

STATE OF SOUTH CAROLINA

In The Court of Appeals

 ORIGINAL

APPEAL FROM SPARTANBURG COUNTY

G. Edward Welmaker, Circuit Court Judge

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THE STATE,

RESPONDENT,

SC Court of Appeals

V.

TIMMY WAYNE LASTER,

APPELLANT

APPELLATE CASE NO. 2014-001937~

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG

2013-GS-42-0384 and 0384(A)

The State of South Carolina

-VS-

Timmy Wayne Laster,

Defendant.

TRANSCRIPT OF RECORD

September 3 & 4, 2014
Spartanburg, South Carolina

Ordered: September 25, 2014

Delivered: November 30, 2014

B E F O R E:

The G. Edward Welmaker, Presiding Judge, and a jury.

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

Ms. Meghan Gilmer, Esquire
Deputy Solicitor for the State

Ms. Andrea Price, Esquire
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Circuit Court Reporter

Pamela S. Faucette, CVR-M - (864) 574-9534 or (336) 260-2864

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1 - (CD of 911 Call and Report)	6	55
2 - (Color Photo)	6	42
3 - (Color Photo)	6	42
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6 - (Color Photo of Knife)	6	92
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8 - (Color Photo)	6	44
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10 - (Color Photo)	6	44
11 - (Color Photo)	6	44
12 - (Color Photo)	6	79
13 - (Color Photo)	6	80 (Over Obj.)
14 - (Color Photo)	6	80 (Over Obj.)
15 - (Color Photo)	6	80 (Over Obj.)
16 - (Color Photo)	6	80 (Over Obj.)
17 - (Pillow Case)	6	90
18 - (Knife)	6	90
19 - (White Sheet)	6	90
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(None)

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Reporter's Note: Some names in this transcript may be spelled phonetically.

Pamela S. Faucette, CVR-M - (864) 574-9534 or (336) 260-2864

September 3, 2014

2:09 P.m.

(Whereupon, State's Exhibit Numbers 1 through 20 were marked for identification.)

(Off-the-Record Comments)

(Brief Pause)

THE COURT: Okay. Are we ready for the next trial?

MS. GILMER: Yes, Your Honor, we are.

MS. PRICE: Yes, Your Honor.

THE COURT: Okay.

MS. GILMER: And, Your Honor, if I may approach. I have the indictment.

(Documents handed up.)

THE COURT: Okay. Are there any pre-trial matters we need to ----

MS. GILMER: Your Honor, the State just has one motion just to exclude any reference to any third-party guilt. We're not aware of anything else. It's a standard motion we would make.

THE COURT: Would that be an issue ----

MS. PRICE: No, no, Your Honor.

THE COURT: Okay.

MS. PRICE: There's no third-party guilt to be presented.

(Whereupon, a bench conference was had with both attorneys present.)

THE COURT: All right. This is the case of *The State v. Laster*. I have an indictment before me for attempted murder count one

1 and possession of a weapon during the commission of a violent crime is
2 count two.

3 Is the State proceeding on both charges, Solicitor?

4 **MS. GILMER:** We are, Your Honor.

5 **(Brief Pause)**

6 **THE COURT:** And I assume Mr. Laster has entered a plea of not
7 guilty to both charges, Ms. Price?

8 **MS. PRICE:** Your Honor, I don't believe he has been
9 arraigned on the possession of a weapon charge.

10 **THE COURT:** All right. So, Mr. Laster, I understand you haven't
11 been put on notice about the possession of a weapon during a violent crime.
12 Are you aware that, that is the charge pending against you?

13 **MR. LASTER:** I am now.

14 **THE COURT:** You are?

15 **MR. LASTER:** Yeah.

16 **THE COURT:** Okay.

17 **MR. LASTER:** I — I was just told by her.

18 **(Brief Pause)**

19 **THE COURT:** And, Ms. Price, you've had adequate time to
20 prepare on that charge?

21 **MS. PRICE:** Yes, Your Honor. I have been thoroughly over the
22 indictment. And I've discussed it with my client.

23 **THE COURT:** You're pleading to that charge not guilty, Mr.
24 Laster?

25 **MR. LASTER:** Yes, Your Honor.

1 **THE COURT:** Okay. Do you wish to have a jury trial?

2 **MR. LASTER:** Yes, sir.

3 **THE COURT:** Anything else from either party on that charge or
4 anything else?

5 **MS. GILMER:** Your Honor, I would just like to put on the record
6 the offer that was made in this case.

7 **THE COURT:** Okay. I'll be glad to have you do that.

8 **MS. GILMER:** Thank you, Your Honor. Your Honor, as the Court
9 just announced, he has been charged with attempted murder and possession
10 of a weapon during a violent crime.

11 The State's offer to the Defendant was that we would dismiss the
12 possession of a weapon during a violent crime, which does carry a mandatory
13 five-year prison sentence, in exchange for a plea to the lesser offense of
14 assault and battery first degree.

15 And it's my understanding he has rejected that offer, Your Honor.

16 **THE COURT:** All right. Mr. Laster, you were aware of that
17 through your attorney?

18 **MR. LASTER:** Yes, sir, I was.

19 **THE COURT:** All right, sir.

20 **(Brief Pause)**

21 **THE COURT:** All right. One alternate do you think would be
22 enough as far as getting this case heard?

23 **MS. GILMER:** Your Honor, if we could do ----

24 **THE COURT:** Do you think we can finish tomorrow or...? One ---
25 one alternate do you believe will be enough?

1 **MS. GILMER:** Your Honor, if we could do two just the nature of
2 the offense.

3 **THE COURT:** Okay.

4 **MS. GILMER:** It is underlying domestic violence.

5 **THE COURT:** All right. The strikes will be five (5) for the State
6 and 10 for the Defense?

7 **MS. PRICE:** Yes, sir.

8 **MS. GILMER:** Your Honor, I believe it's five (5) for the Defense.

9 **THE COURT:** Well, I don't know if the statute has changed from
10 the — the original (phonetic) before the change was made. I know murder
11 would carry that. But there was no attempted murder when the statute was
12 made; whether the legislature intended to change that statute or not.

13 Attempted murder is not listed as one I --- I don't believe.

14 **MS. PRICE:** No, Your Honor. Just looking at it, it's — it lists
15 murder and manslaughter. But that was before, as you know, the 2010
16 changes.

17 **THE COURT:** I believe, even though the statute didn't change, I
18 think the intent certainly was there by the legislature. I'm going to allow ten
19 (10) strikes from the — for the Defense. And, certainly, the State's objection
20 to that is noted. But I believe that, with the seriousness of the charge, that,
21 that would certainly be the intent of the change, so...

22 And the alternates will be one and two on the strikes for that. Anything
23 else?

24 **MS. PRICE:** Your Honor, I do need to add one thing with
25 regards to the plea negotiations. I did go over with Mr. Laster the — the

1. potential penalties that he is facing as opposed to the burglary first — excuse
2. me — as opposed to the assault and battery first and with the — what he's
3. indicted for, which is the attempted murder and the possession of a weapon
4. during violent crime; that he is looking at 35 years going to trial on those
5. charges, Your Honor.

6. So he does know that. We have discussed it. And he has decided to
7. go forward with the trial today.

8. **THE COURT:** Is that true, Mr. Laster?

9. **MR. LASTER:** Yes, Your Honor.

10. **THE COURT:** All right. Thank you. You can be seated then.

11. Are we ready for our jury?

12. **MS. GILMER:** We are.

13. **MS. PRICE:** Yes, sir.

14. **THE COURT:** All right. Let's have them come in.

15. **MR. LASTER:** Thank you, Your Honor.

16. **(Off-the-Record Comments)**

17. **(Pause while waiting on six missing jurors.)**

18. **(Off-the-Record Discussions)**

19. **(Whereupon, the jury was summoned and entered the courtroom
20. at 2:43 p.m.)**

21. **Voir Dire** **2:43 P.m.**

22. **THE COURT:** Ladies and gentlemen, you know the protocol. I
23. need to ask your qualifications to be a juror in the next case we're about to
24. start. While you've been qualified earlier this week, I need to ask you some
25. additional questions about this particular case.

1 This is a — an indictment that I have before me charges Mr. Timmy
2 Wayne Laster of committing a criminal offense here in Spartanburg County
3 on or about August the 18th, 2012.

4 The indictment says that he had attempted to kill or attempted to kill
5 Crystal Moore, with malice aforethought by stabbing or cutting her with a
6 knife, in violation of the laws of South Carolina.

7 He's also charged with the criminal offense of possessing a weapon
8 during the commission of a violent crime, that being the attempted murder,
9 and possessing that knife.

10 Mr. Laster has entered a plea of not guilty to both of these charges.
11 The indictment is merely the charging paper by which the case is brought to
12 this Court.

13 He's presumed innocent until the State meets the burden of proof
14 beyond a reasonable doubt and convince 12 fair and impartial jurors that he
15 did commit these offenses that have been alleged.

16 I'm going to be the judge of the law in this case and decide what law is
17 applicable. We need 12 jurors to be the impartial panel to decide just what
18 the facts are.

19 Ladies and gentlemen, is there any member of the panel who has any
20 prior knowledge about this particular alleged incident that happened in
21 August of 2012, either by way of news media or hearing about it or living in
22 the neighborhood? If you have any prior knowledge from whatever source,
23 would you, please, stand?

24 **(No Response)**

25 **THE COURT:** Thank you. There is no response. Is any

1 member of the jury panel related, by blood or marriage, to Mr. Timmy Wayne
2 Laster? If so, please, stand.

3 (No Response)

4 THE COURT: Is there a member of the jury panel who has a
5 close business or a social, a personal relationship with Mr. Laster? If so,
6 would you, please, stand?

7 (No Response)

8 THE COURT: Thank you. Again, there is no response. Several
9 witnesses may be called upon to testify in this case. Not all of them, but I
10 need to read — read you a list of potential witnesses who may be called. If
11 you'll listen carefully, then, I'll follow that up with some — some questions.

12 Among the potential witnesses would be: Crystal Moore, Kisty Jolley,
13 Keith Lee, Investigator Crystal Fowler Saar of the Solicitor's Office, Deleatha
14 (phonetic) Moore; from Spartanburg Regional Medical Center would be Dr.
15 Robert Hird, Dr. Peter Brann, Dr. William Calton.

16 Also, potentially as witnesses, all from the Spartanburg County
17 Sheriff's Office, will be Deputy Joseph Guffey, Anthony Knighton, Robert
18 Taylor, Loren Williams, Curtis Norwood, James Bush, Robert Shaffer, Travis
19 Barnett, Brian Andrews, Andrew Smith, Brent Chaney Brown, Jason Bryant,
20 Lathier Graham, Chris Jenkins, Robert Rosenberg, Angela Nelson.

21 Is there any member of the jury panel related by blood or by marriage
22 to any of this potential witnesses? If so, could you, please, stand?

23 (No Response)

24 THE COURT: Is there a member of the jury panel who has a
25 close business or a professional or a social relationship with any of these

1 potential witnesses? If so, would you, please, stand?

2 (Potential juror stood in response.)

3 THE COURT: Thank you. There is no ----

4 MADAM CLERK: Your Honor ----

5 THE COURT: Yes, ma'am?

6 POTENTIAL JUROR: I do work for Spartanburg Regional and I
7 treated some patients of Dr. Calton.

8 THE COURT: You have treated some patients of that doctor?

9 POTENTIAL JUROR: Yes.

10 THE COURT: The fact that you have inter-relation with that
11 doctor and if he were to testify, would that affect your ability to be a fair juror
12 in this case?

13 POTENTIAL JUROR: No, sir, it wouldn't affect me.

14 THE COURT: You could be fair to both the State and to the
15 Defendant in this case?

16 POTENTIAL JUROR: That's correct.

17 THE COURT: And your number, please, ma'am?

18 POTENTIAL JUROR: Forty-one (41).

19 THE COURT: All right. Thank you very much for sharing that
20 information.

21 Has anyone on the jury panel expressed or formed an opinion in any
22 way about the facts in this case? If so, would you, please, stand?

23 (No Response)

24 THE COURT: Is there a member of the jury panel who is a
25 contributing member of any organization whose primary concern is that of

1 promotion of law enforcement or victims' rights? Among those organizations
2 would be the Sheriff's Association, the Troopers' Association, MADD or
3 SADD, PAR (phonetic), CAV, an organization, Citizens Against Violence. If
4 you're a contributing member of any of those organizations, would you,
5 please, stand?

6 (No Response)

7 THE COURT: Thank you. There is no response. Is there any
8 member of the jury panel or a member of your immediate family involved in
9 law enforcement in any way? If so, would you, please, stand?

10 (Potential jurors stood in response.)

11 THE COURT: All right. If I could, begin over here. Your number,
12 please, sir?

13 POTENTIAL JUROR: Fifty-one (51).

14 THE COURT: And what family members do you have involved in
15 law enforcement?

16 POTENTIAL JUROR: My son-in-law and two of his brothers and
17 one of his sister-in-laws.

18 THE COURT: And in what area? Do they work here in
19 Spartanburg County?

20 POTENTIAL JUROR: They work for Spartanburg County and
21 Spartanburg City.

22 THE COURT: Okay. If you would, remain standing. Your
23 number, please, sir?

24 POTENTIAL JUROR: One, seventeen (117).

25 THE COURT: All right. And what relatives do you have?

1 **POTENTIAL JUROR:** My brother-in-law.

2 **THE COURT:** And where does he work?

3 **POTENTIAL JUROR:** He's a sheriff's deputy or deputy sheriff in
4 Muskingum (phonetic) County, Georgia.

5 **THE COURT:** Okay, in Georgia. If you would, remain standing.
6 Yes, ma'am, your number, please?

7 **POTENTIAL JUROR:** Thirty-nine (39). Two sons, two nephews.
8 My son — they're all in law enforcement. My son and two daughters-in-law
9 are all prosecuting attorneys, but not in South Carolina.

10 **THE COURT:** Outside of South Carolina?

11 **POTENTIAL JUROR:** Yes, sir.

12 **THE COURT:** All right. If you would, remain standing. Yes,
13 ma'am, your number, please?

14 **POTENTIAL JUROR:** Number 65. My husband is a retired police
15 officer from the City of Spartanburg.

16 **THE COURT:** All right. Those of you standing, the fact that you
17 have relatives involved in law enforcement, would that affect your ability to be
18 a fair juror?

19 Could you be fair to both the State, to the Defense, and set aside any
20 relationship and weigh all the evidence in the case, listen carefully to the
21 testimony, and apply the law that I give you?

22 If you feel you could not be a fair juror because of that relationship with
23 family members, then, we have other jurors we can select.

24 Those of you who are standing, if you believe you could be fair to both
25 the State and the Defendant, render a verdict on the law and the evidence

1 and that alone, I'm going to ask you to be seated. If you believe you have
2 any hesitancy at all, please, remain standing.

3 **(All potential jurors took their seats.)**

4 **THE COURT:** Let the record reflect that all the jurors have been
5 seated.

6 Is there any member of the jury panel, or a member of your immediate
7 family, ever been the victim of a violent crime, a crime against a person;
8 domestic violence, or have you ever been accused of any of those, been
9 arrested or charged or an accusation made against you or a family member
10 that you committed a violent act against a person or a violent act has been
11 committed against you by a family member or otherwise, would you, please,
12 stand?

13 If you've been accused of or been the victim of or a family member
14 has been a victim of a domestic violence or violence against you as a
15 person?

16 **(Potential jurors stood in response.)**

17 **THE COURT:** All right. If I could, I would like to talk with each of
18 you here with the court reporter. And I certainly invite the attorneys to come
19 as well.

20 **(Brief pause while the Court stepped down from the bench.)**

21 **BAILIFF:** One, twelve (112)

22 **(Potential juror stepped forward.)**

23 **THE COURT:** Yes, sir?

24 **POTENTIAL JUROR:** My stepdaughter, she was stabbed in her
25 neck by a boyfriend.

1 THE COURT: Okay. How long ago was that?

2 POTENTIAL JUROR: A couple of years -- probably three (3).

3 THE COURT: Do you think that would affect your ability to be fair
4 juror in this case?

5 POTENTIAL JUROR: No.

6 THE COURT: If the facts were similar, could you set that aside?

7 POTENTIAL JUROR: No, it wouldn't affect me.

8 THE COURT: It wouldn't affect you?

9 POTENTIAL JUROR: No.

10 THE COURT: Thank you for sharing that. You may return to
11 your seat.

12 BAILIFF: Number 7.

13 (Potential juror stepped forward.)

14 THE COURT: Yes, ma'am?

15 POTENTIAL JUROR: I was a victim of domestic abuse.

16 THE COURT: A victim?

17 POTENTIAL JUROR: Uh-huh (affirmative).

18 THE COURT: Do you think that would still affect your ability to be
19 a fair juror?

20 POTENTIAL JUROR: No, sir.

21 THE COURT: Okay. Thank you very much. You may be
22 seated.

23 Is there any member of the jury panel aware of any bias or prejudice
24 that would interfere with your ability to be a fair juror if you were selected in
25 this case? If so, would you, please, stand?

1 (No Response)

2 THE COURT: Thank you. There's no response. At this time, I'm
3 going to have the attorneys, if you would, please, stand and introduce
4 yourselves to the jury. Solicitor?

5 MS. GILMER: Thank you, Your Honor. My name is Meghan
6 Gilmer. I represent the Seventh Circuit for the Solicitor's Office here in
7 Spartanburg County and also the State of South Carolina.

8 Seated with me here today is Assistant Solicitor Zack Farr (phonetic)
9 and he will be assisting me with this trial. Thank you.

10 THE COURT: Ms. Price?

11 MS. PRICE: Good afternoon. My name is Andrea Price and
12 I'm here on behalf of my client, Mr. Timmy Laster. I've been here in
13 Spartanburg about seven and a half years.

14 THE COURT: Thank you. Ladies and gentlemen, is there any
15 member of the jury panel related, by blood or marriage, to either of these
16 attorneys or members of their staff? If so, would you, please, stand?

17 (No Response)

18 THE COURT: Is there a member of the jury panel who has a
19 close business or a social, personal business relationship with either of these
20 attorneys or members of their staffs or organizations? If so, would you,
21 please, stand?

22 (No Response)

23 THE COURT: Is there a member of the jury panel who has ever
24 been involved in any litigation in which either of these attorneys represented
25 you or represented the opposing side? If so, would you, please, stand?

1 (No Response)

2 THE COURT: Thank you. There is no response.

3 (Brief Pause)

4 THE COURT: Mr. Laster comes into the courtroom today; the
5 State of South Carolina is present in the courtroom today. Each party
6 desiring fair and impartial jurors to hear this case, make a determination of
7 what the facts are based upon the evidence presented in the light of the law
8 that I'll be giving you.

9 They desire to have fair jurors; they deserve to have fair jurors under
10 our system of -- of justice. Is there any member of the jury panel aware of
11 any reason whatsoever that, in this particular case, you believe you could not
12 be fair to both the State, to the Defendant, and render a verdict that's based
13 on the law and the evidence and that alone?

14 If, for any reason, you believe in this case you could not be a fair juror,
15 would you, please, stand.

16 (No Response)

17 THE COURT: Thank you. There is no response. Any other
18 questions from the State?

19 MS. GILMER: No, Your Honor.

20 THE COURT: From the Defense?

21 MS. PRICE: No, Your Honor.

22 THE COURT: All right. Let's impanel a jury.

23 MADAM CLERK: Yes, sir.

24 (Brief pause while strike sheet is generated.)

25 (Off-the-Record Comments)

1

Jury Selection**2:56 P.m.**

2

MADAM CLERK: As I call your name, please, come forward and

3

stand facing the attorneys' tables. Number 112, James Maness.

4

(Potential juror stepped forward.)

5

MADAM CLERK: What says the State?

6

MS. GILMER: Please, present this juror.

7

MADAM CLERK: What says Defense?

8

MS. PRICE: Please excuse Mr. Maness.

9

MADAM CLERK: Number 114 ----

10

(Off-the-Record Comments)

11

MADAM CLERK: Number 114, Penelope Mavronmatis.

12

(Potential juror stepped forward.)

13

MADAM CLERK: What says the State?

14

MS. GILMER: Please present this juror.

15

MADAM CLERK: Says Defense?

16

MS. PRICE: Please seat this juror.

17

MADAM CLERK: Number 106, Toykeshia Lindsay.

18

(Potential juror stepped forward.)

19

MADAM CLERK: What says the State?

20

(Brief Pause)

21

MS. GILMER: Please excuse this juror.

22

MADAM CLERK: Number 133, Elizabeth Perez.

23

(Potential juror stepped forward.)

24

MADAM CLERK: What says the State?

25

(Brief Pause)

1 MS. GILMER: Please present this juror.
2 MADAM CLERK: Says Defense?
3 MS. PRICE: Please seat Ms. Perez.
4 MADAM CLERK: Number 118, Kathy Mckinney.
5 (Potential juror stepped forward.)
6 MADAM CLERK: What says the State?
7 MS. GILMER: Please present this juror.
8 MADAM CLERK: What says Defense?
9 MS. PRICE: Please excuse Ms. Mckinney from this matter.
10 MADAM CLERK: Number 171, Sharon Thomas.
11 (Potential juror stepped forward.)
12 MADAM CLERK: What says the State?
13 MS. GILMER: Please present this juror.
14 MADAM CLERK: Says Defense?
15 MS. PRICE: Please seat Ms. Thomas.
16 MADAM CLERK: Number 87, Le Jenkins.
17 (Potential juror stepped forward.)
18 MADAM CLERK: What says the State?
19 MS. GILMER: Please present this juror.
20 MADAM CLERK: Says Defense?
21 MS. PRICE: Please excuse this juror.
22 MADAM CLERK: Number 69, Amy Harvey.
23 (Potential juror stepped forward.)
24 MADAM CLERK: What says the State?
25 MS. GILMER: Please present this juror.

1 **MADAM CLERK:** Says Defense?

2 **MS. PRICE:** Please seat Ms. Harvey.

3 **MADAM CLERK:** Number 174, Demarcus Tolliver.

4 **(Potential juror stepped forward.)**

5 **MADAM CLERK:** What says the State?

6 **(Brief Pause)**

7 **MS. GILMER:** Please present this juror.

8 **MADAM CLERK:** Says Defense?

9 **MS. PRICE:** Please seat Mr. Tolliver.

10 **MADAM CLERK:** Number 25, Tracy Burns.

11 **(Potential juror stepped forward.)**

12 **MADAM CLERK:** What says the State?

13 **(Brief Pause)**

14 **MS. GILMER:** Please present this juror.

15 **MADAM CLERK:** What says Defense?

16 **MS. PRICE:** Please excuse Ms. Burns from this matter.

17 **MADAM CLERK:** Number 164, Martha Solorio.

18 **(Potential juror stepped forward.)**

19 **MADAM CLERK:** What says the State?

20 **(Brief Pause)**

21 **MS. GILMER:** Please present this juror.

22 **MADAM CLERK:** What say Defense?

23 **MS. PRICE:** Please seat Ms. Solorio.

24 **MADAM CLERK:** Number 170 — 117, William Mckenzie.

25 **(Potential juror stepped forward.)**

1 **MADAM CLERK:** What says the State?

2 **MS. GILMER:** Please present this juror.

3 **MADAM CLERK:** What says Defense?

4 **MS. PRICE:** Please excuse Mr. Mckenzie from this matter.

5 **MADAM CLERK:** Number 65, Martha Greene.

6 **(Potential juror stepped forward.)**

7 **MADAM CLERK:** What says the State?

8 **(Brief Pause)**

9 **MS. GILMER:** Please present this juror.

10 **MADAM CLERK:** What says Defense?

11 **MS. PRICE:** Please excuse Ms. Greene from this matter.

12 **MADAM CLERK:** Number 149, James Sanders.

13 **(Potential juror stepped forward.)**

14 **MADAM CLERK:** What says the State?

15 **(Brief Pause)**

16 **MS. GILMER:** Please present this juror.

17 **MADAM CLERK:** What says Defense?

18 **MS. PRICE:** Please seat Mr. Sanders.

19 **MADAM CLERK:** Number 185, Julie Williams.

20 **(Potential juror stepped forward.)**

21 **MADAM CLERK:** What says the State?

22 **(Brief Pause)**

23 **MS. GILMER:** Please present this juror.

24 **MADAM CLERK:** What says Defense?

25 **MS. PRICE:** Please seat Ms. Williams.

1 MADAM CLERK: Number 98, Ben Klein.
2 (Potential juror stepped forward.)
3 MADAM CLERK: What says the State?
4 MS. GILMER: Please present this juror.
5 MADAM CLERK: What says Defense?
6 MS. PRICE: Please seat Mr. Klein.
7 MADAM CLERK: Number 7, Julia Barron.
8 (Potential juror stepped forward.)
9 MADAM CLERK: What says the State?
10 MS. GILMER: Please excuse this juror.
11 MADAM CLERK: Number 145, Cynthia Rollins.
12 (Potential juror stepped forward.)
13 MADAM CLERK: What say the State?
14 (Brief Pause)
15 MS. GILMER: Please present this juror.
16 MADAM CLERK: Says Defense?
17 MS. PRICE: Please seat Ms. Rollins.
18 MADAM CLERK: Number 119, Yolonda Mclean.
19 (Potential juror stepped forward.)
20 MADAM CLERK: What says the State?
21 MS. GILMER: Please present — please present this juror.
22 MADAM CLERK: What says Defense?
23 MS. PRICE: Please seat Ms. Mclean.
24 MADAM CLERK: Number 64, Martin Giles.
25 (Potential juror stepped forward.)

1 **MADAM CLERK:** What says the State?

2 **(Brief Pause)**

3 **MS. GILMER:** Please present this juror.

4 **MADAM CLERK:** Says Defense?

5 **MS. PRICE:** Please excuse Mr. Giles from this matter.

6 **MADAM CLERK:** Number 129, Susan Orouke.

7 **(Potential juror stepped forward.)**

8 **MADAM CLERK:** What says the State?

9 **MS. GILMER:** Please present — please present this juror.

10 **MADAM CLERK:** What says Defense?

11 **MS. PRICE:** Please seat Ms. Orouke.

12 **MADAM CLERK:** Number 5, Mary Babb.

13 **(Potential juror stepped forward.)**

14 **MADAM CLERK:** What says the State?

15 **MS. GILMER:** Please present this juror.

16 **MADAM CLERK:** What says Defense?

17 **MS. PRICE:** Please excuse Ms. Babb from this matter.

18 **MADAM CLERK:** Number 140, Laura Rawlings.

19 **(Potential juror stepped forward.)**

20 **MADAM CLERK:** What says the State?

21 **(Brief Pause)**

22 **MS. GILMER:** Please present this juror.

23 **MADAM CLERK:** What says Defense?

24 **MS. PRICE:** Please seat Ms. Rawlings.

25 **MADAM CLERK:** Number 113, Euforni Martinez-Gonzalez.

1 (Potential juror stepped forward.)

2 MADAM CLERK: What says the State?

3 (Brief Pause)

4 MS. GILMER: Please excuse this juror.

5 MADAM CLERK: Number 41, Deborah Cone.

6 (Potential juror stepped forward.)

7 MADAM CLERK: What says the State?

8 (Brief Pause)

9 MS. GILMER: Please present this juror.

10 MADAM CLERK: What says Defense?

11 MS. PRICE: Please seat Ms. Cone.

12 (Off-the-Record Comments)

13 (Jury selection ended at 3:08 p.m.)

14 THE COURT: Are there any legal matters we need to take care
15 of as far as the selection of the jury in this case from the State?

16 MS. GILMER: Not from the State, Your Honor.

17 THE COURT: From the Defense?

18 MS. PRICE: No, Your Honor.

19 THE COURT: Ladies and gentlemen who were not selected, I
20 can excuse you at this time. Please, call back tonight after 6 o'clock. There
21 will be a message on the answering machine for you to tell you when to
22 report back or when to call back in.

23 Thank you very much for coming today. You're excused at this time.
24 Everyone else, please, remain seated.

25 (Whereupon, the jury panel was excused and exited the

courtroom .)

Preliminary Instructions

THE COURT: Ladies and gentlemen, you have seen the selection process. These attorneys, these parties believe you are the best 12 to decide this case; to listen to the evidence and decide just what the facts are.

You may notice we have 14 of you. The last two jurors selected are alternates. Since we're starting late this afternoon, we don't know how long the case may take. Certainly it will be through this week; I assure you of that.

But the alternates are every bit as much a part of the jury as everyone else. Sometimes a — an emergency may come up in your life or one of you get ill; I certainly hope not, but these alternate jurors can step into your shoes and we won't have to start the entire process over again.

So that's the purpose of the alternates. They'll come and go and operate on the same schedule as the first 12 do.

You're here to sacrifice, and I'm going to do everything in my power to minimize that time that you're displaced from your everyday activities. I'm honored to be working with you. You're going to be judges.

You might have some apprehension about the title I've given you of a judge, thinking to yourself, that I've never had any experience; I've never been a juror before. I've never taken any law — business law courses or even talked to a lawyer in my whole life.

But I assure you, ladies and gentlemen, you bring into this courtroom every skill you'll need to be the fact finders.

You bring into this courtroom the everyday experiences that you have

1 in your work place and your home, social activities.

2 You bring into this courtroom the good common sense with which
3 you've been blessed. And that's what going to — you're going to need to
4 utilize to be the fact finder in this case.

5 You're going to need to listen carefully and observe what's going on in
6 the courtroom, to listen to the witnesses who testify, judge their demeanor,
7 their believability while on the stand. I'm confident that you'll be able to fulfill
8 the duty that is before you.

9 I'll be the lawgiver. I am the judge of the law. At the end of the case,
10 I'll explain what the law is applicable to this case for you. Part of my job also
11 is to decide when we start and when we take breaks and when we end each
12 day.

13 Normally, we'll start at 9:00 or 9:30 in the morning. We'll have a
14 morning break and hopefully break for lunch around 12:30, 1 o'clock, and end
15 the day at 5:00, 5:30.

16 Sometimes it may run a little later depending on a witness and how
17 long that witness takes and scheduling other witnesses to come in. But,
18 generally, we'll operate on those guidelines.

19 Usually we don't go beyond an hour, an hour and a half at one time
20 taking testimony. If you need a break and I haven't called for a break,
21 please, get my attention and let me know because, if you're uncomfortable in
22 any way, you're not going to be a good juror.

23 You're not going to be focused. You're going to be thinking about
24 other needs that you have. So we'll take a break at your pleasure.

25 In that case, if you need a break, if you've already had an opportunity

1 to interact with the bailiffs around, Ms. Briggs and Mr. Seay, and the — Ms.
2 Tinsley from the clerk's office called your name. Any of these folks will
3 certainly be glad to help you.

4 Ms. Faucette, who is the court reporter, is right down in — in front of
5 you with her side to you. And she's taking down everything that's said
6 during the course of this trial. She'll be marking any exhibits that may be
7 introduced and keeping up with — with those matters.

8 Hudson Smith (phonetic) is the young man behind me. He's a recent
9 law school graduate, my law clerk. And any of these folks will certainly
10 assist you in any way that you have during the course of this trial.

11 As we come and go, you may see the lawyers in the hallway or
12 somewhere in the courthouse, and if they seem to high-hat you in any way
13 and walk another way and not as friendly to you as you think they ought to
14 be, please don't hold that against them or their clients. That's their training.

15 They've been trained to avoid any appearance of any impropriety. If
16 they're talking to a juror, even though it may be an innocent topic, the
17 weather or a sporting event or anything else, it may be perceived as — as
18 wrong. So they may seem to be unfriendly.

19 I assure you they're friendly by nature, but if they seem to avoid you,
20 please, don't hold that against them or their clients.

21 Cases take place in stages. The attorneys have a chance to open —
22 give an opening statement to you, give you an overview of what each of
23 them perceives the case to be about and tell you about important things that
24 may develop in the case as they anticipate.

25 Then, there will be examination and cross examination of the

1 witnesses. There may be some documents or tangible evidence put in.

2 At the end of all of the evidence, then, the attorneys will, again, have a
3 chance to address you in a closing statement. Then, I'll instruct you on what
4 the law is on the case.

5 Only, after all the evidence is in and I've given you instruction on the
6 law, should you be discussing the case. You shouldn't be talking about it
7 with one another or talking about it with anyone else until all of the evidence
8 is in.

9 We're starting a process that is very important to the parties and we
10 want to maintain the purity of that process throughout. It would be improper
11 for you to be speculating even now about what happened or hearing part of
12 the testimony and going back and analyzing that.

13 That would be improper during the course of the trial. You just don't
14 talk about the case with each other or anyone else while it's in progress.

15 You're making a commitment to do justice to both sides. And it makes
16 me proud that you've accepted this responsibility.

17 Sometimes there are legal matters that we need to take care of and I
18 want to make the best decision I possibly can as the judge of the law. In the
19 course of a trial, legal matters come up. And sometimes there might be one
20 that — that crops up that we don't anticipate.

21 I might have to hear testimony that wouldn't properly be presented to a
22 jury. I may need to research law books or hear argument of legal counsel.
23 When those legal matters come up, frequently I have to send you back into
24 the jury room as I can delve into the legal issues that's before me.

25 You're going to be the one deciding what the facts are. I'm going to

1 decide those legal matters often outside of your presence so that you will
2 decide these factual matters that come up from the evidence outside of my
3 presence.

4 I'm a law — a judge like you. You're the judge of the facts and I won't
5 be back in your deliberating room giving you any input because that's not my
6 prerogative. That's totally yours and yours alone to decide what the facts are.

7 We have different role to fulfill. And I hope you understand there are
8 legal matters. Sometimes there's not any objections in a trial; sometimes
9 there are and I need is rule on those objections. And often I can do it from
10 the bench here and say "sustained," or "overruled."

11 And sometimes I may be huddling with the lawyers to work out a legal
12 matter or scheduling matters. Sometimes it may necessitate just, in the
13 stage of the trial we're at, that you have to be sent back.

14 So I hope you understand that. I'm not hiding things from you; I just
15 want to do the best I can in making those legal decisions that I have to
16 make.

17 **(Brief Pause)**

18 **THE COURT:** We need to get some preliminary matters worked
19 out and see if there's any exhibits that can be pre-marked so that we can
20 expedite the trial once it starts. So I'm going to let you go back into the jury
21 room and familiarize yourselves with each other.

22 Don't discuss the case or speculate on it. We'll call you back in about
23 ten minutes. And we'll be ready to start the trial of the case. If you will, go
24 back with the bailiff. Everyone else, please, remain seated.

25 **(Whereupon, the jury exited at 3:21 p.m.)**

1 **THE COURT:** All right. Let's take about a 10-minute break and
2 be ready to start with the opening statements and getting the jury sworn.

3 **(Whereupon, a recess was taken from 3:21 p.m. until 3:40 p.m.)**

4 **(Off-the-Record Comments)**

5 **THE COURT:** All right. Are there any matters we need to take
6 care of before the jury comes back in?

7 **MS. GILMER:** No, Your Honor.

8 **MS. PRICE:** No, Your Honor.

9 **THE COURT:** We're ready to proceed then? All right. Let's
10 have our jury come in, Mr. Seay.

11 **(The jury was summoned and entered the courtroom at 3:41 p.m.)**

12 **(Off-the-Record Comments)**

13 **THE COURT:** All right, ladies and gentlemen, we're now ready to
14 have the opening statements of the attorneys. As I said, they'll give you an
15 overview.

16 Please, keep in mind that what these attorneys have to say to you is
17 not evidence. The evidence will come from the witness stand here and any
18 documents or other tangible items that are admitted into evidence.

19 Still, I urge you to listen carefully as each attorney addresses you. I'm
20 confident that each of them will give you some valuable insights and help
21 you as the case develops to be alert to matters that are of importance.

22 Before the attorneys address you in their opening, I'm going to have
23 the clerk administer an oath to you. I hope you'll listen carefully to the oath
24 that is given to you. It tells you everything you need to know about your job
25 as a juror.

1 It's a time-honored oath that has been in existence since well before
2 the foundation of our country. Jurors such as you have taken this oath
3 throughout our — our history. And I'm confident that you'll fulfill the
4 obligations that are in it. Ms. Tinsley, if you would, swear the jury.

5 **MADAM CLERK:** Yes, sir.

6 **(Whereupon the jury was impaneled at 3:42 PM)**

7 **MADAM CLERK:** Thank you. You may be seated.

8 **THE COURT:** Ms. Gilmer, you may address the jury in your
9 opening.

10 **MS. GILMER:** Thank you, Your Honor. May it please the Court?
11 Counsel?

12 **Opening Statements**

3:42 P.m.

13 **MS. GILMER:** Ladies and gentlemen of the jury, the day of
14 August 18th of 2012, is a day that Kisty Jolley will not soon forget, for that is
15 the day that she witnessed the Defendant, Timmy Laster, her sister's
16 boyfriend, cut her sister's throat.

17 Ladies and gentlemen, Ms. Crystal Moore, the victim in this case, was
18 staying at the Carolina Inn and Suites, here located in Spartanburg County,
19 with her boyfriend, the Defendant. And staying with them was Ms. Jolley,
20 the victim's sister.

21 Ladies and gentlemen, Ms. Jolley is here today and she's going to tell
22 you what she witnessed on that date. She's going to tell you what she saw.
23 She's going to tell you the atrocities that she witnessed that night at the
24 hands of her sister's boyfriend.

25 Ladies and gentlemen, I ask you to be patient with her. That can't be

1 an easy thing to come into a courtroom and testify in front of a lot of people
2 that you don't know, especially when you're testifying against the boyfriend
3 of your sister.

4 You're also going to hear from the officers that were involved in the
5 investigation of this case. You're going hear from them. You're going to
6 hear their testimony and see the evidence that was taken in this case; some
7 photographs, and also the knife that was collected.

8 You're also going to hear from the doctors that treated Ms. Moore
9 when she went into the emergency room on that evening after her throat had
10 been stabbed by the Defendant.

11 I ask you to listen to that testimony and I ask you to view the evidence.
12 And, at the end of this trial, I'm going to ask you to do a few things. First, I'm
13 going to ask you to be fair to the State and to the Defense in listening to the
14 testimony and viewing that evidence.

15 I'm also going to ask you to use your common sense. You may hear
16 some conflicting accounts as to what happened that evening, but, when you
17 go back into that jury room, at the end of this trial, I'm going to ask you to
18 use your common sense.

19 Use your common sense in deciding for yourself what you believe
20 happened that day of August 18th.

21 Ladies and gentlemen, I'm going to ask you to step into a world that
22 you may not be accustomed to. And I'm going to ask you to do that and use
23 your common sense.

24 That world is a world where domestic violence happens. And that
25 world is a world where violence against women happens and a world in

1 which those victims just decide to stay with the man who has been violence
2 towards them.

3 I'm going to ask you to step into that world. It may not be easy. You
4 don't have to understand why that happens, but just know that it does
5 happen. And I'm going to ask you to keep that in mind during the duration of
6 this trial.

7 So the last thing I'm going to ask you to do is keep your eye on the
8 ball. When I was a child, I played softball the majority of my life. My father,
9 bless his heart, would be out there and he would pitch to me and he would
10 say, "Meghan, keep your eye on the ball."

11 You may hear a lot of different things during this trial, but I'm asking
12 you to see the big picture. Keep your eye on the ball and realize what is
13 important in this case.

14 And I submit to you that, after you do those things, I submit that you
15 are going to agree with the State and you will find the Defendant guilty of
16 attempted murder and possession of a weapon during a violent crime.
17 Thank you.

18 **(Ms. Gilmer's opening concluded at 3:44 p.m.)**

19 **THE COURT:** Ms. Price, you may address the jury.

20 **MS. PRICE:** Thank you, Your Honor.

21 **(Ms. Price's opening began at 3:45 p.m.)**

22 **MS. PRICE:** Ladies and gentlemen, on behalf of Mr. Laster, I'd
23 like to thank you for your kind attention this afternoon and probably tomorrow
24 too.

25 As — (clears throat) excuse me — as the prosecutor has said, you're

1 going to hear a lot of conflicting testimony. And you're also going to hear
2 one other word and that word is "accident."

3 And we would submit to you that this was an accident. There was no
4 intent, on the part of Mr. Laster, to hurt anyone, more — especially his love
5 of 13 years, Crystal Moore.

6 We also expect you to hear that directly from Ms. Moore; that there
7 was a lot of drinking going on, a lot of pills going on, but there was no
8 attempted murder going on.

9 We would just ask that you do give everybody a fair shot in this case
10 and listen. Sometimes it's not easy to sit in these chairs and we know that.
11 But we do ask that you do give Mr. Laster what he's en -- what he is entitled
12 to under the United States Constitution and the State Constitution and the
13 laws of this nation, both federal and state, and that you render a verdict of
14 not guilty at the end of this case.

15 We do thank you. Without your service here today, I can't do my job.
16 The Prosecutor can't do her job either. So we do thank you for your
17 patience and we do thank you for listening to this case.

18 **(Ms. Price's opening concluded at 3:47 p.m.)**

19 **THE COURT:** Solicitor, you may call your first witness.

20 **MS. GILMER:** Thank you, Your Honor. The State calls
21 Investigator Joseph Guffey.

22 **(The witness stepped forward to be sworn.)**

23 (Whereupon,

24 **Investigator Joseph Guffey**

25 having been first duly sworn, testified as follows:)

1 MS. GILMER: May it please the Court?

2 THE COURT: You may proceed.

3 MS. GILMER: Thank you.

4 Direct Examination by Ms. Gilmer:

3:48 P.m.

5 Q. Would you, please, state your name for the record?

6 A. Joseph Guffey.

7 Q. Okay. And how are you employed?

8 A. I'm a deputy with Spartanburg County Sheriff's Office.

9 Q. And how long have you been with the Spartanburg County Sheriff's
10 Office?

11 A. With the sheriff's office, about four years.

12 Q. Okay. And what are your current duties with the sheriff's office?

13 A. Currently, I'm a property crime investigator and on-call with violent
14 crimes investigator.

15 Q. Okay. Back in August of 2012, what were your duties with the sheriff's
16 office?

17 A. I was working the uniform patrol essentially in Spartanburg.

18 Q. Okay. And what -- what is uniform patrol? What does that mean?

19 A. A call taker, report writer. You go to any -- any type of call, any type
20 of crime and take a report on it and get the investigation initially started off.

21 Q. Okay. And what type of training have you had to become a law
22 enforcement or police officer?

23 A. I took criminal justice in college. I went to the Spartan -- to the South
24 Carolina Criminal Justice Academy. Then, I've been through several classes, while
25 I've been a police officer, at various places, various investigation classes, all -- all

1 kinds of training, police training.

2 Q. Okay. How long is the academy?

3 A. Now, I think it's about 12 weeks. Back then it was nine (9).

4 Q. And, for your job as a police officer, do you have to continually keep up
5 your education? Do you take training and seminars?

6 A. Yes, ma'am.

7 Q. And what types of investigations have you been involved in, in your
8 career?

9 A. From -- from larcenies to assaults to huge -- shooting -- murder
10 cases, just about any, you know ----

11 Q. So a little bit of everything?

12 A. Yes, ma'am, yeah.

13 Q. Okay. And back on August of 2012, August 18th, you told us you were
14 employed with Spartanburg County Sheriff's Office back in 2012?

15 A. Yes, ma'am.

16 Q. And were you working on August 18th of 2012?

17 A. I was.

18 Q. And how were you working? Were you a uniformed patrol deputy then
19 or were you an investigator?

20 A. Then I was uniform patrol.

21 Q. And did you have the opportunity to respond to the Carolina Inn and
22 Suites? It's a motel here in Spartanburg County?

23 A. Yes, ma'am.

24 Q. Okay. And do you recall -- is that located at 810 Hospitality Way?

25 A. It is.

1 Q. And that is here in Spartanburg County?

2 A. Yes, ma'am.

3 Q. And how did you come about to respond to that area?

4 A. Dispatch called and dispatched a call there.

5 Q. Okay. And do you remember what the call was regarding?

6 A. It was referenced — in reference to a possible stabbing.

7 Q. And, when you're out on the road, what type of information do you
8 get? How are you getting information about what's going on?

9 A. Just through our radio. And they basically tell us where it's at and a
10 general what's happening, as much as possible, or as much information as they get,
11 they give to us.

12 I mean, there's not a — a lot, you know; maybe here's what people are
13 saying through the radio. They'll — they'll tell you — you know, we got, on this
14 particular case, just to respond to the hotel or a reference to a stabbing.

15 Q. All right. And what did you observe when you first went to that hotel?

16 A. I went to the front door or the front door of the room, opened it up.
17 There was Mr. Laster sitting on a bed holding some sort of cloth or a comforter
18 against the lady. You could see that there was — there was blood coming from her.

19 There were two other people in the house or, excuse me, in the hotel
20 room, and a dog.

21 Q. Okay. The — and you said Mr. Laster. Are you talking about the
22 gentleman here in the gray shirt?

23 A. Yes, ma'am.

24 Q. Okay.

25 MS. GILMER: Your Honor, if the record may reflect, the witness

1 has identified the Defendant.

2 **THE COURT:** It'll so reflect.

3 **MS. GILMER:** Thank you, Your Honor.

4 **Q.** (By Ms. Gilmer) And the — you — you mentioned there was another
5 woman in the room. Did you identify her ----

6 **A.** I did.

7 **Q.** ----- the one who had the injury?

8 **A.** Yes, ma'am.

9 **Q.** Okay. And did you view any injuries to her?

10 **A.** Yes, ma'am. She had a cut in her throat and neck area.

11 **Q.** And what's her name?

12 **A.** Ms. Moore I believe it was.

13 **Q.** Okay. Is that Crystal Moore?

14 **A.** Crystal Moore, yes, ma'am.

15 **Q.** And there — you said there was another — two other individuals in the
16 room.

17 **A.** There were.

18 **Q.** Who were they?

19 **A.** I don't remember the male's name.

20 **Q.** Would it refresh your recollection to view your report?

21 **A.** It would, please.

22 **(Brief pause while witness reviews document.)**

23 **A.** The male's name was Anthony Robbins (phonetic).

24 **Q.** And do you recall — now that you've had your memory refreshed, do
25 you recall the name of the other individual in the room other than Mr. Robbins?

1 A. Yes, ma'am, it was Kisty Jolley.

2 Q. Okay. And, upon your first contact with Kisty Jolley, what was her
3 demeanor?

4 A. Just frantic that her sister was there. She was cut and she was hurt.
5 And just excitable as anybody would be, you know, seeing something of that
6 magnitude.

7 Q. Okay.

8 MS. GILMER: Your Honor, if I may approach the witness?

9 THE COURT: You may.

10 MS. GILMER: Thank you.

11 Q. (By Ms. Gilmer) Investigator Guffey, I'm showing you...

12 **(Brief pause while documents are shown to Ms. Price.)**

13 Q. Investigator Guffey, I'm now showing you what's been previously
14 marked as State's Exhibit Number 2 and Number 3. Do you recognize those?

15 A. Yes, ma'am.

16 Q. And how do you recognize those?

17 A. That's the incident location that we responded to in this particular
18 case. That is the room at the Carolina Inn and Suites.

19 Q. Okay. And do you know if those were taken the night of the incident?

20 A. Yes, ma'am.

21 Q. And what is this right here (indicating)?

22 A. The crime scene tape.

23 Q. Okay. And also I'm going to show you what's been previously marked
24 as State's Exhibit — Exhibit 5. Do you recognize that?

25 A. I do.

1 Q. And how do you recognize that?

2 A. It's the first bed as you enter — enter the door where Ms. Moore was
3 laying on the bed.

4 Q. And are all these accurate representations of what you saw when you
5 came onto the scene that day?

6 A. Well, minus the — the people, but, yes, ma'am.

7 MS. GILMER: Your Honor, at this time, I would move to enter
8 into evidence what's been previously marked as State's Exhibit Number 2,
9 Number 5, and Number 3.

10 THE COURT: Any objection?

11 MS. PRICE: No, Your Honor.

12 THE COURT: All right. Without objection, Exhibits 2, 3, and 5
13 are admitted into evidence and may be published to the jury.

14 MS. GILMER: Thank you, Your Honor.

15 (Whereupon, State's Exhibit Numbers 2, 3, and 5 were admitted
16 into evidence without objection.)

17 (State's Exhibits 2, 3, and 5 were published to the jury.)

18 Q. (By Ms. Gilmer) Investigator Guffey, do you remember seeing any
19 blood in the room?

20 A. Yes, ma'am. There was a good bit of blood about the bed and the —
21 the — I don't — it was a sheet or a bedspread that they were holding to her throat.

22 Any time they moved her head or their hands away from it, more blood
23 would come out; blood all over the bed that they were laying on.

24 Q. Did you contact EMS that evening?

25 A. I did.

1 Q. And, typically, when you respond to a scene such as this, do you
2 contact an investigator ----

3 A. Yes, ma'am.

4 Q. ---- with the sheriff's office?

5 A. Yes, ma'am.

6 Q. And do you recall if that was done that evening?

7 A. I did.

8 Q. Okay.

9 (Brief Pause)

10 MS. GILMER: And, Your Honor, if I may approach the witness
11 again?

12 THE COURT: You may.

13 Q. (By Ms. Gilmer) Investigator Guffey, I'm showing you what's been
14 previously marked as State's Exhibit 8, 9, 10, and 11. Do you recognize these?

15 A. I do.

16 Q. And how do you recognize those?

17 A. This was the — the bed that Ms. Moore was lying on. And this is the
18 table we were trying to render her aid.

19 Q. And do you know if those photographs were taken the night of the
20 incident or date of the incident?

21 A. They were.

22 Q. Okay. And are those a fair and accurate representation of what you
23 saw that day ----

24 A. Yes, ma'am.

25 Q. ---- in the room?

1 A. Yes, ma'am.

2 Q. Okay. Thank you.

3 MS. GILMER: Your Honor, at this time, I would move into
4 evidence what's been previously marked as State's Exhibits 8, 9, 10, and 11.

5 THE COURT: Any objection?

6 MS. PRICE: No, Your Honor.

7 THE COURT: Without objection, Exhibits 8 through 11 may be
8 admitted and may be published to the jury.

9 MS. GILMER: Thank you, Your Honor.

10 (Whereupon, State's Exhibit Numbers 8, 9, 10, and 11 were
11 admitted into evidence without objection.)

12 (State's 8, 9, 10, and 11 were published to the jury.)

13 Q. (By Ms. Gilmer) Investigator Guffey, is another officer typically called
14 out to process the scene?

15 A. Yes, ma'am.

16 Q. Okay. And what do you call those officers?

17 A. ID officers.

18 (Brief Pause)

19 Q. And I may have asked you this already, but did you contact EMS to
20 transport Ms. Moore to the hospital?

21 A. Yes, ma'am.

22 Q. And, to your knowledge, was that done?

23 A. Yes, ma'am.

24 (Brief Pause)

25 MS. GILMER: I have no further questions at this time, Your

1 Honor.

2 **THE COURT:** You may cross examine the witness.

3 **MS. PRICE:** Thank you.

4 **Cross Examination by Ms. Price:**

5 **Q.** Investigator Guffey, when you arrived on scene, who was holding the
6 blanket or bedspread to Ms. Moore's throat? Do you recall?

7 **A.** Mr. Laster.

8 **Q.** And is that this gentleman here (indicating)?

9 **A.** It is.

10 **Q.** Okay. Was any — anybody else attempting — holding a blanket to
11 Ms. Moore?

12 **A.** No, they were kind of sitting on the edge of a bed. It was just the two.

13 **Q.** "They" who?

14 **A.** The — Mr. Laster and Ms. Moore.

15 **Q.** Just those two?

16 **A.** Uh-huh (affirmative).

17 **MS. PRICE:** Okay. Thank you. That's all I have.

18

19 **THE COURT:** Any redirect?

20 **MS. GILMER:** No, Your Honor.

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

22 **(The witness complied with the request.)**

23 **MS. GILMER:** Your Honor, the State calls Kisty Jolley to the
24 stand.

25 **(The witness stepped forward to be sworn.)**

1 (Whereupon,

2 **Kisty Jolley**

3 having been first duly sworn, testified as follows:)

4 **Direct Examination by Ms. Gilmer:**

3:59 P.m.

5 Q. Would you, please, state your name for the record.

6 A. My name is Kisty Jolley.

7 Q. And how old are you, Ms. Jolley?

8 A. I'm 31.

9 Q. And where do you live?

10 A. [REDACTED] (phonetic) in Chesnee.

11 Q. And I know you're a little bit nervous today; make sure you talk
12 loud for us so we can hear, okay?

13 A. Okay.

14 Q. And is that in Spartanburg County?

15 A. Yes, ma'am.

16 Q. And have you lived in Spartanburg County all of your life?

17 A. Yes, ma'am.

18 Q. And do you know Crystal Moore?

19 A. I do.

20 Q. And how do you know Ms. Moore?

21 A. She is my sister.

22 Q. Okay. And do you know how old Ms. Moore is?

23 A. I don't exactly. She's 15 years older than me.

24 Q. Okay. And do you know an individual named Timmy Laster?

25 A. I do.

1 Q. And how do you know him?

2 A. He is my brother-in-law.

3 Q. Okay. And, when you say he's your brother-in-law, is he married to

4 Ms. Moore?

5 A. No, ma'am.

6 Q. How long have they been together?

7 A. A long time.

8 Q. Years, months, days?

9 A. Years.

10 Q. And so you say husband. Are they common law married?

11 A. Yes, ma'am.

12 Q. She holds him out to be her husband ----

13 A. Yes, ma'am.

14 Q. ---- is that correct?

15 A. Yes, ma'am.

16 Q. And how long have you known Mr. Laster?

17 A. Since my sister and him got together.

18 Q. And do you see him sitting here in the courtroom?

19 A. I do.

20 Q. And what is he — would you point to him and described an article of
21 clothing he's wearing?

22 A. He sitting right there (indicating) and he's wearing a gray shirt.

23 MS. GILMER: And, Your Honor, again, if the record may reflect
24 the witness has identified the Defendant.

25 THE COURT: The record shall so reflect.

1 **MS. GILMER:** Thank you, Your Honor.

2 **Q.** (By Ms. Gilmer) Ms. Jolley, are you a little bit nervous about being
3 here today?

4 **A.** Yes, ma'am, I am.

5 **Q.** And let me — let's go ahead and go to the date of August 18th of 2012.
6 And do you remember that day?

7 **A.** I do.

8 **Q.** And how — why do you remember that day?

9 **A.** That will be a day that I will live with for the rest of my life.

10 **Q.** And why is that?

11 **A.** To witness something that horrific, I — I just don't think you can, you
12 know, just wipe it away like it never happened.

13 **Q.** Okay. On that day, had you been staying at -- in the room with Ms.
14 Moore and the Defendant?

15 **A.** Yes, ma'am.

16 **Q.** Okay. And had they --- were they living there? Were they living there
17 in that room?

18 **A.** Yes, ma'am.

19 **Q.** Do you know how long they had been living there?

20 **A.** No, ma'am, not exactly. They had been there for a while and I needed
21 a place to stay. And I called my sister and, you know, I wasn't supposed to be on
22 the property, but she opened her door for me so I would have a place to stay. And I
23 was just going to stay with them until I got on my feet.

24 **Q.** And how long had you been staying there prior to this incident
25 happening?

1 A. A couple of months maybe.

2 Q. And was there anybody else staying in the room?

3 A. No, ma'am, just us three.

4 Q. Okay. Were there any animals in the room?

5 A. Yes, ma'am.

6 Q. And what animals were in the room?

7 A. She has a dog Levi, who is a pit bull, and then she had another. He
8 was a puppy at the time. I'm not sure of the breed, but it was a — a little puppy.

9 Q. Okay.

10 (Brief Pause)

11 Q. All right. Let's talk about that day. Obviously, we're here about
12 something that happened to your sister. What do you recall about that day?

13 A. Earlier in the day or...?

14 Q. When it happened, when this happened.

15 A. Okay. We had been drinking that evening, you know, and then taking
16 pills of course. My sister decided to lay down for the evening, which she had
17 already took her — her sleep medicine.

18 So I got into to the other bed and lay down as well. I don't believe
19 Timmy was ready to lay down yet. He was watching TV.

20 Q. And, when you say Timmy, do you mean the Defendant?

21 A. The Defendant was watching TV. He got up and he walked to — to
22 where the bed — my side of the bed was. And he kneeled down onto the floor.
23 And Levi, their pit bull, was in the bed with me asleep.

24 He kneeled down at — at the end — at the foot of the bed and
25 stuck his hand up under the covers. Well, he had grazed my legs. And,

1 in shock, I was like, "What are you doing, Timmy?" And he was like, "I'm petting the
2 dog."

3 Well, my sister had heard the commotion and got up out of the bed.
4 When she got up out of the bed, she run over to Timmy, and he was still kneeled
5 down in the floor, and she said, "What are you doing? Are you hitting on my sister?
6 What's the F wrong with you?" And she punched him in the back of the head.

7 Well, he got upset and he stood up and he turned around and he
8 smacked her as hard as he could across the face. And she fell back on the bed and
9 she grabbed the side — the right side of her face and said, "I can't hear out of my
10 ear where he smacked me so hard."

11 So, through the commotion, I'm trying to call my mother
12 on my cell phone, you know, so that I can leave and keep the drama down.

13 I was standing in front of the second side of the bed, on my side.
14 I was standing in front of the bed. I turn around, for a split second, and they're
15 tussling with each other.

16 So, when I turn around, my sister screams, "Kisty." So I turned, you
17 know, immediately back around. And he is getting up off of — like he's laying on
18 top of her. And he's such a big man that it's hard to see on the other side of her.

19 And he's laying on top of her and he's getting up. And, when he
20 stands up, he's covered in blood and he's got a knife in his hand. And she's
21 grabbing her throat.

22 So I — you know, someone who's never been through this, I
23 automatically scream, "Oh, my God." You know, it's traumatizing for someone.

24 Q. And I'm going to stop you right there, Ms. Jolley.

25 MS. GILMER: If I may approach the witness, Your Honor?

1 THE COURT: You may.

2 MS. GILMER: Thank you.

3 (Brief pause while exhibits retrieved.)

4 Q. (By Ms. Gilmer) All right, Ms. Jolley, I — I'm showing you what's
5 previously entered into evidence as State's Exhibit 3 and 2. Do you recognize
6 those?

7 A. Yes, ma'am.

8 Q. And how do you recognize those?

9 A. That's Carolina Inn and Suites.

10 Q. Is that the room you were staying in that day?

11 A. Yes, ma'am.

12 Q. Okay. And right here, on State's Exhibit 5, what is this (indicating)?

13 A. That's the door frame.

14 Q. Okay. And this first bed that's right in the entryway, is that the bed you
15 were in?

16 A. No, ma'am.

17 Q. Who was in that bed?

18 A. That bed was the one that Crystal and Timmy — the Defendant slept
19 in.

20 Q. Okay. So the bed closest to the entryway?

21 A. Right.

22 (Brief Pause)

23 Q. And which side of the bed were you in?

24 A. It would be on the right.

25 Q. Were you closest to the bathroom ----

1 A. Yes, ma'am.

2 Q. --- or closest to the entryway to the room?

3 A. Closest to the restroom.

4 Q. And where was Timmy when he was petting the dog?

5 A. Kneeled down at — closest -- the bed close to the restroom. He was
6 kneeled down right in front of it on the floor. And the dog was like at the bottom and
7 right up under the covers.

8 Q. And where was Timmy when he first smacked Ms. Moore?

9 A. He was — he had stood up from the bottom of the bed. And she had
10 run — like I said, she had run up to him and punched him in the back of the head,
11 which, you know, enraged him with him being — been drinking. And ---

12 Q. And you said they started tussling?

13 A. Yes, ma'am.

14 Q. What did you mean by that?

15 A. Fighting back and forth on the bed — on her bed. I tried to avoid the
16 confrontation because I was being blamed for what had happened.

17 Q. And why were you being blamed?

18 A. Because he touched my leg.

19 Q. And did you see him with a knife?

20 A. I did.

21 Q. Okay. And at what point did you see the knife?

22 A. When he stood up off of her. And I'm standing there looking to see
23 what's going on. I've still got the phone in my hand and he stands up.

24 Q. Okay. Where is the puppy at this point?

25 A. The puppy usually slept on the right side. If they wasn't on

1 the bed with my sister, they would be in the corners on hotel blankets or, you know,
2 something to that nature.

3 Q. And, when you say the right side, do you mean closest to the entryway
4 to the room?

5 A. Yes, ma'am.

6 Q. And, so, would --- would the dog be in the back corner or the front
7 corner right when you come into the entryway?

8 A. No, more to the back corner.

9 Q. From — on the other side of the bed in the back corner?

10 A. Yes, ma'am.

11 Q. And, when you saw the Defendant on top of your —
12 on top of your sister, was there any doubt in your mind that this was not intentional?
13 Did you believe that he intended to stab her?

14 A. Yes, ma'am, I did.

15 Q. And was he upset when this — was he angry when this was going on?

16 A. Yes, ma'am, he was.

17 Q. Ms. Jolley, has coming into testified today, has it caused a rift between
18 you and your sister?

19 A. Yes, ma'am.

20 (Brief Pause)

21 Q. Ms. Jolley, did anyone call 911 that day?

22 A. I did.

23 Q. And how long, after you saw that your sister had been hurt, did you call
24 911?

25 A. It seemed like forever, but it was just a matter of, you know,

1 maybe a minute at the most. Once I realized she had been cut, the first thing I told
2 her to do was. you know, put the blankets on your throat and hold it as tight as you
3 can.

4 I called the — 911 and, you know, I'm in a panic. I — I — I've never
5 been through this, and so I'm hysterical. And, you know, she's sitting there just
6 holding the blanket trying to keep the blood from rushing.

7 Q. Okay.

8 MS. GILMER: And, Your Honor, if I may approach the witness?

9 THE COURT: You may.

10 Q. (By Ms. Gilmer) Ms. Jolley, I'm showing you what's been
11 marked as State's Exhibit Number 1. Do you recognize those?

12 A. I do.

13 Q. And how do you recognize that?

14 A. That's the 911 call.

15 Q. Okay. And how do you know that's what that is?

16 A. I listened to it.

17 Q. Okay.

18 A. Yes, ma'am.

19 Q. And did you initial it and date it after you listened to it?

20 A. I did.

21 Q. Okay. And are those — are your initials and the date in your
22 handwriting?

23 A. Yes, ma'am.

24 Q. Okay. And, when you had an opportunity to listen to this call, is that
25 the call that you made back on that date, on August 18th?

1 A. Yes, ma'am.

2 Q. Okay. And is that a fair and accurate representation of the call?

3 A. Yes, ma'am.

4 Q. Okay.

5 MS. GILMER: Your Honor, at this time, I would move to enter
6 into evidence what has been previously marked as State's Exhibit Number 1.

7 THE COURT: Any objection?

8 MS. PRICE: No, Your Honor.

9 THE COURT: All right. Without objection, it may be
10 admitted into evidence and played for the jury.

11 MS. GILMER: Thank you, Your Honor.

12 (Whereupon, State's Exhibit Number 1 was admitted into evidence
13 without objection.)

14 (Whereupon, State's Exhibit Number 1 was played for the jury.)

15 Q. (By Ms. Gilmer) Ms. Jolley, who is the male voice in that call?

16 A. It's the Defendant.

17 Q. And the female voice that was in the background, who was that?

18 A. That is my sister, Crystal Moore.

19 Q. And was that your sister, Ms. Moore, that said tell them that me and
20 Timmy were cutting up and she fell on the knife?

21 A. Yes, ma'am.

22 Q. Is that what happened?

23 A. No, ma'am.

24 Q. Was she trying to tell you what to tell the police when they came?

25 A. Yes, ma'am.

1 Q. And the male voice that asked — if the Court would pardon my
2 language — "Why the fuck did you do that," who was that?

3 A. Timmy, the Defendant.

4 Q. And why were you upset and worried that this was your fault?

5 A. Because I was getting blamed for her — for him putting his hands
6 under the covers even though it was not my fault. To keep the blame off of them, it
7 came on to me.

8 (Brief Pause)

9 MS. GILMER: If I could have just one moment, Your Honor.

10 THE COURT: Yes, ma'am.

11 Q. (By Ms. Gilmer) Do you recall what kind a knife was used?

12 A. A pocket knife.

13 Q. Do you know what the Defendant did with a knife after he cut your
14 sister?

15 A. No, I remember him throwing it down. As to where, I —
16 I was not really paying him any of the attention. You know, I wasn't keeping my
17 eyes directly on him. I was trying to assist my sister as much as possible until the
18 ambulance got there.

19 Q. Did you ever locate the knife?

20 A. Yes, ma'am, I did.

21 Q. And where did you find it?

22 A. After the police had released the motel room, we went and got all the
23 belongings out of the motel room. A green suitcase that my sister and him, you
24 know had — that was theirs, I took to the hospital for her to have a change of
25 clothes before she came out of ICU.

1 I opened --- I unzipped the suitcase and opened it up, and the knife
2 happened to --- to be laying there. And the reason why I knew it was what he had
3 used is because it had blood all over it, dried blood.

4 (Brief Pause)

5 Q. Okay. Did you turn that over to the police officer?

6 A. I --- I called the investigators from the hospital. And they came to the
7 hospital and --- and picked it up.

8 Q. Do you know if there were any other knives in the room?

9 A. Yes, ma'am, there was a bunch.

10 (Brief Pause)

11 Q. Did you give a statement to the police?

12 A. Yes, ma'am, I did.

13 Q. Were you reluctant at first to give a statement to the police?

14 A. Yes, ma'am, I was.

15 Q. And why was that?

16 A. Because of the Defendant's family.

17 Q. Okay.

18 MS. PRICE: Your Honor, I'm going to object to that. There is
19 no basis for that.

20 THE COURT: I overrule your objection. I'll allow her to testify as
21 to her reasoning.

22 Q. (By Ms. Gilmer) And, when you were first asked to give a statement,
23 was it while you were at the scene?

24 A. Yes, ma'am.

25 Q. Okay. Did you later give a statement when you were away

1 from the Defendant?

2 A. No, ma'am.

3 Q. You didn't give a statement at the Sheriff's office?

4 A. Oh, yes, ma'am; yes, ma'am.

5 Q. Okay. And was the Defendant with you ----

6 A. No, ma'am.

7 Q. ---- when you gave that statement?

8 A. No, ma'am.

9 Q. And was he still present at the scene when the police arrived?

10 A. Yes, ma'am.

11 (Brief Pause)

12 MS. GILMER: If I can have just one moment, Your Honor.

13 (Off-the-Record Discussion)

14 MS. GILMER: I have no further questions at this time, Your
15 Honor. Thank you.

16 THE COURT: You may cross examine the witness, Ms. price.

17 MS. PRICE: Beg the Court's indulgence for just a moment.

18 THE COURT: Yes, ma'am.

19 Cross Examination by Ms. Price:

20 Q. Good afternoon, Ms. Jolley.

21 A. Hello.

22 Q. Ms. Jolley, on your direct examination from Ms. Gilmer,
23 you said you weren't supposed to be on the hotel property; is that right?

24 A. Correct.

25 Q. Why is that?

1 A. Because I used to live there.

2 Q. You used to live there?

3 A. Uh-huh (affirmative).

4 Q. Were you trespassed?

5 A. Yes, I was.

6 Q. Okay. You also testified on your direct examination that you all had
7 been drinking?

8 A. Yes.

9 Q. Is that all four of you?

10 A. Yes.

11 Q. Okay. And taking pills; is that right?

12 A. Correct.

13 Q. What kind of pills?

14 A. Xanax and Lortab.

15 Q. Do you have a prescription for any of those?

16 A. I do.

17 Q. Well, how many pills had you been taking?

18 A. Today?

19 Q. No, that night.

20 A. None — well, honestly, I don't remember a number because we didn't
21 ingest them, we snorted them. So....

22 Q. Okay. Well do you remember approximately how many?

23 A. No, I don't.

24 Q. Do you remember the strength of them?

25 A. The Xanaxes were totem poles.

1 Q. Totem poles?

2 A. Two (2) milligram Xanax.

3 Q. Okay.

4 A. And the Lortabs were 10 milligram.

5 (Brief Pause)

6 Q. And you had a prescription for both of those?

7 A. Uh-huh (affirmative), yes, ma'am.

8 Q. Okay. Well, why did you snort them?

9 A. They give you -- they keep you up instead of bringing you down.

10 When you ingest them, they're downers.

11 Q. Uh-huh (affirmative).

12 A. When you ingest them, they make you kind of sleepy. When you snort
13 them, they do the opposite effect.

14 Q. But you're prescribed these medicines?

15 A. Yes.

16 Q. And you're not using them the way they're prescribed?

17 A. Yes, now I do. I — I do the way I'm supposed to. I'm monitored now.

18 Q. Okay. So you weren't when you were getting them?

19 A. Right.

20 Q. You weren't monitored on this particular day?

21 A. No.

22 Q. But you had a prescription for them?

23 A. Uh-huh (affirmative).

24 (Brief Pause)

25 Q. And you further testified that you do have --- you did give a

1 statement to the police?

2 A. I did.

3 Q. And that was written?

4 A. Yes, ma'am.

5 Q. Do you remember when that was?

6 A. That — that night that it happened, August the 18th.

7 Q. Okay.

8 (Brief Pause)

9 Q. Do you remember the substance of that statement?

10 A. Yes, ma'am, I do.

11 Q. And you've reviewed that in preparation for your testimony today?

12 A. I mean, I've looked at it, yes.

13 Q. Okay. But, in that statement, you said things on the stand today that
14 are different; is that right?

15 A. As far as...?

16 Q. Well, in your direct testimony, you said that Timmy and Crystal were
17 tussling; is that right?

18 A. Yeah.

19 Q. But you didn't say that in your statement, did you?

20 A. I was in such a panic that night, you know, I didn't sit there

21 and go through every exact second. I wrote down what I —

22 to the best of my knowledge of what I could remember that — that had happened
23 that night.

24 Q. Which was the same night you wrote the statement, right?

25 A. Yes.

1 Q. But you remember better now two years later?

2 A. No, I don't.

3 Q. Oh, but you did say something different in your statement than you
4 did just now?

5 MS. GILMER: Your Honor, I'm going to object. Improper
6 impeachment. If she wants to show the witness her statement and ask her a
7 specific question.

8 THE COURT: I'll — If the witness needs the statement, she can
9 refer to it. I overrule your objection.

10 Q. (By Ms. Price) Ms. Jolley, would you — would you like to see your
11 statement?

12 A. I know what the statement says.

13 Q. Okay. All right. But it doesn't mention anything about tussling, does
14 it?

15 A. No, ma'am, I don't believe so.

16 Q. Okay. And also, on your direct examination, you testified — did you —
17 excuse me. Let me rephrase. You didn't actually see Mr. Laster put a knife to Ms.
18 Moore's throat, did you?

19 A. No, I did not.

20 Q. You didn't? Okay. But, in your statement, you said that you did; is that
21 right?

22 A. Because he was the only person with a knife in his hand.
23 And he was laying on top of my sister. That's common sense.

24 Q. Okay. In your statement, you said that you saw it; did you not?

25 A. Yes, I did.

1 Q. So now you're saying you didn't; is that right?

2 A. That was two years ago. My life changed forever. I'm not the one on
3 the stand; he is.

4 Q. Ma'am, I'm the one asking you questions. Now, also on your direct
5 testimony, you said that you found the knife; is that right?

6 A. Yes, ma'am, that's correct.

7 Q. And you found that knife in a suitcase?

8 A. Yes, ma'am, that's correct.

9 Q. And — but you didn't put that in your statement either, did you?

10 A. They didn't — they just asked me to tell them what I saw.

11 Q. Okay. And — and, again, you did not -- you didn't see a stabbing, did
12 you?

13 A. No.

14 Q. Okay. Now, we — we just heard the 911 call and you've had said that
15 on your direct testimony that, that was the call you made?

16 A. Yes, it is.

17 Q. And that was your voice on there with the operator?

18 A. Yes.

19 Q. And you testified that the two other voices were Ms. Moore, who is
20 your sister, and Mr. Laster; is that right?

21 A. Correct.

22 Q. Okay. We --- we heard you on the 911 tape saying something to the
23 fact of you were being blamed?

24 A. Yes, I was.

25 Q. Who was blaming you?

1 A. My sister.

2 Q. Your sister?

3 A. Yes.

4 Q. Did you call — when did you call 911?

5 A. After her — after I noticed — when he stood up, and she grabbed her
6 throat, there was blood.

7 Q. So immediately?

8 A. Yes.

9 Q. Okay. So, when were they blaming you?

10 A. Right --- right when they were tussling. You know, "Kisty, it's your
11 fault. And we're all drunk. He's hitting on you," you know. I mean —

12 Q. The tussling that's not in your statement?

13 A. Yes.

14 (Brief Pause)

15 MS. PRICE: Beg the Court's indulgence for just a moment,
16 please?

17 THE COURT: Yes, ma'am.

18 MS. PRICE: Thank you.

19 (Brief Pause)

20 (Off-the-Record Discussion)

21 MS. PRICE: Your Honor, that's all I have.

22 THE COURT: All right. Any redirect?

23 MS. GILMER: Yes, Your Honor. Thank you.

24 Redirect Examination by Ms. Gilmer:

25 Q. Ms. Jolley, you said that you didn't actually see the

1 Defendant put the knife to the victim's throat. Did you see him push
2 her on the bed?

3 A. Yes, ma'am, I did.

4 Q. And did you see him on top of her?

5 A. Yes, ma'am, I did.

6 Q. And did you see injury to her neck immediately after?

7 A. Yes, ma'am, I did.

8 Q. And, at that point in time, was the Defendant angry?

9 A. Yes, ma'am, he was.

10 Q. And Ms. Price is indicating this statement that you gave. She said that
11 you didn't put in here that there was any tussling. Are you accustomed to giving
12 written statements to the police?

13 A. No, ma'am.

14 Q. Okay. Have you been accustomed to seeing your sister stabbed by
15 her boyfriend/husband?

16 A. No, ma'am.

17 Q. When you were asked to give a statement by the police, what did they
18 tell you?

19 A. Just put down exactly, to the best of my knowledge, of what I can
20 remember of the crime night.

21 Q. Okay. And did you do that?

22 A. Yes, ma'am, I did.

23 Q. Has there been anything that you said today that
24 has not been truthful?

25 A. No, ma'am.

1 (Brief Pause)

2 Q. Did your sister fall on this knife? Did you see her fall on the knife?

3 A. No, ma'am.

4 Q. Was your sister and the Defendant play wrestling around?

5 A. No, ma'am.

6 (Brief Pause)

7 Q. Ms. Jolley, you mentioned that you had snorted some pills and they
8 keep you up. Do they make you more alert?

9 A. Yes, ma'am, they do.

10 Q. Do they make you more alert to what's going on around you?

11 A. Yes, ma'am, they do.

12 Q. Okay. And was that the first time you had done pills -- used those pills
13 before?

14 A. The only time that I had done medication this way was when I was with
15 my sister.

16 Q. But you had used those pills before?

17 A. Yes, ma'am.

18 Q. So it wasn't a brand-new experience for you?

19 A. No, no, ma'am

20 Q. Did you feel that at 5 o'clock that morning, when this happened, that
21 you were under the influence of either of — of those drugs?

22 A. I might of been, but I was alert enough to where I knew what was
23 going on.

24 Q. Did they affect your judgment in any way?

25 A. No, ma'am.

1 Q. Ms. Jolley, based upon what you saw that day, what was told to you,
2 and what you actually witnessed, was this an accident?

3 A. No, ma'am.

4 Q. Did the Defendant intend to stab your sister?

5 A. In my heart, I believe so, yes.

6 MS. GILMER: No further questions, Your Honor.

7 THE COURT: All right. Thank you, ma'am. You may step down.

8 (The witness complied with the request.)

9 MS. GILMER: Your Honor, the State calls Investigator Loren
10 Williams.

11 (The witness stepped forward to be sworn.)

12 (Whereupon,

13 Investigator Loren Williams

14 having been first duly sworn, testified as follows:)

15 Direct Examination by Ms. Gilmer:

16 Q. Would you, please, state your name for the record?

17 A. My name is Loren Williams.

18 Q. And how are you employed?

19 Q. I work with the Spartanburg County Sheriff's Office. I'm assigned to
20 violent crimes and homicide division at the sheriff's office.

21 Q. And how long have you been with the sheriff's office?

22 A. I've been with the sheriff's office since 2005.

23 Q. Did you have any prior law enforcement experience?

24 A. Yes, ma'am. I've been in law enforcement since '93.

25 Q. Okay. And where did you work prior to the Spartanburg County

1 Sheriff's Office?

2 A. I have worked for the municipality of Landrum, worked metro narcotics
3 out of Cherokee County, and, then, went back to Landrum.

4 Q. And are you currently an investigator?

5 A. I am.

6 Q. Okay. And what type of investigations do you do?

7 A. We're — we're violent crime. We do homicide investigation and any
8 type of — any type of violent offenses to a person, to an individual.

9 Q. And were you employed with the sheriff's office back on August 18th of
10 2012?

11 A. Yes, ma'am, I was.

12 Q. And, before we get into that, let me ask you a little bit about your
13 training and experience to one, be a police officer and two, to be an investigator.

14 A. The basic stuff is a lot like what you heard earlier; the Criminal Justice
15 Academy in the State of South Carolina. Once you get through the basic, you go to
16 yearly continuing education. You do specialized training, different types of fields of
17 — of law enforcement.

18 Once you become an investigator, going through investigations, then,
19 depending on what area of investigation you go into, you start getting a lot of
20 specialized training in those areas.

21 Then, there are numerous advanced homicide, crime scene
22 reconstruction, things of that nature — interview/interrogation schools. I — I couldn't
23 give you an exact hour number of hours of training that we've had, but it's — it's
24 extensive, numerous.

25 Q. And were you working as an investigator with the sheriff's office on

1 August the 18th, 2012?

2 A. I was.

3 Q. And was that with the violent crimes unit?

4 A. It was.

5 Q. And how does it typically work? Are investigators the first to go to a
6 scene?

7 A. No, ma'am. Typically what happens is, depending on the time of day,
8 if it's during business hours, 8:00 to 5:00, Monday through Friday, we're — we're in
9 the office. We're riding around following up on other cases, whatever.

10 We may hear a call come out on the radio. A call such as this, if we
11 had heard it, and we were anywhere near it, we would have responded to it.

12 This particular instance, the time that it happened, we weren't working,
13 but we work and on call. We work Monday at 8 o'clock in the morning until the
14 following morning at 8 o'clock in the morning.

15 During that period of time, anything that comes in that requires --
16 anything more than what a patrol deputy is trained to do or has the time to do, they'll
17 notify us, call us at home. And, then, we'll speak with the deputy. We'll — we'll find
18 out exactly what they have.

19 If it is something that we can walk them through, then — then, we'll do that.
20 If not, something such as this, it's not even a question. We're going to get up, get a
21 shower, get dressed. And, then, we're going to go to them. And that's — that's
22 what happened in this case.

23 Q. Okay. And did you speak to Kisty Jolley in this case?

24 A. Yes, ma'am, I did.

25 Q. Okay. And what did she tell you?

1 A. If I could refer back to my notes.

2 Q. If that would refresh your recollection.

3 (Brief pause while the witness reviews documents.)

4 MS. PRICE: Your Honor, may we approach?

5 THE COURT: Yes, ma'am.

6 (Whereupon, a bench conference was had with both attorneys
7 present.)

8 THE COURT: Objection sustained.

9 Q. (By Ms. Gilmer) Did you take a statement from Kisty Jolley?

10 A. I did.

11 Q. Okay. And did you attempt to interview Anthony Robbins?

12 A. I did.

13 Q. And who is he?

14 A. He was — I can't remember if he was just a friend that was in the
15 room, but —

16 Q. Did he refuse to assist in the investigation?

17 A. I don't think he was capable of assisting in the investigation.

18 Q. Okay.

19 (Brief Pause)

20 Q. Did you obtain a search warrant in this case?

21 A. I did not. But I requested and provided information to another one of
22 the guys that's in my group, one of my — my team to go — I gave him the
23 information to obtain a search warrant. I sure did.

24 Q. And what was the reason for the search warrant?

25 A. Well, any time you got a situation like this where there's conflicting

1 stories, one thing and another, people out there have expectations — expectations
2 of privacy, even in the motel room, when one or the other or both live there. And it
3 being a domestic type situation, they both had expectations of privacy. So a warrant
4 was — was obtained so that we could legally go in and process the scene.

5 Q. And the actual scene, did an officer go out and collect evidence and
6 process the scene?

7 A. They did. We have — we have a crime scene unit, kind of like you
8 see on TV, CSI. We're not quite as fast as they are on TV, but they — they do
9 come out.

10 Q. And were you made privy to that information?

11 A. I was.

12 Q. And are you aware if the victim, Ms. Crystal Moore, was transported to
13 the hospital?

14 A. She had already been transported by the time I was notified and
15 arrived.

16 Q. Okay. And what did you know about her injuries?

17 A. I knew they were substantial. Typically, when — and — and I say
18 typically; I've seen some pretty severe injuries, and when you go to the hospital,
19 they're — they're going to take you into a trauma bay. They do a lot of things in a
20 trauma bay.

21 If — if it's something that those — that those doctors and surgeons
22 that come in and look, if it's bad enough, if they don't keep you in the trauma bay,
23 they get you straight to the ER — or to the OR, it's a pretty significant.

24 And, in that short amount of time, she'd already been taken into
25 surgery.

1 **Q.** And did you swear out an arrest warrant for the defendant in this
2 case?

3 **A.** We took whatever information that we had, the statements that we
4 had, the conflicting statements that we had, the evidence that we saw at the scene
5 that did not support some of the statements that we had. And we presented that to
6 a magistrate.

7 And, once that was done, the case was outlined and everything was
8 gone over with him, the warrant was — was issued for attempted murder.

9 **MS. GILMER:** I have no further questions at this time. Please
10 answer any that Ms. Price has.

11 **THE COURT:** You may cross examine the witness.

12 **MS. PRICE:** Your Honor, I don't have any for Investigator
13 Williams either.

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

15 **(Witness complied with the Court's request.)**

16 **MS. GILMER:** And, Your Honor, if Ms. Price and I may
17 approach?

18 **THE COURT:** Yes, ma'am.

19 **(Whereupon, a bench conference was had with both attorneys**
20 **present.)**

21 **THE COURT:** Ladies and gentlemen, sometimes in scheduling
22 witnesses, there's conflicts with having to be other places. So we're going to
23 need to break for the day to have the other witnesses here tomorrow rather
24 than waiting today and keeping you here.

25 We've been short. It's already Wednesday. So we're going to

1 break a little early and be ready to start back tomorrow with the next witness.

2 Sometimes, when you're in your jury room, some of you may be
3 coming in at different times tomorrow and you may need a cup of coffee or
4 sometimes it's necessary and important to have an liaison with the Court, with
5 the clerk's office to have someone to share that information.

6 I'm going to appoint Ms. Thomas as the foreperson of the jury. But
7 that doesn't mean she has more clout than anyone else. But she needs to
8 be the one who will — if there's a need to any of you have, perhaps you
9 wake up in the morning and you have a sick child that you need to check on
10 during the day, she could be the one who will write out whatever need that is
11 and give it to the bailiffs and they can get the information to the clerk's office
12 if it's an issue for the clerk and to me if it's a legal matter you need to ask
13 about or either in your deliberations .

14 I'm going to appoint her as the foreperson. She'll occupy the seat here
15 on the front row closest to the witness stand here.

16 The alternates have their designated seats as you come and
17 go tomorrow. Some of you may want to sit on the back seat, some of you
18 want to sit on the front. You may occupy any of the seats you would like.

19 What the foreperson does, in addition to be in that liaison, is when all
20 the evidence is in and I have given you instructions on the law, the
21 foreperson will be the one who will facilitate that discussion and make sure
22 everyone has his and her input into the view of the facts of the case on
23 behalf of the jury and fill out the verdict form that's been provided at the
24 appropriate time.

25 She'll be the foreperson and the alternates will have their seats.

1 And everybody else can pick a seat that you like tomorrow.

2 Tonight you're going to have family and friends. You may be out with
3 other friends at meetings or whatever they may be and will want to know
4 what you're doing this week.

5 Certainly your family would know that you have jury service. You can
6 certainly share with your family that you've been picked on a case and it's an
7 attempted murder case. But you don't need to be talking about anything
8 about what you've heard today with anybody else.

9 By the way, they're going to want to give you some of their views
10 about this. And they're going to want to provide you information or ask you
11 questions. You just let them know that you can't talk about the case while
12 this case is in progress.

13 Remember I told you we have a process that has evolved now and we
14 want to maintain the purity of that process. You owe that to the parties here
15 and that's the requirement that you have as jurors.

16 But, when this case is concluded, you're going to have ample
17 time to discuss the experience with your family and your friends and your
18 loved ones. But, while the case is in progress, is not the time to do that. You
19 just refrain.

20 I don't know if there will be any news media or something in the
21 newspaper tomorrow or on TV tonight. If that were to be the case, please,
22 refrain from watching anything or reading anything about it.

23 You're going to make a decision on what the attorneys have presented
24 for you in this courtroom and that alone and not from any other source.

25 We're in a highly information age. We have a lot of abilities

1 to -- to learn information. And our Chief Justice of the South Carolina
2 Supreme Court has issued an order geared to jurors such as you who have
3 been selected in a trial. And she has instructed that trial judges such as I to
4 share that with the jurors.

5 That order simply says that, among other things, that when you're
6 serving as a juror, you're not to do any kind of independent research, to run a
7 check on some of the things that you've heard so far or ride by the scene or
8 do any kind of independent research, get on the Internet and check out words
9 or go to the library and try to find the archives. That would be improper.

10 I'm confident that everything you're going to need to make
11 a good, sound decision will be presented in this courtroom and not
12 from any other source.

13 We also -- often jurors and others have a high interest in social media
14 and you want to share your life story on a daily, hourly, minute-to-minute
15 basis with others. That would be improper while you're serving as a juror to
16 be discussing anything about the case, what you've heard
17 or what you've experienced so far.

18 When the case is concluded, you can certainly have that freedom to
19 do that, but your commitment now, through the Chief Justice's order, your
20 high commitment now is to refrain from any social media and any
21 discussion.

22 If you were out at supper tonight and if you were to hear someone at
23 an adjoining table talking about this case, maybe someone in law
24 enforcement is out there with their family, you take the initiative and you let
25 them know that you're on the jury.

1 If necessary, just move to another table. Ask your waiter or waitress to
2 — to move you. You take the initiative to make sure the process stays pure.

3 I can't imagine that someone tonight would contact you or give you a
4 call or see you somewhere and want to ask you questions or give you
5 information. But, if that were to happen, please, explain to the person you
6 are a juror and you can't be discussing the case.

7 If anyone were to persist and want to share information with you, just
8 please, excuse yourself as quickly as possible. If you can, get the name of
9 that individual and report it back here. And I assure you I'll take care of that.

10 I don't expect anything like that to happen, but I want to impress upon
11 you the importance of your — your duty as a juror.

12 We will be ready to start back at 9:30 in the morning. The witnesses
13 will be here ready to begin with the direct examination. Have a good evening,
14 ladies and gentlemen. If you'll go with the bailiff now and the rest of us will
15 remain seated while the jury exits the courtroom.

16 **(Whereupon, the jury was excused for the evening**
17 **and exited the courtroom at 4:52 p.m.)**

18 **THE COURT:** All right. We'll be at ease till 9:30 in the morning.

19 **MS. GILMER:** Thank you, Your Honor.

20 **(Whereupon, court adjourned for the evening at 4:53 p.m.)**

21 **(Court reconvened on Thursday, September 4, 2014 at 9:39 AM)**

22 **(Off-the-Record Comments)**

23 **THE COURT:** Are we ready to proceed?

24 **MS. GILMER:** Yes, Your Honor.

25 **MS. PRICE:** Yes, Your Honor.

1 **THE COURT:** All right. If our jury is ready, have them
2 come in.

3 **(Whereupon, the jury was summoned and entered the**
4 **courtroom at 9:41 a.m.)**

5 **THE COURT:** Ladies and gentlemen, we're now ready to
6 proceed with the trial of the case. Solicitor, you may call your next
7 witness.

8 **MS. GILMER:** Thank you, Your Honor. May it please the
9 Court? The State calls Deputy Anthony Knighton.

10 **(The witness stepped forward to be sworn.)**

11 **(Whereupon,**

12 **Deputy Anthony Knighton**

13 first being duly sworn, testified as follows:)

14 **Direct Examination by Ms. Gilmer:**

9:42 A.m.

15 **Q.** Would you, please, state your name for the record?

16 **A.** Anthony Knighton.

17 **Q.** And how are you employed?

18 **A.** As a crime scene investigator with the Spartanburg County
19 Sheriff's Office.

20 **Q.** And how long have you been with the Spartanburg County
21 Sheriff's Office?

22 **A.** In total, almost seven (7) years.

23 **Q.** And what do your duties consist of with the sheriff's office?

24 **A.** Processing crime scenes to include collecting evidence and
25 taking photographs.

1 Q. Okay. Were you involved with a case that occurred at 810

2 Hospitality Way back in August of 2012?

3 A. Yes, ma'am.

4 Q. And was that the case involving a victim Crystal Moore?

5 A. Yes, ma'am.

6 Q. And, in that case, did you take any photographs of the crime
7 scene?

8 A. Yes, ma'am..

9 Q. And did you observe any weapons at the crime scene?

10 A. Yes.

11 Q. And what did you observe?

12 A. A silver in color folding knife on — on the right-hand bed.

13 Q. And where on the bed? Do you recall where that knife was on
14 the bed?

15 A. It was on the foot of the bed.

16 Q. And did you photograph the knife?

17 A. Yes, ma'am.

18 (Brief Pause)

19 MS. GILMER: And, Your Honor, if I may approach the
20 witness?

21 THE COURT: You may.

22 Q. (By Ms. Gilmer) Deputy Knighton, I'm showing you what's been
23 marked as State's Exhibit 4 and Exhibit Number 12. Do you recognize those?

24 A. Yes, ma'am.

25 Q. And how do you recognize those?

1 A. It's the knife that was on the bed that I saw and I observed.

2 Q. And is that where you found the knife when you first entered the
3 hotel room on that date?

4 A. Yes, ma'am.

5 Q. And did you observe anything specifically about the knife?

6 A. It had a reddish-brown substance on the blade.

7 Q. Okay.

8 A. Tested to be blood.

9 Q. Okay.

10 MS. GILMER: Your Honor, I believe Number 4 and
11 Number 12 have already been entered into evidence. At this time,
12 Your Honor, I'd move into evidence what has been previously marked
13 as Number 4 and Number 12.

14 THE COURT: Any objection?

15 MS. PRICE: May I see it, please?

16 (Brief pause while exhibits shown to Ms. Price.)

17 MS. PRICE: No objection, Your Honor.

18 THE COURT: Without objection, State's 4 and 12 are
19 admitted into evidence and maybe published to the jury.

20 MS. GILMER: Thank you, Your Honor.

21 (Whereupon, State's Exhibit Number 4 and 12 were

22 admitted into evidence without objection.)

23 (Whereupon, State's Exhibits 4 and 12 were published to
24 the jury.)

25 Q. (By Ms. Gilmer) Deputy Knighton, did you ever come

1 into contact with the victim Crystal Moore?

2 A. Yes, ma'am.

3 Q. And where did you have contact with her?

4 A. I went to Spartanburg Regional Hospital emergency room.

5 Q. And did you take any photographs of any injuries?

6 A. Yes, I did.

7 Q. And did you observe any injuries to her?

8 A. Yes, I did.

9 Q. And what were those injuries?

10 A. A laceration to the front left area of her neck.

11 Q. Okay.

12 (Brief Pause)

13 MS. PRICE: Your Honor, may we approach?

14 THE COURT: You may.

15 (Whereupon, a bench conference was had with both
16 attorneys present.)

17 THE COURT: Over objection, the exhibits are admitted
18 into evidence. And what numbers are they?

19 MS. GILMER: Numbers 16, 14, 15 and 13, Your Honor.

20 (Whereupon, State's Exhibit Numbers 13, 14, 15, and 16
21 were admitted into evidence over objection.)

22 Q. (By Ms. Gilmer) Deputy Knighton, I'm going to show you these
23 photographs. Are these the photographs that you made — that you made of the
24 victim on that date?

25 A. Yes, ma'am.

1 Q. And what specifically did you photograph?

2 A. I photographed the upper portion of the short — shirt, the
3 wound to her neck.

4 Q. And, these two photographs, is this a shirt she has on?

5 A. Yes.

6 Q. And is that a red shirt?

7 A. It's a white shirt.

8 Q. Okay. And do these accurately reflect the injuries that you saw
9 and documented that night?

10 A. Yes, ma'am.

11 MS. GILMER: And, Your Honor, if I may publish them to the jury?

12 THE COURT: You may certainly.

13 MS. GILMER: Thank you, Your Honor.

14 (Whereupon, State's Exhibit 13, 14, 15, and 16 were published to
15 the jury.)

16 Q. (By Ms. Gilmer) Okay. Deputy Knighton, was that the extent of your
17 work in this case?

18 A. Yes, ma'am.

19 MS. GILMER: Thank you. Please answer any
20 questions Ms. Price might have.

21 Cross Examination by Ms. Price:

22 Q. Good morning.

23 A. Good morning.

24 Q. Detective Knighton —

25 MS. PRICE: I need to get those from the jury,

1 Your Honor. May I approach the box?

2 THE COURT: Yes, ma'am.

3 MS. PRICE: Thank you.

4 (Ms. Price retrieved exhibits from the jury.)

5 Q. (By Ms. Price) Just a moment and I'll — I'll give them back to you all
6 when I'm finished. But, Deputy Knighton, you took these photographs as you
7 testified on direct?

8 A. Yes, ma'am.

9 MS. PRICE: May I approach the witness, Your Honor?

10 THE COURT: You may.

11 Q. (By Ms. Price) I'm showing you what's previously been marked as
12 State's Exhibit 14.

13 A. Yes, ma'am.

14 Q. Okay. Can you — can you turn around to the jury and kind of point
15 like this (indicating) and show the area that is actually cut?

16 A. This area of her neck (indicating).

17 Q. And the other staining on her neck is -- is that blood or is that a — a
18 wound?

19 A. A wound?

20 Q. Yes, sir.

21 A. It would be blood.

22 Q. Okay. Thank you.

23 (Brief Pause)

24 Q. (By Ms. Price) What I'm going to show here also has
25 previously been marked as State's Exhibit 16, that Ms. Gilmer showed

1 you previously. Is that a close — a little closer picture of — of what we just saw; is
2 that correct?

3 A. Yes, ma'am.

4 Q. Could you, please, point out to the jury where the wound is on her
5 neck?

6 A. (Witness complied with the request.)

7 Q. And the other blood on her neck, is that from a wound or is that ---- is
8 that a cut?

9 A. No, ma'am.

10 Q. Okay. Thank you.

11 MS. PRICE: That's all I have for Deputy Knighton.

12 (Off-the-Record Comments)

13 MS. PRICE: Thank you.

14 THE COURT: Any redirect?

15 MS. GILMER: No, Your Honor.

16 THE COURT: Thank you, Officer. You may step down

17 THE WITNESS: Thank you, sir.

18 (Witness complied with the Court's request.)

19 MS. GILMER: Your Honor, the State calls Deputy Robert
20 Shaffer.

21 (The witness stepped forward to be sworn.)

22 (Whereupon,

23 Deputy Robert Shaffer

24 first being duly sworn, testified as follows:)

25 Direct Examination by Ms. Gilmer:

10:06 A.m.

1 Q. Would you, please, state your name for the record?

2 A. My name is Robert Shafer. I'm an investigator with the Spartanburg
3 County Sheriff's office.

4 Q. And how long have you been with the sheriff's office?

5 A. This May it will be 15 years.

6 Q. And what are your duties with the sheriff's office?

7 A. I work for the crime scene lab.

8 Q. And what does that mean?

9 A. I process crime scenes.

10 Q. Okay. And what type of training did you get to become a police
11 officer?

12 A. I went to Spartanburg County -- correction -- to the South Carolina
13 Criminal Justice Academy.

14 Q. And what type of training do you have to process crime scenes?

15 A. It was last year I completed a crime scene class at Columbia, down
16 there at the Academy.

17 Q. And, with that line of work as a police officer, do you consistently take
18 courses and keep up your training and education in the area?

19 A. Yes, I do.

20 Q. And, Deputy Shaffer, did you work a crime scene located at 810
21 Hospitality Way in Spartanburg on ----

22 A. Yes.

23 Q. ---- in August of 2012?

24 A. Yes, I did.

25 Q. And is that location in Spartanburg County?

1 A. Yes, it is.

2 Q. Okay. And, Deputy Shaffer, how did you get involved in that particular
3 case?

4 A. I was notified by Deputy Anthony that there was a crime scene. And I
5 contacted him and he said he needed some processing and I went to assist him at
6 the scene.

7 Q. Are you typically called by one of the first responding officers
8 to come out and process a scene?

9 A. Yes, I was. It was a — a change of shift.

10 Q. What did you observe when you first went into the room?

11 A. Like I said, I observed it was secured by the road officer with crime
12 scene tape. Once they — once a search warrant was received, I reviewed it and
13 then executed it. I went in there and I observed — there was a sheet, kind of
14 blanket, going off the edge of the bed with — there was a large amount of blood on
15 the sheet.

16 The bedspread and another sheet was heavily soaked with blood.
17 And on there was another like blanket, a sports blanket, that was soaked in blood.
18 And, on the foot of the bed, there was a partially opened silver in color pocketknife.

19 Q. Okay. Was — was there anything that stood out about the knife?

20 A. Yeah, there was blood on there. Well, I tested it and it was positive for
21 blood. And I think also like a dark blackish colored hair was on the knife.

22 Q. What about the sheets and blankets, did you do a field test of those as
23 well?

24 A. Yeah, I did a field test on this. I can give you an item number. Three
25 being a sheet on the mattress and it was positive for blood.

1 Q. And did you take any photographs of the room?

2 A. Yes, I did.

3 (Brief Pause)

4 MS. GILMER: And, Your Honor, if I may approach the witness?

5 THE COURT: You may.

6 MS. GILMER: And before I do that, Your Honor, if

7 Ms. Price and I may approach?

8 THE COURT: Yes, ma'am.

9 (Whereupon, a bench conference was had with all attorneys
10 present.)

11 Q. (By Ms. Gilmer) All right, Deputy Shaffer, I'm going to show you a
12 couple of items. And I want you to identify what those items are, how you know
13 what they are, and if you documented when you put these into evidence.

14 And first I'm going to show you what's marked as State's Exhibit
15 Number 17. And I'm not going to have you open it yet. And, if you could, just tell
16 me if you recognize that?

17 A. Yes, I recognize it.

18 Q. And how do you recognize this?

19 A. It's my writing.

20 Q. And what is that? What is it that we're looking at?

21 A. It's item number five. It's a brown flower print pillowcase.

22 Q. Did you take that item into evidence when you processed this scene at
23 Hospitality Way?

24 A. Yes, I did.

25 Q. And what is your process when you collect an item?

1 How — what do you, then, do with it?

2 A. I give it — well, we do put it in a package. We seal it. We initial it.
3 Then, we mark it and secure it and put it into evidence.

4 Q. Does it appear that item has been tampered with in any way?

5 A. No, it hasn't.

6 (Brief Pause)

7 Q. Okay. I'm going to ask you the same questions with what's been
8 marked as State's Exhibit Number 19. Do you recognize that?

9 A. Yes, I do.

10 Q. And how do you recognize that?

11 A. It's my — it's my writing.

12 Q. Okay. And what is that, that we're looking at?

13 A. It's — item number three is a white sheet.

14 Q. Was that collected from the crime scene at Hospitality Way?

15 A. Yes, it is.

16 Q. And how do you know that?

17 A. It's labeled here.

18 Q. All right. And does that appear to have been tampered with in any
19 way?

20 A. No, it hasn't been.

21 Q. And how are these items stored?

22 A. As I said, we immediately put it --- we package it. Some items, when
23 they are wet, we have to put them in a drying room. And once it's dry, we put it in a
24 bag and seal it and put the date and secure it into evidence.

25 Q. And these items are kept in a secured evidence room?

1 A. Yes, they are.

2 (Brief Pause)

3 Q. All right, Deputy, I'm showing you what's been previously marked as
4 State's Exhibit 20. Do you recognize this?

5 A. Yes, I do.

6 Q. And how do you recognize it?

7 A. It's my writing.

8 Q. What is this?

9 A. It's item number two and three. It's the white sheet and this is a — the
10 spread on top of the bed.

11 Q. Okay. And was this collected at Hospitality Drive -- or Hospitality Way
12 on August 18th?

13 A. Yes, it was.

14 Q. Okay. And does this appear to have been tampered with in any way?

15 A. No, it has not.

16 Q. Okay.

17 (Brief Pause)

18 Q. And finally, Deputy, I'm showing you what's been marked as State's
19 Exhibit Number 18. Do you recognize that?

20 A. Yes, I do.

21 Q. And how do you recognize it?

22 A. Is my writing.

23 Q. Okay. And what is that, that's in that box?

24 A. It's a Buck (phonetic) folding knife.

25 Q. Okay. And where was that knife located?

1 A. It was located on top of the bed, by the foot of the bed.

2 Q. Okay. On the night of the incident?

3 A. Yes.

4 Q. Okay. And does that appear to have been tampered with in any way?

5 A. No.

6 Q. And, all four of these items, were these placed into a secured evidence
7 room at the sheriff's office?

8 A. Yes.

9 MS. GILMER: Okay. Your Honor, at this time, and I still need to
10 show these to Ms. Price, but I'm moving to enter into evidence what has been
11 previously marked as State's Exhibit number 17, 19, 20, and 18. And if I may
12 just have a moment to —

13 THE COURT: Please show those to opposing counsel.

14 MS. GILMER: Thank you, Your Honor.

15 (Brief pause while exhibits shown to Ms. Price.)

16 THE COURT: Any objection to the exhibits?

17 MS. PRICE: Just a moment.

18 (Brief Pause)

19 (Off-the-Record Comments)

20 MS. PRICE: None from the Defense, Your Honor.

21 THE COURT: Without objection, State's Exhibits 18, 19 and 20
22 are admitted into evidence.

23 MS. GILMER: Thank you, Your Honor. And 17 as well, Your
24 Honor.

25 THE COURT: And 17.

1 **MS. GILMER:** Thank you, Your Honor.

2 **THE COURT:** 17, 18, 19, and 20.

3 **(Whereupon, State's Exhibit Numbers 17, 18, 19, and 20 were**
4 **admitted into evidence without objection.)**

5 **MS. GILMER:** Thank you, Your Honor. And, Your Honor, I'm
6 only asking to publish one at this time due to the contents.

7 **THE COURT:** All right.

8 **MS. GILMER:** Thank you, Your Honor.

9 **THE COURT:** Sure. Show — show it to the jury.

10 **Q.** (By Ms. Gilmer) Deputy, I'm showing you Exhibit Number 18. You're
11 already told us that's the knife. If you don't mind showing that to the jury, please.

12 **A.** (Witness complied with the request.)

13 **(Brief pause while exhibits shown to Ms. Price.)**

14 **MS. PRICE:** Without objection, Your Honor.

15 **MS. GILMER:** Well, I have two — I have two more photos to
16 show him, Your Honor ----

17 **THE COURT:** Okay.

18 **MS. GILMER:** ---- if I may approach.

19 **Q.** (By Ms. Gilmer) And, Deputy, I'm showing you what's been marked as
20 State's 6 and 7. Do you recognize that?

21 **A.** Yes, I do — yes, I do.

22 **Q.** And are those photographs of the same knife that's here in the box?

23 **A.** Yes, they are.

24 **Q.** Okay. And what — what stands out in those photographs?

25 **A.** They show the — the blood on the knife and the hair fibers

1 and also the Buck written on the knife.

2 Q. Okay. And were those photographs taken on the night or the date of
3 the incident?

4 A. Yes, they were.

5 Q. Okay. And are those fair and accurate representations of the knife as
6 you found it on the bed?

7 A. Can I see the crime scene report.

8 Q. Uh-huh (affirmative).

9 (Brief pause while Ms. Gilmer retrieves document.)

10 Q. Okay. If you look at part — at a property report that you filled out,
11 would that refresh your recollection?

12 A. Yes.

13 (Brief pause while the witness reviews document.)

14 A. Yes.

15 Q. All right. So, Deputy, this is essentially the same photograph of that
16 same knife?

17 A. Yes.

18 Q. Okay. And, if you will, hold the knife up for the jury to see?

19 A. (Witness complied with the request.)

20 Q. Thank you.

21 MS. GILMER: And, Your Honor, If I may also admit Number 6
22 and Number 7 and publish to the jury?

23 THE COURT: Without objection, Exhibits 6 and 7 are admitted
24 into evidence.

25 MS. GILMER: Thank you, Your Honor.

1 THE COURT: And you may publish.

2 (Whereupon, State's Exhibit 6 and 7 were admitted into evidence
3 without objection.)

4 (Whereupon, Exhibit 6 and 7 were published to the jury.)

5 (Brief Pause)

6 MS. GILMER: I have no further questions at this
7 time, Your Honor.

8 THE COURT: You may cross-examine the witness, Ms. Price.

9 MS. PRICE: Thank you, Your Honor.

10 Cross Examination by Ms. Price:

11 Q. Good morning, Deputy. I just have a few questions for you. You went
12 out and processed this crime scene in August of 2012; is that right?

13 A. Yes, I did.

14 Q. Okay. And you testified that the knife that was already — that's been
15 shown to you and previously been marked and entered into evidence you found in
16 the room; is that correct?

17 A. Yes, I did, on the bed.

18 Q. On the bed? Was it in plain view?

19 A. Yes, it was.

20 Q. It wasn't concealed by anything?

21 A. No, it was not.

22 Q. Okay.

23 MS. PRICE: That's all I have, Your Honor.

24 THE COURT: Any redirect?

25 MS. GILMER: No, Your Honor.

1 THE COURT: All right. Thank you, officer. You may step down.

2 (Witness complied with the Court's request.)

3 MS. GILMER: Your Honor, the State calls Dr. Robert Hird.

4 (The witness stepped forward to be sworn.)

5 THE COURT: Doctor, if you would, be sworn in, please, sir.

6 (Whereupon,

7 Dr. Robert Hird

8 having been first duly sworn, testified as follows:)

9 Direct Examination by Ms. Gilmer:

10:06 A.m.

10 Q. Would you, please, state your name for the record.

11 A. Robert Hird.

12 Q. And what is your occupation?

13 A. I'm a surgeon.

14 Q. Okay. And what type of surgeon are you?

15 A. I'm a general surgeon. I'm part of the trauma team at Spartanburg

16 Regional.

17 Q. And how long have you been with Spartanburg Regional?

18 A. Nine (9) years.

19 Q. And how many years have you been licensed as a doctor?

20 A. Sixteen (16) or 17.

21 Q. Okay. And where did you receive your undergraduate education?

22 A. At the University of California, Santa Barbara.

23 Q. Okay. And what year did you graduate?

24 (Brief Pause)

25 A. Eighty-six ('86).

1 Q. And — and what type of degree did you earn there? Did you get a
2 bachelors?

3 A. A bachelor's.

4 Q. And what was your major?

5 A. Microbiology.

6 Q. And did you graduate or receive a degree from there?

7 A. Yes.

8 Q. And where did you do your medical training?

9 A. Wayne State University in Detroit.

10 Q. Okay. And when was that?

11 A. Eighty-seven ('87) to '91.

12 Q. And where did you do your residency training?

13 A. The Medical University of South Carolina.

14 Q. Okay. And what was your specialty?

15 A. General surgery.

16 Q. All right. And how long did your training and residency take?

17 A. Six (6) years.

18 Q. And are you board certified?

19 A. Yes.

20 Q. In what specialty?

21 A. General surgery.

22 Q. Okay. And, if you will, just tell the jury a little bit about what it
23 takes to become board certified.

24 A. You have to finish residency and pass two tests

25 Q. And how long have you been board certified?

1 A. Since 1999.

2 Q. And you said that you work at Spartanburg Regional Medical Center
3 here in Spartanburg. Do you have any other practices?

4 A. No.

5 Q. Okay. And, in your experience as a surgeon, what type of surgeries
6 do you do; do you handle?

7 A. I do cancer operations. I do abdominal operations. And -- and I
8 rotate through the trauma call station.

9 Q. So you do a -- a gamut of -- of different surgeries?

10 A. Yes.

11 Q. And, in your area, how many patients would you say that you have
12 seen over the years; hundreds, thousands?

13 A. Maybe thousands.

14 Q. And have you ever testified in court before?

15 A. Yes.

16 Q. Okay. Have you ever been qualified as -- as an expert in the area of
17 surgery?

18 A. I don't know the answer to that question.

19 Q. How have you testified in court before? And has it been to your
20 medical practice? Have you testified in court about that as a surgeon?

21 A. It was a similar situation to this right here.

22 Q. Okay. And were you qualified as an expert?

23 A. Yes.

24 Q. Okay. And was that here in South Carolina or was that --

25 A. Yes.

1 Q. — in a different state?

2 (Brief Pause)

3 MS. GILMER: And, Your Honor, at this time, I would just move
4 to have qualified as an expert Dr. Hird in the area of just general surgery,
5 Your Honor.

6 THE COURT: Is there any objection or any voir dire by the
7 Defense?

8 MS. PRICE: May we approach, please?

9 THE COURT: Yes, ma'am.

10 (Whereupon, a bench conference was had with both attorneys
11 present.)

12 THE COURT: All right. I find he is qualified as an expert and can
13 give an opinion as to his expertise as a general surgeon.

14 Q. (By Ms. Gilmer) All right. Dr. Hird, did you have an
15 opportunity to treat an individual named Crystal Moore?

16 A. Yes.

17 Q. And was that back in August of 2012?

18 A. Yes.

19 Q. Okay. And how did you become involved in her treatment?

20 A. I was on trauma call.

21 Q. And what does that mean? Does that mean you're --- you get calls as
22 far as emergency calls that come in?

23 A. Right. I was on call taking care of emergencies that day and evening.

24 Q. Okay. And, when you made contact with Ms. Moore,
25 what was the nature of her injuries?

1 A. I would have seen her initially in the operating room. And she had a
2 wound to her left neck and it was bleeding.

3 Q. And do you recall where the wound was located?

4 A. Just in her left neck.

5 Q. Okay. The — what did you do as far as your part in the surgery?

6 A. We put her to sleep and we explored her wound in her left neck. And
7 she had injury to her jugular vein and a couple of other smaller branches. And we
8 repaired her jugular vein and over sewed some of her other branches.

9 Q. Okay. What's the jugular vein? What — what —

10 A. It's the main —

11 Q. — does that have to do for the body?

12 A. It's the main vein that drains blood from the head and neck region.

13 Q. Okay. And you said other branches in her neck. What does that
14 mean?

15 A. There's other venous branches that drain the face and head. And a
16 couple of those had also been injured.

17 Q. Okay. Those are veins that are attached to the jugular vein that just
18 move blood elsewhere; is that correct?

19 A. Sure.

20 Q. A more — a simplified way of putting that. What — what was the
21 nature of your treatment? What was the extent of the surgery? What exactly do
22 you have to do to repair the jugular vein?

23 A. We suture and repair the laceration and stop the bleeding there and
24 other places.

25 Q. Okay. And you said this was something that she had to

1 be anes — anesthetized for; put — put to sleep for?

2 A. Right.

3 Q. And were there any complications with the surgery?

4 A. I wouldn't use the term complication. But, as we awoke her from the
5 first surgery, she started bleeding again from her neck. So we had to put her back
6 to sleep and re-explore her.

7 And there was another area in her jugular vein more towards the base
8 of the skull that was also bleeding that had clotted off originally. And we over sewed
9 that. And that was the end of it.

10 Q. In your medical opinion, what is — was the extent of her injury? Could
11 it have resulted in death?

12 A. Yes.

13 Q. Okay. And in what ways could it have resulted in death?

14 A. She would have bled to death.

15 (Brief Pause)

16 Q. And this surgery that you did, would you consider it an extensive
17 surgical procedure as far as is it serious in nature?

18 A. Yes.

19 (Brief Pause)

20 Q. And were you given any indication of how this injury occurred?

21 A. Not that I recall.

22 Q. Okay. Do you know if you were told it was from a knife wound?

23 MS. PRICE: Objection, hearsay.

24 THE COURT: I sustain the objection.

25 (Brief Pause)

1 MS. GILMER: If I could have one moment, Your Honor.

2 THE COURT: Yes, ma'am.

3 (Brief Pause)

4 Q. (By Ms. Gilmer) How did it appear the injury was caused?

5 A. It would have been a penetrating injury.

6 Q. Okay. Would it have been consistent with a knife like object being
7 used?

8 A. Sure.

9 (Brief Pause)

10 Q. And, Dr. Hird, in your experience as a surgeon, does death sometimes
11 result as a — does death sometimes occur as a result of the use of a knife against
12 someone?

13 A. Yes.

14 Q. And, in your opinion, if not treated, could Ms. Moore have died from
15 her injury?

16 MS. PRICE: Objection, asked and answered.

17 THE COURT: I believe he's answered that already.

18 MS. GILMER: Thank you, Your Honor. I have no further
19 questions at this time.

20 THE COURT: Ms. Price?

21 Cross Examination by Ms. Price:

22 Q. Good morning, Dr. Hird. My name is Andrea Price. I'm Mr. Laster's
23 attorney. I have just a few questions for you, sir. You — you — you described on
24 direct examination that Ms. Moore had some damage to her left neck area.

25 Could you point out on your own neck approximately were

1 that was, please, sir, if you remember?

2 A. I — I don't recall.

3 Q. Okay. And — and that's fine; it happened two years ago. You did
4 testify she had injury to her jugular vein and some of the venous branches that
5 came off of it. Can you point approximately to where that is on -----

6 A. (Indicating.)

7 Q. Okay. So it runs parallel to your neck —

8 A. Correct.

9 Q. — is that right? Do you remember which direction that this particular
10 wound was across Ms. Moore's neck?

11 A. I'm not sure I would be able to determine that.

12 Q. Okay. Do you remember the extent of the injury to her vein?

13 A. Significant.

14 Q. Was it a -- was it a large — was it a large injury, a small injury, a small
15 hole?

16 A. I would use the term it was a significant injury.

17 Q. Okay. And it's significant because of the — the — was it significant
18 because of the size or because of the chance of hemorrhaging?

19 A. Because of the amount of blood loss.

20 Q. Okay.

21 (Brief Pause)

22 MS. PRICE: That's all the questions I have for you, sir. Thank
23 you.

24 THE COURT: Anything in redirect?

25 MS. GILMER: Just a few, Your Honor.

1 Redirect Examination by Ms. Gilmer:

2 Q. Dr. Hird, could — could this type of injury have also caused a loss of
3 airway for the victim?

4 A. Potentially.

5 Q. And could that have caused death?

6 A. Well, yes.

7 Q. And you mentioned that there was a second surgery. Was another
8 surgeon called in for that?

9 A. Yes.

10 Q. And who was that?

11 A. Tyler Calvert (phonetic).

12 Q. And what is his specialty?

13 A. He's a vascular surgeon.

14 Q. So a doctor who specializes in veins and the vascular
15 system was called in to perform the surgery?

16 A. To assist.

17 Q. To assist? I'm sorry. And how many times did the victim begin
18 bleeding again after the initial procedure?

19 A. The one time in the operating room.

20 Q. Okay. And at what point was Dr. Calson — or Dr. Calvert called in?

21 A. When we — we explored her the first time — or the second time in the
22 operating room.

23 MS. GILMER: Okay. I have no further questions at this time,
24 Your Honor.

25 MS. PRICE: Your Honor, I have one on recross.

1 THE COURT: Yes, Ms. Price.

2 MS. PRICE: Thank you.

3 **Recross Examination by Ms. Price:**

4 Q. Dr. Hird, do you recall if Ms. Moore had any injuries to her airway?

5 A. Not to my recollection.

6 MS. PRICE: Thank you.

7 THE COURT: All right. Thank you, Doctor. You may step down.

8 Any objection to the witness being excused?

9 MS. GILMER: No Your Honor.

10 MS. PRICE: No, Your Honor.

11 THE COURT: All right. Thank you, sir. You may be excused.

12 **(Whereupon, the witness was excused.)**

13 **(Brief Pause)**

14 THE COURT: You may call your next witness, Solicitor.

15 MS. GILMER: Your Honor, at this time, the State rests.

16 THE COURT: All right. Madam Forelady, ladies and gentlemen,
17 this is one of those times we need to take care of some legal matters. I'm
18 going to ask you to go back to your jury room.

19 Don't discuss the case at this time. We'll bring you back in
20 just a few moments and be ready to proceed with the trial of the case. You
21 may retire to your jury room at this time.

22 **(Whereupon, the jury exited the courtroom at 10:20 a.m.)**

23 **(Brief Pause)**

24 **Motions at End of State's Case**

25 THE COURT: All right, Ms. Price, are there any matters

1 we need to take care of before we get the record settled and I explain to your
2 client his right to testify?

3 **MS. PRICE:** Yes, Your Honor. At this time, I am prepared to
4 move the Court for a directed verdict on behalf of Mr. Laster, particularly with
5 the issue of intent, Your Honor.

6 As Your Honor knows, the statute clearly says that there must be an
7 intent to kill to sustain the charge of attempted murder. The State has
8 chosen not to call the victim in this case. Miss — and that's entirely in their
9 discretion — Ms. Moore would be in the best position to determine the intent
10 of Mr. Laster.

11 The witness produced by the State, Ms. Jolley, did not even see this
12 incident. She, by her own admission, had her back turned, was going into
13 the bathroom.

14 Your Honor, we would, under those circumstances, move the Court
15 that the State has not met their burden of establishing the intent to kill as
16 required by the statute. And, therefore, we would move Your Honor for a
17 directed verdict.

18 **THE COURT:** All right. Solicitor?

19 **MS. GILMER:** Your Honor, it's our position that viewing the
20 evidence, in the light most favorable to the State, that we have established a
21 prima fascia case of attempted murder.

22 Your Honor, I think what Ms. Jolley testified to is that she had turned
23 for a split second. She said that she saw the Defendant on the victim and,
24 then, her — and, then, the victim's throat had been cut, Your Honor.

25 Your Honor, as to where she was, I would question her credibility

1 if she said, "I was able to see her cut the Defendant's throat [sic]" because of
2 the statute of this defendant, Your Honor. So I think that gives cred —
3 credibility to what she says.

4 Your Honor, she said the Defendant was angry. There was tussling
5 between the victim and the Defendant. And, then, her sister's throat was cut
6 by the Defendant, Your Honor.

7 Your Honor, a knife was used. Obviously, that is a deadly weapon. I
8 think that does establish the requisite intent, especially a cut to the throat,
9 which the doctor did testify to that could have resulted in death to the victim,
10 Your Honor.

11 Your Honor, we do submit that we have established a prima fascia
12 case of attempted murder, Your Honor. Your Honor, again, a deadly
13 weapon was used. The victim was cut, stabbed in the throat which could
14 have caused death, Your Honor. And we're lucky in this case that it did not.

15 Your Honor, we stick by our position. Again, we — we submit that we
16 have established a prima fascia case.

17 **(Brief Pause)**

18 **THE COURT:** Well, as you know, I must view all the evidence in
19 the light most favorable to the nonmoving party, and that would be the State
20 in this case.

21 I find based, upon the testimony of the witnesses, there is substantial
22 circumstantial evidence and direct evidence to have the case go to the jury.
23 So I respectfully deny your motion, Ms. Price.

24 Any other matters we need to take care of at this stage?

25 **MS. PRICE:** Yes, Your Honor. My client has indicated to

1 me that he does wish to testify on his own behalf. So, Your Honor, we need
2 to make the requisite inquiries and stuff.

3 **THE COURT:** All right. If you would, come forward with your
4 attorney, please, Mr. Laster?

5 **(The Defendant stepped forward with his attorney.)**

6 **THE COURT:** If you would, just stand right there. Please raise
7 your right hand.

8 (Whereupon,

9 **Timmy Wayne Laster**

10 first being duly sworn, testified as follows:)

11 **THE COURT:** Mr. Laster, we've reached the stage of the trial
12 where I need to go over with you certain rights you enjoy. I'm confident that
13 you've discussed these with your attorney. I need to be satisfied in my own
14 mind that you understand the rights that you have.

15 We've reached the part of the trial where you have a right to present
16 the defense. Now, the Constitution of South Carolina and the Constitution of
17 United States of America both set forth provisions that say that no person, in
18 a criminal case, can be compelled or required to be a witness against
19 themselves.

20 That means that you can't be required to testify in this case. You have
21 a right to testify on your behalf, but nobody can you make you testify. It's a
22 personal right that you enjoy and no one can waive this right except you.

23 And, if you decide to testify, you'll be subject to the same rules
24 that govern any other witness. You'll be examined and cross examined
25 on any relevant issue in the case.

1 If you have any prior convictions involving dishonesty or false
2 statements or any crimes punishable by imprisonment for more than one
3 year, and the Court determines that the probative value of admitting that
4 evidence outweighs the prejudice to you, then, the Solicitor would be allowed
5 to attack your credibility by introducing your criminal record.

6 Now, the decision to testify, Mr. Laster, must be made voluntarily by
7 you and freely by you, with the knowledge of the protections that you enjoy
8 under our Constitution and also with the knowledge of the consequences if
9 you choose to testify.

10 Your other choice, of course, is not to testify. And, if you make that
11 selection, I'm going to tell the jury they can't give the fact that you chose not
12 to testify any consideration whatsoever in their deliberations. There's to be
13 no prejudice whatsoever to you because you chose to exercise your
14 constitutional right not to testify.

15 It is totally up to you whether to testify or not. You can talk with your
16 family, with friends, with your attorney, but that decision ultimately has to be
17 left entirely up to you.

18 Do you understand what I have explained to you?

19 **MR. LASTER:** I understand.

20 **THE COURT:** Do you have any questions of me?

21 **MR. LASTER:** No.

22 **THE COURT:** Do you understand you can testify or you
23 cannot testify?

24 **MR. LASTER:** Yes, sir, I do.

25 **THE COURT:** All right. Thank you, sir. You may return

1 to your seat.

2 **MS. PRICE:** Thank you, Your Honor.

3 **(The Defendant complied with the Court's request.)**

4 **THE COURT:** Are there any prior offenses to which the State
5 would use to impeach the witness if he were to testify?

6 **MS. GILMER:** No, Your Honor. The extent of his record are two
7 counts of criminal domestic violence in 2006.

8 **THE COURT:** Okay. So there would be no prior offenses
9 for which he would be impeached?

10 All right. This — this might be a good time for a short break. And,
11 then, we'll be ready to proceed with the defense.

12 If you — if he changes his mind or you don't put up a defense, then, let
13 us know and we'll talk about the — the charges.

14 **MS. PRICE:** Thank you, Your Honor. I appreciate it.

15 **THE COURT:** All right. Let's take about a 10-minute break.

16 **MS. PRICE:** Thank you.

17 **(Whereupon, a morning recess was taken from 10:27 a.m. until**
18 **10:44 a.m.)**

19 **(Another matter was heard following the recess and the Court**
20 **reconvened the trial at 11:00 a.m.)**

21 **(Whereupon, the jury was summoned and entered the**
22 **courtroom at 11 o'clock a.m.)**

23 **THE COURT:** Madam Forelady, ladies and gentlemen,, I
24 apologize for the delay. I had a matter with the attorney general's office, a
25 hearing on that; it was scheduled for later but we worked it in now

1 while we were on the break.

2 We're now ready to proceed. Ms. Price, you may call your first
3 witness.

4 **MS. PRICE:** Thank you, Your Honor. The Defense calls
5 Crystal Moore.

6 **(The witness stepped forward to be sworn.)**

7 (Whereupon,

8 **Ms. Crystal Moore**

9 first being duly sworn, testified as follows:)

10 **Direct Examination by Ms. Price:**

11:01 A.m.

11 **Q.** Good morning, Crystal.

12 **A.** Good morning.

13 **Q.** Could you, please, introduce yourself to these ladies and gentlemen,
14 please.

15 **A.** Crystal Moore.

16 **Q.** And, Crystal, there's a mic in front of you. If you could, kind of direct
17 yourself to that. You're very soft-spoken, we just want to make sure we can hear
18 you.

19 Ms. Moore, how do you know Mr. Laster?

20 **A.** We've been seeing each other for close to 13 years.

21 We just had a 12-year anniversary a week ago.

22 **Q.** Are you all married?

23 **A.** We've been common law.

24 **Q.** Do you hold yourself out as married?

25 **A.** Yes, ma'am.

1 Q. Okay. And you all — do you all live together?

2 A. Yes, ma'am — well, we did until the judge said we couldn't when he
3 got out of jail.

4 Q. Okay.

5 A. So it's been very strenuous (phonetic) us trying to, you know, live
6 apart.

7 Q. Do you all still — do you still want to have a relationship with him?

8 A. Yes, ma'am.

9 Q. Okay. Now, Crystal, how is it that you came to be here today?

10 A. Well, the morning of — I think it was the 18th —

11 Q. Okay. Well, let me rephrase that for you. On August the 18th of 2012,
12 where were you?

13 A. I was at Carolina Inn and Suites. We had been living there for
14 probably close to year.

15 Q. When you say "we," —

16 A. Timmy and I.

17 Q. Okay. On the 18th of August, two years ago, who was in your room?

18 A. Timmy, I, Kisty, and Scott Robbins.

19 Q. Okay. Who is Kisty?

20 A. Kisty is my half-sister.

21 Q. How would you describe your relationship with her?

22 A. It's never been really a good relationship. It was okay when she was
23 young, but my grandmother and grandfather raised me and they would not take her
24 because my grandmother was 70 when she was born, in her 70s, and she said she
25 couldn't take on another baby. So....

1 Q. Do you all have the same mother or the same ----

2 A. The same mother.

3 Q. ---- or the same father? Do you love your sister?

4 A. Yeah, I love my sister.

5 Q. To you all talk now?

6 A. (Shook head negatively.)

7 Q. Why not?

8 A. Well, she --- it's --- it's just been going on for a long time. You know,
9 when she needed something, she would call me. And I would be there. I've took
10 care of her. I've took care of her kids.

11 When DSS wanted to take her kids, I was going take her kids, you
12 know. And, you know, anytime she was in trouble, I was the one she would come
13 to. But I would always end up getting burned.

14 Q. Okay. Two years ago, did she come to you and Timmy at the hotel?

15 A. Yes.

16 Q. And ---

17 A. She had nowhere to go. She was trespassed from there. And I didn't
18 want to let her come. Timmy didn't want to let her come. And because, you know, I
19 got upset he broke down and said she could stay a few days because she wasn't
20 supposed to be on the property period and we didn't want to lose where we had to
21 live because that's all we had then.

22 Q. But she's her sister, correct?

23 A. Uh-huh (affirmative).

24 Q. And you love your sister?

25 A. Yes.

1 Q. And you didn't want — did you want her —

2 MS. GILMER: Your Honor, objection. Leading.

3 THE COURT: I sustain the objection. Rephrase your question.

4 Q. (By Ms. Price) Did you want — did you want to give her place to stay?

5 A. Yes.

6 Q. Okay.

7 (Brief Pause)

8 Q. Now, on the evening of August the 18th, you've previously said that you
9 and Timmy and Kisty and this other gentleman were in the room; is that right?

10 A. Yes, ma'am.

11 Q. Okay. And you were here yesterday when — when Kisty testified?

12 A. Yes, ma'am.

13 Q. Okay. Did you and Timmy get into an altercation?

14 A. No, ma'am.

15 Q. What happened?

16 A. Well, it --- all day long, they had been drinking. I don't drink beer.

17 That's — I don't drink beer. They had been drinking. They probably had three or
18 four cases of beer.

19 Q. Who is "they"?

20 A. Pete brought beer with him.

21 Q. Who is "Pete"?

22 A. The other man that was there.

23 Q. Okay.

24 A. Well, he goes by Pete. His name's — I don't know what his technical
25 name is. I know it's Scott Robbins.

1 Q. Okay.

2 A. But he goes by Pete.

3 Q. Okay.

4 A. Pete had come over there to be with Kisty that night — I'm sorry —
5 that night he had come over to be with her and -- or that afternoon.

6 He brought like I guess a suitcase of beer with him. They went back
7 out and got another suitcase of beer.

8 Q. Who is "they"?

9 A. Pete and Kisty.

10 Q. Okay.

11 A. They went and got more beer. And, then, I think they got a third thing
12 of beer. And Timmy and Pete and Kisty drank all evening. And, when the incident
13 occurred, you know, to my knowledge, you know, they had just recently quit
14 drinking.

15 Pete was passed out. They didn't even — they couldn't even wake
16 him up until they got to the police station.

17 Q. Okay. Do you know if they were doing any — if anybody was doing
18 anything else other than drinking?

19 A. Yes.

20 Q. What?

21 A. We were snorting Lortabs.

22 Q. When you say, "we," who do you mean?

23 A. Me, Kisty, and Timmy. I don't snort Xanax. And I don't know why she
24 would even say that.

25 Q. Why — why does one snort?

1 A. Snorting Lortab, it just hits you quicker if you have pain.

2 It you snort it, it hits you quicker. I don't know where she's getting the
3 up/down thing because that don't even — that don't make no sense.

4 Q. It doesn't make you more — does it make you any more alert?

5 A. And she snorted —

6 Q. Please, just answer —

7 A. I'm — I'm trying.

8 Q. Okay. Just answer what I ask ---

9 A. Okay.

10 Q. --- okay?

11 A. Okay.

12 Q. Don't get — let's not get ahead of ourselves.

13 A. Okay.

14 Q. Did you and Timmy...

15 (Brief Pause)

16 Q. I'm sorry. I want to go back. Who was snorting Lortab?

17 A. Timmy, Kisty, and I.

18 Q. Okay. And why were you snorting Lortab?

19 A. Because, when you snort them, they hit you quicker. If you have pain
20 and you snort them, instead of taking them, instead of it taking like 30, 40 minutes to
21 feel relief, you feel relief like within a couple — a few minutes.

22 Q. Okay. Did you and Timmy get into a tussle?

23 A. No.

24 Q. Okay. How did your neck come to be cut?

25 A. Okay. The bed — our beds — and there — there was a bed here

1 (indicating) and a bed here (indicating). Okay, me and Timmy were in this
2 (indicating) bed. Okay, I had went to sleep. I had took my Seroquil and went to
3 sleep because they were all still up drinking.

4 Kisty and Pete were smoking pot and I don't do that either. So I just
5 took my sleep medicine and I went to sleep.

6 Well, I woke up and I'm not — I don't even know what time it was.
7 And I sat up — I sat up like this (indicating) toward the — toward the — probably
8 like a little bit below the middle of the bed.

9 Timmy was sitting at the top of the bed. Like I would've been here
10 (indicating) and he would been here (indicating). I sat here (indicating). He was
11 beside the table.

12 Well, Timmy, he has a habit of, when he's bored, doesn't have
13 anything to do, he would sit and sharpen knives. He had a knife collection; you
14 know, a pretty extensive knife collection.

15 And he would just sit and sharpen his knives and that would be, you
16 know, something to keep him busy and keep his mind occupied and something to
17 do. And he would sit and watch TV and sharpen his knives.

18 Well, I asked him — I was sitting and I turned said — with my
19 legs off the side of the bed. And I said, "Baby, are you coming to bed?" And he
20 said, "Yeah, let me get up and go pee."

21 Well, when he went to get up, he had the knife in his hand when he
22 went to get up. When he went to get up, he tripped, while I was looking up at him,
23 the knife just --- I mean, it just --- I didn't even feel it when it happened. It was just
24 like that (snaps fingers).

25 And, when it — when it happened, he fell in front of me. I don't know

1 where the on top of me thing come from because he was never at any
2 time on top of me. He fell in front of me.

3 But, what happened was, he tripped over our little dog, Sasha. He
4 thought he had tripped over my foot and it was Sasha.

5 And I — I — I just felt something warm. And, when I reached up and
6 looked, it was blood. And that's when I was like — I started saying, "Timmy,
7 Timmy." And he looked up and he was like, "Oh, my God." And he just grabbed up
8 as much comforter as he could and started holding it around my neck.

9 Q. Where is Kisty when this is going on?

10 A. In the bed, in the other bed asleep, until I started making noise and it
11 woke her up I guess.

12 Q. Now, we heard the 911 call. And we can hear your voice on that.

13 A. Uh-huh (affirmative).

14 Q. Did you hear that?

15 A. Yes, ma'am.

16 Q. All right. Were you telling Kisty what to say to the —

17 A. Well, the thing I wanted to explain about that is — I think you
18 can kind of see some of it yesterday. Kisty is a drama queen. Everything is blowed
19 out of proportion. Everything is, you know, bigger than life.

20 It has to be, you know — I'm sorry. It's just the way she says it is the
21 way it's going to be.

22 And, you know, I know --- I can understand that she might have
23 thought that he meant to do it on purpose, but that's not what happened. And she
24 sat and told you all she did not see him cut me because she didn't.

25 Q. Crystal, do you — do you believe that Timmy did this on

1 purpose to you?

2 A. No, ma'am.

3 Q. Why are you testifying here today?

4 A. Because there is no way; that an — an accident, an accident. An
5 accident can happen to anybody. Anybody can be involved in an accident.

6 I don't think somebody should have to go to jail for 30-something years
7 over an accident. This could have happened to anybody -----

8 MS. GILMER: Your Honor, I would object to that, her response.

9 THE COURT: All right. The objection is sustained. Ladies and
10 gentlemen,, the sentence will be up to the Court, not anything else. And I'll
11 explain that to you later.

12 You may proceed with your examination, Ms. Price.

13 (Brief Pause)

14 MS. PRICE: I believe that's all I have. Ms. Gilmer may have
15 some questions for you. If you'll just answer those.

16 MS. MOORE: Thank you.

17 MS. PRICE: Uh-huh (affirmative).

18 (Brief Pause)

19 Cross Examination by Ms. Gilmer:

20 Q. Ms. Moore, you and Timmy have been together did you say for 13
21 years?

22 A. Yes, ma'am.

23 Q. Okay. And what did you say about your anniversary coming up?

24 A. We just had a anniversary.

25 Q. Okay. And do you consider him your boyfriend or your husband?

1 A. My husband.

2 Q. Okay. And how did you guys meet?

3 A. He lived behind us. I used to live in a — a trailer park. And he lived in
4 the trailer behind us. And I just started talking to him then and fell for him.

5 Q. Okay. Did you meet him through his father?

6 A. No, I met him through his mother.

7 Q. Okay. Now, you guys have remained together since this happened;
8 isn't that correct?

9 A. Well, I mean, we've talked. But we have not been able to be together
10 because of the judge's —

11 Q. So you have talked despite the judge saying he couldn't have any
12 contact with you; is that correct?

13 A. Yeah, no — no contact which I meant — I thought meant no contact;
14 we couldn't see each other because we seen each other twice a week at the jail and
15 we talked three or four times a day while he was in jail. And then, when he got out
16 of jail, they say, oh, well, you can't have contact.

17 So, I mean, I thought that meant we can't see each other.

18 Q. No, ma'am. So — so he — so you guys have been having contact?

19 A. We've talked, yeah.

20 Q. You guys have talked about this case, right?

21 A. Yeah, we've talked about it.

22 Q. Okay. And you talked about what happened that day?

23 A. Well, I mean, no, not really what happened that day because he was
24 so messed up, you know, he really -- he honestly really didn't know what happened,
25 you know, other than he tripped and fell and I got cut.

1 But that's because he was so messed up too.

2 Q. But you all have discussed what happened that day?

3 A. Uh-huh (affirmative), uh-huh (affirmative).

4 Q. And you've talked with his father too about what happened that day,
5 right?

6 A. Yeah.

7 Q. Okay. In fact, you've — you've lived with his father? His father gave
8 you a place to stay and you lived there while this case has been going on?

9 A. No.

10 Q. You did not live with his father at any point?

11 A. Well, I — I — I've been over there — yeah, I've been over there when
12 Timmy was at his aunt's. But I stayed with his niece at one — it's either 135 or [REDACTED]
13 [REDACTED] at Cedar Springs.

14 Q. And whose niece is that?

15 A. Timmy's.

16 Q. Okay. And so you're living with his niece right now?

17 A. Uh-huh (affirmative), been there.

18 Q. And, at one point, you did live at his father's house; correct

19 A. Yeah.

20 Q. Okay.

21 A. While he was in jail I was living at his father's house, yes.

22 Q. Okay. And how were you living at his father's house?

23 A. Let's see, he was in jail for --- for however many months he was in jail.

24 Q. And you did discuss this case with his father; isn't that right?

25 A. Yeah.

1 Q. And ----

2 A. So did Kisty.

3 Q. Okay. And you said that you and Kisty do not have a good
4 relationship?

5 A. No.

6 Q. And you said that you don't talk now?

7 A. Huh-huh (negative).

8 Q. But that's not true, is it, because you have been talking to Kisty,
9 haven't you?

10 A. We were talking — yeah, we were talking until — she had been
11 telling me that, you know, she was going to tell them that she doesn't remember
12 what happened because she doesn't. And then, she said that you all told her, if she
13 said that, you all would get her for perjury.

14 Q. No, ma'am, I don't think we ever had that conversation with Kisty.

15 A. Yeah, you did.

16 Q. So you haven't recently been talking to Kisty?

17 A. Yeah, I talked to her about a month —

18 Q. And contacting her about —

19 A. Yeah, about a month —

20 Q. — not cooperating with the prosecution?

21 A. No, I talked to her about a month ago. Everything was fine — well, I
22 talked to my mom.

23 Q. Okay. So you have talked to your mom too about Kisty not
24 cooperating with the prosecution?

25 A. No. I talked to Kisty and, you know, she — for the last two years,

1 she has been saying, you know, "I really don't know what happened," -----

2 Q. Well, you're not answering my question. I didn't ask you what Kisty
3 said.

4 A. Okay, well, I'm sorry.

5 Q. Have you been talking to Kisty about this case?

6 A. Yes.

7 Q. And you've been telling her not to cooperate with the prosecution,
8 haven't you?

9 A. No, no.

10 Q. Okay. So, if Kisty said that, then, she's lying about that too; is that
11 right?

12 A. Yes, ma'am, yes, ma'am.

13 (Brief Pause)

14 Q. Okay. So let's — let's go to the night — well, excuse me; I keep
15 saying the night --- the day, the early morning of August 18th, back in 2012, when
16 this happened.

17 So you told Ms. Price that you had taken Seroquel —

18 A. Uh-huh (affirmative).

19 Q. Okay. So you took that in addition to the Lortab you had been taking?

20 A. Yeah, I took that every day.

21 Q. So you're sitting on the bed?

22 A. This is after I woke back up.

23 Q. When you woke back up you're sitting on the bed?

24 A. Yeah.

25 Q. And Timmy is sitting where now?

1 A. He's sitting —

2 Q. And I'm going to show you a picture.

3 (Brief pause while exhibit is reprieved.)

4 MS. GILMER: If I may approach the witness, Your Honor?

5 THE COURT: You may.

6 MS. GILMER: Thank you.

7 (Exhibit handed to the witness.)

8 Q. (By Ms. Gilmer) Okay. I'm showing you what has been marked as
9 State's Exhibit Number 9.

10 A. Timmy was sitting right here (indicating) -----

11 Q. Okay.

12 A. ----- beside the table. I was right here (indicating) when I sat up.

13 Q. Okay. So I'm going to hold this up for the jury and, if you would, show
14 the jury, again, where you were sitting.

15 (Witness complied with the request.)

16 A. Timmy was here (indicating), And he had more than one knife
17 on the bed. There was several. That's why there was more than one knife with
18 blood on it from the bloody covers.

19 Q. Okay. So he had —

20 A. And —

21 Q. So he had a knife. He was holding the knife?

22 A. Well, he was — yeah, he was sharpening one, but he had a couple
23 laying on the bed that he had been sharpening.

24 Q. Okay.

25 A. And, when he got up right here (indicating), Sasha was laid right

1 here (indicating), he didn't know it, and he tripped over her. And I was right
2 there (indicating), and when he fell, the --- the knife just slit me. And it was so
3 sharp —

4 Q. Was it sort of like that (phonetic) (indicating)?

5 A. Yeah, just like that. And because of the sharpness and all, I think that
6 was why it was, you know, such a bad cut.

7 Q. Okay.

8 (Brief Pause)

9 MS. GILMER: And, if I may approach again, Your Honor?

10 THE COURT: You may.

11 Q. (By Ms. Gilmer) All right. Ms. Moore, I'm showing you what's been
12 marked as State's Exhibit 6. Is that the knife that Timmy cut you with?

13 A. No.

14 Q. That's not the knife?

15 A. No — well, I don't know what knife because they said that Kisty had a
16 — the wood grain knife.

17 Q. I asked you a question, is this the knife?

18 A. I don't know.

19 Q. Okay. Is that blood?

20 A. Yeah.

21 Q. Does that look like blood there on the end?

22 A. Yes, ma'am.

23 Q. What about right here (indicating) on the handle?

24 A. Yeah, but there was ----

25 Q. And what about this (indicating)? Can you tell?

1 What does that look like right there on the knife?

2 A. A piece of hair.

3 Q. Okay. All right. And, then, Ms. Moore, I'm showing you what has
4 been marked as 13 and 14. Is that you?

5 A. Uh-huh (affirmative).

6 Q. And are those the injuries that you got that day?

7 A. Yeah, that one cut.

8 Q. Okay. Not that stab right there (indicating)?

9 A. No. That right there is one little slice.

10 Q. Yes, ma'am.

11 A. There was one slice ---

12 Q. But that's a stab right there where they had to repair your jugular ----

13 A. Yeah, that's what ---- they did that though.

14 Q. Now, you heard Dr. Hird talk about that ----

15 A. Yeah.

16 Q. ---- that stab that he ---- he repaired, didn't you?

17 MS. PRICE: Your Honor, I'm going to object.

18 THE COURT: Now, wait just a minute. Let her finish ----

19 MS. GILMER: Yes, sir, I apologize.

20 THE COURT: ---- you ask the question let her finish the
21 question before you answer it.

22 MS. MOORE: Okay.

23 MS. GILMER: Your Honor, I apologize.

24 THE COURT: The court reporter can't take down but one person
25 talking at one time

1 MS. MOORE: I'm sorry.

2 THE COURT: Okay. Ask your question, ma'am.

3 MS. GILMER: Thank you, Your Honor.

4 Q. (By Ms. Gilmer) And you heard Dr. Hird testify to that stab wound to
5 the jugular vein?

6 A. There was no stab wound. It was one cut. That's all it was, was one
7 cut. There was no stab — if it — if I had got stabbed, with that sharp of a knife, it
8 would've cut my head off. I mean, all the knives — he had like 30 knives in the
9 room. We collect them. I mean....

10 Q. Okay. And, Ms. Moore, that — that was you on the 911 call?

11 A. Uh-huh (affirmative).

12 Q. Okay. And that was you telling Kisty to say we were just wrestling
13 around?

14 A. Yes, because I know Kisty. And I know how she is, what she would
15 like --- just like the — she said that she told us, you know, that she was so
16 traumatized. Okay, I was told that they were —

17 Q. I didn't ask you what you were told by anybody, okay?

18 A. Okay.

19 Q. I asked you was that you on the 911 call?

20 A. Yes, uh-huh (affirmative).

21 Q. And is that what you told Kisty?

22 A. Uh-huh (affirmative).

23 (Brief Pause)

24 Q. And, Ms. Moore, did you — you told somebody that you fell on the
25 knife; is that correct?

1 A. Yeah, I might have, yeah.

2 MS. PRICE: Your Honor, I'm going to just object to that unless
3 Counsel is going to comply with the Rule regarding previous statements.

4 MS. GILMER: Your Honor, if we may approach?

5 THE COURT: Yes, ma'am.

6 (Whereupon, a bench conference was had with both attorneys
7 present.)

8 Q. (By Ms. Gilmer) Ms. Moore, when you were at the hospital, didn't you
9 tell hospital staff — and this was when you were admitted on August 18th of 2012 —
10 that you fell on the knife?

11 A. Not that I'm aware of, no. I mean, I'm not gonna lie and say that I
12 might ---- I don't know that if I had said something, but that I'm aware of, no, I didn't.
13 I'm aware — as — as I'm aware of, I was unconscious at the hospital.
14 That — you know, they said they had to take me straight into the OR. So how could
15 I have talked to anybody?

16 Q. And, Ms. Moore, when you had the surgery, you had pain in
17 your face afterwards, correct?

18 A. I had one side that was — you know, it — if kind of looked like I had a
19 stroke for about two months.

20 Q. Okay. And you had a ringing in your ears, correct?

21 A. Uh-huh (affirmative). I didn't have a problem with my ear ----

22 Q. And you reported that to —

23 A. — but I guess it's where, you know, I got cut up so far up there.

24 Q. And you ended up checking yourself out of the hospital, correct?

25 A. Yes, ma'am, I did.

1 Q. And that was to go get your dogs?

2 A. Yes, ma'am.

3 Q. Because they were at the animal shelter?

4 A. Because of Kisty, yeah. My dogs — I brought a picture. My dogs — I
5 cannot have children. And that's the one thing I cannot do is to have kids. And
6 those dogs, she knows those dogs are like my children.

7 And she told police that my dog got a taste for blood and had my dogs
8 took to animal control. And, when I woke up in ICU and found out where my dogs
9 were and they were going to be put down, I told them to take the IV out; that I was
10 leaving. And I left.

11 I couldn't even hardly talk. I couldn't hardly walk. And I left. And the
12 next day I went and his father took me to get my dogs on the other side of
13 Greenville.

14 Q. Okay. And Kisty came and got you at the hospital, correct?

15 A. Huh?

16 Q. Kisty came and got — came to the hospital and she's the one that
17 wheeled you out; isn't that correct?

18 A. Kisty is the one who wanted to be over me at the hospital and would
19 not let anyone in to see me. I had several people there, when I was going through
20 the surgery, waiting for me to get out of surgery; I mean, a waiting room full of
21 people.

22 Q. Ms. Moore, my question is did Kisty wheel you out of the hospital?

23 A. Yeah, she did.

24 Q. Okay.

25 (Brief Pause)

1 Q. And so Timmy did have multiple knives in the room; is that correct?

2 A. Yeah.

3 (Brief Pause)

4 Q. And you said Timmy had been drinking all day?

5 A. Yes, but Timmy is not a mean -- when Timmy would drink, he was
6 happy. He wasn't a mean drunk. You know, when people get drunk, they get
7 mean; he wasn't like that. I mean, I don't even know why she would say that
8 because she knows him better than that.

9 And she sticking to the story that you all told her to stick to.

10 (Brief Pause)

11 Q. So you're now accusing the solicitor's office of being unethical; is that
12 what you're saying?

13 A. I'm just telling you what she said.

14 Q. Is that a "yes" or a "no"?

15 A. Well, yeah. I'm just telling you what she said. I mean, I'm —
16 I'm not accusing you of nothing; I'm telling you what she said on the phone. And
17 that's why we haven't talked since when you asked me about have we been talking.
18 And, yes, we were talking.

19 Q. Okay. So you have recently, as of last week, been texting her, calling
20 her about coming forward and not cooperating with prosecution?

21 (Brief Pause)

22 A. I think I — I think I text —

23 Q. Ms. Moore —

24 A. I think I texted my mother's phone.

25 Q. Okay. And Kisty lives with your mother, correct?

1 A. Yes.

2 Q. Okay. And, Ms. Moore, you were convicted of five counts of forgery
3 back in 2006, weren't you?

4 A. Yes.

5 Q. And, Ms. Moore, what happened to your left eye?

6 A. What are you talking about?

7 Q. How did you get that injury right there to your left eye?

8 A. Oh, this right here (indicating)? I went to a nephew's birthday party —
9 well on his side, I went to the nephew's birthday party Saturday. And a younger girl
10 was getting jumped on by two other girls and I tried to get them off of her. And I
11 caught the worst end of it.

12 Q. Okay. Did you call the police?

13 A. Yes. I've got a police report in my pocketbook and I went and had
14 pictures took and everything.

15 (Brief Pause)

16 Q. All right. Ms. Moore, you love Timmy, right?

17 A. Yes, ma'am, I do.

18 Q. And you intend to be with him even when this is over; is that correct?

19 A. Yes, ma'am, I do.

20 Q. And you all have been together since this happened?

21 A. We have talked, yes. We -- I mean, you know, okay, I showed you the
22 two dogs — well, I've got the picture, you know, to show the — the big dog that we
23 were used to having in the room —

24 Q. Ms. Moore, my question was, have you been talking to Timmy?

25 A. Yes. I just told you — I've done told you that several times.

1 **MS. GILMER:** I have no further questions at this time,
2 Your Honor.

3 **THE COURT:** Any redirect?

4 **MS. PRICE:** Yes, sir.

5 **Redirect Examination by Ms. Price:**

6 **Q.** Crystal, do you think Timmy harmed you intentionally?

7 **A.** No, ma'am. Timmy's took care of me for cancer. My family was not
8 there. Every -- every 27 days, I had to go for chemo, nine hours a day. He never
9 left my side.

10 He cleaned poop. He cleaned puke. He had to get me in
11 and out of the bathtub. He had to get me in and out of the bed. He had to dress
12 me, feed me. You know, if someone loves you, they do that for you.

13 **Q.** If he hurt you intentionally, what would you do?

14 **A.** He would go to jail. I would — he would have never got out of jail.
15 If — if I thought that he purposely just cut my throat, I — I would run him off. I
16 would — my first common-law would stomp me in the ground.

17 He would beat me and stomp me in the ground. And Timmy knows.
18 Timmy protected me from him before. And, you know, Timmy, he said, "I won't put
19 my hands on you. You know, it was wrong the way he did you."

20 And they won't let me explain that first CDV. You already know.

21 **(Brief Pause)**

22 **MS. PRICE:** May I approach the witness?

23 **THE COURT:** You may.

24 **Q.** (By Ms. Price) I'm showing you what has previously been admitted as
25 State's Exhibit 6.

1 A. I don't know if that's the one (phonetic).

2 Q. Okay.

3 A. Kisty had —

4 Q. Okay, just listen to my question.

5 A. Yes, ma'am.

6 Q. Is that — do you see hair on that?

7 A. Yes, ma'am.

8 Q. Is that your hair?

9 A. I'm sure it probably is.

10 Q. Okay.

11 A. But, I mean, like I said, he had several knives on the bed.

12 Q. Okay.

13 **(Brief Pause)**

14 **MS. PRICE:** That's all I have, Your Honor.

15 **THE COURT:** All right. Thank you, ma'am. You may step down.

16 **(Witness complied with the Court's request.)**

17 **(Off-the-Record Comments)**

18 **THE COURT:** All right. You may call your next witness.

19 **MS. PRICE:** Thank you, Your Honor. The Defense calls

20 Timmy Laster.

21 **THE COURT:** Step forward and be sworn, please, sir.

22 **(The witness stepped forward to be sworn.)**

23 (Whereupon,

24 **Mr. Timmy Wayne Laster**

25 first being duly sworn, testified as follows:)

1 Direct Examination by Ms. Price:

11:33 P.m.

2 Q. Good morning, Timmy. How are you?

3 A. Well, thank you (phonetic).

4 Q. If you would, just speak into the microphone so we can hear you.

5 A. Okay.

6 Q. Okay. Could you, please, introduce yourself to these ladies and
7 gentlemen?

8 A. My name is Timmy Laster.

9 Q. Mr. Laster, do you know Crystal Moore?

10 A. Yes, ma'am.

11 Q. How do you know Crystal Moore?

12 A. We've been together a little over — a little over 12 years.

13 Q. Okay. Do you — what kind of relationship do you all have?

14 A. A good one.

15 Q. Is it an intimate relationship? Is it a marital relationship? Is it a —
16 what kind of relationship?

17 A. We file taxes as married, but ----

18 Q. Okay. I want take you back to the evening of August the 18th, 2012.

19 Where were you?

20 A. That's the night the accident happened?

21 Q. Yes, sir.

22 A. I was in my room.

23 Q. And where was that?

24 A. It was Carolina Inn and Suite, Room 109.

25 Q. Where's that located?

1 A. It's 810 — I always thought it was Hospitality Drive, but
2 you all say Hospitality Way. I always thought it was Hospitality Drive.

3 Q. Okay. Who was in the room?

4 A. Pete — Scott, Crystal's sister, Kisty, me and Crystal, the — the pit bull
5 I had and the small puppy I had just went and bought.

6 Q. Okay. What were you all doing that evening?

7 A. What was we doing? What do you mean?

8 Q. Were you all just hanging out or watching TV or things of that nature?

9 A. Well, originally we were just -- it was just me, Crystal and Kisty just
10 hanging out, watching TV. Kisty and Scott got to talking on the phone.

11 And she talked to him and asked him -- asked me and Crystal was it
12 all right if he came over. And I know his — his stepfather from my father. And I
13 said "Sure."

14 Q. Okay. At some point, was alcohol introduced into the room?

15 A. Yes.

16 Q. How much alcohol?

17 A. He brought an 18 pack originally. We --- my father stopped by briefly
18 just to see what we were all doing. And Pete said, "Can we go to the store and grab
19 some more? " And I said — I said, "I guess." I said, "You done talked me into
20 drinking with you."

21 I said — you know, I said, "You know I don't drink, you know, very often." I
22 said, "So..." I said, "I guess." So I bought another 18 pack and he bought a 12
23 pack.

24 Q. Okay.

25 A. To — to replace the one that — that we had all drunk.

1 Q. Okay. Was Crystal drinking beer?

2 A. No. Crystal doesn't drink beer. She doesn't like the taste of it.

3 Q. Okay. At any time, were pills introduced?

4 A. Yes, ma'am.

5 Q. What kind of pills?

6 A. Me and Crystal and her sister, Kisty, were —

7 Crystal was snorting Lortab and Kisty was snorting Lortab and Xanax. And I was
8 snorting Lortab and Xanax.

9 And, then, Kisty saw me get into another bottle because, at the time
10 the — the pain management doctor gave me a higher — a higher dose that was
11 stronger than Lortab. He gave me Oxycodone, 30 milligrams.

12 And she asked me for one of those. And I gave it to her
13 without her sister knowing about it. And she popped it with a beer. And I took
14 half a piece and --- and, you know — and, you know, swallowed it.

15 Q. Okay. So you had a prescription for these pills?

16 A. I did at the time. I was the only one — me and Crystal were the only
17 ones with prescriptions ----

18 Q. Okay.

19 A. ---- for those — I was the only with a prescription for Oxycodone.

20 And Crystal was the only one — me and Crystal was the only one with prescriptions
21 for the Lortabs that night.

22 Q. Why does one snort pills?

23 A. A — a friend of mine got me started on it. And it just hits — it hits you
24 faster and it takes away of the pain quicker.

25 Q. Does it make you more alert?

1 A. It — it doesn't make me more alert. I mean, it just — it kind
2 of calms me down, you know, just the pain. I mean, it doesn't jack you up like let's
3 say the — like some of the illegal drugs I've heard of. It doesn't, you know, keep
4 you awake or anything.

5 Q. Okay. At some point during the evening, did you and
6 Crystal get into an argument?

7 A. No.

8 Q. Did you all engage in any tussling?

9 A. Explain tussling.

10 Q. Fighting.

11 A. Fighting? No.

12 Q. How did Crystal's neck come to be cut?

13 A. Well, we had all been drinking too much that night. Scott passed out.
14 Kisty passed out. I was the last one left awake.

15 And I have collected knives and things. I've always — up until this
16 point, I've always done that as a, you know, hobby. Or, if a friend gives me one, just
17 says, "Hey, you know, do you want to have this or do you want to buy it," I'd get it off
18 of him.

19 But, you know, I was drunk. And she said, "Are you going to come to
20 bed," because she said — I forget what time of the morning she said it was. And I
21 said "Yeah." I said, "Let me go to the restroom." And I went to walk toward the
22 restroom.

23 And I walked over, you know, toward her to, you know, place — I was
24 going to place my knife on the table and, you know, walk on to the restroom and
25 pick it back up and finish what I was doing.

1 And I thought her foot got in the way, but apparently, I tripped
2 over the dog and it — it — it sliced her neck open. And, I mean, there was — at
3 that point nothing I could do but — there was nothing I could do at all. I mean...

4 Q. What did you do?

5 A. When, you know, she cut -- I thought it miss her. I didn't notice that it
6 had actually did cut her right away. So I did manage to lay the — the knife down.
7 And she said, "Oh crap." She said, "I'm bleeding." And I said, "Stop playing." She
8 said "I'm not playing."

9 I turned around and blood is spraying everywhere. And I tell her to lay
10 back. And she's — she says she wants to sit forward. She's placing her hand
11 against her neck. I said, "No, you — you got to move your hand,"
12 I said, "because, if you don't move your hand," I said, "the bleeding is not going to
13 stop."

14 And I — I took the — the blankets and stuff and jerked them out from
15 my edge of the — my end of the bed and started just wrapping up and --- and —
16 and putting as much pressure as I could on there.

17 We hollered for her sister. I believe it — it was the third time before
18 she was able to actually wake up. And, when her sister woke up, we said, "Call
19 911." She was still messed up.

20 And she's fumbling with her phone and — excuse my language — on
21 this one, I yelled at her, and said, "Give me the D-A-M (phonetic) phone and I'll dial
22 the number." And she says, "No, I got it."

23 And before she was able to actually, I guess, get 911 on the phone, I
24 told her sister, I said, "It's all your fault, "I said, because, if you hadn't wanted that
25 boy to come over here and bring you weed and beer," I said, "none of this would've

1 | happened." I said, "Because, you know, we hadn't been drinking up until then, you
2 | know. None of us — well, I mean, her sister would go out to a bar, but we wouldn't
3 | go with her. But, you know --- you know, and I blamed her sister.

4 | And, her — you know, I heard what she said on the 911 tape. It's —
5 | you know, and that's not how that particular thing come about.

6 | Q. Timmy —

7 | A. Yes.

8 | Q. — did you intend to harm Crystal?

9 | A. No.

10 | **(Brief Pause)**

11 | A. No, I would never intentionally intended, no (phonetic).

12 | I never thought about harming anybody. I mean, I would never intend to have
13 | harmed her any way, but ---

14 | And if it would be — and I don't know if you want me to say this part,
15 | but it would have been stupid of me to do it that night when 99% of the time me and
16 | Crystal are by ourselves.

17 | You know, if I had an intention of harming her, I could've
18 | done it at any time and nobody wants to believe it's an accident. I mean, that's why
19 | I chose to take the stand. I mean, you know, and — and — and let everybody figure
20 | out and come to their own decisions.

21 | I mean, because, I mean -- I don't know if I'm allowed to say this or
22 | not, but —

23 | Q. If you have any doubts, don't say it.

24 | A. Well, I mean, you know, I was offered a better plea bargain to —

25 | Q. Don't say it.

1 A. Okay.

2 MS. GILMER: Objection, Your Honor.

3 THE COURT: Sustained.

4 MS. PRICE: That's all the questions that I have for you.

5 MR. LASTER: All right.

6 MS. PRICE: Ms. Gilmer may have some questions for you.

7 Please answer any questions she may have.

8 MR. LASTER: All right.

9 MS. GILMER: Your Honor, if we may approach briefly before I
10 begin?

11 (Whereupon, a bench conference was had with both attorneys
12 present.)

13 Cross Examination by Ms. Gilmer:

14 Q. Okay. Mr. Laster, how tall would you say that you are?

15 A. I'm going to say maybe five, eleven (5' 11").

16 Q. Okay. And how much do you weigh?

17 A. Now, I weigh more, but around — now I weigh 360 pounds.

18 Q. Okay. How much did you weigh back in August of 2012 would you
19 say?

20 A. Around, you know, 200 and — about 280, pushing maybe 280.

21 Q. And are you left-handed or right-handed?

22 A. I'm — I'm right-handed

23 Q. I'm sorry?

24 A. I'm right-handed.

25 Q. So you said that on the night that this happened that you

1 were sharpening your knife?

2 A. Uh-huh (affirmative).

3 Q. Okay. And I'm going to show you a couple of pictures.

4 MS. GILMER: If I may approach the witness, Your Honor?

5 THE COURT: You may.

6 (Brief Pause)

7 Q. (By Ms. Gilmer) Okay. When you were sharpening your knife, where
8 were you? And I'm going to hold it up for the jury to see. Where were you sitting?

9 (Brief Pause)

10 A. I was actually all over the bed that night. I had started up at the top of
11 bed by the — the stand. And I had went down to the bottom of the bed. And I
12 was ----

13 Q. Well, where were you when Crystal got cut?

14 A. I was more toward the — I guess more toward the...

15 (Brief Pause)

16 A. Maybe not quite the middle, but not all the way at the bottom.

17 Q. And where was Ms. Moore?

18 A. She was laying over here (indicating).

19 Q. And she was laying down?

20 A. Uh-huh (affirmative).

21 Q. Was she asleep?

22 A. She was asleep until she woke up.

23 Q. Okay. So she was laying down right there (indicating)?

24 A. She was laying down.

25 Q. Okay. Was her head typically where the head usually is on a bed,

1 on a pillow at the head of the bed?

2 A. No, she slept different ways. I mean, I'm not sure about
3 that night. Sometimes she would prop her neck some and, then, sometimes she
4 wouldn't.

5 Q. Okay.

6 A. So, I mean, I'm not sure about that particular night.

7 Q. So she was up here at the head of the bed?

8 A. Yeah.

9 Q. And you were down here at the foot of the bed; is that correct?

10 A. It was probably more along here (phonetic), right about maybe in here
11 (indicating).

12 Q. Okay. So where was Ms. Moore? Was she sitting to your right or was
13 she lying to your left? You said she was lying down; where was she lying down?

14 A. She was right (inaudible).

15 (Off-the-Record Comments)

16 Q. She was here now?

17 THE COURT: I need for you to speak — Mr. Laster, you are
18 going to have to speak loud enough for the court reporter to pick up what
19 you have to say. And certainly the jury needs to hear you as well. So make
20 sure you —

21 MR. LASTER: Yes.

22 THE COURT: — project your voice.

23 A. Yeah.

24 Q. Where was Ms. Moore?

25 A. She was on the left (phonetic) side of the bed.

- 1 Q. Pointed to me, please — point it out for me, please.
- 2 A. Probably I guess more along right here (indicating).
- 3 Q. Okay. Was she lying down or was she seated?
- 4 A. She had sat up.
- 5 Q. Okay.
- 6 A. To talk to me.
- 7 Q. And where were you sharpening your knife?
- 8 A. In the — right there (indicating).
- 9 Q. So were you on this side of the bed (indicating) or on this side of the
- 10 bed (indicating)?
- 11 A. I was on the right side if you're looking at the picture.
- 12 Q. Okay. So you said that, when you went to get up to go to the
- 13 bathroom, that's when you tripped over the puppy?
- 14 A. Yeah, when I went to walk around to her side of the bed, yeah.
- 15 Q. When you went to go to the bathroom?
- 16 A. Yeah, when I walked around to her side of the bed.
- 17 Q. Now, I'll show you what's been marked as State's Exhibit 7. Is that
- 18 your knife?
- 19 (Exhibit shown to the witness.)
- 20 (Brief pause while witness reviews exhibit.)
- 21 A. That is. Do you have a better photograph?
- 22 Q. I'm showing you what's been marked as State's 12.
- 23 (Exhibit shown to the witness.)
- 24 A. Okay. Let's see...
- 25 (Brief pause while the witness reviews exhibit.)

1 (Off-the-Record Comments)

2 A. Yeah, this knife was in my possession, but at the time, no, it didn't
3 belong to me.

4 Q. But it was your knife?

5 A. No.

6 Q. It was in your possession?

7 A. It was in my possession.

8 Q. Okay. So you were sharpening it that night?

9 A. I was, as a favor to a friend. He had dropped it off. He said he had
10 dulled it cutting some speaker wires and some amplifier wire. And he had put some
11 nicks in the blade and he wanted to know if I could kind of get them straightened
12 out.

13 Q. So you sharpened it for him?

14 A. Yeah.

15 Q. Okay.

16 (Brief Pause)

17 Q. And I'm showing you what's been marked State's Exhibit 13 and 14.

18 And that's Ms. Moore in those photos, isn't it?

19 (Brief pause while the witness reviews exhibits.)

20 A. You're going to have to tell me because I can't see her face.

21 Q. You don't know that's the woman you've been with for 13 years?

22 A. It looks like her, you know (inaudible)

23 (Off-the-Record Comments)

24 THE COURT: You'll have to speak up, Mr. Laster.

25 A. Yes.

1 **THE COURT:** The court reporter has got to pick up
2 what you have to say, please.

3 **MR. LASTER:** Yes, sir.

4 **Q.** (By Ms. Gilmer) Is that her?

5 **A.** Yes, ma'am.

6 **Q.** Okay. And those are the injuries that you caused that night, isn't it?

7 **A.** Well, that looks like dried up blood.

8 **Q.** That doesn't look like blood that's running down her neck right there
9 from an injury?

10 **MS. PRICE:** Your Honor, I'm going to object to that question.
11 She's asking about injuries and now she's talking about blood

12 **MS. GILMER:** Your Honor, it's all —

13 **THE COURT:** I'll overrule your objection.

14 **A.** So you want to know if it's running down her neck? I don't know how
15 it's running down her neck. I couldn't tell you. But I didn't see it up close. The
16 towels were wrapped around it.

17 **Q.** But she was bleeding profusely that night? She was bleeding heavily
18 that night; isn't that right?

19 **A.** Yes, ma'am.

20 **Q.** In fact, she was bleeding so heavily that it soaked through a
21 bedspread; isn't that right?

22 **A.** Yes.

23 **Q.** And a sheet as well? And you guys were putting towels on her too,
24 right?

25 **A.** I guess. I only know the only thing I put on there was bed spreads

1 and a sheet. I never placed a towel on her because I wasn't able to get to
2 them. I never placed a towel on her.

3 Q. Okay. But that's Ms. Moore's blood that we see in the photo; isn't that
4 correct?

5 A. That's the covers from the room.

6 Q. Okay. So that's her blood, correct?

7 A. More than likely, yes, ma'am.

8 (Brief Pause)

9 Q. Mr. Laster, do you remember speaking with Investigator Loren
10 Williams from the Spartanburg County Sheriff's Office?

11 A. No, ma'am.

12 Q. You don't remember speaking with him at the sheriff's office that day
13 when this happened?

14 A. No, ma'am.

15 Q. So you don't remember that at all?

16 A. I sure don't because I was so high at that point I couldn't even tell you
17 what I did after that.

18 Q. Okay. So you don't remember what happened?

19 A. No, not — when she got cut, when he — when — when he asked me
20 who did it, I popped two 30 milligram hydrocodone and I couldn't tell you what — I
21 don't even remember going to the Sheriff's office.

22 The last thing --- the next thing I remember, they had me in the cell on
23 the floor. I couldn't tell you how I got there.

24 Q. What do you remember? What's the next thing you remember?

25 A. Me rambling (phonetic).

1 Q. So, you remember sharpening your knife and all of this, but
2 you don't remember right after?

3 A. I don't remember right after because of the medication I took on top of
4 everything else.

5 Q. So you don't remember talking to Investigator Loren Williams and you
6 don't remember telling him that the victim liked to have knife sex?

7 A. That was before the medicine kicked in, yeah.

8 Q. Okay. So you remember telling Investigator Williams that?

9 A. Yeah.

10 Q. Okay. And that was after you asked him what the victim had told him;
11 isn't that right?

12 A. No, I never asked him what the victim had told him. The only thing I
13 told him was I said it was an accident. They turned around and told me no, it wasn't.
14 And, then, after that, that's when I mentioned the other part that you just mentioned
15 to me.

16 Q. Okay. So, then, you told him that Ms. Moore liked to have knife sex?

17 A. Yes, ma'am, she did.

18 Q. And that's what caused her injury?

19 A. No, I didn't tell him that's what caused her injuries.

20 Q. You just told him she liked to have knife sex?

21 A. Yeah.

22 Q. And you couldn't explain how that worked, could you?

23 A. Oh, no, I can explain.

24 Q. Okay. Could you explain to Investigator Williams that night?

25 A. I chose not to because he didn't believe me no way.

1 Q. Okay. And, then, you told Investigator Williams — do
2 you remember telling him the victim cut herself and told you to cover for her?

3 A. No.

4 Q. Okay. You don't remember that?

5 A. The Oxycodone had kicked in by then.

6 Q. Okay. It kicked in pretty quickly then?

7 A. Yes, ma'am, it did.

8 Q. Okay.

9 A. Sixty (60) milligrams, you can look it up; that's a lot of Oxycodone.

10 Q. And, then, you told Investigator Williams — do you remember telling
11 him that you were jumped on Miss — by Ms. Moore and her sister and they attacked
12 you?

13 A. No, I don't remember telling him that.

14 Q. You don't remember telling him that?

15 A. No.

16 Q. Okay.

17 A. I could — I might have told him whatever he — whatever he wanted to
18 hear, just so I could check on her.

19 Q. Okay. Do you remember telling him that Ms. Moore and
20 Ms Jolley hit you over the head and knocked you out?

21 A. No.

22 Q. You don't remember that?

23 A. No.

24 Q. And you didn't have any marks on your head, did you? You didn't
25 have any injury to you that night?

1 A. No, I didn't have any injuries, not that I know of. They didn't tell
2 me I had any.

3 **(Brief Pause)**

4 Q. Okay. And you said that night, when Ms. Moore got her injury, I think
5 you testified on direct that blood was spraying; is that correct?

6 A. Yes, ma'am, it was.

7 Q. Okay. So she was bleeding pretty heavily?

8 A. She was bleeding, yes, ma'am.

9 Q. Okay.

10 **(Brief Pause)**

11 Q. And you said that it took you guys three times to wake up Kisty?

12 A. Yes, it did.

13 Q. Okay. And you needed her to call 911?

14 A. Yes, because I was holding the cover around her sister's neck. I
15 couldn't get to the phone.

16 Q. Okay. So how long did it take you to wake her up?

17 A. How long did it take us to wait Kisty up?

18 Q. To wake Kisty up.

19 A. We had to yell three times. I don't know. I mean, I don't — I couldn't
20 tell you how long.

21 Q. Are you talking about, "Kisty, wake up, Kisty, wake up Kisty, wake up,"
22 Or was it longer than that?

23 A. You want me to tell you how I said it? I mean —

24 Q. Sure. And I — and I want you to answer the question. How — how
25 long did you try to wake her up? How long did it take before she finally woke up?

1 A. It took three — it took three tries to get her awake, yelling, screaming.

2 Q. How long would you say it took her to wake up?

3 A. At least a good — considering how long it took them to get there, more
4 than likely it took her about three minutes to get up probably — three to four
5 minutes because we had to keep just yelling. We yelled once and then I kept — I
6 tried to reach for the phone and yelled again.

7 Q. And you said that Ms. Moore was conscious —

8 A. Yeah.

9 Q. — correct?

10 A. She was conscious.

11 Q. Okay.

12 (Brief Pause)

13 Q. And, Mr. Laster, you and Ms. Moore have been having contact, right,
14 since this happened?

15 A. Contact as far as what?

16 Q. You've been talking to each other?

17 A. Yeah.

18 Q. And you've been seeing each other too, haven't you?

19 A. No.

20 Q. So you haven't seen her at all?

21 A. Huh-uh (negative).

22 Q. And you know there's a no-contact provision on your bond, correct?

23 A. I don't understand that.

24 Q. You don't understand that?

25 A. No, because I get a check. I'm mentally retarded so you'll have

1 to explain to me what that — that exactly was.

2 **MS. GILMER:** Your Honor, if may I approach the witness?

3 **THE COURT:** You may.

4 **(Brief Pause)**

5 **Q.** (By Ms. Gilmer) Okay, Mr. Laster, I'm showing your what was your bail
6 proceeding form.

7 **A.** Uh-huh (affirmative).

8 **Q.** Do you recognize that?

9 **A.** I can try to read it and see. It'll take me — it's take ----

10 **Q.** Do you want to turn it over?

11 **A.** Okay.

12 **Q.** Do you recognize that, in the top right-hand corner? Is that your
13 signature?

14 **A.** Yeah, that's my signature.

15 **Q.** That's your signature? Okay.

16 **A.** Yeah.

17 **Q.** And you dated that on January 4th, 2013?

18 **A.** Yeah.

19 **Q.** Okay. And right here, I want you to look at that for me, right here on
20 Subsection (d).

21 **A.** Right there?

22 **(Brief pause while the witness reviews document.)**

23 **A.** You're going to have to read it for me. I can't read.

24 **Q.** Okay. "No contact with victim, victim's family, directly or indirectly."

25 **A.** Okay. So what — what does that mean?

1 Q. Okay. So you signed this, correct?

2 A. Yeah, I signed it. What does it mean?

3 Q. Okay. And you have an attorney, correct?

4 A. Yeah, I have an attorney.

5 Q. Okay. And the judge explained the bond to you, did he not?

6 A. She just said the same thing you said.

7 Q. Who said the same thing?

8 A. The Magistrate.

9 Q. Okay. Well, the magistrate that I have on here is a male that you
10 talked to ----

11 A. Okay.

12 Q. ---- that would have explained to you your bond conditions. Do you
13 remember that?

14 A. No, the Magistrate I had was a female.

15 Q. Okay. So nobody told you that you can't have any contact?

16 A. They said contact as far as you can't go, you know, see her is my
17 understanding.

18 Q. You don't understand contact means you can't have any
19 communication?

20 MS. PRICE: Your Honor, she's arguing with him.

21 A. No, I don't know ----

22 THE COURT: Wait wait wait, just a minute. What is your
23 objection?

24 MS. PRICE: I'm sorry. My argument -- my objection is
25 argumentative.

1 **THE COURT:** I overrule your objection. If you would, just
2 ask the question and you can try to answer it.

3 **Q.** (By Ms. Gilmer) Do you not understand that contact means
4 communication?

5 **A.** No. I mean, I don't understand what the — what the order meant
6 when I signed it.

7 **Q.** Okay. Ms. Moore's been living with your father, hasn't she?
8 She has lived with your father at one point while this has been pending?

9 **A.** She had lived -- lived with him at one point, yeah.

10 **Q.** Okay. And now she's living with your niece?

11 **A.** Is far as I know. I don't know.

12 **Q.** Okay. So you didn't know that prior to her testifying today?

13 **A.** I mean, wherever she stays is not up to me because
14 I don't go see my niece.

15 **Q.** But you know where she's been staying, don't you?

16 **A.** I knew that, yeah. I know where she's been staying now.

17 **(Brief Pause)**

18 **Q.** And you guys have been talking?

19 **A.** Yeah, we have been talking.

20 **Q.** All right. And you guys have talked about this case?

21 **A.** Okay.

22 **Q.** Is that a "yes"?

23 **A.** You just said it; you just said we had.

24 **Q.** Are you agreeing? Is your okay agreeing with me that you guys have
25 been talking about this case?

1 A. I told her when she --- I -- I told her, you know, that I
2 didn't remember anything, you know, as far as coming to the sheriff's office. She
3 asked me did I remember anything and I said no.

4 Q. Did you all discuss what happened that morning?

5 A. Did we discussed what happened?

6 Q. Uh-huh (affirmative). Did you talk about what happened
7 that morning?

8 A. You mean when she got cut?

9 Q. Uh-huh (affirmative).

10 A. I know what happened that morning. There was no reason to discuss
11 it.

12 Q. Okay. But have you discussed it with her?

13 A. Have I discussed it with her? I've discussed it with my father,
14 which I've not -- whether it's got back to her, I don't know.

15 Q. Have you discussed it with Ms. Moore personally?

16 A. No. I've not personally talked to her about the case.

17 Q. Okay. So, if she said that you guys talked about it, she's lying?

18 A. No, she's not lying about we talked about it. She asked me about the
19 sheriff's department.

20 Q. So you guys have talked about what happened?

21 A. Yeah, we talked about the sheriff's department.

22 Q. Okay. So you never discussed with her how she was injured that
23 night? You guys have never talked about that story?

24 **(Brief Pause)**

25 A. As far as I know. I can't remember talking to her about it.

1 Q. You can't remember if you've talked about it?

2 A. No. I mean, you know, because I know what happened.

3 (Brief Pause)

4 MS. GILMER: If I could have just one moment, Your Honor.

5 (Off-the-Record Discussion)

6 MS. GILMER: I have no further questions at this time.

7 THE COURT: All right. Any redirect?

8 Redirect Examination by Ms. Price:

9 Q. Mr. Laster —

10 A. Yes?

11 Q. — when exactly did you take those pills you've talked about?

12 A. Which ones?

13 Q. The 30 milligrams.

14 A. When did I take them? The ones earlier or the ones

15 before I went to jail?

16 Q. The ones before you went to jail.

17 A. I took them as soon as I found out he was going a lock me up.

18 Q. Okay. Is it —

19 A. I reached over and grabbed them and popped them.

20 And I knew I wouldn't remember anything from that point on.

21 Q. Is it fair to say that, under the influence, that it affects your memory?

22 Oh, yeah, yeah, it affects your memory and everything.

23 Q. Do — do you remember speaking to the police at all?

24 A. I don't remember speaking to none of them.

25 I — the next thing I remember, I'm in the cell, you know, and —

1 and — well, yeah, I'm in a cell, you know, after the arraignment. You know,
2 I remember the arraignment and I remember the cell and that's it.

3 Q. Okay.

4 MS. PRICE: That's all I have.

5 A. I don't remember leaving the sheriff's office,
6 getting to the sheriff's office, nothing.

7 MS. PRICE: Okay. That's all I have.

8 THE COURT: All right. Thank you, sir. You may step down.

9 (Witness complied with the Court's request.)

10 THE COURT: You may call your next witness.

11 MS. PRICE: Your Honor, that would be the Defense's
12 showing. The Defense rests.

13 THE COURT: Anything in reply from the State?

14 MS. GILMER: Yes, Your Honor. The State would like to call one
15 witness.

16 THE COURT: All right.

17 MS. GILMER: Now, Your Honor?

18 THE COURT: Yes, ma'am.

19 MS. GILMER: Your Honor, we would call Investigator Loren
20 Williams to the stand.

21 (The witness stepped forward to retake the stand.)

22 THE COURT: Let me remind you, sir, you are still under oath. If
23 you would just have a seat, please, sir.

24 (Witness complied with the Court's request.)

25 Direct Examination by Ms. Gilmer:

12:09 P.m.

1 Q. Okay. Investigator Williams, we obviously have heard from
2 you already during this trial. What I wanted to ask about now is did you have an
3 opportunity to speak with the Defendant, Mr. Laster, right after this event happened?

4 And, if you need to refresh your recollection, just let me know.

5 A. Please.

6 **(Brief pause while witness reviews document.)**

7 A. Yes, ma'am, to answer your question, I did — I did speak to him after
8 the incident happened.

9 Q. Okay. And how long, after the incident happened, was it that you
10 spoke with him, an estimate? Was it the same day?

11 A. The same day. I would need to see some other documents in the file
12 to be able to tell you exactly how long.

13 Q. Okay. How was his demeanor when you spoke with him?

14 A. Nothing that would have led me to believe that he was under the
15 influence of anything --- anything like he's describing to you all.

16 Q. Okay.

17 A. You know, he was coherent and he was — he was paying attention to
18 what we had to say.

19 He was really wanting to know, you know, everything we had
20 found out from her, if we had been able to speak to her and what she — what she
21 had told us.

22 Q. Okay. And by "her," do you mean Crystal Moore?

23 A. Yes.

24 Q. And did you ask the Defendant what happened that morning?

25 A. Yes.

1 Q. Okay. And what did he tell you?

2 A. Which time?

3 Q. Let's start from the beginning. What did he first tell you happened?

4 A. I believe the first story that we got was like you said a
5 minute ago about the knife sex.

6 Q. Okay. And did he tell you -- did he provide that or did you provide --
7 did you ask him was it knife sex or did he just volunteer that this was knife sex?

8 A. This is the wrong document.

9 Q. Okay.

10 A. It's the --- there's two-page to that. And, then, there's an additional
11 pages.

12 (Brief pause while document is retrieved and handed to the
13 witness.)

14 (Off-the-Record Comments)

15 Q. (By Ms. Gilmer) Okay. So did he first volunteer about the knife sex?

16 A. Yes, he did.

17 Q. Was he able to explain what that was?

18 A. No, he did not.

19 Q. Okay. Did he ever give a second explanation of what occurred?

20 (Brief pause while the witness reviews document.)

21 A. The second version was when he told us -- or told me
22 that he had seen her cut herself.

23 Q. And did he ever give any other explanation?

24 (Brief pause while the witness examines document.)

25 A. Not specifically.

1 Q. Okay. Did he ever tell you that he was attacked by Kisty
2 Jolley and Ms. Moore?

3 A. He was alluding to the fact that something else that happened after he
4 was attacked by them. He said he had been hit in the head — hit over the head
5 with I can't remember if he said what it was or not.

6 (Brief Pause)

7 Q. Did you observe any visible injuries to him?

8 A. None whatsoever. He just said they had jumped on him
9 and knocked him out.

10 Q. Okay. And did you observe any visible injury to him?

11 A. No, ma'am.

12 Q. And so is that three different versions that he gave you of what
13 occurred?

14 A. In some form or fashion.

15 (Brief Pause)

16 Q. And did you ever tell him about what the victim said happened? Did
17 you ever tell him anything when he was asking about what the victim said?

18 A. No.

19 Q. Okay.

20 (Brief pause while the witness examines document.)

21 A. I'm sorry. That's where I had — I had told him about the marks on
22 himself, not what — what they had said.

23 Q. Did you see any marks on him?

24 A. No, ma'am.

25 MS. GILMER: Okay. I have no further questions.

1 **THE COURT:** Any cross examination?

2 **Cross Examination by Ms. Price:**

3 **Q.** How many folks did you interview with regard to this case? Do you
4 remember?

5 **A.** On the scene or — or during that period of time, three (3) I believe.

6 **Q.** Did you talk to Ms. Jolley?

7 **A.** Yes.

8 **Q.** Did you talk to Mr. Laster?

9 **A.** Yes.

10 **Q.** Did you talk to Ms. Moore?

11 **A.** I couldn't talk to her.

12 **Q.** Have you ever talked to her?

13 **A.** Yes.

14 **Q.** Okay. When, if you can remember?

15 **A.** If I can have that paper she just took back, I'll be glad to give you —

16 **Q.** Sure.

17 **(Document handed to the witness.)**

18 **A.** — the date and time. Actually it was the —

19 **(Off-the-Record Comments)**

20 **MS. GILMER:** And, Your Honor, we would just submit that this
21 goes beyond the scope of our calling Investigator Williams and it would be
22 hearsay.

23 **THE COURT:** I — I overrule your objection.

24 **A.** Let's see...

25 **(Brief pause while the witness examines document.)**

1 A. The incident was on the 18th; is that correct?

2 **(Brief Pause)**

3 A. Yes, I spoke to her on the 23rd.

4 Q. Okay. A couple of days later?

5 A. After — after she was released from the hospital,

6 left the hospital, whatever it was. You know, once — typically I don't

7 — I don't go and try to see victims right after they've had a situation like this.

8 I'll go to — I'll talk with family. I'll speak to the family. But, then, I'll

9 give them a couple of days before I attempt to get a statement from them or — or

10 really talk to them. It's pretty traumatic like it is; they don't need to go back through it

11 again right then.

12 Q. Okay. Do you remember if you talked to her before or after you talked
13 to Mr. Laster?

14 A. Oh, I talked to her after.

15 Q. Okay. And do you know if that was before or after he got arrested, if
16 you remember?

17 A. Do what now?

18 Q. Do you know — do you remember if you talked to her before or after
19 Mr. Laster was arrested?

20 A. It was after.

21 Q. Okay.

22 **MS. PRICE:** That's all I have, Your Honor.

23 **THE COURT:** All right. Thank you, sir.

24 **MS. PRICE:** May I approach and get the —

25 **(Document retrieved from the witness.)**

1 MS. PRICE: Thank you.

2 THE COURT: All right. Thank you, officer. You may step down.

3 (Witness complied with the Court's request.)

4 MS. GILMER: Nothing further, Your Honor.

5 THE COURT: All right. Madam Forelady, and ladies

6 and gentlemen of the jury, we're going to take a lunch break now. And we
7 have some legal matters we need to take care of.

8 You have heard all the testimony, but you haven't heard the closing
9 statements of the attorneys and you certainly haven't heard my instruction on
10 the law.

11 Let me remind you, again, not to be discussing it with one another and
12 don't discuss it with anyone else. And we'll be ready to start back after lunch
13 and listen to these closing arguments. And, at that point, I will give you the
14 law. And, then, it will be yours to decide.

15 Don't let anyone discuss it with you when you're out for lunch. If you
16 — as I told you yesterday, if you overhear someone talking about it, let them
17 know that you can't talk about it and you can't hear anything about it and
18 excuse yourself and move to another table if need be.

19 I believe we can be ready to start back at 2 o'clock. If you'll be back
20 then, I believe we can get all the things we need to do and, then, get time for
21 a sandwich ourselves and be ready to start over at 2 o'clock.

22 So, if you'll be back in your jury room then, we'll be ready to proceed.

23 Everyone else please remain seated while the jury departs.

24 (Whereupon, the jury was excused for the luncheon recess and
25 exited at 12:22 p.m.)

1 THE COURT: All right.

2 Charge Conference

3 THE COURT: All right. Any matters we need to take care of?

4 And certainly we need to talk about the charge to the jury and the verdict
5 form. I haven't got one printed yet, but I'll certainly let both of you look at it
6 before we give it to the jury.

7 Are there any specific requested charge from either side?

8 (Brief Pause)

9 MS. GILMER: Your Honor, I think the only one
10 would just be voluntary intoxication is not a defense.

11 THE COURT: All right. I -- I will be charging that. And I'll
12 certainly --- as we alluded to, I'll be charging about the punishment and tell
13 the jury that is not to be considered by them. Anything ---

14 MS. PRICE: Yes, Your Honor.

15 THE COURT: --- from the Defense?

16 MS. PRICE: I would move, Your Honor, to --- for the statutory
17 lesser included of assault and battery first-degree.

18 (Brief Pause)

19 THE COURT: Does the State have a position on that?

20 MS. GILMER: Yes, Your Honor. I -- I think we would not object
21 to that as long as assault and battery of a high and aggravated nature is in
22 there as well because that's a step below attempted murder.

23 THE COURT: What's the Defense's position on the ABHAN
24 charge?

25 MS. PRICE: We would prefer it not; however, she is correct,

1 it is statutorily a lesser included offense. They both are.

2 (Brief Pause)

3 THE COURT: All right. If I charge both of those lesser included
4 offenses, then, I'll charge the pertinent portions of the — of the statute of
5 assault and battery. I'll certainly do that, offers or attempts to offer. Certainly
6 this has nothing to do with Part (a) of the statute. There was no robbery,
7 burglary, or kidnaping and so forth, or attempted lewd acts. So I'll charge the
8 pertinent sections of that.

9 As to the verdict form, probably what I'll do is have the — and, once
10 again, I'll let you all look at it before it goes to the jury. But I'll have the
11 attempted murder and, then, I'll have the ABHAN and, then, the assault and
12 battery first-degree, and a fourth sheet for the weapons charge. And I'll
13 instruct the jury accordingly on those.

14 (Brief Pause)

15 THE COURT: I'll charge typically, as I will charge the credibility
16 of the witnesses and the burden of proof and the — I'll be charging certainly
17 beyond a reasonable doubt and criminal intent.

18 I think both of you believe the charge would — would cover the law. If
19 not, then, we'll take care of that later. Any other matters we need to take care
20 of before we take a break and be ready for your closing statements?

21 MS. PRICE: I don't think so.

22 MS. GILMER: I don't think so either, Your Honor.

23 THE COURT: Okay. Be back at 2 o'clock.

24 MS. PRICE: Okay. Thank you.

25 MS. GILMER: Thank you, Your Honor.

1 (Whereupon, a lunch recess was taken from 12:26 p.m. until
2 2:09 p.m.)

3 (Off-the-Record Comments)

4 THE COURT: All right. Is everybody ready —

5 MS. GILMER: Yes, Your Honor.

6 MS. PRICE: Yes, sir.

7 THE COURT: — to proceed? All right. Let's have our jury
8 come in, Mr. Seay.

9 (Whereupon, the jury was summoned and entered at 2:09 p.m.)

10 THE COURT: Madam Forelady, ladies and gentlemen of the
11 jury, we're now ready for the attorneys to address you in their
12 closing statements.

13 As I told you yesterday when we began, the opening statements and
14 closing statements of the attorneys, that's not evidence. You're heard all the
15 evidence in the case.

16 Nevertheless, I urge you to listen carefully as each of these attorneys
17 address you. I'm sure they can give you some insights to help you
18 in your deliberations that will take place soon.

19 After they've had a chance to address you, I'll instruct you on the law.
20 The case will, then, be yours to decide.

21 Ms. Price, you may address the jury in your closing statement.

22 MS. PRICE: Thank you, Your Honor.

23 (Ms. Price's closing statement began at 2:10 p.m.)

24 MS. PRICE: Good afternoon, ladies and gentlemen. I trust
25 you all had a pleasant lunch. It was nice day to get out for just a little while.

1 I was at Chick-fil-a express in Spartanburg. So I had a pleasant lunch
2 myself and I hope you did too. And, on behalf of Mr. Laster, I'd like to thank
3 you for your kind attention in this matter.

4 As you're heard, this is a two-year old case. Mr. Laster came and
5 exercised his right to a jury trial by a jury. And so I do thank you for your
6 attention in this matter and your patience with us and for listening to all the
7 evidence in this matter.

8 Now, I expect the judge tell — will give you instructions later on. And
9 I'll expect he'll tell you that what I say, and what Ms. Gilmer says, is not
10 evidence, but the evidence comes right here (indicating) out of this box.

11 Now, let's talk about what you've heard out of this box.
12 The State had one witness as to what allegedly happened on this night in
13 August two years. And that was Ms. Kisty Jolley, who is, as you heard,
14 Crystal's sister.

15 And, as you also heard, she said it was a night she would never forget.
16 And we all have stuff that we're not going to forget. We all have things that
17 happen to us.

18 About two years ago myself, I was in a car accident. I remember that
19 day very well to some degree. There are various things after I went to the
20 hospital I don't remember at all.

21 But my mom and my dad and folks that were there with me said that I
22 said and did things I don't remember. And that's because of something
23 called drugs.

24 And I would submit to you that, that's exactly what happened to Mr.
25 Laster that evening after this incident occurred.

1 Ms. Jolley gave some testimony up here that was different
2 from what she was — her written statement was. And we talked about that
3 some yesterday much to her agitation if you noticed.

4 She said she didn't see the incident. She herself said that sitting in
5 this box, and yet, she assumes that there was an intent to harm.

6 Now, for an attempted murder charge to be sustained — and Judge
7 Welmaker is going to address that a little later on — there are certain
8 elements that you have to meet. And one of those elements is intent.

9 Now, as you've heard from this box also, there are two people who
10 know exactly what happened that evening. That would be Crystal and
11 Timmy.

12 Interestingly enough, the State did not call Crystal. That's — that's
13 their right and that's in their discretion.

14 But those two are the ones that know what happened that night. And
15 you both heard them say that this was an accident. This was an accident
16 pure and simple.

17 You also heard unfortunately some testimony about some drug use
18 and snorting pills. I don't know anything about snorting pills. That's why I
19 had to ask about that.

20 Another thing I thought was interesting about Ms. Jolley's testimony
21 was that she didn't even know how old her sister was, which I found a little
22 interesting, but if you know what's going on, you'd think one would know
23 one's sister's age.

24 You also heard some testimony from her about her finding a
25 bloody knife in a suitcase. Well, as you've heard from testimony from the

1 ID officers that were there, they found a knife on the bed; no mention of any
2 — any knife found in a suitcase and turned over;

3 No testimony about a bloody knife coming from Ms. Jolley
4 and no bloody knife coming from Ms. Jolley put into evidence; just the one
5 knife that was in the room.

6 As I mentioned before, there's a — the State has the burden of proof
7 in this, and one thing people don't know about defense lawyers is that
8 technically, we don't have to do anything because it's up to the State. The
9 law puts — puts the burden on them to prove their case.

10 In this case, the State has chosen not to call Ms. Moore, the person
11 that this happened to. It's in their discretion to do that. They can or they
12 cannot; their case.

13 Why they didn't call her is — is a question that you're going to
14 have to answer that yourselves. I would submit to you that because it did
15 not fit their little theory of the case.

16 Their theory was — is that this — Mr. Laster tried to kill Crystal. She
17 says, from her own mouth, that, that is not what happened.

18 Another thing that I would like to point out to you is that Mr. Laster
19 was arrested before the police talked to Crystal. Again, a decision
20 was made based on what they thought the theory was at that time before
21 they talked to her.

22 And as you've heard her testimony up here and his testimony: This
23 was an accident; an accident.

24 Ladies and gentlemen, I trust that, after you've heard everything
25 up here today, that you will go back into your jury room and begin

1 your deliberations. I don't know if any of you have been on a jury before,
2 it -- I hope you have found it to a somewhat pleasant experience.

3 My dad had jury duty a couple of weeks ago and he got struck quite
4 quickly. But -- and as I said before, I can't do my job without you. And Mr.
5 Laster couldn't have his trial without you. And we thank you for your kind
6 attention in this matter.

7 And we would expect that you would go back into the jury room and
8 after your deliberations would come and find Mr. Laster not guilty. Thank
9 you.

10 (Ms. Price's closing concluded at 2:16 p.m.)

11 THE COURT: Solicitor, you may address the jury in your closing
12 statement.

13 MS. GILMER: Thank you, Your Honor. May it please the Court?
14 Counsel?

15 THE COURT: Uh-huh (affirmative).

16 (Ms. Gilmer's closing began at 2:17 p.m.)

17 MS. GILMER: Members of the jury, at the beginning of this trial, I
18 told you that the State would be asking you to step into a world that you're
19 probably not accustomed to. And that's what, again, we've asked you to do
20 during this trial.

21 I asked you before to use your common sense, when you go back into
22 that jury room and deliberate, and I submit to you that, once you do think
23 about that testimony that you've heard, the evidence that you've seen, and
24 that you put that together, with your common sense, I submit to you that you
25 are going to return verdicts, guilty verdicts, for attempted murder

1 and possession of a weapon during a violent crime.

2 Now, let's talk a little bit about what you have seen and
3 heard over today and beginning yesterday. I know we put a lot of different
4 witnesses up. And you've been very patient in listening to those and we do
5 appreciate that.

6 What we've presented, the State presented in the case, we presented
7 testimony from the officers that were involved in the investigation, the
8 officers that went out and processed the crime scene, found the bloody
9 comforter, the sheet, the blood that was in that room.

10 They located the bloody knife, on the corner of the bed, where the
11 same blood as the comforter and the sheets were.

12 Officers also testi ---- testified and explained to you the — their
13 process from when they're called out on a scene and when they're
14 investigating a case of this nature.

15 So you heard from Deputy Guffey who told you he was the initial
16 officer that responded. He told you what he heard, what he saw,
17 what he observed when he went.

18 And you also heard from Investig — excuse me — Deputy Robert
19 Shaffer, who was the ID officer, forensic officer, who processed the scene.
20 And, then, you heard from Investigator Loren Williams, and, then, Deputy
21 Anthony Knighton as well.

22 Now, I'm not going to focus too much on what they told you; obviously,
23 the photographs are self explanatory. And you can take those back with you
24 in the jury room and have an opportunity to see those as you're deliberating.

25 The same with the other evidence that was presented. The

1 comforter, the sheet, the knife, all of that as well you'll have access to,
2 along with the 911 call.

3 Now, I'm going to talk a little bit about Kisty Jolley. The State
4 presented her testimony. She was the individual that was in the room that
5 night and gave a statement to law enforcement.

6 Now, Ms. Jolley came in here yesterday. And, as I told you in my
7 opening, I'm sure it was not an easy thing for her to do, come in here in a
8 roomful of strangers, in front of your sister who's obviously not having a
9 current good relationship with, as well as her sister's boyfriend — husband is
10 what her sister calls him.

11 Now, Ms. Jolley came in here and what she told you that night is that,
12 that night in that — that room, as she was lying in bed, she was lying in bed
13 and the dog, the adult dog, was laying under the covers at the end of the
14 bed. The Defendant came over to pet the dog. She didn't know that's what
15 he was doing at the time. He reaches under, touches her leg, and she cries
16 out.

17 Ms. Jolley, then, told you that she cries out to her sister. Crystal tells
18 him, hollers at him, "what are you doing?" Her sister gets up and she
19 hits the Defendant.

20 Now, Ms. Jolley said that — that the Defendant, then, turned around
21 and smacked Ms. Moore. And she saw Ms. Moore grab her face.

22 Now, Ms. Jolley, she admitted to you that she had been using
23 alcohol and drugs that evening. I quite frankly feel that she was
24 quite candid about that and quite open about what she told you
25 and not trying to clean up that fact.

1 Yes, there was drug use. Yes, there was alcohol abuse. But that
2 does not take away from the fact that this happened
3 as Ms. Jolley said it happened.

4 And I feel that, if you use your common sense and take back with you
5 your common sense into that room when you're listening to the — excuse me
6 — when you're talking about the testimony that you're heard and the
7 evidence that you have seen, so that using your common sense you're going
8 to realize that what she told you happened is what happened that night.

9 Now, she says that, at this point, after the Defendant smacked Ms.
10 Moore, the Defendant and Ms. Moore start — she uses the word “tussle” —
11 tussling; they start tussling.

12 And she told you the Defendant was angry. The Defendant was angry
13 when this was going on. His girlfriend just hit him on the back of the head.
14 Yeah, he probably was angry.

15 He was angry. He, then — she said she turned around for a split
16 second to make a phone call. Things were out of hand. She called it a split
17 second.

18 She hears Ms. Moore call out her name. She sees the Defendant on
19 top of Ms. Moore. And Ms. Moore's neck has been cut bad. She is injured.
20 She is bleeding.

21 Now, ladies and gentlemen, let's think about this. The Defendant, I
22 think he told us today he's 280 pounds or was at the time. He is — has a
23 large build.

24 Ms. Jolley told you where she was standing; at the foot of the bed
25 area. And you can look at the photographs on that.

1 The Defendant is on top of her sister, cutting her, stabbing
2 her in the neck. How is she supposed to exactly see the blade piercing the
3 skin? I would question her credibility if she came in here today and she said,
4 "You know what, I saw that knife blade. It was shiny. I saw it going into my
5 sister's neck and piercing her neck. And I saw every bit of it."

6 Use your common sense. Just because she didn't see that blade
7 going in, she told you. And Ms. Price thinks her -- her statement is
8 consistent. She told the police, "He cut my sister's neck."

9 Well, if you see anger and you see tussling and you see the Defendant
10 on top of Ms. Moore and immediately, in a split second, she's bleeding from
11 the neck, you know what happened.

12 Common sense; this was no accident. He intended to put that blade in
13 Ms. Moore's throat; common sense.

14 **(Brief Pause)**

15 **MS. GILMER:** Let's talk about that 911 call. And I encourage
16 you to go back -- when you go back into the jury room, you'll have an
17 opportunity to listen to that call again.

18 I hear in that call some colorful language. And, if you just get past
19 that, I hear in that call a sister who is frantic; a sister who just sees that her
20 sister's neck has been cut, has been stabbed. And it's at the hands of her
21 boyfriend. She's frantic.

22 Now, in that 911 call, you can clearly hear the victim stating in that
23 call, "I need you to tell them that me and Timmy were cutting up and
24 that I fell and the knife cut me." "Please tell them we were cutting up and I
25 fell."

1 Ladies and gentlemen, that's where the story started.

2 That's where the story started. So we went through that 911 call. The victim
3 fell. They were just cutting up and she fell on the knife.

4 Then, we go to the statements by the Defendant. He talks to
5 Investigator Loren Williams. He tells Investigator Williams this was knife
6 sex, but couldn't really explain what that was.

7 He, then, tells Investigator Loren Williams that, "The victim, Ms. Moore,
8 cut herself and I'm covering for her." And, then, he alluded to the fact that
9 he was jumped on and attacked by Ms. Moore and Kisty Jolley.

10 Three stories. Four stories if you count the one that the victim was
11 trying to get Kisty to tell the police when they came out; four stories.

12 And, ladies and gentlemen, again, common sense, none of those
13 stories are right. That dog just won't hunt.

14 Now, we have the fifth story. The Defendant testified today; Ms.
15 Moore testified today. And now we have this story about this puppy.

16 Well, ladies and gentlemen, I submit to you that, if you recall what was
17 stated on the stand today, their stories still weren't consistent with each
18 other. They still couldn't get their story right.

19 Mr. Laster, after he sat there and I asked him and he had to look at the
20 picture and he had to think about it for a few seconds, what happened where
21 he was that night when everything happened, he says he was on the other
22 side of the bed, the side of the bed that was closest to the entryway to the
23 motel room.

24 He says he was on that side of the bed. And, then, he gets up
25 to go to the bathroom. So he's on this side of the bed (indicating)

1 and he states that he goes up to go to the bathroom. But he comes
2 all the way around to put this knife down.

3 And Ms. Moore is lying right here (indicating) on the bed. And, then, I
4 think he eventually said maybe she had sat up. But I think it took him a
5 while to get there.

6 He comes around and that's when he trips over this puppy; trips over
7 this puppy and that's how the injury occurred. Ladies and gentlemen, it just
8 does not make any sense.

9 Okay. Now, let's think about what Ms. Moore said. Ms. Moore said
10 that she and Timmy, the Defendant, were sitting beside each other on the
11 bed. One of them was at the top, one was at the bottom. He gets up to go to
12 the bathroom.

13 And he trips over this puppy, and, as she described it, the knife just
14 went up, just went up. And that's how this injury happened; how all that
15 blood happened, that cut to the jugular vein, the surgery that went on, that's
16 how that happened.

17 He's tripped over this puppy, happened to have the knife in his hand,
18 and it just went up just like this (demonstrates). It just does not make sense.

19 I submit to you there are multiple inconsistencies in their story that
20 they've presented today. And I submit to you that it's just that, a story
21 because I submit to you that's not what happened that night.

22 The only account that fits is what Kisty Jolley told you happened that
23 night. And all those inconsistencies in what Ms. Moore said and what the
24 Defendant said, all those inconsistencies, there has been one consistency in
25 what they both told you today. And they both told you, "Yeah, we've been

1 talking.”

2 “We’ve been talking since this happened despite that
3 no-contact order on the bond, despite that prohibition by the judge that they
4 not have contact, the Defendant not have contact with her, they’ve been
5 talking.”

6 And they’ve been talking about this case. I think Ms. Moore actually
7 admitted they’ve been talking about this case. Now, Mr. Laster, he’s a little
8 bit reluctant to go there.

9 They’ve been talking. Maybe his dad has been talking to her. But
10 they’ve been talking about this case getting their stories together.

11 Ladies and gentlemen, it just does not fit. It does not fit.

12 **(Brief Pause)**

13 **MS. GILMER:** Dr. Hird was in here earlier today. He told you he
14 is a general surgeon, works with Spartanburg Regional Medical Center. And
15 he told you about the surgery that he had to perform on the victim; her
16 jugular vein had to be repaired.

17 And, when he told you about that, he said he didn’t like my word
18 complication, but there was an issue with her starting to bleed. And, then,
19 they had to call the other surgeon in to assist, okay?

20 And he also told you that such an injury could have resulted in death.
21 She could have bled out. She could have had a loss of airway. They were
22 able to repair it and she did not — fortunately, did not die.

23 He also told you that a knife to the neck, to the throat, could result in
24 death, could result in death.

25 **(Brief Pause)**

1 **MS. GILMER:** I'm going to go a little bit back to what
2 the Defendant said again. He said to you that they — when this happened,
3 when the accident happened, they tried to wake up Kisty; Kisty Jolley, the
4 most horrible person in the world, that's what they want you to think because
5 they don't like her because she did come in and she told you what happened
6 that night.

7 He said, "I tried to wake up — we tried to wake up Kisty, tried to wake
8 up Kisty Jolley so she could call 911. And we tried to wake her up three
9 times."

10 And I said, "How much time had passed?" He thought about it a little
11 bit and he said, "About three minutes." And, then, I asked him, "Was Ms.
12 Moore conscious at the time?" And he said yes, she was conscious.

13 So, in three minutes, your girlfriend is bleeding, just been cut, just
14 been stabbed, bleeding, and you wait three minutes and you're claiming
15 because you're trying to wake up the sister?

16 Ms. Moore was conscious. She could hold the towel and hold the
17 blankets while he went to get a phone to call 911. It — the stories just do not
18 make sense, do not fit.

19 The Defendant came in today and he was telling me that, that night,
20 yes, he was telling Kisty Jolley it was her fault. He blamed her and he said,
21 "It's all your fault because she had called that guy to bring the — the beer
22 and the weed."

23 So no, not I shouldn't have been drinking. I shouldn't have been
24 consuming drugs. It was your fault, Kisty Jolley, because you invited this
25 guy over.

1 And now today — now today he is blaming a puppy.

2 So he got — he's blaming Kisty, now he's blaming a puppy.

3 But the blame doesn't lie in either of those two places. It lies with one person
4 and that's the Defendant, Timmy Laster.

5 (Brief Pause)

6 MS. GILMER: Ladies and gentlemen, just to touch on a few
7 things that Ms. Price said: She mentioned that Ms. Jolley doesn't know how
8 old her sister is. There are some days it takes me a second to know how old
9 I am. So I — you can't fault her for not knowing how old her sister is.

10 Ladies and gentlemen, we didn't call Ms. Moore as the victim — as a
11 witness today or yesterday because of exactly what you heard on the stand
12 today; not the State trying to cover up something, not having our own theory
13 that we just don't think that she fits into.

14 The State does not believe the evidence --- we do not believe the
15 evidence shows that this was an accident. She comes in and gives this —
16 another story of what happened. I'm sure it's very difficult for her to have to
17 come in and testify.

18 Ladies and gentlemen, I wish there was a scientific formula. I — you
19 don't have to understand why she — why Ms. Moore wants to testify for the
20 Defendant and come in and make up another story as to what happened.

21 You only have to accept that it occurs. You don't have to understand
22 it; you only have to accept it. There are some days — I've been doing these
23 types of cases for many years, and there are some days that I just, as much
24 as I do this and as much as I know why it happens, there are days where I
25 just can't understand it.

1 But I don't have to understand it, I just have to know
2 that it happens; that women do stay in relationships with men who have been
3 violent towards them, who have physically abused them. It does happen.
4 You don't have to understand it; you just have to accept that it happens.

5 Maybe it's love, maybe it's loyalty. Maybe it's repayment for the
6 years that she claims he was by her side during this cancer treatment.
7 Maybe it's fear. Maybe it's financial reasons. I don't know.

8 But, ladies and gentlemen, again, you don't have to understand it; you
9 just have to accept it.

10 I cannot urge you enough to think back about what you've heard, what
11 you've seen. You will have the exhibits and use your common sense.

12 I know you're probably so tired of hearing that term, but use your
13 common sense in knowing what happened that night.

14 The puppy story, the knife sex story, all this stuff doesn't fit. But the
15 one thing that does fit is that the Defendant was angry that night.

16 He was angry, the same man that got up there and — and he said the
17 victim asked him — they had asked him if this Scott person could come
18 over. And he said, "Yes. I said it was okay for him to come over."

19 Use your common sense. And I submit to you that, when you do, you
20 will find the Defendant guilty of attempted murder and possession of a
21 weapon during the commission of a violent crime.

22 **(Brief Pause)**

23 **MS. GILMER:** Thank you, Your Honor.

24

25

Jury Charge

THE COURT: Madam Foreland and ladies and gentlemen of the jury, it is now my responsibility to instruct you on the law of the case. Herein the indictment charges the Defendant, Mr. Laster, with attempted murder and also possession of a weapon during the commission of a violent crime.

Let me remind you the fact that we have an indictment here, that indictment is not evidence in the case. It can't be considered by you as evidence in the case.

The indictment is merely the charging paper by which the case is brought to this Court for disposition. It creates no presumption whatsoever of guilt on the part of the Defendant.

Now, he has entered a plea of not guilty to these charges. And that places the burden on the State to prove his guilt. A person charged with committing a criminal offense in South Carolina is never required to prove themselves innocent.

Now, that's an important rule of law; no matter how serious a charge may be, a person from whom that indictment was issued would always be presumed innocent of the crime unless guilt has been proven by evidence presented by the State satisfying you of that guilt beyond a reasonable doubt.

Presumption of innocence doesn't end when you begin your deliberations. It accompanies the Defendant throughout the trial until you have reached a verdict of guilt based upon evidence satisfying you of that guilt beyond a reasonable doubt.

Presumption of innocence is often been described as a

1 robe of righteousness that is placed about the shoulders of an individual.
2 And remains with that defendant until it has been stripped from him by
3 evidence presented by the State that satisfies you of the defendant's guilt
4 beyond a reasonable doubt.

5 Beyond a reasonable doubt is a — the standard of proof and
6 presumption of innocence is not a mere legal theory. It's not a mere legal
7 phrase that's used. It is a substantial right to which every defendant is
8 entitled throughout the trial.

9 Now, you may ask yourself, "What is a reasonable doubt in the law?"
10 Well, reasonable doubt is the kind of doubt that would cause a reasonable
11 person to hesitate to act.

12 Some of you in the past maybe have served as a juror on a case in
13 which a judge told you that it was only necessary to prove a fact is more
14 likely true than not true by what was called the greater weight of the
15 evidence or the preponderance of the evidence.

16 That would have been in a civil case, a suit between individuals. But,
17 in criminal cases, the State's proof is more powerful than that. It's must be
18 beyond a reasonable doubt.

19 That would be proof that leaves you firmly convinced of the
20 Defendant's guilt. There are very few things in this world we know with
21 absolute certainty. And, in criminal cases, the law doesn't require proof that
22 overcomes every possible doubt.

23 If, based upon your consideration of the evidence, you are firmly
24 convinced the Defendant is guilty of the crime charged, then, your verdict
25 would be guilty.

1 If, on the other hand, you think there's a real possibility the Defendant
2 is not guilty, then, you must give the Defendant the benefit of that doubt and
3 find him not guilty.

4 Now, you and I have had certain duties to perform during the trial of
5 the case. As the trial judge, it's been my responsibility to preside over the
6 trial, to rule on the admissibility of evidence that has been offered during the
7 course of the trial.

8 You are to consider only the competent evidence before you. You are
9 to consider the testimony, which has been presented from the witness stand,
10 consider the exhibits that have been made a part of the record, and that
11 alone.

12 I also have the additional job of instructing you on the law of the case.
13 I am the sole judge of the law and it's your duty as jurors to accept the law
14 and to apply the law just as I state it to you now.

15 If you already have an idea of what the law is or even a notion of what
16 the law ought to be, in a case like this, and that notion is not in concert with
17 what I now tell you the law is, then, you must abandon that idea because,
18 under your oath, you've sworn to accept the law and apply the law just as I
19 state it to you.

20 Every case that's tried in this courtroom before a jury, that jury
21 becomes the sole and exclusive judge of the facts in a case. A trial judge
22 can't intimate or state or comment on or make any statement
23 whatsoever to a trial jury about the facts of a case.

24 Now, ladies and gentlemen, since you are the sole judges of
25 the facts; you're not to infer from what I've said, during the progress

1 of the trial or any rulings I've made on the admissibility of evidence or
2 otherwise or anything I say now during the course of this instruction to you,
3 that I have an opinion about the facts of the case.

4 I don't have an opinion about the facts. The law of South Carolina,
5 even our Constitution, prohibits a trial judge, such as I, from having an
6 opinion about the facts.

7 That's a matter solely for you, the jury, to determine. You decide the
8 effect and the value, the weight, and the truth of the evidence presented
9 during the trial.

10 Now, there's two types of evidence normally presented. There is what
11 is called direct evidence and circumstantial evidence.

12 Direct evidence is the testimony of a witness who claims to have actual
13 knowledge of a fact such as an eye witness. It's evidence which
14 immediately establishes the main fact to be proved.

15 Circumstantial evidence is proof of a chain of facts and circumstances
16 that indicate the existence of a fact. It's evidence which immediately
17 establishes collateral facts from which the main fact may be inferred. It's
18 based on inference, then, and not upon personal knowledge or observation.

19 The law makes absolutely no distinction between the weight or the
20 value to be given either circumstantial evidence or direct evidence. Nor is a
21 greater degree of certainty required of circumstantial evidence than
22 of direct evidence.

23 You should weigh all the evidence in the case and, after weighing
24 the evidence, if you're not convinced of the guilt of the Defendant, beyond
25 a reasonable doubt, then, you must find him not guilty.

1 Necessarily, ladies and gentlemen, you must judge the credibility of
2 the witnesses who have testified in this case. Credibility simply means
3 believability. It becomes your duty as jurors to analyze and
4 evaluate the evidence and determine which evidence convinces you of its
5 truth.

6 In determining the believability of the witnesses who testified in
7 this case, you can believe one witness over several witnesses. You can
8 believe several witnesses over one witness.

9 In your discretion, you can believe part of the testimony of a witness
10 and you can reject the remaining part of the testimony of that very same
11 witness. You can believe the testimony of a witness in its entirety and you
12 can reject the testimony of a witness in its entirety.

13 You can consider whether any witness has exhibited to you any bias or
14 prejudice or other motive in the case. You can consider the appearance, the
15 manner of the witness while on the witness stand.

16 Was he or she straightforward or hesitant in answering? Was the
17 testimony of the witness consistent or inconsistent? Was the testimony of
18 that witness strengthened or weakened by other evidence or other
19 testimony? It's totally your prerogative to determine the credibility of the
20 witnesses who testified.

21 Now, ordinarily the Rules of Evidence would not allow a witness to
22 testify to opinions or conclusions, but there is an exception to this for a
23 witness we call an expert witness; an witness who by education and
24 experience has become an expert in some art or science or profession
25 or calling may give an opinion and state the reason thereof

1 for any relevant or material matter of which that witness claims to be an
2 expert.

3 You should consider an expert's opinion received into evidence, and
4 like all the other evidence, give it the weight that you think it deserves.

5 If you decide the opinion of an expert witness is not based on sufficient
6 education and experience or you conclude that the reasons given in support
7 of that opinion are not sound or that the opinion is outweighed by other
8 evidence, you may disregard that opinion entirely.

9 An expert witness' testimony is to be given no greater weight than that
10 of any other witness simply because that witness is an expert. Furthermore,
11 you're not required to accept an expert's opinion, even though it may be
12 uncontradicted.

13 Now, in order to establish criminal liability, criminal intent is required
14 and must be proven by the State beyond a reasonable doubt. Criminal
15 intent is always a matter that must be determined by a jury from the
16 circumstances surrounding the situation.

17 There is no way to prove intent to a mathematical certainty. There is
18 no way medical science has devised that we can dissect a person's brain
19 and determine what that person had in mind. So the law says that criminal
20 intent may be inferred from circumstances shown to have existed.

21 It's not necessary to establish intent by direct and positive evidence,
22 but intent may be established by inference in the same way as any other
23 fact, taking into consideration the acts of the parties and all the facts and
24 circumstances of the case.

25 Criminal intent is a mental state. It's a conscious wrongdoing.

1 It's up to you to determine what the Defendant intended to do based upon the
2 circumstances shown to have existed.

3 Now, this is case in which a case in which the Defendant is charged
4 with attempted murder. In order to prove this case, the State must prove to
5 you, beyond a reasonable doubt, that the Defendant attempted to kill
6 another person with malice aforethought, either expressed or implied.

7 Now, malice is hatred or ill will or hostility toward another person. It's
8 the intentional doing of a wrongful act without just cause or excuse or with
9 an intent. And it's with an intent to inflict injury or other circumstances that
10 the law would infer as evil intent.

11 Malice aforethought does not require that malice exists for any
12 particular time before the act is committed, but malice must exist in the mind
13 of the Defendant just before and at the time the act is committed.

14 Therefore, there must be a combination of the evil — the previous evil
15 intent and the act. Malice aforethought may be expressed or inferred.

16 These terms "expressed" and "inferred" do not mean different kinds of
17 malice, but merely the manner in which the malice may be shown to exist;
18 that is, either by direct evidence or by inference from the facts and
19 circumstances which are proved.

20 Expressed malice is shown when a person speaks words which
21 express hatred or ill will for another or when the person prepares beforehand
22 to do the act which was later accomplished.

23 For instance, if a person were lying in wait for another person
24 or another acts in preparation going to show the deed was within
25 that defendant's mind, would be expressed malice.

1 Malice may be inferred from conduct showing a total disregard for
2 human life.

3 Now, if facts are proved, beyond a reasonable doubt, sufficient to raise
4 an inference of malice on — to your satisfaction, this inference would be
5 simply an evidentiary fact to be considered by you, the jury, along with the
6 other evidence in the case. And you may give it the weight you decide it
7 should receive.

8 A — a specific intent to kill is not an element of attempted murder. But
9 there must be a general intent to commit serious bodily injury.

10 Intent means the — means intending the result which actually
11 occurred not accidentally or volun — in — involuntarily.

12 Now, intent may be shown by acts and conducts of the Defendant or
13 other circumstances from which you naturally and reasonably could infer
14 intent.

15 Evidence of the character of the act, the character of the instrument
16 used, the manner in which it was used, the purpose to be accomplished, the
17 resulting wounds or injuries, maybe considered in determining the intent with
18 which the act was committed.

19 Intent may also be inferred when it is demonstrated that the
20 Defendant voluntarily and willfully commits an act, the natural tendency of
21 which is to destroy another's life.

22 **(Brief Pause)**

23 **THE COURT:** Now, under the law, ladies and gentlemen, there
24 is something called a lesser included offense. If you find that the State has
25 failed to meet its burden of proof, in all elements as to the attempted murder,

1 then, the lesser included offense would be assault and battery of a high and
2 aggravated nature.

3 Now, a person commits this offense if the person unlawfully injures
4 another person and great bodily injury to that person results or the act is
5 accomplished by means likely to produce death or great bodily injury.

6 Also, a lesser included offense of assault and battery of a high and
7 aggravated nature and the attempted murder, is the statutory provision
8 under Title 16-3-600; that being the assault and battery in the first degree.

9 And a person commits the offense of assault and battery in the first
10 degree if the person unlawfully offers or attempts to injure another person
11 with the present ability to do so. And the act is accomplished by means
12 likely to produce death or great bodily injury.

13 Now, great bodily injury means that the bodily injury which causes a
14 substantial risk of death or which causes serious permanent disfigurement or
15 — or protracted loss or impairment of function of a bodily member or an
16 organ.

17 Now, in this case, the Defendant is also charged with possession of a
18 weapon during the commission of or attempting to commit a violent crime.
19 The State must prove, beyond a reasonable doubt, that the Defendant
20 physically displayed a knife during the commission of a violent crime.

21 A knife means that it's an instrument or a tool with a sharp cutting
22 blade, whether or not fastened to a handle, which can be used to inflict a
23 cut, a slash, or a wound.

24 In order to find the Defendant guilty of possession of a weapon
25 during the commission of a violent crime, you must first find the

1 Defendant committed — guilty of committing that violent crime or attempting
2 to commit a violent crime.

3 Under the law of South Carolina, attempted murder and assault and
4 battery of a high and aggravated nature are considered violent crimes.

5 Now, the State must prove, beyond a reasonable doubt, that the
6 weapon further, advanced, or helped the commission of that crime.

7 Now, the Defendant has raised the defense of accident. And an act
8 may be excused on the ground of accident if it is shown that the act was
9 unintentional; that the Defendant was acting lawfully and that reasonable
10 care was used by the Defendant in the handling of the weapon.

11 An example of that would be if a person lawfully armed in self defense
12 and an accident — a gun accidentally discharges. Then, of course, the
13 defense of accident would apply.

14 Now, the burden is on the State to prove, beyond a reasonable doubt,
15 that the act was not an accident but was caused by the negligence or
16 carelessness on the part of the Defendant in handling the dangerous
17 instrumentality or the unlawful activity of the Defendant.

18 You've also heard testimony in this case concerning the penalty a
19 person can serve for crimes alleged in the indictment. In determining the
20 guilt or innocence of the Defendant, you cannot consider any possible
21 penalties for any particular crime.

22 The punishment for a crime is a matter for me to determine and should
23 never be considered by you, in any way whatsoever, in arriving at an
24 impartial verdict as to the guilt or the innocence of the Defendant.

25 Now, voluntary intoxication is not a defense to a crime.

1 A person who voluntarily becomes — voluntarily becomes intoxicated is as
2 responsible for the acts committed while intoxicated as when the person was
3 not intoxicated.

4 (Brief Pause)

5 THE COURT: Now, Madam Forelady, ladies and gentlemen, I
6 have verdict forms prepared. I believe they will be self explanatory for you.
7 Each — each of them relates to a different offense.

8 The first one will be as to the charge of attempted murder. If you find
9 that the State has met its burden of proof, then, of course, your verdict would
10 be guilty. If you find the State has not met its burden of proof, beyond a
11 reasonable doubt, then, your verdict would be not guilty.

12 There's no significance in the order in which they're listed. One simply
13 has to been — has to be listed before the other.

14 If you find that the State has failed to meet its burden of proof as to
15 that charge, then, you would consider the lesser included offense of assault
16 and battery of a high and aggravated nature; again, with an option for a
17 guilty verdict or a not guilty verdict.

18 Again, if you find the State has failed to meet its burden of proof on
19 that charge, then, you would look at the other lesser included offense, to the
20 assault and battery of a high and aggravated nature, and that would be
21 assault and battery in the first degree, again, making the selection of guilty
22 or not guilty based upon the State's burden of proof, beyond a reasonable
23 doubt.

24 Then, there's a verdict form also for the possession of a
25 weapon charge. Again, if you find and decide — if you find that

1 statute before you that the State has met its burden of proof, your verdict
2 would be guilty. If the State has failed, then, your verdict would be not guilty.

3 Each of these need to be signed by you, Madam Forelady, and dated.
4 And, then, we'll receive the verdicts back here in the courtroom.

5 Your verdict must be unanimous. And all twelve of you must agree
6 upon the verdict. And the verdict can't be based sympathy or compassion or
7 prejudice or emotion or any other consideration not in evidence in the case.

8 And let me remind you, while you're free to ask me any questions
9 concerning the law that I've just given you, it's impermissible for me to
10 answer any questions you have regarding the facts of the case. That's your
11 duty, as the fact finders, to decide what the facts are.

12 Now, in a few moments, I'll have the — the evidence to be presented
13 to you with the verdict forms and instructions for you to begin your
14 deliberations.

15 Some of the evidence — I think all of the evidence that are not the
16 pictures are packaged. If any of you feel like you need to invade the
17 package, then, certainly, these are evidentiary matters that require some care
18 for you, through gloves or otherwise. So I presume that you will not open the
19 packages.

20 But, if you feel you need to, to examine anything for your deliberations,
21 please, let us know. And we'll either have you look at those out here with one
22 of the officers opening them or one other court personnel maybe will have
23 sufficient safety equipment back for you in your jury room.

24 At this time, I'm going to ask you to go back to your jury room.
25 Don't start your deliberations just yet. There's a matter of law that I

1 need to take care of with the attorneys. After which, hopefully, we'll be able
2 to send the verdict forms back with the evidence and instructions for you to
3 begin your deliberations.

4 But, for right now, don't start your deliberations. You may retire to your
5 jury room.

6 **(Whereupon, the jury exited the courtroom at 2:58 p.m.)**

7 **THE COURT:** Any exceptions to the charge by the State?

8 **MS. GILMER:** No, Your Honor.

9 **THE COURT:** From the Defense?

10 **MS. PRICE:** No, sir.

11 **THE COURT:** All right. You all make sure all the exhibits are in
12 order. And here's the verdict forms, Mr. Seay.

13 **(Brief pause while the attorneys checked the exhibits.)**

14 **(Off-the-Record Comments)**

15 **(The jury began their deliberations at 3:00 p.m.)**

16 **(The two alternates were excused at 3:01 p.m.)**

17 **THE COURT:** All right. We'll be at ease until we hear from our
18 jury.

19 **(The jury had a question/request at 3:18 p.m.)**

20 **(Off-the-Record Comments)**

21 **(Pause until all parties reassemble in the courtroom.)**

22 **THE COURT:** All right. I understand we've gotten a notice from
23 the jury. They would like to hear the 911 tape. I've got the bailiff to retrieve
24 it from them.

25 It's there with the court reporter. If you will, make sure

1 everything is playing right and the sound is good before we bring the jury in.
2 If you'll just give it a trial run ----

3 MS. GILMER: Okay.

4 THE COURT: ---- before we have them come in.

5 (Whereupon, the attorneys complied with the Court's request.)

6 THE COURT: All right.

7 (Off-the-Record Comments)

8 THE COURT: Are you all set to play it?

9 MS. GILMER: Yes, Your Honor.

10 THE COURT: All right. What I — let me just let you know what I
11 normally tell a jury when they come is that we'll — or you --- hopefully you're
12 capable of stopping it and rewinding it and moving it forward if they want to
13 hear it again or If they want to hear it twice of if they've heard enough.

14 I'll let them tell us when they've heard enough or — or want to hear
15 more.

16 Bring our jury in, Mr. Seay.

17 (Whereupon, the jury was summoned and entered the courtroom
18 at 3:25 p.m.)

19 THE COURT: Madam Forelady, I understand the jury would like
20 to hear the 911 call. And we've got that set up to play.

21 Let me just instruct you that we'll play it. And we'll play it again if you
22 need it. If you need us to stop it and rewind it, please, let us know or get our
23 attention and we can — got it ready where we can do whatever you need
24 with that.

25 So we'll — let us know if the volume is not loud enough or too

1 loud. We'll --- we'll make that adjustment as well.

2 All right, you may play the 911 tape.

3 **(Whereupon, State's Exhibit Number 1, the 911 call, was replayed**
4 **for the jury.)**

5 **MS. GILMER:** And, Your Honor, it was just repeating.

6 **THE COURT:** All right. Let us know if you need to hear it again
7 or any portions thereof and we'll be glad to play it again for you. If you need it
8 now or if you need it later, we'll be glad to play it again. Do you need it
9 again?

10 **(Off-the-Record Discussion)**

11 **THE COURT:** Okay. Let us know if you need to hear it again.

12 You may retire back to your jury room and continue your deliberations.

13 **(Whereupon, the jury exited the courtroom.)**

14 **THE COURT:** All right. We'll be at ease until we hear from our
15 jury. I'll mark this note as Court's Exhibit Number 1.

16 **(Whereupon, Court's Exhibit 1 was marked for identification and**
17 **admitted into the record.)**

18 **(The jury sent out another note at 4:45 p.m.)**

19 **THE COURT:** All right. We've received a note from the jury. I'll
20 have this marked as Court's Exhibit Number 2. It says, "We voted and
21 signed two papers. The other two — the two others are not signed. Is this
22 correct procedure?"

23 What I propose to do is have the jury come out, ask the
24 foreperson, if they have reached a unanimous verdict on
25 the charge, and, if she says yes, then, I'll review the verdict forms and see if

1 they're in proper order.

2 If they are, we'll announce the verdicts. If not, then, I'll instruct the
3 foreperson and the jury to go back and continue their deliberations.

4 Any input from either of the attorneys as to my proposal?

5 **MS. GILMER:** No, Your Honor.

6 **MS. PRICE:** No, Your Honor.

7 **THE COURT:** All right. Have the jury come out with the verdict
8 forms, please, sir.

9 (Whereupon, Court's Exhibit 2 was marked for identification and
10 admitted into the record.)

11 (Whereupon, the jury was summoned and entered the courtroom
12 at 4:59 p.m.)

13 **Verdict** **4:55 P.m.**

14 **THE COURT:** Madam Forelady, has the jury reached a verdict
15 on the charges in this case?

16 **MS. THOMAS:** We have, Your Honor.

17 **THE COURT:** Is it a unanimous verdict?

18 **MS. THOMAS:** Yes, it is.

19 **THE COURT:** If you would, please, hand the verdict forms to the
20 bailiff.

21 (The foreperson complied with the Court's request.)

22 (Brief pause while the Court examines documents.)

23 **THE COURT:** All right. Madam Clerk, you may publish
24 the verdicts.

25 **MADAM CLERK:** In the General Sessions Court, case

1 number 2013-GS-42-384, *The State of South Carolina vs. Timothy Wayne*
2 *Laster*, we the jury unanimously find the Defendant, Timmy Wayne Laster, as
3 to the lesser included charge of assault and battery of a high and aggravated
4 nature, guilty.

5 This is signed by the foreperson and dated today's date.

6 **(Brief Pause)**

7 **MADAM CLERK:** As to 2013-GS-42-0384, *The State vs. Timmy*
8 *Wayne Laster*, we the jury unanimously find the Defendant, Timmy Wayne
9 Laster, as to the charge of possession of a weapon during the commission
10 of a violent crime, guilty. This is also signed by the foreperson and dated
11 today's date.

12 Ladies and gentlemen of the jury, if these are your verdicts and still
13 your verdicts, please, raise your right hand.

14 **(All jurors complied with the clerk's request.)**

15 **MADAM CLERK:** So say you all.

16 **(Brief Pause)**

17 **THE COURT:** Are there any matters we
18 need to take care of with the jury before they're discharged in this case?
19 Anything from the State?

20 **MS. GILMER:** Nothing from the State, Your Honor.

21 **THE COURT:** From the Defense?

22 **MS. PRICE:** No, Your Honor.

23 **THE COURT:** Ladies and gentlemen, thank you very much
24 for your service on this case. You've been a conscientious group. It's been
25 a pleasure for me to work with you.

1 You have served your county well, your community well. You've acted
2 in a — in a way that helps our judicial system to function. You might not
3 ever have a chance to serve as a juror again.

4 You've participated in your government directly; not as an executive
5 who executes the laws or a governor or a president and not as a legislator,
6 but as a judge, a judge of the facts.

7 You've been part of your three branches of government today. And I
8 know you probably remember from your qualification on Tuesday, when
9 Judge Cole told you that you have an exemption from jury service for the
10 next few years. I hope that, if you get called again, in the next couple of
11 years, that you'll waive that exemption and serve.

12 I'm sure one day, if you find yourself sitting at one of those tables,
13 either with a charge against you by the State or a contract dispute or an
14 automobile accident, you'll want good, sound jurors such as yourselves to be
15 sitting in that box.

16 And thank you very much for your service. We don't have any more
17 trials going on this week. We'll be dealing with some matters tomorrow,
18 motions and so forth, that won't involve a jury. But your service for this week
19 is concluded.

20 Madam Forelady, I would ask if you would wait in the hallway. There's
21 additional documents that the clerk needs to have you sign. The rest of you
22 are excused at this time. Thank you very much for your service.

23 **(Whereupon, the jury was excused and exited the courtroom.)**

24 **Post-Trial Motions**

5:10 P.m.

25 **THE COURT:** All right. Any matters we need to take care

1 of before a sentence is imposed in this case from the State?

2 **MS. GILMER:** Nothing from the State, Your Honor.

3 **THE COURT:** From the Defense?

4 **MS. PRICE:** Yes, Your Honor. At this time, I would move for a
5 new trial based upon all of my previous objections and motions.

6 **(Brief Pause)**

7 **THE COURT:** Well, again, I — I believe the evidence was
8 sufficient for the jury to make a determination. And I think they studied it long
9 and hard and found the — the guilt as they felt the evidence showed. And I
10 respectfully deny your motion.

11 I believe there was sufficient evidence for the jury's determination.

12 **Sentencing**

13 **MS. PRICE:** Your Honor, at this time, the Defense is ready to
14 proceed with sentencing.

15 **THE COURT:** All right. If you would, come forward with your
16 client, please.

17 **(The Defendant stepped forward with his attorney.)**

18 **THE COURT:** All right. Well, first of all, let me hear from
19 the State. Is there anybody who wants to be — address the Court? And,
20 then, I'll turn it over to the Defense.

21 **MS. GILMER:** Your Honor, it's my understanding the victim may
22 want to address the Court.

23 **THE COURT:** Okay. All right. I assumed she would want
24 to do that.

25 **MS. GILMER:** Yes, sir.

1 THE COURT: What was his prior record?

2 MS. GILMER: Your Honor -----

3 THE COURT: Two CDVs from what year, two thousand -----

4 MS. GILMER: From 2006 against the same victim.

5 THE COURT: Both of them in the same year?

6 MS. GILMER: Yes, Your Honor.

7 (Brief Pause)

8 THE COURT: All right. Ms. Price, I'll be glad to hear from you
9 and your client or anyone else who would like to address the Court.

10 MS. PRICE: Thank you, Your Honor. Mr. Laster is 32 years
11 old. He'll be 33 on September 27th.

12 He is on disability as a result of degenerative disk disease. He does
13 have also carpal tunnel in both of his hands. On October 13th he's supposed
14 to go to the orthopedist so they can make a determination whether he'll have
15 surgery on his right hand for that.

16 Your Honor, he always — he has been an excellent client. I've — I've
17 never had a problem out of him. He's always shown up for his court
18 appearances.

19 He always told me that he wished to come to court and have a jury trial
20 because as — as you've heard, he maintained that this was an accident as
21 does — as did Crystal Moore, Your Honor.

22 I have spoken to my client about the possibility of addressing
23 Your Honor. I don't think that he does at this time, Your Honor.

24 But you've -- you've heard all of the evidence. You -- you heard
25 our showing. And he always insisted that he wanted his — his day

1 in court, Your Honor.

2 **THE COURT:** All right. Thank you.

3 **MS. PRICE:** Your Honor, Ms. Moore does wish to be heard by
4 the Court.

5 **THE COURT:** Yes, ma'am, I'll be glad to hear from you. If you
6 would just, again, state your name for the record.

7 **MS. MOORE:** Just stay right here?

8 **THE COURT:** Yes, ma'am. I can hear you from there.

9 **MS. MOORE:** Crystal Moore.

10 **THE COURT:** Yes, ma'am?

11 **MS. MOORE:** I just want to say that he is the reason — I was on
12 crack for a lot of years. When we got together, I got clean. And I've been
13 clean ever since because of him.

14 He got me through cancer. You know, I didn't — my — my mother or
15 my sister, nobody would come and help. He took care of me the whole time.
16 I mean, he's the only person I have in this world. And I'm the only person he
17 has.

18 We've had four — we've had his mother was on life support for ten
19 (10) years. And she passed away five months ago. My grandmother
20 passed away that raised me a month later and, then, his best friend from
21 high — from grade school.

22 Tim's mother passed away a month — a little over a month ago.
23 So, I mean, it's just been one tragedy after another. And now this. It's, you
24 know, it's just I don't know what to do. I don't know what I'll do without him.

25 **MS. PRICE:** Thank you, Your Honor.

1 **THE COURT:** Thank you, ma'am.

2 **(Brief Pause)**

3 **THE COURT:** How far did you go in school, Mr. Laster?

4 **MR. LASTER:** Your Honor, I was able to complete the 12th grade
5 because of the programs that I was involved in. But, I am considered — they
6 consider me as a mentally retarded because of the fact that I can't read well
7 and write well and a few other things.

8 But, because of the — the military program that I went through,
9 through high school, and — and stuff, they — they — they — they allowed
10 me to — to graduate, Your Honor.

11 **THE COURT:** Where did — where was that?

12 **MR. LASTER:** Dorman High School, Your Honor.

13 **THE COURT:** Dorman?

14 **MR. LASTER:** Yes, sir. I was in the ROTC program the entire
15 time I was there. And I — I had a chance to go to several boot camps and
16 training programs and survival school, and — and, you know, but because of
17 the — the degenerative disk disease I, wasn't --- they wouldn't take me in the
18 military service. That's all.

19 **THE COURT:** Thank you, sir.

20 **MR. LASTER:** Yes, sir.

21 **(Brief pause while Court fills out paperwork.)**

22 **THE COURT:** Intoxication can create a lot of problems.
23 I'm sure you've seen that over your life.

24 **MR. LASTER:** Yes.

25 **(Brief Pause)**

1 **MS. PRICE:** Your Honor, I'm sorry, I neglected to tell you one
2 thing regarding -----

3 **THE COURT:** Yes, ma'am?

4 **MS. PRICE:** ----- his jail service. He spent 440 days in our
5 county jail before he bonded out.

6 **THE COURT:** Okay. He'll get credit for his time served as
7 determined by the — tabulated by the — the Code.

8 **MS. PRICE:** Thank you, sir.

9 **(Brief Pause)**

10 **THE COURT:** This is case number 2013-GS-42-384. The
11 sentence of the Court is the Defendant be committed to the State
12 Department of Corrections for a period of 175 months, provided upon the
13 service of 60 months, the balance is suspended and placed on probation for
14 five (5) years.

15 Condition of the probation to have substance abuse counseling,
16 random alcohol and drug testing, complete the batters' treatment program,
17 and recommend the ATU program while he's incarcerated.

18 Case 384(A), the sentence is 60 months to be concurrent in both
19 cases. He's to be given credit for his time served. I wish you the best, sir.
20 And certainly I wish the best for Ms. Laster as well.

21 **MR. LASTER:** Thank you, Your Honor.

22 **(Whereupon, the proceeding concluded at 5:25 p.m.)**

23

24

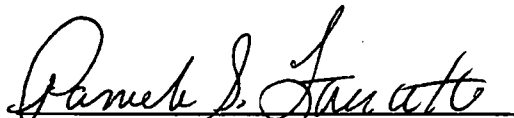
25

REPORTER'S CERTIFICATE

I, the undersigned **PAMELA FAUCETTE**, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that I acted as the court reporter at the foregoing proceeding; that the foregoing pages, numbered 1 through 199, were transcribed by me and represent a true and accurate transcript of said proceeding to the best of my knowledge and belief.

I do further certify that I am not of counsel for or in the employment of either of the parties to this action, nor am I interested in the results of this action.

November 23, 2014

A handwritten signature in cursive script, reading "Pamela S. Faucette", written over a horizontal line.

Pamela S. Faucette
Official Court Reporter
Seventh Judicial Circuit

WITNESSES

Spartanburg County Sheriff's Office

1. SENTENCE

2. REPORT

3. CRED. FOR

4. INTERVIEW

5. CHARGE

6. CHARGE

7. ARREST WARRANT NUMBER

N245660 (Count 1)

Direct Indictment (Count 2)

AMENDED

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

AUG 25 2014

VERDICT

Guilty of L.T.O. ABHAY

" " COUNT II AS CHARGED

Sharon M Thomas 09.04.14

Foreperson of Petit Jury

Date:

13-GS-42-0384

DOCKET NO.

AMENDED

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 25 2014

TERM

THE STATE

vs.

TIMMY WAYNE LASTER

Indictment for
 ATTEMPTED MURDER AND
 POSSESSION
 OF WEAPON DURING COMMISSION
 OF A VIOLENT CRIME

SC Code 16-03-0029; 16-23-490

CDR Code 3410; 0549

Class FEL-A; FEL-F

CLERK OF COURT
 SPARTANBURG COUNTY
 2014 AUG 27 PM 2:44
 M. HOPE BLACKLEY

13-GS-42-0384
DOCKET NO.

AMENDED

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 25 2014

TERM

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OF A VIOLENT CRIME
SC Code 16-03-0029; 16-23-490
CDR Code 3410; 0549
Class FEL-A; FEL-F

WITNESSES

Spartanburg County Sheriff's Office

1. SENTENCE

2. REPORT

3. CASE FILED

4. INDEXED

5. CHARGE STATEMENTS

6. COURT REPORT

7. ARREST WARRANT NUMBER

N245660 (Count 1)

Direct Indictment (Count 2)

AMENDED

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

AUG 25 2014

VERDICT

GUILTY of L.I.O. ABHAN

" " COUNT II AS CHARGED

Sharon M. Thomas 09-04-14

Foreperson of Petit Jury

Date:

CLERK OF COURT
SPARTANBURG COUNTY
2014 AUG 27 PM 2:44
M. HOPE BLACKLEY

203

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

AUG 21 2014

At a Court of General Sessions, convened on _____, the

Grand Jurors of Spartanburg County present upon their oath:

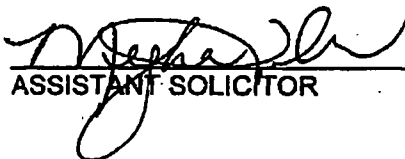
ATTEMPTED MURDER (Count I)

That Timmy Wayne Laster did, in Spartanburg County on or about August 18, 2012, with intent to kill, attempted to kill Crystal Moore, with malice aforethought, expressed or implied, by stabbing and/or cutting the victim's throat with a knife, in violation of Section 16-03-0029, Code of Laws of South Carolina, (1976, as amended).

**POSSESSION OF WEAPON DURING
COMMISSION OF A VIOLENT CRIME (Count II)**

That Timmy Wayne Laster did, in Spartanburg County on or about August 18, 2012, possess a knife, during the commission of a violent crime as defined in Code §16-01-0060, to wit: ATTEMPTED MURDER, in violation of Code §16-23-0490. 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.



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG

STATE VS.
Timmy Wayne Laster

AKA:

Race: WHITE Sex: M Age: 32

DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State:

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: Assault and Battery of a High and Aggravated Nature (Up to 20 years and/or discretionary fine)

INDICTMENT/CASE#: 2013GS4200384

A/W#: N245660

Date of Offense: 8/18/2012

S.C. Code § 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

in violation of § 16-03-0600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411

☐ 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:

GILMER, MEGHAN

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 175 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 60 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 or 16-25-65 (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		\$ 648.90

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

PTUP

_____ 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:

Rec. ATU while incarcerated
complete brother's tx program☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code:

Sentence Date:

WITNESSES

Spartanburg County Sheriff's Office

1. SENTENCED

2. REPORTED

3. CREDITED

4. INDEXED

5. CHECKED

6. CHECKED

7. ARREST WARRANT NUMBER

N245660 (Count 1)

Direct Indictment (Count 2)

AMENDED

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date: AUG 21 2014

VERDICT

GUILTY of L.I.O. ABHAN

Count II AS CHARGED

Sharon M Thomas 09.04.14

Foreperson of Petit Jury

Date:

13-GS-42-0384
DUCKET NO.

AMENDED

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 25 2014

TERM

THE STATE

VS.

TIMMY WAYNE LASTER

Indictment for
ATTEMPTED MURDER AND
POSSESSION
OF WEAPON DURING COMMISSION
OF A VIOLENT CRIME

SC Code 16-03-0029; 16-23-490

CDR Code 3410; 0549

Class FEL-A; FEL-F

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2014 AUG 27 PM 2:44
M. HOPE BLACKLEY

206
207

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on AUG 21 2014, the

Grand Jurors of Spartanburg County present upon their oath:

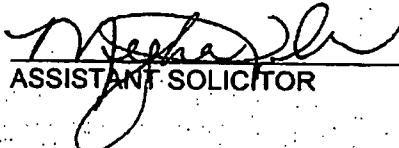
ATTEMPTED MURDER (Count I)

That Timmy Wayne Laster did, in Spartanburg County on or about August 18, 2012, with intent to kill, attempted to kill Crystal Moore, with malice aforethought, expressed or implied, by stabbing and/or cutting the victim's throat with a knife, in violation of Section 16-03-0029, Code of Laws of South Carolina, (1976, as amended).

**POSSESSION OF WEAPON DURING
COMMISSION OF A VIOLENT CRIME (Count II)**

That Timmy Wayne Laster did, in Spartanburg County on or about August 18, 2012, possess a knife, during the commission of a violent crime as defined in Code §16-01-0060, to wit: ATTEMPTED MURDER, in violation of Code §16-23-0490. 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.


ASSISTANT SOLICITOR

208

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
STATE VS.
Timmy Wayne Laster

AKA:
Race: WHITE Sex: M Age: 32
DOB: SS#: [REDACTED]
Address: [REDACTED]
City, State: [REDACTED]
DL#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
TO: Weapons / Possession of a Weapon during a Violent Crime (5 years prison)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS4200384A
A/W#: 2013GS4200384A
Date of Offense: 8/18/2012
S.C. Code §: 16-23-0490
CDR Code #: 0549

SENTENCE SHEET

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST: 81157 7-0 75486
GILMER, MEGHAN SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 60 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2013-GS42-0384
☒ 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 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
☐ Set by SCDPPPS _____

Recipient: _____

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ 100.00
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§ 56-5-2995 (DUI Assessment)	\$12 \$
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Proviso 47.9 (Public Def/Prob)	\$500 \$
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§ 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)	\$ 3.90
TOTAL	\$ 133.90

Clerk of Court/Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

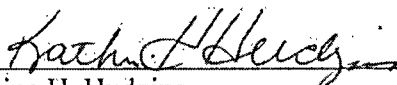
Judge Code: 2137

Sentence Date: 9/4/14

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

June 3, 2015


Kathrine H. Hudgins
Appellate Defender

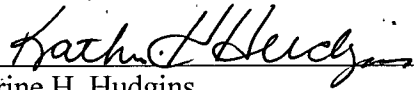
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

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June 3, 2015



Kathrine H. Hudgins
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

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Spartanburg County

G. Edward Welmaker, Circuit Court Judge

RECEIVED
JUN 03 2015

SC Court of Appeals
RESPONDENT

THE STATE,

V.

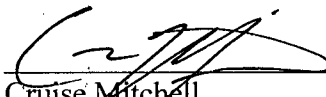
TIMMY WAYNE LASTER,

APPELLANT

APPELLATE CASE NO. 2014-001937

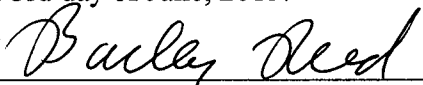
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 3rd day of June, 2015.



Cruise Mitchell
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 3rd day of June, 2015.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: October 24, 2021.