

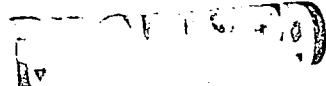
 ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM ANDERSON COUNTY

R. Lawton McIntosh, Circuit Court Judge



SEP 27 2013

THE STATE,


RESPONDENT,

V.

WILLIAM LAUREANO,

APPELLANT

APPELLATE CASE NO. 2012-210566

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA) IN THE TENTH JUDICIAL CIRCUIT
COUNTY OF ANDERSON) THE COURT OF GENERAL SESSIONS
) 2010-GS-04-01379
THE STATE OF SOUTH CAROLINA,)
)
) PLAINTIFF,)
)
VERSUS)
)
)
WILLIAM LAUREANO,)
)
) DATE: MARCH 14-16, 2012
) ANDERSON, SOUTH CAROLINA
_____ DEFENDANT.)

TRIAL TRANSCRIPT

B E F O R E:

THE HONORABLE R. LAWTON MCINTOSH

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SOUTH CAROLINA JUDICIAL DEPARTMENT

1 motion was actually filed in October of 2010 and there was
2 a hearing before Judge Maddox on January 4, 2011.

3 THE COURT: Has he ruled on that motion?

4 MR. ANDERSON: On the speedy trial motion? No, sir,
5 Your Honor. There's no ---

6 THE COURT: What was the hearing for?

7 MS. REEVES: Well, it was to be for a speedy trial
8 motion, Judge, but at that time the Defendant relieved Mr.
9 Potter of his representation.

10 THE COURT: That was in October of 2010?

11 MS. REEVES: The motion was filed in October of 2010.

12 THE COURT: Okay.

13 MR. ANDERSON: Thank you, Your Honor. Also, we have a
14 motion in limine as to one of the pistols that's involved
15 in this case.

16 THE COURT: One of what, please?

17 MR. ANDERSON: There are multiple guns that were
18 recovered in this case and there is one specific gun that
19 was actually recovered at a later time. So, we would have
20 a motion to exclude that particular pistol.

21 THE COURT: Okay. What else, please?

22 MR. ANDERSON: We also have a motion in limine asking
23 the Court to instruct the Prosecution and any witnesses not
24 to mention that Mr. Laureano has a prior record for a CDV
25 from 2010, I believe.

1 THE COURT: Is that a simple CDV?

2 MR. ANDERSON: CDV, first, yes, Your Honor.

3 THE COURT: And when is it?

4 MR. ANDERSON: 2010. I believe October of 2010. I
5 can get that date for you.

6 MS. REEVES: Judge, I have a copy of his certified
7 conviction and I'm, of course, not planning on introducing
8 that. He has a prior CDV charge as well as two assault and
9 battery convictions and, of course, unless he takes the
10 stand or opens the door, I wasn't planning on introducing
11 it.

12 THE COURT: Well, as far as that motion then, I'm
13 going to grant the motion with regard to the prior record.
14 Obviously, should the defendant take the stand, there may
15 be some issue then. Also, if they open the door, there may
16 be some issue then.

17 MR. ANDERSON: Yes, sir.

18 THE COURT: All right. What are the other motions?

19 MR. ANDERSON: Just a second, Your Honor. (Speaks to
20 the defendant.) I think that will be all for the Defense
21 at this time, Your Honor.

22 THE COURT: Okay. Are there any motions directed to
23 jury selection, from the State?

24 MS. REEVES: No, sir.

25 THE COURT: From the Defense?

THE STATE OF SOUTH CAROLINA VERSUS WILLIAM LAUREANO

1 THE COURT: All right. Ladies and Gentlemen, can you
2 hear me okay? Very good. If you can't, during this trial
3 if you cannot hear something, raise your hand, don't blurt
4 out, but raise your hand and we'll make sure that we get it
5 such that you do.

6 Let me go over a few things with you. I don't know if
7 any of you have ever been involved with the criminal
8 justice system before, either as a litigant, a witness or
9 whatever, but I suspect that each and every one of you have
10 watched what purports to be a criminal trial on T.V. or in
11 the movies. Let me quickly dispel you, what you're about
12 to see is not entertainment. Trials are not done in five
13 minute vignettes. Trials are very slow, they are very
14 methodical and very deliberate. They are a fundamental
15 part of our democracy which each citizen derives the
16 benefit from. They are a search for the truth to try to
17 make sure that justice is done. What that simply means is,
18 at times you may feel like pulling your hair, potentially,
19 but that's the way this system works.

20 These attorneys on both sides are professionals. I
21 have been around them for years and I've known them for a
22 long time. They are very good attorneys and they are
23 advocates for their clients. In addition to being good
24 attorneys, they have an oath that they take to zealously
25 represent their clients in each and every case, but at the

1 same time, they are officers of the court. What that
2 simply means is, you can expect the attorneys here today to
3 be professional, to be competent and to be ethical in their
4 dealings with one another, with me and with any witnesses
5 here in this courtroom.

6 Now, you've just taken an oath in which you say that
7 you will be fair and impartial to both sides of this case
8 and that you will listen and truly try the evidence and
9 that means that these attorneys and the parties and
10 witnesses and all parties involved have a right to expect
11 of you that you will be fair, that you will be impartial
12 and that you will be ethical in your dealings in this
13 matter.

14 Now, what I'm telling you now is not the charge on the
15 law. I will give you the law that you must apply to the
16 facts of the case as you find them at the end of this case.
17 I just want to go over a few things with you so you know,
18 generally, what the process is going to be and understand
19 some of the standards that you will be applying as jurors
20 in this case.

21 Now, first, there's been about eight or nine that have
22 asked to take notes. Some judges will not let jurors take
23 notes. I find that it's up to the juror whether or not
24 they do want to take notes and you're certainly free to do
25 so, but let me give you a word of caution. One of the

1 functions that you do as jurors, the main function, is to
2 find facts. A part of that function means you will judge
3 the credibility of the evidence and testimony here in this
4 courtroom. In doing so, if you are busily engaged looking
5 at your notepad and you're not paying attention to the
6 witness' demeanor or their reactions on the stand, you may
7 miss something that is vital in making a determination of
8 their demeanor in this trial and so I caution you to not
9 get so engaged in your note taking that you miss what's
10 happening up here.

11 In addition, just because one juror's notepad may say
12 one thing and another juror's memory may say another, the
13 notepad doesn't trump, it's not a spade card. Those are
14 equally as fair when you get back in your deliberations and
15 you begin your debates and discussions about how you are
16 going to find facts and both are just as good. Some people
17 are better note takers and some people are better
18 listeners, so keep that in mind.

19 As I told you, the Defendant in this case has been
20 indicted for criminal domestic violence of a high and
21 aggravated nature. First, I told you earlier, and if I
22 didn't, the fact that the Defendant has been indicted and
23 charged is not evidence of guilt. It does not raise an
24 inference of guilt nor does it raise any presumption of
25 guilt. This document is simply the charging mechanism by

1 which the State of South Carolina brings a defendant such
2 as this one before a jury such as yourselves for a
3 determination of guilt or innocence. In fact, the
4 Defendant in this case has said, "I am not guilty". That
5 places the burden on the State of South Carolina to prove
6 each and every element of the charge against him beyond a
7 reasonable doubt.

8 Now, it will be up to you at the end of this case
9 whether or not South Carolina or these prosecutors have met
10 that burden, but let me give you a brief description of
11 what reasonable doubt is. A reasonable doubt is the kind
12 of doubt that would cause a reasonable person to hesitate
13 to act. The State has the burden of proving the Defendant
14 guilty beyond a reasonable doubt. Some of you may have
15 served as jurors in civil cases where you were told it was
16 only necessary to prove that a fact was more likely true
17 than not or what is known as by the greater weight of the
18 evidence. In criminal cases the State's burden of proof is
19 more powerful than that. It is beyond a reasonable doubt.

20 Proof beyond a reasonable doubt is proof that leaves
21 you firmly convinced of the Defendant's guilt. Now, that
22 being said, there are very few things in this life that we
23 know with absolute certainty and in criminal cases,
24 absolute certainty is not require, nor is proof that
25 overcomes every reasonable doubt. I will give you further

1 and a more detailed charge on reasonable doubt at the end
2 of this case, but I wanted you to keep that in mind as you
3 sit here and listen to the evidence during the course of
4 this trial because you are what we in the vernacular of the
5 law say, you are the finders of the facts. You are the
6 sole judges of the facts. I can't tell you what the facts
7 are. The State nor the Defense can tell you what the facts
8 in this case are. That will be solely for you, the jury,
9 to determine and to give whatever evidence submitted in
10 this case, whatever inference or conclusion that you want
11 them to have.

12 Now, that being said, if I do anything throughout the
13 course of this trial that would seem to indicate anything
14 to you that I have a feeling one way or the other about how
15 you are to find facts, I'm going to ask you and I'm going
16 to instruct you to disregard that. I can assure you that I
17 have no feeling about it. Our State Constitution does not
18 allow any trial judge to have an opinion on the facts. My
19 job is to serve as an instructor on the law for you, the
20 jury, and to act something akin to a referee to make sure
21 the process is followed and that both sides receive a fair
22 and impartial trial.

23 Now, that being said, you will determine the facts in
24 this case from what you hear in this courtroom. In other
25 words, from the testimony from that witness stand that is

1 sworn and from the evidence that is received into evidence
2 by way of exhibits. You are not to be influenced by any
3 outside opinions or comments or things that you see while
4 court is not in session. If you do that and pay attention
5 to the evidence here in this courtroom, then you will be
6 able to make your findings of fact at the end of the case.

7 Now, the law that makes you the finders of the facts
8 makes me the instructor of the law. At the end of this
9 case, I am going to charge you on the law that you must
10 apply. To the law that I give to you, you can apply the
11 facts as you find them. You may get back there and say, "I
12 don't like this law. I think it should be different. I
13 think it should be changed." This is not the time and the
14 place and it would be improper for anyone on the jury to
15 attempt to modify the law as I give it to you. You must
16 accept the law as I give it to you. I can't invade your
17 province and you can't invade mine. I will give you the
18 law as it is appropriately applied.

19 Now, as I hinted on earlier, do not at any time before
20 I give you explicit instructions, begin deliberating this
21 case. That simply means, during breaks, don't sit around
22 saying, "I thought so and so said this," or start talking
23 about the testimony or even, God forbid, that you think
24 someone didn't do this. That would be improper. You need
25 to listen to all the evidence and let me charge you on the

1 law and send you a note saying it is time to start your
2 deliberations before you begin to do that and the reason
3 being, we don't want you making any premature decisions
4 before you have a change to hear all the facts, all the
5 testimony, and hear the law that you must apply.

6 Also, our Chief Justice of the South Carolina Supreme
7 Court, Jean Toal, has instructed all us trial level judges
8 to instruct jurors that they're not to engage in any third
9 party or independent research. What that simply means is
10 this: You are not to look up anything about anybody here
11 in the courtroom, lawyers, parties, court officials. If
12 you hear terms talked about in testimony or you think of an
13 issue that you think would be helpful, you are not to look
14 it up on the internet. The reason being, again, we want
15 your decision based solely on the evidence and testimony
16 that's presented to you in this courtroom uninfluenced by
17 outside influences.

18 Now, during breaks in this case when you go home in
19 the evening -- I'm married, I'm sure if I were on a jury,
20 my wife would ask me, "Well, what's the case about? Just
21 tell your spouse, your significant other or any friends you
22 may have, "I'll talk to you after the case is over,"
23 because inevitably, if you begin any discussions about the
24 case, you will get into the merits in the discussions.
25 Don't do that. If it happens to come out in the paper, in

1 the news, on the radio, just don't listen to it, read it,
2 or pay it any attention until after the case is over with.

3 Also, as I pointed out to you in the crowd earlier, if
4 you bump into any of these attorneys or parties or any
5 witnesses, it's okay to nod your head. Do not engage them
6 in any conversation. They will not engage you in any
7 conversation. The reason being, we don't want anyone
8 believing there is any ex parte communications between
9 anyone involved in this case.

10 Now, in every single case tried in this courtroom
11 there are five phases. You have the opening statement, you
12 have the presentation of evidence, you have the closing
13 arguments of the attorneys, you have my instruction on the
14 law, then you have the deliberations. I tell you those
15 phases so that at any given point, you have a general idea
16 about what this case is about and where you are in this
17 case.

18 In just a second, the Solicitor is going to stand up
19 and give you her version of what the case is about in what
20 is known as an opening statement. I remind you and I'll
21 remind you again, what the attorneys state in this case, in
22 their closing, opening, and at other times, is not
23 evidence. It is designed to help you interpret what's
24 going on, to help you understand what's going on, but it is
25 not sworn testimony and it is not evidence. Also, the

1 attorney for the Defense may, but is not required to, give
2 you an opening statement. Again, what he may tell you is
3 not evidence, it is not sworn, but it is, again, designed
4 to help you understand what this case is all about.

5 Before we get into any opening statements, however,
6 I'm going to ask you to go back for a very brief moment.
7 You won't really even have a chance to sit down, to see if
8 I've overlooked to say something or neglected to say
9 something I should have or said something wrong. So, Madam
10 Forelady, if you would take the jury back to the jury room
11 for just a second, please.

12 (Jury out at 1:47 p.m.)

13 THE COURT: Any additions or exceptions from the
14 State?

15 MS. REEVES: No, sir

16 THE COURT: From the Defense?

17 MR. ANDERSON: No, sir, Your Honor.

18 THE COURT: Okay. Are you ready to proceed or do you
19 need a break before we go?

20 MS. REEVES: No, sir, I just need to grab a tissue.
21 If I can do that, I'll be ready.

22 THE COURT: Yes, ma'am. Do you need a break or are
23 you ready to go?

24 MR. ANDERSON: I'm ready, Your Honor.

25 THE COURT: All right. Let's bring them back, Mr.

1 Frasier.

2 (Jury in at 1:51 p.m.)

3 THE COURT: Before we get started, Madam Forelady, let
4 me make sure that, I don't think I made this clear to you.
5 If I call for you to come out and you are not ready, just
6 send word you need a few more minutes. Also, as you will
7 see through the day, I drink water up here. If any of you
8 want water, it is more than fine for you to have it in
9 here. It's only fair. If I can have it, you can have it.
10 Okay? That being said, are you ready for opening
11 statements?

12 MS. REEVES: Yes, sir.

13 THE COURT: Mr. Anderson?

14 MR. ANDERSON: Yes, Your Honor.

15 THE COURT: Very good.

16 MS. REEVES: May it please the Court.

17 THE COURT: Yes, ma'am.

18 OPENING STATEMENT BY MS. REEVES

19 Ladies and Gentlemen, having a loaded gun pointed at
20 you with that person threatening to kill you, that would
21 scare anyone to death, and that is what happened to the
22 victim in this case. We are here today because this
23 defendant, William Laureano, did just that to his wife. He
24 pointed a loaded gun at her and threatened to kill her.

25 As the Judge told you, it is my job to prove the

THE STATE OF SOUTH CAROLINA VERSUS WILLIAM LAUREANO

1 elements of this crime beyond a reasonable doubt. The
2 State possesses the burden of proof in this case. The
3 charge is criminal domestic violence of a high and
4 aggravated nature and what that means, and the Judge will
5 tell you at the end of this case, but briefly, what that
6 means is that the Defendant committed an assault or a
7 threat with or without an accompanied battery and battery
8 is an unwanted touch or a hit. So, with or without that
9 battery, which would reasonably cause a person to fear
10 imminent, serious, bodily injury or death and that crime
11 was committed against a household member or their spouse,
12 their wife.

13 The Defendant in this case committed this crime, as I
14 said, against his wife, Miriam Laureano. Today, you will
15 hear that the Defendant committed this crime of criminal
16 domestic violence of a high and aggravated nature through
17 his wife and their daughter and the deputies and
18 investigators that responded to the scene.

19 Briefly, an overview of this case, you will hear in
20 detail from them, but from me, I will tell you, briefly,
21 that this incident occurred on February 2, 2010 at their
22 home at [REDACTED] in Easley and that is in
23 Anderson County. On that day in their home, you will hear
24 how the victim and the Defendant had an ongoing argument
25 that took place at their home in their bedroom. During

1 that argument, the Defendant took out a loaded .357 Magnum
2 Revolver, pointed it at the victim and told her that he
3 would kill her, their daughter, and any law enforcement
4 that came to the house. As soon as she was able, she left.
5 She hid behind a church with her daughter and her two
6 grandchildren and waited for the police to arrive. You
7 will hear from the deputies that when they responded to the
8 house, that the door was partly open and a light was on.
9 When they knocked on the door trying to get the defendant
10 to come out, the door was shut and the light was turned
11 off. This resulted in a six hour stand-off. The
12 negotiators came in and tried to talk to the Defendant,
13 tried to get him out of the house peacefully, which he did
14 eventually surrender.

15 After hearing this evidence and after hearing from the
16 victim that this is what the Defendant did to her, pointed
17 a loaded gun at her and threatened her, I will ask that you
18 find this Defendant guilty of criminal domestic violence of
19 a high and aggravated nature.

20 THE COURT: Mr. Anderson.

21 MR. ANDERSON: Thank you, Your Honor. May it please
22 the Court.

23 OPENING STATEMENT - MR. ANDERSON

24 Good afternoon, everybody. Again, my name is Chuck
25 Anderson, and I'm a lawyer here in Anderson. I've been

1 doing this for sixteen years now. It seems like a long
2 time.

3 My client is sitting there, William Laureano, who you
4 can see. First, I want to tell you I'm happy that you're
5 here. I know that most of you are probably not happy that
6 you are here, except for our fine alternate, who seemed
7 excited to be here and so I give him credit for enthusiasm,
8 but without you we could not have a justice system. So,
9 I'm happy you're here although it takes out of your busy
10 lives, we all have things to do. I have two little
11 children. I'm very busy, but we need you. We want you to
12 listen to the case and give the prosecution your full
13 attention. They will tell you what they think Mr. Laureano
14 did wrong and, you know, it's your job to determine what
15 happened.

16 Now, what we are going to tell you is, obviously,
17 different than what they will say or we wouldn't be
18 standing here. Our position is, this did not happen. This
19 is a case that, as a lawyer, it's kind of easy to handle,
20 because there's not going to be any evidence. All you're
21 going to hear is Ms. Laureano tell you, "He threatened me
22 with a gun." You'll hear her daughter come along and back
23 her up. There's not going to be a video. There's not
24 someone going to be standing there that made a video of
25 some big fight, someone standing there with a gun,

1 something like you might see on T.V. We're not going to
2 have DNA, or fingerprints. We aren't going to have a bunch
3 of police officers come in here and say they saw all this
4 stuff, you know, and made this big arrest. They weren't
5 there. They didn't see it. There were only four adults in
6 that house on this particular day: Mr. Laureano, Mrs.
7 Laureano, their daughter Rachel and their son Killian.
8 You'll hear from everybody and Mr. Laureano and their son
9 Killian is going to tell you there was no fight, nothing
10 occurred, he didn't point a gun at anybody, there was no
11 shouting, there's no fighting, there's no marks. You're
12 not going to see any pictures. The police officers are
13 going to come up here. They don't have pictures with marks
14 on Ms. Laureano. There are no injuries. What you have is
15 a situation where, unfortunately, Mr. Laureano and his
16 daughter did not get along. There had been problems, as he
17 will tell you. He and his wife disagreed as married
18 couples do. They have disagreements. He didn't want his
19 daughter around the house. She had been causing trouble.
20 He had been taking care of everybody, he'd been buying
21 clothes, food, feeding them. Obviously, this family was
22 not getting along.

23 What we're going to tell you during this trial is that
24 Ms. Laureano and her daughter wanted to get him out of
25 there and they did. They managed to do that. They got him

1 out of the house, she got a divorce, the daughter is back
2 living in the house by herself now and Mr. Laureano is out.
3 He never touched her, he never threatened her. He has
4 guns. He has a concealed weapons permit. He doesn't
5 dispute any of that, but what we say in this case is, he
6 didn't threaten his wife with a pistol on February 22,
7 2010, and I think when you hear there is no evidence from
8 anyone other than just bare statements of these two ladies,
9 that you will agree with us about that day, that nothing
10 happened. The State has the burden, as the Judge told you,
11 to prove this case beyond a reasonable doubt. We feel that
12 once you sit here and listen to what happened and see the
13 complete lack of any real sort of evidence, that you will
14 find that, "Hey, wait a minute, I have a doubt and I don't
15 necessarily agree that this is what occurred," and when you
16 do, you have the opportunity at that point to find him not
17 guilty.

18 So, we ask that you pay careful attention and we
19 appreciate your time and we will be as brief as possible,
20 I promise you. Thank you.

21 THE COURT: Would you call your first witness, please?

22 MS. REEVES: Yes, sir. The State calls Miriam
23 Laureano.

24 (After being duly sworn by the Clerk of Court, Miriam
25 Laureano testified as follows:)

DIRECT EXAMINATION OF MIRIAM LAUREANO BY MS. REEVES

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1 CLERK OF COURT: Please have a seat. If you would,
2 please, state your full name for the record and spell your
3 last name.

4 MS. LAUREANO: Miriam Laureano. L-A-U-R-E-A-N-O.

5 DIRECT EXAMINATION OF MIRIAM LAUREANO BY MS. REEVES

6 Q Ms. Laureano, how do you know the Defendant?

7 A He was my husband.

8 Q And how long were you married to him?

9 A Twenty-seven, twenty-six years.

10 Q Do you have any children together?

11 A Two.

12 Q And what are their ages?

13 A My daughter is twenty-five and my son is twenty-one.

14 Q And did an incident occur between you and this
15 Defendant on February 2, 2010?

16 A Yes, ma'am.

17 Q And where were you living?

18 A [REDACTED] Easley.

19 THE COURT: Let me -- can you hear her, Ladies and
20 Gentlemen? (Shake heads) Okay. Would you slide just a
21 little bit upwards, please, because I'm having a little
22 difficulty. Thank you. Excuse me.

23 Q Ms. Laureano, is that residence that is on Shenandoah

24 [REDACTED] is that in Anderson County?

25 A Yes, ma'am.

1 Q And who was living with you at that time?

2 A My daughter, her two children, and my son.

3 Q And, of course, the Defendant was there, as well.

4 A Yes.

5 Q And how old were your grandchildren at that time?

6 A Kendall was three and I believe the baby was one,
7 Keith was one.

8 Q And on that date, did you and the Defendant have an
9 argument?

10 A Yes.

11 Q And when did this start?

12 A It started three days before that.

13 Q And what was happening during that argument for those
14 three days?

15 A It was non-stop arguing. He was accusing me of a lot
16 of stuff. I didn't do anything right. I couldn't
17 sleep. He wouldn't let me sleep. He kept kicking me
18 off the bed, pulling the blanket from me and he
19 wouldn't let me sleep until he said what he had to
20 say, so for three whole days I sat there with no sleep
21 because he just kept harassing me.

22 Q And what, if anything, happened the morning of
23 February 2nd?

24 A I got up. Like I normally do, I would make coffee.
25 There was no milk and I told him I had to go get milk

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1 for the baby before he got up. That was Kendall. I
2 went and took a shower. He came to the shower, pulled
3 the shower curtain open and started cursing at me. I
4 closed the shower curtain, finished taking a shower
5 real quick, got dressed, went out to get the keys. My
6 keys, my wallet, my phone was missing and so I came
7 around and sat next to him and told him, "Can I have
8 my keys? I've got to go get the milk," and he started
9 cursing me out and he told me, "No" and so I stayed
10 quiet just to avoid the fight and I found my phone.
11 It was in between the bed and the wooden post and so I
12 grabbed it. He went to grab it off my hand and I put
13 it in my back pocket and he wouldn't give me my keys
14 and so I just kind of laid back and waited for him to
15 calm down. He started cursing and picked up the lamp
16 that was on the night stand and threw it to the door.

17 Q Where were you at that point? When he threw the lamp,
18 where was he and where were you?

19 A He was sitting on his side of the bed right next to
20 the night stand. I was sitting on the other corner on
21 his side of the bed, trying to talk to him, trying to
22 get him to give me the keys back so I could go get the
23 milk.

24 Q And you said he threw the lamp?

25 A He threw the lamp. Yes.

1 Q And how did he throw it or where did he throw it?

2 A He just grabbed it. I mean, he just yanked it off the
3 wall, threw it, threw it straight across to the front
4 of the door to walk into my room, he threw it there.
5 It just landed and shattered it.

6 Q What, if anything, happened next?

7 A He took out the gun which was in a drawer in the
8 little night stand and he started playing with it,
9 playing with the chamber and he was spinning it and he
10 kept pointing it back and forth and then he just held
11 the gun there, at me, in my face and he told me that I
12 am going to make him kill somebody and he said that he
13 was going to kill me and, excuse the words, but these
14 are the words he used. He said that he was going to
15 kill that bitch and kill the cops that come after him,
16 so it would all be on me, that I would be the guilty
17 one.

18 Q When he said, "the bitch", who was he talking about?

19 A He was talking about my daughter, his daughter,
20 Rachel.

21 Q And what did the gun look like that he pointed at you?

22 A It was a .357. It was black, a revolver.

23 Q How did he look when he said this to you?

24 A He smiled and he had a cold look. I had never seen
25 that look before and that scared me. He had nothing

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1 in his eyes.

2 Q So, how did you feel when he said that to you?

3 A Frightened. I mean, I couldn't even move.

4 Q Did you know that the gun was loaded?

5 A Yes, I did. He kept them all loaded, everyday, all
6 the time.

7 Q What happened after that?

8 A He threw some books that I had, a collection. Then,
9 he took my tennis shoe off and threw it across the
10 room, he threw the books and my shoe, so I got up to
11 go move the lamp out of the way, because as soon as
12 the babies get up, they run to my room to me and so I
13 moved the lamp and I put the books back and I grabbed
14 my shoe to put it back on. I leaned on the bed and I
15 went to put my shoe on and he came at me and he pushed
16 me and I bounced off the bedframe and he pushed me
17 again and I fell and I pushed him and I told him to
18 stop and I got up, I straightened myself up and he
19 slapped me on my face twice real hard and he walked
20 right by me. He grabbed something from the table. I
21 didn't know what it was at that time. I thought it
22 was his keys and he went and I don't know -- this is
23 what my daughter said, he went to the porch ---

24 Q Let me stop you right there, Miriam. Just tell what
25 you remember, okay? Not what your daughter said. So,

1 he left the room.

2 A Yes, he left the room.

3 Q You said this incident had occurred in your bedroom.
4 Is that right?

5 A Yes, ma'am.

6 Q And why were you in your room? Why did this incident
7 occur in your room?

8 A Why? Because I had gotten up and like I said, the
9 arguing was non-stop for those three days and so I
10 tried to keep it all away from the kids and the
11 grandkids because they have been through enough and so
12 I kind of stayed in the room because of that.

13 Q Who was home at the time this argument was going on?

14 A My daughter, the two grandkids, and my son.

15 Q And where was your son during this argument?

16 A He was on the other side in his room.

17 Q And your daughter?

18 A My daughter, her bedroom was in the middle. She was
19 in the bedroom from what I know.

20 Q Do you have a medical condition concerning your back?

21 A Scoliosis.

22 Q And how long have you had that?

23 A I've had it since I was born.

24 Q And does the Defendant know you have that?

25 A Yes.

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1 Q You said that he pushed you. Is that right?

2 A Uh-huh.

3 Q And you hit your back?

4 A Yes. Twice.

5 Q Twice, you hit your back?

6 A Yes.

7 Q How did that happen?

8 A When he pushed me the first time, I hit the bar of the
9 bed, the wooden bar. When he pushed me the second
10 time, that's when I hit the big ball on the bed, the
11 frame, and then that's when he slapped me.

12 Q Did he, tell me the order, if you would. He pushed
13 you and then you said he slapped you twice and then he
14 pushed you again? Is that what you said?

15 A No, he pushed me twice. He pushed me the first time
16 and then the second time when I hit the ball, I kind
17 of fell and then I got up and then that's when he
18 slapped me.

19 Q What, if anything, did you do after he left the room?

20 A I was kind of in shock. I just went around the bed
21 and sat on the other side of the bed in the corner and
22 started crying and then my son knocked on the door and
23 he walked in and he said ---

24 Q Miriam, don't say what he said. Okay?

25 A Okay.

1 Q Without saying what he said, can you -- well. At some
2 point, were you able to get your keys back?

3 A Yes, I did.

4 Q And after that, what happened?

5 A After that, I told my daughter to get ready and I told
6 her, "Don't worry about the car seats. We've got to
7 get out now and she knew, because we had done it
8 before and so I grabbed the keys. I guess he dropped
9 them. I don't know where they were, honestly, because
10 I was so nervous. All I know is I had the keys at
11 that point and I told her, "Let's go", and my son was
12 leaving at the same time I was, with his friend, and I
13 got in the car with her and the two boys and he was
14 supposed to go with his friend and at that point, I
15 left with my daughter and the two grandkids and that's
16 when my daughter asked me what was going on and I told
17 her and I ---

18 Q I'm sorry. I'm going to interrupt you again.

19 A That's fine.

20 Q Did the Defendant know where you were going?

21 A No.

22 Q Where did he think you were going?

23 A To go get milk for the baby. He thought that Rachel
24 and the babies were still asleep. He would have never
25 let me get out of the house if he knew Rachel and the

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1 babies were coming with me.

2 Q When you left, where did you go?

3 A We went to the church next to the store. It's not far
4 from the house. We hid behind the church.

5 Q And why were you hiding?

6 A Because I knew he was going to follow me.

7 Q And if he followed you, what did you think would
8 happen?

9 MR. ANDERSON: Objection, Your Honor. It calls for
10 speculation.

11 THE COURT: Sustained.

12 Q What did you do? Did officers come find you?

13 A Yes, they did.

14 Q And did they go to your home?

15 A Yes, they did.

16 Q And at some point, did you come to find out that your
17 son did not leave the house when you thought he was?

18 A When my daughter called her brother to find out where
19 he was at and to tell him all that was going on and he
20 didn't have a phone at that time, his friend did, and
21 his friend told my daughter that he didn't go with
22 him, that he stayed.

23 MR. ANDERSON: Objection.

24 A That he stayed ---

25 THE COURT: Just one second. When he makes an

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1 objection, stop testifying, okay? What is your objection?

2 MR. ANDERSON: What a friend says is hearsay.

3 THE COURT: Hearsay. I sustain the objection.

4 Q Ms. Laureano, try not to say what anybody else said.

5 Okay? You understood your son did not leave the
6 house. Is that correct? Is that what you are trying
7 to say?

8 A Yes, ma'am.

9 Q And so, how did that make you feel for him?

10 A I was scared.

11 Q When the officers went to your house, what, if
12 anything, happened?

13 A When the officers went there, honestly, I don't know,
14 because I wasn't there, but since we knew that my son
15 was at the house, Rachel called the neighbors to find
16 out if Killian was okay.

17 MR. ANDERSON: Objection, Your Honor.

18 Q I'll stop you right there. Okay? So, did Killian
19 eventually leave the house?

20 A Yeah, he did.

21 Q And did officers end up searching your house?

22 A Yes, they did.

23 Q And do you know if during that search they found the
24 gun that was pointed at you?

25 MR. ANDERSON: Your Honor, I object. She just stated

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1 that she wasn't present during the search.

2 MS. REEVES: Judge, she ---

3 THE COURT: Just one second. Madam Forelady, would
4 you take the jury back to the jury room, please?

5 (Jury out at 2:11 p.m.)

6 THE COURT: State your objection, please, sir.

7 MR. ANDERSON: Yes, Your Honor, I'm going to object.
8 She already stated she wasn't there when the police came to
9 the house. Even if she was, there was no, I've seen the
10 search warrant, there is no mention of her being present.
11 I don't think she is a proper witness to testify what
12 occurred during the execution of the search warrant or what
13 was found during the search. That would be up to the
14 officers that performed it, Your Honor.

15 MS. REEVES: Judge, she said that she wasn't present
16 when the S.W.A.T. team was there, but she was actually
17 present during the search warrant and I can go back and ask
18 her about that. I failed to ask her that, but she was
19 present during the search.

20 THE COURT: Well, just clear that up for us, then, if
21 you would.

22 MS. REEVES: Yes, sir.

23 MR. ANDERSON: Thank you.

24 THE COURT: All right. Are y'all ready to proceed?

25 MR. ANDERSON: Yes, sir, Your Honor. Thank you.

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1 THE COURT: Go ahead and bring them in and Mr. Fraser,
2 make sure they have water or anything they need. Okay,
3 sir?

4 (Jury in a 2:14 p.m.)

5 THE COURT: Ms. Reeves.

6 MS. REEVES: Thank you, Judge.

7 Q Ms. Laureano, you said that officers did search your
8 home. Is that correct?

9 A Yes, ma'am.

10 Q Were you present for that search?

11 A At the end, yes.

12 Q Okay. And during the time that you were present, did
13 they find the gun that the Defendant pointed at you?

14 A No, not at that point.

15 Q Did they find other guns?

16 A Yes, they did.

17 Q Where did they find other guns?

18 A Well, when I went in, that was the reason why I went
19 in because they couldn't find it and I took them where
20 he normally hides them, which was in my room in a
21 dresser underneath the bottom drawer, there's a piece
22 of wood that you can't tell it moves. I peeled that
23 back and they saw the guns and that's how they found
24 the other guns.

25 Q How many guns were in that space?

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1 A I can't remember. I know that I kept taking them out.
2 I can't tell you exactly.

3 Q But the gun that the Defendant pointed at you was not
4 under there?

5 A No, it wasn't.

6 Q Did you find that at some point later?

7 A Yes, we did.

8 Q And how did that come about?

9 A When we were cleaning all the mess from them tearing
10 up the house and looking for the gun ---

11 Q When you say "we", who do you mean?

12 A Me and my daughter. We were cleaning the house.

13 Q Were the officers still there?

14 A No. This was after they left.

15 Q And you were cleaning the house.

16 A Yes. And my daughter found the gun in a shoe box in
17 my room inside one of my shoes. There were clothes and
18 stuff thrown on top of it so, I mean, I had a lot of
19 shoe boxes that they didn't even touch. I mean...

20 Q And that's not some place where he normally kept the
21 guns. Is that right?

22 A No. He never kept them there.

23 Q And you said the gun was actually in your shoe in a
24 shoe box?

25 A Yes.

1 Q When you found the gun, was it loaded?

2 A Yes, it was.

3 Q And what did you do after she found it?

4 A Put it on the top shelf and called the officer.

5 Q Ms. Laureano, I'm going to hand you what has been
6 marked as State's Exhibit Nos. 1 through 23. Can you
7 flip through and tell me if you recognize these.

8 A (Witness complies) Yes, I do.

9 Q What are those?

10 A Pictures of my home.

11 Q And do those pictures look the way your house looked
12 on February 2, 2010?

13 A Yes, they do.

14 MS. REEVES: Judge, I would move State's Exhibit Nos.
15 1 through 23 into evidence.

16 THE COURT: Any objection?

17 MR. ANDERSON: No, objection, Your Honor.

18 THE COURT: All right. Admitted without objection.

19 That's #1 through #23?

20 MS. REEVES: Yes, sir.

21 (Whereupon, 23 4x6 photographs are entered into
22 evidence as Nos. 1 through 23, without objection.)

23 Q Ms. Laureano, I'm going to show you State's Exhibit
24 #1. Can you tell me what that is or describe what
25 that is a picture of?

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1 A The fence, the mobile home, the fence on my property.

2 Q We have a very low-tech way of distributing these.

3 (She hands them to the jury) I'm going to hand you
4 State's Exhibit #3. Can you tell me what that is a
5 picture of?

6 A This is the hallway. This is the doorway to my son's
7 room.

8 Q And what side of the house or the trailer is that on?

9 A If I'm looking forward, it is on the right-hand side
10 of the trailer.

11 Q And his bedroom is on the far right? Is that correct?

12 A Yes. Yes.

13 Q I'm going to show you State's Exhibits #6 and #7. Can
14 you tell me what those are.

15 A This is Killian's room, my son's room.

16 Q And does he have a futon in that room?

17 A Yes, he does.

18 Q I will show you State's Exhibits #4 and #5. Can you
19 please tell us what these are..

20 A This is Rachel's room.

21 Q And where is that located within the trailer?

22 A In the middle.

23 Q And can that -- when you come in the front door, where
24 is her door?

25 A Right in front.

1 Q Okay. I'm going to show you State's Exhibits #8, #9,
2 and #10. Can you please describe these.

3 A This is my living room. This is the middle of the room
4 in the kitchen and this is the kitchen, my doorway and
5 the back door and my room.

6 Q If I may hold this up so we can hopefully see it.
7 State's Exhibit #10, you said that's a picture of the
8 kitchen. Is that correct?

9 A Yes.

10 Q And the back door. Is that correct? And can you
11 point on this picture where the back door is.

12 A That door that's closed. The one that's open, that's
13 my bedroom.

14 Q So, this door right here that is closed, that's the
15 back door and then this bedroom door, this door that's
16 open is your bedroom? Is that correct?

17 A Yes.

18 Q And when you come in the front door, which direction
19 had these pictures been taken?

20 A The lefthand side as if you walk in and turn.

21 Q So, this is walking into the trailer and looking left.
22 Is that correct?

23 A Yes.

24 (Ms. Reeves hands photographs to the forelady)

25 Q I'm going to hand you State's Exhibits #11, #12 and

DIRECT EXAMINATION OF MIRIAM LAUREANO BY MS. REEVES

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1 #13. Could you please describe what is in these
2 pictures.

3 A This is my bedroom, my bedroom and the bedroom closet.

4 Q And earlier, your testimony was that the Defendant had
5 been sitting on his side of the bed. Is that correct?

6 A Yes.

7 Q Is that shown in this picture?

8 A Yes. Right there.

9 Q So, the right side of the bed here in this picture is
10 his side of the bed. Is that correct?

11 A It depends which way you are looking at it. From the
12 front of the bed, yes, the right side.

13 Q And you said this night stand.

14 A Yes. Right there.

15 Q You also stated earlier that he had pushed you into
16 the ball on the bedpost. Is that correct?

17 A Yes.

18 Q And is that pictured in this?

19 A Yes, it is.

20 Q State's Exhibit #12?

21 A Yes.

22 Q You described finding or you described telling the
23 officers where the Defendant normally kept his
24 weapons. Is that correct?

25 A Yes.

1 Q I'm going to show you #16, #17 and #18. Can you
2 please tell me what those are.

3 A My dresser, the bottom of the dresser. The dresser
4 and the bottom of the dresser.

5 Q And again, this is where those other handguns were
6 found. Is that correct?

7 A Yes.

8 Q And finally, I'm going to show you Exhibits #22 and
9 #23. Can you tell me what these are.

10 A Both are of my closet.

11 Q Is this your bedroom closet?

12 A Yes.

13 Q And when you described earlier that the gun the
14 Defendant pointed at you was found in your closet, is
15 this what you were referring to?

16 A Yes.

17 Q And these shoe boxes shown in Exhibit #22, is that
18 where the gun was located?

19 A On the bottom one, the red, white and blue one. Yes,
20 ma'am.

21 (Ms. Reeves hands photographs to forelady and
22 retrieves gun)

23 THE COURT: Let me, before we do this, Ladies and
24 Gentlemen, to the extent any weaponry is introduced into
25 evidence, that I allow into evidence, please rest assured

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1 1) everyone knows it's not to be pointed at anyone and 2)
2 it has been disabled and it is incapable of being fired and
3 so there is no risk. Okay? Go ahead, Ms. Reeves.

4 MS. REEVES: Thank you, Judge.

5 Q Ms. Laureano, I'm going to show you what has been
6 marked State's Exhibit #24. Do you ---

7 MR. ANDERSON: Your Honor, we're going to renew our
8 objection to the introduction of Exhibit #24.

9 THE COURT: It's noted for the record.

10 MR. ANDERSON: Noted for the record for the same...

11 THE COURT: Same basis?

12 MR. ANDERSON: Yes, sir.

13 THE COURT: All right.

14 MR. ANDERSON: Thank you, Your Honor.

15 Q Ms. Laureano, do you recognize this?

16 A It looks like the gun he had. Yes.

17 Q Is it consistent with the gun that your husband owns?

18 A No, I think it was longer. The barrel was longer, I
19 think.

20 Q Is this consistent with one that he owns?

21 A Yes.

22 Q Is this consistent with one that was found in a shoe
23 box?

24 A Yes. Almost like it. Yes.

25 MR. ANDERSON: Your Honor, I, again, would object to

1 that exhibit.

2 THE COURT: Just one 'second.

3 MR. ANDERSON: May we approach?

4 THE COURT: Just a moment. Hang on.

5 MR. ANDERSON: Yes, sir.

6 THE COURT: Madam Forelady, if you would go back to
7 your jury room. I'm going to go ahead and use this for the
8 afternoon break anyway, so it will be about a fifteen
9 minute break, so just make yourself at home. If you need
10 anything, let the bailiffs know and they will make sure you
11 guys have it. Okay?

12 (Jury out at 2:27 p.m.)

13 THE COURT: All right. Go ahead. I'm sorry.

14 MR. ANDERSON: Thank you, Your Honor. Once again, I
15 renew my objection. She obviously can't identify this as
16 the gun that was pointed at her. This gun was not found
17 with the search warrant and it was not ever associated or
18 tied in any factual manner to the event that, apparently,
19 occurred on the 2nd. It was not even turned into the
20 police until February 8th and she can't even identify it as
21 the gun that was possibly used or pointed at her in this
22 incident. So, I would ask that the gun be excluded, Your
23 Honor.

24 THE COURT: All right. Ms. Reeves?

25 MS. REEVES: Judge, the Defendant has several guns. I

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1 know that he does have another .357 revolver that has a
2 longer barrel and I'm not sure if she thinks that this was
3 the gun involved.

4 THE COURT: No, no, no, we're speaking of an objection
5 here. No, ma'am. Did she or did she not say she could
6 identify that gun?

7 MS. REEVES: She said it was consistent with the one
8 that he pointed at her, but she thought the barrel was
9 longer, was what she said.

10 MR. ANDERSON: Your Honor, I would put to the Court
11 that he did own another .357, but it's stainless steel.
12 That is not stainless steel. As you may know, there's a
13 big difference between a black gun and a silver gun.

14 THE COURT: All right. Go ahead. I didn't mean to
15 cut you off. I missed that. She said she thought it was
16 longer.

17 MR. REEVES: She thought the barrel was longer. Yes.
18 But she said that is consistent with a gun her husband
19 owns.

20 THE COURT: Proffer your testimony now, please, and
21 let me listen to a little bit more of it.

22 PROFFERED DIRECT TESTIMONY OF MS. LAUREANO BY MS. REEVES

23 Q Ms. Laureano, the gun that was pointed at you, is that
24 it?

25 A Like I said, it looks like that. I mean, to me, the

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1 barrel looked longer, but he was pointing the barrel
2 at me. I was looking at the barrel. He had more guns.
3 All of them that you've got, they are not all the guns
4 he owns. He's got more and a lot of his family is
5 holding them for him.

6 Q Okay. And we are not necessarily concerned with
7 those. We are concerned with -- and you've said...

8 MS. REEVES: Judge, I think that's -- she said it
9 looked longer to her, but that that's consistent with the
10 gun he pointed at her.

11 MR. ANDERSON: May I ask some questions, Your Honor?

12 THE COURT: Sir?

13 MR. ANDERSON: May I ask a some questions of the
14 witness? If she's finished.

15 THE COURT: Are you finished with your proffer?

16 MR. ANDERSON: I believe she's finished?

17 THE COURT: Are you finished with your examination?

18 CONTINUED PROFFER OF MS. LAUREANO BY MS. REEVES

19 Q And Ms. Laureano, is this the gun that was located in
20 your closet after the search?

21 A Yes.

22 THE COURT: All right. Ask your questions.

23 MR. ANDERSON: Thank you, Your Honor.

24 PROFFERED CROSS EXAMINATION OF MS. LAUREANO BY MR. ANDERSON

25 Q Now, Ms. Laureano, this Exhibit #24, he had actually

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1 purchased you a gun for your protection. Is that not
2 correct?

3 A No. He never purchased me a gun ---

4 Q He never purchased you a gun for your protection?

5 A No, sir.

6 Q This is not the gun that he purchased for you?

7 A No. He's had -- he's bought guns, yes, sir, but not
8 for me, because I've never used a gun. I mean, I've
9 fired them, because he used to make us shoot, me and
10 my kids, to practice, but he never purchased a gun for
11 me. No.

12 Q So, you know how a gun operates.

13 A Yes.

14 Q You do know the difference between a revolver and an
15 automatic, semi-automatic. Correct?

16 A Yes, I do.

17 Q Okay. And he also owns a .357 that's silver in color.
18 Is that not correct?

19 A He's got two that are matching, yes. A .357 and a
20 .40.

21 Q But a pair of silver with long barrels?

22 A Yes.

23 Q But you're telling the Court that this gun, you found
24 in the closet ---

25 A Uh-huh.

1 Q --- at some point later. Correct?

2 A Excuse me?

3 Q You found this gun in your closet at some point later.

4 A Yes, I did.

5 Q Okay. And the officers, they were free to search your
6 entire home, were they not?

7 A Yes, they were.

8 Q And they tore it up pretty good looking around, did
9 they not?

10 A Yes, but these boxes, the boxes of shoes were not
11 moved.

12 Q That's where you are saying you found that gun?

13 A Yes, that's what I'm saying. I didn't find it, my
14 daughter found it.

15 Q Okay. When, exactly, did you contact law enforcement
16 that you found that gun?

17 A As soon as I found it, I called the officer.

18 Q When did you find it?

19 A I'm not sure. I thought it was the day after the
20 search, because that's when we were cleaning.

21 Q You didn't contact them on the 8th of February, six
22 days later?

23 A I can't recall. I mean, everything was crazy at that
24 time.

25 MR. ANDERSON: I have no more questions, Your Honor.

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1 Obviously, Your Honor, she can't say this was the gun. It
2 was not found contemporaneously with the crime. They
3 executed a valid search warrant and tore the house up
4 looking for it.

5 THE COURT: That part of it, I've gotcha. I'm not
6 concerned with the later part of it. That goes to the
7 weight and not admissibility. But I am concerned about her
8 failure to identify this gun as the gun used. What is your
9 response to that?

10 MS. REEVES: Judge, I would say that she said it was
11 pointed at her. She wasn't looking from the side. She was
12 looking from the nose down the barrel.

13 THE COURT: But either she can identify it or she
14 can't.

15 MS. REEVES: Yes, Judge. She said it was consistent
16 with the gun. She is not going to be able to tell you the
17 serial number, but it is consistent with the one he pointed
18 at her, it is consistent with one he owns and it was the
19 one her daughter found in the shoe box. Because she knew
20 when those officers -- she testified when the officers
21 searched, they did not find the gun that he had used
22 against her.

23 THE COURT: I'm aware of that. I've got that down and
24 I don't want to hear any more about it from either side.
25 I'm concerned, however, that this lady says I can't tell

1 you this is the gun that he used, and I want to -- are
2 there any cases that allow her to do that, that you are
3 aware of?

4 MS. REEVES: Judge, I can get some for you.

5 THE COURT: Okay. What I'm going to do right now is,
6 I'm going to find that it is not admissible. When you give
7 me a case that says that it is, then I will look at it, but
8 right now, it is not admissible. Okay?

9 MS. REEVES: Yes, sir.

10 MR. ANDERSON: Thank you, Your Honor.

11 THE COURT: And that's without prejudice to you, to
12 give me something that says that it is, but right now, with
13 her saying, "I can't identify it," it's not going in.

14 MS. REEVES: Judge, I wasn't actually moving it in
15 through her. She was only identifying it and then there's
16 the officer that took it. I'm not offering it at this
17 time.

18 THE COURT: Okay.

19 MR. ANDERSON: We can take it up at that time, Your
20 Honor.

21 THE COURT: All right. Are you ready to proceed, Ms.
22 Reeves?

23 MS. REEVES: Yes, sir.

24 THE COURT: All right. Are you ready to proceed?

25 MR. ANDERSON: Yes, Your Honor.

DIRECT EXAMINATION OF MIRIAM LAUREANO BY MS. REEVES

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1 THE COURT: Bring the jury in, please. No, no, no.
2 Let's take our afternoon break. We'll start back about a
3 quarter 'till.

4 (Brief Break)

5 THE COURT: Ms. Reeves, are you ready to proceed?

6 MS. REEVES: Yes, sir.

7 THE COURT: All right. Mr. Anderson, are you ready to
8 proceed?

9 MR. ANDERSON: Yes, Your Honor.

10 THE COURT: Hang on a minute. Tell the jury to stop.
11 Ma'am?

12 MS. REEVES: I can't ask her anything about this?

13 THE COURT: We're going to do this in camera. I'm
14 ruling on the admissibility of it and you're not to bring
15 it back up if it doesn't.

16 MS. REEVES: Judge, my only question was to her ---

17 THE COURT: Just one second. Let me tell you this,
18 Ms. Reeves.

19 MS. REEVES: Yes, sir.

20 THE COURT: The admissibility of evidence is in my
21 discretion and if I abuse the discretion, then it's on me.
22 When I say it's in camera, we're having it in camera.
23 Okay? You will not have that jury in here and bring that
24 gun out. I've already said it's not coming in. Do you
25 understand?

1 MS. REEVES: Yes, sir.

2 THE COURT: Okay. Any question?

3 MS. REEVES: No, sir.

4 THE COURT: Now, if you want to have it in camera now,
5 I will let you, but you are not doing it in front of the
6 jury.

7 MS. REEVES: No, sir.

8 THE COURT: Okay. Now, go ahead with your question.

9 MS. REEVES: No, sir. I've asked her. I just wanted
10 -- if you're not going to get mad at me, I wanted ---

11 THE COURT: I'm not going to get mad at you. I just
12 told you, Ms. Reeves, I told you to take the gun and get it
13 out of the presence of the jury. I didn't want them over
14 there looking at it ---

15 MS. REEVES: No, I ---

16 THE COURT: No. Do not argue with me, Ms. Reeves. I
17 just got through -- and you said, "I have to ask her one
18 more question about this gun." I said, "You're not going
19 to do that."

20 MS. REEVES: Okay.

21 THE COURT: Okay?

22 MS. REEVES: Yes, sir.

23 THE COURT: Now, I'm going to give you the opportunity
24 to ask her a question, in camera, but otherwise, no more
25 questions about this gun and the gun will be placed out of

CROSS EXAMINATION OF MIRIAM LAUREANO BY MR. ANDERSON

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1 the line of sight of the jury. Any questions about my
2 ruling?

3 MS. REEVES: No, sir.

4 THE COURT: All right. Now, which one would you
5 prefer?

6 MS. REEVES: I don't have any questions for her, then,
7 Judge. If it's going to be in camera, I don't have any
8 questions for her. We've already asked the questions.

9 THE COURT: Okay. Then, put the gun up, please.

10 MS. REEVES: Yes, sir.

11 THE COURT: Would you bring the jury in, please, sir?

12 (Jury in at 3:02)

13 THE COURT: Ms. Reeves, are you ready to continue?

14 MS. REEVES: Yes, sir, Judge. Actually, we have no
15 further questions.

16 THE COURT: All right. Cross examination?

17 MR. ANDERSON: Thank you, Your Honor. May it please
18 the Court.

19 CROSS EXAMINATION OF MS. LAUREANO BY MR. ANDERSON

20 Q Are you doing okay? Do you need any water or
21 anything?

22 A No, sir.

23 Q All right. Mrs. Laureano, again, how long have y'all
24 been married?

25 A It' been twenty-six years.

CROSS EXAMINATION OF MIRIAM LAUREANO BY MR. ANDERSON

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- 1 Q Twenty-six years.
- 2 A Twenty-five or twenty-six. I'm not sure.
- 3 Q And during that twenty-six years of marriage,
- 4 obviously, you had two children. Correct?
- 5 A Yes.
- 6 Q And how old are your children?
- 7 A My daughter is twenty-five and my son is twenty.
- 8 Q Okay. And during your marriage of twenty-six years,
- 9 did your husband work all this time?
- 10 A Yes, he worked.
- 11 Q He supported his family?
- 12 A Yes, he did.
- 13 Q You've got a place to live?
- 14 A Yes.
- 15 Q He fed his children?
- 16 A Yes.
- 17 Q Okay. You took care of him?
- 18 A Yes.
- 19 Q His needs and wants and so forth. Correct?
- 20 A His needs. Yes.
- 21 Q Okay. And did you ever work during this time?
- 22 A On and off, I did.
- 23 Q Okay. And did your children work?
- 24 A No. They were young at that time.
- 25 Q Okay. And at the time, in February of 2010, where

CROSS EXAMINATION OF MIRIAM LAUREANO BY MR. ANDERSON

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1 were you living?

2 A At [REDACTED]

3 Q And that's a trailer there ---

4 A A mobile home.

5 Q A mobile home on Shenandoah Drive. Okay. And when
6 did y'all move there?

7 A I can't remember. It's been around eleven years.

8 Q Eleven years?

9 A I think.

10 Q Okay.

11 A I'm not sure.

12 Q Do you own the place or rent it?

13 A I own it.

14 Q You own it? It's in your name?

15 A Yes.

16 Q Okay. Where did it come from?

17 A It was, a dear friend, like a step-Dad.

18 Q A friend of yours or a friend of William's?

19 A Actually, both.

20 Q Okay. So, he basically gave y'all the place, gave you
21 the mobile home?

22 A Uh-huh. Gave us the home.

23 Q Did you buy the land separately or did he give you the
24 lot, too?

25 A No, he gave me the land the mobile home is on.

CROSS EXAMINATION OF MIRIAM LAUREANO BY MR. ANDERSON

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- 1 Q So, this is all in your name. Correct?
- 2 A Yes.
- 3 Q Okay. And who else lived there with you?
- 4 A My daughter, my son, my husband.
- 5 Q Your kids, I guess you could say, grew up their whole
- 6 lives there. They've lived there with you for some
- 7 time. Correct?
- 8 A Yes.
- 9 Q And at some point, your daughter moved away. Is that
- 10 correct?
- 11 A Yes. She got married.
- 12 Q And she has children.
- 13 A Two boys.
- 14 Q And those are, obviously, your grandchildren.
- 15 A Yes.
- 16 Q And their names, again, are?
- 17 A Kendall and Keith.
- 18 Q And how long did she stay away before she came back?
- 19 A About a year.
- 20 Q About a year?
- 21 A Yes.
- 22 Q Okay. And why did she move back in?
- 23 A Because her husband was a drug addict.
- 24 Q Okay. So, she had problems with that.
- 25 A Yes. No, not her, her husband did.

CROSS EXAMINATION OF MIRIAM LAUREANO BY MR. ANDERSON

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1 Q Not her. Did she have any drug problems?

2 A No. Not that I know of.

3 Q And did your husband want her to come back and live
4 with you?

5 A Yes, he did. He's the one that told her to come back.

6 Q He wanted to get her out of all that. Correct?

7 A Yes.

8 Q So, he let her come back and stay there. Did she work
9 at any time while she was living there?

10 A No. She didn't.

11 Q So, he supported her, as well. Correct?

12 A Yes, he did.

13 Q Now, where do you live now?

14 A The same place.

15 Q You still live on Shenandoah?

16 A Yes.

17 Q Okay. And who lives there with you?

18 A My daughter, her two babies, and my brother on and
19 off.

20 Q Anybody else?

21 A No.

22 Q And you and William are divorced. Is that not
23 correct?

24 A Yes, sir.

25 Q Okay. Do you remember when you obtained this divorce?

CROSS EXAMINATION OF MIRIAM LAUREANO BY MR. ANDERSON

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1 A Honestly, no. I know it was five months after he went
2 in. The exact date I could not tell you.

3 Q Let me hand you Defense Exhibit #1, which is a
4 certified copy of the certificate for a divorce. Do
5 you recognize that?

6 A Yes.

7 Q And that is the decree for divorce where you are
8 divorced from William Laureano? If I could have it
9 back a second. (Witness hands document to Mr.
10 Anderson) It says in the decree that ---

11 THE COURT: Before you publish that, any objection to
12 that, Ms. Reeves?

13 MS. REEVES: No, sir.

14 THE COURT: Admitted without objection.

15 MR. ANDERSON: Thank you, Your Honor.

16 (Whereupon, a divorce decree is entered into evidence
17 as Defense Exhibit #1, without objection)

18 Q The action for a divorce was filed in April of 2010.
19 Does that sound about the time?

20 A Yes, it does.

21 Q So, that's about, basically, three months from when
22 this incident occurred. Is that correct?

23 A Yes.

24 Q Then this divorce was granted in September of 2010.
25 Correct?

CROSS EXAMINATION OF MIRIAM LAUREANO BY MR. ANDERSON

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1 A Yes. I just don't know the date.

2 Q So, y'all were married for twenty-six years and then
3 y'all were divorced in September of 2010. Right?

4 A Yes, sir.

5 Q Do you remember what the grounds were for this
6 divorce?

7 A I think it was CDV, battery or ---

8 Q Does physical cruelty ring a bell?

9 A Yes.

10 Q Are you aware of any time constraints in obtaining a
11 divorce in South Carolina?

12 A No.

13 Q So, you weren't trying to get a divorce based on one
14 year's separation?

15 A I mean, I knew I had to wait a year. I don't know how
16 it happened so quickly.

17 Q Well, it happened so quickly because you alleged
18 physical cruelty. Correct? That's the only reason it
19 happened so quickly.

20 A I guess.

21 Q Otherwise, you would have had to wait a year.

22 A Yeah, but I didn't know I could do it that fast.

23 Q Now, when you say you were arguing with your husband,
24 you said it went on for three days.

25 A Yes, three or four.

1 Q And why were y'all arguing?

2 A Why was I arguing?

3 Q Yes. Why were you arguing?

4 A Okay. Honestly, I wasn't the one arguing. He was
5 accusing me of all kinds of stuff and everything I
6 did, it was wrong. I made the coffee the way I always
7 made the coffee and he threw the coffee at me and then
8 we started arguing. I would cook. He would throw the
9 food, the plate and everything at me. That started
10 another argument. If I went out to go get milk or do
11 anything, I was messing around with everybody and
12 anybody that he could think of. That's what it was
13 about.

14 Q And it started three days before this incident? Y'all
15 just started arguing about everything?

16 A Well, he started as soon as he got out of jail the
17 first time.

18 MR. ANDERSON: Objection, Your Honor.

19 MS. LAUREANO: I'm sorry.

20 THE COURT: All right. Ladies and Gentlemen, anything
21 that happened before this incident, I'm telling you to
22 disregard that. That's not what this case is about. This
23 case is about the current charges, the facts and
24 circumstances surrounding these current charges and so I
25 order that stricken from the record.

CROSS EXAMINATION OF MIRIAM LAUREANO BY MR. ANDERSON

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1 MR. ANDERSON: Thank you, Your Honor.

2 Q Now, did you have a disagreement about your daughter
3 living with you?

4 A Yes. He did have a disagreement with that.

5 Q He had a problem with her not working. Right?

6 A No. He had a problem with her not cleaning, which she
7 did. She just didn't jump every time he wanted her to
8 do something.

9 Q And he wanted her to move out, did he not?

10 A Well, he wanted her to move out, he wanted our son to
11 move out, he wanted everybody to move out.

12 Q But you didn't agree with that?

13 A Well, it didn't matter. I just didn't want him to
14 throw them out into the street. That's what he wanted
15 to do was throw those babies out on the street and I
16 didn't want him to.

17 Q So, that was a part of what you might have been
18 arguing about?

19 A Yeah. Yes.

20 Q And when you say y'all argued, would he cuss at you?

21 A Yes, he ---

22 Q Throw stuff at you?

23 A He cursed at me like I said. He would push me on the
24 bed, stuff like that.

25 Q Let's talk about this trailer you live in. About how

CROSS EXAMINATION OF MIRIAM LAUREANO BY MR. ANDERSON

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1 big is it?

2 A I'm not sure.

3 Q Let me show you State's Exhibit #1. That is your
4 trailer. Correct?

5 A Yes, it is.

6 Q And would you classify that as a single wide, a double
7 wide?

8 A It's a single wide.

9 Q A single wide trailer. Do you know, approximately,
10 how many feet long it is?

11 A No.

12 Q Don't have any idea?

13 A I really don't.

14 Q Do you have any idea how wide it is?

15 A No. Honestly, I don't.

16 Q Would you say the width of it is as big as this
17 courtroom across?

18 A No.

19 Q Smaller than that?

20 A Yes. It's a little smaller.

21 Q What about the length? Is it as long as to the back
22 wall?

23 A Probably. I'm not sure.

24 Q So, you would agree with me then, if you were having a
25 screaming match, cursing match with your husband,

CROSS EXAMINATION OF MIRIAM LAUREANO BY MR. ANDERSON

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1 anybody in that trailer would be able to hear it,
2 would they not?

3 A Yeah, but I didn't scream.

4 Q You stated for the jury that your husband was cursing
5 you.

6 A He cursed me all the time.

7 Q I assume he was using a raised voice.

8 A Sometimes, yes.

9 Q Sometimes, yes. Okay. And he would say bad things.

10 A Yes, sir.

11 Q And he would throw things at you. I think you stated
12 that on the day particularly, he threw a lamp at you.

13 A No, he threw it at the door, not at me.

14 Q Okay. I'm sure if it was at that door, it would be
15 even louder when it shattered.

16 A Yes.

17 Q I think you stated he threw a bunch of books at you.

18 A He threw a set of collected books that I had.

19 Q That would make quite a bit of noise, would it not?

20 A Yes.

21 Q All right. And then you stated that after this
22 argument, when you were trying to leave, your daughter
23 asked you what was going on.

24 A No, she asked me what was happening.

25 Q What was happening? So, she heard all of it?

CROSS EXAMINATION OF MIRIAM LAUREANO BY MR. ANDERSON 100

1 A She heard some of it. I'm not sure what, but she
2 heard some of it.

3 Q And your son, he obviously could have heard all this.

4 A Well, not when he's got the T.V. going and the XBox
5 going.

6 Q So, we have all this interference and we can't hear
7 someone bust and slam a lamp against a door and we
8 can't hear books thrown against a door in a tiny
9 little single wide?

10 A He didn't hear it. She did.

11 Q Your son never heard it?

12 A No. Like I said, he had the T.V. on. He kept the
13 T.V. on all day and his XBox.

14 Q For three straight days while you had this argument
15 going on ---

16 A He wasn't at home three days. He was gone.

17 Q He was?

18 A Yes. He stayed at a friend's house.

19 Q That's convenient for the previous argument, but on
20 the day in question ---

21 MS. REEVES: Objection, Your Honor.

22 THE COURT: Sustained.

23 MR. ANDERSON: I apologize, Your Honor. Let me
24 re-phrase that.

25 Q On the day in question, your son was home.

CROSS EXAMINATION OF MIRIAM LAUREANO BY MR. ANDERSON 101

1 A Yes. He was.

2 Q In his room.

3 A Yes.

4 Q And y'all are all living there together.

5 A Yes.

6 Q And there are lamps being thrown, books being thrown,
7 people being cursed at and your son never came out of
8 his room and asked what's going on or to check on you
9 or to see ---

10 A He did. He did come out after everything happened,
11 he's the one that knocked on my door and asked me what
12 was going on and he actually wanted to argue with him
13 and I was the one that told him no and I cried and I
14 begged him not to start anything because then he would
15 start fighting with his son, because the police
16 officers were coming over, because he had been
17 fighting with my son because of this.

18 Q So, that's what Killian is going to tell us?

19 A What Killian is going to tell you, I can't tell you.

20 Q Now, on this day in particular you told the jury that
21 after the throwing of the books at the door and the
22 busting of the lamp, that he pushed you into the bed.

23 A Yes, he did.

24 Q And you hit your back on the bed frame, I think it
25 was, and you also hit your back on the bed post. Is

CROSS EXAMINATION OF MIRIAM LAUREANO BY MR. ANDERSON 102

1 that correct?

2 A Yes.

3 Q Now, I assume that was painful. Correct?

4 A Yes, it was.

5 Q Did you get bruised by it?

6 A The next day I had bruises, yes.

7 Q I've looked at State's Exhibits 1 through 23. Is
8 there any pictures of you bruised in any of this? Did
9 I miss it?

10 A They didn't take no pictures. I mean, it's not my
11 fault.

12 Q So, there's no pictures of you being bruised?

13 A No, because the day they were there, I wasn't bruised.
14 It was the next day when I woke up that I was bruised.

15 Q You didn't go back and let them take a picture of you?

16 A Honestly, I didn't think about that.

17 Q Okay. Now, on the day in question you also stated he
18 slapped you in the face twice.

19 A Yes, he did.

20 Q There doesn't appear to be a picture of that.

21 A Well, that's not my fault. That is the officer's
22 fault.

23 Q All right. They were there that night with the
24 camera. These are from the night this incident
25 occurred, correct?

CROSS EXAMINATION OF MIRIAM LAUREANO BY MR. ANDERSON 103

1 A I guess.

2 Q And you were there when they issued the search warrant
3 and took these pictures. Is that not correct?

4 A I was there after. I was hiding behind the church and
5 the only reason why I came back is because they told
6 me to stay put behind the church. The only reason why
7 I came back was like I said. My neighbor told my
8 daughter that there was a shootout and I thought my
9 son was hurt.

10 Q A shootout?

11 A Yeah. They said that they were shooting guns. My
12 neighbor told me.

13 Q I haven't heard anything about a shootout. What
14 shootout occurred?

15 A That same day.

16 Q Okay. All right. You did return to the scene and the
17 officers were there searching your home.

18 A I returned, but I couldn't enter the home yet. They
19 had all that blocked off and so I was around the other
20 side of the neighborhood.

21 Q And your husband is already gone and you're there at
22 the home when they searched -- this is my question:
23 You were there when they searched the house?

24 A At the end.

25 Q At the end when they finished searching?

CROSS EXAMINATION OF MIRIAM LAUREANO BY MR. ANDERSON 104

1 A When they couldn't find the guns, yes.

2 Q Okay. And no one bothered to take a picture of these
3 marks on your face?

4 A No. They were trying to get him, get my son out.

5 Q Okay. So, the answer is no, no one took pictures of
6 your face?

7 A No. Nobody did.

8 Q Now, when this incident occurred in the bedroom with
9 the books being thrown and the lamp being busted,
10 where was this gun at this time that he pointed at
11 you? I mean, which hand was he holding it in?

12 A What do you mean which hand he was holding it in?

13 Q Was he holding it in his left hand or was he holding
14 it with his right hand?

15 A Right hand.

16 Q He was holding a pistol in his right hand and he was
17 threatening you with it.

18 A Yes.

19 Q Okay. How did he pick up the books and the lamp and
20 throw them at you when he's holding this pistol ---

21 A He wasn't holding a pistol at that time. He threw the
22 lamp, then he took out the pistol, then he threw the
23 books and he threw my sneaker or my tennis shoe.

24 Q I apologize, but I remember you testifying that he was
25 threatening you with a pistol.

CROSS EXAMINATION OF MIRIAM LAUREANO BY MR. ANDERSON 105

1 A Yeah, after. After he threw the lamp, he picked up
2 the gun and that's what I was saying, he was playing
3 with the chamber and waving it back and forth and
4 laughing.

5 Q All right. After all the other ---

6 A After the lamp.

7 Q After the lamp is busted, the books are thrown ---

8 A No, after the lamp was thrown. Then, he took out the
9 gun, then he threw the books and then he threw my
10 shoe.

11 Q Where's the gun while he's throwing the books and the
12 shoe?

13 A He put it back on the night stand.

14 Q Okay. And where was the gun when he pushed you on the
15 bed?

16 A When he pushed me on the bed, on the night stand.

17 Q Still on the night stand.

18 A Yes, sir.

19 Q Okay. And did he pick up the gun again after that?

20 A I'm not sure. Like I said, after he slapped me in the
21 face, he got up and like I said, he was standing in
22 front of me and he moved over to get something out of
23 his little night stand and I don't know what he got.
24 I couldn't tell you.

25 Q Did you clean up the books and the lamp?

CROSS EXAMINATION OF MIRIAM LAUREANO BY MR. ANDERSON 106

1 A I pushed the lamp over and I picked up the books and I
2 grabbed my tennis shoe.

3 Q Is there a photo anywhere in here that you can show us
4 this lamp that's all busted up?

5 A Not there, no. But the lamp was still sitting there
6 when they came.

7 Q Okay. The lamp was still laying in the floor busted
8 up, but these officers ---

9 A It was a wooden lamp and it was all cracked and
10 busted, yes, and I guess the officers didn't take a
11 picture of it. It was still laying on the floor.

12 Q These officers came to your house because you made
13 this complaint, my husband has abused me, and didn't
14 even bother to take a picture of a lamp he threw at
15 you?

16 A I guess not.

17 Q Okay. And they didn't bother to take any pictures of
18 any marks on your face.

19 A No. I mean ---

20 Q And they didn't bother taking pictures of any bruising
21 on your back?

22 A I didn't have bruises on my back at that point. I had
23 them the next day.

24 Q Well, why in the three days that you were having this
25 argument, did you -- you owned a car. Correct?

CROSS EXAMINATION OF MIRIAM LAUREANO BY MR. ANDERSON 107

1 A Yes, I did.

2 Q A little white one.

3 A Yes.

4 Q Do you still have the same car?

5 A No.

6 Q You have a different car? At that time, you had a
7 little white car, a Protégé or something?

8 A Yes.

9 Q Why didn't you just get in your car and drive away?

10 A Because he would have followed me.

11 Q Okay. But this is your house, though. Right?

12 A Yes, it is.

13 Q Now, did you speak with Killian on your way out the
14 door that day?

15 A Did I speak with him?

16 Q Yes.

17 A Yes, sir. I did.

18 Q Did you tell him where you were going?

19 A I actually, I told him I was going to get milk because
20 I didn't want to tell him what was going on.

21 Q So, let me get this straight. You contact the
22 Anderson County Sheriff's Department and tell them
23 that you have had this incident and you're worried
24 about your son and they call out a S.W.A.T. team, but
25 you walk right past his bedroom and talk to him on

1 your way out and say you're going to ---

2 A I didn't walk past his bedroom. He was leaving with
3 his friend. His friend was there.

4 Q But did you watch him drive away?

5 A He was getting in the car when I was getting in the
6 car. I was behind the car. I pulled out first and I
7 thought they were coming behind me and I left and
8 that's when my daughter called his friend because he
9 didn't have a phone at that time. My daughter called
10 his friend to find out if he had left after I called
11 the officers from the church.

12 Q You didn't think it was important enough to tell your
13 son, "My husband is in there threatening to kill me
14 with a gun," not to go back into that trailer?

15 A Well, I know he's not going to hurt Killian, because
16 Killian is a boy. He's got a thing with women, not
17 boys, not guys.

18 Q Isn't it true he never threatened anybody with a gun?

19 A No, he did threaten me.

20 Q And he's had guns his whole life.

21 A He's had guns for years. Yes.

22 Q He has a concealed weapons permit.

23 A He had a concealed weapons permit. Yes.

24 Q So, he legally, at that time, he was legally entitled
25 to carry a concealed weapon.

CROSS EXAMINATION OF MIRIAM LAUREANO BY MR. ANDERSON 109

1 A Yes, he was, but he has threatened people with guns.

2 Q Okay. And on this day in particular, your son is
3 there and you just say, "I'm going to get some milk".

4 A Because he was on the way out, too. You see, we
5 always tried to keep this from Killian. I never told
6 him nothing about the abuse. My daughter, what I call
7 my adopted daughter, she knows because she's seen the
8 abuse and my real daughter knows, because she's seen
9 the abuse. They were the oldest. We always tried to
10 shelter him from it.

11 Q Your son at the time was how old?

12 A At what time?

13 Q When this occurred, how old was your son?

14 A When this incident occurred?

15 Q When this incident occurred, how old was your son?

16 A He's been in there two years, so eighteen, nineteen.

17 Q He was nineteen years old when this incident occurred
18 and you're telling me that in this small trailer, that
19 his father's cursing out his mother, throwing books
20 and lamps around and he doesn't go in there and check
21 on her?

22 MS. REEVES: Objection, Your Honor ---

23 A He has.

24 MS. REEVES: --- she doesn't know what he knows or not
25 and it's already been asked and answered.

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1 A But he did go ---

2 THE COURT: No, no, no. Just one second. I overrule
3 the objection. Go ahead, please, sir.

4 MR. ANDERSON: Thank you, Your Honor.

5 Q So, at the end of all this, you still live there.

6 Correct?

7 A Yes, sir.

8 Q You now have a divorce.

9 A Yes, sir.

10 Q Your daughter still lives there.

11 A Yes, sir.

12 Q And everything is just moving along nice and smooth.

13 Correct?

14 A No. Everything is not moving along nice and smooth,
15 but we are working on it.

16 Q You're working on it. Okay.

17 MR. ANDERSON: If I could have a moment, Your Honor?

18 THE COURT: Yes, sir.

19 (Mr. Anderson speaks to the Defendant)

20 Q Now, in these pictures, I want to be clear about these
21 guns that were found. They were found in the dresser,
22 correct? Under a fake piece of wood. Is that not
23 correct?

24 A Yes.

25 Q And you stated for the jury that is normally where he

CROSS EXAMINATION OF MIRIAM LAUREANO BY MR. ANDERSON 111

1 would hide his guns.

2 A If he wanted to hide them.

3 Q So, it would not be unusual for when the police came,
4 for his guns to still be stored in the same spot they
5 were always were stored in ---

6 A No, he had a gun cabinet. He would only do that when
7 he had to.

8 Q He would only do that when he had to. That's not what
9 you said before. You said he always kept his guns in
10 there ---

11 A No, when he had to.

12 THE COURT: Just one second. Let's make sure we get
13 the parties straight. You ask the question, don't begin to
14 answer, if you don't mind, ma'am, until he finishes his
15 question and he will let you finish your question. He
16 won't interrupt you. Okay? Would you re-phrase the
17 question?

18 MR. ANDERSON: I apologize, Your Honor.

19 THE COURT: That's okay.

20 Q He would always store his guns under this dresser.
21 Yes or no.

22 A He has done it two or three times. Yes.

23 Q Okay. So, my question would be, it would not be
24 unusual for any guns to be in this dresser? Not
25 unusual?

- 1 A Yes, it would, because he had a gun cabinet for that.
- 2 Q Okay. Where was the gun cabinet located?
- 3 A Standing right next to the dresser.
- 4 Q Is there a picture of the gun cabinet in any of these
- 5 photos that we can see?
- 6 A I'm not sure.
- 7 Q You have small children in the house. Did you not?
- 8 A Yes, we had our two small grandchildren.
- 9 Q Your two small grandchildren?
- 10 A Uh-huh.
- 11 Q So, would you not agree with me that it would be
- 12 prudent for him to hide the guns so that your small
- 13 children wouldn't find them in such a small trailer?
- 14 A No. He left the gun on the night stand, sometimes on
- 15 the table.
- 16 Q So, you're saying he just left guns out all the time?
- 17 A Yes, he did.
- 18 Q Let me show you State's Exhibit #4. Is that what you
- 19 are referring to as the gun cabinet?
- 20 A Yes. That is the gun cabinet and it didn't have a
- 21 lock on it, the lock didn't work.
- 22 Q The lock didn't work?
- 23 A No.
- 24 Q Okay. So, that would make even more sense to hide the
- 25 guns so the kids couldn't get to them.

1 A (Shakes head)

2 MR. ANDERSON: I have no more questions at this time,
3 Your Honor.

4 THE COURT: Redirect?

5 REDIRECT EXAMINATION OF MIRIAM LAUREANO BY MS. REEVES

6 Q Ms. Laureano, did you get a divorce based on physical
7 abuse?

8 A Yes, ma'am.

9 MS. REEVES: Nothing further.

10 THE COURT: Okay. You may step down. Thank you.
11 Would you call your next witness, please?

12 MS. REEVES: The State calls Rachel Moore.

13 THE COURT: Would you take your jury back to the jury
14 room a moment, please?

15 (Jury out at 2:27 p.m.)

16 THE COURT: All right, Mr. Anderson?

17 MR. ANDERSON: Thank you, Your Honor. It's my
18 understanding that Ms. Reeves plans to ask the next witness
19 again about this same firearm. We again renew our
20 objection, that there is no tie on this particular gun to
21 this crime. It's the same objection made before and I
22 think it's prejudicial to my client for her to keep
23 bringing this gun out and showing it and then the Court
24 keeps excluding it. I think it's prejudicial to him and
25 raises a question to the jury. I think we need a ruling on

DIRECT EXAMINATION OF RACHEL MOORE BY MS. REEVES

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1 proceed, Ms. Reeves?

2 MS. REEVES: Yes, sir.

3 THE COURT: Mr. Anderson?

4 MR. ANDERSON: Yes, sir, Your Honor.

5 THE COURT: Would you call your witness, please,
6 ma'am?

7 MS. REEVES: Yes, sir. May it please the Court. The
8 State calls Rachel Moore.

9 (After being duly sworn by the Clerk of Court, Rachel
10 Moore testified as follows:)

11 CLERK OF COURT: Please have a seat. Please state
12 your full name for the record and state your last name.

13 MS. MOORE: Rachel Michelle Moore. M-O-O-R-E.

14 DIRECT EXAMINATION OF RACHEL MOORE BY MS. REEVES

15 Q Ms. Moore, how do you know the Defendant?

16 A He's my father.

17 Q And how old are you?

18 A I'm twenty-five.

19 Q And do you have any children?

20 A Yes, ma'am. I have a three-year-old and I have a
21 five-year-old.

22 Q And was there an incident that occurred between your
23 mother and the Defendant on February 2, 2010?

24 A Yes, ma'am.

25 Q And where were you living then?

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1 A In my mother and father's home.

2 Q And where is that?

3 A [REDACTED] Easley, South Carolina, 29642.

4 Q On this date, back in February, who was living there
5 as well?

6 A It was me and my mother, my two kids, my father and my
7 brother.

8 Q And what, if anything, was going on between your
9 parents on that date?

10 A They were arguing, as normal.

11 Q How did you know they were arguing?

12 A You could hear them through the walls. We live in a
13 single wide mobile home and the walls are thin and so
14 you can hear, especially if you're in the living room
15 or kitchen area. It's hard to hear if you're in the
16 laundry room and have the washer and dryer on, but as
17 far as from the middle of the trailer to the kitchen,
18 you can hear everything.

19 Q And where had they been arguing, you said?

20 A In their bedroom.

21 Q And from your position, what, if anything, did you
22 hear?

23 A I heard them arguing. I heard thumps, like things
24 falling and later on I heard, closer to the end of it,
25 you could hear contact like when he pushes her.

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1 MR. ANDERSON: Your Honor, I object to that.

2 THE COURT: Just one second. Madam Foreperson, I'm
3 going to ask you to go back to your jury room, please.

4 (Jury out at 9:41 a.m.)

5 THE COURT: Okay. State your objection, please, sir.

6 MR. ANDERSON: I think she's heading into some sort of
7 hearsay as to what she heard. I just didn't want to get to
8 that point. It sounds like she was about to get into what
9 words were said and she was about to say she heard more and
10 I just want to make sure we're clear that she can't say
11 what someone else said.

12 THE COURT: Well, that's not necessarily the case, is
13 it? It depends on who said it and under what circumstances
14 they said it and whether or not it's an exception to the
15 hearsay rule.

16 MR. ANDERSON: I understand.

17 THE COURT: Until I hear it, we don't know what the
18 issue is.

19 MR. ANDERSON: And that's the problem I have. I don't
20 want to be prejudicial to my client and so I just want to
21 make sure I know I have an objection in advance and make it
22 clear that what she's going to say, whether it's going to
23 be hearsay or not. I apologize. I didn't mean to
24 interrupt.

25 THE COURT: That's okay and I don't know what she's

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1 going to say and so there's no way I can give a ruling on
2 it at this time. I note your objection for the record, but
3 if it goes there you will just have to raise a new
4 objection.

5 MR. ANDERSON: Yes, sir, Your Honor. I apologize.

6 THE COURT: All right. Are you ready to proceed?

7 MS. REEVES: Yes, sir.

8 THE COURT: Would you bring the jury in.

9 (Jury in at 9:43 a.m.)

10 THE COURT: All right, Ms. Reeves.

11 MS. REEVES: Thank you, Judge.

12 CONT. DIRECT EXAMINATION OF RACHEL MOORE BY MS. REEVES

13 Q Ms. Moore, if you could pick up. You were answering I
14 had asked what you had heard of what was going on in
15 that bedroom.

16 A Yeah, I heard bickering in the room and as I told you
17 earlier, I heard thumps like things falling to the
18 ground. You could hear the brush of clothes, body
19 contact, like when he pushed her on the bed. He made
20 threats to her.

21 MR. ANDERSON: I object, Your Honor. Hearsay.

22 THE COURT: All right. Ladies and Gentlemen, just be
23 patient with the process. This is the way it works. But
24 if you would go back to your jury room, please.

25 (Jury out at 9:45 a.m.)

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1 MR. ANDERSON: Yes, sir, I'm going to object. That's
2 hearsay and is an out-of-court statement used to prove
3 guilt or innocence of my client.

4 THE COURT: Well, just because it's a statement out of
5 court doesn't mean it's automatically hearsay or that it
6 falls under an exception. Do you not agree?

7 MR. ANDERSON: I agree with the fact that it's made by
8 someone other than her and an out-of-court statement used
9 to prove his guilt or innocence and I would argue that was
10 hearsay.

11 THE COURT: All right. Ms. Reeves?

12 MS. REEVES: Judge, it was a statement made by the
13 Defendant and, of course, it's made during an argument so
14 it would be an excited utterance. She's not a witness, but
15 what she was hearing was threats. She didn't say that he
16 was pointing a gun at her, which ultimately, is at issue.
17 She didn't say that. What she heard was what the Defendant
18 said.

19 MR. ANDERSON: I assume the next thing ---

20 THE COURT: Just one second.

21 MR. ANDERSON: All right. I apologize, Your Honor.

22 THE COURT: That's all right. I'm looking at Rule 803
23 and 803.2. It says an excited utterance, which is one of
24 Ms. Reeves arguments, is a statement made relating to a
25 startling event or condition while declarant was under the

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1 stress of excitement caused by the event or condition. Why
2 would it not fall under that exception to the hearsay rule?

3 MR. ANDERSON: Well, Your Honor, I think it's a
4 question of who was a party to the conversation. An
5 excited utterance that he made to Ms. Moore, then I think
6 it might come under that exception. This is something
7 she's overhearing supposedly through a wall and so I don't
8 think she's a party to the conversation. If she was a
9 party or present during the conversation, I think that
10 would be an excited utterance, but she wasn't a party to
11 it.

12 THE COURT: All right. I'm going to overrule your
13 objection. I note it for the record.

14 MR. ANDERSON: Thank you, Your Honor.

15 THE COURT: Let's bring the jury back in, please, sir.

16 (Jury in at 9:49 a.m.)

17 THE COURT: Ms. Reeves.

18 MS. REEVES: Thank you, Judge.

19 CONT. DIRECT EXAMINATION OF RACHEL MOORE BY MS. REEVES

20 Q Ms. Moore, you just testified that you heard threats
21 coming from your father. After hearing that, did you
22 call anyone for help?

23 A No. Not at that time, I didn't.

24 Q Why not.

25 A This happened ---

DIRECT EXAMINATION OF RACHEL MOORE BY MS. REEVES

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1 Q Just talk about that day. Why did you not call for
2 help at that point?

3 A I wasn't sure my mother wanted to go through with all
4 this at that point in time.

5 Q And what, if anything, did you see on this day?

6 A I saw him come out of the room after the argument. He
7 walked past me in the living room, went out the door,
8 sat on a chair on the front porch and I looked out the
9 window and he was on the phone with his brother. He
10 had her keys. I'm not sure if he had her phone or
11 not. I saw him come back into to the house after
12 talking to his brother and walked past me again and
13 walked to the bedroom door and proceeded to push her
14 out of the way and then went in the room and closed
15 the door.

16 Q Did you see your Mom at that point?

17 A Not after he pushed her back into the room and shut
18 the door. She did come out later. She had gotten her
19 keys back. She was supposed to be going to get milk
20 and she wanted me to get my boy's clothes from the
21 other room, get their shoes on and meet her at the
22 car.

23 Q And how did she appear to you?

24 A She was unsettled. I could tell she was nervous. She
25 was walking faster than normal to get out of the

DIRECT EXAMINATION OF RACHEL MOORE BY MS. REEVES

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1 house.

2 Q And did you leave with your mother in the car?

3 A Yes.

4 Q And where was your brother at that time?

5 A My brother was in his bedroom and with a friend. We
6 thought he was supposed to be leaving with a friend.

7 Q And where did you go when you left?

8 A When we left we went out to a gas station out near our
9 house and hid behind a church. That's where I called
10 911.

11 Q Why were you hiding?

12 A We knew he would look for us.

13 Q Did your mother, at some point, tell you what happened
14 to her in the bedroom?

15 A She ---

16 MR. ANDERSON: I object, Your Honor.

17 THE COURT: I sustain the objection.

18 Q Can you tell us whether she told you?

19 A Yes, ma'am. She wanted me to know what happened as we
20 proceeded to go to the church.

21 Q And while she was telling you, how was she acting?

22 A She was scared, nervous.

23 Q And at that point, what did she tell you what happened
24 to her?

25 MR. ANDERSON: Objection, Your Honor.

1 THE COURT: I sustain the objection.

2 Q Did you understand that your brother had left the
3 house when you did?

4 A As far as I understood it, he was supposed to leave
5 with a friend of his and he ended up staying. He
6 didn't go. I knew this because I had called his
7 friend's cell phone to see if he had gotten out of the
8 house after I dialed 911 and his friend said that he
9 didn't go with him.

10 Q I'll stop you right there. Talk about just what you
11 remember. You understood he did not leave the house.
12 Is that right?

13 A Exactly. Yes.

14 Q And does your father own many guns?

15 A Yes.

16 Q What kinds? Do you remember?

17 A He had two .9mm, a black and a silver. The black had
18 a laser scope on it. If I remember correctly, he had
19 two .357s, one longer, one shorter. He had at least
20 one .45 that I know of. A .44, a small .22, a pistol-
21 grip black shotgun. I can't really remember them all.

22 Q Okay. Did he keep them loaded? Do you know?

23 A Yes, ma'am. Every single one of them.

24 Q And did he wear them, keep them on him?

25 A Yes, ma'am. Every day.

DIRECT EXAMINATION OF RACHEL MOORE BY MS. REEVES

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1 Q How did he wear them?

2 A He normally had one holster on his waistline.
3 Sometimes he would put one down in his boot. He
4 always had some kind of shoulder holster on, whether
5 it be -- he had two different kinds. One that he kept
6 a clip on one side and the pistol on the other and
7 then he had another that held two pistols.

8 Q I'm going to show you State's Exhibit #1. Could you
9 tell me what that is a picture of?

10 A This is a picture of the front yard from the driveway.

11 Q And can you tell us what State's Exhibit #4 is?

12 A Yes. That's the bedroom me and my kids were sharing.

13 Q And where was that positioned within the mobile home?

14 A It was positioned right in front of the front door
15 when you walk in you're looking at the bedroom door.
16 It's positioned in the middle of the trailer right by
17 the front door.

18 Q And I'll show you State's Exhibit #9. Can you tell us
19 what that is a picture of?

20 A This is a picture of a part of the living room and
21 kitchen. If you walk in the front door and walk to
22 your left, this is what you will see.

23 Q And is that where you stated you were when you could
24 hear this argument?

25 A Yes, ma'am. I was right about here (indicating) when

DIRECT EXAMINATION OF RACHEL MOORE BY MS. REEVES

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1 I came out of my room.

2 Q And where were you standing when you could hear what
3 was going on?

4 A I was standing right here (indicating) in front of
5 where the stove is.

6 Q I'll show you State's Exhibit #10. Does that show
7 more of what you are speaking of?

8 A Yes, ma'am. This is where I stood. (Indicating) I
9 was standing here and I walked back and forth to make
10 sure my Mom was okay. I was real nervous and then so
11 that he wouldn't notice me, I would go back into my
12 room with my boys for a little while, but
13 periodically, I would come back and make sure my Mom
14 was okay.

15 Q And I'm going to show you State's Exhibit #20. Can
16 you tell us what that is a picture of?

17 A This is a picture of the small portion of my father's
18 guns.

19 Q And is ---

20 A That's one of his shoulder holsters right there.

21 Q And Exhibit #19. Is that also the same?

22 A Yes, ma'am.

23 Q And Exhibit #21, can you tell us what that is?

24 A This is a picture of my brother's futon that he had in
25 the back bedroom. If you go in the front door all the

DIRECT EXAMINATION OF RACHEL MOORE BY MS. REEVES

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1 way to the right of the trailer, that was my brother's
2 room. It's a picture of his mattress flipped over and
3 my Dad's black pistol-grip shotgun under the bed.

4 (Ms. Reeves publishes photographs to the jury)

5 Q Ms. Moore, do you have a conviction for shoplifting on
6 your record?

7 A Yes, ma'am. I do.

8 Q And when did that occur?

9 A It was recently.

10 Q Can you tell us about that situation?

11 A Yes, ma'am. It's embarrassing. I had a moment of
12 desperation. Funds have been low lately and it was
13 close to Christmas and I had spent every dime I had
14 doing side jobs on clothes for my kids and toys for
15 Christmas and I didn't have many winter clothes so I
16 got desperate and I did steal some jeans, but I didn't
17 try to run from them. I did stop and I gave them all
18 the stuff back and it was re-sold and I've paid a good
19 bit of my fine and it will be paid off here soon.

20 Q Does that have any bearing on what you've testified to
21 here today?

22 A No. This was recent. It has nothing to do with this
23 case.

24 Q I have nothing further.

25 THE COURT: Cross examination?

CROSS EXAMINATION OF RACHEL MOORE BY MR. ANDERSON

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1 MR. ANDERSON: Thank you, Your Honor.

2 CROSS EXAMINATION OF RACHEL MOORE BY MR. ANDERSON

3 Q So, when your Dad lived there, everything like that
4 was taken care of. Right? He fed you?

5 A Up until the last two or three years. He was out of
6 work the last bit.

7 Q He bought you clothes? You didn't work while he was
8 there, did you?

9 A I've always had side jobs.

10 Q Side jobs. But he supported you and your children?

11 A Yes, he did.

12 Q He took care of you. Right?

13 A Yes.

14 Q And isn't it true that the main reason your parents
15 were arguing is because he wanted you out of the
16 house. Isn't that correct?

17 A No. I mean, I was brought into the conversation once
18 or twice.

19 Q He wanted you to get a job and you wouldn't do it.

20 A I applied for jobs. I was applying for jobs. I just
21 didn't have a car.

22 Q He wanted you to stop hanging out with these people
23 you were hanging out with, these drug dealers and
24 stuff.

25 A No.

CROSS EXAMINATION OF RACHEL MOORE BY MR. ANDERSON

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1 Q That wasn't a part of the argument?

2 A No. When I moved back into his home I was told I
3 couldn't be around certain people and I stayed away
4 from them. When I lived in his house when he was out
5 of jail, I was kept -- he watched every move I made.
6 There was no --

7 Q He wanted you to stay away from the drug dealers.
8 Right?

9 A I guess I would have to ask you exactly what you are
10 asking me, because most of the people I knew were also
11 his friends.

12 Q Okay. Like your husband you had to get away from?

13 A That's not a friend of my father's. No.

14 Q All right. Now, your father, he did a lot of jewelry
15 business. Isn't that correct? Over the years?

16 A Yes.

17 Q And as a part of that business, he had a lot of
18 jewelry, petty cash.

19 A Not necessarily.

20 Q He dealt with jewelry. Would you agree with me on
21 that?

22 A His business was to sell jewelry for other people.

23 Q Correct. And as a part of that, he had a concealed
24 weapons permit. Do you know what that is?

25 A Yes. I know what that is.

CROSS EXAMINATION OF RACHEL MOORE BY MR. ANDERSON

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1 Q So, that gave him the ability to carry guns to protect
2 himself?

3 A Not during this case, he didn't.

4 Q Well, let's just ask about a concealed -- you know
5 what a concealed weapons permit is.

6 A Yeah, I know what that is.

7 Q It entitles a person to carry a gun on their person.
8 Correct?

9 A When they have a concealed weapons permit, but he
10 didn't ---

11 Q That's all I wanted to hear. And he had a number of
12 guns in the house. Right?

13 A Yes.

14 Q Now, February 2, 2010 when this event occurred, you
15 were in your bedroom when this supposedly all started?

16 A Yes.

17 Q And where was your brother when this all started?

18 A He was in his room with his friend.

19 Q And you never actually saw them arguing, you just
20 heard it. Is that not correct? Is that not what you
21 testified to?

22 A I didn't see them arguing in their room, I'd seen some
23 words pass as she left ---

24 Q Because their door was closed. Right?

25 A For most of it. Yes.

CROSS EXAMINATION OF RACHEL MOORE BY MR. ANDERSON 154

1 Q So, you never once saw your father with a gun during
2 that.

3 A No, I never saw him point the gun at her.

4 Q And you never, when he came out of this room and he
5 went out and made this phone call, he wasn't armed.
6 Was he?

7 A I can't really answer that truthfully, sir, because he
8 always had one on his waist and in his boot, too,
9 so...

10 Q My question is, did you see a gun on your father when
11 he came out of his room and walked to the porch?

12 A No.

13 Q You didn't see one. Okay.

14 MR. ANDERSON: I don't have any further questions of
15 this witness. Thank you, Your Honor.

16 THE COURT: Redirect?

17 MS. REEVES: Your Honor, may we approach?

18 THE COURT: Yes, ma'am.

19 (Brief Bench Conference Off the Record)

20 THE COURT: Madam Forelady, I'm going to ask that you
21 take your jury to the jury room, please.

22 (Jury out at 10:04 a.m.)

23 THE COURT: All right. The issue that was raised to
24 me by Ms. Reeves was her contention that you opened the
25 door by eliciting testimony that the Defendant did not have

1 a concealed weapons permit and that opened the door as a
2 basis for his not having one was because he had a prior CDV
3 conviction.

4 MR. ANDERSON: I understand, Your Honor. I would
5 argue that's just bootstrapping his record. The argument
6 is, did he have a valid CWP at the time this occurred.
7 Based on that, she wants to come in and say, "Well, he had
8 a CDV and that's why he didn't have a valid CWP," but under
9 state law, criminal domestic violence, she's referring to
10 Federal law, that says he could not possess a firearm. If
11 you read under state law, there is no State statute that
12 says you can't have a CWP if ---

13 THE COURT: It doesn't matter if it's State or Federal
14 if he doesn't have one because he has this criminal
15 domestic violence charge. It doesn't matter whether it's
16 State or Federal. Does it?

17 MR. ANDERSON: I understand, but the State of South
18 Carolina never revoked his CWP license. As far as he's
19 concerned it's still valid. It would be just like if you
20 didn't have a valid driver's license and something happened
21 in the State of North Carolina and the State of South
22 Carolina never revokes your driver's license and no one
23 ever forwards that to South Carolina and revokes your
24 license, your license in South Carolina is still valid to
25 drive until it's revoked or suspended. His license, unless

1 she has something that shows the State of South Carolina
2 sent him a letter or sent him some sort of notice of
3 suspension to his CWP, it's still a valid license.

4 THE COURT: Ms. Reeves?

5 MS. REEVES: Judge, I think the questioning was not
6 only did he have a valid CWP, but it was also, is he
7 legally allowed to have these guns. He asked her about how
8 he has these for his job and the overall questioning was,
9 he has these guns because he's allowed to have them and, in
10 fact, he does have a concealed weapons permit, so it's not
11 just is it valid, it's is he allowed to have these in
12 general and his prior conviction reads, "Pursuant to 18
13 U.S.C. §922, it is unlawful for a person convicted of the
14 statutes for CDV, criminal domestic violence, to ship,
15 transport, possess, or receive a firearm or ammunition."

16 THE COURT: Let me look at that please. Have you seen
17 that?

18 MR. ANDERSON: I've seen that before, Your Honor, but
19 the problem I have with that ---

20 THE COURT: Just a minute.

21 (Ms. Reeves hands document to Judge McIntosh)

22 THE COURT: Okay. Mr. Anderson, on the sentencing
23 sheet that was signed by Judge Maddox, on August 3, 2009,
24 in bold, it says pursuant to 18 U.S.C §922, it is unlawful
25 for a person convicted of a violation of §16-25-20 or

1 §16-5-65 criminal domestic violence, to ship, transport,
2 possess, or receive a firearm or ammunition." If you look
3 up higher, the code section that he was pleading guilty to
4 with the recommendation was §16-25-65.

5 MR. ANDERSON: Yes, sir. Is that signed by him?

6 (Looks at document) Yes, sir.

7 THE COURT: It appears to bear the Defendant's
8 signature on here.

9 MR. ANDERSON: I understand, Your Honor. The problem
10 I have with all that is, he's not charged with that sort of
11 gun charge. We are dealing with CDV high and aggravated.
12 A prior CDV is only prejudicial to him. We're not dealing
13 with a gun charge in this case. And again, I would argue
14 that his license was never suspended. He explained to me
15 at some point that when he took that plea, and I don't know
16 if it's relevant or not, but his lawyer told him that his
17 CWP would not be suspended. However, it doesn't matter one
18 way or the other. If the State of South Carolina had sent
19 him a letter that he was suspended, then he would have
20 notice of it.

21 THE COURT: He's got notice on this. This clearly
22 gives him notice, but let me say this: I believe that Ms.
23 Reeves has a right to go into the fact that he cannot
24 legally possess a firearm, but if you go into the basis for
25 it, i.e., that he had a prior CDV, I think that the

REDIRECT EXAMINATION OF RACHEL MOORE BY MS. REEVES

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1 probative value is outweighed by the prejudicial impact and
2 so I don't want you to get into the fact that he had this
3 prior CDV. Okay? But I will allow you to go into the fact
4 that he could not legally possess a firearm. Okay?

5 MR. ANDERSON: Yes, sir, Your Honor, and ---

6 THE COURT: Unless you open the door further or some
7 other matter happens. Okay?

8 MS. REEVES: Can I make sure my witness is clear on
9 that distinction?

10 THE COURT: Yes, ma'am.

11 IN CAMERA EXAMINATION OF RACHEL MOORE BY MS. REEVES

12 Q Ms. Moore, you understand that what the Judge's ruling
13 is? That when I ask you questions, please do not
14 refer to any prior conviction the Defendant has.

15 A Yes, ma'am.

16 Q But I intend to ask you, was he allowed to carry or
17 have in his possession, weapons at that time. Just
18 limit your answer without saying why.

19 A Yes, ma'am.

20 THE COURT: All right. Thank you. Would you bring
21 the jury in, please, sir.

22 (Jury in at 10:11 a.m.)

23 THE COURT: Ms. Reeves.

24 REDIRECT EXAMINATION OF RACHEL MOORE BY MS. REEVES

25 Q Ms. Moore, I have one more question for you. At the

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RE-CROSS EXAMINATION OF RACHEL MOORE BY MR. ANDERSON

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1 time of this incident occurred, was the Defendant
2 allowed to possess firearms?

3 A No, ma'am. Definitely not.

4 MS. REEVES: Nothing else.

5 THE COURT: Re-cross?

6 MR. ANDERSON: Just briefly, Your Honor.

7 RE-CROSS EXAMINATION OF RACHEL MOORE BY MR. ANDERSON

8 Q On February 2, 2010, did you see your father point a
9 gun at your mother?

10 A No.

11 MR. ANDERSON: No more questions, Your Honor.

12 THE COURT: May this witness be excused?

13 MS. REEVES: Yes, sir.

14 THE COURT: Mr. Anderson?

15 MR. ANDERSON: Yes, sir.

16 THE COURT: Okay. Thank you, ma'am, you may be
17 excused. Would you call your next witness, please?

18 MS. REEVES: Yes, sir. The State calls Deputy Dustin
19 Williams.

20 (After being duly sworn by the Clerk of Court, Dustin
21 Williams testified as follows:)

22 CLERK OF COURT: Please have a seat. Please state
23 your full name and spell your last.

24 DEPUTY WILLIAMS: Dustin Towers Williams.

25 W-I-L-L-I-A-M-S.

DIRECT EXAMINATION OF DUSTIN WILLIAMS BY MS. REEVES

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DIRECT EXAMINATION OF DEPUTY DUSTIN WILLIAMS BY MS. REEVES1
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Q Deputy Williams, where do you work?

A For the Anderson County Sheriff's Office.

Q And how long have you worked there?

A Four years.

Q And what was your job with the Sheriff's office back on February 2, 2010?

A I was assigned to road patrol.

Q And what were your general duties and responsibilities on road patrol?

A We answer calls for service, react to burglaries and we also answer numerous domestic calls.

Q And on that date, did you meet a woman named Miriam Laureano?

A I did.

Q And where did you meet her?

A I was dispatched out to, actually I had to locate her. It took a while. She was behind a church on Three and Twenty Road, the Church of Christ.

Q And was anyone else with you at that time?

A At that time, I was by myself. Another deputy, Tony Digirolamo showed up later.

Q And was anyone else with Ms. Laureano in that car?

A Yes. Her daughter and her daughter's two kids.

Q And approximately what time did you find her?

DIRECT EXAMINATION OF DUSTIN WILLIAMS BY MS. REEVES

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- 1 A About 5:20 in the afternoon.
- 2 Q And how did Ms. Laureano appear when you saw her?
- 3 A To give a simple description; terrified, fearful.
- 4 Q What, if anything, did she tell you had happened?
- 5 A She explained she had been in an altercation that had
- 6 turned physical in her residence and it resulted in a
- 7 gun being pointed in her face.
- 8 Q Did she give you some details about that?
- 9 A She did. She provided a written statement at that
- 10 time.
- 11 Q And what did she say? Well, when she told you what
- 12 happened, what did she tell you about it?
- 13 A That she had been in an altercation that resulted in
- 14 her being pushed. She ended up hitting her back on a
- 15 bedpost. She was also slapped twice during the
- 16 incident and a gun was also pointed in her face that
- 17 she referred to as being cocked, he was cocking it
- 18 while doing it, while pointing it at her face.
- 19 Q And did you see any injuries on this woman?
- 20 A Well, I didn't see any injuries. It might have
- 21 something to do with her complexion, but I didn't see
- 22 any at that time.
- 23 Q After speaking with her, what did you do?
- 24 A While speaking with her, I knew the suspect was
- 25 possibly still at the address and so I wanted to go

DIRECT EXAMINATION OF DUSTIN WILLIAMS BY MS. REEVES

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1 get his side of the story and also there was concern
2 expressed about the son possibly being in the
3 residence. They didn't know at the time. They had
4 been trying to get in touch with him, so I did respond
5 out to the residence.

6 Q And where was that?

7 A [REDACTED]

8 Q And is that in Anderson County?

9 A It is in Anderson County.

10 Q And was there a question in your mind as to the son's
11 safety and your safety?

12 A Absolutely. Any time there's a gun involved, there is
13 a safety issue and domestic issues are known to be
14 violent and so I made a tactical approach to the
15 residence.

16 Q And what does that mean?

17 A What I consider a tactical approach is, by then it had
18 gotten dark outside and so I cut off my headlights. I
19 stopped a way away from the actual incident location
20 and walked up on foot with another deputy. We
21 approached and made sure we had covering in case there
22 was someone with a gun and they did shoot at us, it
23 would be a little bit safer. I approached the front
24 door and I never got on the porch at any time. If I
25 do get up on the porch, I stand to the side of the

1 door so I'm not in front of the door in case someone
2 would shoot through it and so I stayed at the side of
3 the porch and I was able to reach up and knock on the
4 door, which was ajar. As I knocked, the door came
5 open.

6 Q And what did you notice inside the house?

7 A Inside the house, the main room I could see in was
8 dark. On the back left, there was a hallway and there
9 was a light on in that hallway.

10 Q Did you announce your presence other than knocking?

11 A I did. I knocked, I called for Mr. Laureano and told
12 him who I was and asked him to come out and speak with
13 me. There was no response. I did that several times.
14 After there was no response, after a period of time, I
15 backed away and we called additional units.

16 Q Anything further happen in the house? Did the door
17 stay open?

18 A While we were waiting for additional units the light
19 actually went out in the house and the door was
20 closed. When my sergeant arrived on scene, he
21 utilized the P.A. system, the public address, to
22 attempt to get Mr. Laureano to come out and there was
23 another attempt to contact him.

24 Q And was there any response?

25 A No, ma'am.

DIRECT EXAMINATION OF DUSTIN WILLIAMS BY MS. REEVES

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1 Q And so you said you backed away and your sergeant
2 tried to contact him with no response. What happened
3 after that?

4 A I believe the determination was made to bring in the
5 S.W.A.T. team because of the fact we probably had a
6 barricaded suspect, so the S.W.A.T. team did respond,
7 they met up and after the S.W.A.T. team took over the
8 perimeter, because originally, I was on the perimeter,
9 I pulled back and went and met with the magistrate
10 judge.

11 Q For what purpose?

12 A To obtain a warrant for a CDV high and aggravated. I
13 had to present facts that I had gotten from the
14 victim, the statements and also the actions at the
15 house and I presented that to the magistrate judge in
16 reference to obtaining a warrant.

17 Q I'm going to show you what's been marked as State's
18 Exhibit #2 and ask if you recognize that.

19 A Absolutely.

20 Q And what is that?

21 A That is the front porch. That's (indicating) where I
22 stool right next to the porch and knocked on the door.

23 Q And you are pointing to the right of the front door.
24 Is that correct?

25 A Yes. To the right of the front door right here.

CROSS EXAMINATION OF DUSTIN WILLIAMS BY MR. ANDERSON 165

1 Q I'm going to show you what's been marked as State's
2 Exhibit #9. Can you tell me what that is?

3 A That's the interior of the house.

4 Q And would that have been the direction that you were
5 looking when the door was open?

6 A I believe so and the light would be on in the back
7 hall or there was light coming from the back hallway.
8 It could have been in the hallway or from another
9 room.

10 (Ms. Reeves holds photographs up in front of the jury)

11 MS. REEVES: I have nothing further.

12 THE COURT: Cross examination?

13 MR. ANDERSON: Thank you, Your Honor.

14 CROSS EXAMINATION OF DEPUTY DUSTIN WILLIAMS BY MR. ANDERSON

15 Q Officer, you didn't see this event occur, did you?

16 A No, sir.

17 Q But when you met with Ms. Laureano, she didn't have
18 any physical injuries that you observed?

19 A Not that I observed, just her demeanor, being
20 terrified.

21 Q She told you she had been slapped in the face twice?

22 A Yes, sir. She did.

23 Q You didn't see any marks from that, did you?

24 A No, sir. I didn't.

25 Q Did she show you her back where she had gotten bruised

CROSS EXAMINATION OF DUSTIN WILLIAMS BY MR. ANDERSON 166

1 or anything like that?

2 A No, sir.

3 Q Can you show me again where you were standing by the
4 front door? (Hands witness a photograph)

5 A Sure. (Witness holds up photograph and indicates)
6 Right here next to the porch.

7 Q Off the porch, though?

8 A Yes, sir.

9 Q All right. Thank you.

10 COURT REPORTER: What exhibit is that?

11 MR. ANDERSON: I apologize. State's Exhibit #2.

12 COURT REPORTER: Thank you.

13 Q Now, when you arrived and knocked, at that point you
14 didn't have any sort of warrant. Is that correct?

15 A No, sir. I didn't leave the house.

16 Q Did you announce why you were there or just that you
17 were there?

18 A I asked him to come out and speak with me about the
19 incident that occurred at the residence. It wasn't
20 forcefully or anything like that. It was just, "Mr.
21 Laureano, this is Deputy Williams of the Sheriff's
22 office. Come out here and talk to me about this."

23 Q And you received no response whatsoever?

24 A No, sir.

25 Q And then the door closed shortly thereafter?

CROSS EXAMINATION OF DUSTIN WILLIAMS BY MR. ANDERSON

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1 A And the light went out. Yes, sir.

2 Q Now, at some point earlier, Ms. Laureano said she was
3 told there was a shootout. There was never any sort
4 of shootout, was there?

5 A Not to my knowledge.

6 Q No one fired any guns?

7 A Not to my knowledge.

8 Q Nobody pointed a gun at you?

9 A No, sir. I don't believe a shootout occurred, but I
10 don't know that I can testify to that because once the
11 S.W.A.T. team set up around the perimeter, I left the
12 residence.

13 Q But you aren't aware that a shootout occurred.

14 A I'm not aware that a shootout occurred.

15 Q And nobody ever threatened you or pointed a gun at you
16 or did anything to you while you were there?

17 A No, sir.

18 Q Now, as Ms. Laureano was describing the events that
19 caused you to be there, did she describe the gun that
20 was pointed at her?

21 A The only description I received was she said it was a
22 revolver.

23 Q Nothing further than that?

24 A Not to my knowledge.

25 Q All right. Thank you.

DIRECT EXAMINATION OF TODD CARON BY MS. REEVES

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1 MR. ANDERSON: That's all the questions I have.

2 THE COURT: Any redirect?

3 MS. REEVES: No, sir.

4 THE COURT: May this officer be excused?

5 MR. ANDERSON: Yes, Your Honor.

6 THE COURT: Thank you, sir. Would you call your next
7 witness, please.

8 MS. REEVES: The State calls Investigator Todd Caron.

9 (After being duly sworn by the Clerk of Court, Todd
10 Caron testified as follows:)

11 CLERK OF COURT: Please have a seat. If you would,
12 please state your full name for the record and spell your
13 last name.

14 INVESTIGATOR TODD CARON: Todd Caron, C-A-R-O-N.

15 DIRECT EXAMINATION OF TODD CARON BY MS. REEVES

16 Q Investigator Caron, where do you work?

17 A At the Anderson County Sheriff's office.

18 Q And how long have you been employed there?

19 A Sixteen years.

20 Q And what is your current position?

21 A I'm a forensic investigator.

22 Q And what does that mean?

23 A We respond to crime scenes, collect evidence, take
24 photographs, anything as far as collecting evidence.

25 Q In the Sheriff's office, do you have any other

DIRECT EXAMINATION OF TODD CARON BY MS. REEVES

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1 positions?

2 A I do. I'm a volunteer on the S.W.A.T. team as a
3 hostage negotiator.

4 Q And what does S.W.A.T. mean?

5 A S.W.A.T. is Special Weapons and Tactics Team is what
6 it stands for. We respond to any emergency situation
7 that is a little bit above what road deputies handle.

8 Q And were you on the S.W.A.T. team back in February of
9 2010?

10 A Yes, ma'am.

11 Q And what are your general responsibilities as a
12 negotiator?

13 A We respond to a scene where a suspect may be
14 barricaded or have hostages in a location and I
15 attempt to talk them out.

16 Q And have you received any training for this?

17 A Yes.

18 Q How much?

19 A Probably about three 40-hour classes. One may have
20 been a 30-hour class.

21 Q And on February 2, 2010, did you respond as a
22 negotiator to the situation at [REDACTED]

23 A Yes.

24 Q And what was your understanding of the situation when
25 you arrived?

DIRECT EXAMINATION OF TODD CARON BY MS. REEVES

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1 A That a subject had barricaded himself in the house and
2 had his son in the house and it wasn't known whether
3 his son was there voluntarily or not.

4 Q Any knowledge about weapons in the home?

5 A Yes. The information that I was given was that there
6 were weapons.

7 Q And how, as a negotiator, how were you trained to
8 handle the situation?

9 A We try to make contact with the subject in the home
10 and try to build a rapport with him and try to talk
11 him out through a peaceful resolution so the S.W.A.T.
12 team doesn't have to take any action or, you know, to
13 make sure nobody gets hurt.

14 Q And what did you do, if anything, upon arrival at this
15 home?

16 A First, I spoke with Ms. Laureano just to get Mr.
17 Laureano's information, any weapons in the home, her
18 son's information, trying to get intel before I even
19 made the phone call into the residence.

20 Q What is the job of the other S.W.A.T. team members?

21 A They would set up a perimeter, evacuating any
22 neighbors that might need to leave because it was a
23 probable weapon situation, evacuating any neighbors,
24 relieved the road patrol deputies that were maybe
25 watching the back door, front door.

DIRECT EXAMINATION OF TODD CARON BY MS. REEVES

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1 Q And do you remember where this mobile home was
2 positioned, how close the neighbors were in proximity?

3 A To be quite honest, no. It's not my responsibility to
4 get that close to the house. I'm not equipped with
5 the same equipment as some of the entry guys.

6 Q What is your objective, overall, as a S.W.A.T. team?

7 A Try to get a peaceful resolution, to get whoever we're
8 dealing with to come out of the house without anybody
9 getting hurt, be it the subject or any of our guys.

10 Q Wouldn't it just be easier to enter the home and take
11 him out?

12 A It would, but if I'm not mistaken, the statistics are
13 about 70% that if an entry it made, somebody is
14 getting hurt, be it the subject or a S.W.A.T. member
15 so it's always better to try to talk them out than
16 going in and getting them.

17 Q So, after speaking to Ms. Laureano, what did you do
18 next?

19 A I obtained a cell phone number for Mr. Laureano and
20 made a phone call to that phone.

21 Q And who did you speak with, if anyone?

22 A Killian answered the phone first, the son. I spoke to
23 him and I learned through that conversation that he
24 was there voluntarily and not being held against his
25 will.

DIRECT EXAMINATION OF TODD CARON BY MS. REEVES

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1 Q And after speaking with Killian, who, if anyone, did
2 you speak with next?

3 A I spoke with Mr. Laureano.

4 Q And what did he say?

5 A He advised me that they did have a verbal altercation
6 but nothing physical happened. He stated that at one
7 point he did have her keys because she was so
8 emotional he didn't want her to drive.

9 Q And did anyone leave the residence?

10 A After about an hour-and-a-half, after speaking with
11 Killian and Mr. Laureano, Killian did come out.

12 Q And did the Defendant eventually come out?

13 A Yes, after a couple more hours of speaking with him.
14 We had to, his brother had to add some minutes. His
15 brother was in New York and he was on and off the
16 phone with him, in addition, while he was talking to
17 me. His brother had to add some minutes to his phone
18 and after a couple more hours he did come out on his
19 own.

20 Q And during those hours of negotiation, what else was
21 transpiring?

22 A As far as conversation?

23 Q Yes.

24 A Just trying to talk him into coming out. At one point
25 I was asked to call his brother and speak with him. I

CROSS EXAMINATION OF TODD CARON BY MR. ANDERSON

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1 called his brother in New York and spoke with him.
2 It's typical, when I needed my cell phone most, it
3 died, the battery died, so we switched to a mobile
4 command post phone and continued the conversation from
5 there.

6 Q And what time did this situation eventually get
7 resolved?

8 A If I'm not mistaken, it was close to midnight, 11:37,
9 somewhere around there.

10 MS. REEVES: Nothing further.

11 THE COURT: Cross examination?

12 MR. ANDERSON: Thank you, Your Honor.

13 CROSS EXAMINATION OF TODD CARON BY MR. ANDERSON

14 Q So, you were there during the whole episode?

15 A Not the initial. After the S.W.A.T. team was
16 notified, I left about ten minutes after that.

17 Q Was there any kind of shootout or anything?

18 A No, not while I was present. No, sir.

19 Q Did you ever see anyone inside the mobile home
20 threatening anybody with a gun, stick a gun out a
21 window?

22 A I never set foot on the property.

23 Q No shots fired?

24 A No, sir.

25 Q Were there any threats conveyed either by phone or

REDIRECT EXAMINATION OF TODD CARON BY MS. REEVES

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1 orally out the trailer?

2 A No, sir.

3 Q And you spoke with Killian, the son.

4 A Yes, sir.

5 Q He wasn't being held hostage, nobody barricaded in
6 there or anything.

7 A Well ---

8 Q Obviously, the door was shut.

9 A I can't speak for the condition of the mobile home.
10 As I said, it was dark, I never got that close.

11 Q You never entered the mobile home?

12 A No, sir. No, sir. When he came out, he asked if he
13 could surrender to me and I told him I would be at the
14 end of the driveway.

15 Q So, that was peacefully done with no problems?

16 A Yes, sir. He came out with his hands up, his cell
17 phone in his hands. He cooperated with the S.W.A.T.
18 team.

19 MR. ANDERSON: No more questions, Your Honor.

20 THE COURT: Redirect?

21 MS. REEVES: Just briefly, Judge.

22 REDIRECT EXAMINATION OF TODD CARON BY MS. REEVES

23 Q Investigator Caron, can you describe what the scene
24 would have looked like to the neighbors being
25 evacuated?

1 MR. ANDERSON: Your Honor, I object.

2 THE COURT: What was it?

3 MR. ANDERSON: I don't think that's a proper redirect.

4 THE COURT: What it looked like to the neighbors?

5 MS. REEVES: Yes, sir.

6 THE COURT: I sustain the objection.

7 MS. REEVES: Judge, he was asking about, you know,
8 this shootout, and I'm just trying to clarify that to see
9 what the scene looked like.

10 THE COURT: Well, he can't answer what the neighbors
11 would have seen. They can answer that.

12 MS. REEVES: All right.

13 Q Investigator Caron, can you tell us how many vehicles
14 you had on scene or what S.W.A.T. team members would
15 have arrived in?

16 A The S.W.A.T. team has armored vehicles. They look a
17 lot like the vehicles companies use to collect money.
18 We had two of those and to be honest I don't know if
19 we had one at the time, but I'm pretty sure we had the
20 other one. We had at least one show up and I think
21 there were about 45 members of the S.W.A.T. team.
22 There would have been a lot of them.

23 Q And how did they position themselves around the home?

24 A They try to use cover. They try to hide stuff that
25 will stop a bullet, basically. Concealment, they are

RE-CROSS EXAMINATION OF TODD CARON BY MR. ANDERSON 176

1 just hiding behind something that will stop a bullet.

2 MS. REEVES: Nothing further, Your Honor.

3 MR. ANDERSON: Briefly, Your Honor.

4 RE-CROSS EXAMINATION OF TODD CARON BY MR. ANDERSON

5 Q So, basically, if you are inside that trailer and you
6 look out that window you are going to see a whole lot
7 of guys with guns, will you not?

8 A That's not their objective. Their objective is not to
9 be seen. It's against negotiations. They are going
10 to be hiding. They are going to be in positions where
11 they can respond quickly if they need to. They are
12 not going to be visibly pointing a weapon at the
13 window. As someone speaking with someone and
14 negotiating, I want try to resolve this peacefully and
15 don't need someone looking down the barrel of fifty
16 guns.

17 Q Sure, but they were all the way around the house.

18 A They are certainly out there with weapons but they do
19 not try to make themselves visible.

20 Q There are cars all the way around?

21 A Patrol cars, yes.

22 Q So, if I'm sitting inside, I can pretty much figure
23 that if I come storming out that door, somebody is
24 going to shoot me. Correct?

25 A If you come storming out with a weapon, absolutely.

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RE-CROSS EXAMINATION OF TODD CARON BY MR. ANDERSON

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1 Q Somebody's going to shoot me.

2 A Well, depending on how you are displaying that weapon.
3 I can't speak to whether they're going to shoot or
4 not.

5 MR. ANDERSON: Nothing else.

6 THE COURT: Can this officer be excused?

7 MS. REEVES: Yes, sir.

8 MR. ANDERSON: Yes, sir, Your Honor.

9 THE COURT: Thank you, sir.

10 MR. ANDERSON: Your Honor, could we take about a five
11 minute break? I need to contact someone.

12 THE COURT: All right. Ladies and Gentlemen, you've
13 been in and out of this room this morning, but let's go
14 ahead and take an early morning break. Make yourself
15 comfortable. If you need anything, let Mr. Frasier know
16 and he'll make sure you have it. We'll be about fifteen
17 minutes.

18 MR. ANDERSON: Thank you, Your Honor.

19 THE COURT: Yes, sir.

20 (Jury out at 10:43)

21 (Morning Break)

22 THE COURT: Are you ready?

23 MS. REEVES: I am, Judge.

24 THE COURT: Mr. Anderson?

25 MR. ANDERSON: Yes, sir.

DIRECT EXAMINATION OF MICHAEL COLLINS BY MS. REEVES

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1 THE COURT: Would you bring the jury in, please, sir.

2 (Jury in at 10:57 a.m.)

3 THE COURT: Ms. Reeves, call your next witness,
4 please.

5 MS. REEVES: Thank you, Judge. The State calls
6 Investigator Michael Collins.

7 (After being duly sworn by the Clerk of Court, Michael
8 Collins testified as follows:)

9 CLERK OF COURT: Please have a seat. If you would,
10 state your full name for the record and spell your last.

11 INVESTIGATOR COLLINS: James Michael Collins.
12 C-O-L-L-I-N-S.

13 DIRECT EXAMINATION OF MICHAEL COLLINS BY MS. REEVES

14 Q Investigator Collins, where do you work?

15 A I work at the Anderson County Sheriff's office.

16 Q And how long have you worked there?

17 A I've worked there for six years.

18 Q And what is your current position?

19 A I am an investigator with the investigations division.

20 Q And was that your position back on February 2, 2010?

21 A Yes, ma'am. It was.

22 Q And what were your duties and responsibilities as an
23 investigator?

24 A As an investigator we primarily pick up where the road
25 patrol, uniformed patrol, leaves off the case. We

1 investigate burglaries, assault and batteries,
2 aggravated assault and batteries, property crimes,
3 stuff like that.

4 Q Did you respond to a situation at [REDACTED]
5 on that date?

6 A Yes, ma'am. I did.

7 Q And did you get a search warrant for that residence?

8 A Yes, ma'am. I did.

9 Q What were you looking for?

10 A I believe the search warrant states we were looking
11 for firearms and related items such as magazines or
12 clips, ammunition, holsters, things like that.

13 Q And what, if anything, was recovered during the
14 search?

15 A During the search we recovered one shotgun and I
16 believe it was four handguns.

17 Q Anything else? Ammunition or ---

18 A Yes. Also, various types of ammunition, some
19 holsters, some magazine clips and I believe that was
20 about it.

21 Q And where were these items found?

22 A The shotgun was found underneath a futon in a bedroom
23 to the far right of the trailer and the handguns were
24 actually found underneath the bottom panel of a
25 dresser. You had to pull the dresser out, remove the

DIRECT EXAMINATION OF MICHAEL COLLINS BY MS. REEVES

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1 panel and the guns were actually underneath that
2 dresser. We had difficulty finding the guns. We
3 didn't find them on our initial search and so we
4 actually had to call the victim and she came in and
5 showed us where he normally kept the guns and also
6 said, "They might be down there".

7 Q And let me show you some pictures. Let me show you
8 State's Exhibit Nos. 20, 19, 21 and can you tell me
9 what these are photos of.

10 A This is a photo of the guns we found under the dresser
11 under the bottom panel. The one with the holsters,
12 they were in. This is one also and this is the
13 shotgun we found underneath the futon in the bedroom
14 to the right of the trailer.

15 Q I want to show you State's Exhibit Nos. 16, 17 and 18.
16 Is this the dresser and panel that you are referring
17 to?

18 A Yes, ma'am. This is the dresser missing the bottom
19 panel. We removed it to actually locate the firearms.
20 This is actually one that shows where you had to pull
21 the panel up and the firearms were underneath the
22 panel.

23 Q And did you locate a .357 black revolver during your
24 search?

25 A We did locate a .357, but I'm not sure if it was a

CROSS EXAMINATION OF MICHAEL COLLINS BY MR. ANDERSON 181

1 black one or a silver one, but we did locate one in
2 the initial search.

3 MS. REEVES: Nothing further.

4 THE COURT: Cross examination?

5 MR. ANDERSON: Thank you.

6 CROSS EXAMINATION OF MICHAEL COLLINS BY MR. ANDERSON

7 Q It wasn't your job to investigate the case, just to
8 get the search warrant?

9 A I was initially contacted because I was on call and on
10 call means I was working the night shift, basically,
11 and when the officer contacted his supervisor, his
12 supervisor contacted me and advised me of the
13 situation and I responded.

14 Q So, it was your case at that point?

15 A It wasn't my case at that point. I was called in to
16 assist and obtain a search warrant. Road officers
17 don't normally do that and I had access to a computer
18 and all that stuff and I was able to do it better.

19 Q Let me be a little more specific, you didn't interview
20 any of the witnesses in this case?

21 A I did talk with the victim, Miriam.

22 Q Did you interview Killian?

23 A I did not.

24 Q Did you interview any neighbors?

25 A I did not.

CROSS EXAMINATION OF MICHAEL COLLINS BY MR. ANDERSON

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1 Q Did you attempt to interview Mr. Laureano?

2 A I did attempt to interview Mr. Laureano after the
3 entire standoff was over. I did meet with him at the
4 Anderson County Sheriff's office and I asked to speak
5 with him and he said he wanted to talk to his lawyer
6 first and at that point the interview was terminated.

7 Q So, he exercised his right, his constitutional right,
8 not to speak?

9 A Yes, he did.

10 Q All right. Now, did you take photos all through the
11 house?

12 A I did take those photos.

13 Q Let me show you Exhibit #20. Is that a photo of the
14 guns you found in the house?

15 A Yes.

16 Q Okay. Is there a black .357 in that photo?

17 A No, sir. There's not.

18 Q Did you ever see a busted up lamp while you were in
19 there? Do you remember?

20 A I really don't recall at this point. When we were
21 doing the search of the residence, there was myself,
22 my partner and there may have been another
23 investigator. I know the forensics were there and we
24 kind of divided the house.

25 MR. ANDERSON: That's all the questions I have, Your

THE STATE OF SOUTH CAROLINA VERUS WILLIAM LAUREANO

1 Honor. Thank you.

2 THE COURT: Any redirect?

3 MS. REEVES: Nothing further, Judge.

4 THE COURT: May this officer be excused?

5 MR. ANDERSON: Yes, Your Honor.

6 MS. REEVES: Yes, sir.

7 THE COURT: Thank You, sir. YOU are excused. Call
8 your next witness, please.

9 MS. REEVES: Judge, the State rests.

10 THE COURT: Madam Forelady, Ladies and Gentlemen of
11 the jury, the State rests its case. That means I need to
12 take up several administrative matters at this time. It
13 will probably take a few minutes and so if you will go back
14 to Your jury rom, relax, and we'll call you back when we
15 can.

16 (Jury out at 11:05 a.m.)

17 THE COURT: Mr. Anderson, any motions?

18 MR. ANDERSON: Yes, sir, Your Honor. At this time we
19 would move before the Court a directed verdict motion of
20 not guilty in this case. The Defendant in this case has
21 been indicted for criminal domestic violence of a high and
22 aggravated nature under statute 16-25-65. Under 16-25-65,
23 an assault involves the use of a deadly weapon or results
24 in serious bodily injury to the victim and clearly there
25 was no injury. The officer testified he didn't see any

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DIRECT EXAMINATION OF KILLIAN LAUREANO BY MR. ANDERSON 198

1 MR. LAUREANO: I understand.

2 THE COURT: Once you take the stand, you will have
3 waived that.

4 MR. LAUREANO: No problem, sir.

5 THE COURT: Okay. Is that your witness?

6 MR. ANDERSON: Yes, sir. That's our witness.

7 THE COURT: Are we ready to proceed?

8 MR. ANDERSON: Yes, sir, Your Honor.

9 THE COURT: Would you bring the jury in, please.

10 (Jury in at 11:54 a.m.)

11 THE COURT: All right, Mr. Anderson, do you wish to
12 call any witnesses?

13 MR. ANDERSON: Yes, sir, Your Honor. We call Killian
14 Laureano.

15 (After being duly sworn by the Clerk of Court, Killian
16 Laureano testified as follows:)

17 CLERK OF COURT: Please have a seat right there. If
18 you would, please, state your full name for the record and
19 spell your last name.

20 MR. LAUREANO: Killian Laureano. Killian William
21 Laureano. L-A-U-R-E-A-N-O.

22 MR. ANDERSON: Thank you, Your Honor. May it please
23 the Court.

24 THE COURT: Yes, sir.

25 DIRECT EXAMINATION OF KILLIAN LAUREANO BY MR. ANDERSON

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DIRECT EXAMINATION OF KILLIAN LAUREANO BY MR. ANDERSON 199

- 1 Q Killian, you doing all right today?
- 2 A Yes, sir.
- 3 Q Can you tell the jury how you are related to William
- 4 Laureano.
- 5 A He's my father.
- 6 Q He's your father?
- 7 A Yes, sir.
- 8 Q How old are you?
- 9 A Twenty-one years old.
- 10 Q And are you married?
- 11 A Am I married? No, sir.
- 12 Q Any children?
- 13 A Yes, sir. I have one daughter.
- 14 Q And how old is your daughter?
- 15 A She is five months old.
- 16 Q Congratulations.
- 17 A Thank you.
- 18 Q Where do you live now?
- 19 A I live with two roommates in Easley.
- 20 Q So, you no longer reside at [REDACTED]
- 21 A No, sir.
- 22 Q When did you move from Shenandoah?
- 23 A Approximately, a year ago.
- 24 Q All right. And is there a reason why you left
- 25 Shenandoah?

DIRECT EXAMINATION OF KILLIAN LAUREANO BY MR. ANDERSON 200

1 A It was just my time. Family issues.

2 Q Okay. Let's go back. I want to talk about the
3 specific event first and then we will talk about some
4 other things, but do you remember February 2, 2010?

5 A Was that the day my father was arrested?

6 Q Yes. Do you remember that day?

7 A Yes.

8 Q What were you doing that day?

9 A I was sitting in my room with one of my friends at the
10 time.

11 Q Okay. And were you at home all day long?

12 A Yes, sir.

13 Q Did you ever go anywhere ---

14 A No, sir.

15 Q --- prior to the stuff that happened?

16 A No, sir. I was there all day.

17 Q And who else was there that day?

18 A My mother and father, sister and her two sons and my
19 friend that was with me.

20 Q And did your father go anywhere prior to the event?

21 A No, sir.

22 Q So, he was home all day long.

23 A Yes, sir.

24 Q And did you see him that day?

25 A Off and on. Every once in a while we would see each

DIRECT EXAMINATION OF KILLIAN LAUREANO BY MR. ANDERSON 201

1 other in the kitchen. Usually, we both stayed in our
2 own room.

3 Q What was his demeanor that day?

4 A I guess I would just say normal.

5 Q I mean, did he seem mad at you or anything?

6 A No, sir. I mean, through the time frame that all that
7 stuff was happening it was pretty much a little
8 tension in the house. I mean, it wasn't completely
9 happy, but it was fine.

10 Q You felt there was some tension. What was going on
11 that was causing some tension?

12 A There was just bad problems, arguments between my
13 mother and father and I guess, possibly, my father and
14 my sister. I guess that's all.

15 Q All right, sir. So, on that particular day in
16 question -- let me back up a second. How big is this
17 trailer, this mobile home that y'all lived in?

18 A I'd say around 50 or 70 feet long and maybe 20 feet
19 wide.

20 Q Okay. And where did you normally sleep?

21 A On the opposite side from my parents.

22 Q Speak up just a little bit louder.

23 A Yes, sir.

24 MR. ANDERSON: Can everybody hear him okay?

25 (Jurors nod heads)

DIRECT EXAMINATION OF KILLIAN LAUREANO BY MR. ANDERSON 202

1 Q So, the opposite end?

2 A Yes, sir.

3 Q Now, would you say that was a small trailer or a big
4 trailer?

5 A I'd say small or average.

6 Q Small to average?

7 A Yes, sir.

8 Q Well, have you ever heard your parents argue in that
9 trailer?

10 A Yes, sir.

11 Q You have heard them argue in the past.

12 A Yes, sir.

13 Q Did you hear any argument that particular day?

14 A I can't say for sure. That day, I don't remember too
15 much.

16 Q Did you hear any noise like something crashing or
17 hitting the floor or anything?

18 A Well, if there was a crash, it was usually my nephews
19 playing around. They were very young at the time and
20 it's what children do.

21 Q Did you hear anything breaking or shattering or
22 anything like that?

23 A No, sir.

24 Q And so on this particular day, did you see your
25 mother?

DIRECT EXAMINATION OF KILLIAN LAUREANO BY MR. ANDERSON 203

1 A Yes, sir.

2 Q And how many times or when did you see your Mother?

3 A I guess I would probably get up every once and awhile
4 and grab something to drink or eat and I'd see her.

5 THE COURT: Just one second. Would you speak up,
6 please, sir?

7 MR. LAUREANO: Yes, sir. I'm sorry.

8 A I guess I saw my mother an average amount of time for
9 someone who lives together and sees each other times
10 throughout the day.

11 Q Did she ever seem upset or scared to you?

12 A Not more than usual. I wouldn't say scared, but
13 obviously, everyone was upset due to the arguments
14 going on around that time.

15 Q Was she crying?

16 A No, sir. Not that I saw.

17 Q Did you ever feel like there was anything going on
18 that you needed to interfere with?

19 A No, sir. I tried to help my parents in their
20 relationship at times, but it was kind of like, you
21 know, you can't really fix someone's relationship for
22 them. That's about all I can say there.

23 Q So, you didn't see any sort of argument in your
24 parent's home that particular day. Did you see them
25 argue or fight?

DIRECT EXAMINATION OF KILLIAN LAUREANO BY MR. ANDERSON 204

1 A No, sir.

2 Q Did you see a physical altercation?

3 A No, sir.

4 Q Did you hear any kind of physical argument?

5 A No, sir.

6 Q Did you see your father with a weapon that day?

7 A No, sir.

8 Q On that particular day, do you remember when your
9 mother left the house?

10 A Yes, sir. I can't remember the exact time, but it was
11 mid-afternoon sometime. She just told me her and my
12 sister and my nephews were going to the grocery store
13 down the street and they'd be right back.

14 Q So, they actually talked to you before they left?

15 A Yes, sir.

16 Q Where were you when that took place?

17 A I was in my room. She could see into my room from the
18 hallway where the front door was.

19 Q Was your friend still there?

20 A Yes, sir. He was still there at that time. He left
21 about fifteen minutes after they departed.

22 Q And did you at any time ever tell your mother or your
23 sister that you were leaving with your friend?

24 A I can't answer that. I can't remember honestly. I'm
25 pretty sure I don't think so, but...

DIRECT EXAMINATION OF KILLIAN LAUREANO BY MR. ANDERSON 205

1 Q But you didn't leave at the same time they left or
2 attempt to leave at the same time they left?

3 A No, sir.

4 Q So, when your mother came in and said she was going to
5 the grocery store, did she seem upset?

6 A No, sir.

7 Q Did she tell you anything was wrong?

8 A No, sir.

9 Q Did she ask you to leave with her?

10 A No, sir.

11 Q Did you have any concerns that she was in any danger
12 when she left?

13 A No, sir.

14 Q But you definitely talked to her when she left.

15 A Yes, sir.

16 Q All right. At what point did you realize that
17 something strange was going on?

18 A Well, the grocery store that they went to was maybe
19 three or miles up the road and it was about two or
20 three hours later that I realized something was wrong
21 because they should have been back at the time.

22 Q Right. So, about what time of day? Was it getting
23 dark then, was there light?

24 A I'd say it was right around five or six. I just ---

25 Q And this is February, right?

DIRECT EXAMINATION OF KILLIAN LAUREANO BY MR. ANDERSON 206

1 A Yes.

2 Q It gets dark a little earlier?

3 A Yes, sir. I was about an hour or so 'till about
4 getting dark. It wasn't quite dark yet.

5 Q Had they called you or anything at that point?

6 A No, sir.

7 Q What happened to you next?

8 A Two Anderson County Officers pulled up in the driveway
9 in one squad car.

10 Q You saw them out the window, or what?

11 A Yes, sir.

12 Q And then what happened?

13 A Well, I thought they were there for me, so I went and
14 told my Dad just to let him know and he said, "No ---

15 Q Just a second, where was he at the time?

16 A He was in his room watching T.V.

17 Q So, go ahead. I'm sorry.

18 A And I told him that they possibly were there for me
19 and he said, "No, they are probably here for me," and
20 we went on with that for a couple of minutes and then
21 from that point on the officers walked up to the front
22 door and I can't remember if they knocked or not, but
23 I know they walked to the front door and they walked
24 out to the driveway and apparently they were
25 conversating with the neighbors and they proceeded to

DIRECT EXAMINATION OF KILLIAN LAUREANO BY MR. ANDERSON 207

1 leave and come back later.

2 Q So, they actually left and came back?

3 A Yes, sir.

4 Q As far as you know.

5 A Yes, sir.

6 Q How many came back?

7 A At first, it was just the one car that came the first
8 time and then there was just more and more after that.
9 It changed from cars to trucks. I guess it was the
10 tactical team or...

11 Q The S.W.A.T. team?

12 A Yes, sir.

13 Q Let me ask you this: Why didn't you just come out the
14 door?

15 A Well, if they were there for my father and he was
16 going to be taken away, I wanted to spend a little
17 time with him before he was gone.

18 Q So, about how long were you inside the house?

19 A Quite a few hours I would say. It went on through the
20 night.

21 Q Did you, at some point, get some phone calls?

22 A What was that?

23 Q At some point, did you get a phone call?

24 A Yes, sir. At first, I believe I got a phone call from
25 my friend about my mother and my sister had called and

DIRECT EXAMINATION OF KILLIAN LAUREANO BY MR. ANDERSON 208

1 told him to contact me and let me know what was going
2 on and that I was okay and then an officer called me
3 and asked if I was being held hostage and I told him
4 no and then I asked the officer if I had to come out
5 and he said, "No, you don't have to come out right at
6 this time," and so I stayed a little bit longer.

7 Q And did you ever, I mean, were there ever any threats?
8 Did anything change between the officers and you or
9 the officers and your father?

10 A No, sir. I wouldn't say threats. The only thing I
11 heard from the officers is that they could
12 accidentally possibly burn down the house with a flash
13 hand grenade, but I'm not sure that was a threat. It
14 was just what they had to do, they thought.

15 Q Sure. And at any time, did you see your father with a
16 gun during this part of it?

17 A No, sir.

18 Q Let me ask you, was there ever any kind of shootout or
19 anything?

20 A No, sir.

21 Q No?

22 A No, sir.

23 Q So, eventually, y'all came out?

24 A Yes, sir.

25 Q Now, did you see your mother after all this occurred?

DIRECT EXAMINATION OF KILLIAN LAUREANO BY MR. ANDERSON 209

1 A Well, an officer called me and told me that it was
2 time for me to come out and so I did and they checked
3 me for weapons just to make sure. They took me down
4 to a detective who asked me questions and my mother
5 was standing in the driveway near the detective's car
6 where I was sitting.

7 Q Did she seem upset?

8 A Yes, sir.

9 Q She did?

10 A Yes, sir.

11 Q And did you speak with her after that?

12 A I think there might have been a few brief words, but
13 the officers were kind of talking and trying to figure
14 everything out at that time.

15 Q All right. Did they ask you questions about what had
16 just occurred?

17 A About what?

18 Q About what had just occurred?

19 A Yes, sir. They were asking me if my father had any
20 intent to harm anyone or if he was going to harm
21 himself or if I was being held hostage.

22 Q What was your answer to all that?

23 A No.

24 Q Did you see any marks or anything on your mother?

25 A No, sir.

DIRECT EXAMINATION OF KILLIAN LAUREANO BY MR. ANDERSON 210

1 Q Any bruises or anything like that?

2 A No, sir.

3 Q Did you see her the next day?

4 A Yes, sir. I'm sure I did.

5 Q Did you go back home?

6 A Yes, sir. Well, I don't think I left home. We waited
7 for all that to finish and ---

8 Q Went back inside?

9 A Yes, sir.

10 Q And at that time did you see any marks or ---

11 A No, sir.

12 Q --- bruises or anything like that?

13 A No, sir.

14 Q And did you see any -- when you went in to see your
15 dad in the bedroom, did you see anything broken or
16 anything out of the ordinary?

17 A No, sir.

18 Q I'm talking about the time before the police arrived.

19 A Yes, sir. I understand. No, I didn't see anything
20 out of place.

21 Q Now, have you spoken to your mother since this
22 incident occurred?

23 A Yes. .

24 Q In your mind, do you have a reason why she said your
25 father pointed a gun at her?

THE STATE OF SOUTH CAROLINA VERUS WILLIAM LAUREANO

DIRECT EXAMINATION OF KILLIAN LAUREANO BY MR. ANDERSON 211

1 MS. REEVES: Objection, Your Honor. He can't
2 speculate.

3 THE COURT: Sustain the objection.

4 Q Do you think your father would have pointed a gun ---

5 A No, sir. I ---

6 MS. REEVES: Objection, Your Honor. Same reason.

7 THE COURT: Sustained.

8 MR. ANDERSON: I was just asking his opinion if he
9 thought his father ---

10 THE COURT: I sustain the objection.

11 MR. ANDERSON: Yes, sir, Your Honor.

12 Q Now, has your father ever pointed a gun at you?

13 A No, sir.

14 Q So, you testified earlier that you kind of tried to
15 help your parents get along.

16 A Yes, sir.

17 Q Were they having troubles?

18 A Yes, sir.

19 Q Who owned the house that y'all lived in?

20 A I'm not sure. I believe it's in my mother's name, but
21 my father was the breadwinner at the time.

22 Q Had he ever asked you to get out of the house?

23 A No, sir.

24 Q He never asked you to leave?

25 A No, sir.

DIRECT EXAMINATION OF KILLIAN LAUREANO BY MR. ANDERSON 212

1 Q What about your sister? Did they get along?

2 A I can't say that they did.

3 Q You can't say that they did?

4 A Yes, sir. I don't believe they did.

5 Q Would he have asked her to leave?

6 A No, sir. Well, I don't think he asked her to leave,
7 because he allowed her to move back in after her
8 marriage was ended, I guess.

9 MR. ANDERSON: I'd ask for just a moment, YOUR Honor.

10 THE COURT: Yes, sir.

11 (Mr. Anderson speaks to the Defendant)

12 Q Let me ask you, do you know where your mother lives
13 now?

14 A I believe the same place, [REDACTED]

15 Q Okay. She live there by herself or what?

16 A With my sister and her two children.

17 Q Does she have a boyfriend or anything?

18 MS. REEVES: Objection, Your Honor.

19 THE COURT: Sustained.

20 Q Are you aware that your parents got divorced?

21 A Yes, sir.

22 Q Did your mother ever talk to you about that?

23 A No, sir. Well, I mean, we talked about it, but I
24 can't really recall anything. I just know we talked
25 about it.

CROSS EXAMINATION OF KILLIAN LAUREANO BY MS. REEVES

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1 Q All right.

2 MR. ANDERSON: That's all the questions I have at this
3 time, Your Honor.

4 THE COURT: Cross examination?

5 MS. REEVES: Yes, sir.

6 CROSS EXAMINATION OF KILLIAN LAUREANO BY MS. REEVES

7 Q Mr. Laureano, your mom stuck up for you and Rachel.
8 Is that true?

9 A Yes, ma'am.

10 Q And during this, during this situation, you said you
11 were in your room with your friend. Is that right?

12 A Yes, ma'am.

13 Q And were you and your friend smoking marijuana at that
14 time?

15 A Yes, ma'am.

16 Q And were you doing that throughout the day?

17 A No, ma'am. It was just for the time being.

18 Q So, the time that you were in there, at some point,
19 you were smoking marijuana with your friend?

20 A Yes, ma'am.

21 Q And you said that you had heard arguments between your
22 dad and your mom. Is that right?

23 A Not that day.

24 Q But you had before in the past. Is that right?

25 A Yes.

CROSS EXAMINATION OF KILLIAN LAUREANO BY MS. REEVES

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1 Q And you kind of always heard your dad arguing with
2 your mom. Is that correct?

3 A YES.

4 Q And would you say that your Mom kept it from you?

5 A Yes, ma'am.

6 Q During this standoff with the officers outside, you
7 and your Dad were inside smoking marijuana. Is that
8 right?

9 A Yes, ma'am.

10 Q And were you drinking alcohol?

11 A No.

12 Q Was he drinking alcohol?

13 A Yes, ma'am. He drank a little.

14 Q Were you trying to get him to leave the house?

15 A Not at the time. AT the beginning when it all started
16 I was mostly trying to calm him down It was kind of a
17 stressful time.

18 Q Would you say, eventually, were you trying to get him
19 to leave the house?

20 A Well, whenever I exited out, the officers asked if I
21 would call him and get him out and I called him on the
22 phone and told him the only way this is going to end
23 is by him coming out because he stayed inside because
24 he wanted to know what he was being charged with and I
25 told him what the officers told me and I told him to

REDIRECT EXAMINATION OF KILLIAN LAUREANO BY MR. ANDERSON 215

1 just go ahead and come out, to just handle it, and he
2 did.

3 Q And you love your Dad, right?

4 A Yes, ma'am. And my Mother.

5 Q And you kind of hate being in this position.

6 A Yes, ma'am.

7 Q You didn't know there was a shotgun underneath the
8 futon in your room. Did you?

9 A No, ma'am.

10 Q And you knew your father owned guns. Right?

11 A Yes, ma'am.

12 Q Did he wear guns?

13 A He wore one, maybe everyday whenever he was going out
14 somewhere. He had a concealed weapons permit and he
15 had a shoulder holster.

16 Q Did he wear that at home?

17 A Yes -- I mean, no, ma'am.

18 Q He kept his guns loaded, didn't he?

19 A Yes, ma'am.

20 MS. REEVES: Nothing further.

21 THE COURT: Redirect?

22 REDIRECT EXAMINATION OF KILLIAN LAUREANO BY MR. ANDERSON

23 Q Let me ask you this: Have you ever seen your father
24 strike your mother?

25 A No, sir.

REDIRECT EXAMINATION OF KILLIAN LAUREANO BY MR. ANDERSON 216

1 Q He's never done that in front of you?

2 A No, sir.

3 Q Has he ever struck you?

4 A No, sir.

5 Q Never in your life?

6 A No.

7 Q Never spanked you?

8 A Me and him had our little arguments where I was wrong.

9 He never struck me or anything, he just kind of
10 disciplined me.

11 Q My did used to spank me when I was little. I mean,
12 has he ever struck you in the face in anger?

13 A No, sir.

14 Q Punched you?

15 A No, sir.

16 Q Done anything like that?

17 A No.

18 Q Has he ever pointed a weapon at you?

19 A No, sir.

20 Q Have You ever seen him point a gun at your mother?

21 A No, sir.

22 Q Have you ever seen him point a weapon at your sister?

23 A No, sir.

24 Q And you had little children in the house.

25 A Yes, sir. Two young boys.

RE-CROSS EXAMINATION OF KILLIAN LAUREANO BY MS. REEVES

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1 Q Did he keep his guns up away from them?

2 A Yes, sir. Yes, sir.

3 MR. ANDERSON: That's all the questions I have, Your
4 Honor. Thank you.

5 THE COURT: Any re-cross?

6 RE-CROSS EXAMINATION OF KILLIAN LAUREANO BY MR. ANDERSON

7 Q Your father had a gun cabinet. Didn't he?

8 A Yes.

9 Q Was there a working lock on the gun cabinet?

10 A When he first owned it, it was, but after it broke, he
11 kept his guns in the closet and kept it locked.

12 MS. REEVES: Nothing further.

13 THE COURT: May this witness be excused?

14 MR. ANDERSON: Your Honor, I'd like to keep him around
15 just in case if that's all right.

16 THE COURT: All right. You may step down, but please
17 do not leave, sir.

18 MR. LAUREANO: Can I exit the courtroom and sit in the
19 lobby?

20 THE COURT: Yes, sir, you may. Thank you. All right,
21 Madam Forelady, would you take your jury back to the jury
22 room for just a few minutes, please ma'am.

23 (Jury out at 12:15 p.m.)

24 THE COURT: All right. Mr. Anderson.

25 MR. ANDERSON: Yes, sir, Your Honor.

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1 THE COURT: Does your client wish to testify?

2 MR. ANDERSON: No, sir, Your Honor.

3 THE COURT: He does not?

4 MR. ANDERSON: He does not.

5 THE COURT: Okay. Is that a free, voluntary and
6 knowing decision, Mr. Laureano?

7 MR. LAUREANO: I think that I will have to, with what
8 he spoke of, it should cover everything.

9 THE COURT: Okay. So, the question is, just to make
10 sure I'm covered on the record. Is your decision not to
11 testify made knowing of your rights, voluntary, and without
12 being coerced and voluntary?

13 MR. LAUREANO: Yes, sir. It's voluntary.

14 THE COURT: Thank you very much. Any other witnesses?

15 MR. ANDERSON: Nothing from the Defense, Your Honor.

16 THE COURT: Any reply?

17 MS. REEVES: No, sir.

18 THE COURT: Okay. Can I have Mr. Laureano's son
19 excused at this point?

20 MR. ANDERSON: Yes, sir.

21 THE COURT: Bailiff, would you tell the officer out
22 there that Mr. Laureano's son has been excused?

23 BAILIFF: Yes, sir.

24 (The Bailiff complies. The officer comes in and Judge
25 McIntosh confirms the release of Killian Laureano);

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1 THE COURT: My idea would be to go ahead and excuse
2 the jury for lunch and bring them back about 1:30, a
3 quarter to two, whatever. You guys need about an hour-and-
4 a-half, don't you?

5 BAILIFF: Yes, sir.

6 THE COURT: In the meantime, let's do a brief charge
7 conference and let's go from there.

8 MR. ANDERSON: Do you want me -- I need to renew a
9 couple of motions, if I may.

10 THE COURT: I think so, too. You're right. Let's
11 bring the jury in, please, then we'll do that.

12 MR. ANDERSON: Yes, sir. Thank you, Your Honor.

13 (Jury in at 12:19 p.m.)

14 THE COURT: All right. Madam Forelady, Ladies and
15 Gentlemen of the jury, I know it's been a type of herky
16 jerky kind of morning, but that being said, we have
17 completed the testimonial phase in this case. I am going to
18 enter the next phase, which will be the closing arguments
19 and instruction on the law, but before we do that I need to
20 have a conference with these attorneys about the law I'm
21 going to charge to you and during that period I'm going to
22 go ahead and let you go to lunch and then I'll bring you
23 back here and ask that you come to the jury room at 1:40
24 and we intend to resume the trial at 1:45.\

25 Le me remind you, please, not to speak amongst

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1 yourselves or with anybody about this case during your
2 lunch break. At this time, you are excused for lunch and
3 thank you.

4 (Jury out at 12:21 p.m.)

5 CHARGE CONFERENCE

6 THE COURT: Are you going to seek a lesser included?

7 MR. ANDERSON: YES, Your Honor. The lesser included
8 of CDV.

9 THE COURT: All right. Now, let me, just for the
10 record, let me ask, the charge should include the lesser
11 included of domestic violence, however, if the jury finds
12 him guilty of that, that would actually constitute a
13 domestic violence, second.

14 MR. ANDERSON: I understand, Your Honor.

15 THE COURT: Do you agree with that?

16 MS. REEVES: Yes, sir.

17 THE COURT: Here's my proposed charge on that. Would
18 you take a minute and look at it? And then I'll go through
19 my basic charge.

20 (Attorneys look at document)

21 THE COURT: All right. Any, from the Defense
22 standpoint, any objection to the proposed charge on the
23 substantive law?

24 MR. ANDERSON: No, Your Honor.

25 THE COURT: From the State?

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1 Is the State ready to proceed?

2 MS. REEVES: Yes, sir.

3 THE COURT: All right.

4 MS. REEVES: Thank you, Judge. May it please the
5 Court.

6 THE COURT: Yes, ma'am.

7 CLOSING ARGUMENT - MS. REEVES

8 Ladies and Gentlemen, I am just going to speak with
9 you briefly about case law that we discussed at the
10 beginning and the charge is actually based on that and then
11 I will come back and speak to you again about actually
12 giving you my closing argument after Mr. Anderson has a
13 chance to speak.

14 (Ms. Reeves projects document on large screen)

15 The Judge in this case is going to give you the charge
16 on the law and that is who you need to listen to, of
17 course. He is the legal expert on what the law is for
18 criminal domestic violence of a high and aggravated nature.
19 I'm going to try to give you an explanation as to what that
20 is.

21 Criminal domestic violence of a high and aggravated
22 nature as you heard at the beginning of this trial, means
23 that I must prove to you beyond a reasonable doubt, that
24 this Defendant committed an assault with or without an
25 accompanying battery which would cause a reasonable person

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1 to fear imminent, serious, bodily injury.

2 I will kind of explain what that means. It's actually
3 two parts to criminal domestic violence. This is the
4 second part. The first part actually deals with assault
5 and battery. In that language that you will hear from the
6 Judge, it actually says assault and battery with the use of
7 a deadly weapon and that is usually used when someone is
8 actually shot or is actually stabbed. The battery is that
9 unwanted touching. It's not just a threat. It's the
10 actual touch with the deadly weapon.

11 That first part can be confusing because it does say,
12 "deadly weapon". The second part as I discussed with you
13 does not actually say deadly weapon. It only involves a
14 threat or assault with or without the latter, but the key
15 part of the language is, which would cause a reasonable
16 person to fear imminent, serious, bodily injury.

17 So, you can understand that if that is what the law
18 says, that any assault like with a gun, would make someone
19 fear imminent serious bodily injury. Even if they weren't
20 shot, even if they weren't stabbed, they were in fear of
21 that potentially happening to them. And that fear or that
22 risk has to be evident with that person that is threatening
23 you, that they actually can carry that out right then. So,
24 they are not a hundred miles away on a phone making this
25 threat, they are actually in front of you making this

1 you.

2 So, that is kind of the difference even though the
3 second part of this page does not actually contain use of a
4 deadly weapon, it still means and still qualifies as a
5 serious imminent threat if that threat is carried out while
6 having a gun pointed at you.

7 So, the Judge is the expert on this and he will tell
8 you that that is a brief overview and brief summary of what
9 the charge of criminal domestic violence of a high and
10 aggravated nature means.

11 And of course, we again separate, we have other
12 statutes that deal with assault and battery of a high and
13 aggravated nature. If two strangers or two neighbors get
14 into an argument and point weapons at each other or someone
15 points a weapon at someone else and they are not related,
16 we have other statutes dealing with that.

17 This statute particularly deals with household
18 members. This is specifically written for criminal
19 domestic violence and so one element of this crime has to
20 be that these two were household members and, in fact, they
21 were even those these two were married.

22 So, I'll be back to speak with you again in just a
23 moment.

24 THE COURT: Mr. Anderson.

25 MR. ANDERSON: Thank you, Your Honor.

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1 CLOSING ARGUMENT - MR. ANDERSON

2 Ladies and Gentlemen, I'm going to start out thanking
3 you for your time and your attention. I always try to keep
4 my eye on juries, see if they are paying attention, maybe
5 somebody is asleep in the back or something and so I can
6 say something loud to wake them up, but I know you all have
7 been attentive. We appreciate your service. We appreciate
8 your being here. This is very important to both the State
9 and to my client. We couldn't do this without you. So,
10 it's a vital thing that you have been sitting here the last
11 couple of days. I know you've been out of work and missing
12 your families. This is important to all of us. Some day
13 you may be sitting over here and you want twelve, thirteen
14 reasonable people just like yourselves with common sense to
15 come in and decide your fate for you. That is what you are
16 doing. You are deciding a man's fate based on what you
17 have heard and we do appreciate it.

18 Now, I want to start by saying everybody, families
19 aren't perfect. We knows that. You get in fights with your
20 spouse sometimes if you don't agree with something. You
21 may yell at each other and sometimes you may have to yell
22 at your children when they don't do -- you know, you've got
23 a son and he won't do what he's supposed to do in school.
24 You know, he needs to go to class and learn and get an
25 education. Sometimes people get into arguments, but that

1 in no way ever justifies, so don't get me wrong, that in no
2 way justifies striking someone. It doesn't justify
3 pointing a gun in someone's face. It doesn't justify
4 anything that rises to the level where somebody feels
5 threatened and that's what we have in this case that
6 there's a charge where they are alleging that Ms. Laureano
7 felt threatened. Somebody's going to shoot me, somebody's
8 going to kill me. I find it very interesting now, this
9 statute -- and the Judge is going to charge you on the law,
10 but when we first came in here in the beginning, the
11 Solicitor looked at you and said, "How would you feel if
12 someone put a gun in your face. How would you feel about
13 that." Well, now she wants to talk about, "Well, no we're
14 not talking about a gun in somebody's face, we're talking
15 about the second part of it, you know, feeling threatened."
16 Nobody in here wants to feel threatened, either. It all
17 goes back to what I told you. There is no evidence of any
18 gun. You didn't hear any evidence of any gun. Sure, Mr.
19 Laureano had guns in the house. There were guns found.
20 There's no doubt.. You saw the picture. There was a search
21 warrant that was executed. I should have pulled it out
22 earlier and shouldn't have to stand here and look through
23 this, but they found four guns in the house in the dresser
24 and there's a photo of it in here. It's probably on the
25 bottom, of course. Here we go. So, there were four guns

1 found in the house. So what. The testimony that you heard
2 and only from Ms. Laureano, you didn't hear it from anybody
3 else, there were no other witnesses, there are no pictures,
4 no DNA, no fingerprints, nothing else except Ms. Laureano
5 sitting up there telling you that my husband pointed a
6 black .357 at my head and said he was going to kill me and
7 any cops that come afterwards. Well, there is no black
8 .357. There are four pistols. It's not there. There is
9 just no evidence of it. All we have to go on is a
10 statement, one statement by one person. Nobody saw it,
11 nobody heard it, they don't have a gun, they don't have
12 fingerprints. There's nothing and so you, as a jury, have
13 to weigh credibility at that point and he says it didn't
14 happen. She says it did happen. You are the jury and you
15 have to make a reasonable decision and so why would she say
16 that? Why would she say that he did that? Well, we put it
17 to you and it was put into evidence that they had been
18 married for quite some time. Their son told you that they
19 had been having marital problems, disagreements. We put it
20 to you that she wanted him out of the house. The only way
21 she could get a divorce in South Carolina in this short
22 period of time was to allege that some sort physical
23 cruelty and you will see, you will take this back. It's in
24 evidence. That was the grounds for the divorce.
25 Otherwise, she couldn't get a divorce like that. She would

1 have to wait just like everybody else. You've got to wait
2 for a one year's separation or some other ground to get
3 your divorce. She managed to get him out. And they had
4 disagreements. He took his daughter in. You know, he was
5 a good person. He wanted to get her away from all that
6 drugs and drinking and take care of his grandkids. He
7 supported everybody. She wouldn't do what he wanted her to
8 do. He wanted her to work, go out and take care of her own
9 kids. You know, get a job like everybody else. So, they
10 fought about that stuff. He wanted her out. By doing
11 this, they all live in the house. It's their place now.
12 They got a divorce, so I want you just to look at the
13 evidence or the lack thereof is the best way to put it that
14 there is no threat to this lady. It doesn't meet the
15 statute. The State has the burden and when the Judge
16 charges you on the law, the State has the burden of proving
17 each and every element of criminal domestic violence of a
18 high and aggravated nature beyond a reasonable doubt. I
19 would put it to you, they don't need all those elements.
20 They are going to -- she's probably going to get up here
21 and say, "Well, you know, he could have hid the gun or, you
22 know, you heard this from the daughter that she heard them
23 arguing." Well, it's not against the law to argue. People
24 argue all the time. What's against the law is to threaten
25 somebody so that they are scared or they hit somebody or to

1 shoot somebody and that didn't happen in this case.
2 There's no evidence of it. Son comes up -- competing
3 witnesses, sure. He loves his father. He wants what's
4 best for his father. He doesn't want all this going on.
5 He didn't want to testify, but he was here. He says he
6 didn't hear anything. It's a small trailer. It's 65 by 14
7 or 70 by 14. You can look at the size of it in the photos.
8 It's a tiny little trailer. There's that kind of argument,
9 a physical altercation, screaming, all that going on, it's
10 impossible that everybody in that house wouldn't hear it.

11 Another point, she gets ready to leave. She claims
12 her husband is threatening her with a gun. She's going to
13 walk out of the house and just leave her son sitting there?
14 She walked right past him. She talked to him on her way
15 out the door. She's just going to leave her son sitting
16 there? All the rest of it, you know, they can bring in the
17 S.W.A.T. team and say that this and the other, but I would
18 put it to you this way: If you are sitting in your house
19 and a bunch of cops come out. You look out the window, you
20 might be a little hesitant to just go popping out the door
21 yourself. Now, surely, he should have just walked right on
22 out and saved a lot of time and trouble, but that doesn't
23 have anything to do with whether or not he threatened his
24 wife with a gun and caused her to have this imminent threat
25 of harm. It doesn't have anything to do with it. It's all

1 subsequent and they're just building it up for you.

2 There is no evidence, just like I told you, there is
3 no evidence that he ever held his gun at his wife and
4 threatened to kill her. I appreciate your time and thank
5 you.

6 THE COURT: Ms. Reeves.

7 MS. REEVES: May it please the Court.

8 THE COURT: Yes, ma'am.

9 CLOSING ARGUMENT - MS. REEVES

10 At the beginning of this trial, I did talk about
11 having a loaded gun pointed at you and how that would make
12 you feel. It would scare anybody to death. You've heard
13 over the last two days from the victim and her children and
14 the deputies involved in this case. They told you the
15 victim told you that the day in question she and her
16 husband were having an argument. It was more like he was
17 having an argument with her. She was trying to stay in the
18 bedroom. He was arguing with her, cursing at her. He threw
19 a lamp across her towards the door area to get her
20 attention, to instigate her, try to get her involved in the
21 argument that he was having with her. He didn't get the
22 response he wanted. He wasn't getting the fear or getting
23 her as scared as he wanted and so he took out a gun, he
24 kept it there in the night stand, and he pointed it at her.
25 But first, he played with it, opening the barrel, closing

1 it, and then he pointed at her and he said, "You're going
2 to make me kill you and this is going to be all your fault.
3 You're going to make me kill you -- and he didn't say his
4 daughter, he called her a bitch -- You're going to make me
5 kill you, the bitch and any law enforcement that comes
6 here. And she said he had a look in his eyes. She knew he
7 was serious. She had never seen that look before. He
8 threw some books, he took her shoe. She was trying to calm
9 this situation down. What was going on? What is going to
10 happen? He has a loaded gun. I want to watch my
11 movements. I don't want to make him mad at all. He throws
12 those things, she goes to pick them up then he gets up and
13 pushes her, slaps her twice, at least. As soon as she can,
14 he had already taken her keys, her phone, her wallet and
15 supposedly, this was all over going to get milk for the
16 baby, but he had already taken those things. He didn't
17 want her to go. He didn't want to let her do what she
18 wanted to do. He wanted to be in control. So, he leaves
19 to go out on the porch and at some point she is able to get
20 her phone. When he comes back inside, she is not exactly
21 sure how she got her keys, she thinks he dropped them. But
22 she got them. It didn't matter. She told her daughter, "
23 Get ready, we're going. As soon as we can, we are out of
24 here." Gets in the car and goes and hides behind a church.
25 She didn't just go out the door and call 911. She didn't

1 just go to a neighbor's house. She got out of there. She
2 and her daughter drove and they hid. The officer told you
3 that he had a hard time finding them. They wanted the
4 officer to find them and he had a hard time finding them
5 because they were so hidden. They thought this defendant
6 was going to come to find them and finish out this threat.
7 They didn't know. They hid. Officers came. She was
8 terrified. Lo and behold, the officers go to his house.
9 He's not coming out. He admits that he took her keys and
10 he's basically following through with his threat. He said,
11 "You're going to make me kill you and our daughter and the
12 officers that come to the house," and now he's in that
13 house with the guns not coming out. Mr. Anderson said,
14 "Shouldn't he have come out? Yeah." And he didn't. To
15 the victim and law enforcement involved, he was carrying
16 out his threat. They didn't know what he was going to do
17 and he was inside with guns, not coming out. It probably
18 did look like a shootout to some of the neighbors, with all
19 the officers, cop cars. There wasn't a shootout. The
20 neighbors had it wrong, but they were being evacuated, see
21 officers running, guns drawn. They don't know what was
22 going on, but there was no shootout. You've heard today
23 that the Defendant owned guns, he liked guns, he carried
24 guns. They were loaded all the time. If he had them, they
25 were loaded. Is that intimidating? Is that, to a victim

1 which you already want some control over, you always carry
2 a gun on you, multiple guns on you in your home. He was
3 the breadwinner. You heard that several times. He was the
4 breadwinner, it was his home. He wanted respect. He
5 didn't ask for it, he didn't do things to earn it, he
6 demanded it. He was the breadwinner. He was the head of
7 the household. He didn't want her going to get milk when
8 she wanted to go get milk. He took her keys so she
9 wouldn't. He took her phone, took her wallet. My husband
10 doesn't do those things. If we are having an argument, he
11 doesn't take things from me. I can leave when I want to
12 leave. I'm not prevented from doing that. You heard
13 testimony, too, that at this time the Defendant did have
14 guns and there were pictures of guns that were found and
15 why were those guns hidden? And you also heard testimony
16 that he wasn't actually allowed to possess those guns at
17 the time. So, he had those guns hidden and the victim in
18 this case, she told the officers, she helped them find
19 these guns, because they were hidden and she knew where his
20 usual hiding places were. As I told you and as the Judge
21 will tell you again, this case is my burden. I have the
22 burden of proof beyond a reasonable doubt, but you have
23 eyewitness testimony in this incident to what happened. An
24 eyewitness to a crime. Yes, she's a victim and yes, she's
25 a witness, too. No, there are no other witnesses. She is

1 the only one, but that's by design. That's not only by his
2 design, but actually by hers, too. He didn't want anyone
3 else to see what he was doing to her. He didn't want
4 anyone else intervening or getting in the way of what he
5 wanted to tell her, that he wanted to hit her, that he
6 wanted to threaten her. But she didn't want the children
7 involved, either. It was by her design as well. These
8 arguments, this argument, was in their bedroom. But the
9 victim told you about the threats. She told you about the
10 gun and her daughter also. Her daughter said, "I heard
11 this argument. I heard the threats. I heard rustling,
12 things being pushed around." When the victim was able to,
13 she got out of the house with her daughter and she called
14 law enforcement. She knew the Defendant had made these
15 threats and she took action, so not only do you have her
16 word what she said happened, but you have her actions which
17 are consistent with what she said happened. She made those
18 things after she heard this threat, she followed through to
19 make sure her daughter was safe and to make sure her
20 grandchildren were safe and told law enforcement they might
21 be in danger as well. She didn't know about her son. She
22 thought he left. That's why she didn't tell him, "Get out
23 of the house," when she's trying to get out. First of all,
24 threats weren't made against him, but second of all, she
25 thought he was leaving. She tried to keep him out of this,

1 keep him away from it, not tell him what was going on,
2 about the situation, because she didn't think he was going
3 to be there at the same time. The victim's credibility,
4 obviously, is something for you to weigh. I would submit
5 to you that you saw her demeanor on the stand. It's your
6 job to decide whether she's telling the truth or not. I
7 thought she was. She is head down telling you what
8 happened. Very reluctant to do so and upset about it. She
9 was correcting Mr. Anderson when he was asking her
10 questions. She kept saying throwing the lamp at me,
11 throwing books at me and she corrected him, "No, that's not
12 what happened. He was throwing them towards the door."
13 She has been consistent with what she said. She was
14 correcting Mr. Anderson when he was getting it wrong. Yes,
15 Mr. Anderson points out that she did get a divorce. She
16 did. But she also said she didn't know why it happened so
17 quickly. She wasn't anxious to get it done quickly. There
18 was no hurry. She thought she would have to wait a year.
19 And in fact, if what Mr. Anderson said is true, the
20 Defendant was the breadwinner for the whole home so why
21 wouldn't they want him out? He as the one working and
22 providing for them. What did they really have to gain by
23 kicking him out? The trailer and the land were already in
24 her name. She didn't have to go through a divorce to get
25 those things into her name. The divorce happened and You

1 can read in the divorce decree which is in evidence that
2 there was a witness to this physical cruelty. You can read
3 that in the divorce decree. The issue, too, about whether
4 the daughter stayed in the home or was kicked out. The
5 testimony is that he was the one that actually asked her to
6 come back. He asked her to come back with her children,
7 but it sounds like she needed to get away from him and the
8 Defendant let her do that. It doesn't sound like he was
9 ready to kick her out. No, there were no marks or bruises
10 on the victim. We don't have any pictures to show you of
11 that, but those injuries, really, at the time even as the
12 victim was recording this, was secondary. The primary
13 injury was the gun being pointed at her. That was primary
14 for the victim and primary for the officers involved.
15 That's what they wanted to find. That's what they were
16 searching for, was the gun used. Not whether she had
17 bruises from being pushed or slapped. They couldn't see
18 any, but that was secondary. What they were arguing about,
19 whether Rachel stayed or went, whether they were going to
20 get milk for the baby or not is irrelevant, because an
21 argument should never involve a gun. Never. No argument
22 between a husband and wife should ever involve pointing a
23 loaded pistol at someone else. I already told you that
24 Rachel heard the threats. Killian, he didn't. He didn't
25 hear those threats, but he also told you he was in his

1 bedroom smoking marijuana with a friend. He didn't know
2 what was going on. He didn't even know there was a shotgun
3 under his futon in his bedroom. He knew that there was
4 tension in the house and that his dad was always arguing
5 with his mom. And his mom was, basically, always on edge.
6 That's what he testified about. Did he see this happen?
7 No. Neither did Rachel, but again, that was by design. No
8 one was present when the Defendant pointed the gun at his
9 wife. She kept the argument away from the children as best
10 she could. She didn't want them to hear it, but they did.
11 At least, Rachel did. They knew there was tension in the
12 home. So, this standoff at the house. This officer
13 responds, the Defendant doesn't come out. This just shows
14 how stubborn he is. They are asking him to come out,
15 negotiating for hours and he won't come out and he thinks
16 he's right. In fact, he's sitting in the house smoking
17 marijuana with his son while officers surround his house.
18 He not only figuratively, but literally slammed the door in
19 the officer's faces. He did not want to come out and face
20 the music. He told Killian, they are here for me. I know
21 they are. But he sure didn't walk out. He stayed for
22 hours and made a big production until he finally did
23 surrender. He had plenty of time in that house to hide the
24 gun. Plenty of time. In fact, the daughter told you about
25 the guns that she knew the Defendant owned, but as you can

1 see from the pictures, only five were actually found.
2 There was one found later in a closet that wasn't hidden
3 with the rest. He had plenty of time to hide these guns.
4 The victim was very specific. She told you that a .357
5 magnum black revolver was pointed at her and it was loaded.
6 As I said, their argument doesn't matter. What they were
7 arguing about doesn't matter. Domestic violence is wrong
8 and it is a crime. Pointing a gun that is loaded is made
9 no less serious by the fact that you are related, that you
10 are married and in fact, it is more serious. They were not
11 strangers. They were, in fact, husband and wife. Pointing
12 a loaded gun at someone and threatening to kill them is an
13 assault that would cause any reasonable person to fear
14 imminent serious bodily injury and I would ask that you
15 find this Defendant guilty of criminal domestic violence of
16 a high and aggravated nature.

17 THE COURT: Mr. Bailiff, would you not let anybody
18 come in or out of the courtroom?

19 BAILIFF: Yes, sir.

20 CHARGE ON THE LAW

21 THE COURT: Okay. All right. Members of the jury,
22 now that you have heard all the evidence in this case and
23 have heard the arguments of the lawyers and testimony, it
24 is my duty to instruct you on the law which you are
25 obligated to apply in this case. My instructions, for your

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1 information, will be in three parts. The first part will
2 be instructions on the general duties that define and
3 control your duties as jurors. The second aspect will be
4 what we refer to as the substantive law in this case, i.e.,
5 what the State must prove in order to make out its case
6 against the Defendant and the last part of my charge will
7 be some rules concerning your deliberations.

8 Now, as I told you at the beginning at the case, it is
9 your duty to find what the facts are by being the finders
10 of fact. You do that from all the evidence that is
11 presented in this case and from no other source. To those
12 facts, as you find them to be, you must apply the law as I
13 give it to you now. Again, you shall not be concerned with
14 what you want the law to be, what you think it should be or
15 what you wish it would be. You must apply the law as I
16 give it to you.

17 Also, you should not be influenced by any person likes
18 or dislikes, opinions, prejudice, undue sympathy that you
19 may have for one side or the other. That means that you
20 apply the law as I give it to you and you find the facts
21 based on what you heard here in this courtroom based on the
22 testimony of witnesses and the exhibits that were admitted
23 into evidence. At the beginning of the trial, in your oath,
24 that is what you agreed to do.

25 Now, in following my instructions, you can't single

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1 out certain aspects of things that you like and apply those
2 and disregard things that you may not like. All my
3 instructions are equally important. Again, our
4 constitution in this state does not allow any trial judge
5 to have an opinion on the facts of any case and so if I
6 have done anything, said anything, or indicated in some way
7 to you that may send some message that I have an opinion
8 one way or the other about the way the facts in this case
9 should be found by the jury, I am going to instruct you and
10 ask you as well to disregard it. I can tell you I have no
11 opinion about the facts. I am the instructor on the law and
12 I make sure the process is followed. You, the jury, and
13 you alone are the finders of the facts in this case.

14 Now, you will find what the facts are by evaluating
15 and weighing the evidence that you heard here in this
16 courtroom during this trial. There is no way for me to
17 give you a set of scales in the literal sense. This is
18 entirely a mental process that you will go through by using
19 your good sense and sound judgment.

20 Now, the evidence in this case is as follows: it's
21 the sworn testimony of the witnesses, whether it be on
22 direct examination or cross examination or any other
23 version of that. Also, the exhibits that have been
24 admitted into evidence by the Court, is evidence in this
25 case. That is the only evidence that you may consider as

1 evidence.

2 Now, certain things are not evidence. As I told you
3 at the beginning of this case, the arguments and statements
4 by the lawyers is not sworn testimony. It is not evidence.
5 It is designed to help you understand what the facts are,
6 but if, at any time, what these attorneys have told you
7 differs from your memory what the facts are, then your
8 memory of what those facts are will control.

9 Again, questions and objections by lawyers are not
10 evidence. Attorneys, as I told you, have an absolute duty
11 to object anytime that they feel the process is not being
12 followed or something is inappropriate. The fact that an
13 attorney may have raised an objection or objections or to
14 the extent that I have let you see me rule on those, shall
15 not be considered by you. It would be improper for the
16 jury to discuss and deliberate on the fact that there were
17 objections and my rulings on them or anything having to do
18 with objections. That is simply a part of the process in
19 every single solitary trial out there.

20 Also, Ladies and Gentlemen, anything that you may have
21 heard while court was not in session; during the breaks,
22 during lunch or overnight, is not evidence. I repeat,
23 sworn testimony, whether it be direct or cross examination
24 and exhibits are the only evidence that classifies as
25 evidence.

1 Now, in South Carolina, we recognize two different
2 classifications of evidence. You have direct evidence and
3 you have circumstantial evidence. Direct evidence is
4 pretty much what it sounds like. It is testimony of a
5 person who asserts or claims to have actual knowledge of a
6 fact, such as an eyewitness. Circumstantial evidence is a
7 little more tricky, but it is proof of a chain of facts and
8 circumstances from which you can infer that another fact
9 exists, although you did not see that direct fact proven
10 directly or that fact proven directly. If that doesn't
11 confuse you, let me just give you an example about
12 circumstantial evidence. If you all were to go to bed at
13 night and you were to have snow in your front yard and you
14 were to wake up in the morning and there were tracks in
15 that snow, you may reasonably infer that someone or some
16 thing walked across your yard during the course of the
17 night, although you did not see that person or thing walk
18 through your yard. That is what circumstantial evidence
19 is. Now, the law makes absolutely no distinction between
20 the weight or the value that you, the jury, are entitled to
21 give either direct or circumstantial evidence. If you
22 choose to, you are entitled to consider both kinds of
23 evidence. Now, I charge you further that there is not a
24 greater degree of certainty that is required of
25 circumstantial evidence than there is of direct evidence.

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1 However, you are not allowed to engage in pure speculation
2 when you start getting into inferences that are to be drawn
3 from circumstantial evidence.

4 If, Ladies and Gentlemen, after considering all the
5 evidence that you feel like is proper to consider, if you
6 are not convinced of the guilt of this defendant beyond a
7 reasonable doubt, it will be your job to find him not
8 guilty.

9 Now, as finders of the facts, as I've told you, you
10 must consider all of the evidence. In doing this, you have
11 to decide which testimony that you want to believe and
12 which testimony that you are not going to believe. You
13 have a right to disbelieve all or part of any witness'
14 testimony that you desire to. You have a right to believe
15 all of a witness' testimony. In making this decision of
16 credibility of the witnesses, let me give you some factors
17 that you may, but you are not required to, consider. These
18 factors would include: was the witness able to hear, see
19 or know about which the things that were testified, how
20 well was the witness able to recall and describe those
21 things about which they testified, what was the witness'
22 demeanor while they are testifying, in other words, how do
23 they act while on the stand. Is there some reason why the
24 witness would want to give testimony that would help or
25 hurt one side or the other, did that witness have an

1 interest in the outcome of this case or did they have any
2 bias or prejudice concerning any party or any matter
3 concerning this case. You may ask yourselves how
4 reasonable that witness' testimony was considered in light
5 of all the evidence that you heard in this case and you may
6 ask yourselves, also, was that witness' testimony
7 contradicted by what that witness had said or done at
8 another time or by the testimony of other witnesses or by
9 other evidence that has been presented in this case.

10 Now, Ladies and Gentlemen, those are some but
11 certainly not all the factors that you may consider in
12 going through this exercise of determining witness
13 credibility. And, of course, once you are checked in as
14 jurors, you don't check your common sense at the door and
15 you should not do so in this case. You should use those
16 things that in your day to day experience you find
17 indicative or trustworthiness or indicative of lack of
18 trustworthiness in making this determination of witness
19 credibility, but in performing this function, the one thing
20 that you don't do is add up the number of witnesses that
21 may have testified for one side or the other, because it
22 does not matter to you, Ladies and Gentlemen, whether the
23 truth comes from direct examination, from cross
24 examination, from witnesses on behalf of the State or
25 witnesses on behalf of the Defense.

1 Again, Ladies and Gentlemen, I will remind you that
2 the fact that this Defendant was indicted, charged and
3 arrested is not evidence of his guilt. It does not raise a
4 conclusion, presumption, nor an inference of his guilt.
5 That is simply the charging mechanism by which the State of
6 South Carolina brings criminal defendants before this court
7 for a jury such as yourselves to make a determination of
8 guilt or innocence based on the facts presented in each and
9 every case.

10 As I told you at the beginning, the Defendant has pled
11 not guilty in this case. What that means is, that puts the
12 burden of proof on the State to prove the Defendant guilty.
13 A person charged with committing a crime in South Carolina
14 is never ever required to prove himself or herself
15 innocent. I charge you that that is an important rule of
16 law that a Defendant in a criminal trial no matter what the
17 seriousness of the charge may be, will always be presumed
18 to be innocent for which the indictment was issued unless
19 guilt has been proven by evidence satisfying you of guilt
20 beyond a reasonable doubt. Let me say that again. A
21 person will always be presumed innocent of the crime for
22 which the indictment was issued unless guilt has been
23 proven by evidence satisfying you of guilt beyond a
24 reasonable doubt.

25 Now, this presumption of innocence does not end when

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1 you go back to your jury room and you begin Your
2 deliberations. It accompanies the Defendant throughout
3 this trial until you, the jury, reach a verdict of guilt
4 based on evidence which satisfies You of guilt beyond a
5 reasonable doubt. It has been said that the presumption of
6 innocence is like a robe of righteousness that is placed
7 around the shoulders of the Defendant which remains in
8 place until it has been striped from his shoulders by
9 evidence satisfying you, the jury, of guilt beyond a
10 reasonable doubt. Further, let me point out to you that
11 this is not a mere legal theory, it's not just a legal
12 phrase, it is a substantial right which every defendant is
13 entitled unless you, the jury, are satisfied of the
14 Defendant's guilt beyond a reasonable doubt.

15 I gave you a shorter version of the standard of
16 reasonable doubt at the beginning of this case. I'm going
17 to give you a somewhat long one, but this is the law of
18 what constitutes reasonable doubt. A reasonable doubt is
19 the kind of doubt that would cause a reasonable, sincere,
20 honest and conscientious person to hesitate to act in an
21 important matter in their own affairs. Now, proof beyond a
22 reasonable doubt is proof that leaves you firmly convinced
23 of the Defendant's guilt. Now, there are very few things
24 in this world that we know with absolute certainty and in
25 criminal cases, the law does not require proof that

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1 overcomes every possible doubt. If, based on your
2 consideration of the evidence, you are firmly convinced
3 that the Defendant is guilty of the crime charged, you must
4 find the Defendant guilty. If, on the other hand, you
5 think there is a real possibility you think the Defendant
6 is not guilty, you must give the Defendant the benefit of
7 the doubt and find him not guilty. A reasonable doubt may
8 arise from the evidence or from the lack of the evidence.
9 I further instruct you that the Defendant is entitled to
10 every reasonable doubt that may arise in the case. Now,
11 what that simply means is, if, upon any facts essential to
12 a conviction and a verdict of guilty of an offense, if you
13 have a reasonable doubt as to how that issue be resolved,
14 it is your duty to resolve that doubt in favor of the
15 Defendant.

16 Now, Ladies and Gentlemen, before establishing
17 criminal liability, criminal intent is required. For
18 example, the mental state required to be proven by the
19 State for a particular crime may be purpose, intent,
20 knowledge, recklessness or criminal negligence. Criminal
21 intent must be proven by the State beyond a reasonable
22 doubt. Criminal intent is always a matter that must be
23 determined by the jury from the circumstances surrounding
24 the situation. There is no way to prove intent to a
25 mathematical certainty. There is no way medical science

1 can dissect a person's brain to determine what they had in
2 mind. So, the law says that criminal intent may be
3 inferred from the circumstances shown to have existed.
4 Now, Ladies and Gentlemen, that is how you make a
5 determination of whether or not the element requiring
6 intent was present. It is not necessary to establish
7 intent by direct or positive evidence but it may be
8 established by inference the same way of any other fact, by
9 taking into consideration the acts of the parties and all
10 the facts and circumstances surrounding the case.

11 Criminal intent is a mental state. It is a conscious
12 wrongdoing. It is up to you, Ladies and Gentlemen, what
13 the Defendant intended to do based on the circumstances
14 shown to have existed. Criminal intent can arise from
15 action or a failure to act. It may arise from negligence,
16 recklessness or indifference to duty or to the consequences
17 that is considered by law to the equivalent to criminal
18 intent.

19 Now, finally, Ladies and Gentlemen, the Defendant in
20 this matter has not testified. Each and every citizen of
21 the United States by virtue of our Fifth Amendment to the
22 United States Constitution has the right to remain silent
23 against self incrimination. I would charge you that you
24 may not and you shall not consider in any form or fashion,
25 the failure of this Defendant to testify during your

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1 deliberations. It would be improper for you to even
2 mention or discuss his failure to testify whatsoever while
3 you are deliberating this matter.

4 Now, Ladies and Gentlemen, those are the rules that
5 define and control your duties as jurors. The next section
6 of my charge to you will be the substantive law that
7 applies in this case. YOU will end up having two options.
8 First, the indictment is for criminal domestic violence of
9 a high and aggravated nature. The next, will be the law of
10 criminal domestic violence, which would be a lesser
11 included offense and I will tell you about that in the
12 charge.

13 Now, the Defendant in this matter is charged with
14 criminal domestic violence of a high and aggravated nature.
15 In order to prove that the Defendant is guilty of criminal
16 domestic violence of a high and aggravated nature, the
17 State must prove beyond a reasonable doubt 1) that the
18 Defendant caused physical harm or injury to a member of the
19 Defendant's own household or 2) that the Defendant offered
20 or attempted to cause physical harm or injury to a member
21 or the Defendant's own household with the apparent present
22 ability, under the circumstances, reasonably creating fear
23 of imminent danger. A household member is a spouse, a
24 former spouse, a person with whom the person has a child in
25 common, a male or female who is cohabiting or who formally

1 has cohabited.

2 Next, the State must further prove beyond a reasonable
3 doubt that one of the following occurred: that the
4 Defendant committed an assault and battery which involved
5 the use of a deadly weapon or resulted in serious bodily
6 injury to the victim or an assault with or without an
7 accompanying battery which would reasonably cause a person
8 to fear imminent serious bodily injury or death.

9 Ladies and Gentlemen, an assault occurs when a person
10 unlawfully attempts or offers to commit a violent injury
11 upon another person and had the present ability to complete
12 the attempted injury. An assault is the intentional
13 creation of reasonable fear of immediate bodily harm. It
14 is not necessary that the attempted injury or harm actually
15 take place. For example, if I walk up to you and when we
16 are within arm's reach I reach back to hit you, then that
17 would be an assault, although I do not actually carry
18 through with the hit. Now, a battery on the other hand is
19 the unlawful touching of another person by a person who has
20 committed the assault. An unlawful touching can be caused
21 by a part of the accused body or by any object the accused
22 puts into motion. A battery is the completion of the
23 assault by using or applying force to another person,
24 however slight, in a rude, angry or resentful manner
25 without legal justification for doing so. So, if you take

1 my earlier example, if I were to carry through and hit you,
2 that would be the battery in the assault and battery
3 scenario.

4 Now, Ladies and Gentlemen, if during your
5 deliberations, you find that the State has failed to prove
6 beyond a reasonable doubt that the Defendant committed
7 criminal domestic violence of a high and aggravated nature,
8 you may next consider whether the State has proved beyond a
9 reasonable doubt that the Defendant committed criminal
10 domestic violence, which is a lesser included offense. In
11 order to prove that the Defendant is guilty of criminal
12 domestic violence, the State must prove beyond a reasonable
13 doubt that the Defendant caused physical harm or injury to
14 a member of the Defendant's own household or the Defendant
15 offered or attempted to cause physical harm or injury to a
16 member of the Defendant's own household with the apparent
17 present ability under the circumstances reasonably creating
18 the fear of imminent danger. Again, a household member is
19 a spouse, a former spouse, a person with whom the person
20 has a child in common, or a male or female who is
21 cohabiting or who formally has cohabited together.

22 Ladies and Gentlemen, that is the substantive law that
23 applies in this case and that is the law the State must
24 prove in order to make out its charges against this
25 Defendant and that would bring you to the last part of my

1 charge and that is the charge that deals with your
2 deliberations. First, let me say this: YOU don't serve as
3 jurors to be partisans or advocates for the State or for
4 the Defense in this matter. In fact, both sides said that
5 they picked you or felt like they picked you because you
6 represented to us that you could be fair and impartial and
7 make your decision solely on the evidence presented here
8 without any bias or prejudice to one side or the other.
9 When you go back to your jury room, you need to consider
10 all the evidence in this case. Use your good logic, your
11 sense of common sense and your experiences in life when
12 you're debating how you are going to find facts. And let
13 me say something about deliberations. Deliberation is
14 defined as this: It is a careful consideration weighing up
15 with a view to a decision. Now, regardless of what you may
16 think about it, one of the geniuses about our jury system
17 is that it allows twelve men and women from different walks
18 of life, from different backgrounds with different
19 perspectives to come together to listen to the evidence, to
20 go back to their jury room to talk about it and to
21 ultimately reach a verdict. It will be unanimous among the
22 twelve. We call them deliberations for a reason. YOU are
23 to consider all of the evidence carefully, calmly and
24 courteously amongst yourselves and do so carefully and
25 deliberately. Remember, again, you are not partisans, you

1 are not advocates, but you are judges of the facts. Your
2 sole interest in this matter is to find the truth from the
3 evidence that has been presented here in the courtroom. I
4 would ask you and I'm also going to further charge you that
5 you are to listen to your views of your fellow jurors, you
6 are to consider other people's points, other points of
7 view, talk to and discuss the evidence thoroughly and other
8 people's points of view and remember, if you are doing
9 something deliberately, You are not in a big hurry and you
10 shouldn't be in this case. This case is important to both
11 the State and to this Defendant and this is their only day
12 in court as far as this case is concerned. Now, in order
13 for your verdict to be valid or to stand, it will be
14 necessary for it to be unanimous. With that being said,
15 each of you must decide this case for yourself, but you
16 should do so only after you have impartially considered all
17 the evidence. Only have you have listened to all points of
18 view, debated and discussed all points of view and listened
19 to everyone's consideration in this matter. Don't be afraid
20 to change your mind if the discussion in the jury room
21 persuades you that is the right thing to do based on the
22 evidence. However, do not change your mind solely to be
23 unanimous with your fellow jurors. Do not change an honest
24 belief about the weight of the evidence in order to reach a
25 unanimous verdict. That being said, Madam Forelady, it

1 will be your job 1) to preside over the deliberations in
2 this case. Preside is not a dictatorial position, but you
3 understand the process. At such a point in time this jury
4 reaches a unanimous verdict, I want you to go and fill out
5 the verdict form which you will do when you go back and
6 begin Your deliberations and after You discuss the evidence
7 you will have two options. The first option and the order
8 that they come in is of no consequence because they have to
9 be in some order, but the first, the indictment, and the
10 charge indicted is: criminal domestic violence of a high
11 and aggravated nature. You must first discuss whether the
12 jury thinks the Defendant is guilty or not guilty of that
13 charge. The first option in that regard is, we find the
14 Defendant not guilty of criminal domestic violence of a
15 high and aggravated nature or we find him guilty of
16 criminal domestic violence of a high and aggravated nature.
17 Whichever option the jury unanimously agrees on, Madam
18 Forelady, if you will either check or initial the line by
19 that option. Okay? In the case that You were to find the
20 Defendant guilty of criminal domestic violence of a high
21 and aggravated nature, you would stop your deliberations
22 and you would sign where indicated on the verdict form,
23 knock on the door, and we will receive your verdict back
24 here in court. If, on the other hand, you are not
25 convinced that the State has proven the Defendant guilty of

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1 criminal domestic violence of a high and aggravated nature,
2 then you may next consider whether or not the State has
3 proven the Defendant guilty of the lesser included offense
4 of criminal domestic violence. If you go to that, your
5 first option will be not guilty of criminal domestic
6 violence or guilty of criminal domestic violence. Again,
7 the order is of no consequence. They have to be in some
8 order or the other. You only consider that charge if you
9 are unable to find that he is not guilty of the first
10 charge. Once you reach a unanimous decision as to the
11 lesser included charge, again you sign the form, knock on
12 the door, and we will receive your verdict into evidence
13 here in the courtroom. If, before the jury reaches its
14 verdict You have any questions, any needs, any
15 communications you need to make with the court, if you
16 would follow the procedure that you did at the beginning of
17 this case and sign or write your question, whatever it is,
18 sign your name, knock on the door and the bailiff will get
19 it to me and we will take whatever action we need to do on
20 that request. Okay? Now, I'm going to send you back, all
21 of you back to your jury room and talk to these lawyers to
22 see whether I said something that I shouldn't have said or
23 whether I neglected to say something I should have said to
24 you. Do not begin your deliberations. We will send word
25 back in a few minutes if you are to start or I may bring

1 you back in here for further charge. At this time, would
2 you go back to your jury room, please.

3 (Jury out at 2:43 p.m.)

4 THE COURT: All right. Any additions or exceptions
5 from the State?

6 MS. REEVES: No, sir.

7 MR. ANDERSON: No, sir, Your Honor.

8 THE COURT: All right. And from the Defense, I assume
9 that's a no, as well?

10 MR. ANDERSON: I'm sorry. No, sir, Your Honor.

11 THE COURT: All right. Listen, regardless of the
12 words, I want to say thank you to all the attorneys. They
13 were prepared and did a good job and that's just a part of
14 the war that we go through at times and makes life a lot
15 easier for everyone concerned when we have good lawyers
16 doing a good job and I want to thank both of you for that.
17 That said, if you would review the exhibits and make sure
18 they are in order.

19 (Attorneys comply)

20 MR. ANDERSON: The exhibits seem to be correct, Your
21 Honor.

22 THE COURT: Okay. Would you give them to Mr. Frasier
23 and Mr. Frasier if you will take them back to the jury and
24 tell them that they may begin their deliberations, please,
25 sir?

1 yesterday, you had heard certain aspects of the testimony.
2 Madam Forelady and that resolved that aspect of your
3 request?

4 MS. WARDLAW: Yes, sir.

5 RE-CHARGE ON THE LAW BY THE COURT

6 THE COURT: Okay. The next part is that you asked me
7 to re-charge you on criminal domestic violence of a high
8 and aggravated nature and criminal domestic violence. Is
9 that correct?

10 MS. WARDLAW: Yes.

11 THE COURT: Okay. Now, what I'm going to do -- is
12 there a problem?

13 MR. ANDERSON: No, sir, Your Honor.

14 THE COURT: Let me see that.

15 (The Defendant held up a note pad. The notepad is
16 handed to the judge and he looks at notepad)

17 THE COURT: All right. The first part of the charge,
18 Ladies and Gentlemen, you will note that criminal domestic
19 violence of a high and aggravated nature and criminal
20 domestic violence have the same factors and then you get
21 into what we call aggravating factors for high and
22 aggravated nature. I am going to try to point those out to
23 you so you can see the distinguishing factors between the
24 two and this is the charge.

25 The Defendant is charged with criminal domestic

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1 MR. FRASIER: Take the evidence and all?

2 THE COURT: Yes, please.

3 (Jury out at 9:48 a.m. The bailiff takes the evidence,
4 note pads and verdict form with them)

5 THE COURT: All right. Let me, I want to put on the
6 record that there was a note that the Defendant was
7 attempting to display to the jury. It says, "You have a
8 right to see this. Please ask."

9 MR. ANDERSON: Yes, sir, Your Honor. I didn't know he
10 was going to do that. I apologize Your Honor. I covered
11 it up fast.

12 THE COURT: Well, I'm going to hold you in contempt
13 and I'm going to make this an exhibit of the Court.

14 (Whereupon, the note is marked as a Court's Exhibit)

15 THE COURT: If I decide to have a contempt hearing,
16 will you represent him at his contempt hearing, Mr.
17 Anderson?

18 MR. ANDERSON: Yes, sir, Your Honor.

19 THE COURT: All right. We are at ease.

20 VERDICT

21 THE COURT: All right. The jury sent a note out.
22 They have a verdict. Would you bring the jury in, please.

23 (Jury in at 10:45 a.m.)

24 THE COURT: Madam Forelady, we understand the jury has
25 reached a verdict. Is that correct?

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1 MS. WARDLAW: Yes.

2 THE COURT: Is it unanimous?

3 MS. WARDLAW: Yes.

4 THE COURT: Would you pass it to the bailiff, please,
5 ma'am? (She complies. The bailiff hands the note to the
6 Judge)

7 THE COURT: Publish the verdict, please. (The Judge
8 hands note to the Clerk of Court)

9 CLERK OF COURT: Yes, sir. The State of South
10 Carolina, County of Anderson in the Court of General
11 Sessions. The State of South CAROLINA versus William
12 Laureano, Defendant. Verdict: We, the jury, under
13 Indictment No. 2010-GS-04-01379, unanimously find the
14 Defendant, William Laureano, is guilty of criminal domestic
15 violence of a high and aggravated nature. And that is
16 signed by Amanda M. Wardlaw, foreperson.

17 THE COURT: All right. Madam Forelady, Ladies and
18 Gentlemen of the Jury, was that your verdict in the jury
19 room and is that your verdict now? If so, would you raise
20 your right hand? Let the record reflect that everyone
21 raised their hand. Okay. Ladies and Gentlemen, as I've
22 told you throughout this case, the Court is never concerned
23 with what the verdict is or how you find the facts. That
24 is solely your province, but I am concerned that the
25 process is followed and that you stay engaged during the

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1 case and I watched all of you during this trial, and you
2 did. And so, we appreciate the time that you spent away
3 from your house and jobs and here in the courtroom. I know
4 you would rather be somewhere else, but thank you for your
5 service to Anderson County and the State of South CAROLINA.
6 Without citizens such as yourselves, our system breaks down
7 and the only resolution is to take it to the streets which
8 is not a good deal. That being said, I'm going to ask you
9 to go back to your jury room for one second. I'd like to
10 come back and speak with you. The good thing is, you are
11 finished for the week. I know it's Friday, but the other
12 thing is, you can't be required to come back to state Court
13 for three more years. If you would go back to your jury
14 room for a few minutes, I will come back there.

15 (Jury out at 10:48 a.m.)

16 THE COURT: Okay. Stay here. I will be back in just
17 one minute for sentencing and we are going to have a
18 hearing on the issue of whether or not you will be held in
19 contempt.

20 MR. ANDERSON: Yes, sir, Your Honor.

21 (Brief Break)

22 MOTION

23 THE COURT: All right. Mr. Anderson, you have some
24 motions you want to dispose of first?

25 MR. ANDERSON: Yes, sir, Your Honor. If it please the

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1 Court. At this time we would make a motion for a new trial
2 based on, obviously, the previous arguments that we made
3 for a directed verdict on the lack of evidence of any of
4 the aggravating circumstances of criminal domestic
5 violence. None were met other than the sole testimony of
6 the victim and there was no other evidence, whatsoever, of
7 any deadly weapon used, there was no evidence of any injury
8 to the victim, there are no photos of any damage to the
9 house, there was no other evidence other than the sole
10 testimony of the victim in this case and we think that just
11 rises to the level of mere suspicion and does not rise to
12 the level of a question of fact to give to the jury and so
13 we would renew that motion and ask for a new trial based on
14 that, Your Honor.

15 THE COURT: All right. I'm denying your motion. If
16 you would step around here, please, sir, for sentencing.

17 MR. ANDERSON: Thank you, Your Honor.

18 SENTENCING

19 THE COURT: For the record, Mr. Anderson, you have
20 kindly agreed to represent Mr. Laureano in a contempt
21 hearing. Is that correct?

22 MR. ANDERSON: I will be glad to, Your Honor. I don't
23 know if you want to inquire of him if he wants me to
24 represent him on that. Like I said, I was appointed by the
25 Court to represent him for this trial and I would assume

1 that would include all collateral matters to trial, but it
2 probably would be prudent to inquire from him whether he
3 would like me to represent him or not.

4 THE COURT: All right. Mr. Laureano, do you have a
5 problem having Mr. Anderson continue to represent you in a
6 contempt hearing that will follow this sentencing hearing?

7 MR. LAUREANO: At this moment I have no choice and I
8 think I can take my chances with him.

9 THE COURT: Okay. Go ahead. Give me Mr. Laureano's
10 record.

11 MS. REEVES: Judge, he has a conviction from 2009, a
12 CDV, first offense, as well as two assault and batteries.

13 THE COURT: Two assault and batteries. Simple assault
14 and batteries?

15 MS. REEVES: Yes, sir.

16 THE COURT: When were those? 2009?

17 MS. REEVES: At the same time. Yes, sir.

18 THE COURT: They came from the same transaction?

19 MS. REEVES: Yes, sir.

20 THE COURT: Ma'am, were you the victim of the CDV,
21 first?

22 MS. LAUREANO: No, sir.

23 THE COURT: Who were the assault and batteries
24 against?

25 MS. REEVES: His daughter and his grandson.

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1 THE COURT: His daughter and his grandson?

2 MS. REEVES: Yes, sir.

3 THE COURT: All right. Mr. Anderson?

4 MR. ANDERSON: Yes, sir, Your Honor. May it please
5 the Court. Mr. Laureano is 53 years old.

6 MR. LAUREANO: Fifty-four.

7 MR. ANDERSON: Fifty-four, now, Your Honor. He's led
8 a long life. He's never been in trouble before all this
9 began. Obviously, you can tell from the trial, they've had
10 family tension, problems in his family, you know,
11 difficulties with his wife and moving his daughter back in
12 the house. All this is stemming from a recent family
13 problem. It's not like he's had some long career where
14 he's been out there pointing guns at people or committing
15 crimes. He's been an upstanding member of the community up
16 until all this started with his family and it's just
17 snowballed until we got where we are today.

18 You know, he's worked all his life supporting his
19 family, fed them. You know, for years he had his concealed
20 weapons permit. He was authorized to carry arms. He's
21 worked in the jewelry business and so up until all this
22 started, he's been a good person. He's never had a problem
23 with the law.

24 You know, obviously, he exercised his constitutional
25 rights to this trial. He doesn't think and he's, you know,

1 he's maintained, "I didn't do the things they are saying I
2 did." I think he still has a right to exercise that fact.
3 We don't want the Court to hold that against him. He's,
4 you know, sorry that we are all here. He's been under a
5 lot of tension, a lot of pressure.

6 If the Court will note, he's been incarcerated since
7 February 2, 2010, so he's been in jail now for almost two
8 years and a number of days. We would certainly want the
9 Court to take that into consideration and consider it in
10 sentencing. We would note there was no serious injuries in
11 this case. Obviously, his wife testified that she was
12 slapped and pushed, but there was never any evidence
13 introduced of any injuries. It's a CDV, high and
14 aggravated, based on the threats that nobody condones but
15 we would ask the Court to take all that into consideration
16 and consider giving him some sort of time served or time
17 served and some sort of probation where you can order him
18 to do counseling. I don't think he's ever had the
19 opportunity to do any family counseling. The CDV and the
20 assault and batteries that occurred the first time, he
21 stayed in jail for a number of days. He stayed in jail six
22 months. That charge was reduced to a CDV and assault and
23 battery. He received a 30-day sentence, time served, so he
24 actually sat in jail because he couldn't get out then,
25 either.

1 THE COURT: So, what was the original charge?

2 MS. REEVES: CDV high and aggravated and two assault
3 and batteries of a high and aggravated nature charges.

4 MR. ANDERSON: Those were subsequently reduced and he
5 pled to those. So, what I'm getting at, Your Honor, he's
6 been in jail for quite some time. He's been under a lot of
7 tension. He hasn't had any visits from any family member.
8 He hasn't seen his son in two years. He wants to get out.
9 He wants to get this behind him. He and his wife are now
10 divorced. He doesn't want anything else to do with her.
11 He just wants the property issue settled. He's got family
12 in New York. He's got other places he wants to go. We're
13 asking the Court to consider not putting him in prison for
14 ten years and giving him a chance. You know, you can order
15 as a part of a criminal domestic violence conviction, you
16 can order counseling and you can suspend the sentence to
17 anything that you want. Like I said, this has been a
18 difficult situation for the whole family and I understand
19 the victim, it's difficult on everybody. We're asking the
20 Court to take all that into consideration and especially
21 the fact that, like I said, he's been in jail for two years
22 now and he's lost pretty much everything he has. He
23 doesn't have anything. I don't think he knows where his
24 clothes are. He doesn't know where his car is. We tried
25 to locate friends of his that we cannot even find. We

1 would ask the Court to consider something other than
2 sending him away and give him credit for the two years that
3 he sat there, hopefully learning his lesson, but I'm sure
4 he would like to address the Court and so if the Court
5 would like to hear from Mr. Laureano.

6 THE COURT: Absolutely, Mr. Laureano.

7 MR. LAUREANO: Your Honor, I've been working since
8 1969. I've supported two families. All four of my
9 children, my first two children from my first marriage, my
10 two children from my second marriage, have been
11 disrespectful, they've dropped out of school. They don't
12 want to go back to school. They don't want to work. They
13 want me to support them and allow them to do as they
14 please. My wife, I've told her since the beginning we got
15 married -- as a matter of fact, let me explain how we met.
16 The first day I met my wife was a Friday, July, 1983. I
17 had just gotten off of work. I used to do construction
18 work. I was a construction foreman on electrical
19 scaffolding work. It's a very dangerous job and it's not
20 for cowards. I am not a coward. I am not a woman beater
21 and there's no proof to suggest it. When I took the first
22 CDV, I had, for counsel, I had Sarah Drawdy as my lawyer
23 because I wanted to go to trial. I had been sitting in
24 jail for six months for a 30-day charge. My wife, on the
25 phone while I was in ACDC speaking with my lawyer, Sarah

1 Drawdy, she told me if I take a plea I won't lose my
2 concealed weapons license, which was the main thing that
3 mattered to me because I'm a jeweler and I've run pawn
4 shops and stuff like that. With my kind of work, if I
5 don't have a concealed weapons license to get money around
6 and all that, I can't make a living. I can't work and make
7 dollars. In '94, I graduated from Greenville Tech as an
8 O.R. Technician. I've also been in the military. I've
9 been a very honorable person. My wife, when I met her, she
10 was making \$1000.00 a week working in the jewelry business.
11 She hasn't worked since we've been married and she hasn't
12 gone back to school. She hasn't done anything to help our
13 family. Another thing is, since I've been in South
14 Carolina over 25 years, I have never been a threat to
15 anybody. I've helped the police in Greenville capture
16 people that steal things and bring them to pawn shops. You
17 can ask the pawn shop people in Greenville and the police
18 officers that pick up the tickets. I helped them collect
19 all these people that were stealing stuff and selling it to
20 the pawn shops. I've always been an honorable person. The
21 police in Greenville even wanted me to become a police
22 officer twenty-some-odd years ago. I am not the person she
23 has painted me out to be. Another thing is, I really need
24 you to listen to this because it is the God honest truth.
25 If you want to put me on a polygraph, I'll take it,

1 whatever your want. Sodium Pentothal, whatever you want.
2 My wife, okay. My wife says she was abused sexually by her
3 father. Okay? And then, this is something I found out
4 recently. That's why, yes, we've had arguments, but I'm a
5 Christian.

6 THE COURT: Let me stop you right here.

7 MR. LAUREANO: But I need to let you know what's going
8 on.

9 THE COURT: Mr. Laureano, I'm not telling you again to
10 hush. Do you understand me?

11 MR. LAUREANO: Yes, sir.

12 THE COURT: What you are not going to sit here in this
13 courtroom and do after you have been found guilty of
14 criminal domestic violence of a high and aggravated nature
15 against your wife is sit there and slander her to me. You
16 are not endearing yourself to me at all and I'm not going
17 to here it. You will not go there at all. Do you
18 understand? If you want to say something else to try to
19 get you a better sentence, that's fine, but you are not
20 going to do that. Do you understand? Do you understand?

21 MR. LAUREANO: Yes, sir.

22 THE COURT: Okay. Do you have anything else you want
23 to say?

24 MR. LAUREANO: There were no injuries.

25 THE COURT: Anything else?

THE STATE OF SOUTH CAROLINA VERUS WILLIAM LAUREANO

1 MR. LAUREANO: I'm innocent.

2 THE COURT: Mrs. Laureano, you were able to testify.
3 I will be glad to hear from you again. You do not have to
4 speak again at all, but do you have anything you want to
5 add?

6 MS. LAUREANO: Yes, sir.

7 THE COURT: I need you to speak louder, because you
8 have a very low voice.

9 MS. LAUREANO: I'm sorry. Yeah, I know what he's done
10 and God knows. I'm just scared and I know if he walks out
11 of this courtroom, he will come after me and my daughter
12 and that's my biggest fear. So, I mean, I'm just, I just
13 want to be free. I just want to move. I don't want to be
14 scared, turning around sleeping, not sleeping, because of
15 what he's done. I mean, my family has been through a lot
16 because of what he has done.

17 THE COURT: Okay. Thank you, ma'am. Anything
18 further?

19 MR. LAUREANO: May I say one last thing?

20 THE COURT: Yes, sir.

21 MR. LAUREANO: I have no intentions of bothering her
22 ever again. I'm happy that we are divorced. I want to get
23 on with my life. I don't, to the day I die, I'm going to
24 love her, but I don't want to be with her, because she is
25 the mother of my children. I love her even though she did

1 me wrong, I still love her. I will always love her, but
2 it's over. I mean, I would never harm the mother of my
3 children. The same was with my ex-wife. I would never do
4 anything to harm her. All I want is to be able to make
5 sure my son gets back on track and probably goes back to
6 college, because he was doing good until I made the mistake
7 of buying him a car on his sixteenth birthday and he went
8 nuts. I bought him four cars his first year of driving and
9 he just went nuts. I'm hoping now that he has a daughter
10 that maybe he will, you know, get himself together and do
11 the right thing. He could have gone to Clemson University
12 because he is a very intelligent person. Your Honor, if
13 you really look into this matter, he used to go to Wren
14 High School. When he was about ten years old his teachers
15 wanted him to go to college and someone in my family told
16 him not to because they would pick on him and make fun of
17 him and beat him up. My son could have been in college
18 taking college courses at the age of ten. His teachers
19 wanted him to go overseas and I couldn't scrape up the
20 \$5000.00 because of mismanagement on the part of my wife.
21 Every penny I've ever made, she was in control of. I never
22 put it in my pocket. I never hung out with anybody. The
23 young man that's back there, Eric Smith, we used to work on
24 cell phone towers together. My son told me that they are
25 together. He's supposed to be my friend. I'm not mad at

1 him. I feel like he did me a favor, honestly. I feel like
2 he did me a favor because I fulfilled my Christian duties
3 as a husband and she wants a divorce, I'm not obligated
4 anymore. I have no animosity to her. None, whatsoever. I
5 would never harm her and if she would look -- how can she
6 say we were fighting three days and I smack you twice in
7 the face and there are no marks? I mean, common sense will
8 tell you it didn't happen. It didn't happen. I'm not
9 trying to argue with you, Your Honor. I mean, I hope you
10 have the wisdom of -- excuse me. I hope you have the
11 wisdom of Solomon. I love my family more than I love
12 myself. I would literally put my life in the guillotine.
13 If you thought I was guilty, I would put myself on the
14 guillotine for my family. Even if she hates me, I will
15 always love her. I don't know if you can understand that,
16 because most people think I'm insane for caring. I do care
17 about my family. If anything, I would love for you to help
18 my wife and my daughter by getting them some counseling,
19 because they stopped taking medication. I tried to explain
20 that to Officer Collins when I was arrested. I'm afraid
21 that maybe because of my mother-in-law having Parkinson's
22 Disease, she might get it. I, I swear to you, if you would
23 put me on a lie detector, I love her to pieces. I'm not
24 going to bother her anymore. I know it's over. I'm the
25 only Laureano that I know that has ever been married that

1 long to any woman, because in my family, they are all
2 womanizers. I can swear to you, since I've been with my
3 wife, we got married November 6, 1986. She doesn't even
4 remember the date. Okay? I've been with my wife,
5 faithful. She's had people tell her I've been with other
6 women, but I can tell you as a man, I've never been with
7 another woman since I married her. I've tried to teach my
8 son how to be honorable. I've tried to lead them by
9 example. I've even told my son and daughter, if you don't
10 like my rules of going back to school or getting a job,
11 move out. That's why I'm here because they said, no, this
12 is my home, you get out. That home was put in her name
13 because Norman Newton Mitchell and you can verify this,
14 Norman Newton Mitchell gave me the house, but I told him to
15 put it in her name because she's always been insecure.
16 When I was going to Greenville Tech to study to be an O.R.
17 Technician, every time there was final exams, she would
18 argue with me. Since I've known her, I've noticed like
19 every three months, she would go through a phase where she
20 would have these manic moments where she would go up and
21 down. Every day of my life, I've told my wife either I
22 love you or I would say some joke like, "Have I told you I
23 love you today?" And if she would say no I would say,
24 "Remind me of it and I will." That's something I got from
25 a movie Zorro. I've always told my wife I loved her

1 because she had self esteem problems. She says that I'm
2 very intelligent. I'm not very intelligent. I'm just, I
3 just try to do what's right, because if you do what's
4 right, you don't have to remember lies. I have no reason
5 to lie about this situation. My children have gotten out
6 of control and Fountain Inn, if you check with Fountain
7 Inn, my daughter was going there to school in elementary
8 school. I had to go speak with a teacher because I don't
9 even spank my children. I don't spank my children because
10 I was abused as a child. My mother used to beat me
11 severely. If you ever ask my children, especially my son,
12 I've only spanked him once and it was because of his sister
13 that I spanked him and I begged him to forgive me and I
14 told him I would never touch him again. I spanked him
15 because I didn't want my wife to spank him. She is a
16 little rougher than me. I never used to spank my children.
17 I don't think my daughter can say I've ever spanked her,
18 but she probably will because she said things in here that
19 I've done that I didn't do. Okay. I'm not doing anything
20 to her, but this is a fact. My daughter married a I.V.
21 drug user. Before she did, she came to me and says, "Papa,
22 I need your blessings to marry this guy. Everybody in the
23 neighborhood knows this Willy Jimmy, Jimmy Willy Moore,
24 that he's a drug addict, a wife beater. He's even got
25 CDV's in Tennessee and South Carolina. I've had to go to

1 Tennessee to pick up my daughter and bring her back to
2 South Carolina. The very next day she would go back. This
3 happened several times. My daughter was living in crack
4 houses with my grandson while she was pregnant. I took my
5 daughter, her junky husband in my home so I could protect
6 my grandchildren, my grandson Kendall and my unborn, Keith,
7 my unborn grandson, Keith. I took them in my house with
8 her husband, something that I'm surprised that I did
9 because I can't see a junky being in my house. I took them
10 in because it guaranteed my daughter would be okay. That's
11 the only way she would move in. Then, when she accused me
12 of CDV, that was March 8, 2009. No, March 8, yeah, March
13 8, 2009. That day was my father's birthday. That's why I
14 remember it very well. March 8th is his birthday. That
15 day I had planned to go down to Florida to get a job
16 because I had job as a personal security guard, armed
17 security guard, that I was going to do in Florida. I was
18 going to relocate my family because of all the stress that
19 my daughter has brought into the family because of her
20 being -- if you look at my daughter, she looks like she is
21 on drugs. She doesn't look as healthy as she was before.
22 My kids are dressed in nasty clothes. I used to dress my
23 kids with designer clothes and I would wear cheap clothes,
24 but good enough to go to work in because the kind of work I
25 do, if I'm welding gold, sometimes gold will jump and it

1 will burn holes in your clothes and so I can't have super
2 expensive clothes for work. My daughter has been very
3 disrespectful. When I got out, like I said, when I got out
4 of the first CDV, I only took the plea because I had done
5 six months for a 30-day charge and my lawyer, Sarah Drawdy,
6 said I could keep my concealed weapons ---

7 THE COURT: I heard that Mr. Laureano.

8 MR. LAUREANO: Okay. Okay. I never would have done
9 that if I didn't think and the reason I stood my ground
10 today here in this court is because if you look at the
11 transcri -- the paperwork that the police filled out, my
12 daughter accused me of threatening to kill her and my two
13 grandkids. I stood my ground because whether you send me
14 to prison or not, I want my grandsons to know the facts. I
15 stood my ground. I could have taken a plea and been out
16 of here, but I want my grandsons to never have a doubt, I
17 would never hurt them. My son told you, it was yesterday,
18 that, well no. He told my lawyer that I'm very good with
19 kids. As a matter of fact, every neighborhood ---

20 THE COURT: He also stated, Mr. Laureano, that the day
21 in question you were sitting there smoking marijuana with
22 him and drinking.

23 MR. LAUREANO: Who said that?

24 THE COURT: Your son.

25 MR. LAUREANO: Well, I don't know what his problem is.

THE STATE OF SOUTH CAROLINA VERUS WILLIAM LAUREANO

1 I can tell you this. He was arrested. When he finished
2 testifying yesterday, he was arrested, taken down to ACDC
3 and then my daughter dropped the charges she had on him.
4 Do you think that might be influencing what he said? I'm
5 just saying. Think about it.

6 THE COURT: Mr. Laureano, do you have anything else
7 constructive to add?

8 MR. LAUREANO: I hope for your mercy. I hope that you
9 try to understand, my main concern was, I want my grandsons
10 to know Papa did not threaten to kill them in any way, any
11 form, or my wife or daughter. Any place that I've always
12 lived, all the kids would come to my house and say, "Papa,
13 Willy." They would come to eat, they would come to get
14 clothes, furniture, love and that's out of my pocket. I
15 didn't get subsidies from the State to do these things. I
16 did those things out of my own pocket because I'm the sole
17 breadwinner. All these things I've done. My wife has
18 volunteered for the leprosy mission. Everything she's done
19 for charity is because I footed the bill. Everything she's
20 done is because I footed the bill. She's been offered two
21 jobs that paid over \$30,000.00 a year and she would prefer
22 to get food stamps.

23 THE COURT: All right. Thank you, Mr. Laureano. The
24 jury, having found you guilty, I'm going to sentence you to
25 eight years. I'm going to suspend that on the service of

1 48 months. I will put you on probation for five years.
2 I'll give you credit for time served. While you are on
3 probation, you will undergo random drug testing and alcohol
4 testing. You shall have no contact with the victim,
5 whatsoever, unless specifically allowed by Family Court
6 order. You shall successfully attend anger management and
7 if any of your counselors believe that you need psychiatric
8 counseling, you shall undergo that. That will be the
9 sentence of the Court with regard to this.

10 Mr. Laureano, you have -- no, sir. (Mr. Laureano
11 motioned that he wanted to speak) You have ten days in
12 which to appeal my sentence. Now, that being done --
13 Ma'am?

14 MS. REEVES: May I add the daughter to that no contact
15 order, please?

16 THE COURT: Yes. Now, this -- Jo, would you hand me
17 that exhibit, please. The one where he wrote a note to the
18 jury. (Note is passed up to the Judge) We are finished
19 with the sentencing hearing and I'm convening a hearing on
20 whether or not I am going to hold you in contempt. For the
21 record, as the jury was coming in this morning to be
22 charged on the law of CDVHAN and CDV, the Defendant had a
23 note that was displayed prominently for the jury to see.
24 In fact, they saw it. It says, "You have a right to see
25 this. Please ask." And I noticed it about the same time

1 Mr. Laureano's attorney noticed it. I saw that Mr.
2 Anderson was trying to get it and cover it up and move it
3 and Mr. Laureano was grabbing his arms so they would see
4 it. That's what I saw. Okay? Now, Mr. Laureano, what do
5 you have to say in defense for yourself?

6 MR. LAUREANO: Your Honor, I'm an innocent man that's
7 been sitting jail for two years because I wasn't willing to
8 take a plea. My grandsons mean ---

9 THE COURT: No, sir. I'm going to have you respond to
10 what were you thinking when you put this note up here in
11 front of the jury. I've heard all that ---

12 MR. LAUREANO: Oh, basically ---

13 THE COURT: --- and I don't need ---

14 MR. ANDERSON: Just briefly. Just so he is focused on
15 what you are asking him, but like he stated before, he has
16 been in jail for two years. He has been through two other
17 attorneys as we know from the other motions. He has
18 expressed to me a huge amount of frustration with the legal
19 system and I'm obviously not blaming anybody. I came in
20 later. He's expressed frustration to me numerous times on
21 many of the things I've done. He terminated the services
22 of an initial public defender and a second lawyer, so I
23 think it was probably a culmination that he's been in there
24 for two years and he's been reading law books and trying to
25 learn about the system and I try to explain to him, you

1 know, this stuff is admissible, this is not admissible,
2 this is something you are going to want to talk about, and
3 as you can see, he has amassed a large amount of materials
4 over there and I think it finally had built up in his mind
5 that none of us were treating him the way he is supposed to
6 be treated, so I think and I'm not trying to justify it
7 because I tried to take it down, but I think that's where
8 the sign came from, for whatever that's worth.

9 THE COURT: Mr. Laureano, do you have anything you
10 want to add with regard -- I don't want to hear anything
11 about your supporting anybody. I've heard that for the
12 last ten minutes. I want to hear your response if you want
13 to add anything else about putting the sign up in front of
14 the jury. They acknowledged to me just a minute ago that
15 they saw it trying to be put up.

16 MR. LAUREANO: Excuse me?

17 THE COURT: The jury saw that when they were coming in
18 and, obviously, you were attempting to impact them with
19 that sign.

20 MR. LAUREANO: Well, I was trying to get reason. I
21 mean, if, if, if you give the jury this information when
22 there is this much information, (indicating) don't you
23 think it would prejudice me and I've been sitting in jail
24 for two years? I've been attacked by gang bangers four
25 times by three different, you know, crazy people, you know.

1 THE COURT: Let me say this, you exercised your right
2 to the Fifth Amendment, which is absolutely yours and any
3 other citizens right to do, but having exercised that
4 right, you are not allowed to send messages to the jury,
5 whatsoever. You were trying to tamper with the jury's
6 decision outside the scope. I saw it. That constitutes
7 direct contempt. I'm going to find you in contempt and I
8 am going to sentence you to 90 days, which will be
9 consecutive to my sentence I just gave. In other words,
10 you are going to do your sentence that I just gave to you
11 and then after you do that, you will do 90 days for your
12 contempt. That will be the end of this hearing.

13 MR. ANDERSON: Thank you, Your Honor.

14 THE COURT: Yes, sir.

15 THE COURT: You also have ten days to appeal that
16 sentence, as well.

WITNESSES

D Williams, Anderson County Sheriff's Dept.

DOCKET NO. 2010GS04 01379

The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

JUN 29 2010

Term

ARREST WARRANT NUMBER

J898079

THE STATE

VS.

William Laureano

INVENTIVO

ACTION OF GRAND JURY
TRUE BILL

JUN 29 2010

Forperson of Grand Jury
Date: Foreperson

Foreperson of Grand Jury
Date: Foreperson

Indictment for

KWR

Domestic/ Criminal domestic violence of a high
and aggravated nature

SC Code: 16-25-0065
CDR Code: 2988

A TRUE COPY

JUL 16 2013

CLERK OF COURT

Foreperson of Petit Jury
Date: 3-16-12

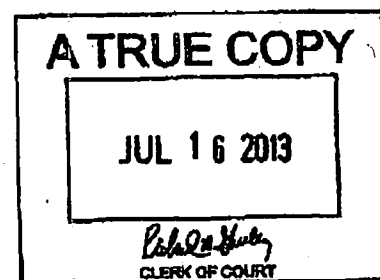
STATE OF SOUTH CAROLINA)
)
 COUNTY OF Anderson)

INDICTMENT

At a Court of General Sessions, convened on JUN 29 2010, the Grand Jurors of Anderson County present upon their oath:

**Domestic/ Criminal domestic violence of a high and aggravated
 nature**

That **William Laureano** did in Anderson County, South Carolina on or about **February 2, 2010**, cause, offer, or attempt to cause physical harm or injury to **Miriam Laureano**, a household or family member, with present ability under circumstances reasonably creating fear or imminent peril and **William Laureano** intentionally committed an assault and battery which involved the use of a deadly weapon, or resulted in serious bodily injury and/or assault, with or without an accompanying battery, which would reasonably cause fear of imminent serious bodily injury or death. All in violation of Sections 16-25-65, 16-25-20 and 17-25-30, *Code of Laws of South Carolina*, (1976), as amended.



Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Kat. R.
 ASSISTANT SCLICITOR

COUNTY OF
STATE

Anderson

VS.

William Laureano

AKA:

Race: W Sex: M Age: 54

DOB: [REDACTED]

Address: [REDACTED]

City, State, Zip: Easley, SC 29642-9628

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Domestic/ Criminal domestic violence of a high and aggravated nature

in violation of § 16-25-0065 of the S.C. Code of Laws, bearing CDR Code # 2988

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Reeves, Kristin W.

SC Bar# 69673

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 8 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of 48 days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 5months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☒ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$500.00
§ 14-1-212 (Law Enforce. Funding)	\$25	\$25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$5.00
3% to County (if paid in installments)		\$18.90
TOTAL		\$1048.90

Clerk of Court/ Deputy Clerk

Court Reporter: J. Rice

SCCA/217 (03/2011)

201

INDICTMENT/CASE#: 2010GS0401379

A/W#: J898079

Date of Offense: 2/2/2010

S.C. Code § : 16-25-0065

CDR Code #: 2988

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

A TRUE COPY

JUL 16 2013

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☒Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning

\$ paid to Public Defender Fund

Other: No Contact with Victim as
specifically allowed by Family Court order.
Defendant shall successfully attend
anger management and such psychiatric
counseling as counselors deem necessary☒ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code:

Sentence Date: 3-18-13

STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

Miriam R. Laureano,
Plaintiff,

v.

William Laureano,
Defendant.

A TRUE COPY

IN THE FAMILY COURT
JUL 25 2013

CLERK OF COURT

DECREE OF DIVORCE

CASE NUMBER: 2010-DR-04-749

FILED CLERK'S OFFICE
ANDERSON SC
2012 MAR 16 P 2:41
COMMON PLEAS AND
GENERAL SESSIONS

JUDGE:

HEARING DATE:

PLAINTIFF'S ATTY:

DEFENDANT'S ATTY:

REPORTER:

The Honorable Tommy B. Edwards

September 3, 2010

M. J. Goodwin

Pro Se

Ashbrook

A TRUE COPY

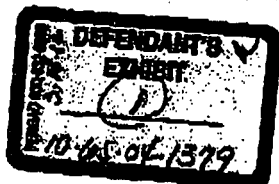
FEB 9 - 2012

CLERK OF COURT

This matter was before the Court on the Complaint of the Plaintiff seeking a divorce on the grounds of physical cruelty, as well as certain other relief. The Defendant was personally served with this action on April 5, 2010, but filed no responsive pleadings and is in default. An affidavit of default was filed on May 11, 2010 and the matter was scheduled for a final hearing. The Plaintiff was present at the hearing with her attorney. The Defendant, who was present without counsel, was properly notified of the hearing by certified mail, return receipt requested. The Defendant, who is incarcerated, was transported to the Courthouse by Anderson County Sheriff's Office from the Anderson County Detention Center.

This matter was scheduled for a final uncontested hearing; however, the parties are now unable to agree on the issues of division of marital property, division of debts, alimony, restraining orders and payment of attorney fees and costs. The attorney for the Plaintiff requested that the Court bifurcate the proceedings to allow the issues, except the division of marital property, division of debts, alimony, restraining orders and payment of attorney fees and costs, to be heard today.

This motion was granted. The Plaintiff proceeded for a divorce.



[Handwritten signature]

Based upon the pleadings filed in this matter and the testimony and evidence presented at the hearing, this Court makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The Plaintiff and the Defendant are both citizens and residents of the County of Anderson, State of South Carolina. The parties last resided together as husband and wife in Anderson County, and did so for more than three months prior to the filing of this action; all parties, matters and things herein are within the jurisdiction of this Court.
2. The Plaintiff and the Defendant are husband and wife, having been married on or about November 6, 1982, and that as a result of this marriage, two children were born, both of whom are now adults. No additional children are expected.
3. The Defendant has engaged in acts of physical cruelty toward the Plaintiff which have caused a breakdown in the marital relationship. Reconciliation is not possible.
4. The Plaintiff provided Robert Osborne as her corroborating witness. Mr. Osborne testified that he had observed the Plaintiff with evidence of physical abuse on her body following an attack by the Defendant.
5. The contested issues of division of marital property, debts, alimony, restraining orders and payment of attorney fees and costs shall be held in abeyance for a future hearing.
6. Mediation in this matter shall be waived and a one and half hour final hearing shall be requested.

CONCLUSIONS OF LAW

1. I conclude that this Court has jurisdiction of this case pursuant to the jurisdictional statute of the Family Court, codified in the Code of Laws of South Carolina, Section 63-3-530, as amended.
2. I conclude that Sections 20-3-50 and 20-3-60 of the Code of Laws of South Carolina, as

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MK

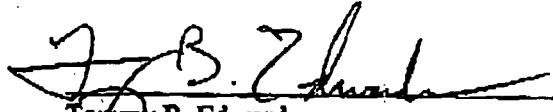
~~amended, gives this Court jurisdiction and venue over the parties and subject matter of this action~~

3. I conclude that Section 20-3-80 of the Code of Laws of South Carolina, as amended, sets forth certain statutory delays which must be met.
4. I conclude that Section 20-3-20 of the Code of Laws of South Carolina, as amended, prohibits fraud or collusion in the procurement of a divorce.
5. I conclude that the Constitution of the State of South Carolina, Article 17, Section 3, and Section 20-3-10 of the Code of Laws of South Carolina, as amended, allows the Court to grant a divorce on the grounds of Physical Cruelty, as provided by law.
6. I conclude that a reconciliation conference is mandated pursuant to the Code of Laws of South Carolina, Section 20-3-90, as amended.

IT IS THEREFORE ORDERED:

1. The Plaintiff's motion to bifurcate this proceeding is granted.
2. The Plaintiff is granted a divorce, a vinculo matrimonii, from the Defendant, on the statutory ground of physical cruelty.
3. The contested issues of division of marital property, debts, alimony, restraining orders and payment of attorney fees and costs shall be held in abeyance for a future hearing.
4. Mediation in this matter shall be waived and a one and half hour final hearing shall be requested.

IT IS SO ORDERED.


Tommy B. Edwards
Presiding Family Court Judge

September 22, 2010
Anderson, South Carolina

TENTH CIRCUIT
ANDERSON, SC

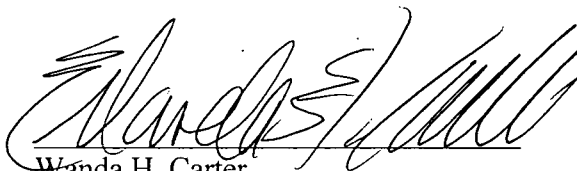
2010 SEP 24 A 10:37

FILED-FOR RECORD
FAMILY COURT

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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

September 27th, 2013

A handwritten signature in black ink, appearing to read "Wanda H. Carter", written over a horizontal line.

Wanda H. Carter

Deputy Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Anderson County

R. Lawton McIntosh, Circuit Court Judge

THE STATE,

RESPONDENT
SEP 27 2013

V.

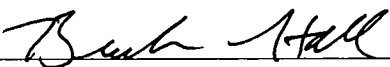
SC Court of Appeals

WILLIAM LAUREANO,

APPELLANT

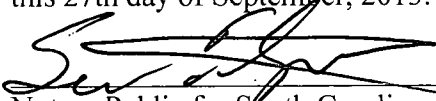
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Mark R. Farthing, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 27th day of September, 2013.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 27th day of September, 2013.



(L.S.)
Notary Public for South Carolina
My Commission Expires: October 30, 2022.