q. Okay. And does it fairly and accurately represent
22 what you were able to ascertain from this phone extraction?

23 A. It does. And it's even associated -- the receipt's
24 even associated with work done that was done on the Mercury
25 Grand Marquis, which would be the vehicle that we searched.

1 MS. PATTERSON: Your Honor, at this time we move
2 State's Exhibit 173 into evidence.

3 THE COURT: Any objection?

4 MS. WILLIAMS: No objection, Your Honor.

5 THE COURT: It's admitted.

6 (State's Exhibit 173, a Safelite Auto Glass receipt,
7 was admitted into evidence.)

8 BY MS. PATTERSON:

9 Q. And, again, was this same phone number confirmed with
10 this receipt from Safelite Auto Glass?

11 A. Correct. The phone number on the receipt is also
12 [REDACTED].

13 Q. And what about the address, if any, was on that
14 receipt?

15 A. It's the [REDACTED] Academy Street in Batesburg that we
16 conducted the search warrant on on June 11th.

17 Q. And does that information on his car reflect the same
18 make and model of the car that you-all searched at Ridgell?

19 A. It does.

20 Q. And this all came from Mr. Clark's phone?

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

22 Q. In addition to that -- that type of information, are
23 you also able to look at contact information in Mr. Clark's
24 phone extraction?

25 A. I was. I was able to review his saved contacts.

1 Q. And I'm gonna show you what's been marked as State's
2 166.

3 A. This would be a contact for the phone that says name,
4 DJ, extraction source, advanced logical. Again, logicals
5 are a good source for phone contacts and it gives a mobile
6 phone number of [REDACTED]. The next one is a name.
7 It's listed as Kay. Also sourced from the advanced logical
8 and the mobile number is gonna be [REDACTED]. And then
9 finally we have a contact listed as Hugo, also sourced from
10 the advanced logical, and the phone number on this contact
11 is [REDACTED].

12 Q. And does this fairly and accurately represent those
13 three contacts that was in Mr. Clark's phone extraction?

14 A. It does.

15 Q. Does it look like it's been changed or altered?

16 A. It has not.

17 MS. PATTERSON: Your Honor, at this time we move
18 State's Exhibit Number 166 into evidence.

19 THE COURT: Any objection?

20 MS. WILLIAMS: No objection, Your Honor.

21 THE COURT: It's admitted.

22 (State's Exhibit 166, phone contacts, was admitted
23 into evidence.)

24 BY MS. PATTERSON:

25 Q. Now I'm sure Mr. Clark had other contacts in his

1 phone?

2 A. He did.

3 Q. And why specifically did these three names interest
4 you?

5 A. These three contacts were of interest because as you
6 -- I would assume has been presented in the course of this
7 trial were three of the parties in interest at Lot 7 that
8 were with Mr. Clark were DJ or Donald Jackson, Hugo or
9 DeCarlos Chatman or Kay, which is Kay Norris. I think it's
10 Kayvonte Norris possibly, but I don't know at this second,
11 but I know he goes by Kay Norris.

12 Q. And let me just slow you down for a second and I'm
13 gonna hand this back up to you. So were you able to
14 confirm those phone numbers and associate them with --

15 A. We were. We were able to confirm these three phone
16 numbers for these three individuals through law enforcement
17 contact where we had been in communication with those
18 individuals in some capacity and they provided those
19 numbers or we got those numbers from people that were
20 associated with them directly as a means to try to reach
21 out to them and these were all three individuals that
22 obviously we wanted to speak with following this incident.

23 Q. And you said DJ?

24 A. Correct, DJ.

25 Q. And what was his real name?

1 A. Donald Jackson.

2 Q. And what was his phone number?

3 A. The his phone number was [REDACTED].

4 Q. [REDACTED] what?

5 A. [REDACTED].

6 Q. And you mentioned Hugo?

7 A. Yes, ma'am.

8 Q. And what was his real name?

9 A. DeCarlos Chatman.

10 Q. What was the phone number associated with him?

11 A. [REDACTED].

12 Q. And you said a Kay?

13 A. Kay.

14 Q. And were you able to determine a real name for Kay?

15 A. Kay Norris. As I said, I thinks it's -- Kayvonte is
16 his actual legal name.

17 Q. I'm sorry?

18 A. I just know Kay Norris is probably okay.

19 Q. Kay Norris?

20 A. Yes, ma'am.

21 Q. And what was his phone number?

22 A. [REDACTED].

23 Q. And then reviewing this cell phone extraction, were
24 you able to view any phone activity on that extraction from
25 the date range of June 9th of 2021 to June 10th of 2021?

1 A. I was not. Oddly enough there was a gap in activity
2 on the device. There was no call history prior to
3 June 11th of 2021. There was plenty of user activity on
4 the phone that shows it had been used prior to that date in
5 terms of photos, pictures, non-call-related activity, but
6 unusually there were no phone calls prior to June 11th at
7 11:29 AM. There was one text message dated June 2nd, but
8 it -- it was the only communication in the device prior to
9 June 11th.

10 Q. Let me show you what's been marked as State's
11 Exhibit 165 and ask you to take a look at this. And
12 what's reflected in that document?

13 A. This would be the call logs which show no incoming
14 calls or outgoing calls prior to June 11th, 11:29 AM.

15 Q. And does this fairly and accurately represent what
16 you viewed during Mr. Clark's phone extraction?

17 A. It does. And this is sourced from the Cellebrite
18 Reader program using the timeline filter.

19 Q. Okay. And so you-all actually use a filter to try to
20 gauge any phone activity during that time period?

21 A. Yes.

22 Q. And you were unable to recover any?

23 A. Correct.

24 MS. PATTERSON: Your Honor, at this time we move
25 State's Exhibit 165 into evidence.

1 THE COURT: Any objection?

2 MS. WILLIAMS: No objection, Your Honor.

3 THE COURT: It's admitted.

4 (State's Exhibit 165, a call log, was admitted into
5 evidence.)

6 BY MS. PATTERSON:

7 Q. And, Sergeant Creech, I'm going to show you what's
8 already been admitted as State's Exhibit 84, 37 and 163.
9 They're pursuant to a notice of evidence. Starting with
10 State's Exhibit 84, did you have the opportunity to review
11 that?

12 A. I did.

13 Q. And what do you remember to be contained in that CD?

14 A. These are the AT&T phone records for June 9th and
15 June 10th for Mr. Clark.

16 Q. Okay. And are they also pertaining to that same phone
17 number that we've already discussed, [REDACTED]?

18 A. They are. Correct. That is the same number that
19 these records pertain to.

20 Q. And you had the opportunity to review these and
21 compare them to the information that you received from the
22 phone extraction report?

23 A. I did.

24 Q. And what, if anything, did you notice with the AT&T
25 cell phone records that you didn't see on the phone

1 extraction?

2 A. So what's of particular interest in this case is with
3 the AT&T records -- in this case, the AT&T records are in
4 UTC time, so you've got to subtract four hours to convert
5 them to what time they would have been in Eastern Standard
6 Time at the time, but prior -- despite his phone extraction
7 showing no call logs prior to June 11th at 11:30, we got a
8 series of phone calls of interest that were originating
9 from Mr. Donald Jackson's phone number of [REDACTED] to
10 Mr. Clark's phone number of [REDACTED].

11 Q. So there are calls that are -- apparently have been
12 deleted from the phone extraction that you were able to
13 view on the phone record?

14 A. That is correct. They were not present in the phone
15 extraction and while the phone extraction didn't indicate
16 any deleted data, as I mentioned with the file system you
17 may recover some deleted data sometimes, but the deleted
18 data flags deleted data visible, which is how a phone
19 has its deleted data -- data is deleted. In this case,
20 Samsungs are not real great for recovering deleted data
21 like that, so usually on a Samsung device once it's deleted
22 it's gone unless you're able to do something like we
23 discussed, doing a full physical extraction, which is going
24 to have a lot of technical and logistical issues that limit
25 its ability to be performed.

1 Q. Okay. And let's just discuss what type of activity
2 that were you able to review on these AT&T records related
3 to the number associated with Donald Jackson.

4 A. Certainly. So at approximately -- so we've got a
5 series of incoming phone calls from Mr. Jackson to
6 Mr. Clark.

7 Q. And how many calls are those?

8 A. There's fourteen.

9 Q. And they're from Donald Jackson to Quayshaun Clark?

10 A. Yes, from Mr. Jackson's number to Mr. Clark's number.

11 Q. And all on what day again?

12 A. So the AT&T records you're gonna see are dated
13 June 10th, but because it's in UTC time you've got to
14 subtract four hours to factor in what time it would have
15 been in Eastern Standard Time. In doing that conversion,
16 this would have put the first call at 8:48 PM and 38
17 seconds.

18 Q. And what about the second call?

19 A. The second attempted call was 8:48 PM and 40 seconds.

20 Q. 8:48 and 40 seconds?

21 A. Yes, ma'am.

22 Q. And what was the first one again? 8:48 and what?

23 A. 38 seconds.

24 Q. And the third?

25 A. The third call would be at 8:50 PM and 52 seconds.

1 Q. 8:50 and 52?

2 A. Yes, ma'am.

3 Q. Okay. And the fourth call?

4 A. The fourth call was at 8:50 PM and 53 seconds.

5 Q. And the fifth call?

6 A. It's at 8:53 PM and 32 seconds.

7 Q. The sixth call?

8 A. 8:53 PM and 33 seconds.

9 Q. The seventh call?

10 A. 8:54 PM and 2 seconds.

11 Q. The eighth call?

12 A. 8:54 PM and 4 seconds.

13 Q. The ninth call?

14 A. 8:55 PM and zero seconds.

15 Q. 8:55 and?

16 A. Zero seconds.

17 Q. All right. The tenth?

18 A. And just to pause real quick, at 9:07 PM and 17

19 seconds, there's an attempted call by Mr. Clark back to

20 Jackson's number that's not completed.

21 Q. And so at what time was that now?

22 A. 9:07 PM and 17 seconds.

23 Q. Clark tries to call?

24 A. He attempts to call. His number attempts to call

25 Mr. Jackson's number back.

- 1 Q. Okay. And then does Mr. Jackson continue to try to
2 contact Mr. Clark?
- 3 A. He does at 9:09 PM and zero seconds there's another
4 attempt to call Mr. Clark's phone.
- 5 Q. 9:09 and zero?
- 6 A. Yes, ma'am.
- 7 Q. Okay.
- 8 A. And then at 9:09 and one second there's another
9 attempt to call his number.
- 10 Q. Okay. And the next call?
- 11 A. 9:09 PM and 26 seconds.
- 12 Q. Okay.
- 13 A. And then 9:09 PM and 27 seconds.
- 14 Q. And the last call?
- 15 A. 9:09 PM and 36 seconds, and this appears to be a
16 completed phone call that appears to have lasted for
17 approximately 55 seconds.
- 18 Q. So between 8:48:38 and 9:09:36, roughly twenty
19 minutes, there was fourteen -- there was thirteen attempts
20 from DJ to Quayshaun Clark and the fourteenth call appears
21 to have been answered?
- 22 A. I believe we may have missed one, but I --
- 23 Q. What does it appear that we have missed? I'm sorry.
- 24 A. I'm looking. They're close together. I can --
- 25 Q. That's okay. Check your notes.

1 A. Oh, I'm sorry. I misread how you've got it numbered.
2 You've got the fourteen calls. You don't have the return
3 phone call listed in the numbering, so I was counting that
4 toward that number.

5 Q. And we have an attempted return call at 9:07:17 --

6 A. That's correct.

7 Q. -- from Mr. Clark to Donald Jackson. And that
8 information did not appear on the cell phone extraction?

9 A. It did not.

10 Q. Did there appear to be any missed text messages?

11 A. Yes, there was also a text message originating from
12 Mr. Jackson's number to Mr. Clark's number at 8:54 and 14
13 seconds on June 9th of 2021.

14 Q. 8:54 and what?

15 A. 14 seconds. It looks like it was probably right in
16 the middle of the phone calls.

17 Q. From DJ to Mr. Clark?

18 A. That would be correct.

19 Q. Were you able to recover the content of that text
20 message?

21 A. We were not. Just like the phone calls, deleted text
22 messages are not gonna be recoverable on an android-based
23 operating system like a Samsung Galaxy.

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

25 THE COURT: Take your time.

1 BY MS. PATTERSON:

2 Q. And so would that text message from DJ to Clark, would
3 that have been deleted?

4 A. It would have had to have been deleted. It wasn't
5 present on the device. Just like the phone calls, the only
6 explanation would be that they had been manually removed
7 from the device.

8 Q. And I think you said all these calls you had to
9 convert because of the UTC time, so what day and dates
10 again were they made?

11 A. So in the AT&T records, they show up as June 10th,
12 but when you subtract four and convert these to Eastern
13 Standard Time, they're gonna show up on the times we listed
14 on the board.

15 Q. Okay. And what was the date?

16 A. The correct date or UTC date?

17 Q. Okay. So that's June 9th?

18 A. These would be June 9th, correct.

19 Q. Of 2021?

20 A. Yes, ma'am.

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

22 THE COURT: Mr. Foreman, is the jury okay?

23 FOREPERSON: Yes, ma'am.

24 THE COURT: I just wanted to make sure.

25 MS. WILLIAMS: Your Honor, may we approach briefly?

1 THE COURT: You may.

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

3 THE COURT: Mr. Foreman, I'm gonna ask again,
4 they're gonna put in some evidence. Do you-all need a
5 break right quick? Five minutes?

6 FOREPERSON: Yes, ma'am.

7 THE COURT: All right. I can just kind of tell.
8 Remember, no talking about this case.

9 FOREPERSON: Yes, ma'am.

10 (Whereupon, the jury retires to the jury room at
11 3:56 PM.)

12 THE COURT: Sergeant, you can step down. You can't
13 talk to anybody.

14 THE WITNESS: Yes, ma'am.

15 THE COURT: Ten minutes.

16 (Recess taken at 3:57 PM.)

17 (Back on the record at 4:06 PM.)

18 BAILIFF: Keep your seats and come to order.

19 THE COURT: All right. Let me ask, Ms. Patterson,
20 is this you-all's anticipated --

21 MS. PATTERSON: It possibly could be. Ms. Mayes
22 has to make that final call, but it possibly could be,
23 Your Honor.

24 THE COURT: Okay. Because I'm gonna tell you this
25 will probably be the last for the day for us.

1 MS. WILLIAMS: Your Honor -- okay. I had a defense
2 witness, Your Honor, that's an officer who was trying to
3 go on vacation tomorrow and I hate to call him back and so
4 is there -- if there's any chance -- I will, Your Honor.
5 Obviously, I will, but is there any chance that we could
6 keep going if she finishes in like -- by 4:30? Or I don't
7 know if they'll be resting and -- you don't want to? I
8 have to ask.

9 MR. WILLIAMS: And you still have arguments you've
10 got to make.

11 MS. WILLIAMS: That's true. I do have a motion.

12 MR. WILLIAMS: I don't know how you'd do that.

13 THE COURT: I don't know how you'd do that either.

14 MS. WILLIAMS: I'm trying --

15 THE COURT: I really don't.

16 MS. MAYES: Well, can I ask what -- if you-all are
17 calling him about those projectiles?

18 MS. WILLIAMS: No.

19 MR. WILLIAMS: No, no, no, no.

20 MS. MAYES: Okay. I was gonna say because his
21 answer is going to be I have no knowledge of that.

22 MS. WILLIAMS: No, the actual -- the body cam.

23 MS. MAYES: I'm sure somebody can handle that. We
24 want this officer to go on his vacation. I don't expect
25 that to be an issue.

1 MR. WILLIAMS: Okay.

2 THE COURT: If not, can we agree that it will be
3 stipulated to be let in?

4 MS. WILLIAMS: At least authentic. We can argue
5 about whether we want to let it in or not. I'm not
6 trying to force anyone without reviewing it --

7 MR. WILLIAMS: It's just a video camera. I'm gonna
8 be honest with you. He's going on vacation.

9 THE COURT: We'll surely we can get a lead
10 investigator.

11 MS. MAYES: I'm sure someone can authenticate that,
12 Judge.

13 THE COURT: All right. Can we call the jury back in?

14 MS. MAYES: Yes, Your Honor.

15 THE COURT: All right. Let's call them back in.

16 MS. MAYES: And can we release this officer?
17 Mountzouros.

18 THE COURT: Is that the officer who's wanting to go
19 on vacation?

20 MS. WILLIAMS: Yes, Your Honor. He's not in here,
21 Your Honor, but will you, please, let him know he can go.

22 Thank you, Your Honor.

23 THE COURT: Okay.

24 All right. And all these other exhibits there's no
25 objection?

1 MS. PATTERSON: Yes, ma'am.

2 THE COURT: You're gonna waive foundation and
3 they're in?

4 MS. PATTERSON: Yes, ma'am.

5 THE COURT: Okay.

6 (Whereupon, the jury return to the courtroom
7 at 4:11 PM.)

8 THE COURT: All right. Mr. Foreman, the jury ready?

9 FOREPERSON: Yes, ma'am.

10 THE COURT: Okay.

11 BY MS. PATTERSON:

12 Q. Sergeant Creech, I'm gonna show you what's been marked
13 as State's Exhibit 82 and ask you to take a look at this.

14 A. Yes, ma'am. This would be the USB drive containing
15 the cell phone extraction for Tameakeo -- is it Carter?
16 Carnard's phone, which was an iPhone. It's on a USB drive
17 because those extractions can be a little bit beefier so it
18 won't fit it on a disk, we put it on a USB drive.

19 Q. And is that a phone extraction performed also by
20 Sergeant Brenda Snelgrove?

21 A. Yes.

22 Q. And you had the opportunity to review it?

23 A. I've reviewed it as well, yes.

24 Q. And does that fairly and accurately represent the
25 extraction that you reviewed from Sergeant Snelgrove

1 pertaining to Tameakeo Carnard?

2 A. It does.

3 MS. PATTERSON: Your Honor, at this time we move
4 State's Exhibit 82 into evidence.

5 THE COURT: With no objection, right?

6 MS. WILLIAMS: No objection, Your Honor.

7 THE COURT: It's admitted.

8 (State's Exhibit Number 82, an iPhone extraction,
9 was admitted into evidence.)

10 BY MS. PATTERSON:

11 Q. And I'm gonna show you what's been marked as Exhibit
12 116, 146, 147 and 148, and ask you to take a look at those.

13 A. So what we have here is an extraction summary from her
14 phone. It gets a little confusing because it just shows
15 there was an advanced and logical performed, but because
16 it's an iPhone the way Cellebrite works with Apple devices
17 it calls it an advanced logical, but it's -- it pulls
18 basically the equivalent of a logical and a file system.
19 It's just because of the way Apple devices works it just
20 pulls them as one extraction as opposed to a Samsung
21 extraction where you'll see on Mr. Clark's phone it's
22 gonna show advanced logical and file system as two separate
23 extractions and it shows her Apple ID, which will be an
24 e-mail address of [REDACTED]2@gmail.com, and then this next
25 page just elaborates on the device information. It breaks

1 down and shows the make and model, the serial number and
2 the phone number associated with the device.

3 Q. Okay.

4 A. And this is just a breakdown of the e-mail user
5 account for the device, which was created on [REDACTED]-2019, and
6 that's gonna be the [REDACTED]2@gmail.com.

7 And then what we've got here on this last one, it's
8 kind of interesting. So what it is, you can set up user
9 accounts. The user name listed here is Quayshaun Clark
10 and, what it is, is its service type is schwans.taleo.net,
11 and what this is, is -- I went to the site and, what it is,
12 is I'm guessing it's like a scheduling or timecard website
13 associated with Schwan's Foods. They own a series of
14 restaurants. I think there are five or six on there, so
15 the indication for me would be this would be a previous or
16 current employer of Mr. Clark's and he would have been
17 signing in to do something related to his job.

18 Q. And were all of these -- did you review all of this as
19 part of the cell phone extraction that Sergeant Snelgrove
20 performed on the phone of Tameakeo Carnard?

21 A. I did. This information was all present on her cell
22 phone.

23 Q. Has it been changed or altered in any way?

24 A. It has not.

25 MS. PATTERSON: Your Honor, at this time we move

1 State's Exhibit 116, 146, 147 and 148 into evidence.

2 THE COURT: They're admitted without objection
3 through previous agreement.

4 (State's Exhibit Number 116, an extraction summary,
5 State's Exhibit Numbers 146, 147 and 148, screen shots
6 from phone extraction summary, were admitted into
7 evidence.)

8 BY MS. PATTERSON:

9 Q. And, again, what -- what phone number was associated
10 with this extraction?

11 A. So it showed actually two phone numbers. It showed
12 an [REDACTED] and it was listed as a last used MSISDN,
13 which is just a fancy way of saying cell phone number. The
14 current one was actually [REDACTED], which appeared to be
15 a more recent number on the device.

16 Q. And what was the user account name associated with
17 this phone?

18 A. [REDACTED]@gmail.com. There's also an e-mail
19 address associated with it of [REDACTED]@gmail.com.

20 Q. And was there another user account name associated
21 with this phone?

22 A. So it was the user account we spoke about, which was
23 Quayshaun Clark associated with the Schwan Foods website.

24 Q. And then in addition to that information, were you
25 also able to view any contacts in this cell phone

1 extraction?

2 A. I was.

3 Q. And let me show you what's been marked as State's
4 Exhibit 172.

5 A. This is a contact from her phone. The name on the
6 contact is Shaun, S-H-A-U-N, and it's a mobile device
7 number of [REDACTED], and throughout the course of this
8 investigation we did have some individuals who identified
9 Mr. Clark as -- as Shaun, in addition to Quayshaun, Shaun
10 and Ace.

11 Q. And does that fairly and accurately represent the
12 contacts that you were able to view through Ms. Carnard's
13 cell phone extraction?

14 A. It does.

15 MS. PATTERSON: Your Honor, at this time we move
16 State's Exhibit 172 into evidence.

17 THE COURT: It's admitted without objection is my
18 understanding.

19 (State's Exhibit Number 172, phone contacts, was
20 admitted into evidence.)

21 BY MS. PATTERSON:

22 Q. And I'm gonna show you what's been marked as State's
23 Exhibit 149. Do you recognize that document?

24 A. Yes. So this is a log entry. This is kind of
25 interesting. This is identified -- it's got a timestamp

1 of June 11, 2021, at 2:15 PM, and it's an identity lookup
2 service. It appears to be somebody was trying to use
3 iMessage for an external account and there was an
4 authentication process that was performed using this phone
5 for an Apple ID associated with the phone number of
6 [REDACTED], which would be Mr. Clark's phone.

7 Q. Does it fairly and accurately represent what you
8 viewed in this phone extraction?

9 A. It does.

10 MS. PATTERSON: Your Honor, at this time we move
11 State's Exhibit 149 into evidence.

12 THE COURT: Without objection is my understanding,
13 so it's admitted.

14 (State's Exhibit 149, a phone log entry, was
15 admitted into evidence.)

16 BY MS. PATTERSON:

17 Q. And let me put this up on the overhead so you can
18 explain. And, again, what does this appear to be?

19 A. So this would appear to be somebody using this iPhone,
20 which is not associated with this phone number at the
21 bottom, the [REDACTED], but somebody is using this phone
22 to -- appears to be they're trying to use it to access
23 iMessage. iMessaging is almost kind of like a third-party
24 service through Apple, so, you know, you can iMessage
25 somebody and it's not -- it necessarily doesn't have to

1 be through your phone number, you can do -- access your
2 iMessage account through other devices. And he did have
3 a Samsung Galaxy, which would not -- probably not have
4 iMessage on it, but it could be he's got an iMessage
5 account possibly from a prior cell phone that he may have
6 owned. Some people swap back and forth commonly between
7 iPhones and android phones.

8 Q. And that phone number was connected to what we have
9 established was the defendant's number, [REDACTED] ?

10 A. Correct. That would be the phone number we've
11 identified as Mr. Clark's phone number.

12 Q. And in addition to all of the other information that
13 you've already testified to, were you able to look up any
14 web searches associated with this phone?

15 A. I was.

16 Q. I'm gonna pass you up what's been marked as State's
17 Exhibit 150 through 162 and you can just take your time
18 and look through each one of them.

19 A. (Witness complies.)

20 Q. And were each of those part of the web search history
21 that you were able to view from that phone extraction?

22 A. Yes. What we've got here is we've got a mixture of
23 web search history using Google Chrome, the Google search
24 engine, and then we've got an interspersing of actual
25 website activity of websites that were visited by the

1 device.

2 Q. Okay. And does it fairly and accurately represent
3 what you were able to view and review in this phone
4 extraction?

5 A. It does.

6 Q. And do they fairly and accurately represent what you
7 viewed -- do they look like they've been changed or altered
8 in any way?

9 A. They have not.

10 MS. PATTERSON: Your Honor, at this time we move
11 State's Exhibit 150 through 162 into evidence.

12 MS. WILLIAMS: Without objection, Your Honor.

13 THE COURT: Okay. They're admitted.

14 (State's Exhibit Number 150 through 162, web
15 searches, were admitted into evidence.)

16 BY MS. PATTERSON:

17 Q. And let's start with State's Exhibit 150 and can you
18 tell us when this search was made?

19 A. I can. So if you look at the timestamp at the top,
20 it shows June 10th of 2021. This came from his phone
21 extraction, so it should already be in Eastern Standard
22 Time because Cellebrite will attach whether or not a
23 user's in that time zone, it will ask you to use that
24 native time zone, which we always select, and as you can
25 see it even says on the side UTC minus four, so this would

1 have accurately been on June 10th of 2021 at 6:11 AM, and
2 the source is Chrome, which is a search -- a web browser
3 common on cell phones, and the value -- and the good thing
4 about value is this would have been the actual search term
5 that was entered into Google, and the search term is "What
6 can you do if there's a shooting and people say it was you,
7 what can happen?".

8 Q. And, again, what time was this search made?

9 A. The search was made on June 10th of 2021 at 6:11 AM.

10 Q. And State's 151, what are we looking at?

11 A. This would be a follow-up search query, June 10th of
12 2021, at 6:11 AM and 31 seconds, so shortly after that
13 previous search, and it says "What can you do if there's a
14 shooting and people say it was you that shot someone, what
15 can happen?".

16 Q. And State's 152?

17 A. This would be June 10, 2021, a few minutes later at
18 6:15 and 45 seconds, "If someone shoots you -- shoots at
19 you and you shoot back and someone dies and people say you
20 did it, what to do?".

21 Q. And State's 153?

22 A. So this would be our -- our first incidence of notable
23 web history. So the website is giving the URL. I won't
24 read that out loud, but the title of the website is "What
25 You Need to Know When You Own or Carry a Gun for Personal

1 Protection, Defensive Strategies, LLC", and this was
2 visited on the device on June 10th of 2021 at 8:57 AM, also
3 using the Chrome web browser.

4 Q. State's 154.

5 A. This would be an additional search term on June 10,
6 2021, at 8:59 AM, also sourced through the Chrome browser
7 through Google. The search term in this case was "How can
8 you get gunpowder residue out of hair?".

9 Q. State's 155.

10 A. This would be a follow-up web -- web search visit.
11 Presumably this was probably a search result from the last
12 query. The title of this website was "A Simple Method for
13 Detection of Gunshot Residue Particles from Hands, Hair,
14 Face and Clothing using Scanning Electron Microscopy slash
15 Wavelength Disbursed X-Ray, SEM slash WDX, pubmed". This
16 was visited on June 10th of 2021 at 9:00 AM and 9 seconds.

17 Q. 156.

18 A. Then we have a follow-up search query related to the
19 last one. It's 6-10-2021 at 9:01 AM and 21 seconds. This
20 search query was "Removing GSR from Hair".

21 Q. And what is depicted in State's Exhibit 157?

22 A. So this would be another web visit. The title of
23 this site is "Crime Tips Lexington County Sheriff's
24 Department". This was visited on June 10, 2021, at 9:33
25 AM, and that's the Lexington County Sheriff's Department

1 website listed there and their crime tips hotline, and what
2 that is, is that's a website where people can anonymously
3 report information on crimes.

4 Q. And 158.

5 A. This is June 10, 2021, at 9:37 and 22 seconds. The
6 search term used in this case was "WLTX News 19 Shooting".

7 Q. And 159.

8 A. That's a follow-up search term on June 10, 2021, at
9 9:37 AM and forty seconds, and the search terms that was
10 inputted was "Batesburg shooting".

11 Q. 160.

12 A. The search was on June 10, 2021, at 9:38 AM and 13
13 seconds and the search term used in this search was
14 "Batesburg shooting June 2021".

15 Q. 161.

16 A. This would be June 10, 2021, at 9:45 AM and 2 seconds.
17 The search query that was inputted in this case was "Why is
18 the first 48 hours crucial in murders?".

19 Q. And the last, State's Exhibit 162.

20 A. This would be another web visit. This would have
21 been June 10th of 2021, at 1:38 PM. It was a news
22 article entitled "Minor , 11, killed in in shooting
23 Batesburg-Leesville, WLTX.com."

24 Q. And so all of these web searches were performed and
25 located on the cell phone extraction that was connected to

1 Tameakeo Canard?

2 A. That's correct.

3 Q. Who has been identified as the defendant's girlfriend?

4 A. That's correct.

5 Q. What is gunshot residue?

6 A. Gunshot residue -- so to break it down as simple as
7 possible, it's if I'm in a situation and I fire a gun
8 there's going to be -- because of the way firearms operate,
9 the gas, burnt carbon, you'll end up with residues. A lot
10 of people traditionally think it's just gonna be on your
11 hands, but it's probably gonna be on your clothing if
12 you're in the vicinity, it can be in your hair. I mean,
13 anywhere. Exposed skin. And basically all gunshot residue
14 is gonna show is it's not necessarily gonna ID -- if I'm
15 standing amongst all of you and I shoot a gun, I'm gonna
16 be positive for GSR, but so is probably everybody within
17 the immediate vicinity because the gases, that gunpowder
18 residue, it goes and it aerosolizes when it goes into the
19 air and all that's really gonna show is that somebody was
20 present when a firearm was fired. It is not a tell-all
21 that says that absolutely this individual fired a gun, it
22 just means that they were present when a gun was fired.
23 Could they have fired the gun? Yes. Could somebody next
24 to them have fired the gun? Certainly. It's not a
25 conclusive test by any stretch. And you could have

1 somebody who shoots a gun and like wash their hands
2 afterwards or so something else and they may be negative
3 for GSR, so it's a very subjective test.

4 Q. And all those searches were performed on the morning
5 after this shooting at [REDACTED] Road?

6 A. Correct.

7 Q. And let me just backtrack for one second. Is --
8 [REDACTED] Road, is that in Lexington County?

9 A. It is. It's in the outskirts of Batesburg-Leesville
10 Police Department's jurisdiction, but it's in Lexington
11 County.

12 Q. Let me show you what's already been admitted as
13 State's Exhibit 23 and I think you said that you were
14 involved in like setting up the interview for Quayshaun
15 Clark with Agent Beeler?

16 A. That's correct.

17 Q. Do you have any information with respect to
18 Mr. Clark's age?

19 A. He was born on [REDACTED] of 1991 according to this.
20 I don't think he's actually that old. I don't have his
21 date of birth. At least I don't -- I don't want to
22 misspeak on that.

23 Q. Okay. So he was born in '91?

24 A. Yes, ma'am, according to this paperwork I'm looking
25 at, which I would presume to be accurate considering it's

1 a government form for the purchase of a firearm.

2 Q. Okay.

3 MS. PATTERSON: I beg the Court's indulgence, Your
4 Honor.

5 THE COURT: Take your time.

6 MS. PATTERSON: Thank you, Sergeant Creech.

7 Please answer any questions the defense has.

8 THE COURT: Ms. Williams.

9 CROSS-EXAMINATION

10 BY MS. WILLIAMS:

11 Q. Good afternoon, Sergeant Creech.

12 A. Good afternoon.

13 Q. Very quick, how many other contacts did the defendant
14 have in his phone?

15 A. Without looking at the extraction again, I can't
16 really tell you the number of contacts. I remember
17 skimming through them. It was --

18 Q. Can you give me an approximation as to whether it was
19 more than twenty-five?

20 A. It could have been, but I -- I don't want to say
21 definitively because I scrolled through both of these
22 reports and we were constantly looking back and forth at
23 both of them, so I don't want to misspeak about one or the
24 other without having the actual full extraction in front
25 of me.

1 Q. That's fair. You mentioned that DeCarlos Chatman was
2 charged with a possession of a firearm?

3 A. He was. Possession of a firearm by a person convicted
4 of a crime of violence.

5 Q. Okay. And what type of firearm was he charged with
6 possessing?

7 A. So there were witnesses that said he had a pistol
8 that he fired in the air, but we never recovered the
9 actual pistol, so it was just charged purely on multiple
10 witnesses that said he possessed a firearm and had it in
11 his possession.

12 Q. So you -- you charged him on the basis that the
13 witnesses said that he had a pistol?

14 A. I did not charge him, but that's -- that was why he
15 was charged, yes.

16 MS. WILLIAMS: All right. Thank you.

17 No further questions, Your Honor.

18 THE COURT: Thank you.

19 Any redirect?

20 MS. PATTERSON: No, ma'am.

21 THE COURT: Can I let Sergeant Creech be excused?

22 MS. PATTERSON: Yes, ma'am.

23 (Witness excused.)

24 THE COURT: All right. Let me see the lawyers.

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

1 THE COURT: I hope you-all had a nice, relaxing
2 long weekend.

3 Everybody had a happy Fourth?

4 Let me ask, did anybody see anything on the TV,
5 internet, newspaper, any kind of social media about this
6 case? If so, please raise your hand.

7 Okay.

8 The State can call its next witness.

9 MS. MAYES: The State calls Detective Scott Zylstra.

10 (Whereupon, Scott Zylstra was duly sworn by the
11 Clerk of Court.)

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

15 THE WITNESS: Scott Zylstra, Z-Y-L-S-T-R-A.

16 DIRECT EXAMINATION

17 BY MS. MAYES:

18 Q. Good morning, Detective. Tell us a little about
19 yourself. Where are you employed?

20 A. I work for Lexington County Sheriff's Department. I
21 am a detective with the major crimes division.

22 Q. All right. And how long have you been with major
23 crimes?

24 A. Approximately four years.

25 Q. Okay. Have you had the opportunity to be involved in

1 homicide investigations prior to the night of June 9th of
2 last year?

3 A. Yes, ma'am.

4 Q. And were you involved in responding to the scene at
5 [REDACTED] Road on June 9th of last year?

6 A. I was.

7 Q. When you first arrived at the scene, Detective, take
8 us through what you recall in terms of who you met with and
9 where.

10 A. So when I arrived on-scene, originally we began to
11 speak to witnesses trying to find out who saw anything. I
12 had been directed towards an individual, a black female,
13 who identified herself as Kelly Conyers I believe the name
14 was.

15 Q. All right. Did you have an opportunity speak with
16 Ms. Conyers?

17 A. I did.

18 Q. Where were you when that occurred?

19 A. It was actually out front of the residence between a
20 couple cars. I wanted to -- I asked her previously to go
21 sit in my car. She was reluctant, scared of retaliation or
22 something like that.

23 Q. Well, let me ask you this. Where were you? What
24 was the general area in which you were meeting with
25 Ms. Conyers?

1 A. I believe between two cars in front of Lot 15.

2 Q. All right. I'm going to show you what is State's 201
3 and 202 and ask you if you recognize yourself in these
4 photographs?

5 A. I do.

6 Q. As well as Ms. Conyers?

7 A. That's correct.

8 Q. These are body cam photographs?

9 A. They are.

10 Q. And can you tell us whether crime scene investigation
11 was also on the scene at this point?

12 A. I believe -- yes, they were.

13 Q. Okay. You see them as well in the photograph?

14 A. They are, yes.

15 Q. All right. And what is the date and time in which
16 this body cam still shot was taken?

17 A. It is 23:55, which is 11:55 PM on June 9th of 2021.

18 Q. All right. Thank you.

19 MS. MAYES: 201 and 202 for evidence, Your Honor.

20 THE COURT: Any objection?

21 MS. WILLIAMS: No objection, Your Honor.

22 THE COURT: They're admitted.

23 (State's Exhibit Number 201 and 202, photographs,
24 were admitted into evidence.)

25 BY MS. MAYES:

1 Q. So looking here at this photograph, you recognize
2 yourself?

3 A. That's correct.

4 Q. As well as Ms. Conyers?

5 A. Yes, ma'am.

6 Q. That's 201. Now I'm gonna show you 202. What do we
7 see there in the background of that photograph?

8 A. That is the crime scene unit vehicle.

9 Q. All right. And, again, Ms. Conyers in the foreground?

10 A. That's correct.

11 Q. Detective Zylstra, based on your communications with
12 Ms. Conyers, and you can't repeat what she has said to you,
13 but based upon your communications with Ms. Conyers, where
14 did the investigation take you next?

15 A. We directed to Lot 7.

16 Q. Okay. And when you say Lot 7, who else went down to
17 Lot 7 in addition to yourself?

18 A. I believe at first myself and Deputy Williams, who
19 was -- is providing the camera, the dash cam or body cam.
20 We went to that location to speak with the occupants and I
21 believe Detective Gilliam came down later after that.

22 Q. And as you go down, is that also captured on body cam?

23 A. That's correct.

24 Q. I'm gonna show you some exhibits being State's 204,
25 205, 206, 203 and 207, and ask you whether or not you

1 recognize these photographs?

2 A. They are the -- the residences at Lot 7.

3 Q. All right. And can you tell us what the date and time

4 is that is depicted now on the body cam?

5 A. It is showing June 10th of 2021 at midnight. One --

6 one minute after 12:00 AM.

7 Q. 12:01 AM?

8 A. 12:01 AM.

9 MS. MAYES: For evidence, Your Honor.

10 THE COURT: Any objection?

11 MS. WILLIAMS: No objection, Your Honor.

12 THE COURT: They're admitted.

13 (State's Exhibit Number 203, 204, 205, 206 and 207,

14 photographs, were admitted into evidence.)

15 BY MS. MAYES:

16 Q. Now I want to start here with photograph 204, and

17 we're looking at body cam footage, so it may not be the

18 best quality. Could you show us, Detective Zylstra, where

19 you are in this photograph?

20 A. That would be me.

21 Q. You were here?

22 A. Yes, ma'am.

23 Q. And which residence do we see in the background?

24 A. That right here is Lot 7.

25 Q. All right. So that is Lot 7?

1 A. That's correct.

2 Q. Now what do we see here over to the right?

3 A. You have a vehicle. It was a Honda Accord.

4 Q. And do you recall the color of that vehicle?

5 A. Gold.

6 Q. And were you able to determine during the course of
7 this investigation who that gold Honda Accord is registered
8 to?

9 A. Yes, ma'am. The registration came back to a Tameakeo
10 Quinsha Carnard with an address of [REDACTED] Academy Street in
11 Batesburg.

12 Q. All right. And through the course of your
13 investigation, can you tell us whether or not that is the
14 girlfriend of the defendant, Quayshaun Clark?

15 A. It is.

16 Q. So you see this vehicle here?

17 A. That's correct.

18 Q. Now is anyone inside that vehicle?

19 A. No. No, ma'am.

20 Q. As you approach Lot 7, can you tell us what, if
21 anything, you observed?

22 A. Nothing really.

23 Q. Has anyone come outside to meet you?

24 A. No, ma'am.

25 Q. Anyone standing on the porch?

- 1 A. No, ma'am.
- 2 Q. And at this point in time is there a large presence
3 of law enforcement at [REDACTED] Road?
- 4 A. There was.
- 5 Q. Can you tell us whether or not this area is now
6 secure?
- 7 A. It appears secure. There's some crime scene tape. We
8 had deputies stationed. I believe that was an exit or a
9 back road. There's crime scene tape I believe you can see
10 on the -- in the background. So with all the deputies
11 standing around the crime scene, it was very secure.
- 12 Q. And as you go to the door, does anyone come to the
13 porch or the door to meet you?
- 14 A. No, ma'am.
- 15 Q. What do you do next?
- 16 A. Go up and knock on the door.
- 17 Q. All right. We're gonna take a look now at 205. Is
18 this another view?
- 19 A. Yes, ma'am.
- 20 Q. All right. And is this another vehicle there at the
21 scene?
- 22 A. It was. I believe that to be a Jeep.
- 23 Q. Okay. And was anybody inside that vehicle?
- 24 A. There was not.
- 25 Q. All right. And then here we would be looking at the

1 porch area?

2 A. Correct.

3 Q. And, again, 206 as you approach the porch area?

4 A. Correct.

5 Q. 203, what are you doing here?

6 A. Knocking at the door.

7 Q. Okay. And after you knocked at the door, what
8 occurred?

9 A. I believe we had to knock a couple times. It was
10 answered by the resident -- a resident of the trailer.

11 Q. All right. And what are we looking at here in
12 State's 207?

13 A. So this, again, is from the body cam footage. That is
14 the individuals inside the residence at the time I entered.

15 Q. All right. And how many females were inside that
16 residence?

17 A. I believe there was three females and one male.

18 Q. All right. And were you able to ascertain whether or
19 not the females were the residents?

20 A. Yes, ma'am. Based on comments by the individual who
21 answered the door, she --

22 Q. All right. Without saying what anyone said to you,
23 were you able to confirm that those were the residents?

24 A. Yes, ma'am.

25 Q. All right. And can you tell us whether or not that

- 1 included Taleka or Shaday Lites?
- 2 A. It did.
- 3 Q. Taleka and Shaday Lites being the same person?
- 4 A. Yes, ma'am.
- 5 Q. As well as a Chantel Jeter?
- 6 A. Correct.
- 7 Q. As well as two sisters of Taleka Lites?
- 8 A. Yes.
- 9 Q. Okay. Now at any point in time as you're inside, do
- 10 you see the defendant's girlfriend, Tameakeo Carnard?
- 11 A. No, ma'am.
- 12 Q. Does she still appear to be there at the scene based
- 13 on your observations?
- 14 A. No. No, ma'am.
- 15 Q. And were you able -- this is just a yes or no
- 16 question. Were you able to ascertain any material
- 17 information upon gaining entry?
- 18 A. No, ma'am.
- 19 Q. What, if any, action did you take for potential
- 20 follow-up with these individuals?
- 21 A. I left my business cards.
- 22 Q. And upon leaving your business cards, did you receive
- 23 any call from any of those occupants?
- 24 A. I did not.
- 25 Q. Now you spoke of Tameakeo Carnard and that her vehicle

1 was still there present at the scene?

2 A. That's correct.

3 Q. Have you had an opportunity to review the AT&T cell
4 phone records of Quayshaun Clark, which are in evidence in
5 this case?

6 A. Yes, ma'am, I have.

7 Q. As well as to cross-compare to the phone number for
8 Tameakeo Carnard, being an [REDACTED]?

9 A. Correct.

10 Q. And specifically as to the defendant, being the cell
11 phone records in evidence, being an [REDACTED]?

12 A. (No verbal response.)

13 Q. Did you see any communications between Mr. Clark and
14 Ms. Carnard following the time of this shooting, which is
15 going to be June 9, 2021, at approximately 10:35 PM, being
16 the 9-1-1 call?

17 A. Based on the AT&T records?

18 Q. Yes.

19 A. Yes, ma'am.

20 Q. I'm gonna show you what is State's 209 and 210. Do
21 you recognize those communications?

22 A. Yes, ma'am.

23 Q. Have you been able to review them?

24 A. I have.

25 MS. MAYES: And, Your Honor, pursuant to South

1 Carolina Code 19-5-520 these would be for evidence.

2 THE COURT: Any objection?

3 MS. WILLIAMS: No objection, Your Honor.

4 THE COURT: Thank you. They're admitted.

5 (State's Exhibit Number 209 and 210, text messages,
6 were admitted into evidence.)

7 BY MS. MAYES:

8 Q. I want to begin with State's 210. Before we get
9 into the phone calls, did you see any evidence of text
10 communications between the defendant and Tameakeo Carnard?

11 A. Yes, ma'am.

12 Q. What time was that text?

13 A. That was approximately 9:37 PM.

14 Q. All right. So that text is 9:37 PM.?

15 A. That's correct.

16 Q. Now as for that text, are you familiar with a Samsung
17 Galaxy belonging to the defendant that was extracted in
18 this case?

19 A. I am.

20 Q. Are you also familiar with an iPhone belonging to
21 Tameakeo Carnard that is her phone that was extracted in
22 this case?

23 A. Yes, ma'am.

24 Q. Were you able to recover that text message between the
25 two of them from her iPhone?

- 1 A. Not on the iPhone, no, ma'am.
- 2 Q. But the iPhone extraction?
- 3 A. No, ma'am.
- 4 Q. What, if anything, does that indicate?
- 5 A. It appeared obviously to have been deleted.
- 6 Q. So it's in the phone records, but not on the actual
- 7 extraction of Tameakeo Carnard?
- 8 A. That's correct.
- 9 Q. And in addition to that text message, let's look at
- 10 phone call communications between Quayshaun Clark and
- 11 Tameakeo Carnard following the shooting at 10:35 PM.
- 12 A. Okay.
- 13 Q. How many total communications do you see?
- 14 A. I believe I counted twenty-five.
- 15 Q. All right. And of those twenty-five total, were you
- 16 able to confirm that some were answered?
- 17 A. Yes.
- 18 Q. All right. We're gonna start with the first call that
- 19 you see is answered. What time is that communication?
- 20 A. That is 10:40 PM.
- 21 Q. So that's five minutes after the 9-1-1 call?
- 22 A. Yes.
- 23 Q. And what was the duration of that call?
- 24 A. A minute and 20 seconds -- or 27 seconds.
- 25 Q. One minute and 27 seconds?

1 A. Yes, ma'am.

2 Q. All right. And then if you could just take us through
3 the answered calls that you see following that.

4 A. You have another one that identifies at 10:46 PM for a
5 minute and 21 seconds.

6 Q. All right. And next?

7 A. One takes place at 10:50 PM for 19 seconds.

8 Q. All right. And next?

9 A. 11:18 PM for 34 seconds.

10 Q. And next?

11 A. 11:19 PM for 3 minutes and 6 seconds.

12 Q. So that one was 3 minutes and 6 seconds?

13 A. 3 minutes and 6 seconds, yes, ma'am.

14 Q. All right. And next?

15 A. 11:34 PM for 19 seconds.

16 Q. All right. And then what do you see after that?

17 A. You have about midnight, about 12:33 AM for 2 minutes
18 and 43 seconds.

19 Q. And you said that's now gonna be on the 10th at
20 12:33 AM?

21 A. Yes, ma'am.

22 Q. And what is the duration of that call?

23 A. 2 minutes and 43 seconds.

24 Q. All right. And after that?

25 A. 12:58 AM.

1 Q. Okay.

2 A. 2 minutes and 1 second.

3 Q. Okay. After that?

4 A. 1:14 AM.

5 Q. Okay.

6 A. 3 minutes and 36 seconds.

7 Q. All right. And after that?

8 A. 1:55 and 15 seconds.

9 Q. Okay. Does that appear to be the last communication
10 between the two of them, 1:55 on the 10th?

11 A. Based on the AT&T records, yes, ma'am.

12 Q. So the early morning of the 10th?

13 A. That's correct.

14 Q. So all of these communications would precede her
15 searches beginning at 6:11 AM from the iPhone?

16 A. Can you say that again? I'm sorry.

17 Q. Yes. All of these communications would be before her
18 searches at 6 --

19 MS. WILLIAMS: Objection, Your Honor.

20 THE COURT: And your objection?

21 MS. WILLIAMS: Characterization of the searches.

22 THE COURT: Rephrase it, please.

23 BY MS. MAYES:

24 Q. All of these communication would be before the
25 searches on her iPhone at 6:11 AM to 6:15 AM?

1 A. Yes, ma'am.

2 Q. And, again, to your knowledge does Tameakeo Carnard
3 ever appear at the crime scene there at [REDACTED] Road?

4 A. I never witnessed her being there.

5 Q. Now following these communication, were you able to
6 look at her iPhone, that [REDACTED] extraction, to see if
7 any of these call logs were present?

8 A. We did. We compared and there were -- there were no
9 records identified on the AT&T call records. There were
10 none showing in the -- in the phone.

11 Q. Okay. So the AT&T records indicate the calls were
12 made?

13 A. That's correct.

14 Q. And the iPhone extraction for the iPhone of Tameakeo
15 Carnard did not indicate the presence of those call logs?

16 A. They did not.

17 Q. What, if anything, does that indicate?

18 A. Again, it appears they -- they had been deleted.

19 Q. Now in addition to reviewing the AT&T records of
20 Quayshaun Clark for communications with his girlfriend,
21 Tameakeo Carnard, did you also have the opportunity to
22 review his records for communications with a cousin by the
23 name of Wanda Lites?

24 A. Yes, ma'am.

25 Q. And, again, is that using the AT&T phone records of

1 Quayshaun Clark?

2 A. That is, yes.

3 Q. Now as for Wanda Lites, I'm gonna show you a contact
4 and ask you whether or not you recognize this? This would
5 be State's 208.

6 A. Yes.

7 Q. Okay. And do you recognize that as coming from the
8 phone extraction of the Samsung Galaxy belonging to
9 Quayshaun Clark?

10 A. Yes.

11 Q. And can you tell us if you also in the course of the
12 investigation had personal contact with Wanda Lites
13 yourself?

14 A. I did.

15 Q. And based upon your own contact with Wanda Lites, can
16 you tell us whether or not you were able to confirm a phone
17 number for Wanda Lites? And you can take your time and
18 refer to your -- your notes.

19 A. Yes, ma'am. In my notes, I notate that I made a call
20 to her using that number.

21 Q. Okay. I'm gonna show you a document and ask you
22 whether or not this would refresh your memory?

23 A. Yes, ma'am.

24 Q. Okay. And who prepared that document?

25 A. That is a supplemental done by myself.

1 Q. All right. And does it reflect the number for Wanda
2 Lites?

3 A. It does.

4 Q. All right. And can you tell us whether or not that's
5 the same number depicted in this saved contact from the
6 Samsung Galaxy of Quayshaun Clark?

7 A. It is.

8 Q. Okay. And what is that number, Detective?

9 A. 803-582-8940.

10 Q. All right. Now were you able to cross-compare the
11 phone records of Quayshaun Clark from At&T with the number
12 for Wanda Lites to determine if there was any communication
13 between them?

14 A. Yes, ma'am.

15 Q. And what did you determine?

16 A. There are three calls between Wanda and Quayshaun.

17 Q. Again, to this contact number?

18 A. Yes, ma'am.

19 Q. Okay.

20 MS. MAYES: This would be State's 208 for evidence,
21 Your Honor.

22 THE COURT: Any objection?

23 MS. WILLIAMS: No objection, Your Honor.

24 THE COURT: Admitted.

25 (State's Exhibit Number 208, a phone contact

1 record, were admitted into evidence.)

2 MS. MAYES: And 209 also pursuant to 19-5-520,
3 AT&T records of Quayshaun Clark.

4 MS. WILLIAMS: No objection to 209 either, Your
5 Honor.

6 THE COURT: And those are admitted.

7 (State's Exhibit Number 209, AT&T phone records,
8 were admitted into evidence.)

9 BY MS. MAYES:

10 Q. So first looking here at the contact, this would be
11 from the Samsung Galaxy of Quayshaun Clark?

12 A. That's correct.

13 Q. And looking here at 209, being those phone
14 communications, what can you tell us, Detective, about the
15 date and time of the communications that you observed
16 between Quayshaun Clark and Wanda Lites?

17 A. There's -- there are three communications between them
18 on the 10th of June starting at 8:47 AM.

19 Q. All right.

20 A. Another one at 9:36 AM.

21 Q. All right. Was that call answered at 9:36?

22 A. It was.

23 Q. And what was the duration?

24 A. 2 minutes and 54 seconds.

25 Q. Okay. And the next call?

1 A. 10:31 AM.

2 Q. And the duration of that call?

3 A. A minute and 6 seconds.

4 Q. Okay. And looking at that first call that you

5 indicated is gonna be 8:47 AM, who is calling who? Is it

6 Quayshaun Clark calling Wanda Lites or Wanda Lites calling

7 Quayshaun Clark?

8 A. The originating number is Quayshaun Clark.

9 Q. All right. And as for the next call at I believe you

10 indicated 9:36?

11 A. Yes, ma'am. It would be the same. Quayshaun Clark --

12 Q. Calling Wanda?

13 A. Yes, ma'am.

14 Q. And then the final call being the 10:31 AM?

15 A. That's correct. And he, again, called Wanda.

16 Q. That's Quayshaun Clark initiating the contact?

17 A. Yes, ma'am.

18 Q. Now were you present when the home of Wanda Lites was

19 searched at [REDACTED] West Railroad Avenue?

20 A. I was.

21 Q. And what role did you play in that?

22 A. I was one of the detectives that were doing the

23 follow-up at that -- that address.

24 Q. And did you actually have contact with Wanda Lites

25 yourself at that address?

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

2 Q. How would you describe her initial demeanor upon the
3 request to search her residence?

4 A. Less than cooperative.

5 Q. And ultimately did you yourself obtain a consent to
6 search form?

7 A. I did.

8 Q. And ultimately was that consent to search signed by
9 Wanda Lites?

10 A. Yes, ma'am.

11 Q. And her residence was searched?

12 A. It was.

13 Q. I'm gonna show you what is already in evidence,
14 State's 29, State's 31, and State's 30. Are you familiar
15 with whether or not an FN nine millimeter was recovered
16 from this residence?

17 A. I am.

18 Q. And, again, what is that address?

19 A. It is [REDACTED] West Railroad Avenue, Apartment [REDACTED], as in
20 Charlie, in Batesburg.

21 Q. And can you tell us whether or not that is the home of
22 Wanda Lites?

23 A. It is.

24 Q. And the date in which these items were recovered?

25 A. The consent was signed at approximately 10:08 PM on

1 the 11th of June.

2 Q. Now you've been a major crimes investigator for how
3 long?

4 A. Approximately four years.

5 Q. And during that four years, have you had the
6 opportunity to investigate numerous other shootings?

7 A. Yes.

8 Q. Based upon your work as a major crimes investigator,
9 are you familiar with the street term "bust"?

10 A. Yes, ma'am.

11 Q. And what do you know that word to mean?

12 MS. WILLIAMS: Objection, Your Honor.

13 THE COURT: And your basis?

14 MS. WILLIAMS: He's yet to lay a foundation for
15 his knowledge.

16 MS. MAYES: I believe the foundation has been
17 laid, Your Honor. He's familiar with the term.

18 THE COURT: I'm gonna allow it.

19 THE WITNESS: Usually "bust" is -- is used
20 referring to somebody shooting a handgun or some type
21 of firearm.

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

23 Nothing further, Your Honor.

24 THE COURT: Ms. Williams or Mr. Williams.

25 MS. WILLIAMS: Ms. Williams, Your Honor.

1 THE COURT: Ms. Williams.

2 MS. WILLIAMS: If it may please the Court?

3 THE COURT: Yes, ma'am.

4 CROSS-EXAMINATION

5 BY MS. WILLIAMS:

6 Q. Good morning, Detective Zylstra.

7 A. Yes, ma'am. Good morning.

8 Q. So I believe the solicitor elicited some testimony
9 that Ms. Wanda Lites signed a consent to search form; is
10 that correct?

11 A. Yes, ma'am, it is.

12 Q. Okay. And can you explain to the jury what the
13 difference is between a consent to search and a search
14 warrant?

15 A. The consent to search form is signed by the individual
16 who is the resident that gives us permission to go and
17 search the -- the address listed on the consent to search.
18 A search warrant is a document signed by a judge after
19 providing probable cause.

20 Q. And a consent to search, does that mean that you are,
21 in fact, obtaining the consent of the person who lives
22 there to search?

23 A. Yes, ma'am.

24 Q. Okay. And in this case, you obtained Ms. Wanda's
25 consent to search her home?

1 A. Yes, ma'am.

2 Q. Okay. And there was a bunch of discussion about
3 phone calls and I believe that you were testifying as to
4 different calls going back and forth between different
5 numbers; is that correct?

6 A. Yes, ma'am.

7 Q. And those different numbers, there's no way of telling
8 who answered those numbers; is that correct?

9 A. That's correct.

10 Q. Okay. Going back to the scene when you got there, how
11 did the scene appear to you?

12 A. It was -- it was pretty chaotic. A lot of -- a lot of
13 feelings and stuff were being exhibited.

14 Q. Did you notice people behind the crime scene tape?

15 A. There was -- at that time there were some people
16 within the crime scene, yes, ma'am.

17 Q. Would you, in fact, use the word "numerous"?

18 A. Yes, ma'am.

19 Q. Okay. So there were numerous people inside the crime
20 scene tape; is that correct?

21 A. Yes, ma'am, upon originally arriving.

22 Q. And then did you then have to get those people out
23 from the crime scene tape?

24 A. Yes, ma'am.

25 Q. Was that an easy thing to do?

1 A. It was not.

2 Q. Okay. And I believe the solicitor indicated that you
3 then expanded the crime scene from the original crime scene
4 of Lot 15 and 16; is that correct?

5 A. That is correct.

6 Q. After speaking with Ms. Conyers?

7 A. That's correct.

8 Q. Okay. And so at that point you expanded the crime
9 scene to Lot 7?

10 A. That's correct.

11 Q. Okay. And so it looks like according to State's
12 Exhibit 202 you were speaking with Ms. Conyers at what
13 time?

14 A. It appears that is 11:51 PM.

15 Q. Okay. So after speaking with Ms. Conyers is when
16 Lot 7 would have been roped off?

17 A. Correct.

18 Q. Okay. I believe there was some discussion of business
19 cards. How many individuals did you leave your business
20 cards that evening?

21 A. There were four people inside the residence and I left
22 a -- I don't recall the amount. More than one.

23 Q. Okay. Did you leave your business cards with anyone
24 else that evening?

25 A. I believe I handed business cards out throughout the

1 -- the investigation.

2 Q. At other lots as well?

3 A. Yes, ma'am.

4 Q. Do you recall giving your business card to a Hispanic
5 gentleman?

6 A. Yes, ma'am.

7 Q. Okay. So you were handing your cards out to multiple
8 people to find out -- well, why were you handing your card
9 out to multiple people?

10 A. So anybody could call me at a later date and give me
11 information about the investigation.

12 Q. And of all those cards that you handed out, how many
13 people called you?

14 A. I don't recall receiving any -- any calls.

15 Q. You received no phone calls?

16 A. That's correct.

17 Q. Okay. Did you also learn about a gas station in
18 Monetta through the course of your investigation?

19 A. Yes, ma'am.

20 Q. And did you go to that gas station?

21 A. I did not.

22 Q. Did you contact someone at that gas station?

23 A. We made attempts to contact.

24 Q. And what were you trying to do by attempting the gas
25 station -- by contacting the gas station?

1 A. Possibly get some video footage.

2 Q. And was that video footage linked to this case? Was
3 your understanding that it was important for the purpose
4 of this case?

5 A. It had been represented that an incident prior to this
6 incident took place there, yes, ma'am.

7 Q. Okay. And did you ever obtain that video footage?

8 A. No, ma'am.

9 MS. WILLIAMS: No further questions, Your Honor.

10 THE COURT: Any redirect?

11 MS. MAYES: Yes, Your Honor.

12 REDIRECT EXAMINATION

13 BY MS. MAYES:

14 Q. And just to clarify, was the Hispanic individual
15 thought to be a suspect in any way in this case?

16 A. No, ma'am.

17 Q. And regarding you leaving your cards at Lot 7, do you
18 recall whether you left any cards inside the residence?

19 A. Yes, ma'am.

20 MS. MAYES: Thank you. Nothing further.

21 MS. WILLIAMS: No further questions for this
22 witness, Your Honor.

23 THE COURT: Can I excuse the detective?

24 MS. MAYES: Yes, Your Honor.

25 THE COURT: Thank you.

1 THE WITNESS: Thank you, Your Honor.

2 (Witness excused.)

3 THE COURT: All right. The State can call their
4 next witness.

5 MS. MAYES: Your Honor, at this time the State will
6 rest.

7 THE COURT: Okay.

8 Mr. Foreman and ladies and gentlemen of the jury,
9 I'm gonna ask you to go back to your jury room and let
10 me take up some legal matters with the lawyers and I'll
11 have you back in.

12 (Whereupon, the jury retires to the jury room at
13 10:21 AM.)

14 THE COURT: All right. The State has rested.
15 Anything else from the State?

16 MS. MAYES: Not at this time, Your Honor.

17 THE COURT: The defense, I'll be glad to hear
18 from you.

19 MS. WILLIAMS: Your Honor, the defense moves for
20 a directed verdict with regard to all three indictments;
21 the indictment for murder, the indictment for possession
22 of a weapon during the commission of a felony, and the
23 indictment for unlawful firing of a firearm into a
24 dwelling.

25 The State has not produced evidence that rises

1 above a mere suspicion regarding these indictments,
2 specifically with regards to the element of implied
3 or express malice for the murder charge, and as such
4 we believe that the case against our client should be
5 dismissed.

6 THE COURT: Okay. Let me hear from you, Ms. Mayes
7 or Ms. Patterson.

8 MS. MAYES: Yes, Your Honor.

9 As to the malice, certainly in this case malice
10 would be transferred intent towards the victim in
11 Lot 15 originating towards any individual on the other
12 side, and we say any individual because the defendant's
13 own statement pertained to there being some type of
14 issue going on with individuals over at Lot 15 and
15 Lot 16.

16 Now specifically, Your Honor, malice is, of course,
17 ill will or hostility. That alone is sufficient to
18 establish malice. We have testimony that the defendant
19 was already armed prior to the first shot. There is
20 also testimony that he has a second weapon, being an
21 FN nine millimeter that we know was used at the crime
22 scene.

23 In addition to that, Your Honor, we have at least
24 fifteen rounds that are fired by the defendant and we
25 have casings scattered across Lot 15 and we know from

1 testimony that at least one of those 7.62 rounds enters
2 the home at Lot 15.

3 Your Honor, going back to the issue of malice,
4 however, it certainly can be implied as well as express.
5 We know the home at Lot 15 is hit eight times by gunfire.
6 In addition to the one round that strikes the victim, we
7 know that there is at least one other steel fragment
8 recovered from that home indicating that at least two of
9 his rounds entered that home.

10 Intent, Your Honor, is general intent as to that
11 charge and certainly can be inferred from the
12 circumstances, being the numerous shots fired, the fact
13 that he is armed prior to the first shot that is fired
14 from Lot 7, being fired according to witnesses from Hugo,
15 who yells "bust" aloud prior to firing his gun into the
16 air.

17 We know that the defendant is seen coming outside
18 of Lot 7 according to the testimony of Nokia Tolen with
19 DJ. DJ being the person who actually has the ongoing
20 confrontation with individuals across the street at Lot
21 -- between Lot 15 and Lot 16. We know that DJ proceeds
22 forward after he comes out of the home and is still
23 according to witnesses talking trash just prior to Hugo
24 firing that shot.

25 So, Your Honor, we know that based on any evidence

1 in the record that would be in the light most favorable
2 to the State that there is evidence with malice, with
3 ill will and hostility between the parties, with the
4 defendant already being armed prior to those shots being
5 fired.

6 And then as we consider, Your Honor, the evidence
7 of discharging a firearm into to the dwelling, we
8 certainly have an inference of malice the State
9 maintains because of that home being hit as many times
10 as it was and he can see the direction that he's
11 shooting at. We know that that lot is visible in the
12 backdrop from where he would be shooting from and that
13 certainly, Your Honor, would be an inference of malice
14 in addition to what I have already laid out from witness
15 testimony.

16 THE COURT: Anything else, Ms. Williams?

17 MS. WILLIAMS: If I may reply briefly, Your Honor,
18 with regards to intent I don't believe the State has
19 ever and has today, indeed, stated that there is no --
20 no intent towards harming the little girl, but it would
21 have been under a transferred intent theory as I believe
22 what the State's theory is in this case and I think
23 that it is difficult to rise above mere suspicion in
24 a transferred intent scenario when you're unable to
25 identify the parties on the other side and my defendant

1 is supposed to have an intent to harm.

2 THE COURT: Anything else, Ms. Mayes?

3 MS. MAYES: Your Honor, only that when we talk
4 about malice in relation to murder it includes not
5 only express and inferred malice, which we certainly
6 maintain exists because of the ill will and hostility,
7 but it can also include the reckless --

8 THE COURT: Disregard.

9 MS. MAYES: -- disregard for any other human life
10 present in the area and we certainly have that because
11 we know that multiple shots are fired according to his
12 statement to Beeler towards persons. Towards persons.
13 He tells Beeler he does not identify any target. He is
14 firing towards persons.

15 THE COURT: Okay.

16 All right. Ms. Williams, I believe the State has
17 made a showing of malice. Whether the jury finds it
18 implied and expressed, I think they presented enough
19 evidence to let the jury decide. They presented
20 testimony that he was armed when he came out on the
21 porch prior to any shooting that happened. They've also
22 presented evidence of his other weapon that was in his
23 car was used. They recovered that. There were fifteen
24 rounds fired, not to mention I think altogether there
25 was a counting of -- I can't remember if it was 48 or

1 58 shots fired or casings that were found, and one of
2 the 7.62 that the defendant allegedly had enters Lot 15.

3 All of that is a question for the jury. I believe
4 they've presented enough evidence for that, so I'm gonna
5 deny your motion.

6 Anything else?

7 MS. WILLIAMS: Your Honor, the defense would just
8 like to renew all prior motions at this time.

9 THE COURT: Absolutely. At this time all
10 objections and any other motions that the defense has
11 made are renewed for the record.

12 Let me ask -- and you don't have to -- is the
13 defense going to put up a defense?

14 MS. WILLIAMS: Yes, Your Honor, we are.

15 THE COURT: Okay.

16 All right. Then I'd like to speak to Mr. Clark
17 again and if the clerk would put Mr. Clark back under
18 oath.

19 (Whereupon, Quayshaun Xzander Clark was duly sworn
20 by the Clerk of Court.)

21 THE COURT: Mr. Clark, if you remember I talked to
22 you on Friday about your rights to testify and I told
23 you that no person is compelled in any criminal case to
24 be a witness against himself. If you decide to testify,
25 you're gonna be treated just like any other witness.

1 In addition, if you have any convictions involving
2 dishonesty or false statements or for any other crimes
3 punishable for more than one year and this Court
4 determines that the probative value of admitting this
5 evidence outweighs its prejudicial effect to you, they
6 would be able to introduce your record to attack your
7 credibility.

8 I also told you that your decision to decide to
9 testify must be freely, voluntarily and intelligently
10 made with the knowledge of all the protections given to
11 you by the Fifth Amendment and the consequences of your
12 decision to testify.

13 I also told you if you chose not to testify, I'm
14 gonna tell this jury they can't hold it against you in
15 any way whatsoever. It cannot even be discussed in the
16 jury room.

17 This decision is left entirely up to you. I gave
18 you the weekend to think about it, talk to your lawyer,
19 told you to talk to some family members because it's a
20 very important right.

21 So let me ask you, have you discussed with your
22 lawyer whether you should or should not testify?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Do you wish to talk to your lawyer any
25 more? I'll give you all the time you want to if you

1 need to speak with him or some family members. I'll be
2 happy to do that.

3 Do you need the extra time?

4 THE DEFENDANT: No, ma'am.

5 THE COURT: Okay. So at this time I'm gonna ask
6 you, do you wish to testify?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Okay. Thank you.

9 All right. Does the defense need a break before
10 we start?

11 MS. WILLIAMS: Yes, Your Honor. If we could just
12 have a brief break.

13 THE COURT: Sure. I'm gonna give you fifteen
14 minutes, okay?

15 MS. WILLIAMS: Thank you.

16 THE COURT: So court's adjourned until a quarter
17 till eleven.

18 (Recess taken at 10:31 AM.)

19 (Back on the record at 10:49 AM.)

20 THE COURT: Okay. Before I bring the jury back
21 in, let me ask, does the defendant have a record that
22 we need to go over before he testifies?

23 MS. MAYES: Your Honor, he does not have a record
24 that would qualify for impeachment.

25 THE COURT: Okay.

1 You understand that, Mr. Williams?

2 MR. WILLIAMS: I do, Your Honor.

3 THE COURT: Okay.

4 All right. Can I bring the jury in then?

5 MS. WILLIAMS: Yes, Your Honor.

6 THE COURT: Okay. Let's bring them in.

7 And then sometime today I would like to have a --
8 I've started on the jury charges. If we could have a
9 charge meeting.

10 (Whereupon, the jury returns to the courtroom at
11 10:51 AM.)

12 THE COURT: Mr. Foreman, is the jury ready?

13 THE FOREPERSON: Yes, ma'am.

14 THE COURT: All right. Let me turn to the defense.
15 You do not have to put up a defense, but if you do, now
16 would be the time. So let me ask, are you-all planning
17 on putting up a defense?

18 MS. WILLIAMS: Yes, Your Honor, we are.

19 THE COURT: Okay. Then call your first witness.

20 MS. WILLIAMS: Your Honor, the defense calls Officer
21 Kristen Webster.

22 (Whereupon, Kristen Webster was duly sworn by the
23 Clerk of Court.)

24 THE CLERK: If you'll have a seat up there in the
25 chair. If you'll state your last name and spell it for

Kristen Webster - Direct by Ms. Williams

1 the record.

2 THE WITNESS: Okay. Webster, W-E-B-S-T-E-R.

3 KRISTEN WEBSTER,

4 having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. WILLIAMS:

7 Q. Good morning. Is it Officer or Detective Webster?

8 A. Investigator.

9 Q. Investigator. Okay. Good morning, Investigator
10 Webster. Did you have an opportunity to execute a search
11 warrant in this case?

12 A. I did have a search warrant, yes.

13 Q. Okay. And was that search -- where did you execute --
14 what was the location that you executed that search warrant
15 at?

16 A. [REDACTED] Bentwood Road.

17 Q. Okay.

18 MS. WILLIAMS: May I approach, Your Honor?

19 THE COURT: You may.

20 (Defendant's Exhibit Number 35 was marked for
21 identification.)

22 BY MS. WILLIAMS:

23 Q. Looking at Defendant's Exhibit 35, does that look
24 familiar to you?

25 A. Yes, ma'am.

1 Q. And what is that?

2 A. A trailer.

3 Q. Is that [REDACTED] Bentwood Road?

4 A. Uh-huh.

5 THE COURT: Any objection?

6 MS. MAYES: No objection.

7 THE COURT: It's admitted.

8 (Defendant's Exhibit Number 35, a photograph, was
9 admitted into evidence.)

10 BY MS. WILLIAMS:

11 Q. So this is the location you were at when you executed
12 the search warrant?

13 A. Yes.

14 Q. Okay. And what was the search warrant on?

15 A. A vehicle.

16 Q. A vehicle. And was that vehicle located at this
17 location?

18 A. Yes.

19 Q. And what day was it executed on?

20 A. The 11th of June, 2021.

21 Q. So that's two days after the shooting?

22 A. I believe so.

23 Q. You believe so. Okay. What was your understanding
24 of why you were at this location?

25 A. My unit had assisted major crimes who was just doing

1 a follow-up.

2 Q. And so your understanding was that this was a
3 follow-up location?

4 A. Yes, ma'am.

5 Q. Okay.

6 MS. WILLIAMS: May I approach, Your Honor?

7 THE COURT: You may.

8 (Defendant's Exhibit Numbers 36 through 43 were
9 marked for identification.)

10 BY MS. WILLIAMS:

11 Q. I'm gonna get you to look through Defendant's 36
12 through 43 and if you will tell me if you recognize these.

13 A. (No verbal response.)

14 Q. And if you will speak into the mic.

15 A. Yes.

16 Q. Okay. And what are they images of?

17 A. The vehicle that was at the property.

18 Q. And are there also images in there of you executing
19 the search warrant?

20 A. Those are from the search warrant.

21 Q. Those are from the search warrant.

22 THE COURT: Any objection?

23 MS. MAYES: No objection.

24 THE COURT: They're admitted.

25 MS. MAYES: No objection to the ones I've seen so

1 far.

2 MS. WILLIAMS: So that's 36 through 43.

3 THE COURT: Admitted.

4 (Defendant's Exhibit Number 36 through 43,
5 photographs, were admitted into evidence.)

6 BY MS. WILLIAMS:

7 Q. Okay. And I'm just gonna walk you through these
8 if you can tell us what we're looking at. Looking at
9 Defendant's Exhibit 36, what is that an image of?

10 A. A vehicle that was on the scene.

11 Q. Is that the vehicle that you did the search warrant
12 on?

13 A. Yes.

14 Q. Okay. Looking at Defendant's 37, what can we see
15 here?

16 A. There is a bullet hole in the door of the vehicle.

17 Q. And what's going on around the window?

18 A. The glass is shattered.

19 Q. Okay. Looking at Defendant's Exhibit 38, is that an
20 image of the same?

21 A. Yes.

22 Q. Looking at Defendant's Exhibit 39, what is that an
23 image of?

24 A. Shattered glass in the vehicle.

25 Q. Does there appear to be a bullet defect in the

1 windshield?

2 A. That's what it appears to be.

3 Q. Okay. And is that in the front windshield or the back
4 windshield?

5 A. The front.

6 Q. And that's because you can see the steering wheel?

7 A. Uh-huh.

8 Q. Okay. Did you find any projectiles when you did that
9 search warrant on that vehicle?

10 A. Yes.

11 Q. And looking at Defendant's Exhibit 40, is that an
12 image of where you found one of the projectiles?

13 A. Yes.

14 Q. And is that in the trunk of the vehicle?

15 A. Uh-huh.

16 Q. And it's indicated by where the "1" is?

17 A. Yeah.

18 Q. Looking at Defendant's 41, is that an additional
19 projectile?

20 A. Yes.

21 Q. Okay. What does the presence of projectiles, broken
22 glass and bullet holes in a vehicle indicate to you?

23 A. It was some kind of shooting.

24 Q. It was -- it was a round of shooting?

25 A. Yes.

1 Q. Okay.

2 MS. WILLIAMS: May I approach, Your Honor?

3 THE COURT: You may.

4 BY MS. WILLIAMS:

5 Q. Looking at Defendant's Exhibit 33 and 34, already in
6 evidence, will you please identify what those are?

7 A. Projectiles that were located from the vehicle.

8 Q. Are those projectiles that you obtained from the
9 vehicle?

10 A. Uh-huh.

11 Q. And where did you get Defendant's Exhibit 33 from?

12 A. The trunk of the car.

13 Q. And Defendant's Exhibit 34?

14 A. The back window of the vehicle.

15 Q. Okay. Investigator Webster, did you ultimately
16 determine -- or did you have a name to link this vehicle
17 with?

18 A. I can only go by what was told to me on the scene.

19 Q. Okay. Without telling us what you said, did you find
20 a work statement for an individual in that vehicle?

21 A. Yes.

22 Q. And will you tell the jury who that work statement
23 belonged to if you can read it?

24 A. I can't read it from there. Demontrell Wigfall.

25 Q. So Demontrell Wigfall's work statement was found in

1 the vehicle with the bullet holes?

2 A. Yes.

3 Q. Now will you read that address to me? What address
4 does Demontrell -- is associated with Demontrell?

5 A. I can't see it. [REDACTED] Plumber Street,
6 Batesburg-Leesville, South Carolina, 29006.

7 Q. [REDACTED] Plumber Street?

8 A. Yes.

9 Q. And is that the location that you executed the search
10 warrant on?

11 A. No.

12 Q. So this vehicle with the bullet holes in it was found
13 at a separate location from the one associated with
14 Demontrell's name?

15 A. Correct.

16 Q. Okay. Defendant's Exhibit 43, is this a -- I probably
17 should have shown this to you beforehand. Is this a
18 close-up of that same information?

19 A. Yes.

20 Q. I apologize. This Demontrell Wigfall with the car
21 with the bullet holes in it that was found at a separate
22 location from the one where he was -- that is associated
23 with his name, that Demontrell Wigfall, is that the same
24 cousin as Nokia Tolen said was related to him?

25 A. I don't -- I don't know that.

1 Q. Who would know that? Is there an officer who would
2 have that information?

3 A. I don't know the answer to that. I'm not sure.

4 Q. Is your only involvement in this case the execution
5 of this one search warrant?

6 A. Yes.

7 Q. Okay.

8 MS. WILLIAMS: Thank you, Your Honor. No further
9 questions.

10 THE COURT: Anything from the State?

11 MS. MAYES: Yes, Your Honor.

12 CROSS-EXAMINATION

13 BY MS. MAYES:

14 Q. Detective Webster, you're actually part of the crime
15 reduction unit at the Lexington County Sheriff's
16 Department?

17 A. Yes, ma'am.

18 Q. And as a result you respond to a lot of crimes and a
19 lot of shootings?

20 A. Yes.

21 Q. In a situation like this where we have at least six
22 guns involved in a shootout, is it common or uncommon for
23 cars to be hit?

24 A. It's common.

25 Q. All right. And in this case I think you've indicated

1 that this vehicle, being the vehicle of Demontrell Wigfall,
2 is hit by gunfire, so I'm gonna put that name here. And
3 what, again, is the make and model of this car?

4 A. It was a 19 -- 1996 Honda Civic.

5 Q. All right. So the Honda Civic is hit by gunfire and
6 we know it's hit by gunfire because of those photographs
7 we saw?

8 A. Correct.

9 Q. I think there is a bullet it looks like in the back?

10 A. Yes.

11 Q. A bullet hole in the back. There's a window shot out.
12 Looking here at this defense exhibit, and now we see 38,
13 that window is actually shot out. 37, that window is shot
14 out. Here's the car from a distance and then you indicated
15 that inside was some type of projectile as well?

16 A. Correct.

17 Q. Now do projectiles follow -- that's the bullet just
18 to clarify. That's the bullet. So we've got windows shot
19 out. Wouldn't you expect to find a projectile in the
20 vehicle if it's not a through and through?

21 A. Correct.

22 Q. And that projectile was found by you and collected as
23 evidence by you?

24 A. Correct.

25 Q. And collected as evidence for the purpose of being

1 submitted to the State Law Enforcement Division?

2 A. Correct.

3 Q. And I believe there were actually two of them,
4 correct?

5 A. Yes.

6 Q. But all of that is consistent with this vehicle being
7 shot, correct?

8 A. Yes.

9 Q. Now at any point during your search of this vehicle,
10 did you find a fired shell casing?

11 A. No.

12 Q. So did you have any indication that anyone inside this
13 vehicle is firing out of the vehicle?

14 A. No.

15 Q. All indications are that the shots are coming into the
16 vehicle?

17 A. Correct.

18 Q. Resulting in that projectile?

19 A. Correct.

20 Q. Now in addition to that Honda Civic being shot up,
21 are you familiar with numerous other vehicles that were
22 also found damaged by gunfire at [REDACTED] [REDACTED]?

23 A. Yes.

24 Q. Numerous lots across the way?

25 A. Yes.

1 Q. I want to ask you about those. You've had a chance to
2 review the incident report of Sergeant Strock?

3 A. Yes.

4 Q. Are you familiar with a 2009 Dodge Caliber?

5 A. From the report, yes.

6 Q. Do you recall whether or not the Dodge Caliber was
7 shot and had gun damage?

8 A. Yes. In the report it's listed as that.

9 Q. Does that include multiple bullet holes?

10 A. Yes.

11 Q. I'm gonna ask you about a white 2013 Chevy Impala.

12 A. Yes.

13 Q. Was that also damage by gunfire?

14 A. Yes.

15 Q. Did that include multiple bullet holes?

16 A. Yes.

17 Q. And that Chevy Impala belonged to Nokia Tolen, didn't
18 it?

19 A. That's what it's listed as.

20 Q. I'm gonna ask about a 2005 Jeep Cherokee. Was that
21 car also damaged by gunfire?

22 A. Yes.

23 Q. Did that include multiple bullet holes?

24 A. Yes.

25 Q. So there was at least four vehicles that were at that

1 scene damaged by gunfire, correct?

2 A. Yes.

3 Q. Is that consistent with a reckless shootout?

4 A. That would be, yeah.

5 Q. And as a major crimes investigator in the crime

6 reduction unit, you're familiar with the term "bust",

7 aren't you?

8 A. Yes.

9 Q. You know that term "bust" to mean gunfire?

10 A. Yes, shooting a gun.

11 Q. I'm gonna show you what is State's 76 and ask you

12 whether or not you can identify this.

13 A. They're graduation photos.

14 Q. And was this recovered during the execution of your

15 search warrant?

16 A. Yes, they were in the car.

17 Q. Okay. This photograph, being a graduation

18 announcement and photographs, was also found in this same

19 vehicle --

20 A. Yes.

21 Q. -- that we've seen pictures of being the vehicle of

22 Mr. Wigfall?

23 A. Uh-huh.

24 MS. MAYES: State's 76 for evidence.

25 THE COURT: Any objection?

1 MS. WILLIAMS: No objection, Your Honor.

2 THE COURT: It's admitted.

3 (State's Exhibit Number 76, a photograph, was
4 admitted into evidence.)

5 BY MS. MAYES:

6 Q. All right. So when this search warrant was executed
7 on that vehicle belonging to Mr. Wigfall, and I don't know
8 if you had his age, but you were aware that he was high
9 school graduate age?

10 A. Yes.

11 Q. This was also recovered showing some type of a
12 celebration for a graduation?

13 A. Uh-huh.

14 Q. And are you familiar in this case whether or not a
15 graduation party or get-together had been going on near
16 the area of Lot 16 on the night of June 9th?

17 A. That's what I was advised.

18 MS. MAYES: Nothing further.

19 THE COURT: Any redirect?

20 REDIRECT EXAMINATION

21 BY MS. WILLIAMS:

22 Q. Investigator, I believe you testified that your only
23 involvement in this case was the execution of a search
24 warrant on this location?

25 A. Correct.

1 Q. So you've just given testimony about a bunch of things
2 that happened at the lot, at the location of the shooting.
3 Is all of that based on reading other investigator's notes?

4 A. It's from the report, yeah.

5 Q. Okay. So you did not witness any of this first-hand?

6 A. No.

7 Q. Your only involvement with the case was this one
8 search warrant?

9 A. Correct.

10 Q. Okay. Did you ever speak with Demontrell?

11 A. No.

12 Q. To your knowledge in reviewing everyone else's notes,
13 did anyone ever speak with Demontrell?

14 A. I'm not sure.

15 MS. WILLIAMS: No further questions, Your Honor.

16 THE COURT: Thank you.

17 Anything else, Ms. Mayes?

18 MS. MAYES: Nothing, Your Honor. We do ask that
19 Detective Webster be released.

20 THE COURT: Okay. Thank you for coming.

21 (Witness excused.)

22 THE COURT: Do you want to call your next witness?

23 MS. WILLIAMS: Your Honor, the defense calls
24 Quayshaun Clark to the stand.

25 (Whereupon, Quayshaun Xzander Clark was duly sworn

1 by the Clerk of Court.)

2 THE CLERK: If you'll go up there and if you'll
3 say your name and spell your last name for the record.

4 THE DEFENDANT: Quayshaun Clark. Clark's C-L-A-R-K.

5 DIRECT EXAMINATION

6 BY MS. WILLIAMS:

7 Q. All right. Quayshaun, are you okay if I call you
8 Quayshaun?

9 A. Yes, ma'am.

10 Q. Okay. Let's start with before all of this happened
11 where did you live?

12 A. [REDACTED] Academy Street.

13 Q. Okay. And did anyone live there with you?

14 A. My daughter and my girlfriend.

15 Q. Okay. What's your girlfriend's name?

16 A. Tameakeo Carnard.

17 Q. Okay. What's your daughter's name?

18 A. McKenna Clark.

19 Q. And how old is Miss McKenna?

20 A. She's four.

21 Q. Okay. How long have you and Tameakeo been together?

22 A. Roughly nine, ten years off and on.

23 Q. Okay. And do also you have another daughter?

24 A. Yes, ma'am.

25 Q. And what's her name?

- 1 A. Akeela Clark.
- 2 Q. And how old is she?
- 3 A. Twelve.
- 4 Q. And does she live with you?
- 5 A. Not really. She comes to visit all the time.
- 6 Q. Okay. So she lives primarily with her mother, but she
- 7 comes to visit you?
- 8 A. Yes, ma'am.
- 9 Q. Okay. All right. We're gonna go back to June 9,
- 10 2021. We're gonna start that morning. What do you -- what
- 11 do you recall about that morning?
- 12 A. I usually -- every morning I have a little routine. I
- 13 get up, go feed my dogs, go home, shower, come back out.
- 14 Q. Okay. And what kind of dogs do you have?
- 15 A. I raise pit bulls.
- 16 Q. Okay. How many did you have at that time?
- 17 A. Like five, six. Two pregnant females.
- 18 Q. Okay. So you usually get up, feed your dogs, take a
- 19 shower. Did you go anywhere?
- 20 A. I went to my uncle's house to feed my dogs.
- 21 Q. You left your uncle's house to feed your dogs?
- 22 A. I went there to feed my dogs.
- 23 Q. You went there to feed your dogs. Okay. So do you
- 24 keep your dogs at your uncle's house?
- 25 A. Yes, ma'am.

1 Q. Okay. And then you went back to your house?

2 A. (No verbal response.)

3 Q. Okay. Let me stop you. Which uncle?

4 A. Marvin Lites.

5 Q. Marvin Lites. And is that the uncle that lives at
6 [REDACTED] North Ridgell Street?

7 A. Yes, ma'am.

8 Q. Okay. So you went to your uncle's house to feed your
9 dogs, you went back to your house to take a shower. Did
10 you go back to your uncle's house?

11 A. Yes.

12 Q. Why did you go back to your uncle's house?

13 A. Just to -- we were planning on meeting up with my
14 cousin later on and getting everything together and
15 figuring out what we were gonna do for her birthday.

16 Q. Okay. And the cousin whose birthday it was, what's
17 her name?

18 A. Shawanda Lites.

19 Q. And does she sometimes go by Wanda?

20 A. Yes.

21 Q. Okay. So you said "we". So you're at Uncle Marvin's
22 house. Who all's there with you?

23 A. Right off I remember me, my dad, my uncle, probably a
24 couple more people. I can't recall who.

25 Q. Okay. And is your dad's name Johnny?

- 1 A. Yes, ma'am.
- 2 Q. Okay. Johnny Lites?
- 3 A. Johnny Lites.
- 4 Q. Okay. So at some point did you have cousins come
5 over?
- 6 A. Later on that day, yeah.
- 7 Q. Okay. And were those cousins Taleka and --
- 8 A. Uh-huh. Her and Valsha.
- 9 Q. Her and Valsha came over?
- 10 A. Lites. Uh-huh.
- 11 Q. Okay. And did your girlfriend come over at some
12 point?
- 13 A. Yeah, she came later on that day, too.
- 14 Q. All right. So you're all over at your uncle's house
15 trying to figure out what to do for Shawanda's birthday.
- 16 A. Uh-huh.
- 17 Q. Do you-all stay at your uncle's house?
- 18 A. No, because he wound up getting -- he was annoyed by
19 something and he always kicks us out the yard, so then
20 they was telling us that we could come to their house and
21 I asked Wanda was that okay with her, like did she want
22 to go there or did she just want to go back to her house,
23 and she was like well, if they say we can come down there,
24 then we can go, so we wound up going to their house.
- 25 Q. Okay. So -- I'm gonna stop you there. So you're at

1 -- just to slow it down. We're at Uncle Marvin's house and
2 he gets, let's say, grumpy. Is that a fair --

3 A. Yeah.

4 Q. Okay. He gets grumpy and he wants everyone to leave?

5 A. Yes.

6 Q. Okay. And you say they say we can come down there.
7 So did you -- was it -- did you get an invitation from
8 Taleka and Valsha to come to their --

9 A. Yes, ma'am.

10 Q. Okay. So you -- and where do Taleka and Valsha live?

11 A. In Rocky Lane, [REDACTED] Road.

12 Q. And are you familiar with their lot number?

13 A. 7.

14 Q. Okay. So they invited you-all to move the party to
15 their place?

16 A. Yes.

17 Q. Okay. So around what time was this that your uncle
18 got grumpy?

19 A. It was probably like early afternoon, sometime around
20 two, three, I guess.

21 Q. Okay. So sometime early afternoon you-all relocate
22 to Taleka's house?

23 A. Uh-huh.

24 Q. Did you drive by yourself?

25 A. Yes.

1 Q. Okay. Did your girlfriend drive by herself?

2 A. Yes.

3 Q. Okay. All right. So you get to Taleka's house early
4 afternoon. Who all's there?

5 A. It's a handful of us. The girls that stay there,
6 Taleka, Valsha, Shan and they had a couple of their friends
7 over and it was me, my cousin Shawanda, Nash -- Nashua. It
8 was a few people.

9 Q. Okay.

10 A. I can't recall everybody offhand.

11 Q. And you referenced Nash. Is Nashua -- his full name,
12 is it Nashua Smith?

13 A. Yes, ma'am.

14 Q. Okay. And would you say that there were approximately
15 ten people, twenty people? Can you give me an approximate
16 number?

17 A. It wasn't quite twenty, but it was probably a little
18 bit more than ten.

19 Q. Okay. A good group of people?

20 A. Uh-huh.

21 Q. Okay. And what are you-all doing?

22 A. Just chilling. We hadn't -- we hadn't started
23 drinking yet because it was later on before we had like
24 got the alcohol and everything.

25 Q. You-all were waiting on supplies for a little bit?

1 A. Yeah, just chilling.

2 Q. Okay. But eventually the purpose was hang out, drink
3 some alcohol, celebrate Shawanda's birthday?

4 A. Uh-huh.

5 Q. Okay. Let me ask you was there music?

6 A. Yeah.

7 Q. Okay. Where did you want the music to originally come
8 from?

9 A. I was trying to play it in my car.

10 Q. Okay. So what happened when you tried to play music
11 from your car?

12 A. We didn't quite get through one song and my system
13 went out and I had to call my cousin Nash over there to
14 help me get everything situated because he was the one who
15 originally hooked it up.

16 Q. So Nash -- is Nash good with electronics?

17 A. Yeah.

18 Q. And so he hooked up your speakers before?

19 A. Yes, ma'am.

20 Q. Okay. And why were you -- how did the fact that your
21 speakers weren't working make you feel?

22 A. I was kind of annoyed because I had done spent a lot
23 of money on it and it wasn't working.

24 Q. Okay. Had you spent money on it previously to try and
25 get them to work?

- 1 A. Yes.
- 2 Q. Was this like a day or two before?
- 3 A. Yes.
- 4 Q. Okay. So your speakers don't work, you call Nash over
5 to help you work on your speakers. Is that what --
- 6 A. Yes, ma'am.
- 7 Q. Okay. Where are your speakers located?
- 8 A. In the trunk of my car.
- 9 Q. Okay. What else was in the trunk of your car?
- 10 A. I had my guns back there, dog food, other things, too.
- 11 Q. Okay. So a bunch of stuff. Let's talk about -- let's
12 talk about the guns. How many guns did you have in the
13 back of your car?
- 14 A. Two.
- 15 Q. Okay. And what kind of guns are they?
- 16 A. I had an AR pistol that shoots 300 blackout and a AK
17 pistol that shoots 7.62.
- 18 Q. Okay. And they were located originally in the trunk
19 of your car?
- 20 A. Yes, ma'am.
- 21 Q. Were they sitting out or were they contained in some
22 way?
- 23 A. I don't recall them being out, but I remember my bag
24 was open.
- 25 Q. Your bag was open?

1 A. Uh-huh.

2 Q. Were your guns inside that bag?

3 A. Yeah.

4 Q. Okay. Do you have a third gun?

5 A. Yes.

6 Q. Okay. And what kind of gun is that?

7 A. It's an FN pistol, 509.

8 Q. And where do you usually keep that gun?

9 A. In my glove compartment.

10 Q. Okay. So in total you had three guns in your vehicle;
11 is that correct?

12 A. Yes, ma'am.

13 Q. Okay. And why -- why do you have your guns in your
14 vehicle?

15 A. Because I have a daughter at home. I don't -- I don't
16 usually take them in the house unless I go to clean them.

17 Q. Okay. So essentially do you store your guns in your
18 vehicle?

19 A. Yes, ma'am.

20 Q. Because you don't want your daughter to have access to
21 them?

22 A. Yes. I just don't want them around me.

23 Q. Okay. So you have two guns in a bag in the back of
24 your truck -- or your -- I'm sorry, in the back of your
25 car?

1 A. Uh-huh.

2 Q. Do they stay there?

3 A. Yes, ma'am.

4 Q. They stay in the back of your trunk?

5 A. Yes.

6 Q. You never moved them to the inside of your vehicle?

7 A. That day?

8 Q. Yes. I mean, that day. That day.

9 A. Oh, yes.

10 Q. I don't mean in general. That day.

11 A. Yes, ma'am.

12 Q. All right. So what -- tell me what you did with your

13 -- with your guns that were in your trunk.

14 A. With them -- like with my system being hooked up, I

15 usually would have like pushed them behind the speakers

16 just to take them out of sight, but I had wires and stuff

17 behind the speakers, so I grabbed my bag and put it in the

18 inside of the car.

19 Q. Okay. And where did you put it on the inside of your

20 car?

21 A. Almost like -- kind of like towards the back, but in

22 between my seats.

23 Q. Okay. So kind of what I'm gonna call the console

24 area? Is that where you had them located?

25 A. Kind of like in the middle.

1 Q. In the middle?

2 A. Yeah, toward the backseat.

3 Q. Okay. So at some point I believe there's been a lot
4 of testimony that everything changed.

5 A. Uh-huh.

6 Q. Okay. Can you tell me -- or did you observe that?

7 A. I mean, I did, but I kind of like didn't pay it any
8 attention and brushed it off.

9 Q. Okay. All right. Well, did you receive phone calls?

10 A. Yes, ma'am.

11 Q. Okay. Tell me about that.

12 A. I had a phone call from my cousin DJ and I really
13 didn't know what was going on, but he was kind of like
14 yelling in the phone and I just kind of hung up -- well,
15 not hung up, just sat the phone down because I didn't want
16 to -- I didn't want to ignore him, so I just kind of sat
17 the phone down.

18 Q. All right. So we're gonna go through that more
19 slowly. All right. So you said DJ. Is that Donald
20 Jackson?

21 A. Yes, ma'am.

22 Q. And you received a phone call from him, but you didn't
23 listen to what he had to say, you put it down?

24 A. I mean, I just picked up the phone and I was like
25 hello and he was just hollering at me and I ain't gonna

1 hear it.

2 Q. Now DJ is your cousin, right?

3 A. Yes, ma'am.

4 Q. So why didn't you want to hear what he had to say?

5 A. Because it was -- there was recently an altercation
6 with other family members and it involved some stuff that
7 I didn't agree with and I just kind of -- just kind of
8 avoided him.

9 Q. Okay. So this altercation, did it involve DJ with
10 other ones of your family members?

11 A. Yes, ma'am.

12 Q. And was it your -- what was your understanding about
13 the nature of that altercation?

14 A. A bunch of --

15 MS. MAYES: Objection, Your Honor, to any hearsay.

16 MS. WILLIAMS: I'm just asking what his understanding
17 was, not anything anyone told him.

18 THE COURT: Okay. Go ahead.

19 THE WITNESS: It was an argument and that escalated
20 to a fight at gunpoint and I just really didn't agree with
21 all of it, so I just kind of fell back from him.

22 BY MS. WILLIAMS:

23 Q. Did anyone else agree -- I mean, well, you wouldn't
24 be able to testify to that. But was it your understanding
25 that everyone was not speaking to DJ?

1 A. Yes.

2 Q. Okay. And this is because he caused a verbal
3 altercation?

4 A. Yes, ma'am.

5 Q. Would you describe DJ as someone who is easily
6 agitated?

7 A. Kind of, yeah, but, I mean, sometimes you could kind
8 of control the situation, but it's just -- he's gonna do
9 what he want to do.

10 Q. Okay. How about if he had been drinking? Did that
11 make it more or less -- did that make it more or less easy,
12 I guess, to deal with DJ?

13 A. No, less easy to deal with.

14 Q. If he had been drinking?

15 A. Uh-huh.

16 Q. Okay. So at some point DJ calls you and you brush him
17 off?

18 A. Yeah.

19 Q. Okay. Did you ever speak with DJ?

20 A. Besides that call, no.

21 Q. Okay. So where are you this whole time that -- where
22 are you most of the afternoon?

23 A. In my car.

24 Q. And why are you in your car?

25 A. I was trying to get my speakers situated with my

1 system.

2 Q. Okay. And at what point, if any, do things change?

3 A. I just noticed a lot of noise, like everybody getting
4 louder.

5 Q. Could you -- could you identify who all was getting
6 louder?

7 A. No, I just know people were talking loud, yelling,
8 going on and, like I said, I just kind of brushed it off
9 because we was at a party.

10 Q. Do you know what time it was?

11 A. It was probably like later that afternoon.

12 Q. Okay. Do you remember if it was dark out or light
13 out?

14 A. It was -- it was probably just getting dark.

15 Q. Okay. And so you hear noise going on?

16 A. Uh-huh.

17 Q. And where are you when you hear this?

18 A. In my car.

19 Q. Okay. What happens next?

20 A. I mean, I heard gunshots.

21 Q. Could you tell where those gunshots were?

22 A. I just know they were in front of my car.

23 Q. Okay. Did it sound like they were close to you, far
24 away?

25 A. It wasn't like exactly close, like in front of my car,

1 like directly at my car, but I could tell it was a little
2 closer.

3 Q. Okay. So you heard gunshots. Walk me through what
4 you did.

5 A. I ducked down and got out my car, ran behind my car
6 and I ran to the side of the trailer and ran back to my
7 car, and that's whenever I went in my car and grabbed my
8 gun.

9 Q. Okay. So you initially duck down, you go out behind
10 your car, you go behind the trailer and then you go back to
11 your car?

12 A. Yes.

13 Q. Are there gunshots being fired while you're doing
14 this?

15 A. Yes, ma'am.

16 Q. Okay. So you go back to your car to get your gun.
17 Okay. What do you do then?

18 A. I looked up and saw a guy coming across the street and
19 he was shooting at us and I fired back at him.

20 Q. Okay. Now this guy who's walking towards you, what
21 did he look like?

22 A. I can't say how tall he was, but he wasn't short I
23 know. I want to say he had dreads, but I really don't
24 know, and I just -- I know it was a black guy coming
25 towards me with a gun.

- 1 Q. So a black guy was coming towards you with a gun?
- 2 A. Yeah.
- 3 Q. Okay. Can you indicate how -- well, were you able to
- 4 tell what type of gun he was holding?
- 5 A. He had a handgun.
- 6 Q. He had a handgun. How was he holding it?
- 7 A. Like (demonstrating).
- 8 Q. Kind of out in front of him?
- 9 A. Yeah, pointing.
- 10 Q. Okay. So you fire back at him?
- 11 A. Yes, ma'am.
- 12 Q. Now when you're firing back at him, do you see where
- 13 some of your shots go?
- 14 A. Yeah. They were hitting like -- kind of like in front
- 15 of him, but hitting the ground.
- 16 Q. And how could you tell they were hitting the ground?
- 17 A. I saw the dirt popping up.
- 18 Q. Okay. And while you're shooting at him, are you
- 19 scared?
- 20 A. Yeah, very.
- 21 Q. Have you ever been shot at before?
- 22 A. No, ma'am.
- 23 Q. Have you ever been trained in what you're supposed to
- 24 do if someone shoots at you?
- 25 A. No, ma'am.

1 Q. Was your family still there on the lot with you?

2 A. Yes.

3 Q. Okay. Can you describe a little bit how you felt in
4 that moment, please?

5 A. It was more like I kind of -- I was scared and lost,
6 my train of thought, almost like everything around me just
7 kind of -- I don't know. Like just kind of like a blur.
8 Like it was --

9 Q. Okay. So a blur. Did your hands tense up?

10 A. Yeah.

11 Q. Did you get, I guess -- so you said a blur. So
12 you're shooting at him. What's your intention when you're
13 shooting at him?

14 A. I really -- like didn't too much happen since I really
15 wanted him to stop shooting at us. Like I didn't know what
16 was going on.

17 Q. Okay. So how many times did you fire your gun?

18 A. I thought maybe ten, eleven, twelve times.

19 Q. Okay. And the whole time you were firing, was someone
20 firing at you?

21 A. Yes.

22 Q. Okay. And why did you stop firing?

23 A. Because my magazine went dry.

24 Q. Okay. And what did you do at that point?

25 A. I stopped shooting and I ran behind my car again.

1 That's when I tried to run to the side of the trailer, then
2 I heard gunshots coming from that side, and so I ran back
3 behind my car.

4 Q. And then what happened next?

5 A. I heard cars leaving and that's when I got in my car
6 and I left.

7 Q. Okay. So I'm gonna go back through it a little bit
8 more. So when you stopped shooting, were people still
9 shooting at you?

10 A. Yes, ma'am.

11 Q. Okay. So did you not get back in your car until the
12 gunfire had stopped?

13 A. Yes.

14 Q. Okay. Now what did you do with your AK?

15 A. I had threw it in the backseat.

16 Q. Okay. When you get in your car, did you notice
17 anything else?

18 A. Yeah, my -- my nine millimeter was sitting on the
19 seat.

20 Q. Okay. And did that strike you as strange?

21 A. Yeah, because I know I didn't use it.

22 Q. Okay. But did you know that someone had used it?

23 A. Not at the moment, but, yeah, I had.

24 Q. Okay. When did you find out someone else had used it?

25 A. Later on that night.

1 Q. And how did you find that out?

2 A. Because the magazine that was in it was empty.

3 Q. Okay. And do you usually keep bullets in your gun?

4 A. Yeah.

5 Q. Okay. So you get back in your car. Does anyone --
6 well, let me ask you this. Did you see anyone else
7 shooting?

8 A. I heard gunshots from everywhere.

9 Q. Okay. But --

10 A. The only guy I really saw shooting was that guy, like
11 I had a look at, was the guy that was coming across the
12 street.

13 Q. Okay. So you got back in your car and you're leaving.
14 Did anyone leave with you?

15 A. Nash. Me and Nash had left together.

16 Q. Okay. And this is the same Nash who was helping you
17 fix your speakers?

18 A. Yes, ma'am.

19 Q. Okay. Where did you-all go?

20 A. Went to my uncle's house.

21 Q. Okay. And once you got to your uncle's house, what
22 did you do?

23 A. We sat down there for a minute and I called around
24 seeing if everybody was all right and I had got in touch
25 with my cousin Shawanda and that's whenever she had came

1 and I got in the car with her because I know she had just
2 left trying to calm myself and everything.

3 Q. What did you-all do?

4 A. Just rode around.

5 Q. So you just drove around together?

6 A. Yes.

7 Q. Was that because you were, like you said, trying to
8 calm?

9 A. Yes, ma'am.

10 Q. Okay. When did you -- well, did you stay with Wanda
11 through the next day?

12 A. No, she wound up taking us later on that night to
13 Nash's house. His girlfriend's house.

14 Q. Okay. And by "us", do you mean you and Nash?

15 A. Yes.

16 Q. Okay. So Shawanda took you and Nash to Nash's
17 girlfriend's house?

18 A. Yes, ma'am.

19 Q. All right. Do you know what that location is?

20 A. I just know it was Gilbert. I don't know the exact
21 address.

22 Q. Okay. Is it where you were arrested at?

23 A. Yes, ma'am.

24 Q. Okay. So that location is -- it's your understanding
25 that that's Nash's girlfriend's house?

1 A. Yeah.

2 Q. Okay. So when you're going in the car with Shawanda,
3 what do you do with the AK?

4 A. I left it in my car.

5 Q. Okay. Where did you leave it in your car?

6 A. It was -- like it was on the backseat, but I kind of
7 put it on the floor and -- like under the seat, but on the
8 floor.

9 Q. Okay. So kind of hidden on the floor?

10 A. Yes, ma'am.

11 Q. Okay. What about the AR?

12 A. It was still in my trunk.

13 Q. Okay. What about the nine?

14 A. I had took that one with me.

15 Q. Okay. And at some point did you give that to
16 Shawanda?

17 A. Yes.

18 Q. And why did you do that?

19 A. Because I was going somewhere where I wasn't gonna
20 need it.

21 Q. Okay. And you say you were going somewhere where you
22 weren't gonna need it. Were you afraid that this incident
23 would continue?

24 MS. MAYES: Objection, Your Honor, to leading.

25 THE COURT: You can rephrase that.

1 MS. WILLIAMS: I will rephrase, Your Honor.

2 BY MS. WILLIAMS:

3 Q. When you were leaving the scene, were you afraid?

4 A. Yes.

5 Q. Why were you afraid?

6 A. Because I didn't know what was going on for one and I
7 didn't know if there was gonna be any retaliation because
8 people knew I was there or whatever.

9 Q. Okay. Was there some concern for your safety even
10 after the shooting had stopped?

11 A. Yes.

12 Q. Okay. But at some point you decided that you felt
13 like that concern had ended?

14 A. Yes.

15 Q. Okay. When you left the scene, did you know that
16 anyone had been injured?

17 A. It was later on that night whenever my girlfriend had
18 called me and she was telling me that the little girl had
19 got killed.

20 Q. Okay. And do you know the little girl?

21 A. I didn't know her personally, but I knew that was my
22 cousin's daughter.

23 Q. Okay. So the little girl who died was of some
24 relation to you?

25 A. I guess.

1 Q. Okay. Did you intend to injure anyone?

2 A. No, ma'am.

3 Q. Were you afraid?

4 A. Yes, ma'am.

5 Q. Okay. So at some point you are arrested and you give
6 a statement to the police. That first statement that you
7 weren't shooting, was that a lie?

8 A. Ma'am?

9 Q. Was that a lie?

10 A. Yes.

11 Q. Okay. What about the second statement that you were
12 shooting a nine?

13 A. I didn't tell the truth.

14 Q. Okay. What about the third statement that you shot
15 an AK, but it wasn't yours?

16 A. Partial truth.

17 Q. All right. Why -- why did you tell other stories?

18 A. Because I was scared. I didn't know if I was gonna
19 be able to have lawyer represent me or -- I just -- I knew
20 that they were charging me with murder and I --

21 Q. Have you ever been charged with murder before?

22 A. No, ma'am.

23 Q. Have you ever been shot at before?

24 A. No, ma'am.

25 Q. Is this the first time that anything of this nature

1 had ever happened to you?

2 A. Yes, ma'am.

3 Q. Okay. In fact, that AK that you fired that night, did
4 you purchase that?

5 A. Yes, ma'am.

6 Q. And did you purchase it from Palmetto State Armory?

7 A. Yes, ma'am.

8 Q. And does that mean that they ran a background check on
9 you?

10 A. Yes, ma'am.

11 Q. And when did you purchase that gun?

12 A. Probably a couple of years -- a few years before.

13 Q. A few years before. One or two years before?

14 A. Uh-huh.

15 Q. But the purchase order where you purchased it, that
16 would say?

17 A. Yes, ma'am.

18 MS. WILLIAMS: Your Honor, may I approach?

19 THE COURT: You may.

20 BY MS. WILLIAMS:

21 Q. Can I get you to look at State's 23? What date did
22 you sign that on?

23 A. March the 13th, 2020 -- oh, March the 28th, 2020.

24 Q. There you go. So you purchased that gun approximately
25 a year and a half before this incident?

1 A. Yes, ma'am.

2 Q. And you purchased that gun legally?

3 A. Yes, ma'am.

4 Q. After a background check?

5 A. Yes, ma'am.

6 Q. So going back to giving the statements to the police,
7 this was the first time anything like this had happened to
8 you, correct?

9 A. Yes, ma'am.

10 Q. And you were afraid?

11 A. Very.

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

13 THE COURT: Take your time.

14 MS. WILLIAMS: Thank you, Quayshaun.

15 No further questions at this time.

16 THE COURT: Thank you.

17 Ms. Mayes.

18 MS. MAYES: Yes, Your Honor.

19 CROSS-EXAMINATION

20 BY MS. MAYES:

21 Q. Mr. Clark, your testimony today is quite different
22 than the statements that you gave to Agent Beeler with
23 Secret Service, aren't they?

24 A. Yes, ma'am.

25 Q. All right. So let's talk about those. You were

1 arrested two days after this on the 11th and you knew that
2 the police had been looking for you, right? You knew they
3 had been by ■■■ Academy Street?

4 A. Yes, ma'am.

5 Q. And they find you on June 11th over at Nash Smith's
6 house and that's the house at ■■■ Spring Hill, right?

7 A. Yes, ma'am.

8 Q. That's the house where when they find you. Two new
9 phones had already been purchased the day before on the
10 10th, hadn't they?

11 A. Yes, ma'am.

12 Q. Now you know that law enforcement had been to your
13 house at ■■■ Academy Street looking for you. These two
14 new phones are purchased. Mr. Clark, you know that law
15 enforcement can trace locations by phone, don't you?

16 A. Yes, ma'am.

17 Q. And so eventually they find you. Do you know how they
18 found you?

19 A. No, I...

20 Q. Do you know they traced you by cell tower? Did you
21 know that?

22 A. No, ma'am.

23 Q. But they found you at Nash's house in Gilbert?

24 A. Yes, ma'am.

25 Q. You're placed under arrest. You're charged with

1 murder.

2 A. Yes.

3 Q. They bring you in. They go through your rights with
4 you, don't they?

5 A. Yes, ma'am.

6 Q. They go through each one of those rights and those
7 rights include the right to an attorney, right?

8 A. Yes, ma'am.

9 Q. You signed the form that's already in evidence
10 acknowledging that you understood you had the right to
11 remain silent, anything you say can and will be used
12 against you in court?

13 A. Yes.

14 Q. And if you cannot afford a lawyer, one would be
15 appointed for you?

16 A. Yes.

17 Q. And that if you decide to stop answering questions
18 at any time, you can do so. So you signed that form and
19 agreed to speak with law enforcement, right?

20 A. Yes, ma'am.

21 Q. So the first story that you tell after waiving your
22 rights and you're sitting there in the police station
23 charged with murder is that you never fired a gun at all
24 that night, right?

25 A. Yes.

1 Q. And in addition to Agent Beeler, you had agreed to
2 speak with this detective right here, Detective Carleisha
3 Gilliam, hadn't you?

4 A. Yes.

5 Q. And you stated to her after she asked you "did you see
6 anyone shooting", you told her you did not?

7 A. No one that I could identify.

8 Q. All right. No one that you could identify.
9 Mr. Clark, that story went on and on about how you didn't
10 shoot a weapon, didn't it?

11 A. Yes, ma'am.

12 Q. And then eventually during the course of that night
13 you're gonna change that story and you're now gonna say
14 okay, I did fire a gun, but I don't know nothing about
15 no AK, the gun I fired is an FN nine millimeter that I
16 retrieved from my glove box, right?

17 A. Yes.

18 Q. And you tell them that you fired that gun nine to ten
19 times?

20 A. Yes.

21 Q. And you continue to deny that you know anything about
22 an AK with 7.62 rounds, right?

23 A. Yes.

24 Q. The night goes on and on and they're telling you, they
25 know you fired that 7.62, aren't they?

1 A. Yes.

2 Q. And you know that two days have gone by and they've
3 talked to a lot of witnesses who were out there at that
4 scene, right?

5 A. Yes.

6 Q. And I think one of the things you said is that your
7 girlfriend Tameakeo and all those calls you had with her
8 that night she's already clued you in that not only was
9 Minor killed, but you've been named as the shooter,
10 right?

11 A. One of the shooters.

12 Q. One of the shooters. So you knew that night you had
13 been named as one of the shooters, right?

14 A. Yes.

15 Q. And law enforcement tells you look, we don't buy it.
16 We know you fired that 7.62. And you change your story
17 now and it's okay, I found an AK. When I'm running around
18 behind the trailer and all this other stuff, you just
19 happened to see an AK, 7.62 rounds, propped up, right?

20 A. Yeah.

21 Q. Laying around just at the crime scene? And you tell
22 law enforcement that you pick it up at the crime scene
23 and you fire nine to ten times, but you tell them it's not
24 your gun, don't you?

25 A. Yes.

1 Q. And then you tell them that you left it there at the
2 crime scene, don't you?

3 A. Yes.

4 Q. None of those stories were true, were they, Mr. Clark?

5 A. No.

6 Q. And now your testimony one year later, you're finally
7 admitting that was your gun?

8 A. Yes.

9 Q. Your gun that you brought with you to the scene and
10 that you left the scene with, right?

11 A. Uh-huh.

12 Q. Mr. Clark, you only changed your story because of the
13 evidence in this case and it's been proven that this was
14 your gun right here, State's 23. It's proving you bought
15 that gun. The gun that looks just like this in State's 25.

16 MS. WILLIAMS: Your Honor, is there a question in
17 there?

18 MS. MAYES: Your Honor, I'm still phrasing the
19 question.

20 THE COURT: She's still phrasing it, so.

21 BY MS. MAYES:

22 Q. So you change your testimony today to fit the
23 evidence, don't you, Mr. Clark?

24 A. No, I just -- after I -- I knew that like what was
25 gonna happen, so, I mean, why not tell the truth about it?

1 Q. Well, that's my question to you. Why not tell the
2 truth about it? Why not tell the truth about it when
3 you're sitting there with Agent Beeler for the first story,
4 the second story, the third story, when you're sitting
5 there with Detective Gilliam that same night?

6 A. I was scared.

7 Q. You changed the story, Mr. Clark, today because the
8 evidence forced you to do it, correct?

9 A. Not necessarily, no.

10 Q. And now --

11 MS. WILLIAMS: Your Honor, may we approach briefly?

12 THE COURT: Sure.

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

14 THE COURT: All right. Go ahead, Ms. Mayes.

15 MS. MAYES: Yes, Your Honor.

16 BY MS. MAYES:

17 Q. So all those opportunities you had that night to
18 tell them it was your gun, you didn't take any of those
19 opportunities, did you, Mr. Clark?

20 A. No, ma'am.

21 Q. All right. And now we know from State's 23 you
22 purchased that gun. It's been proven you purchased the
23 7.62 and that you had it in your possession that night,
24 right?

25 A. Yes.

- 1 Q. So as law enforcement's interviewing you there on the
2 night of June 11th of last year, you don't tell them about
3 what we see here in State's 22 from that Snapchat video.
4 And that's the gun bag, isn't it?
- 5 A. Yes, ma'am.
- 6 Q. The gun bag that had the AK that eventually you're
7 gonna move to inside the car. You never tell them in that
8 interview on June 11th that you'd received a call from your
9 cousin DJ, did you?
- 10 A. No, ma'am.
- 11 Q. And you never told them about this person that you're
12 telling us about now who you see waving a gun, correct?
- 13 A. I did.
- 14 Q. What you did, Mr. Clark, looking here at State's 5,
15 you drew this sketch for Agent Beeler, correct?
- 16 A. Yes.
- 17 Q. And you told him that you perceived persons, you
18 thought persons across the way were shooting, correct?
- 19 A. Yes.
- 20 Q. And you draw this in your own hand, don't you?
- 21 A. Yes, ma'am.
- 22 Q. Looking here, this would be the fork in the road,
23 that would be Lot 15, that would be Lot 16, and this would
24 be you down here at Lot 7, correct?
- 25 A. Yes.

1 Q. Here we go. We're gonna look at State's 12 in
2 evidence. As we look here at your sketch, we see the fork
3 in the road and you draw these three people and there's an
4 arrow right there, right?

5 A. Uh-huh.

6 Q. So if we compare that to what we're looking at here in
7 State's 12, you're telling Agent Beeler when you draw this
8 sketch that they're across the road, aren't you?

9 A. Yeah. I mean, it was roughly drawn. Everything
10 happened so fast, I...

11 Q. So you're no longer claiming that they were across the
12 road?

13 A. I mean, they was in the area.

14 Q. You're saying right here?

15 A. Like I said before, the picture was roughly drawn.

16 Q. All right. Well, you know, Mr. Clark, that there are
17 no shell casings recovered in this area, don't you? You
18 know that, right?

19 A. Yeah.

20 Q. Now we're gonna take a look at 74. That's your car
21 right there, isn't it?

22 A. Yes.

23 Q. This is from that same Snapchat video. There we see
24 Kelly. Do you see your girlfriend Tameakeo in this
25 photograph?

- 1 A. I don't.
- 2 Q. You don't? Okay. Do you see Yamira Sackel in this
- 3 photograph? Do you recognize that to be Yamira Sackel?
- 4 A. I can't tell from here.
- 5 Q. Do you recognize that to be Kelly Conyers?
- 6 A. Yes.
- 7 Q. And you know Yamira, right?
- 8 A. Sort of, yeah.
- 9 Q. You knew her before this night?
- 10 A. Yes.
- 11 Q. What are we looking at right up there, Mr. Clark?
- 12 A. Lot 15 or 16.
- 13 Q. Lot 15. This is your car. This is Lot 15.
- 14 Now 36. Lot 16 and Lot 15, correct?
- 15 A. Uh-huh.
- 16 Q. You're there how long that night?
- 17 A. I was there all day until after the shooting.
- 18 Q. All day until after the shooting. All day because
- 19 you-all are partying. We saw the Snapchat video. How many
- 20 drinks had you had by the time it's 10:30, Mr. Clark?
- 21 A. A few.
- 22 Q. Do you recall telling this officer you were feeling
- 23 good?
- 24 A. Yes.
- 25 Q. Okay. You've had more than one drink, right? Like

1 you said, it's been going on all day pretty much.

2 A. Uh-huh.

3 Q. Even before dark?

4 A. Yeah.

5 Q. And now it's 10:30, so it's gonna be dark. What other
6 substances had you used, Mr. Clark?

7 A. I had smoked.

8 Q. Okay. How many -- how much did you have to smoke?

9 A. Probably like a blunt or two.

10 Q. A couple of blunts and the alcohol that's been going
11 on since before dark?

12 A. It's more beer than anything.

13 Q. Now this is not your first time hanging out at Lot 7,
14 right?

15 A. No.

16 Q. That's Taleka's house. You've been there many times,
17 right, to Rocky Lane?

18 A. Yeah.

19 Q. You know the proximity of these homes to that
20 location, don't you, Mr. Clark?

21 A. Kind of close.

22 Q. Okay. So let's talk about that call that you get from
23 DJ at 9:09, the call that you never told law enforcement
24 about. Your testimony today is that DJ calls you, he's
25 agitated, he's angry.

1 A. I mean, he was yelling. I don't know if he was angry
2 or not. Just yelling.

3 Q. You could hear him yelling?

4 A. Yeah.

5 Q. But your testimony today is you take a call from your
6 cousin and, of course, this call is made after you attempt
7 to call him back, right?

8 A. Yeah.

9 Q. You've got your phone with you. You've got that
10 Samsung Galaxy with you so you can see all the times DJ's
11 been trying to reach you, right?

12 A. Yeah.

13 Q. At least twelve calls before that one, right?

14 A. Yeah.

15 Q. He sent you a text, too, didn't he? That text you
16 deleted, Mr. Clark.

17 A. Yeah. I don't recall what it said.

18 Q. And you try to call him back?

19 A. Yes.

20 Q. And then he calls you at 9:09 and that's the call
21 that's answered, right?

22 A. Yes.

23 Q. And you know he's angry?

24 A. Like I said, I just -- he was yelling. I don't know
25 if he's angry. He's always loud.

1 Q. So he's loud and he's yelling. Okay. He makes it
2 over to Lot 7?

3 A. Eventually, yeah. I guess.

4 Q. Yeah. Okay. Kay Norris makes it over to Lot 7?

5 A. So I heard. I didn't -- I didn't see him.

6 Q. And your testimony is that while all this yelling's
7 going on, you're just sitting in your car?

8 A. Yeah.

9 Q. All right. Well, you've heard the audio evidence in
10 this case. You know that there is yelling that goes on
11 for a significant period of time before any shot's fired,
12 right?

13 A. Yeah.

14 Q. You heard all that yelling, didn't you?

15 A. Yeah. It was just like -- more like loud talking,
16 just about one or two people yelling.

17 Q. What?

18 A. Loud talking. More -- more like one or two people
19 yelling.

20 Q. All right. You hear loud talking. You heard Hugo
21 yelling, too, didn't you?

22 A. I really didn't pay attention.

23 Q. You weren't paying attention. And your testimony is
24 you just happen to have your gun now with you inside the
25 car?

1 A. Yeah, I moved them from the back of my trunk because
2 they were visible.

3 Q. Because why?

4 A. They were visible. The bag --

5 Q. And your testimony is now you've got the gun with you,
6 right?

7 A. Yeah, I put it in the car.

8 Q. Now you have given a previous statement, correct?

9 A. Yes.

10 Q. And in your previous statement you talk about going
11 to the back of a trailer before you even get the gun. Do
12 you recall that?

13 A. You said what?

14 Q. Do you recall making a previous statement in this
15 case that you hear gunshots coming from in front of your
16 vehicle?

17 A. Yes.

18 Q. And that you then ran behind your car and then to the
19 back part of a trailer?

20 A. Yeah.

21 Q. Before you get your gun?

22 A. Yeah.

23 Q. Okay. So let's take a look at this. So that previous
24 statement is your car's gonna be about right here and you
25 agree with that, right?

1 A. Yeah. A little bit further back, but, yeah.

2 Q. Looking at State's 12, still a little bit further
3 back?

4 A. Uh-huh.

5 Q. And you hear gunshots according to that statement and
6 the first thing is you do -- the first thing you do is
7 you're gonna run behind the trailer, right?

8 A. No, I ran behind my car first.

9 Q. All right. So let me correct that then. You run
10 behind your car first and then after running behind your
11 car, you move behind the trailer, correct?

12 A. Yeah.

13 Q. How long did you stay back there?

14 A. It seemed like a long time, but everything went by
15 fast.

16 Q. Okay. And just to clarify because I am having trouble
17 hearing, you said it seemed like a long time?

18 A. Yeah, it seemed like a long time that the shots were
19 going on. Everything kind of happened so fast, but --

20 Q. All right. So you think you're staying back here for
21 what seems like a long time?

22 A. I wouldn't say that, but, I mean, I said it seemed
23 like a long time. Gunshots were going on. I ran from my
24 car to the back of the trailer and back to my car.

25 Q. Okay. So you're gonna run behind your car and now

- 1 you're gonna move to behind the trailer?
- 2 A. Yeah.
- 3 Q. And all that's before -- according to your previous
- 4 statement, before you even get the gun, right?
- 5 A. Yeah.
- 6 Q. So you're gonna leave from behind the trailer now and
- 7 according to that statement you're gonna go get your gun?
- 8 A. Yeah.
- 9 Q. You go inside your car to get your gun; is that your
- 10 testimony?
- 11 A. Yes.
- 12 Q. And your testimony is, of course, that gun has a brace
- 13 and that gun has a clip?
- 14 A. Yes.
- 15 Q. So it's already got the brace and the clip?
- 16 A. What do you mean?
- 17 Q. What I mean is, did you have to put the brace on?
- 18 A. No.
- 19 Q. Did you have to put the clip on?
- 20 A. No.
- 21 Q. Okay. So it looks like this when you go and pull it
- 22 out of your car after running back from behind Lot 7 back
- 23 to your car, right?
- 24 A. Yeah.
- 25 Q. And it's gonna look like this. That clip holds

1 thirty. Thirty plus one?

2 A. Actually it was folded. The stock was folded.

3 Q. The stock's folded?

4 A. Yeah. That's the only way it will fit in the bag.

5 Q. Okay. You're saying that it wasn't like this and you
6 had to put the brace on?

7 A. No, the brace --

8 Q. At least unfold it. You had to unfold it?

9 A. I didn't unfold it.

10 Q. Okay. So how was it when you got it out of your car?

11 A. The brace was folded.

12 Q. Okay. And then what?

13 A. I shot.

14 Q. Okay. Now your car's right here. You're shooting
15 fifteen times minimum, right?

16 A. Yeah.

17 Q. Because you're now acknowledging that all fifteen of
18 those shells at the scene that are 7.62 are, in fact,
19 yours, right?

20 A. Yes.

21 Q. And you shoot it till the magazine runs dry, right?

22 A. Yes.

23 Q. You said you're now behind your car?

24 A. Yes.

25 Q. Looking here at State's 36, you never moved your car,

1 did you, Mr. Clark? It stayed in that same place all
2 night, didn't it?

3 A. Yes.

4 Q. So you're firing fifteen times from right here, aren't
5 you?

6 A. Not necessarily in that area. It's kind of a little
7 bit further to the left.

8 Q. All right. So we'll move a little bit further to the
9 left. You're firing from right here, aren't you?

10 A. No, it was like probably on the other side of that
11 car.

12 Q. You're moving around, aren't you?

13 A. I mean, whenever I first started shooting, I went back
14 a little bit, but I didn't move around.

15 Q. And this is your viewpoint, isn't it, Mr. Clark, what
16 we see right here in State's 36? Because your car didn't
17 move, right?

18 A. Yes.

19 Q. What I'm asking you now is when you drew those three
20 circles on that sketch for Agent Beeler and when you met
21 with this officer right here, you never described this
22 individual that you say had a gun in his hand waving it at
23 you, did you?

24 A. It was dark. I just seen him -- him coming toward me.

25 Q. All right. So it's dark. You say that people are

1 coming towards you and you say you hear gunshots, right?

2 A. Yeah. You can see the actual flame.

3 Q. And do you recall telling this officer in your
4 original statement, Detective Gilliam, that you never even
5 saw anyone shooting?

6 A. No one that I could identify. I didn't -- I didn't
7 know any of the people that you-all named so far. Like I
8 don't know any of them personally --

9 Q. Mr. Clark, do you recall --

10 A. -- except for the ones that was at Lot 7.

11 Q. Mr. Clark, do you recall telling Detective Gilliam
12 that you never saw anyone actually firing a gun, that you
13 only heard gunshots coming from that direction?

14 A. I don't recall. I told them that it was somebody
15 coming across the street shooting.

16 Q. So that previous statement that you made about running
17 behind Lot 7 -- we're back to 12 now -- running behind
18 Lot 7 -- first behind your car and then behind Lot 7,
19 before you ever go back and retrieve the gun. Is that
20 still your statement, Mr. Clark?

21 A. Huh? What do you mean?

22 Q. Is that what happened?

23 A. Yeah.

24 Q. Okay. So your testimony is you ran behind the car and
25 then behind Lot 7 before you ever go get that gun?

1 A. Yeah.

2 Q. Okay. Now let's talk about afterwards. I think one
3 of the questions that you got from defense counsel just a
4 few moments ago was about your family at the scene. We
5 talking about Taleka?

6 A. Yeah, her and her sister and my cousins -- a few of my
7 cousins and kids.

8 Q. Well, just to clarify, all of those people were
9 inside, weren't they, Mr. Clark?

10 A. Not all of my cousins.

11 Q. Taleka was inside?

12 A. I'm guessing, yeah.

13 Q. Shantell was inside?

14 A. Yeah.

15 Q. Valsha was inside?

16 A. Uh-huh.

17 Q. And Tameakeo, your girlfriend, was inside, correct?

18 A. Yes.

19 Q. And you talked about fleeing the scene when you fled
20 the scene with Nash, the same friend who you're hanging out
21 at his house at [REDACTED] Spring Hill on June 11th because you
22 know the police are looking for you. You fled with Nash.
23 Did he have that 380 gun with him as well when he got in
24 the car with you?

25 A. I didn't see it.

1 Q. And you say when you got in your car your testimony
2 is that's the first time you learn that your FN nine
3 millimeter is used in this crime?

4 A. I saw it on the seat. I didn't know it was used until
5 later on.

6 Q. So your testimony is your FN nine millimeter was in
7 your glove box?

8 A. Yeah.

9 Q. And you have no idea -- you're telling us today, you
10 have no idea who got it out of your glove box?

11 A. No.

12 Q. No idea who gave it to a shooter? Yes or no?

13 A. No.

14 Q. No idea who fired at least three casings from your
15 FN nine millimeter, the one right here that was recovered
16 from your cousin Wanda's house, you have no idea who fired
17 that gun at least three times at the crime scene?

18 A. No.

19 Q. And your testimony is that when you get back in your
20 car, it's just mysteriously laying there on your seat?

21 A. Yeah.

22 Q. And we know you fired your gun till the magazine ran
23 dry?

24 A. Yes.

25 Q. And your testimony is that you pick up that FN nine

1 millimeter and you check it out and that's when you learn
2 that it has an empty magazine as well, correct?

3 A. Later that night, yeah.

4 Q. So you drive off with Nash from Lot 7. Mr. Clark,
5 you didn't feel the need to check on your girlfriend,
6 Tameakeo?

7 A. Like I said, everything was happening so fast and I
8 just -- I didn't know if she had got in the car with my
9 cousin Shawanda or not.

10 Q. You were more concerned, Mr. Clark, with getting out
11 of the crime scene than checking on your girlfriend,
12 weren't you?

13 A. No. Like I said, I didn't know if she hadn't got in
14 the car with my cousin or not.

15 Q. Well, you didn't know where she was. You didn't check
16 inside, did you?

17 A. No.

18 Q. So you get out of there with Nash. You, Nash. You
19 say you don't see his gun on him. Yes or no?

20 A. No.

21 Q. You see an FN nine millimeter that belongs to you
22 laying on the seat and you say you have no idea how it got
23 there and how you got it back after the shooting, how it
24 ends up back in your car. You have no idea. And what do
25 you do with your AK?

1 A. Put it on the backseat.

2 Q. You put it in the backseat. All right. So you and
3 Nash go to your Uncle Marvin's, right?

4 A. Yeah.

5 Q. Let's take a look at that. What time is it now? We
6 know that the 9-1-1 call is made at 10:35 and we know that
7 when the officer gets there, you're gone. So you're out of
8 there within the first two to three minutes, aren't you?

9 A. I left as soon as I was no longer blocked in.

10 Q. I'm sorry?

11 A. I left as soon as I was no longer blocked in.

12 Q. All right. And where's the first place you go?

13 A. To my Uncle Marvin's house.

14 Q. Where?

15 A. To my Uncle Marvin's house.

16 Q. All right. So your Uncle Marvin's house right here at
17 [REDACTED] North Ridgell, right?

18 A. Yes.

19 Q. Now eventually you're talking to Tameakeo and you know
20 -- as you've already testified, you already know now you've
21 been named as a shooter, right?

22 A. I didn't know that.

23 Q. When did you learn that?

24 A. Later. Probably -- the next day probably.

25 Q. The next day. All right. So let's take a look here

1 at State's 32. You didn't know yet, Mr. Clark, you'd been
2 named as a shooter?

3 A. No.

4 Q. Why are you already leaving your car at your Uncle
5 Marvin's?

6 A. Because people know my car. I said I didn't know what
7 was going on. I didn't know what --

8 Q. Can you move that microphone a little bit closer to
9 you?

10 A. I said that I didn't know what was going on. I didn't
11 know if I should have been in my car. I didn't think it
12 was safe.

13 Q. You didn't think it was safe to be in your car?

14 A. No.

15 Q. You didn't think it was safe to be in your car,
16 Mr. Clark, because you knew people saw you shooting that
17 gun out there, the AK, didn't you?

18 A. I mean, I knew people knew that I had guns and I knew
19 people saw my car there.

20 Q. You knew people would be looking for you in this car
21 and you leave it at your Uncle Marvin's, don't you?

22 A. I didn't think about that at the time.

23 Q. You just thought you might not need your car ever
24 again?

25 A. No, I just didn't want to be in it.

1 Q. And you left him your car keys as well? You gave them
2 to Wanda?

3 A. Yeah.

4 Q. All right. How did you get from Uncle Marvin's to
5 Wanda's house on [REDACTED] West Railroad?

6 A. I didn't go to her house.

7 Q. Who came and got you from Marvin's after you left your
8 car there?

9 A. Shawanda.

10 Q. Which is Wanda, right?

11 A. Yeah.

12 Q. So you agree with the timeframe now of roughly 1:30 AM
13 when Wanda's gonna get that backpack from you?

14 A. I really don't know what time it was.

15 Q. You wouldn't disagree with that time, would you? 1:30
16 in the morning?

17 A. I wouldn't agree with it either. I don't know.

18 Q. But it's after you leave Marvin's, right?

19 A. Yes.

20 Q. Wanda comes and picks you up in her car?

21 A. Yes.

22 Q. You left that backpack with her, didn't you?

23 A. Yes.

24 Q. The backpack with your FN nine millimeter?

25 A. Yes.

1 Q. And with the GFL nine millimeter ammo that was used
2 at the scene, right?

3 A. Yes.

4 Q. And from there you're gonna move on as you've already
5 testified. You knew law enforcement had already been
6 looking for you at [REDACTED] Academy, so you knew you couldn't
7 be there, didn't you?

8 A. Like I said, I didn't know that night.

9 Q. You learned it by the next day, didn't you?

10 A. Yeah.

11 Q. The next day when you and Tameakeo buy those two new
12 phones?

13 A. Yeah.

14 Q. All right. So looking there at State's 34, the two
15 new phones that were purchased, this is Tameakeo's purse,
16 isn't it, we're looking at here in 16 that's got your
17 Samsung Galaxy phone in it, right?

18 A. Yes.

19 Q. The same phone where you deleted your call logs and
20 your text messages for the 9th and the 10th, didn't you?

21 A. Yeah.

22 Q. Okay. Now State's 17 is going to be an iPhone that
23 belongs to Tameakeo, right?

24 A. I'm guessing, yeah.

25 Q. Okay. Well, just to clarify, any searches on

1 Tameakeo's phone weren't done by you because you didn't
2 have access to her phone, right? Correct?

3 A. Yes.

4 Q. But you had told her enough about this for her to do
5 some searching, didn't you?

6 A. I mean, I really didn't too much talk about it.

7 Q. Okay. Well, she knew you'd been named as a shooter,
8 didn't she?

9 A. I knew she was still there, so...

10 Q. I'm sorry?

11 A. I said she was still there, so I'm guessing probably.

12 Q. Okay. Well, she's the one that had told you after you
13 left the crime scene that Minor was killed, right?

14 A. Yes, ma'am.

15 Q. And she's the one that tells you eventually that your
16 name's in it now, right?

17 A. Probably. At the moment it wasn't -- I know it wasn't
18 her. I was getting calls from my phone and from other
19 people.

20 Q. So multiple people were telling you that your name's
21 in it, right?

22 A. Yeah.

23 Q. Okay. But just to clarify, you didn't do any of the
24 searches that were on Tameakeo's phone?

25 A. No.

1 Q. She did those or someone else?

2 A. I didn't have access to her phone.

3 Q. Okay. Now when you buy those new phones, you-all go
4 ahead and open up new accounts for new phone numbers as
5 well, right?

6 A. Yeah.

7 Q. And then eventually law enforcement finds you there
8 at [REDACTED] Spring Hill. They bring you in for questioning
9 and you tell all those statements that we've already gone
10 over, all three of those statements that you're now saying
11 weren't the truth, correct?

12 A. Or partially.

13 Q. Well, number one wasn't true at all, was it?

14 A. It was number three that was a partial truth.

15 Q. Okay. And number two apparently wasn't true at all
16 because you're saying you didn't fire the FN, someone else
17 did, and it's someone that you have no idea who it was,
18 correct? So that's not true at all either, is it, because
19 you didn't fire the FN?

20 A. No.

21 Q. Okay. So then the third story about the AK, that's
22 partially true because you fired a 7.62 round weapon.
23 You just told them that it wasn't yours and that you
24 just happened to find it at the crime scene, didn't you,
25 Mr. Clark --

1 A. Yeah.

2 Q. -- when you drew that sketch of the people coming
3 across the way. And your story today, Mr. Clark, is that
4 you fired all fifteen rounds at least from the casings
5 that were recovered, but however many rounds were in your
6 magazine because you know your magazine was empty, right?

7 A. Yeah.

8 Q. And your story today is that you're behind your car
9 and then behind Lot 7 before you ever retrieve the AK,
10 correct?

11 A. Yeah.

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

13 THE COURT: Take your time.

14 BY MS. MAYES:

15 Q. So your testimony today is that you're firing all
16 fifteen rounds in the direction of someone you think is
17 shooting at you, correct?

18 A. I saw this person walking toward us, yeah.

19 Q. Mr. Clark, today is the first time you've said you saw
20 someone firing a gun, correct?

21 A. I don't recall this being my first time. I'm pretty
22 sure that I said to the investigators that somebody was
23 coming across the street firing at us.

24 Q. Somebody was coming across the street that you
25 perceived to be firing, correct?

1 A. I saw them firing.

2 Q. Now at Lot 7 you say the first shots your hear are
3 from in front of your vehicle, right?

4 A. Yeah.

5 Q. You know that's Hugo, right?

6 A. I do now.

7 MS. MAYES: Nothing further.

8 THE COURT: Any redirect?

9 MS. WILLIAMS: Yes, Your Honor. Briefly.

10 REDIRECT EXAMINATION

11 BY MS. WILLIAMS:

12 Q. All right. These people that you speak of who
13 know your car that you were concerned about, are they law
14 enforcement?

15 A. Say what? Can you repeat that?

16 Q. Okay. You mentioned to the solicitor that you were
17 concerned about people knowing your car. Are these
18 people -- and without telling me anything else, are these
19 people that you're concerned about, are they law
20 enforcement?

21 A. No.

22 Q. Okay. You mentioned also when she was crossing you
23 that you saw -- you saw the flame. What do you mean by
24 that? What were you talking about?

25 A. The fire that comes out the barrel whenever it's fired

1 -- the gun's fired.

2 Q. Okay. And where did you see that when all of this was
3 going on?

4 A. I saw most of the shots like in 15 to 16 and I saw a
5 guy come across the street shooting.

6 Q. So even though you didn't see the -- the humans -- so
7 you didn't see humans on the other side of the street, but
8 you saw fire?

9 A. I mean, you can see like silhouettes of people, but
10 you can't really make them out because I was in the dark.

11 Q. Okay. So the only individual you were able to sort of
12 make out is the one who you were just discussing earlier?

13 A. Yeah.

14 Q. Okay. When you grabbed the AK, Quayshaun, why did you
15 grab the AK?

16 A. It was the closest one to me.

17 Q. Okay. So it was because it was the one that was
18 easiest for you to reach?

19 A. Yeah.

20 Q. Okay. Do you have any doubt that someone was shooting
21 at you?

22 A. No.

23 Q. Okay. Do you have any doubt that someone was still
24 shooting at you when you ran out of bullets?

25 A. Yeah.

1 Q. You do have doubt that someone was still shooting --

2 A. No. I mean, I -- I know that someone was still
3 shooting after I ran out.

4 Q. Okay. Quayshaun, when you found out that a little
5 girl had been harmed --

6 MS. MAYES: Objection, Your Honor. Not appropriate
7 redirect.

8 MS. WILLIAMS: Okay.

9 THE COURT: I'll be glad to hear from you on it,
10 Ms. Williams.

11 MS. WILLIAMS: I can rephrase, Your Honor.

12 THE COURT: Thank you.

13 BY MS. WILLIAMS:

14 Q. Quayshaun, did you want it to be you?

15 A. No, ma'am.

16 MS. WILLIAMS: No further questions, Your Honor.

17 RECROSS EXAMINATION

18 BY MS. MAYES:

19 Q. Mr. Clark, you say there are silhouettes over between
20 15 and 16?

21 A. Yeah. I mean, you see people, but can't tell who they
22 are.

23 Q. You hear gunshots at 15 and 16 after shots were fired
24 at Lot 7, don't you?

25 A. Yeah.

1 Q. And you said you see silhouettes. That was your
2 testimony?

3 A. Yeah.

4 MS. MAYES: Nothing further.

5 MS. WILLIAMS: Your Honor, may the defendant be
6 allowed to come down?

7 THE COURT: Yes.

8 Mr. Clark, you can return to the table.

9 (Witness excused.)

10 THE COURT: All right. Let me see the lawyers
11 just as soon as Mr. Clark gets back to the table. Let
12 me talk about the scheduling so I can keep the jury
13 informed.

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

15 THE COURT: All right. Mr. Foreman and ladies
16 and gentlemen of the jury, I'm gonna let you go to
17 lunch. I'm gonna ask that you be back in the jury
18 room -- we're gonna start at 2:00, so if you-all could
19 be back in the jury room at about ten till 2:00 so we
20 can get started.

21 Remember, there's no talking about this case,
22 reading, researching, anything, even amongst yourselves
23 until I tell you to do so, okay?

24 With that, I hope you have a good lunch.

25 (Whereupon, the jury was excused for lunch at

1 12:24 PM.)

2 THE COURT: All right. Court will be in recess
3 until 2:00.

4 MS. MAYES: Thank you, Your Honor.

5 (Whereupon, a luncheon recess was taken at
6 12:24 PM.)

7 (Back on the record at 2:02 PM.)

8 THE COURT: I e-mailed over a draft of my jury
9 charges so everybody will have some homework, but we'll
10 go over them before the end of the day what I do have.

11 Are we ready to call the jury in?

12 MS. WILLIAMS: Your Honor, I believe that the next
13 officer we're gonna call is gonna be Detective Creech
14 and he needs to authenticate a video beforehand, if
15 that's all right?

16 THE COURT: Sure. Well, let's go ahead and do
17 that now.

18 MS. PATTERSON: They -- they went over to get him.

19 THE COURT: Okay. I remember that when he was on
20 the stand. We talked about that.

21 MS. WILLIAMS: I can do it officially or -- I guess,
22 Detective Creech, if you would --

23 THE COURT: You can put him on the stand.

24 MS. WILLIAMS: Okay. That might be better.

25 THE COURT: Let's put him on the stand and swear

1 him in.

2 (Whereupon, Anthony Adam Creech was duly sworn by
3 the Clerk of Court.)

4 THE CLERK: If you'll have a seat up there.
5 Please state your name and spell your last name for
6 the record.

7 MS. WILLIAMS: May I approach, Your Honor?

8 THE COURT: You may.

9 (Defendant's Exhibit Number 44 was marked for
10 identification.)

11 ANTHONY ADAM CREECH,
12 having been duly sworn, testified as follows:

13 EXAMINATION (In-Camera)

14 BY MS. WILLIAMS:

15 Q. Good afternoon, Detective Creech. Can I get you to
16 take a look at Defendant's Exhibit 44. What does that
17 appear to be to you?

18 A. Certainly.

19 She needed me to state my name for the record, too.

20 Q. Oh, I'm sorry.

21 A. No, that's okay. Sergeant Anthony Adam Creech.
22 Creech is C-R-E-E-C-H.

23 This would be a 64 gigabyte USB drive.

24 Q. Thank you. And you were present the night of the
25 shooting, correct?

1 A. I was.

2 Q. And were you with an agent named -- or an officer
3 named Alex Mountzouros?

4 A. I was. Sergeant Mountzouros was with our North Region
5 patrol district at the time.

6 Q. And was he equipped with a body-worn camera?

7 A. He was.

8 Q. And were you present when he was questioning an
9 individual known by Nokia -- by the name Nokia Tolen?

10 A. I wasn't present when he spoke with Nokia
11 specifically, but I was present throughout Alex's time
12 on-scene and I actually ended up speaking with Mr. Tolen
13 following Mr. Mountzouros speaking with him.

14 Q. So would you be able to testify as to whether or not
15 this is how Nokia Tolen appeared the night in question?

16 A. Certainly.

17 Q. Okay.

18 (Defendant's Exhibit Number 44 was played.)

19 Q. I'm gonna stop Defendant's 44 at 17 seconds. Who is
20 that in the middle of the screen?

21 A. That would appear to be Mr. Nokia Tolen.

22 Q. And is that how he appeared the night of the shooting?

23 A. It is.

24 Q. Okay.

25 MS. WILLIAMS: There is audio, Your Honor, so I'm

1 trying to make sure --

2 THE COURT: Help is coming. There you go.

3 Thank you.

4 (Defendant's Exhibit Number 44 continued playing.)

5 BY MS. WILLIAMS:

6 Q. Investigator Creech, was that an accurate
7 representation of Nokia Tolen the night of the shooting?

8 A. It is.

9 MS. WILLIAMS: Thank you.

10 THE COURT: Okay. Any objection?

11 MS. MAYES: Yes, Your Honor. The content of this
12 video is absolutely inadmissible under 613(b). There
13 is no statement contained here that Nokia Tolen was
14 specifically advised, of the place, the date, and then
15 he denied it. So under 613(b), the witness must be
16 advised of the substance of the statement, the time
17 and place that it was made, and the person to whom it
18 was made, and given an opportunity to explain or deny
19 the statement. If a witness does not admit that he
20 has made the prior inconsistent statement, extrinsic
21 evidence may be admissible; however, if he admits
22 making the prior statement, extrinsic evidence is
23 inadmissible.

24 He was questioned about the name Donovan Jackson.
25 He acknowledged that, Your Honor, and he said yes,

1 that's right because I knew him as DJ. He was never
2 asked about anything that we just watched where he then
3 denied making any of those statements in order to use
4 this as impeachment.

5 They can ask Detective Creech has he watched the
6 video, did he make observations as to whether or not
7 alcohol was consumed, and I have a few questions of
8 Detective Creech that I'm gonna follow up with myself.
9 Sergeant Creech.

10 They can offer still shots from this. Your Honor,
11 they can even ask based on the body-worn camera did he
12 name a name, did he name the defendant, and the answer
13 to that is no. All of that is information obtained
14 pursuant to the investigation, but the content of what
15 we just watched, the five-minute interview, that is
16 extrinsic evidence that is inadmissible because there's
17 been no foundation or no denial by this witness under
18 613(b).

19 And I do have questions to follow up with Sergeant
20 Creech.

21 THE COURT: Okay.

22 MS. WILLIAMS: Your Honor, I believe the solicitor's
23 argument presupposes that I'm putting this in for the
24 purpose of the statement. I am not. I'm putting this
25 in for the purpose of showing -- of, I guess, displaying

1 the ability of the witness to recall events on the night
2 in question and the entire thing shows his inability --

3 THE COURT: Well, that's to -- to impeach him,
4 right?

5 MS. WILLIAMS: Your Honor, it speaks to his
6 credibility. The purpose is to show -- to demonstrate
7 the witness's ability to testify to the night in
8 question. It further elaborates upon the witness's
9 sole moment in which he stated he was intoxicated,
10 which I would argue he's unable to testify to the
11 degree to which he was intoxicated.

12 Your Honor, he's drinking while he gives his
13 statement. He's stumbling around. He has improper
14 tonal inflections. He has an inability to annunciate
15 his words. He -- as the solicitor pointed up, he
16 messes up the name of Donovan Johnson {sic} multiple
17 times. His story wanders. And, Your Honor, I believe
18 that we are putting it in as demonstrative evidence
19 that show how he was portraying -- or as evidence that
20 demonstrates the witness's state of mind at the time in
21 question when he was giving it -- giving the statement.

22 MS. MAYES: It is absolutely, Your Honor, a prior
23 statement that would be inadmissible under 613(b).

24 My questions for Sergeant Creech, Your Honor, if
25 I may?

1 MS. WILLIAMS: Your Honor, may I --

2 THE COURT: Go ahead. Let -- let her question and
3 then we'll take it back up.

4 MS. WILLIAMS: Okay.

5 EXAMINATION (In-Camera)

6 BY MS. MAYES:

7 Q. Sergeant Creech, following this body cam -- you're
8 familiar with this body cam?

9 A. I am.

10 Q. You're familiar with -- I believe it's Deputy
11 Mountzouros at the time having been out there at the scene?

12 A. Correct. In fact, early on in the video I'm actually
13 in the background, wandered out of frame and shortly after
14 this segment of the video, he comes to me and Detective
15 Mackinson and discusses his interaction with Mr. Tolen.

16 Q. All right. So you're a witness to his state of mind
17 and his demeanor throughout this yourself?

18 A. Correct.

19 Q. Based upon your own personal observations?

20 A. Yes. Me and Mr. Tolen spoke briefly sometime after
21 this. I don't know exactly how close in time approximately
22 it was, but we did speak probably within an hour after
23 this.

24 Q. Okay. During the course of this interview with
25 Detective Mountzouros, does he ever name Quayshaun Clark?

1 A. He does not.

2 Q. Or use his nickname "Ace"?

3 A. He does not.

4 Q. Or any other individuals involved in this?

5 A. He does not.

6 Q. And ultimately you speak with him this same night?

7 A. I do.

8 Q. Still at [REDACTED] [REDACTED]?

9 A. We're still -- still there.

10 Q. Did you make any observations as to whether or not
11 Mr. Tolen had anything to drink?

12 A. He wasn't drinking at the time that he spoke to me,
13 but he was seemingly unsteady on his feet, a little bit of
14 difficulty with his words still, but I didn't have any
15 issues understanding him and I didn't feel like he had any
16 issues understanding me.

17 Q. And during the course of your conversation with him,
18 does he name anyone as a suspect?

19 A. He does. That's where -- he was one of the first
20 individuals to give us the name "Ace", which we later
21 identified as Quayshaun Clark.

22 Q. Okay. So he provided you with the name "Ace" that
23 night?

24 A. He did.

25 Q. And was that in relation to Ace being a shooter?

1 A. It was.

2 Q. What, if any, arrangements did you make with Mr. Tolen
3 to meet back up with him?

4 A. So another piece of this puzzle he gave is he said
5 that Nashua Smith was with them at Lot 7 and he said Nashua
6 Smith had a small caliber handgun and he said following the
7 shooting he took that handgun from Nashua and that gun was
8 taken from the scene and he said that he would be willing
9 to make sure that gun was turned over to law enforcement
10 the following day in case it had any pertinence to the
11 shooting and he ended up meeting with investigators the
12 following day. I believe that was Detective Sharpe and
13 Detective Kaiser and he turned over that handgun and then
14 gave some additional testimony to them.

15 Q. All right. So all of that was that night, the name
16 "Ace" as a shooter and then he also implicated a Nashua
17 Smith?

18 A. Correct.

19 Q. As well as having knowledge of a handgun used by
20 Nashua Smith?

21 A. Correct.

22 Q. And the following day, did any members of law
23 enforcement meet with Nokia Tolen?

24 A. Yes, Detective Sharpe and Detective Kaiser.

25 Q. Okay. At what location?

1 A. I believe they met him at the Batesburg-Leesville
2 Police Department, if I recall correctly.

3 Q. And can you tell us whether or not that's when the
4 380 firearm was turned over to the sheriff's department?

5 A. It is.

6 Q. And in addition to yourself meeting with Nokia Tolen
7 that night following this body cam, do you know whether or
8 not any other members of the sheriff's department also met
9 with him?

10 A. I believe he spoke with Major Taylor as well. And, in
11 fact, I believe he may have spoken with Major Taylor prior
12 to me speaking with him.

13 Q. Major Hampton Taylor?

14 A. Yes, ma'am.

15 Q. Okay. Would you be able to testify about your
16 observations regarding Mr. Nokia Tolen on memory?

17 A. Yes.

18 Q. Okay. As well as the fact that during the course of
19 this body cam he does not actually name the defendant?

20 A. Correct.

21 Q. Or any other suspects?

22 A. He does not.

23 MS. MAYES: Thank you.

24 THE COURT: Let me just ask one quick question,
25 Detective Creech. Did you reduce this to writing in a

1 report?

2 THE WITNESS: Yes, ma'am, I did.

3 THE COURT: Okay. I just wanted to make sure.

4 Thank you.

5 MS. WILLIAMS: Your Honor, if I may flesh out my
6 arguments a little bit more?

7 THE COURT: Sure.

8 MS. WILLIAMS: I would argue, again, that we are
9 not putting this forward as hearsay evidence, we are
10 not putting it forth for the truth of what Mr. Tolen
11 was stating. We are not even -- it is remotely -- we
12 are putting it forward with regard -- it is relevant, it
13 goes to a witness's credibility, and that, Your Honor,
14 is where our analysis of this stops.

15 The man who was on that stand who was cool, calm,
16 collected and repeating things, we believe that it's
17 important for the jury to be able to see what I would
18 argue is the prosecution's -- their only witness who
19 puts my client with a gun in his hands before the
20 shooting started. They need to be able to ascertain
21 the state of mind of the individual who puts him there
22 at the time of the shooting.

23 And so, Your Honor, this is not for the truth of
24 what is the statement, it is to show his inability to
25 even string his story together. It is relevant in that

1 it shows how his behavior was, it shows how inebriated
2 he was that evening, and I think, Your Honor, there is
3 -- while Detective Creech, I'm sure, is very descriptive
4 and able to, you know, state, you know, what he was able
5 to observe, I think that there is no substitute. The
6 best evidence, in fact, Your Honor, is what you can
7 observe on the camera.

8 THE COURT: Under -- under what rule are you getting
9 this in?

10 MS. WILLIAMS: It's relevant, Your Honor. It's a --
11 it's a camera that shows his state of how he was acting.
12 It's not actually his -- I don't believe -- Your Honor,
13 we don't even need to go to the hearsay question. We're
14 not putting it in for the purpose -- I'm not gonna say
15 that he said anything different or -- in fact, Your
16 Honor, I believe he agreed to a lot of the statements
17 that he made in here. It is not prior inconsistent
18 testimony. It merely demonstrates his ability to recall
19 the testimony.

20 MS. MAYES: And, Your Honor, that's exactly why
21 it's not admissible. The only way that this statement
22 would be admissible would be under 613(b) if he had
23 made specific denials and then this would be extrinsic
24 evidence. They asked him was he drinking. He said
25 yes. He actually used the word "intoxicated". He said

1 I was intoxicated. They have already elicited that
2 information. He's admitted it.

3 THE COURT: Well, I remember him testifying to
4 it and I remember somebody saying he was drinking a
5 Bud Lite when he was being interviewed.

6 Let me see the lawyers just for a second.

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

8 MS. MAYES: Your Honor, I don't see how we get
9 around the fact of it being extrinsic evidence. He is
10 talking about this crime. It's not like he's talking
11 about some another event. He is talking over and over
12 about this event and --

13 THE COURT: I mean, it's almost like you'd have
14 to take the sound away, you know, because I agree.
15 I don't know how we -- we get around it not being
16 extrinsic evidence.

17 MS. MAYES: And, Judge, I heard --

18 THE COURT: I just think when you do something
19 for credibility to a witness, you know, that's going
20 to impeaching him. You probably should have played it
21 when he was on the stand when he was testifying, but
22 then -- even then I don't know. I don't know how we
23 get around it being extrinsic.

24 I'll give you time to -- if you've got case law
25 on it, I'll be more than happy to --

1 MS. WILLIAMS: We're looking right now, Your Honor.
2 I can remember finding it and I just don't know where
3 it is.

4 MS. MAYES: Your Honor, I also heard him use the
5 word "Folk".

6 THE COURT: I heard that also and that was gonna be
7 my next question. I'm glad you brought that up because
8 I was thinking this was GDs, the Bloods, the Crips, but
9 I heard the "Folk". I know what that is.

10 MS. MAYES: And, Your Honor, GD, which is the --
11 the information provided to the -- to the defense
12 pursuant to discovery is that the defendant is a
13 validated GD and that is a subset of Folk, so certainly
14 we object on that ground as well.

15 THE COURT: I heard the "Folk". That would have to
16 be redacted pursuant to you-all's agreement between the
17 parties.

18 MS. MAYES: We would be happy to do that, Your
19 Honor, if Your Honor deems that it's admissible, and I
20 believe that in a certain amount of time we will be able
21 to produce that for you.

22 MS. WILLIAMS: I believe the governing question,
23 Your Honor, is for the purpose for which we're putting
24 it in.

25 MS. MAYES: We also raise an objection, Your Honor,

1 under 608, 608(b). This would be a specific incident
2 of -- or instance of conduct also not admissible as
3 extrinsic evidence unless it was something specific
4 that goes directly to a denial of information when he
5 testified and everything we just saw was consist with
6 his testimony. He acknowledged that he called the
7 person Donovan Jackson and that's because he knows him
8 as DJ. He acknowledged that he later met with other
9 members of law enforcement to talk to them. He
10 acknowledged that he was drinking and in his own words
11 by his use of "intoxicated". Judge, it's simply not
12 admissible under any rule of evidence.

13 MS. WILLIAMS: Your Honor, the case law is not
14 South Carolina, so it would not be determinative. And
15 if we need to pull out another thing, I would begin to
16 argue, I guess, presence sense of impression. It shows
17 his ability to -- it is his presence sense literally.
18 That is it. That is as close as you can get. His
19 presence sense impression of what's going on, what had
20 happened, and it shows exactly how inebriated he was
21 while he was declaring his presence sense impression
22 of what occurred.

23 MS. MAYES: Your Honor, again, they can ask this
24 witness and Major Taylor did it appear he had been
25 drinking. They can take a still shot where he's holding

1 the beer, but the content of his statement --

2 THE COURT: It's his presence sense --

3 MS. MAYES: Yes. Absolutely, Your Honor.

4 THE COURT: -- so I don't get it.

5 You know, Ms. Williams, I'm with you and I'm trying
6 to follow your argument, but the Court doesn't see it
7 that way. I mean, I believe it to be extrinsic, but
8 this video isn't gonna tell me Detective Creech's present
9 sense impressions on this scene. You can ask if he's
10 been drinking, you can ask him all this other stuff,
11 but I just -- I just don't see under the rules of
12 evidence how you get it in.

13 MS. WILLIAMS: Your Honor, we haven't heard from
14 DeCarlos either and he was -- and we were able to get
15 in his statement of his presence sense impression
16 regarding "bust, bust, bust", and that was under the
17 same -- even though no one was able to testify that
18 that's what he stated in the moment, and so that would
19 be my argument for why it was proper for it to come in
20 under someone else as opposed to him.

21 MS. MAYES: And that was res gestae of the crime,
22 Your Honor. He is literally firing the gun making that
23 statement.

24 THE COURT: The statement as he's -- as he's going
25 around in a circle if I remember the testimony.

1 MS. MAYES: Yes, Your Honor. So under 803, it's
2 excited utterance, it's presence sense impression, and
3 it's res gestae of the crime while the crime's happening.
4 This is -- he's already left the scene, he's come back --

5 THE COURT: That started the first shot.

6 MS. MAYES: Yes, Your Honor.

7 THE COURT: And then -- yes, I'm with you.

8 I don't see it. I don't know how it comes in.

9 MS. WILLIAMS: So your ruling would be that it is
10 inadmissible?

11 THE COURT: It is inadmissible. I just don't see
12 it. I see it as extrinsic evidence. I don't see it
13 as a presence sense impression that you're getting --
14 trying to get this video in through an officer. I don't
15 get it. If it was gonna go to his credibility -- because
16 you said behavior and the witness's credibility, then I
17 think the proper time would have been on your cross of
18 Mr. Tolen.

19 MS. WILLIAMS: Your Honor, we would -- for the
20 purpose of the record object to -- you know, take
21 exception to your ruling and still argue that it is
22 admissible, but we understand the Court's ruling at
23 this time.

24 THE COURT: And it is so noted for the record.

25 Okay. What's next?

1 MS. WILLIAMS: I believe we can bring the jury in.

2 THE COURT: Okay. What about Detective Creech? I
3 need to do something with him.

4 MS. WILLIAMS: Your Honor, we are -- we are fine
5 if Detective Creech is excused.

6 MS. MAYES: We'll ask him to stay just in an
7 abundance of caution.

8 THE COURT: We're gonna let you down off the stand,
9 but we're not excusing you just yet.

10 THE WITNESS: Sounds good.

11 Thank you, Your Honor.

12 (Witness excused.)

13 THE COURT: Okay. So we have another witness we're
14 gonna call?

15 MS. WILLIAMS: Yes, Your Honor.

16 THE COURT: Okay.

17 All right. Let's bring the jury in.

18 I'm sorry. We were reading 803(3). I do not
19 believe it qualifies under 803(3) of the Rules of
20 Evidence. As a matter of fact, I just sat here and
21 read it. That's what took me so long to bring the jury
22 in, but I'm ruling that that doesn't apply either. I
23 don't think this is anything of issue in this case for
24 what you're trying to get it in for.

25 And it goes on to declare about somebody's will and

1 I don't believe it's relevant to this case or applies to
2 this case is what I meant to say.

3 (Whereupon, the jury returns to the courtroom at
4 2:41 PM.)

5 THE COURT: All right. Mr. Foreman, the jury
6 ready?

7 FOREPERSON: Yes, ma'am.

8 THE COURT: All right. You can call your next
9 witness.

10 MS. WILLIAMS: Thank you. Your Honor, the defense
11 calls Carleisha Gilliam.

12 (Whereupon, Carleisha Gilliam was duly sworn by the
13 Clerk of Court.)

14 THE CLERK: If you'll have a seat up there. If
15 you'll state your name and spell your last name for the
16 record.

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

19 CARLEISHA GILLIAM,

20 having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. WILLIAMS:

23 Q. So I pronounced that wrong. It's Gilliam?

24 A. That's okay.

25 Q. I'm sorry. Are you investigator, detective?

1 A. Investigator, detective.

2 Q. Okay.

3 A. If you heard, we all go back and forth with it.

4 Q. All right. Thanks. Investigator Gilliam, what was
5 your role in this case?

6 A. I was the lead detective on the case.

7 Q. Okay. And as part of your role, what do you do? I
8 guess tell the jury what you do.

9 A. As part of my role in the case or just overall?

10 Q. As the lead detective in this case.

11 A. So for the lead detective in the case, of course, we
12 get all the information and, of course, if we see fit to
13 make charges, we make charges. Our job is to make sure we
14 investigate cases as thoroughly as possible.

15 Q. And I believe you said you get all of the information.
16 Does that necessarily involve reviewing all of the
17 information?

18 A. Review -- well, let me start by saying nobody's
19 perfect, so to the best of your ability you review all of
20 the information.

21 Q. Okay. And so in this case you developed suspects; is
22 that correct?

23 A. Yes, ma'am.

24 Q. Okay. And how many suspects did you have over the
25 course of this case?

1 A. We can be here all day with names that we know --

2 Q. Did you --

3 A. -- so I don't have an exact number.

4 Q. Did you name three individuals as suspects for the

5 purpose of the recordkeeping?

6 A. I don't recall naming three individuals.

7 Q. Okay. How about did you -- did you name Quayshaun

8 Clark as a suspect?

9 A. Yes, ma'am.

10 Q. Did you name DeCarlos Chatman as a suspect?

11 A. Yes, ma'am.

12 Q. And did you name Demontrell Wigfall as a suspect?

13 A. I don't recall.

14 Q. We can get there, I think.

15 A. Okay.

16 Q. When you submit things to SLED, how do you go about

17 doing that?

18 A. I personally don't submit things to SLED. That would

19 be from our evidence custodian.

20 Q. Do you have knowledge as to whether or not potential

21 suspects are disclosed to SLED?

22 A. Yes, ma'am.

23 Q. Okay. So if I were to show you a document from SLED

24 that showed -- has listed three potential suspects, would

25 you have been the one to name the third suspect?

1 A. Again, you'll have to show me because I don't recall.

2 MS. WILLIAMS: May I approach, Your Honor?

3 THE COURT: You may.

4 BY MS. WILLIAMS:

5 Q. I believe if you direct your attention to the top
6 right-hand side of that piece of paper.

7 A. And I see that you're saying to the top right with the
8 date or do you mean the left?

9 Q. To the top right underneath the date.

10 A. DNA analysis.

11 Q. Underneath there, isn't there an indication that they
12 received suspect information from your office?

13 A. Yes, ma'am.

14 Q. And are there three suspects listed?

15 A. Yes, ma'am.

16 Q. And would you have been the one to name those three
17 suspects?

18 A. Again, I don't recall if they were all three suspects.

19 Q. Who would have named that third suspect if it wasn't
20 you?

21 A. I don't know.

22 Q. So you've named a suspect in your case and you don't
23 know who named the third suspect?

24 A. Again, I don't recall naming a third suspect.

25 Q. Well, you're the investigating officer. How would a

1 third suspect get named in your case without your say-so?

2 A. Again, I don't know.

3 Q. Okay. You did know that you named DeCarlos Chatman?

4 A. Yes, ma'am.

5 Q. Did you collect his cell phone?

6 A. I cannot recall if I collected his cell phone the day
7 that we spoke with him.

8 Q. Do you know if it was ever collected in your case?

9 A. If you'd give me a moment. So DeCarlos Chatman's
10 phone was seized.

11 Q. It was seized?

12 A. Yes, ma'am.

13 Q. Do you know if a search was ever done on DeCarlos
14 Chatman's cell phone?

15 A. I would have to look at the case file for DeCarlos
16 Chatman.

17 Q. Okay. So off the top of your head when you're sitting
18 -- you don't know if a search was ever done on DeCarlos
19 Chatman's cell phone?

20 A. I don't know. I'd have to look at the case file for
21 DeCarlos Chatman.

22 Q. But you know that his cell phone was seized?

23 A. Correct.

24 Q. Okay. Did you -- were you made aware of any -- so we
25 were talking about the number of suspects. Were you aware

1 that there were people who were filmed in social media and
2 it was uploaded to evidence and that they were claiming --
3 well, let me ask you this. Let me phrase it this way. Are
4 you aware --

5 MS. MAYES: Objection, Your Honor.

6 May we approach?

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

8 THE COURT: Mr. Foreman and ladies and gentlemen
9 of the jury, I'm gonna have to ask you to return to the
10 jury room while I take up a matter with the lawyers, and
11 I'll call you back in.

12 Remember, no talking about this case amongst
13 yourselves or with anyone else.

14 (Whereupon, the jury retires to the jury room
15 at 2:50 PM.)

16 THE COURT: Okay. I didn't understand the
17 discussion because I don't know that much -- I don't
18 know what you-all are talking about on this case or what
19 tape because the Court certainly hasn't seen it. So
20 give me the background, Ms. Mayes.

21 MS. MAYES: Yes, Your Honor.

22 So this would be yet another hearsay statement --
23 out of court statement by persons who have not been
24 called as witnesses in this case. The question that she
25 was getting ready to pose to the detective is whether

1 or not there is a tape in evidence where people are
2 bragging about committing this crime and that's because
3 an officer took a report from a third-party citizen
4 connected to Lot 7 that there was such a videotape and
5 that reference is made in the officer's report.

6 However, that particular video, it's a Facebook
7 video, Judge, we don't even think it's from this
8 timeframe. We think it's recorded back in February.
9 There is no reference whatsoever to this event. The
10 people on the video are a Tevon Robinson and an Eddie
11 Quattlebaum who are on the defense witness list, but
12 they have in no way made statements in this case or even
13 testified.

14 I've watched the video. I can say as an officer of
15 the court there is no way whatsoever to link that video
16 to this crime. We don't even think it's within the right
17 timeframe. We think it was filmed before this crime even
18 occurred. It's all gang related. It starts with the
19 person filming, who is Tevon Robinson saying "gang, gang"
20 and flashing gang signs, and that continues for about ten
21 minutes. And, Judge, it's absolutely inadmissible for
22 all the reasons we've already stated. We aren't gonna
23 get into gang-related activity. There's not a single
24 witness that's even put Eddie Quattlebaum at the crime
25 scene. I'll have to go back and look at the board to

1 see if anybody's put Tevon Robinson there, but I don't
2 know that he has been put there, but even if he was,
3 the content of this video is inadmissible hearsay, is
4 extrinsic evidence for which there's been no foundation
5 whatsoever.

6 So we certainly object and that it's gonna be
7 highly, highly prejudicial to suggest to this jury
8 that there are other people out there who have claimed
9 responsibility for this, that's third-party guilt, and
10 it is beyond speculative.

11 MS. WILLIAMS: Your Honor, I was not going to
12 attempt to put the video in. I was just going to ask
13 if she had knowledge of a video that was submitted to
14 one of the people working on the case in which two
15 individuals also discuss their connection to the crime
16 and, for the record, the officer's -- the officer who
17 observed this video, and that was it. That was gonna
18 be the extent of my -- my questioning.

19 It says, his words, and I know that this -- but for
20 the purposes of where I was going with this, it says
21 Shemeka showed me a Facebook Live video where the two
22 alleged suspects were bragging and laughing about their
23 involvement in the incident.

24 So, Your Honor, we were simply saying -- were just
25 gonna ask are you aware of a video that was uploaded to

1 your evidence system by another officer in which there
2 are two other individuals -- because I think the point
3 has been made that she doesn't know the suspects in her
4 own case -- where two other individuals are discussing
5 their connection to the crime. That's it. That's the
6 question. I'm not putting them in.

7 MS. MAYES: And, Judge --

8 THE COURT: Not to this crime.

9 MS. MAYES: Yes, Your Honor, and that would be a
10 complete misrepresentation to the jury.

11 So a woman walks into law enforcement and she tells
12 the officer, who's not here by the way, he's Garcia
13 Martell, that hey, I have a video where these two people
14 are talking about, I think, this crime. So she tells
15 the officer I think they're talking about this crime.
16 He uploads it to evidencedotcom, he makes a supplemental
17 report that according to this person, who's not here by
18 the way, her name is Shemeka Boatwright, according to
19 that person these two people are talking about this crime
20 in a Facebook video. Well, they take it into evidence.
21 It's not about this crime, there's no way whatsoever to
22 link it to this crime, and so to even ask this question
23 is a gross misrepresentation to this jury, and that's why
24 we objected before we even got into it.

25 It's third-party guilt, Your Honor, and there is no

1 way to link that video to this crime whatsoever. It's a
2 gang-related video. They never reference this shooting
3 or [REDACTED] Road or this victim in any way. So there's
4 not even a good faith basis to ask the question other
5 than did they upload something to evidencedotcom? Yes.
6 Did they rule it out? Yes. But to tell this jury
7 that it's two people bragging about connection to this
8 crime, that's not what it is, and the evidence itself
9 establishes that.

10 THE COURT: Well, it's somebody else saying they
11 just think it's connected to this crime.

12 MS. MAYES: Yes.

13 THE COURT: I mean, it's not even an officer. It's
14 a --

15 MS. MAYES: Shemeka Boatwright, who's not here, yes.

16 THE COURT: -- Ms. Boatwright.

17 All right, Ms. Williams. Let me hear from you.

18 MS. WILLIAMS: Your Honor, it's just that my -- my
19 impression, you know, based on the discovery that we have
20 received is that the officer -- this officer in question
21 believed it to be connected to it.

22 THE COURT: Did you watch the tape?

23 MS. WILLIAMS: I did watch the tape the best I
24 could. And, Your Honor, honestly we didn't even think
25 about trying to put it in. Beyond any gang references,

1 but also it's a horrible quality, so it's very difficult
2 to understand. So I can't honestly say what I think.
3 I was just going off the officer's report and I wasn't
4 gonna say what he thought. I was just trying to say
5 was it in evidence, yes or no, because I know that that
6 officer is not here.

7 MS. MAYES: He's not here and wasn't subpoenaed by
8 the defense, so to ask this officer what another officer
9 wrote in response to receiving a Facebook video from
10 Shemeka Boatwright, who's also not here --

11 THE COURT: And why it was determined not to be
12 connected to this crime.

13 MS. MAYES: Yes.

14 THE COURT: I mean, I certainly don't want to put
15 something in and it be misrepresented.

16 What about the officer? Do you have him on your
17 witness list? Are you gonna call him?

18 MS. MAYES: He's not on the prosecution's witness
19 list, Your Honor, and we did not have plans to call him,
20 but if they are willing to accept subpoenas and get him
21 over here real quick, we absolutely will, but I don't
22 know that it's necessary for the purpose of this case.
23 I can move on.

24 THE COURT: Okay. If we're gonna move on, that's
25 probably the thing to do.

1 MS. WILLIAMS: But for the purpose of the record
2 we would still object.

3 THE COURT: You can object. I just don't know how
4 you get it in without the officer, Ms. Williams. And I
5 understand. I think you're doing, you know, a great
6 job for your client, but unless the officer's here, the
7 Court can't let it in. Somebody's got to testify to it.

8 All right. We're gonna move on. Let's bring the
9 jury in.

10 But your objection is noted for the record.

11 MS. WILLIAMS: Thank you, Your Honor.

12 (Whereupon, the jury returns to the courtroom at
13 2:58 PM.)

14 THE COURT: All right. Is the jury ready?

15 THE FOREPERSON: Yes, ma'am.

16 THE COURT: Continue on, Ms. Williams.

17 BY MS. WILLIAMS:

18 Q. Investigator Gilliam, we were discussing how you were
19 the lead detective in this case and, I guess, were you
20 aware that DNA evidence had been taken in this case?

21 A. Yes, ma'am.

22 Q. Okay. And where had DNA been collected from?

23 A. Again, with DeCarlos Chatman, I'm well aware of that.
24 I was present for that.

25 Q. So you were present for taking the buccal swab from

1 DeCarlos Chatman; is that correct?

2 A. Yes.

3 Q. Okay. And for the jury, what's a buccal swab?

4 A. Where we're swabbing the inside of someone's mouth,

5 of course, and that was what was sent over to SLED.

6 Q. And is that how you get DNA to test to see whether --

7 if there was any DNA connection in a case?

8 A. Well, I can't speak on what SLED does once it gets

9 over to them.

10 Q. But that's why you take the evidence?

11 A. Correct.

12 Q. Okay. You were in here when Webster testified. Did

13 she take the DNA of a steering wheel in that case?

14 A. I can't recall exactly what Webster testified to.

15 Q. Okay. How about this. Did you ever submit anything

16 to SLED with regards to DNA?

17 A. Again, that would be done through evidence. Our

18 evidence custodian.

19 MS. WILLIAMS: Your Honor, permission to treat the

20 witness as hostile?

21 THE COURT: Granted. Go ahead.

22 BY MS. WILLIAMS:

23 Q. The third suspect you named in this case was

24 Demontrell Wigfall; was it not?

25 A. Again, like I said, I don't recall naming him as a

1 suspect.

2 Q. Well, then who would have named him as a suspect to
3 send to SLED?

4 A. Again, I do not know.

5 Q. So what was your role in this case?

6 A. I'm -- so, for one, I didn't get to introduce myself.
7 I am the lead detective on this case. This was one of my
8 first cases, so I had a lot of assistance from...

9 Q. So this was one of your first cases?

10 A. Yes, ma'am.

11 Q. So who, in fact, would be the person who was the lead
12 detective then who helped you out?

13 A. I'm sure multiple detectives came in here saying how
14 they assisted.

15 Q. Do you -- well, is the role of the lead detective to
16 look at reports as they come in?

17 A. Yes, ma'am.

18 Q. Did you look at the report that came in from SLED
19 regarding DNA?

20 A. Yes, ma'am.

21 Q. Okay. On that report, did it detail the items that
22 were tested for DNA?

23 A. I would have to look at it. I don't recall.

24 Q. Would seeing it help refresh your memory?

25 A. Yes, ma'am.

1 Q. Was one of the items that SLED tested for DNA the nine
2 millimeter handgun that was submitted into evidence in this
3 case?

4 A. Yes, ma'am.

5 Q. And did your office ever send any samples to SLED to
6 match or to rule out anyone as holding that nine millimeter
7 handgun?

8 A. Do you want me to read what the notes have on here?

9 Q. If that helps refresh your memory, you can look at it
10 and then testify.

11 A. Okay. DNA comparison can be conducted following the
12 submissions --

13 THE COURT REPORTER: Can you slow down, please.

14 THE WITNESS: I'm so sorry.

15 THE COURT REPORTER: That's okay. Thank you.

16 THE WITNESS: I'll start over. DNA comparison
17 can be conducted following the submission of known
18 standards from Quayshaun Clark, DeCarlos Chatman, and
19 Demontrell Wigfall.

20 BY MS. WILLIAMS:

21 Q. Did your office ever submit known standards to SLED to
22 compare with the DNA that was found on the handgun?

23 A. Swabs from the interior -- entire exterior of handgun
24 and magazine, nine millimeter, was what -- the items of
25 evidence.

1 Q. So if those were the only items in evidence according
2 to SLED, then your office never submitted DNA standards to
3 SLED, did they?

4 A. If that's all we have.

5 Q. Okay.

6 MS. WILLIAMS: Your Honor, I don't believe I have
7 any further questions for this witness.

8 CROSS-EXAMINATION

9 BY MS. MAYES:

10 Q. All right. So let's talk about that. Let's talk
11 about that FN, Detective Gilliam.

12 A. Uh-huh.

13 Q. All right. That FN that you just were questioned
14 about, that's the FN when you interviewed him on the 11th
15 he told you he fired, didn't he?

16 A. Yes, ma'am.

17 Q. Let me ask you this. Prior to your interview with him
18 on the 11th, did you read him his Miranda rights?

19 A. Yes, ma'am.

20 Q. In its entirety?

21 A. Yes, ma'am.

22 Q. And separate from the rights that were read to him by
23 Agent Beeler, did Quayshaun Clark waive his Miranda rights?

24 A. No, ma'am.

25 Q. Did he agree to speak with you?

- 1 A. Yes, ma'am.
- 2 Q. So he waived his rights?
- 3 A. I'm sorry. Yes.
- 4 Q. He waived his rights?
- 5 A. Correct.
- 6 Q. And agreed to speak with you freely and voluntarily?
- 7 A. Yes, ma'am.
- 8 Q. All right. Did he tell you that same story that he
- 9 told Agent Beeler about how he saw no one shooting?
- 10 A. Yes, ma'am.
- 11 Q. And that he didn't shoot at all?
- 12 A. Yes, ma'am. That was the first story.
- 13 Q. And did he ever tell you anything about a guy who had
- 14 dreads and was waving a gun?
- 15 A. I don't recall.
- 16 Q. Do you have notes for that interview?
- 17 A. Yes, ma'am.
- 18 Q. Do you have anything in your notes whatsoever in
- 19 reference to someone with dreads waving a gun at him?
- 20 A. If you'd give me one moment to check my notes.
- 21 Q. I'm going to refer you to page 41 of your
- 22 supplemental. Do you have that?
- 23 A. Yes, ma'am.
- 24 Q. Do you have notes as to whether you questioned
- 25 Quayshaun did he see anyone shooting?

1 A. Yes, ma'am.

2 Q. And what was his response to that?

3 A. He advised he didn't see anyone shooting. Quayshaun
4 stated he heard multiple people were placing him at the
5 scene.

6 Q. Okay. So he stated to you he did not see anyone
7 shooting?

8 A. Correct.

9 Q. And then as the statement goes on, does he tell you
10 the same story that he told Agent Beeler about he actually
11 shot the five -- the FN nine millimeter himself?

12 A. Yes, ma'am.

13 Q. And up until today, this proceeding, this trial, up
14 until what we've been dealing with this past week, this
15 trial, had you ever heard anything different --

16 MS. WILLIAMS: Objection, Your Honor.

17 THE COURT: And the basis for your objection?

18 MS. WILLIAMS: That would be a Doyle violation,
19 Your Honor, and I'm -- I would be happy to approach.

20 THE COURT: Let me see the lawyers.

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

22 THE COURT: All right, Ms. Mayes. I agree with
23 Ms. Williams. You need to rephrase that question.

24 BY MS. MAYES:

25 Q. All right. So you had contact with him three

- 1 different times on the night of the 11th, correct?
- 2 A. Correct.
- 3 Q. And on the night of the 11th that first story is
- 4 didn't shoot at all. The next story is that he fired the
- 5 FN?
- 6 A. Yes, ma'am.
- 7 Q. And then the third story he tells you is oh, well, he
- 8 fired the AK that he found on the ground out there?
- 9 A. Yes, ma'am.
- 10 Q. And then he left it on the ground?
- 11 A. Um --
- 12 Q. All right. And that's just a yes or no question.
- 13 A. Yes, ma'am.
- 14 Q. So those were his statements to you?
- 15 A. Yes, ma'am.
- 16 Q. And then today there is testimony that he did not fire
- 17 the FN and some mystery person did?
- 18 A. Yes, ma'am.
- 19 Q. Did he ever tell you on the 11th about this mystery
- 20 person?
- 21 A. No, ma'am.
- 22 Q. Was your impression up until this trial that he had,
- 23 in fact, fired the FN?
- 24 A. Yes, ma'am.
- 25 Q. And you were aware the FN was recovered from his

1 cousin Wanda's house?

2 A. Yes, ma'am.

3 Q. I think you were there and present for all of that?

4 A. No, ma'am.

5 Q. You were overseeing the search that was being
6 conducted by other officers, correct?

7 A. No, ma'am, I was with Quayshaun at the moment that the
8 search warrants were being conducted.

9 Q. You're still out there talking to him --

10 A. Yes, ma'am.

11 Q. -- while that search is being done where the FN's
12 recovered, but ultimately you learned that?

13 A. Yes, ma'am.

14 Q. That it was recovered from his -- from his cousin?

15 A. Yes, ma'am.

16 Q. And I think you testified that you are a new
17 investigator as of last summer?

18 A. Yes, ma'am.

19 Q. Who was your supervisor, Detective Gilliam?

20 A. Sergeant Adam Creech.

21 Q. And is that the same Sergeant Creech that testified
22 last Friday?

23 A. Yes, ma'am.

24 Q. Was he your supervisor throughout this process?

25 A. Yes, ma'am.

- 1 Q. Overseeing your reports?
- 2 A. Yes, ma'am.
- 3 Q. Your investigation?
- 4 A. Yes, ma'am.
- 5 Q. Your follow-up with witnesses?
- 6 A. Yes, ma'am.
- 7 Q. As well as that of the CSI team?
- 8 A. Yes, ma'am.
- 9 Q. As well as consulting with evidence submission?
- 10 A. Yes, ma'am.
- 11 Q. As well as consulting with SLED?
- 12 A. Yes, ma'am.
- 13 Q. As well as consulting with Secret Service?
- 14 A. Yes, ma'am.
- 15 Q. And has Sergeant Creech remained involved in this case
- 16 throughout?
- 17 A. Yes, ma'am.
- 18 Q. And that night out at the scene on [REDACTED] Road on
- 19 the night of the 9th, was Sergeant Creech acting as your
- 20 supervising officer?
- 21 A. Yes, ma'am.
- 22 Q. For your team?
- 23 A. Yes, ma'am.
- 24 Q. Now this testimony about the submission to SLED. When
- 25 items are submitted to SLED, what's required every time you

1 submit a piece of evidence?

2 A. I don't understand your question.

3 Q. Okay. When an evidence item is submitted to SLED, is
4 it routine to submit a name with it? Isn't that routine?

5 A. I'm not quite sure how evidence gets submitted to SLED
6 because they do that.

7 Q. Okay. So, for example, the projectiles in this case
8 that were submitted from the car of Wigfall, Demontrell
9 Wigfall, is it routine that there would be a name
10 associated with that when they are submitted?

11 A. Yes, ma'am.

12 Q. As well as with the gun, the FN nine millimeter that
13 was submitted?

14 A. Yes, ma'am.

15 Q. In the name of Quayshaun Clark?

16 A. Yes, ma'am.

17 Q. And as well as I think you mentioned some evidence
18 that was submitted in the name of Hugo or DeCarlos Chatman,
19 correct?

20 A. Yes, ma'am.

21 Q. So it's routine to have names affiliated with all
22 items of evidence that are submitted?

23 A. Yes, ma'am.

24 Q. I think you got a question about the phone extraction
25 on the phone of Hugo, being DeCarlos Chatman. I'm gonna

1 ask you whether or not you recognize this item, State's
2 212, for ID only?

3 A. Yes, ma'am.

4 Q. I believe you testified that a phone was also seized
5 pursuant to this investigation from Hugo, being DeCarlos
6 Chatman?

7 A. Yes, ma'am.

8 Q. Are you familiar with whether or not a phone
9 extraction was done in this case?

10 A. Yes, ma'am.

11 Q. As well as the other items of evidence that we've
12 already discussed, being the defendant Quayshaun Clark's
13 Samsung Galaxy?

14 A. Yes, ma'am.

15 Q. And the iPhone of Tameakeo Carnard, his girlfriend?

16 A. Yes, ma'am.

17 Q. Now about other suspects in this case, let me make
18 this clear. Does this remain an ongoing investigation?

19 A. Yes, ma'am, it does.

20 Q. Does DeCarlos Chatman, also known as Hugo, remain a
21 suspect in this case?

22 A. Yes, ma'am.

23 Q. Does DJ Jackson, also known as Donald Jackson, Jr.,
24 remain a suspect in this case?

25 A. Yes, ma'am.

1 Q. Does Nashua Smith, also known as Nash Smith, remain
2 a suspect in this case?

3 A. Yes, ma'am.

4 Q. Does Kayvonte Norris, also known as Kay Norris, remain
5 a suspect in this case?

6 A. Yes, ma'am.

7 Q. Does Jeron Johnson also remain a suspect in this case?

8 A. Yes, ma'am.

9 Q. Does De Alewine also remain a suspect in this case?

10 A. Yes, ma'am.

11 Q. As well as any other individuals that may be
12 associated with Lot 7?

13 A. Yes, ma'am.

14 Q. As well as any other individuals that may be
15 associated with Lot 16?

16 A. Yes, ma'am.

17 Q. And any other individuals that may be identified in
18 the past or in the future associated with the outside area
19 of Lot 15?

20 A. Yes, ma'am.

21 Q. Other than Quayshaun Clark, was anyone else identified
22 as a shooter on the night of June 9th?

23 A. No, ma'am.

24 MS. MAYES: Thank you. Nothing further.

25 THE COURT: Any redirect?

1 REDIRECT EXAMINATION

2 BY MS. WILLIAMS:

3 Q. No one else was identified as a shooter?

4 A. And I do apologize. DeCarlos Chatman.

5 Q. Okay. Since we're asking, does Deterious Jackson
6 remain a suspect in this case?

7 A. Name that name one more time.

8 Q. Deterious Jackson.

9 A. Everybody that she named, yes, ma'am, including others
10 that she said.

11 Q. This is a name she did not say.

12 A. Yes, ma'am.

13 Q. Okay. What about Var Pugh? Does Var Pugh remain a
14 suspect in this case?

15 A. Yes, ma'am.

16 Q. And you're the person who interviewed Comilla Jackson;
17 is that correct?

18 A. One of the ones.

19 Q. One of the ones. And was it a recorded interview?

20 A. Yes, ma'am.

21 Q. Okay. And was it your impression after interviewing
22 Ms. Jackson that she was afraid on behalf of her brother
23 because she had the understanding that her brother was
24 afraid of Var Pugh?

25 A. If you give me a moment. We throw a lot of names

1 around.

2 Q. We do. We do.

3 A. Just give me one moment.

4 Q. And I can refresh your -- your memory if needed, but
5 we'll...

6 A. You'll have to refresh my memory.

7 Q. Okay.

8 MS. WILLIAMS: Your Honor, if we could ask the jury
9 to step out for a moment, please.

10 THE COURT: Mr. Foreman and ladies and gentlemen
11 of the jury, I'm gonna ask you to step into the jury
12 room and not discuss this case with anyone or even
13 amongst yourselves.

14 (Whereupon, the jury retires to the jury room at
15 3:15 PM.)

16 MS. WILLIAMS: Your Honor, I have in my possession
17 the audio recording of the interview between Detective
18 Gilliam and both Deterious Jackson and Comilla Jackson.
19 I was going to fast-forward it to the portion of the
20 interview that is relevant to the last question.

21 MS. MAYES: I think it's also in her written report
22 if you can refer her there.

23 MS. WILLIAMS: I did not see it in her report.

24 THE WITNESS: I don't see it myself, so...

25 THE COURT: Go ahead.

1 MS. WILLIAMS: Okay. I think it will be faster.

2 THE COURT: Go ahead. Try your case like you
3 planned.

4 (Whereupon, a portion of an interview was played.)

5 MS. WILLIAMS: Is that sufficient to refresh your
6 memory?

7 THE WITNESS: Yes, ma'am.

8 MS. WILLIAMS: Okay.

9 Your Honor, we can bring the jury back in.

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

11 (Whereupon, the jury returns to the courtroom at
12 3:19 PM.)

13 THE COURT: All right, Ms. Williams. Continue on.

14 BY MS. WILLIAMS:

15 Q. All right. Investigator Gilliam, we have just
16 established that numerous people remain suspects still in
17 this case to include Deterious Jackson and Var Pugh; is
18 that correct?

19 A. That's correct.

20 Q. And when you were interviewing Ms. Comilla Jackson,
21 was it your impression that she was concerned for her
22 brother's safety because of a guy named Var Pugh?

23 A. Yes, ma'am.

24 MS. WILLIAMS: No further questions, Your Honor.

25 THE COURT: Thank you.

1 Ms. Mayes.

2 RECROSS EXAMINATION

3 BY MS. MAYES:

4 Q. Detective Gilliam, do any and all persons involved in
5 this shootout at [REDACTED] Road, whether their names are
6 known or unknown to law enforcement, remain suspects in
7 this investigation?

8 A. Yes, ma'am.

9 Q. And was Hugo, DeCarlos Chatman, charged in relation to
10 this case as well?

11 A. Yes, ma'am.

12 MS. MAYES: Nothing further.

13 THE COURT: Thank you.

14 MS. WILLIAMS: If Investigator Gilliam could be
15 step down, Your Honor.

16 THE COURT: You're not excused, but you can step
17 down.

18 THE WITNESS: Yes, ma'am.

19 THE COURT: Thank you.

20 (Witness excused.)

21 THE COURT: Do you want to call your next witness?

22 MS. WILLIAMS: Your Honor, the defense rests at
23 this time.

24 THE COURT: Okay.

25 All right. Mr. Foreman, ladies and gentlemen of

1 the jury, I'm gonna have to ask you to go to the jury
2 room and let me take up some matters with the lawyers
3 and then I'll have you back in here, okay?

4 Remember, it's not time to talk about this case
5 just yet, not even amongst yourselves, until I tell you
6 to.

7 Thank you.

8 (Whereupon, the jury retires to the jury room at
9 3:21 PM.)

10 THE COURT: All right. Anything from the State?

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

12 THE COURT: The defense?

13 MS. WILLIAMS: Your Honor, the defense would renew
14 all prior motions at this time to include the directed
15 verdict motion that was made when the State rested their
16 case.

17 THE COURT: And I'll -- for the record, I'm denying
18 those, but I'm also making sure that it's on the record,
19 all of your objections throughout this trial are noted
20 for the record.

21 Anything else?

22 MS. WILLIAMS: Not from the defense, Your Honor.

23 MS. MAYES: Not from the State, Your Honor.

24 THE COURT: Okay. Then let me talk to the lawyers
25 about scheduling --

1 MS. MAYES: Okay.

2 THE COURT: -- because we have closings and we have
3 charges and it's 3:30. It seems to me that it would be
4 reasonable to close and charge early in the morning.

5 I'll be glad to hear from the State on it, Your
6 Honor.

7 MS. MAYES: We agree, Your Honor. At this point
8 we would not be able to get the case to the jury until
9 5:00.

10 THE COURT: 5:00, 5:30 is what I'm thinking because
11 we haven't gone over the jury charges yet.

12 MR. WILLIAMS: Defendant agrees, Your Honor.

13 THE COURT: Okay. Then that's what we're gonna
14 do.

15 Can I take this time to go over the -- have you-all
16 got time to go over these jury charges real quickly?

17 I'm gonna tell you --

18 MS. MAYES: I will say, Judge, we are still looking
19 at them. We have not been able to go through them in
20 their entirety.

21 THE COURT: Okay. I'm just telling you starting
22 at page 9 -- it goes all the way up to page 9 is my
23 regular jury charges. It is 9 through 13 that you-all
24 need to look at. If you-all would like to look at those
25 overnight, if there's anything you want added, why don't

1 we plan to meet at 9:00 in the morning. We'll go over
2 jury -- I'd like to get this case to the jury as early
3 as possible.

4 MS. WILLIAMS: Your Honor, I know I'm going to
5 have some thoughts on the jury charges. I don't know
6 what the solicitor is doing right now, but if we could
7 perhaps have an informal charge conference, that might
8 be productive.

9 THE COURT: Yeah. I mean, maybe you-all can talk
10 about it. If I give you-all the rest of the afternoon,
11 you-all can talk about it, think about it, and let's
12 be prepared to go -- I don't want to spend two hours
13 arguing over jury charges in the morning.

14 MS. MAYES: And can we e-mail the Court throughout
15 the remainder of the afternoon?

16 THE COURT: Absolutely you can. You can e-mail
17 me tonight; though I will tell you I go to bed at 9:00,
18 so make it before 9:00, but I'll be more than happy to
19 read what you send me and plug in and that way I know
20 what I need to decide on in the morning and we won't
21 waste the jury's time. I try to be very conscientious
22 about their time.

23 I'm gonna call them back in. I'm gonna tell them
24 not to come in until -- I have to tell you-all I have a
25 10:30, but I can do that at a break for the jury trial

1 roster for next week. I'm just meeting -- doing a quick
2 WebEx with two cases. That won't take me ten minutes.

3 If we're gonna meet at 9:00, I'm gonna tell this
4 jury not to come in probably until 10:00 because by the
5 time we go through jury charges, I go back and get them
6 printed, let the lawyers go through them again, it's
7 gonna be 10:00, and I hate to keep them waiting.

8 MR. WILLIAMS: Your Honor, that's fine with us.

9 THE COURT: Is that all right with the State?

10 MS. MAYES: Yes. Absolutely, Judge.

11 THE COURT: Okay.

12 All right. Well, let's bring the jury back in
13 then.

14 (Whereupon, the jury returns to the courtroom at
15 3:27 PM.)

16 THE COURT: All right. Mr. Foreman and ladies and
17 gentlemen of the jury, I just kind of want to -- I was
18 going over scheduling with the attorneys. I'm gonna
19 let you go for the day and what we're gonna do in the
20 morning is closing arguments and charging the jury and
21 then you-all will deliberate. Because both the State
22 and the defense, they have rested, so those are the
23 next parts to this trial, and there's some matters that
24 I'm gonna have to take up with the lawyers, and I don't
25 want to keep you-all wait ing unnecessarily in that jury

1 beginning at 10:56 AM.)

2 (Whereupon, a charge conference was held off the
3 record.)

4 (Back on the record at 10:56 AM.)

5 THE COURT: All right. I apologize, but I had a
6 status conference that I had to take care of real quick.

7 Is the State ready for closing arguments?

8 MS. MAYES: Yes, Your Honor.

9 THE COURT: The defense?

10 MR. WILLIAMS: I don't believe we have a copy of
11 the changes -- the changes to jury charges yet.

12 THE COURT: They're being printed. This is gonna
13 be my -- you need those before you do your closing?

14 MR. WILLIAMS: It would be hard to comment to the
15 jury what the law is --

16 THE COURT: Okay.

17 MR. WILLIAMS: -- because it may depend on what
18 goes in there.

19 THE COURT: Let me go get those printed for you
20 right quick --

21 MR. WILLIAMS: Thank you, Your Honor.

22 THE COURT: -- and I'll bring them back.

23 She was working on the changes.

24 (Pause in proceedings.)

25 THE COURT: All right. Are we ready for closings?

1 MS. MAYES: Yes, Your Honor.

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

3 THE COURT: All right. Let's bring the jury in.

4 (Whereupon, the jury enters the courtroom at
5 11:11 AM.)

6 THE COURT: All right. Good morning. Let me ask
7 everybody. I hope you had a good evening. Again, I
8 think I've asked you every morning, has anybody read
9 anything about this case? Have they seen anything on
10 social media, anything on TV, newspapers? Any kind of
11 social communication whatsoever? If so, please raise
12 your hand.

13 Okay. Is the State ready to proceed?

14 MS. MAYES: Yes, Your Honor.

15 May it please the Court?

16 THE COURT: Yes, ma'am.

17 MS. MAYES: Good morning.

18 Time will always reveal the truth. No matter what
19 efforts he took to conceal it, to hide it, to flee the
20 scene, time reveals the truth, and in this case it's the
21 evidence that lights the way. It's the evidence that
22 leads the path.

23 Now Your Honor will charge you in just a few
24 moments about the different types of evidence in this
25 case, direct evidence and circumstantial evidence. But

1 as Your Honor will charge you, both have equal value
2 under the law, direct evidence and circumstantial
3 evidence.

4 What do we mean by direct evidence? That's when
5 a witness sees something, hears something first-hand.
6 Direct evidence in this case, Nokia Tolen. Nokia Tolen
7 who sees him with that gun coming out of Lot 7 before
8 the first shot is even fired. Why? Why? Because all
9 that stuff you heard yesterday when the defendant
10 testified about how he just hears shots and he retrieves
11 a gun and he reacts, that's not the evidence in this
12 case, and this is not self-defense. This is mutual
13 combat. This is mutual willingness and participation
14 under the law. This was a planned shooting.

15 You know, there was a time when maybe two sides
16 have a beef and that beef would be resolved by fists.
17 Well, we're way past that now. Remember the testimony
18 from Nokia Tolen about how they ended up at Rocky Lane?
19 About when De Alewine had come by DJ's house and the
20 understanding was that the beef would be finished at
21 Rocky Lane. That wasn't gonna be a fistfight. If it
22 was a fistfight, they would have done it right there at
23 DJ's house. Nokia Tolen said they came to Rocky Lane.
24 That's his people. That's his people. Quayshaun Clark,
25 that's DJ's people. Those fourteen phone calls we saw

1 in that frantic sequence of events, that's not DJ just
2 asking Ace what he's doing tonight. It's are you
3 strapped? Are you strapped? That's all he needs to
4 know. And that beef is taken to Rocky Lane just like
5 they planned back at DJ's house.

6 And Nokia talks about how when he pulls in on
7 [REDACTED] Road heading into Rocky Lane he sees over at
8 Lot 15 and Lot 16 his younger cousin who's there for
9 that graduation party out in the middle of Lot 16 and
10 he tells him you need to get out of here, you need to get
11 out of here. He's not telling him to leave because this
12 is gonna be a fistfight. Nokia told you that Kay Norris
13 is already armed in that car.

14 So they get to Lot 7. He has a nine millimeter in
15 his glove box and he's got those guns in his car and
16 there ain't no question that DJ knows that. That's how
17 they end up at Rocky Lane. That's why he comes out with
18 that AK right behind DJ before the first shot is ever
19 fired.

20 That's why DJ goes walking, as they put it, running
21 his mouth towards Lot 16 where Kay Norris has already
22 gone and now comes back showing his gun. That's why DJ
23 goes off running his mouth, as they put it. He knew he
24 had backup. He didn't come out to Rocky Lane to not be
25 armed. That's where we are. That's where we are in the

1 summer of 2021 and it's not the old days anymore where
2 there used to be fistfights.

3 And across the way where Comilla and Shay are with
4 their babies -- Comilla and Shell are with their babies,
5 Minor , Princess, their sisters, in Lot 15 where they
6 absolutely should have been in that living room watching
7 TV.

8 Outside is about to be a war zone because De Alewine,
9 the one that's got the beef with DJ, he's now taken up
10 part of Lot 15 where he wants to take position. Where he
11 knows he's gonna have backup somewhere across the way
12 over there at Lot 16. They all know it's coming and as
13 you'll hear me discuss in a few more minutes, Hugo, Hugo
14 who also comes there obviously armed. As Nokia put it,
15 he's known to have that 22 revolver. Hugo gets there.
16 Hugo walks in front of Lot 7 and fires those first shots.
17 Kelly Conyers told you about that. He's firing in the
18 air, walking in circles, but it's what he's saying that's
19 most important, and Yamira told you what he said, "bust
20 bust", as he's firing in the air. He's setting it off.
21 Both sides fire. It's like a track meet where the referee
22 fires the gun in the air for the runners to leave their
23 blocks. "Bust, bust", then shots ring out.

24 When you look at the charges before you, murder,
25 possession of a weapon during the commission of a violent

1 crime, and discharging a firearm at or into a dwelling,
2 the timeline, as I touched briefly on a few moments ago,
3 Nokia picks up DJ and they're at that store in Monetta,
4 and that's where it all first begins.

5 Right there at that store there's a verbal
6 altercation between DJ and De Alewine. De Alewine is
7 in a car with someone named Var Pugh. DJ's in the car
8 with Nokia Tolen. They have words and then it takes
9 off to DJ's house. De Alewine comes by DJ's house.
10 Nokia Tolen's there, Kay Norris is there, and eventually
11 Hugo, DeCarlos Chatman, makes it there as well.

12 They spend about two and a half hours there at DJ's
13 house and you heard Nokia talk about what all occurs
14 while they're there at his house. They're drinking,
15 DJ's becoming more and more agitated, and this is when
16 he starts making all those calls to the defendant.

17 We know that back at Lot 7 the defendant is seen
18 on that Snapchat video with the guns in his trunk at
19 that point. 8:48 to 9:09. That's where we have that
20 series of calls, those frantic calls where DJ is
21 desperate to get in touch with Quayshaun Clark. He
22 calls the defendant, he sends a text to the defendant.
23 We know that the defendant makes at least one call back
24 that's a missed call, and then finally the answered call
25 at 9:09.

1 Now we know all that stuff has been deleted from
2 his phone. The texts, the call logs. He didn't want
3 anybody to see that or find that. Why? His testimony
4 yesterday was that when he gets that call from DJ he
5 just kind of puts the phone down and he doesn't really
6 listen. How ridiculous is that when there's already
7 evidence from the AT&T records that as DJ's trying
8 to reach him he tries to call him back. So this is
9 someone who's called him twelve, thirteen times. He
10 tries to call him back, but then when he finally takes
11 the call and answers the call he doesn't listen? He
12 knows what was said and he knows DJ's state of mind and
13 how agitated he was. DJ knows he's coming to Lot 7.

14 Next we see that Nokia also tells Hugo to meet at
15 Lot 7. We know that as Nokia, DJ and Kay Norris arrive,
16 Kay Norris is armed with a gun. We know from Kelly
17 Conyers that she sees Kay Norris walking towards Lot 16
18 with that gun. We know from Yamira Sackel she also sees
19 Kay Norris walking in the direction of Lot 16 with a gun.
20 He's got it out.

21 All witnesses, Kelly, Yamira, Nokia, testified that
22 DJ is angry, he's yelling towards Lot 15 and Lot 16.
23 He's not yelling at them under the assumption that if
24 they shoot he's gonna be empty handed. He's empowered
25 because he knows he's where he's supposed to be if he's

1 gonna have backup, and I submit to you DJ didn't come
2 that far to end up in that situation without being armed
3 himself.

4 Comilla Jackson, inside Lot 15 where she should have
5 been with Shell, with Minor , with the girls, she hears
6 something outside. As she goes to the door to check,
7 she calls out who's out there? De Alewine is who's out
8 there. She testified she knows that. She knows it was
9 him out there. She tells him to get out of her yard.
10 It is only seconds later as she walks back to take her
11 seat that the first shots ring out.

12 Nokia testified that when he observed DJ and the
13 defendant walk out of Lot 7, that the defendant's already
14 armed with a gun that he knows not to be a handgun. It's
15 long and black. DJ is walking forward towards Lot 16.

16 Kelly Conyers. Hugo fired the first shots while
17 standing in front of Lot 7. She knows it because she
18 saw the sparks from his gun. There's no doubt and it's
19 uncontroverted that the first shots were from Hugo.
20 Kelly saw that with her own eyes. Direct evidence.

21 Hugo is yelling out and as Yamira explained Hugo
22 is yelling out "bust, bust" as he's walking in circles,
23 firing in the air. Hugo is not gonna do that unless he
24 knows his side is armed. He's not gonna do that and
25 invite gunfire from 16 and engage in this mutual combat

1 unless he knows Lot 7 is armed as well. There's no way.
2 It's on.

3 Shots ring out, 10:34, and at 10:35 the first 9-1-1
4 call. Minutes after that first call was the 9-1-1 call
5 from Comilla Jackson.

6 Here, as we saw, is that gun bag in the trunk as
7 of 8:43, but we know it's gonna move. Here we see from
8 the defendant's viewpoint, from his car, either side of
9 his car or behind his car or in front of his car, he
10 knows what lies straight ahead. Lot 15, Lot 16, and
11 persons in between.

12 When we listen to the 9-1-1 call, take into account
13 the testimony you heard from Comilla that at the end
14 someone comes into Lot 15 while she's on the phone with
15 the dispatcher and she told you who that was. She yells
16 at him. She's irate, she's frantic, she's distraught.
17 Get out. Get out. It was De Alewine. De Alewine, one
18 of the targets. De Alewine who had the beef with DJ.
19 It started at the store and ended up at Rocky Lane.

20 (Whereupon, the 9-1-1 call was played for the
21 jury.)

22 MS. MAYES: From there, we know the path of that
23 bullet and we know whose bullet it is. We know it's
24 the 7.62 from that AK. We know it comes in from the
25 back side. That same back side we saw as his view if

1 he's shooting from his car area outside that car.
2 Whether it's behind the car, in front of the car, to
3 the left of the car, to the right of the car, he's
4 looking right at the back side of Lot 15. We know
5 that the bullet enters through the wall. From there
6 through another wall, into that refrigerator, out that
7 refrigerator.

8 You know, she did what any child would do in that
9 situation. She was under the covers in Comilla's bed
10 where a child should feel the most safe. She hears
11 those gunshots ring out, she hears the screams in the
12 living room, she comes out to her mommy, to her little
13 sister. She did the right thing. She picked the place
14 that looked safest to her in that whole house. It's
15 bigger than her. It's taller than her. It's a place
16 any child would hide. She's hiding.

17 We know from the position of that bullet that she
18 was ducked down. It's about three feet high. She's
19 five foot three. She still had that phone in her little
20 hand. We know the bullet, that bullet, one of fifteen
21 he'd fired out there at a minimum, steel-jacketed ammo,
22 makes it all the way through all of that and then through
23 her brain.

24 We look at all these casings out there at Lot 7
25 that we know are from that AK, fifteen of them. His car

1 we know from the Snapchat video is gonna be about right
2 here in front of those steps. Nokia talked about last
3 seeing him in the area of the steps but behind him and
4 then he hears the shots ring out. We know from the
5 positioning of these casings, I submit, he's moved
6 around, he's spraying bullets. 9 and 10 that we see
7 in orange, that's a 40 caliber. We know from the
8 testimony of Nokia Tolen that Kay Norris is already
9 armed when they arrive.

10 12, 13 and 14, that's the FN. Not that it might
11 be the FN. Right here. Not that it might be or that
12 it could be or that it's from a similar make and model
13 and not any other FN. It's that one.

14 Three casings found from that gun that SLED has
15 confirmed are also from the defendant's other weapon.
16 The weapon he tells us he has no idea who fired out
17 there. That's where we're gonna talk about the hand of
18 one is the hand of all.

19 There we see his fifteen rounds as they were
20 analyzed by the State Law Enforcement Division and known
21 to be a match to only three manufacturers' weapons. One
22 of them being the Palmetto State Armory AK-P7 that he
23 just happens to own. That gun's almost \$800.00. How
24 is it that it's disappear into the wind? How does an
25 \$800.00 gun disappear? It doesn't happen unless he

1 wants it to happen, unless he wants it to disappear.

2 So when we talk about self-defense and why
3 self-defense does not apply in this case, there are
4 many, many reasons, and I could be here all day I submit,
5 but self-defense is a valid law. Self-defense is the
6 law that our citizens need to rely on when we are in
7 jeopardy in our homes, in our daily lives, when we are
8 attacked. Self-defense is a valid law and it's there
9 to protect all of us, but that's not what this is.

10 To have self-defense, number one, the defendant
11 must be without fault in bringing on the difficulty.
12 He can't even -- there is no evidence whatsoever to
13 support that he is without fault other than what I
14 submit to you was his own self-serving testimony. The
15 State must disprove self-defense, that's our burden,
16 but I submit to you it doesn't apply because even the
17 first element is already disproved by the evidence on
18 the record.

19 This is mutual combat. Mutual willingness to
20 engage. He's already got that weapon out before the
21 first shot is fired. DJ is already armed. We know that
22 because Yamira saw him coming into Lot 7 during the
23 shootout trying to un-jam a weapon. Well, what weapon
24 did DJ have? Ask yourself that question. What weapon
25 did DJ have? Who had a nine millimeter in their glove

1 box that got -- mysteriously got used in his car, fired
2 multiple times and then mysteriously ends up right back
3 in his car, and he has no idea who handled it.

4 Number two and three, would a man of ordinary
5 prudence, firmness and courage act in this way? You
6 know, you heard the testimony of that Secret Service
7 agent, Agent Beeler, early in the case last week. He
8 has guarded presidents and vice presidents for over
9 twenty years. Multiple, multiple presidents during
10 his work for the Secret Service. And even when guarding
11 a president in imminent danger, you identify your target,
12 you take cover, you don't spray fifteen rounds in a
13 confined neighborhood where he knows that homes are
14 directly in the vicinity of his target. He's firing
15 at and into that dwelling intentionally and willingly
16 because he wants to hit anybody over there.

17 So number two and number three don't apply, but
18 as I stated we don't even get past number one. Number
19 one, bringing on the difficulty. It absolutely does
20 not apply when you are a mutual participant. When you
21 have willingly engaged in this shootout. We've got six
22 shooters out there and that's not counting Hugo who
23 fired into the air. We've got three shooters on Lot 16,
24 three shooters on Lot 7, and all of this goes down in
25 less than a minute. Everybody knew what was gonna happen

1 out there. That was the plan.

2 Now looking at the final factor, that the defendant
3 had no other probable means of avoiding the danger other
4 than to act as he did. Well, his testimony was that he
5 ran behind Lot 7. He ran behind Lot 7 and was back there
6 where he could run off into the woods, he could do a
7 semicircle around that mobile home. His testimony is
8 he's hiding out behind Lot 7 and then chooses to engage,
9 goes and gets his weapon. By his own testimony he can't
10 establish -- self-defense is not present. Let me put it
11 that way. By his own testimony, self-defense does not
12 apply.

13 Let's go back to number one. Is Quayshaun Clark
14 without fault in bringing on the difficulty or is
15 Quayshaun Clark a mutual participant in this shootout?

16 We know that he moves that AK that was first in
17 his trunk we saw on the Snapchat video. It's gonna end
18 up inside the car with him because Yamira sees him
19 handling it. Not in a bag. She sees it out because she
20 says she recognizes it as the AK on Fortnite. The AK on
21 Fortnite looks just like his AK-P7. He's handling it in
22 the car when she sees him.

23 Next, Nokia Tolen sees him walk out of Lot 7 with
24 DJ in front of him carrying the long black gun and
25 that's when DJ starts walking across, as witnesses put

1 it, yelling at the other side. Kay Norris is out there
2 somewhere. Kay Norris has already walked over to 16 and
3 come back. DJ's walking in that direction, as Nokia put
4 it, trying to figure out where he was going.

5 We know that the participants at Lot 7 instigated
6 it because Hugo fires first yelling "bust, bust". We
7 know that the defendant was already armed based on the
8 testimony of Nokia Tolen. We know that the defendant's
9 nine millimeter is used during the shootout. The nine
10 millimeter he testified yesterday he has no idea how
11 anybody got it out of the glove box and used it during
12 the crime and then put it back in his seat, but we know
13 he leaves the scene immediately. Immediately. Is that
14 credible?

15 The good thing about being jurors is that you get
16 to rely on your own common sense. That same common
17 sense that you rely on every single day when you do your
18 job, when you're at home with your families, when you're
19 raising your kids, you rely on that same common sense in
20 that jury room. That story is not credible.

21 After he flees the scene, we know that he deletes
22 all those calls and that text from DJ that he got on that
23 night. We know he ditches his car at Uncle Marvin's
24 house. We know he gets rid of his keys. We know that
25 the AK-P7 and the ammo, that TulAmmo that was used in

1 this crime, was never recovered. Never recovered. You
2 know, he held onto that FN nine. He gave that to Cousin
3 Wanda. He wasn't willing to get rid of that one. This
4 one, never found. I submit he knows already that's the
5 murder weapon. He's already heard from his girlfriend,
6 Tameakeo, who he left back at the scene by the way, he's
7 already heard a child has been killed. Out of all the
8 shots fired out there, I submit he already knows which
9 weapon did it and that it was him because he knows where
10 he was firing at. He knows what he was firing into.

11 So that gun ends up gone, he ditches his backpack
12 with Cousin Wanda that's got the FN nine millimeter and
13 the ammo in it, and now he's gonna relocate. He's got
14 his own house at [REDACTED] Academy Street with his girlfriend,
15 but he doesn't stay there. He's moved on now to Cousin
16 Nash's house. The same Cousin Nash that was with him
17 that night at Lot 7. The same cousin that he fled the
18 scene with. Two new phones are purchased and he switches
19 his account over to the phone he testified.

20 Then he's gonna have the three different statements
21 to the police. All misdirection. We know that he
22 waives his Miranda rights. He understood those rights.
23 You heard his date of birth. He was twenty-nine years
24 old, thirty years old now. He was twenty-nine years old
25 when he gave those statements to law enforcement. This

1 isn't just some kid.

2 He hears all his rights, he waives all his rights,
3 and then he makes those statements. Those ridiculous
4 statements that begin with well, I didn't shoot at all
5 and I don't know who did and I never saw any shooter.
6 That was one of the statements he made. Never saw any
7 shooter. Of course, he changed that yesterday. Then
8 it's gonna be I only fired the FN and then, of course,
9 later, well, I fired an AK, but I happened to find it
10 on the ground and then I left it there.

11 All of those statements you can consider when
12 evaluating his testimony yesterday. How many times has
13 that story changed and for what reasons? I submit
14 always to fit whatever evidence he feels he needs to
15 explain.

16 We know the calls are deleted. We know when that
17 car's searched the AK's missing. We know at Wanda's
18 house there's the FN. He's already repackaged it. He
19 says the magazine was dry in it, too. How many shots
20 were fired out there from that FN? Three casings were
21 recovered, but who knows how many shots were fired out
22 there.

23 There we see that little red box. That is the
24 GFL nine millimeter ammo. The same GFL ammo that was
25 recovered from the crime scene that we see here. These

1 three fired casings all match this gun. Then at Spring
2 Hill where he's arrested, what happens there? The
3 girlfriend's purse, his phone's in it, but also in her
4 purse, two more fired casings from that same FN nine
5 millimeter with that same headstamp, the GFL.

6 So we know when he left Tameakeo was still there
7 at Lot 7. We know -- how many calls did we see yesterday
8 that Detective Zylstra went through where he's calling
9 Tameakeo after the crime, he's finding out a child's
10 been killed? He's finding out all these details about
11 it, but she's still there. What's going on there?

12 Let's go back to Yamira Sackel's testimony that
13 during the gun battle when she is inside Lot 7 with
14 children that DJ, another co-combatant in this shootout,
15 he tries to enter because he's got a gun, but it was
16 jammed. She said they pushed him out, wouldn't let
17 him in.

18 So a nine millimeter, specifically this nine
19 millimeter, fired those rounds. They end up in her
20 purse two days later. I submit there is evidence to
21 believe those were picked up from the scene by Tameakeo.
22 He could have dropped them there at the doorway when
23 he's trying to un-jam that gun, could have dropped them
24 right there on the steps when he's trying to un-jam that
25 gun, but whoever fired this gun out at the scene and left

1 brass behind, it ends up in Tameakeo's purse I submit.

2 And there we see from SLED the analysis they did
3 on those two rounds from her purse, those two fired
4 casings, that also match this very same weapon.

5 All right. The statements to the police, we already
6 talked about that, but what is significant is that each
7 time it changes in a way to benefit Quayshaun Clark.

8 And now we see the lot diagram. You'll have this
9 back in your jury room. I realize it may not be as easy
10 to depict here, but it's gonna show you all three lots.
11 Lot 7, Lot 16, and right here at the corner, Lot 15.

12 So back at Lot 7 we have all fifteen in red of the
13 fired casings of the 7.62 AK that Quayshaun Clark used,
14 that he admits he used. Those three in purple, those
15 are the three fired casings that we know were fired by
16 that gun right there. The FN nine millimeter that also
17 belongs to Quayshaun Clark and ended up back in his car
18 just as he's fleeing the scene.

19 Then over here we have 9 and 10 in orange. That is
20 from a 40 caliber weapon with the mystery shooter, but
21 as we know the testimony is that Kay Norris was already
22 armed before they even got to Lot 7. They weren't going
23 over there unarmed.

24 We know from the testimony of Nokia Tolen that Hugo
25 would have been about right here when the first shots

1 are fired and that Hugo carries a 22 revolver that's not
2 gonna leave casings. Here at Lot 16 we have multiple
3 rounds that are fired by a nine millimeter gun that's
4 not the FN, a completely different nine millimeter gun.
5 Over here in purple you see a number 11 beside a Dodge
6 car. That number 11 is a projectile. That projectile,
7 as testified to by the SLED agent, is a match to that
8 gun. So when that gun's fired at the scene, we know
9 that gun's not the one that's being fired in the air
10 because at least one of the projectiles ends up right
11 over here in this vehicle. That projectile that hits
12 Kelly Conyers' car, that Dodge, was fired by the FN.

13 Over here we have one round from a 380 and then
14 here, this grouping here, are five 40 caliber fired
15 casings, another mystery shooter and another mystery
16 gun, but let's go back to the testimony and statement
17 of Comilla Jackson.

18 Right before the shooting started, Comilla opened
19 this door and she looks out and she calls "Who's out
20 there", and she identifies De Alewine as being the
21 person right here in this area. There we have five
22 fired casings from another unrecovered gun.

23 This is an unrecovered gun. I submit the only gun
24 recovered in this case that is a match to any firearm
25 is this one right here, the ones fired by the FN. Yet

1 we know through science and technology and through the
2 State Law Enforcement Division that those fifteen rounds
3 here are all from the AK, 7.62, the same gun that fired
4 the bullet that killed Minor .

5 So looking here we have targets here, we have
6 targets here. Whoever is shooting this gun, that we
7 now know to be Quayshaun Clark by his own admission,
8 shooting at these targets regardless of the fact that
9 he is shooting at and into a dwelling that he can see.
10 This shooter, I submit, is using Lot 15 as a barricade.
11 Quayshaun Clark continues to fire at and into that
12 dwelling, firing at everyone and everything.

13 Intent can be inferred by the conduct and the
14 actions and the evidence. Here, there's no other way.
15 We can't get inside someone's mind any other way than
16 through their actions and their conduct. Here, to hit
17 that home as many times as it's hit, eight different
18 entry defects, and as they're entering we have no idea
19 how many are exiting or where they're going because
20 they weren't able recover any more than two; one from
21 inside Minor 's head, the other being a steel fragment
22 found on the master bathroom floor, but that steel
23 fragment had to have come from his gun, from that AK,
24 because as you heard Agent Eichenmiller explain, out of
25 all the ammunition in this case, out of every single

1 casing that was recovered, the only ammunition with a
2 steel jacket or a steel component was that TulAmmo 7.62
3 round used by the defendant. So we know he got at least
4 two shots in there and we know there's six more, but
5 knowing where he's firing from and in that direction
6 there is certainly evidence that all eight are from him,
7 but it only takes one.

8 Going back to this, I want to talk a little bit
9 about the audio. You heard the audio and we're gonna
10 listen to it again. When you're considering the
11 defendant's statement that he testified to yesterday
12 that he's in his car and hears gunshots in front of him,
13 which the evidence shows is Hugo, that he hears gunshots
14 and he then gets out of his car and goes behind his car.
15 He goes from behind his car to behind Lot 7 for what
16 he testified felt like a long time. Then he testified
17 that he comes back out and retrieves his weapon from his
18 car and then has to come out and take position to shoot.

19 So when you listen to this audio, again, you get
20 to rely on your own common sense as jurors and your own
21 every day experience, including your own every day
22 experience with firearms. We have multiple guns fired,
23 we have multiple pistol sounds, and we have one gun that
24 is much louder than the other guns, so you take that and
25 give it whatever weight you can give it based on your

1 own experience and your own knowledge.

2 So when we hear that loud gun, it's twelve seconds
3 in. It's twelve seconds from when Hugo fires the very
4 first shot. Yamira says Hugo fires four to five shots,
5 but it's twelve seconds in. If it's twelve seconds in,
6 how in the world would the defendant have had time to
7 get out of his car, go behind here, take cover behind
8 Lot 7, stay back there and then decide to come back,
9 retrieve his weapon and engage? It didn't happen. It
10 didn't happen. That audio alone is corroboration of
11 what Nokia Tolen described, that he's already armed when
12 he comes out.

13 We're gonna listen to that now.

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

15 MS. MAYES: Six shooters plus Hugo.

16 There we see the point of entry.

17 Momentarily, the judge will charge you on the
18 law of South Carolina. It's gonna include the law on
19 murder, but before we get there, hand of one is the
20 hand of all. This is the law of South Carolina. If a
21 crime is committed by two or more people who are acting
22 together in commission of the crime, the act of one is
23 the act of all. Three shooters, three co-combat ants at
24 Lot 7. The act of one is the act of all. It's his gun
25 that takes that baby's life.

1 Murder, the killing of a person, proven beyond a
2 reasonable doubt, with malice aforethought, either
3 expressed or implied.

4 So what do we mean by malice? When we talk about
5 malice, as the judge will charge you, it's important
6 to note that malice doesn't require any period of
7 premeditation. This isn't like you might see on TV
8 where somebody plots and plans a murder before it's
9 carried out. That's not the law of South Carolina on
10 murder.

11 Malice aforethought means there is ill will or
12 hostility just before and at the time the trigger is
13 pulled. It can be one second, but if ill will and
14 hostility exists when the trigger is pulled, that is
15 malice.

16 I submit there is sufficient evidence in this case
17 knowing that he's armed, knowing that this is a planned
18 shootout, that if he had only fired one bullet and that
19 bullet enters that home and takes Minor 's life, that
20 is malice aforethought, but it's not one bullet or two
21 or three or four or five. It's fifteen. Over and over
22 and over again he has the intent and the mindset to fire
23 that gun and he knows where he's firing it.

24 Malice can also include conduct showing a total
25 disregard for human life. There can be no greater

1 manifestation of malice in the form of total disregard
2 for human life than this. Twenty homes at Rocky Lane.
3 Twenty homes less than a football field apart is Lot 7
4 from where he is. Fifteen rounds go out. A total
5 disregard for human life and the safety of those moms,
6 those children, those families in their own homes where
7 they should have been. All those other things you can
8 also consider as evidence of malice; that he fled the
9 scene, that he concealed evidence, but it goes back to
10 this.

11 Those are the charges before you. Murder. I
12 submit the State has proven beyond a reasonable doubt
13 murder with malice aforethought that can accompany the
14 pulling of the trigger even one time. Over and over
15 and over again. Malice with a total disregard for human
16 life.

17 Discharging a firearm into a dwelling. That statute
18 is at or into a dwelling. Under the law it does not
19 matter that he had the intention to kill others and
20 ends up killing Minor . That's called transferred
21 intent and under the law if you commit a murder and
22 you're shooting at A, but your bullet ends up killing
23 an innocent bystander, person B, you are responsible
24 under the law for the murder of person B, an innocent
25 bystander. In this case a child where she should have

1 been.

2 You know, there's nothing that we can do in this
3 courtroom to change the past. The past can't be undone.
4 It's too late for Minor . It's too late for her dreams
5 to be accomplished. It's too late for her life to be
6 lived. She should be out there right now in this summer
7 heat. She should be with her little sister right now,
8 and she's not. And there's nothing about her murder that
9 can be changed. It's too late to save Minor , but it
10 is not too late, it's never too late, for justice. It's
11 never too late. When he fled that scene and got rid of
12 that weapon, I submit to you his intent was to escape
13 justice, but it's not too late. He can't escape.

14 In a humane world, this cannot be tolerated. This
15 will not be tolerated in our community. They knew what
16 they came out there for. He made that choice to
17 participate in this. They were gonna make a statement.
18 Lot 7 and Lot 16 were gonna make a statement. They were
19 gonna shoot it out, and they did, and it's murder. It
20 is murder. Call it what it is. It's murder.

21 Thank you.

22 THE COURT: Thank you, Ms. Mayes.

23 MR. WILLIAMS: May it please the Court?

24 THE COURT: Mr. Williams.

25 MR. WILLIAMS: You know, I'm not gonna be real

1 dramatic about a lot of stuff. This is dramatic enough.
2 And when the solicitor stood up here and said something
3 about time, I thought somebody had been looking at my
4 -- my notes of what I was gonna say. I said how in the
5 world could she do that because I just kind of made it
6 up this morning, but it must be some -- some thing
7 that is telling both sides to talk about time because
8 I actually thought about it when they released you
9 the other day because I -- I feel certain that the
10 length of this trial probably has had a lot of you
11 individuals and jurors -- and I say jurors, you're not
12 just individuals, but you are individuals and you are
13 jurors -- thinking that we're wasting your time.

14 You know, as you get older, you think more and
15 more about time. I know I do. I think about things
16 that used to happen in the past, things you could change
17 or wish you could change, but in this particular case, I
18 noted time in many different ways. You know, this --
19 we thought -- I thought -- I thought we were gonna be
20 arguing this case right after July the 4th holiday.
21 That would have been timely, very timely, because I
22 also thought about what July the 4th meant.

23 The judge made some comments to you-all when
24 you-all were first chosen, and you were chosen. It's
25 not a penalty. You're not being punished. You haven't

1 done anything wrong other than maybe having a driver's
2 license and voting, but what you individuals are doing,
3 you jurors are doing, is you're doing a public service.
4 It's eating into your time. It's taking you away from
5 what you want to do. Some of you may have been in the
6 military. I remember some time at Fort Bragg and Fort
7 Benning. And you may have thought during those time
8 periods that you were wasting your time. I'll tell you
9 as I get older that everything we do in our life is
10 normally not wasting time because we learn something
11 from it. And we're at a time now where things such as
12 guns going off, people getting shot, it's kind of like
13 a political decision, if you will, so it's timely.

14 It's timely, but the thing I want every one of you
15 to remember is that you have not wasted your time here
16 today. We thank you for coming and we want you to take
17 your time in making a decision.

18 You know, every time the judge had somebody leave,
19 she would say -- or somebody had -- some attorney had
20 to take a few minutes or begging the Court's indulgence
21 or something like that, she very cleverly said -- and
22 I guess I can call her "she". She is a judge, but Her
23 Honor would say "take your time" because you need --
24 everybody needs to take their time. They don't need to
25 rush into decisions such as this.

1 Now in this particular case, timing is most
2 important when you talk about what was done. You know,
3 before you can make decisions about what transpired,
4 you have to have a full plate to look at. You have to
5 know exactly what is going on. This particular case,
6 it didn't work out that well. We had -- we had some
7 time problems. We had Batesburg-Leesville who gets
8 there before anybody else, and that's a good thing. I
9 live in Batesburg. I'm glad they went out there to
10 help out, but they get there. And the reason why that
11 is important is because these are first responders.
12 These are people who see the condition of everything
13 before anybody else gets there in law enforcement.

14 There were at least two squad cars that were
15 called out there. I'd be willing to bet you-all never
16 heard from any of those officers who came out there,
17 none of them, and that's important because everything
18 that you base your decision on -- most of everything
19 you're basing your decision on has to do with the
20 location of shells. It has to do with where you find the
21 shells, what they match up to, which witnesses are talked
22 to, that type of thing. None of those individuals who
23 came out there from Batesburg-Leesville have testified.
24 And you probably are saying well, I wonder why not?
25 That's because, I don't know, we didn't hear it.

1 But you know who has the burden of proof in a
2 criminal case? It's not the defendant. The defendant
3 sits over here and has nothing to say except for what
4 he's testified to. He doesn't have to say anything, but
5 he has in this particular case testified to something.

6 In this particular case, those individuals would be
7 important because we've learned that the tape didn't go
8 up for an extended period of time. We also learned that
9 many people have not come forward. That's essentially
10 what happened in this particular case. Many people did
11 not come forward. You have one individual that is
12 essentially being tried for the wrongs of others.

13 You know, I'll call her Anna, my co-counsel, made
14 a statement in the opening of this case and she said that
15 the people who are responsible are not in this courtroom,
16 and I think that's a pretty accurate statement as you've
17 watched all this thing develop.

18 Essentially, you've got my client over here who's
19 being punished or at least being tried for everybody
20 else's wrongdoings. He knows what he did. You know
21 how I know he knows what he did? I look up at this.
22 If someone shoots at you and you shoot back and somebody
23 dies and people say you did it, what to do?

24 So let's look at that individual. We know how old
25 he is. He was twenty-nine at the time. We know that he

1 was living over in Batesburg with his girlfriend, had a
2 four-year-old daughter -- the two of them have a
3 four-year-old daughter, and he also had another daughter
4 by another young lady, and the interesting thing about
5 that is that he works, he raises puppies, and he never
6 would put his guns in the house, and the reason he
7 wouldn't put his guns in the house is because he didn't
8 want his child around those. That doesn't really fit
9 with some guy who's gonna bring a bunch of guns and
10 shoot it out when he's got his cousins that are behind
11 him in Lot 7 and he's got his children's cousins, because
12 they're all cousins, right behind him. Does that sound
13 like somebody who's gonna do something like that? No.
14 That doesn't make any sense.

15 So let me take you down through what the witnesses
16 have said because that's all you really have in this
17 particular case is whatever evidence has been presented.
18 You're not left to speculate on whether or not my client
19 is guilty or not guilty based on anything. You have to
20 base it on what the evidence is. It doesn't matter what
21 the solicitor says, it doesn't matter what I say because
22 that's not evidence, and the judge will instruct you on
23 that.

24 The first thing you hear is a 9-1-1 call with
25 Nikki Rogers and she gives you a timeline as we've heard,

1 and it's like 10:35 PM. The first officer that comes out
2 there is Ben Strock. Now Ben Strock did the sweep on
3 Lot 16, and what's interesting, even -- even after law
4 enforcement gets there, even after law enforcement gets
5 there, the cell phone that was found in that child's
6 hand is somehow now moved out of her hand, so stuff is
7 getting moved before law enforcement gets there. Nobody
8 knows who moved it. I don't say that to be demeaning in
9 the -- in the death of that poor child, but somebody's
10 got to be watching the scene.

11 The other items that you have seen, and I'm just
12 gonna pull them out so that you can add them all up
13 because, as you can see, you have a mountain of evidence.

14 There's State's 66, which is basically a photograph
15 which shows that at 11:14 crime scene tape had not been
16 completely put up. What happened was they come to that
17 first lot, which you want people to do, to go to the
18 area where the child was shot, and once they secured
19 that area then they realized that those two areas,
20 15 and 16, was where the activity was and then at some
21 point in time it moves to Lot 7.

22 So you expect the crime scene not to be complete,
23 but throughout this entire case you've heard question
24 after question after question after question about crime
25 scene tape, and you probably were getting a little sick

1 and tired about the crime scene tape, but what that is
2 doing is that those people are trampling up the crime
3 scene, you're getting bullet shells that are being moved
4 around, you have no idea where these are supposed to be.

5 You heard Strock testify that when cars run down
6 the road, it moves the shells, and the reason why that
7 is important is you probably heard the solicitor keep
8 talking about whether or not the aggressors would come
9 there across the road or not come there across the road,
10 and she spent some time showing you this handwritten --
11 or hand-drawn document from my client, and then she would
12 show it up here showing where the V is or whatever.

13 Well, the problem is, is that when you've got cars
14 going down the road, they move the shells. Strock told
15 you that. So that's probably why you were told about
16 where it's located at because you've since learned about
17 this particular area, it's one way in and one way out.
18 You go out here to [REDACTED] Drive. You go to the left to
19 391, you go to the right and you go to -- strike that.
20 I have to look the way it is. You go to the left, you
21 go to 178; go to the right and it goes to 391.

22 Now you'll note I just did something in front of
23 you-all, which you'll say what in the world did he just
24 do? Throughout this entire trial we've watched that Y
25 go backwards and forwards. You see it one way. I know

1 many of you noticed that. You were focusing your eyes
2 and trying to figure out where Lot 7 was. If you look
3 at it one way, then you'd have it down here at the
4 bottom and then you would see the other way you would
5 have it at the top. As you go into the area, you've got
6 Lot 15 and 16 on the left-hand side and up at the top
7 you've got Lot 7.

8 There's been a lot of movement around with
9 photographs. Everybody wants this make this thing fit
10 into some little nice package and there's no nice package
11 here. My client has admitted to what he's done. He's
12 admitted that he shot this AK gun and the solicitor and
13 the State is trying to prove that all the shots were
14 made at that location going to Lot 15. That's what she's
15 trying to show, but you've since learned that there are
16 at least six pistols and one of the things that you've
17 heard from law enforcement is that we only have one
18 person, but we're actively, actively, trying to get the
19 rest of them. They tell you that they've charged one
20 guy. They've charged Hugo and Hugo is charged with
21 unlawful possession of a pistol -- no, I'm sorry. Yeah.
22 It was a pistol. And remember when we had the officer
23 on the stand and we asked him well, what kind of pistol
24 did you recover? He said well, we didn't really have a
25 pistol. We had somebody that said that he was firing.

1 This Hugo thing is like a red herring. The only
2 way that the solicitor's theory works in this particular
3 case is if you believe that Hugo had a 22 caliber pistol.
4 Think about that because remember he supposedly was on
5 the corner of the trailer. There were no shells around
6 the corner of the trailer. So the solicitor says well,
7 it must be a 22 caliber revolver, and the reason why it
8 has to be a revolver is because if it's a revolver all
9 the shells stay inside the gun. Have you seen the
10 22 caliber revolver? No. Have you seen where he
11 purchased a 22 caliber revolver? No. Have you heard
12 any witness testify that it sounded like a 22 caliber
13 pistol? No. Oh, yeah. This is -- this is just made
14 up.

15 Do you know where the 22 caliber revolver comes
16 in? There's only one person that has said anything
17 about a 22 caliber revolver. Nokia Tolen. Go back
18 through your notes. Think about that. Nokia Tolen is
19 the only one to mention a 22 caliber revolver because
20 they don't have the gun, they don't have the shells,
21 they don't have anywhere where it was purchased. The
22 reason why it's got to be this way is because the State
23 has to prove that somebody at Lot 7 brought this on and
24 that somehow there's a connection between Hugo and my
25 client. You got to do it.

1 So let's talk about the individual who says that
2 -- brings up the 22 caliber. Oh, yeah. You know the
3 person who's bringing this whole train going down is
4 Nokia Tolen. Nokia Tolen. What do we know about Nokia
5 Tolen? We know that Nokia Tolen is somebody who just
6 got out of jail after doing a 15-year sentence for
7 burglary second, a violent offense, and Nokia is driving
8 down the road and he sees Donald Jackson on the side of
9 the road, picks him up and he drives Donald Jackson to
10 Highway Number 1 in Batesburg over by the grocery store
11 and gets -- and gets some money out of the -- I guess
12 out of the money machine there. Goes to Bethlehem.
13 He's not going on a religious task, but he goes to
14 Bethlehem. He goes inside -- Donald Jackson goes inside
15 the house. I don't know what he's doing by going inside
16 the house, but he goes inside the house and he gets
17 something, comes back out. Then we know that Donald
18 Jackson goes up to Monetta and gets into some sort of
19 altercation with De Alewine and Mr. Pugh, and because
20 Nokia Tolen is concerned about what is gonna happen, he
21 says well, I'll go over and I'll talk to Var Pugh, and
22 he talks to Var Pugh and nothing's resolved there.

23 I mean, this is the theory. This is the theory of
24 the State. Then they go back to Donald Jackson's house
25 and wait around there and then pick up Kay Norris and

1 then Mr. Tolen calls Hugo and tells him to go down to
2 the trailer place.

3 Now you probably heard me ask him, I mean, is that
4 -- is that what you do? You just invite yourself to a
5 party? He said that's the way we do it in the hood -- I
6 mean, the neighborhood. That's what we do. He wasn't
7 invited. Who is the one person that brings this all
8 about? If you think about it, who is the person who
9 brings all of this about? This Mr. Tolen. Nokia Tolen.

10 So he takes Kay Norris, he takes Donald Jackson,
11 and he comes down there, and when he gets down there,
12 then they find -- at some point in time Hugo, I guess,
13 shows up, but when he pulls into the trailer park he
14 sees his cousin over there, Demontrell Wigfall, and he
15 tells his cousin you-all need to leave.

16 Do you remember how I kind of got on him when I
17 was cross-examining him and I asked him, I said wait a
18 minute, you told him to leave, why didn't you just turn
19 around and go? He brought the trouble there. You talk
20 about self-defense or who brought the problem on, well,
21 it's Mr. Tolen. So Mr. Tolen brings the problem on and
22 then he happens to be the only one, the only one, who
23 sees Quayshaun coming after Donald Jackson after he gets
24 in the trailer and then allegedly fires after Hugo fires
25 the gun.

1 Now you say well, that was very kind of him, he's
2 such a good citizen that he'd do that. Well, you forget
3 the reason why he's -- part of the reason he may be
4 doing that is that he picked up a gun, threw it in the
5 back of a truck, comes back the next day, the gun is
6 wrapped up in a paper bag and a plastic bag, and then
7 he turns it into the police. Now I don't know about
8 you, but, you know, there's probably something wrong
9 with picking up evidence. There's something wrong maybe
10 about even possessing a gun if you're a convicted felon,
11 but once you turn that into police, then he all of a
12 sudden wants to cooperate.

13 Now you -- you heard how he was on the night of the
14 shooting. You could say he was drunk. He didn't know
15 if it was Donald Jackson or Donald Jeffcoat. I guess it
16 could have been -- it could have been -- it could have
17 been Mickey -- Mickey Mouse, I don't know, but he -- but
18 he didn't even know his own person -- his kinfolk that
19 he picked up. He's holding a beer in his hand and he
20 doesn't even mention -- he doesn't even mention my
21 client, Quayshaun, and now all of a sudden all this is
22 coming out.

23 My client's following Donald Jackson, he's firing
24 a gun, you've got Hugo out there. I guess you're
25 probably getting an idea about kind of what I'm pointing

1 to is that everybody just wants to put this in some tight
2 circle and say that well, we've got one guy, we've got
3 Quayshaun over there, so let's just charge him with the
4 murder.

5 Comilla Jackson, we heard her talked about. Talking
6 about that -- the fact that she told Gilliam that her
7 brother was afraid of Var Pugh. You want to know what
8 the back story is on this, don't you? You want to know
9 who all these people are with the back story on them.
10 Why is everybody afraid?

11 The other thing that's interesting is she starts
12 talking about that -- is that her brother comes in before
13 the shooting. The shooting starts and then the brother
14 tries to come into her house. She's also the one for
15 some reason that said that the door that was -- had the
16 ding on it, the door allegedly made a ding on the wall,
17 that when the investigator came in there they said it
18 was actually an entrance -- an entrance shot or a defect
19 in the wall. She kept saying, oh, no, that's been there.
20 That's been there. I don't know why people are not
21 consistent when it comes to that, but, I mean, that's
22 what she said.

23 But the more interesting thing that she said was
24 that when she first reported it she heard the shots
25 behind her trailer. There was somebody on foot coming

1 around the trailer. Well, if those shots are going off
2 there, they're not going off down at Trailer Number 7,
3 so whoever is firing the first shots is not firing from
4 Number 7, and that's what she said.

5 You see, all this stuff is just -- it's like a
6 mishmash of things. You have Kelly Conyers. She never
7 saw a gun in Quayshaun's hands, only in the trunk of
8 the car. You heard Ms. Sackel who talked about the red
9 car that had Hugo in it. You know, it seems like if
10 people are gonna say that Quayshaun was in Lot 7 and
11 went inside the trailer and if he had to leave that
12 you'd bring those people who were inside the trailer to
13 testify about that, but they don't.

14 I've heard some comparisons about the Secret
15 Service individual. The thing about his statements --
16 you see, all of this is built on that Quayshaun lied,
17 tried to cover up, didn't do what he was supposed to
18 do. The one thing he was consistent about was that
19 when he talked about shooting he was talking about
20 someone who was a threat to him. Now, see, obviously
21 that goes to self-defense.

22 I'm trying to avoid all of the repetition of things
23 in here because we know that my client shot a gun. We
24 know that. The key is was it in self-defense or not?
25 Every time I hear something going on, I hear about all

1 these other people that did this and did that. You know,
2 there's actually a list of names that was read out in
3 the midst of all this about who the major people were
4 or the ones they were interested in, and I believe the
5 three major investi -- the three major people that they
6 were interested in was Quayshaun Clark, Mr. Chatman,
7 Hugo Chatman, and Demontrell Wigfall. That's the ones
8 that they did the DNA on. Remember, they did the DNA
9 on that and then when Carleisha Gilliam was on the stand
10 she was questioned about whether or not she had applied
11 -- or they had checked the DNA on the FN because, you
12 see, now -- now to hook my client in as being part of the
13 gang that was doing the shooting, you have to hook him
14 into the FN, and they didn't do the testing on the gun.
15 Well, the reason they didn't do the testing on the gun
16 was because it's his gun, but if they had done the DNA
17 testing on the gun, you know what it might have shown?
18 It might have shown who was the last person to have
19 fired the gun.

20 Everywhere you look in this case there is the lack
21 of information that you would actually look for. You
22 remember when Carleisha Gilliam was on the stand she
23 didn't want to answer anything basically. She couldn't
24 remember this, couldn't remember that.

25 Do you remember the list of people that they had

1 issued search warrants on? Let's see if I can find
2 that list for you because -- let's see. There was
3 Carlos, there was DJ, there was Nash Smith, there was
4 Kay Norris, there was Don Johnson, there was De Alewine,
5 there was Var Pugh, there was Deterious Jackson. Who
6 are all those people? Who did they issue search warrants
7 on on their Facebook to indicate whether or not they
8 talked about things, to see whether or not they had
9 talked about things, to see whether they had talked
10 about things together? See, now we're trying to hook
11 the whole thing up with cell phones, so we're saying
12 that my client communicated with at least DJ to set this
13 -- to be part of this thing that happened because there
14 were fourteen phone calls from DJ and this information
15 got erased or something like that. Well, you know, if
16 you call somebody fourteen times, you're not wanting to
17 talk to him. Does that fit more in line with a person
18 -- with my client saying he didn't want to talk to him
19 because he had taken a gun and tried to do something
20 with the family about a week earlier? A problem in the
21 family. He didn't want to talk to DJ. Nobody wanted
22 DJ down there. So who is instig ator of this whole thing?

23 I still keep going back to some things which I
24 know did not appear to make a whole lot of sense, but I
25 had the -- we had the gunshots being sounded and I asked

1 him whether or not he'd done any acoustical evaluation.
2 I brought up John Kennedy and everybody thought well,
3 that's an idiot talking about John Kennedy. Well, you
4 know, the correlations kind of just keep going. You
5 know, there was a magic bullet theory in that particular
6 case to where it ended up killing Kennedy and shooting
7 John Connally. Well, in this case we have a magic bullet,
8 but that magic bullet in this particular case indicates
9 that this child was not the object of any shot, was not
10 the objective of any shot. It was an accident. If you
11 listened to Quayshaun testify, he testified that he was
12 shooting and -- at some guy who was attacking him coming
13 across the road and he fired, what, fifteen shots and he
14 testified he saw the dirt coming up off of the road.
15 There's no malice there. He was just trying to stop the
16 guy from advancing.

17 Put yourself in -- well, don't put yourself in his
18 place, but think about this. He's there, he's sitting
19 in his car messing with his jukebox or his -- his music
20 and then the next thing he has is a bunch of people who
21 are shooting at him, shooting at his cousins. I mean,
22 what does one do? If you have a gun, what do you do?
23 Well, you've already learned that bullets can go through
24 walls, can go through trailers, so you try to stop
25 someone from trying to shoot yourself or somebody else.

1 You know, I wish we had the crime scene log. That
2 would help you out a lot. That would show you who had
3 actually shown up and what time they showed up. I wish
4 we had any of the people who allegedly were there so
5 they could testify about what happened. I wish we had
6 the cell phone records that indicate that any of these
7 people had any kind of contact with my client. I wish
8 we had any of these people to say that they had any
9 contact with my client.

10 I think what I'm stuck with representing is some
11 young guy who had a graduation ceremony with his cousin
12 and somebody attacks and then he tries to defend himself
13 and other people, then he gets scared and leaves his --
14 leaves his weapon in his car, gets on the Internet or
15 his girlfriend, one of the two of them, and he's starts
16 trying to find out if someone shoots at you and you
17 shoot back and someone dies and people say you did it,
18 what do you do? Isn't that the clearest example of
19 self-defense?

20 Remember, the shots have to start with Hugo before
21 my client can be guilty. The shots have to be from
22 the 22 caliber pistol before you convict my client.
23 You have to have some sort of evidence of an agreement
24 between all of these people before you convict my
25 client, and you must be convinced of all this beyond

1 a reasonable doubt. That's kind of the short answer
2 because my client, I think, clearly was afraid for his
3 life. He took whatever types of protection that he could
4 do and that is to stop the threat from coming. That's
5 what a reasonable person would do and he certainly didn't
6 intend on shooting the little girl. He's got one. Got
7 two of them. A father wouldn't do that.

8 I thank you for your time and I appreciate you --
9 this was a very long and involved case and I want you
10 to take time when you deliberate and make your decisions
11 and, you know, what you're doing here is you're keeping
12 a tradition available for the rest of us. You're
13 keeping the jury system available for us. I know there
14 have been a lot of things going on in this world where
15 you wonder if it's gonna exist in the future, but you're
16 doing that for us. I am hopeful that you take your
17 job as serious as you should because without you-all
18 we would -- we're just gonna fall over.

19 Thank you so much. Make them prove their case
20 beyond a reasonable doubt.

21 Thank you.

22 THE COURT: Thank you, Mr. Williams.

23 Ms. Mayes.

24 MS. MAYES: Thank you, Your Honor.

25 May it please the Court?

1 THE COURT: Yes, ma'am.

2 MS. MAYES: And this reply will be brief, but when
3 we talk about proving the case beyond a reasonable doubt,
4 that is a burden that the State accepts and welcomes.
5 That search that he just showed you, well, we already
6 know that's the girlfriend's search not just because
7 it's her phone, she's the only one that had access to
8 her phone, and she was searching all that other stuff
9 that helped him out. What to do if somebody says you
10 killed somebody? Looking up all the articles about
11 Minor being killed in the news. Looking up how to
12 get GSR out of hair. Do you remember what I asked him
13 yesterday? Those searches on your girlfriend's phone,
14 did you do any of those? No. No. No. No. He was
15 absolutely clear. Again, this is misdirection. His
16 own sworn testimony, those searches were done by
17 Tameakeo, and he doesn't even have access to her phone.

18 But going back to that crime scene, she was inside,
19 still at Lot 7 after he's gone. She's the one that gets
20 word. She knows the police are out there. She's the
21 one that gets the news that Minor been killed. She's
22 the one who starts working with him right then to help
23 get him out of this. She's the one who has the two
24 casings from that gun that somehow end up in her purse
25 from the crime scene.

1 All of that aside, let's talk about Nokia. I do
2 feel compelled when we talk about Nokia to address his
3 role in this. He took them there knowing this was
4 gonna happen. He did. I think the evidence is clear
5 on that I submit. It's clear from the time he pulls up
6 and warns his cousin you need to get out of here. It's
7 clear from when they've already made the decision they're
8 gonna meet back and settle this beef at Rocky Lane. And
9 why Rocky Lane? Because that's where DJ's people are,
10 that's where Clark will be. That's where Kay Norris
11 brings the gun and that's where they ask Hugo to come.

12 Let's not pretend this is anything other than what
13 it is. Everybody knew. Everybody knew, including him,
14 when he moved that gun out of his car. When he's already
15 got it in his hands and he comes out right -- he's right
16 behind DJ, and DJ takes off. When Kay Norris goes over
17 to Lot 16, shows his gun and comes back, they already
18 know that's the one.

19 So why did Nokia Tolen come forward? I think
20 defense counsel just told you that so many people
21 didn't. You heard yesterday from Detective Zylstra.
22 This happened at Lot 7 as well, but yet he has to go
23 up to that door and knock on the door. Nobody from
24 Lot 7's come out to assist law enforcement. Nobody's
25 come out from Lot 7 to describe a shooter or say they

1 know anything or say they have casings in their yard.
2 No, they're all inside. He has to go to Lot 7, knock
3 on the door, somebody comes and answers the door. He
4 has to leave his cards and nobody calls him. But that's
5 DJ's people, that's the defendant's people.

6 Nokia came back, okay? Some of that would be
7 guilt. His own conscience. His willingness to come
8 in this courtroom and take that stand and testify in
9 this case, a murder case, knowing word's gonna get out.
10 Everybody's gonna know he testified in a murder case.
11 There are shooters out there, we know that, but he did
12 it because this is a child.

13 Yamira. Kelly. How easy would it have been for
14 them to walk away? I didn't really see anything.
15 Everything changed because it was a child. They did
16 what they had to do because that's a line you just don't
17 cross and they stood up when they needed to stand up,
18 they took that stand when they needed to do so and when
19 it mattered. Nokia has nothing to gain here. Neither
20 does Kelly and neither does Yamira other than clearing
21 that peace of mind, knowing here that you can't change
22 it and you can't change the past, but you can somehow
23 own up to it.

24 You know, there's so many other things we could
25 talk about, DNA and all this other stuff, but it ends

1 up like this. Any DNA on that gun was gone when he
2 handled that gun, when he took the magazines out,
3 checked the magazines and then repackages it and then
4 hands it off to Wanda. Any DNA evidence is compromised
5 by the defendant himself once he handles that weapon
6 all after the fact. DNA can't be aged. We know his
7 DNA's on it, we know he was the last to handle it. Who
8 else handled it at that scene? This is where you get to
9 rely on your common sense. Another shooter at Lot 7.
10 Another co-combatant. This wasn't self-defense.

11 Through all the evidence you've heard, one thing
12 stands like stone. He did it. We can talk about the
13 other shooters, and law enforcement continues to
14 investigate the other shooters and everybody wants the
15 other shooters, but that shooter took that child's life,
16 that shooter fired the bullet that snuffed her out, and
17 for that he doesn't walk away.

18 Thank you.

19 THE COURT: Thank you, Ms. Mayes.

20 Before I charge the jury on the law, I'm gonna give
21 them a quick break.

22 So, Mr. Foreman, ladies and gentlemen of the jury,
23 it is not time to discuss this case just yet. I'm gonna
24 give you a 15-minute break. Do not discuss this case
25 even amongst yourselves and I am -- I'll have you back

1 in, charge you on the law. You're having Chick-fil-A
2 for lunch today, but I'm gonna let you go to the jury
3 room and stretch your legs.

4 (Whereupon, the jury retires to the jury room at
5 12:53 PM.)

6 THE COURT: All right. Let me -- you-all need to
7 take out page 15 first off. I think everything else --
8 I made a correction on page 3.

9 MS. WILLIAMS: Your Honor, that -- regarding the
10 indictments, you removed the attempted --

11 THE COURT: Yes, we took out the 1992, didn't we?

12 MS. WILLIAMS: Yes, Your Honor. That's missing
13 from the first page, but on page 3, the -- the change
14 that you made was the removal of it --

15 THE COURT: Yes, we did.

16 MS. WILLIAMS: Right, and that's all I saw.

17 THE COURT: I don't know why that didn't -- I
18 removed that once. I put them on individual pages just
19 so if we needed to change anything, it would be easier
20 than to reprint the whole thing.

21 I added in the hand of one, hand of all on page 17
22 right after criminal intent. After criminal intent on
23 page 19 is the transferred intent that is added.

24 Then I have -- I took out mutual because that was
25 agreed upon, but at a later time I'm gonna let the State

1 put on the record why they withdrew that after I charge
2 the jury. Then there's discharging a firearm,
3 possession.

4 On page 23, self-defense reflects all four elements.
5 After that I added voluntary intoxication and after that
6 everything is still the same.

7 And I also have a verdict form I need you to look
8 at, but I didn't know if that suited everybody --

9 MS. MAYES: Yes, Your Honor.

10 THE COURT: -- before I read it to them.

11 If you-all will come look at the verdict form.

12 I put discharging a firearm first because it's
13 easier to go on with the violent crime.

14 MS. WILLIAMS: Yes.

15 THE COURT: All right. I'm gonna get this printed
16 right quick. You-all might want to take a 15-minute
17 break out in the gallery and then we're gonna come back
18 and charge the jury.

19 MS. WILLIAMS: Yes, Your Honor.

20 (Recess taken at 12:58 PM.)

21 (Back on the record at 1:14 PM.)

22 THE COURT: Did everyone get to see the changes?
23 Is it everything we talked about? And I'll put the
24 objections on the record after I read.

25 As long as there's not anything that we're

1 objecting to that I'm gonna read to the jury that I
2 haven't already ruled on.

3 We're good?

4 MS. WILLIAMS: Yes, Your Honor.

5 THE COURT: Okay. After we -- I do this, I'll let
6 you-all put the objections on the record.

7 My understanding, there's no objection to the jury
8 having a copy of the jury instructions?

9 MS. MAYES: The State defers to the Court, Your
10 Honor.

11 MS. WILLIAMS: Same for the defense, Your Honor.

12 THE COURT: All right. As long as both sides --
13 there's no disagreement, I'll allow it back. I will
14 tell you it is my practice, I do not send back just one
15 copy. I make each juror, all twelve of them, their own
16 copy. I don't want anybody back there reading to the
17 other jurors what the law is. That's just my standard
18 practice if I let the jury -- a copy of the jury charges
19 go back. They can make their own decisions.

20 With that said, let's bring the jury in.

21 You-all are gonna make sure that you've locked the
22 doors?

23 BAILIFF: Yes, ma'am. Already got it.

24 (Whereupon, the jury returns to the courtroom at
25 1:16 PM).

1 THE COURT: All right. Mr. Foreman, is the jury
2 ready?

3 THE FOREPERSON: Yes, ma'am.

4 THE COURT: Okay. I now will charge you on the
5 law applicable to this case. You must consider the
6 charge as a whole and not focus on some portions to
7 the exclusion of others.

8 The indictments charge the defendant with murder,
9 discharging a firearm into a dwelling, and possession
10 of a weapon during the commission of a violent crime.

11 I remind you that the fact the defendant was
12 arrested, charged, and indicted in this case is not
13 evidence in this case and cannot be considered by you
14 as evidence of guilt in this case, nor does it create
15 any presumption or inference of guilt. These documents
16 are simply the formal written instruments which contain
17 the charges made against the defendant. These are the
18 formal documents by which this case is brought into
19 this court.

20 The indictments in this case allege three different
21 offenses. Each indictment charges a separate and
22 distinct offense. Again, the charges are murder,
23 discharging a firearm into a dwelling, and possession
24 of a weapon during the commission of a violent crime.

25 The defendant has pled not guilty to these

1 indictments and that plea puts the burden on the State
2 to prove him guilty.

3 A person charged with committing a criminal offense
4 in South Carolina is never required to prove himself
5 innocent. I charge you that it is an important rule of
6 the law that the defendant in a criminal trial no matter
7 what the seriousness of the charge may be will always
8 be presumed to be innocent of the crime for which the
9 indictment was issued unless guilt has been proven by
10 evidence satisfying you of that guilt beyond a reasonable
11 doubt. This presumption of innocence does not end when
12 you begin your deliberations, but it accompanies the
13 defendant throughout the trial unless you reach a verdict
14 of guilt based on evidence satisfying you of that guilt
15 beyond a reasonable doubt.

16 The presumption of innocence is like a robe of
17 righteousness placed about the shoulders of the defendant
18 which remains with the defendant unless it has been
19 stripped from him by evidence satisfying you of the
20 defendant's guilt beyond a reasonable doubt. The
21 presumption of innocence is not a mere legal theory.
22 It is not just a legal phrase. It is a substantial
23 right to which every defendant is entitled to unless
24 you, the jury, are satisfied from the evidence of the
25 defendant's guilt beyond a reasonable doubt.

1 The State has the burden of proving the defendant
2 guilty beyond a reasonable doubt. Some of you may have
3 served as jurors in civil cases where you were told that
4 it is only necessary to prove that a fact is more likely
5 true than not true, such as by the greater weight or what
6 we call the preponderance of the evidence.

7 In criminal cases, and this is a criminal case, the
8 State's proof must be more powerful than that. It must
9 be beyond a reasonable doubt. Proof beyond a reasonable
10 doubt is proof that leaves you firmly convinced of the
11 defendant's guilt. There are very few things in this
12 world that we know with absolute certainty and in
13 criminal cases, the law does not require proof that
14 overcomes each possible doubt. If, based on your
15 consideration of the evidence, you are firmly convinced
16 that the defendant is guilty of the crimes charged, you
17 must find him guilty. If, on the other hand, you think
18 there is a real possibility that the defendant is not
19 guilty, you must give the defendant the benefit of the
20 doubt and find him not guilty.

21 I remind you that during this trial you and I have
22 certain duties to perform. As the trial judge, it is
23 my responsibility to preside over the trial of this case
24 and I also have the duty to rule on the admissibility
25 of the evidence offered during this trial. You are to

1 consider only the competent evidence before you. If
2 there was any testimony ordered stricken from the record
3 in the case during the trial, you must disregard that
4 testimony. You are to consider only the testimony which
5 has been presented from this witness stand, any exhibits
6 which may have been made part of the record in this case,
7 and any stipulations of counsel.

8 I have the additional duty to charge you the law
9 applicable to this case. As the presiding judge, I am
10 the sole judge of the law of this case and it is your
11 duty as jurors to accept and apply the law as I now
12 state it to you. If you already have an idea as what
13 the law is or what the law ought to be and it does not
14 agree with what I now tell you the law is, you must
15 abandon this idea because you were sworn to accept the
16 law and apply the law exactly as I state it to you.

17 In every case tried in this court before a jury,
18 the jury becomes the sole and exclusive judge of the
19 facts of the case. A trial judge cannot state, comment
20 on, or make any statement to a trial jury about the
21 facts in a case. Since you, the jury, are the sole
22 judge of the facts of the case, you are not to infer
23 from what I have said during the progress of this trial
24 in ruling upon the admissibility of evidence or otherwise
25 or anything that I say now during the course of this

1 instruction to you, that I have any opinion about the
2 facts of this case. The law does not allow me to have
3 an opinion about any facts in this case. This is a
4 matter solely for you, the jury, to determine. As
5 jurors, it is your duty to determine the effect, value,
6 and weight of the evidence presented during this trial.

7 I will remind you the following things are not
8 evidence and you must not consider them as evidence
9 in deciding the facts of this case. Statements and
10 arguments of the attorneys, questions and objections
11 of the attorneys, and testimony that I instruct you to
12 disregard.

13 Now there are two types of evidence which are
14 generally presented during a trial. Direct evidence and
15 circumstantial evidence. Direct evidence directly proves
16 the existence of a fact and does not require deduction.
17 Circumstantial evidence is proof of a chain of facts and
18 circumstances indicating the existence of a fact. Crimes
19 may be proven by circumstantial evidence. The law makes
20 no distinction between the weight or value to be given
21 to either direct or circumstantial evidence. However,
22 to the extent the State relies on circumstantial
23 evidence, the circumstances must be consistent with each
24 other and when taken together point conclusively to the
25 guilt of the accused beyond a reasonable doubt. If these

1 circumstances merely portray the defendant's behavior as
2 suspicious, the proof has failed.

3 The State has the burden of proving the defendant
4 guilty beyond a reasonable doubt. This burden rests
5 with the State regardless of whether the State relies
6 on direct evidence, circumstantial evidence or some
7 combination of the two.

8 You must also determine the credibility of the
9 witnesses whose have testified in this case and the
10 evidence presented. Credibility simply means
11 believability. It becomes your duty as jurors to
12 analyze and evaluate the witnesses and the evidence
13 and determine the credibility of the witnesses and the
14 evidence.

15 In determining the credibility of witnesses who
16 have testified, you may believe one witness over several
17 witnesses or several witnesses over one witness; you
18 may believe a part of the testimony of a witness and
19 reject the remaining part of the testimony of that same
20 witness. You may believe the testimony of a witness in
21 its entirety or reject the testimony of a witness in
22 its entirety. You may consider whether any witness
23 has exhibited to you any interest, bias, prejudice or
24 other motive in this case. You may also consider the
25 appearance and manner of a witness while on the witness

1 stand.

2 The rules of evidence ordinarily do not permit
3 witnesses to testify to opinions or conclusions. An
4 exception to this rule exists for witnesses we call
5 expert witnesses. A witness who by education and
6 experience has become an expert in some art, science,
7 profession or calling may state an opinion as to
8 relevant and material matter in which the witness claims
9 to be an expert and may also state the reasons for the
10 opinion. You should consider any expert opinion received
11 in evidence in this case and like any other evidence
12 give it the weight you think it deserves. If you decide
13 that the opinion of an expert witness is not based on
14 sufficient education and experience or if you conclude
15 that the reasons given in support of the opinion are
16 not sound or that the opinion is outweighed by other
17 evidence, you may disregard the opinion entirely.

18 An expert witness's testimony is to be given no
19 greater weight than that of any other witness simply
20 because the witness is an expert. Further, you are not
21 required to accept an expert's opinion even though it
22 is not contradicted.

23 A statement alleged to have been made by the
24 defendant has been admitted into evidence in this case.
25 While the Court has determined that the statement is

1 admissible, I instruct you that you make the ultimate
2 decision of whether or not the defendant made the
3 statement. If the defendant did make the statement,
4 you must determine whether the statement was made by the
5 defendant voluntarily and of his own freewill. This
6 means that the statement was not caused by pressure,
7 force, fear, threats, coercion, or intimidation, or by
8 hope or a promise of leniency or a reward of any kind.

9 In determining whether the statement was voluntary,
10 you should consider both the characteristics of the
11 defendant and the details of the questioning. Some of
12 the factors that you must consider are the age of the
13 defendant, the defendant's education or lack of
14 education, the defendant's mental ability or capacity,
15 the defendant's IQ or intelligence, the defendant's
16 background and environment, the place and length of
17 detention, the nature of the questioning and the advice
18 or lack thereof to the defendant of his constitutional
19 rights, including but not limited to, the right to
20 remain silent, that any statement could be used against
21 him in any court of law, the right to have a lawyer
22 present, that if he could not afford a lawyer, a lawyer
23 would be appointed to represent him without any cost,
24 and that he could stop making a statement at any time.

25 You must carefully consider all of the surrounding

1 circumstances before you give any weight to an alleged
2 statement. The State has the burden of proving beyond a
3 reasonable doubt that the alleged statement was voluntary.
4 If you determine it was, you may give the statement and
5 -- any further consideration that you deem proper. You
6 must decide what weight, if any, should be given to the
7 alleged statement. If you determine the alleged statement
8 was not the free and voluntary statement of the defendant,
9 you should not consider the statement at all.

10 Criminal intent is a state of mind which operates
11 jointly with an act or omission in the commission of a
12 crime. Criminal intent is a mental state of conscious
13 wrongdoing. Criminal intent includes those consequences
14 which represent the very purpose for which an act is done
15 or are known to be substantially certain to the result,
16 regardless of one's desire. Intent may be shown by acts
17 and conduct of the defendant and other circumstances
18 from which you may naturally and reasonably infer intent.
19 Criminal intent must be proven by the State beyond a
20 reasonable doubt.

21 If a crime is committed by two or more people who
22 are acting together in committing a crime, the act of one
23 is the act of all. A person who joins with another to
24 commit an unlawful act is criminally responsible for
25 everything done by the other person which happens as a

1 probable or natural consequence of the acts done in
2 carrying out the common plan and purpose.

3 For example, two people can be guilty of killing
4 another person when one of the two had a gun, there
5 was only one bullet and only one of the two fired the
6 shot that caused the death. If two or more people
7 are together acting together assisting each other in
8 committing the offense, the act of one is the act of
9 all, or it is sometimes said the hand of one is the
10 hand of all.

11 Prior knowledge that a crime is going to be
12 committed without more is not sufficient to make a
13 person guilty of that crime. Mere knowledge that
14 another person is going to commit a crime, even if the
15 defendant is present when the crime is committed, is
16 not sufficient to convict the defendant as a principal.

17 Guilt as a principal is shown by actual or
18 constructive presence at the scene as a result of prior
19 arrangements. Therefore, a finding of a prior arranged
20 plan or common scheme is necessary for a finding of
21 guilt as a principal. The State must prove beyond a
22 reasonable doubt by competent evidence the theory of the
23 hand of one is the hand of all.

24 A principal in a crime is one who either actually
25 commits the crime or who is present aiding, abetting or

1 assisting in committing the crime. When a person does
2 an act in the presence of and with the assistance of
3 another, the act is done by both. When two or more
4 acting with the common plan or intent are present at the
5 commission of a crime, it does not matter who actually
6 commits the crime. All are guilty. The hand of one is
7 the hand of all.

8 Presence at the commission of a crime means to be
9 sufficiently near to aid and abet and assist in the
10 commission of the crime; however, mere presence at the
11 scene of a crime is not sufficient to convict one as a
12 principal on the theory of aiding and abetting. Intent
13 is also a necessary element for there must have been a
14 common design or intent to commit the crime and the
15 crime must have been committed pursuant thereto with
16 the person aiding and abetting by some overt act.

17 Intent means intending the result which actually
18 occurs, not accidentally or involuntary. Intent may be
19 shown by acts and conduct of the defendant and other
20 circumstances from which you may naturally and reasonably
21 infer intent. The State must prove these elements beyond
22 a reasonable doubt.

23 Pursuant to the transferred intent doctrine, if
24 one person intends to harm a second person but instead
25 unintentionally harms a third, the person's criminal

1 intent toward the second applies to the third as well.
2 Where a defendant with malice aforethought intends to
3 unlawfully kill or seriously injure one person but by
4 mistake or inadvertence kills a different person from
5 the one he intended to kill, the law holds the defendant
6 responsible for his felonious intent, merely transferring
7 the intent from the original person the defendant
8 attempted to kill to the actual person killed.

9 If malice is found at the time of the killing, even
10 if a third-party is killed rather than the intended
11 victim, the defendant is guilty of murder. This concept
12 is known as transferred intent. Under this doctrine,
13 the defendant's intent to kill his intended victim is
14 said to be transferred to his actual victim. The degree
15 of guilt is the same as it would have been if the intent
16 had resulted in the death of the person at whom it was
17 aimed.

18 The defendant is charged with murder. The State
19 must prove beyond a reasonable doubt that the defendant
20 killed another person with malice aforethought. Malice
21 is hatred, ill will, or hostility towards another person.
22 It is the intentional doing of a wrongful act without
23 just cause or excuse and with the intent to inflict an
24 injury or under circumstances that the law will infer an
25 evil intent.

1 Malice aforethought does not require that malice
2 exist for any particular time before the act is
3 committed, but malice must exist in the mind of the
4 defendant just before and at the time that the act is
5 committed. Therefore, there must be a combination of
6 the previous evil intent and the act.

7 Malice aforethought may be express or inferred.
8 These terms "express" and "inferred" do not mean
9 different kinds of malice, but merely the manner in
10 which malice may be shown to exist; that is, either
11 by direct evidence or by inference from the facts and
12 circumstances which are proved. Express malice is shown
13 when a person speaks words which express hatred or ill
14 will of another or when the person prepared beforehand
15 to do the act which was later accomplished.

16 Malice may be inferred from the conduct showing a
17 total disregard for human life. If facts are proved
18 beyond a reasonable doubt sufficient to raise an
19 inference of malice to your satisfaction, this inference
20 would be simply an evidentiary fact to be considered by
21 you, the jury, along with the other evidence in the
22 case, and you may give it the weight you decide it
23 should receive.

24 The State has charged the defendant with discharging
25 a firearm at or into a dwelling. The State has the

1 burden of proving beyond a reasonable doubt that the
2 accused unlawfully discharged or caused to be discharged
3 a firearm at or into a dwelling or building usually
4 occupied by a person or persons.

5 The defendant is also charged with possession of a
6 weapon during the commission of or attempt to commit a
7 violent crime. The State must prove beyond a reasonable
8 doubt that the defendant was in possession of a firearm
9 or visibly displayed what appeared to be a firearm during
10 the commission of a violent crime. A firearm means any
11 machine gun, automatic rifle, revolver, pistol, or any
12 weapon which will, is designed to, or may be readily
13 converted to expel a projectile.

14 In order to find the defendant guilty of possession
15 of a weapon during the commission of a violent crime,
16 you must first find the defendant guilty of either
17 committing a violent crime or attempting to commit a
18 violent crime. Murder is a violent crime under South
19 Carolina law.

20 The defendant has raised the defense of self-defense.
21 Self-defense is a complete defense. If established,
22 you must find the defendant not guilty. There are four
23 elements required by law to establish self-defense.
24 First, the defendant must be without fault in bringing
25 on the difficulty. Second, the defendant must have

1 been in actual imminent danger of losing his life or
2 sustaining serious bodily injury or he must have
3 actually believed he was in imminent danger of losing
4 his life or sustaining serious bodily injury. Third,
5 if his defense is based upon his belief of imminent
6 danger, a reasonable prudent person of ordinary firmness
7 and courage would have entertained the same belief. If
8 the defendant actually was in imminent danger and the
9 circumstances were as such that would warrant a person
10 of ordinary prudence, firmness and courage to shoot the
11 fatal shot in order to save himself from serious bodily
12 harm or losing his own life. And, fourth, the defendant
13 had no other probable means of avoiding the danger of
14 losing his own life or sustaining serious bodily injury
15 than to act as he did in this particular instance. These
16 are the elements of self-defense.

17 A defendant in a self-defense case has the right to
18 act on appearances. A defendant must have believed he
19 was in imminent danger, not that he was actually in such
20 danger because he had the right to act on appearances
21 and under the circumstances as they appeared to him, he
22 believed he was in such danger and a reasonable prudent
23 person of ordinary firmness and courage would have
24 entertained the same belief.

25 Words accompanied by hostile acts may, depending on

1 the circumstances, establish a plea of self-defense.
2 Self-defense is not available to one who uses language
3 so disparagingly that a reasonable person would expect
4 it to bring on a physical encounter and which did
5 actually contribute to it to bring it on. If the
6 defendant is justified in firing the first shot, the
7 defendant is justified in continuing to shoot until it
8 is apparent that the danger to his life and body has
9 ceased. Ordinarily a defendant is not justified in
10 shooting or employing a deadly weapon after the adversary
11 has been disarmed or disabled.

12 There is no burden upon the defendant to prove
13 self-defense. The defendant is not required to prove
14 any element of self-defense. The burden is on the State
15 to disprove self-defense beyond a reasonable doubt. The
16 State may disprove self-defense by disproving any or all
17 elements of self-defense beyond a reasonable doubt.

18 If you have a reasonable doubt of the defendant's
19 guilt after considering all the evidence, including
20 the evidence of self-defense, then you must find the
21 defendant not guilty. On the other hand, if you have
22 no reasonable doubt of the defendant's guilt after
23 considering all of the evidence, including the evidence
24 of self-defense, then you must find the defendant
25 guilty.

1 A person who voluntarily becomes intoxicated is
2 just as responsible for the acts committed while
3 intoxicated as when the person is not intoxicated.

4 A verdict in this case cannot be based upon
5 sympathy, passion, prejudice, or emotion, or some
6 other consideration not found in the evidence.

7 Let me say something about your deliberations.
8 Deliberation is defined as a careful consideration,
9 weighing up, with a view to decision. The genius of
10 our jury system is that it allows twelve good men and
11 women from twelve different backgrounds, life experiences
12 and perspectives to consider the evidence, talk about
13 it and ultimately reach a verdict. We call them
14 deliberations for a reason. You are to consider the
15 evidence in this case very carefully and deliberately
16 and discuss it in a calm, thorough and courteous manner.
17 Listen to the views of all your fellow jurors, consider
18 other people's points and points of view and talk through
19 and discuss the evidence. And, remember, if you are
20 doing something deliberately, you are not in a big hurry
21 and you should not be in a hurry here. This case is
22 very important to both sides and this is their only day
23 in court.

24 When you retire to the jury room, you should discuss
25 the case with your fellow jurors to reach an agreement if

1 you can do so. Your verdict must be unanimous to each
2 charge. Each of you must decide the case for yourself,
3 but you should do so only after you've impartially
4 considered all the evidence, discussed it fully with the
5 other jurors and listened to the views of your fellow
6 jurors. Do not be afraid to change your opinion if the
7 discussions persuade you that you should, but do not
8 come to a decision simply because the other jurors think
9 it is right. It is important that you attempt to reach
10 a unanimous verdict as to each charge, but, of course,
11 only if each of you can do so after having made your
12 own decision. Do not change an honest belief about the
13 weight and effect of the evidence simply to reach a
14 verdict. In other words, do not change your opinion
15 solely for the sake of reaching a unanimous verdict.

16 There are two possible verdicts for each charge
17 which you may find in this case. There is no
18 significance whatsoever in the order which I state
19 these possible verdicts. It is simply that one must
20 be stated first.

21 If you find the defendant guilty of the charge of
22 murder, you may then consider whether or not he is
23 guilty of the crime of possession of a weapon during the
24 commission of a violent crime. However, if you find the
25 defendant not guilty on the charge of murder, then you

1 must find the defendant also not guilty on the charge
2 of possession of a weapon during the commission of a
3 violent crime.

4 You will be asked to sign a verdict form of guilty
5 or not guilty for each indictment. Ladies and gentlemen,
6 again, your verdict must be a unanimous one as to each
7 charge.

8 Mr. Foreman, when the jury agrees on the verdict,
9 you will initial on the line next to the verdict on
10 the verdict form for the charge and sign your name as
11 foreperson, then inform the bailiff that you have reached
12 a verdict, and at that time we will receive you back into
13 the courtroom.

14 I ask that you now return to your jury room, but
15 do not begin deliberations until you are told by the
16 clerk or the bailiff to do so. There are some matters
17 that I have to discuss with the attorneys before you
18 begin your deliberations.

19 Mr. Foreman, in the event that during your
20 deliberation there is a split in the vote, the Court
21 does not at any time want to be informed of the actual
22 split by number, if one exists, okay?

23 We have to collect all the evidence. We'll bring
24 it back to you. I believe your lunch is here. Do not
25 begin deliberations just yet.

1 I will also tell you, Mr. Foreman, when the jury
2 deliberates, all twelve must be present in the room.
3 So if one excuses them self for a few moments, you
4 must wait until all twelve are in the room to begin
5 discussions again.

6 My alternates, you're not allowed back into the
7 jury room, but we do have your lunch. If you'll wait
8 in the hall, I'll come out and excuse you, okay?

9 With that said, I'm gonna let you return to your
10 jury room.

11 (Whereupon, the jury retires to the jury room at
12 1:55 PM.)

13 THE COURT: All right. Any objection to the charges
14 from the State?

15 MS. MAYES: None from the State, Your Honor.

16 THE COURT: Any from the defense that I read to the
17 jury?

18 MS. WILLIAMS: No new objections, Your Honor.

19 THE COURT: Okay. So let's go over your objections
20 because earlier, for the record, we met this morning
21 for our jury charge meeting. I know that your first
22 objection was a voluntary intoxication charge, which I
23 read to the jury. I'll let you state it for the record.

24 MS. WILLIAMS: Yes, Your Honor. The defense
25 objects to the voluntary intoxication charge on the

1 grounds that there was no testimony that the defendant
2 was intoxicated. There was testimony that he drank and
3 that he had some -- I believe he smoked a blunt or two,
4 but there was no additional information that he had
5 reached the level of intoxication, so we thought that
6 the charge was improper.

7 THE COURT: I'll be glad to hear from the State.

8 MS. MAYES: Your Honor, there was evidence on the
9 record he's consuming these substances and we want to
10 clarify for the jury what the law is in that regard.

11 THE COURT: The Court agrees. I remember the
12 defendant testifying he had several beers, he was
13 feeling good, and also testified he smoked -- I can't
14 remember if it was one or two blunts. The Court believes
15 the charge on voluntary intoxication is appropriate and
16 it was so charged.

17 I am noting the defendant's objection to the
18 voluntary intoxication for the record.

19 The next one that I have on mine is the voluntary
20 and involuntary charges. We met on that, too, this
21 morning. I'll let you state your objection for the
22 record because the Court did not charge voluntary and
23 involuntary.

24 MS. WILLIAMS: Your Honor, with regards to the
25 involuntary manslaughter charge, the law states it is

1 the unintentional killing of another without malice
2 and while engaged in either, one, an unlawful act not
3 amounting to a felony and not naturally tending to cause
4 death or great bodily harm or, two, a lawful act with
5 reckless disregard for the safety of others. The defense
6 would state that they are proceeding under the theory of
7 the second of those two with regards to involuntary
8 manslaughter.

9 Your Honor, the State has found in State v. Light
10 that there are situations in which you can have
11 self-defense, as well as an involuntary manslaughter
12 charge. In fact, the quintessential situation according
13 to State v. Sams is those in which there was evidence of
14 the negligent handling of a loaded gun or evidence that
15 the defendant and the victim struggled over the weapon.

16 Your Honor, in this case there was evidence that the
17 defendant initially testified that he shot at least ten
18 times. On direct, I believe it was either ten or twelve
19 times that he stated, then further clarified when the
20 solicitor mentioned fifteen shells that those must have
21 come from him, which indicates a lack of knowledge
22 concerning how many shells he fired.

23 In addition, he testified that he was in a zone
24 or a fog and that his hands tightened on the weapon.
25 From that a reasonable inference that a juror could make

1 is that there -- some of those bullets that were fired
2 of the fifteen were fired unintentionally while legally
3 armed in self-defense and, therefore, he's entitled to
4 an involuntary manslaughter charge.

5 In addition, Your Honor, this would not be the
6 first time that a court had found it as dicta. In
7 State v. Childers, according to Justice Toal, she states
8 similarly the trial court charged the jury on the law of
9 involuntary manslaughter perhaps because it was possible
10 for the jury to believe that the defendant's initial
11 returning of fire was justified, but ultimately find that
12 the defendant was criminally reckless in firing multiple
13 times over his shoulder as he retreated.

14 So, Your Honor, with regards to the involuntary
15 manslaughter, as Your Honor knows, a jury -- if there is
16 any evidence at all that in the light most favorable to
17 the defendant a jury could infer that that -- of that
18 crime, then that charge should be given.

19 Regarding the voluntary manslaughter charge,
20 voluntary manslaughter is defined as the unlawful
21 killing of another without malice, express or implied.
22 In a sudden heat, that -- that voluntary manslaughter
23 without malice must be in a sudden heat of passion based
24 on sufficient legal provocation.

25 With regard to the legal provocation, it has been

1 found in multiple cases that an overt threatening or a
2 physical encounter may constitute that and that a gun
3 being aimed at you would constitute that overt physical
4 provocation.

5 With regard to the sudden heat of passion, Your
6 Honor, there was testimony from the defendant that he
7 -- once again, that he was in a zone. I think the very
8 fact that he fired fifteen bullets, in fact, until his
9 magazine was empty indicates a certain passionate level
10 of firing. He then later testified that he was cooling
11 down when he was driving around with his cousin after the
12 fact, which implicates -- well, from which a juror could
13 reasonably infer that he needed to cool down from having
14 his passions raised.

15 In addition, Your Honor, I believe the State's
16 contention is that there is no transferred intent with
17 regards to voluntary manslaughter in the State of South
18 Carolina. Under State v. Wharton, a 2009 Supreme Court
19 case, they have stated that the question is unsettled
20 law in South Carolina. The case that the State relies
21 on the most is State v. Childers in which there were
22 two justices that found that there was not transferred
23 intent, one who concurred in result only and then two
24 who found that -- who were completely against the
25 decision, Your Honor, meaning that there is no settled

1 law with regards to whether or not you can have
2 transferred intent for a voluntary manslaughter charge
3 in the State of South Carolina.

4 The defendant's position would be in that case
5 that the -- that the previous law of State v. Williams,
6 a 1938 case, which states that it is a well settled
7 principle that you can have transferred intent with
8 murder and manslaughter, would push the needle towards
9 the defense's view of transferred intent in the State
10 of South Carolina.

11 Furthermore, to warrant the Court's eliminating
12 the offense of manslaughter, it should very clearly
13 appear that there is no evidence whatsoever tending to
14 reduce the crime from murder to manslaughter; hence,
15 the defense's request for voluntary manslaughter.

16 On the final note, the defense would state that
17 because the burden is so low and it is any evidence in
18 the light most favorable to the defense, it is akin to
19 the burden for a directed verdict, just in the opposite,
20 and, therefore, the threshold has been met in -- and,
21 in addition, the threshold has been met in each of these
22 instances.

23 And, Your Honor, I would submit my memorandum that
24 was sent to, Your Honor, and to the State as a Court's
25 exhibit in this case, if I may?

1 THE COURT: Yes, ma'am.

2 MS. WILLIAMS: Thank you.

3 (Court's Exhibit Number 61 was marked for
4 identification.)

5 THE COURT: All right. Let me hear from the State.

6 MS. MAYES: Yes, Your Honor. May it please the
7 Court?

8 First, as to the request for the charge of
9 involuntary manslaughter, there is no evidence to
10 support that charge in the record. The defendant
11 testified that he initially ran behind a trailer at
12 Lot 7 after hearing gunfire, returned to his car,
13 grabbed his gun and proceeded to fire the gun until
14 he ran out of bullets. At no point did the defendant
15 testify that he accidentally discharged the gun, at no
16 point did the defendant testify that he was engaged in
17 a struggle with anyone else and that the gun went off.

18 The defendant's argument that he did not -- or
19 defense counsel's argument that the defendant did not
20 know the precise number of shots that he fired, being
21 fifteen, is in no way evidence that he unintentionally
22 discharged the firearm. That argument, Your Honor, is
23 -- is without merit based on all of the other evidence
24 in the record and the defendant's own acknowledgment
25 that he was firing that gun intentionally.

1 And as to voluntary manslaughter, Your Honor, we
2 addressed Childers and we also addressed Wharton.
3 Wharton is, of course, the case that was overturned by
4 the Court of Appeals in 2005 on this very issue. That
5 was a voluntary manslaughter conviction where the Court
6 of Appeals determined it should not have been charged,
7 it was erroneous because there is no transferred intent
8 doctrine that would apply to voluntary manslaughter
9 because it does require some overt act by the victim
10 that would amount to legal provocation.

11 Ultimately, in 2009, the State appealed that
12 decision in Wharton and ultimately the Supreme Court
13 refused to make a finding. They left it unsettled law
14 and that, unfortunately, is still where we are. And I
15 say unfortunately because eventually it is gonna have
16 to be resolved so that everyone knows exactly where
17 we stand in any type of scenario where there may be
18 transferred intent and a request for involuntary
19 manslaughter.

20 However, Your Honor, with all that said, the State's
21 position remains that there was not sufficient evidence
22 on the record to support a voluntary manslaughter charge
23 regardless of the transferred intent issue, which is
24 its own separate issue under Childers and Wharton.

25 Your Honor, the defendant's testimony was that he

1 retrieved a gun because someone was firing. He
2 acknowledged he acted in self-defense. His testimony
3 was that he was just trying to figure out what was going
4 on. There was no evidence of him being enraged, him
5 being unable to control his emotions out of that rage
6 as a result of any type of legal provocation or sudden
7 heat of passion.

8 THE COURT: Okay. And the Court ruled. I agree
9 on the involuntary. I -- I didn't hear any evidence
10 supporting an involuntary charge. In fact, the opposite.
11 The defendant armed himself and engaged in shooting his
12 AK. There was not any testimony about any accident or
13 it wasn't intentional or none of that, so the Court
14 declined the charge involuntary manslaughter.

15 On the voluntary manslaughter charge, I read the
16 Childers, the Wharton and also the Williams case that
17 was supplied by the defendant, and the law as it stands
18 today in this State is our Court has not applied the
19 doctrine of transferred intent to voluntary manslaughter.
20 This Court does not believe the evidence even supports
21 a voluntary manslaughter in this case, nor was there
22 any overt act by the victim to indicate any provocation
23 by the victim.

24 There's -- again, I have to turn back to the
25 defendant arming himself. As a matter of fact, he

1 goes to the back of his car, to the back of the trailer,
2 he goes back to the car, arms himself. There was no
3 testimony or evidence that I heard about a heat of
4 passion or uncontrollable impulse to do violence, so
5 I declined to charge the voluntary manslaughter.

6 This might be a good time at one -- I know the
7 State wanted to put on the record we also talked about
8 -- oh, your objection is noted for the record,
9 Ms. Williams, on both of those charges.

10 Anything else?

11 MS. WILLIAMS: There was an additional charge,
12 Your Honor. I -- did we do the hand of one is the hand
13 of all?

14 THE COURT: No, I'm gonna get to that.

15 MS. WILLIAMS: All right.

16 THE COURT: I'm just noting right now the voluntary
17 and the involuntary and your objection for the record.

18 I wanted to bring in because I just thought it might
19 be a good time to do it that we also discussed mutual
20 combat and the State informed the Court that they would
21 withdraw that charge, but they wanted to put on the
22 record as to why, so I'd like to accommodate them at
23 this time.

24 Ms. Mayes.

25 MS. MAYES: Yes, Your Honor.

1 In light of where we are with the Bowers decision
2 and, of course, the Supreme Court decision following the
3 Court of Appeals decision I think came down last week at
4 the outset --

5 THE COURT: In the middle of this trial.

6 MS. MAYES: Yes. And, Your Honor, we believe that
7 that is still a very complex and layered series of
8 events. There certainly was evidence where the State
9 could make the argument that conduct akin to mutual
10 combat amounts to bringing on the difficulty, and that
11 was our argument, and I believe the case law supports
12 that there is a very fine line between bringing on the
13 difficulty and mutual combat, but we did not feel that
14 that charge from the Court was necessary in this case
15 in order to establish or disprove the first element of
16 self-defense.

17 THE COURT: Okay. Thank you.

18 All right. And then I think the last one I have
19 is the hand of one hand of all. The State requested
20 this charge, the Court charged it, denied the defense's
21 objection, so for the record I'd like for Ms. Williams
22 to put her objection on the record.

23 MS. WILLIAMS: Your Honor, the defense objects to
24 the inclusion of the hand of one is the hand of all
25 charge with respect to the murder charge because there

1 has been no evidence submitted that someone else's
2 bullet was involved in the murder. We believe that the
3 hand of one hand of all charge may have been appropriate
4 with regards to the firearm into the dwelling, but with
5 regards to the murder charge we believe that it should
6 have been specifically excluded because, again, once
7 more, all evidence that the State put forward linked
8 simply my client to be the one who committed the murder
9 under a direct theory of liability and so hand of one
10 hand of all is inapplicable in this case.

11 THE COURT: Okay. And I'll be glad to hear from
12 the State.

13 MS. MAYES: Yes, Your Honor.

14 We know that there are at least three guns fired
15 at Lot 7. We know the defendant had two guns in his
16 possession, which were used and fired, and, Your Honor,
17 it's the actions of all of the co-combatants I will
18 call them for the jury's consideration in determining
19 what role, if any, that played ultimately in the murder
20 of Minor , and we believe it was properly submitted
21 and the facts support that charge in this case.

22 THE COURT: Okay. The Court also believes that
23 the facts support the charge. The underlying events
24 that led up to this shooting can be inferred from the
25 conducts of all the parties and it's probably really

1 important for understanding the story. The shooting
2 and the murder of Minor was contemporaneously
3 with the shooting of all these guns and there was five
4 of them.

5 There was also, you know, evidence of
6 communications. I put between the parties. Probably
7 the co-combatants is a better word for it. The Court
8 rules that a charge of the hand of one hand of all is
9 appropriate in this case; however, I will note your
10 objection, Ms. Williams, for the record on these
11 charges.

12 Anything else about jury charges?

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

14 MS. WILLIAMS: Your Honor, just a brief statement
15 on the verdict form.

16 THE COURT: Okay. Sure.

17 MS. WILLIAMS: Your Honor, the defense objects
18 to the verdict form as it stands because there is no
19 distinction regarding the theories of liability in which
20 the jury may find my client guilty of murder. We would
21 request that it be marked out on the jury form as to
22 whether or not they find him guilty under a direct
23 theory of liability or under a theory of the hand of
24 one is the hand of all. It's my understanding that
25 Your Honor has declined my request.

1 THE COURT: Yes. I'm glad to hear from the State.
2 I'm -- the Court's --

3 MS. MAYES: Your Honor, there's really no precedent
4 for a change in the verdict form in -- in this regard
5 and there's no case law to support it and -- and no
6 reason to do that in this case.

7 THE COURT: This is that traditional verdict form.
8 I've been practicing law for thirty years. It's still
9 the same verdict form. I'm a creature of habit. I'm
10 gonna deny that request, but so noted for the record
11 as to your objection.

12 Anything else from the State?

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

14 THE COURT: Anything from the defense?

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

16 All right. Let's get the exhibits back to the jury.

17 When we do that, I'm gonna get the -- Madam Clerk,
18 are you gonna take the exhibits back?

19 THE CLERK: Yes, ma'am.

20 THE COURT: And when you do, will you tell them they
21 can go ahead and start deliberating?

22 THE CLERK: Yes, ma'am.

23 THE COURT: I'm gonna go excuse these two alternate
24 jurors unless somebody needs anything from the Court.

25 If everybody would leave me a phone number that I

1 can call in case I have a question from the jury so I
2 can notify the lawyers or a verdict.

3 Thank you.

4 (Whereupon, the jury begins deliberation at
5 2:25 PM.)

6 (Recess taken at 2:25 PM.)

7 (Back on the record at 3:42 PM.)

8 THE COURT: All right. This note was just given
9 to me from the jury. Can we get a transcript of the
10 witnesses', W-I-T-N-E-S-S-E-S, testimony.

11 Second question. Can we hear the gunshot video?

12 We should have sent them back a blank computer to
13 hear the 9-1-1 calls and -- and this gun video.

14 Do we have a blank computer that we can send back?

15 MS. MAYES: Judge, we have Justin Burnett here.

16 He can check that computer. I would just rather some of
17 authentication that it is, in fact --

18 THE COURT: Blank. Because the clerk's office gives
19 me a blank one, I thought.

20 Am I right, Bethanie?

21 THE COURT REPORTER: Yeah, it's usually that
22 one though. I think the same one that they're talking
23 about.

24 MS. MAYES: And then on the testimony, we have no
25 objection to them coming in to listen to the testimony.

1 That's how we've always done it.

2 THE COURT: Well, you know, if they tell me who they
3 want to listen to, then I think we can accommodate them,
4 bring them in here. We can't give them a -- obviously a
5 typed copy, but they can sit here and Bethanie can --

6 THE COURT REPORTER: I would need just a couple of
7 minutes to find it because I don't --

8 THE COURT: -- play it back. Again, we had a
9 different court reporter, so that might delay us a little
10 bit. I'm telling you, I've been through this before.

11 So either I can go back there and tell them or I
12 can bring them in here. Let's -- I say we bring them
13 in here, let them go back, compose a list and send me a
14 list back out of the witnesses they want to hear.

15 MS. MAYES: That sounds good, Judge.

16 THE COURT: Everybody ready?

17 Does that suit you-all?

18 MR. WILLIAMS: Judge, we don't care if they want
19 to come in here and listen to it and if you want to --
20 obviously we have no objection if you want to send a
21 message back there on a piece of paper and ask them
22 which ones they want to hear.

23 And the other thing that you said, you mentioned
24 the gunshots; however, I thought the note was only for
25 -- it was just the gunshots, it was not the 9-1-1, was

1 it?

2 THE COURT: No.

3 MR. WILLIAMS: Okay.

4 THE COURT: Yeah, it says "Can we hear the gunshot
5 video", but they've got the 9-1-1 tape if they wanted
6 to hear that, too. That's why we usually send a computer
7 back when I know we have video, you know, so they can
8 listen to what they want to.

9 I'm not mentioning anything about the 9-1-1 tape.

10 MR. WILLIAMS: That's what I was concerned about.

11 THE COURT: No, no. That was just me saying that
12 we have these videos and we should have sent a computer
13 back that they could have listened to.

14 MR. WILLIAMS: They could listen to the 9-1-1 in
15 here also if they want -- I mean, not the 9-1-1. You've
16 got me confused now.

17 THE COURT: I'm gonna send the computer back and
18 they can listen to whatever video they want.

19 MS. MAYES: And Mr. Burnett has confirmed it is
20 clean.

21 THE COURT: Okay. I'm gonna bring them in here
22 and tell them that I cannot give them a transcript;
23 however, if they will send me back out the name of
24 witnesses they want to hear, I'll bring them back into
25 the courtroom and let the court reporter play back the

1 testimony for them. That's the best I can do.

2 Let's bring them in.

3 And this will be a Court's exhibit. Court's
4 Exhibit Number 62.

5 (Court's Exhibit Number 62 was marked for
6 identification.)

7 THE COURT: Now we've got another note.

8 (Whereupon, the jury returns to the courtroom at
9 3:48 PM.)

10 THE COURT: Okay. Please be seated. I'm sorry.

11 All right. I've got two notes from the jury.

12 The first note, I will -- I'm trying to answer your
13 questions. Can we hear the gunshot video? I will send
14 back a blank computer and you-all can listen to any of
15 the videos that you have back there.

16 Can we get a transcript of the witnesses'
17 testimony? We do not have a transcript. If you will
18 send me a note and tell me what witness you want to
19 hear from, I will have the court reporter play it back
20 to you. That means I'll have to bring you back into
21 the courtroom and she will play that testimony for you.

22 So send me a list of who you want to hear. We --
23 we don't have a paper transcript.

24 The second note, separate from the one that I
25 talked to the lawyers about, please go over the

1 self-defense section again. I gave each one of you a
2 copy of the law. All can do is sit here and read the
3 self-defense charge again. If you'd like me to do that,
4 I will. I certainly do not mind.

5 THE FOREPERSON: No, ma'am.

6 THE COURT: Okay.

7 All right. Then I'm gonna ask you to return to
8 your jury room.

9 Send me out a list because it might take her a
10 minute, but I'll call you back out. I will have the
11 courtroom cleared. You-all can have the courtroom
12 to yourselves and you can listen to that testimony,
13 okay?

14 All right. Thank you.

15 (Whereupon, the jury retires to the jury room at
16 3:50 PM.)

17 THE COURT: I had to think. I gave them a copy of
18 the jury charge. All I could do is offer to read it to
19 them.

20 So I'm gonna make that Court's Exhibit Number 63.

21 I will wait on who they want to hear. When I get
22 the name -- you-all don't go far -- I'll read it to you
23 and give Bethanie time to find it.

24 All right. Thank you.

25 (Court's Exhibit Number 63 was marked for

1 identification.)

2 (Recess taken at 3:52 PM.)

3 (Back on the record at 4:23 PM.)

4 THE COURT: All right. This is what they want to
5 play. Mr. Clark's testimony.

6 I'm going to get -- I'm gonna make this Exhibit
7 Number 64, a Court's Exhibit, and let Bethanie pull back
8 up Mr. Clark's testimony, let them hear what they want
9 to hear.

10 The only person I'm gonna allow in the courtroom
11 is Bethanie because Bethanie knows not to talk to the
12 jurors.

13 Just, Bethanie, play what they want to hear and
14 tell them to tell you stop once they hear it.

15 THE COURT REPORTER: I was gonna ask if you're --
16 okay. So you want me to tell them that? I mean, I can.
17 I'll just say raise your hands when you've heard enough.

18 THE COURT: We'll bring them in and I'll tell them
19 and then we'll excuse everybody.

20 THE COURT REPORTER: Okay. Yeah, and I'm gonna need
21 a few minutes, let them know that, too, to dump it.

22 THE COURT: Because I'll tell them not to talk about
23 the case in front of you.

24 THE COURT REPORTER: Yeah. Okay.

25 THE COURT: I think I forgot to tell you-all to sit

1 down. I'm sorry.

2 Mr. Clark, all I'm gonna do is tell them to -- let
3 them play your testimony, okay?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: All right. Any objection?

6 MR. WILLIAMS: None, Your Honor.

7 MS. WILLIAMS: None, Your Honor.

8 MS. MAYES: None from the State, Your Honor.

9 THE COURT: Thank you.

10 (Court's Exhibit Number 64 was marked for
11 identification.)

12 I'm gonna ask you-all to go ahead and leave. I'll
13 just tell them that I just have the attorneys in here
14 so it won't be a big to-do.

15 Everybody needs to stay out.

16 Can you make sure that press room is empty and
17 locked?

18 DEPUTY: It is empty and locked.

19 THE COURT: Thank you. Perfect.

20 (Recess taken at 4:35 PM.)

21 (Back on the record at 5:01 PM.)

22 (Whereupon, the jury enters the courtroom at
23 5:01 PM.)

24 THE COURT: All right, ladies and gentlemen. I
25 received your note that you wanted to hear Mr. Clark's

1 testimony. I've cleared the courtroom. Only the
2 lawyers are in here and I'm fixing to clear them out,
3 too, along with myself. The courtroom doors will be
4 locked so nobody can come in on you and there's two
5 deputies stationed by both of these doors.

6 The court reporter is gonna play back the testimony
7 for you. Please do not have any discussions while you're
8 here in front of her. Wait until you get back into the
9 jury room. And you're not allowed to talk to her. If
10 you've heard everything that you wanted to hear, you can
11 tell her to stop, okay, and she will.

12 FOREPERSON: Okay.

13 THE COURT: And then if you'd just knock on the
14 door, then the bailiff or deputy will take you back and
15 you can continue your deliberations, okay?

16 THE FOREPERSON: Yes, ma'am.

17 THE COURT: I just want you to feel safe in here.
18 Nobody can look in, none of it, but -- but don't discuss
19 it in here, okay?

20 THE FOREPERSON: Yes, ma'am.

21 THE COURT: Let's get everybody to clear the
22 courtroom.

23 Can you make sure you mark that exhibit, too.

24 THE COURT REPORTER: Yes, ma'am.

25 THE COURT: Thank you.

1 (Court's Exhibit Number 65 was marked for
2 identification.)

3 (Whereupon, a portion of the record was played for
4 the jury.)

5 (Whereupon, the jury retires to the jury room at
6 5:28 PM.)

7 (Back on the record at 5:38 PM.)

8 BAILIFF: All rise. The Honorable Judge Debra
9 McCaslin presiding.

10 THE COURT: All right. Be seated.

11 We have a verdict, so let me address everybody in
12 the gallery. I know it's been a long trial and an
13 emotional one. I don't want any outburst when the
14 verdict is read. If you feel you can't do that, then
15 I'm gonna ask you to leave the courtroom at this time.

16 Is the State ready for me to bring the jury in?

17 MS. MAYES: The State is ready, Your Honor.

18 THE COURT: Defense?

19 MS. WILLIAMS: The defense is ready, Your Honor.

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

21 (Whereupon, the jury returns to the courtroom at
22 5:40 PM.)

23 THE COURT: All right. Be seated.

24 All right. Mr. Foreman, has the jury reached a
25 verdict?

1 FOREPERSON: Yes, ma'am, we have.

2 THE COURT: And is it unanimous?

3 THE FOREPERSON: Yes, ma'am.

4 THE COURT: I'm gonna ask that you hand the verdict
5 form to the bailiff, please.

6 If you'll publish the verdict.

7 If the defendant would please rise.

8 THE CLERK: Indictment -- excuse me. Indictment
9 2022-GS-32-01991, 1993 and 1994, the State versus
10 Shashaun {sic} Clark.

11 Has the State of South Carolina proven beyond a
12 reasonable doubt that Shaquan {sic} Clark is guilty of
13 discharging a firearm into a dwelling? Verdict: Guilty.

14 Has the State of South Carolina proven beyond a
15 reasonable doubt that Shaquan Clark is guilty of murder?
16 We, the jury, unanimously find the verdict guilty.

17 Has the State of South Carolina proven beyond a
18 reasonable doubt that Shaquan Clark committed the act of
19 possession of a weapon during the commission of a violent
20 crime; to wit, murder? We, the jury, unanimously find
21 the defendant guilty, and it is so signed James Mathis,
22 July 6, 2022.

23 Mr. Foreman, ladies and gentlemen of the jury,
24 if this is your verdict please indicate each of you by
25 raising your right hand.

1 All hands raised, Your Honor.

2 THE COURT: Would the defense like the jury polled
3 individually?

4 MS. WILLIAMS: Yes, Your Honor.

5 THE COURT: If you would please poll the jury by
6 their jury numbers.

7 THE CLERK: Yes, ma'am.

8 As I call your number, if you will hold your hand
9 up where I can recognize you. I will ask you as to the
10 verdicts, were these your verdicts and are they still
11 your verdicts. At that time give me your response.

12 Number 156. As to the verdicts, were these your
13 verdicts and are they still your verdicts?

14 JUROR NUMBER 156: Yes.

15 THE CLERK: 213. As to the verdicts, were these
16 your verdicts and are they still your verdicts?

17 JUROR NUMBER 213: Yes, ma'am.

18 THE CLERK: 130. As to the verdicts, were these
19 your verdicts and are they still your verdicts?

20 JUROR NUMBER 130: Yes, ma'am.

21 THE CLERK: 163, as to the verdicts, were these
22 your verdicts and are they still your verdicts?

23 JUROR NUMBER 163: Yes, ma'am.

24 THE CLERK: 177. As to the verdicts, were these
25 your verdicts and are they still your verdicts?

1 JUROR NUMBER 177: Yes, ma'am.

2 THE CLERK: 38. As to the verdicts, were these your
3 verdicts and are they still your verdicts?

4 JUROR NUMBER 38: Yes, ma'am.

5 THE CLERK: 178. As to the verdicts, were these
6 your verdicts and are they still your verdicts?

7 JUROR NUMBER 178: Yes, ma'am.

8 THE CLERK: 113. As to the verdicts, were these
9 your verdicts and are they still your verdicts?

10 JUROR NUMBER 113: Yes, ma'am.

11 THE CLERK: 129. As to the verdicts, were these
12 your verdicts and still your verdicts?

13 JUROR NUMBER 129: Yes, ma'am.

14 THE CLERK: Number 33. As to the verdicts, were
15 these your verdicts and are they still your verdicts?

16 JUROR NUMBER 33: Yes, ma'am.

17 THE CLERK: 155. As to the verdicts, were these
18 your verdicts and are they still your verdicts?

19 JUROR NUMBER 155: Yes, ma'am.

20 THE CLERK: Number 60. As to the verdicts, were
21 these your verdicts and are they still your verdicts?

22 JUROR NUMBER 60: Yes, ma'am.

23 THE CLERK: All jurors polled, Your Honor.

24 THE COURT: Thank you.

25 Anything else from the defense?

1 MS. WILLIAMS: Not for the jury, Your Honor.

2 THE COURT: Anything from the State?

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

4 THE COURT: All right. Ladies and gentlemen of the
5 jury, I can't thank you enough for your patience, your
6 time. I know it has been a long trial. You've been
7 attentive and a great jury. The justice system just
8 doesn't work without you. You've done a great service
9 here today and I thank you from the bottom of my heart.

10 I'm gonna ask you-all to please return to the jury
11 room and I'll be back in a moment to excuse you.

12 Thank you.

13 (Whereupon, the jury retires to the jury room at
14 5:45 PM.)

15 THE CLERK: Your Honor, we need the foreperson to
16 sign.

17 THE COURT: Mr. Foreman, I need you just for one
18 second.

19 THE FOREPERSON: Yes, ma'am.

20 THE CLERK: We can do it back in the jury room,
21 Your Honor, if you'd wish.

22 THE COURT: Okay. We'll come back to the jury room
23 and get you to sign some paperwork for us.

24 All right. I'm gonna go back and excuse the jury.
25 I'll give you about ten minutes before sentencing and

1 then we'll go forward then.

2 Thank you.

3 MS. WILLIAMS: Your Honor, I have brief post-trial
4 motions prior to sentencing.

5 THE COURT: Sure.

6 MS. WILLIAMS: At this point we would renew our
7 prior motions and objections up to this point in the
8 trial.

9 In addition, we move to vacate the jury's verdict
10 and move for a new trial on the grounds that the evidence
11 when taken as a whole is not enough to sustain the
12 jury's verdict.

13 THE COURT: I understand. All your objections are
14 renewed for the record and I'm gonna deny your post-trial
15 motion.

16 MS. WILLIAMS: Thank you, Your Honor.

17 THE COURT: Thank you.

18 (Recess taken at 5:46 PM.)

19 (Back on the record at 5:57 PM.)

20 THE COURT: All right. For the record -- do I have
21 everybody here? There's Ms. Mayes.

22 It was brought to my attention that the clerk
23 called him Deshaun Clark -- Shaquan Clark and it should
24 have been Quayshaun Clark, so just for the record I
25 wanted to say that she just mispronounced that name.

1 All right. We're here for sentencing. Is the
2 State ready?

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

4 THE COURT: I'll be glad to hear from the State if
5 they're ready.

6 MS. MAYES: Your Honor, I will begin about Minor ,
7 as you know, eleven years old, a fourth grader at
8 Batesburg Elementary. Her teacher, Connie Craven, is
9 here. I think she wants to address you first.

10 THE COURT: Okay.

11 MS. MAYES: Obviously the loss of Minor had a
12 profound impact not only on her family, but on her
13 school family, her teachers, her classmates at Batesburg
14 Elementary where it is impossible to explain to children
15 how their classmate has been murdered so violently and
16 unnecessarily by gunfire.

17 THE COURT: I'll be happy to hear from her.

18 If you can come up and state your name for the
19 record and spell your last name for the court reporter,
20 please.

21 MS. CRAVEN: Yes, ma'am.

22 My name is Connie Craven, C-R-A-V-E-N, and I was
23 Minor 's fourth grade math, science and social studies
24 teacher.

25 Okay. I didn't write anything because I wanted to

1 speak from my heart. Minor . We always have these
2 little forms that go up to the next year's teacher.
3 I'm sure her parents don't know about this, but I might
4 be letting the cat out of the bag now. But I wrote
5 these notes for her fifth grade teacher, which never
6 happened. I have that she needed to focus because she
7 was easily distracted. She wanted to know everything
8 that was going on. She had this unbelievable, strong
9 personality. You knew when Minor was in class. I
10 also have in here that she was loud. When I was yelling
11 out questions to math problems, Minor yelled them out
12 right or wrong. I mean, she had that confidence and that
13 strong personality about her.

14 I also have in here for her fifth grade teacher that
15 she was fun to teach. I loved to teach Minor . And I
16 also had on here to call mom if you have any issues with
17 her because Minor 's mom is one of the most supportive
18 moms that I've dealt with. She was always there.

19 For example, just to show you how Minor tried so
20 hard in my class, it's been over a year, but I still
21 have five pages of her math problems that she did for
22 me on her math test. An average student raises her
23 score seven points in one school year and this child
24 tried so far -- hard for me, I'm sorry, that she raised
25 her score 17 points, and whenever I texted her mom to let

1 her know how well Minor had done because her mom also
2 gave -- provided as tutor for her, I could not wipe the
3 smile off that child's face all day long.

4 She had such a caring heart. If I had -- if there
5 was a student outside at the playground and that -- I
6 had several students that they were just loners. It
7 bothered Minor . She wanted everyone to be out and
8 playing and just having a good time.

9 June 9th she had already started summer school
10 because of all this stuff with COVID to help her with
11 reading and one of the last things I remember her saying
12 to me as she was getting to get on the bus at 5:00 is
13 she was leaving -- she was bringing her blanket to my
14 classroom because it's cold in there and she said
15 Ms. Craven, I'll see you tomorrow, and I said okay,
16 Minor , I'll see you tomorrow, and that was the last
17 words I ever spoke to her.

18 My partner teacher called me about 4:30 that
19 June 10th morning to let me know that something horrible
20 had happened. It was like the loss of my own child. I
21 love these children. They're not my students, they're
22 mine, and she was ripped away from me. I managed to
23 drive myself to school that morning and she'd left her
24 blanket and I just -- I got there early, like 6:30, and
25 I just sat in -- at her desk and wrapped her blanket

1 around me and cried into it.

2 That day was one of the hardest because I had to
3 tell her classmates -- my partner mostly told because I
4 couldn't -- that she had went to be with Jesus. My
5 shoulder was sopping wet by the end of the day from my
6 students' tears. The next hardest thing was cleaning
7 out her cubby and her desk so I could take it to mom.
8 I had to clean out her cubby and her desk. I can't go
9 through another experience like that. I tried to go
10 back to school to teach another year, but there was just
11 something inside of me that was lost and in October I
12 went to my principal to resign.

13 Now Minor wasn't 100 percent of the reason why I
14 left the profession, but she was a big part, especially
15 when her sister came to fourth grade that next year and
16 I saw her every day. And also one thing you always hear
17 oh, you were Minor 's teacher, weren't you? It was
18 just always a reminder. And I don't know what she would
19 have become, but she definitely had a strong personality
20 and I know she wouldn't have let anyone feel left out and
21 because of -- like I said, now I'm no longer a teacher.
22 I left in December and now I'm a pharmacy technician.
23 Like I said, Minor wasn't the 100 percent reason, but
24 she was big percent.

25 I loved that little girl along with my other kids

1 and I just wanted to be here today and I thank you for
2 your time to let you know what was robbed from us.

3 THE COURT: Thank you, Ms. Craven, and thank you
4 for coming. The Court appreciates it.

5 MS. MAYES: Next is Ms. Angela Morrison. She is
6 Minor s grandmother.

7 This photo, Your Honor, is of Minor and Akia.

8 MS. CLAMP: Your Honor, Heather Clamp, victim
9 advocate.

10 THE COURT: Yes, ma'am.

11 MS. CLAMP: Ms. Morrison, as you can understand,
12 would like to just stay right where she is and she has
13 asked me if I will address the Court on her behalf.

14 THE COURT: Can she just raise her hand, so I'll
15 know?

16 Thank you, Ms. Morrison.

17 MS. CLAMP: Your Honor, it's been almost thirteen
18 months since Quayshaun took my precious granddaughter's
19 life. He has changed my life. You took my best friend.
20 I have cried so many tears. I have had many sleepless
21 nights. Minor was playing with her phone while you
22 were playing with your gun. She will never be able to
23 graduate, go to college or have a family. You took all
24 of that from her. She was always so happy, always
25 smiling, and never met a stranger. My heart is broken

1 and my life will never be the same because of your
2 actions. She had so much life left to live and that
3 was taken right away from her and you still have breath
4 in your body. There are no words to describe the pain
5 you have caused our family. Our time with Minor was
6 cut short. Our hearts are broken and our lives are
7 shattered. Memories is all we have. I pray that the
8 Court hands down the maximum sentence allowed by the
9 law.

10 Thank you.

11 THE COURT: Thank you.

12 MS. MAYES: Your Honor, as to a prior record --
13 Quayshaun Clark is thirty years old. His arrest in
14 2018 for possession with intent to distribute controlled
15 substances resulted in a conviction of possession less
16 than one ounce of marijuana. That conviction was
17 January 15th of 2019.

18 THE COURT: All right. Thank you.

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

20 Your Honor, also we will share with the Court what
21 has been provided as discovery, the validation from the
22 Lexington County Sheriff's Department. Quayshaun Clark
23 is a Gangster Disciple. We mention this, Your Honor,
24 because this is the second time in one year -- less than
25 one year that we have been in this very courtroom where

1 a child has been murdered as a result of gang violence.
2 It's incomprehensible to us, Your Honor, and we know
3 that it's not gonna stop unless more is done with the
4 community, with law enforcement, with every aspect of
5 our youth. But with that said, we think it's important
6 to shed light on that in relation to what brought us
7 here today.

8 Your Honor, Shandrika Jay goes by Shell. This is
9 Minor 's mommy. She's been with us every step of the
10 way. This has changed her life obviously in ways that
11 are indescribable for us.

12 One of the things she told us last week is that her
13 little sister Akia has not been able to sleep in her
14 bedroom since this happened. It's obviously impacted
15 their entire life. Life as they knew it. And Shell has
16 used this as an opportunity to work with the community
17 targeting gang violence, targeting gun violence, and I'll
18 let her take it from here.

19 MS. JAY: Well, I didn't -- I didn't want to write
20 a note, but I thought I was gonna be nervous, and I am,
21 but I'm not. I don't know. But I'm thirty and I know
22 Quayshaun, Ace. I know him personally, you know, so it
23 hurts. I know everybody involved personally. So it
24 just -- it don't make sense to me. My baby was eleven
25 and she had so much life. I used to think she was

1 aggravating, but now that she's been gone a year, I miss
2 it. I cry daily, you know.

3 Okay. Okay. Minor she was eleven. She was a
4 daughter, sister, granddaughter, niece, and friend. She
5 was looking forward to her upcoming summer break. She
6 was so excited because she pulled her grades up and I
7 got her a new cell phone for her hard work at school.

8 She would always be the one smiling and posing for
9 the camera. I didn't understand it then, but I'm so
10 thankful for it now. Minor was loved by all her
11 teachers and classmates. She was always the one to help
12 out by cheering up her classmates. She loved getting
13 her nails done. She was just a happy child. And what
14 she loved most was going to grandma's house to do her
15 granddaddy's feet. She did. She loved to do his feet.
16 I don't know why.

17 All of -- all of that was cut short because of the
18 actions of Quayshaun. You had time to think before
19 pulling that trigger fifteen times. There are no words
20 to describe how you affected our life. On June 9th of
21 last year, my life changed forever. That night should
22 have just been the same as any other night. Spending
23 time with my friend, Comilla, and her daughters. Her
24 house was a place we always felt safe and it should have
25 been no different that night, but in the blink of an eye

1 Minor was gone. She was gone and I never heard her
2 scream. Never heard her cry. I never heard her say
3 mama, help me. She was gone. As soon as I picked her
4 up, I could just feel she was gone.

5 I don't even want to read this. It's hard. It's
6 hard. Me and my daughter have got to learn how to live
7 again, you know. We've got to learn how to want to do
8 stuff again and it's just because you-all made a mistake,
9 you-all made -- what is the word I'm looking for --
10 like fast action. You-all didn't think. You-all didn't
11 think. Everybody out there is a parent, you know.
12 There's some people blame me because I want justice, but
13 my baby was eleven. She was innocent. We was in a
14 house. We wasn't at that party. We know everybody.
15 Everybody knows everybody from Batesburg, but we wasn't
16 there, you know, and they snatched my baby. They took
17 her. They took her.

18 My nine-year-old -- my ten-year-old, she don't
19 never get in trouble in school. She barely passed this
20 year because she want to go where her sister at, you
21 know. I don't know what to tell her how I feel. I
22 can't even sleep in my bed and I don't know why. I
23 don't eat, I don't sleep. I don't close my eyes. I
24 don't sleep at all. My mom takes medicine just to cope.
25 I don't. I try to be so strong, you know, because

1 everybody look at me to be strong, but it hurts. It
2 hurts. They took something I could never ever get back,
3 and it hurts. It really hurts. There's nothing else I
4 can say. It just hurts.

5 THE COURT: Thank you, Ms. Jay. I'm -- I am so
6 sorry for your loss, but thank you.

7 MS. JAY: Thank you.

8 MS. MAYES: Your Honor, at this time we will pass
9 up for the Court photographs of Minor , as well as the
10 autopsy report.

11 THE COURT: Go ahead, Ms. Mayes.

12 MS. MAYES: That is all from the State at this time,
13 Your Honor.

14 THE COURT: Okay. Thank you.

15 Mr. Williams.

16 MR. WILLIAMS: Quayshaun.

17 Your Honor, I felt like I should be the one to
18 talk about Quayshaun. We -- we both recognize that my
19 daughter did a good job trying this case, but I -- I
20 feel like I'm older, I feel like I've seen more. I know
21 Quayshaun's family. I know the people on the other side.
22 We all know each other.

23 One of the comments that was made by one of the
24 young ladies about we know every in Batesburg. Batesburg
25 people know each other and the death of any child is

1 awful. You hear this story every time that there's a
2 gun shooting or somebody dies. You do. You do. And --
3 and they all have stories. You know, the older you get
4 the worse it gets because they all have stories. They're
5 all families that are destroyed and it's gonna keep on
6 happening until people quit solving their problems with
7 guns. I'm with you. I'm with you.

8 Be that as it may, we're left to deal with the young
9 men who are -- get caught in situations, too. This --
10 this young man right here, it happened when he was
11 twenty-nine years of age. His momma's deceased. He's
12 got family out there. There was a boatload of them here
13 earlier. He's got cousins and -- and I don't know that
14 we encouraged them to hang around a lot because you've
15 seen them here all week and --

16 THE COURT: I have seen them all week.

17 MS. WILLIAMS: -- and they love Quayshaun. The fact
18 that he is thirty years of age, thirty now, and the only
19 prior offense he has is a simple possession of marijuana
20 should speak somewhat volumes for him.

21 You heard the story. He's got children. He's got
22 a four-year-old child with -- with his girlfriend and
23 he's got another child with another young lady. He
24 takes care of them, he supported them -- did support
25 them up until now, up until he went to jail I should

1 say.

2 Quayshaun kept asking me -- he's a -- he is not --
3 this is gonna sound -- it shouldn't sound terrible. He
4 is not -- he is a simple, simple gentle man. He's up
5 here crying because they're all his cousins, too.
6 They're all related. He's -- he has no ill will. He
7 has no ill will. He has -- he has implied malice, Your
8 Honor. He doesn't have actual malice based on what the
9 jury decided towards anybody, towards anybody.

10 I blame -- you know, I blame those people who
11 brought that deal down there. Why bring -- why would
12 you bring people down to a party like that where people
13 are celebrating? His biggest deal that he was dealing
14 with was playing music and that's what he enjoyed,
15 playing music.

16 I don't know how you answer people who have suffered
17 the damages that these people have had when you have
18 somebody on the other side who obviously has fired the
19 gun. I don't know how you fix that, but -- but they're
20 still people, too, and they have families. It's
21 remorseful for the entire community. It's remorseful
22 that people use gun s to solve their problems. It's
23 remorseful that he's gonna go to jail for a real long
24 time, that he's gonna have another string of children --
25 another string of children who are gonna fall into the

1 same trap.

2 There's nothing I can do, Your Honor, except to
3 express that the individual you see here is not an evil
4 person. He's anything but an evil person. He never
5 should have touched that gun regardless of where he was
6 shooting. He knows that. And if he had thirty more
7 seconds to think about it maybe it wouldn't have
8 happened. I don't know how you express the situation,
9 Your Honor. I'm not smart enough to know the answer,
10 but I can only tell you that -- that we're getting a
11 whole generation of young people who -- who'll make a
12 simple mistake and they'll spend the rest of their lives
13 in jail, and we just ask that you be as lenient as
14 possible. And if nothing else has come from this, that
15 deceased child is -- maybe is an inspiration for people
16 not to use guns in situations like that and maybe somebody
17 else will be saved by -- from that.

18 THE COURT: It's a high price for Ms. Jay to pay.

19 MS. WILLIAMS: It's a terrible price, Your Honor.
20 It is a terrible price. I mean, you know, I don't know
21 any answers. I can only tell you what I know about this
22 gentleman right here.

23 Anything you want to say, Anna?

24 THE COURT: Mr. Clark, this is your day in court.
25 I'm gonna tell you that the jury found you guilty of

1 murder. That carries thirty to life, meaning I must
2 give you thirty years. The discharging a firearm into
3 a dwelling is zero to ten years. And also possession
4 of a weapon during a violent crime is zero to five
5 years.

6 This is your day in Court and if you would like
7 to tell me anything, now would be the time to tell the
8 Court.

9 And if you could adjust the microphone.

10 MR. WILLIAMS: Tell them what's in your heart.

11 THE DEFENDANT: There's so many things I can
12 say and I want to say, but I just feel like the way
13 everything happened, I couldn't stop nothing. I
14 couldn't -- I can't fight bullets and I know I made
15 a wrong decision and I'm sorry that that happened to
16 that child. It really -- it's something I have to live
17 with by the day, too. I'm just feeling the loss for my
18 children, the parents, of everything that happened. I'm
19 sorry.

20 THE COURT: Anything else, Mr. Williams?

21 MR. WILLIAMS: He has been in jail, Your Honor,
22 and has not been out of jail since he was arrested on
23 June the 11th of 2021.

24 THE COURT: Does anybody -- do you have the days?

25 MR. WILLIAMS: That's like four hundred and --

1 THE COURT: Wesley will look it up for you.

2 MR. WILLIAMS: I see him doing that with that
3 computer on.

4 THE COURT: Let me tell you, Mr. Clark, Minor 's
5 death was nothing but a tragedy. I mean, she was a
6 child, an 11-year-old child, who ended up yet another
7 innocent victim of gang violence. This is a mom who
8 took her child to her best friend's house to go watch
9 TV and let her play with her friend's daughter only to
10 have her shot dead just a short time later.

11 I mean, there is no doubt in my mind that the
12 State proved beyond a reasonable doubt that it was your
13 bullet that killed Minor . And this was a shootout
14 in a residential neighborhood.

15 I'd like to thank the Lexington County Sheriff's
16 Department, the Batesburg-Leesville Police Department,
17 SLED. I think we had the Secret Service. There was a
18 slew of law enforcement who worked on this case to piece
19 it together. And I'd also like to thank the jury for
20 their time, their dedication and their service and their
21 attentiveness throughout this trial.

22 And I would tell you, Ms. Jay, please accept my
23 condolences for the loss of your daughter. I'd like to
24 think that this trial has brought some closure to you,
25 but I think more importantly is that Quayshaun Clark

1 is here and he's gonna be held accountable for your
2 daughter's death, and I hope that brings you some sort
3 of peace.

4 This gang violence has got to stop. The citizens
5 of Lexington County deserve better. They shouldn't
6 have to live in fear of a gun battle erupting in their
7 backyard or fear for the safety of their children.

8 And, you know, you tell me other people brought
9 this problem. Well, I'm gonna tell you, it's choices,
10 Mr. Clark. It's a choice. You had a car. You could
11 have left, you could have called the police.

12 And I really hope, Mr. Williams, that you're wrong
13 that there's a string of children to fall into the same
14 trap. The trap has to stop. The gangs have to stop.
15 I mean, all you have to do is look at the newspaper to
16 see innocent people really on a weekly basis it seems
17 like to me who get killed by gang violence.

18 This Court isn't gonna put up with it.

19 MR. WILLIAMS: Your Honor, I have that number for
20 Your Honor. 391 on the days.

21 THE COURT: 391 days?

22 MR. WILLIAMS: That's correct.

23 THE COURT: Well, he's certainly entitled to the
24 time that he has spent.

25 And, you know, I've to tell you, Mr. Clark, I take

1 no pleasure in sentencing you. You're thirty years old.
2 You really don't have much of a prior record and, you
3 know, there's so much to life. I mean, there really is.
4 Minor will never get to enjoy that.

5 Anything else from the State?

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

7 THE COURT: Anything else from the defense?

8 MS. WILLIAMS: No, Your Honor.

9 THE COURT: All right. Mr. Clark, this murder
10 charge, you know, is a day for day charge. After having
11 considered all the matters that's on the record, the
12 Court sentences you as follows. On the murder charge,
13 the defendant is committed to the State Department of
14 Corrections for a period of forty-eight years. This
15 sentence will run concurrent with possession of a weapon
16 during a violent crime and you are to be committed to
17 the State Department of Corrections for a period of
18 five years. It will run concurrent with discharging a
19 firearm into a dwelling where you are to be committed
20 to the State Department of Corrections for a period of
21 ten years.

22 Mr. Clark, I just gave you forty-eight years. Good
23 luck to you.

24 Court's adjourned.

25 Let me ask if everybody in the gallery would

1 please stay seated until the jury has been escorted
2 out, please, and once I have them off the floor I'll
3 let you-all leave.

4 Okay. The gallery may be dismissed.

5 (Whereupon, the proceedings were concluded for
6 July 6, 2022, at 6:35 PM.)

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1
2
3 C E R T I F I C A T E

4 I, Stacy S. Johnson, Official Court Reporter
5 for the Eleventh Judicial Circuit of the State of
6 South Carolina, do hereby certify that the foregoing
7 is a true, accurate and complete transcript of record
8 of all the proceedings had and the evidence introduced
9 in the hearing of the captioned case in Circuit Court
10 June 27th through July 1st, 2022, and July 5th and 6th,
2022.

11 This transcript may contain quoted material.
12 Such material is reproduced as read by the speaker.

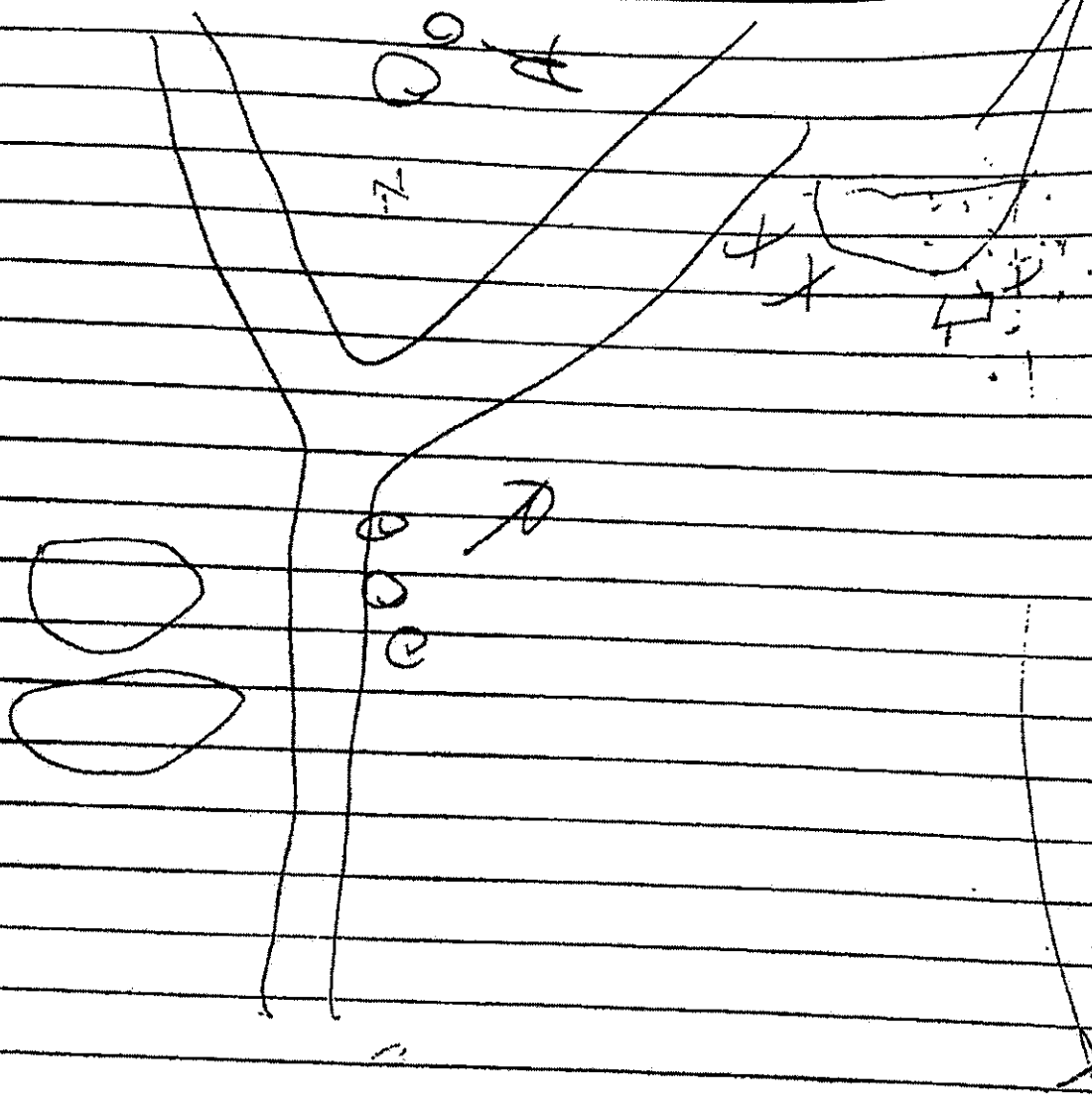
13 I do further certify that I am neither of kin,
14 counsel, nor have an interest to any party hereto.
15

16 January 11, 2023
17

18 Is/ Stacy S. Johnson
19 STACY S. JOHNSON
20 CIRCUIT COURT REPORTER
21
22
23
24
25

1386

NOTES



178-850-2071005

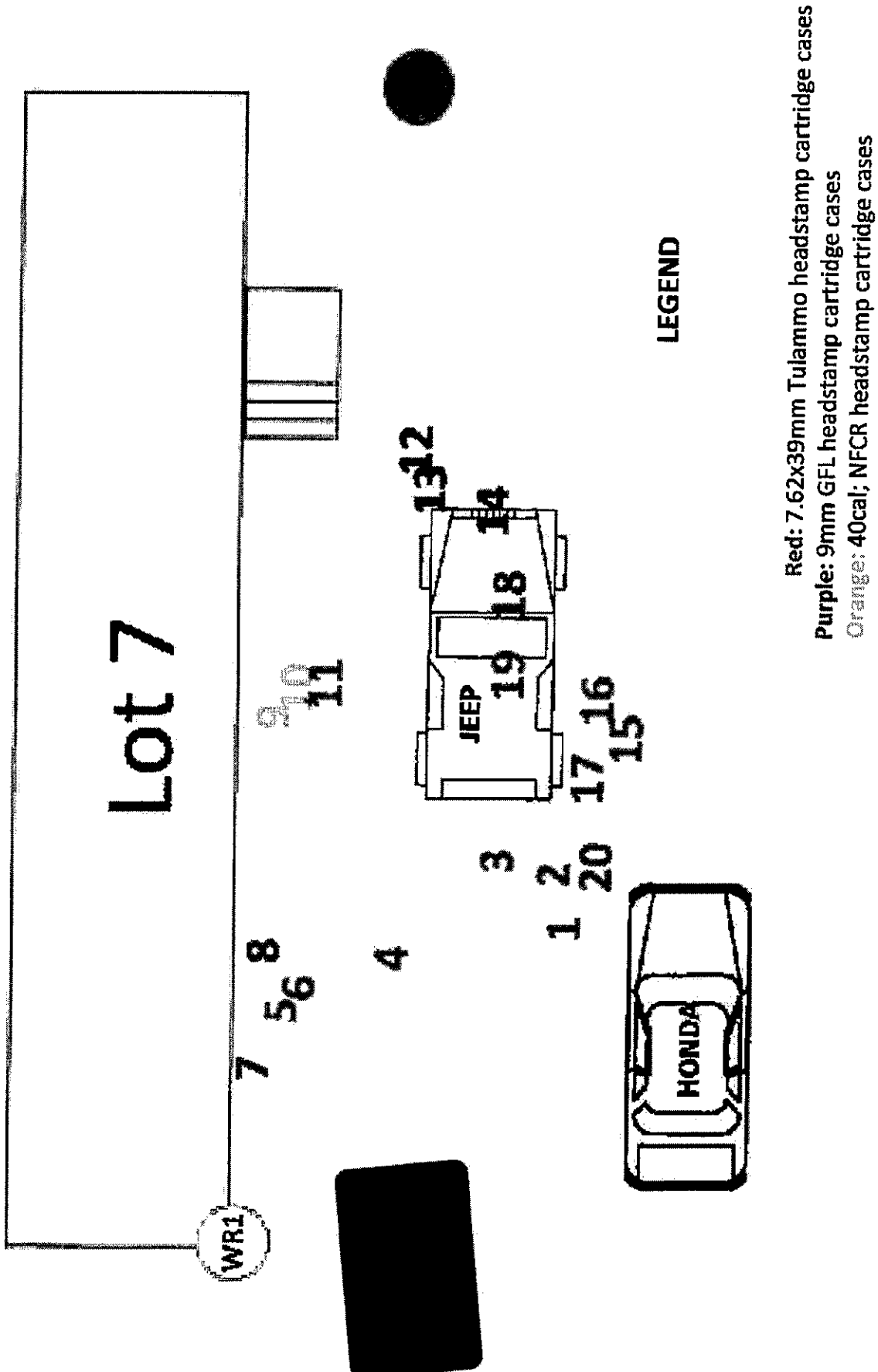
6/11/21

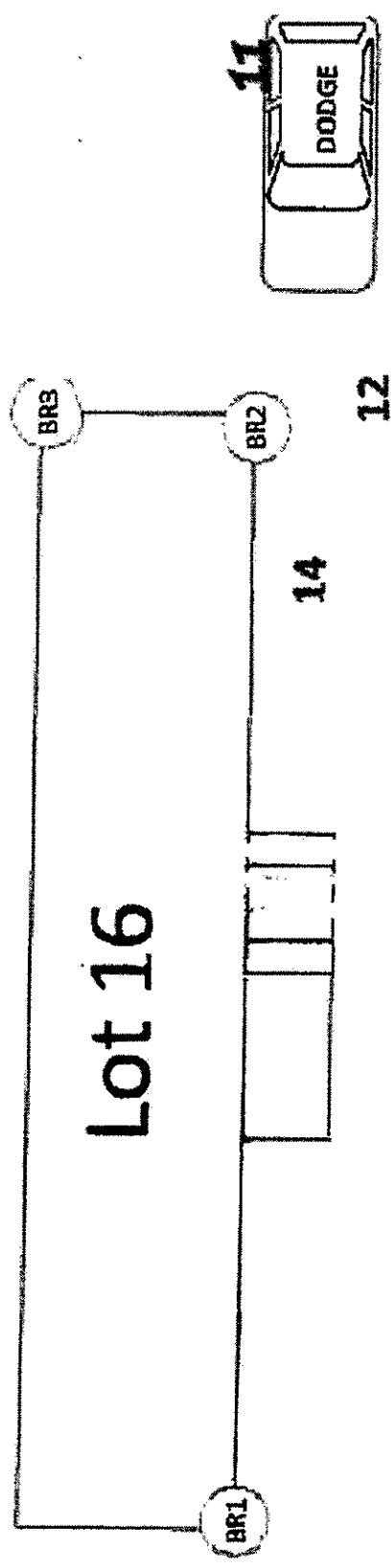
6/11/21



BR#: CSI Browning's Reference Point
WR#: CSI Weyandt's Reference Point
SR#: CSI Sgt. Snelgrove's Reference Point

Road





- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
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- 12
- 13
- 14

LEGEND

Blue: 9mm; S&B 9x19 21 headstamp cartridge cases

Blue: 9mm; S&B 9x19 21 unfired cartridge (Lot 16 Item #12)

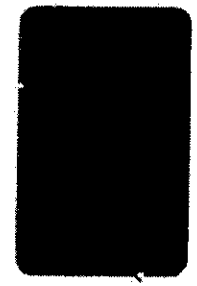
Purple: Projectile

Brown: Projectile

BR#: CSI Browning's Reference Point

WR#: CSI Weyandt's Reference Point

SR#: CSI Sgt. Snelgrove's Reference Point



Lexington County Sheriff's Department

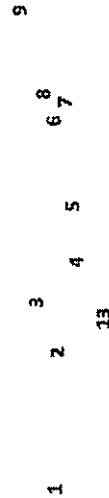
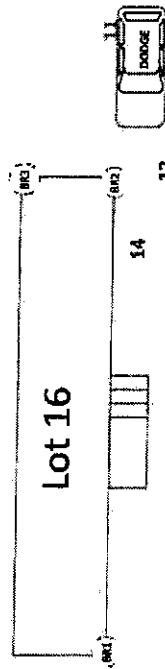
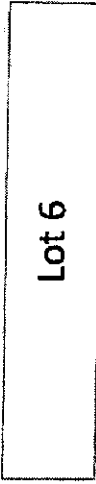
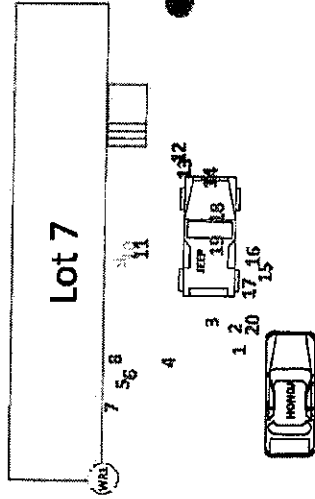
Case #: 21-010895

Incident Date: 06/09/2021

Location: [REDACTED] Rd. Batesburg, SC 29006

Prepared by: CSI Sgt. B. Snelgrove

NOT TO SCALE



LEGEND

Blue: 9mm; S&B 9x19 21 headstamp cartridge cases

Red: 9mm; S&B 9x19 21 unfired cartridge (Lot 16 Item #12)

Purple: 9mm GFL headstamp cartridge cases

Orange: 40cal; NCFR headstamp cartridge cases

Green: 40cal; Winchester 40 S&W cartridge cases

Pink: 380cal; R-P 380 Auto cartridge case

Brown: Projectile

BR#: CSI Browning's Reference Point

WR#: CSI Weyandt's Reference Point

SR#: CSI Sgt. Snelgrove's Reference Point



Lexington County Sheriff's Department

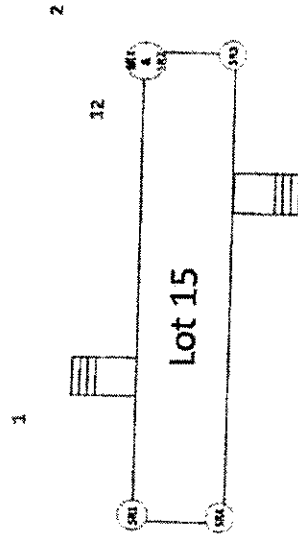
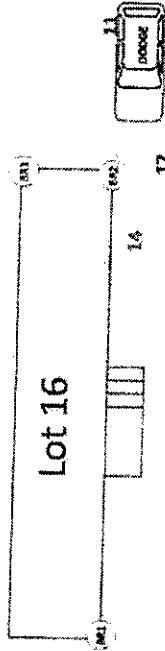
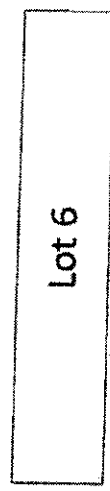
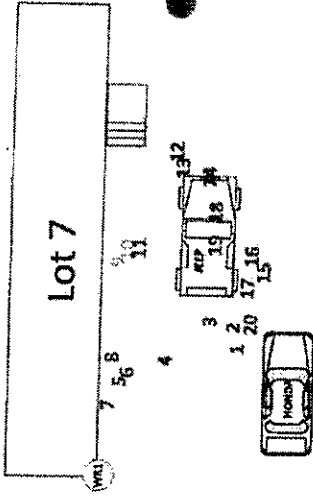
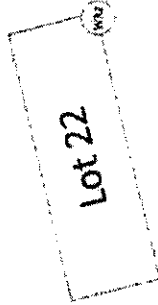
Case #: 21-010895

Incident Date: 06/09/2021

Location: [REDACTED] Rd. Batesburg, SC 29006

Prepared by: CSI Sgt. B. Snelgrove

NOT TO SCALE



LEGEND

Blue: 9mm; S&B 9x19 21 headstamp cartridge cases shot by same gun

Red: 7.62x39mm Tulummo headstamp cartridge cases

Purple: 9mm GFL headstamp cartridge cases/projectile shot by FN

Orange: 40cal; NRCR headstamp cartridge cases shot by same gun

Green: 40cal; Winchester 40 S&W cartridge cases

Pink: 380cal; R-P 380 Auto cartridge case

Brown: Projectile

BR#: CSI Browning's Reference Point

WR#: CSI Weyandt's Reference Point

SR#: CSI Sgt. Snelgrove's Reference Point

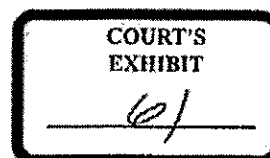


STATE OF SOUTH CAROLINA)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF LEXINGTON)	ELEVENTH JUDICIAL CIRCUIT
State of South Carolina,)	
	Indictment No(s). 2022GS3201991,
	2022GS3201993, 2022GS3201994
v.)	
Quayshaun Xzander Clark,)	MEMORANDUM RE: JURY
Defendant.)	INSTRUCTIONS

The Defendant, by and through the undersigned Counsel, hereby requests the inclusion of jury charges for voluntary manslaughter and involuntary manslaughter and objects to the inclusion of a jury charge on mutual combat.

A. Voluntary Manslaughter

Voluntary manslaughter is defined as "the unlawful killing of another without malice, express or implied." S.C. Code Ann. §16-3-50. "Voluntary manslaughter is the unlawful killing of a human being, without malice, in sudden heat of passion based on sufficient legal provocation." *State v. Lowry*, 315 S.C. 396, 399, 434 S.E.2d 272, 274 (1993), citing *State v. Davis*, 278 S.C. 544, 298 S.E.2d 778 (1983). "An overt, threatening or a physical encounter may constitute sufficient legal provocation." *State v. Hernandez*, 386 S.C. 655, 661, 690 S.E.2d 582, 585 (Ct. App. 2010). "To warrant a court's eliminating the offense of manslaughter, *it should very clearly appear that there is no evidence whatsoever tending to reduce the crime from murder to manslaughter.*" *State v. Lowry* at 399, 434 S.E.2d at 274, citing *State v. Norris*, 253 S.C. 31, 168 S.E.2d 564 (1969), (emphasis added.)



In this case, the Defendant has testified that other individuals were shooting at him, which qualifies as an overt threat. See *State v. Payne*, 434 S.C. 121, 154, 862 S.E.2d 81, 98 (2021). In addition, he testified that he shot at least ten (10) times on direct, later agreeing with the solicitor that the fifteen (15) shells must've been him. Furthermore, the Defendant testified that he needed to drive around in the car with his cousin following the event to "cool off".

The jury could draw the inference that the Defendant was in the sudden heat of passion when he shot some, or all, of the bullets and that it was further corroborated by his need to "cool off". Because there is *some* evidence, no matter the quantity, that could lead the jury to infer that the elements of voluntary manslaughter were met, it is a proper charge to give the jury.

B. Involuntary Manslaughter

Involuntary manslaughter is defined as the unintentional killing of another without malice and while engaged in either: (1) an unlawful act not amounting to a felony and not naturally tending to cause death or great bodily harm; or (2) **a lawful act with reckless disregard for the safety of others**. See *State v. Light*, 378 S.C. 641, 664 S.E.2d 465 (2008)(emphasis added).

Prior to 2008, past case law seemed to indicate that where a defendant claimed self-defense, involuntary manslaughter could not be charged. See *State v. Pickens*, 320 S.C. 528, 466 S.E.2d 364 (1996). However, the Court clarified their position in *State v. Light* to indicate that there are situations where both can be charged: "When there is a factual issue as to whether the shooting was committed

intentionally in self-defense or was committed unintentionally, then the defendant is entitled to both charges as there is 'any evidence' to support each charge." *State v. Light* at 651, 664 S.E.2d at 470. This clarification is further supported by *State v. Sams*, which describes the "quintessential situation" in which both may be charged as those in which "***there was evidence of the negligent handling of a loaded gun*** or evidence that the defendant and the victim struggled over a weapon." *State v. Sams*, 410 S.C. 303, 314, 764 S.E.2d 511, 516 (2014)(emphasis added).

As stated above, in this case the Defendant initially testified that he shot at least ten (10) times on direct, then clarified when the solicitor mentioned the fifteen (15) shells that those must have come from him. From this inconsistency in his testimony, a juror could reasonably infer that he did not know how many bullets he fired and that, therefore, not all of the fifteen (15) shots were intentional. As there has been no testimony concerning which of the fifteen (15) shots was the one that killed the victim, a juror could reasonable infer that an unintentional round from the Defendant's negligent handling of the firearm was what killed the victim, making an involuntary manslaughter jury instruction proper.

C. Mutual Combat

"Mutual combat occurs when there is a mutual intent and willingness to fight." *State v. Bowers*, 428 S.C. 21, 32, 832 S.E.2d 623, 629 (Ct. App. 2019) citing *State v. Graham*, 260 S.C. 449, 450, 196 S.E.2d 495, 495 (1973). Mutual intent is manifested by the acts and conducts of the parties and the circumstances attending and leading up to the combat. *Id.*

There are, however, additional requirements to merit a mutual combat charge. South Carolina courts have held “that case law **unequivocally** indicates that it is **essential** there is evidence of a pre-existing ill-will between the parties and that **both parties** are armed with deadly weapons **and have knowledge that the other is armed.**” *Id.* at 34, 832 S.E.2d at 630 (citing *State v. Taylor*, 356 S.C. 227, 589 S.E.2d, (2003), emphasis added. (See also *State v. Young*, 429 S.C. 155, 160, 838 S.E.2d 516, 519 (2020) citing *State v. Taylor*. “The State is required to prove the rival combatants were armed for mutual combat with deadly weapons and **each combatant knew the others were armed.**”)(emphasis added).

In *State v. Taylor*, the Court constrained the application of mutual combat to reflect these additional limitations. See *id.* In that case, it was found that a mutual combat charge was improperly given to the jury. One of the reasons the Court found that the charge was improper is that there was no evidence presented that the victim knew that the Defendant was armed with a deadly weapon. See *id.*

Similarly, in this case, there has been no evidence presented regarding the knowledge of the other parties to the shootout – whether they had knowledge that the Defendant was armed or not. Not only has the State presented no evidence concerning their knowledge of whether the Defendant was armed, the State has not even presented evidence concerning the identity of these other combatants. A mutual combat charge is only proper if there has been evidence presented that all parties know that all parties are armed and therefore it would be improper in this case.

CONCLUSION

Based on the foregoing reasons, the Defendant respectfully moves for jury instructions on voluntary manslaughter and involuntary manslaughter, as well as the exclusion of an instruction on mutual combat.

IT IS SO MOVED.

Respectfully Submitted,



Robert T. Williams, Sr., Esq.

Anna M. Williams, Esq.

Williams, Stitely and Brink, P.C.

200 East Main Street

Lexington, SC 29072

O: 803-359-9000

C: 803-360-1968

F: 803-359-9945

twilliams@wsblegal.com

awilliams@wsblegal.com

ATTORNEYS FOR THE DEFENDANT

July 5, 2022

WITNESSES

Lexington County Sheriffs Department

Carleisha S Gilliam

Law Enforcement Case #: 21010895

LSM

ARREST WARRANT NUMBER

2021A3210201688

ACTION OF GRAND JURY

TRUE BILL

Veronica Spivey 6-13-22

Foreperson of Grand Jury

Date:

VERDICT

GUILTY

James A Mathis

Foreperson of Petit Jury

Date: 7-6-2022

DOCKET NO. 2022GS3201991

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JUNE TERM 2022

THE STATE

vs.

Quayshaun Xzander Clark

CDR #: 0116

Indictment for

Murder

§ 16-03-0010

S.R. Hubbard III, SOLICITOR

A TRUE COPY
Lex. Co. C.C.G.R. G.S. & H.C.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)

INDICTMENT FOR
 Murder

§ 16-03-0010

At a Court of General Sessions, convened on June 2022, the Grand Jurors of Lexington County present upon their oath:

That **Quayshaun Xzander Clark** did in Lexington County on or about June 9, 2021, commit the offense of murder, whether acting alone or in concert with another, in that he did unlawfully kill one Minor ; a child eleven (11) years of age, with malice aforethought, either express or implied, including but not limited to: such act occurred while the actor was engaged in a felony offense, being the unlawful discharge of a firearm at or into a dwelling house or enclosure regularly occupied by persons and/or such act occurred while willingly engaging in combat via a shootout in a residential area, creating a high risk to any human life within the field of fire and/or displaying a depraved indifference to human life; such actions resulting in the shooting death of the victim with a firearm, in violation of §16-03-0010, Code of Laws of South Carolina, 1976, as amended.

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

Suzanne Mayes
 DEPUTY SOLICITOR

06152022
 SCANNING

WITNESSES

Lexington County Sheriffs Department

Carleisha S Gilliam

Law Enforcement Case #: 21010895

LSM

ARREST WARRANT NUMBER

2021A3210201691

ACTION OF GRAND JURY

TRUE BILL

Theresa Spivey 6-13-22

Foreperson of Grand Jury
Date:

VERDICT

Guilty

James A McArthur

Foreperson of Petit Jury
Date: 7-6-2022

DOCKET NO. 2022GS3201993

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JUNE TERM 2022

THE STATE

vs.

Quayshaun Xzander Clark

CDR #: 0052

Indictment for

Discharging a Firearm into a Dwelling

§ 16-23-0440(A)

S.R. Hubbard III, SOLICITOR

A TRUE COPY
John Lott
Lex. Co. C.C.C.R., G.S. & R.O.

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

INDICTMENT FOR
Discharging a Firearm into a Dwelling

§ 16-23-0440(A)

At a Court of General Sessions, convened on June 2022, the Grand Jurors of Lexington County present upon their oath:

That **Quayshaun Xzander Clark** did Lexington County, South Carolina on or about June 9, 2021, whether acting alone or in concert with another, knowingly and willfully discharge or cause to be discharged unlawfully a firearm at or into a dwelling house or other building , structure, or enclosure regularly occupied by persons, to wit: the dwelling located at Lot 15, [REDACTED] Road in the Batesburg area of Lexington County, in violation of Section 16-23-440 of the State of South Carolina Code of Laws (1976), as amended.

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

Suzanne Mayes
DEPUTY SOLICITOR

2022 JUN 10 01:00 PM
CLERK OF COURT

WITNESSES

Lexington County Sheriffs Department

Carleisha S Gilliam

Law Enforcement Case #: 21010895

LSM

ARREST WARRANT NUMBER

2021A3210201690

ACTION OF GRAND JURY**TRUE BILL**

Foreperson of Grand Jury

Date:

VERDICT*Guilty*

Foreperson of Petit Jury

Date: 7-6-2022

DOCKET NO. 2022GS3201994**The State of South Carolina**

County of Lexington

COURT OF GENERAL SESSIONS

JUNE TERM 2022

THE STATE

vs.

Quayshaun Xzander Clark

CDR #: 0549Indictment forPossession of a Weapon during
Commission of a Violent Crime

§ 16-23-0490

S.R. Hubbard III, SOLICITORA TRUE COPY
Lex. Co. C.C.P., G.S. & H.C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Possession of a Weapon during Commission of
a Violent Crime

§ 16-23-0490

At a Court of General Sessions, convened on June 2022, the Grand Jurors of Lexington County present upon their oath:

That **Quayshaun Xzander Clark** did in Lexington County, South Carolina on or about June 9, 2021 knowingly and willfully, whether acting alone or in concert with another, possess a firearm, during the commission of a violent crime or attempt to commit a violent crime, to wit: Murder; such weapon being a FN 9 mm handgun and/or an AK P7 firearm, in violation of § 16-23-490 of the Code of Laws of South Carolina, 1976, as amended.

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


DEPUTY SOLICITOR

SCANNED 06152022

30-Life

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

STATE

VS.

Quayshaun Xzander Clark

AKA:

Race: Black Sex: M Age: 30DOB: SS#:

Address:

City, State, Zip:

DL#:

SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2022 - GS - 32 - 01991AW#: 2021A3210201688Date of Offense: 6/9/2021S.C. Code §: 16-03-0010CDR Code #: 0116**RECEIVED**

SENTENCE SHEET

Jul 11 2022

SC Court of Appeals

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Murder / MurderIn violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

64191

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 48 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2022 - GS - 32 - 01993☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOP. 2022 - GS - 32 - 0199430 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

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

A TRUE COPY

Lex. Cl. C.C.C.P., G.S. & F.C.

STATE VS. Quayshaun Xzander Clark INDICTMENT/CASE#: 2022 - GS - 32 - 01991

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

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

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

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

§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$100 -
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$25 -
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$185 -

Clerk of Court/Deputy Clerk
Court Reporter:

Sia Coran
B. Chippor

Presiding Judge:
Judge Code:
Sentence Date:

Debra McAlister
2769
July 10, 2022

A TRUE COPY

Sia Coran
Lex. Ch. C.C.C.P., G.S. & F.C.

0-10

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

STATE

VS.

Quayshaun Xzander Clark

AKA:

Race: Black Sex: M Age: 30

DOB: _____ SS#: _____

Address: _____

City, State, Zip: _____

DL#* _____

SID# _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2022 - GS - 32 - 01993AW#: 2021A3210201691Date of Offense: 6/9/2021S.C. Code §: 16-23-0440(A)CDR Code #: 0052**RECEIVED**

SENTENCE SHEET

Jul 11 2022

SC Court of Appeals

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Weapons / Discharging firearms into a dwellingIn violation of § 16-23-0440(A) of the S.C. Code of Laws, bearing CDR Code # 0052☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

64191

Solicitor _____ SC Bar # _____ Defendant _____ Attorney for Defendant _____ SC Bar # _____

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 10 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years

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

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

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2022-65-32-01994
2022-65-32-01991☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.
391 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.
☐ The Defendant Shall be Released from County Detention Center.

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

A TRUE COPY

Lex. Cl. C.C.C.P., G.S. & P.C.

STATE VS. Quayshaun Xzander Clark INDICTMENT/CASE#: 2022 - GS - 32 - 01993

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

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

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

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

§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$100 -
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$25 -
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$

- ☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees
- ☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$125

Clerk of Court/Deputy Clerk: Lisa Carter
Court Reporter: Lisa CarterPresiding Judge: Debra McClinton
Judge Code: 1109
Sentence Date: July 11, 2022

A TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.C.

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington

STATE

VS.

Quayshaun Xzander Clark

AKA:

Race: Black Sex: M Age: 30

DOB: _____ SS#: _____

Address:

City, State, Zip:

DL#* SID#

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

INDICTMENT/CASE#: 2022 - GS - 32 - 01994

AW#: 2021A3210201690

Date of Offense: 6/9/2021

S.C. Code §: 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

Jul 11 2022

SC Court of Appeals

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

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

In violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45

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

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

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

64191				
Solicitor	SC Bar #	Defendant	Attorney for Defendant	SC Bar #

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

for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed ____ years

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

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

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

~~The sentence shall run~~

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

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

39 days/months

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

☐ The Defendant Shall be Released from County Detention Center.

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

A TRUE COPY

Lex. C.S. C.C.C.P., G.S. & F.C.

STATE VS. Quayshaun Xzander Clark INDICTMENT/CASE#: 2022 - GS - 32 - 01994

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

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

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ _____
§14-1-206 (Assessments 107.5%)			\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100		\$100 -
§14-1-211 (A)(2)(DUI Surcharge)	\$100		\$ _____
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§56-1-286 (DUI Breath Test)	\$25		\$ _____
§14-1-212 (Law Enforce. Funding)	\$25		\$25 -
§14-1-213 (Drug Court Surcharge)	\$150		\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41		\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50		\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$ _____
3% to County (if paid in installments)	TBD		\$ _____

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$125 -

Clerk of Court/Deputy Clerk: Lisa Connor
Court Reporter: B. ChapmanPresiding Judge: Debra McCarlinJudge Code: 22167Sentence Date: July 6, 2022

A TRUE COPY

Lisa Connor
CLERK OF COURT, G.S. § 13.

Apr 29 2024

CERTIFICATE OF COUNSEL FOR APPELLANT

SC Court of Appeals

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Breen Richard Stevens
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 29th day of April, 2024.

RECEIVED

Apr 29 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE 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

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon J. Anthony Mabry, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 29th day of April, 2024.



Breen Richard Stevens
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT