

ORIGINAL

Volume I of II

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM LANCASTER COUNTY

J. Ernest Kinard, Jr., Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

HEYWARD R. TRUESDALE

APPELLANT

APPELLATE CASE NO. 2013-001129

RECORD ON APPEAL

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Pages 1-500

INDEX

INDEX	i
TRIAL TRANSCRIPT (dated May 13 – 16, 2013).....	1
JURY VOIR DIRE	8
JURY SELECTION	23
MOTION TO EXLCUDE GANG LANGUAGE	29
MOTION TO SUPRESS VEHICLE	30
NEIL V. BIGGERS HEARING	34
TESTIMONY	
DOUGLAS LEWIS	35
OPENING STATEMENT BY SOLICITOR.....	59
OPENING STATEMENT BY DEFENSE COUNSEL	63
TESTIMONY	
ROBERT EDWARD BLAKENEY	69
REID BLAKENEY	76
TRACY LEE DAVIS	80
MICHAEL HUNDLEY	92
MATT BOYKIN	98
STEVEN LEE HOLDEN	104
HERBERT MACCUE	111
MATT SHAW	128
LAKENDRICK MILLER	135

JAMES WHITAKER.....	145
DOUGLAS SPINKS, JR.....	160
KELLY SNIPES.....	162
CARLA DEESE.....	166
CORY MCILWAIN.....	170
CHARLES THOMAS KIRKLEY.....	174
RUSSELL DAWKINS.....	195
SANNA CARRICO	199
CRAIG BAILEY	208
LEE BLACKMON.....	211
ANGIE SANDERS	215
KEN TAYLOR	221
JEFF STEELE	260
JOSE CATALANO.....	292
JANICE ROSS	299
JOHN ROBERTS	313
SHAUN MCCROREY	331
KIM DINH	359
IRA PARNELL	367
FREEDONIA TRUESDALE.....	380
ALEXIS TRUESDALE	401
ADRIENNE HEFNEY	411
DOUGLAS LEWIS.....	430
PRAYON TRUESDALE.....	469
JEREL DAVIS	502

STATE RESTS.....	538
DIRECTED VERDICT MOTION RENEWED	544
DEFENSE RESTS	545
CLOSING ARGUMENT	547
SOLICITOR WAIVES OPENING.....	546
CLOSING ARGUMENT BY DEFENSE COUNSEL	546
CLOSING ARGUMENT BY SOLICITOR.....	570
JURY CHARGE.....	596
VERDICT	619
NEW TRIAL MOTIONS.....	621
COURT'S RULING.....	621
SENTENCING	622
INDICTMENTS	630
CERTIFICATE OF COUNSEL.....	636

1 STATE OF SOUTH CAROLINA
2 COURT OF GENERAL SESSIONS
3 COUNTY OF LANCASTER
4 2011-GS-29-1425 to 1427
5

6 State of South Carolina

7 vs.

8 Heyward Rashard Truesdale
9

10

11 Lancaster, South Carolina

12 May 13-16, 2013

13 Before the Honorable Ernest Kinard
14

15 APPEARANCES

16 For the State: Doug Barfield

17 For the Defendant: William Frick
18

19 Reported by: Michael C. Watkins

20 Official Court Reporter
21
22
23
24
25

1	Voir Dire:	6
2	Pretrial Motions:	29
3	Opening Statements:	58
4	Robert Blakeney:	69
5	Reid Blakeney:	76
6	Tracy Davis:	80
7	Michael Hundley:	92
8	Matt Boykin:	98
9	Steven Holden:	104
10	Herbert Maccue:	111
11	Matt Shaw:	128
12	Ladendrick Miller:	135
13	James Whittaker:	145
14	Douglas Spinks:	160
15	Kelly Snipes:	162
16	Carla Deese:	166
17	Cory McIlwain:	170
18	Chuck Kirkley:	174
19	Russell Dawkins:	195
20	Sanna Carrico:	199
21	Craig Bailey:	208
22	Lee Blackmon:	211
23	Angie Sanders:	215
24	Ken Taylor:	221
25	Jeff Steele:	260

1	Joe Catalano:	292
2	Janice Ross, M.D.:	299
3	John Roberts:	313
4	Shaun McCrorey:	331
5	Kim Dinh:	358
6	Ira Parnell:	367
7	Freedonia Truesdale:	380
8	Alexis Truesdale:	401
9	Adrienne Hefney:	411
10	Douglas Lewis:	430
11	Prayon Truesdale:	469
12	Jerel Davis:	502
13	Closing Arguments:	546
14	Jury Charge:	596
15	Jury Verdict:	619
16	Sentencing Hearing:	622
17	Certificate:	628
18		
19		
20		
21		
22		
23		
24		
25		

1	STATE'S EXHIBITS	
2		
3	1-6 - Photos	76
4	7 - Photo	85
5	8-9 - Photos	87
6	10 - Lewis GSR	148
7	23-34 - Photos	199
8	35 - McCrorey GSR	211
9	36 - Truesdale GSR	214
10	37 - Bank Statements	221
11	38 - Photos	221
12	39 - Bullet Fragment	232
13	40 - Sketch	232
14	41 - Cigarette Butt	235
15	42 - Victim's Note	237
16	43 - Victim's Note	237
17	44 - Freedonia Truesdale GSR	238
18	45 - Blakeney GSR	238
19	46 - Bullet Fragment	246
20	47 - Blood Standard	246
21	48 - Davis Swabs	249
22	49 - Defendant's Swabs	249
23	50 - Prayon Truesdale Swabs	250
24	51 - Gun	267
25	52 - Prayon Truesdale	271

1	53	- Jerel Davis GSR	271
2	54	- Cigarette Butt	272
3	55	- Jacket	272
4	56	- Bank Envelope	276
5	57	- Envelope Swabs	279
6	58	- McCrorey Buccal Swabs	295
7	59	- Chain of Custody Doc.	320
8	60	- GSR Report	328
9	61	- Gun DNA Swab	364
10	62	- Fingerprint Report	365
11	63	- Firearm Report	379
12	64	- DNA Report	424
13	65	- Sketch	502

14

15

DEFENDANTS

16	1-3	- Photos	282

17

18

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1 MR. BARFIELD: Your Honor, we're here on the matter of
2 State versus Heyward Truesdale, he is represented by William
3 Frick. They are indictments number 2011-1425, 1426 and
4 1427, murder, armed robbery and possession of a weapon
5 during the commission of a violent crime. We're ready to go
6 forward with the jury selection process. I understand an
7 issue came up with the plea of the codefendant and I
8 understand we need to go on the record for that.

9 THE COURT: Okay. Mr. Truesdale, that's you?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: I live in Camden, South Carolina, been
12 living there since January of '64. All right? To my
13 knowledge I have never met Harry Edward Blakeney, I can't
14 say that I never have, I just say to my knowledge because I
15 am acquainted with his brother, Reid Blakeney. And Camden
16 is -- he was at Clemson with me, not in my class, I didn't
17 know him at Clemson other than just saw him, I think he was
18 maybe two years behind me up there. But when he's been in
19 Camden as far as I know the whole time that I have been
20 there, his wife -- and I'm not talking about Harry Edward
21 Blakeney, I'm talking about Reid Blakeney -- his wife is one
22 of the chief cooks for Jack Brandley who is one of our
23 leading caterers there and she's a good friend of my wife's
24 although they don't run together, they speak to each other
25 when they saw them. Just by living in Camden I knew that

VOIR DIRE

1 his brother had been killed but I didn't know any of the
2 facts and nobody has talked to me about it, nobody has
3 talked to me about it at all. I haven't seen -- although I
4 have maybe been to two or three Clemson games in a group
5 where his brother was there but it has been years ago and
6 his brother certainly hadn't talked to me about it. I don't
7 think I have seen him in three years. His brother-in-law
8 has not talked to me about it, he's a dentist in Camden and
9 is a good friend of mine but he didn't talk to me about it
10 so I have no problem presiding over your case. I just make
11 various rulings and if you get found not guilty you're not
12 guilty, if you get found guilty it's a pretty substantial
13 penalty that you're looking at anyway. So, you know -- but
14 I don't know anything about what -- I did take the plea of
15 the codefendant a minute ago and that's the first I heard
16 anything about it and that's why it came up. So you can
17 object to my presiding if you would like to but that's up to
18 you.

19 MR. FRICK: Your Honor, we have discussed it briefly
20 and I don't think we need anymore time, if we do I know
21 Heyward will tell me. I think we are fine and we are
22 prepared to go forward.

23 THE COURT: Is that correct?

24 THE DEFENDANT: That's correct.

25 MR. BARFIELD: Thank you, Judge. We are ready for jury

VOIR DIRE

1 selection.

2 (Beginning of jury selection.)

3 MR. BARFIELD: Your Honor, the State calls the case of
4 State versus Heyward Rashard Truesdale, he's represented by
5 William Frick. Indictment number 2011-GS-29-1425 the
6 offense is murder; 2011-GS-29-1426, the offense is armed
7 robbery, and 2011-GS-29-1427, the offense is possession of a
8 firearm during the commission of a violent crime. The State
9 is ready to proceed.

10 THE COURT: Okay. Jurors, right before you came in the
11 solicitor handed me these three documents, I don't know
12 anything about the case really until I get here today. You
13 know, I am just kind of -- even though I'm chief
14 administrative judge I'm just kind of like a road warrior,
15 the solicitor calls the cases and I preside over them. It's
16 up to him to prepare the case, I don't call them for trial,
17 interview witnesses or anything, that's what the solicitor
18 does. The solicitor has handed me three documents. The
19 first alleges that Heyward Rashard Truesdale committed the
20 crime of murder by killing Harry Edward Blakeney by shooting
21 him with a small caliber weapon back on September 21st of
22 2011 on Church Street in Kershaw, South Carolina. Now, the
23 solicitor handed me a second indictment that charged Mr.
24 Truesdale with armed robbery, alleges that he took property
25 while armed with a weapon from Harry Edward Blakeney on that

VOIR DIRE

1 same date. And the third indictment is an add-on type
2 penalty, it says that while he committed a crime of
3 violence, armed robbery and murder both being classified by
4 the legislature as crimes of violence, he possessed a
5 weapon. Now, Mr. Truesdale is presumed innocent of all
6 charges, he has absolutely no burden to convince any jurors
7 that he's not guilty. In order to obtain a conviction it's
8 incumbent upon the State to convince 12 jurors unanimously
9 beyond a reasonable doubt that he committed the crime or
10 crimes as alleged in these indictments which is all it is,
11 it's allegations. Indictments are charging papers that
12 advise a person of what he or she is charged with and the
13 fact that indictments are even issued creates no inference
14 of guilt against anyone. Now, Mr. Truesdale is present I
15 take it?

16 MR. FRICK: Yes, sir.

17 THE COURT: If he would just stand. All right.
18 Jurors, does he look familiar? Anybody kin to him, go to
19 school with him, live in the neighborhood with him, know him
20 at all? Okay. You can have a seat. And he's represented
21 by an attorney who is going to tell us who he is.

22 MR. FRICK: Good morning. My name is William Frick, I
23 am an attorney who practices criminal law almost exclusively
24 in Lancaster and Fairfield County.

25 THE COURT: All right. Jurors, any of you ever been

VOIR DIRE

1 represented by Mr. Frick, do any dealings with him? Does he
2 owe you any money? Not that he would. Do you have any
3 connection with him at all? Of course, the case for the
4 State is going to be handled by your solicitor, I guess, if
5 he would tell us who he is.

6 MR. BARFIELD: Doug Barfield, Solicitor for the 6th
7 Circuit which is Lancaster, Chester and Fairfield Counties.

8 THE COURT: All right. Jurors, normally it doesn't
9 take a long time to pick a jury but you understand armed
10 robbery and murder are serious charges, got a lot of
11 witnesses that are going to testify, potential witnesses
12 that are going to testify. I have a good many questions I
13 have to ask you, I may let you answer out there, I may have
14 to make you come up by the court reporter depending. So
15 first jurors, any of you have either personally or have an
16 immediate family member currently in the past employed by
17 law enforcement at any level? Now, by immediate family
18 member I'm talking about parents, brothers, sisters,
19 children, I'm not talking about third cousins twice removed.
20 All right? If you have an immediate family member or you
21 personally who has -- or is employed by law enforcement at
22 any level? That would be anything from the Great Falls
23 Police Department to SLED to the FBI, highway patrol. All
24 you have to do now is stand, if you would tell us your name
25 and just tell us how that question applies to you. Like say

VOIR DIRE

1 my brother-in-law is a highway patrolman and if you can be
2 fair and impartial just have a seat, if you can't tell us,
3 "I can't be fair and impartial." All right.

4 THE JUROR: My name is Lisa Center, my husband is a
5 sheriff's deputy.

6 THE COURT: Which county?

7 THE JUROR: Lancaster.

8 THE CLERK: Juror 65.

9 THE JUROR: Jeanette Roseberry. My step-daddy is Bruce
10 Bryant, Sheriff of York County.

11 THE CLERK: Juror 118.

12 THE JUROR: Walter Edwin Scott, III. My father works
13 for SLED narcotics in York County. Stepbrothers Chase
14 Sedwick and Christian Shaun Sedwick are also with the
15 Charlotte Mecklenburg Police Department.

16 THE CLERK: Juror 121.

17 THE COURT: Jurors, now this would include --

18 THE CLERK: I think there's one more.

19 THE JUROR: My brother is retired, he was undersheriff
20 up in Delaware County in New York State.

21 THE COURT: And you have a name?

22 THE JUROR: My name? Sherry Stewart.

23 THE CLERK: 122.

24 THE COURT: Now jurors, this really includes anybody
25 that's connected with law enforcement directly or

VOIR DIRE

1 indirectly, it could be wildlife officers, probation agent,
2 anybody with the authority to lawfully arrest someone.
3 Jurors, if you or an immediate family member while not
4 directly employed by law enforcement have ever held a
5 position or hold a position like quasi law enforcement,
6 we're talking about security guards, night watchmen,
7 somebody in block stores that looks for shoplifters,
8 anything like that. Jurors, if you or an immediate family
9 member currently or in the past have been employed by any
10 solicitor's office, any district attorney's office, JAG
11 Corps in service, anybody that has the authority to
12 prosecute people charged with the commission of crimes if
13 you would please stand.

14 THE JUROR: Karen Matlock, number 91. My husband was
15 solicitor in Rock Hill.

16 THE COURT: Okay. Thanks. Jurors, you or an immediate
17 family member currently or in the past have been employed by
18 a public defender corporation or an attorney who represents
19 people accused of commission of crimes?

20 THE JUROR: My daughter is an immigration attorney in
21 Charlotte. I don't know exactly what she does so I don't
22 know, but she does do pro bono work in Charlotte.

23 THE COURT: Your name is?

24 THE JUROR: Nancy Buffet.

25 THE COURT: Okay. Thanks.

VOIR DIRE

1 THE CLERK: Nineteen.

2 THE JUROR: This is about a first cousin so I don't
3 know if that qualifies or not.

4 THE COURT: Well, go ahead and tell us while you're
5 standing.

6 THE JUROR: My first cousin is Judy Clark who is a
7 criminal attorney and has defended and is defending some
8 well known people around the country.

9 THE COURT: And your name is?

10 THE JUROR: Emily Jordan, number 79.

11 THE COURT: Okay. Thanks.

12 THE JUROR: Karen Matlock, 91. My husband is now a
13 defense attorney.

14 THE JUROR: Judy Glenn. My daddy worked as a jailer at
15 the Lancaster County Sheriff's Department but he is retired.

16 THE COURT: Okay.

17 THE CLERK: Number 60.

18 THE COURT: Jurors, if you have ever received any law
19 enforcement or legal training or have every worked for an
20 attorney I need for you to stand. All right. Jurors, on
21 this next series of questions I just need for to you come up
22 by the court reporter if it applies to you. If you or an
23 immediate family member has ever been accused of committing
24 a crime of violence as you understand the term, you or
25 immediate family member has ever been the victim of what you

VOIR DIRE

1 consider a crime of violence, somebody steals somebody's
2 purse they might think that's a crime of violence. If you
3 think it's a crime of violence or if you or an immediate
4 family member has ever been convicted of or accused of
5 committing a crime of violence as you understand the term I
6 need for you to come up one at a time over there.

7 (Individual voir dire.)

8 THE JUROR: Jeanette Roseberry.

9 THE CLERK: Juror 118.

10 THE JUROR: My father, Melvin Lindsey Kelly, Jr. was
11 murdered back in 1988 in York County and I went through the
12 trial, the retrial, the death penalty, all of that so I'm
13 just a victim of a crime.

14 THE COURT: Can you be fair and impartial?

15 THE JUROR: I can.

16 THE COURT: Okay.

17 THE CLERK: Juror number 42.

18 THE JUROR: I'm not sure if I understood you right but
19 my brother has been convicted of domestic violence.

20 THE COURT: Can you be fair and impartial?

21 THE JUROR: I believe I can.

22 THE COURT: Anybody want to question her further?

23 Okay. Thank you.

24 THE CLERK: Juror 55, Terry Ford.

25 THE JUROR: When I was in school or like right around

VOIR DIRE

1 when I was in high school I was charged with assault and
2 battery but it was dismissed by the arresting officer or
3 whatever.

4 THE COURT: Okay. Thanks. All right. Jurors, I'm
5 going to need you to come up if this question applies to you
6 if you belong to, contribute to or work or have worked for
7 any organization that takes a position on crime in society
8 the attorneys would like to know about it. All of those
9 organization go by abbreviations, you know, CAVE, MADD
10 Mother's Again Drunk Driving, CADRE, Citizens Against
11 Domestic Violence, things like that, you would know if you
12 belong or contributed or have ever worked for any of those
13 organizations. If any of you have ever served as a guardian
14 ad litem I need for you to come -- you can come on up. I
15 need for you to come up.

16 (Individual voir dire.)

17 THE CLERK: James Carson, 25.

18 THE JUROR: Yes, sir. I'm a contributor to Mother's
19 Against Drunk Driving and a member of the NRA.

20 THE COURT: All right.

21 THE CLERK: Number 51.

22 THE JUROR: My wife helped start a MADD chapter in
23 Jacksonville, Florida years ago and we did volunteer a
24 little bit.

25 THE JUROR: 19. I contribute to RAIN, which is against

VOIR DIRE

1 child abuse, and I'm a Penn State graduate and we do a lot
2 of that kind of stuff.

3 THE COURT: Yeah. Jurors, if you have ever served on
4 or testified in a criminal trial, it wouldn't have to be in
5 general sessions court, it could just be in magistrate's
6 court, the attorneys would like to know.

7 THE CLERK: This is juror 102.

8 THE JUROR: I served on a jury in '09 for a rape case.

9 THE COURT: How long ago was that?

10 THE JUROR: In '09.

11 THE CLERK: Juror 67.

12 THE JUROR: In 2010 I was a juror in a criminal trial
13 for sexual misconduct.

14 THE COURT: Okay.

15 MR. BARFIELD: That was 60 what?

16 THE COURT: Seven.

17 THE CLERK: Juror 79.

18 THE JUROR: I'm not really sure this qualifies, it was
19 failure to stop for a blue light and running from the
20 police.

21 THE COURT: Okay.

22 THE CLERK: Twenty-five.

23 THE JUROR: Yes, sir. When I was in the Army I served
24 on a manslaughter jury.

25 THE COURT: All right.

VOIR DIRE

- 1 THE CLERK: Seventy-seven.
- 2 THE JUROR: Good morning. I served on a grand jury up
3 in Essex County, Massachusetts four years ago.
- 4 THE CLERK: Twenty-three.
- 5 THE JUROR: I testified on a rape case in York County.
- 6 THE COURT: How long ago?
- 7 THE JUROR: About five years ago.
- 8 THE CLERK: This is juror 47.
- 9 THE JUROR: Jackie Evans. I testified in two different
10 criminal domestic violence cases.
- 11 THE CLERK: 106, Patterson.
- 12 THE JUROR: I served on a jury when a Lancaster County
13 police officer got shot, I think his name was Stacy, it has
14 been several years ago, the old courthouse, I was on that
15 jury.
- 16 THE CLERK: 130.
- 17 THE JUROR: I'm sorry, Your Honor. I have made several
18 contributions over the years to Mother's Against Drunk
19 Drivers and I'm a member of al anon.
- 20 THE COURT: Anything else? You need to call them up?
- 21 MR. BARFIELD: I think that's good, thank you.
- 22 THE COURT: Jurors, any of y'all served on the
23 Lancaster County grand jury in the year 2011? All right.
24 Now jurors, don't panic, we will finish the case before
25 Friday, we have a good many witnesses. I'm going to ask the

VOIR DIRE

1 solicitor to give us just the names or some information
2 about his potential witnesses. If you know someone with the
3 same or similar name just ask and he can give you more
4 information probably because he will probably just say
5 officer so and so or something like that, and, of course, I
6 don't know what any of these people are going to testify to.
7 The bottom line is if you're related to the individual or if
8 you have close ties to them, if you know them at all you
9 need to stand so they can ask you if your relationship with
10 the person or potential witnesses would compromise your
11 ability to be fair and impartial. That's all.

12 MR. BARFIELD: The following are Lancaster County
13 Sheriff's Office investigators or deputies. Craig Bailey.
14 Danny Bennett.

15 THE COURT: Do them a little slower, solicitor.

16 MR. BARFIELD: Craig Bailey. Danny Bennett.

17 THE JUROR: He lives up the road from me, I've known
18 him all of my life and distantly related. 50.

19 THE COURT: Can you be fair and impartial if he
20 testifies?

21 THE JUROR: I would think so.

22 THE COURT: You need to tell us your name and number.

23 THE JUROR: I'm sorry, 50, Dawn Faulkenberry.

24 MR. BARFIELD: Joe Catalano. Monty Craig.

25 THE JUROR: I'm sorry. I just know Joe Catalano, Emily

VOIR DIRE

1 Jordan, 79, he was a student of mine.

2 MR. BARFIELD: Monty Craig.

3 THE JUROR: I know -- my name is Debbie Walker. I know
4 Monty Craig, just through mutual friends plus at our office
5 he has been by there where we serve evictions and stuff like
6 that. I've known him for awhile.

7 MR. BARFIELD: Clark Crump. Tracy Davis. Russell
8 Dawkins. Sam Funderburke. Jeff Hilton.

9 THE JUROR: I know Jeff Hilton. Debbie Walker, he
10 serves our evictions.

11 MR. BARFIELD: Anne Horton. Mike Howell.

12 THE JUROR: Cecil Johnston. I used to hang out with
13 Mike when we were in high school, he was good friends with a
14 college roommate of mine.

15 THE JUROR: I'm 109, Jody Plyler, our children play on
16 the same team, several teams.

17 THE JUROR: Sixty-seven, Patricia Hill. Our children
18 know each other too, they're friends.

19 MR. BARFIELD: Mike Hundley. Chuck Kirkley, he's
20 present in the back. Thank you. Cory McIlwain.

21 THE JUROR: Alexia Rice, 135. I go to the same church
22 with Corey.

23 THE JUROR: Walter Scott, 121. Cory McIlwaine's used
24 to be our track and field coach at Indian Land High School.

25 THE JUROR: Kerry Ford, he was our resource officer.

1 MR. BARFIELD: Ryan McLemore. Matt Shaw. Jeff Steele.
2 Ken Taylor. Fred Thompson.

3 THE JUROR: I know Fred Thompson because I taught his
4 child.

5 THE CLERK: That was number 79, Emily Jordan.

6 MR. BARFIELD: James Whittaker. The following
7 witnesses are employees or officers or agents of the State
8 Law Enforcement Division of SLED. Lee Blackmon.

9 THE JUROR: He goes to church with me.

10 THE COURT: Tell us your number.

11 THE JUROR: I'm sorry, Barry Williams.

12 THE CLERK: 146.

13 MR. BARFIELD: Tony Broom. Kim Dinh, that's spelled
14 D-i-n-h. Adrienne Hefney. Nikki Perry Hughes. Selenda D.
15 Kindard. Ira B. Parnell, Jr. John G. D. Roberts. Amy
16 Stevens, Doris Yarborough. From the Kershaw Fire Department
17 Wesley Bass and Doug Sprinks.

18 THE JUROR: William Ingram, 74, I think. I have been
19 in some classes with Doug Spinks with the fire department.

20 MR. BARFIELD: From Lancaster County EMS Kelly Snipes
21 and Larry Snipes who I am told are father and son, Kelly and
22 Larry Snipes.

23 THE JUROR: Perry Williams, they go to my church also.

24 MR. BARFIELD: Chief Deputy Coroner Karla Knight Deese.

25 THE JUROR: I know her from family members.

VOIR DIRE

1 MR. BARFIELD: Name again so everybody will --

2 THE JUROR: I'm sorry, Debbie Walker.

3 THE COURT: Yes, ma'am?

4 THE JUROR: Linda McManus, I deal with Karla doing some
5 work.

6 THE CLERK: Ninety-five.

7 MR. BARFIELD: Deputy Coroner Christy Massey. Janice
8 E. Ross, M.D with Newberry Pathology Associates. And the
9 following civilian folks. Darnell Alexander. Bob Blakeney,
10 Mr. Blakeney if you would stand up, and Reid Blakeney, if
11 you would stand up too, please. Thank you. Sanna Horton
12 Carrico. Marla Clyburn. Jerel Lamar Davis, Jr. Steven Lee
13 Holden. Douglas A. Lewis. Herbert Wesley. John MacCue.
14 Shaun N. McCrorey. Lakendrick Tajuan Miller. Ruth Ann
15 Miller. Kenneth Newman. Marcus Antwan Phillips. Angelina
16 also known as Angie Sanders. Alexis Truesdale. Freedonia
17 Elizabeth Truesdale. Prayon Truesdale. That's it. Thank
18 you.

19 THE COURT: All right. Mr. Frick, you have a list of
20 witnesses but I don't know whether he called them or not.

21 MR. FRICK: I think he's called all of my names, yes,
22 sir.

23 THE COURT: Now jurors, any of y'all heard anything
24 about this case other than these allegations that I read out
25 to you? Is there anything in the nature of the charges that

VOIR DIRE

1 would prevent any jurors from being fair and impartial, the
2 charges being armed robbery, murder, possession of a weapon?
3 Jurors, if you get placed on the jury now I have to instruct
4 you on the law and you have to follow it, like if you don't
5 think somebody is presumed innocent, you know, you don't
6 need to serve on the jury. Jurors, are you aware of any
7 reason why you couldn't be fair and impartial whether I have
8 quarried you about it or not? Now jurors, just out of an
9 abundance of caution, a lot of witnesses but in the worst
10 case scenario I think we would finish Thursday, probably
11 Wednesday but at least Thursday, so if anybody is not going
12 to be here today, tomorrow, Wednesday or Thursday you need
13 to tell us before you get on the jury. We can't adjourn the
14 jury and start it back next Monday, you know. All right.
15 Anything else from the State?

16 MR. BARFIELD: Nothing from the State.

17 THE COURT: From the defense?

18 MR. FRICK: Nothing from defense.

19 THE COURT: Okay. Mr. Clerk?

20 THE JUROR: Juror number ten, Crystal Beckham. What
21 say the State?

22 MR. BARFIELD: Please present the juror.

23 THE CLERK: Defendant?

24 MR. FRICK: Please seat the juror.

25 THE CLERK: Juror 86, James Little. What say the

VOIR DIRE

1 State?

2 MR. BARFIELD: Please present the juror.

3 THE CLERK: Defendant?

4 MR. FRICK: Please seat the juror.

5 THE CLERK: Juror 122, Sherry Seward. What say the
6 State?

7 MR. BARFIELD: Please present the juror.

8 THE CLERK: Defendant?

9 MR. FRICK: Please seat the juror.

10 THE JUROR: Juror 51, Carl Fields. What say the State?

11 MR. BARFIELD: Please present the juror.

12 THE JUROR: Defendant?

13 MR. FRICK: Please excuse the juror from the trial of
14 this case.

15 THE CLERK: Juror 121, Walter Scott. What say the
16 State?

17 MR. BARFIELD: Please present the juror.

18 THE CLERK: Defendant?

19 MR. FRICK: Please excuse the juror from the trial of
20 this case.

21 THE CLERK: Juror 102, Lisa Naughton. What say the
22 State?

23 MR. BARFIELD: Please present the juror.

24 THE CLERK: Defendant?

25 MR. FRICK: Please seat the juror.

VOIR DIRE

1 THE CLERK: Juror 131, Dustin Sutton. What say the
2 State?

3 MR. BARFIELD: Please excuse the juror from this trial.

4 THE CLERK: Juror 146, Barry Williams. What say the
5 State?

6 MR. BARFIELD: Please present the juror.

7 THE CLERK: Defendant?

8 MR. FRICK: Please excuse the juror from the trial of
9 this case.

10 THE CLERK: Juror 106, Cecil Patterson. What say the
11 State?

12 MR. BARFIELD: Please present the juror.

13 THE CLERK: Defendant?

14 MR. FRICK: Please excuse the juror from the trial of
15 this case.

16 THE CLERK: Juror 67, Patricia Hill. What say the
17 State?

18 MR. BARFIELD: Please present the juror.

19 THE CLERK: Defendant?

20 MR. FRICK: Please seat the juror.

21 THE CLERK: Juror 95, Linda McManus. What say the
22 State?

23 MR. BARFIELD: Please present the juror.

24 THE CLERK: Defendant?

25 MR. FRICK: Please excuse the juror from the trial of

VOIR DIRE

1 this case.

2 THE CLERK: Juror 77, Gregory Johnston. What say the
3 State?

4 MR. BARFIELD: Please present the juror.

5 THE CLERK: Defendant?

6 MR. FRICK: Please seat the juror.

7 THE CLERK: Juror 25, James Carson. What say the
8 State?

9 MR. BARFIELD: Please present the juror.

10 THE CLERK: Defendant?

11 MR. FRICK: Please excuse the juror from the trial of
12 this case.

13 THE CLERK: Juror 90, April Mathis. What say the
14 State?

15 MR. BARFIELD: Please present the juror.

16 THE CLERK: Defendant?

17 MR. FRICK: Please seat the juror.

18 THE CLERK: Juror 76, Veronica Johnson. What say the
19 State?

20 MR. BARFIELD: Please present the juror.

21 THE CLERK: Defendant?

22 MR. FRICK: Please seat the juror.

23 THE CLERK: Juror 79, Emily Jordan. What say the
24 State?

25 MR. BARFIELD: Excuse the juror from this trial.

VOIR DIRE

1 THE CLERK: Juror 65, Lisa Hargett Center.

2 (Bench conference.)

3 THE COURT: He said you bought a house that he used to
4 own, no big deal, we didn't ask you about it. She's
5 excused.

6 THE CLERK: Juror 99, Michael Mills. What say the
7 State?

8 MR. BARFIELD: Please present the juror.

9 THE CLERK: Defendant?

10 MR. FRICK: Please seat the juror.

11 THE CLERK: Juror 135, Elixzia Thompson. What say the
12 State?

13 MR. BARFIELD: Please present the juror.

14 THE CLERK: Defendant?

15 MR. FRICK: Pleases seat the juror.

16 THE CLERK: Juror 50, Dawn Faulkenberry. What say the
17 State?

18 MR. BARFIELD: Please present the juror.

19 THE CLERK: Defendant?

20 MR. FRICK: Please excuse the juror from the trial of
21 this case.

22 THE CLERK: Juror 23, Heidi Cabatit. What say the
23 State?

24 MR. BARFIELD: Please present the juror.

25 THE CLERK: Defendant?

VOIR DIRE

1 MR. FRICK: Please seat the juror.

2 THE CLERK: Juror 93, James McCowan. What say the
3 State?

4 MR. BARFIELD: Please present the juror.

5 THE CLERK: Defendant?

6 MR. FRICK: Please excuse the juror from the trial of
7 this case.

8 THE CLERK: Juror 126, Robert Smith. What say the
9 State?

10 MR. BARFIELD: Please present the juror.

11 THE CLERK: Defendant?

12 MR. FRICK: Please seat the juror.

13 THE CLERK: Start the alternates, one and two. Juror
14 109, Jody Plyler. What say the State?

15 MR. BARFIELD: Please present the juror.

16 THE CLERK: Defendant?

17 MR. FRICK: Please seat the juror.

18 THE CLERK: Juror 56, Frankie Foster. What say the
19 State?

20 MR. BARFIELD: Please excuse the juror from this trial.

21 THE CLERK: Juror 141, Deborah Walker. Any challenge
22 for cause?

23 MR. BARFIELD: No challenge for cause, please present
24 the juror.

25 THE CLERK: Defendant?

VOIR DIRE

1 MR. FRICK: Please excuse the juror from the trial of
2 this case.

3 THE CLERK: Juror 130, Jerome Strittholt. Any
4 challenge for cause from the State?

5 MR. BARFIELD: No challenge for cause, please present
6 the juror.

7 THE CLERK: Defendant?

8 MR. FRICK: Please excuse the juror from the trial of
9 this case.

10 THE CLERK: Juror 70, Franklin Horton. Any challenge
11 for cause?

12 MR. BARFIELD: No challenge for cause, please present
13 the juror.

14 MR. FRICK: No challenge for cause.

15 THE COURT: Okay. Anybody have any problem with the
16 strikes?

17 MR. BARFIELD: Nothing from the State.

18 MR. FRICK: None from the defense.

19 THE COURT: All right. Jurors, those that were
20 selected, 12 plus two alternates, Mr. Hammond will call your
21 names, if you will follow the bailiff out, he is going to
22 take you to the jury room. When you are in there elect
23 somebody a foreperson, it can be anybody except the last two
24 that we called. And don't get your hopes up, foreperson
25 doesn't get paid any more than anybody else so I wouldn't

VOIR DIRE

1 lobby for the position. Solicitor, how long are we going to
2 take on the pretrial? We have to cover some pretrial
3 things, we're trying to speed up the trial actually so we're
4 probably going to run until 6:00 tonight, 6:03 or 6:04, you
5 know, you can't stop a witness right in mid-sentence, so if
6 you've got to pick up children or something you need to make
7 arrangements. Don't be going on the internet looking up
8 things, don't be trying to pull up old newspaper articles
9 and say I wonder what they said about this when it happened
10 and so forth. You have to decide the case based on what
11 transpires in the courtroom based on admissible evidence.
12 Now, let's call them out.

13 (The jury left the assembly room and the
14 remaining jurors were dismissed.)

15 (Back in the courtroom.)

16 MR. BARFIELD: Your Honor, Mr. Frick has noticed me on
17 two or three motions that he intends to file, some of it can
18 be resolved pretty easily at this point, this was by email
19 to me. He said a Jackson v. Denno hearing. At this point
20 I'm not convinced I'm going to offer a statement of his
21 client so I think I'm going to skip over it. The one that I
22 think we're going to have to argue about a little bit and
23 maybe put up some testimony, actually two. Motion to
24 exclude use of the defendant's nickname. He has a nickname
25 that I agree it's sort of prejudicial and I've instructed my

PRETRIAL MOTIONS

1 witnesses not to refer to him in that fashion. The nickname
2 is Thug Life, I'm going to a void that and don't anticipate
3 my witnesses are going to use that name for Mr. Truesdale.
4 Motion to sequester witnesses, I anticipate you will do that
5 at least as to fact witnesses, civilian fact witnesses, but
6 I really don't have any strong basis to object to that. We
7 will deal with it in specifics in a little bit, I guess. A
8 motion to exclude some language from a witness' statement, a
9 motion to exclude any reference to gang affiliations or gang
10 activity. I don't intend to make this a gang case and
11 instructed the witnesses not to talk about the prior bad
12 acts or gang activity or anything else of that nature. But
13 the motions -- and we can get into these in a bit, but the
14 motion that I think we're going to have to do some
15 suppression of the vehicle in the gas station in Heath
16 Springs, we'll proceed however you want to proceed on that.
17 I can summarize what my testimony would be and offer a
18 little bit of testimony, but it's Mr. Frick's motion and I
19 will proceed however y'all think we can proceed.

20 MR. FRICK: Your Honor, I'm just making a motion on the
21 record, they didn't have enough information to stop this
22 particular vehicle. I know we don't have the facts of the
23 case at this point, but essentially my understanding is they
24 have information about a vehicle, just a generic description
25 of a vehicle, they see a vehicle that matches that

1 description, they're not talking about anybody inside of it,
2 just a vehicle. They see that car at a gas station and they
3 pursue it without anything further, pull everybody out and
4 start questioning them, I think they did get consent to
5 search from the driver and owner of the vehicle.

6 Essentially what I'm saying is that wasn't enough
7 information to give them reasonable suspicion to make the
8 seizure and to make the search, that's it in a nutshell.

9 THE COURT: All right. Well, there was a BOLO out I
10 guess on --

11 MR. BARFIELD: Can, I fill in some details?

12 THE COURT: Yeah.

13 MR. BARFIELD: Your Honor, you'll hear the name
14 Truesdale a lot. Heyward Truesdale is the defendant, Prayon
15 Truesdale is his sister who is the owner of and driver of a
16 white Chevrolet Malibu. Freedonia Truesdale is another
17 sister who is not charged but was at the scene where Mr.
18 Blakeney was killed and provided some information. Law
19 enforcement rolls up, Mr. Blakeney is dead in the street,
20 Freedonia Truesdale is over him, his sister is over him
21 because she sees him, she's trying to render aide. They
22 talk to her, they asked what happened, she says, "I heard
23 shots, he went down." She says, "My sister, Prayon
24 Truesdale in her white Malibu left fast with my brother
25 Heyward Truesdale in the car and Jerel Davis," the guy that

PRETRIAL MOTIONS

1 pled earlier, "and Shaun McCrorey in the car." It's a white
2 Malibu, it's those people. Information provided to law
3 enforcement also initially at the scene was that at least
4 one of the guys had on a red shirt. Cory McIlwain with the
5 sheriff's office -- most of the sheriff's office is headed
6 to Kershaw, Cory McIlwain is between Heath Springs and
7 Kershaw near Andrew Jackson High School, he sees a white
8 Malibu, he doesn't know who is driving but it has got four
9 black folks in it, one of them is a female. He sees it, he
10 doesn't stop it, he gets on the radio, he says, "I just
11 passed a white Chevy Malibu." Chuck Kirkley is in Heath
12 Springs headed south just going around the curve where the
13 old water tank used to be, he passes the car, a White Chevy
14 Malibu and he sees it's occupied by four black folks, he
15 doesn't know who they are at that point. He turns around on
16 the car, he never on the road cuts his blue lights on
17 because by the time he's really gotten to where he thinks he
18 needs to stop the car it has pulled into the gas station
19 just on up the road a little bit in Heath Springs. So the
20 car pulls up to the gas pumps, Lieutenant Kirkley pulls in
21 behind it, he is calling off the tag and he sees the back
22 right passenger turn around and look at him and he knows
23 that to be Heyward Truesdale because he knows Heyward
24 Truesdale. He gets on the radio and says, "Is Heyward
25 Truesdale involved in this?" And he gets confirmation from

1 the people back in Kershaw, he now knows that he has got the
2 car he is looking for, he cuts his blue light on and starts
3 the process of a felony car stop. Two other deputies
4 arrive, they start getting people out of the car one at a
5 time and it's Prayon, it's Heyward, it's Jerel Davis and
6 Shaun McCrorey. That's what the testimony would show and
7 we'll proceed with it however you need to proceed with it.

8 THE COURT: Well, if it's presented as the solicitor
9 says they had reasonable enough suspicion to do what they
10 did it sounds like.

11 MR. FRICK: And Your Honor, I have no doubt that's what
12 exactly the testimony would be, I guess my concern is one,
13 you have got no description of the vehicle aside from
14 they're looking for a white Malibu.

15 THE COURT: Well, that's probably enough in Kershaw,
16 not that many there.

17 MR. FRICK: It may be. And then my other concern would
18 be without any further information the officer asks -- sees
19 Heyward Truesdale, says is Heyward involved and they stopped
20 the car. So those would be my two major issues with it but
21 I think you've heard exactly what the presentation would be.

22 THE COURT: Well, I think it can come in, assuming he
23 backed it up. He recognized him, he's looking for a white
24 car with four blacks, he recognizes somebody and that person
25 is involved, that's enough to --

PRETRIAL MOTIONS

1 MR. FRICK: I understand, Your Honor.

2 MR. BARFIELD: That's all I have on that unless we need
3 to make some presentation with the testimony.

4 THE COURT: You don't have to, he agrees with the facts
5 that would be presented. He doesn't necessarily agree with
6 the results.

7 MR. FRICK: That's correct. All right. I guess it was
8 a witness, I guess he's a victim witness in this case makes
9 an identification of my client. I would anticipate he is
10 going to get up on the stand at some point and testify and
11 identify my client. My concern is -- and I'm sure what the
12 State is going to tell you is they've known each other for a
13 long time, he knows him so I'm not entitled to a Biggers
14 hearing. Understanding that argument my concern is when law
15 enforcement first arrives on the scene they first talk to
16 this guy right after the incident, they said who is
17 involved? And he says, "I don't know who they were, I have
18 never seen them before." Then all of the sudden after he
19 has talked to some folks he says, "It's Heyward Truesdale
20 involved." My concern is how we make that leap from I don't
21 have any idea who these folks were at this incident to it's
22 Heyward Truesdale, what was the intervening factors, that's
23 why I am going to ask for a Biggers hearing.

24 THE COURT: Well, you can have it.

25 MR. FRICK: Okay.

PRETRIAL MOTIONS

1 The witness, DOUGLAS LEWIS, was first duly
2 sworn and testified as follows, on:

3 DIRECT EXAMINATION

4 BY MR. BARFIELD:

5 Q. Just talk a real loud tell us your name, please.

6 A. Douglas A. Lewis.

7 Q. Mr. Lewis, we're not going through the whole thing
8 right now, this is just a little piece of it.

9 A. All right.

10 Q. Did you get shot in Kershaw on September 21 of 2011?

11 A. Yes, sir.

12 Q. Who shot you?

13 A. Honestly I didn't see who shot me but I know who was
14 there.

15 Q. Who was there?

16 A. Heyward, another little guy that was with him, I guess
17 Jerel.

18 Q. When you say Heyward who are you talking about?

19 A. Truesdale.

20 Q. Do you see Heyward Truesdale that you're referring to
21 in the courtroom today?

22 A. Yes, sir.

23 Q. Where is he?

24 A. Sitting over there.

25 Q. Next to Mr. Frick, the fellow in the suit?

PRETRIAL MOTIONS

1 A. Yes, sir.

2 Q. When you got shot, did you stay there or did you -- did
3 you stay at Mr. Blakeney's house or did you go somewhere?

4 A. When I got shot I fell to the side and I ran off, I was
5 in shock because I ain't never been shot before.

6 Q. Where did you run off to?

7 A. Across the street to some duplex apartments on the
8 side.

9 Q. Were you there in a vehicle that day?

10 A. I was in a vehicle, yes, sir.

11 Q. Did you at some point make it to your vehicle?

12 A. Yes, I did.

13 Q. And I don't know need to know everywhere you went before
14 you ended up seeing the police, but did you end up somewhere
15 in that vehicle and get help?

16 A. Yes, sir.

17 Q. Where did you end up?

18 A. Kershaw Rim Shop which is owned by Brant Bonner.

19 Q. Did you talk to the police officers when you were at
20 the Kershaw Rim Shop?

21 A. Yes.

22 Q. And is one of them this fellow in the white shirt back
23 here with no hair, Major Matt Shaw, do you remember seeing
24 him?

25 A. Yes.

PRETRIAL MOTIONS

1 Q. That's fine. I'll jump ahead for just a minute. Did
2 you get medical treatment?

3 A. Yes.

4 Q. Did you get taken somewhere for medical treatment?

5 A. Yes.

6 Q. Where?

7 A. Columbia Richland Memorial Hospital.

8 Q. How?

9 A. Flew.

10 Q. Now, before you went to Richland Memorial did you talk
11 to the police and tell them some things about what happened
12 over at Mr. Blakeney's house?

13 A. Actually I didn't tell them, I didn't say anything at
14 first.

15 Q. Did you say something before you got flown out at
16 Kershaw, did you tell them some things about what happened?

17 A. Yes, I did.

18 Q. Did you tell them you had been shot?

19 A. Yes.

20 Q. Did you tell them one way or the other that you knew or
21 did not know who shot you?

22 A. I told them I didn't know who shot me.

23 Q. Did not?

24 A. Yes.

25 Q. Was that the truth?

PRETRIAL MOTIONS

1 A. Yes. And the reason I said that was I already got shot
2 anyway, I was scared and didn't know what was going to
3 happen. If I did start running my mouth and tell them who
4 shot me or who was there I didn't know what was going to
5 come out of that.

6 Q. So when you told them you did not know who shot you,
7 was that the truth or not the truth? Did you know who shot
8 you?

9 A. Honestly I didn't because I had my back turned.

10 Q. Did you know who was there when you were involved in
11 the shooting?

12 A. Yes.

13 Q. So when you said you didn't know, were you really not
14 telling the truth? I'm asking stupid questions, let me try
15 to do this again. Describe -- so the Judge will understand
16 let's talk about the shooting part itself for a minute.

17 When you were at Mr. Blakeney's house and the shooting
18 starts who were you closest to?

19 A. Mr. Blakeney.

20 Q. Were you -- how close were you and Mr. Blakeney?

21 A. Shoulder, side by side.

22 Q. Rubbing shoulders?

23 A. Almost close to it.

24 Q. Where were y'all standing in relation to his house, his
25 driveway, his car or wherever else?

PRETRIAL MOTIONS

1 A. Behind his car parked in the driveway.

2 Q. Closer to the street or closer to the house?

3 A. Closer to the street.

4 Q. Were you facing toward or away from the sound of
5 gunshots?

6 A. Our backs was turned to his house.

7 Q. Were there people behind you between y'all and the
8 house?

9 A. Yes.

10 Q. Who was out there that you know?

11 A. Heyward.

12 Q. Was Jerel out there?

13 A. Jerel was out there.

14 Q. That's fine. When you know where they were, where were
15 they?

16 A. Standing in the yard, his driveway. He don't really
17 have a big yard, side part, he's got a driveway, then it's
18 just like his porch, there's a little bit of grass and
19 everybody was standing around that area.

20 Q. When you last saw -- before the shooting started when
21 you last saw Heyward Truesdale and Jerel Davis where were
22 they?

23 A. Behind us.

24 Q. And how did you know a shooting occurred? That's a
25 stupid question but --

PRETRIAL MOTIONS

- 1 A. Well, I felt the first shot.
- 2 Q. Did you hear anything?
- 3 A. I heard the first shot.
- 4 Q. What did you do when you heard shots?
- 5 A. I grabbed my chest and fell.
- 6 Q. And did you get hit?
- 7 A. Yes.
- 8 Q. Where you're holding?
- 9 A. Yes.
- 10 Q. Were there more than a first shot?
- 11 A. Yes.
- 12 Q. What did Mr. Blakeney do when the shots were fired?
- 13 A. Actually I heard Mr. Blakeney holler and he was like,
- 14 "No, stop, don't shot me no more," and then he fell.
- 15 Q. Were you down and was he down at the same time?
- 16 A. I was down first and I kind of looked over at him and
- 17 he was falling down; that's when I just kind of pushed
- 18 myself off to the side and started running.
- 19 Q. Now, you later gave police a written statement.
- 20 A. Yes.
- 21 Q. And in that written statement did you give names of who
- 22 was involved in your shooting?
- 23 A. Yes.
- 24 Q. What names did you give?
- 25 A. Heyward Truesdale and Jerel.

- 1 Q. What about what happened to you makes you say they were
2 involved in your shooting? Why do you think they shot you
3 or one of them?
- 4 A. They ran.
- 5 Q. Okay. Where were they when the shooting started?
- 6 A. In the yard, in his yard.
- 7 Q. Now, again when you talked to law enforcement at the
8 rim shop did you give them the names Jerel Davis and Heyward
9 Truesdale?
- 10 A. No, I didn't. At the time I didn't.
- 11 Q. Why not?
- 12 A. Because I didn't want to be involved in all of that.
- 13 Q. Why not?
- 14 A. Because I'm already afraid for my life already.
- 15 Q. When did you get home from the hospital?
- 16 A. Actually I stayed at that rim shop for a little minute
17 before they left and put me on the helicopter.
- 18 Q. When did you get home from the hospital?
- 19 A. Later on.
- 20 Q. Did you talk to the police and give a written statement
21 during the daytime the next day?
- 22 A. No, that was the same night.
- 23 Q. Did you give a written statement to the police after
24 you got back from the hospital?
- 25 A. Yes.

PRETRIAL MOTIONS

1 Q. Did you name names then?

2 A. Yes.

3 Q. Did you name Jerel Davis and Heyward Truesdale?

4 A. Yes.

5 Q. Did you know Jerel Davis?

6 A. No.

7 Q. Did you know Heyward Truesdale?

8 A. Yes.

9 Q. How long have you known Heyward Truesdale? Before this
10 happened how long had you known Heyward Truesdale?

11 A. Since we was kids.

12 Q. How did you know Heyward Truesdale?

13 A. Growing up with him.

14 Q. Where did you grow up?

15 A. Kershaw.

16 Q. Do you know if he's older or younger than you?

17 A. Younger than me.

18 Q. How often would you see him?

19 A. Not often because he moved from South Carolina.

20 Q. Had you seen him -- when was the last time you saw him
21 before the day you got shot?

22 A. Probably a week prior to that.

23 Q. Where?

24 A. In Foxwood Apartments.

25 Q. Is that in Kershaw?

- 1 A. Yes.
- 2 Q. You can't do this when we've got a jury here, but did
3 y'all have a little disagreement in Foxwood Apartments?
- 4 A. It was somewhat, yes, of a disagreement.
- 5 Q. What was that about, just background information of
6 your knowledge of Heyward Truesdale?
- 7 A. Describing meaning --
- 8 Q. What happened in Foxwood between you and Heyward
9 Truesdale?
- 10 A. Heyward walked up to my car one night and asked me for
11 a cigarette and I had \$8 in my lap, he snatched it up and
12 left. I knew he did it but I didn't rat on it. I was mad
13 about it and -- somebody told me not to worry about it,
14 they'll give me my money back for it. It was petty but it
15 wasn't nothing.
- 16 Q. Did you go back at some point?
- 17 A. Yes, I went back.
- 18 Q. Did y'all get in a confrontation?
- 19 A. No. I asked him about it, we nickered about it back
20 and forth and he said he didn't take it, I left it at that
21 and I left.
- 22 Q. Who are you talking about?
- 23 A. Heyward.
- 24 Q. Same guy that you said is over at Blakeney's house?
- 25 A. Yes.

PRETRIAL MOTIONS

1 Q. Have you got any hesitation about who Heyward Truesdale
2 is?

3 A. No.

4 Q. Is that Heyward sitting over at there in the black
5 shirt?

6 A. Yes.

7 MR. BARFIELD: Thank you, answer anything Mr. Frick has
8 got. I don't have anything else right now.

9 CROSS EXAMINATION

10 BY MR. FRICK:

11 Q. When you were standing there talking to Mr. Blakeney
12 you've got your back to where Heyward and them were
13 standing?

14 A. Yes.

15 Q. But you got shot in the chest?

16 A. Yeah, like come from the side.

17 Q. Did you see when they came up?

18 A. They were there, I was there.

19 Q. Okay. Was Mr. Blakeney there?

20 A. No, he was gone at the time.

21 Q. Did y'all have any conversation before he got there?

22 A. Yeah. We just talked and I smoked a blunt with these
23 guys.

24 Q. And you know who you talked to?

25 A. Yeah.

PRETRIAL MOTIONS

- 1 Q. Who did you talk to?
- 2 A. I talked to Heyward Truesdale.
- 3 Q. Did you know why they were there?
- 4 A. No. I didn't know why they were there.
- 5 Q. Why were you there?
- 6 A. I sold something to Mr. Blakeney and I was helping him
- 7 a couple of days prior to that.
- 8 Q. Is that what people were doing? Mr. Blakeney was
- 9 buying stuff, right?
- 10 A. Yeah. He was buying stuff, yes.
- 11 Q. Pretty good prices too.
- 12 A. Yeah, pretty much.
- 13 Q. Did you see anything in anybody's hands, Heyward's,
- 14 Mr. Davis' or anything like that?
- 15 A. No. No, sir.
- 16 Q. When the shot happened you weren't looking at Heyward.
- 17 A. No, I wasn't.
- 18 Q. You weren't looking at Mr. Davis.
- 19 A. No, I wasn't. I was talking to Mr. Blakeney because
- 20 actually he was about to pay me for some items that I had
- 21 gave him earlier.
- 22 Q. When did law enforcement first talk to you about it? I
- 23 know you leave the scene, you went down to the rim shop,
- 24 right?
- 25 A. Yes.

PRETRIAL MOTIONS

1 Q. How long was it from the incident to when law
2 enforcement came and talked to you about it?

3 A. Probably ten minutes after I got to the rim shop.

4 Q. And do you remember what you told them about that?

5 A. Yeah, I remember -- you talking about that night or
6 that day?

7 Q. Right then at the rim shop the first time you talked to
8 law enforcement.

9 A. I told them I done been shot, I need help.

10 Q. Do you remember what they asked you?

11 A. At the moment no, I don't know. It's been almost two
12 years now, I don't remember.

13 Q. Do you remember talking to Investigator Whittaker?

14 A. Yes.

15 Q. Did he ask you, "Do you know who shot you?"

16 A. Yes.

17 Q. And your answer was? You might not remember verbatim,
18 but do you remember?

19 A. Vaguely probably. I thought I said the Davis boy.

20 Q. You did?

21 A. Yes, I believe.

22 Q. You said, "No. I have never seen them before, they
23 were not from Kershaw."

24 A. I'm talking about the Davis guy, that's what I told

25 Mr. Whittaker, that's why I stated I didn't know the number

1 four guy.

2 Q. I'm not talking about the lineup, I'm talking about at
3 the rim shop.

4 A. Yes. I didn't know him, I didn't know him. Actually I
5 told him I didn't know either one of them because I didn't
6 want to get into that information.

7 Q. So what you're saying is you know Davis shot you.

8 A. Basically, yes.

9 Q. Next question. "Can you tell me who all was at
10 Blakeney's house when this happened?" Do you remember him
11 asking you that question?

12 A. Yes.

13 Q. Do you remember what you responded?

14 A. Yes.

15 Q. What did you tell him?

16 A. Lakendrick.

17 Q. You did at the rim shop?

18 A. No, not at the rim shop. I told him at uncles.

19 Q. No. You told them there was a lot of people in the
20 street waiting to sell stuff, didn't you?

21 A. Hold on, say that again.

22 Q. When he first talks to you it was brief, okay, couple
23 of questions?

24 A. Uh-huh.

25 Q. Your answer is, "There was a lot of people in the

PRETRIAL MOTIONS

1 street waiting to sell stuff."

2 A. Yeah, that's true.

3 Q. You didn't identify anybody when Whittaker first talked
4 to you about it.

5 A. Because he didn't ask that until he came to my house
6 later on that night after the hospital of who was there and
7 he started showing me photos of who I seen was there.

8 Q. So after he starts showing you photos that's when you
9 start naming names.

10 A. Uh-huh.

11 Q. When did he start showing you photos? That night?

12 A. That night after I came back from the hospital.

13 Q. How long had you been in the hospital that day?

14 A. Probably about three or four hours maybe.

15 Q. They treated you and you went home that --

16 A. Probably in that evening, yes.

17 Q. From Charlotte?

18 A. No, Columbia.

19 Q. Oh, they flew you. Were you under any medication when
20 they were talking to you at this time?

21 A. Yes, I was.

22 Q. What were you taking?

23 A. Hydrocodone.

24 Q. How much?

25 A. I took one actually.

PRETRIAL MOTIONS

1 Q. What level of it, do you know?

2 A. No. I'm not a pill taker so I don't really know what
3 the levels are.

4 Q. But that was when you were shown a photo lineup.

5 A. Yes.

6 Q. And in that photo lineup you picked out Heyward
7 Truesdale.

8 A. Yes.

9 Q. Did you pick out Mr. Davis?

10 A. Yes.

11 Q. Now briefly, and I know you don't want to talk about
12 it, we've got to talk about it a little bit. The thing at
13 Foxwood, it was more than just a little confrontation,
14 wasn't it?

15 A. No. We didn't get in no fist fight or anything like
16 that. I asked him if he did take some money out of my lap
17 because he was the only one on the driver's side of my
18 vehicle, and I said some things in that statement that was
19 kind of harsh. At the time I was mad, I had already been
20 shot, who wouldn't say anything?

21 Q. Well, you said, "I got mad at him, went back to Foxwood
22 and I jacked him up."

23 A. Jacked him up is a slang, turned on me and jacked him
24 up. Jacking him up means in our terminology that I
25 confronted you about something, I pulled your card, means I

PRETRIAL MOTIONS

1 asked you, I checked you, I said something to you, that's
2 what that means.

3 Q. It's a little more than that, isn't it, Mr. Lewis?

4 A. I know what I wrote, I've got the same statement that
5 you have, sir.

6 Q. "I was so mad I would have killed him." That's what
7 you said, didn't you?

8 A. That's what I said, yeah..

9 Q. "My homeboys pulled me off him." Now, that's a little
10 bit more than a conversation, isn't it?

11 A. That ain't no fight, pulling me off him. Yeah, I'm in
12 his face verbally talking to him but it didn't get to that.

13 Q. How long before this shooting incident did that
14 whatever happened at Foxwood happen?

15 A. About a week ago.

16 Q. About a week before that. Okay.

17 MR. FRICK: Thank you, sir. That's all of the
18 questions I have.

19 MR. BARFIELD: I don't have anything further on this
20 issue, I don't think.

21 THE COURT: All right.

22 MR. FRICK: I think that would be it, Your Honor,
23 really.

24 THE COURT: He doesn't identify him, all he does is
25 place him there. He already knew him so there you go. You

PRETRIAL MOTIONS

1 can go into all of the other stuff to discredit it.

2 MR. FRICK: I understand. Just to clarify what my
3 motion is, first he says, I don't know who it is, they
4 weren't from -- I didn't know who they were at all. He goes
5 to the hospital, he comes back, he's released, they talk to
6 him, he is under medication, he testified he doesn't name
7 any names until they start showing him pictures. Well,
8 Heyward Truesdale is already a suspect and he's already
9 indicated he's got a motive because he's mad at him from a
10 prior incident. I understand the ruling, I just want to
11 clarify.

12 THE COURT: I understand. All of that's going to be
13 evidence in the case but it doesn't prohibit him from
14 testifying.

15 MR. FRICK: I understand, I just want it on the record.

16 MR. BARFIELD: You can come down, Mr. Lewis, you can
17 come down and have a seat. Your Honor, again just to run
18 down the list. Nickname, I don't intend to have witnesses
19 use a nickname. Gang activity, gang affiliations I don't
20 intend to have witnesses do that. We'll get into other
21 things about Lewis' statement I guess when we get to the
22 point of him testifying. Motion to sequester witnesses, I
23 anticipate you would like to do that but I would just like
24 to find out from Mr. Frick whether he's talking about people
25 there on the scene or all of the law enforcement.

PRETRIAL MOTIONS

1 MR. FRICK: I think the standard is that they can have
2 the typical -- they have the victim's folks and the
3 investigating officer, that would be what I would -- anybody
4 who is going to testify other than that.

5 THE COURT: Well, anybody that is not a fact witness
6 cannot be sequestered. And you really don't care about EMS
7 people being out, do you, if --

8 MR. FRICK: No, sir. What I'm more concerned about is
9 we have got some folks who gave statements and conflicting
10 statements at one point.

11 THE COURT: Those people can be sequestered, I don't
12 know who they are. You can go over the list with him. We
13 will keep the police officers out except the chief
14 investigating.

15 MR. BARFIELD: And I will have that on a rotating
16 basis.

17 THE COURT: My rule is after they've testified they can
18 stay in the courtroom but you can't recall them.

19 MR. BARFIELD: Yes, sir.

20 THE COURT: Or they can leave and they're subject to
21 being recalled, because they stood out there and they said
22 oh no, I remember something else now and I want to take the
23 stand again.

24 MR. BARFIELD: Okay.

25 MR. FRICK: Your Honor, I had one other motion, it was

1 a motion to reveal the deal. Obviously we've got a couple
2 of co-defendants in this case, one of them pled guilty this
3 morning, I think I'm aware of the deal, I was sitting over
4 there on the record.

5 THE COURT: Assuming he testifies you can certainly go
6 into it.

7 MR. FRICK: Yes, sir. I just want to be aware if there
8 are any other deals that are pending that I should be aware
9 of or witnesses who may or may not testify.

10 MR. BARFIELD: There are two other defendants, the one
11 in addition to Truesdale and the one that pled this morning,
12 there are two other defendants. Shaun McCrorey, I have no
13 deal with him. His lawyer is present in the courtroom, I
14 don't know if he is going to be a witness in this case or
15 not. I will add his name on the witness list if something
16 develops about that, I will certainly tell Mr. Frick what it
17 is. The other witness is Prayon Truesdale, this defendant's
18 sister, she's charged with conspiracy to commit armed
19 robbery and accessory after the fact of murder and armed
20 robbery, the bottom line is I'm not going to prosecute her
21 and she's going to be a witness. Based on my preparation in
22 this case and talking to people that are involved in it I
23 can't prove those offenses against her so I'm simply not
24 calling her case to trial. I'm going to dismiss those cases
25 at some point and she is going to be a witness.

PRETRIAL MOTIONS

1 THE COURT: All right. You can bring that out, that's
2 all.

3 MR. FRICK: That was going to be my question, thank
4 you.

5 THE COURT: The charges have not been dismissed at this
6 point.

7 MR. FRICK: Yes, sir. Your Honor, other than the Denno
8 hearing which I think we are in agreement we will take up
9 later I think that would be all of the motions I have.

10 THE COURT: Okay. Crank it up at 2:00.

11 (A lunch recess was taken.)

12 THE COURT: Okay. State ready?

13 MR. BARFIELD: Yes, sir.

14 MR. FRICK: Defense is ready.

15 (The jury returned to the courtroom.)

16 THE COURT: Jurors, our clerk needs to swear you.

17 (At this time the jury was sworn.)

18 THE COURT: Jurors, as y'all understand we've got some
19 serious charges so you need to pay attention throughout.
20 The three documents I'm holding up are called indictments as
21 I mentioned when you were being qualified, they create no
22 inference of guilt against Heyward Rashard Truesdale but
23 they allege that he committed three separate crimes, that's
24 all they are, allegations. Mr. Truesdale is presumed
25 innocent of all charges and he has no obligation to prove

PRETRIAL MOTIONS

1 that he is not guilty. In order to obtain a conviction
2 under any of the indictments it's incumbent upon the State
3 to convince all 12 jurors unanimously beyond a reasonable
4 doubt that he committed a crime embraced within the
5 indictments. Now, we have two alternates, you need to pay
6 attention. You've heard the witness list, the attorneys are
7 pretty efficient, they're going to move right through it but
8 it takes a long time to cover that many witnesses. So we
9 won't finish the trial today, chances are we won't finish it
10 tomorrow, we may finish it Wednesday, might go into
11 Thursday. But the bottom line, alternates, you need to pay
12 attention because there might be a call any minute that a
13 child gets sick at school, whatever, somebody has to leave,
14 okay, and then you would be elevated to the original jury.
15 It does take a unanimous decision for you 12 jurors to reach
16 verdicts under these three charges. Mr. Foreman, your vote
17 counts no more than anybody else but somebody has to preside
18 over the deliberations and act as spokesperson for the jury.
19 12 jurors have to agree on the verdict form but only the
20 foreperson will sign it, I will explain all of that to you
21 at the conclusion of the trial. Now, you know about as much
22 about the cases at this point as I do. This first
23 indictment alleges that Heyward Rashard Truesdale committed
24 the crime of murder back on September 21st, 2011, at East
25 Church Street in the Town of Kershaw, by feloniously and

PRETRIAL MOTIONS

1 willfully with malice aforethought killing and murdering
2 Harry Edward Blakeney by shooting the victim numerous times
3 with a small caliber handgun and so forth. The second
4 indictment alleges that Mr. Truesdale committed the crime of
5 armed robbery and that back on that same date while armed
6 with a deadly weapon he feloniously stole some property from
7 Harry Blakeney by means of force, threats or intimidation.
8 The last indictment says that at the time of the commission
9 of one of these violent crimes or two violent crimes or two
10 separate charges that he possessed a knife while -- or a
11 firearm, we're talking about a firearm but that statute says
12 knife, firearm or something, that's an add-on penalty. If
13 you commit a violent crime and you are armed with a deadly
14 weapon, a knife and a gun is a deadly weapon, that
15 constitutes a violation of that statute. So there are two
16 of those charges. There's an additional charge that alleges
17 on the date in question Mr. Truesdale committed the crime of
18 attempting to murder a person at that time. Now, again
19 these are allegations. Murder is the unlawful killing of
20 one person by another with malice aforethought expressed or
21 inferred, I will explain all of the elements that
22 constitutes murder at the conclusion of the trial. Armed
23 robbery is the highest form of larceny which is what you
24 would call stealing. If you take something from somebody's
25 presence and if you intend to make it yours that's called

1 larceny. If you steal something from somebody's presence
2 and you intimidate them and you're armed with a deadly
3 weapon then that's armed robbery it's called. You can rob
4 someone with no weapon at all, you can just throw them down
5 and take something from them, that would be common law what
6 is called strong armed robbery, what he's charged with is
7 armed robbery. And by defining that for you I'm not
8 suggesting that he's guilty of anything, that's just what
9 the charge is, I think y'all understand that. Now,
10 attempted murder, that just means that had it been
11 accomplished and the person died then you're talking about a
12 murder charge. And I don't see that indictment charging him
13 with attempted.

14 MR. BARFIELD: Your Honor, there is none on that, the
15 alternate charge does not apply.

16 THE COURT: Okay. All right. So what, so he's not
17 charged with attempted murder?

18 MR. BARFIELD: He is not. This defendant is not.

19 THE COURT: I saw something that addressed that
20 earlier. So what he is charged with are these three
21 charges, right?

22 MR. BARFIELD: That's correct.

23 THE COURT: So forget what I said about attempted
24 murder. We're talking about murder, armed robbery and
25 possession of a firearm during the commission of a violent

OPENING STATEMENTS

1 crime and that's the three charges. You jurors are going to
2 pass upon the credibility of all of the witnesses that
3 testify. Basically you're going to evaluate their testimony
4 and give it such weight you feel and believe the testimony
5 is entitled to. May be other documents introduced at the
6 trial, anything I allow in you can consider. You consider
7 the totality of the admitted evidence and decide whether the
8 State has met its burden of proof throughout. From a
9 practical standpoint as far as you are concerned I keep my
10 eye on you but we'll take a break about every hour and 30
11 minutes to an hour and 45, it's hard to stop a witness in
12 mid-sentence so we're not going to stretch you out to two
13 hours in any event. As I mentioned we'll probably run until
14 about 6:00 today give or take a few minutes and we'll start
15 back in the morning at 9:00, got a lot to cover. Here is
16 how it's going to proceed. The State has the burden of
17 proof beyond a reasonable doubt, the solicitor is going to
18 make a brief opening statement, that will not be evidence
19 but he's going to outline what he thinks will be presented,
20 might suggest conclusions you should draw from that but you
21 haven't heard any testimony at this point. The defense will
22 then be offered an opportunity to make an opening statement.
23 After opening statements are made we will start calling
24 witnesses and we will proceed in an orderly fashion. Do not
25 discuss the case during any breaks. And, of course, I told

OPENING STATEMENTS

1 you about credibility of the witnesses just briefly, but you
2 are to resolve of course conflicts between testimony and
3 everybody won't testify on the same thing. All right,
4 solicitor, you can proceed.

5 MR. BARFIELD: Court please, Mr. Frick? Good
6 afternoon. You're going to hear me a lot more than you want
7 to hear me so I'm not going to say a whole lot right now.
8 One of reasons that I won't is what I say is not evidence
9 anyway. But what the evidence is will come from people
10 sitting in that chair in front of that microphone or from
11 stuff that we put stickers on them and introduce in the
12 case. Don't fret. I called a list of 56 witnesses this
13 morning when we went through the jury selection process, I'm
14 not going to call 56 witnesses, we're going to eliminate
15 some as we go for various reasons. It is going to take
16 awhile and it is going to be tedious and it is going to be
17 tedious because Barfield is going to be standing here asking
18 what y'all are going to be saying is a bunch of stupid
19 questions but y'all don't know anything from the case, and
20 the only way for you to learn about the case is for me to
21 ask those questions and get the witness' answer. What I
22 want to do right now is just very briefly and very basically
23 give you an overview of what this case is about, not the
24 detail, the detail will come from up there, but this is what
25 this case is about. A guy by the name of Harry Edward

OPENING STATEMENTS

1 Blakeney was in his late sixties, almost 70, I think, lived
2 in Kershaw in his family home by himself at the corner of
3 East Church and Ingram Streets. On September 21 of 2011 --
4 well, let me back up. He came into some money, came into a
5 bunch of money. He bought him a nice BMW, he bought him a
6 nice Harley Davidson motorcycle, they sat in his driveway in
7 his carport. He started buying stuff off people, stuff like
8 leaf blowers and chain saws and weed eaters and he was
9 buying all of this stuff off people who would come to his
10 house and sell him stuff, and that was happening on
11 September 21 of 2011 in midafternoon. There was several
12 people over at his house trying to sell him stuff, and he
13 had been back and forth to the bank there in Kershaw several
14 times that day, the last time was just a few minutes before
15 he died. But he went to the bank and he drew out some
16 money, cashed a check, had several hundred dollars in a
17 First Citizens Bank envelope, goes back to his house where
18 this crowd is waiting on him and is fixin' to do a
19 transaction with a guy named Douglas Lewis, he is going to
20 sell him a camera and an air conditioner. Also out there
21 are a guy named Jerel Davis and a guy named Heyward
22 Truesdale, this fellow seated over here. And as he is out
23 there dealing with these people I'm going to go ahead and
24 tell you right now, Jerel Davis whipped out a .380
25 semiautomatic pistol and shot him several times in the

OPENING STATEMENTS

1 street right there beside his house where he died. And I'm
2 also going to tell you that the evidence I submit is going
3 to show that Heyward Truesdale who was there acting with
4 Jerel Davis snatched that First Citizens Bank envelope off
5 Mr. Blakeney and they took off. They got into a car
6 driven -- a white Malibu, you'll hear that 100 times -- they
7 get into a white Malibu owned by Prayon Truesdale who is
8 Heyward Truesdale's sister. Also a fellow named Shaun
9 McCrorey got into that car who had been there in the general
10 area and they leave Kershaw headed north. And, of course,
11 within minutes law enforcement is on the scene and they're
12 gathering information about the car, the people in the car,
13 it's all going out over law enforcement communication on the
14 radio. And this car pulled into -- is observed by two
15 deputies who are headed to Kershaw who pass the car and the
16 second deputy turns around on the car, follows the car into
17 the S and G Mini-mart in Heath Springs and does what he will
18 describe to you is a felony car stop, pulls in behind the
19 car, realizes that's the car that's being sought, cuts his
20 blue lights on and you will hear what happened from there.
21 The pistol is found in the car, the money envelope is found
22 in the car, all four of these people in the car go to jail.
23 Now, that's kind of it in a nutshell. I told you, one of
24 the first things I said is Jerel Davis shot and killed Harry
25 Edward Blakeney, and you're saying why in the world,

OPENING STATEMENTS

1 Barfield, are you standing here trying Heyward Truesdale for
2 shooting Harry Edward Blakeney? Well, it's sort of a
3 principle, it's a fundamental principle in our law, and
4 you've heard it before, but in our law in South Carolina the
5 hand of one is the hand of all, the act of one is the act of
6 all. The law in our state says if you're present and
7 participating and acting with another person in the
8 commission of a crime you are responsible for all of the
9 crimes that occurred during those events, all of the natural
10 foreseeable consequences of the events that take place in
11 this case. I'm going to tell you that the event was an
12 armed robbery of Harry Edward Blakeney which turned into the
13 shooting of Harry Edward Blakeney by Davis in addition to
14 the armed robbery. So I'm telling you now and we will talk
15 more about it later and the Judge will tell you about it
16 later, that Heyward Truesdale is just as guilty as Jerel
17 Davis is for the shooting death of Harry Edward Blakeney and
18 he's just as guilty as Jerel Davis is for the armed robbery
19 of Harry Edward Blakeney, and he's just as guilty as Jerel
20 Davis is for the possession of a firearm during the
21 commission of a violent crime with the possession of a
22 weapon during the armed robbery and murder of Harry Edward
23 Blakeney. I'm going to sit down in just a second, I ask you
24 to do two things, not in any particular order, any one is
25 more important than the other, but pay attention. You've

OPENING STATEMENTS

1 got maybe three days to figure all of this out that the
2 people in the courtroom who are involved in the case have
3 been working on for weeks and months. So we're going to lay
4 it up there but you've got to catch it so pay attention
5 because there's some detail in this that you need to
6 understand. And be patient. Be patient when I ask those
7 stupid questions, be patient when I ask so many questions,
8 be patient when the witness takes forever to spit out his
9 answer. It will take awhile but it's not going to take all
10 week long, we're going to get it done and we appreciate you
11 being here. There are a million other places that you would
12 rather be but this is important, it's important to the State
13 of South Carolina and obviously it's important to Heyward
14 Truesdale and it doesn't work without y'all being here.
15 Thank you very much.

16 MR. FRICK: Thank you, Your Honor. Solicitor Barfield,
17 ladies and gentlemen of the jury. As you're aware you're
18 here for the case of State versus Heyward Truesdale. First
19 of all I want to apologize, you may think at some point that
20 I am yelling, that may actually be the case, but while I'm
21 not saying I am old I am old enough to have started
22 practicing in courthouses that did not have sound systems
23 like this, and my home courthouse has absolutely no sound
24 system so I was taught to annunciate quite loudly to make
25 sure everybody can hear me. Some people still do fall

OPENING STATEMENTS

1 asleep while I do these things but I try to prevent it. As
2 you've been told you're here on the trial of this case. And
3 it's been said that jury service is one of the most
4 important services that you can provide for your country
5 aside from serving in the military. I also point out to you
6 that the whole system has to be designed by someone like us
7 who like to hear ourselves talk because we trap you in this
8 little box and don't let you out and you have to sit there,
9 you ain't got to listen but you've got to hear us. So we do
10 all thank you for your service. You've also been told that
11 you're the judge of the facts. Judge Kinard is the Judge of
12 the law, he's going to tell you what the law is and what
13 you've got to apply. Y'all get to determine what happened
14 that night. You are going to hear a bunch of folks up
15 there, you're going to see stuff, some of it is close to
16 that cool CSI stuff you get to see. We're going to talk
17 about DNA, we're going to talk about gunshot residue, you're
18 going to hear about tool marking on shell casings. It's
19 really not as interesting as you think it is but you'll find
20 out how it really works and it's not like it is on TV. But
21 you are going to hear all of that from that stand up there.
22 You get to judge what happened on September 21st of 2011 by
23 what you see and hear from that stand, and you get to even
24 do more than that, when folks get up on that stand you get
25 to determine whether you want to believe them or not. You

OPENING STATEMENTS

1 can believe part of what they say, all of what they say or
2 you don't have to believe a thing they tell you, that's
3 entirely up to you to decide and you do that by listening to
4 folks, looking at their means, see how they testify, see if
5 they have any motivation for saying what they say. You're
6 going to hear this over and over again from me, the State
7 and the Judge when he charges you in the end, the State has
8 the burden of proof. And I know we've all heard that from
9 watching TV all of our lives, all of the cop shows, lawyer
10 shows, the State has to prove beyond a reasonable doubt.
11 What the heck does that mean? Well, I'll tell you my
12 interpretation of what it does not mean. It does not mean,
13 "I've been sitting here and I've been looking at Heyward and
14 I think he did it." It is not, "You know, looking at him,
15 his shirt, he looks like he might do something like this,
16 it's possible that he did it." That's not the standard.
17 "He might have done it." If these are the thoughts that
18 come through your head when you go back there to deliberate
19 in the end the State has not proven their case. They've got
20 to show you beyond a reasonable doubt. They're going to
21 tell you a whole lot of things that may be true, and the
22 solicitor has already stood up here and told you he can't
23 tell you the one important thing, Heyward Truesdale did not
24 shoot the man. They want you to speculate maybe Heyward was
25 involved, maybe he helped plan this, maybe, maybe, maybe.

OPENING STATEMENTS

1 Folks, maybes don't make it so. Murder is the unlawful
2 killing of a person with malice aforethought as you've heard
3 and will hear again. The solicitor has talked to you about
4 accomplice liability. It is the hand of one, hand of all,
5 meaning if you were involved with it, you participated in it
6 then you're as guilty as the person who did it. However at
7 some point the solicitor is either going to say or infer, it
8 doesn't matter who did it; accomplice liability. I suggest
9 to you that is not correct because it is not just simply
10 being there, you've got to do something to further the
11 incident, and mere presence is not enough. That simply
12 means if you're just there, if you're just there, if someone
13 does something bad and you are there and don't participate
14 in it that doesn't mean that you're guilty of doing it. And
15 I'm going to tell you a story and I'm not going to look over
16 here while their eyes roll because they've heard that story
17 before, but I live in the rural area. You've got to take
18 your trash to the trash dump when it piles up. One night I
19 go home, the trash bag is full, I'm lazy, I don't take it
20 and put it in the trash can, I set it on the front porch.
21 Now, I've got all matter of wildlife that wonder through my
22 front yard from deer to turkeys to possums and raccoons, and
23 little Buttons here who lives in my house. Well, I go out
24 the door the next morning -- and there's an ongoing debate
25 in my house of whether Buttons stays in the house or outside

1 of the house, if anybody owns a cat you know who makes that
2 decision, it's not you, it the cat. Well, the cat is
3 outside sitting beside the garbage bag. The garbage bag is
4 shredded, I've got trash all over my front porch. The cat
5 is there, she's torn up garbage bags before, I've got some
6 evidence that she did it but all she is is there without
7 more. I have no idea whether the cat was in the house or
8 outside of the house, I just know when I look outside the
9 cat is there. Folks, that's mere presence. Buttons might
10 have done it, it's possible Buttons did it but I can't prove
11 beyond a reasonable doubt Buttons tore up that garbage bag.
12 That's what we're talking about. So is there any other
13 reasonable explanation that Heyward Truesdale did this
14 terrible tragic thing? Yes. Number one, they will attempt
15 to tell you this was Heyward's idea, I suggest to you their
16 theory doesn't make any sense. If it's his idea why are all
17 of these moving parts in place? And you'll see what I'm
18 talking about as we go along. Solicitor has already
19 admitted Heyward didn't have the gun, it's not his gun. In
20 fact, you're going to hear testimony quite to the contrary,
21 probably two other people are going to claim this gun at
22 some point. Heyward was simply there, that's all that
23 happened. Mr. Truesdale goes over to the house with some
24 folks who he thought he was trying to help, they wanted to
25 sell something and they decide to do a bad thing, a terrible

OPENING STATEMENTS

1 tragic thing. Heyward was simply there. Again, maybes
2 don't make it so and that's all the State can show you is
3 that maybe Heyward was involved with this. Heyward
4 Truesdale is not guilty of murder, and at the close of this
5 case you will see that the State has not met their burden.
6 I thank you for your time, your attention and your service.

7 THE COURT: Okay. Solicitor, just a minute. Jurors,
8 as I told you it's novel to me and it's novel to you, right,
9 what I've got is an indictment that I read to you which is
10 probably somewhat confusing because it says that Mr.
11 Truesdale murdered Edward Blakeney by shooting the victim
12 several times, that's what I read to you, that's the
13 allegations. Now, the solicitor is seeking to prove the
14 crime of murder by something called accomplice liability and
15 basically if a crime was committed by two or more people who
16 were acting together and committing the crime the act of one
17 is the act of all. The person who joins with another to
18 accomplish an illegal purpose is criminally responsible for
19 everything done by the other person which occurs as a
20 natural consequence to the acts done in carrying out the
21 common plan and purpose. Now, at the conclusion of the
22 trial I will instruct you in some detail on that, but prior
23 knowledge that a crime is going to be committed without more
24 is not sufficient to make a person guilty of that crime.
25 Mere knowledge that another person is going to commit a

OPENING STATEMENTS

1 crime even if a defendant is present when the crime is
2 committed is not sufficient to convict the defendant as a
3 principal. Guilt as a principal is shown by actual or
4 constructive presence at the scene as a result of a prior
5 arrangement basically. Now, jurors when I instruct you on
6 the law I'm giving you the law in the abstract, it's not
7 fact specific. Okay. Every murder case has a little bit
8 variation on facts that are presented, but the State is
9 going ahead on accomplice liability, which is basically
10 referred to as the hand of one is the hand of all, but they
11 have to be in concert in that they're going to commit the
12 crimes and so forth. If you're just there when it happens,
13 don't know it's going to happen, don't aide and abet when it
14 is happening you aren't guilty of murder. I will instruct
15 you in some detail at the end, but once they mentioned that
16 I have to just mention that to you, I didn't tell you to
17 start with. Okay, Solicitor.

18 MR. BARFIELD: Call Bob Blakeney.

19 The witness, ROBERT EDWARD BLAKENEY, was first
20 duly sworn and testified as follows, on:

21 DIRECT EXAMINATION

22 BY MR. BARFIELD:

23 Q. Tell us your full name, please, sir.

24 A. Robert Edward Blakeney.

25 Q. Mr. Blakeney, not an address, but where do you live?

TESTIMONY OF ROBERT BLAKENEY

1 A. I live in Charlotte.

2 Q. Who was Harry Edward Blakeney?

3 A. That was my father.

4 Q. Were you living in Charlotte when your dad died?

5 A. I was.

6 Q. How old was your dad when he died?

7 A. Sixty-seven or eight, somewhere in there.

8 Q. Where did your dad live?

9 A. In Kershaw.

10 Q. Were you familiar with that home he lived in in
11 Kershaw?

12 A. Very.

13 Q. How were you familiar with that home?

14 A. I had spent my time as a child going there to see my
15 grandmother, which was her house at the time and then became
16 his later and then I visited him in the home.

17 Q. How frequently were you in contact with your father in
18 the months before his death?

19 A. Probably two to three times a month by phone and once
20 by personal visit.

21 Q. Are you aware that he died on September 21st of 2011?

22 A. I am.

23 Q. Is the home that he lived in in Lancaster County, South
24 Carolina?

25 A. It is.

- 1 Q. Did anybody live in the home with your dad about the
2 time of his death?
- 3 A. No, they did not.
- 4 Q. Was he single?
- 5 A. Yes, he was.
- 6 Q. Does he have other children?
- 7 A. Yes, he does.
- 8 Q. One or more?
- 9 A. One more.
- 10 Q. Son or daughter?
- 11 A. Son.
- 12 Q. And at that time where was that son -- had that son
13 lived with your dad in the home in Kershaw for some period
14 of time?
- 15 A. He had, he lived there for two or three years prior.
- 16 Q. What's his name?
- 17 A. Paul.
- 18 Q. And where was Paul living at the time your dad was
19 killed?
- 20 A. He was living in Camden.
- 21 Q. Did your dad -- how many automobiles did your dad have
22 when he died?
- 23 A. Two.
- 24 Q. Tell me about the older automobile, what was it?
- 25 A. It was a 1985 Caprice Classic, I believe.

TESTIMONY OF ROBERT BLAKENEY

1 Q. What kind of shape was it in?

2 A. Horrible shape.

3 Q. How long had he been driving that car?

4 A. Many years, five to eight years I'm guessing.

5 Q. Did he have any -- well, did your dad have a mental
6 illness?

7 A. He did.

8 Q. What was it? I don't need detail, but what was he
9 diagnosed with?

10 A. Schizophrenia.

11 Q. Did he receive treatment or take medication or both for
12 that condition?

13 A. Both.

14 Q. Did your dad at some point late in his life come into
15 some money?

16 A. He did.

17 Q. In relation to his death in September of 2011 about
18 when did he come into money?

19 A. The May prior to September.

20 Q. I don't want a dollar number, but a little bit of money
21 or a lot of money?

22 A. Fairly good amount of money, yes.

23 Q. How did he live prior to coming into that money?

24 A. Very poorly.

25 Q. How did he live after he came into that money?

TESTIMONY OF ROBERT BLAKENEY

- 1 A. Very lavishly.
- 2 Q. Examples?
- 3 A. High dollar purchases in cars -- car.
- 4 Q. Car. Tell them about the car. What did he buy?
- 5 A. He bought a I believe it was 2011 BMW Three Series
- 6 convertible.
- 7 Q. Characteristic or not for your dad?
- 8 A. Not very characteristic at all, no.
- 9 Q. Do you have any idea what he paid for that car?
- 10 A. \$55,000.
- 11 Q. Any other lavish purchases with this money that he came
- 12 into?
- 13 A. He bought a Harley Davidson as well.
- 14 Q. Had your dad ever ridden a motorcycle when you were
- 15 around?
- 16 A. Not to my knowledge, no.
- 17 Q. Do you know anything about motorcycles?
- 18 A. It was a Harley Davidson, I know that.
- 19 Q. Big-un or little-un?
- 20 A. Pretty big one.
- 21 Q. Have you got any idea what he paid for the motorcycle?
- 22 A. It was above 30, I believe.
- 23 Q. Did he know how to ride it when he bought it?
- 24 A. No, he did not.
- 25 Q. Do you know if he ever rode it?

TESTIMONY OF ROBERT BLAKENEY

1 A. No, I don't.

2 Q. Where did he keep the car?

3 A. In a covered carport right there beside his home.

4 Q. Was the carport otherwise open? You said it was open,
5 was it otherwise open?

6 A. Completely on all sides.

7 Q. Where did he keep the motorcycle?

8 A. Same place.

9 Q. Are you aware of anything else he was doing with his
10 money?

11 A. Yes. He was buying items from different people that
12 would sell him their personal items, to your point earlier,
13 power tools, telephones, gaming systems, televisions.

14 Q. Did you see evidence of that?

15 A. I did.

16 Q. Describe it?

17 A. In terms of what it looked like in the home?

18 Q. Yeah.

19 A. Wall to wall items filled up his home almost completely
20 upon his death.

21 Q. Just generally speaking, take a look at those pictures
22 and tell me if you're familiar with what's shown in those
23 pictures.

24 A. Yes, I am.

25 Q. And generally speaking what do these pictures depict?

TESTIMONY OF ROBERT BLAKENEY

1 First of all what is the object of those pictures? Where
2 are those pictures taken?

3 A. In his home, every room in his home.

4 MR. BARFIELD: Your Honor, at this time Mr. Frick has
5 seen all of these photographs.

6 THE COURT: Okay, well put them in.

7 MR. BARFIELD: I will offer them, I apologize, I
8 neglected to get things marked.

9 Q. Was there any explanation -- did your dad need this
10 stuff?

11 A. No, he did not need it.

12 Q. Are you aware of anything he did with this stuff that
13 he bought?

14 A. No, I'm not. I'm not aware of anything with it other
15 than collecting it.

16 Q. Did you -- I don't want you to tell me what your dad
17 said because you can't, but did you have talks with your dad
18 about what he was doing?

19 A. I did.

20 Q. Did it stop?

21 A. No, it didn't stop.

22 Q. Let me just hand you the pictures --

23 MR. BARFIELD: Your Honor, at this time I would offer
24 these photographs as State's Exhibits one through six.

25 THE COURT: They're in, he stated he doesn't object.

TESTIMONY OF ROBERT BLAKENEY

1 (The photographs were received as State's 1-6.)

2 Q. What's shown in State's Exhibit 2?

3 A. That is the dining room.

4 Q. Same question for State's Exhibit Number 3.

5 A. This is a sitting area at the front of the house.

6 Q. Same question for State's Exhibit Number 4.

7 A. This is his den area.

8 Q. Same question for State's Exhibit Number 5.

9 A. This is the guest bedroom.

10 Q. And finally the same question for State's Exhibit

11 Number 6.

12 A. This is the other guest bedroom of the house.

13 Q. Were you present in Kershaw the day your dad died?

14 A. I was not.

15 MR. BARFIELD: Thank you, sir. Answer anything

16 Mr. Frick has?

17 MR. FRICK: No questions for this witness. Thank you.

18 THE COURT: You can step down.

19 MR. BARFIELD: Call Reid Blakeney.

20 The witness, REID BLAKENEY, was first duly

21 sworn and testified as follows, on:

22 DIRECT EXAMINATION

23 BY MR. BARFIELD:

24 Q. State your name, please, sir.

25 A. Carl Reid Blakeney.

TESTIMONY OF REID BLAKENEY

- 1 Q. You go by Reid?
- 2 A. Yes.
- 3 Q. Were you related to Harry Edward Blakeney?
- 4 A. Yes.
- 5 Q. How so?
- 6 A. He was my youngest brother.
- 7 Q. What town do you live in?
- 8 A. I live in Lugoff, South Carolina.
- 9 Q. Is that where you were living back in September of 2011
- 10 when your brother died?
- 11 A. Yes.
- 12 Q. Did you -- how frequently were you in touch with your
- 13 brother? And first of all, what did y'all call your
- 14 brother?
- 15 A. We called him Edward or Ed.
- 16 Q. How frequently were you in touch with Edward?
- 17 A. Whenever I needed to see him or talk to him.
- 18 Q. Was that often or was it every three or four months?
- 19 A. No, it was very often.
- 20 Q. Did you know that he came into money?
- 21 A. Yes.
- 22 Q. Did you know that he bought the car?
- 23 A. Yes.
- 24 Q. Did you know that he bought the motorcycle?
- 25 A. Yes.

TESTIMONY OF REID BLAKENEY

1 Q. Could he ride the motorcycle?

2 A. No.

3 Q. Did you know he was buying stuff from people like --

4 A. Yes, I did.

5 Q. -- gas operator equipment and things like that?

6 A. I had seen all of the stuff that he was involved with
7 and buying the product.

8 Q. Had you been to his house on occasions after that
9 started happening?

10 A. Yes, I did.

11 Q. Did you see that he had any need for any of that stuff?

12 A. No. The only thing I think that he needed was probably
13 a lawnmower.

14 Q. Did he ever buy a lawnmower from something that he did?

15 A. Yeah. He had one out there, a motorized lawn mower.

16 Q. Did you talk to him about what he was doing with his
17 money?

18 A. Yes, I did.

19 Q. Did it stop after you talked to him?

20 A. No.

21 Q. Did you find out on September 21st of 2011 that your
22 brother had been killed?

23 A. Yes, I was called.

24 Q. Did you go to Kershaw that day to be able to be near
25 the house and eventually up to and into the house?

TESTIMONY OF REID BLAKENEY

1 A. Yes. I came to Kershaw with my second son, middle son,
2 and he and I came in but we were stopped by the yellow tape
3 that they had strung, we had to sit there because they
4 wouldn't let us go into where he was lying in the road.

5 Q. Did you eventually get access to the house that
6 evening?

7 A. No.

8 Q. Could you tell if his car was there, the BMW was there
9 that day?

10 A. No, I could not.

11 Q. Could you see the motorcycle, whether it was there that
12 day?

13 A. No.

14 Q. Was the old Chevrolet there that day?

15 A. It was there but it wasn't running.

16 Q. Okay. Did he have any trailers? Did your brother own
17 any trailers?

18 A. Yes.

19 Q. How many that you're aware of?

20 A. He had two. One was a small trailer that he had prior
21 and then he had a big trailer, like about a 20-footer parked
22 on the side of the street right by the house.

23 Q. Let's talk about the small trailer first. How would
24 you describe that trailer?

25 A. Just a utility trailer.

TESTIMONY OF REID BLAKENEY

1 Q. Like an open lawnmower type trailer?

2 A. Yes.

3 Q. And describe this big 20-footer.

4 A. It was an enclosed trailer and it was loaded with big
5 TV screens, washers, dryers, things like that, the household
6 items that were big and had the washing machines in there
7 also.

8 Q. What color was that big box trailer?

9 A. Green.

10 MR. BARFIELD: Thank you, sir. Answer anything
11 Mr. Frick has.

12 MR. FRICK: No questions for Mr. Blakeney.

13 THE COURT: Step down, Mr. Blakeney.

14 The witness, TRACY LEE DAVIS, was first duly
15 sworn and testified as follows, on:

16 DIRECT EXAMINATION

17 BY MR. BARFIELD:

18 Q. Tell us your name, please, sir.

19 A. Tracy Lee Davis.

20 Q. Mr. Davis, by whom are you employed?

21 A. By the Lancaster County Sheriff's Office.

22 Q. How long have you been employed by the Lancaster County
23 Sheriff's Office?

24 A. Since 2000.

25 Q. What happened to your shoulder?

TRACY LEE DAVIS

1 A. Hurt it on an unrelated call.

2 Q. Been out of work for some period of time?

3 A. Yes, sir.

4 Q. Back on September 21st of 2011, what area of the county
5 were you assigned to work?

6 A. The Town of Kershaw.

7 Q. Did the sheriff's office provide law enforcement for
8 the Town of Kershaw?

9 A. Yes, sir.

10 Q. Were you working on September 21st of 2011?

11 A. Yes, sir.

12 Q. Did you get a call concerning what later you found out
13 to be the death of Harry Edward Blakeney?

14 A. Yes, sir.

15 Q. Do you know what time dispatch came out on that call?

16 A. I believe it was 2:55 p.m.

17 Q. All right, sir. Were you close -- of course, if you're
18 in Kershaw you're close to anything if you're in Kershaw.

19 A. Yes, sir.

20 Q. Within your area?

21 A. Yes, sir.

22 Q. Did you respond to the call?

23 A. Yes, sir, I did.

24 Q. How long did it take you to get there?

25 A. We arrived at the same dispatch time maybe a minute

TRACY LEE DAVIS

1 later.

2 Q. Initially who with the sheriff's office responded? Did
3 anybody other than you initially respond?

4 A. Yes, sir. Deputy Mike Hundley and Deputy Boykin, they
5 were in route at the same time I was.

6 Q. What was the nature of the call, the initial call?

7 A. Dispatch received several calls. The first case they
8 said somebody was laying in the middle of Ingram Street and
9 right after that they were getting calls about shots fired
10 in the area.

11 Q. Okay. Did you grow up in Kershaw?

12 A. Yes, sir.

13 Q. Are you familiar with Mr. Blakeney's house?

14 A. Yes, sir.

15 Q. And geographically street wise by street names where
16 was his house situated?

17 A. It's at the intersection of East Church Street and
18 Ingram Street.

19 Q. And do you know which side of the house faces East
20 Church?

21 A. The front of the house faces Church Street.

22 Q. And what's on the Ingram Street side of the house, what
23 part of the house is on Ingram Street?

24 A. There's a garage right there on that side, yes, sir.
25 There's also a door going to the outside.

1 Q. Where did you initially respond to before you stopped
2 your car and started doing your thing?

3 A. As I was coming down Church Street I saw a Lakendrick
4 Miller waiving his arms in the middle of Church Street.

5 Q. You can't tell me what he said, but did you have
6 conversations with Lakendrick?

7 A. Yes, sir, I did.

8 Q. Did you give Lakendrick Miller any instructions?

9 A. Yes, sir. After I spoke with him I told him to walk
10 down towards the intersection of Church Street and Ingram
11 Street and to stay there until we talked to him further.

12 Q. What did you do next?

13 A. Backed my car up and pulled up into Ingram Street.

14 Q. Let me back you up a minute. Where on Church Street in
15 relation to the intersection with Ingram -- let's just set
16 it up this way. Is there at least one cemetery in Kershaw,
17 town cemetery?

18 A. Yes, sir.

19 Q. And where is it in relation to Mr. Blakeney's corner on
20 East Church and Ingram?

21 A. The cemetery is at the end of Church Street.

22 Q. East or west of Mr. Blakeney's house?

23 A. It's to the east.

24 Q. Where on Church Street did you stop to talk to
25 Lakendrick Miller?

TRACY LEE DAVIS

1 A. When I was going down Church Street it was
2 approximately 50 feet past the intersection of Ingram
3 Street, he had my attention, he was just waiving his hands.

4 Q. After you told Lakendrick to go down to the corner,
5 what did you do? Where did you go?

6 A. Back my patrol car up and pulled into Ingram Street.

7 Q. What did you observe -- first of all when you -- well,
8 what did you observe when you backed up to Ingram Street?

9 A. Saw Mr. Blakeney laying in the middle of Ingram Street,
10 he had blood coming from his back, left ear, left side of
11 his head, he was face down in the road.

12 Q. Was he responsive at all at that time?

13 A. No, sir. I tried to speak to him and I watched his
14 chest to see if he was still breathing but he was not.

15 Q. I'm going to show you what has been marked for
16 identification as State's Exhibit Number 7. Take a look at
17 that and tell me if you can identify the scene as shown in
18 this picture.

19 A. Yes, sir. This is on Ingram Street facing back towards
20 Church Street.

21 Q. Is there a figure shown in that picture?

22 A. Yes, sir.

23 Q. And who or what is that figure?

24 A. Mr. Blakeney laying in the road.

25 Q. Is that where he was when you first saw him?

TRACY LEE DAVIS

1 A. Yes, sir.

2 Q. Now, obviously -- I'm guessing obviously the other
3 police cars and the -- well, let me see something just a
4 minute. There's a sheriff's office car in that picture, do
5 you know whose that is?

6 A. I believe that's Deputy Hundley's car.

7 Q. And there's a firetruck in that picture, do you know
8 whose that is?

9 A. That is the Kershaw Fire Department Truck.

10 Q. Were either one of those vehicles in the scene when you
11 first got there?

12 A. Mr. Hundley's car was, Deputy Hundley's car.

13 MR. BARFIELD: Your Honor, I will offer this photograph
14 as State's Exhibit Number 7, Mr. Frick has seen it, I don't
15 think he objects.

16 MR. FRICK: No objection, Your Honor.

17 (The photograph was received as State's 7.)

18 Q. Again don't quote Lakendrick Miller, but as a result of
19 talking to Lakendrick Miller did you receive information
20 about maybe somebody else being hurt?

21 A. Yes, sir.

22 Q. And did you get a name for the somebody else who might
23 have been hurt?

24 A. Yes, sir.

25 Q. Who was that?

TRACY LEE DAVIS

1 A. His cousin, Douglas Lewis.

2 Q. After you're at the scene and you see Mr. Blakeney's
3 body what did you do next?

4 A. I spoke with Mr. MacCue.

5 Q. Who is Mr. MacCue?

6 A. He lived next door to Mr. Blakeney.

7 Q. Back toward town or back towards the cemetery?

8 A. Back toward town.

9 Q. Did you talk to anybody else there initially?

10 A. Not initially, no, sir.

11 Q. Did you leave there and go -- what happened next?

12 A. Dispatch advised us that the other person that had been
13 shot was at First Baptist Church in Kershaw.

14 Q. Did you leave the Church Street/Ingram Street
15 intersection and go somewhere else?

16 A. Yes, sir, I did.

17 Q. Where did you go?

18 A. We located Douglas Lewis at the back of -- it was at a
19 rim shop at the back of the old Chevrolet place on North
20 Hampton Street in Kershaw.

21 Q. Did you know Douglas Lewis?

22 A. Yes, sir.

23 Q. Did he appear to be in any distress?

24 A. Yes, sir.

25 Q. Did he have anything that appeared to be an injury to

1 his body?

2 A. Yes, sir. There was a gunshot wound to his upper chest
3 area.

4 Q. I'm going to show you two more photographs, State's
5 Exhibits 8 and 9. And tell me if you're familiar with
6 what's in those photographs.

7 A. Yes, sir.

8 Q. First, of all State's 8, what is that a picture of?

9 A. This is a picture of Mr. Lewis.

10 Q. In the condition he was in when you found him behind
11 the rim shop?

12 A. Yes, sir.

13 Q. What is State' Number 9?

14 A. This is the van that Mr. Lewis told me that he was
15 driving.

16 MR. BARFIELD: Your Honor, at this time I would offer 8
17 and 9 as States exhibits.

18 MR. FRICK: No objection.

19 THE COURT: Okay.

20 (The photographs were received as State's 8 and
21 9.)

22 Q. Did you hear Lewis -- was Lewis asked what in the heck
23 happened by anybody? Well, let me back up. You go to the
24 rim -- behind the rim shop. Who is there in an official
25 capacity other than you and Lewis initially and then later

TRACY LEE DAVIS

1 on?

2 A. Major Shaw arrived about the same time I did, right
3 after I did CSI Jeff Steel arrived on scene.

4 Q. What is CSI?

5 A. That's part of our crime scene unit.

6 Q. Okay.

7 A. And Investigator Whittaker also came to the location.

8 Q. Now, did you hear Davis -- did you ask Douglas Lewis
9 questions yourself or did you hear anybody else in law
10 enforcement asking him what had happened?

11 A. Yes, sir.

12 Q. And again, don't quote him at this point, but did he
13 provide any information that led law enforcement to be
14 looking for anything or anybody by description or otherwise?

15 A. Yes, sir.

16 Q. What were y'all looking for as a result of talking to
17 Douglas Lewis behind the rim shop?

18 A. He advised me that they had on red shirts and that it
19 was African American males.

20 Q. Did he say anything about car or any other people? Did
21 he say how many other people first of all?

22 A. He said it was several.

23 Q. Did he say anything about a car at the scene behind the
24 rim shop?

25 A. He didn't tell me, no, sir.

1 Q. Did you -- what was going to happen with Douglas Lewis
2 from an emergency response standpoint?

3 A. One of the medics from Lancaster County, Greg
4 Brasington arrived on scene, he started assessing Lewis'
5 injury and he said he would have to be flown out to the
6 hospital.

7 Q. Were arrangements made for that to happen?

8 A. Yes, sir.

9 Q. Did you have any role in having that happen?

10 A. I stayed with him at the scene at the rim shop, when
11 the ambulance transported him to the LZ I followed him from
12 the ambulance there until he was to be left in the
13 helicopter.

14 Q. Did you follow on ground the helicopter to the
15 hospital?

16 A. No, sir.

17 Q. Where did you go after you cleared up from the landing
18 zone.

19 A. After I cleared up I went back to the original incident
20 location on Church Street.

21 Q. Information you had received about who or what y'all
22 were looking for, did you do anything with that information?

23 A. I spoke with Lieutenant Kirkley on the phone and also
24 Investigator Howell and advised him of that information.

25 Q. I'm going to ask you the same question I asked Bob

TRACY LEE DAVIS

1 Blakeney a little bit ago. Is the intersection of East
2 Church and Ingram Street, the home of Edward Blakeney, in
3 Lancaster County?

4 A. Yes, it is.

5 MR. FRICK: Thank you, sir, answer anything Mr. Frick
6 has.

7 CROSS EXAMINATION

8 BY MR. FRICK:

9 Q. Mr. Davis, were you the initial responding officer on
10 the scene?

11 A. Yes, sir.

12 Q. Do you recall about what time this call came to you?

13 A. It was about 2:55 p.m.

14 Q. About 2:55? Okay. And you were already in Kershaw
15 when you got the call?

16 A. I was in the town of Kershaw, yes, sir.

17 Q. So it didn't take real long for you to get over there.

18 A. No, sir.

19 Q. Initially it's a shots fired call.

20 A. They said someone was laying on Ingram Street, is the
21 first call dispatch told us, and when we were in route they
22 were telling us they were getting multiple calls about
23 gunshots in the area.

24 Q. So the initial call about someone in the road is about
25 2:55, the shots fired a minute or two later?

- 1 A. It was less than that, it was while we were in route to
2 it.
- 3 Q. Okay. Did you speak with anyone else other than law
4 enforcement folks, any potential witnesses on the scene? I
5 think you spoke to Mr. Miller.
- 6 A. Yes, sir.
- 7 Q. Was there anybody else that you spoke with?
- 8 A. I spoke with Herbert MacCue.
- 9 Q. Was Mr. Miller able to provide you with any information
10 that furthered the investigation?
- 11 A. He told me that his cousin, Douglas Lewis, had been
12 shot and that he left the area in a Burgundy van or a SUV.
- 13 Q. Any information about any suspects or anything like
14 that?
- 15 A. At that time he didn't tell me anything.
- 16 Q. All right. Mr. Lewis wasn't on the scene, correct?
- 17 A. No, sir.
- 18 Q. And that's the guy that -- I think the solicitor showed
19 you the picture -- the guy who has got the shot on his
20 chest?
- 21 A. Yes, sir.
- 22 Q. You saw him -- about how far away was he from the
23 incident location?
- 24 A. Was probably five blocks.
- 25 Q. And he was driving what is State's Number 9, right?

TRACY LEE DAVIS

1 A. He told me he was driving it, yes, sir.

2 Q. So he had already parked and was out. Did you look in
3 his van?

4 A. I did not look in it, no, sir.

5 Q. Was another deputy -- did anybody else look in his van?

6 A. I believe CSI Steele did.

7 Q. Mr. Lewis gives you a little bit of information but not
8 a whole lot, right?

9 A. Yes, sir.

10 Q. He said it was several black males.

11 A. Yes, sir.

12 Q. Those were his words.

13 A. I'm not sure of his exact words, no, sir.

14 Q. But he didn't say one or two, he said several.

15 A. Yes, sir.

16 Q. Were you involved with the collection of any other
17 evidence in this case that you recollect?

18 A. No, sir.

19 MR. FRICK: Thank you, sir. That's all of the
20 questions I have.

21 MR. BARFIELD: Mike Hundley.

22 The witness, MICHAEL HUNDLEY, was first duly
23 sworn and testified as follows, on:

24 DIRECT EXAMINATION

25 BY MR. BARFIELD:

TESTIMONY OF MICHAEL HUNDLEY

1 Q. Tell us your name, please, sir.

2 A. Michael David Hundley.

3 Q. Mr. Hundley, by whom are you employed?

4 A. Lancaster County Sheriff's Office.

5 Q. How long have you been employed by the sheriff's
6 office?

7 A. Approximately four years, sir.

8 Q. Were you working as a deputy with the Lancaster County
9 Sheriff's Office on September 21 of 2011?

10 A. Yes, sir, I was.

11 Q. What area of the county were you assigned to back then?

12 A. I was in the Kershaw section, Kershaw City.

13 Q. All right. Did you respond to a call concerning events
14 that had occurred at the intersection of Ingram and Church
15 Streets in Kershaw?

16 A. Yes, sir, I did.

17 Q. Describe from dispatch to arrival, how long did it take
18 you to get there?

19 A. Approximately five minutes.

20 Q. What was going on when you got there?

21 A. There was several people standing around in the
22 intersection area and there was a man laying facedown in the
23 roadway.

24 Q. Did you see -- do any examination of the man lying face
25 down in the roadway?

TESTIMONY OF MICHAEL HUNDLEY

1 A. Yes, sir. I walked up to see if he had any pulse or
2 anything and I couldn't get a pulse on him, on the
3 individual laying there.

4 Q. Did you notice any visible injuries to the man in the
5 roadway?

6 A. Yes, sir, I did. He had a wound to the left side of
7 his head and ear area, and a wound to his back area.

8 Q. I'm going to show you State's Exhibit Number 7. Is
9 what's shown in that picture familiar to you?

10 A. Yes, sir.

11 Q. Is that a picture of the man?

12 A. Yes, sir.

13 Q. And there's a police car or sheriff's office car in
14 that picture, do you know whose that is?

15 A. I believe that's my car, sir.

16 Q. Is that where the man was? Is the man shown in the
17 picture in the same place he was when you first saw him?

18 A. Yes, sir.

19 Q. What did you do while you were there at the scene?

20 A. I saw several individuals standing around and I asked
21 them if they had seen what happened, and I tried to secure
22 the area to get it secured for the EMS to get into the
23 scene.

24 Q. Specifically witness-wise, not emergency

25 responder-wise, but witness wise did you have conversations

1 with any people who we would characterize as witnesses to
2 some or all or the aftermath to any of this?

3 A. Yes, sir, I did.

4 Q. And specifically who did you talk to? Not what they
5 said but who did you talk to?

6 A. I'll look at my notes here, it was Truesdale I believe.
7 Freedonia Elizabeth Truesdale is who I spoke with.

8 Q. Now, I don't want you to quote Ms. Truesdale, but did
9 Ms. Truesdale provide information, not what she said, but
10 did she provide information about people and things related
11 to this case in some way perhaps?

12 A. Yes, she did, sir.

13 Q. Again, I'm not asking you to tell me what she said, but
14 as a result of talking to her did you know what or whom law
15 enforcement should be looking for?

16 A. Yes, sir.

17 Q. What was law enforcement looking for as a result of
18 that information?

19 A. Several individuals had been there on the scene before
20 we got there and left in a vehicle.

21 Q. How was the vehicle described?

22 A. White Malibu, I don't know what year but it was a white
23 Malibu.

24 Q. Was any ownership information obtained concerning that
25 vehicle?

TESTIMONY OF MICHAEL HUNDLEY

1 A. She gave me a name -- yes, it belonged to her sister.

2 Q. Did she give the sister's -- did you have the sister's
3 name?

4 A. Yes, sir. She said the sister's name was Prayon
5 Truesdale.

6 Q. Did you have information about passengers that might be
7 in that white Malibu?

8 A. Yes, sir.

9 Q. Names, specific names?

10 A. Yes, sir.

11 Q. What names got tossed out?

12 A. Heyward Truesdale, Shaun McCrorey and Jerel Davis were
13 in the Malibu.

14 Q. Now, what other people did you talk to to get
15 information?

16 A. I spoke with the individual in the burgundy van,
17 Douglas Lewis.

18 Q. Did you talk to any passers by?

19 A. The only person I spoke to after that if I recall were
20 the two firefighters that came on the scene.

21 Q. What was your responsibility after this initial call
22 had kind of been locked down and the investigation started,
23 what was your job there at the scene beyond that?

24 A. My job was to secure the scene so no one else could get
25 in and contaminate the scene, try to block it off so we

TESTIMONY OF MICHAEL HUNDLEY

1 could get a sense of this area which this scene happened.
2 And Deputy Davis advised me to try to get some police tape
3 out and broke it off as soon as possible.

4 MR. BARFIELD: Thank you, sir, answer anything
5 Mr. Frick has.

6 CROSS EXAMINATION

7 BY MR. FRICK:

8 Q. Your main role was responding and then securing the
9 scene then?

10 A. Yes, sir.

11 Q. Did you collect any evidence, do you recall?

12 A. No, sir, I did not.

13 Q. You spoke to Ms. Freedonia Truesdale. Did you take a
14 written statement from her?

15 A. I wrote her name down and asked her what she saw and
16 what had occurred or what she thought she had seen and took
17 the information down on a note pad.

18 Q. Are you aware of whether she gave a written statement
19 at any point?

20 A. That statement she gave me was the statement that I
21 took and used, yes, sir.

22 Q. Okay. All right.

23 MR. FRICK: I think that's all of the questions I have.
24 Thank you, sir.

25 MR. BARFIELD: That's all from this witness, ask that

TESTIMONY OF MATT BOYKIN

1 he be excused if he would like to.

2 THE COURT: Free to go if you would like.

3 The witness, MATT BOYKIN, was first duly sworn

4 and testified as follows, on:

5 DIRECT EXAMINATION

6 BY MR. BARFIELD:

7 Q. Tell us your name, please, sir.

8 A. Math Boykin.

9 Q. Mr. Boykin, by whom are you employed?

10 A. Lancaster County Sheriff's Office.

11 Q. And I'm trying to look at your collar, you're a
12 sergeant now; is that correct?

13 A. Yes, sir.

14 Q. I don't see too well sometimes. How long have you been
15 employed with the sheriff's office?

16 A. Going on about three years now.

17 Q. Were you working for the Lancaster County sheriff's
18 Office on September 21 of 2011?

19 A. Yes, I was.

20 Q. What area of the county were you assigned to that day?

21 A. I was assigned to the whole entire south end of
22 Lancaster County which includes the Town of Kershaw.

23 Q. And were you assigned differently from Tracy Davis and
24 Mike Hundley who were assigned to the Town of Kershaw?

25 A. Yes. Usually how it goes, the Town of Kershaw, Deputy

TESTIMONY OF MATT BOYKIN

1 Davis and Deputy Hundley, they're the primary units. When
2 they get busy or unable to answer a call in Kershaw I'm
3 their backup and then take over for them. I happened to be
4 on another call approximately two miles away when this
5 incident occurred.

6 Q. Did you get dispatched or did you hear the dispatch of
7 the call to Ingram and Church Streets in Kershaw?

8 A. I overheard two service calls over the radio, one was
9 shots fired, I believe they stated there was a shots fired
10 call on East Richland Street. The separate call dispatched
11 separately was there's a subject laying in the roadway on
12 North Ingram Street. Upon hearing both of those knowing
13 Ingram and Richland intersect from my experience almost ten
14 years in law enforcement I knew something bad had happened.
15 You got shots fired and a guy laying in the roadway at the
16 same intersection that's not good, I was in route to it.

17 Q. Now, you said Richland --

18 A. I'm sorry, Church Street, I believe Church Street, I'm
19 sorry. I believe Church Street and Ingram, I correct
20 myself. I get them streets mixed up now.

21 Q. Is there a Richland Street down there in that neck of
22 the woods?

23 A. There is, it's a block down.

24 Q. Does it run parallel or perpendicular to Church Street?

25 A. It runs parallel to Church Street.

TESTIMONY OF MATT BOYKIN

1 Q. How is Ingram Street set up in relation to Church and
2 Ingram?

3 A. Parallel, it runs parallel to Church Street.

4 Q. Where did you go first in response to this call?

5 A. I was going from the north side of Kershaw, I can't
6 remember exactly which street I was coming down going
7 southbound, but I got on East Church Street first, started
8 traveling east down East Church Street which would be
9 approaching North Ingram Street and I arrived at the
10 intersection.

11 Q. And did you stop and get out at the intersection?

12 A. Immediately upon arriving at the scene I saw several
13 people in the roadway. I also had to look to the right and
14 saw a subject lying in the roadway on North Ingram Street.

15 Q. Did you do any examination of the subject lying in the
16 roadway on Ingram Street?

17 A. I went to approach him and then when I got -- I don't
18 know exactly how many feet it was away from him where I
19 could immediately see several gunshot wounds to the back and
20 to the head what I recall, and there was more than one,
21 might have been three, four or five, but there were several.

22 Q. What did you do next?

23 A. Subject was laying face down, it appeared that the
24 subject might have possibly already been deceased. At the
25 same time I -- my concern was to make sure whether he is or

1 not, if he's still alive we need to try to save him and also
2 try to control the crowd. A large crowd started gathering,
3 that neighborhood is typically known for foot traffic and --

4 Q. Okay. That's fine. Did emergency responders arrive
5 and start checking out Mr. Blakeney at some point?

6 A. Well, they were in route. But we also had a call of
7 another subject that had driven to one of the local
8 churches, I can't remember exactly which one, and we were
9 advised on the radio it was also related to the same
10 incident, he had been shot, I believe that was Mr. Douglas
11 Lewis if I'm correct. There was so much radio traffic going
12 on at the same time doing all of that dispatch, we've got
13 now two locations -- really from the same incident, two
14 locations, two people shot, you could not get out on the
15 radio. I at the intersection of North Ingram the East
16 Church Street could see the ambulance about a block down the
17 street. That's normal procedure when they go to a bad call
18 they'll sit a block away down the street and wait for us to
19 tell them it's okay to come on and make sure the suspects
20 are away from the scene, no bad guys are there, it's okay
21 for them to come in and save the victim. I could not get
22 out on the radio. I saw them, I drove down there to them
23 and was yelling at them to come on, it's okay, get on up
24 here, that's how I made contact with them. I told them I
25 couldn't get out on the radio.

TESTIMONY OF MATT BOYKIN

1 Q. All right. Did you talk to any witnesses on the scene?

2 A. I talked to one subject I recall out there.

3 Q. Who was that? I don't want you to quote what he said
4 but who did you talk with?

5 A. Lakendrick Miller and also another family member, Ruth
6 Miller if I recall correctly.

7 Q. Did you get some information from them? Not what but
8 did you get some information?

9 A. Yes, sir.

10 Q. Did anybody talk to them anymore extensively while you
11 were there on the scene, Lakendrick and Ruth Ann Miller?

12 A. Investigator Danny Bennett, when he arrived I advised
13 him a little bit of what he told me, they might have a
14 little bit more to offer, I know he went and spoke with
15 them.

16 Q. What was your primary responsibility after things had
17 settled down somewhat? EMS and fire were there with
18 Blakeney and the scene was secure, what was your job at that
19 point?

20 A. Keep control of the scene. Due to the foot traffic in
21 the area we had a lot of onlookers, didn't know exactly what
22 was going on in their neighborhood, they were stopping by.
23 To maintain control of the scene I put up crime scene tape
24 and made sure nobody came in there where we were at while we
25 were trying to investigate what happened.

TESTIMONY OF MATT BOYKIN

1 Q. While on the scene through your discussions with folks,
2 did you personally develop any information about vehicles or
3 suspects or anything like that?

4 A. No, sir. I was really busy trying to maintain the
5 scene, I was occupied with that.

6 MR. BARFIELD: Thank you, sir. Answer anything
7 Mr. Frick has.

8 CROSS EXAMINATION

9 BY MR. FRICK:

10 Q. Sergeant, you spoke with two people out there?

11 A. Yes, sir.

12 Q. And I know you didn't get detailed statements, but did
13 you gain any information about what y'all were looking for
14 and who y'all were looking for from them?

15 A. Not from them, no, sir.

16 Q. Okay. Did you gain any information at all from them?

17 A. Just a little bit more than what I already knew, but
18 nothing regardless of suspect vehicles or anything like
19 that.

20 Q. Okay. He told you about Mr. Lewis' van or Mr. Lewis,
21 is that what he told you?

22 A. Yes, sir.

23 Q. You didn't collect any other evidence -- other than
24 securing the scene you weren't involved with that?

25 A. No, sir, I really didn't have a chance to.

TESTIMONY OF STEVEN HOLDEN

1 Q. I understand.

2 MR. FRICK: Sergeant, I think that's all I've got.

3 MR. BARFIELD: Thank you. I ask that Sergeant Boykin
4 be excused if he would like to be.

5 THE COURT: Okay. You are free to go if you would
6 like.

7 The witness, STEVEN LEE HOLDEN, was first duly
8 sworn and testified as follows, on:

9 DIRECT EXAMINATION

10 BY MR. BARFIELD:

11 Q. Tell us your name, please, sir.

12 A. Steven Lee Holden.

13 Q. Mr. Holden, I don't need an address, but generally what
14 area of -- where do you live?

15 A. I stay in the Buffalo Community, Kershaw.

16 Q. Where is that in relation to the Town of Kershaw?

17 A. Right out 157, I stay on Edge Creek.

18 Q. Out there in the country?

19 A. Yes, sir.

20 Q. Were you in Kershaw on September 21 of 2011 about
21 between -- close to 3:00?

22 A. Yes, sir.

23 Q. Where had you been that day?

24 A. I had been working over at Mr. Jerry's farm.

25 Q. How were you motivating that day, how were you

- 1 traveling?
- 2 A. Motorcycle, sir.
- 3 Q. Are you familiar with Church Street in Kershaw?
- 4 A. Yes, sir.
- 5 Q. Did you travel Church Street that day?
- 6 A. Yes, sir.
- 7 Q. And where were you headed?
- 8 A. I was going home.
- 9 Q. Did you know a fellow by the name of Harry Edward
- 10 Blakeney?
- 11 A. No, sir.
- 12 Q. Do you now know who Mr. Blakeney was?
- 13 A. Yes, sir.
- 14 Q. Do you now know where Mr. Blakeney lived?
- 15 A. Yes, sir.
- 16 Q. Did you have occasion to ride by Mr. Blakeney's house
- 17 that afternoon?
- 18 A. Yes, sir.
- 19 Q. Did you first of all hear anything unusual initially?
- 20 A. No, sir. I was on that motorcycle, I couldn't hear
- 21 anything.
- 22 Q. I shouldn't ask you this, I ride one, sometimes I do
- 23 and sometimes I don't, but were you wearing a helmet?
- 24 A. No, sir.
- 25 Q. Did you see anything that drew your attention as you

TESTIMONY OF STEVEN HOLDEN

1 rode down Church Street?

2 A. No. I just -- when I come by I seen Mr. MacCue,
3 Herbie.

4 Q. Did you know Herbie MacCue?

5 A. Yeah, school classmates. When I passed by his house I
6 seen him in his yard so I kind of revved up the motorcycle
7 with him because he was cutting his grass, and when I rode
8 by I seen a crowd of people disperse and I couldn't tell who
9 nobody was.

10 Q. Stop right there. You saw a crowd of people disperse.
11 How did they disperse?

12 A. I don't know about that now, I couldn't tell you that.

13 Q. In what manner were they dispersing?

14 A. Everybody was running.

15 Q. At that point had you heard anything?

16 A. No, sir.

17 Q. Where was this crowd of people running from?

18 A. What's that, Ingram street I believe in front of Mr.
19 Blakeney's?

20 Q. Yes.

21 A. It wasn't all of the way toward the end, it was
22 right -- it had to be near his house.

23 Q. Running in one direction, running in multiple
24 directions?

25 A. I guess just scattered, sir. I was still kind of

1 paying attention to me on the motorcycle, I really don't
2 know what happened.

3 Q. And other than seeing this crowd of people running, did
4 you see anything else that drew your attention?

5 A. Well, I seen a subject in the road but I didn't
6 actually -- I actually thought -- when I went by I thought
7 maybe somebody had jumped on a little youngin or something.

8 Q. Well, you said you saw something in the road, in the
9 road how.

10 A. They was laying on the road.

11 Q. I'm going to show you a picture, State's Exhibit Number
12 7. I don't mean to shock you, but is that what you saw in
13 the road?

14 A. Yes, sir.

15 Q. What did you do when you saw somebody in the road?

16 A. Well, I went up there to about where Chet Jones' -- the
17 trailer park is and turned around.

18 Q. Do you know what road Chet Jones' trailer park is on?

19 A. No, sir, sure don't.

20 Q. Do you know where Linfield Drive is?

21 A. No. I turned around on the corner of the trailer park
22 right there but I don't know exactly what road that is, sir.

23 Q. That's fine. What did you do after you turned around?

24 A. I turned around and came up by the road and that's when
25 I pulled up and drove back down the road, I didn't know that

TESTIMONY OF STEVEN HOLDEN

1 was Mr. Blakeney at the time, but I just got off, I seen
2 that he wasn't moving. So I went back, got on the
3 motorcycle went and got Mr. MacCue, then I drove back around
4 there and parked the motorcycle.

5 Q. When you rode up beside Mr. Blakeney, did you actually
6 ride up beside the person in the road?

7 A. Yeah. I wasn't no further from here to the corner from
8 him.

9 Q. Any police, fire or EMS there when that occurred?

10 A. No, sir, there wasn't nobody there.

11 Q. Did you see to be able to recognize any of the people
12 who ran -- who were running from the area? Do you know who
13 any of those people are?

14 A. No, sir. I couldn't tell you who nobody was, I didn't
15 even know who he was, you know. I just thought it was
16 actually a youngin, I was going to go around and help
17 somebody out of the street, I thought he might have been
18 beat up or something.

19 Q. Did you stay there until law enforcement arrived?

20 A. Yes, sir.

21 Q. Did you talk to a deputy or somebody else with law
22 enforcement?

23 A. Yes, sir. I talked to one officer, I can't remember
24 his name exactly though.

25 Q. That's fine. And I'm going to specifically ask you,

1 did you ever see anybody shooting a gun when this was going
2 on?

3 A. No, sir. I never even know that that's what had
4 happened, you know.

5 Q. Did you ever hear what you took to be gunshots?

6 A. No, sir. I was on that motorcycle, I wouldn't have
7 ever heard that.

8 Q. Let me ask you this, tell me about the pipes on the
9 motorcycle. What kind of pipes did you have?

10 A. I think it was a Vanson High because it was loud. I
11 seen Herbie in the yard, I was on first gear, I was tacked
12 up, I wouldn't have heard nothing. I had the RPM high and I
13 wouldn't have heard no sound like that.

14 MR. FRICK: Thank you. Answer anything Mr. Frick has.

15 CROSS EXAMINATION

16 BY MR. FRICK:

17 Q. You said you saw several folks running; is that
18 correct?

19 A. Yes, sir.

20 Q. Can you guess how many you saw?

21 A. I don't know, I really wasn't paying no attention. I
22 just seen a disperse of people and I wasn't -- I was really
23 kind of minding my business. I was on that motorcycle and I
24 saw all of that out of the corner of my eye.

25 Q. I'm going to push you a little bit further.

TESTIMONY OF STEVEN HOLDEN

1 A. That's fine.

2 Q. More than three, less than three?

3 A. Maybe three or four people, maybe something like that,

4 I ain't exactly sure it's been so long. The main thing

5 caught my eye was the man that was laying in the road was

6 the thing that caught my eye, I thought it was a little kid.

7 That's the thing that caught my eye.

8 Q. Wasn't ten people running?

9 A. No, I wouldn't say that. I don't think so.

10 Q. Somewhere in that neighborhood?

11 A. Yeah. To be honest with you 100 percent I couldn't

12 tell you how many were running, I just saw people disperse,

13 I can't tell you that for sure.

14 Q. Did you pay any attention to what it looked like? Was

15 it black folks, white folks, array of folks?

16 A. No, not really. The only white person I probably seen

17 was the man in the road, you know what I'm saying, honestly.

18 Q. No other characteristics that you noticed in anybody?

19 Anybody with long hair, short hair?

20 A. No, I wasn't paying attention like that. Really I

21 didn't ever think that that man would have been shot

22 actually honestly. I thought it was a little kid that got

23 beat up, I was just going to get him up out of the street,

24 dust him off and send him home, you know.

25 Q. Didn't hear any shots. You didn't see anything else

1 either, did you?

2 A. No, sir.

3 Q. Didn't see any knife?

4 A. No, sir.

5 Q. Shotgun?

6 A. No, I didn't see nothing.

7 MR. FRICK: Thank you, sir. I believe that's all of
8 the questions I have.

9 The witness, HERBERT MACCUE, was first duly
10 sworn and testified as follows, on:

11 DIRECT EXAMINATION

12 BY MR. BARFIELD:

13 Q. What is your name?

14 A. Herbet Wesley MacCue.

15 Q. And do people call you Herbie?

16 A. Yes, sir.

17 Q. You ain't got to say sir. Where do you live?

18 A. Kershaw, South Carolina, 410 East Church Street.

19 Q. And how long have you lived in that house?

20 A. Approximately four years.

21 Q. Were you living there September 21 of 2011?

22 A. Yes, sir.

23 Q. Did you know Harry Edward Blakeney?

24 A. Yes, sir, he was my neighbor.

25 Q. And if you're sitting on your front porch facing your

TESTIMONY OF STEVEN MACCUE

1 street, which street are you facing?

2 A. I'm facing East Church Street.

3 Q. If you're sitting on your front porch facing the street
4 if Mr. Blakeney is your neighbor, is he on your right hand
5 side or left hand side?

6 A. Right hand side.

7 Q. Is he on the corner or the middle of the block?

8 A. On the corner.

9 Q. What's the intersecting street with Church that he's on
10 the corner of?

11 A. I believe it's Ingram Street, I believe.

12 Q. Had Mr. Blakeney been living there the whole time you
13 had been living there? Was he there before you were?

14 A. Yeah, he was there before I was.

15 Q. Did you know -- before September 21 of 2011, you know,
16 weeks or months before that, did he have a car?

17 A. Yeah, he had a car.

18 Q. What kind of car did you have?

19 A. The first car he had was I think it was a Caprice or
20 Chevelle, like an old square bodied car, I don't know the
21 exacts.

22 Q. What kind of shape was it in?

23 A. It was beat up pretty bad.

24 Q. We're going to talk about a BMW and a motorcycle in a
25 little bit. But did he have any other automobiles before

1 the BMW and motorcycle?

2 A. Not to my knowledge.

3 Q. Did he have any trailers that you were aware of?

4 A. Not to my knowledge.

5 Q. Did he at some point acquire some trailers?

6 A. Yes. He acquired a bunch of stuff later on.

7 Q. Well, trailers specifically.

8 A. Yes.

9 Q. Did you and Mr. Blakeney converse?

10 A. Yeah. He was my neighbor and when I first moved in we
11 talked, we talked, you know, regularly, and that's about it.
12 We just kept in touch.

13 Q. Did he -- did you spend time in your yard?

14 A. Yes. I spent time in my yard, he came over.

15 Q. Did he spend time in your yard?

16 A. Yes, sir.

17 Q. Did y'all go back and forth between houses?

18 A. Yeah. He would just cut through the bushes or I would
19 cut through the bushes.

20 Q. Did he have a trailer at some point or get ahold of a
21 trailer at some point?

22 A. Yes, sir.

23 Q. Describe a trailer that he got ahold of.

24 A. The trailer that he acquired was a red trailer probably
25 about -- it was a tag-along cargo trailer.

TESTIMONY OF STEVEN MACCUE

1 Q. Box trailer enclosed?

2 A. Yeah, a box trailer about maybe 25 feet or 30 feet,
3 pretty big.

4 Q. What did he do with that trailer?

5 A. It was sitting by the road and he would buy stuff and
6 put stuff in it.

7 Q. Did he have any other trailers that you're aware of?

8 A. He had a little one but he used that for like trash and
9 stuff like that.

10 Q. You said little one, like a utility trailer?

11 A. Yeah. It looked like it was homemade.

12 Q. Did you know anything about Mr. Blakeney's money?

13 A. No. We never discussed that, it never came up. He had
14 bought some things and the only time that he mentioned it
15 was he asked me to teach him how to ride a motorcycle.

16 Q. Well, let's talk about --

17 A. Okay.

18 Q. -- no, you're fine. Did you ever see a different car
19 than the old boxy Caprice in his yard?

20 A. The BMW, yes, the convertible.

21 Q. How long before his death did he have that car?

22 A. I would say probably about maybe two months, maybe a
23 little longer, maybe a little shorter.

24 Q. Did you ever ride in that car?

25 A. No, sir.

1 Q. Do you ride motorcycles?

2 A. Yes, sir.

3 Q. When you first met Mr. Blakeney did he have a
4 motorcycle?

5 A. No.

6 Q. Did he get one?

7 A. Yes.

8 Q. Do you know about motorcycles I reckon? What kind of
9 motorcycle did he get?

10 A. A Harley-Davidson ultra classic.

11 Q. Which is?

12 A. Pretty much top of the line cruiser.

13 Q. What color was the BMW?

14 A. White.

15 Q. What color was the motorcycle?

16 A. White.

17 Q. Don't tell me what he said, but did you and he ever
18 have a conversation about a motorcycle before he bought a
19 motorcycle?

20 A. No.

21 Q. Did you and he have conversations about a motorcycle
22 after he bought a motorcycle?

23 A. Yes.

24 Q. Did he know how to ride that motorcycle?

25 A. No.

TESTIMONY OF STEVEN MACCUE

1 Q. Did you ever see him ride by that motorcycle?

2 A. Not by himself.

3 Q. When you say not by himself what does that mean?

4 A. Not until after I taught him how to ride it. Once I
5 taught him how to keep it balanced, because it was kind of
6 heavy for him, then he could ride it on his own.

7 Q. And when you say not by himself, did you ever ride with
8 him?

9 A. Yes, he was on the back and I was on the front. And a
10 lot of people wouldn't do that because they think --

11 Q. Two guys.

12 A. Yeah.

13 Q. That's what happens when your kids grow up, 18 year
14 olds don't want to ride on the motorcycle with their daddy
15 anymore.

16 A. Yeah.

17 Q. Did he ever go off on a motorcycle?

18 A. I would take him off on a motorcycle. We rode a lot of
19 places down the old Gold Mine Road, we went out towards 341
20 to a church parking lot and that's where I taught him how to
21 ride it.

22 Q. Okay. All right. Did you ever see people at his
23 house?

24 A. Not at first, but towards the end there was numerous
25 people that would come through and out all day long.

TESTIMONY OF STEVEN MACCUE

1 Q. And did you ever witness what was going on when people
2 came in and out of his house?

3 A. Yes.

4 Q. What was going on?

5 A. They were selling him stuff; TV's, washer and dryers,
6 couches, anything.

7 Q. Did you know what he was paying for this stuff?

8 A. No, I didn't ask him. I was more felt like, hey,
9 that's his doing, it ain't really none of my business.

10 Q. Do you know what he was doing with this stuff he was
11 buying?

12 A. He said he was going to open a pawn shop.

13 Q. Did you ever know him to haul any of it off anywhere to
14 resell it? Did he ever sell any stuff?

15 A. No.

16 Q. Were you at your house on September 21 of 2011?

17 A. Yes, sir.

18 Q. Did you have a conversation with Mr. Blakeney sometime
19 that afternoon.

20 A. As soon as I pulled in the yard and got off work, I was
21 in the yard and walked over there and had a conversation
22 with him.

23 Q. Where do you work?

24 A. I work at Invista in Lugoff.

25 Q. Used to be the Dupont down there?

TESTIMONY OF STEVEN MACCUE

1 A. Yes.

2 Q. Is that where you were working then?

3 A. Yes.

4 Q. When you went over to Mr. Blakeney's house where in his
5 house did you converse with him?

6 A. I walked through the little bushes where I always
7 walked through and he was on his carport.

8 Q. When you walk through the bushes to get to his carport,
9 are you going down the Richland side of his house or are you
10 going down the Church Street side of his house to get to the
11 carport?

12 A. I guess it would be -- I just walked straight through
13 so I guess it would be --

14 Q. You walked through the bushes straight up to his
15 carport?

16 A. Yeah. Because our house -- that's all that separates
17 our houses is just a line of bushes so I just walked
18 straight through.

19 Q. Was anybody there when you went over there to talk to
20 Mr. Blakeney?

21 A. Yeah. There was about -- I would say about 15 to 20
22 people there that day.

23 Q. Why did you go to Mr. Blakeney's that afternoon?

24 A. Me and him was going to go -- I was going to take him
25 back to his motorcycle and ride him back out to the church

1 so he could learn to ride his motorcycle some more.

2 Q. Did that happen that day?

3 A. No.

4 Q. Did he -- well, let me ask you this: When you walked
5 over there and there were a bunch of people out there, was
6 there anything going on between Mr. Blakeney and those
7 people? Not conversations, but was anything happening
8 between and amongst them?

9 A. Some of them were trying to sell him some product or
10 merchandise or however you want to put it, and then they
11 were just -- some that were just hanging around and he was
12 writing down I guess -- he had a little pad and he was
13 writing down some figures on it.

14 Q. Did you ever know him to do that, to write down stuff?

15 A. He wrote down -- not before. I guess before he started
16 buying everything he didn't write nothing down, we just
17 talked and did what we did. But after he started buying
18 things that's when he started keeping track, "I've got to
19 get this much money, that much money," and it was mostly
20 money figures on a piece of paper.

21 Q. Okay. Did he -- did you see -- when you were there to
22 talk to him about going for a motorcycle ride, did you see
23 any transactions actually occur, money change hands?

24 A. No. He had to go to the bank, he told me he was going
25 to go to the bank and get the money. When I walked up I

TESTIMONY OF STEVEN MACCUE.

1 asked him about the ride and he said he had to take care of
2 some business, and then he told me when he got back from the
3 bank to take care of business we were going to go for the
4 ride then.

5 Q. Did you know by name any of the people that you saw at
6 his house when you went over there to see if he wanted to go
7 learn how the ride the motorcycle?

8 A. There's a couple of them that I went to school with
9 that I knew and then there was just some I didn't know, had
10 not seen them there before, but that was kind of usual for
11 the latest couple of weeks that people would come over there
12 that I didn't know.

13 Q. This traffic, had it just been that way for a long time
14 or had it just gotten that way?

15 A. It had just gotten that way, probably three weeks, it
16 was just gradually getting worse and worse, more and more
17 people.

18 Q. When he said he had business to go take care of and
19 needed to go to the bank, what did you do?

20 A. I went to my house, cut back through the bushes, got my
21 lawnmower out and my weed eater, was going to cut grass and
22 weed eat.

23 Q. What kind of mower, a push mower?

24 A. Push mower.

25 Q. What part of the yard were you going to start cutting

TESTIMONY OF STEVEN MACCUE

1 grass in?

2 A. The front.

3 Q. Did you go to the front yard to start cutting grass?

4 A. Yeah.

5 Q. What happened next?

6 A. I went to the yard, pushed the lawnmower, cranked it

7 up, I got to a sidewalk that runs through the yard, I cut to

8 the side where the mailbox is, when I got to the yard I shut

9 the lawn mower off, weed-eated around the mailbox and then

10 cranked back up the push lawnmower again and that's when the

11 gunshots and everything went --

12 Q. Did you hear something that you take to be gunshots?

13 A. Yes.

14 Q. Could you hear that over the lawnmower?

15 A. I heard about two or three of them, I didn't hear all

16 of them, or I don't know exactly how many there were, but

17 yes, I could hear something.

18 Q. Let me back up. Did you see Mr. Blakeney leave his

19 house after you had gone over there to talk to him about

20 riding the motorcycle?

21 A. Yeah. He was actually leaving the time I was cutting

22 through to go back to my yard.

23 Q. What was he leaving in?

24 A. The BMW.

25 Q. Did you see him come back to his house?

TESTIMONY OF STEVEN MACCUE

1 A. No.

2 Q. Did you see the BMW back at his house at some point
3 after you had started cutting grass?

4 A. Yes.

5 Q. Now, you said you heard what you took to be gunshots,
6 how many can you say you heard?

7 A. I can say at least three.

8 Q. What did you do -- and from what general direction was
9 the sound of what you say was gunshots coming from?

10 A. It sounded like the back of my house, back toward the
11 back.

12 Q. All right. And what part of Mr. Blakeney's property is
13 closest to the back of the house?

14 A. It would be his carport, his garage and his driveway.

15 Q. When you heard those shots what did you do?

16 A. Well, it was pretty much I guess at the same time Steve
17 Holden was coming and he was riding his motorcycle and he
18 said that there's someone laying in the road, this is sort
19 of like it was all happened at once. So I was like, "All
20 right, let's walk back there." I cut through the yard and
21 by the time I cut through the bushes --

22 Q. Stop. Did you cut through the same bushes that you cut
23 through the first time?

24 A. Yeah, same bushes.

25 Q. Go ahead.

TESTIMONY OF STEVEN MACCUE

1 A. I cut through them and walked across the carport and
2 you could see Edward laying there.

3 Q. Was he lying -- where was he lying?

4 A. He was lying in front of his driveway in the middle of
5 the road.

6 Q. I'm going to show you State's Exhibit Number 7. Do you
7 recognize what's shown in that?

8 A. Yes, sir.

9 Q. What's that a picture of?

10 A. That's Edward laying in the middle of the road.

11 Q. Is that where he was when you saw him?

12 A. Yeah, that's exactly where he was.

13 Q. Did you see anybody other than Edward when you got out
14 there through his carport?

15 A. There was a black lady that lived in the house in the
16 middle of that road on the other side of Ingram Street, and
17 I don't know her name because I never really met her, she
18 was there already checking his pulse and he had already
19 passed.

20 Q. Did you see -- after you heard these shots, did you see
21 any of these people that had been hanging around at
22 Blakeney's house anymore?

23 A. No, everybody scattered. There was cars leaving,
24 people leaving.

25 Q. Did you see people leaving?

TESTIMONY OF STEVEN MACCUE

1 A. Yes.

2 Q. In what manner were they leaving in?

3 A. In a hurry.

4 Q. Did you see where people went?

5 A. There was a van that went down -- I think it was a red
6 van, it went towards 601 but straight across, not down East
7 Church Street but straight out.

8 Q. I'm showing you State's Exhibit Number 9. Do you
9 recognize what's shown in that picture?

10 A. Yeah. That's the van that went down towards 601.

11 Q. Did you see where any of the other people went on foot
12 or in cars?

13 A. A lot of people on foot ran towards the cemetery out
14 towards that way, and that's -- I didn't see any other cars.

15 Q. Cemetery would be?

16 A. This -- sorry.

17 Q. That's all right. Go ahead.

18 A. The cemetery is like to the right and most of the
19 people ran that way.

20 Q. If you're standing -- again I'm going to put you on
21 your front porch looking at Church Street, the cemetery is
22 down Church Street to your right or to your left?

23 A. To the right.

24 Q. That way, beyond Mr. Blakeney's house over there?

25 A. Yes, sir.

1 Q. Can you tell us names for any of these people who were
2 running -- for any of the people who were there first and
3 then running later, do you know any of them?

4 A. Yeah. I know a couple of them when I first walked over
5 that were trying to sell stuff and then I knew -- I wouldn't
6 say know him but I know of him, one was a Williams I want to
7 say it was, I don't know his first name. I went to school
8 with him.

9 Q. Do you know anybody named Heyward Truesdale?

10 A. No. I know of a Heyward Truesdale but I wouldn't know
11 him unless I saw him, I wouldn't know if that's the one or
12 if it's a different one.

13 Q. You can't identify anybody.

14 A. No. The only one I can identify is the one -- I went
15 to school with his brother, his name is I think Douglas, I
16 can't think of his last name now.

17 Q. Lewis?

18 A. Yeah, that's it.

19 Q. Is that him?

20 A. Yeah. I went to school with his brother.

21 Q. I'm not trying to put words in your mouth but is that
22 who you're talking about?

23 A. Yeah, that's the one I'm talking about. I went to
24 school with his brother and he was one of the ones, I think,
25 that got shot, I really don't know.

TESTIMONY OF STEVEN MACCUE

1 Q. Did you see -- nevermind.

2 MR. BARFIELD: I don't have any further questions,
3 answer anything Mr. Frick has. Thank you.

4 CROSS EXAMINATION

5 BY MR. FRICK:

6 Q. You didn't see anybody over there with weapons, did
7 you?

8 A. Not when I walked over there, no.

9 Q. I mean either before when you first come over there or
10 as all of these people are dispersing.

11 A. No.

12 Q. And you weren't in any view to see whether these --
13 your house is on the back, right? I'm just trying to get
14 that clear for me.

15 A. I was at the front of my yard, if I looked straight at
16 the carport, no, I wouldn't be able to in clear sight see
17 anything.

18 Q. And you say when you first went over there before
19 Mr. Blakeney went to the bank, you said there was about 15
20 or 20 people in the yard? I know you weren't keeping track
21 but was it about that many that were dispersing?

22 A. I would say, yeah, there would be about that many
23 dispersing. Because there was some young kids there and
24 some older adults, as I say young I'm talking about 14 or
25 15.

TESTIMONY OF STEVEN MACCUE

1 Q. Okay. But still a bunch of people were going --

2 A. Yeah.

3 Q. You have no idea who had been there and who had
4 remained and who was running, right?

5 A. No.

6 Q. You said you saw that red or burgundy van driving off.

7 A. Uh-huh.

8 Q. Did you see any other vehicles? Was there anything
9 else there?

10 A. There was a truck there, I couldn't tell you what it
11 was or what it looked like. There was another car there, I
12 don't know what it looked like, you know what I'm saying?
13 There was cars parked down Ingram Street from one end to the
14 other trying to sell Mr. Edward stuff.

15 Q. And you said this had become a growing practice over
16 the last three weeks prior to this incident?

17 A. Yeah.

18 Q. And aside from Mr. Lewis you don't recollect who they
19 were?

20 A. Right.

21 Q. Okay. That's fine.

22 MR. FRICK: Thank you, sir. That's all of the
23 questions I have.

24 MR. BARFIELD: Just one more redirect.

25 REDIRECT EXAMINATION

TESTIMONY OF STEVEN MACCUE

1 BY MR. BARFIELD:

2 Q. These people that were hanging around when you went
3 over to talk to him about riding a motorcycle, were they all
4 on the carport, or how were these people spaced around the
5 area?

6 A. They were all on the carport. They was -- the carport
7 is rectangle sort of like, goes this way into Ingram Street
8 and I would say all of them was on the carport or within
9 three foot of the carport.

10 Q. Were there other people out and about in the
11 neighborhood or on the street on the sidewalks?

12 A. No. They were all right there under the carport.

13 MR. BARFIELD: Thank you, that's all. Ask that the
14 witness be excused if he would like to.

15 THE COURT: You are free to go. All right, jurors,
16 don't talk about the case, we're taking a break.

17 (The jury left the courtroom and a recess was
18 taken.)

19 THE COURT: Okay.

20 MR. BARFIELD: Call Major Matt Shaw.

21 The witness, MATT SHAW, was first duly sworn
22 and testified as follows, on:

23 DIRECT EXAMINATION

24 BY MR. BARFIELD:

25 Q. Tell us your name, please, sir.

1 A. Math Shaw.

2 Q. Major Shaw, you're employed by the Lancaster County
3 Sheriff's Office?

4 A. That's correct.

5 Q. Have been for how long?

6 A. Since 2001.

7 Q. Were you working on September 21 of 2011?

8 A. I was.

9 Q. Did you respond to the shooting call concerning the
10 events on Ingram Street and East Church?

11 A. I did, yes, sir.

12 Q. Where were you initially going to?

13 A. We were initially working a different call on Fork Hill
14 Road I believe and that's when the call came in.

15 Q. And when you headed to the Kershaw call, where were you
16 going to respond to initially?

17 A. Church and Ingram Street.

18 Q. Did you get diverted or did you go to Church and
19 Ingram?

20 A. Eventually I went to Church and Ingram Street but I
21 initially was diverted and it was behind the body shop there
22 on the right off of Main Street, I don't recall the exact
23 address.

24 Q. Was there a victim behind the body shop?

25 A. There was. There was a gentleman in a van, I don't

TESTIMONY OF MATT SHAW

1 remember his name right off but he was here this morning,
2 but he had a gunshot wound, or what appeared to be a gunshot
3 wound to the chest.

4 Q. Was he able to talk?

5 A. He was. He was talking a little bit, yes, sir.

6 Q. I'm showing you State's Exhibit Number 8. Is that the
7 man? You can't see all of his face, but does that appear to
8 be what you were looking at?

9 A. It does, yes, sir.

10 Q. Again, not asking you to quote him, but did you receive
11 information from that man behind the body shop there in
12 Kershaw about what had happened and where?

13 A. Yes.

14 Q. While you were still on scene behind the body shop, did
15 you determine whether there was a victim at the initial call
16 location, Church and Ingram?

17 A. Yes, sir.

18 Q. Did you know the disposition of that victim while you
19 were still with the man in the red van behind the body shop?

20 A. For sure, no, sir. Based on his information it was
21 believed that he was deceased.

22 Q. What did you do when you went to Church and Ingram?

23 A. When I arrived at Church and Ingram Street, Deputy
24 Boykin was there, Deputy Davis, I believe, was there, Deputy
25 Hundley maybe as well. There was a white male subject

TESTIMONY OF MATT SHAW

1 laying in the middle of the street who did appear to be
2 deceased, it was either EMS or first responders who were
3 there and had either already attended to him and had pretty
4 much told us that he was beyond medical treatment. We then
5 began setting up a crime scene, taping off the area, moving
6 people back so that we could do the things that needed to be
7 done. I kind of directed that, you know, "You put up tape
8 here, you put up tape there, pull your car here, pull your
9 car there," and then sent some of the other deputies to try
10 to find some witnesses.

11 Q. Did y'all find some witnesses to some parts of this
12 event?

13 A. Apparently we did. Deputy Hundley actually brought me
14 a witness, yes, sir.

15 Q. And that witness' name was what?

16 A. Freedonia Truesdale, I believe.

17 Q. Again, do not quote Freedonia Truesdale, but did you
18 talk to Freedonia Truesdale?

19 A. I did, yes, sir.

20 Q. And based upon that conversation did you have
21 information about a vehicle or suspects to be able to start
22 a search for people perhaps who were responsible for what
23 had occurred?

24 A. Yes, sir. She provided information in regards to the
25 vehicle that had left the scene.

TESTIMONY OF MATT SHAW

- 1 Q. Describe the vehicle as described to you.
- 2 A. Can I refer to my notes?
- 3 Q. You may.
- 4 A. She described a white in color Chevy Malibu.
- 5 Q. Was there any ownership or possessory description of
- 6 the vehicle?
- 7 A. Yes, sir, her sister's vehicle.
- 8 Q. Did the sister have a name?
- 9 A. Prayon Truesdale.
- 10 Q. Was information provided about other occupants of that
- 11 vehicle?
- 12 A. Yes, sir, two male subjects, Jerel and Shaun.
- 13 Q. Initially was there any information in that initial
- 14 batch of information concerning Heyward Truesdale initially?
- 15 A. Not in my first conversation with her, no, sir.
- 16 Q. What did you -- any information about direction of
- 17 travel of this white Malibu leaving Kershaw?
- 18 A. Yes, sir, possible Carolina Court in Lancaster.
- 19 Q. What did you do with that information?
- 20 A. I immediately relayed that information on the radio to
- 21 all of our other units.
- 22 Q. Did you communicate with other units at some point
- 23 during the timeframe that all of this was going on?
- 24 A. Very shortly after that Lieutenant Kirkley came on
- 25 scene, or came on the radio and asked me questions regarding

TESTIMONY OF MATT SHAW

1 the BOLO that I had put out.

2 Q. What was Lieutenant Kirkley interested in finding out?

3 A. He wanted to know if Heyward Truesdale was the occupant
4 of the vehicle.

5 Q. Did you do anything to try to make that determination?

6 A. Yes, sir. At that point, and this is all within a
7 matter of 15 or 20 seconds, it was not very long at all,
8 Ms. Truesdale was still there talking to me at the time when
9 he came back and asked me the question.

10 Q. Did you determine whether Heyward Truesdale perhaps was
11 a passenger?

12 A. She did, she said he was and that that was her brother.

13 Q. What did you do with that information after you got it?

14 A. I related that to Lieutenant Kirkley and advised him
15 that Heyward Truesdale was a passenger in the vehicle.

16 Q. Was there any information gleaned from this initial
17 early-on discussion about clothing worn by anybody in that
18 car?

19 A. Yes, sir. At least one of the subjects was allegedly
20 wearing a red shirt.

21 Q. What's a BOLO?

22 A. Be on the lookout for.

23 Q. Did you issue a BOLO?

24 A. I did, yes.

25 Q. How do you issue a BOLO?

TESTIMONY OF MATT SHAW

1 A. Pretty much you come on the radio, you identify
2 yourself, you pass the information along, it could be a BOLO
3 for a missing person or a wanted person or a vehicle that
4 potentially was involved in something. But you provide that
5 information to other units so that they can be on the
6 lookout for it.

7 MR. BARFIELD: Thank you, sir, answer anything
8 Mr. Frick has.

9 CROSS EXAMINATION

10 BY MR. FRICK:

11 Q. Ms. Freedonia Truesdale was presented to you by which
12 officer?

13 A. Deputy Hundley.

14 Q. Okay. Did she give any kind of written statement of
15 any kind or do you know?

16 A. At that time I'm not sure. I think we were just
17 identifying our witnesses and assigning people to go around
18 and talk to them and get that at a later point in time. But
19 when we talked to her we're probably literally five minutes
20 into this thing, it wasn't very long at all. Sitting her
21 down on the sidewalk and taking a written statement was just
22 not practical at this point.

23 Q. Just trying to identify who y'all had.

24 A. That's correct, yeah.

25 Q. Did you have any other potential witnesses at the time?

TESTIMONY OF MATT SHAW

1 A. That I knew of, no, sir, that was the only one that was
2 presented to me.

3 Q. And her basic information was that there was a car that
4 left the scene..

5 A. That's correct, yes, sir.

6 Q. And she knew whose car that was.

7 A. Yes, sir.

8 Q. And she identified some folks in that car.

9 A. That is correct.

10 Q. Not initially she said Heyward Truesdale, did she not?

11 A. She did not, no, sir.

12 Q. Did she name anybody else?

13 A. She did. She named two male subjects, Jerel and Shaun,
14 no last names, just first names, and, of course, her sister
15 who was driving the car.

16 MR. FRICK: Thank you, sir, that's all of the questions
17 I have.

18 The witness, LAKENDRICK MILLER, was first duly
19 sworn and testified as follows, on:

20 DIRECT EXAMINATION

21 BY MR. BARFIELD:

22 Q. Tell us your name, please, sir.

23 A. Lakendrick Miller.

24 Q. Mr. Miller, how old are you?

25 A. Nineteen.

TESTIMONY OF LAKENDRICK MILLER

- 1 Q. Do you live down in Kershaw?
- 2 A. Yes, sir.
- 3 Q. Did you grow up down in Kershaw?
- 4 A. Yes, sir.
- 5 Q. Who do you live with down there?
- 6 A. My uncle.
- 7 Q. And your aunt?
- 8 A. Yes, sir.
- 9 Q. Is she with you in court today, the lady in the back
- 10 row?
- 11 A. Yes, sir.
- 12 Q. Did you know a fellow named Ed Blakeney?
- 13 A. Yes, sir, I know him.
- 14 Q. How did you know Ed Blakeney? You've got to talk loud,
- 15 too.
- 16 A. By my momma's boyfriend.
- 17 Q. And what did you know about Mr. Blakeney?
- 18 A. That he be buying stuff and my mom's boyfriend was
- 19 working for him one time was like helping him take stuff
- 20 off, like heavy stuff they need taken off so he told -- the
- 21 man told Mr. Blakeney that he got somebody that can help him
- 22 take stuff off and he introduced me to Mr. Blakeney so
- 23 that's how I know.
- 24 Q. Do you remember the day Mr. Blakeney got killed?
- 25 A. Yes, sir.

1 Q. How long before that did you meet Mr. Blakeney? How
2 long had you been knowing him?

3 A. Like it wasn't that long, it was a little minute,
4 wasn't that long though.

5 Q. Did you work some for Mr. Blakeney?

6 A. Yes, sir.

7 Q. And when you worked for him what did you do?

8 A. I just like helped him take stuff off. Like he had an
9 old I think it was like a Chevy car and he had a trailer on
10 the back of it and he would go get stuff that he would buy
11 from people and I used to help him take -- that was the only
12 day that I had helped him take stuff off that morning and my
13 aunt had stayed down the road from him.

14 Q. And when you helped him take stuff off that trailer
15 where would y'all put it?

16 A. Like up under -- he would put it like up under his car
17 shed.

18 Q. Did he have any other trailers that you were familiar
19 with?

20 A. No, sir.

21 Q. Were you over there on the day Mr. Blakeney died at
22 some point?

23 A. I was. I came through and helped him move a table that
24 he had on his trailer and I helped move tables, he gave me
25 \$5 and then I went to the store then I met up --

TESTIMONY OF LAKENDRICK MILLER

1 Q. Hold on, we're going to break it down a little bit.

2 How long before Mr. Blakeney -- I'm going to jump way ahead.

3 Did you see Mr. Blakeney get shot?

4 A. No, sir.

5 Q. Did you hear shots?

6 A. Yes, sir.

7 Q. Now, let's back it up. From the -- think about when

8 you heard the shots, how soon before that had you been over

9 at Mr. Blakeney's helping him move that table?

10 A. That was like -- it was a minute before -- it was

11 like after -- like when I left it had been like couple of

12 hours like later I heard it. Like me and my cousin were

13 walking down the road, it was -- there's some brick

14 apartments down here --

15 Q. I'm going to break it down again. You had been over

16 there you said a couple of hours before the shooting?

17 A. Yeah. I had came that morning and helped him and I

18 left, he gave me \$5 and I left.

19 Q. Were any other people over there when you were there

20 that morning helping him take table off the trailer?

21 A. No, sir.

22 Q. And when you got the \$5 where did you go?

23 A. I left and went like where the new -- where they

24 starting to build where the new bakery place at I went up

25 that way and I met my cousin, Jaquan, towards the store, so

1 we turned --

2 Q. Did y'all go to a store?

3 A. Yeah. We went up there by the store and we turned
4 around and we went to my Aunt Francine McCloud's house.

5 Q. What store were y'all going to go to?

6 A. Yogi.

7 Q. It's on Main Street?

8 A. Yeah, right across from the fire department.

9 Q. And what were you going to buy at the Yogi store?

10 A. I was going to buy chips and a drink.

11 Q. And did you? Did you get a snack when you went to the
12 Yogi Mart?

13 A. Yeah, I got me a snack.

14 Q. And where did you go after you left the Yogi Mart?

15 A. Went to my Aunt Francine's house.

16 Q. And when you were going to your Aunt Francine's house,
17 where did she live?

18 A. Right there in the trailer park, Chet Young Trailer
19 Park.

20 Q. All right. What street did you walk on to go to your
21 Aunt Francine's house?

22 A. Like the street like right there near the apartment,
23 like on down by the apartments.

24 Q. Did you have to go by Mr. Blakeney's house to go to
25 Aunt Francine's and Chet Jones' Trailer Park?

TESTIMONY OF LAKENDRICK MILLER

1 A. Yes, sir.

2 Q. Did you walk by his house?

3 A. Yes, sir.

4 Q. Before you heard anything, was anything unusual going
5 on at his house that you could tell when you walked by?

6 A. No, sir, it was just like I seen cars. Like after we
7 had done passed by we seen cars just pulling in, like
8 pulling up over towards his house.

9 Q. Did you see people?

10 A. It was people in cars but I couldn't see who it was
11 like.

12 Q. Did you see people out of cars up under the carport or
13 anywhere?

14 A. No, sir, I didn't.

15 Q. Could you see the carport from walking where you were
16 walking?

17 A. Like I had done passed the house, like I had done
18 passed, I couldn't see.

19 Q. Did something happen as you were walking down towards
20 Aunt Francine's.

21 A. Yes, sir. Like when I got in front of the apartments
22 right here and the white house was like right here, once we
23 got in front of the white house we heard gunshots and we
24 just took off running.

25 Q. Running in which direction?

TESTIMONY OF LAKENDRICK MILLER

1 A. Straight to my Aunt Francine's house, she stayed in the
2 trailer on the front street right there, from the street you
3 could see the trailer.

4 Q. When you heard those gunshots did you see anything?

5 A. No, sir, I didn't see anything. We didn't even stop,
6 we just kept running.

7 Q. Did you get to your Aunt Francine's house?

8 A. Yes, sir.

9 Q. What happened at your Aunt Francine's house?

10 A. My aunt came out the door, my Aunt Ruth Ann, she was
11 like, "Somebody shooting," and we were like, "Yeah, we just
12 heard it."

13 Q. What is your Aunt Ruth Ann's last name?

14 A. Miller.

15 Q. Go ahead.

16 A. And then once we were sitting right there on the porch
17 two minutes later Nip had pulled up like, "I've been shot,
18 I've been shot." I walked up to the van and he was like,
19 "I've been shot." And he was like, "Call the ambulance,"
20 and that's when I called 911 for him.

21 Q. Who is Nip?

22 A. Nip is the -- he's supposed to be kin to me down the
23 line.

24 Q. Do you know his real name?

25 A. No, sir.

TESTIMONY OF LAKENDRICK MILLER

1 Q. Did you see Nip how? Was Nip traveling when you saw
2 Nip?

3 A. He was in like a red Caravan.

4 Q. I'm going so show you State's Exhibit Number 9. Have
5 you ever seen that van before?

6 A. Yeah. That was the van that came at my auntie's house.

7 Q. And who was driving that van?

8 A. Nip was.

9 Q. Who was?

10 A. Nip.

11 Q. Was anyone in the van with Nip?

12 A. No, sir, he was by himself.

13 Q. What did Nip do after you called 911?

14 A. He put it in reverse and backed out, went flying down
15 the road.

16 Q. What did you do when you called 911?

17 A. I stand right there in the yard. Then I walked -- then
18 I seen the officer, Mr. Heavy, coming down the road and I
19 did like this.

20 Q. Is that who you're calling Mr. Heavy?

21 A. Yes, sir. I seen his car coming down the road and I
22 was standing in the middle of the road doing like this and
23 he had stopped, I asked him, I was like, "Is Nip okay?" So
24 he told me to walk on up the road, I walked on up there,
25 then he came back and told me like, "Yeah." Then there was

TESTIMONY OF LAKENDRICK MILLER

1 another officer, heavy set officer, he was like, "Hold on, I
2 need you to talk to some dudes." And an older man, he had
3 on glasses, I believe he was in a jeep, he asked me
4 questions.

5 Q. Did you talk to the police there near Mr. Blakeney's
6 house?

7 A. Yes, sir, I talked to them.

8 Q. Did you see who shot Mr. Blakeney?

9 A. No, sir.

10 Q. Can you say who was at his house when you heard the
11 gunshots?

12 A. No, sir.

13 MR. BARFIELD: Thank you, sir, answer anything
14 Mr. Frick has.

15 CROSS EXAMINATION

16 BY MR. FRICK:

17 Q. Mr. Miller, when you walked by you said you saw some
18 people over at Mr. Blakeney's house?

19 A. Right. I seen -- no. I said I seen cars like pulling
20 up like where the road is at, I seen cars pulling up but I
21 didn't see who was in the car like, I didn't see none of
22 that.

23 Q. Did you see people in his yard or anything?

24 A. No. I didn't see -- that's what I said, I didn't see
25 none of that.

TESTIMONY OF LAKENDRICK MILLER

- 1 Q. Any idea how many cars?
- 2 A. I seen like two cars pull up.
- 3 Q. Okay. No idea how many people were in those cars?
- 4 A. No, sir, I didn't.
- 5 Q. Do you remember anything about those cars?
- 6 A. No, sir.
- 7 Q. Didn't recognize anybody at all over there at
- 8 Mr. Blakeney's house?
- 9 A. No, sir.
- 10 Q. Nip drove up to tell you to call 911 or tell someone to
- 11 call 911?
- 12 A. He pulled up, he was like, "Look, I've been shot, call
- 13 the ambulance, somebody call the ambulance." So I had my
- 14 cellphone on me and I dialed 911 for him.
- 15 Q. And you told him you had done that?
- 16 A. Yeah, I told him.
- 17 Q. And he drove off?
- 18 A. Yeah, he drove off. He drove off and the next thing
- 19 you know he was at dude man Hurts rim shop.
- 20 Q. Have you got any idea why -- you called 911.
- 21 A. I don't know. But liked I had called them and I told
- 22 him, "They're on their way," and he just drove off. He was
- 23 like -- he was sitting there still holding himself and drove
- 24 away.
- 25 MR. FRICK: Thank you, sir. That's all of the

TESTIMONY OF JAMES WHITTAKER

1 questions I have.

2 MR. BARFIELD: Nothing further. Ask that Mr. Miller be
3 excused if he would like to leave.

4 THE COURT: You are free to leave if you would like.

5 The witness, JAMES WHITAKER, was first duly
6 sworn and testified as follows, on:

7 DIRECT EXAMINATION

8 BY MR. BARFIELD:

9 Q. Tell us your name, please, sir.

10 A. James Whitaker.

11 Q. Mr. Whitaker, back in September of 2011 were you an
12 investigator with the Lancaster County Sheriff's Office?

13 A. Yes, sir, I was.

14 Q. Did you and just about everybody else with the
15 sheriff's office respond to Kershaw concerning the shooting
16 of Harry Edward Blakeney and Douglas Lewis?

17 A. Yes, sir.

18 Q. Now, I'm going to focus just on a couple of specific
19 things with you for a minute. Where did you go first on
20 this call?

21 A. I first responded to the area behind the shop behind
22 Hampton and Hilton Street.

23 Q. Was there a victim there?

24 A. Mr. Lewis.

25 Q. Was there a vehicle there?

TESTIMONY OF JAMES WHITTAKER

1 A. A red minivan that he had drove over there.

2 Q. I'm going to show you State's Exhibits 8 and 9. Do you
3 recognize what's shown in those pictures?

4 A. Yes, sir.

5 Q. Was 8 Mr. Lewis and 9 the minivan?

6 A. Yes, sir.

7 Q. I don't want you to quote him, but did you talk to
8 Mr. Lewis to try to find out about what had led him to be in
9 the condition he was in at the location he was at?

10 A. Yes, sir, we did.

11 Q. Who else with law enforcement was at that scene or
12 ended up at that scene while you and Mr. Lewis were still
13 there?

14 A. CSI Jeff Steele.

15 Q. Okay. Did Major Shaw ever show up there while you were
16 there?

17 A. Yes, sir, I think he did.

18 Q. Did EMS come to Mr. Lewis' aide behind the rim shop?

19 A. Yes, sir.

20 Q. Did you collect any evidence from Mr. Lewis' person,
21 not clothing or anything, but from his person?

22 A. I did a GSR kit, gun residue kit on Mr. Lewis at that
23 location.

24 Q. Did he agree for you to do that?

25 A. Yes. He signed a consent to search form for the GSR.

TESTIMONY OF JAMES WHITTAKER

1 Q. What is GSR?

2 A. A Gun Residue Kit.

3 Q. What do you have to do to collect it? Not all of the
4 details but just generally speaking when you're collecting a
5 Gunshot Residue Kit, how do you get it?

6 A. The kit contains swabs and pressings, pressing samples
7 of the hands and the fingers and swab also the controlled
8 point that, you know, there's nowhere a gunshot could be
9 fired from, the ankle or leg or somewhere, to get control
10 and collect the items and place it in the kit.

11 Q. Now, do you analyze a Gunshot Residue Kit or you just
12 collect samples?

13 A. I collect samples.

14 Q. I'm going show you an envelope and ask you if you can
15 identify what that envelope contains?

16 A. This is the kit, the collection kit that I did on that
17 day on Mr. Lewis.

18 Q. All right. And does it have your name and his name and
19 the date and the sheriff's office case number and stuff that
20 identified it to you?

21 A. Yes, sir, it does.

22 Q. Now, when you collected these samples is there some
23 liquid that you're rubbing over his hands?

24 A. Yes, sir.

25 Q. What are you rubbing over the hands? Is it a cotton

TESTIMONY OF JAMES WHITTAKER

1 ball or a Q-tip or what?

2 A. It's a Q-tip.

3 Q. When you do the swabbing what do you do to the Q-tips?

4 A. You place it into a container and seal it.

5 Q. Put it into something else?

6 A. I put it into the bag.

7 MR. BARFIELD: Your Honor, at this time I would offer
8 the kit, I think without objection, as State's Exhibit
9 Number 10.

10 THE COURT: Okay.

11 MR. FRICK: No objection, Your Honor.

12 (The Lewis GSR kit was received as State's 10.)

13 Q. Couple of quick things. Did you leave the scene where
14 Mr. Lewis was behind the rim shop and go somewhere else?

15 A. Yes, sir. I responded to Ingram Street to
16 Mr. Blakeney's residence.

17 Q. And did you interview any witnesses over there, or
18 participate in the interviewing of any witnesses over there?

19 A. Yes, sir, I did.

20 Q. Did you meet a lady named Freedonia Truesdale over
21 there?

22 A. Yes, sir.

23 Q. Did you meet a lady named Alexis Truesdale there in
24 that general vicinity?

25 A. Yes, sir, we did.

1 Q. Do you know if Freedonia and Alexis have any connection
2 to Heyward Truesdale?

3 A. Yes, that's their brother.

4 Q. After doing limited initial investigation there at the
5 scene, were you -- did you have a vehicle or people that law
6 enforcement should be looking for in connection with this
7 event on Ingram Street?

8 A. Yes, sir.

9 Q. Vehicle-wise first, what were you looking for?

10 A. Trying to find an exact description of the vehicle. We
11 received information from Ms. Alexis Truesdale, she gave us
12 a description of the vehicle and we passed it on, I think a
13 BOLO was put out by Major Shaw.

14 Q. And did you have any information about -- I'm not
15 asking who, but did you have any information about who was
16 supposed to be in the vehicle?

17 A. Yes, sir.

18 MR. BARFIELD: That's all of the questions I have for
19 Investigator Whitaker at this time, answer anything
20 Mr. Frick has, please, sir.

21 CROSS EXAMINATION

22 BY MR. FRICK:

23 Q. You talked to a few people in this case right when you
24 got there?

25 A. Yes, sir, I did.

TESTIMONY OF JAMES WHITTAKER

- 1 Q. Talked to Douglas Lewis.
- 2 A. Yes.
- 3 Q. Freedomia Truesdale.
- 4 A. Yes.
- 5 Q. And Alexis Truesdale.
- 6 A. Yes.
- 7 Q. Initially when you first talked to Douglas Lewis was he
- 8 able to provide you any information what happened?
- 9 A. Yes, sir. He said that he was over at Mr. Blakeney's
- 10 house trying to sell an air conditioner unit and a camera
- 11 and two black males came up and started shooting.
- 12 Q. Did he give you any idea who those people were
- 13 initially?
- 14 A. Not at the time, no, sir.
- 15 Q. Did he say he could or couldn't identify them?
- 16 A. I think he said he couldn't identify them at the time
- 17 period.
- 18 Q. Okay. Did you talk to him later about the situation?
- 19 A. Yes, sir.
- 20 Q. Did you show him a lineup? Was that you?
- 21 A. Yes, sir, I gave him a -- I showed him a lineup.
- 22 Q. When did you show him this lineup? It was still the
- 23 same day, correct?
- 24 A. It was on the 21st later on that evening.
- 25 Q. Any idea about what time?

1 A. I'm not sure of the time, it was dark outside. I went
2 to his mother's house and showed him a lineup.

3 Q. When you first had contact with him do you know when
4 that was?

5 A. That was earlier the day of the incident, I'm not sure
6 of the exact time.

7 Q. Close to 3:00?

8 A. I'm not exactly sure.

9 Q. It wasn't immediately after that contact that you spoke
10 to him again, correct?

11 A. Say again, sir.

12 Q. How long was it approximately between your contacts?

13 A. From the first time I talked to Mr. Lewis and the
14 second time I showed him the lineup?

15 Q. Yes, sir.

16 A. Maybe four or five hours maybe.

17 Q. Are you aware of where he had been during that time?

18 A. He was transported to a hospital.

19 Q. Are you aware of what happened to him?

20 A. As far as being shot?

21 Q. No. As far as -- he's gone for four hours, he went to
22 the hospital?

23 A. Yes, sir.

24 Q. Was he treated at the hospital?

25 A. I assume so, sir.

TESTIMONY OF JAMES WHITTAKER

1 Q. When you spoke to him was he coherent?

2 A. Yes, sir.

3 Q. Did he appear to be under the influence of anything,
4 pain medication, anything like that?

5 A. No, sir, he didn't. He appeared more hyper and upset
6 at the scene earlier than he did later.

7 Q. You said he appeared more upset? I'm sorry, just say
8 that last part.

9 A. I said he appeared to be more upset or hyper than at
10 the time I spoke to him later that day.

11 Q. Okay. So he had calmed down.

12 A. Yes, sir.

13 Q. At that time was he able to identify anybody?

14 A. When I showed him the lineups?

15 Q. Right.

16 A. Yes, sir.

17 Q. Who did he identify.

18 A. He was shown the first lineup, he identified Jerel
19 Davis and he was shown another lineup and he identified
20 Shaun McCrorey.

21 Q. Was he able to tell you who did what?

22 A. He said that Davis -- Lewis was asked did he recognize
23 the person that he picked out in the first photo and he
24 replied, "Yes, he is the shooter," which is Davis.

25 Q. So he ID'd Jerel Davis as the shooter.

- 1 A. Yes, sir.
- 2 Q. And Heyward Truesdale, did he say anything in
3 particular about him?
- 4 A. Not at the time he didn't say anything, no.
- 5 Q. Just identified him as being there?
- 6 A. Mr. Lewis, to me he didn't say that.
- 7 Q. Here is what I'm getting at. You show him a lineup
8 that has got Heyward Truesdale in it.
- 9 A. Right.
- 10 Q. He picks Heyward out, right? Did he identify any role
11 that Heyward played this time at that time when you showed
12 him that?
- 13 A. Mr. Lewis didn't at that time. I got that information
14 from his uncle that he had said that Heyward did it.
- 15 Q. When did you talk to his uncle? I'm not asking you
16 what he said, but when did you talk to him?
- 17 A. I talked to Mr. Newman on September 22nd.
- 18 Q. And then that's when you found out more information
19 about what Mr. Lewis had said?
- 20 A. Yes.
- 21 Q. All right. And basically your conversations with
22 Freedonia and Alexis Truesdale were identification of
23 vehicle?
- 24 A. Yes, sir.
- 25 Q. And who were in these vehicles?

TESTIMONY OF JAMES WHITTAKER

1 A. Yes, sir.

2 Q. Did you determine who y'all thought was in the vehicle?

3 A. Thought was in the vehicle. Oh, his sister, Prayon, I
4 think that's the name, Heyward -- said that Jerel, Shaun and
5 her brother, Heyward, jumped into Prayon's vehicle.

6 Q. Do you know Jerel who or is that all you had to go by
7 at the time?

8 A. Jerel Davis.

9 Q. And Shaun?

10 A. Shaun McCrorey.

11 Q. I know you did the GSR kit, did you collect anymore
12 evidence at the scene?

13 A. From Mr. Lewis I collected a white T-shirt that was
14 turned over to CSI.

15 Q. Did you look in his van?

16 A. I looked in the van to see if there was any signs that
17 maybe bullets had hit it or shell casings or anything.

18 Q. Did you find anything in his van?

19 A. No, sir.

20 Q. Did you find any weapons in his van?

21 A. No, sir.

22 Q. Are you sure? Let me ask you this: Were you the only
23 person that looked in this van or did somebody else come
24 look in his van?

25 A. I believe CSI Steele also looked in the van. I didn't

1 recover a weapon out of the van.

2 Q. You were basically just kind of taking a quick
3 assessment.

4 A. Yes, sir.

5 Q. You didn't take any photographs of the van.

6 A. I think Jeff Steele took photographs of the scene.

7 MR. FRICK: Thank you, sir. I believe that's all of
8 questions I have.

9 REDIRECT EXAMINATION

10 BY MR. BARFIELD:

11 Q. Have you got copies of your supplement and matters like
12 that concerning the lineups?

13 A. Yes, sir.

14 Q. Take a minute to review them and let me ask you a
15 couple of questions.

16 A. Pertaining to the lineups?

17 Q. Yes, sir, information pertaining to the lineups.

18 A. Oh, yes, sir, it was Heyward Truesdale as the shooter.

19 Q. Let me back up and ask you a couple of other things.

20 Did you yourself -- other than being behind the rim shop and
21 Douglas Lewis is initially contacted by law enforcement,
22 before he was transported you talked to him then, correct?

23 A. Yes, sir.

24 Q. And you showed him some lineups on over into the
25 nighttime.

TESTIMONY OF JAMES WHITTAKER

1 A. Yes, sir.

2 Q. Did you ever take a written statement yourself from
3 Douglas Lewis?

4 A. No, sir.

5 Q. Do you know whether anybody did?

6 A. I don't.

7 Q. That's fine. Now, did you show Douglas Lewis some
8 lineups?

9 A. Yes, sir.

10 Q. Now, tell me first of all without -- we're not going to
11 get into a lot of detail, but tell these folks, what is a
12 lineup?

13 A. It's a lineup of six individuals that's similar in
14 size, same gender, same size, same race, same complexion,
15 hairstyle, similar features we put together along with one
16 of our believed to be suspects.

17 Q. How many lineups did you put together? Did you and
18 somebody else put the lineups together?

19 A. Myself and Lieutenant Howell put together three
20 lineups.

21 Q. And did each of the lineups put together have somebody
22 that the sheriff's office thought to be a suspect?

23 A. Yes, sir.

24 Q. What is the first -- which suspect was in the first
25 lineup you showed to Lewis?

1 A. The first lineup I showed him -- and I misspoke to
2 Mr. Grier (sic) and I apologize, it was Heyward Truesdale.

3 Q. Now, did you tell Douglas Lewis that Heyward
4 Truesdale's picture was in there?

5 A. No, sir.

6 Q. Did you tell him that anybody in there was somebody who
7 did something to him?

8 A. No, sir.

9 Q. Did Lewis pick anybody out of first lineup?

10 A. Yes, sir. That's the lineup, he picked out Heyward
11 Truesdale and -- he picked Heyward Truesdale out.

12 Q. Picked him out as what?

13 A. As being the person who ran with the other person who
14 did the shooting.

15 Q. What is the second lineup you showed Douglas Lewis?

16 A. The second lineup he showed was Jerel Davis.

17 Q. Did he pick anybody out of that lineup?

18 A. Yes, sir. He picked out Mr. Davis and said that he is
19 the shooter.

20 Q. Prior to that process did you tell him that Jerel
21 Davis' picture was in that lineup?

22 A. No, sir.

23 Q. Did you tell him any picture in the lineup was somebody
24 who had done something to him?

25 A. No, sir.

TESTIMONY OF JAMES WHITTAKER

1 Q. Did you show him a third lineup?

2 A. Yes, sir.

3 Q. Whose picture was in that lineup?

4 A. Shaun McCrorey.

5 Q. Did Douglas Lewis pick anybody out of that lineup?

6 A. No, sir, not of that lineup. Like I said, I misspoke.

7 MR. FRICK: Thank you, sir, answer anything else

8 Mr. Frick has.

9 RECROSS EXAMINATION

10 BY MR. FRICK:

11 Q. But did you question Mr. Lewis, right? I mean, when
12 you -- let me ask you, the solicitor asked you about your
13 supplements. You've got one --

14 A. Okay.

15 Q. -- that looks like this?

16 A. Yes, sir.

17 Q. And in that one you detailed some questions, right?

18 A. Yes, sir, I asked him questions.

19 Q. And then that is the one where -- I mean, would you
20 consider this an interview?

21 A. This is a brief interview, yes, sir.

22 Q. But still an interview. I mean, it's three questions,
23 right?

24 A. Yes, sir, it's three questions.

25 Q. It was early, you're trying to assess what you have,

1 right?

2 A. Right.

3 Q. And at that time he tells you he didn't know anybody,

4 right?

5 A. Say again.

6 Q. He said he couldn't recognize, couldn't identify

7 anybody.

8 A. He said he hadn't seen them before, they weren't from

9 Kershaw.

10 Q. Never seen them before, not from Kershaw.

11 A. Right.

12 Q. That's what he told you at the first contact you had

13 here.

14 A. Yes, sir.

15 MR. FRICK: Thank you, sir.

16 MR. BARFIELD: Nothing further, ask that the witness be

17 excused. He is a witness that we might need to recall, I

18 haven't told him that yet but I'm fine with him leaving as

19 long as he will keep his phone on.

20 THE COURT: Stay loose. You can go but you can't stay

21 in the courtroom, though. Jurors, as you've gathered, I

22 have sequestered the witnesses, that means they can't hear

23 what everybody else is talking about before them. My rule

24 is if they stay in the courtroom they can't come back on the

25 stand and say oh yeah, I heard so and so say such and such.

TESTIMONY OF DOUGLAS SPINKS

1 So the people are sitting out there, they have testified,
2 they can't hear them testify. He may be recalled, he is
3 back out there.

4 The witness, DOUGLAS SPINKS, JR., was first
5 duly sworn and testified as follows, on:

6 DIRECT EXAMINATION

7 BY MR. BARFIELD:

8 Q. Tell us your name, please, sir.

9 A. George Douglas Spinks, Jr.

10 Q. And you go by Doug?

11 A. Yes, sir.

12 Q. What do you do for a living?

13 A. I'm a Captain with the Lancaster Fire Service assigned
14 to the Kershaw Fire Department.

15 Q. Does that mean you're a full-time Lancaster County Fire
16 Service firefighter?

17 A. Yes, sir.

18 Q. When you say assigned to Kershaw what does that mean?

19 A. My duty is in Kershaw when I go on a shift.

20 Q. Are you assigned on a rotating shift like firefighters
21 all around?

22 A. Not in a traditional sense, I'm a Monday through Friday
23 8:00 a.m. to 5:00 p.m.

24 Q. Are you a certified firefighter? And I'm trying to
25 learn this myself, but what level of firefighter are you?

TESTIMONY OF DOUGLAS SPINKS

1 A. I have a IFSAC, I-F-S-A-C, Firefighter Two, that's
2 International Fire Service Accreditation Commerce. That's
3 the governing body for the firefighting curriculum in the
4 United States right now.

5 Q. Are you also trained as a first responder?

6 A. Yes, sir, through the Lancaster County EMS.

7 Q. Did you respond in that capacity to the intersection or
8 near the intersection of East Church and Ingram Streets in
9 the Town of Kershaw on September 21 of 2011 midafternoon?

10 A. Yes, sir.

11 Q. What was the nature -- well, first of all did you go
12 there in a fire truck?

13 A. Yes, sir. We as our standard protocol respond in an
14 apparatus.

15 Q. Did you provide first responders services to a victim
16 at that location?

17 A. Yes, sir. We checked the patient for signs of life
18 which was a pulse and we did not find any.

19 Q. Where was the patient?

20 A. He was lying prone in about middle of Ingram Street
21 towards the Church Street side.

22 Q. Did you determine an identify for the patient?

23 A. Not at that moment. We ascertained the identity from
24 the deputies was a Mr. Blakeney.

25 Q. Did what you did occur before the EMS people came?

TESTIMONY OF DOUGLAS SPINKS

1 A. Myself and my partner arrived a few minutes before
2 paramedic Kelly Snipes did. We assessed the patient and
3 found no pulse and as soon as we stepped back Paramedic
4 Snipes came up, when the paramedic comes on the scene we
5 fall under his control. I gave him a patient report and
6 told him what we had done and had, he moved in, advised us
7 we would not be providing any patient care due to the
8 injuries of the patient.

9 Q. Did you see any obvious injuries to Mr. Blakeney's
10 body?

11 A. I saw some blood on the left side of his head and left
12 ear down toward the neck area.

13 MR. BARFIELD: Thank you, answer anything Mr. Frick
14 has.

15 MR. FRICK: No questions.

16 MR. BARFIELD: Ask that he be excused.

17 THE COURT: You may step down and you are free to go.

18 The witness, KELLY SNIPES, was first duly sworn
19 and testified as follows, on:

20 DIRECT EXAMINATION

21 BY MR. BARFIELD:

22 Q. Tell us your name, please, sir.

23 A. Kelly Snipes.

24 Q. By whom are you employed?

25 A. Lancaster County EMS.

TESTIMONY OF KELLY SNIPES

- 1 Q. How long have you been employed by EMS?
- 2 A. Sixteen years.
- 3 Q. What is your status with EMS? What are you for EMS?
- 4 A. I am a shift supervisor paramedic.
- 5 Q. Paramedic. Is that as high as you get being a
- 6 paramedic?
- 7 A. Yes, sir.
- 8 Q. Who is Larry Snipes?
- 9 A. Larry Snipes, he is an EMT intermediate for Lancaster
- 10 County EMS.
- 11 Q. And what connection is he to you?
- 12 A. He is my dad.
- 13 Q. All right. Did you and he answer a call -- we'll
- 14 explain this in a minute -- did you go to East Church and
- 15 Ingram Street on September 21 of 2011 for an emergency
- 16 response call?
- 17 A. Yes, I did.
- 18 Q. Were you on duty that day?
- 19 A. No, sir, I was not.
- 20 Q. Was your daddy?
- 21 A. No, he was not.
- 22 Q. Where were you?
- 23 A. I was at home.
- 24 Q. Y'all live down below Kershaw on 521.
- 25 A. Yes.

TESTIMONY OF KELLY SNIPES

1 Q. How did you know something was happening in Kershaw?

2 A. Because EMS supplies me with a radio that I take home
3 with me everyday when I leave work and it happened to be on
4 that day and I heard it.

5 Q. Did you respond to the call?

6 A. Yes, sir.

7 Q. You and your dad in a private vehicle?

8 A. We was in a vehicle together.

9 Q. Was a regular EMS unit or truck available to initially
10 respond to that call?

11 A. It was but it was coming from Lancaster if my memory
12 serves me correct because the truck in Kershaw was busy on
13 another call.

14 Q. Do you have some equipment in your possession whether
15 you're on a truck or not?

16 A. Yes, sir, I do.

17 Q. And when you got to the scene what did you find?

18 A. I found a subject who was laying prone which is face
19 down on the ground and he was behind a crime scene tape.

20 Q. And was he in a yard, on the sidewalk, in the street?

21 A. If my memory serves me correct he was laying between
22 the sidewalk and the street somewhere in the vicinity of --

23 Q. I'm going to show you State's Exhibit Number 7. Do you
24 recognize what's shown in that picture?

25 A. Yes, sir, I do.

TESTIMONY OF KELLY SNIPES

1 Q. Is that the patient that you dealt with?

2 A. That's him.

3 Q. Thank you. What did you do with or to or for this
4 patient when you got there?

5 A. When I got there I was met by Kershaw Fire Department
6 Firefighter Doug Spinks, he said subject appeared to be
7 pulseless and apneic. I went in --

8 Q. What does apneic mean?

9 A. Not breathing.

10 Q. Okay.

11 A. I went in, I assessed the patient, had he no carotid
12 pulse, no brachial pulses, no radial pulses, here, here nor
13 here.

14 Q. Was he breathing?

15 A. No, sir, he was not breathing.

16 Q. Any rise and fall of the chest?

17 A. No rise and fall of the chest. He was unresponsive,
18 not breathing and had no pulse.

19 Q. Did he have any obvious injuries?

20 A. He had a single what appeared to be a gunshot wound, it
21 was a opening behind his left ear, and I also seen one in
22 his left upper shoulder back area.

23 Q. Did you do any full examination of the body of this
24 person?

25 A. No, sir. Because he was unresponsive, he had no pulse

TESTIMONY OF CARLA DEESE

1 at that time, he had injuries which is considered
2 incompatible with life due to being shot in the head. I
3 notified the coroner's office, I backed out to not disturb
4 the crime scene as I am trained to do.

5 MR. BARFIELD: Thank you, sir, answer anything
6 Mr. Frick has.

7 MR. FRICK: No questions for Mr. Snipes.

8 THE COURT: Free to go.

9 MR. BARFIELD: You may be excused, thank you.

10 The witness, CARLA DEESE, was first duly sworn
11 and testified as follows, on:

12 DIRECT EXAMINATION

13 BY MR. BARFIELD:

14 Q. Tell us your name, please, ma'am.

15 A. Carla Deese.

16 Q. Ms. Deese, what is your job?

17 A. Chief Deputy Coroner.

18 Q. For Lancaster County?

19 A. Yes.

20 Q. Since when? How long as a deputy coroner for Lancaster
21 County?

22 A. Since 2003.

23 Q. How long chief deputy coroner?

24 A. Since 2007.

25 Q. In a nutshell without boring these people to death

1 forever, tell them what the coroner does.

2 A. We go through the motions to determine the cause and
3 manner of death.

4 Q. Do you respond to all deaths in Lancaster County?

5 A. Yes, unless otherwise attended by a physician.

6 Q. Did you respond to a scene near Church and Ingram
7 Streets in the town of Kershaw on September 21 of 2011?

8 A. Yes.

9 Q. Did another deputy coroner go there with you?

10 A. Yes.

11 Q. Did you find a patient, person?

12 A. Yes, the decedent.

13 Q. I'm going to show you State's Exhibit Number 7. Can
14 you identify what's shown in that picture?

15 A. Yes. That is the actual scene that I went to.

16 Q. And the person on the ground is the decedent?

17 A. The decedent, yes.

18 Q. First of all let me ask you this: Did you determine
19 who that man shown in State's Exhibit Number 7 was? Who was
20 that man?

21 A. It was Ed Blakeney.

22 Q. How did you determine that it was Ed Blakeney?

23 A. After our initial assessment was done we looked through
24 his pockets and found identification and matched that along
25 with working hand in hand with the CSI unit as well to

TESTIMONY OF CARLA DEESE

1 identify him.

2 Q. Did you know whether or not Mr. Blakeney had any
3 relatives there on the scene?

4 A. At the time I was not sure. As the investigation went
5 on and I presumed that word spread he did have a nephew that
6 was on scene.

7 Q. Now, what is your job at a scene as chief deputy
8 coroner? What are you supposed to be doing?

9 A. The job I did that day or --

10 Q. Generally speaking.

11 A. Generally speaking we just -- now that we have a CSI
12 unit we assist with them, we work hand in hand with them and
13 any evidence that may be around that we physically see we
14 let them know so that they can come and collect it and do
15 proper collection. In this case he was autopsied so we
16 scheduled the autopsy afterwards and we scheduled the
17 transport.

18 Q. We're going to come back and talk about Mr. Blakeney
19 and his condition in just a minute, but who makes the call
20 about whether there's going to be an autopsy when a death
21 occurs in Lancaster County?

22 A. The coroner handling the case.

23 Q. Was an autopsy ordered in this case?

24 A. Yes.

25 Q. By whom?

1 A. Chrissy Massey.

2 Q. Now, what did you do directly with respect to Mr.

3 Blakeney as it lay on Ingram Street in the Town of Kershaw

4 that day?

5 A. While I was awaiting the arrival of Chrissy Massey I

6 spoke with several of the detectives and Ken Taylor with the

7 CSI unit and we deemed it best to go ahead and cover the

8 body from the eyes of public view.

9 Q. Did you -- well, let's get back to the point about

10 checking the body. Did you determine whether Mr. Blakeney

11 was alive or dead?

12 A. Yes.

13 Q. How did you do that?

14 A. We feel for a pulse after we take the report from EMS.

15 EMS has already done that as well and we just do it just to

16 double check behind them.

17 Q. Was there any life in the body of Mr. Blakeney?

18 A. None.

19 Q. Did you declare officially as the chief deputy corner

20 that he was deceased?

21 A. Yes.

22 MR. BARFIELD: Thank you, ma'am, anything answer

23 Mr. Frick has.

24 CROSS EXAMINATION

25 BY MR. FRICK:

TESTIMONY OF CARLA DEESE

1 Q. You said y'all assist CSI. Did you collect anything in
2 this case in particular?

3 A. No, sir. We don't collect any of their evidence
4 whatsoever.

5 Q. You just identify what may be items or --

6 A. If we were to see anything of any importance in our
7 proximity of the body we notify them to come get it and
8 collect it.

9 Q. Do you recall if that occurred in this situation or --

10 A. I was not the primary investigator, you know, at the
11 immediate time.

12 Q. You did not identify?

13 A. I'm sorry?

14 Q. You did not identify anything as any potential
15 evidence.

16 A. I did not.

17 MR. FRICK: Thank you, ma'am. That's all of the
18 questions I have.

19 MR. BARFIELD: That's all from this witness, ask that
20 she be excused.

21 THE COURT: Free to leave if you would like.

22 The witness, CORY MCILWAIN, was first duly
23 sworn and testified as follows, on:

24 DIRECT EXAMINATION

25 BY MR. BARFIELD:

TESTIMONY OF CORY MCILWAIN

1 Q. Tell us your name, please, sir.

2 A. Deputy Cory McIlwain.

3 Q. And people call you Cory?

4 A. Yes, sir.

5 Q. Deputy McIlwain, were you -- well, first of all how

6 long have you been a sheriff's deputy?

7 A. I've been with the Lancaster County Sheriff's Office

8 for a little over 16 years.

9 Q. On September 21 of 2011 were you a sheriff's deputy?

10 A. Yes, sir, I was.

11 Q. Were you assigned to a particular area of the county or

12 a municipality?

13 A. Yes, sir. I am assigned to the Heath Springs area of

14 Lancaster County.

15 Q. Much like the deputies that are assigned to Kershaw

16 work Kershaw?

17 A. Yes, sir.

18 Q. This is one of my stupid questions, I guess. Does

19 Heath Springs or Kershaw have a police -- have a separate

20 police department?

21 A. No, sir.

22 Q. Were you working on September 21 of 2011 in Heath

23 Springs or the general vicinity midafternoon?

24 A. Yes, sir, I was.

25 Q. Did you become aware of an event that was occurring or

TESTIMONY OF CORY MCILWAIN

1 had occurred in Kershaw?

2 A. I did.

3 Q. Concerning a shooting near Church or Ingram Streets?

4 A. Yes, sir.

5 Q. Did you respond?

6 A. I did.

7 Q. Did you become aware at some point prior to arrival of
8 suspects or suspect vehicles?

9 A. Yes, sir.

10 Q. At what point did you know to be on the lookout for
11 something or somebody?

12 A. As I was in route to Church Street in Kershaw where the
13 incident took place I was on 521 South in between Kershaw
14 and Heath Springs in the area of the Andrew Jackson Middle
15 School when the BOLO came out to be on the lookout for a
16 white in color vehicle, a Chevrolet Malibu, occupied -- to
17 be occupied by three or four black subjects.

18 Q. Did any bells go off after you heard that transmission?

19 A. Well, it did. When the BOLO came out I had just passed
20 a vehicle fitting that description. I could tell as the
21 vehicle was passing that it had four subjects, black
22 subjects inside the vehicle and I could also tell that one
23 was a female and if I remember correctly she was the driver.

24 Q. Could you tell who any of those folks were?

25 A. I could not.

1 Q. Could you see what any of those folks were wearing at
2 that point?

3 A. I think I remember a pink or red in color shirt or
4 something that I saw as the vehicle was passing me.

5 Q. Did you turn around on the vehicle?

6 A. I did not, I continued on to the scene.

7 Q. Did you relate by radio to anybody else what you had
8 just seen?

9 A. I did.

10 Q. How did you do that and who did you put it out to?

11 A. I didn't put it out to any particular person, I just
12 let all units know that I had just passed the vehicle
13 fitting that description with who I thought might have been
14 those subjects in it.

15 Q. Did you know whether there were any deputies coming
16 behind you toward Kershaw, did you know that at that time?

17 A. I assumed that but I didn't know for sure, but I
18 assumed, yes.

19 MR. BARFIELD: That's fine, thank you. Answer anything
20 Mr. Frick has.

21 CROSS EXAMINATION

22 BY MR. FRICK:

23 Q. You said you didn't recognize anybody. As you drove by
24 you didn't know who was in the car.

25 A. Correct.

TESTIMONY OF CORY MCILWAIN

1 Q. Had you been given any description other than white in
2 color Malibu? Were you given that description, a Malibu?

3 A. Yes, we were given that description.

4 Q. Was there anymore to it than that?

5 A. I remember as the description was given out it was also
6 said that there were three to four subjects in the vehicle,
7 that all were black.

8 Q. Anything about license plate or anything else about the
9 color?

10 A. I can't recall if a license plate or anything was
11 given.

12 MR. FRICK: Thank you, sir. That's all of the
13 questions I have.

14 THE COURT: Free to go.

15 MR. BARFIELD: Nothing further, ask that he be excused.

16 The witness, CHARLES THOMAS KIRKLEY, was first
17 duly sworn and testified as follows, on:

18 DIRECT EXAMINATION

19 BY MR. BARFIELD:

20 Q. Tell us your name, please, sir.

21 A. Charles Thomas Kirkley.

22 Q. Lieutenant Kirkley, by whom are you employed?

23 A. Lancaster County Sheriff's Office.

24 Q. For how long?

25 A. Little better than 20 years.

1 Q. How long have you been a lieutenant?

2 A. At that time I had been a lieutenant probably six or
3 seven years.

4 Q. When you say at that time we're talking about
5 September 21 of 2011?

6 A. Yes, sir.

7 Q. And what does a lieutenant do that everybody else
8 doesn't do?

9 A. It's a shift supervisor that -- it supervises about 12
10 people for the whole county.

11 Q. So a shift supervisor lieutenant, you're the only
12 lieutenant on the road for the whole county during the
13 shift; is that correct?

14 A. Yes, sir.

15 Q. Were you working on September 21 of 2011 to the
16 midafternoon?

17 A. Yes, sir.

18 Q. Did you become aware that something had happened in
19 Kershaw?

20 A. Yes, sir.

21 Q. Initially, initially, what was the nature of your -- of
22 the call to Kershaw?

23 A. It was a shooting.

24 Q. Did you respond to that call?

25 A. Yes, sir, I was in route.

CHARLES THOMAS KIRKLEY

1 Q. Do you know where you started from to be in route, how
2 far up were you? Were you north of Kershaw first of all?

3 A. Yes. I was on 522 between Primus and Heath Springs.

4 Q. Had you been involved in the earlier event unrelated to
5 this that day?

6 A. I had.

7 Q. There was another shooting or robbery on that day.

8 A. Yes.

9 Q. Unrelated to this?

10 A. Yes.

11 Q. As you approached -- as you went to the call, as your
12 progress went forward toward Kershaw, did you get additional
13 information about what maybe to be looking for?

14 A. I did.

15 Q. Tell us what everybody was looking for.

16 A. A white Malibu.

17 Q. Any other information about what you were looking for
18 or people, number of occupants, race, sex, clothing,
19 anything like that?

20 A. It was supposed to be occupied by four black people.

21 Q. Did you initially have any names for any of the people
22 that might be in that car?

23 A. No, sir.

24 Q. Did you have any information about clothing that
25 anybody in the car might be wearing?

1 A. Yeah, they were supposed to be wearing red shirts.

2 Q. To your knowledge did anybody on the road for the
3 sheriff's office see a car fitting that description?

4 A. Yeah. Deputy McIlwain after it was given out said he
5 believed he passed that vehicle just north of AJ, Andrew
6 Jackson High School.

7 Q. When he -- did he come on the radio with that?

8 A. He did.

9 Q. When he came on the radio with that, where were you?

10 A. I was just coming into Heath Springs.

11 Q. Just take us step by step, as you get into Heath
12 Springs what happened?

13 A. As I get into Heath Springs and pass the S and G Store
14 and get around the sharp curve right there at Main Street in
15 Heath Springs --

16 Q. Stop. What is the S and G Store?

17 A. It's little convenient store on the left coming into
18 Heath Springs?

19 Q. Where is the curve you're talking about in Heath
20 Springs?

21 A. About a half mile down the road.

22 Q. Do you remember where there used to be a water tank in
23 Heath Springs?

24 A. I do.

25 Q. Is that where the curve is?

CHARLES THOMAS KIRKLEY

1 A. It is.

2 Q. When you got to the curve what happened?

3 A. As I got out of the curve I passed a car matching the
4 description.

5 Q. All right. And that car was traveling what direction?

6 A. It was traveling north.

7 Q. Were you running blue lights or sirens at that time
8 going to Kershaw?

9 A. No, sir.

10 Q. When you saw the car what else, if anything, do you
11 recall about it?

12 A. The occupants.

13 Q. How many -- could you tell how many people were in the
14 car?

15 A. I seen two that -- from when I passed them, I knew
16 there was at least two that was in there.

17 Q. Could you tell the sex about any of them?

18 A. I couldn't really tell sex but I could tell they were
19 black.

20 Q. What did you do when you saw the car?

21 A. I turned around.

22 Q. When you turned around did you cut on your blue lights
23 and siren?

24 A. I did not.

25 Q. Where did you go?

- 1 A. I got behind the vehicle.
- 2 Q. How close up behind the vehicle?
- 3 A. Close enough to where I could see people in the
- 4 vehicle.
- 5 Q. When you got close up behind the vehicle could you tell
- 6 anymore about occupants?
- 7 A. I could. I could tell there was four people in there.
- 8 Q. Could you tell the sex of any of them?
- 9 A. I knew the two in the back were male.
- 10 Q. Okay. Could you see anything about clothing from
- 11 outside of the car?
- 12 A. Shortly after I got behind them that's when they pulled
- 13 into the S and G Mart.
- 14 Q. Now, you say the car pulled into the S and G Mart.
- 15 When the car pulled into the S and G Mart, did you have a
- 16 blue light or siren on?
- 17 A. I did not.
- 18 Q. When the car pulled into the S and G Mart, where did
- 19 you go?
- 20 A. I pulled up behind them.
- 21 Q. How close behind them?
- 22 A. I left a good bit of distance because of the nature of
- 23 the call and these may be the suspects.
- 24 Q. Start walking us through it and I'll stop you where I
- 25 need to, and I don't mean to be rude but just start breaking

CHARLES THOMAS KIRKLEY

1 it down. Start walking us through what is happening at that
2 point.

3 A. I gave the tag number, as I was exiting the vehicle I
4 saw Heyward Truesdale in the back right passenger seat turn
5 around and look at me.

6 Q. Stop. Do you know -- did you on September 21 of 2011
7 know a person named Heyward Truesdale?

8 A. I did.

9 Q. Do you see that person in the courtroom today?

10 A. I do.

11 Q. Where is that person sitting and what is he wearing?

12 A. He's wearing a black shirt sitting beside Mr. Frick.

13 Q. Where was Heyward Truesdale sitting in that car when
14 you first saw his face?

15 A. In the back passenger seat.

16 Q. Right or left side of the car?

17 A. Well, facing the rear of the car would be the right.

18 Q. Behind the front passenger?

19 A. Right.

20 Q. And again at this time have you got a blue light on?

21 A. I do not.

22 Q. Are you getting out of your car still without a blue
23 light?

24 A. I think I turned my blue lights on then when I was
25 going to make contact with them.

- 1 Q. And was that after you had recognized Heyward
2 Truesdale?
- 3 A. It was.
- 4 Q. When you saw Heyward Truesdale, did you communicate
5 with anybody?
- 6 A. I did.
- 7 Q. With whom did you communicate?
- 8 A. I think it was Officer Davis on scene.
- 9 Q. Why did you communicate with Officer Davis on the
10 scene?
- 11 A. Because I knew Heyward Truesdale and I asked him if he
12 was involved.
- 13 Q. Did you get a response to that?
- 14 A. I did.
- 15 Q. Positive or negative?
- 16 A. Positive.
- 17 Q. Then what?
- 18 A. Then I advised the sheriff's office on the radio that I
19 was initiating a felony car stop, that I had the vehicle.
- 20 Q. All right. Now, tell the jury in your training what is
21 a felony car stop, what does all of that mean?
- 22 A. A felony car stop is when you stop a high risk vehicle
23 such as in the nature of this for tactical and safety
24 purposes. You give them a specific set of instructions that
25 you want them to perform.

CHARLES THOMAS KIRKLEY

1 Q. Did you at that point have anybody else there with you
2 in law enforcement?

3 A. Not at that point I didn't.

4 Q. Did you soon thereafter get some help?

5 A. I did.

6 Q. How soon thereafter? After you're calling out the
7 felony car stop how long before somebody else comes?

8 A. I believe it was just a few minutes when I started my
9 instructions when Officer Dawkins pulled up.

10 Q. So you're going through the steps of a felony car stop
11 before somebody else rolls up?

12 A. Yes, sir.

13 Q. And just describe what you did.

14 A. Well, I instructed all of them to get their hands up,
15 advised the driver to throw the keys out the window with her
16 left hand and just started ordering her out of the vehicle
17 when Deputy Dawkins pulled up.

18 Q. The instructions that you had given thus far, were they
19 complied with? Were everybody's hands put up?

20 A. Yes.

21 Q. Keys come out the window?

22 A. Yes.

23 Q. Anything about you and a weapon, your weapon?

24 A. I removed my weapon from my holster but I did not point
25 it at anybody.

1 Q. Meaning you just pulled it out and held it down?

2 A. I took cover in the apex of my car door and had my
3 weapon ready.

4 Q. And when you're giving these instructions for the
5 felony car stop, are you on a bullhorn talking system or --

6 A. I was just yelling at them.

7 Q. Dawkins shows up.

8 A. Yes, sir.

9 Q. Walk us through it.

10 A. As I was getting the driver out Dawkins had pulled up
11 and ordered her back, Deputy Funderburke showed up..

12 Q. Stop. Who is the driver of that car?

13 A. Prayon Truesdale.

14 Q. Go ahead. Who was out next if you recall?

15 A. I believe it was the front driver -- I mean the
16 passenger front.

17 Q. Who was that?

18 A. Jerel Davis.

19 Q. Do you recall who got out next?

20 A. Yes, it was McCrorey.

21 Q. Where was he sitting?

22 A. He was in the back driver's side.

23 Q. Who got out last?

24 A. Heyward.

25 Q. Where was he sitting?

CHARLES THOMAS KIRKLEY

1 A. In the back passenger.

2 Q. Now, when these people got out were y'all just standing
3 around chit-chatting or what's going on?

4 A. No. They were ordered out one at a time and ordered to
5 walk backwards towards us until they got to our car and we
6 take them into custody, pat them down and secure them in a
7 car.

8 Q. By taking into custody you mean they're hooked up,
9 chained, handcuffs?

10 A. Yes, sir.

11 Q. Behind them?

12 A. Yes, sir.

13 Q. And put in police cars.

14 A. Yes, sir.

15 Q. Any question about them being in your control at that
16 point?

17 A. No, sir.

18 Q. Did other law -- you told us about Deputy Dawkins
19 arriving, Deputy Funderburke arriving. Did other law
20 enforcement people show up there?

21 A. Yes, sir, a good many showed up after that.

22 Q. Who all showed up?

23 A. I know it was Captain Craig and -- to be honest I don't
24 know who else showed up.

25 Q. Other than what you have done so far -- well, let me

1 show you some pictures.

2 MR. BARFIELD: Your Honor, I'm going to offer these
3 photographs as State's Numbers 11 through 22, I believe,
4 without objection.

5 THE COURT: Okay.

6 (The photographs were received as State's
7 11-22.)

8 Q. I'm going to ask you some questions while I'm doing
9 this.

10 A. All right.

11 Q. Tell me again specifically what information you had
12 about what had happened in Kershaw that you were responding
13 to. By the time you're starting the felony car stop what
14 did you know about the event in Kershaw?

15 A. That a gentleman had been robbed and shot.

16 Q. Okay. Did you know the outcome for the gentlemen who
17 had been robbed and shot at that point?

18 A. No, sir.

19 Q. Did you have any specifics on type of weaponry, numbers
20 of firearms, amount of money stolen or amount of -- or
21 nature and description of property stolen or anything?

22 A. No, sir.

23 Q. When you got this car stopped, did you see anything
24 from your vantage point and removing people from this car,
25 did you see stuff in plain view?

CHARLES THOMAS KIRKLEY

1 A. After all of them were secured and we were trying to
2 clear the car to make sure ain't nobody hiding in it, and as
3 I approached the car I could see money laying in the front
4 passenger floorboard.

5 Q. I'm going to show you a series of pictures which are
6 State's Exhibits 11 through 22, and just flip through them
7 for a minute and then I'll ask you some questions about
8 them.

9 A. (Witness complies.)

10 Q. Generally speaking -- well, first of all are you
11 familiar with what is shown in all of those photographs?

12 A. I am.

13 Q. Generally speaking what do those pictures show us?

14 A. They show us the vehicle on that day and the contents
15 of it.

16 Q. For example State's Exhibit 12, is that the white
17 Malibu?

18 A. It is.

19 Q. And is that in the position it was in when it came to a
20 spot at S and G Mini Mart?

21 A. It is.

22 Q. Is it facing back south or is it facing north which was
23 the typical direction it was traveling when you pulled in
24 behind it?

25 A. It was facing back south, back toward Kershaw.

1 Q. You talked a minute ago about seeing money. Where did
2 you see money and what was it contained in?

3 A. There was loose money and money in an envelope like a
4 bank envelope in the front passenger floorboard.

5 Q. I'm going to show you sort of a far away shot, which is
6 State's Exhibit Number 16. What does that shot show?

7 A. It shows a red shirt and the money in the floorboard.

8 Q. And what floorboard in that car?

9 A. Front passenger floorboard.

10 Q. I will show you State's Exhibit number 18. What is
11 that a picture of?

12 A. The money.

13 Q. The same money you just referred to?

14 A. It is.

15 Q. Did you do anything with that money yourself?

16 A. No.

17 Q. All right. Did you make sure the car was safe in some
18 fashion?

19 A. I did.

20 Q. What did you do to make sure the conditions and
21 circumstances in that car were safe?

22 A. I made sure there wasn't anybody in it and I checked
23 for weapons.

24 Q. Did you find any weapons in that car?

25 A. I did.

CHARLES THOMAS KIRKLEY

1 Q. Where? How many first?

2 A. Just one.

3 Q. Where?

4 A. It was in the pocket of a black jacket in the back seat
5 between the two passengers of the back seat where they were
6 sitting.

7 Q. And again, who were the passengers in the back seat?

8 A. It's McCrorey and Heyward Truesdale.

9 Q. I'll show you State's Exhibit Number 19. What is that
10 a picture of?

11 A. The back seat and the black jacket.

12 Q. Where was the firearm in the jacket?

13 A. I lifted the jacket and I could feel something heavy in
14 it and began to shake it out and shotgun shells fell out of
15 one pocket and a pistol fell out of the other pocket.

16 Q. To your knowledge do the shotgun shells have anything
17 to do with this case?

18 A. No, not to my knowledge.

19 Q. I'm going to show you State's Exhibit Numbers 20, 21
20 and 22. What are those a picture of?

21 A. The back seat of the vehicle with the pistol in the
22 seat.

23 Q. Did you pick it up or manipulate it at all?

24 A. No, sir.

25 Q. What condition -- do you as a sheriff's lieutenant

1 carry a semiautomatic weapon?

2 A. We do.

3 Q. Are you familiar with a semiautomatic weapon?

4 A. I am.

5 Q. What kind of weapon is this?

6 A. It's a semiautomatic.

7 Q. What caliber is it from its inscription if you know?

8 A. It looks like a .380.

9 Q. What condition was the mechanism of this weapon in when
10 you shook it out of the jacket pocket?

11 A. That condition of the slide locked back suggesting it
12 was empty, that it had been fired back.

13 Q. If you took your weapon, and please don't, and cracked
14 it off into the ceiling until there was no more ammunition
15 in it, what would happen to the slide on your weapon?

16 A. It would lock back.

17 Q. Did you -- again, I think this is sort of redundant,
18 but did you pick up anything, seize anything, take
19 possession of any evidence other than the people?

20 A. No, sir. I secured the vehicle and called, made sure
21 investigators and the crime scene unit was on the way.

22 MR. BARFIELD: Thank you, sir, answer anything

23 Mr. Frick has.

24 CROSS EXAMINATION

25 BY MR. FRICK:

CHARLES THOMAS KIRKLEY

1 Q. Let's go all of the way ahead to the traffic stop
2 itself. Okay. Car stopped at the gas station, you've
3 decided to execute the felony traffic stop.

4 A. I pulled up behind it first and when I saw Heyward
5 Truesdale look at me and asked was he involved and when I
6 was going to make contact I cut my blue lights on.

7 Q. This was a car potentially involved in a shooting.

8 A. Right.

9 Q. Were you not going to make a felony stop in any event?

10 A. I was making sure it fit the description of the car I
11 was looking at.

12 Q. I asked you about a felony car stop and you say, "I see
13 Heyward, I do a felony car stop." You were going to do a
14 felony car stop regardless of who was in that car.

15 A. Yeah, in terms of the vehicle I was looking for.

16 Q. That's what I'm getting at. This was a car fitting a
17 description that you were looking for concerning a potential
18 shooter.

19 A. Right.

20 Q. So it didn't matter who was in the car when you looked
21 you were going to ask these people to do what they were
22 going to do in a felony car stop.

23 A. Absolutely.

24 Q. When they do that they put their hands up in the air in
25 the vehicle.

- 1 A. Uh-huh.
- 2 Q. Do you notice any fretter movements or things being
- 3 thrown around the car or --
- 4 A. Yeah, you can notice it if it happens.
- 5 Q. Did you in this case?
- 6 A. No.
- 7 Q. So they stuck their hands up, you're not seeing guns
- 8 flying back and forth.
- 9 A. No.
- 10 Q. Envelopes and money flying around.
- 11 A. No.
- 12 Q. They complied with your order.
- 13 A. They did.
- 14 Q. Got out of the car?
- 15 A. As ordered.
- 16 Q. Person in the front seat is Jerel Davis?
- 17 A. In the front?
- 18 Q. I'm sorry, front passenger's seat.
- 19 A. Yes.
- 20 Q. And that's where you found that envelope of money?
- 21 A. Yes. It was in that floorboard of the front
- 22 passenger's seat.
- 23 Q. The gun was in a jacket?
- 24 A. The jacket pocket, yes, in the back seat.
- 25 Q. Where do you find the jacket?

CHARLES THOMAS KIRKLEY

1 A. It's in the back seat between the two passenger seats
2 in the very back.

3 Q. Was anybody wearing a jacket when you pulled up?

4 A. No.

5 Q. You didn't see anybody take a jacket off?

6 A. I did not.

7 Q. Did you go in the car and pick up the jacket yourself?

8 A. I did.

9 Q. When you picked it up did you feel the jacket or -- I
10 know, it felt heavy.

11 A. Right.

12 Q. What did you do then?

13 A. I shook the jacket.

14 Q. Stuff fall out then?

15 A. It did.

16 Q. The shotgun shells and this gun?

17 A. Yes.

18 Q. Did you see any money anywhere else that you recall?

19 A. No, not that I recall.

20 Q. Any other weapons in this vehicle?

21 A. No, sir.

22 Q. To your knowledge was there anything -- I know we've
23 got a shirt that you had the description of somebody having
24 a red shirt.

25 A. Right.

- 1 Q. Do you know where you found that shirt?
- 2 A. It was in the front passenger seat.
- 3 Q. Where the money was?
- 4 A. Yes.
- 5 Q. Where Mr. Davis was?
- 6 A. Yes.
- 7 Q. You didn't see anybody take a shirt off when you pulled
- 8 up, did you?
- 9 A. No, sir.
- 10 Q. All right. We've got a shirt, a jacket and gun, the
- 11 money was there. Anything else of significance that you
- 12 noted when you were looking in the car?
- 13 A. No. When I saw the money and the gun I backed off and
- 14 let the investigators and the crime scene unit have it.
- 15 Q. So you didn't collect any of it, tag anything?
- 16 A. No.
- 17 Q. Did you collect anything else at the scene?
- 18 A. No.
- 19 Q. Did you do any other investigating in this case?
- 20 A. No, sir.
- 21 MR. FRICK: Thank you, sir. That's all of the
- 22 questions I have.
- 23 MR. BARFIELD: Just a couple real quick.
- 24 REDIRECT EXAMINATION
- 25 BY MR. BARFIELD:

CHARLES THOMAS KIRKLEY

1 Q. The money in the floorboard and front seat was -- well,
2 I showed you a picture, State's 16 you identified as the
3 money in the floorboard. Is that where it was when you
4 first saw it?

5 A. The loose money was, the envelope was right under the
6 edge of the front seat.

7 Q. Did it get where it is because you slid it out?

8 A. No, I did not.

9 Q. Did you take these pictures?

10 A. I did not.

11 MR. BARFIELD: Thank you, answer anything else

12 Mr. Frick has.

13 RECROSS EXAMINATION

14 BY MR. FRICK:

15 Q. Just one quick question about the envelope. Is that
16 the location where it was when you looked at it?

17 A. The envelope?

18 Q. Yes, sir.

19 A. No. It was under the edge of the front seat. I mean,
20 it was out but it was closer to that front seat.

21 Q. But still in the front passenger area?

22 A. Yes.

23 Q. It wasn't slid up under the seat.

24 A. No.

25 Q. Couldn't have been -- at least when you saw it it

TESTIMONY OF RUSSELL DAWKINS

1 wasn't in the back seat and somehow made its way up front.

2 When you saw it you could see it under that edge?

3 A. Well, right there at the front edge of the seat.

4 Q. Okay.

5 MR. FRICK: Thank you, sir.

6 MR. BARFIELD: That's all. I ask that he be excused if
7 he would like to.

8 THE COURT: You are free to go if you would like.

9 MR. BARFIELD: Russell Dawkins.

10 The witness, RUSSELL DAWKINS, was first duly
11 sworn and testified as follows, on:

12 DIRECT EXAMINATION

13 BY MR. BARFIELD:

14 Q. Tell us your name, please, sir.

15 A. Russell Dawkins.

16 Q. Mr. Dawkins, by whom are you employed?

17 A. Lancaster County Sheriff's Office.

18 Q. How long with the sheriff's office?

19 A. It will be 15 years in October.

20 Q. Currently assigned to what duties with the sheriff's
21 office?

22 A. Judicial.

23 Q. You work here everyday or most days?

24 A. Most days.

25 Q. What were you working for the sheriff's office on

TESTIMONY OF RUSSELL DAWKINS

1 September 21 of 11?

2 A. I was assigned to judicial and I was serving papers.

3 Q. Did you answer the call -- did you become aware that an
4 event had occurred in the Town of Kershaw?

5 A. Yes, I did.

6 Q. What was the nature of the event as you understood it
7 to be?

8 A. It was a call of suspicious vehicle heading towards
9 town after -- I don't really recall what kind of accident
10 they put on the air.

11 Q. Did you end up at the S and G Mart in Heath Springs?

12 A. Yes, I did.

13 Q. Was any other deputy there when you got there?

14 A. Lieutenant Kirkley.

15 Q. Just him when you first got there?

16 A. Yes.

17 Q. And did another deputy arrive shortly after you did?

18 A. Yes, it was Deputy Funderburke.

19 Q. What was Lieutenant Kirkley doing when you wheeled up?

20 A. Well, before I got there he was doing a felony traffic
21 stop.

22 Q. Were you on the radio with him? Did you know what he
23 was doing and did he know where you were?

24 A. He didn't know where I was at, I advised him that I was
25 about five minutes away. He was advising the sheriff's

1 office of his activity.

2 Q. Okay. And when you got there what was going on?

3 A. He was having the people exit the vehicle one by one.

4 Q. Did you assist once you got there?

5 A. Yes, we did.

6 Q. Did everybody get out?

7 A. Yes.

8 Q. Was everybody handcuffed and detained?

9 A. Yes.

10 Q. Did any of the four end up in your car?

11 A. Yes, one did.

12 Q. Do you remember which one it was?

13 A. It was Davis.

14 Q. Did you know any of the four people who came out of
15 that Chevrolet Malibu?

16 A. Davis.

17 Q. Did you know anybody else?

18 A. No, sir.

19 Q. Did you know who Heyward Truesdale was?

20 A. No. At the time, no, I did not.

21 MR. BARFIELD: Thank you, sir, answer anything

22 Mr. Frick has.

23 CROSS EXAMINATION

24 BY MR. FRICK:

25 Q. Do you know the order of the folks as they got out of

TESTIMONY OF RUSSELL DAWKINS

1 the car by either name or position in the vehicle?

2 A. No, sir, I can't recall that.

3 Q. Did you look in the car at all?

4 A. No, sir.

5 Q. Did you interview anybody on the scene?

6 A. No, sir.

7 Q. Were you involved in any other way in the investigation
8 of this case?

9 A. I just secured two individuals, checked warrants on
10 two, which one came back to a hit and transferred one to the
11 detention center.

12 MR. FRICK: Thank you, sir, that's all of the questions
13 I have.

14 MR. BARFIELD: Nothing further.

15 THE COURT: You're free to go if you would like.

16 MR. BARFIELD: Your Honor, I am out of witnesses and
17 out of steam I believe for the afternoon I think, let me
18 double check. Your Honor, that's all I can do today.

19 THE COURT: Jurors, it went real fast, we put up 16
20 witnesses, sometimes it takes two weeks to put up 16
21 witnesses so we're going to crank it back up in the morning
22 9:05. All right. I would say 9:00 but some of y'all would
23 be two minutes late. Don't talk about the case, don't look
24 up anything on the internet, you know, don't go riding down
25 to Kershaw and checking out East Church Street and things

TESTIMONY OF RUSSELL DAWKINS

1 like that, you've got to decide the case based on what
2 happens in here. See y'all in the morning at 9:05, we will
3 crank it up.

4 (The jury left the courtroom and court
5 adjourned for the evening and resumed at
6 9:05 a.m. on Tuesday, May 14, 2013.)

7 THE COURT: All right. Bring in the jury.

8 (The jury returned to the courtroom.

9 THE COURT: Okay. You may proceed.

10 MR. BARFIELD: Your Honor, before we start Mr. Frick
11 and I have gone through a lot of different things but I have
12 some remaining photographs which I have marked as State's
13 Exhibits 23 through 34, he has no objection to them and I
14 would offer them as exhibits at this time.

15 THE COURT: Okay.

16 (The photographs were received as State's
17 23-34.)

18 MR. BARFIELD: And the State calls Sanna Carrico.

19 The witness, SANNA CARRICO, was first duly
20 sworn and testified as follows, on:

21 DIRECT EXAMINATION

22 BY MR. BARFIELD:

23 Q. Tell us your name, please, ma'am.

24 A. Sanna Carrico.

25 Q. And Ms. Carrico, I don't need to know an address, but

TESTIMONY OF SANNA CARRICO

1 where do you live?

2 A. 4108 Johnston Road in Jefferson, South Carolina.

3 Q. Do you and your husband own some rental properties?

4 A. Yes, we do.

5 Q. Is one of those rental properties on Ingram Street in
6 the Town of Kershaw?

7 A. It is.

8 Q. Do y'all still own that property?

9 A. Yes, we do.

10 Q. If you're at the corner of Ingram and Church Streets --
11 first of all, did you know who Harry Edward Blakeney was?

12 A. I had seen him and neighbors had talked with me about
13 him so I was aware of him.

14 Q. Did you know what house he lived in?

15 A. I did.

16 Q. And in relation -- his house faces Church Street at the
17 corner of Church and Ingram. In relation to his house your
18 rental property on Ingram Street is on the same side of
19 Ingram Street as his or on the opposite side of Ingram
20 Street as his?

21 A. On the opposite side of Ingram Street two doors down.

22 Q. Do you know a lady named Margie Ballard?

23 A. I do.

24 Q. What street, what --

25 A. She's directly across from him and she's two doors down

1 from me.

2 Q. Her house would be across Church or Ingram Street from
3 Mr. Blakeney's house?

4 A. Ingram Street.

5 Q. And is she on the corner of Ingram and Church across
6 the street from Blakeney?

7 A. Yes.

8 Q. And from her house is your house on the same side of
9 the street as her house?

10 A. It is.

11 Q. And again one more time, how many houses down from
12 Ms. Ballard is your house?

13 A. Well, there's a brick house and then ours is the little
14 white wooden house.

15 Q. Were you at your rental property on September 21 of
16 2011?

17 A. I was.

18 Q. Did you at any time that day interact with Harry Edward
19 Blakeney?

20 A. No. I had seen him driving in and out, there was a lot
21 of activity going on over there but --

22 Q. Driving in and out, what did he drive?

23 A. It was a white BMW.

24 Q. Do you have any idea where he was going or what he was
25 doing?

TESTIMONY OF SANNA CARRICO

1 A. No. I did see him leave, I was on my porch and I saw
2 him drive in and drive into his drive.

3 Q. You said there was a lot of activity around Mr.
4 Blakeney's house, describe what you mean by a lot of
5 activity.

6 A. There were cars parked there. There had been some
7 items taken in and out of the house, I think there was a TV
8 being moved, and just -- there were people around.

9 Q. Okay. Did you know the people that were around?

10 A. No.

11 Q. What were you -- being nosey, but what were you doing
12 at your rental house that day?

13 A. We were just painting, trying to renovate that house.

14 Q. Did you become aware of anything unusual going on at
15 that time? Did something happen that you alarmed you?

16 A. Well, yes, I heard shots ring out.

17 Q. And were you inside your house when you heard the
18 shots?

19 A. Yes, I was inside in the living room.

20 Q. Could you tell from what direction the shots were
21 coming?

22 A. Well, it sounded like the direction of his house, you
23 know.

24 Q. How many shots do you recall hearing approximately if
25 you know?

1 A. It was several shots, maybe four, five, six.

2 Q. What did you do when you heard gunshots?

3 A. Just scared me. I immediately ran and locked my front
4 door, then I went into the back of the house kitchen and
5 locked that door and then I looked out the kitchen window to
6 see what was going on.

7 Q. What did you see when you looked out the kitchen
8 window?

9 A. I saw Mr. Blakeney, he was lying on the street, Ingram
10 Street.

11 Q. Did you see any people when you looked out the window?

12 A. No.

13 Q. Can you identify anybody who you saw other than Mr.
14 Blakeney lying in the street at anytime close to when you
15 heard the gunshots before or after?

16 A. No, sir.

17 Q. I'm going to put a picture up on the document reader
18 which I think is going to show up on your monitor right
19 there.

20 A. Okay.

21 Q. Have you got that picture?

22 A. Yes, sir.

23 Q. Do you know who that is prone in the street?

24 A. Mr. Blakeney.

25 Q. Is that where he was when you saw him?

TESTIMONY OF SANNA CARRICO

- 1 A. Yes, sir.
- 2 Q. Now, you see that Pods box?
- 3 A. Yes, sir.
- 4 Q. Do you recall that being there?
- 5 A. No, I didn't.
- 6 Q. That's fine. Do you know what -- whose yard that Pod
- 7 box is in?
- 8 A. It looks like it might be Ms. Margie's yard.
- 9 Q. And the street that the police car is in and
- 10 Mr. Blakeney is lying in, which street is that?
- 11 A. Ingram Street.
- 12 Q. Is Ms. Ballard's house -- can you see part of
- 13 Ms. Ballard's house on that picture?
- 14 A. I believe so, like on the corner on that.
- 15 Q. You can actually annotate that picture by putting your
- 16 finger on it. Let me do something first. Put your finger
- 17 where Ms. Ballard's house is.
- 18 A. It's right there.
- 19 Q. Circle it sort of. There you go. Okay. Now, kind of
- 20 come on down the street and show us about where your rental
- 21 house was.
- 22 A. It would probably be -- that might be the front right
- 23 there.
- 24 Q. Okay. Did you recall any specific vehicles that you
- 25 saw around Mr. Blakeney's house that day?

1 A. That day I did see, there was like a burgundy like van
2 and there was a young man sitting in there, and he sat there
3 for quite awhile and had long kind of brown hair. And then
4 as Mr. Blakeney was pulling in in his BMW there was a little
5 white car there in front of the drive so he couldn't pull
6 in, whoever was in that car just pulled forward so he could
7 pull into the drive.

8 Q. Now, you said you saw him return to his house. How
9 soon did he return to his house in his BMW before you heard
10 these gunshots?

11 A. That's hard to say, it might have been an hour or so is
12 my best guess.

13 MR. BARFIELD: All right. Thank you, ma'am, answer
14 anything Mr. Frick has.

15 CROSS EXAMINATION

16 BY MR. FRICK:

17 Q. It wasn't immediately after you saw the BMW come in
18 that you hear gunshots, it was some time --

19 A. No, it wasn't immediate right, it was later.

20 Q. Of course you were busy doing painting.

21 A. Right.

22 Q. Didn't recognize anybody that was over there, but did
23 you notice that there were a lot of people?

24 A. Well, just throughout that day there had been, yes, but
25 no one that I knew.

TESTIMONY OF SANNA CARRICO

1 Q. Okay. Any guesstimation of how many folks were over in
2 the yard?

3 A. Well, I think I had seen a younger fellow moving in a
4 TV, maybe Mr. Blakeney had been out there, but no, not
5 really. I didn't see a lot of people at one time, there
6 were just different events, someone was there and then
7 someone else, you know.

8 Q. So just kind of constant stream of traffic going?

9 A. There was a lot going on.

10 Q. Okay. Did you hear any conversation?

11 A. No.

12 Q. Any raised voices, any sound like there was any kind of
13 discussion?

14 A. Nothing until just the shots rang out.

15 Q. That's it?

16 A. Yeah.

17 Q. Nothing preceded it?

18 A. I didn't hear anything.

19 Q. How about afterwards, did you notice what happened
20 afterwards?

21 A. It just seemed like still quiet, I didn't hear
22 anything, you know.

23 Q. Did you -- you probably weren't looking and I think you
24 went to go lock your front door to make sure --

25 A. Right.

TESTIMONY OF SANNA CARRICO

1 Q. Did you see any folks running from Mr. Blakeney?

2 A. No, I didn't. Because by the time I got to the kitchen
3 window to look out it was just quiet, he was just in the
4 street at that point.

5 Q. Okay. Those cars that you said you saw previously, the
6 white car or the burgundy van, did you see them out there?

7 A. No.

8 Q. Any other vehicles other than Mr. Blakeney's sitting
9 out there?

10 A. No, not that I saw.

11 MR. FRICK: Thank you, ma'am. That's all of the
12 questions I have.

13 MR. BARFIELD: Just one redirect.

14 CROSS EXAMINATION

15 BY MR. BARFIELD:

16 Q. From the time you saw Mr. Blakeney drive in his
17 driveway and maybe an hour or so you heard the gunshots, do
18 you know whether he left anymore? Were you watching or do
19 you know?

20 A. Not that I was aware of. I had been out on the porch
21 earlier and saw him drive in, and then as I said, I started
22 working and some time after that that I heard the shots,
23 so --

24 Q. That's fine.

25 MR. BARFIELD: Thank you, ma'am, that's all I have. I

TESTIMONY OF CRAIG BAILEY

1 would ask that the witness be excused if she would like to
2 leave.

3 THE COURT: Free to leave if you would like.

4 MR. BARFIELD: Craig Bailey.

5 The witness, CRAIG BAILEY, was first duly sworn
6 and testified as follows, on:

7 DIRECT EXAMINATION

8 BY MR. BARFIELD:

9 Q. Tell us your name, please, sir.

10 A. Captain Craig Bailey.

11 Q. Captain Bailey, by whom are you employed?

12 A. Lancaster County Sheriff's Office.

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

14 A. Twenty-four years and some change.

15 Q. You're counting it.

16 A. I'm counting it.

17 Q. Are you a captain over the detective division of the
18 Lancaster County Sheriff's Office?

19 A. Yes, sir.

20 Q. Did you to a limited degree participate in the
21 investigation of the shooting event involving Harry Edward
22 Blakeney and Douglas Lewis down in Kershaw on September 21
23 of 2011?

24 A. I did.

25 Q. Did you respond to Kershaw at any time concerning this

1 case?

2 A. Started at Kershaw, barely made it there, came on back
3 up to Heath Springs.

4 Q. Where in Heath Springs did you go?

5 A. At S and G Mart.

6 Q. Were other lawyer enforcement officers there when you
7 got to the S and G Mart?

8 A. Yes, sir.

9 Q. Were people in custody when you got to the S and G
10 Mart?

11 A. Yes, they had been separated into other vehicles.

12 Q. Was one of the people in custody a fellow by the name
13 of Shaun McCrorey?

14 A. There was...

15 Q. Did you do some evidence collection concerning Shaun
16 McCrorey's person?

17 A. I did.

18 Q. What did you do?

19 A. GSR kit.

20 Q. And on what authority did you get a GSR kit from Shaun
21 McCrorey?

22 A. He consented to it. Matter of fact he offered it.

23 Q. I'll show you something in an envelope and ask you if
24 you can identify what that envelope is and what it
25 contained?

TESTIMONY OF CRAIG BAILEY

1 A. This is a -- it's called a Gunshot Residue Kit, we call
2 it a GSR kit for short. It has got Shaun Nicholas
3 McCrorey's name on it, of course, my name on it because I
4 took the evidence from him, I executed the kit.

5 Q. When you collect the kit -- I don't want a whole lot of
6 detail but what are you doing basically when you collect the
7 gunshot residue kit from a subject, what are you doing?

8 A. Anytime you fire a weapon a lot of times the powder
9 blast put metals on your hands and all this kit does is when
10 you dab it on the fingers and basically clean the hands with
11 this kit it will pick up the metals on that container.

12 Q. Are there certain areas of the hands that you collect
13 samples?

14 A. Yes. The kit usually has front left on one, swab right
15 palm on another swab, each swab for each area. The
16 finger --

17 Q. And did you collect the kit the way you are trained to
18 collect it?

19 A. I did.

20 Q. Did you seal it up and preserve it in the fashion that
21 you were trained to preserve it?

22 A. I did.

23 Q. Thank you.

24 MR. BARFIELD: Your Honor, at this time I would offer
25 the GSR kit from McCrorey as State's Exhibit 34.

1 MR. FRICK: No objection.

2 THE COURT: In without objection.

3 MR. BARFIELD: State's 35.

4 (The GSR kit was received as State's 35.)

5 MR. BARFIELD: And please answer anything Mr. Frick may
6 have.

7 CROSS EXAMINATION

8 BY MR. FRICK:

9 Q. Did you do anything other than collect the GSR kit?

10 A. No, sir.

11 Q. Interview anybody on the scene or collect any evidence
12 on the scene?

13 A. No, sir.

14 Q. That's all I have.

15 THE COURT: Free to go if you would like.

16 MR. BARFIELD: Lee Blackmon.

17 The witness, LEE BLACKMON, was first duly sworn
18 and testified as follows, on:

19 DIRECT EXAMINATION

20 BY MR. BARFIELD:

21 Q. Tell us jury name, please, sir.

22 A. Lee Blackmon.

23 Q. Mr. Blackmon, by whom are you employed?

24 A. State Law Enforcement Division.

25 Q. How long have you been with the State Law Enforcement

TESTIMONY OF LEE BLACKMON

1 Division?

2 A. Approximately six years.

3 Q. Where did you work before you went to work for the
4 State Law Enforcement Division?

5 A. Lancaster County Sheriff's Office, there for ten years.

6 Q. Before that where did you work?

7 A. Lancaster Police Department, I was there for about four
8 years.

9 Q. Are you what is called a field agent for SLED?

10 A. That's correct.

11 Q. Do you and other field agents assist local agencies in
12 cases when requested and sometimes simply because you find
13 out something is going on?

14 A. That's correct, we do.

15 Q. Did you assist in the investigation of the shooting
16 death and the shooting injury of Harry Edward Blakeney and
17 Douglas Lewis which occurred down in Kershaw on September 21
18 of 2011?

19 A. I did.

20 Q. Where did you respond to?

21 A. I just happened to be going by the S and G Mini-Mart
22 there in Heath Springs and saw police cars and stopped to
23 see what I could do to assist.

24 Q. Do you live in the Heath Springs area?

25 A. I live in the Heath Springs area.

1 Q. Were folks in custody when you got to the S and G
2 Mini-mart?

3 A. There were folks in the vehicle.

4 Q. Was one of those folks Heyward Rashard Truesdale?

5 A. Yes, it was.

6 Q. Did you assist in the collection of evidence from the
7 person of Heyward Rashard Truesdale?

8 A. Yes, I did. I assisted in taking what we call a GSR
9 Kit.

10 Q. And on what authority did you take a kit from Heyward
11 Rashard Truesdale?

12 A. By consent, he gave consent.

13 Q. I'll show you a box and ask you if you know what that
14 box is and what it contains?

15 A. This is the gunshot residue collection kit and it has
16 got my name on it as far as me being the one that collected
17 it, it has got my handwriting as far as their case number,
18 it has got my handwriting with the subject being Heyward
19 Rashard Truesdale.

20 Q. Did you collect that in the manner that you were
21 trained to collect gunshot residue collection kits?

22 A. Yes, I did. Craig Bailey the captain with the
23 sheriff's office assisted me, he held the box while I
24 actually did the testing.

25 Q. Did you and Captain Bailey collect the GSR kits from

TESTIMONY OF LEE BLACKMON

1 the two subjects sort of simultaneously?

2 A. It was one right after the other, yes, sir.

3 Q. Did you seal it up the way it was supposed to be sealed
4 up?

5 A. Yes, sir, I did.

6 Q. What did you and Captain Bailey do with the kits once
7 you had collected them from McCrorey and from Heyward
8 Truesdale?

9 A. We handed them directly to Lancaster County Crime Scene
10 Investigator Jeff Steele who was on the scene.

11 Q. Thank you?

12 MR. BARFIELD: Your Honor, at this time I would offer
13 the Truesdale kit as State's 36.

14 MR. FRICK: No objection.

15 THE COURT: Okay.

16 (The Truesdale GSR Kit was received as State's
17 36.)

18 MR. BARFIELD: Please answer anything Mr. Frick has.

19 CROSS EXAMINATION

20 BY MR. FRICK:

21 Q. Agent Blackmon, did you check any clothing from
22 Mr. Truesdale?

23 A. No, sir, I did not.

24 Q. Are you aware if anybody did?

25 A. I'm not aware if anybody did. I didn't take any from

1 him, no, sir.

2 Q. Other than the GSR Kit, did you participate in
3 collecting any other evidence or taking any statements in
4 this case?

5 A. No, sir, I did not.

6 MR. FRICK: Thank you, sir, that's all of the questions
7 I have.

8 MR. BARFIELD: Ask that the witness be excused.

9 THE COURT: Free to leave.

10 The witness, ANGIE SANDERS, was first duly
11 sworn and testified as follows, on:

12 DIRECT EXAMINATION

13 BY MR. BARFIELD:

14 Q. Tell us your name, please, ma'am.

15 A. Angela Sanders.

16 Q. Ms. Sanders, by whom are you employed?

17 A. First Citizens Bank.

18 Q. How long have you been employed by First Citizens Bank?

19 A. Thirty years.

20 Q. What is your job for First Citizens Bank?

21 A. Branch manager.

22 Q. Of which branch?

23 A. Kershaw branch.

24 Q. How long have you been employed at the Kershaw branch?

25 A. Thirty-one years.

TESTIMONY OF ANGIE SANDERS

1 Q. Do you live down in Kershaw?

2 A. I do.

3 Q. As bank manager for the bank, are you the person in
4 charge of that branch?

5 A. Yes, sir.

6 Q. I assume there are people above you that you answer to.

7 A. Yes, sir.

8 Q. But nobody within your branch you have to answer to; is
9 that correct?

10 A. No, sir.

11 Q. As branch manager are you in charge of the day to day
12 operations of your branch there in Kershaw?

13 A. Yes, sir.

14 Q. And as branch manager are you a custodial of all
15 records that your branch generates and maintains and
16 distributes there in Kershaw?

17 A. Yes, sir.

18 Q. Does your bank first of all have a video surveillance
19 system?

20 A. Yes, sir, we do.

21 Q. Is it running when the bank is open?

22 A. Yes, sir.

23 Q. Is it running when the bank is closed?

24 A. Yes, sir.

25 Q. Do y'all have the ability to download video from which

1 still-shots can be isolated?

2 A. Yes, sir.

3 Q. Does your bank generate a record of all -- in the usual
4 course of your bank's business does it generate a record of
5 all transactions that occur in your branch as they are
6 occurring?

7 A. Yes, sir.

8 Q. Does your bank generate statements sent to customers or
9 depositors on a monthly basis?

10 A. Yes, sir, we do.

11 Q. Does your bank maintain copies -- I don't know, I'm
12 going to ask you this -- does your bank return canceled
13 checks?

14 A. In some cases we do but not all.

15 Q. Not routinely?

16 A. Not routinely.

17 Q. Does your bank maintain a digital image of checks that
18 are negotiated through your branch?

19 A. Yes, we do.

20 Q. Did you know Harry Edward Blakeney?

21 A. Yes, sir.

22 Q. Was he a depositor or a customer of the branch -- of
23 the Kershaw branch of First Citizens Bank?

24 A. Yes, sir.

25 Q. Did you know him by sight?

TESTIMONY OF ANGIE SANDERS

- 1 A. Yes, sir, I do.
- 2 Q. Did you know him by name?
- 3 A. Yes, sir, I did.
- 4 Q. Did you know him as a customer of First Citizens?
- 5 A. I did.
- 6 Q. Were you working at your bank on September 21 of 2011?
- 7 A. Yes, sir, I was.
- 8 Q. On that date did Mr. Blakeney come into your bank?
- 9 A. Yes, sir, he did.
- 10 Q. Did he come in once or more than once?
- 11 A. More than once.
- 12 Q. Did you at the request of the sheriff's office and
- 13 later at my request pull down some records concerning
- 14 Mr. Blakeney's transactions in your bank that day?
- 15 A. Yes, sir, we did.
- 16 Q. Now, how many times was he in your bank that day?
- 17 A. He was in there five times.
- 18 Q. Do you have a record of the times of each of those
- 19 visits and the nature of the transactions for each of those
- 20 visits, namely a cash withdrawal or the cashing of a check,
- 21 and the amount of each of those transactions?
- 22 A. Yes, sir, I do.
- 23 Q. If you would, one through five, run through those five
- 24 transactions starting with the earliest in the day, what
- 25 time, what kind of transaction it was and how much money was

1 involved.

2 A. At 9:35 he cashed a check for \$500.

3 Q. Okay.

4 A. At 10:15 he cashed a check for \$832. At 11:19 he
5 cashed a check for \$2,450. At 11:58 he cashed a check for
6 \$500. At 14:42 he cashed a check for \$855.

7 Q. Are you familiar with military time?

8 A. Yes, sir.

9 Q. 14:42 would be what time on a wrist watch?

10 A. That would be 2:42.

11 Q. That's fine. Do you have specific recollection
12 personally of seeing Mr. Blakeney in your bank that day?

13 A. Yes, sir.

14 Q. Did you become aware at some point later that day that
15 something had happened to Mr. Blakeney?

16 A. Yes, sir, I did.

17 Q. Was it significant to you that he had been in and out
18 of your bank after you learned that information?

19 A. Yes, sir, it was.

20 Q. I'm going to show you several documents but I've got
21 them stapled as just two different documents. First I'm
22 going to hand you this. Flip through that and just tell me
23 generally speaking if you recognize what those stapled pages
24 are.

25 A. Yes, sir. These are a bank statement for Mr. Blakeney.

TESTIMONY OF ANGIE SANDERS

1 Q. All right. Stop right there. Does the bank statement
2 show the transactions that you just described on
3 September 21 of 2011? Does it have an item entry for those
4 five transactions?

5 A. Yes, sir, it does.

6 Q. What follows the statement?

7 A. And what follows that are copies of the checks that
8 Mr. Blakeney cashed that day.

9 Q. All right. And I'm going to show you another batch of
10 stapled documents which are I think five photographs. Can
11 you tell me if you know what those documents are?

12 A. Yes, sir. This is a copy of Mr. Blakeney standing at
13 our teller that day.

14 Q. Just flip through all of them and tell me, the question
15 I'm going to ask you after you flip through them, is that a
16 photograph of Mr. Blakeney in your bank of each of the five
17 transactions you've described for us?

18 A. Yes, it is.

19 Q. Who generated what entity, generated those photographs
20 for them to be in my hands?

21 A. First Citizens Bank.

22 MR. BARFIELD: Your Honor, at this time I would offer
23 the papered documents as State's 37 and the batch of
24 photographs as State's 38.

25 MR. FRICK: No objection.

TESTIMONY OF KEN TAYLOR

1 THE COURT: Okay.

2 (The First Citizens Bank documents were
3 received as State's 37 and photographs as 38.)

4 MR. BARFIELD: Please answer anything Mr. Frick has.

5 MR. FRICK: No questions of this witness.

6 THE COURT: You're free to leave if you would like.

7 MR. BARFIELD: Ken Taylor.

8 The witness, KEN TAYLOR, was first duly sworn
9 and testified as follows, on:

10 DIRECT EXAMINATION

11 BY MR. BARFIELD:

12 Q. Tell us your name, please, sir.

13 A. Ken Taylor.

14 Q. Mr. Taylor, by whom are you employed?

15 A. Lancaster County Sheriff's Office.

16 Q. How long have you been employed by the Lancaster County
17 Sheriff's Office?

18 A. Getting close to eight years.

19 Q. What do you currently do for the Lancaster County
20 Sheriff's Office?

21 A. I'm a crime scene investigator.

22 Q. How long have you been the crime scene investigator for
23 the sheriff's office?

24 A. About three and a half years.

25 Q. What makes you a crime scene investigator? Have you

TESTIMONY OF KEN TAYLOR

1 got training to be a crime scene investigator?

2 A. Yes, sir.

3 Q. Tell me where -- I don't need all of the details, but
4 before the National Academy tell me what training you had?

5 A. Of course, I had basic law enforcement training at the
6 South Carolina Criminal Justice Academy, then had about
7 three years on the road experience on patrol, then in early
8 2010 was able to go to The National Forensic Academy in Oak
9 Ridge, Tennessee.

10 Q. What kind of stuff did you study at The National
11 Forensic Academy in Oak Ridge Tennessee?

12 A. It was an in-resident ten weeks course. We covered
13 basic crime scene investigation, photography, latent prints,
14 arson, just a whole lot of things.

15 Q. Did you get tested on the subjects that you -- how long
16 were you at The National Forensic Academy?

17 A. Ten weeks.

18 Q. And did you get tested both written and practically on
19 the topics that you studied up there?

20 A. Yes, we did.

21 Q. Did you get graded on these tests?

22 A. Yes. We had a proficiency type grade to show we had
23 improved from the time we came in until the time we came
24 out.

25 Q. Is this kind of you pass it or you don't pass it kind

1 of a school?

2 A. You just have to show that you've improved, let's put
3 it that way.

4 Q. And did you get through the school okay?

5 A. Yes, sir.

6 Q. Are you -- do you have any certifications in crime
7 scene investigation?

8 A. Yes.

9 Q. What certifications do you have?

10 A. I have a crime scene investigator level one as
11 certified by the International Association for
12 Identification.

13 Q. Did you get called upon to participate in the
14 investigation of the shooting death and the shooting injury
15 of Harry Edward Blakeney and Douglas Lewis which occurred in
16 Kershaw on September 21 of 2011?

17 A. Yes, sir, I did.

18 Q. As a crime scene investigator do you have special tools
19 and equipment and vehicles that you use?

20 A. Yes, we do.

21 Q. Where did you -- were there multiple scenes in this
22 case?

23 A. Yes. I believe there was a total of at least three
24 scenes.

25 Q. And did you investigate primarily -- we're going to

TESTIMONY OF KEN TAYLOR

1 talk about morgue and we're going to talk about autopsies
2 separately, but on the ground scenes did you investigate one
3 or more than one?

4 A. Just one.

5 Q. Which one?

6 A. The one at the residence in the front of Mr. Blakeney's
7 house.

8 Q. Was the scene secure when you got there?

9 A. Yes.

10 Q. What kind of a day was it weather-wise?

11 A. If I recall it was a clear day, not too warm, not too
12 cold.

13 Q. Did rain threaten that day?

14 A. Yes, it did. As the day wore on rain did start
15 falling.

16 Q. Now, when you got there -- first of all I've already
17 introduced into evidence a whole bunch of photographs and
18 without you looking at all of them, are those pictures you
19 took?

20 A. Yes, sir.

21 Q. Well, some of them probably aren't pictures you took
22 because some of them are the S and G Mini-mart and some of
23 them at the old Chevrolet place, but did you take photos of
24 the crime scene at Ingram Street?

25 A. Yes.

TESTIMONY OF KEN TAYLOR

1 Q. Generally speaking, what was your intent when you got
2 to Ingram Street? Just tell the jury -- kind of layout for
3 the jury what your plan was once you got there, generally
4 speaking.

5 A. Generally speaking the scene is secured by the officers
6 and my intent was just to document the scene with
7 measurements, location of any evidence items that were found
8 at the scene.

9 Q. Were there evidence items found at the scene?

10 A. Yes.

11 Q. I'm going to ask you specifically about some things and
12 kind of go down the list, I guess. Well, let me ask you
13 this first: Did you have an opportunity to view the body of
14 Harry Edward Blakeney?

15 A. Yes.

16 Q. Generally describe what you saw on the body, not a ton
17 of detail, but generally describe what condition you found
18 the body to be in.

19 A. When I arrived Mr. Blakeney's body was face down in
20 just about the middle of the roadway there in front of his
21 residence, had on an orange sweater I believe it was, or
22 sweatshirt, pair of bluejeans, pair of shoes.

23 Q. Did he have obvious signs of injury to his body?

24 A. Yes.

25 Q. And without doing a detailed examination there on the

TESTIMONY OF KEN TAYLOR

1 scene, which I guess you didn't do, did you do some
2 examination of his body for injury?

3 A. Yes.

4 Q. And generally what did you find?

5 A. I did find several bullet holes or defects as we refer
6 to them on different places on his body. Of course, as he
7 appeared to have fallen to the roadway, of course, damage to
8 his face.

9 Q. Do you remember if he had on glasses?

10 A. Yes, he was wearing glasses.

11 Q. And do you remember anything about the condition of the
12 glasses?

13 A. They were crushed pretty much.

14 Q. All right. Did you find items that you considered
15 evidence which you documented, photographs and seized on
16 Ingram Street?

17 A. Yes.

18 Q. Specifically did you pick up any what we commonly call
19 first cartridge cases?

20 A. Yes.

21 Q. Did Crime Scene Investigator Jeff Steele assist you at
22 some point during that process?

23 A. Yes, he did.

24 Q. First of all, how many fired cartridge cases were
25 picked up by you or and/or Investigator Steele?

TESTIMONY OF KEN TAYLOR

1 A. If I recall we collected five.

2 Q. Were they head-stamped as to caliber?

3 A. Yes.

4 Q. Were they all the same caliber?

5 A. I believe they were all the same caliber.

6 Q. And the markings indicated they were what caliber?

7 A. I believe they were .380 caliber.

8 Q. Did you put little orange, I guess, cones -- I don't

9 know what you call them -- evidence markers by some of

10 those -- or all of those fired cartridge cases?

11 A. Yes, sir, we did.

12 Q. I'm going to show you some pictures. Let me do this

13 first, did you make a sketch -- a not-to-scale sketch there

14 at Ingram Street?

15 A. Yes, I did.

16 Q. Is that -- from way over there can you tell if that's

17 your sketch?

18 A. Yes, sir, that's my sketch.

19 Q. I'll put it on the reader and then we'll talk about it

20 for a minute. Indicate -- generally speaking what did this

21 sketch show?

22 A. The layout just in front of Mr. Blakeney's residence.

23 You can see a graphic depicting his body, where it was found

24 in the roadway.

25 Q. Circle the body.

TESTIMONY OF KEN TAYLOR

1 A. (Witness complies.)

2 Q. What is that big black box to the upper right left
3 corner of the body?

4 A. It should have been a storage trailer parked on the
5 roadway just off the sidewalk.

6 Q. Was there a car -- is there a driveway at
7 Mr. Blakeney's house?

8 A. Yes.

9 Q. And this view we're looking at looking from the bottom
10 of the page to the top, is that to the side of the house or
11 to the front of the house?

12 A. More to the front of the house. His residence -- even
13 though I believe his residence is listed as -- is it Church
14 Street?

15 Q. Yes.

16 A. The front of his house seemed to face more toward
17 Ingram Street.

18 Q. So you considered the view of where we're looking at it
19 as the front of the house?

20 A. Yes, sir.

21 Q. And is that the Ingram Street side?

22 A. Yes, sir.

23 Q. Was there a driveway?

24 A. Yes, sir.

25 Q. Was there a car on the driveway?

- 1 A. Yes, sir.
- 2 Q. And put your finger on the car, X it or something.
- 3 A. (Witness complies.)
- 4 Q. There you go. Is there a carport there?
- 5 A. Yes.
- 6 Q. Where is the carport?
- 7 A. The carport is right up here..
- 8 Q. Now, did you document where you found the five fired
- 9 cartridge cases?
- 10 A. Yes, sir, we did.
- 11 Q. I'm going to blow it up a little bit now so that you
- 12 can show the jury where those places were. The numbers in
- 13 the boxes on this diagram, what do they represent?
- 14 A. Those coincide with the evidence markers that we put
- 15 down at the scene prior to photographing.
- 16 Q. And are the numbers on the -- in the boxes the same
- 17 numbers that are on the little yellow markers that go on the
- 18 ground?
- 19 A. Yes.
- 20 Q. Tell me where -- tell them, the jury, where the five
- 21 fired cartridge cases were.
- 22 A. If I recall right if you can see on the drawing
- 23 evidence markers number five, three, six, eight and nine.
- 24 were where we found the five .380 caliber casings.
- 25 Q. Now, number eight is kind of off over there. Do you

TESTIMONY OF KEN TAYLOR

1 remember the layout of the ground to get to number eight?

2 A. Yes, sir. Along that driveway just parallel to the car
3 the way it's facing going toward the carport is really heavy
4 bushes, heavy brush and we just kind of got down in there
5 and looked through until we found those casings.

6 Q. Did you find anything that you characterized as a fired
7 projectile or part of a fired projectile at the scene on
8 Ingram Street?

9 A. Yes, sir, we did. We found one item that did look like
10 a part of a fired bullet fragment.

11 Q. Is it marked -- was it marked about an evidence marker?

12 A. Yes, it is. If you can look on the left side of that
13 drawing I have a ledger there that has those markers
14 labeled, item seven I think it is going to be.

15 Q. All right. Does it show on the sketch where the fired
16 projectile was?

17 A. Yes, sir. It's going to be item number seven right
18 down here.

19 Q. All right. Did you collect the fired cartridge cases
20 and the fired projectile?

21 A. Yes, we did.

22 Q. I'm going to show you an envelope with stuff in it.
23 Can you tell me what that is?

24 A. Yes, sir. This contains five casings, five empty
25 casings and one fired bullet.

TESTIMONY OF KEN TAYLOR

1 Q. Now, when you seize those things just kind of trace us
2 whose hands those things passed before we get to SLED and
3 something is done with it. What did you do with them when
4 you picked them up?

5 A. Myself and Investigator Steele collected these and put
6 them in either envelopes or evidence containers, then we
7 transported them to the sheriff's office and submitted them
8 as evidence into the evidence room.

9 Q. When you get to the sheriff's office and you've got
10 evidence that you want to submit, who do you submit it to?

11 A. Our evidence custodian is Ms. Ann Horton.

12 Q. Is that the lady sitting at the table in the corner?

13 A. Yes, it is.

14 Q. Everything that is submitted into the sheriff's office
15 goes through her hands?

16 A. Yes, it does.

17 Q. Generally speaking if something needs to be taken to
18 SLED to be analyzed who takes it to SLED generally speaking?

19 A. Most often Ms. Horton.

20 Q. Do other people sometimes take stuff directly to SLED
21 to be analyzed, you for example?

22 A. Yes, sir.

23 Q. Did you lock those up with Ms. Horton?

24 A. Yes.

25 Q. Did they eventually get taken to SLED?

TESTIMONY OF KEN TAYLOR

1 A. Yes.

2 MR. BARFIELD: Your Honor, at this time I will offer
3 this envelope with these six items in it as State's Exhibit
4 Number 39.

5 MR. FRICK: No objection.

6 (The envelopes were received as State's 39.)

7 MR. BARFIELD: At this time I would offer the sketch as
8 State's Exhibit Number 40.

9 THE COURT: All right.

10 (The sketch is received as State's 40.)

11 Q. I'm going to randomly put up some pictures and ask you
12 some questions about some pictures. Tell us, again, what
13 marker seven is.

14 A. That's a fired bullet fragment.

15 Q. And I was showing you --

16 MR. BARFIELD: My apologizes, Your Honor.

17 Q. I was showing you State's Exhibit Number 25, I'm now
18 going to put up State's Exhibit Number 28. What is that a
19 picture of?

20 A. That's just a little closer view of the bullet
21 fragment.

22 Q. Circle the bullet next to the marker.

23 A. (Witness complies.)

24 Q. Thank you, sir. State's Exhibit Number 27, what does
25 it show?

TESTIMONY OF KEN TAYLOR

- 1 A. I believe that top yellow marker, that may be number
2 three, I'm not quite sure, I can't make it out on my viewer,
3 but it also shows marker six, that should be the locations
4 of two of the .380 caliber casings that we found.
- 5 Q. Let me magnify that a little bit. Can you tell us for
6 sure which marker that is now?
- 7 A. I believe that's number three.
- 8 Q. What is that a picture of? State's Exhibit Number 30,
9 what is that a picture of?
- 10 A. That's a closer view of item number six of the
11 .380 caliber casing.
- 12 Q. Circle the casing.
- 13 A. (Witness complies.)
- 14 Q. Thank you. State's Exhibit number 31, tell us what
15 that is a picture of.
- 16 A. That's a closeup of item three which again is a .380
17 caliber casing.
- 18 Q. Circle the casing, please.
- 19 A. (Witness complies.)
- 20 Q. State's Exhibit 32, what is that a picture of?
- 21 A. A closeup of item five which is also a .380 caliber
22 casing.
- 23 Q. And circle the casing.
- 24 A. (Witness complies.)
- 25 Q. Thank you, sir. I'm going to go back to State's Number

TESTIMONY OF KEN TAYLOR

1 27 again. What is shown on the right-hand border of that
2 picture?

3 A. That's the edge of a BMW car that was registered to
4 Mr. Blakeney.

5 Q. And what is shown in the top center of the picture up
6 by the bushes in the carport it looks like?

7 A. That's a motorcycle that was parked under the carport
8 along with I believe a wide screen television set.

9 Q. Did you find -- I'm going to hand you an envelope
10 that's got an envelope in it, take a minute to look at that
11 and I will ask you if you know what that is. Did you know
12 what that is?

13 A. Yes, sir.

14 Q. What is that item?

15 A. It's cigarette butt that we found there on the driveway
16 near between the car and the bushes, that or close to the
17 car and bushes there at Mr. Blakeney's.

18 Q. On Ingram street?

19 A. Yes, sir.

20 Q. And was it assigned an evidence marker?

21 A. Yes, sir.

22 Q. And I'm going to put the sketch back up, State's
23 Exhibit Number 40. Which number was the cigarette butt?

24 A. If you can move the item to the left it should show
25 item number ten which was on the edge of the concrete

TESTIMONY OF KEN TAYLOR

1 sidewalk near kind of close to the utility pole at the edge
2 of his driveway.

3 Q. Did you secure that cigarette butt?

4 A. Yes.

5 Q. And did it end up getting checked in to Ann Horton?

6 A. Yes, it did.

7 Q. Did it end up getting taken to SLED by somebody later
8 on?

9 A. I believe it did.

10 MR. BARFIELD: Your Honor, at this time I would offer
11 the cigarette butt as State's Number 41, I think.

12 MR. FRICK: No objection.

13 THE COURT: Okay.

14 (The cigarette butt was received as State's
15 41.)

16 Q. Did you find any paperwork lying on the ground near
17 Mister -- at Mr. Blakeney's house?

18 A. Yes.

19 Q. Describe generally what it is you're talking about.

20 A. I believe on the other side of the BMW somewhere close
21 to that we found a notepad with some notes written on it and
22 I believe just a single paper out of a similar notepad.

23 Q. Did you take possession of those items and seize them?

24 A. Yes, we did.

25 Q. Did they have any independent meaning to you at that

TESTIMONY OF KEN TAYLOR

1 point?

2 A. At that time, no.

3 Q. Okay. I'll show you two envelopes and ask you if you
4 can identify what is in those envelopes?

5 A. Yes. This again is the notepad and the single note
6 that we found at the scene.

7 Q. And again -- well, first of all do you know who
8 authored those documents?

9 A. No, I don't.

10 Q. Okay. That's fine. I'm going to ask you where they
11 were found in just a minute. On the sketch, State's Exhibit
12 Number 40, did you put evidence marker numbers for them?

13 A. Yes, sir, I did.

14 Q. And what markers represent these two things, the note
15 and what is described as the notepad?

16 A. It should be item number one was the paper note and
17 item number four was the notepad.

18 Q. Which side of the car is number one on?

19 A. It's on the right side of the passenger side of the
20 vehicle.

21 Q. And what side was number four on?

22 A. It was on the driver's side, again both are toward the
23 back portion of the car.

24 Q. Did any analysis get done on any of this, any
25 handwriting analysis, any swabs or any DNA done with this or

TESTIMONY OF KEN TAYLOR

1 did you just seize them and lock them into evidence?

2 A. We just seized them and locked them into evidence.

3 MR. BARFIELD: Your Honor, I would offer the notepad
4 and single item as two separate items 42 and 43.

5 MR. FRICK: Objection.

6 THE COURT: Okay.

7 (The single paper and notepad were received as
8 State's 42 and 43.)

9 THE COURT: Now jurors, attorneys have been over this
10 evidence, y'all watch TV and people stand up and object all
11 of the time. Actually he's supposed to go over there and
12 show it to him but he trusts him to only put in what he has
13 already shown him, and if there's two or three that are
14 similar then that's when he asks him to come over and just
15 make sure it's one he has seen before. So don't think he's
16 just sitting there not doing anything, he's already been
17 over all of this stuff.

18 Q. Were there people there at the scene, one living, one
19 not, that you collected gunshot residue kits from?

20 A. Yes.

21 Q. The living person, who was that?

22 A. I believe that was a Ms. Freedonia Truesdale.

23 Q. Why did you have any interest in collecting a gunshot
24 residue kit from her?

25 A. One of our investigators on the scene, Investigator

TESTIMONY OF KEN TAYLOR

1 Bennett, was speaking to her, I think she was just a couple
2 of blocks away from the residence and he had called asking
3 for assistance to come and collect a kit from her. I
4 believe he had already talked with her and gained consent
5 from her.

6 Q. And did she give consent for you to take swabs from her
7 hands?

8 A. Yes, she did.

9 Q. How about Mr. Blakeney, was there any necessity to
10 collect gunshot residue evidence from him?

11 A. Yes, sir, we felt there was.

12 Q. And did you do that?

13 A. Yes, I did.

14 Q. I'm going to show you two envelopes and ask you if you
15 can identify first of all what that is?

16 A. This is the gunshot residue kit collected from the hand
17 of Ms. Freedonia Truesdale.

18 Q. And what is in that envelope?

19 A. This is the kit that was collected from the deceased,
20 Mr. Blakeney.

21 MR. BARFIELD: Your Honor, I would offer the Truesdale
22 kit as 44 and the Blakeney kit as 45.

23 MR. FRICK: No objection.

24 THE COURT: Okay.

25 (The GSR kits were received as State's 44 and

1 45.)

2 Q. What are major case prints? Well, let me back up,
3 before we move on let me ask you a couple of other things.

4 From the Ingram Street scene, anything else of an
5 evidentiary value that we need to talk about? That was not
6 a good question. Did you seize anything else on Ingram
7 Street?

8 A. I believe item number two, there was some glass
9 particles that were found near the back side of that storage
10 trailer.

11 Q. Did you ever figure out what the heck that was all
12 about?

13 A. No, sir. Just because it was from that proximity
14 thought it might mean something so we collected it at that
15 point in time.

16 Q. Was there blood on Mr. Blakeney's body and around his
17 body?

18 A. Yes, there was.

19 Q. Was there any area where you saw what you thought might
20 have been blood other than right there at the body?

21 A. Yes, sir. Item number 11 on that same drawing, we did
22 see several what appeared to be drops of blood, red and
23 brown substance on the sidewalk, again, very close to that
24 area but I don't recall that anything was collected from
25 there.

TESTIMONY OF KEN TAYLOR

1 Q. And you didn't do any testing there on the scene.

2 A. No, sir.

3 Q. Anything else collected from the scene of an
4 evidentiary value?

5 A. I can't think of anything right away.

6 Q. Did you have occasions to go inside Mr. Blakeney's
7 house during the course of your crime scene investigation?

8 A. Yes, I did.

9 Q. Generally speaking, what did you find the condition of
10 the interior of the house to be?

11 A. The interior of the house was I would call it
12 cluttered, a lot of items, a lot of things would say. It
13 didn't appear anything to be out of order of anything that
14 anyone that was familiar with Mr. Blakeney could tell us,
15 but there was a lot of things in his house, let's put it
16 that way.

17 Q. I'm going to put some pictures up, State's Number 1.
18 What is that a picture of?

19 A. That's a picture of the carport looking from -- if you
20 can remember where the car was parked in the driveway
21 looking directly up into the carport.

22 Q. And what's in the carport other than the motorcycle you
23 talked to us about a little bit ago?

24 A. At least one television set, home entertainment center,
25 some furniture items.

1 Q. State's Number 2, and I don't know if you know how to
2 describe the room, but what does this picture show
3 generally?

4 A. That I believe was one of the first rooms after we came
5 in the back door coming in the front door, or side door
6 coming in from the carport. Again, I just believe that's
7 the kitchen table and a lot of things, clutter sitting on
8 top of the table.

9 Q. Now, generally speaking this stuff piled up in this
10 house, what kind of stuff was it? What kind of stuff did
11 you see in that house?

12 A. It was a mixture of things, computers, audio, radio and
13 video type things, furniture, VCR tapes, DVD's, just a
14 hodgepodge of things, probably some hand tools, things like
15 that.

16 Q. State's Number 3, what is that a picture of?

17 A. That I believe is a picture of pretty much inside the
18 living room in the center of the house.

19 Q. All right. State's Number 4, what is that a picture
20 of?

21 A. That is either another view of that same room or the
22 room next to it, I don't recall which.

23 Q. State's Number 5, what's that a picture of?

24 A. That I believe was a side bedroom off of the hallway
25 moving back toward the side door of the carport.

TESTIMONY OF KEN TAYLOR

1 Q. All right. State's Number 6, what's this a picture of?

2 A. That is one of the bedrooms with quite a few items on
3 top of the bed and a few other places.

4 Q. Was there anything -- did your investigation of the
5 Ingram Street scene indicate that any crime occurred inside
6 that house?

7 A. No, sir.

8 Q. Did you see anything from inside that house?

9 A. No, we did not.

10 Q. Where was Mr. Blakeney's body taken from Ingram Street
11 and by whom?

12 A. It was taken to the Lancaster County Coroner's Office
13 to their morgue by the Lancaster County Volunteer Rescue
14 Squad.

15 Q. Did you go to the morgue or the coroner's office?

16 A. Yes, I did.

17 Q. Did you do any processing of the morgue of Mr.
18 Blakeney's body?

19 A. I collected fingerprints from Mr. Blakeney and also did
20 maybe a couple of more photographs.

21 Q. Do you know whether anything was done with Mr.
22 Blakeney's, major case prints or fingerprints?

23 A. Just collected it and put into evidence in case it was
24 needed later.

25 Q. We didn't have anything we needed to compare his prints

1 to?

2 A. No, sir.

3 Q. Was an autopsy done of Mr. Blakeney's body?

4 A. Yes, it was.

5 Q. Did you attend?

6 A. Yes, I did.

7 Q. Where was the autopsy done?

8 A. It was at the Newberry County Memorial in Newberry.

9 Newberry Pathology handled that that following morning.

10 Q. Did you witness the autopsy?

11 A. Yes.

12 Q. Did you retrieve any evidence from the autopsy?

13 A. Yes, I did.

14 Q. What did you -- and I'm not talking about Mr.

15 Blakeney's clothing, I'm not real interested in that kind of

16 stuff, but forensic type evidence, what did you bring back

17 from the autopsy?

18 A. There was one bullet fragment removed, or what was

19 described as a bullet fragment removed from his body.

20 Q. Okay. And how about, did you take possession of the

21 bullet from the autopsy?

22 A. Yes, sir.

23 Q. What did you do with it after you got your hands on it?

24 A. I delivered it to the South Carolina Law Enforcement

25 Division to their office in Columbia.

TESTIMONY OF KEN TAYLOR

1 Q. Did you go from Newberry straight from Columbia that
2 day with some items?

3 A. Yes, sir.

4 Q. Did you take some items with you to the autopsy in
5 anticipation of leaving the autopsy and going to Columbia?

6 A. Yes, sir, I did.

7 Q. Let's finish up the autopsy and then we'll talk about
8 the trip to Columbia. Did you collect any serological
9 evidence from the autopsy?

10 A. Yes, sir.

11 Q. Did that include a blood standard from Mr. Blakeney?

12 A. I believe, it did.

13 Q. Now, let me go ahead and show you these two things.

14 Can you identify what this envelope contains?

15 A. This should have the fired bullet fragment collected at
16 the autopsy.

17 Q. Can you identify what this envelope contains?

18 A. It appears to be a blood sample, I had just labeled
19 that serology from Mr. Blakeney.

20 Q. From autopsy?

21 A. Yes, sir.

22 Q. Did these go straight to SLED from the autopsy by you?

23 A. Yes.

24 MR. BARFIELD: Your Honor, at this time I would offer
25 the bullet fragment as State's 46 and the blood standard

1 from Mr. Blakeney 47.

2 Q. Open the envelope to make sure the bullet fragment is
3 in there, I reckon.

4 A. Yes, sir.

5 Q. And does that have -- we'll get SLED people in here
6 later, they'll talk about SLED numbers, but does SLED
7 assigned items numbers to each piece of evidence that comes
8 in?

9 A. I believe they do.

10 Q. And what's that SLED item number?

11 A. In all truthfulness I'm not sure. There are a few
12 numbers marked on here, I'm not sure which one is going to
13 be theirs.

14 Q. See if it has one on the outer envelope that contained
15 the -- plastic envelope. And you still might not be able to
16 tell.

17 A. It has their lab number and it has our case number on
18 it, I'm not certain which number is going to be their item
19 number.

20 Q. But that's the partial bullet recovered from the
21 autopsy?

22 A. Yes.

23 MR. BARFIELD: Your Honor, again at this time I would
24 offer the fired bullet fragment as State's 46 and the blood
25 standard for Mr. Blakeney as State's 47?

TESTIMONY OF KEN TAYLOR

1 MR. FRICK: No objection.

2 THE COURT: Okay.

3 (The bullet fragment was received as State's 46

4 and Blakeney blood standard as State's 47.)

5 Q. What else did you carry over to Newberry with you to go
6 on and take to SLED after the autopsy?

7 A. The pathologist had sealed in an envelope different
8 fluids and bodily fluids collected from Mr. Blakeney with
9 the blood standard and the bullet and I delivered all of
10 those from them.

11 Q. And my question, though, was when you left Lancaster to
12 go to the autopsy, did you take any of the previously
13 collected evidence to go ahead and carry it to SLED or was
14 that separate trips for other stuff?

15 A. No, sir. The things that were taken by me I believe
16 were a handgun in the package, bullet fragments collected at
17 the scene and the casings that we collected at the scene as
18 well.

19 Q. At the same time you took the autopsy results?

20 A. Yes, sir.

21 Q. I'm going to show you a firearm, what appears to be a
22 magazine and the envelope they are contained in. Examine
23 those and tell me if you have seen them before first.

24 A. I have seen the package when I had it in my possession,
25 I did not unpack it.

1 Q. And the package being the brown envelope?

2 A. Yes.

3 Q. All right.

4 A. Well, label on it as you see.

5 Q. All right. And is this the firearm you referred to a
6 minute ago that you carried down to SLED?

7 A. Yes.

8 Q. Is this the package that contains stuff that you
9 carried down to SLED?

10 A. Yes, sir.

11 Q. And does this have a SLED item number on the outside
12 package?

13 A. It's going to be L11 with an I-10.

14 Q. Item ten?

15 A. Yes, sir, that's going to be SLED number.

16 Q. What are buccal swabs.

17 A. Buccal swabs are just basically sterile cotton swabs
18 that we used to collect saliva from cells from inside a
19 person's mouth for testing, for DNA standard testing
20 typically.

21 Q. And is there some standard procedure that you follow to
22 collect buccal swabs?

23 A. Yes.

24 Q. Is there a kit that you use to collect buccal swabs?

25 A. Usually just a package of sterile cotton swabs and a

TESTIMONY OF KEN TAYLOR

1 container to put them in when we collect it, and, of course,
2 some gloves for it.

3 Q. And is that stuff, the kit, something specifically
4 generally used by law enforcement or something that I would
5 go to the drug store myself and buy for some other purpose?

-- 6 A. Generally we use it for that.

7 Q. How do you collect buccal swabs from somebody?

8 A. Again, say a sterile cotton swab, have a person open
9 their mouth of course, and take a swab, put a little bit of
10 pressure on the inside of the cheek, you want to get not
11 only saliva but also cells from the inside of the cheek.

12 Q. For buccal swab collection from one individual
13 generally how many swabs do you take?

14 A. We usually take two.

15 Q. And what do you do with the swabs once you swab the
16 cheek?

17 A. Usually we allow them to air dry for a short time and
18 then we package them in either a paper envelope or a vented
19 cardboard swab box.

20 Q. And is it sealed up after that?

21 A. Yes.

22 Q. Do you do any analysis of the buccal swabs yourself?

23 A. No, sir, we don't.

24 Q. Did you collect buccal swabs from anybody in this case
25 for comparison to DNA profiles which might be developed

1 later on?

2 A. Yes, I did.

3 Q. Who did you collect buccal swabs from?

4 A. I believe it was from a Mr. Jerel Davis and Mr. Heyward
5 Truesdale I believe I collected from.

6 Q. On what authority did you collect buccal swabs from
7 Jerel Harris and Heyward Truesdale?

8 A. On their consent.

9 Q. Can you tell me what's in those two envelopes?

10 A. Yes. These are the buccal swabs that I collected from
11 Mr. Truesdale and Mr. Davis.

12 MR. BARFIELD: Your Honor, at this time I would offer
13 the Davis buccal swabs as 48 and the Truesdale buccal swabs
14 as 49.

15 MR. FRICK: No objection.

16 THE COURT: Okay. They come in.

17 (The two buccal swabs were received as State's
18 48 and 49.)

19 Q. Do you recall -- take a minute if you need to -- do you
20 recall whether buccal swabs were collected from a young lady
21 by the name of Prayon Truesdale?

22 A. I believe they were.

23 Q. Do you recall who did that? And if you need to look at
24 your file to refresh your memory that's fine. Well, let me
25 show you something.

TESTIMONY OF KEN TAYLOR

1 A. Okay.

2 Q. Can you identify what is in that envelope?

3 A. Yes. These are buccal swabs that I collected from
4 Ms. Truesdale.

5 Q. Does it have a label in there that indicates that
6 that's correct?

7 A. Yes.

8 Q. And on what authority did you collect buccal swabs from
9 Prayon Truesdale?

10 A. On her consent.

11 THE COURT: Your Honor, at this time I would offer the
12 Prayon Truesdale buccal swabs as 49 (sic).

13 MR. FRICK: No objection.

14 THE COURT: Okay.

15 (The swab was received as State's 50.)

16 MR. BARFIELD: Can I have just a minute, Your Honor, to
17 see if I'm about to wrap up?

18 THE COURT: Sure.

19 (Break in proceedings.)

20 Q. We have talked about buccal swabs from three defendants
21 so far who ended up being charged in this case, Davis,
22 Heyward Truesdale and Prayon Truesdale. Are you familiar
23 with defendant number four, Shaun McCrorey?

24 A. Yes.

25 Q. Was there some interest or need to have buccal swabs

1 from him?

2 A. Yes.

3 Q. Did you obtain -- did somebody obtain those pursuant to
4 the process that you initiated?

5 A. Yes.

6 Q. What was the process?

7 A. We sought a search warrant to request those from
8 Mr. McCrorey.

9 Q. And do you recall who actually collected McCrorey's
10 buccal swabs?

11 A. I believe it was Investigator Catalano.

12 Q. Did you at some point -- well, that's fine, that's all
13 I need to ask you about that. You told us about going
14 inside Mr. Blakeney's house. Did you at some point go
15 inside Mr. Blakeney's car?

16 A. Yes, I did.

17 Q. Was anything of evidentiary value to the investigation
18 found on the car, outside or in the car?

19 A. Not in the car, no.

20 MR. FRICK: I believe that's all of the questions I
21 have, please answer anything Mr. Frick has.

22 THE COURT: Jurors, are y'all doing all right? We will
23 take a break either now or after him, I wouldn't think he
24 would be more --

25 MR. FRICK: Your Honor, I'm not going to say it's going

TESTIMONY OF KEN TAYLOR

1 to be extensive but it's going to take me a little bit of
2 time.

3 THE COURT: I understand, we're talking about 20
4 minutes but I'm not trying to hold you down. Jurors, just
5 don't talk about the case because, you know, you can't --
6 you just can't predict how long a witness will be because
7 one question and answer leads to another and so forth. Just
8 ease out, we will crank it back up in about 15 minutes.

9 (The jury left the courtroom and a break was
10 taken.)

11 (The jury returned to the courtroom.)

12 THE COURT: You may proceed.

13 CROSS EXAMINATION

14 BY MR. FRICK:

15 Q. You are CSI; is that correct?

16 A. Yes, sir.

17 Q. All right. Good deal. I'm going to put up on the
18 screen here I think it's State's Number 41 if it will show
19 up. There we go. That is the chart we talked about, right?

20 A. Yes.

21 Q. Okay. Can you see it well enough to circle the numbers
22 if I put -- circle the ones that are the shell casings. Is
23 it showing up enough or do you want me to blow it up?

24 A. Yes, sir, I believe it's showing up. It should be
25 five, three, six, eight and nine. Number five, three, six,

TESTIMONY OF KEN TAYLOR

1 eight and nine are all three there in the drawing.

2 Q. Those were all collected and all sent off to SLED?

3 A. I believe that's the case. They were sent, yes.

4 Q. And this is -- that's number five, State's 32, right?

5 A. Yes, sir.

6 Q. That was one that was closed down -- no, that was the
7 one that was closest to the carport. I was trying to be
8 fancy and have two of them at the same time, couldn't figure
9 it out. I'm showing you State's Number 40.

10 A. Yes, sir.

11 Q. That's the one that is closest to the house, correct?

12 A. Yes.

13 Q. All right. That is State's Number 27. You took these
14 pictures, right?

15 A. Yes, sir.

16 Q. Okay. So you're standing near the end of the BMW
17 looking back towards the house. Six is a shell casing,
18 three is a shell casing.

19 A. Yes, sir.

20 Q. This is State's Number 29. Is that a closer view of 6?

21 A. Yes, sir, it is.

22 Q. Now, what's back behind 6 there, do you know?

23 A. No, sir. It looks like a can of something.

24 Q. Y'all didn't collect that, correct?

25 A. To my knowledge we did not.

TESTIMONY OF KEN TAYLOR

1 Q. Were there any -- I know we've got a cigarette butt,
2 were there any other I guess extraneous items that were
3 collected other than shell casings?

4 A. Just the notepad and the other items shown there near
5 the rear of the car.

6 Q. Now, the shell casings, they are metal, correct?

7 A. Yes.

8 Q. Okay. Is that something that sometimes you can get
9 fingerprints off of?

10 A. I would say it's possible.

11 Q. Were any attempts at fingerprints or DNA done on these
12 shell casings, or do you know?

13 A. I don't know.

14 Q. You didn't do it.

15 A. No, sir, I did not.

16 Q. Were any requested of SLED or do you know?

17 A. I don't know.

18 Q. So there is, I don't know if it's a progression, but
19 you've got shell casings that start close to the house and
20 go towards the road, correct?

21 A. They covered an area probably in about ten to 12 feet
22 in length I would say from just about the front of the car
23 in about the midsection of the car.

24 Q. Okay. So about the middle -- about half the car --

25 A. Yes, sir.

1 Q. -- is the length that we're dealing with here?

2 A. Probably.

3 Q. Were you able to make any determination where the
4 victim was when the shooting started?

5 A. No.

6 Q. So there's no estimation of how shots went into the
7 victim?

8 A. We didn't determine any directionality at the time
9 while we were there at the scene nor any distances at that
10 time.

11 Q. Okay. Was any done later?

12 A. I think the pathologist may have made a determination
13 as to directionality of his body but I don't know if any was
14 done in relation to distance to the car.

15 Q. Okay. At the time you're out there or later in the
16 investigation, at any point do you know who is at the scene
17 potentially with the gun and where they're standing? Any
18 idea at any point during the investigation?

19 A. Yeah. Just in relation to the casings being near the
20 car I would say that person was somewhere near that car.

21 Q. All right. But no definitive determination in this
22 case?

23 A. No definitive other than being just near the car.

24 Q. Right. Okay. What I'm trying to get at is did y'all
25 make a determination as to where the shooting really

TESTIMONY OF KEN TAYLOR

1 happened? I know we've got a shell casing and I know we've
2 got a body. Was part of what you did in this case is
3 determine this is where somebody was, this is where somebody
4 was, this is where the shooting happened and this is how it
5 happened?

6 A. No. Other than -- again, I'm not trying to deflect you
7 in any way, but other than the casings were pretty much
8 grouped in that one area and the body was found here we
9 would expect the shooter to be somewhere close to those
10 casings.

11 Q. The solicitor asked you about the inside of the house
12 and I think he showed you 1, 2, 3, 4, 5 and 6, those are the
13 photographs of the inside of the house, correct?

14 A. Yes, sir.

15 Q. Did you take these photographs?

16 A. Yes, I did.

17 Q. Did you take these photographs that day?

18 A. Yes.

19 Q. Had somebody previously been at this house?

20 A. I was told that a search warrant had been executed at
21 that house some time prior to that.

22 Q. Are you aware of what the situation was with that?

23 A. No, sir, I'm not.

24 Q. And you prepared an incident report about your part of
25 the case, correct?

TESTIMONY OF KEN TAYLOR

1 A. Yes.

2 Q. You mention that.

3 A. Yes.

4 Q. You mention something about photographs. Are those any
5 of those photographs we've got here?

6 A. I'm not sure what photographs you're referring to. You
7 mean the ones I took on the day of this investigation?

8 Q. No. In your incident report when you talk about the
9 search warrant executed previously at Mr. Blakeney's house
10 there's some mention of photographs at that point, do you
11 recall that?

12 A. I don't recall that specifically.

13 Q. Okay. I'm going to ask you to take a look at that.
14 Does that look familiar to you?

15 A. Yes, sir. It looks like one of my narratives.

16 Q. I guess I kind of gained it, I underlined the part that
17 I am interested in. Does it say anything about photographs.

18 A. Again, I was referring to here that I was told that
19 deputies had previously executed a search warrant and the
20 photographs taken during that search revealed that the house
21 was cluttered, but as far as having access to any of those
22 photographs, no, I did not.

23 Q. Okay. Did you go to any -- I think you said that there
24 were -- and there were a couple of scenes in this case,
25 correct?

TESTIMONY OF KEN TAYLOR

1 A. Yes, sir.

2 Q. Did you go investigate any of those other scenes?

3 A. No, sir, I did not.

4 Q. The van, you didn't go over there?

5 A. No.

6 Q. The S and G Mart, you didn't go over there?

7 A. No, sir, I didn't.

8 Q. Nothing was collected from inside Mr. Blakeney's house?

9 A. Correct.

10 Q. Okay. As far as the notebook that was collected, was
11 any analysis or anything done with the notebook?

12 A. I was not part of anything that was done with the
13 notebook.

14 Q. Are you aware?

15 A. No, sir, I'm not.

16 Q. Handwriting analysis, follow-up on names or anything
17 like that?

18 A. I'm not aware of what may have been done after that.

19 Q. It was just picked up and logged into evidence?

20 A. Yes, sir.

21 Q. And the next time you've seen it is this morning?

22 A. Yes, sir.

23 Q. And your role additionally was collecting a GSR kit on
24 a couple of folks and buccal swabs, correct?

25 A. Yes.

TESTIMONY OF KEN TAYLOR

1 Q. Did you take any written statements, oral statements,
2 any statements from any persons of interest in this case?

3 A. No, sir, I did not.

4 MR. FRICK: Thank you, sir. I believe that's all of
5 the questions I have.

6 MR. BARFIELD: Couple of real quick.

7 REDIRECT EXAMINATION

8 BY MR. BARFIELD:

9 Q. I'm going to put State's Number 40 back up and ask you
10 just a couple of questions about distance. Is this a
11 to-scale diagram?

12 A. I would refer to it as near to scale give or take a few
13 inches.

14 Q. Did you take some measurements?

15 A. Yes.

16 Q. You don't have really things point A to point B noted
17 on here but I want to ask you a couple of questions.

18 Roughly -- and if you can answer fine, if you can't fine,
19 but roughly from the edge of -- the front edge of the
20 carport to where Mr. Blakeney's body was found, roughly how
21 far?

22 A. Approximately 45 feet.

23 Q. Roughly from the left rear corner of the BMW to where
24 Mr. Blakeney is found, approximately how far?

25 A. About 24 feet to the midsection of his body.

TESTIMONY OF KEN TAYLOR

1 Q. Cartridge cases markers five, three, six, eight and
2 nine, you said a minute ago I think but I didn't catch it,
3 stretched out approximately how far?

4 A. About ten or 12 feet.

5 Q. Okay. Approximately how far from cartridge cases to
6 body, from -- I guess from middle of the cartridge cases
7 array to the body?

8 A. About 30 feet.

9 Q. And which markers did you say mark what you thought
10 could have been blood? Was that 11?

11 A. I believe it is marker 11 as shown on the side wall.

12 Q. Of course you can't say that is blood.

13 A. Correct.

14 Q. But how far from marker five were the cartridge casings
15 closest to the house to marker 11 approximately?

16 A. Approximately 12 feet.

17 MR. BARFIELD: Thank you, that's all.

18 MR. FRICK: No questions.

19 MR. BARFIELD: Ask that he be excused.

20 THE COURT: You are free to leave.

21 The witness, JEFF STEELE, was first duly sworn
22 and testified as follows, on:

23 DIRECT EXAMINATION

24 BY MR. BARFIELD:

25 Q. What is your name, please, sir?

TESTIMONY OF JEFF STEELE

1 A. Jeff Steele.

2 Q. Investigator Steele, by whom are you employed?

3 A. Lancaster County Sheriff's Office.

4 Q. In what capacity?

5 A. I'm a crime scene investigator.

6 Q. What training do you have to be a crime scene
7 investigator?

8 A. I have got 11 years of training with the department. I
9 was sent to the National Forensics Academy and graduated
10 from there after a ten week extensive course. I do
11 extensive monthly training to stay up to date on the latest
12 technology.

13 Q. Did you go through the National Forensics Academy with
14 Ken Taylor?

15 A. Yes, sir, I did.

16 Q. Did you successfully get through that program?

17 A. Excuse me?

18 Q. Did you successfully get through that program?

19 A. Yes, sir, I did.

20 Q. Did you get called upon to assist in the investigation
21 of the shooting death and the shooting injury of Harry
22 Edward Blakeney and Douglas Lewis down in Kershaw on 9-21 of
23 '11?

24 A. Yes, sir, I did.

25 Q. Where were you originally going?

TESTIMONY OF JEFF STEELE

1 A. Originally going to Church Street which is where the
2 incident occurred.

3 Q. Did you get diverted from there to somewhere else?

4 A. Yes, I did.

5 Q. Where was the somewhere else?

6 A. I had to go to Hilton Street.

7 Q. Hilton Street, what did you find at Hilton Street?

8 A. There I found a black male who had a gunshot wound to
9 the upper left portion of his chest. He had gotten out of a
10 red Caravan van and EMS and other deputies were already on
11 the scene.

12 Q. Who was the fellow that had the gunshot wound?

13 A. Douglas Lewis.

14 Q. I'll show you State's Exhibit 8 and 9. Can you tell me
15 what is shown in those two exhibits?

16 A. This is Douglas Lewis and his van that he was in.

17 Q. All right. Did you do any crime scene investigation at
18 Hilton Street where Lewis and the red van were?

19 A. Yes, sir, I processed the vehicle.

20 Q. Did you find anything in the vehicle of interest --
21 well, let me back up. Did you find any firearms evidence in
22 the vehicle?

23 A. Not a firearm, I found ammunition.

24 Q. Describe the ammunition, what kind, where it was and
25 anything else about that.

TESTIMONY OF JEFF STEELE

1 A. Yes, sir. We found a box of 9-millimeter rounds in the
2 center console of the van and found a magazine, 9-millimeter
3 magazine under the driver's side seat that also had
4 cartridges in it.

5 Q. Did you find the gun anywhere on Douglas Lewis or in
6 the van or anywhere in the vicinity of the two of them?

7 A. No, sir, I didn't.

8 Q. Is there anything that developed during the
9 investigation of this case that ties the box of 9-millimeter
10 ammo or 9-millimeter magazine found in Douglas Lewis' van to
11 this crime?

12 A. No, sir.

13 Q. Any indication that 9-millimeter weapon fired any shots
14 at anybody that hit or killed Harry Edward Blakeney?

15 A. No, sir.

16 Q. Anything else of substance that occurred there on
17 Hilton Street with the van and Mr. Lewis that you did?

18 A. No, sir.

19 Q. All right. Did you leave Hilton Street and go
20 somewhere else to work a scene?

21 A. Yes, sir, I did.

22 Q. What was the next scene you work?

23 A. S and G Mini-mart which is in Heath Springs.

24 Q. I ask you the same thing, do you have special equipment
25 and drive a special vehicle to work crime scenes?

TESTIMONY OF JEFF STEELE

- 1 A. Yes, sir.
- 2 Q. What is your vehicle?
- 3 A. It's a van.
- 4 Q. Has got places to store evidence and store equipment?
- 5 A. Yes, sir, it's fully equipped.
- 6 Q. When you got to -- well, let me back up. Did you
- 7 find -- let's go back to Hilton Street and the red van, did
- 8 you find anything that you thought might be biological or
- 9 serological evidence in or around the van?
- 10 A. On the red van?
- 11 Q. Yes.
- 12 A. The only thing I found there was a blood swipe on the
- 13 armrest but the victim was bleeding so we photographed that
- 14 with a scale.
- 15 Q. Didn't do any testing or anything?
- 16 A. No, sir.
- 17 Q. That's fine. When you got to S and G Mini-mart in
- 18 Heath Springs, first of all were there other law enforcement
- 19 officers there?
- 20 A. Yes, sir.
- 21 Q. Were there subjects there who were in custody?
- 22 A. Yes, sir.
- 23 Q. Were all four subjects still there and in custody?
- 24 A. Yes, sir.
- 25 Q. What's the -- well, did you at some point way down the

TESTIMONY OF JEFF STEELE

1 road -- I'm skipping over, but at some point there at S and
2 G Mini-mart and later on at the sheriff's office impound lot.
3 search the -- I'm jumping ahead. Was there a vehicle at S
4 and G Mini-mart?

5 A. Yes, there was.

6 Q. What was the subject vehicle?

7 A. Excuse me?

8 Q. What kind of car?

9 A. It was a white Malibu.

10 Q. State's Exhibit Number 12. Is that the car?

11 A. Yes, sir, it is.

12 Q. Now, at some point a little bit there or much more at
13 the sheriff's office impound lot, did you process that car,
14 search and process it?

15 A. Yes, sir, I did.

16 Q. And on what authority did you search and process that
17 car?

18 A. I had consent from Prayon Truesdale.

19 Q. The owner of the car?

20 A. Yes, sir.

21 Q. When you're there at S and G Mini-mart, what is the
22 first thing that you dealt with, first item or object that
23 you dealt with there at S and G Mini-mart?

24 A. When I first arrived Captain Bailey approached me and
25 briefed me on what was going on. He advised me that there

TESTIMONY OF JEFF STEELE

1 was a semiautomatic weapon found in the back of the vehicle,
2 at that point I advised him that I was going to photograph
3 and clear the weapon and secure it for safety reasons.

4 Q. Did you do that?

5 A. Yes, sir, I did.

6 Q. I'm going to show you a weapon which was previously
7 checked by law enforcement, a weapon that -- what appears to
8 be a magazine and an envelope which appears to be their
9 container. Look at those items and see if you recognize it.

10 A. Yes, sir.

11 Q. How about the plastic envelope?

12 A. Yes, sir.

13 Q. Is that the correct magazine that was actually in that
14 weapon?

15 A. Yes, sir.

16 Q. Did you seize those two items?

17 A. Yes, sir.

18 Q. And did you take them to the sheriff's office and log
19 them into evidence?

20 A. I did.

21 MR. BARFIELD: Your Honor, at this time I would offer
22 the firearm and the magazine in the evidence bag as State's
23 Exhibit 49 maybe? 51.

24 MR. FRICK: No objection.

25 THE COURT: Okay.

TESTIMONY OF JEFF STEELE

1 (The firearm and magazine were received as
2 State's 51.)

3 Q. I'm going to show you a couple of photographs. I'm
4 going to show you State's Exhibit Number 20. Do you
5 recognize what's in that photograph?

6 A. Yes, sir.

7 Q. First of all let me ask you this: As I show you some
8 photographs of this white Malibu, who took those
9 photographs?

10 A. I did.

11 Q. Now, did you take this photograph, which is State's
12 Exhibit Number 20?

13 A. Yes, sir, I did.

14 Q. Is the firearm which we just introduced into evidence
15 as State's 51 shown in that photograph?

16 A. Yes, sir, it is.

17 Q. Circle the firearm.

18 A. Excuse me?

19 Q. Circle the firearm on the screen with your finger.

20 A. How do I do that?

21 Q. Use your finger and put a circle around it.

22 A. (Witness complies.)

23 Q. There you go. Is that the firearm, State's Number 51?

24 A. Yes, sir, it is.

25 Q. Is that where it was when you found it?

TESTIMONY OF JEFF STEELE

1 A. Yes, sir.

2 Q. To your knowledge other than -- did you know who -- do
3 you know who originally found it in the car?

4 A. No, sir. When I got there I was told that it was on
5 the back seat of the vehicle.

6 Q. And did you move it before you took this photograph?

7 A. No, sir, I didn't.

8 Q. I'm going to show you State's Exhibit Number 21. Is
9 that the same firearm in the same place?

10 A. Yes, sir, it is.

11 Q. Just a little closer shot?

12 A. Uh-huh.

13 Q. I show you State's Exhibit Number 22. Same question,
14 is that the same firearm?

15 A. Yes, sir, it is.

16 Q. Same shot just a closer view?

17 A. Yes, sir.

18 Q. Now, what is the condition of the mechanism on that
19 firearm in this photograph?

20 A. The slide portion which is the top portion of the
21 firearm is locked back in the dry position basically like it
22 had been fired.

23 Q. And just describe for the jury what fired dry -- first
24 of all, was it in that condition when you first laid your
25 eyes on it?

- 1 A. Yes, sir.
- 2 Q. What does fired dry mean?
- 3 A. If you're shooting a firearm it's an automatic weapon
4 when the last round comes up since another round is not
5 ejected in the chamber it stays in the locked backed
6 position and stays there, it let's you know no more rounds
7 are in it, no more cartridges are in it.
- 8 Q. Now, after you took this photograph did you lay your
9 hands on that firearm?
- 10 A. I did.
- 11 Q. Did you clear it?
- 12 A. Yes, sir, I made sure.
- 13 Q. And what does clearing a weapon mean?
- 14 A. I ejected the magazine out of it and made sure there
15 was no cartridges in the firearm and then lowered the slide
16 down and placed it into the crime scene van.
- 17 Q. Was there an unfired cartridge in the chamber of this
18 .380 pistol?
- 19 A. No, sir, there was not.
- 20 Q. Were there any unfired cartridges in the magazine of
21 this pistol?
- 22 A. No, sir, there was not.
- 23 Q. Was there any pistol ammo .380 or any other ammo found
24 in about this car or anybody that was taken out of this car?
- 25 A. No, sir.

TESTIMONY OF JEFF STEELE

1 Q. Now, I'm going to hand you the firearm again. State's
2 Number 51, handle it however you handle it that you are
3 comfortable with. When you shoot that firearm what happens
4 to the fired cartridge cases?

5 A. It's going to eject out, it's going to eject out that
6 side of the weapon.

7 Q. Which side does that weapon eject the fired cartridge
8 cases out of?

9 A. The right side.

10 Q. All right. Thank you. What seat was this firearm,
11 State's Number 51, on in that Malibu?

12 A. It was in the back seat behind the driver.

13 Q. Did you do any examination, any cursory examination of
14 the firearm when you found it there in the car at S and G
15 Mini-mart?

16 A. No, sir.

17 Q. Did you notice anything about it using your senses?

18 A. Yeah. Other than photographing it when I picked it up
19 it smelled like gunpowder came out of the injection port and
20 you would document that.

21 Q. Did you collect any gunshot residue kits yourself from
22 anybody at S and G Mini-mart?

23 A. Yes, sir, I did.

24 Q. Who did you collect GSR kits from?

25 A. Prayon Truesdale and Jerel Davis.

TESTIMONY OF JEFF STEELE

1 Q. What authority did you collect GSR kits from them?

2 A. Consent, verbal consent.

3 Q. Can you identify what that box contained?

4 A. This is the gunshot residue from Prayon Truesdale.

5 Q. I'm going to show you this envelope. Is that what you
6 collected at S and G Mini-mart?

7 A. Yes, sir.

8 Q. What does envelope that contain?

9 A. This is the gunshot residue kit as well from Jerel
10 Davis, yes, sir.

11 Q. Did you secure these in evidence for eventual
12 transmission transfer to SLED?

13 A. Yes, sir.

14 MR. BARFIELD: Your Honor, I would like to offer Prayon
15 Truesdale GSR as State's 52 and Jerel Davis' as State's 53.

16 MR. FRICK: No objection.

17 THE COURT: Okay.

18 (The two GSR kits were received as State's 52
19 and 53.

20 Q. Did you find any -- I'm going to hand you an envelope
21 and ask if you can identify what is in that envelope?

22 A. Yes, sir. This is the cigarette butt that was located
23 on the driver's side floorboard of the front seat.

24 Q. Of the Malibu?

25 A. Yes, sir.

TESTIMONY OF JEFF STEELE

1 MR. BARFIELD: Your Honor, I would offer the cigarette
2 butt as State's Exhibit 54.

3 MR. FRICK: No objection.

4 THE COURT: Okay.

5 (The cigarette butt was received as State's
6 54.)

7 Q. Can you identify what is in that bag?

8 A. Yes, sir.

9 Q. From the labeling and from the appearance of it what is
10 it?

11 A. This is the black coat that was located in the back of
12 the vehicle, it was in the back seat behind the driver as
13 well.

14 Q. I'm going to show you State's Number 19. Do you
15 recognize what is shown in that photograph?

16 A. Yes, sir.

17 Q. And what is in that photograph?

18 A. That's the black jacket.

19 Q. That's in that bag in front of you right there?

20 A. Yes, sir.

21 MR. BARFIELD: Your Honor, at this time I would offer
22 the jacket as State's 55.

23 MR. FRICK: No objection.

24 THE COURT: Okay.

25 (The jacket was received as State's 55.)

TESTIMONY OF JEFF STEELE

1 Q. Was any processing done of this jacket or was it just a
2 piece of evidence that y'all took and locked into storage?

3 A. No, sir, we just collected it.

4 Q. Did you find anything else in that car of interest to
5 you?

6 A. Yes, sir.

7 Q. Generally speaking what was it?

8 A. Several other items were found inside the vehicle
9 besides what he's already been mentioned. There was a First
10 Citizens Bank envelope containing US currency.

11 Q. Stop right there, let's talk about them one at a time.
12 I'll show you State's Exhibit Number 16. Did you take that
13 picture?

14 A. Yes, sir, I did.

15 Q. And you just talked about the First Citizens Bank
16 envelope containing currency. Is it shown in that picture?

17 A. Yes, sir.

18 Q. Circle it.

19 A. (Witness complies.)

20 Q. Now, was there money in the bank envelope?

21 A. Yes, sir.

22 Q. Was there money outside the bank envelope?

23 A. Yes, sir, there was.

24 Q. How much money was in the bank envelope?

25 A. \$450.

TESTIMONY OF JEFF STEELE

1 Q. How much money in that picture was outside the bank
2 envelope?

3 A. \$200.

4 Q. I'm going to show you State's Exhibit Number 18. What
5 does that show? What's in that picture?

6 A. That's the bank envelope and the excess cash outside of
7 it.

8 Q. Was there other money found in the car?

9 A. Yes, sir, there was.

10 Q. Describe denominations and where it was found one item
11 at a time and I'll put a picture up of it when you tell me
12 what it is.

13 A. There was -- I said about the \$200. There was a \$10
14 bill located on the front passenger seat.

15 Q. Do you know if we have a picture specifically of that
16 bill, do you know whether we do?

17 A. I can't recall, I haven't looked at my pictures. It
18 should be pictures of the whole vehicle.

19 Q. Well, let me just show you some pictures and you tell
20 me what they are. State's Number 17, what seat of the car
21 is that?

22 A. That's the passenger seat and that's going to be your
23 \$10 bill there at the very front of it.

24 Q. State's Number 15, what's that a picture of?

25 A. That's the driver's side section of the vehicle.

TESTIMONY OF JEFF STEELE

1 Q. Was there money in that seat?

2 A. No, sir.

3 Q. Look and tell me for sure.

4 A. Yeah, there was some right there.

5 Q. Circle what is money in that seat.

6 A. Right in here.

7 Q. Is there a pocketbook in that seat?

8 A. Yes, sir.

9 Q. It's not a real clear picture, I apologize. Was
10 there -- other than the jacket, were there any clothing
11 items observed in the car?

12 A. Yes, sir.

13 Q. Generally what was it?

14 A. We had two red in color Red Ape shirts.

15 Q. And Red Ape, is that a brand?

16 A. That's just a type shirt.

17 Q. Where were those shirts?

18 A. They were located in the back seat behind the driver.

19 Q. And at some point did they get moved to -- I'm going to
20 show you a picture and just ask if you know what's in that
21 picture. What are those -- what's shown in that picture?
22 It's kind of hard to tell.

23 A. I can see the shirt there.

24 Q. And what seat are they sitting in there?

25 A. That's in the -- it looks like the passenger seat.

TESTIMONY OF JEFF STEELE

1 Q. Of the front?

2 A. Yes, sir.

3 Q. And do you know how they got there?

4 A. Nuh-uh.

5 Q. Can you identify what's in this container?

6 A. This is going to be a white envelope and a black
7 envelope.

8 Q. Is it okay for you to open it up and handle it at this
9 point?

10 A. Yes, sir.

11 Q. And is this identified with a particular bank?

12 A. Yes, sir, it is, First Citizens.

13 Q. Is that the envelope that had the 450 on it in the
14 front passenger seat of the car, front passenger floor of
15 the car?

16 A. Yes, sir, it is.

17 MR. BARFIELD: Your Honor, at this point I'll offer the
18 bank envelope as the next state's exhibit.

19 MR. FRICK: No objection.

20 (The bank envelope was received as State's 56.)

21 Q. I'm going to hand you this back and you handle it
22 however you want to handle it but I want to ask you some
23 questions about it. But at some point after you had seized
24 the bank envelope containing the money, did you do any
25 processing of the First Citizens envelope which is State's

TESTIMONY OF JEFF STEELE

1 Exhibit Number 56? Did you do some processing on that
2 envelope?

3 A. Yes, sir, I did.

4 Q. What did you do? What kind of processing?

5 A. Well, the first thing I did was do a visual examination
6 of it just to see if I noticed anything about it.

7 Q. And did you?

8 A. Yes, sir.

9 Q. What did you notice about it just from a visual
10 examination?

11 A. I noticed a defect in the bottom right hand corner of
12 the envelope.

13 Q. I'm going to hold it up and you -- have you got a pen
14 in your pocket?

15 A. I think I do.

16 Q. Point to what you say the defect is.

17 A. This is the defect right here.

18 Q. Now, can you say with certainty what that defect is?

19 A. Through my examination looking at it through a
20 comparator it had some burnt edges, it actually had
21 similarities to being a gunshot perforating it, going
22 through it.

23 Q. Did you do a gunshot residue kit on the envelope? Did
24 you do anything to confirm that one way or the other?

25 A. No, sir, I did not.

TESTIMONY OF JEFF STEELE

1 Q. Was there anything on that envelope that you took to be
2 perhaps biological or serological evidence?

3 A. Yes, sir, there was.

4 Q. What and where?

5 A. Just to the right of that side of the envelope here on
6 this side you cannot see -- it's really hard to see but if
7 you put it under a microscope there is some real small
8 itemized type red/brownish stains, once I located that they
9 had characteristics of possibly being high velocity impact
10 splatter. Based on that they was smaller than one
11 millimeter, I took DNA swabs from it and I had that sent to
12 SLED for testing.

13 Q. I'm going to hand you this envelope and ask if you can
14 identify -- can you tell me what is in there?

15 A. Yes, sir. That's going to be the swab I collected from
16 the envelope.

17 Q. And what's the process of swabbing the envelope? Kind
18 of the same procedure as buccal swabs sort of?

19 A. Similar. You just take a Q-tip and take a swab sample
20 of the actual blood or the stains and you send that down to
21 SLED for testing.

22 Q. Did you send this to SLED? After you did the swabs did
23 you seal them up and preserve them in the way that you are
24 trained to do?

25 A. Yes, sir, I did.

TESTIMONY OF JEFF STEELE

1 Q. And did they end up going to SLED?

2 A. They sure did.

3 MR. BARFIELD: Your Honor, at this time I would offer
4 the swabs as the next state's exhibit.

5 THE COURT: Okay.

6 (The swabs were received as State's 57.)

7 Q. At the scene there you told us a little bit ago you
8 took -- at S and G Mini-mart you said you took gunshot
9 residue kits from Jerel Davis and Prayon Truesdale. Were
10 other kits collected there at the scene at S and G Mini-mart
11 and turned over to you?

12 A. Yes, sir.

13 Q. Who were they from?

14 A. Captain Bailey and SLED Agent Lee Blackmon.

15 Q. And who were the subjects that they gave you GSR kits
16 for?

17 A. Shaun McCrorey and Heyward Truesdale.

18 Q. Did you take them and lock them into evidence as
19 normally you would do?

20 A. Yes, sir.

21 Q. Did you find any other firearms evidence in this case?
22 You talked about the pistol, you talked about the magazine,
23 anything else related to firearms in the car?

24 A. Yes, sir. I found some 12 gauge shotgun shells.

25 Q. Through the investigation, any connection to this case

TESTIMONY OF JEFF STEELE

1 with those shotgun shells as far as you know?

2 A. No, sir.

3 Q. Did you go to -- eventually get to Ingram and Church
4 Streets in Kershaw?

5 A. I did.

6 Q. Generally what did you do there?

7 A. I assisted Investigator Ken Taylor with his processing
8 evidence.

9 MR. BARFIELD: Thank you, sir. Answer anything
10 Mr. Frick has.

11 CROSS EXAMINATION

12 BY MR. FRICK:

13 Q. Investigator, was the first place you went to where the
14 burgundy car was?

15 A. Yes, sir.

16 Q. That's where Mr. Lewis was located?

17 A. Excuse me?

18 Q. Mr. Lewis, Douglas Lewis was at that location?

19 A. Yes, sir, he was.

20 Q. I'm going to ask you as soon as it pops up on the
21 screen, did you take this photograph as State's Number 8?

22 A. Yes, sir.

23 Q. Is that Mr. Lewis?

24 A. Yes, sir.

25 Q. Is that showing -- is that an accurate depiction of the

TESTIMONY OF JEFF STEELE

1 injury that he had?

2 A. Yes, sir.

3 Q. Did you see any other injuries on his person?

4 A. I didn't, no, sir.

5 Q. I think you said you looked in the vehicle and you
6 found -- you looked through his van and you find some items?

7 A. In the van?

8 Q. Yes, sir, the burgundy van.

9 A. Yes, sir, I did.

10 Q. I'm going to show you three pictures. Do you recognize
11 these?

12 A. Yes, sir, I do.

13 Q. Are those photographs you took?

14 A. Yes, sir.

15 Q. What you see there?

16 A. This is a box of Remington cartridges, a 9-millimeter
17 magazine with cartridges.

18 Q. Okay. And that's what you found -- whereabouts did you
19 find that stuff?

20 A. This was in the center console, the magazine was found
21 up under the driver's seat.

22 Q. Under the driver's seat?

23 A. Yes.

24 Q. And that's just two views of the same magazine we've
25 got there?

TESTIMONY OF JEFF STEELE

1 A. It appears to be, yes, sir.

2 MR. FRICK: Your Honor, I ask these be moved as
3 Defendants 1, 2 and 3.

4 MR. BARFIELD: No objection.

5 THE COURT: Okay.

6 (The photographs were received as Defendant's
7 1-3.)

8 Q. What I put up on the screen there, that's what's been
9 marked as Defendant's 2. That's the 9-millimeter clip that
10 you found in the drivers seat of that vehicle, correct?

11 A. Yes, sir.

12 Q. Was there any further analysis done with this thing?
13 Was it sent to SLED or --

14 A. The clip? No, sir.

15 Q. Did it -- you logged it into evidence, it stayed in
16 evidence in Lancaster County, correct?

17 A. Uh-huh.

18 Q. No fingerprints on it, no DNA, no analysis, right?

19 A. No, sir.

20 Q. No gun, in fact.

21 A. No gun.

22 Q. Did anybody ask Mr. Lewis about this thing to your
23 knowledge?

24 A. I didn't speak to Mr. Lewis.

25 Q. But part of your job -- part of your investigation is

TESTIMONY OF JEFF STEELE

1 to talk to the other investigators to find out what they've
2 learned, correct?

3 A. No, sir. When I get there I process the scene.

4 Q. You didn't have any conversation with anybody who had
5 had a conversation with --

6 A. Not at that time, no, sir.

7 Q. Did you at any point?

8 A. Excuse me?

9 Q. Did you at any point, though?

10 A. No, sir. When I first drove up I spoke to the
11 responding deputy and he advised me what he had as far as
12 Mr. Lewis, he's the one who told me who Mr. Lewis was and I
13 spoke to his girlfriend about getting consent to search the
14 van.

15 Q. But the deputy didn't talk to him about -- I guess my
16 question is what did you do when you find this?

17 A. I secured it. I collected it, secured it in the paper
18 bag and put it in the crime scene van.

19 Q. Next you go -- well, let's see, you said you saw
20 something that looked like a blood smear.

21 A. Yes, sir, on the armrest.

22 Q. On the armrest -- what -- driver's side -- which elbow
23 would it be?

24 A. It would have been the left side, driver's side arm
25 rest.

TESTIMONY OF JEFF STEELE

1 Q. So the door over there?

2 A. Yeah, on the side.

3 Q. And you photographed it, right?

4 A. Yes, sir.

5 Q. You didn't swab it.

6 A. No, sir.

7 Q. So at this point we don't really know -- I understand
8 the speculation but we did not confirm whose blood it was,
9 right?

10 A. No, sir.

11 Q. Did we collect anything else from that car?

12 A. Excuse me, now?

13 Q. Did you collect anything else from that vehicle?

14 A. Yes, sir, I collected some clothing items.

15 Q. What clothing items did you collect?

16 A. We had a red hat and black jacket which is in the
17 floorboard behind the driver's seat. I had a red and black
18 bandanna, it was also found on the armrest on the back seat
19 behind the driver.

20 Q. Anything done with that stuff?

21 A. Excuse me?

22 Q. Did you do anything with that stuff after you collected
23 it?

24 A. Yes, sir. I collected it, I placed it in a paper bag
25 and secured it.

TESTIMONY OF JEFF STEELE

1 Q. Was it sent anywhere?

2 A. No, sir.

3 Q. Once you secured all of that stuff you go over to S and

4 G Mart?

5 A. Yes, sir.

6 Q. I wanted to ask you about State's Number 16. That's

7 the photograph from that white Malibu, right?

8 A. Yes, sir.

9 Q. Now, solicitor briefly asked you about the shirts
10 moving. Did they move?

11 A. I didn't move them, no, sir, until I collected it.

12 Q. So when you got there this shirt is in this front seat?

13 A. Yes, sir.

14 Q. Did anybody say they had moved it from the back seat to
15 the front seat?

16 A. No, sir.

17 Q. In fact, the practice is when law enforcement stops the
18 car they secure the scene for you to come in and see it
19 exactly as it was when they got there, right?

20 A. Yes, sir.

21 Q. The envelope that's in this floorboard, that's the way
22 it was when you got there.

23 A. Yes, sir.

24 Q. With the money scattered on the floor?

25 A. Yes, sir.

TESTIMONY OF JEFF STEELE

1 Q. Did you find any money in the back seat?

2 A. No, sir.

3 Q. Was there any money collected off of Mr. Truesdale?

4 A. If there was I don't know, I didn't search Mr.

5 Truesdale.

6 Q. Do you know if anybody did?

7 A. I think someone did but I didn't. I mean, I'm sure he

8 was secured and patted down.

9 Q. To your knowledge nothing is collected off him.

10 A. No, sir.

11 Q. The envelope that we've got here on State's 56, this is

12 the one we saw in that picture and the floorboard, right?

13 A. Yes, sir, it is.

14 Q. Okay. Now, this -- I'm going to ask you about the

15 defect here. This is the defect you're talking about?

16 A. Yes, sir, it is.

17 Q. All right. Now, I know you're trained, I'm not

18 questioning that, how did that look like a bullet hole?

19 A. Just -- when I see a defect in this on the edge here

20 I'm going to examine that more closely than with my eyes. I

21 put it up under a microscope and around the edges, if you

22 get under the microscope you can see burned edges, that the

23 paper was actually burned.

24 Q. Did you see what would have been deemed gun powder?

25 A. It was just a burned edge, it was very similar to what

TESTIMONY OF JEFF STEELE

1 you get when that projectile goes through something.

2 Q. In your training are you able to make any determination
3 how distant that gunshot would have been to have burned the
4 paper?

5 A. No, sir.

6 Q. You would view it under the microscope?

7 A. Yes, sir.

8 Q. Was there any photographs of that view? Did you have
9 a --

10 A. No. I don't think I took any photographs under the
11 microscope.

12 Q. State's Number 19 here, this is the picture of the back
13 seat of the white Malibu?

14 A. Yes, sir.

15 Q. That's where the jacket was located?

16 A. Yes, sir.

17 Q. Had the gun already been removed from the jacket or do
18 you know?

19 A. When I got there the gun was sitting on the seat just
20 beyond right here, it was sitting right here.

21 Q. All right. Did anybody tell you where the original
22 location of the jacket was or do you know?

23 A. No, sir.

24 Q. And I guess the bag of shells, was that -- is that
25 reflected in this picture or do you know?

TESTIMONY OF JEFF STEELE

- 1 A. I think they were up there under this jacket, they were
2 in a plastic bag.
- 3 Q. Okay.
- 4 A. I think there's four of them.
- 5 Q. To your knowledge they had been in the pocket of the
6 jacket, or do you know?
- 7 A. What's that?
- 8 Q. The shells.
- 9 A. No. They were in a plastic bag in the back seat.
- 10 Q. Right. But had they been laying there or had they been
11 in the jacket or do you know?
- 12 A. I don't know.
- 13 Q. All right. And this is that jacket?
- 14 A. Yes, sir.
- 15 Q. State's 55. Okay. It was picked up and --
- 16 A. Secured and placed into evidence.
- 17 Q. Anything further happen with it?
- 18 A. No, sir.
- 19 Q. The red T-shirt that was in the front seat, collected.
- 20 A. Yes, sir.
- 21 Q. Anything happen with it?
- 22 A. No, sir.
- 23 Q. The total amount of money that you find in the car?
- 24 A. The total?
- 25 Q. Yes, sir.

TESTIMONY OF JEFF STEELE

1 A. 450 in the bank envelope, 200 outside of it.

2 Q. Right.

3 A. \$10 in the seat.

4 Q. Okay.

5 A. And I think there were \$4 found in the console.

6 Q. Okay. I ain't real good with math, but a little bit
7 less than 700 bucks?

8 A. Yeah, whatever that was.

9 Q. I was hoping you would add it up. All right. One more
10 second and I may be done with you. The gun that's found in
11 the car, do you make any attempt to collect fingerprints or
12 DNA off of it or is that sent onto someone else to do that?

13 A. We could do the fingerprints, we could not do DNA.

14 Q. Did y'all do that?

15 A. No, sir.

16 Q. And there was nothing in the magazine, right?

17 A. No, sir.

18 Q. And it was, in fact, in?

19 A. Yes, sir.

20 Q. Okay.

21 MR. FRICK: Thank you, sir, I believe that's all of the
22 questions I have.

23 REDIRECT EXAMINATION

24 BY MR. BARFIELD:

25 Q. I'm going to hand you four plastic envelopes. Just

TESTIMONY OF JEFF STEELE

1 look at them top to bottom the way I've got them stacked and
2 tell me first of all, do you recognize those envelopes?

3 A. Yes, sir, this is US currency.

4 Q. What's in the top one?

5 A. This is \$450, that was in the bank envelope.

6 Q. What's in the second one?

7 A. \$200 that was found in the floorboard.

8 Q. What's in the third one?

9 A. \$10 that was found on the front passenger seat.

10 Q. Front passenger seat or front driver's seat?

11 A. Front passenger seat.

12 Q. What denominations is that \$10 made up of?

13 A. Two fives.

14 Q. And what's the last one?

15 A. This is the \$4 that was found inside of the front
16 console.

17 MR. BARFIELD: Your Honor, at this time I would offer
18 these four envelopes as the next State's exhibits.

19 THE COURT: Let's mark them as Court's exhibits so they
20 won't go back and fight over them.

21 (The money was received as Court's 1.)

22 Q. Mr. Frick was asking you if anybody in the car had any
23 money on him or her. Do you have any recollection if
24 anybody in that car had money on them when they got taken
25 into custody?

TESTIMONY OF JEFF STEELE

1 A. That day I didn't.

2 Q. And did you determine that later on?

3 A. Yes, sir.

4 Q. Who had money on them?

5 A. One of the -- two of the people in the vehicle had it.
6 when the deputies searched them there, he turned in the
7 items to evidence.

8 Q. And did this get turned in to you to be put into
9 evidence?

10 A. Yes, sir.

11 Q. Specifically I'm going to show you this envelope and
12 ask you if you can identify what is in it?

13 A. This is going to be \$60, it was the property of Heyward
14 Truesdale, it was given to me by the deputy, turned in
15 through the deputy.

16 Q. And can you identify what's in that envelope?

17 A. Yes, sir. This is going to be US currency of \$125, it
18 was turned into evidence.

19 Q. From whom was this taken off?

20 A. Shaun McCrorey.

21 MR. BARFIELD: At this time I would offer these two
22 envelopes as State's exhibits.

23 THE COURT: Court's exhibits.

24 (The money was received as Court's 2.)

25 MR. BARFIELD: Thank you.

TESTIMONY OF JEFF STEELE

1 RECROSS EXAMINATION

2 BY MR. FRICK:

3 Q. All right. I asked you about it and you said you
4 didn't know anything about money, now you know about money.
5 Where did those come from?

6 A. That came from another deputy, I didn't collect that at
7 the scene.

8 Q. I asked you if anybody said there was money on them and
9 you didn't know.

10 A. I didn't collect it at that scene, he turned it into
11 evidence.

12 Q. When did it get collected?

13 A. I guess that day when he patted them down when he took
14 them to jail.

15 Q. And nobody advised you of this?

16 A. No, sir, it came to me through evidence.

17 MR. FRICK: Thank you, sir.

18 MR. BARFIELD: That's all from this witness, ask that
19 he be excused.

20 THE COURT: You are free to leave if you would like.

21 The witness, JOE CATALANO, was first duly sworn
22 and testified as follows, on:

23 DIRECT EXAMINATION

24 BY MR. BARFIELD:

25 Q. State your name, please.

TESTIMONY OF JOSEPH CATALANO

1 A. Joseph Catalano.

2 Q. And Mr. Catalano, I started to ask you by whom are you
3 employed, what are you doing in life right now?

4 A. I'm in law school, just finished my first year.

5 Q. What did you do before you went to law school?

6 A. I worked at the Lancaster County Sheriff's Office as an
7 investigator.

8 Q. How long were you employed by the sheriff's office
9 first?

10 A. Between three and a half and four years.

11 Q. How long were you an investigator with the sheriff's
12 office?

13 A. Almost two years.

14 Q. Did you participate in the investigation of the
15 shooting death of Harry Edward Blakeney and the shooting
16 injury of Douglas Lewis in Kershaw on 9-21 of '11?

17 A. I did.

18 Q. Where did you first go?

19 A. I first went to -- this would be September 21st of
20 2011, I went to the scene at Kershaw, to the scene of the
21 shooting.

22 Q. Did you do anything -- sounds like a bad question --
23 did you do anything of substance there before you relocated
24 to somewhere else?

25 A. No. I just spoke to my supervisor who told me to go up

TESTIMONY OF JOSEPH CATALANO

1 the road, there was a van that Investigator Steele was
2 processing and there I assisted him in processing the van.

3 Q. And did you personally collect any evidence at the
4 scene of the -- is this the burgundy van with Douglas Lewis?

5 A. It is. I just assisted Investigator Steele there.

6 Q. Did you relocate from there to somewhere else?

7 A. I did.

8 Q. Where did you go?

9 A. Back to the sheriff's office.

10 Q. And at the sheriff's office generally what did you do?

11 A. I took -- or I spoke to two of the suspects.

12 Q. And I don't want you to tell me what they said, but did
13 you interview a couple of the suspects?

14 A. I did.

15 Q. Now, later on some time did you collect some physical
16 evidence from one of the suspects?

17 A. I did.

18 Q. Who was that suspect?

19 A. A Shaun McCrorey.

20 Q. And on what authority did you collect physical evidence
21 from him?

22 A. A search warrant.

23 Q. Who had signed as affiant for the search warrant, or
24 who swore out the search warrant?

25 A. I did. I take that back, I executed the search

TESTIMONY OF JOSEPH CATALANO

1 warrant.

2 Q. Who got it from the magistrate?

3 A. Ken Taylor.

4 Q. Where did you execute or serve the search warrant?

5 A. In the detention center.

6 Q. And what were you serving -- what were you collecting
7 from Shaun McCrorey pursuant to the search warrant?

8 A. Buccal swabs for DNA.

9 Q. I'm going to show you an envelope and ask you if you
10 can identify what's in it?

11 A. Those are the buccal swabs that I collected.

12 Q. From Shaun McCrorey?

13 A. That's correct.

14 Q. What did you do with them after you collected them?

15 A. We turned them into evidence and they were sent to SLED
16 to process for DNA.

17 Q. All right.

18 MR. BARFIELD: Your Honor, at this time I would offer
19 the Shaun McCrorey buccal swab as the next State's Exhibit.

20 MR. FRICK: No objection.

21 THE COURT: Okay.

22 (The buccal swab was received as State's 58.)

23 MR. BARFIELD: Thank you, sir, that's all of the
24 questions I have. Answer anything Mr. Frick has.

25 CROSS EXAMINATION

TESTIMONY OF JOSEPH CATALANO

1 BY MR. FRICK:

2 Q. Whatever possessed you to decide to go to law school?

3 A. I don't know.

4 Q. All right. You collected the buccal swabs, you did
5 talk to a couple of folks, correct?

6 A. I did.

7 Q. Were they extensive interviews or were you a
8 participating witness, or what was your role?

9 A. In the interviews?

10 Q. Yeah.

11 A. The first day with one of the interviews it was
12 basically me talking to Mr. Davis and then with Ms.
13 Truesdale.

14 Q. Prayon Truesdale?

15 A. I was a co-interviewer, Investigator Crump and I both
16 talked to her together.

17 Q. But as far as initially talking to Mr. Davis that was
18 you?

19 A. No. When Mr. Davis was brought to the sheriff's
20 office. I believe when they -- when the car was stopped
21 when these people were first contacted by law enforcement I
22 was there, at that point I was still with the crime scene.

23 Q. Okay. At what point did you come back in contact with
24 Jerel Davis, or I guess in contact?

25 A. It was the same day within an hour or two after law

TESTIMONY OF JOSEPH CATALANO

1 enforcement made their initial contact with Mr. Davis.

2 Q. Had he been developed as a suspect at that time?

3 A. He had. They had all been developed as suspects by
4 that time.

5 Q. Did he give you a statement?

6 A. That day he did not.

7 Q. And did he, in fact, say he didn't know nothing about
8 it?

9 A. That's correct.

10 Q. I think this is your supplement, if it's not let me
11 know.

12 A. This is my supplement.

13 Q. Did he tell you where he was?

14 MR. BARFIELD: Your Honor, I think he's asking him
15 about Jerel Davis' statements and I think it's hearsay, I
16 think that's what he's asking him.

17 THE COURT: If he didn't take it it is.

18 MR. FRICK: He did take the statement though, that's
19 what he said.

20 THE COURT: Well, if he took the statement --

21 MR. BARFIELD: He's not the witness, though, it is
22 hearsay.

23 MR. FRICK: I agree it's hearsay but it's an exception
24 because he's the one that took the statement.

25 THE COURT: It comes in.

TESTIMONY OF JOSEPH CATALANO

1 Q. What did Mr. Davis tell you?

2 A. When I spoke to Mr. Davis he told me he wasn't even in
3 Kershaw when the incident happened, he basically denied any
4 involvement.

5 Q. Other than that statement and participating with Crump
6 on Ms. Truesdale, did you take any other statements?

7 A. That day, no, sir, I didn't.

8 Q. At any point were you with any statements?

9 A. Yes, sir. Later on I took a statement from Mr.
10 Truesdale, I believe, several days, or I was a participant
11 in that statement as well as Crump and I again.

12 Q. Did you collect any evidence at the scene or at any
13 point in this case?

14 A. Other than assisting Investigator Steele at the scene
15 and then once again I assisted I believe it was Investigator
16 Steele, the car that they were caught in was brought back to
17 the sheriff's office and we searched that car again. I was
18 assisting in that search as well.

19 Q. Congratulations on finishing up your first year.

20 A. Thanks.

21 MR. FRICK: That's all of the questions I have.

22 MR. BARFIELD: That's all and ask that he be excused.

23 THE COURT: Free to leave.

24 (Break in proceedings.)

25 THE COURT: Okay. Jurors, don't talk about the case,

TESTIMONY OF JANICE ROSS, M.D.

1 we're waiting on somebody to get here that is in route.

2 (The jury left the courtroom and a recess was
3 taken.)

4 (The jury returned to the courtroom.)

5 MR. BARFIELD: Call Dr. Janice Ross.

6 The witness, JANICE ROSS, M.D, was first duly
7 sworn and testified as follows, as:

8 DIRECT EXAMINATION

9 BY MR. BARFIELD:

10 Q. Tell us your name, please, ma'am.

11 A. Janice Edwards Ross.

12 Q. And Dr. Ross, what are you by profession?

13 A. I'm a forensic pathologist.

14 Q. And does that mean you're a medical doctor first?

15 A. Yes.

16 Q. Where did you go to undergraduate school?

17 A. At the University of South Carolina, and I received my
18 MD from Upstate Medical Center in Syracuse, New York.

19 Q. How long have you been practicing medicine?

20 A. Thirty-seven years.

21 Q. Are you a board certified forensic pathologist?

22 A. Yes.

23 Q. How long have you been board certified.

24 A. Since 1985.

25 Q. Have you got any idea how many autopsies you've done

TESTIMONY OF JANICE ROSS, M.D.

1 since you've been a board certified pathologist?

2 A. Over 1,000.

3 Q. Have you been testified in this state as well as others
4 as an expert in forensic pathology before?

5 A. Yes.

6 Q. Have you always been qualified as an expert to be a
7 forensic pathologist?

8 A. Yes.

9 Q. Any judge ever turned you down as an expert in forensic
10 pathology when you were offered as such?

11 A. No.

12 MR. BARFIELD: Your Honor, at this time I offer Dr.
13 Ross as an expert in the field of pathology.

14 MR. FRICK: No objection.

15 THE COURT: Okay. What she's qualified to do is give
16 opinions in the field that she's an expert in.

17 Q. Well, do you do autopsies in deaths that occurred under
18 all kinds of circumstance?

19 A. Yes, I do. We do autopsies at Newberry County Memorial
20 Hospital in the morgue and we are Newberry Pathology
21 Associates, we do autopsies for coroners.

22 Q. Are some of the autopsies you do related to accidental
23 deaths?

24 A. Yes.

25 Q. Are some of them related to homicides?

1 A. Yes.

2 Q. Are some of them related to suicides?

3 A. Yes.

4 Q. Now, generally speaking when you do a forensic autopsy
5 just describe to the jury the general process, not all of
6 the detail yet, but the general process.

7 A. We look at the total body. We look at the clothing, we
8 look at the external body and then we do our routine autopsy
9 looking at the internal organs. We're looking for patterns
10 of injury and natural death, natural diseases, take
11 photographs and collect specimens for documentation and for
12 toxicology purposes.

13 Q. All right. Did you, I'm guessing probably on August
14 (sic) 22nd of 2011, receive a body identified as that of
15 Harry Edward Blakeney for autopsy?

16 A. Yes.

17 Q. Did you know any of the -- were you given a little bit
18 of background of the circumstances of Mr. Blakeney's death?

19 A. Yes. That he was shot by someone leaving the scene in
20 the car in the front yard.

21 Q. Do you recall whether a crime scene investigator with
22 the Lancaster County Sheriff's Office was present during the
23 autopsy?

24 A. Yes.

25 Q. Okay.

TESTIMONY OF JANICE ROSS, M.D.

1 A. Ken Taylor.

2 Q. How old did you determine Mr. Blakeney to be from
3 history or whatever information that was provided to you?

4 A. From history he was 69 years old.

5 Q. Do you measure and weigh the body?

6 A. Yes, we do.

7 Q. And the measured body height-wise or length would be
8 approximately what?

9 A. 71 inches which is 5 feet, 11 inches. We don't have as
10 scale in the morgue so we estimate a weight and we estimated
11 210 pounds.

12 Q. All right. Is part of the autopsy process to determine
13 injury from unnatural sources?

14 A. Yes.

15 Q. Is part of the autopsy process to determine disease or
16 illness in the body?

17 A. Yes.

18 Q. Let's talk about that first. Did Mr. Blakeney have any
19 internal medical conditions that you noted when you did your
20 autopsy?

21 A. Yes. He had an enlarged heart, it was about twice the
22 normal size, and he also had some hardening of the arteries
23 or arthrosclerosis of two of the three main coronary
24 arteries.

25 Q. What we would commonly refer to as blocked arteries?

1 A. Yes.

2 Q. Was there evidence that he had had surgery for heart
3 problems in the past?

4 A. Yes. He had a stint in one of the arteries.

5 Q. Did any of the heart problems that you noted on autopsy
6 kill Mr. Blakeney?

7 A. No.

8 Q. On your external examination of the body other than
9 gunshot wounds which we'll talk about in a little bit, were
10 there injuries to the body that you observed externally
11 other than gunshot wounds?

12 A. Yes. There was some abrasions and bruises about the
13 face.

14 Q. Were there glasses with the body?

15 A. Yes.

16 Q. What was the condition of the glasses?

17 A. The glass was broken, the lenses were broken.

18 Q. Did you see any injuries to Mr. Blakeney's face that
19 you associated with damage to the glasses?

20 A. Yes.

21 Q. Describe that.

22 A. There was a laceration underneath the left eye, I
23 believe it was, that would have been caused from the glass
24 hitting that area of the skin.

25 Q. Okay. Were there what you characterized as gunshot

TESTIMONY OF JANICE ROSS, M.D.

1 wounds to the body of Mr. Blakeney?

2 A. Yes.

3 Q. Let's talk about gunshot wounds for just a minute.

4 What's an entrance gunshot wound?

5 A. Where the bullet enters the skin.

6 Q. I'm going to ask another stupid question, but what's an
7 exit gunshot wound?

8 A. Again where the bullet exits the body.

9 Q. And when you are numbering and counting, do you call
10 them separate gunshot wounds?

11 A. We call each gunshot wound, I'm not sure what you're
12 asking, but an entrance wound exit would be one gunshot
13 wound.

14 Q. How many gunshot wounds did you determine there were to
15 the body of Mr. Blakeney?

16 A. Six.

17 Q. If you would let's go through them and the numbers
18 sequence that you used. Gunshot wound number one if you
19 would as you describe it point on yourself where you are
20 referring to.

21 A. Gunshot wound number one entered underneath the left
22 ear and went for -- it did not go through the brain but it
23 went through the jawbone and part of the larynx and came out
24 in the right cheek.

25 Q. What damage was there to the jawbone as a result of

TESTIMONY OF JANICE ROSS, M.D.

1 that gunshot wound?

2 A. Fracture and probably a lot of lacerations, of a lot of
3 arteries that are in that area.

4 Q. All right.

5 A. Gun shot wound number -- we number the wounds, the
6 gunshots from top to bottom, it doesn't mean that is the
7 order they were received.

8 Q. Are you able to tell from looking at a body what
9 gunshot wound entered the body occur first, second, third,
10 are you able normally to tell that?

11 A. No. Unless they're all in the head and then you look
12 at the fractures, but no.

13 Q. Go ahead, gunshot wound number two.

14 A. Gunshot wound number two went in the left back, left
15 midback and it went forward, upward and towards the right
16 and came out just at the base of the front of the neck.

17 Q. What did it do inside?

18 A. It lacerated the aorta and lungs and some of the
19 vessels of the neck and caused a lot of hemorrhaging inside
20 the chest cavity.

21 Q. Okay.

22 A. Okay. Gunshot wound number three was in the right
23 chest and it went front to back slightly downward and
24 slightly to the left and exited the back. That just
25 lacerated part of the diaphragm and some blood vessels but it

TESTIMONY OF JANICE ROSS, M.D.

1 was not necessarily fatal.

2 Q. Okay.

3 A. Gunshot wound number four went left to right through
4 the buttocks, from the left side buttocks through and out
5 the right buttock.

6 Q. Okay.

7 A. Gunshot wound number five went through the left thigh,
8 it went through -- sort of through the inner back thigh to
9 the mid and front thigh but all in the left leg.

10 Q. All right.

11 A. And gunshot wound number six went through the left
12 hand.

13 Q. Describe that wound on the left hand.

14 A. It went through at the base of the index finger and
15 then out through the palm of the hand.

16 Q. Are you able to say whether that is a completely
17 separate gunshot wound than either of the other five? For
18 example, could it have been part of a blocking defensive
19 type wound or can you say at all whether that's possible?

20 A. It could have been part of another wound from the left
21 hand. The bullet might have reentered the skull, most of
22 these entrance wounds were pretty round. Sometimes if
23 you -- if it goes in and out of the hand and then reenters
24 the body it might be going sideways so that entrance wound
25 looks a little more oblong, but it's possible that could

1 have reentered the body.

2 Q. Don't know one way or the other.

3 A. Correct.

4 Q. Do you measure entrance wounds? Do you measure
5 entrance and exit wounds?

6 A. Yes.

7 Q. And did you measure entrance wounds for these six on
8 Mr. Blakeney?

9 A. Yes.

10 Q. And I don't want you to give me the precise
11 measurements for all six, but generally what size wounds
12 were these measuring out to be, the entrance wounds?

13 A. .38 to .4 inches, which it's hard to tell a caliber
14 from that.

15 Q. All right. Did you find any evidence of fired bullets
16 or bullet jackets or bullet jacket fragments with the body
17 of Mr. Blakeney?

18 A. There was one fragment of metal underneath the body.

19 Q. Not embedded in tissue anywhere?

20 A. No, sir.

21 Q. I'm going to show you a manila envelope which contains
22 a plastic envelope and ask you if you can identify the
23 contents of that plastic envelope? And I'm referring to
24 State's Exhibit Number 46.

25 A. That's a fragment of the jacket that we found

TESTIMONY OF JANICE ROSS, M.D.

1 underneath the body of Mr. Blakeney.

2 Q. Are you able at all to tell us anything about the
3 ballistics characteristics of this piece of metal in this
4 envelope?

5 A. No, sir.

6 Q. Mr. Blakeney was shot from the front and from behind,
7 is that --

8 A. Yes, and from the side.

9 Q. Are you able to tell us -- is there any way for you to
10 reconstruct the events of the shooting to tell us where the
11 shooting was, where Mr. Blakeney was, anything like that
12 from evidence that you glean in an autopsy --

13 A. No.

14 Q. -- without a video of it happening I guess.

15 A. No, sir.

16 Q. Did you determine the cause of death for Harry Edward
17 Blakeney?

18 A. Yes.

19 Q. And what was the cause of death?

20 A. Exsanguination, which means to bleed out due to a
21 laceration of the lung and the aorta due to the gunshot
22 wound to the back.

23 Q. Which is I think your number two gunshot wound.

24 A. Yes.

25 Q. Again, did his heart condition contribute at all to his

1 death?

2 A. No. The heart -- with that much bleeding is evidence
3 that the heart was still beating at that time.

4 MR. BARFIELD: Thank you, ma'am, answer anything
5 Mr. Frick has.

6 CROSS EXAMINATION

7 BY MR. FRICK:

8 Q. Dr. Ross, you said you cannot determine what caliber of
9 gun did these wounds?

10 A. No, sir. It's consistent with medium caliber but not
11 exactly.

12 Q. What are medium calibers?

13 A. Like a 380 or a 38.

14 Q. Is a 9-millimeter in that range?

15 A. 9-millimeter, yes, sir.

16 Q. And, of course, you do your work over in Newberry. You
17 don't go to the scene and do any investigation to
18 reconstruct, correct?

19 A. That's correct.

20 Q. You go by what little bit of information is told to
21 you, how the person arrived to you.

22 A. Yes, sir.

23 Q. Not a detailed description, just basics so you have
24 something to go on as you begin?

25 A. Yes, sir.

TESTIMONY OF JANICE ROSS, M.D.

1 Q. Can you tell or could you tell in this case how far
2 away somebody was when they shot?

3 A. The range of the bullet -- when a bullet comes out of a
4 gun so does soot and powder and the soot and powder only go
5 a certain distance where obviously the bullet goes further.
6 So if you see evidence on the skin of powder or soot you can
7 give an estimate of range of the wound, but there was no
8 such evidence there. There was no soot and no stippling or
9 tattooing, so all I can say was a distant gunshot wound.

10 Q. Was any on any clothing? Some of these bullets went
11 through clothing, right?

12 A. Not that I could see but that has to be tested for GSR,
13 gunshot residue.

14 Q. Okay. All right. And these wounds were through and
15 through for the most part?

16 A. Yes, sir.

17 Q. Except for the one where you found the fragment. Where
18 did you find that?

19 A. That was underneath the body. We did x-rays of the
20 whole body basically to look for any metal inside but there
21 was none.

22 Q. And the fragment was not in the body but was with the
23 body.

24 A. Correct, it was probably caught in the clothing. When
25 we took the clothing off it fell into the body bag.

TESTIMONY OF JANICE ROSS, M.D.

1 Q. You said that this would be a distant gunshot I think,
2 is that basically what you said?

3 A. That's all I have evidence for.

4 Q. Any idea what distance is distant?

5 A. It depends on the gun and the caliber and the type of
6 ammunition, but generally at least 3 feet.

7 Q. Any closer --

8 A. Two or 3 feet.

9 Q. -- then you would likely see the stippling and whatnot
10 at some point?

11 A. Within 2 feet you would see some stippling and
12 tattooing.

13 Q. Is that what we call powder burn?

14 A. Yes, sir.

15 Q. None of that was present, so your best guess is the
16 shooting -- the shooter was at least two or three feet away.

17 A. Two to three feet, yes.

18 MR. FRICK: Dr. Ross, that's all of the questions I
19 have.

20 MR. BARFIELD: Nothing further, ask that she be
21 excused.

22 THE COURT: You are free to go.

23 MR. BARFIELD: We are done for the day.

24 THE COURT: All right. Jurors, it is kind of beyond my
25 control -- don't talk about the case. I'm going to a

TESTIMONY OF JANICE ROSS, M.D.

1 funeral in Camden for one of my good friends that died -- 25
2 years I have only not held court two times. But normally I
3 just go to the visitation, he didn't have a visitation, went
4 by the house and visit with the children, well his wife died
5 before he died, the kids are long gone, they're just coming
6 in, just going to have a funeral at 3:00 so we're going to
7 go. I normally just let my wife go but she was already
8 committed to go somewhere else. A former CPA of mine so I
9 can't really not go, I have known him 50 years. We will
10 crank it back up in the morning at -- 9:05 good again?

11 MR. BARFIELD: Yes, sir, that's very good.

12 THE COURT: And again, don't go down to Kershaw to go
13 riding around.

14 (The jury left the courtroom.)

15 THE COURT: Okay. Mr. Truesdale, you're going to have
16 to make a decision at some point about whether to testify or
17 not, you don't have to do it now but you've got all day to
18 think about it and all night. I know you've already talked
19 it over with Mr. Frick, there are good reasons to testify
20 and good reasons for not. If you testify you get cross
21 examined -- I don't know anything about your background, if
22 you have a prior criminal record sometimes they can bring it
23 out but they can tell all of that before you testify so you
24 will know whether it will be brought out or not. If you
25 elect not to testify and you wanted me to tell the jury

TESTIMONY OF JANICE ROSS, M.D.

1 whether they could consider that I will be happy to do that.
2 But the bottom line, it's an important decision, I'll ask
3 you about it again tomorrow but you need to talk it over
4 with your family, talk it over with Mr. Frick today if you
5 decide whether you are going to take the stand or not, all
6 right. You don't have to tell me anything now, I just --
7 since you've got plenty of time to think about it now is a
8 good time to start thinking about it. Anything else I can
9 help anybody with?

10 MR. BARFIELD: I think we are good.

11 THE COURT: Okay. 9:05.

12 (Court adjourned for the evening and resumed at
13 9:15 a.m., on Wednesday, May 15, 2013.)

14 THE COURT: Okay, bring the jury in.

15 (Jury returned to the courtroom.)

16 MR. BARFIELD: Call John Roberts.

17 The witness, JOHN ROBERTS, was first duly sworn
18 and testified as follows, on:

19 DIRECT EXAMINATION

20 BY MR. BARFIELD:

21 Q. Tell us your name, please, sir. I am going to be
22 shuffling around while you do that trying to put my hands on
23 things. What is your name?

24 A. My name is John Roberts.

25 Q. Mr. Roberts, by whom are you employed?

TESTIMONY OF JOHN ROBERTS

1 A. I work for the South Carolina Law Enforcement Division
2 more commonly called SLED.

3 Q. How long have you been employed by SLED?

4 A. It was eight years in February.

5 Q. What section or division of SLED are you currently
6 employed in?

7 A. I am in the arson investigations section right now.

8 Q. How long ago did you move to arson investigations?

9 A. November of 2012.

10 Q. And what department of SLED did you work in prior to
11 moving to arson?

12 A. I was in the forensic services lab in the trace
13 evidence department.

14 Q. And in a nutshell what did you do in the trace evidence
15 department?

16 A. Well, trace evidence, what we do is we analyze evidence
17 that you can't see with your naked eye. My main duty in
18 trace evidence from about 2009 until 2012 when I transferred
19 out was the analysis of gunshot residue.

20 Q. What is gunshot residue?

21 A. Gunshot residue is the term that we give to the
22 particles that are ejected from a firearm when it is fired,
23 more specifically it is the metals that are contained in the
24 primer of a bullet. If you ever look in the back end of a
25 bullet of a center fired bullet there is a disc in the

1 center of the back of that cartridge and that contains an
2 explosive compound that had these metals in it. When the
3 gun is fired those metals are vaporized and they are
4 released through the muzzle or through the ejector port, or
5 thought the cylinder gap if it's a revolver, and agencies
6 across the state are given gunshot residue collection kits
7 that are used to collect these metals off of anybody's hands
8 who they think may have been involved in the incident.

9 Q. Are there different kinds of metals that you're looking
10 for when you're analyzing gunshot residue evidence
11 collection kits?

12 A. Yes, sir. There are three kinds of metals, they are
13 lead and barium and antimony. And the amounts of those
14 metals, or based on the amounts of those metals would give
15 results on whether we think that somebody fired a gun or was
16 near a gun when it went off or simply handled the firearm.

17 Q. Now, is it -- and you might have just done this and I
18 was probably looking at something while you did, but how
19 does gunshot residue come out of a gun? Let's talk
20 specifically about a semiautomatic pistol.

21 A. Sure. The majority of gunshot residue is going to come
22 out of the muzzle, that's the biggest opening, that's
23 where -- when you point it at something that's where
24 everything comes out. There would be smaller amounts that
25 come out of the ejector port, usually it's on the right hand

TESTIMONY OF JOHN ROBERTS

1 side of the firearm is where the cartridge is ejected.
2 There will also be a small amount that comes out of the
3 trigger. There's a crack there where the trigger goes up in
4 the frame, anywhere there's a crack or opening in the pistol
5 gunshot residue comes out. So what we look for is we look
6 for it on the palms and backs of the hands of the shooter or
7 anybody that was near the gun when it went off.

8 Q. Is it -- is gunshot residue always going to get on the
9 hands of the shooter of a semiautomatic pistol?

10 A. It will usually get on the hands of the shooter,
11 however it's very easily removed. You can go and shoot
12 three or four or five rounds or take a day and go shoot
13 rounds at the range, put a whole box down at the range and
14 as soon as you stop shooting your body starts absorbing this
15 material. If you don't do anything after about six hours
16 your body will absorb the majority of this material to the
17 point where even if I find it I wouldn't associate it with
18 shooting a gun. In addition to that, you're going to put
19 your gun away so now you've touched whatever you have put
20 your gun in. If you're like me and you carry it around with
21 me all the time you've touched your holster, you've touched
22 your pants because you're pulling keys out of your pockets,
23 you've touched a car door that you got in to to drive to the
24 range unless you're lucky enough to have one at your house
25 in which case you've touched the door handle at your house,

1 you've gone in the house. Everything that you've touched
2 has started removing the gunshot residue from your hands.
3 If you wash your hands it will go away and it will go away
4 fast. It's a lot like flour, if you ever bake you use a lot
5 of flour and you're messy like me you get flour everywhere
6 especially on your hands. As soon as you put your hands
7 under running water the majority of that flour disappears
8 off your hands, it runs down the sink. Gunshot residue is a
9 lot like that, running water would remove it, wiping your
10 hands on anything will also remove it.

11 Q. All right. What is a verified chain of custody? Is
12 that a document that you're familiar with?

13 A. Yes, sir. Verified chain of custody is when a case
14 goes to court and somebody wants to know exactly where
15 pieces of evidence involved in that case have been
16 throughout its tenure at SLED. There is a chain of custody
17 that is generated and it tracks evidence from the time that
18 it comes into SLED into our log-in department, in my case
19 from the time it moves from the log-in department up to
20 where I was in trace into my custody, how long I have it and
21 then when it goes back downstairs and is returned to the
22 submitting agency. A verified chain of custody simply means
23 that we as an analyst have received notice that we need to
24 go back and check and make sure. So we open up the chain of
25 custody, we go and find the case jacket and make sure that

TESTIMONY OF JOHN ROBERTS

1 the dates all match up and then send an email back saying,
2 yes, this is what happened and then it is verified by our
3 chain of custody person asset.

4 Q. I'm going to show you a document which is 54 pages
5 long. Can you tell the jury if you recognize that and know
6 what it is?

7 A. This appears to be a chain of custody.

8 Q. Okay. And does SLED assign numbers to cases that come
9 into SLED?

10 A. They do.

11 Q. And what do y'all call that number?

12 A. I wish I had it. What happens is the case will come
13 in, and in this case it is from the Lancaster County
14 Sheriff's Office, it is assigned a number starting with the
15 year that it comes in, in this case it was 2011 so it was
16 L11.

17 Q. What does the L stand for, lab?

18 A. It stands for lab. Then it's just given a number,
19 whatever number it is of that year, in this case it was
20 10927, so it was 10,927 for the year, that is the case
21 number for this, or the case number for this case. Each
22 piece of evidence in this case is assigned a number; one,
23 two, three, four, whatever. In my case I had several pieces
24 of evidence starting with item 15 and running all of the way
25 through item 22.

1 Q. Let me interrupt you just a minute. Are there
2 sub-numbers under the main item number for some items that
3 come into SLED, particularly for the items that you worked
4 on in this case?

5 A. Yes, sir, there are.

6 Q. Describe how that's broken out.

7 A. What happens is when I get a gunshot residue kit in it
8 comes in for example as number 15. I get that gunshot
9 residue, I check it to make sure that it's sealed and that
10 it hadn't been tampered with, and then it's opened and each
11 sample from the gunshot residue kit is sub-itemed into its
12 own number. So what we do at SLED in the trace evidence
13 department is we test samples from the right palm of the
14 hand, the right back of the hand, the left palm of the hand
15 and the left back of the hand, so four samples from each
16 gunshot residue kit, those samples are given subitem
17 numbers. So number 15 starts out at number 15, then it goes
18 15.1, 15.2, 15.3 and 15.4, and those subitem numbers stay
19 with those subitems throughout the case.

20 Q. What is the big document that I gave you just a minute
21 ago? Is that the verified chain of custody for this case?

22 A. It's the verified chain of custody, it is.

23 Q. And does that include the items that you briefly
24 referred to and we'll talk about more in a minute, plus all
25 other items that went through SLED from this case from the

TESTIMONY OF JOHN ROBERTS

1 Lancaster County Sheriff's Office?

2 A. It appears that it does.

3 MR. BARFIELD: Your Honor, at this time I would offer
4 the chain as the next State's exhibit.

5 MR. FRICK: No objection, Your Honor.

6 THE COURT: Okay.

7 (The chain of custody document is received as

8 State's 59.)

9 Q. Mr. Roberts, I laid out a whole bunch of items in front
10 of you. Start on that end, look at it and tell me if you
11 know what it is.

12 A. These are all gunshot residue kits that were submitted
13 to me in this case.

14 MR. BARFIELD: Your Honor, for simplicity purposes, can
15 I stand over there next to him?

16 THE COURT: You can stand over there.

17 Q. Mr. Roberts, I'll ask you, I'll refer to SLED item
18 number and then the State's exhibit number in reverse order.
19 I'm showing you State's Exhibit 10 which appear to be SLED
20 item 15, just tell us what it is. Are all of these GSR
21 kits?

22 A. Yes, sir.

23 Q. And who is that first GSR kit from?

24 A. This first GSR kit is from Douglas Lewis. And that's
25 the label that we put on it, you can see it's bright yellow,

1 you can't hardly miss it, it gives the lab number and the
2 case number, or lab number and the number for the piece of
3 evidence. It also has my handwriting all over it because I
4 analyzed it. What's in here is a gunshot residue kit.
5 There are two types of things that we do in sampling for
6 gunshot residue, there are particle lifts which are aluminum
7 disks with sticky tape on them which are used to analyze for
8 gunshot residue and there are swabs to that are treated with
9 dilute nitric acid that are utilized to look for the metals
10 or for quantities of metals. And this kit has both of those
11 in it.

12 Q. All right. I'm going to show you State's Exhibit
13 Number 36 which is SLED item number 17. Whose gunshot
14 residue evidence collection kit is that?

15 A. It is a gunshot residue kit from Heyward Rashard
16 Truesdale.

17 Q. Same question, State's Exhibit Number 52, SLED item
18 number 18. Whose GSR kit is that?

19 A. It's a gunshot residue kit from Prayon Truesdale.

20 Q. Same question about State's Exhibit 35, SLED item
21 number 19, whose GSR kit is that?

22 A. Number 19, State's Exhibit 35 is a GSR kit from Shaun
23 Nichols McCrorey.

24 Q. Same question as State's Exhibit 53, SLED item number
25 20. Whose GSR kit is that?

TESTIMONY OF JOHN ROBERTS

1 A. State's 53 is a GSR kit from Jerel Davis.

2 Q. State's Exhibit 44, Sled item 21. Whose kit is that?

3 A. State's 44 is a GSR kit from Freedonia Truesdale.

4 Q. And finally State's 45, SLED item 22. Whose GSR kit is
5 that?

6 A. State's 45 is a GSR kit from Harry Edward Blakeney.

7 Q. Now, I forgot to ask you a couple of things. How did
8 you learn to be a trace evidence analyst?

9 A. I've got a Bachelor of Science Degree in Chemistry from
10 Texas A&M Corpus Christi. When I moved out of Texas and
11 moved to South Carolina I got my job at SLED in the trace
12 evidence department and I started training in gunshot
13 residue, that's the first thing they teach the new hires in
14 the trace evidence department mainly because it's the thing
15 that we get the most of. I trained under my lieutenant who
16 had been at SLED by then for 20 years and who had been doing
17 gunshot residue for ten. I learned how to do gunshot
18 residue underneath him, I helped him with his cases, I
19 learned how to intake evidence, I learned how to process the
20 gunshot residue kits, how to set up the instrumentation that
21 we used, how to generate data, how to read the generated
22 data and how to draw conclusions and write reports based on
23 the data generated. After about four months of doing this I
24 was given a case of my own as a test and I was put in a
25 situation much like this, except as jurors I had all of the

1 people that were qualified in court to do gunshot residue
2 taking Mr. Barfield's place and grilling me like a really
3 bad steak. After I passed that test I was given my own
4 cases to work and I have worked gunshot residue pretty
5 steady from about the end of 2005 until the end of 2012, and
6 the majority of my work was done from 2009 to 2012.

7 Q. Have you been called upon to testify as an expert in
8 the courts of this state as a trace evidence analyst on
9 occasions?

10 A. Yes, sir, I have.

11 Q. Probably how many times?

12 A. Sixty-four times.

13 Q. Have you ever been offered as an expert in trace
14 evidence analysis and not qualify as an expert?

15 A. No, sir, I have not.

16 MR. BARFIELD: Your Honor, at this time I would offer
17 Mr. Roberts as an expert in trace evidence analysis.

18 MR. FRICK: No objection.

19 THE COURT: Okay. Again jurors, they just have to
20 demonstrate through education, training, work and
21 experience, a combination of those factors, that they've
22 acquired more knowledge in the field than you or I have.
23 You are not bound to accept any opinions he gives but you
24 can to consider them. He has to state his opinions to a
25 reasonable degree of certainty. I didn't say that the first

TESTIMONY OF JOHN ROBERTS

1 time because once I say that every witness begins to say to
2 a reasonable degree of certainty and they don't have to say
3 that each time.

4 Q. Mr. Roberts, I'm going to make this real simple. Did
5 you analyze, however many kits it is, it looks like seven?

6 A. Yes, sir, I did.

7 Q. And for the presence of gunshot residue on the samples
8 taken from the fronts and backs of both hands of each of the
9 individuals whose kits those were collected -- from whom
10 those kits were collected?

11 A. Yes, sir I did.

12 Q. Bottom line, did you find evidence of gunshot residue
13 on any of the kits -- in any of kits?

14 A. I did not find gunshot residue per se on any of the
15 kits. On a couple of the kits -- and if you will give me a
16 second I'll refer to my report and I'll tell you exactly
17 where and whom I found the metals that I associate with
18 gunshot residue on. I found metals that I would associate
19 with gunshot residue, however gunshot residue is a little
20 tricky. What we look for to make a specific call that we
21 found gunshot residue is a round or spherical particle that
22 contains the three elements of the primer; lead, barium and
23 antimony. Those round particles with those three elements
24 are unique to gunshot residue, they don't come from anywhere
25 else. In this case I didn't find any of those specific

1 round particles, however I found round lead particles on at
2 least one area and I found metals that I associate with
3 gunshot residue on somebody else. Round lead particles are
4 a component of gunshot residue, it's most consistent with
5 gunshot residue, however it doesn't only come from gunshot
6 residue. So if you'll give me a second to look at my report
7 I can tell you exactly where those results were from. On
8 the right back, that is the back of the right hand of the
9 gunshot residue kit from Douglas Lewis I found round lead
10 particles and round lead particles are a component of
11 gunshot residue. On the left back of the hand, so the back
12 of the left hand of Harry Edward Blakeney I found quantities
13 of metals that I associate with gunshot residue.

14 Q. Is that a step below round lead particles?

15 A. It is. The difference is is that when I find a
16 particle, my result says I found X particle, that means that
17 I took the particle lift, one of the pieces of gunshot
18 residue kit and I analyzed it on a microscope and I look for
19 the particle itself. When I say I found metals associated
20 with gunshot residue, what I did was I took the swab that
21 was taken from that specific area and I found a certain
22 amount of lead barium and antimony that would lead me to
23 believe that those metals were associated with gunshot
24 residue, one is slightly more positive than the other. One
25 is more conclusive.

TESTIMONY OF JOHN ROBERTS

1 Q. The round lead particles would be a little more
2 conclusive?

3 A. The round lead particles would be more conclusive
4 because that's one of those components of gunshot residue
5 that I could point at and say yes, that's from gunshot
6 residue. Whereas if I just find metals that it's associated
7 with I can't conclusively say that's associated with gunshot
8 residue.

9 Q. So as to Lewis and Blakeney you found some evidence
10 consistent with the presence of gunshot residue, is that an
11 accurate statement?

12 A. Yes, sir, that's correct.

13 Q. As to the other five kits you found nothing; is that
14 correct?

15 A. That's correct.

16 Q. Do you know who are subjects and who are victims in
17 this case?

18 A. I have some people listed as subjects and victims on my
19 report.

20 Q. Tell me who you've got listed as victims.

21 A. What I've got listed as victims is Harry Blakeney and
22 Douglas Lewis.

23 Q. Now, is it unusual to find gunshot residue or round
24 lead particles or metals consistent with gunshot residue on
25 shooting victims?

TESTIMONY OF JOHN ROBERTS

1 A. No, sir, it's not.

2 Q. And why is it not unusual or why is it common, if it is
3 common?

4 A. It's fairly common because they've been shot and people
5 generally get shot fairly close to the end of the gun, so
6 the material comes out of the end of the barrel and it
7 deposits itself on their hands or on their persons.

8 Q. How about is it common or uncommon to not find evidence
9 of gunshot residue on the shooter? You've kind of covered
10 that a minute ago, but --

11 A. It is not uncommon. Basically starting from the time
12 that you stopped shooting your body starts absorbing the
13 material, and like I said earlier as soon as you start
14 touching things you start transferring material off of your
15 hands and onto what you have been touching there by removing
16 it and making it so that I can't see it on the samples that
17 are taken.

18 Q. All right. Did you prepare a report including all of
19 the findings that you've testified about?

20 A. Yes, sir, I did.

21 Q. I'm going to show you a document and ask you if you can
22 identify it.

23 A. Yes, sir. This is a copy of my report that I issued in
24 this case.

25 MR. BARFIELD: Your Honor, at this time I would offer

TESTIMONY OF JOHN ROBERTS

1 it as State's Exhibit Number 60.

2 MR. FRICK: Your Honor, I've reviewed it, no objection.

3 THE COURT: Okay.

4 (The report was received as State's 60.)

5 MR. BARFIELD: That's all of the questions I have,
6 Mr. Roberts, please answer any questions Mr. Frick has.

7 CROSS EXAMINATION

8 BY MR. FRICK:

9 Q. You mentioned that if you fire a weapon you'll have
10 particles likely on your hand.

11 A. Yes, sir.

12 Q. And you touch things. Does it transfer?

13 A. It does.

14 Q. So like you said, if you go out shooting and you're
15 putting your gun back in your holster it could be on your
16 holster?

17 A. It should be on my holster, yeah.

18 Q. Let's say that you've got a gun that looks like what
19 we've got here, this is State's Number 51. I know you
20 didn't get to see the gun, but I'm not necessary saying this
21 gun --

22 A. A gun like that.

23 Q. A gun like this where I guess the projectiles or where
24 the spent shell casing fires out this way.

25 A. Yes, sir.

- 1 Q. The GSR obviously comes out the front of the gun.
2 Would it come out the side?
3 A. It does.
4 Q. Would it come out this back?
5 A. It could.
6 Q. So it wouldn't necessarily just be on your hands, would
7 it, the metals?
8 A. No, sir. It could be on your clothes as well.
9 Q. You said that if it's on your hands you've basically
10 got a time range of about six hours before it's absorbed.
11 A. That's what our protocol is, I don't recall whether I
12 said it during direct. But yeah, that's our protocol is
13 after six hours we've found that if it's there it's not in
14 quantities that we associate with firing a gun.
15 Q. And I apologize, I probably asked you that question in
16 another trial and I just assumed that you answered it. So
17 there is a timeframe before it's absorbed --
18 A. Yes, sir.
19 Q. -- on your hands.
20 A. Yes, sir.
21 Q. How about on your clothes?
22 A. Until it is physically removed either by washing or by
23 sampling.
24 Q. Okay. You said something about a car door. If I would
25 have fired a gun and touched a car door could it transfer

TESTIMONY OF JOHN ROBERTS

1 potentially onto that?

2 A. It could.

3 Q. I'm going to show you this, this is State's Number 55.

4 Have you ever seen that?

5 A. No, sir.

6 Q. Other than those GSR kits, did you receive anything to
7 analyze in this case?

8 A. Other than those, no, sir, I did not.

9 Q. Does distance away from the shooter -- if you're the
10 victim does distance away from the shooter have any bearing
11 on getting GSR on you?

12 A. It does. Basically the closer you are the more you're
13 going to get on you, and depending on the gun there is a
14 certain distance beyond which you won't get much on you at
15 all. A bigger gun produces more gunshot residue, shoots it
16 a further distance away from it, gets more on you.

17 Q. If you've got lead particles on you, you said that is
18 more conclusive than -- don't let me put words in your mouth
19 again, but are lead particles more consistent than metals
20 consistent with?

21 A. Yes, sir.

22 Q. Does that have any significance in your findings when
23 you see that? Does that tell you anything different?

24 A. It just tells me that that area of the hand was near a
25 gun when it went off.

TESTIMONY OF SHAUN MCCROREY

1 Q. Okay. It would have been closer to the gun then?

2 A. It would have been closer rather than further away.

3 MR. FRICK: Thank you, sir, that's all of the questions

4 I have.

5 MR. BARFIELD: No other questions, ask that he be

6 excused.

7 THE COURT: You are free to go.

8 The witness, SHAUN MCCROREY, was first duly

9 sworn and testified as follows, on:

10 DIRECT EXAMINATION

11 BY MR. BARFIELD:

12 Q. You've got to talk loud and talk into that microphone.

13 A. Yes, sir.

14 Q. What is your name?

15 A. Shaun McCrorey.

16 Q. How old are you?

17 A. Nineteen.

18 Q. You're wearing an orange jumpsuit. Where are you

19 currently living temporarily?

20 A. In the county.

21 Q. How long have you been incarcerated? How long have you

22 been in jail?

23 A. Twenty months.

24 Q. Since August (sic) 21st of 2011?

25 A. Yes, sir.

TESTIMONY OF SHAUN MCCROREY

- 1 Q. Before August 21st of 2011 where did you live?
- 2 A. I lived on --
- 3 Q. I don't need an address --
- 4 THE COURT: I believe it's September, Solicitor.
- 5 MR. BARFIELD: Excuse me, September 21, my apologies.
- 6 Q. Where did you live before you got arrested on
- 7 September 21st of 2011?
- 8 A. I was back -- I lived with Prayon Truesdale and my
- 9 auntee, I was back and forth.
- 10 Q. In Lancaster?
- 11 A. Yes, sir.
- 12 Q. Now, I'm going to ask you some things. You've got a
- 13 bunch of pending charges; is that right?
- 14 A. Yes, sir.
- 15 Q. Are you charged in the case of the shooting death of
- 16 Harry Edward Blakeney which happened on September 21st of
- 17 2011 with several charges?
- 18 A. Yes, sir.
- 19 Q. Are they conspiracy to commit armed robbery?
- 20 A. Yes, sir.
- 21 Q. And accessory after the fact of murder and armed
- 22 robbery?
- 23 A. Yes, sir.
- 24 Q. And carrying a pistol?
- 25 A. Yes, sir.

1 Q. Are you also charged in an unrelated case with armed
2 robbery --

3 A. Yes, sir.

4 Q. -- attempted murder and possession of a firearm during
5 the commission of a violent crime?

6 A. Yes, sir.

7 Q. Are you also charged in an unrelated case with pointing
8 a firearm?

9 A. Yes, sir.

10 Q. And are you also charged in an unrelated case that
11 occurred while you were in the county jail with throwing
12 bodily fluids on a correctional officer?

13 A. Yes, sir.

14 Q. Is Ms. Moody sitting over there your lawyer?

15 A. Yes, sir.

16 Q. Have you and I this morning talked?

17 A. Yes, sir.

18 Q. For about how long?

19 A. Five, six, seven minutes.

20 Q. Okay. Are you testifying with a plea agreement reached
21 this morning concerning all of your charges?

22 A. Yes, sir.

23 Q. I'm going to go through all of that with you. Are you
24 going to plead guilty in the unrelated case to armed
25 robbery, attempted murder and possession of a firearm during

TESTIMONY OF SHAUN MCCROREY

1 the commission of a violent --

2 THE COURT: Hold it, Solicitor, just to protect
3 ourselves I need to advise him he doesn't have to say
4 anything.

5 MR. BARFIELD: Yes, sir that's fine.

6 THE COURT: That's the way we need to do it.

7 MR. BARFIELD: That's fine.

8 THE COURT: Here is the situation, you are also facing
9 charges, right?

10 MCCROREY: Yes, sir.

11 THE COURT: You haven't pled guilty to anything at this
12 point, have you?

13 MCCROREY: No, sir.

14 THE COURT: All right. You may have made a deal with
15 the solicitor that he has said but you can until -- like if
16 it happens this week, until you plead guilty to one of the
17 charges that I heard you can withdraw your plea and demand a
18 jury trial, obviously you couldn't proceed in front of these
19 jurors but you already kind of indicated that, I didn't know
20 you were going to really testify until a second ago. But
21 you don't have to testify, you know, you have got rights
22 under the state and federal constitution, you can exercise
23 them and say, "I don't want to testify because whatever I
24 say can be held against me," do you understand that?

25 MCCROREY: Yes, sir.

1 THE COURT: If you start answering questions, though,
2 you can't stop. So you exercise what's called your Fifth
3 Amendment right not to testify or you can testify. I don't
4 know anything about any deal, I guess it will come out that
5 the solicitor has promised you anything.

6 MCCROREY: Yes, sir.

7 THE COURT: But you don't have to accept it, you can go
8 ahead and say, "I'm not answering anything else," and go
9 back and this didn't even happen if you want a trial, all
10 right?

11 MCCROREY: Yes, sir.

12 THE COURT: So the questions I asked you before I told
13 you you didn't have to answer it, so -- but if you want to
14 proceed that's your right. And you are represented by
15 Ms. Moody, is that correct, and you have discussed it with
16 her?

17 MCCROREY: Yes, sir.

18 THE COURT: And decided it's in your best interest to
19 testify?

20 MCCROREY: Yes, sir.

21 THE COURT: And you're aware you don't have to.

22 MCCROREY: Yes, sir.

23 THE COURT: You can demand a jury trial on any or all
24 of these charges, do you understand that?

25 MCCROREY: Yes, sir.

TESTIMONY OF SHAUN MCCROREY

1 THE COURT: Okay. Solicitor, proceed.

2 Q. Let's run through it again. On the unrelated case are
3 you going to plead guilty to armed robbery, attempted murder
4 and possession of a firearm during the commission of a
5 violent crime?

6 A. Yes, sir.

7 Q. Have I told you I'm going to dismiss the pointing and
8 presenting a firearm charge in a separate case?

9 A. Yes, sir.

10 Q. Have I told you in this case involving Mr. Blakeney's
11 death that I'm going to dismiss the conspiracy to commit
12 armed robbery?

13 A. Yes, sir.

14 Q. Are you going to plead guilty in this case to accessory
15 after the fact of murder and armed robbery and carrying a
16 pistol?

17 A. Yes, sir.

18 Q. And have I told you that I'm going to dismiss the
19 throwing bodily fluids charge?

20 A. Yes, sir.

21 Q. And have I also told you that you -- we would have a
22 negotiated 15 year sentence on all of those charges?

23 A. Yes, sir.

24 THE COURT: All right. Now, one other thing. See, you
25 aren't pleading in front of me at this point, when something

TESTIMONY OF SHAUN MCCROREY

1 is negotiated that's what it is. If you offer to plead in
2 front of me and it's negotiated I can't alter it. In other
3 words, Ms. Moody can stand there and ask for probation and
4 you couldn't get it, you're going to get 15 years if the
5 judge accepts your negotiated sentence, by like token you
6 can't get more, because judges have the right to add time
7 up. Like if you plead to one thing it's a 15 year sentence,
8 something else it's a 15 and you're already up to 30 and the
9 judge can sentence you to it, but if it's negotiated to 15
10 that's what you get if the judge accepts it. The judge can
11 say, "I don't accept it, take it in front of another judge,"
12 but if the judge accepts it 15 is what you get, no more, no
13 less, and you need to understand that.

14 MCCROREY: Yes, sir.

15 THE COURT: You can't later say I wanted 15 but I
16 wanted 15 suspended to five and five years of probation. If
17 it's 15 and that's what is negotiated the judge has to
18 accept it.

19 MCCROREY: Yes, sir.

20 THE COURT: Sorry to keep interrupting you but as
21 things appear we have got to protect ourselves.

22 MR. BARFIELD: Yes, sir. And certainly this is not
23 something we had time to get into a whole lot until now.

24 Q. I'm going to ask you about the Blakeney case. Were you
25 in Kershaw on September 21st of 2011?

TESTIMONY OF SHAUN MCCROREY

1 A. No, sir.

2 Q. Did you go to Kershaw -- on the day Mr. Blakeney was
3 killed did you go to Kershaw?

4 A. Yes, sir.

5 Q. Where did you come from to go to Kershaw? Where had
6 you been before you went to Kershaw?

7 A. Lancaster County.

8 Q. How did you get to Kershaw?

9 A. Prayon Truesdale.

10 Q. What kind of -- who else went to Kershaw? Did anybody
11 else go to Kershaw with you and Prayon Truesdale?

12 A. Yeah, Jerel Davis.

13 Q. How long had you none Prayon?

14 A. About six or seven months.

15 Q. How did you know her?

16 A. From a neighbor in our apartment complex.

17 Q. What's the apartment complex?

18 A. Carolina Court.

19 Q. How long have you known Jerel Davis?

20 A. About a year or something.

21 Q. How did you know him?

22 A. Through his brother.

23 Q. And when I'm asking you about people don't use
24 nicknames, let's use real names. You haven't done that but
25 I don't want you to get into nicknames later on. Okay?

- 1 A. Yes, sir.
- 2 Q. You understand that? When you went to Kershaw where
3 did you go? Whose driving the car?
- 4 A. Prayon Truesdale.
- 5 Q. When you left Lancaster did you have any weapons on
6 you?
- 7 A. Yes, sir.
- 8 Q. What kind of weapon?
- 9 A. A .380.
- 10 Q. I ain't going to hand it to you but I'm going to hold
11 up something. State's Exhibit Number 51, can you see this
12 from where you are?
- 13 A. Yes, sir.
- 14 Q. Have you ever seen that before?
- 15 A. Yes, sir.
- 16 Q. What is it?
- 17 A. It is a .380.
- 18 Q. Whose gun?
- 19 A. My gun.
- 20 Q. When you got to Kershaw where did you go?
- 21 A. Prayon Truesdale's mother's house.
- 22 Q. Do you know who Heyward Truesdale is?
- 23 A. Yes, sir.
- 24 Q. How long had you known him on September 21st of 2011?
- 25 A. That same day.

TESTIMONY OF SHAUN MCCROREY

1 Q. Is that the day you met him?

2 A. Yes, sir.

3 Q. Do you see the person you know as Heyward Truesdale in
4 this courtroom today?

5 A. Yes, sir.

6 Q. Where is he sitting and what is he wearing?

7 A. He's sitting right there and he's wearing a blue dress
8 shirt.

9 MR. FRICK: Your Honor, I'm going to object to the
10 identification. I obviously am not privy to anything about
11 this testimony and I don't know where or what he's coming
12 from, he has not previously ID'd him, just for the record.

13 THE COURT: You can question him about it. He can say
14 that was the person that he was with, he met him that day.

15 Q. Where did you meet Heyward Truesdale that day?

16 A. Down the street from Prayon Truesdale's mother's house.

17 Q. Do you know whose house? Was it at a house down the
18 street from Prayon's momma's house?

19 A. Yes, sir.

20 Q. Do you know whose house it was?

21 A. No, sir.

22 Q. Did you and Heyward Truesdale talk at that house down
23 the street?

24 A. Yes, sir.

25 Q. What did Heyward Truesdale say -- well, let me back up

- 1 and ask you another couple of questions. Before you went to
2 Kershaw on September 21 of 2011 did you know who Harry
3 Edward Blakeney was?
- 4 A. No, sir.
- 5 Q. Did you know anything about him?
- 6 A. No, sir.
- 7 Q. Did you know where he lived?
- 8 A. No, sir.
- 9 Q. When you were at the house down the street from
10 Prayon's momma's house and met Heyward, did you and Heyward
11 talk?
- 12 A. Yes, sir.
- 13 Q. Did Heyward say things to you?
- 14 A. Yes, sir.
- 15 Q. What did Heyward say to you?
- 16 MR. FRICK: I'm going to object to hearsay on that.
- 17 THE COURT: He was there so you can go ahead.
- 18 Q. What did Heyward say to you?
- 19 A. We were discussing a robbery that took place at Harry
20 Blakeney's house.
- 21 Q. That took place? I'm talking about before anything
22 happened at Mr. Blakeney's house.
- 23 A. We was talking about doing it there on that night. We
24 was planning on doing a robbery there later on that night.
- 25 Q. Doing what robbery?

TESTIMONY OF SHAUN MCCROREY

1 A. That took place at Harry Blakeney's house.

2 Q. Did Heyward talk about Blakeney?

3 A. Yes, sir.

4 Q. What did he say about Blakeney? Before anything
5 happened what did Heyward say about Blakeney?

6 A. He was telling us where we could get some quick money
7 at so he was telling us he was going to put us on his lick.

8 Q. What is a lick?

9 A. A robbery.

10 Q. And what did he tell you about where you could get
11 quick money and where he could put you on a lick? What did
12 he say you about it?

13 A. He said this man was buying everything up, he stay up
14 the street and we could do it later on that night.

15 Q. Okay. When that conversation occurred where was your
16 gun?

17 A. Jerel Davis had it.

18 Q. When did Jerel Davis get your gun?

19 A. At Prayon Truesdale's mother's house.

20 Q. Why did your gun change hands from your hands to Jerel
21 Davis' hands?

22 A. Because I knew the police were looking for me at that
23 time and they were running hot on us so I handed it off to
24 him.

25 Q. They was running hot, what do you mean?

1 A. They was driving around, I saw them.

2 Q. You said the police were looking for you. Is that the
3 case you're going to plead to, attempted armed robbery and
4 possessing a firearm during the commission a violent crime?

5 A. It was on the pointing and presenting.

6 Q. Did you go anywhere after being at the house down the
7 street from Prayon's momma's house?

8 A. Yes, sir.

9 Q. Did you go with somebody anywhere from there?

10 A. Yes, sir.

11 Q. With whom?

12 A. I took a walk with a young lady, I don't know her name,
13 though.

14 Q. Were Heyward and Jerel with you when you were walking
15 with the young lady?

16 A. No, sir.

17 Q. Do you know where they went?

18 A. They walked off by their self, but when I seen them
19 they were at Mr. Blakeney's house.

20 Q. Did you say they walked off by themselves?

21 A. Yes, sir.

22 Q. How long after you started walking around with the
23 young lady did you see them at the Blakeney house, talking
24 about Heyward and Jerel?

25 A. About five or six minutes, it wasn't that long.

TESTIMONY OF SHAUN MCCROREY

1 Q. Were you at Mr. Blakeney's house -- I'm going to jump
2 ahead. Did you know that something happened? Did you find
3 out that something happened?

4 A. After the shooting.

5 Q. Tell me about the shooting. Did you hear shooting?

6 A. Yes, sir.

7 Q. Where were you when you heard shooting?

8 A. I was about 20 or 25 feet away from Mr. Blakeney's
9 house.

10 Q. In his yard? On the sidewalk? In the street? Where?

11 A. I was still walking on the sidewalk when I heard the
12 shots.

13 Q. Were you alone or were you with anybody when you heard
14 the shots?

15 A. I was with the young lady.

16 Q. When you heard shots where were the shots coming from?

17 A. It was coming from behind me.

18 Q. Do you know what was behind you?

19 A. It was coming from the direction I just walked and
20 everybody was running my way, I ran back, I saw Edward
21 Blakeney laying in the road dead.

22 Q. Did you see -- after you heard shots did you see
23 Heyward Truesdale?

24 A. Yes, sir.

25 Q. Where did you first see him after you heard shots?

- 1 A. I seen him and Jerel jump into Prayon's car, that's
2 when I went there.
- 3 Q. Where was Prayon's car?
- 4 A. It was parked in the middle of the street.
- 5 Q. What street?
- 6 A. I don't know the name of the street but it was like --
7 it was right in front of her momma's house.
- 8 Q. Okay. Did you see Heyward and Jerel get to Prayon's
9 car?
- 10 A. Yes, sir.
- 11 Q. Describe them before they got to Prayon's car. Where
12 were they and what were they doing? Between the shooting
13 and them getting in Prayon's car what were they doing that
14 you saw?
- 15 A. I seen they coming from behind someone's house and they
16 were jogging and they got in Prayon Truesdale and that's
17 when I made it to the car.
- 18 Q. Did you go to Prayon's car?
- 19 A. Yes, sir.
- 20 Q. Did you get in Prayon's car?
- 21 A. Yes, sir.
- 22 Q. What happened with Prayon's car -- was Prayon in
23 Prayon's car?
- 24 A. Yes, sir.
- 25 Q. Who was driving Prayon's car?

TESTIMONY OF SHAUN MCCROREY

- 1 A. Prayon Truesdale.
- 2 Q. Did y'all go anywhere after y'all all got in the car?
- 3 A. Yes, sir.
- 4 Q. Where did you end up after you got in the car?
- 5 A. Heath Springs Apartment Complex.
- 6 Q. After that did you go somewhere?
- 7 A. No, sir. Oh yeah, after that we went to the
- 8 Mini-market S and G and we got stopped at the store.
- 9 Q. Did you get taken into custody at the store?
- 10 A. Yes, sir.
- 11 Q. When y'all got stopped at the store were all four of
- 12 you in the car?
- 13 A. Yes, sir.
- 14 Q. Where was Jerel sitting?
- 15 A. In the passenger seat.
- 16 Q. Front or back?
- 17 A. In the front.
- 18 Q. Where was Heyward sitting?
- 19 A. Behind Jerel Davis.
- 20 Q. Where was Shaun McCrorey sitting?
- 21 A. Behind Prayon Truesdale.
- 22 Q. After y'all are in the car did you ever put your hands
- 23 on your gun again?
- 24 A. Yes, sir.
- 25 Q. Describe how that happened.

TESTIMONY OF SHAUN MCCROREY

- 1 A. Jerel passed it to the back seat and I wrapped it up in
2 a coat.
- 3 Q. This is State's Number 55. Have you ever seen that
4 before?
- 5 A. Yes, sir.
- 6 Q. Where have you seen that?
- 7 A. It's my coat.
- 8 Q. Where did you get this coat?
- 9 A. From Prayon Truesdale.
- 10 Q. Were you wearing it that day?
- 11 A. Yes, sir.
- 12 Q. Were you wearing it when you were walking around with
13 the female?
- 14 A. No, sir.
- 15 Q. Where was it when you got in the car at Prayon mom's
16 house after the shooting?
- 17 A. In the back seat.
- 18 Q. And what did you do with the gun when you got it?
- 19 A. I wrapped it in the coat.
- 20 Q. Did you get any money?
- 21 A. Yes, sir.
- 22 Q. Pardon?
- 23 A. Yes, sir.
- 24 Q. Do you remember how much?
- 25 A. Not the amount.

TESTIMONY OF SHAUN MCCROREY

- 1 Q. Was it bills or coins?
- 2 A. Bills.
- 3 Q. When did you get money?
- 4 A. Heath Springs Apartment Complex.
- 5 Q. From whom did you get money?
- 6 A. Jerel Davis.
- 7 Q. After you heard the shots, after you heard the shots
- 8 but before you got into Prayon's car down in Kershaw did you
- 9 talk to Heyward or Jerel?
- 10 A. No, sir.
- 11 Q. In the car from Kershaw to -- the apartments you're
- 12 talking about, are they in Heath Springs?
- 13 A. Yes, sir.
- 14 Q. From Kershaw to the apartments in Heath Springs, and
- 15 from the apartments in Heath Springs to the car stop at the
- 16 S and G Mini-mart, did you talk to Heyward Truesdale? Did
- 17 Heyward Truesdale open his mouth and talk?
- 18 A. At that moment at the complex, yes, sir.
- 19 Q. Did Heyward Truesdale tell you anything about what had
- 20 happened in Kershaw at any time after you got in the car
- 21 with Prayon -- after all of you got in the car with Prayon
- 22 and up until you got stopped by the police at the S and G
- 23 Mini-mart, did Heyward Truesdale talk about what happened at
- 24 Kershaw?
- 25 A. Yes, sir.

TESTIMONY OF SHAUN MCCROREY

1 MR. FRICK: Your Honor, object to hearsay on that.

2 THE COURT: I understand your objection, he can
3 testify.

4 Q. I don't know what your answer is but what did he say?

5 A. I said, yes, sir. I asked him, I said who did it and
6 he said, "Jerel Davis."

7 Q. Did you ask him what it was? Did you know what had
8 happened?

9 A. Yeah. When I seen Mr. Blakeney in the road dead I
10 figured what happened.

11 Q. Did you know where the money that Jerel gave you came
12 from?

13 A. Yes, sir.

14 Q. Don't quote anybody yet, listen to my question, how did
15 you know -- don't say what anybody said, but how did you
16 know where the money came from?

17 A. Because I knew we were planning on doing a robbery
18 later on that day.

19 Q. When you were walking with the young lady on the
20 sidewalk near Mr. Blakeney's house just before you heard the
21 shots --

22 A. Yes, sir.

23 Q. -- how soon before that had you last seen Jerel and
24 Heyward?

25 A. I would say a good eight to ten minutes.

TESTIMONY OF SHAUN MCCROREY

1 Q. Where was it that you saw them?

2 A. The last time I saw them was in Mr. Blakeney's yard.

3 Q. The money that you got from Jerel at the apartments in

4 Heath Springs, where was it when the police stopped y'all?

5 A. In the car.

6 Q. What happened with that money after you got taken into
7 custody?

8 A. It got confiscated as evidence.

9 Q. By the police?

10 A. Yes, sir.

11 MR. BARFIELD: Thank you, sir. Answer anything

12 Mr. Frick has.

13 CROSS EXAMINATION

14 BY MR. FRICK:

15 Q. How many stories have you told about this,

16 Mr. McCrorey?

17 A. I gave two statements about this.

18 Q. Two statements. Well, you don't think this is the
19 third one?

20 A. Yes, sir.

21 Q. So you have told at least three different stories,
22 haven't you?

23 A. Yes, sir.

24 Q. Why should anybody believe you today?

25 A. This is the truth, sir.

TESTIMONY OF SHAUN MCCROREY

- 1 Q. September 21st you gave a statement, right?
- 2 A. Yes, sir.
- 3 Q. Did you swear it was the truth then?
- 4 A. Yes, sir.
- 5 Q. It's not, is it?
- 6 A. No, sir.
- 7 Q. 28th you talked to Fred Thompson, you gave a statement,
- 8 didn't you?
- 9 A. Yes, sir.
- 10 Q. You stated it was the truth then.
- 11 A. Yes, sir.
- 12 Q. It isn't, is it?
- 13 A. Yes, sir.
- 14 Q. It is the truth?
- 15 A. Yes, sir.
- 16 Q. It's the truth because the solicitor is offering you a
- 17 deal, isn't he?
- 18 A. No, sir.
- 19 Q. Do you know what you're facing with all of these
- 20 charges?
- 21 A. Yes, sir.
- 22 Q. And the solicitor is giving you a 15 year deal.
- 23 A. Yes, sir.
- 24 Q. It's a lot less than what you're facing, isn't it?
- 25 A. Yes, sir.

TESTIMONY OF SHAUN MCCROREY

1 Q. And this is the truth today?

2 A. Yes, sir.

3 Q. So the truth is it's your plan to go rob these folks,

4 and you've never seen Heyward before, right?

5 A. Until that day, no, sir.

6 Q. You're walking around with what, warrants on you, you

7 know they're looking for you.

8 A. Yes, sir.

9 Q. You've got a gun on you.

10 A. Yes, sir.

11 Q. When you get to Kershaw you get concerned that you need

12 to get rid of the gun.

13 A. Yes, sir.

14 Q. You give it to Jerel.

15 A. Yes, sir.

16 Q. Now, I mean, you've already got one armed robbery

17 charge, why do you need to hand off the gun on this one?

18 A. As I said, it was getting hot, the police was riding

19 around, I handed off the gun to Jerel Davis.

20 Q. Okay. And folks talking about committing a armed

21 robbery.

22 A. Yes, sir.

23 Q. And you hang around town.

24 A. Yes, sir.

25 Q. Why.

1 A. Because I was going to participate in the robbery later
2 on that day.

3 Q. So you're scared enough not to have a pistol on you but
4 you ain't got no problem robbing somebody, right?

5 A. Yes, sir.

6 Q. Okay. They said it was going to happen later on that
7 night, right?

8 A. Yes, sir.

9 Q. Why did it happen that afternoon?

10 A. I don't have no idea. A murder and robbery is two
11 different things.

12 Q. I mean, you jumped in the car, right?

13 A. Yes, sir.

14 Q. You were walking around, right?

15 A. Yes, sir.

16 Q. You brought the gun. You heard all of this
17 conversation about we're going to go rob this -- we've got
18 to go hit a lick, right, isn't that what you said?

19 A. Yes, sir.

20 Q. That's what you said Heyward said is, "We've got to go
21 hit a lick."

22 A. Yes, sir.

23 Q. You hear all of this conversation but somehow you
24 missed the part of the time change?

25 A. It was never discussed, they never discussed that to

TESTIMONY OF SHAUN MCCROREY

1 me. When they walked off by them self I thought they were
2 just going to go to the house until later that night.

3 Q. Why are they cutting you out, man?

4 A. I have no idea, sir.

5 Q. But they gave you some cash out of it, right?

6 A. Yes, sir.

7 Q. And you don't know how much you got?

8 A. No, sir.

9 Q. Do you remember your statement from the 21st? I'm
10 trying to see who you talked to, I think you talked to Fred
11 Thompson on the 21st, that was right after you got locked up
12 I guess.

13 A. Yes, sir.

14 Q. Do you remember what you said that day?

15 A. Yes, sir.

16 Q. You said it was your gun.

17 A. Yes, sir.

18 Q. You said in that statement that Jerel and Heyward came
19 walking up cool as a fan after the whole thing was over
20 with. Do you remember saying that?

21 A. Yes, sir.

22 Q. Today they're jogging.

23 A. Yes, sir.

24 Q. So they were running from over there now.

25 A. No. When they came out from behind the building that's

1 when I first seen them.

2 Q. Okay. Well, were they walking or running?

3 A. They weren't running fast, they were just walking.

4 Q. Oh that's right, you said they were jogging, there is a
5 difference. So they were jogging from this murder they've
6 committed, right?

7 A. No. They weren't jogging, everybody was running.

8 Q. Mr. McCrorey, I just asked you were they walking,
9 running or jogging and you've done told me three different
10 things, which one is it?

11 A. I said everybody was running but I seen them and when I
12 seen them they were walking from the behind the building.

13 Q. The solicitor asked you, you said they were jogging,
14 which is it?

15 A. They were walking, sir.

16 Q. Now they're walking.

17 A. They've been walking, sir.

18 Q. They were walking on the 21st, five minute ago they
19 were walking now they're walking. Are you sure this time?

20 A. Yes, sir.

21 Q. Certain?

22 A. Yes, sir.

23 Q. I don't want you to mess up your deal. Is it walking
24 or jogging?

25 A. It's walking, sir.

TESTIMONY OF SHAUN MCCROREY

1 Q. Okay. Do you remember -- and you told them at that
2 time that the gun was yours, right?

3 A. Yes, sir.

4 Q. This gun right here, that's your gun?

5 A. Yes, sir.

6 Q. You said that on the 21st.

7 A. Yes, sir.

8 Q. You're saying it today.

9 A. Yes, sir.

10 Q. Do you remember writing a letter to Fred Thompson?

11 A. Yes, sir.

12 Q. And you talked to him after that too, right?

13 A. Yes, sir.

14 Q. What did you tell him about the gun then?

15 A. I told him it was Jerel Davis' gun.

16 Q. So were you lying then or are you lying now?

17 A. No, sir.

18 Q. Was it your gun or not?

19 A. It's my gun, sir.

20 Q. But on the 28th it wasn't your gun. You told Fred
21 Thompson on September 28th that they made you say it was
22 your gun.

23 A. Yes, sir.

24 Q. Isn't that what you said?

25 A. Yes, sir.

TESTIMONY OF SHAUN MCCROREY

1 Q. Now it's your gun again.

2 A. Yes, sir.

3 Q. All this happens, the whole idea is to get some money
4 and you can't tell anybody how much money you got.

5 A. No, sir.

6 Q. You can't tell anybody why they jumped up the schedule
7 and didn't include you.

8 A. No, sir.

9 Q. Got no idea what happened.

10 A. No, sir.

11 Q. I'm going to show you this. This is -- do you
12 recognize that? That's a copy -- that's not the actual one
13 but do you recognize what that is?

14 A. Yes, sir.

15 Q. You can hold it if you want to. What is that?

16 A. Statement, sir.

17 Q. Okay. Is that the letter that you wrote to Fred?

18 A. Yes, sir.

19 Q. That's the one where you told him that you wanted to
20 talk to him some more, right?

21 A. Yes, sir.

22 Q. Can you read that last line for me? Hold the paper.
23 Read those last two sentences.

24 A. "I'm willing to take the stand and whatever needs to be
25 and clear my name."

TESTIMONY OF SHAUN MCCROREY

1 Q. And the driver, who was the driver?

2 A. Prayon Truesdale?

3 Q. That's who was driving?

4 A. Yes, sir.

5 Q. That's why you're here today, you're here to clear your
6 name and help yourself out, isn't that the truth?

7 A. Yes, sir.

8 MR. FRICK: Okay. Thank you, sir, that's all of the
9 questions.

10 MR. BARFIELD: Just a couple.

11 REDIRECT EXAMINATION

12 BY MR. BARFIELD:

13 Q. Did Prayon have anything to do with the armed robbery
14 of Mr. Blakeney?

15 A. No, sir.

16 Q. And were you present when Mr. Blakeney was robbed and
17 shot?

18 A. No, sir.

19 Q. Were you participating in the robbery and shooting of
20 Mr. Blakeney at all?

21 A. I discussed it, that's about it.

22 MR. BARFIELD: Thank you, sir, that's all I have.

23 THE COURT: You can step down but you're really not
24 free to go.

25 The witness, KIM DINH, was first duly sworn and

TESTIMONY OF KIM DINH

1 testified as follows, on:

2 DIRECT EXAMINATION

3 BY MR. BARFIELD:

4 Q. Tell us your name, please, ma'am.

5 A. Kim Dinh, D-i-n-h.

6 Q. And Ms. Din, where were you formally employed?

7 A. I was formally employed at the South Carolina Law
8 Enforcement Division commonly known as SLED.

9 Q. How long were you -- when were you -- when did you
10 leave SLED?

11 A. December of 2011.

12 Q. And how long had you been at SLED before December of
13 2011?

14 A. I was there for six years.

15 Q. And what department of SLED were you employed in, and
16 was it the same the same six years it was there?

17 A. No, it was not. The first year I was there I was
18 fingerprint examiner as a civilian, and then the second year
19 I was there I was promoted to agent in the crime scene
20 investigations and forensics for the remainder of the five
21 years.

22 Q. And did that include latent prints and evidence
23 processing functions?

24 A. Yes, sir, it did.

25 Q. Were you employed by SLED up to the date of report that

TESTIMONY OF KIM DINH

1 I have in my hand which says October 28th of 2011?

2 A. Yes, sir.

3 Q. As a -- I don't want to get into a lot of detail, but
4 as a latent prints examiner have you -- did you get trained
5 to be a latent prints examiner?

6 A. I did, sir.

7 Q. Where did you get your training?

8 A. At SLED is a two year in-house training program where I
9 also took classes outside in latents, footwear, tire wear,
10 palm printing, advanced palm printing and identification.

11 Q. On October 28th of 2011, were you up to date on your
12 training and qualified according to the training you had
13 received to do latent prints identification?

14 A. Yes, sir.

15 Q. Have you been called upon to testify in the courts of
16 this state on prior occasions as an expert witness in latent
17 fingerprint identification?

18 A. Yes, sir.

19 Q. Have you ever been rejected as an expert in latent
20 fingerprints identification when offered as an expert in
21 that field?

22 A. No, sir.

23 MR. BARFIELD: Your Honor, at this time I would offer
24 Ms. Dinh as of, I don't know if you are now, but as of
25 October 28th of 2011 as an expert in latent fingerprint

1 identification.

2 MR. FRICK: No objection, Your Honor.

3 THE COURT: Proceed.

4 Q. I'm going to show you two things, or several things,
5 but two basic things. I'm going to hand you two envelopes,
6 first of all a paper envelope and it has got some stuff in
7 it and I will tell you it's a firearm in it. But examine
8 that envelope and the contents and tell me if you recognize
9 that stuff.

10 A. This is a handgun and a magazine I processed with my
11 initials and lab number.

12 Q. Two separate items in that paper bag?

13 A. Yes, sir.

14 Q. Now, did you process the handgun and the magazine for
15 latent fingerprints?

16 A. Yes, sir.

17 Q. Again, I don't want to get into all of the detail but
18 explain to the jury what you're looking for when you are
19 processing something for latent fingerprints, but first of
20 all tell them what a latent fingerprint is.

21 A. A latent fingerprint is not easily visible to the eye
22 so we use enhancements such as Super Glue or chemicals to
23 enhance these ridge details that we're looking for. If we
24 find any ridge detail we will then lift them to preserve
25 them for later examination.

TESTIMONY OF KIM DINH

1 Q. When you do later examination does the examination part
2 of it include comparison to known fingerprints from
3 particular people?

4 A. Yes, sir, as well as unknown. If we do have a known we
5 will check it against a known and if we don't have any
6 knowns or if we don't have any knowns we will run it against
7 a database to see if it hits on anybody else.

8 Q. Now, all of that is kind of naught for this case. Did
9 you process that gun to see if you could lift any latent
10 fingerprints off that gun?

11 A. I did.

12 Q. And could you?

13 A. No, sir. There were no ridge details on this gun.

14 Q. No fingerprints on the gun?

15 A. No, sir.

16 Q. Did you do any further processing of the gun?

17 A. Yes, sir.

18 Q. What else did you do to the gun?

19 A. I also swabbed -- I took two swabs, two sterile swabs
20 and wet it with sterile water. I swabbed the trigger, the
21 grip, which is this area as well as the bottom of the
22 magazine which is this area. So if you were to insert a
23 magazine into the backside of the gun right there on the
24 bottom side.

25 Q. Now, I'm going to hand you another envelope, a little

1 clear plastic envelope and I will take this one away from
2 you for a minute. Can you identify what's in that envelope?

3 A. These are the swabs that I took from the gun with the
4 lab number and my initials on it.

5 Q. And generally speaking, why were you swabbing the gun?
6 What were you thinking maybe you could do with swabs from
7 the gun, or somebody could do?

8 A. Collecting touch DNA so if you had any suspects if you
9 had a standard from a known suspect or victim you could
10 cross check the DNA with the subject.

11 Q. And although I think DNA analysis is not your field of
12 expertise, what is touch DNA?

13 A. Touch DNA is basically any DNA that you could
14 potentially leave behind from simply touching an object.

15 Q. Okay. And when you swabbed the gun you have -- how
16 many separate little envelopes were inside the plastic
17 envelope?

18 A. Three.

19 Q. And did you swab it and seal it according to your
20 training in evidence processing?

21 A. Yes, sir. It still has my initials on the seal.

22 Q. Did it end up in the DNA department of SLED?

23 A. Yes, sir.

24 MR. BARFIELD: Your Honor, at this time I would offer
25 these three swabs as a single exhibit in the envelope as

TESTIMONY OF KIM DINH

1 State's Number 61, I believe.

2 MR. FRICK: No objection.

3 THE COURT: Okay.

4 (The DNA swabs were received as State's 61.)

5 Q. Did you do any analysis concerning the swabbing of the
6 gun?

7 A. No, sir.

8 Q. Did you do any further analysis concerning latent
9 prints on the gun or any other issue with the gun?

10 A. No, sir.

11 Q. Did you do any other evidence processing or analysis of
12 anything in connection with this case?

13 A. No, sir.

14 Q. Do you know what that is?

15 A. This is my reports from my latent examination from the
16 gun magazine as well as the swabs.

17 Q. Does it contain the findings and the information that
18 you just testified about?

19 A. Yes, sir.

20 Q. Is that a copy of your report?

21 A. Yes, sir.

22 Q. And what is the date of that report?

23 A. The date is October 28, 2011.

24 MR. BARFIELD: Thank you, ma'am. Your Honor, at this
25 time I would offer Ms. Dihn's report as State's Number 62.

1 MR. FRICK: No objection..

2 THE COURT: Okay.

3 (The report was received as State's 62.)

4 MR. BARFIELD: Thank you, ma'am, answer anything
5 Mr. Frick has.

6 CROSS EXAMINATION

7 BY MR. FRICK:

8 Q. Ms. Dinh, when you were an agent did you go out -- I
9 think you did used to go out into the field, didn't you?

10 A. I did.

11 Q. Did you go out in the field on this one?

12 A. On this particular case, no. This was an incoming case
13 through the door which means it was submitted by an agency,
14 I didn't actually go to the crime scene and collect the
15 evidence.

16 Q. Okay. So your analysis occurred in the building on
17 Broad River Road in Columbia, correct?

18 A. Yes, sir.

19 Q. You're not involved in the collection of it. The
20 analysis that occurs, is this something that you look at it
21 and go, okay, this is what I need to do, or does someone
22 request the analysis?

23 A. It depends. If they request the analysis but if I feel
24 that there needs to be something further I will always call
25 and say, "Do you want to make sure this is the only thing

TESTIMONY OF KIM DINH

1 that you want done or do you want additional things?" But
2 they're generally pretty knowledgeable in requesting "I want
3 latents, I want DNA," and that's what I do.

4 Q. Do you recall if was done in this case?

5 A. No, sir, I don't. That was usually done with incoming.

6 Q. The gun got submitted. Did you have anything else to
7 analyze in this case?

8 A. I analyzed a couple of fired cartridge cases as well.

9 Q. I didn't see them on the report, maybe they are and I
10 just skipped over them. Did you find any fingerprints or
11 touch DNA on those?

12 A. No, sir.

13 Q. Any other items submitted to you other than the firearm
14 stuff?

15 A. No, sir.

16 MR. FRICK: Thank you, ma'am. That's all of the
17 questions I have.

18 MR. BARFIELD: That's all for Ms. Dinh, ask that she be
19 excused.

20 THE COURT: You are free to go. All right jurors,
21 we're going to take a break. Don't talk about the case.

22 (The jury left the courtroom.)

23 THE COURT: Okay. We will take a break.

24 (The jury returned to the courtroom.)

25 THE COURT: You may proceed.

TESTIMONY OF IRA PARNELL

1 MR. BARFIELD: I call Ira Parnell.

2 The witness, IRA PARNELL, was first duly sworn
3 and testified as follows, on:

4 DIRECT EXAMINATION

5 BY MR. BARFIELD:

6 Q. Tell us your name, please, sir.

7 A. My name is Ira Byrd Parnell, Jr.

8 Q. Mr. Parnell, by whom are you employed?

9 A. I'm employed by SLED.

10 Q. How long have you been employed by SLED?

11 A. Almost 41 years.

12 Q. Are you retired and back at SLED, is that sort of your
13 status?

14 A. Yes, sir.

15 Q. What are you -- what department of SLED are you
16 currently employed in?

17 A. I am and have been in the firearm and tool mark
18 identification laboratory my whole career at SLED and that's
19 where I'm currently employed as a forensic examiner.

20 Q. All right. How did you learn how to be a firearm and
21 tool mark identification examiner?

22 A. Back in those days there was no college degree or
23 program that you could actually approach and try to become a
24 firearms examiner so it was on the job training or an
25 internship program which I completed after three years.

TESTIMONY OF IRA PARNELL

1 Q. I'm just going to jump to the question. Have you been
2 offered and qualified as an expert in the courts of this
3 state in the past in firearms examination and
4 identification?

5 A. Yes, sir, I have.

6 Q. Have you got any idea how many times?

7 A. Approximately 639.

8 Q. Ever been denied qualification as an expert in firearms
9 examination and identification?

10 A. No, sir.

11 MR. BARFIELD: Your Honor, at this time I would offer
12 Mr. Parnell as an expert in firearms and identification.

13 MR. FRICK: I am certainly not going to challenge his
14 credentials.

15 THE COURT: Okay.

16 Q. Now, I'm going to ask you -- well, let's just get to
17 the point. I'm going to hand you some stuff one thing at a
18 time. I'm going to hand you State's Exhibit Number 39 and
19 ask you if you can identify what's in that?

20 A. Yes, sir. I recognize this as my handwriting and my
21 numbering and initials contained on State's Exhibit 39.

22 Q. And does that item -- are there multiple items in
23 State's Exhibit Number 39?

24 A. Yes. There are five fired cartridge cases and one
25 unfired bullet.

TESTIMONY OF IRA PARNELL

1 Q. And do those six items in that envelope, first of all
2 are they assigned to a SLED lab number?

3 A. Yes, sir, they are.

4 Q. What is that lab number?

5 A. Lab number assigned to the items contained in State's
6 Exhibit 39 is L11-10927.

7 Q. And do each of the six items have their own SLED item
8 numbers?

9 A. Yes, sir, they do, they're individually numbered.

10 Q. And we'll talk about individual numbers on them later.
11 I'm going to hand you State's Exhibit 46 which I think
12 you're going to have to open up and look at, but ask you if
13 you can identify what's in that?

14 A. Yes, sir. State's Exhibit 46 was also submitted as an
15 item in this case L11-10927, and I have examined it, it
16 bears my case number, specimen number and initials.

17 Q. And generally speaking what is the item that you have
18 in your hand now?

19 A. States Exhibit 46 is a fragment of a fired copper
20 bullet jacket.

21 Q. And do you know -- as identified to you through the
22 SLED lab process, do you know where it came from?

23 A. The labeling on the sealed container as it was
24 submitted indicated it came from an autopsy of one Harry
25 Blakeney.

TESTIMONY OF IRA PARNELL

1 Q. All right, sir. And I'm finally going to hand you
2 State's Exhibit Number 51 which has two items in it, and you
3 can leave that stuff out if you want to or you may not need
4 to, that's fine. State's Number 51, can you look in there
5 and tell me if you know what those items are?

6 A. I recognize my case numbers, specimen number and
7 initials on the outside of State's Exhibit number 51. And
8 it is, in fact, a firearm and a magazine for the firearm
9 here.

10 Q. And have you seen those items before? First of all,
11 are they assigned to a SLED lab number?

12 A. Yes. They're also contained in the items submitted
13 under SLED lab number L1110927. And the firearm also
14 contains my case number, specimen number and initials, as
15 does the magazine for this firearm.

16 Q. You actually put some etchings on the metal on those
17 items so you can identify that you handled them and examined
18 them?

19 A. Yes, with an electrical scribing pencil. There's three
20 areas on these places that have my case number, specimen
21 number and initials.

22 Q. Now, all of those items that you have scattered around
23 there, did you examine all of those as your job as firearms
24 examiner for SLED?

25 A. I did. I examined number 39, 46, and 51.

TESTIMONY OF IRA PARNELL

1 Q. State's 46 which you said was the part of a bullet
2 jacket, a bullet jacket fragment from the autopsy.

3 A. Yes, sir.

4 Q. Let me ask about that first and we're going to talk
5 about how you did your examinations in a minute, but was
6 that item of any value to you in your examination or
7 analysis in this case?

8 A. No, sir.

9 Q. Why not?

10 A. First of all it's so small and it's completely damaged.
11 There was -- it's probably less than a quarter by an eighth
12 of an inch, and the process that we use for trying to
13 identify a fired bullet or bullet fragment need a little bit
14 more surface area normally than that to be marked.

15 Q. All right. Now, I'm going to ask you in conjunction
16 with two different types of evidence how you do firearms
17 examination. Well, first of all what did you do with this
18 firearm when you first got it in?

19 A. The first thing I did with it once I started my
20 examination was to examine it to see if there were any
21 obvious safety or mechanical difficulties, I didn't find
22 any, it looked like it was in safe condition to be fired, I
23 checked it out. I then looked at the types of ammunition
24 that was submitted like that in State's Exhibit 39, and then
25 I test fired it.

TESTIMONY OF IRA PARNELL

1 Q. Now, first of all, what type of pistol is that from a
2 mechanical standpoint?

3 A. This is a semiautomatic pistol and it's a .380 auto
4 caliber.

5 Q. A .380 auto caliber, is that a small, medium or large
6 caliber?

7 A. Medium caliber.

8 Q. Is it magazine fed?

9 A. It is. It takes a detachable single stack, single feed
10 magazine which is represented here.

11 Q. Does that magazine go with that pistol? Does it fit?

12 A. It fits and functions in this pistol.

13 Q. What is the capacity of that single stack .380
14 magazine?

15 A. Check my notes but I think it's seven. Part of my
16 overall evaluation of the firearm is -- the maximum capacity
17 is seven, the maximum of seven in the magazine and one in
18 the barrel would be a total eight.

19 Q. Why did you test fire a gun? Why did you test fire
20 that gun? Let me be specific.

21 A. Well, two reasons. The first reason is to see if it
22 functions, and the second reason is to compare test
23 specimens which I fired in this firearm to the fired
24 components that are in State's Exhibit 39.

25 Q. When you say test specimens, when you fire the firearm,

TESTIMONY OF IRA PARNELL

1 do you generate bullets that you compare to other ballistics
2 evidence that is recovered and brought to you for
3 comparison?

4 A. Yes, sir. The question is normally did the firearm
5 submitted here from State's Exhibit 51, did it or did it not
6 fire the components that are in State's Exhibit 39. And to
7 determine that I had to determine what brand of ammunition,
8 what caliber and so forth, I did that and from our reference
9 collection supply of ammunition I retrieved several
10 cartridges. And we have a water tank that's about two
11 stories high that's maybe 3 feet in diameter, it holds about
12 maybe ten to 12 feet of water, we test fire straight down in
13 the water, the water slows the bullet down without damaging,
14 adding to or taking away from the markings that are on the
15 bullet from the inside of the gun barrel. Once I recovered
16 those then I began doing my comparisons.

17 Q. Now, I'm going to talk to you about two different kinds
18 of ballistics evidence, I'm going talk to you first about
19 fired cartridge cases. What allows you to identify that a
20 fired cartridge case was fired by a particular firearm
21 generally speaking?

22 A. Well, there are five areas in most semiautomatic
23 pistols that can mark a fired cartridge case so that it may
24 or may not be identified in the firearm which was checked,
25 that would be the firing pin, the striker that when you pull

TESTIMONY OF IRA PARNELL

1 the trigger and it hits the primer, the firing pin, the
2 breach face which is the area that's around where the firing
3 pen comes out, I know y'all can't see that but it's a small
4 metallic area where the firing pin protrudes, that also has
5 markings on it. We have an extractor which hooks the
6 cartridge case and pulls it out. If the firearm is
7 functioning properly when it's fired several things happen,
8 the extractor pulls the fired cartridge cases out, the
9 ejector is sitting here static and it actually hits the
10 cartridge case as the extractor is pulling it back, it kicks
11 it out so that's another place that can be marked. And also
12 the inside of the chamber, that's the portion of the barrel
13 at the rear where the cartridge was sitting when it is
14 fired, and when it expands -- after the powder blows up
15 inside the cartridge, it expands and when the extractor
16 pulls it out if there's any little markings or any rust or
17 any individual things inside that chamber area when it's
18 pulled backwards out of there it scratched in that way. So
19 there's five different places on a cartridge case that can
20 be identified to a firearm.

21 Q. Now, that particular firearm, if it was fully loaded
22 eight capacity, seven in the magazine, one in the chamber,
23 and it's fired until there are no more unfired bullets in
24 it, what is the condition of the mechanism when it is fired
25 completely dry? That's not a good question.

TESTIMONY OF IRA PARNELL

1 A. It's empty.

2 Q. What does the gun look like?

3 A. You're asking me if it stays open?

4 Q. Yes, sir.

5 A. Well, I don't know. I don't know that I made a note of
6 that, we can see right quick.

7 Q. You don't need to do that, that's fine. What makes --
8 well, let's talk about fired bullets now as opposed to fired
9 cartridge cases. What about a gun allows you to determine
10 whether a fired bullet was fired by that gun?

11 A. During is manufacturing process one of the processes
12 that is done is the manufacturer of the barrel, this portion
13 here, it starts life as a solid piece of steel, among
14 processes that are done to that solid piece of steel in the
15 barrel making process is that it's drilled. A hole is
16 drilled approximately the same size as the caliber that it's
17 going to be made into. In addition to drilling it's reamed
18 which cuts a little bit of the drilling marks out. Other
19 than that and other than some little bit of polishing the
20 inside of that barrel is pretty much in the same shape when
21 it's sold as it was at that point. So you have a spinning
22 drill and you have a spinning reamer, both of these
23 processes randomly put markings inside this barrel. The
24 barrel may be this long when it starts off and is chopped in
25 this case about 4-inch pieces, each piece of that barrel is

TESTIMONY OF IRA PARNELL

1 unique because the drill as it spins changes ever so
2 slightly from one end to the other. When a bullet is fired
3 through that barrel the individual marks, the little
4 imperfections that are left inside the barrel are
5 transferred to the outside of the bullet. And so far as I
6 can tell I've never found any barrels that were identical
7 that marked just alike, whether they were made one behind
8 the other or, you know, ten or 15 or 20,000 apart, those
9 unique markings are unique to this gun and the markings are
10 transferred to each bullet that comes out of the barrel.
11 The caveat here is if that bullet is too badly damaged or
12 torn up or if there's not enough left of it to make a
13 determination. If there's enough of a bullet surface area
14 to make a determination then an identification is possible.
15 Q. Now, let me go back to the test firing. When you do
16 the test firing you retrieve the fired bullets from the
17 tank.
18 A. Yes, sir.
19 Q. Do you also save the test fired cartridge cases as you
20 test specimens also?
21 A. Yes, sir.
22 Q. Now, did you test fire that .380 semiautomatic pistol?
23 A. I did.
24 Q. Did you obtain test specimens from the test fired
25 bullets?

TESTIMONY OF IRA PARNELL

1 A. Yes, sir, I did.

2 Q. Did you obtain test specimens from the test fired
3 cartridge cases?

4 A. Yes, sir.

5 Q. Did you compare, number one, the fired bullet that was
6 submitted to you, which I again think is -- well, what is
7 the item number for the fired bullet that SLED lab assigned
8 to the fired bullet?

9 A. The fired bullet that's contained in State's Exhibit
10 39?

11 Q. Yes.

12 A. That's item nine.

13 Q. Did you determine whether item nine was fired by SLED
14 item ten, the .380 pistol?

15 A. Yes, sir. By first examining the test bullets that I
16 fired myself one with each other and establishing the fact
17 that they were marked in much the same fashion, they were
18 consistently marked by this firearm. I then compared the
19 markings I saw on this test with the markings that I
20 observed on item nine, this fired bullet. And there was
21 sufficient agreement there based on my experience and
22 training to include in my opinion that item nine, which is
23 from State's Exhibit 39, was fired in item ten, this pistol.
24 Q. Did you do the same for the five fired cartridge cases
25 which I think are SLED items number eight, and 11 through 14

TESTIMONY OF IRA PARNELL

1 to determine whether they had been fired by the SLED item
2 ten, the .380 pistol?

3 A. Yes, sir, I did. I compared the fired cartridge cases
4 that I found myself and found sufficient agreement there,
5 and then compared each of the other cartridge cases from
6 State's Exhibit 39 here, which is item eight and 11 through
7 14, and in each case I found sufficient agreement. Based on
8 my experience and training it would be my opinion that they
9 were fired by item 10, this firearm.

10 Q. One other question about the pistol itself. Fired
11 cartridge cases are ejected right side or left side from
12 that particular pistol?

13 A. It entirely depends on the angle that you're holding.
14 Generally speaking the ejection port is opening here, it's
15 more to the right side but as the angle of the gun increases
16 this way such as like this then it could kick them up, it
17 really -- but what you're asking I think, basically to the
18 right and to the rear.

19 Q. If you're holding that gun perpendicular to the ground
20 where would the -- generally speaking what direction would
21 fired cartridge cases --

22 A. Generally speaking to the right and to the rear.

23 Q. Did you prepare a report which contains the findings
24 that you have just testified about?

25 A. Yes, sir, I did.

TESTIMONY OF IRA PARNELL

1 Q. Is that a copy of your report?

2 A. Yes, sir, it is. It pretty much contains what we just
3 talked about..

4 MR. BARFIELD: Your Honor, at this time I would offer
5 Mr. Parnell's report as State's Exhibit 63, I believe.

6 MR. FRICK: No objection.

7 THE COURT: Okay.

8 (The report was received as State's 63.)

9 MR. BARFIELD: Thank you, sir, answer anything
10 Mr. Frick has.

11 CROSS EXAMINATION

12 BY MR. FRICK:

13 Q. One of those fragments -- and I didn't pick up the
14 report -- you couldn't do anything with?

15 A. Yes, sir, that's the one in State's Exhibit 46.

16 Q. And it's identified as -- you couldn't figure anything
17 out about it?

18 A. It's too small.

19 Q. Caliber, anything?

20 A. It could have been fired by this gun or another gun.

21 Q. Did you get sent any other items? You got the gun and
22 I'm assuming that the magazine went with it?

23 A. Yes, sir.

24 Q. You got the shell casings, the bullets and the
25 fragment. Did you receive anything else to do an analysis

TESTIMONY OF FREEDONIA TRUESDALE

1 on in this case?

2 A. No, sir.

3 Q. Just those things?

4 A. That's all.

5 MR. FRICK: Thank you, sir, that's all of the questions
6 I have.

7 MR. BARFIELD: Nothing further, I ask that he be
8 excused.

9 THE COURT: Free to leave.

10 The witness, FREEDONIA TRUESDALE, was first
11 duly sworn and testified as follows, on:

12 DIRECT EXAMINATION

13 BY MR. BARFIELD:

14 Q. Tell us your name, please, ma'am.

15 A. Freedonia Truesdale.

16 Q. Ms. Truesdale, I don't need an address, but what town
17 do you live in?

18 A. Lancaster.

19 Q. Do you know Heyward Truesdale?

20 A. Yes, sir.

21 Q. How do you know Heyward Truesdale?

22 A. He is my brother.

23 Q. Do you see Heyward Truesdale in the courtroom today?

24 A. Yes, sir.

25 Q. And you've got to talk loud, I'm not being hard with

1 you but everybody has got to hear you. Where is he sitting
2 and what is he wearing?

3 A. He's sitting across from me with a blue shirt on.

4 Q. Next to the fellow punching on the computer screen?

5 A. Yes, sir.

6 Q. Where were you living on September 21 of 2011? Not
7 necessarily an address, but what town were you living in
8 then?

9 A. Kershaw.

10 Q. And what street were you living on then, let me go
11 ahead and ask you that?

12 A. Marion.

13 Q. Did you then and maybe still do have relatives that
14 live in Kershaw?

15 A. Yes, sir.

16 Q. Does your momma live in Kershaw?

17 A. Yes, sir.

18 Q. What is your momma's name?

19 A. Margaret Truesdale.

20 Q. Where does she live, what street?

21 A. Richland.

22 Q. I'm no artist, I'm going to put up -- you've got a
23 little computer screen there and I'm fixin' to put a little
24 sketch in it. Do you have anything on your screen?

25 A. No.

TESTIMONY OF FREEDONIA TRUESDALE

1 Q. Will you touch it? Just touch it and see if something
2 comes up. That's just a sketch I made with a magic marker.
3 Does that make any sense to you?

4 A. Yes.

5 Q. Do you see what I have labeled Richland Street on this?

6 A. Yes.

7 Q. Do you see what I have labeled Church Street on there?

8 A. Yes.

9 THE COURT: Solicitor, just out of idle curiosity does
10 she have any charges pending?

11 MR. BARFIELD: No, sir.

12 THE COURT: Nothing at all?

13 MR. BARFIELD: No, sir.

14 Q. Do you see what I've got labeled as Church Street?

15 A. Yes, sir.

16 Q. And do you see right there what I drew to be a house
17 and I've got Blakeney written in it?

18 A. Yes, sir.

19 Q. Are you familiar with where that house is?

20 A. Yes.

21 Q. And do you see way up here what I've got labeled as a
22 house that I've got Truesdale written in?

23 A. Yes, sir.

24 Q. Is that generally where your momma's house is?

25 A. Yes.

TESTIMONY OF FREEDONIA TRUESDALE

1 Q. Do you see what I've got labeled as Ingram Street right
2 there?

3 A. Yes.

4 Q. When you lived on Marion Street back in September of
5 2011, where was Heyward staying?

6 A. He was back and forth with me.

7 Q. Was he generally in the Kershaw area?

8 A. Sometimes.

9 Q. Okay. Had you ever met somebody named -- well, back
10 up. Who is Prayon Truesdale?

11 A. My sister.

12 Q. Who is Alexis Truesdale?

13 A. My sister.

14 Q. And all questions I'm asking you refer to September 21
15 of 2011, I'm not going to keep throwing the date out there,
16 but where was Prayon living generally back then?

17 A. Lancaster.

18 Q. Where was Alexis living back then town anyway? What
19 tune was Alexis living in?

20 A. Kershaw.

21 Q. Okay, that's what I mean. Were any of you children
22 living with your momma?

23 A. Alexis.

24 Q. Alexis was living with your momma? And you've got to
25 say yes or no.

TESTIMONY OF FREEDONIA TRUESDALE

1 A. Yes.

2 Q. Did you know a fellow by the name of Jerel Davis then?

3 A. No.

4 Q. Had you ever met him or seen him before the day this
5 event happened that we're going to talk about in a minute?

6 A. Met him once.

7 Q. All right. Same question for a fellow named Shaun

8 McCrorey, had you ever met him before the day these things
9 happened?

10 A. No.

11 Q. Where had you met Davis and with whom?

12 A. My daddy's house, Prayon.

13 Q. How long before the day these things happened had you
14 met Davis?

15 A. September 15th, my daddy's birthday.

16 Q. Did you see your sister, Prayon, Jerel Davis or Shaun
17 McCrorey on September 21 of '11?

18 A. Yes.

19 Q. Where did you see them?

20 A. Richland Street.

21 Q. At somebody's house?

22 A. Going down the road.

23 Q. In a car?

24 A. Yes.

25 Q. Did they ever end up stopped at your momma's house

1 before anything happened?

2 A. No.

3 Q. Had you seen Heyward that day before anything happened?

4 A. No.

5 Q. Where did he spend the night the night before that day?

6 A. I think with me.

7 Q. Let me back up. When you saw Prayon I think earlier

8 before anything happened I think you said she was driving

9 her car, right?

10 A. Yes.

11 Q. Do you know whether anybody was in the car with her

12 when you saw her driving her car?

13 A. I don't remember.

14 Q. That's fine. Did something happen in your momma's

15 neighborhood?

16 A. That day?

17 Q. Yes, ma'am, we're talking about the event now. Did

18 something happen that you became aware of?

19 A. That Mr. Blakeney --

20 Q. Yes, ma'am.

21 A. -- was killed.

22 Q. How did you know, did you become aware that something

23 had happened down there at Mr. Blakeney's? That's the

24 question.

25 A. When I looked across the street he was laying down on

TESTIMONY OF FREEDONIA TRUESDALE

1 the ground.

2 Q. You have got to talk loud.

3 A. When I looked across the street he was going down on
4 the ground.

5 Q. Where were you when you looked across the street?

6 A. My mother's house.

7 Q. And what made you look across the street?

8 A. I heard shots.

9 Q. When you looked across the street, first of all, did
10 you see Mr. Blakeney?

11 A. Yes.

12 Q. I'm going to show you a picture. What was Mr. Blakeney
13 doing when you saw him after you heard the shots? Was he up
14 or down, was he moving or standing still?

15 A. He was up and he was running across.

16 Q. I'm going to show you a picture, I'm not trying to
17 upset you but I'm going to show you a picture, State's
18 Exhibit Number 7. Have you seen that -- well, let me show
19 it up here. I'm showing you State's Exhibit Number 7. Is
20 that Mr. Blakeney?

21 A. Yes.

22 Q. You saw him moving. How was he moving?

23 A. Running away from them.

24 Q. Did you see him fall down?

25 A. Yes.

1 Q. Does that picture, State's Exhibit Number 7 I believe
2 it is, show where he was when he fell down? Is that where
3 he fell?

4 A. Yes.

5 Q. When you saw Mr. Blakeney running and falling after
6 hearing gunshots, did you see anything else down toward his
7 house, anything or anybody else down toward his house?

8 A. No.

9 Q. What did you do when you saw Mr. Blakeney fall in the
10 road?

11 A. I went -- are you talking about after he got shot?

12 Q. Yes, ma'am.

13 A. I went to go see if he was okay.

14 Q. Did you go up to him?

15 A. Yes.

16 Q. Was he okay?

17 A. He was lightly breathing with his face in the ground.

18 Q. Did you do anything for him?

19 A. I rubbed him on his back shoulder and told him it would
20 be okay and he stopped breathing.

21 Q. Again, you're in the street with Mr. Blakeney near his
22 house; is that correct?

23 A. Yes.

24 Q. Let me ask you this first, did you know Mr. Blakeney
25 before this happened?

TESTIMONY OF FREEDONIA TRUESDALE

1 A. No.

2 Q. Did you know that he lived in the house down there on
3 the corner?

4 A. Yes.

5 Q. Did you know anything about him?

6 A. Nothing but he was buying used merchandise.

7 Q. Had you ever seen his white car?

8 A. I seen it a couple of times.

9 Q. Had you ever seen his white motorcycle?

10 A. I don't remember what color but I know had he a
11 motorcycle.

12 Q. Okay. Now, you are looking at and you're seeing
13 Mr. Blakeney move and you're seeing him fall and you run to
14 him. Did you see anything else going on around his house?

15 A. No.

16 Q. Did you see anybody else around his house?

17 A. No.

18 Q. Do you know if there were people down at his house that
19 day?

20 A. Yes.

21 Q. Before or after you heard shooting?

22 A. Before.

23 Q. Do you know who any of those people were that were down
24 at Mr. Blakeney's house before the shooting that you saw?

25 A. No, they were too far off.

- 1 Q. And where were the people down at Mr. Blakeney's house
2 that you saw before the shooting, where around his house?
- 3 A. Standing around the front side of his house.
- 4 Q. When you say front side -- I'm going to put my little
5 sketch back up. When you say front side, are you talking
6 about on Ingram Street?
- 7 A. Yeah, from Ingram Street around.
- 8 Q. Going around Church Street?
- 9 A. Yeah.
- 10 Q. You show me. You can put -- you can touch that screen
11 and put a red line on there, you tell them where the people
12 were, or you tell the people where the people were. Just
13 all around the front side of his house?
- 14 A. Uh-huh.
- 15 Q. You've got to say yes or no.
- 16 A. Yes.
- 17 Q. That's fine. I'm not trying to be hard on you but
18 they've got to know what you're saying. Do you know who any
19 of those people were?
- 20 A. No.
- 21 Q. Now, when you saw -- when you heard shots and saw
22 Blakeney moving and saw Blakeney falling, did you see at any
23 time Jerel Davis?
- 24 A. Yes.
- 25 Q. Where was Jerel Davis when you --

TESTIMONY OF FREEDONIA TRUESDALE

1 A. Behind Mr. Blakeney.

2 Q. Now, did you talk to anybody while you're standing
3 there or kneeling down or whatever you're doing with
4 Mr. Blakeney in the street, did you talk to anybody out.
5 there?

6 A. No, everyone was gone.

7 Q. What do you mean they were gone?

8 A. Everybody left.

9 Q. Did you see people leaving?

10 A. Yes.

11 Q. Tell me how people were leaving.

12 A. Everybody took off running.

13 Q. Running. Did you see where Jerel Davis went?

14 A. He left with everybody else.

15 Q. After people left did anybody come back while you're
16 there with Mr. Blakeney?

17 A. A man on a motorcycle come behind me.

18 Q. Did you and he talk a little bit?

19 A. He was like, "What happened?" And I said, "I don't
20 know."

21 Q. Okay. Did you stay there or did you leave there?

22 A. I stayed.

23 Q. Did the police come?

24 A. Uh-huh.

25 Q. Well, let me ask you this, when I say there I mean

TESTIMONY OF FREEDONIA TRUESDALE

- 1 right there at Mr. Blakeney. Let me ask you a different
2 question. Did you go back -- well, where was your sister
3 Alexis when all of this was going on? Were you down at --
4 A. My mother's house.
5 Q. Did you communicate with Alexis?
6 A. Yes.
7 Q. How did you communicate with her?
8 A. I told her to call 911.
9 Q. Hollered to her?
10 A. Yes.
11 Q. Did you go back to your momma's house?
12 A. Yes.
13 Q. Before or after the police got there?
14 A. Before.
15 Q. When you got back to your momma's house did you see
16 Prayon or her car?
17 A. Yes.
18 Q. Where were -- was Prayon in her car or out of her car?
19 A. In.
20 Q. Behind the wheel?
21 A. Yes.
22 Q. Where -- and was her car in the road or in the yard?
23 A. In the road.
24 Q. Near your momma's house or somewhere else?
25 A. Near my mom's.

TESTIMONY OF FREEDONIA TRUESDALE

1 Q. Did you see Jerel Davis anywhere around your momma's
2 house at that time? I'm going to jump ahead and we'll come
3 back. Did Prayon's car stay there?

4 A. It stopped in the road.

5 Q. But did it stay there after it stopped in the road or
6 did it leave?

7 A. No, it left.

8 Q. When it left who was driving?

9 A. Prayon.

10 Q. When it left who was in it?

11 A. Just normal folks and Prayon and my brother, Thug.

12 Q. Heyward. You're talking about Heyward?

13 A. Yes.

14 Q. Use names, let's don't use nicknames. Okay?

15 A. My brother Heyward was coming up the street and I was
16 just like, "What done happened?" And he said, "Nothing,
17 Sis," and he asked could he get a ride.

18 Q. He asked who if he could get a ride?

19 A. Prayon.

20 Q. After he asked her if he could get a ride what did
21 Heyward do?

22 A. Got in the car.

23 Q. Did you see anybody else get into the car?

24 A. No.

25 Q. Did you see Davis anymore?

1 A. No.

2 Q. Did you see -- I haven't asked you about McCrorey. Did
3 you see McCrorey that day?

4 A. Oh yeah.

5 Q. Where did you see McCrorey earlier?

6 A. Over at Mr. Blakeney's.

7 Q. Okay. And did you see him when Prayon's car was
8 loading up and getting ready to be driven off from near your
9 momma's house?

10 A. No.

11 Q. Do you know Douglas Lewis? Do you know Douglas Lewis?

12 A. Yes.

13 Q. Did you see him somewhere out there that day?

14 A. I only seen him when he came to my house.

15 Q. Was he happy or not happy when he came to your momma's
16 house?

17 A. Not happy.

18 Q. What was wrong with Douglas Lewis?

19 A. He said he had been shot.

20 Q. And what was he traveling in?

21 A. A van.

22 MR. BARFIELD: Thank you, ma'am, answer anything

23 Mr. Frick has.

24 CROSS EXAMINATION

25 BY MR. FRICK:

TESTIMONY OF FREEDONIA TRUESDALE

1 Q. Heyward is your brother?

2 A. Yes, sir.

3 Q. Prayon is your sister?

4 A. Yes, sir.

5 Q. Jerel Davis you didn't know before that day?

6 A. No.

7 Q. Shaun McCrorey you didn't know before that day?

8 A. No.

9 Q. Mr. Blakeney you knew of because y'all were in the same
10 neighborhood?

11 A. Yes.

12 Q. Did you see when the shooting happened?

13 A. No, I heard the shooting.

14 Q. That's when you went over to go see what was going on
15 with Mr. Blakeney?

16 A. Yes.

17 Q. Did you see who was still hanging around his yard at
18 that time?

19 A. Am I not allowed to speak in the sentence? Instead of
20 saying yes or no can I speak in sentences?

21 Q. Yes, please.

22 A. I just want to say I seen Mr. Blakeney and it was the
23 McCrorey and the Davis dude over there, them was behind
24 Mr. Blakeney.

25 Q. What about Heyward?

TESTIMONY OF FREEDONIA TRUESDALE

- 1 A. No.
- 2 Q. Where was Heyward?
- 3 A. I didn't see Heyward until Heyward came up the road to
- 4 ask for a ride.
- 5 Q. Did you think it was strange to see your sister and
- 6 these two other fellows in Kershaw that day?
- 7 A. No, because they was together the day at my dad's
- 8 cookout.
- 9 Q. Was that the same day?
- 10 A. No, that was the 15th.
- 11 Q. Okay. So they had come down that day?
- 12 A. Yes.
- 13 Q. Did you think that they were going to go do something?
- 14 A. No.
- 15 Q. Do you remember talking to somebody, law enforcement,
- 16 after all of it stuff happened?
- 17 A. Yes. I talked to several of them.
- 18 Q. I bet you did, I bet you did. Do you remember talking
- 19 to an investigator and giving a statement?
- 20 A. Yes.
- 21 Q. Do you remember telling him about what you thought they
- 22 were doing down there?
- 23 A. Yes.
- 24 Q. What did you say?
- 25 A. I said I think that -- well, I think it was just

TESTIMONY OF FREEDONIA TRUESDALE

1 somebody being greedy and maybe come to do something they
2 had no business doing. You can read it to me because it has
3 been about two years.

4 Q. Well, you know that's what I've got to ask you about.
5 Is that what I've been asking you about? Does that look
6 familiar to you?

7 A. From the statement there?

8 Q. Yeah. You can hold onto it if you want to.

9 A. Yes.

10 Q. There was a question on there, "Do you think that this
11 was a planned robbery?" What is your answer?

12 A. Where are you at?

13 Q. This is typed up of what your statement is. Is that it
14 where I've got it?

15 A. And I said yes.

16 Q. And then what did you say? Investigator asked you why
17 do you think so and you answered that, didn't you?

18 A. I said there was no other reason for my sister and
19 Shaun and Jerel to be there, they live in Lancaster and had
20 no reason to be here. Most likely my sister told them about
21 him.

22 Q. Okay. And that's what you told them that afternoon?

23 A. Uh-huh.

24 Q. Did you believe that to be the truth that day?

25 A. Yes.

TESTIMONY OF FREEDONIA TRUESDALE

- 1 Q. And I've got to show you what's in this bag. It's a
2 gun, I'm not going to make you hold it and I'm not going to
3 point it at you. Have you ever scene this?
- 4 A. No, sir.
- 5 Q. This is State's Number 51. Did you ever see Heyward
6 with this?
- 7 A. No, sir.
- 8 Q. Did you see him with any gun whatsoever on
9 September 21st?
- 10 A. No, sir.
- 11 Q. Did you see him with any extra money on September 21st?
- 12 A. No, sir.
- 13 Q. Did you see him after the shots occurred?
- 14 A. I seen him when he came up the street.
- 15 Q. Up the street where? Back to where I guess is what I'm
16 trying to get.
- 17 A. He was coming up Richland Street.
- 18 Q. Okay. Where was he headed?
- 19 A. I don't know, he just asked my sister for a ride.
- 20 Q. Okay. Hopped in the car with them?
- 21 A. After she said yes.
- 22 Q. Any idea why he got in her car?
- 23 A. I just took it as she was taking him to get a ride
24 because he don't have a car.
- 25 Q. There had been a shooting, right?

TESTIMONY OF FREEDONIA TRUESDALE

- 1 A. Yeah, there had been a shooting.
- 2 Q. Folks were running, right?
- 3 A. Uh-huh.
- 4 Q. Folks getting out of there.
- 5 A. But I didn't see Heyward.
- 6 Q. Didn't see him where?
- 7 A. I didn't see him at the shooting.
- 8 Q. But you saw Jerel?
- 9 A. Yes.
- 10 Q. And you saw McCrorey.
- 11 A. Yes.
- 12 Q. And you said that Jerel was behind Mr. Blakeney.
- 13 A. Yes.
- 14 Q. Whereabouts? Were they near the car? Up -- down near
- 15 the driveway? Do you remember?
- 16 A. This would be Mr. Blakeney, this would be them.
- 17 Q. Okay. How about Mr. Lewis, I think he goes by Nip.
- 18 A. I didn't see Nip until he came to my mom's house.
- 19 Q. Was that after this or before this?
- 20 A. After when he got shot.
- 21 Q. Does he come pulling up?
- 22 A. Yes.
- 23 Q. What's he saying?
- 24 A. "I've been shot," and we told him he needed to call
- 25 911.

TESTIMONY OF FREEDONIA TRUESDALE

1 Q. Did any of y'all call 911?

2 A. No.

3 Q. Do you know if anybody called 911?

4 A. No.

5 Q. That's fine. After he said, "I've been shot," what did
6 he do?

7 A. What did I do?

8 Q. What did he do?

9 A. After we told him to call 911 he left.

10 Q. Left? Okay. Any idea where he went?

11 A. No.

12 MR. FRICK: Thank you, ma'am, that's all of the
13 questions I have.

14 REDIRECT EXAMINATION

15 BY MR. BARFIELD:

16 Q. You don't know anything about a plan to rob

17 Mr. Blakeney, do you?

18 A. No.

19 Q. Nobody told you there was a plan to rob Mr. Blakeney,
20 did they?

21 A. No.

22 Q. All of the stuff you told Danny Bennett with the
23 sheriff's office is just what you thought, right?

24 A. Yes.

25 Q. And you and Prayon don't get along too good, do you?

TESTIMONY OF FREEDONIA TRUESDALE

- 1 A. No.
- 2 Q. She doesn't live in Kershaw, does she?
- 3 A. No.
- 4 Q. And Davis didn't live in Kershaw, did he?
- 5 A. Not to my knowledge.
- 6 Q. And McCrory didn't even live in Kershaw, did he?
- 7 A. Not to my knowledge.
- 8 Q. But you lived in Kershaw, right?
- 9 A. Yes.
- 10 Q. And Alexis lived in Kershaw, right?
- 11 A. Yes.
- 12 Q. And Heyward was staying in Kershaw and your momma lived
- 13 in Kershaw and you lived in Kershaw. Truesdales all around
- 14 Kershaw, right?
- 15 A. Yes.
- 16 Q. I think you told Mr. Frick Heyward didn't have a car.
- 17 A. No.
- 18 Q. And he stayed in Kershaw.
- 19 A. Yes.
- 20 MR. BARFIELD: Thank you, that's all.

21 RECROSS EXAMINATION

22 BY MR. FRICK:

- 23 Q. Do you dislike Prayon enough to get her mixed up in an
- 24 armed robbery?
- 25 A. No.

TESTIMONY OF ALEXIS TRUESDALE

1 MR. FRICK: Thank you, ma'am, that's all I have.

2 THE COURT: You can step down.

3 MR. BARFIELD: She may be excused if she would like to.

4 The witness, ALEXIS TRUESDALE, was first duly

5 sworn and testified as follows, on:

6 DIRECT EXAMINATION

7 BY MR. BARFIELD:

8 Q. Tell us your name, please, ma'am.

9 A. Alexis Truesdale.

10 Q. Ms. Truesdale, you've got to talk into that microphone
11 so everybody can hear you.

12 A. Alexis Truesdale.

13 Q. What town do you live in now?

14 A. Lancaster.

15 Q. Where did you live back in September of 2011?

16 A. Kershaw.

17 Q. And where in Kershaw did you live?

18 A. 414 Richland Street with my mother.

19 Q. I'm going to put up a little sketch, it ain't too good
20 but I want you to look at it and take a minute. Do you see
21 that computer screen?

22 A. Yes.

23 Q. Does that little sketch make any sense to you?

24 A. Yes.

25 Q. All right. I'm going to ask you a few questions. Is

TESTIMONY OF ALEXIS TRUESDALE

1 the little house looking thing that I've got Truesdale
2 written in to, is that a pretty good placement of where your
3 momma's house is?

4 A. Yes, sir.

5 Q. And you see the house that I've got Blakeney written
6 in?

7 A. Yes, sir.

8 Q. Do you know where that house is?

9 A. Yes, sir.

10 Q. Let me just go ahead and ask you this, did you know
11 Mr. Blakeney?

12 A. Yes, sir.

13 Q. Did you ever go up to his house?

14 A. Yes. I did once probably maybe like a month before
15 that happened.

16 Q. Did you know he had a nice white BMW?

17 A. Yes, sir, I've seen it before.

18 Q. Had you ever seen the motorcycle he had under the
19 carport?

20 A. I've saw him driving it.

21 Q. I won't tell you to describe that. Did you know that
22 people were hanging around his house?

23 A. On that day or before?

24 Q. Well, generally, not that day yet.

25 A. No. I would just see people walk there.

1 Q. Ingram Street, is that the street between Church and
2 Richland? Do you see where I've got Ingram written in that
3 street?

4 A. Yes, sir.

5 Q. And you see on Richland Street I've got an arrow and it
6 says to Cemetery and then an arrow on the other side that
7 says to town.

8 A. Uh-huh.

9 Q. Is that accurate? Is the cemetery on down toward your
10 momma's house?

11 A. Yes, sir.

12 Q. And is town the other way from your momma's house?

13 A. Yes, sir.

14 Q. You know Prayon Truesdale?

15 A. Yes, sir.

16 Q. Your sister?

17 A. Yes, sir.

18 Q. Did you know Jerel Davis back when all of this
19 happened?

20 A. Yes, sir.

21 Q. Did you know Shaun McCrorey back when all of this
22 happened?

23 A. No, I knew Jerel.

24 Q. Tell us now you knew them.

25 A. I just know their names, I know they hung around my

TESTIMONY OF ALEXIS TRUESDALE

1 sister.

2 Q. Both of them hung around with Prayon, is that what
3 you're saying?

4 A. Yes, sir.

5 Q. Do you know Heyward Truesdale?

6 A. Yes, sir.

7 Q. How do you know him?

8 A. That's my brother.

9 Q. Is he in the courtroom today?

10 A. Yes, sir.

11 Q. Where is he sitting, what's he wearing?

12 A. Blue.

13 Q. At the table over there on the other side of the
14 courtroom?

15 A. Yes, sir.

16 Q. Did you see Prayon, Jerel Davis and Shaun McCrorey on
17 the day that Mr. Blakeney got shot?

18 A. Yes, sir.

19 Q. Where did you see them?

20 A. Jerel and Shaun and Prayon came to my house that day.

21 Q. How were they traveling?

22 A. In a car.

23 Q. Whose car?

24 A. Prayon's.

25 Q. What did it look like or what kind was it if you know?

- 1 A. White Malibu.
- 2 Q. Did they stay at your momma's house?
- 3 A. Just for a few minutes.
- 4 Q. Did they go somewhere else after your momma's house?
- 5 A. Yes, sir.
- 6 Q. Where did they go?
- 7 A. I couldn't tell you where, she just told me that she'll
- 8 be back. Because the three of them left driving, then they
- 9 came back and they were walking and she asked me did I want
- 10 to walk down the street with her, I told her to go ahead, I
- 11 was fine.
- 12 Q. Did the three of them walk down the street at some
- 13 point?
- 14 A. Yes, sir.
- 15 Q. Which street first of all?
- 16 A. On Richland Street right towards Cemetery Way.
- 17 Q. So they're leaving your momma's house walking this way
- 18 down Richland toward the cemetery; is that right?
- 19 A. Yes, sir.
- 20 Q. Prayon, Jerel Davis and Shaun McCrorey?
- 21 A. Yes, sir.
- 22 Q. Where was Heyward staying back when all of this was
- 23 going on?
- 24 A. I couldn't tell you, I don't know.
- 25 Q. Was he around Kershaw or was he around Lancaster or do

TESTIMONY OF ALEXIS TRUESDALE

1 you know?

2 A. The last time I seen him was at my daddy's house.

3 Q. Your daddy lives in Kershaw too?

4 A. Yes, sir.

5 Q. But not where your momma's lives.

6 A. No, he stays on the other side.

7 Q. Did you know -- did you find out something happened
8 down at Mr. Blakeney's house? Answer yes or no first.

9 A. Are you saying did I find out?

10 Q. Did you find out that something happened at
11 Mr. Blakeney's house?

12 A. Well, my brother-in-law came in the house, said
13 something was wrong and I went out thinking it was the kids
14 so I saw Mr. Blakeney laying out there in the road. So I --

15 Q. Stop right there. I'm going to let you tell me
16 everything you want to tell me. Where were you to see him
17 laying out there in the road?

18 A. Standing in my momma's yard.

19 Q. Did you ever leave your momma's yard?

20 A. No, sir.

21 Q. Did you see anything else down there towards
22 Mr. Blakeney's house when you saw Mr. Blakeney lying in the
23 road?

24 A. No, sir.

25 Q. Did you see Freedonia, your sister?

1 A. She started walking towards him and I was standing at
2 the door because I was getting on the phone to call the
3 ambulance, she was shouting, "Call 911."

4 Q. Where did Freedonia go?

5 A. She walked up there to Mr. Blakeney.

6 Q. Again did you ever go up there?

7 A. No, sir.

8 Q. Did you see anybody else up there around Mr. Blakeney's
9 house from where you were?

10 A. No, sir.

11 Q. Did you see Prayon again? After you saw Mr. Blakeney
12 lying in the road did you see Prayon again?

13 A. Yes, sir.

14 Q. And what was she in?

15 A. She was in her car.

16 Q. Where was her car?

17 A. Between my momma and the neighbor's yard.

18 Q. Did you see Jerel Davis at that point?

19 A. No, sir.

20 Q. Did you see Shaun McCrorey at that point?

21 A. No, sir.

22 Q. Did you see -- did the car stay there or did the car
23 leave?

24 A. She stayed there for a few moments and as I waited for
25 the ambulance to come she was shouting my sister's name and

TESTIMONY OF ALEXIS TRUESDALE

1 then --

2 Q. Who was shouting your sister's name?

3 A. Prayon was shouting to my sister, Freedonia, calling
4 her name, and she was still walking up there to
5 Mr. Blakeney.

6 Q. Did you see Heyward?

7 A. I seen Heyward walking up the street from the cemetery
8 way and then --

9 Q. What did he do? Where did he go and what did he do?

10 A. Well, I seen him walk up the street.

11 Q. Did you see him at any time at Prayon's car?

12 A. No, sir, I couldn't tell you I did.

13 Q. You don't know whether he got in the car or not?

14 A. No, sir.

15 Q. Do you know whether Davis got in the car?

16 A. No, sir, because I didn't see him.

17 Q. Do you know whether McCrorey got in the car?

18 A. No, sir.

19 Q. Did the car stay or did the car leave?

20 A. She stayed for awhile. Because while we were waiting
21 for the ambulance to come waiting for them, she was still
22 going down the road, she was probably past the neighbor's
23 house going on down the street.

24 Q. Did Prayon's car leave from being parked at your
25 momma's house?

1 A. Yes, sir.

2 Q. Was she driving?

3 A. Yes, sir.

4 Q. Do you know who was in it?

5 A. She was driving just as she was pulled up.

6 Q. Do you know who if anybody else was in her car when the
7 car left from your momma's house?

8 A. No. Because when she took off I was already looking
9 and she was going down the road.

10 Q. So when that was going on you're looking down toward
11 Freedonia and Mr. Blakeney?

12 A. Yes, sir.

13 Q. You don't see what's going on with Prayon and the car.

14 A. No. I was so much in shock, I was seeing my kids was
15 across the street at their friend's house.

16 MR. BARFIELD: Thank you, ma'am, answer anything

17 Mr. Frick has.

18 CROSS EXAMINATION

19 BY MR. FRICK:

20 Q. Other than walking back up the street after the thing
21 happened, did you see Heyward that day?

22 A. No, sir.

23 Q. At no point did you see him with any kind of gun?

24 A. No, sir.

25 Q. Did you see anybody with any kind of gun that day?

TESTIMONY OF ALEXIS TRUESDALE

- 1 A. No, sir.
- 2 Q. Did you see anybody with any gun that day?
- 3 A. No, sir. I seen the cigarette my sister was smoking.
- 4 Q. Your sister was smoking a cigarette?
- 5 A. Uh-huh.
- 6 Q. You saw Prayon drive off but you don't know if anybody
- 7 or who was if they were in the car?
- 8 A. No. Because by the time I was looking back at her she
- 9 was calling my sister's name out watching my sister going up
- 10 to Mr. Blakeney, she was already going back up the road.
- 11 Q. Do you know or know of Douglas Lewis, or Nip?
- 12 A. You said Doug, Nip? Yeah, I know Nip.
- 13 Q. Did you see him that day?
- 14 A. You know, I seen his van wide open coming down the
- 15 road, that's the only thing I seen. They said he was shot.
- 16 Q. Where was it coming from and where was it going to if
- 17 you remember?
- 18 A. He was wide open coming from that -- from Ingram.
- 19 Q. Okay. From the direction of Mr. Blakeney's house?
- 20 A. Like coming like toward my momma's way. I couldn't
- 21 tell you which way he went from coming off Ingram Road, I
- 22 just seen his van wide open and they said he was shot.
- 23 Q. That's the house you're talking about, right? I
- 24 circled it in blue.
- 25 A. That's my momma's.

TESTIMONY OF ALEXIS TRUESDALE

1 Q. Did you see his van coming up this direction?

2 A. Yes, sir.

3 Q. Did you see where it went?

4 A. No.

5 Q. Did you hear him hollering?

6 A. No. I just seen the van going wide open, they said he
7 was shot.

8 Q. Let me show you -- this is State's Number 9. Do you
9 recognize that?

10 A. Yes, sir.

11 Q. What is that?

12 A. That's the van that Nip used to drive.

13 MR. FRICK: Thank you, ma'am. That's all of the
14 questions I have.

15 MR. BARFIELD: Nothing further, I ask that they be
16 excused.

17 THE COURT: Free to leave.

18 The witness, ADRIENNE HEFNEY, was first duly
19 sworn and testified as follows, on:

20 DIRECT EXAMINATION

21 BY MR. BARFIELD:

22 Q. Tell us your name, please, ma'am.

23 A. It's Adrienne Hefney, last name is H-e-f-n-e-y.

24 Q. Ms. Hefney, by whom are you employed?

25 A. With the South Carolina Law Enforcement Division, more

TESTIMONY OF ADRIENNE HEFNEY

1 commonly known as SLED.

2 Q. How long have you been employed by SLED?

3 A. Since November of 1997, so about 16 years.

4 Q. What department of SLED do you currently work in?

5 A. The forensic DNA analysis unit.

6 Q. How long have you been in the forensic DNA analysis
7 unit?

8 A. The entire time.

9 Q. And are you a DNA analyst?

10 A. Yes, sir, I am.

11 Q. How did you become a DNA analyst education and
12 experience wise?

13 A. I have a Bachelor of Science Degree in Biology from the
14 University of South Carolina, I also have a Masters in
15 Business Administration Degree from Winthrop University. I
16 was trained by a court qualified analyst while working at
17 SLED, and I've testified numerous times in DNA cases.

18 Q. Let me ask you about that. In connection with your
19 testimony, have you been offered as an expert in DNA
20 analysis in the courts of this state in the past?

21 A. Yes, sir, I have.

22 MR. BARFIELD: Your Honor, at this time I would offer
23 Ms. Hefney as an expert in DNA analysis.

24 MR. FRICK: That's fine, Your Honor.

25 THE COURT: Okay.

1 Q. I want to get you to explain a little bit about the
2 business of DNA analysis. First of all, what is DNA?

3 A. DNA stand for deoxyribonucleic acid, and it's basically
4 a chemical that's found in the cells of our bodies that
5 makes us who we are. We get half of our DNA from our mother
6 and the other half of our DNA from our father. Now, a lot
7 of the DNA that we have is the same because it's what makes
8 us human, it's the DNA that causes us to have two arms, two
9 legs, two eyes, a nose, so on and so forth. But we look
10 around this courtroom and notice that everyone looks
11 different, no one has the same DNA with the exception of
12 identical twins. And so we use this knowledge in forensics
13 by comparing unknowns, which are samples that were left
14 behind at a crime scene to knowns which are either buccal
15 swabs, which are swabs from the inside of your cheek, or
16 blood standards taken from a vein of the victim or the
17 subject in the case, and/or the subject in the case and make
18 a comparison.

19 Q. Can you also take swabs -- other than buccal swabs, can
20 you swab fluids or suspected biological evidence on items
21 and analyze that?

22 A. Yes. Those would be our unknowns for our samples from
23 the crime scene.

24 Q. What is a DNA profile?

25 A. A DNA profile, we look at about 15 genetic marker

TESTIMONY OF ADRIENNE HEFNEY

1 locations. We know we have 23 pairs of chromosomes in our
2 body, we look at 15 of those that are unique DNA that makes
3 us individuals and that's how we develop a DNA profile.
4 It's the same -- it's called CODIS code loci, it's the same
5 loci that this lab uses as well as a lab in California that
6 we use.

7 Q. And when you say a DNA profile, when you're in your lab
8 working on a DNA case and you develop a profile, physically
9 what is it? Is it something on paper? Is it something that
10 a computer helps you generate and produce visually? What is
11 it?

12 A. Essentially it's both. Essentially it's where we
13 extract DNA from a sample and we run it through an
14 instrument known as -- a process called capillary
15 electrophoresis which is separating the DNA into sizes. And
16 what I mean by sizes, say in a DNA profile we have a chart
17 and the chart will have say two numbers, it can have an 11
18 and a 12. You could think of that 11 that you got a size 11
19 from your mother and a size 12 from your father and that's
20 at least a genetic marker that we look at. That all
21 compiles a DNA profile. And what we do is we develop that
22 from the evidence and we develop that from the knowns, and
23 then we compare the numbers pretty much. If there's an
24 11/12 in the unknown and an 11/12 in the known then, okay,
25 at that lotic that's a match, and at that lotic the specific

1 genetic marker. We will look at the next one, say it's
2 8/10, if there's an 8/10 on the evidence and an 8/10 on the
3 known then that's a match. And we go through each of the 15
4 like that before we determine whether we have a match or
5 not.

6 Q. Are there any -- is there any magic number of the 15
7 that you have to have to be able to say the unknown contains
8 the DNA of the known?

9 A. We have to have the majority of them, but there are
10 things known as partial profiles where we don't have the
11 whole 15 loci but we have say ten or seven of them, and what
12 we do, once we call a match we also apply statistical weight
13 to it, so that's the statistical weight, I'm saying that we
14 have a match. It could be one in 15 quadrillion, that means
15 I've used a computer program and I've put each individual
16 number in there and it applies a frequency to how often that
17 number is seen amongst the population of 250 people or
18 something like and then it will apply a frequency to each
19 one. You take the frequency of that 11 and that 12 and that
20 frequency of the eight and the ten and you go all of the way
21 down the line and multiply that together, that's how we get
22 the big number at the end.

23 Q. The statistical number?

24 A. The statistical number, the match.

25 Q. That's computer generated. The computer does that,

TESTIMONY OF ADRIENNE HEFNEY

1 you're not sitting there pumping that into a calculator.

2 A. No. We learned to do it that way but we don't do it
3 that way.

4 Q. Okay. I'm fixin' to hand you a bunch of stuff, I just
5 want to make sure I get it together before I start getting
6 in to it. I'm going to hand you -- first of all, did you
7 get called upon to do some DNA analysis on a case from the
8 Lancaster County Sheriff's Office with assigned SLED lab
9 number L11-10927?

10 A. Yes, sir, I did.

11 Q. Did you get a bunch of stuff to look at?

12 A. I got several items.

13 Q. I'm going to hand you a few of those, several items to
14 get started. I'm handing you State's Exhibits 58, 48, 49
15 and 50 which are SLED items number 25, 26, 27 and 28,
16 they're in evidence. But just take a gander at them and
17 tell me if you're familiar with them and what they are.

18 A. I am. Item 25 here, it has my initials right here and
19 the date I analyzed on the heat sealed pouch and this item
20 is a buccal swab from Shaun McCrorey.

21 Q. Let me ask you this, you said it's a buccal swab, would
22 you expect to find DNA from which you could develop a
23 profile in a properly obtained buccal swab?

24 A. Yes, sir.

25 Q. What's next?

1 A. That's State's Exhibit 58. This is State's Exhibit 48
2 and it is item 26 which is a buccal swab from Jerel Davis,
3 Jr. and again it has my initials and date. Item 49, which
4 is our item number 27, is a buccal swab from Heyward Rashard
5 Truesdale, and that is State's Exhibit 49. And this is
6 State's Exhibit 50 which is our item number 28 and it is a
7 buccal swab from Prayon Truesdale.

8 Q. All right. Did you analyze the buccal swab kits in
9 each of those items and develop a DNA profile for each of
10 those named people?

11 A. Yes, sir, I did.

12 Q. I'm going to hand you something else which is State's
13 Exhibit 47, SLED item number six. Are you familiar with
14 that and can you tell us what it is?

15 A. Yes, sir. Item six is a blood standard from Harry
16 Blakeney, and contained in this envelope is a dry blood
17 standard and it contains my initials and the date as well as
18 a liquid tube sample because we just keep whatever. What's
19 in this envelope is what was poured out of here and is
20 preserved in a dry state.

21 Q. Did you examine the blood from Harry Edward Blakeney
22 and develop a DNA profile for it?

23 A. Yes, sir, I did.

24 Q. Are the things that you've got up there that you've
25 identified considered by you in this case for your testing

TESTIMONY OF ADRIENNE HEFNEY

1 purposes the known standards?

2 A. Yes, sir, they are.

3 Q. Did you receive in this case some unknown evidence?

4 A. I did.

5 Q. I'm going to hand you some more stuff. State's Exhibit

6 61 and I believe it is SLED items 10.1, 10.2 and 10.3, are

7 you familiar with what that item or those items are?

8 A. I am. This package contains -- they have my initials

9 and the envelopes with my date and the initial.

10 Q. What is in that SLED envelope?

11 A. In this we have item 10.1 which was a swab from the

12 grip of a handgun, item 10.2 is a swab from the trigger face

13 of the handgun, and item 10.3 swabs from bottom magazine of

14 the handgun.

15 Q. All right. Lay that aside and I will hand you State's

16 Exhibit 54, SLED item 16. Can you tell me what that is?

17 A. Item 16 is a cigarette butt that was located in the

18 driver's side floorboard of the suspect's vehicle..

19 Q. State's Exhibit 57, SLED item 24. Can you tell me what

20 that is?

21 A. Item 24, it is swabs from a reddish brown stain from a

22 money envelope.

23 Q. And finally State's Exhibit 41, SLED item 23. Can you

24 tell me what that is?

25 A. Yes. This is a cigarette butt that was located in the

TESTIMONY OF ADRIENNE HEFNEY

1 bushes beside the cement drive of Edward Blakeney.

2 Q. Now, as to the unknowns that you just referred to, did
3 you examine all of those items and attempt to develop DNA
4 profiles from them?

5 A. Yes, sir, I did.

6 Q. Let's talk about some individual things now. As to
7 SLED items 10.1, 10.2 and 10.3, and again I apologize, I
8 don't have the exhibit number, but you identified as the
9 swabs from various locations on the pistol and the magazine.

10 A. Uh-huh.

11 Q. Were you able to develop a DNA profile from any of
12 that?

13 A. I'm going to read directly from my report. The DNA
14 obtained from item 10.1 which was the grip from the handgun,
15 is insufficient for reliable interpretation, so I think that
16 was one of those partial profiles I talked to you about.

17 The next item, which is item 10.2, no DNA profile was
18 developed on item 10.2, which that is the trigger face of
19 the handgun. And the last one, there was no human DNA
20 obtained from item 10.3, which was the bottom magazine of
21 the handgun.

22 Q. All right. Now, item 16, SLED item 16 which I think
23 you identified as the cigarette butt from the Malibu, were
24 you able to develop a DNA profile from that item?

25 A. Yes, sir, I was. And again, I'm going to read directly

TESTIMONY OF ADRIENNE HEFNEY

1 from my report and then I will explain it on the other side.
2 The DNA profile developed from item 16 is a mixture of at
3 least two individuals. The DNA profile of the major
4 contributor to this mixture matches the DNA profile of
5 Prayon Truesdale. The probability of randomly selecting an
6 unrelated individual having a DNA profile matching the major
7 contributor to this item is approximately one and 25
8 quadrillion. The partial DNA profile developed from the
9 minor contributor to this mixture matches the DNA profile of
10 Jerel Davis, Jr. The probability of randomly selecting an
11 unrelated individual having a DNA profile matching the minor
12 contributor for this item is approximately one in 850.
13 Harry Blakeney, Shaun McCrorey, Heyward Truesdale are
14 excluded as possible contributors to this mixture.
15 Q. What does that mean?
16 A. In this sample I have a mixture of two people, and that
17 can happen when in this case a cigarette butt if both of
18 them smoked that cigarette at some point. I have a major
19 contributor, and I don't know this to be certain, but to me
20 that would be that somebody smoked it maybe the majority of
21 the time and the minor contributor pulled off of it, but it
22 could be the one that smoked it last was the major
23 contributor and the one before them was the minor, I have no
24 way of knowing that. But I do know I have a major
25 contributor which matched Prayon Truesdale, and then with

1 the one in 25 quadrillion state. So that means if I was to
2 lineup 25 quadrillion people I should only expect to see
3 that DNA profile one time.

4 Q. How many people on the face of the earth?

5 A. It's about six or seven billion people on the earth.

6 Q. Any real significance to the Jerel Davis part of
7 cigarette part of the equation?

8 A. The Jerel Davis partial DNA profile was developed and
9 it was a minor contributor. And with his stat, we again
10 apply stat to it once we say it was a match and that was one
11 in 850. So again instead of lining up 25 quadrillion we
12 would lineup 850 people and we would only expect to see this
13 DNA profile one time.

14 Q. Would it be accurate to say that that's not
15 particularly statistically significant, one in 850?

16 A. Not particularly.

17 Q. The other cigarette butt which I think you identified
18 as SLED item 23, did you develop a profile from it?

19 A. I did. And again, this is a mixture and I'm going to
20 read directly from the report again. The DNA profile
21 developed from item 23 is a mixture of two individuals.
22 Heyward Truesdale and Jerel Davis cannot be excluded as
23 possible contributors to the mixture. The probability of
24 randomly selecting an unrelated individual who could
25 contribute to this mixture is approximately one in 570,000.

TESTIMONY OF ADRIENNE HEFNEY

1 Harry Blakeney, Shaun McCrorey, Prayon Truesdale are
2 excluded as possible contributors to this mixture. Now, how
3 this is different is that it was almost equal contributions
4 from both of them so I couldn't pull out a major contributor
5 versus a minor contributor. So then we apply stat that
6 include anybody that could have possibly contributed to this
7 mixture and that's where we came in one in 570,000. So if I
8 was to see this DNA profile again, this mixture of these two
9 people, I should not see it again in one in 570,000 times.

10 Q. Again which cigarette butt was that by labeling which
11 cigarette butt?

12 A. Sure. 23 was the cigarette butt that was in the bushes
13 beside the cement drive, and 16 was the cigarette butt that
14 was in the suspect's vehicle.

15 Q. All right. Now, SLED item 23 -- excuse me, no, 24,
16 what again did you say SLED item 24 was?

17 A. SLED item 24 is a money envelope.

18 Q. Let me ask you this, did you have the money envelope?

19 A. No, I had swabs.

20 Q. And did you have subitem numbers for the swabs from the
21 money envelope?

22 A. The swabs from the money envelope was the item number
23 so it wasn't a subitem like 24.1 or anything.

24 Q. You received swabs, though, not the envelope?

25 A. Exactly.

TESTIMONY OF ADRIENNE HEFNEY

1 Q. Is item 24 multiple things or -- is it several swabs or
2 one swab?

3 A. It's several swabs, I had swabs.

4 Q. Did you analyze those swabs?

5 A. I did.

6 Q. First of all did you determine if there was biological
7 evidence or fluid in the swabs?

8 A. I did.

9 Q. Were you able to say what it was, what that biological
10 evidence was? Not the profile at this point but what it
11 was?

12 A. I did. I did a presumptive test for blood on the swabs
13 so I looked at and saw a reddish stain so I saw a
14 presumptive test for blood and that came up positive so
15 there was blood indicated on the swabs. As for the number
16 of swabs, I received three swabs from this money envelope.

17 Q. Did you develop a DNA profile from the swabs?

18 A. Yes, sir, I did.

19 Q. Did you compare it to your known standards?

20 A. I did.

21 Q. Did you get -- and I'm going to use this term loosely,
22 you can give us the detail, but did you get a match from the
23 DNA profile on the swabs to known DNA profiles from evidence
24 submitted to you?

25 A. Yes, sir. I'll read directly from my report again.

TESTIMONY OF ADRIENNE HEFNEY

1 The DNA profile developed from item 24 which is the money
2 envelope matches the DNA of Harry Blakeney. The probability
3 of randomly selecting an unrelated individual having a DNA
4 profile matching this item is approximately one in 810
5 trillion. And it was only him, it was not a mixture.

6 Q. Can you say whether that was Harry Blakeney's blood in
7 the swabs from those envelopes on the subjects?

8 A. With a one in 810 trillion stat I would say that was so
9 within a reasonable degree of scientific certainty.

10 Q. Did you prepare a report which contained the findings
11 that you've been talking to us about?

12 A. Yes, sir, that's what I've been reading from.

13 Q. And is that copy of the report?

14 A. It is.

15 MR. BARFIELD: Your Honor, at this time I would offer
16 Ms. Hefney's report as State's Exhibit 64, I believe.

17 MR. FRICK: No objection.

18 (The report was received as State's 64.)

19 MR. BARFIELD: Thank you, ma'am, answer anything
20 Mr. Frick has.

21 CROSS EXAMINATION

22 BY MR. FRICK:

23 Q. You can only analyze what you have been given, correct?

24 A. That is correct.

25 Q. And on State's 24 they didn't send that up to you, did

1 they?

2 A. I'm sorry?

3 Q. Item number 24, that was not -- the envelope was not
4 sent up to you, it was just swabs from the envelope, is
5 that -- did I hear that correct?

6 A. Yes, sir. I received swabs with reddish brown stains
7 with a money envelope.

8 Q. DNA from any other part of that envelope you couldn't
9 have done that, you couldn't have pulled it out of an
10 envelope at SLED and say, "I want to look over on this
11 corner." You didn't have it.

12 A. That's correct.

13 Q. You can probably guess which one I'm going to ask you
14 about but we'll get there. Let's talk about item number 16,
15 your minor contributor on there.

16 A. Uh-huh.

17 Q. You're able to say with some reliability that that DNA
18 is Jerel Davis.

19 A. With some reliability. With my stat at one in 850 I
20 can't say for certain but it does match Jerel Davis, the
21 partial profile.

22 Q. I guess I'm trying to define the term but the only way
23 I can define the term is use the term. You can't exclude
24 him. You can't say that DNA was not his.

25 A. That's correct.

TESTIMONY OF ADRIENNE HEFNEY

1 Q. But in that case you can say that about Blakeney,
2 McCrorey and Heyward Truesdale.

3 A. I can.

4 Q. It's definitely not their DNA as the minor contributor.

5 A. Yes, sir.

6 Q. And one in 850 is not a big number but it still says
7 that's likely Jerel Davis' DNA.

8 A. That is true.

9 Q. Now, on 23 I know you explained it but I need you to go
10 into it a little more. You say that Heyward Truesdale and
11 Jerel Davis could not be excluded, but I believe you said
12 you can't determine which one was the major or minor
13 contributor.

14 A. Because there was equal contribution from both.

15 Q. But can you say that that was their DNA?

16 A. Within a reasonable degree of scientific certainty,
17 that's why we apply a statistical match and that statistical
18 match that was one in 570,000.

19 Q. Now, that's not 850 but it ain't 810 trillion or what
20 is the other number you got, some quadrillion? It's not the
21 big number.

22 A. No. The big numbers are usually reserved when we have
23 single source profiles or when we are able to pick out a
24 minor or major contributor, particularly a major
25 contributor.

1 Q. So you can say with a reasonable degree of certainty
2 that that partial profile could have been contributed by
3 Truesdale and Davis, right?

4 A. Now, it wasn't a partial profile on item 23, it was a
5 profile and it was equal contribution from both. So when we
6 can't pull out a major or a minor on that we add a
7 statistical mixture match, or a mixture of statistic, that's
8 where we came with the one in 570,000.

9 Q. But on the other one where you've got a mix and you are
10 able to get a major and minor, you are able to say on one
11 that it's one in 25 quadrillion chance that that is Prayon
12 Truesdale.

13 A. Uh-huh.

14 Q. In this one we're not talking about quadrillions, we're
15 not talking about millions, you're talking about 570,000?

16 A. That's correct.

17 Q. Statistics show it could be another contributor,
18 there's more of a statistical chance is what I'm getting at.
19 I'm not asking you to agree it was, I'm asking you to --
20 statistically there could have been another contributor
21 besides those two.

22 A. Statistically when you get outside of the range of one
23 out of 570, yes, sir.

24 Q. I mean, six billion people on the face of the earth,
25 there's a lot of other folks that could have had the profile

TESTIMONY OF ADRIENNE HEFNEY

1 that you're talking about here.

2 A. When you look at 570 people, yes, you should only see
3 it once. But outside of that, yes, sir.

4 Q. And what, we've got four million people in South
5 Carolina, we're talking about potentially ten other people,
6 right?

7 A. Yes, sir.

8 Q. And as far as the -- you weren't given the gun to swab,
9 you were given swabs, correct?

10 A. That's correct.

11 Q. One of them you didn't get any profile at all, you
12 weren't able to develop anything, that was 10.2?

13 A. That's correct. Because often times with a gun what we
14 are looking for is touch DNA. Touch DNA is essentially is
15 if I were to touch this theoretically I could have left my
16 DNA behind if I have clammy hands and my skin cells are
17 rubbing off, but nine times out of ten if you come back and
18 swab that you may not get my DNA profile from just that
19 touching.

20 Q. 10.1 you did get something, just not enough that you
21 could make a reliable estimation?

22 A. Interpretation.

23 Q. 10.3, you said no human DNA.

24 A. Correct. That means I didn't even get a quant. And
25 what we do, when we get ready to develop a DNA profile we

TESTIMONY OF ADRIENNE HEFNEY

1 first have to extract the DNA from its state, so whether it
2 is on swabs or whatever we have to extract the DNA. And
3 then we run what is known as a quantitation on it to see how
4 much DNA we have. From there we go on to develop a DNA
5 profile with the instrument that I explained, that's where
6 it separates it by sides. So in this case it stopped there
7 because at my quant stat there was negative quant and that's
8 where we report no human DNA obtained.

9 Q. So you got something, just couldn't quite tell where it
10 came from. I know that's a --

11 A. On that I didn't get anything.

12 Q. Bottom line is on the swabs on the gun you can't tell
13 really if there was DNA, or you've got DNA you just can't
14 make any kind of comparison.

15 A. Well, on one item I got DNA but I can't make a
16 comparison. On one I got DNA but there wasn't enough to
17 give me a profile, and on the other one I didn't get any
18 DNA.

19 Q. And your swabs was from the grip, I think 10.1 was from
20 the grip.

21 A. Yes, sir.

22 Q. Two was the trigger face. Do you know what they're
23 talking about when they say trigger face?

24 A. I don't. But I would assume it's the part outside,
25 like the trigger is here and it's the housing of the

TESTIMONY OF DOUGLAS LEWIS

1 trigger, and that is assumption though.

2 Q. And then the bottom of the magazine?

3 A. Yes, sir.

4 MR. FRICK: Thank you, ma'am, that's all of the
5 questions I have.

6 MR. BARFIELD: Nothing further, ask that she be
7 excused.

8 THE COURT: You're free to leave.

9 The witness, DOUGLAS LEWIS, was first duly
10 sworn and testified as follows, on:

11 DIRECT EXAMINATION

12 BY MR. BARFIELD:

13 Q. Tell us your name, please, sir.

14 A. Douglas Lewis.

15 Q. Mr. Lewis, you currently live in what town?

16 A. Kershaw, South Carolina.

17 Q. How long have you lived in Kershaw?

18 A. Thirty-two years.

19 Q. All of your life?

20 A. Yes.

21 Q. And you've got to use that microphone, if you lean back
22 it won't pick you up.

23 A. Yes, sir.

24 Q. Talk real loud. So you're 32?

25 A. Yes, sir.

1 Q. On September 21 of 2011, where in Kershaw were you
2 living?

3 A. Second Street on Mill Hill.

4 Q. With whom were you living?

5 A. Brandon Drakeford, my cousin.

6 Q. Did you have access to a vehicle that you used?

7 A. Yes, sir.

8 Q. What was the vehicle?

9 A. A Dodge Caravan.

10 Q. Whose vehicle was it?

11 A. My girlfriend's.

12 Q. And who is your girlfriend?

13 A. Marla Cummings.

14 Q. Did you -- I'm going to give you some names and ask you
15 if you know some people, and again, let's use real names,
16 not nicknames so everybody will know who we're talking
17 about.

18 A. All right.

19 Q. Do you know first of a young lady named Prayon
20 Truesdale?

21 A. Yes.

22 Q. How do you know Prayon Truesdale?

23 A. Just know her from the streets, neighborhood.

24 Q. Do you know -- did you on September 21st of 2011 know a
25 fellow by the name of Jerel Davis, Jr.?

TESTIMONY OF DOUGLAS LEWIS

1 A. No, sir.

2 Q. On September 21 of 2011, did you know a fellow named
3 Shaun N. McCrorey?

4 A. No, sir.

5 Q. On September 21 of 2011 did you know a fellow by the
6 name of Heyward Rashard Truesdale?

7 A. Yes, sir.

8 Q. How long had you known Truesdale?

9 A. All of my life.

10 Q. Where did he grow up?

11 A. Kershaw.

12 Q. On September 21st of 2011 did you know a fellow by the
13 name of Harry Edward Blakeney?

14 A. Yes, sir.

15 Q. How long had you known Mr. Blakeney?

16 A. Close to like a month almost.

17 Q. Did you know where Mr. Blakeney lived?

18 A. Yes, sir.

19 Q. Where did he live?

20 A. On Ingram Street in Kershaw, right off of Church
21 Street.

22 Q. How did you meet Mr. Blakeney? Don't worry about the
23 screen right now, we'll worry about it in a little bit. How
24 did you meet Mr. Blakeney?

25 A. One day I seen him at the end of Church Street, he was

1 talking to a friend of mine that was working on the side of
2 the road, that's how I met him.

3 Q. Was that near his house?

4 A. Yes.

5 Q. Did you know what Mr. Blakeney did for a living, or
6 what he did with his time?

7 A. Actually I didn't at first, and I heard about what he
8 was doing and what he was trying to do.

9 Q. What did you hear he was doing and trying to do?

10 A. He was buying items from people to open up like a store
11 to sell, items like TV's and whatever essentially.

12 Q. Did you have items that you were willing to sell?

13 A. Yes, sir.

14 Q. Had you ever been to Mr. Blakeney's house?

15 A. Yes, sir.

16 Q. Had you ever before September 21st of 2011 sold
17 anything and received money back from Mr. Blakeney?

18 A. Yes, sir.

19 Q. How many times did you sell items to Mr. Blakeney?

20 A. Once.

21 Q. And how many times -- was there a second attempt?

22 A. Yes, the second time, yes.

23 Q. The first time what did you sell Mr. Blakeney?

24 A. An entertainment stand.

25 Q. How soon before September 21 of '11 did you sell him

TESTIMONY OF DOUGLAS LEWIS

1 the entertainment stand?

2 A. Probably about three or four days prior to that.

3 Q. I'm going to put a picture on the screen that is
4 State's Exhibit Number 1, and I don't know the answer to
5 this question but I'm going to ask it anyway. State's
6 Exhibit Number 1, is that picture familiar to you?

7 A. Of the stand in --

8 Q. Well, do you know what that picture shows? Do you know
9 where that picture shows?

10 A. Yes. That's the driveway of his carport.

11 Q. There appears to be an entertainment stand or big TV
12 stand there, have you ever seen that before?

13 A. That's not the one I sold him, no, sir.

14 Q. That was going to be my question. Thank you. When you
15 sold him the entertainment center or entertainment stand,
16 did that happen at his house or did he come to you?

17 A. It happened at his house, he told me to bring it
18 actually.

19 Q. Again, how soon before September 21st of 2011 did that
20 happen?

21 A. About three or four days after that.

22 Q. Were you aware -- had you ever been there when other
23 people were there selling Mr. Blakeney stuff?

24 A. No, sir.

25 Q. Did you see Mr. Blakeney on September 21 of 2011?

- 1 A. Yes, sir, early that morning.
- 2 Q. Where did you see him?
- 3 A. I seen him at his house?
- 4 Q. How were you traveling?
- 5 A. I was driving the Caravan.
- 6 Q. All right. Were you selling something that day?
- 7 A. Yes, sir.
- 8 Q. What did you have?
- 9 A. An air conditioner and a camcorder.
- 10 Q. And just describe early that day the discussions that
- 11 you might have had with Mr. Blakeney about selling him those
- 12 two items.
- 13 A. Well, I took him the two items and he told me I had to
- 14 come back because he didn't have the money, but he wrote the
- 15 names of whatever we brought to him down and then the serial
- 16 numbers for them, too, I guess because had he some trouble
- 17 prior to that.
- 18 Q. That's fine. When you went over there did you have
- 19 that stuff with you that day?
- 20 A. Actually I took it to him and dropped it off.
- 21 Q. That was my next question, did you leave it or take it
- 22 back with you?
- 23 A. I dropped it off and left.
- 24 Q. First of all when you went over there were you by
- 25 yourself?

TESTIMONY OF DOUGLAS LEWIS

1 A. No, sir. I had my cousin Brandon Drakeford with me.

2 Q. When you left where did you go?

3 A. Actually I went back home.

4 Q. Then what?

5 A. He told me to come back like later on that day.

6 Actually I had went over there more than once but he wasn't
7 home yet.

8 Q. Let me back you up, that's fine and I should have asked
9 you that a minute ago. When you went over there the first
10 time just you and Brandon, was anybody else over there other
11 than Mr. Blakeney?

12 A. Lakendrick, Saquan and Marcus.

13 Q. Lakendrick's last name?

14 A. Lakendrick Miller.

15 Q. That's fine, that's good enough. So you left, went
16 home. Did you go back and actually -- how many times --
17 well, did you go back again?

18 A. Actually twice, I went twice.

19 Q. When you went back was Mr. Blakeney home?

20 A. No, sir.

21 Q. Was anybody around when you went back?

22 A. Those guys that was helping him and -- you mean before
23 he came back home?

24 Q. Well, let's just break this down, I want to make this
25 real clear. You went over there and left him some stuff,

1 right?

2 A. Yes.

3 Q. You went where?

4 A. Home.

5 Q. Did you go back to Mr. Blakeney's house?

6 A. Yes.

7 Q. Was anybody with you then?

8 A. Actually, no, I dropped Brandon off to go to work.

9 Q. When you went back by Blakeney's house was that the
10 last time you went to the house that day?

11 A. Yes.

12 Q. Twice?

13 A. Twice.

14 Q. When you went back to Mr. Blakeney's house how were you
15 traveling?

16 A. Caravan.

17 Q. Did you park it?

18 A. Yes.

19 Q. Where did you park it? I'm going to put a little
20 sketch up, take a look at that for a minute. That's a
21 sketch I drew, it doesn't mean anything, but does it make
22 any sense to you?

23 A. Yes, sir.

24 Q. I've got a -- is that Mr. Blakeney's house?

25 A. Yes, sir.

TESTIMONY OF DOUGLAS LEWIS

- 1 Q. Do you know where the Truesdale house is?
- 2 A. Yes.
- 3 Q. Is that accurately showing where the Truesdale house is
- 4 at?
- 5 A. Yes.
- 6 Q. Is this Church Street?
- 7 A. Yes.
- 8 Q. Is this Richland Street?
- 9 A. Yes.
- 10 Q. Is this Ingram Street?
- 11 A. Yes.
- 12 Q. You can mark on that thing with your finger. Where did
- 13 you park that red Caravan when you went back the second
- 14 time? Put your finger on it and draw a line.
- 15 A. (Witness complies.)
- 16 Q. That's where your Caravan is?
- 17 A. Yes. It was a little further back but closer to this
- 18 way right here, I'm sorry.
- 19 Q. Is it between Church Street and his driveway or on the
- 20 other side of his driveway?
- 21 A. On the other side of his driveway facing Church Street.
- 22 Q. My question is this, is your van between Church Street
- 23 and his driveway?
- 24 A. Yes.
- 25 Q. When you got there was Mr. Blakeney there?

TESTIMONY OF DOUGLAS LEWIS

- 1 A. No, sir, he told me to wait for him. I had talked to
2 him on the phone.
- 3 Q. Did you know what he drove?
- 4 A. Yes.
- 5 Q. What did he drive?
- 6 A. A white BMW.
- 7 Q. Did you know about the motorcycle?
- 8 A. Yes.
- 9 Q. Did you know about the big red box trailer?
- 10 A. Yes.
- 11 Q. When you got there and he wasn't there, again, were you
12 alone or was somebody with you?
- 13 A. I was by myself.
- 14 Q. Was anybody there when you got there and Mr. Blakeney
15 wasn't there?
- 16 A. Yes.
- 17 Q. Bunch of people or handful of people?
- 18 A. Bunch of people.
- 19 Q. Did you see at any time at Blakeney's house, did you
20 see a guy named -- that you now know or learned to know as
21 Shaun McCrorey?
- 22 A. I seen him walking up the sidewalk.
- 23 Q. What was he doing walking up the sidewalk, do you know?
- 24 A. He was with a female.
- 25 Q. Did you ever see him at Blakeney's house?

TESTIMONY OF DOUGLAS LEWIS

1 A. No. Not in his yard, no, sir.

2 Q. Did you see Heyward Truesdale at Blakeney's house?

3 A. Yes, sir.

4 Q. When did you -- was he there the first time you went to
5 Blakeney's?

6 A. No, sir.

7 Q. Was he there when you went back to Blakeney's?

8 A. Yes, sir.

9 Q. Did you see somebody you know to be Jerel Davis at
10 Blakeney's house?

11 A. Yes, sir.

12 Q. When did you see him there?

13 A. The second time.

14 Q. Where were Truesdale and Davis when you went back the
15 second time?

16 A. Standing in the carport.

17 Q. I'm going to put a better sketch up, State's Exhibit
18 Number 4. Take a minute to look at that and tell me if that
19 makes any sense to you. Look at it as long as you need to
20 look at it.

21 A. Yes, I see it now.

22 Q. Pull that microphone wherever you need to pull it so
23 you can talk. Does that sketch make sense to you?

24 A. Yes.

25 Q. What's that a sketch of generally?

- 1 A. That's a sketch of his house, the road, the trailer.
- 2 Q. Is the car shown in there?
- 3 A. The car is shown in there where he had it.
- 4 Q. Is the carport shown in there?
- 5 A. Yes, it is.
- 6 Q. Now, you said Davis and Heyward Truesdale were on the
- 7 carport. Make a mark where they were when you got back the
- 8 second time.
- 9 A. (Witness complies.)
- 10 Q. How close are they to each other?
- 11 A. Side by side basically.
- 12 Q. Where did you go when you got there?
- 13 A. I went up under the carport.
- 14 Q. Other than Truesdale and Davis, were there other people
- 15 there also?
- 16 A. Yes, sir.
- 17 Q. Did you see Mr. Blakeney after you got there and were
- 18 up under the carport with Truesdale and Davis?
- 19 A. I seen him when he were pulling up.
- 20 Q. And what was he pulling up in?
- 21 A. In the BMW.
- 22 Q. Did you know where he had been?
- 23 A. Yes, because he told me where he was going.
- 24 Q. Where had he been?
- 25 A. To the bank.

TESTIMONY OF DOUGLAS LEWIS

1 Q. Was anybody else there when you're there this second
2 time specifically to sell Mr. Blakeney anything?

3 A. It was a guy with a PS3.

4 Q. What is a PS3?

5 A. A Play Station 3.

6 Q. I might stop you from time to time just to kind of
7 break it down, but Blakeney pulls in his driveway, start
8 walking us through it. What happened?

9 A. Well, he motioned me to come to him but the guy with
10 the PS3 already had talked to him prior.

11 Q. Stop. Was Blakeney in his car or out of the car when
12 he motioned for you to come to him?

13 A. Well, he was in the car. I was in the carport, I
14 started over to his car.

15 Q. And you said the PS3 guy had already talked to him, you
16 mean had talked to him before he had left to go to the bank
17 or had talked to him as soon as he got back?

18 A. He talked to him before he went to the bank, you know
19 what I'm saying, and told him what his price was for the
20 game.

21 Q. How do you know that? Were you there when Blakeney
22 left to go to the bank?

23 A. Yes, sir, that was the first time.

24 Q. First time you went over there?

25 A. Yes. That was the first time, yes, sir.

- 1 Q. So Blakeney motioned for you while he's still in his
2 car. Did Blakeney stay in his car or get out of his car?
3 A. He got out of his car.
4 Q. When he got out of his car where did Blakeney go?
5 A. He walked to the back of his car right here.
6 Q. Make a good, big mark.
7 A. (Witness complies.)
8 Q. There you go. Where did PS3 guy go?
9 A. Where he go -- right in front of him.
10 Q. Did anything happen between Blakeney and the PS3 guy?
11 A. Yes. He gave him his money for the PS3.
12 Q. Who gave him money?
13 A. Mr. Blakeney gave the guy the money for the PS3.
14 Q. What did the PS3 guy do when Blakeney gave him money?
15 A. He walked off.
16 Q. What happened next?
17 A. He told me to come here.
18 Q. He who?
19 A. Mr. Blakeney.
20 Q. Where did you go?
21 A. Stood right beside him on the left side, he's on the
22 right side of me side by side at the back of the car.
23 Q. Y'all are up to the back of the car, this is the back
24 of the car right here.
25 A. Yes.

TESTIMONY OF DOUGLAS LEWIS

1 Q. This right here is the back of the car?

2 A. Okay.

3 Q. He's on your left?

4 A. Yes.

5 Q. So he's standing here --

6 A. No, he's on my right.

7 Q. So you're standing closer to the car?

8 A. Yes.

9 Q. And he's further away from you?

10 A. Yes.

11 Q. Again, this is the back of the car, that's the front of
12 the car, that's the carport.

13 A. Yes.

14 Q. You're here, Blakeney is here, which way are y'all
15 turned? I'm going to spin and you tell me when to stop and
16 I'm you.

17 A. Okay. Stop.

18 Q. So you're here and Blakeney is here to your right?

19 A. To my right.

20 Q. All right. When you're in that position did you see
21 Davis or Truesdale?

22 A. Out of my peripheral, yes.

23 Q. All right. Keep walking us through it. What happens?

24 You and Blakeney are standing here, how close are you and
25 Blakeney?

TESTIMONY OF DOUGLAS LEWIS

1 A. Side by side touching shoulders almost.

2 Q. Are you and he talking?

3 A. Yes, we're talking. He pulled his pad out, he looked
4 at his pad and whatever I wrote down -- the items that I had
5 he wrote it down so he was pulling it out to see the price
6 that he was going to pay me for.

7 Q. Stop right there. I'm going to show you State's
8 Exhibit Number 42, and I presume you've never seen this
9 before, but do you recognize anything about that?

10 A. Yes, I do.

11 Q. What is that?

12 A. That's for the air conditioner and camera that he wrote
13 down that was sitting in his house.

14 Q. When did that get written down?

15 A. The morning before he went to the bank the first time.

16 Q. Did you watch Blakeney write that stuff down?

17 A. Yes, I did.

18 Q. Is there a name?

19 A. My name at the top.

20 Q. What name is at the top?

21 A. Douglas.

22 Q. And are the items listed?

23 A. Yes. The camera, the Sanyo for \$80, the air
24 conditioner 5,000 BTU's for 175.

25 Q. You and Blakeney are standing there.

TESTIMONY OF DOUGLAS LEWIS

1 A. Yes, sir.

2 Q. What happens?

3 A. He reached in his pocket to get the envelope out.

4 Q. What did he get out of his pocket?

5 A. He got the envelope out of his pocket.

6 Q. Could you tell what the envelope -- did the envelope

7 have anything in it, could you tell?

8 A. It was a bank envelope, you know.

9 Q. Could you tell if it had anything in it?

10 A. Actually no, I wasn't paying attention to that part.

11 He was about to pull it out and fixin' to pay me, I guess.

12 Q. What happened next?

13 A. The first shot went off.

14 Q. From what direction -- did you hear a gunshot?

15 A. Yes, I heard it.

16 Q. From what direction did the gunshot come?

17 A. It come from behind us.

18 Q. What did you do when you heard -- was there any result

19 to you from the first gunshot?

20 A. Yes, I was hit.

21 Q. Where?

22 A. Here.

23 Q. I show you State's Exhibit Number 8.

24 A. I see it.

25 Q. Who is that?

TESTIMONY OF DOUGLAS LEWIS

- 1 A. It's me.
- 2 Q. Where is it? Circle it.
- 3 A. (Witness complies.)
- 4 Q. What happened -- what did you do when that happened to
- 5 you?
- 6 A. I fell.
- 7 Q. Did you hear anymore shots?
- 8 A. Yes.
- 9 Q. About how many shots did you hear?
- 10 A. A lot, more than five.
- 11 Q. Just walk us through it, I'll stop you if I need to.
- 12 First shot you fell, what's going on?
- 13 A. I fell and I heard Mr. Blakeney holler.
- 14 Q. Holler what?
- 15 A. "Stop, don't shoot me no more, stop, stop."
- 16 Q. Did you see Mr. Blakeney when he was yelling that?
- 17 A. Yeah, he fell, that's when he fell.
- 18 Q. Did you see him being injured?
- 19 A. Yeah. They walked up on him and started shooting.
- 20 Q. Did Mr. Blakeney move or did he fall where he had been
- 21 standing?
- 22 A. He was trying to run off, he was trying to get away
- 23 from them but they walked up on him and started shooting and
- 24 he fell in the road.
- 25 Q. All right. I'll show you another picture if I can get

TESTIMONY OF DOUGLAS LEWIS

1 my hands on it. State's Number 7. Do you recognize what's
2 shown in that picture?

3 A. Yes.

4 Q. What is that?

5 A. Mr. Blakeney laying in the road.

6 Q. You said he fell. Is that where he fell when you saw
7 him fall?

8 A. Yes.

9 Q. All right. What are you looking at when you're hearing
10 gunshots, what are you seeing?

11 A. I'm looking at a person that's helpless and can't do
12 nothing about it.

13 Q. I don't mean that. I mean you're looking around, are
14 you seeing anything when you're hearing gunshots? What are
15 you viewing?

16 A. I'm seeing people running.

17 Q. Did you see -- when you started hearing gunshots, did
18 you see Jerel Davis?

19 A. Yes.

20 Q. Where was he?

21 A. Walking up on Mr. Blakeney.

22 Q. And did he have anything in his hands?

23 A. Yes, a gun.

24 Q. Did you see him shoot the gun?

25 A. Yes.

1 Q. When you're hearing gunshots, did you see Heyward
2 Truesdale?

3 A. Yes.

4 Q. Where was he?

5 A. Like a couple of feet from him walking up with him.

6 Q. Walking up with who?

7 A. Jerel Davis.

8 Q. Let's be clear about this, did Heyward Truesdale have a
9 gun?

10 A. No, sir.

11 Q. Did Heyward Truesdale shoot anybody at Mr. Blakeney's
12 house?

13 A. No, sir.

14 Q. Did you see them leave Mr. Blakeney's?

15 A. Yes, sir.

16 Q. And where did they go, Truesdale and Davis.

17 A. Towards the Truesdale -- the way towards the house of
18 the Truesdale home.

19 Q. Truesdale and Davis is who I'm talking about.

20 A. Yes.

21 Q. What did you do?

22 A. I got off, I ran off to the duplex apartments across
23 the street on Church Street, I think. Yes, Church Street.

24 Q. Sorry to keep flopping around, but my sketch again.

25 Where are the duplexes, over this way somewhere? There you

TESTIMONY OF DOUGLAS LEWIS

1 go.

2 A. And I was right here.

3 Q. Why did you go over there?

4 A. Because I was trying to get to safety.

5 Q. Why didn't you get in your van?

6 A. Because it was too close when the shots were still
7 going off.

8 Q. What did you do when you got to the apartments over
9 there on Church?

10 A. Lakendrick, he ran over there with me, he called 911,
11 him and his haunt.

12 Q. What did you do after 911 got called?

13 A. They weren't coming fast enough, I went and got in my
14 van, left to try to go get help.

15 Q. Where did you end up?

16 A. I ended up at the shop over there on I think it's Main
17 Street, it was a rim shop.

18 Q. Rim, like car rims?

19 A. Yes.

20 Q. Why did you go to the rim shop? Why did you pick that
21 place?

22 A. That was the quickest place in my mind of thinking to
23 try to get somewhere and get help and I knew who was at that
24 shop.

25 Q. That was my question, did you know who was at that

- 1 shop?
- 2 A. Yes.
- 3 Q. And did you get help at that shop?
- 4 A. Yes.
- 5 Q. Let's jump way ahead. You got shot.
- 6 A. Yes.
- 7 Q. Did you get treatment for your shot?
- 8 A. Yes.
- 9 Q. Where did you get treatment first?
- 10 A. At the shop. They put me in the ambulance at the shop.
- 11 Q. And the ambulance took you where?
- 12 A. To the baseball field on Fork Hill Road.
- 13 Q. From the baseball field on the Fork Hill Road where did
- 14 you go?
- 15 A. Richland Memorial.
- 16 Q. How did you get to Richland Memorial?
- 17 A. Helicopter.
- 18 Q. What time was all of this going on? Was it afternoon?
- 19 A. It was daylight, I don't really know another time.
- 20 Q. Was it afternoon?
- 21 A. Yes, sir, afternoon.
- 22 Q. How long did you stay at Richland Memorial?
- 23 A. Forever, some hours. I was there for some hours.
- 24 Q. Did you come back to Kershaw the same date?
- 25 A. Later on that night, yes.

TESTIMONY OF DOUGLAS LEWIS

1 Q. It turned out not to be so bad, is that accurate?

2 A. Yes.

3 Q. How did you get back to Kershaw?

4 A. My mother and father.

5 Q. Did you talk to law enforcement folks that night after
6 you got back to Kershaw?

7 A. Yes, they came to me.

8 Q. Okay. All right.

9 MR. BARFIELD: Beg the Court's indulgence.

10 (Break in proceedings.)

11 Q. When you and Mr. Blakeney were at the back of his
12 car -- first of all did any money ever change hands between
13 you and Blakeney at the back of his car?

14 A. No, sir.

15 Q. Could you hear any conversation between -- could you
16 tell whether Davis and Truesdale were conversing at any
17 point while you and Blakeney were at the back of the car?

18 A. Close to the driver's side of his door.

19 Q. Well, let me back up, I didn't ask that question too
20 well. When you and Blakeney are at the back of Blakeney's
21 car, could you hear any conversations between Davis and
22 Truesdale?

23 A. Not really, just talking.

24 Q. Could you make out any words?

25 A. No, not really.

1 Q. I'm putting State's Exhibit Number 40 back up. You
2 said when you got back and Blakeney pulled up that y'all
3 were all under the carport, correct?

4 A. Yes.

5 Q. Did Davis and Truesdale move from the carport to any
6 other location from that point until the shooting started?

7 A. Yes.

8 Q. All right. Use your finger, let me make it a little
9 bit bigger. Show the jury where Davis and Truesdale moved
10 to.

11 A. They were here.

12 Q. And here would be?

13 A. They were there in the back and they moved up here to
14 the car to the driver's side.

15 Q. Okay. Let me ask you this, did you -- when you went to
16 the rim shop after being shot, did you talk to the police?

17 A. Yes.

18 Q. What did you tell the police?

19 A. That I had been shot.

20 Q. Did you tell the police who shot you?

21 A. No, I didn't.

22 Q. Did you tell the police whether or not you knew who
23 shot you?

24 A. No, I didn't.

25 Q. What did you say?

TESTIMONY OF DOUGLAS LEWIS

1 A. I said I didn't know.

2 Q. Did you know?

3 A. Yeah, I knew.

4 Q. Why did you tell the police you didn't know?

5 A. I feared for my life. I'm already shot so I just
6 needed medical attention, I didn't feel like talking about
7 it anymore.

8 MR. BARFIELD: Answer anything Mr. Frick has, please.

9 CROSS EXAMINATION

10 BY MR. FRICK:

11 Q. But you changed your mind on that, didn't you? You
12 decided you wanted to talk, right, about who shot you?

13 A. What do you mean?

14 Q. Yes or no, Mr. Lewis. Did you change your mind and
15 decided to say who shot you? Yes or no, Mr. Lewis. Yeah?
16 You have to answer the question.

17 A. I don't know.

18 Q. You don't know?

19 A. No.

20 Q. But at some point you talked to Investigator Whittaker,
21 didn't you?

22 A. Yes.

23 Q. And he showed you a photo lineup, right?

24 A. Yes.

25 Q. And you pointed out Jerel Davis as the shooter, right?

- 1 A. Yes.
- 2 Q. And Heyward Truesdale as being there, right?
- 3 A. Yes.
- 4 Q. But when you first talked to him right after the
- 5 incident you didn't know who nobody was.
- 6 A. Because I wasn't worried about it at the time because I
- 7 was shot.
- 8 Q. You weren't worried about it at the time.
- 9 A. No, I wasn't. My life was more important, right?
- 10 Q. Yes, sir, I agree. But you just saw a helpless man in
- 11 the middle of the road get shot and you know who did it and
- 12 you didn't say nothing about it, you're worried about you.
- 13 A. You know why? Because I didn't know where they went.
- 14 Q. Okay. I'm going to borrow the solicitor's drawing for
- 15 a second. All right. Now, I know you're going to correct
- 16 me if I'm wrong, but you said your car was pointed facing
- 17 Church Street so your car was pointed in this direction. Do
- 18 I have that -- it may not have come up yet.
- 19 A. No. I was pointed in that direction, it was just
- 20 sitting on the side.
- 21 Q. I thought you just said it was facing Church Street.
- 22 A. My car is parked right here, right there, it's parked
- 23 right here.
- 24 Q. Hang on, let me clear off what I wrote and you write
- 25 it.

TESTIMONY OF DOUGLAS LEWIS

1 A. My car is parked right here.

2 Q. Okay. So it's facing back towards the cemetery?

3 A. Towards the Truesdale house.

4 Q. You didn't tell the solicitor it was facing towards

5 Church, you were parked on the other side? You didn't tell

6 him that 10 minutes ago?

7 A. I told him it was parked on the side of the road in

8 front of Mr. Blakeney's house right here, Church Street,

9 Richland Street, Ingram Street, that's what I told him.

10 Q. Let's skip all of the way down to the incident right

11 after you've been injured. Okay. You go down this way to

12 Miller's house?

13 A. You're talking about when I got shot and ran off?

14 Q. Yes, sir.

15 A. That's not Miller's house, it was a duplexes. I don't

16 know who lived there, I just ran to the side of it.

17 Q. I thought you said you talked to Lakendrick Miller?

18 A. Yes, he ran over there with me.

19 Q. He ran over there with you?

20 A. Yes.

21 Q. And they called 911, or somebody called 911?

22 A. Ruth Ann Miller, yes, that's exactly what she did.

23 Q. You stayed there about how long?

24 A. Not that long, they wasn't coming fast enough.

25 Q. And then you went and got in your car?

1 A. Yes.

2 Q. But you did not drive your car down to the Miller's
3 place?

4 A. No.

5 Q. You go get in your car and where do you go?

6 A. I had to go out this way so I went around -- came
7 around.

8 Q. Okay. Did you stop at the Truesdale house?

9 A. The Truesdale house is right in front of the stop sign.

10 Q. Did you stop and tell them that you'd been shot?

11 A. Yes, I said, "Call the ambulance."

12 Q. Okay. Did they call the ambulance?

13 A. I don't know if they did or not, I left. I pulled off
14 left and went on to the rim shop.

15 Q. Did you wait at the rim shop?

16 A. Yes.

17 Q. How long did you wait at the rim shop?

18 A. I don't know, probably about five or ten minutes maybe
19 before law enforcement pulled up.

20 Q. So it was too long of a wait here and it was too long
21 of a wait here but it was just fine over there.

22 A. No, it wasn't too long to wait. I didn't want to be
23 there, I wanted to go somewhere and get help, I was shot.

24 Q. Well, you've got Lakendrick Miller who said he called
25 911, you couldn't have waited there?

TESTIMONY OF DOUGLAS LEWIS

1 A. It don't matter.

2 Q. You heard the Truesdales, you tell them to call 911.

3 A. It still didn't matter. I was shot, it didn't matter.

4 Q. So you had to go to the rim shop and you wait there.

5 A. My mind was racing, I don't know. I just said I didn't
6 want to sit there.

7 Q. Okay. You were flown out to Richland Memorial.

8 A. Yes.

9 Q. From Kershaw.

10 A. Yes.

11 Q. Do you have any idea who made the decision to fly you
12 to Richland Memorial?

13 A. No, I don't.

14 Q. Okay. You know what this is, this is the drawing of
15 the scene.

16 A. Yes.

17 Q. And I'm probably going to see if I can zoom in a little
18 bit. You and Mr. Blakeney are standing about right here
19 where I'm drawing that blue stuff. Is that close? If it's
20 not put it where it was.

21 A. (Witness complies.)

22 Q. And y'all are shoulder to shoulder?

23 A. Yes.

24 Q. Now, you did tell law enforcement something when you
25 first talked to them. Do you remember telling them that

TESTIMONY OF DOUGLAS LEWIS

1 y'all was face to face?

2 A. No, I don't remember telling law enforcement that.

3 Q. You don't? You didn't tell Whittaker, "Yeah, we were

4 standing face to face?"

5 A. Two years ago? No, I don't know. I don't remember

6 what I told Mr. Whittaker, I don't know.

7 Q. Well, you remember that you didn't tell him nothing

8 about who shot you, you don't remember where you were

9 standing?

10 A. Yeah, I know where. I was standing right here and

11 Mr. Blakeney was standing right there.

12 Q. Okay. And you had your back sort of to the -- well --

13 A. We had our backs turned to the trunk of his car.

14 Q. To the trunk of the car. Okay. Which would be to the

15 carport, right?

16 A. Yes.

17 Q. And with your peripheral vision you see these folks

18 coming up behind you, right?

19 A. Actually when me and him were standing at the back of

20 the car they were already coming to his driver door while we

21 were talking.

22 Q. So they're already walking.

23 A. Yeah, they're already walking.

24 Q. You see them walking while you've got your back to

25 them?

TESTIMONY OF DOUGLAS LEWIS

1 A. As I explained to the solicitor that we was kind of
2 side by side each other, but I still can see out of my
3 peripheral.

4 Q. Okay. All right. First shot hits you.

5 A. Yes.

6 Q. And then you hear five or six more is what you said?

7 A. Yeah. After that, yes.

8 Q. And you're saying those shots took place where? First
9 shot -- tell me where Mr. Blakeney is when you see the first
10 shot, or hear the first shot.

11 A. He's standing beside me basically.

12 Q. So basically where number seven is.

13 A. Yes.

14 Q. That's kind of where you put the dot.

15 A. Kind of.

16 Q. And you said that Jerel just walks up and just starts
17 shooting him?

18 A. Yes.

19 Q. Is he laying down at that time?

20 A. Yes.

21 Q. Did he get back up and run?

22 A. No.

23 Q. So he was at the end of the driveway when they were
24 shooting him?

25 A. Yeah, in the road.

1 Q. Was he in the driveway or the road?

2 A. His car is not all of the way in his driveway. The
3 road is kind of right here, Mr. Blakeney tried to run out to
4 the road, he tried to run away from the shooting and he
5 couldn't make it because he fell. They were running behind
6 him shooting him -- well, Jerel was running behind him
7 shooting him.

8 Q. Do you recognize this?

9 A. No, I don't. Yeah, that's mine, it came out of my
10 vehicle.

11 Q. Yeah.

12 A. Yeah.

13 Q. Where did they find that?

14 A. At the rim shop.

15 Q. Okay. What is it?

16 A. It's plain as day, it's a clip with bullets in it.

17 MR. FRICK: And I think that's going to be Defense
18 Number 3 for the record.

19 Q. Okay. You've got a clip and no gun.

20 A. That's right.

21 Q. Why?

22 A. It really don't belong to me, it's my cousin's, they
23 are registered. And the person that I live with is Brandon
24 Drakeford, that's his gun, that is a clip to a Ruger, the
25 gun was at the home, the clip is in that car and box of

TESTIMONY OF DOUGLAS LEWIS

1 shells that was found in that clip that was found in that
2 car, in my vehicle, yes.

3 Q. That's Defense Number 1.

4 A. Yeah, that's right.

5 Q. Those were in your car.

6 A. Yes.

7 Q. That is you and your injury that day, correct?

8 A. Yes.

9 Q. What is that?

10 A. That's my girlfriend's van.

11 Q. Was that the van you were driving that day?

12 A. Yes.

13 MR. FRICK: And that is State's Number 9.

14 Q. All right. You go to sell two items to Mr. Blakeney.

15 A. Yes.

16 Q. When did you discuss selling these things with him,
17 when did you first talk about it?

18 A. Early that morning.

19 Q. Early that morning. Okay. And you didn't sell them to
20 him at that time.

21 A. No, I left it with him.

22 Q. Okay. Why didn't you get paid at that moment?

23 A. Because he didn't have the money.

24 Q. Did he say, "I'll give you part of it now, give the
25 rest to you later?" What did he say?

1 A. He tried to pay me some of that money but I told him,
2 no, just wait to whenever I come back.

3 Q. Okay. And did y'all decide when you were going to come
4 back?

5 A. Well, actually I had some errands to run that day.

6 Q. And he told you he was going to go to the bank, get
7 some money and y'all meet up later.

8 A. Yeah. Actually he tried to get me to sit there and
9 wait then to go get the money and come back and pay me but I
10 told him to just wait until later on.

11 Q. Okay. Who was the guy with the PS3?

12 A. I don't know.

13 Q. Do you know how much money he got?

14 A. No.

15 Q. Do you recall how long you were at the hospital?

16 A. No, not really.

17 Q. Was it more than five hours?

18 A. Could have been.

19 Q. But you got home that evening in time to talk to
20 Mr. Whittaker?

21 A. It was dark when I got home.

22 Q. So --

23 A. Okay.

24 Q. -- it wasn't midnight though, right?

25 A. No, it wasn't midnight.

TESTIMONY OF DOUGLAS LEWIS

1 Q. And you flew down to Columbia but drove back from
2 Columbia.

3 A. No, I didn't drive.

4 Q. I understand, your folks drove you back.

5 A. Yeah.

6 Q. But you were in a vehicle, not necessarily traveling
7 the same speed you were in the Life Reach helicopter, right?

8 A. Right.

9 Q. Okay. Why was it okay then to say who shot you?

10 A. Why?

11 Q. Yeah.

12 A. Because I knew I was going to be all right. And then
13 the part I didn't say nothing, I didn't know if I was going
14 to be all right, never been shot before, right?

15 Q. You went back home, right?

16 A. Right.

17 Q. Home is in Kershaw, right?

18 A. Yeah.

19 Q. And the people were in Kershaw, right?

20 A. Yes.

21 Q. That's why you didn't want to talk, right?

22 A. No, it ain't. No, that's not why.

23 Q. Why was it, Mr. Lewis?

24 A. That's not why. I mean, the reason why I didn't say
25 anything at the time point is because I was trying to get

1 medical attention. I mean, I wasn't worried about who this
2 is and who that is, I'm worrying about is this bullet in me
3 or not or am I going to die or not because I just seen
4 somebody get shot in the head numerous times.

5 Q. And you were in good enough shape you could run down
6 here, run back up here, hop in your car, drive all of the
7 way down here and go back up here, right? That's what
8 happened, right?

9 A. If that's what you want to say, yes, that's what
10 happened.

11 Q. No, sir, is that what you said?

12 A. Yes, sir, that's what I said.

13 Q. Did you get paid that second time? Did you ever get
14 any money?

15 A. No, sir.

16 Q. You never got the money?

17 A. No, sir.

18 Q. You had known Heyward for awhile.

19 A. Yes.

20 Q. In fact, about a week or so before this y'all got in a
21 scrape, didn't you?

22 A. Yeah.

23 Q. You said he stole some money from you, didn't you?

24 A. Yes, sir.

25 Q. You talked to law enforcement about that, didn't you?

TESTIMONY OF DOUGLAS LEWIS

1 A. Yes, sir.

2 Q. In that statement the term "jacked up" was used, you
3 jacked him up. That's what you said, wasn't it?

4 A. Yes, I did.

5 Q. Did you do that?

6 A. We had a confrontation but it wasn't nothing with fists
7 or fighting, nothing like that.

8 Q. Okay. But it was fair to say you and Heyward weren't
9 necessarily getting along too well when this happened, were
10 you?

11 A. No. That day we didn't have no problems from my
12 knowledge.

13 Q. Did you not also say in your statement that your
14 homeboys had to pull you off him? Did you say it or not?

15 A. That's what I said.

16 MR. FRICK: Thank you, Mr. Lewis. That's all of the
17 questions I have.

18 REDIRECT EXAMINATION

19 BY MR. BARFIELD:

20 Q. You never did fully explain about the magazine and the
21 Remington ammo. You were saying the pistol that went with
22 that stuff with your cousin's.

23 A. Yes.

24 Q. Where was the pistol?

25 A. At the household we stayed at.

TESTIMONY OF DOUGLAS LEWIS

1 Q. Why was the pistol at the house and a box of ammo and
2 magazine in your van?

3 A. The reason the ammo and box of shells were in the van,
4 because the prior weekend I took him to his mother's house
5 in Heath Springs, he spent the night. He take the gun
6 everywhere he go, he take the box and the clip everywhere he
7 go, he left that in the car. That's where it remained in
8 the car.

9 Q. The gun wasn't in the car?

10 A. Never in the car.

11 Q. Did you get your camera and your TV?

12 A. No, sir.

13 MR. BARFIELD: Thank you, that's all.

14 RECROSS EXAMINATION

15 BY MR. FRICK:

16 Q. That wouldn't have been why you had to go to the rim
17 shop, was it?

18 A. To what?

19 Q. To get rid of the gun.

20 A. No. It never was on me at any time.

21 MR. FRICK: That's all.

22 MR. BARFIELD: That's all from this witness.

23 THE COURT: All right. You are free to go. We are
24 going to have to let the jury eat.

25 MR. BARFIELD: I think you probably want them to eat, I

TESTIMONY OF DOUGLAS LEWIS

1 want them to eat, too.

2 THE COURT: Jurors, what about 2:20, is that enough
3 time looking at the clock there, hour and 20 minutes? Don't
4 talk about the case.

5 (The jury left the courtroom.)

6 MR. BARFIELD: The next witness in this case is Prayon
7 Truesdale, she's the lady in the back in the blue top, she's
8 represented by Browney Patterson, Jr. Ms. Truesdale is a
9 codefendant in this case, her charges are conspiracy to
10 commit armed robbery and accessory after the fact of murder
11 and armed robbery, she's the lady as we've all heard that
12 was driving the car. She is going to testify. I do not
13 anticipate her incriminating herself but I do not intend to
14 use what she says on the witness stand against her in the
15 prosecution of her for any involvement she might have had in
16 this case. I am further just for the record at this point
17 and it will come out when she's in front of the jury, I'm
18 not going to prosecute her in this case, based on my
19 assessment I can't prove she did anything illegal.
20 Otherwise we're ready to go, she's my next witness.

21 MR. PATTERSON: And thus, Your Honor, on her behalf I
22 understand that she's testifying and granted immunity both
23 as to what she says and as to the use thereof.

24 THE COURT: All right.

25 (The jury returned to the courtroom.)

TESTIMONY OF PRAYON TRUESDALE

1 MR. BARFIELD: Prayon Truesdale.

2 The witness, PRAYON TRUESDALE, was first duly
3 sworn and testified as follows, on:

4 DIRECT EXAMINATION

5 BY MR. BARFIELD:

6 Q. Tell us your name, please, ma'am.

7 A. Prayon Truesdale.

8 THE COURT: I just need to just say. Ms. Truesdale,
9 you were in the back and you couldn't hear what your lawyers
10 were saying up here probably, but the bottom line is you
11 have some pending charges. You don't have to testify, you
12 can say, "I don't want to testify," but they've already
13 discussed that with you, but you can. Okay.

14 Q. And you've got to use that microphone, you're kind of
15 soft spoken and if they don't hear it you might as well not
16 be saying it so say it loud, please, ma'am. Say your name
17 again.

18 A. Prayon Truesdale.

19 Q. And Ms. Truesdale, what town do you live in now?

20 A. Lancaster.

21 Q. I'm going to throw some names and ask you if you know
22 some people or have any connection or kinship to some
23 people. Okay.

24 A. Okay.

25 Q. Do you know or are you kin to Freedonia Truesdale?

TESTIMONY OF PRAYON TRUESDALE

- 1 A. Yes, my sister.
- 2 Q. Alexis Truesdale?
- 3 A. My sister.
- 4 Q. Heyward Truesdale?
- 5 A. My brother.
- 6 Q. Do you know Shaun McCrorey?
- 7 A. A friend.
- 8 Q. How do you know Shaun?
- 9 A. From the neighborhood.
- 10 Q. Neighborhood where?
- 11 A. From the community and the area where I stayed.
- 12 Q. Carolina Court?
- 13 A. Carolina Court, yes, sir.
- 14 Q. Do you know Jerel Lamar Davis, Jr.?
- 15 A. Yes. His friend stayed across the hall from me.
- 16 Q. Also in the Carolina Court area?
- 17 A. Yes, sir.
- 18 Q. Let me ask you some things about you and Jerel, and I
- 19 don't want mean to embarrass you, I don't want to get too
- 20 personal. You know me, do you know Jerel different than you
- 21 know me?
- 22 A. Yes, sir.
- 23 Q. Y'all been intimate before?
- 24 A. Yes, sir.
- 25 Q. Did y'all ever live together?

TESTIMONY OF PRAYON TRUESDALE

1 A. No, sir.

2 Q. Do you have any children together or anything?

3 A. No, sir.

4 Q. I'm going to put up a rough diagram and you look --

5 you've got your monitor over there. When I put something on

6 this thing right here you are going to be able to see.

7 Okay?

8 A. Okay.

9 Q. Can you see that?

10 A. Yes, sir.

11 Q. Take a minute to look at it and see if it makes any

12 sense to you.

13 A. Yes, it does.

14 Q. All right. You say you live in Lancaster, where does

15 your family live?

16 A. In Kershaw.

17 Q. What's your momma's name?

18 A. Margaret Truesdale.

19 Q. Is Margaret Truesdale's house shown on that rough

20 sketch?

21 A. Yes, sir.

22 Q. You can also write in that sketch and put your finger

23 and circle something for me, so I want you to circle where

24 your momma's house is.

25 A. (Witness complies.)

TESTIMONY OF PRAYON TRUESDALE

- 1 Q. You see where I've got Richland written on the sketch?
- 2 A. Yes, sir.
- 3 Q. Is that Richland Street?
- 4 A. Yes, sir.
- 5 Q. Do you see where I've got an arrow pointing and it says
- 6 to cemetery?
- 7 A. Uh-huh.
- 8 Q. Do you know where the cemetery is in Kershaw?
- 9 A. Yes, sir.
- 10 Q. Is that accurate on that sketch?
- 11 A. Yes, sir.
- 12 Q. And you see the other arrow on Richland Street that
- 13 says to town?
- 14 A. Yes, sir.
- 15 Q. Is that accurate that that's where you go to go to Main
- 16 Street in Kershaw?
- 17 A. Yes, sir.
- 18 Q. Do you see the thing that -- like your momma's house
- 19 that has got Blakeney written on it?
- 20 A. Yes, sir.
- 21 Q. Now, I'm going to ask you, do you know the house I'm
- 22 talking about, the house that I've got Blakeney written on?
- 23 Do you know on the ground out there in Kershaw the house I'm
- 24 talking about?
- 25 A. Yes, sir.

TESTIMONY OF PRAYON TRUESDALE

- 1 Q. Okay. Did you go to Kershaw on September 21 of 2011?
- 2 A. Yes, I did.
- 3 Q. At that time did you have an automobile?
- 4 A. Yes, sir.
- 5 Q. What kind of car?
- 6 A. A '97 Malibu.
- 7 Q. What color car?
- 8 A. White.
- 9 Q. Two door or four door?
- 10 A. Four door.
- 11 Q. You told me about your momma in Kershaw, do you have a
- 12 daddy?
- 13 A. Yes, he was sick with a stroke.
- 14 Q. Where does your daddy live?
- 15 A. On East Stevens Street.
- 16 Q. In Kershaw?
- 17 A. Yes, sir.
- 18 Q. Why were you going to Kershaw on September 21 of '11?
- 19 A. To go visit my father and then help him out.
- 20 Q. Help him out and do what?
- 21 A. Since he had the stroke I figured he needed a lot of
- 22 help financially and things like that so I went to go try to
- 23 help tend to some of those things.
- 24 Q. Did anybody go to Kershaw with you?
- 25 A. Yes, sir.

TESTIMONY OF PRAYON TRUESDALE

1 Q. Who went with you?

2 A. Shaun and Jerel.

3 Q. Why did anybody go with you to Kershaw?

4 A. Because my car was having problems at that time and I
5 asked them to ride with me.

6 Q. Both of them or one of them?

7 A. I asked Shaun and then he wanted Jerel to come along so
8 I told him okay. I went by and picked them up and I stopped
9 the motor vehicle and --

10 Q. We don't need to get into all of that. Did Shaun and
11 Jerel know each other?

12 A. Yes, sir.

13 Q. Did you go to Kershaw?

14 A. Yes, sir.

15 Q. What was your first stop in Kershaw?

16 A. My first stop, I had stopped at a store around the
17 corner from my dad's house.

18 Q. After the store where did you go?

19 A. My father's house.

20 Q. Do you know the name of the store you stopped at?

21 A. The ABC Store.

22 Q. The one next to what used to be the Bantam Chef and is
23 now the Chinese Restaurant?

24 A. Yes.

25 Q. Was your daddy home?

- 1 A. No. He was gone to physical therapy that day.
- 2 Q. Where did you go after you went to your daddy's house?
- 3 A. My momma's house.
- 4 Q. Who was at your momma's house when you got there?
- 5 A. My sister, Alexis, her fiance' Shaun Foster, and that
- 6 was it.
- 7 Q. At that point had you seen -- when you got to your
- 8 momma's house had you seen Heyward that day?
- 9 A. Shortly after I got there.
- 10 Q. Where did Heyward stay back then, what town did he stay
- 11 in?
- 12 A. Kershaw.
- 13 Q. I want you to just answer specifically what I ask,
- 14 don't get into a bunch of other stuff. Where did you first
- 15 see Heyward?
- 16 A. Coming up the sidewalk on East Richland Street heading
- 17 towards my momma's house.
- 18 Q. Did he go to your momma's house?
- 19 A. Yes.
- 20 Q. Did anybody leave your -- after Heyward got there did
- 21 anybody leave your momma's house and go somewhere else?
- 22 A. Yes.
- 23 Q. Where?
- 24 A. Down toward the street to the cemetery.
- 25 Q. Down toward the cemetery to what, a house or store or

TESTIMONY OF PRAYON TRUESDALE

1 what?

2 A. A house.

3 Q. Whose house?

4 A. Anthony's.

5 Q. Anthony. Is that a first or last name?

6 A. First.

7 Q. Do you know a last name?

8 A. No.

9 Q. Now, look on your screen.

10 A. Okay.

11 Q. Y'all walk from your momma's house down toward the
12 cemetery.

13 A. Yes.

14 Q. Now, is Anthony's house on this side of Richland or on
15 this side of Richland?

16 A. This side.

17 Q. Who went to Anthony's house?

18 A. Jerel, Heyward and Shaun, and I just -- at first -- I
19 didn't walk down there with them at first, I just seen other
20 peoples. My brother-in-law lived across the street from my
21 momma's house and I talked to them.

22 Q. Did you see who was down at Anthony's house toward the
23 cemetery?

24 A. Yes. When I eventually went down there just a few
25 other gentlemen besides Heyward, Jerel and Shaun.

TESTIMONY OF PRAYON TRUESDALE

1 Q. Were they inside or outside?

2 A. Outside sitting on the tree logs.

3 Q. All right. Was Heyward there?

4 A. Yes, sir.

5 Q. Was Jerel Davis there?

6 A. Yes, sir.

7 Q. Was Shaun McCrorey there?

8 A. Yes, sir.

9 Q. Did you have any conversation or hear Heyward

10 talking -- stop, let me back up. Before you went to Kershaw
11 on September 21st --

12 A. Yes, sir.

13 Q. -- did you know who lived in that house right there on
14 the diagram that's labeled Blakeney?

15 A. No, sir.

16 Q. Had you ever met the man that lived in that house?

17 A. No, sir.

18 Q. Did you know anything about the man that lived in that
19 house?

20 A. No, sir.

21 Q. Had you ever been to that house?

22 A. No, sir.

23 Q. When you got to Anthony's house, did Heyward talk?

24 A. Yes, sir. They was -- everybody was up there talking.

25 Q. And I want to know -- and I'm asking you specifically

TESTIMONY OF PRAYON TRUESDALE

1 about Heyward, did Heyward talk, say things?

2 A. Yeah.

3 Q. What did Heyward say?

4 MR. FRICK: I'm going to object to hearsay on that,
5 Judge.

6 THE COURT: Go ahead.

7 A. He was standing there talking to me and there was
8 people who won scratch-offs and we said, "Y'all have some
9 good quarter of a million dollar winners in Kershaw."

10 Q. Scratch-off lottery tickets?

11 A. Yes, sir, scratch-off lottery tickets. And he was
12 talking to me saying how there was a guy there that lived in
13 town that has two something million or something like that.

14 Q. Two something million what?

15 A. Dollars. And at first I thought he was trying to hook
16 me up with the guy, he was talking to me about the gentleman
17 like he wanted me to talk to him or something like that and
18 I wasn't cool with it. And he was like, "No sis, he's
19 getting ready to open up a used antique shop," I guess, "and
20 he had been buying and collecting a lot of things from
21 people buying it." And I said, "Wow, are you going to get
22 you a job and work for him?" And he said, "No, I've just
23 got to get me some of that."

24 Q. Get him some of that what?

25 A. Money, I guess some of that money.

1 Q. Okay. What else did he say?

2 A. It just went on like that, like he had to get some of
3 that money, he needed a lick.

4 Q. What's a lick?

5 A. A lick is -- have a lot of different meanings with it.
6 Sometime it means to go take something from someone, a
7 robbery or it can -- based upon a person it means something
8 different, they'll use the word lick meaning whatever it is
9 that they need or they want. But his expression to me was
10 that he wanted some of that money.

11 Q. And I forgot to do this a minute ago, I'm going to
12 completely digress from talking about that day. Did you get
13 charged with crimes as a result of Mr. Blakeney's shooting?

14 A. Yes, sir.

15 Q. Are you charged with conspiracy to commit armed
16 robbery?

17 A. Yes, sir.

18 Q. Are you charged with accessory after the fact of murder
19 and armed robbery?

20 A. Yes, sir.

21 Q. Do you have any understanding about what's happening
22 with your charges? Have I told you and your lawyer that we
23 are not going to prosecute you?

24 A. Yes, sir.

25 Q. All right. Heyward is talking about the man.

TESTIMONY OF PRAYON TRUESDALE

1 A. Yes, sir.

2 Q. Did you stay there with them or did you leave and go
3 somewhere else?

4 A. I left and went somewhere else.

5 Q. Walking or in your car?

6 A. Some walking and then I eventually walked to my car and
7 got in and drove.

8 Q. Did you leave your momma's house in your car?

9 A. Uh-huh.

10 Q. When you walked off from Anthony's house --

11 A. Yes, sir.

12 Q. -- were Heyward, Jerel and Shaun McCrorey still there?

13 Did you leave them there?

14 A. Yes, sir.

15 Q. Before you drove off from your momma's house in your
16 car did you see either of the three of them before you left
17 your momma's house driving?

18 A. No, they were still outside. I drove back past them
19 because I ended up going down the street to somebody else's
20 house.

21 Q. I'm going to back you up a little bit to the car ride
22 with you driving and Jerel and Shaun McCrorey coming to
23 Kershaw.

24 A. Okay.

25 Q. Did anybody talk about robbing somebody in your car on

- 1 the way to Kershaw?
- 2 A. No, sir.
- 3 Q. Did you see any gun or guns in your car on the way to
- 4 Kershaw?
- 5 A. No, sir.
- 6 Q. I apologize for jumping around but I've got to go back
- 7 again, we're going back up to Mr. Anthony's house toward the
- 8 cemetery.
- 9 A. Okay.
- 10 Q. Did you see anybody with a gun or guns at Anthony's
- 11 house while you were there?
- 12 A. Yes, sir.
- 13 Q. Who had a gun?
- 14 A. Shaun had a gun.
- 15 Q. Did you see the gun?
- 16 A. It was black and silver or something like that.
- 17 Q. I'm going to pull a gun out of this bag, I'm going to
- 18 hold it up where I am, I'm not coming over there to you. Do
- 19 you know anything about that?
- 20 A. No.
- 21 Q. Did you ever handle the gun?
- 22 A. No, sir.
- 23 Q. Okay. Shaun had the gun?
- 24 A. Yes, sir.
- 25 Q. And what happened with the gun -- what did you see

TESTIMONY OF PRAYON TRUESDALE

1 happen with the gun up at Anthony's house?

2 A. They were talking looking at it, and I don't know too
3 much what they were talking or discussing because like I
4 said, I was on my way getting to head out from them but
5 there was one there at that time.

6 Q. Did you see any other gun up there at Anthony's house?

7 A. Not that I recall.

8 Q. When you saw the gun that Shaun had at Anthony's house
9 did you see anybody else with it after Shaun had it, Shaun
10 McCrorey?

11 A. No. They were just -- I guess they, you know, it's a
12 gun and guys, they're looking at it talking about it, but I
13 didn't see anyone else with a gun at that time.

14 Q. Okay. Did you become aware that something happened at
15 the house I've got labeled Mr. Blakeney's house?

16 A. Was I aware?

17 Q. Did you know that something happened there that day?
18 Not beforehand but when it happened did you know that
19 something was happening?

20 A. Yeah, when people started running and screaming.

21 Q. Let's get to that. When that happened first of all,
22 were you on foot or were you in your car?

23 A. In my car.

24 Q. Where were you in your car?

25 A. There was a stop sign right here, my car --

TESTIMONY OF PRAYON TRUESDALE

1 Q. Talk loud.

2 A. This is a stop sign right here and my car, I ended up
3 stopping somewhere around in here because this is in the
4 projects or houses or something here, there was a gentleman
5 standing outside and he walked over to me and started
6 talking so we were standing right there not too far from the
7 stop sign.

8 Q. All right. Now -- and I don't -- this is not to scale,
9 but are you at the stop sign or are you back at Mr.
10 Blakeney's beside Mr. Blakeney's house?

11 A. I'm up close to the stop sign but I'm not exact at the
12 stop sign like a few feet from it a little bit.

13 Q. What is the fellow's name that you stopped and talked
14 to near the stop sign?

15 A. Lamont Stover.

16 Q. Did you talk to him with you being in your car or did
17 you get out of your car?

18 A. I stood out of it and gave him a hug.

19 Q. When you stopped your car -- when you rode up toward
20 the stop sign and stopped your car and got out, hugged Mont
21 and talked to Mont, were you looking at Blakeney's house?
22 Did you see anything over there or did you pay any attention
23 to any of that?

24 A. I wasn't paying attention.

25 Q. Did anything happen while you're talking to Mont near

TESTIMONY OF PRAYON TRUESDALE

1 the stop sign?

2 A. Yes, sir.

3 Q. What happened?

4 A. Bunch of gun fire.

5 Q. From what direction?

6 A. From Mr. Blakeney's side.

7 Q. I will go ahead and ask you this straight up, did you
8 see anybody shooting?

9 A. No, sir.

10 Q. Did you see anybody get shot?

11 A. No, sir.

12 Q. When you heard gunshots what did you do?

13 A. Went straight down to the ground, because I was in the
14 process of already -- because the gentleman said pee dee
15 (phonetically) your shoe is untied, and when I bent down to
16 tie my shoes I went down and I just went on to the ground.

17 Q. And you were on the ground at what area around the car?
18 Not on the street, but where --

19 A. I was on the side.

20 Q. Near the door?

21 A. Yes, sir.

22 Q. Was your door open or had it been shut?

23 A. It was still open.

24 Q. You were on the ground. Can you tell anything about
25 what's going on around you when you're on the ground?

TESTIMONY OF PRAYON TRUESDALE

1 A. It was just a bunch of -- when I took my head up a
2 little bit I seen a bunch of feet, shoes, people running,
3 screaming, hollering going in each and every direction.

4 Q. What did you do after that?

5 A. My car was already running so I eased back up on the
6 driver's side still head down and I just pushed the car in
7 drive and I made a right and then I finally set up and I
8 drove back around a circle until I came back to my momma's
9 house.

10 Q. Did you ever see Mr. Blakeney out there in the street?

11 A. No, sir.

12 Q. When you got back to your momma's house, did you see
13 Heyward?

14 A. Yes, sir.

15 Q. And I'm going to come back, we'll break it down in a
16 minute. Did you see Jerel Davis?

17 A. Yes, sir.

18 Q. Did you see Shaun McCrorey?

19 A. Yes, sir.

20 Q. Of those three which one did you see first?

21 A. Heyward.

22 Q. What was Heyward doing when you saw him?

23 A. Standing in my momma's yard arguing with Freedonia.

24 Q. Who did you see next?

25 A. Jerel and then Shaun.

TESTIMONY OF PRAYON TRUESDALE

1 Q. Where was Jerel when you saw him?

2 A. Coming across --

3 Q. You can write on it. Think about -- make sure you know
4 where you -- let me clear off some other stuff that you've
5 done so far. Now, tell the jury where Jerel Davis was.

6 A. Shooting across this way heading towards my car.

7 Q. Where was Shaun? And let me clear off Jerel and --
8 well, I'll leave him on here. Where was Shaun? Use your
9 red finger this time.

10 A. Okay. Shaun -- well, this is Shaun this way, Jerel
11 this way and Heyward was already at my momma's house.

12 Q. What did the four of y'all do? Everybody was back at
13 your momma's house; you, Heyward, Jerel Davis and Shaun
14 McCrorey, what did y'all do?

15 A. Well, I was in a rush to get back because I have
16 children so I was -- my child was getting ready to get out
17 of school from his program and I had to make sure I could
18 get back up here on time so he -- because when you ain't
19 there to get the child when they get off the bus they will
20 take him back to the school and other things like that, so I
21 had to make sure I had to be there on time to get him so
22 they wouldn't have to take him back and call the department
23 of social services or whatever they have to do, or take
24 their procedures so I was rushing to get back. But before I
25 took off when they were arguing I didn't want to move the

TESTIMONY OF PRAYON TRUESDALE

- 1 car yet because I was trying to figure out what was going
2 on.
- 3 Q. Were you trying to figure out what was going on?
- 4 A. Sir?
- 5 Q. Were you trying to figure out what happened?
- 6 A. Yes, sir.
- 7 Q. Don't quote people unless I ask you to, but who were
8 you asking?
- 9 A. Freedonia Truesdale, I was asking her at that time.
- 10 Q. All right, then don't say anything she said. Did you
11 ask anybody else what had happened?
- 12 A. Yeah, my sister, Alexis.
- 13 Q. Okay. Don't tell me what she said. Did you ask
14 anybody else what had happened?
- 15 A. Before I drove off, no. After I drove off as I'm
16 driving down the street I asked them, "Do y'all know
17 anything? What's going on, what happened?"
- 18 Q. All right. Let's stop. You're driving off now?
- 19 A. Uh-huh.
- 20 Q. Who is driving your car?
- 21 A. Me.
- 22 Q. Is anybody in the front passenger seat?
- 23 A. Jerel.
- 24 Q. Is anybody in the back passenger seat behind Jerel?
- 25 A. Yes.

TESTIMONY OF PRAYON TRUESDALE

1 Q. Who?

2 A. Heyward.

3 Q. Is anybody in the back passenger seat behind you?

4 A. Yes, Shaun.

5 Q. Who were you asking things to in the car as you left,
6 after you left?

7 A. As we were taking off I said -- because Heyward was
8 arguing with my sister and I said, "What's going on, what's
9 happening? What was she arguing with you about, what were
10 you talking about?" And he was saying, "Man, F her, F that
11 B, just go on, just drive, just drive." And I was like,
12 "What is it? You done done something?" I said, Heyward,
13 did you do something? No, sister, just go on, drive,
14 they're always going to point something at me, point the
15 finger at me, they're always going to say I did something."
16 So I was driving -- he told me to shut up and drive and I
17 shut up and I just drove on down the road.

18 Q. All right. Stop. Did you see -- well, did you end up
19 in Heath Springs at the S and G Mini-mart?

20 A. Yes, sir.

21 Q. Did you intend to go to the S and G Mini-mart?

22 A. Yes, because the gas was reasonable. Before I got back
23 to Lancaster I was going to fill my tank up.

24 Q. Did you see anything at the S and G Mini-mart?

25 A. Yes, I did.

1 Q. What?

2 A. A cop swerved around in the road as I was pulling up to
3 the pump, he threw his light on and came up to where I was
4 at.

5 Q. Was he the only police officer that you saw that
6 afternoon?

7 A. No, lots more after that.

8 Q. Did you get taken to jail that afternoon?

9 A. Yes.

10 Q. I'm showing you a brown bag labeled State's Exhibit
11 Number 55, I'm not going to pull it all out. But do you
12 know what's in that bag?

13 A. Black jacket.

14 Q. Have you ever seen that jacket before?

15 A. Yes, sir.

16 Q. Whose jacket is it?

17 A. Shaun McCrorey.

18 Q. Where did he get it?

19 A. I had give it to him awhile back.

20 Q. Was that jacket present with Shaun or in your car on
21 September 21st of 2011?

22 A. Yes, sir, he brung it with him.

23 Q. When you got taken to jail or to the sheriff's office
24 did you talk to the police that evening?

25 A. Yes, sir.

TESTIMONY OF PRAYON TRUESDALE

1 Q. Did they ask you questions like I'm asking you today?

2 A. Yes, lots of them.

3 Q. Did you -- did they ask you about Jerel Davis'

4 activities that day?

5 A. Yes, sir.

6 Q. What did you tell them about Jerel while all of this

7 stuff in Kershaw was going on? What did you tell them about

8 Jerel when you talked to the police the night you got taken

9 to the sheriff's office?

10 A. I asked them that he was with me.

11 Q. Meaning what?

12 A. He was riding with me.

13 Q. The whole time while you were down there in Kershaw

14 when the shooting was gone on -- let me ask you this: By

15 that did you mean that he was with you in your car when the

16 shooting happened?

17 A. Yeah.

18 Q. Is that the truth?

19 A. No, it wasn't.

20 Q. Did you tell them later something different?

21 A. Yes, I did.

22 Q. What did you tell them later?

23 A. That he was never with me.

24 Q. Meaning never with you meaning what?

25 A. During the time of the shooting.

TESTIMONY OF PRAYON TRUESDALE

1 Q. Between the time you were at Anthony's house down
2 toward the cemetery and parked near the stop sign when the
3 shooting happened, did you see Heyward or Jerel Davis or
4 Shaun McCrorey, did you see them moving around anywhere
5 between being at Anthony's down there with them at the
6 cemetery and you being there at the stop sign when the shots
7 got fired?

8 A. Have I seen them?

9 Q. Let me ask the question again. Earlier you're at
10 Anthony's and Heyward is saying what he's saying and you see
11 McCrorey with the pistol and some time after that you're
12 sitting at the stop sign hearing gunshots.

13 A. Yes, sir.

14 Q. Between those two times did you see Heyward?

15 A. No.

16 Q. Between those two times did you see Jerel Davis?

17 A. No, sir.

18 Q. Between those two times did you see Shaun McCrorey?

19 A. Yes, I did.

20 Q. Where was Shaun McCrorey?

21 A. He had met some female that stayed a few houses down
22 from my mother and he was walking along Ingram Street
23 talking with her.

24 Q. Let me clear off your blue marks. Where on Ingram
25 Street did you see McCrorey?

TESTIMONY OF PRAYON TRUESDALE

1 A. He was -- when I turned he was walking somewhere along
2 in here with the young lady.

3 Q. Did you say anything to him when he went by?

4 A. Yeah. I stopped the car and I said, "Shaun, it's
5 almost time for me to leave, I've got to go get my baby so
6 if you're not back around when I go around this circle and
7 head back up here by my momma's house, if you're not there
8 and you find Jerel I'm gone." I was going to leave him.

9 Q. Did you have any money on you that day?

10 A. Yes, sir.

11 Q. Did you give anybody any money that day?

12 A. Yes, sir.

13 Q. Who did you give money to that day?

14 A. My brother.

15 Q. Your brother who?

16 A. Heyward.

17 Q. Where did that happen?

18 A. Down by the cemetery at Anthony's house.

19 Q. At Anthony's house?

20 A. Yes, sir.

21 Q. Was there a conversation between you and Heyward about
22 you giving him money?

23 A. Yes, sir.

24 Q. Tell us the conversation.

25 A. He said, "Sis, you go get me something to eat?" And I

1 said, "Where do you want something to eat from?" And he
2 said, "Subway." And I said, "I'm not going way down there
3 to Subway but I tell you what, I will give you the money and
4 you can take yourself to Subway, but I've got a run I need
5 to make." So I reached in my bag, handed him \$5 and I went
6 about my business.

7 Q. Did he have any money?

8 A. No, sir.

9 Q. Did you and Heyward have any conversation about him
10 getting in your car after you gathered back up at your
11 momma's house after the shooting?

12 A. Did we have a conversation?

13 Q. Yeah. And that wasn't a good question either. How did
14 Heyward end up in your car leaving Kershaw with you?

15 A. He had said "Hey Sis, can I get a ride?" And I said to
16 him, "I'm about to go to Lancaster, I'm not coming back to
17 Kershaw," because I don't want to be responsible for getting
18 him back home, so I told him I don't have a problem giving
19 you a ride, I'm just not coming back." And he said, "I
20 don't need a ride back, I'm going to the projects," and I
21 said, "Okay. Then get in."

22 MR. BARFIELD: Beg the Court's indulgence.

23 (Break in proceedings.)

24 Q. Did you ever see -- after the shooting did you see
25 anybody else? Did you see anybody else that appeared to be

TESTIMONY OF PRAYON TRUESDALE

1 injured after the shooting?

2 A. No, sir.

3 Q. Do you know Douglas Lewis?

4 A. That's my first time hearing that name.

5 Q. Okay. Do you know somebody named Nip?

6 A. Yes, sir.

7 Q. Did you see anything about having to do with him that
8 day?

9 A. No, sir.

10 MR. BARFIELD: Thank you, ma'am. Answer anything
11 Mr. Frick has.

12 CROSS EXAMINATION

13 BY MR. FRICK:

14 Q. Well, you do know a Nip Lewis.

15 A. Yeah. I seen him, I don't know him.

16 Q. I didn't say y'all hung out or nothing, I'm just saying
17 you're aware of him. Did you see him that day on the 21st?

18 A. I can't recall.

19 Q. Okay. Did you ever see his car or have any idea what
20 time you seen a car?

21 A. Today is the first time I knew who he was in this case.

22 Q. Solicitor asked you where Heyward was staying at, you
23 said, "Kershaw, I think."

24 A. Yeah. From my knowledge he was in Winston-Salem with
25 his mom but at this particular moment, this time during this

TESTIMONY OF PRAYON TRUESDALE

- 1 moment he was staying with my sister Freedonia in Kershaw.
- 2 Q. Did you see him on a regular basis?
- 3 A. No, like once a year or something like that.
- 4 Q. Were you surprised to see him when you went down to
- 5 Kershaw that day?
- 6 A. Yes, sir.
- 7 Q. And you hadn't had any conversations with him?
- 8 A. No, sir.
- 9 Q. You and Jerel at least at the time, I don't know what
- 10 your relationship now is and I quite frankly am not
- 11 concerned, but at the time y'all were pretty close.
- 12 A. Yes, sir.
- 13 Q. Shaun was a friend of yours?
- 14 A. Yes, sir.
- 15 Q. Did he stay at Carolina Court?
- 16 A. In a way he was kind of homeless so he basically rests
- 17 his head wherever he could.
- 18 Q. Did he ever stay with you?
- 19 A. Yeah, I let him come.
- 20 Q. That's where he got the jacket, isn't it?
- 21 A. Yes, sir. Because he didn't have one and it was cold,
- 22 I was just looking out for him.
- 23 Q. On that September 21st he's the one who you saw with
- 24 the gun.
- 25 A. Yes, sir.

TESTIMONY OF PRAYON TRUESDALE

1 Q. Did you ever see Heyward with a gun?

2 A. No, sir.

3 Q. Now, you gave a couple of statements in this case, the
4 first one was the day of the event, right?

5 A. Yes, sir.

6 Q. You weren't honest in that statement.

7 A. Correct.

8 Q. You were protecting Jerel, weren't you?

9 A. Correct.

10 Q. A little while later you gave a second statement.

11 A. Yes, sir.

12 Q. But you didn't see the shooting.

13 A. No, sir.

14 Q. You heard shots.

15 A. Just heard the shots.

16 Q. You were close -- and I'll use the solicitor's drawing
17 just. So I'm sure the one I'm circling, is that your
18 momma's house?

19 A. Yes, sir.

20 Q. When you heard the shots you were on your way back to
21 your momma's house?

22 A. When I heard the shots, yeah, I just came in.

23 Q. You can mark on there if you want to.

24 A. Yeah. I was heading -- I was coming in and my niece,
25 Alexis Truesdale's daughter, was standing outside eating a

1 bowl of cereal, it was a nice day and it just -- everybody
2 just went away, I didn't know where everybody went to. She
3 told me -- my niece pointed to this way and she said I think
4 everybody went this way, so I took my car and went the way
5 she pointed which is down Ingram Street.

6 Q. Now, this is before or after the shooting?

7 A. This was before.

8 Q. Before you heard the shots? Okay.

9 A. Uh-huh.

10 Q. When you hear the shots --

11 A. Yes, sir.

12 Q. -- if it's on this chart -- because I don't know
13 whether it is, if it's on this chart mark whereabouts you
14 were when you heard the shots.

15 A. Right here near the stop sign.

16 Q. Okay. Now, that -- according to the chart we got here
17 that's in front of Mr. Blakeney's house, that's where you
18 were?

19 A. Well, it's a stop sign right here. My car is closer to
20 the stop sign because I wasn't right at the stop sign, I was
21 right here, what, three or four steps away from the stop
22 sign?

23 Q. I'm just trying to make sure. That's fine, if that's
24 where you were that's where you were. So you were in front
25 of the Blakeney house when the shooting occurs.

TESTIMONY OF PRAYON TRUESDALE

- 1 A. If you want to say it that way.
- 2 Q. Well, I guess down a little way to the stop sign?
- 3 A. Yes.
- 4 Q. You weren't at your momma's house.
- 5 A. No.
- 6 Q. Okay. So you weren't looking at his house.
- 7 A. No, I wasn't looking in that direction.
- 8 Q. So you've got no idea who was in his yard or even if he
- 9 was in his yard.
- 10 A. Exactly.
- 11 Q. You hear the shots, what do you do?
- 12 A. Hit the ground, eventually get up, drive my car and I
- 13 rode on around back to my momma's house.
- 14 Q. Did you see any folks running?
- 15 A. There was lots of them.
- 16 Q. Okay. Did you recognize anybody running?
- 17 A. I'm new here so I don't really know too many folks. I
- 18 know by faces but names and stuff I can't recall because I
- 19 don't know.
- 20 Q. Did you see any other cars driving off?
- 21 A. Yeah. Mont, the gentleman that I was standing there
- 22 talking to, he almost turned his truck over actually trying
- 23 to speed off.
- 24 Q. So you cut the block and you go back over to your
- 25 momma's house.

TESTIMONY OF PRAYON TRUESDALE

1 A. Uh-huh.

2 Q. You said Heyward was already there when you got there.

3 A. Yeah. He was having a conversation with my sister.

4 Q. And you said you saw Shaun and Jerel cutting back
5 across this way?

6 A. Yes, sir. Shaun was coming from this direction.

7 Q. You put it on there, I don't want to put words in your
8 mouth.

9 A. Shaun was coming from -- because the young lady stayed
10 somewhere around this way and he was coming back from that
11 way and Jerel was coming across.

12 Q. Don't know where they were coming from but that's the
13 general direction?

14 A. Yes, sir.

15 Q. Did you see anybody with a weapon at that point?

16 A. No.

17 Q. Did you see a gun again during the day?

18 A. Sir.

19 Q. Did you see a gun again that day?

20 A. A who?

21 Q. A gun, a pistol?

22 A. Did I see another one?

23 Q. Yeah.

24 A. No, not until I got pulled over.

25 Q. That's the next time you saw --