

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

DAMIAN THOMAS
Petitioner

v.

STATE OF DELAWARE
Respondent

**PETITION FOR WRIT OF CERTIORARI TO THE
SUPREME COURT OF DELAWARE**

APPENDIX VOLUME I (A1-A120)

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Dated: December 28, 2022

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAMIAN THOMAS,	§	
	§	No. 392, 2021
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware
v.	§	
	§	Cr. ID No: N1505012411(N)
STATE OF DELAWARE,	§	
	§	
Appellees.	§	

Submitted: September 14, 2022

Decided: September 29, 2022

Before **VALIHURA, VAUGHN, and TRAYNOR**, Justices.

ORDER

This 29th day of September, 2022, after consideration of the parties' briefs and the record on appeal, it appears to the Court that:

(1) Damien Thomas was convicted of murder in the first degree and related firearm charges in 2017 and sentenced to life in prison plus twenty years. In 2018, Thomas moved for postconviction relief and an evidentiary hearing under Superior Court Criminal Rule 61. The Superior Court denied Thomas's motion, and Thomas has appealed to this Court.

(2) Thomas asserts four claims on appeal, all of which are centered upon the apparently false testimony of one prosecution witness, Monique Pruden, who told police—and then testified at trial—that she had witnessed Thomas's shooting

of his victim, DeShannon Reid. During cross-examination, defense counsel thoroughly discredited Pruden's testimony by showing that—despite her protestations to the contrary—she was incarcerated in a Department of Correction facility on the day of the shooting.

(3) In his first two claims, Thomas contends that the use of Pruden's perjured testimony and the prosecution's references to it during closing argument violated his due process rights.¹ Thomas also contends that the State's failure to disclose information under its control regarding Pruden's custodial status on the date of the murder violated his rights under *Brady v. Maryland*.² And finally, Thomas claims that the Superior Court erred by denying his request for an evidentiary hearing. But Thomas did not assert his substantive claims—that is, the claims other than the evidentiary-hearing claim—in the proceedings leading to the judgment of conviction. Thus, those claims are procedurally barred under Rule 61(i)(3) unless Thomas can show “cause” for relief from his procedural default and “prejudice” from the violation of his rights.³

(4) Thomas cannot show cause for his default because he knew, during trial and his direct appeal, that Pruden's testimony was—to put it charitably—suspect.

¹ The Superior Court denied these claims as procedurally barred under Rule 61(i)(3) because Thomas could have, but did not, raise them in the proceedings leading to the judgment of conviction.

² 373 U.S. 83 (1963). The Superior Court denied this claim as moot.

³ See Del. Super. Ct. Crim. R. 61(i)(3).

In fact, in closing argument, Thomas’s counsel suggested that the defense had proved conclusively that Pruden’s testimony was false because she was “in jail” on the date in question.⁴ Yet he did not request any specific relief from the trial court, nor did he raise his due-process arguments on direct appeal. Thomas does not offer a persuasive excuse—or “cause”—for this default.

(5) Nor can Thomas show that he suffered prejudice as the result of the prosecution’s use of Pruden’s testimony. Had Pruden been the only—or the most critical—prosecution witness, Thomas might have a point. But there was ample proof of Thomas’s guilt independent of Pruden’s problematic testimony. Under the circumstances, it is not substantially likely that the outcome of Thomas’s trial would have been different had the jury not been exposed to Pruden’s testimony. Our review of the record persuades us that, given the evidence adduced by defense counsel during trial showing that Pruden was incarcerated on the day of shooting, the jury almost certainly disregarded Pruden’s testimony altogether and based its verdict on the testimony of the other, more compelling witnesses.

(6) For these reasons, the Superior Court was correct in concluding that Thomas’s claims related to the prosecution’s use of Pruden’s testimony are procedurally barred under Rule 61(i)(3). Likewise, the court did not err by denying Thomas’s *Brady* claim, based as it is on the prosecution’s failure to disclose

⁴ Trial Tr. 72–73, Sept. 19, 2017.

information (Pruden's custodial status) of which Thomas was aware during his trial and direct appeal. We also find no abuse of discretion in the Superior Court's denial of Thomas's request for an evidentiary hearing.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Gary F. Traynor
Justice

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,

)

)

Plaintiff,

)

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I.D.: 1505012411

v.

)

)

DAMIAN THOMAS,

)

)

Defendant.

)

SUBMITTED: August 30, 2021

DECIDED: November 10, 2021

**OPINION ON DEFENDANT'S AMENDED MOTION
FOR POST CONVICTION RELIEF**

Sean P. Lugg, Deputy Attorney General, Office of the Attorney General, Carvel State Office Building, 820 N. French Street, 7th floor, Wilmington, Delaware, Attorney for the State of Delaware.

Christopher Koyste, Esquire, 709 Brandywine Boulevard, Bellefonte, Delaware, 19809, Attorney for Defendant Damian Thomas.

Jones, J.

A5

INTRODUCTION

On April 18, 2019, Defendant Damian Thomas (“Thomas”) filed a *pro se* Motion for Post-Conviction Relief, Appointment of Counsel, and an Evidentiary Hearing pursuant to Delaware Superior Court Criminal Rule 61 (“Rule 61 Motion”). Counsel was appointed. On January 22, 2021, Mr. Thomas’ appointed counsel filed an Amended Motion for Postconviction Relief. Briefing on these motions is complete and the case is ready for a decision. For the reasons stated below, Defendant’s Motions are DENIED.

BACKGROUND AND PROCEDURAL HISTORY

On July 18, 2016, a New Castle County grand jury charged Thomas with First Degree Murder, Possession of a Firearm During the Commission of a Felony (“PFDCF”), Possession of a Firearm by a Person Prohibited (“PFBPP”) and Carrying a Concealed Deadly Weapon (“CCDW”). Thomas was arrested the same day.

On September 19, 2017, after a five-day trial, a Superior Court jury found Thomas guilty of First-Degree Murder, PFDCF, and CCDW. The parties agreed to sever the PFBPP charge and to waive a jury trial for the adjudication of that charge. A bench trial followed the return of the jury’s trial verdict, and the trial judge found Thomas guilty of the PFBPP charge.

On November 2, 2017, the Superior Court sentenced Thomas to serve the remainder of his natural life in prison for his First-Degree Murder conviction and to 5 years incarceration followed by decreasing levels of probation for the remaining three charges. Thomas appealed his conviction to the Delaware Supreme Court. The Delaware Supreme Court affirmed the Superior Court on March 26, 2019.

In Thomas' direct appeal, the Delaware Supreme Court found the following:

The evidence against Thomas was considerable and, even without Detective Curley's opinion testimony, more than sufficient to support Thomas's conviction. Two other eyewitnesses—Etta Reid and Leantaye Cassidy—testified that they saw Thomas shoot Deshannon Reid before he fled through the parking lot.¹⁸ Moreover, Thomas's former cellmate, testified that Thomas told him that he retrieved a gun and shot Deshannon following a drug-related argument. Lastly, the jury had the ability to review on its own the content of the surveillance videos and determine whether it was Thomas on the tapes. This evidence—coupled with the facts that Thomas fled from Delaware and his girlfriend of seventeen years, remained at large for a year, and admitted that he was wanted for murder in Delaware when police apprehended him in New Jersey in 2016—is sufficient to sustain Thomas's conviction. Thus, even if the Superior Court erred in admitting the detective's opinion, such error was harmless and does not warrant reversal.¹

A third eyewitness, Monique Pruden was called by the State. As to Ms. Pruden's testimony, the Supreme Court had this to say:

A third purported eyewitness was apparently discredited when the defense introduced evidence that she was

¹ *Thomas v. State*, 2019 WL 1380051, at *4 (Del. 2019).

incarcerated on the night of the murder. The State countered that the evidence suggested that the witness could have been on work release at the relevant time, but the Superior Court, in the absence of evidence supporting this contention, precluded the State from arguing that point to the jury.²

It is the testimony of Ms. Pruden that forms the basis of Thomas' instant Rule 61 motion.

GROUND FOR RELIEF

Thomas advances three arguments as to Pruden's testimony. Thomas alleges that (1) his conviction was tainted by the use of Pruden's perjured testimony; (2) the State committed prosecutorial misconduct by failing to correct Pruden's perjured testimony and by addressing this testimony in its closing and rebuttal arguments; and (3) the State committed a *Brady* violation by failing to search for, uncover, and disclose impeachment information pertaining to Pruden. In his fourth claim, Thomas asserts that an evidentiary hearing is needed to "determine whether the State suppressed material impeachment information in relation to Pruden's June 16, 2015 statement to Detective Curley."³

FACTS

The first statement of Monique Pruden was given pretrial to Detective Curley on June 16, 2016. His summary of that interview indicates:

² *Id.* at n. 18.

³ Amended Motion at 55, *State v. Thomas*, (No. 1505012411) (Del. Super. 2019). Hereinafter referenced as "Amend. Mot."

I conducted an interview with Pruden on 6/16/15 at the Wilmington police station. This interview was recorded. Pruden advised that she knows the victim, Shannon and "Mutt." She said Shannon was the weed man and "Mutt" would buy weed off of him. She has since heard "Mutt" owed Shannon money. She explained that she was near Pete's pizza when she heard the gunshots and then "Mutt" ran past her onto Market Street. She did not see a gun in his hand but stated he could have put it into his waistband by then. Pruden was shown a six person photo line-up, and she positively identified Damian Thomas as "Mutt." She arrived at the scene and there were people around the victim. She explained that everyone was saying it was "Mutt" who had just shot DeShannon.⁴

On September 15, 2017, the State sent an email to trial counsel in which it said:

... Today we interviewed Monique Pruden. She was previously interviewed by [sic] Detective Curley and her interview was provided to you. A transcript of her previous interview was also provided. When re-interviewing Ms. Pruden she indicated she saw the shooting and that "Mutt shot Shannon." This second interview was recorded and I received a copy of this interview this evening. Please let me know the best way to get a copy of this interview to you tomorrow.⁵

On September 18, 2017, the State called Pruden to testify during its case-in-chief.⁶ In relevant part, Pruden testified on direct examination that she was "present on the block the night that Deshannon Reid was killed."⁷ She admitted on direct examination that her 2015 statement to Detective Curley would be inconsistent with

⁴ A50.

⁵ A73. Hereinafter, all references to (A) are to the Appendix filed by Thomas in the instant motion.

⁶ A166.

⁷ A168.

her soon-to-be-given-in-court testimony, explaining as to the reasons for the inconsistencies that “at the time I was just afraid, and I didn’t want anything to do with it.”⁸ In explaining what she allegedly saw, Pruden testified, “I was on 27th Street. I was standing there by the church, and I heard Shannon and Mutt. They were arguing. They were on the sidewalk in front of Shannon’s house --.”⁹ Ms. Pruden thereafter identified Mr. Thomas as “Mutt” by pointing him out to the jury.¹⁰ Pruden then continued with her testimony, and the following exchange with the DAG occurred:

A. They were arguing, and then they were arguing on the sidewalk.

Q. Where on the sidewalk?

A. Like, in front of Deshannon’s house, and then Deshannon spit on Mutt. After that, they were - - he said, “Mother fucker, I’ll be back.

Q. Who said that?

A. Mutt, and then, I would say five minutes went by. He came back. They were still arguing again.¹¹

According to Pruden, “Mutt walked right by her in the direction of Market Street” and was gone for “about five minutes” before he returned.¹² Pruden further testified that Reid and Thomas resumed arguing, that Reid was “waving his hands

⁸ A168-69.

⁹ A169.

¹⁰ *Id.*

¹¹ A170.

¹² A170-71.

around” and that Thomas had a gun and “[w]hen Deshannon turned around, he pulled it out and he started shooting.”¹³ She stated that she saw the gun come out, heard the shots, and saw Mutt’s hand extended.¹⁴ Pruden testified that “after he shot Deshannon Reid,” Mutt “ran through Pete’s parking lot.”¹⁵ She further averred that she was familiar with Mutt before all of this happened, and that she had no problem seeing any of the events that night and that she was testifying from what she saw that night.¹⁶

On cross-examination, trial counsel asked Pruden, “It is your testimony today that you saw everything?”¹⁷ Pruden responded “Yes.”¹⁸ Trial counsel then inquired of Pruden, “It’s your testimony today that you were on 27th & Market on October the - - on April the 14th, 2015, correct?”¹⁹ Pruden responded “Yes.”²⁰ She specified that she was standing on 27th Street by the church, not exactly in front of the church, but closer to Deshannon’s home, on the same side that Deshannon lives on.”²¹ Ms. Pruden testified that she did not see Deshannon’s mother, Ms. Reid, outside that

¹³ A171.

¹⁴ A172.

¹⁵ *Id.*

¹⁶ A173.

¹⁷ A176.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

day.²² Thereafter, the following exchange occurred between trial counsel and

Pruden:

Q. And you said earlier you told police you only heard the shooting, but this time you're saying that you saw the shooting, correct?

A. I saw it the first time. I didn't want anything to do with it.

Q. Okay, and the testimony that you're giving, you're giving this under oath, right?

A. Yes.

Q. And this is the hundred percent the truth, the whole truth and nothing but the truth?

A. Yes.

Q. And how sure are you of that?

A. Cause I was there.

Q. You were there. Is there anything that I could say to make you think that you weren't there?

A. I guess you will; won't you?

Q. No, I'm just asking you.

A. No, you cannot.²³

²² A179, 182.

²³ A182-83.

Trial counsel then asked Pruden if she was in WCI on April 7, 2015, to which Pruden responded yes.²⁴ Trial counsel then requested a recess, at which point trial counsel stated:

Your Honor, here's where we are in this matter. Miss Pruden has testified that she was present on April the 14th, 2015 at - - on Market Street and 27th. We have evidence to show that on April the 24th, 2015²⁵ she was sentenced by Judge Street to 3 months at Level V. Her release date would have, and it is, 4/27/15 - - 4/29/15, Your Honor.

I've shown the State a copy of the inmate locator. There's an inmate locator that is sent that shows every person that is incarcerated on a certain day in the State of Delaware. I've pulled the date to show that on April the 13th, 2015, Ms. Pruden was in the custody of the Department of Correction in the Hazel Plant Correctional Center at WCI on Baylor on February 13, 2015.

I pulled the date to show that Miss Pruden was also in custody at the Department of Correction on April 15, 2015. I show - - I also pulled the date that says that she was in custody on April the 29th, 2015, and I pulled the records to show that she was no longer in custody on May 1st 2015.

I have the Sentencing Order, Your Honor. I have the Court's commitment paper, and I also have the violation report that was filed on 6/9/2015 that also says that she was released from custody on May 1st, 2015 and was violated for failure to report to Level III probation, that is currently pending, cause she was out on capias since that time.²⁶

²⁴ A183.

²⁵ It appears that trial counsel mistakenly said "April" when he meant February. See A246.

²⁶ A185-86.

The DAG advised that they had never seen those records and needed time to review them.²⁷ The State also agreed to provide trial counsel with DELJIS records that would show Pruden's actual release date from custody.²⁸ Upon returning from recess, the DAG stated that "I believe everyone is on the same page now, that she was at Hazel D. Plant Center. Mr. Armstrong will cross-examine her about that facility and what inmates can or can't do, and the State will redirect."²⁹

During trial counsel's resumed cross-examination of Pruden, she refused to acknowledge that she was in the custody of the Department of Correction ("DOC") on the day of the shooting. Instead, she insisted that she was working at Deal\$ in April 2015 from 12:00 pm to 5:00 pm and was living at 303 West 29th Street.³⁰ Pruden further stated that she had been sentenced to probation, despite the sentence order showing that she received Level V time and that trial counsel was wrong in stating that she was released from custody on April 29, 2015.³¹ When trial counsel asked Pruden whether, factoring in good time, she was released from custody on April 29, 2015, she insisted he was incorrect stating that "It wasn't April 29th. You're trying to say I was in jail when this went down, I was not."³²

²⁷ A187.

²⁸ *Id.*

²⁹ *Id.*

³⁰ A189, 192, 195-202.

³¹ A193-94, 196.

³² A195-96.

Trial counsel questioned Pruden on her violation paperwork which stated she had been released from custody on May 1, 2015 and that she did not live at the address she had provided at trial, 303 West 29th Street.³³ When trial counsel specifically asked, "I want to know if you were incarcerated on April the 14th, 2015," Pruden responded, "No."³⁴ Trial counsel followed up this question by asking "Even though the documents say that you were?" to which Pruden responded "Yes."³⁵

Regarding the rules of Hazel D. Plant pertaining to curfew and work release, the following exchange occurred between trial counsel and Pruden:

Q. And you said you've been - - you've done Hazel Plant before?

A. Yes, I have.

Q. All right. Part of the rules is that there's a curfew, right?

A. Yes.

Q. What time's the curfew?

A. Well, 10:00.

Q. 10:00

A. But I never - - I wasn't in at 10:00.

Q. So, you weren't in there at 10:00?

³³ A200-01.

³⁴ A210-11.

³⁵ A211.

A. No, I was not.

Q. And they also have phases in order for you to get and go on work release, right?

A. Yes.

Q. All right, and when you were at Hazel Plant, did you ever make - - what phase did you make in those two months that you were there?

A. It wasn't work - - I had got - - I went home, because I had maxed up. So, I didn't have to end up making any phases.

Q. So, you never - - you went home after you maxed out on April 29th, 2015; isn't that correct? That's when you maxed out, right?

A. If you say so.

Q. That's exactly when you maxed out; isn't it?

A. No, it's not.³⁶

On redirect examination, the DAG read a description of Hazel Plant which noted that the facility has "work release as a component."³⁷

After the jury left for lunch recess, the State advised the Court that they were "going to be looking for some information from the records that we just got from Mr. Armstrong during break."³⁸ Subsequently, trial counsel advised the Court that

³⁶ A211-12.

³⁷ A214.

³⁸ A221.

he may call someone from the Department of Correction as a defense witness.³⁹ In response to the Court questioning whether it could potentially be worked out by stipulation between the parties, the State responded “hopefully,” and that it was attempting to get in contact with someone at the facility but was not successful. This was also confirmed by trial counsel who was also unsuccessful in his efforts to reach someone at the facility.⁴⁰ During closing arguments, the State stated:

Now, ladies and gentlemen, the State anticipates Mr. Armstrong is going to discuss the inconsistencies in Etta, Taye and Monique’s statements, talk about the inconsistencies in the distance of how far they were and where exactly they were in the street.

He’s going to talk to you about Monique. Monique was emphatic that she was out there. You heard Mr. Armstrong question her about her time at Hazel D. Plant Center.

You are going to be instructed that you will be the sole judges of credibility in this case....⁴¹

During closing arguments, trial counsel made the following comments regarding Pruden’s testimony:

Then you have Monique Pruden. In the State’s opening, they truly glossed over Monique, and then told you, well, even if you don’t believe Monique, you still got three other witnesses. Monique’s testimony conflicts with her previous statements, and the worst part of the whole thing is she was in jail. She got up on that stand, told you what she said,

³⁹ A224.

⁴⁰ A225, 227.

⁴¹ A235.

collaborated everything everyone else said, and she was in jail. Uncontrovertedly, she was in jail.

The question is: Is there a credibility question? Is there a credibility gap? Are we really dealing with fake news?

....

Maybe that's not enough reasonable doubt for you as well. Let's talk about Monique Pruden. That's the elephant in the room. That's the person that everybody wants to just push aside. Prove to you she's in jail on April 14, 2015. Prove to you she's in jail on April 14, 2015, and she saw everything. Prove to you that she's in jail on April 14, 2015. Released from jail on May 1, 2015. Prove to you that she was released from jail on May 1, 2015.

Court order sentenced her to three months in jail. What else do we have? When she's responding it was, it wasn't me. We've got institutional records showing that she was in jail from 2/7 to April 29, and yet what do we get? Once again, wasn't me. Institutional records showing she was in jail on April 14, April 15 and April 29. Again, wasn't me.

....

Monique Pruden, we can toss her out of there. We know where she was. We just don't know why she said what she said and got up on that stand and did what she did.⁴²

Thereafter, during rebuttal argument, the DAG stated:

Mr. Armstrong says to you that it is without a doubt that Monique Pruden was in jail. I think he writes jail up there five or six times. She's emphatic. She sits up there. She's there. The State submits to you, the records say she's at Hazel D. Plant, not jail. Hazel D. Plant.⁴³

⁴² Transcript of Trial at 72-73, 81-82, 88, *State v. Thomas*, No. 1505012411 (Del. Super. 2019).

⁴³ A240.

Trial counsel immediately objected, arguing:

At this point, the State is trying to insinuate that Hazel D. Plant is not a jail. It is actually a jail housed at WCI. That is a total misrepresentation of the facts.⁴⁴

Thereafter, the following exchange occurred.

THE COURT: Is the State suggesting, because it should know that she was out on work release or was at liberty or not in custodial section?

DAG: I think the answer is no one knows. I think we can argue they put into evidence that it's a work release facility.

THE COURT: I know defense put that into evidence, but does the State believe that she was at liberty in some fashion on April 14, 2015?

DAG: I do not know.

THE COURT: Well, I think it's the State's - - the State is in control of the Department of Correction. I don't think the State should be permitted to suggest, just because this document was put into evidence, it was partially a work release facility, which probably is - -

DAG: Your Honor, sorry to interrupt.

THE COURT: Go ahead.

⁴⁴ *Id.*

DAG: On cross-examination she said she has a job at Deals on Miller Road in April of 2015.

THE COURT: What has the State found out from the Department of Correction as to where she was on April 14.

DAG: I do not have an answer. All I know is that she was at Hazel D. Plant, and I don't have a definitive answer. That's what we were trying to get, and I can't get it.

MR. ARMSTRONG: That is a Level V facility, your Honor. The State is now saying that it's not. It's a prison.

THE COURT: I think just because that document was put into evidence and suggests that it can be a work release referral, it is incumbent on the State, maybe just because a personnel at the department of Correction weren't there in the last couple days, when this 24 hours almost when this came to light, I don't think the State should be able to suggest that she might have been able to leave without affirmative proof given the seriousness of this that the defendant – I think it stated another way, I think the State is bound by the weight of the facts developing this case, that she was in prison on April 14, and I'm just going to preclude the State from arguing to the contrary.

The State is the one on this important issue that should be able to tell the Court whether or not she was in prison. If you say you can't tell that one way or the other, I'm not going to allow an argument to the contrary.⁴⁵

The DAG stated that the State disagreed but would move on.⁴⁶ However, defense counsel requested that the record be corrected, noting "She has said that she

⁴⁵ A240-41.

⁴⁶ A241.

was not in jail; she was at Hazel D. Plant, which leads the jury to believe she is not in jail. That needs to be corrected, Your Honor.⁴⁷ The DAG disagreed.⁴⁸ However, the Court concluded a correction was warranted, noting:

Well, then I think the State should have put on some evidence that she was in the work release program or had the ability to leave, other than this document. I have to find the question because the State never argued until right now in rebuttal, that there was theoretical opportunity of her to not have been at Hazel D. Plant.

I'm going to instruct the jury that Hazel D. Plant is a secure facility because I think it was incumbent on the State, having called her as a witness, found out the fact it did, to have shown one way or the other that she was in the custodial situation at Hazel D. Plant or not.

So I'm going to instruct the jury that for the background facts, Hazel D. Plant is a, in fact, a jail.⁴⁹

Thereafter, the Court stated, "Members of the jury, I instruct you that Hazel D. Plant facility is a jail."⁵⁰

PROCEDURAL BARS UNDER RULE 61(i)

"Postconviction relief is a collateral remedy which provides an avenue for upsetting judgments that otherwise have become final. It is not designed as a substitute for a direct appeal."⁵¹ Superior Court Criminal Rule 61 governs motions for postconviction relief, establishing the procedures by which a defendant may

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *William Henry Flamer v. State of Delaware*, 585 A.2d 736, 745 (Del. 1990).

collaterally attack his conviction. The Court first must determine whether the claim is barred under Superior Court Criminal Rule 61(i). Rule 61 contains several procedural bars but only the “procedural default” bar is pertinent to this case.⁵² Specifically, Rule 61 (i)(3) prohibits a defendant from raising “any ground for relief that was not asserted in the proceedings leading to the judgment of conviction... unless the movant shows (A) cause for relief from the procedural default *and* (B) prejudice from the violation of movant’s rights.”⁵³ In order to show “cause for relief from the procedural default,” Defendant must show that “‘some external impediment’ prevented him from raising the claim.”⁵⁴ To show “prejudice from violation of the movant’s rights,” Defendant must show that there is a “substantial likelihood” that if the issue had been raised on appeal, the outcome would have been different.⁵⁵

Thomas raises three claims relating to the verdict rendered against him by a jury. In his first claim, Thomas argues that his “right to due process of law under the Fourteenth Amendment to the United States Constitution and Article I, § 7 of the Delaware Constitution was violated when his conviction was tainted by the use of perjured testimony.”⁵⁶ In his second claim, Thomas argues that “the State committed

⁵² The State concedes the other procedural bars in Rule 61 do not apply to the Thomas’ claims in his amended motion.

⁵³ Del. Super. Ct. Crim. R. 61(i)(3).

⁵⁴ *Younger v. State*, 580 A.3d 552, 556 (Del. 1990) (citing *Murray v. Carrier*, 477 U.S. 478, 492 (1986)).

⁵⁵ *Flamer v. State*, 585 A.2d at 748 (quoting *United States v. Freddy*, 456 U.S. 152, 172, 174 (1982)); *see also Perez*, ID No. 1807009079, at 6.

⁵⁶ Amend. Mot. at 21.

four key errors with respect to calling Monique Pruden as a witness in its case-in-chief that cumulatively amounted to prosecutorial misconduct.”⁵⁷ Thomas argues the State failed to: (1) adequately review Pruden’s criminal record prior to trial; (2) secure records or call witnesses after Thomas produced records indicating Pruden was incarcerated at the time of the murder; (3) correct Pruden’s “nearly certain” false testimony at trial; and (4) arguing from Pruden’s false testimony in closing and rebuttal arguments.⁵⁸ In his third claim, Thomas argues that “the State violated its obligations under *Brady v. Maryland* by failing to search for and disclose crucial impeachment information demonstrating the falsity of Ms. Pruden’s testimony,” which violates Mr. Thomas’ right under the Fourteenth Amendment to the United States Constitution and Article 1, § 7 of the Delaware Constitution.”⁵⁹

The State asserts that Thomas’ claims are procedurally barred. Specifically, Thomas failed to raise these claims “leading to the judgment of conviction.”⁶⁰ To overcome this procedural bar Thomas must show “cause for relief from the procedural default and ... prejudice from the violation of [his, as] the movant’s rights.”⁶¹ According to the State, Thomas cannot make this showing.

**THOMAS FAILS TO SHOW “CAUSE” TO OVERCOME THE
PROCEDURAL BAR OF RULE 61**

⁵⁷ *Id.* at 38.

⁵⁸ *Id.*

⁵⁹ *Id.* at 47.

⁶⁰ Del. Super. Ct. R. 61(i)(3).

⁶¹ *Id.*

Thomas argues that he has shown “cause” or “some external impediment” which prevented him from raising his first three claims on direct appeal relating to violation of his due process rights, the use of perjured testimony, and a *Brady* violation by the State. “‘Cause’ for a procedural default on appeal ordinarily requires a showing of some external impediment preventing counsel from constructing or raising the claim.”⁶² Thomas argues that he could not have raised these claims on direct appeal because “trial counsel could not have obtained the documentation needed to conclusively show that Ms. Pruden was in custody at Hazel Plant on April 14, 2015 and did not have the ability to leave the facility on work release at that time.”⁶³

Thomas contends that he has established cause because the record is now more expansive than that on the direct appeal. He points to Pruden’s recantation, the testimony establishing that Pruden was not working at Dollar Tree or Deal\$ at the time of the murder, and the conclusive proof that Pruden did not have the ability to leave Hazel D. Plant on the day of the murder in support of this argument.

The record is clear that Thomas’ counsel, before trial, had access to inmate locator sheets, Pruden’s docket sheet, sentencing order, the Court’s commitment paper, and violation report “all of which raised strong suspicion that Ms. Pruden was

⁶² *Younger v. State*, 580 A.2d at 556 (citing *Murray v. Carrier*, 477 U.S. 478, 492 (1986)).

⁶³ Amend. Mot. at 23, 45-46, 53.

in custody at Hazel Plant on April 14, 2015.”⁶⁴ However, Thomas advances that because the State continued to suggest to the jury, after trial counsel presented documentation evidencing that Pruden was incarcerated, that she was at some liberty to leave the facility, that trial counsel did not have documentation to “conclusively refute” that. Thus, Thomas could not have raised these claims on his direct appeal.

This Court is satisfied that based on the documentation that was available to trial counsel, and the use to which trial counsel put this material, that there was sufficient evidence available for these claims to be raised on direct appeal. By the time of the verdict, everyone was aware of the question of Pruden’s whereabouts at the time of the murder and the arguments made by each side regarding Pruden. The trial court went so far as to give an instruction regarding Hazel D. Plant facility and prevented the State from arguing that Pruden was not incarcerated. On this record, there was nothing preventing Thomas from raising these issues in his direct appeal.⁶⁵

THOMAS FAILS TO SHOW THAT HE HAS SUFFERED PREJUDICE

Not only is cause lacking, but so is the conjunctive required showing of prejudice under Rule 61(i)(3).

Claim I: Alleged Use of Perjured Testimony

In a Rule 61 motion, to show prejudice from violation of movant’s rights, a defendant must show that there is a substantial likelihood that if the issue had been

⁶⁴ Amend Mot. at 33-34.

⁶⁵ The Dollar Tree records and the affidavit of Darren Carter is evidence that is merely cumulative to that presented at trial during the cross examination of Pruden.

raised on appeal, the outcome would have been different.⁶⁶ No such showing can be made in this case.

In the direct appeal in this case, the Delaware Supreme Court clearly noted:

The evidence against Thomas was considerable and, even without Detective Curley's opinion testimony, more than sufficient to support Thomas's conviction. Two other eyewitnesses – Etta Reid and Leantaye Cassidy – testified that they saw Thomas shoot Deshannon Reid before he fled through the parking lot. Moreover, Thomas's former cellmate, testified that Thomas told him that he retrieved a gun and shot Deshannon following a drug-related argument. Lastly, the jury had the ability to review on its own the content of the surveillance videos and determine whether it was Thomas on the tapes. This evidence –coupled with the facts that Thomas fled from Delaware and his girlfriend of seventeen years, remained at large for a year, and admitted that he was wanted for murder in Delaware when police apprehended him in New Jersey in 2016 – is sufficient to sustain Thomas's conviction. Thus, even if the Superior Court erred in admitting the detective's opinion, such error was harmless and does not warrant reversal.⁶⁷

This Court, joining in the Supreme Court's analysis of the facts here, concludes that, Thomas cannot overcome the hurdle of demonstrating that there is a substantial likelihood that if the issues had been raised on appeal, the outcome would have been different. In short, the issue of Pruden's whereabouts were before the jury and trial court, and the Delaware Supreme Court considered it as well. On this record, it cannot be said that there is a substantial likelihood that the outcome would

⁶⁶ *Flamer v. State*, 585 A.2d at 748 (quoting *United States v. Freddy*, 456 U.S. 152, 172, 174 (1982)); see also *Perez*, ID No. 1807009079, at 6.

⁶⁷ *Thomas v. State*, 2019 WL 1380051, at *4 (Del. 2019).

have been different when the issue was fully vetted and obvious at trial.⁶⁸ The evidence against Thomas was overwhelming. Moreover, the circumstances surrounding Pruden's whereabouts at the time of the murder was fully vetted at trial. The issues surrounding Pruden were obvious.

In an effort to get past this hurdle, Thomas argues that a different test should be employed by this Court in review of this matter. Citing to various United States Supreme Court decisions including, *United States v. Agurs*,⁶⁹ *Giglio v. United States*,⁷⁰ and *Napue v. People of Ill.*,⁷¹ Thomas asserts that the proper standard for this Court to utilize to determine prejudice is whether "there is a reasonable likelihood that the perjured testimony of Pruden could have affected the judgment of the jury."⁷²

Thomas' reliance on *Agurs* and *Giglio* is misplaced. In *Agurs*, the Court was asked to determine whether the defendant was deprived of a fair trial under *Brady* when the prosecutor failed to provide certain information to her about the victim that would have supported her self-defense claim.⁷³ The Court noted that *Brady* applied

⁶⁸ This Court does not agree with Thomas' argument that the record was incomplete on this issue. The record contained sufficient information for the Supreme Court to address any issue surrounding whether perjured testimony was offered in the trial court.

⁶⁹ 427 U.S. 97 (1976) (holding modified by *United States v. Bagley*, 472 U.S. 667 (1985)).

⁷⁰ 405 U.S. 150 (1972).

⁷¹ 360 U.S. 264 (1959).

⁷² Amend. Mot. at 21.

⁷³ *Agurs*, 427 U.S. at 98-99, 107.

in this situation where there was “discovery, *after trial*, of information which had been known to the prosecution but unknown to the defense.”⁷⁴

Similarly, in *Giglio*, the issue before the Court was whether the petitioner was entitled to a new trial under *Napue* due process criteria.⁷⁵ The basis of the petitioner’s motion was newly discovered evidence that the Government had failed to disclose – an alleged promise of leniency to a key witness in return for his testimony.⁷⁶ The witness in *Giglio* was an alleged co-conspirator of the petitioner and the *only* witness that linked him to the crime.⁷⁷

In *Napue*, the issue before the Court was whether the petitioner was denied his due process rights when the prosecutor failed to correct testimony of a witness that he knew to be false.⁷⁸ The witness was the “principal witness,” and his testimony “extremely important” because the circumstances made eyewitness identification “very difficult and uncertain,” and other relevant witnesses were no longer in the state.⁷⁹ The witness testified that he had not been promised anything for his testimony against the petitioner. *After trial*, the Assistant State’s Attorney filed a petition alleging that he had promised the witness that he would make a

⁷⁴ *Id.* at 103 (emphasis added).

⁷⁵ *Giglio*, 405 U.S. at 151.

⁷⁶ *Id.* at 150.

⁷⁷ *Id.* at 764.

⁷⁸ *Napue*, 360 U.S. at 265.

⁷⁹ *Id.* at 265-66.

recommendation and effectuate a reduction of his sentence for his testimony against the petitioner,⁸⁰ prompting the petitioner to then file a post-conviction petition.

In the cases cited by Thomas, the petitioners made allegations regarding newly discovered evidence *after* trial. At most, Thomas has alleged that trial counsel was unable to successfully obtain evidence to “conclusively refute” the State’s suggestion that Pruden was at liberty to leave Hazel Plant at the time of the murder. All of the facts surrounding Pruden’s custody status at the time of the murder were presented before the trial court. It is clear from the record that Pruden was in custody at Hazel D. Plant on April 14, 2015. The State was not able to obtain any evidence to support that Pruden was at liberty to leave the facility at the time of the murder. As such, the trial court prevented the State from arguing to the contrary. The trial judge further instructed the jury that Hazel Plant is a jail. Based on the evidence available at the time of trial, trial counsel was able to effectively cross-examine Pruden and discredit her testimony.⁸¹ On this record, this Court does not find that Thomas suffered prejudice from the use of Pruden’s testimony.

Claim II: Alleged prosecutorial misconduct

⁸⁰ *Id.* at 266.

⁸¹ Moreover, in *Giglio* and *Napue*, the witnesses whose testimony was at issue were described as “key,” and “principal.” In *Giglio*, the witness was the *only* witness linking the petitioner to the crime. The same is not true regarding Pruden in the instant case. There were two other eyewitnesses to the shooting, as well as Thomas’ former cellmate who testified that Thomas told him he shot Deshannon Reid. There was also a video for the jury to consider. The Delaware Supreme Court also described the State’s evidence against Thomas as “considerable,” without giving any weight to Pruden’s testimony.

Thomas argues that the prosecutors engaged in misconduct justifying relief under Rule 61. At the outset, this Court must determine whether any actions by the State constituted misconduct. Thomas first argues that the State's failure to adequately check Pruden's criminal records prior to trial was "grossly negligent."⁸² Thomas additionally argues that even if the State did not have the responsibility to determine Pruden's custody status prior to trial, that the responsibility arose once Pruden's custody status was brought to the attention of the State.⁸³

Thomas advances that the State knew about Pruden's conviction for Aggravated Menacing because the DAG actually questioned her about it on direct examination. Based on "the docket sheet alone for Ms. Pruden's Aggravated Menacing case leads one to believe that Ms. Pruden was in custody."⁸⁴ This Court is not persuaded that the State engaged in misconduct because it did not adequately review Pruden's criminal record prior to trial. There is simply no duty on the part of a prosecutor to review a witness's criminal history to determine custody status at the time of a specific event, absent some prior notice of the relevance of this issue. As this issue first appeared during Pruden's cross examination, there was no misconduct as to this issue.

⁸² Amend. Mot. at 39.

⁸³ *Id.* at 40.

⁸⁴ *Id.* at 39, A246.

This Court further concludes that when the whereabouts of Pruden became an issue at trial, that the State did not engage in misconduct for failure to secure records or call witnesses. After trial counsel's cross examination of Pruden and the State's re-direct examination, the jury left for lunch recess.⁸⁵ The State advised the Court that they were "also going to be looking for some information from the records that we just got from Mr. Armstrong during break."⁸⁶ These records included the inmate locator sheet, sentencing order, the Court's commitment paper, and Pruden's violation report.⁸⁷ The Court questioned whether the issue could be worked out by stipulation between the parties, to which the State responded "hopefully." While the State did attempt to contact someone at the facility, it was unsuccessful in doing so. When the parties reconvened after the lunch recess, the State again explained that they were in unsuccessful, despite its efforts, in reaching anyone at the facility with the recess happening at lunch time. Trial counsel corroborated the State's failed attempts at reaching someone at the facility, noting he too was unsuccessful and was told that, "Apparently the Deputy Warden who is in charge is not in today, or we don't know if we can get it or whatever."⁸⁸

Based on this record, it is clear that the State attempted to secure records when trial counsel raised the issue of Pruden's whereabouts at the time of the murder. The

⁸⁵ A221.

⁸⁶ *Id.*

⁸⁷ A185-86.

⁸⁸ A225, 227.

State, however, was unable to obtain those records which trial counsel did confirm the State attempted to do. Thus, there was no misconduct on the part of the State.

What is more troublesome to this Court is that once the issue arose regarding Pruden's custody status at the time of the murder, and after an apparent agreement had been reached as to how the issue would be handled, the State continued to suggest in closing and rebuttal argument that Pruden was not incarcerated at the time of the murder with no supporting evidence.

Specifically, the State during its closing said:

Now, ladies and gentlemen, the State anticipates Mr. Armstrong is going to discuss the inconsistencies in Etta, Taye and Monique's statements, talk about the inconsistencies in the distance of how far they were and where exactly they were in the street.

He's going to talk to you about Monique. Monique was emphatic that she was out there. You heard Mr. Armstrong question her about her time at Hazel D. Plant center.

You are going to be instructed that you will be the sole judges of credibility in this case....⁸⁹

Further, during rebuttal, the State said:

Mr. Armstrong says to you that it is without a doubt that Monique Pruden was in jail. I think he writes jail up there five or six times. She's emphatic. She sits up there. She's there. The State submits to you, the records say she's at Hazel D. Plant, not jail. Hazel D. Plant.⁹⁰

⁸⁹ A235.

⁹⁰ A240.

It was then that trial counsel objected to this line of argument by the State and which the trial court agreed. Specifically, the trial court stated that it would not permit the State to argue the position that Pruden was at liberty to leave the facility at the time of the murder without evidence to support it. The trial court further provided an instruction to the jury that Hazel Plant is a jail. Based on the record, in this Court's view, the comments made by the State during closing and rebuttal could very well constitute misconduct. However, Thomas must still establish prejudice from the misconduct, which he cannot.⁹¹

Recently, in *Trala v. State*,⁹² the Delaware Supreme Court had occasion to review and reaffirm the standards applicable in reviewing a prosecutorial misconduct claim.⁹³ In citing to its decision in *Saavedra v. State*,⁹⁴ the Delaware Supreme Court explained that where an objection is timely raised by defense counsel or the issue is addressed *sua sponte* by a trial judge, the reviewing court must examine alleged prosecutorial misconduct for harmless error.⁹⁵

In the instant case, trial counsel immediately objected when the State continued to suggest to the jury that Pruden was at liberty to leave Hazel Plant with no evidence

⁹¹ This Court has previously addressed why Thomas has failed to show cause to overcome the procedural bar. Because Thomas has failed to show cause, whether he makes a showing of prejudice or not will not relieve him of the procedural bar. However, this Court still determines that even if Thomas showed cause, he fails to show that he suffered prejudice from the misconduct.

⁹² 244 A.3d 989 (Del. 2020).

⁹³ *Id.* at 998.

⁹⁴ 225 A.3d 364 (Del. 2020).

⁹⁵ *Trala*, 244 A.3d at 998 (citing *Saavedra*, 225 A.3d at 373).

to support this position. As an objection was made, the proper test is harmless error triggering the *Hughes* test.⁹⁶ The *Trala* Court, citing to *Baker v. State*, describes this analysis.

First, a court must determine whether misconduct occurred by reviewing the record *de novo*.⁹⁷ If no misconduct is found, then the analysis ends.⁹⁸ If misconduct is found, then a court must apply the three-factor *Hughes* test, since not all misconduct warrants reversal.⁹⁹ The *Hughes* factors are: (1) the closeness of the case, (2) the centrality of the issue affected by the error, and (3) the steps taken to mitigate the effects of the error.”¹⁰⁰ These factors are not conjunctive and may impact cases differently.¹⁰¹ The test is applied “in a contextual, case-by-case, and fact sensitive manner.”¹⁰²

⁹⁶ Thomas advances that this Court should engage in an analysis under *Hunter v. State* which is a misapprehension of the law. In doing a plain error analysis, where a court finds that reversal is not warranted, it will continue its analysis pursuant to *Hunter*.

[U]nder *Hunter*, even where we are unable to conclude that the prosecutor’s misconduct was so prejudicial as to compromise the fairness of the trial process, we may yet reverse where the misconduct is a part of a “persistent pattern of prosecutorial misconduct” over different trials such that a failure to reverse would compromise the integrity of the judicial process. *Trala v. State*, 244 A.3d 989, 998 (Del. 2020) (citing *Saavedra v. State*, 225 A.3d 364, 373 (Del. 2020)).

The Delaware Supreme Court has made clear that a *Hunter* analysis is applicable only in instances of misconduct that spread over a number of cases and not to multiple instances of misconduct in the same case as Thomas suggests. As such, a *Hunter* analysis is not applicable to this case.

⁹⁷ *Trala v. State*, 244 A.3d at 998.

⁹⁸ *Id.*

⁹⁹ *Id.* at 998-99.

¹⁰⁰ *Id.* at 999.

¹⁰¹ *Id.*

¹⁰² *Id.*

In applying the *Hughes* test to the facts of this case, the Court finds that there was no prejudice. As to the first factor, closeness of the case, it was not. Exclusive of Pruden's testimony, the Delaware Supreme Court described the State's evidence as "considerable."¹⁰³ The evidence included testimony of two eyewitnesses and Thomas' former cellmate. Additionally, the jury was able to review surveillance video. This evidence, along with Thomas fleeing from Delaware and his longtime girlfriend, admitting to being wanted for murder in Delaware when he was apprehended by police in New Jersey, was "sufficient to sustain Thomas's conviction," the Delaware Supreme Court concluded.¹⁰⁴

Thus, this first factor weighs heavily in favor of the State.

The second factor, centrality of the issue, weighs in favor of Thomas. The evidence put on by the State has been discussed above. The State bore the burden at trial to prove each element of the offenses charged against Thomas beyond a reasonable doubt. This included identification of Thomas as the person who committed the offenses.¹⁰⁵ "[T]he test to establish identity is whether 'the [trier of fact] could rationally [find] sufficient evidence to conclude beyond a reasonable doubt' that the defendant committed the crime charged."¹⁰⁶ Thus,

¹⁰³ *Thomas v. State*, 2019 WL 1380051, at *4 (Del. 2019).

¹⁰⁴ *Id.*

¹⁰⁵ *See McDonald v. State*, 2016 WL 4699155, at *2 (Del. 2016).

¹⁰⁶ *Id.*

identification of Thomas as the person who shot and killed Deshannon was central to the State's case against him.

As to the third factor, steps taken to mitigate the effects of the error, it weighs in favor of the State. This Court has previously discussed the trial court's response to the State's continued insinuations that Pruden was at liberty to leave Hazel Plant at the time of the murder without evidence to support this position. When the State attempted to do such, the trial judge precluded it.¹⁰⁷ The trial judge then further instructed the jury that "Hazel D. Plant is a, in fact, a jail."¹⁰⁸ As such, this Court finds that the trial court's actions did mitigate the effects of the errors by the State.

Weighing the factors set forth in *Hughes*, this Court finds that there was insufficient prejudice to Thomas for him to overcome the Rule 61 procedural bar as to this claim. This case was simply not that close. There was "considerable" evidence to support Thomas' conviction absent Pruden's testimony. Lastly, the trial court played an active role in correcting the State's error by giving an instruction regarding the Hazel D. Plant facility.

Claim III: Alleged *Brady* violation

According to Thomas, "the State violated its obligations under *Brady v. Maryland* by failing to search and disclose crucial impeachment information

¹⁰⁷ *Id.* at n. 18.

¹⁰⁸ A241.

demonstrating the falsity of Ms. Pruden's testimony."¹⁰⁹ To establish a *Brady* violation, a defendant must show (1) evidence exists that is favorable to the accused, because it is either exculpatory or impeaching; (2) that evidence is suppressed by the State; and (3) its suppression prejudices the defendant.¹¹⁰

The State provided Thomas with the substance of Pruden's 2015 conversation with police investigators¹¹¹ and her 2017 pre-trial interview.¹¹² Armed with this information, Thomas investigated Pruden's whereabouts at the time of the homicide and acquired documents showing her to be incarcerated at the time. Trial counsel effectively used this information to undermine Pruden's credibility, rendering her a witness unworthy of credit.¹¹³ Where, as here, a defendant received and effectively used impeachment material, there is no due process violation and *Brady* is not contravened.¹¹⁴

Therefore, Thomas' alleged *Brady* violation claim is moot.

¹⁰⁹ Amend. Mot. at 47 (citing *Brady v. Maryland*, 373 U.S. 83 (1963)).

¹¹⁰ *State v. Wright*, 67 A.3d 319, 324 (Del. 2013).

¹¹¹ Amend. Mot. at 7; A42, 50.

¹¹² Amend. Mot. at 8; A73.

¹¹³ *Thomas*, 2019 WL 1380051, at *4.

¹¹⁴ See *White v. State*, 816 A.2d 776, 778 (Del. 2003). Having concluded that there is no *Brady* violation, because the defense received and used the impeachment material effectively, there is no need for this Court to address the question of whether the Department of Corrections is part of the prosecution's team for purposes of a *Brady* analysis.

THOMAS FAILS TO SHOW GOOD CAUSE FOR AN EVIDENTIARY HEARING

Thomas' final claim is a request for an evidentiary hearing. Thomas submits "[a]n evidentiary hearing is needed... to determine whether the State suppressed material impeachment evidence in relation to Ms. Pruden's June 16, 2015 statement to Detective Curley."¹¹⁵ Thomas also maintains that a hearing is necessary to determine whether Pruden struck a deal with the State to give favorable testimony in exchange for a lighter sentence in a violation of probation against Pruden. "Under Rule 61, the Superior Court has broad discretion when determining whether an evidentiary hearing is necessary."¹¹⁶ In determining whether an evidentiary hearing is warranted, the stage of the proceedings should be considered by the Superior Court.¹¹⁷ "[G]ood cause' is a heavier burden than the showing needed for pretrial discovery."¹¹⁸ "Especially at the postconviction stage, 'petitioners are not entitled to go on a fishing expedition through the government's files in hopes of finding some damaging evidence.'"¹¹⁹

The record reveals that upon Thomas' request, the State "provided [postconviction counsel] with both the recording and transcript" of Pruden's June 16, 2015 statement.¹²⁰ And, in response to postconviction counsel's question

¹¹⁵ Amend. Mot. at 55.

¹¹⁶ *Winn v. State*, 2015 WL 1469116, at *2 (Del. Mar. 30, 2015) (citing Del. Super. Ct. Crim.R. 61(h)).

¹¹⁷ *Cabrera v. State*, 173 A.3d 1012, 1033 (Del. 2017) (citing *Dawson v. State*, 673 A.2d 1186, 1198 (Del. 1996)).

¹¹⁸ *Cabrera*, 173 A.3d at 1033.

¹¹⁹ *Id.*

¹²⁰ Amend. Mot. at 55.

concerning the completeness of the information provided, Detective Curley confirmed with the State that there was no additional footage regarding Pruden's statement. On this record and in light of the Court's findings in this decision, it views the request for an evidentiary hearing as a "fishing expedition" which is contrary to well settled Delaware law.

As for the allegations that there was a deal between Pruden and the State, there is simply no evidence that has been produced to support such a charge other than mere speculation on the part of the defense. Like the issue with Detective Curley, this request appears to the Court to be another request to go on a fishing expedition. The Court sees no reason for an evidentiary hearing, and therefore DENIES Thomas' requests.

IT IS SO ORDERED.

/s/ Francis J. Jones, Jr.
Francis J. Jones, Jr., Judge

Original to the Prothonotary

Superior Court of Delaware
New Castle County

21

☒ VIDEO (Fax to DOC)

☐ COURTROOM (Hand to Officer / Fax to DOC)

This Commitment or Release is effective pursuant to the dispositions noted below.

Case ID Number 1010016640 Date February 09, 2015

Defendant Name MONIQUE PRUDEN SBI 00384434 DOB [REDACTED]

(Circle either: Commitment or Release then Check Mark the Appropriate Blocks)

COMMITMENT

RELEASE

<input checked="" type="checkbox"/> In Default of Bail	<input type="checkbox"/> Bail Reduced to Unsecured / Own Recognizance
<input type="checkbox"/> Bail Set Secured	<input type="checkbox"/> Bail Posted Secured / Cash
<input type="checkbox"/> Bail Increased to Secured X Cash	<input type="checkbox"/> All Charges Dismissed for this ID Number
<input type="checkbox"/> Bail Revoked Pursuant To Statute Upon Conviction	<input type="checkbox"/> All Charges Nolle Prossed for this ID Number
<input type="checkbox"/> Bondsperson Relieved	<input type="checkbox"/> Money to be Applied to Account

Other: Other:

Next Proceeding (Type, Date & Time) VOP: 2/24/15 AT 9:00

Sanction Commitment from Hearing Type -- SELECT --
(Hearing Date)

Defendant shall ☐ be immediately placed in the custody of the Department of Correction, - DOC -, at Supervision Level - LEVEL - and shall be released from that custody on at .
☐ self-report on to the - DOC - to be placed under the custody of the Department of Correction at Supervision Level - LEVEL - and shall be released from that custody on at .

Judicial Action (Sussex County Only)

Arraignment: <input type="checkbox"/>	Waiver of Indictment <input type="checkbox"/>	Not Guilty <input type="checkbox"/>	Require Jury Trial <input type="checkbox"/>	R9S <input type="checkbox"/>
Other Action: <input type="checkbox"/>	R9W <input type="checkbox"/>	Adm Warrant <input type="checkbox"/>	Capias Return <input type="checkbox"/>	
Motion(s): Type: <input type="checkbox"/>		Granted <input type="checkbox"/>	Denied <input type="checkbox"/>	Reserved Decision <input type="checkbox"/>
Case Review: Other: <input type="checkbox"/>		Trial <input type="checkbox"/>	FTA Capias <input type="checkbox"/>	

(Bail Changes: Fill in Only if Bail is Changed or Set)

Criminal Action #(s)	Short Description	Bail Amount(s)	Type(s)
VN10-12-0231	VOP	\$ \$10,000.00	CASH ONLY
		\$	
		\$	
		\$	
		\$	
		\$	

Bail Conditions: ☐ Pre-Trial Services Supervision ☐ Drug / Alcohol Testing / Treatment
☐ Contact Public Defender ☐ No Contact With:

Other:

MSV JF Sharon D. Agnew
Judicial Officer Initials Clerk Initials Prothonotary

Courtroom: Court Reporter / FTR

Original - Court

cc: DOC / Institution (via Officer and/or Fax) - Defendant

A40

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE

VS.

MONIQUE L PRUDEN

Alias: See attached list of alias names.

DOB: [REDACTED]
SBI: 00384434

CASE NUMBER:
1010016640

CRIMINAL ACTION NUMBER:
VN10-12-0231-01
VIOL O/PROBATN
ORIG. CHARGE:
AGGR MENACING(F)

COMMITMENT
SEE NOTES FOR FURTHER COURT ORDER-TERMS/CONDITIONS

VIOLATION OF PROBATION SENTENCE ORDER

NOW THIS 24TH DAY OF FEBRUARY, 2015, IT IS THE ORDER OF
THE COURT THAT: The defendant is found in violation.
Defendant is sentenced as follows:

AS TO VN10-12-0231-01 : TIS 11 Del.C.0602000BFE
VIOL O/PROBATN - FOUND IN VIOLATION

Effective February 7, 2015 the defendant is sentenced
as follows:

- The defendant is placed in the custody of the Department
of Correction for 4 year(s) 10 month(s) at supervision
level 5
- Suspended after 3 month(s) at supervision level 5
- For 1 year(s) supervision level 3

APPROVED ORDER 1 September 18, 2017 8:30

A41

LIST OF ALIAS NAMES

STATE OF DELAWARE
VS.
MONIQUE L PRUDEN
DOB: [REDACTED]
SBI: 00384434

CASE NUMBER:
1010016640

KIMBERLY L JONES
MONIQUE PRUDEN
MONUQUE L PRUDEN
MONUQUE PRUDEN

APPROVED ORDER

3

September 18, 2017 8:30

A42

A18M1108

DIST: ALL INSTITUTIONS

INMATE LOCATOR FOR 04/13/15

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SBI NUM	LAST NAME	FIRST NAME	MI NAME	BIRTH DATE	RACE	SEX	LC IN	SEN TYP	ADMIT DATE	LOC ADM	CASE GT	PAROLE GT	CASE SENT	CASE SPT
							CD			MTN	EXPIR DATE	ELIG DATE	DATE	DATE

TOTAL FOR 04/13/15 7221

INSTITUTION CODES:

01	BWCI	07	FUR	31	DPC	DELAWARE PSYCHIATRIC CENTER								
02	JTVCC	08	FED	32	LH	LOCAL HOSPITAL								
03	SCI	09	WCF	33	CC	COMPACT CASE								
04	PCCC	10	NRVCI	34	AOD	AGREEMENT ON DETAINER								
05	MCCC	12	SCCC	38	WK	WEEKENDER OR STAGGERED SENTENCES								
06	CVOP			39	ATR	AGREEMENT TO RETURN								

2 TOTALS BY INSTITUTION

INST CODE	DRT	SENT	TOTAL	FORL	STATE HOSP	LOCAL HOSP	COMP CASES	WEEK DETAIN	WEEK ENDER	OTHER	ABSCND	ESCAPE	AWAIT ENTRY	IN TRANSIT
01 BWCI DELORES J. BAYL	134	223	357	0	5	0	1	2	0	7	0	0	0	0
02 JTVCCJAMES T. VAUGHN	189	2259	2448	0	10	0	11	6	0	15	0	2	0	0
03 SCI SUSSEX CORR INS	225	913	1138	0	6	0	2	6	0	14	0	3	0	0
04 PCCC PLUMMER COMMUNI	0	159	159	0	0	0	0	0	0	0	3	0	0	0
05 MCCC MORRIS COMMUNIT	0	136	136	0	0	0	0	0	0	0	4	0	0	0
06 CVOP CENTRAL VIOLATI	1	184	185	0	0	0	0	0	0	0	0	0	0	0
08 FED FEDERAL INST	0	1	1	0	0	0	0	0	0	0	0	0	0	0
09 WCF JOHN L. WEBB CO	0	47	48	0	0	0	0	0	0	0	2	0	0	0
10 NRYCIHOWARD R. YOUNG	692	966	1658	0	13	0	2	17	0	25	0	0	0	0
11 HDP HAZEL D. PLANT	0	87	87	0	0	0	0	0	0	0	0	0	0	0
12 SCCC SUSSEX COMMUNIT	78	260	339	0	0	0	0	0	0	0	9	2	0	0
14 SCN SCU NEW CASTLE	0	8	28	0	0	0	0	0	0	1	0	0	0	0
15 SCK SCU KENT COUNTY	0	3	3	0	0	0	0	0	0	1	0	0	0	1
16 SCS SCU SUSSEX COUN	0	2	4	0	0	0	0	0	0	1	0	0	0	0
23 PTN PT NEW CASTLE C	264	0	264	0	0	0	0	0	0	0	0	0	0	0
24 PTK PT KENT COUNTY	61	0	61	0	0	0	0	0	0	0	0	0	0	0
25 PTS PT SUSSEX COUN	73	0	73	0	0	0	0	0	0	0	0	0	0	0
31 DPC DELAWARE PSYCHI	28	7	35	0	0	0	0	0	0	0	0	0	0	0
33 CC COMPACT CASE	0	17	17	0	0	0	0	0	0	23	0	0	0	0
34 AOD AGREEMENT ON DE	13	20	33	0	0	0	0	0	0	0	0	0	0	0
38 WK WEEKENDER OR ST	0	26	26	0	0	0	0	0	0	0	0	0	0	0
39 ATR AGREEMENT TO RE	0	88	88	0	0	0	0	0	0	0	0	0	0	0
98 ABSC ABSCONDER	0	24	26	0	0	0	0	0	0	0	0	0	0	0
99 ESCP ESCAPEES (ADMIN	1	6	7	0	0	0	0	0	0	0	0	0	0	0

A43

NAT9995 Natural session terminated normally.

A44

A38M1108

STAT: ALL INSTITUTIONS

INMATE LOCATOR FOR 04/15/15

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SBI NUM	LAST NAME	FIRST NAME	MI NAME	BIRTH DATE	RACE	SEX	LC IN	SEN TYP	ADMIT DATE	LOC ADM	CASE GT	PAROLE GT	CASE SENT
							CD			MTN	DATE	DATE	DATE
	PRICE	LLOYD	C			M	10	0	2015/02/25	420			
	PRICE	LLOYD	C			M	23	5	2015/03/11	420			
	PRICE	LOU	G			M	02	7	2005/09/21	534			20020212
	PRICE	MILLARD	E			M	02	3	2010/02/16	110	20100220		20080408
	PRICE	PHILLIP	L			M	06	3	2015/03/10	503	20150909		20110622
	PRICE	RAPHAEL	A			M	02	3	2014/05/05	510	20150722		20080504
	PRICE	ZACHARY				M	03	3	2015/01/08	110	20220327		20141212
	PRIDDOY	ROBERT	J			M	10	3	2014/08/15	502	20160327		20080926
	PRIEST	KEVIN	L			M	02	3	2012/09/21	110	20161005		20120625
	PRIGGE	THOMAS				M	02	3	2011/05/01	110	20150520		20101125
	PRINCE	LISTON				M	31	0	2013/10/30	510			
	PRINO	ROBERT	L			M	03	0	2015/03/10	410			
	PRITCHETT	DEAN				M	02	3	2015/02/23	610	20230127		20140131
	PRITCHETT	DEAN	K			M	02	3	2012/12/12	510	20200114		20110325
	PRITCHETT	JERRY	K			M	10	6	2015/03/24	110			20150324
	PROFACI	VINCENT	J			M	03	1	2015/03/23	110	20151011		20141712
	PROTACK	ARIEL	M			F	01	3	2014/07/26	110	20201019		20140617
	PROTACK	BRIAN	D			M	10	3	2014/06/13	110	20160825	20170310	20131224
	PROUSE	DANIEL	M			M	02	3	2011/10/14	110	20160423		20101224
	PRUCINO	CASEY	D			M	10	3	2012/12/10	110	20170522		20131103
	PRUDEN	MONIQUE				F	11	1	2015/03/25	501	20150430		20150207
	PRUITT	ANDREW	J			M	39	6	2014/10/15	510			20141815
	PRUITT	WILLIAM	L			M	10	1	2015/01/13	110	20150518		20141218
	PRIOR	SCOTT	W			M	12	0	2015/03/18	510			
	PUCKHAM	FERRANCE	B			M	02	7	2007/12/03	110			20061211
	PUFF	MICHAEL	S			M	03	3	2008/03/19	110	20250329		20080110
	PULLER	KLEON	J			M	02	7	2001/12/03	510			10000224
	PULLIAN	DERRICK	L			M	23	5	2014/10/20	420			
	PULLINAM	MARKEVUS	D			M	02	3	2013/06/29	110	20190305		20111207
	PUPILLO	NICHOLAS	A			M	03	3	2014/08/21	110	20271113		20140430
	PURDIE	KEON	J			M	12	0	2015/04/14	510			
	PURDOR	MICHAEL	W			M	03	1	2015/01/05	502	20150607		20141101
	PURNELL	DEMONTE	D			M	02	1	2012/05/02	110	20380723		20110718
	PURNELL	ENOCH	A			H	06	1	2015/01/20	110	20150916		20150120
	PURNELL	JOHN	R			M	05	1	2015/04/07	510	20150807		20110629
	PURNELL	KIERAN	L			M	12	1	2015/02/19	110	20151005		20150204
	PURNELL	MARK	C			M	02	3	2011/02/12	503	20481011		20070123
	PURNELL	MICHAEL	D			M	02	7	2014/07/16	503			20111102
	PURNELL	PHILLIP	M			M	10	3	2010/12/16	110	20150811		20100112
	PURNELL	TERENCE	V			M	12	1	2014/12/19	530	20150507		20141212
	PURSEL	CARL				M	03	3	2014/12/24	502	20160713	20150617	20141206
	PURYEAR	ROBERT				M	02	0	2014/10/29	410			
	POSEY	DOUGLAS	C			M	05	3	2015/03/24	512	20150822		20140912
	POSEY	MELVIN	E			M	02	3	2015/01/24	120	20170823		20150122
	POTIBI	MARK	D			M	12	0	2015/02/19	420			
	PUTHAM	DARRELL	R			M	03	3	2014/01/29	110	20171226		20120815
	QADRAFI	ABDUL				M	02	3	2013/09/06	510	20200515		20110724

A45

A38N1108

DIST: ALL INSTITUTIONS

INMATE LOCATOR FOR 04/29/15

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SBI NUM	LAST NAME	FIRST NAME	MI NAME	BIRTH DATE	RACE	SEX	LC IN	SEN TYP	ADMIT DATE	LOC ADM	CASE GT EXPIR	PAROLE GT ELIG	CASE SENT EFF
							CD			MTH	DATE	DATE	DATE
	BRITCHETT	DEAN	M		M		02	3	2012/12/12	510	20200114		20110325
	BRITCHETT	JERRY	K		M		10	5	2015/03/24	110			20150324
	PROFACK	VINCENT	J		M		03	1	2015/03/23	110	20151011		20141212
	PROTACK	ARIEL	M		P		01	3	2014/07/26	110	20201017		20140617
	PROTACK	BRIAN	D		M		10	3	2014/06/13	110	20160825	20170330	20131224
	PROUDS	DANIEL	M		M		02	3	2011/13/14	110	20160417		20101224
	PRUCINO	CASEY	D		M		10	3	2013/12/10	110	20170522		20131203
	PRUDEN	MONIQUE			F		11	1	2015/04/29	110	20160428		20150429
	PRUITT	ANDREW	J		M		39	5	2014/10/15	510			20141015
	PRUITT	WILLIAM	L		M		10	1	2015/01/13	110	20150510		20141218
	PRYOR	SCOTT	W		M		12	0	2015/03/18	510			
	POCKHAM	TERRANCE	B		M		02	7	2007/12/03	110			20061211
	PUFF	MICHAEL	S		M		03	3	2008/03/19	110	20250324		20080110
	PULLER	ELSON	J		M		02	7	2001/12/01	510			20000224
	PULLIAN	DERRICK	L		M		10	3	2015/04/27	110	20180105		20150412
	PULLINAM	MARKEVUS	D		M		02	3	2013/09/19	110	20190303		20111207
	PUPILLO	NICHOLAS	A		M		03	3	2014/08/21	110	20271113		20140430
	PURDIE	KEON	J		M		12	0	2015/04/14	510			
	PURDUE	MICHAEL	W		M		03	1	2015/01/05	502	20150607		20141101
	PURNELL	DERONTE	D		M		02	3	2013/05/02	110	20380723		20110718
	PURNELL	ENOCH	A		M		05	1	2015/04/23	506	20150913		20150120
	PURNELL	JOHN	R		M		06	3	2015/04/07	510	20150807		20110625
	PURNELL	KIERAN	L		M		12	1	2015/02/19	110	20151005		20150204
	PURNELL	MARK	C		M		02	3	2011/02/22	503	20451031		20070123
	PURNELL	MICHAEL	D		M		02	7	2014/07/16	503			20111102
	PURNELL	PHILLIP	N		M		10	3	2010/12/16	110	20150831		20100712
	PURNELL	TERENCE	V		M		12	1	2014/12/19	539	20150507		20141212
	PURSEL	CARL			M		03	3	2014/12/24	502	20160713	20150617	20141205
	PURYEAR	ROBERT			M		02	0	2014/10/20	410			
	PUSEY	DOUGLAS	C		M		05	3	2015/03/20	512	20150817		20140912
	PUSEY	MELVIN	R		M		02	3	2015/01/24	120	20170823		20150122
	PUTIRI	MARK	D		M		12	0	2015/02/19	428			
	PUTNAM	DARRELL	R		M		02	3	2014/01/29	110	20171221		20130815
	QADHAFT	ABDUL			M		02	3	2013/09/06	510	20200514		20110724
	QALIES	ANTHONY	D		M		02	3	2009/09/05	503	20250213		20071031
	QUARLES	HENRY	B		M		10	0	2015/03/16	420			
	QUEEN	JANYA	L		P		23	5	2014/10/23	420			
	QUERRY	KELLIE			F		01	1	2015/01/27	110	20160126		20150127
	QUESENBERRY	MATTHEW	S		M		23	5	2015/03/16	420			
	QUIGLEY	ROBERT	M		M		02	3	2006/08/11	503	20191216		20060605
	QUILL	FRANCIS	M		M		10	3	2013/12/17	110	20170227		20131129
	QUILL	NICHAE	R		M		03	3	2014/03/28	512	20151302		20140310
	QUILLEN	DAMIEN	C		M		03	3	2015/03/25	110	20170929		20150104
	QUINN	JAMIE	E		F		01	1	2015/02/27	110	20160225		20150227
	QUINNEY	SHANE	A		M		06	3	2015/03/02	502	20200728		20150225
	QUINONES	HUMBERTO	R		M		24	5	2013/08/29	420			
	QUINONES	JOSE	A		M		10	0	2013/02/09	420			

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Report #
449867

Date: 06/09/2015



DEPARTMENT OF CORRECTION
BUREAU OF COMMUNITY CORRECTION

DO52 Cherry Lane Probation and Parole
314 Cherry Lane
NEW CASTLE, DE 19720
Phone#: 302-577-3443 Fax#: 302-577-3670

VIOLATION REPORT -- LEVEL - III
CASELOAD TYPE - Standard Level 3
VIOLATION TYPE -- Probation

To : Honorable ~~DANIEL G. STREET~~ *Vivian C. Medonilla*
New Castle County Superior Court

IN RE: PRUDEN, MONIQUE

SB#: 00384434

RACE: Black

SEX: Female

DATE: 06/08/2015

DOB : [REDACTED]

JUDGE/COURT : Honorable ~~DANIEL G. STREET~~
New Castle County Superior Court

DRUG EDUCATION FUND : N/A
PAROLE RELEASE DATE : N/A
IMPRISONMENT EFFECTIVE : 02/07/2015
IMPRISONMENT IMPOSED : N/A
IMPRISONMENT SUSPENDED : N/A
PROBATION IMPOSED : 1 Yr(s)

FINE : N/A
COSTS : \$212.00
VCF : N/A
RESTITUTION : N/A

CHARGE(S): 10100166-40-VN1012023101 - Vop-Aagr Menaci

Level: 3 Sentence Date: 02/24/2015 Start Date: 04/29/2015 MED: 04/28/2016

SPECIAL CONDITIONS:

☒ CRTCD Court Conditions

☐ RTCD Court Conditions

☐ CRTCD Court Conditions

STD All terms and conditions of the original sentence are reimposed

PLAIN No Contact with (Specify Who):

SUBABU Substance Abuse - Evaluation and treatment as directed

MENTAL Mental Health Evaluation/Treatment as directed

SCHED Pay \$ owed as directed by Court or PO

CONDITION COMMENTS:

☐ Sentenced to Level-3 For 1 Years

☐ Sentenced to Level-3 For 1 Years

☐ Sentenced to Level-3 For 1 Years

☐ N/A

☐ Elise Clark, Ernest Hudgins.

☐ N/A

☐ N/A

☐ N/A

ADDRESS [REDACTED]

EMPLOYMENT: N/A

SERVICE REQUESTED: YES TYPE: Capias

A47

RECOMMENDATION

It is respectfully requested that Your Honor issue a Capias for Ms. Pruden for Violation of Probation. Upon apprehension, it is requested that her sentence be revoked and impose sentence as follows:

CRA# 10-12-0231-01: 4 years Level 5 with credit of 3 months suspended for 120 days Level 4 VOP Center with no probation to follow.

Recommended level: 4

This report has been reviewed and approved by
Szymanski, Edward W Jr on 06/09/2015.

Supervisor: Szymanski, Edward W Jr

Officer :



Written by Cook, Kimberley C

Probation/Parole Officer

IN RE : Pruden, Monique

SBI # : 00384434

DATE : 06/08/2015

CHARGE(S): 1010018640-VN1012023101 - Vop-Agor Menad

EXHIBIT B

It has been alleged that the following conditions of supervision have been violated:

- 3 You must report to your supervising officer at such times and places as directed, and permit the probation/parole officer to enter your home and/or visit places of employment.

Ms. Pruden was released on 5/1/2015. To this date, she has failed to initiate probation. Ms. Pruden was not incarcerated during these times and had the means to report.

- 5 You must report any changes of residence and/or employment within 72 hours to your supervising officer.

On 5/6/2015, this Officer went to the address Ms. Pruden gave to intake. It was at this time this Officer found out that Ms. Pruden did not live there. Ms. Pruden has not given a correct address to date. Her whereabouts are unknown.

This report has been reviewed and approved by
Szymanski, Edward W Jr on 06/09/2015.

Approved

Szymanski, Edward W Jr
Supervisor


Written by Cook, Kimbodey C.
Probation/Parole Officer

GRADUATED RESPONSE

SBW: 00384434

NAME: PRUDEN MONIQUE

RISK LEVEL:

ASO

IN RE : Pruden, Monique

SBI # : 00384434

DATE : 06/08/2015

CHARGE(S): 1810018640-VN1012023101 - Vop-Aggr Menac

HISTORY OF SUPERVISION / VIOLATION SUMMARY

On February 24, 2015, Your Honor sentenced Ms. Pruden to CRA# 10-12-0231-01 to 4 years 10 months Level 5, suspended after 3 months for 1 year Level 3. Her special conditions include: No Contact with Elise Clark or Ernest Hudgins and Mental and Substance abuse evaluation.

This is Ms. Pruden's SECOND Violation in this case. She has 10 Title 11 Felony arrests with 4 Convictions, 25 Misdemeanor arrests with 6 Convictions. She has 2 Title 16 Felony arrests with 1 Conviction, 17 Misdemeanor arrests with 4 Convictions. She has 12 Previous Violation of Probations, 2 Failure to Appear and 3 Failure to Pay Capiases.

Ms. Pruden never reported to probation. She does not live where she reported. Her whereabouts are unknown at this time.

Ms. Pruden is not suitable for community supervision.

RECOMMENDATION

It is respectfully requested that Your Honor issue a Capias for Ms. Pruden for Violation of Probation. Upon apprehension, it is requested that her sentence be revoked and impose sentence as follows:

CRA# 10-12-0231-01: 4 years Level 5 with credit of 3 months suspended for 120 days Level 4 VOP Center with no probation to follow.

AGGRAVATING FACTORS

- X : The behavior of the offender represents an immediate threat to the community or an identified victim
- X The behavior of the offender is repetitive and flagrantly defies the authority of the court.

This report has been reviewed and approved by
Szymanski, Edward W Jr on 06/09/2015.

Supervisor:

Szymanski, Edward W Jr

Officer:


Written by Cook, Kimberley C
Probation/Parole Officer

SERVICE REQUEST

IN THE New Castle County Superior Court COURT OF THE STATE OF DELAWARE

OFFENDER: PRUDEN, MONIQUE

SBN#: 00384434

CHARGE(S): 1010018640-VN1012023101 - Vop-Aggr Menaci

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It is alleged that Pruden, Monique has violated the following conditions of supervision :

- ☒ 3 You must report to your supervising officer at such times and places as directed, and permit the probation/parole officer to enter your home and/or visit places of employment.
- ☒ 5 You must report any changes of residence and/or employment within 72 hours to your supervising officer.

Identifying information is attached as Exhibit A. The facts of the alleged Violation are attached as Exhibit B

Service Requested: YES Type: Capias

Bail Amount: \$3,000.00

Type : CASH ONLY



Written by Cook, Kimberley C
Probation/Parole Officer

06/09/2015

SO ORDERED

Honorable DIANE C. STRETT



VIVIAN L. MEDINA

Capias return:

(Forthwith or specified time)

Bail Amount:

Secured

Cash only

Unsecured

Original: Prothonotary

Copy : Probation/Parole Officer

2015 JUN -9 PM 3:00

EXHIBIT A

The following information is furnished with respect to the subject for whom a capias or warrant is requested.

NAME: PRUDEN, MONIQUE

SBI#: 00384434

OFFENSES: Vop-Agor Monaci (M)

CAUTION CODE: NO Reasons if YES: N/A

RACE: BLACK

SEX: Female

HEIGHT: 5'04"

WEIGHT: 160 LBS

EYES: Brown

HAIR: Black

SKIN : Medium

FBI : [REDACTED]

SOC : [REDACTED]

FPC : [REDACTED]

DOB: [REDACTED]

ADDRESS : [REDACTED]

OLN : [REDACTED]

OLS : DE

VYR :

VMS : N/A

OLY :

VMO : N/A

SMT: Scar Forehead
Pierced Ears

Scar Chin

Tattoos Shoulder, Left

ALIAS INFORMATION

NAME: Pruden, Monique L (Alias)

Jones, Kimberly L (Alias)

Pruden, Monuque L (Alias)

Pruden, Monuque (Alias)

DOB : [REDACTED]

SOC : [REDACTED]

If additional information is needed for apprehension of this probationer/parolee,
Please contact the undersigned officer at :

Probation/Parole Office

252 Cherry Lane Probation and Parole

14 Cherry Lane

NEW CASTLE, DE 19720

Phone#: 302-577-3443 Fax#: 302-577-3670



Written by Cook, Kimberley C
Probation/Parole Officer
Bureau of Community Corrections

15:34:42 [START RECORDING]
[DT enters room]
DT: All right, let's get you done. Okay.
MP: You want me to show you (UI)?
DT: I will, yeah, while I'm here. You recognize anyone in there?
MP: That's Mutt right here, #5.
DT: Okay.
15:35:00 MP: I think (UI) there. Then I know--I forgot his name--then this is (UI) so maybe not
Riverside, (UI) Riverside, but that's Mutt.
DT: Okay, all right. Let me get your name.
15:35:20 MP: Monique; M-O-N-I-Q-U-E, Pruden, P-R-U-D-E-N. 6-15-81.
DT: Where you living right now?
MP: [REDACTED]
DT: [REDACTED] Do you have a phone?
MP: [REDACTED]
DT: Do they call you anything?
MP: No, just Monique.
15:35:40 DT: All right. All right, so did you know Shannon? Did you call him Shannon or
Deshannon?
MP: Just Shannon.
DT: Okay, all right. How did you know him?
MP: Back in the day he used to (UI) younger.
DT: Okay. All right. So had you talked to Mutt or Shannon about their problem prior
to this or anything?
15:36:00 MP: No, I never talked to none of them about anything.
DT: All right. Had they gotten along before this?
MP: Yeah, I mean, like as far as I knew they were (UI) everybody was cool, you know,
transactions just was--Shannon was the weed man, Shannon (UI) everybody weed,
bought weed off of him.
DT: Okay. Mutt would buy weed?
MP: Mm-hmm, from Shannon.
15:36:20 DT: Okay.
MP: Everybody would buy weed off of Shannon.
DT: So what was this supposed to be...
MP: Mutt owed him a couple dollars and then he started disrespecting Mutt or
whatever (UI) know he--
DT: And you're talking about that night or in general?
MP: This happened right--this happened--well, and he was disrespecting him the day
that he shot him.
15:36:40 DT: Okay. Earlier in the day or like right before?

MP: Right before.

DT: Right before, all right. What did you hear about that? You didn't see any of that disrespect?

MP: No, but Mutt turned around--Mutt had a dog--Mutt always has his dog--Mutt went and took the dog back, wherever he took it back, because of didn't have the gun with him at the time, went back and got the--

DT: And you seen Mutt earlier with the dog, or--

15:37:00 MP: No, not earlier with the dog, but this is what everybody that was outside--

DT: You heard that he--

MP: But I'm saying, like, the people that was around, the girl Flea, Jonniece and them were saying, Antoine and them, that was saying (UI).

DT: Tell me who you remember was out there. Flea?

MP: No, not--Flea wasn't out there, but Flea was telling, but Jonniece, a girl named Jonniece Harris was out there.

DT: Jonniece Harris.

15:37:20 MP: Uh-huh, and Antoine Bush.

DT: Antoine Bush.

MP: Mm-hmm.

DT: Now, were any of them friends with Shannon?

MP: Shannon, (UI) friends with Shannon (UI) hung out on 27th Street.

DT: All right, so they're--they should be on Shannon's side.

MP: Yeah, pretty much.

DT: All right. So but Flea wasn't out there?

MP: No.

15:37:40 DT: Okay. Tell me about exactly--when the shots were fired, where were you at?

15:38:00 MP: I'm coming from Washington Street. By that time I'm cutting through--I just cut through by Pete's--on 27th Street across from Pete's shop. By the time Mutt probably ran--came right through the lot and ran right past us. But he didn't have no gun or nothing in his hand. And everybody--next, you know, you're hearing it all, like (UI) people gathered around all that kind of stuff, and we turned back to walk around. And Shannon was dead on the ground.

DT: Okay.

15:38:20 MP: But I only stuck around because I know I (UI).

DT: You didn't see it in his hand or you don't know--

MP: No.

DT: --where he put it?

MP: No, I didn't see--he probably put it in his waistband or something. I'm pretty sure he didn't throw it right there. He might have had a (UI) time. But he wasn't going to run with it in his hand.

DT: Okay. So you hear--so basically--

MP: You hear shots--
DT: You hear the shots--
MP: And then Mutt runs past.
15:38:40 DT: And Mutt runs past, he runs fast, he cuts through the Pete's--
MP: Cuts through the Pete's parking lot, runs straight up Market Street.
DT: Okay, so you don't see the actual shooting?
MP: No.
DT: You just see him run after the shots were fired.
MP: After the shots.
DT: All right.
MP: And then everybody was saying that it was Mutt.
DT: Everyone said they saw Mutt do it?
MP: Yes.
DT: So everybody--okay.
15:39:00 MP: I mean, I really believe that he probably could or whatever. Shannon was very disrespectful when he get to drinking. Shannon had a very disrespectful mouth with people.
15:39:20 DT: Okay, so immediately following--let me ask you--I'll ask you it this way. So you're there seconds after it happened.
MP: Right after it happened.
DT: Okay. What do you remember--does anyone scream, yell, who had done it? Like what do you hear--
MP: Everybody was saying Mutt, they was saying him and Mutt was just arguing, and you know, girls--Jonniece really was saying, Mutt, it was Mutt, it was Mutt.
DT: It was Mutt?
MP: Yeah.
DT: It was Mutt.
15:39:40 MP: Yeah, that's what Jonniece was saying.
DT: Okay, and she like upset and everything?
MP: Yeah, mm-hmm.
DT: Okay. Jonniece?
MP: Jonniece Harris. Her mom stays right on [REDACTED], right across from [REDACTED]
DT: Okay, and Jonniece was there where she would have seen what happened?
15:40:00 MP: She would have seen everything. Her and Antione Bush, they was right--right front--
DT: And what did he say?
MP: Well, you know, like--
DT: She was the one yelling it was Mutt, it was Mutt?
MP: Yeah, it was Mutt. She was the one hollering it was Mutt.

DT: All right. Did you see Deshannon's mom anywhere?

MP: No.

DT: Okay. Do you know his mom?

15:40:20 MP: Not like that. I know that they live—like a porch house right there in front of where it be at, but (UI) right there on 27th Street.

DT: How close did you get? Were there people around him and stuff?

MP: Yeah, everybody was, like, gathering around, because 27th Street always has a lot of people outside.

DT: Okay.

MP: A lot of young people. That's why they call it—it's like the weed block.

15:40:40 DT: Mm-hmm, mm-hmm, okay. So what do you think? Do you think Jonniece would talk to me?

MP: She probably would, I guess.

DT: You think so? I mean, I don't like to make it obvious or anything, but--

MP: Yeah, but she would be on Shannon's side. She would probably be on Shannon's side.

DT: Okay.

15:41:00 MP: I don't think Toine would probably talk to you but Jonniece would.

DT: Jonniece?

MP: Mm-hmm. Jonniece Harris. Her mom's name is Ms. Jackie.

15:41:20 DT: All right. All right, so can you think of anyone else who's told you that they saw what happened, or you—I mean, you were there moments, seconds after.

MP: Everybody had been, like, you know, that was just the whole talk of all over the neighborhood.

DT: Yeah, but I got to boil it down to sometimes, you know, everybody knows, yeah, you got to kind of boil it down to--

MP: Jonniece and Antoine Bush.

15:41:40 DT: Okay, okay. And I mean, technically, you were right there. You just—that's the piece you saw, you saw the shots and saw him running from the scene.

MP: Right, but I didn't see him, like, boom-boom-boom, no. I didn't see that.

DT: But then seconds later Jonniece is yelling Mutt.

MP: Mutt did it, yeah.

DT: (UI).

MP: And then, like, I probably--why would he not go and be looking like everybody else? Why you running off? He probably did do it.

15:42:00 DT: Yeah.

MP: I believe that he did, but I mean, like I said, he probably really had to be provoked to do it, because really, Mutt is not that type of person.

DT: Yeah, that's what I heard.

MP: (UI) know what Shannon had done to him, or whatever. Like they said, like, you

15:42:20 know, I mean I guess it's different for men and women, or whatever, you know your pride is in the way, people spit in your face on the street, push you or whatever. Then people going to look at you like you're some type of chump or whatever, so you know, it's more so a pride thing with them, and he had to make it look like I guess he wasn't a sucker, he wasn't going to be treated like that.

15:42:40 DT: Right, yeah. All right, well do me a favor. Circle Mutt for me and put JP. Then today's...and I'm going to get you a picture--I'm going to pull a picture of Jonniece real quick and then get you out of here.

MP: Okay.

DT: Okay? Cool?

[DT exits room]

[15:42:54 - 15:44:14 / Silence]

[DT enters room]

DT: Hey, describe Jonniece for me.

15:44:20 MP: She's, like, dark-skinned. She always usually wear her hair tied--

DT: Is she tall?

MP: Yeah, tall, slim. She just had a baby.

DT: Okay. Now I'm just trying to find a picture real quick.

MP: I don't know if she's ever been arrested before.

DT: Yeah, that's what I mean, I don't see (UI) with a history.

MP: I don't think so.

DT: All right, I'll look at driver's licenses.

MP: All right.

[DT exits room]

[15:44:35 - 15:49:49 / Silence]

[DT enters room]

DT: All right, I can't find a picture of her. Do you have any idea how--how would you spell Jonniece?

15:50:00 MP: Like I think J-O-N-N-I-E-C-E? (UI) Jonneice Harris or whatever, (UI) spell it, she used to go to my church.

DT: How old is she?

MP: She's likely about 32, something like that. But her mom lives directly across the street from [REDACTED] (UI).

DT: All right. Do you have her phone number?

15:50:20 MP: No, but I can (UI)...

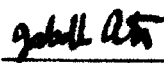
[DT and MP exit room]

[15:50:21 - 15:52:34 / Background noise]

15:52:34 [END OF RECORDING]

C E R T I F I C A T E

I, Gabrielle Atkinson, hereby certify that the foregoing transcript of proceedings in the case of State v. Damian Thomas/video file titled INTERVIEW_1_06-16-2015_56083_1.wmv was prepared using electronic transcription equipment and is a true and accurate record of the proceedings to the best of my ability. I further certify that I am not connected by blood, marriage or employment with any of the parties herein nor interested directly or indirectly in the matter transcribed.

Signature: 

Date: 9/11/2016

Supplemental Report

Original Occurrence Dates and Times:

TUE 04/14/2015 2144

Grid
050-200

Sector
14

Original Location:

99 W W 27th ST Wilmington, DE 19802
NORTH SIDE OF THE STREET

Victim Information

Victim Number 001	Name REID, DESHANNON	Sex Male	Race Black/African American	Ethnic Origin Not Hispanic/Latino	Age 38	D.O.B. [REDACTED]
Type Individual	Resident Status Full Time	Home Telephone	Cell Phone	Address [REDACTED]		
Reporting Person? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Victim Injured? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Victim Deceased? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Officer Comments			
Injuries Possible Internal Injury Other Major Injury	Description of Injuries GUN SHOT WOUND TO THE LEFT SIDE OF THE BACK AND LEFT UPPER LEG.					
Victim Number 002	Name	Sex	Race	Ethnic Origin	Age	D.O.B.
Type Society/Public	Resident Status	Home Telephone	Cell Phone	Address DE		
Reporting Person? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Victim Injured? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Victim Deceased? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Officer Comments			
Injuries	Description of Injuries					

Suspect/Defendant Information

Sequence 001	Type Defendant	SBI Number 00319361	Nick Name						
Name THOMAS, DAMIAN	Sex Male	Race Black/African Am	Ethnic Origin Not Hispanic/Latino	Age 38	D.O.B. 03/30/1977	Height 5' 06"	Weight 195	Skin Tone Dark	Eye Color Brown
Hair Color Black	Hair Length	Hair Style	Facial Hair	Voice Speech	Teeth	Build	Glasses		
Disguise	Disguise Color(s)	Resident Status Full Time	Unusual Characteristics	Armed With Handgun					
Address [REDACTED]		Home Telephone [REDACTED]	Cell Phone [REDACTED]						
Arrest Number 30002004	Arrest Type Warrant	Suspect's Clothing Description							
Employer/School UNEMPLOYED	Work Telephone								

Crimes and Associated Information

Victim Number 001	Crime Seq 001	Statute DE:11:0613:00a1:F:B	Crime Description Assault First Degree-Intentional Serious Injury-Weapon Dangerous Instrument	Involvement <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer	General Offense
Location Of Offense Hwy/Rdwy/Alley/Street/Sidewalk		Status Pending-Inactive			
Suspected Hate/Bias <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - N/A		Crime Code 13234A - Aggravated Assault/Non-Family Firearm			
Weapon/Force Used Handgun		Assault Factor Unknown Circumstances			
Victim Number 002	Crime Seq 002	Statute DE:11:1447:A00A:F:B	Crime Description Possession of a Firearm During the Commission of a Felony	Involvement <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer	General Offense
Location Of Offense Hwy/Rdwy/Alley/Street/Sidewalk		Status Pending-Inactive			
Suspected Hate/Bias <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - N/A		Crime Code 5212 - Possession of Weapon			
Criminal Activity Possessing/Concealing		Weapon/Force Used Handgun			
Victim Number 002	Crime Seq 003	Statute DE:11:1448:00a1:F:C	Crime Description Poss Purch Own or Control a Firearm/Destructive Weapon If Previously Convicted of A Violent Felony	Pending Supervisory Review	
Reporting Officer DET CURLEY - 071111 016					

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Crimes and Associated Information

Location Of Offense Hwy/Rdwy/Alley/Street/Sidewalk		Status Pending-Inactive	Involvement <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer	General Offense
Suspected Hate/Bias <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - N/A		Crime Code 5203 - Carrying Prohibited		
Criminal Activity Possessing/Concealing		Weapon/Force Used Handgun		
Victim Number 002	Crime Seq 004	Statute DE:11:1442:0000:F:D	Crime Description Carrying a Concealed Deadly Weapon A Firearm	General Offense
Location Of Offense Hwy/Rdwy/Alley/Street/Sidewalk		Status Pending-Inactive	Involvement <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer	General Offense
Suspected Hate/Bias <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - N/A		Crime Code 5202 - Carrying a Concealed Deadly Weapon/Deadly Instrument/CCDW/CCDI		
Criminal Activity Possessing/Concealing		Weapon/Force Used Handgun		

Victim - Suspect/Defendant Relationships

Victim - 001 REID, DESHANNON	Victim Offender Relationship Acquaintance
Suspect/Defendant - 001 THOMAS, DAMIAN	
Victim - 002 Society/Public	Victim Offender Relationship Victimless Crime
Suspect/Defendant - 001 THOMAS, DAMIAN	

Investigative Narrative

OFFICE OF PUBLIC SAFETY

WILMINGTON DEPARTMENT OF POLICE

WILMINGTON, DELAWARE

INVESTIGATING OFFICER: Det. Thomas Curley I/7111

VICTIM: Deshannon Reid, BM, d.o.b. [REDACTED] CASE # 30-15-25916

ADDRESS: [REDACTED] RED # H-15-10

Wilmington, DE 19802

CRIME OR INCIDENT: Murder 1st Degree, Possession of a Firearm During the Commission of a Felony, Possession of a Firearm by a Person Prohibited and Carrying a Concealed Deadly Weapon a Firearm

LOCATION OF CRIME OR INCIDENT: Unit Block of W. 27th Street, Wilmington, Delaware

DATE AND TIME OF INCIDENT: 4/14/15 at 2144 hours

Reporting Officer
DET CURLEY - 071111 016

Pending Supervisory Review

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Investigative Narrative - Continued

TE AND TIME OF THIS REPORT: 4/14/15-present

CASE SUMMARY:

On 4/14/14 at approximately 2144 hours, Wilmington police responded to a complaint of a shooting in the Unit Block of W. 27th Street. There was also a Shot-Spotter Alert. Upon arrival, officers located the victim, Deshannon Reid. He appeared to have been shot in the lower back and leg. He was transported to the Christiana Hospital for treatment. Reid was in critical condition.

On 4/17/15, Deshannon Reid died from his injuries at the Christiana Hospital. The victim was transported to the Delaware Medical Examiner's Office. An autopsy was conducted by Dr. Gary Collins. Dr. Collins concluded that the victim died from complications caused by the gunshot wound to his torso. He ruled Deshannon Reid's death a homicide.

The victim's mother, Etta Reid was a witness to the shooting of her son. She explained that a person she knows as "Mutt" came to her residence at [REDACTED] and spoke with her son on the porch. "Mutt" left for a short time and then returned. The victim and "Mutt" appeared to be in some sort of verbal argument and went down the street. It appeared as if they were going to fight when "Mutt" pulled out a gun and shot at the victim several times as he turned to run. The victim fell and "Mutt" fled. Damian Thomas was developed as a possible suspect in the shooting since he is known to police as "Mutt." Etta Reid positively identified Damian Thomas as the person who shot and killed her son.

This investigator applied for a new arrest warrant for Damian Thomas in Justice of the Peace Court 20 on 4/18/15 for the charges: Murder 1st Degree, Possession of a Firearm During the Commission of a Felony, Possession of a Firearm by a Person Prohibited, and Carrying a Concealed Deadly Weapon a Firearm. This arrest warrant was approved. On 7/6/16, Thomas was located and taken into custody in Cherry Hill, New Jersey. He was extradited back to Delaware on 7/18/16, and the arrest warrant was executed this date. Arrest#30002004.

CRIME SCENE:

Unit Block of W. 27th Street is located within the jurisdictional boundaries of the City of Wilmington, County of New Castle, and State of Delaware.

PROPERTY STOLEN:

N/A

PHYSICAL EVIDENCE:

-victim's iPhone

Reporting Officer
DET CURLEY - 071111 016

Pending Supervisory Review

AL2

Investigative Narrative - Continued

-Crestview Apartments, 2700 N. Market Street sign in log

Video surveillance:

-2523 N. Market Street (Storage Building)

-Crestview Apts., 2700 N. Market Street (Cyette Mayo and Damian Thomas' apartment)

-Pete's Pizza, 2625 N. Market Street

-Kennedy Apartments, 2800 Tatnall Street

Property taken from 2700 N. Market St. search warrant on 4/19/15:

-cell phone download of Cyette Mayo's Huawei Vitria

-911 calls

-CDR recorded interview of Etta Reid from 4/14/15.

-CDR recorded interview of Etta Reid from 4/15/15.

-six person photo array in which Etta Reid positively identifies Damian Thomas as "Mutt" and the person that shot her son.

-CDR recorded interview with Monique Pruden from 6/16/15.

Investigative Narrative - Continued

-six person photo line-up in which Pruden positively identifies Damian Thomas.

-CDR recorded interview of Damian Thomas from 7/7/16.

-CDR recorded interview of Antoine Bush from 5/9/17.

-six person photo line-up in which Bush positively identifies Damian Thomas.

-CDR recorded interview of Brandon Lacurts from 5/16/17.

-six person photo line-up in which Lacurts positively identifies Damian Thomas.

-CDR recorded interview of Leantaye Cassidy from 7/13/17.

-six person photo line-up in which Cassidy positively identifies Damian Thomas.

See F.S.U. supplement reports for further details:

Supplement#4 (Nagowski): (crime scene/sketch)

Supplement#5 (Stephey): (post)

Supplement#6 (Gearhart): (latent prints from post)

Supplement #10 (Evans): (crime scene/clothing/casings)

VICTIM INTERVIEW:

Shannon Reid, BM, d.o.b. [REDACTED]

Investigative Narrative - Continued

SUSPECT INFORMATION:

[REDACTED]

[REDACTED]

Damian Thomas, BM, d.o.b. 3/30/77 A.K.A. "Mutt"

[REDACTED]

[REDACTED]

[REDACTED]

WITNESS INTERVIEW:

Etta Reid, BF, d.o.b. [REDACTED] (victim's mother)

[REDACTED]

[REDACTED]

[REDACTED]

I conducted an interview with Ms. Reid at the Wilmington police station immediately after the shooting. This interview was recorded. Her daughter Willetta Reid was with her. Ms. Reid explained that she was sitting on the porch with her son, Deshannon. She explained that he was texting his new baby's mom at the time and that they were having problems. She explained how this guy she said she knows as "Mutt" came up and gave her a hug and said, "Hi momma." He then went over to Deshannon and she could not hear what they were talking about. "Mutt" then left and walked towards Market Street, and then walked northbound. He returned a short time later. He went back over to Deshannon and whatever the guy was saying, Deshannon got mad. She explained that Deshannon said, "Leave me alone. I'm going through something. Leave me alone." Deshannon and "Mutt" left the porch and walked towards Moore Street. Deshannon said, "We can do it right now!" Ms. Reid said it appeared as if they were going to fight when "Mutt" pulled out a gun and began shooting at Deshannon. She said Deshannon fell and "Mutt" fired while he was down. Then he fled towards Pete's Pizza and ran through the parking lot.

ALS

Investigative Narrative - Continued

When asked about the shooter, Ms. Reid stated, "I know him. I know they call him 'Mutt.'" "I don't know his real name, but I'll know him if I see him."

She described him as kind of short, a little build to average size, dark complexion, nappy hair, and late thirties wearing an oversized coat.

Ms. Reid ran over to her son. He began complaining about his leg, and then stated he couldn't breathe.

I was unable to show Ms. Reid photos at the time, and told her I would follow up with her later.

I conducted a follow-up interview with Ms. Reid at the Christiana Hospital on 4/15/15. This interview was recorded. Ms. Reid advised that the victim was still in surgery. She was told that the victim had been stuck in the kidney and spleen.

I explained to Ms. Reid that she would be shown six photos and that she did not have to pick anyone. Ms. Reid positively identified Damian Thomas as the person who shot her son from the photos. She started saying "That's him" several times as she looked at the photograph.

For additional details, see recorded interview.

Cyette Mayo, BF, d.o.b. [REDACTED]

[REDACTED] (Mayo turned this cell phone over to be downloaded)

On 4/19/15, I executed a search warrant at [REDACTED] at the Crestview Apts. Cyette Mayo, Damian Thomas' longtime girlfriend of 17 years, and her father, Burtren Robinson, d.o.b. [REDACTED] were present. Mayo advised that Damian left the morning after the shooting and she had not heard from him since. She explained that she had been told that Mutt was being bullied by Shannon and that he was being poked in the head by him when he shot him. She asked her father to stay with her for her safety. (Not recorded).

Mayo verbally consented to her cell phone being downloaded. She also provided the cell number [REDACTED] for Damian Thomas.

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Investigative Narrative - Continued

Francis Thomas, BM, d.o.b. [REDACTED] (defendant's father)

[REDACTED]

[REDACTED]

[REDACTED]

On 4/19/15, a search warrant was executed at [REDACTED] Det. Robert Fox spoke to Mr. Thomas, the defendant's father. He advised that he had not seen his son in days, and that it was unusual, because he would always come there to take care of his dogs. (Not recorded).

On 6/15/15, I responded to [REDACTED] in an attempt to get information on Damian Thomas' location. I spoke with Mr. Thomas and the defendant's sister, Tina Thomas [REDACTED]. They both advised that they had not spoken to Damian since the shooting. Mr. Thomas was still taking care of Damian's dogs. I asked them to attempt to contact Damian and tell him to contact me. This interview was not recorded.

Monique Pruden, BF, d.o.b. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I conducted an interview with Pruden on 6/16/15 at the Wilmington police station. This interview was recorded. Pruden advised that she knows the victim, Shannon and "Mutt." She said Shannon was the weed man and "Mutt" would buy weed off of him. She has since heard "Mutt" owed Shannon money. She explained that she was near Pete's Pizza when she heard the gunshots and then "Mutt" ran past her onto Market Street. She did not see a gun in his hand, but stated he could have put it into his waistband by then. Pruden was shown a six person photo line-up, and she positively identified Damian Thomas as "Mutt." She arrived at the scene and there were people around the victim. She explained that everyone was saying it was "Mutt" who had just shot Deshannon.

Two individuals who she said she saw at the scene were Jonnise Harris and Antoine Bush.

For additional details, see recorded interview.

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Investigative Narrative - Continued

latta Reid (victim's sister)

[REDACTED]

[REDACTED]

[REDACTED]

Ms. Patton (manager of Crestview)

[REDACTED]

[REDACTED]

[REDACTED]

-person contacted

Alexis Gregory, BF, d.o.b. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I contacted Alexis Gregory by phone. Gregory was a 911 caller and did not want to be approached by police. In her 911 call, she thought she heard people yelling "Mike just killed Shannon!"

I asked Gregory whether she was sure it was the name Mike that was being yelled. She advised that she was not sure. She knew at the time the name that was being yelled started with an "M." Gregory advised she is aware that "Mutt" is the one who people saw shooting Shannon and said she is confident people were yelling "Mutt" now, not Mike.

This phone call was not recorded.

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Pending Supervisory Review

Investigative Narrative - Continued

Sylvester Hynson, BM, d.o.b. [REDACTED]

On 4/12/16, I conducted an interview with Hynson. The witness identified Damian Thomas as "Mutt," and advised that he is friends with him. He explained that Thomas was on the run for the homicide and is in hiding. They spoke on multiple occasions. When he last spoke to him, he was hiding in New Jersey. "Mutt" told the witness he shot Reid during an argument. This interview was not recorded.

Jeffrey Williams, BM, d.o.b. [REDACTED]

On 7/1/16, I spoke with Williams during a phone call in reference to Damian Thomas. The witness knows Thomas as "Mutt." The witness explained that he had known "Mutt" for a long time but over the last year "Mutt" had been in hiding for a murder. The witness advised that Mutt had lost a lot of weight and was on drugs and popping pills. "Mutt" told the witness that he had shot the victim during an argument. "Mutt" found out later that the victim had died, so he fled. This phone call was not recorded.

Antoine Bush, BM, d.o.b. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On 5/9/17, I conducted an interview with Bush. Bush advised that he was best friends with the victim. On the day of the murder, he had been hanging out all day with him on 27th Street. Bush positively identified Damian Thomas as "Mutt" from a six person photo line-up. Bush explained that he and the victim ran into "Mutt" around 1730 hours, and he told them he would be back. Bush explained that Reid appeared annoyed with "Mutt" over something, and appeared like he did not want to deal with him. Bush stated he left the area before the homicide but, returned when it was a crime scene. An unknown person handed Bush the victim's cell phone, which he turned over to me at the hospital on the night of the shooting.

For additional details, see recorded statement.

Brandon Lacurts, WM, d.o.b. [REDACTED]

[REDACTED]

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Investigative Narrative - Continued

[REDACTED]

[REDACTED]

I conducted an interview with Lacurts on 5/16/17. Lacurts advised that he was cellmates with "Mutt" around November 2016. Lacurts positively identified Damian Thomas as "Mutt" in a six person photo line-up. Lacurts advised that "Mutt" told him about the homicide. "Mutt" explained to Lacurts that he was in an argument with the victim over weed or money, and how he could get something for cheaper. "Mutt" said he left the argument and went and got his gun. He came back and shot the guy. "Mutt" told Lacurts that he had smoked "wet" the night of the homicide. He fled to Florida or New Jersey after the homicide, Lacurts said.

Lacurts also advised that Mutt told him his lawyer said there is no real case on him so Mutt was happy.

For additional details, see recorded statement.

Keisha Hopkins, BF, d.o.b. [REDACTED]

I spoke with Keisha Hopkins by phone on 5/26/17. Antoine Bush had told me that Hopkins was the person who told him about the homicide the night of the shooting. I spoke with Bush in an attempt to locate Hopkins, and Hopkins called me. Hopkins advised she did not want to get pulled into the case. She advised that she did tell Antoine about Deshannon Reid getting shot, but she could not remember how she got the information. Hopkins called on a blocked number and claimed she no longer lived in Delaware, and wanted nothing to do with the case. This telephone call was not recorded.

Ramonnne Slowe, BF, d.o.b. [REDACTED] K.A. "Star"

[REDACTED]

[REDACTED]

[REDACTED]

I spoke to Slowe on 6/2/17 on the telephone. Slowe lives across the street from Etta Reid. Slowe advised that she was not home on the night of the murder, however her friend Leantaye Cassidy was home and called her immediately after the shooting. Slowe said she received a phone call from Cassidy and she was yelling "Oh my God! "Mutt" just shot Shannon!" Slowe said Leantaye explained to her that she heard arguing from out front of the house, and she looked out the window. She then saw the victim Shannon and "Mutt" arguing. She said "Mutt" pulled out a gun and began shooting at the victim. This telephone call was not recorded.

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Pending Supervisory Review

Investigative Narrative - Continued

Leantaye Cassidy, BF, d.o.b. [REDACTED] A.K.A. "Tay"

[REDACTED]

[REDACTED]

[REDACTED]

I spoke with Cassidy on 6/3/17 on the telephone. Cassidy was out of town at the time, but was willing to speak about the homicide. She advised that she was living at [REDACTED] at the time of the homicide. She said she had stayed home that night and did not feel good. When she heard arguing from outside, she looked out her window and saw Shannon and "Mutt" arguing. She then saw "Mutt" shoot Shannon. She ducked down due to the gunfire, and was not sure which way "Mutt" fled. She explained she knew both Shannon and "Mutt" from the area.

After the shooting, she called "Star" and told her what she had just witnessed.

Cassidy advised she would come in for another interview when she gets back to Delaware. This telephone call was not recorded.

On 7/13/17, I conducted an in-person interview with Cassidy. Cassidy advised that she was living at [REDACTED] at the time of the murder. She knows both the victim, Deshannon Reid and the person that shot him, "Mutt." Cassidy advised that she heard arguing and looked out her window. She saw the victim and "Mutt" in the street arguing. She explained that the victim turned his back to "Mutt" and "Mutt" began shooting at him. Cassidy remembers that "Mutt" was wearing a big dark coat at the time. Cassidy was shown a six person photo line-up. She positively identified Damian Thomas, "Mutt" as the person who shot the victim. For additional details, see recorded interview.

Jonnise Wing, BF, d.o.b. [REDACTED]

[REDACTED]

[REDACTED]

I conducted an interview with Jonnise Wing on 6/13/17. Wing advised that she came outside to the scene after the shooting. She explained that Deshannon was still alive and on the ground complaining about the pain. She said people were saying "Mutt" had just shot Deshannon. When asked about potential witnesses, Wing said to talk to Leantaye. Wing had no further information at this time. This interview was not recorded.

Sarah Broadnax, BF, d.o.b. [REDACTED] (Deshannon Reid's girlfriend)

Reporting Officer:
DET CURLEY - 071111 016

Pending Supervisory Review

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Investigative Narrative - Continued

[REDACTED]

[REDACTED]

[REDACTED]

I spoke to Sarah Broadnax over the telephone on 6/13/17. She advised that she and Deshannon had a child together and they were on the phone arguing just prior to the homicide. She explained that Deshannon was upset with her for not bringing his daughter over to see him. While they were arguing, Deshannon said to someone, "Dog, I got my own shit going on with my baby mom!" Deshannon ended up hanging up on Sarah after he told her to bring his daughter to see him. She received phone calls shortly after that about Deshannon being shot.

Sarah advised she knew of "Mutt." She said he would come to Deshannon's house and hug Deshannon's mom. He would sometimes sit on the porch.

She had no further information at this time.

This telephone call was not recorded.

Robert Johnson, WM, d.o.b. [REDACTED]

This investigator attempted to interview Robert Johnson on 6/15/17. Johnson refused to even enter the room to be interviewed.

SUSPECT INTERVIEW:

On 7/7/16, I attempted an interview with Damian Thomas while he was being held in Camden, New Jersey. Damian at first advised that he wished to talk to me. This interview was audio recorded. Thomas advised he wanted to talk. I was put at a table with Thomas in the Camden County Prison for an interview. I read Thomas his Miranda warnings, and Thomas replied that he was confused. He stated, "All I know is a week later, I'm in the newspaper. I don't know." He stated, "I don't know nothing about this, about what they talking about." I attempted to clarify with Thomas about whether he wanted to talk. Thomas decided he wanted to stop. Thomas asked me a couple questions about extradition, and stated that he did not want to fight it and wanted to come back to Delaware. He said he missed his family and asked how long it's been. He was told 14-15 months.

For additional details on the interview, see recorded statement.

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ARREST ACTION:

Investigative Narrative - Continued

I applied for an arrest warrant for Damian Thomas in Justice of the Peace Court 20 on 4/15/15 for the charges: Attempted Murder 1st Degree, Possession of a Firearm During the Commission of a Felony, Possession of a Firearm by a Person Prohibited, and Carrying a Concealed Deadly Weapon a Firearm. This arrest warrant was approved however, Thomas was not located.

On 4/17/15, the victim died from his injuries at Christiana Hospital.

I applied for a new arrest warrant for Damian Thomas in Justice of the Peace Court 20 on 4/18/15 for the charges: Murder 1st Degree, Possession of a Firearm During the Commission of a Felony, Possession of a Firearm by a Person Prohibited, and Carrying a Concealed Deadly Weapon a Firearm. This arrest warrant was approved. Thomas was not immediately located. I received information that Thomas had fled the state of Delaware. On 7/6/16, Thomas was located and taken into custody in Cherry Hill, New Jersey. He was extradited back to Delaware on 7/18/16, and the arrest warrant was executed this date. Arrest#30002004.

INVESTIGATIVE PROCEDURES:

4/14/15

-I responded to the crime scene locate in the Unit Block of W. 27th Street.

-I conducted an interview with Etta Reid at the Wilmington police station. See Witness Interview for details.

4/15/15

-I conducted a follow-up interview with Etta Reid at Christiana Hospital. See Witness Interview for details.

-I applied for an arrest warrant for Damian Thomas in Justice of the Peace Court 20 for the charges: Attempted Murder 1st Degree, Possession of a Firearm During the Commission of a Felony, Possession of a Firearm by a Person Prohibited, and Carrying a Concealed Deadly Weapon a Firearm. This arrest warrant was approved.

4/17/15

-the victim, Deshannon Reid died from his injuries.

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Investigative Narrative - Continued

An autopsy was conducted at the state of Delaware Medical Examiner's Office by Dr. Gary Collins. Dr. Collins concluded that the victim died from complications caused by the gunshot wound to his torso. He ruled Deshannon Reid's death a homicide.

4/18/15

-I upgraded the arrest warrant for Damian Thomas in Justice of the Peace Court 20 by applying for an arrest warrant for Murder 1st Degree, Possession of a Firearm During the Commission of a Felony, Possession of a Firearm by a Person Prohibited, and Carrying a Concealed Deadly Weapon a Firearm. This arrest warrant was approved.

-I applied for a search warrant in Justice of the Peace Court 20 for Damian Thomas' listed address: [REDACTED] This search warrant was approved and executed on 4/19/15.

-I applied for a search warrant in Justice of the Peace Court 20 for Damian Thomas' girlfriend's residence: [REDACTED] This search warrant was approved and executed on 4/19/15.

4/19/15

-I executed a search warrant at [REDACTED]

-Det. Fox spoke with Francis Thomas, the defendant's father. See Witness Interviews for details.

-I executed a search warrant at [REDACTED]

-I spoke with the defendant's girlfriend, Cyette Mayo. See Witness Interviews for details.

11/10/15

-I turned over Deshannon Reid's wallet to his mother, Etta Reid.

6/16/15

I conducted an interview with Monique Pruden at the Wilmington police station. See Witness Interviews for details.

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Investigative Narrative - Continued

4/12/16

-I conducted an interview with Sylvester Hynson. See Witness Interview for details.

7/1/16

-I conducted an interview with Jeffrey Williams. See Witness Interview for details.

7/6/16

-the defendant, Damian Thomas was located and arrested in Cherry Hill, New Jersey. Thomas provided a bad name to police, and attempted to flee. When he was caught, he advised that he ran from police because he is wanted out of Wilmington, Delaware for a homicide. See Cherry Hill, NJ police report 16-52586 for additional details.

7/7/16

-I responded to 330 Federal St., Camden, NJ where Damian Thomas was being held, pending extradition in an attempt to interview him. See Suspect Interview for details.

7/19/16

-the defendant, Damian Thomas was extradited back to Wilmington, Delaware from Camden, NJ. The arrest warrant on Damian Thomas was executed this date. See Arrest Action for further details. Arrest#30002004.

5/9/17

-I conducted an interview with Antoine Bush. See Witness Interview for details.

5/16/17

-I conducted an interview with Brandon Lacurts. See Witness Interview for details.

5/26/17

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Investigative Narrative - Continued

spoke to Keisha Hopkins. See Witness Interview for details.

6/2/17

-I spoke with Romonnie Slowe. See Witness Interview for details.

6/3/17

-I spoke with Leantaye Cassidy. See Witness Interview for details.

6/13/17

-I conducted an interview with Jonnise Wing. See Witness Interview for details.

-I spoke with Sarah Broadnax by telephone. See Witness Interview for details.

6/15/17

-I attempted to interview Robert Johnson. Johnson refused to be interviewed.

7/13/17

-I conducted an interview with Leantaye Cassidy. See Witness Interview for details.

CONCLUSION:

On 4/14/15, the victim (Deshannon Reid) was sitting on his porch with his mom, Etta Reid. The victim was on the telephone having an argument with his child's mother about seeing his daughter. Damian Thomas "Mutt" came up to the porch and hugged Etta Reid and said "hi momma." Thomas went over to the victim and tried to talk to him, but he was still on the phone. "Mutt" then left and walked towards Market Street and then walked northbound. (The Crestview surveillance video captures Damian Thomas entering the building and going to Apartment 101 for a short period of time, then exiting the building again. Moments later the video shows people reacting to the gunfire).

Thomas returned to the porch and again attempts a conversation with the victim, Reid. Deshannon got mad and said, "Leave me alone. I'm going through something. Leave me alone." Deshannon and

Investigative Narrative - Continued

"Mutt" leave the porch and walked towards Moore Street. Deshannon said, "We can do it right now!" Ms. Reid said it appeared as if they were going to fist fight, when "Mutt" pulled out a gun and began shooting at Deshannon. She said Deshannon fell and "Mutt" fired again at him while the victim was on the ground.

Damian Thomas was developed as a suspect, and Etta Reid positively identified him as the person who shot her son.

A witness observed Damian Thomas fleeing the scene after the gunfire, and people were yelling that "Mutt" had just shot Shannon. Also, other witnesses were interviewed who stated that Damian Thomas told them he had shot the victim.

On 4/17/15, Deshannon Reid died from his injuries at the Christiana Hospital.

I applied for an arrest warrant for Damian Thomas in Justice of the Peace Court 20 on 4/18/15 for the charges: Murder 1st Degree, Possession of a Firearm During the Commission of a Felony, Possession of a Firearm by a Person Prohibited, and Carrying a Concealed Deadly Weapon a Firearm. This arrest warrant was approved. The original warrant was for Attempted Murder.

Damian Thomas fled Delaware after the shooting. On 7/6/16, Thomas was located and taken into custody in Cherry Hill, New Jersey. He was extradited back to Delaware on 7/18/16, and the arrest warrant was executed this date.

INVESTIGATOR: DET. THOMAS CURLEY I/7111

DATE:

SUPERVISOR:

SIGNED OFF:

CASE STATUS: Closed Arrest

Reporting Officer
DET CURLEY - 071111 016

Solveability Factors

Witness

Suspect Located

M.O.

Suspect Described

Pending Supervisory Review

Trace Stolen Property

Suspect Identified

Suspect Named

Suspect Vehicle Described

Status

Closed

A77

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY
- - - - -

STATE OF DELAWARE : I.D. No. 1505012411
vs. :
DAMIAN THOMAS, :
Defendant : (Trial beginning
September 11, 2017)
- - - - -

BEFORE: HONORABLE RICHARD R. COOCH, JUDGE
and a Jury

APPEARANCES:

ANNEMARIE PUIT, ESQ. and
ERIC H. ZUBROW, ESQ.
Deputy Attorneys General
For The State

RAYMOND D. ARMSTRONG, ESQ. and
EMERY A. ABDEL-LATIF, ESQ.
Assistant Public Defenders
For Defendant

* * *
TRIAL TRANSCRIPT
TESTIMONY OF ETTA REID ONLY
SEPTEMBER 12, 2017
* * *

A78

I N D E X

<u>WITNESS</u>	<u>DI</u>	<u>CR</u>	<u>REDI</u>	<u>RECR</u>
Etta Reid	3	24	49 57	53 58

* * *

E X H I B I T S

* * *

(Exhibits marked off the record.)

* * *

A79

<p style="text-align: center;">ETTA REID - DIRECT</p> <p style="text-align: right;">3</p> <p>1 Courtroom 6C</p> <p>2 Morning Session</p> <p>3 * * *</p> <p>4 MS. PUIT: State calls Etta Reid, Your</p> <p>5 Honor.</p> <p>6 * * *</p> <p>7 ETTA REID, having been called on the part</p> <p>8 and behalf of the State as a witness, being first</p> <p>9 duly sworn under oath, testified as follows:</p> <p>10 * * *</p> <p>11 <u>DIRECT EXAMINATION</u></p> <p>12 * * *</p> <p>13 BY MS. PUIT:</p> <p>14 Q. Good morning, Miss Reid.</p> <p>15 A. Good morning.</p> <p>16 Q. Miss Reid, you're Dashannon Reid's mom?</p> <p>17 A. Yes.</p> <p>18 Q. Did you have a nickname for Dashannon?</p> <p>19 A. Shannon.</p> <p>20 Q. Shannon.</p> <p>21 A. Uh-huh.</p> <p>22 Q. And how old was he when he was killed?</p> <p>23 A. 38.</p>	<p style="text-align: center;">ETTA REID - DIRECT</p> <p style="text-align: right;">5</p> <p>1 A. I'm a server.</p> <p>2 Q. And what's [REDACTED]?</p> <p>3 A. It's a retirement home.</p> <p>4 Q. How long have you been working there?</p> <p>5 A. 39 years.</p> <p>6 Q. Miss Reid, I'm going to take you back to</p> <p>7 April 14, 2015, okay. How old was Dashannon on</p> <p>8 that day?</p> <p>9 A. He was 38.</p> <p>10 Q. 38.</p> <p>11 Do you remember did you work that day?</p> <p>12 A. Yes.</p> <p>13 Q. What did you do when you came home from</p> <p>14 work?</p> <p>15 A. Basically nothing.</p> <p>16 Q. Did you see Shannon?</p> <p>17 A. Yes.</p> <p>18 Q. What did you guys do together?</p> <p>19 A. On that day?</p> <p>20 Q. Yes, ma'am.</p> <p>21 A. Well, about after 9, him and I were sitting</p> <p>22 on the porch, just relaxing.</p> <p>23 Q. On your front porch?</p>
<p style="text-align: center;">ETTA REID - DIRECT</p> <p style="text-align: right;">4</p> <p>1 Q. Were you two close?</p> <p>2 A. Very.</p> <p>3 Q. How often did you see each other?</p> <p>4 A. All the time. I live downstairs in an</p> <p>5 apartment, and he lived upstairs.</p> <p>6 Q. Where did you live?</p> <p>7 A. [REDACTED]</p> <p>8 Q. [REDACTED]</p> <p>9 And you lived in a downstairs apartment, and</p> <p>10 he lived upstairs?</p> <p>11 A. Right.</p> <p>12 Q. Fair to say you saw each other almost every</p> <p>13 day?</p> <p>14 A. Yes.</p> <p>15 Q. Did anyone else live there with you two?</p> <p>16 A. No.</p> <p>17 Q. Miss Reid, how long have you lived there?</p> <p>18 A. Maybe 18 years or more.</p> <p>19 Q. Are you employed?</p> <p>20 A. Yes.</p> <p>21 Q. Who do you work for?</p> <p>22 A. [REDACTED]</p> <p>23 Q. What do you do?</p> <p style="text-align: right;">A80</p>	<p style="text-align: center;">ETTA REID - DIRECT</p> <p style="text-align: right;">6</p> <p>1 A. Yes.</p> <p>2 Q. Did you two do that often?</p> <p>3 A. Yes.</p> <p>4 Q. And what were you doing? You said you were</p> <p>5 out relaxing on the porch?</p> <p>6 A. Uh-huh.</p> <p>7 MS. PUIT: I'm going to show you what's been</p> <p>8 previously marked as State's Exhibit 2 without</p> <p>9 objection from defense, correct?</p> <p>10 MR. ARMSTRONG: Yes.</p> <p>11 THE COURT: It's admitted.</p> <p>12 MS. PUIT: Thank you, Your Honor.</p> <p>13 * * *</p> <p>14 BY MS. PUIT:</p> <p>15 Q. Miss Reid, give me a minute. I'm going to</p> <p>16 try and make that a little bit brighter, okay.</p> <p>17 Miss Reid, do you recognize that?</p> <p>18 A. Yeah, my porch.</p> <p>19 Q. Okay, and can you see it on the screen in</p> <p>20 front of you? Is that clear? Is it on for you?</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 If you touch the screen in front of you,</p>

<p style="text-align: center;">ETTA REID - DIRECT</p> <p style="text-align: center;">7</p> <p>1 Miss Reid, you can actually -- you can make a mark.</p> <p>2 So, I'm going to ask you to touch on the screen</p> <p>3 where you and Deshannon were.</p> <p>4 So, first, I want to see where you were</p> <p>5 sitting that night.</p> <p>6 A. By the door.</p> <p>7 Q. Okay. So, I see --</p> <p>8 A. But you can't see the chair.</p> <p>9 Q. Okay. So, there was a chair there?</p> <p>10 A. Uh-huh.</p> <p>11 Q. And for the record, there's a yellow cross</p> <p>12 right in front of the white door in the picture; is</p> <p>13 that correct?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 Now, I'm going to change the color for you,</p> <p>17 and can you make a mark where Deshannon was</p> <p>18 sitting.</p> <p>19 A. Right here (indicating).</p> <p>20 Q. Right over there?</p> <p>21 A. In the corner.</p> <p>22 Q. In the corner.</p> <p>23 So, the blue mark on the corner of the</p>	<p style="text-align: center;">ETTA REID - DIRECT</p> <p style="text-align: center;">9</p> <p>1 girlfriend, about bringing his daughter over.</p> <p>2 Q. What's his daughter's name?</p> <p>3 A. Sariah.</p> <p>4 Q. How old was she back in April of 2015?</p> <p>5 A. Not even a year, or maybe just turning a</p> <p>6 year.</p> <p>7 Q. An infant?</p> <p>8 A. Yes.</p> <p>9 Q. At any point, did anyone join you on the</p> <p>10 porch?</p> <p>11 A. Yes.</p> <p>12 Q. Who?</p> <p>13 A. Mutt.</p> <p>14 Q. Who's Mutt?</p> <p>15 A. Damian. I guess that's his name. I never</p> <p>16 knew his name. I just knew that name.</p> <p>17 Q. So, the name you knew was Mutt?</p> <p>18 A. Uh-huh.</p> <p>19 Q. How did you know Mutt?</p> <p>20 A. Just by seeing him in the area, in the</p> <p>21 neighborhood. I didn't know him personally or</p> <p>22 anything like that, just by seeing him.</p> <p>23 Q. Okay.</p>
<p style="text-align: center;">ETTA REID - DIRECT</p> <p style="text-align: center;">8</p> <p>1 porch, is that -- so, he was sitting in the corner?</p> <p>2 A. He was sitting towards the back in the</p> <p>3 corner.</p> <p>4 Q. Okay.</p> <p>5 So, in the picture, we see there's three</p> <p>6 chairs towards the front. That's not how the porch</p> <p>7 is set up that night?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 Were you sitting in a chair or standing?</p> <p>11 A. I was sitting in the chair.</p> <p>12 Q. Okay.</p> <p>13 When you were out on the porch, what were</p> <p>14 you doing?</p> <p>15 A. I wasn't doing nothing, just taking in the</p> <p>16 scenery.</p> <p>17 Q. Before you said "relaxing."</p> <p>18 A. Uh-huh.</p> <p>19 Q. Is that fair?</p> <p>20 Okay. What was Deshannon doing?</p> <p>21 A. Texting.</p> <p>22 Q. What was he texting about?</p> <p>23 A. I believe he was texting Sarah, his</p>	<p style="text-align: center;">ETTA REID - DIRECT</p> <p style="text-align: center;">10</p> <p>1 How many -- how long had you just been</p> <p>2 seeing him in the neighborhood?</p> <p>3 A. Off and on, a couple of times, a couple of</p> <p>4 times.</p> <p>5 Q. How many years?</p> <p>6 A. Maybe the last three or four.</p> <p>7 Q. Were he and Shannon acquaintances?</p> <p>8 A. I'm not sure. I know they knew each other,</p> <p>9 but I didn't know how.</p> <p>10 Q. Okay.</p> <p>11 When Mutt comes up on the porch, what does</p> <p>12 he do?</p> <p>13 A. He hugs me, "Hey, Ma," kissed me on the</p> <p>14 cheek, then goes to sit down by Shannon.</p> <p>15 Q. You said he hugs you. You said, "Hey, Mom."</p> <p>16 Who said, "Hey, Mom?"</p> <p>17 A. Mutt.</p> <p>18 Q. Mutt's not your son?</p> <p>19 A. No.</p> <p>20 Q. Why does he call you "Mom?"</p> <p>21 A. Everybody do. I don't know why. It's just</p> <p>22 like a nickname.</p> <p>23 Q. Nickname in the neighborhood?</p>

ETTA REID - DIRECT

11

- 1 A. Uh-huh.
- 2 Q. He goes over to where Shannon is sitting?
- 3 A. Uh-huh.
- 4 Q. Back in that back corner of the porch?
- 5 A. Right.
- 6 Q. What do they do?
- 7 A. They were sitting. So, he sits so close to
- 8 Deshannon, he was in his ear, but I don't know what
- 9 they were saying.
- 10 Q. You couldn't hear what was going on between
- 11 the two of them?
- 12 A. No.
- 13 Q. Is Mutt talking to Shannon?
- 14 A. Yes, he's in his ear.
- 15 Q. What's Shannon doing?
- 16 A. Texting.
- 17 Q. Is Shannon talking back with Mutt?
- 18 A. No.
- 19 Q. Is it fair to say he's ignoring him?
- 20 A. Yes.
- 21 Q. How long is -- does that go on? How long
- 22 does Mutt stay on the perch and talk to Shannon?
- 23 A. Maybe about five, 10 minutes.

ETTA REID - DIRECT

12

- 1 Q. What happens next?
- 2 A. Mutt gets up. Shannon says, "I'm going
- 3 through something right now." So, Mutt gets up and
- 4 leave.
- 5 Q. Okay.
- 6 A. And he goes towards Market Street. Then, a
- 7 few minutes later, he comes back.
- 8 MS. PUIT: All right. I'm going to take a
- 9 quick pause, and I'm going to show you what's been
- 10 previously marked State's Exhibit 1.
- 11 And Your Honor, may I have the assistance of
- 12 the bailiff to switch -- I think I can do it -- to
- 13 switch technology here, or maybe I can try it.
- 14 THE COURT: You can try it.
- 15 MS. PUIT: I think I got it. Except
- 16 nothing's coming up.
- 17 Miss Reid, I'm going to show you what's been
- 18 previously marked as State's Exhibit 1 without
- 19 objection from the defense.
- 20 MR. ARMSTRONG: No objection.
- 21 THE COURT: It'll be admitted.
- 22 MS. PUIT: Thank you.
- 23 Your Honor, may I have a moment.

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ETTA REID - DIRECT

13

- 1 THE COURT: Yes.
- 2 MS. PUIT: Technology issue. Thank you.
- 3 Try this again.
- 4 * * *
- 5 BY MS. PUIT:
- 6 Q. Miss Reid, I'm going to show you what's been
- 7 marked as State's Exhibit 1. Is that screen clear
- 8 to you up there?
- 9 A. Yes.
- 10 Q. Okay. What do we see here?
- 11 A. (No response).
- 12 Q. Is your house on this map?
- 13 A. No.
- 14 MS. PUIT: May I approach, Your Honor.
- 15 THE COURT: Yes.
- 16 * * *
- 17 BY MS. PUIT:
- 18 Q. Miss Reid, I'm going to orient you here, and
- 19 it might be a little bit easier to see the screen
- 20 behind you. Is that easier? You tell me.
- 21 A. I can't see it.
- 22 Q. Okay.
- 23 In front of you here, is it easier?

ETTA REID - DIRECT

14

- 1 A. (No response).
- 2 Q. Do you see 27th Street here (indicating)?
- 3 A. Uh-huh.
- 4 Q. And Market Street here (indicating)?
- 5 A. Uh-huh.
- 6 Q. Okay. I'm going to ask you again to take a
- 7 look at the map.
- 8 Can you find 27th Street on that map?
- 9 A. On this map?
- 10 Q. Yes, ma'am.
- 11 A. Right here (indicating).
- 12 Q. Okay, and do you see Market Street?
- 13 A. Yes.
- 14 Q. Do you see Pete's Pizza?
- 15 A. No.
- 16 Q. Okay.
- 17 Miss Reid, where is Pete's Pizza in relation
- 18 to your house?
- 19 A. Down the street, across the street on the
- 20 right-hand side --
- 21 Q. Okay.
- 22 A. -- on the corner.
- 23 Q. Earlier, you testified you lived on 27th

<p style="text-align: center;">ETTA REID - DIRECT</p> <p style="text-align: right;">15</p> <p>1 Street, right?</p> <p>2 A. Yes.</p> <p>3 Q. Okay, and Pete's Pizza's on the corner of</p> <p>4 27th & Market, right?</p> <p>5 A. Right.</p> <p>6 Q. Do you see the corner of 27th & Market on</p> <p>7 that map?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Could you circle that for me.</p> <p>10 A. What am I circling?</p> <p>11 Q. The corner of 27th & Market, Miss Reid, do</p> <p>12 you see it up there?</p> <p>13 Okay. So, up there, we have a blue cross at</p> <p>14 the corner of 27th & Market, and you said that's</p> <p>15 where Pete's Pizza is, correct?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. Taking another look at that map,</p> <p>18 where about is your house on there?</p> <p>19 You don't have to give an exact, but where</p> <p>20 would your house be in relation to where Pete's</p> <p>21 Pizza is?</p> <p>22 A. My house would be on the left-hand side,</p> <p>23 further up the street in the back of the church.</p>	<p style="text-align: center;">ETTA REID - DIRECT</p> <p style="text-align: right;">17</p> <p>1 A. (No response).</p> <p>2 Q. We're going to forget about the map, Etta,</p> <p>3 okay?</p> <p>4 A. Okay.</p> <p>5 Q. All right.</p> <p>6 You're sitting on your porch, and you say</p> <p>7 that Mutt leaves. He goes in which direction?</p> <p>8 A. Down Market Street, 27th.</p> <p>9 Q. Down Market, towards 27th?</p> <p>10 A. Down 27th, toward Market.</p> <p>11 Q. Okay. Thank you for correcting me.</p> <p>12 Down 27th, towards Market, and then is it</p> <p>13 just you and Shannon on your porch?</p> <p>14 A. Yes.</p> <p>15 Q. Does anyone else come out?</p> <p>16 A. No.</p> <p>17 Q. Does Mutt ever come back?</p> <p>18 A. Yes.</p> <p>19 Q. How many minutes is he gone?</p> <p>20 A. Not long, maybe five minutes or so.</p> <p>21 Q. Okay.</p> <p>22 What happens -- what does he do when he</p> <p>23 comes back?</p>
<p style="text-align: center;">ETTA REID - DIRECT</p> <p style="text-align: right;">16</p> <p>1 Q. Where's -- let's go this way. Where's the</p> <p>2 church?</p> <p>3 A. (No response).</p> <p>4 Q. I'm going to try to change the color for</p> <p>5 you, to give you a different color. My screen here</p> <p>6 is -- all right. I'm going to go one more time.</p> <p>7 There we go.</p> <p>8 You marked Pete's Pizza with a blue cross?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Where would that church be?</p> <p>11 A. On the opposite side of the street.</p> <p>12 Q. Okay. Why don't you give me a mark there.</p> <p>13 A. I can't -- I can't see it.</p> <p>14 Q. Etta? Etta?</p> <p>15 A. Yes.</p> <p>16 Q. Look at me.</p> <p>17 Pete's Pizza's on the map. It's got a blue</p> <p>18 cross. This is where you've lived for 18 years.</p> <p>19 Take a breath.</p> <p>20 What's across from Pete's Pizza?</p> <p>21 A. It's a church.</p> <p>22 Q. Okay.</p> <p>23 Now, where's that church on the map?</p>	<p style="text-align: center;">ETTA REID - DIRECT</p> <p style="text-align: right;">18</p> <p>1 A. Comes back, he sits in the same chair, still</p> <p>2 whispering in Shannon's ear.</p> <p>3 Q. He's back on the porch, back over towards</p> <p>4 Shannon. Did he say anything to you this time?</p> <p>5 A. No.</p> <p>6 Q. Sits down. What happens between he and</p> <p>7 Shannon?</p> <p>8 A. He sits down, still whispering in his ear.</p> <p>9 As he got up, he said, "Man, I told you I</p> <p>10 don't have anything for you." That's when they</p> <p>11 walked towards the porch --</p> <p>12 Q. Okay.</p> <p>13 A. -- and then down the street.</p> <p>14 Q. Okay.</p> <p>15 You said he stood up and said, "Man, I don't</p> <p>16 have anything for you."</p> <p>17 A. Uh-huh.</p> <p>18 Q. Who did that?</p> <p>19 A. Deshannon.</p> <p>20 Q. What did you take that to mean?</p> <p>21 A. I don't know. I don't know if it was money,</p> <p>22 drugs or what. I don't know.</p> <p>23 Q. Okay.</p>

ETTA REID - DIRECT

19

- 1 Were you aware that Shannon sold drugs?
- 2 A. Yes. That's nothing that I'm proud of, but.
- 3 Q. Okay. He told you that?
- 4 A. Yes.
- 5 Q. All right.
- 6 He says to Mutt, "I ain't got nothing for
- 7 you." What happens next?
- 8 A. They walk down the street.
- 9 Q. They get off the porch?
- 10 A. Yes; walked up the street, got to two houses
- 11 from the corner, and they were still arguing, and
- 12 Shannon says, "Man, we can go now."
- 13 Q. Okay.
- 14 They get off the porch, and you say they
- 15 walk towards the corner.
- 16 A. Yes.
- 17 Q. You live on 27th. You've got Market on one
- 18 corner --
- 19 A. Moore.
- 20 Q. -- and you got Moore on the other. Do they
- 21 go towards Market or Moore?
- 22 A. Moore.
- 23 Q. Okay. You said about two houses up?

ETTA REID - DIRECT

20

- 1 A. Yes.
- 2 Q. And what did you hear him say?
- 3 A. I was -- I was seeing him raise his hands,
- 4 said, "Man, we can go now."
- 5 Q. Okay.
- 6 They're two houses up. Could you hear them?
- 7 A. No. I could just see gestures.
- 8 Q. Okay.
- 9 How do you know that they're arguing?
- 10 A. By the gestures his hands was making.
- 11 Q. When he -- when Shannon said to Mutt, "I
- 12 ain't got nothing for you," what was the tone in
- 13 his voice?
- 14 A. Mad, angry.
- 15 Q. You just said that Shannon said, "We can go
- 16 now."
- 17 A. Yes.
- 18 Q. What did you take that to mean?
- 19 A. Fight.
- 20 Q. What happens next, Etta?
- 21 A. There was some people on the corner across
- 22 the street of Moore, so he walked tow--
- 23 and Mutt walked there too.

ETTA REID - DIRECT

21

- 1 Q. Shannon walked up to the corner of Moore,
- 2 and Mutt's with him; is that correct?
- 3 A. He's not with him, but he's there.
- 4 Q. Okay.
- 5 Who's -- who's in -- who's in -- who's the
- 6 line leader? Who's first?
- 7 A. Deshannon.
- 8 Q. Okay, Mutt's following him?
- 9 A. Yes.
- 10 Q. And they walk to the corner?
- 11 A. Uh-huh.
- 12 Q. At this point, can you hear them?
- 13 A. No. There was a bunch of people on the
- 14 corner. They was talking. So, I don't know what
- 15 was being said.
- 16 Q. And you said -- it's after 9:00, you said
- 17 that earlier?
- 18 A. Yes.
- 19 Q. So, is it dark out?
- 20 A. Yes.
- 21 Q. Okay. Can you see them on the corner?
- 22 A. Yeah. They was right under the streetlight.
- 23 Q. So, there's a streetlight at Moore & 27th?

ETTA REID - DIRECT

22

- 1 A. Yes.
- 2 Q. What happens at the corner?
- 3 A. I don't know if they went to talk to people.
- 4 I don't know what happened, but Shannon went to
- 5 walk across the street on the opposite side.
- 6 That's when people were saying, "No, Man, no." He
- 7 pulled a gun out.
- 8 Q. Who pulled a gun out?
- 9 A. Mutt.
- 10 Q. What did he do?
- 11 A. As he was walking across the street,
- 12 Deshannon, Mutt shot him. Deshannon fell. Mutt
- 13 stood over him and shot him two more times. Then,
- 14 he runs through Pete's parking lot.
- 15 Q. You said he was walking over. Who was
- 16 walking across the street?
- 17 A. Shannon was walking on the opposite -- on
- 18 the opposite side of the street.
- 19 Q. You said Mutt fired. How do you know he
- 20 fired a gun?
- 21 A. I heard it.
- 22 Q. Heard it.
- 23 Did you see anything that made you believe

ETTA REID - DIRECT

23

- 1 he fired a gun?
- 2 A. I just seen this (indicating), his hands
- 3 sticking out.
- 4 Q. So, you said -- you made a gesture with your
- 5 arms extending out, and you said, "I saw him with
- 6 his arm out?"
- 7 A. Uh-huh.
- 8 Q. Okay.
- 9 Said he shot him once?
- 10 A. And Shannon fell.
- 11 Q. Where did he fall?
- 12 A. In the street, in the middle of the street,
- 13 and then he stood over and shot him two more times
- 14 and ran through the parking lot. Shannon managed
- 15 to get up and stumbled over and fell right where
- 16 they was arguing at earlier, and he said, "Mom,
- 17 call 911."
- 18 By then, I was already doing that.
- 19 He just kept saying, "Take my shoes off.
- 20 Take my shoes off."
- 21 Q. Were you able to call 911?
- 22 A. No. Somebody took the phone out of my hand
- 23 and called.

ETTA REID - DIRECT

24

- 1 Q. Miss Reid, I'm going to ask you to stand up.
- 2 A. (Witness complies).
- 3 Q. Do you see Mutt in the courtroom today?
- 4 A. Yes.
- 5 Q. Where is he?
- 6 A. Right there (indicating) in the blue shirt.
- 7 MS. PUIT: For the record, Your Honor, Miss
- 8 Reid has pointed to the defendant in the blue shirt
- 9 at the defense table.
- 10 May I have a moment.
- 11 THE COURT: Yes.
- 12 * * *
- 13 (Pause)
- 14 * * *
- 15 MS. PUIT: I'm sorry, Miss Reid, you can sit
- 16 down. I'm sorry.
- 17 Nothing further at this time, Your Honor.
- 18 THE COURT: Defense may cross-examine.
- 19 MR. ARMSTRONG: Thank you, Your Honor.
- 20 * * *
- 21 CROSS-EXAMINATION
- 22 * * *
- 23 BY MR. ARMSTRONG:

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ETTA REID - CROSS

25

- 1 Q. Good morning, Miss Reid.
- 2 A. Good morning.
- 3 Q. Miss Reid, how old are you?
- 4 A. 60.
- 5 Q. And what's your vision?
- 6 A. Excuse me.
- 7 Q. What is your vision?
- 8 A. What do you mean?
- 9 Q. Like what's your eyesight, 20/20, 20/40,
- 10 nearsighted, farsighted?
- 11 A. No. I'm not nearsighted or farsighted. I
- 12 just need reading glasses.
- 13 Q. Just reading glasses?
- 14 A. Uh-huh.
- 15 THE COURT: Miss Reid, sit closer to the
- 16 microphone, please.
- 17 * * *
- 18 BY MR. ARMSTRONG:
- 19 Q. And how long had Shannon been selling drugs?
- 20 A. For a while.
- 21 Q. What's "for a while?"
- 22 A. Years.
- 23 Q. Years?

ETTA REID - CROSS

26

- 1 A. Uh-huh.
- 2 Q. Since juvenile?
- 3 A. Yes.
- 4 Q. Do you know what drugs he sold?
- 5 A. Marijuana.
- 6 Q. That's it?
- 7 A. That's it.
- 8 Q. That's it.
- 9 Did you work the night of April the 14th?
- 10 A. Yes.
- 11 Q. And what was your hours?
- 12 A. I worked from 6 to 3.
- 13 Q. 6 to 3 in the afternoon?
- 14 A. Uh-huh.
- 15 Q. 6 in the morning till 3:00 p.m.
- 16 And what was the temperature out there that
- 17 day?
- 18 A. What was what?
- 19 Q. The temperature.
- 20 A. It was nice. It was warm.
- 21 Q. It was warm?
- 22 A. It was very nice.
- 23 Q. Do you consider 50 degrees warm?

ETTA REID - CROSS

27

- 1 A. After being in work all day, I do.
- 2 Q. Okay.
- 3 A. Just being outside.
- 4 Q. Being outside.
- 5 So, at that time at night, if I were to tell
- 6 you that the weather history has it as being
- 7 somewhere between 49 to 50 degrees outside, would
- 8 you disagree with that?
- 9 A. No. It was just nice out to me. I don't
- 10 know --
- 11 Q. That's nice out to you?
- 12 A. -- what degree it was. Yes.
- 13 Q. What did Shannon have on?
- 14 A. What did he have on?
- 15 Q. Uh-huh.
- 16 A. I'm not sure, a pair of jeans and a shirt.
- 17 Q. What kind of shirt, long-sleeved,
- 18 short-sleeved, no jacket?
- 19 A. No jacket.
- 20 Q. I want to show you what has been marked as
- 21 Defense's 4. Do you recognize that?
- 22 A. (No response).
- 23 Q. I have to put my glasses on.

ETTA REID - CROSS

28

- 1 A. It's my front porch.
- 2 Q. Okay. So, you recognize it?
- 3 A. Yes.
- 4 Q. And where were you sitting, if you could
- 5 make a mark.
- 6 A. In the chair right there (indicating),
- 7 behind the pole.
- 8 Q. The blue chair?
- 9 A. Yes.
- 10 Q. And where was Deshannon sitting?
- 11 A. In this chair (indicating), with his back to
- 12 the wall.
- 13 Q. The blue chair?
- 14 A. Uh-huh.
- 15 Q. There's two blue chairs; the one on the left
- 16 or the one on the right?
- 17 A. The one on the opposite side. In front of
- 18 the pole, there's a chair there, two chairs there.
- 19 Q. There's two blue chairs there, right?
- 20 A. Right, but it's one -- two blue chairs also
- 21 facing the back. You can't see the chairs from the
- 22 pole.
- 23 Do you see a little top of the chair?

ASle

ETTA REID - CROSS

29

- 1 Q. Let me help you out a little bit. Top of
- 2 that blue chair right there (indicating)?
- 3 A. Right. He was in the corner. Mutt was
- 4 sitting in that chair.
- 5 Q. Right here (indicating)?
- 6 A. Yes.
- 7 Q. And then you said someone else was sitting
- 8 right here (indicating)?
- 9 A. No.
- 10 Q. Here (indicating)?
- 11 A. Wasn't nobody else on the porch.
- 12 Q. Where was the other person sitting?
- 13 A. What other person? There was me, Shannon
- 14 and Mutt.
- 15 Q. Where was Mutt supposed to be sitting?
- 16 A. In that chair.
- 17 Q. This one here (indicating)?
- 18 A. No, the one over.
- 19 Q. That one (indicating)?
- 20 A. On --
- 21 Q. Can you point to it?
- 22 A. I'm trying to.
- 23 Do you see the top of that chair?

ETTA REID - CROSS

30

- 1 Q. Right.
- 2 A. Okay. It's two chairs there.
- 3 Q. Okay.
- 4 A. Mutt was sitting in this chair. Shannon was
- 5 sitting in this chair (indicating).
- 6 Q. Okay, and they were facing Moore Street?
- 7 A. Yes, facing this way (indicating).
- 8 Q. And Shannon was texting.
- 9 What were you doing, just sitting out
- 10 watching the people?
- 11 A. Just sitting out watching the people.
- 12 Q. And the sun had set?
- 13 A. Excuse me.
- 14 Q. Had the sun set? It was dark?
- 15 A. It was dark.
- 16 Q. And fair to say that street's a very dark
- 17 street, correct?
- 18 A. Correct.
- 19 Q. I'm going to show you what has been marked
- 20 as Defense's 5 without objection.
- 21 Fair to say that's how dark it was out
- 22 there, right?
- 23 A. Yes.

<p style="text-align: center;">ETTA REID - CROSS</p> <p style="text-align: center;">31</p> <p>1 MR. ARMSTRONG: Permission to publish to the</p> <p>2 jury.</p> <p>3 THE COURT: Yes.</p> <p>4 MR. ARMSTRONG: Thank you.</p> <p>5 * * *</p> <p>6 (Photograph shown to the jury.)</p> <p>7 * * *</p> <p>8 THE COURT: Members of the jury, you're</p> <p>9 allowed to look at this now without commenting on</p> <p>10 it, and those in the back of the jury can lean</p> <p>11 forward so everybody -- so the four of you can look</p> <p>12 at it at one time. As I say, there's to be no</p> <p>13 comment or talking during it.</p> <p>14 You'll have the opportunity to see it later</p> <p>15 during your deliberations.</p> <p>16 * * *</p> <p>17 BY MR. ARMSTRONG:</p> <p>18 Q. I'm going to show you what has been admitted</p> <p>19 as Defense's 6 without objection.</p> <p>20 Would that also reflect how dark it was?</p> <p>21 A. Yes.</p> <p>22 MR. ARMSTRONG: Permission to publish to the</p> <p>23 jury.</p>	<p style="text-align: center;">ETTA REID - CROSS</p> <p style="text-align: center;">33</p> <p>1 (indicating), right?</p> <p>2 A. Correct.</p> <p>3 Q. Okay.</p> <p>4 Now, when Shannon was shot, where was he</p> <p>5 standing? Can you mark --</p> <p>6 A. He was crossing the street.</p> <p>7 Q. Where on the map, if you could show me.</p> <p>8 A. This way, he was coming this way</p> <p>9 (indicating).</p> <p>10 Q. He was over there?</p> <p>11 A. He was coming from that direction.</p> <p>12 Q. He -- okay. Let me make myself clear.</p> <p>13 Are you saying that he was coming this</p> <p>14 direction (indicating)?</p> <p>15 A. He was going across the street.</p> <p>16 Q. Was he going that direction (indicating) --</p> <p>17 A. Uh-huh.</p> <p>18 Q. -- or was he going that direction</p> <p>19 (indicating)?</p> <p>20 A. No. He was crossing the middle of the</p> <p>21 street, going toward --</p> <p>22 Q. Tatnell?</p> <p>23 A. No. The same street, but going toward --</p>
<p style="text-align: center;">ETTA REID - CROSS</p> <p style="text-align: center;">32</p> <p>1 THE COURT: Permission granted, with the</p> <p>2 same instructions.</p> <p>3 * * *</p> <p>4 (Photograph shown to the jury.)</p> <p>5 * * *</p> <p>6 MR. ARMSTRONG: I'm going to show you what</p> <p>7 has been marked as Defense's 1, without objection?</p> <p>8 MS. PUIT: That's correct, Your Honor.</p> <p>9 * * *</p> <p>10 BY MR. ARMSTRONG:</p> <p>11 Q. This is a -- they call it a bird's-eye view,</p> <p>12 where, if you can see, you see West 27th Street,</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. And safe to say the street right here would</p> <p>16 be Moore Street (indicating)?</p> <p>17 A. Correct.</p> <p>18 Q. And safe to say that this is 27th</p> <p>19 (indicating)?</p> <p>20 A. Yes.</p> <p>21 Q. Okay, and your house is here (indicating)?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Okay, and your porch would be right there</p>	<p style="text-align: center;">ETTA REID - CROSS</p> <p style="text-align: center;">34</p> <p>1 across it.</p> <p>2 Q. So, he was going from one side of 27th to</p> <p>3 the other side of 27th?</p> <p>4 A. Right, 27th & Moore.</p> <p>5 Q. All right, and he was standing -- he got</p> <p>6 shot in this area right here (indicating)?</p> <p>7 A. He got shot crossing the street in the</p> <p>8 middle; yes.</p> <p>9 Q. Okay, and when he got shot, was he facing</p> <p>10 you or away from you?</p> <p>11 A. He was crossing the opposite side of the</p> <p>12 street. He wasn't facing me.</p> <p>13 Q. So, his back was to you?</p> <p>14 A. Yes.</p> <p>15 Q. Okay, and he fell in the street?</p> <p>16 A. Yes.</p> <p>17 Q. Okay, and he fell right there in the corner</p> <p>18 in the middle of that street, correct?</p> <p>19 A. Correct.</p> <p>20 Q. And you gave a statement to the police</p> <p>21 earlier. You said there were people out, right?</p> <p>22 A. Yes.</p> <p>23 Q. Where was those people located?</p>

ETTA REID - CROSS

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- 1 A. On the corner.
- 2 Q. Can you point to which house they were
- 3 located, or were they just standing on the corner?
- 4 A. They was just standing on the corner. They
- 5 was not at any house.
- 6 Q. And where were they standing? On which --
- 7 on which -- there's four corners --
- 8 A. Moore Street, on this corner (indicating).
- 9 Q. They were standing --
- 10 A. Across.
- 11 Q. Across.
- 12 And then you say when Shannon was shot, he
- 13 fell immediately?
- 14 A. Yeah, yes.
- 15 Q. Okay.
- 16 So, you heard one gunshot, and then he fell?
- 17 A. Yes.
- 18 Q. You never saw the fire come from the gun?
- 19 A. No, I just heard it.
- 20 Q. And -- but you said you saw him -- saw
- 21 whoever shot him pointing, and you didn't see the
- 22 fire that came from the gun?
- 23 A. No.

ETTA REID - CROSS

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- 1 Q. So, the person that you say was pointing
- 2 towards him, you didn't see fire look like it was
- 3 coming from him?
- 4 A. No.
- 5 Q. And you didn't see a gun?
- 6 A. No.
- 7 Q. Did you see like the dust or the plume that
- 8 comes from it when --
- 9 A. Yes.
- 10 Q. -- a gun fires, but no fire?
- 11 A. No.
- 12 Q. And then, how many shots did you see?
- 13 A. Did I hear?
- 14 Q. Yeah.
- 15 A. The one that hit him when he fell, and then
- 16 two more after.
- 17 Q. Okay, and at that point, you said he was on
- 18 the ground, someone shot -- then he shot him on the
- 19 ground?
- 20 A. Uh-huh, yes.
- 21 Q. So, Shannon was hit three times, as far as
- 22 you have --
- 23 A. Yes.

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ETTA REID - CROSS

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- 1 Q. -- to say?
- 2 Okay, and then, after being shot in the
- 3 buttocks, the groin, and then the back, he was able
- 4 to still get up and walk back to you?
- 5 A. He stumbled back over to --
- 6 Q. He stumbled back over.
- 7 A. -- and fell.
- 8 Q. Was he bleeding when he stumbled back over?
- 9 A. Yes.
- 10 Q. And there was blood all in the street?
- 11 A. Very much.
- 12 Q. Very much.
- 13 * * *
- 14 (Discussion held off the record amongst counsel.)
- 15 * * *
- 16 MS. PUIT: I'm sorry, Your Honor.
- 17 THE COURT: That's all right.
- 18 * * *
- 19 (Pause)
- 20 * * *
- 21 MS. PUIT: Your Honor, I apologize to the
- 22 Court for the interruption. Thank you.
- 23 THE COURT: Anything that we need to meet

ETTA REID - CROSS

38

- 1 about, do you think?
- 2 MS. PUIT: I do not believe so.
- 3 MR. ARMSTRONG: No.
- 4 MS. PUIT: And I can make a record later.
- 5 THE COURT: Thank you.
- 6 * * *
- 7 BY MR. ARMSTRONG:
- 8 Q. Just follow-up, and I do apologize.
- 9 You said that Deshannon had on a T-shirt and
- 10 some pants?
- 11 A. He had on a pair of jeans and a shirt.
- 12 Q. What kind, a regular shirt, dress shirt,
- 13 Polo shirt?
- 14 A. Regular shirt.
- 15 Q. Long-sleeved, short-sleeved?
- 16 A. Short-sleeved.
- 17 Q. Short-sleeved.
- 18 A. Regular shirt.
- 19 Q. And how do you know this?
- 20 A. I seen him.
- 21 Q. Okay. 100% sure?
- 22 A. I know he had on pants and a shirt on.
- 23 Q. I was asking were you 100% sure, ma'am.

<p style="text-align: center;">ETTA REID - CROSS</p> <p style="text-align: right;">39</p> <p>1 A. Yes.</p> <p>2 Q. Okay, and you're 100% sure he had on</p> <p>3 short-sleeved shirt and pants, and it was warm</p> <p>4 outside?</p> <p>5 A. Yes.</p> <p>6 Q. How long did it take the police to get to</p> <p>7 the scene and the EMTs?</p> <p>8 A. Not long.</p> <p>9 Q. What's not long?</p> <p>10 A. About five.</p> <p>11 Q. Five minutes?</p> <p>12 A. Six minutes. It wasn't long.</p> <p>13 Q. And why -- while you were waiting on the</p> <p>14 police, were other people out there?</p> <p>15 A. Yes.</p> <p>16 Q. Do you remember any of the other people that</p> <p>17 were out there?</p> <p>18 A. No.</p> <p>19 Q. Do you remember seeing any of your neighbors</p> <p>20 come out?</p> <p>21 A. No.</p> <p>22 Q. How about Leantaye Cassidy; do you remember</p> <p>23 seeing her come out?</p>	<p style="text-align: center;">ETTA REID - CROSS</p> <p style="text-align: right;">41</p> <p>1 say? That was my question.</p> <p>2 A. Yeah.</p> <p>3 Q. All right.</p> <p>4 So, I'm going to summarize and sit down,</p> <p>5 okay? You're saying to us that Shannon was walking</p> <p>6 across the street to 7th, got shot while he was in</p> <p>7 the -- crossing the street, somewhere in the middle</p> <p>8 of the street, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Fell down in the street?</p> <p>11 A. Yes.</p> <p>12 Q. Stayed there for how long?</p> <p>13 A. Not long.</p> <p>14 Q. Long enough for someone to pump two more</p> <p>15 bullets in him, correct?</p> <p>16 A. Uh-huh.</p> <p>17 Q. And then get back up and stagger back all</p> <p>18 the way across, right?</p> <p>19 A. To the corner, yeah.</p> <p>20 Q. To the -- back to the corner?</p> <p>21 A. Yes.</p> <p>22 Q. Where did -- and I hate to ask this</p> <p>23 question -- where did Shannon fall? If you can</p>
<p style="text-align: center;">ETTA REID - CROSS</p> <p style="text-align: right;">40</p> <p>1 A. I don't -- I don't even know that name.</p> <p>2 Q. You don't know that name?</p> <p>3 So, you don't remember seeing any of your</p> <p>4 neighbors or anybody come out, you were just</p> <p>5 focused on the event --</p> <p>6 A. Yes.</p> <p>7 Q. -- you don't remember?</p> <p>8 Were people talking while they were out</p> <p>9 there?</p> <p>10 A. Yes.</p> <p>11 Q. A lot of people were talking about what they</p> <p>12 think they saw and what they think happened, right?</p> <p>13 A. No.</p> <p>14 Q. Nobody there was talking about what had just</p> <p>15 happened or what might have just happened or what</p> <p>16 could have just happened?</p> <p>17 A. They just said he shot Shannon and ran</p> <p>18 through the parking lot.</p> <p>19 Q. All right, and they were telling you that?</p> <p>20 A. They were talking amongst themselves.</p> <p>21 Q. And you were listening?</p> <p>22 A. I seen it.</p> <p>23 Q. But you were listening to what they had to</p>	<p style="text-align: center;">ETTA REID - CROSS</p> <p style="text-align: right;">42</p> <p>1 show me on map.</p> <p>2 A. Where did he fall? He fell in the street</p> <p>3 (indicating).</p> <p>4 Q. And then, where did he come -- after he got</p> <p>5 back up, where did he go?</p> <p>6 A. After he stumbled out, he got to the second</p> <p>7 house from the corner --</p> <p>8 Q. Where would that be?</p> <p>9 A. -- and fell.</p> <p>10 It'll be in here somewhere (indicating).</p> <p>11 Q. Now, when you said you heard him say "let's</p> <p>12 do this" or something to that effect, you thought</p> <p>13 they were going to fight?</p> <p>14 A. That was the gesture, said, "Man, we can</p> <p>15 go."</p> <p>16 Q. All right, and as a drug dealer, does</p> <p>17 Shannon carry a gun?</p> <p>18 A. No.</p> <p>19 Q. Do you know?</p> <p>20 A. I never knew. I haven't seen one.</p> <p>21 Q. All right, but you wouldn't know; would you?</p> <p>22 A. No.</p> <p>23 Q. So, it's possible that he does, right?</p>

1 MS. PUIT: Your Honor, objection.

2 THE COURT: Let's take the -- well, let's
3 take the objection at sidebar.

4 * * *

5 Sidebar conference held as follows:

6 MS. PUIT: Your Honor, he's asking Miss Reid
7 if a drug dealer would carry a gun. She has no
8 knowledge of this, and she's already admitted that
9 her son dealt drugs --

10 MR. ARMSTRONG: I'm asking whether or not
11 she has any knowledge of her son, the drug dealer,
12 who carries a gun.

13 THE COURT: I think as long as it's confined
14 to that specific question about her son, I'll allow
15 that question, but I think to the extent it would
16 get into the area that the State's concerned about,
17 all drug dealers having guns, that's where the --

18 MR. ARMSTRONG: Understood.

19 MS. PUIT: I would just say then that she's
20 already answered that question.

21 THE COURT: That's true.

22 MS. PUIT: My other objection would be that
23 it's asked and answered.

1 THE COURT: Well, since it's important, I'm
2 going to exercise my discretion. I'll allow him to
3 ask it a second time.

4 MS. PUIT: Yes, Your Honor.

5 MR. ARMSTRONG: Thank you.

6 * * *

7 (Sidebar conference concluded.)

8 * * *

9 THE COURT: Objection overruled.

10 * * *

11 BY MR. ARMSTRONG:

12 Q. The last statement you made to me, and
13 correct me if I'm wrong, is that you didn't know
14 whether or not he did, but you didn't know him to
15 carry a gun, correct?

16 A. Correct.

17 Q. Okay, and then I asked you whether -- is it
18 possible, and your answer would be you don't know,
19 correct?

20 A. Correct.

21 Q. Now, when the conversation that was going
22 on, the "let's fight" conversation that you said
23 happened, that didn't take place in the streets;

1 did it?

2 A. No.

3 Q. It took place on the side?

4 A. Right where he fell at, that he stumbled
5 over to.

6 Q. Okay.

7 So, it took place right there by you?

8 A. Yes.

9 Q. All right, and at that point, you were still
10 sitting. You stood up --

11 A. -- at the end of the porch.

12 Q. You walked to the end of the porch?

13 A. Yes.

14 Q. Why?

15 A. Because I was worrying. I watched the whole
16 time they walked.

17 Q. And then, when he walked -- when Deshannon
18 walked away, you just still watched, right?

19 A. Yes.

20 Q. In the dark?

21 A. Yes. The streetlight's there.

22 Q. Right; the same streetlights that are on

23 when we see the pictures that are there, right?

1 A. Right.

2 MR. ARMSTRONG: Okay.

3 May I have a moment, Your Honor.

4 THE COURT: Yes.

5 * * *

6 (Pause)

7 * * *

8 BY MR. ARMSTRONG:

9 Q. Do you remember giving an interview with the
10 police on that night, correct?

11 A. Yes.

12 Q. All right, and in that interview, you told
13 the police everything that you knew, right?

14 A. Correct.

15 Q. And you remember telling them there were a
16 lot of people that were actually on the porch that
17 saw what happened, right?

18 A. Not on my porch.

19 Q. No, but on a porch --

20 A. Yes.

21 Q. -- on Moore Street?

22 A. Yes.

23 Q. Right, but now you're saying that the people

<p style="text-align: center;">ETTA REID - CROSS</p> <p style="text-align: right;">47</p> <p>1 are on the street and not on the porch?</p> <p>2 A. There's people on the corner, and there's</p> <p>3 people on the porch across the street.</p> <p>4 Q. So, now you got two sets of people there,</p> <p>5 where, before, you only told the police there were</p> <p>6 one set of people there.</p> <p>7 A. There was people all on the street.</p> <p>8 Q. People all over the place, right?</p> <p>9 A. (No response).</p> <p>10 Q. And was the person who shot Deshannon, was</p> <p>11 their back towards you?</p> <p>12 A. No.</p> <p>13 Q. No, they were facing you?</p> <p>14 A. He was on the side like.</p> <p>15 Q. You can see their side view?</p> <p>16 A. Yes.</p> <p>17 Q. And who got off the porch first, the second</p> <p>18 time?</p> <p>19 A. What do you mean?</p> <p>20 Q. Like who got off the porch? Who left the</p> <p>21 porch first? You said at some point all three of</p> <p>22 you guys are back on the porch again, and then --</p> <p>23 then they leave the porch. Who leaves the porch</p>	<p style="text-align: center;">ETTA REID - REDIRECT</p> <p style="text-align: right;">49</p> <p>1 MS. PUIT: Yes, Your Honor. Thank you.</p> <p>2 * * *</p> <p>3 <u>REDIRECT EXAMINATION</u></p> <p>4 * * *</p> <p>5 BY MS. PUIT:</p> <p>6 Q. Good morning, again, Miss Reid.</p> <p>7 A. Good morning.</p> <p>8 Q. On direct examination, you said that Mutt</p> <p>9 walked up onto the porch and hugged you, correct?</p> <p>10 A. Yes.</p> <p>11 Q. So, is it fair to say that you're touching</p> <p>12 when that happens?</p> <p>13 A. I'm sitting down, and he hugs me.</p> <p>14 Q. So, his arms are touching you?</p> <p>15 A. Uh-huh.</p> <p>16 Q. You're this close (indicating)?</p> <p>17 A. Yes.</p> <p>18 Q. Less than inches away?</p> <p>19 A. Yes.</p> <p>20 Q. And he stays on the porch for a while, and</p> <p>21 then comes back, correct?</p> <p>22 A. Uh-huh.</p> <p>23 Q. When he and Shannon exit the porch, what do</p>
<p style="text-align: center;">ETTA REID - CROSS</p> <p style="text-align: right;">48</p> <p>1 first?</p> <p>2 A. Mutt.</p> <p>3 Q. And Deshannon follows him?</p> <p>4 A. Yes.</p> <p>5 Q. You don't remember telling the police that</p> <p>6 Deshannon left first and the other person followed</p> <p>7 --</p> <p>8 A. No. Mutt left off the porch first.</p> <p>9 Q. So, what you told the police was inaccurate?</p> <p>10 A. I don't remember, but that's what -- Mutt</p> <p>11 left off the porch first.</p> <p>12 Q. That's what you remember today?</p> <p>13 A. (No response).</p> <p>14 Q. Right?</p> <p>15 A. That's what I remembered then.</p> <p>16 Q. Well, you don't remember then telling the</p> <p>17 police in a taped interview that Deshannon left,</p> <p>18 and then the other person followed him?</p> <p>19 A. No, he left first.</p> <p>20 Q. The other person left first?</p> <p>21 A. Uh-huh.</p> <p>22 MR. ARMSTRONG: No further questions.</p> <p>23 THE COURT: Redirect examination, Miss Puit?</p>	<p style="text-align: center;">ETTA REID - REDIRECT</p> <p style="text-align: right;">50</p> <p>1 they do?</p> <p>2 A. Got out on the street, exit the porch.</p> <p>3 Q. Are you watching them?</p> <p>4 A. Yes.</p> <p>5 Q. When they get to the corner of Moore Street,</p> <p>6 are you watching them?</p> <p>7 A. Yes.</p> <p>8 Q. When Mutt shoots Shannon, are you watching</p> <p>9 him?</p> <p>10 A. Yes.</p> <p>11 Q. Is it fair to say you have eyes on him the</p> <p>12 entire time?</p> <p>13 A. Both of them.</p> <p>14 Q. And you also testified that there's a light</p> <p>15 on the corner of Moore Street?</p> <p>16 A. Yes.</p> <p>17 MS. PUIT: May I have a moment, Your Honor.</p> <p>18 THE COURT: Yes.</p> <p>19 MS. PUIT: Thank you.</p> <p>20 * * *</p> <p>21 (Pause)</p> <p>22 * * *</p> <p>23 BY MS. PUIT:</p>

ETTA REID - REDIRECT

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1 Q. On cross-examination, Miss Reid, Mr.
2 Armstrong said to you, "So, Deshannon was hit three
3 times," and you said "yes."
4 How many shots did you hear?
5 A. Three.
6 Q. Do you know for certain how many times he
7 was actually struck?
8 A. Three times.
9 Q. You heard three shots?
10 A. Uh-huh.
11 Q. But you don't know how many times his body
12 was actually struck?
13 MR. ARMSTRONG: Objection, Your Honor, asked
14 and answered. She said "three times."
15 THE COURT: Overruled. I'm going to allow
16 the question to be asked.
17 * * *
18 BY MS. PUTT:
19 Q. You heard three shots?
20 A. Yes.
21 Q. Do you know how many times he was actually
22 shot, or how many shots you heard?
23 A. I heard one shot. He fell. Then, Mutt

ETTA REID - REDIRECT

52

1 stood over him and shot two more shots. That's
2 what I heard.
3 Q. Okay, and on direct examination you said you
4 lived in that house about 18 years, correct?
5 A. Or more.
6 Q. Or more?
7 A. Uh-huh.
8 Q. Did Shannon live with you the whole time?
9 A. Yes.
10 Q. Of those 18 years?
11 A. Yes.
12 Q. How often would you guys say you sat on the
13 porch together?
14 A. Quite a lot, especially when the weather's
15 nice.
16 Q. Did you have dinner together?
17 A. Sometimes.
18 Q. Did you ever see each other in the morning?
19 A. Yes.
20 Q. Did you ever go up to his apartment?
21 A. Sometimes. *AP2*
22 Q. How often did you see him since he had the
23 new baby?

ETTA REID - REDIRECT/RE CROSS

53

1 A. All the time.
2 Q. Do you spend time with the baby and Sarah
3 and --
4 A. Yes.
5 Q. -- Shannon?
6 A. Yes.
7 Q. Did you ever see him with a gun?
8 A. No.
9 MS. PUTT: Nothing further, Your Honor.
10 THE COURT: Recross examination, Mr.
11 Armstrong?
12 MR. ARMSTRONG: Thank you.
13 * * *
14 RE CROSS EXAMINATION
15 * * *
16 BY MR. ARMSTRONG:
17 Q. Deshannon was a drug dealer, right?
18 A. Yes.
19 Q. Did you ever see him making drug sales?
20 A. Sometimes.
21 Q. Sometimes?
22 A. Uh-huh.
23 Q. Right, but most of the time, you didn't,

ETTA REID - RE CROSS

54

1 right?
2 A. No.
3 Q. That doesn't mean he didn't make the sales,
4 right?
5 A. Right.
6 Q. Right.
7 Just so you didn't see him with a gun
8 doesn't mean he didn't have one, right?
9 A. Right.
10 Q. Second, do you remember telling the officer
11 that you heard about five shots?
12 A. No.
13 Q. You never said that?
14 A. Not that I remember, no. That was two years
15 ago.
16 Q. That was two years, and you're going by
17 memory, right?
18 A. Yes.
19 Q. Right, and you don't remember telling the
20 officer -- Officer Curley asked you, "All right.
21 All right. How many gunshots?"
22 "Etta Reid: Five."
23 You don't remember saying that?

ETTA REID - RECROSS

55

- 1 A. No.
- 2 Q. So, if that was the transcription of a
- 3 recording that you made, that would be incorrect,
- 4 right?
- 5 A. As far as I know, I don't remember.
- 6 Q. Okay. Did Shannon start running?
- 7 A. Start running?
- 8 Q. Yeah, was Shannon running?
- 9 A. No, he walking across the street.
- 10 Q. You don't remember telling the police that
- 11 Shannon started running?
- 12 A. No.
- 13 Q. You never said that?
- 14 A. No.
- 15 Q. And again, if that was recorded and then
- 16 transcribed and certified that you said exactly
- 17 that, that would be wrong, right? Shannon never
- 18 ran.
- 19 A. Right. He was walking across the street.
- 20 Q. He wasn't running?
- 21 A. No, he wasn't running.
- 22 Q. At any point, did Shannon start running?
- 23 A. No.

ETTA REID - RECROSS

56

- 1 Q. In your interview two years ago, do you
- 2 remember telling the officer, quote, "There were
- 3 several people, because on the corner of Moore
- 4 Street, there were people on the porch. I don't
- 5 know if they lived there or not, but they were
- 6 directly on the porch." Do you remember saying
- 7 that?
- 8 A. Uh-huh.
- 9 Q. Okay.
- 10 Do you remember telling -- nowhere in here
- 11 do you say anything about being on the corner?
- 12 A. I said they were on the corner, and they
- 13 were on the porch.
- 14 Q. You didn't say on the corner and the porch.
- 15 You said they were on the corner, on the porch,
- 16 directly on the porch. You actually clarified it;
- 17 wouldn't you agree?
- 18 A. I don't know. I may have.
- 19 Q. Yeah, you may be wrong, right?
- 20 A. Right.
- 21 MR. ARMSTRONG: No further questions.
- 22 MS. PUIT: Just briefly, Your Honor.
- 23 ***

ETTA REID - REDIRECT

57

REDIRECT EXAMINATION

- 1
- 2
- 3 BY MS. PUIT:
- 4 Q. Miss Reid, two years ago, when you spoke
- 5 with Detective Curley, when did you talk to him?
- 6 A. That same night.
- 7 Q. Where?
- 8 A. In the office, in his office.
- 9 Q. At the police station?
- 10 A. Yes.
- 11 Q. About how long after your son had been shot?
- 12 A. About 10, 15 minutes.
- 13 Q. At that point, did you even know if Shannon
- 14 was alive?
- 15 A. I mean, he was talking. He kept saying,
- 16 "Take my shoes off. Take my shoes off."
- 17 Q. So, your son's been shot, correct?
- 18 A. Correct.
- 19 Q. You're at the hospital talking to Detective
- 20 -- I mean you're at the police station talking to
- 21 Detective Curley?
- 22 A. Uh-huh.
- 23 Q. Where do you want to be at that moment?

ETTA REID - REDIRECT/RECROSS

58

- 1 A. There with him.
- 2 MS. PUIT: No further questions.
- 3 ***
- 4 RECROSS EXAMINATION
- 5 ***
- 6 BY MR. ARMSTRONG:
- 7 Q. So, are you telling us today, based upon
- 8 this re-redirect, that what you told the officer
- 9 may be incorrect because you were focusing on your
- 10 son and not on recalling events? Is that what she
- 11 just intimated that that's what --
- 12 MS. PUIT: Your Honor --
- 13 MR. ARMSTRONG: -- you're saying --
- 14 MS. PUIT: -- objection.
- 15 THE COURT: That's two questions. Please
- 16 rephrase and --
- 17 MR. ARMSTRONG: I'll rephrase.
- 18 THE COURT: -- just ask one question.
- 19 ***
- 20 BY MR. ARMSTRONG:
- 21 Q. So, you were asked earlier you were focusing
- 22 on your son, whether or not he was still alive, and
- 23 you weren't paying much attention to the details;

ETTA REID - RECROSS

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1 that's correct? That's what you just said on
2 redirect, right?
3 MS. PUIT: Objection, facts not in evidence.
4 THE COURT: Yes.
5 MR. ARMSTRONG: I'm asking whether or not
6 she said that. I'm asking her to make it --
7 THE COURT: Objection overruled.
8 To the extent the witness can answer the
9 question, she may do so.
10 * * *
11 BY MR. ARMSTRONG:
12 Q. Is that what you're saying, ma'am?
13 A. I don't understand the question.
14 Q. The question to you is this: You were asked
15 on direct -- re-redirect whether or not you were
16 being more focused on the outcome of the surgery
17 and your son being shot than you were on details,
18 and your response was "yes." Is that correct?
19 A. Yes.
20 Q. And that means that you missed details that
21 you gave to the officer?
22 A. I may have.
23 Q. Right, and that means that you were in such

ETTA REID - RECROSS

60

1 a daze that you may not remember everything that
2 you should have remembered, right?
3 A. I remember pretty much.
4 Q. Right, and it also means that by doing so,
5 you made your focus not being on detail; you could
6 have been pulling focus from things that you heard
7 from other people too, correct?
8 A. No.
9 Q. No, not at all.
10 Under the stress of all this, you --
11 A. I know what I seen. I know what happened.
12 Q. Yes, ma'am. You know what you seen --
13 A. I know.
14 Q. Right.
15 You -- and you feel like you -- you were
16 there, right?
17 A. I was there.
18 Q. All right. Thank you.
19 You heard it so much, you felt like you were
20 there?
21 MS. PUIT: Objection --
22 THE COURT: Yes --
23 MS. PUIT: -- Your Honor.

ETTA REID - RECROSS

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1 THE COURT: -- asked and answered.
2 Objection sustained.
3 Ms. Puit.
4 MS. PUIT: Nothing further, Your Honor.
5 THE COURT: You may step down.
6 * * *
7 (Witness excused.)
8 * * *
9
10
11
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99A

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY
- - - - -

STATE OF DELAWARE : I.D. No. 1505012411
vs. :
DAMIAN THOMAS, :
Defendant : (Trial beginning
September 11, 2017)
- - - - -

BEFORE: HONORABLE RICHARD R. COOCH, JUDGE
and a Jury

APPEARANCES:

ANNEMARIE PUIT, ESQ. and
ERIC H. ZUBROW, ESQ.
Deputy Attorneys General
For The State

RAYMOND D. ARMSTRONG, ESQ. and
EMERY A. ABDEL-LATIF, ESQ.
Assistant Public Defenders
For Defendant

* * *
TRIAL TRANSCRIPT
TESTIMONY OF LEANTAYE CASSIDY ONLY
SEPTEMBER 12, 2017
* * *

A95

1

I N D E X

2

WITNESSDICRREDIRECR

3

Leantaye Cassidy

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E X H I B I T S

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9

(Exhibits marked off the record.)

10

* * *

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A96

<p style="text-align: center;">LEANTAYE CASSIDY - DIRECT</p> <p style="text-align: center;">3</p> <p>1 Courtroom 6C</p> <p>2 Morning Session</p> <p>3 * * *</p> <p>4 THE COURT: We're ready to continue. The</p> <p>5 State may call the next witness.</p> <p>6 MS. PUT: The State calls Leantaye Cassidy.</p> <p>7 * * *</p> <p>8 LEANTAYE CASSIDY, having been called on the</p> <p>9 part and behalf of the State as a witness, being</p> <p>10 first duly affirmed under oath, testified as</p> <p>11 follows:</p> <p>12 * * *</p> <p>13 <u>DIRECT EXAMINATION</u></p> <p>14 * * *</p> <p>15 BY MS. PUT:</p> <p>16 Q. Good afternoon, Miss Cassidy.</p> <p>17 A. Hello.</p> <p>18 MS. PUT: I'm sorry. Could we just have a</p> <p>19 moment, Your Honor.</p> <p>20 THE COURT: Yes.</p> <p>21 * * *</p> <p>22 (Pause)</p> <p>23 * * *</p>	<p style="text-align: center;">LEANTAYE CASSIDY - DIRECT</p> <p style="text-align: center;">5</p> <p>1 Q. You lived there with Starr, and what kind of</p> <p>2 dwelling was it? It's kind of a bad question.</p> <p>3 Was it an apartment, a house?</p> <p>4 A. It was a house.</p> <p>5 Q. A house. Two stories?</p> <p>6 A. Yes.</p> <p>7 Q. That house was not broken up into</p> <p>8 apartments; it was just one whole house, yes?</p> <p>9 A. Yes.</p> <p>10 Q. Do you know Etta Reid?</p> <p>11 A. Yes.</p> <p>12 Q. And where was her house in relation to</p> <p>13 Starr's house?</p> <p>14 A. Across the street.</p> <p>15 Q. And did you know Deshannon?</p> <p>16 A. Yes.</p> <p>17 Q. How did you know them?</p> <p>18 A. Shannon was like family. Well, he was a</p> <p>19 friend.</p> <p>20 Q. And I might have missed it, I'm sorry. How</p> <p>21 long did you live on [REDACTED]?</p> <p>22 A. I lived there like five years.</p> <p>23 Q. I'm sorry.</p>
<p style="text-align: center;">LEANTAYE CASSIDY - DIRECT</p> <p style="text-align: center;">4</p> <p>1 BY MS. PUT:</p> <p>2 Q. Good afternoon, Miss Cassidy.</p> <p>3 A. Hello.</p> <p>4 Q. Miss Cassidy, have you grown up in Delaware?</p> <p>5 A. Uh-huh.</p> <p>6 Q. How long have you lived here?</p> <p>7 A. 32 years.</p> <p>8 Q. Did you ever live on [REDACTED]?</p> <p>9 A. Yes.</p> <p>10 Q. Where?</p> <p>11 [REDACTED]</p> <p>12 Q. I'm going to ask you to come a little bit</p> <p>13 closer to the mic, and speak into the mic so we can</p> <p>14 hear you, okay.</p> <p>15 A. Can you hear me now?</p> <p>16 Q. I can hear you.</p> <p>17 A. Okay. [REDACTED]</p> <p>18 Q. Okay. You no longer live there?</p> <p>19 A. No, ma'am.</p> <p>20 Q. Who did you live there with?</p> <p>21 A. Raramonnie Slowe.</p> <p>22 Q. Does she have a nickname?</p> <p>23 A. Starr.</p> <p style="text-align: right;">A97</p>	<p style="text-align: center;">LEANTAYE CASSIDY - DIRECT</p> <p style="text-align: center;">6</p> <p>1 A. Five years.</p> <p>2 Q. Five years.</p> <p>3 Straight through or off and on?</p> <p>4 A. Off and on.</p> <p>5 Q. The entire time you lived there, did Etta</p> <p>6 and Shannon live across the street?</p> <p>7 A. Yes.</p> <p>8 Q. Did you speak with them often?</p> <p>9 A. Every day.</p> <p>10 Q. Does Starr still live in that house?</p> <p>11 A. Yes.</p> <p>12 Q. And about how long ago did you move out?</p> <p>13 A. I left last year.</p> <p>14 Q. 2016?</p> <p>15 A. Yes.</p> <p>16 Q. I'm going to take you back to April 14th,</p> <p>17 2015.</p> <p>18 A. Okay.</p> <p>19 Q. Were you living at -- on [REDACTED] on that</p> <p>20 night?</p> <p>21 A. Yes.</p> <p>22 Q. And tell me a little bit about what you were</p> <p>23 doing that evening.</p>

LEANTAYE CASSIDY - DIRECT

7

- 1 A. That evening, I was actually sitting in a
2 house because I wasn't feeling well, and I had a
3 migraine headache. So, I stayed in the house all
4 day.
5 That night, Starr and them had made plans to
6 go out, and I didn't go with them. I stayed home,
7 and I just rested that day.
8 Q. So, Starr and friends had plans to go out,
9 and you were going to go with them?
10 A. Yes, I was.
11 Q. But you didn't because you were sick?
12 A. Yes.
13 Q. Do you remember what time they went out?
14 A. Probably left like 8.
15 Q. When they went out, did you go out with
16 them, say good-bye?
17 A. Yeah, I stood on the porch.
18 Q. Okay.
19 When you were outside, did you see anyone
20 across the street?
21 A. Yes.
22 Q. Who was outside on the street?
23 A. Miss Etta.

LEANTAYE CASSIDY - DIRECT

8

- 1 Q. Anyone else?
2 A. Yes.
3 Q. Who was with her?
4 A. Mutt.
5 Q. And anyone else?
6 A. No. I didn't see no one else on her porch.
7 Q. Was Shannon outside?
8 A. He was outside, but he was up the street.
9 Q. Okay. They leave, you go into the house?
10 A. Correct.
11 Q. And where do you go in the house?
12 A. I went in the room, Starr's room.
13 Q. All right. So, let's talk a little bit
14 about the house.
15 A. Okay.
16 Q. How many bedrooms is it?
17 A. Three.
18 Q. Where's your bedroom?
19 A. In the back.
20 Q. I'm going to ask you to just slow down a
21 little bit and come up closer to the microphone
22 again; okay? Thank you.
23 A. You're welcome.

A98

LEANTAYE CASSIDY - DIRECT

9

- 1 Q. Okay. So, your room's in the back?
2 A. Correct.
3 Q. And where's her room?
4 A. In the front.
5 Q. Looking out over 27th Street?
6 A. Yes.
7 Q. How many windows does she have?
8 A. Three.
9 Q. And how are the windows configured?
10 A. Like one here (indicating), one in the
11 middle and then one on this side.
12 MS. PUIT: May I approach, Your Honor.
13 THE COURT: Yes.
14 MS. PUIT: Thank you.
15 * * *
16 BY MS. PUIT:
17 Q. Miss Cassidy, I'm going to show you what's
18 been marked as State's -- I mean, sorry, Defense
19 Exhibit 2, okay?
20 I want you to look at that configuration of
21 windows.
22 A. Uh-huh.
23 Q. Is that the way the windows are?

LEANTAYE CASSIDY - DIRECT

10

- 1 A. Yes.
2 Q. Is this the house?
3 A. Yes.
4 Q. I know there's some architectural name for
5 whatever those -- that jut out in those windows but
6 -- what?
7 A bay window, Mr. Armstrong says, so we'll
8 go with that.
9 A. Okay.
10 Q. Looking at State's Exhibit 2, we've got --
11 this is Starr's bedroom we're looking at, the top?
12 A. Correct.
13 Q. So, you're in Starr's room?
14 A. Uh-huh.
15 Q. Why again? Why aren't you in your room?
16 A. Oh, because she had the air conditioner.
17 She doesn't have central air, so it was kind of
18 warm in my room. So, she told me to lay in her
19 room with the air conditioner, because I had a
20 headache.
21 Q. Okay. A migraine?
22 A. Migraine, yes, a migraine.
23 Q. And what are you doing, I mean other than

LEANTAYE CASSIDY - DIRECT

11

- 1 laying down? Are you doing anything else --
 2 A. No.
 3 Q. -- in Starr's room?
 4 A. No, just laying down.
 5 Q. TV on?
 6 A. It's on, but it's on low.
 7 Q. Okay, and what happened? What did you hear?
 8 A. I was actually laying in the bed, watching
 9 TV, and I can hear arguing over top of the TV.
 10 Q. Coming from where?
 11 A. Outside.
 12 Q. In the street?
 13 A. Yes.
 14 Q. How do you know whomever's outside is
 15 arguing?
 16 A. Because I know his voice.
 17 Q. You said you know his voice. Whose --
 18 A. Correct.
 19 Q. -- voice was it?
 20 A. Shannon's.
 21 Q. How do you know he's arguing?
 22 A. Cause I can hear it in his tone of voice,
 23 and it was really loud.

LEANTAYE CASSIDY - DIRECT

12

- 1 Q. So, is it yelling?
 2 A. Yes.
 3 Q. And you said you know it's his voice?
 4 A. Uh-huh.
 5 Q. What's the argument about?
 6 A. At that point in time, I didn't know, until
 7 I got closer to the window.
 8 Q. Okay.
 9 At some point -- you said, "Until I get
 10 closer to the window." Do you get up?
 11 A. Yes.
 12 So, yeah. At one point in time, I did get
 13 up to see what the commotion was all about. So, I
 14 walked to the window --
 15 Q. Let's use -- let's go back to our picture --
 16 A. Okay.
 17 Q. -- Defense Exhibit 2.
 18 A. Okay.
 19 Q. Which window do you look out?
 20 A. The window that's closest --
 21 Q. You can actually --
 22 A. -- bathroom.
 23 Q. -- touch it and --

LEANTAYE CASSIDY - DIRECT

13

- 1 A. I can?
 2 Q. -- make a mark.
 3 A. Okay. This window right here (indicating).
 4 Q. All right. So, there's some blue marks on
 5 the right most window in the jut-out bay window in
 6 that picture?
 7 A. Correct.
 8 Q. Not the right window that's not jutted out
 9 with the white sliding?
 10 A. No.
 11 Q. Okay. So, you go to that window?
 12 A. Correct.
 13 Q. Okay. What do you see?
 14 A. I see Shannon and Mutt arguing.
 15 Q. Do you know Mutt?
 16 A. No, not personally?
 17 Q. All right. Well, then how do you know it's
 18 Mutt?
 19 A. Because I seen him standing on the porch
 20 when I was outside with Starr and them, before they
 21 left to go out.
 22 Q. Let's break this down two ways. You saw him
 23 out there earlier?

LEANTAYE CASSIDY - DIRECT

14

- 1 A. Uh-huh.
 2 Q. How much earlier was that?
 3 A. That was like before Starr and them had
 4 left.
 5 Q. So, how many minutes?
 6 A. I'm going to say like five.
 7 Q. Okay. Wearing the same clothes?
 8 A. Correct.
 9 Q. Had you seen Mutt before that night, around
 10 town?
 11 A. Yeah.
 12 Q. Okay.
 13 So, do you know -- do you know of him?
 14 A. I know of him, correct.
 15 Q. You ever said hello before?
 16 A. Yeah.
 17 Q. You seen him on 27th Street before?
 18 A. Yes.
 19 Q. Have you ever had a conversation with him?
 20 A. No.
 21 Q. You look out the window. You say Shannon's
 22 arguing with Mutt, they're yelling?
 23 A. Uh-huh.

LEANTAYE CASSIDY - DIRECT

16

- 1 Q. What are they fighting about?
- 2 A. I didn't really know until I heard Shannon
- 3 say something about coming short.
- 4 Q. I'm sorry.
- 5 A. Something about coming short.
- 6 Q. Coming short, and what did you take that to
- 7 mean?
- 8 A. He was trying to purchase drugs.
- 9 Q. Was Shannon -- did Shannon deal drugs?
- 10 A. Yes.
- 11 Q. Okay.
- 12 When you said he was trying to purchase
- 13 drugs, what does that have to do with coming up
- 14 short?
- 15 A. He didn't have all of the money that, I
- 16 guess, he was supposed to have.
- 17 Q. Okay.
- 18 Where are they -- I know you said earlier
- 19 they were arguing in the street.
- 20 A. Yes.
- 21 Q. Where in the street?
- 22 A. They was on 27th, but they was closest to
- 23 Moore, on the same side that Shannon's mom live on,

LEANTAYE CASSIDY - DIRECT

16

- 1 but up the street a little bit in front of house
- 2 No. 5, I think it is.
- 3 MS. PUTT: May I approach again, Your Honor.
- 4 THE COURT: Yes, standing permission to
- 5 approach the Prothonotary to all lawyers.
- 6 * * *
- 7 BY MS. PUTT:
- 8 Q. Okay. I'm going to show you what's been
- 9 previously marked and shown as Defendant's
- 10 Exhibit 1. Give yourself a minute here.
- 11 I'm going to tell you it's been previously
- 12 testified to that this here (indicating) is 27th
- 13 Street.
- 14 A. Uh-huh.
- 15 Q. And this here is Moore Street (indicating).
- 16 A. Okay.
- 17 Q. Do you have yourself acclimated?
- 18 A. Uh-huh.
- 19 Q. Where is Etta's house?
- 20 A. Etta's house is right here (indicating).
- 21 Q. You marked that with a --
- 22 A. X.
- 23 Q. -- a blue X?

A100

LEANTAYE CASSIDY - DIRECT

17

- 1 A. Uh-huh.
- 2 Q. And where is Starr's house, where you're
- 3 staying?
- 4 A. Starr house is right here (indicating).
- 5 Q. Okay. Where are they arguing?
- 6 A. They're arguing right here (indicating).
- 7 Q. So, you've marked on this picture the second
- 8 house on the right side of the street; is that
- 9 correct?
- 10 A. (No response).
- 11 Q. Is it the second one in? So, this is the
- 12 first one (indicating), and it's kind of tough to
- 13 see --
- 14 A. Yes --
- 15 Q. -- cause right here --
- 16 A. -- and then the second --
- 17 Q. -- one, two --
- 18 A. Correct.
- 19 Q. All right, and they're in the street in
- 20 front of that house?
- 21 A. They was right there, yes.
- 22 Q. Does that house have a porch?
- 23 A. Yes.

LEANTAYE CASSIDY - DIRECT

18

- 1 Q. Okay, and now you're looking out that
- 2 window?
- 3 A. Correct.
- 4 Q. Okay. What do you see next?
- 5 A. I just see Shannon's hands movement, and
- 6 then after that, he proceeded to turn around and
- 7 walk away, walking up towards Tatnell.
- 8 Q. Okay.
- 9 You said you see Shannon's hands movements.
- 10 What was he doing?
- 11 A. He was just moving his hands. Like that's
- 12 how I know they was arguing, because he was loud
- 13 and his arms moving all around.
- 14 Q. Okay.
- 15 So, kind of the hands up in the air
- 16 universal sign for I'm angry?
- 17 A. Uh-huh.
- 18 Q. Fair?
- 19 A. Uh-huh.
- 20 Q. Okay. You said he turned around?
- 21 A. Uh-huh.
- 22 Q. And started to walk away?
- 23 A. Uh-huh.

LEANTAYE CASSIDY - DIRECT

19

- 1 Q. Where did -- what direction did he go?
 2 A. He was going up 27th Street towards Tatnall.
 3 Q. So, on this map here we've got Moore --
 4 A. Yes.
 5 Q. -- and we've got 27th.
 6 A. Right.
 7 Q. It gets cut off.
 8 Is Tatnall more up this way (indicating)?
 9 A. Correct.
 10 Q. So, if I have my streets right, we've got
 11 Market, Moore, Tatnall?
 12 A. Correct.
 13 Q. So, Tatnall is up above Moore?
 14 A. Correct.
 15 Q. And that's the way Shannon's walking?
 16 A. Correct.
 17 Q. Okay. He's walking away. What happens
 18 next?
 19 A. As he was walking away, then that's when I
 20 seen Mutt reach for something.
 21 Q. Okay.
 22 When you say "reach for something," where
 23 was he reaching?

LEANTAYE CASSIDY - DIRECT

20

- 1 A. On his waist.
 2 Q. Miss Cassidy, you said it's after 8. Is it
 3 dark outside?
 4 A. Yes, but where they was standing at, there's
 5 a light right there.
 6 Q. A light? Where is there a light?
 7 A. On the corner of 27th & Moore.
 8 Q. Okay, and you said that you saw him reach
 9 for waist -- reach for his waistband?
 10 A. Yes.
 11 Q. Could you tell if he reached anything, got
 12 anything?
 13 A. Yes.
 14 Q. Okay. What did you see?
 15 A. After I seen him reach for waistband, he
 16 reached his arm out.
 17 Q. Okay. When we say "he?"
 18 A. We're talking about Mutt.
 19 Q. Reached his arm out and did what?
 20 A. He shot Shannon.
 21 Q. How do you know he shot him?
 22 A. Because I heard the fire, gun go off, and I
 23 also seen it come out, the fire come out.

LEANTAYE CASSIDY - DIRECT

21

- 1 Q. You said you heard a shot?
 2 A. Uh-huh.
 3 Q. You saw his arm extended?
 4 A. Uh-huh.
 5 Q. And you saw -- you said you saw it come out?
 6 A. Uh-huh.
 7 Q. What do you mean?
 8 A. The bullet.
 9 Q. Okay. Was there smoke?
 10 A. No, it was fire.
 11 Q. Fire. Okay, you saw fire come out?
 12 A. Uh-huh.
 13 Q. Okay. So, a flash?
 14 A. Yes.
 15 Q. And after you saw that first shot, what did
 16 you see?
 17 A. I seen Shannon jump in the air.
 18 Q. What do you mean?
 19 A. He jumped. Like after he shot him the first
 20 time, he jumped, and then he shot him again.
 21 Q. Could you tell where Shannon had been shot?
 22 A. Not at that point in time.
 23 MS. PUIT: Okay.

LEANTAYE CASSIDY - DIRECT

22

- 1 Your Honor, may I have permission for the
 2 witness to step down and demonstrate --
 3 THE COURT: Yes.
 4 MS. PUIT: -- how he was shot.
 5 Miss Cassidy, you can come down.
 6 * * *
 7 BY MS. PUIT:
 8 Q. Miss Cassidy, jumping can mean a lot of
 9 things. Can you demonstrate how -- can you
 10 demonstrate how -- and I'm going to ask you to
 11 actually turn around and not look at me, but so the
 12 jury can see you -- how Shannon jumped after you
 13 say he was shot.
 14 A. After he shot him, he went like this
 15 (indicating).
 16 Q. Thank you. You can have a seat.
 17 Miss Cassidy, what happened next?
 18 A. After that, I started screaming, "Oh, my
 19 God, he just shot Shannon," and then I proceeded to
 20 run downstairs.
 21 Q. How many shots did you see?
 22 A. I seen him shoot him twice.
 23 Q. Okay. So, we've talked about one?

<p style="text-align: center;">LEANTAYE CASSIDY - DIRECT</p> <p style="text-align: right;">23</p> <p>1 A. Uh-huh.</p> <p>2 Q. Where he jumped?</p> <p>3 A. Uh-huh.</p> <p>4 Q. What did you see?</p> <p>5 A. Then, after Shannon jumped, he shot him</p> <p>6 again, and then Shannon fell to the ground. This</p> <p>7 is what I seen out the window, and then after that,</p> <p>8 I ran downstairs to the front door.</p> <p>9 Q. So, when you go your -- when you look away</p> <p>10 from the window, Shannon's on the ground?</p> <p>11 A. Uh-huh.</p> <p>12 Q. And what do you do?</p> <p>13 A. I run downstairs.</p> <p>14 Q. To where?</p> <p>15 A. To the front door.</p> <p>16 Q. Were there people out there that night?</p> <p>17 A. Yeah.</p> <p>18 Q. Where were they?</p> <p>19 A. All over.</p> <p>20 Q. All over the street?</p> <p>21 A. Uh-huh.</p> <p>22 Q. When that gun goes off, what do they do?</p> <p>23 A. They run.</p>	<p style="text-align: center;">LEANTAYE CASSIDY - DIRECT</p> <p style="text-align: right;">25</p> <p>1 Q. Miss Cassidy, after Shannon was shot, what</p> <p>2 did you do?</p> <p>3 A. I ran downstairs.</p> <p>4 Q. Okay. Did you stay in your house?</p> <p>5 A. Yes, I didn't go outside.</p> <p>6 Q. Okay.</p> <p>7 Do you see the man in the courtroom today</p> <p>8 that shot Shannon?</p> <p>9 A. Yes.</p> <p>10 Q. And would you demonstrate for the Court</p> <p>11 where he's sitting and an item of clothing that</p> <p>12 he's wearing.</p> <p>13 A. He is sitting on --</p> <p>14 Q. I ask you to stand up.</p> <p>15 A. I'm sorry.</p> <p>16 He is sitting on the left-hand side, and he</p> <p>17 is wearing a blue shirt.</p> <p>18 MS. PUIT: Thank you, Your Honor.</p> <p>19 THE COURT: Thank you.</p> <p>20 Defense may cross-examine.</p> <p>21 You may be seated.</p> <p>22 * * *</p> <p>23 CROSS-EXAMINATION</p>
<p style="text-align: center;">LEANTAYE CASSIDY - DIRECT</p> <p style="text-align: right;">24</p> <p>1 Q. Where?</p> <p>2 A. Everywhere.</p> <p>3 Q. Scatter?</p> <p>4 A. Yeah.</p> <p>5 Q. When you get back downstairs, all those</p> <p>6 people still scattered?</p> <p>7 A. Now, they are now hovering over Shannen, who</p> <p>8 is laying in the middle of the street.</p> <p>9 Q. Where he is now laying? You get back</p> <p>10 downstairs, what do you see?</p> <p>11 A. Him laying, and everyone around him in the</p> <p>12 middle of the street.</p> <p>13 Q. Where's that?</p> <p>14 A. It was like right here (indicating).</p> <p>15 Q. Again, kind of in back, in front of that</p> <p>16 second house with the porch?</p> <p>17 A. Yeah.</p> <p>18 MS. PUIT: May I have a moment, Your Honor.</p> <p>19 THE COURT: Yes.</p> <p>20 * * *</p> <p>21 (Pause)</p> <p>22 * * *</p> <p>23 BY MS. PUIT:</p> <p style="text-align: right;">A102</p>	<p style="text-align: center;">LEANTAYE CASSIDY - CROSS</p> <p style="text-align: right;">26</p> <p>1 * * *</p> <p>2 BY MR. ARMSTRONG:</p> <p>3 Q. Good afternoon, Miss Cassidy -- good</p> <p>4 morning.</p> <p>5 A. Good afternoon.</p> <p>6 Q. Afternoon, it is.</p> <p>7 So, you are in Starr's room, correct?</p> <p>8 A. Uh-huh.</p> <p>9 Q. You don't live in Wilmington anymore, right?</p> <p>10 A. No.</p> <p>11 Q. All right.</p> <p>12 What was the temperature last night?</p> <p>13 A. Last night? You said the temperature last</p> <p>14 night?</p> <p>15 Q. Uh-huh.</p> <p>16 A. I don't know.</p> <p>17 Q. Around in the 40s, 50s?</p> <p>18 A. Maybe.</p> <p>19 Q. All right.</p> <p>20 Did you have your air conditioner on last</p> <p>21 night?</p> <p>22 A. No.</p> <p>23 Q. Why not?</p>

LEANTAYE CASSIDY - CROSS

27

- 1 A. Because it's warm in my house.
 2 Q. Was it warm in the house on that night on
 3 April the 22nd?
 4 A. Yeah, but we don't --
 5 Q. April the 14th --
 6 A. -- we don't have air conditioner. It was
 7 only one air conditioner.
 8 Q. One air conditioning unit?
 9 A. Yes.
 10 Q. It was a warm day that day?
 11 A. It wasn't warm. It was chilly.
 12 Q. It was chilly.
 13 A. Uh-huh. It was like in the middle; wasn't
 14 too hot, and it wasn't too cold.
 15 Q. What was the temperature, do you think?
 16 A. I don't remember, like around 60 maybe.
 17 Q. If I told you that the National Weather
 18 Service put it around 50s, would you disagree?
 19 A. Uh-huh.
 20 Q. You would disagree?
 21 A. Uh-huh.
 22 Q. And you can hear everything. You had the TV
 23 on mute, right?

LEANTAYE CASSIDY - CROSS

28

- 1 A. The TV was on low.
 2 Q. TV on low, okay.
 3 You had a migraine?
 4 A. Uh-huh.
 5 Q. Tell me about your migraines. How do they
 6 affect you?
 7 A. They affect --
 8 Q. How do they affect you?
 9 A. They affect my -- not -- they don't affect
 10 my vision. They just affect like when my noise,
 11 sounds, my ears.
 12 Q. They what, they dull your ears or they --
 13 A. No. They -- they definitely give me -- the
 14 headache is my ears. When I have a migraine
 15 headache, it starts with my ears, and then it works
 16 its way up.
 17 Q. Do you get the light sensitivity as well?
 18 A. Sometimes, yeah.
 19 Q. And how do you solve that problem?
 20 A. I take medicine, and I lay down in a dark
 21 room.
 22 Q. With the TV on?
 23 A. Uh-huh.

LEANTAYE CASSIDY - CROSS

29

- 1 Q. That's not -- that's a dark room?
 2 A. Yeah. The light from the TV doesn't bother
 3 me. It's the light outside that bothered my
 4 headaches.
 5 Q. Okay.
 6 So, when you see the lights outside that
 7 bothers your headaches, what, makes you squint
 8 or --
 9 A. Yeah. It makes me squint, because it's too
 10 bright.
 11 Q. Okay, and it was dark outside that night,
 12 right?
 13 A. It was dark.
 14 Q. Real dark.
 15 A. It wasn't real dark, but it was dark.
 16 Q. You don't remember telling the officer that
 17 it was real dark, that you couldn't even see what
 18 they were wearing?
 19 A. It was dark, and they both had on black.
 20 Q. Did you remember telling the officer that it
 21 was so dark you couldn't see what they were
 22 wearing?
 23 A. No.

LEANTAYE CASSIDY - CROSS

30

- 1 Q. Page 6, "But it was dark, so I don't
 2 remember exactly what neither one of them had on."
 3 Do you remember that?
 4 A. They had on black.
 5 Q. Huh?
 6 A. They had on black.
 7 Q. So, my question is do you remember telling
 8 the officer -- Detective Curley you spoke with,
 9 right?
 10 A. Uh-huh.
 11 Q. And by the way, when did you speak with
 12 Detective Curley about this case?
 13 A. Not right away, because we lost contact
 14 because I moved from over there.
 15 Q. Okay. I asked you when, not --
 16 A. I don't remember when it was.
 17 Q. Was it 2017?
 18 A. I don't remember.
 19 Q. You don't remember?
 20 A. When I last spoke to him about it.
 21 Q. Speaking to Detective Curley in his car this
 22 year?
 23 A. Oh, okay, yeah.

LEANTAYE CASSIDY - CROSS

31

- 1 Q. You remember that now?
- 2 A. Yeah.
- 3 Q. Okay, and your statements there were
- 4 recorded, right?
- 5 A. Uh-huh.
- 6 Q. "Uh-huh," that's a "yes"?
- 7 A. Yes.
- 8 Q. Okay, and you just don't remember everything
- 9 that you said in your statements, right?
- 10 A. No.
- 11 Q. Now, you don't remember the part about -- If
- 12 I can quote you. "Yeah. It was actually dark
- 13 outside, so he had -- I don't know if he -- I think
- 14 he had on like -- like windbreaker. That's all I
- 15 can remember, but it was dark. So, I don't
- 16 remember exactly neither one of them had on."
- 17 You remember that?
- 18 A. That's the conversation I had in the car.
- 19 Q. So, if I told you that's what you said,
- 20 that's what you said, right?
- 21 A. That's what I said.
- 22 Q. All right.
- 23 Now, and now you remember what everybody had

LEANTAYE CASSIDY - CROSS

32

- 1 on?
- 2 A. They had on black windbreakers.
- 3 Q. Earlier on direct you talked about the fact
- 4 that you heard someone -- you heard -- you know
- 5 what the argument was about, right?
- 6 A. Can you repeat yourself.
- 7 Q. Do you know what the argument was about?
- 8 A. It had to be about drugs.
- 9 Q. No, no, no, no, not had to be. I want to
- 10 know what did you hear, not what did you surmise.
- 11 A. All I heard was Shannon say, "You keep
- 12 coming short." So, I already put two and two
- 13 together --
- 14 Q. You remember that conversation you had with
- 15 Detective Curley again?
- 16 A. What conversation?
- 17 Q. The one in the car this year.
- 18 A. Yes.
- 19 Q. And you wrote -- and I'll quote you again.
- 20 "I don't remember exactly what it was that they
- 21 were arguing about. I just know that they were
- 22 arguing back and forth." Is that you?
- 23 A. Uh-huh.

LEANTAYE CASSIDY - CROSS

33

- 1 Q. So, when did we find out exactly what they
- 2 were arguing about? You just made it up today or
- 3 when did you decide --
- 4 MS. PUTT: Your Honor, objection.
- 5 MR. ARMSTRONG: I'll rephrase, Your Honor.
- 6 THE COURT: All right. Objection sustained.
- 7 Please rephrase the question.
- 8 * * *
- 9 BY MR. ARMSTRONG:
- 10 Q. When did you first tell anyone anything
- 11 about someone coming short?
- 12 A. Detective Curley.
- 13 Q. When?
- 14 A. The other day.
- 15 Q. The other day?
- 16 A. Uh-huh.
- 17 Q. What's the other day?
- 18 A. I don't remember the day.
- 19 Q. Come on now. Was it last week, this week,
- 20 two weeks --
- 21 A. It was last week. I don't remember the
- 22 exact date, but it was last week.
- 23 Q. Last week.

LEANTAYE CASSIDY - CROSS

34

- 1 Where did you meet him?
- 2 A. At his office.
- 3 Q. Wilmington Police, or the State Building
- 4 with the AG's Office?
- 5 A. I don't even remember. It was on French
- 6 Street, I think it was. I don't remember the
- 7 address that he sent me. I think it was French
- 8 Street.
- 9 Q. On French Street. Big back building that
- 10 looks like a big black U?
- 11 A. I think so, yes.
- 12 Q. Right, and when did you meet him on that
- 13 day?
- 14 A. I don't remember the exact day, but it was
- 15 last week that I met him.
- 16 Q. And was that statement recorded?
- 17 A. I'm not sure.
- 18 Q. Did you see a tape recorder?
- 19 A. No.
- 20 Q. And that was the first time that you ever
- 21 said anything about a -- coming up short?
- 22 A. Uh-huh.
- 23 Q. Now, how many times did you speak to the

<p style="text-align: center;">LEANTAYE CASSIDY - CROSS</p> <p style="text-align: right;">35</p> <p>1 police?</p> <p>2 A. Not often.</p> <p>3 Q. I didn't ask you how often. I asked you how</p> <p>4 many.</p> <p>5 A. I don't remember how many times.</p> <p>6 Q. On the night of April the 14th, 2015, did</p> <p>7 you speak to the police?</p> <p>8 A. No, I did not.</p> <p>9 Q. Why not?</p> <p>10 A. I didn't speak to the police the night --</p> <p>11 Q. I didn't ask you what --</p> <p>12 A. I said --</p> <p>13 Q. -- why you didn't.</p> <p>14 A. I said I didn't speak to the police that</p> <p>15 night because I stayed in my house.</p> <p>16 Q. All right.</p> <p>17 A. You're not letting me finish my statement.</p> <p>18 Q. Did he knock on your door?</p> <p>19 A. No, they did not.</p> <p>20 Q. I have a report that says that they</p> <p>21 canvassed the area and knocked on all the doors,</p> <p>22 and you're the only door right across the street</p> <p>23 that they didn't knock on, right?</p>	<p style="text-align: center;">LEANTAYE CASSIDY - CROSS</p> <p style="text-align: right;">37</p> <p>1 you saw?</p> <p>2 A. Yes, I did.</p> <p>3 Q. So, you talked to him that day?</p> <p>4 A. I didn't talk to him that day. I talked to</p> <p>5 him later on down that line. When we was standing</p> <p>6 outside, talking to Shannon's mom, and Detective</p> <p>7 Curley pulled up, all's I said to him was is that I</p> <p>8 seen what happened outside. He took my number, and</p> <p>9 we was in contact later on, not that same day.</p> <p>10 I didn't talk to him that same date. He</p> <p>11 didn't take me to no police station that same day.</p> <p>12 I did not talk to him about what happened. It was</p> <p>13 later on down the line when I spoke to Detective</p> <p>14 Curley about what happened.</p> <p>15 Q. Okay.</p> <p>16 Can you help me out a little bit. Did you</p> <p>17 speak with Detective Curley in 2015?</p> <p>18 A. Yes.</p> <p>19 Q. Was -- was it in the summer, the spring or</p> <p>20 the fall?</p> <p>21 A. It was in the spring.</p> <p>22 Q. So, in the spring of 2015, you spoke to</p> <p>23 Detective Curley?</p>
<p style="text-align: center;">LEANTAYE CASSIDY - CROSS</p> <p style="text-align: right;">36</p> <p>1 A. They didn't knock on the door.</p> <p>2 Q. So, how did you get Detective Curley's</p> <p>3 number?</p> <p>4 A. I was talking to Detective Curley when we</p> <p>5 were standing outside, and I was -- cause I was</p> <p>6 outside talking to Shannon's mom, and Detective</p> <p>7 Curley pulled up; and that's how we got in contact</p> <p>8 with each.</p> <p>9 Q. You just lost me. Help me out a little bit.</p> <p>10 You stayed inside, and now you're outside</p> <p>11 talking to Detective Curley?</p> <p>12 A. This wasn't that same night though.</p> <p>13 Q. What night --</p> <p>14 A. This is a different day we're talking about</p> <p>15 here.</p> <p>16 Q. What day was that?</p> <p>17 A. This is the day that Detective Curley came</p> <p>18 to see his mom, and I was outside. This was after.</p> <p>19 Q. How many days was it?</p> <p>20 A. I'm not sure. This was a long time ago.</p> <p>21 Q. Did you talk to his mom about what you saw?</p> <p>22 A. No, I did not.</p> <p>23 Q. Did you talk to Detective Curley about what</p>	<p style="text-align: center;">LEANTAYE CASSIDY - CROSS</p> <p style="text-align: right;">38</p> <p>1 A. Yes.</p> <p>2 Q. And you spoke to him, and you told him that</p> <p>3 you saw what happened?</p> <p>4 A. Correct.</p> <p>5 Q. Can you explain to me why I don't have a</p> <p>6 report that says that you spoke --</p> <p>7 MS. PUIT: Objection, objection, Your Honor.</p> <p>8 THE COURT: Yes. Objection sustained.</p> <p>9 That's not a proper question for this witness.</p> <p>10 * * *</p> <p>11 BY MR. ARMSTRONG:</p> <p>12 Q. So, did he take your name, your address,</p> <p>13 your phone number down?</p> <p>14 A. Yes, he did.</p> <p>15 Q. Okay, and then you didn't see him again for</p> <p>16 another two years?</p> <p>17 A. Correct. We lost contact. I changed my</p> <p>18 number. I moved.</p> <p>19 Q. Okay. You didn't move until a year later.</p> <p>20 A. I moved.</p> <p>21 Q. I understand, but you moved a year later?</p> <p>22 A. But I moved.</p> <p>23 Q. Okay. So, you moved.</p>

LEANTAYE CASSIDY - CROSS

39

1 So, in September of 2015, Detective Curley
 2 knew how to find you, right?
 3 A. (No response).
 4 Q. Cause you're in the same place?
 5 A. No, I wasn't.
 6 Q. You said you moved in 20 --
 7 A. I moved, yes. I moved twice since then. I
 8 have not been in the same place.
 9 When I left 27th Street, I moved twice.
 10 Q. When did you leave 27th Street?
 11 A. I left 27th Street right after that
 12 happened, probably a year after Shannon got killed.
 13 Q. So, you left 27th Street in 2016?
 14 A. I left, and I moved twice since then. So,
 15 no, Detective Curley could not get in contact with
 16 me, because I moved my address twice and I changed
 17 my number.
 18 Q. Okay. You just said -- I want to slow down
 19 a little bit.
 20 You moved in 2016. Was it the summer,
 21 spring, fall or winter of 2016?
 22 A. I just told you it was the spring.
 23 Q. So, you moved in the spring of 2016. So,

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1 you would have moved somewhere between March,
 2 April, May of 2016, correct?
 3 A. Correct.
 4 Q. Okay.
 5 So, in September of 2015, you were still
 6 living at [REDACTED]
 7 A. No.
 8 Q. You had moved?
 9 A. I moved.
 10 Q. You had moved prior to that?
 11 A. I moved.
 12 Q. Well, you keep telling me two different
 13 things. First, you tell me you moved about a year
 14 after Shannon passed --
 15 A. I did, and I --
 16 THE COURT: Let Mr. Armstrong finish his
 17 question.
 18 THE WITNESS: Okay, I'm sorry.
 19 * * *
 20 BY MR. ARMSTRONG:
 21 Q. First, you're telling me you moved a year
 22 after Shannon passed, and now you're telling me you
 23 weren't there two months after Shannon passed.

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1 Which one is it?
 2 A. I moved and I came back, and I moved again.
 3 Q. Okay.
 4 So, when did you first move from [REDACTED]
 5 [REDACTED] right after April 14th, 2015? Trying to get
 6 the most exact as I can get it from you right now.
 7 MS. PUIT: Your Honor, objection.
 8 THE COURT: Yes. Let's take the objection
 9 at sidebar.
 10 * * *
 11 Sidebar conference held as follows:
 12 THE COURT: Miss Puit.
 13 MS. PUIT: Your Honor, two objections.
 14 One is for the commentary after the question
 15 that was just asked. That is unnecessary and not a
 16 question.
 17 Two, I think we're close to badgering the
 18 witness, but I understand Mr. Armstrong's point. I
 19 think it's just the tone that needs to be
 20 addressed.
 21 THE COURT: Mr. Armstrong.
 22 MR. ARMSTRONG: Your Honor, I am zealously
 23 representing my client, and my tone is my tone.

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1 THE COURT: Well, one, I think as to the
 2 first issue, you should avoid any statements or
 3 commentary and confine yourself solely to
 4 questions.
 5 Secondly, although it's getting close, this
 6 is cross-examination. It's an important witness,
 7 and I think Mr. Armstrong's within the bounds of
 8 zealous advocacy in cross-examination, but it's
 9 getting close. So, we'll make that observation.
 10 MR. ARMSTRONG: Thank you, Your Honor.
 11 MS. PUIT: Thank you, Your Honor.
 12 THE COURT: Oh, Counsel, we can go till
 13 5 minutes of 1, if you want to do that, but we have
 14 -- about how much longer do you think you'll be?
 15 Take the time you think you need.
 16 MR. ARMSTRONG: It's going to be a while.
 17 If you want to break now, we --
 18 THE COURT: No. I'd rather go till about 5
 19 minutes of 1.
 20 MR. ARMSTRONG: Okay.
 21 MS. PUIT: Thank you.
 22 * * *
 23 (Sidebar conference concluded.)

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- 1 ***
- 2 BY MR. ARMSTRONG:
- 3 Q. So, April 14, 2015, you're living on [REDACTED]
- 4 [REDACTED]
- 5 A. No. I wasn't living on [REDACTED]
- 6 Q. I'm sorry --
- 7 A. -- Street.
- 8 Q. -- [REDACTED]
- 9 right?
- 10 A. Correct.
- 11 Q. Okay, and May of 2015, are you still living
- 12 at the same address?
- 13 A. Uh-huh.
- 14 Q. That's a "yes"?
- 15 A. Yes.
- 16 Q. In June of 2015, you still living at the
- 17 same address?
- 18 A. I was -- I was there for half a month in
- 19 June, so I left the end of June.
- 20 Q. Okay.
- 21 So, in July of 2015, you're living in a
- 22 different location?
- 23 A. Yes.

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- 1 Q. In August of 2015, you're still -- you're
- 2 back on 27th again?
- 3 A. Yes.
- 4 Q. So, you're back in August of 27th.
- 5 In September 2015, are you back on 27th?
- 6 A. Yes.
- 7 Q. Huh?
- 8 A. Yes.
- 9 Q. So, when I asked you earlier were you back
- 10 there on September of 2015, and you kept saying
- 11 you're moving, you were still living there, right?
- 12 A. That was back and forth in 2015.
- 13 Q. I understand, but I asked you about a
- 14 specific month.
- 15 A. Yes, September, I was there, but then I
- 16 left.
- 17 Q. In October, you were there?
- 18 A. No, I was not. I left.
- 19 Q. November?
- 20 A. No.
- 21 Q. December?
- 22 A. No.
- 23 Q. January?

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- 1 A. No.
- 2 Q. February?
- 3 A. Nope.
- 4 Q. And I'm talking 2016, right?
- 5 A. Now you're doing 2016.
- 6 Q. Right.
- 7 March?
- 8 A. I came back March 2016, the end of March.
- 9 Q. And that entire time, Starr stayed there,
- 10 right?
- 11 A. Starr's still there the whole time.
- 12 Q. Starr's still there?
- 13 A. Yes, she is.
- 14 Q. All right.
- 15 Did Starr ever lose contact with you?
- 16 A. No.
- 17 Q. Is Starr able to get hold of you?
- 18 A. Yes, she has my number.
- 19 Q. All right.
- 20 So, if Detective -- If the detective were to
- 21 come looking for you, and they go to Starr --
- 22 MS. PUIT: Your Honor, objection.
- 23 MR. ARMSTRONG: -- has your number --

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- 1 THE COURT: Yes, same objection, and that's
- 2 speculative. Please rephrase the question.
- 3 MR. ARMSTRONG: Your Honor, I didn't get a
- 4 chance to get the question out.
- 5 THE COURT: Well, that's why Ms. Puit
- 6 objected during the middle of the question. Please
- 7 rephrase the question.
- 8 ***
- 9 BY MR. ARMSTRONG:
- 10 Q. If the detective were to come looking for
- 11 you, would Starr have your number?
- 12 A. Uh-huh.
- 13 MS. PUIT: Your Honor, it's the same
- 14 question.
- 15 THE COURT: I'll permit that question. You
- 16 can answer the question, if you can.
- 17 ***
- 18 BY MR. ARMSTRONG:
- 19 Q. Would Starr have your number?
- 20 A. Yes.
- 21 Q. Okay.
- 22 So, at that point, in 2015 and 2016, there
- 23 was a person who could get hold of you if the

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- 1 police were to go to that apartment?
- 2 A. That house.
- 3 Q. That house.
- 4 A. That's correct.
- 5 Q. Okay.
- 6 Now, how many people were outside?
- 7 A. I don't know how many people. There was a
- 8 lot of people.
- 9 Q. And you're sure about that?
- 10 A. Yes, I'm sure.
- 11 Q. And I'm going to show you what has been
- 12 marked as Defense 1, okay.
- 13 Where did the shooting take place?
- 14 A. (No response).
- 15 Q. If you can mark it on the --
- 16 A. (Witness complies).
- 17 Q. Shooting took place right there
- 18 (indicating)?
- 19 A. (No response).
- 20 Q. Is that in the street or on the sidewalk?
- 21 A. That's on the sidewalk in the street.
- 22 Q. Well, you know there's a difference between
- 23 being in the street --

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- 1 A. Yeah, because the sidewalk right here where
- 2 I just marked that --
- 3 Q. Uh-huh.
- 4 A. -- It doesn't have a thing. So, it's
- 5 like --
- 6 Q. What's "a thing?"
- 7 A. A curb. It doesn't have that right there.
- 8 It's just the walkway, and then it goes into the
- 9 street.
- 10 Q. I'm going to show you what's been marked as
- 11 Defense 3.
- 12 A. Yeah, right here, where this patch of grass
- 13 is at.
- 14 Q. What patch of grass?
- 15 A. Right there, where I just marked it. Oh,
- 16 you took it off. Right here (indicating).
- 17 Q. I'm sorry. Can you mark it again.
- 18 A. I'm going to do it again.
- 19 Right there (indicating). It's like all
- 20 right there.
- 21 Q. And that's where the shooting took place?
- 22 A. Yes.
- 23 Q. And you said that they were facing each

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- 1 other?
- 2 A. They was facing each other, yes.
- 3 Q. Okay. Who was on the left? Who was on the
- 4 right?
- 5 A. From me looking out my window, Mutt was on
- 6 the right. Shannon was on the left.
- 7 Q. So, that's your window (indicating)?
- 8 A. If I'm looking out of Starr's window, her
- 9 bedroom window, and I'm looking towards them, Mutt
- 10 is on the right, Shannon is on the left.
- 11 Q. Okay.
- 12 So, let's assume you're right there in your
- 13 window right now where you are.
- 14 A. Okay.
- 15 Q. Miss Puit and I are standing here. We're
- 16 facing each other. Where -- which one of us would
- 17 be where Mutt was standing --
- 18 A. She would be Mutt, and you would be Shannon.
- 19 Q. And that would put Mutt on the right, and
- 20 you on the left; and that would put Mutt on the
- 21 right, Shannon on the left, correct?
- 22 A. Uh-huh.
- 23 MR. ARMSTRONG: May I have a moment, Your

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- 1 Honor.
- 2 THE COURT: Yes.
- 3 * * *
- 4 (Pause)
- 5 * * *
- 6 BY MR. ARMSTRONG:
- 7 Q. And you never saw their faces, right?
- 8 A. No.
- 9 Q. You said you only saw the side of their
- 10 faces?
- 11 A. Correct.
- 12 Q. Okay. So, you never -- so, you saw the
- 13 side?
- 14 A. Uh-huh.
- 15 Q. And you placed them on the curb in the
- 16 little grass area right there (indicating), right?
- 17 A. Yes.
- 18 Q. Back in June, when you spoke to Detective
- 19 Curley, didn't you tell him they were in the middle
- 20 of the street?
- 21 A. That is.
- 22 Q. Huh?
- 23 A. That is the street.

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- 1 Q. In the middle of the street?
- 2 A. No, that is the street. There's no curb
- 3 right there. That is considered the street.
- 4 There's no curb.
- 5 Q. Would you agree with me that's not the
- 6 middle of the street?
- 7 A. Well, yes, it's not in the middle of the
- 8 street, but they was right there.
- 9 Q. And where did Dashannon fall?
- 10 A. In the middle of the street.
- 11 Q. Where? Can you point to where he was.
- 12 A. (Witness complies).
- 13 Q. So, he fell there (indicating).
- 14 Okay, and did he get back up?
- 15 A. No.
- 16 Q. He never got back up?
- 17 A. No.
- 18 Q. Can you explain to me how he ended up on the
- 19 sidewalk?
- 20 A. He crawled from that part. From the middle
- 21 of the street, he crawled. I'm sorry, I keep
- 22 touching it, but he crawled from the middle of the
- 23 street onto the sidewalk and he laid in front of

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- 1 apartment -- not apartment, it's a house, No. 5.
- 2 Q. So, he crawled all the way, bleeding and
- 3 shot up, just crawled all the way there?
- 4 A. Yes, he did.
- 5 Q. And you saw him crawling?
- 6 A. Yes. I was standing at the door at this
- 7 time.
- 8 Q. You ran down and you were standing --
- 9 A. I was in the doorway, yes.
- 10 Q. So, that's not -- they're not at the corner
- 11 of Moore Street; they're actually a little further
- 12 into the block, right?
- 13 A. I would consider that the corner where I
- 14 just marked where the little patch is at. It's not
- 15 too far. There's a light right there, and when he
- 16 shot him, Shannon fell in the middle of the street.
- 17 He crawled from there all the way to house No. 5,
- 18 and that's where he stayed until paramedics picked
- 19 him up.
- 20 Q. And you didn't see him get up and walk or
- 21 run or anything like that?
- 22 A. He didn't do none of that. He laid right
- 23 there until paramedics picked him up.

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- 1 Q. And if I were to tell you that someone may
- 2 or could have testified that he got up and ran to
- 3 that side, they would be wrong?
- 4 A. Yes.
- 5 Q. How sure are you that they would be wrong?
- 6 A. I'm positive sure that they would be wrong,
- 7 because I was in the doorway.
- 8 Q. You'd be 100% sure that he never got up and
- 9 ran?
- 10 A. He never got back up and ran. He crawled
- 11 from the middle of the street to where I said he
- 12 was at, in front of house No. 5.
- 13 Q. And I'm going to show you what has been
- 14 marked as Defense 1.
- 15 If I were to tell you that he got shot
- 16 somewhere over here, would I be wrong?
- 17 A. Yes.
- 18 Q. If I were to tell you that someone were to
- 19 come in and say that, they would be wrong?
- 20 A. Yes.
- 21 Q. Why would you say they were wrong?
- 22 A. Because I seen where he shot him at from the
- 23 window.

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- 1 Q. And what they say don't square with what you
- 2 say, right?
- 3 A. Yeah, because he didn't get shot over there
- 4 on that side. Because if that's the case, then I
- 5 wouldn't have been able to see out my window. If
- 6 they were shot right here on the side that I used
- 7 to live on, I wouldn't have been able to see.
- 8 Because from that -- from Starr's window,
- 9 the window that I said I was standing in when I
- 10 seen Mutt shot him, you can't see up the street.
- 11 You can only see across.
- 12 So, whoever said that, that would be a lie
- 13 right there, because they was on the opposite side.
- 14 Q. That would be a what?
- 15 A. A lie. He wasn't there. That would be a
- 16 lie. He was on the opposite side, because I would
- 17 not be able to see what I seen out the window that
- 18 night.
- 19 MR. ARMSTRONG: Okay.
- 20 THE COURT: Mr. Armstrong, if this is a
- 21 natural stopping point, we do have to take a lunch
- 22 recess from 1 to 2. So, unfortunately, we're going
- 23 to have to interrupt this witness' testimony,

<p style="text-align: center;">LEANTAYE CASSIDY - CROSS</p> <p style="text-align: right;">55</p> <p>1 members of the jury, and take our lunch, which is</p> <p>2 from 1 to 2.</p> <p>3 So, please take out the jury, and we'll see</p> <p>4 you back ready to resume at 2:00.</p> <p>5 * * *</p> <p>6 (The jury exited the courtroom at 12:53 p.m.)</p> <p>7 * * *</p> <p>8 THE COURT: Ma'am, I instruct you that</p> <p>9 during the lunch recess, you're not allowed to</p> <p>10 discuss your testimony with anyone or allow anyone</p> <p>11 to discuss it with you.</p> <p>12 Is there anything further to take up?</p> <p>13 Otherwise, I'll see you at 2:00.</p> <p>14 MS. PUIT: No, Your Honor.</p> <p>15 THE COURT: All right. See you at 2:00.</p> <p>16 * * *</p> <p>17 (Court recessed at 12:53 p.m.)</p> <p>18 * * *</p> <p>19 (Court reconvened at 2:10 p.m.)</p> <p>20 * * *</p> <p>21 THE COURT: Are we ready to bring in the</p> <p>22 jury, Mr. Armstrong?</p> <p>23 MR. ARMSTRONG: Yes, Your Honor.</p>	<p style="text-align: center;">LEANTAYE CASSIDY - CROSS</p> <p style="text-align: right;">57</p> <p>1 A. At some type of bar.</p> <p>2 Q. In Delaware?</p> <p>3 A. Yes, it was in Delaware.</p> <p>4 Q. And when you said you looked outside, you</p> <p>5 saw Miss Reid sitting on the steps?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Where was she sitting?</p> <p>8 A. She was sitting on her porch.</p> <p>9 Q. All right. I'm going to show you what may</p> <p>10 be marked as Defense's 4.</p> <p>11 Do you recognize that --</p> <p>12 A. Yes.</p> <p>13 Q. -- picture?</p> <p>14 What is it a picture of?</p> <p>15 A. That's Shannon's house.</p> <p>16 Q. I didn't hear you, ma'am.</p> <p>17 A. That's Shannon's house.</p> <p>18 Q. And where was Miss Reid sitting?</p> <p>19 A. In that black chair.</p> <p>20 Q. Okay, and where was Mutt sitting?</p> <p>21 A. On the step. On the porch, like on the step</p> <p>22 right there where the sneakers is sitting.</p> <p>23 Q. Okay, and where was --</p>
<p style="text-align: center;">LEANTAYE CASSIDY - CROSS</p> <p style="text-align: right;">56</p> <p>1 MS. PUIT: Yes.</p> <p>2 THE COURT: Please bring in the jury.</p> <p>3 * * *</p> <p>4 (The jury entered the courtroom at 2:13 p.m.)</p> <p>5 * * *</p> <p>6 THE COURT: Hope you had a good lunch.</p> <p>7 Mr. Armstrong, you may continue with</p> <p>8 cross-examination.</p> <p>9 MR. ARMSTRONG: Thank you, Your Honor.</p> <p>10 * * *</p> <p>11 BY MR. ARMSTRONG:</p> <p>12 Q. Good afternoon again, Miss Cassidy.</p> <p>13 A. Good afternoon.</p> <p>14 Q. Earlier on direct, you testified that you</p> <p>15 didn't go to go out with Starr --</p> <p>16 A. Right.</p> <p>17 Q. -- because you had a migraine?</p> <p>18 A. Yes.</p> <p>19 Q. And she left around 8:00?</p> <p>20 A. Yes.</p> <p>21 Q. Where were they headed?</p> <p>22 A. To karaoke.</p> <p>23 Q. Where?</p> <p style="text-align: right;">All</p>	<p style="text-align: center;">LEANTAYE CASSIDY - CROSS</p> <p style="text-align: right;">58</p> <p>1 A. Shannon was walking up and down the street.</p> <p>2 Q. I'm going to show you what has been marked</p> <p>3 Defense's 1.</p> <p>4 Where was Shannon? Is that good?</p> <p>5 A. That's still too dark.</p> <p>6 Q. Where was Shannon walking?</p> <p>7 A. He was walking around. He was on the other</p> <p>8 -- other -- he was on the other block, on the other</p> <p>9 side of Moore, coming towards his house when I seen</p> <p>10 him.</p> <p>11 Q. Can you touch it.</p> <p>12 A. Yeah. He was on this side (indicating), but</p> <p>13 he was coming down towards his house.</p> <p>14 Q. If you touch it, it'll make a mark.</p> <p>15 A. I marked it.</p> <p>16 Q. I'm sorry. I didn't see the mark.</p> <p>17 So, he was over there?</p> <p>18 A. Yeah. He was coming, but he was walking</p> <p>19 towards his house.</p> <p>20 Q. Okay.</p> <p>21 So, at no point did you see Shannon and Miss</p> <p>22 Reid and Mutt sitting on the steps?</p> <p>23 A. No.</p>

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- 1 Q. No?
- 2 I'm going to show you what has been marked
- 3 without objection as -- can you see that. Is that
- 4 better?
- 5 A. Uh-huh.
- 6 Q. This is Defense's 7. You recognize that
- 7 street?
- 8 A. Yes.
- 9 Q. Okay.
- 10 Where would your house be in relationship to
- 11 that?
- 12 A. My house would be right here (indicating),
- 13 where you see this black -- this white shirt where
- 14 somebody is standing at.
- 15 Q. Okay.
- 16 You can make a yellow mark now, change the
- 17 color. Just circle it.
- 18 A. Right there (indicating). That's where I
- 19 live at, right there.
- 20 Q. Okay. All right, and where did the shooting
- 21 take place?
- 22 A. Right here (indicating).
- 23 Q. Okay, and at any point -- that's on the

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- 1 sidewalk, right?
- 2 A. Yeah.
- 3 Q. At any point did anybody go into the street?
- 4 A. No, not that I seen; no.
- 5 Q. If I were to tell you that there was
- 6 testimony that Mutt or the shooter actually stood
- 7 over Shannon and shot him two times while he's
- 8 laying in the middle of the street, would that --
- 9 A. I didn't see that.
- 10 Q. You didn't see that?
- 11 A. No.
- 12 Q. Because you saw him fall, right?
- 13 A. Yeah, I seen him fall, but at that time I
- 14 was already out the window, running down the steps
- 15 to come to the front --
- 16 Q. Okay. So --
- 17 A. -- door.
- 18 Q. -- you saw the first two shots?
- 19 A. Correct.
- 20 Q. You heard the first two shots?
- 21 A. Yes, I heard the first two shots.
- 22 Q. Any other shots?
- 23 A. No, not that I --

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- 1 Q. You didn't hear the other three or four
- 2 shots?
- 3 A. No.
- 4 Q. Now, just before the shooting, you put
- 5 Shannon and Mutt apparently facing each other,
- 6 right?
- 7 A. Correct.
- 8 Q. Where were they standing?
- 9 A. (No response).
- 10 Q. If you make a continuous move, it makes a
- 11 circle.
- 12 A. Okay.
- 13 Q. Hold on. Let me erase it.
- 14 A. They were standing -- they were standing
- 15 like right here where it's cut off, this part
- 16 (indicating).
- 17 Q. All right. I'm going to get you a better
- 18 picture, since it's cut off.
- 19 A. Well, it was like they were standing right
- 20 between that apartment that sits on the corner of
- 21 Moore and the house No. 5.
- 22 Q. I'm going to show you Defense's 3.
- 23 A. That's even better.

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- 1 Q. Okay. Where were they standing?
- 2 A. Right here (indicating).
- 3 Q. So, I'm going to see if I can erase that,
- 4 and you're saying they're standing right there
- 5 (indicating)?
- 6 A. Uh-huh.
- 7 Q. Okay, and you would agree with that?
- 8 A. Uh-huh.
- 9 Q. I just cleaned it up a little bit, right?
- 10 A. That's fine.
- 11 Q. Can you show me where Mutt was supposedly
- 12 standing in that circle?
- 13 A. Mutt was standing on this side closest to
- 14 the house No. 5, and Shannon was closest to that
- 15 apartment that sits on Moore (indicating).
- 16 Q. And if you -- there we go. Can you show me
- 17 where Shannon -- I changed the color again.
- 18 A. There (indicating).
- 19 Q. All right, and you said that Shannon started
- 20 walking towards Tatnell?
- 21 A. Uh-huh.
- 22 Q. Which way is Tatnell?
- 23 A. The opposite way.

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- 1 Q. Am I correct if I said Tatnell is this way
- 2 (indicating)?
- 3 A. Yes.
- 4 Q. Okay, and how far did he make it to Tatnell?
- 5 A. Not that far, because they were still
- 6 arguing as he turned around, and Shannon turned
- 7 back around and started walking towards Mutt. Now,
- 8 they're facing each other, and then he said some
- 9 more words; and then Shannon turned around, and
- 10 then he proceeded to walk away, and then that's
- 11 when Mutt shot him.
- 12 Q. And you saw all of this out of the bay
- 13 window, right?
- 14 A. Correct.
- 15 Q. All right, and if you had to describe to me
- 16 Starr's bedroom, where was the TV located?
- 17 A. The TV was against her -- her wall next to
- 18 her closet.
- 19 Q. Okay. I'm going to show you what has been
- 20 marked Defense's 2. It's a picture of where you
- 21 were staying on that night, correct?
- 22 A. Correct.
- 23 Q. So, you're actually telling me that the TV

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- 1 was nowhere near those windows?
- 2 A. No.
- 3 Q. How sure are you of that?
- 4 A. I'm positive.
- 5 Q. Are you 100%?
- 6 A. I'm 100% positive.
- 7 Q. Is there any chance that you could be wrong?
- 8 A. No.
- 9 Q. And how far is her closet from the window?
- 10 A. It's next to the entrance of the door.
- 11 Q. So, it's not even nowhere close to the
- 12 window?
- 13 A. No.
- 14 Q. You remember your interview that you had in
- 15 July 13th with Detective Curley?
- 16 A. Yes.
- 17 MR. ARMSTRONG: All right. You remember --
- 18 may I approach the witness, Your Honor.
- 19 THE COURT: Yes.
- 20 * * *
- 21 BY MR. ARMSTRONG:
- 22 Q. I'm going to show you a transcript of your
- 23 statements that you made to Detective Curley. I

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- 1 want you to start and read over from Line 8.
- 2 MS. PUIT: Could I get a page number,
- 3 please.
- 4 MR. ARMSTRONG: Page 6, Line 8 to the end.
- 5 THE WITNESS: You want me to start from Line
- 6 8 and read where, all the way down?
- 7 MR. ARMSTRONG: Yes, and give -- and read
- 8 the names and the responses.
- 9 THE WITNESS: Detective Curley: Okay, all
- 10 right. So, you said that when -- by the time you
- 11 heard the arguing, you -- when you looked out the
- 12 window, and you see two of them arguing --
- 13 Miss Cassidy: Um.
- 14 Detective Curley: You can't hear -- you
- 15 can't hear what it's about.
- 16 Okay. Because I had the TV on, and I was
- 17 laying down. And I had the TV on.
- 18 Actually, I read that twice.
- 19 But the TV was on real low, and it was close
- 20 to the window.
- 21 No. The TV -- her -- the way her bedroom is
- 22 set up, that's --
- 23 THE COURT: Can you speak a little louder

LEANTAYE CASSIDY - CROSS

66

- 1 into the microphone.
- 2 THE WITNESS: The way her bedroom is set up,
- 3 her TV was never by her window. So, I don't know
- 4 why that's there.
- 5 * * *
- 6 BY MR. ARMSTRONG:
- 7 Q. So, they mis-transcribed that?
- 8 A. Yes, because her TV -- the way her room is
- 9 set up is she has a computer next to the window
- 10 that's by the air conditioner. Then, she has her
- 11 dresser, which is in front of her bed. Her bed and
- 12 her TV is against the wall, next to her closet, and
- 13 it's been like that forever.
- 14 Q. So, statement's wrong?
- 15 A. Yes.
- 16 Q. So, you're telling me that this audiotape
- 17 that I have of you, if I played this, I won't hear
- 18 you saying that?
- 19 A. No, because that's not where her TV was at.
- 20 Her TV has never been next to the window.
- 21 Q. And it is your testimony that you saw two of
- 22 the shots, correct?
- 23 A. Correct.

A112

LEANTAYE CASSIDY - CROSS

67

- 1 Q. Now, on your previous -- I'm going to show
2 you what is -- I think this is Defense's 6. I put
3 it back over here. Defense's 3, I'm sorry.
4 You testified they were over here
5 (indicating), correct?
6 A. Uh-huh.
7 Q. That's a "yes"?
8 A. I'm sorry, yes.
9 Q. Mutt was here, Shannon was here, and they
10 were walking that way (indicating), right?
11 A. Correct.
12 Q. Where did Shannon fall?
13 A. Shannon fell in the middle of the street.
14 Q. Where?
15 A. Right here (indicating). Can you move that
16 arrow.
17 Q. Actually, I'm going to change the color.
18 A. Okay, that's fine. He fell right here
19 (indicating).
20 Q. So, he wasn't walking that way. He was
21 walking this way (indicating)?
22 A. No, you're confusing me.
23 They was arguing. Shannon proceeded to walk

LEANTAYE CASSIDY - CROSS

68

- 1 away. He turned around, proceeded to walk back
2 towards Mutt to finish the argument. He proceeded
3 to turn around again to walk away. That is when
4 Mutt shot him.
5 Q. Okay.
6 A. And he ran towards the middle of the street,
7 and that's where he fell at.
8 Q. So, he ran back towards the person that was
9 shooting him?
10 A. He didn't run. He walked back towards him
11 because they were still arguing. He was talking
12 with his hands, and he's arguing. Then, he turned
13 back around --
14 Q. And started going which --
15 A. He started walking towards Tatnell, but then
16 when Mutt shot him, he ran in the middle of the
17 street.
18 Q. Okay. Then, answer this. How far did
19 Shannon get before he was shot?
20 A. Not far.
21 Q. Show me. Make a mark.
22 A. He was where I said he was at, but you took
23 it off, and then, when he was shot --

LEANTAYE CASSIDY - CROSS

69

- 1 THE COURT: Can you speak up a little
2 louder.
3 THE WITNESS: He was right here (indicating)
4 when he -- before he got shot, and when he got
5 shot, he ended up in the middle of the street. So,
6 it wasn't that far of a distance.
7 * * *
8 BY MR. ARMSTRONG:
9 Q. All right.
10 So, why didn't you just say he was walking
11 towards Moore, since Moore was closer than Tatnell?
12 A. I don't know.
13 Q. I mean, Moore is the next street, right?
14 A. It is the next street, but I mean, I
15 consider that as Moore right there at the corner.
16 As far as they were right there, that's still Moore
17 Street so.
18 Q. And then he goes here (indicating), right?
19 A. Yes.
20 Q. And then he crawls back here?
21 A. Correct.
22 Q. And the entire time, the person who shot
23 Shannon stays right here (indicating)?

LEANTAYE CASSIDY - CROSS

70

- 1 A. No.
2 Q. Where did he go?
3 A. He ran.
4 Q. Which way?
5 A. I don't know which way he ran, cause at that
6 time, like I said before, after he shot him the
7 second time, I ran downstairs. So, by the time I
8 got downstairs, Mutt was out of sight. So, I don't
9 know which way he ran.
10 Q. Okay. Here's my question. When you see the
11 two shots, the person who is shooting him is still
12 standing there, right, when he shoots?
13 A. Yeah. After he shot him the second time, I
14 seen the second shot, yes, he was still standing
15 there, but by the time I got downstairs, he was
16 gone.
17 Q. Okay.
18 At any point, did Shannon or the person you
19 saw shoot Shannon get over here (indicating)?
20 A. No.
21 Q. Not at all?
22 A. Not that I seen, no.
23 Q. At any point, did you see the person who

A113

LEANTAYE CASSIDY - CROSS

71

- 1 shot Shannon come out here (indicating)?
 2 A. No.
 3 Q. Everything that you saw took place --
 4 A. Right here (indicating).
 5 Q. -- there?
 6 A. Yeah, cause that's what I seen standing out
 7 the window. Once I left the window, I didn't see
 8 nothing else.
 9 Q. Okay, and so first shot here (indicating),
 10 second shot, he falls there?
 11 A. Uh-huh.
 12 Q. And then how long did it take you to get
 13 downstairs?
 14 A. It didn't take me that long.
 15 Q. What's "that long?"
 16 A. I'm going to say like five minutes. It
 17 didn't take me that long to get down those steps.
 18 Q. It took five minutes to go all the way down
 19 the --
 20 A. I said it didn't take me five minutes to get
 21 down the steps.
 22 Q. So, how many minutes would you say, maybe
 23 two --

LEANTAYE CASSIDY - CROSS

72

- 1 A. Yeah.
 2 Q. -- seconds (sic)?
 3 A. Yeah.
 4 Q. And that entire time, you stayed over there?
 5 A. In the doorway.
 6 Q. You never came out on the porch or anything?
 7 A. No.
 8 Q. Did you see people on the porch over there?
 9 A. No.
 10 Before the shots or after the shots?
 11 Q. At any time?
 12 A. No.
 13 Q. And what was on television?
 14 A. I was watching "Sponge Bob."
 15 Q. And where is the streetlight?
 16 A. On that corner.
 17 Q. How far on that corner?
 18 A. You can't see it, because it's cut off.
 19 Q. I'm going to show you Defense 1. Can you
 20 see it on there?
 21 A. Yeah, right there behind --
 22 Q. Circle it.
 23 A. I'll tap it, cause it's not working if I

LEANTAYE CASSIDY - CROSS

73

- 1 circle it.
 2 Q. Right there (indicating)?
 3 A. No. Can you delete that. That's in the
 4 middle of the street. No, delete that too.
 5 It's more so like right here behind this
 6 white car (indicating), but it won't let me tap it.
 7 Q. Behind this white car?
 8 A. Yeah. It's more so -- yeah, right there.
 9 Q. Okay. So, streetlight's there?
 10 A. Uh-huh.
 11 Q. He falls here, and the shooting never goes
 12 down there, right?
 13 A. No.
 14 Q. He never goes underneath that light?
 15 A. No.
 16 Q. So, the shooting never took place underneath
 17 that light?
 18 A. No.
 19 Q. I'm going to show you Defense's 5.
 20 Recognize that?
 21 A. Yeah. That's 27th Street, looking at
 22 Market.
 23 Q. Looking at Market.

LEANTAYE CASSIDY - CROSS

74

- 1 It's dark out there, huh?
 2 A. Uh-huh, but I can still see.
 3 Q. Yeah, you could still see. You could still
 4 see out now even in that picture, right?
 5 A. Uh-huh.
 6 Q. Okay, and then that's how dark it is; isn't
 7 it?
 8 A. Yeah, but there's streetlights, so you're
 9 able to see cause there's streetlights.
 10 Q. There's actually a streetlight there; isn't
 11 it?
 12 A. Exactly, but that streetlight, it goes off
 13 and on.
 14 Q. And so does the other one.
 15 A. No, it doesn't.
 16 Q. No, it doesn't?
 17 A. No. That light doesn't go off and on.
 18 Q. And it's just that dark out there, huh?
 19 I'm going to show you -- I'm showing you
 20 Defense's 6.
 21 A. That's the parking lot of Pete's.
 22 Q. All right, and approximately how far away
 23 were you -- would you say the window that you saw

LEANTAYE CASSIDY - CROSS

76

1 this to the actual shooting?

2 A. I was in the house. I don't know how far.

3 I can't give you distance.

4 Q. 10, 15, 20 feet?

5 A. No. It wasn't that far. It was like a 5,

6 10 feet.

7 Q. 5, 10 feet, you mean -- the average street

8 is 20 feet, so across the street, it's more than

9 20 feet?

10 A. No. Okay. I don't know. I can't -- I

11 don't know that off the top of my --

12 Q. And you saw this in the dark with a migraine

13 that affects your vision?

14 A. Uh-huh.

15 MR. ARMSTRONG: May I have a moment, Your

16 Honor.

17 THE COURT: Yes.

18 * * *

19 (Pause)

20 * * *

21 MR. ARMSTRONG: May I have a moment.

22 THE COURT: Take the time you need.

23 * * *

LEANTAYE CASSIDY - CROSS

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1 (Pause)

2 * * *

3 BY MR. ARMSTRONG:

4 Q. Was anyone wearing a hood?

5 A. They both had on windbreaker jackets.

6 Q. They both had on windbreaker jackets?

7 A. Uh-huh.

8 Q. Was it hooded?

9 A. Uh-huh.

10 Q. Was the hoods up?

11 A. No.

12 Q. They were down?

13 A. Uh-huh.

14 Q. What color were the windbreakers?

15 A. They were black.

16 Q. They were black?

17 A. Yeah.

18 Q. And when you look out, did you see Miss

19 Reid?

20 A. I look out what, the window?

21 Q. When you looked out the window, did you see

22 Miss Reid?

23 A. No. I didn't see her sitting on the porch.

LEANTAYE CASSIDY - CROSS

77

1 Q. So, when you looked out of the window just

2 before the so-called shooting, you did not see Miss

3 Reid sitting on the porch?

4 A. I seen her sitting on the porch before I

5 went in the house. When I looked out the window,

6 that wasn't my concern was to see where she was

7 sitting at. My concern was to see what was going

8 on.

9 Q. I understand your concern. Did you look

10 around to see who else was out there?

11 A. No, I didn't.

12 Q. How much time passed from the time in which

13 you was outside and saw Miss Reid to the time in

14 which you saw the shooting; how much time passed?

15 A. Probably like 20 minutes.

16 Q. 20 minutes?

17 A. Yeah.

18 Q. So, at 8:00, you're out there?

19 A. On the porch.

20 Q. On the porch you see Miss Reid?

21 A. Uh-huh.

22 Q. And about 8:20 is the shooting?

23 A. I don't remember the time; yeah, probably.

LEANTAYE CASSIDY - CROSS

78

1 I don't --

2 Q. About 20 minutes?

3 A. Yeah. I can't give you a time, cause I

4 wasn't paying attention to the time.

5 Q. What medications do you take?

6 A. Who?

7 MS. PUIT: Your Honor, objection.

8 THE COURT: Take the objection at sidebar.

9 * * *

10 Sidebar conference held as follows:

11 THE COURT: Miss Puit.

12 MS. PUIT: What's the basis for that

13 question that's relevant to this case?

14 MR. ARMSTRONG: She says that she had a

15 migraine, that she took some medicine and laid down

16 in the dark, and I asked her did she have the TV,

17 did she really count the TV as dark. Yes, I did.

18 So, she did bring up the idea of the medication.

19 MS. PUIT: Your Honor, if I may. What

20 medications do you take is such a broad question.

21 She could be on other medications that have nothing

22 to do with her migraine that are very personal that

23 I don't think that are relevant. Do you take

A115

LEANTAYE CASSIDY - CROSS

79

1 medicine for your migraines, or did you take any
2 medicine for that that evening, fair, but if she's
3 on some medicine for anxiety, that's one of --

4 MR. ARMSTRONG: Actually, it is, Your
5 Honor --

6 THE COURT: I think it could be relevant. I
7 agree it gets into some personal issues, but we
8 just don't know. But I think there's a good faith
9 basis to ask the question, and I'll allow it,
10 because I think there's a good faith basis for
11 asking it.

12 So, the objection's overruled.

13 MS. PUIT: Understood.

14 * * *

15 (Sidebar conference concluded.)

16 * * *

17 THE COURT: Objection's overruled.

18 * * *

19 BY MR. ARMSTRONG:

20 Q. Okay. The last question was what
21 medications are you on.

22 A. I answered that question already.

23 Q. You're on no medications?

LEANTAYE CASSIDY - CROSS

80

1 A. No.

2 Q. Okay. Now, you testified for your migraines
3 you took medication?

4 A. Excedrin.

5 Q. That's -- Excedrin is good enough for a
6 migraine?

7 A. (No response).

8 Q. What milligram?

9 THE COURT: Let her answer the question.

10 THE WITNESS: They have Excedrin for
11 migraines.

12 * * *

13 BY MR. ARMSTRONG:

14 Q. Okay, what's the side effects? Put you
15 asleep?

16 A. No.

17 Q. Doesn't -- really? Doesn't --

18 A. No, it doesn't put me to sleep. No, it
19 doesn't.

20 Q. Do you know what time -- you said you have
21 no idea what time the shooting took place, right?

22 A. No.

23 Q. You stated that already?

LEANTAYE CASSIDY - CROSS

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1 THE COURT: One question at a time.

2 * * *

3 BY MR. ARMSTRONG:

4 Q. You said that you didn't know what time the
5 shooting took place?

6 A. No.

7 Q. All right, and you just remember they left
8 at 8:00. About 20 minutes later, the shooting took
9 place. You don't know the exact time?

10 A. No, I don't. I wasn't worried about the
11 time.

12 Q. Okay.

13 I'm sorry, did you say something?

14 A. No.

15 Q. You didn't?

16 A. No.

17 Q. I'm going to show you 3. Is it fair to say
18 that in the area where you said the shooting took
19 place there are no lights?

20 A. There is a light on the corner.

21 Q. Well, you told me the shooting took place
22 here (indicating)?

23 A. Exactly.

LEANTAYE CASSIDY - CROSS/REDIRECT

82

1 Q. Can you show the light that you --

2 A. The light is right there on the corner, and
3 you can still see with that light.

4 Q. You can still see with that light?

5 A. Uh-huh.

6 MR. ARMSTRONG: One moment.

7 * * *

8 (Pause)

9 * * *

10 MR. ARMSTRONG: No further questions, Your
11 Honor.

12 THE COURT: Miss Puit, redirect examination?

13 MS. PUIT: Yes, Your Honor. Thank you.

14 * * *

REDIRECT EXAMINATION

15 * * *

17 BY MS. PUIT:

18 Q. Miss Cassidy, do you want to be here right
19 now?

20 A. No.

21 Q. Why not?

22 A. Because --

23 MR. ARMSTRONG: Objection, relevance.

<p style="text-align: center;">LEANTAYE CASSIDY - REDIRECT</p> <p style="text-align: right;">83</p> <p>1 THE COURT: Overruled. I think it's an</p> <p>2 appropriate question.</p> <p>3 * * *</p> <p>4 BY MS. PUIT:</p> <p>5 Q. Are you late for anything?</p> <p>6 A. For work.</p> <p>7 Q. What time did you have to be at work?</p> <p>8 A. 3:00.</p> <p>9 Q. When did you get that job?</p> <p>10 A. I been at this job since April.</p> <p>11 Q. Get into any trouble if you're late,</p> <p>12 possibly?</p> <p>13 A. Yes.</p> <p>14 Q. I want to take you back a little bit to the</p> <p>15 beginning of your cross-examination with Mr.</p> <p>16 Armstrong.</p> <p>17 A. Okay.</p> <p>18 Q. Mr. Armstrong asked you if you could tell</p> <p>19 what the two people -- what Mutt and Shannon were</p> <p>20 wearing outside.</p> <p>21 A. Yes.</p> <p>22 Q. You talked a little bit about the fact it</p> <p>23 was dark, and he read to you some statements.</p>	<p style="text-align: center;">LEANTAYE CASSIDY - REDIRECT</p> <p style="text-align: right;">85</p> <p>1 both had on like dark black jackets.</p> <p>2 Is that where you want me to stop?</p> <p>3 Q. Thank you.</p> <p>4 Miss Cassidy, you spent a lot of time on a</p> <p>5 lot of different pictures circling areas on 27th</p> <p>6 Street.</p> <p>7 A. Uh-huh.</p> <p>8 Q. Would you consider where the incident</p> <p>9 happened to be the corner of Moore and 27th?</p> <p>10 A. Uh-huh.</p> <p>11 Q. On cross-examination with Mr. Armstrong, you</p> <p>12 said Mutt was walking towards Tatnall -- I'm sorry,</p> <p>13 Shannon was walking towards Tatnall.</p> <p>14 A. Correct.</p> <p>15 Q. I misspoke, I apologize.</p> <p>16 A. That's okay.</p> <p>17 Q. Shannon was walking towards Tatnall.</p> <p>18 Correct me if I am incorrect, Shannon</p> <p>19 proceeded to walk away and Mutt shot him?</p> <p>20 A. Uh-huh.</p> <p>21 Q. They weren't face to face?</p> <p>22 A. Not at that time, no.</p> <p>23 Q. They were face to face when they were</p>
<p style="text-align: center;">LEANTAYE CASSIDY - REDIRECT</p> <p style="text-align: right;">84</p> <p>1 You previously talked to Detective Curley,</p> <p>2 correct?</p> <p>3 A. Correct.</p> <p>4 Q. I'm going to approach you with the same</p> <p>5 statement that Mr. Armstrong did. I'm going to</p> <p>6 refer Mr. Armstrong to Page 5.</p> <p>7 Miss Cassidy, I'm going to ask you, just</p> <p>8 like you did before, to read from "Miss Cassidy,"</p> <p>9 Line 22 on Page 5, and I want to make sure I get</p> <p>10 this correct, to Line 7 on Page -- look, Page 5.</p> <p>11 Put it in order for you, Page 5, Line 22 to Page 6,</p> <p>12 Line 7.</p> <p>13 Line 22, who is speaking?</p> <p>14 A. Me.</p> <p>15 Q. You, and what -- go ahead and read that,</p> <p>16 please.</p> <p>17 A. I said yeah. It was actually dark outside</p> <p>18 so -- and he had a -- I don't know if he -- I think</p> <p>19 he had on like a little windbreaker jacket. That's</p> <p>20 all I can remember, but it was dark. So, I don't</p> <p>21 remember exactly what either one of them had on,</p> <p>22 but I -- but I know Mutt had on a black coat. And</p> <p>23 then he said Mutt had on a black coat. Yeah, they</p>	<p style="text-align: center;">LEANTAYE CASSIDY - REDIRECT</p> <p style="text-align: right;">86</p> <p>1 arguing?</p> <p>2 A. Correct.</p> <p>3 Q. You're looking out the window, and you see</p> <p>4 them arguing. You said Shannon was a close friend?</p> <p>5 A. Uh-huh.</p> <p>6 Q. You see him arguing with Mutt outside. Are</p> <p>7 you paying any attention to Shannon's porch?</p> <p>8 A. No, not at all.</p> <p>9 Q. What are you looking at?</p> <p>10 A. Shannon and Mutt.</p> <p>11 Q. Would you characterize this argument as --</p> <p>12 MR. ARMSTRONG: Objection, Your Honor. This</p> <p>13 is still direct.</p> <p>14 THE COURT: Please rephrase the question --</p> <p>15 MS. PUIT: Yes, Your Honor.</p> <p>16 THE COURT: -- to avoid her characterizing.</p> <p>17 * * *</p> <p>18 BY MR. PUIT:</p> <p>19 Q. Were Mutt and Shannon standing still like</p> <p>20 statutes the entire time they were arguing?</p> <p>21 A. Uh-huh.</p> <p>22 Q. They weren't moving around, walking way,</p> <p>23 coming back?</p>

LEANTAYE CASSIDY - REDIRECT

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1 A. Shannon did. He was talking with his hands,
2 and like I said before, he proceeded to walk away.
3 They were still arguing. Mutt said something to
4 him, and that's what made Shannon turn around and
5 walk back towards Mutt.
6 Q. So, Shannon wasn't standing still the whole
7 time?
8 A. No, he wasn't.
9 Q. You look out the window, and how many -- you
10 hear how many shots?
11 A. I hear two.
12 Q. And then what?
13 A. Then I see Shannon fall.
14 Q. And then what do you do?
15 A. I run downstairs.
16 Q. Any idea -- do you have any idea what
17 happened after you left that window?
18 A. No.
19 MR. PUIT: May I have a moment, Your Honor.
20 THE COURT: Yes.
21 MS. PUIT: Nothing further. Thank you.
22 THE COURT: Mr. Armstrong?
23 ***

LEANTAYE CASSIDY - RECROSS

88

RECROSS EXAMINATION

3 BY MR. ARMSTRONG:
4 Q. If you have no idea what happened after you
5 left that window, how do you know or are able to
6 testify that Shannon crawled to the side where he
7 was later treated by the paramedics?
8 A. I see Shannon crawl from the door, when I
9 made it to the door, because everyone was around
10 Shannon as he was laying in the middle of the road,
11 and they was telling him do not move, but he
12 proceeded to move out of the road.
13 Q. So, when you said you had no idea what
14 happened after that, that wasn't truthful?
15 A. That --
16 Q. Or accurate?
17 A. It is accurate, because I didn't see Shannon
18 moving until I got downstairs. He wasn't moving
19 until I got downstairs to the door.
20 I opened the door, and everybody was
21 standing around Shannon, telling him to be still,
22 it's going to be okay, don't move, but he still
23 proceeded to crawl from the middle of the street to

LEANTAYE CASSIDY - RECROSS

89

1 the sidewalk.
2 Q. If Shannon actually crawled from the middle
3 of the street to the sidewalk, can you explain to
4 me why there's no blood trail?
5 A. I can't explain that to you. I'm not a
6 detective.
7 Q. You're right, but you got common sense,
8 right?
9 A. Yeah, but I can't explain why there wasn't
10 no blood.
11 Q. All right.
12 Guy falls down, gets shots, bleeding,
13 eventually dies from the wounds bleeding out, and
14 there's no blood trail --
15 MS. PUIT: Your Honor, objection.
16 THE COURT: Grounds?
17 MS. PUIT: Two, speculation -- one,
18 speculation; two, facts not in evidence. We don't
19 know when the bleeding began.
20 THE COURT: Well, on the speculative ground,
21 I'll overrule it because it's not too speculative.
22 But as to the facts not in evidence, I'll remind
23 counsel then there has to be a good faith basis for

LEANTAYE CASSIDY - RECROSS

90

1 asking a question. Attorneys will always use their
2 best recollection in recalling what facts were in
3 the evidence, but in the final analysis, members of
4 the jury, it's your recollection of what the facts
5 in evidence were, not what the attorneys say it
6 was.
7 So, with that, you may --
8 MR. ARMSTRONG: The only issue, Your Honor,
9 is that those facts comes from the EDU and the
10 crime scene detective, and since this witness does
11 not --
12 THE COURT: All right.
13 MR. ARMSTRONG: -- I would ask for a little
14 leeway.
15 THE COURT: I'll allow you to ask the
16 question with that representation.
17 MR. ARMSTRONG: Thank you, Your Honor.
18 ***
19 BY MR. ARMSTRONG:
20 Q. So, Shannon's on -- in the middle of the
21 street, crawling back to the side of the street
22 where he eventually is found and treated by the
23 police, and there is no blood trail, and you're not

A118

LEANTAYE CASSIDY - RECROSS

91

1 surprised at that?

2 A. (No response).

3 Q. Are you surprised?

4 THE COURT: She's still thinking about the
5 answer.

6 THE WITNESS: I am surprised -- not
7 surprised.

8 ***

9 BY MR. ARMSTRONG:

10 Q. You're not surprised?

11 A. No.

12 THE COURT: You do need to speak closer to
13 the microphone, please.

14 ***

15 BY MR. ARMSTRONG:

16 Q. The passage that you read, you read -- you
17 still have that up there with you?

18 MS. PUTT: No.

19 ***

20 BY MR. ARMSTRONG:

21 Q. The passage that you read from 22 to Page 5
22 to Page 6, you remember that passage. You talk
23 about it being dark out there, then you talk about

LEANTAYE CASSIDY - RECROSS

93

1 BY MR. ARMSTRONG:

2 Q. Okay. I'm going to show you Page 5 and 6.

3 Show me where you say that.

4 A. I read that already.

5 Q. No. I want you to read and show me where
6 you said it's dark outside, but I could still see
7 them.

8 A. It doesn't say that in here.

9 Q. Because you just made it up, right?

10 MS. PUTT: Your Honor, objection.

11 THE COURT: Yes. That's argumentative.

12 Stricken, members of the jury. Revise the
13 question.

14 ***

15 BY MR. ARMSTRONG:

16 Q. What did Shannon have in his hand?

17 A. Nothing. I didn't see anything in Shannon's
18 hand.

19 Q. Shannon wasn't walking on the telephone?

20 A. No. I didn't see nothing in his hand,

21 because when they was arguing, he had both his

22 hands moving, and there wasn't nothing in his

23 hands.

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1 wearing black coats and all the rest of that,
2 right?

3 A. Uh-huh.

4 Q. Why in none of your interviews with
5 Detective Curley did you ever mention they were
6 standing under a streetlight?

7 A. Can you repeat that. Why did I say that
8 they was standing under a streetlight; is that what
9 you said?

10 Q. Yeah.

11 A. Because they wasn't directly under the
12 streetlight.

13 Q. Why didn't you say, well, I could -- it was
14 dark out there, but I could see them because of the
15 streetlight?

16 A. That's what I said. It was dark outside --

17 Q. You said that?

18 A. -- but I could see --

19 THE COURT: Let her finish her answer before
20 you ask another question.

21 THE WITNESS: I said it was dark outside,
22 but I could still see.

23 ***

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1 Q. So, if I were to tell you there were at
2 least two people that testified that Shannon, just
3 before he died, had a cell phone in his hand, you
4 would say they're wrong?

5 A. I didn't see that because I didn't come
6 outside.

7 Q. Well, you didn't see it because it was too
8 dark for you to see it, right?

9 A. And I didn't see his hand when his hands was
10 moving, because his hands was open. They were open
11 when he was doing all of this (indicating). They
12 were open.

13 Q. So, you didn't see the phone?

14 A. No. I didn't see no phone in his hand.

15 Q. Okay, and you were asked whether or not you
16 consider where he shot as the corner of 27th
17 Street, right?

18 A. That's yeah.

19 Q. If I was actually on the corner of 27th
20 Street, would you also consider that the corner of
21 27th Street or the corner of Tatnell?

22 A. The corner of 27th Street.

23 MR. ARMSTRONG: May I have the document

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1 back.

2 May I approach, Your Honor.

3 THE COURT: Yes.

4 ***

5 BY MR. ARMSTRONG:

6 Q. And how many times did you speak with
7 Detective Curley?

8 A. A few times.

9 Q. Twice this year, right?

10 A. Yes.

11 Q. Actually, three times this year.

12 A. Yeah.

13 Q. Do you remember the three --

14 MS. PUIT: Your Honor, objection, beyond the
15 scope of redirect.16 THE COURT: It may -- I think it's
17 allowable. It's close enough to what was raised in
18 the first direct.

19 ***

20 BY MR. ARMSTRONG:

21 Q. You spoke with Detective Curley on -- in
22 June of 2017, correct?

23 A. Okay. I don't remember the days that I

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1 talked to him, but I do know that I've spoken with
2 him.

3 Q. Right. You talked to him over the phone.

4 Do you remember how you spoke to him?

5 A. Over the phone. Every time I talked to him,
6 it's been over the phone.7 Q. Except for the time that you got the
8 recording --9 A. That was the only time. Every time after
10 that, it's been over the phone.11 Q. And you also talked to him in his -- in the
12 office of the State Building. That wasn't over the
13 phone.14 A. That wasn't over the phone. That was just
15 last week when I spoke with him in the office.
16 That was not over the phone.17 Q. If you only talked to him three times, one
18 time in the car, one time in the State Building,
19 one time over the phone, it would be --20 MS. PUIT: Your Honor, may I speak with
21 counsel for a moment.

22 THE COURT: Yes.

23 MS. PUIT: Thank you.

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1 ***

2 (Pause)

3 ***

4 THE COURT: Anything about which we need
5 confer?

6 MR. ARMSTRONG: No, Your Honor.

7 MS. PUIT: No, Your Honor.

8 ***

9 BY MR. ARMSTRONG:

10 Q. So, you talked to him three times about this
11 case, over the phone, in the car, and at the
12 building.

13 A. Okay.

14 MR. ARMSTRONG: No further questions.

15 THE COURT: Miss Puit, anything further?

16 MS. PUIT: May I just have one moment, Your
17 Honor. Thank you.

18 ***

19 (Pause)

20 ***

21 MS. PUIT: Thank you, Your Honor. Nothing
22 further.

23 THE COURT: You may step down.

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1 ***

2 (Witness excused.)

3 ***