

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Jul 24 2023
SC Court of Appeals

Appeal from Jasper County

Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LESLIE KEIFFER,

APPELLANT

APPELLATE CASE NO. 2022-000360

RECORD ON APPEAL

SARAH E. SHIPE
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

KINLI BARE ABEE
Assistant Deputy Attorney General
1000 Assembly Street, Room 519
Columbia, SC 29201
(803)734-3372

ATTORNEY FOR APPELLANT

I. MCDUFFIE STONE, III
Solicitor, Fourteenth Judicial Circuit
265 Russell Street,
Ridgeland, SC 29910
(843) 779-8729

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED MARCH 15, 2022	1
DEFENSE MOTION TO DISMISS BY MS. CARMODY	2
TESTIMONY	
LACLISHA JOHNSON	
Direct Examination by Ms. Carmody	3
Cross-Examination by Ms. Molina	9
COURT RULING DENYING MOTION	14
DEFENSE MOTION FOR SPOILIATION CHARGE BY MS. CARMODY	16
OPENING STATEMENT BY MS. MOLINA	19
OPENING STATEMENT BY MS. CARMODY	20
TESTIMONY	
PHILLIP COTHRAN	
Direct Examination by Ms. Molina	23
Cross-Examination by Ms. Carmody	25
LACLISHA JOHNSON	
Direct Examination by Ms. Molina	27
Cross-Examination by Ms. Carmody	42
STATE OBJECTION TO LINE OF QUESTIONING BY MS. MOLINA	44
COURT RULING SUSTAINING OBJECTION	44
TESTIMONY	
LACLISHA JOHNSON	
Continued Cross-Examination by Ms. Carmody	44
Redirect Examination by Ms. Molina	58
Recross-Examination by Ms. Carmody	59
TAMMY KEIFFER	
Direct Examination by Ms. Molina	61
Cross-Examination by Ms. Carmody	68

Redirect Examination by Ms. Molina.....	86
STATE RESTS.....	88
DEFENSE MOTION FOR A DIRECTED VERDICT BY MS. CARMODY	89
COURT RULING DENYING MOTION FOR A DIRECTED VERDICT	91
TESTIMONY COLLOQUY	92
TESTIMONY	
LESLIE KEIFFER	
Direct Examination by Ms. Carmody.....	97
COURT INSTRUCTION REGARDING LINE OF QUESTIONING ON TAX FORM.....	104
COURT INSTRUCTION REGARDING LINE OF QUESTIONING ON TEXT MESSAGES.....	109
TESTIMONY	
LESLIE KEIFFER	
Continued Direct Examination by Ms. Carmody	113
Cross-Examination by Ms. Molina	137
Redirect Examination by Ms. Carmody.....	150
DEFENSE RESTS	151
DEFENSE RENEWAL OF MOTION FOR DIRECTED VERDICT BY MS. CARMODY	152
COURT RULING DENYING MOTION FOR A DIRECTED VERDICT	157
STATE OBJECTION TO SPOILIATION OF EVIDENCE CHARGE BY MS. MOLINA ...	162
STATE OBJECTION TO SELF-DEFENSE CHARGE BY MS. MOLINA	169
STATE OBJECTION TO GENERAL INTENT CHARGE BY MS. MOLINA.....	176
TRIAL TRANSCRIPT DATED MARCH 16, 2022	184
DEFENSE RENEWAL OF MOTION TO DISMISS BY MS. CARMODY	184
COURT RULING DENYING MOTION TO DISMISS	187

CLOSING ARGUMENT BY MS. MOLINA.....	199
CLOSING ARGUMENT BY MS. CARMODY	216
CLOSING ARGUMENT REPLY BY MS. MOLINA	239
JURY CHARGE.....	243
DEFENSE RENEWAL OF MOTIONS FOR SPOILIATION OF EVIDENCE CHARGE AND RIGHT TO REPEL WITH FORCE CHARGE BY MS. CARMODY.....	257
911 CALLS PLAYED BY JURY REQUEST	262
VERDICT.....	265
DEFENSE MOTION FOR A NEW TRIAL BY MS. CARMODY	266
COURT RULING DENYING MOTION FOR A NEW TRIAL.....	267
SENTENCING	273
COURT’S EXHIBIT NO. 1 (BODY WORN CAMERA POLICY).....	276
INDICTMENT.....	282
SENTENCE SHEET.....	284
CERTIFICATE OF COUNSEL	286

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT NO. 1 (911 CALL), STATE’S EXHIBITS NOS.
2-16 (PHOTOGRAPHS)**

1 STATE OF SOUTH CAROLINA
2 IN GENERAL SESSIONS
3 COUNTY OF JASPER

4 State of South Carolina,

5 vs. Transcript of Record
2020-GS-27-00180

6 Leslie Keiffer,
7 Defendant.

8

9

10 March 15, 2022
11 Jasper, South Carolina

12 B E F O R E:

13 The HONORABLE ROBERT J. BONDS

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

15 Samantha Molina, Solicitor
16 Carolyn Carmody, Representing the Defendant

17

18

19

20 SHARON G. HARDOON, CSR
21 Official Circuit Court Reporter, III

22

23

24

25

1 THE COURT: Are we ready to proceed?

2 Yes, ma'am.

3 MS. CARMODY: First, the defense does
4 have a motion to dismiss this case, and the basis
5 for the motion is due to a process violation of my
6 client's right to a fair trial, and also her right
7 to counsel. The basis for asserting those rights
8 is that Rule 5 requires that the defendant's
9 statement be produced to the defense. In
10 addition, that's also what -- Brady requires that
11 as well. The defendant's statements to the 911
12 operator was just produced to the defense last
13 night. The State knew that my client made a phone
14 call to 911. It was put in evidence yesterday.

15 Additionally, we have a statute that
16 requires law enforcement use body cameras. The
17 statute requires that law enforcement implement
18 the policy within the sheriff's department for the
19 use of body cams. I actually have the statute.
20 The body cams in this case have not been produced.
21 The body cams in this case would have the
22 statements from my client under Rule 5 and Brady,
23 as well as evidence of impeachment for the alleged
24 victim in this case, which is also under Rule 5
25 and Brady.

Testimony of Lachlisha Johnson

5

1 Your Honor, I would like to call Laclisha
2 Johnson, the officer for Jasper County Sheriff's
3 Office in support for of the motion

4 THE COURT: All right.

5 THE CLERK: Raise your right hand. Do
6 you solemnly swear or affirm to tell the truth,
7 the whole truth, and nothing but the truth?

8 THE WITNESS: Yes.

9 WHEREUPON:

10 LACLISHA JOHNSON,
11 after having been sworn to tell the truth, testified
12 as follows:

13 DIRECT EXAMINATION

14 BY MS. CARMODY:

15 Q Good morning, Miss Johnson.

16 A Good morning.

17 Q Miss Johnson, how long have you been in law
18 enforcement?

19 A Almost eight years, all in Jasper County
20 Sheriff's Office.

21 Q All for the Jasper County Sheriff's Office?

22 A Yes, ma'am.

23 Q And you were working for the Jasper County
24 Sheriff's Office back in 2020?

25 A Yes, ma'am.

Testimony of Lachlisha Johnson

6

1 Q And you responded to the -- let me get you the
2 address -- to [REDACTED] Old Charleston Highway in
3 Hardeeville?

4 A Yes, ma'am.

5 Q And you also responded to speak with my client,
6 Miss Leslie Keiffer, who was on Purrysburg Road at the
7 water tower?

8 A Purrysburg Road, yes, ma'am.

9 Q Okay. And were you the only officer on scene?

10 A No, ma'am. Deputy Ellis was also on scene as
11 a back-up officer.

12 Q Okay. And, ma'am, since you've been working at
13 the Sheriff's Department, your job there is law
14 enforcement?

15 A Yes.

16 Q Okay. And you're familiar with the statutes in
17 this state?

18 A Pretty much, yes, ma'am.

19 Q Are you familiar with section 23-1-240, it's the
20 body cam statute?

21 A Yes, ma'am.

22 Q And is it your understanding that the body cam
23 statute essentially gives money to the sheriff's
24 department for body cams, and, as a condition of that
25 grant, the sheriff department has to implement what's

1 Testimony of Lachlisha Johnson 7
2 called a body-worn camera policy?

3 A Yes, ma'am.

4 Q And are you familiar with the body cam policy for
5 Jasper County?

6 A Yes, ma'am.

7 MS. CARMODY: I'd like to approach the
8 witness with Court's 1.

9 (COURT EXH. 1, Body cam policy, was marked
10 for identification.)

11 BY MS. CARMODY:

12 Q This is Court's 1 for identification.
13 Miss Johnson, can you tell me what that document is
14 that I handed to you?

15 A Body-worn camera policy, sheriff's office
16 policy.

17 Q Is that the body camera policy for the Jasper
18 County Sheriff's Office?

19 A I guess. Yes, ma'am.

20 Q I would like to direct your attention, number one,
21 for the purpose of the body cam policy.

22 THE COURT: When was that policy -- when
23 did that go into effect, that policy?

24 MS. CARMODY: This one was the policy for
25 the prior sheriff that was in -- Sheriff --

26 BY MS. CARMODY:

Testimony of Lachlisha Johnson

8

1 Q Ma'am?

2 A Malphrus.

3 MS. CARMODY: Yes, Sheriff Malphrus.

4 THE COURT: What I'm asking is, is that
5 the body cam policy that was, in effect, on the
6 date giving rise to this case? That's what I want
7 to know and I haven't heard.

8 BY MS. CARMODY:

9 Q Ma'am, is this the body cam policy that is, in
10 effect, at your office?

11 A I'm not sure. I've never received a body
12 camera policy. All I know is I was supposed to
13 wear it and turn it on whenever we go on a call.
14 I never received a policy.

15 Q So -- okay. What is your understanding -- so your
16 only understanding of the body-worn policy is that
17 you're supposed to turn it on?

18 A Whenever, we come into contact with anyone in
19 the public to turn our body cameras on to
20 record.

21 Q Okay. And why would you do that?

22 A To protect the public and to protect us.

23 Q Okay. Would it be fair to say that it was for
24 accurate documentation as well?

25 A Yes, ma'am.

Testimony of Lachlisha Johnson

9

1 Q And it would -- so it would enhance the accuracy
2 of your reports.

3 A Yes, ma'am.

4 Q Is it your understanding that the policy is
5 discretionary?

6 A I don't understand.

7 Q So is it a mandatory policy, or can you decide --

8 A It's mandatory.

9 Q Mandatory, okay. On the -- when you went to
10 the --

11 A [REDACTED] Old Charleston Highway.

12 Q Did you have your body cam on?

13 A Yes, ma'am.

14 Q And did you keep it on for the duration?

15 A Yes, ma'am.

16 Q And when you met with my client on Purrysburg
17 Road, did you have your body cam on?

18 A Yes, ma'am.

19 Q And did you keep it on for the duration?

20 A Yes, ma'am.

21 Q And at the end of your shift what are you supposed
22 to do with your body cam?

23 A We are to label the body camera footage with
24 the case number, and put a description and dock it
25 on the charging docket so the information is

Testimony of Lachlisha Johnson

10

1 downloaded into the system.

2 Q Okay. And at the end your shift do you do that?

3 A Yes, ma'am.

4 Q So is it your understanding that that body cam is
5 in evidence?

6 A It is not currently in evidence. I do
7 remember having my body cam on that day. Once
8 information is downloaded into the system, there's
9 someone that's over evidence.com that we assign at
10 the sheriff's office. And under the last regime,
11 they -- to my understanding, they would delete
12 videos we didn't need, keep videos we did need for
13 cases, so I'm not sure what happened with the
14 video.

15 Q As part of the body-worn policy, are you aware
16 that the deputy shall not edit, alter, erase,
17 duplicate, copy, share, or otherwise distribute in any
18 manner without prior written authorization and
19 approval?

20 A I understand.

21 Q And did anybody give permission to delete or
22 delete or remove the body cam?

23 A I didn't give any permission. I'm not sure
24 what they've done with the body footage from the
25 last regime. I'm not sure who was in charge of it

Testimony of Lachlisha Johnson

11

1 or what they did with videos. I'm not sure.

2 Q Okay. So in anticipation of this trial, you check
3 to make sure?

4 A I did check before we came here today.

5 Q Okay.

6 A Just to double check and make sure it wasn't
7 there, and it was not.

8 Q It was not. So would it be reasonable -- is it
9 your testimony that the evidence no longer exists?

10 A Yes, ma'am, as far as I understand.

11 Q Thank you.

12 MS. CARMODY: I don't have any further
13 questions, Your Honor.

14 THE COURT: All right. Do you have any
15 cross-examination?

16 MS. MOLINA: If I could just look at the
17 policy. She didn't give me a policy.

18 MS. CARMODY: Here you go.

19 CROSS-EXAMINATION

20 BY MS. MOLINA:

21 Q Sergeant Johnson, you didn't delete, edit, change
22 or do anything to the body cam once it was uploaded,
23 right?

24 A No, ma'am. I don't have the rights to do
25 that.

Testimony of Lachlisha Johnson 12

1 Q And once it's uploaded, you don't even have access
2 to it, right?

3 A No, ma'am. I can go back and review it if I
4 need to to write my report, but that's it.

5 Q So once it's uploaded you can't do anything to
6 it?

7 A No, ma'am.

8 Q And you did testify that you were wearing your
9 body cam that day and it was on?

10 A Yes, ma'am.

11 Q And this is the Jasper County sheriff's policy,
12 correct?

13 A It appears to be.

14 Q This is not a statute, right?

15 A No, ma'am.

16 MS. MOLINA: I don't have anything
17 further for Sergeant Johnson.

18 THE COURT: All right. Can the witness
19 step down?

20 MS. CARMODY: Yes, Your Honor.

21 THE COURT: Thank you, ma'am.

22 THE WITNESS: You're welcome.

23 MS. CARMODY: Your Honor, so just to
24 recap, as I said earlier, this is a due process
25 violation. It violates my client's right to a

Testimony of Lachlisha Johnson

13

1 fair trial. In addition, a right to counsel
2 because I am not able to provide her with
3 effective assistance of counsel when I don't have
4 all the evidence in her case in order to impeach
5 witnesses and to prepare effective
6 cross-examination.

7 Additionally, as I mentioned, we received
8 the 911 call that the State did have. We received
9 that last night. That's in clear violation of
10 Rule 5 and Brady. This case has been pending
11 since 2020.

12 In addition, my client's statements are
13 on those body cams. The victim's statements are
14 on those body cams. I have no means of impeaching
15 the victim should she testify differently because
16 I don't know what she told law enforcement on that
17 date. We have no context of her injuries. We
18 have no context of what happened. We have no
19 context of what my client told law enforcement.

20 I would ask that the Court dismiss the
21 charge.

22 THE COURT: All right. Solicitor.

23 MS. MOLINA: Thank you. And I just
24 looked over the body cam statute, please correct
25 me if I'm wrong, but no where in there did I see

Testimony of Lachlisha Johnson

14

1 the remedy for body cam is a dismissal.

2 I think certainly that we don't have the
3 body cam is a point for cross. I would fully
4 expect Miss Carmody to cross on that point, but
5 the remedy is not a dismissal.

6 As for the Rule 5 and Brady. Rule 5 and
7 Brady, as we all know, are continuing obligations.
8 So there is no fixed point when everything need to
9 be sent in and done by. And I certainly don't
10 think we would want that because if we find
11 evidence, we would like to have the duty to
12 continue to get it over there.

13 I got the 911 call from the defendant
14 yesterday. As soon as I got it, I sent it over to
15 Miss Carmody. One of the points that she said
16 before Sergeant Johnson took the stand was that
17 she is not sure what her defendant's statements
18 were. She has access to her and she can ask her
19 what she said.

20 Another point was that on body cam
21 there's going to be not only the defendant's
22 statement but also the victim's statement. She
23 can ask the defendant what she told law
24 enforcement, and the victim is going to testify.
25 There is no Crawford issue. She can confront her.

Testimony of Lachlisha Johnson

15

1 She can cross her.

2 And as to the context in what the victim
3 said and the extent of the injuries that is in the
4 report. It contains what the victim told law
5 enforcement. The officer on scene is going to
6 testify. The victim is going to testify. I have
7 pictures of the injuries. This is certainly not a
8 situation in which the remedy for a body cam that
9 we don't have to be dismissed.

10 THE COURT: All right. Anything in
11 reply?

12 MS. CARMODY: Yes, Your Honor. I'm
13 actually pulling up Rule 5. I believe Rule 5 says
14 30 days. And, your Honor, I disagree the
15 solicitor saying that the Court can't fashion a
16 remedy. I believe this Court in its discretion
17 has the absolute authority to fashion a remedy.
18 The remedy for a due process violation and a right
19 to a fair trial and right to counsel, I would
20 submit to the Court is certainly a dismissal.

21 As you know, my client is not able to
22 effectively prepare a case. I have no way of
23 cross-examining the alleged victim on what she
24 told law enforcement because I have no idea what
25 she said. You know, I have no idea what she told

Testimony of Lachlisha Johnson

16

1 her or what was happening. What her tone of voice
2 was at the time. Was she crying? Was she upset?
3 I have no idea. So that is effective evidence of
4 impeachment as well, and I would request a
5 dismissal.

6 THE COURT: All right. I'm going to deny
7 both your motions. Number 1, you've got it, the
8 911 tape, and, to that extent, again, it's your
9 client's phone call. You know, so to that -- I
10 think you certainly had an opportunity to do that.
11 You knew she made a phone call from day one. And
12 so to that extent, you didn't have it -- and, I
13 mean, I don't know what the specific efforts you
14 took to get it but you knew for over a year that
15 she made that call. If you needed it bad, why
16 aren't you knocking them down, why haven't you
17 come to the Court with a motion yourself as it
18 relates to that. The record and your argument is
19 devoid of that. So, to that extent, I just don't
20 see the prejudice as it relates to disclosing that
21 statement at this time.

22 In regards to the body camera, I agree
23 with you. They didn't have it. They maybe didn't
24 follow their policy. I think the witness
25 indicated that she just knew they were supposed to

Testimony of Lachlisha Johnson

17

1 wear it and what she did. I don't know how
2 familiar she was with the policy, but I think as
3 it relates to that they should have had it on and
4 things of this nature -- certainly
5 cross-examination, absolutely. But I don't think
6 the proper remedy here is dismissal.

7 I think if that were the case, I think
8 the statute would have laid that out. I think the
9 statute -- you know, I kind of think back to drunk
10 driving defense, folks accused of drunk driving,
11 even there, I don't know -- only in certain
12 limited situations would not having a video
13 available be for a dismissal. Actually, now, I
14 think there's been some more recent cases where
15 it's not a dismissal. It's just basically this
16 particular piece of evidence is going to be
17 excluded. It's not even a dismissal then.

18 So the court in those cases have really given
19 us guidance as to inability -- the video not being
20 produced. Here given us -- I say the court -- and the
21 legislature. In this case, Counsel, I don't think the
22 court nor the legislature have given us any guidance.
23 And as a result, I think really what that's saying is
24 that proper remedy in this for you would be
25 cross-examination.

Testimony of Lachlisha Johnson

18

1 So, I'm going to respectfully deny both
2 your motions. Of course, you've protected the
3 record.

4 All right. Are we ready to move on and
5 get the jury out here?

6 MS. CARMODY: Your Honor, one more. Last
7 night you had requested -- the defendant's
8 requested. A charge in light of the Court's
9 ruling on the motion to dismiss, I would request a
10 charge for the spoliation of evidence. And the
11 fact that when evidence is lost or destroyed by
12 the party an inference may be drawn by the jury
13 that the evidence which was lost or destroyed by
14 that party would have been adverse to that party.
15 And I would submit this.

16 THE COURT: Counsel.

17 MS. CARMODY: May I approach, Your Honor?

18 THE COURT: Sure. Thank you. Hold on.
19 I'm sorry. Was there something else you wanted to
20 say, Miss Carmody.

21 MS. CARMODY: Also too, I have the
22 defendant's requested charge too on the
23 self-defense. If I pass these up to the court
24 reporter as well and mark them as court's
25 exhibits.

Testimony of Lachlisha Johnson

19

1 THE COURT: That's fine. Any objection
2 to that from the State?

3 MS. MOLINA: As much as I would like to,
4 Your Honor, I don't know that there's legal basis
5 for me.

6 THE COURT: No, no, no. What I'm talking
7 about it is making that an exhibit. She was going
8 to mark something -- these two as a Court's
9 exhibit. You don't have any objection to that.

10 MS. MOLINA: The question to charge?

11 THE COURT: Yes. In other words, she's
12 just documenting. You have no objection to
13 that.

14 MS. MOLINA: No, I don't.

15 THE COURT: So now my question is, ma'am,
16 as it relates to spoliation of evidence, let me
17 hear from you on that, ma'am.

18 MS. MOLINA: I don't think, at this
19 point, there is a legal basis for me to argue that
20 she's not entitled to that. Certainly, the State
21 doesn't like it, but I don't think I have a legal
22 basis.

23 THE COURT: Okay.

24 MS. MOLINA: And the same as to the
25 self-defense.

Testimony of Lachlisha Johnson

20

1 THE COURT: All right. Right now, I'm
2 going to note that you don't necessarily have an
3 objection. But as it relates to that, I'm not
4 going to make a ruling. We're going to wait, try
5 the case, let's see where the evidence take us,
6 and then go from there. Okay?

7 MS. MOLINA: Thank you.

8 MS. CARMODY: Thank you.

9 THE COURT: Anything else?

10 MS. MOLINA: One last matter, I provided
11 the 911 disk to Miss Carmody yesterday as soon as
12 I got it, which, by my account, is around two
13 o'clock. Around four o'clock, I sent her a list
14 of the redactions that I planned on making. In
15 both 911 calls from the victim and the defendant,
16 they both reference vaguely other incidents. You
17 know, victim in hers says, "You all been out here
18 20 times." Defendant and hers says a list of, you
19 know, falsely arrested again. Never been arrested
20 until I came to this county, again, again, again.
21 So in all fairness I redacted any reference to
22 other incident out.

23 THE COURT: Okay.

24 MS. MOLINA: I also have an unredacted
25 copy just in case because I didn't hear back from

Testimony of Lachlisha Johnson

47

1 instructions about that at the conclusion of the
2 case, sir. In order to preserve everyone's
3 rights, I do want to give the parties an
4 opportunity to object to anything that I have
5 said.

6 Any objections, exceptions, additions to
7 my instructions to the jury from the State?

8 MS. MOLINA: Nothing from the State.

9 THE COURT: From the defense?

10 MS. CARMODY: Nothing from the defense.

11 THE COURT: All right.

12 All right. Ladies and gentlemen, we are
13 now going to begin the trial of this. Solicitor.

14 MS. MOLINA: Thank you, Your Honor. May
15 it please the Court?

16 THE COURT: Yes, ma'am.

17 OPENING STATEMENT

18 MS. MOLINA: This case is about the
19 defendant losing control. She has been charged
20 with domestic violence 3rd degree, that is causing
21 harm or injury to her spouse. Now, this case
22 isn't going to be very long, but it is very
23 important.

24 You're going to hear from witnesses and
25 you're going to see evidence. And it's your job

Testimony of Lachlisha Johnson

48

1 to listen to those witnesses and look at the
2 evidence and listen to the evidence, and it's my
3 job to prove this case to you beyond a reasonable
4 doubt.

5 And at the end of the case, I'm going to
6 come back up here I'm going to ask you to find the
7 defendant guilty of domestic violence 3rd degree
8 for attacking her spouse.

9 THE COURT: All right. Thank you,
10 Solicitor.

11 Miss Carmody.

12 MS. CARMODY: Thank you, Your Honor. May
13 it please the Court?

14 THE COURT: Yes, ma'am.

15 OPENING STATEMENT

16 MS. CARMODY: Good morning, everybody.

17 JURY PANEL: Good morning.

18 MS. CARMODY: First and foremost, I want
19 to make sure that I thank you, each and every one
20 of you for being here. You have a very, very
21 important role to serve as jurors and it's a civic
22 obligation and it's a really, really important
23 role. I thank you and my client thanks you.
24 We're all busy and we appreciate your time in
25 listening to all the evidence in this case.

Testimony of Lachlisha Johnson

49

1 So, first, my client, her name is Leslie
2 Keiffer. Miss Keiffer has been charged, as Miss
3 Molina, the solicitor said, with domestic violence
4 in the 3rd degree. This is not a domestic
5 violence case. Well, it really is, but my client
6 should not be the defendant. This is a
7 self-defense case. My client is the victim in
8 this case, not the aggressor. And it's sad that
9 the victim in this case sits on trial.

10 I am asking that each of you listen to
11 the evidence in this case. Listen to the
12 testimony from the alleged victim and Miss
13 Keiffer. She has zero obligation to testify. She
14 actually has a constitutional right not to
15 testify. You will hear from her. She will tell
16 you what happened that night.

17 As jurors -- and the judge will instruct
18 you on the law, that credibility terminations are
19 within the sole province of the jury. And what
20 that means is that you, as jurors, get to decide
21 who you believe, what you believe, and how much
22 you believe. Do you believe all of what they say,
23 part of it, or none of it? And I'm asking that
24 you please watch body language, tone of voice, how
25 they present themselves, and judge their

Testimony of Lachlisha Johnson

50

1 credibility.

2 The only two people that were there that
3 night is Miss Keiffer -- well, they're both Miss
4 Keiffer, so Leslie and Tammy. Those are the two
5 people that can actually give you a first-hand
6 account of what happened. Law enforcement can
7 testify as to what happened when they showed up.
8 911 can testify as to the calls that were made,
9 but, really, the only two people that were there
10 is Leslie and Tammy. So I ask all of you to judge
11 their credibility.

12 And at the end of this case I believe
13 that you will find the State did not prove this
14 case beyond a reasonable doubt.

15 And with that, I am going to end. And I
16 thank you, again, for your time.

17 Thank you.

18 THE COURT: Yes, ma'am.

19 Solicitor, call your first witness.

20 MS. MOLINA: Thank you. The State calls
21 Phillip Cothran.

22 THE CLERK: Good morning. Raise your
23 right hand. Place your left hand on the Bible.
24 The testimony you're about to give this court will
25 be the truth so help you God?

Testimony of Phillip Cothran

51

1 THE WITNESS: Yes, ma'am.

2 THE CLERK: Come right around. Have a
3 seat in the chair. You can pull the chair up a
4 little bit and adjust that mic.

5 WHEREUPON:

6 PHILLIP COTHAN,
7 after having been sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MS. MOLINA:

10 Q Please state your name and spell it for the court
11 reporter.

12 A Phillip Cothran, P-h-i-l-l-i-p,
13 C-o-t-h-r-a-n.

14 Q Where do you work, Mr. Cothran?

15 A For emergency services.

16 Q What is your job there?

17 A I am the 911 coordinator. Basically that
18 entails helping to manage the center, performing
19 all the normal duties.

20 Q Are you a records custodian there?

21 A Yes.

22 Q Are part of your responsibilities keeping 911
23 calls?

24 A Yes.

25 Q Are those calls kept in the ordinary course of

Testimony of Phillip Cothran

52

1 business?

2 A Yes.

3 Q Were you asked to pull a call from March 7th,
4 2020?

5 A Yes.

6 Q Calls. Sorry.

7 A Two of them.

8 Q Okay.

9 MS. MOLINA: Your Honor, may I approach?

10 THE COURT: Yes, ma'am.

11 (STATE EXH. 1, 911 call, was marked for
12 identification.)

13 BY MS. MOLINA:

14 Q I am showing you what has been previously marked
15 as State's Exhibit 1. Do you recognize that item?

16 A I do.

17 Q How do you recognize it?

18 A I signed it, dated it, and put the time on
19 it.

20 Q Is that a fair and accurate representation of the
21 calls?

22 A Yes.

23 MS. MOLINA: At this time State moves
24 State's Exhibit 1 into evidence.

25 THE COURT: Any objection?

Testimony of Phillip Cothran

53

1 MS. CARMODY: No objection.

2 THE COURT: All right. State's 1
3 admitted without objection.

4 (STATE EXH. 1, 911 call, was marked for
5 identification.)

6 MS. MOLINA: Permission to publish,
7 Your Honor.

8 THE COURT: Yes, ma'am.

9 (911 call played in its entirety.)

10 MS. MOLINA: I don't have any other
11 questions for this witness, Your Honor.

12 THE COURT: Cross-examination?

13 MS. CARMODY: Briefly, Your Honor.

14 MS. MOLINA: Yes, ma'am.

15 CROSS-EXAMINATION

16 BY MS. CARMODY:

17 Q Hi, Mr. Cothran. Just to clarify for the record,
18 sir, you are not involved in any way, shape, or form
19 with the actual 911 calls, correct?

20 A This call? No.

21 Q Okay.

22 A Not to my knowledge.

23 Q Okay. So your job is just the records custodian,
24 so you pull an old 911 and produce as evidence?

25 A No, ma'am. I'm saying this particular call,

Testimony of Phillip Cothran

54

1 I was not involved in it. But normally,
2 typically, I'm answering phone calls the same as
3 they are.

4 Q Okay.

5 A And then also dispatching them out. I have a
6 whole bunch of other duties.

7 Q So for this call, you were not involved. You just
8 pulled the calls?

9 A No, ma'am. I went back and searched through
10 the recorder and found it and pulled it.

11 Q Thank you.

12 A Yes, ma'am.

13 THE COURT: Anything else?

14 MS. MOLINA: No redirect.

15 THE COURT: Can this witness be excused?

16 MS. MOLINA: Yes.

17 MS. CARMODY: Yes.

18 THE COURT: Thank you, sir.

19 Solicitor, you can call your next witness.

20 MS. MOLINA: The State calls Sergeant
21 Laclisha Johnson.

22 THE CLERK: Ma'am, raise your right hand.
23 Place your left hand on the Bible. The testimony
24 you're about to give the court will be the truth
25 so help you God?

Testimony of Lachlisha Johnson
THE WITNESS: Yes.

55

1

2

WHEREUPON:

3

LACLISHA JOHNSON,

4

after having been sworn, testified as follows:

5

DIRECT EXAMINATION

6

BY MS. MOLINA:

7

Q Good morning, Sergeant Johnson. Could you spell
and state your name for the court reporter?

8

9

A First name L-a-c-l-i-s-h-a. Last name
Johnson, J-o-h-n-s-o-n.

10

11

Q Thank you, Sergeant Johnson. Where do you work?

12

A Jasper County Sheriff's Office.

13

Q How long have you been with the Sheriff's
office?

14

15

A Approximately eight years.

16

Q How long have you been in law enforcement?

17

A Eight years.

18

Q And were you working on March 7, 2020, at the
sheriff's office?

19

20

A I was.

21

Q And do you remember that day?

22

A Yes, I do.

23

Q Were you dispatched to [REDACTED] Old Charleston Highway?

24

A Yes.

25

Q Is that located within Jasper County?

Testimony of Lachlisha Johnson

56

1 A It is.

2 Q Do you recall the nature of that call?

3 A A domestic call.

4 Q Did you go to the scene?

5 A I did.

6 Q When you arrived on scene, what did you see?

7 A When I arrived on scene, I also had a back-up
8 officer with me, Deputy Ellis. When we arrived on
9 scene, I drove around to the rear of the residence
10 where they had a porch, met with Tammy Keiffer.
11 She walked out on the porch and advised that's
12 where she was located.

13 We walked into the house. As soon as we
14 walked into the house, there was a kitchen. Once
15 she turned around, I could see that she had blood
16 on her face. She was in a t-shirt and some
17 boxers, and she advised that she was attacked by
18 her wife, Leslie Keiffer.

19 MS. CARMODY: Objection; hearsay.

20 MS. MOLINA: It's not hearsay. It's
21 present sense impression, excited utterance, and
22 there's no Crawford issue.

23 THE COURT: I'm going to overrule.

24 THE WITNESS: So once we went to the
25 residence --

Testimony of Lachlisha Johnson

57

1 BY MS. MOLINA:

2 Q Let me slow you down, Sergeant Johnson.

3 A Okay.

4 Q How did Tammy appear to you when you met her on
5 scene?

6 A Okay. When I first saw Tammy Keiffer, she
7 had on a dark-colored shirt and some light-colored
8 shorts. It appeared to be navy boxers. She had
9 blood on her face. The blood was running to, I
10 believe -- I'm not sure what side of her face, but
11 it was running down the side of her face. She
12 appeared to be fine. She didn't appear to be
13 under the influence of any alcoholic beverage, or
14 anything like that. She was talking regular, but
15 I could smell it in the house. I did see liquid
16 on the floor.

17 Well, she led me to the bedroom. When I
18 looked in the bedroom, she did have a cell phone
19 in the room where she dialed 911.

20 (STATE EXH. 2, Photo, was marked for
21 identification.)

22 (STATE EXH. 3, Photo, was marked for
23 identification.)

24 (STATE EXH. 4, Photo, was marked for
25 identification.)

Testimony of Lachlisha Johnson
(STATE EXH. 5, Photo, was marked for

58

identification.)

(STATE EXH. 6, Photo, was marked for
identification.)

(STATE EXH. 7, Photo, was marked for
identification.)

(STATE EXH. 8, Photo, was marked for
identification.)

(STATE EXH. 9, Photo, was marked for
identification.)

BY MS. MOLINA:

Q I am showing what's been previously marked as
State's Exhibit 2 through 9. Can you take a look at
those and tell me if you recognize them?

A This first picture is --

Q Without saying what it is yet --

A Oh.

Q -- do you recognize those pictures?

A I do.

Q And are those pictures an accurate representation
of the scene that you arrived to?

A Yes.

MS. MOLINA: At this point, State moves
State's Exhibit 2 through 9 into evidence.

THE COURT: Any objection.

Testimony of Lachlisha Johnson

59

1 MS. CARMODY: Without objection.

2 THE COURT: All right. Admitted without
3 objection. Could you hand those to me for one
4 moment so I can look at them?

5 MS. MOLINA: Yes, sir.

6 (STATE EXH. 2, Photo, was marked for
7 identification.)

8 (STATE EXH. 3, Photo, was marked for
9 identification.)

10 (STATE EXH. 4, Photo, was marked for
11 identification.)

12 (STATE EXH. 5, Photo, was marked for
13 identification.)

14 (STATE EXH. 6, Photo, was marked for
15 identification.)

16 (STATE EXH. 7, Photo, was marked for
17 identification.)

18 (STATE EXH. 8, Photo, was marked for
19 identification.)

20 (STATE EXH. 9, Photo, was marked for
21 identification.)

22 THE COURT: Thank you.

23 MS. MOLINA: May I have permission to
24 publish those?

25 THE COURT: Let me hand those back to

Testimony of Lachlisha Johnson

60

1 you. Yes, ma'am. Certainly.

2 BY MS. MOLINA:

3 Q Sergeant Johnson, can you step down for a second.

4 I'm showing you State's Exhibit 2. And, if you

5 wouldn't mind, can you point on the picture the

6 injuries that you saw and described to us?

7 A Okay. Well, the injuries that I saw as the

8 blood which was running down from her nose. Like,

9 there were bruising or cuts on her forehead along

10 her forehead and her nose area.

11 Q Okay. I am showing you State's Exhibit 3. What

12 do you see in this one?

13 A Okay. So now I see a little dust on the

14 shoulder, liquid on her shirt, along with the same

15 bruises on her face.

16 Q State's Exhibit 4?

17 A Okay. The same thing on this side, just

18 other bruises on the opposite side of her face,

19 along with the forehead. And also on her legs

20 there was dust and her socks as well from the wood

21 floors.

22 MS. CARMODY: Objection; calls for

23 speculation.

24 THE COURT: I'll sustain that as it

25 relates to the last comment, the wood floor.

Testimony of Lachlisha Johnson
MS. MOLINA: Okay.

61

1

2

BY MS. MOLINA:

3

Q State's Exhibit 5?

4

A Okay. Dust, which is on the back of her
shirt and dust on her legs.

6

Q State's Exhibit 6?

7

A Okay. Same thing. There was a couple cuts
on her hands, but wetness on the shirt and the
cuts on her face.

10

Q State's Exhibit 7?

11

A Okay. The bedroom with the cell phone on the
bed.

13

Q What do we see in State's Exhibit 8?

14

A Liquid on the floor in the kitchen.

15

Q And what about State's Exhibit 9?

16

A Okay. The alcoholic beverage that was on the
counter with the glass.

18

Q And more liquid?

19

A More liquid on the floor.

20

Q And you can return to the stand. Thank you.

21

Now, when you spoke to the victim, remind us
what you learned.

23

A When I spoke with the victim, I learned that
she had been slapped around, knocked to the floor.
She was dragged into the bedroom. And that's what

25

Testimony of Lachlisha Johnson

62

1 I learned, that they both -- well, I don't know.

2 They both had been drinking. She admitted that
3 they were drinking, but I learned that she was
4 attacked.

5 Q And did she say who attacked her?

6 A Her wife, Leslie Keiffer.

7 Q Did she indicate how the liquid got on the
8 floor?

9 A Yes. That it was thrown around the room.

10 Q By whom?

11 A Leslie Keiffer.

12 Q Did she indicate that the defendant got on top of
13 her?

14 A Yes.

15 Q And -- go ahead. Sorry.

16 A Okay. She indicated that they were -- she
17 was in the bedroom and she heard a lot of
18 commotion in the kitchen, things being thrown
19 around, so she came to question what was going on.
20 She was slapped down to the floor. And
21 Leslie Keiffer got on top of her and continued to
22 attack her, so she pulled her hair to try to get
23 her back off of her. She advised that she stood
24 up. Leslie Keiffer stood up and then dragged her
25 into the bedroom. And once Leslie Keiffer walked

Testimony of Lachlisha Johnson

63

1 out of the room, she locked the door and

2 immediately called 911.

3 Q Was the defendant on scene when you got there?

4 A No, ma'am.

5 Q Do you know where she was?

6 A She called while we were on scene. She
7 called Jasper County dispatch and advised that she
8 was at Purrysburg Road, which was approximately,
9 maybe, four miles away from the incident
10 location.

11 Q Did you go to that location?

12 A Yes, ma'am.

13 Q Did you speak with her?

14 A I did speak with her.

15 Q Okay.

16 (STATE EXH. 10, Photo, was marked for
17 identification.)

18 (STATE EXH. 11, Photo, was marked for
19 identification.)

20 (STATE EXH. 12, Photo, was marked for
21 identification.)

22 (STATE EXH. 13, Photo, was marked for
23 identification.)

24 (STATE EXH. 14, Photo, was marked for
25 identification.)

Testimony of Lachlisha Johnson

64

1 (STATE EXH. 15, Photo, was marked for
2 identification.)

3 (STATE EXH. 16, Photo, was marked for
4 identification.)

5 BY MS. MOLINA:

6 Q I am showing what's been marked as State's
7 Exhibits 10 through 16. If you would, take a look at
8 those, please. Do you recognize those pictures?

9 A Yes, ma'am.

10 Q How do you recognize them?

11 A This is Leslie Keiffer, Tammy Keiffer's
12 wife.

13 Q Is that how she appeared when you met with her?

14 A Yes, ma'am.

15 Q And are those pictures fair and accurate?

16 A Yes.

17 MS. MOLINA: At this time, State moves
18 State's 10 through 16 into evidence.

19 THE COURT: Any objection, counsel?

20 MS. CARMODY: No objection.

21 THE COURT: Admitted without objection.
22 Can I take a look at them? Thank you very much.

23 THE WITNESS: You're welcome.

24 (STATE EXH. 10, Photo, was marked for
25 identification.)

Testimony of Lachlisha Johnson

1 (STATE EXH. 11, Photo, was marked for
2 identification.)

3 (STATE EXH. 12, Photo, was marked for
4 identification.)

5 (STATE EXH. 13, Photo, was marked for
6 identification.)

7 (STATE EXH. 14, Photo, was marked for
8 identification.)

9 (STATE EXH. 15, Photo, was marked for
10 identification.)

11 (STATE EXH. 16, Photo, was marked for
12 identification.)

13 BY MS. MOLINA:

14 Q And as a reminder, Sergeant Johnson, you went from
15 [REDACTED] Old Charleston to this location immediately?

16 A Yes, ma'am.

17 Q Okay. Same day, within a few minutes or an
18 hour?

19 A Yes, ma'am.

20 Q Okay. When you arrived to speak with the
21 defendant --

22 THE COURT: Thank you, Sergeant.

23 THE WITNESS: You're welcome.

24 BY MS. MOLINA:

25 Q -- how did she appear to you?

Testimony of Lachlisha Johnson

66

1 A She appeared to be crying.

2 Q Did she appear to be under the influence of
3 alcohol?

4 A Yes. Appeared. Yes, ma'am, which -- I read
5 her her Miranda rights and she agreed to speak,
6 and she began to give her statement about the
7 incident.

8 MS. MOLINA: And, Your Honor, may I have
9 permission to publish 10 through 16?

10 THE COURT: Yes, ma'am.

11 BY MS. MOLINA:

12 Q Sergeant Johnson, if I could ask you to step down
13 again, and is this how Leslie Keiffer appeared when
14 you met with her on scene?

15 A Yes, ma'am.

16 Q That is State's 10. And what do you see in this
17 picture?

18 A Well, the vehicle that she was driving and
19 she appeared to be crying.

20 Q Do you see any apparent injury in that?

21 A No injury.

22 Q State's Exhibit 11?

23 A Okay. This is a picture that I took of her
24 face and neck, and I didn't observe any
25 injuries.

Testimony of Lachlisha Johnson 67

1 Q What did Miss Leslie Keiffer, the defendant, tell
2 you happened?

3 A She told me --

4 THE COURT: Sergeant, could you please
5 speak up because, amongst other things, your back
6 is to the jury.

7 THE WITNESS: I'm sorry.

8 THE COURT: I want to make sure they hear
9 you.

10 THE WITNESS: Okay. She stated that her
11 wife Tammy Keiffer had placed her hands around her
12 neck and started to strangle her.

13 BY MS. MOLINA:

14 Q Do you see any indication on this picture?

15 A No, ma'am.

16 Q No redness?

17 A No, ma'am.

18 Q No marks?

19 A No injuries.

20 Q Did she report it as being tender?

21 A No, ma'am.

22 Q What about State's Exhibit 12?

23 A I see a minor scratch right there on her
24 hand, but that's it.

25 Q Did it appear fresh to you?

Testimony of Lachlisha Johnson

68

- 1 A I'm not sure. It wasn't deep enough. It was
2 just like a minor scratch. I'm not sure if it was
3 fresh or not.
- 4 Q And not bleeding?
- 5 A No, no bleeding.
- 6 Q What about State's 13, what's that?
- 7 A That's just an alcohol bottle that was in the
8 vehicle that fell out of the vehicle when the door
9 was opened.
- 10 Q Out of --
- 11 A Out of Leslie Keiffer's vehicle.
- 12 Q Okay. What about State's 14?
- 13 A This was, I believe, the same bottle that was
14 in her vehicle.
- 15 Q And then fell out and broke?
- 16 A Uh-huh.
- 17 Q What about State's 15?
- 18 A It was just a picture of the contents on the
19 inside of her vehicle.
- 20 Q Does anything in particular stand out?
- 21 A I'm not sure what that is. A bottle opener.
- 22 Q A bottle opener?
- 23 A Yeah.
- 24 Q What about State's 16?
- 25 A This is the rear of her person where I took

Testimony of Lachlisha Johnson

69

1 the picture. I just took the picture of the back
2 of her pants where she had urinated.

3 Q So that is wet?

4 A That is wet.

5 Q Did she tell you --

6 A Well, it's wet, but she told me she urinated
7 because she was afraid.

8 Q Thank you, Sergeant Johnson. You can go back to
9 the stand.

10 Did the injuries you observed to
11 Tammy Keiffer appear fresh?

12 A Yes, ma'am.

13 MS. MOLINA: Court's indulgence.

14 THE COURT: Yes, ma'am.

15 BY MS. MOLINA:

16 Q Sergeant Johnson, were you wearing a body camera
17 that day?

18 A I was.

19 Q Did you submit that to evidence?

20 A Yes, ma'am.

21 Q To your knowledge -- or sorry. In line with
22 policy, is that all you do with the body cam?

23 A Yes, ma'am.

24 Q I don't have any further questions. Please answer
25 any Miss Carmody has.

Testimony of Lachlisha Johnson
THE COURT: All right. Thank you.

70

Cross-examination?

MS. CARMODY: Yes.

THE COURT: Yes, ma'am.

CROSS-EXAMINATION

BY MS. CARMODY:

Q Almost noontime. Good afternoon, officer?

A Good afternoon.

Q Officer, you testified earlier that you were working with the Jasper County Sheriff's Office at the time.

A Yes, ma'am.

Q Okay. And you had been working in law enforcement for about eight years?

A Yes, ma'am.

Q Okay. So, you are familiar with the requirements -- your requirements as a law enforcement officer, correct?

A Yes, ma'am.

Q All right. And you're also familiar with the policies and procedures of your employer at the Jasper County Sheriff's Office?

A Yes, ma'am.

Q All right. And are you familiar with the body cam statute?

Testimony of Lachlisha Johnson

71

1 A Body cam statute?

2 Q Uh-huh. I'll give you the specific one. Section
3 23-1-240 entitled Body-worn definitions; guidelines;
4 policies and procedures; fund; and data policy. Are
5 you familiar with that policy?

6 A I'm not.

7 Q The statute?

8 A Not the statute, no. No, ma'am.

9 Q Are you aware that the -- essentially, the
10 legislature enacted the law to provide funding to law
11 enforcement agencies?

12 MS. MOLINA: Objection.

13 THE COURT: All right. What's your
14 objection?

15 MS. MOLINA: Miss Carmody is testifying.
16 And that's not a question as to the statute.

17 THE COURT: Hold on.

18 MS. MOLINA: That's my objection. Just
19 to ask a question.

20 THE COURT: All right. It sounds like
21 you're summarizing the statute. I don't think
22 that's appropriate.

23 MS. CARMODY: I will definitely rephrase
24 the question, Your Honor.

25 BY MS. CARMODY:

Testimony of Lachlisha Johnson

72

1 Q Officer, are you aware of how the department gets
2 money for body-worn cameras?

3 A Yes.

4 Q What is your understanding?

5 MS. MOLINA: Objection, Your Honor. I
6 don't know how the funding is relevant to this
7 case.

8 MS. CARMODY: It's the statute, Your
9 Honor.

10 THE COURT: I'm not going to allow that.
11 There's no need to get into questions about
12 funding of body cams.

13 MS. CARMODY: Okay.

14 BY MS. CARMODY:

15 Q Is it your understanding that the legislature
16 enacted a statute that requires policies for body-worn
17 cameras?

18 A Yes, ma'am.

19 Q Is it also your understanding that the -- did the
20 Jasper County Sheriff's Office enact such a body-worn
21 policy?

22 A Yes, ma'am.

23 Q And through your training in law enforcement and
24 with the sheriff's office were you informed about what
25 that policy was?

Testimony of Lachlisha Johnson

73

1 A Yes, ma'am.

2 Q What is your understanding of the purpose for the
3 policy?

4 A The purpose of the policy is to protect law
5 enforcement and to protect the citizens, and
6 documentation for reports and cases.

7 Q Would it be fair to say that it allows for
8 accurate documentation?

9 A Yes, ma'am.

10 Q Okay. In your opinion -- well, in law
11 enforcement, is the body-worn camera -- is it
12 discretionary? Do you have to wear it?

13 A You have to wear it. It's a part of our
14 uniform.

15 Q What is the department's policy if you fail to
16 activate a camera?

17 A I'm not sure.

18 Q Did you receive training on the body cameras?

19 A We did not receive training on the body
20 cameras, no. They just provided the body cameras
21 and just showed us how to work the body cameras
22 and download information into the system from the
23 body camera.

24 Q Okay. And if you wanted to delete or edit any of
25 the body-worn camera information, can you do that?

Testimony of Lachlisha Johnson

74

1 A No, ma'am.

2 Q Is the evidence preserved in a way?

3 A The evidence is preserved into evidence.com.

4 I don't have any control over what happens to it

5 after that. But there is -- the department can

6 assign someone to have rights to go in to add or

7 delete or whatever they need to do. If they don't

8 need videos, they can't delete it if a case is not

9 attached to it.

10 Q Are you familiar with -- I'm not sure if you would

11 be familiar with this or the records custodian, but

12 are you familiar with the records retention laws?

13 A No, ma'am.

14 Q Evidence retention laws?

15 A No, ma'am.

16 Q Is it fair to say that body-worn cams are also

17 used in later prosecutions?

18 A Yes, ma'am. I'm not sure.

19 Q All right. And on March 7th of 2020, you

20 indicated you had your body camera on that day,

21 correct?

22 A Yes, ma'am.

23 Q And it was on the entire shift?

24 A During a call. This call, yes, ma'am.

25 Q All right. And you responded to the

Testimony of Lachlisha Johnson

75

1 [REDACTED] Old Charleston Highway?

2 A Yes, ma'am.

3 Q And there was another officer with you as well,
4 correct?

5 A Yes, ma'am.

6 Q And what is his name?

7 A Deputy Ellis.

8 Q And did Deputy Ellis also have a body camera?

9 A I'm not sure what he had that day, but it's a
10 part of the uniform.

11 Q He works for the sheriff's department?

12 A He does.

13 Q Is it your understanding that all employees of the
14 sheriff's department are subject to the same policy?

15 A Yes, ma'am.

16 Q And when you got to [REDACTED] Old Charleston Highway,
17 you did activate your camera?

18 A Yes, ma'am.

19 Q And when you later went to the water tower on
20 Purrysburg Road to meet with Miss Keiffer, you also
21 had your body camera on?

22 A Purrysburg Road, yes, ma'am.

23 Q Purrysburg Road.

24 A Yes, ma'am.

25 Q At the end of that shift, what did you do with the

Testimony of Lachlisha Johnson

76

1 body camera footage?

2 A At the end of every shift, our body cameras
3 are placed on a charger which the charger download
4 the information into the system.

5 Q Okay. And is it your understanding that that was
6 the end of your responsibilities with the camera? You
7 upload it and that's it?

8 A Yes, ma'am.

9 Q And in preparation for your testimony today, did
10 you review the evidence at Jasper County Sheriff's
11 Office?

12 A I attempted to do so. When you say
13 "evidence," you're talking about video?

14 Q Video evidence for this case.

15 A Yes, ma'am, I attempted to do so.

16 Q And in reviewing the evidence for this case, did
17 you locate a body-worn camera video from yourself?

18 A I did not.

19 Q What about officer Ellis?

20 A I'm not sure about Ellis. I didn't look at
21 his -- Deputy Ellis, I didn't look at his body
22 footage. I didn't look for any for him.

23 Q You didn't look for footage for him?

24 A I did not. Actually, I don't have access to
25 look at his videos. I can only look at my

Testimony of Lachlisha Johnson

77

1 videos.

2 Q Okay. And when you were looking for your video,
3 what did you learn?

4 A That it was not there.

5 Q Does it indicate where it went?

6 A No, ma'am.

7 Q All right. You also prepared an incident report
8 in this case, correct?

9 A Yes, ma'am.

10 Q Approximately, how many calls do you go out on in
11 a day?

12 A It can be anywhere from as small as five
13 calls to maybe 15 in day.

14 Q Okay. So, ballpark estimate for a week?

15 A For a week?

16 Q Uh-huh.

17 A I'm not sure. A lot.

18 Q A lot?

19 A Yes, ma'am.

20 Q The incident occurred on March 7th of 2020?

21 A Yes, ma'am.

22 Q And would it be fair to say that you've gone out
23 on thousands of calls between then and now?

24 A Yes, ma'am.

25 Q Numerous domestic violence calls?

Testimony of Lachlisha Johnson

78

1 A Yes, ma'am.

2 Q Okay. What did you use to refresh your
3 recollection for your testimony today?

4 A My report.

5 Q All right. When you arrived on scene with
6 Officer Ellis, you initially met with Tammy Keiffer,
7 correct?

8 A Yes, ma'am.

9 Q Was anybody else present?

10 A No, ma'am.

11 Q When you arrived on scene was -- Miss Keiffer was
12 not crying, correct?

13 A No, ma'am. Tammy Keiffer.

14 Q Tammy Keiffer, yes. I'll try to address by first
15 names. Tammy Keiffer was not crying. Did she tell
16 you that she needed medical attention?

17 A No, ma'am.

18 Q All right. Do you, as a law enforcement officer,
19 have the ability to summon 911 for -- actually, an
20 ambulance for medical attention?

21 A Yes, ma'am.

22 Q And no medical attention was sought in this case,
23 correct?

24 A No, ma'am.

25 Q Now, you indicated that Tammy told you that they

Testimony of Lachlisha Johnson

79

1 had both been drinking?

2 A Yes, ma'am.

3 Q You didn't do any independent investigation to
4 find out how much?

5 A There is no way to find out how much.

6 Q You didn't perform any type of sobriety test,
7 correct?

8 A We only do that with DUIs on traffic
9 enforcement.

10 Q All right. And the liquid that you say was on the
11 floor, you didn't perform any type of testing on that,
12 correct?

13 A We don't have tests to test liquid.

14 Q So you have no idea what that substance on the
15 floor was?

16 A No, ma'am.

17 Q Okay. And is it also fair to say that you have no
18 firsthand knowledge whatsoever as to what occurred
19 between Tammy and Leslie?

20 A Well, I have secondhand knowledge. I don't
21 have firsthand knowledge. I wasn't there when it
22 happened.

23 Q Correct. In other words, all the information that
24 you obtained was all after the fact?

25 A Yes, ma'am.

1 Q Based on the statements that were given to you by
2 Tammy and Leslie.

3 A Yes, based on statement and evidence.

4 Q Okay. The evidence that you collected, the
5 photographs, how were those taken?

6 A With my cellular phone, work phone.

7 Q Work phone?

8 A Yes. Jasper County work phone that they
9 provide.

10 Q And you uploaded those after your shift as well?

11 A Yes. What I normally do is, we have -- I'm
12 not sure if they were working at the time, but we
13 have USB ports where we just connect to the
14 computers and the pictures go straight to the
15 computer.

16 Q Are those uploaded to the same location as your
17 body camera?

18 A No, ma'am. No, ma'am.

19 Q All right.

20 A They didn't come up with that at the time, so
21 we had to always take our pictures on the cell
22 phone or the cameras that they provide.

23 Q All right. At any time in your interactions with
24 Tammy, did she indicate that -- let me get the right
25 language here -- that Leslie had broke into the

Testimony of Lachlisha Johnson

81

1 door?

2 A No, ma'am.

3 Q She didn't indicate, "When I shut the door, I
4 locked her out."

5 A Yes.

6 Q When was that?

7 A When I was taking her statement.

8 Q When did she indicate that had happened?

9 A After Leslie Keiffer had dragged her into the
10 bedroom. She was indicating the bedroom door that
11 that's the door that she locked.

12 Q So it had occurred after the fact?

13 A After? You have to clarify, please. After
14 the fact of?

15 Q When she indicated that she had locked the door to
16 her bedroom. It was after?

17 A After the incident? After the assault,
18 alleged assault?

19 Q Well, alleged assault.

20 A Yes, ma'am.

21 Q Okay. I'd like to show you what was marked as
22 State's Exhibit 2.

23 A Okay.

24 Q And in looking at this picture --

25 MS. CARMODY: Your Honor, may I publish

Testimony of Lachlisha Johnson

82

1 to the jury?

2 THE COURT: Yes, ma'am.

3 BY MS. CARMODY:

4 Q Okay. Officer, in looking at this picture here,
5 where are the injuries described as to the face? Are
6 they in the center of the face, in the cheeks, or
7 where?

8 A Forehead. And, in this picture, the side of
9 the nose, and I can't see the cheeks completely.

10 Q Would you agree we're looking at right here in
11 this area, so the t-zone area would that be
12 accurate?

13 A Yes, ma'am.

14 Q Okay. I'd also like to show you what was marked
15 as State's Exhibit 6.

16 MS. CARMODY: Your Honor, may I publish?

17 THE COURT: Yes, ma'am.

18 BY MS. CARMODY:

19 Q Officer, in this picture here, what is this a
20 picture of?

21 A That's a picture of the scratches on her face
22 and minor scratches on her arm, and you can see a
23 little dust on her shoulder.

24 Q So the scratches on her arm are predominantly in
25 this area here?

Testimony of Lachlisha Johnson

83

1 A Yes, ma'am.

2 Q Okay. I'm sorry, officer. I meant to ask you --
3 let me show you. Officer, in -- this is State's
4 Exhibit 12.

5 MS. CARMODY: Your Honor, may I publish?

6 THE COURT: Yes, ma'am.

7 BY MS. CARMODY:

8 Q Officer, if you could see, or I can restart the
9 camera, but you could see there is a big ring on her
10 finger, correct? This is Miss Leslie Keiffer?

11 A Yes, ma'am.

12 Q That ring was -- a large ring was on her finger
13 when you met with her?

14 A Yes, ma'am.

15 Q Okay. And, when you went out to meet with
16 Miss Leslie Keiffer, when you met with her, what was
17 her demeanor?

18 A She was crying, and just appeared to be
19 rambling.

20 Q She had soiled clothing?

21 A She had liquid on her clothing that she
22 advised was urine, yes..

23 Q I'd like to show you what is State's 10 and
24 State's 16.

25 MS. CARMODY: Your Honor, may I publish?

Testimony of Lachlisha Johnson
THE COURT: Yes, ma'am.

84

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY MS. CARMODY:

Q In State's 10, the area that you're referring to that she said was urine is the area that we would expect to find urine, correct?

A Yes, ma'am.

Q And the same with the back of her pants as well, correct?

A Yes, ma'am.

Q Thank you. Now, you had indicated on direct examination that you didn't observe any injuries to Miss Leslie Keiffer.

A No, ma'am. I didn't say that.

Q Could you correct?

A I said, when they were looking at her face and her neck, there was no injuries. But there was a minor scratch on one of her hands.

Q On her hands she had a scratch?

A Yes, ma'am. It's on the picture.

Q Officer, on this picture here, the scratch?

A Yes, ma'am.

Q You have no training in medical, correct?

A No, ma'am.

Q Did Miss Keiffer, Leslie Keiffer indicate why she called law enforcement?

Testimony of Lachlisha Johnson

85

1 A Yes.

2 Q Why was that?

3 A She said she called law enforcement because
4 Tammy Keiffer placed her hands around her neck and
5 was strangling her, and she began to hit her to
6 get her off her. And then she placed her in the
7 room and then left the residence. She was just
8 afraid.

9 Q Okay. Did she indicate that she believed -- well,
10 indicate to you or she feared that Tammy Keiffer would
11 make a false allegation of domestic violence?

12 A She did indicate that she believed that she
13 didn't think we would believe her and we're going
14 to put her in jail.

15 Q Did she indicate why she believed this?

16 A She indicated because they have called law
17 enforcement in the past and it was always in her
18 favor.

19 Q Now, two days prior to this instance, did you
20 respond to [REDACTED] Old Charleston Highway?

21 A Not that I can remember. No, ma'am.

22 Q Were you working two days prior that you
23 recollect?

24 A I don't know.

25 Q Do you have any information or any knowledge about

Testimony of Lachlisha Johnson

86

1 Miss Leslie Keiffer making calls to law enforcement
2 two days prior?

3 A No, ma'am.

4 MS. CARMODY: Beg the Court's indulgence,
5 Your Honor.

6 THE COURT: Okay.

7 MS. CARMODY: I have no further
8 questions, Your Honor.

9 THE COURT: All right. Redirect?

10 MS. MOLINA: Yes, sir.

11 THE COURT: Yes, ma'am.

12 REDIRECT EXAMINATION

13 BY MS. MOLINA:

14 Q Sergeant Johnson, you followed Jasper County's
15 body-worn camera policy, right?

16 A Yes, ma'am.

17 Q You wore your camera that day and you put it on
18 the portal to upload?

19 A Yes, ma'am.

20 Q And after it's put on that portal, you no longer
21 have the ability to delete, change, or alter?

22 A No, ma'am, I don't.

23 Q You investigated this incident by speaking with
24 Tammy, the victim, right?

25 A Yes, ma'am.

Testimony of Lachlisha Johnson

87

1 Q Speaking with Leslie, the defendant, right?

2 A Yes, ma'am.

3 Q And taking pictures of both of them?

4 A Yes, ma'am.

5 Q And documenting that in your report?

6 A Yes, ma'am.

7 Q And the pictures that you uploaded are a separate
8 source than the body cam?

9 A Yes, ma'am.

10 Q I don't have any further questions. Thank you,
11 Miss Johnson.

12 A Okay.

13 THE COURT: All right. Any recross limited
14 to redirect?

15 MS. CARMODY: Very briefly, Your Honor.

16 RECROSS-EXAMINATION

17 BY MS. CARMODY:

18 Q Officer, in reviewing your report in preparation
19 for your testimony, could you just confirm, please,
20 that your report essentially consists of two
21 paragraphs, one sheet of paper and about a quarter of
22 the page?

23 A Yes, ma'am.

24 Q Okay. And that is a full and complete report,
25 correct?

Testimony of Lachlisha Johnson

88

1 A Yes, ma'am.

2 Q All right. And the other information that you
3 reviewed in preparation of your testimony are the
4 photographs that you took.

5 A Yes, ma'am.

6 Q And everything else that you testified from would
7 be from your recollection?

8 A Yes, ma'am.

9 Q Okay, thank you.

10 MS. CARMODY: No further questions,
11 Your Honor.

12 THE COURT: Solicitor, anything else?

13 MS. MOLINA: No, sir.

14 THE COURT: May this witness be excused?

15 MS. CARMODY: Yes, sir. Subject to
16 recall by the defense, if she could leave a cell
17 phone number.

18 THE COURT: Any objection?

19 Well, I tell you what, if you need her,
20 you let the solicitor know and the solicitor can
21 get a hold of her.

22 MS. CARMODY: Yes. Thank you,
23 Your Honor.

24 THE COURT: Ma'am, you can be excused.

25 THE WITNESS: Thank you.

Testimony of Tammy Keiffer

91

1 State calls Tammy Keiffer.

2 THE CLERK: Good afternoon. Raise your
3 right hand. Place your left hand on the Bible.
4 The testimony you're about to give the court will
5 be the truth so help you God?

6 THE WITNESS: Yes, ma'am.

7 THE CLERK: Come right around. Have a
8 seat and you can adjust that mic.

9 THE COURT: Hello.

10 THE WITNESS: Yes, sir.

11 THE COURT: Ma'am, you're going to need
12 to get right on that mic and you're going to have
13 to speak up for us. I want to make sure everybody
14 hears you.

15 All right. Your witness.

16 MS. MOLINA: Thank you, Your Honor.

17 WHEREUPON:

18 TAMMY KEIFFER,
19 after having been sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. MOLINA:

22 Q Miss Keiffer, could you please state your name and
23 spell it for the court reporter?

24 A Tammy Keiffer, T-a-m-m-y, K-e-i-f-f-e-r.

25 Q Where do you live?

Testimony of Tammy Keiffer

92

- 1 A [REDACTED] Old Charleston Highway.
- 2 Q Is that in Jasper County?
- 3 A Yes, ma'am.
- 4 Q About how long have you been living there?
- 5 A Approximately 11 years.
- 6 Q Are you married?
- 7 A Yes.
- 8 Q Who are you married to?
- 9 A Leslie Keiffer.
- 10 Q How long have you-all been married?
- 11 A About six years.
- 12 Q In 2020, were you living at [REDACTED] Old Charleston?
- 13 A Yes, ma'am.
- 14 Q Who was living there with you?
- 15 A Leslie.
- 16 Q Do you remember March 7, 2020?
- 17 A Yes, ma'am.
- 18 Q What happened on that day?
- 19 A I came home from work. She had been drinking
- 20 wine. I came in, had a couple drinks. We were
- 21 talking, and we got into an argument.
- 22 Q Is it normal for you-all to have drinks?
- 23 A Yes, ma'am.
- 24 Q You said you were at work. Does she work?
- 25 A She had a little studio behind the house.

Testimony of Tammy Keiffer

93

1 She's an artist.

2 Q So she stays home and works?

3 A Yes, ma'am.

4 Q All right. So you began arguing, then what
5 happened?

6 A She, kind of, lunged at me and I went to my
7 bedroom and locked the door.

8 Q Do you remember why you-all were arguing?

9 A It had something to do with a piece of
10 property, but I don't remember exactly what it
11 was.

12 Q So, after she lunged at you, you went to this
13 bedroom?

14 A Yes, ma'am.

15 Q And then what happened?

16 A She got a hold of a hammer and was tearing
17 the kitchen apart. She was tearing the house
18 apart.

19 Q She was throwing things?

20 A Ma'am?

21 Q She was throwing things?

22 A Oh, yeah. And had a hammer and busted the
23 window out of the kitchen. The one by the oven
24 door.

25 Q You could hear this?

Testimony of Tammy Keiffer

94

1 A Oh, yeah.

2 Q What did you do upon hearing this?

3 A I was thinking I might could talk her down.
4 Keep her from opening the door. At that point,
5 she threw an ashtray. And when I fought, she
6 lunged at me and I fell over the bar stool and
7 onto the floor.

8 Q Once you have fallen over this bar stool, you're
9 on the floor, then what's happening?

10 A I was on my back and she got on my back and
11 commenced to choke me.

12 Q And what else did she do?

13 A She started grabbing my face with her
14 fingernails.

15 Q What did you do?

16 A The only thing I could do was grab her hair
17 and get her off.

18 Q That was to try to get her off?

19 A Yes.

20 Q So she's on top of you, then what happens?

21 A I grabbed her hair to get her off of me.

22 Q Okay. Did that work?

23 A Yeah, for a second. And then she grabbed me
24 and dragged me towards the bedroom.

25 Q And what happened after she dragged you to the

Testimony of Tammy Keiffer

95

1 bedroom?

2 A She left.

3 Q Were you able to call 911?

4 A Yes, ma'am. I hid my phone under my pillow
5 because that's usually the first thing she does,
6 is go for my phone.

7 Q When you said that she had her hands on your neck,
8 was it difficult to breath?

9 A Yes, ma'am. I have COPD and emphysema, so
10 it's hard for me to breath to start with.

11 Q Did you hit her?

12 A No, ma'am.

13 Q Did you choke her?

14 A No, ma'am.

15 MS. MOLINA: Your Honor, if I may ask the
16 witness to step down from the stand.

17 THE COURT: Certainly.

18 I can tell you, folks, at least the
19 microphones work in this courtroom, because you
20 can go to Beaufort and the microphones do not work
21 no matter how close to get to it.

22 Miss Bostick, I want you know that.

23 THE CLERK: Thank you, sir.

24 THE COURT: Go ahead.

25 BY MS. MOLINA:

Testimony of Tammy Keiffer

96

1 Q Okay. Tammy, I'm showing you what has been marked
2 as State's Exhibit 2. Is that you?

3 A Yes, ma'am.

4 Q Is that where she was grabbing at your face?

5 A Yes, ma'am.

6 Q Now, in State's Exhibit 3, is there anything that
7 stands out to you in this picture?

8 A Other than where I was on the floor and
9 everything that she threw, it was cold, or
10 whatever, and there were some cigarette butts
11 right there. My bedroom door is right there.
12 That's where she threw the ashtray.

13 Q Is this a little better picture of the cigarette
14 butts?

15 A Yes.

16 Q And this one?

17 A Yes.

18 Q And this is your bedroom?

19 A Yes, ma'am.

20 Q Is that your cell phone?

21 A Yes, ma'am.

22 Q You can take the stand again.

23 Why were you bleeding?

24 A Where she scratched my face.

25 Q Why were you wet?

Testimony of Tammy Keiffer

97

1 A From the floor where she threw whatever she
2 could get her hands on. One of them was cold. I
3 don't know what else that was.

4 Q Do you see the person that attacked you on
5 March 7, 2020?

6 A Yes, ma'am.

7 Q And could you point out something that that person
8 is wearing?

9 A It looks like a blue blouse.

10 MS. MOLINA: Please let the record
11 reflect the witness identified the defendant.

12 THE COURT: All right. So reflected.

13 MS. MOLINA: Court's indulgence.

14 BY MS. MOLINA:

15 Q And you were able to call 911, right?

16 A Yes, ma'am.

17 Q Was she still there when you called 911?

18 A I'm not sure. I went back in my bedroom. I
19 think she was still there.

20 Q Was she there when law enforcement arrived?

21 A No, ma'am.

22 Q I have nothing further. Please answer anything
23 that Miss Carmody has for you.

24 THE COURT: All right. Miss Carmody,
25 cross-examination.

Testimony of Tammy Keiffer
MS. CARMODY: Thank you.

98

CROSS-EXAMINATION

BY MS. CARMODY:

Q Good afternoon, Miss Keiffer.

A Good afternoon.

Q My name is Carolyn Carmody. I'm a defense attorney and I represent your wife, Leslie Keiffer. Okay?

A Okay.

Q So I do have some questions for you. First, I want to get a little bit more background information. Okay? So you had lived at the same residence for the past 11 years, correct?

A Correct.

Q Okay. And when you purchased -- is it a home you purchased or do you rent?

A I purchased it.

Q You bought it.

A Uh-huh.

Q How did you meet? How did you and Leslie meet?

A Originally at a mutual friend's wedding.

Q Okay. And when you met Leslie, where was she living?

A Mooresville, North Carolina.

Q In North Carolina. Okay. And, approximately, how

Testimony of Tammy Keiffer

99

1 long ago was that?

2 A Maybe seven years ago. It was before we got
3 married. I'm not sure exactly how long before
4 that.

5 Q Is it fair to say you got married a year after you
6 met?

7 A Close to that, yeah.

8 Q Okay. And for the entire duration -- so you said
9 you've been married for five or six years now. During
10 the entire duration of your marriage have you always
11 lived together?

12 A No.

13 Q Okay. And what -- can you tell me what years you
14 didn't live together?

15 A Not exactly. She stayed, maybe, three weeks
16 before she had an episode and she would leave.
17 Sometimes it was months. One time it was six
18 months. One time it was even a year.

19 Q So, at one point during your marriage she was gone
20 for a year and did not live in the residence?

21 A Probably close to it.

22 Q All right. You indicated on direct examination
23 that you came home from work. What type of work do
24 you do?

25 A I'm a heavy equipment operator, slash,

1 foreman.

2 Q You also indicated on direct examination that you
3 have COPD and emphysema, correct?

4 A Correct.

5 Q Are you on disability for that?

6 A No, ma'am.

7 Q Okay. Does that impact your ability to work?

8 A No, ma'am.

9 Q Do you smoke?

10 A Yes, ma'am.

11 Q Approximately how many hours a day do you work?

12 A I'm sorry?

13 Q How many hours a day do you work?

14 A We work 10-hour days, Monday through Friday,
15 and then we work Saturdays usually eight hours.

16 Q I'm just trying to do a little bit of math here.
17 I do law, not math. So we're talking about
18 approximate 58 hours a week working?

19 A Yes, ma'am.

20 Q All right. And on March 7th of 2020, you
21 indicated that you had come home from work. Do you,
22 ballpark, know what time that was?

23 A 5:15.

24 Q You also testified that you were both drinking,
25 correct?

Testimony of Tammy Keiffer

101

1 A Correct.

2 Q Did you consume any alcohol during the day?

3 A No, ma'am.

4 Q The alcohol that you consumed would be after you
5 got out of work?

6 A Yes, ma'am.

7 Q I'd like to show you what has been marked as
8 State's Exhibit 9. Do you recognize that picture?

9 A Yes.

10 MS. CARMODY: Your Honor, may I publish?

11 THE COURT: Yes, ma'am.

12 BY MS. CARMODY:

13 Q Miss Keiffer, is that a picture of your kitchen?

14 A Yes, ma'am, it is.

15 Q And I just want to make sure I have the correct
16 language you used. So in this picture of your
17 kitchen, where is the broken window?

18 A You can't see it. It's to the right of the
19 refrigerator. It's not in that picture.

20 Q When law enforcement -- well, actually, when you
21 called law enforcement, did you call law enforcement
22 about a broken window?

23 A I was more worried about my injuries.

24 Q When the police arrived at your home, did you tell
25 them about the broken window?

Testimony of Tammy Keiffer

102

1 A No.

2 Q When you were on the phone with 911, did you talk
3 to them about a hammer?

4 A No.

5 Q Did you mention anything about a hammer to law
6 enforcement when they arrived?

7 A I didn't know it was a hammer until I saw the
8 marks in the bar. It was obviously a hammer that
9 hit the bar.

10 Q Additionally, the ashtray, that you indicate had
11 been thrown, when you were on the phone with 911, did
12 you indicate that an ashtray had been thrown?

13 A No, ma'am.

14 Q Did you indicate that to law enforcement when they
15 came to the house?

16 A That what?

17 Q Did you indicate that to law enforcement that an
18 ashtray had been thrown?

19 A No. I was more worried about my injuries. I
20 wasn't really worried about the house. That's not
21 that unusual.

22 Q You're testifying that you were more worried about
23 your injuries. Did you ask for medical attention?

24 A No.

25 Q Miss Keiffer, the bottle that's here on this

Testimony of Tammy Keiffer

103

1 counter here, whose bottle is that? Is that yours?

2 A Yes, ma'am, it is.

3 Q Okay. And what is that bottle?

4 A It's a bottle of Captain Morgan's spiced rum.

5 Q I'd like to show you what has been marked as
6 State's Exhibit 8.

7 MS. CARMODY: Your Honor, may I publish?

8 THE COURT: Yes, ma'am.

9 BY MS. CARMODY:

10 Q Miss Keiffer, you indicated on direct examination,
11 and please correct me if I'm wrong, that you fell over
12 a bar stool. Could you -- is this the bar stool that
13 you fell over?

14 A No. It was at the other end of the bar. Not
15 this end where the trash can is. The bar stool at
16 the other end of the bar from where that picture
17 was taken.

18 Q So going back to State's Exhibit 9 which shows the
19 other end, is the bar stool in that picture?

20 A Yes. It looks like it has something hanging
21 on the back of it maybe. The other end of the bar
22 on the left side.

23 Q This one?

24 A No, no, the other side of the bar.

25 Q This one?

1 A That's where it was at some point.

2 Q Okay. Did you do anything to manipulate the scene
3 before law enforcement arrived?

4 A No, ma'am.

5 Q So this would be exactly how it would appear when
6 Leslie left the residence?

7 A There was a chair standing up, yeah.

8 Q So you're indicating that you did manipulate the
9 scene before law enforcement arrived?

10 A Manipulate, no. I might have picked the
11 chair up to stand it back up to get off the middle
12 of the floor.

13 Q Which chair are you indicating was on the floor?

14 A The far one on the left.

15 Q This one here?

16 A Yes.

17 Q Okay. I'd like to go back to State's Exhibit 8.
18 When you and Leslie are eating dinner, or just
19 conversing in the kitchen, is this the chair that
20 Leslie -- isn't this the chair that Leslie usually
21 sits in?

22 A Yes, ma'am.

23 Q And those aren't her belongings that are on that
24 chair, correct?

25 A It's not really clear.

Testimony of Tammy Keiffer

105

1 Q There's a sweater?

2 A Yeah, I can't clearly answer it. I can't
3 clearly see it.

4 Q That's fine, ma'am. That's fine. But that's her
5 chair essentially, correct?

6 A That's normally where she sits, that's
7 correct.

8 Q What my mom would call her retirement chair.

9 A Yeah.

10 Q Okay: I believe -- this is a State's Exhibit 6.

11 MS. CARMODY: May I publish, Your Honor?

12 THE COURT: Yes, ma'am.

13 BY MS. CARMODY:

14 Q Miss Keiffer, is this the chair that you're
15 referring to?

16 A It's not the -- is there another one next to
17 it?

18 Q It looks like there may be three.

19 A No, it's more like there's two there.

20 Q There's only -- you're saying there's two chairs
21 here? I can bring the picture to you so you get a
22 close up.

23 A Yeah, would you? Yeah, it looks like two to
24 me. That's normally what's there. I can't really
25 tell.

Testimony of Tammy Keiffer

106

1 Q Okay. And just so the jury understands, you
2 indicated that this is the chair here, this one?

3 A It was on the far end.

4 Q Okay. This is also another angle of the same room
5 that we were referring to earlier. Could you please
6 indicate whether this room has the smashed out
7 window?

8 A No, ma'am.

9 Q Did you -- in this picture, do you see any glass
10 on the floor?

11 A No.

12 Q Do you see a hammer?

13 A No, ma'am.

14 Q In any of the pictures I've shown you, did you see
15 any glass on the floor or a hammer?

16 A No.

17 Q Miss Keiffer, how many cell phones do you own?

18 A At the moment?

19 Q At the time that this occurred, how many cell
20 phones did you have?

21 A Two.

22 Q Two, okay. I'd like to show you what has been
23 marked as State's 7.

24 MS. CARMODY: May I publish, Your Honor?

25 THE COURT: Yes, ma'am.

Testimony of Tammy Keiffer

107

1 BY MS. CARMODY:

2 Q Is that your bed?

3 A Yes, ma'am.

4 Q You had indicated on direct examination, and I
5 quote, "I hid my phone under a pillow." Is this the
6 phone that you're referring to that you hid under a
7 pillow?

8 A Yes, ma'am.

9 Q Where is your other phone?

10 A I have no idea. Probably in my truck.
11 That's where I usually kept it.

12 Q Okay. But you did have access to more than one
13 phone?

14 A Not from my bedroom.

15 Q Is this the phone that you used to call law
16 enforcement?

17 A Yes, ma'am.

18 Q Okay. I'd like to show you what has been marked
19 as State's 6.

20 MS. CARMODY: May I publish, Your Honor?

21 THE COURT: Yes, ma'am.

22 BY MS. CARMODY:

23 Q Miss Keiffer, you testified on direct examination
24 that that's you, correct? You testified on direct
25 examination that's you, correct?

Testimony of Tammy Keiffer

108

1 A Yes, ma'am.

2 Q Okay. And in this picture, is it true that you're
3 showing law enforcement your right hand or right
4 arm?

5 A Yes.

6 Q Are you right-handed?

7 A Yes, ma'am.

8 Q And was the -- isn't it true that the purpose of
9 showing this arm to law enforcement is you were trying
10 to show them you had scratches on that arm?

11 A Yes, ma'am.

12 Q I believe you testified on direct examination, and
13 please correct me if I'm wrong, that Leslie grabbed
14 your face, correct?

15 A Yes, ma'am.

16 Q Okay. Do you recall -- when she grabbed your
17 face, was she facing you?

18 A Yes.

19 Q And just so we're clear, I'd like to show you what
20 has been marked as State's 2.

21 MS. CARMODY: May I publish?

22 THE COURT: Yes, ma'am.

23 BY MS. CARMODY:

24 Q The scratches that you're referring to on your
25 face are right here and down your nose?

Testimony of Tammy Keiffer

109

1 A Yes, ma'am.

2 Q This right here, this blood right here, this is
3 coming from the bottom of your nose, in this area?

4 A I'm not sure where it was coming from. I
5 mean, it might have been a scratch under my eye.
6 I don't know.

7 Q Okay. Were you on any type of blood thinners or
8 anything like that?

9 A No, ma'am.

10 Q You don't take any medicine for COPD or
11 emphysema?

12 A No, ma'am.

13 Q And do you tend to bleed easily?

14 A On my arms because of the sun exposure at
15 work.

16 Q Thin skin?

17 A Yes, ma'am.

18 Q When you made the 911 call, you may have testified
19 to this under oath, did you indicate that Leslie had
20 broken the door?

21 A I don't recall.

22 Q You don't recall. But it would be in your 911
23 call, if you did, right?

24 A Yeah.

25 Q You don't remember repairing a door, right?

Testimony of Tammy Keiffer

110

1 A She beat on the door with the hammer, but...

2 Q Okay. But you testified earlier you did not
3 report that to law enforcement, the hammer?

4 A No, not that I recall.

5 Q After this incident occurred, do you recall
6 sending messages to Leslie?

7 A No, ma'am.

8 Q You don't recall texting her at all?

9 A No.

10 Q Do you know a woman by the name of Dixie?

11 A Who?

12 Q Dixie.

13 A Do I know of anybody by that name? The only
14 person that I know of with that name works down
15 here at the courthouse.

16 Q Is that somebody that you know?

17 A Not personally. I know her husband. He
18 worked with me.

19 Q Her husband works with you?

20 A Yes.

21 Q Do you have a phone number for Dixie?

22 A No, I don't.

23 Q On direct examination you testified that there was
24 an argument. What was the argument over?

25 A It was something to do with a piece of

Testimony of Tammy Keiffer

111

1 property.

2 Q Money?

3 A I don't even recall which piece of property
4 it was.

5 Q Would it be fair to say there is a monetary value
6 associated with property?

7 A Yeah.

8 Q And you indicated, and I quote, "She kind of
9 lunged at me so I went to the bedroom and locked the
10 door." Where did she lunge at you from?

11 A The other side of the bar.

12 Q The other side?

13 A Yeah, like she was going to come across the
14 bar. My bedroom door was behind me.

15 Q Over the whole --

16 A Yeah, I was trying to get away from her.

17 Q I'd like to show you again what was marked as
18 State's Exhibit 9. Are you indicating she was
19 standing here?

20 A She was, yes.

21 Q And you were here?

22 A Yes.

23 Q And she lunged at you over this area here?

24 A Yes, ma'am.

25 Q Are you aware that -- let me put it this way: You

Testimony of Tammy Keiffer

112

1 handled the finances in the house, correct?

2 A Yes.

3 Q And you file the taxes in the home?

4 A Yeah.

5 Q And you have filed a tax return for you both every
6 year?

7 A No, I filed mine.

8 Q Do you file a joint return?

9 A No. Let me clarify that. I filed married,
10 filing separately. Married but separately.

11 Q Married but separate?

12 A Yes, ma'am.

13 Q Do you claim Leslie as a dependent on your
14 taxes?

15 A No, ma'am.

16 Q Have you ever claimed her as a dependent on your
17 taxes?

18 A There was one year that she allowed me to do
19 that, but I think it was one year at the most.

20 Q Do you remember what year that was?

21 A No, ma'am, I don't.

22 Q Did Tammy -- did you and Leslie live together in
23 2018?

24 A I'm sorry?

25 Q Did you both live together in 2018?

Testimony of Tammy Keiffer

113

1 A Yes.

2 Q What about 2019?

3 A Not real sure. I'm not real sure when she
4 left to be honest with you. In the year she was
5 gone, I'm not sure exactly when that was.

6 Q Okay. But she was gone for a year?

7 A At one point.

8 Q Do you recall filing -- that year that she was
9 gone, do you recall filing a joint tax return with the
10 IRS that year?

11 A I only filed married filing separately. It's
12 the only way, except that one time.

13 Q It's your testimony every year you always filed
14 married separate?

15 A I'm sorry. Say that again.

16 Q Is that correct? Is that your testimony, every
17 year you always filed married separate?

18 A Right.

19 Q Do you do that when she doesn't live there?

20 MS. MOLINA: Objection, Your Honor.

21 THE COURT: What's the objection?

22 MS. MOLINA: We're talking about 2018 and
23 2019 tax and filings in a domestic violence case
24 that happened in 2020.

25 THE COURT: All right. All right.

Testimony of Tammy Keiffer

114

1 MS. CARMODY: It's 608, Your Honor.

2 THE COURT: You need to ask one more
3 question and move on from this.

4 MS. CARMODY: Yes.

5 THE COURT: Because there's already -- we
6 don't need anymore on this.

7 MS. CARMODY: Yes, Your Honor.

8 BY MS. CARMODY:

9 Q Just one last question to clarify. Is it your
10 testimony -- let me clarify. I want to give you the
11 opportunity to make sure your statement is correct.

12 Did you or did you not claim Leslie as a
13 dependent on your taxes in 2019?

14 A Not that I recall.

15 Q You testified earlier that after this occurred you
16 didn't send Leslie any text messages. Did you send
17 her any photographs?

18 A Well, Leslie was the one that usually did the
19 texting. I wake up and there's 105 on my phone.
20 Yeah, I think I did send her a picture of the cats
21 at one point.

22 Q What about pictures of anything that you
23 purchased?

24 A Not that I recall.

25 Q Do you remember anything you've said in relation

Testimony of Tammy Keiffer

115

1 to the picture that you sent with the cat? Do you
2 remember what it said with it?

3 A No, I don't.

4 Q Isn't it true you asked her to come home?

5 A I don't recall that, no.

6 Q Isn't it true that you attacked Leslie?

7 A No, it's not.

8 Q Isn't it true you choked her?

9 A I what?

10 Q Did you choke her with your arm?

11 A No, ma'am, I did not.

12 Q Did you threaten her life?

13 A No, ma'am.

14 Q Do you know why she attacked you, or you claimed
15 she attacked you? Do you know why?

16 A Because of the argument we were in. She has
17 explosive argue disorder.

18 MS. CARMODY: Objection. Move to strike,
19 Your Honor.

20 THE COURT: Yes, ma'am.

21 MS. MOLINA: I don't believe that defense
22 can object to their own question. She asked the
23 question. The witness answered it.

24 THE COURT: Well, I'm going to ask the
25 jury to disregard, ladies and gentlemen, the last

Testimony of Tammy Keiffer

116

1 statement as it relates to some type of disorder.

2 All right, let's move on.

3 MS. CARMODY: Thank you. I beg the
4 Court's indulgence, Your Honor.

5 I don't have any further questions,
6 Your Honor.

7 THE COURT: All right. Do you have any
8 redirect, Solicitor?

9 MS. MOLINA: Yes. Yes, sir.

10 THE COURT: All right.

11 REDIRECT EXAMINATION

12 BY MS. MOLINA:

13 Q I'm showing you State's Exhibit 6 and 9. Are
14 these the pictures that defense counsel showed you
15 when she asked about the broken window?

16 A Yes.

17 Q Is that the same angle?

18 A Yes, ma'am.

19 Q When the defendant lunged at you, you walked away,
20 right?

21 A I went to my bedroom, yes.

22 Q Why?

23 A To keep her from putting her hands on me.

24 Q And then you went back out, right?

25 A Yes.

Testimony of Tammy Keiffer

117

1 Q Why was that?

2 A Because she was tearing my house apart.

3 Q And then when you went back out there she attacked
4 you, right?

5 A After she threw the ashtray at me.

6 Q She slapped you?

7 A Grabbed my face.

8 Q Scratched you?

9 A Yes.

10 Q Dragged you?

11 A Yes.

12 Q Choked you?

13 A Yes.

14 Q And all you did in your defense was pull her
15 hair?

16 A Yes, ma'am.

17 MS. MOLINA: Nothing further.

18 THE COURT: All right. Any cross limited
19 to redirect?

20 MS. CARMODY: No, Your Honor.

21 THE COURT: All right.

22 MS. CARMODY: I would just ask that the
23 witness be subject to recall.

24 THE COURT: All right. The witness will
25 be subject to recall.

Testimony of Tammy Keiffer
Anything else?

118

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. MOLINA: Not for this witness,
Your Honor.

THE COURT: Ma'am, thank you. You can
step down.

THE WITNESS: Thank you.

THE COURT: Solicitor, you can call your
next witness.

MS. MOLINA: The State rests its case at
this point.

THE COURT: All right, thank you. Ladies
and gentlemen, the State has rested their case.
And, as a result of that, there's going to be some
matters that I got to take up outside of your
presence. So I would ask you to go back to your
jury room for a few moments and I'll get you back
our here as soon as I can.

FOREPERSON: Yes, sir.

(Jury exits the courtroom at 2:15 p.m.)

THE COURT: All right. The jury has left
the courtroom. The State has rested. Does the
defense have any motions at this time?

MS. CARMODY: Yes, Your Honor. I'm
sorry. I thought you meant State. You asked if
the State had any motions?

Testimony of Tammy Keiffer

119

1 THE COURT: I'm asking if the defense has
2 any motions. I don't think the State -- you don't
3 have any motions, do you?

4 MS. MOLINA: I do not.

5 MS. CARMODY: Just checking.

6 Beg the Court's indulgence.

7 THE COURT: Yes, ma'am.

8 MS. CARMODY: Your Honor, I would move --
9 the defense moves for a directed verdict. I do
10 not believe the State has proved intent, that Miss
11 Keiffer intended to cause physical harm or injury
12 to her household member. I believe, too, that
13 there will be more evidence of self-defense, but
14 even with her testimony, I believe that there is
15 evidence of self-defense.

16 But, you know, I understand too that the
17 jury has to make credibility determination and
18 whether the State put forth any evidence, which I
19 believe they put forth some evidence but it's been
20 contradicted by inconsistencies.

21 I would indicate -- I would say that the
22 State has not shown intent, that intended to cause
23 physical harm or injury to Miss Keiffer.

24 THE COURT: Solicitor, anything in reply?

25 MS. MOLINA: Domestic violence is a

Testimony of Tammy Keiffer

120

1 general intent crime, and so the State is not
2 required to prove a specific intent such as malice
3 or any of the other specific intent. The
4 intent -- the general intent is evidenced by the
5 testimony that she was attacked.

6 The pictures of the injuries, certainly
7 general intent has been met through the testimony
8 of, certainly, Tammy, and -- as well as the
9 pictures, that there was an injury that did occur.
10 It is a general intent. The State is not required
11 to prove specific intent.

12 THE COURT: As it relates to specific
13 intent, I don't believe the State is required in
14 this case.

15 MS. CARMODY: No, Your Honor. I
16 misspoke, Your Honor. That she intended to cause
17 physical harm. Yes, I misspoke.

18 THE COURT: Well, what I will say is
19 this: I believe that, when I look at this,
20 certainly the State has met the low, low threshold
21 to move forward. I think they have put forward
22 evidence that the jury could certainly find, and,
23 as a result, conclude that your client is, in
24 fact, guilty. I think they crossed that
25 threshold.

Testimony of Tammy Keiffer

121

1 So with all due respect, Miss Carmody,

2 I'm going to deny your motion. All right?

3 MS. CARMODY: Yes, Your Honor. Thank
4 you.

5 THE COURT: Anything further from the
6 State before we take a brief break?

7 MS. MOLINA: Nothing further from the
8 State.

9 THE COURT: All right. Anything -- you
10 plan to put on -- I guess I need to cross-examine
11 her about her right to testify.

12 MS. MOLINA: Yes, Your Honor.

13 THE COURT: Not really cross-examine, but
14 ask her about her right to testify. Let's go
15 ahead and do that.

16 Madame Clerk, if you could swear her in
17 at this time, please.

18 THE CLERK: Raise your right hand, ma'am.
19 The testimony you're about to give the court will
20 be the truth, so help you God?

21 THE WITNESS: Yes.

22 THE CLERK: Thank you.

23 THE COURT: All right. Can you stand up
24 for me, ma'am. Are you Miss Leslie Keiffer?

25 MS. LESLIE KEIFFER: Yes, sir.

Testimony of Tammy Keiffer

122

1 THE COURT: All right. Miss Keiffer, at
2 this time, I'm going to explain to you certain of
3 your rights. If you do not understand anything I
4 say, Miss Keiffer, please let me know. If you
5 want me to explain anything in more detail, please
6 let me know. Do you understand me?

7 MS. LESLIE KEIFFER: Yes, sir.

8 THE COURT: Okay. We've now reached the
9 stage of the trial where you may present your
10 defense. You have the right to claim the
11 protections given to you by the Fifth Amendment of
12 the Constitution of the United States. And that
13 amendment in part, ma'am, reads no person shall be
14 compelled in any criminal case to be a witness
15 against himself or herself. This means that you
16 cannot be required to testify in this case. You
17 have the right to testify on your own behalf;
18 however, no one can make you testify. Do you
19 understand that, ma'am?

20 MS. LESLIE KEIFFER: Yes, sir.

21 THE COURT: This is a personal right and
22 no one can waive this right except you. Do you
23 understand that?

24 MS. LESLIE KEIFFER: Yes, sir.

25 THE COURT: You need to speak up for

Testimony of Tammy Keiffer

123

1 me.

2 MS. LESLIE KEIFFER: Yes, sir.

3 THE COURT: If you decide to testify,
4 ma'am, you will be subject to the same rules that
5 govern other witnesses, and you may be examined
6 and cross-examined on any relevant issue in the
7 case. In addition, if you have any convictions
8 involving dishonesty or false statement or for
9 crimes punishable by imprisonment for more than
10 one year and this court determines that the
11 probative value of admitting this evidence
12 outweighs its prejudicial effect to you, the
13 solicitor will be able to introduce your record to
14 attack your credibility. Do you understand that?

15 MS. LESLIE KEIFFER: Yes, sir.

16 THE COURT: Ma'am, if you decide to
17 testify, this decision on your part must be freely
18 and voluntarily and intelligently made with
19 knowledge of the protections given to you by the
20 Fifth Amendment and the consequence of your
21 decision to testify. Do you understand that,
22 Miss Keiffer.

23 MS. LESLIE KEIFFER: Yes, sir, I do.

24 THE COURT: If you decide not to testify,
25 ma'am, I will instruct the jurors that they cannot

Testimony of Tammy Keiffer

124

1 give the fact that you did not testify any
2 consideration whatsoever and that there is to be
3 absolutely no prejudice to you because you did not
4 testify. Do you understand that?

5 MS. LESLIE KEIFFER: Yes, sir.

6 THE COURT: It is left entirely up to you
7 whether or not to testify, ma'am. You may talk
8 with your attorney, your family, friends, or
9 anyone else, but the final decision will be left
10 entirely up to you.

11 MS. LESLIE KEIFFER: Yes, sir.

12 THE COURT: Do you understand what I've
13 explained to you, ma'am?

14 MS. LESLIE KEIFFER: Yes, I do.

15 THE COURT: Do you have any questions
16 about what I've explained to you, ma'am.

17 MS. LESLIE KEIFFER: No, sir.

18 THE COURT: Have you discussed this
19 matter with your attorney, ma'am?

20 MS. LESLIE KEIFFER: Yes, sir.

21 THE COURT: And that issue, basically, is
22 whether you should or should not testify. Have
23 you discussed that with your lawyer?

24 MS. LESLIE KEIFFER: Yes, sir.

25 THE COURT: Do you need any additional

Testimony of Tammy Keiffer

125

1 time to talk with your lawyer, ma'am?

2 MS. LESLIE KEIFFER: No.

3 THE COURT: Okay. So then my next
4 question to you, ma'am, is: Do you wish to
5 testify?

6 MS. LESLIE KEIFFER: Yes, sir.

7 THE COURT: That's fine. You can be
8 seated. Thank you.

9 MS. LESLIE KEIFFER: Thank you.

10 THE COURT: Anything else from the
11 defense before we take a brief break?

12 MS. CARMODY: No, Your Honor.

13 THE COURT: And so then I guess you will
14 call your next witness?

15 MS. CARMODY: Yes, Your Honor.

16 THE COURT: And that will be your client?

17 MS. CARMODY: Yes, Your Honor.

18 THE COURT: Are you planning on calling
19 anybody else?

20 MS. CARMODY: Unless -- I may call some
21 the State's witnesses, but I don't believe so.

22 THE COURT: Thank you. We will be back
23 at -- right at 2:30. Okay.

24 (A break was taken from 2:20 p.m. to 2:30 p.m.)

25 THE COURT: Anything from the State

Testimony of Tammy Keiffer

126

1 before we bring the jury back in?

2 MS. MOLINA: No, Your Honor.

3 THE COURT: Anything from defense?

4 MS. CARMODY: No, Your Honor.

5 THE COURT: Let's bring the jury back in.

6 (Jury entering the courtroom at 2:32 p.m.)

7 THE COURT: Ladies and gentlemen, we are
8 ready to proceed in this matter. The State has
9 rested.

10 Miss Carmody, are you planning on putting
11 on a defense?

12 MS. CARMODY: Yes.

13 THE COURT: All right. In that case,
14 ma'am, call your first witness.

15 MS. CARMODY: Thank you, Your Honor.
16 Your Honor, the defense calls Leslie Keiffer.

17 THE CLERK: Raise your right hand, ma'am,
18 and place your left hand on the Bible. The
19 testimony you're about to give the court will be
20 the truth, so help you God?

21 THE WITNESS: Yes.

22 THE CLERK: Come around and have a seat.

23 THE COURT: All right. Your witness.

24 MS. CARMODY: Thank you, Your Honor.

25 WHEREUPON:

Testimony of Leslie Keiffer
LESLIE KEIFFER,

127

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. CARMODY:

Q Miss Keiffer, can you please state your name and spell it for the record?

A Yes. My name is Leslie Keiffer, and it's L-e-s-l-i-e, K-e-i-f-f-e-r.

Q Miss Keiffer, where do you live?

A I currently live in Macon, Georgia.

Q And back in 2020 where did you live?

A At [REDACTED] Old Charleston Highway, Hardeeville.

Q Okay. Ma'am, I have some questions about your background. How old are you?

A Fifty-seven years old.

Q And at the time of these allegations, how old were you?

A Fifty-five. It was two years ago.

Q And, ma'am, how far did you go in school?

A I have about three years of college education.

Q What did you go to school for?

A I went to school for -- my major of fine art.

Q Have you ever served in the military?

Testimony of Leslie Keiffer

128

- 1 A Yes.
- 2 Q What branch?
- 3 A The Air Force.
- 4 Q And were you honorably discharged?
- 5 A Yes, I was.
- 6 Q And are you working?
- 7 A No, I don't work right now.
- 8 Q Are you on disability?
- 9 A Yes.
- 10 Q And that's a service connected disability,
11 correct?
- 12 A Service connected, yes.
- 13 Q And do you have any hobbies?
- 14 A Yes, I draw art.
- 15 Q And you do know a woman by the name of Tammy?
- 16 A Yes.
- 17 Q And how do you know her?
- 18 A I'm married to her.
- 19 Q And how long have you been married?
- 20 A Six years almost.
- 21 Q And over the course of the last six years, have
22 you and Tammy resided together the entire time?
- 23 A No.
- 24 Q Do you recall a specific period of time where you
25 did not live together?

Testimony of Leslie Keiffer

129

1 A Yes. 2018, we didn't live together at all.

2 MS. CARMODY: Your Honor, we have a
3 matter of law.

4 THE COURT: I'm sorry?

5 MS. CARMODY: We have a matter of law.

6 THE COURT: All right. They've got a
7 matter of law. We will have to send you back out.
8 I promise I'll try to get you back in here as soon
9 as I can. Don't talk about the case. Thank you.

10 (Jury exits the courtroom at 2:36 p.m.)

11 THE COURT: Yes, ma'am, Miss Carmody.

12 MS. CARMODY: Your Honor, the document
13 that I've just shown the State, this is a request
14 for innocent spouse relief.

15 THE COURT: A what?

16 MS. CARMODY: A request for innocent
17 spouse release. May I approach, Your Honor?

18 THE COURT: Yes.

19 MS. CARMODY: This is the document that
20 my client filed when her wife did claim her on her
21 taxes and she lied about it on the witness stand,
22 and I'd like to ask my client questions about that
23 because that is the motivation behind these
24 incidents of domestic violence and that was the
25 motivation when she moved out that time, too.

Testimony of Leslie Keiffer
THE COURT: Solicitor?

130

MS. MOLINA: I've only briefly seen that document. I don't even know what year it's from.

MS. CARMODY: 2019.

MS. MOLINA: A 2019 tax form. I'm not sure what that has to do with a 2020 domestic violence incident.

I believe I understand that Miss Carmody is trying to impeach Tammy Keiffer by introducing a document through Leslie Keiffer, and I'm just not sure how a tax document is relevant to a domestic violence that happened a year later.

And, as a separate matter, the victim and also the defendant's social security numbers are on there, and I'm not sure that -- we would ask that, at least the victim's, be redacted.

THE COURT: Why isn't this hearsay? I mean, it's just -- I mean it's a copy of --

MS. MOLINA: Right.

THE COURT: And what in the world does, "Don't think my spouse's mother should have been claimed on return since we didn't provide half..." --

MS. CARMODY: Half her support.

Testimony of Leslie Keiffer

131

1 THE COURT: "...half her support" have to
2 do with anything.

3 MS. CARMODY: Your Honor, this is a
4 pattern of the alleged victim in this case using
5 money as a means of throwing my client out of the
6 house. Every time she gets thrown out of the
7 house, it's always over money. Just two days
8 prior to this occurring, it was over money as
9 well. The whole argument was over money. She has
10 her thrown out of the house, she takes her taxes,
11 and then sends her messages and says, "Look what I
12 bought with her money." This is the motive and
13 the motivation behind that whole argument that she
14 testified about. This is one instance of the
15 motivation. And she also testified that she
16 didn't claim her as a dependent on her taxes.

17 MS. MOLINA: She did say that she claimed
18 her at least once. Couldn't remember exactly.

19 There's also been testimony that never
20 was the defendant kicked out of the house. The
21 testimony has always been that the defendant had
22 left the house.

23 MS. CARMODY: Right.

24 MS. MOLINA: This is not -- this is very
25 separate than I'm using money to control you and

Testimony of Leslie Keiffer

132

1 now I'm kicking you out homeless versus leaving on
2 your own accord.

3 MS. CARMODY: Well, the --

4 THE COURT: Hold on. Hold on. Let her
5 finish and then I'll give you an opportunity to
6 speak.

7 MS. CARMODY: Yes, thank you.

8 THE COURT: Go ahead, Solicitor.

9 MS. MOLINA: I certainly agree with you
10 that it is hearsay. She can ask her about this,
11 and I think that that document can only be entered
12 into evidence for impeachment purposes. And even
13 then, would it be proper because it's a collateral
14 matter? I think she just asks her about it.

15 And even then, not really sure what 2018,
16 2019 taxes have to do with a domestic violence in
17 2020.

18 THE COURT: All right. I'm not going to
19 allow this. I mean --

20 MS. CARMODY: I can ask her about it,
21 Your Honor?

22 THE COURT: No. You're not going to --
23 you can ask her about a year that she's claiming
24 that she shouldn't have claimed. I mean, that
25 allows this money motivation. I'm assuming what

Testimony of Leslie Keiffer

133

1 she's going to testify to is something along the
2 lines that, I didn't live with him in 2018, and he
3 claimed me as a dependent, and, as a result, took
4 some money. I mean that -- I think that is some
5 motive. But getting into, for instance, an
6 innocent spouse relief, I don't think that's fair
7 to the State the way this document is even
8 titled.

9 MS. CARMODY: Okay. I understand,
10 Your Honor. Thank you.

11 MS. MOLINA: Just for the record --

12 THE COURT: Go right ahead.

13 MS. MOLINA: -- as a matter of pretrial,
14 the State is objecting to any of this being
15 introduced in any way based on the 404(b) res
16 gestae. I understand Your Honor's ruling.

17 THE COURT: I'm going to overrule that.
18 I think it goes to motive, and I think that,
19 clearly, it's fair for her to, at least, be
20 questioned about issues that have come up
21 concerning the year or a claim of some type of
22 claiming her as a dependent, or whatever that
23 issue is. I'll hear that, but the document is not
24 coming in. I'm not going to allow you to direct
25 examine her about that document.

Testimony of Leslie Keiffer

134

1 MS. CARMODY: I can ask her if she had to
2 file documentation with the IRS because she
3 learned that her wife did, in fact, claim her on
4 her taxes when she didn't live there? Because she
5 testified --

6 THE COURT: No. All you're going to do
7 is ask her, did your wife claim you? Okay?

8 MS. CARMODY: Okay.

9 THE COURT: Did your wife claim you on
10 your taxes in whatever year. And then if she --
11 depending on what the answer is, did that person
12 have your permission?

13 MS. CARMODY: Okay.

14 THE COURT: That's what you're going to
15 cross-examine.

16 MS. CARMODY: I got you.

17 THE COURT: That goes -- that sets forth,
18 I think in a much clearer fashion, as opposed to
19 getting innocent spouse relief, and filing
20 documents with the IRS. That's how you're going
21 to proceed.

22 Now, I'm not telling you how you ask your
23 question. I'm just saying that's an example of
24 how or the type of question I think would be
25 permissible. I think getting outside of that

Testimony of Leslie Keiffer

135

1 parameter would be exceeding the scope of my
2 ruling. Okay?

3 MS. CARMODY: Yes, I understand. Thank
4 you.

5 MS. MOLINA: Just avoid the name of the
6 document.

7 THE COURT: I'm sorry.

8 MS. MOLINA: Just avoid the name of
9 document.

10 THE COURT: She's not going to do that.

11 All right. Is there anything further
12 that we need to take up before we get the jury
13 back up here?

14 MS. CARMODY: Your Honor, I do want to
15 bring up the text messages that my client
16 received. I've already sent these to the State.

17 The messages that she received from a
18 person that she believed was her wife sending the
19 messages, like, from her phone. Coming home? The
20 kids are missing you. Her response is, I can't.
21 I'll just pass them up, Your Honor.

22 MS. MOLINA: Can I see them first?

23 MS. CARMODY: Sure.

24 THE COURT: Thank you. Solicitor?

25 MS. MOLINA: The State objects to the

Testimony of Leslie Keiffer

136

1 introduction of all of those texts into evidence,
2 the pictures themselves. Under Rule 901, the
3 requirement of authentication, most, from what I
4 can recall, if not all of those are pictures of
5 screen shots that don't necessary indicate the
6 number from which they came. Some of them, I
7 think, have Tammy Keiffer's name on them, but it's
8 very easy to change somebody's name in your phone.

9 Additionally, some of them don't have
10 dates or times. And, in my opinion, some of them
11 look incomplete, as in there's a text, seemingly
12 no response that you would expect a response in,
13 and then another text. I mean, I just don't know
14 how there's any way we know that those texts are
15 between the victim and the defendant or the time
16 period, where they came from, who sent them. I
17 don't think that they can be properly
18 authenticated.

19 THE COURT: What was the date of this
20 assault?

21 MS. MOLINA: March 7, 2020.

22 I think she can ask her about them, but I
23 would object to the actual screen shots being
24 moved into evidence.

25 THE COURT: It does appear these are

Testimony of Leslie Keiffer

137

1 screen shots.

2 MS. CARMODY: Yes, Your Honor.

3 THE COURT: It does appear that some of
4 them are incomplete.

5 MS. CARMODY: Per my client --

6 THE COURT: What about the rule of
7 completeness about having all of these texts --

8 MS. CARMODY: There's a lot more,
9 Your Honor, but I bet the State would really
10 object. There's more.

11 THE COURT: Yeah.

12 MS. MOLINA: This goes back to the
13 State's 404(b) res gestae.

14 MS. CARMODY: I'm trying not to go into
15 all collateral issues, so --

16 MS. MOLINA: This goes back to the 404(b)
17 res gestae and stay focused on the one incident.

18 MS. CARMODY: This also shows that she's
19 not afraid of my client, Your Honor. She's asking
20 her to come home.

21 THE COURT: What's that got -- if you
22 beat somebody tomorrow and they want to take you
23 back the next day, I mean that's -- come on.

24 MS. MOLINA: That's very typical in
25 domestic violence.

Testimony of Leslie Keiffer

138

1 THE COURT: That's absolutely typical.

2 MS. CARMODY: Maybe, but the motive in
3 this case --

4 THE COURT: Maybe.

5 MS. MOLINA: There's also the one where
6 it looks like the victim is saying that I'm not
7 dropping charges, which I assume Miss Carmody
8 wants to introduce as some sort of threat, but I
9 have never seen that message until just now. She
10 has sent me the others, but that one I haven't
11 seen until just now.

12 Truly, there's no way for me to say that
13 one existed a year ago otherwise she would have
14 sent it.

15 MS. CARMODY: I asked her specifically
16 about Dixie. Dixie is in the message.

17 MS. MOLINA: These texts go to collateral
18 impeachment.

19 MS. CARMODY: It shows she marshals the
20 police department and the courts as she alleged on
21 her 911 call.

22 MS. MOLINA: I think those are just
23 questions you ask.

24 THE COURT: Well --

25 MS. MOLINA: I mean, if --

Testimony of Leslie Keiffer

139

1 THE COURT: Hold on. I'm going to allow
2 you to ask about some of this, but I'm not going
3 to allow these into evidence.

4 MS. CARMODY: Absolutely.

5 THE COURT: For instance, number 1,
6 anything a judge told her, we don't need to be
7 getting into what a judge told her.

8 MS. CARMODY: It's not even true.

9 THE COURT: I'm not concerned about
10 what's true or not true as it relates to this.
11 There's so much hearsay involved in that. Who
12 knows what's going on there. "The judge told me I
13 can't until you talk to the solicitor," I'm not
14 going to allow any of that. I'm not allowing
15 questioning about that.

16 MS. CARMODY: Okay.

17 THE COURT: Okay?

18 MS. CARMODY: Uh-huh.

19 THE COURT: But you can ask her about
20 these, but I'm not allowing these into evidence.
21 Nothing about the -- nothing about the judge, the
22 solicitor, I'm not getting into any of that.

23 MS. CARMODY: What about the one that
24 says Dixie -- something about calling?

25 THE COURT: "I'll call Dixie in the

1 morning"?

2 MS. CARMODY: That message, is --

3 THE COURT: If you want to ask somebody
4 about calling Dixie, or room 222, or the litter
5 box is full, I don't got a problem with that.
6 Okay?

7 MS. CARMODY: Okay.

8 THE COURT: But, "I talked to the judge,"
9 "She knows you're coming home," "Where are you?"
10 I'm not getting into any of that. I just don't
11 think it's relevant. It's just -- half of this --

12 MS. CARMODY: How about the one with the
13 picture of the television where she says, "Thank
14 you"?

15 MS. MOLINA: Your Honor, at the heart of
16 Miss Carmody's argument, if I understand it, and
17 the purpose for which she wants these pictures in,
18 is to bolster witness's testimony. She can ask
19 her. And I think, at this point, we can all
20 pretty much expect her to say, yeah, she bought a
21 TV with my money, or something.

22 THE COURT: Hold on. He testified that
23 he sent her a picture of the TV.

24 MS. CARMODY: The cat. I thought she
25 said the cat.

Testimony of Leslie Keiffer

141

1 MS. MOLINA: I believe she couldn't
2 recall sending a lot of picture. It may have one
3 picture of a cat. She couldn't recall.

4 THE COURT: She, yes, ma'am.

5 MS. MOLINA: But, back to my other point,
6 there is no way to know where texts are from.

7 THE COURT: I'm not going to get into the
8 picture. You can ask, have you seen a picture of
9 a TV?

10 MS. CARMODY: Generally.

11 THE COURT: Is that cat beside the TV? I
12 can't tell.

13 MS. CARMODY: I think it's just the
14 television, Your Honor.

15 THE COURT: What is that?

16 MS. CARMODY: I'm not sure, Your Honor.

17 THE COURT: Hold on. What is that? Is
18 that a cat?

19 MS. MOLINA: Those are in black and
20 white. I might have color copies of them.

21 THE COURT: That looks like a cat sitting
22 next to a TV to me. It looks like a cat on one of
23 those shoe shine things your dad used to have on
24 the floor that goes around and around. That's
25 what it looks like. One of those two.

Testimony of Leslie Keiffer

142

1 Ma'am, we're not going to get into that.

2 MS. CARMODY: Sure, that's okay.

3 THE COURT: I'm going to allow you to ask
4 if she sent you a picture of a TV, or whatever you
5 want to ask as it relates to that. Okay?

6 MS. CARMODY: Okay.

7 THE COURT: Anything else?

8 MS. CARMODY: I don't believe so.

9 THE COURT: I'm sorry. I got one more.
10 I wasn't trying to steal that. There you go.
11 Yes, ma'am.

12 MS. CARMODY: I do believe that's it for
13 now.

14 THE COURT: All right. Well, I think we
15 narrowed the parameters then, so we can get the
16 jury back in here. Would that be satisfactory to
17 the State?

18 MS. MOLINA: Yes, Your Honor.

19 THE COURT: Anything from the defense
20 before we get the jury back in here?

21 MS. CARMODY: No, Your Honor.

22 THE COURT: That would be great. Let's
23 get the jury back in here.

24 THE DEPUTY: Ready?

25 THE COURT: Yes, sir.

Testimony of Leslie Keiffer
(Jury enters the courtroom at 2:59 p.m.)

143

THE COURT: All right. Ladies and gentlemen, we are ready for the defense to continue with their direct examination.

Go right ahead.

MS. CARMODY: Thank you, Your Honor.

THE COURT: Yes, ma'am.

BY MS. CARMODY:

Q Miss Keiffer, before we took a break, I had asked you whether you lived in or out of the home in 2019.

A Yes.

Q Were you living with your wife in 2019?

A On and off again in 2019.

Q So you did live with her in 2019?

A Yes, for a little bit. On and off again.

Q Okay.

THE CLERK: She needs to speak up, Your Honor.

THE COURT: Speak up a little bit, ma'am.

THE WITNESS: 2018 is when I did not live with her for the whole year.

BY MS. CARMODY:

Q So for the year 2018, to your knowledge, did your wife claim you on her taxes?

Testimony of Leslie Keiffer

144

- 1 A Yes, she did.
- 2 Q Did she have your permission to do so?
- 3 A She did not, and I was not living with her.
- 4 And I did not sign the joint tax return.
- 5 Q And I'd like to ask -- so let's move a little
- 6 forward in time.
- 7 A Okay.
- 8 Q Let's move to March 7th of 2020. Could you please
- 9 explain to the jury what you were doing that day
- 10 before Tammy came home from work?
- 11 A I was in the studio.
- 12 Q What were you doing in the studio?
- 13 A Painting.
- 14 Q And approximately what time did Tammy get home
- 15 from work?
- 16 A About 5:15.
- 17 Q Okay. What did she do when she got home from
- 18 work?
- 19 A Started drinking liquor.
- 20 Q What was she drinking?
- 21 A Captain Morgan.
- 22 Q Were you drinking as well?
- 23 A Yes, wine.
- 24 Q Is this normal?
- 25 A Yes.

Testimony of Leslie Keiffer

145

1 Q And then, it's my understanding, or it's been
2 before the jury that an argument took place?

3 A Yes.

4 Q And could you please tell the jury what that
5 argument was over?

6 A It was about some property.

7 Q Okay. As a result of that argument, I'm just -- I
8 want you to explain to the jury what happened after
9 that. And if I need to stop you and back up, I will.
10 But if you could just explain to the jury what
11 happened at that time.

12 A Okay. She had -- we had the spat about the
13 property. Her dad had passed away, so it was a
14 spat. And she went -- well, she had --

15 THE COURT: I need you to speak up,
16 ma'am. She can't hear you. Pull that microphone
17 down a little closer to you. All right, that's
18 good. Go right ahead.

19 THE WITNESS: We had supper. And then
20 after supper, you know, I put the dishes in the
21 sink. And then, you know, the spat happened. And
22 then she went in there and laid down. Okay? She
23 left the door open. And I was on my cell phone
24 sitting there in my chair like I always do in my
25 chair.

1 BY MS. CARMODY:

2 Q I just want to stop you, ma'am, so we can -- just
3 for clarification. I'd like to show you what is
4 marked as State's Exhibit 9.

5 MS. CARMODY: May I publish, Your Honor?

6 THE COURT: Yes, ma'am.

7 BY MS. CARMODY:

8 Q Miss Keiffer, is that a picture of the kitchen?

9 A Yes.

10 Q When you indicate to the jury that you were
11 sitting in your chair texting, is this the chair?

12 A Yes. Where my sweater is.

13 Q I'm sorry, ma'am?

14 A That's my chair.

15 Q Your chair. Okay, go ahead.

16 A So after the spat, she went into the room.
17 She laid down. She left the door opened. And I
18 was sitting in my chair, and then she came out of
19 the room and she comes around the bar. Right?
20 And I thought she was coming to give me a hug
21 because we had that spat. I didn't run. I didn't
22 know, like, that she was going to do what she did
23 to me. I thought she was just going to hug me,
24 and then she --

25 Q Ma'am, let me stop you for one minute. I'd like

Testimony of Leslie Keiffer

147

1 to show you what is marked as State's Exhibit 8.

2 MS. CARMODY: Your Honor, may I publish?

3 THE COURT: Yes, ma'am.

4 THE CLERK: They can't hear her in the
5 \ back.

6 THE COURT: Ma'am, hold on one second.

7 Ma'am, you have got to speak up louder.

8 THE WITNESS: I'm sorry.

9 THE COURT: Just speak up louder.

10 THE WITNESS: Okay.

11 THE COURT: Because there are jurors who
12 want to hear what you have to say, and I want to
13 make sure everybody hears you, and I want to make
14 sure the court reporter is getting everything
15 down. Okay.

16 Ma'am, go right ahead.

17 BY MS. CARMODY:

18 Q Ma'am, can you step down. I want you to explain
19 to the jury. Ma'am, if you could explain, just try to
20 project your voice and let the jury know where you
21 were sitting and where everybody was in that photo?

22 A I was sitting in this chair. That's my
23 chair. There's a pillow. I sit on that pillow
24 that's underneath my sweater. Okay? And Tammy
25 sits in the chair on the other side of the bar.

Testimony of Leslie Keiffer

148

1 Okay? And she comes around the bar. I thought
2 she was coming to give me a hug because at the
3 time I had no clue what she was getting back as a
4 tax refund. I had no clue what was going on or
5 why.

6 But she came around, and I thought she was
7 giving me a hug. She pulls me by my hair out of that
8 chair. Okay? Pulls me onto the floor in front of the
9 refrigerator. I was sitting -- because I'm on the
10 floor and she was standing behind me and had her right
11 arm round my neck. Okay? I was scratching her arm.

12 THE COURT: Hold on, ma'am.

13 BY MS. CARMODY:

14 Q Ma'am, just stop. I just want to back up. When
15 you say -- you're testifying that she had her arm
16 around your neck. I'm a little bit shorter than you,
17 but if you don't mind showing the jury what you mean.

18 A She pulled me off the chair. I was off the
19 -- I was on the floor. I was sitting --

20 Q Her right arm?

21 A Yeah. But you were sitting down.

22 Q Okay.

23 A She was like -- I was completely sitting down
24 on my rear end.

25 Q Okay, go ahead?

Testimony of Leslie Keiffer

149

1 A She was standing over me and had me in a
2 choke hold. I was telling her, Tammy, stop, I
3 can't breath. I started scratching her arm at
4 first and she still would not stop. Okay? And I
5 just said, you got to stop, Tammy. I'm serious.
6 I can't breath. Stop. Please, stop. Okay? And
7 I couldn't to the point where I could talk. And I
8 knew if I didn't do something to protect myself, I
9 would not be standing here in this courtroom
10 today. And she did this to me over a tax refund
11 that I didn't know -- I didn't even know.

12 Q Let's back up for one second. I want to make sure
13 it's clear. If you can go back to the witness stand
14 again.

15 So, ma'am, earlier you listened to your
16 911 call and you had indicated to the 911 operator
17 that -- and I just want to make sure it's right.
18 I believe the officer testified that her hands
19 were around your neck.

20 A Yes.

21 Q So, if you could explain to the jury what you
22 meant by that?

23 A I meant her arm. I was so distraught and
24 upset, okay, that I couldn't even barely talk. So
25 it was hard for me to, you know -- like, you know,

Testimony of Leslie Keiffer

150

1 get all the body parts right.

2 Q And, ma'am, so --

3 A Because she was strangling -- she was choking
4 me, but it was with her forearm.

5 Q Now, when she -- so you said her forearm was
6 around in front of your neck. What did you do to try
7 to get her off of you?

8 A At first, I tried scratching her arm.

9 Q Okay.

10 A But she wouldn't let go. She was drunk.
11 Just highly drunk. But Tammy is a functioning
12 alcoholic. She could stand up and be drunk.

13 MS. MOLINA: Objection, Your Honor.

14 THE COURT: Sustained. The jury
15 disregard that comment.

16 THE WITNESS: I'm sorry.

17 BY MS. CARMODY:

18 Q So, Miss Keiffer, when her -- all right. So
19 you're grabbing her -- you're scratching at her arm,
20 would that be her right arm, her left arm?

21 A It was her right arm.

22 Q Hold on one moment. I'd like to show you what has
23 been marked as State's Exhibit 6.

24 MS. CARMODY: May I publish, Your Honor?

25 THE COURT: Yes, ma'am.

Testimony of Leslie Keiffer

151

1 BY MS. CARMODY:

2 Q Would this be the arm that you were scratching
3 at?

4 A Yes.

5 Q All right. And then what happens next?

6 A Then she wouldn't let go, and I kept telling
7 her -- I said a couple times to let go, I can't
8 breath, and then I started -- she just kept doing
9 it tighter. Okay? And then I knew that, at that
10 point, I would not even be able to say, please,
11 let go of me. I wouldn't be able to talk. I was
12 about to pass out and I knew I had to move quick
13 to defend myself.

14 I was reaching from behind me, you know, and
15 I was reaching for her nose because I was trying to
16 find her eyes. Because I knew if I could get her
17 eyes, right, then I could get set free. But when I
18 thought I got a hold of her nose and I had like -- I
19 can't see when somebody's behind me, so I was trying
20 to feel her nose.

21 Q Ma'am, I just want to stop you for one moment.
22 I'd like to show you what has been marked as State's
23 Exhibit 2.

24 MS. CARMODY: May I publish, Your Honor?

25 THE COURT: Yes, ma'am?

Testimony of Leslie Keiffer

152

1 BY MS. CARMODY:

2 Q Miss Keiffer, the area -- well, first, this is
3 Tammy, correct?

4 A Yes.

5 Q You indicated -- if you could come down here,
6 actually, again. If you could please describe for the
7 jury where the scratches are on her face and how those
8 scratches occurred.

9 A They are right there and on the nose area,
10 and I think there are some on this side.

11 Q The t-zone area?

12 A Yeah, the t-zone area.

13 Q This right here, is this -- how did this happen?

14 A Because I'm trying to find her nose from
15 behind. I couldn't see, so I was trying to find
16 her nose. She's behind me.

17 Q Okay. Ma'am, you can go back on the witness
18 stand, again. Ma'am -- let's see. Actually --

19 Okay. Ma'am, I'd like to show you what has
20 been marked State's Exhibit 10 and State's Exhibit 16.

21 MS. CARMODY: May I publish, Your Honor?

22 THE COURT: Yes, ma'am.

23 BY MS. CARMODY:

24 Q Leslie, is that you?

25 A Yes.

Testimony of Leslie Keiffer

153

1 Q Is this you here?

2 A Yes.

3 Q Ma'am, in the picture, the officer testified
4 earlier they didn't know what the wet substance was on
5 your pants. Can you explain to the jury what that
6 was?

7 A Yes. I wet my pants because she scared me so
8 bad. I was scared for my life. It scared me so
9 bad. And I'm 57 years old. I'm not a spring
10 chicken anymore. If you got scared for your life
11 and you're 57 years old, you might wet your pants,
12 too.

13 Q Also -- so just to be clear, the point where you
14 did soil your pants, was that when she was choking
15 you?

16 A Yes.

17 Q Okay. Also, ma'am, I'd like to show you what has
18 been marked as State's Exhibit 12.

19 MS. CARMODY: May I publish, Your Honor?

20 THE COURT: Yes, ma'am.

21 BY MS. CARMODY:

22 Q Ma'am, what is that picture of?

23 A My hand.

24 Q And I believe law enforcement testified earlier
25 that you have superficial scratches -- well, it

Testimony of Leslie Keiffer

154

1 doesn't matter where, but small scratches on your
2 hands that are not bleeding. Would you please let the
3 jury know what's that on your hands?

4 A We five kittens -- five cats.

5 Q Speak up ma'am.

6 A Three of them were kittens.

7 Q That was good. If you can talk a little closer to
8 the microphone.

9 A I said, we have five cats and three were
10 kittens. And I always have scratches on my hand.
11 I'm trying save five feral kittens right now. And
12 I have scratches on my hand right now from
13 kittens.

14 Q Ma'am, would you mind stepping down for a moment?
15 And just to be clear on your testimony, you indicated
16 to the jury that you still have kittens now?

17 A I have feral kittens. I have kittens inside
18 my house. But then there's, like, five feral
19 kittens that live outside. And I've been trying
20 to catch them. And I do have the Bibb County
21 animal welfare people working with me.

22 Q I'd like you to show the jury the scratches on
23 your hands.

24 A I try to catch them sometimes and I get
25 scratches. I always get scratches, cat scratches

Testimony of Leslie Keiffer

155

1 on my hands.

2 Q And down this way as well?

3 A I'm sorry. It's just kitten scratches.

4 Q And, Leslie, okay, are those -- go back up to the
5 witness stand.

6 At the time that this incident occurred, you
7 had kittens.

8 A Yes.

9 Q And these scratches on your hands are consistent
10 with playing with the kittens?

11 A Yes.

12 Q Also, the ring on your finger, what is that?

13 A That's a wedding ring that Tammy bought me.

14 Q Did you have that on the entire time?

15 A Yes.

16 Q Ma'am, I'd like to show you what's marked as
17 State's Exhibit 9. This is the same picture we looked
18 at earlier. In this picture -- oh, actually, maybe I
19 can find a different one with a different angle. Here
20 we go. State's Exhibit 8 that we were looking at
21 earlier.

22 Ma'am, in State's Exhibit 8, what is
23 significant about your chair?

24 Well, first of all, let me back up for a
25 second. You testified earlier that you were sitting

Testimony of Leslie Keiffer

156

1 in your chair when Tammy came out.

2 A Yes, ma'am. Out of my chair by my hair and
3 onto the floor.

4 Q And what is significant about that chair in that
5 picture?

6 A My pillow is sitting on the back and I sit on
7 the pillow, and my sweater isn't hanging right.

8 Q Just to indicate, so this -- is this your pillow
9 here?

10 A Yes.

11 Q And where is this normally?

12 A Underneath.

13 Q Would it be here?

14 A It sits flat.

15 Q Okay.

16 A If you look at other chairs, I made pillows
17 for the other chairs too because the chairs are
18 hard and I don't want people to have to sit on
19 hard chairs.

20 Q And your sweater is not normally like that on your
21 chair?

22 A No, it usually hangs on the back of the
23 chair.

24 Q Okay. How did these items get in this location
25 that we see them now?

Testimony of Leslie Keiffer

157

1 A The pillow, because that's the way -- when
2 she pulled me out of the chair, backed that pillow
3 up as far as the sweater. I think it fell on the
4 floor and I was in such a hurry to get out.

5 Q Okay.

6 A After all that.

7 Q All right. Ma'am, are you afraid of Tammy?

8 A Absolutely.

9 Q On March 7th --

10 A I am.

11 Q I'm sorry?

12 A I'm sorry. Go ahead.

13 Q One second. Let me make sure I have the date
14 right. March 7, 2020, were you afraid of Tammy?

15 A Yes.

16 Q Did you feel threatened?

17 A Well, yes.

18 Q Did you think she was playing with you?

19 A No. I knew she wasn't playing.

20 Q Why did you -- okay. Let me back up a second,
21 actually, because there's a little bit more to what
22 happened after that.

23 A Oh, yeah.

24 Q So, if you could, explain to the jury -- I think
25 we left off with you grabbing at her nose towards her

Testimony of Leslie Keiffer

158

1 eyes. If you could explain to the jury what happened
2 after that?

3 A Okay. So when I got, you know, groped her
4 nose or whatever and I could feel her nose and try
5 to get to her eyes, she -- okay. So -- okay. She
6 was standing over me, like this (indicating), and
7 I was on the floor. Okay? But she was standing
8 up over me. So when I get eyes and stuff, and
9 then I get to her nose and stuff, she let's go
10 because her face starts burning. Right? And
11 she's still standing up, but she bends. Okay?
12 I'm so sorry.

13 Q Do you want to come down here and show the jury,
14 ma'am?

15 A Yes. So she stands up.

16 Q You got to speak up, though.

17 A So. Okay. So stands up -- she was never on
18 the floor until after I was on the floor. But
19 when I got up and she was bent over like this,
20 grabbing her face and her eyes because I had to
21 scratch her to get her off me. When she was bent
22 over, that's when I grabbed her by her shirt.
23 Okay? And she had socks on, so she, kind of, flew
24 out from underneath her because that's -- you
25 know, wood floors. She had socks on. And then

Testimony of Leslie Keiffer

159

1 she -- and I grabbed her by her shirt. That's how
2 she got dirt on her shirt. So I grabbed her by
3 her shirt and I took her to the bedroom and I shut
4 the door and I left.

5 Q Ma'am, if you could go back to the witness stand. \

6 Ma'am, why did you leave the residence?

7 A Because she had just attacked me.

8 Q I understand.

9 Okay. And, so, when you left the residence,
10 where did you go?

11 A I found the nearest spot. I was distraught.
12 I wanted to find a place to park so I could call
13 911.

14 Q Okay. Ma'am, we heard the 911 call earlier, which
15 would indicate your statement to law enforcement. And
16 was that statement accurate and true? Was that
17 statement accurate and true, the statement you gave to
18 law enforcement? Was it a true and accurate
19 statement?

20 A That she attacked me, yes.

21 Q All right, ma'am. We covered this earlier and I
22 want to make sure that it's clear and you were
23 speaking loud enough. When you told the police that
24 her hands were around your neck, if you could explain
25 to the jury what you meant by that statement?

Testimony of Leslie Keiffer

160

1 A That I was in fear of my life. I was being
2 choked. And I did say hands, but I meant arm. I
3 couldn't really explain. I was distraught. I
4 just know I was being choked with her arm.

5 Q Okay. Ma'am, on March 7th of 2020, were you
6 sitting in your chair and did you lunge at your
7 wife?

8 A No.

9 Q Did you -- on March 7th of 2020, did you use a
10 hammer?

11 A No.

12 Q Did you tear the kitchen apart?

13 A No.

14 Q Did you bust a window?

15 A No.

16 Q Did you throw an ashtray at your wife?

17 A No.

18 Q Ma'am, after this happened -- well, actually, let
19 me just ask you. Why do you -- okay. You testified
20 earlier that there was an argument over property. Why
21 do you believe that this happened?

22 A Because she got a tax refund back for almost
23 \$7,000 that I didn't even know -- I didn't even
24 know that she was getting that much money back.
25 Okay? Because she told me that it was -- a

Testimony of Leslie Keiffer

161

1 comment about \$2,000 or something, but it had not
2 come in yet. So I didn't know that there was
3 money involved when she attacked. I only found
4 that out after she sent me a copy of her checking
5 account balance.

6 Q When did she send you that?

7 A About the day after sometime around -- or
8 about the day after.

9 Q Did she send you anything else?

10 A Yes. On March the 8th, I was in a motel room
11 and she asked me to come home, that the litter box
12 was full and that the kids were missing me -- the
13 cats. Okay? I said, I can't come home because
14 you can't take back. It's in the State's hands
15 now, and I'm not going to live there with you with
16 a bond over my head so she can have me arrested
17 once and for all for good.

18 Q Ma'am, did you receive any messages regarding
19 anything of monetary value?

20 A Yes.

21 Q What were those messages?

22 A She sent me a copy -- you know how when you
23 go to the bank and you get a receipt of your
24 balance? Okay? She sent me a copy of that
25 receipt.

Testimony of Leslie Keiffer

162

1 Q What else?

2 A And she also -- so she took a picture of the
3 receipt, like -- you know, like, laugh out loud,
4 look what I got. And then I also noticed that on
5 the receipt, like the money, she changed -- you
6 know, how -- it said her balance was on the 5th.
7 The day she got that receipt it was 3/05/20, but
8 she took a pen and marked over -- you know, the 0
9 and made it look like a one because she didn't
10 want that date on that deposit slip that she sent
11 me bragging about all the money that she's got now
12 that I'm gone to match up with the day she
13 attacked me.

14 Q Ma'am, did she send you pictures of any tangible
15 objects?

16 A Yes. She sent me pictures of everything she
17 was buying. She sent me a photo of her new TV, a
18 home security system. There was something else.
19 And she said, laugh out loud, thank you. She also
20 kept all my stimulus checks while I was homeless
21 from the Coronavirus. I did not get my stimulus
22 checks either.

23 Q Ma'am, who handles the finances in the house?

24 A She does.

25 Q What's your source of income? What's your source

Testimony of Leslie Keiffer

163

1 of income?

2 A I'm a disabled Veteran. I get disability.

3 Q Ma'am, do you believe that you are at fault -- or
4 who do you believe is at fault in bringing on this
5 whole situation? If you had to assign somebody fault,
6 who would that be?

7 A Tammy Keiffer.

8 Q Okay. Were you -- would you, as you perceived it,
9 be in imminent danger at the time?

10 A I absolutely was in imminent danger. I could
11 not breath.

12 Q Did you fear losing your life?

13 A Yes. I don't just randomly scratch people's
14 faces like that. I just don't do it.

15 Q You don't believe she was playing?

16 A No, she was not playing. That's why I had to
17 defend myself. She wasn't playing.

18 Q Is there anything that you could have done
19 different to get her to stop choking you?

20 A No. I did what I had to do to get out of
21 that situation. And that I was homeless during
22 the Coronavirus.

23 Q Ma'am, after that occurred, did you try to engage
24 at all with Tammy once she was in her room? Did you
25 try to -- like, did you try to do anything to engage

Testimony of Leslie Keiffer

164

1 with her?

2 A No. When I dragged her in the room, I shut
3 the door and I left.

4 Q Were you at the house when she called law
5 enforcement?

6 A No, I was not at the house when she called
7 911.

8 Q Have you been a hundred percent honest today in
9 your testimony to the jury?

10 A Yes, absolutely.

11 Q And, ma'am, is there anything that you would like
12 to add that you believe the jury should know?

13 A Just that she did this to me because she
14 wanted to keep the tax refund. I just want to
15 tell them that she sat right here in this stand
16 and lied.

17 MS. MOLINA: Objection, Your Honor.

18 THE COURT: Sustained.

19 BY MS. CARMODY:

20 Q Ma'am, in your 911 call, you indicated that you
21 had called law enforcement two days prior to this,
22 correct?

23 A Yes.

24 Q And what was the reason you called law
25 enforcement?

Testimony of Leslie Keiffer

165

1 A Because I had been in the studio painting and
2 she was off work. Yeah. And she wanted to drink.
3 Because when it rains, she don't --

4 Q You got to speak up.

5 A She just sits around and drinks when it
6 rains. And I didn't want to drink that day with
7 her so I was in the studio working. When I come
8 in out of the studio, there's a note on the
9 counter, okay, of her list of things to do
10 tomorrow.

11 Q What was your -- did you call law enforcement that
12 day?

13 A Yeah. I said I want this recorded because,
14 you know, on her list of things to do was to go
15 get a restraining order out on me, get security
16 cameras and everything. And so I called law
17 enforcement because she's done this to me before.
18 She twists things around. And so I told him, he
19 said, the law enforcement office, I think Tammy
20 was just mad because you were in the studio. And
21 he goes to Tammy, you didn't mean that.

22 MS. MOLINA: Objection, Your Honor.

23 THE COURT: Sustained. That's hearsay.

24 BY MS. CARMODY:

25 Q Ma'am, did you call law enforcement because you

Testimony of Leslie Keiffer

166

1 believed that something was about to happen?

2 A Yes. I didn't know what was going on. I
3 didn't know money was involved.

4 Q But you called law enforcement because you
5 believed that something was going to happen?

6 A Yes, I just didn't know what.

7 Q Did you ask law enforcement for help?

8 A Yes. I requested that he give me a case
9 report to document that she's up to something. I
10 just don't know why or what.

11 Q Okay. Did law enforcement do anything as a result
12 of that call?

13 A No, he said that he felt the love in the
14 house.

15 MS. MOLINA: Objection.

16 THE COURT: Sustained. Ma'am, you can't
17 testify what someone else said.

18 THE WITNESS: Well -- I'm sorry.

19 BY MS. CARMODY:

20 Q Law enforcement didn't do anything as a result of
21 you making that call?

22 A No. They just, you know, made a report for
23 me.

24 Q Okay.

25 MS. CARMODY: I beg the Court's

Testimony of Leslie Keiffer

167

1 indulgence, Your Honor.

2 BY MS. CARMODY:

3 Q I don't have any further questions, ma'am. Please
4 answer any questions from the solicitor.

5 THE COURT: Cross-examination?

6 MS. MOLINA: Thank you, Your Honor.

7 THE COURT: Okay.

8 CROSS-EXAMINATION

9 BY MS. MOLINA:

10 Q You weren't working at the time of this incident,
11 right?

12 A No.

13 Q And you've been back and forth down here. You
14 would agree that you're bigger than Tammy?

15 A Her hands are bigger than mine.

16 Q You are bigger than Tammy?

17 A Her hands are bigger than mine.

18 Q Besides her hands, are you bigger --

19 MS. CARMODY: Asked and answered.

20 THE COURT: No, ma'am. Go ahead,
21 Solicitor.

22 BY MS. MOLINA:

23 Q Besides her hands, are you bigger than her?

24 A I'm taller than her.

25 Q And do you have military experience?

- 1 A Yes.
- 2 Q And you-all were married at the time, right?
- 3 A Yes.
- 4 Q And both drinking on this night?
- 5 A Yes.
- 6 Q And there was an argument over property, correct?
- 7 A Yes.
- 8 Q And Tammy left that argument, right?
- 9 A She went to lay down.
- 10 Q And for no reason at all she came back out, right?
- 11 A Right.
- 12 Q And you thought she was going to give you a hug?
- 13 A Yes, I did. I thought she was going to make
- 14 up.
- 15 Q And I'm confused because -- did she pull your hair
- 16 first?
- 17 A She pulled my hair. That's how she pulled me
- 18 out of the chair.
- 19 Q And you thought she was going to give you hug?
- 20 A Originally, when she was coming out of the
- 21 room, she was not walking towards me in a hostile
- 22 manner.
- 23 Q So, today, she pulled your hair, right?
- 24 A That night, she pulled my hair. Pulled me
- 25 out of the chair.

Testimony of Leslie Keiffer 169

1 Q And your testimony today is that she pulled you
2 out by our hair?

3 A Yes, onto the floor.

4 Q Do you remember meeting with Sergeant Johnson on
5 March 7, 2020?

6 A Yes.

7 Q Do you remember telling her how you got to the
8 ground then?

9 A I don't recall.

10 Q Would -- "Tammy placed her hands around her neck
11 and threw her to the floor," does that sound
12 familiar?

13 A I did say hands, but I already addressed
14 that.

15 Q Right. The second part.

16 A Okay.

17 Q You told law enforcement that she threw you to the
18 ground, right?

19 A I might have. I was very distraught, so --
20 but she pulled me out of the chair. I was
21 distraught.

22 Q And you told on direct that the information you
23 gave to law enforcement on that day was accurate and
24 true?

25 A It was to the best of my ability to be honest

Testimony of Leslie Keiffer

170

1 with law enforcement, absolutely. I may have
2 messed up on a body part. I said hands, but it
3 was the arm.

4 Q So your memory as to the incident is better two
5 years later at your trial than it was on that day?

6 A On that day, because I was so distraught.
7 Okay? But I remember perfectly well what
8 happened. When I went to try to explain it, I was
9 so distraught.

10 Q Is your memory better today or on March 7th when
11 the incident happened?

12 A My memory is pretty clear on what happened on
13 March the 7th. You know, I may not have the arm,
14 but the hand, or whatever, but...

15 Q It's not clear though, right?

16 A No. I'm perfectly clear she pulled me out of
17 the chair and was choking me.

18 Q But on March 7th you said she pushed you, right?

19 A She pulled me.

20 Q On March 7th, you told law enforcement she pushed
21 you.

22 A I also said she had her hands around --

23 MS. CARMODY: Your Honor, asked and
24 answered.

25 THE COURT: All right. Ma'am?

Testimony of Leslie Keiffer

171

1 All right. Solicitor, I'm going to
2 sustain that objection on asked and answered.

3 MS. MOLINA: Yes, sir.

4 BY MS. MOLINA:

5 Q So, after she -- you did the demonstration, right,
6 down here with your attorney?

7 A Yeah.

8 Q And you testified that once her face was burning,
9 she let go, right?

10 A I guess. That's when -- when I finally got
11 to her nose -- I couldn't see from behind me.
12 When I finally got her nose, her -- just -- she
13 let go, so...

14 Q Well, I don't want to guess because that's what
15 you said on direct.

16 A No, I didn't; I guessed. I said, she let go
17 once I got to her nose.

18 Q So she let go of you?

19 A Once I defended myself.

20 Q Okay. And once she let go, at that point, you ran
21 out and called law enforcement?

22 A No.

23 Q Oh, what did you do?

24 A She was bent over.

25 Q Uh-huh.

Testimony of Leslie Keiffer

172

1 A And to deescalate the situation, bent over
2 and pulled her by her shirt, and that's how she
3 got the dirt on her shirt. She had socks on so
4 her feet went out. I dragged her and put her in
5 the bedroom, and I shut the door. And I told her,
6 you are drunk. I was scared to death. I left,
7 and I called 911.

8 Q So in an effort to deescalate a situation, you
9 grabbed her by the back of her shirt --

10 A I dragged her.

11 THE COURT: Hold on. Wait a second.
12 Wait a second.

13 Ma'am, you got to let her finish the
14 question.

15 THE WITNESS: Okay.

16 THE COURT: And then you can answer,
17 assuming you understand the question. And then
18 the solicitor will allow you to answer. Okay?
19 Because we got to get a clean record here. So
20 question and then answer. Okay?

21 THE WITNESS: Okay.

22 THE COURT: All right. Solicitor.

23 THE WITNESS: I'm sorry.

24 THE COURT: It's all right.

25 BY MS. MOLINA:

Testimony of Leslie Keiffer

173

1 Q In an effort to deescalate a situation in which
2 you were afraid for your life, you grabbed Tammy --

3 A Uh-huh.

4 Q -- dragged her across the floor, put her in the
5 bedroom --

6 A Uh-huh.

7 Q -- dragged her and threw her into the bedroom --

8 A Uh-huh.

9 Q -- and you did that instead of running away and
10 calling 911?

11 A I did that to deescalate the situation. I
12 was scared. If I didn't try to, at least,
13 deescalate the situation, she could come back at
14 me again. And I left and then I called 911. And
15 the reason I left, I left to deescalate. I did
16 leave.

17 Q That's not what you said in the 911, is it? What
18 was the reason you left in the 911 call?

19 A Because she attacked me.

20 Q Was it because you were afraid of being falsely
21 arrested?

22 A Well, yeah, that too. Because she always
23 attacks me and calls the police and said she did
24 that. She never tells them the truth.

25 Q Okay.

Testimony of Leslie Keiffer

174

- 1 A She uses the law to manipulate me as well.
- 2 Q Okay. So on March 5, 2020, that was two days
- 3 before this incident, right?
- 4 A Right.
- 5 Q Law enforcement responded to [REDACTED] Old Charleston
- 6 Highway, right?
- 7 A Right.
- 8 Q Who called them there?
- 9 A I did.
- 10 Q And it was your testimony on direct you found the
- 11 sticky note, right?
- 12 A No, it was more like a list on a note pad.
- 13 Q You find a note, right?
- 14 A Yeah.
- 15 Q And that note you saw that she planned on getting
- 16 a restraining order?
- 17 A Yeah.
- 18 Q And what was the other thing?
- 19 A It was a list of things to do tomorrow; go
- 20 get a restraining order out, get a security
- 21 camera, go -- I don't know. There was a couple
- 22 other things.
- 23 Q And because you saw that list, you called law
- 24 enforcement?
- 25 A Yes, I did. Because she has a tendency to

Testimony of Leslie Keiffer

175

1 want to get me thrown out every time she gets
2 money.

3 Q So there was no argument?

4 A No. Because the officer that came
5 deescalated that. She said that I was just mad
6 that she was in the studio and he agreed with her.
7 He told me, just don't worry about it.

8 Q Ma'am, I'm going to remind you about hearsay.

9 A I'm sorry.

10 Q So not even an argument had happened when you
11 called law enforcement?

12 A No. I was scared because I knew she was
13 getting ready to do something to me again. I
14 don't know why. I did not know there was money
15 involved at the time any of this happened.

16 Q Do you remember what else happened related to that
17 March 5th incident that you told law enforcement as it
18 relates to Tammy's car?

19 A Yes.

20 Q What did you tell them as it related to Tammy's
21 car?

22 A I wrote on it because she had pulled at
23 hairs. I wrote on her car "wife beater." I did
24 it with washable red paint. I didn't do it with
25 permanent paint.

Testimony of Leslie Keiffer

176

1 Q You just testified that even an argument had
2 happened before you call law enforcement, right?

3 A I don't recall that. I don't think that's
4 the same time. I don't know. That's not the date
5 that I wrote that on. That is a different time
6 frame.

7 Q But you were damaging her property, right?

8 A She has damaged so much of my property.

9 Q Ma'am?

10 A No, I did not damage. It was washable and I
11 wrote on there "wife beater." Okay? I'm an
12 artist. I have to paint.

13 Q You have to paint your wife's car that you're so
14 afraid of?

15 A She was --

16 THE COURT: Ma'am, I've already warned
17 you one.

18 THE WITNESS: All right.

19 THE COURT: You let her ask a question.

20 THE WITNESS: Okay.

21 THE COURT: And then answer the question,
22 ma'am.

23 THE WITNESS: Okay.

24 THE COURT: And the solicitor will allow
25 to you answer, and the solicitor will let her

Testimony of Leslie Keiffer

177

1 answer fully before she asks another question.

2 THE WITNESS: All right. Thank you.

3 THE COURT: Let's continue. Thank you.

4 BY MS. MOLINA:

5 Q You're so afraid of Tammy that you write on her
6 car with paint?

7 A I had painted on her car "wife beater."

8 Q And --

9 A In washable paint.

10 Q And you are so afraid of Tammy that when you find
11 a note that indicates she might be leaving you, you
12 call law enforcement, right?

13 MS. CARMODY: Your Honor, it's
14 mischaracterizing the statement, her testimony.

15 THE WITNESS: That's twisting the
16 situation.

17 THE COURT: I'll sustain the objection.
18 Go ahead, Solicitor.

19 MS. MOLINA: Thank you, sir.

20 BY MS. MOLINA:

21 Q You also claimed on direct that the reason Tammy
22 attacked you on this day was because she got money
23 that you didn't even know about?

24 A Correct.

25 Q So she's attacking you about something you didn't

1 even know?

2 A I didn't know the amount of the tax refund.

3 We do not have a joint checking account. She

4 handles all the finances. So all the money and

5 the tax refund went into her personal account.

6 Q Because she handles the finances, right?

7 A Right.

8 MS. MOLINA: Court's indulgence.

9 THE COURT: Yes, ma'am.

10 BY MS. MOLINA:

11 Q Just to be clear, you-all had an argument that
12 night?

13 A A spat, yeah.

14 Q Is a spat an argument?

15 A Yeah, it just wasn't one of the bigger
16 arguments. That's why I wasn't really afraid.

17 That's why I thought maybe she was coming out to
18 give me a hug. It wasn't like a big argument.

19 Q And then she went into her room by herself?

20 A She left the room.

21 Q Okay. And on March 7th, you told law enforcement
22 that it was hands around your neck, threw you on the
23 floor, right?

24 A Yeah. Pulled me by my hair on the floor. I
25 mean, look, I was under duress when I was talking

Testimony of Leslie Keiffer

179

1 to law enforcement. I had just been attacked. I

2 just had to fight for my life.

3 Q But on March 7th, you said hands and threw her to

4 the ground.

5 MS. CARMODY: Your Honor, asked and

6 answered.

7 THE COURT: I'm going to sustain that

8 objection, Solicitor.

9 BY MS. MOLINA:

10 Q And today you're saying that she pulled your hair

11 and put you in a chokehold, right?

12 A Yes. Because I'm not as upset as I was after

13 the time that she attacked me.

14 Q You also said, as a result of this choke, you

15 could barely talk, right?

16 A It got to that point, yes.

17 Q But you called 911 for ten minutes and spoke to

18 them on the phone?

19 A Well, yeah. I wasn't in a chokehold.

20 Q Okay.

21 A I was able to talk.

22 MS. MOLINA: Nothing further.

23 THE COURT: All right. Thank you.

24 Any redirect, Counsel?

25 MS. CARMODY: Very briefly, Your Honor.

Testimony of Leslie Keiffer
THE COURT: Yes, ma'am.

180

REDIRECT EXAMINATION

BY MS. CARMODY:

Q Leslie, the solicitor just indicated that -- the very last question she asked you was whether you were able to have a 10-minute telephone conversation with law enforcement. Where were you when you called law enforcement?

A I'm not sure. I just got to the nearest place that I could park the car safely to call. I'm not from Hardeeville.

Q Ma'am, were you away from the residence when you contacted law enforcement?

A Yes, I left and called 911.

Q At the time that you were being choked, could you breath?

A No.

Q Okay.

A At first. But then she wouldn't let go and she kept getting tighter and tighter. And that's why I had to try to get to her eyes because she was not letting go.

Q Ma'am, did you act in self-defense?

A Yes, I absolutely acted in self-defense.

MS. CARMODY: Thank you. No further

1 questions.

2 THE COURT: Anything else, Solicitor?

3 MS. MOLINA: I don't have any other

4 questions. No cross.

5 THE COURT: All right. Thank you.

6 Ma'am, thank you very much. You can step

7 down.

8 All right. You can call your next

9 witness.

10 MS. CARMODY: Your Honor, the defense

11 rests.

12 THE COURT: All right. Ladies and

13 gentlemen, the defense has rested. It will be

14 impossible to finish the case today. What's left

15 will be closing arguments, and then my instruction

16 to you on the law. After that, you will retire to

17 the jury room where I expect you will then begin

18 your deliberations.

19 Now, folks, I have to apologize for this.

20 I have an appointment tomorrow morning in North

21 Charleston at 9:00 a.m. that I must attend. As a

22 result of that -- and also because of that, I

23 don't have a court reporter tomorrow morning. The

24 court reporter is supposed to be here at 1:00. I

25 will be here by 1:00. I do not believe this

1 THE COURT: Go ahead.

2 MS. CARMODY: Your Honor, thank you. I'd
3 like to renew my motion for a directed verdict.
4 Renewing, again, that the State didn't prove that
5 Miss Keiffer intended to cause physical harm or
6 injury to a household member, specifically
7 because, during the defense's case, we presented a
8 significant amount of evidence that I believe is
9 self-defense, the State didn't disprove any of
10 those elements. Self-defense requires that Leslie
11 was without fault in bringing on the difficulty.

12 Your Honor, I believe the physical
13 evidence in the case, as well as her testimony,
14 and the testimony of Miss Keiffer -- the other
15 Keiffer, the alleged victim, all indicates that
16 she was without fault in bringing on the
17 difficulty. She was dragged out of her chair and
18 she was choked. The evidence is consistent with
19 the scratch marks in the t-zone of her face as
20 testified by law enforcement. Tammy testified to
21 it. Leslie testified to it. The pictures all
22 indicate the scratches in her t-zone are
23 completely consistent with her testimony. Tammy
24 is not without fault in bringing on the
25 difficulty. She was sitting in her chair and

1 Tammy -- Leslie was sitting in her chair and Tammy
2 came out and dragged her out of the chair.

3 Also, Leslie must have actually believed
4 that she was in imminent danger of losing her life
5 or sustaining serious bodily injury. There's
6 absolutely no doubt that being choked is a
7 reasonable belief of imminent danger of losing
8 your life. At a minimum, serious bodily injury.

9 We saw evidence that when she was choked
10 she actually had urinated on herself. There's
11 also no doubt that a reasonable person with
12 ordinary courage would have entertained the same
13 believe, if they were being choked, that they're
14 going to have a fear of impending death.

15 The location of the scratches on Tammy's
16 arm also indicate that she was, as my client
17 demonstrated as well, was being choked with her
18 forearm.

19 Your Honor, she had no duty to retreat.
20 And once the right to self-defense arises, it
21 doesn't necessarily go away until the threat is
22 distinguished.

23 She brought Tammy into the her room. She
24 immediately left the residence and she called law
25 enforcement.

1 I believe that the State has not
2 disproven any of the elements of self-defense, and
3 they also have not put forth evidence that she
4 intended to cause physical harm or injury to a
5 house member.

6 THE COURT: Solicitor?

7 MS. MOLINA: As to intention, the State
8 would rest on its previously arguments made at the
9 directed verdict stage. I will respond to the
10 self-defense in a little more detail as it has now
11 been argued in more detail.

12 The standard for directed verdict does
13 not change because self-defense has been added.
14 The standard is still in the light most favorable
15 to the State that there is some evidence.

16 There has certainly been evidence from
17 which a jury could find this was not a case of
18 self-defense. Testimony from the 911 call.
19 Sergeant Johnson and the victim all indicate that
20 defendant is the one that brought on the
21 difficulty. She's the one that started the fight.
22 And, as the Court is aware, the State only needs
23 to disprove one of the four elements of
24 self-defense.

25 The defendant must have been in actual

1 danger of imminent peril with serious bodily
2 injury or believed herself to be. I think -- it's
3 the State's position that the defendant today
4 believes that she was in imminent peril or serious
5 bodily injury. But when she called 911 on that
6 day, her first sentence was, "This isn't an
7 emergency."

8 The third is, the belief was reasonable
9 and a normal person would believe the same. I
10 think it's unreasonable that a person who is much
11 smaller than somebody else, and the person that
12 they are alleged to have been choking is a person
13 with military experience that that person would
14 believe that they were in reasonable danger.

15 The fourth prong is the defendant had no
16 other means of avoiding the danger, and that prong
17 is for the defense of self-defense. It's not
18 available when it is being -- when self-defense is
19 offered in immunity for prosecution. It applies
20 to this case. She had a duty to retreat. She
21 could have retreated the first time after the
22 argument when they had the spat. She could have
23 retreated after she broke free. And, instead, she
24 dragged the victim to her room. Certainly the
25 State has provided some element -- some evidence

1 of disproving all of these, but, at least, one as
2 required.

3 THE COURT: All right. Thank you,
4 Solicitor.

5 What I will say is this, and I think I've
6 heard sufficient argument. Anything else you want to
7 put on record?

8 MS. CARMODY: No, Your Honor.

9 THE COURT: I just want to give you that
10 opportunity, Counsel.

11 MS. CARMODY: Thank you.

12 THE COURT: I think that, clearly,
13 State v. Butler indicates that, basically, when
14 ruling on a directed verdict motion, the trial
15 court is concerned with the existence of evidence,
16 not the weight. Clearly evidence exists. Just
17 taking the victim's testimony, certainly the jury
18 could accept that as truthful despite excellent
19 cross-examination by defense counsel to point out
20 different elements or different contradictions.
21 But, again, we're talking about the existence of
22 evidence.

23 I also believe that State v. Glover, it's
24 a 2019 unpublished opinion, but basically it says
25 the State -- let's see. It's well-established the

1 directed verdict standard is not altered by
2 defendant's claim of self-defense.

3 And so as it relates to the argument
4 about self-defense, I submit that I think case law
5 both published and unpublished here in this state
6 provide that I'm only to consider the existence of
7 evidence not the weight. And that, as it relates
8 to self-defense, now is not the time to look at
9 change or reevaluate the motion for directed
10 verdict at this stage.

11 And so for those reasons, I'm going to
12 deny the motion for directed verdict.

13 Now, were there any other motions? State
14 have any motions at this point?

15 MS. MOLINA: State has no motions.

16 THE COURT: All right. Anything further
17 from defense?

18 MS. CARMODY: No, Your Honor.

19 I just realized that when I submitted the
20 requested charge to the Court on self-defense that
21 I actually mistakenly left out that, once the duty
22 of self-defense arises, it doesn't go away. If we
23 could include that language in the self-defense
24 instruction.

25 THE COURT: What we're going to do now

1 is, she has emailed you the jury charges. So
2 we're going to take five and then we're -- maybe
3 six, and then we're going to have our charge
4 conference now.

5 MS. CARMODY: Okay.

6 THE COURT: Because I want to go ahead
7 and finish that so that when we come back -- and I
8 apologize to counsel and to the solicitor, but I
9 cannot miss this appointment. It's a pre-visit
10 for a procedure that I'm having in another few
11 weeks. So I cannot miss it. But I will be here,
12 I'm sure, by one o'clock.

13 So what I'd like to do, because I already
14 told the jury I thought we'd be finished at the
15 latest Wednesday morning. I feel bad about that.
16 I want to go ahead and spend a few minutes going
17 over charges now. Okay?

18 MS. CARMODY: Yes, sir.

19 THE COURT: So we'll be at ease until
20 4:15 and then we'll come back in and we'll go over
21 these charges. Okay everybody?

22 MS. MOLINA: Yes, sir.

23 (A break was taken from 4:04 p.m. to 4:16 p.m.)

24 THE DEPUTY: All rise.

25 THE COURT: Thank you. You can be

1 seated.

2 All right. Have you-all had an
3 opportunity to look at or pull up the information
4 my clerk sent to you? From the State?

5 MS. MOLINA: Yes, Your Honor.

6 THE COURT: From the defense?

7 MS. CARMODY: Yes Your Honor.

8 THE COURT: Okay. What I want to do is
9 start at the beginning. And what I would ask is,
10 basically, page 1 and 2 are, sort of, some
11 introductory language. What I want to know is, is
12 there any objection from the State to the
13 introductory language found on page 1 and 2?

14 MS. MOLINA: No, sir.

15 THE COURT: All right. From the defense?

16 MS. CARMODY: No, Your Honor.

17 THE COURT: All right. Now, I do have
18 titles up at the front that are in bold print
19 that's on page 3. I do not read those. That's
20 just giving us an idea of what that charge is.

21 So I would ask: Any objection to my
22 charge, arrest, and indictment not evidence
23 charged from the State?

24 MS. MOLINA: No, sir.

25 THE COURT: From the defense?

1 MS. CARMODY: No, Your Honor.

2 THE COURT: All right. On page 4 and 5,
3 I've got basically duties of the judge. Any
4 objection from the State concerning my duties of
5 the judge charge?

6 MS. MOLINA: No, sir.

7 THE COURT: From the defense?

8 MS. CARMODY: No, Your Honor.

9 THE COURT: All right. Folks, on page 6
10 and 7, I have my credibility of witnesses charge.
11 What I want to know, are there any objection to my
12 credibility of witness charge from the State?

13 MS. MOLINA: No, sir.

14 THE COURT: From the defense?

15 MS. CARMODY: No.

16 THE COURT: All right. Folks, on page 8
17 and 9, I have my presumption of innocence charge.
18 Is there any objection from the State to the
19 presumption of innocence charge?

20 MS. MOLINA: No, sir.

21 THE COURT: Any objection from the
22 defense?

23 MS. CARMODY: No, Your Honor.

24 THE COURT: All right. On page 11 and
25 12, I have my reasonable doubt charge. So what I

1 want to know is, in relation to this charge, any
2 objection from the State?

3 MS. MOLINA: On page 10 and 11?

4 THE COURT: Excuse me. Yes, ma'am. Page
5 10 and 11, I have the reasonable doubt charge.

6 MS. MOLINA: No objection.

7 THE COURT: What did I say?

8 MS. MOLINA: 11 and 12. I thought my
9 papers got shuffled.

10 THE COURT: I was deliberately trying to
11 pull a fast one on you. Okay? And so I'm glad
12 that you're paying attention.

13 All right. On page 10 and 11 my
14 reasonable doubt charge, what about it, defendant?

15 MS. CARMODY: No objection.

16 THE COURT: All right. On page 12 and
17 13, I have a direct and circumstantial evidence
18 charge. Is there any objection from the State
19 concerning my direct and circumstantial evidence
20 charge?

21 MS. MOLINA: No, sir.

22 THE COURT: Anything from the defense?

23 MS. CARMODY: No objection.

24 THE COURT: All right. On page 14, I
25 have a spoliation of evidence charge. Any

1 objection from the State?

2 MS. MOLINA: Yes, sir.

3 THE COURT: Yes, ma'am.

4 MS. MOLINA: I do have an objection.

5 Miss Carmody cited Kershaw City Board of
6 Education vs. United States Gypsum, 302 S.C. 390,
7 a 1990 case. That is a civil case dealing with
8 asbestos. I Shepardized it and -- I Shepardized
9 it and found State v. Breeze, which I'm passing to
10 defense and Your Honor.

11 THE COURT: Yes, ma'am.

12 MS. MOLINA: As well as State v. McBride.

13 THE COURT: And what would they -- what
14 do you submit that these cases stand for,
15 Solicitor?

16 MS. MOLINA: On page 9 of
17 State v. Breeze, a case in which the defendant was
18 charged with possession with intent to distribute
19 marijuana. The marijuana was destroyed. On
20 page 9 in the second column it says in support of
21 this argument, the defendant cites the case that
22 Miss Carmody cites. However, that case is civil
23 and it's clearly distinguishable on the grounds to
24 criminal cases. "Even greater caution should be
25 exercised by the courts in permitting an adverse

1 inference common in criminal proceedings than in
2 civil proceedings."

3 In this case, they did not read an
4 adverse inference charge. And, again, that was
5 possession with intent to distribute marijuana
6 where the marijuana was destroyed.

7 THE COURT: All right. Counsel?

8 MS. CARMODY: Yes, Your Honor. I'm
9 looking up the -- I had another case as well.

10 MS. MOLINA: Just as to my other case --

11 THE COURT: Go ahead. That's fine.

12 MS. MOLINA: State v. McBride is a case
13 in which -- a 2016 case. State v. Breeze is a
14 2008 case. Kershaw is a 1990 case.

15 In McBride, it was a criminal sexual
16 conduct in which the victim's shirt was lost.
17 They reiterated their point from Breeze on page 6
18 through 8 -- excuse me. Page 8, beginning at the
19 bottom of the first column, "Adverse inference
20 charges are rarely permitted in criminal cases,"
21 noting adverse inference charges based on missing
22 evidence have been limited to civil cases in
23 South Carolina.

24 The State's position, an adverse
25 inference charge is not appropriate in this case.

1 It wasn't read in either McBride, which is a
2 criminal sexual conduct and a t-shirt, or Breeze,
3 which is a possession with intent to distribute
4 marijuana where the marijuana was destroyed.

5 The Court of appeals have agreed it
6 should not be charged in either of those cases.

7 It certainly shouldn't be charged in this
8 case where the missing evidence is body camera.

9 THE COURT: The missing evidence is what?

10 MS. MOLINA: Body camera.

11 THE COURT: Body camera. Yes, ma'am.

12 MS. CARMODY: Your Honor, I'm going to
13 look up the case law that I actually used -- I had
14 a previous trial with a similar issue and the
15 Court gave the same charge. I'm trying to find
16 the same case law.

17 THE COURT: Okay. Take your time.

18 MS. CARMODY: But the big distinction
19 between what Miss Molina is talking about, they're
20 talking about marijuana and a t-shirt, and in this
21 case we're talking about the credibility of
22 witnesses and what their witness statement was at
23 the time they made it. That's a huge distinction,
24 you know, because you have -- evidence has already
25 been tested and then it's lost, things like that.

1 This is a credibility determination of --
2 you know, we have law enforcement up here
3 testifying as to what was said with an incident
4 report that was literally about this long and
5 photographs and a lot of inconsistencies in
6 statements, so I believe that -- there is also a
7 statute, a body cam statute. Law enforcement is
8 required to follow it. They have that policy in
9 place.

10 And I also have case law as well. I
11 believe the case I'm looking for concerned --
12 actually, it's a speedy trial violation. And the
13 Supreme Court denied the speedy motion, but said
14 part of the reason they were doing that is because
15 evidence had been lost. That's part of the
16 argument, you know, a speedy trial violation, and
17 evidence had been lost, and, had the case been
18 tried sooner, they would have the evidence. And
19 they said, you know, part of the reason that they
20 denied the speedy trial and didn't overturn that
21 decision was because a negative inference charge
22 was given on the spoliation of evidence, and
23 that's the case I'm looking for.

24 THE COURT: All right. I'm just going to
25 have to think about this one because, quite

1 frankly, it looks like it could be charged or not
2 be charged. As I look at these cases, I think
3 it's up to the charge as to whether or not it's
4 going to be charged.

5 Is that not basically what the cases that
6 you presented with, Solicitor, are saying? It's
7 not saying the judge can. It's just saying that
8 you don't have to, as I just heard your synopsis;
9 is that correct?

10 MS. MOLINA: Essentially. It said that
11 it should be charged in very rare cases.

12 THE COURT: I understand that.

13 MS. MOLINA: And, yes, State's position
14 is this is not a rare case, but yes, sir.

15 THE COURT: And I wouldn't expect you to
16 think that it was.

17 But the reason I'm asking the question is
18 because I like to, kind of, reduce everything to
19 the lowest common denominator, and, for me, the
20 easiest and simplest thing to understand -- and
21 you know that. You've seen me in Beaufort and
22 that's what I try to do.

23 And so, my understanding will be -- as
24 I've read this, I understand you don't think it's
25 the case. But what I want to make sure is, as I

1 read this, it looks that if the judge in his or
2 her opinion can justify that, then that's going to
3 be a matter, potentially, within their discretion
4 absent their use of it.

5 And there's one other case, Cheeseburger
6 --- Cheeseboro, not cheeseburger. Maybe I'm
7 hungry. There is a Cheeseboro case. I want to
8 read that case. That's State vs. Cheeseboro,
9 552 S.E.2d 300. So I will also tell you-all
10 somebody will be reading that case this evening.

11 MS. MOLINA: 552 S.E.?

12 THE COURT: S.E.2d 300, State vs.
13 Cheeseboro. State of South Carolina Supreme Court
14 case, 2001. And it is actually referenced in our
15 charge book.

16 So I'm going to look at those cases, the
17 two that the solicitor provided me, the Cheeseboro
18 case that is in the charge. What I will do is, I
19 will make a determination.

20 I understand why, Solicitor, you believe
21 that it should not be included.

22 And I certainly understand, Counsel, your
23 argument as to why it should.

24 Okay. Any further discussion concerning
25 the spoliation of evidence charge that we need to

1 make, and I'm happy to hear from anybody.

2 MS. MOLINA: Not from the State.

3 MS. CARMODY: Your Honor, that case that
4 I was referring to where the Court was looking at
5 whether there was a speedy trial violation, that
6 was State v. Reaves. That's a Supreme Court case,
7 and the cite is 777 S.E.2d 213. That's a 2015
8 case. And part of -- I actually listen to the
9 oral argument on the cases too. Part of the
10 argument, I mean -- you know, they're talking
11 about is that there was no violation of a right to
12 a fair trial and a speedy trial violation because
13 of the spoliation of evidence charge. It, kind
14 of, mitigated the whole thing, if that makes
15 sense.

16 THE COURT: All right. I will look at
17 that case also.

18 Yes, ma'am.

19 MS. MOLINA: Just in response, I'm not
20 aware that there has been a speedy trial violation
21 in which we need to mitigate with a spoliation
22 charge.

23 THE COURT: Well, I understand.
24 Obviously, in this case not. But I think she's
25 making an analogy here. I'm trying to pick up how

1 she thinks it could be related. Is that correct,
2 Counsel?

3 MS. CARMODY: Yeah. I'm just saying that
4 -- well, it's also a due process argument that was
5 made here, similar to my motion to dismiss that I
6 made earlier. So, in a way, it all ties in.

7 THE COURT: All right. Give me one
8 second.

9 All right. On page 15 and 16, I have a
10 self-defense charge. And, of course, the reason
11 that I have that highlighted at the top is because
12 I'm sure there will be some conversation
13 concerning that, or I anticipate there would.
14 Maybe not.

15 Solicitor, do you have any issues
16 concerning my self-defense charge that's found on
17 page 15 and 16?

18 MS. MOLINA: I think there -- the defense
19 has certainly raised a question of self-defense.
20 I believe the standard is, if there's any evidence
21 of self-defense, some self-defense charge must be
22 charged, as I understand it.

23 Specifically, to this charge that's here,
24 my first issue is that the defendant -- on
25 page 16.

1 THE COURT: Yes, ma'am.

2 MS. MOLINA: If the defendant was on her
3 own premises, she had no duty to retreat before
4 acting in self-defense. It's my belief -- and if
5 Your Honor allows, I will certainly look for case
6 law tonight -- that there is a duty to retreat
7 when it's self-defense as a defense. There is not
8 a duty to retreat when it's related to the
9 Castle Doctrine and being used as an immunity from
10 prosecution. There has been no stand your ground
11 hearing in this case.

12 THE COURT: Right, right.

13 MS. MOLINA: We're certainly not talking
14 about being immune from prosecution. We're here.

15 So it's my belief there is, as it relates
16 to self-defense, a duty to retreat. And, you
17 know, I can't think of a case off the top of my
18 head, but certainly --

19 THE COURT: What you're saying is -- let
20 me interrupt you for one minute. Because, again,
21 you're saying in regard to what I would call the
22 second paragraph, it's basically a sentence, you
23 believe that the language, if the defendant was on
24 her own premises, she had no duty to retreat
25 before acting in self-defense.

1 Is it my understanding you're saying that
2 would apply, you believe, to the Castle
3 Doctrine --

4 MS. MOLINA: Yes.

5 THE COURT: -- and not self-defense as it
6 exists in this case?

7 MS. MOLINA: Yes, sir. Because it
8 essentially negates that fourth prong that the
9 State -- that all four prongs must be present.
10 The State just needs to disprove one prong.
11 Saying she doesn't have a duty to retreat
12 eliminates that fourth prong, which is why I
13 believe it's only available in a Castle Doctrine
14 setting.

15 THE COURT: All right. Other than that,
16 anything else?

17 MS. MOLINA: I recognize that on page 15
18 in the second paragraph it says four elements must
19 be present. My concern is that the jurors are not
20 going to hear, depending on if you send this back
21 with them, appreciate that, in fact, all four need
22 to be proved in order to find self-defense.

23 THE COURT: Where are you reading from,
24 I'm sorry?

25 MS. MOLINA: The second paragraph.

1 THE COURT: Yes, ma'am.

2 MS. MOLINA: To establish self-defense in
3 South Carolina four elements must be present. My
4 concern is that the jury is not going to
5 appreciate that that means all four elements must
6 be present. And if they find that one of the
7 elements is not met that it's not self-defense.

8 THE COURT: So you're saying it should
9 read how?

10 MS. MOLINA: I think "must" should be
11 included, but an added, "All four elements must
12 exist in order for it to be self-defense." Just
13 another sentence showing that it's important to
14 have all four.

15 THE COURT: How about, "The following
16 four elements must be present"?

17 MS. MOLINA: "Must all be present"? "The
18 following four must all be present"? Because I
19 certainly don't want it to become a burden issue.
20 That's not what it is at all. It's still the
21 State's burden to disprove self-defense. It's
22 just self-defense is not met if we disprove one of
23 them.

24 THE COURT: All right. I'm happy to hear
25 from the defense concerning the self-defense

1 charge.

2 MS. CARMODY: Yes, Your Honor. Your
3 Honor, I would submit to the Court that we should
4 leave the language as it, because I actually took
5 that from the case that -- and I have to pull up
6 the case and my email is not working right now.
7 The case that I sent to Your Honor. That's where
8 the language came out of. That was the
9 Supreme Court case. And they said this is the
10 language used for self-defense. And it's also in
11 the charging book as well. I would stick with
12 that language because it's been tried and true and
13 it hasn't caused any problems and it works.

14 I did notice a typographical error a few
15 lines up.

16 THE COURT: Yes, ma'am. Don't tell it to
17 me tell. Tell it to this one right here.

18 MS. CARMODY: It just needs a space
19 between "she" and "was". That's all. A little,
20 little small one.

21 THE COURT: Hold on a second. Let's slow
22 down.

23 All right. I think, perhaps, the way
24 that ought to read is, "To establish self-defense
25 in South Carolina the following four must be all

1 be present." I think that -- I think that makes
2 it abundantly clear. I think that's what the law
3 is, Defense Counsel.

4 MS. CARMODY: Okay.

5 THE COURT: And so, if you want to object
6 as relates to that, you certainly can object for
7 the record. But I believe that that is -- that's
8 on point as to what I think the law is.

9 So what else do you have concerning the
10 self-defense -- and where was the typo?

11 MS. CARMODY: It was in the line three up
12 from the bottom. "If you believe that she was,"
13 it's all squished together.

14 THE COURT: Oh, yeah. I'll have to give
15 somebody a pink slip for that.

16 All right. That's a joke. She does an
17 unbelievable job. Okay. Unbelievable job.

18 MS. CARMODY: And then with regards to
19 the duty to retreat, Your Honor, if I could pull
20 up that case and send it to you regarding the duty
21 to retreat. I believe it actually specifically
22 addressed a domestic violence situation where
23 there was no duty to retreat, but I'm not sure
24 that it was only applicable to the
25 Castle Doctrine. I'd have to look at the case,

1 and it's not working properly.

2 And I would just request that once the
3 duty -- once the right to self-defense arises,
4 that the right doesn't go away. And I'm also
5 looking for the specific language on that as well.

6 THE COURT: All right.

7 MS. CARMODY: It's standard language,
8 though. I'm trying to find it.

9 THE COURT: All right. Solicitor, as it
10 relates to the paragraph and page 16, I'm not
11 finding any laws as it relates to that. I mean,
12 I'm not -- I mean, you want that out because
13 you're saying it applies to the Castle Doctrine,
14 most to where -- I'm not following that.

15 MS. MOLINA: Your Honor, I have been
16 wrong before.

17 THE COURT: Well, I've been wrong plenty
18 of times. That's why I'm asking.

19 MS. MOLINA: Certainly, you know --

20 THE COURT: All right. I understand your
21 position on that. I going to keep that in.

22 MS. MOLINA: Keep it in?

23 THE COURT: Yes, ma'am.

24 MS. MOLINA: If I find a case at some
25 point tonight and send it to everyone, can it be

1 reconsidered?

2 THE COURT: As long as it's before 9:30.

3 No, I'm just joking. You find a case tonight and

4 send it -- you send it to my law clerk.

5 MS. MOLINA: Yes, sir.

6 THE COURT: Okay. That's who gets it.

7 MS. MOLINA: Yes, sir.

8 THE COURT: All right. I may change my

9 mind as it relates to that.

10 Anything else on 15 and 16 other than

11 what we've talked about?

12 MS. CARMODY: Nothing else.

13 THE COURT: All right. Page 17 and 18,

14 intent. What we got on intent, Solicitor?

15 MS. MOLINA: I don't know if there is a

16 general intent charge.

17 THE COURT: That's why I have this

18 highlighted.

19 MS. MOLINA: It reads as "specific

20 intent," which this case is not. There is a

21 sentence, you know, admittedly, that says, "It may

22 be established by inference in the same way as any

23 other act or any other fact by taking into

24 consideration the acts of the parties and the

25 circumstances." Just, the way it reads, it reads

1 like specific intent. Especially by, you know,
2 purpose, intent, knowledge, recklessness.

3 THE COURT: She's looking to see if we've
4 got something. Let me hear from the defense.

5 MS. CARMODY: Your Honor, I have no
6 objection to the intent charge. I don't believe
7 that it does read as specific intent.

8 THE COURT: Hold on one second.

9 Solicitor?

10 MS. MOLINA: Yes, sir.

11 THE COURT: I understand your concern
12 concerning this charge, but, I mean, it looks to
13 me like this is the intent charge. It's the only
14 charge they give us in the charge book. Not that
15 the charge book is the be all, end all, but it
16 does not distinguish between a general intent
17 charge and a specific intent charge. I think that
18 this is the intent charge that is used.

19 MS. MOLINA: Okay.

20 THE COURT: So, as a result, this is the
21 charge that I'm going to use, and I think it's
22 appropriate in this case. Okay?

23 MS. MOLINA: Yes, sir.

24 THE COURT: All right. Page 19, I've got
25 the criminal domestic violence charge. Any

1 objection from the State?

2 MS. MOLINA: My only change would be
3 instead of criminal domestic violence, domestic
4 Violence 3rd.

5 THE COURT: Do you have a problem with
6 that?

7 MS. CARMODY: No, Your Honor.

8 THE COURT: Okay. So we're going to
9 change that to domestic violence 3rd. In the
10 olden days, we called it criminal domestic
11 violence.

12 MS. MOLINA: Yes, sir.

13 In this case, and as she was indicted,
14 she was indicted for actual injury. So I'm not
15 sure that we need the "or attempted to cause with
16 present ability..." She was only indicted under
17 the actual injury.

18 THE COURT: Hold on one second. So where
19 are you saying these need to come out, Solicitor?

20 MS. MOLINA: One, two, three, four, five.
21 On the fifth line, it ends with "or," and then it
22 talks about "...attempting to cause physical harm
23 or injury..." blah, blah, blah. She wasn't
24 indicted under both sections, just the first one
25 which is physical harm or injury.

1 THE COURT: Defense?

2 MS. CARMODY: No objection.

3 THE COURT: All right. So we're going to
4 take out "household," and we're going to then take
5 out, "...or that the defendant offered or
6 attempted to cause physical harm or injury..." to
7 where?

8 MS. MOLINA: I think just the rest of
9 that paragraph.

10 THE COURT: The rest of the sentence?

11 MS. MOLINA: Yes, sir. That's just the
12 language from the statute in that section.

13 THE COURT: All right. Miss Carmody, you
14 agree with that?

15 MS. CARMODY: Yes, Your Honor.

16 THE COURT: So then we'll pick up with
17 "...a household..." correct, from the State?

18 MS. MOLINA: Yes, sir, that's fine.

19 THE COURT: Correct, from the defense?

20 MS. CARMODY: Yes.

21 THE COURT: Any objection to my
22 conclusion?

23 MS. CARMODY: No objection, Your Honor.

24 MS. MOLINA: No, sir.

25 THE COURT: All right. And so that takes

1 us to the end. So, basically, what I'm going to
2 do is make a decision about the -- let's see.
3 What did I put here? Make sure I got everything.

4 All right. I'm going to a decision about
5 the spoliation of evidence.

6 I'm going to have her correct the typo
7 and take out the language that we agreed to be
8 removed and then that should do it.

9 Yes, ma'am. Hold on one second.

10 Yes, to establish self-defense in
11 South Carolina, the following four elements must
12 be present. That's the way it's going to read. I
13 think that met with the State and with the
14 defense's approval. Is that correct from the
15 State?

16 MS. CARMODY: That's fine, Your Honor.

17 MS. MOLINA: Yes.

18 MS. CARMODY: That's fine, Your Honor. I
19 would just -- with the self-defense, "once the
20 self-defense arises," that language there. Like,
21 "Once the right to self-defense arises..." I'm
22 trying to think. I'm think I'm just tired. But
23 there's language that once the right arises, it
24 doesn't just go away. And I've seen it so many
25 times. I'm just trying to find it. My computer

1 is not cooperating. I can send it to Your Honor.
2 I know I have it.

3 THE COURT: Well, the reason I wanted to
4 have this tonight -- or today is because I don't
5 want to be in a situation where I got to change
6 something tomorrow. You can send something to my
7 clerk and we certainly can consider it. Okay?

8 MS. MOLINA: Yes, sir.

9 MS. CARMODY: Yes, sir.

10 MS. MOLINA: And just a matter of
11 housekeeping, the State has no objection if
12 Your Honor wants to send the instructions back. I
13 don't know if you do that.

14 THE COURT: All right. Well, let me tell
15 you what my position is on that, because also my
16 -- I think my conclusionary language has to be
17 modified depending on what's goes on. Okay?

18 The way I do it is this: If both parties
19 want the charge to go back, the charges go back.
20 If there is a disagreement, if one wants it to go
21 back and one doesn't want it to go back, they
22 don't go back. If the parties don't take a
23 position, then I default old school, which is they
24 don't go back.

25 So what you're telling me is, you don't

1 have an objection to the charges going back; is
2 that correct?

3 MS. MOLINA: Yes, sir.

4 THE COURT: All right. So what would be
5 your pleasure, Miss Carmody? It's up to you.
6 Whatever you want to do.

7 MS. CARMODY: I have no objection to them
8 going back, Your Honor.

9 THE COURT: All right. So we will send
10 the charges back.

11 Now, my next question is this: Some
12 charges, Judge Brown, they will go and they will
13 read the charges before closing. That is, they
14 will read the jury charges to the jury, then
15 allowed the parties to make their closing
16 arguments. My position is to read first and then
17 close unless the parties agree. And so I leave
18 that. Does the State have a preference whether
19 they would want to have me charge and then you
20 have you argue? What say you?

21 MS. MOLINA: The State's position is that
22 we argue first and then charge.

23 THE COURT: Then that's what we're going
24 to do. No need for me to even ask Miss Carmody
25 because I default to that way. Unless both agree,

1 I default old school. Okay?

2 So what we'll do is, we'll be back here.

3 I need you-all back here probably about 12:30.

4 Okay? That will give us an opportunity --

5 Miss Carmody, is that okay? \

6 MS. CARMODY: Yes, Your Honor.

7 THE COURT: All right. So what that will
8 do is give us an opportunity to make sure we got
9 all our housekeeping matters out of the way so we
10 can get the jury in here, have you close. I won't
11 limit you and start tapping the pen, and things
12 like that, like other folks have done. Okay?
13 I'll allow you to do whatever it is you need to
14 do, and then I'll read the charge.

15 Oh, verdict form. Verdict form. Have
16 you-all looked at the verdict form?

17 MS. MOLINA: Yes.

18 THE COURT: So State, does the State have
19 any objection the verdict form?

20 MS. MOLINA: State would like guilty
21 first, but I understand you give the instruction
22 that you switch them back and forth.

23 THE COURT: I do give "not guilty" first
24 every time.

25 MS. MOLINA: Yes, sir.

1 P R O C E E D I N G S (CONT'D)

2 * * * * *

3 (Whereupon, at 12:52 p.m., the hearing
4 continues on Day 3.)5 THE COURT: We were in chambers just a
6 moment ago and Ms. Carmody brought to my attention
7 that she wanted to renew a motion at this time.

8 Is that correct?

9 MS. CARMODY: Yes, Your Honor.

10 THE COURT: All right. Does the State have
11 any objection to that? I mean if you want to put an
12 objection on the record, I'll let you.

13 THE SOLICITOR: No, sir.

14 THE COURT: All right. No objection. I'm
15 going to allow it. Go ahead, ma'am.

16 MS. CARMODY: Thank you, Your Honor.

17 Your Honor, I would like to renew my motion
18 to dismiss for the due process violation that I --
19 we talked about -- well, I argued earlier in this
20 case, and I'm citing the State vs. Cheesboro. And
21 that's the Supreme Court case filed by 2 S.E.2nd
22 300, and in that case the Court says to establish a
23 due process violation, defendant must demonstrate
24 that the State destroyed evidence in bad faith or
25 that the evidence possessed in exculpatory value

1 apparent before the evidence was destroyed and the
2 defendant cannot obtain other evidence of comparable
3 value by other means. In this case, Your Honor,
4 Officer Jefferson -- Jackson testified that she had
5 her body camera on that day, that she uploaded it to
6 evidence.com and that the -- at the end of her
7 shift, but the evidence no longer exists, that the
8 prior Jasper County Sheriff's administration had
9 destroyed that evidence. It's gone. It no longer
10 exists. There's no doubt in my mind that when
11 officers go to a domestic violence call, that their
12 body cameras would have exculpatory value because
13 you're looking at the scene, the victim in this case
14 has testified there was broken glass, there was a
15 kitchen that was destroyed, none of those things is
16 in these pictures. Additionally, he says, you know,
17 they are off the photos. They're in another area
18 that the officer didn't take photos of.
19 Additionally, I believe that the defendant's
20 demeanor as well as the victim's demeanor would be
21 absolutely relevant. There's no way we can
22 determine how they perceived at the time without
23 body cam, and I do not believe we can obtain the
24 information in any other way. It was destroyed, and
25 it would have been exculpatory to my client. I

1 believe that satisfies the Cheesboro test, and I
2 would ask the Court to dismiss the charge.

3 THE COURT: All right. Do you want to make
4 a response?

5 THE SOLICITOR: Briefly, Your Honor.

6 THE COURT: Yes, ma'am.

7 THE SOLICITOR: The State rests primarily
8 on its earlier arguments, but as to testimony that
9 it's all come out in trial, there was absolutely no
10 indication of bad faith on the part of Sergeant
11 Johnson or of Jasper County Sheriff's Office. She
12 testified that she followed policy to do exactly
13 what she was supposed to do, and then when she went
14 to look for it, she also could not find it.

15 As for the exculpatory prong, Ms. Carmody
16 believes that it would be exculpatory to find out
17 the scene damage, Ms. Kieffer is not on trial for
18 any property damage related charges or anything like
19 that. She talks about the demeanor of both the
20 victim and the defendant. We heard that in their
21 911 calls. Sergeant Johnson testified to how they
22 appeared, and we also have the report. I think
23 everything that Ms. Carmody laid out that she would
24 like to see we have found in the other areas of
25 evidence that we do have. I would just go back to

1 the State v. Breese and State v. McBride. The State
2 v. Breese is a possession with intent to distribute
3 marijuana. In that case, the marijuana was
4 destroyed. And in State v. McBride, it's a criminal
5 sexual conduct where the victim's shirt was lost.
6 In both of those cases, the charges were not
7 dismissed because of that missing evidence.

8 THE COURT: All right.

9 I'm going to deny your motion. I think
10 you've protected the record. Actually this kind of
11 hits into the whole spoliation charge that I had
12 taken under advisement and had looked at. And I'm
13 ready to go ahead and I think in the process of
14 stating my position on that, on the charge, which,
15 by the way, I'll just tell you right now, I'm not
16 going to allow spoliation charge, and I'll explain
17 why. But I think that my explanation could also be
18 used as to why I deny your motion, Counsel. I think
19 the Cheesboro case stands for the principle among
20 other, the State does not have an absolute duty to
21 safeguard potentially useful evidence that might
22 vindicate a defendant. I think that's what it
23 stands for. And as far as the due process
24 violation, I think basically the defendant's got to
25 show that the State destroyed evidence in bad faith,

1 and quite frankly, I don't think there's any bad
2 faith that's been shown that they destroyed this or
3 did anything wrong. In fact, the only thing that --
4 the only testimony that came out was that she did
5 what she was supposed to do. She was a very
6 credible witness. I was able to personally observe
7 her demeanor, the way she answered questions, not
8 only from the State, but also in her response to
9 you, ma'am, she was very straightforward, and I
10 don't think there's a lick of bad faith -- you'd
11 indicated that the prior administration destroyed, I
12 don't think there's any evidence that the prior
13 administration destroyed. It's not there. And why
14 it's not there, I don't know. But I don't think
15 that there's any evidence to show it was destroyed.
16 The fact that the evidence possesses a exculpatory
17 value and that the defendant cannot obtain by other
18 means, I just don't believe that's the case. Again,
19 I don't think there's a due process violation
20 because the evidence appears to have been deleted or
21 moved for an unknown reason. The defendant's failed
22 to show that it was destroyed, bad faith, and also
23 again, the defendant's not shown that it was of
24 exculpatory information on the video. I think that
25 that's just speculation as to what may be on the

1 video. I don't think there's anything there. And I
2 think the defendant has the ability to cross-examine
3 the witnesses, which, quite frankly, your cross-
4 examination, ma'am, I thought was effective, and you
5 brought those things up on cross-examination. And
6 so I think that you had that opportunity. You also
7 had access to the officer's report and, again, I
8 just think that you haven't met the burden there.
9 State v. Breese, the defendant has -- let's see, we
10 were looking at that, hold on one second. I mean
11 you had the ability from commenting about the
12 mistake and certain I'm sure you brought that up in
13 cross-examination, and I feel confident that you
14 will bring that up in close as it relates to the
15 fact, you know, of making comment on the weight of
16 the evidence and the fact that it's missing, I
17 think, is fair game. I think you've got the ability
18 to do that. And adverse instructions not to be
19 given, it is rare. Counsel brought that up
20 yesterday when I put her on the spot and said is it
21 by discretion, and she said, yes, but then she said
22 this isn't the case. I understand why she says it's
23 not the case, I submit that a case where it would be
24 is if the officer was on trial. If the officer was
25 on trial for assault and the officer had been gone

1 or somehow had surreptitiously removed that video, I
2 think that's the type of case we're talking about,
3 not a case of this nature.

4 Let's see, what else did I write down?
5 Hold on one second. The Court in State vs. Simmons,
6 276 S.C. 479 1976 say even greater caution should be
7 exercised by the courts in permitting an adverse
8 inference comment in criminal proceedings. That is
9 civil proceedings. State vs. McBride, 416 S.C. 379
10 says adverse inference charged to the jury on behalf
11 of -- by the party is not warranted except under the
12 most unusual circumstances. Again, I just don't
13 think that this case warrants the unusual
14 circumstance that the Court would envision as it
15 relates to the adverse -- or as it relates to a
16 spoliation charge. And ma'am, for those reasons,
17 I'm going to respectfully deny the motion as it
18 relates to your argument about the process rights,
19 and also I'm going to deny your motion as it relates
20 to the spoliation jury charge.

21 That would be my ruling.

22 Now I also understand, Ms. Carmody, that
23 you forwarded --

24 MS. CARMODY: Yes, Your Honor.

25 THE COURT -- a potential charge last night

1 to my clerk, and has the State had an opportunity to
2 look at the charge?

3 THE SOLICITOR: The charge of the
4 continuing self-defense as long as the danger --
5 that one?

6 THE COURT: Well, actually there were two
7 things, were there not?

8 MS. CARMODY: Well, Your Honor, so
9 essentially what I was trying to explain yesterday
10 is, you know, normally and a lot of the case law is
11 concerning a shooting case, where somebody can shoot
12 until the threat is extinguished. Well, and I did
13 find a case that was a little bit older where it was
14 not a shooting case, it was an abuse case. So --
15 and I think that charge would actually fit better
16 instead of, you know, a person can continue to shoot
17 until -- essentially though it's that the principle
18 is that the right to defend yourself, once it
19 arises, that right continues until the threat is
20 gone. And I think that's an important principle of
21 self-defense, and it also goes to, you know, I mean
22 -- oh, the other issue that I raised was essentially
23 that she does have the -- no duty to retreat in her
24 home. And I think that's bedrock principle in this
25 state with, you know, stand your ground state. And

1 not only does it apply to the Castle Doctrine, but
2 it applies to self-defense as well. I think that,
3 you know, saying she did have a duty to retreat
4 would go against over almost a hundred years of
5 precedent. So I would submit that there's no duty
6 to retreat.

7 THE COURT: All right.

8 Solicitor?

9 THE SOLICITOR: Thank you, sir. I told you
10 that I was going to look for a case saying self-
11 defense and the duty to retreat are specific to the
12 Castle Doctrine and the protection of property and
13 persons act. I did find, as Ms. Carmody said, most
14 cases involving self-defense involve a dead victim
15 either by murder or manslaughter. I did find a case
16 that says the duty to retreat is not required under
17 the act or Castle Doctrine. It was just a one-
18 liner. I think in this case it's not a very strong
19 argument is the State's position. It's still my
20 belief, but that doesn't matter.

21 And as to the one acting in self-defense to
22 repel an unlawful attack, I don't also -- I don't
23 have an objection for that. I was looking for
24 something similar.

25 THE COURT: All right. So it relates to

1 the self-defense -- okay, what is it that you're not
2 objecting to? I want to make sure I've got it.
3 Because I'm going to have to -- I'm not sure what
4 you've -- what are you referring to just now?

5 THE SOLICITOR: The second part?

6 THE COURT: What part is that? I'm sorry,
7 I'm not --

8 THE SOLICITOR: The first part, I don't
9 think that -- I don't have a case that specifically
10 says, "Duty to retreat is only Castle Doctrine."

11 THE COURT: Okay, so --

12 THE SOLICITOR: So I don't think that
13 language that I wanted out of the charge about --

14 THE COURT: The last paragraph on page 15?
15 Is that what we're talking about? I don't know what
16 we're talking about.

17 THE SOLICITOR: The 16, if the defendant
18 was on her in private, she had no duty to retreat.

19 THE COURT: All right.

20 MS. CARMODY: I think it's meant to replace
21 the fourth element, Your Honor.

22 THE SOLICITOR: There's no replacing
23 elements, it just negates it.

24 THE COURT: Let me just -- all right. I
25 don't know what either one of you want. That makes

1 me -- and she doesn't either, I don't believe.

2 Well, she might. So are you-all saying that the
3 fourth element needs to come out?

4 THE SOLICITOR: I think the fourth element
5 needs to stay, and I also think, because I could not
6 find case law to the contrary, if the defendant was
7 on her own premises, she had no due to retreat
8 before acting in self-defense. I think that also
9 stays.

10 THE COURT: So you think that -- let me ask
11 you this. Are you saying that the self-defense
12 charge as read and -- whatever you guys read, you
13 believe that's the way it should be? That's what
14 I'm asking you. I mean I'm not following you.

15 THE SOLICITOR: I think the way that it is
16 now on this page is appropriate.

17 THE COURT: What page? Show me.

18 THE SOLICITOR: Sixteenth, I'm sorry.

19 THE COURT: You made a change?

20 THE SOLICITOR: Oh, is there a change?

21 THE COURT: I have no idea what you're
22 talking about.

23 THE SOLICITOR: This is what I'm looking
24 at. The section that we're talking is the starred
25 one that I initially yesterday objected to.

1 THE COURT: Right. So you're basically
2 saying that the self-defense charges I presented
3 yesterday --

4 THE SOLICITOR: I agree with.

5 THE COURT: -- you agree with?

6 THE SOLICITOR: Now because the case law is
7 muddy. Yes, sir.

8 THE COURT: Okay. All right. And so my
9 question to you, Ms. Carmody, as this charge exists
10 and was presented, which would include the language
11 up here for the defendant, is that satisfactory to
12 you?

13 MS. CARMODY: Yes, Your Honor. Yes.

14 THE COURT: All right. I'm going to stick
15 with the self-defense charge, self-defense charge
16 out of your book, I think it's sufficient. You can
17 then for the record -- anything you want there.

18 MS. CARMODY: Your Honor, because I sent in
19 an email, would you mind if I just read on the
20 record the charge that I was requesting to cover
21 myself?

22 THE COURT: Absolutely.

23 MS. CARMODY: Thank you. Thank you.

24 "Your Honor, the charge that I'm requesting
25 is the continuing right to repel force with force

1 that one acting in self-defense to repel unlawful
2 attack is not guilty of assault. He may repel force
3 with force and continue his self-defense as long as
4 the danger apparently continues. This language is
5 very similar to the line of cases involving
6 shootings with a charge is when a person is
7 justified in firing the first shot, he is justified
8 in continuing to shoot until it's apparent that the
9 danger to his life or the body has ceased." I'm
10 citing Gaffney vs. Putnam 197 S.C. 237 243 -- sorry,
11 15 S.E.2nd 130, it's a 1941 case, and the -- in the
12 shooting cases, that would be State v. Hendrix and
13 that's 204 S.E.2nd 503. That's from 1978. And
14 State v. Morin, and that's at 745 S.E.2nd 148, and
15 that is a 2013 case."

16 Your Honor, I don't believe the State
17 objected to that charge.

18 THE SOLICITOR: Now agreeing with the
19 leaving in the language about no duty to retreat, I
20 think, added this extra layer. What she's saying is
21 covered by the standard charge. If you have the
22 right to self-defense, you have the right to self-
23 defense while you're still being attacked. And
24 that's all that that edition says. I think what we
25 have right here with self-defense is sufficient.

1 And adding anything else is confusing.

2 THE COURT: I note your objection for the
3 record. I think that the charge as it exists out of
4 the charge I've used on numerous occasions I think
5 outlines sufficiently self-defense, and I think that
6 adding additional language at this point will
7 potentially confuse the jury. Thank you.

8 MS. CARMODY: Thank you, Your Honor.

9 THE COURT: All right. Any other questions
10 concerning the charges for the State?

11 THE SOLICITOR: Nothing from the State,
12 Your Honor.

13 THE COURT: From the Defense?

14 MS. CARMODY: Nothing from the Defense,
15 Your Honor.

16 THE COURT: Thank you. All right. She's
17 going to send you a file copy in your email so that
18 if you would like to follow along, you certainly
19 can.

20 Madam Clerk, do we have all of our folks
21 here?

22 MADAM CLERK: Yes, sir.

23 THE COURT: All right. Anything from the
24 State before we bring the jury in?

25 THE SOLICITOR: No, sir.

1 THE COURT: Anything from the Defense?

2 MS. CARMODY: No, Your Honor.

3 THE COURT: Okay.

4 (Whereupon, the Jury enters the courtroom.)

5 THE COURT: All right. Mr. Foreman and
6 ladies and gentlemen of the Jury, we're starting
7 eight minutes after. In court time, that's actually
8 early. I want you to know that, okay. So we're
9 doing better as the week goes on. So we're only
10 eight minutes late today. And I apologize and I
11 accept full responsibility for it. The lawyers have
12 been working hard and been working together so we
13 can streamline this case. And they have done a good
14 job of that.

15 And so what I'm going to do is basically
16 read to you a little bit about what's going to be
17 happening next. It's very short. And then we'll
18 allow the lawyers to begin their closing arguments.
19 All right?

20 Ladies and gentlemen, the parties have
21 presented their evidence in this case, and it's now
22 time for the attorneys to make their closing
23 arguments. The arguments of the attorneys, ladies
24 and gentlemen, are not evidence in this case. Their
25 statements and arguments are meant to help you

1 understand the evidence and apply the law to the
2 evidence. You should disregard any remark statement
3 or argument which is not supported by the evidence
4 presented during the trial or the law that I will
5 explain to you after the arguments. All right?

6 Solicitor, happy to hear from you.

7 THE SOLICITOR: Thank you, sir. May it
8 please the Court?

9 **CLOSING ARGUMENT BY THE SOLICITOR**

10 * * * * *

11 When I first came up here yesterday and
12 spoke to you-all, I told you that this case was
13 about the Defendant losing control. And she lost
14 control when she attacked her wife on March 7th,
15 2020.

16 I also told you that it was my job to prove
17 this case to you-all beyond a reasonable doubt. And
18 the evidence and the witness testimony has shown
19 just that. We started this case with 911 calls.
20 First, you heard from Tammy. She's a little soft-
21 spoken, but otherwise how did she sound? She was
22 calm. She was matter of fact. She said, "She got
23 me, please send help. She attacked me." Okay.
24 Then you heard the Defendant's 911 call, which
25 essentially was ten minutes of rambling. She asked,

1 and this is very important, the dispatcher's first
2 question was where is your emergency? The Defendant
3 says, "It's not an emergency." Why would a woman
4 who is scared for her life tell 911 that the
5 incident that is scaring her is not an emergency?
6 And then she says, "She was attacked." But she's
7 reporting it because she knows Tammy the victim is
8 calling law enforcement. Again, hard to believe
9 from those two comments, her initial comments to
10 dispatch, that this woman is in fear for her life.
11 She tells the dispatcher, "She had her hands around
12 my throat." And that Tammy was threatening to kill
13 her. But remember, not an emergency. She then says
14 two more times, hands around my throat, and also
15 adds that she's being held down. After that, she
16 starts blaming dispatch. She says, "You're going to
17 turn this around on me." And then again says hands
18 around her neck, but now with the addition of also
19 being pulled around the house by her hair. She
20 tells dispatch she's worried Tammy's calling 911.
21 She starts talking about something else that may
22 have happened two days ago, we'll get to that a
23 little bit later. She starts talking about some
24 allergic reaction and some restraining order. What
25 she's saying doesn't make sense, doesn't make sense.

1 And at that point, the conspiracy theories start.
2 She says she was falsely arrested before and blames
3 small-town connections. And two more times says,
4 "Hands around my neck." The Defendant then tells
5 911 the reason that she fled from the house, not
6 because she was scared -- well, she was scared of
7 being falsely arrested, not of being hurt. And in
8 South Carolina, flight is consciousness of guilt.
9 She then says she left before of small-town
10 connections and that she's a veteran. She claims
11 that Tammy uses the law and Jasper County Sheriff's
12 Office to control her. But that's not true, and we
13 know that from the March 5th incident that we will
14 again get to. Defendant is not worried about her
15 life. She gratuitously adds that she's scared a few
16 times, but the thrust of her call is to express
17 concern about being falsely arrested. She then
18 starts yelling at the dispatcher, calling it a scam,
19 from there she talks about cats and kittens, and
20 then starts making threats. If anything happens to
21 those cats or kittens, it's going to get ugly. What
22 does that have to do with an incident in which you
23 are saying you were inches away from death? She
24 then goes back to saying she's not going to be
25 falsely arrested, and there's going to be a civil

1 rights lawsuit. Tammy doesn't use the legal system
2 against the Defendant. The Defendant uses the legal
3 system. Next she starts threatening the County. I
4 dare the County and try it, she starts then saying
5 she's scared of law enforcement. But again, wasn't
6 scared of them two days ago when she called for
7 them. She is also scared again, small-town
8 connections, Jasper County Sheriff's Office, and
9 Tammy. It's a big conspiracy. Everybody is out to
10 get her. It's never her fault. It's always
11 somebody else out to get her. She tells the
12 operator she has two choices, be killed or be
13 falsely arrested. But that doesn't make any sense
14 based on what she said that day and yesterday. She
15 is begging the dispatcher for help, but she's doing
16 that in between her threats and conspiracy theories.
17 And then she seemingly gets annoyed when a cop pulls
18 up behind her. But they're only responding to where
19 she is because she called them. The last about 30
20 seconds of the Defendant's 911 call are also
21 telling, but in a different way. She says, "My keys
22 are in the seat." Says it again, "Keys are in the
23 seat and car is not running." She then asks, "Is
24 this being recorded?" Says again, "My keys are in
25 the seat and the car is not running." Why would she

1 say that? Why is that important for the dispatcher
2 to know and to be recorded? Because she's drunk.
3 That's why. After the 911 call, you heard from
4 Sergeant Johnson, and she did a full investigation.
5 She went to the scene. She met with the victim
6 Tammy. She took pictures of the scene and Tammy.
7 She couldn't meet with the Defendant because she was
8 long gone. She fled. But once she found out where
9 she was, she went and met with her. And she took
10 pictures of her. You saw Sergeant Johnson on the
11 stand. It's one of your jobs to weigh credibility.
12 She is very polite. She is very professional. She
13 is very patient. She's not out to get anyone.
14 She's not out to get the Defendant. Sergeant
15 Johnson, when she arrived, she saw blood on the
16 victim. She saw the victim was wet. She saw dust
17 on the victim, and she saw a wet floor. Most
18 importantly, she saw injury. All of the evidence
19 that Sergeant Johnson saw at the scene corroborated
20 what Tammy told her. She didn't make any arrest at
21 that point. It wouldn't be a full investigation.
22 She then went and talked to the Defendant. And
23 remember, Defendant testified yesterday that the
24 information she gave law enforcement on March 7th
25 was true and accurate. Sergeant Johnson asked her

1 what happened. She stated, "Tammy put her hands on
2 my neck," pushed her to the ground, and that's
3 inconsistent with what she told you-all yesterday.
4 During Sergeant Johnson's investigation, she did not
5 find a single injury on the Defendant. Not a single
6 injury. However, she gave her the benefit of the
7 doubt that maybe that scratch was from the incident.
8 The Defendant got up here, she told you-all, she
9 showed you-all her kittens. It's from cats. So she
10 escaped this life-threatening ordeal literally
11 without a scratch. Sergeant Johnson also didn't
12 observe a single red mark on the Defendant. And I
13 think it's fair to say that she is pretty fair
14 skinned. If she was grabbed the way that she said
15 she was grabbed, there would be red marks somewhere.
16 There were no red marks. Sergeant Johnson just took
17 a closeup after she said, "My neck." No red marks.
18 Also unlike Tammy, not a single indication that she
19 was on the floor. No dust. The Defendant also peed
20 on herself. She told you-all that. Her attorney
21 pointed it out in the picture. And she would like
22 you to believe it's because she was scared and in
23 fear for her life, in a situation she described as
24 not an emergency. She wasn't scared. She was
25 drunk.

1 There's also been a big deal made about
2 body cameras. But it doesn't matter. You heard
3 from almost everybody that was there, you heard the
4 911 calls, you heard Sergeant Johnson, who responded
5 to both of them, testified. And you heard from the
6 victim and the Defendant, the fact that body cameras
7 aren't around doesn't matter.

8 Next you heard from Tammy. She's the
9 victim in this case. She told you-all that she and
10 the Defendant were married and living together at
11 the time at [REDACTED] Old Charleston Highway, and that at
12 the end of a long ten-hour shift she likes to have a
13 drink with her wife and unwind. But that didn't
14 happen on this day. Instead, an argument started.
15 And during that argument, that Tammy couldn't even
16 really remember exact what was it about, Defendant
17 lunges at her. And Tammy told you that when she's
18 like that, she can't keep her hands off of her. So
19 Tammy walks away, doesn't engage. Defendant senses
20 she's losing control. So she needs to get her
21 attention. She needs to make her come back out.
22 How does she do that? She starts tearing up the
23 kitchen. She starts throwing stuff. Upon hearing
24 that, Tammy went back out, has an ashtray thrown at
25 her, which again is corroborated in these pictures,

1 there are cigarette butts down in the corner, and
2 after that ashtray is thrown, the Defendant attacks
3 her. She is drunk and she is angry. And it's made
4 worse by the fact that Tammy is not engaging. By
5 the time the victim Tammy is back in the kitchen,
6 the Defendant has lost all control. She lunges and
7 takes her to the ground. She chokes her. She slaps
8 her, and she scratches her. And then like a rag
9 doll, drags her around the house and she says,
10 "places," I don't know how you place somebody when
11 you're dragging them. She dragged her into the
12 bedroom where Tammy was finally able to close the
13 door and call for help. Tammy was honest. She told
14 you-all and law enforcement that day that she pulled
15 her hair, that that was the only thing that she did,
16 and she did it to get her off of her. That makes
17 sense, because it's supported by the evidence.
18 There is no red marks. We wouldn't see hair-
19 pulling. Everything that Tammy said to law
20 enforcement on March 7th, 2020, and to 911 and
21 yesterday what she told you-all is consistent. The
22 evidence is consistent. Her injuries are
23 consistent. The state of the house is consistent.
24 A big to-do was also made about no glass or hammer
25 being found, but that doesn't matter. Tammy told

1 you it didn't matter. She didn't care about that.
2 She was worried about her own personal safety.
3 That's why she called for help. And it's like the
4 Defendant says, Tammy uses law enforcement to
5 control her, wouldn't she certainly bring that up?
6 Next, you heard from the Defendant. She
7 took the stand and put on a very theatrical
8 performance. She was crying, and she did a
9 demonstration on her attorney. But what she said
10 doesn't make sense and doesn't add up. On March
11 7th, 2020, she said about seven times between law
12 enforcement and 911 that hands were used to choke
13 her. And that in self-defense only she scratched
14 Tammy and that the argument was over some property.
15 And, again, I remind y'all, she said that what she
16 told law enforcement on March 7th was true and
17 accurate. Yesterday her story was different. From
18 the beginning, she was evasive with me. I asked her
19 if she as bigger than Tammy, she said twice that
20 Tammy has bigger hands before admitting she was
21 taller. She also downplayed the argument, calling
22 it a spat, but that Tammy left the kitchen, and in
23 her belief, in which she's the victim, Tammy comes
24 back to give her a hug after this spat; but instead
25 of hugging her, she randomly attacks her for Tammy

1 getting Defendant's refund check that she told y'all
2 she didn't even know about. That makes no sense.
3 Why would somebody attack somebody else about
4 something they don't even know? It doesn't make
5 sense, it's not true, and it's a lie.

6 She also claims, Tammy, who you saw, she's
7 little, she's petite, and suffers from COPD and
8 emphysema, pulled her out of a chair by the hair,
9 and put her in what was like kind of demonstrated as
10 an MMA chokehold move. And in that chokehold she
11 was fighting for her life against this petite,
12 little woman. I asked her about the inconsistencies
13 between March 7th and yesterday. Her response was
14 that she was shaken up, could hardly breathe, but
15 yet, she called 911 and gave them a 10-minute
16 monologue about conspiracy theories and being
17 falsely arrested, and cats. So then I asked her,
18 "Well, once you were able to break free from this
19 horrific attack, this life-threatening attack," and
20 she testified that she scratched Tammy's face all
21 up, and at that point, it was burning, so she let
22 her go and she was free. I said, "Certainly, at
23 that point, you ran out and called 911, you got out
24 of there?" No, she did not. Instead, and I asked
25 her twice, grabbed her by the collar, she says her

1 -- "That she slipped out from under her," but I
2 don't know what else the purpose of grabbing
3 somebody by the collar is, and then started to drag
4 her to de-escalate a situation. That makes no
5 sense. In what world does grabbing somebody by
6 their collar and dragging them de-escalate? Not
7 true, because it didn't happen. She's spinning a
8 story to make it make sense on the day of trial.
9 And after all of that, again, very life-threatening,
10 she was super scared, crying, she calls 911, and
11 says, "It's not an emergency." And then I also
12 asked her, "Well, is your memory better on March
13 7th, or is your memory better about the incidents
14 today?" She said, "She has a very clear memory
15 today," and that was yesterday, versus two years ago
16 when the incident actually happened. The Defendant
17 wants to be the victim so badly in this case. She's
18 a victim of Tammy, she's a victim of Jasper County
19 Sheriff's Office, she's a victim of Jasper County
20 and small-town connections, it's never her, and
21 nothing she says is true, and it all contradicts the
22 evidence in this case. She said numerous times that
23 she fled from the scene because she was terrified of
24 Jasper County Sheriff's Office and Tammy, who she
25 says uses them to control her. That's not true.

1 She told us two days before this incident she called
2 911. Well, why did you call 911? Was there an
3 argument? Was there a fight?

4 THE COURT: Hold on -- hold on one, second
5 Solicitor.

6 THE SOLICITOR: Yes, sir.

7 THE COURT: Let's see if we've got some
8 water for this Juror.

9 (Bailiff gets water for Juror.)

10 THE COURT: Hold on. You all right, ma'am?

11 THE JUROR: (Nods.)

12 THE COURT: Good, okay.

13 Solicitor, go right ahead, thank you.

14 THE SOLICITOR: Yes, sir.

15 Everything that Leslie says contradicts the
16 evidence in this case, she even contradicts herself.
17 We were talking about the incident that happened two
18 days before where she called 911, not because of an
19 argument, not because of a fight, but because she
20 found a to-do list. And on this to do list, this is
21 from her testimony, was restraining order and
22 security cameras. Seemingly, Tammy is getting ready
23 to leave the Defendant, and she's losing control.

24 Defense told you to watch body language and
25 tone in her opening statement, it's very important.

1 How did the Defendant respond when I asked her about
2 putting paint on the victim's car? Did she look
3 scared or remorseful? She was proud of herself. So
4 proud of herself she even made a joke to y'all, and
5 said, "I'm an artist." That's not somebody that's
6 scared. That's not somebody that is afraid of law
7 enforcement or their partner. She was losing
8 control and trying desperately to get it back
9 through law enforcement. And when law enforcement
10 didn't do anything because they can't do anything,
11 there was no fight, nothing happened, she found a
12 list, Defendant gets angry. Two days later -- oh,
13 and another point on that March 5th, she didn't flee
14 that day, she wasn't scared of law enforcement
15 coming to her house that day falsely arresting her,
16 she's not scared. Fast forward two days to the
17 incident that we're all here for. The Defendant's
18 been drinking, an argument starts. She loses
19 control, attacks Tammy and flees, and remember,
20 fleeing is consciousness of guilt. She then starts
21 describing all of these conspiracy theories. She's
22 lost all control, she is desperate to make this
23 Tammy's fault, law enforcement's fault, Jasper
24 County's fault, anybody's fault but hers; but,
25 again, neither version she gives us, the March 7th,

1 or yesterday, makes sense. However, what Tammy told
2 y'all is consistent. It was consistent then, it was
3 consistent yesterday, and it's supported by the
4 evidence. Domestic violence third is to cause
5 physical harm or injury on your spouse. I think we
6 all agree from the testimony, victim and Defendant
7 both said that they were married to spouse. Now,
8 there has to be physical harm or injury. That
9 element is satisfied; but by Defendant's own
10 admissions, she acknowledges she scratched her,
11 that's an intentional act. Domestic violence third,
12 is a general intent charge, there just needs to be
13 an intentional act. Certainly, scratching somebody,
14 or dragging them around the house, that's an
15 intentional act, but Defendant is claiming it's
16 self-defense. In order for there to be a valid
17 self-defense claim, there's four elements, and all
18 four of those must be satisfied, you need all of
19 them. First, Defendant must be without fault in
20 bringing on the difficulty, fails right there. The
21 evidence shows that she started the attack. Tammy
22 tried to get away from her. She was tearing up the
23 house, Tammy comes to see what's going on, and she
24 attacks her. She is not without fault, she is the
25 only one at fault for this incident. She is the

1 sole cause of this difficulty on March 7th. Next,
2 Defendant must have been in actual danger of
3 imminent peril, or serious bodily injury, or
4 believed herself to be, again, it fails. How do we
5 know that? When she reports this incident, she
6 reports it as, "Not an emergency." It's not life-
7 threatening. Life-threatening incidents are
8 emergencies. She never actually believed she was in
9 danger. She was saying what she needed to say to
10 try to turn this on Tammy and be the victim. Not
11 only did she drag Tammy around like a doll after she
12 told us she couldn't breathe after that incident,
13 her main worry was that she would be falsely
14 arrested. That's not the conduct of a person scared
15 for their life. Third, the belief of imminent
16 peril, or serious bodily injury was reasonable, and
17 a reasonable prudent person would believe the same.
18 Again, it fails. A reasonable person would not
19 believe that. Tammy is small, she was able to be
20 drug around the house, she has COPD, emphysema, a
21 reasonable person would not believe they were in
22 peril, or serious bodily injury. The fourth prong
23 is no other probable means of avoiding, that is,
24 there's a duty to retreat. The Judge is going to
25 charge you that when somebody is in their own home,

1 there is no duty to retreat, you can stand your
2 ground in your own home, so they have that. They
3 have one, one of four, and you need four of four to
4 find that it was self-defense.

5 You're also going to hear about prior
6 difficulties. Defendant seems to believe that Tammy
7 is motivated by money, and that she's doing all of
8 this elaborate scheming to frame her, in order to
9 get money, or control her, or something, it's hard
10 to follow; but, again, contrary to the evidence, you
11 heard from Tammy, she works, she owns her own home,
12 she does not need the -- the Defendant. And when it
13 appeared that Tammy was leaving Leslie, the
14 Defendant, Defendant called the cops, and then two
15 days later when they don't do anything, has a
16 drunken rage where she attacks Tammy.

17 After looking at all of the evidence that
18 you will take back with you into the jury room,
19 you'll get these pictures, you'll be allowed to re-
20 listen to testimony, I am confident that you will
21 find the evidence supports that Leslie Kieffer
22 attacked Tammy Kieffer, her wife, causing physical
23 harm on March 7th, 2020, and is, therefore, guilty
24 of domestic violence third degree.

25 THE COURT: Thank you, Solicitor.

1 Ms. Carmody?

2 MS. CARMODY: Your Honor, can we take a
3 two-minute recess, two minutes?

4 THE COURT: All right, we're going to take
5 a brief break. I'm going to go ahead and send y'all
6 back, and if you need to go to the restroom, or get
7 a drink of water, or a mint, I'll have you back in
8 here in a few moments, okay? Oh, and don't talk
9 about the case.

10 (Whereupon, the Jury leaves the courtroom.)

11 MS. CARMODY: Thank you, Your Honor, we'll
12 be right back, thank you.

13 THE COURT: All right, we'll be at ease for
14 five minutes.

15 MS. CARMODY: Thank you, sir.

16 (Whereupon, the Court is in recess.)

17 THE BAILIFF: All rise.

18 THE COURT: Be seated.

19 All right, are we ready to proceed?

20 MS. CARMODY: Yes, Your Honor.

21 THE COURT: Anything from the State before
22 I bring the Jury in?

23 THE STATE: No, sir.

24 THE COURT: Anything from the Defense?

25 MS. CARMODY: No, Your Honor.

1 THE COURT: All right. All right, Ladies
2 and gentlemen, welcome back, and now we're ready to
3 hear from Ms. Carmody.

4 MS. CARMODY: Thank you, Your Honor.

5 THE COURT: Yes, ma'am.

6 MS. CARMODY: May it please the Court?

7 THE COURT: Yes, ma'am.

8 CLOSING ARGUMENT BY MS. CARMODY

9 * * * * *

10 MS. CARMODY: Good afternoon, everyone. As
11 I said on Tuesday, I thank you, and I want to thank
12 you again, I really do. I appreciate your service.
13 We could not do this job without you, okay? And
14 you've all been very attentive in listening to the
15 evidence, and I appreciate that. And I need you to
16 go a little bit more, and just be very attentive in
17 the closing argument, review the evidence, and take
18 the time that you need with the evidence to come to
19 a conclusion on this case. First, I wanted to start
20 out with what the burden of proof is. Not only on a
21 domestic violence case, but what is the burden of
22 proof in the United States justice system? In a
23 criminal case, the burden of proof is the highest
24 that we have, that proof is beyond a reasonable
25 doubt. It's not a civil case, this is a criminal

1 case, so it's beyond a reasonable doubt. That is,
2 literally, the higher standard that we have. The
3 Defense has absolutely no obligation whatsoever.
4 The State has the entire burden. The State has to
5 prove to you beyond a reasonable doubt each and
6 every element of the charge. As I mentioned in
7 opening statement, Ms. Kieffer had no obligation to
8 take the stand, no obligation to say anything. She
9 did take the stand in her defense, to give you the
10 necessary information that you would need to solve
11 this case, she didn't have to do that, but she did.
12 She wanted you to hear from her. She could have
13 exercised here right and remained silent and said
14 absolutely nothing.

15 So what is beyond a reasonable doubt?
16 Beyond a reasonable doubt is proof -- beyond a
17 reasonable doubt is proof that leaves you firmly
18 convinced of the Defendant's guilt, firmly
19 convinced. If you're on the fence, like, you know,
20 I don't know, I'm not sure, that's not beyond a
21 reasonable doubt. Beyond a reasonable doubt, as I
22 said, is firmly convinced, okay? There is no
23 evidence in this case that Leslie intended to harm
24 Tammy. Why is that? Because she acted in self-
25 defense. As I said in opening statement, this is a

1 self-defense case. What is the burden for self-
2 defense? The State must disprove self-defense
3 beyond a reasonable doubt. They have to disprove
4 one of the elements of self-defense beyond a
5 reasonable doubt. The standard does not change,
6 okay? I know you just heard this from Ms. Molina,
7 but I'll go through it again. The elements of self-
8 defense are, that the Defendant must be without
9 fault in bringing on the difficulty. Being dragged
10 out of your chair is without fault in bringing on
11 the difficulty. Second, the Defendant must have
12 been in actual imminent danger of losing her life,
13 or sustaining serious bodily injury, or actually
14 believed she was being choked. There is no doubt in
15 anyone's mind that being choked is going to make you
16 feel like you're in imminent danger of losing your
17 life. Like any reasonable person, being choked is
18 going to feel like they're going to lose their life.
19 She was so scared being choked that she urinated on
20 herself. That was very difficult for her to even
21 talk about up here, that's embarrassing. And she --
22 she -- I mean, it's facts of the case that happened.
23 I mean she was so scared and -- and out of breath
24 that she actually urinated on herself. Then -- so
25 that's a reasonable person, that's prong number

1 three. Number four, there's no probable means of
2 avoiding the danger. In this case, there is no duty
3 to retreat. Why not? Because that's her home.
4 Now, everybody knows in South Carolina, you know
5 this is a stand your ground, you don't have no
6 obligation when you're being attacked to run out the
7 back door and -- and -- and run away. There's no
8 obligation to do that. She had no duty to retreat.
9 She had an obligation to act reasonable under these
10 circumstances, and what did she do? Exactly what
11 she did, she de-escalated the situation, and left,
12 and called law enforcement. You can also consider
13 prior difficulties, she talked about them in 911 --
14 in her 911 call. I strongly, strongly encourage you
15 to read the Judge's instructions carefully. Take
16 the time that you need with the Judge's instructions
17 and the evidence in this case to come to a
18 conclusion. If you read the Judge's instructions,
19 it's not going to be anything different than what I
20 just said.

21 So getting to the facts of this case. A
22 fact in this case is that this case involves abuse,
23 nobody can deny that, there's abuse, and it's sad;
24 and this is a very, very, very sad case, when two
25 people that are married, there's abuse. There's no

1 requirement when you're a Juror that you have to
2 leave your common sense at the door when you come in
3 here. You also bring with you all of your life's
4 experiences, and all of your, you know, we're all
5 adults, and all of our experiences throughout our
6 lives. Abuse, as everyone knows, common sense, is
7 about power and control, okay? The power to control
8 what? The power to control somebody's finances.
9 The power to control somebody's freedom. The power
10 to, you know, have one bank account, and somebody
11 takes care of all the bills in the house. Those are
12 all forms of power and control. Being able to pick
13 up the police and have somebody arrested whenever
14 you want is another form of power and control.
15 Another thing, filing taxes without your consent is
16 another form of power and control. Controlling
17 Leslie's freedom, calling law enforcement, like I
18 said, whenever you want, making false allegations to
19 have her arrested, again, power and control. Over
20 two years later, Tammy is still trying to control
21 Leslie by coming in here and giving you a false --
22 completely false statement on that witness stand,
23 and I'm going to show you why it's false. It is
24 entirely inconsistent factually and even logically
25 inconsistent with the evidence in this case. So as

1 I said the other day, this is about credibility,
2 right? Mr. Cothran, we had -- he's the 911 -- well,
3 who's our witnesses, right? So we have Mr. Cothran,
4 the man who brought in the 911 calls. He wasn't
5 there, he didn't see anything, all he was is a
6 Records Custodian. He played the 911 calls for you
7 though, which are important, they are in evidence.
8 Second, here we go, let's see, all right. Second --
9 well, we'll just go with number two. We've actually
10 heard from Officer Johnson second, but let's go with
11 Tammy Kieffer next. Tammy Kieffer, I'll remind you,
12 testified under oath. Every witness in this case,
13 or in any criminal case, has to testify under oath.
14 What did she say? She said that she was drinking,
15 that they had been drinking that night, nobody's
16 denied that. Law enforcement says every -- there
17 was alcohol in the house, Tammy was drinking, Leslie
18 was drinking. Leslie had a bottle of unopened wine
19 in her vehicle. Tammy was drinking Captain Morgan,
20 okay? Nobody doubts that this involved two people
21 that were drinking. Second, that they were arguing
22 over property. Interesting, okay? And if you --
23 well, we'll get back to that in a minute. Then she
24 says -- this is -- "She kind of lunged at me." And
25 if you remember, I asked Tammy where Leslie was

1 sitting, and where Tammy was. Now -- okay, we have
2 Leslie who sits here, and I made the statement, you
3 know, her retirement chair, and she agreed with me,
4 "My mother calls it a retirement chair." So we have
5 Leslie that sits here. Tammy said she was over
6 here, okay, "And she lunged at me." Ladies and
7 gentlemen, this doesn't -- this isn't rocket
8 science. Look at the counter. How can somebody
9 lunge at somebody across that counter? I -- I mean
10 very -- right out of the gate, how -- how does this
11 happen? I mean this counter is at least three feet
12 wide, how does that happen? It doesn't, it's
13 factually and logically inconsistent. Number two,
14 "I went to the bedroom," oh, I -- let me go back to
15 lunging the counter for a minute. So she lunged
16 across the counter. Look at everything on the
17 counter, the alcohol bottle still there, there's a
18 glass that's still here, there's a pot that's still
19 there, even the paper's still there. How did she
20 lunge across the counter? Everything is still on
21 the counter. Nothing came off the counter. So her
22 statement that she, you know, Leslie lunged across
23 the counter is false. It is inconsistent with the
24 evidence. Next, "I went to the bedroom and locked
25 the door." She got a hammer and tore apart the

1 kitchen, again, ladies and gentlemen, this isn't --
2 we're not doing rocket science here, this is -- this
3 is so cut and dry, look at this. A hammer and tore
4 apart the kitchen. Where in that kitchen do you see
5 any evidence that a hammer tore apart that kitchen?
6 I see no hammer, and I see no evidence that anything
7 was damaged with a hammer. I mean when you all go
8 back there and deliberate later, take a look at
9 these pictures, and -- and really, where is there
10 evidence that anything was damaged with a hammer?
11 Also, Tammy told you that she did not manipulate the
12 scene, so this is what it looked like. She did not
13 change anything. At most, may have picked up a
14 chair. This is what it looked like, so it's not
15 like, you know, she went around and picked up stuff
16 and put it back, or put the alcohol back, or put the
17 paper back, and -- and, you know, put the pot back.
18 She did not change anything, and this is how it
19 looked. There's -- there's also no hammer, you
20 heard from law enforcement, you even heard from the
21 Solicitor. Law enforcement's job is to go out to
22 the scene and take pictures of evidence. If there
23 was evidence that this -- anything was torn apart,
24 she most certainly would have taken pictures. I do
25 not doubt for a second that Officer Johnson would

1 have taken pictures of a kitchen that had been torn
2 apart with a hammer. Next, they threw -- she threw
3 the ashtray. So the Solicitor pointed out in one of
4 the pictures, we have three cigarette butts over
5 here on the floor, and she said that an ashtray was
6 thrown. I do not see any evidence, again, of the
7 ashtray. Law Enforcement didn't take any pictures
8 of an ashtray, and the officer didn't testify about
9 an ashtray, and there's no ashtray in the picture --
10 in the photographs. We have three cigarette butts
11 on the floor. And I -- I mean Officer Johnson went
12 out there, I would imagine, if she would have told
13 Officer Johnson, "She threw an ashtray at me," she
14 would have taken a picture of it. She didn't tell
15 Officer Johnson about an ashtray. Why? Because she
16 didn't tell Officer Johnson about part -- there's
17 more, actually, let me just get back to that. "I
18 fell over the barstool," we went into that, too. So
19 I don't see any evidence to indicate that a barstool
20 was ever even knocked over. She may have picked it
21 up before law enforcement came, I don't know, but
22 there's no evidence that it was even knocked over.
23 All right, this is where it gets good. This is what
24 I mean about factually and logically be consistent.
25 Again, "I was on my back." Okay, I want you to

1 think about this for a minute, according to Tammy,
2 Leslie is so mad that she's tearing the house apart
3 with a hammer, okay? That's anger. Tearing a -- a
4 house apart with that hammer. Anger, okay? "I was
5 on my back." You mean to tell me if she was on her
6 back, that she had put Tammy on her back, like --
7 like Tammy says, after having torn the house apart
8 with a hammer, and this ring is on her finger, she's
9 not going to have punched her in the face, or gotten
10 something more than this here? After having torn
11 about the house -- house with a -- with a hammer,
12 that makes zero sense. Again, we're talking about
13 the level of anger to tear a house apart with a
14 hammer, that ring on her finger, there would be --
15 she would have got punched in the face. Apparently,
16 according to Tammy, Tammy was on her back, and
17 Leslie was on top of her. There is no possible way.
18 Additionally, we went over this numerous times
19 yesterday, made sure Tammy said all of her scratches
20 are all here in the T-zone, right here, okay? One
21 at the bottom of her nose. I want you to think
22 about this, again, this is common sense. If I were
23 to get on top of somebody, and I am going to scratch
24 at their face, how does that happen that the
25 injuries occur right here on the bridge of the nose,

1 and right here in the middle of the forehead? What
2 is it, one of these? Like, it doesn't make sense.
3 How can Leslie be on top of Tammy, scratching at her
4 face, and we get right here in the T-zone. I'll
5 tell you how this happened, because Tammy was behind
6 Leslie choking her. Any self-defense class will
7 teach you when somebody has you in a chokehold, what
8 do you do? You reach for their eyes, or you reach
9 for their nose. And if you didn't already know
10 that, you know that now, it's good self-defense. If
11 somebody has you in a chokehold, you reach for their
12 eyes or --

13 THE SOLICITOR: Objection, Your Honor.

14 THE COURT: Will Counsel approach?

15 (Bench conference.)

16 THE COURT: I will sustain the objection.

17 MS. CARMODY: All right, so as I was
18 saying, when you look at the evidence in this case,
19 and you look at the pictures, and you look about --
20 you look at the testimony of where the injuries
21 were, and you listen to Officer Johnson, who said
22 the injuries were all in the T-zone, you listen to
23 Tammy, who agreed all the injuries are all in the T-
24 zone. Like I said, you get on top of somebody,
25 that's factually and logically inconsistent, okay?

1 These injuries are more consistent with being
2 somebody reaching from behind and scratching at you,
3 just as Leslie told you. Again -- all right, here
4 we go, here's another one. Ladies and gentlemen,
5 I've only listed a few, you can go back through the
6 evidence later and look at it all, and I'm sure 12
7 -- this is just me, I'm sure 12 people are going to
8 come up with a lot more than this. "So she choked
9 me. I have COPD and emphysema, it makes it hard for
10 me to breathe." Okay, I asked about that, is this a
11 disabling condition, like, COPD and emphysema,
12 right? No. She actually works 58 hours a week as a
13 heavy equipment operator, does not take medicine for
14 COPD, smokes cigarettes. She indicted that Leslie
15 choked her, okay? She -- in order to choke somebody
16 -- now remember, Tammy's claiming she was on her
17 back. If Leslie did choke Tammy while she was on
18 her back, she would have had to have used her hands.
19 It's -- it -- there's no other way. If you're going
20 to get on top of somebody and choke them, you have
21 to use your hands. Not a single witness, law
22 enforcement, Tammy, anyone ever said there is injury
23 to her neck. There isn't any. Why? Because it's
24 false, it did not happen. Also, she never mentioned
25 to 911 that she had been choked. Never mentioned to

1 law enforcement that night she had been choked.
2 Mentioned it here on the witness stand. "She
3 grabbed me and dragged me to the bedroom and lunged
4 left." Leslie told you this happened. She told
5 Tammy, "You're drunk," de-escalated the situation,
6 created distance between them and left is what she
7 did. So we had LaQuisha (phonetic) Johnson, who is
8 the officer, she actually came in and testified that
9 she went out to [REDACTED] Old Charleston Highway and
10 Purrysburg Road. So when she arrived on-scene on
11 Old Charleston Highway, as I mentioned earlier, her
12 job is to document the scene. Her job is to collect
13 evidence of anything she believes that's important,
14 and collect things of evidentiary value, take
15 pictures, right, of things, and those type of
16 things. No glass on the floor. The kitchen's not
17 busted up. There's no hammer. And then we have the
18 issue, too, about the busted window. Again, ladies
19 and gentlemen, there's no busted window. There's no
20 busted window at all. There is not a single shard
21 of glass anywhere. Law enforcement never mentioned
22 finding a shard of glass in any of these pictures.
23 Where's the busted-out window? Maybe it's off in
24 another angle, along with a hammer, and the busted
25 kitchen, and the stuff that apparently must have

1 gone flying off of the counter, and I don't know,
2 and the ashtray. I mean maybe it's all in that same
3 picture that we don't have, but I don't see any
4 evidence of a busted window. So I asked Tammy,
5 "When law enforcement was there, why didn't you tell
6 law enforcement that, you know, she choked you, or
7 she busted the window, or busted up the kitchen with
8 a hammer?" And her response was, "Because I was
9 more concerned about my injuries." Okay, great. I
10 asked law enforcement, "Do you have the ability to
11 call for medical?" "Yes." "Did you call medical?"
12 "No." I asked Tammy, "Did you ask for medical?"
13 "No." She's not more concerned with her injuries.
14 She's making this story up on the witness stand to
15 control Leslie, and try to send her to prison, and
16 -- and control her freedom. As I said, it's
17 documented in -- in the pictures. There's no
18 evidence of injury to her neck. Where is the
19 injury? It's also -- all right, here, on the
20 forearm, the right forearm, and here in the T-zone
21 on face. So think about this, if I were to grab
22 somebody like this, and they're scratching at my
23 forearm right here, and I'm leaning over, and I'm
24 being scratched here and here, and on the forearm,
25 it's consistent with Leslie's statement. There's no

1 other injury except for the T-zone and forearm.
2 Additionally, I mentioned the 911 call, Tammy's not
3 crying on the 911 call, she's not upset. "She got
4 me, come and get her." Didn't mention anything at
5 all about any of these things. Her first
6 opportunity to talk to police, didn't mention
7 anything at all about being choked. You would think
8 that's important. If she's worried about her
9 injuries, it would be important to let law
10 enforcement know that you'd been choked. "She got
11 me, come get her." All right, but then we heard
12 from Leslie. Agreed that the argument was over
13 property, that Tammy had gone into the bedroom. She
14 -- they had an argument. So Leslie is sitting in
15 her chair, this is her chair here, okay? She's
16 sitting in her chair right here. She is dragged out
17 of her chair. How the State has mentioned, you
18 know, that Tammy is this old, feeble woman, no, no,
19 she is a heavy machine operator, equipment operator,
20 and works a significant amount of hours per week.
21 She's not -- she has exceptionally strong hands.
22 Grabs Leslie by the hair and pulled her out of her
23 chair. Look at the cushion on the chair. It's no
24 longer on the bottom seat, it's been standing
25 upright. Why? Because that's what happens when

1 you're ripped out of a chair. The things that are
2 underneath you are going to slide, and they're going
3 to go up, and that's consistent with her statement.
4 Now, she thought that, you know, Tammy was coming
5 over to make up and give her a hug. Why? Because
6 it -- it really, you know, they had argued, it was
7 an argument, and then she saw her coming, and said,
8 "Oh, whoa, you know, what I mean, she's going to
9 give me a hug." Didn't expect to be ripped out of
10 her chair. Then Tammy put her right arm around her
11 neck and choked her. As I said, it's consistent
12 with the pictures. You look at the pictures, the
13 scratches were on the right arm and she was choked.
14 She was so scared that she peed herself. That could
15 be the fluid on the floor, I don't know. She said
16 she couldn't breathe. She was reaching behind for
17 the nose and the eye area, completely consistent
18 with those photos, and the bottom of the nose is
19 bleeding, completely consistent with being scratched
20 from somebody like this. When Leslie got scratched
21 -- when Leslie did scratch Tammy, she -- she stopped
22 and she let her go. Now you've got to think, she's
23 been choked to the point where she's urinated on
24 herself. She is angry. She wants to de-escalate
25 the situation. You -- you -- what do you do?

1 Instead of punching her and beating her, or
2 anything, she takes her, drags her, and puts her in
3 the room, and tells her, "You're drunk," and leaves
4 the property. That is the best way, under those
5 circumstances she could do to de-escalate that
6 situation. She didn't drag her across the house and
7 smack her, and beat her, and, you know, throw things
8 at her. There was no -- on the 911 call, there's
9 nobody yelling and screaming in the background. She
10 put her in a room, said, "You are drunk." Why?
11 Because this has happened before. "You are drunk,"
12 and closed the door. So she called 911. The State
13 made a big deal about, you know, her phone call to
14 911 was nine minutes. Sure, she's no longer in fear
15 of her life, it's no longer an emergency, because
16 she's four miles down the road. She didn't call 911
17 inside the house. She called 911 four miles down
18 the road. This is not an emergency, right, because
19 the threat is gone, so there's no reason to tell 911
20 this is an emergency. She doesn't want to be
21 falsely accused. Why? Because it's happened
22 before. Because a person who exercises control over
23 you, and controls your freedom, will call the
24 police, and, you know, they call these people like
25 cop callers. Like, they pick up their phone, "Hey,

1 you know," --

2 THE STATE: Objection, Your Honor.

3 THE COURT: All right, hold on.

4 (BENCH CONFERENCE.)

5 THE COURT: I will overrule the objection,
6 please proceed.

7 MS. CARMODY: So back to the 911 call,
8 Leslie does not want to be falsely accused by the
9 person who's trying to control her. She knows
10 there's going to be false allegations made to law
11 enforcement. That Tammy's going to try to spin this
12 all around, and put it on her, and she's going to be
13 sitting exactly where she is right now. That was
14 the plan. That's exactly what the plan was. Why?
15 Control, like I said. Also, in the part about cats.
16 So in the 911 call you hear her talk about, "She
17 gets my cat." The Solicitor mentioned the cats.
18 Tammy says, "Yes, I did take a picture of the cat."
19 Leslie showed you the scratches on her hands because
20 she plays with her cats, it's another form of
21 control. "I've got your cats," sending her pictures
22 of her cats, another form of control. She knows
23 that Leslie loves her cats. She plays with them all
24 the time, that's why she wants to taunt her and send
25 her pictures. So you heard the State question

1 Leslie over and over and over again about the size
2 compared to Tammy. So I want to make one other
3 note, and y'all can, you know, y'all have eyes, and
4 you can see things. Look at the pictures, okay? So
5 look how thin she is in these pictures. And I would
6 submit to you when somebody is in a relationship,
7 and they're being abused, and they get out of it,
8 they're going to gain weight. And if you saw her on
9 the witness stand, she's gained weight since she's
10 been -- not been in this relationship any longer.
11 Why? Because she's no longer subject to control and
12 abuse, that's why. Here, she's actually gained
13 weight since then. So when the Solicitor talks
14 about, "Oh, you know, she's bigger, you know, she's
15 a -- this big woman." Now, they also brought up,
16 you know, to -- I mentioned earlier as well, that
17 Tammy actually has very large hands from being an
18 equipment operator -- a heavy equipment operator,
19 working about 57 hours a week. So there's no way
20 that she's as feeble a woman that the State has put
21 her out to be. Additionally, Leslie, the State
22 brought up, "Oh, you know, she has -- in the
23 military, and has military training," yes, she was
24 in the Air Force. She is a disabled Veteran. She
25 no longer works. She's not this, you know, trained

1 combat person, she is a disabled Veteran. She --
2 she paints. She's not this, you know, this big
3 woman with, you know, military training as the State
4 put her up to be. She knew though enough when she's
5 being choked that you go for the eyes and the nose,
6 that much she did know. You heard the State
7 question Leslie about the hands versus the neck --
8 around the neck versus the forearm, okay. So as I
9 told you earlier, if you look at the pictures, they
10 are consistent with being choked from behind, okay?
11 And also the State has mentioned that absolutely
12 nothing red. Okay, now I understand if they're
13 looking for fingerprints, all right? If you look --
14 she -- nobody's saying that, you know, there's
15 fingerprints on her neck. She misspoke and used the
16 wrong word for the -- the limit she's talking about.
17 When she's saying, "She choked me with her hands,"
18 what she means is this, as she demonstrated to you.
19 In the excitement and in the moment, after having
20 been choked, and running up -- going down the road
21 four miles to call law enforcement, she's in a
22 panic. She used the wrong word, it doesn't mean
23 that it's not true. Actually, if you look closely
24 at this picture, I believe her neck actually is red.
25 Look at it. I mean now it's not, you know, I'm not

1 talking about choked with fingers. This one, so she
2 was choked with fingers, and no finger marks on her
3 neck, she told you that yesterday, but this may be
4 consistent with a forearm under the neck. The State
5 went on to tell you that evidence of flight is
6 consciousness of guilt. Well, ladies and gentlemen,
7 I don't know about you, but in a domestic violent
8 situation, evidence of flight is not consciousness
9 of guilt. Evidence of flight in a domestic violent
10 situation is get me out of here where I'm safe.
11 That is not consciousness of guilt. Anyone who
12 flees from a domestic violent situation is not
13 guilty because they've fled, that is just
14 preposterous. She left to de-escalate. The State
15 also talked about what Officer Johnson saw. No
16 evidence of a hammer, no glass, no ashtray, no
17 signs of Tammy being choked. All right, we're going
18 to go to the body-cam evidence. So in Leslie's
19 statement to police, her 911 call, she made some
20 pretty serious allegations, right? She made serious
21 allegations like, you know, what did she call it,
22 like, "Small town," the Solicitor mentioned to you
23 like, you know, essentially, that she believed that
24 Tammy was connected with people in the small town,
25 and that things would happen. Now, at first blush,

1 you may think, well, that's just preposterous,
2 that's just a conspiracy theory. Ladies and
3 gentlemen, there's a body-camera in this case.
4 There were two officers who were out on-scene.
5 There was Officer Johnson, and then there was -- she
6 also testified there was another officer, as well.
7 And I'm not saying Officer Johnson did anything
8 wrong. She didn't. She told you she uploaded her
9 body-camera. Where did it go? It's gone, it
10 doesn't exist. The State has an obligation to
11 produce it. The witness testified it no longer
12 exists. Is that claim that Tammy is connected with
13 people who make things happen false? At first
14 blush it seems like, oh, it's a conspiracy, and
15 she's just being overly concerned, and overly
16 worried. Maybe, but maybe not. That's reasonable
17 doubt, maybe not. At first blush, believe me, it's
18 like, okay, you know, I'm not sure if this is all
19 true, but where's the body-cam? Then we have no
20 explanation as to where it went, it just
21 disappeared. Jasper County Sheriff's Office has a
22 policy that they must wear body-cam. She told you
23 she had it on. Two officers were there, they
24 uploaded it. Both officers' cameras don't exist. I
25 don't know if there's a reason that's supposed to

1 be gone or not, I don't know. I just know that
2 it's a coincidence that she's making those claims on
3 the 911 call, and all of a sudden the body-cam's
4 gone. I don't know what to make of it. I'm not
5 sure that her concerns about the small-town
6 conspiracy are actually false, I don't know. It
7 could also be she's so worried about being
8 controlled by Tammy that she thinks anything's
9 possible, and she's scared, because control -- being
10 controlled is scary. Now, Leslie needs help to
11 stop this abuse, right? So on the 911 call she
12 begged and pleaded, "I need your help, please help
13 me." The State made a big deal about her using her
14 artistry paint, water paint, I believe, on Tammy's
15 vehicle, but what did she write? She wrote "Wife
16 beater." Is that another cry for help? She wrote,
17 "Wife beater." She didn't splash paint all over the
18 car, she wrote, "Wife beater." Why? Because it's a
19 cry for help. She cried for help on the 911 call.
20 She wrote wife beater on her car as another cry for
21 help. She's asking for your help now. The abuse
22 stops here, ladies and gentlemen. You all are in
23 the position for this to stop and enter a verdict in
24 this case of not guilty. Thank you.

25 THE COURT: All right, Solicitor, a reply?

1 CLOSING ARGUMENT REPLY BY THE SOLICITOR

2 * * * * *

3 THE SOLICITOR: One of the first things
4 that Defense Counsel said was Defendant de-escalated
5 the situation and then left. Remember when I was
6 first up here, dragging somebody by their shirt does
7 not de-escalate a situation. She said that this
8 case is about abuse, which I agree. That it's about
9 power and control, I agree. Leslie's not the victim
10 of that, Tammy is. Leslie told you she had her own
11 bank account. Tammy handles the finances, but she
12 has her own bank account. She's not being
13 financially abused. That Tammy can call law
14 enforcement whenever she wants to have her arrested
15 for whatever she wants. That's absolutely not true
16 for Tammy, or anybody else. She also -- the Defense
17 wants to say that lunging over the bar is crazy,
18 illogical, a lie, essentially. No, it's not. She
19 was bucking at her, and Tammy walked away, because
20 Tammy told y'all she knows how she gets. She saw it
21 coming, the writing was on the wall. She walked
22 away, de-escalated. Does Tammy have to sit there
23 and wait for Leslie to get ahold of her so that this
24 can happen? No. The hammer, the broken glass, that
25 doesn't matter, Tammy didn't report that. Sergeant

1 Johnson is not going to be looking for evidence of
2 something that was not reported. She told you she
3 didn't report it, she was worried about her
4 injuries. You head from Tammy, she's softspoken,
5 she's a woman of few words. She's not calling 911
6 to talk for ten minutes. She's saying, "Get out
7 here, I need help." And I mean the ring, not one
8 person sat there and said Leslie punched her, it
9 doesn't matter. Leslie's not tearing the kitchen
10 apart purely out of anger. Certainly, she's angry,
11 she's tearing the kitchen apart for attention and to
12 control Tammy, because Tammy has disengaged, walked
13 away from her, is not giving her attention. She
14 just lost control of Tammy, got to get it back, she
15 starts tearing up the kitchen. Defense also says
16 that the injuries to Tammy's face don't make sense.
17 Tammy's not laying on her back getting it, she's
18 trying to get away. She told you she's trying to
19 get away from her. She wasn't just laying there
20 letting her scratch her face like a cat. She's
21 trying to get away from her, she told you she pulled
22 her hair. The Defendant is grabbing her anywhere
23 that she can. And while you're on top of somebody,
24 it's the face. The Defense points out, not really
25 an injury to Tammy's neck, she possibly got choked,

1 but that's, apparently, only true when it applies to
2 Tammy. There is absolutely no evidence supporting
3 Defendant being the victim. They are relying on the
4 victim's injuries. No possible way that Tammy could
5 have been choked because there's no visible
6 injuries, but inches from her life, choking out,
7 can't hardly breathe. And you've just got to accept
8 that's an arm, so there are not any finger marks.
9 Defense also told you that Tammy is making this
10 story up on the witness stand. If that's true,
11 she's not very good at making stories up because
12 it's exactly the same as what she said on March 7th,
13 2020, two years ago. Do you know whose recount of
14 the incident is not the same? Defendant's. First
15 -- or yesterday she was grabbed by the hair and
16 pulled out of the chair. Not when she talked to law
17 enforcement, not when she talked to 911, she was
18 pushed out of the chair. And then seven times --
19 she misspoke seven times that it was hands, not arm.
20 There's also been absolutely no testimony that as a
21 result of this choke, she peed on herself. There's
22 evidence, certainly, that she peed on herself, and
23 she's attributed to being scared. She never said,
24 "She choked me so hard I peed," not true. It's
25 absolutely not true. Again, I agree with the

1 Defense, this case is absolutely about abuse, and
2 power, and control, but it's the Defendant doing
3 those things to Tammy. Why would somebody who's
4 trying to control another individual write down they
5 need a restraining order and security cameras? That
6 doesn't make any sense. And why, if she's the
7 victim of this abuse, in response to seeing that,
8 call law enforcement? That doesn't make any sense.
9 It's not true, it's a lie, it's a lie. Defense also
10 said, in reference to flight and guilt, in domestic
11 violence it's -- the victim is "Get me out of here."
12 There is no guilt when a victim flees. And,
13 actually, it's true in every case. Why? Because
14 the victim's not guilty of anything. They're the
15 victim of the crime. Flight and guilt applies to
16 the Defendant. Defense's last point was the paint
17 on Tammy's vehicle. She called it a cry for help.
18 That was a cry for attention, and we know that,
19 because of how proud she was of it. She sat on the
20 stand, smirked, made a little joke, "I'm an artist."
21 It's not a cry for help, it's a cry for attention.
22 It's a way to manipulate and control Tammy, because
23 now she has wife beater written on her truck. What
24 is she supposed to do? And she didn't even call law
25 enforcement for that. She did. The facts in this

1 case are clear, Tammy and Leslie are married, Leslie
2 attacked Tammy causing physical injury to her, and
3 it was not in self-defense for all of the reasons
4 that I set forth before. So I'm asking you to find
5 her guilty of domestic violence third degree.

6 THE COURT: Ladies and gentlemen, it's now
7 my duty as the Trial Judge and the Constitution of
8 this State to charge and instruct you, ladies and
9 gentlemen, on the law applicable to this case. It's
10 your duty as Jurors to accept and apply the laws as
11 I will not state it to you. Furthermore, it's your
12 exclusive duty to decide all issues of fact in this
13 case, and determine the effect, the value, and
14 weight of the evidence. Both the State and
15 Defendant have a right to expect that you will
16 carefully consider and evaluate the evidence and
17 apply the laws of this case to it; so that in the
18 end, folks, both the State of South Carolina and the
19 Defendant will receive a fair and impartial trial.

20 I want you to understand when I use the
21 word Defendant, I refer to Ms. Leslie Kieffer.
22 Furthermore, it's important to understand that the
23 State of South Carolina charged the Defendant with
24 the offense known as domestic violence in the third
25 degree. These charges -- to these charges the

1 Defendant has entered a plea of not guilty. This
2 plea of not guilty places the burden of proof on the
3 State to prove the guilt of the Defendant to you,
4 the Jury, beyond a reasonable doubt.

5 Ladies and gentlemen, I remind you of the
6 fact that the Defendant was arrested, charged and
7 indicted in this case is not evidence in this case,
8 and cannot be considered by you as evidence of guilt
9 in the case; nor does it create any presumption or
10 inference of guilt. The indictment is simply the
11 formal written instrument which contains the charge
12 made against the Defendant. It's the formal
13 document by which the case is brought into Court.
14 Now, during the trial you and I have had separate
15 duties, ladies and gentlemen, to perform. As the
16 Trial Judge, it's my duty and responsibility to
17 preside over the trial, and I have a duty to rule
18 upon the admissibility of evidence offered during
19 the process of -- of this trial. In that regard,
20 you are to consider only the competent evidence
21 before you, and you are to consider only the
22 testimony which has been presented from this witness
23 stand together with the exhibits admitted into the
24 record of this case. Furthermore, I have the
25 additional duty to charge the only applicable law of

1 the case, and in that regard, I'm the sole judge of
2 the law of the case. It's your duty to accept the
3 law as I state it to you. If you have any
4 preconceived ideas as to what the law is or what the
5 law ought to be, ladies and gentlemen, that does not
6 agree with what I tell you, you are -- you are
7 obligated under your oath to abandon those
8 preconceptions because you are sworn to accept the
9 law precisely as I state it to you. Ladies and
10 gentlemen, in this trial you're the sole and
11 exclusive judges or judge of the facts, I'm the
12 judge of the law. Do not, ladies and gentlemen,
13 infer that I have any opinion about the facts in
14 this case, or anything that I may have said during
15 the course of this trial, in ruling upon the
16 admissibility of evidence, or otherwise, or from
17 anything that I say during the course of this charge
18 to you. In this regard, ladies and gentlemen, the
19 law simply does not permit me to have an opinion
20 about the facts. As jurors, it is your duty alone
21 to determine the effect, value, weight, and weight
22 of the evidence presented during the course of this
23 trial. Now, folks, in determining what the facts in
24 this case are, you must judge the credibility, which
25 simply means the believability of the witnesses, and

1 the value or weight to be given to their testimony.
2 You, alone, must decide the force and effect of the
3 testimony. In making this decision, there are many
4 things that you may and should take into
5 consideration, such as, the appearance and manner of
6 the witness on the stand. A characteristic often
7 referred to as the demeanor of the witness. Was the
8 witness forthright, or has -- was the witness'
9 testimony consistent, or did it contain
10 discrepancies. What was the ability of the witness
11 to know the facts about which year she testified?
12 Did the witness have a cause or reason to be biased
13 and prejudiced in favor of the testimony he or she
14 gave? Was the testimony of the witness
15 corroborated, or made stronger by other testimony in
16 evidence, or was it made weaker, or impeach -- or
17 impeached by such other evidence -- other testimony
18 in evidence? Now, folks, as jurors, please
19 understand you have a right to believe a small
20 portion of a witness' testimony, and disregard the
21 larger portion, or vice versa. You maybe believe
22 all of a witness' testimony, or none. You may
23 believe the testimony of a single witness against
24 that of many witnesses, or the other way around. In
25 exercising your mental processes, in attempting to

1 decide the verdict, the law simply requires that you
2 exercise your good judgment, your common sense, your
3 sense of logic and reason, and your experiences in
4 life. You then apply these attributes to the
5 evidence and apply the law as I've stated to you,
6 and, thus, arrive at a verdict. Now, ladies and
7 gentlemen, it's vital to understand that the
8 Defendant is presumed under law to be innocent of
9 these charges. The Defendant has no obligation to
10 prove her innocence. It's a fundamental rule of our
11 law that a Defendant, irrespective of the
12 seriousness of the charge against her, is always
13 presumed innocent of the crimes for which she is
14 charged, unless and until her guilt, ladies and
15 gentlemen, has been proven by the evidence -- or by
16 evidence that satisfies you, the jury, beyond a
17 reasonable doubt. The presumption of innocence is
18 not a mere legal theory, or legal phrase. The
19 presumption of innocence is very important, and,
20 ladies and gentlemen, you need to understand that
21 this presumption accompanies the Defendant from the
22 time of her arrest, and appearance in this Court,
23 and continues with the Defendant, even after you
24 retire to the jury room to deliberate. In other
25 words, the Defendant receives the benefit of the

1 presumption of innocence until the very end of this
2 trial, when you, the jury will deliberate upon the
3 evidence, and decide whether the State has proven
4 her guilt beyond a reasonable doubt. Ladies and
5 gentlemen, what's a reasonable doubt of the law? A
6 reasonable doubt is a kind of doubt that would cause
7 a reasonable person to hesitate to act. Proof
8 beyond a reasonable doubt is proof that leaves you,
9 Ladies and gentlemen, firmly convinced of the
10 Defendant's guilt. There are very few things in
11 this world that we know with absolute certainty, so
12 even in criminal cases, the law does not require
13 proof that overcomes every possible doubt. However,
14 if based on your consideration of the evidence, you
15 are firmly convinced that the Defendant is guilty of
16 the crime charged, you must find her guilty. If, on
17 the other hand, you think there's a real possibility
18 she is not guilty, you must give her the benefit of
19 the doubt, and find her not guilty. Jurors, please
20 understand that reasonable doubt may arise from the
21 evidence, which has been presented in the case,
22 or from the lack of evidence of the case. It is
23 your responsibility to determine whether or not
24 reasonable doubt exists as to the guilt of this
25 Defendant. Ladies and gentlemen, I charge you that

1 the Defendant is entitled to every reasonable doubt
2 arising from the whole case. If upon any issues of
3 fact essential to conviction and a verdict of guilty
4 you have reasonable doubt as to how that issue
5 should be resolved, it will be your duty to resolve
6 that reasonable doubt in favor of the Defendant.
7 Thus, in summary, it's important to understand the
8 Defendant is not required to prove her innocence,
9 instead, the State is required, by law, to prove
10 every essential element of the offense charged
11 against the Defendant by evidence which satisfies
12 you of her guilt beyond a reasonable doubt. Only
13 then, Ladies and gentlemen, can you convict the
14 Defendant and find her guilty.

15 Now, folks, there are two types of evidence
16 which are generally presented during a trial:
17 direct and circumstantial evidence. Direct evidence
18 directly proves the existence of a fact, it does not
19 require deduction. Circumstantial evidence is proof
20 of a chain of facts and circumstances indicating the
21 existence of a fact. Crimes may be proven by
22 circumstantial evidence. The law makes no
23 distinction between the weight or value to be given,
24 either -- to neither direct nor circumstantial
25 evidence. However, to the extent the State relies

1 on circumstantial evidence, all of the circumstances
2 must be consistent with each other, and when taken
3 together, point conclusively to the guilt of the
4 accused beyond a reasonable doubt. If the
5 circumstances merely portray the Defendant's
6 behavior suspicious, the proof has failed. The
7 State has the burden of proving the Defendant guilty
8 beyond a reasonable doubt. This burden will rest
9 with the State, regardless of whether the State
10 relies on direct evidence, circumstantial evidence,
11 or some combination of the two. Now, folks, the
12 Defendant has raised a defense of self-defense, and,
13 Ladies and gentlemen, self-defense is a complete
14 defense. If established, you must find the
15 Defendant not guilty. Now, Ladies and gentlemen, to
16 establish self-defense in South Carolina, the
17 following four elements must be present. Number
18 one, the Defendant must be without fault in bringing
19 on difficulty. Number two, the Defendant must have
20 been in actual imminent danger of losing her life or
21 sustaining serious bodily injury, or she must have
22 actually believed she was in imminent danger of
23 losing her life or sustaining serious bodily injury.
24 Number three, if her defense is based upon her
25 belief of imminent danger, the Defendant must show

1 that a reasonable, prudent person of ordinary
2 firmness and courage would have entertained the
3 belief that she was in actually in imminent danger,
4 and that the circumstances were such as would
5 warrant a person of ordinary prudence and firmness
6 and courage to act as she did in order to save
7 herself from serious bodily harm or loss of her
8 life. And, four, the Defendant had no other
9 probable means of avoiding the danger. Now, Ladies
10 and gentlemen, if the Defendant was on her own
11 premises, she had no duty to retreat before acting
12 in self-defense. Ladies and gentlemen, evidence of
13 prior difficulties between the Defendant and the
14 victim may be considered in deciding whether a
15 threat existed, whether the Defendant had a
16 reasonable -- had a reason to believe the threat
17 existed and how serious that threat was. Now,
18 folks, in order to establish criminal liability,
19 criminal intent is required. For example, the
20 mental state required to be proven by the State for
21 a particular crime might be purpose, intent,
22 knowledge, recklessness, or criminal negligence.
23 Criminal intent must be proven by the State beyond a
24 reasonable doubt. Criminal intent is always the
25 matter that must be determined by the jury from the

1 circumstances surrounding the situation. There is
2 no way to prove intent to a mathematical certainty.
3 There's no way medical science can dissect a
4 person's brain and determine what the person had in
5 mind. So the law says, Ladies and gentlemen,
6 criminal intent may be inferred from the
7 circumstances shown to have existed. This is how
8 you make a determination of whether or not the
9 element requiring intent was present. It is not
10 necessary to establish intent by direct and positive
11 evidence, but intent may be established by inference
12 in the same way as any other fact, by taking into
13 consideration the acts of the parties, and all of
14 the facts and circumstances of the case. Criminal
15 intent is a mental state, a conscious wrongdoing.
16 It's up to you to determine what the Defendant
17 intended to do based on the circumstances shown to
18 have existed. Criminal intent can arise from action
19 or failure to act. It may arise from negligence,
20 recklessness, or an indifference to duty, or to
21 consequences that is considered, by law to be the
22 equivalent of criminal intent. Folks, the Defendant
23 is charged with domestic violence to the third
24 degree. The State must prove beyond a reasonable
25 doubt that the Defendant caused physical harm or

1 injury to a member of the Defendant's own household.
2 A household member is a spouse, a former spouse, a
3 parent, a child, a grandparent, a brother or sister,
4 a grandchild, a person with whom the Defendant has a
5 child in common, and a person with whom the
6 Defendant is living, or has lived with in the past.
7 So, Ladies and gentlemen, before you begin your
8 deliberations, I want you to clearly understand that
9 you are not partisans or advocates for the State of
10 South Carolina or the Defendant. It's your duty, by
11 your joint deliberations, Ladies and gentlemen, to
12 determine the facts of this case, giving to the
13 Defendant the benefit of every reasonable doubt on
14 each and every issue; then, to the fact, which you
15 determine to be true, you should take and apply the
16 law, which has been given to you by this Court, and
17 thus arrive at a verdict in this case. Thus, when
18 you have accomplished these responsibilities, Ladies
19 and gentlemen, you will have satisfied your oath as
20 jurors, and you will have discharged your duty to
21 this Court. Once you retire to the jury room, the
22 Bailiff will give you the verdict form, and Ms.
23 Foreperson, the Bailiff will give you that verdict
24 form. When you, the Jury, arrive at a verdict, as
25 to the offense charged in this case, the Foreperson

1 will select the verdict as to that offense on the
2 verdict form. Now, if the State has failed to prove
3 guilt of the Defendant beyond a reasonable doubt,
4 your verdict will be not guilty. Likewise, if the
5 State has -- likewise, if the State has proven guilt
6 of the Defendant beyond a reasonable doubt, your
7 verdict will be guilty. Once a decision has been
8 made, the Foreperson will check whichever choice is
9 the verdict of the Jury to the offense charged. The
10 verdict that you render in this case must be the
11 verdict of each and every Juror. It must be your
12 unanimous verdict. All twelve Jurors must agree on
13 the verdict, which you authorized the Foreperson to
14 write for the Jury. Ladies and gentlemen, I want
15 you to further understand that the order in which
16 the choices of the verdict appear on the verdict
17 form are not suggestive of any verdict on the part
18 of this Court. The verdict in this case is
19 determined by you, the Jury, not the Court.
20 Furthermore, Ladies and gentlemen, please understand
21 that even though I will give the verdict form to the
22 Foreperson, it is not the Foreperson's verdict
23 alone, it is the verdict of all 12 of you Ladies and
24 gentlemen; and I emphasize, again, it must be
25 unanimous. You must consider my instructions as a

1 whole and not follow some and ignore others. Now,
2 I'm going to ask you in just a moment to retire to
3 the jury room, but I do not want you to begin your
4 deliberations until you are told to do so. The law
5 requires that I consult with the attorneys to make
6 sure that I haven't left anything out of the
7 instructions. After I've checked with the
8 attorneys, the Bailiff will bring the verdict form
9 and a copy of the instructions, you will get a copy
10 of my instructions, and then instruct you to begin
11 your deliberations. Also, should you have any
12 questions during your deliberations, you must put it
13 in writing, and send them to me by the Bailiff. The
14 Court Bailiff will be placed immediately outside the
15 jury room during your deliberations. Once you've
16 reached your verdict, please knock on the door, and
17 ask the Bailiff to advise the Court that you've
18 reached a verdict, and we will return you to the
19 courtroom as soon as possible. Now, Ladies and
20 gentlemen, one other thing I want to let you know,
21 if a question arises, okay, if there's a question,
22 write -- again, write that question down, give it to
23 the Bailiff, he'll bring it to me. If there is a
24 question, at no time do I want you to any way
25 indicate any numbers, or how the Jury may or may not

1 be divided on -- on any issue, okay? The only thing
2 I want is the question. All right? Now, Mr.
3 Foreman, what I've got right here, and I'm going to
4 hold it up, I think you-all can see it, but this is
5 -- this is the verdict form. Here are my -- here
6 are my instructions that will go back with you, but
7 this is the verdict form, it's just one page. And
8 what it says right here is, "We, the Jury, in the
9 above-caption case on the charge of domestic
10 violence, third degree, unanimously find Leslie
11 Kieffer," and it says the Foreperson shall check
12 one. And, again, it says, "Not guilty," and
13 "Guilty," and, again, that's why I it said earlier,
14 don't take any significance to the fact that the
15 Court put not guilty above guilty. I got it
16 prepared this one way, and that's just the way I
17 prepared it, don't think that that means anything,
18 don't take any -- that just means nothing at all, as
19 -- as it relates to the Order. But once you all
20 reach your verdict, the Foreperson's going to check
21 one. Then I'm going to have the Foreperson sign
22 this document, right there where it says Foreperson.
23 And then once you reach that verdict, you just knock
24 on the door, and let the Bailiff know that you've
25 basically reached a verdict, and then we'll get you

1 back in here as soon as we can. Now, I'm getting
2 ready to send you back, but do not begin your
3 deliberations. Just a moment more, I want to make
4 sure I haven't left anything out, and there's one
5 other quick matter that we'll need to take up, and
6 we'll have you deliberating, hopefully, very, very
7 soon. Thank you so much. Thank you for your
8 attention.

9 If you'd escort the Jury to the -- to the
10 jury room.

11 (Whereupon, the Jury leaves the courtroom.)

12 THE COURT: Any exceptions or concerns as
13 it relates to the jury charges that were presented
14 to the Jury, and the instructions that I gave them
15 concerning the note. I didn't see where I contained
16 the information about the note. I basically told
17 them they had a note and how to respond. And then
18 my instructions concerning the verdict from the
19 State?

20 THE SOLICITOR: Nothing from the State.

21 THE COURT: From the Defense?

22 MS. CARMODY: Your Honor, I just want to
23 renew my objection that I believe that we should
24 have a spoliation of evidence charge, and also I
25 want to renew my objection for the charge that --

1 the continuing right to repel force with force.

2 THE COURT: And I understand that, and I
3 appreciate that, and you're protecting the record,
4 but my -- what I also want to know is as it relates
5 to the presentation and the -- what I've presented
6 to them. In my instruction to them I did adlib
7 somewhat about the note, and if they had a question,
8 how to respond to the -- how to present us with the
9 question; and then the information that I provided
10 them on the verdict form; is there any objection?

11 MS. CARMODY: No other -- no other
12 objections, except for the ones I just said, that's
13 it.

14 THE COURT: Yes, ma'am, I understand.

15 MS. CARMODY: Thank you, Your Honor.

16 THE COURT: All right, now what I'd like to
17 do is this, I would like for Counsel to approach,
18 and let's make sure that what's going back -- the
19 exhibits that are going back, that we have them all.
20 I'm going to have the Bailiff, on top of everything,
21 put my instructions and my verdict form. I want
22 that to be on top, but let's make sure that
23 everything -- and y'all have an agreement, and I
24 want to get that on the record.

25 THE SOLICITOR: Okay.

1 Your Honor.

2 THE COURT: Yes, sir, thank you so much.

3 MADAM CLERK: Sir, do you need an excuse
4 for your job?

5 ALTERNATE JUROR: No, I'm good.

6 MADAM JUROR: Okay, okay, thank you.

7 THE COURT: All right. We'll be -- we'll
8 be at ease.

9 (COURT IS IN RECESS.)

10 THE BAILIFF: All rise.

11 THE COURT: Thank you, you may be seated.

12 MS. CARMODY: Your Honor, I'm just waiting
13 for my client. She's in her vehicle. She's coming
14 up.

15 THE COURT: All right.

16 MS. CARMODY: It's raining so she sat out
17 in her car.

18 (Ms. Carmody's client returns to
19 courtroom.)

20 THE COURT: All right, we have a question,
21 and the question says, "May we hear the 911 call?"
22 And so I certainly see no reason -- I don't know
23 what call or calls that they want. First of all, I
24 don't think there'd be any reason why they can't
25 hear any call or calls. Do you want me to inquire

1 as to what 911 call they're referring to, Solicitor?

2 THE SOLICITOR: Yes, sir.

3 THE COURT: All right, what I want to do
4 is, I'm going to make this note, they sent me
5 Court's Exhibit 4.

6 (Court's Exhibit Number 4 is marked and
7 entered into the record.)

8 THE COURT: If y'all want to see this note,
9 or read this note, I'll be happy to have you come up
10 and look at it. And then what I have here is, I put
11 which 911 call, Leslie Kieffer, Tammy Kieffer, I put
12 a line, I guess really for a check, so they could
13 each just put a check and sign my name; is that
14 satisfactory to the State?

15 THE SOLICITOR: Yes, sir.

16 THE COURT: Defense?

17 MS. CAROMODY: Yes, Your Honor.

18 THE COURT: All right, then I'm going to
19 send this document back, and they can check -- I
20 think they'll give -- they're smart enough to
21 understand that that means to check one or both, and
22 whatever they want.

23 MADAM CLERK: Yes, give it to them, and
24 then tell them to knock on the door when they check
25 it.

1 (Bailiff returns note to Jury room.)

2 (Bailiff returns with note from Jury room.)

3 THE COURT: All right, they've checked
4 both, I'm going to make this Court's Exhibit 5.

5 (Court's Exhibit Number 5 is marked and
6 entered into the record.)

7 THE COURT: And, of course, they've got no
8 way to play it. Do you-all just want to bring them
9 in here? I'll bring them in here and play it again?

10 THE SOLICITOR: Yes, sir.

11 THE COURT: Is that sufficient for the
12 State?

13 THE SOLICITOR: Yes, sir.

14 MS. CARMODY: Yes, Your Honor.

15 THE COURT: All right. How about bring the
16 Jury back in?

17 THE BAILIFF: Yes, sir.

18 THE COURT: And --

19 THE SOLICITOR: Quickly, Your Honor --

20 THE COURT: Oh hold on, hold on.

21 THE SOLICITOR: Yes, just before we grab
22 them. My plan was just to play it in the same order
23 that they were played in trial. I -- I don't know
24 if order matters, but that was --

25 THE COURT: I think that's sufficient. Any

1 objection to that?

2 MS. CARMODY: No, Your Honor.

3 THE COURT: All right, that will be fine.

4 MS. CARMODY: Just to make -- if it's their
5 computers, make sure it's --

6 THE COURT: Make sure the volume's --

7 THE SOLICITOR: It's the same one, yes.

8 THE COURT: All right, that's great, you
9 can bring them back in.

10 THE COURT: All right, Mr. Foreman, Ladies
11 and gentlemen, I understand that you-all desire to
12 listen to the 911 calls again, and so we will play
13 both of the 911 calls.

14 Solicitor, you can proceed. Please make
15 sure that it is loud. I know that there was one
16 call in particular that was -- was difficult to
17 hear. So we're going to commence with the playing
18 of the 911 call. Thank, you-all.

19 (TWO 911 CALLS PLAYED)

20 THE COURT: All right, I think that is a
21 complete replay of both of the calls that were
22 entered into evidence and played earlier in the
23 trial, okay?

24 MR. FOREPERSON: Thank you.

25 THE COURT: So I'll send you back to the

1 room, if you can please continue deliberations?

2 Thank you all very much.

3 MR. FOREPERSON: Yes, sir, thank you.

4 (Whereupon, the Jury leaves the courtroom
5 and continues with deliberations.)

6 THE COURT: All right, any exceptions, as
7 it relates to what we played for the Jury, and the
8 instructions that I just gave them, asking them to
9 continue their deliberations for the State?

10 THE SOLICITOR: Nothing from the State.

11 THE COURT: From the defense?

12 MS. CARMODY: No, Your Honor.

13 THE COURT: All right, then we'll be at
14 ease.

15 (Whereupon, Court will be at ease during
16 deliberations.)

17 THE BAILIFF: All rise.

18 THE COURT: All right, thank you, you may
19 be seated.

20 Mr. Bailiff, I understand we have a
21 verdict?

22 THE BAILIFF: Yes, sir.

23 THE COURT: All right. Anything before we
24 bring the Jury in from the State?

25 THE SOLICITOR: No, sir.

1 THE COURT: From the Defense?

2 MS. CAMRODY: No, Your Honor.

3 THE COURT: All right, if you'll bring the
4 Jury in, please, sir.

5 (Whereupon, the Jury enters the courtroom
6 after deliberations.)

7 JURY VERDICT

8 * * * * *

9 THE COURT: All right, Mr. Foreman.

10 MR. FOREMAN: Yes, sir.

11 THE COURT: I understand the Jury's reached
12 a verdict?

13 MR. FOREMAN: Yes, sir.

14 THE COURT: If you could hand -- is that
15 the verdict right there?

16 MR. FOREMAN: Yes, sir.

17 THE COURT: Thank you, Madam Clerk. Thank
18 you, you can have a seat. Mr. Foreman, --

19 MR. FOREMAN: Yes, sir.

20 THE COURT: -- I would appreciate you
21 putting your initials by the appropriate verdict,
22 sir.

23 MR. FOREMAN: Yes, sir.

24 THE COURT: Thank you, sir.

25 MR. FOREMAN: Thank you, sir.

1 THE COURT: All right, Madam Clerk, if you
2 would publish the verdict, please?

3 MADAM CLERK: State of South Carolina,
4 County of Jasper, the State of South Carolina vs.
5 Leslie Kieffer, Indictment Number 2020-GS-27-00180.
6 Verdict of the Jury, guilty, signed by the
7 Foreperson.

8 THE COURT: All right, thank you, Madam
9 Clerk.

10 All right, any motions -- I'll tell you
11 what, let me have Counsel from both State and
12 Defense come up, and this is --

13 (The Solicitor and Ms. Carmody approach the
14 Bench.)

15 Madam Clerk, could you hand me that verdict
16 form, please?

17 All right. Come on. That's why I asked
18 him to initial it. That's where he hand-initialed.
19 I wanted to give you that option, but I wanted to
20 bring this to your attention. Okay?

21 MS. CARMODY: Yes, sir.

22 (Whereupon, Court is back in session.)

23 THE COURT: Any motions from the State?

24 THE SOLICITOR: No, sir.

25 THE COURT: All right, any motions from the

1 to say, you can, otherwise, you're free to go, and I
2 thank you so much for your service this week. Thank
3 you very much, you're free to go. If you want to
4 stay, you have to go and sit in the gallery, that'll
5 be absolutely fine. Whatever y'all want to do, have
6 a great day, and a great rest of your week.

7 THE COURT: All right, any -- any motions,
8 at this point, from the State?

9 THE SOLICITOR: Nothing from the State.

10 THE COURT: All right, from the Defense?

11 MS. CARMODY: Not yet, Your Honor, not
12 until after sentencing.

13 THE COURT: I'm sorry?

14 MS. CARMODY: Not until after sentencing,
15 Your Honor.

16 THE COURT: You're not going to make any
17 post-trial motions?

18 MS. CARMODY: I am making a motion for a
19 new trial, but I usually do that after sentencing,
20 but if you --

21 THE COURT: I want you to do it now.

22 MS. CARMODY: Sure, yes, Your Honor. Your
23 Honor, the Defense makes a motion for a new trial,
24 under Rule 29, I believe it's 29.

25 COURT REPORTER: Speak up, please. Can you

1 speak up?

2 MS. CARMODY: Oh, I'm so sorry. The
3 Defense is making a motion for a new trial, Your
4 Honor. I believe that the Jury's verdict is against
5 the weight of the evidence in this case. I believe
6 that the evidence in this case is conflicting.
7 There was issues with the body cam, issues with the
8 Jury instructions that I raised on my pre-trial
9 motions, and my motions during this case. I also
10 raised several objections. I'm asking the Court to
11 consider -- reconsider those as well, and grant my
12 client a new trial.

13 THE COURT: Anything in response?

14 THE SOLICITOR: The State would rest on all
15 previously made arguments.

16 THE COURT: All right, I'm going to
17 respectfully deny your motion. I think there's
18 plenty of evidence in this case to allow the case to
19 go forward, and for the Jury to conclude and find
20 your client guilty beyond a reasonable doubt. I
21 think it's clear that the Jury deliberated, thought
22 about this case, spent time on this case. This was
23 not any quick turnaround for them on this case, and
24 so I think that, clearly -- I think, clearly, there
25 was sufficient evidence to go -- to move forward,

1 and then for -- for their finding of guilt beyond a
2 reasonable doubt.

3 I'll also note your other objections for
4 the record, and, basically, would set forth the same
5 reasoning that I set forth earlier, all right?

6 And I'm happy to hear from the State on
7 sentencing.

8 THE SOLICITOR: Thank you, Your Honor. Ms.
9 Kieffer has no prior record, that's why the initial
10 recommendation for her was pretrial intervention.
11 As mentioned throughout this trial -- alluded to
12 throughout this trial, there was a previous incident
13 in which Ms. Kieffer was arrested for attacking Ms.
14 Tammy. And that instance, briefly, Ms. Tammy's
15 trying to walk away from her, and Ms. Kieffer pushed
16 her down the stairs.

17 MS. CARMODY: Objection, Your Honor, that
18 was -- this is not a --

19 THE COURT: Ma'am --

20 MS. CARMODY: -- conviction.

21 THE COURT: Ma'am, I don't -- I don't need
22 to hear from you, I'm allowing her to speak.

23 MS. CARMODY: Yes, Your Honor.

24 THE COURT: And then I will give you equal
25 time. That's inappropriate for you to interrupt at

1 this time, okay?

2 MS. CARMODY: I'm -- I'm sorry, Your Honor.

3 THE COURT: Thank you. Yes, ma'am.

4 THE SOLICITOR: Ultimately, that charge was
5 dismissed because of lack of victim cooperation,
6 which is essential in most domestic violence cases.
7 The goal, ultimately, with pretrial intervention,
8 was the Batterer's Treatment Program. There's,
9 obviously, a problem there, especially between these
10 two it seems. We wanted her to get treatment to get
11 help to prevent this happening in the future.
12 Obviously, now pretrial intervention is not an
13 option. The State is recommending a sentence of
14 time served.

15 THE COURT: How much time was served?

16 THE SOLICITOR: Overnight, I believe. It
17 is a 90-day offense for Your Honor's --

18 THE COURT: All right, does the victim want
19 to be heard?

20 THE SOLICITOR: No, sir.

21 THE COURT: Yes, ma'am, and I'll be happy
22 to hear from you.

23 MS. CARMODY: Yes, Your Honor, and my
24 apologies, Your Honor.

25 THE COURT: That's all -- that's all right,

1 and I will give you -- I understand exactly where
2 you're coming from, there's -- I'm going to put out,
3 at this point, I'm going to allow her to say
4 whatever she wants to say; that doesn't mean I put
5 any weight on any of that.

6 MS. CARMODY: Okay.

7 THE COURT: But go right ahead, okay?

8 MS. CARMODY: So, Your Honor, as -- as the
9 State mentioned, she has no criminal record. Your
10 Honor, for all of the evidence in this case, Your
11 Honor, my client is a disabled Veteran. She has --
12 her and the victim in this case are no longer
13 together, they're actually -- I believe either
14 retaining counsel or have started a divorce
15 proceeding. They have no intention on rekindling
16 that relationship. She's had no prior instances of
17 anything like this with anybody else in her past.
18 There is no history to indicate that, you know, she
19 -- she's a batterer. I understand the Jury's
20 verdict, but there's no history of any of that. Her
21 -- the prior charge the Solicitor mentioned in that
22 case was dismissed, and I think it was dismissed for
23 good reason. And I -- I understand the Jury's
24 verdict in this case, but I am asking that the Court
25 go with the State's recommendation of time served.

1 As you know, My Honor, my client, as well, I also
2 want to put on record, I have known her now for,
3 approximately, three years at the Public Defender's
4 Office, and she is a very good client. This woman
5 is very, very involved in her defense. She has
6 answered every time I've asked her to call me.
7 She's produced documents for her defense. She's
8 gone above and beyond. Any time I tell her she
9 needs to meet with me, she's there, and I really
10 believe that the Court needs to give her another
11 chance, and I don't believe that the State will have
12 any issues with her again like this in the future.
13 I believe this is, you know, a one-off thing, and
14 that's it. I don't see this happening again, and
15 I'm asking the Court to go along with your
16 recommendation. I believe that the conviction on
17 her record, she doesn't have one, is more than
18 sufficient under these circumstances to -- to teach
19 her the lesson that needs to be taught; and I would
20 appreciate the Court to accept the State's
21 recommendation.

22 THE COURT: All right, I know that there
23 may be issues concerning the appeal, and as a result
24 of that, your client may not want to address the
25 Court. Obviously, I -- I certainly understand that,

1 but I want to give her the opportunity, if she does.
2 You may want to talk to her. I know it doesn't -- I
3 mean I -- I'm not going to hold anything, whether
4 she does or doesn't, but for appellate purposes,
5 sometimes there are issues as it relates to someone
6 making a statement to the Court, so I give you that
7 option.

8 MS. KIEFFER: I just wanted to say thank
9 you for everybody's time, and I thank you, Judge,
10 for the money and everything that was spent and
11 everybody's time.

12 THE COURT: All right.

13 MS. KIEFFER: That's it.

14 THE COURT: All right, thank you.

15 THE SOLICITOR: Your Honor, I'm sorry, my
16 victim, Ms. Tammy, is also requesting a permanent
17 restraining order be signed, and we are working on
18 that paperwork right now.

19 THE COURT: Sure, all right. Do you have
20 the sentencing sheet ready?

21 MADAM CLERK: Yes, Your Honor.

22 THE COURT: All right, we'll be at
23 ease.

24 (Whereupon, the Court is in recess.)

25 THE BAILIFF: All rise.

1 THE COURT: Thanks, you may be seated.

2 THE SOLICITOR: Your Honor, I'm handing
3 up the permanent restraining order form and
4 highlighted is the areas that we chose them.

5 RULING BY THE COURT

6 * * * * *

7 THE COURT: All right, I'm just going to
8 say the State's recommendation of time served of one
9 day, I'm -- there's no way I'm accepting that. I'm
10 shocked that the State is only asking for one day in
11 a case that carries up to 90 days. This -- I
12 understand it's a first offense, but, ma'am, I'm
13 going to tell you, you put your hands on a woman,
14 you go after her, you -- the photographs speak for
15 themselves. You put your hands on a woman, you
16 bring blood to your -- to her face, that's not a
17 free pass in my book.

18 All right, Case Number 2020-GS-27-00180,
19 State vs. Leslie Kieffer, ma'am, I'm going to
20 sentence you to the County Detention Center for a
21 period of 60 days, provided that upon the service of
22 seven days you will satisfy your sentence. I'm
23 going to give you credit for one-day time served.
24 Now, what I will say is this, a special condition,
25 the Defendant is to serve her time on the weekend,

1 beginning March 25th, that should be Friday, March
2 25th, not this Friday, but next Friday. I'm going
3 to retain jurisdiction over this matter. If she
4 fails to report, a bench warrant is to be issued.
5 That'll be the Order of the Court as it relates to
6 the sentencing in this matter. I've signed a
7 permanent restraining order that is effective today
8 until 2122, so that will be a hundred years, which I
9 think will satisfy, okay?

10 All right, is there anything further from
11 the State?

12 THE SOLICITOR: Nothing from the State,
13 sir.

14 THE COURT: Anything from the Defense?

15 MS. CARMODY: No, Your Honor.

16 THE COURT: All right, thank y'all.

17 MS. CARMODY: Thank you, Your Honor.

18 THE COURT: All right, we'll be at ease
19 until tomorrow morning at 9:30. We've got pleas,
20 and we'll start the pleas at 9:30.

21 MS. CARMODY: Yes, Your Honor.

22 THE COURT: Okay. What's that? And the --
23 and the folks from the jail will be here at 9
24 o'clock.

25 MS. CARMODY: Yes, Your Honor.

1 THE COURT: All right, thank you.

2 MS. CARMODY: Thank you, Your Honor.

3 (Whereupon, the trial of State vs. Leslie
4 Kieffer, Case Number 2020-GS-27-00180, is now
5 concluded.)

6 - - -END OF TRANSCRIPT- - -

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

BODY-WORN CAMERAS

Jasper County Sheriff's Policy

I. PURPOSE

This policy is intended to provide deputies with instructions on when and how to use body-worn cameras (BWCs) so that deputies may reliably record their contacts with the public in accordance with the law.

II. POLICY

It is the policy of the Jasper County Sheriff's Office, that deputies shall activate the BWC when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

III. PROCEDURES

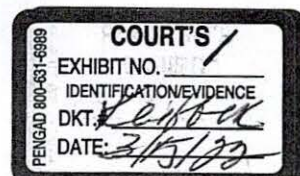
A. Administration

This agency has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

1. BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
2. Audio and video recordings also enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
3. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

B. When and How to Use the BWC

1. Deputies shall activate the BWC to record all contacts with citizens in the performance of official duties.
2. Whenever possible, deputies should inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made in pursuant to an arrest or search of the residence or the individuals. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy (see items D.1-4).



3. If a deputy fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.
4. Civilians shall not be allowed to review the recordings at the scene.

C. Procedures for BWC Use

1. BWC equipment is issued primarily to uniformed personnel as authorized by this agency. Deputies who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
2. Sheriff personnel shall use only BWCs issued by this department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency.
3. Jasper County Sheriff's Office personnel who are assigned BWCs must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.
4. BWC equipment is the responsibility of individual deputies and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the deputy's supervisor as soon as possible so that a replacement unit may be procured.
5. Deputies shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
6. Deputies shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Sheriff or his or her designee.
7. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
8. If an deputy is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the department reserves the right to limit or restrict a deputy from viewing the video file.
9. Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Sheriff or his or her designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.
10. Deputies shall note in incident, arrest, and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.

D. Restrictions on Using the BWC

BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:

1. Communications with other police personnel without the permission of the Sheriff;
2. Encounters with undercover officers or confidential informants;
3. When on break or otherwise engaged in personal activities; or
4. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

E. Process to Obtain Consent of Victims and Witnesses before Using BWCs during an interview

1. There is no obligation to obtain consent from victims or witnesses prior to using a BWC during an interview. However, if asked about its use, a LEO will be forthcoming about its use. At that time the LEO will have discretion on whether to keep the BWC on or turn it off. If the LEO discontinues the recording, the LEO must document the reason for discontinuation either on the BWC or in a written report.

F. Storage

1. All files shall be securely downloaded periodically and no later than the end of each shift. Each file shall contain information related to the date and BWC identifier. Recordings that are non-investigative, non-arrest, and are not part of any internal investigation will be retained not less than fourteen (14) days.
2. All images and sounds recorded by the BWC are the exclusive property of the Jasper County Sheriff's Office. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
3. All access to BWC data (images, sounds, and metadata) must be specifically authorized by the Sheriff or his or her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
4. Files should be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.
5. Recordings of any arrests or violations of offenses listed in the S.C. Preservation of Evidence Act, S.C. Code 17-28-320, the expungement

statute of S.C. Code 17-1-40, or any other statute, regulation, or case law will follow the retention requirements outlined therein.

6. Data recorded by a body-worn camera is not a public record subject to disclosure under the Freedom of Information Act:
 - a. The State Law Enforcement Division, the Attorney General, and a circuit solicitor may request and must receive data recorded by a body-worn camera for any legitimate criminal justice purpose;
 - b. A law enforcement agency, the State Law Enforcement Division, the Attorney General, or a circuit solicitor may release data recorded by a body-worn camera in its discretion;
 - c. A law enforcement agency may request and must receive data recorded by a body-worn camera if the recording is relevant to an internal investigation regarding misconduct of disciplinary action of a law enforcement officer;
 - d. In addition to the persons who may request and must receive data recorded by a body-worn camera provided in item (2), the following are also entitled to request and receive such data pursuant to the South Carolina Rules of Criminal Procedure, the South Carolina Rules of Civil Procedure, or a court order:
 1. a person who is the subject of the recording;
 2. a criminal defendant if the recording is relevant to a pending criminal action;
 3. a civil litigant if the recording is relevant to a pending civil action;
 4. a person whose property has been seized or damaged in relation to, or is otherwise involved with, a crime to which the recording is related;
 5. a parent or legal guardian of a minor or incapacitated person described in sub item (1) or (2); and an attorney for a person described in sub items (1) through (5).

G. Supervisory Responsibilities

1. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
2. At least on a monthly basis, supervisors will randomly review BWC recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.

IV. Process to obtain consent of victims and witnesses before using BWC's during an interview.

- a. There is no obligation to obtain consent from victims or witnesses prior to using a BWC during an interview. However, if asked about its use, a LEO will be forthcoming about its use. At that time the LEO will have discretion on whether to keep the BWC on or turn it off. If the LEO discontinues the recording, the LEO must document the reason for discontinuation either on the BWC or in a written report.

V. The retention and release of data recorded by BWCs.

- a. Recordings that are non-investigative, non-arrest, and are not part of any internal investigation will be retained not less than fourteen (14) days.
- b. Recordings of any arrests or violations of offenses listed in the S.C. Preservation of Evidence Act, S.C. Code 17-28-320, the expungement statute of S.C. Code 17-1-40, or any other statute, regulation, or case law will follow the retention requirements outlined therein.
- c. Data recorded by a body-worn camera is not a public record subject to disclosure under the Freedom of Information Act:
 - i. The State Law Enforcement Division, the Attorney General, and a circuit solicitor may request and must receive data recorded by a body-worn camera for any legitimate criminal justice purpose;
 - ii. A law enforcement agency, the State Law Enforcement Division, the Attorney General, or a circuit solicitor may release data recorded by a body-worn camera in its discretion;
 - iii. A law enforcement agency may request and must receive data recorded by a body-worn camera if the recording is relevant to an internal investigation regarding misconduct or disciplinary action of a law enforcement officer;
 - iv. In addition to the persons who may request and must receive data recorded by a body-worn camera provided in item (2), the following are also entitled to request and receive such data pursuant to the South Carolina Rules of Criminal Procedure, the South Carolina Rules of Civil Procedure, or a court order:
 - 1. a person who is the subject of the recording;
 - 2. a criminal defendant if the recording is relevant to a pending criminal action;
 - 3. a civil litigant if the recording is relevant to a pending civil action;

4. a person whose property has been seized or damaged in relation to, or is otherwise involved with, a crime to which the recording is related;
5. a parent or legal guardian of a minor or incapacitated person described in sub item (1) or (2); and
6. An attorney for a person described in sub items (1) through (5).

282NESSES

JCSO -

Det. Gregory Rivers

ARREST WARRANT NUMBER

8102P0797686

ACTION OF GRAND JURY

DATE
FOREMAN
NO BILL
TRUE BILL

Shirley A. Wells

Foreperson of Grand Jury

Date: 8/5/2021

VERDICT

Guilty

Shirley A. Wells

Foreperson of Petit Jury

Date: 3-16-22

INDICT

DOCKET NO. 2020GS2700180

The State of South Carolina

County of Jasper

COURT OF GENERAL SESSIONS

August Term 2021

THE STATE

vs.

Leslie Keiffer

Indictment For

Domestic Violence - 3rd Degree

SC Code: 16-25-20(A)(1), 16-25-20(D)

CDR Code: 3813

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

TRUE COPY
MARGARET BOSTICK
CLERK OF COURT
JASPER COUNTY, SC
BY: *[Signature]*
DATE: 25 APR 22

STATE OF SOUTH CAROLINA

)

INDICTMENT

COUNTY OF JASPER

)

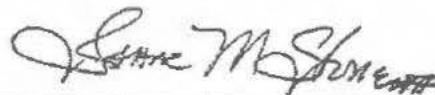
2020GS2700180

At a Court of General Sessions, convened on Aug. 5, 2021, the Grand Jurors of Jasper County present upon their oath:

Domestic Violence - 3rd Degree

That in Jasper County, South Carolina, on or about March 7, 2020, the Defendant, Leslie Keiffer, did cause physical harm or injury to Tammy Keiffer, a household member of Leslie Keiffer, all in violation of Section 16-25-20(A)(1), 16-25-20(D), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor



STATE 284

LESLIE KEIFFER

INDICTMENT/CASE#: 2020GS2700180

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF JASPER

STATE

VS.

INDICTMENT/CASE#: 2020GS2700180

LESLIE KEIFFER

A/W#: 8102P0797686

AKA:

Date of Offense: 03/07/2020

Race: White Sex: Female

DOB: 964 SS#:

S.C. Code §: 16-25-20(A)(1)

CDR Code #: 3813

Address: Old Charleston Highway, Hardeeville, SC
29927, Jasper County

City, State, Zip:

DL#* SID#

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Domestic Violence 3rd Degree

In violation of § 16-25-20(A)(1) of the S.C. Code of Laws, bearing CDR Code # 3813

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☐ State Department of Correction ☒ County Detention Center,

for a determinate term of 60 days/months/years/Time Served ☐ Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of 7 days/months/years/Time Served and or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc.

days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

SCCA/217 (07/2021)

Page 1 of 3

DATE: BY: JASPER COUNTY, SC CLERK OF COURT MARGARET BOSTICK TRUE COPY

☒ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

☐ Other: The defendant is to serve her time on the weekend beginning March 25th. I will retain jurisdiction. If she fails to report a bench warrant is to be issued

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

\$14-1-206 (Assessments 107.5%)	\$	0
\$14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
\$14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ 0
\$56-5-2995 (DUI Assessment)	\$12	\$ 6
\$56-1-286 (DUI Breath Test)	\$25	\$ 6
\$14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
\$14-1-213 (Drug Court Surcharge)	\$150	\$ 0
\$34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$ 0
\$50-21-114 (BUI Breath Test Fee)	\$50	\$ 0
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ 6
3% to County (if paid in installments)	TBD	\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$ 0
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ 0
TOTAL		\$ 128.75

Clerk of Court/Deputy Clerk: Margaret Bostick

Court Reporter: Cathy Young

SCCA/217 (07/2021)

Presiding Judge: Ray Boel

Judge Code: 2770

Sentence Date: 3/16/22

TRUE COPY
MARGARET BOSTICK
CLERK OF COURT
JASPER COUNTY, SC

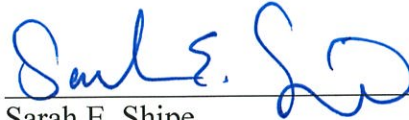
BY: AP

DATE: 25 APR 22

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Sarah E. Shipe
Appellate Defender

RECEIVED

Jul 24 2023

SC Court of Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 24th day of July, 2023.