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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Florence County

Honorable Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRYAN AUSTIN SEIDLE,

APPELLANT.

APPELLATE CASE NO. 2020-001485

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE’S EXHIBIT NO. 2 (DISK WITH 911 CALL); STATE’S EXHIBITS NOS. 4-10, 12 (PICTURES); AND STATE’S EXHIBIT NO. 20 (STATEMENT ON DISK).

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF FLORENCE) 2018-GS-21-01846

STATE OF SOUTH CAROLINA,)

Plaintiff,)

vs.)

BRYAN SEIDLE,)

Defendant.)

Transcript of Record
(Stand Your Ground Hearing)

September 8, 2020

B E F O R E:

Honorable Michael G. Nettles
Florence County Courthouse
Florence, South Carolina

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

James Ryan White, Esquire
Attorney for State

Christie Wise Henderson, Esquire
W. Vickery Meetze, Esquire
Attorney for Defendant

Kay H. Richardson
Circuit Court Reporter

1 SEPTEMBER 8, 2020 @ 9:53 A.M.

2 THE COURT: All right. We're ready to proceed.

3 You may call your first witness.

4 MS. HENDERSON: Thank you, Judge. The defense calls
5 Lieutenant Chad Collins of the Florence County Sheriff's
6 Office.

7 THE COURT: Lieutenant, if you could place your left hand
8 on the Bible and raise your right hand as the clerk
9 administers the oath.

10 LIEUTENANT CHAD COLLINS, HAVING BEEN DULY
11 SWORN, TESTIFIED AS FOLLOWS:

12 THE CLERK: Please be seated and state your full name for
13 the record.

14 MR. COLLINS: Yes, ma'am.

15 THE COURT: I'm gonna ask if you could to pull up real
16 close to that microphone, speak loudly, clearly, and slowly in
17 order that we can hear everything that you have to say. And
18 let's start with your full name, Lieutenant Collins.

19 MR. COLLINS: Chad Michael Collins.

20 THE COURT: Very good. Thank you.

21 DIRECT EXAMINATION OF LIEUTENANT CHAD MICHAEL COLLINS BY MS.
22 HENDERSON:

23 Q: Lieutenant Collins, where are you employed?

24 A: The Florence County Sheriff's Office.

25 Q: And how long have you worked there?

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CHAD MICHAEL COLLINS - DIRECT BY HENDERSON

6

1 A: Since January of 1999.

2 Q: What is your position?

3 A: I'm a lieutenant; my job is to maintain the sex offender
4 registry for the Florence County Sheriff's Office, and I
5 supervise the victim's advocates.

6 Q: Okay. You said maintaining the sex offender registry;
7 what does that entail?

8 A: South Carolina state law mandates that anyone that's been
9 convicted or adjudicated in court for an offense that requires
10 them to register, the state has appointed the Florence -- or
11 the sheriff's offices in each -- in the state to keep up with
12 anybody that's been adjudicated. We have to get their
13 information to include address, dates of birth -- you know,
14 all the good stuff that we have to have, address and where
15 they work and things like that.

16 Q: Sure. Lieutenant Collins, do you have a record of a
17 Michael Lee Ingersoll, date of birth [REDACTED]/1979?

18 A: Yes, I do.

19 Q: Did he report his address to the registry?

20 A: He did.

21 Q: And what is that reported address?

22 A: The last address that Mr. Ingersoll gave me was 135 [REDACTED]
23 [REDACTED], Florence, in Florence County.

24 Q: And when did he report that address?

25 A: That was in March of 2018, March 29th, 2018.

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CHAD MICHAEL COLLINS - CROSS BY WHITE

7

1 Q: Thank you, sir. No further questions.

2 A: Yes, ma'am.

3 THE COURT: Cross-examination, Mr. White?

4 MR. WHITE: Thank you.

5 CROSS-EXAMINATION OF CHAD COLLINS BY MR. WHITE:

6 Q: Lieutenant Collins, this offense that placed Mr.
7 Ingersoll on the registry, when did this occur?

8 A: If I recollect right, based on the criminal history,
9 1997; it was in the state of Florida.

10 Q: How old would Mr. Ingersoll have been at that time?

11 A: Date of birth, math-wise, he was born in 1979; in 1997,
12 probably around 18.

13 Q: Okay. Now, you said that he is registered -- his address
14 is where on the registry?

15 A: He gave 135 [REDACTED], Florence County.

16 Q: But you know don't know whether or not he was in fact
17 living there?

18 A: I verified through his grandmother that that's the
19 address that he used.

20 Q: Okay. Are you aware of the incident location where this
21 all occurred?

22 A: If I'm not mistaken, I think it was 124 [REDACTED]
23 in Florence County.

24 Q: And where would that have been in relation to where his
25 address was reported?

State v Seidle - 2018-GS-21-01846

8

CHAD MICHAEL COLLINS - REDIRECT BY HENDERSON

1 A: On the same road, probably within a hundred yards, maybe.

2 Q: Okay. Under the law, are you aware, you know, how long
3 someone can visit another residence without having to report a
4 change in address?

5 A: Ten consecutive days.

6 Q: So, is it fair to say that he could've been living at the
7 incident location for up to a 10-day stretch without having to
8 report that to you?

9 A: He could've been staying there and not reported it, yes.

10 Q: He also could've just been staying there permanently and
11 not reported it, correct?

12 A: That is true.

13 MR. WHITE: I beg the Court's indulgence.

14 I have nothing further for this witness.

15 THE COURT: Any redirect?

16 MS. HENDERSON: Very briefly, Judge.

17 REDIRECT EXAMINATION LIEUTENANT CHAD COLLINS BY MS. HENDERSON:

18 Q: Lieutenant Collins, offenders on the registry, do they
19 have to report overnight stays that aren't at their listed
20 legal address?

21 A: They are not required to report overnight address stays.

22 Q: Okay.

23 MS. HENDERSON: No further questions, Judge. Thank you.

24 THE COURT: You may step down. Thank you, sir.

25 MR. COLLINS: Thank you.

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BRYAN AUSTIN SEIDLE - DIRECT BY HENDERSON

9

1 THE COURT: You may call your next witness.

2 MS. HENDERSON: Thank you, Judge. Defense calls Mr.
3 Bryan Seidle.

4 THE COURT: Mr. Seidle, I'm gonna ask you if you could to
5 place your left hand on the Bible and raise your right hand as
6 the clerk administers the oath.

7 BRYAN AUSTIN SEIDLE, HAVING BEEN DULY
8 SWORN, TESTIFIED AS FOLLOWS:

9 CLERK: Please have a seat in the witness stand and state
10 your full name for the record.

11 THE COURT: Pull up real -- have a seat and pull up real
12 close to that microphone, speak loudly and clearly and slowly
13 in order that we can hear everything that you have to say.
14 Let's start with your full name, please, sir.

15 MR. SEIDLE: Bryan Austin Seidle.

16 THE COURT: Very good.

17 Ms. Henderson?

18 MS. HENDERSON: Thank you, Judge.

19 DIRECT EXAMINATION OF BRYAN AUSTIN SEIDLE BY MS. HENDERSON:

20 Q. Mr. Seidle, how old are you?

21 A. I'm 28.

22 Q. And where did you grow up?

23 A. Right here in Florence.

24 Q. And speak up loud for us so everybody can hear you. Okay?

25 A. I'm sorry. Right here in Florence.

State v Seidle - 2018-GS-21-01846
BRYAN AUSTIN SEIDLE - DIRECT BY HENDERSON

10

1 Q. All right. What your education level?

2 A. I graduated high school.

3 Q. What high school did you graduate?

4 A. Wilson High School.

5 Q. What year?

6 A. 2011.

7 Q. When you are in high school, were you involved in any
8 activities?

9 A. I did the ROTC. I did all five classes; that includes the
10 honors class.

11 Q. Okay.

12 MS. HENDERSON: Judge, is it okay if I move this to the
13 side?

14 THE COURT: You can; you sure can.

15 BY MS. HENDERSON:

16 Q. After high school, what did you do?

17 A. I joined the National Guard.

18 Q. Why did you join the Guard?

19 A. I've always wanted to be in the military. I thought they
20 were heroes.

21 Q. Okay. Talk to me a little bit about your Guard service.
22 What was your position?

23 A. 13 Bravo Field Artillery, cannon crewmember.

24 Q. Okay. And what does that mean?

25 A. I mostly maintained a tank, drove it around, things like

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BRYAN AUSTIN SEIDLE - DIRECT BY HENDERSON

11

- 1 that. I kind of helped other people learn how to do stuff,
2 trained them.
- 3 Q. Okay. Where were you stationed out of?
- 4 A. Manning, South Carolina.
- 5 Q. Okay. And how long were you in the National Guard for?
- 6 A. Six years.
- 7 Q. Okay. As part of your service in the National Guard, did
8 you have to go through training?
- 9 A. Yes, ma'am; basic training, job training.
- 10 Q. Okay. What does basic training entail?
- 11 A. A lot of different things; some teamwork -- I'm not really
12 sure what ---
- 13 Q. Sure. Did you learn about weapons?
- 14 A. Yes, ma'am; I did.
- 15 Q. What did you learn?
- 16 A. Mostly gun safety, gun maintenance.
- 17 Q. During your service in the Guard, were you deployed?
- 18 A. No, ma'am.
- 19 Q. Were you activated?
- 20 A. I was.
- 21 Q. And explain to the Court what activated means.
- 22 A. It means they made you active duty for the time being.
- 23 Q. Okay. And when you were activated, what did you do?
- 24 A. I did flood relief. I did it two times.
- 25 Q. Okay. After the ---

State v Seidle - 2018-GS-21-01846
BRYAN AUSTIN SEIDLE - DIRECT BY HENDERSON

12

1 THE COURT: Did what?

2 MS. HENDERSON: Flood relief, Judge.

3 THE COURT: Okay. Good, very good.

4 BY MS. HENDERSON:

5 Q. You're gonna have to speak up, Mr. Seidle. Okay?

6 A. I'm sorry.

7 Q. Okay. After your service in the Guard, what did you do?

8 A. I took care of my girlfriend's grandparents.

9 Q. Okay.

10 A. That was about it.

11 Q. Okay. Let's talk a little bit about your family, your
12 parents. Growing up, who did you live with?

13 A. Both my mom, my dad, my brother, and my sister.

14 Q. Okay. Your mother, what's her name?

15 A. Donna Torro.

16 Q. Your father, you said, what was his name?

17 A. Rich Torro.

18 Q. Were they married?

19 A. They were.

20 Q. And who were the children that they had together?

21 A. They had me; then my brother Dustin; and my sister CJ,
22 Connor.

23 Q. Okay. What do y'all call -- I'm sorry, you said CJ?

24 A. Yes.

25 Q. So your sister's name is Connor but y'all call her CJ?

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BRYAN AUSTIN SEIDLE - DIRECT BY HENDERSON

13

- 1 A. Yes, ma'am.
- 2 Q. Okay. And how old is your brother Dustin?
- 3 A. I believe he's 24.
- 4 Q. Okay. How old is CJ?
- 5 A. Twenty-three.
- 6 Q. So you're the oldest?
- 7 A. Yes, ma'am.
- 8 Q. Okay. Does Dustin work?
- 9 A. Yes, ma'am.
- 10 Q. What does he do?
- 11 A. I believe he works in a warehouse right now.
- 12 Q. Okay. And CJ, does she work?
- 13 A. No, ma'am.
- 14 Q. Why not?
- 15 A. She has some mental -- mental disability.
- 16 Q. Okay. Can you explain a little bit more what you mean by
- 17 that?
- 18 A. She sort of has a learning disability, a few anger issues,
- 19 and a bit of seizures.
- 20 Q. Okay. What is y'all's relationship like with you and CJ?
- 21 A. I'm one of the only people who can get her to do things,
- 22 to help her out.
- 23 Q. Okay. Growing up, did you help take care of her?
- 24 A. Yes, ma'am.
- 25 Q. Can you explain a little bit more?

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BRYAN AUSTIN SEIDLE - DIRECT BY HENDERSON

14

1 A. We help her whenever she needed something, protect her,
2 and things like that.

3 Q. Sure. Does she need help with things, just daily things?

4 A. Yes, ma'am.

5 Q. Talk to me a little bit more about your childhood. What
6 were some of the activities you like to do when you were a
7 kid?

8 A. Mostly, played outside, played video games.

9 Q. Okay. Your parents, you said your mother's name is Donna
10 and that your father's name is Rich, correct?

11 A. Yes, ma'am.

12 Q. Are Donna and Rich still married?

13 A. No, ma'am.

14 Q. Okay. Tell me about the end of their marriage. When did
15 that happen?

16 A. I believe it was around 2016.

17 Q. Okay. Did they separate?

18 A. They had to do that one-year separation. My dad left.

19 Q. Okay. Are they divorced now?

20 A. Yes, ma'am.

21 Q. Okay. After your dad left, where did he go?

22 A. He moved to Michigan with his family.

23 Q. Okay. And your mother, did she start dating anyone new?

24 A. Yes, ma'am.

25 Q. Who did she begin dating?

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BRYAN AUSTIN SEIDLE - DIRECT BY HENDERSON

15

- 1 A. Michael Ingersoll.
- 2 Q. And Michael Ingersoll, he is the individual involved in
3 this incident today, correct?
- 4 A. Yes, ma'am.
- 5 Q. Does Mr. Ingersoll -- excuse me -- did Mr. Ingersoll go by
6 any other names?
- 7 A. Yes, ma'am. Hollywood.
- 8 Q. You -- I'm sorry. Can you say that again?
- 9 A. Hollywood.
- 10 Q. Hollywood, okay. When did they start dating?
- 11 A. The same day my dad left.
- 12 Q. Okay. In 2016?
- 13 A. Yes, ma'am.
- 14 Q. Okay. How did your mom and Mr. Ingersoll meet?
- 15 A. I'm not sure how they met. My -- I think Mike just worked
16 for my dad at one -- a long time ago. And he's just been
17 around ever since.
- 18 Q. Okay. So, the family had no Mr. Ingersoll prior to your
19 mother and him starting their dating relationship, correct?
- 20 A. Yes, ma'am.
- 21 Q. Okay. And you called him Mike, is that what you knew him
22 as?
- 23 A. Yes, ma'am, sorry.
- 24 Q. Okay. How long have you known Mike?
- 25 A. Since eighth or ninth grade.

State v Seidle - 2018-GS-21-01846
BRYAN AUSTIN SEIDLE - DIRECT BY HENDERSON

16

1 Q. Okay. And you said Mike worked for your father. What did
2 your father do?

3 A. My dad had a paint business, construction.

4 Q. Okay. What were the dynamics -- excuse me -- what were
5 the dynamics like in your family growing up between your
6 family and Mike?

7 A. He pretty much would work and then come hang out. I'm not
8 sure ---

9 Q. Sure. Okay. What was Mike's -- were you allowed to be
10 alone with Mike as a child?

11 A. No, ma'am.

12 Q. Why not?

13 A. They told us that he was a sex offender and told us not to
14 be alone with him without a parent or an adult.

15 Q. And I'm sorry. You're gonna have to explain -- when you
16 say they, can you explain that more to me?

17 A. My parents, my mom and dad.

18 Q. Okay. And what was that that you said?

19 A. They told us not to be ---

20 MR. WHITE: Judge, I would object. He can't testify --
21 that would be hearsay.

22 THE COURT: No, it's sustained.

23 BY MS. HENDERSON:

24 Q. Were you allowed to be with Mike, as a child, alone?

25 A. No, ma'am.

State v Seidle - 2018-GS-21-01846
BRYAN AUSTIN SEIDLE - DIRECT BY HENDERSON

17

1 Q. Was your sister allowed to be with Mike, as a child,
2 alone?

3 A. No, ma'am.

4 Q. Why not?

5 A. We were just told he was a ---

6 MR. WHITE: Judge, again, I would object.

7 BY MS. HENDERSON:

8 Q. You can't say what people told you.

9 THE COURT: Sustained.

10 Q. That's okay. It was common knowledge in the family that
11 Mike was a sex offender?

12 A. Yes, ma'am.

13 Q. Okay. Growing up, did you or your family try to protect
14 CJ?

15 A. Yes, ma'am, always.

16 Q. Did that protection ever change?

17 A. No, ma'am. It still goes on today.

18 Q. Okay. You said earlier that Mr. Ingersoll also went by
19 the name of Hollywood?

20 A. Yes, ma'am.

21 Q. Can you explain a little bit more about that?

22 A. Hollywood was usually his name whenever he would buy drugs
23 or be on drugs.

24 Q. Did you see him use drugs?

25 A. Yes, ma'am.

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BRYAN AUSTIN SEIDLE - DIRECT BY HENDERSON

18

- 1 Q. Okay. Did you ever see him with knives or weapons?
- 2 A. Yes, ma'am.
- 3 Q. Okay. Did he ever steal from you?
- 4 A. Yes, ma'am, he did.
- 5 Q. Okay. While your mother and Mike dated what was their
- 6 relationship like?
- 7 A. It was kind of rocky, rough. They seem to always be
- 8 arguing.
- 9 Q. Okay. Did you ever know of or witness any physical
- 10 violence between them?
- 11 A. Just once.
- 12 Q. Okay. Was he physical with your mother?
- 13 A. Yes, ma'am.
- 14 Q. Did your mother talk to you about Mike being physical with
- 15 her?
- 16 A. A couple of times.
- 17 Q. Okay. Moving on to the day of the incident, on May 26th,
- 18 where were you living at this time?
- 19 A. 124 [REDACTED], sorry.
- 20 Q. Okay. I'm sorry, go on.
- 21 A. I -- I was just saying the address. I'm sorry. 124 [REDACTED]
- 22 [REDACTED].
- 23 Q. Okay. Who all lived there with you?
- 24 A. My mom Donna; my sister CJ, Connor.
- 25 Q. Okay. Whose house was this?

1 A. It's my mom's.
2 Q. Did she own it?
3 A. Yes, ma'am.
4 Q. Let's walk through what happened that day, just starting
5 at the beginning of the day. Who all was present in the home?
6 A. That day it was me my mom Donna, my sister CJ, and my ex-
7 girlfriend, Deola Sarah Foxworth (spelled phonetically).
8 Q. Okay. What we y'all doing?
9 A. That day was pretty bland, boring, just a regular day. I
10 don't -- we just sat down and watched TV most of the day, I
11 think.
12 Q. Okay. Did Mike eventually come over to the house?
13 A. Yes, ma'am.
14 Q. About what time?
15 A. I believe it was around five or six o'clock.
16 Q. Was he invited over to the house?
17 A. Possibly.
18 Q. Okay. What did y'all do once he came over?
19 A. He just joined us in our mundane life.
20 Q. Sure. Just spending time together hanging out at the
21 house?
22 A. Yes, ma'am.
23 Q. Okay. Was anyone using drugs?
24 A. Mike was.
25 Q. Okay. Did you see any of these drugs?

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BRYAN AUSTIN SEIDLE - DIRECT BY HENDERSON

20

1 A. Yes, ma'am.

2 Q. Okay. Continuing on with what happened the rest of the
3 day, did your mom and Mike start fighting?

4 A. Yes, ma'am. About 30 minutes after he arrived, some guy
5 on a moped pulled up all the way to the front porch and called
6 Mike out, and Mike went out there and bought some pills from
7 him, and ---

8 Q. Is that what caused the fight between your mother and
9 Mike?

10 A. Yes, ma'am.

11 Q. Okay. And was she upset with him purchasing pills?

12 A. Yes, ma'am.

13 Q. Was that fight resolved?

14 A. As far as I know. They went in the room and argued and
15 then came back out and everything seemed okay.

16 Q. Okay. Tell me what happened after that first fight.

17 A. It just became a normal day again.

18 Q. Okay. Did your mother and Mike eventually get into a
19 second fight?

20 A. Yes, ma'am.

21 Q. Talk to me about what happened there.

22 A. Well, I don't know what the fight was about, but I know
23 that I was in -- I was in the kitchen with Sarah and ---

24 Q. And I'm sorry -- Sarah was your ex-girlfriend?

25 A. Yes, ma'am.

1 Q. Okay.

2 A. My mom comes running out of the room where her and Mike
3 were, and she says something about she caught him in another
4 life.

5 Q. Okay. What happened next?

6 A. My mom grabbed her keys and her purse and was about to
7 walk out the door.

8 Q. Okay.

9 A. I told her not to leave him here without her, and she left
10 anyway.

11 Q. Okay. What happened next?

12 A. Then I sat on the couch and just kind of watched.

13 Q. When you say watched, why were you watching?

14 A. Just in case, kind of on guard.

15 Q. Okay. Did you see Mike do anything at that time?

16 A. Yes, ma'am. I saw him walking back and forth from my
17 mom's room to the back door, like he was watching my mom,
18 trying to get her back or something, and he was typing on his
19 phone most of the time. But on his third or fourth trip back
20 to the room, I saw him -- no, back to the door, I saw him put
21 something some small black object in his right pocket.

22 Q. Okay. What happened next?

23 A. That's when I got up and I walked over to him, met him on
24 his way back to my mom's room, and told him that he had to
25 leave. I told him, I said that if he had anything of my mom's

State v Seidle - 2018-GS-21-01846
BRYAN AUSTIN SEIDLE - DIRECT BY HENDERSON

22

1 in his pockets he had to take it out, and he told me -- he
2 told me he didn't have anything. So then I told him he still
3 had to leave, and he said, no, I'm trying to get your mom
4 back.

5 Q. Okay. Why did you want him to leave?

6 A. I just didn't want him to be there. It's -- it's ---

7 Q. You saw him take something?

8 A. That's part of it, but it's more that whenever my parents
9 aren't there there's not supposed to be anybody else there.

10 Q. Tell me what happened next.

11 A. I went to the right, and he went to the left. I went in
12 my mom's closet. It's another bedroom that's connected to her
13 room that's got a doorway cut out. I went in there and I got
14 her gun.

15 Q. Okay. Whose gun was this?

16 A. My mom's.

17 Q. And why did you get the gun?

18 A. Mostly just to scare him off.

19 Q. Okay. Tell me what happened next.

20 A. I went and set the gun on the couch, and my sister come
21 out of her room, and I ask her to help me keep Mike out. She
22 said she always tells him to leave, and he doesn't do it.

23 MR. WHITE: Judge, I would object to that.

24 THE COURT: Sustained.

25 A. I'm sorry.

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23

1 BY MS. HENDERSON:

2 Q. You're okay. We can't say what other people have told
3 you. Okay?

4 A. Okay.

5 Q. So we'll just move on. Tell me what happened after that.

6 A. Okay. Then I, I asked Sarah where he went, if he went
7 outside. And she said ---

8 MR. WHITE: Judge, again ---

9 A. Oh, I'm sorry.

10 MR. WHITE: --- objection.

11 THE COURT: Sustained.

12 A. He was apparently -- I apologize. He was apparently in my
13 mom's room, and so I grabbed the rifle and walked in there.

14 Q. Okay. Tell me what happened when you walked into the
15 room.

16 A. He was sitting on the bed, I walked past him and leaned
17 the rifle against the mini fridge.

18 Q. Okay. There was a mini fridge in the room?

19 A. Yes, ma'am. It's all the way in the corner.

20 Q. Okay. And then -- I'm sorry -- can you repeat what you
21 just said?

22 A. It was all the way in the corner.

23 Q. Okay. And what happened next?

24 A. I was sitting the rifle down and I -- I started to tell
25 him to leave but, as soon as my hand left the rifle, he stood

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1 up and pulled out his knife.

2 Q. Okay. And then what happened?

3 A. Then, I -- I yanked the rifle up and pointed it at him,
4 and I told him to leave.

5 Q. Okay. Then what?

6 A. He told me that I wouldn't shoot him. And then I didn't,
7 and he dropped the knife in his pocket and started to walk out
8 the door, out the bedroom door.

9 Q. Okay.

10 A. And I lowered the rifle and it went off in the floor.

11 Q. Okay. And what happened next?

12 A. He sat down on the bed, and I was looking at the mark on
13 the door where I shot, and he -- I looked up at him and he had
14 dialed 911.

15 Q. Okay.

16 A. He said something about my girlfriend's son, and I started
17 trying to speak over him trying to tell the people on the
18 phone that he had -- he was trespassing and I wanted him to
19 leave, he shouldn't be there, this was my home, things like
20 that.

21 Q. Okay. What happened after the 911 call?

22 A. I ended up walking out of the room, walking to the living
23 room and telling Sarah that I was probably going to jail.

24 Q. And why did you tell her you were probably going to jail?

25 A. I had a Family Court warrant for child support.

1 Q. Okay. Then what happened?

2 A. Then I walked back in the room with the gun. Mike was
3 there on my left when I stepped in the door, and he had this
4 really angry face, and he was already coming at me. He had
5 the knife in his right hand, and I just started shooting.

6 Q. Take your time, Mr. Seidle.

7 A. I -- I looked down -- I opened my eyes and looked at the
8 gun and saw that it was empty. I just shot until it stopped.
9 I threw it down.

10 Q. And what did you do after you threw the gun down?

11 A. This is where it kinda feels weird. I -- I know I turned
12 around and started walking to the living room, but I felt like
13 I was running, like I was walking too fast or something, like
14 I had a bunch of energy even. So I tried to slow myself down.
15 I walked all the way to the kitchen door. And my sister, she
16 came out saying something, but I didn't understand what she
17 said. I walked to the front door. Sarah came out of my mom's
18 room. I didn't even know she was in there. And she said --
19 she said something, but I -- it was like they were talking in
20 slow motion. And then I walked out the door, out the house.
21 As I was walking off the -- I don't know -- it was -- it was
22 weird. It was like I was sweating, I was really cold, it was
23 like I had all this energy but it was weighing me down. All
24 of a sudden I realized I had my phone in my hand. I guess I
25 had called 911 and I -- I just know I said something about

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1 killing a guy. And I remember given part of my address twice
2 or something.

3 Q. Okay. What happened after you called 911?

4 A. I ended up hanging up. I don't know what the lady was
5 saying so I hung up on her. I started walking around the
6 house going to the spot in the backyard that's like a comfort
7 spot for me.

8 Q. Okay. What do you mean a comfort spot?

9 A. It's a little spot where I -- you can just go sit and just
10 think.

11 Q. Okay. And what happened while you were there?

12 A. I called my mom.

13 Q. Okay.

14 A. I tried to call her on the way there but I messed up and
15 called my brother and hung up on him. But while I was sitting
16 there, I was -- I called my mom and I have no idea what was
17 said. She was still -- everybody was still talking in slow
18 motion, I guess.

19 Q. Okay. What happened after you called your mom?

20 A. She hung up on me. I don't -- the -- I saw headlights. I
21 was just laying in the grass waiting just trying to calm
22 myself down, and I saw headlights on the trees, and then I
23 heard my mom start yelling at -- yelling with Sarah or
24 something.

25 Q. Okay.

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1 A. And I just decided to avoid them.

2 Q. So had your mother returned to the house at this point?

3 A. That -- I guess that was her headlights.

4 Q. Okay. And then what happens?

5 A. And then, maybe a minute later, I saw some blue lights on

6 the trees, and I knew that was my ride. I got up and grabbed

7 my phone and started just dragging my feet.

8 Q. What do you mean you knew that was your ride? Was that

9 law enforcement?

10 A. I believe so with flashing blue lights.

11 Q. Okay. You bet law enforcement?

12 A. Yes, ma'am, I walked up to them, told them, hey, I'm the

13 shooter, I did it.

14 Q. Okay. And I know this is difficult for you to talk about,

15 Mr. Seidle, so I appreciate it. After the -- excuse me --

16 after the shooting, what did you think -- or excuse me -- at

17 the time that this happened during the -- right before the

18 shooting, what did you think when Mike came at you with a

19 knife, as you testified?

20 A. I just had fear. I didn't think of anything, just -- I

21 was just scared.

22 Q. Sure. And now going to after the shooting, how are you

23 feeling? I heard you say -- sort of you explained some

24 emotions, like you were going through slow motion. Talk to me

25 a little bit more about that.

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- 1 A. Well, it wasn't that I was in slow motion; it was just
2 like everybody else was in slow motion. I think I had some
3 kind of tunnel vision, because when I did look at things it
4 would be clear but around me it would -- out of the corner of
5 my eye, it would be blurry.
- 6 Q. Okay. After this happened, did you voluntarily speak to
7 law enforcement?
- 8 A. Yes, ma'am.
- 9 Q. Okay. You gave a recorded interview to Investigator
10 Price?
- 11 A. Yes, ma'am. I did.
- 12 Q. When was -- when did you get this interview?
- 13 A. Shortly after.
- 14 Q. Okay. Was it, would you say, after midnight?
- 15 A. Somewhere around there. I don't know.
- 16 Q. Sure, had you been to sleep?
- 17 A. No, ma'am.
- 18 Q. Were you still in the same close that you shot Mr.
19 Ingersoll in?
- 20 A. Yes, ma'am. I was -- my arm was hurting, my shoulder was
21 hurting, I was still cold, sweating. I wasn't feeling good.
- 22 Q. Okay. Do you remember what you said in the statement?
- 23 A. No, they -- not really. They were still talking in kind
24 of slow motion to me.
- 25 Q. Sure. Before we go into what you said in the statement,

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- 1 how did you feel giving the statement?
- 2 A. Like I just wanted to get it over with, just -- I don't
- 3 know.
- 4 Q. Sure. Do you feel like you were able to mentally process
- 5 what had happened effectively?
- 6 A. Probably not.
- 7 Q. Okay. Was this statement a complete recollection of what
- 8 happened?
- 9 A. I don't believe so.
- 10 Q. Did you relay things out of order?
- 11 A. It's -- maybe.
- 12 Q. Did you omit things?
- 13 A. I believe so; yes, ma'am.
- 14 Q. Did you probably misstate things?
- 15 A. Very possible.
- 16 Q. Mr. Seidle, why didn't you tell law enforcement that Mike
- 17 lunged at you with a knife?
- 18 A. I don't know; I thought I did.
- 19 Q. Okay. Why didn't you tell law enforcement that Mike had a
- 20 knife?
- 21 A. That would be part of the same question.
- 22 Q. Sure. Mr. Seidle, prior to this night, did you know what
- 23 the legal definition of murder meant?
- 24 A. No, ma'am.
- 25 Q. What did you think murder meant?

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1 A. Just anytime you give somebody, the only time you were
2 allowed to do it was in war, not that you're allowed but --
3 the only time it was okay.

4 Q. Sure. Mr. Seidle, that's it for my questioning. Please
5 answer any questions Mr. White might have. Okay?

6 A. Okay.

7 MR. WHITE: May it please the Court?

8 CROSS-EXAMINATION OF BRYAN AUSTIN SEIDLE BY MR. WHITE:

9 Q. Mr. Seidel, I'm gonna ask you a few questions. Okay?

10 A. Yes, Sir.

11 Q. I want to start with your military training. Now, you
12 testified that you had, you know, basic training, correct?

13 A. Yes, Sir.

14 Q. And that included firearms, right?

15 A. Yes, sir.

16 Q. But that's not only what they would've trained you in,
17 right? There are incidents where in the military you don't
18 have a gun available to you; isn't that right?

19 A. Yes, sir.

20 Q. And in those circumstances, the military is prepared, they
21 train you in hand-to-hand combat; is that right?

22 A. Not my class.

23 Q. So, you weren't trained in hand-to-hand combat, but you
24 were trained on how to murder somebody with a gun? Yes or no?

25 A. In the military, it's not murder.

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1 Q. Okay. All right, fair enough. Now, you received ongoing
2 training in your role as -- in the National Guard; isn't that
3 right?

4 A. Yes, sir.

5 Q. One weekend a month, two weeks a year; is that right?

6 A. Yes, sir.

7 Q. And you were receiving that training through the National
8 Guard when you are convicted of assault and battery by mob in
9 2016; isn't that right?

10 A. Yes, sir.

11 Q. And part of that conviction, an order was signed by a
12 Circuit Court Judge saying that unless it was in direct
13 connection with your role in the National Guard, you weren't
14 to possess or hold or fire a firearm; isn't that right?

15 A. To be honest, I don't know, because I never saw the paper
16 personally.

17 Q. So, you pled guilty without knowing what the circumstances
18 were or the consequences were?

19 A. I'm not sure. I -- I don't know.

20 Q. Now, I want to talk to you a little bit about growing up
21 with Mike. You said that it was well known that he was a sex
22 offender, and your mom and your dad wouldn't allow you to be
23 around him, right?

24 A. By ourselves.

25 Q. Okay. But your dad still hired him; isn't that right?

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- 1 A. I believe that was before he knew.
- 2 Q. Okay. But, you know, you said that you saw him use drugs,
3 right?
- 4 A. Yes, sir.
- 5 Q. But your dad still hired him, right?
- 6 A. Yes, sir.
- 7 Q. Okay. And you weren't allowed to be around him, but your
8 mom still dated him, right?
- 9 A. Yes, sir.
- 10 Q. For a year?
- 11 A. I'm not sure how long.
- 12 Q. Well, isn't that what you said in the confession?
- 13 A. No.
- 14 Q. Isn't that what you told Investigator Price they had been
15 dating for a year?
- 16 A. I'm not sure.
- 17 Q. All right. You said just a minute ago that the same day
18 that your dad left that's when your mom and Mike started
19 dating; isn't that right?
- 20 A. In about 2016.
- 21 Q. And that created a good bit of resentment, didn't it?
- 22 A. No, sir.
- 23 Q. So your dad leaves and Mike takes over that role on the
24 same exact day, and you had no resentment whatsoever?
- 25 A. Why would I be mad at a guy who was helping my mom?

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1 Q. That's a good question. Now, you know, we went through
2 this with you on direct and it feels like you left a little
3 bit out, so I want to fill in the pieces if I can. Okay? On
4 the day that this happened, you said the altercation between
5 your mom and Mike was verbal, strictly verbal, right?

6 A. Yes, sir.

7 Q. And you said that in the past there had been only one
8 physical altercation that you are aware of, right?

9 A. Yes, sir.

10 Q. And in fact, in the confession with Investigator Price,
11 you speak on that particular incident, don't you?

12 A. I don't remember.

13 Q. Okay. Well, let me refresh your recollection. You say at
14 that time Mike was grabbing one side of the door, your mom was
15 grabbing the other side of the door, and they were doing like
16 a bit of tug-of-war, and Mike pulled the door and she came
17 along with it. Isn't that right?

18 A. That's -- pretty much.

19 Q. So that's the incident you witnessed?

20 A. Yes, sir.

21 Q. So you say physical altercation but he didn't strike her
22 in that incidence, right?

23 A. No, sir.

24 Q. Okay. Now, during this entire time you saw many verbal
25 altercations; you saw one, you know, quote/unquote, physical

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1 altercation. Your mom talked a little bit about physical
2 altercations. But in that confession, you also tell
3 Investigator Price that at least one incidence you had to
4 restrain your mom; isn't that right? You had to hold her back
5 from attacking Mike?

6 A. Yes, sir. That was after he yanked her out the door.

7 Q. Okay. And despite all of this, you never called 911 to
8 report any of it, right?

9 A. No, sir.

10 Q. You never went down to the sheriff's office, you never
11 talk to an investigator, right?

12 A. No, sir.

13 Q. I mean, nobody reported it. There's no reports of any
14 domestic violence whatsoever; isn't that right?

15 A. Not to my knowledge.

16 Q. Now, on the day in question, your mom leaves the home,
17 right?

18 A. Yes, sir.

19 Q. Okay. And you're in the house and you ask Mike to leave?

20 A. Yes, sir.

21 Q. Okay. But he was staying there, wasn't he?

22 A. No.

23 Q. He never slept there?

24 A. He stayed the night sometimes.

25 Q. Okay. Did he have stuff inside the home? I mean, his

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- 1 things were in your mom's room; isn't that right?
- 2 A. Just -- just a bag.
- 3 Q. Okay. A bag of his things?
- 4 A. It wasn't that big of a bag.
- 5 Q. Okay. And he ---
- 6 A. It was a little tool bag.
- 7 Q. But he did stay there on more than one occasion? I mean,
- 8 he stayed there for nights at a time, right?
- 9 A. Maybe two or three.
- 10 Q. Okay. And that was with your mom's permission; isn't that
- 11 right?
- 12 A. Yes, sir.
- 13 Q. Okay. And when she left the home -- I mean, it's her
- 14 house, right?
- 15 A. It is.
- 16 Q. Okay. And when she left the home, you know, she didn't
- 17 tell you, hey, get him out of the house or either kill him
- 18 dead, right, or either murder him? She didn't say that,
- 19 right?
- 20 A. No.
- 21 Q. You took it upon yourself.
- 22 A. Right.
- 23 Q. Now, you go and get that gun and you find him sitting on
- 24 the bed, right?
- 25 A. Yes, sir.

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1 Q. And he is just sitting, probably contemplating an argument
2 that he just had with his girlfriend, right?

3 A. He was typing on the phone.

4 Q. Okay. He was probably texting your mama then, right?

5 A. Okay.

6 Q. Okay. That's something between them but it wasn't
7 physical. And he's sitting on the bed, he's texting. So you
8 had no reason to be in any sort of fear but yet you still
9 pointed that gun at him, right?

10 A. I pointed it at him after he stood up and pulled his knife
11 out.

12 Q. Okay. And I want to ask you about that knife. You know,
13 you are aware that there was no knife recovered aside from the
14 one that was found in his pocket, right?

15 A. Yeah. I believe there was two.

16 Q. Two knives. All right. Now, let me ask you this, I've
17 got a pocket knife -- and it was a painter's knife -- he was a
18 painter, right?

19 A. Yes, sir .

20 Q. Okay. Your dad was a painter, correct? And he worked for
21 him that makes him a painter, right? Okay. He's got that
22 knife, that painter's knife, that he uses day in and day out
23 and it's stuck in his left pocket, right?

24 A. No, sir. It was on his belt.

25 Q. It was on his belt. So it wasn't in his left pocket. Was

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1 it on his left?

2 A. Yes, sir.

3 Q. Does that make him left-handed?

4 A. I don't know about that.

5 Q. Okay. But that night you said he was waving at you,

6 right? That knife was never recovered. So you don't know

7 what happened to that knife. Did you grab the knife?

8 A. No, sir,

9 Q. Okay. Where's the knife? You don't know, do you?

10 A. I don't know.

11 Q. And you say that he was charging you; isn't that right?

12 A. Yes, sir.

13 Q. Well, if he was charging you, how did he end up on his

14 back?

15 A. I don't know.

16 Q. Okay. And if he was charging you, then why are the bullet

17 holes in the left side of the body?

18 A. I don't know. I just started shooting.

19 Q. Okay. Let me ask you this --

20 And this is Exhibit 2 that I'm showing him, Judge.

21 Imagine him sitting up right there.

22 MS. HENDERSON: Your Honor, could I see that?

23 THE COURT: Yes.

24 BY MR. WHITE:

25 Q. If you imagine him sitting right where he's laying, is

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1 that where he was sitting when he was on the phone, when he
2 was texting your mom?

3 A. No, sir.

4 Q. Where was he sitting?

5 A. Over there where the tan thing is on the end of the bed.

6 Q. Okay. But you acknowledged that, if he was charging you,
7 you would've shot him in the front of his body, right?

8 A. That looks like the front to me.

9 Q. It does? Let me show you the autopsy photographs. You
10 might not have seen these yet.

11 You see these cluster of bullets on the left side of his
12 head? That's on the left, right?

13 A. Yes, sir.

14 Q. Okay.

15 A. That -- that big one looks like it's on the front.

16 Q. Okay. Well, I mean the front is here, right? So this is
17 the midline of your body; isn't that correct?

18 A. Yes, sir.

19 Q. So anything on this side is the left; it that right?

20 A. So you're saying even right here would be the left is what
21 you're saying?

22 Q. And that's right. That me show you the photo ---

23 A. It's still the front to me.

24 Q. That's front to you? If he's charging you -- Bryan, if he
25 is charging you, right, and you shoot him, how does he end up

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1 on his back on the bed? It's because he was sitting there;
2 isn't that right?

3 A. No.

4 Q. Okay. And you had that gun fixed on him, Mr. Seidle, and
5 he makes a phone call, and that phone call lasts three minutes
6 and 29 seconds ---

7 A. May I stop you first second?

8 Q. No, you may not.

9 A. I didn't have the gun fixed on him.

10 Q. Okay. Well, you just pointed it -- I mean, he calls 911
11 and says you've got the gun pointed right at him.

12 A. I didn't have it pointed at him at that time.

13 Q. Okay. After that three minutes and 29 seconds, when he
14 says my girlfriend's son is pointing a gun at me, I need your
15 help -- after he makes that call, you give him to the count of
16 three to get out of the house, don't you?

17 A. No, sir.

18 Q. Well, why did you tell Investigator Price that? I mean,
19 that's what you said in the confession; you said you gave him
20 to the count of three, the whole time he didn't move, and at
21 the end of the count of three you shot him to death. You
22 murdered him. That's what you told Investigator Price.

23 A. I don't believe that's what I told him.

24 Q. Okay. We'll play the confession in just a few minutes.
25 Now, during that confession, not once is there a mention of a

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1 knife that he's wielding. I mean, that would've been an
2 important piece of information, wouldn't it?

3 A. Yes, sir.

4 Q. Okay. And yet you speak, without being questioned -- on
5 the scene you talk to Investigator Price. You don't mention
6 anything about a knife; isn't that right?

7 A. No, Sir.

8 Q. And the deputy coroner even comes over, and you offer up
9 the same information. No mention of a knife; isn't that
10 right?

11 A. I don't know.

12 Q. So two years later is the first time that we're hearing
13 anything about the mention of a knife.

14 A. I guess it's the first time for you.

15 Q. Well, I mean, who -- you didn't -- did you -- how long
16 have you been sitting down at the jail? You've been sitting
17 down at the jail for a while, hadn't you?

18 A. Yes, sir.

19 Q. All right. And you know the sheriff's office is right
20 next door.

21 A. Okay.

22 Q. Did you ever reach out and say, hey, I left off this
23 critical piece of information that might help my case.

24 MS. HENDERSON: Objection, Judge.

25 THE COURT: That being?

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1 MS. HENDERSON: I apologize. He's badgering the witness.

2 THE COURT: I'll allow him to answer the question.

3 Go ahead.

4 BY MR. WHITE:

5 Q. Did you ever reach out -- in the two years that you were
6 in jail did you ever once reach out to anybody in law
7 enforcement and say, hey, let me tell you about this knife he
8 was wielding?

9 A. I told my lawyer.

10 Q. Okay. Now, let me ask you this, he was on the phone with
11 911; you knew that, right?

12 A. Yes, sir.

13 Q. Where did that phone go?

14 A. I don't know.

15 Q. It was never recovered.

16 A. I just know he had set it on the bed.

17 Q. Okay. So that phone is missing; isn't that right?

18 A. I believe so.

19 Q. Okay. Now, you said after you murdered him, you shot him
20 three times in the left side of his head, and you shot him
21 three times on the left side of his body, and once you know
22 right about here (indicating). After that, you said you felt
23 strange, you felt sweating and cold; is that right?

24 A. I don't believe I said that about the shots.

25 Q. After the shots. Didn't you just testify that you had

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- 1 tunnel vision and you felt sweaty and cold?
- 2 A. Yes. But I didn't say anything about where I shot him.
- 3 Q. Okay. All right. But I'm just saying after you shot him
- 4 that's how you felt, right?
- 5 A. Yes, sir.
- 6 Q. Okay. Sweaty and cold.
- 7 A. Yes, sir.
- 8 Q. But not as cold as Mr. Ingersoll?
- 9 A. I don't know.
- 10 Q. I mean, after you shot him seven times, you didn't try to
- 11 help him, did you?
- 12 A. No, sir.
- 13 Q. Did you go and see if he was still breathing?
- 14 A. No, sir.
- 15 Q. All right. Why seven times? I mean, not one time, right?
- 16 I mean, if he was charging you with a knife, probably one
- 17 would've done it but not two bullets, right? You didn't shoot
- 18 him twice. About three times, did you shoot him three times?
- 19 With three times have done it? How about four bullets into a
- 20 human body; do you think that would've backed him up a little
- 21 bit? Six times? Seven times? Is that what it took? And
- 22 even though he's charging you and your shooting him full of
- 23 bullets, he falls back on the bed; that's what you're telling
- 24 me?
- 25 A. (No response.)

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1 MR. WHITE: I beg the Court's indulgence.

2 BY MR. WHITE:

3 Q. When you talked to 911, you said quite clearly, I just
4 murdered a man; isn't that right?

5 A. I guess so.

6 Q. But you don't say I just murdered a man who was wielding a
7 knife, who was attacking me with a knife; you don't say that,
8 do you?

9 A. I guess not. I don't know.

10 Q. So you don't tell 911 that he had a knife; you know, you
11 don't tell investigators on the scene; you don't tell the
12 deputy coroner he had a knife, right?

13 A. I don't remember all that.

14 Q. Okay.

15 MR. WHITE: Sorry, Judge. Court's indulgence.

16 BY MR. WHITE:

17 Q. Thank you, Mr. Seidel.

18 MR. WHITE: Judge, I have nothing further.

19 THE COURT: Any redirect?

20 MS. HENDERSON: No redirect, Judge.

21 THE COURT: You may step down. Thank you, sir.

22 You may call your next witness.

23 MS. HENDERSON: Judge, that's it for the defense's case.

24 THE COURT: Thank you very much.

25 All right. Mr. White, you are recognized.

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JOSEPH LUCAS HARVIN, III - DIRECT BY WHITE

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1 MR. WHITE: Thank you very much, Judge.

2 At this time the state would call Officer Harvin to the
3 stand.

4 THE COURT: Yes, sir. Please come forward and place your
5 left hand on the Bible and raise your right hand as the clerk
6 administers the oath.

7 JOSEPH LUCAS HARVIN, III, HAVING BEEN DULY
8 SWORN, TESTIFIED AS FOLLOWS:

9 THE CLERK: Please be seated and state your full name for
10 the record.

11 THE COURT: Pull up real close to that microphone and
12 speak loudly, clearly, and slowly in order that we can hear
13 everything that you have to say. And let's start with your
14 full name, please, sir.

15 MR. HARVIN: Yes, sir. My name is Joseph Lucus Harvin,
16 III.

17 COURT REPORTER: Spell your last name, please.

18 MR. HARVIN: H-A-R-V-I-N.

19 DIRECT EXAMINATION OF JOSEPH LUCUS HARVIN BY MR. WHITE:

20 Q: Officer Harvin, how you doing?

21 A: Good.

22 Q: I just want to ask you a few questions. On the date that
23 brings us here today, did you have occasion to respond to that
24 location where this incident took place?

25 A: Yes. I'm sorry. I'm hard of hearing. One more time?

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JOSEPH LUCAS HARVIN, III - DIRECT BY WHITE

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1 Q: That's all right. Did you respond -- and I knew that, I
2 should've spoke up a little bit. Did you respond to the
3 incident location on this date?
4 A: Yes, I did.
5 Q: Okay. And what was the nature of that call?
6 A: Man wielding a rifle.
7 Q: Okay. And when you get on scene, you know, how -- what
8 do you encounter?
9 A: At that, at that -- when I first arrived, I came up the
10 middle of the road and saw Mr. Seidle.
11 Q: Okay. Did you see anybody else outside?
12 A: Three white females.
13 Q: All right. Did you -- I mean, what's your role then? I
14 mean, are you trying to secure the scene?
15 A: Yeah. So my role is to -- well, at that point, take Mr.
16 Seidle into custody, hand him over to the next responding
17 officer. Cleared the scene of any other suspects or make sure
18 that nothing else is gonna happen. And then I would wait on
19 EMS and landlock it down and wait on investigators.
20 Q: Okay. And how did Seidle -- how did he seem when you
21 approached him?
22 A: Mr. Seidle was calm, cool, and collect.
23 Q: Okay. Now, when you entered the residence -- you did
24 clear the residence, correct?
25 A: Yes, sir.

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JOSEPH LUCAS HARVIN, III - DIRECT BY WHITE

1 Q: Did you find anybody else inside other than Mr.
2 Ingersoll, the deceased?

3 A: Nobody else inside.

4 Q: When you entered that bedroom where he was murdered, did
5 you see -- how was the body laying?

6 A: His body was laying -- he was flat out on his -- almost
7 on his back, to the side just a little bit.

8 Q: Now, did you notice the knife that was clipped to his
9 pocket?

10 A: Yes. It was -- it looked like a -- maybe a painter's
11 knife in his pocket, closed.

12 Q: Okay. So, it was closed; was it still clipped?

13 A: I believe so, sir; yes, sir.

14 Q: Okay. Other than that-- let me ask you this, You saw the
15 -- did you see the rifle?

16 A: Yes, it was a black-in-color, appeared to be a small
17 caliber, .22 long rifle laying on the bed.

18 Q: Okay. Other than the rifle and then the painter's knife,
19 still sheathed, did you notice any other weapons inside that
20 room?

21 A: No, sir; I did not.

22 MR. WHITE: Judge, at this time, I'd like to publish for
23 your review the 911 calls associated with this case.

24 THE COURT: Okay. Any objection?

25 MS. HENDERSON: No objection, Judge.

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JOSEPH LUCAS HARVIN, III - DIRECT BY WHITE

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1 THE COURT: You may do so.

2 MR. WHITE: And, Judge, I do want to say for the record
3 that all the evidence that is going to be presented has been
4 stipulated to for the purpose of this hearing only.

5 THE COURT: Okay.

6 STATE'S EXHIBIT NUMBER 1

7 ADMITTED INTO EVIDENCE

8 (REPORTER'S NOTE: State's Exhibit 1 published. Audio not
9 transcribed herein.)

10 MR. WHITE: Judge, that was the 911 call from Mr.
11 Ingersoll to 911. I'd like to now play the 911 call made by
12 the defendant in the case.

13 THE COURT: Very good.

14 (REPORTER'S NOTE: State's Exhibit 1 published. Audio not
15 transcribed herein.)

16 MR. WHITE: And, Judge, now the last 911 call is 911
17 calling back and getting the defendant's mother, Ms. Donna
18 Torro.

19 THE COURT: Okay.

20 (REPORTER'S NOTE: State's Exhibit 1 published. Audio not
21 transcribed herein.)

22 MR. WHITE: Judge, at this time, the state has nothing
23 further for Officer Harvin.

24 THE COURT: Okay.

25 Any cross-examination?

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JOSEPH LUCAS HARVIN, III - CROSS BY HENDERSON

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1 MS. HENDERSON: Thank you, Judge.

2 CROSS-EXAMINATION OF JOSEPH LUCAS HARVIN, III BY MS.

3 HENDERSON:

4 Q: Deputy Harvin, Mr. Seidle met you in the yard, correct?

5 A: I don't know if I'd consider it meeting. I took the
6 suspect into custody immediately, as soon as I saw him. I
7 don't know if it was a meeting.

8 Q: Sure. He was in the front yard, though, right?

9 A: I don't know if I'd consider it the front yard either.

10 Q: He was in the yard?

11 A: Sure.

12 Q: Okay. He wasn't trying to run or hide, correct?

13 A: I believe he was laying down when I finally laid eyes on
14 him, and I was trying to make sure he didn't still currently
15 have the rifle in his hands.

16 Q: Okay. He indicated to y'all that it was he who y'all
17 were looking for, correct?

18 A: No, not to my knowledge.

19 Q: Okay. He complied with all of your commands, correct?

20 A: I gave no commands. I took him into custody, and I
21 cleared the scene, nor did I ask any questions.

22 Q: Okay.

23 MS. HENDERSON: May I beg the Court's indulgence.

24 BY MS. HENDERSON:

25 Q: Deputy Harvin, I have no further questions for you.

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ERIC WAYNE BARNES - DIRECT BY WHITE

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1 Thank you.

2 MS. HENDERSON: Thank you, Judge.

3 THE COURT: Any redirect?

4 MR. WHITE: No, sir, Judge.

5 THE COURT: You may step down.

6 MR. HARVIN: Thank you, sir.

7 MR. WHITE: Judge, at this time, the state would call
8 Eric Barnes to the stand.

9 THE COURT: Mr. Barnes, please come forward. I'd ask if
10 you could to set your paperwork down, place your left hand on
11 the Bible and raise your right hand as the clerk administers
12 the oath.

13 ERIC WAYNE BARNES, HAVING BEEN DULY SWORN,
14 TESTIFIED AS FOLLOWS:

15 THE C

16 LERK: Please be seated and state your full name for the
17 record.

18 MR. BARNES: Eric Wayne Barnes.

19 MR. WHITE: Judge, while I'm talking to Investigator
20 Barnes, we'll be dealing with State's Exhibit 2 through 15.

21 STATE'S EXHIBIT NUMBERS 2 THROUGH 15

22 ADMITTED INTO EVIDENCE

23 DIRECT EXAMINATION OF ERIC WAYNE BARNES BY MR. WHITE:

24 Q: Investigator Barnes, did you have occasion to become
25 involved in this investigation?

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ERIC WAYNE BARNES - DIRECT BY WHITE

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1 A: I did.

2 Q: Did you arrive on scene shortly after Officer Harvin, who
3 arrived first?

4 A: That's correct.

5 Q: And what is your role when you arrive on scene of a
6 murder case?

7 A: It all depends on what it entails. Each scene is
8 different, but most of the time we establish, you know,
9 basically what we have, GSR, you know, the suspect, stuff like
10 that, if anybody is deceased.

11 Q: That was an open-ended question. So let me ask you
12 specifically, is your role to -- in terms of the collection
13 and preservation of evidence?

14 A: That's correct.

15 Q: And you kind of mentioned it a little bit. Does that
16 include GSR?

17 A: That's correct.

18 Q: And what is GSR?

19 A: It's gunshot residue. It's a particle lifter that
20 detects either a lead barium and -- I can't think of the other
21 one off the top of my head, but ---

22 Q: But it tells whether or not if a gun ---

23 A: A firearm was present and gun powder.

24 Q: On a murder case, when you have a suspect, who, you know,
25 allegedly used a gun, is that kind of protocol? You ---

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ERIC WAYNE BARNES - DIRECT BY WHITE

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1 A: We still do, yes.

2 Q: Did you do that in this particular case?

3 A: I did.

4 Q: Now, when you are doing that GSR kit, where was the
5 defendant, Mr. Seidle?

6 A: I think standing behind the patrol car.

7 Q: Okay. Did you ask him any questions? I mean, do you --
8 you know, you are an investigator, but you're involved in
9 crime scene, do you ever ask questions of the defendant?

10 A: No, not particularly.

11 Q: Okay. Did he offer any information to you while you were
12 on scene?

13 A: I just happened -- when I was walking up, I heard the
14 utterance of him saying that, Yeah, I shot him. What happens
15 now?

16 Q: Okay. These photographs, and I think I've showed them to
17 you before, but I'm just gonna -- give you just kind of a
18 brief look. Did you take these photographs?

19 They've already been stipulated to, so just ---

20 A: Yes, sir.

21 Q: If you'd just look through them pretty quick.

22 A: I got you. Yes, I did.

23 Q: Thank you, sir. All right. I'm gonna show you what's
24 been marked and entered into evidence as State's Exhibit 2. I
25 want to make sure that's showing up on everyone's screen.

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ERIC WAYNE BARNES - DIRECT BY WHITE

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1 A: It's not focusing.
2 THE CLERK: It's not focused. There you go.
3 A: There you go.
4 Q: Now, is that Mr. Ingersoll pictured there?
5 A: That is correct.
6 Q: When you arrived on scene, is that how the body was
7 lying?
8 A: That is correct.
9 Q: I'm going to show you State's Exhibit 3. Is this a
10 close-up of the same?
11 A: That's correct.
12 Q: And this photograph?
13 A: Yes, I'm at the foot of the bed facing, yeah.
14 Q: And those three pictures give a pretty good indication --
15 I mean, how small was that room?
16 A: It was pretty tight.
17 Q: State's Exhibit 5, did you take that one?
18 A: I did.
19 Q: And State's Exhibit 6.
20 A: That's correct.
21 Q: State's Exhibit 7?
22 A: That's correct.
23 Q: Now, at this point, were you able to ascertain where the
24 shots, where the bullet holes were located?
25 A: From overall, yes, you could see some of them -- I mean,

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ERIC WAYNE BARNES - DIRECT BY WHITE

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1 without cleaning all the blood up and stuff, but you could
2 indicate that there was a -- there was several entry wounds
3 from -- the projectiles had struck his left abdomen.
4 Q: Okay. Now, eventually, you take photographs of the body,
5 you know, without the clothes covering it; is that correct?
6 A: Sometimes, we'll lift up the shirt and try to see, you
7 know, what we can see.
8 Q: I'm gonna show you State's Exhibit 8; is that what you
9 did here?
10 A: Yes, sir.
11 Q: Now, I'm gonna focus your direction -- you might see my
12 finger -- is that a grouping of three shots there?
13 A: That is correct.
14 Q: And is that to the left side of the body?
15 A: That is correct.
16 Q: And then there's one shot to the front, the left of the
17 midline; is that right?
18 A: That is correct.
19 Q: Now, is that -- is this -- State's Exhibit 9, is that the
20 grouping of three I just mentioned?
21 A: Yeah. That's a close-up of it.
22 Q: And that's to the left side of the body, correct?
23 A: That's the left side; that's correct.
24 Q: And then State's Exhibit 10 is just a little bit closer?
25 A: That is correct.

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ERIC WAYNE BARNES - DIRECT BY WHITE

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1 Q: Now, this photograph, that's the single shot; is that
2 right?

3 A: That is correct.

4 Q: And this is a photograph I want to direct your attention
5 to. Is this the doorway of the entry point to the bedroom?

6 A: That is correct.

7 Q: And is that the rifle laying there?

8 A: Yes, next to the foot of the bed.

9 Q: Was that -- is that the rifle that was used in this
10 incident?

11 A: Yes, sir.

12 Q: All right.

13 MR. WHITE: I beg the Court's indulgence.

14 BY MR. WHITE:

15 Q: Now, based on, you know, you saw the room and you saw the
16 evidence. In your opinion, is there any way that the shots
17 could've been fired from anywhere other than that entryway?

18 A: No, not unless it was closer to the -- within a few feet.

19 Q: Okay.

20 A: Near the doorway.

21 Q: Is that the rifle there?

22 A: It is.

23 Q: And this shell casing, where is this shell casing
24 located?

25 A: That's at the threshold of the entranceway to the

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ERIC WAYNE BARNES - DIRECT BY WHITE

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1 bedroom.

2 Q: Okay. And how about this particular shell casing?

3 A: That is a little -- slightly just in front of the

4 threshold of the doorway.

5 Q: Okay. Now, did you spend a good bit of time inside that

6 bedroom?

7 A: I did.

8 Q: Did you collect evidence, preserve evidence?

9 A: I did; photographed and collected.

10 Q: And you located -- at any time did you -- I'm just gonna

11 point out State's Exhibit 3 one more time for you. Do you see

12 that, that painter's knife attached to his pants?

13 A: Not in that picture.

14 Q: Let's see if I can focus it a little bit. How about now?

15 Here, I'll just show it to you.

16 A: Yes.

17 Q: Was that knife still clipped to his belt?

18 A: It was.

19 Q: Was it still sheathed?

20 A: It was; it was closed.

21 Q: All right. Other than that knife and that rifle, did you

22 find any other weapons inside that room?

23 A: Just this cell phone clip holder holster.

24 Q: And that's the -- and that's pictured there as well to

25 the -- on the right side of his pants?

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ERIC WAYNE BARNES - CROSS BY HENDERSON

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1 A: That's correct.

2 Q: Okay.

3 MR. WHITE: Judge, I have nothing further.

4 THE COURT: Cross-examination, Ms. Henderson.

5 MS. HENDERSON: Thank you, Judge.

6 CROSS-EXAMINATION OF ERIC WAYNE BARNES BY MS. HENDERSON:

7 Q: Corporal Barnes, you indicated that you conducted GSR
8 tests, correct?

9 A: That's correct.

10 Q: And those are gunshot residue tests, correct?

11 A: That's correct.

12 Q: Do you have a copy of your case notes as contained in the
13 ---

14 A: I do.

15 Q: Can you pull up on page 1 of your case notes? You
16 performed gunshot residue tests on all the individuals present
17 on the scene?

18 A: That is correct.

19 Q: And Deola (spelled phonetically) Foxworth and Donna Torro
20 tested positive for gunshot residue, correct?

21 A: Without looking at the report, I'm not sure. I'll have
22 to look at it.

23 Q: And Corporal Barnes, it's right on page 1, if you want to
24 -- I'm just referencing your notes.

25 A: Okay. Go ahead.

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ERIC WAYNE BARNES - CROSS BY HENDERSON

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1 Q: It's about halfway down.

2 A: Yes, that's correct.

3 Q: Okay. And Bryan Seidle tested negative for gunshot
4 residue, correct? That's right after that.

5 And, Corporal Barnes, I'm just referencing on the -- I'm
6 just reading verbatim right off your case notes.

7 A: Right. Okay.

8 Q: And the victim tested positive for gunshot residue,
9 correct?

10 A: I believe so.

11 Q: Is a .22 caliber weapon a powerful weapon?

12 A: It's -- it can kill, yes.

13 Q: Okay. Are there more powerful weapons out there?

14 MR. WHITE: Judge, I'm not sure that he's qualified to
15 make that determination.

16 THE COURT: I'll allow her to ask it, for what it's
17 worth.

18 A: I mean, yeah, there are more powerful guns than that.

19 BY MS. HENDERSON:

20 Q: Sure. Thank you.

21 Corporal Barnes, I'm going to show you State's Exhibit 2
22 that you just referenced. This is a very cluttered room,
23 isn't it?

24 A: It is.

25 Q: It's a messy room, isn't it?

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ERIC WAYNE BARNES - REDIRECT BY WHITE

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1 A: That's correct.

2 Q: State's Exhibit Number 12, you testified that this was
3 the doorway leading into the room, correct?

4 A: That's correct.

5 Q: Isn't it correct there's also another doorway over to the
6 left that you didn't testify to?

7 A: Yes, there's one adjacent right there.

8 Q: Correct.

9 MS. HENDERSON: May I beg the Court's indulgence?

10 THE COURT: Yes.

11 BY MS. HENDERSON:

12 Q: No further questions, sir. Thank you.

13 A: Okay.

14 THE COURT: Any redirect?

15 MR. WHITE: Just briefly, Judge.

16 REDIRECT EXAMINATION OF ERIC WAYNE BARNES BY MR. WHITE:

17 Q: Corporal Barnes, isn't it true that GSR is a bit
18 volatile?

19 A: It is. I mean, you've got a lot of variables in it. I
20 mean, if you're in the, what they call the satellite pattern,
21 if it -- when it's been fired, you could be, you know, test
22 positive. If you're sweating, or a case may be, you can -- it
23 could -- it could make a really -- you know, the residue
24 removed.

25 Q: Were you in here earlier when the defendant testified

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ERIC WAYNE BARNES - REDIRECT BY WHITE

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1 that he was sweating?

2 A: That's correct.

3 Q: And are you also aware that during the course of the
4 investigation it was, you know, brought to light that the gun
5 was moved from the bed to the side of the bed by the two
6 individuals who tested positive for GSR?

7 A: That's correct.

8 Q: Okay.

9 MR. WHITE: Judge, I have nothing further.

10 THE COURT: You may step down. Thank you, sir.

11 You may call your next witness.

12 MR. WHITE: Judge, just as a scheduling, I'm gonna put up
13 the Deputy Coroner. And then at that point, and that should
14 be relatively quick, then we'll deal with the WebEx situation,
15 Judge, and then my final witness would be Investigator Price.
16 I didn't know if you perhaps wanted to take a short break or I
17 could just jump right into it.

18 THE COURT: We can take about a five-minute recess.

19 MR. WHITE: Yes, sir.

20 THE COURT: Very good.

21 MS. HENDERSON: Thank you, Judge.

22 **OFF THE RECORD - 11:01 A.M.**

23 *****OFF THE RECORD*****

24 **ON THE RECORD - 11:18 A.M.**

25 THE COURT: You may call your next witness.

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DANNY DEAN TAYLOR - DIRECT BY WHITE

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1 MR. WHITE: Thank you, Judge. The state will call Deputy
2 Coroner Danny Taylor.

3 THE COURT: Yes, sir. Please come forward. I'm gonna
4 ask if you could to place your left hand on the Bible and
5 raise your right hand as the clerk administers the oath.

6 DANNY DEAN TAYLOR HAVING BEEN DULY SWORN,
7 TESTIFIED AS FOLLOWS:

8 THE CLERK: Please be seated and state your full name for
9 the record.

10 MR. TAYLOR: I'm Danny Dean Taylor.

11 DIRECT EXAMINATION OF DANNY DEAN TAYLOR BY MR. WHITE:

12 Q: Mr. Taylor, did you arrive on scene during this
13 investigation?

14 A: I did.

15 Q: You arrived there in your capacity as Deputy Coroner?

16 A: That's correct.

17 Q: Did you -- were you made aware that a suspect was still
18 on scene?

19 A: I was.

20 Q: Did you have occasion to speak with the suspect?

21 A: I did.

22 Q: What was his demeanor? How did he carry himself?

23 A: I would consider it normal.

24 Q: Okay. Did he seem to understand what was going on and if
25 any questions were asked of him, those questions, did he

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DANNY DEAN TAYLOR - CROSS BY HENDERSON

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1 appear to understand everything?

2 A: Yes.

3 Q: Did he say anything to you in particular?

4 A: When I first approached him, and I am not law
5 enforcement, so -- but I did ask him if he understood his
6 rights. And he said that he did but he wanted to help in any
7 way he could.

8 Q: Okay. And at that point, did he say anything else?

9 A: He did. I asked him what happened, and he said that his
10 mother and the deceased had got into an argument. She had
11 left and he wanted him to leave, also. He wouldn't leave, so
12 he got the rifle to make him leave. At which time I asked him
13 how many times he fired, he said, I don't know, I just fired
14 until it stopped.

15 Q: Okay.

16 MR. WHITE: Beg the Court's indulgence.

17 BY MR. WHITE:

18 Q: Did he mention at any time when you were speaking to him
19 about the victim coming at him with a knife?

20 A: He did not.

21 MR. WHITE: Thank you, Judge. I have nothing further.

22 THE COURT: Cross-examination?

23 MS. HENDERSON: One moment, please, Judge.

24 CROSS-EXAMINATION OF DANNY DEAN TAYLOR BY MS. HENDERSON:

25 Q: Deputy Coroner Taylor, we have no questions for you.

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NICHOLAS IKE BATALIS - DIRECT BY WHITE

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1 for the trial.

2 MS. HENDERSON: Certainly.

3 THE COURT: Very good. All right.

4 DIRECT EXAMINATION OF NICHOLAS IKE BATALIS BY MR. WHITE:

5 Q: Dr. Batalis, can you hear me okay?

6 A: Yes, I can.

7 Q: Okay. I just wanted to ask you a few questions about
8 your qualifications and where you went to med school and that
9 sort of thing. Where did you go to school -- medical school?

10 A: I went to medical school at the Indiana University School
11 of Medicine in Indianapolis, Indiana.

12 Q: And how about your residency, what did that entail?

13 A: After graduating medical school, I came down to the
14 Medical University of South Carolina in Charleston, where I
15 pursued my residency training in anatomic and clinical
16 pathology from 2003 to 2007.

17 Q: And Dr. Batalis, Madam Court Reporter just reminded me,
18 we need to go ahead and swear you in. Okay? We're gonna do
19 that at this time.

20 A: Sure.

21 NICHOLAS IKE BATALIS, HAVING BEEN DULY
22 SWORN, TESTIFIED AS FOLLOWS:

23 BY MR. WHITE:

24 Q: And Dr. Batalis, if you could, would you say your whole
25 name for the record?

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NICHOLAS IKE BATALIS - DIRECT BY WHITE

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1 A: My name is Nicholas Ike Batalis, B-A-T-A-L-I-S.

2 Q: And Dr. Batalis, how did you get involved in forensic
3 pathology?

4 A: After completing my medical school training and residency
5 training in general pathology, then went on to a one-year
6 fellowship in forensic pathology at the Dallas County Medical
7 Examiner's Office in Dallas, Texas. During that year we, you
8 know, focused on forensic pathology training, predominantly
9 performing autopsies to determine the cause and manner of
10 death. At the end of that fellowship, I passed the National
11 Board Examination to become board certified, and then took my
12 current position.

13 Q: Now, in your current position, how long have you been
14 with MUSC?

15 A: I've been at MUSC in a faculty role, this is -- I'm
16 working on my thirteenth year now.

17 Q: And do you have to go through continuing education?

18 A: Yes, we do. As part of our national qualifications and
19 state licensure, we have to obtain at least 35 credit hours
20 each year of continuing education.

21 Q: And during any given week, how many autopsies do you
22 think you perform?

23 A: Our schedule is a little different that we take it, I do
24 maybe a week a month, but over the course of a year, the last
25 couple of years, I've been performing about 250 autopsies.

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NICHOLAS IKE BATALIS - DIRECT BY WHITE

1 So, if you average it out, roughly five a week, but it tends
2 to be more 25 one week, none for a couple of weeks, then
3 another 25; that sort of thing.

4 Q: Okay. How many times do you think you've testified as an
5 expert in forensic pathology?

6 A: I don't have a specific log, but at this point, I would
7 guess somewhere between 75 and 100 times in South Carolina; I
8 believe twice in Texas; and twice in North Carolina.

9 Q: Thank you, Dr. Batalis.

10 MR. WHITE: Judge, at this time, I would move that Dr.
11 Batalis be admitted to testify as an expert in forensic
12 pathology.

13 THE COURT: Any query with regard to his qualifications?

14 MS. HENDERSON: No objection, Judge.

15 THE COURT: All right. He is so qualified to testify in
16 his area of expertise of forensic pathology.

17 You may proceed.

18 MR. WHITE: Thank you, Judge.

19 BY MR. WHITE:

20 Q: Dr. Batalis, were you involved or did you lead in the
21 autopsy of Michael Ingersoll?

22 A: Yes, I performed his autopsy on May 28th of 2018.

23 Q: And what was the cause of death?

24 A: The cause of death was ultimately determined to be
25 gunshot wounds of the head and trunk.

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1 Q: And how many gunshot wounds in its entirety?

2 A: He had seven gunshot wounds on his body, including three
3 on the head and then four on the trunk.

4 Q: The three on the head, where were they located
5 specifically on the head?

6 A: The three gunshot wounds on the head were all located in
7 a cluster on the left side of the face.

8 Q: And how about the ones on the trunk; where were they
9 located?

10 A: On the trunk, there was also a cluster of three gunshot
11 wounds that were on the left side of the trunk. And then a
12 single gunshot wound was on the mid -- the mid abdomen. So
13 three on the lower left side of the abdomen and one on the mid
14 abdomen.

15 Q: I want to ask you a little bit about the trajectory of
16 those bullets. What if anything can you tell us about the
17 trajectory?

18 A: So these wounds were clustered, the wounds on the head,
19 basically they were close enough together, once the penetrated
20 the skin, it was impossible to say which of those three was
21 correlated with which of the bullets, so we kind of cluster
22 the pathways. But as far as the gunshots to the head, all of
23 them were traveling predominantly left to right. So
24 essentially, straight across the head from the left side of
25 the face towards the right side of the face and just a little

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1 bit downward. And as far as the head goes, we did recover all
2 three bullets from the right side of the face. As far as the
3 abdomen goes, again, as far as the -- we had the cluster of
4 three wounds on the left side of the abdomen, their
5 predominant pathway was actually upward, so traveling upward
6 towards the decedent's head. As we -- those gunshots were,
7 again, in the lower abdomen. We recovered them in the upper
8 left side of the chest. So they predominantly were traveling
9 upward and a little bit left to right and a little bit from
10 his front to back. And then the final wound, which was in the
11 mid-abdomen, it has a very similar profile to the ones on the
12 left side of the abdomen. Predominantly, that bullet was
13 traveling upward and towards his front to back.

14 Q: And what if anything does that trajectory, those
15 pathways, tell you about this incident?

16 A: It's very irregular -- certainly irregular pathway. You
17 know, if two people -- and you know when we have pathways, we
18 have to take into account that the victim is -- could be in a
19 moving state and the shooter and the weapon could be moving.
20 But for the bullets to travel upward like that is -- again,
21 it's quite strange to be able to try and configure, you know,
22 how that would've been. Again, if the shooter was standing
23 underneath the decedent kind of shooting upward would be a
24 possibility. You know, there's various ways we could kind of,
25 you know, put the individuals -- but yeah, the bullets

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1 traveling upward is -- but not a pathway we commonly see.

2 Q: Now, would it -- if the victim would've been approaching
3 the defendant, would you typically see pathways such as this?

4 A: So if they were -- if the victim and the shooter were
5 both standing upright and he's -- and the victim is
6 approaching the shooter, if he's standing upright, we would
7 expect those pathways to go straight front to back, so we
8 would not expect them to have any upward trajectory. Likewise
9 if he was kind of charging towards the shooter, if he was kind
10 of bending over, you know, kind of charging, in those
11 instances we typically see the bullets traveling more
12 downward. If you kind of lean towards -- towards me and I
13 shot you in the chest, that would mostly likely enter your
14 chest and it would go down in your body since your body is
15 leaned over. In this case, it would almost be the opposite
16 where the decedent was facing the shooter and they were both
17 in the standing position, the shooter would almost have to be
18 kind of leaning, leaning or falling backwards to get that
19 pathway.

20 Q: So is it -- are you of the opinion that the wounds here
21 and the trajectory that the bullets took is inconsistent with
22 the victim charging the defendant?

23 A: I would agree with that.

24 MR. WHITE: Judge, I have nothing further.

25 THE COURT: Cross-examination of this witness?

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1 MS. HENDERSON: Thank you, Judge.

2 CROSS-EXAMINATION OF NICHOLAS IKE BATALIS BY MS. HENDERSON:

3 Q: Mr. Batalis, Christie Henderson from the public
4 defender's office. How are you doing?

5 A: Hello. Good.

6 Q: Good. Do you have a copy of your autopsy report in front
7 of you?

8 A: I do.

9 Q: Okay. On page 2 of that report, you list that personal
10 effects received with Mr. Ingersoll's body include a pocket
11 tool, a pocket knife, three lighters, three metal screens, a
12 bag of green leafy material, and an open pack of cigarettes
13 with a container with some green leafy material. Correct?

14 A: Yes.

15 Q: Going to your examination of the body, the numbering of
16 the gunshot wounds in the autopsy are not chronological or
17 sequential as to your opinion as to the order in which the
18 shots were fired, correct?

19 A: No. They are -- the numbers there are basically so I
20 could relay my description of those wounds, so that we're on
21 the same page in describing them. But, no, I can't determine
22 from the autopsy as far as which shot would've -- would've
23 come first.

24 Q: Sure. They're just numbered merely to denote the order
25 in which you examined the wounds, right?

1 A: Correct.

2 Q: And you can't say that the shots to the head came before
3 the shots to the body or vice versa, correct?

4 A: In this case, I cannot, correct.

5 Q: Okay. You can't say how fast the shots were fired other
6 than that they were fired fast, correct?

7 A: Correct. You know, when we have tight clustering of
8 wounds like we do on the face and abdomen, at least those two
9 clusters of three, those would've had to be sequential. You
10 know, there wouldn't have been two or three seconds in-between
11 them. You know, as far as the one that was separated on the
12 abdomen, that could've been a little bit later, but the --
13 certainly, the three in the abdomen, the three in the head,
14 each of those clusters would've been fired very quickly after
15 one another.

16 Q: Sure. And in fact, you weren't there; we don't really
17 know what happened, do we?

18 A: I was not at the incident. I examined the body during
19 the autopsy process.

20 Q: And you haven't seen the scene, correct?

21 A: I have not seen the scene.

22 Q: Thank you, sir. No further questions.

23 THE COURT: Any redirect?

24 MR. WHITE: Just briefly, Judge.

25 REDIRECT EXAMINATION OF NICHOLAS IKE BATALIS BY MR. WHITE:

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1 Q: Dr. Batalis.

2 A: Yes.

3 Q: Did you note any stippling on any of the wounds?

4 A: I did not have any center stippling associated with any
5 of the gunshot wounds.

6 Q: And what does that tend to indicate? What is your
7 opinion about the distance the defendant would've been from
8 the victim at the time the shots were fired?

9 A: Sure. So, briefly, when we talk about a range of a
10 gunshot wound, we rely on some factors that come out of the
11 gun other than just the bullet. So, when the bullet is fired,
12 there is two other types of material that come out. One is
13 what we call soot, which is basically the burnt up gas and
14 combustion, it's a product of the explosion of the bullet
15 being fired. And with soot, typically, that all depends on
16 the type of weapon and the ammunition, but that will travel up
17 to roughly a foot from the barrel of the gun. The other thing
18 you can -- that can happen is we have ---

19 (REPORTER'S NOTE: No audio.)

20 Q: Dr. Batalis, are you still with us?

21 MR. WHITE: Just a moment, Judge. My apologies.

22 A: --- based on the information and this that we saw in this
23 decedent either the shooter was more than four feet away or
24 there had to be some sort of intervening object -- intervening
25 object that would absorb that soot and stippling.

1 THE COURT: Let's back up to that last -- explain to him
2 there as a spot there.

3 MR. WHITE: Yes, sir.

4 THE COURT: Let's start back from the last question.

5 MR. WHITE: Yes, sir.

6 BY MR. WHITE:

7 Q: Dr. Batalis, can you hear me okay?

8 A: Yes.

9 Q: Okay. You broke up on our end. So I want to backtrack a
10 little bit.

11 A: Okay.

12 Q: I'm just gonna ask -- I'm gonna re-ask that question and
13 we'll just take it from the top. Okay?

14 A: Sure.

15 Q: Okay. Dr. Batalis, and I asked, What is your opinion --
16 what do you think -- what does the lack of soot or stippling
17 in this particular case indicate to you?

18 A: So, yeah, just briefly here, in order to determine the
19 range of a gunshot, we rely on other features of the wound
20 that are products that come out of the gun when the bullet is
21 fired. One of those is soot, which is the burnt out
22 combustion products and smoke that comes out when there is the
23 explosion in the gun. The soot will travel roughly a foot
24 from the gun to where it basically dissipates. The other
25 thing that comes out of the gun are pieces of gun powder that

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1 are either still burning or not burned at all and the
2 explosion when the bullet is fired, those can then travel
3 through the air and cause small scraps or abrasions on the
4 skin and what we call stippling. Stippling typically will go
5 out no more than three to four feet depending on the weapon
6 and the ammunition. So, taking those together, in this case,
7 we did not have soot or stippling. So one possibility is that
8 the shooter, the barrel of the gun was at least three to four
9 feet from the body when it was fired. The other possibility
10 would be that there was an intervening object, a pillow,
11 clothing, a door, a window, but some other object between the
12 gun and the decedent that could have absorbed or interfered
13 with those substances being deposited.

14 MR. WHITE: Beg the Court's indulgence, Your Honor.

15 A: Did that come through?

16 BY MR. WHITE:

17 Q: Yes, sir. Just one second, Dr. Batalis. Thank you so
18 much.

19 Dr. Batalis, last question for you. Being that six out
20 of the seven gunshot wounds were to the left side of the
21 victim's body, what if anything does that tell you about the
22 location of the defendant when the shots were fired?

23 A: That tells me that when the gun was fired -- again, I
24 can't tell exactly how the bodies were situated but we know
25 that the barrel of the gun was pointing towards the left side

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1 of the decedent's body when it was fired six of the seven
2 times.

3 Q: Thank you, Dr. Batalis. I have nothing further. Please
4 answer any questions Defense may have for you.

5 MS. HENDERSON: No further questions, Judge.

6 THE COURT: Very good. All right.

7 Thank you, Doctor.

8 MR. WHITE: Thanks, Doc. I'm gonna close you down. I
9 appreciate you.

10 DR. BATALIS: I just wanted to really let you guys know
11 how much I appreciate you being flexible with this. It's been
12 a great help as we're trying to navigate this down here.

13 Thank you very much, Your Honor, and to the attorneys.

14 THE COURT: Very good. Thank you very much.

15 MR. WHITE: Thanks, Doc.

16 Judge, at this time, the state would call Investigator
17 Ben Price.

18 THE COURT: All right. Mr. Price, please come forward
19 and place your left hand on the Bible and raise your right
20 hand as the clerk administers the oath.

21 ROBERT BENJAMIN PRICE, HAVING BEEN DULY
22 SWORN, TESTIFIED AS FOLLOWS:

23 THE CLERK: Please be seated and state your full name for
24 the record.

25 MR. PRICE: Robert Benjamin Price.

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ROBERT BENJAMIN PRICE - DIRECT BY WHITE

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1 THE COURT: Pull that microphone down just a little bit.
2 Now you're talking. Go ahead.

3 MR. PRICE: Is that better?

4 THE COURT: Yes.

5 DIRECT EXAMINATION OF ROBERT BENJAMIN PRICE BY MR. WHITE:

6 Q: Investigator Price, were you the lead investigator on
7 this case?

8 A: I was.

9 Q: Did you arrive on scene sometime after Deputy Harvin?

10 A: Yes, I did.

11 Q: And when you arrived on scene, what if anything did you
12 find?

13 A: The scene, there were quite a few law enforcement cars
14 already there. I met with Deputy Harvin, who was there, and
15 also Sargent William Odom, and they gave me a brief rundown of
16 what they'd done up until the point until I had gotten there.

17 Q: Now, were you made aware that the suspect was still on
18 scene?

19 A: Yes.

20 Q: Where was he when you were notified that he was still
21 there?

22 A: He was in the back of a patrol car.

23 Q: Did you approach him at that time?

24 A: I don't believe I did at that time. I believe at first I
25 went inside the residence. And then after I came back out,

1 I'd approached the patrol car.

2 Q: Now, were you in here when I showed the photographs to
3 Corporal Barnes?

4 A: Yes.

5 Q: The location of the body, is that where the body was when
6 you entered the residence?

7 A: That's correct.

8 Q: Now, did you also see in those photographs the gun lying
9 there?

10 A: Yes.

11 Q: During the course of your investigation, were you made
12 aware that the gun was moved from the bed to that location by
13 the two individuals who tested positive for GSR?

14 A: I was.

15 Q: Okay. Now, when you come back out and you approach the
16 defendant in this case, did you read him his Miranda rights?

17 A: I did. He was in the back of the patrol car. It was
18 locked, as normally deputies do. He unlocked the patrol car,
19 I opened the door. I advised him of his Miranda rights. He
20 said that, you know, he wanted to talk to me. I was mainly
21 getting him out of the car so that Corporal Barnes could take
22 photographs and do his forensic things that he does on scene.
23 I had no intention of questioning Mr. Seidle there on scene.
24 But, I still advised him of his rights at that time.

25 Q: Did you ask him any questions at that time?

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- 1 A: No, I did not.
- 2 Q: Did he offer any information at that time?
- 3 A: Yeah. He had stated -- he just wanted to know what was
4 gonna happen next because he had shot someone.
- 5 Q: What was his demeanor like? How -- was he calm?
- 6 A: Yeah, he was very calm. He seemed collected to me. He
7 didn't seem very -- I don't want to say very -- he didn't seem
8 agitated at all. He was talking like a normal person would to
9 me.
- 10 Q: Did he seem to understand everything that was being told
11 to him?
- 12 A: When Corporal Barnes was talking to him, asking him to do
13 things for the pictures and explaining to him what he was
14 doing as far as the GSR, he seemed like he understood.
- 15 Q: Now, at some point thereafter, was he -- he being Mr.
16 Seidle, was he transported to Florence County Sheriff's
17 Office?
- 18 A: He was.
- 19 Q: And did you at that time bring him into an interview
20 room?
- 21 A: I did.
- 22 Q: Did you then Mirandize him again?
- 23 A: Yes, I did.
- 24 Q: What was his demeanor at that time?
- 25 A: He was still pretty calm. He didn't seem -- he didn't

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1 seem like he was confused. I mean, he seemed pretty normal.

2 Q: And how long after you were on scene did you bring Mr.
3 Seidle into that interview room?

4 A: It was later that evening, a couple a hours, maybe, that
5 was -- after I had arrived on scene. I can't remember the
6 exact times.

7 Q: And when you Mirandized him at that time, did he state
8 that he understood his rights?

9 A: He did.

10 Q: Did he ask or did he state that he wished to speak to you
11 at that time?

12 A: He did.

13 Q: Now, was that -- the entirety of that interview, was it
14 recorded?

15 A: It was.

16 Q: Was it video recorded?

17 A: Yes.

18 Q: Was it audio recorded?

19 A: Yes.

20 MR. WHITE: Judge at that -- this time, I'd like to
21 publish that to you.

22 THE COURT: Yes, sir.

23 Any objection from Defense?

24 MS. HENDERSON: No objection, Judge.

25 STATE'S EXHIBIT NUMBER 22

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1 ADMITTED INTO EVIDENCE

2 (REPORTER'S NOTE: State's 22 published. Audio not
3 transcribed herein.)

4 MR. WHITE: Judge, if it's all right with you, I'm just
5 gonna fast forward it until Investigator Price comes back in
6 the room.

7 THE COURT: Any objection from Defense?

8 MS. HENDERSON: No objection, Judge.

9 (REPORTER'S NOTE: State's Exhibit 22 published. Audio not
10 transcribed herein.)

11 BY MR. WHITE:

12 Q: Now, Investigator Price, you said you were made aware
13 that the gun was moved prior to your arriving on the scene?

14 A: That's correct.

15 Q: And that was by the occupants of the house?

16 A: Correct.

17 Q: Were you made aware that any, like, knives were moved?
18 Were you made away at any time of this charging-at-Mr.
19 Ingersoll-with-a-knife theory?

20 A: No, I was not.

21 Q: Now, did you ever -- did you have an occasion to
22 investigate any prior domestic violence claims, any calls that
23 came from that residence of any sort?

24 A: I did a call history search. There was a call, I believe
25 it was the beginning of April that was made from that

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1 residence, but there was not a report done and there were no
2 notes in the CAD system, which is what 911 uses to document
3 their calls, as to who the caller or the suspect or any of
4 that was.

5 Q: So you had no idea where -- you know, who made that call,
6 where it originated from what it pertained to?

7 A: Only that it came from the 124 [REDACTED]; that's
8 the only thing that I know.

9 Q: Now, when you see that in a CAD report, what does that
10 indicate to you?

11 A: There was not enough either -- well, let me back up.
12 There was either not enough for deputies to do anything or the
13 occupants or the parties that were there were not cooperative.

14 Q: Now, during the confession, murder confession that we
15 just heard, did you hear Mr. Seidle say that he counted down
16 from three?

17 A: Yes.

18 Q: Did you hear him say that Mr. Ingersoll did not move for
19 the entirety of those three seconds?

20 A: Yes.

21 Q: Did he make any mention of a knife at all?

22 A: No, he did not.

23 Q: Did you -- I mean it appeared to me that you gave him
24 multiple, you know, opportunities to add on to the story, did
25 he offer that up at all?

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1 A: No, he did not.

2 Q: And I believe you specifically asked him if he was rushed
3 by the victim; is that correct?

4 A: I asked if he -- I think I asked if he came toward him.
5 I may've used the word rushed, and Mr. Seidle said no, he
6 didn't, that he didn't come toward him.

7 Q: Now, we see that phone case on his belt, and I -- he, I
8 mean Mr. Ingersoll -- did that stick out to you at all?

9 A: Yes, it did.

10 Q: You know, why did it stick out to you?

11 A: Because we did not recover a phone from the scene that
12 would've fit -- I call them phone holsters -- but we did not
13 find or recover a phone that would've fit that.

14 Q: Now, he also made some mention of, you know, something
15 about some googly eyes from a little girl across the street or
16 something. Did you look into if any complaints had been made?
17 Are you aware of any evidence that would support that
18 particular allegation?

19 A: I did. I looked to see if there were complaints of that,
20 and I forwarded it over to the CSC section that we have. To
21 my knowledge, there was never anything -- enough to follow up
22 on about that.

23 Q: Now, did -- in the entirety of that interview, did Mr.
24 Seidle seem to understand what he was talking about,
25 understand what was going on?

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ROBERT BENJAMIN PRICE - CROSS BY HENDERSON

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1 A: He seemed so to me, yes.

2 Q: Did it seem to you that his recollection, both of, you
3 know, times in the past, two years in the past, as well as the
4 present, did it seem that those recollections were specific in
5 nature?

6 A: They did.

7 MR. WHITE: I beg the Court's indulgence for one second.

8 BY MR. WHITE:

9 Q: Investigator Price, I have nothing further. Please
10 answer any questions Defense may have.

11 A: Thank you.

12 THE COURT: Yes, ma'am.

13 MS. HENDERSON: Thank you, Judge.

14 CROSS-EXAMINATION OF ROBERT BENJAMIN PRICE BY MS. HENDERSON:

15 Q: Investigator Price, you conducted this interview after
16 midnight, correct?

17 A: At the jail, the confession, yes, ma'am.

18 Q: Okay. I think you ---

19 A: I believe -- I'm sorry. I didn't mean to cut you off. I
20 believe it was right after midnight.

21 Q: Okay. I think the timestamp was 12:19 in the morning,
22 correct?

23 A: I believe so.

24 Q: Okay. Mr. Seidle fully cooperated with you, correct?

25 A: Yes, ma'am.

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BY THE COURT

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1 Q: Wanted to help, correct?

2 A: Yes, ma'am.

3 MS. HENDERSON: I think that's it, Judge. Thank you.

4 THE COURT: Thank you.

5 Any redirect?

6 MR. WHITE: No, sir, Judge.

7 THE COURT: You may step down. Thank you, sir.

8 MR. PRICE: Thank you, Your Honor.

9 THE COURT: Anything further?

10 MR. WHITE: No, sir, Judge.

11 THE COURT: Anything in reply?

12 MS. HENDERSON: No, Your Honor.

13 BY THE COURT:

14 THE COURT: Okay. Very good.

15 Ms. Henderson ---

16 MS. HENDERSON: Yes, sir.

17 THE COURT: Based on our discussions in chambers before
18 this hearing, you are solely relying on Section C?

19 MS. HENDERSON: I am, Your Honor.

20 THE COURT: Of 16-11-440; is that correct?

21 MS. HENDERSON: Correct, Judge.

22 THE COURT: And it provides in relevant part, a person
23 who is not engaged in unlawful activity and who is attacked in
24 another place where he has a right to be, including but not
25 limited to his place of business, has no duty to retreat and

State of South Carolina	)	Court of General Sessions
	)	Twelfth Judicial Circuit
County of Florence	)	Case No. 2018-GS-21-01846
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
Bryan Austin Seidle,	)	
	)	
Defendant.	)	
	)	

October 15, 2020
Florence, South Carolina

B E F O R E:

The Honorable Michael G. Nettles, Judge

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

J. Ryan White, Esquire
Attorney for the Plaintiff

Christie Henderson, Esquire
Attorney for the Defendant

Proceedings taken down by:
Nicole Carney
Official Circuit Court Reporter

Transcribed by:
Krystal J. Smith
Official Circuit Court Reporter

1 OCTOBER 15, 2020

2 (WHEREUPON, the proceedings began.)

3 THE COURT: I'll be glad to -- we have a number of
4 motions. I'll be glad to hear from the moving party.

5 MR. WHITE: Judge, I believe the State has one motion
6 and the rest are left up to defense. I'll be happy to argue
7 mine first or wait until Ms. Henderson argues hers, however
8 the judge or the Court wants to hear them.

9 THE COURT: Okay. We'll hear yours first.

10 MR. WHITE: Judge, I made a motion in limine to exclude
11 any discussion about the deceased in this case, his sex
12 offender status, along with --

13 THE COURT: Well, let me ask you --

14 MR. WHITE: Yes, sir.

15 THE COURT: When was he determined to be a sex offender?

16 MR. WHITE: I believe that was back in '93, Judge. He
17 was, I think -- I want to say he was 17 years old, and it was
18 an attempted sexual battery. I don't think it has anything
19 to do with --

20 THE COURT: Certainly outside of the 10-year limit?

21 MR. WHITE: Yes, sir.

22 THE COURT: What -- what do you have to say about that,
23 Ms. Henderson?

24 MS. HENDERSON: Certainly, Judge. And any discussion of
25 Mr. Ingersoll's sex offender status has nothing to do with

1 the underlying charge. It has to do fully with my client's
2 frame of mind the night that this shooting occurred. As I
3 believe you remember from the stand your ground hearing, Mr.
4 Seidle testified that he had known this individual for
5 approximately 10 years.

6 There are many different variables that came into play
7 with his frame of mind when that trigger was pulled pertinent
8 to that, especially his sex offender status, specifically
9 because as a child -- excuse me -- as a minor, Mr. Seidle, I
10 believe, testified that he and his siblings were not allowed
11 to be alone with this individual because of his sex offender
12 status. We believe it's pertinent to a complete defense.

13 THE COURT: What do you have to say about that?

14 MR. WHITE: Judge, I would disagree. I believe that
15 what Mr. Seidle testified to is the reason he was trying to
16 expel the individual from his home was because he didn't have
17 permission to be there and then, also, I think he fumbled
18 around a little bit and said because he was stealing
19 something. I don't know that he ever -- although he did say
20 before, you know, that there was some issue with the sex
21 offender registry and him being alone with Mr. Ingersoll, I
22 --

23 THE COURT: In his testimony, not in the -- in his
24 testimony, period?

25 MR. WHITE: Right.

1 THE COURT: Right.

2 MR. WHITE: So, you know, I don't think there's any
3 evidence that he would say that he shot him because he was on
4 the sex offender registry or he was afraid that he was, you
5 know, going to be molested or anything like that. And again,
6 Judge, just a mere mention of the sex offender registry is
7 highly prejudicial to the State's case and I just don't think
8 -- I don't think it's relevant, but even if it is, if Your
9 Honor finds it relevant, I don't believe it outweighs the
10 prejudicial effect.

11 THE COURT: My initial inclination is to not allow it
12 in, but I'm going to take the matter under advisement, and I
13 will rule before opening statements.

14 MR. WHITE: Very good, Judge.

15 The next motion in limine that the Court -- or the State
16 would make to the Court would be to exclude any mention of
17 the alleged drug use. I don't think there's any evidence.
18 Law enforcement didn't uncover any evidence of any drug use.
19 The only evidence we have that this individual was using
20 drugs actually comes from the defendant and, again, I think
21 that's also highly prejudicial to the State's case.

22 THE COURT: Well, it might have something to do with the
23 facts and circumstances of the event that night. And tell me
24 your -- your understanding of what transpired with regard to
25 drugs that day, and I'm sure they did an autopsy. Was there

1 drugs found in his system?

2 MR. WHITE: I believe he had marijuana in his system,
3 Judge, and I'm -- I'm fairly certain that that was all.

4 Christie, you can check me if I'm incorrect on that, but
5 --

6 THE COURT: And was there some testimony or allegations
7 there was a drug transaction that took place the day of the
8 shooting?

9 MR. WHITE: The first time I heard of that was when the
10 defendant took the stand at the last hearing.

11 THE COURT: Okay. Well, what do you have to say about
12 that, Ms. Henderson?

13 MS. HENDERSON: Judge, again, my client is entitled to
14 present his complete and full defense. And if I may go back
15 to the sex offender status, the sex offender registry status
16 and drug abuse, as well as the domestic abuse I believe Mr.
17 White will speak to shortly, are all three components that go
18 substantially to his state of mind at the time that this
19 incident happened.

20 Mr. Seidle will testify that he observed Mr. Ingersoll
21 use drugs that day. The forensic toxicologist, should I need
22 -- should I need, you know, her as a witness, will testify
23 that there were -- there were THC components within his
24 system, as well as metabolites, as well as Suboxone, which I
25 do not believe he had a prescription for.

1 THE COURT: Okay.

2 MS. HENDERSON: There were drugs in his system. We
3 should be able to testify to that.

4 THE COURT: I'm going to -- I'm going to allow that.

5 MR. WHITE: Okay. Judge, the next would be the domestic
6 issue. I think Inv. Ben Price did a good job of looking into
7 this -- this matter. He found no evidence of any domestic
8 calls that came from that address.

9 THE COURT: He has no criminal domestic violence
10 convictions?

11 MR. WHITE: Right.

12 THE COURT: So we know that we don't -- we aren't
13 talking about that.

14 MR. WHITE: We're not talking about criminal domestic
15 violence. Even by defendant's own admission, he admitted --
16 and I have the transcript right here -- that he never saw
17 anything physical other than the two of them pulling a tug of
18 war over the door. Judge, I mean I -- you know, to stand up
19 there and say he was shooting him because they had a physical
20 altercation in the past, I'd like to exclude that. I think
21 that's highly prejudicial.

22 THE COURT: Ms. Henderson, what do you have to say about
23 the general proposition of law when you're talking about
24 prior misconduct that you can't talk about specific
25 instances?

1 MS. HENDERSON: I agree that you can't talk about
2 specific instances. Again, though, Judge, I would argue --

3 THE COURT: You can't. Well, you can talk about perhaps
4 convictions that he might have been aware of, maybe under
5 certain circumstances, but you might could proffer some sort
6 of character evidence, say he's got a reputation of being a
7 beater, a wife beater perhaps.

8 MS. HENDERSON: Certainly, Judge, and if I needed to get
9 Ms. Donna Toro for that testimony, I certainly could provide
10 that. Your Honor, I maintain that that is pertinent in his
11 frame of mind at the time that this happened. It goes to the
12 elements of the charge against him.

13 THE COURT: What exactly does -- does your client
14 maintain transpired with regard to criminal domestic
15 violence?

16 MS. HENDERSON: He was aware of conversations. His
17 mother had told him multiple -- to my understanding, his
18 mother had told him of multiple instances where Mr. Ingersoll
19 abused her physically. He witnessed one incident of abuse,
20 as you'll recall from the stand your ground hearing
21 testimony, pertaining to Mr. Ingersoll pulling the mother
22 through a door at the home when Mr. Seidle was present. He
23 observed that. I believe Mr. Seidle would testify that his
24 mother also that day let him know that there had been another
25 instance or multiple instances of domestic violence.

1 THE COURT: And how do you intend to elicit this
2 testimony?

3 MS. HENDERSON: Judge, through Mr. Seidle or potentially
4 his mother, Donna Toro.

5 THE COURT: And do you think that -- is it your
6 intention to offer reputation with regard to peace and
7 tranquility or the lack thereof and not get into specific
8 instances?

9 MS. HENDERSON: Judge, I'm not at liberty to say at this
10 point.

11 THE COURT: Well, I think if we're going to be trying to
12 preliminarily deal with the issue of criminal domestic
13 violence and how that affects his defense, I think we're
14 going to have to talk about it.

15 MS. HENDERSON: Certainly.

16 THE COURT: Or risk running a -- or having a mistrial.

17 MS. HENDERSON: Certainly, Judge, and I can proffer
18 testimony as to general reputation potentially.

19 THE COURT: Okay. I think it would be limited to that.
20 What do you think about that, Mr. White?

21 MR. WHITE: Judge, I'd like -- I'd like to prohibit all
22 of it. I mean I just don't think --

23 THE COURT: Well, how can you -- I mean, generally,
24 reputation testimony is admissible. How can we not allow
25 that?

1 MR. WHITE: I mean, I guess, it depends on what we're
2 generally speaking about. I mean, you know, a general
3 reputation for violence in the community? Is that -- is that
4 what --

5 THE COURT: That is -- that's what reputation is. It's
6 necessarily hearsay and it is not necessarily their personal
7 experience or their knowledge. It's their testimony about
8 hearsay matters as to whether or not he's a violent person,
9 and that's admissible.

10 MR. WHITE: Sure, but more -- I'm more focusing on
11 specific bad acts.

12 THE COURT: Well, the -- the general rule is that you
13 can't get into specific instances of prior violence.

14 MR. WHITE: But it seems to me Ms. Henderson is
15 intending to do so. That's --

16 THE COURT: I think she told me -- she just said that
17 she was going to -- if she was going to get into that, it
18 would be in the form of reputation testimony, what is his
19 reputation in the community.

20 MR. WHITE: Okay.

21 THE COURT: The questions are this. Do you know -- did
22 you know the victim? Yes. How did you know him? And you
23 can say how. Well, I grew up with him. I lived with him for
24 so many years. You just describe what the relationship is.

25 Then you can ask them are you familiar with his

1 reputation for peace and tranquility in the community, and
2 they can say yes or no. If they say yes, they can say what
3 is that. It's one of violence or it's bad or it's not good,
4 but I don't think that you can get into specific acts of
5 violence. And unless y'all can educate me differently,
6 that's my basic understanding of the law.

7 MR. WHITE: I agree with you, Judge. I misunderstood.
8 I thought Ms. Henderson was saying she was going to call the
9 defendant's mother to testify to specific acts of violence in
10 the past, and that's what I'm trying to prohibit.

11 THE COURT: I think that is, indeed, prohibited, and I
12 don't believe that you're going to be able to do that unless
13 you can show me a case that says that I should.

14 MS. HENDERSON: Thank you, Judge.

15 THE COURT: Do you have one now?

16 MS. HENDERSON: I do not.

17 THE COURT: It might -- is that your understanding of
18 the law?

19 MS. HENDERSON: It is, Your Honor.

20 THE COURT: Okay. I think that you would be allowed to
21 do that and ask those very limited questions. Do you know
22 him or did you know him? How did you know him? Are you
23 familiar with his reputation in the community for peace and
24 tranquility? Yes. And what is it? He was a violent person.
25 But you can't say he beat me up, we fought over a door one

1 time. You can't go into specific instances.

2 That's my ruling until -- that's my inclination and we
3 will, indeed, address that again if there is -- before trial
4 if there is any legal authority that you can convince me
5 otherwise.

6 MS. HENDERSON: Fair enough.

7 MR. WHITE: That's all for me, Judge.

8 THE COURT: All right. All right. Was that all of your
9 motions?

10 MR. WHITE: Yes, sir, Judge.

11 THE COURT: All right. Yes, ma'am.

12 MS. HENDERSON: Thank you, Judge, and I believe Your
13 Honor received -- I filed I think four written motions with
14 this Court.

15 THE COURT: I did.

16 MS. HENDERSON: Also a Jackson v. Denno hearing. I'm
17 not sure how the State would like to handle that.

18 THE COURT: Well, you make the motion, and he has the
19 burden of proof to establish that it's voluntary and that the
20 rights were given and that sort of thing. We'll have an
21 evidentiary hearing on that. Do you have some shorter
22 motions before we get to that one?

23 MS. HENDERSON: I do, Judge.

24 THE COURT: All right. Well, let's deal with those
25 shorter ones.

State of South Carolina	)	Court of General Sessions
	)	Twelfth Judicial Circuit
County of Florence	)	Case No. 2018-GS-21-01846
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
Bryan Austin Seidle,	)	
	)	
Defendant.	)	
	)	

October 19-21 & 23, 2020
Florence, South Carolina

B E F O R E:

The Honorable Michael G. Nettles, Judge; and a jury

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

J. Ryan White, Esquire
David Richardson, Esquire
Attorneys for the State

Christie Henderson, Esquire
William Vickery "Vick" Meetze, Esquire
Attorneys for the Defendant

Krystal J. Smith
Circuit Court Reporter

1 THE COURT: All right. I'm going to ask the court
2 reporter -- we're going to meet in the grand jury room, which
3 is that big room right on the corner, and if you can set up
4 in there and let us know. Take your time and let us know
5 when you're ready, and I'm going to ask counsel, and Mr.
6 Seidle is going to being escorted in there so he can
7 participate in these hearings as well.

8 (WHEREUPON, there was a break in the proceedings from
9 4:16 p.m. until 4:20 p.m., after which the proceedings
10 resumed in the grand jury room as follows.)

11 THE COURT: All right. Let's talk about -- the first
12 thing we're going to talk about is the admissibility of the
13 prior bad conduct, and I'll be glad to hear from the defense
14 with regard to their position.

15 MS. HENDERSON: Thank you, Judge.

16 Over the weekend I have a few cases, one is *State v.*
17 *Day*, the other is *State v. Douglas*. I'll provide a copy to
18 Mr. White, as well as this Court. May I approach, Judge?

19 THE COURT: Yes.

20 MS. HENDERSON: And what both of these cases set forth
21 in essence is that in the murder prosecution of one pleading
22 self-defense, evidence of other specific instances of
23 violence on the part of the deceased are not admissible
24 unless they were directed against the defendant or, if
25 directed against others, were so closely connected at point

1 of time or occasion with the homicide as reasonably to
2 indicate the state of mind of the deceased at the time of the
3 homicide or to produce reasonable apprehension of great
4 bodily harm.

5 Your Honor, I believe that each of these cases speak
6 directly to the position that Mr. Seidle takes. As he set
7 forth in his stand your ground hearing, he maintained self-
8 defense.

9 Your Honor, I would argue that instances of domestic
10 violence against his mother are admissible and, Your Honor, I
11 would also argue that his sex offender status is admissible,
12 not for purposes of -- not for any purpose other than to show
13 that this is an individual Mr. Ingersoll -- excuse me -- Mr.
14 Seidle, who has known Mr. Ingersoll for roughly 10 years,
15 knew he was a sex offender, grew up with this individual, as
16 well as his younger special-needs sister growing up with this
17 individual, knowing that they weren't allowed to be around
18 him alone.

19 THE COURT: All right.

20 MS. HENDERSON: And I think that's pertinent to his
21 defense and his frame of mind.

22 THE COURT: All right. Well, let's talk about the
23 criminal domestic violence first.

24 The -- I think the analysis that I'm required to do is,
25 number one, to determine whether or not it's relevant. How

1 do you maintain that criminal domestic violence against his
2 mother, who was not present at the time, is relevant?

3 MS. HENDERSON: Certainly, Judge, and if you look at the
4 case of *State v. Douglas* that I handed you, that case -- and
5 this is -- that was a different situation. That was an
6 immunity hearing, a pretrial stand your ground hearing.

7 Is it all right if I remain seated?

8 THE COURT: Yes.

9 MS. HENDERSON: I'm sorry.

10 It was a pretrial immunity hearing, but in my
11 understanding of the case, the Court did allow separate -- an
12 incident unrelated to the individual at hand in as evidence.
13 Even though it was not directed at the defendant in that
14 case, it goes to his frame of mind, showing that he knew that
15 the deceased had a violent temperament or had directed
16 actions of violence against others, and that caused him to
17 fear for his life and his safety --

18 THE COURT: All right.

19 MS. HENDERSON: -- at the time of the homicide.

20 THE COURT: All right. You say it's relevant because
21 the victim was a violent person?

22 MS. HENDERSON: Yes, sir.

23 THE COURT: Okay. All right. Though you do agree that
24 the mother, according to the testimony that's been presented
25 and the defendant's statement, was not present in the home

1 when this altercation between the defendant and the victim
2 took place?

3 MS. HENDERSON: Yes, sir, I agree with that.

4 THE COURT: All right. We agree with that. And we also
5 agree that there is no conviction for criminal domestic
6 violence; so that requires a different analysis, doesn't it?

7 MS. HENDERSON: Yes, sir.

8 THE COURT: All right. And if we were to determine that
9 it was relevant, we would have to determine there's clear and
10 convincing evidence that this -- these prior bad acts
11 actually took place, wouldn't we?

12 MS. HENDERSON: Yes, sir.

13 THE COURT: All right. And we'd also have to determine
14 that -- that it falls within the exception of the general
15 rule that evidence of a person's prior bad acts is
16 inadmissible unless it falls within the exception.

17 Evidence of other crimes, wrongs or acts is not
18 admissible to prove the character of a person in order to
19 show actions in conformity therewith. It may, however, be
20 admissible to show motive, identity, the existence of a
21 common scheme or plan, the absence of mistake or accident or
22 intent. That's the exception. How does that apply here?

23 MS. HENDERSON: Certainly, Judge. I believe to the
24 intent element.

25 THE COURT: All right.

1 MS. HENDERSON: And if I may continue?

2 THE COURT: Yes.

3 MS. HENDERSON: I would also ask that Your Honor look at
4 Rule 405, specifically subsection B, which references
5 specific instances of conduct. And the defense maintains
6 that in cases in which character or a trait of character is
7 an essential element of the charge, claim or defense, proof
8 may also be made of specific instances of that person's
9 conduct.

10 THE COURT: All right. And then in the final analysis,
11 there needs to be a determination by myself that it -- the
12 probative value outweighs the prejudicial value. What do you
13 have to say about that?

14 MS. HENDERSON: Judge, I would argue that the probative
15 value does outweigh any prejudicial impact of such testimony.
16 Mr. Seidle is constitutionally entitled to present a complete
17 defense. He maintains self-defense. Part of his self-
18 defense claim and part of the elements of self-defense
19 requires that the factfinder look at the individual's mental
20 constitution at the time of the shooting. That's crucial for
21 the factfinder to determine the reasonableness and validity
22 of the defense, and I believe that element -- those elements
23 -- the elements of domestic violence are pertinent to Mr.
24 Seidle's frame of mind when the shooting occurred.

25 THE COURT: All right. What do you have to say about

1 the first element of the analysis, whether or not the
2 criminal domestic violence is relevant?

3 MR. WHITE: I don't think it's relevant at all, Judge.
4 You know, I thought this case turned on whether or not Mr.
5 Ingersoll actually charged the defendant in this case. I'm
6 not sure how, you know, evidence of a domestic violence in
7 the past would play any role in that determination. Judge,
8 as you said --

9 THE COURT: Do you say -- do you say that it's
10 irrelevant because this was a confrontation between --
11 between the defendant and Mr. Ingersoll?

12 MR. WHITE: That's correct, Judge. I mean the -- you
13 know, the alleged victim, if you will, of the domestic
14 violence was not even in the home, was not present by all
15 accounts, Judge, and again, there's no -- like you said,
16 there's no clear and convincing evidence that a domestic
17 violence even took place.

18 THE COURT: Well, one of the -- if we -- if all of the
19 other elements are met, certainly there is going to have to
20 be a showing of clear and convincing evidence in order for it
21 to be admissible, and I assume that Mr. Seidle has indicated
22 that he saw them yanking on a door back and forth.

23 MR. WHITE: Right.

24 THE COURT: And it might be that they proffer the
25 testimony of the mother saying that he beat up on her, but

1 what about the fact that there -- there is no report of that,
2 there is no conviction of that? What do you have to say
3 about that?

4 MR. WHITE: And -- and I asked Mr. Seidle on the stand.
5 I said have you ever seen your mother being struck by Mr.
6 Ingersoll, and he said plainly, no, I have never seen it. So
7 whether or not two people are pulling on a door constitutes
8 domestic violence I think it's -- you know, to put that forth
9 in front of the jury and call it domestic violence is highly
10 prejudicial to the State's case.

11 And again, Judge, I have no idea how it's relevant to
12 whether or not the deceased in this case charges the
13 defendant, and I mean I really think that's the only issue at
14 hand and I don't want to confuse it. I think the jury should
15 see -- hear and see that particular case, and anything
16 outside of that would just prejudice the State.

17 THE COURT: All right. Do you want to be heard any
18 further on the relevance issue?

19 MS. HENDERSON: As to domestic violence?

20 THE COURT: Yes.

21 MS. HENDERSON: Your Honor, no. Our position is it's
22 relevant to his defense.

23 THE COURT: All right. Now, if -- if I were to rule
24 that it was admissible, what are you going to call it? Are
25 you going to call it criminal domestic violence?

1 MS. HENDERSON: Judge, we can call it what this Court
2 deems appropriate to call it. I can call it an assault on
3 Mr. Seidle's mother.

4 MR. WHITE: And I -- and I would think that if that's
5 the case and he -- and he being Mr. Seidle -- testified that
6 after this alleged occurrence it was his mother he had to
7 restrain, not -- you know, so I mean it would cut both ways.
8 If they get to say, hey, you know, Mr. Ingersoll assaulted
9 him, then I should be able to get to say the mother assaulted
10 him.

11 THE COURT: So that gets into the confusion issue about
12 the probative value of it and the confusion and the prejudice
13 is that we would be fighting about who was right in yanking
14 on the door.

15 MR. WHITE: Exactly. And that's just not an issue.

16 THE COURT: And there were no injuries from this event?
17 There's no -- an ambulance wasn't called? She didn't go to
18 the doctor?

19 MR. WHITE: Judge, there's no evidence other than his
20 testimony that this occurred.

21 THE COURT: All right. And there's no evidence of any
22 treatment, any bruising, slapping, hitting, anything such as
23 that?

24 MR. WHITE: No. No telephone calls were made from that
25 address regarding domestic violence whatsoever.

1 THE COURT: All right. What do you have to say about
2 that?

3 MS. HENDERSON: Judge, I would just ask -- I can't
4 answer that and I don't believe the State is in a position to
5 answer that fully without proffering the testimony from Ms.
6 Donna Toro --

7 THE COURT: All right.

8 MS. HENDERSON: -- herself as to bruising.

9 THE COURT: All right.

10 MR. WHITE: Well, she never made a report of that.
11 That's what -- that was my argument.

12 THE COURT: Right.

13 MR. WHITE: There was no report ever made.

14 THE COURT: All right. I think we kind of -- we're kind
15 of clear on that.

16 As far as the criminal domestic violence, we will wait
17 until there's a proffer as to whether or not there's clear
18 and convincing evidence, but still the issue of relevance is
19 still out there and whether or not the prejudicial value
20 outweighs the probative value. But in order for it to be
21 admissible, we've got to have clear and convincing evidence,
22 and it might be good to hear from the witnesses to these
23 events as to what actually transpired and whether it is
24 relevant.

25 All right. The -- my initial impression is that the --

1 let's see.

2 My initial reaction with regard to whether or not the
3 criminal sexual conduct offense or conviction against the
4 victim to me seems to be inadmissible in that I think it
5 would be relevant if Mr. Ingersoll was trying to rape or
6 molest Mr. Seidle. That -- I don't think it's relevant at
7 all. I mean this isn't a crime of a sexual nature. I think
8 we can't -- it's hard to get beyond that.

9 What do you have to say about that?

10 MS. HENDERSON: Judge, again -- and it piggybacks off of
11 what I just discussed regarding the domestic violence issues.
12 Mr. Seidle, I believe, is constitutionally entitled to
13 present his complete defense.

14 THE COURT: Well, not -- not if it's inadmissible and if
15 it's irrelevant, he's not.

16 What -- and the other thing is we would kind of almost
17 have to know a little bit about what the facts are. I think,
18 you know, if we're talking about propensity for violence and
19 if Mr. Ingersoll was 17 years old and he had sex with a
20 15-year-old, that's not violent at all. I mean it's probably
21 inappropriate and it's certainly illegal, but do we know
22 anything about the facts of the case?

23 MS. HENDERSON: As far as the underlying conviction of
24 which he --

25 THE COURT: Yes.

1 MS. HENDERSON: -- was placed on the registry for?

2 THE COURT: Yes.

3 MS. HENDERSON: I don't, Judge. All I know is what he
4 was placed on in Florida for. I believe it was a criminal
5 sexual offense against a minor.

6 THE COURT: Okay.

7 MR. WHITE: Attempted, I believe it was.

8 THE COURT: Well, that -- what do you have to say about
9 that, Mr. White?

10 MR. WHITE: Judge, I think they're arguing that it goes
11 to his state of mind, but, you know, this happened back in
12 '93. The entirety of Mr. Seidle's life, he has known that
13 this guy was on the sex offender registry.

14 So to come forward now and say that, you know, that was
15 the reason why he was placed in a certain state of mind in
16 just my opinion is ludicrous, you know. And like you said,
17 Judge, this has nothing to do with a sexual battery, and I
18 just -- I fear that we're trying to confuse the issues. The
19 only issue I see in this case is whether or not Mr. Seidle
20 was charged by the decedent in this case.

21 THE COURT: Mr. Richardson, what do you have to say
22 about all of this?

23 MR. RICHARDSON: Well, Judge, I -- I'm the proxy for Mr.
24 Tucker at this point in the proceedings since he can't get a
25 clear Covid test yet, but based on what we talked about at

1 the hearings the other day, obviously they can -- the defense
2 can get into evidence of a pertinent trait of character of
3 the accused. I don't think being on the sex offender
4 registry falls into that category.

5 I think there may be some ground to stand on if there
6 had been some scrape that day where that information was
7 newly divulged that, you know, came as a shock to the family
8 or to the defendant, but, you know, as long as the two had
9 known each other, it was common knowledge, according to my
10 understanding of the facts. So --

11 THE COURT: I'm not real sure how quickly they
12 discovered it or how long they've known it really plays into
13 it at all.

14 MR. RICHARDSON: Well, my thought was though that if --
15 if for some reason it had been hidden and recently --

16 THE COURT: How about the fact that there was no -- this
17 wasn't a crime of sex?

18 MR. RICHARDSON: Well, yeah. I mean there's-- there's
19 that. This was a -- at the most depending on who you
20 believe, there might've been an argument in the household
21 before this took place, but there's no allegation of any sort
22 of sexual battery or attempted --

23 THE COURT: All right.

24 MR. RICHARDSON: -- sexual battery.

25 THE COURT: All right. Mr. Meetze, why don't you tell

1 us what you have to say -- say about all of this stuff?

2 MR. MEETZE: Well, I don't think that the -- I think
3 that the state of mind thing is very important and it goes a
4 little bit deeper than what we've talked about. I mean as
5 long as he's known Mr. Ingersoll, he's known about the sex
6 offender registry. He's known that he had a sister that was
7 a special needs child, and he would've had it drilled in his
8 head that Mr. Ingersoll was never to be alone with the sister
9 as sort of a protection thing, and that's what the state of
10 mind is that we're talking about.

11 When the mother left, according to what everybody says,
12 that's when Mr. Seidle began his protection of his sister and
13 wanted Mr. Ingersoll out of the house. That's when the whole
14 confrontation started by asking him to leave.

15 THE COURT: Where was the sister? I didn't --

16 MR. MEETZE: She was --

17 THE COURT: I haven't even heard about the sister.

18 MR. MEETZE: She was in the house.

19 THE COURT: She was?

20 MR. MEETZE: Yes, sir. And so that's the basis of the
21 whole thing starting and snowballing was protection of the
22 sister, something that had been drilled in him from when she
23 was a minor to now when they're both adults, that she's not
24 to be alone with Mr. Ingersoll and all of that. So that's
25 the state of mind that we're talking about and that's just

1 something that his dad had drilled into him, at least it's my
2 understanding from an early age, and that was the mental --
3 the mental frame of mind he was in at that time.

4 THE COURT: Do you know what the sex crime was?

5 MR. MEETZE: The exact sex crime? Excuse me. No, sir,
6 I do not, but I don't think that that's overly relevant, just
7 based on what he had been told with regards to -- I don't
8 know that he had ever been told had this happened and this
9 was the sex crime that he was charged with, just that he was
10 a sex offender and because of that we need to be protective
11 of CJ.

12 And that's the frame of mind and the state of mind that
13 he's lived with I think pretty much as long as they've known
14 Mr. Ingersoll, is at least my understanding. And I think
15 from that standpoint is how it's relevant to show his state
16 of mind at the time.

17 THE COURT: Now, do you think that in the event it were
18 admissible that the State could explain the facts of the
19 underlying sex offender registry?

20 MR. MEETZE: Yeah, I would think so if they -- if they
21 know it and have somebody that can testify to it, I would
22 think that that's something that they could do. Because I
23 don't think -- like I said, I don't know who did know the
24 underlying facts. I think that the sex offender registry is
25 all they needed to know for there to be concern.

1 MR. RICHARDSON: And I think too -- I was looking at
2 this *State v. Day* case that the defense handed over, and on
3 the -- on the third part it had testimony concerning other
4 specific instances of violence. I think Ms. Henderson may
5 have read this part, but it talks about the murder
6 prosecution upon pleading self-defense against an attack by
7 the deceased. It has to do with if something is directed
8 against -- or if an attack was directed against another
9 person, it was so closely connected at a point in time with
10 the homicide as to reasonably indicate the state of mind of
11 the deceased at the time of the homicide.

12 We're talking here about evidence of other specific
13 instances of violence, and it says they have to have happened
14 close in time. This sex offense would have taken place near
15 30 years ago with no further allegation of any sort of sexual
16 battery; so I don't believe that could fall into the purview
17 of a self-defense argument.

18 MS. HENDERSON: And, Judge, if I may again reiterate
19 what Mr. Meetze spoke of. We're not using Mr. Ingersoll's
20 crime that placed him on the sex offender registry as a
21 specific instance of violence. What we are trying to use is
22 Mr. Ingersoll's sex offender status as the basis for why Mr.
23 Seidle didn't leave his sister alone with this individual.

24 THE COURT: And you don't intend to establish any
25 evidence that Mr. Ingersoll threatened or made sexual

1 advances towards the daughter, are you?

2 MS. HENDERSON: No, sir.

3 THE COURT: You know, the case that you have submitted
4 to me for consideration says this.

5 In the murder prosecution of one pleading self-defense
6 against an attack by the deceased, evidence of other specific
7 instances of violence on the part of the deceased are not
8 admissible unless they were directed against the defendant,
9 which isn't the case here, or if directed against others were
10 so closely connected at point of time or occasion with the
11 homicide as reasonably to indicate the state of mind of the
12 deceased at the time of the homicide or produce reasonable
13 apprehension of great bodily harm, which means, you know,
14 like, if you were involved in a fight at a bar and then
15 everybody goes to Waffle House and then gets in -- gets into
16 it, that would -- kind of what I'm thinking about with regard
17 to this language.

18 We're talking about two different things, but what was
19 the time lapse between the allegations of these criminal
20 domestic violence and the -- the incident that we're talking
21 about here?

22 MS. HENDERSON: Certainly, Judge. I believe the
23 incident with the door that was brought up in the stand your
24 ground hearing was a few weeks before the homicide. I think
25 so.

1 The Court: But it wasn't, like, on the day or the
2 afternoon before or anything such as that?

3 MS. HENDERSON: To my understanding, Ms. Donna Toro did
4 speak to Mr. Seidle the day of about the allegations as well,
5 and that's something to where we might need to proffer.

6 THE COURT: You know, it says in *Brown* this Court found
7 that the trial judge did not abuse his discretion in refusing
8 to admit a prior act of violence by the deceased in support
9 of a self-defense charge because of the remoteness of the
10 specific act of violence, which occurred 23 years prior to
11 the incident.

12 And the criminal sexual conduct was how far back?

13 MR. WHITE: Judge, I believe it happened in '93. So
14 we're talking about 27 years or -- well, it happened in '18,
15 so 25 years.

16 I would like to remind the Court, Judge, I mean we're
17 talking about Mr. Seidle was protecting his sister. I mean
18 they -- Mr. Ingersoll and his mother had been dating for some
19 time. He spent nights there and, Judge, Ms. Toro, the
20 mother, is the one who left the house and left -- you know, I
21 mean if this protection argument -- it just doesn't fly with
22 me because she -- you know, she left the house. She didn't
23 take the kids with her. So I just -- I feel like they're
24 just trying to confuse the issues here, Judge.

25 THE COURT: It goes on to say in this case, talking

1 about the present case, *State v. Raymond Day*, the prior act
2 of violence against Szumowicz occurred only four months prior
3 to Renew's death and was admissible to prove Day had a
4 reasonable apprehension of violence from Renew, an essential
5 element of his self-defense claim.

6 Of course, there's never been any violence between the
7 alleged victim in this case and Mr. Seidle, and the defendant
8 was not there. So really in my mind it seems a little bit
9 irrelevant because there's no way he could have been
10 defending a third person, which she wasn't there. All right.

11 (WHEREUPON, there was a pause in the proceedings, after
12 which the proceedings resumed as follows.)

13 THE COURT: Well, I want to ask everybody's opinion on
14 this. 405, you know, just reading it, 405(b), in cases in
15 which character or a trait of character of a person is an
16 essential element of the charge, claim or defense, proof may
17 also be made of specific instances of that person's conduct.

18 My understanding of the law is that specific instances
19 were admissible, for instance, if -- if the opposing side
20 puts character into evidence. For instance, if the State in
21 their case in chief were to say that the victim was -- had a
22 reputation for peace and tranquility, then you could -- you
23 could cross-examine with regard to specific instances and --
24 and it opens up every allegation or thought of an allegation
25 of specific instances.

1 Well, did you know about the fact that they were
2 fighting over a door? Did you know about the fact that they
3 fought and had words that evening? Is it -- do you know that
4 he has a conviction for -- and he's on the sex offender
5 registry?

6 That was my understanding of the general rule is that
7 when the opposing side puts in character in their case in
8 chief, then you can bring in specific instances, but in my --
9 is that wrong? You can do it -- can the defense do that in
10 their case in chief without the victim's reputation for truth
11 and veracity being put into issue?

12 What do you have to say about that, Mr. Richardson?

13 MR. RICHARDSON: I'm looking at (a) and (b) on 405. At
14 the bottom of (a) it says on cross-examination inquiry is
15 allowed going to relevant specific instances of conduct, and
16 that transitions into (b), which is titled specific instances
17 of conduct. But it indicates that proof -- (b) indicates
18 that proof may also be made of specific instances of that
19 person's conduct.

20 So I think the defense would have to put some piece of
21 evidence in concerning a character trait of the deceased. To
22 me, that rule isn't particularly clear. To be honest, I
23 don't know that I've come across it in a trial up to this
24 point.

25 THE COURT: Well, this is what the -- this is what the

1 commentary -- the brief commentary under there says.

2 405(a) is identical to the federal rule and change --
3 and changes the law in South Carolina in one respect.

4 Formerly, only testimony as to a person's general reputation
5 was allowed, which is hearsay, and just what people think of
6 them in the community. 405(a) allows evidence of character
7 to be in the form of opinion or reputation evidence, which
8 that's always been the case.

9 The portion of Rule 405(a) regarding cross-examination
10 as to specific acts is consistent with the law in South
11 Carolina. That's been -- always been my understanding.

12 When the accused offers evidence of good character
13 regarding specific character traits relevant to the crime
14 charged, the State may cross-examine as to particular bad
15 acts or conduct regarding relating to the traits focused on
16 by the accused.

17 What do you have to say about that, Mr. White?

18 MR. WHITE: Judge, I -- you know, I would just harp on,
19 again, how I'm not sure how any of that is relevant, I mean.

20 THE COURT: All right. Mr. Meetze, what do you have to
21 say about it?

22 MR. MEETZE: Well, I mean I think these are two separate
23 rules involving two separate issues, and the one you brought
24 up first, (b), it says in cases in which character or trait
25 of character of a person is an essential element of a charge,

1 claim or defense, proof may be made of specific instances of
2 that person's conduct, and I think our position is that it's
3 an essential element of his defense, and that's why we would
4 be asking that it be relevant and admissible.

5 THE COURT: But, you know, the commentary talks about
6 the fact when the character has already been put into issue
7 and you can cross-examine about specific instances.

8 MR. MEETZE: Well, that was all in (a). There's very
9 little commentary on (b), other than 405(b) is identical to
10 the federal rule and is consistent with South Carolina law.

11 MS. HENDERSON: And, Judge, if I may, in (a), the last
12 sentence specifically addresses on cross-examination
13 inquiries allowed going to relevant specific instances of
14 conduct. I think that speaks to what you're speaking of as
15 far as being able to then bring in other issues of character,
16 whereas (b) doesn't have that provision.

17 THE COURT: What do y'all have to say about that?

18 MR. WHITE: I'm struggling to understand how this can be
19 an essential element.

20 THE COURT: Well, he says it's his state of mind and
21 that he was fearful.

22 MR. WHITE: And again, I would say, you know, this is
23 not new information. He didn't -- you know, it didn't come
24 out during the argument, hey, I'm a sex offender. I mean
25 this -- he -- he has lived his entire life knowing that this

1 guy was on the sex offender registry. So I -- you know,
2 again, Judge, I just think this is an effort to put
3 prejudicial information in front of the jury.

4 THE COURT: All right. Mr. Meetze, what do you think
5 about the fact that -- and we don't know anything about the
6 facts of the underlying criminal sexual conduct case. And if
7 the jury were to hear that he was on the sex offender
8 registry, which sounds a -- sounds to be a horrible thing,
9 how can that not be prejudicial and confuse the jury in that
10 if he's a sex offender, it justifies these actions?

11 MR. MEETZE: Well, I mean I think that the Court can
12 instruct the jury with regards to the prejudice part that,
13 you know, evidence that he's a sex offender is not evidence
14 of anything else, but the analysis is -- obviously is the
15 balancing test. It's not just is it prejudicial. It's is
16 any prejudicial effect -- does it outweigh or is it
17 outweighed by the probative value, and I think that in this
18 case, you know, with respect to that they can say, well --

19 THE COURT: In order for us to determine whether it's
20 probative, don't we need to know a little bit about what the
21 underlying offense was? You say not. That it's just by
22 virtue of the fact that he's a sex offender makes him
23 fearful?

24 MR. MEETZE: I think because that's -- as far as I know,
25 that's the only thing that Mr. Seidle knew all of his life

1 was that he was a sex offender and, because of that, he
2 needed to be protective of his sister. I don't -- and so if
3 he never knew the underlying facts, I don't know why it's
4 relevant that anyone else know it. If that's the state of
5 mind he was in, that's the only knowledge he had, and that's
6 how he was -- he acted as a result of that.

7 (WHEREUPON, there was a pause in the proceedings, after
8 which the proceedings resumed as follows.)

9 MR. RICHARDSON: Judge, I'm looking up the case that's
10 in the commentary --

11 THE COURT: Yeah.

12 MR. RICHARDSON: -- on 405(b). It's a 1945 case, *State*
13 *v. Amburgey*, and what happened in that case says for the
14 purpose of showing the deceased was of a violent and
15 turbulent disposition, the defense offered the witness OC
16 Cothran, who when asked upon direct examination if he knew
17 the general reputation of the deceased with respect to
18 violence and turbulence replied that he did know it and that
19 it was bad.

20 On cross-examination by the solicitor, it developed that
21 the witness knew the deceased as a bootlegger. Upon redirect
22 examination by counsel for the defense, the witness was asked
23 if he had ever heard that Robert Brown, the deceased, had cut
24 a man by the name of Clarence Burnett. Objection was
25 promptly made by the solicitor to this evidence upon the

1 ground that it was improper to go into other specific
2 instances of violence on the part of the deceased, and the
3 Court sustained the objection.

4 Appellant contends the solicitor in his examination
5 opened the door to testimony with reference to specific
6 incidents and that the Court erred in excluding the question
7 asked by defense counsel.

8 The rule has long been established in this state that
9 evidence of other specific instances of violence on the part
10 of the deceased are not admissible unless they were directed
11 against the defendant or if directed against others were so
12 closely connected in point of time or occasion with the
13 homicide as reasonably to indicate the state of mind of the
14 deceased at the time of the homicide or the bodily harm, and
15 it references *State v. Hill*.

16 The appellant, however, which was the defendant in this
17 case, is in no position to complain. As soon as witness
18 Cothran was excused, the defendant obtained the very evidence
19 he desired from his witness Clarence Burnett. He stated upon
20 direct examination that he knew nothing about the reputation
21 of the deceased for turbulence and violence, then when asked
22 if the deceased had ever cut him, he replied in the
23 affirmative. Objection was made to this evidence on the
24 ground the defense had no right to go beyond proof of general
25 reputation. The objection was sustained, but the jury heard

1 the evidence and the Court did not order it stricken out.

2 The second exception relates to a matter already
3 referred to. When the solicitor brought out on cross-
4 examination that defense witness OC Cothran, who was a
5 sheriff's deputy, had known the deceased as a bootlegger, he
6 immediately requested the trial judge to instruct the jury
7 that the reputation of the deceased as to handling liquor had
8 nothing to do with his reputation for turbulence and
9 violence.

10 The trial judge ruled I'll leave it to the jury to say
11 what the witness testimony is. It's a matter for them to say
12 what the witness says, but I will say to the jury that the
13 point we are concerned with, the trait of character of the
14 deceased, is peace and good order or turbulence and violence,
15 and the handling of or sale of liquor would not necessarily
16 relate to that.

17 It is argued -- the last paragraph, I think it is argued
18 that the trial judge should have left this testimony to the
19 jury as to whether or not it affected the reputation of the
20 deceased. There are -- there is obviously no merit to this
21 contention. Under the ruling of the Court, the question was
22 to all intents and purposes left to the jury as to whether or
23 not it affected the reputation of the deceased, but we think
24 under the facts as shown by the record, the trial judge would
25 have committed no error if he had held as a matter of law

1 that evidence bearing upon the fact that the deceased had
2 been a bootlegger was irrelevant as to his reputation for
3 turbulence and violence.

4 Judge, I think in looking at that, the analysis with
5 respect to this case would be whether the fact that this
6 fellow had been on the sex offender registry for some 25
7 years without knowing any more, you know, as far as
8 underlying facts, is that relevant? And the Court in the
9 1945 case indicated when talking about somebody being a
10 bootlegger in the past that the Court finding that irrelevant
11 would not have been error.

12 THE COURT: All right.

13 MR. RICHARDSON: And I would argue the same of the fact
14 that this fellow had been on the sex offender registry for
15 that length period of time with no underlying information
16 because we don't know that the sex offense charge involved
17 any sort of violence, and I think that affects the relevance.

18 THE COURT: All right. With regard -- I'm going to rule
19 with regard to the criminal sexual conduct and the sex
20 offender. I find that it is, indeed, not relevant.

21 I find that it took place some -- what? -- 27 years
22 prior to this. There's nothing about this crime that's
23 sexual in nature. It does not fall within the exceptions to
24 the rule. I'm disallowing this testimony.

25 And I also find that the prejudicial value would

1 outweigh the probative value, and I also think that it would
2 confuse the jury because I think what we would have to do is
3 we would -- in order for -- if it were admissible, then I
4 think in fairness the circumstances of the sex offense would
5 have to be addressed to some extent, and I just think that
6 would be confusing and irrelevant, and I think the -- if they
7 were to -- if the jury were to hear that he was on the sex
8 offender registry, I think it would be unduly prejudicial.

9 With regard to the criminal domestic violence, before
10 any of that is admitted into evidence, we will need to have
11 testimony proffered as to what transpired, when it transpired
12 in relation to this alleged offense, and we'll have to
13 determine whether it's clear and convincing evidence that it
14 took place.

15 From the defense's standpoint, do you need to do that
16 before opening statements and before we begin the trial or we
17 do it in the trial?

18 MS. HENDERSON: I think we can do it in the trial,
19 Judge.

20 THE COURT: Okay. You aren't necessarily going to talk
21 about that? You don't feel compelled to talk about that in
22 your opening?

23 MS. HENDERSON: No, sir.

24 THE COURT: Okay.

25 MR. WHITE: Judge, we would need to proffer that,

1 however, before the confession is dealt with because that --
2 and I have a redacted copy where I've redacted, you know, any
3 sex offender talk or any talk about the domestic violence.
4 I've already redacted that out of there; so I would -- I
5 would have to adjust prior to getting into that.

6 THE COURT: Well, I told -- well, you need to have --
7 you do need to adjust and you need to have -- I'm not going
8 to allow anything about the sex offender registry --

9 MR. WHITE: Yes, sir.

10 THE COURT: -- or anything about the neighbor --

11 MR. WHITE: Yes, sir.

12 THE COURT: -- and all of that. That's out.

13 MR. WHITE: Okay.

14 THE COURT: I made that ruling.

15 MR. WHITE: Yes, sir.

16 THE COURT: As far as the criminal domestic violence --
17 and I can't remember the specifics about what all he said in
18 that regard, but you need to have it in there and you need to
19 have it out.

20 MR. WHITE: Yes, sir.

21 THE COURT: Depending upon how the proffer shakes out.

22 MR. WHITE: Yes, sir.

23 THE COURT: And we'll do that prior to the -- any of us
24 getting into any issue about prior misconduct. Does that
25 sound fair?

1 MS. HENDERSON: Yes, sir.

2 THE COURT: All right. Anything else?

3 MR. WHITE: Judge, in regard -- whether -- despite which
4 one is played, the confession, I worked with my IT guy,
5 Keith, and we tried to make it as -- as seamless as possible.
6 However, you can -- it's clear that it's redacted.

7 So whichever one is offered and played for the jury, I
8 would ask the Court for an instruction to the jury that it's,
9 you know, being entered into evidence and published pursuant
10 to prior court rulings and those redactions because I think
11 if they see it, you know, they might -- it might prejudice my
12 case that they're going to think that I'm hiding something.

13 THE COURT: All right. What do y'all have to say about
14 that?

15 MR. MEETZE: No objection to that, Judge.

16 THE COURT: All right. I think that's an appropriate
17 way to handle it, and I'll ask that you remind me to give a
18 curative instruction before it's played.

19 MR. WHITE: Yes, sir, Judge.

20 THE COURT: All right. Anything else?

21 MR. WHITE: We have resolved the issue with the
22 photographs; so that's not a problem.

23 The only other issue that I can think about right now is
24 I do have eight -- eight people coming for the -- for the
25 trial. That's the victim's family and friends. We were just

1 forward with a very contemplative mind. This is a time-
2 tested system. I'm going to ask that you pay very close
3 attention.

4 And I recognize you, Mr. White.

5 OPENING STATEMENT ON BEHALF OF THE STATE

6 MR. WHITE: Evil only waits for an opportunity. Evil
7 only waits for an opportunity. May 26th, 2018, Michael
8 Ingersoll was at his girlfriend's house. Her name is Donna
9 Toro. And although he lives a few homes down the street, it
10 wasn't uncommon for him to be at Donna's house. In fact, he
11 was a frequent overnight guest.

12 Now, Donna and Michael had been dating for a while, and
13 that fact did not sit well with Donna's son, the defendant in
14 this case, Bryan Seidle, seated right over there with his
15 defense attorneys. You see, Mr. Seidle's dad left Donna,
16 left his mother, and on that same day, the very same day, she
17 started dating Michael Ingersoll and, from then, there was a
18 new man in the house. Hate and resentment, it began to
19 fester.

20 Evil only waits for an opportunity and on May 26th, that
21 opportunity presented itself. Michael and Donna were at
22 Donna's home and they got into a verbal argument. Donna,
23 angry, got in the car and she left. The defendant in this
24 case grabbed a .22 caliber rifle and he confronted Michael.
25 Michael was sitting on the bed that he so often shared with

1 Ms. Toro, the defendant's mother Donna. He pointed that gun
2 at him, and Michael called 9-1-1 and you're going to hear
3 that call. We're going to play it for you.

4 And when you do hear it, ladies and gentlemen, I want
5 you to listen close because Michael is speaking in hushed
6 tone. He's speaking in a tone of a man who's afraid for his
7 life and, in fact, the 9-1-1 operator, ladies and gentlemen,
8 asked him can you give the name of the man who is pointing
9 that gun at you without putting yourself in danger, and he
10 says, no, I can't.

11 And that call lasts two minutes and 47 seconds, and then
12 Michael, believing that law enforcement is on the way and
13 they are, ends that call. And at that point, the defendant
14 in this case says you have three seconds to get out of the
15 house or I'm going to kill you. Three seconds.

16 One, but he's blocking the exit. The defendant has got
17 the gun on him. He won't let him leave.

18 Two. Law enforcement is on the way. They'll be there
19 any minute.

20 Three, the defendant squeezes the trigger and shoots
21 Michael Ingersoll seven times, three times in the left side
22 of his head, four times in the left side of his abdomen, and
23 the defendant calls 9-1-1 himself. They say, "9-1-1, what's
24 your emergency?" And the defendant says, "I just murdered a
25 man."

1 Law enforcement arrives on scene. The scene is turned
2 over to Inv. Ben price. You're going to hear from him. And
3 he reads the defendant his Miranda rights. Just like on TV,
4 you have a right to remain silent, you have a right to an
5 attorney, but without being questioned in response to no
6 question from law enforcement, the defendant says, "yeah, I
7 killed him, yeah, I shot him, what's next?"

8 Next on scene arrives Deputy Coroner Danny Taylor.
9 You're going to hear from him as well, and he begins his
10 death investigation and he goes to the defendant and says,
11 "What happened? What's going on?" He says, "Michael and my
12 mom got in an argument. She left, and I shot him."

13 They take him to the Sheriff's Office. They put him in
14 an interview room and again they Mirandize him even more
15 thoroughly just to be sure. You have a right to remain
16 silent. You have a right to an attorney. He acknowledges
17 those rights and agrees to speak, and that interview is
18 recorded, video and audio. You're going to hear it.

19 And in it, he confesses in its entirety. He says I gave
20 Michael to the count of three and then I shot him until the
21 gun stopped. I gave him to the count of three and then I
22 shot him until the bullets ran out.

23 Ladies and gentlemen, this is not a whodunit. This is a
24 he done it, and that's not in question. He confessed, not
25 one, not two, not three, four times.

1 And in his confession, he says for the entire three
2 seconds I was counting, Michael Ingersoll didn't move, and
3 Inv. Ben Price followed it up. He said he didn't try to
4 fight you, he didn't rush you? No. He didn't move for the
5 entire three seconds. I gave him to the count of three and
6 then I shot him until the gun stopped.

7 That resentment and that hate for a man taking the
8 place, he thought, of his father had built up and built up
9 and built up, and evil was only waiting on its opportunity,
10 and the opportunity that day was murder.

11 Thank you.

12 THE COURT: All right. One of the things I failed to
13 mention is that there will be no notetaking, and I didn't
14 mention this earlier. There's a reason for that because some
15 people take notes, some people don't take notes.

16 Given the nature of the case, the subject matter, and
17 the length of the trial, there will be no notes because when
18 you get in the deliberation process, people start wondering
19 whether or not they should believe someone's notes or their
20 recollection of the testimony. Everybody needs to pay close
21 attention so you'll be armed with the ability to -- to
22 discuss the case, and pay very close attention. It's very
23 important.

24 Yes, ma'am. Ms. Henderson, you're recognized.

25 MS. HENDERSON: Thank you, Judge.

1 Counsel.

2 OPENING STATEMENT ON BEHALF OF THE DEFENDANT

3 MS. HENDERSON: Ladies and gentlemen of the jury, as we
4 told you yesterday, I'm Christie Henderson and I'm here today
5 with Mr. Vick Meetze on behalf of Bryan Seidle. Also seated
6 in the courtroom are members from his family. We appreciate
7 each and every one of you all being here today and providing
8 us with your invaluable service, especially during these
9 unprecedented times.

10 The fabulist Aesop once said every truth has two sides.
11 It is as well to look at both before we commit ourselves to
12 either. Ladies and gentlemen, today this is what I ask each
13 and every one of you all to do.

14 Please listen to the other side of this story. We are
15 here because Mr. Seidle is accused of murdering his mother's
16 boyfriend, Mr. Michael Ingersoll. Mr. Ingersoll's death is
17 sad, tragic, and I can't imagine the pain that his loved ones
18 continue to endure. However, I believe that through the
19 course of this trial you will see that the evidence just is
20 not there to sustain a conviction against Mr. Seidle, that he
21 is not guilty of the crime of which he is charged.

22 I'm not trying to disparage the State. I'm not trying
23 to disparage law enforcement. I'm certainly not trying to
24 diminish the pain that this family has gone through. I'm
25 simply trying to show the truth.

1 You heard Judge Nettles speak earlier this morning,
2 reasonable doubt, presumption of innocence. I ask that you
3 keep these things in mind throughout the course of this
4 trial.

5 In a criminal case, the prosecution, the State, has the
6 burden of proof. This burden never shifts to the defendant.
7 The State must show that Mr. Seidle committed this crime
8 beyond a reasonable doubt.

9 And what is reasonable doubt? Simply put, it's proof
10 that leaves you firmly convinced of his guilt. Second, Mr.
11 Seidle is innocent until proven guilty.

12 Ladies and gentlemen, your role changed dramatically
13 when you took that oath and swore to uphold the law in this
14 case. This is a difficult promise that you made. You may
15 have difficulty keeping it. You see because when that
16 indictment was read, you're probably asking yourself why are
17 we here? If he hasn't done even something wrong, why take up
18 all these resources, the judge, the court, the time? Ladies
19 and gentlemen, if you have any inkling in your heart, in your
20 soul, in your conscience that my client has done anything
21 wrong, then you have already violated that oath that you just
22 took. You must presume that he is innocent.

23 Folks, I ask you at this time to withhold your judgment
24 until you have heard all of the evidence from all of the
25 witnesses. I'm confident that upon doing so you will render

1 a verdict that will be fair, a verdict of not guilty.

2 Thank you.

3 THE COURT: Thank you, Ms. Henderson.

4 Mr. White, you're recognized. You may call your first
5 witness.

6 MR. WHITE: Thank you, Judge. At this time the State
7 calls Levi James.

8 (WHEREUPON, there was a pause in the proceedings until
9 the witness entered the courtroom.)

10 THE COURT: Mr. James, please come forward. I'm going
11 to ask, if you could, to come to the front of the courtroom.
12 I'm going to ask that you place your left hand on the Bible
13 and raise your right hand as the clerk administers the oath.

14 THE CLERK: Do you swear the testimony you give in this
15 case to be the truth, the whole truth, and nothing but the
16 truth, so help you God?

17 THE WITNESS: I do.

18 THE CLERK: Please be seated and state your full name
19 for the record.

20 THE COURT: I'm going to ask you to come around and have
21 a seat in the witness chair. I'm going to ask that you pull
22 up real close to that microphone, speak loudly, clearly, and
23 slowly, and I'm going to ask if you can remove your mask.
24 There you go. All right. And you can put it back on when
25 you leave the witness stand.

LEVI JAMES - DIRECT BY MR. WHITE

1 THE WITNESS: Okay.

2 THE COURT: Very good. Yes, sir.

3 MR. WHITE: Thank you, Judge.

4 LEVI JAMES, being first duly
5 sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. WHITE:

8 Q: Mr. James, where are you employed?

9 A: Florence County Emergency Management.

10 Q: And what is that specifically?

11 A: We do emergency operations for Florence County. We also
12 operate the 9-1-1 center for Florence County as well.

13 Q: And how long have you been in that role?

14 A: Five years now.

15 Q: And how exactly are calls logged? Like, you know, when
16 an entity requests a call from a certain incident date, how
17 do you know where to go look?

18 A: Anytime a 9-1-1 call is placed into a 9-1-1 center, they
19 are CAD'd. Once you CAD a call, it creates a CAD case
20 number. Also, the case number is assigned from that
21 prospective agency that's working this case. And we go and
22 pull those calls based upon those case files from our
23 recording system that is stored in our building.

24 Q: Very good.

25 MR. WHITE: Judge, if I may approach.

LEVI JAMES - DIRECT BY MR. WHITE

1 THE COURT: Yes.

2 BY MR. WHITE:

3 Q: I'm going to show you what's been marked as State's
4 Exhibit 1. If you could, tell me do you recognize that
5 particular document? And flip through it, if you could.

6 A: Yes. It's the CAD report from this specific case from
7 my office.

8 Q: And is that one of the reports that would've been
9 generated that you were speaking of?

10 A: Yes.

11 Q: And have you had a chance to review it in its entirety?
12 Has it been altered in any way?

13 A: Nope, not at all.

14 MR. WHITE: Judge, at this time I move State's Exhibit 1
15 into evidence.

16 THE COURT: Any -- any objection from defense?

17 MS. HENDERSON: No objection, Judge.

18 THE COURT: It's into evidence without objection from
19 defense. That's denominated as State's Exhibit --

20 MR. WHITE: 1.

21 THE COURT: -- 1.

22 (WHEREUPON, State's Exhibit No. 1, CAD report, was
23 admitted into evidence.)

24 BY MR. WHITE:

25 Q: Thank you, Mr. James. Now, was a request made to your

1 office or you specifically to obtain not only the CAD report
2 but also the 9-1-1 calls in this particular case?

3 A: Yes, it was.

4 Q: And were you made aware that there was some issue with
5 the calls that night?

6 A: Yes. During this particular time frame, the recording
7 system was having some issues with cross-referencing some
8 calls. It was causing some of the calls to feed into others
9 and also causing static to go into some calls as well.

10 Q: So the calls were recorded, they're on there, but there
11 was some static in the background? Is that what you're
12 saying?

13 A: Yes.

14 Q: Now, are you also aware that those calls were sent to
15 SLED, the South Carolina Law Enforcement Division, to be
16 amplified?

17 A: Yes. Because we didn't have that capability at our
18 office to do that.

19 Q: And were you able to listen to the enhanced or the
20 amplified versions of those particular calls?

21 A: Yes.

22 Q: And are they the same ones that were made that -- that
23 night?

24 A: Yes.

25 MR. WHITE: Judge, I have nothing further.

1 THE COURT: Cross-examination?

2 MS. HENDERSON: No cross, Judge.

3 THE COURT: All right. Very good.

4 MR. WHITE: I would just ask that Mr. James be released
5 from his subpoena, Judge.

6 THE COURT: You're free to leave. Thank you, sir.
7 You may call your next witness.

8 MR. WHITE: Judge, at this time the State -- the State
9 would call Harvey Shropshire.

10 (WHEREUPON, there was a pause in the proceedings until
11 the witness entered the courtroom.)

12 THE COURT: Mr. Shropshire, please come forward. I'm
13 going to ask you, if you could, to approach the Bible here on
14 the -- on the desk right there. I'm going to ask you, if you
15 could, to place your left hand on the Bible and raise your
16 right hand as the clerk administers the oath.

17 THE CLERK: Do you swear the testimony you give in this
18 case to be the truth, the whole truth, and nothing but the
19 truth, so help you God?

20 THE WITNESS: Yes, ma'am.

21 THE CLERK: Please be seated and state your full name
22 for the record.

23 THE COURT: I'm going to ask that you pull up real close
24 to that microphone and speak loudly, clearly, and slowly in
25 order that we can hear everything that you have to say, and

HARVEY SHROPSHIRE - DIRECT BY MR. WHITE

1 let's start with your full name, please, sir.

2 THE WITNESS: Harvey Lee Shropshire, SLED.

3 MR. WHITE: Thank you, Mr. Shropshire.

4 HARVEY SHROPSHIRE, being first
5 duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. WHITE:

8 Q: If you could, tell us where you're employed?

9 A: South Carolina Law Enforcement Division or SLED.

10 Q: And what do you do for them?

11 A: I'm a tech agent. I do audio and video enhancements, as
12 well as surveillance.

13 Q: Does that ever pertain to 9-1-1 calls?

14 A: Yes, sir.

15 Q: Did you have a chance to review and then enhance the
16 9-1-1 calls involved in this particular case?

17 A: Yes, I did.

18 Q: How does that process work?

19 A: Well, what we do is whoever the agency is, they come to
20 SLED, we have them fill out the proper paperwork, we document
21 the -- the CD or whatever media they bring to us. Once it's
22 brought to us, we put it into the system, which is done analog
23 and then converted to a digital format, which never changes
24 the original CD or whatever media they brought to us.

25 Q: It just amplifies it or enhances? And is it -- I guess

HARVEY SHROPSHIRE - DIRECT BY MR. WHITE

1 the question is does it drown out static?

2 A: Yes, sir. Once it's processed into the system, we have
3 different filters that we use to process the media that's
4 been brought to us. Say, for instance, if there's a loud
5 noise in the background that you need to hear, we can bring
6 the background forward and so you can actually hear what's
7 going on.

8 Q: Once enhanced or amplified, did you turn that disk over
9 to the State?

10 A: Yes, sir, I did.

11 MR. WHITE: Judge, at this time I would move State's
12 Exhibit 2, the 9-1-1 calls, into evidence.

13 THE COURT: Any objection from defense?

14 MS. HENDERSON: No, sir.

15 THE COURT: They're into evidence.

16 (WHEREUPON, State's Exhibit No. 2, 9-1-1 calls on disk,
17 was admitted into evidence.)

18 MR. WHITE: Judge, I would also ask permission to
19 publish to the jury?

20 THE COURT: Yes.

21 MR. WHITE: I would publish first the call made by the
22 deceased, Michael Ingersoll.

23 THE COURT: Very good.

24 (WHEREUPON, State's Exhibit No. 2, 9-1-1 call on disk,
25 was published in open court and then stopped following

HARVEY SHROPSHIRE - DIRECT BY MR. WHITE

1 the first call.)

2 MR. WHITE: Judge, at this time permission to publish
3 the call made by the defendant, Bryan Seidle?

4 THE COURT: All right. Any objection from defense?

5 MS. HENDERSON: No, sir.

6 (WHEREUPON, State's Exhibit No. 2 was continued to be
7 published in open court and then stopped following the
8 second call.)

9 MR. WHITE: Now the final call, Judge.

10 (WHEREUPON, State's Exhibit No. 2 was continued to be
11 published in open court until it ended.)

12 MR. WHITE: Judge, I have nothing further for Mr.

13 Shropshire.

14 THE COURT: Any questions?

15 MS. HENDERSON: No questions, Your Honor.

16 THE COURT: You're free to leave. Thank you, sir.

17 THE WITNESS: Thank you, sir.

18 MR. WHITE: And I would ask that he would be released
19 from his subpoena.

20 THE COURT: He's free to leave.

21 THE WITNESS: Thank you, sir.

22 THE COURT: You may call your next witness.

23 MR. WHITE: Judge, at this time the State calls Joseph
24 Harvin.

25 (WHEREUPON, there was a pause in the proceedings until

JOSEPH HARVIN - DIRECT BY MR. WHITE

1 the witness entered the courtroom.)

2 THE COURT: Mr. Harvin, please come forward. I'm going
3 to ask, if you could, to place your left hand on the Bible
4 and raise your right hand as the clerk administers the oath.

5 THE CLERK: Do you swear the testimony you give in this
6 case to be the truth, the whole truth, and nothing but the
7 truth, so help you God?

8 THE WITNESS: Yes, I do.

9 THE CLERK: Please be seated and state your full name
10 for the record.

11 THE COURT: Have a seat in the witness chair, pull up
12 real close to that microphone, and speak loudly, clearly, and
13 slowly in order that we can hear everything that you have to
14 say, and let's start with your full name and you can take
15 your mask off.

16 THE WITNESS: Thank you, sir. My name is Joseph Lucas
17 Harvin III.

18 MR. WHITE: Thank you.

19 JOSEPH HARVIN, being first duly
20 sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. WHITE:

23 Q: Officer Harvin, where are you employed?

24 A: Florence County Sheriff's Office.

25 Q: And how long have you been employed there?

1 A: About five years.

2 Q: And in what capacity are you currently employed?

3 A: I'm currently in the warrants division, working on
4 fugitive apprehension.

5 Q: How about on May 26th, 2018? In what capacity were you
6 employed at that time?

7 A: I was a patrol deputy.

8 Q: Did you have occasion to respond to the scene of this
9 particular crime?

10 A: Yes.

11 Q: How were you called or dispatched to that particular
12 location?

13 A: I was dispatched to -- back then we were using ten
14 codes. It would've been something to the effect of man with
15 a gun.

16 Q: And was the location that you arrived at -- was that in
17 Florence County?

18 A: Yes, sir, it was.

19 Q: And when you arrived, did you encounter the defendant in
20 this case?

21 A: Yes, I did.

22 Q: And what, if anything, did you do with him at that time?

23 A: He was placed into custody.

24 Q: And how did he seem? What was his demeanor?

25 A: He was calm, cool, collected.

JOSEPH HARVIN - DIRECT BY MR. WHITE

1 Q: Now, did you have a chance to enter the home? And
2 what's -- what's your role when you're first on scene? What
3 are you -- what are you trying to accomplish?

4 A: The number one goal on a scene like that is definitely
5 safety and security of the scene. Once we had him in
6 custody, I cleared the scene for medical personnel,
7 investigations.

8 Q: And in clearing the scene to make sure everything is
9 safe, are you particularly attentive to weapons that may be
10 in the particular home?

11 A: Yes, sir. That's definitely something I pay attention
12 to.

13 Q: Now, when you entered the home, did you happen upon the
14 deceased in this case?

15 A: Yes, sir, I did.

16 Q: How was his -- how was he laying? How was his body
17 laying?

18 A: He was laid out on the bed and the gun was laid next to
19 him.

20 Q: And you saw a gun there?

21 A: Yes, sir, I did.

22 Q: Did you see any other weapons inside the home?

23 A: No, sir.

24 Q: Okay. At that point once you secure the scene, what, if
25 anything, do you do?

JOSEPH HARVIN - DIRECT BY MR. WHITE

1 A: You're going to put up tape and clear the scene, secure
2 it, and then wait for investigations, forensics, the whole --
3 the whole kit to show up.

4 Q: And did you turn over the scene to investigations?

5 A: Yes, sir, I did.

6 MR. WHITE: Judge, I have nothing further.

7 THE COURT: Cross-examination, Ms. Henderson.

8 MS. HENDERSON: Thank you, Judge.

9 CROSS-EXAMINATION

10 BY MS. HENDERSON:

11 Q: Deputy Harvin, Mr. Seidle met you in the front yard;
12 correct?

13 A: Yes, ma'am. I don't -- I don't know if I would say met.
14 I apprehended him in the -- in the front yard.

15 Q: Sure. He wasn't trying to run though; correct?

16 A: I couldn't say. I didn't give him a chance.

17 Q: Sure. He complied with your commands; correct?

18 A: I gave him no commands. I took him into custody.

19 Q: Okay. Thank you, sir.

20 MS. HENDERSON: No further questions.

21 THE COURT: Any redirect?

22 MR. WHITE: No, sir, Judge.

23 THE COURT: All right. You may step down. You're free
24 to leave.

25 THE WITNESS: Yes, sir. Thank you.

1 MR. WHITE: Judge, at this time the State would call
2 Eric Barnes to the stand.

3 THE COURT: The bailiffs used to just be in charge of
4 escorting people in and out and tending to your needs. Now
5 they have to clean up like a surgical tech.

6 UNIDENTIFIED JUROR: And we appreciate it.

7 (WHEREUPON, there was a pause in the proceedings until
8 the witness entered the courtroom.)

9 THE COURT: Yes, sir. Please -- please come forward.
10 I'm going to ask you, if you could, to come forward. You can
11 place your paperwork down. Place your left hand on the Bible
12 and raise your right hand as the clerk administers the oath.

13 THE CLERK: Do you swear the testimony you give in this
14 case to be the truth, the whole truth, and nothing but the
15 truth, so help you God?

16 THE WITNESS: I do.

17 THE CLERK: Please be seated and state your full name
18 for the record.

19 THE COURT: Have a seat in the witness chair. Pull up
20 real close to that microphone. I'm going to ask that you
21 speak loudly, clearly, and slowly in order that we can hear
22 everything that you have to say, and let's start with your
23 full name, please, sir.

24 THE WITNESS: Eric Wayne Barnes.

25 THE COURT: All right, Mr. Barnes.

ERIC BARNES - DIRECT BY MR. WHITE

1 Mr. White, you're recognized.

2 MR. WHITE: Thank you, Judge.

3 ERIC BARNES, being first duly
4 sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. WHITE:

7 Q: Inv. Barnes, where are you employed?

8 A: I work with the Florence County Sheriff's Office, the
9 forensic crime scene unit.

10 Q: And how long have you been with the forensic crime scene
11 unit?

12 A: About 10 or 11 years.

13 Q: And what's the role of the forensic team?

14 A: We go out and process the scenes to document, to
15 collect, and to try to figure out the scenes, depending on
16 what it is.

17 Q: Did you have an occasion to visit the scene on this
18 particular evening?

19 A: I did.

20 Q: And when you arrived on scene, did you photograph the
21 scene?

22 A: Yes, sir. Absolutely.

23 Q: At this time I'm going to show you what's been pre-
24 marked as State's Exhibit 4 through 10. If you could,
25 without saying anything about them, just tell me if you

ERIC BARNES - DIRECT BY MR. WHITE

1 recognize those photographs and just flip through them, if
2 you don't mind.

3 A: Exhibit 4, yes. Exhibit 5, yes. Exhibit 6, yes.
4 Exhibit 7, yes. Exhibit 8, yes. State Exhibit 9 and 10,
5 yes.

6 Q: And is that a fair and accurate depiction of the scene
7 as you found it on that date?

8 A: Yes, sir.

9 Q: Have any alterations been made to those photographs?

10 A: No, sir.

11 MR. WHITE: At this time, Judge, I would move State's
12 Exhibit 4 through 10 into evidence.

13 THE COURT: Any objection from defense?

14 MS. HENDERSON: Judge, can I just see the pictures?

15 THE COURT: Yes.

16 MS. HENDERSON: No objection, Your Honor.

17 MR. WHITE: Thank you.

18 THE COURT: Is that 4 through 10?

19 MR. WHITE: Yes, sir, Judge.

20 THE COURT: 4 through 10 are into evidence.

21 (WHEREUPON, State's Exhibits No. 4 through No. 10,
22 photographs, were admitted into evidence.)

23 MR. WHITE: And with the Court's permission, I'm going
24 to play those digitally so the jury doesn't have to touch
25 them at this time.

1 THE COURT: Very good.

2 BY MR. WHITE:

3 Q: All right. Inv. Barnes, we're just going to walk
4 through these photographs, if we could.

5 A: Okay.

6 Q: Starting with the first one. All right. Now, is that
7 the scene as you found it?

8 A: Yes, sir.

9 Q: And is that Mr. Ingersoll laying there on the bed?

10 A: That is correct.

11 Q: Is that how his body was when you entered the home?

12 A: That is correct.

13 Q: And obviously, that's how it was when you photographed
14 it?

15 A: Yes, sir.

16 Q: The next photograph. Now, I want to point your
17 direction to the foot of the bed. Is that the gun, the
18 weapon that was used?

19 A: Yes, sir. Right here.

20 Q: Was that weapon processed?

21 A: Yes, sir.

22 Q: What exactly do you do when you process a piece of
23 evidence?

24 A: It depends on the nature. Most of the time we try to do
25 latent prints and DNA.

ERIC BARNES - DIRECT BY MR. WHITE

1 Q: All right. On this particular incident, what, if
2 anything, did you do with the gun?

3 A: I can't remember. I know I collected it.

4 Q: When you collect it, what do you do? Do you bag it?
5 How -- how does that work?

6 A: It's bagged and put in my possession until it can go to
7 the Sheriff's Office and then it goes to the evidence room.

8 Q: Is it sealed?

9 A: It's sealed.

10 Q: Does it remain sealed?

11 A: Yes, sir.

12 MR. WHITE: Judge, I beg the Court's indulgence.

13 BY MR. WHITE:

14 Q: I'm going to show you, Inv. Barnes, if I could, State's
15 Exhibit 11. If you could, tell me if you recognize that
16 particular item? I'm just going to set it right here.

17 A: That's the box that contains the .22 Marlin from the
18 scene.

19 Q: And is that the .22 Marlin that's pictured here?

20 A: Yes, sir, it is.

21 Q: And has it been tampered with? I see it's sealed up
22 pretty good with evidence tape.

23 A: It's still been sealed. It was sent to SLED for the
24 firearm analysis.

25 Q: Right.

ERIC BARNES - DIRECT BY MR. WHITE

1 A: It has not been touched since it come back from SLED.

2 Q: Do you have a knife on you?

3 A: I do not. I have a key though.

4 MR. WHITE: I want to ask -- Judge, if I could, I would
5 move State's Exhibit 11 into evidence.

6 THE COURT: Okay. Might counsel approach the bench?

7 MR. WHITE: Yes, sir, Judge.

8 (WHEREUPON, a bench conference was held in the presence
9 of the jury but out of the hearing of the jury off the
10 record, after which the proceedings resumed as follows.)

11 BY MR. WHITE:

12 Q: And while you're unsealing that gun, Inv. Barnes, can
13 you tell me do you all usually secure guns? Just for the
14 safety of everybody, is it going to be secured whenever you
15 pull it out of that box?

16 A: Yes.

17 Q: Is it going to be unloaded when you pull it out of that
18 box?

19 A: Yes, sir, it is.

20 Q: Okay.

21 MR. WHITE: Judge, I would move State's Exhibit 11 into
22 evidence.

23 THE COURT: Any objection from the defense?

24 MS. HENDERSON: Judge, I don't believe so.

25 THE COURT: Very good.

ERIC BARNES - DIRECT BY MR. WHITE

1 THE WITNESS: It's secured. The breech is open.

2 BY MR. WHITE:

3 Q: Now, Inv. Barnes, if you could, tell us is this the .22
4 Marlin that was recovered from the scene?

5 A: Yes, sir, it is.

6 Q: And is this the weapon that was used to kill Michael
7 Ingersoll?

8 A: Yes, sir.

9 Q: All right. I'm going to point you back toward the
10 photographs if I could, Inv. Barnes, and we'll go to the next
11 photograph.

12 THE COURT: All right. It's been moved into evidence
13 and, defense, do you have an objection?

14 MS. HENDERSON: No objection, Judge.

15 THE COURT: All right. It's into evidence. And that's
16 denominated as State's Exhibit?

17 MR. WHITE: 11.

18 THE COURT: 11 is in evidence.

19 MR. WHITE: Yes, sir, Judge.

20 (WHEREUPON, State's Exhibit No. 11, a .22 Marlin rifle
21 in a box, was admitted into evidence.)

22 BY MR. WHITE:

23 Q: Now, when you were doing your, you know, analysis of the
24 scene when you were viewing the scene, were you able to
25 assess exactly where on Mr. Ingersoll's body that he was

1 shot?

2 A: I believe it was several times in the center torso and
3 on the side, and I can't remember how many times in the head.

4 Q: Next picture, please. Now, is that the room where Mr.
5 Ingersoll was found? Did you have an occasion to, you know,
6 scan that room?

7 A: I did.

8 Q: Were you looking for any weapons other than the gun, the
9 murder weapon?

10 A: I was.

11 Q: Did you find anything at all related to that particular
12 endeavor?

13 A: No, sir, I did not.

14 Q: Now, did you discover on Mr. Ingersoll's belt clip what
15 I usually refer to as a painter's knife?

16 A: That is correct.

17 Q: Was it still clipped to his pants when you arrived?

18 A: Yes, sir, it was.

19 Q: Was it still sheathed? Was it still folded?

20 A: Yes.

21 Q: So it was not undone?

22 A: No, it was not.

23 Q: Now I want to show you this, Inv. Barnes. Did you
24 complete this particular scale?

25 A: Not completely, no.

ERIC BARNES - DIRECT BY MR. WHITE

1 Q: I'm sorry?

2 A: I did it to the best of my recollection of the --

3 Q: But you did this; right?

4 A: Yes, I did.

5 Q: And is this, to the best of your recollection, a fair
6 and accurate depiction --

7 A: Yes, it is.

8 Q: -- of the way the house laid out?

9 A: That's correct.

10 MR. WHITE: Judge, at this time I would move State's
11 Exhibit 3 into evidence.

12 MS. HENDERSON: No objection, Judge.

13 THE COURT: It's into evidence.

14 (WHEREUPON, State's Exhibit No. 3, large diagram, was
15 admitted into evidence.)

16 BY MR. WHITE:

17 Q: Now, I noticed a doorway here. Is this a doorway that
18 leads to the hallway and then into the bedroom?

19 A: Yes.

20 Q: Is this the exit?

21 A: Yes.

22 Q: What is this doorway here, Inv. Barnes, to the best of
23 your recollection?

24 A: It goes to another bedroom.

25 Q: Okay. Is there any exit from this particular bedroom?

ERIC BARNES - DIRECT BY MR. WHITE

1 A: I don't recall. I don't think so.

2 Q: This is another photograph you took of Mr. Ingersoll's
3 body?

4 A: It is.

5 Q: The next photograph. Now, I want to point your
6 attention to those pads there on his arms. What -- what are
7 those?

8 A: That's the pads they run on an EKG strip, the
9 paramedics, to make sure you don't have no kind of a
10 heartbeat or anything like that.

11 Q: Okay. Next picture. Now, this is the right side of Mr.
12 Ingersoll's face. Were you able to discover that he was
13 actually shot on the left side of his -- his face?

14 A: I can't recall because there was so much blood.

15 Q: Okay. Next picture. Are those the bullet wounds to his
16 torso?

17 A: It is. There were three -- three small wounds to the
18 left side of the mid-torso.

19 Q: And then -- and then one to the left but more midline?

20 A: That's correct.

21 Q: Next photograph. Now, you measured this particular
22 cluster of bullet wounds, did you not?

23 A: I did.

24 Q: Would you agree that that's a very small cluster?

25 A: That's a tight pattern, yes.

ERIC BARNES - DIRECT BY MR. WHITE

1 Q: Tight pattern? Explain what that means exactly?

2 A: Bullet placement. You know, it was a very small and
3 concentrated area and several -- at least three in that area
4 was very concentrated.

5 Q: Okay. Next photograph. And is that a measurement of
6 the other bullet hole on the torso?

7 A: Yeah. The mid-torso, yeah.

8 Q: Next photograph. That might be all. Now, one other
9 thing you do on scene, Inv. Barnes, if I'm not mistaken, is
10 you test for GSR; is that correct?

11 A: That is correct.

12 Q: What is GSR?

13 A: Gunshot residue. What it does it picks up the three
14 elements that's usually involved in the firing of a
15 cartridge. The elements are lead, antimony, and barium, and
16 we have GSR lifters we put on the hands to obtain the
17 transfer and we send it off to SLED for a mass spec to
18 process it in firearms.

19 Q: Okay. In this particular case, did the deceased,
20 Michael Ingersoll, test positive for GSR?

21 A: Hold on a second.

22 Q: In the SLED results?

23 A: I got it right here. It was found.

24 MS. HENDERSON: Judge, I would object. I don't believe
25 that Mr. Barnes can testify as to the results from SLED.

ERIC BARNES - DIRECT BY MR. WHITE

1 THE COURT: I'll sustain the objection, and we will
2 perhaps hear from that from SLED, the SLED agent.

3 MR. WHITE: Sounds good, Judge. Thank you.

4 BY MR. WHITE:

5 Q: Did you do GSR on Michael Ingersoll?

6 A: I did.

7 Q: Did you send those off to SLED?

8 A: I did.

9 Q: Did you do a GSR kit on the defendant in this case,
10 Bryan Seidle?

11 A: I did.

12 Q: Did you send that off to SLED?

13 A: Absolutely.

14 Q: Did you do a GSR kit on the mother of Mr. Seidle, Donna
15 Toro?

16 A: I did.

17 Q: Did you send that off to SLED?

18 A: I did.

19 Q: I want to ask you, you say when a gun is fired, that's
20 one way to get GSR on you; correct?

21 A: That is correct.

22 Q: Firing a gun, you get GSR on you?

23 A: Yes.

24 Q: How about when you get shot? Can you get GSR on you
25 then?

ERIC BARNES - DIRECT BY MR. WHITE

1 A: Absolutely.

2 Q: What are other ways that gunshot residue can be
3 transferred other than to be in the pattern, so to speak?

4 A: If you're in the pattern, you're in proximity of the
5 satellite pattern as it comes out, you get transfer. Also
6 bullet wipes as it goes through the clothing. Like I said,
7 sometimes when people get shot, they tend to grab that area
8 and they transfer that way. Or touching a firearm or
9 something of that nature that's been recently fired, they can
10 transfer it to the hands that way.

11 Q: Okay. So touching a firearm, like if that gun had GSR
12 on it and you touched it, you could get GSR on you; correct?

13 A: Yes, sir.

14 Q: How about if someone's got GSR on their clothes and you
15 touch them? Could you get GSR on you that way?

16 A: Very possibly, yes.

17 Q: How about if they had GSR on their hands and you grabbed
18 their hands? Could you get GSR on you that way?

19 A: It's very possible. Cross contamination.

20 MR. WHITE: I beg the Court's indulgence.

21 BY MR. WHITE:

22 Q: How do you specifically obtain gunshot residue? What --
23 how do you obtain that on the scene?

24 A: We have GSR kits.

25 Q: Uh-huh.

ERIC BARNES - DIRECT BY MR. WHITE

1 A: We have -- it has two tape lifters or two gel lifters,
2 one left hand and right hand, and we seal that and send it to
3 SLED.

4 Q: When you say a lifter, I mean explain to us the exact
5 process of how you get GSR and are you -- did you test these
6 individuals on their hands?

7 A: I did, their hands. You'd have to daub their hands
8 everywhere, the creases, both sides front and back, to try to
9 pick up any kind of -- like I said, the three elements that
10 the GSR picks up is the lead, antimony, and barium. So
11 that's what the lifters try to obtain at the moment.

12 Q: So you swab their hands?

13 A: Yes.

14 Q: And then you seal that -- those?

15 A: They're sealed and then sent to SLED.

16 Q: Okay.

17 A: For further testing.

18 Q: And did you do that in that particular incident?

19 A: I did.

20 Q: And how would it have been carried to SLED?

21 A: After it's sealed and it's put into the evidence room,
22 the evidence tech sends it. They hand deliver it to SLED
23 personally.

24 Q: And does it remain sealed?

25 A: Yes, sir. It remains sealed.

ERIC BARNES - CROSS BY MS. HENDERSON

1 MR. WHITE: Thank you, Inv. Barnes. I have nothing
2 further.

3 THE WITNESS: Okay.

4 THE COURT: Cross-examination, Ms. Henderson.

5 MS. HENDERSON: Thank you, Judge. And if I could have
6 just one moment, could I move this exhibit over?

7 THE COURT: You may.

8 MR. WHITE: I'll move it for you.

9 MS. HENDERSON: I'm sorry.

10 MR. WHITE: I'm sorry.

11 MS. HENDERSON: Judge, I apologize. I'm trying to get
12 it.

13 THE COURT: You take your time.

14 MS. HENDERSON: Different courtroom layouts. So my
15 apologies. And could we also take these pictures down?

16 THE COURT: You may.

17 CROSS-EXAMINATION

18 BY MS. HENDERSON:

19 Q: Cpl. Barnes, you testified that you basically
20 investigate the scene of the crime; correct?

21 A: Yes, ma'am.

22 Q: Talk with me, please, sir, a little bit more about what
23 this entails. You process the information on scene; right?

24 A: That's correct.

25 Q: Evidence; correct?

1 A: That's correct.

2 Q: Everything that's at the scene of the crime, it's your
3 responsibility to find out, to handle, that sort of stuff;
4 right?

5 A: That's correct.

6 Q: Why do you want to do that?

7 A: To document the scene, make sure there's no cross-
8 contamination or anything of that nature.

9 Q: Certainly. You want to make sure --

10 A: Try to keep the integrity of the scene intact.

11 Q: Yes, sir. You want to make sure that you learn as much
12 as you can about what happened; right?

13 A: That's correct.

14 Q: You want to dot all your I's and cross all your T's;
15 correct?

16 A: That is correct.

17 Q: On June 14th, you filled out an officer case notes
18 report; correct?

19 A: That's correct.

20 Q: And the date of this incident was May 26th; correct?

21 A: That's correct.

22 Q: Do you have a copy of that report in front of you, sir?

23 A: I do.

24 Q: Okay. In this report, as I stated, this is an
25 investigation of your report from that -- this is an invest

ERIC BARNES - CROSS BY MS. HENDERSON

1 -- this is a reporting -- excuse me -- of your investigation
2 from that evening; correct?

3 A: That's correct.

4 Q: Is this a full and complete documentation of what you
5 observed?

6 A: That's correct.

7 Q: Okay. You stated that you arrived on scene at 10:42
8 p.m.; correct?

9 A: That's correct.

10 Q: You then report that you performed gunshot residue
11 tests, as Mr. White just spoke to you about, on the
12 individuals on scene; correct?

13 A: That's correct.

14 Q: Before we talk about these tests generally, you
15 explained what a gunshot residue test is. What's a
16 presumptive test?

17 A: A presumptive test -- it's -- it's not as reliable as
18 the GSR kits that we perform. That's why we always do those
19 first to make sure we don't try to remove anything that a
20 presumptive test would pick up.

21 Q: Sure. And on that presumptive test, Ms. Deola Sara
22 Foxworth tested positive for GSR; correct?

23 A: That's correct.

24 Q: And a Ms. Donna Toro tested positive for GSR; correct?

25 A: That's correct.

ERIC BARNES - CROSS BY MS. HENDERSON

- 1 Q: Mr. Seidle tested negative for GSR; correct?
- 2 A: That's correct.
- 3 Q: And CJ Toro also on scene tested negative; correct?
- 4 A: That's correct.
- 5 Q: And Mr. Michael Ingersoll also tested positive; correct?
- 6 A: That's correct.
- 7 Q: Okay. And I might've missed this earlier. Who all was
- 8 on scene at the time you arrived at the incident location
- 9 that was not law enforcement or first responders?
- 10 A: The coroner was with me. I have a crime scene log. Do
- 11 you want a list of everyone?
- 12 Q: Individuals who were not first responders, law
- 13 enforcement, in addition to Mr. Seidle?
- 14 A: Oh, just the -- the family and the subject.
- 15 Q: Okay. So the family was --
- 16 A: And the victim.
- 17 Q: -- a Ms. Donna Toro; correct?
- 18 A: That's correct.
- 19 Q: And that's the mother of Mr. Seidle; correct?
- 20 A: That's correct.
- 21 Q: A Ms. Conner Jean "CJ" Toro, that's the sister of Mr.
- 22 Seidle; correct.
- 23 A: That is correct.
- 24 Q: A Ms. Deola Sara Foxworth, that's the girlfriend of Mr.
- 25 Seidle; correct?

ERIC BARNES - CROSS BY MS. HENDERSON

- 1 A: That's correct.
- 2 Q: Anyone else on scene?
- 3 A: Michael Ingersoll.
- 4 Q: Okay. I'd like to walk through now the evidence in
5 detail of what you report you found that evening.
- 6 A: Okay.
- 7 Q: You report that you entered the home and observed a
8 shell casing in the threshold of one of the bedrooms;
9 correct?
- 10 A: That's correct.
- 11 Q: Which bedroom was that? The front right bedroom?
- 12 A: That's correct. The master bedroom.
- 13 Q: Okay. You test -- you reported -- excuse me, sir --
14 that you observed a casing on the floor next to the butt of
15 the rifle; correct?
- 16 A: That's correct.
- 17 Q: You reported that there were two unfired rounds on the
18 table behind an Xbox; correct?
- 19 A: That is correct.
- 20 Q: There was a casing on a bag next to the snake tank?
- 21 A: That's correct.
- 22 Q: A casing on the bed? Yes, sir?
- 23 A: That's correct.
- 24 Q: Yes, sir. Another casing on the bed?
- 25 A: That's correct.

- 1 Q: Another casing on the bed?
- 2 A: That's correct.
- 3 Q: An unfired round on the floor; correct?
- 4 A: That is correct.
- 5 Q: You collected all of this information for evidence;
- 6 correct?
- 7 A: That is absolutely correct.
- 8 Q: So in total I'm seeing you recovered six casings?
- 9 A: Six casings and, I think, three rounds, if I'm not
- 10 mistaken. Yeah, six shell casings.
- 11 Q: I'm sorry. Say that again, sir?
- 12 A: Six shell casings.
- 13 Q: And three unfired rounds?
- 14 A: That's correct.
- 15 Q: Right?
- 16 A: That is correct.
- 17 Q: The home was cluttered; correct?
- 18 A: Oh, yes.
- 19 Q: Lots of stuff in the home?
- 20 A: Oh, yes, ma'am.
- 21 Q: It was a smaller home; correct?
- 22 A: That's correct.
- 23 Q: Small bedroom; correct?
- 24 A: That's correct.
- 25 MS. HENDERSON: Your Honor, may I grab this State's

ERIC BARNES - CROSS BY MS. HENDERSON

1 exhibit?

2 THE COURT: Yes.

3 MS. HENDERSON: Thank you.

4 BY MS. HENDERSON:

5 Q: And, Sgt. Odom, you completed this sketch; correct?

6 A: I'm Cpl. Barnes. Yes, I did.

7 Q: I apologize, sir. My apologies. Cpl. Barnes, you
8 completed this sketch; correct?

9 A: Yes, ma'am.

10 Q: You testified it's not to scale; correct?

11 A: That's correct.

12 Q: You don't know the dimensions of the bedroom; correct?

13 A: I do not.

14 Q: You don't know how far the bed was from what you said
15 was the door; correct?

16 A: No, ma'am.

17 Q: You don't not how far the bed was from the furniture in
18 the room; correct?

19 A: That's correct.

20 Q: Are all of these pieces of furniture in the room the
21 furniture that was actually in the room?

22 A: Yes, ma'am.

23 Q: To your recollection?

24 A: It's my recollection, yes.

25 Q: You don't know how far the bedroom was from the living

1 room; correct?

2 A: No, ma'am.

3 Q: You don't know how far the bedroom was from the kitchen;
4 correct?

5 A: That's correct.

6 Q: Cpl. Barnes, I'd like to discuss with you now what you
7 submitted to SLED. Do you have a copy of your forensic
8 service request to SLED in front of you?

9 A: I do.

10 Q: And in this request you set forth a total of 16 --
11 excuse me. You set forth that you submitted a total of 16
12 items to SLED?

13 A: Yes.

14 Q: And for clarification, SLED is South Carolina Law
15 Enforcement Division; right?

16 A: That is correct.

17 Q: And you submitted 16 items from the scene to SLED?

18 A: That's correct.

19 Q: All right, sir. I'd like to walk through line by line
20 what you submitted.

21 A: Okay.

22 Q: You submitted a cartridge case from the threshold of the
23 bedroom floor; correct?

24 A: That is correct.

25 Q: Another cartridge case beside from the bed; correct?

ERIC BARNES - CROSS BY MS. HENDERSON

- 1 A: Beside the left leg.
- 2 Q: My apologies. Yes, sir. Another cartridge case from
- 3 the floor of the bed?
- 4 A: That is correct.
- 5 Q: A cartridge case from the bed?
- 6 A: Near the right shoulder, yes.
- 7 Q: Yes, sir. A cartridge case from the snake tank?
- 8 A: That's correct.
- 9 Q: A cartridge case from the head -- next to the head of
- 10 the body; correct?
- 11 A: That is correct.
- 12 Q: A cartridge case next to the butt of the gun?
- 13 A: That is correct.
- 14 Q: The eighth item that you submitted was a swab or two
- 15 swabs from the rifle; correct?
- 16 A: That is correct.
- 17 Q: And then the GSR kits of Ms. Deola Foxworth?
- 18 A: That's correct.
- 19 Q: Ms. Conner Toro?
- 20 A: That's correct.
- 21 Q: Ms. Donna Toro?
- 22 A: That's correct.
- 23 Q: Mr. Michael Ingersoll?
- 24 A: That's correct.
- 25 Q: And Mr. Bryan Seidle?

- 1 A: That is correct.
- 2 Q: You also submitted a buccal swab of Mr. Seidle; correct?
- 3 A: Yes, ma'am, that's correct.
- 4 Q: A blood spot from the autopsy; correct?
- 5 A: That's correct.
- 6 Q: And you submitted the rifle which we saw earlier;
- 7 correct?
- 8 A: That's correct.
- 9 Q: And that's a full and complete list of everything that
- 10 you submitted to SLED; right?
- 11 A: That's correct.
- 12 Q: And why do you submit these items to SLED?
- 13 A: Because they only allow certain -- that's the most
- 14 pertinent that we have. They only allow so many items and
- 15 what they can test and what they can't test.
- 16 Q: Sure.
- 17 A: That's why we sent those.
- 18 Q: Okay. Was there other evidence on scene?
- 19 A: Yes, ma'am.
- 20 Q: What other evidence was there?
- 21 A: I got his clothing that he was wearing from autopsy --
- 22 let's see -- the rifle, the GSRs I collected, the buccal
- 23 swabs. That's about it.
- 24 Q: You didn't compile an actual list of evidence in this
- 25 case; correct?

ERIC BARNES - CROSS BY MS. HENDERSON

1 A: No, ma'am.

2 Q: Was there money that was recovered on scene?

3 A: I didn't recover no money from the scene. I think there
4 was some change or something that was in his front pocket
5 from the autopsy.

6 MS. HENDERSON: Your Honor, may I have one moment,
7 please?

8 THE COURT: Yes.

9 MS. HENDERSON: Thank you. Your Honor, may I approach
10 the State?

11 THE COURT: You may.

12 MR. WHITE: No objection.

13 MS. HENDERSON: And, Your Honor, I apologize. I need to
14 label these as defense exhibits.

15 THE COURT: You may.

16 (WHEREUPON, there was a pause in the proceedings to mark
17 the exhibits, after which the proceedings resumed as
18 follows.)

19 MS. HENDERSON: Your Honor, may I approach the -- excuse
20 me. May I approach the witness?

21 THE COURT: You may.

22 MS. HENDERSON: Thank you.

23 BY MS. HENDERSON:

24 Q: Cpl. Barnes, I'm going to show you photographs that have
25 been marked as exhibits. Defense Exhibits No. 1?

1 A: Uh-huh.

2 Q: No. 2?

3 A: Yes.

4 Q: No. 3?

5 A: Yes.

6 Q: And No. 4?

7 A: Yes.

8 Q: Are these photographs that you took that night of the
9 scene?

10 A: It is.

11 Q: To your recollection, do they accurately depict and
12 reflect the scene as you took it that night?

13 A: That that was in his wallet, yes.

14 Q: Okay.

15 MS. HENDERSON: Your Honor, at this time I would move to
16 introduce Defense Exhibits 1 through 4 into evidence.

17 THE COURT: Any objection from the State?

18 MR. WHITE: No, sir, Judge.

19 THE COURT: They're into evidence.

20 (WHEREUPON, Defendant's Exhibits No. 1 through No. 4,
21 photographs, were admitted into evidence.)

22 BY MS. HENDERSON:

23 Q: Cpl. Barnes, I'm going to hand you these. If you
24 wouldn't mind just looking at them. That first exhibit, what
25 does it -- that first photograph. Excuse me, sir. What does

ERIC BARNES - CROSS BY MS. HENDERSON

1 it set forth?

2 A: Some 20s, a five, and some ones.

3 Q: Okay. How much money was that?

4 A: I'm not sure.

5 Q: Okay. What does that second photograph set forth?

6 A: It's showing the piece of the 20 and the five and
7 several of the ones.

8 Q: Sure. That third photograph?

9 A: Several ones, his ID, the victim's ID, and some currency
10 to the side as well.

11 Q: And that fourth photograph, what does that set forth?

12 A: The currency that was in his wallet.

13 MS. HENDERSON: Your Honor, at this time I would ask to
14 publish the following photographs to the jury, and I can just
15 hold them up.

16 THE COURT: You may.

17 MS. HENDERSON: If that's all right.

18 This is Defense Exhibit 1, Defense Exhibit 2, Defense
19 Exhibit 3, Defense Exhibit 4.

20 BY MS. HENDERSON:

21 Q: Cpl. Barnes, where is the remainder of this evidence?

22 A: That would be with the coroner's office.

23 Q: Okay.

24 MS. HENDERSON: May I beg the Court's indulgence?

25 THE COURT: You may.

ERIC BARNES - REDIRECT BY MR. WHITE

1 MS. HENDERSON: Thank you, Cpl. Barnes.

2 THE WITNESS: You're welcome.

3 MS. HENDERSON: No further questions from the defense.

4 THE COURT: Any redirect?

5 MR. WHITE: Just briefly, Judge.

6 REDIRECT EXAMINATION

7 BY MR. WHITE:

8 Q: Inv. Barnes, I think you testified that the presumptive
9 GSR kit is not reliable; correct?

10 A: That's correct.

11 Q: Is that why you send the GSR kit off to SLED?

12 A: That's correct. That's why we initially do the GSR at
13 first.

14 Q: And is that more reliable?

15 A: Yes, absolutely.

16 Q: While you were doing the GSR of the defendant in this
17 case, did he say anything to Inv. Price?

18 A: I heard an utterance when I walked up to him.

19 Q: Okay. What, if anything, did he say?

20 A: He said -- I heard said, basically, I shot him, what
21 happens now?

22 MR. WHITE: Thank you, Judge. I've got nothing further.

23 THE COURT: All right. Very good.

24 All right. We're going to take a brief recess. Once
25 again, Mr. Foreman, no discussion about the case whatsoever,

DANNY TAYLOR - DIRECT BY MR. WHITE

1 would call Deputy Coroner Danny Taylor.

2 THE COURT: Yes, sir. Mr. Taylor, please come forward
3 and I'm going to ask, if you could, to place your paperwork
4 down and place your left hand on the Bible and raise your
5 right hand as the clerk administers the oath.

6 THE CLERK: Do you swear the testimony you give in this
7 case to be the truth, the whole truth, and nothing but the
8 truth, so help you God?

9 THE WITNESS: I do.

10 THE CLERK: Please be seated and state your full name
11 for the record.

12 THE COURT: Mr. Taylor, come forward and have a seat in
13 the witness chair there. Pull up real close to that
14 microphone and speak loudly, clearly, and slowly in order
15 that we can hear everything that you have to say, and let's
16 start with your full name, please, sir.

17 THE WITNESS: Danny Dean Taylor.

18 THE COURT: Very good, Mr. Taylor.

19 Yes, sir.

20 MR. WHITE: Thank you, Judge.

21 DANNY TAYLOR, being first duly
22 sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. WHITE:

25 Q: Hey, Mr. Taylor. If you could, tell us exactly where

1 you're employed?

2 A: Florence County Coroner's Office.

3 Q: And how long have you been employed there?

4 A: Three years.

5 Q: And before that where were you employed?

6 A: I was actually a retired paramedic.

7 Q: Now, what is your role as deputy coroner?

8 A: Our role is actually to investigate the cause and manner
9 of death.

10 Q: And did you have occasion to investigate such on this
11 particular investigation?

12 A: I did.

13 Q: Did you arrive on the scene shortly after the shooting?

14 A: I did.

15 Q: And what did you find when you -- you arrived?

16 A: Well, initially, I did a walk-through of the -- of the
17 scene just to kind of see what was there after I met with the
18 initial officers and was directed to a rear bedroom of the
19 mobile home where I found a deceased victim.

20 Q: And was that Michael Ingersoll?

21 A: It was.

22 Q: Now, did you have an opportunity to come in contact with
23 the defendant in this case?

24 A: I did.

25 Q: And what was his demeanor when you spoke to him?

DANNY TAYLOR - DIRECT BY MR. WHITE

1 A: He was calm, very collected, very thoughtful.

2 Q: And what, if anything, did he say to you?

3 A: I asked him -- when I initially approached him, I
4 identified myself and asked him if he was aware of his rights
5 and that he did not have to speak with me, and his response
6 was that he was and that he wanted to do anything he could to
7 help.

8 Q: And what did he say at that point?

9 A: I asked him to describe to me what happened or about the
10 incident, and he said that Ms. Toro and the deceased had got
11 into an argument and she had left the residence, and he
12 wanted him to leave as well and he was refusing; so he
13 retrieved a rifle from the bedroom and shot him.

14 Q: Now, at that point what, if anything, do you do with the
15 deceased's body?

16 A: Typically, you know, once -- once all the evidence is
17 taken from around the scene, he's photographed. We do a
18 brief examination of the body at the scene. It is then
19 packaged, as we refer to as packaged, which is placed into a
20 body bag and it is sealed with a numbered seal.

21 Q: Do you also take possession of the deceased's -- any
22 items -- personal items that may be on him?

23 A: We do. There are some personal items that we will take.
24 For example, identification or a wallet. We -- we do try to
25 separate out some of the personal effects versus what may be

1 of evidentiary value.

2 Q: Now, I'm going to show you State's Exhibit -- or excuse
3 me -- Defense Exhibit 4. Do you recognize those items as
4 belonging to Michael Ingersoll?

5 A: I do.

6 Q: And what, if anything, did you do with those particular
7 items?

8 A: Those were actually released to the family.

9 Q: So you turned those back over to the deceased's family?

10 A: I did.

11 Q: Thank you. Now, did you order an autopsy in this case?

12 A: I did.

13 Q: And was an autopsy conducted?

14 A: It was.

15 Q: Did you get the results of that autopsy back?

16 A: I did.

17 Q: And based on those results and your own investigation,
18 what did you conclude was the cause of death?

19 A: The cause of death was a gunshot wound. The
20 pathologist, you know, based on his report and his -- and
21 plus my examination of the scene, the deceased died as a
22 result of a gunshot wound to the head and the trunk.

23 Q: And what did you determine was the manner of death?

24 A: The manner of death was a homicide.

25 MR. WHITE: I beg the Court's indulgence.

DANNY TAYLOR - CROSS BY MS. HENDERSON

1 Nothing further, Judge.

2 THE COURT: All right. Cross-examination, Ms.
3 Henderson.

4 MS. HENDERSON: One moment, please.

5 THE COURT: Take your time,

6 MS. HENDERSON: Thank you, sir.

7 CROSS-EXAMINATION

8 BY MS. HENDERSON:

9 Q: Mr. Taylor, you examined the scene with Cpl. Barnes;
10 correct?

11 A: That is correct.

12 Q: And as part of your investigation, you filled out a
13 report; correct?

14 A: That is correct.

15 Q: Do you have a copy of that report in front of you?

16 A: I do.

17 Q: I'd like to walk through that report, if you don't mind,
18 sir.

19 A: Certainly.

20 Q: In your report you set forth that you arrived on scene
21 and spoke with Ms. Donna Toro; correct?

22 A: That is correct.

23 Q: And that's Mr. Bryan Seidle's mother; correct?

24 A: That is correct.

25 Q: And you report that Ms. Toro said she left the residence

DANNY TAYLOR - CROSS BY MS. HENDERSON

1 because her and Mr. Ingersoll got into an argument; correct?

2 A: That is correct.

3 Q: She wouldn't tell you what that argument was about;
4 correct?

5 A: She declined.

6 Q: There was a Ms. Conner Jean Toro and Deola Foxworth also
7 on present -- also present on scene; correct?

8 A: That is correct.

9 Q: And you report that both of those individuals tell you
10 that Mr. Seidle was demanding Mr. Ingersoll leave the
11 residence; correct?

12 MR. WHITE: Judge, objection. That's hearsay.

13 THE COURT: Sustained.

14 BY MS. HENDERSON:

15 Q: Mr. Taylor, you testified that Mr. Seidle stated that he
16 wanted to help you in any way that he could?

17 A: That is possible. Yes. I'm sorry. Yes, he did.

18 Q: As you said, I believe earlier he was calm, collected,
19 very thoughtful?

20 A: That is correct.

21 Q: When asked how many times he fired, you report that he
22 said, "I don't know. I shot until it stopped."

23 A: That's correct.

24 Q: When the first deputy arrived on scene, you report that
25 he presented himself to them?

DANNY TAYLOR - CROSS BY MS. HENDERSON

1 A: That's what Mr. Seidle advised me, yes.

2 Q: Yes, sir. Going into the home, the home was very
3 cluttered?

4 A: That's correct.

5 Q: Lots of items?

6 A: Yes.

7 Q: Really hard to see everything that's potentially going
8 on?

9 A: Pretty much, yes.

10 Q: In your report you report that the first 9-1-1 call was
11 received at 9:57 p.m.; correct?

12 A: Yes.

13 Q: And based upon that, you estimated that the time of
14 death to be 9:50 p.m.; correct?

15 A: Well, I was not aware that there was -- at that
16 particular time that there was a second 9-1-1 call.

17 Unfortunately, to determine a cause of death or time of death
18 is -- is -- it can be subjective, and I was actually basing
19 that on a known, which was a known time a call was made.
20 Unfortunately, time of death is not precise.

21 Q: Yes, sir.

22 MS. HENDERSON: May I beg the Court's indulgence?

23 THE COURT: Yes.

24 MS. HENDERSON: Mr. Taylor, I have no further questions.

25 Thank you.

DANNY TAYLOR - REDIRECT BY MR. WHITE

1 THE COURT: Redirect, Mr. White?

2 MR. WHITE: Just briefly, Judge.

3 REDIRECT EXAMINATION

4 BY MR. WHITE:

5 Q: Mr. Taylor, when you inspected the home and the body,
6 did you see the rifle that was present at the scene?

7 A: I did.

8 Q: Did you see any other weapons on the floor or around the
9 body?

10 A: The only -- the only other item that could be considered
11 a weapon was a painter's knife which was attached to the belt
12 loop of the deceased.

13 Q: So when you got there, it was still clipped?

14 A: It was.

15 Q: Is it one of those knives that folds out?

16 A: It does. It folds out. I think it has, like, a razor
17 blade in it.

18 Q: Was it still folded?

19 A: It was still folded.

20 Q: And clipped to his belt?

21 A: It was clipped to the -- to the front belt loop, I
22 believe.

23 MR. WHITE: Thank you. I have nothing further.

24 THE COURT: All right. Mr. Foreman and ladies and
25 gentlemen of the jury, we're going to take a break until 1

1 MS. HENDERSON: No, sir.

2 THE COURT: Very good. All right. Thank you very much.
3 We'll stand at ease until 1 o'clock.

4 (WHEREUPON, there was a break in the proceedings from
5 11:16 a.m. until 12:59 p.m., after which the proceedings
6 resumed as follows.)

7 THE COURT: Anything from the State before we bring the
8 jury out?

9 MR. WHITE: No, sir, Judge.

10 THE COURT: Anything from defense?

11 MS. HENDERSON: No, sir.

12 THE COURT: We're ready for the jury.

13 (WHEREUPON, the jury entered the courtroom at 1:00 p.m.)

14 THE COURT: Mr. Foreman and ladies and gentlemen of the
15 jury, everybody looks well fed and very attentive. Y'all pay
16 very close attention as the State calls the next witness.

17 Mr. White?

18 MR. WHITE: Thank you, Judge. At this time the State
19 would call Megan Fletcher to the stand.

20 THE COURT: Yes, sir.

21 Yes, ma'am. Please come forward. I'm going to give you
22 an opportunity to set your bag down and place your left hand
23 on the Bible and raise your right hand as the clerk
24 administers the oath.

25 THE CLERK: Do you swear the testimony you give in this

MEGAN FLETCHER - DIRECT BY MR. WHITE

1 case to be the truth, the whole truth, and nothing but the
2 truth, so help you God?

3 THE WITNESS: I do.

4 THE CLERK: Please be seated and state your full name
5 for the record.

6 THE COURT: Yes, ma'am. Please come around and have a
7 seat in the witness chair. I'm going to ask, if you could,
8 to please pull up real close to that microphone and speak
9 loudly, clearly, and slowly in order that we can hear
10 everything that you have to say, and let's start with your
11 full name. You can take your mask off. How about that?
12 Very good.

13 THE WITNESS: My name is Megan Fletcher, F-l-e-t-c-h-e-
14 r.

15 MR. WHITE: Thank you, Ms. Fletcher.

16 MEGAN FLETCHER, being first
17 duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. WHITE:

20 Q: If you could, tell us where do you work?

21 A: I work for the South Carolina Law Enforcement Division,
22 commonly known as SLED, in the forensics laboratory in the
23 trace evidence department.

24 Q: And how long have you worked there?

25 A: Thirteen years.

MEGAN FLETCHER - DIRECT BY MR. WHITE

1 Q: And prior to that, what was your education and
2 experience?

3 A: I have my bachelor's degree in English and biochemistry
4 from Chatham College and my master's in forensic science from
5 Marshall University, emphasizing in computer forensics and
6 forensic chemistry.

7 Q: Now, in the last 13 years, have you received any
8 specialized training?

9 A: I have. I have received specialized training in all of
10 the trace evidence disciplines. Specifically in gunshot
11 residue, I received a one-year in-house training that
12 included practical, oral, and written examinations. It also
13 included some outside training from instrumental companies.

14 Q: And have you ever testified in court before as an
15 expert?

16 A: Yes, sir, I have.

17 Q: About how many times do you think?

18 A: Around 25.

19 Q: And what were you qualified as an expert in?

20 A: I have been qualified as a trace evidence expert, as
21 well as a gunshot primer residue expert.

22 Q: Thank you very much.

23 MR. WHITE: Judge, at this time I would move that Ms.
24 Fletcher be qualified as an expert in the field of gunshot
25 residue.

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1 THE COURT: All right. Any query with regard to her
2 qualifications?

3 MS. HENDERSON: No, sir, Judge.

4 THE COURT: All right. Mr. Foreman and ladies and
5 gentlemen of the jury, normally a witness can only testify as
6 to things they heard, saw, and felt. However, there's an
7 exception to that rule for witnesses we categorize as expert
8 witnesses. If based on their education and experience they
9 have become an expert in some area, they can not only testify
10 as to what they heard, saw, and felt, but they can render
11 their opinion in that field.

12 He has -- this witness has been offered as an expert in
13 gunshot residue. I'm qualifying her as an expert in that
14 field. She can testify as to her opinion with regard to
15 that.

16 Just by virtue of the fact that a person is an expert
17 does not mean that you have to believe what they have to say.
18 You need to evaluate their testimony just like you would any
19 other evidence. You can determine whether or not they have
20 the proper education and training, whether or not their
21 testimony is corroborated or contradicted by other evidence.
22 That's your job as the jury is to determine the credibility
23 of all witnesses, including expert witnesses.

24 Mr. White.

25 MR. WHITE: Thank you, Judge.

MEGAN FLETCHER - DIRECT BY MR. WHITE

1 BY MR. WHITE:

2 Q: Ms. Fletcher, when gunshot residue arrives at your lab
3 at SLED, how does it arrive?

4 A: It arrives in a sealed container, usually a Manila
5 envelope or a plastic bag or a box inside a gunshot residue
6 kit, and it comes into the evidence control department.
7 Somebody from the trace evidence laboratory then retrieves
8 that evidence from the evidence control department and brings
9 it up to the trace department to inventory its contents and
10 document all of the pertinent information that we need for
11 subsequent analysis.

12 Q: And were all of those procedures followed in this
13 particular case?

14 A: Yes, sir, they were.

15 Q: And when the packet arrived, was it sealed?

16 A: May I check my notes, please?

17 Q: Sure.

18 A: Yes, sir. In this case the outer containers and the
19 inner gunshot residue kits were sealed and initialed.

20 Q: And when you get it in, when you got that kit in, did
21 you perform an analysis on it?

22 A: Yes, sir, I did.

23 Q: And when you finished with the analysis, what, if
24 anything, do you do with that kit?

25 A: I then package that evidence back up, seal it, and

MEGAN FLETCHER - DIRECT BY MR. WHITE

1 return it to the agency.

2 Q: I'm going to show you what's been marked for
3 identification purposes as State's Exhibit 19. If you could,
4 tell me if you recognize that particular item?

5 A: State's Exhibit 19 is SLED laboratory L18-07901, and I
6 can tell this by the SLED barcode. This is container B. My
7 initials appear down here with the date that I retrieved the
8 evidence from it on January 14th, 2020, and the date that I
9 sealed and initialed the evidence.

10 Q: And is it in the same condition as when you sent it back
11 to the Sheriff's Office?

12 A: Yes, sir, it is.

13 Q: Has the seal been broken in any way?

14 A: It does not appear so.

15 MR. WHITE: Judge, at this time I would move State's
16 Exhibit 19 into evidence.

17 THE COURT: Any objection?

18 MS. HENDERSON: I would just like to see it, Your Honor.

19 THE COURT: Yes.

20 MS. HENDERSON: No objection, Judge.

21 THE COURT: It's into evidence.

22 (WHEREUPON, State's Exhibit No. 19, GSR kits, was
23 admitted into evidence.)

24 BY MR. WHITE:

25 Q: Now, how does analysis of gunshot residue work?

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1 A: So gunshot residue analysis works by using a very
2 powerful microscope. Gunshot residue is actually the primer
3 residue that comes out of a gun when it's fired, and what
4 we're looking for are very small particles that contain the
5 elements lead, barium, and antimony.

6 So I will take it to a microscope and we'll do an
7 automated analysis, and it will search for any particles that
8 contain all three of those elements in one single particle.
9 I then go back and I analyze that data, and I go and I look
10 at those particles and I make sure that they have the right
11 morphology, meaning I make sure that they are round or
12 spheroidal so that they look sort of like they underwent high
13 heat and pressure. And then I make sure that they contain
14 the elements lead, barium, and antimony.

15 Q: And was that analysis conducted in this particular case?

16 A: Yes, sir, it was.

17 Q: As to the defendant, Bryan Seidle, did he test positive
18 for gunshot residue?

19 A: May I refer to my notes?

20 Q: Yes, ma'am, please.

21 A: Yes, sir. I found two particles characteristic of
22 gunshot primer residue on the right hand of Mr. Seidle.

23 Q: And as to the deceased, Michael Ingersoll, did he test
24 positive?

25 A: Yes, sir, he did.

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1 Q: And as to the mother of the defendant, Donna Toro, did
2 she test positive?

3 A: Yes. Yes, sir, she did.

4 Q: And there were two other individuals tested; correct?

5 A: Yes, sir, a Conner Toro and a Deola Foxworth?

6 Q: And what were the results of their testing?

7 A: No particles characteristic of gunshot primer residue
8 were detected on either of those individual's hands.

9 Q: Now, earlier we heard testimony that a presumptive test
10 was done on one of those individuals and it was positive.
11 Could you talk to us a little bit about presumptive tests and
12 their reliability?

13 A: Presumptive testing is sometimes done by the agency, the
14 local agencies, to determine whether somebody may have fired
15 a gun so that they can get a quick test in the field. What
16 we ask these local agencies to do is to take that test after
17 they've already collected the gunshot residue kits that are
18 meant for our laboratory, meaning they've already taken a
19 gunshot residue kit, collected and completely taken all of
20 the sample off of somebody's hands prior to using the
21 presumptive kit for their local agency.

22 Also, these presumptive tests are usually looking for
23 one of the components of gunshot residue, either lead or
24 nitrates or nitrites. I don't know in this particular case
25 which presumptive test was performed, but it is not -- it's

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1 not conclusive that gunshot residue is there. What we look
2 for in the SLED laboratory is conclusive for particles
3 characteristic of gunshot primer residue.

4 Q: Now, I think what I'm hearing you say is the initial
5 test, the presumptive test, is not really reliable at all; is
6 that correct?

7 A: It can determine whether -- depending on the type of kit
8 that it is, if it's looking for lead, it may find a
9 presumptive look search for lead, but that doesn't
10 necessarily say that somebody was shooting a gun. It just
11 says that lead was present. What we're looking for is lead,
12 barium, and antimony all in a single particle, and that is
13 characteristic of gunshot primer residue. There are other
14 sources of just lead.

15 Q: And that's a fantastic segue to the million-dollar
16 question. How easy is it to transfer gunshot residue?

17 A: Gunshot residue is super easy to transfer. If you want
18 to think about if you're baking a cake and you get flour on
19 your hands, if you think about when you wipe your hands on
20 your apron, then you can see that transfer of that flour from
21 your hands to your apron.

22 That's the same way that gunshot residue is going to
23 transfer. If you touch your shirt after you shoot a gun,
24 you're going to transfer gunshot residue. Any other surface
25 that you touch, you have the potential to transfer gunshot

1 residue.

2 Q: So if a gun has gunshot residue and someone touches it,
3 they could get GSR on them that way?

4 A: Recently fired weapons usually contain gunshot primer
5 residue, and if you touch that gun, that is a potential
6 source of you picking up gunshot primer residue.

7 Q: And how about if I touch someone's shirt and they have
8 gunshot residue? Can I get it on me that way?

9 A: That is also a potential.

10 Q: And if I touch someone's hands and they have it on their
11 hands, can I get it on me that way?

12 A: Yes, sir, it is.

13 MR. WHITE: I beg the Court's indulgence.

14 THE COURT: All right.

15 MR. WHITE: Nothing further, Judge.

16 THE COURT: Cross-examination.

17 MS. HENDERSON: One moment, please, Judge.

18 THE COURT: Yes.

19 CROSS-EXAMINATION

20 BY MS. HENDERSON:

21 Q: Hey, Ms. Fletcher.

22 A: Hi.

23 Q: You walked us through gunshot residue, GSR. I'd like to
24 get into a little bit more detail about this. Layman's
25 terms, GSR, particles of heavy metal; correct?

MEGAN FLETCHER - CROSS BY MS. HENDERSON

1 A: You could say that, yes.

2 Q: Okay. Settles to the ground quickly; correct?

3 A: Correct.

4 Q: Different from gunpowder; correct?

5 A: Correct.

6 Q: Because gunpowder comes out of the muzzle; right?

7 A: They both actually come out of the -- the muzzle.

8 Gunshot residue that we're actually talking about that I
9 analyzed is coming from the primer part of the cartridge, and
10 that's composed of lead, barium, and antimony. Gunpowder is
11 something specific that comes out of every part of the gun as
12 well, but it includes the nitrites and the nitrates and the
13 bullet wipe from the gun and the lead cloud as well.

14 Q: Okay. And you obviously have much more training in
15 this; so I apologize for misspeaking or if I misstate
16 anything or don't use the proper terms, but I just want to
17 make sure we break it down for the jury. Gunshot residue can
18 come out of the ejection port when the cartridge case is
19 ejected upon firing; correct?

20 A: Yes, ma'am. It also comes out of the muzzle, and the
21 majority of it actually comes out of the muzzle --

22 Q: Okay.

23 A: -- when the gun is fired.

24 Q: Okay. I want to go back to the ejection port. The
25 ejection port is on top of the rifle; right?

1 A: I'm not familiar with this particular gun.

2 Q: Okay. Typically, muzzle is on the other side of the
3 ejection port; correct?

4 A: It's on -- the ejection port is usually closer to the
5 hands of somebody shooting as opposed to the muzzle.

6 Q: Okay. And as the cartridge case is ejected, the firing
7 pin will strike the rim of the cartridge; right?

8 A: The mechanics of the gun you would have to get in with
9 the firearm -- with the firearms expert.

10 Q: I understand. My apologies. But as a result, we get
11 the gunshot residue?

12 A: Correct.

13 Q: Generally speaking, the distance the cartridge case
14 travels when it is ejected varies depending upon the firearm;
15 correct?

16 A: Again, that's more of a firearms expertise as opposed to
17 a trace expertise.

18 Q: I'm sorry.

19 A: That's okay.

20 Q: Yes, ma'am. You testified that you completed the trace
21 evidence report in this case; correct?

22 A: Yes, ma'am.

23 Q: And do you have a copy of that report in front of you?

24 A: Yes, ma'am, I do.

25 Q: And as you testified, no GSR particles were detected on

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1 a Ms. Deola Sara Foxworth; correct?

2 A: That is correct.

3 Q: No GSR particles were detected on a Connor Jean Toro;
4 correct?

5 A: Correct.

6 Q: As you stated, you tested -- detected -- excuse me --
7 GSR particles on Ms. Donna Toro; correct?

8 A: Correct.

9 Q: Mr. Michael Ingersoll?

10 A: Yes.

11 Q: And Mr. Bryan Seidle?

12 A: Yes, ma'am.

13 Q: Yes, ma'am. And as you told Mr. White, you detected two
14 particles on Mr. Bryan Seidle; right?

15 A: That's correct.

16 Q: Do you have a copy in front of you of the worksheet you
17 completed in conjunction with filling out your -- or
18 documenting and completing your actual trace report?

19 A: Yes, ma'am, I do.

20 Q: Okay. I'm looking at SLED Trace Evidence SCM Stage
21 Holder.

22 A: Okay.

23 Q: On that you report that Mr. Seidle tested positive for
24 two particles on his right hand; correct?

25 A: Correct.

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1 Q: You didn't testify as to the number of particles on Mr.
2 Ingersoll or Mr. Toro -- or Ms. Toro; correct?

3 A: That's correct.

4 Q: And just walk me through.

5 A: Okay.

6 Q: Ms. Toro on her right hand tested positive for five
7 particles; correct?

8 A: On her right hand, yes.

9 Q: On her left hand two particles; correct?

10 A: Correct.

11 Q: For a total of seven particles; correct?

12 A: Yes, ma'am.

13 Q: Mr. Ingersoll on his right hand tested positive for four
14 particles; correct?

15 A: I would like to clarify that I actually identified four
16 particles. That's not total number of particles. I
17 identified four particles of Mr. Ingersoll's hands.

18 Q: Okay. So his left hand -- he did not test positive for
19 four on his left as well?

20 A: He -- also I identified four particles on his left hand
21 as well.

22 Q: What's the difference between what I'm saying is that
23 there were four on his right, four on his left and you
24 identified?

25 A: There may be more on Mr. Ingersoll's hands. However, I

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1 only identified four on his right hand and four on his left.

2 Q: Yes, ma'am. So Mr. Seidel had two particles on his
3 entire body; correct?

4 A: On his right hand and on his left hand.

5 Q: What was submitted to you, two particles?

6 A: That's correct.

7 Q: Ms. Toro, total of seven particles?

8 A: That's correct.

9 Q: Mr. Ingersoll, a total of eight particles?

10 A: That I identified, yes.

11 Q: Thank you, ma'am. For each of these tests, we don't
12 know whether the particles were found on the palm of the hand
13 or the back of the hand; correct?

14 A: That's correct. The gunshot residue kit is collected
15 from the entire hand itself.

16 Q: Just a general question regarding SLED. Does your
17 office limit the evidence that's submitted by law enforcement
18 agencies? If there's a plethora of evidence that y'all need
19 to test, y'all test it; correct?

20 A: The trace department does not have a limit on number of
21 items submitted.

22 Q: Sure. And going back to your findings in this specific
23 case, in your opinion was Donna Toro present when the gun was
24 fired?

25 A: I can't say that she was present. I can say that she

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1 has gunshot residue on her hands, and that can happen from
2 three different ways. She could've been in the vicinity, she
3 could have discharged a firearm, or she could have handled
4 something that had gunshot residue on it.

5 MS. HENDERSON: Your Honor, may I have one moment,
6 please.

7 THE COURT: Yes.

8 MS. HENDERSON: Ms. Fletcher, I have no further
9 questions.

10 THE COURT: Any redirect?

11 MR. WHITE: Nothing, Judge.

12 THE COURT: All right. You may step down. You're free
13 to leave.

14 THE WITNESS: Thank you.

15 MR. WHITE: I'd ask that she be released from her
16 subpoena.

17 THE COURT: I've already done that.

18 MR. WHITE: Yes, sir, Judge.

19 THE COURT: You may call your next witness.

20 MR. WHITE: Thank you, Judge. At this time the State
21 would call Dr. Nick Batalis.

22 (WHEREUPON, there was a pause in the proceedings until
23 the witness entered the courtroom.)

24 THE COURT: Dr. Batalis, please come forward. I'm going
25 to ask, if you could -- I'm going to give you an opportunity

DR. NICHOLAS BATALIS - DIRECT BY MR. WHITE

1 to lay your paperwork down and place your left hand on the
2 Bible and raise your right hand as the clerk administers the
3 oath.

4 THE CLERK: Do you swear the testimony you give in this
5 case to be the truth, the whole truth, and nothing but the
6 truth, so help you God?

7 THE WITNESS: I do.

8 THE CLERK: Please be seated and state your full name
9 for the record.

10 THE COURT: I'm going to ask you to have a seat in the
11 witness chair, pull up real close to that microphone, and
12 speak loudly, clearly, and slowly in order that we can hear
13 everything that you have to say, and I'm going to ask you if
14 you could remove your mask and state your full name, please,
15 sir.

16 THE WITNESS: My name is Nicholas Ike Batalis,
17 B-a-t-a-l-i-s.

18 THE COURT: Thank you.

19 MR. WHITE: Thank you, Dr. Batalis.

20 DR. NICHOLAS BATALIS, being
21 first duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. WHITE:

24 Q: If you could, tell us where -- where are you working?

25 A: I work at the Medical University of South Carolina down

1 in Charleston.

2 Q: And what do you do for MUSC?

3 A: I'm a professor of pathology and, specifically, I'm a
4 forensic pathologist.

5 Q: And what kind of specialized training do you need to
6 become a pathologist?

7 A: Sure. So pathology is a subspecialty of medicine. So
8 after completing college at Butler University in
9 Indianapolis, Indiana, I went on to complete medical school
10 at the Indiana University School of Medicine, also in
11 Indiana.

12 I then came down to Charleston to MUSC for a residency
13 training program in general pathology. So it was a four-year
14 program where we learned general pathology. Pathology is the
15 study and diagnosis of disease. So a pathologist would be a
16 person who would look at a biopsy or if you had a tumor
17 removed, the pathologist would be the one to tell the surgeon
18 what it was.

19 After completing those four years, I took a test to
20 become nationally certified and then went on to a one-year
21 fellowship training program specifically with forensic
22 pathology. So forensic pathology focuses more on the medical
23 legal aspects of medicine, specifically performing autopsies.
24 I did that in Dallas, Texas. At the completion of that year,
25 I again took a -- passed an examination to become board-

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1 certified in forensic pathology and then returned to
2 Charleston where I took my current position.

3 Q: Very good. Now, about how many autopsies would you say
4 you perform a week?

5 A: It varies from week to week, but each year about 250
6 autopsies, and so over the course of my career I'm probably
7 somewhere between 2- and 3,000 autopsies at this point.

8 Q: And have you ever testified as an expert in forensic
9 pathology?

10 A: I have, probably getting close to about 100 times here
11 in South Carolina and, I believe, twice in Texas and twice in
12 North Carolina.

13 MR. WHITE: Judge, at this time I would move that Dr.
14 Batalis be admitted as an expert in the field of forensic
15 pathology.

16 THE COURT: Any query with regard to his qualifications?

17 MS. HENDERSON: No, sir, Judge.

18 THE COURT: He is so qualified to testify in the area of
19 forensic pathology and, once again, I will charge you how to
20 evaluate expert testimony in greater detail at the conclusion
21 of the case.

22 BY MR. WHITE:

23 Q: Dr. Batalis, did you perform an autopsy in this
24 particular case?

25 A: Yes. I performed an autopsy on Michael Ingersoll on May

1 28th of 2018.

2 Q: And did you take photographs associated with that
3 autopsy?

4 A: I did.

5 Q: I'm going to show you what's been marked for
6 identification purposes as Exhibit -- State's Exhibit 12
7 through 18. If you could, tell me if you recognize those
8 photographs?

9 A: Yes, I do recognize them.

10 Q: And did you take those photographs?

11 A: I did.

12 Q: And are they a fair and accurate depiction of the body
13 at the time of the autopsy?

14 A: The body and then projectiles recovered from the body.

15 Q: And have they been altered in any way that you can tell?

16 A: I don't believe so.

17 MR. WHITE: Judge, at this time I would move State's
18 Exhibits 14 through 18 into evidence.

19 THE COURT: Have you shown them --

20 MR. WHITE: 12 through 18.

21 THE COURT: -- to defense?

22 MR. WHITE: Yes, sir.

23 MS. HENDERSON: Thank you, Judge. No objection, Your
24 Honor.

25 THE COURT: Very good. They're into evidence.

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1 (WHEREUPON, State's Exhibits No. 12 through No. 18,
2 photographs, were admitted into evidence.)

3 BY MR. WHITE:

4 Q: Now, Dr. Batalis, when you get a case with gunshot
5 wounds, what exactly are you looking for?

6 A: Sure. So I'll take it one step back. Anytime we
7 perform an autopsy, we essentially approach it the same way.
8 We evaluate the body as we receive the body, take
9 photographs, and then we clean the body up, again take
10 another set of photographs, and then examine the body from
11 head to toe for identifying features, you know, length,
12 weight, tattoos, that sort of thing, and then evidence of
13 injury or natural disease.

14 Specifically in the case of gunshot -- supposed gunshot
15 wounds, we're going to examine the body to confirm they are,
16 in fact, gunshot wounds. Sometimes we're told they were shot
17 and it turns out they were stabbed or beaten or something
18 else. So the first thing to do is determine they are, in
19 fact, gunshot wounds.

20 The next thing to do as part of the autopsy would be
21 determine, okay, we know it's a gunshot wound, is it an
22 entrance wound or is it an exit wound, and that would help
23 give us -- by determining that, we can then determine what
24 direction the bullets were traveling. Was it traveling
25 across the body? Was it traveling from front to back? So we

1 can kind of piece that together based on what we see on the
2 outside of the body.

3 Then internally, after we finish our external exam, we
4 use surgical-type incisions to examine the body cavities and
5 internal organs. So again, we can trace the bullets through
6 there and see what organs were damaged, what sort of damage
7 was done to the body that could have led to the death.

8 Q: Now, in this particular case, how many gunshot wounds
9 were present on the body of Michael Ingersoll?

10 A: There were seven gunshot wounds.

11 Q: And were those all entrance wounds?

12 A: Yes, they were all entrance wounds.

13 Q: I'm going to pull up photographs so we can see them.

14 I'm going to show you first State's Exhibit 12, and you can
15 see that just fine?

16 A: Yep.

17 Q: Now, where on the body are these wounds located?

18 A: The wounds located in this picture on the left side of
19 the head. You can see one is just in front of the left ear,
20 one kind of up and above the ear, and then one kind of near
21 the hairline in the left side of the forehead.

22 Q: And what is the trajectory of those particular wounds?

23 A: These wounds, for the most part, were traveling straight
24 across the head from left to right, also a little bit
25 downward. So maybe not quite parallel but left to right and

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1 a little bit downward.

2 A: Now, I do want to make a clarification for the jury.

3 Now, when you say left to right, that means from Mr.

4 Ingersoll's left to right; correct?

5 A: Correct. When we talk about the pathway of the bullet,

6 we're talking about it as it travels through the decedent,

7 and that gives us an idea of the relationship of the body to

8 the gun when the gun was fired. So we would know that the

9 gun would have been on -- to the left of his head when it was

10 fired and again with a nearly straight shot across.

11 Q: And, Dr. Batalis, I don't know if you can see this, and

12 this is, you know, purely a sketch that was drawn by the

13 Sheriff's Office. Can you see where the body is there?

14 A: I do.

15 Q: Would that mean that the bullet enters his left side and

16 exits the right side as he's laying?

17 A: Well, the bullets did not exit. They remained in the

18 head, but --

19 Q: Excuse me.

20 A: If he was in that position when he was shot, yes, the --

21 the shot would have come from the left side, which is I guess

22 towards where the furniture is at the top of that room.

23 Q: Thank you, Dr. Batalis. Now I'm going to show you the

24 next photograph, State's Exhibit 13. Bear with us just a

25 moment. Now, that's the next cluster of gunshot wounds and

1 those are all entrance wounds; correct?

2 A: Yes, they are.

3 Q: And where on the body are those located?

4 A: So in this picture we can see four gunshot entrance
5 wounds. We have three in a cluster. They're on the left
6 flank. So you can see the left nipple there. So they're a
7 little bit behind that and down. So kind of the -- the left
8 flank of the body. And then the other one is kind of near
9 closer to the mid-abdomen, just left of midline.

10 Q: I want to deal with that -- that wound first, the one
11 that's just left of midline. What is the trajectory of that
12 particular wound?

13 A: That bullet traveled upward. So it traveled upward and
14 then also a little bit from the decedent's left to right, and
15 then we ended up recovering that bullet from the right
16 shoulder. So again, it entered kind of mid-abdomen down here
17 between the belly button and the kind of chest wall here and
18 ended up in the right shoulder. So upward and from his left
19 to his right.

20 Q: Now, the next cluster, those are all entrance wounds;
21 correct?

22 A: Yes. There's a cluster of three entrance wounds on the
23 -- again, the left flank.

24 Q: And what are the trajectory of those particular wounds
25 that you can tell?

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1 A: Those wounds are predominantly, again, traveling upward
2 and then also front to back. So again, those bullets entered
3 here on the left side of the belly or, you know, left side of
4 the left flank here, then went upward and then towards his
5 back, and we recovered those three bullets actually from the
6 left side of the back. So kind of entered the left side of
7 the abdomen, traveled upward, and then we recovered them from
8 the left side of the back.

9 Q: Now, did those particular wounds have any deviation?

10 A: They did not really move from left to right, as we
11 mentioned the one in the mid-abdomen moved more towards the
12 right. These were pretty much going straight up and then to
13 the back.

14 Q: Now, the head wound was left to right deviation;
15 correct?

16 A: Correct. The predominant pathway in those were from
17 left to right.

18 Q: And then the midline wound was left to right deviation;
19 correct?

20 A: Upward and also left to right.

21 Q: And then these patterns are upward, but no significant
22 deviation. Would that mean that the projectile would have to
23 come from a straight path?

24 A: Correct. So yeah. The relationship of the gun to the
25 body would have to be such that -- again, these are pretty

1 much traveling straight upward from that point.

2 Q: But all of these particular gunshot wounds are traveling
3 from an upward trajectory; correct?

4 A: Yes. All four wounds on the abdomen were traveling
5 upward.

6 Q: And then again, I'm sorry to beat it to death, but the
7 head wounds are downward trajectory?

8 A: Mostly left to right and just very slightly downward.

9 Q: Given that -- given that information that there are two
10 groups of wounds with two different downward or upward
11 trajectory and actually two different separate deviation, do
12 you think in this case that there would be any way that this
13 -- the deceased, Michael Ingersoll, could've been rushing at
14 the man who shot him?

15 MS. HENDERSON: Objection, Judge. I don't believe this
16 expert has been qualified in this reconstruction or
17 hypothetical reconstruction.

18 THE COURT: All right. Might counsel approach the
19 bench?

20 (WHEREUPON, a bench conference was held in the presence
21 of the jury but out of the hearing of the jury off the
22 record, after which the proceedings resumed as follows.)

23 MR. WHITE: Judge, if I could, I'd like to ask, if he's
24 okay with it, Dr. Batalis to come down off the witness stand
25 for me.

DR. NICHOLAS BATALIS - DIRECT BY MR. WHITE

1 THE COURT: Yes. And the objection is sustained.

2 BY MR. WHITE:

3 Q: Dr. Batalis, I'm going to be your test dummy here, if
4 you don't mind. If I'm sitting down, how would the bullets
5 to the left side of the head have occurred?

6 A: If you're sitting in that position, we can tell by the
7 trajectory of the bullet and where the entrance wounds were
8 and where we recovered the bullet, they'd be consistent with
9 a gun being essentially pointed straight at this side of the
10 head and again maybe just slightly downward, like I am right
11 now.

12 Q: Now, if I were standing and with that downward
13 trajectory, how would the gun have to be if I were standing?

14 A: The gun would have to be just a little bit higher up,
15 again to get a straight across with a little bit downward, to
16 be more like up here.

17 Q: Okay. Now I want to discuss the abdomen gunshots, if we
18 could. Dealing first with that one that's just left of the
19 midline, if I'm standing, how would the shot have to enter my
20 body?

21 A: If you were standing like that, the gun would have to be
22 down here and it traveled upward and towards your right
23 shoulder.

24 Q: Now, if I'm -- I'm sorry. Let me get further away. How
25 about if I'm laying down?

DR. NICHOLAS BATALIS - DIRECT BY MR. WHITE

1 A: If you're laying down, it would be more like this.

2 MS. HENDERSON: Judge, objection.

3 THE COURT: All right.

4 MS. HENDERSON: I believe this is outside of the scope.

5 THE COURT: That's overruled. I think he can testify as
6 to the trajectory.

7 BY MR. WHITE:

8 Q: Okay. Now, I'm going to deal with the next cluster, the
9 ones that are on the left side with no significant deviation.
10 If I'm standing, how would those have been entered my body?

11 A: Standing, again, they traveled upward and front to back.
12 The gun would have to be somewhere down here.

13 Q: And the last one and then we'll be done. If I'm laying
14 down?

15 A: So again, traveling upward, there's really no deviation
16 left to right; so it would be coming like this.

17 Q: Thank you very much, Dr. Batalis.

18 MR. WHITE: I beg the Court's indulgence.

19 BY MR. WHITE:

20 Q: And now I'm going to show you State's Exhibit 14, 15,
21 16, 17, and 18. Dr. Batalis, these are all the projectiles,
22 and I know you've kind of testified to them, but I just want
23 to break it down, first starting with State's Exhibit 14.

24 Now, to me those projectiles look pretty beat up. Is
25 that your assessment as well?

DR. NICHOLAS BATALIS - DIRECT BY MR. WHITE

1 A: Correct. So bullets, sometimes they have jackets,
2 sometimes they don't, but the bullet itself is typically made
3 of lead, which is a soft metal, so when it strikes soft
4 tissue, bone, anything like that, it will become deformed
5 like we're seeing here.

6 Q: Now, I'm going to show you State's Exhibit 15. The same
7 thing?

8 A: Yes. This was one of the bullets that we recovered from
9 the head. You can see the major part of the bullet stayed
10 intact on the left, although it's again markedly deformed,
11 and then a couple fragments came off of that off to the side
12 there.

13 Q: And State's Exhibit 16?

14 A: So again, these would be the other two bullets that
15 entered the left side of the face and, again, you can see
16 they're, you know, very deformed. They did not have a jacket
17 to protect them as they moved through the head.

18 Q: And State's Exhibit 17?

19 A: I believe 17 and 18 are going to be similar. The
20 difference is 18 is going to have an extra fragment, but --
21 so these three bullets a little bit less deformed. These are
22 the ones we recovered from the back. So these would've
23 entered the left side of the abdomen. They're going to be
24 less deformed than the ones in the head. Again, we're going
25 through the bones of the skull and so they became much more

DR. NICHOLAS BATALIS - DIRECT BY MR. WHITE

1 deformed because they're going through more firm tissues. As
2 these went, I believe they went through -- these did go
3 through a rib; so there is a little bit of deformity to them,
4 but the bullet stayed in a little bit more -- more intact
5 than the other ones we've seen.

6 Q: Thank you, Dr. Batalis.

7 MR. WHITE: I beg the Court's indulgence one moment.

8 BY MR. WHITE:

9 Q: And with a reasonable degree of scientific medical
10 certainty, what would you say is the cause of death?

11 A: The cause of this -- the cause of death in this case
12 would be gunshot wounds of the head and trunk. In this case,
13 all three groupings of the ones on the left side of the head
14 went through the brain and brain stem; so certainly fatal
15 injuries.

16 The one on the mid-abdomen went through the liver, the
17 heart, and the right lung. Again, those would be considered
18 fatal injuries because of bleeding out.

19 And then the ones on the left side of the abdomen went
20 through the heart and the left lung. So again, all three
21 groups of shots went through vital organs and could all be
22 considered causes of death and so we just kind of group it
23 together, gunshot wounds of the head and trunk.

24 Q: And what was the manner of death?

25 A: The manner of death was homicide, which means death at

DR. NICHOLAS BATALIS - CROSS BY MS. HENDERSON

1 the hands of another individual.

2 MR. WHITE: Thank you very much, Dr. Batalis.

3 THE COURT: Cross-examination, Ms. Henderson.

4 MS. HENDERSON: Thank you, Judge.

5 CROSS-EXAMINATION

6 BY MS. HENDERSON:

7 Q: Dr. Batalis, you testified that you have conducted
8 roughly 2- to 3,000 autopsies in your career; correct?

9 A: That's correct.

10 Q: How many have you conducted involving similar trajectory
11 paths as what you just demonstrated today?

12 A: It's going to be tough to come up with an exact number.
13 You know, maybe 30 percent of our cases are homicides. So,
14 you know, I probably have done close to 1,000 homicides.
15 Probably had several hundred cases where we have trajectories
16 that are either traveling upward or across the body.

17 Q: Okay. Do you have a copy of your autopsy report in
18 front of you?

19 A: I do.

20 Q: If you don't mind turning to page 2 for me, sir, you
21 list on this page the personal effects received with Mr.
22 Ingersoll; correct?

23 A: I do.

24 Q: And they are including a pocket tool; correct?

25 A: Yes.

- 1 Q: A pocketknife?
- 2 A: Yes.
- 3 Q: Three lighters.
- 4 A: Yes.
- 5 Q: Three metal screens?
- 6 A: Yes.
- 7 Q: A bag of green leafy material?
- 8 A: Yes.
- 9 Q: An open pack of cigarettes?
- 10 A: Yep.
- 11 Q: With a container containing some additional green leafy
- 12 material; correct?
- 13 A: Yes.
- 14 Q: On page 5 of your report, you note that Mr. Ingersoll
- 15 tested positive for THC, multiple metabolites and
- 16 buprenorphine; correct? And if I mispronounced that, my
- 17 apologies.
- 18 A: Correct.
- 19 Q: You just demonstrated to the jury your interpretation of
- 20 the paths that these bullets could have taken; correct?
- 21 A: That's not my interpretation. Those are the paths the
- 22 bullets took.
- 23 Q: And I apologize if I misstated that, but that's the
- 24 paths the bullets took?
- 25 A: Correct.

DR. NICHOLAS BATALIS - CROSS BY MS. HENDERSON

1 Q: You have no idea as to locations of the individuals at
2 the scene to result in these paths; correct?

3 A: Correct. As we were -- as I tried to say earlier, I can
4 -- I can attest to where the gun was in relationship to the
5 body when it was fired. Different -- you know, the body
6 could obviously be in different directions. They could be
7 standing, sitting, laying. There's all sorts of different
8 positions the body could be in, but I'm testifying to the
9 relationship of the gun to the body when it was fired.

10 Q: Yes, sir. And what you didn't testify earlier was
11 regarding the soot and stippling on the body; correct?

12 A: I was not asked about that.

13 Q: Okay. And soot and stippling basically indicates that a
14 shooter is however many feet away from the individual that
15 was shot; correct?

16 A: Yes. Soot and stippling are evidence that we can see at
17 the autopsy that can help us to determine or narrow down the
18 range of fire.

19 Q: And that range is roughly 3 feet?

20 A: I'm not sure what you're talking about.

21 Q: The range of fire, meaning if there's soot or stippling,
22 it's fair to assume that the individual who was firing the
23 weapon was within, say, three feet of the individual that was
24 shot?

25 A: So I have to get a little more in depth in this then.

1 So when a gun is fired, a couple things happen. Obviously,
2 the bullet comes out, but then there are two other things
3 that come out. One is basically the soot, which is kind of a
4 puff of smoke, all the burnt-up combustion products in the
5 explosion when the gun is fired. It'll vary based on the
6 ammunition and the gun, but that soot will be deposited on
7 the skin up to about a foot away from the body.

8 The other thing that comes out of the gun are pieces of
9 gunpowder that are either burning or unburned, and what they
10 will do is then strike the skin and cause small abrasions
11 that we call stippling. Again, that will vary based on the
12 ammunition and the weapon, but the stippling can go out to 3
13 to 4 feet.

14 So in this case, none of the gunshots -- none of the
15 wounds had soot or stippling associated with them, which
16 tells us one of two things. Either that gun was more than 3
17 to 4 feet away from the body or there was some sort of
18 intervening object. So if somebody had on some clothing, the
19 soot could be deposited on the clothing. Stippling will
20 typically go through a light t-shirt, but any sort of
21 clothing could mask that. So if we don't have the soot or
22 stippling, it means it's either greater than 3 to 4 feet or
23 there was something in between the gun and the -- and the
24 skin.

25 Q: And as I said, there was no soot or stippling on any of

DR. NICHOLAS BATALIS - CROSS BY MS. HENDERSON

1 the wounds; correct?

2 A: Correct.

3 Q: The photographs of the bullets that we saw, you
4 submitted them back to the authorities as you report in your
5 report; correct?

6 A: Yes. The -- a CD with those photos was transferred to
7 an officer after completion of the autopsy.

8 Q: And the bullets themselves were submitted back; correct?

9 A: Correct.

10 Q: In your report you denote the firing -- the order of the
11 firing of the shots; correct? I'm sorry. I'll let you
12 answer that. Correct?

13 A: I do not cite the order of the shots being fired. They
14 are numbered, but that numbering is just so I can describe
15 them and say, okay, the first three are here. Essentially,
16 it's just the ones I -- when I was examining the body I
17 looked at first. I can't determine the particular order,
18 whether the shots to the head came first or the shots to the
19 abdomen.

20 Q: So the demonstration that you just did with Mr. White,
21 there's no telling as to the order of those shots that were
22 fired?

23 A: Correct.

24 Q: Right. So we don't know if the shot to the head came
25 before the shot to the abdomen?

1 A: Correct.

2 Q: And additionally -- additionally, examining the bullet
3 path, it's impossible to tell the position of the shooter and
4 the deceased when they are -- where they were in relation to
5 one another; correct?

6 A: Correct. Again, I can say how the gun was related to
7 the decedent when it was fired, but I have no idea what
8 position the decedent and the shooter were in.

9 Q: And generally speaking, can a bullet ricochet and end up
10 in a different area of the body?

11 A: It can.

12 Q: And you have no actual factual knowledge of this case;
13 correct?

14 A: I wouldn't say that. I'm not sure what you --

15 Q: You have no actual factual knowledge of the shooting
16 that led you to conduct this autopsy?

17 A: No. So when we receive an autopsy, the coroner calls us
18 to tell us that they have a body they would like us to do an
19 examination and autopsy. They give us a brief synopsis to
20 tell us what happened, but, you know, that's what we're
21 working off of with when we start our autopsy.

22 MS. HENDERSON: May I beg the Court's indulgence?

23 THE COURT: Yes. Take your time.

24 MS. HENDERSON: Dr. Batalis, I have no further
25 questions. Thank you, sir.

DR. NICHOLAS BATALIS - REDIRECT BY MR. WHITE

1 THE COURT: Any redirect?

2 MR. WHITE: Briefly, Judge.

3 REDIRECT EXAMINATION

4 BY MR. WHITE:

5 Q: Dr. Batalis, because there was no soot or stippling,
6 that has no impact on the trajectory of the wounds; correct?

7 A: Correct. That's just simply how far the gun would have
8 been from the body. It would not affect the relationship to
9 the body.

10 Q: And although Ms. Henderson wanted you to say that you
11 can't predict where the person firing the rifle may have been
12 standing, you can say where the rifle was or the gun was when
13 the bullets were fired; correct?

14 A: I can state the relationship of the barrel of the gun to
15 the body.

16 MR. WHITE: Thank you very much.

17 THE COURT: All right. You may step down and you're
18 free to leave. Thank you, sir.

19 THE WITNESS: Thank you, Your Honor.

20 THE COURT: You may call your next witness.

21 MR. WHITE: Judge, may we approach for just a moment?

22 THE COURT: Yes.

23 (WHEREUPON, a bench conference was held in the presence
24 of the jury but out of the hearing of the jury off the
25 record, after which the proceedings resumed as follows.)

BEN PRICE - DIRECT BY MR. WHITE

1 down, place your left hand on the Bible and raise your right
2 hand as the clerk administers the oath.

3 THE CLERK: Do you swear the testimony you give in this
4 case to be the truth, the whole truth, and nothing but the
5 truth, so help you God?

6 THE WITNESS: I do.

7 THE CLERK: Please be seated and state your full name
8 for the record.

9 THE COURT: Inv. Price, have a seat in the witness
10 chair, pull up real close to that microphone, and speak
11 loudly, clearly, and slowly in order that we can hear
12 everything that you have to say, and let's start with your
13 full name, please, sir.

14 THE WITNESS: Robert Benjamin Price.

15 THE COURT: Very good.

16 Mr. White?

17 BEN PRICE, being first duly
18 sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. WHITE:

21 Q: Inv. Price, where are you employed?

22 A: The Florence County Sheriff's Office.

23 Q: How long have you been employed there?

24 A: Twelve years.

25 Q: And in what capacity are you currently employed?

BEN PRICE - DIRECT BY MR. WHITE

1 A: I'm a criminal investigator with the Florence County
2 Sheriff's Office.

3 Q: Now, back on May 26th, 2018, were you similarly
4 employed?

5 A: Yes, I was.

6 Q: And did you have occasion to respond to the incident
7 location that brings us here today?

8 A: That's correct. And that's 124 [REDACTED], which
9 is in Florence within the county of Florence.

10 Q: Now, when you arrived on scene, what, if anything, did
11 you find?

12 A: There were multiple deputies already on scene, EMS
13 personnel, and I was approached at that time by the
14 supervisor of the shift, who was a Sgt. William Odom, who was
15 advising me what they had had up to this point.

16 Q: Now, did you make your way inside the home?

17 A: I did. After talking with Sgt. Odom, I went inside the
18 residence. I was informed by Deputy Harvin that the
19 residence had been cleared against threats and other matters
20 of safety, and so I went in to inspect the inside of the
21 residence.

22 Q: Now, are you aware -- other than the painter's knife
23 that was clipped to Mr. Ingersoll's belt, are you aware of
24 any other weapons aside from the rifle that was recovered
25 from the home?

BEN PRICE - DIRECT BY MR. WHITE

1 A: There were no other weapons that I found in looking
2 through the house, other than, you know, items that would be
3 in the kitchen, that everyone would have inside of a
4 kitchen., but nothing inside of the bedroom or any other
5 places.

6 Q: Now, were you made aware that there was a suspect in
7 custody?

8 A: I was.

9 Q: Did you make contact with that suspect?

10 A: I did.

11 Q: And was it Bryan Seidle, who is seated here today?

12 A: Yes, it was.

13 Q: Did you advise him of his Miranda rights?

14 A: Yes. The first thing I did -- whenever I came in
15 contact with Mr. Seidle, he was inside one of the deputy's
16 patrol cars inside the back in what's referred to as the
17 cage. We asked him to step out for a second. Cpl. Barnes
18 was going to do the GSR analysis and take some photographs of
19 Mr. Seidle. At my first contact, I advised him of his
20 Miranda rights before anything else was said.

21 Q: Now, do you quote those from memory or do you have a
22 card?

23 A: They were from memory.

24 Q: Did he seem to understand his rights?

25 A: He did.

BEN PRICE - DIRECT BY MR. WHITE

1 Q: Did you question him at all at that time?

2 A: No, I did not. I did not have the ability to record
3 anything; so I did not question him.

4 Q: Despite that, did he say anything to you?

5 A: Yes. He made a statement in front of me and Cpl. Barnes
6 whenever he was outside whenever they were about to take some
7 pictures of him.

8 Q: What exactly did he say?

9 A: He made a statement along the lines of, yeah, I shot the
10 guy. What do we do next?

11 Q: Now, speaking of what we do next, did you transport him
12 or did you all transport him to the Sheriff's Office?

13 A: Another member of patrol, the car that he was in the
14 back of, he transported Mr. Seidle down to the Florence
15 County Sheriff's Office, which is in Effingham where our
16 office is located.

17 Q: Now I do want to back up just a minute. When you had
18 him back on the scene, what was his demeanor? What was he
19 acting like?

20 A: He was calm, collected. He didn't seem agitated.

21 Q: And did he make --

22 A: He just seemed -- I'm sorry.

23 Q: No, go ahead.

24 A: He just seemed like a normal person really.

25 Q: Now, did he maintain that demeanor once he arrived at

1 the Sheriff's Office?

2 A: He did.

3 Q: And did you put him inside the interview room?

4 A: I did.

5 Q: And is that kind of protocol?

6 A: That is. Anytime that we have a suspect, we give them
7 the opportunity, if they would like to talk to us, to give
8 their side of the story. He was afforded that opportunity as
9 well, and he agreed to do so.

10 Q: And now, inside the interview room is it recorded?

11 A: It is.

12 Q: Both audio and video?

13 A: That's correct.

14 Q: At that time did you read Mr. Seidle his Miranda rights
15 once again?

16 A: Yes. They were advised once more while being recorded
17 audio and visually.

18 Q: And did he indicate that he wished to speak?

19 A: He did.

20 Q: Now, did he seem to understand all of his rights?

21 A: He seemed to understand them to the best that I could
22 tell.

23 Q: Now, I'm going to show you what's been marked as State's
24 Exhibit 20. If you could, tell me is that a copy of the
25 recording of the interview?

BEN PRICE - DIRECT BY MR. WHITE

1 A: It appears to be, yes, on a DVD disk.

2 Q: Now, have you had an opportunity to review it?

3 A: Yes.

4 Q: I mean is it a fair and accurate depiction of the
5 interview that took place on May 26th, 2018?

6 A: Yes, it is.

7 MR. WHITE: Judge, I would move State's Exhibit 20 into
8 evidence.

9 THE COURT: Any objection?

10 MS. HENDERSON: No objection, Judge.

11 THE COURT: It's into evidence.

12 (WHEREUPON, State's Exhibit Number 20, defendant's
13 statement on disk, was admitted into evidence.)

14 MR. WHITE: Might we approach for just a moment?

15 THE COURT: Yes.

16 (WHEREUPON, a bench conference was held in the presence
17 of the jury but out of the hearing of the jury off the
18 record, after which the proceedings resumed as follows.)

19 THE COURT: Mr. Foreman and ladies and gentlemen of the
20 jury, the State is about to play a video. And there were
21 hearings that were held before me, and the Court has made
22 decisions with regard to admissible and the inadmissible
23 evidence. There will be some gaps in there, but that's
24 pursuant to my ruling.

25 Mr. White.

BEN PRICE - DIRECT BY MR. WHITE

1 MR. WHITE: Thank you very much, Judge. At this time
2 the State would request to publish this evidence.

3 THE COURT: All right.

4 (WHEREUPON, State's Exhibit No. 20, defendant's
5 statement on disk, was played from 2:41 p.m. until 2:44
6 p.m. and then stopped. Not transcribed herein.)

7 MS. HENDERSON: Judge, may we approach?

8 THE COURT: Yes.

9 MS. HENDERSON: I apologize.

10 (WHEREUPON, a bench conference was held in the presence
11 of the jury panel but out of the hearing of the jury
12 panel off the record, after which the proceedings
13 resumed as follows.)

14 THE COURT: Ms. Henderson, you're recognized.

15 MS. HENDERSON: Thank you, Your Honor. And I failed to
16 properly place my objection to this statement on the record
17 earlier. My apologies.

18 THE COURT: Very good. And your objection is noted for
19 the record, and actually the statement has not -- has not
20 come on the video as of yet.

21 MS. HENDERSON: Thank you, Judge.

22 THE COURT: Very good.

23 (WHEREUPON, State's Exhibit No. 20 resumed playing at
24 2:45 p.m. and ended at 2:54 p.m. Not transcribed
25 herein.)

BEN PRICE - DIRECT BY MR. WHITE

1 BY MR. WHITE:

2 Q: Inv. Price, did you determine at some point during your
3 investigation that the gun that Mr. Seidle just spoke about
4 had been moved?

5 A: That's correct. It was moved from where Mr. Seidle said
6 that he threw the gun down to where we found it.

7 Q: Now, after this interview takes place -- well, let me
8 ask you this. When you were looking at the scene and looking
9 at Mr. Ingersoll's body, did anything at all stick out to
10 you?

11 A: Yeah. One of the first things that I noticed that stuck
12 out was he had -- well, he had made a phone call to 9-1-1; so
13 we knew that he had a phone in his possession at some point
14 in time. And the way that he was laying on the bed, he was
15 laying backwards and on his belt there was a -- I don't know
16 the proper term. I call them phone holsters, you know,
17 people put on their belt and they carry their cell phone.
18 That -- that holder was on his belt, but there was no phone
19 and we were never able to locate the phone that he had. So
20 that was a missing item that we always were interested in.

21 Q: And did you try to look for that item?

22 A: Yes, we did.

23 Q: Did you call that telephone number?

24 A: We called it and later determined that the mother of Mr.
25 Seidle had the phone, Ms. Donna Toro.

BEN PRICE - DIRECT BY MR. WHITE

1 Q: Would she return it back over to you?

2 A: No, she never did.

3 Q: Did you go to her home and request it?

4 A: Yes, we did.

5 Q: And despite that request, were you able to obtain the
6 phone?

7 A: No. The phone was never able to be obtained.

8 Q: Now, based on Mr. Seidle's interview, did you have any
9 evidence at that point that Mr. Ingersoll rushed Mr. Seidle?

10 A: No. There was no evidence that Mr. Ingersoll moved
11 toward Mr. Seidle at all.

12 Q: Was there any evidence based on that interview that Mr.
13 Ingersoll had a weapon other than that painter's knife at the
14 time of this incident?

15 A: No, there was not.

16 Q: And I want to ask you about that painter's knife. You
17 did -- did you see that at the time?

18 A: I saw it in the -- in the belt loop, but I did not see
19 it removed from the belt loop at all.

20 Q: To your knowledge, was it still closed?

21 A: Yes.

22 MR. WHITE: I beg the Court's indulgence.

23 Nothing further.

24 THE COURT: Cross-examination, Ms. Henderson.

25 MS. HENDERSON: Thank you, Judge.

BEN PRICE - CROSS BY MS. HENDERSON

1 CROSS-EXAMINATION

2 BY MS. HENDERSON:

3 Q: Inv. Price?

4 A: Yes, ma'am.

5 Q: You conducted this interview shortly after midnight;
6 correct?

7 A: Yes, ma'am. It was around midnight.

8 Q: Exact time 12:19 a.m.; correct?

9 A: I'll go along with that.

10 Q: Mr. Seidle had not been to sleep; correct?

11 A: No, ma'am.

12 Q: He was still in the same clothes that he had worn?

13 A: To my knowledge, yes.

14 Q: Nonetheless, he stated he wanted to help?

15 A: That's correct, he did.

16 Q: Cooperated?

17 A: Yes, ma'am.

18 Q: Seemed to answer your questions to the best of his
19 abilities?

20 A: Yes, ma'am.

21 Q: This phone that you just discussed, do you have a copy
22 of your officer case note where you mention the phone?

23 A: I've got it back here. Okay. Yes, ma'am.

24 Q: Okay. In your note you report that you went by the
25 incident location and spoke to Donna Toro; correct?

1 A: Correct.

2 Q: This report should accurately document your conversation
3 with Ms. Toro; correct?

4 A: As far as everything that was said, we asked her for the
5 phone and to come and give a statement, and she never did.

6 Q: Sure. And can we just walk through that line by line?
7 You asked her to come down to the office so that you could
8 formally interview her, as you just said?

9 A: Correct.

10 Q: She said she would?

11 A: She -- I believe so.

12 Q: What does your report say?

13 A: Are you talking about my case notes?

14 Q: Yes, sir, I am.

15 A: Where? Which -- which paragraph are you speaking about?

16 Q: I'm talking about your officer case notes. It's dated
17 July 5th, 2018, time 9:10.

18 A: Oh, no, I do not have that in front of me. I'm sorry.
19 I'm talking about another one. I apologize.

20 Q: It's okay.

21 MS. HENDERSON: Your Honor, may I approach the witness?

22 THE COURT: You can share that with him, yes.

23 BY MS. HENDERSON:

24 Q: Mr. Price, are these your notes that you took as a part
25 of this case?

BEN PRICE - CROSS BY MS. HENDERSON

1 A: I believe so. I can't -- with -- where's the other half
2 of that?

3 MS. HENDERSON: Your Honor, may I go get my notes?

4 THE COURT: Yes.

5 MS. HENDERSON: Thank you.

6 BY MS. HENDERSON:

7 Q: Mr. Price, I have a report that the State provided to
8 me.

9 A: I apologize. I completely apologize. I see what you're
10 saying. It's at the bottom of this page and bleeds over into
11 the next page.

12 Q: Yes, sir.

13 A: I'm with you now.

14 Q: Okay. Very good. We're all on the same page.

15 A: Yes, ma'am.

16 Q: Let's make sure we're clear. So this note that you
17 have, the printed date is July 5th, 2018; correct?

18 A: Correct.

19 Q: It looks like you filled out this note on June 19th,
20 2018; correct?

21 A: Yes, ma'am. Well, July the 5th, not 25th.

22 Q: My apologies. July the 5th?

23 A: Yes, ma'am.

24 Q: Now, going over to the page in which your note report
25 bleeds over into.

- 1 A: Yes, ma'am.
- 2 Q: Let's walk through this line by line, if you don't mind,
- 3 sir?
- 4 A: Yes, ma'am.
- 5 Q: Went by the incident location and spoke to Ms. Donna
- 6 Toro; correct?
- 7 A: Correct.
- 8 Q: You asked her to come down to the office so you could
- 9 formally interview her?
- 10 A: That's correct.
- 11 Q: She said she would?
- 12 A: Correct.
- 13 Q: You also asked her for the phone in question?
- 14 A: Correct.
- 15 Q: This phone belonged to Mr. Ingersoll?
- 16 A: That's the one we believed belonged to Mr. Ingersoll,
- 17 yes.
- 18 Q: In your report you noted that she stated she did not
- 19 know where it was; correct?
- 20 A: That's right.
- 21 Q: In your report you note that Mr. Ingersoll called 9-1-1
- 22 on the phone; correct?
- 23 A: Yes.
- 24 Q: You also note that in the photos the phone is missing;
- 25 correct?

BEN PRICE - CROSS BY MS. HENDERSON

1 A: Correct.

2 Q: And that the 9-1-1 call -- and that -- excuse me --

3 9-1-1 called the phone back and that she answered it;

4 correct?

5 A: That's -- that's what we believed, but I think 9-1-1

6 actually called back the phone that Mr. Seidle used.

7 Q: I understand, Mr. Price. I'm asking you specifically

8 what you've reported in the report.

9 A: Okay. I was just clearing up with that, but yes.

10 Q: 9-1-1 called the phone back and you reported that Donna

11 admitted to answering the phone?

12 A: Correct.

13 Q: You wrote that you advised she needed to come up with

14 that phone and bring it to your office?

15 A: Correct.

16 Q: Since it's evidence in this case; correct?

17 A: That's correct.

18 Q: However, you never formally interviewed her; correct?

19 A: I was never able to. She never came to give that

20 interview.

21 Q: That's because you never followed up with her; correct?

22 A: I wasn't able to because the phone was turned off and I

23 went back to the house and she would never answer the door.

24 MS. HENDERSON: Thank you, Inv. Price. No further

25 questions.

1 THE WITNESS: Yes, ma'am.

2 THE COURT: Any redirect?

3 MR. WHITE: Nothing further, Judge.

4 THE COURT: You may step down.

5 THE WITNESS: Thank you, Your Honor.

6 THE COURT: You may call your next witness.

7 MR. WHITE: Judge, at this time the State would rest.

8 THE COURT: Okay. Mr. Foreman and ladies and gentlemen
9 of the jury, at this stage of the trial it's necessary that
10 we take up matters outside of your presence. I'm going to
11 ask that you return to the jury room, but do not to discuss
12 the case in any way, shape or form. Thank you very much.

13 (WHEREUPON, the jury exited the courtroom at 3:03 p.m.)

14 THE COURT: I'd be happy to entertain motions at this
15 time. Yes, ma'am?

16 MS. HENDERSON: Thank you, Judge.

17 The defense would respectfully remove -- move for a
18 directed verdict at this time. I believe that we have not
19 heard competent evidence today to sustain this charge against
20 Mr. Seidle. At best the evidence has raised a mere
21 suspicion, and I don't believe the State has met its
22 threshold as the trial continued.

23 THE COURT: Mr. White?

24 MR. WHITE: Judge, I think we've put forth overwhelming
25 evidence --

JANA WEAVER - DIRECT BY MS. HENDERSON

1 THE COURT: Is this Ms. Weaver?

2 MS. HENDERSON: Yes, sir.

3 THE COURT: Ms. Weaver, could you please come forward?
4 And I'm going to ask you, if you could, to take an
5 opportunity to set your paperwork down and place your left
6 hand on the Bible over here as the clerk administers the
7 oath.

8 THE CLERK: Please raise your right hand. Do you swear
9 the testimony you give in this case to be the truth, the
10 whole truth, and nothing but the truth, so help you God?

11 THE WITNESS: Yes.

12 THE CLERK: Please be seated and state your full name
13 for the record.

14 THE COURT: Ms. Weaver, please come around. Watch your
15 step. Have a seat in that witness chair. I'm going to ask
16 you, if you could, please, ma'am, to pull up close to that
17 microphone, speak loudly, clearly, and slowly in order that
18 we can hear everything that you have to say, and let's start
19 with your full name.

20 THE WITNESS: My name is Jana Weaver.

21 THE COURT: Thank you, Ms. Weaver.

22 Yes, ma'am.

23 MS. HENDERSON: Thank you, Ms. Weaver.

24 JANA WEAVER, being first duly
25 sworn, testified as follows:

JANA WEAVER - DIRECT BY MS. HENDERSON

DIRECT EXAMINATION

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BY MS. HENDERSON:

Q: Where are you employed?

A: I work for the South Carolina Law Enforcement Division,
also known as SLED.

Q: And how long have you been employed with SLED?

A: I've been -- excuse me -- at SLED almost 7 years.

Q: And what do you do there?

A: I'm a firearms -- I'm a firearms examiner in the
forensic laboratory.

Q: And can you just broadly explain to the jury what does
this position entail?

A: We examine the firearms and fired firearm components.
We do serial number restorations. We do GRC or general
rifling characteristics examinations on fired bullets. We
also do destruction of weapons cases, and I also do IBIS
entry and IBIS correlations.

Q: And you said you've been employed with SLED for almost 7
years. Have you been examining firearms this entire time?

A: I started out as the IBIS or the Integrated Ballistics
Identification System's technician. I did that for two
years, and then I became a firearms examiner. And during
that time even as an IBIS technician, I did have to examine
firearms and test fire firearms.

Q: And, Ms. Weaver, what's your education?

JANA WEAVER - DIRECT BY MS. HENDERSON

1 A: I have a criminal justice degree in -- I'm sorry -- a
2 bachelor's degree in criminal justice. Would you like
3 training as well?

4 Q: Yes, ma'am, I would.

5 A: Okay.

6 Q: I was about to get to that, but you can segue right into
7 that.

8 A: I completed the in-house firearms examiner training
9 program at SLED. That training program consists of extensive
10 studying, reading, hands-on practicals and practices. I've
11 done during training probably thousands of comparisons. We
12 help court-qualified firearms examiners -- I'm sorry -- prep
13 cases. We also complete the Bureau of Alcohol, Tobacco, and
14 Firearms or the ATF's serial number restoration training. I
15 also completed the ATF's IBIS training for entry and
16 correlations, and I also completed the ATF's training for
17 IBIS entry training to be a trainer.

18 Q: And are you certified?

19 A: We do not have a certification as of now.

20 Q: Okay. Have you been qualified as an expert in the field
21 of firearms identification?

22 A: Yes, I have.

23 Q: How many times?

24 A: Twice.

25 Q: And how many times have you testified in trials?

JANA WEAVER - DIRECT BY MS. HENDERSON

1 A: Twice. This is my third time.

2 Q: Thank you, ma'am.

3 MS. HENDERSON: Your Honor, at this time we would tender
4 Ms. Weaver as an expert in the field of firearms
5 identification.

6 THE COURT: Any query with regard to her qualification?

7 MR. WHITE: No, sir, Judge.

8 THE COURT: All right. She is so qualified. Once
9 again, we'll at the conclusion of the case talk about how to
10 evaluate the testimony of an expert. Pay very close
11 attention.

12 MS. HENDERSON: Thank you, Judge.

13 BY MS. HENDERSON:

14 Q: Ms. Weaver, are you familiar with Bryan Seidle's lab
15 case number -- SLED's lab number L18-07901?

16 A: Yes.

17 Q: And did you complete a report in this case?

18 A: I did.

19 MS. HENDERSON: Your Honor, may I approach Ms. Weaver?

20 THE COURT: Yes.

21 BY MS. HENDERSON:

22 Q: Do you have a copy of that report in front of you?

23 A: I do.

24 Q: And is this also a copy of that report?

25 A: Yes. It appears to be the same report.

JANA WEAVER - DIRECT BY MS. HENDERSON

1 Q: And it doesn't look like it's been changed or altered?

2 A: No, ma'am.

3 MS. HENDERSON: Your Honor, at this time the State [sic]
4 would move to admit Defense Exhibit 5 into evidence. This is
5 Ms. Weaver's report.

6 THE COURT: It's admitted into evidence. No objection
7 from the State?

8 MR. WHITE: No, sir, Judge.

9 (WHEREUPON, Defendant's Exhibit No. 5, SLED firearms
10 report, was admitted into evidence.)

11 MS. HENDERSON: Thank you, Judge.

12 BY MS. HENDERSON:

13 Q: Ms. Weaver, looking at your report -- before we discuss
14 your report, generally speaking, can you just explain to the
15 jury how a firearm works, especially a fire -- the firearm in
16 this case. It was a .22?

17 A: That is correct. It was a semiautomatic rifle.

18 Q: Can you explain generally the basic mechanics of a
19 firearm? How does it work?

20 A: A semiautomatic firearm works -- ideally, when you pull
21 the trigger, the firing pin will hit the primer in the
22 cartridge. That will ignite the cartridge, push the bullet
23 out of the barrel, and in a semiautomatic firearm that will
24 initiate what we call the cycling of the firearm which
25 extracts the cartridge case at this point out of the chamber

JANA WEAVER - DIRECT BY MS. HENDERSON

1 and ejects it out of the ejection port. If there's more
2 ammunition in -- in the firearm, it will load another
3 cartridge out of the magazine into the chamber. You have to
4 release the trigger for it to reset in order to fire again,
5 in simplest terms.

6 Q: Thank you, Ms. Weaver. And can you speak to gunshot
7 powder residue, how that is emitted during the process you
8 just described?

9 A: No, ma'am. That's not part of my examinations.

10 Q: Okay. Let's move over to your report. On page 1 of
11 your report, you list out items of evidence that you received
12 from the Sheriff's Office; correct?

13 A: Yes.

14 Q: And can you just read to the jury what were those items?

15 A: Would you like for me to read the entire description?

16 Q: You can just go through. The first item was a cartridge
17 case; correct?

18 A: Yes.

19 Q: And we can summarize this. How many cartridge cases did
20 you receive?

21 A: Okay. I received six fired cartridge cases and one
22 misfired cartridge.

23 Q: Okay. The misfired cartridge, was that labeled as an
24 unfired cartridge case from the Sheriff's Office?

25 THE WITNESS: May I look at my notes?

JANA WEAVER - DIRECT BY MS. HENDERSON

1 THE COURT: Yes.

2 BY MS. HENDERSON:

3 A: They labeled it as a round, which is common -- commonly
4 referred to as an unfired cartridge.

5 Q: And is there a difference between an unfired and a
6 misfired?

7 A: There is. A misfired has just been struck by the firing
8 pin but not fired.

9 Q: Whereas an unfired has not been fired?

10 A: Correct.

11 Q: Okay. Moving on to the results of your report, explain
12 to the jury what you did in this report?

13 A: When we get the evidence, we have to document. We open
14 it, make sure all the seals are intact. We'll take
15 photographs, write everything up on worksheets, and as long
16 as calibers are correct, we will do microscopic comparisons
17 of, say, the fired cartridge cases to each other.

18 And in this case, we had the rifle; so I did the same
19 thing. I photo-documented, I wrote up worksheets, I test
20 fired the firearm, and I took those test fires and compared
21 them to the evidence found at the scene under the microscope.
22 So under the microscope we're able to put them kind of side-
23 by-side and look for the markings and see what's replicated
24 to determine or try to determine if it was fired by that
25 firearm or not.

JANA WEAVER - DIRECT BY MS. HENDERSON

1 And I also did that with the misfired cartridge because
2 there was a firing pin strike on the cartridge. Typically,
3 it may not have as many marks on a misfired cartridge.

4 Q: And could you attribute all of the cartridge cases that
5 you received to the rifle that you received?

6 A: I was able to identify four of them to the firearm.

7 Q: Okay. And can you explain to the jury what does that
8 mean?

9 A: As the comparisons that I did in the microscope, I was
10 able to find enough agreement in the striations or the marks
11 or scratches left during the firing process to determine that
12 they were fired by the firearm that I test fired.

13 Q: And how many cartridges were you unable to match to that
14 firearm?

15 A: I had two fired cartridge cases and then the misfired
16 cartridge that I could not tell if they were fired by the
17 firearm or not.

18 Q: Okay. Can you further elaborate to the jury regarding
19 that, meaning you can't tell if they're attributed to that
20 firearm? Does that mean there could be another firearm?

21 A: It does. We -- during our training we do, as I've
22 stated, thousands of comparisons. So during that time we
23 were able to determine kind of how much agreement we need to
24 determine if it was fired by the same firearm or not. And
25 the ones that our conclusions are inconclusive did not have

JANA WEAVER - DIRECT BY MS. HENDERSON

1 enough of that agreement for me to say that it was fired by
2 that firearm.

3 Q: Does your department when it receives evidence from SLED
4 -- let me rephrase that. Did you test everything received
5 from the Florence County Sheriff's Office into your
6 department?

7 A: I did test all of the firearms components.

8 Q: Yes, ma'am. And in your department do y'all place a cap
9 on the amount of items you can test in a case?

10 A: No, we do not.

11 Q: If something is material to your case or a case that law
12 enforcement provides you, you'll test it?

13 A: That is correct.

14 Q: Thank you, ma'am.

15 MS. HENDERSON: Your Honor, may I have one moment,
16 please?

17 THE COURT: Yes.

18 BY MS. HENDERSON:

19 Q: And, Ms. Weaver, can you testify as to the various types
20 of weapons that might discharge a .22 caliber ammunition?

21 A: There are multiple types of firearms that are chambered
22 in .22 long rifle or .22 long caliber. There are handguns,
23 pistols, revolvers, or rifles.

24 Q: Thank you, ma'am.

25 MS. HENDERSON: Judge, I have no further questions.

JANA WEAVER - CROSS BY MR. WHITE

1 THE COURT: Cross-examination?

2 MR. WHITE: Just briefly.

3 CROSS-EXAMINATION

4 BY MR. WHITE:

5 Q: Good morning.

6 A: Hey.

7 Q: Just because the results were inconclusive as to certain
8 shell casings doesn't mean that they weren't fired from the
9 weapon; correct?

10 A: That is correct.

11 Q: So they could've been fired from the weapon, but it's
12 inconclusive?

13 A: Correct, yes.

14 Q: Like in a case where if someone admits to shooting
15 someone seven times?

16 A: (No verbal response.)

17 MR. WHITE: I have nothing further.

18 THE COURT: Any redirect?

19 MS. HENDERSON: No, sir, Judge.

20 THE COURT: You may step down. You're free to leave.
21 Thank you.

22 THE WITNESS: Thank you.

23 THE COURT: You may call your next witness.

24 MS. HENDERSON: Thank you, Judge. The State -- excuse
25 me. The defense calls Mr. Bryan Seidle.

BRYAN SEIDLE - DIRECT BY MS. HENDERSON

1 THE COURT: Very good. Mr. Seidle, I'm going to ask you
2 if you could come forward. If you could, come over here and
3 face the clerk. Place your left hand on the Bible and raise
4 your right hand as the clerk administers the oath.

5 THE CLERK: Do you swear the testimony you give in this
6 case to be the truth, the whole truth, and nothing but the
7 truth, so help you God?

8 THE DEFENDANT: I do.

9 THE CLERK: Please be seated and state your full name
10 for the record.

11 THE COURT: Mr. Seidle, please come around and have a
12 seat in the witness chair. I'm going to ask you, if you
13 could, please, sir, to pull up close to that microphone and
14 speak loudly, clearly, and slowly in order that we can hear
15 everything that you have to say, and let's start with your
16 full name and let's spell that last one.

17 THE DEFENDANT: Bryan Austin Seidle, S-e-i-d-l-e.

18 THE COURT: Very good.

19 Ms. Henderson, you're recognized.

20 MS. HENDERSON: Thank you, Judge.

21 BRYAN SEIDLE, being first duly
22 sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. HENDERSON:

25 Q: Mr. Seidle, how old are you?

1 A: I'm twenty-eight.

2 Q: How old were you in May of 2018?

3 A: Twenty-six.

4 Q: Okay. Where did you grow up?

5 A: Mostly right here in Florence, maybe about 15 years now.

6 Q: Okay. Were you born here?

7 A: No, ma'am.

8 Q: Where were you born?

9 A: North Carolina, around Fayetteville.

10 Q: Okay. When did you come down to South Carolina?

11 A: I was in seventh grade; so I don't -- I think that was

12 early 2000.

13 Q: Okay. What's your education?

14 A: I have a high school diploma.

15 Q: Where did you graduate from?

16 A: Wilson High School right here in Florence.

17 Q: Okay. Have you ever served in the military?

18 A: Yes, ma'am. I was -- I was in the National Guard for

19 six years. I joined in 2011.

20 Q: Okay. What did you do in the Guard?

21 A: I was 13 Bravo field artillery cannon crew member.

22 Q: Okay. What -- explain to the jury, please, a little bit

23 about what that entails?

24 A: Well, mostly I drove something that was similar to a

25 tank. I drove around what they call a Paladin. I also

BRYAN SEIDLE - DIRECT BY MS. HENDERSON

1 helped other people learn how to drive it, taught other
2 people things like that. I was kind of in a little bit of a
3 leadership role, but I didn't have a high rank.

4 Q: Okay. Were you deployed?

5 A: No, ma'am, I was not.

6 Q: Were you activated?

7 A: Yes, ma'am. Twice.

8 Q: And explain to the jury for those who are unfamiliar
9 what does activated mean when you're in the Guard?

10 A: That means you get called in to do some special duty for
11 a more lengthy period of time. In the Guard we just do
12 weekends and one two-week period every year, but when you're
13 activated, there's no limit to it.

14 Q: Okay.

15 A: As far as I know.

16 Q: Okay. Going back to your growing up, your childhood,
17 tell me about your parents?

18 A: Okay. They -- I'm not sure what you want.

19 Q: Do you have a mother and father?

20 A: Yes, I do.

21 Q: And who are they?

22 A: Rich Toro and Donna Toro.

23 Q: Do you have siblings from them -- with them? Do they
24 have biological children that are your siblings?

25 A: Yes, ma'am, they do.

1 Q: And who are they?

2 A: My -- my brother, Dustin Toro, and my sister, Connor
3 Jean Toro or we just call her CJ.

4 Q: Okay. How old is Dustin?

5 A: I believe he's 24 right now.

6 Q: And how old is CJ?

7 A: I would like to say 23 at the moment.

8 Q: Okay. So you're the oldest?

9 A: Yes, ma'am.

10 Q: Talk to me a little bit more about CJ. Does she have
11 some health issues?

12 A: Yes, ma'am. She -- she has epilepsy. She has a
13 learning disability. She's -- she's not, like, an
14 incompetent person or anything. It's just she has some
15 frustration problems, and it takes her a long time to learn
16 things.

17 Q: Okay.

18 A: Some seizures.

19 Q: Okay. What's y'all's relationship like?

20 MR. WHITE: Judge, I would -- at this point I would
21 object. I don't know the relevance.

22 THE COURT: Overruled.

23 BY MS. HENDERSON:

24 A: My sister and I -- we -- I'm probably one of the only
25 people who can really get along with her. I think me and my

BRYAN SEIDLE - DIRECT BY MS. HENDERSON

1 dad are the only ones who really can. Everybody else she
2 seems to argue with.

3 Q: Okay. Would you say you're protective of her?

4 A: Definitely.

5 Q: Are your parents still married?

6 A: No, ma'am. They're separated. I think they're divorced
7 now.

8 Q: Tell me about that separation?

9 A: I'm not sure what happened before the separation, but I
10 know that they separated quite a while ago. It's probably
11 been four or five years maybe.

12 Q: Okay. Did your mother date anyone after your father?

13 A: Yes, ma'am. She started dating Michael Ingersoll the
14 same day that my dad left.

15 Q: Okay. How did your mother and Mr. Ingersoll meet?

16 A: Well, she's known him for a lot longer than that day.
17 They -- they met a long time ago when he worked for my dad.

18 Q: And what did he do working for your father?

19 A: They were -- I believe they were just painters and other
20 odd jobs about that. My dad was the -- was the boss. He
21 owned the business.

22 Q: Sure. So about how long have you known Mr. Ingersoll?

23 A: It's at least 10 years now.

24 Q: Okay. Talking a little bit more about Mr. Ingersoll,
25 did he use drugs?

BRYAN SEIDLE - DIRECT BY MS. HENDERSON

1 A: Yes, ma'am, he did.

2 Q: Did you know him to carry any weapons?

3 A: Yes, ma'am. He always had a knife or two on him, at
4 least two.

5 Q: Did you refer to him or your family refer to him as any
6 other names?

7 A: Hollywood. That was one of his nicknames.

8 Q: Explain to the jury, please, a little bit more about
9 Hollywood?

10 A: Hollywood was the name that he'd usually go by when he
11 had to deal with drugs or whenever he was boasting about
12 something, bragging about things. All the guys that he would
13 buy from, they would call him Hollywood.

14 Q: Okay. Did you ever have issues with him stealing from
15 you?

16 A: Yes, ma'am.

17 MR. WHITE: Objection. I think we dealt with this
18 pretrial, in fact, Judge.

19 THE COURT: Might counsel approach the bench?

20 MS. HENDERSON: Yes, sir.

21 (WHEREUPON, a bench conference was held in the presence
22 of the jury but out of the hearing of the jury off the
23 record, after which the proceedings resumed as follows.)

24 MS. HENDERSON: Thank you, Judge.

25 BY MS. HENDERSON:

BRYAN SEIDLE - DIRECT BY MS. HENDERSON

1 Q: You can answer the question.

2 A: Could you repeat it, please?

3 Q: Sure. Did you have issues with Mr. Ingersoll stealing
4 from you?

5 A: Yes, ma'am. He stole from us before.

6 Q: Bryan, I'm going to show you -- can you see that okay?

7 A: Yes, ma'am.

8 Q: You were in the courtroom yesterday when the State
9 presented this sketch; correct?

10 A: Yes, ma'am.

11 Q: Okay. This is what the State says is a sketch of your
12 home; correct?

13 A: Yes, ma'am.

14 Q: What address did you live at on May 26th, 2018?

15 A: 124 [REDACTED].

16 Q: That address right there?

17 A: Yes, ma'am.

18 Q: Okay. Who else lived in the home with you?

19 A: My mom, Donna Toro, and my sister, CJ.

20 Q: Did your mom own the home?

21 A: Yes, ma'am. She owned the house and the land.

22 Q: Okay. Let's walk through what happened that day. May
23 26th, 2018, you wake up. Who was all present in the home?

24 A: At first it was just me, my mom, CJ, and my girlfriend
25 at the time, Sara. That's Deola Foxworth. Sorry.

1 Q: What were y'all doing?

2 A: Mostly, we were just hanging out right there in the
3 living room watching TV. We were hanging out and just
4 talking, nothing special.

5 Q: Sure. When did Mike arrive at the home?

6 A: I think it was around 5 or 6 o'clock in the afternoon.

7 Q: All right. Did your mother invite him over?

8 A: I would assume so.

9 Q: Once he arrived at the home, what did y'all do?

10 A: He just joined us, sat on the couch with us and joined
11 in with the daily activities.

12 Q: Was anyone using drugs?

13 A: He -- Mike did. He started smoking some marijuana.

14 Q: All right. Let's talk about what happened the remainder
15 of the evening. Did your mother and Mike began arguing?

16 A: Yes, ma'am. They -- they argued at about 5:30 or 6:30.

17 Q: Okay.

18 A: About 30 minutes after he arrived.

19 Q: So this was an argument shortly after he arrived?

20 A: Yes, ma'am.

21 Q: Do you recall what was this argument about?

22 A: I believe it had something to do with some pills that he
23 had just bought. There was a man who had drove up on a moped
24 all the way to -- almost to the front door and called Mike
25 outside, and Mike went out there and bought some pills from

BRYAN SEIDLE - DIRECT BY MS. HENDERSON

1 him and they argued. They went into their room and argued.

2 Q: When you say they, you mean your mother and Mr.

3 Ingersoll?

4 A: Yes, ma'am.

5 Q: Okay. Did that fight eventually resolve?

6 A: It -- it did about 20 -- I believe 20 minutes later.

7 They came out of mom's room and just she didn't look too

8 happy. They sat on the living room couch and just it went

9 back to a regular day.

10 Q: Okay. Anything notable happen after that?

11 A: Not until later. It was maybe 9, 9:30-ish. That's when

12 I would say the beginning of everything happened that night.

13 Q: And talk to me when you say the beginning of everything

14 that happened?

15 A: Okay.

16 Q: Was there a fight?

17 A: Yeah. It was -- it was a fight.

18 Q: Between?

19 A: An argument.

20 Q: Between who?

21 A: Between my mom and Mike.

22 Q: All right. Let's walk through step-by-step what

23 happened.

24 A: Okay. So me and Sara -- we -- at our house we don't

25 really eat at a specific time. We just eat whenever we feel

1 like it, defend for yourself thing. And on that night, Sara
2 and I were hungry and we went to the kitchen. We were trying
3 to find some food.

4 Mom and Mike went into mom's room and slammed the door
5 and everything and were arguing. And all of a sudden, my mom
6 comes rushing out of the room and saying something, and I'm
7 not sure if I can it, but saying that was -- he was -- she
8 caught him in another lie. Then she grabbed her purse and
9 the keys and started walking out the door, and I tried to
10 tell her not to leave him here without her because she likes
11 to just drive sometimes.

12 Well, she practically ignored me and she left. So I sat
13 on the edge of the couch, the arm of the couch, and just
14 didn't know what to do at first. And I was, like, do I tell
15 him to leave? That's all I thought. Then I saw him walking
16 back and forth between my mom's room and the back door. He
17 did this maybe three or four times, I think, and on the third
18 or fourth time, I got up and I went and told him that he had
19 to leave.

20 When I first said it, I said, Mike, I need you to leave
21 and anything you have in your pockets that belongs to my mom
22 you need to take out. I said this because I only went to him
23 because I saw him put some little black object in his pocket,
24 in his right pocket.

25 He ended up saying he didn't have anything in his

BRYAN SEIDLE - DIRECT BY MS. HENDERSON

1 pockets or he didn't have anything of my mom's, and I told
2 him that he still needed to leave, and he said, no, I'm
3 trying to get your mom to come back. So that's when I went
4 to my mom's closet and I didn't know where he went. Like, he
5 just went to my left. I went in there and that's when I got
6 the rifle, and I went and sat back on the living room couch.
7 When I got the gun, it -- I checked to see if it was loaded
8 and I took the one round that was loaded in the chamber out
9 and I locked the chamber -- the slide back to the rear.

10 I guess the lady explained it earlier, but when you lock
11 the slide back to the rear, that means it's -- there's no
12 bullet in the -- in the gun. There's still a magazine in the
13 bottom and it just -- all you have to do is hit it hard
14 enough and it'll put the next bullet in there, next round in
15 there.

16 I kept that round in my hand and I was sitting on the
17 edge of the couch with the rifle right there beside me and I
18 asked where he went. I was instructed that he was still in
19 my mom's room. So I went in there and I opened the door and
20 lodged it open and I stepped past him. He was sitting on the
21 end of the bed. I stepped past him and I set the rifle down.

22 As soon as I let go of the rifle, he stood up and pulled
23 a knife out of his right pocket. As soon as I saw the knife,
24 I snatched the gun up and pointed it at him and I told him to
25 leave. He -- he said, "You won't shoot me," and then he

BRYAN SEIDLE - DIRECT BY MS. HENDERSON

1 started to walk away. He got to about the corner of the bed,
2 maybe a little bit farther, and I had adjusted the rifle
3 because he was walking out, and I was putting it down in what
4 we call port arms, I believe, and I was pointing it down this
5 way and I was trying to do that and it ended up going off.

6 It hit the floor. It didn't hit him. He -- he sat down
7 on the corner of the bed and I just -- he then pulled out his
8 phone and dialed 9-1-1, and that's when we had the little
9 phone call, the argument on the phone call, and when he hung
10 up, he -- I'm sorry.

11 During the phone call, I had noticed that the next round
12 wasn't chambered properly and so I, like, pulled it back and
13 tried to stop it because, you know, that's dangerous. It's
14 one of the things they drill us in basic training. And I had
15 this round in my hand and I took the two rounds that I had
16 and I put them on the little table. It's right behind the
17 Xbox. It was right above the mini fridge that I had leaned
18 the rifle against earlier.

19 After he hung up the phone, I -- I don't want to get in
20 trouble for this, but I -- I called him a piece of shit and
21 then I walked out of the room. I told my girlfriend, Sara,
22 that I was probably going to jail. I said this because,
23 well, I had a child support bench warrant. I just had a
24 lapse in my payment. Well, then I went back in the room and
25 when I -- I'm sorry.

BRYAN SEIDLE - DIRECT BY MS. HENDERSON

1 When I got back in the room, he -- he was already coming
2 at me when I got back in the room. I -- I -- he -- all I saw
3 was his face and he was angry. I saw he had, like, his hand
4 on the corner of the bed and he was just coming towards me.
5 He had the knife in his hand, a big old curved knife, and I
6 just -- I just started shooting. I just shot until the gun
7 stopped.

8 Q: What did you do next?

9 A: I -- I just -- I looked at the gun and saw it was empty
10 and I just -- I threw it down. I didn't want it anymore. I
11 didn't want to mess with it.

12 Q: What happened after that?

13 A: I -- I don't know. I started -- I started walking
14 towards the living room. I didn't know what to do, and I
15 felt like I was going really fast, like I was running or
16 something, but I realized I wasn't and I just had to calm
17 down and slow myself down.

18 I don't really remember everything that happened. I
19 just -- I know I walked towards the kitchen or something and
20 my sister said something about shooting walls. At least
21 that's what I thought she said, but I didn't -- I just ended
22 up turning and walking. I think I walked towards the front
23 door and that was when Sara came running from my mom's room.
24 I don't know what she was saying. She was saying something,
25 yelling something, and it was like they were all talking in

1 slow motion.

2 I ended up walking out the door and out the front door
3 and, all of a sudden, my phone was in my hand and there was
4 already somebody on the -- on the line. I guess I dialed
5 9-1-1. I didn't -- I didn't even realize it. I know I gave
6 them my address and said something about killing a man and
7 then I -- I was just -- I don't know.

8 I was just walking, walking. I didn't know where I was
9 going. I just thought I needed to go somewhere and just sit
10 and think, calm down, and I have this -- I have this spot in
11 my backyard or what used to be my backyard that we have a
12 comfort spot. It's just -- it's mine. It's nobody else's.
13 It's right there in front of our fire pit where we used to
14 burn stuff. There's a little piece of concrete that's kind
15 of in the ground. It's already there.

16 And I just laid in the grass, but I tried to call my mom
17 on the way there and I ended up accidentally calling my
18 brother. I ended up hanging up before he even answered. I
19 -- then somebody tried to call me back. I don't -- I don't
20 know.

21 I'm sorry, guys. All I know is I -- I didn't feel good.
22 I was -- I didn't -- I couldn't -- I don't think I could
23 focus on anything because I was trying. I was trying to type
24 in numbers.

25 Q: Did you meet law enforcement in the yard?

BRYAN SEIDLE - DIRECT BY MS. HENDERSON

1 A: I did. They were -- I saw them walking down the road.
2 There was, like, three guys. I -- I only knew they were law
3 enforcement because of the blue lights. I tried to turn
4 myself in to them because I saw the blue lights and just had
5 -- knew I had to, you know, do like what they do on TV, talk
6 to them.

7 I walked up to them, hands up. I had my phone in my
8 hand and everything. I was like this. I said, "Hey, I'm the
9 shooter. I did it. Over here."

10 And they -- the guy in the middle came running over to
11 me. The guy behind him tried to follow. The big guy started
12 walking away. He kept going. He -- I don't think he
13 realized I was there and then he turned around and came
14 towards me. I don't -- I don't know. I just figured I had
15 to turn around and get on the ground and drop my phone. I
16 didn't want them to shoot me because of the phone. So I just
17 -- that's it. They cuffed me.

18 Q: And at that time you were detained?

19 A: Yes, ma'am.

20 Q: Okay.

21 A: Sorry.

22 Q: You're fine, Bryan. This sketch up here, is this an
23 accurate representation of what your home looked like on May
24 26th, 2018?

25 A: Partly.

BRYAN SEIDLE - DIRECT BY MS. HENDERSON

1 Q: When you say partly, what do you mean?

2 A: I mean --

3 MS. HENDERSON: Can everybody see this?

4 A: I mean the kitchen and the living room, those -- those
5 look about right.

6 MS. HENDERSON: And, Judge, may Mr. Seidle come down --

7 THE COURT: He may.

8 MS. HENDERSON: -- to the exhibit?

9 THE COURT: Yes.

10 (WHEREUPON, the defendant complied.)

11 MS. HENDERSON: Bryan, I'm just going to have you stand
12 right here.

13 BY MS. HENDERSON:

14 Q: Show to the jury -- walk through to the jury what's
15 correct in this depiction and what's not correct.

16 A: This is about right. There's no appliance here. It's
17 just more cabinets.

18 Q: And that's the kitchen?

19 A: Yes, ma'am.

20 Q: Okay.

21 A: That's the kitchen. That's right. This is the living
22 room. It's about right. I would say the door needs to be a
23 little bit more this way.

24 Q: Okay. And let me interrupt you a second. You testified
25 earlier that you were on the couch. Which couch were you on

BRYAN SEIDLE - DIRECT BY MS. HENDERSON

1 starting out before the shooting happened?

2 A: It was this couch here. I -- I remember I accidentally
3 broke the arm of the couch when I was sitting down.

4 Q: Was anyone else sitting on the couch with you?

5 A: No, not on this coach.

6 Q: Was anyone else in the room with you?

7 A: Sara was right here.

8 Q: Okay. What is this in?

9 A: This is the bathroom.

10 Q: Okay.

11 A: There's a door right here.

12 Q: Okay. Where's the hallway?

13 A: It's basically here, but it curves. There's actually an
14 L to it.

15 Q: Okay. And is this your mother's bedroom?

16 A: Yes, it is.

17 Q: Okay.

18 A: To a degree.

19 Q: Okay. And, of course, this isn't to scale and we don't
20 have measurements on here. Is this roughly where the bed was
21 at?

22 A: It comes out farther, I think. It's about right.

23 Q: Okay. What is this room?

24 A: This is actually, like, the closet, my mom's closet. It
25 was -- she used to have two bedrooms and she cut out the

1 entire doorway and turned it into a closet.

2 Q: And what is this over here?

3 A: This is where they really messed up. This is a -- right
4 here is, like, a little box. There's a hallway kind of and
5 then there's a doorway right here, and this is actually two
6 bedrooms that have been turned into one, but right about here
7 is a wall and there's, like, a closet and a laundry room
8 here.

9 Q: Where CJ's bedroom?

10 A: Right here in this area.

11 Q: Okay. And where would you sleep?

12 A: Mostly right here.

13 Q: Okay. So you walked -- you explained to the jury your
14 progression of where you were in the home that evening.

15 Let's start. So you started in the living room?

16 A: Yes, ma'am.

17 Q: And let's just basically walk through and demonstrate
18 the path that you took that night in the home. You were
19 walking -- you were in the living room; correct?

20 A: Well, when? What time?

21 Q: When -- when you said you were on the couch. You were
22 on one couch and your girlfriend was on the other couch.

23 A: I would've been right here. She would've been here.

24 Q: Okay. And who was in the bedroom? Your mother and Mr.
25 Ingersoll?

BRYAN SEIDLE - DIRECT BY MS. HENDERSON

1 A: Yes.

2 Q: Okay. You testified that your mother left after the
3 argument?

4 A: Right after. Correct.

5 Q: Okay.

6 A: When that all started, I was in the kitchen.

7 THE COURT REPORTER: I couldn't hear that.

8 MS. HENDERSON: Bryan, you need to speak up.

9 THE DEFENDANT: I'm sorry.

10 THE COURT: I'm going to ask -- if you could, why don't
11 you stand on this side so you can -- you speak a little bit
12 louder, Ms. Henderson. That way, maybe you can -- all right.

13 THE DEFENDANT: I'm sorry.

14 THE COURT: Yes.

15 BY MS. HENDERSON:

16 A: But I have to -- I started in the kitchen when they were
17 arguing.

18 Q: Okay.

19 A: When mom came out, she came out right here, this
20 doorway. She went straight out this door here. Am I loud
21 enough?

22 Q: That's fine. Okay.

23 A: When -- when she came out though, that's when I -- I was
24 standing here. And then when she left, I sat right here.

25 Q: And then what happened?

BRYAN SEIDLE - DIRECT BY MS. HENDERSON

- 1 A: He was walking back and forth between here and here.
- 2 Q: Okay. This is a doorway?
- 3 A: Yes, this is a doorway.
- 4 Q: What is that?
- 5 A: This here is also a doorway. It's a little more this
- 6 way, I think. Yeah, it's more like right here.
- 7 Q: Does -- is -- does this look like a picture of that
- 8 doorway?
- 9 A: From this side.
- 10 Q: Okay. So then after your mother left, you said that Mr.
- 11 Ingersoll was pacing back and forth?
- 12 A: Yes. He was going from this doorway to this doorway.
- 13 Q: Okay.
- 14 A: Back and forth, and I -- I told him to leave right here
- 15 in this little spot here. There's -- there's actually
- 16 another door here that goes to this room. There's -- it's,
- 17 like, a little --
- 18 Q: So there's another door that is not shown on this?
- 19 A: Right here.
- 20 Q: Okay.
- 21 A: But this is where I told him that he needed to leave.
- 22 Q: Okay.
- 23 A: And when he said no, this is the doorway that I used,
- 24 the one that's not marked.
- 25 Q: Okay.

BRYAN SEIDLE - DIRECT BY MS. HENDERSON

1 A: The gun was right -- right here, you know, around the
2 dresser and everything. After that, I went back over here to
3 this couch, and I was instructed that he was in this room.

4 Q: And let me interrupt you one second. By this point had
5 you retrieved the gun?

6 A: I had.

7 Q: Why did you get that gun?

8 A: Well, he's always -- he's always got weapons and I was
9 just --

10 Q: Were you trying to scare him?

11 A: I really just wanted him to leave. It was just a scare
12 tactic.

13 Q: Okay. Go on. What did you do next?

14 A: Well, when I realized he was in this room, that's when I
15 walked down the hall to the room. This hallway is really not
16 that big. And I -- I -- I pushed the door open and held it.
17 That's when I walked in here. I walked all the way over
18 here, which this isn't here. It's underneath this. And I
19 stopped right about here. He was -- the bed was farther this
20 way and he was in the middle of it, and I leaned the rifle
21 right in the corner of the room and that's when he stood up
22 with the knife out.

23 Q: Okay. So you were not in the doorway, you were over
24 here?

25 A: Far from it.

1 Q: Okay.

2 MS. HENDERSON: You can go back and have a seat, Bryan.

3 (WHEREUPON, the defendant complied.)

4 BY MS. HENDERSON:

5 Q: You voluntarily talked to law enforcement after this
6 happened?

7 A: Yes, ma'am. I think so.

8 Q: You -- you were in the courtroom yesterday during your
9 recorded statement with Inv. Price?

10 A: Yes, ma'am.

11 Q: Was this shortly after the shooting?

12 A: I would say so. Yes, ma'am.

13 Q: Okay. After midnight, to your recollection?

14 A: Yes, ma'am.

15 Q: Late at night?

16 A: It was -- it was late.

17 Q: Had you been to bed yet?

18 A: No, ma'am.

19 Q: Listening to that statement yesterday, is that statement
20 a complete depiction of what happened that evening?

21 A: No, ma'am, not at all.

22 Q: Why not?

23 A: I -- I don't know. I know I told him that I would tell
24 him some stuff, but I -- I don't -- I don't know. I just
25 couldn't really think that night. I was sleepy. My shoulder

BRYAN SEIDLE - DIRECT BY MS. HENDERSON

1 was hurting. I don't know.

2 Q: Were you having difficulty processing things?

3 A: Yes, ma'am. I would say so.

4 Q: I heard you earlier testify that you felt like you were
5 in slow motion. Can you talk to the jury a little bit more
6 about that, please?

7 A: Well, it wasn't exactly like I felt like I was in slow
8 motion. It was kind of like everything else was in slow
9 motion. It was -- I guess I would say that it felt like I
10 had all this energy and no way to use it and it was slowing
11 everything else down in some way. It's the easiest way to
12 explain that.

13 Q: Did you relay things to Inv. Price out of order?

14 A: It's possible.

15 Q: Did you omit things?

16 A: Yes, ma'am. I would say so.

17 Q: Did you misstate things?

18 A: Possibly.

19 Q: Why didn't you tell them Mr. Ingersoll lunged at you?

20 A: It never really occurred to me, I don't think.

21 Q: Okay. Why didn't you tell them he had a knife?

22 A: I was just -- I was just turning myself in. That was
23 it.

24 Q: Sure.

25 A: Nothing more to it.

BRYAN SEIDLE - DIRECT BY MS. HENDERSON

1 Q: Sure. Bryan, before May 26th, 2018, did you know what
2 the legal definition of murder meant?

3 A: No, ma'am. No, not at all.

4 Q: In your mind what was murder?

5 A: Well, when it comes to murder, it's just the only time
6 you can kill somebody is in war. I've never really -- I
7 don't know. I've never really thought about self-defense
8 like that before. When it comes to murder, it's just any
9 time you kill somebody.

10 Q: A killing?

11 A: Right.

12 MS. HENDERSON: May I beg the Court's indulgence,
13 please?

14 Judge, we have no further questions for Mr. Seidle.

15 Please answer any questions Mr. White may have for you.

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Mr. White, you're recognized.

18 MR. WHITE: Thank you, Judge.

19 CROSS-EXAMINATION

20 BY MR. WHITE:

21 Q: Bryan, I'm going to ask you some questions. Is that all
22 right with you?

23 A: Yes, sir.

24 Q: Now, you talked about being in the military; right?

25 A: Yes, sir.

BRYAN SEIDLE - CROSS BY MR. WHITE

1 Q: And it's important -- I think one of the things they
2 stress in the military is honor; is that right?

3 A: Yes, sir.

4 Q: Would that include telling the truth here today?

5 A: It would.

6 Q: Now, let me ask you this. How many times have you
7 rehearsed your story with your attorney?

8 A: We talked about it twice.

9 MS. HENDERSON: Objection, Judge. He's going into
10 attorney client.

11 THE COURT: Sustained.

12 BY MR. WHITE:

13 Q: Now, you do recall on September 8th of this year you
14 testified in a hearing right here in this courtroom. You
15 placed your hand on that Bible and you swore to tell the
16 whole truth and nothing but the truth; isn't that right?

17 A: Yes, sir.

18 Q: So everything in here would be the truth?

19 A: I believe so. Yes, sir.

20 Q: Or would everything coming from there be the truth?

21 A: They'd be about the same, wouldn't they?

22 Q: Would everything at the Sheriff's Office be the truth?

23 A: I'm not sure.

24 Q: Well, let's go through it. Now, on that date isn't it
25 true you testified that Mike was helping your mom; right? He

1 was a help around the house?

2 A: At times. Yes, sir.

3 Q: And you had known him for 10 years; isn't that right?

4 A: Yes, sir. At least.

5 Q: But despite knowing him for 10 years and testifying that
6 he was a help around the house, you're also testifying here
7 that you were afraid of him?

8 A: Yes, sir.

9 Q: Okay. But your mom wasn't?

10 A: I can't testify to that.

11 Q: And she left out of the house and isn't it true you
12 testified on September 8th -- right? -- that when you
13 confronted Mike, he was texting on his phone and he told you
14 he was trying to get your mom back?

15 A: Yes, sir.

16 Q: Okay. So he's minding his own business. He's involved
17 in a verbal argument with his girlfriend. He tells you I'm
18 just trying to get her back and yet you feel compelled to
19 grab a .22 rifle?

20 A: I think you have your events out of order.

21 Q: I don't think I do. I mean isn't it true that right
22 here in this transcript that you say when you approach him,
23 he's typing on his cell phone and he tells you I'm trying to
24 get your mom back?

25 A: Right.

BRYAN SEIDLE - CROSS BY MR. WHITE

1 Q: Okay. And then you go grab a .22 rifle?

2 A: After he tells me he wouldn't leave.

3 Q: Okay. Well, you know, you also testified that he
4 frequently stayed at your mom's house; isn't that right?

5 A: That's right.

6 Q: And he would stay two or three nights in a row; isn't
7 that right?

8 A: Yes, sir.

9 Q: And she -- he was her guest; right?

10 A: Of course.

11 Q: So what authority do you have to throw him out of the
12 house? None.

13 A: It's my home.

14 Q: It's your home? How often do you stay there?

15 A: All the time.

16 Q: Didn't you testify that you often stay with your
17 girlfriend?

18 A: And her grandparents.

19 Q: Okay. So how many nights a week would you stay with
20 your grandparents?

21 A: Roughly about the same, two or three.

22 Q: About the same as Mike?

23 A: Right. But I wouldn't consider that my home over there.

24 Q: I mean isn't it true that when your mom left the house,
25 she didn't tell him to leave?

1 A: I don't know.

2 Q: I mean did she tell you when she was passing by you
3 that, hey, I want him out of the house?

4 A: No, not that I can remember.

5 Q: So while he's texting on his phone in a bed that he
6 shared with your mom without her having told him to leave and
7 you testified that he often -- you know, he's a help around
8 the house, he helps your mom out, you decide to grab a .22
9 rifle and confront him in that bedroom; is that right?

10 A: You're almost right.

11 Q: Pretty close?

12 A: Kind of.

13 Q: And now so you grab that rifle and, you know, I didn't
14 hear much mention. I mean we talked a little bit about it,
15 but that 9-1-1 call, I mean that thing lasted, you know,
16 close to four minutes, three minutes; right?

17 A: I believe so.

18 Q: And -- and you heard that 9-1-1 call; correct?

19 A: Yes, sir.

20 Q: And in that 9-1-1 call, I mean that doesn't sound like a
21 guy who's about to charge you with a knife, does it? I mean
22 to me it sounded like he was afraid.

23 A: Okay.

24 Q: And did you hear he said on that 9-1-1 call my
25 girlfriend's son has got a gun pointed at me? Did you hear

1 that?

2 A: I heard that.

3 Q: And did you also hear him say -- the dispatcher asked,
4 you know, hey, can you -- can you say his name without
5 putting yourself in danger? Did you hear that?

6 A: Actually, I didn't hear that.

7 Q: Okay. Well, she said it, and his response was, no, I
8 can't do it; isn't that right?

9 A: No. I don't think so.

10 Q: You don't think so?

11 A: I don't think so. I -- I don't know exactly what was
12 said in the phone call or what she said. Do we have a
13 written transcript of it?

14 Q: I have the recording and I'll play it over and over at
15 close. Now, you failed to mention anything about the three-
16 second countdown, which I think is important, is it not?

17 A: Well, there never actually was one.

18 Q: Okay. So you say at the interview with Inv. Price you
19 admitted some stuff because you were out of sorts, but you
20 added that one very specific detail; is that right?

21 A: Well, the thing was I was -- I was going to give him a
22 countdown, but I -- I never got the chance.

23 Q: You never got the chance? I mean it's very specific in
24 the interview and we all listened to it. You say you count
25 to three, he didn't move the entire three seconds, and then

1 you shot him until the gun stopped. Isn't that what you said
2 in that interview?

3 A: Right.

4 Q: But now today you're saying that countdown never
5 occurred?

6 A: It never got to -- it never got to happen.

7 Q: So it's just something you were wanting to happen?

8 A: Well, I -- I wasn't -- I didn't want to shoot him. No,
9 sir.

10 Q: And you were kind of distraught; right? That's what
11 you're saying? Even though the first officer on the scene
12 said you were calm and cool; right?

13 A: I don't know. I mean that's what they said.

14 Q: Well, you said you had the wherewithal to go to your
15 comfort place; right?

16 A: That's more like an instinct.

17 Q: It's an instinct to go to your comfort spot?

18 A: Just go to the place that you feel safe.

19 Q: So a man that you've known for 10 years who helped your
20 mom when your dad left, you shoot him to death and you go to
21 your comfort spot? So you wanted to be comfortable while his
22 body was getting cold; isn't that right? I mean it either is
23 or it isn't.

24 MS. HENDERSON: Judge, I would object.

25 THE COURT: Sustained. That's argumentative.

BRYAN SEIDLE - CROSS BY MR. WHITE

1 MS. HENDERSON: I agree.

2 THE COURT: Ask a direct question.

3 MS. HENDERSON: Thank you.

4 BY MR. WHITE:

5 Q: And how about when that next officer approached you?

6 That next officer said you were calm, cool, and collected;
7 right?

8 A: You mean the investigator there?

9 Q: I mean I think you came in contact -- how about Deputy
10 Coroner Danny Taylor?

11 MS. HENDERSON: Objection, Judge. Hearsay.

12 THE COURT: Rephrase the question.

13 BY MR. WHITE:

14 Q: Were you in here with testimony from Deputy Coroner
15 Danny Taylor?

16 A: Yes, sir.

17 Q: Are you aware of how he characterized your demeanor?

18 A: Yes, sir.

19 Q: And did he characterize your demeanor as calm, cool, and
20 collected?

21 A: Something of that nature.

22 Q: Okay. And then you got to the Sheriff's Office; right?
23 And you gave a statement. Inv. Price didn't pressure you,
24 did he?

25 A: Well, I saw the video, but when I -- when I was going

BRYAN SEIDLE - CROSS BY MR. WHITE

1 through it, it -- it -- I didn't really feel it. I didn't
2 really know. But on the video, it looked like he was doing a
3 good job, I would say.

4 Q: And he didn't lead you in any way, did he?

5 A: I wouldn't say so.

6 Q: And in fact, he said it's an open mic, just tell me what
7 happened?

8 A: Yes, sir.

9 Q: You know, he's just investigating the case; right?

10 A: Right.

11 Q: So I mean it would be important to say, hey, he had a
12 big black knife with a long hook on it. I mean that's very
13 specific; right?

14 A: Yes, sir.

15 Q: Okay. But you didn't talk about the three-second
16 countdown today, but you talked about the knife. So you're
17 testifying to something you didn't say that time; right?

18 MS. HENDERSON: Objection. Argumentative.

19 THE COURT: Rephrase the question.

20 BY MR. WHITE:

21 Q: How about at this hearing? Did you say that knife was a
22 big black knife with a long hook on it?

23 A: You'd have to remind me.

24 Q: You didn't. I mean you talked to several officers on
25 scene, talked to Inv. Price, we have this hearing, but today

BRYAN SEIDLE - CROSS BY MR. WHITE

1 is the first time I'm hearing that it had a hook on the end
2 of the knife; isn't that right?

3 A: I'm not sure. I did say it was curved. I never said
4 hook, did I?

5 Q: So you weren't concerned about telling that story, he
6 charged you; right? Not with Inv. Price?

7 A: I was just worried about doing the right thing.

8 Q: Okay. With Inv. Price?

9 A: Just turning myself in.

10 Q: Okay. I mean but you gave a full confession; right?

11 A: No, sir.

12 Q: You didn't give a full confession?

13 A: I don't believe I did.

14 Q: I mean you said that you shot him to death; right?

15 A: Yes, sir.

16 Q: You shot him until the gun stopped?

17 A: Yes, sir.

18 Q: And you say you were -- you know, it was late at night;
19 right? Real late; right?

20 A: Yes, sir.

21 Q: Midnight; right?

22 A: Around there.

23 Q: I think I was up at midnight last night.

24 A: Okay.

25 Q: I didn't feel like I wanted to tell something that

1 wasn't true.

2 MS. HENDERSON: Objection, Judge. I'm not sure what the
3 question is.

4 THE COURT: Sustained. Ask a direct question.

5 BY MR. WHITE:

6 Q: Are you saying that because it was midnight, you didn't
7 have the wherewithal to tell the truth? Is that what you're
8 saying?

9 A: No, sir.

10 Q: Okay. But you did have the presence of mind to ask if
11 your animals had been hurt?

12 A: Just one of those protective things, you know. You
13 know, I love my dog.

14 Q: You love your dogs; so you wanted to check on them and
15 make sure they were good. Let me ask you this. When you
16 shot Mr. Ingersoll the first time -- right? Wouldn't that
17 have been enough? How about the second time? Would two
18 bullets have backed him up? How about the third bullet? Do
19 you think three bullets would've been enough?

20 A: I think you should probably ask an expert on this.

21 Q: Well, I mean you're the one that shot him; right?

22 A: Right.

23 Q: So it's your word against a dead man's?

24 MS. HENDERSON: Objection. Argumentative.

25 THE COURT: Sustained. I'll remind you to ask direct

BRYAN SEIDLE - CROSS BY MR. WHITE

1 questions, not argumentative.

2 BY MR. WHITE:

3 Q: And if you'll just answer, you have the right to
4 explain, but if you'll just answer yes or no and then I won't
5 have to argue with you. Okay? You shot him five times;
6 right?

7 A: (No verbal response.)

8 Q: You shot him six times; right?

9 A: Yes, sir.

10 MS. HENDERSON: Judge, objection. I would ask for a
11 proper form of questioning.

12 BY MR. WHITE:

13 Q: Did you shoot him six times? Yes or no?

14 THE COURT: How many times did you shoot him would be a
15 good one.

16 BY MR. WHITE:

17 Q: How many times did you shoot him?

18 A: I believe it was seven.

19 Q: And you ran right to his body to see if he was all
20 right? Once you know he was incapacitated and you weren't in
21 danger, you went and checked on him?

22 A: No, sir.

23 Q: No? You didn't check on him at all?

24 A: No, sir.

25 Q: But you checked on your dogs; right?

BRYAN SEIDLE - CROSS BY MR. WHITE

1 A: Later. After I was in custody.

2 Q: All right. At this hearing I keep referencing, now

3 isn't it true that you said I walked in the room with the gun

4 and Mike was there on my left, and he was already coming at

5 me?

6 A: Yes, sir.

7 Q: Okay. So you're walking in here?

8 A: Yes, sir.

9 Q: You're walking through this doorway and he's on the left

10 coming at you?

11 A: It's a little bit closer than that, yeah.

12 Q: Okay.

13 A: Like -- like it says, it's not to scale.

14 Q: All right. I mean you're not John Wick, are you?

15 MS. HENDERSON: Objection, Judge. Improper questioning.

16 THE COURT: Sustained.

17 BY MR. WHITE:

18 A: I've never seen that movie.

19 Q: Well, I mean are you Spider-Man with a gun?

20 MS. HENDERSON: Objection.

21 MR. WHITE: My apologies.

22 BY MR. WHITE:

23 Q: So you come in, he's running at you, and you heard the

24 trajectory of the bullets; right?

25 A: (No verbal response.)

BRYAN SEIDLE - CROSS BY MR. WHITE

1 Q: Three come from straight up, neither left to right;
2 right? One comes from left to right. Okay? Front to back,
3 and then the other ones come left to right with a downward
4 trajectory to the head. Did you hear that testimony? Yes or
5 no?

6 A: I heard it, but you've got it wrong.

7 Q: I -- I beg to differ.

8 A: No.

9 MS. HENDERSON: Objection. Argumentative.

10 THE COURT: Once again, ask a direct question.

11 And when he asks a question, you can answer it yes or no
12 and then you can explain.

13 BY MR. WHITE:

14 Q: Yes or no, did the pathologist testify that the
15 trajectory of the bullets that you shot into Michael
16 Ingersoll's head --

17 MS. HENDERSON: Objection. Hearsay.

18 THE COURT: Sustained. His testimony speaks for itself.

19 MR. WHITE: So keeping his testimony in mind, ladies and
20 gentlemen.

21 BY MR. WHITE:

22 Q: He's rushing at you, you're coming in here. Are you
23 telling me that you first shot one, two, three, four, five,
24 six, seven?

25 MS. HENDERSON: Objection. Compound question.

BRYAN SEIDLE - CROSS BY MR. WHITE

1 THE COURT: I'll allow him to ask that question.

2 BY MR. WHITE:

3 Q: Is that how it went down?

4 A: No, sir.

5 Q: Okay.

6 MR. WHITE: I beg the Court's indulgence.

7 Thank you, Judge. I have nothing further.

8 THE COURT: Any redirect?

9 MS. HENDERSON: One moment, please, Judge.

10 Nothing further, Your Honor.

11 THE COURT: All right. You may step down.

12 Mr. Foreman and ladies and gentlemen of the jury, I'm
13 going to ask if you can return to the jury room for one
14 moment. I'm going to ask that -- that you not discuss the
15 case in any way, shape or form.

16 Mr. Foreman, I'm going to ask that you enforce that
17 rule. Very good.

18 All right. Everyone remain seated as the jury exits the
19 courtroom.

20 (WHEREUPON, the jury exited the courtroom at 11:49 a.m.)

21 THE COURT: Might counsel approach the bench for one
22 moment?

23 MS. HENDERSON: Yes, sir.

24 (WHEREUPON, a bench conference was held off the record,
25 after which the proceedings resumed as follows.)

1 MS. HENDERSON: Thank you, Judge. The defense calls Mr.
2 Christopher Robinson.

3 THE COURT: Mr. Robinson, if you could please come
4 forward.

5 (WHEREUPON, there was a pause in the proceedings until
6 the witness entered the courtroom)

7 THE COURT: Mr. Robinson, I'm going to ask if you could
8 come forward. I'm going to give you an opportunity to place
9 your paperwork down right at the witness stand and then place
10 your left hand on the Bible and raise your right hand as the
11 clerk administers the oath.

12 Do you swear to tell the truth, the whole truth, and
13 nothing but the truth, so help you God?

14 THE WITNESS: I do.

15 THE COURT: If you could come around and have a seat in
16 the witness chair. I'm going to ask if you'll pull up real
17 close to that microphone and speak loudly, clearly, and
18 slowly in order that we can hear everything that you have to
19 say, and let's start with your full name, please, sir.

20 THE WITNESS: Can I remove the mask?

21 THE COURT: Yes.

22 THE WITNESS: Okay.

23 THE COURT: You may.

24 THE WITNESS: My name is Christopher Nelson Robinson.

25 THE COURT: Very good.

CHRISTOPHER ROBINSON - DIRECT BY MS. HENDERSON

1 CHRISTOPHER ROBINSON, being
2 first duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. HENDERSON:

5 Q: Mr. Robinson, how are you employed?

6 A: I'm a private forensic expert with my own company, Chris
7 Robinson Forensics.

8 Q: And how long have you been doing that?

9 A: Ten years, 10+ years now.

10 Q: Okay. What does this entail?

11 A: I review case files, evidence. I do blood spatter,
12 gunshot residue analysis, firearms analysis. So anything to
13 do with cartridge cases, bullets, weapons, any kind of blood.
14 I do stabbings, and I review the case files and I report my
15 findings to the attorney and testify if needed.

16 Q: Mr. Robinson, prior to becoming a forensic consultant,
17 what did you do?

18 A: I began my forensic field at the Georgia Bureau of
19 Investigation, where I worked 10 years as a firearm examiner.
20 I then became the director of the crime lab for the City of
21 Atlanta Police Department. I worked in that capacity for two
22 and a half years. And now I've owned my own company for the
23 past 10 years.

24 Q: So how long in total have you practiced firearm-related
25 forensics?

CHRISTOPHER ROBINSON - DIRECT BY MS. HENDERSON

1 A: I've been in the field for over 22 years. During my
2 career, I've logged over 10,000 hours on the microscope and
3 performed over 100,000 forensic examinations. I've been to
4 eight armorer's courses, I've been to eight manufacturing
5 plants, and I've currently worked over 10,000 actual cases.
6 And as of today, I'll have testified 704 times.

7 Q: What's your education?

8 A: I received my Bachelor of Science degree in chemistry
9 from Berry College in Rome, Georgia, in May of 1995.

10 Q: Have you received any specialized or technical training?

11 A: Yes, ma'am. During the work at the GBI, I received a
12 year and a half of specialized training course in firearms
13 and ballistics, gunshot residue analysis. I also took some
14 courses at the Henry Lee Institute in Connecticut involving
15 crime scene reconstruction, blood spatter analysis, firearms
16 analysis, and the processing of crime scenes.

17 Q: And have you received any certifications?

18 A: Yes, ma'am. I'm certified in the areas of firearms and
19 ballistics, blood spatter analysis, gunshot residue analysis,
20 shooting reconstruction, and wound analysis.

21 Q: Do you receive ongoing training to maintain these
22 certifications?

23 A: No, ma'am, I do not. I provide seminars across the
24 country. I do take proficiency tests. When I'm available to
25 get one, I take it just to stay proficient in the field.

1 Yes, ma'am.

2 Q: Certainly. And you said you lecture at seminars across
3 the country. Can you speak more to that, please?

4 A: Yes, ma'am. I speak to various law enforcement agencies
5 and -- and criminal defense associations to educate them on
6 blood spatter, gunshot residue, firearms analysis.

7 Q: You said you've spoken to various law enforcement
8 agencies. Have you had a conversation with the Florence
9 County Sheriff's Office within the past month about speaking
10 to the Florence County Sheriff's Office?

11 A: Yes, ma'am.

12 Q: Have you been qualified in the past as an expert in
13 shooting reconstruction?

14 A: Yes, ma'am.

15 Q: Have you been qualified as an expert in gunshot residue
16 analysis?

17 A: Yes, ma'am.

18 Q: Have you been qualified as an expert in crime scene
19 reconstruction?

20 A: Yes, ma'am.

21 Q: Have you been qualified as an expert in firearms and
22 tool mark examination?

23 A: Yes, ma'am.

24 MS. HENDERSON: Your Honor, at this time the defense
25 tenders Mr. Robinson as an expert in the areas of firearm and

CHRISTOPHER ROBINSON - DIRECT BY MS. HENDERSON

1 tool mark examination, shooting reconstruction, gunshot
2 residue analysis, and crime scene reconstruction.

3 THE COURT: All right. Any query with regard to his
4 qualifications, Mr. White?

5 MR. WHITE: No, sir, Judge.

6 THE COURT: All right. He is indeed qualified in these
7 various areas, and I will charge you at the conclusion of the
8 case how to evaluate expert testimony. We've talked about
9 that briefly. I'll discuss it in greater detail when I
10 charge you the law.

11 Ms. Henderson.

12 MS. HENDERSON: Thank you, Judge.

13 BY MS. HENDERSON:

14 Q: Mr. Robinson, are you familiar with this case, State of
15 South Carolina versus Bryan Austin Seidle?

16 A: Yes, ma'am.

17 Q: Did my office provide you his case file?

18 A: Yes, ma'am.

19 Q: And included in that case file did you receive a report
20 from the South Carolina Law Enforcement Division's firearms
21 department?

22 A: Yes, ma'am.

23 Q: Do you mind walking through the report with me?

24 A: Sure. Do you want me to go over my concerns of what I
25 observed?

1 Q: Yes, sir, I do.

2 A: Okay.

3 Q: And just generally speaking, is this the report that
4 matched the cartridge cases or some cartridge cases to the
5 firearm that was submitted for testing?

6 A: Yes, ma'am.

7 Q: Okay. Let's discuss what you said were your concerns.

8 A: Okay. On my review of the report, the individual was
9 able to match the characteristics found on the cartridge
10 cases for four of the cartridge cases that were found at the
11 scene. There was a total of eight cartridge cases that were
12 actually recovered.

13 You have to understand every time that you fire a weapon
14 it is a tool. When the firing pin strikes the back of the
15 cartridge case, it leaves the same markings every time. If
16 it does it on four cartridge cases, why wouldn't it do it on
17 every single one? That makes no sense.

18 So the problem I have, ma'am, is they weren't able to
19 match two of the cartridge cases, they were not able to match
20 the misfired cartridge back to the weapon, and then they
21 didn't even examine the one cartridge case that was found in
22 the room that was not submitted for whatever reason. They
23 never examined that.

24 Q: Okay. So let's start with what you just -- what you
25 spoke about first. They were unable to match two cartridge

CHRISTOPHER ROBINSON - DIRECT BY MS. HENDERSON

1 cases. You said that was a concern. What could that mean?

2 A: Well, the most likely scenario would be that the -- I'm
3 going to give them their due. Maybe the cartridge cases just
4 don't match the weapon. I mean there could be another weapon
5 out there for all I know because if it's the same weapon, I
6 find no reason why an examiner -- a qualified examiner should
7 not be able to match all of these cartridge cases and the
8 misfired cartridge back to the weapon.

9 Q: And you said the misfired cartridge as well?

10 A: Yes, ma'am.

11 Q: You also said the cartridge that wasn't submitted for
12 testing. What are your concerns there?

13 A: Well, it's a breakdown in the -- either law enforcement
14 didn't submit the cartridge case for whatever reason. Again,
15 we don't know anything about that cartridge case. Is it the
16 same manufacturer? Was it fired from this weapon? Was it
17 fired from a secondary weapon? Could there be multiple
18 weapons out there? There's any number of things based on
19 this report and the way that it's written. So I'm just --
20 I'm very troubled by the conclusions that were -- the
21 examiner came to.

22 Q: Okay. Were you troubled by anything else in your review
23 of SLED's firearms department documents?

24 A: Yes, ma'am. The greatest concern here is that what
25 we've been talking about are cartridge cases. Well, the

CHRISTOPHER ROBINSON - DIRECT BY MS. HENDERSON

1 cartridge cases don't kill people; the bullets kill people.
2 The individual had seven bullets in his body and there was
3 another bullet in a doorframe.

4 Now again, there's no report that identifies any bullets
5 from the individual back to the weapon. We have no idea what
6 the bullets were in his body. Are there multiple guns that
7 shot this individual? Do the bullets match each other? Do
8 the bullets match the weapon? Can they tell the manufacturer
9 of those bullets to see if they're the same manufacturer as
10 the cartridge cases?

11 All of these things are huge because if you don't look
12 at the bullets, how do you know? You just know that there's
13 cartridge cases on the ground that were identified back to a
14 rifle, but you don't know that the bullets that killed the
15 man match the rifle.

16 Q: And, Mr. Robinson, you said you've been in this field
17 for 22 years. Is it standard for the bullets to be tested?

18 A: I've been in 25 different states now, ma'am. I've never
19 seen where you tell me they don't match a single bullet from
20 a body back to the weapon. I've never seen it in 22 years.

21 Q: Mr. Robinson, moving on to SLED's trace evidence
22 documents that I've provided to you.

23 A: Yes, ma'am.

24 Q: These pertain to gunshot residue; correct?

25 A: Yes, ma'am.

CHRISTOPHER ROBINSON - DIRECT BY MS. HENDERSON

1 Q: What were your thoughts in reviewing these reports?

2 A: Okay. Deola Foxworth didn't have any gunshot residue
3 and Conner did not have any gunshot residue. With respect to
4 Donna Toro, she had five particles on the right hand and two
5 particles on the left hand. That is a substantial amount of
6 gunshot residue on that individual's hand.

7 I'm sure it's already been testified to here that it
8 either means you fired a weapon, you were in close proximity
9 to a weapon when it went off or you handled something with
10 gunshot residue on it. Now, seven particles is a great deal
11 of gunshot residue on someone's hands, but she's not the main
12 concern.

13 Q: What's the main concern?

14 A: The next two would be Mr. Seidle himself only had two
15 particles of gunshot residue on his hand. This is a very
16 limited amount. Generally, we don't even report two
17 particles of gunshot residue. The FBI crime lab requires
18 three articles and the Army crime lab where I live in Georgia
19 requires four particles.

20 The reason we do that is because with the chance of one
21 or two particles, this could be from transfer on Mr. Seidle's
22 hands. This is not generally indicative to me of someone
23 firing a weapon eight times, I mean especially a rifle. Now,
24 it is a .22, I understand that, but multiple shots mean more
25 GSR being created. He only had two particles on his hand.

CHRISTOPHER ROBINSON - DIRECT BY MS. HENDERSON

1 Now, Mr. Ingersoll, he had eight particles on his hands,
2 four on his right hand and four on his left hand. Again,
3 that means his hands had to be very close to the ejection
4 port of the rifle or he had to have fired a weapon or he had
5 to handle something. But if he's dead, he wasn't going to
6 handle anything after the fact. So it would be his hands had
7 to be very close to the ejection port of the weapon or he had
8 to fire a weapon himself.

9 Q: Mr. Seidle testified earlier this week that Mr.
10 Ingersoll lunged at him. Could these results of the gunshot
11 residue be consistent with that statement?

12 A: Yes, ma'am. I mean you have to understand it's a rifle.
13 So if you're reaching back toward the individual, Mr. Seidle
14 -- if he lunged at him and his hands were close to the
15 ejection port of the rifle, as long as it's being emitted, it
16 could be from that. Yes, ma'am, that's possible.

17 MS. HENDERSON: May I beg the Court's indulgence?

18 THE COURT: Yes.

19 BY MS. HENDERSON:

20 Q: Mr. Robinson, one more issue. Can you explain generally
21 again how gunshot residue is emitted from the firearm as
22 opposed to gunpowder?

23 A: Okay. When you fire a weapon, gunpowder comes out of
24 the muzzle, as well as vaporous lead. So when we're looking
25 at clothing -- and, ma'am, that's another thing I failed to

CHRISTOPHER ROBINSON - DIRECT BY MS. HENDERSON

1 mention. The clothing of the victim was not tested in this
2 case. That's a huge problem for me because of the shots in
3 the clothing, they could've tested for gunpowder on the
4 victim's clothing, as well as vaporous lead.

5 But now, with respect to gunshot residue, it's emitted
6 from the back part where the cartridge case is ejected from
7 the weapon. It's called the ejection port of the rifle.
8 That's where the emission of the gunshot residue is emitted
9 from. It does not come out of the muzzle.

10 I've done the test myself. There is nothing that comes
11 out on the target that is related to the primer residue.
12 It's on the back side of the cartridge. It comes out of the
13 back side of the weapon. It does not go forward. So there's
14 two different things, gunpowder residue and gunshot residue.

15 But going back to what we talked about before, when I
16 said about the lunging thing, you see if they would've tested
17 the victim's clothing, we could have tested the clothing for
18 gunpowder, vaporous lead. That would've given us an idea of
19 exactly how close the muzzle was to the victim at the time of
20 the shooting.

21 MS. HENDERSON: Thank you, Mr. Robinson. Please answer
22 any questions Mr. White has.

23 THE COURT: Mr. White, you're recognized. Cross-
24 examination.

25 MR. WHITE: Thank you, Judge.

CHRISTOPHER ROBINSON - CROSS BY MR. WHITE

1 CROSS-EXAMINATION

2 BY MR. WHITE:

3 Q: Good morning, Mr. Robinson.

4 A: Good morning.

5 Q: I want to talk to you a little bit, if I can. I want to
6 start first -- start with you with your qualifications.

7 Would that be okay?

8 A: Sure.

9 Q: Now, you testified that you have a four-year degree from
10 Berry College; isn't that right?

11 A: Yes, sir.

12 Q: And you spent 10 years with the Georgia Bureau of
13 Investigation; isn't that right?

14 A: Yes, sir.

15 Q: And two years with the Atlanta PD?

16 A: Yes, sir.

17 Q: And after that, since that time you've been in private
18 practice; is that correct?

19 A: Yes, sir.

20 Q: Now is your time mostly spent testifying for defense?

21 A: Yes, sir. Mostly.

22 Q: And you testified earlier that you've spent 416 -- how
23 -- what were the hours on the microscope that you gave?

24 A: 15,000 hours.

25 Q: 15,000? So approximately 416 straight days on a

CHRISTOPHER ROBINSON - CROSS BY MR. WHITE

1 microscope; isn't that correct?

2 A: In 22 years, yes.

3 Q: And how many times have you testified?

4 A: 704.

5 Q: And how many cases have you reviewed?

6 A: How many cases have I worked? Over 10,000.

7 Q: So over that time you're talking about 704 times
8 testifying. That's two years testifying while simultaneously
9 spending 416 days on a microscope and 12.45 cases per day
10 minimum every day with no break over the entirety of your
11 career? Is that what you're saying?

12 A: In 22 years. In 22 years, 704 times in 22 years. No,
13 sir, that's -- that's very minimal.

14 Q: And since you've been in private practice, you've
15 testified solely for the defense; isn't that correct?

16 A: No, sir.

17 Q: Now, you don't have any medical training, do you?

18 A: No, sir. But part of my job at the GBI was to view
19 autopsies with the medical examiner.

20 Q: But you didn't conduct an autopsy?

21 A: I did not.

22 Q: Do you have any nursing background?

23 A: I do not.

24 Q: Do you have any background in forensic pathology?

25 A: I do not, other than assisting the medical examiner with

1 the autopsies.

2 Q: And when you say assisting, you mean observing? You
3 watched them?

4 A: And helped them determine the range of fire with respect
5 to any gunshot wounds.

6 Q: But I mean you didn't assist them? You're not board-
7 certified to conduct an autopsy?

8 A: No, sir. I assisted them in helping make the
9 determinations about range of fire.

10 Q: Okay. Well, you just watched them conduct an autopsy;
11 isn't that correct?

12 A: Sure.

13 Q: And you've never been to medical school; right?

14 A: No, sir.

15 Q: And you're not certified in a medical board as a
16 forensic pathologist, are you?

17 A: No, sir.

18 Q: And I want to talk a little bit about your experience.
19 Is that okay?

20 A: Sure.

21 Q: In your 10 years, you worked for GBI; isn't that right?

22 A: Yes, sir.

23 Q: Let me ask you this before I jump into that. How many
24 times have you been qualified as an expert?

25 A: 704 times.

CHRISTOPHER ROBINSON - CROSS BY MR. WHITE

1 Q: And how many times have you been found not to be
2 qualified as an expert?

3 A: Never.

4 Q: Now, in your time at GBI, you were disciplined once
5 because you shot yourself in the hand when you were
6 conducting an analysis; isn't that right?

7 A: Yes, sir.

8 Q: Now, would you agree that that's not proper protocol?

9 A: My boss said if you do this long enough, you're going to
10 have an accidental discharge. So I had a hang fire. I
11 pulled the trigger. The weapon didn't go off, and I put my
12 hand on the slide to push it to the rear and it just shot me
13 through the fleshy part of my hand. It was a good lesson.
14 It was 20 years ago. I had just started working at the GBI
15 at that time. So yes, sir, I find myself fortunate, but my
16 boss has done it three times and he worked for 50 years in
17 this field. So it's going to happen.

18 Q: So you're saying it regularly happens to firearm
19 examiners? They --

20 A: If you work long enough.

21 Q: -- shoot themselves?

22 A: No. If you work long enough, you're going to have an
23 accidental discharge. Yes, sir.

24 Q: And your boss said that was just fine, didn't he?

25 A: My boss said it was okay.

CHRISTOPHER ROBINSON - CROSS BY MR. WHITE

1 Q: Did he say it was all right when you provided inaccurate
2 testimony about the distance of a gun from a wound?

3 A: That wasn't inaccurate testimony. That was a report
4 that I did when I -- when I first started, and then I
5 corrected it before I went to trial and I did testify at the
6 trial correctly.

7 Q: You were disciplined for it?

8 A: I was.

9 Q: And you were also disciplined at GBI for failing to
10 follow policies and procedures; isn't that right?

11 A: Yes, sir.

12 Q: So about that time you were disciplined for shooting
13 yourself in the hand, disciplined for inaccurate testimony,
14 disciplined for failing to follow policies and procedures,
15 you leave and go to Atlanta PD; isn't that right?

16 A: Yes, sir.

17 Q: And you were with them about two years?

18 A: Two and a half. Yes, sir.

19 Q: And you were terminated, if I'm not mistaken, for
20 failure to follow policies and procedures; isn't that right?

21 A: No, sir. I was terminated because I purchased some
22 software that two systems talk to each other. I had the
23 signature of my major that signed off on the purchase, but
24 when the bill came in for \$32,000, the City of Atlanta was
25 broke at that time and they said I didn't have authorization.

CHRISTOPHER ROBINSON - CROSS BY MR. WHITE

1 So I was terminated.

2 Q: You made an unauthorized purchase of upwards of \$35,000;
3 isn't that right?

4 A: No, sir. My major signed off on the purchase. So it
5 wasn't unauthorized, but that's what they said.

6 Q: Well, somebody fired you for it?

7 A: They did.

8 Q: And let me -- let me back up. Maybe you weren't fired
9 for failing to follow policies and procedures, but you were
10 reprimanded; right?

11 A: I was.

12 Q: You were reprimanded at GBI for shooting yourself, you
13 were reprimanded at GBI for failure to follow procedures, you
14 go to Atlanta, you get into the same kind of stuff; isn't
15 that right?

16 A: Yes, sir.

17 Q: And you sued the Atlanta Police Department; isn't that
18 correct?

19 A: I did.

20 Q: And you sued them for wrongful termination; isn't that
21 right?

22 A: I did.

23 Q: But you didn't sue them for wrongful termination related
24 to your failure to follow policies and procedures, you sued
25 them for race discrimination; isn't that right?

CHRISTOPHER ROBINSON - CROSS BY MR. WHITE

1 A: Yes, sir.

2 Q: Because you're white; isn't that right?

3 A: That's correct.

4 Q: How did that go for you?

5 A: I lost.

6 Q: You lost at summary judgment; right?

7 A: The odds of winning against the City is very nil, but I
8 just wanted to make sure it was on the record --

9 Q: Okay.

10 A: -- that I sued them for wrongful termination.

11 Q: Well, correct me if I'm wrong. I mean losing a case in
12 summary judgment, the judge -- the federal judge is saying
13 this case has no merit.

14 MS. HENDERSON: Objection, Judge. This is testimony.

15 THE COURT: Sustained.

16 BY MR. WHITE:

17 Q: But it was dismissed on summary judgment; isn't that
18 right?

19 A: Yes.

20 Q: And you appealed; isn't that right?

21 A: I don't think so, but maybe I just let it go at that
22 point, I believe.

23 Q: You can't remember?

24 A: No. It's been so long ago now.

25 Q: You mix things up sometimes, don't you?

CHRISTOPHER ROBINSON - CROSS BY MR. WHITE

1 A: That's 10 years, man.

2 Q: And you've got a bad taste for law enforcement labs,
3 don't you?

4 A: No, sir. I have a bad taste for law enforcement labs
5 who are subpar. If you're talking about SLED, yes, sir.
6 FDLE, yes, sir. Alabama, yes, sir. If they mess up, I have
7 to call them out.

8 Q: Okay. But nobody calls you out; right?

9 A: What can you call out?

10 Q: Well, we're going to get into it.

11 A: All right.

12 Q: Now, when exactly were you contacted by the defense in
13 this case?

14 A: I think it was about six -- eight weeks ago.

15 Q: And you don't testify for free, do you?

16 A: No, sir.

17 Q: And you're making about \$6,500, aren't you?

18 A: I think that's about right.

19 MS. HENDERSON: Objection, Judge. That's incorrect.

20 THE COURT: That's --

21 MR. WHITE: He just said it was about -- he said it was
22 right.

23 THE COURT: Well, it's -- it's an appropriate question.
24 He can ask that.

25 BY MR. WHITE:

CHRISTOPHER ROBINSON - CROSS BY MR. WHITE

1 Q: So you just said you're getting paid \$6,500 for your
2 testimony here today?

3 A: And the work I performed, yes.

4 Q: Okay. So you're a hired gun; isn't that right?

5 A: No, sir. No, sir. I've never been accused of that.

6 Q: So you reviewed the reports sent over by the defense;
7 isn't that right?

8 A: Yes, sir.

9 Q: But you didn't go to the autopsy, did you?

10 A: No, sir.

11 Q: You didn't go to the crime scene, did you?

12 A: No, sir.

13 Q: You didn't review and analyze the murder weapon, did
14 you?

15 A: No, sir.

16 Q: You didn't analyze the GSR as it came in, did you?

17 A: No, sir.

18 Q: You didn't analyze the ballistics, did you?

19 A: Not personally. No, sir.

20 Q: You analyzed the reports of others; isn't that right?

21 A: Yes, sir.

22 Q: You're a bit of an armchair quarterback, aren't you?

23 MS. HENDERSON: Objection, Judge.

24 THE COURT: Sustained. Ask a direct question.

25 BY MR. WHITE:

CHRISTOPHER ROBINSON - CROSS BY MR. WHITE

1 Q: Are you an armchair quarterback?

2 A: No, sir.

3 Q: Now, in reaching your opinions, you reviewed the reports
4 of everybody else in this case; right?

5 A: Yes, sir.

6 Q: Megan Fletcher with SLED. You reviewed her report?

7 A: Yes, sir.

8 Q: Jana Weaver with SLED. You reviewed her report?

9 A: Yes, sir.

10 Q: And that was really important in your determination of
11 what you just testified to; isn't that right?

12 A: Yes, sir.

13 Q: Where's your report?

14 A: I wasn't asked to generate a report.

15 Q: Okay. Where are your notes? Can I have your notes? I
16 asked for them.

17 A: Sure. It's just what -- what I've already talked about.
18 Just what you see on their reports.

19 Q: Well, I've never seen them.

20 A: You didn't ask me for them.

21 Q: I asked the defense for them.

22 MS. HENDERSON: Judge, objection. I didn't receive his
23 notes either.

24 BY MR. WHITE:

25 Q: So you didn't provide your notes to the defense attorney

1 in this case?

2 A: No, sir.

3 Q: You didn't generate a report in this case?

4 A: No, sir.

5 Q: So you're analyzing the State's experts, but we're not
6 allowed to analyze your work; isn't that right?

7 A: Well, I'm analyzing a report that's already been done
8 and peer-reviewed by a second examiner. So I'm just going
9 over their work to make sure they did it correctly.

10 Q: If you don't mind, hold those notes up for me?

11 A: Sure. Cartridge cases.

12 Q: Uh-huh.

13 A: By ID to the weapon.

14 Q: Uh-huh.

15 A: The trigger pull, the weapon, the gunshot residue,
16 results that we've already talked about.

17 Q: Uh-huh.

18 A: And then the autopsy, direction, the wounds, front to
19 back, deviation, weight of the victim.

20 Q: Uh-huh.

21 A: Height of the victim.

22 Q: So, you know, a page and a half double spaced; is that
23 right?

24 A: Yes, sir.

25 Q: How big was the file that you reviewed?

CHRISTOPHER ROBINSON - CROSS BY MR. WHITE

1 A: I believe I have all of the crime scene photos. I
2 probably reviewed about -- police reports. I'd probably say
3 150 -- a couple hundred pages.

4 Q: And you say it was peer-reviewed, your work?

5 A: No. I said their work was peer-reviewed.

6 Q: But yours wasn't?

7 A: No.

8 Q: Tell us what peer-review is?

9 A: Peer-review is when a second examiner looks at your work
10 to make sure you did it correctly.

11 Q: It's a check and double check; isn't that right?

12 A: Yes. Which is frightening in the fact that you're
13 telling me two examiners couldn't match these cartridge cases
14 back to the rifle. So when you start saying there's two
15 people at SLED now that can't match cartridge cases back, see
16 now I'm really scared because it's not just the one examiner.
17 There's two that can't match cartridge cases back to a gun.
18 So now if I give them their credit, that means the cartridge
19 cases can't match the rifle because neither one of them can
20 match them back to the weapon.

21 Q: But nobody checked what you're saying; isn't that right?

22 A: Yeah, they checked it. They said they failed to reveal
23 whether the cartridge cases can be matched --

24 Q: I'm asking you --

25 A: -- to the gun.

CHRISTOPHER ROBINSON - CROSS BY MR. WHITE

1 Q: And you can explain all you want, but you've got to --

2 A: Sure.

3 Q: -- answer yes or no. You know how this works. You've
4 testified for, you know five years straight, haven't you?

5 A: Sure.

6 Q: Okay. So yes or no, your notes -- okay? When you were
7 reviewing the reports of actual experts, were your notes
8 analyzed by another person?

9 A: No.

10 Q: So no peer-review?

11 A: No.

12 Q: And you're in private practice; right?

13 A: Yes, sir.

14 Q: Let me ask you are you still working out of your
15 basement?

16 A: I do.

17 Q: Okay. You've got, you know, tools and machines down
18 there?

19 A: I do.

20 Q: Okay. But you didn't analyze anything on this case, did
21 you?

22 A: I wasn't asked to.

23 Q: Okay. And you're talking a lot of bad stuff about SLED
24 and all these other places that you say you don't harbor a
25 grudge against; right?

CHRISTOPHER ROBINSON - CROSS BY MR. WHITE

1 A: Yes.

2 Q: But they're accredited, aren't they?

3 A: Sure.

4 Q: And tell us what accredited is?

5 A: Accredited means they were accredited by -- in this case
6 they're a forensic laboratory, which means they are
7 accredited by the governing body of the crime lab.

8 Q: Is your lab accredited?

9 A: No. I'm accredited.

10 Q: Is your lab accredited?

11 A: I don't have a lab that's accredited. It's just myself,
12 Chris Robinson.

13 Q: Okay. But let's -- I'm going to ask you again.

14 A: No, I do not have a lab. No, sir. My lab is not
15 accredited. I'm accredited.

16 Q: Okay. And I mean nobody's checking on your lab; right?

17 A: No, sir.

18 Q: Nobody's checking on your reports; right?

19 A: No, sir.

20 Q: How about those tools you got down there. Are they
21 regularly calibrated?

22 A: Yes, sir.

23 Q: Okay. Who checks behind that?

24 A: The people from Leica. They come and calibrate my
25 microscope and calibrate the scales.

CHRISTOPHER ROBINSON - CROSS BY MR. WHITE

1 Q: But they're not an accrediting agency; right?

2 A: Well, Leica is a calibrating service. So yes, sir.

3 A: Well, you just said your lab wasn't accredited.

4 A: No. They're not the -- no. You're talking about a lab
5 that's accredited.

6 Q: Uh-huh.

7 A: I'm talking about my equipment is calibrated is what you
8 said.

9 Q: Do you call the basement of your house where you do all
10 this work a lab?

11 A: Sure.

12 Q: A lab that's not accredited?

13 A: Sure.

14 Q: Now, you're talking a lot about GSR and, you know, how
15 this person could have this amount and this person could have
16 this amount and how there might be some second gun out there,
17 but you are aware that the defendant got right where you are
18 yesterday or the day before and testified that this is a case
19 about self-defense; isn't that right?

20 A: Okay.

21 Q: That he fired that gun seven times?

22 A: Okay.

23 Q: But you're still sitting here reading the reviews of
24 other experts and calling their findings into question on a
25 case where the defendant admits to killing a man and shooting

CHRISTOPHER ROBINSON - CROSS BY MR. WHITE

1 him seven times with the same gun.

2 A: Clearly --

3 Q: Yes or no?

4 A: If he testified that he fired a gun seven times --

5 Q: Uh-huh.

6 A: -- but the people from SLED couldn't match the cartridge
7 cases back to the gun, that's terrifying. Second of all, not
8 a single bullet was examined on this case. So he can say
9 anything he wants, but I'm a scientist. So I have to prove
10 that. So the bullets should've been examined. They weren't.

11 Q: You're a scientist. Since you were fired from Atlanta
12 after being fired by GBI, have you received any sort of
13 continuing education?

14 A: No, sir.

15 Q: Let me ask you this. How do you keep up -- you said you
16 were accredited. How do you keep up your accreditation?

17 A: I work cases.

18 Q: You work cases?

19 A: Yes, sir.

20 Q: So you don't have to take a test every year?

21 A: No, sir. My certification is from my life from the GBI,
22 from the Henry Lee Institute. I'm certified for the rest of
23 my life. I took the classes. I'm certified in those
24 courses, and I work probably -- I would say 3- to 400 cases a
25 year. So that's how I do my proficiency, by working cases

1 and staying proficient and studying the new research that's
2 coming out and keeping abreast of the new testing methods.

3 Q: But you're not tested on them yourself? You don't have
4 to test on your proficiency of those?

5 A: Yes. I take a proficiency test through the same thing
6 that the lab does. They send out a test every year where you
7 match the bullets back to the gun or they ask you do the
8 bullets come from the same gun. So it's a CTS --
9 Collaborative Testing Services, CTS labs, and they make sure
10 that you stay accredited every year. So you take a test that
11 they send out and then you resubmit your results in.

12 Q: I'm glad you asked that. How do you obtain your tests?

13 A: I pay for it when it comes to my house; so I can order
14 it online.

15 Q: Well, hang on now. I mean you've testified in open
16 court before -- correct me if I'm wrong -- that you get it
17 from a friend so you don't have to pay for it?

18 A: I do. I do, but sometimes I can -- I pay for it myself
19 when it's cheap, but other times they give it to me, correct.

20 Q: Other times you steal it?

21 A: No. It's just given to me to make sure I get the exact
22 results to stay proficient in the science.

23 Q: Okay. Well, if you have to pay for it and you don't pay
24 for it --

25 A: But I don't submit it. I just take the test to make

CHRISTOPHER ROBINSON - CROSS BY MR. WHITE

1 sure I get the right answer. I don't have to submit it back
2 in. I just take the test that he takes so I can make sure I
3 stay proficient. I make sure I get the right answers and
4 make sure I'm getting the correct answers on the microscope.
5 Q: Okay. So you take -- you take the test --
6 A: Yes.
7 Q: -- from whoever. I call it theft. You can call it
8 whatever you want to.
9 A: Sure.
10 Q: All right. You get it back, you submit it to nobody;
11 right?
12 A: Yes.
13 Q: You're saying you take this so people can check and make
14 sure you're proficient, but you don't send it in anywhere?
15 A: Oh, no. I'm not worried about anybody checking me, man,
16 because I don't have to be. I'm not a crime lab. I'm an
17 individual. So I can do anything I want.
18 Q: Okay.
19 A: I've been doing it for 22 years; so I've been doing it
20 long enough. Nobody has to check my work.
21 Q: I -- that's what --
22 A: That's the answer.
23 Q: Oh, I believe -- I believe the part about you can do
24 whatever you want.
25 A: Okay.

CHRISTOPHER ROBINSON - REDIRECT BY MS. HENDERSON

1 Q: You know, make no mistake.

2 MS. HENDERSON: Objection, Judge.

3 MR. WHITE: I beg the Court's indulgence. My apologies,
4 Judge.

5 Nothing further, Judge.

6 THE COURT: Any reply?

7 MS. HENDERSON: Yes, Your Honor.

8 THE COURT: Redirect.

9 REDIRECT EXAMINATION

10 BY MS. HENDERSON:

11 Q: Mr. Robinson, these incidents that Mr. White discussed
12 regarding you being let go, when were they?

13 A: That was 2010.

14 Q: Okay. The incident he discussed regarding you shooting
15 yourself in the hand, when was that?

16 A: That was 2000; so that was 20 years ago.

17 Q: Since then, you told Mr. White --

18 A: And I want to make sure. When he says I violated the
19 policies, we used each other's passwords in the firearms
20 section; so there was a number of us that got in trouble. So
21 when I went to APD, they looked at all my record at the GBI
22 and they still -- they wanted me to be the crime lab director
23 for the City of Atlanta. So they weren't concerned with my
24 work when I went to the Atlanta Police Department.

25 Q: And, Mr. Robinson, how many times again have you

CHRISTOPHER ROBINSON - REDIRECT BY MS. HENDERSON

1 testified in trials?

2 A: 704 today.

3 Q: And Mr. White was incorrect. You don't just testify for
4 the defense, do you?

5 A: No, ma'am. I'm glad you asked that. 520 of those have
6 been for the State. So when I worked for the GBI, I
7 testified 520 times for the State. I've testified a couple
8 of times for the State of Wisconsin. The State of Florida
9 has had me testify for the DA's office now. So I testify for
10 who I'm hired, but most of it is for the defense.

11 Q: Correct. And I mentioned this earlier. It's true
12 you've had conversations with the Florence County Sheriff's
13 Office about leading them in seminars; correct?

14 A: Yes. Major Nunn.

15 Q: To train Sheriff's Office employees?

16 A: Yes, ma'am.

17 Q: To train court personnel?

18 A: Yes, ma'am.

19 Q: To train Mr. White's office?

20 A: Yes, ma'am.

21 MR. WHITE: I would object to that. Show me some
22 evidence of that, please.

23 THE COURT: Your objection being?

24 MR. WHITE: Well, it exceeds the scope of my cross
25 certainly, but she's just trying to pull it out of thin air.

CHRISTOPHER ROBINSON - REDIRECT BY MS. HENDERSON

1 THE COURT: All right. Overruled.

2 MS. HENDERSON: Thank you, Judge.

3 BY MS. HENDERSON:

4 Q: And in your 22 years of experience, you testified that
5 you have never seen an instance where the bullets were not
6 submitted for testing; correct?

7 A: No, ma'am. I can't recall a single time. Even
8 fragments of bullets can be examined under a microscope that
9 we can blow things up 20, 30, 40 times. So just a fragment.
10 But to not submit a single bullet, I mean that's --

11 Q: And the bullet needs to be tested why?

12 A: Because the bullet is what kills the person, not the
13 cartridge cases. I don't know where those cartridge cases --
14 they could've been there forever. Just because the cartridge
15 cases match the gun, if I fire a gun inside my house and I
16 leave the cartridge case on the floor, it can sit there until
17 the end of time and it's not going to change. It's not going
18 to tarnish. It's not going to do anything.

19 All we know is there's four cartridge cases that match
20 that gun that were on the floor. I mean there's two that
21 couldn't be matched and then there's a misfired cartridge
22 that they couldn't match, and then there's another cartridge
23 that they didn't even look at all together. So we've got
24 four that matched and four that they couldn't match.

25 Q: And it's not out of the ordinary when you're retained by

CHRISTOPHER ROBINSON - REDIRECT BY MS. HENDERSON

1 either State or defense entities for you to be paid; correct?

2 A: Ma'am, I think we're all going to get paid. I mean
3 nobody's working for free.

4 Q: Correct. Just in the same way that every agent over
5 there is paid?

6 A: Absolutely.

7 MS. HENDERSON: No further questions, Judge.

8 THE COURT: All right. You may step down.

9 THE WITNESS: Thank you, Your Honor.

10 THE COURT: Thank you, sir.

11 Ms. Henderson, you're recognized. You may call your
12 next witness.

13 MS. HENDERSON: Judge, nothing further from the defense.

14 THE COURT: All right. Mr. Foreman and ladies and
15 gentlemen of the jury, at this time we're required to take up
16 legal matters outside of your presence. I'd ask that you
17 retire to the jury room, but do not discuss the case in any
18 way, shape or form. Thank you.

19 (WHEREUPON, the jury exited the courtroom at 9:57 a.m.)

20 THE COURT: I'll be happy to entertain motions at this
21 time.

22 MS. HENDERSON: Judge, we renew our motion for directed
23 verdict.

24 THE COURT: All right. Those motions are denied.

25 Would you like to be heard on that?

1 MR. WHITE: No, sir.

2 THE COURT: Okay. Any reply?

3 MR. WHITE: Yes, sir, Judge. I think we're going to
4 call two witnesses. They'll be up and down. I would ask for
5 about 10 minutes so I can confer with them, but, you know, it
6 wouldn't take longer than 10 minutes.

7 THE COURT: All right. All right. We'll allow you to
8 do so.

9 MR. WHITE: Yes, sir, Judge.

10 (WHEREUPON, there was a break in the proceedings from
11 9:59 a.m. until 10:09 a.m., after which the proceedings
12 resumed as follows.)

13 THE COURT: We're ready for the jury.

14 (WHEREUPON, the jury entered the courtroom at 10:15
15 a.m.)

16 THE COURT: Mr. Foreman and ladies and gentlemen of the
17 jury, thank you for your patience. You've heard all of the
18 State's case in chief, you've heard the defense's
19 presentation, and at this time the State, who has the burden
20 of proof, has the ability to reply and he'll do so at this
21 time.

22 Mr. White.

23 MR. WHITE: Thank you, Judge. At this time the State
24 calls Megan Fletcher.

25 THE COURT: Yes, ma'am. If you could please come

MEGAN FLETCHER - DIRECT BY MR. WHITE

1 forward. I'm going to ask, if you could, to place your left
2 hand on the Bible and raise your right hand as the clerk
3 administers the oath.

4 THE CLERK: Do you swear the testimony you give in this
5 case to be the truth, the whole truth, and nothing but the
6 truth, so help you God?

7 THE WITNESS: I do.

8 THE CLERK: Please be seated and state your name for the
9 record.

10 THE COURT: Yes, ma'am. Pull up real close to that
11 microphone and speak loudly, clearly, and slowly in order
12 that we can hear everything that you have to say.

13 THE WITNESS: My name is Megan Fletcher, F-l-e-t-c-h-e-
14 r.

15 MR. WHITE: Thank you, Ms. Fletcher. Thank you for
16 being back with us.

17 MEGAN FLETCHER, being first
18 duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. WHITE:

21 Q: You've been previously qualified in this court on
22 Tuesday, haven't you?

23 A: Yes, sir, I was.

24 Q: Now, we heard testimony from an expert of the defense.
25 Were you in here for that --

1 A: I was, sir.

2 Q: -- testimony? He seemed to make a big deal about the
3 amount of particles that were on the deceased in this case,
4 Michael -- Michael Ingersoll. Were you in there for that
5 particular part of the testimony?

6 A: I was.

7 Q: And why would Mr. Ingersoll have a significant amount of
8 particles on his person?

9 A: In this particular case, Mr. Ingersoll was the victim of
10 a gunshot wound. The victim of a gunshot wound is typically
11 the target of a firearm when it's fired. The majority of
12 gunshot primer residue comes out the muzzle of the firearm.

13 A small amount also comes out the ejector port.

14 As the gunshot primer residue comes out the muzzle, it
15 travels along with the bullet towards its target. If the
16 hands of the victim are in the way, then they will get -- the
17 particles will be deposited on the hands of the victim.

18 In our laboratory, we see victims of gunshot wounds have
19 gunshot primer residue on them about 75 percent of the time.

20 And in fact, we create our standard for our analysis by
21 placing a particle lift, similar to the ones used in the
22 gunshot residue kits, as a target and we shoot towards it and
23 that's how we create our gunshot primer residue standard.

24 Again, the majority of gunshot primer residue comes out the
25 muzzle of the gun.

MEGAN FLETCHER - DIRECT BY MR. WHITE

1 Q: And was your findings in this particular case peer-
2 reviewed?

3 A: Yes, they were.

4 Q: And could you talk a little bit about your accreditation
5 and your process about staying up-to-date on GSR?

6 A: The South Carolina Law Enforcement Division laboratory
7 is accredited under ANAB. It is the ANSI National
8 Accreditation Board, the American National Standards
9 Institute National Accreditation Board.

10 Every four years they come and inspect our laboratory,
11 review all of our manuals, follow us around. They look at
12 how we process our evidence, make sure that we do what we say
13 we're doing. They review our reports to make sure that
14 they're in line with the standards for ISO 17025, which are
15 standards for all scientific laboratories, as well as
16 supplemental requirements specifically for forensic
17 laboratories. We have been accredited for ANAB since, I
18 believe, 2014 and we just recently passed our recertification
19 last week.

20 Q: And in your opinion, Mr. Robinson, who just testified,
21 his policies and procedures in his private practice, would
22 that meet those standards that you just spoke of?

23 A: In order for you to be accredited, you do have to take
24 proficiency tests on a standard basis. They do have to be
25 submitted to the proficiency test company or submitted to the

MEGAN FLETCHER - DIRECT BY MR. WHITE

1 accreditation board. The accreditation board does have to
2 make actual visits to your laboratory. So he would have to
3 invite them into his laboratory. Without visiting his
4 laboratory or seeing his policies and protocols, I'm not able
5 to make a specific determination.

6 Q: Now one more question. You said that if hands, you
7 know, were in the way, they would accumulate a good bit of
8 particles; is that correct?

9 A: That's correct, sir.

10 Q: Would that apply if the hands were by the body in this
11 case?

12 A: Yes, sir.

13 Q: Okay.

14 MR. WHITE: I beg the Court's indulgence.

15 BY MR. WHITE:

16 Q: I think we spoke a little bit about this on Tuesday, Ms.
17 Fletcher, but as far as GSR dissipation, I think you gave
18 that great analogy about the baking powder, but how easy is
19 it for GSR to all off?

20 A: Gunshot residue is very easily transferred. It's also
21 very easily removed. Simply washing your hands should remove
22 most, if not all, gunshot primer residue. Wiping your hands
23 on your pants, sticking your hands in your pockets, sweating,
24 all of these active processes remove gunshot residue.

25 Essentially, the moment after you fire a gun, gunshot residue

MEGAN FLETCHER - DIRECT BY MR. WHITE

1 starts to transfer to other surfaces.

2 Q: Now, would that apply if someone who just shot a gun
3 went and found their comfort zone in the grass and laid down
4 in the grass?

5 A: Gunshot residue could be transferred to the ground in
6 that particular case.

7 Q: Okay.

8 MR. WHITE: Thank you. I have nothing further, Judge.

9 THE COURT: Yes, ma'am.

10 MS. HENDERSON: No questions, Your Honor.

11 THE COURT: All right. You may step down.

12 Mr. White, you may call your next witness.

13 MR. WHITE: Judge, at this time the State would call
14 Suzanne Cromer.

15 THE COURT: Yes, ma'am. I'm going to ask, if you could,
16 to approach the Bible, place your left hand on the Bible and
17 raise your right hand as the clerk administers the oath.

18 THE CLERK: Do you swear the testimony you give in this
19 case to be the truth, the whole truth, and nothing but the
20 truth, so help you God?

21 THE WITNESS: I do.

22 THE CLERK: Please be seated and state your full name
23 for the record.

24 THE WITNESS: My name is Suzanne Cromer, C-r-o-m-e-r.

25 MR. WHITE: Thank you, Ms. Cromer.

SUZANNE CROMER - DIRECT BY MR. WHITE

1 SUZANNE CROMER, being first
2 duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. WHITE:

5 Q: Where are you employed?

6 A: I'm employed at the South Carolina Law Enforcement
7 Division, commonly referred to as SLED, as a firearm and tool
8 mark examiner in the forensic services laboratory.

9 A: How long have you been with SLED?

10 A: It'll be 22 years this December.

11 Q: And how long have you been in that -- that specific
12 role? Excuse me.

13 A: I've always been in the firearms department. I moved
14 into the firearms examiner training position in February of
15 2000.

16 Q: And what is -- talk a little bit about your training and
17 experience?

18 A: Okay. I have a bachelor's degree from Clemson
19 University. While working on a Master's in criminal justice,
20 I did an internship in the SLED forensic laboratory in the
21 firearms department. Loved it, was hired on.

22 Started the in-house training program for firearm and
23 tool mark examiners, which is a multi-year program where we
24 take different tests. We have -- in our training manual we
25 have numerous modules. We take written tests, oral tests,

SUZANNE CROMER - DIRECT BY MR. WHITE

1 practical exercises on each of those modules.

2 Upon completion of the whole training manual, we are
3 given a comprehensive final exam, which includes essay
4 questions, vocabulary questions, practical knowledge, and
5 mock casework. That final exam is graded by your training
6 officer and your lieutenant before you are deemed competent
7 to do your own casework.

8 I am a member of the Association of Firearm and Tool
9 Mark Examiners, which is an organization -- an international
10 organization for our profession. They typically meet every
11 year, excluding this past year because of Covid. We meet for
12 a week-long conference to discuss relative issues in our
13 field.

14 They also offer extra workshops. I have attended
15 numerous of those week-long conferences, and the extra
16 workshops I've included -- I've attended have included
17 submachinegun conversion, barrel making, Hi-Point firearms,
18 ethics, and firearms identification.

19 I've toured numerous firearm manufacturers, including
20 FN, Smith & Wesson, Ruger. I've toured tool mark
21 manufacturers. I've taken classes with the Bureau of
22 Alcohol, Tobacco, and Firearms, commonly referred to as the
23 ATF, on serial number restoration, and the National
24 Integrated Ballistics Identification Network, which we call
25 NIBIN. NIBIN is a digital database, a searchable digital

SUZANNE CROMER - DIRECT BY MR. WHITE

1 database for images of cartridge cases. I am also a member
2 of the NIBIN Users Group for the ATF. I have been the
3 representative for North and South Carolina several times in
4 their user groups meetings.

5 I am also a training officer for our department. That
6 means I help train other examiners. It's an apprenticeship
7 process. I've attended classes with the South Carolina
8 chapter of the International Association, most pertinent
9 being two different three-day shooting scene reconstruction
10 workshops.

11 Q: Thank you very much.

12 MR. WHITE: And, Judge, at this time I would move to
13 have Ms. Cromer qualified as an expert in firearms
14 examination.

15 THE COURT: Any query with regard to her qualifications?

16 MS. HENDERSON: No, Your Honor.

17 THE COURT: She's so qualified.

18 BY MR. WHITE:

19 Q: I believe, Ms. Cromer, I heard you say that you have
20 been in this business for 22 years; is that correct?

21 A: That's correct.

22 Q: Were you in here when Mr. Robinson testified to the
23 same?

24 A: Yes, sir.

25 Q: And in that time, how many times have you testified as

1 an expert?

2 A: I've testified 118 times in federal and state courts.

3 Q: Did you also hear when Mr. Robinson testified that he
4 testified, you know, over 700 times?

5 A: Yes, sir, I did.

6 Q: And what did you think about that number?

7 A: That's a large number.

8 Q: Does it seem a little bit unreachable?

9 A: Possibly. I know with testifying 118 times, I don't
10 know how I have time to get casework done.

11 Q: Now, I want to talk to you a little bit about Jana
12 Weaver. Does Jana Weaver work in your department?

13 A: Yes, she is.

14 Q: And are you aware that she testified on Tuesday?

15 A: Yes, I am.

16 Q: Have you reviewed her report in this case?

17 A: Yes, I have, and I was actually Jana's -- one of Jana's
18 training officers.

19 Q: Do you find any flaws or problems with that particular
20 report?

21 A: No, sir, I don't.

22 Q: Let me ask you this. If I have a gun in my hand and I
23 fire it eight times --

24 A: Yes.

25 Q: And you see me fire it and you pick up all the shell

SUZANNE CROMER - DIRECT BY MR. WHITE

1 casings, is it going to be definitive that all those shell
2 casings match?

3 A: No, sir, it's not. Even though I've watched you shoot,
4 that's not what we're taking into consideration. When we do
5 a forensic exam, we are relying solely on the markings that
6 are left on that ammunition component by the gun. Sometimes
7 they mark great. Sometimes depending on the cartridge case
8 itself, the amount of pressure, how the shooter is actually
9 holding the gun, they all don't turn out looking exactly the
10 same.

11 So we render one of four conclusions: positive, yes, it
12 was fired by the gun; negative, no, it was not fired by the
13 gun; unsuitable, meaning it was too damaged for us to match
14 it to any firearm; or inconclusive, saying we cannot say that
15 this gun did not fire these or -- but we cannot say that it
16 didn't. We can't eliminate nor can we conclude this firearm.

17 Q: And if a gun misfires, what impact does that have on the
18 identification of shells? I mean is the gun somewhat faulty?
19 Will the shell casings have different markings because of
20 that?

21 A: Well, it could be because the gun was faulty or because
22 the actual ammunition itself was faulty, but to be able to be
23 identified back to the firearm, it depends on how much
24 pressure that firing pin struck the cartridge, how well it
25 marked the cartridge. It might not have struck very hard,

SUZANNE CROMER - DIRECT BY MR. WHITE

1 but you can still see the outline of a firing pin impression.
2 It just didn't hit. In this case, it's a rim fire. It
3 didn't hit that rim hard enough to ignite that primer
4 compound, which ignites the gunpowder to actually fire the
5 cartridge.

6 Q: Now, correct me if I'm wrong, but I read Ms. Weaver's
7 report to say that although some were inconclusive, that they
8 were all likely to have been fired from that Marlin .22?

9 A: When she says that they were inconclusive, she also
10 notes in her report that some similarities were noted. We
11 have a threshold where -- between positive and inconclusive.
12 If -- you know, she's saying that she did note similarities,
13 but there wasn't enough for her to say that they were
14 definitively positive. So she's saying that she can't rule
15 it out, even though that there were some similarities noted.

16 Q: Now, I want to ask you this --

17 A: Yes.

18 Q: -- because Ms. Henderson made a point to talk about it
19 with Mr. Robinson. You work for the State; correct?

20 A: That's correct.

21 Q: And you're paid by the State; correct?

22 A: That's correct.

23 Q: How do you feel about Mr. Robinson, you know, getting
24 paid \$6,500? Does that seem like a large sum to you?

25 MS. HENDERSON: Objection, Judge. I don't believe this

1 is pertinent.

2 MR. WHITE: I think she asked it.

3 THE COURT: I think it's an appropriate question.

4 BY MR. WHITE:

5 A: I do think it's a large amount of money.

6 MR. WHITE: I beg the Court's indulgence.

7 BY MR. WHITE:

8 Q: Could you talk just a little bit about your
9 accreditation and how you stay up-to-date on everything?

10 A: Yes. Sorry. We actually were going through
11 accreditation evaluation this -- this week. With
12 accreditation we have to meet certain standards, and one of
13 our standards is the verification process.

14 So for us to issue a report, like Ms. Weaver did, first
15 when we work that case, we take pictures, we note how it
16 comes into the lab, we keep a chain of custody, meaning
17 everyone who has touched that evidence from the time that it
18 came into the building until the time it leaves the building,
19 but when we start working a case, we take photos, we
20 document. We take photomicrographs, which means when we
21 actually do that microscopic comparison, we take pictures of
22 what we see in our microscope to remind us for, like,
23 occasions like this when you come to court.

24 But part of the big part of the accreditation process is
25 our verification process. So when one of us renders a

SUZANNE CROMER - DIRECT BY MR. WHITE

1 conclusion, what we'll do is we'll go find another examiner,
2 and actually at SLED we have a rotation. So we're supposed
3 to look up -- when we complete a case, we look up and see
4 who's next on the review process and we'll go to that
5 examiner and say I have a case for review. They will come
6 into our office. We are not allowed to tell them what we
7 think our results are. They have to look at that fired
8 evidence, come to their own conclusion. Then they read what
9 our results are and, if they agree with us, they sign off.
10 Excuse me. So that way we are not biasing them towards what
11 we thought we found. So they independently have to come to
12 that conclusion as well.

13 Then once we finish with our case notes -- we take
14 scrupulous notes on cartridge cases. We have a worksheet
15 just for cartridge cases. On bullets we usually do one sheet
16 of notes per fired bullet. Guns, we can have one to two
17 pages worth of notes just for firearms.

18 We then compile all of that together, type up our
19 report, and we send it back to that examiner, if that
20 examiner is available. If not, we send it to another
21 examiner. They'll go through our report to make sure that
22 it's accurate. They'll go through all of our case notes,
23 check to make sure that we don't have any misspellings, we
24 don't have anything that's technically inaccurate. They
25 check all of that before we are allowed to send out our

1 report.

2 Q: So it's thoroughly peer-reviewed?

3 A: That's correct.

4 Q: Now, were you in here when Mr. Robinson testified that,
5 in his 22 years, he's never seen a case where they weren't
6 able to match the actual projectiles to the rifle or to the
7 gun?

8 A: Yes, I heard that.

9 MS. HENDERSON: Objection, Judge. That's not what he
10 testified to.

11 THE COURT: I'll ask that you rephrase the question.

12 BY MR. WHITE:

13 Q: Do you ever get a case where bullets, the actual -- not
14 the shell casings, but the actual projectiles are so mangled
15 that they are not adequate for testing?

16 A: Yes, I do.

17 MR. WHITE: Judge, I have nothing further.

18 THE COURT: Cross-examination.

19 MS. HENDERSON: One moment, please, Judge.

20 CROSS-EXAMINATION

21 BY MS. HENDERSON:

22 Q: And, Ms. Cromer, in those cases that Mr. White just
23 mentioned where the bullets are mangled, it's because you had
24 the opportunity yourself with your department to observe
25 those bullets; right?

SUZANNE CROMER - CROSS BY MS. HENDERSON

1 A: That's correct.

2 Q: They were submitted to you; correct?

3 A: That's correct.

4 MS. HENDERSON: No further questions, Judge.

5 THE COURT: Redirect?

6 MR. WHITE: Thank you, Ms. Cromer.

7 THE COURT: You may step down.

8 THE COURT: Mr. Foreman and ladies and gentlemen of the
9 jury, you've heard all of the evidence presented by the
10 State, the defense, and reply testimony.

11 Now we're going to engage in what's known as closing
12 arguments. Very similar in form to opening statements, these
13 very fine lawyers are going to have an opportunity to stand
14 up before you in summary fashion and give what's known as a
15 closing argument. It's -- it's different than opening
16 statements because at this juncture, all of the evidence is
17 presented and these lawyers can point to the evidence that
18 supports their relative theories of the case.

19 What they have to say in their observation is not
20 evidence, but it will aid you immensely in your deliberation
21 process. So I ask that you pay very close attention.

22 Mr. White.

23 MR. WHITE: Thank you, Judge.

24 THE COURT: The way the order of closing arguments are,
25 the State -- since they have the burden of proof, they will

1 open in full, the defense will have an opportunity to address
2 you, and then Mr. White, since he has the burden of proof,
3 will have an opportunity to reply.

4 MR. WHITE: Judge, only one issue. Madam Clerk has
5 stepped out and she will need to send everything to the TVs.

6 THE COURT: Okay.

7 (WHEREUPON, there was a pause in the proceedings until
8 the clerk entered the courtroom.)

9 THE COURT: The clerk must've been tending to lunch.

10 THE CLERK: I was. What do you need me to do?

11 MR. WHITE: Send it to all the TVs, please.

12 THE CLERK: On the laptop?

13 MR. WHITE: Yeah, on the laptop. Yes, ma'am. Thank
14 you, ma'am.

15 THE COURT: Mr. White, once again you're recognized.

16 MR. WHITE: Thank you, Judge.

17 CLOSING ARGUMENT ON BEHALF OF THE STATE

18 MR. WHITE: Evil only waits for an opportunity, ladies
19 and gentlemen. That's what I told you at the beginning of
20 this case, and I think you saw it over the case's duration.
21 This is a case about the defendant, his hatred, his ill will
22 as it built up for a man he thought was stepping in the shoes
23 of his father, and it came to a head on May 26th, 2018.

24 (WHEREUPON, technical difficulties caused a pause in the
25 proceedings, after which the proceedings resumed as

1 follows.)

2 MR. WHITE: Judge, this is something we're going to have
3 to take up with Madam Clerk.

4 THE COURT: Yes. We can do that.

5 MR. WHITE: Okay. She's got to get the sound turned on
6 for me.

7 THE CLERK: Can you hear it?

8 MR. WHITE: No, ma'am. Can we give it a test run?

9 (WHEREUPON, there was a pause in the proceedings, after
10 which the proceedings resumed as follows.)

11 MR. WHITE: Judge, I would ask for a five-minute recess
12 so we can get this technology squared away.

13 THE COURT: All right. Mr. Foreman and ladies and
14 gentlemen of the jury, I'm going to ask that you retire to
15 the jury room for just one moment. Do not discuss the case.

16 (WHEREUPON, the jury exited the courtroom at 10:40 a.m.)

17 (WHEREUPON, there was a pause in the proceedings, after
18 which the proceedings resumed as follows.)

19 THE COURT: All right. We're ready for the jury.

20 (WHEREUPON, the jury entered the court room at 10:45
21 a.m.)

22 THE COURT: Mr. White.

23 MR. WHITE: Thank you, Judge.

24 RESUMED CLOSING ARGUMENT ON BEHALF OF THE STATE

25 MR. WHITE: Thank you, ladies and gentlemen.

1 Evil only waits for an opportunity. May 26th, 2018,
2 that opportunity presented itself, and Mr. Seidle seized that
3 opportunity.

4 (WHEREUPON, a video clip from State's Exhibit Number 20,
5 statement on disk, was played. Not transcribed herein.)

6 MR. WHITE: And ever since that point, that hatred, that
7 ill will began the bubble up and the evil was just waiting on
8 an opportunity, ladies and gentlemen.

9 (WHEREUPON, a video clip from State's Exhibit Number 20
10 was played. Not transcribed herein.)

11 MR. WHITE: When the defendant took the stand, I didn't
12 hear anything about that three seconds. That part was left
13 off, but it's important, ladies and gentlemen, it's
14 important.

15 (WHEREUPON, a video clip from State's Exhibit Number 20
16 was played. Not transcribed herein.)

17 MR. WHITE: Michael Ingersoll feared for his life. He's
18 got a man with a gun pointed at him. He does the right
19 thing. He calls 9-1-1, and in that moment when he hangs up
20 the phone and he's waiting on law enforcement to get there,
21 the defendant in this case gives him to the count of three
22 and then he assassinates him. Now he wants you to believe
23 that Mr. Ingersoll rushed him.

24 Well, when the moment was fresh in his mind, he said he
25 gave him three seconds and he didn't move, not the whole

1 time. He didn't move a muscle.

2 Now, the defense also wants you to believe that because
3 it was midnight, you know, he didn't know what he was saying,
4 like he was Cinderella, you know, and at midnight his brain
5 turns to mush. But he seemed pretty coherent to me.

6 (WHEREUPON, a video clip from State's Exhibit Number 20
7 was played. Not transcribed herein.)

8 MR. WHITE: Inv. Price is not pressuring him. In fact,
9 he says this is an open mic. You know, tell me whatever you
10 want to tell me. That's a specific account in my opinion. I
11 mean he's providing a lot of detail.

12 (WHEREUPON, a video clip from State's Exhibit Number 20
13 was played. Not transcribed herein.)

14 MR. WHITE: One more time, ladies and gentlemen.

15 (WHEREUPON, a video clip from State's Exhibit Number 20
16 was played.)

17 MR. WHITE: No, sir.

18 (WHEREUPON, a video clip from State's Exhibit Number 20
19 was played. Not transcribed herein.)

20 MR. WHITE: If you have any question about where his
21 mind was mentally, where he was emotionally, don't take my
22 word for it. Take his.

23 (WHEREUPON, a video clip from State's Exhibit Number 20
24 was played. Not transcribed herein.)

25 MR. WHITE: He seems with it to me, ladies and

1 gentlemen. He seems to know what he's talking about to me.
2 No mention of a knife, not once. He says he doesn't move for
3 the whole three seconds.

4 Did he rush you? Did he fight you? No, sir.

5 But he does add this little tidbit.

6 (WHEREUPON, a video clip from State's Exhibit Number 20
7 was played. Not transcribed herein.)

8 MR. WHITE: Inv. Price asks him is there anything else.
9 Wouldn't now be a good time to say, hey, he charged me, he
10 was fighting with me, he had a big old black knife with a
11 hook on it? No.

12 He just wanted to know how his dogs were. Mr. Ingersoll
13 is wrapped in a body bag, is on the way to the coroner's
14 office, and the defendant wants to know if his dogs were
15 hurt.

16 Ladies and gentlemen, this is murder, all day, every
17 day, twice on Sunday. This is a cold-blooded murder. Make
18 no mistake.

19 You're going to be charged on the law, but murder is
20 defined as the willful felonious killing of a human being
21 with malice aforethought, that malice being either expressed
22 or implied.

23 Now, malice is hatred or ill will, the wrongful intent
24 to injure another person. That hatred, that ill will had
25 been bubbling for a while.

1 Malice signifies a depraved or wicked spirit intent on
2 doing wrong, and this is important. Malice may be conceived
3 at the very moment the act occurs.

4 Now, that malice had been building, ladies and
5 gentlemen, for two years. Ever since Michael Ingersoll set
6 foot in that house, it had been building, and it built during
7 that two minute and 47 second phone call, and then it came to
8 a head at the count of three.

9 Expressed malice, a deliberate intention to unlawfully
10 take the life of another. Implied malice, when circumstances
11 demonstrate a wanton or reckless disregard for human life.
12 We've got them both here, ladies and gentlemen. With a
13 deadly weapon, he shoots an unarmed man, not once, not twice,
14 not three times, seven times, three to the side of the head
15 and four to the lower abdomen.

16 Now, don't take my word for it, ladies and gentlemen.
17 Again, take the defendant's.

18 (WHEREUPON, an audio clip from State's Exhibit Number 2,
19 9-1-1 call in disk, was played. Not transcribed
20 herein.)

21 MR. WHITE: Listen again.

22 (WHEREUPON, an audio clip from State's Exhibit Number 2
23 was played. Not transcribed herein.)

24 MR. WHITE: Now, the defense wants to make a big deal
25 about the defendant didn't know the legal definition of

1 murder, and that's probably true. That definition, that's a
2 long one. You know, we learned that in law school. I agree
3 he probably didn't know the legal definition of murder, but
4 he knows -- he knows what murder is. I mean come on.

5 He didn't call 9-1-1 and say, hey, I just shot a guy
6 I've known for 10 years in self-defense, you know. Get here
7 quick. I'm real upset about it. No, he said I just murdered
8 a man, and I think we've all seen TV enough to know what
9 murder is.

10 There's lots of red herrings in this case, ladies and
11 gentlemen, from the defense. Some of them I can't quite
12 figure out.

13 The personal items. You saw the defense hold up that
14 cash and, to be honest, I think it seemed like they were
15 implying that law enforcement went on a shopping spree, but
16 that wasn't true, was it? The deputy coroner, like all
17 coroners do, take the private or personal effects of a dead
18 person and take them into custody and then they release them
19 to the family. There wasn't no shopping spree. Law
20 enforcement didn't do anything wrong. They did exactly what
21 they were supposed to do.

22 That gunshot residue. You heard the expert testify to
23 it. The reason there's so much gunshot residue on the
24 deceased, Mr. Ingersoll, is because most of it comes out the
25 barrel of the gun, and he was shot seven times.

1 Ms. Toro, the reason there's gunshot residue on her,
2 you'll hear in just a minute, she was all over the crime
3 scene. And the reason there wasn't a lot of gunshot residue
4 on the defendant is because what did he do? He went down in
5 his comfort spot and rolled around in the grass.

6 (WHEREUPON, an audio clip from State's Exhibit Number 2
7 was played. Not transcribed herein.)

8 MR. WHITE: He's my son.

9 (WHEREUPON, an audio clip from State's Exhibit Number 2
10 was played. Not transcribed herein.)

11 MR. WHITE: That's Donna Toro, ladies and gentlemen.

12 (WHEREUPON, an audio clip from State's Exhibit Number 2
13 was played. Not transcribed herein.)

14 MR. WHITE: Red herrings, ladies and gentlemen. How
15 about a second gun? They tried hard to imply that the shell
16 casings had been fired from another gun. You know, they got
17 an expert and paid big money to come in here and tell you
18 that there could've been another gun.

19 Well, which is it? You know, is it self-defense or is
20 there some mystery gun? Pick one. Right? It can't be both.
21 You can't get on the stand and say I shot him in self-defense
22 seven times and there also be some mystery gun. That doesn't
23 make sense.

24 Let's talk about self-defense a little bit. Self-
25 defense is the defendant must be without fault in bringing on

1 the difficulty and, ladies and gentlemen, honestly, that's as
2 far as we need to go. There's three other requirements and
3 the judge is going to charge you on it, but all you need to
4 do is go to the first one and say he didn't meet it. He did
5 not meet the requirements of self-defense because he was
6 without fault in bringing on the difficulty. Even he
7 admitted it. Even under his theory, his self-defense theory,
8 he admits it.

9 The defendant testified that he grabbed the rifle and
10 then confronted Michael Ingersoll. That's -- that's the
11 textbook definition of bringing on the difficulty. When
12 confronted, Ingersoll was texting on his phone. He said he
13 -- he even admitted over here he testified at a prior hearing
14 that Ingersoll was sitting on the bed texting and said I'm
15 just trying to get your mom back, and he confronted him with
16 a gun.

17 The defendant pointed a rifle at Ingersoll and even
18 fired a shot into the floor. That is bringing on the
19 difficulty, and if you are with fault in bringing on the
20 difficulty, you can't claim self-defense. That's the law.

21 But I ask you is there any evidence of self-defense
22 here? Did that 9-1-1 call sound like a man who was about to
23 attack somebody with a knife?

24 (WHEREUPON, an audio clip from State's Exhibit Number 2
25 was played. Not transcribed herein.)

1 MR. WHITE: Michael Ingersoll. Somebody is pointing a
2 rifle at me. No mention of, hey, I'm about to attack this
3 guy with a knife. I mean if you're going to attack somebody
4 with a knife, why on earth would you call 9-1-1?

5 (WHEREUPON, an audio clip from State's Exhibit Number 2
6 was played. Not transcribed herein.)

7 MR. WHITE: Rifle. His tone changes, doesn't it?
8 Things progressed a little bit. You can hear it in his
9 voice.

10 (WHEREUPON, an audio clip from State's Exhibit Number 2
11 was played. Not transcribed herein.)

12 MR. WHITE: He shot into the floor. At this point he's
13 already pointed the gun at the ground and shot into the
14 floor.

15 (WHEREUPON, an audio clip from State's Exhibit Number 2
16 was played. Not transcribed herein.)

17 MR. WHITE: Can you give me his name without putting
18 yourself in danger? He says, "No." That sounds like a man
19 who is scared, who is scared for his life.

20 So I ask you at what point did he charge? He makes that
21 call. He doesn't sound like he's charging. He sounds like
22 he's terrified. And then in his own statement, the defendant
23 said he -- he put -- Ingersoll put the phone down, he gave
24 him to the count of three, and he shot him until the gun
25 stopped. So when did he charge?

1 Ladies and gentlemen, there's only one way this could
2 have happened. Okay? There's only one way, and you heard an
3 actual real expert in Dr. Batalis testify to the trajectory
4 of the bullets, and it all comes down to that. This is the
5 only way it could have happened.

6 These gunshot wounds, here are all three to the head,
7 are a downward trajectory, ladies and gentlemen, and we
8 illustrated it for you. That means the rifle has to be up.
9 The bullets are coming down into the skull.

10 And these are the torso wounds. These three that you
11 see on the side are an upward trajectory with no deviation,
12 and no deviation means they don't move across the body left
13 or right. That means when they fired -- when the person who
14 fired those shots fires them -- when Seidle fired those
15 shots, the rifle was straight on the body. It's not pointed
16 this way. It's not pointed this way. The rifle is straight
17 and they're at an upward trajectory.

18 In this final wound, the trajectory is left to right.
19 Once again, ladies and gentlemen, left to right with a
20 slightly upward trajectory. That's three different angles.
21 Okay? One, two, three. Four, five, six. Seven.

22 Now, I ask you, ladies and gentlemen, you saw the layout
23 and the defense wanted to point out that this wasn't to
24 scale, this wasn't entirely accurate, but they used it.
25 Okay? I believe if you look at the photographs, this is

1 pretty spot on. I think this spot right here is a little bit
2 narrower. Okay?

3 But he even testified, according to his story, he walks
4 in and as soon as he walks in, Michael Ingersoll is charging
5 him. All right? So he would've fired this way under his
6 theory. That does not match the trajectory, ladies and
7 gentlemen. It can't. There's no way that that makes sense
8 at all.

9 Let me tell you what does make sense and what happened.
10 You see the body as it's laying there, ladies and gentlemen.
11 If you imagine Mr. Ingersoll in that exact same position but
12 sitting up, that's the position he was in when he was killed.
13 He was sitting on the bed like this. He had his phone in his
14 hand and he was calling 9-1-1. The defendant was pointing a
15 gun at him. All right?

16 The defendant was standing here. The gun pointed down
17 at someone sitting would have created that left or right
18 trajectory, that downward trajectory into the head.

19 You also notice the pattern, ladies and gentlemen. If
20 you look at the pattern, this is a widespread pattern. It
21 indicates that someone is further away. But when the pattern
22 is a little closer like this, it indicates someone is closer
23 to him.

24 So the initial shots are fired. He hangs up. He says,
25 one, two, three, and he fires three bullets into his head.

1 Mr. Ingersoll immediately falls back, and if he is not dead
2 at that point, he is not long for this world, ladies and
3 gentlemen, and you heard from the pathologist that any of
4 these shots could've been a kill shot.

5 At that point when Mr. Ingersoll falls backwards, that's
6 when the defendant rounds the bed. All right? As he's
7 coming around the bed, he fires the fourth shot, the fourth
8 shot left to right slightly upward. He was laying down. He
9 was laying down.

10 He comes further around the bed, ladies and gentlemen.
11 So he's standing at the bed. One, two three. He comes
12 around the bed. One. He holds the gun at his waist. He
13 walks up to the body. One, two, three, upward, no deviation.
14 That's what the science says, and that's the only way it
15 could have happened.

16 His story can't make sense. If he was charging him, he
17 would've shot him in the face, in the front. And no matter
18 what, he wouldn't have been able to achieve downward
19 trajectory. You saw it. I mean it looked ludicrous when we
20 demonstrated it.

21 I said, you know, standing up, how would that shot have
22 occurred, and Dr. Batalis held the gun up here for the head
23 shots. He held the gun down here for the torso, and the gun
24 out here for the other torso shot. That's the only way it
25 makes sense, ladies and gentlemen.

1 This is an assassination. The hatred, the ill will had
2 built and built and built, and the whole time that he was on
3 that 9-1-1 call, he was planning on killing him. And as soon
4 as that phone call ended, it was lights out.

5 (WHEREUPON, a video clip from State's Exhibit Number 20
6 was played. Not transcribed herein.)

7 MR. WHITE: That's the way it happened. The evidence
8 matches the story he tells on the very day he first told it.
9 It's fresh in his mind. He wasn't tired. He wasn't out of
10 it. In fact, he gave statements at the scene of the crime,
11 didn't he? I mean he told Inv. Price without Inv. Price even
12 asking, I just shot a man, what's next?

13 The deputy coroner comes in and investigates, and he
14 gives specific details. I just shot a man. He got in an
15 argument with my mom, my mom left, and I shot him. What's
16 next? No mention of a knife. It's funny how that knife has
17 kind of taken shape. He testified at a hearing a little
18 while back that he charged him with a knife. Well,
19 yesterday, ladies and gentlemen, somehow it turned into a big
20 knife with a big old hook on the end.

21 (WHEREUPON, a video clip from State's Exhibit Number 20
22 was played twice. Not transcribed herein.)

23 MR. WHITE: You might be getting tired of it, ladies and
24 gentlemen. I want you to hear it in your sleep. Okay?
25 Because this guy over here murdered somebody.

1 (WHEREUPON, a video clip from State's Exhibit Number 20
2 was played twice. Not transcribed herein.)

3 MR. WHITE: And the defense is only trying to confuse
4 you with some red herrings. They don't want you to focus on
5 that right there, that a couple hours after this happened, he
6 tells it just like it is. Nobody pressured him.

7 I mean to Inv. Price, that was a textbook interview. He
8 just said it's an open mic, tell me whatever you want to tell
9 me. Don't you think if you had just killed somebody in self-
10 defense, you might want to add that detail? But he didn't
11 because he knew he had just murdered Michael Ingersoll.

12 Evil, ladies and gentlemen, only waits for an
13 opportunity. I mean you think about that and apply that in
14 other aspects of your life. Evil only waits for an
15 opportunity and as soon as an opportunity presents itself,
16 that's when it strikes.

17 That hatred, that ill will, it built up and built up,
18 and Mr. Seidle over here -- and then he assassinated another
19 human being by shooting him three times in the head, three
20 times in his head, and then shooting him once in his torso
21 and then he hit that gun and he went right over his body and
22 shot him three times just to make sure.

23 That's malice. You don't shoot somebody until the guns
24 stops unless you have some hatred inside of you, ladies and
25 gentlemen, and he said he just shot until the gun stopped. I

1 mean what if that thing had more rounds in it? He might've
2 shot Michael Ingersoll, you know, 50 times.

3 Evil only waits for an opportunity, ladies and
4 gentlemen, and that opportunity on May 26th, 2018, was
5 murder, and I ask you go back in that jury room and find him
6 guilty of it.

7 Thank you.

8 THE COURT: Thank you, Mr. White.

9 MR. WHITE: Yes, sir.

10 THE COURT: Ms. Henderson, you're recognized. Thank
11 you.

12 MS. HENDERSON: Thank you, Judge. Is it all right if I
13 rearrange over here a little bit?

14 THE COURT: Certainly.

15 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

16 MS. HENDERSON: The prosecutor brought you lots of
17 information, but he didn't bring you the truth. As I told
18 you at the start of this case, this is a case about the
19 truth, and the truth is the State has failed to prove Mr.
20 Seidle guilty because we have just as many, if not more,
21 questions than answers. And when we have more questions than
22 answers, ladies and gentlemen, we have reasonable doubt.
23 Because of that, you must find that man not guilty.

24 Before I go into this more, I want to make one thing
25 perfectly clear. Some people think defense lawyers defend

1 crime. I hate crime. I consider myself as much a law
2 enforcement lawyer as the prosecution. The only difference
3 between him and me is that he enforces the substantive law,
4 the statute, and I enforce the procedural law. The rights
5 given the defendant by the laws of this country are as
6 important as the statute underlining the offense.

7 And under the laws of this country, Mr. Seidle is
8 innocent until proven guilty, and to find him guilty you must
9 convince beyond a reasonable doubt. Folks, the State has
10 failed to do this. There simply is not enough evidence to
11 sustain this charge. What was presented to us in court this
12 week was laced with questions, uncertainties, inaccuracies.
13 These questions, these uncertainties, these inaccuracies
14 cannot exist. They can't.

15 So what do we know? What we know is that that man took
16 that stand in his defense and in tears relayed how Michael
17 Ingersoll came at him with a knife, forcing him to shoot in
18 self-defense. Mr. Seidle feared imminent danger from Michael
19 Ingersoll and this fear was reasonable.

20 Look at his frame of mind and let's put this into
21 perspective. Bryan knew Michael for approximately 10 years,
22 first as his father's employee and then as his mother's
23 boyfriend. Bryan knew that Michael stole. Bryan knew that
24 Michael carried a knife. Bryan knew that Michael used drugs
25 that day. The pathologist, Dr. Batalis, corroborated this.

1 Michael tested positive for drugs. Bryan told us how when
2 Michael was under the influence his behavior was different.
3 Hollywood Mike.

4 Taking all of these things into consideration on May
5 26th, 2018, Bryan Seidle had every right to demand that this
6 man leave his home after the latest fight with his mother.
7 Despite what the State may try to tell you, Mr. Ingersoll did
8 not reside at that home. And when Bryan's mother left, it
9 was just him, his sister, and his girlfriend.

10 I want to talk about his sister, CJ, his little sister,
11 special needs, vulnerable. Bryan, as the older brother,
12 testified he was protective of her. Bryan told Mr. Ingersoll
13 to leave multiple times. Mr. Ingersoll ignored his request.
14 In response, Bryan retrieved his mother's gun and again
15 demanded Michael Ingersoll leave.

16 Self-defense. As Mr. White tried to portray my client
17 as a few moments ago, he did not bring on this difficulty.
18 Mr. -- Mr. Seidle had every right to demand someone who did
19 not live in his home to leave his home. Ladies and
20 gentlemen, it's all in the details and pay attention to the
21 details here.

22 The evidence shows that when Bryan retrieved that gun,
23 he did so not with the intent to physically harm Michael, but
24 rather with the hope that displaying the gun, a scare tactic,
25 as Bryan testified, would persuade Michael to leave. The

1 fact that Bryan sat the gun down by the mini refrigerator --
2 he testified to this -- in his mother's bedroom and only
3 rearmed himself after Michael brandished a knife shows this
4 lack of violent intent. Bryan did not plan or intend to harm
5 Michael.

6 However, the prosecution wants you to assume that Bryan
7 Seidle purposefully killed Michael Ingersoll with malice
8 aforethought. Judge Nettles will go into the law in detail
9 with you shortly, but malice aforethought is a legal term
10 that encompasses elements such as hatred, ill will, evil, as
11 Mr. White tried to portray this man as throughout the
12 duration of this trial.

13 Is that what we have here? No. This is a man who told
14 law enforcement he wanted to help in any way that he could.
15 He called 9-1-1. He met law enforcement outside, and he was
16 worried about his dog. That is not evil.

17 I want to talk to you about that video. I can't tell
18 you why Bryan did not fully relay to Inv. Price what he told
19 us in this courtroom this week. What I can tell you is that
20 when Bryan spoke to Inv. Price, it was shortly after this
21 incident. He had not been to sleep. He was in the same
22 clothes that he was in during the shooting, and I would say
23 he was having very much difficulty in processing and
24 conveying the trauma that he had just been a part of.

25 Ask yourself this. What were his actions consistent

1 with? Leaving the gun in the room, calling 9-1-1, meeting
2 law enforcement outside, helping in any way that he could.
3 These actions were consistent with someone acting in self-
4 defense.

5 Nonetheless, if you refer on -- if you rely on the
6 version of what occurred given to you by the State, you would
7 have to be -- believe the following. That Bryan Seidle, a
8 veteran who served our country, with his younger sister and
9 girlfriend mere feet away in other rooms, brutally murdered a
10 man that he had known for 10 years. This simply defies
11 common sense and brings me to my next point.

12 We cannot adequately assess what occurred, the details,
13 because the State did not adequately assess what occurred
14 and, ladies and gentlemen, it's all in the details. We have
15 more questions than answers and because we have more
16 questions than answers, we have reasonable doubt.

17 Law enforcement apparently saw this as a clear-cut slam-
18 dunk case. This is not a clear-cut slam-dunk case and, even
19 if it was, at the bare minimum the State must've done more
20 than what we saw in this courtroom this week to convict that
21 man. A man is dead. Treat it as such.

22 Cpl. Barnes testified that it was his duty as crime
23 scene investigator to fully and accurately investigate what
24 happened, as he testified, to cross his T's and dot his I's.
25 Ladies and gentlemen, this officer, the officer responsible

1 for preserving the integrity of the crime scene, responsible
2 for obtaining the evidence, processing the evidence,
3 testified that he merely scanned the room. This room was a
4 cluttered mess. You don't just scan a room like that,
5 especially when investigating how someone died.

6 Law enforcement didn't find Ingersoll's knife because
7 they didn't look for the knife and because there is no knife,
8 they have not proved their case. We have more questions than
9 answers.

10 Cpl. Barnes testified he couldn't remember what he did
11 with the gun. Cpl. Barnes testified he didn't create a list
12 of evidence. More questions than answers.

13 His sketch of the home was inaccurate, misleading,
14 incomplete. We have no idea as to the actual dimensions of
15 the room, distances between the furniture, the bed, the
16 doorways. More questions than answers and, ladies and
17 gentlemen, it is all in the details, those details that we
18 need.

19 Dr. Batalis testified that there was no soot or
20 stippling, only after I asked him. Ladies and gentlemen,
21 what else is the State hiding because what no soot or
22 stippling means, we learned, was that Bryan would have to
23 have been at least three feet away from Ingersoll when he
24 pulled the trigger. That contradicts what the State told us
25 happened in that sketch. We have more questions than

1 answers. It's all in the details, and we don't have those
2 details.

3 It was Bryan who had to show us the actual dimensions of
4 the home, the layout of the home. He showed us that there
5 was actually another door to that bedroom. In the State's
6 opening statement, he claimed that Bryan was blocking the
7 exit to the room. He wasn't blocking the exit. There were
8 multiple exits. We have more questions than answers.

9 Cpl. Barnes couldn't remember the evidence that he
10 photographed. I wasn't alluding to him going on a shopping
11 spree. I was alluding to the fact that the head crime scene
12 investigator didn't remember the evidence that was on scene.
13 We have more questions than answers. He didn't remember the
14 money, the wallet, the ID card. More questions than answers.

15 And, ladies and gentlemen, please pay attention to what
16 I say here. He told us he did not send everything that he
17 needed to send to SLED for testing because SLED placed a
18 limit on the number of items that could be submitted.

19 Ladies and gentlemen, this statement was patently false.
20 Both of the SLED experts who testified, State Law Enforcement
21 employees -- they work for the State, which brings me to
22 again what else was the State hiding because I had to cross-
23 examine and then direct examine one of the witnesses that the
24 State failed to call -- testified that SLED doesn't limit the
25 number of items that can be submitted for testing. If

1 something is material for a case, send it. We will test it.
2 That's not what Cpl. Barnes told us and that's not what Cpl.
3 Barnes did. We have more questions than answers.

4 So what did he actually send to SLED's trace department?
5 That's who analyzed the gunshot residue. He sent the gunshot
6 residue tests. Let me remind you, he testified that with his
7 presumptive tests he found that Deola Foxworth and Donna Toro
8 tested positive for gunshot residue, Bryan and CJ Toro tested
9 negative. However, SLED determined that CJ and Deola tested
10 negative for gunshot residue, while Bryan, Donna, and Michael
11 tested positive. Again, pay attention to the details.

12 SLED's expert testified that Bryan had two particles on
13 him. It wasn't until I had to begin questioning SLED that we
14 learned that Donna Toro had seven particles on her, five on
15 her right hand, two on her left, and Ingersoll had eight
16 particles on him, four on each hand. It was only after I
17 questioned that we learned this. What else is the State
18 hiding? But what does this mean? It means we have more
19 questions than answers.

20 As Mr. Chris Robinson, the expert that we retained,
21 testified, these results could be consistent with Mr.
22 Seidle's theory that Mr. Ingersoll lunged at him and, ladies
23 and gentlemen, I want to talk with you a minute about Mr.
24 Robinson. Mr. White tried to make this seem like this was an
25 egregious situation for us, the defense, to retain an expert.

1 This isn't egregious; it's necessary.

2 What Mr. White failed to adequately show y'all is that
3 it's the exact same thing that he does. He has the resources
4 to do so through his agents, law enforcement, SLED,
5 pathologist, coroner -- coroner, excuse me. We're not
6 afforded those resources. So what do we have to do? We have
7 to work. And when we work, we have to pay people to assist
8 us in our defense.

9 Ladies and gentlemen, for a man who has been doing this
10 for 22 years, who has testified in over 700 trials all across
11 the country, I found his testimony credible. And pay
12 attention. Mr. White seemed to focus more on his
13 qualifications than on his conclusions because with his
14 conclusions we have more questions than answers.

15 And, ladies and gentlemen, we didn't use this expert for
16 testing purposes, as the State would like to relay to you.
17 We used this expert to review the tests that had already been
18 done. So don't get confused when they're talking about
19 accreditation. We used the man to help us determine these
20 results.

21 Going back to Cpl. Barnes, to the firearms department at
22 SLED, he testified that he sent seven cartridges, one
23 mislabeled as unfired that was actually misfired, and a .22
24 rifle. Remember, he testified that there were nine
25 cartridges on scene. Where are the other two cartridges?

1 More questions than answers.

2 And what did SLED find? SLED found that four of those
3 cases came from the rifle that was submitted. The other
4 three, including the misfired case, could not be linked to
5 that rifle. This means they could've come from another
6 rifle. More questions than answers. This makes no sense.
7 The State's own forensics contradict the State's own case,
8 which contradict what we just saw in that video.

9 And just as importantly, what did Cpl. Barnes not send?
10 Ladies and gentlemen, he didn't send the bullets. He did not
11 send the bullets to SLED to determine if they came from the
12 rifle that law enforcement says killed Mr. Ingersoll. This
13 is absurd. As Mr. Robinson testified in his 22 years, he had
14 never seen an instance where the bullets were not even
15 submitted for testing.

16 We have more questions than answers. This is
17 unacceptable and these are the details that that man is
18 constitutionally entitled to.

19 What the State did was present the evidence that fits
20 their narrative. Beyond a reasonable doubt requires an
21 analysis of the evidence we have seen, as well as
22 consideration of the evidence we have not seen. And what
23 have we not seen?

24 We did not hear from the three witnesses who were on
25 scene that night who could have told us what happened, one of

1 whom is sitting in the back row of this courtroom today. We
2 have more questions than answers.

3 Ladies and gentlemen, what else is the State hiding? We
4 had to call SLED's firearm expert, who revealed the bullets,
5 arguably the most important piece of evidence in the case,
6 were not tested. More questions than answers.

7 She also revealed that not all of the cartridges matched
8 up to the gun. More questions than answers, which reveals
9 the possibility of another firearm. More questions than
10 answers.

11 We had to question SLED's gunshot residue expert as to
12 the number of particles on Donna Toro, on Michael Ingersoll.
13 More questions than answers.

14 We had to ask Inv. Price why he didn't follow up with
15 Donna Toro, why he didn't try to obtain the phone that we
16 hear on that 9-1-1 call being called as evidence. Nothing
17 happened with it. If it's evidence, we need it. It could've
18 helped fit more of these pieces together. More questions
19 than answers.

20 Why weren't the clothes tested? More questions than
21 answers.

22 Why didn't we hear anything about blood? More questions
23 than answers.

24 Ladies and gentlemen, the State has gotten this case
25 wrong. We have more questions than answers and, because of

1 that, we have reasonable doubt. The State is trying to fit a
2 square peg into a round hole in convicting Mr. Seidle, and it
3 won't fit.

4 We do not live in the Third World country that Judge
5 Nettles discussed in his opening remarks. We live in the
6 United States and in the United States, the State must do
7 better for Mr. Seidle, for Mr. Ingersoll, and for each and
8 every one of us in this courtroom today. And because of
9 that, you must find Mr. Seidle not guilty.

10 Thank you.

11 THE COURT: Thank you, Ms. Henderson.

12 Mr. White.

13 MR. WHITE: Thank you, Judge.

14 CONTINUED CLOSING ARGUMENT ON BEHALF OF THE STATE

15 (WHEREUPON, a video clip from State's Exhibit Number 20
16 was played. Not transcribed herein.)

17 MR. WHITE: I beg to differ. The State didn't try to
18 fit our own narrative. We presented evidence to fit the
19 defendant's narrative.

20 (WHEREUPON, a video clip from State's Exhibit Number 20
21 was played. Not transcribed herein.)

22 MR. WHITE: No mention of the knife. No mention of the
23 knife at all. At a previous hearing, he says there's a
24 knife. On Wednesday he says it's a big knife with a large
25 hook on it.

1 Now, the defense wants to point out that because the
2 knife wasn't found, that's the fault of law enforcement, but
3 what if the knife never existed? Because it didn't in this
4 case. Don't you think if someone charged you with a big
5 knife with a hook on the end of it and you had to kill them,
6 wouldn't that be the first thing you said?

7 In fact, if he'd have said, hey, wait, guys, hold on a
8 second, I mean Inv. Price gave him all the opportunity in the
9 world, asked him several times is that all, anything else,
10 did he rush you, nothing. If he'd have said, hey, y'all
11 might want to look for a big old knife with a big hook on the
12 end of it, law enforcement would have gone back and found it.

13 Now, she wants to make a big deal out of the failure to
14 find a shell casing.

15 (WHEREUPON, counsel placed a shell casing on the podium.

16 MR. WHITE: A .22 shell casings, ladies and gentlemen.
17 Is it hard to see? How about a big black knife with a big
18 hook on it? Would that be a little bit easier?

19 I don't even know why we're talking about the shell
20 casings or the GSR. Again, those are red herrings, ladies
21 and gentlemen. I mean so what is it? Again in her closing,
22 she wants to say this second gun theory. So is it a second
23 gun, you know, shot from the grassy knoll, or is it self-
24 defense? Which is it? Pick one.

25 She wants to talk about experts and what they did wrong.

1 Yeah, initially, I didn't call Ms. Weaver, the ballistics
2 person, because in a case where someone admits to shooting
3 somebody seven times, they go in a hearing and they again
4 admit to shooting someone seven times, they get on the stand
5 and say they admit to shooting someone seven times, I mean
6 why do we need to analyze the bullets?

7 And you heard her say, ladies and gentlemen, that many
8 times in cases with mangled bullets, it is impossible to
9 analyze them.

10 (WHEREUPON, counsel showed a photograph of a bullet.)

11 MR. WHITE: Does that look pretty mangled up to you? I
12 think that's probably one they pulled out of Mr. Ingersoll's
13 head. Or maybe it was the one that went up into his stomach
14 and they pulled it out of his back. And yet our experts did
15 the wrong thing?

16 She said she found Mr. Robinson credible. Did you?
17 Good gracious. I wouldn't trust that man to tell me the
18 contents of a ham sandwich, but yet our experts did the wrong
19 thing?

20 Now, if the story that he says is the truth, if the
21 story that came from there that he walked in, he was already
22 rushing him -- and if he was rushing him, what? Did he take
23 one step? I mean look at how far back he is on the bed. I
24 mean he didn't rush, but if he did, I mean what did he do?
25 Shuffle before he shot him?

1 And again, the trajectory doesn't make sense at all.
2 From that angle, how -- if you're coming -- if you're -- this
3 is the doorframe, ladies and gentlemen. If you're standing
4 right here, how do you shoot somebody in the left side of
5 their head with a downward trajectory and shoot someone in
6 the torso with an upward trajectory? And then you bounce
7 over here and you shoot somebody from a left to right
8 trajectory. It makes no sense at all.

9 And he gets on that stand and he says that's the truth,
10 that's my truth. Why did it take him three times to say it?
11 I mean why didn't he tell Inv. Price? Why did his story
12 change from the hearing to now? And she said he got up there
13 and he cried. I mean that man deserves an Oscar for that and
14 the only thing he deserves more is a murder conviction.

15 Now, another thing she's putting on trial is Hollywood
16 Mike and his drug use. Yeah, he had marijuana in his system.
17 He had Suboxone in his system. Ladies and gentlemen, people
18 use Suboxone to stay off hard drugs, but she wants to say
19 this story about him buying pills from a moped. Well, the
20 only place I hear that from is the defendant, the same
21 defendant who takes three times to tell the truth, as he
22 says. The only evidence we have that Michael Ingersoll stole
23 is from the defendant.

24 And even if any of that was true, does that give you the
25 right to assassinate a man? This is a brutal murder. Make

1 no mistake. This is as brutal as it gets.

2 And again, I cannot get over the fear in Ingersoll's
3 voice. I mean, you know, he said -- he testified that
4 Ingersoll stayed there sometimes three nights in a row. He
5 also in the same breath testified that sometimes that's about
6 how much he stayed there. Okay?

7 I think that sounds like a landlord-tenant dispute. If
8 he wants him out of house so bad, well, guess what? The cops
9 are on the way. The cops are on the way. If you've got a
10 dispute about who should be there and who shouldn't be, guess
11 who's doing the right thing? Michael Ingersoll called law
12 enforcement, and the defendant shot him for it.

13 I mean you can't get around the science. They can --
14 they can put up these red hearings, ladies and gentlemen.
15 They can tell you that Ingersoll made a clandestine moped
16 drug deal. They can tell you all that. You know, they can
17 tell you that he had a right to tell somebody to get out by
18 shooting a gun in the floor.

19 They can tell you all that. They can try to hide the
20 ball, but you can't argue with the science, ladies and
21 gentlemen. The way they said it happened does not meet the
22 trajectory. Okay? If this man is charging at you with a
23 knife, how did he get shot from an upward angle down into the
24 brain from the left side? Because it didn't happen that way.
25 It happened just the way I told you. All right?

1 Now, Dr. Batalis, it's just the way he told you. Now
2 that man is an expert. Four-year degree, medical school,
3 medical residency in pathology, courses, experience. I mean
4 he's saying he's doing a hundred autopsies a year. He knows
5 this stuff. He knows trajectory, and that's exactly how it
6 happened.

7 So go back there, ladies and gentlemen, and don't be
8 fooled by all the defense wants you to look at. Look at
9 exactly what happened. Look at that trajectory. There's no
10 mention of a knife and then there's no mention of a knife, a
11 big old one with a hook on it, until Wednesday. I mean
12 that's the first time I ever heard the hook on the end of the
13 knife. I never heard that before.

14 So don't pay attention to any of that. Pay attention to
15 how it happened, the only way it could have happened, the way
16 he said it happened a couple hours after it happened. He
17 counted to three and then he assassinated this man. He left
18 that portion out, didn't he? That's -- you know, that's a
19 pretty bad fact for him, and I asked him about it. Well,
20 what about that three seconds? Oh, that's just kind of what
21 I wanted to say. It was floating around in my brain. An
22 Oscar indeed.

23 Ladies and gentlemen, this is exactly what I told you it
24 would be, evil waiting on its opportunity. It bubbled and it
25 bubbled, and then finally it spilled over and he assassinated

1 Michael Ingersoll.

2 Now, I'd like for you to go back in that jury room and
3 find him guilty of murder. Thank you.

4 MR. MEETZE: Judge, may we approach briefly?

5 (WHEREUPON, a bench conference was held in the presence
6 of the jury but out of the hearing of the jury off the
7 record, after which the proceedings resumed as follows.)

8 THE COURT: Mr. Foreman and ladies and gentlemen of the
9 jury, I'm going to ask -- y'all have been sitting for a
10 little while. I'm going to ask that you can stand up right
11 where you are and stretch just a little bit. Is everybody
12 all right? Everybody doing good? All right. Have a seat.

13 Mr. Foreman and ladies and gentlemen of the jury, you've
14 heard all of the evidence that's going to be presented in
15 this case. And when the witnesses were testifying in this
16 case and these very fine lawyers were asking questions, I
17 noticed that when they asked the questions, you'd look at the
18 lawyer, and when they answered, you would look at the
19 witness. Y'all have paid very close attention. You've
20 fulfilled your duty in that regard, but you've got something
21 else to do. You've got to listen. You've got to listen to
22 the evidence, you've got to glean what the truth is from that
23 evidence, and you've got to apply it to the law.

24 I wish there was an easy way to do that, but there
25 isn't. There's not an entertaining way to do it, but I have

1 the obligation to impart upon you the elements of the law.
2 I'm going to ask that you pay very close attention at this
3 time.

4 CHARGE ON THE LAW

5 THE COURT: The indictment charges the defendant with
6 murder. I'll remind you that the fact that the defendant was
7 arrested, charged, and indicted is not evidence. It cannot
8 be considered by you as evidence of guilt, nor does it create
9 any presumption or inference of guilt. This document is
10 simply the formal written instrument which contains the
11 charges made against the defendant. It is the formal
12 document by which this case is brought into this court.

13 Ladies and gentlemen of the jury, I remind you that
14 during this trial you and I have certain duties to perform.
15 As the trial judge, it is my responsibility to preside over
16 the trial, and I also have the duty to rule on the
17 admissibility of evidence. You're to consider only the
18 competent evidence before you. You're to consider only the
19 testimony which has been presented from this witness stand,
20 any exhibits which have been made a part of the record, and
21 any stipulations of counsel.

22 I have the additional duty to charge you the law. As
23 the presiding judge, I am the sole judge of the law and it is
24 your duty as jurors to accept and apply the law as I now
25 state it to you. If you already have an idea as to what the

1 law is or what the law ought to be and it does not agree with
2 what I now tell you the law is, you must abandon this idea
3 because you're sworn to accept the law and apply the law
4 exactly as I state it to you.

5 In every case tried before a jury, the jury becomes the
6 sole and exclusive judge of the facts. A trial judge cannot
7 intimate, state, comment on or make any statement to a trial
8 jury about the facts. Since you, the jury, are the sole
9 judge of the facts, you are not to infer from what I've said
10 during the progress of this trial in ruling on the
11 admissibility of evidence or otherwise or anything that I say
12 now during the course of this instruction to you that I have
13 any opinion about the facts. The law simply does not allow
14 me to have an opinion about the facts.

15 This is a matter solely for you, the jury, to determine.
16 As jurors, it is your duty to determine the effect, value,
17 weight, and truth of the evidence presented during this
18 trial.

19 The defendant has pled not guilty to this indictment and
20 that plea puts the burden on the State to prove the defendant
21 guilty. A person charged with committing a criminal offense
22 in South Carolina is never required to prove himself
23 innocent.

24 I charge you that it is an important rule of law that
25 the defendant in a criminal trial, no matter what the

1 seriousness of the charge may be, will always be presumed to
2 be innocent of the crime for which the indictment was issued
3 unless guilt has been proven by evidence satisfying you of
4 that guilt beyond a reasonable doubt. This presumption of
5 innocence does not end when you begin your deliberations, but
6 it accompanies the defendant throughout the trial until you
7 reach a verdict of guilt based upon evidence satisfying you
8 of that guilt beyond a reasonable doubt.

9 The presumption of innocence is like a robe of
10 righteousness placed about the shoulders of the defendant
11 which remains with the defendant until it has been stripped
12 of the defendant by evidence satisfying you of the
13 defendant's guilt beyond a reasonable doubt. The presumption
14 of innocence is not a mere legal theory. It's not just a
15 legal phrase. It's a substantial right to which every
16 defendant is entitled unless you, the jury, are satisfied
17 from the evidence of the defendant's guilt beyond a
18 reasonable doubt.

19 What is reasonable doubt in the law? A reasonable doubt
20 is the kind of doubt that would cause a reasonable person to
21 hesitate to act. The State has the burden of proving the
22 defendant guilty beyond a reasonable doubt.

23 Some of you may have served as jurors in civil cases
24 where you were told that it is necessary to prove that a fact
25 is more likely true than not, such as by a greater weight or

1 preponderance of the evidence. In criminal cases, the
2 State's proof must be more powerful than that. It must be
3 beyond a reasonable doubt. Proof beyond a reasonable doubt
4 is proof that leaves you firmly convinced of the defendant's
5 guilt.

6 There are very few things in this world that we know
7 with absolute certainty and in criminal cases the law does
8 not require proof that overcomes every possible doubt. If
9 based on your consideration of the evidence, you're firmly
10 convinced that the defendant is guilty of the crime charged,
11 you must find the defendant guilty. If, on the other hand,
12 you think there is a real possibility that the defendant is
13 not guilty, you must give the defendant the benefit of the
14 doubt and find him not guilty.

15 There are two types of evidence which are generally
16 presented during a trial: direct evidence and circumstantial
17 evidence. Direct evidence directly proves the existence of a
18 fact and does not require deduction. Circumstantial evidence
19 is proof of a chain of facts and circumstances indicate --
20 indicating the existence of a fact.

21 Crimes may be proven by circumstantial evidence. The
22 law makes no distinction between the weight or value to be
23 given to either direct or circumstantial evidence. However,
24 to the extent the State relies on circumstantial evidence,
25 all of the circumstances must be consistent with each other

1 and when taken together point conclusively to the guilt of
2 the accused beyond a reasonable doubt. If these
3 circumstances merely portray the defendant's behavior as
4 suspicious, the proof has failed.

5 The State has the burden of proving the defendant guilty
6 beyond a reasonable doubt. The burden rests with the State,
7 regardless of whether the State relies on direct evidence,
8 circumstantial evidence, or some combination of the two.

9 Mr. Foreman and ladies and gentlemen of the jury,
10 necessarily you must determine the credibility of witnesses.
11 Credibility simply means believability. It becomes your duty
12 as jurors to analyze and to evaluate the evidence and
13 determine which evidence convinces you of its truth.

14 In determining the believability of witnesses who have
15 testified, you may believe one witness over several witnesses
16 or several witnesses over one witness. You may believe a
17 part of the testimony of a witness and reject the remaining
18 part of the testimony of that same witness. You may believe
19 the testimony of a witness in its entirety or reject the
20 testimony of a witness in its entirety.

21 You may consider whether any witness has exhibited to
22 you any interest, bias, prejudice, or other motive. You may
23 also consider the appearance and manner of a witness while on
24 the witness stand, their demeanor.

25 The rules of evidence ordinarily do not permit witnesses

1 to testify to opinions or conclusions. An exception to this
2 rule exists for witnesses we call expert witnesses. A
3 witness who by education and experience has become an expert
4 in some art, science, profession or calling may state an
5 opinion as to the relevant and material -- relevant and
6 material matter in which the witness claims to be an expert.
7 They may also state the reasons for the opinion.

8 You should consider any expert opinion received in
9 evidence and, like any other evidence, give it the weight you
10 think it deserves. If you decide that the opinion of an
11 expert is not based on sufficient education and experience or
12 if you conclude that the reasons given in support of the
13 opinion are not sound or that the opinion is outweighed by
14 other evidence, you may disregard the opinion entirely.

15 An expert witness's testimony is to be given no greater
16 weight than that of other witnesses simply because the
17 witness is an expert. Further, you are not required to
18 accept an expert's opinion, even though it is not
19 contradicted.

20 There's been evidence presented that witnesses have made
21 prior statements which are not consistent with the witness's
22 present testimony. You may use this evidence to decide
23 whether to believe the witness. You may also use evidence of
24 the earlier contradictory statements to determine the truth
25 of those statements. It is up to you to decide whether to

1 believe the earlier statements or the testimony given at
2 trial.

3 If a witness is shown to have knowingly testified
4 untruthfully concerning any matter, you may consider this in
5 determining whether to trust the witness's testimony as to
6 other matters. You may reject all testimony of that witness
7 or give all or part of the testimony the weight you think it
8 deserves.

9 A statement alleged to have been made by the defendant
10 has been admitted into evidence. While the Court has
11 determined that the statement is admissible, I instruct you
12 that you make the ultimate decision as to whether or not the
13 defendant made the statement. If the defendant did not make
14 the statement, you must determine whether the statement was
15 made by the defendant voluntarily and of his own free will.
16 This means that the statement was not caused by pressure,
17 force, fear, threats, coercion, or intimidation or by hope or
18 a promise of leniency or a reward of any kind.

19 In determining whether the statement was voluntary, you
20 should consider both the characteristics of the defendant and
21 the details of the questioning. Some of the factors that you
22 must consider are: the age of the defendant, the defendant's
23 education or lack thereof, the defendant's mental ability or
24 capacity, the defendant's IQ or intelligence, the defendant's
25 background and environment, the place and length of

1 detention, the nature of the questioning, and the advice or
2 lack thereof to the defendant of his constitutional rights,
3 including but not limited to the right to remain silent, that
4 any statement could be used against him in a court of law,
5 the right to have a lawyer present, and that if he could not
6 afford a lawyer, a lawyer would be appointed to represent him
7 without any cost, and that he could stop making a statement
8 at any time. You must carefully consider all of the
9 surrounding circumstances before you give any weight to an
10 alleged statement.

11 The State has the burden of proving beyond a reasonable
12 doubt that the alleged statement was voluntary. If you
13 determine it was, you may give the statement any further
14 consideration that you deem proper. You must decide what
15 weight, if any, should be given to the alleged statement. If
16 you determine the alleged statement was not the free and
17 voluntary statement of the defendant, you should not consider
18 the statement at all.

19 Ladies and gentlemen of the jury, I'm going to charge
20 you the substantive law of murder. Pay very close attention.

21 The defendant is charged with murder. The State must
22 prove beyond a reasonable doubt that the defendant killed
23 another person with malice aforethought. Malice is hatred,
24 ill will or hostility towards another person. It is the
25 intentional doing of a wrongful act without just cause or

1 excuse and with an intent to inflict an injury or under
2 circumstances that the law will infer an evil intent.

3 Malice aforethought does not require that malice exist
4 for any particular time before the act is committed, but
5 malice must exist in the mind of the defendant just before
6 and at the time of the act -- at the time the act is
7 committed. Therefore, there must be a combination of the
8 previous evil intent and the act.

9 Malice aforethought may be expressed or inferred. These
10 terms expressed and inferred do not mean different kinds of
11 malice, but merely the manner in which malice may be shown to
12 exist. That is either by direct evidence or by inference
13 from the facts and circumstances which are proved.

14 Expressed malice is shown when a person speaks words
15 which express hatred or ill will for another or when the
16 person prepared beforehand to do the act which was later
17 accomplished.

18 The defendant is charged with murder and the lesser
19 included charge of murder is voluntary manslaughter. If you
20 find that the State has failed to prove beyond a reasonable
21 doubt the defendant committed murder, you may consider
22 whether the State has proved beyond a reasonable doubt that
23 the defendant committed voluntary manslaughter.

24 To prove voluntary manslaughter, the State must prove
25 beyond a reasonable doubt that the defendant took the life of

1 another in the sudden heat of passion based on sufficient
2 legal provocation. Both heat of passion and sufficient legal
3 provocation must be present at the time of the killing to
4 constitute voluntary manslaughter.

5 Sudden heat of passion may for a time affect a person's
6 self-control and temporarily disturb a person's reason.

7 Sudden heat of passion must be the type that would make an
8 ordinary person unable to coolly reflect on his actions and
9 would produce an uncontrollable impulse to do violence.

10 Sufficient legal provocation must be the type that would
11 make a person of ordinary reason and caution become enraged
12 and to lose control temporarily. The provocation needed for
13 voluntary manslaughter must come from some act of or related
14 to the victim.

15 Words alone, however vulgar or insulting, are not enough
16 to be legal provocation. The exercise of a legal right, no
17 matter how offensive it is to another, is never sufficient
18 legal provocation for voluntary manslaughter. If the heat of
19 passion had cooled or if there was enough time between the
20 provocation, if any, and the killing for the passion of the
21 reasonable person to cool, the killing would not be voluntary
22 manslaughter.

23 In deciding whether a reasonable person would have had
24 enough time to cool off, you should consider all of the
25 circumstances surrounding the killing. You may consider the

1 nature of the provocation, if any, the defendant's mental and
2 physical state, and the circumstances and relationships
3 between the parties.

4 Malice is an element of murder. However, malice is not
5 -- I repeat not -- an element of voluntary manslaughter.

6 The defendant has raised the defense of self-defense.
7 Self-defense is a complete defense and if it is established,
8 you must find the defendant not guilty. The State has the
9 burden of disproving self-defense by proof beyond a
10 reasonable doubt.

11 If you have a reasonable doubt of the defendant's guilt
12 after considering all of the evidence, including the evidence
13 of self-defense, then you must find the defendant not guilty.
14 If on the other hand you have no reasonable doubt of the
15 defendant's guilt after considering all of the evidence,
16 including the elements of self-defense, then you must find
17 the defendant guilty.

18 The following elements are required to establish self-
19 defense.

20 First, the defendant must be without fault in bringing
21 on the difficulty. If the defendant's conduct was the type
22 which was reasonably calculated to and did provoke a deadly
23 assault, the defendant would be at fault in bringing on the
24 difficulty and would not be entitled to an acquittal based on
25 self-defense.

1 The second element of self-defense is that the defendant
2 was actually in imminent danger of death or serious bodily
3 injury or that the defendant actually believed he was in
4 imminent danger of death or serious bodily injury.

5 If the defendant was actually in imminent danger, it
6 must be shown that the circumstances would have warranted a
7 person of ordinary firmness and courage to strike the fatal
8 blow to prevent death or serious bodily injury. If the
9 defendant believed he was in imminent danger of death or
10 serious bodily injury, it must be shown that a reasonably
11 prudent person of ordinary firmness and courage would have
12 had the same belief.

13 In deciding whether the defendant actually was or
14 believed he was in imminent danger of death or serious bodily
15 injury, you should -- you should consider all of the facts
16 and circumstances surrounding the crime, including the
17 physical condition and characteristics of the defendant and
18 the victim.

19 The defendant does not have to show that he was actually
20 in danger. It is enough if the person believed he was in
21 imminent danger and a reasonably prudent person of ordinary
22 firmness and courage would have had that same belief. The
23 defendant has the right to act on appearances, even though
24 the defendant's belief may have been mistaken. It is for you
25 to decide whether the defendant's fear of imminent danger of

1 death or serious bodily injury was reasonable and would have
2 been felt by an ordinary person in the same situation.

3 Intoxication of the defendant may be considered in
4 deciding whether the defendant's fear of death or bodily harm
5 was reasonable.

6 If the defendant was on his own premises, the defendant
7 has no duty to retreat before acting in self-defense.

8 A person cannot be required to make an exact calculation
9 as to the degree or amount of force which may be needed to
10 avoid death or serious bodily harm. Therefore, in self-
11 defense the defendant has the right to use the force needed
12 to avoid death or serious bodily harm.

13 The force used in self-defense does not have to be
14 limited to the degree or amount of force used by the victim.
15 The defendant has the right to use so much force as appears
16 to be necessary for complete self-protection and which a
17 person of ordinary reason and firmness would have believed to
18 be needed to prevent death or serious bodily harm.

19 If the defendant is justified in defending himself or
20 others and in firing the first shot, then the defendant is
21 also justified in continuing to shoot until it is apparent
22 that the danger of death or serious bodily injury has
23 completely ended.

24 Mr. Foreman and ladies and gentlemen of the jury, I'm
25 going to come forward and share with you the verdict form.

1 (WHEREUPON, the Court left the bench and approached the
2 jury.)

3 THE COURT: Mr. Foreman, I'm going to ask if you can
4 stand. I'm going to go over with you this verdict form.

5 The State of South Carolina, County of Florence, the
6 State of South Carolina versus Bryan Austin Seidle. It's got
7 that we're in General Sessions Court, Twelfth Circuit, which
8 is here in Florence County, the case number, and verdict
9 form.

10 There are two offenses for which you are to give
11 consideration. We, the jury, find by unanimous consent the
12 defendant, Bryan Austin Seidle, is, one, not guilty, or two,
13 guilty. If you find the defendant, Bryan Austin Seidle,
14 guilty of murder, discontinue deliberations.

15 If you find the defendant, Bryan Austin Seidle, not
16 guilty of murder, then you should consider the offense of
17 voluntary manslaughter, the lesser-included offense. It's
18 got a place for not guilty and guilty with regard to
19 voluntary manslaughter.

20 It's completely within your province to make these
21 determinations. There's a place for you to sign, place for
22 you to date.

23 The verdict -- and I emphasize the verdict must be
24 unanimous. It can't be eleven to one, six to six, eight to
25 four. Everyone has to agree. And once you've reached a

1 verdict, I'm going to ask that you notify the bailiff.

2 I'm going to ask if you can have a seat. I'm going to
3 speak to you for just one moment.

4 Mr. Foreman, you are going to be charged with the
5 responsibility of presiding over the deliberations. That
6 essentially means that you are to ensure that everybody's
7 voice is heard. If someone were to get up and to use the
8 restroom, stop deliberations because everybody has to
9 participate in all the deliberations.

10 There might come occasion where there's a question that
11 comes up. I'll tell you from the outset the difficult
12 questions in this case are factual questions that y'all have
13 to resolve. I can't help you with that. You've heard the
14 law in that regard.

15 If there's a legal question, certainly I can answer
16 that. If in your mind you can't decide whether it's a legal
17 or a factual question, reduce this question to writing, give
18 it to the bailiff, and I'll be happy to answer that, if I
19 can.

20 I don't anticipate there are going to be any questions
21 because y'all paid attention to the evidence as it come from
22 the witness stand. Y'all have listened as I've charged you
23 the law. You have all the tools necessary to resolve this
24 case.

25 I'm going to -- I have mentioned to you every time you

1 leave the courtroom that you do not begin deliberations.
2 Once again, I'm going to ask you do not begin deliberations
3 because I'm going to have to ask these very fine lawyers if
4 they have an objection as to the manner in which I've charged
5 the law. If I inadvertently left something out or included
6 something that's incorrect, we'll bring you back in and
7 address those issues. So once again, I'm going to ask that
8 you return to the jury room, but do not begin deliberations.

9 Everyone remain seated as the jury exits the courtroom.

10 (WHEREUPON, the jury exited the courtroom at 12:12 p.m.)

11 THE COURT: Any objections from the State?

12 MR. WHITE: No, sir. Thank you, Judge.

13 THE COURT: Any from defense?

14 MR. MEETZE: Judge, the only one I would say would be if
15 the notion was put forth to the jury that you can either
16 imply or infer malice by use of a deadly weapon, we would ask
17 for a specific charge just telling them that you cannot.
18 That the Court explain it is simply an analysis --

19 THE COURT: Well, I -- you know, I charged them the law
20 and I did not say that you can infer malice from the use of a
21 weapon. What do you think about -- and I didn't recall the
22 State saying anything about it.

23 Do you want me to call them back and say -- talk about
24 weapon and malice and that sort of thing?

25 MR. MEETZE: You just never know what a jury is going to

1 THE COURT: I'm going to tell that. What do you have to
2 say about that?

3 MR. MEETZE: Sounds very reasonable.

4 THE COURT: Everybody is in agreement?

5 MR. WHITE: Yes, sir.

6 MS. HENDERSON: Yes, sir. And all the evidence from the
7 defense side is there as well.

8 THE COURT: All right. And everything in the pile is in
9 evidence?

10 MS. HENDERSON: Yes, sir.

11 THE COURT: There's nothing in the pile that isn't in
12 evidence?

13 MS. HENDERSON: No, sir.

14 THE COURT: All right. Let's bring the jury back in.

15 (WHEREUPON, the jury entered the courtroom at 12:22
16 p.m.)

17 THE COURT: Mr. Foreman and ladies and gentlemen of the
18 jury, the State, Mr. White, in his closing argument
19 incorrectly stated and placed on a slide presentation that
20 malice may be implied by the use of a deadly weapon. That is
21 wrong. That is not the law. You must accept the law as I
22 have stated it to you.

23 Ladies and gentlemen of the jury, we have gathered up
24 all of the documentary evidence. The bailiff is going to
25 bring that back -- all of the evidence back to you and tell

1 you to begin deliberations.

2 We -- the weapon itself, the rifle, is into evidence.
3 We're not going to send that back there. Y'all have seen it.
4 We're not going to send it back there unless you have a
5 specific request for that and we will do some additional
6 securing of the weapon, but you're entitled to see that. If
7 you want to see it, let us know and the parties have agreed
8 that we will make arrangements to send it back. Does
9 everybody understand that?

10 All right. You may -- you may return to the jury room
11 and begin deliberations as soon as you receive the
12 documentary evidence.

13 Everyone remain seated as the jury exits the courtroom.

14 (WHEREUPON, the jury exited the courtroom at 12:23 p.m.)

15 THE COURT: Any objections from the State?

16 MR. WHITE: No, sir.

17 THE COURT: Or any additional requests?

18 MR. WHITE: No, sir, Judge.

19 THE COURT: Any from defense?

20 MS. HENDERSON: No, sir.

21 THE COURT: All right. We'll stand at ease.

22 (WHEREUPON, jury deliberations began at 12:24 p.m.)

23 (WHEREUPON, there was a break in the proceedings from
24 12:24 p.m. until 1:26 p.m., after which the proceedings
25 resumed as follows.)

1 THE COURT: All right. We're ready for the jury.

2 Mr. White?

3 MR. WHITE: Yes, sir.

4 THE COURT: We need -- I need to get you to print out
5 that slide so we can make that a part of the record.

6 MR. WHITE: Yes, sir. I can do that. No problem.

7 THE COURT: All right.

8 (WHEREUPON, the printout of the slide was marked during
9 the next break as Court's Exhibit Number 1.)

10 (WHEREUPON, the jury entered the courtroom at 1:28 p.m.)

11 THE COURT: Mr. Foreman and ladies and gentlemen of the
12 jury, the question has been posed can we, the jury, get the
13 definition of voluntary manslaughter versus murder, and pay
14 very close attention.

15 I'll make that a part of the record this way.

16 (WHEREUPON, the jury note was marked as Court's Exhibit
17 Number 2.)

18 THE COURT: The defendant is charged with murder. The
19 State must prove beyond a reasonable doubt that the defendant
20 killed another person with malice aforethought. Malice is
21 hatred, ill will or hostility towards another person. It is
22 the intentional doing of a wrongful act without just cause or
23 excuse and with an intent to inflict an injury or under
24 circumstances that the law will infer an evil intent.

25 Malice aforethought does not require that malice exist

1 for any particular time before the act is committed, but
2 malice must exist in the mind of the defendant just before
3 and at the time of the act -- at the time the act is
4 committed. Therefore, there must be a combination of the
5 previous evil intent and the act.

6 Malice aforethought may be expressed or inferred. These
7 terms expressed and inferred do not mean different kinds of
8 malice, but merely the manner in which malice may be shown to
9 exist. That is either by direct evidence or by inference
10 from the facts and circumstances which are proved.

11 Expressed malice is shown when a person speaks words
12 which express hatred or ill will for another or when the
13 person prepared beforehand to do the act which was later
14 accomplished.

15 Voluntary manslaughter. If you find the State has
16 failed to prove beyond a reasonable doubt that the defendant
17 committed murder, you may consider whether the State has
18 proved beyond a reasonable doubt that the defendant committed
19 voluntary manslaughter.

20 To prove voluntary manslaughter, the State must prove
21 beyond a reasonable doubt that the defendant took the life of
22 another in the sudden heat of passion based on sufficient
23 legal provocation. Both heat of passion and sufficient legal
24 provocation must be present at the time of the killing to
25 constitute voluntary manslaughter.

1 Sudden heat of passion may for a time affect a person's
2 self-control and temporarily disturb a person's reason. The
3 sudden heat of passion must be the type that would make an
4 ordinary person unable to coolly reflect on his actions and
5 would produce an uncontrollable impulse to do violence.

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7 make a person of ordinary reason and caution become enraged
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9 voluntary manslaughter must come from some act of or related
10 to the victim.

11 Words alone, however vulgar or insulting, are not enough
12 to be legal provocation. The exercise of a legal right, no
13 matter how offensive it is to another, is never sufficient
14 legal provocation for voluntary manslaughter. If the heat of
15 passion had cooled or if there was enough time between the
16 provocation, if any, and the killing for the passion of a
17 reasonable person to cool, the killing would not be voluntary
18 manslaughter.

19 In deciding whether a reasonable person would have had
20 enough time to cool off, you should consider all of the
21 circumstances surrounding the killing. You may consider the
22 nature of the provocation, if any, the defendant's mental and
23 physical state, and the circumstances and relationships
24 between the parties.

25 Malice is an element of murder. However, malice is not

1 -- I repeat not -- an element of voluntary manslaughter.

2 You may return to the jury room and conclude your
3 deliberations.

4 (WHEREUPON, the jury exited the courtroom at 1:34 p.m.)

5 THE COURT: Anything further from the State?

6 MR. WHITE: Judge, I may have missed it. Did -- did you
7 define implied malice? I know you defined expressed malice.

8 THE COURT: By circumstances.

9 MR. WHITE: Okay. Thank you, Judge.

10 THE COURT: It's very, very short, but, you know, there
11 used to be the issue with regard to inferred malice from the
12 use of a deadly weapon. But it is mentioned there, and it
13 talks about the difference between circumstantial and direct
14 evidence. It talks about circumstances. It's not very in
15 depth, but it was covered.

16 The defense?

17 MS. HENDERSON: Nothing wrong, Judge.

18 THE COURT: Okay. Very good. We'll stand at ease until
19 we reach a verdict or have another question. If y'all could
20 stay pretty close in the event they have another question,
21 you can jump right on it.

22 MR. WHITE: Yes, sir.

23 (WHEREUPON, there was a break in the proceedings from
24 1:35 p.m. until 1:50 p.m., after which the proceedings
25 resumed as follows.)

1 THE COURT: All right. I understand that the jury has
2 reached a verdict, and I know that there are some people out
3 in the audience who have -- have emotional ties to the
4 defendant or to the deceased.

5 And part of my job is to ensure that the order is
6 maintained in the courtroom, and if you feel as though you
7 cannot maintain your composure, it would probably be a good
8 idea for you to leave the courtroom because we can't have any
9 outbursts of any sort. And if there are outbursts, the
10 deputies will be compelled to take you into custody. Let's
11 not have any outbursts. Does everybody understand that?

12 Very good. We're ready for the jury.

13 And we have the Powerpoint?

14 MR. WHITE: Yes, sir.

15 THE COURT: That's been made a part of the record as a
16 Court's exhibit? Very good.

17 The clerk will receive the verdict.

18 (WHEREUPON, the jury entered the courtroom at 1:52 p.m.)

19 THE COURT: Mr. Foreman, have you received -- have you
20 reached a verdict?

21 THE FOREMAN: Your Honor, I have.

22 THE COURT: And is the verdict unanimous?

23 THE FOREMAN: Yes, sir, it is.

24 THE COURT: All right. I'm going to ask you to give the
25 verdict form to the clerk.

1 (WHEREUPON, the foreman complied.)

2 THE COURT: All right. The verdict is in proper form.

3 I'm going to ask if you could publish the verdict.

4 VERDICT

5 THE CLERK: State of South Carolina, County of Florence,
6 in the Court of General Sessions, Twelfth Judicial Circuit,
7 Indictment Number 2018-GS-21-1846, the State of South
8 Carolina versus Bryan Austin Seidle.

9 We, the jury, find by unanimous consent the defendant,
10 Bryan Seidle, is guilty of murder.

11 Dated October 23rd, 2020, signed Timothy Drotan --
12 Drotar -- I'm sorry -- foreperson.

13 Members of the jury, if this is your verdict, please
14 raise your right hand.

15 (WHEREUPON, all jurors complied.)

16 THE COURT: All right. Any additional requests for
17 polling?

18 MS. HENDERSON: No, Your Honor.

19 THE COURT: Very good. I'm going to ask -- first of
20 all, Mr. Foreman and ladies and gentlemen of the jury, I want
21 to thank you for your time and service. Y'all have been able
22 to do what nobody in this courtroom has been able to do.
23 You've been able to bring some finality to this matter.

24 You have discharged your duty. Your duty was to listen
25 to the evidence in this case, make a finding of fact and

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay.

3 THE DEFENDANT: I really don't know what to say, Your
4 Honor.

5 THE COURT: You don't have to say anything, but if you
6 would like to, I'd be glad to hear from you.

7 THE DEFENDANT: I don't -- I don't agree with the
8 verdict, but it is what it is and I -- I apologize. I'm
9 sorry.

10 THE COURT: Very good. All right.

11 SENTENCE

12 THE COURT: Mr. Seidle, on Indictment 2018-GS-21-01846,
13 murder, the sentence of the Court is you be committed to the
14 State Department of Corrections for a period of 30 years,
15 given credit for 882 days. Good luck to you.

16 MR. WHITE: Thank you, Judge.

17 MR. MEETZE: Thank you, Your Honor.

18 MS. HENDERSON: Thank you, Judge.

19 THE COURT: All right. We'll stand adjourned *sine die*.

20 (WHEREUPON, the proceedings ended at 2:02 p.m.)

21

22 --- END REQUESTED TRANSCRIPT ---

23

24

25

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF FLORENCE	)	TWELFTH JUDICIAL CIRCUIT
	)	
	)	INDICTMENT NO.: 2018-GS-21-01846
STATE OF SOUTH CAROLINA	)	
	)	
vs.	)	MOTION IN LIMINE
	)	
Bryan Austin Seidle,	)	
Defendant.	)	
_____	)	

FILED
 2020 OCT 13 A 9:05
 DORIS POULOS O'HARA
 CCLP & GS
 FLORENCE COUNTY, SC

Now comes the State with notice to the Defendant, by and through counsel for Defendant, Christie Henderson, Esquire, that the State of South Carolina moves to prohibit the Defense from eliciting testimony regarding Michael Ingersoll's sex offender status or his alleged drug use. Additionally, the State moves to prohibit any mention of alleged physical altercations between Mr. Ingersoll and the Defendant's mother, Donna Torro, on the grounds that it is irrelevant, will only serve to confuse the jury, and is highly prejudicial.

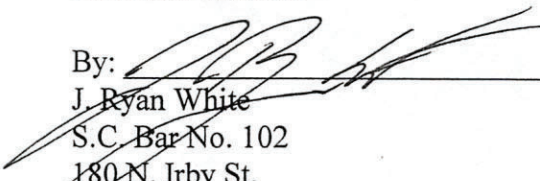
The State asserts that any reference to the above is inadmissible pursuant to Rules 401 and 403, SCRE. "The trial court is vested with broad discretion to control the mode of interrogation and presentation of evidence to insure that witnesses are treated fairly and the search for the truth is not impaired by presentation of extraneous, prejudicial, or confusing material." *U.S. v McMillon*, 14 F. 3d 948 (4th Cir. 1994) (citing *U.S. v Gravelly*, 840 F. 2d 1156 (4th Cir. 1988)). Any reference to the above is unfairly prejudicial and would greatly outweigh any probative value proposed by the Defense. See *Old Chief v. U.S.*, 519 U.S. 172, 180-192 (1997).

For the reasons stated above, this Court should exclude all evidence if the evidence is irrelevant, prejudicial, objectionable in character, and designed to inflame the prejudices of the jury. Such

evidence would be prejudicial and would tend to confuse the jury's understanding of the contested issues in this case.

Respectfully Submitted,

J. Ryan White
Assistant Solicitor

By: 

J. Ryan White
S.C. Bar No. 102
180 N. Irby St.
Florence, South Carolina 29501

October 12, 2020
Florence, South Carolina

WITNESSES

Ben Price

Florence County Sheriff

Ryan White

ARREST WARRANT NUMBER

2018A2110200450

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

9-27-18

[Signature]

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018-GS-21-01846

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

SEPTEMBER

TERM

2018

THE STATE

vs.

BRYAN AUSTIN SEIDLE

Indictment for

MURDER

RECEIVED

NOV 03 2020

SC Court of Appeals

FILED

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

INDICTMENT FOR
MURDER

At a Court of General Sessions, convened on SEPTEMBER 27, 2018 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- MURDER

CDR: 0116 16-03-0010,0020

- That-BRYAN AUSTIN SEIDLE did in Florence County, on or about May 26, 2018, willfully, feloniously, and intentionally kill the victim, Michael Ingersoll (Deceased), with malice aforethought, either express or implied, by shooting the victim several times about the body, and the victim did die as a proximate result thereof on or about May 26, 2018 in Florence County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Florence
 STATE VS.
Bryan Austin Seidle

AKA:

DOB:

Address:

City/State/Zip:

ID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Murder / Murder (30 - L.F.E.)

in violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOC.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
 Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$ 3.75

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (04/2018)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018-GS-21-01846

A/W#: 2018A2110200450

Date of Offense: 5/26/2018

S.C. Code § : 16-03-0010; 16-03-0020

CDR Code #: 0116

SENTENCE SHEET

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☒ CONVICTED OF or ☐ PLEADS

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,

§ Proviso requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.

Presiding Judge

Judge Code:

Sentence Date:

October 23, 2020

CERTIFICATE OF COUNSEL FOR APPELLANT

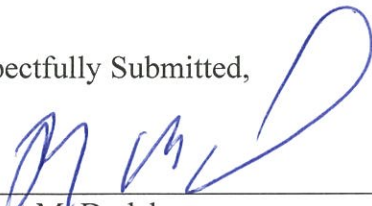
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

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Apr 13 2022

SC Court of Appeals

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEYS FOR APPELLANT

This 13th day of April, 2022.