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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

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STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF LANCASTER

2011-GS-29-1425 to 1427

State of South Carolina

vs.

Heyward Rashard Truesdale

Lancaster, South Carolina

May 13-16, 2013

Before the Honorable Ernest Kinard

APPEARANCES

For the State: Doug Barfield

For the Defendant: William Frick

Reported by: Michael C. Watkins

Official Court Reporter

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

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

THE DEFENDANT: Yes, sir.

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

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

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

THE COURT: Is that correct?

THE DEFENDANT: That's correct.

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

selection.

(Beginning of jury selection.)

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

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

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

MR. FRICK: Yes, sir.

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

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

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

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

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

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

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

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

THE COURT: Which county?

THE JUROR: Lancaster.

THE CLERK: Juror 65.

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

THE CLERK: Juror 118.

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

THE CLERK: Juror 121.

THE COURT: Jurors, now this would include --

THE CLERK: I think there's one more.

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

THE COURT: And you have a name?

THE JUROR: My name? Sherry Stewart.

THE CLERK: 122.

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

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

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

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

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

THE COURT: Your name is?

THE JUROR: Nancy Buffet.

THE COURT: Okay. Thanks.

THE CLERK: Nineteen.

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

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

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

THE COURT: And your name is?

THE JUROR: Emily Jordan, number 79.

THE COURT: Okay. Thanks.

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

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

THE COURT: Okay.

THE CLERK: Number 60.

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

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

(Individual voir dire.)

THE JUROR: Jeanette Roseberry.

THE CLERK: Juror 118.

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

THE COURT: Can you be fair and impartial?

THE JUROR: I can.

THE COURT: Okay.

THE CLERK: Juror number 42.

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

THE COURT: Can you be fair and impartial?

THE JUROR: I believe I can.

THE COURT: Anybody want to question her further? Okay. Thank you.

THE CLERK: Juror 55, Terry Ford.

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

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

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

(Individual voir dire.)

THE CLERK: James Carson, 25.

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

THE COURT: All right.

THE CLERK: Number 51.

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

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

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

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

THE CLERK: This is juror 102.

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

THE COURT: How long ago was that?

THE JUROR: In '09.

THE CLERK: Juror 67.

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

THE COURT: Okay.

MR. BARFIELD: That was 60 what?

THE COURT: Seven.

THE CLERK: Juror 79.

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

THE COURT: Okay.

THE CLERK: Twenty-five.

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

THE COURT: All right.

THE CLERK: Seventy-seven.

THE JUROR: Good morning. I served on a grand jury up in Essex County, Massachusetts four years ago.

THE CLERK: Twenty-three.

THE JUROR: I testified on a rape case in York County.

THE COURT: How long ago?

THE JUROR: About five years ago.

THE CLERK: This is juror 47.

THE JUROR: Jackie Evans. I testified in two different criminal domestic violence cases.

THE CLERK: 106, Patterson.

THE JUROR: I served on a jury when a Lancaster County police officer got shot, I think his name was Stacy, it has been several years ago, the old courthouse, I was on that jury.

THE CLERK: 130.

THE JUROR: I'm sorry, Your Honor. I have made several contributions over the years to Mother's Against Drunk Drivers and I'm a member of al anon.

THE COURT: Anything else? You need to call them up?

MR. BARFIELD: I think that's good, thank you.

THE COURT: Jurors, any of y'all served on the Lancaster County grand jury in the year 2011? All right. Now jurors, don't panic, we will finish the case before Friday, we have a good many witnesses. I'm going to ask the

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

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

THE COURT: Do them a little slower, solicitor.

MR. BARFIELD: Craig Bailey. Danny Bennett.

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

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

THE JUROR: I would think so.

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

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

MR. BARFIELD: Joe Catalano. Monty Craig.

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

Jordan, 79, he was a student of mine.

MR. BARFIELD: Monty Craig.

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

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

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

MR. BARFIELD: Anne Horton. Mike Howell.

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

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

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

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

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

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

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

VOIR DIRE

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

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

THE CLERK: That was number 79, Emily Jordan.

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

THE JUROR: He goes to church with me.

THE COURT: Tell us your number.

THE JUROR: I'm sorry, Barry Williams.

THE CLERK: 146.

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

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

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

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

MR. BARFIELD: Chief Deputy Coroner Karla Knight Deese.

THE JUROR: I know her from family members.

VOIR DIRE

MR. BARFIELD: Name again so everybody will --

THE JUROR: I'm sorry, Debbie Walker.

THE COURT: Yes, ma'am?

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

THE CLERK: Ninety-five.

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

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

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

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

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

MR. BARFIELD: Nothing from the State.

THE COURT: From the defense?

MR. FRICK: Nothing from defense.

THE COURT: Okay. Mr. Clerk?

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

MR. BARFIELD: Please present the juror.

THE CLERK: Defendant?

MR. FRICK: Please seat the juror.

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

State?

MR. BARFIELD: Please present the juror.

THE CLERK: Defendant?

MR. FRICK: Please seat the juror.

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

MR. BARFIELD: Please present the juror.

THE CLERK: Defendant?

MR. FRICK: Please seat the juror.

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

MR. BARFIELD: Please present the juror.

THE JUROR: Defendant?

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

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

MR. BARFIELD: Please present the juror.

THE CLERK: Defendant?

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

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

MR. BARFIELD: Please present the juror.

THE CLERK: Defendant?

MR. FRICK: Please seat the juror.

VOIR DIRE

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

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

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

MR. BARFIELD: Please present the juror.

THE CLERK: Defendant?

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

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

MR. BARFIELD: Please present the juror.

THE CLERK: Defendant?

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

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

MR. BARFIELD: Please present the juror.

THE CLERK: Defendant?

MR. FRICK: Please seat the juror.

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

MR. BARFIELD: Please present the juror.

THE CLERK: Defendant?

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

this case.

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

MR. BARFIELD: Please present the juror.

THE CLERK: Defendant?

MR. FRICK: Please seat the juror.

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

MR. BARFIELD: Please present the juror.

THE CLERK: Defendant?

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

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

MR. BARFIELD: Please present the juror.

THE CLERK: Defendant?

MR. FRICK: Please seat the juror.

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

MR. BARFIELD: Please present the juror.

THE CLERK: Defendant?

MR. FRICK: Please seat the juror.

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

MR. BARFIELD: Excuse the juror from this trial.

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VOIR DIRE

THE CLERK: Juror 65, Lisa Hargett Center.

(Bench conference.)

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

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

MR. BARFIELD: Please present the juror.

THE CLERK: Defendant?

MR. FRICK: Please seat the juror.

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

MR. BARFIELD: Please present the juror.

THE CLERK: Defendant?

MR. FRICK: Pleases seat the juror.

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

MR. BARFIELD: Please present the juror.

THE CLERK: Defendant?

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

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

MR. BARFIELD: Please present the juror.

THE CLERK: Defendant?

MR. FRICK: Please seat the juror.

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

MR. BARFIELD: Please present the juror.

THE CLERK: Defendant?

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

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

MR. BARFIELD: Please present the juror.

THE CLERK: Defendant?

MR. FRICK: Please seat the juror.

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

MR. BARFIELD: Please present the juror.

THE CLERK: Defendant?

MR. FRICK: Please seat the juror.

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

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

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

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

THE CLERK: Defendant?

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

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

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

THE CLERK: Defendant?

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

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

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

MR. FRICK: No challenge for cause.

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

MR. BARFIELD: Nothing from the State.

MR. FRICK: None from the defense.

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

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

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

(Back in the courtroom.)

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

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

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

description, they're not talking about anybody inside of it, just a vehicle. They see that car at a gas station and they pursue it without anything further, pull everybody out and start questioning them, I think they did get consent to search from the driver and owner of the vehicle. Essentially what I'm saying is that wasn't enough information to give them reasonable suspicion to make the seizure and to make the search, that's it in a nutshell.

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

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

THE COURT: Yeah.

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

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

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

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

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

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

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

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

MR. FRICK: I understand, Your Honor.

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

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

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

THE COURT: Well, you can have it.

MR. FRICK: Okay.

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

DIRECT EXAMINATION

BY MR. BARFIELD:

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

A. Douglas A. Lewis.

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

A. All right.

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

A. Yes, sir.

Q. Who shot you?

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

Q. Who was there?

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

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

A. Truesdale.

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

A. Yes, sir.

Q. Where is he?

A. Sitting over there.

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

A. Yes, sir.
Q. When you got shot, did you stay there or did you -- did you stay at Mr. Blakeney's house or did you go somewhere?
A. When I got shot I fell to the side and I ran off, I was in shock because I ain't never been shot before.
Q. Where did you run off to?
A. Across the street to some duplex apartments on the side.
Q. Were you there in a vehicle that day?
A. I was in a vehicle, yes, sir.
Q. Did you at some point make it to your vehicle?
A. Yes, I did.
Q. And I don't know need to know everwhere you went before you ended up seeing the police, but did you end up somewhere in that vehicle and get help?
A. Yes, sir.
Q. Where did you end up?
A. Kershaw Rim Shop which is owned by Brant Bonner.
Q. Did you talk to the police officers when you were at the Kershaw Rim Shop?
A. Yes.
Q. And is one of them this fellow in the white shirt back here with no hair, Major Matt Shaw, do you remember seeing him?
A. Yes.

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

A. Yes.

Q. Did you get taken somewhere for medical treatment?

A. Yes.

Q. Where?

A. Columbia Richland Memorial Hospital.

Q. How?

A. Flew.

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

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

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

A. Yes, I did.

Q. Did you tell them you had been shot?

A. Yes.

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

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

Q. Did not?

A. Yes.

Q. Was that the truth?

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

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

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

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

A. Yes.

Q. So when you said you didn't know, were you really not telling the truth? I'm asking stupid questions, let me try to do this again. Describe -- so the Judge will understand let's talk about the shooting part itself for a minute. When you were at Mr. Blakeney's house and the shooting starts who were you closest to?

A. Mr. Blakeney.

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

A. Shoulder, side by side.

Q. Rubbing shoulders?

A. Almost close to it.

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

A. Behind his car parked in the driveway.
Q. Closer to the street or closer to the house?
A. Closer to the street.
Q. Were you facing toward or away from the sound of gunshots?
A. Our backs was turned to his house.
Q. Were there people behind you between y'all and the house?
A. Yes.
Q. Who was out there that you know?
A. Heyward.
Q. Was Jerel out there?
A. Jerel was out there.
Q. That's fine. When you know where they were, where were they?
A. Standing in the yard, his driveway. He don't really have a big yard, side part, he's got a driveway, then it's just like his porch, there's a little bit of grass and everybody was standing around that area.
Q. When you last saw -- before the shooting started when you last saw Heyward Truesdale and Jerel Davis where were they?
A. Behind us.
Q. And how did you know a shooting occurred? That's a stupid question but --

A. Well, I felt the first shot.
Q. Did you hear anything?
A. I heard the first shot.
Q. What did you do when you heard shots?
A. I grabbed my chest and fell.
Q. And did you get hit?
A. Yes.
Q. Where you're holding?
A. Yes.
Q. Were there more than a first shot?
A. Yes.
Q. What did Mr. Blakeney do when the shots were fired?
A. Actually I heard Mr. Blakeney holler and he was like, "No, stop, don't shot me no more," and then he fell.
Q. Were you down and was he down at the same time?
A. I was down first and I kind of looked over at him and he was falling down, that's when I just kind of pushed myself off to the side and started running.
Q. Now, you later gave police a written statement.
A. Yes.
Q. And in that written statement did you give names of who was involved in your shooting?
A. Yes.
Q. What names did you give?
A. Heyward Truesdale and Jerel.

Q. What about what happened to you makes you say they were involved in your shooting? Why do you think they shot you or one of them?

A. They ran.

Q. Okay. Where were they when the shooting started?

A. In the yard, in his yard.

Q. Now, again when you talked to law enforcement at the rim shop did you give them the names Jerel Davis and Heyward Truesdale?

A. No, I didn't. At the time I didn't.

Q. Why not?

A. Because I didn't want to be involved in all of that.

Q. Why not?

A. Because I'm already afraid for my life already.

Q. When did you get home from the hospital?

A. Actually I stayed at that rim shop for a little minute before they left and put me on the helicopter.

Q. When did you get home from the hospital?

A. Later on.

Q. Did you talk to the police and give a written statement during the daytime the next day?

A. No, that was the same night.

Q. Did you give a written statement to the police after you got back from the hospital?

A. Yes.

Q. Did you name names then?
A. Yes.
Q. Did you name Jerel Davis and Heyward Truesdale?
A. Yes.
Q. Did you know Jerel Davis?
A. No.
Q. Did you know Heyward Truesdale?
A. Yes.
Q. How long have you known Heyward Truesdale? Before this happened how long had you known Heyward Truesdale?
A. Since we was kids.
Q. How did you know Heyward Truesdale?
A. Growing up with him.
Q. Where did you grow up?
A. Kershaw.
Q. Do you know if he's older or younger than you?
A. Younger than me.
Q. How often would you see him?
A. Not often because he moved from South Carolina.
Q. Had you seen him -- when was the last time you saw him before the day you got shot?
A. Probably a week prior to that.
Q. Where?
A. In Foxwood Apartments.
Q. Is that in Kershaw?

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

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

A. No.

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

A. Yes.

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

CROSS EXAMINATION

BY MR. FRICK:

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

A. Yes.

Q. But you got shot in the chest?

A. Yeah, like come from the side.

Q. Did you see when they came up?

A. They were there, I was there.

Q. Okay. Was Mr. Blakeney there?

A. No, he was gone at the time.

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

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

Q. And you know who you talked to?

A. Yeah.

Q. Who did you talk to?

A. I talked to Heyward Truesdale.

Q. Did you know why they were there?

A. No. I didn't know why they were there.

Q. Why were you there?

A. I sold something to Mr. Blakeney and I was helping him a couple of days prior to that.

Q. Is that what people were doing? Mr. Blakeney was buying stuff, right?

A. Yeah. He was buying stuff, yes.

Q. Pretty good prices too.

A. Yeah, pretty much.

Q. Did you see anything in anybody's hands, Heyward's, Mr. Davis' or anything like that?

A. No. No, sir.

Q. When the shot happened you weren't looking at Heyward.

A. No, I wasn't.

Q. You weren't looking at Mr. Davis.

A. No, I wasn't. I was talking to Mr. Blakeney because actually he was about to pay me for some items that I had gave him earlier.

Q. When did law enforcement first talk to you about it? I know you leave the scene, you went down to the rim shop, right?

A. Yes.

Q. How long was it from the incident to when law enforcement came and talked to you about it?
A. Probably ten minutes after I got to the rim shop.
Q. And do you remember what you told them about that?
A. Yeah, I remember -- you talking about that night or that day?
Q. Right then at the rim shop the first time you talked to law enforcement.
A. I told them I done been shot, I need help.
Q. Do you remember what they asked you?
A. At the moment no, I don't know. It's been almost two years now, I don't remember.
Q. Do you remember talking to Investigator Whittaker?
A. Yes.
Q. Did he ask you, "Do you know who shot you?"
A. Yes.
Q. And your answer was? You might not remember verbatim, but do you remember?
A. Vaguely probably. I thought I said the Davis boy.
Q. You did?
A. Yes, I believe.
Q. You said, "No. I have never seen them before, they were not from Kershaw."
A. I'm talking about the Davis guy, that's what I told Mr. Whittaker, that's why I stated I didn't know the number

four guy.

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

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

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

A. Basically, yes.

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

A. Yes.

Q. Do you remember what you responded?

A. Yes.

Q. What did you tell him?

A. Lakendrick.

Q. You did at the rim shop?

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

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

A. Hold on, say that again.

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

A. Uh-huh.

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

street waiting to sell stuff."

A. Yeah, that's true.

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

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

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

A. Uh-huh.

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

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

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

A. Probably about three or four hours maybe.

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

A. Probably in that evening, yes.

Q. From Charlotte?

A. No, Columbia.

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

A. Yes, I was.

Q. What were you taking?

A. Hydrocodone.

Q. How much?

A. I took one actually.

Q. What level of it, do you know?

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

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

A. Yes.

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

A. Yes.

Q. Did you pick out Mr. Davis?

A. Yes.

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

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

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

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

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

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

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

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

A. That's what I said, yeah.

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

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

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

A. About a week ago.

Q. About a week before that. Okay.

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

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

THE COURT: All right.

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

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

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

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

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

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

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

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

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

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

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

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

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

MR. BARFIELD: Yes, sir.

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

MR. BARFIELD: Okay.

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

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

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

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

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

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

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

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

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

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

(A lunch recess was taken.)

THE COURT: Okay. State ready?

MR. BARFIELD: Yes, sir.

MR. FRICK: Defense is ready.

(The jury returned to the courtroom.)

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

(At this time the jury was sworn.)

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

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

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

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

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

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

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

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

MR. BARFIELD: That's correct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MR. BARFIELD: Call Bob Blakeney.

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

DIRECT EXAMINATION

BY MR. BARFIELD:

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

A. Robert Edward Blakeney.

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

A. I live in Charlotte.

Q. Who was Harry Edward Blakeney?

A. That was my father.

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

A. I was.

Q. How old was your dad when he died?

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

Q. Where did your dad live?

A. In Kershaw.

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

A. Very.

Q. How were you familiar with that home?

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

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

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

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

A. I am.

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

A. It is.

Q. Did anybody live in the home with your dad about the time of his death?

A. No, they did not.

Q. Was he single?

A. Yes, he was.

Q. Does he have other children?

A. Yes, he does.

Q. One or more?

A. One more.

Q. Son or daughter?

A. Son.

Q. And at that time where was that son -- had that son lived with your dad in the home in Kershaw for some period of time?

A. He had, he lived there for two or three years prior.

Q. What's his name?

A. Paul.

Q. And where was Paul living at the time your dad was killed?

A. He was living in Camden.

Q. Did your dad -- how many automobiles did your dad have when he died?

A. Two.

Q. Tell me about the older automobile, what was it?

A. It was a 1985 Caprice Classic, I believe.

Q. What kind of shape was it in?
A. Horrible shape.
Q. How long had he been driving that car?
A. Many years, five to eight years I'm guessing.
Q. Did he have any -- well, did your dad have a mental illness?
A. He did.
Q. What was it? I don't need detail, but what was he diagnosed with?
A. Schizophrenia.
Q. Did he receive treatment or take medication or both for that condition?
A. Both.
Q. Did your dad at some point late in his life come into some money?
A. He did.
Q. In relation to his death in September of 2011 about when did he come into money?
A. The May prior to September.
Q. I don't want a dollar number, but a little bit of money or a lot of money?
A. Fairly good amount of money, yes.
Q. How did he live prior to coming into that money?
A. Very poorly.
Q. How did he live after he came into that money?

A. Very lavishly.
Q. Examples?
A. High dollar purchases in cars -- car.
Q. Car. Tell them about the car. What did he buy?
A. He bought a I believe it was 2011 BMW Three Series convertible.
Q. Characteristic or not for your dad?
A. Not very characteristic at all, no.
Q. Do you have any idea what he paid for that car?
A. $55,000.
Q. Any other lavish purchases with this money that he came into?
A. He bought a Harley Davidson as well.
Q. Had your dad ever ridden a motorcycle when you were around?
A. Not to my knowledge, no.
Q. Do you know anything about motorcycles?
A. It was a Harley Davidson, I know that.
Q. Big-un or little-un?
A. Pretty big one.
Q. Have you got any idea what he paid for the motorcycle?
A. It was above 30, I believe.
Q. Did he know how to ride it when he bought it?
A. No, he did not.
Q. Do you know if he ever rode it?

A. No, I don't.
Q. Where did he keep the car?
A. In a covered carport right there beside his home.
Q. Was the carport otherwise open? You said it was open, was it otherwise open?
A. Completely on all sides.
Q. Where did he keep the motorcycle?
A. Same place.
Q. Are you aware of anything else he was doing with his money?
A. Yes. He was buying items from different people that would sell him their personal items, to your point earlier, power tools, telephones, gaming systems, televisions.
Q. Did you see evidence of that?
A. I did.
Q. Describe it?
A. In terms of what it looked like in the home?
Q. Yeah.
A. Wall to wall items filled up his home almost completely upon his death.
Q. Just generally speaking, take a look at those pictures and tell me if you're familiar with what's shown in those pictures.
A. Yes, I am.
Q. And generally speaking what do these pictures depict?

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

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

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

THE COURT: Okay, well put them in.

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

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

A. No, he did not need it.

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

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

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

A. I did.

Q. Did it stop?

A. No, it didn't stop.

Q. Let me just hand you the pictures --

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

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

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

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

A. That is the dining room.

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

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

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

A. This is his den area.

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

A. This is the guest bedroom.

Q. And finally the same question for State's Exhibit Number 6.

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

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

A. I was not.

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

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

THE COURT: You can step down.

MR. BARFIELD: Call Reid Blakeney.

The witness, REID BLAKENEY, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. State your name, please, sir.

A. Carl Reid Blakeney.

Q. You go by Reid?
A. Yes.
Q. Were you related to Harry Edward Blakeney?
A. Yes.
Q. How so?
A. He was my youngest brother.
Q. What town do you live in?
A. I live in Lugoff, South Carolina.
Q. Is that where you were living back in September of 2011 when your brother died?
A. Yes.
Q. Did you -- how frequently were you in touch with your brother? And first of all, what did y'all call your brother?
A. We called him Edward or Ed.
Q. How frequently were you in touch with Edward?
A. Whenever I needed to see him or talk to him.
Q. Was that often or was it every three or four months?
A. No, it was very often.
Q. Did you know that he came into money?
A. Yes.
Q. Did you know that he bought the car?
A. Yes.
Q. Did you know that he bought the motorcycle?
A. Yes.

Q. Could he ride the motorcycle?
A. No.
Q. Did you know he was buying stuff from people like --
A. Yes, I did.
Q. -- gas operator equipment and things like that?
A. I had seen all of the stuff that he was involved with and buying the product.
Q. Had you been to his house on occasions after that started happening?
A. Yes, I did.
Q. Did you see that he had any need for any of that stuff?
A. No. The only thing I think that he needed was probably a lawnmower.
Q. Did he ever buy a lawnmower from something that he did?
A. Yeah. He had one out there, a motorized lawn mower.
Q. Did you talk to him about what he was doing with his money?
A. Yes, I did.
Q. Did it stop after you talked to him?
A. No.
Q. Did you find out on September 21st of 2011 that your brother had been killed?
A. Yes, I was called.
Q. Did you go to Kershaw that day to be able to be near the house and eventually up to and into the house?

A. Yes. I came to Kershaw with my second son, middle son, and he and I came in but we were stopped by the yellow tape that they had strung, we had to sit there because they wouldn't let us go into where he was lying in the road.
Q. Did you eventually get access to the house that evening?
A. No.
Q. Could you tell if his car was there, the BMW was there that day?
A. No, I could not.
Q. Could you see the motorcycle, whether it was there that day?
A. No.
Q. Was the old Chevrolet there that day?
A. It was there but it wasn't running.
Q. Okay. Did he have any trailers? Did your brother own any trailers?
A. Yes.
Q. How many that you're aware of?
A. He had two. One was a small trailer that he had prior and then he had a big trailer, like about a 20-footer parked on the side of the street right by the house.
Q. Let's talk about the small trailer first. How would you describe that trailer?
A. Just a utility trailer.

Q. Like an open lawnmower type trailer?
A. Yes.
Q. And describe this big 20-footer.
A. It was an enclosed trailer and it was loaded with big TV screens, washers, dryers, things like that, the household items that were big and had the washing machines in there also.
Q. What color was that big box trailer?
A. Green.

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

MR. FRICK: No questions for Mr. Blakeney.

THE COURT: Step down, Mr. Blakeney.

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

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, sir.
A. Tracy Lee Davis.
Q. Mr. Davis, by whom are you employed?
A. By the Lancaster County Sheriff's Office.
Q. How long have you been employed by the Lancaster County Sheriff's Office?
A. Since 2000.
Q. What happened to your shoulder?

A. Hurt it on an unrelated call.

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

A. Yes, sir.

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

A. The Town of Kershaw.

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

A. Yes, sir.

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

A. Yes, sir.

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

A. Yes, sir.

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

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

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

A. Yes, sir.

Q. Within your area?

A. Yes, sir.

Q. Did you respond to the call?

A. Yes, sir, I did.

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

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

later.
Q. Initially who with the sheriff's office responded? Did anybody other than you initially respond?
A. Yes, sir. Deputy Mike Hundley and Deputy Boykin, they were in route at the same time I was.
Q. What was the nature of the call, the initial call?
A. Dispatch received several calls. The first case they said somebody was laying in the middle of Ingram Street and right after that they were getting calls about shots fired in the area.
Q. Okay. Did you grow up in Kershaw?
A. Yes, sir.
Q. Are you familiar with Mr. Blakeney's house?
A. Yes, sir.
Q. And geographically street wise by street names where was his house situated?
A. It's at the intersection of East Church Street and Ingram Street.
Q. And do you know which side of the house faces East Church?
A. The front of the house faces Church Street.
Q. And what's on the Ingram Street side of the house, what part of the house is on Ingram Street?
A. There's a garage right there on that side, yes, sir. There's also a door going to the outside.

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

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

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

A. Yes, sir, I did.

Q. Did you give Lakendrick Miller any instructions?

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

Q. What did you do next?

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

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

A. Yes, sir.

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

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

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

A. It's to the east.

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

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

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

A. Back my parol car up and pulled into Ingram Street.

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

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

Q. Was he responsive at all at that time?

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

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

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

Q. Is there a figure shown in that picture?

A. Yes, sir.

Q. And who or what is that figure?

A. Mr. Blakeney laying in the road.

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

A. Yes, sir.

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

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

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

A. That is the Kershaw Fire Department Truck.

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

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

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

MR. FRICK: No objection, Your Honor.

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

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

A. Yes, sir.

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

A. Yes, sir.

Q. Who was that?

A. His cousin, Douglas Lewis.
Q. After you're at the scene and you see Mr. Blakeney's body what did you do next?
A. I spoke with Mr. MacCue.
Q. Who is Mr. MacCue?
A. He lived next door to Mr. Blakeney.
Q. Back toward town or back towards the cemetery?
A. Back toward town.
Q. Did you talk to anybody else there initially?
A. Not initially, no, sir.
Q. Did you leave there and go -- what happened next?
A. Dispatch advised us that the other person that had been shot was at First Baptist Church in Kershaw.
Q. Did you leave the Church Street/Ingram Street intersection and go somewhere else?
A. Yes, sir, I did.
Q. Where did you go?
A. We located Douglas Lewis at the back of -- it was at a rim shop at the back of the old Chevrolet place on North Hampton Street in Kershaw.
Q. Did you know Douglas Lewis?
A. Yes, sir.
Q. Did he appear to be in any distress?
A. Yes, sir.
Q. Did he have anything that appeared to be an injury to

his body?
A. Yes, sir. There was a gunshot wound to his upper chest area.
Q. I'm going to show you two more photographs, State's Exhibits 8 and 9. And tell me if you're familiar with what's in those photographs.
A. Yes, sir.
Q. First of all State's 8, what is that a picture of?
A. This is a picture of Mr. Lewis.
Q. In the condition he was in when you found him behind the rim shop?
A. Yes, sir.
Q. What is State' Number 9?
A. This is the van that Mr. Lewis told me that he was driving.
MR. BARFIELD: Your Honor, at this time I would offer 8 and 9 as States exhibits.
MR. FRICK: No objection.
THE COURT: Okay.
(The photographs were received as State's 8 and 9.)
Q. Did you hear Lewis -- was Lewis asked what in the heck happened by anybody? Well, let me back up. You go to the rim -- behind the rim shop. Who is there in an official capacity other than you and Lewis initially and then later

on?
A. Major Shaw arrived about the same time I did, right after I did CSI Jeff Steel arrived on scene.
Q. What is CSI?
A. That's part of our crime scene unit.
Q. Okay.
A. And Investigator Whittaker also came to the location.
Q. Now, did you hear Davis -- did you ask Douglas Lewis questions yourself or did you hear anybody else in law enforcement asking him what had happened?
A. Yes, sir.
Q. And again, don't quote him at this point, but did he provide any information that led law enforcement to be looking for anything or anybody by description or otherwise?
A. Yes, sir.
Q. What were y'all looking for as a result of talking to Douglas Lewis behind the rim shop?
A. He advised me that they had on red shirts and that it was African American males.
Q. Did he say anything about car or any other people? Did he say how many other people first of all?
A. He said it was several.
Q. Did he say anything about a car at the scene behind the rim shop?
A. He didn't tell me, no, sir.

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

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

Q. Were arrangements made for that to happen?

A. Yes, sir.

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

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

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

A. No, sir.

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

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

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

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

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

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

A. Yes, it is.

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

CROSS EXAMINATION

BY MR. FRICK:

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

A. Yes, sir.

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

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

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

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

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

A. No, sir.

Q. Initially it's a shots fired call.

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

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

A. It was less than that, it was while we were in route to it.

Q. Okay. Did you speak with anyone else other than law enforcement folks, any potential witnesses on the scene? I think you spoke to Mr. Miller.

A. Yes, sir.

Q. Was there anybody else that you spoke with?

A. I spoke with Herbert MacCue.

Q. Was Mr. Miller able to provide you with any information that furthered the investigation?

A. He told me that his cousin, Douglas Lewis, had been shot and that he left the area in a Burgundy van or a SUV.

Q. Any information about any suspects or anything like that?

A. At that time he didn't tell me anything.

Q. All right. Mr. Lewis wasn't on the scene, correct?

A. No, sir.

Q. And that's the guy that -- I think the solicitor showed you the picture -- the guy who has got the shot on his chest?

A. Yes, sir.

Q. You saw him -- about how far away was he from the incident location?

A. Was probably five blocks.

Q. And he was driving what is State's Number 9, right?

A. He told me he was driving it, yes, sir.
Q. So he had already parked and was out. Did you look in his van?
A. I did not look in it, no, sir.
Q. Was another deputy -- did anybody else look in his van?
A. I believe CSI Steele did.
Q. Mr. Lewis gives you a little bit of information but not a whole lot, right?
A. Yes, sir.
Q. He said it was several black males.
A. Yes, sir.
Q. Those were his words.
A. I'm not sure of his exact words, no, sir.
Q. But he didn't say one or two, he said several.
A. Yes, sir.
Q. Were you involved with the collection of any other evidence in this case that you recollect?
A. No, sir.

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

MR. BARFIELD: Mike Hundley.

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

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, sir.

A. Michael David Hundley.

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

A. Lancaster County Sheriff's Office.

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

A. Approximately four years, sir.

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

A. Yes, sir, I was.

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

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

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

A. Yes, sir, I did.

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

A. Approximately five minutes.

Q. What was going on when you got there?

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

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

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

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

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

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

A. Yes, sir.

Q. Is that a picture of the man?

A. Yes, sir.

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

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

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

A. Yes, sir.

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

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

Q. Specifically witness-wise, not emergency responder-wise, but witness wise did you have conversations

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

A. Yes, sir, I did.

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

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

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

A. Yes, she did, sir.

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

A. Yes, sir.

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

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

Q. How was the vehicle described?

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

Q. Was any ownership information obtained concerning that vehicle?

A. She gave me a name -- yes, it belonged to her sister.
Q. Did she give the sister's -- did you have the sister's name?
A. Yes, sir. She said the sister's name was Prayon Truesdale.
Q. Did you have information about passengers that might be in that white Malibu?
A. Yes, sir.
Q. Names, specific names?
A. Yes, sir.
Q. What names got tossed out?
A. Heyward Truesdale, Shaun McCrorey and Jerel Davis were in the Malibu.
Q. Now, what other people did you talk to to get information?
A. I spoke with the individual in the burgundy van, Douglas Lewis.
Q. Did you talk to any passers by?
A. The only person I spoke to after that if I recall were the two firefighters that came on the scene.
Q. What was your responsibility after this initial call had kind of been locked down and the investigation started, what was your job there at the scene beyond that?
A. My job was to secure the scene so no one else could get in and contaminate the scene, try to block it off so we

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

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

CROSS EXAMINATION

BY MR. FRICK:

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

A. Yes, sir.

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

A. No, sir, I did not.

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

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

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

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

Q. Okay. All right.

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

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

he be excused if he would like to.

THE COURT: Free to go if you would like.

The witness, MATT BOYKIN, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, sir.

A. Math Boykin.

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

A. Lancaster County Sheriff's Office.

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

A. Yes, sir.

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

A. Going on about three years now.

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

A. Yes, I was.

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

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

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

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

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

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

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

Q. Now, you said Richland --

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

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

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

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

A. It runs parallel to Church Street.

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

A. Parallel, it runs parallel to Church Street.

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

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

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

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

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

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

Q. What did you do next?

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

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

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

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

Q. All right. Did you talk to any witnesses on the scene?
A. I talked to one subject I recall out there.
Q. Who was that? I don't want you to quote what he said but who did you talk with?
A. Lakendrick Miller and also another family member, Ruth Miller if I recall correctly.
Q. Did you get some information from them? Not what but did you get some information?
A. Yes, sir.
Q. Did anybody talk to them anymore extensively while you were there on the scene, Lakendrick and Ruth Ann Miller?
A. Investigator Danny Bennett, when he arrived I advised him a little bit of what he told me, they might have a little bit more to offer, I know he went and spoke with them.
Q. What was your primary responsibility after things had settled down somewhat? EMS and fire were there with Blakeney and the scene was secure, what was your job at that point?
A. Keep control of the scene. Due to the foot traffic in the area we had a lot of onlookers, didn't know exactly what was going on in their neighborhood, they were stopping by. To maintain control of the scene I put up crime scene tape and made sure nobody came in there where we were at while we were trying to investigate what happened.

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

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

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

CROSS EXAMINATION

BY MR. FRICK:

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

A. Yes, sir.

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

A. Not from them, no, sir.

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

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

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

A. Yes, sir.

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

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

Q. I understand.

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

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

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

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

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, sir.

A. Steven Lee Holden.

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

A. I stay in the Buffalo Community, Kershaw.

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

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

Q. Out there in the country?

A. Yes, sir.

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

A. Yes, sir.

Q. Where had you been that day?

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

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

traveling?
A. Motorcycle, sir.
Q. Are you familiar with Church Street in Kershaw?
A. Yes, sir.
Q. Did you travel Church Street that day?
A. Yes, sir.
Q. And where were you headed?
A. I was going home.
Q. Did you know a fellow by the name of Harry Edward Blakeney?
A. No, sir.
Q. Do you now know who Mr. Blakeney was?
A. Yes, sir.
Q. Do you now know where Mr. Blakeney lived?
A. Yes, sir.
Q. Did you have occasion to ride by Mr. Blakeney's house that afternoon?
A. Yes, sir.
Q. Did you first of all hear anything unusual initially?
A. No, sir. I was on that motorcycle, I couldn't hear anything.
Q. I shouldn't ask you this, I ride one, sometimes I do and sometimes I don't, but were you wearing a helmet?
A. No, sir.
Q. Did you see anything that drew your attention as you

rode down Church Street?

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

Q. Did you know Herbie MacCue?

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

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

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

Q. In what manner were they dispersing?

A. Everybody was running.

Q. At that point had you heard anything?

A. No, sir.

Q. Where was this crowd of people running from?

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

Q. Yes.

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

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

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

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

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

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

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

A. They was laying on the road.

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

A. Yes, sir.

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

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

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

A. No, sir, sure don't.

Q. Do you know where Linfield Drive is?

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

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

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

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

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

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

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

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

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

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

Q. Did you stay there until law enforcement arrived?

A. Yes, sir.

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

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

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

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

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

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

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

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

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

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

CROSS EXAMINATION

BY MR. FRICK:

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

A. Yes, sir.

Q. Can you guess how many you saw?

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

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

A. That's fine.
Q. More than three, less than three?
A. Maybe three or four people, maybe something like that, I ain't exactly sure it's been so long. The main thing caught my eye was the man that was laying in the road was the thing that caught my eye, I thought it was a little kid. That's the thing that caught my eye.
Q. Wasn't ten people running?
A. No, I wouldn't say that. I don't think so.
Q. Somewhere in that neighborhood?
A. Yeah. To be honest with you 100 percent I couldn't tell you how many were running, I just saw people disperse, I can't tell you that for sure.
Q. Did you pay any attention to what it looked like? Was it black folks, white folks, array of folks?
A. No, not really. The only white person I probably seen was the man in the road, you know what I'm saying, honestly.
Q. No other characteristics that you noticed in anybody? Anybody with long hair, short hair?
A. No, I wasn't paying attention like that. Really I didn't ever think that that man would have been shot actually honestly. I thought it was a little kid that got beat up, I was just going to get him up out of the street, dust him off and send him home, you know.
Q. Didn't hear any shots. You didn't see anything else

either, did you?

A. No, sir.

Q. Didn't see any knife?

A. No, sir.

Q. Shotgun?

A. No, I didn't see nothing.

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

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

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. What is your name?

A. Herbet Wesley MacCue.

Q. And do people call you Herbie?

A. Yes, sir.

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

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

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

A. Approximately four years.

Q. Were you living there September 21 of 2011?

A. Yes, sir.

Q. Did you know Harry Edward Blakeney?

A. Yes, sir, he was my neighbor.

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

street, which street are you facing?
A. I'm facing East Church Street.
Q. If you're sitting on your front porch facing the street if Mr. Blakeney is your neighbor, is he on your right hand side or left hand side?
A. Right hand side.
Q. Is he on the corner or the middle of the block?
A. On the corner.
Q. What's the intersecting street with Church that he's on the corner of?
A. I believe it's Ingram Street, I believe.
Q. Had Mr. Blakeney been living there the whole time you had been living there? Was he there before you were?
A. Yeah, he was there before I was.
Q. Did you know -- before September 21 of 2011, you know, weeks or months before that, did he have a car?
A. Yeah, he had a car.
Q. What kind of car did you have?
A. The first car he had was I think it was a Caprice or Chevelle, like an old square bodied car, I don't know the exacts.
Q. What kind of shape was it in?
A. It was beat up pretty bad.
Q. We're going to talk about a BMW and a motorcycle in a little bit. But did he have any other automobiles before

the BMW and motorcycle?

A. Not to my knowledge.

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

A. Not to my knowledge.

Q. Did he at some point acquire some trailers?

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

Q. Well, trailers specifically.

A. Yes.

Q. Did you and Mr. Blakeney converse?

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

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

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

Q. Did he spend time in your yard?

A. Yes, sir.

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

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

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

A. Yes, sir.

Q. Describe a trailer that he got ahold of.

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

Q. Box trailer enclosed?
A. Yeah, a box trailer about maybe 25 feet or 30 feet, pretty big.
Q. What did he do with that trailer?
A. It was sitting by the road and he would buy stuff and put stuff in it.
Q. Did he have any other trailers that you're aware of?
A. He had a little one but he used that for like trash and stuff like that.
Q. You said little one, like a utility trailer?
A. Yeah. It looked like it was homemade.
Q. Did you know anything about Mr. Blakeney's money?
A. No. We never discussed that, it never came up. He had bought some things and the only time that he mentioned it was he asked me to teach him how to ride a motorcycle.
Q. Well, let's talk about --
A. Okay.
Q. -- no, you're fine. Did you ever see a different car than the old boxy Caprice in his yard?
A. The BMW, yes, the convertible.
Q. How long before his death did he have that car?
A. I would say probably about maybe two months, maybe a little longer, maybe a little shorter.
Q. Did you ever ride in that car?
A. No, sir.

Q. Do you ride motorcycles?
A. Yes, sir.
Q. When you first met Mr. Blakeney did he have a motorcycle?
A. No.
Q. Did he get one?
A. Yes.
Q. Do you know about motorcycles I reckon? What kind of motorcycle did he get?
A. A Harley Davidson ultra classic.
Q. Which is?
A. Pretty much top of the line cruiser.
Q. What color was the BMW?
A. White.
Q. What color was the motorcycle?
A. White.
Q. Don't tell me what he said, but did you and he ever have a conversation about a motorcycle before he bought a motorcycle?
A. No.
Q. Did you and he have conversations about a motorcycle after he bought a motorcycle?
A. Yes.
Q. Did he know how to ride that motorcycle?
A. No.

Q. Did you ever see him ride by that motorcycle?
A. Not by himself.
Q. When you say not by himself what does that mean?
A. Not until after I taught him how to ride it. Once I taught him how to keep it balanced, because it was kind of heavy for him, then he could ride it on his own.
Q. And when you say not by himself, did you ever ride with him?
A. Yes, he was on the back and I was on the front. And a lot of people wouldn't do that because they think --
Q. Two guys.
A. Yeah.
Q. That's what happens when your kids grow up, 18 year olds don't want to ride on the motorcycle with their daddy anymore.
A. Yeah.
Q. Did he ever go off on a motorcycle?
A. I would take him off on a motorcycle. We rode a lot of places down the old Gold Mind Road, we went out towards 341 to a church parking lot and that's where I taught him how to ride it.
Q. Okay. All right. Did you ever see people at his house?
A. Not at first, but towards the end there was numerous people that would come through and out all day long.

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

A. Yes.

Q. What was going on?

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

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

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

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

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

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

A. No.

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

A. Yes, sir.

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

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

Q. Where do you work?

A. I work at Invista in Lugoff.

Q. Used to be the Dupont down there?

A. Yes.
Q. Is that where you were working then?
A. Yes.
Q. When you went over to Mr. Blakeney's house where in his house did you converse with him?
A. I walked through the little bushes where I always walked through and he was on his carport.
Q. When you walk through the bushes to get to his carport, are you going down the Richland side of his house or are you going down the Church Street side of his house to get to the carport?
A. I guess it would be -- I just walked straight through so I guess it would be --
Q. You walked through the bushes straight up to his carport?
A. Yeah. Because our house -- that's all that separates our houses is just a line of bushes so I just walked straight through.
Q. Was anybody there when you went over there to talk to Mr. Blakeney?
A. Yeah. There was about -- I would say about 15 to 20 people there that day.
Q. Why did you go to Mr. Blakeney's that afternoon?
A. Me and him was going to go -- I was going to take him back to his motorcycle and ride him back out to the church

so he could learn to ride his motorcycle some more.

Q. Did that happen that day?

A. No.

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

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

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

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

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

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

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

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

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

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

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

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

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

Q. What kind of mower, a push mower?

A. Push mower.

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

grass in?
A. The front.
Q. Did you go to the front yard to start cutting grass?
A. Yeah.
Q. What happened next?
A. I went to the yard, pushed the lawnmower, cranked it up, I got to a sidewalk that runs through the yard, I cut to the side where the mailbox is, when I got to the yard I shut the lawn mower off, weed-eated around the mailbox and then cranked back up the push lawnmower again and that's when the gunshots and everything went --
Q. Did you hear something that you take to be gunshots?
A. Yes.
Q. Could you hear that over the lawnmower?
A. I heard about two or three of them, I didn't hear all of them, or I don't know exactly how many there were, but yes, I could hear something.
Q. Let me back up. Did you see Mr. Blakeney leave his house after you had gone over there to talk to him about riding the motorcycle?
A. Yeah. He was actually leaving the time I was cutting through to go back to my yard.
Q. What was he leaving in?
A. The BMW.
Q. Did you see him come back to his house?

A. No.

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

A. Yes.

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

A. I can say at least three.

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

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

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

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

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

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

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

A. Yeah, same bushes.

Q. Go ahead.

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

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

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

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

A. Yes, sir.

Q. What's that a picture of?

A. That's Edward laying in the middle of the road.

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

A. Yeah, that's exactly where he was.

Q. Did you see anybody other than Edward when you got out there through his carport?

A. There was a black lady that lived in the house in the middle of that road on the other side of Ingram Street, and I don't know her name because I never really met her, she was there already checking his pulse and he had already passed.

Q. Did you see -- after you heard these shots, did you see any of these people that had been hanging around at Blakeney's house anymore?

A. No, everybody scattered. There was cars leaving, people leaving.

Q. Did you see people leaving?

A. Yes.
Q. In what manner were they leaving in?
A. In a hurry.
Q. Did you see where people went?
A. There was a van that went down -- I think it was a red van, it went towards 601 but straight across, not down East Church Street but straight out.
Q. I'm showing you State's Exhibit Number 9. Do you recognize what's shown in that picture?
A. Yeah. That's the van that went down towards 601.
Q. Did you see where any of the other people went on foot or in cars?
A. A lot of people on foot ran towards the cemetery out towards that way, and that's -- I didn't see any other cars.
Q. Cemetery would be?
A. This -- sorry.
Q. That's all right. Go ahead.
A. The cemetery is like to the right and most of the people ran that way.
Q. If you're standing -- again I'm going to put you on your front porch looking at Church Street, the cemetery is down Church Street to your right or to your left?
A. To the right.
Q. That way, beyond Mr. Blakeney's house over there?
A. Yes, sir.

Q. Can you tell us names for any of these people who were running -- for any of the people who were there first and then running later, do you know any of them?

A. Yeah. I know a couple of them when I first walked over that were trying to sell stuff and then I knew -- I wouldn't say know him but I know of him, one was a Williams I want to say it was, I don't know his first name. I went to school with him.

Q. Do you know anybody named Heyward Truesdale?

A. No. I know of a Heyward Truesdale but I wouldn't know him unless I saw him, I wouldn't know if that's the one or if it's a different one.

Q. You can't identify anybody.

A. No. The only one I can identify is the one -- I went to school with his brother, his name is I think Douglas, I can't think of his last name now.

Q. Lewis?

A. Yeah, that's it.

Q. Is that him?

A. Yeah. I went to school with his brother.

Q. I'm not trying to put words in your mouth but is that who you're talking about?

A. Yeah, that's the one I'm talking about. I went to school with his brother and he was one of the ones, I think, that got shot, I really don't know.

Q. Did you see -- nevermind.

MR. BARFIELD: I don't have any further questions, answer anything Mr. Frick has. Thank you.

CROSS EXAMINATION

BY MR. FRICK:

Q. You didn't see anybody over there with weapons, did you?

A. Not when I walked over there, no.

Q. I mean either before when you first come over there or as all of these people are dispersing.

A. No.

Q. And you weren't in any view to see whether these -- your house is on the back, right? I'm just trying to get that clear for me.

A. I was at the front of my yard, if I looked straight at the carport, no, I wouldn't be able to in clear sight see anything.

Q. And you say when you first went over there before Mr. Blakeney went to the bank, you said there was about 15 or 20 people in the yard? I know you weren't keeping track but was it about that many that were dispersing?

A. I would say, yeah, there would be about that many dispersing. Because there was some young kids there and some older adults, as I say young I'm talking about 14 or 15.

Q. Okay. But still a bunch of people were going --
A. Yeah.
Q. You have no idea who had been there and who had remained and who was running, right?
A. No.
Q. You said you saw that red or burgundy van driving off.
A. Uh-huh.
Q. Did you see any other vehicles? Was there anything else there?
A. There was a truck there, I couldn't tell you what it was or what it looked like. There was another car there, I don't know what it looked like, you know what I'm saying? There was cars parked down Ingram Street from one end to the other trying to sell Mr. Edward stuff.
Q. And you said this had become a growing practice over the last three weeks prior to this incident?
A. Yeah.
Q. And aside from Mr. Lewis you don't recollect who they were?
A. Right.
Q. Okay. That's fine.

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

MR. BARFIELD: Just one more redirect.

REDIRECT EXAMINATION

TESTIMONY OF STEVEN MACCUE

BY MR. BARFIELD:

Q. These people that were hanging around when you went over to talk to him about riding a motorcycle, were they all on the carport, or how were these people spaced around the area?

A. They were all on the carport. They was -- the carport is rectangle sort of like, goes this way into Ingram Street and I would say all of them was on the carport or within three foot of the carport.

Q. Were there other people out and about in the neighborhood or on the street on the sidewalks?

A. No. They were all right there under the carport.

MR. BARFIELD: Thank you, that's all. Ask that the witness be excused if he would like to.

THE COURT: You are free to go. All right, jurors, don't talk about the case, we're taking a break.

(The jury left the courtroom and a recess was taken.)

THE COURT: Okay.

MR. BARFIELD: Call Major Matt Shaw.

The witness, MATT SHAW, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, sir.

A. Math Shaw.
Q. Major Shaw, you're employed by the Lancaster County Sheriff's Office?
A. That's correct.
Q. Have been for how long?
A. Since 2001.
Q. Were you working on September 21 of 2011?
A. I was.
Q. Did you respond to the shooting call concerning the events on Ingram Street and East Church?
A. I did, yes, sir.
Q. Where were you initially going to?
A. We were initially working a different call on Fork Hill Road I believe and that's when the call came in.
Q. And when you headed to the Kershaw call, where were you going to respond to initially?
A. Church and Ingram Street.
Q. Did you get diverted or did you go to Church and Ingram?
A. Eventually I went to Church and Ingram Street but I initially was diverted and it was behind the body shop there on the right off of Main Street, I don't recall the exact address.
Q. Was there a victim behind the body shop?
A. There was. There was a gentleman in a van, I don't

remember his name right off but he was here this morning, but he had a gunshot wound, or what appeared to be a gunshot wound to the chest.

Q. Was he able to talk?

A. He was. He was talking a little bit, yes, sir.

Q. I'm showing you State's Exhibit Number 8. Is that the man? You can't see all of his face, but does that appear to be what you were looking at?

A. It does, yes, sir.

Q. Again, not asking you to quote him, but did you receive information from that man behind the body shop there in Kershaw about what had happened and where?

A. Yes.

Q. While you were still on scene behind the body shop, did you determine whether there was a victim at the initial call location, Church and Ingram?

A. Yes, sir.

Q. Did you know the disposition of that victim while you were still with the man in the red van behind the body shop?

A. For sure, no, sir. Based on his information it was believed that he was deceased.

Q. What did you do when you went to Church and Ingram?

A. When I arrived at Church and Ingram Street, Deputy Boykin was there, Deputy Davis, I believe, was there, Deputy Hundley maybe as well. There was a white male subject

laying in the middle of the street who did appear to be deceased, it was either EMS or first responders who were there and had either already attended to him and had pretty much told us that he was beyond medical treatment. We then began setting up a crime scene, taping off the area, moving people back so that we could do the things that needed to be done. I kind of directed that, you know, "You put up tape here, you put up tape there, pull your car here, pull your car there," and then sent some of the other deputies to try to find some witnesses.

Q. Did y'all find some witnesses to some parts of this event?

A. Apparently we did. Deputy Hundley actually brought me a witness, yes, sir.

Q. And that witness' name was what?

A. Freedonia Truesdale, I believe.

Q. Again, do not quote Freedonia Truesdale, but did you talk to Freedonia Truesdale?

A. I did, yes, sir.

Q. And based upon that conversation did you have information about a vehicle or suspects to be able to start a search for people perhaps who were responsible for what had occurred?

A. Yes, sir. She provided information in regards to the vehicle that had left the scene.

Q. Describe the vehicle as described to you.
A. Can I refer to my notes?
Q. You may.
A. She described a white in color Chevy Malibu.
Q. Was there any ownership or possessory description of the vehicle?
A. Yes, sir, her sister's vehicle.
Q. Did the sister have a name?
A. Prayon Truesdale.
Q. Was information provided about other occupants of that vehicle?
A. Yes, sir, two male subjects, Jerel and Shaun.
Q. Initially was there any information in that initial batch of information concerning Heyward Truesdale initially?
A. Not in my first conversation with her, no, sir.
Q. What did you -- any information about direction of travel of this white Malibu leaving Kershaw?
A. Yes, sir, possible Carolina Court in Lancaster.
Q. What did you do with that information?
A. I immediately relayed that information on the radio to all of our other units.
Q. Did you communicate with other units at some point during the timeframe that all of this was going on?
A. Very shortly after that Lieutenant Kirkley came on scene, or came on the radio and asked me questions regarding

the BOLO that I had put out.

Q. What was Lieutenant Kirkley interested in finding out?

A. He wanted to know if Heyward Truesdale was the occupant of the vehicle.

Q. Did you do anything to try to make that determination?

A. Yes, sir. At that point, and this is all within a matter of 15 or 20 seconds, it was not very long at all, Ms. Truesdale was still there talking to me at the time when he came back and asked me the question.

Q. Did you determine whether Heyward Truesdale perhaps was a passenger?

A. She did, she said he was and that that was her brother.

Q. What did you do with that information after you got it?

A. I related that to Lieutenant Kirkley and advised him that Heyward Truesdale was a passenger in the vehicle.

Q. Was there any information gleaned from this initial early-on discussion about clothing worn by anybody in that car?

A. Yes, sir. At least one of the subjects was allegedly wearing a red shirt.

Q. What's a BOLO?

A. Be on the lookout for.

Q. Did you issues a BOLO?

A. I did, yes.

Q. How do you issue a BOLO?

A. Pretty much you come on the radio, you identify yourself, you pass the information along, it could be a BOLO for a missing person or a wanted person or a vehicle that potentially was involved in something. But you provide that information to other units so that they can be on the lookout for it.

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

CROSS EXAMINATION

BY MR. FRICK:

Q. Ms. Freedonia Truesdale was presented to you by which officer?

A. Deputy Hundley.

Q. Okay. Did she give any kind of written statement of any kind or do you know?

A. At that time I'm not sure. I think we were just identifying our witnesses and assigning people to go around and talk to them and get that at a later point in time. But when we talked to her we're probably literally five minutes into this thing, it wasn't very long at all. Sitting her down on the sidewalk and taking a written statement was just not practical at this point.

Q. Just trying to identify who y'all had.

A. That's correct, yeah.

Q. Did you have any other potential witnesses at the time?

A. That I knew of, no, sir, that was the only one that was presented to me.
Q. And her basic information was that there was a car that left the scene.
A. That's correct, yes, sir.
Q. And she knew whose car that was.
A. Yes, sir.
Q. And she identified some folks in that car.
A. That is correct.
Q. Not initially she said Heyward Truesdale, did she not?
A. She did not, no, sir.
Q. Did she name anybody else?
A. She did. She named two male subjects, Jerel and Shaun, no last names, just first names, and, of course, her sister who was driving the car.

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

The witness, LAKENDRICK MILLER, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:
Q. Tell us your name, please, sir.
A. Lakendrick Miller.
Q. Mr. Miller, how old are you?
A. Nineteen.

Q. Do you live down in Kershaw?
A. Yes, sir.
Q. Did you grow up down in Kershaw?
A. Yes, sir.
Q. Who do you live with down there?
A. My uncle.
Q. And your aunt?
A. Yes, sir.
Q. Is she with you in court today, the lady in the back row?
A. Yes, sir.
Q. Did you know a fellow named Ed Blakeney?
A. Yes, sir, I know him.
Q. How did you know Ed Blakeney? You've got to talk loud, too.
A. By my momma's boyfriend.
Q. And what did you know about Mr. Blakeney?
A. That he be buying stuff and my mom's boyfriend was working for him one time was like helping him take stuff off, like heavy stuff they need taken off so he told -- the man told Mr. Blakeney that he got somebody that can help him take stuff off and he introduced me to Mr. Blakeney so that's how I know.
Q. Do you remember the day Mr. Blakeney got killed?
A. Yes, sir.

Q. How long before that did you meet Mr. Blakeney? How long had you been knowing him?

A. Like it wasn't that long, it was a little minute, wasn't that long though.

Q. Did you work some for Mr. Blakeney?

A. Yes, sir.

Q. And when you worked for him what did you do?

A. I just like helped him take stuff off. Like he had an old I think it was like a Chevy car and he had a trailer on the back of it and he would go get stuff that he would buy from people and I used to help him take -- that was the only day that I had helped him take stuff off that morning and my aunt had stayed down the road from him.

Q. And when you helped him take stuff off that trailer where would y'all put it?

A. Like up under -- he would put it like up under his car shed.

Q. Did he have any other trailers that you were familiar with?

A. No, sir.

Q. Were you over there on the day Mr. Blakeney died at some point?

A. I was. I came through and helped him move a table that he had on his trailer and I helped move tables, he gave me $5 and then I went to the store then I met up --

Q. Hold on, we're going to break it down a little bit. How long before Mr. Blakeney -- I'm going to jump way ahead. Did you see Mr. Blakeney get shot?

A. No, sir.

Q. Did you hear shots?

A. Yes, sir.

Q. Now, let's back it up. From the -- think about when you heard the shots, how soon before that had you been over at Mr. Blakeney's helping him move that table?

A. That was like -- it was a minute before -- it was like after -- like when I left it had been like couple of hours like later I heard it. Like me and my cousin were walking down the road, it was -- there's some brick apartments down here --

Q. I'm going to break it down again. You had been over there you said a couple of hours before the shooting?

A. Yeah. I had came that morning and helped him and I left, he gave me $5 and I left.

Q. Were any other people over there when you were there that morning helping him take table off the trailer?

A. No, sir.

Q. And when you got the $5 where did you go?

A. I left and went like where the new -- where they starting to build where the new bakery place at I went up that way and I met my cousin, Jaquan, towards the store, so

we turned --

Q. Did y'all go to a store?

A. Yeah. We went up there by the store and we turned around and we went to my Aunt Francine McCloud's house.

Q. What store were y'all going to go to?

A. Yogi.

Q. It's on Main Street?

A. Yeah, right across from the fire department.

Q. And what were you going to buy at the Yogi store?

A. I was going to buy chips and a drink.

Q. And did you? Did you get a snack when you went to the Yogi Mart?

A. Yeah, I got me a snack.

Q. And where did you go after you left the Yogi Mart?

A. Went to my Aunt Francine's house.

Q. And when you were going to your Aunt Francine's house, where did she live?

A. Right there in the trailer park, Chet Young Trailer Park.

Q. All right. What street did you walk on to go to your Aunt Francine's house?

A. Like the street like right there near the apartment, like on down by the apartments.

Q. Did you have to go by Mr. Blakeney's house to go to Aunt Francine's and Chet Jones' Trailer Park?

A. Yes, sir.
Q. Did you walk by his house?
A. Yes, sir.
Q. Before you heard anything, was anything unusual going on at his house that you could tell when you walked by?
A. No, sir, it was just like I seen cars. Like after we had done passed by we seen cars just pulling in, like pulling up over towards his house.
Q. Did you see people?
A. It was people in cars but I couldn't see who it was like.
Q. Did you see people out of cars up under the carport or anywhere?
A. No, sir, I didn't.
Q. Could you see the carport from walking where you were walking?
A. Like I had done passed the house, like I had done passed, I couldn't see.
Q. Did something happen as you were walking down towards Aunt Francine's.
A. Yes, sir. Like when I got in front of the apartments right here and the white house was like right here, once we got in front of the white house we heard gunshots and we just took off running.
Q. Running in which direction?

A. Straight to my Aunt Francine's house, she stayed in the trailer on the front street right there, from the street you could see the trailer.

Q. When you heard those gunshots did you see anything?

A. No, sir, I didn't see anything. We didn't even stop, we just kept running.

Q. Did you get to your Aunt Francine's house?

A. Yes, sir.

Q. What happened at your Aunt Francine's house?

A. My aunt came out the door, my Aunt Ruth Ann, she was like, "Somebody shooting," and we were like, "Yeah, we just heard it."

Q. What is your Aunt Ruth Ann's last name?

A. Miller.

Q. Go ahead.

A. And then once we were sitting right there on the porch two minutes later Nip had pulled up like, "I've been shot, I've been shot." I walked up to the van and he was like, "I've been shot." And he was like, "Call the ambulance," and that's when I called 911 for him.

Q. Who is Nip?

A. Nip is the -- he's supposed to be kin to me down the line.

Q. Do you know his real name?

A. No, sir.

Q. Did you see Nip how? Was Nip traveling when you saw Nip?
A. He was in like a red Caravan.
Q. I'm going so show you State's Exhibit Number 9. Have you ever seen that van before?
A. Yeah. That was the van that came at my auntie's house.
Q. And who was driving that van?
A. Nip was.
Q. Who was?
A. Nip.
Q. Was anyone in the van with Nip?
A. No, sir, he was by himself.
Q. What did Nip do after you called 911?
A. He put it in reverse and backed out, went flying down the road.
Q. What did you do when you called 911?
A. I stand right there in the yard. Then I walked -- then I seen the officer, Mr. Heavy, coming down the road and I did like this.
Q. Is that who you're calling Mr. Heavy?
A. Yes, sir. I seen his car coming down the road and I was standing in the middle of the road doing like this and he had stopped, I asked him, I was like, "Is Nip okay?" So he told me to walk on up the road, I walked on up there, then he came back and told me like, "Yeah." Then there was

another officer, heavy set officer, he was like, "Hold on, I need you to talk to some dudes." And an older man, he had on glasses, I believe he was in a jeep, he asked me questions.

Q. Did you talk to the police there near Mr. Blakeney's house?

A. Yes, sir, I talked to them.

Q. Did you see who shot Mr. Blakeney?

A. No, sir.

Q. Can you say who was at his house when you heard the gunshots?

A. No, sir.

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

CROSS EXAMINATION

BY MR. FRICK:

Q. Mr. Miller, when you walked by you said you saw some people over at Mr. Blakeney's house?

A. Right. I seen -- no. I said I seen cars like pulling up like where the road is at, I seen cars pulling up but I didn't see who was in the car like, I didn't see none of that.

Q. Did you see people in his yard or anything?

A. No. I didn't see -- that's what I said, I didn't see none of that.

Q. Any idea how many cars?
A. I seen like two cars pull up.
Q. Okay. No idea how many people were in those cars?
A. No, sir, I didn't.
Q. Do you remember anything about those cars?
A. No, sir.
Q. Didn't recognize anybody at all over there at Mr. Blakeney's house?
A. No, sir.
Q. Nip drove up to tell you to call 911 or tell someone to call 911?
A. He pulled up, he was like, "Look, I've been shot, call the ambulance, somebody call the ambulance." So I had my cellphone on me and I dialed 911 for him.
Q. And you told him you had done that?
A. Yeah, I told him.
Q. And he drove off?
A. Yeah, he drove off. He drove off and the next thing you know he was at dude man Hurts rim shop.
Q. Have you got any idea why -- you called 911.
A. I don't know. But liked I had called them and I told him, "They're on their way," and he just drove off. He was like -- he was sitting there still holding himself and drove away.
MR. FRICK: Thank you, sir. That's all of the

questions I have.

MR. BARFIELD: Nothing further. Ask that Mr. Miller be excused if he would like to leave.

THE COURT: You are free to leave if you would like.

The witness, JAMES WHITAKER, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, sir.

A. James Whitaker.

Q. Mr. Whitaker, back in September of 2011 were you an investigator with the Lancaster County Sheriff's Office?

A. Yes, sir, I was.

Q. Did you and just about everybody else with the sheriff's office respond to Kershaw concerning the shooting of Harry Edward Blakeney and Douglas Lewis?

A. Yes, sir.

Q. Now, I'm going to focus just on a couple of specific things with you for a minute. Where did you go first on this call?

A. I first responded to the area behind the shop behind Hampton and Hilton Street.

Q. Was there a victim there?

A. Mr. Lewis.

Q. Was there a vehicle there?

A. A red minivan that he had drove over there.
Q. I'm going to show you State's Exhibits 8 and 9. Do you recognize what's shown in those pictures?
A. Yes, sir.
Q. Was 8 Mr. Lewis and 9 the minivan?
A. Yes, sir.
Q. I don't want you to quote him, but did you talk to Mr. Lewis to try to find out about what had led him to be in the condition he was in at the location he was at?
A. Yes, sir, we did.
Q. Who else with law enforcement was at that scene or ended up at that scene while you and Mr. Lewis were still there?
A. CSI Jeff Steele.
Q. Okay. Did Major Shaw ever show up there while you were there?
A. Yes, sir, I think he did.
Q. Did EMS come to Mr. Lewis' aide behind the rim shop?
A. Yes, sir.
Q. Did you collect any evidence from Mr. Lewis' person, not clothing or anything, but from his person?
A. I did a GSR kit, gun residue kit on Mr. Lewis at that location.
Q. Did he agree for you to do that?
A. Yes. He signed a consent to search form for the GSR.

Q. What is GSR?

A. A Gun Residue Kit.

Q. What do you have to do to collect it? Not all of the details but just generally speaking when you're collecting a Gunshot Residue Kit, how do you get it?

A. The kit contains swabs and pressings, pressing samples of the hands and the fingers and swab also the controlled point that, you know, there's nowhere a gunshot could be fired from, the ankle or leg or somewhere, to get control and collect the items and place it in the kit.

Q. Now, do you analyze a Gunshot Residue Kit or you just collect samples?

A. I collect samples.

Q. I'm going show you an envelope and ask you if you can identify what that envelope contains?

A. This is the kit, the collection kit that I did on that day on Mr. Lewis.

Q. All right. And does it have your name and his name and the date and the sheriff's office case number and stuff that identified it to you?

A. Yes, sir, it does.

Q. Now, when you collected these samples is there some liquid that you're rubbing over his hands?

A. Yes, sir.

Q. What are you rubbing over the hands? Is it a cotton

ball or a Q-tip or what?
A. It's a Q-tip.
Q. When you do the swabbing what do you do to the Q-tips?
A. You place it into a container and seal it.
Q. Put it into something else?
A. I put it into the bag.
MR. BARFIELD: Your Honor, at this time I would offer the kit, I think without objection, as State's Exhibit Number 10.
THE COURT: Okay.
MR. FRICK: No objection, Your Honor.
(The Lewis GSR kit was received as State's 10.)
Q. Couple of quick things. Did you leave the scene where Mr. Lewis was behind the rim shop and go somewhere else?
A. Yes, sir. I responded to Ingram Street to Mr. Blakeney's residence.
Q. And did you interview any witnesses over there, or participate in the interviewing of any witnesses over there?
A. Yes, sir, I did.
Q. Did you meet a lady named Freedonia Truesdale over there?
A. Yes, sir.
Q. Did you meet a lady named Alexis Truesdale there in that general vicinity?
A. Yes, sir, we did.

Q. Do you know if Freedonia and Alexis have any connection to Heyward Truesdale?

A. Yes, that's their brother.

Q. After doing limited initial investigation there at the scene, were you -- did you have a vehicle or people that law enforcement should be looking for in connection with this event on Ingram Street?

A. Yes, sir.

Q. Vehicle-wise first, what were you looking for?

A. Trying to find an exact description of the vehicle. We received information from Ms. Alexis Truesdale, she gave us a description of the vehicle and we passed it on, I think a BOLO was put out by Major Shaw.

Q. And did you have any information about -- I'm not asking who, but did you have any information about who was supposed to be in the vehicle?

A. Yes, sir.

MR. BARFIELD: That's all of the questions I have for Investigator Whitaker at this time, answer anything Mr. Frick has, please, sir.

CROSS EXAMINATION

BY MR. FRICK:

Q. You talked to a few people in this case right when you got there?

A. Yes, sir, I did.

Q. Talked to Douglas Lewis.
A. Yes.
Q. Freedonia Truesdale.
A. Yes.
Q. And Alexis Truesdale.
A. Yes.
Q. Initially when you first talked to Douglas Lewis was he able to provide you any information what happened?
A. Yes, sir. He said that he was over at Mr. Blakeney's house trying to sell an air conditioner unit and a camera and two black males came up and started shooting.
Q. Did he give you any idea who those people were initially?
A. Not at the time, no, sir.
Q. Did he say he could or couldn't identify them?
A. I think he said he couldn't identify them at the time period.
Q. Okay. Did you talk to him later about the situation?
A. Yes, sir.
Q. Did you show him a lineup? Was that you?
A. Yes, sir, I gave him a -- I showed him a lineup.
Q. When did you show him this lineup? It was still the same day, correct?
A. It was on the 21st later on that evening.
Q. Any idea about what time?

A. I'm not sure of the time, it was dark outside. I went to his mother's house and showed him a lineup.

Q. When you first had contact with him do you know when that was?

A. That was earlier the day of the incident, I'm not sure of the exact time.

Q. Close to 3:00?

A. I'm not exactly sure.

Q. It wasn't immediately after that contact that you spoke to him again, correct?

A. Say again, sir.

Q. How long was it approximately between your contacts?

A. From the first time I talked to Mr. Lewis and the second time I showed him the lineup?

Q. Yes, sir.

A. Maybe four or five hours maybe.

Q. Are you aware of where he had been during that time?

A. He was transported to a hospital.

Q. Are you aware of what happened to him?

A. As far as being shot?

Q. No. As far as -- he's gone for four hours, he went to the hospital?

A. Yes, sir.

Q. Was he treated at the hospital?

A. I assume so, sir.

Q. When you spoke to him was he coherent?
A. Yes, sir.
Q. Did he appear to be under the influence of anything, pain medication, anything like that?
A. No, sir, he didn't. He appeared more hyper and upset at the scene earlier than he did later.
Q. You said he appeared more upset? I'm sorry, just say that last part.
A. I said he appeared to be more upset or hyper than at the time I spoke to him later that day.
Q. Okay. So he had calmed down.
A. Yes, sir.
Q. At that time was he able to identify anybody?
A. When I showed him the lineups?
Q. Right.
A. Yes, sir.
Q. Who did he identify.
A. He was shown the first lineup, he identified Jerel Davis and he was shown another lineup and he identified Shaun McCrorey.
Q. Was he able to tell you who did what?
A. He said that Davis -- Lewis was asked did he recognize the person that he picked out in the first photo and he replied, "Yes, he is the shooter," which is Davis.
Q. So he ID'd Jerel Davis as the shooter.

A. Yes, sir.

Q. And Heyward Truesdale, did he say anything in particular about him?

A. Not at the time he didn't say anything, no.

Q. Just identified him as being there?

A. Mr. Lewis, to me he didn't say that.

Q. Here is what I'm getting at. You show him a lineup that has got Heyward Truesdale in it.

A. Right.

Q. He picks Heyward out, right? Did he identify any role that Heyward played this time at that time when you showed him that?

A. Mr. Lewis didn't at that time. I got that information from his uncle that he had said that Heyward did it.

Q. When did you talk to his uncle? I'm not asking you what he said, but when did you talk to him?

A. I talked to Mr. Newman on September 22nd.

Q. And then that's when you found out more information about what Mr. Lewis had said?

A. Yes.

Q. All right. And basically your conversations with Freedonia and Alexis Truesdale were identification of vehicle?

A. Yes, sir.

Q. And who were in these vehicles?

A. Yes, sir.
Q. Did you determine who y'all thought was in the vehicle?
A. Thought was in the vehicle. Oh, his sister, Prayon, I think that's the name, Heyward -- said that Jerel, Shaun and her brother, Heyward, jumped into Prayon's vehicle.
Q. Do you know Jerel who or is that all you had to go by at the time?
A. Jerel Davis.
Q. And Shaun?
A. Shaun McCrorey.
Q. I know you did the GSR kit, did you collect anymore evidence at the scene?
A. From Mr. Lewis I collected a white T-shirt that was turned over to CSI.
Q. Did you look in his van?
A. I looked in the van to see if there was any signs that maybe bullets had hit it or shell casings or anything.
Q. Did you find anything in his van?
A. No, sir.
Q. Did you find any weapons in his van?
A. No, sir.
Q. Are you sure? Let me ask you this: Were you the only person that looked in this van or did somebody else come look in his van?
A. I believe CSI Steele also looked in the van. I didn't

recover a weapon out of the van.

Q. You were basically just kind of taking a quick assessment.

A. Yes, sir.

Q. You didn't take any photographs of the van.

A. I think Jeff Steele took photographs of the scene.

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

REDIRECT EXAMINATION

BY MR. BARFIELD:

Q. Have you got copies of your supplement and matters like that concerning the lineups?

A. Yes, sir.

Q. Take a minute to review them and let me ask you a couple of questions.

A. Pertaining to the lineups?

Q. Yes, sir, information pertaining to the lineups.

A. Oh, yes, sir, it was Heyward Truesdale as the shooter.

Q. Let me back up and ask you a couple of other things. Did you yourself -- other than being behind the rim shop and Douglas Lewis is initially contacted by law enforcement, before he was transported you talked to him then, correct?

A. Yes, sir.

Q. And you showed him some lineups on over into the nighttime.

A. Yes, sir.
Q. Did you ever take a written statement yourself from Douglas Lewis?
A. No, sir.
Q. Do you know whether anybody did?
A. I don't.
Q. That's fine. Now, did you show Douglas Lewis some lineups?
A. Yes, sir.
Q. Now, tell me first of all without -- we're not going to get into a lot of detail, but tell these folks, what is a lineup?
A. It's a lineup of six individuals that's similar in size, same gender, same size, same race, same complexion, hairstyle, similar features we put together along with one of our believed to be suspects.
Q. How many lineups did you put together? Did you and somebody else put the lineups together?
A. Myself and Lieutenant Howell put together three lineups.
Q. And did each of the lineups put together have somebody that the sheriff's office thought to be a suspect?
A. Yes, sir.
Q. What is the first -- which suspect was in the first lineup you showed to Lewis?

A. The first lineup I showed him -- and I misspoke to Mr. Grier (sic) and I apologize, it was Heyward Truesdale.

Q. Now, did you tell Douglas Lewis that Heyward Truesdale's picture was in there?

A. No, sir.

Q. Did you tell him that anybody in there was somebody who did something to him?

A. No, sir.

Q. Did Lewis pick anybody out of first lineup?

A. Yes, sir. That's the lineup, he picked out Heyward Truesdale and -- he picked Heyward Truesdale out.

Q. Picked him out as what?

A. As being the person who ran with the other person who did the shooting.

Q. What is the second lineup you showed Douglas Lewis?

A. The second lineup he showed was Jerel Davis.

Q. Did he pick anybody out of that lineup?

A. Yes, sir. He picked out Mr. Davis and said that he is the shooter.

Q. Prior to that process did you tell him that Jerel Davis' picture was in that lineup?

A. No, sir.

Q. Did you tell him any picture in the lineup was somebody who had done something to him?

A. No, sir.

Q. Did you show him a third lineup?

A. Yes, sir.

Q. Whose picture was in that lineup?

A. Shaun McCrorey.

Q. Did Douglas Lewis pick anybody out of that lineup?

A. No, sir, not of that lineup. Like I said, I misspoke.

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

RECROSS EXAMINATION

BY MR. FRICK:

Q. But did you question Mr. Lewis, right? I mean, when you -- let me ask you, the solicitor asked you about your supplements. You've got one --

A. Okay.

Q. -- that looks like this?

A. Yes, sir.

Q. And in that one you detailed some questions, right?

A. Yes, sir, I asked him questions.

Q. And then that is the one where -- I mean, would you consider this an interview?

A. This is a brief interview, yes, sir.

Q. But still an interview. I mean, it's three questions, right?

A. Yes, sir, it's three questions.

Q. It was early, you're trying to assess what you have,

right?

A. Right.

Q. And at that time he tells you he didn't know anybody, right?

A. Say again.

Q. He said he couldn't recognize, couldn't identify anybody.

A. He said he hadn't seen them before, they weren't from Kershaw.

Q. Never seen them before, not from Kershaw.

A. Right.

Q. That's what he told you at the first contact you had here.

A. Yes, sir.

MR. FRICK: Thank you, sir.

MR. BARFIELD: Nothing further, ask that the witness be excused. He is a witness that we might need to recall, I haven't told him that yet but I'm fine with him leaving as long as he will keep his phone on.

THE COURT: Stay loose. You can go but you can't stay in the courtroom, though. Jurors, as you've gathered, I have sequestered the witnesses, that means they can't hear what everybody else is talking about before them. My rule is if they stay in the courtroom they can't come back on the stand and say oh yeah, I heard so and so say such and such.

So the people are sitting out there, they have testified, they can't hear them testify. He may be recalled, he is back out there.

The witness, DOUGLAS SPINKS, JR., was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, sir.

A. George Douglas Spinks, Jr.

Q. And you go by Doug?

A. Yes, sir.

Q. What do you do for a living?

A. I'm a Captain with the Lancaster Fire Service assigned to the Kershaw Fire Department.

Q. Does that mean you're a full-time Lancaster County Fire Service firefighter?

A. Yes, sir.

Q. When you say assigned to Kershaw what does that mean?

A. My duty is in Kershaw when I go on a shift.

Q. Are you assigned on a rotating shift like firefighters all around?

A. Not in a traditional sense, I'm a Monday through Friday 8:00 a.m. to 5:00 p.m.

Q. Are you a certified firefighter? And I'm trying to learn this myself, but what level of firefighter are you?

A. I have a IFSAC, I-F-S-A-C, Firefighter Two, that's International Fire Service Accreditation Commerce. That's the governing body for the firefighting curriculum in the United States right now.

Q. Are you also trained as a first responder?

A. Yes, sir, through the Lancaster County EMS.

Q. Did you respond in that capacity to the intersection or near the intersection of East Church and Ingram Streets in the Town of Kershaw on September 21 of 2011 midafternoon?

A. Yes, sir.

Q. What was the nature -- well, first of all did you go there in a fire truck?

A. Yes, sir. We as our standard protocol respond in an apparatus.

Q. Did you provide first responders services to a victim at that location?

A. Yes, sir. We checked the patient for signs of life which was a pulse and we did not find any.

Q. Where was the patient?

A. He was lying prone in about middle of Ingram Street towards the Church Street side.

Q. Did you determine an identify for the patient?

A. Not at that moment. We ascertained the identity from the deputies was a Mr. Blakeney.

Q. Did what you did occur before the EMS people came?

A. Myself and my partner arrived a few minutes before paramedic Kelly Snipes did. We assessed the patient and found no pulse and as soon as we stepped back Paramedic Snipes came up, when the paramedic comes on the scene we fall under his control. I gave him a patient report and told him what we had done and had, he moved in, advised us we would not be providing any patient care due to the injuries of the patient.

Q. Did you see any obvious injuries to Mr. Blakeney's body?

A. I saw some blood on the left side of his head and left ear down toward the neck area.

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

MR. FRICK: No questions.

MR. BARFIELD: Ask that he be excused.

THE COURT: You may step down and you are free to go.

The witness, KELLY SNIPES, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, sir.

A. Kelly Snipes.

Q. By whom are you employed?

A. Lancaster County EMS.

Q. How long have you been employed by EMS?

A. Sixteen years.

Q. What is your status with EMS? What are you for EMS?

A. I am a shift supervisor paramedic.

Q. Paramedic. Is that as high as you get being a paramedic?

A. Yes, sir.

Q. Who is Larry Snipes?

A. Larry Snipes, he is an EMT intermediate for Lancaster County EMS.

Q. And what connection is he to you?

A. He is my dad.

Q. All right. Did you and he answer a call -- we'll explain this in a minute -- did you go to East Church and Ingram Street on September 21 of 2011 for an emergency response call?

A. Yes, I did.

Q. Were you on duty that day?

A. No, sir, I was not.

Q. Was your daddy?

A. No, he was not.

Q. Where were you?

A. I was at home.

Q. Y'all live down below Kershaw on 521.

A. Yes.

Q. How did you know something was happening in Kershaw?
A. Because EMS supplies me with a radio that I take home with me everyday when I leave work and it happened to be on that day and I heard it.
Q. Did you respond to the call?
A. Yes, sir.
Q. You and your dad in a private vehicle?
A. We was in a vehicle together.
Q. Was a regular EMS unit or truck available to initially respond to that call?
A. It was but it was coming from Lancaster if my memory serves me correct because the truck in Kershaw was busy on another call.
Q. Do you have some equipment in your possession whether you're on a truck or not?
A. Yes, sir, I do.
Q. And when you got to the scene what did you find?
A. I found a subject who was laying prone which is face down on the ground and he was behind a crime scene tape.
Q. And was he in a yard, on the sidewalk, in the street?
A. If my memory serves me correct he was laying between the sidewalk and the street somewhere in the vicinity of --
Q. I'm going to show you State's Exhibit Number 7. Do you recognize what's shown in that picture?
A. Yes, sir, I do.

Q. Is that the patient that you dealt with?
A. That's him.
Q. Thank you. What did you do with or to or for this patient when you got there?
A. When I got there I was met by Kershaw Fire Department Firefighter Doug Spinks, he said subject appeared to be pulseless and apneic. I went in --
Q. What does apneic mean?
A. Not breathing.
Q. Okay.
A. I went in, I assessed the patient, had he no carotid pulse, no brachial pulses, no radial pulses, here, here nor here.
Q. Was he breathing?
A. No, sir, he was not breathing.
Q. Any rise and fall of the chest?
A. No rise and fall of the chest. He was unresponsive, not breathing and had no pulse.
Q. Did he have any obvious injuries?
A. He had a single what appeared to be a gunshot wound, it was a opening behind his left ear, and I also seen one in his left upper shoulder back area.
Q. Did you do any full examination of the body of this person?
A. No, sir. Because he was unresponsive, he had no pulse

at that time, he had injuries which is considered incompatible with life due to being shot in the head. I notified the coroner's office, I backed out to not disturb the crime scene as I am trained to do.

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

MR. FRICK: No questions for Mr. Snipes.

THE COURT: Free to go.

MR. BARFIELD: You may be excused, thank you.

The witness, CARLA DEESE, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, ma'am.

A. Carla Deese.

Q. Ms. Deese, what is your job?

A. Chief Deputy Coroner.

Q. For Lancaster County?

A. Yes.

Q. Since when? How long as a deputy coroner for Lancaster County?

A. Since 2003.

Q. How long chief deputy coroner?

A. Since 2007.

Q. In a nutshell without boring these people to death

forever, tell them what the coroner does.
A. We go through the motions to determine the cause and manner of death.
Q. Do you respond to all deaths in Lancaster County?
A. Yes, unless otherwise attended by a physician.
Q. Did you respond to a scene near Church and Ingram Streets in the town of Kershaw on September 21 of 2011?
A. Yes.
Q. Did another deputy coroner go there with you?
A. Yes.
Q. Did you find a patient, person?
A. Yes, the decedent.
Q. I'm going to show you State's Exhibit Number 7. Can you identify what's shown in that picture?
A. Yes. That is the actual scene that I went to.
Q. And the person on the ground is the decedent?
A. The decedent, yes.
Q. First of all let me ask you this: Did you determine who that man shown in State's Exhibit Number 7 was? Who was that man?
A. It was Ed Blakeney.
Q. How did you determine that it was Ed Blakeney?
A. After our initial assessment was done we looked through his pockets and found identification and matched that along with working hand in hand with the CSI unit as well to

identify him.
Q. Did you know whether or not Mr. Blakeney had any relatives there on the scene?
A. At the time I was not sure. As the investigation went on and I presumed that word spread he did have a nephew that was on scene.
Q. Now, what is your job at a scene as chief deputy coroner? What are you supposed to be doing?
A. The job I did that day or --
Q. Generally speaking.
A. Generally speaking we just -- now that we have a CSI unit we assist with them, we work hand in hand with them and any evidence that may be around that we physically see we let them know so that they can come and collect it and do proper collection. In this case he was autopsied so we scheduled the autopsy afterwards and we scheduled the transport.
Q. We're going to come back and talk about Mr. Blakeney and his condition in just a minute, but who makes the call about whether there's going to be an autopsy when a death occurs in Lancaster County?
A. The coroner handling the case.
Q. Was an autopsy ordered in this case?
A. Yes.
Q. By whom?

A. Chrissy Massey.
Q. Now, what did you do directly with respect to Mr. Blakeney as it lay on Ingram Street in the Town of Kershaw that day?
A. While I was awaiting the arrival of Chrissy Massey I spoke with several of the detectives and Ken Taylor with the CSI unit and we deemed it best to go ahead and cover the body from the eyes of public view.
Q. Did you -- well, let's get back to the point about checking the body. Did you determine whether Mr. Blakeney was alive or dead?
A. Yes.
Q. How did you do that?
A. We feel for a pulse after we take the report from EMS. EMS has already done that as well and we just do it just to double check behind them.
Q. Was there any life in the body of Mr. Blakeney?
A. None.
Q. Did you declare officially as the chief deputy corner that he was deceased?
A. Yes.
MR. BARFIELD: Thank you, ma'am, anything answer Mr. Frick has.

CROSS EXAMINATION

BY MR. FRICK:

Q. You said y'all assist CSI. Did you collect anything in this case in particular?
A. No, sir. We don't collect any of their evidence whatsoever.
Q. You just identify what may be items or --
A. If we were to see anything of any importance in our proximity of the body we notify them to come get it and collect it.
Q. Do you recall if that occurred in this situation or --
A. I was not the primary investigator, you know, at the immediate time.
Q. You did not identify?
A. I'm sorry?
Q. You did not identify anything as any potential evidence.
A. I did not.

MR. FRICK: Thank you, ma'am. That's all of the questions I have.

MR. BARFIELD: That's all from this witness, ask that she be excused.

THE COURT: Free to leave if you would like.

The witness, CORY MCILWAIN, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, sir.

A. Deputy Cory McIlwain.

Q. And people call you Cory?

A. Yes, sir.

Q. Deputy McIlwain, were you -- well, first of all how long have you been a sheriff's deputy?

A. I've been with the Lancaster County Sheriff's Office for a little over 16 years.

Q. On September 21 of 2011 were you a sheriff's deputy?

A. Yes, sir, I was.

Q. Were you assigned to a particular area of the county or a municipality?

A. Yes, sir. I am assigned to the Heath Springs area of Lancaster County.

Q. Much like the deputies that are assigned to Kershaw work Kershaw?

A. Yes, sir.

Q. This is one of my stupid questions, I guess. Does Heath Springs or Kershaw have a police -- have a separate police department?

A. No, sir.

Q. Were you working on September 21 of 2011 in Heath Springs or the general vicinity midafternoon?

A. Yes, sir, I was.

Q. Did you become aware of an event that was occurring or

had occurred in Kershaw?

A. I did.

Q. Concerning a shooting near Church or Ingram Streets?

A. Yes, sir.

Q. Did you respond?

A. I did.

Q. Did you become aware at some point prior to arrival of suspects or suspect vehicles?

A. Yes, sir.

Q. At what point did you know to be on the lookout for something or somebody?

A. As I was in route to Church Street in Kershaw where the incident took place I was on 521 South in between Kershaw and Heath Springs in the area of the Andrew Jackson Middle School when the BOLO came out to be on the lookout for a white in color vehicle, a Chevrolet Malibu, occupied -- to be occupied by three or four black subjects.

Q. Did any bells go off after you heard that transmission?

A. Well, it did. When the BOLO came out I had just passed a vehicle fitting that description. I could tell as the vehicle was passing that it had four subjects, black subjects inside the vehicle and I could also tell that one was a female and if I remember correctly she was the driver.

Q. Could you tell who any of those folks were?

A. I could not.

Q. Could you see what any of those folks were wearing at that point?
A. I think I remember a pink or red in color shirt or something that I saw as the vehicle was passing me.
Q. Did you turn around on the vehicle?
A. I did not, I continued on to the scene.
Q. Did you relate by radio to anybody else what you had just seen?
A. I did.
Q. How did you do that and who did you put it out to?
A. I didn't put it out to any particular person, I just let all units know that I had just passed the vehicle fitting that description with who I thought might have been those subjects in it.
Q. Did you know whether there were any deputies coming behind you toward Kershaw, did you know that at that time?
A. I assumed that but I didn't know for sure, but I assumed, yes.

MR. BARFIELD: That's fine, thank you. Answer anything Mr. Frick has.

CROSS EXAMINATION

BY MR. FRICK:

Q. You said you didn't recognize anybody. As you drove by you didn't know who was in the car.
A. Correct.

Q. Had you been given any description other than white in color Malibu? Were you given that description, a Malibu?
A. Yes, we were given that description.
Q. Was there anymore to it than that?
A. I remember as the description was given out it was also said that there were three to four subjects in the vehicle, that all were black.
Q. Anything about license plate or anything else about the color?
A. I can't recall if a license plate or anything was given.

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

THE COURT: Free to go.

MR. BARFIELD: Nothing further, ask that he be excused.

The witness, CHARLES THOMAS KIRKLEY, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, sir.
A. Charles Thomas Kirkley.
Q. Lieutenant Kirkley, by whom are you employed?
A. Lancaster County Sheriff's Office.
Q. For how long?
A. Little better than 20 years.

Q. How long have you been a lieutenant?
A. At that time I had been a lieutenant probably six or seven years.
Q. When you say at that time we're talking about September 21 of 2011?
A. Yes, sir.
Q. And what does a lieutenant do that everybody else doesn't do?
A. It's a shift supervisor that -- it supervises about 12 people for the whole county.
Q. So a shift supervisor lieutenant, you're the only lieutenant on the road for the whole county during the shift; is that correct?
A. Yes, sir.
Q. Were you working on September 21 of 2011 to the midafternoon?
A. Yes, sir.
Q. Did you become aware that something had happened in Kershaw?
A. Yes, sir.
Q. Initially, initially, what was the nature of your -- of the call to Kershaw?
A. It was a shooting.
Q. Did you respond to that call?
A. Yes, sir, I was in route.

Q. Do you know where you started from to be in route, how far up were you? Were you north of Kershaw first of all?
A. Yes. I was on 522 between Primus and Heath Springs.
Q. Had you been involved in the earlier event unrelated to this that day?
A. I had.
Q. There was another shooting or robbery on that day.
A. Yes.
Q. Unrelated to this?
A. Yes.
Q. As you approached -- as you went to the call, as your progress went forward toward Kershaw, did you get additional information about what maybe to be looking for?
A. I did.
Q. Tell us what everybody was looking for.
A. A white Malibu.
Q. Any other information about what you were looking for or people, number of occupants, race, sex, clothing, anything like that?
A. It was supposed to be occupied by four black people.
Q. Did you initially have any names for any of the people that might be in that car?
A. No, sir.
Q. Did you have any information about clothing that anybody in the car might be wearing?

A. Yeah, they were supposed to be wearing red shirts.
Q. To your knowledge did anybody on the road for the sheriff's office see a car fitting that description?
A. Yeah. Deputy McIlwain after it was given out said he believed he passed that vehicle just north of AJ, Andrew Jackson High School.
Q. When he -- did he come on the radio with that?
A. He did.
Q. When he came on the radio with that, where were you?
A. I was just coming into Heath Springs.
Q. Just take us step by step, as you get into Heath Springs what happened?
A. As I get into Heath Springs and pass the S and G Store and get around the sharp curve right there at Main Street in Heath Springs --
Q. Stop. What is the S and G Store?
A. It's little convenient store on the left coming into Heath Springs?
Q. Where is the curve you're talking about in Heath Springs?
A. About a half mile down the road.
Q. Do you remember where there used to be a water tank in Heath Springs?
A. I do.
Q. Is that where the curve is?

A. It is.
Q. When you got to the curve what happened?
A. As I got out of the curve I passed a car matching the description.
Q. All right. And that car was traveling what direction?
A. It was traveling north.
Q. Were you running blue lights or sirens at that time going to Kershaw?
A. No, sir.
Q. When you saw the car what else, if anything, do you recall about it?
A. The occupants.
Q. How many -- could you tell how many people were in the car?
A. I seen two that -- from when I passed them, I knew there was at least two that was in there.
Q. Could you tell the sex about any of them?
A. I couldn't really tell sex but I could tell they were black.
Q. What did you do when you saw the car?
A. I turned around.
Q. When you turned around did you cut on your blue lights and siren?
A. I did not.
Q. Where did you go?

A. I got behind the vehicle.
Q. How close up behind the vehicle?
A. Close enough to where I could see people in the vehicle.
Q. When you got close up behind the vehicle could you tell anymore about occupants?
A. I could. I could tell there was four people in there.
Q. Could you tell the sex of any of them?
A. I knew the two in the back were male.
Q. Okay. Could you see anything about clothing from outside of the car?
A. Shortly after I got behind them that's when they pulled into the S and G Mart.
Q. Now, you say the car pulled into the S and G Mart. When the car pulled into the S and G Mart, did you have a blue light or siren on?
A. I did not.
Q. When the car pulled into the S and G Mart, where did you go?
A. I pulled up behind them.
Q. How close behind them?
A. I left a good bit of distance because of the nature of the call and these may be the suspects.
Q. Start walking us through it and I'll stop you where I need to, and I don't mean to be rude but just start breaking

it down. Start walking us through what is happening at that point.

A. I gave the tag number, as I was exiting the vehicle I saw Heyward Truesdale in the back right passenger seat turn around and look at me.

Q. Stop. Do you know -- did you on September 21 of 2011 know a person named Heyward Truesdale?

A. I did.

Q. Do you see that person in the courtroom today?

A. I do.

Q. Where is that person sitting and what is he wearing?

A. He's wearing a black shirt sitting beside Mr. Frick.

Q. Where was Heyward Truesdale sitting in that car when you first saw his face?

A. In the back passenger seat.

Q. Right or left side of the car?

A. Well, facing the rear of the car would be the right.

Q. Behind the front passenger?

A. Right.

Q. And again at this time have you got a blue light on?

A. I do not.

Q. Are you getting out of your car still without a blue light?

A. I think I turned my blue lights on then when I was going to make contact with them.

Q. And was that after you had recognized Heyward Truesdale?

A. It was.

Q. When you saw Heyward Truesdale, did you communicate with anybody?

A. I did.

Q. With whom did you communicate?

A. I think it was Officer Davis on scene.

Q. Why did you communicate with Officer Davis on the scene?

A. Because I knew Heyward Truesdale and I asked him if he was involved.

Q. Did you get a response to that?

A. I did.

Q. Positive or negative?

A. Positive.

Q. Then what?

A. Then I advised the sheriff's office on the radio that I was initiating a felony car stop, that I had the vehicle.

Q. All right. Now, tell the jury in your training what is a felony car stop, what does all of that mean?

A. A felony car stop is when you stop a high risk vehicle such as in the nature of this for tactical and safety purposes. You give them a specific set of instructions that you want them to perform.

Q. Did you at that point have anybody else there with you in law enforcement?
A. Not at that point I didn't.
Q. Did you soon thereafter get some help?
A. I did.
Q. How soon thereafter? After you're calling out the felony car stop how long before somebody else comes?
A. I believe it was just a few minutes when I started my instructions when Officer Dawkins pulled up.
Q. So you're going through the steps of a felony car stop before somebody else rolls up?
A. Yes, sir.
Q. And just describe what you did.
A. Well, I instructed all of them to get their hands up, advised the driver to throw the keys out the window with her left hand and just started ordering her out of the vehicle when Deputy Dawkins pulled up.
Q. The instructions that you had given thus far, were they complied with? Were everybody's hands put up?
A. Yes.
Q. Keys come out the window?
A. Yes.
Q. Anything about you and a weapon, your weapon?
A. I removed my weapon from my holster but I did not point it at anybody.

Q. Meaning you just pulled it out and held it down?
A. I took cover in the apex of my car door and had my weapon ready.
Q. And when you're giving these instructions for the felony car stop, are you on a bullhorn talking system or --
A. I was just yelling at them.
Q. Dawkins shows up.
A. Yes, sir.
Q. Walk us through it.
A. As I was getting the driver out Dawkins had pulled up and ordered her back, Deputy Funderburke showed up.
Q. Stop. Who is the driver of that car?
A. Prayon Truesdale.
Q. Go ahead. Who was out next if you recall?
A. I believe it was the front driver -- I mean the passenger front.
Q. Who was that?
A. Jerel Davis.
Q. Do you recall who got out next?
A. Yes, it was McCrorey.
Q. Where was he sitting?
A. He was in the back driver's side.
Q. Who got out last?
A. Heyward.
Q. Where was he sitting?

A. In the back passenger.
Q. Now, when these people got out were y'all just standing around chit-chatting or what's going on?
A. No. They were ordered out one at a time and ordered to walk backwards towards us until they got to our car and we take them into custody, pat them down and secure them in a car.
Q. By taking into custody you mean they're hooked up, chained, handcuffs?
A. Yes, sir.
Q. Behind them?
A. Yes, sir.
Q. And put in police cars.
A. Yes, sir.
Q. Any question about them being in your control at that point?
A. No, sir.
Q. Did other law -- you told us about Deputy Dawkins arriving, Deputy Funderburke arriving. Did other law enforcement people show up there?
A. Yes, sir, a good many showed up after that.
Q. Who all showed up?
A. I know it was Captain Craig and -- to be honest I don't know who else showed up.
Q. Other than what you have done so far -- well, let me

show you some pictures.

MR. BARFIELD: Your Honor, I'm going to offer these photographs as State's Numbers 11 through 22, I believe, without objection.

THE COURT: Okay.

(The photographs were received as State's 11-22.)

Q. I'm going to ask you some questions while I'm doing this.

A. All right.

Q. Tell me again specifically what information you had about what had happened in Kershaw that you were responding to. By the time you're starting the felony car stop what did you know about the event in Kershaw?

A. That a gentleman had been robbed and shot.

Q. Okay. Did you know the outcome for the gentlemen who had been robbed and shot at that point?

A. No, sir.

Q. Did you have any specifics on type of weaponry, numbers of firearms, amount of money stolen or amount of -- or nature and description of property stolen or anything?

A. No, sir.

Q. When you got this car stopped, did you see anything from your vantage point and removing people from this car, did you see stuff in plain view?

A. After all of them were secured and we were trying to clear the car to make sure ain't nobody hiding in it, and as I approached the car I could see money laying in the front passenger floorboard.

Q. I'm going to show you a series of pictures which are State's Exhibits 11 through 22, and just flip through them for a minute and then I'll ask you some questions about them.

A. (Witness complies.)

Q. Generally speaking -- well, first of all are you familiar with what is shown in all of those photographs?

A. I am.

Q. Generally speaking what do those pictures show us?

A. They show us the vehicle on that day and the contents of it.

Q. For example State's Exhibit 12, is that the white Malibu?

A. It is.

Q. And is that in the position it was in when it came to a spot at S and G Mini Mart?

A. It is.

Q. Is it facing back south or is it facing north which was the typical direction it was traveling when you pulled in behind it?

A. It was facing back south, back toward Kershaw.

Q. You talked a minute ago about seeing money. Where did you see money and what was it contained in?

A. There was loose money and money in an envelope like a bank envelope in the front passenger floorboard.

Q. I'm going to show you sort of a far away shot, which is State's Exhibit Number 16. What does that shot show?

A. It shows a red shirt and the money in the floorboard.

Q. And what floorboard in that car?

A. Front passenger floorboard.

Q. I will show you State's Exhibit number 18. What is that a picture of?

A. The money.

Q. The same money you just referred to?

A. It is.

Q. Did you do anything with that money yourself?

A. No.

Q. All right. Did you make sure the car was safe in some fashion?

A. I did.

Q. What did you do to make sure the conditions and circumstances in that car were safe?

A. I made sure there wasn't anybody in it and I checked for weapons.

Q. Did you find any weapons in that car?

A. I did.

Q. Where? How many first?

A. Just one.

Q. Where?

A. It was in the pocket of a black jacket in the back seat between the two passengers of the back seat where they were sitting.

Q. And again, who were the passengers in the back seat?

A. It's McCrorey and Heyward Truesdale.

Q. I'll show you State's Exhibit Number 19. What is that a picture of?

A. The back seat and the black jacket.

Q. Where was the firearm in the jacket?

A. I lifted the jacket and I could feel something heavy in it and began to shake it out and shotgun shells fell out of one pocket and a pistol fell out of the other pocket.

Q. To your knowledge do the shotgun shells have anything to do with this case?

A. No, not to my knowledge.

Q. I'm going to show you State's Exhibit Numbers 20, 21 and 22. What are those a picture of?

A. The back seat of the vehicle with the pistol in the seat.

Q. Did you pick it up or manipulate it at all?

A. No, sir.

Q. What condition -- do you as a sheriff's lieutenant

carry a semiautomatic weapon?
A. We do.
Q. Are you familiar with a semiautomatic weapon?
A. I am.
Q. What kind of weapon is this?
A. It's a semiautomatic.
Q. What caliber is it from its inscription if you know?
A. It looks like a .380.
Q. What condition was the mechanism of this weapon in when you shook it out of the jacket pocket?
A. That condition of the slide locked back suggesting it was empty, that it had been fired back.
Q. If you took your weapon, and please don't, and cracked it off into the ceiling until there was no more ammunition in it, what would happen to the slide on your weapon?
A. It would lock back.
Q. Did you -- again, I think this is sort of redundant, but did you pick up anything, seize anything, take possession of any evidence other than the people?
A. No, sir. I secured the vehicle and called, made sure investigators and the crime scene unit was on the way.
MR. BARFIELD: Thank you, sir, answer anything Mr. Frick has.

CROSS EXAMINATION

BY MR. FRICK:

Q. Let's go all of the way ahead to the traffic stop itself. Okay. Car stopped at the gas station, you've decided to execute the felony traffic stop.

A. I pulled up behind it first and when I saw Heyward Truesdale look at me and asked was he involved and when I was going to make contact I cut my blue lights on.

Q. This was a car potentially involved in a shooting.

A. Right.

Q. Were you not going to make a felony stop in any event?

A. I was making sure it fit the description of the car I was looking at.

Q. I asked you about a felony car stop and you say, "I see Heyward, I do a felony car stop." You were going to do a felony car stop regardless of who was in that car.

A. Yeah, in terms of the vehicle I was looking for.

Q. That's what I'm getting at. This was a car fitting a description that you were looking for concerning a potential shooter.

A. Right.

Q. So it didn't matter who was in the car when you looked you were going to ask these people to do what they were going to do in a felony car stop.

A. Absolutely.

Q. When they do that they put their hands up in the air in the vehicle.

A. Uh-huh.
Q. Do you notice any fretter movements or things being thrown around the car or --
A. Yeah, you can notice it if it happens.
Q. Did you in this case?
A. No.
Q. So they stuck their hands up, you're not seeing guns flying back and forth.
A. No.
Q. Envelopes and money flying around.
A. No.
Q. They complied with your order.
A. They did.
Q. Got out of the car?
A. As ordered.
Q. Person in the front seat is Jerel Davis?
A. In the front?
Q. I'm sorry, front passenger's seat.
A. Yes.
Q. And that's where you found that envelope of money?
A. Yes. It was in that floorboard of the front passenger's seat.
Q. The gun was in a jacket?
A. The jacket pocket, yes, in the back seat.
Q. Where do you find the jacket?

A. It's in the back seat between the two passenger seats in the very back.
Q. Was anybody wearing a jacket when you pulled up?
A. No.
Q. You didn't see anybody take a jacket off?
A. I did not.
Q. Did you go in the car and pick up the jacket yourself?
A. I did.
Q. When you picked it up did you feel the jacket or -- I know it felt heavy.
A. Right.
Q. What did you do then?
A. I shook the jacket.
Q. Stuff fall out then?
A. It did.
Q. The shotgun shells and this gun?
A. Yes.
Q. Did you see any money anywhere else that you recall?
A. No, not that I recall.
Q. Any other weapons in this vehicle?
A. No, sir.
Q. To your knowledge was there anything -- I know we've got a shirt that you had the description of somebody having a red shirt.
A. Right.

Q. Do you know where you found that shirt?
A. It was in the front passenger seat.
Q. Where the money was?
A. Yes.
Q. Where Mr. Davis was?
A. Yes.
Q. You didn't see anybody take a shirt off when you pulled up, did you?
A. No, sir.
Q. All right. We've got a shirt, a jacket and gun, the money was there. Anything else of significance that you noted when you were looking in the car?
A. No. When I saw the money and the gun I backed off and let the investigators and the crime seen unit have it.
Q. So you didn't collect any of it, tag anything?
A. No.
Q. Did you collect anything else at the scene?
A. No.
Q. Did you do any other investigating in this case?
A. No, sir.

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

MR. BARFIELD: Just a couple real quick.

REDIRECT EXAMINATION

BY MR. BARFIELD:

Q. The money in the floorboard and front seat was -- well, I showed you a picture, State's 16 you identified as the money in the floorboard. Is that where it was when you first saw it?

A. The loose money was, the envelope was right under the edge of the front seat.

Q. Did it get where it is because you slid it out?

A. No, I did not.

Q. Did you take these pictures?

A. I did not.

MR. BARFIELD: Thank you, answer anything else Mr. Frick has.

RECROSS EXAMINATION

BY MR. FRICK:

Q. Just one quick question about the envelope. Is that the location where it was when you looked at it?

A. The envelope?

Q. Yes, sir.

A. No. It was under the edge of the front seat. I mean, it was out but it was closer to that front seat.

Q. But still in the front passenger area?

A. Yes.

Q. It wasn't slid up under the seat.

A. No.

Q. Couldn't have been -- at least when you saw it it

wasn't in the back seat and somehow made its way up front. When you saw it you could see it under that edge?

A. Well, right there at the front edge of the seat.

Q. Okay.

MR. FRICK: Thank you, sir.

MR. BARFIELD: That's all. I ask that he be excused if he would like to.

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

MR. BARFIELD: Russell Dawkins.

The witness, RUSSELL DAWKINS, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, sir.

A. Russell Dawkins.

Q. Mr. Dawkins, by whom are you employed?

A. Lancaster County Sheriff's Office.

Q. How long with the sheriff's office?

A. It will be 15 years in October.

Q. Currently assigned to what duties with the sheriff's office?

A. Judicial.

Q. You work here everyday or most days?

A. Most days.

Q. What were you working for the sheriff's office on

September 21 of 11?

A. I was assigned to judicial and I was serving papers.

Q. Did you answer the call -- did you become aware that an event had occurred in the Town of Kershaw?

A. Yes, I did.

Q. What was the nature of the event as you understood it to be?

A. It was a call of suspicious vehicle heading towards town after -- I don't really recall what kind of accident they put on the air.

Q. Did you end up at the S and G Mart in Heath Springs?

A. Yes, I did.

Q. Was any other deputy there when you got there?

A. Lieutenant Kirkley.

Q. Just him when you first got there?

A. Yes.

Q. And did another deputy arrive shortly after you did?

A. Yes, it was Deputy Funderburke.

Q. What was Lieutenant Kirkley doing when you wheeled up?

A. Well, before I got there he was doing a felony traffic stop.

Q. Were you on the radio with him? Did you know what he was doing and did he know where you were?

A. He didn't know where I was at, I advised him that I was about five minutes away. He was advising the sheriff's

office of his activity.

Q. Okay. And when you got there what was going on?

A. He was having the people exit the vehicle one by one.

Q. Did you assist once you got there?

A. Yes, we did.

Q. Did everybody get out?

A. Yes.

Q. Was everybody handcuffed and detained?

A. Yes.

Q. Did any of the four end up in your car?

A. Yes, one did.

Q. Do you remember which one it was?

A. It was Davis.

Q. Did you know any of the four people who came out of that Chevrolet Malibu?

A. Davis.

Q. Did you know anybody else?

A. No, sir.

Q. Did you know who Heyward Truesdale was?

A. No. At the time, no, I did not.

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

CROSS EXAMINATION

BY MR. FRICK:

Q. Do you know the order of the folks as they got out of

the car by either name or position in the vehicle?
A. No, sir, I can't recall that.
Q. Did you look in the car at all?
A. No, sir.
Q. Did you interview anybody on the scene?
A. No, sir.
Q. Were you involved in any other way in the investigation of this case?
A. I just secured two individuals, checked warrants on two, which one came back to a hit and transferred one to the detention center.

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

MR. BARFIELD: Nothing further.

THE COURT: You're free to go if you would like.

MR. BARFIELD: Your Honor, I am out of witnesses and out of steam I believe for the afternoon I think, let me double check. Your Honor, that's all I can do today.

THE COURT: Jurors, it went real fast, we put up 16 witnesses, sometimes it takes two weeks to put up 16 witnesses so we're going to crank it back up in the morning 9:05. All right. I would say 9:00 but some of y'all would be two minutes late. Don't talk about the case, don't look up anything on the internet, you know, don't go riding down to Kershaw and checking out East Church Street and things

like that, you've got to decide the case based on what happens in here. See y'all in the morning at 9:05, we will crank it up.

(The jury left the courtroom and court adjourned for the evening and resumed at 9:05 a.m. on Tuesday, May 14, 2013.)

THE COURT: All right. Bring in the jury.

(The jury returned to the courtroom.

THE COURT: Okay. You may proceed.

MR. BARFIELD: Your Honor, before we start Mr. Frick and I have gone through a lot of different things but I have some remaining photographs which I have marked as State's Exhibits 23 through 34, he has no objection to them and I would offer them as exhibits at this time.

THE COURT: Okay.

(The photographs were received as State's 23-34.)

MR. BARFIELD: And the State calls Sanna Carrico.

The witness, SANNA CARRICO, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, ma'am.

A. Sanna Carrico.

Q. And Ms. Carrico, I don't need to know an address, but

where do you live?

A. 4108 Johnston Road in Jefferson, South Carolina.

Q. Do you and your husband own some rental properties?

A. Yes, we do.

Q. Is one of those rental properties on Ingram Street in the Town of Kershaw?

A. It is.

Q. Do y'all still own that property?

A. Yes, we do.

Q. If you're at the corner of Ingram and Church Streets -- first of all, did you know who Harry Edward Blakeney was?

A. I had seen him and neighbors had talked with me about him so I was aware of him.

Q. Did you know what house he lived in?

A. I did.

Q. And in relation -- his house faces Church Street at the corner of Church and Ingram. In relation to his house your rental property on Ingram Street is on the same side of Ingram Street as his or on the opposite side of Ingram Street as his?

A. On the opposite side of Ingram Street two doors down.

Q. Do you know a lady named Margie Ballard?

A. I do.

Q. What street, what --

A. She's directly across from him and she's two doors down

from me.
Q. Her house would be across Church or Ingram Street from Mr. Blakeney's house?
A. Ingram Street.
Q. And is she on the corner of Ingram and Church across the street from Blakeney?
A. Yes.
Q. And from her house is your house on the same side of the street as her house?
A. It is.
Q. And again one more time, how many houses down from Ms. Ballard is your house?
A. Well, there's a brick house and then ours is the little white wooden house.
Q. Were you at your rental property on September 21 of 2011?
A. I was.
Q. Did you at any time that day interact with Harry Edward Blakeney?
A. No. I had seen him driving in and out, there was a lot of activity going on over there but --
Q. Driving in and out, what did he drive?
A. It was a white BMW.
Q. Do you have any idea where he was going or what he was doing?

A. No. I did see him leave, I was on my porch and I saw him drive in and drive into his drive.
Q. You said there was a lot of activity around Mr. Blakeney's house, describe what you mean by a lot of activity.
A. There were cars parked there. There had been some items taken in and out of the house, I think there was a TV being moved, and just -- there were people around.
Q. Okay. Did you know the people that were around?
A. No.
Q. What were you -- being nosey, but what were you doing at your rental house that day?
A. We were just painting, trying to renovate that house.
Q. Did you become aware of anything unusual going on at that time? Did something happen that you alarmed you?
A. Well, yes, I heard shots ring out.
Q. And were you inside your house when you heard the shots?
A. Yes, I was inside in the living room.
Q. Could you tell from what direction the shots were coming?
A. Well, it sounded like the direction of his house, you know.
Q. How many shots do you recall hearing approximately if you know?

A. It was several shots, maybe four, five, six.
Q. What did you do when you heard gunshots?
A. Just scared me. I immediately ran and locked my front door, then I went into the back of the house kitchen and locked that door and then I looked out the kitchen window to see what was going on.
Q. What did you see when you looked out the kitchen window?
A. I saw Mr. Blakeney, he was lying on the street, Ingram Street.
Q. Did you see any people when you looked out the window?
A. No.
Q. Can you identify anybody who you saw other than Mr. Blakeney lying in the street at anytime close to when you heard the gunshots before or after?
A. No, sir.
Q. I'm going to put a picture up on the document reader which I think is going to show up on your monitor right there.
A. Okay.
Q. Have you got that picture?
A. Yes, sir.
Q. Do you know who that is prone in the street?
A. Mr. Blakeney.
Q. Is that where he was when you saw him?

A. Yes, sir.
Q. Now, you see that Pods box?
A. Yes, sir.
Q. Do you recall that being there?
A. No, I didn't.
Q. That's fine. Do you know what -- whose yard that Pod box is in?
A. It looks like it might be Ms. Margie's yard.
Q. And the street that the police car is in and Mr. Blakeney is lying in, which street is that?
A. Ingram Street.
Q. Is Ms. Ballard's house -- can you see part of Ms. Ballard's house on that picture?
A. I believe so, like on the corner on that.
Q. You can actually annotate that picture by putting your finger on it. Let me do something first. Put your finger where Ms. Ballard's house is.
A. It's right there.
Q. Circle it sort of. There you go. Okay. Now, kind of come on down the street and show us about where your rental house was.
A. It would probably be -- that might be the front right there.
Q. Okay. Did you recall any specific vehicles that you saw around Mr. Blakeney's house that day?

A. That day I did see, there was like a burgundy like van and there was a young man sitting in there, and he sat there for quite awhile and had long kind of brown hair. And then as Mr. Blakeney was pulling in in his BMW there was a little white car there in front of the drive so he couldn't pull in, whoever was in that car just pulled forward so he could pull into the drive.

Q. Now, you said you saw him return to his house. How soon did he return to his house in his BMW before you heard these gunshots?

A. That's hard to say, it might have been an hour or so is my best guess.

MR. BARFIELD: All right. Thank you, ma'am, answer anything Mr. Frick has.

CROSS EXAMINATION

BY MR. FRICK:

Q. It wasn't immediately after you saw the BMW come in that you hear gunshots, it was some time --

A. No, it wasn't immediate right, it was later.

Q. Of course you were busy doing painting.

A. Right.

Q. Didn't recognize anybody that was over there, but did you notice that there were a lot of people?

A. Well, just throughout that day there had been, yes, but no one that I knew.

Q. Okay. Any guesstimation of how many folks were over in the yard?
A. Well, I think I had seen a younger fellow moving in a TV, maybe Mr. Blakeney had been out there, but no, not really. I didn't see a lot of people at one time, there were just different events, someone was there and then someone else, you know.
Q. So just kind of constant stream of traffic going?
A. There was a lot going on.
Q. Okay. Did you hear any conversation?
A. No.
Q. Any raised voices, any sound like there was any kind of discussion?
A. Nothing until just the shots rang out.
Q. That's it?
A. Yeah.
Q. Nothing preceded it?
A. I didn't hear anything.
Q. How about afterwards, did you notice what happened afterwards?
A. It just seemed like still quiet, I didn't hear anything, you know.
Q. Did you -- you probably weren't looking and I think you went to go lock your front door to make sure --
A. Right.

Q. Did you see any folks running from Mr. Blakeney?
A. No, I didn't. Because by the time I got to the kitchen window to look out it was just quiet, he was just in the street at that point.
Q. Okay. Those cars that you said you saw previously, the white car or the burgundy van, did you see them out there?
A. No.
Q. Any other vehicles other than Mr. Blakeney's sitting out there?
A. No, not that I saw.
MR. FRICK: Thank you, ma'am. That's all of the questions I have.
MR. BARFIELD: Just one redirect.

CROSS EXAMINATION

BY MR. BARFIELD:
Q. From the time you saw Mr. Blakeney drive in his driveway and maybe an hour or so you heard the gunshots, do you know whether he left anymore? Were you watching or do you know?
A. Not that I was aware of. I had been out on the porch earlier and saw him drive in, and then as I said, I started working and some time after that that I heard the shots, so --
Q. That's fine.
MR. BARFIELD: Thank you, ma'am, that's all I have. I

would ask that the witness be excused if she would like to leave.

THE COURT: Free to leave if you would like.

MR. BARFIELD: Craig Bailey.

The witness, CRAIG BAILEY, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, sir.

A. Captain Craig Bailey.

Q. Captain Bailey, by whom are you employed?

A. Lancaster County Sheriff's Office.

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

A. Twenty-four years and some change.

Q. You're counting it.

A. I'm counting it.

Q. Are you a captain over the detective division of the Lancaster County Sheriff's Office?

A. Yes, sir.

Q. Did you to a limited degree participate in the investigation of the shooting event involving Harry Edward Blakeney and Douglas Lewis down in Kershaw on September 21 of 2011?

A. I did.

Q. Did you respond to Kershaw at any time concerning this

case?
A. Started at Kershaw, barely made it there, came on back up to Heath Springs.
Q. Where in Heath Springs did you go?
A. At S and G Mart.
Q. Were other lawyer enforcement officers there when you got to the S and G Mart?
A. Yes, sir.
Q. Were people in custody when you got to the S and G Mart?
A. Yes, they had been separated into other vehicles.
Q. Was one of the people in custody a fellow by the name of Shaun McCrorey?
A. There was.
Q. Did you do some evidence collection concerning Shaun McCrorey's person?
A. I did.
Q. What did you do?
A. GSR kit.
Q. And on what authority did you get a GSR kit from Shaun McCrorey?
A. He consented to it. Matter of fact he offered it.
Q. I'll show you something in an envelope and ask you if you can identify what that envelope is and what it contained?

A. This is a -- it's called a Gunshot Residue Kit, we call it a GSR kit for short. It has got Shaun Nicholas McCrorey's name on it, of course, my name on it because I took the evidence from him, I executed the kit.

Q. When you collect the kit -- I don't want a whole lot of detail but what are you doing basically when you collect the gunshot residue kit from a subject, what are you doing?

A. Anytime you fire a weapon a lot of times the powder blast put metals on your hands and all this kit does is when you dab it on the fingers and basically clean the hands with this kit it will pick up the metals on that container.

Q. Are there certain areas of the hands that you collect samples?

A. Yes. The kit usually has front left on one, swab right palm on another swab, each swab for each area. The finger --

Q. And did you collect the kit the way you are trained to collect it?

A. I did.

Q. Did you seal it up and preserve it in the fashion that you were trained to preserve it?

A. I did.

Q. Thank you.

MR. BARFIELD: Your Honor, at this time I would offer the GSR kit from McCrorey as State's Exhibit 34.

MR. FRICK: No objection.

THE COURT: In without objection.

MR. BARFIELD: State's 35.

(The GSR kit was received as State's 35.)

MR. BARFIELD: And please answer anything Mr. Frick may have.

CROSS EXAMINATION

BY MR. FRICK:

Q. Did you do anything other than collect the GSR kit?

A. No, sir.

Q. Interview anybody on the scene or collect any evidence on the scene?

A. No, sir.

Q. That's all I have.

THE COURT: Free to go if you would like.

MR. BARFIELD: Lee Blackmon.

The witness, LEE BLACKMON, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us jury name, please, sir.

A. Lee Blackmon.

Q. Mr. Blackmon, by whom are you employed?

A. State Law Enforcement Division.

Q. How long have you been with the State Law Enforcement

Division?
A. Approximately six years.
Q. Where did you work before you went to work for the State Law Enforcement Division?
A. Lancaster County Sheriff's Office, there for ten years.
Q. Before that where did you work?
A. Lancaster Police Department, I was there for about four years.
Q. Are you what is called a field agent for SLED?
A. That's correct.
Q. Do you and other field agents assist local agencies in cases when requested and sometimes simply because you find out something is going on?
A. That's correct, we do.
Q. Did you assist in the investigation of the shooting death and the shooting injury of Harry Edward Blakeney and Douglas Lewis which occurred down in Kershaw on September 21 of 2011?
A. I did.
Q. Where did you respond to?
A. I just happened to be going by the S and G Mini-Mart there in Heath Springs and saw police cars and stopped to see what I could do to assist.
Q. Do you live in the Heath Springs area?
A. I live in the Heath Springs area.

Q. Were folks in custody when you got to the S and G Mini-mart?
A. There were folks in the vehicle.
Q. Was one of those folks Heyward Rashard Truesdale?
A. Yes, it was.
Q. Did you assist in the collection of evidence from the person of Heyward Rashard Truesdale?
A. Yes, I did. I assisted in taking what we call a GSR Kit.
Q. And on what authority did you take a kit from Heyward Rashard Truesdale?
A. By consent, he gave consent.
Q. I'll show you a box and ask you if you know what that box is and what it contains?
A. This is the gunshot residue collection kit and it has got my name on it as far as me being the one that collected it, it has got my handwriting as far as their case number, it has got my handwriting with the subject being Heyward Rashard Truesdale.
Q. Did you collect that in the manner that you were trained to collect gunshot residue collection kits?
A. Yes, I did. Craig Bailey the captain with the sheriff's office assisted me, he held the box while I actually did the testing.
Q. Did you and Captain Bailey collect the GSR kits from

the two subjects sort of simultaneously?
A. It was one right after the other, yes, sir.
Q. Did you seal it up the way it was supposed to be sealed up?
A. Yes, sir, I did.
Q. What did you and Captain Bailey do with the kits once you had collected them from McCrorey and from Heyward Truesdale?
A. We handed them directly to Lancaster County Crime Scene Investigator Jeff Steele who was on the scene.
Q. Thank you?
MR. BARFIELD: Your Honor, at this time I would offer the Truesdale kit as State's 36.
MR. FRICK: No objection.
THE COURT: Okay.
(The Truesdale GSR Kit was received as State's 36.)
MR. BARFIELD: Please answer anything Mr. Frick has.

CROSS EXAMINATION

BY MR. FRICK:
Q. Agent Blackmon, did you check any clothing from Mr. Truesdale?
A. No, sir, I did not.
Q. Are you aware if anybody did?
A. I'm not aware if anybody did. I didn't take any from

him, no, sir.

Q. Other than the GSR Kit, did you participate in collecting any other evidence or taking any statements in this case?

A. No, sir, I did not.

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

MR. BARFIELD: Ask that the witness be excused.

THE COURT: Free to leave.

The witness, ANGIE SANDERS, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, ma'am.

A. Angela Sanders.

Q. Ms. Sanders, by whom are you employed?

A. First Citizens Bank.

Q. How long have you been employed by First Citizens Bank?

A. Thirty years.

Q. What is your job for First Citizens Bank?

A. Branch manager.

Q. Of which branch?

A. Kershaw branch.

Q. How long have you been employed at the Kershaw branch?

A. Thirty-one years.

Q. Do you live down in Kershaw?
A. I do.
Q. As bank manager for the bank, are you the person in charge of that branch?
A. Yes, sir.
Q. I assume there are people above you that you answer to.
A. Yes, sir.
Q. But nobody within your branch you have to answer to; is that correct?
A. No, sir.
Q. As branch manager are you in charge of the day to day operations of your branch there in Kershaw?
A. Yes, sir.
Q. And as branch manager are you a custodial of all records that your branch generates and maintains and distributes there in Kershaw?
A. Yes, sir.
Q. Does your bank first of all have a video surveillance system?
A. Yes, sir, we do.
Q. Is it running when the bank is open?
A. Yes, sir.
Q. Is it running when the blank is closed?
A. Yes, sir.
Q. Do y'all have the ability to download video from which

still-shots can be isolated?

A. Yes, sir.

Q. Does your bank generate a record of all -- in the usual course of your bank's business does it generate a record of all transactions that occur in your branch as they are occurring?

A. Yes, sir.

Q. Does your bank generate statements sent to customers or depositors on a monthly basis?

A. Yes, sir, we do.

Q. Does your bank maintain copies -- I don't know, I'm going to ask you this -- does your bank return canceled checks?

A. In some cases we do but not all.

Q. Not routinely?

A. Not routinely.

Q. Does your bank maintain a digital image of checks that are negotiated through your branch?

A. Yes, we do.

Q. Did you know Harry Edward Blakeney?

A. Yes, sir.

Q. Was he a depositor or a customer of the branch -- of the Kershaw branch of First Citizens Bank?

A. Yes, sir.

Q. Did you know him by sight?

A. Yes, sir, I do.
Q. Did you know him by name?
A. Yes, sir, I did.
Q. Did you know him as a customer of First Citizens?
A. I did.
Q. Were you working at your bank on September 21 of 2011?
A. Yes, sir, I was.
Q. On that date did Mr. Blakeney come into your bank?
A. Yes, sir, he did.
Q. Did he come in once or more than once?
A. More than once.
Q. Did you at the request of the sheriff's office and later at my request pull down some records concerning Mr. Blakeney's transactions in your bank that day?
A. Yes, sir, we did.
Q. Now, how many times was he in your bank that day?
A. He was in there five times.
Q. Do you have a record of the times of each of those visits and the nature of the transactions for each of those visits, namely a cash withdrawal or the cashing of a check, and the amount of each of those transactions?
A. Yes, sir, I do.
Q. If you would, one through five, run through those five transactions starting with the earliest in the day, what time, what kind of transaction it was and how much money was

involved.

A. At 9:35 he cashed a check for $500.

Q. Okay.

A. At 10:15 he cashed a check for $832. At 11:19 he cashed a check for $2,450. At 11:58 he cashed a check for $500. At 14:42 he cashed a check for $855.

Q. Are you familiar with military time?

A. Yes, sir.

Q. 14:42 would be what time on a wrist watch?

A. That would be 2:42.

Q. That's fine. Do you have specific recollection personally of seeing Mr. Blakeney in your bank that day?

A. Yes, sir.

Q. Did you become aware at some point later that day that something had happened to Mr. Blakeney?

A. Yes, sir, I did.

Q. Was it significant to you that he had been in and out of your bank after you learned that information?

A. Yes, sir, it was.

Q. I'm going to show you several documents but I've got them stapled as just two different documents. First I'm going to hand you this. Flip through that and just tell me generally speaking if you recognize what those stapled pages are.

A. Yes, sir. These are a bank statement for Mr. Blakeney.

Q. All right. Stop right there. Does the bank statement show the transactions that you just described on September 21 of 2011? Does it have an item entry for those five transactions?

A. Yes, sir, it does.

Q. What follows the statement?

A. And what follows that are copies of the checks that Mr. Blakeney cashed that day.

Q. All right. And I'm going to show you another batch of stapled documents which are I think five photographs. Can you tell me if you know what those documents are?

A. Yes, sir. This is a copy of Mr. Blakeney standing at our teller that day.

Q. Just flip through all of them and tell me, the question I'm going to ask you after you flip through them, is that a photograph of Mr. Blakeney in your bank of each of the five transactions you've described for us?

A. Yes, it is.

Q. Who generated what entity, generated those photographs for them to be in my hands?

A. First Citizens Bank.

MR. BARFIELD: Your Honor, at this time I would offer the papered documents as State's 37 and the batch of photographs as State's 38.

MR. FRICK: No objection.

THE COURT: Okay.

(The First Citizens Bank documents were received as State's 37 and photographs as 38.)

MR. BARFIELD: Please answer anything Mr. Frick has.

MR. FRICK: No questions of this witness.

THE COURT: You're free to leave if you would like.

MR. BARFIELD: Ken Taylor.

The witness, KEN TAYLOR, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, sir.

A. Ken Taylor.

Q. Mr. Taylor, by whom are you employed?

A. Lancaster County Sheriff's Office.

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

A. Getting close to eight years.

Q. What do you currently do for the Lancaster County Sheriff's Office?

A. I'm a crime scene investigator.

Q. How long have you been the crime scene investigator for the sheriff's office?

A. About three and a half years.

Q. What makes you a crime scene investigator? Have you

got training to be a crime scene investigator?

A. Yes, sir.

Q. Tell me where -- I don't need all of the details, but before the National Academy tell me what training you had?

A. Of course, I had basic law enforcement training at the South Carolina Criminal Justice Academy, then had about three years on the road experience on patrol, then in early 2010 was able to go to The National Forensic Academy in Oak Ridge, Tennessee.

Q. What kind of stuff did you study at The National Forensic Academy in Oak Ridge Tennessee?

A. It was an in-resident ten weeks course. We covered basic crime scene investigation, photography, latent prints, arson, just a whole lot of things.

Q. Did you get tested on the subjects that you -- how long were you at The National Forensic Academy?

A. Ten weeks.

Q. And did you get tested both written and practically on the topics that you studied up there?

A. Yes, we did.

Q. Did you get graded on these tests?

A. Yes. We had a proficiency type grade to show we had improved from the time we came in until the time we came out.

Q. Is this kind of you pass it or you don't pass it kind

of a school?

A. You just have to show that you've improved, let's put it that way.

Q. And did you get through the school okay?

A. Yes, sir.

Q. Are you -- do you have any certifications in crime scene investigation?

A. Yes.

Q. What certifications do you have?

A. I have a crime scene investigator level one as certified by the International Association for Identification.

Q. Did you get called upon to participate in the investigation of the shooting death and the shooting injury of Harry Edward Blakeney and Douglas Lewis which occurred in Kershaw on September 21 of 2011?

A. Yes, sir, I did.

Q. As a crime scene investigator do you have special tools and equipment and vehicles that you use?

A. Yes, we do.

Q. Where did you -- were there multiple scenes in this case?

A. Yes. I believe there was a total of at least three scenes.

Q. And did you investigate primarily -- we're going to

talk about morgue and we're going to talk about autopsies separately, but on the ground scenes did you investigate one or more than one?

A. Just one.

Q. Which one?

A. The one at the residence in the front of Mr. Blakeney's house.

Q. Was the scene secure when you got there?

A. Yes.

Q. What kind of a day was it weather-wise?

A. If I recall it was a clear day, not too warm, not too cold.

Q. Did rain threaten that day?

A. Yes, it did. As the day wore on rain did start falling.

Q. Now, when you got there -- first of all I've already introduced into evidence a whole bunch of photographs and without you looking at all of them, are those pictures you took?

A. Yes, sir.

Q. Well, some of them probably aren't pictures you took because some of them are the S and G Mini-mart and some of them at the old Chevrolet place, but did you take photos of the crime scene at Ingram Street?

A. Yes.

Q. Generally speaking, what was your intent when you got to Ingram Street? Just tell the jury -- kind of layout for the jury what your plan was once you got there, generally speaking.

A. Generally speaking the scene is secured by the officers and my intent was just to document the scene with measurements, location of any evidence items that were found at the scene.

Q. Were there evidence items found at the scene?

A. Yes.

Q. I'm going to ask you specifically about some things and kind of go down the list, I guess. Well, let me ask you this first: Did you have an opportunity to view the body of Harry Edward Blakeney?

A. Yes.

Q. Generally describe what you saw on the body, not a ton of detail, but generally describe what condition you found the body to be in.

A. When I arrived Mr. Blakeney's body was face down in just about the middle of the roadway there in front of his residence, had on an orange sweater I believe it was, or sweatshirt, pair of bluejeans, pair of shoes.

Q. Did he have obvious signs of injury to his body?

A. Yes.

Q. And without doing a detailed examination there on the

scene, which I guess you didn't do, did you do some examination of his body for injury?

A. Yes.

Q. And generally what did you find?

A. I did find several bullet holes or defects as we refer to them on different places on his body. Of course, as he appeared to have fallen to the roadway, of course, damage to his face.

Q. Do you remember if he had on glasses?

A. Yes, he was wearing glasses.

Q. And do you remember anything about the condition of the glasses?

A. They were crushed pretty much.

Q. All right. Did you find items that you considered evidence which you documented, photographs and seized on Ingram Street?

A. Yes.

Q. Specifically did you pick up any what we commonly call first cartridge cases?

A. Yes.

Q. Did Crime Scene Investigator Jeff Steele assist you at some point during that process?

A. Yes, he did.

Q. First of all, how many fired cartridge cases were picked up by you or and/or Investigator Steele?

A. If I recall we collected five.

Q. Were they head-stamped as to caliber?

A. Yes.

Q. Were they all the same caliber?

A. I believe they were all the same caliber.

Q. And the markings indicated they were what caliber?

A. I believe they were .380 caliber.

Q. Did you put little orange, I guess, cones -- I don't know what you call them -- evidence markers by some of those -- or all of those fired cartridge cases?

A. Yes, sir, we did.

Q. I'm going to show you some pictures. Let me do this first, did you make a sketch -- a not-to-scale sketch there at Ingram Street?

A. Yes, I did.

Q. Is that -- from way over there can you tell if that's your sketch?

A. Yes, sir, that's my sketch.

Q. I'll put it on the reader and then we'll talk about it for a minute. Indicate -- generally speaking what did this sketch show?

A. The layout just in front of Mr. Blakeney's residence. You can see a graphic depicting his body, where it was found in the roadway.

Q. Circle the body.

A. (Witness complies.)

Q. What is that big black box to the upper right left corner of the body?

A. It should have been a storage trailer parked on the roadway just off the sidewalk.

Q. Was there a car -- is there a driveway at Mr. Blakeney's house?

A. Yes.

Q. And this view we're looking at looking from the bottom of the page to the top, is that to the side of the house or to the front of the house?

A. More to the front of the house. His residence -- even though I believe his residence is listed as -- is it Church Street?

Q. Yes.

A. The front of his house seemed to face more toward Ingram Street.

Q. So you considered the view of where we're looking at it as the front of the house?

A. Yes, sir.

Q. And is that the Ingram Street side?

A. Yes, sir.

Q. Was there a driveway?

A. Yes, sir.

Q. Was there a car on the driveway?

A. Yes, sir.
Q. And put your finger on the car, X it or something.
A. (Witness complies.)
Q. There you go. Is there a carport there?
A. Yes.
Q. Where is the carport?
A. The carport is right up here.
Q. Now, did you document where you found the five fired cartridge cases?
A. Yes, sir, we did.
Q. I'm going to blow it up a little bit now so that you can show the jury where those places were. The numbers in the boxes on this diagram, what do they represent?
A. Those coincide with the evidence markers that we put down at the scene prior to photographing.
Q. And are the numbers on the -- in the boxes the same numbers that are on the little yellow markers that go on the ground?
A. Yes.
Q. Tell me where -- tell them, the jury, where the five fired cartridge cases were.
A. If I recall right if you can see on the drawing evidence markers number five, three, six, eight and nine were where we found the five .380 caliber casings.
Q. Now, number eight is kind of off over there. Do you

remember the layout of the ground to get to number eight?
A. Yes, sir. Along that driveway just parallel to the car the way it's facing going toward the carport is really heavy bushes, heavy brush and we just kind of got down in there and looked through until we found those casings.
Q. Did you find anything that you characterized as a fired projectile or part of a fired projectile at the scene on Ingram Street?
A. Yes, sir, we did. We found one item that did look like a part of a fired bullet fragment.
Q. Is it marked -- was it marked about an evidence marker?
A. Yes, it is. If you can look on the left side of that drawing I have a ledger there that has those markers labeled, item seven I think it is going to be.
Q. All right. Does it show on the sketch where the fired projectile was?
A. Yes, sir. It's going to be item number seven right down here.
Q. All right. Did you collect the fired cartridge cases and the fired projectile?
A. Yes, we did.
Q. I'm going to show you an envelope with stuff in it. Can you tell me what that is?
A. Yes, sir. This contains five casings, five empty casings and one fired bullet.

Q. Now, when you seize those things just kind of trace us whose hands those things passed before we get to SLED and something is done with it. What did you do with them when you picked them up?

A. Myself and Investigator Steele collected these and put them in either envelopes or evidence containers, then we transported them to the sheriff's office and submitted them as evidence into the evidence room.

Q. When you get to the sheriff's office and you've got evidence that you want to submit, who do you submit it to?

A. Our evidence custodian is Ms. Ann Horton.

Q. Is that the lady sitting at the table in the corner?

A. Yes, it is.

Q. Everything that is submitted into the sheriff's office goes through her hands?

A. Yes, it does.

Q. Generally speaking if something needs to be taken to SLED to be analyzed who takes it to SLED generally speaking?

A. Most often Ms. Horton.

Q. Do other people sometimes take stuff directly to SLED to be analyzed, you for example?

A. Yes, sir.

Q. Did you lock those up with Ms. Horton?

A. Yes.

Q. Did they eventually get taken to SLED?

A. Yes.

MR. BARFIELD: Your Honor, at this time I will offer this envelope with these six items in it as State's Exhibit Number 39.

MR. FRICK: No objection.

(The envelopes were received as State's 39.)

MR. BARFIELD: At this time I would offer the sketch as State's Exhibit Number 40.

THE COURT: All right.

(The sketch is received as State's 40.)

Q. I'm going to randomly put up some pictures and ask you some questions about some pictures. Tell us, again, what marker seven is.

A. That's a fired bullet fragment.

Q. And I was showing you --

MR. BARFIELD: My apologizes, Your Honor.

Q. I was showing you State's Exhibit Number 25, I'm now going to put up State's Exhibit Number 28. What is that a picture of?

A. That's just a little closer view of the bullet fragment.

Q. Circle the bullet next to the marker.

A. (Witness complies.)

Q. Thank you, sir. State's Exhibit Number 27, what does it show?

A. I believe that top yellow marker, that may be number three, I'm not quite sure, I can't make it out on my viewer, but it also shows marker six, that should be the locations of two of the .380 caliber casings that we found.

Q. Let me magnify that a little bit. Can you tell us for sure which marker that is now?

A. I believe that's number three.

Q. What is that a picture of? State's Exhibit Number 30, what is that a picture of?

A. That's a closer view of item number six of the .380 caliber casing.

Q. Circle the casing.

A. (Witness complies.)

Q. Thank you. State's Exhibit number 31, tell us what that is a picture of.

A. That's a closeup of item three which again is a .380 caliber casing.

Q. Circle the casing, please.

A. (Witness complies.)

Q. State's Exhibit 32, what is that a picture of?

A. A closeup of item five which is also a .380 caliber casing.

Q. And circle the casing.

A. (Witness complies.)

Q. Thank you, sir. I'm going to go back to State's Number

27 again. What is shown on the right-hand border of that picture?

A. That's the edge of a BMW car that was registered to Mr. Blakeney.

Q. And what is shown in the top center of the picture up by the bushes in the carport it looks like?

A. That's a motorcycle that was parked under the carport along with I believe a wide screen television set.

Q. Did you find -- I'm going to hand you an envelope that's got an envelope in it, take a minute to look at that and I will ask you if you know what that is. Did you know what that is?

A. Yes, sir.

Q. What is that item?

A. It's cigarette butt that we found there on the driveway near between the car and the bushes, that or close to the car and bushes there at Mr. Blakeney's.

Q. On Ingram street?

A. Yes, sir.

Q. And was it assigned an evidence marker?

A. Yes, sir.

Q. And I'm going to put the sketch back up, State's Exhibit Number 40. Which number was the cigarette butt?

A. If you can move the item to the left it should show item number ten which was on the edge of the concrete

sidewalk near kind of close to the utility pole at the edge of his driveway.

Q. Did you secure that cigarette butt?

A. Yes.

Q. And did it end up getting checked in to Ann Horton?

A. Yes, it did.

Q. Did it end up getting taken to SLED by somebody later on?

A. I believe it did.

MR. BARFIELD: Your Honor, at this time I would offer the cigarette butt as State's Number 41, I think.

MR. FRICK: No objection.

THE COURT: Okay.

(The cigarette butt was received as State's 41.)

Q. Did you find any paperwork lying on the ground near Mister -- at Mr. Blakeney's house?

A. Yes.

Q. Describe generally what it is you're talking about.

A. I believe on the other side of the BMW somewhere close to that we found a notepad with some notes written on it and I believe just a single paper out of a similar notepad.

Q. Did you take possession of those items and seize them?

A. Yes, we did.

Q. Did they have any independent meaning to you at that

point?
A. At that time, no.
Q. Okay. I'll show you two envelopes and ask you if you can identify what is in those envelopes?
A. Yes. This again is the notepad and the single note that we found at the scene.
Q. And again -- well, first of all do you know who authored those documents?
A. No, I don't.
Q. Okay. That's fine. I'm going to ask you where they were found in just a minute. On the sketch, State's Exhibit Number 40, did you put evidence marker numbers for them?
A. Yes, sir, I did.
Q. And what markers represent these two things, the note and what is described as the notepad?
A. It should be item number one was the paper note and item number four was the notepad.
Q. Which side of the car is number one on?
A. It's on the right side of the passenger side of the vehicle.
Q. And what side was number four on?
A. It was on the driver's side, again both are toward the back portion of the car.
Q. Did any analysis get done on any of this, any handwriting analysis, any swabs or any DNA done with this or

did you just seize them and lock them into evidence?

A. We just seized them and locked them into evidence.

MR. BARFIELD: Your Honor, I would offer the notepad and single item as two separate items 42 and 43.

MR. FRICK: Objection.

THE COURT: Okay.

(The single paper and notepad were received as State's 42 and 43.)

THE COURT: Now jurors, attorneys have been over this evidence, y'all watch TV and people stand up and object all of the time. Actually he's supposed to go over there and show it to him but he trusts him to only put in what he has already shown him, and if there's two or three that are similar then that's when he asks him to come over and just make sure it's one he has seen before. So don't think he's just sitting there not doing anything, he's already been over all of this stuff.

Q. Were there people there at the scene, one living, one not, that you collected gunshot residue kits from?

A. Yes.

Q. The living person, who was that?

A. I believe that was a Ms. Freedonia Truesdale.

Q. Why did you have any interest in collecting a gunshot residue kit from her?

A. One or our investigators on the scene, Investigator

Bennett, was speaking to her, I think she was just a couple of blocks away from the residence and he had called asking for assistance to come and collect a kit from her. I believe he had already talked with her and gained consent from her.

Q. And did she give consent for you to take swabs from her hands?

A. Yes, she did.

Q. How about Mr. Blakeney, was there any necessity to collect gunshot residue evidence from him?

A. Yes, sir, we felt there was.

Q. And did you do that?

A. Yes, I did.

Q. I'm going to show you two envelopes and ask you if you can identify first of all what that is?

A. This is the gunshot residue kit collected from the hand of Ms. Freedonia Truesdale.

Q. And what is in that envelope?

A. This is the kit that was collected from the deceased, Mr. Blakeney.

MR. BARFIELD: Your Honor, I would offer the Truesdale kit as 44 and the Blakeney kit as 45.

MR. FRICK: No objection.

THE COURT: Okay.

(The GSR kits were received as State's 44 and

45.)

Q. What are major case prints? Well, let me back up, before we move on let me ask you a couple of other things. From the Ingram Street scene, anything else of an evidentiary value that we need to talk about? That was not a good question. Did you seize anything else on Ingram Street?

A. I believe item number two, there was some glass particles that were found near the back side of that storage trailer.

Q. Did you ever figure out what the heck that was all about?

A. No, sir. Just because it was from that proximity thought it might mean something so we collected it at that point in time.

Q. Was there blood on Mr. Blakeney's body and around his body?

A. Yes, there was.

Q. Was there any area where you saw what you thought might have been blood other than right there at the body?

A. Yes, sir. Item number 11 on that same drawing, we did see several what appeared to be drops of blood, red and brown substance on the sidewalk, again, very close to that area but I don't recall that anything was collected from there.

Q. And you didn't do any testing there on the scene.
A. No, sir.
Q. Anything else collected from the scene of an evidentiary value?
A. I can't think of anything right away.
Q. Did you have occasions to go inside Mr. Blakeney's house during the course of your crime scene investigation?
A. Yes, I did.
Q. Generally speaking, what did you find the condition of the interior of the house to be?
A. The interior of the house was I would call it cluttered, a lot of items, a lot of things would say. It didn't appear anything to be out of order of anything that anyone that was familiar with Mr. Blakeney could tell us, but there was a lot of things in his house, let's put it that way.
Q. I'm going to put some pictures up, State's Number 1. What is that a picture of?
A. That's a picture of the carport looking from -- if you can remember where the car was parked in the driveway looking directly up into the carport.
Q. And what's in the carport other than the motorcycle you talked to us about a little bit ago?
A. At least one television set, home entertainment center, some furniture items.

Q. State's Number 2, and I don't know if you know how to describe the room, but what does this picture show generally?

A. That I believe was one of the first rooms after we came in the back door coming in the front door, or side door coming in from the carport. Again, I just believe that's the kitchen table and a lot of things, clutter sitting on top of the table.

Q. Now, generally speaking this stuff piled up in this house, what kind of stuff was it? What kind of stuff did you see in that house?

A. It was a mixture of things; computers, audio, radio and video type things, furniture, VCR tapes, DVD's, just a hodgepodge of things, probably some hand tools, things like that.

Q. State's Number 3, what is that a picture of?

A. That I believe is a picture of pretty much inside the living room in the center of the house.

Q. All right. State's Number 4, what is that a picture of?

A. That is either another view of that same room or the room next to it, I don't recall which.

Q. State's Number 5, what's that a picture of?

A. That I believe was a side bedroom off of the hallway moving back toward the side door of the carport.

Q. All right. State's Number 6, what's this a picture of?
A. That is one of the bedrooms with quite a few items on top of the bed and a few other places.
Q. Was there anything -- did your investigation of the Ingram Street scene indicate that any crime occurred inside that house?
A. No, sir.
Q. Did you sees anything from inside that house?
A. No, we did not.
Q. Where was Mr. Blakeney's body taken from Ingram Street and by whom?
A. It was taken to the Lancaster County Coroner's Office to their morgue by the Lancaster County Volunteer Rescue Squad.
Q. Did you go to the morgue or the coroner's office?
A. Yes, I did.
Q. Did you do any processing of the morgue of Mr. Blakeney's body?
A. I collected fingerprints from Mr. Blakeney and also did maybe a couple of more photographs.
Q. Do you know whether anything was done with Mr. Blakeney's, major case prints or fingerprints?
A. Just collected it and put into evidence in case it was needed later.
Q. We didn't have anything we needed to compare his prints

to?

A. No, sir.

Q. Was an autopsy done of Mr. Blakeney's body?

A. Yes, it was.

Q. Did you attend?

A. Yes, I did.

Q. Where was the autopsy done?

A. It was at the Newberry County Memorial in Newberry. Newberry Pathology handled that that following morning.

Q. Did you witness the autopsy?

A. Yes.

Q. Did you retrieve any evidence from the autopsy?

A. Yes, I did.

Q. What did you -- and I'm not talking about Mr. Blakeney's clothing, I'm not real interested in that kind of stuff, but forensic type evidence, what did you bring back from the autopsy?

A. There was one bullet fragment removed, or what was described as a bullet fragment removed from his body.

Q. Okay. And how about, did you take possession of the bullet from the autopsy?

A. Yes, sir.

Q. What did you do with it after you got your hands on it?

A. I delivered it to the South Carolina Law Enforcement Division to their office in Columbia.

Q. Did you go from Newberry straight from Columbia that day with some items?
A. Yes, sir.
Q. Did you take some items with you to the autopsy in anticipation of leaving the autopsy and going to Columbia?
A. Yes, sir, I did.
Q. Let's finish up the autopsy and then we'll talk about the trip to Columbia. Did you collect any serological evidence from the autopsy?
A. Yes, sir.
Q. Did that include a blood standard from Mr. Blakeney?
A. I believe, it did.
Q. Now, let me go ahead and show you these two things. Can you identify what this envelope contains?
A. This should have the fired bullet fragment collected at the autopsy.
Q. Can you identify what this envelope contains?
A. It appears to be a blood sample, I had just labeled that serology from Mr. Blakeney.
Q. From autopsy?
A. Yes, sir.
Q. Did these go straight to SLED from the autopsy by you?
A. Yes.

MR. BARFIELD: Your Honor, at this time I would offer the bullet fragment as State's 46 and the blood standard

from Mr. Blakeney 47.

Q. Open the envelope to make sure the bullet fragment is in there, I reckon.

A. Yes, sir.

Q. And does that have -- we'll get SLED people in here later, they'll talk about SLED numbers, but does SLED assigned items numbers to each piece of evidence that comes in?

A. I believe they do.

Q. And what's that SLED item number?

A. In all truthfulness I'm not sure. There are a few numbers marked on here, I'm not sure which one is going to be theirs.

Q. See if it has one on the outer envelope that contained the -- plastic envelope. And you still might not be able to tell.

A. It has their lab number and it has our case number on it, I'm not certain which number is going to be their item number.

Q. But that's the partial bullet recovered from the autopsy?

A. Yes.

MR. BARFIELD: Your Honor, again at this time I would offer the fired bullet fragment as State's 46 and the blood standard for Mr. Blakeney as State's 47?

MR. FRICK: No objection.

THE COURT: Okay.

(The bullet fragment was received as State's 46 and Blakeney blood standard as State's 47.)

Q. What else did you carry over to Newberry with you to go on and take to SLED after the autopsy?

A. The pathologist had sealed in an envelope different fluids and bodily fluids collected from Mr. Blakeney with the blood standard and the bullet and I delivered all of those from them.

Q. And my question, though, was when you left Lancaster to go to the autopsy, did you take any of the previously collected evidence to go ahead and carry it to SLED or was that separate trips for other stuff?

A. No, sir. The things that were taken by me I believe were a handgun in the package, bullet fragments collected at the scene and the casings that we collected at the scene as well.

Q. At the same time you took the autopsy results?

A. Yes, sir.

Q. I'm going to show you a firearm, what appears to be a magazine and the envelope they are contained in. Examine those and tell me if you have seen them before first.

A. I have seen the package when I had it in my possession, I did not unpack it.

Q. And the package being the brown envelope?
A. Yes.
Q. All right.
A. Well, label on it as you see.
Q. All right. And is this the firearm you referred to a minute ago that you carried down to SLED?
A. Yes.
Q. Is this the package that contains stuff that you carried down to SLED?
A. Yes, sir.
Q. And does this have a SLED item number on the outside package?
A. It's going to be L11 with an I-10.
Q. Item ten?
A. Yes, sir, that's going to be SLED number.
Q. What are buccal swabs.
A. Buccal swabs are just basically sterile cotton swabs that we used to collect saliva from cells from inside a person's mouth for testing, for DNA standard testing typically.
Q. And is there some standard procedure that you follow to collect buccal swabs?
A. Yes.
Q. Is there a kit that you use to collect buccal swabs?
A. Usually just a package of sterile cotton swabs and a

container to put them in when we collect it, and, of course, some gloves for it.

Q. And is that stuff, the kit, something specifically generally used by law enforcement or something that I would go to the drug store myself and buy for some other purpose?

A. Generally we use if for that.

Q. How do you collect buccal swabs from somebody?

A. Again, say a sterile cotton swab, have a person open their mouth of course, and take a swab, put a little bit of pressure on the inside of the cheek, you want to get not only saliva but also cells from the inside of the cheek.

Q. For buccal swab collection from one individual generally how many swabs do you take?

A. We usually take two.

Q. And what do you do with the swabs once you swab the cheek?

A. Usually we allow them to air dry for a short time and then we package them in either a paper envelope or a vented cardboard swab box.

Q. And is it sealed up after that?

A. Yes.

Q. Do you do any analysis of the buccal swabs yourself?

A. No, sir, we don't.

Q. Did you collect buccal swabs from anybody in this case for comparison to DNA profiles which might be developed

later on?
A. Yes, I did.
Q. Who did you collect buccal swabs from?
A. I believe it was from a Mr. Jerel Davis and Mr. Heyward Truesdale I believe I collected from.
Q. On what authority did you collect buccal swabs from Jerel Harris and Heyward Truesdale?
A. On their consent.
Q. Can you tell me what's in those two envelopes?
A. Yes. These are the buccal swabs that I collected from Mr. Truesdale and Mr. Davis.
MR. BARFIELD: Your Honor, at this time I would offer the Davis buccal swabs as 48 and the Truesdale buccal swabs as 49.
MR. FRICK: No objection.
THE COURT: Okay. They come in.
(The two buccal swabs were received as State's 48 and 49.)
Q. Do you recall -- take a minute if you need to -- do you recall whether buccal swabs were collected from a young lady by the name of Prayon Truesdale?
A. I believe they were.
Q. Do you recall who did that? And if you need to look at your file to refresh your memory that's fine. Well, let me show you something.

A. Okay.
Q. Can you identify what is in that envelope?
A. Yes. These are buccal swabs that I collected from Ms. Truesdale.
Q. Does it have a label in there that indicates that that's correct?
A. Yes.
Q. And on what authority did you collect buccal swabs from Prayon Truesdale?
A. On her consent.
THE COURT: Your Honor, at this time I would offer the Prayon Truesdale buccal swabs as 49 (sic).
MR. FRICK: No objection.
THE COURT: Okay.
(The swab was received as State's 50.)
MR. BARFIELD: Can I have just a minute, Your Honor, to see if I'm about to wrap up?
THE COURT: Sure.
(Break in proceedings.)
Q. We have talked about buccal swabs from three defendants so far who ended up being charged in this case, Davis, Heyward Truesdale and Prayon Truesdale. Are you familiar with defendant number four, Shaun McCrorey?
A. Yes.
Q. Was there some interest or need to have buccal swabs

from him?
A. Yes.
Q. Did you obtain -- did somebody obtain those pursuant to the process that you initiated?
A. Yes.
Q. What was the process?
A. We sought a search warrant to request those from Mr. McCrorey.
Q. And do you recall who actually collected McCrorey's buccal swabs?
A. I believe it was Investigator Catalano.
Q. Did you at some point -- well, that's fine, that's all I need to ask you about that. You told us about going inside Mr. Blakeney's house. Did you at some point go inside Mr. Blakeney's car?
A. Yes, I did.
Q. Was anything of evidentiary value to the investigation found on the car, outside or in the car?
A. Not in the car, no.
MR. FRICK: I believe that's all of the questions I have, please answer anything Mr. Frick has.
THE COURT: Jurors, are y'all doing all right? We will take a break either now or after him, I wouldn't think he would be more --
MR. FRICK: Your Honor, I'm not going to say it's going

to be extensive but it's going to take me a little bit of time.

THE COURT: I understand, we're talking about 20 minutes but I'm not trying to hold you down. Jurors, just don't talk about the case because, you know, you can't -- you just can't predict how long a witness will be because one question and answer leads to another and so forth. Just ease out, we will crank it back up in about 15 minutes.

(The jury left the courtroom and a break was taken.)

(The jury returned to the courtroom.)

THE COURT: You may proceed.

CROSS EXAMINATION

BY MR. FRICK:

Q. You are CSI; is that correct?

A. Yes, sir.

Q. All right. Good deal. I'm going to put up on the screen here I think it's State's Number 41 if it will show up. There we go. That is the chart we talked about, right?

A. Yes.

Q. Okay. Can you see it well enough to circle the numbers if I put -- circle the ones that are the shell casings. Is it showing up enough or do you want me to blow it up?

A. Yes, sir, I believe it's showing up. It should be five, three, six, eight and nine. Number five, three, six,

eight and nine are all three there in the drawing.

Q. Those were all collected and all sent off to SLED?

A. I believe that's the case. They were sent, yes.

Q. And this is -- that's number five, State's 32, right?

A. Yes, sir.

Q. That was one that was closed down -- no, that was the one that was closest to the carport. I was trying to be fancy and have two of them at the same time, couldn't figure it out. I'm showing you State's Number 40.

A. Yes, sir.

Q. That's the one that is closest to the house, correct?

A. Yes.

Q. All right. That is State's Number 27. You took these pictures, right?

A. Yes, sir.

Q. Okay. So you're standing near the end of the BMW looking back towards the house. Six is a shell casing, three is a shell casing.

A. Yes, sir.

Q. This is State's Number 29. Is that a closer view of 6?

A. Yes, sir, it is.

Q. Now, what's back behind 6 there, do you know?

A. No, sir. It looks like a can of something.

Q. Y'all didn't collect that, correct?

A. To my knowledge we did not.

Q. Were there any -- I know we've got a cigarette butt, were there any other I guess extraneous items that were collected other than shell casings?

A. Just the notepad and the other items shown there near the rear of the car.

Q. Now, the shell casings, they are metal, correct?

A. Yes.

Q. Okay. Is that something that sometimes you can get fingerprints off of?

A. I would say it's possible.

Q. Were any attempts at fingerprints or DNA done on these shell casings, or do you know?

A. I don't know.

Q. You didn't do it.

A. No, sir, I did not.

Q. Were any requested of SLED or do you know?

A. I don't know.

Q. So there is, I don't know if it's a progression, but you've got shell casings that start close to the house and go towards the road, correct?

A. They covered an area probably in about ten to 12 feet in length I would say from just about the front of the car in about the midsection of the car.

Q. Okay. So about the middle -- about half the car --

A. Yes, sir.

Q. -- is the length that we're dealing with here?

A. Probably.

Q. Were you able to make any determination where the victim was when the shooting started?

A. No.

Q. So there's no estimation of how shots went into the victim?

A. We didn't determine any directionality at the time while we were there at the scene nor any distances at that time.

Q. Okay. Was any done later?

A. I think the pathologist may have made a determination as to directionality of his body but I don't know if any was done in relation to distance to the car.

Q. Okay. At the time you're out there or later in the investigation, at any point do you know who is at the scene potentially with the gun and where they're standing? Any idea at any point during the investigation?

A. Yeah. Just in relation to the casings being near the car I would say that person was somewhere near that car.

Q. All right. But no definitive determination in this case?

A. No definitive other than being just near the car.

Q. Right. Okay. What I'm trying to get at is did y'all make a determination as to where the shooting really

happened? I know we've got a shell casing and I know we've got a body. Was part of what you did in this case is determine this is where somebody was, this is where somebody was, this is where the shooting happened and this is how it happened?

A. No. Other than -- again, I'm not trying to deflect you in any way, but other than the casings were pretty much grouped in that one area and the body was found here we would expect the shooter to be somewhere close to those casings.

Q. The solicitor asked you about the inside of the house and I think he showed you 1, 2, 3, 4, 5 and 6, those are the photographs of the inside of the house, correct?

A. Yes, sir.

Q. Did you take these photographs?

A. Yes, I did.

Q. Did you take these photographs that day?

A. Yes.

Q. Had somebody previously been at this house?

A. I was told that a search warrant had been executed at that house some time prior to that.

Q. Are you aware of what the situation was with that?

A. No, sir, I'm not.

Q. And you prepared an incident report about your part of the case, correct?

A. Yes.

Q. You mention that.

A. Yes.

Q. You mention something about photographs. Are those any of those photographs we've got here?

A. I'm not sure what photographs you're referring to. You mean the ones I took on the day of this investigation?

Q. No. In your incident report when you talk about the search warrant executed previously at Mr. Blakeney's house there's some mention of photographs at that point, do you recall that?

A. I don't recall that specifically.

Q. Okay. I'm going to ask you to take a look at that. Does that look familiar to you?

A. Yes, sir. It looks like one of my narratives.

Q. I guess I kind of gained it, I underlined the part that I am interested in. Does it say anything about photographs.

A. Again, I was referring to here that I was told that deputies had previously executed a search warrant and the photographs taken during that search revealed that the house was cluttered, but as far as having access to any of those photographs, no, I did not.

Q. Okay. Did you go to any -- I think you said that there were -- and there were a couple of scenes in this case, correct?

A. Yes, sir.
Q. Did you go investigate any of those other scenes?
A. No, sir, I did not.
Q. The van, you didn't go over there?
A. No.
Q. The S and G Mart, you didn't go over there?
A. No, sir, I didn't.
Q. Nothing was collected from inside Mr. Blakeney's house?
A. Correct.
Q. Okay. As far as the notebook that was collected, was any analysis or anything done with the notebook?
A. I was not part of anything that was done with the notebook.
Q. Are you aware?
A. No, sir, I'm not.
Q. Handwriting analysis, follow-up on names or anything like that?
A. I'm not aware of what may have been done after that.
Q. It was just picked up and logged into evidence?
A. Yes, sir.
Q. And the next time you've seen it is this morning?
A. Yes, sir.
Q. And your role additionally was collecting a GSR kit on a couple of folks and buccal swabs, correct?
A. Yes.

Q. Did you take any written statements, oral statements, any statements from any persons of interest in this case?

A. No, sir, I did not.

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

MR. BARFIELD: Couple of real quick.

REDIRECT EXAMINATION

BY MR. BARFIELD:

Q. I'm going to put State's Number 40 back up and ask you just a couple of questions about distance. Is this a to-scale diagram?

A. I would refer to it as near to scale give or take a few inches.

Q. Did you take some measurements?

A. Yes.

Q. You don't have really things point A to point B noted on here but I want to ask you a couple of questions. Roughly -- and if you can answer fine, if you can't fine, but roughly from the edge of -- the front edge of the carport to where Mr. Blakeney's body was found, roughly how far?

A. Approximately 45 feet.

Q. Roughly from the left rear corner of the BMW to where Mr. Blakeney is found, approximately how far?

A. About 24 feet to the midsection of his body.

Q. Cartridge cases markers five, three, six, eight and nine, you said a minute ago I think but I didn't catch it, stretched out approximately how far?
A. About ten or 12 feet.
Q. Okay. Approximately how far from cartridge cases to body, from -- I guess from middle of the cartridge cases array to the body?
A. About 30 feet.
Q. And which markers did you say mark what you thought could have been blood? Was that 11?
A. I believe it is marker 11 as shown on the side wall.
Q. Of course you can't say that is blood.
A. Correct.
Q. But how far from marker five were the cartridge casings closest to the house to marker 11 approximately?
A. Approximately 12 feet.

MR. BARFIELD: Thank you, that's all.

MR. FRICK: No questions.

MR. BARFIELD: Ask that he be excused.

THE COURT: You are free to leave.

The witness, JEFF STEELE, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. What is your name, please, sir?

A. Jeff Steele.

Q. Investigator Steele, by whom are you employed?

A. Lancaster County Sheriff's Office.

Q. In what capacity?

A. I'm a crime scene investigator.

Q. What training do you have to be a crime scene investigator?

A. I have got 11 years of training with the department. I was sent to the National Forensics Academy and graduated from there after a ten week extensive course. I do extensive monthly training to stay up to date on the latest technology.

Q. Did you go through the National Forensics Academy with Ken Taylor?

A. Yes, sir, I did.

Q. Did you successfully get through that program?

A. Excuse me?

Q. Did you successfully get through that program?

A. Yes, sir, I did.

Q. Did you get called upon to assist in the investigation of the shooting death and the shooting injury of Harry Edward Blakeney and Douglas Lewis down in Kershaw on 9-21 of '11?

A. Yes, sir, I did.

Q. Where were you originally going?

A. Originally going to Church Street which is where the incident occurred.

Q. Did you get diverted from there to somewhere else?

A. Yes, I did.

Q. Where was the somewhere else?

A. I had to go to Hilton Street.

Q. Hilton Street, what did you find at Hilton Street?

A. There I found a black male who had a gunshot wound to the upper left portion of his chest. He had gotten out of a red Caravan van and EMS and other deputies were already on the scene.

Q. Who was the fellow that had the gunshot wound?

A. Douglas Lewis.

Q. I'll show you State's Exhibit 8 and 9. Can you tell me what is shown in those two exhibits?

A. This is Douglas Lewis and his van that he was in.

Q. All right. Did you do any crime scene investigation at Hilton Street where Lewis and the red van were?

A. Yes, sir, I processed the vehicle.

Q. Did you find anything in the vehicle of interest -- well, let me back up. Did you find any firearms evidence in the vehicle?

A. Not a firearm, I found ammunition.

Q. Describe the ammunition, what kind, where it was and anything else about that.

A. Yes, sir. We found a box of 9-millimeter rounds in the center console of the van and found a magazine, 9-millimeter magazine under the driver's side seat that also had cartridges in it.

Q. Did you find the gun anywhere on Douglas Lewis or in the van or anywhere in the vicinity of the two of them?

A. No, sir, I didn't.

Q. Is there anything that developed during the investigation of this case that ties the box of 9-millimeter ammo or 9-millimeter magazine found in Douglas Lewis' van to this crime?

A. No, sir.

Q. Any indication that 9-millimeter weapon fired any shots at anybody that hit or killed Harry Edward Blakeney?

A. No, sir.

Q. Anything else of substance that occurred there on Hilton Street with the van and Mr. Lewis that you did?

A. No, sir.

Q. All right. Did you leave Hilton Street and go somewhere else to work a scene?

A. Yes, sir, I did.

Q. What was the next scene you work?

A. S and G Mini-mart which is in Heath Springs.

Q. I ask you the same thing, do you have special equipment and drive a special vehicle to work crime scenes?

A. Yes, sir.

Q. What is your vehicle?

A. It's a van.

Q. Has got places to store evidence and store equipment?

A. Yes, sir, it's fully equipped.

Q. When you got to -- well, let me back up. Did you find -- let's go back to Hilton Street and the red van, did you find anything that you thought might be biological or serological evidence in or around the van?

A. On the red van?

Q. Yes.

A. The only thing I found there was a blood swipe on the armrest but the victim was bleeding so we photographed that with a scale.

Q. Didn't do any testing or anything?

A. No, sir.

Q. That's fine. When you got to S and G Mini-mart in Heath Springs, first of all were there other law enforcement officers there?

A. Yes, sir.

Q. Were there subjects there who were in custody?

A. Yes, sir.

Q. Were all four subjects still there and in custody?

A. Yes, sir.

Q. What's the -- well, did you at some point way down the

road -- I'm skipping over, but at some point there at S and G Mini-mart and later on at the sheriff's office impound lot search the -- I'm jumping ahead. Was there a vehicle at S and G Mini-mart?

A. Yes, there was.

Q. What was the subject vehicle?

A. Excuse me?

Q. What kind of car?

A. It was a white Malibu.

Q. State's Exhibit Number 12. Is that the car?

A. Yes, sir, it is.

Q. Now, at some point a little bit there or much more at the sheriff's office impound lot, did you process that car, search and process it?

A. Yes, sir, I did.

Q. And on what authority did you search and process that car?

A. I had consent from Prayon Truesdale.

Q. The owner of the car?

A. Yes, sir.

Q. When you're there at S and G Mini-mart, what is the first thing that you dealt with, first item or object that you dealt with there at S and G Mini-mart?

A. When I first arrived Captain Bailey approached me and briefed me on what was going on. He advised me that there

was a semiautomatic weapon found in the back of the vehicle, at that point I advised him that I was going to photograph and clear the weapon and secure it for safety reasons.

Q. Did you do that?

A. Yes, sir, I did.

Q. I'm going to show you a weapon which was previously checked by law enforcement, a weapon that -- what appears to be a magazine and an envelope which appears to be their container. Look at those items and see if you recognize it.

A. Yes, sir.

Q. How about the plastic envelope?

A. Yes, sir.

Q. Is that the correct magazine that was actually in that weapon?

A. Yes, sir.

Q. Did you seize those two items?

A. Yes, sir.

Q. And did you take them to the sheriff's office and log them into evidence?

A. I did.

MR. BARFIELD: Your Honor, at this time I would offer the firearm and the magazine in the evidence bag as State's Exhibit 49 maybe? 51.

MR. FRICK: No objection.

THE COURT: Okay.

(The firearm and magazine were received as State's 51.)

Q. I'm going to show you a couple of photographs. I'm going to show you State's Exhibit Number 20. Do you recognize what's in that photograph?

A. Yes, sir.

Q. First of all let me ask you this: As I show you some photographs of this white Malibu, who took those photographs?

A. I did.

Q. Now, did you take this photograph, which is State's Exhibit Number 20?

A. Yes, sir, I did.

Q. Is the firearm which we just introduced into evidence as State's 51 shown in that photograph?

A. Yes, sir, it is.

Q. Circle the firearm.

A. Excuse me?

Q. Circle the firearm on the screen with your finger.

A. How do I do that?

Q. Use your finger and put a circle around it.

A. (Witness complies.)

Q. There you go. Is that the firearm, State's Number 51?

A. Yes, sir, it is.

Q. Is that where it was when you found it?

A. Yes, sir.

Q. To your knowledge other than -- did you know who -- do you know who originally found it in the car?

A. No, sir. When I got there I was told that it was on the back seat of the vehicle.

Q. And did you move it before you took this photograph?

A. No, sir, I didn't.

Q. I'm going to show you State's Exhibit Number 21. Is that the same firearm in the same place?

A. Yes, sir, it is.

Q. Just a little closer shot?

A. Uh-huh.

Q. I show you State's Exhibit Number 22. Same question, is that the same firearm?

A. Yes, sir, it is.

Q. Same shot just a closer view?

A. Yes, sir.

Q. Now, what is the condition of the mechanism on that firearm in this photograph?

A. The slide portion which is the top portion of the firearm is locked back in the dry position basically like it had been fired.

Q. And just describe for the jury what fired dry -- first of all, was it in that condition when you first laid your eyes on it?

A. Yes, sir.

Q. What does fired dry mean?

A. If you're shooting a firearm it's an automatic weapon when the last round comes up since another round is not ejected in the chamber it stays in the locked backed position and stays there, it let's you know no more rounds are in it, no more cartridges are in it.

Q. Now, after you took this photograph did you lay your hands on that firearm?

A. I did.

Q. Did you clear it?

A. Yes, sir, I made sure.

Q. And what does clearing a weapon mean?

A. I ejected the magazine out of it and made sure there was no cartridges in the firearm and then lowered the slide down and placed it into the crime scene van.

Q. Was there an unfired cartridge in the chamber of this .380 pistol?

A. No, sir, there was not.

Q. Were there any unfired cartridges in the magazine of this pistol?

A. No, sir, there was not.

Q. Was there any pistol ammo .380 or any other ammo found in about this car or anybody that was taken out of this car?

A. No, sir.

Q. Now, I'm going to hand you the firearm again. State's Number 51, handle it however you handle it that you are comfortable with. When you shoot that firearm what happens to the fired cartridge cases?

A. It's going to eject out, it's going to eject out that side of the weapon.

Q. Which side does that weapon eject the fired cartridge cases out of?

A. The right side.

Q. All right. Thank you. What seat was this firearm, State's Number 51, on in that Malibu?

A. It was in the back seat behind the driver.

Q. Did you do any examination, any cursory examination of the firearm when you found it there in the car at S and G Mini-mart?

A. No, sir.

Q. Did you notice anything about it using your senses?

A. Yeah. Other than photographing it when I picked it up it smelled like gunpowder came out of the injection port and you would document that.

Q. Did you collect any gunshot residue kits yourself from anybody at S and G Mini-mart?

A. Yes, sir, I did.

Q. Who did you collect GSR kits from?

A. Prayon Truesdale and Jerel Davis.

Q. What authority did you collect GSR kits from them?
A. Consent, verbal consent.
Q. Can you identify what that box contained?
A. This is the gunshot residue from Prayon Truesdale.
Q. I'm going to show you this envelope. Is that what you collected at S and G Mini-mart?
A. Yes, sir.
Q. What does envelope that contain?
A. This is the gunshot residue kit as well from Jerel Davis, yes, sir.
Q. Did you secure these in evidence for eventual transmission transfer to SLED?
A. Yes, sir.

MR. BARFIELD: Your Honor, I would like to offer Prayon Truesdale GSR as State's 52 and Jerel Davis' as State's 53.

MR. FRICK: No objection.

THE COURT: Okay.

(The two GSR kits were received as State's 52 and 53.

Q. Did you find any -- I'm going to hand you an envelope and ask if you can identify what is in that envelope?
A. Yes, sir. This is the cigarette butt that was located on the driver's side floorboard of the front seat.
Q. Of the Malibu?
A. Yes, sir.

MR. BARFIELD: Your Honor, I would offer the cigarette butt as State's Exhibit 54.

MR. FRICK: No objection.

THE COURT: Okay.

(The cigarette butt was received as State's 54.)

Q. Can you identify what is in that bag?

A. Yes, sir.

Q. From the labeling and from the appearance of it what is it?

A. This is the black coat that was located in the back of the vehicle, it was in the back seat behind the driver as well.

Q. I'm going to show you State's Number 19. Do you recognize what is shown in that photograph?

A. Yes, sir.

Q. And what is in that photograph?

A. That's the black jacket.

Q. That's in that bag in front of you right there?

A. Yes, sir.

MR. BARFIELD: Your Honor, at this time I would offer the jacket as State's 55.

MR. FRICK: No objection.

THE COURT: Okay.

(The jacket was received as State's 55.)

Q. Was any processing done of this jacket or was it just a piece of evidence that y'all took and locked into storage?

A. No, sir, we just collected it.

Q. Did you find anything else in that car of interest to you?

A. Yes, sir.

Q. Generally speaking what was it?

A. Several other items were found inside the vehicle besides what he's already been mentioned. There was a First Citizens Bank envelope containing US currency.

Q. Stop right there, let's talk about them one at a time. I'll show you State's Exhibit Number 16. Did you take that picture?

A. Yes, sir, I did.

Q. And you just talked about the First Citizens Bank envelope containing currency. Is it shown in that picture?

A. Yes, sir.

Q. Circle it.

A. (Witness complies.)

Q. Now, was there money in the bank envelope?

A. Yes, sir.

Q. Was there money outside the bank envelope?

A. Yes, sir, there was.

Q. How much money was in the bank envelope?

A. $450.

Q. How much money in that picture was outside the bank envelope?
A. $200.
Q. I'm going to show you State's Exhibit Number 18. What does that show? What's in that picture?
A. That's the bank envelope and the excess cash outside of it.
Q. Was there other money found in the car?
A. Yes, sir, there was.
Q. Describe denominations and where it was found one item at a time and I'll put a picture up of it when you tell me what it is.
A. There was -- I said about the $200. There was a $10 bill located on the front passenger seat.
Q. Do you know if we have a picture specifically of that bill, do you know whether we do?
A. I can't recall, I haven't looked at my pictures. It should be pictures of the whole vehicle.
Q. Well, let me just show you some pictures and you tell me what they are. State's Number 17, what seat of the car is that?
A. That's the passenger seat and that's going to be your $10 bill there at the very front of it.
Q. State's Number 15, what's that a picture of?
A. That's the driver's side section of the vehicle.

Q. Was there money in that seat?

A. No, sir.

Q. Look and tell me for sure.

A. Yeah, there was some right there.

Q. Circle what is money in that seat.

A. Right in here.

Q. Is there a pocketbook in that seat?

A. Yes, sir.

Q. It's not a real clear picture, I apologize. Was there -- other than the jacket, were there any clothing items observed in the car?

A. Yes, sir.

Q. Generally what was it?

A. We had two red in color Red Ape shirts.

Q. And Red Ape, is that a brand?

A. That's just a type shirt.

Q. Where were those shirts?

A. They were located in the back seat behind the driver.

Q. And at some point did they get moved to -- I'm going to show you a picture and just ask if you know what's in that picture. What are those -- what's shown in that picture? It's kind of hard to tell.

A. I can see the shirt there.

Q. And what seat are they sitting in there?

A. That's in the -- it looks like the passenger seat.

Q. Of the front?
A. Yes, sir.
Q. And do you know how they got there?
A. Nuh-uh.
Q. Can you identify what's in this container?
A. This is going to be a white envelope and a black envelope.
Q. Is it okay for you to open it up and handle it at this point?
A. Yes, sir.
Q. And is this identified with a particular bank?
A. Yes, sir, it is, First Citizens.
Q. Is that the envelope that had the 450 on it in the front passenger seat of the car, front passenger floor of the car?
A. Yes, sir, it is.

MR. BARFIELD: Your Honor, at this point I'll offer the bank envelope as the next state's exhibit.

MR. FRICK: No objection.

(The bank envelope was received as State's 56.)

Q. I'm going to hand you this back and you handle it however you want to handle it but I want to ask you some questions about it. But at some point after you had seized the bank envelope containing the money, did you do any processing of the First Citizens envelope which is State's

Exhibit Number 56? Did you do some processing on that envelope?

A. Yes, sir, I did.

Q. What did you do? What kind of processing?

A. Well, the first thing I did was do a visual examination of it just to see if I noticed anything about it.

Q. And did you?

A. Yes, sir.

Q. What did you notice about it just from a visual examination?

A. I noticed a defect in the bottom right hand corner of the envelope.

Q. I'm going to hold it up and you -- have you got a pen in your pocket?

A. I think I do.

Q. Point to what you say the defect is.

A. This is the defect right here.

Q. Now, can you say with certainty what that defect is?

A. Through my examination looking at it through a comparator it had some burnt edges, it actually had similarities to being a gunshot perforating it, going through it.

Q. Did you do a gunshot residue kit on the envelope? Did you do anything to confirm that one way or the other?

A. No, sir, I did not.

Q. Was there anything on that envelope that you took to be perhaps biological or serological evidence?

A. Yes, sir, there was.

Q. What and where?

A. Just to the right of that side of the envelope here on this side you cannot see -- it's really hard to see but if you put it under a microscope there is some real small itemized type red/brownish stains, once I located that they had characteristics of possibly being high velocity impact splatter. Based on that they was smaller than one millimeter, I took DNA swabs from it and I had that sent to SLED for testing.

Q. I'm going to hand you this envelope and ask if you can identify -- can you tell me what is in there?

A. Yes, sir. That's going to be the swab I collected from the envelope.

Q. And what's the process of swabbing the envelope? Kind of the same procedure as buccal swabs sort of?

A. Similar. You just take a Q-tip and take a swab sample of the actual blood or the stains and you send that down to SLED for testing.

Q. Did you send this to SLED? After you did the swabs did you seal them up and preserve them in the way that you are trained to do?

A. Yes, sir, I did.

Q. And did they end up going to SLED?

A. They sure did.

MR. BARFIELD: Your Honor, at this time I would offer the swabs as the next state's exhibit.

THE COURT: Okay.

(The swabs were received as State's 57.)

Q. At the scene there you told us a little bit ago you took -- at S and G Mini-mart you said you took gunshot residue kits from Jerel Davis and Prayon Truesdale. Were other kits collected there at the scene at S and G Mini-mart and turned over to you?

A. Yes, sir.

Q. Who were they from?

A. Captain Bailey and SLED Agent Lee Blackmon.

Q. And who were the subjects that they gave you GSR kits for?

A. Shaun McCrorey and Heyward Truesdale.

Q. Did you take them and lock them into evidence as normally you would do?

A. Yes, sir.

Q. Did you find any other firearms evidence in this case? You talked about the pistol, you talked about the magazine, anything else related to firearms in the car?

A. Yes, sir. I found some 12 gauge shotgun shells.

Q. Through the investigation, any connection to this case

with those shotgun shells as far as you know?

A. No, sir.

Q. Did you go to -- eventually get to Ingram and Church Streets in Kershaw?

A. I did.

Q. Generally what did you do there?

A. I assisted Investigator Ken Taylor with his processing evidence.

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

CROSS EXAMINATION

BY MR. FRICK:

Q. Investigator, was the first place you went to where the burgundy car was?

A. Yes, sir.

Q. That's where Mr. Lewis was located?

A. Excuse me?

Q. Mr. Lewis, Douglas Lewis was at that location?

A. Yes, sir, he was.

Q. I'm going to ask you as soon as it pops up on the screen, did you take this photograph as State's Number 8?

A. Yes, sir.

Q. Is that Mr. Lewis?

A. Yes, sir.

Q. Is that showing -- is that an accurate depiction of the

injury that he had?

A. Yes, sir.

Q. Did you see any other injuries on his person?

A. I didn't, no, sir.

Q. I think you said you looked in the vehicle and you found -- you looked through his van and you find some items?

A. In the van?

Q. Yes, sir, the burgundy van.

A. Yes, sir, I did.

Q. I'm going to show you three pictures. Do you recognize these?

A. Yes, sir, I do.

Q. Are those photographs you took?

A. Yes, sir.

Q. What you see there?

A. This is a box of Remington cartridges, a 9-millimeter magazine with cartridges.

Q. Okay. And that's what you found -- whereabouts did you find that stuff?

A. This was in the center console, the magazine was found up under the driver's seat.

Q. Under the driver's seat?

A. Yes.

Q. And that's just two views of the same magazine we've got there?

A. It appears to be, yes, sir.

MR. FRICK: Your Honor, I ask these be moved as Defendants 1, 2 and 3.

MR. BARFIELD: No objection.

THE COURT: Okay.

(The photographs were received as Defendant's 1-3.)

Q. What I put up on the screen there, that's what's been marked as Defendant's 2. That's the 9-millimeter clip that you found in the drivers seat of that vehicle, correct?

A. Yes, sir.

Q. Was there any further analysis done with this thing? Was it sent to SLED or --

A. The clip? No, sir.

Q. Did it -- you logged it into evidence, it stayed in evidence in Lancaster County, correct?

A. Uh-huh.

Q. No fingerprints on it, no DNA, no analysis, right?

A. No, sir.

Q. No gun, in fact.

A. No gun.

Q. Did anybody ask Mr. Lewis about this thing to your knowledge?

A. I didn't speak to Mr. Lewis.

Q. But part of your job -- part of your investigation is

to talk to the other investigators to find out what they've learned, correct?

A. No, sir. When I get there I process the scene.

Q. You didn't have any conversation with anybody who had had a conversation with --

A. Not at that time, no, sir.

Q. Did you at any point?

A. Excuse me?

Q. Did you at any point, though?

A. No, sir. When I first drove up I spoke to the responding deputy and he advised me what he had as far as Mr. Lewis, he's the one who told me who Mr. Lewis was and I spoke to his girlfriend about getting consent to search the van.

Q. But the deputy didn't talk to him about -- I guess my question is what did you do when you find this?

A. I secured it. I collected it, secured it in the paper bag and put it in the crime scene van.

Q. Next you go -- well, let's see, you said you saw something that looked like a blood smear.

A. Yes, sir, on the armrest.

Q. On the armrest -- what -- driver's side -- which elbow would it be?

A. It would have been the left side, driver's side arm rest.

Q. So the door over there?
A. Yeah, on the side.
Q. And you photographed it, right?
A. Yes, sir.
Q. You didn't swab it.
A. No, sir.
Q. So at this point we don't really know -- I understand the speculation but we did not confirm whose blood it was, right?
A. No, sir.
Q. Did we collect anything else from that car?
A. Excuse me, now?
Q. Did you collect anything else from that vehicle?
A. Yes, sir, I collected some clothing items.
Q. What clothing items did you collect?
A. We had a red hat and black jacket which is in the floorboard behind the driver's seat. I had a red and black bandanna, it was also found on the armrest on the back seat behind the driver.
Q. Anything done with that stuff?
A. Excuse me?
Q. Did you do anything with that stuff after you collected it?
A. Yes, sir. I collected it, I placed it in a paper bag and secured it.

Q. Was it sent anywhere?

A. No, sir.

Q. Once you secured all of that stuff you go over to S and G Mart?

A. Yes, sir.

Q. I wanted to ask you about State's Number 16. That's the photograph from that white Malibu, right?

A. Yes, sir.

Q. Now, solicitor briefly asked you about the shirts moving. Did they move?

A. I didn't move them, no, sir, until I collected it.

Q. So when you got there this shirt is in this front seat?

A. Yes, sir.

Q. Did anybody say they had moved it from the back seat to the front seat?

A. No, sir.

Q. In fact, the practice is when law enforcement stops the car they secure the scene for you to come in and see it exactly as it was when they got there, right?

A. Yes, sir.

Q. The envelope that's in this floorboard, that's the way it was when you got there.

A. Yes, sir.

Q. With the money scattered on the floor?

A. Yes, sir.

Q. Did you find any money in the back seat?
A. No, sir.
Q. Was there any money collected off of Mr. Truesdale?
A. If there was I don't know, I didn't search Mr. Truesdale.
Q. Do you know if anybody did?
A. I think someone did but I didn't. I mean, I'm sure he was secured and patted down.
Q. To your knowledge nothing is collected off him.
A. No, sir.
Q. The envelope that we've got here on State's 56, this is the one we saw in that picture and the floorboard, right?
A. Yes, sir, it is.
Q. Okay. Now, this -- I'm going to ask you about the defect here. This is the defect you're talking about?
A. Yes, sir, it is.
Q. All right. Now, I know you're trained, I'm not questioning that, how did that look like a bullet hole?
A. Just -- when I see a defect in this on the edge here I'm going to examine that more closely than with my eyes. I put it up under a microscope and around the edges, if you get under the microscope you can see burned edges, that the paper was actually burned.
Q. Did you see what would have been deemed gun powder?
A. It was just a burned edge, it was very similar to what

you get when that projectile goes through something.

Q. In your training are you able to make any determination how distant that gunshot would have been to have burned the paper?

A. No, sir.

Q. You would view it under the microscope?

A. Yes, sir.

Q. Was there any photographs of that view? Did you have a --

A. No. I don't think I took any photographs under the microscope.

Q. State's Number 19 here, this is the picture of the back seat of the white Malibu?

A. Yes, sir.

Q. That's where the jacket was located?

A. Yes, sir.

Q. Had the gun already been removed from the jacket or do you know?

A. When I got there the gun was sitting on the seat just beyond right here, it was sitting right here.

Q. All right. Did anybody tell you where the original location of the jacket was or do you know?

A. No, sir.

Q. And I guess the bag of shells, was that -- is that reflected in this picture or do you know?

A. I think they were up there under this jacket, they were in a plastic bag.
Q. Okay.
A. I think there's four of them.
Q. To your knowledge they had been in the pocket of the jacket, or do you know?
A. What's that?
Q. The shells.
A. No. They were in a plastic bag in the back seat.
Q. Right. But had they been laying there or had they been in the jacket or do you know?
A. I don't know.
Q. All right. And this is that jacket?
A. Yes, sir.
Q. State's 55. Okay. It was picked up and --
A. Secured and placed into evidence.
Q. Anything further happen with it?
A. No, sir.
Q. The red T-shirt that was in the front seat, collected.
A. Yes, sir.
Q. Anything happen with it?
A. No, sir.
Q. The total amount of money that you find in the car?
A. The total?
Q. Yes, sir.

A. 450 in the bank envelope, 200 outside of it.

Q. Right.

A. $10 in the seat.

Q. Okay.

A. And I think there were $4 found in the console.

Q. Okay. I ain't real good with math, but a little bit less than 700 bucks?

A. Yeah, whatever that was.

Q. I was hoping you would add it up. All right. One more second and I may be done with you. The gun that's found in the car, do you make any attempt to collect fingerprints or DNA off of it or is that sent onto someone else to do that?

A. We could do the fingerprints, we could not do DNA.

Q. Did y'all do that?

A. No, sir.

Q. And there was nothing in the magazine, right?

A. No, sir.

Q. And it was, in fact, in?

A. Yes, sir.

Q. Okay.

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

REDIRECT EXAMINATION

BY MR. BARFIELD:

Q. I'm going to hand you four plastic envelopes. Just

look at them top to bottom the way I've got them stacked and tell me first of all, do you recognize those envelopes?

A. Yes, sir, this is US currency.

Q. What's in the top one?

A. This is $450, that was in the bank envelope.

Q. What's in the second one?

A. $200 that was found in the floorboard.

Q. What's in the third one?

A. $10 that was found on the front passenger seat.

Q. Front passenger seat or front driver's seat?

A. Front passenger seat.

Q. What denominations is that $10 made up of?

A. Two fives.

Q. And what's the last one?

A. This is the $4 that was found inside of the front console.

MR. BARFIELD: Your Honor, at this time I would offer these four envelopes as the next State's exhibits.

THE COURT: Let's mark them as Court's exhibits so they won't go back and fight over them.

(The money was received as Court's 1.)

Q. Mr. Frick was asking you if anybody in the car had any money on him or her. Do you have any recollection if anybody in that car had money on them when they got taken into custody?

A. That day I didn't.

Q. And did you determine that later on?

A. Yes, sir.

Q. Who had money on them?

A. One of the -- two of the people in the vehicle had it when the deputies searched them there, he turned in the items to evidence.

Q. And did this get turned in to you to be put into evidence?

A. Yes, sir.

Q. Specifically I'm going to show you this envelope and ask you if you can identify what is in it?

A. This is going to be $60, it was the property of Heyward Truesdale, it was given to me by the deputy, turned in through the deputy.

Q. And can you identify what's in that envelope?

A. Yes, sir. This is going to be US currency of $125, it was turned into evidence.

Q. From whom was this taken off?

A. Shaun McCrorey.

MR. BARFIELD: At this time I would offer these two envelopes as State's exhibits.

THE COURT: Court's exhibits.

(The money was received as Court's 2.)

MR. BARFIELD: Thank you.

RECROSS EXAMINATION

BY MR. FRICK:

Q. All right. I asked you about it and you said you didn't know anything about money, now you know about money. Where did those come from?

A. That came from another deputy, I didn't collect that at the scene.

Q. I asked you if anybody said there was money on them and you didn't know.

A. I didn't collect it at that scene, he turned it into evidence.

Q. When did it get collected?

A. I guess that day when he patted them down when he took them to jail.

Q. And nobody advised you of this?

A. No, sir, it came to me through evidence.

MR. FRICK: Thank you, sir.

MR. BARFIELD: That's all from this witness, ask that he be excused.

THE COURT: You are free to leave if you would like.

The witness, JOE CATALANO, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. State your name, please.

A. Joseph Catalano.

Q. And Mr. Catalano, I started to ask you by whom are you employed, what are you doing in life right now?

A. I'm in law school, just finished my first year.

Q. What did you do before you went to law school?

A. I worked at the Lancaster County Sheriff's Office as an investigator.

Q. How long were you employed by the sheriff's office first?

A. Between three and a half and four years.

Q. How long were you an investigator with the sheriff's office?

A. Almost two years.

Q. Did you participate in the investigation of the shooting death of Harry Edward Blakeney and the shooting injury of Douglas Lewis in Kershaw on 9-21 of '11?

A. I did.

Q. Where did you first go?

A. I first went to -- this would be September 21st of 2011, I went to the scene at Kershaw, to the scene of the shooting.

Q. Did you do anything -- sounds like a bad question -- did you do anything of substance there before you relocated to somewhere else?

A. No. I just spoke to my supervisor who told me to go up

the road, there was a van that Investigator Steele was processing and there I assisted him in processing the van.

Q. And did you personally collect any evidence at the scene of the -- is this the burgundy van with Douglas Lewis?

A. It is. I just assisted Investigator Steele there.

Q. Did you relocate from there to somewhere else?

A. I did.

Q. Where did you go?

A. Back to the sheriff's office.

Q. And at the sheriff's office generally what did you do?

A. I took -- or I spoke to two of the suspects.

Q. And I don't want you to tell me what they said, but did you interview a couple of the suspects?

A. I did.

Q. Now, later on some time did you collect some physical evidence from one of the suspects?

A. I did.

Q. Who was that suspect?

A. A Shaun McCrorey.

Q. And on what authority did you collect physical evidence from him?

A. A search warrant.

Q. Who had signed as affiant for the search warrant, or who swore out the search warrant?

A. I did. I take that back, I executed the search

warrant.

Q. Who got it from the magistrate?

A. Ken Taylor.

Q. Where did you execute or serve the search warrant?

A. In the detention center.

Q. And what were you serving -- what were you collecting from Shaun McCrorey pursuant to the search warrant?

A. Buccal swabs for DNA.

Q. I'm going to show you an envelope and ask you if you can identify what's in it?

A. Those are the buccal swabs that I collected.

Q. From Shaun McCrorey?

A. That's correct.

Q. What did you do with them after you collected them?

A. We turned them into evidence and they were sent to SLED to process for DNA.

Q. All right.

MR. BARFIELD: Your Honor, at this time I would offer the Shaun McCrorey buccal swab as the next State's Exhibit.

MR. FRICK: No objection.

THE COURT: Okay.

(The buccal swab was received as State's 58.)

MR. BARFIELD: Thank you, sir, that's all of the questions I have. Answer anything Mr. Frick has.

CROSS EXAMINATION

BY MR. FRICK:

Q. Whatever possessed you to decide to go to law school?

A. I don't know.

Q. All right. You collected the buccal swabs, you did talk to a couple of folks, correct?

A. I did.

Q. Were they extensive interviews or were you a participating witness, or what was your role?

A. In the interviews?

Q. Yeah.

A. The first day with one of the interviews it was basically me talking to Mr. Davis and then with Ms. Truesdale.

Q. Prayon Truesdale?

A. I was a co-interviewer, Investigator Crump and I both talked to her together.

Q. But as far as initially talking to Mr. Davis that was you?

A. No. When Mr. Davis was brought to the sheriff's office. I believe when they -- when the car was stopped when these people were first contacted by law enforcement I was there, at that point I was still with the crime scene.

Q. Okay. At what point did you come back in contact with Jerel Davis, or I guess in contact?

A. It was the same day within an hour or two after law

enforcement made their initial contact with Mr. Davis.

Q. Had he been developed as a suspect at that time?

A. He had. They had all been developed as suspects by that time.

Q. Did he give you a statement?

A. That day he did not.

Q. And did he, in fact, say he didn't know nothing about it?

A. That's correct.

Q. I think this is your supplement, if it's not let me know.

A. This is my supplement.

Q. Did he tell you where he was?

MR. BARFIELD: Your Honor, I think he's asking him about Jerel Davis' statements and I think it's hearsay, I think that's what he's asking him.

THE COURT: If he didn't take it it is.

MR. FRICK: He did take the statement though, that's what he said.

THE COURT: Well, if he took the statement --

MR. BARFIELD: He's not the witness, though, it is hearsay.

MR. FRICK: I agree it's hearsay but it's an exception because he's the one that took the statement.

THE COURT: It comes in.

Q. What did Mr. Davis tell you?

A. When I spoke to Mr. Davis he told me he wasn't even in Kershaw when the incident happened, he basically denied any involvement.

Q. Other than that statement and participating with Crump on Ms. Truesdale, did you take any other statements?

A. That day, no, sir, I didn't.

Q. At any point were you with any statements?

A. Yes, sir. Later on I took a statement from Mr. Truesdale, I believe, several days, or I was a participant in that statement as well as Crump and I again.

Q. Did you collect any evidence at the scene or at any point in this case?

A. Other than assisting Investigator Steele at the scene and then once again I assisted I believe it was Investigator Steele, the car that they were caught in was brought back to the sheriff's office and we searched that car again. I was assisting in that search as well.

Q. Congratulations on finishing up your first year.

A. Thanks.

MR. FRICK: That's all of the questions I have.

MR. BARFIELD: That's all and ask that he be excused.

THE COURT: Free to leave.

(Break in proceedings.)

THE COURT: Okay. Jurors, don't talk about the case,

we're waiting on somebody to get here that is in route.

(The jury left the courtroom and a recess was taken.)

(The jury returned to the courtroom.)

MR. BARFIELD: Call Dr. Janice Ross.

The witness, JANICE ROSS, M.D, was first duly sworn and testified as follows, as:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, ma'am.

A. Janice Edwards Ross.

Q. And Dr. Ross, what are you by profession?

A. I'm a forensic pathologist.

Q. And does that mean you're a medical doctor first?

A. Yes.

Q. Where did you go to undergraduate school?

A. At the University of South Carolina, and I received my MD from Upstate Medical Center in Syracuse, New York.

Q. How long have you been practicing medicine?

A. Thirty-seven years.

Q. Are you a board certified forensic pathologist?

A. Yes.

Q. How long have you been board certified.

A. Since 1985.

Q. Have you got any idea how many autopsies you've done

since you've been a board certified pathologist?

A. Over 1,000.

Q. Have you been testified in this state as well as others as an expert in forensic pathology before?

A. Yes.

Q. Have you always been qualified as an expert to be a forensic pathologist?

A. Yes.

Q. Any judge ever turned you down as an expert in forensic pathology when you were offered as such?

A. No.

MR. BARFIELD: Your Honor, at this time I offer Dr. Ross as an expert in the field of pathology.

MR. FRICK: No objection.

THE COURT: Okay. What she's qualified to do is give opinions in the field that she's an expert in.

Q. Well, do you do autopsies in deaths that occurred under all kinds of circumstance?

A. Yes, I do. We do autopsies at Newberry County Memorial Hospital in the morgue and we are Newberry Pathology Associates, we do autopsies for coroners.

Q. Are some of the autopsies you do related to accidental deaths?

A. Yes.

Q. Are some of them related to homicides?

A. Yes.

Q. Are some of them related to suicides?

A. Yes.

Q. Now, generally speaking when you do a forensic autopsy just describe to the jury the general process, not all of the detail yet, but the general process.

A. We look at the total body. We look at the clothing, we look at the external body and then we do our routine autopsy looking at the internal organs. We're looking for patterns of injury and natural death, natural diseases, take photographs and collect specimens for documentation and for toxicology purposes.

Q. All right. Did you, I'm guessing probably on August (sic) 22nd of 2011, receive a body identified as that of Harry Edward Blakeney for autopsy?

A. Yes.

Q. Did you know any of the -- were you given a little bit of background of the circumstances of Mr. Blakeney's death?

A. Yes. That he was shot by someone leaving the scene in the car in the front yard.

Q. Do you recall whether a crime scene investigator with the Lancaster County Sheriff's Office was present during the autopsy?

A. Yes.

Q. Okay.

A. Ken Taylor.

Q. How old did you determine Mr. Blakeney to be from history or whatever information that was provided to you?

A. From history he was 69 years old.

Q. Do you measure and weigh the body?

A. Yes, we do.

Q. And the measured body height-wise or length would be approximately what?

A. 71 inches which is 5 feet, 11 inches. We don't have as scale in the morgue so we estimate a weight and we estimated 210 pounds.

Q. All right. Is part of the autopsy process to determine injury from unnatural sources?

A. Yes.

Q. Is part of the autopsy process to determine disease or illness in the body?

A. Yes.

Q. Let's talk about that first. Did Mr. Blakeney have any internal medical conditions that you noted when you did your autopsy?

A. Yes. He had an enlarged heart, it was about twice the normal size, and he also had some hardening of the arteries or arthrosclerosis of two of the three main coronary arteries.

Q. What we would commonly refer to as blocked arteries?

A. Yes.

Q. Was there evidence that he had had surgery for heart problems in the past?

A. Yes. He had a stint in one of the arteries.

Q. Did any of the heart problems that you noted on autopsy kill Mr. Blakeney?

A. No.

Q. On your external examination of the body other than gunshot wounds which we'll talk about in a little bit, were there injuries to the body that you observed externally other than gunshot wounds?

A. Yes. There was some abrasions and bruises about the face.

Q. Were there glasses with the body?

A. Yes.

Q. What was the condition of the glasses?

A. The glass was broken, the lenses were broken.

Q. Did you see any injuries to Mr. Blakeney's face that you associated with damage to the glasses?

A. Yes.

Q. Describe that.

A. There was a laceration underneath the left eye, I believe it was, that would have been caused from the glass hitting that area of the skin.

Q. Okay. Were there what you characterized as gunshot

wounds to the body of Mr. Blakeney?

A. Yes.

Q. Let's talk about gunshot wounds for just a minute. What's an entrance gunshot wound?

A. Where the bullet enters the skin.

Q. I'm going to ask another stupid question, but what's an exit gunshot wound?

A. Again where the bullet exits the body.

Q. And when you are numbering and counting, do you call them separate gunshot wounds?

A. We call each gunshot wound, I'm not sure what you're asking, but an entrance wound exit would be one gunshot wound.

Q. How many gunshot wounds did you determine there were to the body of Mr. Blakeney?

A. Six.

Q. If you would let's go through them and the numbers sequence that you used. Gunshot wound number one if you would as you describe it point on yourself where you are referring to.

A. Gunshot wound number one entered underneath the left ear and went for -- it did not go through the brain but it went through the jawbone and part of the larynx and came out in the right cheek.

Q. What damage was there to the jawbone as a result of

that gunshot wound?

A. Fracture and probably a lot of lacerations, of a lot of arteries that are in that area.

Q. All right.

A. Gun shot wound number -- we number the wounds, the gunshots from top to bottom, it doesn't mean that is the order they were received.

Q. Are you able to tell from looking at a body what gunshot wound entered the body occur first, second, third, are you able normally to tell that?

A. No. Unless they're all in the head and then you look at the fractures, but no.

Q. Go ahead, gunshot wound number two.

A. Gunshot wound number two went in the left back, left midback and it went forward, upward and towards the right and came out just at the base of the front of the neck.

Q. What did it do inside?

A. It lacerated the aorta and lungs and some of the vessels of the neck and caused a lot of hemorrhaging inside the chest cavity.

Q. Okay.

A. Okay. Gunshot wound number three was in the right chest and it went front to back slightly downward and slightly to the left and exited the back. That just lacerated part of the diaphram and some blood vessels but it

was not necessarily fatal.
Q. Okay.
A. Gunshot wound number four went left to right through the buttocks, from the left side buttocks through and out the right buttock.
Q. Okay.
A. Gunshot wound number five went through the left thigh, it went through -- sort of through the inner back thigh to the mid and front thigh but all in the left leg.
Q. All right.
A. And gunshot wound number six went through the left hand.
Q. Describe that wound on the left hand.
A. It went through at the base of the index finger and then out through the palm of the hand.
Q. Are you able to say whether that is a completely separate gunshot wound than either of the other five? For example, could it have been part of a blocking defensive type wound or can you say at all whether that's possible?
A. It could have been part of another wound from the left hand. The bullet might have reentered the skull, most of these entrance wounds were pretty round. Sometimes if you -- if it goes in and out of the hand and then reenters the body it might be going sideways so that entrance wound looks a little more oblong, but it's possible that could

have reentered the body.

Q. Don't know one way or the other.

A. Correct.

Q. Do you measure entrance wounds? Do you measure entrance and exit wounds?

A. Yes.

Q. And did you measure entrance wounds for these six on Mr. Blakeney?

A. Yes.

Q. And I don't want you to give me the precise measurements for all six, but generally what size wounds were these measuring out to be, the entrance wounds?

A. .38 to .4 inches, which it's hard to tell a caliber from that.

Q. All right. Did you find any evidence of fired bullets or bullet jackets or bullet jacket fragments with the body of Mr. Blakeney?

A. There was one fragment of metal underneath the body.

Q. Not embedded in tissue anywhere?

A. No, sir.

Q. I'm going to show you a manila envelope which contains a plastic envelope and ask you if you can identify the contents of that plastic envelope? And I'm referring to State's Exhibit Number 46.

A. That's a fragment of the jacket that we found

underneath the body of Mr. Blakeney.

Q. Are you able at all to tell us anything about the ballistics characteristics of this piece of metal in this envelope?

A. No, sir.

Q. Mr. Blakeney was shot from the front and from behind, is that --

A. Yes, and from the side.

Q. Are you able to tell us -- is there any way for you to reconstruct the events of the shooting to tell us where the shooting was, where Mr. Blakeney was, anything like that from evidence that you glean in an autopsy --

A. No.

Q. -- without a video of it happening I guess.

A. No, sir.

Q. Did you determine the cause of death for Harry Edward Blakeney?

A. Yes.

Q. And what was the cause of death?

A. Exsanguination, which means to bleed out due to a laceration of the lung and the aorta due to the gunshot wound to the back.

Q. Which is I think your number two gunshot wound.

A. Yes.

Q. Again, did his heart condition contribute at all to his

death?

A. No. The heart -- with that much bleeding is evidence that the heart was still beating at that time.

MR. BARFIELD: Thank you, ma'am, answer anything Mr. Frick has.

CROSS EXAMINATION

BY MR. FRICK:

Q. Dr. Ross, you said you cannot determine what caliber of gun did these wounds?

A. No, sir. It's consistent with medium caliber but not exactly.

Q. What are medium calibers?

A. Like a 380 or a 38.

Q. Is a 9-millimeter in that range?

A. 9-millimeter, yes, sir.

Q. And, of course, you do your work over in Newberry. You don't go to the scene and do any investigation to reconstruct, correct?

A. That's correct.

Q. You go by what little bit of information is told to you, how the person arrived to you.

A. Yes, sir.

Q. Not a detailed description, just basics so you have something to go on as you begin?

A. Yes, sir.

Q. Can you tell or could you tell in this case how far away somebody was when they shot?

A. The range of the bullet -- when a bullet comes out of a gun so does soot and powder and the soot and powder only go a certain distance where obviously the bullet goes further. So if you see evidence on the skin of powder or soot you can give an estimate of range of the wound, but there was no such evidence there. There was no soot and no stippling or tattooing, so all I can say was a distant gunshot wound.

Q. Was any on any clothing? Some of these bullets went through clothing, right?

A. Not that I could see but that has to be tested for GSR, gunshot residue.

Q. Okay. All right. And these wounds were through and through for the most part?

A. Yes, sir.

Q. Except for the one where you found the fragment. Where did you find that?

A. That was underneath the body. We did x-rays of the whole body basically to look for any metal inside but there was none.

Q. And the fragment was not in the body but was with the body.

A. Correct, it was probably caught in the clothing. When we took the clothing off it fell into the body bag.

Q. You said that this would be a distant gunshot I think, is that basically what you said?
A. That's all I have evidence for.
Q. Any idea what distance is distant?
A. It depends on the gun and the caliber and the type of ammunition, but generally at least 3 feet.
Q. Any closer --
A. Two or 3 feet.
Q. -- then you would likely see the stippling and whatnot at some point?
A. Within 2 feet you would see some stippling and tattooing.
Q. Is that what we call powder burn?
A. Yes, sir.
Q. None of that was present, so your best guess is the shooting -- the shooter was at least two or three feet away.
A. Two to three feet, yes.

MR. FRICK: Dr. Ross, that's all of the questions I have.

MR. BARFIELD: Nothing further, ask that she be excused.

THE COURT: You are free to go.

MR. BARFIELD: We are done for the day.

THE COURT: All right. Jurors, it is kind of beyond my control -- don't talk about the case. I'm going to a

funeral in Camden for one of my good friends that died -- 25 years I have only not held court two times. But normally I just go to the visitation, he didn't have a visitation, went by the house and visit with the children, well his wife died before he died, the kids are long gone, they're just coming in, just going to have a funeral at 3:00 so we're going to go. I normally just let my wife go but she was already committed to go somewhere else. A former CPA of mine so I can't really not go, I have known him 50 years. We will crank it back up in the morning at -- 9:05 good again?

MR. BARFIELD: Yes, sir, that's very good.

THE COURT: And again, don't go down to Kershaw to go riding around.

(The jury left the courtroom.)

THE COURT: Okay. Mr. Truesdale, you're going to have to make a decision at some point about whether to testify or not, you don't have to do it now but you've got all day to think about it and all night. I know you've already talked it over with Mr. Frick, there are good reasons to testify and good reasons for not. If you testify you get cross examined -- I don't know anything about your background, if you have a prior criminal record sometimes they can bring it out but they can tell all of that before you testify so you will know whether it will be brought out or not. If you elect not to testify and you wanted me to tell the jury

whether they could consider that I will be happy to do that. But the bottom line, it's an important decision, I'll ask you about it again tomorrow but you need to talk it over with your family, talk it over with Mr. Frick today if you decide whether you are going to take the stand or not, all right. You don't have to tell me anything now, I just -- since you've got plenty of time to think about it now is a good time to start thinking about it. Anything else I can help anybody with?

MR. BARFIELD: I think we are good.

THE COURT: Okay. 9:05.

(Court adjourned for the evening and resumed at 9:15 a.m., on Wednesday, May 15, 2013.)

THE COURT: Okay, bring the jury in.

(Jury returned to the courtroom.)

MR. BARFIELD: Call John Roberts.

The witness, JOHN ROBERTS, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, sir. I am going to be shuffling around while you do that trying to put my hands on things. What is your name?

A. My name is John Roberts.

Q. Mr. Roberts, by whom are you employed?

A. I work for the South Carolina Law Enforcement Division more commonly called SLED.

Q. How long have you been employed by SLED?

A. It was eight years in February.

Q. What section or division of SLED are you currently employed in?

A. I am in the arson investigations section right now.

Q. How long ago did you move to arson investigations?

A. November of 2012.

Q. And what department of SLED did you work in prior to moving to arson?

A. I was in the forensic services lab in the trace evidence department.

Q. And in a nutshell what did you do in the trace evidence department?

A. Well, trace evidence, what we do is we analyze evidence that you can't see with your naked eye. My main duty in trace evidence from about 2009 until 2012 when I transferred out was the analysis of gunshot residue.

Q. What is gunshot residue?

A. Gunshot residue is the term that we give to the particles that are ejected from a firearm when it is fired, more specifically it is the metals that are contained in the primer of a bullet. If you ever look in the back end of a bullet of a center fired bullet there is a disc in the

center of the back of that cartridge and that contains an explosive compound that had these metals in it. When the gun is fired those metals are vaporized and they are released through the muzzle or through the ejector port, or thought the cylinder gap if it's a revolver, and agencies across the state are given gunshot residue collection kits that are used to collect these metals off of anybody's hands who they think may have been involved in the incident.

Q. Are there different kinds of metals that you're looking for when you're analyzing gunshot residue evidence collection kits?

A. Yes, sir. There are three kinds of metals, they are lead and barium and antimony. And the amounts of those metals, or based on the amounts of those metals would give results on whether we think that somebody fired a gun or was near a gun when it went off or simply handled the firearm.

Q. Now, is it -- and you might have just done this and I was probably looking at something while you did, but how does gunshot residue come out of a gun? Let's talk specifically about a semiautomatic pistol.

A. Sure. The majority of gunshot residue is going to come out of the muzzle, that's the biggest opening, that's where -- when you point it at something that's where everything comes out. There would be smaller amounts that come out of the ejector port, usually it's on the right hand

side of the firearm is where the cartridge is ejected. There will also be a small amount that comes out of the trigger. There's a crack there where the trigger goes up in the frame, anywhere there's a crack or opening in the pistol gunshot residue comes out. So what we look for is we look for it on the palms and backs of the hands of the shooter or anybody that was near the gun when it went off.
Q. Is it -- is gunshot residue always going to get on the hands of the shooter of a semiautomatic pistol?
A. It will usually get on the hands of the shooter, however it's very easily removed. You can go and shoot three or four or five rounds or take a day and go shoot rounds at the range, put a whole box down at the range and as soon as you stop shooting your body starts absorbing this material. If you don't do anything after about six hours your body will absorb the majority of this material to the point where even if I find it I wouldn't associate it with shooting a gun. In addition to that, you're going to put your gun away so now you've touched whatever you have put your gun in. If you're like me and you carry it around with me all the time you've touched your holster, you've touched your pants because you're pulling keys out of your pockets, you've touched a car door that you got in to to drive to the range unless you're lucky enough to have one at your house in which case you've touched the door handle at your house,

you've gone in the house. Everything that you've touched has started removing the gunshot residue from your hands. If you wash your hands it will go away and it will go away fast. It's a lot like flour, if you ever bake you use a lot of flour and you're messy like me you get flour everywhere especially on your hands. As soon as you put your hands under running water the majority of that flour disappears off your hands, it runs down the sink. Gunshot residue is a lot like that, running water would remove it, wiping your hands on anything will also remove it.

Q. All right. What is a verified chain of custody? Is that a document that you're familiar with?

A. Yes, sir. Verified chain of custody is when a case goes to court and somebody wants to know exactly where pieces of evidence involved in that case have been throughout its tenure at SLED. There is a chain of custody that is generated and it tracks evidence from the time that it comes into SLED into our log-in department, in my case from the time it moves from the log-in department up to where I was in trace into my custody, how long I have it and then when it goes back downstairs and is returned to the submitting agency. A verified chain of custody simply means that we as an analyst have received notice that we need to go back and check and make sure. So we open up the chain of custody, we go and find the case jacket and make sure that

the dates all match up and then send an email back saying, yes, this is what happened and then it is verified by our chain of custody person asset.

Q. I'm going to show you a document which is 54 pages long. Can you tell the jury if you recognize that and know what it is?

A. This appears to be a chain of custody.

Q. Okay. And does SLED assign numbers to cases that come into SLED?

A. They do.

Q. And what do y'all call that number?

A. I wish I had it. What happens is the case will come in, and in this case it is from the Lancaster County Sheriff's Office, it is assigned a number starting with the year that it comes in, in this case it was 2011 so it was L11.

Q. What does the L stand for, lab?

A. It stands for lab. Then it's just given a number, whatever number it is of that year, in this case it was 10927, so it was 10,927 for the year, that is the case number for this, or the case number for this case. Each piece of evidence in this case is assigned a number; one, two, three, four, whatever. In my case I had several pieces of evidence starting with item 15 and running all of the way through item 22.

Q. Let me interrupt you just a minute. Are there sub-numbers under the main item number for some items that come into SLED, particularly for the items that you worked on in this case?

A. Yes, sir, there are.

Q. Describe how that's broken out.

A. What happens is when I get a gunshot residue kit in it comes in for example as number 15. I get that gunshot residue, I check it to make sure that it's sealed and that it hadn't been tampered with, and then it's opened and each sample from the gunshot residue kit is sub-itemed into its own number. So what we do at SLED in the trace evidence department is we test samples from the right palm of the hand, the right back of the hand, the left palm of the hand and the left back of the hand, so four samples from each gunshot residue kit, those samples are given subitem numbers. So number 15 starts out at number 15, then it goes 15.1, 15.2, 15.3 and 15.4, and those subitem numbers stay with those subitems throughout the case.

Q. What is the big document that I gave you just a minute ago? Is that the verified chain of custody for this case?

A. It's the verified chain of custody, it is.

Q. And does that include the items that you briefly referred to and we'll talk about more in a minute, plus all other items that went through SLED from this case from the

Lancaster County Sheriff's Office?

A. It appears that it does.

MR. BARFIELD: Your Honor, at this time I would offer the chain as the next State's exhibit.

MR. FRICK: No objection, Your Honor.

THE COURT: Okay.

(The chain of custody document is received as State's 59.)

Q. Mr. Roberts, I laid out a whole bunch of items in front of you. Start on that end, look at it and tell me if you know what it is.

A. These are all gunshot residue kits that were submitted to me in this case.

MR. BARFIELD: Your Honor, for simplicity purposes, can I stand over there next to him?

THE COURT: You can stand over there.

Q. Mr. Roberts, I'll ask you, I'll refer to SLED item number and then the State's exhibit number in reverse order. I'm showing you State's Exhibit 10 which appear to be SLED item 15, just tell us what it is. Are all of these GSR kits?

A. Yes, sir.

Q. And who is that first GSR kit from?

A. This first GSR kit is from Douglas Lewis. And that's the label that we put on it, you can see it's bright yellow,

you can't hardly miss it, it gives the lab number and the case number, or lab number and the number for the piece of evidence. It also has my handwriting all over it because I analyzed it. What's in here is a gunshot residue kit. There are two types of things that we do in sampling for gunshot residue, there are particle lifts which are aluminum disks with sticky tape on them which are used to analyze for gunshot residue and there are swabs to that are treated with dilute nitric acid that are utilized to look for the metals or for quantities of metals. And this kit has both of those in it.

Q. All right. I'm going to show you State's Exhibit Number 36 which is SLED item number 17. Whose gunshot residue evidence collection kit is that?

A. It is a gunshot residue kit from Heyward Rashard Truesdale.

Q. Same question, State's Exhibit Number 52, SLED item number 18. Whose GSR kit is that?

A. It's a gunshot residue kit from Prayon Truesdale.

Q. Same question about State's Exhibit 35, SLED item number 19, whose GSR kit is that?

A. Number 19, State's Exhibit 35 is a GSR kit from Shaun Nichols McCrorey.

Q. Same question as State's Exhibit 53, SLED item number 20. Whose GSR kit is that?

A. State's 53 is a GSR kit from Jerel Davis.

Q. State's Exhibit 44, Sled item 21. Whose kit is that?

A. State's 44 is a GSR kit from Freedonia Truesdale.

Q. And finally State's 45, SLED item 22. Whose GSR kit is that?

A. State's 45 is a GSR kit from Harry Edward Blakeney.

Q. Now, I forgot to ask you a couple of things. How did you learn to be a trace evidence analyst?

A. I've got a Bachelor of Science Degree in Chemistry from Texas A&M Corpus Christi. When I moved out of Texas and moved to South Carolina I got my job at SLED in the trace evidence department and I started training in gunshot residue, that's the first thing they teach the new hires in the trace evidence department mainly because it's the thing that we get the most of. I trained under my lieutenant who had been at SLED by then for 20 years and who had been doing gunshot residue for ten. I learned how to do gunshot residue underneath him, I helped him with his cases, I learned how to intake evidence, I learned how to process the gunshot residue kits, how to set up the instrumentation that we used, how to generate data, how to read the generated data and how to draw conclusions and write reports based on the data generated. After about four months of doing this I was given a case of my own as a test and I was put in a situation much like this, except as jurors I had all of the

people that were qualified in court to do gunshot residue taking Mr. Barfield's place and grilling me like a really bad steak. After I passed that test I was given my own cases to work and I have worked gunshot residue pretty steady from about the end of 2005 until the end of 2012, and the majority of my work was done from 2009 to 2012.

Q. Have you been called upon to testify as an expert in the courts of this state as a trace evidence analyst on occasions?

A. Yes, sir, I have.

Q. Probably how many times?

A. Sixty-four times.

Q. Have you ever been offered as an expert in trace evidence analysis and not qualify as an expert?

A. No, sir, I have not.

MR. BARFIELD: Your Honor, at this time I would offer Mr. Roberts as an expert in trace evidence analysis.

MR. FRICK: No objection.

THE COURT: Okay. Again jurors, they just have to demonstrate through education, training, work and experience, a combination of those factors, that they've acquired more knowledge in the field than you or I have. You are not bound to accept any opinions he gives but you can to consider them. He has to state his opinions to a reasonable degree of certainty. I didn't say that the first

time because once I say that every witness begins to say to a reasonable degree of certainty and they don't have to say that each time.

Q. Mr. Roberts, I'm going to make this real simple. Did you analyze, however many kits it is, it looks like seven?

A. Yes, sir, I did.

Q. And for the presence of gunshot residue on the samples taken from the fronts and backs of both hands of each of the individuals whose kits those were collected -- from whom those kits were collected?

A. Yes, sir I did.

Q. Bottom line, did you find evidence of gunshot residue on any of the kits -- in any of kits?

A. I did not find gunshot residue per se on any of the kits. On a couple of the kits -- and if you will give me a second I'll refer to my report and I'll tell you exactly where and whom I found the metals that I associate with gunshot residue on. I found metals that I would associate with gunshot residue, however gunshot residue is a little tricky. What we look for to make a specific call that we found gunshot residue is a round or spherical particle that contains the three elements of the primer; lead, barium and antimony. Those round particles with those three elements are unique to gunshot residue, they don't come from anywhere else. In this case I didn't find any of those specific

round particles, however I found round lead particles on at least one area and I found metals that I associate with gunshot residue on somebody else. Round lead particles are a component of gunshot residue, it's most consistent with gunshot residue, however it doesn't only come from gunshot residue. So if you'll give me a second to look at my report I can tell you exactly where those results were from. On the right back, that is the back of the right hand of the gunshot residue kit from Douglas Lewis I found round lead particles and round lead particles are a component of gunshot residue. On the left back of the hand, so the back of the left hand of Harry Edward Blakeney I found quantities of metals that I associate with gunshot residue.

Q. Is that a step below round lead particles?

A. It is. The difference is is that when I find a particle, my result says I found X particle, that means that I took the particle lift, one of the pieces of gunshot residue kit and I analyzed it on a microscope and I look for the particle itself. When I say I found metals associated with gunshot residue, what I did was I took the swab that was taken from that specific area and I found a certain amount of lead barium and antimony that would lead me to believe that those metals were associated with gunshot residue, one is slightly more positive than the other. One is more conclusive.

Q. The round lead particles would be a little more conclusive?

A. The round lead particles would be more conclusive because that's one of those components of gunshot residue that I could point at and say yes, that's from gunshot residue. Whereas if I just find metals that it's associated with I can't conclusively say that's associated with gunshot residue.

Q. So as to Lewis and Blakeney you found some evidence consistent with the presence of gunshot residue, is that an accurate statement?

A. Yes, sir, that's correct.

Q. As to the other five kits you found nothing; is that correct?

A. That's correct.

Q. Do you know who are subjects and who are victims in this case?

A. I have some people listed as subjects and victims on my report.

Q. Tell me who you've got listed as victims.

A. What I've got listed as victims is Harry Blakeney and Douglas Lewis.

Q. Now, is it unusual to find gunshot residue or round lead particles or metals consistent with gunshot residue on shooting victims?

A. No, sir, it's not.

Q. And why is it not unusual or why is it common, if it is common?

A. It's fairly common because they've been shot and people generally get shot fairly close to the end of the gun, so the material comes out of the end of the barrel and it deposits itself on their hands or on their persons.

Q. How about is it common or uncommon to not find evidence of gunshot residue on the shooter? You've kind of covered that a minute ago, but --

A. It is not uncommon. Basically starting from the time that you stopped shooting your body starts absorbing the material, and like I said earlier as soon as you start touching things you start transferring material off of your hands and onto what you have been touching there by removing it and making it so that I can't see it on the samples that are taken.

Q. All right. Did you prepare a report including all of the findings that you've testified about?

A. Yes, sir, I did.

Q. I'm going to show you a document and ask you if you can identify it.

A. Yes, sir. This is a copy of my report that I issued in this case.

MR. BARFIELD: Your Honor, at this time I would offer

it as State's Exhibit Number 60.

MR. FRICK: Your Honor, I've reviewed it, no objection.

THE COURT: Okay.

(The report was received as State's 60.)

MR. BARFIELD: That's all of the questions I have, Mr. Roberts, please answer any questions Mr. Frick has.

CROSS EXAMINATION

BY MR. FRICK:

Q. You mentioned that if you fire a weapon you'll have particles likely on your hand.

A. Yes, sir.

Q. And you touch things. Does it transfer?

A. It does.

Q. So like you said, if you go out shooting and you're putting your gun back in your holster it could be on your holster?

A. It should be on my holster, yeah.

Q. Let's say that you've got a gun that looks like what we've got here, this is State's Number 51. I know you didn't get to see the gun, but I'm not necessary saying this gun --

A. A gun like that.

Q. A gun like this where I guess the projectiles or where the spent shell casing fires out this way.

A. Yes, sir.

Q. The GSR obviously comes out the front of the gun. Would it come out the side?

A. It does.

Q. Would it come out this back?

A. It could.

Q. So it wouldn't necessarily just be on your hands, would it, the metals?

A. No, sir. It could be on your clothes as well.

Q. You said that if it's on your hands you've basically got a time range of about six hours before it's absorbed.

A. That's what our protocol is, I don't recall whether I said it during direct. But yeah, that's our protocol is after six hours we've found that if it's there it's not in quantities that we associate with firing a gun.

Q. And I apologize, I probably asked you that question in another trial and I just assumed that you answered it. So there is a timeframe before it's absorbed --

A. Yes, sir.

Q. -- on your hands.

A. Yes, sir.

Q. How about on your clothes?

A. Until it is physically removed either by washing or by sampling.

Q. Okay. You said something about a car door. If I would have fired a gun and touched a car door could it transfer

potentially onto that?
A. It could.
Q. I'm going to show you this, this is State's Number 55. Have you ever seen that?
A. No, sir.
Q. Other than those GSR kits, did you receive anything to analyze in this case?
A. Other than those, no, sir, I did not.
Q. Does distance away from the shooter -- if you're the victim does distance away from the shooter have any bearing on getting GSR on you?
A. It does. Basically the closer you are the more you're going to get on you, and depending on the gun there is a certain distance beyond which you won't get much on you at all. A bigger gun produces more gunshot residue, shoots it a further distance away from it, gets more on you.
Q. If you've got lead particles on you, you said that is more conclusive than -- don't let me put words in your mouth again, but are lead particles more consistent than metals consistent with?
A. Yes, sir.
Q. Does that have any significance in your findings when you see that? Does that tell you anything different?
A. It just tells me that that area of the hand was near a gun when it went off.

Q. Okay. It would have been closer to the gun then?

A. It would have been closer rather than further away.

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

MR. BARFIELD: No other questions, ask that he be excused.

THE COURT: You are free to go.

The witness, SHAUN MCCROREY, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. You've got to talk loud and talk into that microphone.

A. Yes, sir.

Q. What is your name?

A. Shaun McCrorey.

Q. How old are you?

A. Nineteen.

Q. You're wearing an orange jumpsuit. Where are you currently living temporarily?

A. In the county.

Q. How long have you been incarcerated? How long have you been in jail?

A. Twenty months.

Q. Since August (sic) 21st of 2011?

A. Yes, sir.

Q. Before August 21st of 2011 where did you live?
A. I lived on --
Q. I don't need an address --
THE COURT: I believe it's September, Solicitor.
MR. BARFIELD: Excuse me, September 21, my apologies.
Q. Where did you live before you got arrested on September 21st of 2011?
A. I was back -- I lived with Prayon Truesdale and my auntee, I was back and forth.
Q. In Lancaster?
A. Yes, sir.
Q. Now, I'm going to ask you some things. You've got a bunch of pending charges; is that right?
A. Yes, sir.
Q. Are you charged in the case of the shooting death of Harry Edward Blakeney which happened on September 21st of 2011 with several charges?
A. Yes, sir.
Q. Are they conspiracy to commit armed robbery?
A. Yes, sir.
Q. And accessory after the fact of murder and armed robbery?
A. Yes, sir.
Q. And carrying a pistol?
A. Yes, sir.

Q. Are you also charged in an unrelated case with armed robbery --

A. Yes, sir.

Q. -- attempted murder and possession of a firearm during the commission of a violent crime?

A. Yes, sir.

Q. Are you also charged in an unrelated case with pointing a firearm?

A. Yes, sir.

Q. And are you also charged in an unrelated case that occurred while you were in the county jail with throwing bodily fluids on a correctional officer?

A. Yes, sir.

Q. Is Ms. Moody sitting over there your lawyer?

A. Yes, sir.

Q. Have you and I this morning talked?

A. Yes, sir.

Q. For about how long?

A. Five, six, seven minutes.

Q. Okay. Are you testifying with a plea agreement reached this morning concerning all of your charges?

A. Yes, sir.

Q. I'm going to go through all of that with you. Are you going to plead guilty in the unrelated case to armed robbery, attempted murder and possession of a firearm during

the commission of a violent --

THE COURT: Hold it, Solicitor, just to protect ourselves I need to advise him he doesn't have to say anything.

MR. BARFIELD: Yes, sir that's fine.

THE COURT: That's the way we need to do it.

MR. BARFIELD: That's fine.

THE COURT: Here is the situation, you are also facing charges, right?

MCCROREY: Yes, sir.

THE COURT: You haven't pled guilty to anything at this point, have you?

MCCROREY: No, sir.

THE COURT: All right. You may have made a deal with the solicitor that he has said but you can until -- like if it happens this week, until you plead guilty to one of the charges that I heard you can withdraw your plea and demand a jury trial, obviously you couldn't proceed in front of these jurors but you already kind of indicated that, I didn't know you were going to really testify until a second ago. But you don't have to testify, you know, you have got rights under the state and federal constitution, you can exercise them and say, "I don't want to testify because whatever I say can be held against me," do you understand that?

MCCROREY: Yes, sir.

THE COURT: If you start answering questions, though, you can't stop. So you exercise what's called your Fifth Amendment right not to testify or you can testify. I don't know anything about any deal, I guess it will come out that the solicitor has promised you anything.

MCCROREY: Yes, sir.

THE COURT: But you don't have to accept it, you can go ahead and say, "I'm not answering anything else," and go back and this didn't even happen if you want a trial, all right?

MCCROREY: Yes, sir.

THE COURT: So the questions I asked you before I told you you didn't have to answer it, so -- but if you want to proceed that's your right. And you are represented by Ms. Moody, is that correct, and you have discussed it with her?

MCCROREY: Yes, sir.

THE COURT: And decided it's in your best interest to testify?

MCCROREY: Yes, sir.

THE COURT: And you're aware you don't have to.

MCCROREY: Yes, sir.

THE COURT: You can demand a jury trial on any or all of these charges, do you understand that?

MCCROREY: Yes, sir.

THE COURT: Okay. Solicitor, proceed.

Q. Let's run through it again. On the unrelated case are you going to plead guilty to armed robbery, attempted murder and possession of a firearm during the commission of a violent crime?

A. Yes, sir.

Q. Have I told you I'm going to dismiss the pointing and presenting a firearm charge in a separate case?

A. Yes, sir.

Q. Have I told you in this case involving Mr. Blakeney's death that I'm going to dismiss the conspiracy to commit armed robbery?

A. Yes, sir.

Q. Are you going to plead guilty in this case to accessory after the fact of murder and armed robbery and carrying a pistol?

A. Yes, sir.

Q. And have I told you that I'm going to dismiss the throwing bodily fluids charge?

A. Yes, sir.

Q. And have I also told you that you -- we would have a negotiated 15 year sentence on all of those charges?

A. Yes, sir.

THE COURT: All right. Now, one other thing. See, you aren't pleading in front of me at this point, when something

is negotiated that's what it is. If you offer to plead in front of me and it's negotiated I can't alter it. In other words, Ms. Moody can stand there and ask for probation and you couldn't get it, you're going to get 15 years if the judge accepts your negotiated sentence, by like token you can't get more, because judges have the right to add time up. Like if you plead to one thing it's a 15 year sentence, something else it's a 15 and you're already up to 30 and the judge can sentence you to it, but if it's negotiated to 15 that's what you get if the judge accepts it. The judge can say, "I don't accept it, take it in front of another judge," but if the judge accepts it 15 is what you get, no more, no less, and you need to understand that.

MCCROREY: Yes, sir.

THE COURT: You can't later say I wanted 15 but I wanted 15 suspended to five and five years of probation. If it's 15 and that's what is negotiated the judge has to accept it.

MCCROREY: Yes, sir.

THE COURT: Sorry to keep interrupting you but as things appear we have got to protect ourselves.

MR. BARFIELD: Yes, sir. And certainly this is not something we had time to get into a whole lot until now.

Q. I'm going to ask you about the Blakeney case. Were you in Kershaw on September 21st of 2011?

A. No, sir.
Q. Did you go to Kershaw -- on the day Mr. Blakeney was killed did you go to Kershaw?
A. Yes, sir.
Q. Where did you come from to go to Kershaw? Where had you been before you went to Kershaw?
A. Lancaster County.
Q. How did you get to Kershaw?
A. Prayon Truesdale.
Q. What kind of -- who else went to Kershaw? Did anybody else go to Kershaw with you and Prayon Truesdale?
A. Yeah, Jerel Davis.
Q. How long had you none Prayon?
A. About six or seven months.
Q. How did you know her?
A. From a neighbor in our apartment complex.
Q. What's the apartment complex?
A. Carolina Court.
Q. How long have you known Jerel Davis?
A. About a year or something.
Q. How did you know him?
A. Through his brother.
Q. And when I'm asking you about people don't use nicknames, let's use real names. You haven't done that but I don't want you to get into nicknames later on. Okay?

A. Yes, sir.

Q. You understand that? When you went to Kershaw where did you go? Whose driving the car?

A. Prayon Truesdale.

Q. When you left Lancaster did you have any weapons on you?

A. Yes, sir.

Q. What kind of weapon?

A. A .380.

Q. I ain't going to hand it to you but I'm going to hold up something. State's Exhibit Number 51, can you see this from where you are?

A. Yes, sir.

Q. Have you ever seen that before?

A. Yes, sir.

Q. What is it?

A. It is a .380.

Q. Whose gun?

A. My gun.

Q. When you got to Kershaw where did you go?

A. Prayon Truesdale's mother's house.

Q. Do you know who Heyward Truesdale is?

A. Yes, sir.

Q. How long had you known him on September 21st of 2011?

A. That same day.

Q. Is that the day you met him?
A. Yes, sir.
Q. Do you see the person you know as Heyward Truesdale in this courtroom today?
A. Yes, sir.
Q. Where is he sitting and what is he wearing?
A. He's sitting right there and he's wearing a blue dress shirt.

MR. FRICK: Your Honor, I'm going to object to the identification. I obviously am not privy to anything about this testimony and I don't know where or what he's coming from, he has not previously ID'd him, just for the record.

THE COURT: You can question him about it. He can say that was the person that he was with, he met him that day.

Q. Where did you meet Heyward Truesdale that day?
A. Down the street from Prayon Truesdale's mother's house.
Q. Do you know whose house? Was it at a house down the street from Prayon's momma's house?
A. Yes, sir.
Q. Do you know whose house it was?
A. No, sir.
Q. Did you and Heyward Truesdale talk at that house down the street?
A. Yes, sir.
Q. What did Heyward Truesdale say -- well, let me back up

and ask you another couple of questions. Before you went to Kershaw on September 21 of 2011 did you know who Harry Edward Blakeney was?

A. No, sir.

Q. Did you know anything about him?

A. No, sir.

Q. Did you know where he lived?

A. No, sir.

Q. When you were at the house down the street from Prayon's momma's house and met Heyward, did you and Heyward talk?

A. Yes, sir.

Q. Did Heyward say things to you?

A. Yes, sir.

Q. What did Heyward say to you?

MR. FRICK: I'm going to object to hearsay on that.

THE COURT: He was there so you can go ahead.

Q. What did Heyward say to you?

A. We were discussing a robbery that took place at Harry Blakeney's house.

Q. That took place? I'm talking about before anything happened at Mr. Blakeney's house.

A. We was talking about doing it there on that night. We was planning on doing a robbery there later on that night.

Q. Doing what robbery?

A. That took place at Harry Blakeney's house.

Q. Did Heyward talk about Blakeney?

A. Yes, sir.

Q. What did he say about Blakeney? Before anything happened what did Heyward say about Blakeney?

A. He was telling us where we could get some quick money at so he was telling us he was going to put us on his lick.

Q. What is a lick?

A. A robbery.

Q. And what did he tell you about where you could get quick money and where he could put you on a lick? What did he say you about it?

A. He said this man was buying everything up, he stay up the street and we could do it later on that night.

Q. Okay. When that conversation occurred where was your gun?

A. Jerel Davis had it.

Q. When did Jerel Davis get your gun?

A. At Prayon Truesdale's mother's house.

Q. Why did your gun change hands from your hands to Jerel Davis' hands?

A. Because I knew the police were looking for me at that time and they were running hot on us so I handed it off to him.

Q. They was running hot, what do you mean?

A. They was driving around, I saw them.

Q. You said the police were looking for you. Is that the case you're going to plead to, attempted armed robbery and possessing a firearm during the commission a violent crime?

A. It was on the pointing and presenting.

Q. Did you go anywhere after being at the house down the street from Prayon's momma's house?

A. Yes, sir.

Q. Did you go with somebody anywhere from there?

A. Yes, sir.

Q. With whom?

A. I took a walk with a young lady, I don't know her name, though.

Q. Were Heyward and Jerel with you when you were walking with the young lady?

A. No, sir.

Q. Do you know where they went?

A. They walked off by their self, but when I seen them they were at Mr. Blakeney's house.

Q. Did you say they walked off by themselves?

A. Yes, sir.

Q. How long after you started walking around with the young lady did you see them at the Blakeney house, talking about Heyward and Jerel?

A. About five or six minutes, it wasn't that long.

Q. Were you at Mr. Blakeney's house -- I'm going to jump ahead. Did you know that something happened? Did you find out that something happened?

A. After the shooting.

Q. Tell me about the shooting. Did you hear shooting?

A. Yes, sir.

Q. Where were you when you heard shooting?

A. I was about 20 or 25 feet away from Mr. Blakeney's house.

Q. In his yard? On the sidewalk? In the street? Where?

A. I was still walking on the sidewalk when I heard the shots.

Q. Were you alone or were you with anybody when you heard the shots?

A. I was with the young lady.

Q. When you heard shots where were the shots coming from?

A. It was coming from behind me.

Q. Do you know what was behind you?

A. It was coming from the direction I just walked and everybody was running my way, I ran back, I saw Edward Blakeney laying in the road dead.

Q. Did you see -- after you heard shots did you see Heyward Truesdale?

A. Yes, sir.

Q. Where did you first see him after you heard shots?

A. I seen him and Jerel jump into Prayon's car, that's when I went there.

Q. Where was Prayon's car?

A. It was parked in the middle of the street.

Q. What street?

A. I don't know the name of the street but it was like -- it was right in front of her momma's house.

Q. Okay. Did you see Heyward and Jerel get to Prayon's car?

A. Yes, sir.

Q. Describe them before they got to Prayon's car. Where were they and what were they doing? Between the shooting and them getting in Prayon's car what were they doing that you saw?

A. I seen they coming from behind someone's house and they were jogging and they got in Prayon Truesdale and that's when I made it to the car.

Q. Did you go to Prayon's car?

A. Yes, sir.

Q. Did you get in Prayon's car?

A. Yes, sir.

Q. What happened with Prayon's car -- was Prayon in Prayon's car?

A. Yes, sir.

Q. Who was driving Prayon's car?

A. Prayon Truesdale.
Q. Did y'all go anywhere after y'all all got in the car?
A. Yes, sir.
Q. Where did you end up after you got in the car?
A. Heath Springs Apartment Complex.
Q. After that did you go somewhere?
A. No, sir. Oh yeah, after that we went to the Mini-market S and G and we got stopped at the store.
Q. Did you get taken into custody at the store?
A. Yes, sir.
Q. When y'all got stopped at the store were all four of you in the car?
A. Yes, sir.
Q. Where was Jerel sitting?
A. In the passenger seat.
Q. Front or back?
A. In the front.
Q. Where was Heyward sitting?
A. Behind Jerel Davis.
Q. Where was Shaun McCrorey sitting?
A. Behind Prayon Truesdale.
Q. After y'all are in the car did you ever put your hands on your gun again?
A. Yes, sir.
Q. Describe how that happened.

A. Jerel passed it to the back seat and I wrapped it up in a coat.

Q. This is State's Number 55. Have you ever seen that before?

A. Yes, sir.

Q. Where have you seen that?

A. It's my coat.

Q. Where did you get this coat?

A. From Prayon Truesdale.

Q. Were you wearing it that day?

A. Yes, sir.

Q. Were you wearing it when you were walking around with the female?

A. No, sir.

Q. Where was it when you got in the car at Prayon mom's house after the shooting?

A. In the back seat.

Q. And what did you do with the gun when you got it?

A. I wrapped it in the coat.

Q. Did you get any money?

A. Yes, sir.

Q. Pardon?

A. Yes, sir.

Q. Do you remember how much?

A. Not the amount.

Q. Was it bills or coins?

A. Bills.

Q. When did you get money?

A. Heath Springs Apartment Complex.

Q. From whom did you get money?

A. Jerel Davis.

Q. After you heard the shots, after you heard the shots but before you got into Prayon's car down in Kershaw did you talk to Heyward or Jerel?

A. No, sir.

Q. In the car from Kershaw to -- the apartments you're talking about, are they in Heath Springs?

A. Yes, sir.

Q. From Kershaw to the apartments in Heath Springs, and from the apartments in Heath Springs to the car stop at the S and G Mini-mart, did you talk to Heyward Truesdale? Did Heyward Truesdale open his mouth and talk?

A. At that moment at the complex, yes, sir.

Q. Did Heyward Truesdale tell you anything about what had happened in Kershaw at any time after you got in the car with Prayon -- after all of you got in the car with Prayon and up until you got stopped by the police at the S and G Mini-mart, did Heyward Truesdale talk about what happened at Kershaw?

A. Yes, sir.

MR. FRICK: Your Honor, object to hearsay on that.

THE COURT: I understand your objection, he can testify.

Q. I don't know what your answer is but what did he say?

A. I said, yes, sir. I asked him, I said who did it and he said, "Jerel Davis."

Q. Did you ask him what it was? Did you know what had happened?

A. Yeah. When I seen Mr. Blakeney in the road dead I figured what happened.

Q. Did you know where the money that Jerel gave you came from?

A. Yes, sir.

Q. Don't quote anybody yet, listen to my question, how did you know -- don't say what anybody said, but how did you know where the money came from?

A. Because I knew we were planning on doing a robbery later on that day.

Q. When you were walking with the young lady on the sidewalk near Mr. Blakeney's house just before you heard the shots --

A. Yes, sir.

Q. -- how soon before that had you last seen Jerel and Heyward?

A. I would say a good eight to ten minutes.

Q. Where was it that you saw them?
A. The last time I saw them was in Mr. Blakeney's yard.
Q. The money that you got from Jerel at the apartments in Heath Springs, where was it when the police stopped y'all?
A. In the car.
Q. What happened with that money after you got taken into custody?
A. It got confiscated as evidence.
Q. By the police?
A. Yes, sir.

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

CROSS EXAMINATION

BY MR. FRICK:

Q. How many stories have you told about this, Mr. McCrorey?
A. I gave two statements about this.
Q. Two statements. Well, you don't think this is the third one?
A. Yes, sir.
Q. So you have told at least three different stories, haven't you?
A. Yes, sir.
Q. Why should anybody believe you today?
A. This is the truth, sir.

Q. September 21st you gave a statement, right?
A. Yes, sir.
Q. Did you swear it was the truth then?
A. Yes, sir.
Q. It's not, is it?
A. No, sir.
Q. 28th you talked to Fred Thompson, you gave a statement, didn't you?
A. Yes, sir.
Q. You stated it was the truth then.
A. Yes, sir.
Q. It isn't, is it?
A. Yes, sir.
Q. It is the truth?
A. Yes, sir.
Q. It's the truth because the solicitor is offering you a deal, isn't he?
A. No, sir.
Q. Do you know what you're facing with all of these charges?
A. Yes, sir.
Q. And the solicitor is giving you a 15 year deal.
A. Yes, sir.
Q. It's a lot less than what you're facing, isn't it?
A. Yes, sir.

Q. And this is the truth today?
A. Yes, sir.
Q. So the truth is it's your plan to go rob these folks, and you've never seen Heyward before, right?
A. Until that day, no, sir.
Q. You're walking around with what, warrants on you, you know they're looking for you.
A. Yes, sir.
Q. You've got a gun on you.
A. Yes, sir.
Q. When you get to Kershaw you get concerned that you need to get rid of the gun.
A. Yes, sir.
Q. You give it to Jerel.
A. Yes, sir.
Q. Now, I mean, you've already got one armed robbery charge, why do you need to hand off the gun on this one?
A. As I said, it was getting hot, the police was riding around, I handed off the gun to Jerel Davis.
Q. Okay. And folks talking about committing a armed robbery.
A. Yes, sir.
Q. And you hang around town.
A. Yes, sir.
Q. Why.

A. Because I was going to participate in the robbery later on that day.

Q. So you're scared enough not to have a pistol on you but you ain't got no problem robbing somebody, right?

A. Yes, sir.

Q. Okay. They said it was going to happen later on that night, right?

A. Yes, sir.

Q. Why did it happen that afternoon?

A. I don't have no idea. A murder and robbery is two different things.

Q. I mean, you jumped in the car, right?

A. Yes, sir.

Q. You were walking around, right?

A. Yes, sir.

Q. You brought the gun. You heard all of this conversation about we're going to go rob this -- we've got to go hit a lick, right, isn't that what you said?

A. Yes, sir.

Q. That's what you said Heyward said is, "We've got to go hit a lick."

A. Yes, sir.

Q. You hear all of this conversation but somehow you missed the part of the time change?

A. It was never discussed, they never discussed that to

me. When they walked off by them self I thought they were just going to go to the house until later that night.

Q. Why are they cutting you out, man?

A. I have no idea, sir.

Q. But they gave you some cash out of it, right?

A. Yes, sir.

Q. And you don't know how much you got?

A. No, sir.

Q. Do you remember your statement from the 21st? I'm trying to see who you talked to, I think you talked to Fred Thompson on the 21st, that was right after you got locked up I guess.

A. Yes, sir.

Q. Do you remember what you said that day?

A. Yes, sir.

Q. You said it was your gun.

A. Yes, sir.

Q. You said in that statement that Jerel and Heyward came walking up cool as a fan after the whole thing was over with. Do you remember saying that?

A. Yes, sir.

Q. Today they're jogging.

A. Yes, sir.

Q. So they were running from over there now.

A. No. When they came out from behind the building that's

when I first seen them.

Q. Okay. Well, were they walking or running?

A. They weren't running fast, they were just walking.

Q. Oh that's right, you said they were jogging, there is a difference. So they were jogging from this murder they've committed, right?

A. No. They weren't jogging, everybody was running.

Q. Mr. McCrorey, I just asked you were they walking, running or jogging and you've done told me three different things, which one is it?

A. I said everybody was running but I seen them and when I seen them they were walking from the behind the building.

Q. The solicitor asked you, you said they were jogging, which is it?

A. They were walking, sir.

Q. Now they're walking.

A. They've been walking, sir.

Q. They were walking on the 21st, five minute ago they were walking now they're walking. Are you sure this time?

A. Yes, sir.

Q. Certain?

A. Yes, sir.

Q. I don't want you to mess up your deal. Is it walking or jogging?

A. It's walking, sir.

Q. Okay. Do you remember -- and you told them at that time that the gun was yours, right?
A. Yes, sir.
Q. This gun right here, that's your gun?
A. Yes, sir.
Q. You said that on the 21st.
A. Yes, sir.
Q. You're saying it today.
A. Yes, sir.
Q. Do you remember writing a letter to Fred Thompson?
A. Yes, sir.
Q. And you talked to him after that too, right?
A. Yes, sir.
Q. What did you tell him about the gun then?
A. I told him it was Jerel Davis' gun.
Q. So were you lying then or are you lying now?
A. No, sir.
Q. Was it your gun or not?
A. It's my gun, sir.
Q. But on the 28th it wasn't your gun. You told Fred Thompson on September 28th that they made you say it was your gun.
A. Yes, sir.
Q. Isn't that what you said?
A. Yes, sir.

Q. Now it's your gun again.

A. Yes, sir.

Q. All this happens, the whole idea is to get some money and you can't tell anybody how much money you got.

A. No, sir.

Q. You can't tell anybody why they jumped up the schedule and didn't include you.

A. No, sir.

Q. Got no idea what happened.

A. No, sir.

Q. I'm going to show you this. This is -- do you recognize that? That's a copy -- that's not the actual one but do you recognize what that is?

A. Yes, sir.

Q. You can hold it if you want to. What is that?

A. Statement, sir.

Q. Okay. Is that the letter that you wrote to Fred?

A. Yes, sir.

Q. That's the one where you told him that you wanted to talk to him some more, right?

A. Yes, sir.

Q. Can you read that last line for me? Hold the paper. Read those last two sentences.

A. "I'm willing to take the stand and whatever needs to be and clear my name."

Q. And the driver, who was the driver?
A. Prayon Truesdale?
Q. That's who was driving?
A. Yes, sir.
Q. That's why you're here today, you're here to clear your name and help yourself out, isn't that the truth?
A. Yes, sir.

MR. FRICK: Okay. Thank you, sir, that's all of the questions.

MR. BARFIELD: Just a couple.

REDIRECT EXAMINATION

BY MR. BARFIELD:

Q. Did Prayon have anything to do with the armed robbery of Mr. Blakeney?
A. No, sir.
Q. And were you present when Mr. Blakeney was robbed and shot?
A. No, sir.
Q. Were you participating in the robbery and shooting of Mr. Blakeney at all?
A. I discussed it, that's about it.

MR. BARFIELD: Thank you, sir, that's all I have.

THE COURT: You can step down but you're really not free to go.

The witness, KIM DINH, was first duly sworn and

testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, ma'am.

A. Kim Dinh, D-i-n-h.

Q. And Ms. Din, where were you formally employed?

A. I was formally employed at the South Carolina Law Enforcement Division commonly known as SLED.

Q. How long were you -- when were you -- when did you leave SLED?

A. December of 2011.

Q. And how long had you been at SLED before December of 2011?

A. I was there for six years.

Q. And what department of SLED were you employed in, and was it the same the same six years it was there?

A. No, it was not. The first year I was there I was fingerprint examiner as a civilian, and then the second year I was there I was promoted to agent in the crime scene investigations and forensics for the remainder of the five years.

Q. And did that include latent prints and evidence processing functions?

A. Yes, sir, it did.

Q. Were you employed by SLED up to the date of report that

I have in my hand which says October 28th of 2011?

A. Yes, sir.

Q. As a -- I don't want to get into a lot of detail, but as a latent prints examiner have you -- did you get trained to be a latent prints examiner?

A. I did, sir.

Q. Where did you get your training?

A. At SLED is a two year in-house training program where I also took classes outside in latents, footwear, tire wear, palm printing, advanced palm printing and identification.

Q. On October 28th of 2011, were you up to date on your training and qualified according to the training you had received to do latent prints identification?

A. Yes, sir.

Q. Have you been called upon to testify in the courts of this state on prior occasions as an expert witness in latent fingerprint identification?

A. Yes, sir.

Q. Have you ever been rejected as an expert in latent fingerprints identification when offered as an expert in that field?

A. No, sir.

MR. BARFIELD: Your Honor, at this time I would offer Ms. Dinh as of, I don't know if you are now, but as of October 28th of 2011 as an expert in latent fingerprint

identification.

MR. FRICK: No objection, Your Honor.

THE COURT: Proceed.

Q. I'm going to show you two things, or several things, but two basic things. I'm going to hand you two envelopes, first of all a paper envelope and it has got some stuff in it and I will tell you it's a firearm in it. But examine that envelope and the contents and tell me if you recognize that stuff.

A. This is a handgun and a magazine I processed with my initials and lab number.

Q. Two separate items in that paper bag?

A. Yes, sir.

Q. Now, did you process the handgun and the magazine for latent fingerprints?

A. Yes, sir.

Q. Again, I don't want to get into all of the detail but explain to the jury what you're looking for when you are processing something for latent fingerprints, but first of all tell them what a latent fingerprint is.

A. A latent fingerprint is not easily visible to the eye so we use enhancements such as Super Glue or chemicals to enhance these ridge details that we're looking for. If we find any ridge detail we will them lift them to preserve them for later examination.

Q. When you do later examination does the examination part of it include comparison to known fingerprints from particular people?

A. Yes, sir, as well as unknown. If we do have a known we will check it against a known and if we don't have any knowns or if we don't have any knowns we will run it against a database to see if it hits on anybody else.

Q. Now, all of that is kind of naught for this case. Did you process that gun to see if you could lift any latent fingerprints off that gun?

A. I did.

Q. And could you?

A. No, sir. There were no ridge details on this gun.

Q. No fingerprints on the gun?

A. No, sir.

Q. Did you do any further processing of the gun?

A. Yes, sir.

Q. What else did you do to the gun?

A. I also swabbed -- I took two swabs, two sterile swabs and wet it with sterile water. I swabbed the trigger, the grip, which is this area as well as the bottom of the magazine which is this area. So if you were to insert a magazine into the backside of the gun right there on the bottom side.

Q. Now, I'm going to hand you another envelope, a little

clear plastic envelope and I will take this one away from you for a minute. Can you identify what's in that envelope?

A. These are the swabs that I took from the gun with the lab number and my initials on it.

Q. And generally speaking, why were you swabbing the gun? What were you thinking maybe you could do with swabs from the gun, or somebody could do?

A. Collecting touch DNA so if you had any suspects if you had a standard from a known suspect or victim you could cross check the DNA with the subject.

Q. And although I think DNA analysis is not your field of expertise, what is touch DNA?

A. Touch DNA is basically any DNA that you could potentially leave behind from simply touching an object.

Q. Okay. And when you swabbed the gun you have -- how many separate little envelopes were inside the plastic envelope?

A. Three.

Q. And did you swab it and seal it according to your training in evidence processing?

A. Yes, sir. It still has my initials on the seal.

Q. Did it end up in the DNA department of SLED?

A. Yes, sir.

MR. BARFIELD: Your Honor, at this time I would offer these three swabs as a single exhibit in the envelope as

State's Number 61, I believe.

MR. FRICK: No objection.

THE COURT: Okay.

(The DNA swabs were received as State's 61.)

Q. Did you do any analysis concerning the swabbing of the gun?

A. No, sir.

Q. Did you do any further analysis concerning latent prints on the gun or any other issue with the gun?

A. No, sir.

Q. Did you do any other evidence processing or analysis of anything in connection with this case?

A. No, sir.

Q. Do you know what that is?

A. This is my reports from my latent examination from the gun magazine as well as the swabs.

Q. Does it contain the findings and the information that you just testified about?

A. Yes, sir.

Q. Is that a copy of your report?

A. Yes, sir.

Q. And what is the date of that report?

A. The date is October 28, 2011.

MR. BARFIELD: Thank you, ma'am. Your Honor, at this time I would offer Ms. Dihn's report as State's Number 62.

MR. FRICK: No objection.

THE COURT: Okay.

(The report was received as State's 62.)

MR. BARFIELD: Thank you, ma'am, answer anything Mr. Frick has.

CROSS EXAMINATION

BY MR. FRICK:

Q. Ms. Dinh, when you were an agent did you go out -- I think you did used to go out into the field, didn't you?

A. I did.

Q. Did you go out in the field on this one?

A. On this particular case, no. This was an incoming case through the door which means it was submitted by an agency, I didn't actually go to the crime scene and collect the evidence.

Q. Okay. So your analysis occurred in the building on Broad River Road in Columbia, correct?

A. Yes, sir.

Q. You're not involved in the collection of it. The analysis that occurs, is this something that you look at it and go, okay, this is what I need to do, or does someone request the analysis?

A. It depends. If they request the analysis but if I feel that there needs to be something further I will always call and say, "Do you want to make sure this is the only thing

that you want done or do you want additional things?" But they're generally pretty knowledgeable in requesting "I want latents, I want DNA," and that's what I do.

Q. Do you recall if was done in this case?

A. No, sir, I don't. That was usually done with incoming.

Q. The gun got submitted. Did you have anything else to analyze in this case?

A. I analyzed a couple of fired cartridge cases as well.

Q. I didn't see them on the report, maybe they are and I just skipped over them. Did you find any fingerprints or touch DNA on those?

A. No, sir.

Q. Any other items submitted to you other than the firearm stuff?

A. No, sir.

MR. FRICK: Thank you, ma'am. That's all of the questions I have.

MR. BARFIELD: That's all for Ms. Dinh, ask that she be excused.

THE COURT: You are free to go. All right jurors, we're going to take a break. Don't talk about the case.

(The jury left the courtroom.)

THE COURT: Okay. We will take a break.

(The jury returned to the courtroom.)

THE COURT: You may proceed.

TESTIMONY OF IRA PARNELL

MR. BARFIELD: I call Ira Parnell.

The witness, IRA PARNELL, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, sir.

A. My name is Ira Byrd Parnell, Jr.

Q. Mr. Parnell, by whom are you employed?

A. I'm employed by SLED.

Q. How long have you been employed by SLED?

A. Almost 41 years.

Q. Are you retired and back at SLED, is that sort of your status?

A. Yes, sir.

Q. What are you -- what department of SLED are you currently employed in?

A. I am and have been in the firearm and tool mark identification laboratory my whole career at SLED and that's where I'm currently employed as a forensic examiner.

Q. All right. How did you learn how to be a firearm and tool mark identification examiner?

A. Back in those days there was no college degree or program that you could actually approach and try to become a firearms examiner so it was on the job training or an internship program which I completed after three years.

Q. I'm just going to jump to the question. Have you been offered and qualified as an expert in the courts of this state in the past in firearms examination and identification?

A. Yes, sir, I have.

Q. Have you got any idea how many times?

A. Approximately 639.

Q. Ever been denied qualification as an expert in firearms examination and identification?

A. No, sir.

MR. BARFIELD: Your Honor, at this time I would offer Mr. Parnell as an expert in firearms and identification.

MR. FRICK: I am certainly not going to challenge his credentials.

THE COURT: Okay.

Q. Now, I'm going to ask you -- well, let's just get to the point. I'm going to hand you some stuff one thing at a time. I'm going to hand you State's Exhibit Number 39 and ask you if you can identify what's in that?

A. Yes, sir. I recognize this as my handwriting and my numbering and initials contained on State's Exhibit 39.

Q. And does that item -- are there multiple items in State's Exhibit Number 39?

A. Yes. There are five fired cartridge cases and one unfired bullet.

Q. And do those six items in that envelope, first of all are they assigned to a SLED lab number?

A. Yes, sir, they are.

Q. What is that lab number?

A. Lab number assigned to the items contained in State's Exhibit 39 is L11-10927.

Q. And do each of the six items have their own SLED item numbers?

A. Yes, sir, they do, they're individually numbered.

Q. And we'll talk about individual numbers on them later. I'm going to hand you State's Exhibit 46 which I think you're going to have to open up and look at, but ask you if you can identify what's in that?

A. Yes, sir. State's Exhibit 46 was also submitted as an item in this case L11-10927, and I have examined it, it bears my case number, specimen number and initials.

Q. And generally speaking what is the item that you have in your hand now?

A. States Exhibit 46 is a fragment of a fired copper bullet jacket.

Q. And do you know -- as identified to you through the SLED lab process, do you know where it came from?

A. The labeling on the sealed container as it was submitted indicated it came from an autopsy of one Harry Blakeney.

Q. All right, sir. And I'm finally going to hand you State's Exhibit Number 51 which has two items in it, and you can leave that stuff out if you want to or you may not need to, that's fine. State's Number 51, can you look in there and tell me if you know what those items are?

A. I recognize my case numbers, specimen number and initials on the outside of State's Exhibit number 51. And it is, in fact, a firearm and a magazine for the firearm here.

Q. And have you seen those items before? First of all, are they assigned to a SLED lab number?

A. Yes. They're also contained in the items submitted under SLED lab number L1110927. And the firearm also contains my case number, specimen number and initials, as does the magazine for this firearm.

Q. You actually put some etchings on the metal on those items so you can identify that you handled them and examined them?

A. Yes, with an electrical scribing pencil. There's three areas on these places that have my case number, specimen number and initials.

Q. Now, all of those items that you have scattered around there, did you examine all of those as your job as firearms examiner for SLED?

A. I did. I examined number 39, 46, and 51.

Q. State's 46 which you said was the part of a bullet jacket, a bullet jacket fragment from the autopsy.

A. Yes, sir.

Q. Let me ask about that first and we're going to talk about how you did your examinations in a minute, but was that item of any value to you in your examination or analysis in this case?

A. No, sir.

Q. Why not?

A. First of all it's so small and it's completely damaged. There was -- it's probably less than a quarter by an eighth of an inch, and the process that we use for trying to identify a fired bullet or bullet fragment need a little bit more surface area normally than that to be marked.

Q. All right. Now, I'm going to ask you in conjunction with two different types of evidence how you do firearms examination. Well, first of all what did you do with this firearm when you first got it in?

A. The first thing I did with it once I started my examination was to examine it to see if there were any obvious safety or mechanical difficulties, I didn't find any, it looked like it was in safe condition to be fired, I checked it out. I then looked at the types of ammunition that was submitted like that in State's Exhibit 39, and then I test fired it.

Q. Now, first of all, what type of pistol is that from a mechanical standpoint?

A. This is a semiautomatic pistol and it's a .380 auto caliber.

Q. A .380 auto caliber, is that a small, medium or large caliber?

A. Medium caliber.

Q. Is it magazine fed?

A. It is. It takes a detachable single stack, single feed magazine which is represented here.

Q. Does that magazine go with that pistol? Does it fit?

A. It fits and functions in this pistol.

Q. What is the capacity of that single stack .380 magazine?

A. Check my notes but I think it's seven. Part of my overall evaluation of the firearm is -- the maximum capacity is seven, the maximum of seven in the magazine and one in the barrel would be a total eight.

Q. Why did you test fire a gun? Why did you test fire that gun? Let me be specific.

A. Well, two reasons. The first reason is to see if it functions, and the second reason is to compare test specimens which I fired in this firearm to the fired components that are in State's Exhibit 39.

Q. When you say test specimens, when you fire the firearm,

do you generate bullets that you compare to other ballistics evidence that is recovered and brought to you for comparison?

A. Yes, sir. The question is normally did the firearm submitted here from State's Exhibit 51, did it or did it not fire the components that are in State's Exhibit 39. And to determine that I had to determine what brand of ammunition, what caliber and so forth, I did that and from our reference collection supply of ammunition I retrieved several cartridges. And we have a water tank that's about two stories high that's maybe 3 feet in diameter, it holds about maybe ten to 12 feet of water, we test fire straight down in the water, the water slows the bullet down without damaging, adding to or taking away from the markings that are on the bullet from the inside of the gun barrel. Once I recovered those then I began doing my comparisons.

Q. Now, I'm going to talk to you about two different kinds of ballistics evidence, I'm going talk to you first about fired cartridge cases. What allows you to identify that a fired cartridge case was fired by a particular firearm generally speaking?

A. Well, there are five areas in most semiautomatic pistols that can mark a fired cartridge case so that it may or may not be identified in the firearm which was checked, that would be the firing pin, the striker that when you pull

the trigger and it hits the primer, the firing pin, the breach face which is the area that's around where the firing pen comes out, I know y'all can't see that but it's a small metallic area where the firing pin protrudes, that also has markings on it. We have an extractor which hooks the cartridge case and pulls it out. If the firearm is functioning properly when it's fired several things happen, the extractor pulls the fired cartridge cases out, the ejector is sitting here static and it actually hits the cartridge case as the extractor is pulling it back, it kicks it out so that's another place that can be marked. And also the inside of the chamber, that's the portion of the barrel at the rear where the cartridge was sitting when it is fired, and when it expands -- after the powder blows up inside the cartridge, it expands and when the extractor pulls it out if there's any little markings or any rust or any individual things inside that chamber area when it's pulled backwards out of there it scratched in that way. So there's five different places on a cartridge case that can be identified to a firearm.

Q. Now, that particular firearm, if it was fully loaded eight capacity, seven in the magazine, one in the chamber, and it's fired until there are no more unfired bullets in it, what is the condition of the mechanism when it is fired completely dry? That's not a good question.

A. It's empty.

Q. What does the gun look like?

A. You're asking me if it stays open?

Q. Yes, sir.

A. Well, I don't know. I don't know that I made a note of that, we can see right quick.

Q. You don't need to do that, that's fine. What makes -- well, let's talk about fired bullets now as opposed to fired cartridge cases. What about a gun allows you to determine whether a fired bullet was fired by that gun?

A. During is manufacturing process one of the processes that is done is the manufacturer of the barrel, this portion here, it starts life as a solid piece of steel, among processes that are done to that solid piece of steel in the barrel making process is that it's drilled. A hole is drilled approximately the same size as the caliber that it's going to be made into. In addition to drilling it's reamed which cuts a little bit of the drilling marks out. Other than that and other than some little bit of polishing the inside of that barrel is pretty much in the same shape when it's sold as it was at that point. So you have a spinning drill and you have a spinning reamer, both of these processes randomly put markings inside this barrel. The barrel may be this long when it starts off and is chopped in this case about 4-inch pieces, each piece of that barrel is

unique because the drill as it spins changes ever so slightly from one end to the other. When a bullet is fired through that barrel the individual marks, the little imperfections that are left inside the barrel are transferred to the outside of the bullet. And so far as I can tell I've never found any barrels that were identical that marked just alike, whether they were made one behind the other or, you know, ten or 15 or 20,000 apart, those unique markings are unique to this gun and the markings are transferred to each bullet that comes out of the barrel. The caveat here is if that bullet is too badly damaged or torn up or if there's not enough left of it to make a determination. If there's enough of a bullet surface area to make a determination then an identification is possible.

Q. Now, let me go back to the test firing. When you do the test firing you retrieve the fired bullets from the tank.

A. Yes, sir.

Q. Do you also save the test fired cartridge cases as you test specimens also?

A. Yes, sir.

Q. Now, did you test fire that .380 semiautomatic pistol?

A. I did.

Q. Did you obtain test specimens from the test fired bullets?

A. Yes, sir, I did.

Q. Did you obtain test specimens from the test fired cartridge cases?

A. Yes, sir.

Q. Did you compare, number one, the fired bullet that was submitted to you, which I again think is -- well, what is the item number for the fired bullet that SLED lab assigned to the fired bullet?

A. The fired bullet that's contained in State's Exhibit 39?

Q. Yes.

A. That's item nine.

Q. Did you determine whether item nine was fired by SLED item ten, the .380 pistol?

A. Yes, sir. By first examining the test bullets that I fired myself one with each other and establishing the fact that they were marked in much the same fashion, they were consistently marked by this firearm. I then compared the markings I saw on this test with the markings that I observed on item nine, this fired bullet. And there was sufficient agreement there based on my experience and training to include in my opinion that item nine, which is from State's Exhibit 39, was fired in item ten, this pistol.

Q. Did you do the same for the five fired cartridge cases which I think are SLED items number eight, and 11 through 14

to determine whether they had been fired by the SLED item ten, the .380 pistol?

A. Yes, sir, I did. I compared the fired cartridge cases that I found myself and found sufficient agreement there, and then compared each of the other cartridge cases from State's Exhibit 39 here, which is item eight and 11 through 14, and in each case I found sufficient agreement. Based on my experience and training it would be my opinion that they were fired by item 10, this firearm.

Q. One other question about the pistol itself. Fired cartridge cases are ejected right side or left side from that particular pistol?

A. It entirely depends on the angle that you're holding. Generally speaking the ejection port is opening here, it's more to the right side but as the angle of the gun increases this way such as like this then it could kick them up, it really -- but what you're asking I think, basically to the right and to the rear.

Q. If you're holding that gun perpendicular to the ground where would the -- generally speaking what direction would fired cartridge cases --

A. Generally speaking to the right and to the rear.

Q. Did you prepare a report which contains the findings that you have just testified about?

A. Yes, sir, I did.

Q. Is that a copy of your report?

A. Yes, sir, it is. It pretty much contains what we just talked about.

MR. BARFIELD: Your Honor, at this time I would offer Mr. Parnell's report as State's Exhibit 63 I believe.

MR. FRICK: No objection.

THE COURT: Okay.

(The report was received as State's 63.)

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

CROSS EXAMINATION

BY MR. FRICK:

Q. One of those fragments -- and I didn't pick up the report -- you couldn't do anything with?

A. Yes, sir, that's the one in State's Exhibit 46.

Q. And it's identified as -- you couldn't figure anything out about it?

A. It's too small.

Q. Caliber, anything?

A. It could have been fired by this gun or another gun.

Q. Did you get sent any other items? You got the gun and I'm assuming that the magazine went with it?

A. Yes, sir.

Q. You got the shell casings, the bullets and the fragment. Did you receive anything else to do an analysis

on in this case?

A. No, sir.

Q. Just those things?

A. That's all.

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

MR. BARFIELD: Nothing further, I ask that he be excused.

THE COURT: Free to leave.

The witness, FREEDONIA TRUESDALE, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, ma'am.

A. Freedonia Truesdale.

Q. Ms. Truesdale, I don't need an address, but what town do you live in?

A. Lancaster.

Q. Do you know Heyward Truesdale?

A. Yes, sir.

Q. How do you know Heyward Truesdale?

A. He is my brother.

Q. Do you see Heyward Truesdale in the courtroom today?

A. Yes, sir.

Q. And you've got to talk loud, I'm not being hard with

you but everybody has got to hear you. Where is he sitting and what is he wearing?

A. He's sitting across from me with a blue shirt on.

Q. Next to the fellow punching on the computer screen?

A. Yes, sir.

Q. Where were you living on September 21 of 2011? Not necessarily an address, but what town were you living in then?

A. Kershaw.

Q. And what street were you living on then, let me go ahead and ask you that?

A. Marion.

Q. Did you then and maybe still do have relatives that live in Kershaw?

A. Yes, sir.

Q. Does your momma live in Kershaw?

A. Yes, sir.

Q. What is your momma's name?

A. Margaret Truesdale.

Q. Where does she live, what street?

A. Richland.

Q. I'm no artist, I'm going to put up -- you've got a little computer screen there and I'm fixin' to put a little sketch in it. Do you have anything on your screen?

A. No.

Q. Will you touch it? Just touch it and see if something comes up. That's just a sketch I made with a magic marker. Does that make any sense to you?

A. Yes.

Q. Do you see what I have labeled Richland Street on this?

A. Yes.

Q. Do you see what I have labeled Church Street on there?

A. Yes.

THE COURT: Solicitor, just out of idle curiosity does she have any charges pending?

MR. BARFIELD: No, sir.

THE COURT: Nothing at all?

MR. BARFIELD: No, sir.

Q. Do you see what I've got labeled as Church Street?

A. Yes, sir.

Q. And do you see right there what I drew to be a house and I've got Blakeney written in it?

A. Yes, sir.

Q. Are you familiar with where that house is?

A. Yes.

Q. And do you see way up here what I've got labeled as a house that I've got Truesdale written in?

A. Yes, sir.

Q. Is that generally where your momma's house is?

A. Yes.

Q. Do you see what I've got labeled as Ingram Street right there?

A. Yes.

Q. When you lived on Marion Street back in September of 2011, where was Heyward staying?

A. He was back and forth with me.

Q. Was he generally in the Kershaw area?

A. Sometimes.

Q. Okay. Had you ever met somebody named -- well, back up. Who is Prayon Truesdale?

A. My sister.

Q. Who is Alexis Truesdale?

A. My sister.

Q. And all questions I'm asking you refer to September 21 of 2011, I'm not going to keep throwing the date out there, but where was Prayon living generally back then?

A. Lancaster.

Q. Where was Alexis living back then town anyway? What tune was Alexis living in?

A. Kershaw.

Q. Okay, that's what I mean. Were any of you children living with your momma?

A. Alexis.

Q. Alexis was living with your momma? And you've got to say yes or no.

A. Yes.
Q. Did you know a fellow by the name of Jerel Davis then?
A. No.
Q. Had you ever met him or seen him before the day this event happened that we're going to talk about in a minute?
A. Met him once.
Q. All right. Same question for a fellow named Shaun McCrorey, had you ever met him before the day these things happened?
A. No.
Q. Where had you met Davis and with whom?
A. My daddy's house, Prayon.
Q. How long before the day these things happened had you met Davis?
A. September 15th, my daddy's birthday.
Q. Did you see your sister, Prayon, Jerel Davis or Shaun McCrorey on September 21 of '11?
A. Yes.
Q. Where did you see them?
A. Richland Street.
Q. At somebody's house?
A. Going down the road.
Q. In a car?
A. Yes.
Q. Did they ever end up stopped at your momma's house

before anything happened?

A. No.

Q. Had you seen Heyward that day before anything happened?

A. No.

Q. Where did he spend the night the night before that day?

A. I think with me.

Q. Let me back up. When you saw Prayon I think earlier before anything happened I think you said she was driving her car, right?

A. Yes.

Q. Do you know whether anybody was in the car with her when you saw her driving her car?

A. I don't remember.

Q. That's fine. Did something happen in your momma's neighborhood?

A. That day?

Q. Yes, ma'am, we're talking about the event now. Did something happen that you became aware of?

A. That Mr. Blakeney --

Q. Yes, ma'am.

A. -- was killed.

Q. How did you know, did you become aware that something had happened down there at Mr. Blakeney's? That's the question.

A. When I looked across the street he was laying down on

the ground.
Q. You have got to talk loud.
A. When I looked across the street he was going down on the ground.
Q. Where were you when you looked across the street?
A. My mother's house.
Q. And what made you look across the street?
A. I heard shots.
Q. When you looked across the street, first of all, did you see Mr. Blakeney?
A. Yes.
Q. I'm going to show you a picture. What was Mr. Blakeney doing when you saw him after you heard the shots? Was he up or down, was he moving or standing still?
A. He was up and he was running across.
Q. I'm going to show you a picture, I'm not trying to upset you but I'm going to show you a picture, State's Exhibit Number 7. Have you seen that -- well, let me show it up here. I'm showing you State's Exhibit Number 7. Is that Mr. Blakeney?
A. Yes.
Q. You saw him moving. How was he moving?
A. Running away from them.
Q. Did you see him fall down?
A. Yes.

Q. Does that picture, State's Exhibit Number 7 I believe it is, show where he was when he fell down? Is that where he fell?

A. Yes.

Q. When you saw Mr. Blakeney running and falling after hearing gunshots, did you see anything else down toward his house, anything or anybody else down toward his house?

A. No.

Q. What did you do when you saw Mr. Blakeney fall in the road?

A. I went -- are you talking about after he got shot?

Q. Yes, ma'am.

A. I went to go see if he was okay.

Q. Did you go up to him?

A. Yes.

Q. Was he okay?

A. He was lightly breathing with his face in the ground.

Q. Did you do anything for him?

A. I rubbed him on his back shoulder and told him it would be okay and he stopped breathing.

Q. Again, you're in the street with Mr. Blakeney near his house; is that correct?

A. Yes.

Q. Let me ask you this first, did you know Mr. Blakeney before this happened?

A. No.
Q. Did you know that he lived in the house down there on the corner?
A. Yes.
Q. Did you know anything about him?
A. Nothing but he was buying used merchandise.
Q. Had you ever seen his white car?
A. I seen it a couple of times.
Q. Had you ever seen his white motorcycle?
A. I don't remember what color but I know had he a motorcycle.
Q. Okay. Now, you are looking at and you're seeing Mr. Blakeney move and you're seeing him fall and you run to him. Did you see anything else going on around his house?
A. No.
Q. Did you see anybody else around his house?
A. No.
Q. Do you know if there were people down at his house that day?
A. Yes.
Q. Before or after you heard shooting?
A. Before.
Q. Do you know who any of those people were that were down at Mr. Blakeney's house before the shooting that you saw?
A. No, they were too far off.

Q. And where were the people down at Mr. Blakeney's house that you saw before the shooting, where around his house?
A. Standing around the front side of his house.
Q. When you say front side -- I'm going to put my little sketch back up. When you say front side, are you talking about on Ingram Street?
A. Yeah, from Ingram Street around.
Q. Going around Church Street?
A. Yeah.
Q. You show me. You can put -- you can touch that screen and put a red line on there, you tell them where the people were, or you tell the people where the people were. Just all around the front side of his house?
A. Uh-huh.
Q. You've got to say yes or no.
A. Yes.
Q. That's fine. I'm not trying to be hard on you but they've got to know what you're saying. Do you know who any of those people were?
A. No.
Q. Now, when you saw -- when you heard shots and saw Blakeney moving and saw Blakeney falling, did you see at any time Jerel Davis?
A. Yes.
Q. Where was Jerel Davis when you --

A. Behind Mr. Blakeney.
Q. Now, did you talk to anybody while you're standing there or kneeling down or whatever you're doing with Mr. Blakeney in the street, did you talk to anybody out there?
A. No, everyone was gone.
Q. What do you mean they were gone?
A. Everybody left.
Q. Did you see people leaving?
A. Yes.
Q. Tell me how people were leaving.
A. Everybody took off running.
Q. Running. Did you see where Jerel Davis went?
A. He left with everybody else.
Q. After people left did anybody come back while you're there with Mr. Blakeney?
A. A man on a motorcycle come behind me.
Q. Did you and he talk a little bit?
A. He was like, "What happened?" And I said, "I don't know."
Q. Okay. Did you stay there or did you leave there?
A. I stayed.
Q. Did the police come?
A. Uh-huh.
Q. Well, let me ask you this, when I say there I mean

right there at Mr. Blakeney. Let me ask you a different question. Did you go back -- well, where was your sister Alexis when all of this was going on? Were you down at --

A. My mother's house.

Q. Did you communicate with Alexis?

A. Yes.

Q. How did you communicate with her?

A. I told her to call 911.

Q. Hollered to her?

A. Yes.

Q. Did you go back to your momma's house?

A. Yes.

Q. Before or after the police got there?

A. Before.

Q. When you got back to your momma's house did you see Prayon or her car?

A. Yes.

Q. Where were -- was Prayon in her car or out of her car?

A. In.

Q. Behind the wheel?

A. Yes.

Q. Where -- and was her car in the road or in the yard?

A. In the road.

Q. Near your momma's house or somewhere else?

A. Near my mom's.

Q. Did you see Jerel Davis anywhere around your momma's house at that time? I'm going to jump ahead and we'll come back. Did Prayon's car stay there?
A. It stopped in the road.
Q. But did it stay there after it stopped in the road or did it leave?
A. No, it left.
Q. When it left who was driving?
A. Prayon.
Q. When it left who was in it?
A. Just normal folks and Prayon and my brother, Thug.
Q. Heyward. You're talking about Heyward?
A. Yes.
Q. Use names, let's don't use nicknames. Okay?
A. My brother Heyward was coming up the street and I was just like, "What done happened?" And he said, "Nothing, Sis," and he asked could he get a ride.
Q. He asked who if he could get a ride?
A. Prayon.
Q. After he asked her if he could get a ride what did Heyward do?
A. Got in the car.
Q. Did you see anybody else get into the car?
A. No.
Q. Did you see Davis anymore?

A. No.
Q. Did you see -- I haven't asked you about McCrorey. Did you see McCrorey that day?
A. Oh yeah.
Q. Where did you see McCrorey earlier?
A. Over at Mr. Blakeney's.
Q. Okay. And did you see him when Prayon's car was loading up and getting ready to be driven off from near your momma's house?
A. No.
Q. Do you know Douglas Lewis? Do you know Douglas Lewis?
A. Yes.
Q. Did you see him somewhere out there that day?
A. I only seen him when he came to my house.
Q. Was he happy or not happy when he came to your momma's house?
A. Not happy.
Q. What was wrong with Douglas Lewis?
A. He said he had been shot.
Q. And what was he traveling in?
A. A van.

MR. BARFIELD: Thank you, ma'am, answer anything Mr. Frick has.

CROSS EXAMINATION

BY MR. FRICK:

Q. Heyward is your brother?
A. Yes, sir.
Q. Prayon is your sister?
A. Yes, sir.
Q. Jerel Davis you didn't know before that day?
A. No.
Q. Shaun McCrorey you didn't know before that day?
A. No.
Q. Mr. Blakeney you knew of because y'all were in the same neighborhood?
A. Yes.
Q. Did you see when the shooting happened?
A. No, I heard the shooting.
Q. That's when you went over to go see what was going on with Mr. Blakeney?
A. Yes.
Q. Did you see who was still hanging around his yard at that time?
A. Am I not allowed to speak in the sentence? Instead of saying yes or no can I speak in sentences?
Q. Yes, please.
A. I just want to say I seen Mr. Blakeney and it was the McCrorey and the Davis dude over there, them was behind Mr. Blakeney.
Q. What about Heyward?

A. No.

Q. Where was Heyward?

A. I didn't see Heyward until Heyward came up the road to ask for a ride.

Q. Did you think it was strange to see your sister and these two other fellows in Kershaw that day?

A. No, because they was together the day at my dad's cookout.

Q. Was that the same day?

A. No, that was the 15th.

Q. Okay. So they had come down that day?

A. Yes.

Q. Did you think that they were going to go do something?

A. No.

Q. Do you remember talking to somebody, law enforcement, after all of it stuff happened?

A. Yes. I talked to several of them.

Q. I bet you did, I bet you did. Do you remember talking to an investigator and giving a statement?

A. Yes.

Q. Do you remember telling him about what you thought they were doing down there?

A. Yes.

Q. What did you say?

A. I said I think that -- well, I think it was just

somebody being greedy and maybe come to do something they had no business doing. You can read it to me because it has been about two years.

Q. Well, you know that's what I've got to ask you about. Is that what I've been asking you about? Does that look familiar to you?

A. From the statement there?

Q. Yeah. You can hold onto it if you want to.

A. Yes.

Q. There was a question on there, "Do you think that this was a planned robbery?" What is your answer?

A. Where are you at?

Q. This is typed up of what your statement is. Is that it where I've got it?

A. And I said yes.

Q. And then what did you say? Investigator asked you why do you think so and you answered that, didn't you?

A. I said there was no other reason for my sister and Shaun and Jerel to be there, they live in Lancaster and had no reason to be here. Most likely my sister told them about him.

Q. Okay. And that's what you told them that afternoon?

A. Uh-huh.

Q. Did you believe that to be the truth that day?

A. Yes.

Q. And I've got to show you what's in this bag. It's a gun, I'm not going to make you hold it and I'm not going to point it at you. Have you ever scene this?

A. No, sir.

Q. This is State's Number 51. Did you ever see Heyward with this?

A. No, sir.

Q. Did you see him with any gun whatsoever on September 21st?

A. No, sir.

Q. Did you see him with any extra money on September 21st?

A. No, sir.

Q. Did you see him after the shots occurred?

A. I seen him when he came up the street.

Q. Up the street where? Back to where I guess is what I'm trying to get.

A. He was coming up Richland Street.

Q. Okay. Where was he headed?

A. I don't know, he just asked my sister for a ride.

Q. Okay. Hopped in the car with them?

A. After she said yes.

Q. Any idea why he got in her car?

A. I just took it as she was taking him to get a ride because he don't have a car.

Q. There had been a shooting, right?

A. Yeah, there had been a shooting.
Q. Folks were running, right?
A. Uh-huh.
Q. Folks getting out of there.
A. But I didn't see Heyward.
Q. Didn't see him where?
A. I didn't see him at the shooting.
Q. But you saw Jerel?
A. Yes.
Q. And you saw McCrorey.
A. Yes.
Q. And you said that Jerel was behind Mr. Blakeney.
A. Yes.
Q. Whereabouts? Were they near the car? Up -- down near the driveway? Do you remember?
A. This would be Mr. Blakeney, this would be them.
Q. Okay. How about Mr. Lewis, I think he goes by Nip.
A. I didn't see Nip until he came to my mom's house.
Q. Was that after this or before this?
A. After when he got shot.
Q. Does he come pulling up?
A. Yes.
Q. What's he saying?
A. "I've been shot," and we told him he needed to call 911.

Q. Did any of y'all call 911?

A. No.

Q. Do you know if anybody called 911?

A. No.

Q. That's fine. After he said, "I've been shot," what did he do?

A. What did I do?

Q. What did he do?

A. After we told him to call 911 he left.

Q. Left? Okay. Any idea where he went?

A. No.

MR. FRICK: Thank you, ma'am, that's all of the questions I have.

REDIRECT EXAMINATION

BY MR. BARFIELD:

Q. You don't know anything about a plan to rob Mr. Blakeney, do you?

A. No.

Q. Nobody told you there was a plan to rob Mr. Blakeney, did they?

A. No.

Q. All of the stuff you told Danny Bennett with the sheriff's office is just what you thought, right?

A. Yes.

Q. And you and Prayon don't get along too good, do you?

A. No.
Q. She doesn't live in Kershaw, does she?
A. No.
Q. And Davis didn't live in Kershaw, did he?
A. Not to my knowledge.
Q. And McCrory didn't even live in Kershaw, did he?
A. Not to my knowledge.
Q. But you lived in Kershaw, right?
A. Yes.
Q. And Alexis lived in Kershaw, right?
A. Yes.
Q. And Heyward was staying in Kershaw and your momma lived in Kershaw and you lived in Kershaw. Truesdales all around Kershaw, right?
A. Yes.
Q. I think you told Mr. Frick Heyward didn't have a car.
A. No.
Q. And he stayed in Kershaw.
A. Yes.

MR. BARFIELD: Thank you, that's all.

RECROSS EXAMINATION

BY MR. FRICK:

Q. Do you dislike Prayon enough to get her mixed up in an armed robbery?
A. No.

MR. FRICK: Thank you, ma'am, that's all I have.

THE COURT: You can step down.

MR. BARFIELD: She may be excused if she would like to.

The witness, ALEXIS TRUESDALE, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, ma'am.

A. Alexis Truesdale.

Q. Ms. Truesdale, you've got to talk into that microphone so everybody can hear you.

A. Alexis Truesdale.

Q. What town do you live in now?

A. Lancaster.

Q. Where did you live back in September of 2011?

A. Kershaw.

Q. And where in Kershaw did you live?

A. 414 Richland Street with my mother.

Q. I'm going to put up a little sketch, it ain't too good but I want you to look at it and take a minute. Do you see that computer screen?

A. Yes.

Q. Does that little sketch make any sense to you?

A. Yes.

Q. All right. I'm going to ask you a few questions. Is

the little house looking thing that I've got Truesdale written in to, is that a pretty good placement of where your momma's house is?

A. Yes, sir.

Q. And you see the house that I've got Blakeney written in?

A. Yes, sir.

Q. Do you know where that house is?

A. Yes, sir.

Q. Let me just go ahead and ask you this, did you know Mr. Blakeney?

A. Yes, sir.

Q. Did you ever go up to his house?

A. Yes. I did once probably maybe like a month before that happened.

Q. Did you know he had a nice white BMW?

A. Yes, sir, I've seen it before.

Q. Had you ever seen the motorcycle he had under the carport?

A. I've saw him driving it.

Q. I won't tell you to describe that. Did you know that people were hanging around his house?

A. On that day or before?

Q. Well, generally, not that day yet.

A. No. I would just see people walk there.

Q. Ingram Street, is that the street between Church and Richland? Do you see where I've got Ingram written in that street?

A. Yes, sir.

Q. And you see on Richland Street I've got an arrow and it says to Cemetery and then an arrow on the other side that says to town.

A. Uh-huh.

Q. Is that accurate? Is the cemetery on down toward your momma's house?

A. Yes, sir.

Q. And is town the other way from your momma's house?

A. Yes, sir.

Q. You know Prayon Truesdale?

A. Yes, sir.

Q. Your sister?

A. Yes, sir.

Q. Did you know Jerel Davis back when all of this happened?

A. Yes, sir.

Q. Did you know Shaun McCrorey back when all of this happened?

A. No, I knew Jerel.

Q. Tell us now you knew them.

A. I just know their names, I know they hung around my

sister.
Q. Both of them hung around with Prayon, is that what you're saying?
A. Yes, sir.
Q. Do you know Heyward Truesdale?
A. Yes, sir.
Q. How do you know him?
A. That's my brother.
Q. Is he in the courtroom today?
A. Yes, sir.
Q. Where is he sitting, what's he wearing?
A. Blue.
Q. At the table over there on the other side of the courtroom?
A. Yes, sir.
Q. Did you see Prayon, Jerel Davis and Shaun McCrorey on the day that Mr. Blakeney got shot?
A. Yes, sir.
Q. Where did you see them?
A. Jerel and Shaun and Prayon came to my house that day.
Q. How were they traveling?
A. In a car.
Q. Whose car?
A. Prayon's.
Q. What did it look like or what kind was it if you know?

A. White Malibu.
Q. Did they stay at your momma's house?
A. Just for a few minutes.
Q. Did they go somewhere else after your momma's house?
A. Yes, sir.
Q. Where did they go?
A. I couldn't tell you where, she just told me that she'll be back. Because the three of them left driving, then they came back and they were walking and she asked me did I want to walk down the street with her, I told her to go ahead, I was fine.
Q. Did the three of them walk down the street at some point?
A. Yes, sir.
Q. Which street first of all?
A. On Richland Street right towards Cemetery Way.
Q. So they're leaving your momma's house walking this way down Richland toward the cemetery; is that right?
A. Yes, sir.
Q. Prayon, Jerel Davis and Shaun McCrorey?
A. Yes, sir.
Q. Where was Heyward staying back when all of this was going on?
A. I couldn't tell you, I don't know.
Q. Was he around Kershaw or was he around Lancaster or do

you know?

A. The last time I seen him was at my daddy's house.

Q. Your daddy lives in Kershaw too?

A. Yes, sir.

Q. But not where your momma's lives.

A. No, he stays on the other side.

Q. Did you know -- did you find out something happened down at Mr. Blakeney's house? Answer yes or no first.

A. Are you saying did I find out?

Q. Did you find out that something happened at Mr. Blakeney's house?

A. Well, my brother-in-law came in the house, said something was wrong and I went out thinking it was the kids so I saw Mr. Blakeney laying out there in the road. So I --

Q. Stop right there. I'm going to let you tell me everything you want to tell me. Where were you to see him laying out there in the road?

A. Standing in my momma's yard.

Q. Did you ever leave your momma's yard?

A. No, sir.

Q. Did you see anything else down there towards Mr. Blakeney's house when you saw Mr. Blakeney lying in the road?

A. No, sir.

Q. Did you see Freedonia, your sister?

A. She started walking towards him and I was standing at the door because I was getting on the phone to call the ambulance, she was shouting, "Call 911."

Q. Where did Freedonia go?

A. She walked up there to Mr. Blakeney.

Q. Again did you ever go up there?

A. No, sir.

Q. Did you see anybody else up there around Mr. Blakeney's house from where you were?

A. No, sir.

Q. Did you see Prayon again? After you saw Mr. Blakeney lying in the road did you see Prayon again?

A. Yes, sir.

Q. And what was she in?

A. She was in her car.

Q. Where was her car?

A. Between my momma and the neighbor's yard.

Q. Did you see Jerel Davis at that point?

A. No, sir.

Q. Did you see Shaun McCrorey at that point?

A. No, sir.

Q. Did you see -- did the car stay there or did the car leave?

A. She stayed there for a few moments and as I waited for the ambulance to come she was shouting my sister's name and

then --

Q. Who was shouting your sister's name?

A. Prayon was shouting to my sister, Freedonia, calling her name, and she was still walking up there to Mr. Blakeney.

Q. Did you see Heyward?

A. I seen Heyward walking up the street from the cemetery way and then --

Q. What did he do? Where did he go and what did he do?

A. Well, I seen him walk up the street.

Q. Did you see him at any time at Prayon's car?

A. No, sir, I couldn't tell you I did.

Q. You don't know whether he got in the car or not?

A. No, sir.

Q. Do you know whether Davis got in the car?

A. No, sir, because I didn't see him.

Q. Do you know whether McCrorey got in the car?

A. No, sir.

Q. Did the car stay or did the car leave?

A. She stayed for awhile. Because while we were waiting for the ambulance to come waiting for them, she was still going down the road, she was probably past the neighbor's house going on down the street.

Q. Did Prayon's car leave from being parked at your momma's house?

A. Yes, sir.
Q. Was she driving?
A. Yes, sir.
Q. Do you know who was in it?
A. She was driving just as she was pulled up.
Q. Do you know who if anybody else was in her car when the car left from your momma's house?
A. No. Because when she took off I was already looking and she was going down the road.
Q. So when that was going on you're looking down toward Freedonia and Mr. Blakeney?
A. Yes, sir.
Q. You don't see what's going on with Prayon and the car.
A. No. I was so much in shock, I was seeing my kids was across the street at their friend's house.

MR. BARFIELD: Thank you, ma'am, answer anything Mr. Frick has.

CROSS EXAMINATION

BY MR. FRICK:

Q. Other than walking back up the street after the thing happened, did you see Heyward that day?
A. No, sir.
Q. At no point did you see him with any kind of gun?
A. No, sir.
Q. Did you see anybody with any kind of gun that day?

A. No, sir.
Q. Did you see anybody with any gun that day?
A. No, sir. I seen the cigarette my sister was smoking.
Q. Your sister was smoking a cigarette?
A. Uh-huh.
Q. You saw Prayon drive off but you don't know if anybody or who was if they were in the car?
A. No. Because by the time I was looking back at her she was calling my sister's name out watching my sister going up to Mr. Blakeney, she was already going back up the road.
Q. Do you know or know of Douglas Lewis, or Nip?
A. You said Doug, Nip? Yeah, I know Nip.
Q. Did you see him that day?
A. You know, I seen his van wide open coming down the road, that's the only thing I seen. They said he was shot.
Q. Where was it coming from and where was it going to if you remember?
A. He was wide open coming from that -- from Ingram.
Q. Okay. From the direction of Mr. Blakeney's house?
A. Like coming like toward my momma's way. I couldn't tell you which way he went from coming off Ingram Road, I just seen his van wide open and they said he was shot.
Q. That's the house you're talking about, right? I circled it in blue.
A. That's my momma's.

Q. Did you see his van coming up this direction?
A. Yes, sir.
Q. Did you see where it went?
A. No.
Q. Did you hear him hollering?
A. No. I just seen the van going wide open, they said he was shot.
Q. Let me show you -- this is State's Number 9. Do you recognize that?
A. Yes, sir.
Q. What is that?
A. That's the van that Nip used to drive.

MR. FRICK: Thank you, ma'am. That's all of the questions I have.

MR. BARFIELD: Nothing further, I ask that they be excused.

THE COURT: Free to leave.

The witness, ADRIENNE HEFNEY, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, ma'am.
A. It's Adrienne Hefney, last name is H-e-f-n-e-y.
Q. Ms. Hefney, by whom are you employed?
A. With the South Carolina Law Enforcement Division, more

commonly known as SLED.

Q. How long have you been employed by SLED?

A. Since November of 1997, so about 16 years.

Q. What department of SLED do you currently work in?

A. The forensic DNA analysis unit.

Q. How long have you been in the forensic DNA analysis unit?

A. The entire time.

Q. And are you a DNA analyst?

A. Yes, sir, I am.

Q. How did you become a DNA analyst education and experience wise?

A. I have a Bachelor of Science Degree in Biology from the University of South Carolina, I also have a Masters in Business Administration Degree from Winthrop University. I was trained by a court qualified analyst while working at SLED, and I've testified numerous times in DNA cases.

Q. Let me ask you about that. In connection with your testimony, have you been offered as an expert in DNA analysis in the courts of this state in the past?

A. Yes, sir, I have.

MR. BARFIELD: Your Honor, at this time I would offer Ms. Hefney as an expert in DNA analysis.

MR. FRICK: That's fine, Your Honor.

THE COURT: Okay.

Q. I want to get you to explain a little bit about the business of DNA analysis. First of all, what is DNA?
A. DNA stand for deoxyribonucleic acid, and it's basically a chemical that's found in the cells of our bodies that makes us who we are. We get half of our DNA from our mother and the other half of our DNA from our father. Now, a lot of the DNA that we have is the same because it's what makes us human, it's the DNA that causes us to have two arms, two legs, two eyes, a nose, so on and so forth. But we look around this courtroom and notice that everyone looks different, no one has the same DNA with the exception of identical twins. And so we use this knowledge in forensics by comparing unknowns, which are samples that were left behind at a crime scene to knowns which are either buccal swabs, which are swabs from the inside of your cheek, or blood standards taken from a vein of the victim or the subject in the case, and/or the subject in the case and make a comparison.
Q. Can you also take swabs -- other than buccal swabs, can you swab fluids or suspected biological evidence on items and analyze that?
A. Yes. Those would be our unknowns for our samples from the crime scene.
Q. What is a DNA profile?
A. A DNA profile, we look at about 15 genetic marker

locations. We know we have 23 pairs of chromosomes in our body, we look at 15 of those that are unique DNA that makes us individuals and that's how we develop a DNA profile. It's the same -- it's called CODIS code loci, it's the same loci that this labs uses as well as a lab in California that we use.

Q. And when you say a DNA profile, when you're in your lab working on a DNA case and you develop a profile, physically what is it? Is it something on paper? Is it something that a computer helps you generate and produce visually? What is it?

A. Essentially it's both. Essentially it's where we extract DNA from a sample and we run it through an instrument known as -- a process called capillary electrophoresis which is separating the DNA into sizes. And what I mean by sizes, say in a DNA profile we have a chart and the chart will have say two numbers, it can have an 11 and a 12. You could think of that 11 that you got a size 11 from your mother and a size 12 from your father and that's at least a genetic marker that we look at. That all compiles a DNA profile. And what we do is we develop that from the evidence and we develop that from the knowns, and then we compare the numbers pretty much. If there's an 11/12 in the unknown and an 11/12 in the known then, okay, at that lotic that's a match, and at that lotic the specific

genetic marker. We will look at the next one, say it's 8/10, if there's an 8/10 on the evidence and an 8/10 on the known then that's a match. And we go through each of the 15 like that before we determine whether we have a match or not.

Q. Are there any -- is there any magic number of the 15 that you have to have to be able to say the unknown contains the DNA of the known?

A. We have to have the majority of them, but there are things known as partial profiles where we don't have the whole 15 loci but we have say ten or seven of them, and what we do, once we call a match we also apply statistical weight to it, so that's the statistical weight, I'm saying that we have a match. It could be one in 15 quadrillion, that means I've used a computer program and I've put each individual number in there and it applies a frequency to how often that number is seen amongst the population of 250 people or something like and then it will apply a frequency to each one. You take the frequency of that 11 and that 12 and that frequency of the eight and the ten and you go all of the way down the line and multiply that together, that's how we get the big number at the end.

Q. The statistical number?

A. The statistical number, the match.

Q. That's computer generated. The computer does that,

you're not sitting there pumping that into a calculator.
A. No. We learned to do it that way but we don't do it that way.
Q. Okay. I'm fixin' to hand you a bunch of stuff, I just want to make sure I get it together before I start getting in to it. I'm going to hand you -- first of all, did you get called upon to do some DNA analysis on a case from the Lancaster County Sheriff's Office with assigned SLED lab number L11-10927?
A. Yes, sir, I did.
Q. Did you get a bunch of stuff to look at?
A. I got several items.
Q. I'm going to hand you a few of those, several items to get started. I'm handing you State's Exhibits 58, 48, 49 and 50 which are SLED items number 25, 26, 27 and 28, they're in evidence. But just take a gander at them and tell me if you're familiar with them and what they are.
A. I am. Item 25 here, it has my initials right here and the date I analyzed on the heat sealed pouch and this item is a buccal swab from Shaun McCrorey.
Q. Let me ask you this, you said it's a buccal swab, would you expect to find DNA from which you could develop a profile in a properly obtained buccal swab?
A. Yes, sir.
Q. What's next?

A. That's State's Exhibit 58. This is State's Exhibit 48 and it is item 26 which is a buccal swab from Jerel Davis, Jr. and again it has my initials and date. Item 49, which is our item number 27, is a buccal swab from Heyward Rashard Truesdale, and that is State's Exhibit 49. And this is State's Exhibit 50 which is our item number 28 and it is a buccal swab from Prayon Truesdale.

Q. All right. Did you analyze the buccal swab kits in each of those items and develop a DNA profile for each of those named people?

A. Yes, sir, I did.

Q. I'm going to hand you something else which is State's Exhibit 47, SLED item number six. Are you familiar with that and can you tell us what it is?

A. Yes, sir. Item six is a blood standard from Harry Blakeney, and contained in this envelope is a dry blood standard and it contains my initials and the date as well as a liquid tube sample because we just keep whatever. What's in this envelope is what was poured out of here and is preserved in a dry state.

Q. Did you examine the blood from Harry Edward Blakeney and develop a DNA profile for it?

A. Yes, sir, I did.

Q. Are the things that you've got up there that you've identified considered by you in this case for your testing

purposes the known standards?
A. Yes, sir, they are.
Q. Did you receive in this case some unknown evidence?
A. I did.
Q. I'm going to hand you some more stuff. State's Exhibit 61 and I believe it is SLED items 10.1, 10.2 and 10.3, are you familiar with what that item or those items are?
A. I am. This package contains -- they have my initials and the envelopes with my date and the initial.
Q. What is in that SLED envelope?
A. In this we have item 10.1 which was a swab from the grip of a handgun, item 10.2 is a swab from the trigger face of the handgun, and item 10.3 swabs from bottom magazine of the handgun.
Q. All right. Lay that aside and I will hand you State's Exhibit 54, SLED item 16. Can you tell me what that is?
A. Item 16 is a cigarette butt that was located in the driver's side floorboard of the suspect's vehicle.
Q. State's Exhibit 57, SLED item 24. Can you tell me what that is?
A. Item 24, it is swabs from a reddish brown stain from a money envelope.
Q. And finally State's Exhibit 41, SLED item 23. Can you tell me what that is?
A. Yes. This is a cigarette butt that was located in the

bushes beside the cement drive of Edward Blakeney.

Q. Now, as to the unknowns that you just referred to, did you examine all of those items and attempt to develop DNA profiles from them?

A. Yes, sir, I did.

Q. Let's talk about some individual things now. As to SLED items 10.1, 10.2 and 10.3, and again I apologize, I don't have the exhibit number, but you identified as the swabs from various locations on the pistol and the magazine.

A. Uh-huh.

Q. Were you able to develop a DNA profile from any of that?

A. I'm going to read directly from my report. The DNA obtained from item 10.1 which was the grip from the handgun, is insufficient for reliable interpretation, so I think that was one of those partial profiles I talked to you about. The next item, which is item 10.2, no DNA profile was developed on item 10.2, which that is the trigger face of the handgun. And the last one, there was no human DNA obtained from item 10.3, which was the bottom magazine of the handgun.

Q. All right. Now, item 16, SLED item 16 which I think you identified as the cigarette butt from the Malibu, were you able to develop a DNA profile from that item?

A. Yes, sir, I was. And again, I'm going to read directly

from my report and then I will explain it on the other side. The DNA profile developed from item 16 is a mixture of at least two individuals. The DNA profile of the major contributor to this mixture matches the DNA profile of Prayon Truesdale. The probability of randomly selecting an unrelated individual having a DNA profile matching the major contributor to this item is approximately one and 25 quadrillion. The partial DNA profile developed from the minor contributor to this mixture matches the DNA profile of Jerel Davis, Jr. The probability of randomly selecting an unrelated individual having a DNA profile matching the minor contributor for this item is approximately one in 850. Harry Blakeney, Shaun McCrorey, Heyward Truesdale are excluded as possible contributors to this mixture.

Q. What does that mean?

A. In this sample I have a mixture of two people, and that can happen when in this case a cigarette butt if both of them smoked that cigarette at some point. I have a major contributor, and I don't know this to be certain, but to me that would be that somebody smoked it maybe the majority of the time and the minor contributor pulled off of it, but it could be the one that smoked it last was the major contributor and the one before them was the minor, I have no way of knowing that. But I do know I have a major contributor which matched Prayon Truesdale, and then with

the one in 25 quadrillion state. So that means if I was to lineup 25 quadrillion people I should only expect to see that DNA profile one time.

Q. How many people on the face of the earth?

A. It's about six or seven billion people on the earth.

Q. Any real significance to the Jerel Davis part of cigarette part of the equation?

A. The Jerel Davis partial DNA profile was developed and it was a minor contributor. And with his stat, we again apply stat to it once we say it was a match and that was one in 850. So again instead of lining up 25 quadrillion we would lineup 850 people and we would only expect to see this DNA profile one time.

Q. Would it be accurate to say that that's not particularly statistically significant, one in 850?

A. Not particularly.

Q. The other cigarette butt which I think you identified as SLED item 23, did you develop a profile from it?

A. I did. And again, this is a mixture and I'm going to read directly from the report again. The DNA profile developed from item 23 is a mixture of two individuals. Heyward Truesdale and Jerel Davis cannot be excluded as possible contributors to the mixture. The probability of randomly selecting an unrelated individual who could contribute to this mixture is approximately one in 570,000.

Harry Blakeney, Shaun McCrorey, Prayon Truesdale are excluded as possible contributors to this mixture. Now, how this is different is that it was almost equal contributions from both of them so I couldn't pull out a major contributor versus a minor contributor. So then we apply stat that include anybody that could have possibly contributed to this mixture and that's where we came in one in 570,000. So if I was to see this DNA profile again, this mixture of these two people, I should not see it again in one in 570,000 times.

Q. Again which cigarette butt was that by labeling which cigarette butt?

A. Sure. 23 was the cigarette butt that was in the bushes beside the cement drive, and 16 was the cigarette butt that was in the suspect's vehicle.

Q. All right. Now, SLED item 23 -- excuse me, no, 24, what again did you say SLED item 24 was?

A. SLED item 24 is a money envelope.

Q. Let me ask you this, did you have the money envelope?

A. No, I had swabs.

Q. And did you have subitem numbers for the swabs from the money envelope?

A. The swabs from the money envelope was the item number so it wasn't a subitem like 24.1 or anything.

Q. You received swabs, though, not the envelope?

A. Exactly.

Q. Is item 24 multiple things or -- is it several swabs or one swab?
A. It's several swabs, I had swabs.
Q. Did you analyze those swabs?
A. I did.
Q. First of all did you determine if there was biological evidence or fluid in the swabs?
A. I did.
Q. Were you able to say what it was, what that biological evidence was? Not the profile at this point but what it was?
A. I did. I did a presumptive test for blood on the swabs so I looked at and saw a reddish stain so I saw a presumptive test for blood and that came up positive so there was blood indicated on the swabs. As for the number of swabs, I received three swabs from this money envelope.
Q. Did you develop a DNA profile from the swabs?
A. Yes, sir, I did.
Q. Did you compare it to your known standards?
A. I did.
Q. Did you get -- and I'm going to use this term loosely, you can give us the detail, but did you get a match from the DNA profile on the swabs to known DNA profiles from evidence submitted to you?
A. Yes, sir. I'll read directly from my report again.

The DNA profile developed from item 24 which is the money envelope matches the DNA of Harry Blakeney. The probability of randomly selecting an unrelated individual having a DNA profile matching this item is approximately one in 810 trillion. And it was only him, it was not a mixture.

Q. Can you say whether that was Harry Blakeney's blood in the swabs from those envelopes on the subjects?

A. With a one in 810 trillion stat I would say that was so within a reasonable degree of scientific certainty.

Q. Did you prepare a report which contained the findings that you've been talking to us about?

A. Yes, sir, that's what I've been reading from.

Q. And is that copy of the report?

A. It is.

MR. BARFIELD: Your Honor, at this time I would offer Ms. Hefney's report as State's Exhibit 64, I believe.

MR. FRICK: No objection.

(The report was received as State's 64.)

MR. BARFIELD: Thank you, ma'am, answer anything Mr. Frick has.

CROSS EXAMINATION

BY MR. FRICK:

Q. You can only analyze what you have been given, correct?

A. That is correct.

Q. And on State's 24 they didn't send that up to you, did

they?

A. I'm sorry?

Q. Item number 24, that was not -- the envelope was not sent up to you, it was just swabs from the envelope, is that -- did I hear that correct?

A. Yes, sir. I received swabs with reddish brown stains with a money envelope.

Q. DNA from any other part of that envelope you couldn't have done that, you couldn't have pulled it out of an envelope at SLED and say, "I want to look over on this corner." You didn't have it.

A. That's correct.

Q. You can probably guess which one I'm going to ask you about but we'll get there. Let's talk about item number 16, your minor contributor on there.

A. Uh-huh.

Q. You're able to say with some reliability that that DNA is Jerel Davis.

A. With some reliability. With my stat at one in 850 I can't say for certain but it does match Jerel Davis, the partial profile.

Q. I guess I'm trying to define the term but the only way I can define the term is use the term. You can't exclude him. You can't say that DNA was not his.

A. That's correct.

Q. But in that case you can say that about Blakeney, McCrorey and Heyward Truesdale.
A. I can.
Q. It's definitely not their DNA as the minor contributor.
A. Yes, sir.
Q. And one in 850 is not a big number but it still says that's likely Jerel Davis' DNA.
A. That is true.
Q. Now, on 23 I know you explained it but I need you to go into it a little more. You say that Heyward Truesdale and Jerel Davis could not be excluded, but I believe you said you can't determine which one was the major or minor contributor.
A. Because there was equal contribution from both.
Q. But can you say that that was their DNA?
A. Within a reasonable degree of scientific certainty, that's why we apply a statistical match and that statistical match that was one in 570,000.
Q. Now, that's not 850 but it ain't 810 trillion or what is the other number you got, some quadrillion? It's not the big number.
A. No. The big numbers are usually reserved when we have single source profiles or when we are able to pick out a minor or major contributor, particularly a major contributor.

Q. So you can say with a reasonable degree of certainty that that partial profile could have been contributed by Truesdale and Davis, right?

A. Now, it wasn't a partial profile on item 23, it was a profile and it was equal contribution from both. So when we can't pull out a major or a minor on that we add a statistical mixture match, or a mixture of statistic, that's where we came with the one in 570,000.

Q. But on the other one where you've got a mix and you are able to get a major and minor, you are able to say on one that it's one in 25 quadrillion chance that that is Prayon Truesdale.

A. Uh-huh.

Q. In this one we're not talking about quadrillions, we're not talking about millions, you're talking about 570,000?

A. That's correct.

Q. Statistics show it could be another contributor, there's more of a statistical chance is what I'm getting at. I'm not asking you to agree it was, I'm asking you to -- statistically there could have been another contributor besides those two.

A. Statistically when you get outside of the range of one out of 570, yes, sir.

Q. I mean, six billion people on the face of the earth, there's a lot of other folks that could have had the profile

that you're talking about here.
A. When you look at 570 people, yes, you should only see it once. But outside of that, yes, sir.
Q. And what, we've got four million people in South Carolina, we're talking about potentially ten other people, right?
A. Yes, sir.
Q. And as far as the -- you weren't given the gun to swab, you were given swabs, correct?
A. That's correct.
Q. One of them you didn't get any profile at all, you weren't able to develop anything, that was 10.2?
A. That's correct. Because often times with a gun what we are looking for is touch DNA. Touch DNA is essentially is if I were to touch this theoretically I could have left my DNA behind if I have clammy hands and my skin cells are rubbing off, but nine times out of ten if you come back and swab that you may not get my DNA profile from just that touching.
Q. 10.1 you did get something, just not enough that you could make a reliable estimation?
A. Interpretation.
Q. 10.3, you said no human DNA.
A. Correct. That means I didn't even get a quant. And what we do, when we get ready to develop a DNA profile we

first have to extract the DNA from its state, so whether it is on swabs or whatever we have to extract the DNA. And then we run what is known as a quantitation on it to see how much DNA we have. From there we go on to develop a DNA profile with the instrument that I explained, that's where it separates it by sides. So in this case it stopped there because at my quant stat there was negative quant and that's where we report no human DNA obtained.

Q. So you got something, just couldn't quite tell where it came from. I know that's a --

A. On that I didn't get anything.

Q. Bottom line is on the swabs on the gun you can't tell really if there was DNA, or you've got DNA you just can't make any kind of comparison.

A. Well, on one item I got DNA but I can't make a comparison. On one I got DNA but there wasn't enough to give me a profile, and on the other one I didn't get any DNA.

Q. And your swabs was from the grip, I think 10.1 was from the grip.

A. Yes, sir.

Q. Two was the trigger face. Do you know what they're talking about when they say trigger face?

A. I don't. But I would assume it's the part outside, like the trigger is here and it's the housing of the

trigger, and that is assumption though.

Q. And then the bottom of the magazine?

A. Yes, sir.

MR. FRICK: Thank you, ma'am, that's all of the questions I have.

MR. BARFIELD: Nothing further, ask that she be excused.

THE COURT: You're free to leave.

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

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, sir.

A. Douglas Lewis.

Q. Mr. Lewis, you currently live in what town?

A. Kershaw, South Carolina.

Q. How long have you lived in Kershaw?

A. Thirty-two years.

Q. All of your life?

A. Yes.

Q. And you've got to use that microphone, if you lean back it won't pick you up.

A. Yes, sir.

Q. Talk real loud. So you're 32?

A. Yes, sir.

Q. On September 21 of 2011, where in Kershaw were you living?

A. Second Street on Mill Hill.

Q. With whom were you living?

A. Brandon Drakeford, my cousin.

Q. Did you have access to a vehicle that you used?

A. Yes, sir.

Q. What was the vehicle?

A. A Dodge Caravan.

Q. Whose vehicle was it?

A. My girlfriend's.

Q. And who is your girlfriend?

A. Marla Cummings.

Q. Did you -- I'm going to give you some names and ask you if you know some people, and again, let's use real names, not nicknames so everybody will know who we're talking about.

A. All right.

Q. Do you know first of a young lady named Prayon Truesdale?

A. Yes.

Q. How do you know Prayon Truesdale?

A. Just know her from the streets, neighborhood.

Q. Do you know -- did you on September 21st of 2011 know a fellow by the name of Jerel Davis, Jr.?

A. No, sir.
Q. On September 21 of 2011, did you know a fellow named Shaun N. McCrorey?
A. No, sir.
Q. On September 21 of 2011 did you know a fellow by the name of Heyward Rashard Truesdale?
A. Yes, sir.
Q. How long had you known Truesdale?
A. All of my life.
Q. Where did he grow up?
A. Kershaw.
Q. On September 21st of 2011 did you know a fellow by the name of Harry Edward Blakeney?
A. Yes, sir.
Q. How long had you known Mr. Blakeney?
A. Close to like a month almost.
Q. Did you know where Mr. Blakeney lived?
A. Yes, sir.
Q. Where did he live?
A. On Ingram Street in Kershaw, right off of Church Street.
Q. How did you meet Mr. Blakeney? Don't worry about the screen right now, we'll worry about it in a little bit. How did you meet Mr. Blakeney?
A. One day I seen him at the end of Church Street, he was

talking to a friend of mine that was working on the side of the road, that's how I met him.

Q. Was that near his house?

A. Yes.

Q. Did you know what Mr. Blakeney did for a living, or what he did with his time?

A. Actually I didn't at first, and I heard about what he was doing and what he was trying to do.

Q. What did you hear he was doing and trying to do?

A. He was buying items from people to open up like a store to sell, items like TV's and whatever essentially.

Q. Did you have items that you were willing to sell?

A. Yes, sir.

Q. Had you ever been to Mr. Blakeney's house?

A. Yes, sir.

Q. Had you ever before September 21st of 2011 sold anything and received money back from Mr. Blakeney?

A. Yes, sir.

Q. How many times did you sell items to Mr. Blakeney?

A. Once.

Q. And how many times -- was there a second attempt?

A. Yes, the second time, yes.

Q. The first time what did you sell Mr. Blakeney?

A. An entertainment stand.

Q. How soon before September 21 of '11 did you sell him

the entertainment stand?

A. Probably about three or four days prior to that.

Q. I'm going to put a picture on the screen that is State's Exhibit Number 1, and I don't know the answer to this question but I'm going to ask it anyway. State's Exhibit Number 1, is that picture familiar to you?

A. Of the stand in --

Q. Well, do you know what that picture shows? Do you know where that picture shows?

A. Yes. That's the driveway of his carport.

Q. There appears to be an entertainment stand or big TV stand there, have you ever seen that before?

A. That's not the one I sold him, no, sir.

Q. That was going to be my question. Thank you. When you sold him the entertainment center or entertainment stand, did that happen at his house or did he come to you?

A. It happened at his house, he told me to bring it actually.

Q. Again, how soon before September 21st of 2011 did that happen?

A. About three or four days after that.

Q. Were you aware -- had you ever been there when other people were there selling Mr. Blakeney stuff?

A. No, sir.

Q. Did you see Mr. Blakeney on September 21 of 2011?

A. Yes, sir, early that morning.

Q. Where did you see him?

A. I seen him at his house?

Q. How were you traveling?

A. I was driving the Caravan.

Q. All right. Were you selling something that day?

A. Yes, sir.

Q. What did you have?

A. An air conditioner and a camcorder.

Q. And just describe early that day the discussions that you might have had with Mr. Blakeney about selling him those two items.

A. Well, I took him the two items and he told me I had to come back because he didn't have the money, but he wrote the names of whatever we brought to him down and then the serial numbers for them, too, I guess because had he some trouble prior to that.

Q. That's fine. When you went over there did you have that stuff with you that day?

A. Actually I took it to him and dropped it off.

Q. That was my next question, did you leave it or take it back with you?

A. I dropped it off and left.

Q. First of all when you went over there were you by yourself?

A. No, sir. I had my cousin Brandon Drakeford with me.
Q. When you left where did you go?
A. Actually I went back home.
Q. Then what?
A. He told me to come back like later on that day. Actually I had went over there more than once but he wasn't home yet.
Q. Let me back you up, that's fine and I should have asked you that a minute ago. When you went over there the first time just you and Brandon, was anybody else over there other than Mr. Blakeney?
A. Lakendrick, Saquan and Marcus.
Q. Lakendrick's last name?
A. Lakendrick Miller.
Q. That's fine, that's good enough. So you left, went home. Did you go back and actually -- how many times -- well, did you go back again?
A. Actually twice, I went twice.
Q. When you went back was Mr. Blakeney home?
A. No, sir.
Q. Was anybody around when you went back?
A. Those guys that was helping him and -- you mean before he came back home?
Q. Well, let's just break this down, I want to make this real clear. You went over there and left him some stuff,

right?
A. Yes.
Q. You went where?
A. Home.
Q. Did you go back to Mr. Blakeney's house?
A. Yes.
Q. Was anybody with you then?
A. Actually, no, I dropped Brandon off to go to work.
Q. When you went back by Blakeney's house was that the last time you went to the house that day?
A. Yes.
Q. Twice?
A. Twice.
Q. When you went back to Mr. Blakeney's house how were you traveling?
A. Caravan.
Q. Did you park it?
A. Yes.
Q. Where did you park it? I'm going to put a little sketch up, take a look at that for a minute. That's a sketch I drew, it doesn't mean anything, but does it make any sense to you?
A. Yes, sir.
Q. I've got a -- is that Mr. Blakeney's house?
A. Yes, sir.

Q. Do you know where the Truesdale house is?
A. Yes.
Q. Is that accurately showing where the Truesdale house is at?
A. Yes.
Q. Is this Church Street?
A. Yes.
Q. Is this Richland Street?
A. Yes.
Q. Is this Ingram Street?
A. Yes.
Q. You can mark on that thing with your finger. Where did you park that red Caravan when you went back the second time? Put your finger on it and draw a line.
A. (Witness complies.)
Q. That's where your Caravan is?
A. Yes. It was a little further back but closer to this way right here, I'm sorry.
Q. Is it between Church Street and his driveway or on the other side of his driveway?
A. On the other side of his driveway facing Church Street.
Q. My question is this, is your van between Church Street and his driveway?
A. Yes.
Q. When you got there was Mr. Blakeney there?

A. No, sir, he told me to wait for him. I had talked to him on the phone.
Q. Did you know what he drove?
A. Yes.
Q. What did he drive?
A. A white BMW.
Q. Did you know about the motorcycle?
A. Yes.
Q. Did you know about the big red box trailer?
A. Yes.
Q. When you got there and he wasn't there, again, were you alone or was somebody with you?
A. I was by myself.
Q. Was anybody there when you got there and Mr. Blakeney wasn't there?
A. Yes.
Q. Bunch of people or handful of people?
A. Bunch of people.
Q. Did you see at any time at Blakeney's house, did you see a guy named -- that you now know or learned to know as Shaun McCrorey?
A. I seen him walking up the sidewalk.
Q. What was he doing walking up the sidewalk, do you know?
A. He was with a female.
Q. Did you ever see him at Blakeney's house?

A. No. Not in his yard, no, sir.
Q. Did you see Heyward Truesdale at Blakeney's house?
A. Yes, sir.
Q. When did you -- was he there the first time you went to Blakeney's?
A. No, sir.
Q. Was he there when you went back to Blakeney's?
A. Yes, sir.
Q. Did you see somebody you know to be Jerel Davis at Blakeney's house?
A. Yes, sir.
Q. When did you see him there?
A. The second time.
Q. Where were Truesdale and Davis when you went back the second time?
A. Standing in the carport.
Q. I'm going to put a better sketch up, State's Exhibit Number 4. Take a minute to look at that and tell me if that makes any sense to you. Look at it as long as you need to look at it.
A. Yes, I see it now.
Q. Pull that microphone wherever you need to pull it so you can talk. Does that sketch make sense to you?
A. Yes.
Q. What's that a sketch of generally?

A. That's a sketch of his house, the road, the trailer.

Q. Is the car shown in there?

A. The car is shown in there where he had it.

Q. Is the carport shown in there?

A. Yes, it is.

Q. Now, you said Davis and Heyward Truesdale were on the carport. Make a mark where they were when you got back the second time.

A. (Witness complies.)

Q. How close are they to each other?

A. Side by side basically.

Q. Where did you go when you got there?

A. I went up under the carport.

Q. Other than Truesdale and Davis, were there other people there also?

A. Yes, sir.

Q. Did you see Mr. Blakeney after you got there and were up under the carport with Truesdale and Davis?

A. I seen him when he were pulling up.

Q. And what was he pulling up in?

A. In the BMW.

Q. Did you know where he had been?

A. Yes, because he told me where he was going.

Q. Where had he been?

A. To the bank.

Q. Was anybody else there when you're there this second time specifically to sell Mr. Blakeney anything?
A. It was a guy with a PS3.
Q. What is a PS3?
A. A Play Station 3.
Q. I might stop you from time to time just to kind of break it down, but Blakeney pulls in his driveway, start walking us through it. What happened?
A. Well, he motioned me to come to him but the guy with the PS3 already had talked to him prior.
Q. Stop. Was Blakeney in his car or out of the car when he motioned for you to come to him?
A. Well, he was in the car. I was in the carport, I started over to his car.
Q. And you said the PS3 guy had already talked to him, you mean had talked to him before he had left to go to the bank or had talked to him as soon as he got back?
A. He talked to him before he went to the bank, you know what I'm saying, and told him what his price was for the game.
Q. How do you know that? Were you there when Blakeney left to go to the bank?
A. Yes, sir, that was the first time.
Q. First time you went over there?
A. Yes. That was the first time, yes, sir.

Q. So Blakeney motioned for you while he's still in his car. Did Blakeney stay in his car or get out of his car?

A. He got out of his car.

Q. When he got out of his car where did Blakeney go?

A. He walked to the back of his car right here.

Q. Make a good, big mark.

A. (Witness complies.)

Q. There you go. Where did PS3 guy go?

A. Where he go -- right in front of him.

Q. Did anything happen between Blakeney and the PS3 guy?

A. Yes. He gave him his money for the PS3.

Q. Who gave him money?

A. Mr. Blakeney gave the guy the money for the PS3.

Q. What did the PS3 guy do when Blakeney gave him money?

A. He walked off.

Q. What happened next?

A. He told me to come here.

Q. He who?

A. Mr. Blakeney.

Q. Where did you go?

A. Stood right beside him on the left side, he's on the right side of me side by side at the back of the car.

Q. Y'all are up to the back of the car, this is the back of the car right here.

A. Yes.

Q. This right here is the back of the car?
A. Okay.
Q. He's on your left?
A. Yes.
Q. So he's standing here --
A. No, he's on my right.
Q. So you're standing closer to the car?
A. Yes.
Q. And he's further away from you?
A. Yes.
Q. Again, this is the back of the car, that's the front of the car, that's the carport.
A. Yes.
Q. You're here, Blakeney is here, which way are y'all turned? I'm going to spin and you tell me when to stop and I'm you.
A. Okay. Stop.
Q. So you're here and Blakeney is here to your right?
A. To my right.
Q. All right. When you're in that position did you see Davis or Truesdale?
A. Out of my peripheral, yes.
Q. All right. Keep walking us through it. What happens? You and Blakeney are standing here, how close are you and Blakeney?

A. Side by side touching shoulders almost.

Q. Are you and he talking?

A. Yes, we're talking. He pulled his pad out, he looked at his pad and whatever I wrote down -- the items that I had he wrote it down so he was pulling it out to see the price that he was going to pay me for.

Q. Stop right there. I'm going to show you State's Exhibit Number 42, and I presume you've never seen this before, but do you recognize anything about that?

A. Yes, I do.

Q. What is that?

A. That's for the air conditioner and camera that he wrote down that was sitting in his house.

Q. When did that get written down?

A. The morning before he went to the bank the first time.

Q. Did you watch Blakeney write that stuff down?

A. Yes, I did.

Q. Is there a name?

A. My name at the top.

Q. What name is at the top?

A. Douglas.

Q. And are the items listed?

A. Yes. The camera, the Sanyo for $80, the air conditioner 5,000 BTU's for 175.

Q. You and Blakeney are standing there.

A. Yes, sir.
Q. What happens?
A. He reached in his pocket to get the envelope out.
Q. What did he get out of his pocket?
A. He got the envelope out of his pocket.
Q. Could you tell what the envelope -- did the envelope have anything in it, could you tell?
A. It was a bank envelope, you know.
Q. Could you tell if it had anything in it?
A. Actually no, I wasn't paying attention to that part. He was about to pull it out and fixin' to pay me, I guess.
Q. What happened next?
A. The first shot went off.
Q. From what direction -- did you hear a gunshot?
A. Yes, I heard it.
Q. From what direction did the gunshot come?
A. It come from behind us.
Q. What did you do when you heard -- was there any result to you from the first gunshot?
A. Yes, I was hit.
Q. Where?
A. Here.
Q. I show you State's Exhibit Number 8.
A. I see it.
Q. Who is that?

A. It's me.

Q. Where is it? Circle it.

A. (Witness complies.)

Q. What happened -- what did you do when that happened to you?

A. I fell.

Q. Did you hear anymore shots?

A. Yes.

Q. About how many shots did you hear?

A. A lot, more than five.

Q. Just walk us through it, I'll stop you if I need to. First shot you fell, what's going on?

A. I fell and I heard Mr. Blakeney holler.

Q. Holler what?

A. "Stop, don't shoot me no more, stop, stop."

Q. Did you see Mr. Blakeney when he was yelling that?

A. Yeah, he fell, that's when he fell.

Q. Did you see him being injured?

A. Yeah. They walked up on him and started shooting.

Q. Did Mr. Blakeney move or did he fall where he had been standing?

A. He was trying to run off, he was trying to get away from them but they walked up on him and started shooting and he fell in the road.

Q. All right. I'll show you another picture if I can get

my hands on it. State's Number 7. Do you recognize what's shown in that picture?

A. Yes.

Q. What is that?

A. Mr. Blakeney laying in the road.

Q. You said he fell. Is that where he fell when you saw him fall?

A. Yes.

Q. All right. What are you looking at when you're hearing gunshots, what are you seeing?

A. I'm looking at a person that's helpless and can't do nothing about it.

Q. I don't mean that. I mean you're looking around, are you seeing anything when you're hearing gunshots? What are you viewing?

A. I'm seeing people running.

Q. Did you see -- when you started hearing gunshots, did you see Jerel Davis?

A. Yes.

Q. Where was he?

A. Walking up on Mr. Blakeney.

Q. And did he have anything in his hands?

A. Yes, a gun.

Q. Did you see him shoot the gun?

A. Yes.

Q. When you're hearing gunshots, did you see Heyward Truesdale?

A. Yes.

Q. Where was he?

A. Like a couple of feet from him walking up with him.

Q. Walking up with who?

A. Jerel Davis.

Q. Let's be clear about this, did Heyward Truesdale have a gun?

A. No, sir.

Q. Did Heyward Truesdale shoot anybody at Mr. Blakeney's house?

A. No, sir.

Q. Did you see them leave Mr. Blakeney's?

A. Yes, sir.

Q. And where did they go, Truesdale and Davis.

A. Towards the Truesdale -- the way towards the house of the Truesdale home.

Q. Truesdale and Davis is who I'm talking about.

A. Yes.

Q. What did you do?

A. I got off, I ran off to the duplex apartments across the street on Church Street, I think. Yes, Church Street.

Q. Sorry to keep flopping around, but my sketch again. Where are the duplexes, over this way somewhere? There you

go.
A. And I was right here.
Q. Why did you go over there?
A. Because I was trying to get to safety.
Q. Why didn't you get in your van?
A. Because it was too close when the shots were still going off.
Q. What did you do when you got to the apartments over there on Church?
A. Lakendrick, he ran over there with me, he called 911, him and his haunt.
Q. What did you do after 911 got called?
A. They weren't coming fast enough, I went and got in my van, left to try to go get help.
Q. Where did you end up?
A. I ended up at the shop over there on I think it's Main Street, it was a rim shop.
Q. Rim, like car rims?
A. Yes.
Q. Why did you go to the rim shop? Why did you pick that place?
A. That was the quickest place in my mind of thinking to try to get somewhere and get help and I knew who was at that shop.
Q. That was my question, did you know who was at that

shop?
A. Yes.
Q. And did you get help at that shop?
A. Yes.
Q. Let's jump way ahead. You got shot.
A. Yes.
Q. Did you get treatment for your shot?
A. Yes.
Q. Where did you get treatment first?
A. At the shop. They put me in the ambulance at the shop.
Q. And the ambulance took you where?
A. To the baseball field on Fork Hill Road.
Q. From the baseball field on the Fork Hill Road where did you go?
A. Richland Memorial.
Q. How did you get to Richland Memorial?
A. Helicopter.
Q. What time was all of this going on? Was it afternoon?
A. It was daylight, I don't really know another time.
Q. Was it afternoon?
A. Yes, sir, afternoon.
Q. How long did you stay at Richland Memorial?
A. Forever, some hours. I was there for some hours.
Q. Did you come back to Kershaw the same date?
A. Later on that night, yes.

Q. It turned out not to be so bad, is that accurate?
A. Yes.
Q. How did you get back to Kershaw?
A. My mother and father.
Q. Did you talk to law enforcement folks that night after you got back to Kershaw?
A. Yes, they came to me.
Q. Okay. All right.
MR. BARFIELD: Beg the Court's indulgence.
(Break in proceedings.)
Q. When you and Mr. Blakeney were at the back of his car -- first of all did any money ever change hands between you and Blakeney at the back of his car?
A. No, sir.
Q. Could you hear any conversation between -- could you tell whether Davis and Truesdale were conversing at any point while you and Blakeney were at the back of the car?
A. Close to the driver's side of his door.
Q. Well, let me back up, I didn't ask that question too well. When you and Blakeney are at the back of Blakeney's car, could you hear any conversations between Davis and Truesdale?
A. Not really, just talking.
Q. Could you make out any words?
A. No, not really.

Q. I'm putting State's Exhibit Number 40 back up. You said when you got back and Blakeney pulled up that y'all were all under the carport, correct?

A. Yes.

Q. Did Davis and Truesdale move from the carport to any other location from that point until the shooting started?

A. Yes.

Q. All right. Use your finger, let me make it a little bit bigger. Show the jury where Davis and Truesdale moved to.

A. They were here.

Q. And here would be?

A. They were there in the back and they moved up here to the car to the driver's side.

Q. Okay. Let me ask you this, did you -- when you went to the rim shop after being shot, did you talk to the police?

A. Yes.

Q. What did you tell the police?

A. That I had been shot.

Q. Did you tell the police who shot you?

A. No, I didn't.

Q. Did you tell the police whether or not you knew who shot you?

A. No, I didn't.

Q. What did you say?

A. I said I didn't know.

Q. Did you know?

A. Yeah, I knew.

Q. Why did you tell the police you didn't know?

A. I feared for my life. I'm already shot so I just needed medical attention, I didn't feel like talking about it anymore.

MR. BARFIELD: Answer anything Mr. Frick has, please.

CROSS EXAMINATION

BY MR. FRICK:

Q. But you changed your mind on that, didn't you? You decided you wanted to talk, right, about who shot you?

A. What do you mean?

Q. Yes or no, Mr. Lewis. Did you change your mind and decided to say who shot you? Yes or no, Mr. Lewis. Yeah? You have to answer the question.

A. I don't know.

Q. You don't know?

A. No.

Q. But at some point you talked to Investigator Whittaker, didn't you?

A. Yes.

Q. And he showed you a photo lineup, right?

A. Yes.

Q. And you pointed out Jerel Davis as the shooter, right?

A. Yes.

Q. And Heyward Truesdale as being there, right?

A. Yes.

Q. But when you first talked to him right after the incident you didn't know who nobody was.

A. Because I wasn't worried about it at the time because I was shot.

Q. You weren't worried about it at the time.

A. No, I wasn't. My life was more important, right?

Q. Yes, sir, I agree. But you just saw a helpless man in the middle of the road get shot and you know who did it and you didn't say nothing about it, you're worried about you.

A. You know why? Because I didn't know where they went.

Q. Okay. I'm going to borrow the solicitor's drawing for a second. All right. Now, I know you're going to correct me if I'm wrong, but you said your car was pointed facing Church Street so your car was pointed in this direction. Do I have that -- it may not have come up yet.

A. No. I was pointed in that direction, it was just sitting on the side.

Q. I thought you just said it was facing Church Street.

A. My car is parked right here, right there, it's parked right here.

Q. Hang on, let me clear off what I wrote and you write it.

A. My car is parked right here.
Q. Okay. So it's facing back towards the cemetery?
A. Towards the Truesdale house.
Q. You didn't tell the solicitor it was facing towards Church, you were parked on the other side? You didn't tell him that 10 minutes ago?
A. I told him it was parked on the side of the road in front of Mr. Blakeney's house right here, Church Street, Richland Street, Ingram Street, that's what I told him.
Q. Let's skip all of the way down to the incident right after you've been injured. Okay. You go down this way to Miller's house?
A. You're talking about when I got shot and ran off?
Q. Yes, sir.
A. That's not Miller's house, it was a duplexes. I don't know who lived there, I just ran to the side of it.
Q. I thought you said you talked to Lakendrick Miller?
A. Yes, he ran over there with me.
Q. He ran over there with you?
A. Yes.
Q. And they called 911, or somebody called 911?
A. Ruth Ann Miller, yes, that's exactly what she did.
Q. You stayed there about how long?
A. Not that long, they wasn't coming fast enough.
Q. And then you went and got in your car?

A. Yes.

Q. But you did not drive your car down to the Miller's place?

A. No.

Q. You go get in your car and where do you go?

A. I had to go out this way so I went around -- came around.

Q. Okay. Did you stop at the Truesdale house?

A. The Truesdale house is right in front of the stop sign.

Q. Did you stop and tell them that you'd been shot?

A. Yes, I said, "Call the ambulance."

Q. Okay. Did they call the ambulance?

A. I don't know if they did or not, I left. I pulled off left and went on to the rim shop.

Q. Did you wait at the rim shop?

A. Yes.

Q. How long did you wait at the rim shop?

A. I don't know, probably about five or ten minutes maybe before law enforcement pulled up.

Q. So it was too long of a wait here and it was too long of a wait here but it was just fine over there.

A. No, it wasn't too long to wait. I didn't want to be there, I wanted to go somewhere and get help, I was shot.

Q. Well, you've got Lakendrick Miller who said he called 911, you couldn't have waited there?

A. It don't matter.
Q. You heard the Truesdales, you tell them to call 911.
A. It still didn't matter. I was shot, it didn't matter.
Q. So you had to go to the rim shop and you wait there.
A. My mind was racing, I don't know. I just said I didn't want to sit there.
Q. Okay. You were flown out to Richland Memorial.
A. Yes.
Q. From Kershaw.
A. Yes.
Q. Do you have any idea who made the decision to fly you to Richland Memorial?
A. No, I don't.
Q. Okay. You know what this is, this is the drawing of the scene.
A. Yes.
Q. And I'm probably going to see if I can zoom in a little bit. You and Mr. Blakeney are standing about right here where I'm drawing that blue stuff. Is that close? If it's not put it where it was.
A. (Witness complies.)
Q. And y'all are shoulder to shoulder?
A. Yes.
Q. Now, you did tell law enforcement something when you first talked to them. Do you remember telling them that

y'all was face to face?

A. No, I don't remember telling law enforcement that.

Q. You don't? You didn't tell Whittaker, "Yeah, we were standing face to face?"

A. Two years ago? No, I don't know. I don't remember what I told Mr. Whittaker, I don't know.

Q. Well, you remember that you didn't tell him nothing about who shot you, you don't remember where you were standing?

A. Yeah, I know where. I was standing right here and Mr. Blakeney was standing right there.

Q. Okay. And you had your back sort of to the -- well --

A. We had our backs turned to the trunk of his car.

Q. To the trunk of the car. Okay. Which would be to the carport, right?

A. Yes.

Q. And with your peripheral vision you see these folks coming up behind you, right?

A. Actually when me and him were standing at the back of the car they were already coming to his driver door while we were talking.

Q. So they're already walking.

A. Yeah, they're already walking.

Q. You see them walking while you've got your back to them?

A. As I explained to the solicitor that we was kind of side by side each other, but I still can see out of my peripheral.

Q. Okay. All right. First shot hits you.

A. Yes.

Q. And then you hear five or six more is what you said?

A. Yeah. After that, yes.

Q. And you're saying those shots took place where? First shot -- tell me where Mr. Blakeney is when you see the first shot, or hear the first shot.

A. He's standing beside me basically.

Q. So basically where number seven is.

A. Yes.

Q. That's kind of where you put the dot.

A. Kind of.

Q. And you said that Jerel just walks up and just starts shooting him?

A. Yes.

Q. Is he laying down at that time?

A. Yes.

Q. Did he get back up and run?

A. No.

Q. So he was at the end of the driveway when they were shooting him?

A. Yeah, in the road.

Q. Was he in the driveway or the road?

A. His car is not all of the way in his driveway. The road is kind of right here, Mr. Blakeney tried to run out to the road, he tried to run away from the shooting and he couldn't make it because he fell. They were running behind him shooting him -- well, Jerel was running behind him shooting him.

Q. Do you recognize this?

A. No, I don't. Yeah, that's mine, it came out of my vehicle.

Q. Yeah.

A. Yeah.

Q. Where did they find that?

A. At the rim shop.

Q. Okay. What is it?

A. It's plain as day, it's a clip with bullets in it.

MR. FRICK: And I think that's going to be Defense Number 3 for the record.

Q. Okay. You've got a clip and no gun.

A. That's right.

Q. Why?

A. It really don't belong to me, it's my cousin's, they are registered. And the person that I live with is Brandon Drakeford, that's his gun, that is a clip to a Ruger, the gun was at the home, the clip is in that car and box of

shells that was found in that clip that was found in that car, in my vehicle, yes.

Q. That's Defense Number 1.

A. Yeah, that's right.

Q. Those were in your car.

A. Yes.

Q. That is you and your injury that day, correct?

A. Yes.

Q. What is that?

A. That's my girlfriend's van.

Q. Was that the van you were driving that day?

A. Yes.

MR. FRICK: And that is State's Number 9.

Q. All right. You go to sell two items to Mr. Blakeney.

A. Yes.

Q. When did you discuss selling these things with him, when did you first talk about it?

A. Early that morning.

Q. Early that morning. Okay. And you didn't sell them to him at that time.

A. No, I left it with him.

Q. Okay. Why didn't you get paid at that moment?

A. Because he didn't have the money.

Q. Did he say, "I'll give you part of it now, give the rest to you later?" What did he say?

A. He tried to pay me some of that money but I told him, no, just wait to whenever I come back.

Q. Okay. And did y'all decide when you were going to come back?

A. Well, actually I had some errands to run that day.

Q. And he told you he was going to go to the bank, get some money and y'all meet up later.

A. Yeah. Actually he tried to get me to sit there and wait then to go get the money and come back and pay me but I told him to just wait until later on.

Q. Okay. Who was the guy with the PS3?

A. I don't know.

Q. Do you know how much money he got?

A. No.

Q. Do you recall how long you were at the hospital?

A. No, not really.

Q. Was it more than five hours?

A. Could have been.

Q. But you got home that evening in time to talk to Mr. Whittaker?

A. It was dark when I got home.

Q. So --

A. Okay.

Q. -- it wasn't midnight though, right?

A. No, it wasn't midnight.

Q. And you flew down to Columbia but drove back from Columbia.
A. No, I didn't drive.
Q. I understand, your folks drove you back.
A. Yeah.
Q. But you were in a vehicle, not necessarily traveling the same speed you were in the Life Reach helicopter, right?
A. Right.
Q. Okay. Why was it okay then to say who shot you?
A. Why?
Q. Yeah.
A. Because I knew I was going to be all right. And then the part I didn't say nothing, I didn't know if I was going to be all right, never been shot before, right?
Q. You went back home, right?
A. Right.
Q. Home is in Kershaw, right?
A. Yeah.
Q. And the people were in Kershaw, right?
A. Yes.
Q. That's why you didn't want to talk, right?
A. No, it ain't. No, that's not why.
Q. Why was it, Mr. Lewis?
A. That's not why. I mean, the reason why I didn't say anything at the time point is because I was trying to get

medical attention. I mean, I wasn't worried about who this is and who that is, I'm worrying about is this bullet in me or not or am I going to die or not because I just seen somebody get shot in the head numerous times.

Q. And you were in good enough shape you could run down here, run back up here, hop in your car, drive all of the way down here and go back up here, right? That's what happened, right?

A. If that's what you want to say, yes, that's what happened.

Q. No, sir, is that what you said?

A. Yes, sir, that's what I said.

Q. Did you get paid that second time? Did you ever get any money?

A. No, sir.

Q. You never got the money?

A. No, sir.

Q. You had known Heyward for awhile.

A. Yes.

Q. In fact, about a week or so before this y'all got in a scrape, didn't you?

A. Yeah.

Q. You said he stole some money from you, didn't you?

A. Yes, sir.

Q. You talked to law enforcement about that, didn't you?

A. Yes, sir.
Q. In that statement the term "jacked up" was used, you jacked him up. That's what you said, wasn't it?
A. Yes, I did.
Q. Did you do that?
A. We had a confrontation but it wasn't nothing with fists or fighting, nothing like that.
Q. Okay. But it was fair to say you and Heyward weren't necessarily getting along too well when this happened, were you?
A. No. That day we didn't have no problems from my knowledge.
Q. Did you not also say in your statement that your homeboys had to pull you off him? Did you say it or not?
A. That's what I said.
MR. FRICK: Thank you, Mr. Lewis. That's all of the questions I have.

REDIRECT EXAMINATION

BY MR. BARFIELD:
Q. You never did fully explain about the magazine and the Remington ammo. You were saying the pistol that went with that stuff with your cousin's.
A. Yes.
Q. Where was the pistol?
A. At the household we stayed at.

Q. Why was the pistol at the house and a box of ammo and magazine in your van?

A. The reason the ammo and box of shells were in the van, because the prior weekend I took him to his mother's house in Heath Springs, he spent the night. He take the gun everywhere he go, he take the box and the clip everywhere he go, he left that in the car. That's where it remained in the car.

Q. The gun wasn't in the car?

A. Never in the car.

Q. Did you get your camera and your TV?

A. No, sir.

MR. BARFIELD: Thank you, that's all.

RECROSS EXAMINATION

BY MR. FRICK:

Q. That wouldn't have been why you had to go to the rim shop, was it?

A. To what?

Q. To get rid of the gun.

A. No. It never was on me at any time.

MR. FRICK: That's all.

MR. BARFIELD: That's all from this witness.

THE COURT: All right. You are free to go. We are going to have to let the jury eat.

MR. BARFIELD: I think you probably want them to eat, I

want them to eat, too.

THE COURT: Jurors, what about 2:20, is that enough time looking at the clock there, hour and 20 minutes? Don't talk about the case.

(The jury left the courtroom.)

MR. BARFIELD: The next witness in this case is Prayon Truesdale, she's the lady in the back in the blue top, she's represented by Browney Patterson, Jr. Ms. Truesdale is a codefendant in this case, her charges are conspiracy to commit armed robbery and accessory after the fact of murder and armed robbery, she's the lady as we've all heard that was driving the car. She is going to testify. I do not anticipate her incriminating herself but I do not intend to use what she says on the witness stand against her in the prosecution of her for any involvement she might have had in this case. I am further just for the record at this point and it will come out when she's in front of the jury, I'm not going to prosecute her in this case, based on my assessment I can't prove she did anything illegal. Otherwise we're ready to go, she's my next witness.

MR. PATTERSON: And thus, Your Honor, on her behalf I understand that she's testifying and granted immunity both as to what she says and as to the use thereof.

THE COURT: All right.

(The jury returned to the courtroom.)

TESTIMONY OF PRAYON TRUESDALE

MR. BARFIELD: Prayon Truesdale.

The witness, PRAYON TRUESDALE, was first duly sworn and testified as follows, on:

DIRECT EXAMINATION

BY MR. BARFIELD:

Q. Tell us your name, please, ma'am.

A. Prayon Truesdale.

THE COURT: I just need to just say. Ms. Truesdale, you were in the back and you couldn't hear what your lawyers were saying up here probably, but the bottom line is you have some pending charges. You don't have to testify, you can say, "I don't want to testify," but they've already discussed that with you, but you can. Okay.

Q. And you've got to use that microphone, you're kind of soft spoken and if they don't hear it you might as well not be saying it so say it loud, please, ma'am. Say your name again.

A. Prayon Truesdale.

Q. And Ms. Truesdale, what town do you live in now?

A. Lancaster.

Q. I'm going to throw some names and ask you if you know some people or have any connection or kinship to some people. Okay.

A. Okay.

Q. Do you know or are you kin to Freedonia Truesdale?

A. Yes, my sister.
Q. Alexis Truesdale?
A. My sister.
Q. Heyward Truesdale?
A. My brother.
Q. Do you know Shaun McCrorey?
A. A friend.
Q. How do you know Shaun?
A. From the neighborhood.
Q. Neighborhood where?
A. From the community and the area where I stayed.
Q. Carolina Court?
A. Carolina Court, yes, sir.
Q. Do you know Jerel Lamar Davis, Jr.?
A. Yes. His friend stayed across the hall from me.
Q. Also in the Carolina Court area?
A. Yes, sir.
Q. Let me ask you some things about you and Jerel, and I don't want mean to embarrass you, I don't want to get too personal. You know me, do you know Jerel different than you know me?
A. Yes, sir.
Q. Y'all been intimate before?
A. Yes, sir.
Q. Did y'all ever live together?

A. No, sir.

Q. Do you have any children together or anything?

A. No, sir.

Q. I'm going to put up a rough diagram and you look -- you've got your monitor over there. When I put something on this thing right here you are going to be able to see. Okay?

A. Okay.

Q. Can you see that?

A. Yes, sir.

Q. Take a minute to look at it and see if it makes any sense to you.

A. Yes, it does.

Q. All right. You say you live in Lancaster, where does your family live?

A. In Kershaw.

Q. What's your momma's name?

A. Margaret Truesdale.

Q. Is Margaret Truesdale's house shown on that rough sketch?

A. Yes, sir.

Q. You can also write in that sketch and put your finger and circle something for me, so I want you to circle where your momma's house is.

A. (Witness complies.)

Q. You see where I've got Richland written on the sketch?
A. Yes, sir.
Q. Is that Richland Street?
A. Yes, sir.
Q. Do you see where I've got an arrow pointing and it says to cemetery?
A. Uh-huh.
Q. Do you know where the cemetery is in Kershaw?
A. Yes, sir.
Q. Is that accurate on that sketch?
A. Yes, sir.
Q. And you see the other arrow on Richland Street that says to town?
A. Yes, sir.
Q. Is that accurate that that's where you go to go to Main Street in Kershaw?
A. Yes, sir.
Q. Do you see the thing that -- like your momma's house that has got Blakeney written on it?
A. Yes, sir.
Q. Now, I'm going to ask you, do you know the house I'm talking about, the house that I've got Blakeney written on? Do you know on the ground out there in Kershaw the house I'm talking about?
A. Yes, sir.

Q. Okay. Did you go to Kershaw on September 21 of 2011?
A. Yes, I did.
Q. At that time did you have an automobile?
A. Yes, sir.
Q. What kind of car?
A. A '97 Malibu.
Q. What color car?
A. White.
Q. Two door or four door?
A. Four door.
Q. You told me about your momma in Kershaw, do you have a daddy?
A. Yes, he was sick with a stroke.
Q. Where does your daddy live?
A. On East Stevens Street.
Q. In Kershaw?
A. Yes, sir.
Q. Why were you going to Kershaw on September 21 of '11?
A. To go visit my father and then help him out.
Q. Help him out and do what?
A. Since he had the stroke I figured he needed a lot of help financially and things like that so I went to go try to help tend to some of those things.
Q. Did anybody go to Kershaw with you?
A. Yes, sir.

Q. Who went with you?
A. Shaun and Jerel.
Q. Why did anybody go with you to Kershaw?
A. Because my car was having problems at that time and I asked them to ride with me.
Q. Both of them or one of them?
A. I asked Shaun and then he wanted Jerel to come along so I told him okay. I went by and picked them up and I stopped the motor vehicle and --
Q. We don't need to get into all of that. Did Shaun and Jerel know each other?
A. Yes, sir.
Q. Did you go to Kershaw?
A. Yes, sir.
Q. What was your first stop in Kershaw?
A. My first stop, I had stopped at a store around the corner from any dad's house.
Q. After the store where did you go?
A. My father's house.
Q. Do you know the name of the store you stopped at?
A. The ABC Store.
Q. The one next to what used to be the Bantam Chef and is now the Chinese Restaurant?
A. Yes.
Q. Was your daddy home?

A. No. He was gone to physical therapy that day.
Q. Where did you go after you went to your daddy's house?
A. My momma's house.
Q. Who was at your momma's house when you got there?
A. My sister, Alexis, her fiance' Shaun Foster, and that was it.
Q. At that point had you seen -- when you got to your momma's house had you seen Heyward that day?
A. Shortly after I got there.
Q. Where did Heyward stay back then, what town did he stay in?
A. Kershaw.
Q. I want you to just answer specifically what I ask, don't get into a bunch of other stuff. Where did you first see Heyward?
A. Coming up the sidewalk on East Richland Street heading towards my momma's house.
Q. Did he go to your momma's house?
A. Yes.
Q. Did anybody leave your -- after Heyward got there did anybody leave your momma's house and go somewhere else?
A. Yes.
Q. Where?
A. Down toward the street to the cemetery.
Q. Down toward the cemetery to what, a house or store or

what?

A. A house.

Q. Whose house?

A. Anthony's.

Q. Anthony. Is that a first or last name?

A. First.

Q. Do you know a last name?

A. No.

Q. Now, look on your screen.

A. Okay.

Q. Y'all walk from your momma's house down toward the cemetery.

A. Yes.

Q. Now, is Anthony's house on this side of Richland or on this side of Richland?

A. This side.

Q. Who went to Anthony's house?

A. Jerel, Heyward and Shaun, and I just -- at first -- I didn't walk down there with them at first, I just seen other peoples. My brother-in-law lived across the street from my momma's house and I talked to them.

Q. Did you see who was down at Anthony's house toward the cemetery?

A. Yes. When I eventually went down there just a few other gentlemen besides Heyward, Jerel and Shaun.

Q. Were they inside or outside?

A. Outside sitting on the tree logs.

Q. All right. Was Heyward there?

A. Yes, sir.

Q. Was Jerel Davis there?

A. Yes, sir.

Q. Was Shaun McCrorey there?

A. Yes, sir.

Q. Did you have any conversation or hear Heyward talking -- stop, let me back up. Before you went to Kershaw on September 21st --

A. Yes, sir.

Q. -- did you know who lived in that house right there on the diagram that's labeled Blakeney?

A. No, sir.

Q. Had you ever met the man that lived in that house?

A. No, sir.

Q. Did you know anything about the man that lived in that house?

A. No, sir.

Q. Had you ever been to that house?

A. No, sir.

Q. When you got to Anthony's house, did Heyward talk?

A. Yes, sir. They was -- everybody was up there talking.

Q. And I want to know -- and I'm asking you specifically

about Heyward, did Heyward talk, say things?

A. Yeah.

Q. What did Heyward say?

MR. FRICK: I'm going to object to hearsay on that, Judge.

THE COURT: Go ahead.

A. He was standing there talking to me and there was people who won scratch-offs and we said, "Y'all have some good quarter of a million dollar winners in Kershaw."

Q. Scratch-off lottery tickets?

A. Yes, sir, scratch-off lottery tickets. And he was talking to me saying how there was a guy there that lived in town that has two something million or something like that.

Q. Two something million what?

A. Dollars. And at first I thought he was trying to hook me up with the guy, he was talking to me about the gentleman like he wanted me to talk to him or something like that and I wasn't cool with it. And he was like, "No sis, he's getting ready to open up a used antique shop," I guess, "and he had been buying and collecting a lot of things from people buying it." And I said, "Wow, are you going to get you a job and work for him?" And he said, "No, I've just got to get me some of that."

Q. Get him some of that what?

A. Money, I guess some of that money.

Q. Okay. What else did he say?
A. It just went on like that, like he had to get some of that money, he needed a lick.
Q. What's a lick?
A. A lick is -- have a lot of different meanings with it. Sometime it means to go take something from someone, a robbery or it can -- based upon a person it means something different, they'll use the word lick meaning whatever it is that they need or they want. But his expression to me was that he wanted some of that money.
Q. And I forgot to do this a minute ago, I'm going to completely digress from talking about that day. Did you get charged with crimes as a result of Mr. Blakeney's shooting?
A. Yes, sir.
Q. Are you charged with conspiracy to commit armed robbery?
A. Yes, sir.
Q. Are you charged with accessory after the fact of murder and armed robbery?
A. Yes, sir.
Q. Do you have any understanding about what's happening with your charges? Have I told you and your lawyer that we are not going to prosecute you?
A. Yes, sir.
Q. All right. Heyward is talking about the man.

A. Yes, sir.
Q. Did you stay there with them or did you leave and go somewhere else?
A. I left and went somewhere else.
Q. Walking or in your car?
A. Some walking and then I eventually walked to my car and got in and drove.
Q. Did you leave your momma's house in your car?
A. Uh-huh.
Q. When you walked off from Anthony's house --
A. Yes, sir.
Q. -- were Heyward, Jerel and Shaun McCrorey still there? Did you leave them there?
A. Yes, sir.
Q. Before you drove off from your momma's house in your car did you see either of the three of them before you left your momma's house driving?
A. No, they were still outside. I drove back past them because I ended up going down the street to somebody else's house.
Q. I'm going to back you up a little bit to the car ride with you driving and Jerel and Shaun McCrorey coming to Kershaw.
A. Okay.
Q. Did anybody talk about robbing somebody in your car on

the way to Kershaw?

A. No, sir.

Q. Did you see any gun or guns in your car on the way to Kershaw?

A. No, sir.

Q. I apologize for jumping around but I've got to go back again, we're going back up to Mr. Anthony's house toward the cemetery.

A. Okay.

Q. Did you see anybody with a gun or guns at Anthony's house while you were there?

A. Yes, sir.

Q. Who had a gun?

A. Shaun had a gun.

Q. Did you see the gun?

A. It was black and silver or something like that.

Q. I'm going to pull a gun out of this bag, I'm going to hold it up where I am, I'm not coming over there to you. Do you know anything about that?

A. No.

Q. Did you ever handle the gun?

A. No, sir.

Q. Okay. Shaun had the gun?

A. Yes, sir.

Q. And what happened with the gun -- what did you see

happen with the gun up at Anthony's house?
A. They were talking looking at it, and I don't know too much what they were talking or discussing because like I said, I was on my way getting to head out from them but there was one there at that time.
Q. Did you see any other gun up there at Anthony's house?
A. Not that I recall.
Q. When you saw the gun that Shaun had at Anthony's house did you see anybody else with it after Shaun had it, Shaun McCrorey?
A. No. They were just -- I guess they, you know, it's a gun and guys, they're looking at it talking about it, but I didn't see anyone else with a gun at that time.
Q. Okay. Did you become aware that something happened at the house I've got labeled Mr. Blakeney's house?
A. Was I aware?
Q. Did you know that something happened there that day? Not beforehand but when it happened did you know that something was happening?
A. Yeah, when people started running and screaming.
Q. Let's get to that. When that happened first of all, were you on foot or were you in your car?
A. In my car.
Q. Where were you in your car?
A. There was a stop sign right here, my car --

Q. Talk loud.

A. This is a stop sign right here and my car, I ended up stopping somewhere around in here because this is in the projects or houses or something here, there was a gentleman standing outside and he walked over to me and started talking so we were standing right there not too far from the stop sign.

Q. All right. Now -- and I don't -- this is not to scale, but are you at the stop sign or are you back at Mr. Blakeney's beside Mr. Blakeney's house?

A. I'm up close to the stop sign but I'm not exact at the stop sign like a few feet from it a little bit.

Q. What is the fellow's name that you stopped and talked to near the stop sign?

A. Lamont Stover.

Q. Did you talk to him with you being in your car or did you get out of your car?

A. I stood out of it and gave him a hug.

Q. When you stopped your car -- when you rode up toward the stop sign and stopped your car and got out, hugged Mont and talked to Mont, were you looking at Blakeney's house? Did you see anything over there or did you pay any attention to any of that?

A. I wasn't paying attention.

Q. Did anything happen while you're talking to Mont near

the stop sign?
A. Yes, sir.
Q. What happened?
A. Bunch of gun fire.
Q. From what direction?
A. From Mr. Blakeney's side.
Q. I will go ahead and ask you this straight up, did you see anybody shooting?
A. No, sir.
Q. Did you see anybody get shot?
A. No, sir.
Q. When you heard gunshots what did you do?
A. Went straight down to the ground, because I was in the process of already -- because the gentleman said pee dee (phonetically) your shoe is untied, and when I bent down to tie my shoes I went down and I just went on to the ground.
Q. And you were on the ground at what area around the car? Not on the street, but where --
A. I was on the side.
Q. Near the door?
A. Yes, sir.
Q. Was your door open or had it been shut?
A. It was still open.
Q. You were on the ground. Can you tell anything about what's going on around you when you're on the ground?

A. It was just a bunch of -- when I took my head up a little bit I seen a bunch of feet, shoes, people running, screaming, hollering going in each and every direction.

Q. What did you do after that?

A. My car was already running so I eased back up on the driver's side still head down and I just pushed the car in drive and I made a right and then I finally set up and I drove back around a circle until I came back to my momma's house.

Q. Did you ever see Mr. Blakeney out there in the street?

A. No, sir.

Q. When you got back to your momma's house did you see Heyward?

A. Yes, sir.

Q. And I'm going to come back, we'll break it down in a minute. Did you see Jerel Davis?

A. Yes, sir.

Q. Did you see Shaun McCrorey?

A. Yes, sir.

Q. Of those three which one did you see first?

A. Heyward.

Q. What was Heyward doing when you saw him?

A. Standing in my momma's yard arguing with Freedonia.

Q. Who did you see next?

A. Jerel and then Shaun.

Q. Where was Jerel when you saw him?
A. Coming across --
Q. You can write on it. Think about -- make sure you know where you -- let me clear off some other stuff that you've done so far. Now, tell the jury where Jerel Davis was.
A. Shooting across this way heading towards my car.
Q. Where was Shaun? And let me clear off Jerel and -- well, I'll leave him on here. Where was Shaun? Use your red finger this time.
A. Okay. Shaun -- well, this is Shaun this way, Jerel this way and Heyward was already at my momma's house.
Q. What did the four of y'all do? Everybody was back at your momma's house; you, Heyward, Jerel Davis and Shaun McCrorey, what did y'all do?
A. Well, I was in a rush to get back because I have children so I was -- my child was getting ready to get out of school from his program and I had to make sure I could get back up here on time so he -- because when you ain't there to get the child when they get off the bus they will take him back to the school and other things like that, so I had to make sure I had to be there on time to get him so they wouldn't have to take him back and call the department of social services or whatever they have to do, or take their procedures so I was rushing to get back. But before I took off when they were arguing I didn't want to move the

car yet because I was trying to figure out what was going on.

Q. Were you trying to figure out what was going on?

A. Sir?

Q. Were you trying to figure out what happened?

A. Yes, sir.

Q. Don't quote people unless I ask you to, but who were you asking?

A. Freedonia Truesdale, I was asking her at that time.

Q. All right, then don't say anything she said. Did you ask anybody else what had happened?

A. Yeah, my sister, Alexis.

Q. Okay. Don't tell me what she said. Did you ask anybody else what had happened?

A. Before I drove off, no. After I drove off as I'm driving down the street I asked them, "Do y'all know anything? What's going on, what happened?"

Q. All right. Let's stop. You're driving off now?

A. Uh-huh.

Q. Who is driving your car?

A. Me.

Q. Is anybody in the front passenger seat?

A. Jerel.

Q. Is anybody in the back passenger seat behind Jerel?

A. Yes.

Q. Who?
A. Heyward.
Q. Is anybody in the back passenger seat behind you?
A. Yes, Shaun.
Q. Who were you asking things to in the car as you left, after you left?
A. As we were taking off I said -- because Heyward was arguing with my sister and I said, "What's going on, what's happening? What was she arguing with you about, what were you talking about?" And he was saying, "Man, F her, F that B, just go on, just drive, just drive." And I was like, "What is it? You done done something?" I said, Heyward, did you do something? No, sister, just go on, drive, they're always going to point something at me, point the finger at me, they're always going to say I did something." So I was driving -- he told me to shut up and drive and I shut up and I just drove on down the road.
Q. All right. Stop. Did you see -- well, did you end up in Heath Springs at the S and G Mini-mart?
A. Yes, sir.
Q. Did you intend to go to the S and G Mini-mart?
A. Yes, because the gas was reasonable. Before I got back to Lancaster I was going to fill my tank up.
Q. Did you see anything at the S and G Mini-mart?
A. Yes, I did.

Q. What?

A. A cop swerved around in the road as I was pulling up to the pump, he threw his light on and came up to where I was at.

Q. Was he the only police officer that you saw that afternoon?

A. No, lots more after that.

Q. Did you get taken to jail that afternoon?

A. Yes.

Q. I'm showing you a brown bag labeled State's Exhibit Number 55, I'm not going to pull it all out. But do you know what's in that bag?

A. Black jacket.

Q. Have you ever seen that jacket before?

A. Yes, sir.

Q. Whose jacket is it?

A. Shaun McCrorey.

Q. Where did he get it?

A. I had give it to him awhile back.

Q. Was that jacket present with Shaun or in your car on September 21st of 2011?

A. Yes, sir, he brung it with him.

Q. When you got taken to jail or to the sheriff's office did you talk to the police that evening?

A. Yes, sir.

Q. Did they ask you questions like I'm asking you today?
A. Yes, lots of them.
Q. Did you -- did they ask you about Jerel Davis' activities that day?
A. Yes, sir.
Q. What did you tell them about Jerel while all of this stuff in Kershaw was going on? What did you tell them about Jerel when you talked to the police the night you got taken to the sheriff's office?
A. I asked them that he was with me.
Q. Meaning what?
A. He was riding with me.
Q. The whole time while you were down there in Kershaw when the shooting was gone on -- let me ask you this: By that did you mean that he was with you in your car when the shooting happened?
A. Yeah.
Q. Is that the truth?
A. No, it wasn't.
Q. Did you tell them later something different?
A. Yes, I did.
Q. What did you tell them later?
A. That he was never with me.
Q. Meaning never with you meaning what?
A. During the time of the shooting.

Q. Between the time you were at Anthony's house down toward the cemetery and parked near the stop sign when the shooting happened, did you see Heyward or Jerel Davis or Shaun McCrorey, did you see them moving around anywhere between being at Anthony's down there with them at the cemetery and you being there at the stop sign when the shots got fired?

A. Have I seen them?

Q. Let me ask the question again. Earlier you're at Anthony's and Heyward is saying what he's saying and you see McCrorey with the pistol and some time after that you're sitting at the stop sign hearing gunshots.

A. Yes, sir.

Q. Between those two times did you see Heyward?

A. No.

Q. Between those two times did you see Jerel Davis?

A. No, sir.

Q. Between those two times did you see Shaun McCrorey?

A. Yes, I did.

Q. Where was Shaun McCrorey?

A. He had met some female that stayed a few houses down from my mother and he was walking along Ingram Street talking with her.

Q. Let me clear off your blue marks. Where on Ingram Street did you see McCrorey?

A. He was -- when I turned he was walking somewhere along in here with the young lady.

Q. Did you say anything to him when he went by?

A. Yeah. I stopped the car and I said, "Shaun, it's almost time for me to leave, I've got to go get my baby so if you're not back around when I go around this circle and head back up here by my momma's house, if you're not there and you find Jerel I'm gone." I was going to leave him.

Q. Did you have any money on you that day?

A. Yes, sir.

Q. Did you give anybody any money that day?

A. Yes, sir.

Q. Who did you give money to that day?

A. My brother.

Q. Your brother who?

A. Heyward.

Q. Where did that happen?

A. Down by the cemetery at Anthony's house.

Q. At Anthony's house?

A. Yes, sir.

Q. Was there a conversation between you and Heyward about you giving him money?

A. Yes, sir.

Q. Tell us the conversation.

A. He said, "Sis, you go get me something to eat?" And I

said, "Where do you want something to eat from?" And he said, "Subway." And I said, "I'm not going way down there to Subway but I tell you what, I will give you the money and you can take yourself to Subway, but I've got a run I need to make." So I reached in my bag, handed him $5 and I went about my business.

Q. Did he have any money?

A. No, sir.

Q. Did you and Heyward have any conversation about him getting in your car after you gathered back up at your momma's house after the shooting?

A. Did we have a conversation?

Q. Yeah. And that wasn't a good question either. How did Heyward end up in your car leaving Kershaw with you?

A. He had said "Hey Sis, can I get a ride?" And I said to him, "I'm about to go to Lancaster, I'm not coming back to Kershaw," because I don't want to be responsible for getting him back home, so I told him I don't have a problem giving you a ride, I'm just not coming back." And he said, "I don't need a ride back, I'm going to the projects," and I said, "Okay. Then get in."

MR. BARFIELD: Beg the Court's indulgence.

(Break in proceedings.)

Q. Did you ever see -- after the shooting did you see anybody else? Did you see anybody else that appeared to be

injured after the shooting?
A. No, sir.
Q. Do you know Douglas Lewis?
A. That's my first time hearing that name.
Q. Okay. Do you know somebody named Nip?
A. Yes, sir.
Q. Did you see anything about having to do with him that day?
A. No, sir.
MR. BARFIELD: Thank you, ma'am. Answer anything Mr. Frick has.

CROSS EXAMINATION

BY MR. FRICK:
Q. Well, you do know a Nip Lewis.
A. Yeah. I seen him, I don't know him.
Q. I didn't say y'all hung out or nothing, I'm just saying you're aware of him. Did you see him that day on the 21st?
A. I can't recall.
Q. Okay. Did you ever see his car or have any idea what time you seen a car?
A. Today is the first time I knew who he was in this case.
Q. Solicitor asked you where Heyward was staying at, you said, "Kershaw, I think."
A. Yeah. From my knowledge he was in Winston-Salem with his mom but at this particular moment, this time during this

moment he was staying with my sister Freedonia in Kershaw.

Q. Did you see him on a regular basis?

A. No, like once a year or something like that.

Q. Were you surprised to see him when you went down to Kershaw that day?

A. Yes, sir.

Q. And you hadn't had any conversations with him?

A. No, sir.

Q. You and Jerel at least at the time, I don't know what your relationship now is and I quite frankly am not concerned, but at the time y'all were pretty close.

A. Yes, sir.

Q. Shaun was a friend of yours?

A. Yes, sir.

Q. Did he stay at Carolina Court?

A. In a way he was kind of homeless so he basically rests his head wherever he could.

Q. Did he ever stay with you?

A. Yeah, I let him come.

Q. That's where he got the jacket, isn't it?

A. Yes, sir. Because he didn't have one and it was cold, I was just looking out for him.

Q. On that September 21st he's the one who you saw with the gun.

A. Yes, sir.

Q. Did you ever see Heyward with a gun?
A. No, sir.
Q. Now, you gave a couple of statements in this case, the first one was the day of the event, right?
A. Yes, sir.
Q. You weren't honest in that statement.
A. Correct.
Q. You were protecting Jerel, weren't you?
A. Correct.
Q. A little while later you gave a second statement.
A. Yes, sir.
Q. But you didn't see the shooting.
A. No, sir.
Q. You heard shots.
A. Just heard the shots.
Q. You were close -- and I'll use the solicitor's drawing just. So I'm sure the one I'm circling, is that your momma's house?
A. Yes, sir.
Q. When you heard the shots you were on your way back to your momma's house?
A. When I heard the shots, yeah, I just came in.
Q. You can mark on there if you want to.
A. Yeah. I was heading -- I was coming in and my niece, Alexis Truesdale's daughter, was standing outside eating a

bowl of cereal, it was a nice day and it just -- everybody just went away, I didn't know where everybody went to. She told me -- my niece pointed to this way and she said I think everybody went this way, so I took my car and went the way she pointed which is down Ingram Street.

Q. Now, this is before or after the shooting?

A. This was before.

Q. Before you heard the shots? Okay.

A. Uh-huh.

Q. When you hear the shots --

A. Yes, sir.

Q. -- if it's on this chart -- because I don't know whether it is, if it's on this chart mark whereabouts you were when you heard the shots.

A. Right here near the stop sign.

Q. Okay. Now, that -- according to the chart we got here that's in front of Mr. Blakeney's house, that's where you were?

A. Well, it's a stop sign right here. My car is closer to the stop sign because I wasn't right at the stop sign, I was right here, what, three or four steps away from the stop sign?

Q. I'm just trying to make sure. That's fine, if that's where you were that's where you were. So you were in front of the Blakeney house when the shooting occurs.

A. If you want to say it that way.
Q. Well, I guess down a little way to the stop sign?
A. Yes.
Q. You weren't at your momma's house.
A. No.
Q. Okay. So you weren't looking at his house.
A. No, I wasn't looking in that direction.
Q. So you've got no idea who was in his yard or even if he was in his yard.
A. Exactly.
Q. You hear the shots, what do you do?
A. Hit the ground, eventually get up, drive my car and I rode on around back to my momma's house.
Q. Did you see any folks running?
A. There was lots of them.
Q. Okay. Did you recognize anybody running?
A. I'm new here so I don't really know too many folks. I know by faces but names and stuff I can't recall because I don't know.
Q. Did you see any other cars driving off?
A. Yeah. Mont, the gentleman that I was standing there talking to, he almost turned his truck over actually trying to speed off.
Q. So you cut the block and you go back over to your momma's house.

A. Uh-huh.

Q. You said Heyward was already there when you got there.

A. Yeah. He was having a conversation with my sister.

Q. And you said you saw Shaun and Jerel cutting back across this way?

A. Yes, sir. Shaun was coming from this direction.

Q. You put it on there, I don't want to put words in your mouth.

A. Shaun was coming from -- because the young lady stayed somewhere around this way and he was coming back from that way and Jerel was coming across.

Q. Don't know where they were coming from but that's the general direction?

A. Yes, sir.

Q. Did you see anybody with a weapon at that point?

A. No.

Q. Did you see a gun again during the day?

A. Sir.

Q. Did you see a gun again that day?

A. A who?

Q. A gun, a pistol?

A. Did I see another one?

Q. Yeah.

A. No, not until I got pulled over.

Q. That's the next time you saw --