ORIGINAL

Volume II of II

STATE OF SOUTH CAROLINA

In The Court of Appeals

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SC Court of Appeals

APPEAL FROM WILLIAMSBURG COUNTY

George C. James, Jr., Circuit Court Judge

THE STATE, RESPONDENT,

V.

ARTHUR MOSELEY, APPELLANT

APPELLATE CASE NO. 2014-000199

RECORD ON APPEAL

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ACCORDING TO THE ORDER OF DECEMBER 10, 2015, BY CHIEF JUDGE JOHN FEW THE SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH EVALUATION ON COMPETENCY TO STAND TRIAL AND MENTAL HEALTH EVALUATION ON CRIMINAL RESPONSIBILITY AND CAPACITY TO CONFORM CONDUCT ARE MARKED AS NON-PUBLIC SO THEY MAY NOT BE ACCESSED ON THE COURT'S WEBSITE.

1 THE COURT: Okay.
2 BY MS. BARR:
3 Q. Publishing State's Exhibit No. 6, are these the two
4 traffic tickets that you issued to Arthur Renauld
5 Moseley back on March 17th of 2001?
6 A. Yes, ma'am, they are.
7 Q. Is this your handwriting?
8 A. Yes, ma'am, it is.
9 Q. All right. Now, sir, in terms of the Defendant's name
10 on that particular exhibit, can you -- am I pointing to
11 it, is it at the top of those two tickets?
12 A. Yes, ma'am, it is.
13 Q. All right. And what's the address that was given to
14 you by Mr. Moseley at that time?
15 A. Louis Street, Lot No. 15, Florence,
16 South Carolina.
17 Q. All right. And in terms of the type of vehicle that
18 Arthur Moseley was driving that day, did you make a
19 note as to the make of the vehicle?
20 A. Yes, ma'am. On the third line down where it's
21 indicated vehicle, license tag or paper tab and it says
22 make of vehicle, Pontiac.
23 Q. Okay. And does that -- was that P-O-N-T?
24 A. P-O-N-T.
25 Q. And what's that an abbreviation for?

1 A. Pontiac.

2 Q. All right. And in terms of the Defendant's birth date,

3 height, weight and so forth, is there a space

4 designated on the traffic ticket for that information?

5 A. Yes, ma'am, there is.

6 Q. All right. And what is the birth date of the

7 individual who you arrested on March 17th, of 2001,

8 named Arthur Moseley, what birth date was he giving?

9 A. .

10 Q. What about his height?

11 A. Six-foot-one.

12 Q. What about his weight?

13 A. 171 pounds.

14 Q. All right. Now, did you tow his vehicle following the

15 arrest?

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

17 Q. Okay. Wouldn't you normally toe a vehicle after you've

18 arrested the driver?

19 A. Customarily, we would, but as the vehicle was in the

20 residence of his, as he described her, baby's momma, I

21 left it there with her because she was present. She

22 could take charge of the vehicle.

23 Q. And that would be the person who was at

24 ?

25 A. That's correct.

1 Q. All right. I'm going to publish page two of State's
2 Exhibit No. 2 --
3 THE COURT: No. 6, you mean?
4 BY MS. BARR::
5 Q. I'm sorry, No. 6, page two of State's Exhibit No. 6.
6 Is this the bonding paperwork for the Defendant, Arthur
7 Moseley's arrest? Let me start at the top of it.
8 A. I don't personally do these or issue these forms.
9 These are currently issued by the judge, but that is
10 the Defendant's name and those are my citation numbers.
11 Q. All right. So here (indicating), is that where you're
12 reflecting the Defendant's name, Arthur Moseley?
13 A. Yes, ma'am.
14 Q. All right. And you say that reflects your citation
15 number. You're talking about the two tickets you gave
16 him?
17 A. Yes, ma'am.
18 Q. All right. At the bottom of the exhibit, I've got my
19 finger covering the first two digits of his security
20 number. What are the last four digits of the social
21 security number?
22 A. 2030.
23 Q. All right. And does that appear to be a signature for
24 Arthur Moseley?
25 A. It's the signature, yes, ma'am, with his name.

1 Q. All right. And the date that the bond was set?
2 A. March 17th, 2001.
3 Q. All right. And the address that's listed on the bond
4 from?
5 A. Lot No. 15.
6 Q. All right. And did you also take or make a copy of his
7 South Carolina identification card? I'm going to
8 publish page three of the exhibit.
9 A. Yes, ma'am.
10 Q. Okay. And again, that South Carolina identification
11 card belongs to who?
12 A. Arthur Moseley.
13 Q. All right. All right, sir, you can take your chair --
14 take your seat.
15 A. (Witness complies.)
16 (State's Exhibit No. 7 was marked for
17 identification.)
18 BY MS. BARR::
19 Q. And Lieutenant Jordan, as a result of Mr. Moseley's
20 arrest, where would he have been taken?
21 A. I'm sorry, ma'am?
22 Q. As a result of Mr. Moseley's arrest that night, where
23 would he have been taken?
24 A. As indicated on the citations, he was placed in jail.
25 Q. Okay. And that would be at the Florence County

1 Detention Center?
2 A. Yes, ma'am, Florence County Detention Center in
3 Effingham.
4 Q. All right. I'm going to hand you what's been marked
5 for identification purposes as State's Exhibit No. 7.
6 Is that a copy of the booking photo of him from the
7 night of that arrest?
8 A. Yes, ma'am, it appears it is.
9 MS. BARR: Your Honor, permission to admit State's
10 Exhibit No. 7.
11 THE COURT: Mr. Moseley, any objection to No. 7?
12 DEFENDANT MOSELEY: No, sir.
13 THE COURT: All right. No. 7 is in.
14 (State's Exhibit No. 7 was admitted into
15 evidence.)
16 MS. BARR: Permission to publish?
17 THE COURT: Yes, ma'am.
18 BY MS. BARR::
19 Q. Lieutenant Jordan, can you see this from where you are?
20 A. Yes, ma'am, I can.
21 Q. And is this the booking photo of the individual who you
22 arrested March 17th of 2001?
23 A. Yes, ma'am, it is.
24 Q. All right. Now, the murder for which we're trying this
25 week occurred on March the 23rd of 2001. You arrested

1 him on March the 17th of 2001. How many days before
2 the murder was your arrest of Arthur Moseley in
3 Florence, South Carolina?
4 A. Six days.
5 MS. BARR: That's all the questions I have. Thank
6 you, sir.
7 THE COURT: All right.
8 Mr. Moseley, any questions?
9 You can leave that there for now, Mr. Brown, in
10 case he might want to use it.
11 MR. BROWN: Yes, Your Honor.
12 CROSS-EXAMINATION
13 BY DEFENDANT MOSELEY:
14 Q. Sir, you attested the bond was issued for
15 2,000-dollars?
16 A. No, sir, I did not.
17 Q. That's what this paper said that was turned in, the
18 03/17/2001, it was about six days before? The second
19 page?
20 THE COURT: You can publish that to the jury. If
21 it's on the exhibit, you can publish that particular part of
22 it and then ask the witness a question --
23 DEFENDANT MOSELEY: Show this to the jury?
24 THE COURT: No, you can read it to them or hand it
25 to them. And then you may ask your question about it.

1 BY DEFENDANT MOSELEY::
2 Q. Okay. It states on No. 4 that the Defendant will
3 notify the Court promptly of change of address from one
4 contained -- comply with condition described on the
5 reverse side, somebody name, March 17th, 2001. So when
6 did I make bond?
7 A. Sir, I don't recall. I was not present at your bond
8 hearing. The only thing I testified to on this form
9 here, sir, was your name at the top and the address at
10 the bottom and what appeared to be a signature by a
11 person named Arthur Moseley.
12 Q. So you -- you saying that you don't know if I was out
13 on the 23rd or I was in jail, that's what you're
14 saying?
15 A. According to what I have in front of me, sir, what I
16 see is a 2,000-dollar bond was issued to you on the
17 17th of March, 2001.
18 Q. This is my picture?
19 A. Yes, sir, it is.
20 Q. My hair wasn't cut or nothing?
21 A. Sir, as you appear in image, that's your photograph.
22 Q. All right.
23 DEFENDANT MOSELEY: No further questions, Your
24 Honor.
25 THE COURT: Redirect?

1 MS. BARR: No, Your Honor.

2 THE COURT: All right. Thank you, sir. You can

3 step down.

4 THE WITNESS: All right. Thank you, sir.

5 THE COURT: Any objection to him being released?

6 MS. BARR: No, Your Honor.

7 DEFENDANT MOSELEY: No, sir, Your Honor.

8 THE COURT: Any other reply witnesses, Ms. Barr?

9 MS. BARR: Beg the Court's indulgence. Judge, we

10 don't have anymore reply.

11 THE COURT: All right.

12 Ladies and gentlemen, the State will have no

13 additional reply witnesses. That means that all the

14 evidence that is going to be introduced in this case has

15 been introduced. Next phase of the trial in front of you

16 will be the closing arguments of Ms. Barr and Mr. Moseley.

17 After that, I will give you a charge on the law. And after

18 that, you will be released to your jury room to deliberate.

19 Now, the rules that we do operate under require me

20 to have a conference at this point with Mr. Moseley and

21 Mrs. Barr, so that I can review with them what legal charges

22 or what jury charge I will give to you. It is called a

23 charge on the law. That will take us about 10 minutes. So

24 please go to your jury room. You may not discuss the case

25 yet. That time is coming, but do not discuss the case yet.

1 (Whereupon, the jury left the courtroom
2 at 3:07 p.m.)
3 THE COURT: All right. We'll go back on the
4 record now, go back to any motions you may have, Mr.
5 Moseley.
6 DEFENDANT MOSELEY: Reaffirm the same motion that
7 I had, sir, to dismiss as a mistrial due to the State's case
8 being over. There's nothing to state that I, actually, did
9 it. And what I would have in my argument, this man,
10 clearly, stated this was me. I could have been in jail.
11 And I'm going to go back to show that Mr. Dozier did state
12 that I had braids.
13 THE COURT: Well, that's an argument --
14 DEFENDANT MOSELEY: I --
15 THE COURT: That's an argument to the jury.
16 DEFENDANT MOSELEY: Yes, sir.
17 THE COURT: I understand that. I understand your
18 position.
19 DEFENDANT MOSELEY: I mean, you --
20 THE COURT: But I'm going to deny your motion --
21 DEFENDANT MOSELEY: Okay.
22 THE COURT: -- for directed verdict on that basis.
23 Do you have any additional motions?
24 DEFENDANT MOSELEY: No, sir.
25 THE COURT: All right.

1 Let's go now then to the issue of jury charges.
2 Does the State have any written charges that the State would
3 like me to give?
4 MS. BARR: No, sir, Judge. We're fine with the
5 court giving the standard instructions, credibility,
6 obviously, the charges burden of proof and so forth.
7 THE COURT: All right.
8 Mr. Moseley, do you have any jury charges you
9 would like for me to make to the jury?
10 DEFENDANT MOSELEY: Yes, sir. I believe that the
11 possession of weapon charge need to be taken off because
12 they don't even have a weapon. They got me with possession
13 of a weapon. They got me a firearm charge and have no
14 firearm. And according to that statue, you must possess a
15 gun, a knife, slingshot, et cetera, et cetera.
16 THE COURT: Okay.
17 DEFENDANT MOSELEY: They have none. I move to
18 strike that.
19 THE COURT: Well, the law is that they need not be
20 able to find it or produce it to the jury. It has to be
21 evidence that you were in possession of one during the
22 commission of a violent crime. Murder is a violent crime.
23 Attempted armed robbery is a violent crime. And there is
24 evidence if the jury chooses to believe it, I don't know if
25 they will or not, that you were in possession of that weapon

1 at the time you shot Mr. York.

2 All right. Any additional things that you'd like

3 to go over -- excuse me, any charges you would like for me

4 to present to the jury?

5 DEFENDANT MOSELEY: What do you exactly mean by

6 charges, sir?

7 THE COURT: A jury charge is when I explain to the

8 jury what the law is. I will talk to the jury about what

9 their responsibilities are, that they are fact finders. I

10 am the judge of the law. They make the determinations about

11 what witnesses they believe. They can believe every word or

12 nothing at all or somewhere in between. I talk to them

13 about the types of evidence that come into a trial. I will

14 talk to them about reasonable doubt, the presumption of

15 innocence. I will tell them the fact that you have

16 testified and offered other evidence does not mean that you

17 have to prove or disprove anything. I will tell the jury

18 that -- the same thing that I've already told them about the

19 expert witnesses, that they can believe it if they want to,

20 that's up to them.

21 Then I will get into the specific charges of

22 murder. I will tell the jury what the definition of murder

23 is. I will tell the jury what the State has to prove beyond

24 a reasonable doubt with regard to murder, attempted armed

25 robbery, criminal conspiracy and possession of a weapon

1 during the commission of a violent crime.

2 Does the State want felony murder charge?

3 MS. BARR: We do, Your Honor.

4 THE COURT: All right. I will tell the jury that

5 if someone intentionally kills another in the commission of

6 a felony and if those facts are proven beyond a reasonable

7 doubt to raise the inference of malice, they can take that

8 into consideration. I will also tell the jury about

9 criminal intent, which is a mental state, conscious

10 wrongdoing. And I will tell the jury that their verdict on

11 one count is not to be considered as binding on them as to

12 their verdict on another. In other wards, they can find you

13 not guilty of all four, guilty of one, not guilty of the

14 other or some combination. In other words, if they find not

15 guilty of one, that doesn't necessarily mean they have to

16 find you not guilty of the others and vice versa.

17 Now, under the context of this case, Ms. Barr, is

18 a hand of one charge necessary on the murder and attempted

19 armed robbery? That would probably be pertinent for Mr.

20 Liner if he were still a defendant, but this particular

21 Defendant?

22 Essentially, Mr. Moseley, that's what I'll be

23 telling the jury.

24 DEFENDANT MOSELEY: Hand of one, hand of all?

25 THE COURT: Hand of one, hand of all is a charge

1 that is given when there are more than one defendants. It
2 is, typically, given with regard to the defendant who is not
3 the alleged trigger man.
4 So what is the State's position on that?
5 MS. BARR: Judge, I believe it's appropriate only
6 because in this particular case, the Defendant has
7 insinuated that the shooter had dreads, so the jury could
8 conceivably think that if the shooter had dreads and,
9 clearly, based upon the photograph, the Defendant did not
10 have dreads at the time, or braids, that it might could have
11 been Corey Liner.
12 THE COURT: If that is the case, then I would also
13 give a mere presence charge.
14 MS. BARR: Judge, but he's denied being there.
15 THE COURT: Well, if he's denied being there, how
16 is the hand of one charge appropriate if somebody else was
17 the trigger man? If I give hand of one, I'm going to give
18 the mere presence charge.
19 And a mere presence charge, Mr. Moseley, is mere
20 presence at the scene is not sufficient to prove someone
21 guilty of a crime. A defendant's presence where a crime is
22 being committed or mere association with a person who
23 commits a crime does not make a defendant an accomplice or
24 an aider or abettor.
25 DEFENDANT MOSELEY: Oh, say that again, please,

1 sir.

2 THE COURT: Mere presence at the scene of a crime

3 is not sufficient to prove someone guilty of a crime. A

4 defendant's presence where a crime is being committed or

5 mere association with a person who commits a crime does not

6 make a defendant an accomplice or an aider or abettor of a

7 person committing the crime.

8 DEFENDANT MOSELEY: And that's what?

9 THE COURT: That is a mere presence charge.

10 DEFENDANT MOSELEY: That's what you're thinking

11 about presenting to the jury?

12 THE COURT: I'm just asking. It's up to y'all to

13 ask me what you want and then it's up to y'all to object to

14 something that I indicate -- Ms. Barr wants a hand of one

15 charge. She does not want a mere presence charge.

16 So what's your position, Ms. Barr?

17 MS. BARR: Judge, my position is that the jury

18 could completely discredit Lonnie Dozier based on this

19 insinuation by the Defendant that he had something to gain

20 or he's gained something as a result of giving information.

21 Mr. Dozier testified that Corey Liner at the time had twists

22 in his hair is how he described it --

23 THE COURT: He also said dreads down to his

24 shoulders.

25 MS. BARR: No, that was Chandler who said that.

1 THE COURT: Okay. You're right.
2 MS. BARR: Yes, sir. And so if the Defendant --
3 and I don't know what he's going to argue, but if he argues
4 that the only person who would have matched that description
5 would have been Corey Liner, all of the evidence -- well,
6 the evidence in the record is either that they all were
7 there or he wasn't there at all. And so, Judge, we would
8 think that a mere presence argument is not appropriate
9 because he's asserting that he was not even there at the
10 time this happened. But, clearly, if there is
11 circumstantial evidence that prior to the shooting the
12 neighbor saw a guy with braids in his hair and gold truth
13 that would fit the physical description of Corey Liner, who
14 was the codefendant.
15 THE COURT: Okay.
16 All right. Mr. Moseley, anything on those points?
17 DEFENDANT MOSELEY: Yes, sir, I move for the mere
18 presence because I'm attesting that I was not there. And
19 then you have Mr. Liner pled guilty because he fit -- you
20 have Mr. Dozier stating on the stand that I had braids and
21 you had the eyewitness attesting that someone had braids
22 down to the shoulder.
23 THE COURT: All right. Point number one since the
24 evidence is closed, the jury's not going to hear from
25 anybody that Mr. Liner pled guilty.

1 DEFENDANT MOSELEY: Oh, okay. Okay. No, I
2 mentioned that to you, I'm not going to say that to them.
3 THE COURT: Okay. Now, a mere presence charge is
4 one that would come into play if there was evidence that you
5 were there, but didn't have thing to do with it, like I was
6 just riding in the car and boom, this happened. I didn't
7 know anything about it. That's a mere presence, that fits
8 into mere presence --
9 MS. BARR: Judge, I would withdraw my objection to
10 the mere presence charge.
11 THE COURT: You want a mere presence charge?
12 DEFENDANT MOSELEY: You said a mere presence will
13 be presented as murder?
14 THE COURT: No, no, no. Mere presence is a
15 charge, it's the term that's given. It says simple the fact
16 that a person is present where a crime is committed does not
17 make -- in and of itself does not make that person guilty of
18 committing the crime.
19 DEFENDANT MOSELEY: So that's saying I'm present?
20 THE COURT: No, it doesn't say your present at
21 all. I can't educate you or advise you on the law. The
22 only thing I can ask you is do you want a mere presence
23 charge. I can't explain to you what it is in finer detail
24 because that might be seen as you that I'm recommending
25 something and I'm not, I'm just asking.

1 DEFENDANT MOSELEY: So does not attest to me being
2 there?
3 THE COURT: No.
4 DEFENDANT MOSELEY: They would have to prove that
5 I was there?
6 THE COURT: They've got to prove that you were
7 there.
8 DEFENDANT MOSELEY: Okay.
9 THE COURT: And they've got to prove the elements
10 of the crimes charged as to you.
11 DEFENDANT MOSELEY: Okay. I take that then.
12 THE COURT: So you want the charge?
13 DEFENDANT MOSELEY: I mean, if I have to take it,
14 yes, sir.
15 THE COURT: Not I'm not saying you have to take
16 it. I'm giving you the opportunity to state your request.
17 You earlier said you said you wanted it. Ms. Barr said she
18 didn't. Now, she says she withdraws her objection. I'm
19 asking you what you want.
20 DEFENDANT MOSELEY: These charges you going to
21 give to the jury?
22 THE COURT: I'm going to read that. I'm going to
23 read it to them. I'm not going to hand it to them. A
24 charge is not a criminal charge, it's a law charge.
25 DEFENDANT MOSELEY: Yeah, that's what I'm

1 misunderstanding, sir. I'm sorry.

2 THE COURT: All right. A charge is a legal term

3 for me telling the jury something.

4 DEFENDANT MOSELEY: Yes, sir. I will take that,

5 sir.

6 THE COURT: All right. I will give the mere

7 presence charge.

8 Okay. Now, as far as the order of argument, Ms.

9 Barr, you will open on the law.

10 MS. BARR: Yes, sir.

11 THE COURT: Mr. Moseley, you will have the chance

12 to argue after she finishes her opening and then, Ms. Barr,

13 via the rules will have the last argument. Do you

14 understand that?

15 DEFENDANT MOSELEY: Yes, sir. I have to find my

16 argument.

17 THE COURT: Are you ready to go, Ms. Barr? I will

18 take a five-minute recess.

19 MS. BARR: Thank you, Your Honor.

20 THE COURT: Everybody, please, be back in your

21 seats in five minutes.

22 (Whereupon, a short recess was held.)

23 MS. BARR: Your Honor, with regard to State's

24 Exhibit No. 6, there's a ticket in the bond paperwork. It

25 has the Defendant's entire social security number at the

1 bottom and if Your Honor please, I would like to redact the
2 first five digits so that doesn't go back there with the
3 jury.
4 THE COURT: Do you agree with that, Mr. Moseley?
5 DEFENDANT MOSELEY: Yes, sir.
6 THE COURT: All right. The social security number
7 will be redacted except for the last four digits?
8 MS. BARR: Correct, Your Honor.
9 THE COURT: All right. Mr. Moseley, you will be
10 able to refer to any exhibits that have been introduced and
11 admitted to the jury. You will not be able to refer to
12 exhibits that have been marked for ID only. In other words,
13 you will not be able to show those to the jury. Other than
14 that, you can make an argument based on the evidence that
15 has been presented and the law as I will charge it to the
16 jury.
17 Mr. Barr, any objection to that premise?
18 MS. BARR: No, Your Honor.
19 THE COURT: Anything before we begin from the
20 State?
21 MS. BARR: No, Your Honor.
22 THE COURT: Mr. Moseley, anything before we begin?
23 DEFENDANT MOSELEY: Evidence you was speaking on
24 that, everything that's up there that has been admitted.
25 There's some things that just have stickers on them that

1 aren't in evidence.

2 Where's Ms. Butcher?

3 MS. BARR: Restroom.

4 DEFENDANT MOSELEY: I'm not quite sure what's all

5 evidence.

6 THE COURT: That's something you have to have

7 organized. We're not going to take any time for you to root

8 through all that.

9 Is the State ready?

10 MS. BARR: State's ready yes, Your Honor.

11 THE COURT: You ready, Mr. Moseley?

12 DEFENDANT MOSELEY: Yes, sir.

13 THE COURT: All right. Last thing I will do is I

14 will hand both of you -- or have the bailiff hand both of

15 you a copy of the verdict form I'm going to be discussing

16 with the jury. You may refer to it during your argument,

17 but you may not do a mock completion of the verdict form.

18 All right. You can bring in the jury.

19 (Whereupon, the jury returned to the

20 courtroom at 3:31 p.m.)

21 THE COURT: All right. Ladies and gentlemen, as

22 you have heard based on my comment earlier, all of the

23 evidence that is going to be presented has been introduced.

24 We've reached the point in the trial now, during which

25 Ms. Barr, for the State, and Mr. Moseley, who is

1 representing himself, they're permitted to give you what is
2 called a closing argument. As I told you at the beginning
3 of the trial, what a lawyer says or what Mr. Moseley will
4 say during the course of a closing argument is not evidence
5 in and of itself. Under the rules, they can refer or
6 discuss with you evidence, but if their discussion or review
7 of the evidence does not correspond with your collective
8 memory of what the evidence, actually, was, you go with your
9 memory, but they are permitted under the rules to refer to
10 the evidence. Likewise, under the rules, they're permitted
11 to discuss or review or go over points of law that I will
12 charge you about. As I will tell you more closely later,
13 you have to accept the law exactly like I give it to you
14 even if you thought it was something different or if you
15 disagree with what the law is.
16 Now, if one -- if either Ms. Barr or Mr. Moseley
17 refers to a point of law that does not correspond with the
18 law as I give it to you, you go with the way that I give it
19 to you. This is a very important part of the trial, so,
20 please, give Ms. Barr and Mr. Moseley your undivided
21 attention. Under the rules, Ms. Barr will present the first
22 opening statement, that will be called an opening on the
23 law. After she finishes with that, Mr. Moseley will be
24 permitted to stand up and give you his closing arguments.
25 And after that, Ms. Barr will present the State's final

1 closing argument. I may take a break, I don't know. I
2 doubt it. Then I will give you a charge on the law and then
3 you will be released to deliberate.
4 Ms. Barr, are you prepared to go forward?
5 MS. BARR: State's ready, Your Honor.
6 THE COURT: Yes, ma'am.
7 MS. BARR: Thank you, Your Honor.
8 Ladies and gentlemen of the jury, good afternoon.
9 Although it's, actually, only been about two days, it feels
10 like it's been weeks and weeks of trial. Certainly, the
11 weather did not help in terms of the delay. But I want to
12 tell you all so much how much the State really appreciate
13 your service in this trial. This is an important day for
14 the family of Tory York. It's an important day for Arthur
15 Moseley. So we, certainly, want a jury who's going to be
16 attentive and y'all have done that unquestionably, so I
17 thank you for your service.
18 As the Judge has indicated to you, I will give a
19 opening statement on the law, then I will sit down and
20 Mr. Moseley will have an opportunity to address you and then
21 he will sit down and then I will have another opportunity to
22 address you.
23 Essentially, for right now, I'll just kind of go
24 over a little bit what the charges are and about what the
25 Judge will tell you about the law in this case. As you all

1 know, the Defendant, Arthur Moseley, has four counts of the
2 indictment. He's charged with murder. He's charged with
3 attempted armed robbery. He's charged with possession of a
4 weapon during the commission of a violent crime and he's
5 charged with the crime of conspiracy.
6 Now, let me start back and go forward. The last
7 count of the indictment -- and the charges aren't in any
8 particular order. Let's start with conspiracy. What I
9 think the Judge is going to tell you about the crime of
10 conspiracy is that conspiracy is when two or more people get
11 together and combine with each other to commit an unlawful
12 act or to commit a lawful act by unlawful means. So,
13 essentially, if you have two or more people planning to
14 commit an unlawful act of robbery, robbery is an unlawful
15 act. The fact they've got together and planned and done
16 things in preparation of that plan, that makes a person
17 guilty of criminal conspiracy. And, of course, you all have
18 heard testimony and evidence in the case that the Defendant,
19 Arthur Moseley, as well as Corey Liner and Lonnie Dozier
20 back on the afternoon of March 23rd of 2001, the day that
21 Tory was killed, had planned to go over there to rob him.
22 The Defendant is also charged with possession of a
23 weapon during the commission of a violent crime. And what I
24 think the Judge is going to tell as relates to that
25 particular charge, the State has to prove beyond a

1 reasonable doubt that at the time that the violent crime was
2 committed that the Defendant was in possession of a firearm.
3 And folks, what you'll be told is armed robbery or attempted
4 armed robbery is a violent crime. Murder is a violent
5 crime. So if you find that the Defendant is guilty of
6 murder and guilty of attempted armed robbery, then you
7 should also find him guilty of possession of a weapon during
8 the commission of a violent crime.
9 Now, obviously, the offense of attempted armed
10 robbery, we have to be able to show through the evidence and
11 testimony that the Defendant did attempt to commit a robbery
12 of the victim, Tory York, while he was armed with a deadly
13 weapon, which a firearm would be considered a deadly weapon.
14 And then we've got the last count, which is the
15 first count of the indictment, that is, obviously, murder.
16 And what the Judge will tell you as far as murder is
17 concerned is that murder is the unlawful killing of another
18 person with malice aforethought.
19 Now, here's a couple of things that are really,
20 really important in this case as relates to the law. You
21 heard from Lonnie Dozier, who told you that when Tory was
22 killed, it took him and Corey Liner by surprise. Nobody
23 thought that that would happen. And what the Judge is going
24 to tell you as it relates to a principle of law called
25 felony murder is that if two individuals or if somebody

1 decides to engage and commit a felony, and armed robbery is
2 a felony. If a murder results -- a murder happens as a
3 result of the commission or the attempted commission of that
4 felony, then the person is guilty of murder.
5 And, folks, I want you all to just, please,
6 understand that even though for some of the people involved
7 in this incident, there might not have been the intent
8 starting out that they kill somebody. The reality is and
9 the facts are that they planned to rob this young man. And
10 as a result of that plan, this man is now dead. And,
11 certainly, under the principle of the felony murder rule, we
12 would submit that, at least, under that principle the
13 Defendant is guilty.
14 Now, two more things I want to tell you about and
15 I'm going to sit down because I'm going to speak a lot
16 longer later and I'll be begging for your patience a lot
17 longer later. But one of the most important principles in
18 this case and I suspect what's going to drive your
19 deliberations at the end of the day when you all are back in
20 the jury ram trying to determine whether or not this
21 Defendant is guilty is the issue of credibility.
22 Credibility is key. Every person who gets on the witness
23 stand in a criminal trial, civil trial, any kind of trial
24 puts his or her credibility at issue. And when lawyers and
25 judges say credibility, you know, that has all kind of legal

1 ranges to it, but it, essentially, means that you're asked
2 and you're called upon to say whether or not a person is
3 believable, that's simply what credibility is. And you all
4 in your everyday lives, you judge a person's credibility.
5 You don't call it that, but you do it everyday. You all
6 have kids and have had experiences where you'll hear a glass
7 shatter and then you run into a room and your child is
8 standing there and you ask what happened and your child
9 says, well, I don't know. You already have an opinion in
10 your mind whether or not the child is telling the truth.
11 You're judging credibility.
12 There are probably about I'd say four witnesses
13 who's -- well, five witnesses who's credibility was really
14 key in this trial. Obviously, the first person you heard
15 from was Lonnie Dozier. And I'll talk about his testimony a
16 little later. I know several days passed before you heard
17 his testimony and the next State's witness, so I'll talk
18 about his testimony in a little more detail. But you all
19 will be called upon to judge his credibility and whether or
20 not he's telling you the truth and whether or not it's
21 worthy of belief, what he said.
22 And when you all are undertaking that task, one of
23 the things -- or couple of things I would ask you to
24 consider because I think the judge is going to tell you
25 this, too, when you're trying to decide whether or not to

1 believe someone, you should also when looking at that
2 person's testimony see whether it is either contradicted by
3 other evidence in the case or whether or not it is
4 corroborated by other evidence in the case. Because there
5 are a couple of things Lonnie Dozier testified to that he
6 would have had no way of knowing that somebody else would
7 testify to. So when you are judging his credibility and
8 you're deciding whether do I believe this guy when he's
9 testifying about what's happened back on March 23rd of 2001,
10 I want you to put his testimony in isolation, then I want
11 you to see how his testimony lines up to the testimony of
12 Willie Chandler, who's the neighbor, and I want you to see
13 how his testimony lines up to Demtric Mack, who was the
14 inmate in jail at the same time Mr. Moseley was, and I want
15 you to see how his testimony lines up to all of those
16 witnesses. And the evidence about how Corey Liner's hair
17 appeared at the time, the photograph. I want you to see if
18 all of that is consistent and. The reason why that's so
19 important, folks, is because people can get up in court and
20 say anything, almost anything, but when their testimony
21 lines up with other things that you've heard and it makes it
22 more likely than not that they're telling the truth.
23 Now, just as those witnesses got up and they gave
24 testimony, you have to also judge the credibility of the
25 Defendant. That's key. That is absolutely key. Could you,

1 should you believe what Arthur Moseley told you about his
2 whereabouts on the day that Tory was killed? Credibility is
3 key.
4 Another thing, and I'll talk again more about this
5 later on is the instruction that the Court will give you on
6 mere presence. One of the things that the judge is going to
7 tell you is that it's not a crime in and of itself just
8 simply to be at a location when a crime occurs. And thank
9 the Lord that that's the law because if it wasn't, I know a
10 whole lot of people, probably myself at certain points in
11 time during my life that would have been in a whole lot of
12 trouble. It is not illegal to be at a location when and
13 where a crime is committed in and of itself. And so when
14 Your Honor talks with your about mere presence and you go
15 back in the jury room and you begin your deliberations, I
16 want you to think about that law as it relates, particularly
17 to the testimony of Lonnie Dozier.
18 Folks, thank you again for your attention during
19 this time. I look forward to addressing you again in my
20 final summation.
21 THE COURT: Mr. Moseley.
22 DEFENDANT MOSELEY: Let me get organized. I'm not
23 as professional. I don't have a lot to say. It's,
24 basically, a paragraph or two. It's, basically, the facts
25 and inconsistencies in the case. Let me organize myself.

1 Please, bear with me.

2 Okay. Ladies and gentlemen, what the -- to

3 deceit. The easiest thing to do is to tell the truth. Now,

4 let's, basically, view the facts. There's no forensic

5 evidence leading me to this crime scene. There's no gun,

6 fingerprints, DNA, video camera footage, et cetera. They

7 have a proffer deal by Mr. Dozier for which he attested on

8 the stand that he didn't receive. According to the gun

9 expert, how did the gun get in the house? He could not say.

10 What direction inside the house? He could not say. How

11 long was the gun -- how long was the bullet in the house?

12 He don't know. Can you say it came out the victim's body?

13 No. Did you say you can't identify what firearm? He said

14 357 -- so he stated several guns.

15 Now, Mr. Lonnie Dozier, I have four different

16 things on Mr. Lonnie Dozier and I'm going to read this and

17 let it be. Mr. Dozier did say on the stand that Corey had

18 the gun, but in the transcript, I had the gun. Perjury one

19 on the stand. This is there (indicating). Their witness in

20 this case is based on it for his deal.

21 Two, Dozier did say I'm in front the passenger

22 seat and he's in the back. Now, eyewitness testimony stated

23 a dude with dreads to shoulder length was in the passenger

24 seat and got out the vehicle. And within 10 seconds -- no

25 one else got out of this vehicle and there was only two

1 people, not three, I would have made three, and he heard
2 shots. He was there when the medics came, et cetera, et
3 cetera.
4 Three, Dozier said on the transcript, I gave
5 Durant back the gun. Now, on the stand, I gave the gun to
6 Corey. Remember, he said he felt real safe, laughing, I
7 felt real safe. I'm crazy and all. I felt safe went Corey
8 got the gun back. Perjury. This is their witness.
9 Now, Dozier said on the stand, I had plats --
10 excuse me for a minute. He said on the stand that he sure I
11 had plats in my hair.
12 MS. BARR: Objection, he's arguing facts not in
13 evidence.
14 DEFENDANT MOSELEY: He stated on the stand, sir, I
15 had plats and this is evidence --
16 THE COURT: Wait, wait, no, wait just a second.
17 You're objection is he's arguing facts not in
18 evidence?
19 MS. BARR: That's correct, Your Honor.
20 THE COURT: The facts that he's arguing that he
21 had plats has not been testified to?
22 MS. BARR: No, Mr. Dozier said that Mr. Liner had
23 plats and twists in his hair, not Mr. Moseley.
24 DEFENDANT MOSELEY: He also stated I had plats --
25 THE COURT: All right. I'll let you respond to

1 that argument, Ms. Barr.

2 You can continue, sir.

3 MS. BARR: Yes, sir.

4 DEFENDANT MOSELEY: He stated, also, that I plats

5 in my hair. He said Corey had --

6 THE COURT: You don't need to argue to me.

7 DEFENDANT MOSELEY: Okay, I'm sorry. He stated

8 that Corey had low hair. Here it is, six days before the

9 incident happened, I'm in jail. Well, thought I was in the

10 hospital, can't remember everything. She said would you bet

11 your life. I said I can't say it. If you've got a

12 document, show it. Here it is. Here's my mug shot six days

13 before. I'm in jail. I'm in jail. There's no plats in my

14 head. The eyewitness attested that dreads shoulder length

15 got out the passenger seat of the car. He's standing behind

16 the car (indicating), white car with white interior. I

17 don't know who he got the light from, the dude with the

18 dreads or the victim in the case. I don't know. 10

19 seconds, one, two, three, four, five, six, seven, eight,

20 nine, ten, shots. He ran behind the house. No one else got

21 out the vehicle, eyewitness testimony from Mr. Willie

22 Chandler. This is eyewitness testimony. So where do I fit

23 in this puzzle?

24 Now, basically, the inconsistencies of their

25 testimony and the proffer deal of Mr. Deal, he took certain

1 facts of my life, being that he knows me, certain things
2 that I do at times, maybe had a car, family member, et
3 cetera, et cetera, and he took that, added his remix, I did
4 the crime all because he and Corey Liner is locked up in the
5 county jail and I didn't go see them and I only sent them
6 about 20, 30-dollars apiece. That's all I could afford.
7 This is what the State has. There's no evidence,
8 no gun, no fingerprints, et cetera, et cetera. Other
9 documents we can't produce to you. So I just move for y'all
10 to accept my sincerity that I didn't have to get on that
11 stand. I shared my heart, et cetera and this is all I can
12 do is tell you the truth from what really occurred, not from
13 what they say occurred. Because you got to keep in mind
14 that 2001 to 2003, my name wasn't even mentioned. Then it
15 was mentioned, but I wasn't even charged until 2006. This
16 is how weak their case is, 2006. Six years after the crime.
17 And here I am, eight years after, I been charged. So I
18 would just like for y'all to take into the facts of the case
19 and not this he said, she said because everybody they
20 produced really their credibility is nothing.
21 You had Mr. Demtric Mack, Mr. Liner's relative, he
22 gets on the stand and says, quote, keep in mind, he stated
23 that we was locked up together, but not in the same pod.
24 And when he came, I was shocked like oh, I just talk to him
25 about these documents because he's friend of my brother,

1 just talked to this dude. Here he is. I don't know what
2 happened, did he get time -- I don't know what his reasons
3 towards me for this, but keep in mind, he did say that we
4 were not in the same pod. Got three different pods in
5 there. You go in originally. This is so-called good side
6 to your right (indicating) where the -- driving under
7 suspension. Here's your criminal side, that's where it was
8 originally. Now, it's the kitchen, et cetera, then you had
9 the new pod in the back. I was in the old pod, 20 something
10 people because --
11 MS. BARR: Judge, I'm going to object to that.
12 He's, clearly, arguing facts not in evidence.
13 THE COURT: Sustained.
14 DEFENDANT MOSELEY: Okay.
15 THE COURT: Okay. All right. You can argue
16 what's been presented already.
17 DEFENDANT MOSELEY: Okay.
18 THE COURT: You can't testify to any additional
19 matter.
20 DEFENDANT MOSELEY: So what about him stating how
21 I told him the alleged incident, sir? Because he stated we
22 were not in the same pod.
23 THE COURT: You argue that to the jury --
24 DEFENDANT MOSELEY: Yes --
25 THE COURT: -- but you cannot go into any details

1 about how they're set up and where you were.

2 DEFENDANT MOSELEY: Oh, oh, I'm sorry. Okay.

3 THE COURT: That's all right. Go ahead.

4 DEFENDANT MOSELEY: And as he stated, we are not

5 the same pod, so how can I tell him this? Common sense, if

6 I did this, I'm suppose to yell at you and -- your cousin

7 lied on me. He didn't have to do that in front of other

8 people. Common sense, you know, common sense ain't common.

9 So I just ask to y'all to use your common sense and look at

10 the facts of the case. I thank y'all for hearing me out.

11 Like I said, I'm no professional, but I can honestly say

12 that I am telling you the truth. And I thank y'all for

13 y'all time.

14 THE COURT: Thank you, Mr. Moseley.

15 Ms. Barr.

16 MS. BARR: Folks, if you call can give me what

17 my pastor commonly calls preaching, 20 minutes of preaching

18 time, that's what he usually says on Sunday morning service

19 and end up being about 35 minutes of preaching time, so I'm

20 going to try to stick to my 20 minutes of preaching time, I

21 would appreciate it.

22 You will know from -- from my vantage point, one

23 of the most difficult things I've ever had to do is to

24 prosecute an individual who's representing himself. Our

25 Constitution gives every person in this land the right to

1 represent themselves at trial. But from a lawyer's
2 standpoint, it's kind of difficult because, you know, I
3 candidly worry that the jury will say oh, I feel bad for him
4 or I feel sorry for him or I feel sympathetic, so that
5 always sort of just factors into the equation when I make
6 decisions about how to try a case under those circumstances.
7 And in this case where you have an individual who's charged
8 and is choosing to represent himself and then he offers
9 evidence that he has these mental problems and these
10 breakdowns and all of these things, I get even more worried
11 then because I think that the jury will become even more
12 sympathetic.
13 Two things I want to say on that point. In this
14 case, as in any case, as jurors, you have no friends to
15 reward and no enemies to punish by your verdict. Your only
16 job in this case is to render a just verdict. Your verdict
17 can't be based on compassion or any prejudice or any
18 sympathy for or against anybody. That's the part of the
19 oath that you took.
20 Now, I say that and part of me recognizes that
21 when things come out, you just kind of have to deal with
22 them about allegations of a person having a mental illness.
23 And I recognize it's a serious health issue when people
24 suffer from mental illness, but I submit to you all that
25 Arthur Moseley is not that type of person. Arthur Moseley

1 is very intelligent. Arthur Moseley is very conniving.
2 He's very manipulative. And he, certainly, did not strike
3 me during the course of this entire trial to be an
4 individual who can't function in society because of mental
5 illness as he would have you believe when he testified
6 before you. He made appropriate objections. He made
7 appropriate arguments. He cross-examined witnesses, made
8 motions just like a lawyer would. But at the same time, he
9 would have you believe that back then and even today,
10 particularly, back then when he was just so out of it he
11 couldn't function on his own. I don't particularly like to
12 use this word, but my grandmother used to say things like be
13 careful about people like they're crazy because sometimes
14 those are the same people that are crazy like a fox.
15 They're just as smart, just as cunning, just as manipulative
16 as a fox. And that is what I would submit to you that this
17 Defendant is.
18 You remember when I talked to you all earlier
19 about credibility and how key it was? Let me tell you about
20 Lonnie Dozier's testimony. Lonnie says that earlier in that
21 day, Corey Liner and Arthur Moseley come to his house and
22 pick him up. He says Corey's driving Arthur's car, okay.
23 Say they then leave, Lonnie says he gets in the back seat
24 and they go to Steve Durant's house. He hears a
25 conversation about a plan to rob Tory York of drugs or

1 money. They then get in the car, in the car belonging to
2 Arthur Moseley's girlfriend. He described it as a black
3 Pontiac Grand Am. Y'all remember he said that Arthur
4 referred to the vehicle owner as his baby's momma, said she
5 lived in Florence. And some time Arthur would be back
6 between her house and his mom's house in White Oak. Said
7 that Steve Durant then gives Corey a gun. They then leave
8 and go to the victim's house. And remember, Lonnie said
9 that when he came up there, there was a guy that was on the
10 porch when they pulled up. Said that there is a
11 conversation between the victim and Corey and Lonnie. And
12 all of a sudden, Arthur Moseley gets out of the car with the
13 gun and starts shooting at the victim, who runs. Lonnie
14 says that he and Corey then start fussing at Arthur, like
15 what did you do that for, man? Why did you do that? Why
16 did you do that? So they then go back to Steve Durant's
17 house. So Moseley tells Steve Durant I shot Tory York. So
18 Steve says oh, give me the gun. I got to get rid of the
19 gun. And so there's this understated -- or this
20 understanding, I should say, between all of them that they
21 just simply keep their month sure, that nobody would say
22 anything.
23 Let me tell you why, the many reasons why you all
24 should believe Lonnie Dozier. He describes a vehicle that
25 Arthur Moseley had as a black Pontiac. Well, lo and behold,

1 look at the Defendant's rap sheet and see that in less than
2 a week before the murder, he's caught for driving under
3 suspension in Florence. And what is he driving? A black
4 Pontiac. And who does the officer in Florence leave that
5 black Pontiac with but, as he described her, Arthur
6 Moseley's baby's momma on Carter Street in Florence. Now,
7 would Lonnie have any way of knowing that Arthur Moseley was
8 charged a week before driving the same car in Florence? No.
9 You see, when you're telling the truth, you don't just have
10 to just make stuff up.
11 I tell you another reason why you can believe
12 Lonnie Dozier. He said that he knows what a .38 revolver
13 looks like. And he was emphatic that he saw Steve Durant
14 give Corey Liner a .38. He was emphatic that that same .38
15 was the weapon that used to kill Tory by Mr. Moseley. And
16 lo and behold, what's recovered from the house very next
17 door to the victim where he was shot was a projectile that
18 the SLED firearm examiner said was most consistent with a
19 .38 caliber projectile. Now, would Lonnie Dozier have any
20 way of knowing that the police were going to find a bullet,
21 a .38 bullet the night that this kid was killed? No.
22 Folks, these are not just a series of
23 coincidences. His testimony and how it is corroborated by
24 other testimony in the case is not happenstance. It's
25 called truth. It's simply called truth.

1 I tell you some other things that refresh your
2 memory about Mr. Liner's testimony. He said that, you know,
3 he had been over to Arthur Moseley's house, that he knew his
4 mom. He couldn't remember her whole name, but her nickname
5 was Glow. There were, at least, two or three witnesses that
6 testified after him who corroborated that, that that's what
7 his mom was referred to as and she lived in the White Oak
8 community.
9 He testified that at the time of the shooting that
10 Corey Liner had twists in his hair and gold teeth. Well, lo
11 and behold, we find a picture of Corey Liner with twists in
12 his hair and gold teeth. Again, folks, not coincidence,
13 this is corroboration of truth. When the police interviewed
14 Willie Chandler that night, Willie Chandler told them I saw
15 Tory talking to this guy, tall guy, black male, gold teeth
16 and braids is how he described it to the police that night.
17 Now, I'm not going to, obviously, mince words and
18 go back and forth whether it was braids or dreads or what
19 have you, but I will submit to you, however, that what Mr.
20 Chandler said to the police within an hour of the shooting
21 is probably more reliable than what he said in terms of the
22 description when he testified on yesterday only because it
23 happened -- he gave this description right after it
24 happened. And so we would submit that what's important
25 about that is that it establishes that when the victim was

1 talking to the individual with the braids in their hair,
2 Mr. Chandler said it was like they knew each other.
3 Now, who corroborated that? Lonnie Dozier. He --
4 the witness says, Mr. Chandler says that he left them
5 talking, and contrary to what Mr. Moseley said, he never
6 said it was just two people. He said it was a total of
7 three. But he says when he left that he went walking off,
8 he said that within 10 to 15 seconds is when he heard the
9 shots being fired. In terms of the timing about what Lonnie
10 Dozier said about Arthur Moseley just jumping out of the car
11 and start shooting, who corroborates that? Willie Chandler.
12 And, you know, what's interesting and it happens
13 in every case I try where either defense lawyer or somebody
14 else gets up and say well, you know, you shouldn't believe
15 the State's witnesses because the State's witnesses --
16 DEFENDANT MOSELEY: Objection, Your Honor.
17 THE COURT: Yes, sir.
18 DEFENDANT MOSELEY: She's mistaking the testimony
19 of Mr. Willie Chandler. She stated dreads to shoulder
20 length, one person got out the car, nobody else in 10
21 seconds shot. She's misleading the jury, Your Honor.
22 THE COURT: Objection is overruled.
23 All right. And I'm not making any comment on my
24 view of anything.
25 DEFENDANT MOSELEY: Oh.

1 THE COURT: She's arguing the inferences just as
2 you did. All right. Objection is overruled.
3 MS. BARR: Thank you, Your Honor.
4 What inevitably happens when you're prosecuting a
5 case and I've seen it so many times is a defendant or
6 defense lawyer will say, you know, y'all shouldn't believe
7 any of the State's witnesses. The State witnesses have
8 something to gain. You know, they've been promised
9 something or they've got a rap sheet a mile long and they're
10 not credible, they're not believable. And sometimes, I
11 almost laugh to myself because the same people who Arthur
12 Moseley entrusted to be his witnesses, to be his
13 co-defendants, to be his partners in crime are the same
14 people that he would argue to you all that you should not
15 believe. That's funny to me that Lonnie Dozier, who's
16 serving time for armed robbery, was the type of person that
17 Arthur Moseley to take on an armed robbery, trusted him
18 enough to keep his mouth shut and he did for a couple of
19 years. But, really, you shouldn't believe him now. You
20 really shouldn't believe him now.
21 Demtric Mack. Demtric Mack was sitting over there
22 in the county jail in 2006, shortly after the Defendant was
23 locked up. Demtric Mack is over there with burglary charges
24 and kidnapping and something else. And the Defendant comes
25 over here and they're exchanging -- thank God, I've never

1 had to have this happen, but they're over there exchanging
2 pleasantries about hey, man, what you in here for? I'm in
3 for so and so. What you in here? He wants you to not
4 believe Demtric Mack, but yet, still, that is the same
5 individual he trust to admit that he had committed this
6 murder of Tory York. Oh, I believed him then is what he's,
7 basically, telling us. I trusted them then. They were
8 worthy of my belief then. They were friends of my then.
9 But in my trial as witnesses against me, ladies and
10 gentlemen of the jury, he doesn't want you to believe them
11 now.
12 And, you know, this case sort of reminds me of a
13 story that a boyfriend told me one time. He's a former
14 police officer. And he was talking about he had
15 investigated this homicide and they were trying the case and
16 every witness that got up there had an issue. The witness
17 was either a drug user, a drug dealer or had a rap sheet a
18 mile long. So after all the witnesses testified, he said
19 the prosecutor came over to him and said, you got to get me
20 some better witnesses, man. These aren't good witnesses.
21 So he's the type of individual that he doesn't bite his
22 tongue is how I would say it. But he told her -- and excuse
23 the language, but he said, Hell, what do you mean get you
24 better witnesses? We can't just go out and manufacture
25 witnesses. We've got to get you the witnesses who saw it.

1 Because when a person is going to commit an armed robbery,
2 they're not going to ask me to come with them. They're not
3 going to ask you to come with them. They're not going to
4 ask a deacon in the church to come with them. They're going
5 to ask a certain type of person with a criminal mindset to
6 go and commit an armed robbery. That's just life. That's
7 reality.
8 And so I say that to say sometimes when I hear
9 witnesses get up and talk about records and whose been to
10 prison and whose been in jail, you know, I sort of felt like
11 that prosecutor that day. But that's the truth, folks.
12 There is a code and an understanding among these kinds of
13 people. There's a reason why Arthur Moseley told Demtric
14 Mack that he was in there for murder. When those kind of
15 people are in that situation, it's almost like it's power
16 acting the jail. I call it street credits people go around
17 kind of bragging about the crimes they committed so all the
18 other inmates know not to mess with them. You get somebody
19 in there charged with driving under suspension, no inmate in
20 there is going to care you're charged with driving under
21 suspension or DUI. Now, you in there for murder, that means
22 you a bad dude. Nobody's going to mess with you. And, you
23 know, what was so interesting about Demtric Mack's testimony
24 is that Arthur Moseley didn't ask him one single question
25 about the conversation that they had at that jail.

1 Now, this is the man who's come into court and
2 said you told me that you killed Tory York and that I'm mad
3 at your cousin, Corey, and if I see him, I'm going to get
4 him and you don't ask question about that conversation, not
5 one question. That's interesting, folks.
6 DEFENDANT MOSELEY: Objection, Your Honor. I did
7 ask that man several questions. She's misleading the jury
8 again, sir.
9 THE COURT: All right.
10 Ms. Barr?
11 DEFENDANT MOSELEY: Is she allowed to commit
12 perjury? I asked the man several questions about -- 2012
13 and the medical documents, sir.
14 THE COURT: Mr. Mack?
15 DEFENDANT MOSELEY: Yes, sir, I did ask him that,
16 sir. She's misleading the jury and saying I didn't ask the
17 man nothing. She's committing perjury.
18 THE COURT: Okay. You can continue, Ms. Barr.
19 At this point, I'll overrule the objection.
20 MS. BARR: And, folks, just to be clear, what I'm
21 telling you as it relates to the most important of Mr.
22 Mack's testimony about what Arthur Moseley told him at the
23 jail, Arthur Moseley did not ask him any questions. He
24 asked him something about them being at the house with his
25 brother in 2012. You mean to tell me that if he didn't say

1 that, that if Demtric Mack had just made that up he wouldn't
2 be all over him about that? Because he said it. Because
3 it's true.
4 And I sat here and I listened to Lonnie Dozier
5 testify about how he went to this kid -- went to the kid's
6 funeral. He and Corey Liner went to the funeral of Tory
7 York. And I swear it angered me so bad, you go to this
8 guy's funeral and you know who killed him and you don't open
9 your mouth? And then all of a sudden, it dawned on me what
10 Demtric Mack said. Demtric Mack testified that Arthur
11 Moseley said I'm mad at your cousin, Corey, for ratting me
12 out, essentially, and I'm going to get him.
13 Now, if I'm Lonnie Dozier and I'm sitting in the
14 back seat of a car having a conversation with somebody and
15 Arthur Moseley gets out of the vehicle and shoots the man
16 down like a dog on the street, would I be the first one to
17 run to police knowing that this guy knows I was an
18 eyewitness? I would like to think I would be. I'd like to
19 think I'd be the first one out of that car running to the
20 police department. I'd like to think that. But, folks, I
21 know that we live in a real world and somebody who would
22 kill somebody for no apparent reason other than just because
23 he could, that had to be factored into the equation.
24 Now, am I standing here suggesting to you all that
25 one day Lonnie Dozier just had an attack of conscious and

1 said oh, I can't live with the fact that I know Arthur
2 Moseley killed Tory York, I've got to relieve my conscious.
3 I don't think it happened like that. And I'm not suggesting
4 to you that it happened like that. But, folks, sometimes
5 things don't get important to people until their backs are
6 up against the wall. And when he made that statement -- I
7 remember he said -- I believe his testimony was that he was
8 arrested in 2002 for an armed robbery. He gave the
9 statement to Agent Flamini in 2003. So I imagine that at
10 some point it had to dawn on him, hold up, I've been sitting
11 in jail for a whole year on what I did. This guy -- and
12 what he did was a horrible crime, armed robbery is horrible
13 crime, but this guy is walking around out in the public and
14 he killed somebody. That ain't right. That had to have
15 gone through his mind. And so then he, perhaps, comes to
16 that realization only because he was sitting in somebody's
17 jail, probably so, but it doesn't mean that he's not telling
18 the truth.
19 When I look at what the evidence is about how this
20 murder happened and why it happened, what's -- well, one of
21 the several things that troubled me about the case is that
22 if Tory York, if, I emphasize the word if, if he took some
23 drugs and money from somebody, if that's what he did, then
24 Tory York could be sitting right here (indicating) right at
25 this table (indicating) right here and I would be sitting

1 right at that table (indicating) and I would be prosecuting
2 Tory York to the fullest extent of the law, if that's what
3 he did. What really sort of keeps me up at night is the
4 very real possibility that he didn't.
5 When that pathologist came in here and testified
6 that that guy didn't have so much as a sip of alcohol in his
7 system at the time that he died, you mean to tell me that he
8 stole all of those drugs and all of this money and he
9 doesn't have as much as a sip of alcohol in his system? No
10 cocaine. No marijuana. No methamphetamine. No alcohol.
11 Nothing. And the possibility that this kid was gunned down
12 the way that he was -- and not that it matters whether he
13 did or didn't as far as the law is concerned, but the very
14 real possibility that he was gunned down and he did
15 absolutely nothing wrong is sort of what weighs on me a
16 little bit candidly.
17 There's something about a gun, about having a gun
18 in the palm of your hand that can make a very small man a
19 very big man and can take a very big man and lay him flat
20 out on the ground. Tory was five-feet, five-inches, 140
21 pounds, 140 pounds. The Defendant was 30-pounds heavier and
22 eight inches taller. If he wanted to hurt him or fight him
23 or whatever, whatever was going through his head, he could
24 have did that and not ever have take out a gun. That's not
25 enough for him. He had the power of life and death in the

1 palm of his hand (indicating). That child laid out there on
2 that ground sweating, could barely breath because the
3 Defendant had the power of life and death in the palm of his
4 hand. And what's so disturbing is that there was no
5 argument. There was no the victim had a gun, so I had to
6 shoot. There was no threat by the victim. Arthur Moseley
7 killed Tory York for the most unconscionable reason
8 imaginable, simply because he could.
9 Now, when he gets up and tells you -- or told you
10 that he wasn't even in South Carolina during March of 2001,
11 I knew about what was on his rap sheet. I just wanted to
12 see whether he was going to tell the truth about it. And it
13 wasn't until he was cornered because when I asked him the
14 question, would you bet your life on it, there was something
15 that went off, well, I better not go that far, better not go
16 out on that limb. But he swore to you all he was not in
17 South Carolina during the month that this murder took place.
18 And I am going tell you what, folks, if people will lie
19 about little thing, if they'll take the hammer to the truth
20 on little things, they'll take a machete to the truth on big
21 things. And they don't get any bigger than murder.
22 Ladies and gentlemen, you all have a different
23 kind of power. You have the power to render justice in this
24 case. We don't live in the wild, wild west. This is not
25 Gunsmoke. I know some of you are kind of young, I don't if

1 any of you remember Gunsmoke. But we live in a civilized
2 society, okay. We don't go out and take somebody's life
3 into our hands. We don't do that. You see, Tory York
4 didn't after the privilege, the right that Arthur Moseley is
5 enjoying right now. He didn't have the opportunity to sit
6 at a chair and confront his accusers or cross-examine his
7 accusers or have a judge make a ruling on whether or not he
8 committed a crime. He wasn't afforded that opportunity.
9 Arthur Moseley played judge, jury and executioner to Tory
10 York. We can't bring him back, but we can render justice.
11 We can render justice. And you all can by the power of your
12 pen render justice.
13 Ladies and gentlemen, ladies and gentlemen, I urge
14 you to render justice in this case. Do not let justice
15 delayed be justice denied. Find the Defendant guilty.
16 Thank you all so much.
17 THE COURT: Thank you, Ms. Barr.
18 All right. Ladies and gentlemen, we're going to
19 take five minutes. Then I'll have you come back out and
20 I'll give you the charge on the law. Do not begin
21 discussing the case yet. I will guarantee you this will be
22 a five-minute break. Thank you.
23 (Whereupon, the jury left the courtroom
24 at 4:24 p.m.)
25 THE COURT: All right. Before we break, Ms. Barr,

1 I wanted to put on the record, perhaps, more eloquently than
2 I did prior my reasons for ruling on Mr. Moseley's motion to
3 dismiss for delay in the manner that I did. I want to
4 clarify one thing. You called the case for trial in October
5 of 2007, is this correct?
6 MS. BARR: Yes, sir, Judge.
7 THE COURT: Why was it not tried?
8 MS. BARR: His lawyer requested a continuance.
9 THE COURT: And was it called for trial again
10 sometime later?
11 MS. BARR: Yes, sir, Your Honor.
12 THE COURT: And what happened then?
13 MS. BARR: Judge -- and the clerk has the file,
14 there are probably -- and I would ask the bench warrants to
15 be made a part of the record, but there are several bench
16 warrants from 2008 and 2009. I know that there's one from
17 2007 because that was -- that one I recall Ms. Staggers --
18 being lifted.
19 THE COURT: All right. After the jury goes out,
20 after I charge the jury, those can be made Court's exhibits.
21 MS. BARR: Okay.
22 THE COURT: Now, when did he first assert or
23 demand a speedy trial? Was it during the calendar '11 or
24 '12 or was it before then?
25 MS. BARR: I think, perhaps, late '13, 2014.

1 THE COURT: All right. Now, when was he
2 apprehended on the last bench warrant, a year ago?
3 MS. BARR: I think it was January of 2013.
4 THE COURT: Okay. All right.
5 Mr. Moseley, I know that you disagree with -- you
6 mentioned at the beginning of this trial that you disagree
7 with her recitation of your whereabouts, you said you were
8 just at your house in White Oak, is that right? Everybody
9 knew where you were or something to that effect?
10 DEFENDANT MOSELEY: Yes, sir. Because they got
11 the documents I objected to from 2008, 2009. My last time
12 for role call was 2009. I showed you documents last year.
13 I was writing Mr. Verdell Barr before he passed for the ends
14 of justice continuance and -- because I asked for a speedy
15 trial originally in 2006, sir. He did a continuance that I
16 had no knowledge of, that could have been towards me finish
17 paying him of the money. You know how the money issue thing
18 is, sir, but I didn't -- it's no fault of mine that this
19 case is up to right now, sir.
20 THE COURT: All right.
21 DEFENDANT MOSELEY: She cannot blame this on me.
22 THE COURT: I'm not blaming anybody. I'm just
23 trying to put on the record the factors I must consider and
24 I wanted to make sure that I heard everything from
25 everybody.

1 DEFENDANT MOSELEY: And, sir, keep in mind, I
2 showed you the letters from Mr. Verdell Barr. I have not
3 received none from her. I asked her earlier where is these
4 motions that the judge that says ends of justice according
5 to the speedy trial. I can't quote which one it is. I
6 think H two or something, but it must be ends of justice
7 that he had to do and sign it for each continuance I have
8 not received from the State or Mr. Barr before he passed.
9 THE COURT: All right.
10 DEFENDANT MOSELEY: These continuances up to now.
11 They cannot produce it, sir, but they blame me. In 2014 --
12 2013, she was my lawyer, sir, since July.
13 THE COURT: All right. Okay. Now, I'm going
14 review -- I know that you mentioned earlier Barker vs. Wingo
15 and that is in the context of what a reviewing court should
16 consider when determining whether a defendant has been
17 deprived of his or her right to a speedy trial. Number one,
18 the length of the delay. In this particular instance, it's
19 been six, almost seven years post-indictment. The reasons
20 for the delay based on my review of the evidence, Mr. Barr
21 did ask for a continuance when the case was called for trial
22 in late 2007. After that, according to Ms. Kimberly Barr,
23 the Defendant did not appear, bench warrants were issued.
24 Mr. Moseley asserted his right to a speedy trial, he claims,
25 in 2006, but it's hard to try somebody if he can't be

1 located. Any prejudice that may have resulted to Mr.
2 Moseley was a result of his own, perhaps, not intentional
3 delay, but absenting himself from the authority of the
4 court. I just wanted to place that on the record.
5 All right. Now, is everybody ready for the jury
6 to come in. It's been about four minutes since I sent them
7 out. Does anybody need to take a break? The jury charge is
8 probably going to take about 30 minutes. Does anybody need
9 to take a break?
10 DEFENDANT MOSELEY: I just wanted to add to that,
11 sir, I only had one bench warrant and that was 2007 for
12 missing one day being I was staying -- I have no bench
13 warrants since then except for the hospitalization, sir.
14 She cannot even produce those documents, sir.
15 THE COURT: All right.
16 DEFENDANT MOSELEY: So that's not prejudice --
17 THE COURT: All right. I'm going to allow her to
18 put those in the record if she locates them in the clerk's
19 file. I understand that and you can -- if there is a
20 conviction, you can raise this on appeal.
21 DEFENDANT MOSELEY: Oh, yes, sir. I will be back
22 on appeal.
23 THE COURT: Mr. Moseley, you need to take a break?
24 DEFENDANT MOSELEY: Yes, sir, I need to take a
25 leak.

1 THE COURT: All right. It will be about two
2 minutes. Okay.
3 (Whereupon, a short recess was held.)
4 THE COURT: All right. All right. You can bring
5 in the jury.
6 (Whereupon, the jury returned to the
7 courtroom at 4:34 p.m.)
8 THE COURT: All right. Now, ladies and
9 gentlemen, as you know, all of the evidence that is going to
10 be introduced has been introduced. We've come to the
11 portion of the trial now, which is called the jury charge.
12 It's a charge on the law or my instructions to you on the
13 law. I don't know if you've ever heard of that or ever seen
14 it, but during this time of the jury charge, don't take it
15 as a time where you have to sit back and memorize all of the
16 law that I give you. I'm going to explain to you what the
17 law is. What your prior responsibility is in this case is
18 to take your good common sense and your view of the evidence
19 and put it together with the law as I charge it to you and
20 reach verdicts in this case which speak the truth. The word
21 verdict does come from a Latin word which means to speak the
22 truth. And that's what your verdict must do. I will tell
23 you now and I will remind you, perhaps, at the end of my
24 charge your verdicts must be unanimous, that means all of
25 you have to agree. This is not going to be a majority vote

1 or even an 11 to one vote. Everyone must agree on what the
2 verdict is before your foreperson is permitted to record it
3 on the verdict from.
4 Now, my jury charge is going the end with my
5 comments and instructions to you about this particular
6 verdict form.
7 And, Madame Forelady, it will have places on there
8 for you to note what the jury's unanimous decision is. You
9 do not have any greater power or authority than any one else
10 on the jury. It's your responsibility to make sure that the
11 verdict the jury reaches is unanimous.
12 Now, I will be talking to you over the next few
13 minutes about many legal principles. I will be talking to
14 you about things such as credibility of witnesses, direct
15 and circumstantial evidence, the presumption of innocence,
16 what reasonable doubt is. I will be talking to you about
17 the elements of the crime of murder. I will be talking to
18 you about attempted armed robbery, criminal conspiracy and
19 possession of a weapon during the commission of a violent
20 crime. I will also be talking to you about criminal intent.
21 And I will be referring to other legal principles. I will
22 guarantee you this, that at some point I will repeat myself.
23 That is not because I've lost my place, it's not because I
24 want to give any particular emphasis of any particular legal
25 principle, it's simply that these principles do intertwine

1 with each other. So when I discuss one, I must necessarily
2 discuss another during the course of the charge.
3 Now, during the course of this trial, you and I
4 have, obviously, had certain duties to perform. As the
5 trial judge, it's been my responsibility to preside over the
6 case. I rule on objections, I do other things is accordance
7 with my responsibility as the judge of the law. I'm giving
8 you this charge as the judge of the law. If you come into
9 this case with a preconceived notion of what you think the
10 law is or what you think it ought to be, for today's
11 purposes, for the purposes of this case, you must put that
12 completely out of your mind. If I make a mistake in telling
13 you what the law is, there's a different time and different
14 place for that error to be corrected. You must accept the
15 law exactly as I give it to you, again, even if you might
16 disagree with that.
17 Now, you have heard that evidence comes in in
18 different ways. It's come to you by testimony and it's come
19 to you by way of exhibits. Exhibits, as you know, are
20 things that you can see or touch. You will notice that
21 these exhibits in many instances I've never seen, never laid
22 eyes on them. I may have seen them up on the screen kind of
23 sideways. They're not shown to me unless there's a legal
24 issue with them because it doesn't matter what I think about
25 the exhibits. It doesn't matter what I think about the

1 credibility of any witnesses testifying. It doesn't matter
2 what I think about what any witness has told you if it's
3 been introduced in front of you. The reason for that is our
4 system of justice is set up such that you folks, you ladies
5 and gentlemen, are the judges of the facts. So it matters
6 what you think about all of that.
7 Now, ladies and gentlemen, you are to consider in
8 the way of evidence only what has been introduced. If I
9 have instructed you to disregard something you've seen or
10 heard, under your oath to follow the law, you must -- you
11 must disregard what I've told you to disregard. And I will
12 point out to you at this stage that there is no additional
13 evidence that is going to be introduced to you. No
14 additional information is going to be provided to you. All
15 of the evidence that has been introduced, all of the
16 information that has been introduced is it. You're not
17 going to get anymore.
18 Now, ladies and gentlemen, if I have said or done
19 anything during the course of this trial that makes you
20 think that I favor one particular verdict over another,
21 please, put that out of your mind because I do not focus on
22 that. I focus on legal issues. I respect your role as fact
23 finders. I respect the fact that you are the people who are
24 going to decide whether or not the state has met its
25 requisite burden of proof in this case. I don't have

1 anything to do with determining whether that has been down
2 once the case has been put in your hands.
3 Now, again, if I've said something or done
4 something that makes you think I favor one side or the
5 other, put it out of your mind because my sole focus in
6 making rulings and saying anything is to follow the law.
7 It's your duty and your duty alone to determine the effect
8 and the value and the weight and the truth of any evidence
9 that has been presented during the trial.
10 Now, ladies and gentlemen, as I mentioned,
11 evidence typically comes in by way of exhibit and by way of
12 testimony. I will switch gears. There are two types of
13 evidence that generally come in. These are called direct
14 evidence and circumstantial evidence.
15 Now, direct evidence is evidence that directly
16 proves the existence of a fact and does not require
17 deduction on the part of a jury. Circumstantial evidence is
18 proof of a chain of facts and circumstance that indicates
19 the existence of a fact. Crimes may be proven, as long as
20 they're proven beyond a reasonable doubt, by either direct
21 or circumstantial evidence. Regarding circumstantial
22 evidence and direct evidence, the law makes no distinction
23 between the weight or value that a jury is to give to either
24 direct or circumstantial evidence. However, to the extent
25 the State relies on circumstantial evidence, all of the

1 circumstances must be consistent with each other and when
2 taken together point conclusively to the guilt of the
3 accused beyond a reasonable doubt. If the circumstances
4 merely portray the Defendant's behavior a suspicious, the
5 proof has failed. The State, again, has the burden of
6 proving the Defendant guilty beyond a reasonable doubt and
7 that burden rest with the State regardless of whether the
8 State relies on direct evidence or circumstantial evidence
9 or some combination of the two.
10 All right. Now, ladies and gentlemen,
11 necessarily, as you know, you must determine the
12 believability or the credibility of the witnesses who have
13 testified. Credibility, again, means believability. It is
14 your duty as jurors to analyze and evaluate evidence and
15 determine which evidence convinces you of its truth. So
16 that goes hand in hand with your common sense responsibility
17 to evaluate the credibility of the witnesses who testified.
18 In determining the believability of witnesses who
19 testified, you can believe many witnesses over one. You can
20 believe one over many, but what you don't do is count up the
21 number of witnesses for a particular side or for a
22 particular proposition and, as I mentioned at the beginning
23 of the trial, say well, more said this than that, so I've
24 got to believe the more. No, you use your common sense in
25 determining what you believe and who you believe. You can

1 believe every word that comes out of a witness's mouth. You
2 can disbelieve every word or you can believe parts and
3 reject the rest. Using your common sentence, you can take
4 things into account that you think are appropriate, such
5 as -- and this is not an inclusive list, how did the witness
6 appear on the stand, hesitant or straightforward? Did the
7 witness say something the same or different on a prior
8 occasion? What was the witness's ability to know what he or
9 she claims to know? Did that witness have a reason to give
10 testimony in one way or the other? Does the witness have an
11 interest in the outcome of the case?
12 Now, ladies and gentlemen, a person who has a past
13 criminal record is competent to testify during a trial. In
14 other words, the fact that a person has a record does not
15 affect the ability of that witness to testify and that past
16 criminal record may be considered by you, if at all, only in
17 determining whether or not you believe the witness. And
18 remember, you're the sole judges of the facts in the case
19 and that applies, certainly, to your evaluation and analysis
20 of the believability of any and all witnesses.
21 Now, as I mentioned to you a couple of times, the
22 rules of evidence that we operate under normally don't allow
23 witnesses to give opinions. There's an exception in the
24 rules for expert witnesses. So a witness, who by education,
25 training or experience is qualified as an expert in some

1 art, science or profession, he or she can give opinions.
2 They can give the reasons for those opinions. Now, that
3 does not mean, however, that you must believe the testimony
4 of an expert just because it comes from an expert. Even if
5 it's uncontradicted, you do not have to accept it. You give
6 the expert's testimony and the opinions the weight that you
7 believe they deserve. Now, if you conclude that the reasons
8 given in support of an opinion are not sufficient, you can
9 disregard the opinion in its entirety. If you think that
10 the expert does not have sufficient qualifications, again,
11 you may disregard the expert's opinion if that's what you
12 decide to do.
13 Now, ladies and gentlemen, I'm going to get more
14 specific as I go. I'm going to talk to you now about the
15 presumption of innocence and then I'm going to talk to you
16 about the burden of proof beyond a reasonable doubt.
17 The Defendant, Arthur Moseley, is charged with
18 four criminal offenses. As you've heard, those are murder,
19 attempted armed robbery, conspiracy to commit armed robbery
20 and murder and possession of a weapon during the commission
21 of a violent crime. He has pled not guilty to those four
22 charges. He does not have to prove or disapprove anything.
23 His plea of not guilty puts the burden on the State to prove
24 the elements of the crimes charged beyond a reasonable
25 doubt. A person in this state who is charged with a

1 criminal offense is never required to prove himself not
2 guilty. Never required to prove himself innocent. It's a
3 very important rule of law that the defendant in a criminal
4 trial, no matter what the charge, speeding ticket on up, is
5 never required to prove himself or herself not guilty. They
6 are always presumed innocent of the crime for which an
7 indictment was issued unless and until guilt has been
8 established by the State by evidence proving you of guilt
9 beyond a reasonable doubt. The presumption of innocence
10 will not end when you get up in just a few minutes and walk
11 out of here into your jury room. The presumption of
12 innocence will remain with the Defendant unless and until
13 you reach a unanimous verdict of guilt on the charge you are
14 considering at that time.
15 Now, ladies and gentlemen, some have described the
16 presumption of innocence to be like a robe of righteousness
17 that's on the Defendant's shoulders. And that robe stays on
18 there unless and until the State strips it away by evidence
19 that satisfies a jury of guilt beyond a reasonable doubt.
20 So in the end, the presumption of innocence is not a casual
21 phrase that we toss around. It's not a simple legal theory.
22 The presumption of innocence is a substantial right to which
23 every defendant is entitled, again, unless a jury is
24 satisfied from the evidence of guilt beyond a reasonable
25 doubt. Probably, so far, I have used the word reasonable

1 doubt 20 times. I am going to tell you about that now.
2 What is a reasonable doubt in the law? A
3 reasonable doubt is the kind of doubt that would cause a
4 reasonable person to hesitate to take action. The State has
5 the burden of proving the elements of the crimes charged
6 beyond a reasonable doubt. Some of you may have been on a
7 jury in a civil case where the judge told you that the
8 scales are perfectly even and the party has the burden of
9 proving something by the greater weight of the evidence.
10 That's when that party has to tip those imaginary scales
11 ever so slightly. Now, in a criminal case, the State's
12 proof must be more powerful than that. The State must
13 present proof beyond a reasonable doubt. Proof beyond a
14 reasonable doubt is prove that leaves you firmly convinced
15 of the Defendant's guilt.
16 Now, obviously, there aren't many things on this
17 earth that we know with absolute certainty. And in criminal
18 cases, the law does not require the State to present proof
19 that overcomes every possible doubt. If based on your
20 consideration of the evidence, you are firmly convinced that
21 the Defendant is guilty of the crime you are considering at
22 that time, you must find him guilty. If on the other hand,
23 you think there's a real possibility that the Defendant is
24 not guilty, you must give him the benefit of the doubt and
25 find him not guilty. Now, reasonable doubt may arise from

1 the evidence which was in the case or it may arise from the
2 lack of or absence in the case.
3 I also charge you, ladies and gentlemen, that the
4 fact that the Defendant testified and offered other
5 witnesses does not mean that he has assumed the burden of
6 proving or disproving anything. At all times, the burden
7 remains on the State to prove the elements of the crime
8 charged beyond a reasonable doubt.
9 Now, as you know, the indictment in this case
10 charges the Defendant with murder, attempted armed robbery,
11 possession of a weapon during the commission of a violent
12 crime and criminal conspiracy. With one exception that I
13 will cover in just a few minutes, your verdict on one charge
14 does not control your verdict on the other. In other words,
15 based on your view of the evidence in conjunction with the
16 law as I'm giving it to you, you may find the Defendant
17 guilty of one, not guilty of others, not guilty of all or
18 guilty of all. In other words, you evaluate -- except for
19 the exception that I'll discuss in a few minutes, you
20 evaluate the crimes charged and the evidence presented and
21 the law separately as to those offenses. And again, the
22 fact that a person is arrested or charged or indicted for
23 anything is not evidence of guilt in and of itself. The
24 indictment is simply a charging document and the indictment
25 itself or the fact that someone has been indicted is not

1 evidence in any way of guilt.

2 All right. Now, ladies and gentlemen, I'm going

3 to talk to you now about these offenses in particular. And

4 I'm not going to take them in any particular order, but I've

5 got to start somewhere. First of all, the Defendant is

6 charged with the criminal offense of murder. The State must

7 prove beyond a reasonable doubt that the Defendant killed

8 another person with malice aforethought. Malice is hatred,

9 ill will or hostility towards another person. It is the

10 intentional doing of a wrongful act without just cause or

11 excuse and with an intent to inflict an injury or under

12 circumstances that the law will infer an evil intent.

13 Malice aforethought does not require that malice exist for

14 any particular time before the act is committed, but malice

15 must exist in the mind of the defendant just before and at

16 the time the act is committed. So there has to be a

17 combination of the previous evil intent and the act itself.

18 Now, malice aforethought is a legal term, as I

19 mentioned. That may be expressed or it may be implied. And

20 those two terms, expressed and implied, do not mean

21 different kinds of malice, but merely the manner in which

22 malice may be proven to exist. And that's either by direct

23 evidence or by circumstantial evidence from facts and

24 circumstances which have been proven. Expressed malice is

25 shown when a person speaks words which express hatred or ill

1 will for another or when the person prepared beforehand to
2 do the act which was later accomplished. Now, malice may be
3 implied or inferred from conduct showing a total disregard
4 for human life. Implied malice or inferred malice may arise
5 when the deed is done with a deadly weapon.
6 Now, ladies and gentlemen, a deadly weapon is any
7 article, instrument or substance, which is likely to cause
8 death or great bodily harm. Now, the following is a list of
9 examples of instruments which may be deadly weapons: A
10 pistol, shotgun, rifle, knife, dagger, slingshot, brass
11 knuckles, razor, gasoline, firebomb or a Molotov cocktail.
12 Now, ladies and gentlemen, if one intentionally kills
13 another during the commission of a felony, the inference of
14 malice may arise. If facts are proved beyond a reasonable
15 doubt that are sufficient to raise an inference of malice to
16 your satisfaction, that inference is simply an evidentiary
17 fact to be taken into consideration by you, if at all, along
18 with all the other evidence in the case and you give it the
19 weight you decide it should receive. As I mentioned to you
20 about the felony murder inference, I charge you that
21 attempted armed robbery is a felony.
22 All right. Now, the Defendant is also charged
23 with attempted armed robbery. In order to prove that
24 offense, the State must first prove beyond a reasonable
25 doubt that the Defendant attempted to take personal property

1 from the person or presence of another person. And property
2 is in the presence of a person if it is within their reach,
3 inspection, observation or control so that person could, if
4 not overcome with violence or prevented by fear, keep
5 possession of that property. Now, the State must also prove
6 that the Defendant intended to carry the property away and
7 intended to permanently deprive the owner or possessor of
8 the property and to keep the property for the Defendant's
9 own use.
10 Now, ladies and gentlemen, the State must also
11 prove beyond a reasonable doubt that the Defendant was armed
12 with a deadly weapon during the attempted robbery. As I
13 mentioned earlier, a deadly weapon is any article,
14 instrument or substance, which is likely to cause death or
15 great bodily harm. And I earlier gave you an example of
16 instruments which may be deadly weapons.
17 Now, in the context of attempted armed robbery, an
18 attempt is an effort to accomplish a crime which does not
19 succeed. An attempt includes a specific intent to do a
20 particular criminal act along with an act falling short of
21 the act intended. The State must prove more than mere
22 preparation and intent and there must be proof of some overt
23 act committed in the effort to commit the crime. And as I
24 will tell you in just a moment, intent mean intending the
25 result that, actually, occurred and not accidentally or

1 voluntarily. I will instruct you more specifically in a
2 moment on criminal intent.
3 Now, the Defendant is also charged with conspiracy
4 to commit armed robbery and murder. On the verdict from,
5 it's noted as criminal conspiracy. The Defendant, again, is
6 charged with that offense and the State must prove beyond a
7 reasonable doubt that the Defendant combined with one or
8 more persons for the purpose of committing an unlawful act
9 or committing a lawful act by unlawful means. In order for
10 their to be a conspiracy, there must be proof beyond a
11 reasonable doubt of a mutual understanding, agreement or
12 common intention and plan. Mere passive knowledge of or
13 consent to the criminal conduct of another is not enough to
14 make a person a conspirator. There must be guilt and
15 knowledge and participation. Similarly, the mere fact that
16 the Defendant may have associated with another person or met
17 with another person and discussed common aims and interests
18 does not necessarily establish proof of the existence of a
19 conspiracy or that the Defendant was involved in the
20 conspiracy. On the other hand, it is not necessary that any
21 agreement between the Defendant and another person be a
22 formal one. It does not have to be in writing. There need
23 not have been a meeting or expressed statement of the terms
24 of the common plan and it need not be that the agreement was
25 stated in words between them. The agreement of a criminal

1 conspiracy may come into being through implied, mutual
2 understanding. The willful, intentional and knowing
3 adoption of two or more persons of a common plan is
4 sufficient. No overt acts need to be shown to establish a
5 conspiracy. A conspiracy may be shown by circumstantial
6 evidence and the conduct of the parties.
7 Now, in order for you to find a defendant guilty
8 of conspiracy, the State must prove beyond a reasonable
9 doubt not only that the defendant knew of the unlawful
10 conduct, but that the defendant agreed to combine with the
11 other persons for the purpose of accomplishing the unlawful
12 conduct.
13 Now, ladies and gentlemen, the Defendant is also
14 charged with the offense of possession of a firearm during
15 the commission of a violent crime. On the verdict form, it
16 says possession of a weapon, but in the context of the
17 allegations of the State, he's charged with possession of a
18 firearm during the commission of or the attempt to commit a
19 violent crime. The State must prove beyond a reasonable
20 doubt that the Defendant was in possession of a firearm or
21 visibly display what appeared to be a firearm during the
22 commission of a violent crime. A firearm is any machine
23 gun, rifle, revolver, pistol or any weapon which will or is
24 designed to expel a projectile.
25 In order to find the Defendant guilty of a

1 possession of a weapon during the commission of a violent
2 crime, you must first find the Defendant guilty of either
3 committing a violent crime or of attempting to commit a
4 violent crime. As I mentioned to you, your verdict on one
5 charge does not control your verdict on another, however,
6 you may not find the Defendant guilty of possession of a
7 firearm during the commission of a violent crime unless you
8 first find him guilty of either murder or attempted armed
9 robbery or both.
10 Now, ladies and gentlemen, with regard to that
11 last charge that I discussed with you, the State must prove
12 beyond a reasonable doubt that the firearm furthered,
13 advanced or helped in the commission of the crime.
14 Now, I'm drawing near the end of the charge, but
15 still continue to pay very close attention. I'm going to
16 talk to you now about a legal doctrine known as the hand of
17 one. If a crime is committed by two or more people who are
18 acting together in committing a crime, the act of one is the
19 act of all. A person who joins with another to commit an
20 unlawful act is criminally responsible for everything done
21 by the other person which happens as a probable or natural
22 consequence of the acts done in carrying out the common
23 plan. Now, ladies and gentlemen, if two or more people are
24 together, acting together and assisting each other in
25 committing an offense, the act of one is the act of all or

1 sometime is said the hand of one is the hand of all.
2 I charge you, ladies and gentlemen, that prior
3 picture knowledge that a crime is going to be committed
4 without more is not enough to make a person guilty of that
5 crime. Mere knowledge that another person is going to
6 commit a crime, even if the defendant is present when the
7 crime is committed is not sufficient to convict a defendant
8 as a principle. Guilt as a principle is shown by actual or
9 constructive presence at the scene as a result of prior
10 arrangement. Therefore, a finding of a prior arranged plan
11 or common scheme is necessary for a finding of guilt under
12 the theory of the hand of one is the hand of all. The State
13 must prove beyond a reasonable doubt the theory of the hand
14 of one is the hand of all. And I will tell you, ladies and
15 gentlemen, that a principle in a crime is one who either,
16 actually, commits it or is present aiding, abetting or
17 assisting in the committing of the crime. And when a person
18 does an act in the presence of and with the assistance of
19 another, the act is done by both. Where two or more acting
20 with a common plan are present at the commission of a crime,
21 it does not matter who, actually, commits the crime, all are
22 guilty. The hand of one is the hand of all. And being
23 present at the commission of a crime means to be
24 sufficiently near to aid and abet and assist in the
25 commission of the crime.

1 Now, ladies and gentlemen, as I tell you in a
2 moment, criminal intent is also a necessary element for
3 there must have been a common design or intent to commit the
4 crime and the crime must have been committed pursuant to
5 that plan with the aiding and abetting by some overt act.
6 Now, ladies and gentlemen, with regard to all of
7 the crimes charged, in order to establish guilt, the State
8 must have proven an element of criminal intent. Now, ladies
9 and gentlemen, criminal intent must be proven beyond a
10 reasonable doubt. It's always a matter that must be
11 determined by a jury from the circumstances surrounding the
12 situation. And as you know, there is no way to prove
13 something like criminal intent to a mathematical certainty.
14 There's no way that scientists can take a brain and dissect
15 it, look at it and say that's what this person intended at
16 any given time. So the law says that criminal intent may be
17 inferred from circumstances shown to have existed as long as
18 that's beyond a reasonable doubt. And that's how you make a
19 determination of whether or not the element of requiring
20 criminal intent was present. It is not necessary to
21 establish criminal intent by direct evidence, but, again, it
22 may be established by circumstantial evidence in the same
23 way as any other fact by taking into consideration the
24 actions of any parties and all of the facts and
25 circumstances of the case. Criminal intent is mental state.

1 It's a conscious wrongdoing and it's up to you to determine
2 whether, if anything, the Defendant intended to do based on
3 the evidence as you see it.
4 Now, ladies and gentlemen, mere presence at a
5 scene where a crime is committed is not sufficient to prove
6 someone guilty of a crime. A defendant's presence at the
7 crime or where a crime is being committed or mere
8 association with a person who commits a crime does not make
9 a defendant an accomplice or an aider, an abettor of the
10 person committing the crime. The burden is on the State to
11 prove every element of the crime charged. And if you find
12 after reviewing all of the evidence that the State has
13 proven the Defendant was only present at the scene of the
14 crime and that the State has not proven beyond a reasonable
15 doubt participation in the crime, then you must find the
16 Defendant not guilty. And, again, the law is that some
17 proof of a defendant being at the scene of the crime is not
18 in and of itself sufficient for you to find someone guilty.
19 Now, ladies and gentlemen, I'm going to talk to
20 you now about the verdict form. As I mentioned to you, with
21 that one exception, your verdict on one charge, sometime
22 they call it a count, does not control your verdict on the
23 other.
24 You will notice that the verdict form, Madame
25 Forelady, has the case caption on it. It says State of

1 South Carolina v. Arthur Moseley and it says verdict form.
2 Roman numeral one is murder. Roman numeral two is attempted
3 armed robbery. Roman numeral three is possession of a
4 weapon during the commission of a violent crime. And number
5 four is criminal conspiracy.
6 You can take these in any order that you see fit.
7 Your choices for verdicts will be -- under each heading, it
8 says, we unanimously find the defendant, there's that word
9 unanimous. We unanimously find the defendant, your two
10 choices are not guilty, guilty. Once you have reached a
11 unanimous verdict as to a particular count under these Roman
12 numerals, you check or X the appropriate space beside your
13 unanimous choice.
14 Now, at the end of the verdict form, Madam
15 Forelady, is this statement, I certify -- that's you. I
16 certify this is the unanimous decision of the jury. Once
17 you have reached a verdict on all four, you will sign the
18 verdict from, date it, tap on the door and let the bailiff
19 know that you have reached a verdict. If you have any
20 questions during the course of your deliberations, you will
21 have a note pad, you write the question down, sign it, date
22 it, tap on the door and let the bailiff know that you have a
23 question.
24 And I will tell you in advance that I will be
25 happy to receive any questions that you may have. The law

1 dictates if and how I can respond. As I mentioned earlier,
2 no new evidence is going to be introduced and no additional
3 information is going to be provided to you in the way of
4 evidence or information about this particular case. If you
5 need for me to recite to you any part of the jury charge
6 again, I'll, certainly, do that. If you have any questions
7 about evidence that has been presented, I will be glad to
8 receive those questions, too.
9 Now, I am not concerned about what your verdicts
10 are going to be. You have paid attention throughout this
11 trial. I want to make sure you understand the State of
12 South Carolina and Arthur Moseley both expect and they are
13 both entitled to a fair and impartial trial. And that means
14 that they expect and they are entitled to a fair and
15 impartial verdict at the hand of you ladies and gentlemen of
16 the jury.
17 Now, Madame Forelady, as I mentioned, you don't
18 have any greater authority in the jury room. It's your
19 responsibility to conduct the deliberations in an orderly
20 manner. If someone needs to use the phone, first of all,
21 they've got to get my permission to come out of the room to
22 make a phone call. If someone needs to go to the restroom
23 or if someone leaves the jury room to use the phone, you've
24 got to stop and wait until that person comes back. And you
25 may say well, if somebody goes to the restroom right in the

1 jury room, we can't deliberate until they come back? You
2 can't. You've got to wait until all of you are around the
3 table.
4 Now, once you are sure that the verdicts are
5 unanimous, you record them appropriately in the manner that
6 I indicated to you earlier and then we will receive your
7 verdict. If you have any -- again, if you have any
8 questions during the course of your deliberations, you
9 simply write it down, tap on the door and hand the question
10 to the bailiff.
11 The next order of business in the trial according
12 to the rules will be for me to send you to the jury room.
13 And I have to ask Ms. Barr and Mr. Moseley if they think I
14 left something out or if I said something to you wrong.
15 Your signal to deliberate will be when the bailiff comes to
16 the door with this form and with the exhibits and tells you
17 that you can begin your deliberations.
18 All right. Now, if would please go to your jury
19 room.
20 Ms. Mack, you can hang around out in the hall for
21 just a minute. If you have a jacket or anything in the jury
22 room, get that out of there, then you can stand in the hall
23 and I'll talk to you in just a moment. But, please, do not
24 begin discussing the case quite yet. All right. thank you.
25 (Whereupon, the jury left the courtroom

1 at 5:10 p.m.)

2 THE COURT: All right. First of all, while it's

3 on my mind, Ms. Barr, do you have any objection to me

4 releasing the alternate? I interpret Title 14 that when the

5 jury is released to deliberate, the alternate must be

6 excused. Do you have any position on that?

7 MS. BARR: Judge, I have no objection.

8 THE COURT: Mr. Moseley?

9 DEFENDANT MOSELEY: No, sir.

10 THE COURT: Okay. Now, do you have any exceptions

11 or additions to the charge?

12 MS. BARR: No, sir.

13 THE COURT: Mr. Moseley, do you have exceptions or

14 additions, which means objections to the charge?

15 DEFENDANT MOSELEY: No, sir.

16 THE COURT: All right. If you would kindly, both

17 of you, get with Ms. Holmes, make sure that all of the

18 exhibits are in order. Make sure the ones for ID are not

19 sent back to the jury. And in the meantime, I'll talk to

20 Ms. Mack.

21 Bring Ms. Mack in.

22 (Whereupon, alternate juror enters the

23 courtroom.)

24 THE COURT: Mr. Moseley, are all the exhibits in

25 order to your satisfaction?

1 DEFENDANT MOSELEY: Yes, sir.
2 THE COURT: Ms. Barr?
3 MS. BARR: Yes, sir.
4 THE COURT: We'll note that the time is 5:12, at
5 least, according to the wall clock the jury commenced
6 deliberations.
7 If anybody in the audience wants to be around for
8 a question or a verdict, please, note that after 5:00 the
9 door may lock behind you.
10 If any of the lawyers leave this courtroom, make
11 sure that you put your cell phone number right here on the
12 rail. Please don't go off and get anything to eat.
13 Mr. Carraway, Ms. Barr, you want to take care of
14 sentencing in Mr. Liner's case now or -- we need to do it
15 today. I know Mr. Liner is still here. Mr. Carraway, of
16 course, is still here. I wanted him to remain behind just
17 in case anybody decided to call Mr. Liner and make sure Mr.
18 Carraway was here for sentencing, too.
19 Are you prepared to go forward with that?
20 MS. BARR: Judge, I am.
21 THE COURT: Okay. You can bring out Mr. Liner,
22 please.
23 (Whereupon, Mr. Liner enters the
24 courtroom.)
25 THE COURT: Before we go further, Mr. Liner, do

1 you understand that attempted armed robbery is considered to
2 be a violent crime and a most serious offense under our two
3 strike law?
4 DEFENDANT LINER: Yes, sir.
5 THE COURT: Okay.
6 All right. Now, Ms. Barr, does the State want to
7 be heard on sentencing?
8 Are you appointed or --
9 MR. CARRAWAY: I was appointed.
10 THE COURT: Okay.
11 Go ahead, Ms. Barr.
12 MS. BARR: Judge, the only thing that will --
13 well, first, one of the things we would, obviously, just
14 mention is the record. Mr. Liner was convicted in 1995 of
15 armed robbery. And Judge, candidly, I'm not sure whether or
16 not it was reduced to a strong armed robbery. It indicates
17 armed robbery, convicted, sent to jail seven years suspended
18 to 11 months probation, then -- as charge one. And then
19 charge two says armed robbery, convicted, same sentence and
20 then it looks like in 1997 --
21 THE COURT: He wouldn't have gotten probation then
22 for armed robbery. Was it strong armed robbery?
23 DEFENDANT LINER: It was strong armed robbery.
24 THE COURT: Okay.
25 MS. BARR: In 1997, it appears that he was -- may

1 have been convicted of open container is what it looks like,
2 Judge. It looks like his probationary sentence on the
3 strong armed robbery was revoked and he went to SCDC
4 July 10th, 1997, and served three years -- or sentence of
5 three years. He was arrested in 1998 for PWID crack
6 cocaine. He must have pled guilty to the lesser included
7 offense of possession, received 18 months. He was convicted
8 in -- on May 24th in 2000 for failure to stop for a blue
9 light and siren. He was convicted on April 23rd, 2001, for
10 unlawful carrying of a weapon. He was convicted on
11 March 7th of 2002 for simple possession of marijuana. He
12 was convicted on October 23rd of 2003 for criminal sexual
13 conduct with a minor in the second-degree. He had a parole
14 revocation six months and he was placed in SCDC February 4th
15 of 2008. Looks like there was another parole revocation of
16 92 days on May 28th of 2009. Looks like he was convicted in
17 July of 2010 for malicious injury to real property less than
18 2,000-dollars. He went to the Department of Corrections
19 again on February 7th of 2011 for PWID cocaine, where he
20 served a year sentence.
21 Judge, I ran his rap sheet or updated it back in
22 October of 2012, at that time, he had a pending CDV charge
23 from September the 6th of 2012, but it's not showing what
24 the disposition was. But that's the extent of his record
25 that I know. If he had any charges since that time, I'm not

1 sure. I didn't -- I didn't further update his rap sheet.
2 THE COURT: All right. Any one from the victim's
3 family want to make any comments to the Court?
4 MS. BARR: They've indicated they do not.
5 THE COURT: Ms. Woods, you've talked to them about
6 their right to speak?
7 MS. WOODS: Yes, sir.
8 THE COURT: Ms. Barr, any statements as an
9 advocate that you would like to make insofar as sentencing
10 is concerned?
11 MS. BARR: Judge, obviously, the State does not
12 believe that the Defendant was the shooter. Candidly, we
13 don't believe and did not believe at any point in time that
14 there was an intent on his behalf or on behalf of Mr. Liner
15 to kill --
16 THE COURT: You mean Mr. Dozier?
17 MR. CARRAWAY: I'm sorry, Mr. Dozier, to kill the
18 victim, Tory York. There were statements given that were
19 confirmed by the victim's family members that Mr. Liner and
20 Mr. Dozier would come by the house, that they both attended
21 the victim's setting up as well as his funeral services.
22 They, of course, were deeply hurt and deeply troubled that
23 he did not disclose earlier what happened to their loved
24 one. Interestingly enough, I had a conversation with one of
25 the family members, one of the aunts of the victim, she

1 indicated that Tory's grandmother at one point in time had
2 to, actually, Mr. Liner in the bathroom just shortly after
3 the murder. One of the other family members came over to
4 fight him, said that the word on the street, as has been a
5 popular phrase throughout the trial, was that he and Arthur
6 Moseley had something to do with it. But, obviously, Judge
7 we wished that this matter would have come to light sooner.
8 We recognize that oftentimes the motives comes when an
9 individual is facing time. And we do believe based on what
10 Mr. Liner wrote to Mr. Dozier that it wasn't until after he
11 realized that Mr. Dozier had given a statement that he gave
12 his statement identifying the Defendant Arthur Moseley as
13 the shooter. And, Judge, above and beyond that, I don't
14 know what else --
15 THE COURT: Okay.
16 MS. BARR: -- to say or what else can be said.
17 THE COURT: All right. Anyone from law
18 enforcement?
19 LAW ENFORCEMENT: No, sir.
20 THE COURT: Mr. Carraway, I'll be glad to hear
21 from you and Mr. Liner if there's anything y'all would like
22 to tell me.
23 MR. CARRAWAY: I've known Corey since he was
24 probably -- I've been here for 23 years and I've known him a
25 good bit of his life. He moved -- his parents were

1 having -- he told me had drug problems up in New York and he
2 was sent down here to live with relatives. He said that
3 didn't always go well because they didn't want him down
4 here. Relatives didn't want him here or whatever and all of
5 that. And he's had problems. He's done things over the
6 years, but over the years, I've represented him since he was
7 a juvenile or whatever. I can vouch for him. He's a man of
8 character as far as I would trust him, things he tells me.
9 He's an intelligent guy. He's a respectful guy. You can
10 have conversations with him. He chose to live a certain
11 life and live a certain life on the edge where there are
12 great risks and great rewards or whatever.
13 And he's candidly told you what was happening.
14 And that almost seemed like yesterday what he talked about,
15 but, of course, that was 12 or 13 years ago when this
16 happened or whatever. I'm not saying that he's been perfect
17 since then or whatever, but he has told me -- he said I've
18 done a 360 with my life or whatever.
19 He's got his fiance, Ms. Tawana Graham, here with
20 him today. She's been with him every single time coming to
21 my office. They were there yesterday morning. She stays
22 with him. She has stuck by him or whatever. They've got
23 one child together. He refers to her as his fiance or
24 whatever. They wanted to get married, but he knew this was
25 out there or whatever and that this was hanging over him or

1 whatever.

2 He was working for a man named Joe Powell moving

3 houses, as he told you. Now, he's got a job down at the

4 beach. He works at the beach or whatever. And I believe

5 they live in the Lake City area, maybe they live at the

6 beach. They were living in Lake City at one time or

7 whatever. I'm not quite sure where they live right now.

8 But I can tell you, I always enjoy -- if I had to take a

9 trip, a long trip somewhere, I wouldn't mind having him

10 along as a companion. He's a good guy to talk to. He's an

11 intelligent guy. He's a respectful guy. And I think he is

12 a man of character regardless of what has happened. This is

13 a world they were living in there where -- you know, he told

14 you he stole 60,000-dollars from the drug dealers,

15 60,000-dollars in cash or whatever. He told you that. Then

16 this was -- this was the world they lived in that he chose

17 to be involved in, the risks and rewards of this or

18 whatever. He got caught up in that or whatever and he was a

19 part of that. And he -- it's people like him that make that

20 what it is, too, I guess, and he was involved in that.

21 And as he told you, these guys and you heard these

22 guys had been involved in stealing a -- it wasn't exactly a

23 safe, I think it was a certain tool, a big type tool box

24 that had a lock on it or whatever and they stole that. And

25 then this was, at least, 15,000-dollars that Mr. York had or

1 whatever, but they stole this from -- there were two -- at
2 least, two drug factions here. This was a group that
3 Mr. Liner was on Mr. York's side in this. And they had
4 other guys, Lamar Franklin and Carlos York and guys were in
5 that group. And then you heard names like Wakonda Cooper
6 and David Brockington and you had Mr. Todd -- I knew him as
7 Todd Arlo Fulton. I always knew him just as Todd and the
8 other side. And this was a faction fighting back and forth.
9 I don't know whether there was a factions or whatever, but
10 this was going back and forth here or whatever.
11 It's hard for me to imagine that he was going over
12 to -- that he, actually, was going to rob this guy who was a
13 part of his group or whatever and who he was friendly with,
14 however, as I went over with him, why didn't -- if that's
15 all true, why didn't you tell somebody? Why did you not
16 tell somebody about this? If what you say is Arthur Moseley
17 here, somebody you don't care about and somebody you did
18 care about, so that's a different -- he said, look, after
19 this went, I had all these things going on and after it went
20 two or three weeks or a month or whatever, it just -- if you
21 weren't in this situation with all of this pressure going on
22 and all of this, it's difficult to understand. And I said
23 well, I can imagine that may be true or whatever here. So I
24 don't really know about that.
25 He said I always regretted not coming forward and

1 saying something. And he said that man just came off to the
2 side, he said I didn't know what was going on when I heard
3 that gun go off. And I turned and I was shocked to see him
4 standing there or whatever. He said we -- that -- he
5 said -- and as he told you, he did not go there to rob him
6 or whatever, but his friend Lonnie Dozier did testify that a
7 robbery was planned or whatever. And I don't know of any
8 reason why he would have said that -- if he didn't
9 understand that, at least -- but, of course, they were
10 talking about -- a lot of talk was going on about these
11 other robberies or whatever that he had committed when he
12 stole -- went into the shed and stole the 60,000-dollars
13 when these other guys stole that, so I don't know whether he
14 got confused about something or whatever. I don't really
15 know. You might say, well, I don't Mr. Dozier got confused
16 or whatever.
17 But anyhow, we are here where we are. He has told
18 me he is -- he really -- and he wants to talk to you here,
19 also, or whatever, but this was a -- and this was a long,
20 long time ago, whatever that means or whatever, but, anyway,
21 he is not involved in any of this. Right after this, he
22 went and got lost after all of this. After this happened, a
23 month after this, he was gone for a while because all of
24 this heat was down around here and everything about -- not
25 necessarily about this because no one knew about this, but

1 about these other two robberies or whatever and this other
2 faction and a group from Charleston that came up because it
3 was their drugs -- part of their drugs and their money.
4 They were supplying the drugs to this other group or
5 whatever and, of course, they came up with all of this.
6 THE COURT: All right. Okay.
7 MR. CARRAWAY: All right. I would just ask that
8 you be as lenient as you possibly can with him. And he
9 would like to say something to you here, too.
10 THE COURT: Mr. Liner, anything you would like to
11 tell me?
12 DEFENDANT LINER: Yes, sir. I just want to say
13 like I'm sorry to the family for what happened. I mean, I
14 wasn't the one who killed him, you know, but at the same
15 time, I guess, maybe it should have been for me to come
16 forward. But I mean, Your Honor, things done happened in my
17 life. I've done in prison before. I don't been in the
18 streets before. But that's a situation right there that
19 ain't never happened in my life. That's something that I've
20 seen on a DVD or a TV, you know. And like I said, they know
21 just as well. I mean, I understand they hurt because that's
22 their family member. I be hurt, too. But at the same time,
23 me and Troy was on the same side. And if they was to
24 investigate that and go around and asked questions about
25 that, they would find out that one of the main people in the

1 situation is Carlos York, which is Tory's first cousin, you
2 know.
3 I just ask if you could -- like, I mean, I know to
4 a certain extent I am guilty. But if you could, please,
5 have mercy on me. I was asking Mr. Carraway, ask Ms. Kim
6 Barr, I really did a 360 in my life. I mean, I haven't
7 gotten in trouble in a long time and I wasn't planning on
8 it, but I know I had this over my head and I know one day I
9 had to face a judge.
10 THE COURT: All right.
11 DEFENDANT LINER: I don't know what it is you
12 going to do to me, but I ask and I beg for mercy upon the
13 Court.
14 THE COURT: All right.
15 Anything else, Mr. Carraway?
16 MR. CARRAWAY: Tawana, would you like to say
17 anyone?
18 TAWANA GRAHAM: To have mercy on him, that's all.
19 THE COURT: Thank you.
20 DEFENDANT LINER: Your Honor, if I could have
21 saved Tory, honest to God, I would. I'm saying, me and --
22 the man who got on the stand and testified, he told you that
23 it wasn't nothing with me and this man. The only thing me
24 and this man did was dap and talk up, you know. Next thing
25 I know, gunshots coming from behind me, you know. When I

1 turned around, this man got a gun pointed just like this
2 (indicating), this same man right here (indicating), you
3 know.
4 I mean, come on, man.
5 THE COURT: Don't talk to him.
6 DEFENDANT LINER: You right.
7 THE COURT: Okay.
8 Your name, ma'am?
9 TAWANA GRAHAM: Tawana Graham.
10 THE COURT: Anything you'd like to tell me, ma'am?
11 TAWANA GRAHAM: Yes, sir, I would just ask you if
12 you would have mercy on him for me, please.
13 THE COURT: All right.
14 Ms. Barr, anything else?
15 MS. BARR: No, sir, Your Honor.
16 THE COURT: All right. I've mentioned it many
17 times, sentencing is a difficult thing to do and it always
18 strikes me that intelligent people like Mr. Liner do what
19 they do and live the life they live. I'm, certainly, not
20 going to take into account his involvement in conspiracy to
21 commit murder or murder since he didn't plead to that. I
22 think Ms. Barr's comments were that she didn't think they
23 were planning on Mr. York being killed, but I think there
24 is, certainly, evidence that they all went there with the
25 plan of robbing him. Perhaps, it wasn't Mr. Liner having

1 buyer's remorse when they arrived. And, certainly, a jury
2 could have concluded that he conspired to do it and that he
3 was part of it enough to where he could have been found
4 guilty of attempted armed robbery.
5 Now, you're facing zero to 20 for attempted armed
6 robbery. I'm not going to give you the maximum. And you're
7 facing five years for criminal conspiracy, so you're facing
8 25 years. And it seems to me that folks like you, even
9 though you were in your 20's at the time, why do they do
10 this? Go around stealing drugs and money.
11 DEFENDANT LINER: I mean, Your Honor --
12 THE COURT: I don't know why you do it. And
13 that's a rhetorical question. It doesn't have an answer.
14 It doesn't have an answer.
15 DEFENDANT LINER: You right. You right.
16 THE COURT: There's no good reason for if Mr. York
17 stole drugs why he did it. I'm not blaming anything on him.
18 He didn't deserve to be killed.
19 DEFENDANT LINER: No.
20 THE COURT: Didn't deserve to be robbed. And then
21 people go rob the drug dealers. Maybe they think that
22 there's some kind of home base if they steal it, they can
23 get to where they need to get and all they've got to do is
24 worry about, not the law, but the next robber coming after
25 them. I'm going to sentence you to two concurrent prison

1 terms, which means you're going to serve both of these at
2 the same time.
3 DEFENDANT MOSELEY: (The witness nodded head.)
4 THE COURT: I don't know if you've served any time
5 on these warrants, but you'll get credit for the time you
6 served. On conspiracy to commit armed robbery, you're
7 committed to the Department of Corrections for a period of
8 five years. On the warrant for attempted armed robbery, you
9 are committed to the South Carolina Department of
10 Corrections for a period of 10 years. Again, those will be
11 concurrent.
12 You're a smart guy. I can tell that. As I tell
13 my children, you ain't no dummy. If you've got the sense,
14 you need to use it. When you get out, you need to be
15 productive or you're going to be right back here. It's
16 going to be a different judge, different lawyer, different
17 jury, but the same Corey Liner. I mean, you're a grown man,
18 I can't lecture you, but it just seems to me that when you
19 go to the well as much as you've gone to the well, you need
20 to quit going and find another well to go to and that should
21 be a well of a productive life.
22 All right. Again, you will get credit for any
23 time you served. I appreciate your frankness and your
24 forthrightness. And I don't know whether this is mercy, I
25 don't know whether this is just, but I think this is an

1 appropriate sentence. All right.

2 MS. BARR: Thank you, Your Honor.

3 THE COURT: Thank you.

4 All right. We'll be in recess to continue to wait

5 for the jury.

6 (Whereupon, a short recess was held.)

7 THE COURT: As I was coming back out, the bailiff

8 handed me a question from the jury, which will be marked as

9 the next Court's Exhibit. I will read it to you, it says,

10 Can the Judge read us the hand of one statement again?

11 Dated today, 6:25 p.m. Laura Hundley.

12 I will, certainly, do that.

13 Ms. Barr, do you have any objection or comment?

14 MS. BARR: I do not.

15 THE COURT: Mr. Moseley, do you have any objection

16 or comment?

17 DEFENDANT MOSELEY: No, sir.

18 THE COURT: And when they do come out, I will

19 inquire at that time -- or let them know that the clerk

20 will --

21 And Ms. Barr, first of all, does the State have

22 any objection to allowing Ms. Staggers and the bailiffs the

23 unilateral option of dealing with the jury on their food?

24 MS. BARR: Oh, no, sir, Your Honor.

25 THE COURT: Mr. Moseley?

1 DEFENDANT MOSELEY: No, sir, they can eat any
2 time, sir.
3 THE COURT: Okay. You can bring out the jury.
4 (Whereupon, the jury returned to the
5 courtroom at 6:28 p.m.)
6 THE COURT: All right. I did receive your note,
7 Madame Forelady, and I will read it for the record just to
8 make sure that you -- I'll make sure that I read it and you
9 let me know if I read it correctly. It says, Can Judge read
10 us the hand of one statement again? That was your question.
11 I'll, certainly, be happy to do that.
12 As I mentioned to you during the charge, if a
13 crime is committed by two or more people who are acting
14 together in committing a crime, the act of one is the act of
15 all. A person who joins with another to commit an unlawful
16 act is criminally responsible for everything done by the
17 other person which happens as a probable or natural
18 consequence of the acts done in carrying out the common plan
19 and purpose. If two or more people are together acting
20 together, assisting each other in committing the offense,
21 the act of one is the act of all or as sometimes said, the
22 hand of one is the hand of all.
23 Prior knowledge that a crime is going to be
24 committed without more is not sufficient to make a person
25 guilty of that crime. Mere knowledge that another person is

1 going to commit a crime, even if the defendant is present
2 when the crime is committed is not sufficient to convict the
3 defendant as a principal. Guilt as a principle is shown by
4 actual or constructive presence at the scene as a result of
5 a prior arrangement. Therefore, a finding of a prior
6 arranged plan or common scheme is necessary for a finding of
7 guilt as a principle. The State must prove beyond a
8 reasonable doubt the theory of the hand of one is the hand
9 of all.
10 I further charge you that a principle in a crime,
11 the word principle is one who either actually commits the
12 crime or who is present aiding, abetting or assisting in
13 committing the crime. When a person does an act in the
14 presence of and with the assistance of another, the act is
15 done by both.
16 Where two or more acting with a common plan or
17 intent are present at the commission of a crime, it does not
18 matter who actually commits the crime, all are guilty. The
19 hand of one is the hand of all. Being present at the
20 commission of a crime means to be sufficiently near to aid
21 and abet and assist in the commission of the crime, however,
22 mere presence at the scene of a crime is not sufficient to
23 convict one as a principle on the theory of aiding and
24 abetting. Intent is also a necessary element for there must
25 have been a common design or intent to commit the crime and

1 the crime must have been committed pursuant thereto with the
2 person aiding and abetting by some overt act. And intent
3 means intending the result which actually occurs and not
4 accidently or involuntarily. And as I've charged you,
5 intent may be shown by acts and conduct of a defendant and
6 other circumstances from which you may naturally and
7 reasonably infer intent. The State must prove those
8 elements beyond a reasonable doubt.
9 Now, that does conclude the charge on the hand of
10 one is the hand of all. This particular question will be
11 left with the court reporter. If that does not answer your
12 question or does not respond to what your question was, you
13 can, certainly, write another one out. In addition to that,
14 Ms. Staggers and the bailiffs are going to talk to all of
15 you about whether or not you want something to eat. I can't
16 make that decision for you, that will be up to y'all. Now,
17 that doesn't have to be a unanimous vote.
18 (Laughter.)
19 THE COURT: Certainly, if you want something to
20 eat, that will be arranged and it will brought up here.
21 Now, you can go back to your jury room and resume
22 your deliberations and thank you for the question.
23 (Whereupon, the jury left the courtroom
24 at 6:33 p.m.)
25 THE COURT: Ms. Barr, any objections, exceptions

1 or comments?

2 MS. BARR: No, Your Honor.

3 THE COURT: Mr. Moseley?

4 DEFENDANT MOSELEY: No, sir.

5 THE COURT: All right.

6 Ms. Staggers, you can, perhaps, go to the door and

7 deal with that. Of course, make sure they stop their

8 deliberations when you go to the door as the bailiffs do.

9 We will be at ease.

10 (Whereupon, a short recess was held.)

11 THE COURT: Ms. Barr, is the State ready to

12 receive the verdict?

13 MS. BARR: Yes, sir, Your Honor.

14 THE COURT: Mr. Moseley, are you ready to receive

15 the verdict?

16 DEFENDANT MOSELEY: Yes, sir.

17 THE COURT: Okay. Bring in the jury.

18 (Whereupon, the jury returned to the

19 courtroom at 7:07 p.m.)

20 THE COURT: All right. Madame Forelady, I

21 understand that you have reached a verdict?

22 MADAM FORELADY: Yes, sir.

23 THE COURT: And are the verdicts unanimous?

24 MADAM FORELADY: Yes, sir.

25 THE COURT: All right. You can hand the verdict

1 form to the bailiff along with the exhibits and he will hand
2 me the verdict form.
3 All right. Ms. Staggers, you want to publish it?
4 Mr. Moseley, if you could please stand and face
5 the jury.
6 THE CLERK: In case number 2007-GS-45-52, The
7 State of South Carolina v. Arthur Moseley, on the first
8 count of murder, we unanimously find the Defendant guilty.
9 On the second count, attempted armed robbery, we unanimously
10 find the Defendant guilty. On the third count, possession
11 of a weapon during the commission of a violent crime, we
12 unanimously find the Defendant guilty. On the fourth count,
13 criminal conspiracy, we unanimously find the Defendant
14 guilty. And it's certified by the foreperson, Ms. Laura
15 Hundley on the 31st day of January 2014.
16 THE COURT: All right. Ladies and gentlemen, of
17 the jury, if this was your verdict and is still your
18 verdict, please, signify that by raising your right hand.
19 (All jurors raised hand.)
20 THE COURT: The record will show that all the
21 jurors did raise their right hands.
22 Thank you.
23 You can have a seat, Mr. Moseley.
24 Anything, Ms. Barr, before the jury is released?
25 MS. BARR: No, Your Honor. Thank you.

1 come back right down these stairs and have a seat in the
2 jury box. That will be, certainly, up to you.
3 Now, you can talk about this case now all that you
4 want. However, if someone wants to talk to you about the
5 case and you don't want to talk about it, tell them that.
6 If someone that approaches you persist in wanting to talk to
7 you and you make it clear that you don't want to and they
8 continue to ask, let Ms. Staggers know, she will contact me
9 and I will have a hearing and summon that person up here to
10 determine why that pestering is going on. But if you want
11 to talk about it, that's all up to. I hope that you have
12 learned something from your service this week. And if you
13 do remain for the sentencing, you can, certainly, either,
14 like I said, leave come back in after you turn your badge in
15 or you can stay right where you are.
16 All right. Anybody who wants to go up the steps
17 with the bailiffs can do that.
18 Now, Mr. Moseley, under the rules, I can give you
19 10 days to file post-trial motions or you can make them now.
20 Would you like the 10 days?
21 DEFENDANT MOSELEY: Yes, sir.
22 THE COURT: All right. Now, what I -- what I will
23 not do is calculate that time for you. It's 10 days from
24 today. And the motion has to be sent to the courthouse, a
25 copy to Ms. Barr and Ms. Barr will give you her card and a

1 copy mailed to my office in Sumter. And I will give
2 Ms. Butcher and you a card.
3 DEFENDANT MOSELEY: Okay.
4 THE COURT: And you make sure that you send it to
5 me because if you don't send it to me, I won't know that
6 it's out there.
7 DEFENDANT MOSELEY: Okay.
8 THE COURT: Ms. Barr, does the State agree that
9 I've stated that correctly?
10 MS. BARR: Yes, sir.
11 THE COURT: All right.
12 I'll find my card in here somewhere. I don't know
13 where one is right now, but I'm sure I can find one in here
14 somehow. But, again, if you would like those 10 days,
15 you're, certainly, entitled to that.
16 All right. Is the State ready to proceed with
17 sentencing?
18 MS. BARR: State's ready, Your Honor.
19 THE COURT: Come on forward, please, Mr. Moseley.
20 And Ms. Butcher, you come up, please, so I can
21 hand you my last two.
22 All right. We're again on the record in the
23 sentencing of Mr. Moseley having been found guilty by a jury
24 unanimously of murder, attempted armed robbery, possession
25 of a weapon during the commission of a violent crime and

1 criminal conspiracy.

2 Ms. Barr, does the State want to be heard on

3 sentencing?

4 MS. BARR: Yes, sir, Your Honor.

5 If it please the Court, Judge, I'll start by

6 identifying the Defendant's criminal record. The Defendant

7 was convicted of grand larceny back in 1993. He received a

8 youthful offender sentence. He was charged later that year

9 with armed robbery and Judge, candidly, I don't know -- I'm

10 assuming that it may have been reduced to strong armed

11 robbery because he also received a concurrent YOA sentence,

12 one to six years.

13 THE COURT: Same in 1993?

14 MS. BARR: Yes, sir. Judge, he was arrested in

15 1998, charged with assault and battery with intent to kill

16 and possession of a weapon during a violent crime. That

17 involved a -- it was a Williamsburg County case. It's,

18 actually, still an open case in our file. It involved a

19 stabbing of an individual by the name of Roger McFadden. He

20 was stabbed in the stomach allegedly by the Defendant. He

21 was convicted in April of 2000 for traffic offenses, driving

22 under suspension --

23 THE COURT: What became of the ABWIK?

24 MS. BARR: It's still pending.

25 THE COURT: Still pending?

1 MS. BARR: Yes, sir.
2 THE COURT: Okay.
3 MS. BARR: Judge, he was convicted as a result of
4 the March 17th, 2001 driving under the influence and driving
5 under suspension charge, that's the one that Lewellyn Jordan
6 testified about. He was convicted later that same year on
7 May 31st of 2001 for simple possession of marijuana and
8 driving under suspension and failure to stop for a blue
9 light. He received a three-year sentence suspended to 90
10 days and probation for two years.
11 THE COURT: So that was the officer -- the
12 Florence officer's arrest?
13 MS. BARR: No, Judge, that was an arrest that
14 happened later.
15 THE COURT: Okay.
16 MS. BARR: It happened -- this one that I'm
17 speaking of now with the failure to stop for a blue light
18 and the simple possession of marijuana occurred in
19 Williamsburg County.
20 THE COURT: Okay.
21 MS. BARR: In May of 2001.
22 It looks like he was arrested on April -- August
23 the 8th of 2001, charged with assault and battery of a high
24 and aggravated nature and failure to stop for a blue light.
25 It looks like the assault and battery of a high and

1 aggravated nature charge was dismissed and he plead guilty
2 to the failure to stop for a blue light. He was convicted
3 of simple assault and battery in May of 2009. He was also
4 convicted in Darlington County in 2010 for possession of
5 crack cocaine. He has a pending charge in Darlington County
6 for criminal sexual conduct in the first degree and
7 kidnapping.
8 THE COURT: Okay.
9 MS. BARR: Your Honor, obviously, because of the
10 delay in terms of being able to identify a suspect and the
11 delay between the date of the murder and the trial, it was a
12 very difficult case to prosecute from my vantage point. I,
13 certainly, believe that there are individuals who make
14 mistakes, who are deserving of second chances, who genuinely
15 are good people who just do bad things. I don't think
16 Arthur Moseley, quite frankly, falls into that category. I
17 think his criminal history is indicative of a person who is
18 violent, who is a danger to the community. The manner in
19 which Tory York was killed that day is -- is very troubling,
20 obviously.
21 Mr. York -- I'm sorry, Mr. Liner, Corey Liner, the
22 codefendant pled guilty earlier to attempted armed robbery
23 and conspiracy. And Your Honor may recall that during the
24 course of that plea, he stated to the Court that he was
25 completely surprised, completely taken aback by what Mr.

1 Moseley did. He described the neighbor as being correct in
2 his testimony that he was actually -- he was the one talking
3 to the victim and everything was fine and they were just
4 chit-chatting as normal. And Arthur Moseley gets out of the
5 vehicle and starts firing. And, Judge, there -- there's a
6 category of people in my view that need to be separated from
7 society and I believe Mr. Moseley is one of those type of
8 people.
9 I want to just as a personal note thank officers
10 of the sheriff's office and Kingstree Police Department for
11 their assistance. I wanted to thank Ms. Woods, obviously,
12 for her great assistance. But, Judge, he's managed to not
13 be punished for his crimes for 13 years. And I think that
14 the maximum sentence available under the law is appropriate.
15 The family members of Tory York join me in my request.
16 THE COURT: All right. Ms. Barr or Ms. Woods, do
17 the family members understand that they do have the right
18 under the law to speak if they want to, but their comments
19 have to be directed to me?
20 MS. WOODS: Yes, sir, they do.
21 THE COURT: Do they want to talk?
22 MS. WOODS: No, they don't.
23 THE COURT: Okay. And just for the record, not by
24 name, but just the relationship of the ladies who are here,
25 what's their relationship to Mr. York?

1 MS. BARR: Mr. York's sister is here?
2 THE COURT: Both sisters?
3 MS. BARR: One sister and wife, I'm sorry.
4 THE COURT: Okay.
5 Anything from you, Ms. Woods, anything you would
6 like to say as victim's advocate?
7 MS. WOODS: Judge, I just would like to say that
8 they have been very good in being available to us when we
9 need them to come in and talk with us about this case. They
10 have expressed that they want him to receive maximum
11 sentence allowed by the law and the solicitor's office
12 concurs with that.
13 THE COURT: All right. Anything from law
14 enforcement?
15 LAW ENFORCEMENT: No, sir.
16 THE COURT: All right. You mentioned some of the
17 comments made by Mr. Liner, of course, that guilty plea took
18 a long time this morning. He also indicated I believe to
19 the extent that it's relevant to this sentencing that
20 Mr. Moseley made the comment that he didn't think anybody
21 around here took him seriously or something to that effect.
22 I did note that. Of course, Mr. Liner has been sentenced
23 and he will be in the Department of Corrections for quite a
24 period of time.
25 Now, Mr. Moseley, you do have the right to speak

1 to me about the sentencing. I would just outline this for
2 you, the possible sentence for murder is 30 years minimum to
3 maximum of life in prison.
4 DEFENDANT MOSELEY: (Mr. Moseley nodded head.)
5 THE COURT: The sentence for attempted armed
6 robbery is zero to 20 years. The sentence range for
7 criminal conspiracy is zero to five and the sentence for
8 possession of a weapon during the commission of a violent
9 crime is zero to five years. I will be happy to hear from
10 you anything you would like to say to me as long as your
11 comments are directed to me or I will go out as far as
12 allowing you to direct your comments to the prosecutor in
13 general, but no attacks, okay?
14 DEFENDANT MOSELEY: Criminal record thing, I
15 really don't agree with because that case from '98 with my
16 neighbor has been over with, sir.
17 THE COURT: Which is that?
18 DEFENDANT MOSELEY: Mr. McFadden, he was a
19 neighbor of mine. I won that case when Judge -- was the
20 head prosecutor and they reopened and I've won that case
21 since, sir.
22 THE COURT: Well, if you haven't been convicted of
23 it -- she said you haven't been convicted. I'm not going to
24 consider that at all.
25 DEFENDANT MOSELEY: Yeah.

1 THE COURT: If you've not been convicted.
2 DEFENDANT MOSELEY: I haven't been convicted of
3 nothing except for a couple of blue lights, sir. And that
4 YOA incident, I received a nonviolent strong armed robbery,
5 sir. I was 17 years old and since then, I've worked and et
6 cetera. Since then, I haven't gotten really into no trouble
7 besides some -- or some tickets. I'm not no violent dude or
8 whatever they portray me to be, et cetera. It's like this,
9 sir, me and my name in this neighborhood as a youth,
10 anything you say I did it and you know some facts from my
11 history, I did it. I mean, me and you not knowing each
12 other and be at McDonald's and I say a smart remark to you,
13 not knowing you a judge -- I'm just saying in general --
14 THE COURT: Oh, okay.
15 DEFENDANT MOSELEY: And you can call the police
16 and say I threatened your life. Vice versa, it wouldn't
17 work like that. And just like -- it wouldn't because just
18 like I attested with attempt on my life, screw it, you
19 trash, 911 call and all. So I'm going to ask this leniency
20 and all because I really didn't do this, sir. And I'm quite
21 sure on my appeal, I will win sometime through the speedy
22 trial act and be home sometime next year, sir.
23 THE COURT: Okay. All right. Now, if you decide
24 not to make any posttrial motions, that's entirely up to
25 you. I want to make sure you understand that if you do not

1 do that, you have ten 10 days to appeal from today, so you
2 have to do one or the other. I can't give you any advice as
3 to --
4 DEFENDANT MOSELEY: Okay.
5 THE COURT: -- what you do should do. The only
6 thing I can do is tell you about time frames that apply,
7 okay?
8 DEFENDANT MOSELEY: I'm wondering on my appeal,
9 who do I get my transcripts from?
10 THE COURT: Well --
11 DEFENDANT MOSELEY: Because --
12 THE COURT: -- your standby counsel, Ms. Butcher,
13 can probable educate you on the mechanics of doing that. I
14 know how it's done, but I can't advise you on that.
15 DEFENDANT MOSELEY: Uh-huh.
16 THE COURT: She tell you about the office
17 appellate defense, the filing of notice of appeal, things of
18 that nature. But it's very important for you to understand,
19 especially since you're representing yourself that these
20 time frames are dead serious. They're jurisdictional, which
21 means if they expire, if they expire, they are gone.
22 DEFENDANT MOSELEY: Yes, sir.
23 THE COURT: So make sure you pay very close
24 attention to that.
25 Is there anything else you'd like to tell me?

1 DEFENDANT MOSELEY: That will be it, sir. You
2 will be hearing from me Tuesday or Wednesday.
3 THE COURT: All right. You've got my card, you
4 know the address?
5 DEFENDANT MOSELEY: Yes, sir.
6 THE COURT: Make sure that those are timely done,
7 okay?
8 DEFENDANT MOSELEY: Yes, sir.
9 THE COURT: Now, anything -- anything at all you
10 would like to present to me, Mr. Moseley?
11 DEFENDANT MOSELEY: No, sir.
12 THE COURT: All right.
13 Anything else from the State?
14 MS. BARR: Judge, just --
15 THE COURT: By the way, I'm not going to take into
16 account the dismissed ABHAN and the pending ABWIK, I just
17 wanted to make sure -- in my sentencing, I'm not going to
18 take that into account because I don't believe it would be
19 proper.
20 MS. BARR: Yes, sir, Your Honor, this was alluded
21 to earlier outside the presence of the jury, but there was a
22 bench warrant issued on October 29th of 2012 for his failure
23 to appear, and the original is in the Court's file that I'm
24 referencing. I would also like the record to reflect that
25 there was a bench warrant issued against the Defendant under

1 this indictment number on March the 9th of 2009 for failure
2 to appear. Bench warrant issued on March 10th, 2008 by
3 Judge Mealing for the Defendant's failure to appear. And
4 there was a bench warrant issued in May of 2007 for the
5 Defendant's failure to appear. The one -- the oldest one,
6 from '07, was lifted. And Judge, that, obviously, created
7 some problem for the State in prosecuting the case and
8 bringing for in a more timely fashion because the Defendant
9 was not in court when he was supposed to be.
10 THE COURT: Those will be made Court's Exhibits.
11 Of course, Mr. Moseley, during one of the recesses, you
12 cited Barker vs. Wingo, in terms of your violation of your
13 right to a speedy trial. I've examined the factors on the
14 record and I ruled against you. That is, certainly,
15 something that you can put in your new trial motion or
16 appeal or both.
17 DEFENDANT MOSELEY: Yes, sir, because those bench
18 warrants, back then, all you had to do was go in the back
19 and speak to a secretary if you showed up to court a day or
20 two late, they take it off, sir. I only been locked up for
21 one bench warrant, that was 2007. I haven't had a role call
22 since 2009.
23 THE COURT: All right.
24 Anything else, Mr. Barr?
25 MS. BARR: No, Your Honor.

1 THE COURT: All right. Mr. Moseley, as I told Mr.
2 Liner and as I tell everybody that I sentence, this is
3 probably the least rewarding part about the job that I have.
4 You're 37 years old?
5 DEFENDANT MOSELEY: Yes, sir.
6 THE COURT: I just don't like sentencing people
7 because everybody with any conscious if they could reach
8 back and undo what's been done, they would do it. And it's
9 always upsetting to me, at least, professionally to have to
10 sentence someone to an extended period of time in the prison
11 system, but that's what I've got to do. The jury has
12 unanimously found you guilty of all four of those offenses.
13 The evidence was put to the jury and they came back with
14 those verdicts and I respect those verdicts.
15 I will on the conviction for murder commit you to
16 the State Department of Corrections for a period of 50
17 years. Concurrently with that, I'll sentence you to a term
18 of 20 years for attempted armed robbery. Criminal
19 conspiracy, that is conspiracy to commit armed robbery and
20 to commit murder and you're sentenced concurrently to the
21 term of five years. And possession of a weapon during the
22 commission of a violent crime, you're sentenced concurrently
23 to a sentence of five years. That's not the maximum if it
24 gives you any solace.
25 I'll tell you the same thing I told Mr. Liner,

1 this business about people dealing in drugs, getting the
2 cash, stealing the cash, stealing from this drug dealer,
3 shooting this drug dealer, sometime it's got to stop.
4 Because what has been established at the least is while Mr.
5 York was no saint, he didn't deserve to be shot and killed.
6 And that's what the proof is that the jury is satisfied
7 beyond a reasonable doubt that you did that.
8 You will get credit for any time you've served
9 under the law. And, at least, for today's purposes this
10 case is adjourned. All right.
11 DEFENDANT MOSELEY: Thank you, Your Honor.
12 THE COURT: All right, ladies and gentlemen, thank
13 you for your attention. If you have any questions for the
14 bailiffs, they will be happy to relay those to me. I hope
15 to see you again. Thank you.
16 DEFENDANT'S MOTHER: Nobody asked his family.
17 THE COURT: It's not my responsibility to inquire
18 of the audience. I asked Mr. Moseley if there was anything
19 else and he said no.
20 DEFENDANT'S MOTHER: Nobody asked the family.
21 THE COURT: Well, that would be up to Mr. Moseley
22 to do.
23 DEFENDANT'S MOTHER: Okay.
24 THE COURT: Thank you.
25 END OF PROCEEDINGS

FD-302 (Rev. 10-6-95)

EXH. D

DEFENDANT'S EXHIBIT 10 Moseley

FEDERAL BUREAU OF INVESTIGATION

CHARACTER - of - LONNIE DOZIER -

Date of transcription 08/21/2003

Lonnie Lamont Dozier, black male, date of birth, , ; Social Security Number , was interviewed pursuant to a Plea Agreement. Also present during the interview was Craig Townsend, Special Agent, Bureau of Alcohol, Tobacco, and Firearms (ATF), and Dozier's attorney, Mike Metze, United States Public Defender's Office. During the interview of Dozier, Dozier provided the following information regarding several investigations that were being conducted by SA Flamini:

During approximately April of 2002, Dozier robbed Mark Kennedy, a drug dealer from the White Oak community of Williamsburg County, South Carolina. Christina Felder set Kennedy up for Dozier to rob. Felder lured Kennedy to her residence at the Royal Knights Apartments, Apartment 21, Kingstree, South Carolina. Kennedy thought that he was going to have sex with Felder. When Dozier arrived at Felder's residence, Felder left a note for Dozier which stated that Felder was driving Kennedy's car, that Kennedy was in the passenger seat, and that Felder would return to her apartment in a short period of time. Dozier then hid in Felder's residence waiting for Felder and Kennedy to return.

When Felder and Kennedy returned to Felder's apartment, Dozier robbed Kennedy when Felder went to the kitchen. Kennedy was lying on Felder's bed when Dozier approached Kennedy. Dozier robbed Kennedy using a black .38 caliber revolver that Dozier got from Antwan Chandler, from Myrtle Beach, South Carolina. Dozier paid $25 to Chandler for the gun used during the robbery of Kennedy.

Felder ran out of the apartment and "played it off" like she did not know that Kennedy was going to be robbed. During the robbery, Dozier wore a black shirt around his face, since he was trying to hide his identity from Kennedy.

After Dozier robbed Kennedy, Dozier forced Kennedy to drive to Lake City at gun point. Kennedy was driving his vehicle, while Dozier was in the back seat of his vehicle holding the gun on Kennedy. Kennedy's vehicle at the time of the robbery was a green Honda Accord. Dozier forced Kennedy to drive to a dead end road in Lake City and then Dozier let Kennedy go. Dozier robbed

Investigation on 8/7/2003 at Effingham, S.C.

File # 245I-CO-23755 267C-CO-28403 Date dictated 8/12/2003

by SA Vincent R. Flamini:lsp

RECEIVED BY APR 11 2007

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FD-302a (Rev. 10-6-95)

EXHIBIT-D.

245I-CO-23755 267C-CO-28403

Kennedy of approximately $700 in cash. Dozier asked Kennedy for his drugs, but Kennedy stated that his drugs were at his residence, so Dozier only got the money from Kennedy.

Dozier went to Black Biker Week later that same year with Kennedy. Kennedy never realized that Dozier was the one who robbed him.

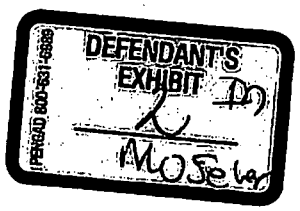
In March of 2001, Corey Liner and Arthur Mosley picked up Dozier at his residence. They then drove to the residence of Steve Durant. While at Durant's residence, Durant told Dozier, Liner, and Mosley that Tory York, Tony York, Carlos York, and Keisha Burgess had robbed David Brockington, also known as Little D, of some crack cocaine. Durant indicated that Tory York had a lot of the crack cocaine in his possession from the robbery. They then decided to rob Tory York of the drugs, so Durant gave Mosley a black .38 caliber revolver with a rubber grip. Corey Had gun

Dozier, Liner, and Mosley then left Durant's residence together driving in Mosley's girlfriend's car, a black Pontiac Grand Am. At the time, Liner was driving the vehicle, Mosley was in the front passenger seat of the vehicle, and Dozier was in the back seat of the vehicle. Mosley had possession of the .38 caliber revolver.

Dozier, Liner, and Mosley then drove to Tory York's residence, located on Thorne Avenue in Kingstree, South Carolina. When they arrived at Tory York's residence, Tory York was sitting on the front porch of the residence with another male, who Dozier could not identify because he was too far away. When Dozier and the others arrived at the residence, the male got up and left the residence.

Liner/Dozier in car

Upon arrival at Tory York's residence, Liner asked Tory York if he wanted to buy a weapon, while Liner was still sitting in the vehicle. Liner mentioned to Tory York what he had heard regarding the robbery of Brockington. Tory York then came down the steps of his residence and approached the vehicle to see the gun. At that time, Mosley got out of the front passenger seat of the vehicle, while Liner and Dozier remained in the vehicle. Mosley stated, "Give me the money, everything (expletive)." At that time, Tory York backed away and stated, "Hold on, you don't need to do it like that." Mosley pulled out the .38 caliber revolver and pointed it at Tory York. Tory York pulled in his back pocket when Mosley told him to give Mosley the money. At



01/19/2006

TO: MIKE GRAHAM, KINGSTREE PD
FROM: VINCE FLAMINI, FBI

MIKE,

ENCLOSED IS MY PORTION OF THE YORK MURDER FILE. I HIGHLIGHTED THE SIGNIFICANT PORTIONS OF THE INTERVIEWS.

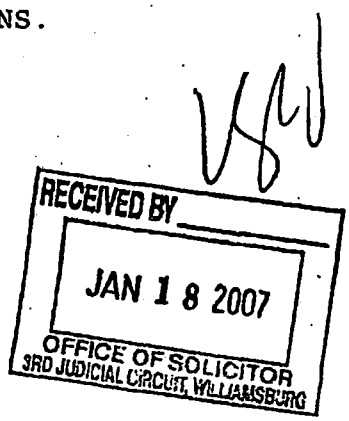
THE KPD SHOULD HAVE MORE INTERVIEWS. I RECALL THAT THERE WAS A CHANGE IN YOUR COMPUTER SYSTEM AND I DID NOT RECEIVE ALL THE OF THE KPD CASE FILE BECAUSE OF IT.

AS YOU CAN INTERPRET FROM THE FILE, WE INITIALLY THOUGHT THAT STEVE SINGLETARY, AKA RAB, COMMITTED THE MURDER AFTER HE WAS HIRED BY DAVID BROCKINGTON (DECEASED), AKA LITTLE D. APPARENTLY, BROCKINGTON HIRED SINGLETARY TO KILL YORK FOR STEALING HIS STASH OF DRUGS.

WHAT I THINK REALLY HAPPENED IS THAT ALTHOUGH I BELIEVE BROCKINGTON DID PAY SINGLETARY TO DO SOMETHING TO YORK, I BELIEVE ARTHUR MOSLEY KILLED YORK BEFORE HE WAS ABLE TO DO IT.

PLEASE NOTE THAT UNDER LONNIE J. DOZIER'S FEDERAL PLEA AGREEMENT, THE INFO THAT DOZIER PROVIDED REGARDING YORK'S MURDER CANNOT BE USED AGAINST DOZIER, UNLESS HE BREACHED HIS PLEA AGREEMENT, WHICH HE HAS NOT DONE TO DATE. WE DID NOT EVEN KNOW ABOUT MOSLEY'S INVOLVEMENT IN THE MURDER UNTIL DOZIER COOPERATED UNDER HIS PLEA AGREEMENT.

PLEASE CALL ME WITH ANY QUESTIONS.
THANKS, VINCE



DEFENDANT'S EXHIBIT 40
PENGAD 800-631-6989

;DECLARATION OF SERVICE;

PURSUANT TO 28 U.S.C § 1746 I CERTIFY THAT DOCUMENTS FROM PHILADELPHIA P.A DATED [12/14/00]; [1/3/01]; [4/30/01] [ATTESTING TO PSYCH. HOSP. [4/11/01 - 4/25/01] FOR 14 DAYS; MAY 1ST. 2001 ARE VALID JUDICIAL DOCUMENTS ASWELL AS CONCLUSIVE EVIDENCE THAT I WAS LIVING IN ANOTHER STATE WITH MENTAL HEALTH ISSUES BOTH BEFORE, DURING AFTER CRIME!; SEE BELOW!

DATE: FEB. 1ST. 2014

NAME: ARTHUR. R. Moseley AKA Shahid MAJID PROSE

ADDRESS: LCCDC 207 S. JACKSON ST. KINGSTREE, S.C 29556

1.] DEPT. OF PUBLIC WELFARE - "MED. ASSIST. APPLICATION" DATED [DEC. 14-00]

2.] DEPT. OF PUBLIC WELFARE - "CASH ASSIST.; FOODSTAMP APPLICATION" DATED [JAN. 3RD 01]

3.] EINSTEIN PSYCH. HOSP. BILL - ATTEST ADMISSION [4/11/01] TO DISCH. [4/25/01] = 14 DAYS

4.] S.S. ADMIN. - SSI BENEFITS APPLICATION LETT. DATED [MAY 1-01]

616

215-560-3500
DEPARTMENT OF PUBLIC WELFARE
PHILADELPHIA COUNTY ASSISTANCE OFFICE
GIRARD DISTRICT
961 N. MARSHALL ST.
PHILADELPHIA, PA 19123-1306

APPOINTMENT NOTICE AND VERIFICATION CHECKLIST

Husband Education

IN ORDER TO DETERMINE YOUR ELIGIBILITY FOR

☐ CASH ASSISTANCE ☒ MEDICAL ASSISTANCE ☐ FOOD STAMPS

AN INTERVIEW HAS BEEN SCHEDULED AT THE TIME AND PLACE SHOWN.

YOUR SCHEDULED INTERVIEW IS FOR

DAY-DATE: Friday 12/14/00 TIME: 10:00 A.M. P.M.

PLACE: 961 N. Marshall St

READ THIS ENTIRE FORM CAREFULLY

PLEASE BE ON TIME:

IF YOU ARE UNABLE TO COME TO THE OFFICE OR CANNOT KEEP THIS APPOINTMENT, PLEASE LET US KNOW AS SOON AS POSSIBLE. YOU MAY ASK FOR ANOTHER APPOINTMENT AND WE WILL SCHEDULE ONE AS QUICKLY AS WE CAN.

YOU MUST PROVIDE AND PAY FOR YOUR OWN TRANSPORTATION WHEN ATTENDING SCREENING AND APPLICATION INTERVIEWS.

IF YOU ARE CURRENTLY RECEIVING BENEFITS, YOU MAY BE ENTITLED TO PAYMENT FOR TRANSPORTATION.

DEFENDANT'S EXHIBIT 4A

PENGAD 800-631-6989

WHO SHOULD COME TO THE INTERVIEW:

CASH

Husband and wife, if living together, and all other persons age 18 or older need to be interviewed.

MEDICAL ASSISTANCE

If you are only applying for medical assistance, you, your spouse, or another person may apply on your behalf. Certain households may not be required to have a face-to-face interview.

FOOD STAMPS

If you are only applying for food stamps, you, any responsible member of your household, or any other person authorized by you to make the application on your behalf, need be present for the application interview. Certain households may be interviewed for food stamps by telephone. If attending an office interview is a hardship, please discuss it with us.

WHAT INFORMATION WILL BE NEEDED AT THE INTERVIEW:

To help us decide whether you (or anyone else for whom you are applying) are eligible for the benefits you want, we will need information about you and your household and proof of that information.

On the reverse side of this form is a "Verification Checklist". **If a box next to an item is checked, bring all of the papers and proof of the information listed.** If you are unable to bring in all of the information, we may still be able to authorize cash assistance or medical assistance if you can show us that you cooperated in attempting to obtain the information requested. Also, the information you are able to provide may be sufficient to prove your eligibility for food stamps, even if it is not sufficient to show that you are eligible for other benefits.

When proof on paper (receipts, pay stubs, and other documents) is not available, we may be able to help you provide proof of some items by contacting persons outside of your household.

For reapplications, you are not required to bring proof of items for which you have already provided proof (EXAMPLES: age, Social Security Numbers, permanent disability) unless we explain why it is necessary. You must cooperate in providing required proof, or cash assistance, medical assistance, or food stamp benefits may be denied. If you are cooperating in the completion of your application or reapplication, we will help you provide proof, as needed.

Mr. Arthur Mubsley Jr.

Client 12/14/00

NO PERSON WILL BE EXCLUDED FROM ANY PROGRAMS OF THE PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE BECAUSE OF RACE, COLOR, SEX, RELIGIOUS CREED, POLITICAL BELIEFS, NATIONAL ORIGIN, OR DISABILITY. SUCH DISCRIMINATION IS PROHIBITED BY BOTH FEDERAL AND STATE LAWS.

Mo B Lewis 12/14/00

SIGNATURE OF WORKER DATE

CLIENT TELEPHONE

PA 253 (9/94)

VERIFICATION CHECKLIST

IF YOU DO NOT UNDERSTAND ANY OF THE ITEMS LISTED BELOW OR WANT TO KNOW WHY THE INFORMATION OR PROOF IS NEEDED, WE WILL EXPLAIN IT TO YOU AT THE INTERVIEW.

- [x] Personal identification such as: driver's license, Social Security card, military discharge papers, or document showing your signature, photograph, or description. Acceptable for food stamps: A signed statement from someone who knows you and can tell us, in person or over the phone, who you are.
- [ ] Proof of your mailing address, if you have one, such as, rent or mortgage receipt, utility bill, driver's license, or other paper that shows where you live. If you have no papers with your address readily available, you can give us the name of a person who can tell us, in person or over the phone, where you live.
- [ ] If you do not have a home or a fixed mailing address, please give us an address where you can receive mail, and the name of a person who knows you and can tell us, in person or over the phone, that you live in Pennsylvania and are not in the state solely for vacation purposes.
- [x] Social Security number for every household member who has one, or proof of application for a Social Security number.
- [ ] Birth verification for _____
- [ ] Medicare Cards (Part A and Part B)
- [ ] If anyone in the household is a veteran, or is now in the military service, bring any papers that show serial number, or Social Security number, date of enlistment and discharge, veteran's claim number, pension, disability compensation awards, or allotments.
- [ ] Proof such as current school documents or correspondence which shows that your children age 16 or older attend elementary or secondary school or an equivalent level vocational or technical school.
- [ ] Marriage License
- [ ] Proof of disability of any household member.
  - [ ] This must be on a form provided by the Department.
- [ ] Release Papers from any Penal or Corrections institution including the name and phone number of the corrections officer.
- [ ] Bills or receipts for medical services received in the past 4 months including cost of medical insurance, dental care, and prescriptions.
- [ ] The amount of support you are paying to your spouse or dependents who are residing in or out of your home.
- [ ] Proof of shelter and utility costs, such as lease, rent receipt, mortgage payment book, tax receipts, home insurance, telephone, electric, fuel oil, coal, gas, water, sewerage, garbage, and utility installation bills or receipts.
- [x] Other: PER TO - FACE INTERVIEW
- [ ] Citizenship papers or alien/refugee registration cards for any persons in the household who were not born in the United States.
- [ ] Name, address and proof of the income and resources of your sponsor if you are a sponsored alien.
- [ ] Names and addresses of certain relatives not living with you: your husband or wife, or parent of any child for whom you want assistance. Bring their Social Security numbers, and if these relatives are working, bring the names and addresses of the people or companies for whom they work.
- [ ] Divorce papers or other proof that your spouse or the parent of any child for whom you are applying is absent from your home (such as a written statement from a non-related third party).
- [ ] We will want to know how much money or other help you get from relatives. If there are any court orders for support from relatives, bring your court order card or number.
  - [ ] Printout from the court to verify monthly payments.
- [ ] Information concerning medical insurance coverage of children for whom you are applying which is carried by the child's absent parent.
- [ ] Proof of pregnancy. We require a written statement from your doctor, clinic, or other medical source showing the expected delivery date.
- [ ] Registration cards for every motor vehicle owned by household members (car, truck, camper, boat, motorcycle, snowmobile) along with payment books or other documents showing balance owed, if any, and the value of the vehicles.
- [ ] Car Insurance Information.
- [ ] Proof of application for benefits as follows:
  - [ ] SSI
  - [ ] Sick Benefits/Disability
  - [ ] Social Security
  - [ ] Veterans' Benefits
  - [ ] Workers' Compensation
  - [ ] Unemployment Compensation
  - [ ] Other _____
- [ ] Proof of resources you own or own jointly such as:
  - [ ] Savings or checking accounts, Christmas or Vacation Club Accounts (Current Bank Statement and Passbooks)
  - [ ] Hospitalization, health, or accident insurance policies
  - [ ] Federal or State Income Tax Refunds
  - [ ] Cash on Hand
  - [ ] Life Insurance Policies
  - [ ] Burial Funds
  - [ ] Burial Plots
  - [ ] Stocks or Bonds
  - [ ] IRAs
  - [ ] Credit Union accounts
  - [ ] Certificates
  - [ ] Trust Funds
  - [ ] Mutual Funds
  - [ ] Other _____
- [ ] Proof of earned income and work expenses of household members such as:
  - [ ] Name, address, and telephone number of employer for anyone who is employed.
  - [ ] Pay stubs for the last 30 days.
  - [ ] Pay stubs for the last 4 months.
  - [ ] Proof of expense for child care (babysitter) or for care of a disabled adult.
  - [ ] Transportation expenses for employment.
  - [ ] Name, address and telephone number of former employer.
  - [ ] Written statement from last employer verifying last day of work, date of last pay, and reason for termination.
- [ ] Proof of income from:
  - [ ] Training allowances
  - [ ] Rent or board
  - [ ] Dividends
  - [ ] Tips
  - [ ] Interest
  - [ ] Odd Jobs
  - [ ] Alimony or support
  - [ ] Other
- [ ] Latest income tax form or other reliable proof of income from self-employment and costs of producing self-employment.
- [ ] Proof of other income such as award letters or notices for:
  - [ ] Social Security
  - [ ] Pensions
  - [ ] Union Benefits
  - [ ] Veterans' Benefits
  - [ ] Unemployment Compensation
  - [ ] Workers' Compensation
  - [ ] Black Lung Benefits
  - [ ] Sick Benefits
  - [ ] Allotments
  - [ ] Railroad Retirement
  - [ ] Educational loans, grants, scholarships, and work study; and related expenses including tuition.
  - [ ] Other _____

618

215-560-3500
DEPARTMENT OF PUBLIC WELFARE
PHILADELPHIA COUNTY ASSISTANCE OFFICE
GIRARD DISTRICT
961 N. MARSHALL ST.
PHILADELPHIA, PA 19123-1306

APPOINTMENT NOTICE AND VERIFICATION CHECKLIST

IN ORDER TO DETERMINE YOUR ELIGIBILITY FOR

☑ CASH ASSISTANCE ☐ MEDICAL ASSISTANCE ☑ FOOD STAMPS

AN INTERVIEW HAS BEEN SCHEDULED AT THE TIME AND PLACE SHOWN:

YOUR SCHEDULED INTERVIEW IS FOR

DAY-DATE: Thu 19 Jan 01 TIME: 8:45 A.M. P.M.

PLACE: Girard

READ THIS ENTIRE FORM CAREFULLY

PLEASE BE ON TIME:

IF YOU ARE UNABLE TO COME TO THE OFFICE OR CANNOT KEEP THIS APPOINTMENT, PLEASE LET US KNOW AS SOON AS POSSIBLE. YOU MAY ASK FOR ANOTHER APPOINTMENT AND WE WILL SCHEDULE ONE AS QUICKLY AS WE CAN.

YOU MUST PROVIDE AND PAY FOR YOUR OWN TRANSPORTATION WHEN ATTENDING SCREENING AND APPLICATION INTERVIEWS.

IF YOU ARE CURRENTLY RECEIVING BENEFITS, YOU MAY BE ENTITLED TO PAYMENT FOR TRANSPORTATION.

WHO SHOULD COME TO THE INTERVIEW:

CASH

Husband and wife, if living together, and all other persons age 18 or older need to be interviewed.

MEDICAL ASSISTANCE

If you are only applying for medical assistance, you, your spouse, or another person may apply on your behalf. Certain households may not be required to have a face-to-face interview.

FOOD STAMPS

If you are only applying for food stamps, you, any responsible member of your household, or any other person authorized by you to make the application on your behalf, need be present for the application interview. Certain households may be interviewed for food stamps by telephone. If attending an office interview is a hardship, please discuss it with us.

WHAT INFORMATION WILL BE NEEDED AT THE INTERVIEW:

To help us decide whether you (or anyone else for whom you are applying) are eligible for the benefits you want, we will need information about you and your household and proof of that information.

On the reverse side of this form is a "Verification Checklist". **If a box next to an item is checked, bring all of the papers and proof of the information listed.** If you are unable to bring in all of the information, we may still be able to authorize cash assistance or medical assistance if you can show us that you cooperated in attempting to obtain the information requested. Also, the information you are able to provide may be sufficient to prove your eligibility for food stamps, even if it is not sufficient to show that you are eligible for other benefits.

When proof on paper (receipts, pay stubs, and other documents) is not available, we may be able to help you provide proof of some items by contacting persons outside of your household.

For reapplications, you are not required to bring proof of items for which you have already provided proof (EXAMPLES: age, Social Security Numbers, permanent disability) unless we explain why it is necessary. You must cooperate in providing required proof, or cash assistance, medical assistance, or food stamp benefits may be denied. If you are cooperating in the completion of your application or reapplication, we will help you provide proof, as needed.

A. Moseley

Case #51-2557739

NO PERSON WILL BE EXCLUDED FROM ANY PROGRAMS OF THE PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE BECAUSE OF RACE, COLOR, SEX, RELIGIOUS CREED, POLITICAL BELIEFS, NATIONAL ORIGIN, OR DISABILITY. SUCH DISCRIMINATION IS PROHIBITED BY BOTH FEDERAL AND STATE LAWS.

Stockton — SIGNATURE OF WORKER

1-3-01 — DATE

CLIENT

57.0-357LD

VERIFICATION CHECKLIST

IF YOU DO NOT UNDERSTAND ANY OF THE ITEMS LISTED BELOW OR WANT TO KNOW WHY THE INFORMATION OR PROOF IS NEEDED, WE WILL EXPLAIN IT TO YOU AT THE INTERVIEW.

- [x] Personal identification such as: driver's license, Social Security card, military discharge papers, or document showing your signature, photograph, or description. Acceptable for food stamps: A signed statement from someone who knows you and can tell us, in person or over the phone, who you are.
- [x] Proof of your mailing address, if you have one, such as, rent or mortgage receipt, utility bill, driver's license, or other paper that shows where you live. If you have no papers with your address readily available, you can give us the name of a person who can tell us, in person or over the phone, where you live.
- [ ] If you do not have a home or a fixed mailing address, please give us an address where you can receive mail, and the name of a person who knows you and can tell us, in person or over the phone, that you live in Pennsylvania and are not in the state solely for vacation purposes.
- [x] Social Security number for every household member who has one, or proof of application for a Social Security number.
- [ ] Birth verification for _____
- [ ] Medicare Cards (Part A and Part B)
- [ ] If anyone in the household is a veteran, or is now in the military service, bring any papers that show serial number, or Social Security number, date of enlistment and discharge, veteran's claim number, pension, disability compensation awards, or allotments.
- [ ] Proof such as current school documents or correspondence which shows that your children age 16 or older attend elementary or secondary school or an equivalent level vocational or technical school.
- [ ] Marriage License
- [x] Proof of disability of any household member.
  - [x] This must be on a form provided by the Department.
- [ ] Release Papers from any Penal or Corrections institution including the name and phone number of the corrections officer.
- [ ] Bills or receipts for medical services received in the past 4 months including cost of medical insurance, dental care, and prescriptions.
- [ ] The amount of support you are paying to your spouse or dependents who are residing in or out of your home.
- [x] Proof of shelter and utility costs, such as lease, rent receipt, mortgage payment book, tax receipts, home insurance, telephone, electric, fuel oil, coal, gas, water, sewerage, garbage, and utility installation bills or receipts.
- [x] Other *past management*
- [ ] Citizenship papers or alien/refugee registration cards for any persons in the household who were not born in the United States.
- [ ] Name, address and proof of the income and resources of your sponsor if you are a sponsored alien.
- [ ] Names and addresses of certain relatives not living with you: your husband or wife, or parent of any child for whom you want assistance. Bring their Social Security numbers, and if these relatives are working, bring the names and addresses of the people or companies for whom they work.
- [ ] Divorce papers or other proof that your spouse or the parent of any child for whom you are applying is absent from your home (such as a written statement from a non-related third party).
- [ ] We will want to know how much money or other help you get from relatives. If there are any court orders for support from relatives, bring your court order card or number.
  - [ ] Printout from the court to verify monthly payments.
- [ ] Information concerning medical insurance coverage of children for whom you are applying which is carried by the child's absent parent.
- [ ] Proof of pregnancy. We require a written statement from your doctor, clinic, or other medical source showing the expected delivery date.
- [ ] Registration cards for every motor vehicle owned by household members (car, truck, camper, boat, motorcycle, snowmobile) along with payment books or other documents showing balance owed, if any, and the value of the vehicles.
- [ ] Car Insurance Information.
- [ ] Proof of application for benefits as follows:
  - [ ] SSI
  - [ ] Sick Benefits/Disability
  - [ ] Social Security
  - [ ] Veterans' Benefits
  - [ ] Workers' Compensation
  - [ ] Unemployment Compensation
  - [ ] Other
- [ ] Proof of resources you own or own jointly such as:
  - [ ] Savings or checking accounts, Christmas or Vacation Club Accounts (Current Bank Statement and Passbooks)
  - [ ] Hospitalization, health, or accident insurance policies
  - [ ] Federal or State Income Tax Refunds
  - [ ] Cash on Hand
  - [ ] Life Insurance Policies
  - [ ] Burial Funds
  - [ ] Burial Plots
  - [ ] Stocks or Bonds
  - [ ] IRAs
  - [ ] Credit Union accounts
  - [ ] Certificates
  - [ ] Trust Funds
  - [ ] Mutual Funds
  - [ ] Other _____
- [ ] Proof of earned income and work expenses of household members such as:
  - [ ] Name, address, and telephone number of employer for anyone who is employed.
  - [ ] Pay stubs for the last 30 days.
  - [ ] Pay stubs for the last 4 months.
  - [ ] Proof of expense for child care (babysitter) or for care of a disabled adult.
  - [ ] Transportation expenses for employment.
  - [ ] Name, address and telephone number of former employer.
  - [ ] Written statement from last employer verifying last day of work, date of last pay, and reason for termination.
- [ ] Proof of income from:
  - [ ] Training allowances
  - [ ] Rent or board
  - [ ] Dividends
  - [ ] Tips
  - [ ] Interest
  - [ ] Odd Jobs
  - [ ] Alimony or support
  - [ ] Other
- [ ] Latest income tax form or other reliable proof of income from self-employment and costs of producing self-employment.
- [ ] Proof of other income such as award letters or notices for:
  - [ ] Social Security
  - [ ] Pensions
  - [ ] Union Benefits
  - [ ] Veterans' Benefits
  - [ ] Unemployment Compensation
  - [ ] Workers' Compensation
  - [ ] Black Lung Benefits
  - [ ] Sick Benefits
  - [ ] Allotments
  - [ ] Railroad Retirement
  - [ ] Educational loans, grants, scholarships, and work study; and related expenses including tuition.
  - [ ] Other _____

HCI # 620 3

TYPE OF BILL	DATE OF BILL	DATE OF PREV. BILL
FINAL INP.	04/30/01	

Albert Einstein Healthcare Network
Einstein
Jefferson Health System

ALBERT EINSTEIN MEDICAL CENTER
BELMONT • WILLOWCREST

PAGE NO.
1

HOSP. NO.

U C	PATIENT NAME	PATIENT NUMBER	SEX	AGE	ADMISSION DATE	DISCHARGE DATE	DAYS
	MOSELEY ,ARTHUR	21010157	M		04/11/01	04/25/01	14

GUAR PH:

GUARANTOR NAME AND ADDRESS	C.O.B.	INSURANCE COMPANY NAME	GROUP NUMBER	POLICY NUMBER
ARTHUR MOSELEY PHILADELPHIA PA 19140-0000 USA	1	COMMUNITY BEHAVIO		6801507895

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT.

AMOUNT OF PAYMENT $

DATE OF SERVICE	DESCRIPTION OF HOSPITAL SERVICES	SERVICE CODE	TOTAL CHARGES	EST. COVERAGE INS. CO. NO. 1	EST. COVERAGE INS. CO. NO. 2	EST. COVERAGE INS. CO. NO. 3	EST. COVERAGE INS. CO. NO. 4	PATIENT AMOUNT
	UMMARY OF CHARGES							
	&C PSYCHIA 14DAYS@	1320.00	18480.00	18480.00				
	PHARMACY		111.75	111.75				
	UB-TOTAL OF CHARGES		18591.75	18591.75				
	ALBERT EINSTEIN HEALTHCARE NETWORK 215-456-6600							
	TOTALS		18591.75	18591.75				

PATIENT NUMBER	PLEASE REFER TO PATIENT NUMBER ON ALL INQUIRIES AND CORRESPONDENCE.	ADDITIONAL PATIENT BILLING MAY BE NECESSARY FOR ANY CHARGES NOT POSTED WHEN THIS BILL WAS PREPARED, OR IF INSURANCE CARRIERS DO NOT PAY ANY PART OF THE AMOUNTS SHOWN UNDER ESTIMATED INSURANCE COVERAGE.	PAY THIS AMOUNT	0.00
21010157				

BLUE CROSS	GROUP NO.	CERTIFICATE NO.	LOCATION OF PLAN CITY/STATE
BLUE SHIELD	SUBSCRIBER'S NAME	PATIENT'S DATE OF BIRTH	RELATIONSHIP TO SUBSCRIBER ☐ SELF ☐ SPOUSE ☐ DEPENDENT ☐ OTHER
MEDICAL ASSISTANCE / HEALTH PASS (PLEASE CIRCLE ONE)	NAME	CO. / RECORD NO.	CAT. / CTR. DIG. / LINE / RESOURCE
MEDICARE	MEDICARE NO.	HS SPECIAL NO.	
OTHER HEALTH INSURANCE	INSURANCE COMPANY	CERTIFICATE / GROUP NO.	INSURANCE COMPANY NAME AND ADDRESS
	SUBSCRIBER'S NAME	PATIENT'S DATE OF BIRTH	STREET
	GROUP NAME AND ADDRESS		CITY / STATE / ZIP

PLEASE COMPLETE THE INFORMATION WHERE APPLICABLE FOR COMMERCIAL INSURANCE POLICYHOLDERS. PLEASE SIGN BELOW AND RETURN TO OUR OFFICE.

MAY WE ASSIST YOU IN SUBMITTING YOUR HEALTH INSURANCE CLAIMS? IF YOU HAVE ANY TYPE OF HEALTH INSURANCE, PLEASE CALL OUR NUMBER THAT APPEARS ON THE FACE OF THIS BILL AND WE WILL SUBMIT A CLAIM FOR YOU. IF WE DO NOT HEAR FROM YOU CONCERNING YOUR ACCOUNT, WE WILL ASSUME THAT THIS BILL WILL BE PAID DIRECTLY BY YOU.

I AUTHORIZE DIRECT PAYMENT OF THE AMOUNT DUE IN MY CLAIM TO THE PROVIDER ABOVE. I ALSO AUTHORIZE THE PROVIDER TO RELEASE INFORMATION REQUESTED ON THIS FORM.

X

IF YOU WISH TO USE YOUR CREDIT CARD FOR PAYMENT, PLEASE FILL IN THE INFORMATION BELOW AND SIGN THIS FORM.

EXPIRATION DATE

CREDIT CARD NO.

☐ VISA ☐ MasterCard ☐ Card ☐ DISCOVER

X

CARDHOLDER SIGNATURE

PLEASE SUPPLY REQUIRED INFORMATION

622 4

Social Security Administration

IMPORTANT INFORMATION

2929 N. Broad Street
Philadelphia, PA 19132
Phone: 1-215-226-3247
FAX: 215-225-9307
Office Hours: 9:00-4:00

May 1, 2001
Claim Number: 196-56-2030

Mr. Arthur R. Moselev

Philadelphia, PA 19140

Dear Mr. Moseley:

The attached forms are the forms completed during the telephone interview for Supplemental Security Income benefits. You must sign and return these forms in order to file the application. The forms should be returned in the enclosed envelope within 15 days.

If the application is filed within 60 days of the date of this letter, we will use the date of the original request as the filing date.

If the application is not filed within 60 days of this letter, there could be a loss of benefits.

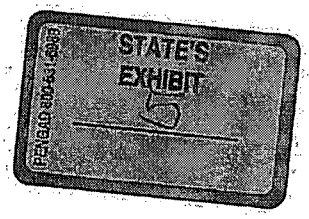
If you have any questions call 1-215-226-3247.

When you call ask for Mr. Henley.

Mrs. D. Merritt
District Manager

DOC

STATE'S
EXHIBIT
2
7-D



NAME: YORK, TONTOR
AUTOPSY # FA-01-00136 DATE: 03/24/01

DR McCONNELL/CURRY/SCOTT

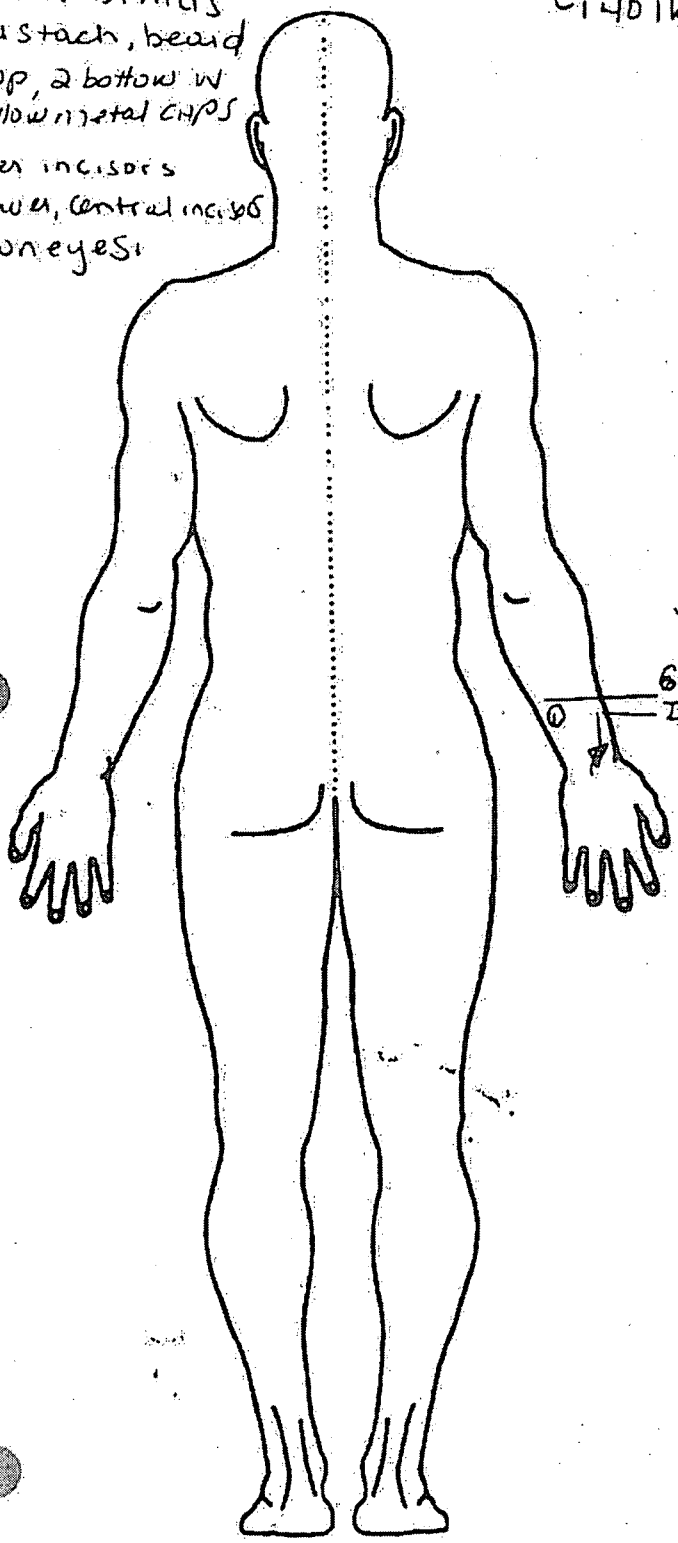
CONTENTS _____

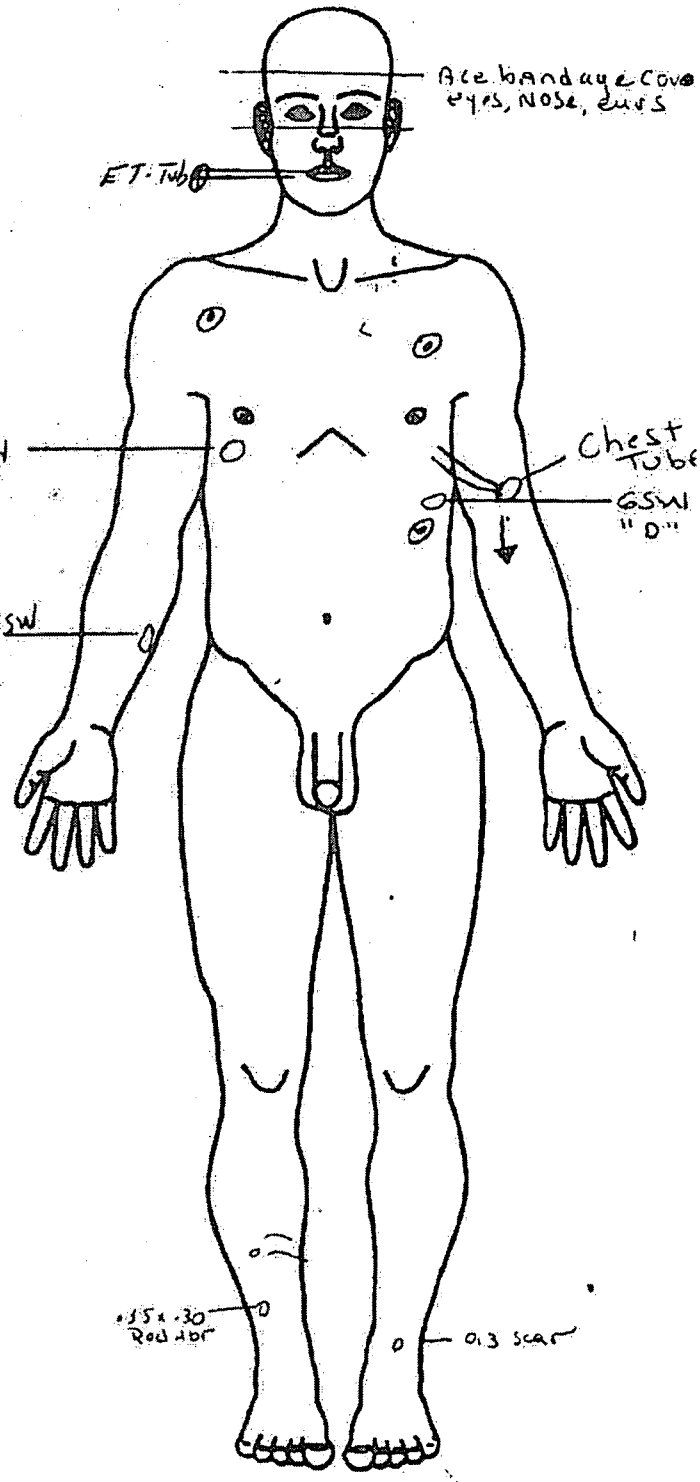
MRN: (0644)000013796 AWIL

Height (Inches) 65 inches

~140 lbs

Black braids
mustach, beard
1 Top, 2 bottom w
yellow metal chips
Upper incisors
2 lower, central incisors
brown eyes.





Debra Curry
Pathologist

REV. 10-88

STATE OF SOUTH CAROLINA

UNIFORM TRAFFIC TICKET

CITY OR COUNTY OF Florence — VERSUS

FIRST NAME	MIDDLE NAME	LAST NAME
Arthur	Bernard	Mosley

Florence S.C.

STATE LICENSED	DRIVER'S LICENSE NO.	DRI. LIC. CLASS
S.C.		D

VEH. LIC. NO.	STATE	MAKE OF VEH	YEAR	COMM VEH	AUTO	TRUCK	COMB.
Paper Tag	N/A	Pont		HAZ. MT.	MOPED	MTRCYCL	OTHER

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER

NAME OF TRIAL OFFICER: City Court — STREET AND NO.: City/Co Complex Rm 503

DATE OF TRIAL: 04 03 20 01 — TIME OF TRIAL: 9:00 — CITY: Florence — STATE: S.C. — ZIP CODE: 29501

VIOLATION: DUI — COURT APPEARANCE REQUIRED: YES NO — VIOLATION SECTION NO.: 56-5-2930

OWNER OF VEHICLE: AMC — DATE OF ARREST: 03 17 20 01

ADDRESS OF OWNER: N/A — DATE OF VIOLATION: 03 17 20 01

BAIL DEPOSITED: Bail — NAME OF ARRESTING OFFICER: Sgt. A.L. — RANK: Sgt.

DESCRIPTION OF ACCUSED: RACE B — SEX M — BIRTH DATE — HT. 6-01 — HAIR Blk — WT. 171 — EYES Brn

COUNTY: Florence — NUMBER: 51

DATE BAIL REC'D — BY

BADGE: 993 — DISTRICT: 4

DOCKET NO.

CASE BEFORE: MAGISTRATE ☐ MUN. COURT ☑ — CIRCUIT COURT ☐ FAMILY COURT ☐ FEDERAL COURT ☐

NAME OF TRIAL OFFICER IF DIFFERENT FROM ABOVE:

DAY 1 S M 2 3 T 4 W 5 T 6 F S 7

TIME OF VIOLATION: 0042 AM 1 PM 2 — WEATHER: Clear

DEFENDANT: DID NOT APPEAR ☐ APPEARED ☐

DISTANCE IN FEET FROM INTERSECTION OF: Lucas — AND: McQueen

DISPOSITION: GUILTY ☐ — FORFEITED BOND ☐ PLED: NOLO CONTENDERE ☐

TRIAL BY: TRIAL OFFICER ☐ JURY ☐

VERDICT OF TRIAL IF ANY: GUILTY ☑ NOT GUILTY ☐ — DATE OF TRIAL IF ANY: 20

MILES: N 1 E 2 S 3 W 4

JAIL	SUSPEND	FINE	AMT. COLLECTED	AMT. SUSPENDED	HWY. NO.	CITY
30		757				

COMMITTED TO: — Arrest as Result of Accident: NO — OFFENSE CODE: 99 — B.A. LEVEL:

CERTIFIED CORRECT: [signature] — DATE: 5 15 20 01

91093 BV

TRIAL OFFICER'S COPY

665-3148

2001-002705

REV. 10-88

STATE OF SOUTH CAROLINA

UNIFORM TRAFFIC TICKET 625

CITY OR COUNTY OF — VERSUS

FIRST NAME	MIDDLE NAME	LAST NAME
Arthur	Bernard	Mosley

STREET AND NO. — CITY — STATE: S.C.

S.C.

DRI. LIC. CLASS
D

VEH. LIC. NO.	STATE	MAKE OF VEH	YEAR	COMM VEH	AUTO	TRUCK	COMB.
Paper Tag	N/A	Pont		HAZ. MT.	MOPED	MTRCYCL	OTHER

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER

NAME OF TRIAL OFFICER: City Court — STREET AND NO.: City/Co Complex Rm 503

DATE OF TRIAL: 04 03 20 01 — TIME OF TRIAL: 9:00 — CITY: Florence — STATE: S.C. — ZIP CODE: 29501

VIOLATION: DUS 2nd Offense — COURT APPEARANCE REQUIRED: YES NO — VIOLATION SECTION NO.: 56-1-460

OWNER OF VEHICLE: AMC — DATE OF ARREST: 03 17 20 01

ADDRESS OF OWNER: N/A — DATE OF VIOLATION: 03 17 20 01

BAIL DEPOSITED: Bail — NAME OF ARRESTING OFFICER: Sgt. A.L. — RANK: Sgt.

DESCRIPTION OF ACCUSED: RACE B — SEX M — BIRTH DATE — HT. 6-01 — HAIR Blk — WT. 171 — EYES Brn

COUNTY: Florence — NUMBER: 51

DATE BAIL REC'D — BY

BADGE: 993 — DISTRICT: 4

CASE BEFORE: MAGISTRATE ☐ MUN. COURT ☑ — CIRCUIT COURT ☐ FAMILY COURT ☐ FEDERAL COURT ☐

NAME OF TRIAL OFFICER IF DIFFERENT FROM ABOVE:

DAY 1 S M 2 3 T 4 W 5 T 6 F S 7

TIME OF VIOLATION: 0042 AM 1 PM 2 — WEATHER: Clear

DEFENDANT: DID NOT APPEAR ☑ APPEARED ☐

DISTANCE IN FEET FROM INTERSECTION OF: Lucas — AND: McQueen

DISPOSITION: GUILTY ☐ — FORFEITED BOND ☐ PLED: NOLO CONTENDERE ☐

TRIAL BY: TRIAL OFFICER ☑ JURY ☐

VERDICT OF TRIAL IF ANY: GUILTY ☑ NOT GUILTY ☐ — DATE OF TRIAL IF ANY: 20

MILES: N 1 E 2 S 3 W 4

JAIL	SUSPEND	FINE	AMT. COLLECTED	AMT. SUSPENDED	HWY. NO.	CITY
60		100				

COMMITTED TO: — Arrest as Result of Accident: NO — OFFENSE CODE: 87 — B.A. LEVEL: Refusal

CERTIFIED CORRECT: [signature] — DATE: 5 15 20 01

91094 BV

TRIAL OFFICER'S COPY

665-3148

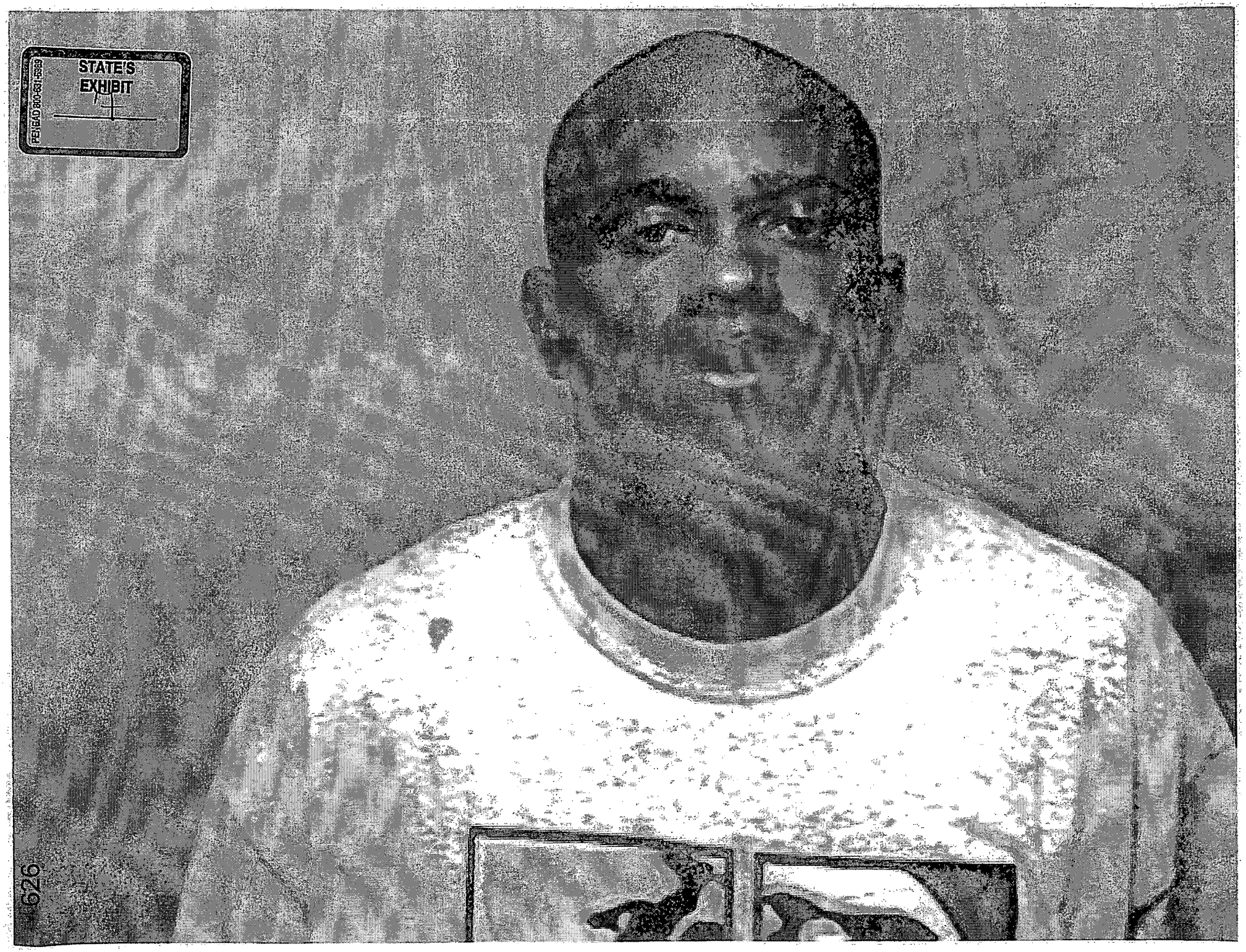
CERTIFIED TRUE COPY

[signature]

City Clerk of Court

STATE'S EXHIBIT 20

FENO-AD 50-931-6699


STATE'S
EXHIBIT
1
FBI/EJD 000-691-5529

COURT'S
EXHIBIT NO. 1
IDENTIFICATION/EVIDENCE
DKT. #
DATE:

STATE OF S.C. v. ARTHUR R. MOSELY AKA Shahid Majid - DEFENDANT -

THIRD JUDICIAL CIRCUIT OF SOUTH CAROLINA

2007-GS-45-52

H-076896, H-076897, H-076898, H-076899

DEC. 23RD 2015

JUDGE'S COPY

DEAR JUDGE NEWMAN;

MAY THE LORD GOD OF ABRAHAM BLESS YOU, FAMILY AND STAFF! I AM INFO. YOU [JUDGE NEWMAN]; [ASSIST. SOL. KIMBERLY V. BARR] THAT I'VE CONTACTED [PRO BONO ATTNY. DEBBIE BUTCHER] ON SEVERAL OCCASSIONS TO ADMINISTER [PRETRIAL MOTIONS] - TO - [LIFT BENCH WARRANT]; [FOR DISMISSAL]; [RESCUE JUDGE] ETC.! I DO NOT FORFEIT MY RIGHTS UNDER [Federal 18 § U.S.C SPEEDY TRIAL ACT]! I'VE DONE - "MOT. TO DEMISS" IN [APRIL 2013] AS WELL AS [JULY 2013]! I DO NOT CONSENT TO TRIAL [JAN. 27 - 2014] WITHOUT [PRE TRIAL MOTIONS]! THATS A VIOLATION OF 5TH AMEND. ACCESS TO COURTS; 5TH AND 14TH AMEND. DUE PROCESS CLAUSE; 14TH AMEND. EQUAL PROTECTION CLAUSE! I'D - COURT APPOINTED - ATTORNEY OF [JUDGE NEWMAN] WILL - DO - PRETRIAL MOTIONS! [M. AMANDA SHULER] REFUSED AND NOW [DEBBIE BUTCHER] REFUSES! [JUDGE NEWMAN] AND [ASSIST. SOL. KIMBERLY V. BARR] ARE A 'CONFLICT OF INTEREST' ON CASE BEING THEIR DEFENDANTS IN CIVIL INJUNCTION CASE [Mosely V. NEWMAN ET. AL] 2:13-CV-1188! ALSO LATE VERDICT BARR [P.D.J.N] CITED REASON FOR STEPPING DOWN [1/29/13] OF CASE RELATIVE - OF - STATE KIMBERLY V. BARR! ATTNY. DEBBIE BUTCHER - violates - [ACCESS TO COURTS] SEE U.S CASE [SIMPSON V. GALLANT (D. ME 2002)] BY REFUSAL TO DO PRETRIAL MOTIONS! CONSPIRACY IS MALICIOUS BEING [ALL COURT APPOINTED ATTORNEY'S] BY JUDGE NEWMAN REFUSE TO PROCESS MOTIONS VIOLATING 1ST, 5TH, 8TH, 14TH AMEND., SEE U.S CASE [MAY V. SHEAHAN (7TH CIR. 2000)] AND GOV. OFFICIALS DESTRUCTION OF DEFENDANTS EVIDENCE - CLAIMING - "NEVER RECEIVED FAXED" SEE U.S CASE [CHRISTOPHER V. HARBURY (2002)]! ALL THIS - [A TYPICAL - SIGNIFICANT - HARDSHIP] - BY GOVERNMENT OFFICIALS - TO - ME - THE - DEFENDANT! ONCE AGAIN I WANT THE RECORD - TO - SHOW I DID - NOT - FORFEIT - MY - CONSTITUTIONAL RIGHTS TO - "FEDERAL SPEEDY TRIAL ACT 18 U.S.C § 3161 - 3174" - ! THE 3RD JUDICIAL COURT OF WILLIAMSBURG

COUNTY [JUDGE NEWMAN, ASSIST. SOL. KIMBERLY V. BARR; APPOINTED ATTY'S.
M. AMANDA SHULER, DEBBIE BITCHER;> CLERK SHARON STAGGERS] REFUSED TO
DO PRETRIAL MOTIONS OF MINES! I MOVE FOR NEW ATTY.; NEW JUDGE;
NEW SOLICITOR WHOM - ARE - NOT - PREJUDICE; AND - NOT - FORCING ME TO TRIAL
VIOLATING - "SPEEDY TRIAL ACT 18 U.S.C § 3161-3174", BY NOT ADMIN. PRETRIAL NOT.'S! I MOVE FOR FRIVOLOUS
WRIT-ORDER - BENCH WARR. TO BE LIFTED IMMEDIATELY DUE TO FACTS OF CAR. HOSP. DOC.'S VALIDATE I HAD
EMERG. HOSPITALIZATION & WAS TRANSFERRED TO MUSC! I SO MOVE!!! SHALOM;

"DECLARATION OF SERVICE" NAME: ARTHUR R. MOSELEY AKA SHAHID TAYID
PURSUANT TO 28 U.S.C § 1746, DECLARE UNDER PENALTY #2013-611 - ICDC 6719 FRONT FIELD RD
OF PERJURY THAT LEGAL DOCUMENT TO - JUDGE NEWMAN; LITTLETON, S.C. 29541
ASSIST. SOL. KIMBERLY V. BARR, AND - COPY - TO - SUPREME
COURT OF S.C. - CLERK - HON. DANIELLE SHEDROUCK ON THIS
DATE: DEC. 23RD 2013 SIGN: Arthur R. Moseley AKA Shahid Tayid #2013-611 PROSE

1) can judge read us the hand of one statement again?

1-31-14
6:25pm
Laura Hundley

COURT'S
EXHIBIT NO. 2
IDENTIFICATION/EVIDENCE
DKT. #
DATE:

COURT'S
EXHIBIT NO. 3
IDENTIFICATION/EVIDENCE
DKT. #
DATE:

2007GS450052

BENCH WARRANT #: BW00000523

STATE OF SOUTH CAROLINA
COUNTY : WILLIAMSBURG COUNTY

COURT : GENERAL SESSIONS

STATE OF SOUTH CAROLINA

VS.

MOSELEY, ARTHUR

B E N C H W A R R A N T

DATE ISSUED: 03/13/2008

HOME ADDRESS:

FLORENCE, SC 29506

BUSINESS ADDRESS:

DEFENDANT DESCRIPTION:
Race..: B Sex...: M
Birth Date:
Height: ' " Weight:
Eyes: Hair:
Soc.Sec.#:
License #:
Lic-State: SC

DATE SERVED

SERVED BY

- OR -

DATE RETURNED

REASON FOR RETURN

AGENCY

on the 14 day of MARCH, 2008.

Carolyn F. Williams
Clerk of Court

By: Deputy Clerk

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH
FORENSIC EVALUATION SERVICE

Name: MOSELEY, ARTHUR (A.K.A. MAJID, SHAHID)

Type of Evaluation: Competency to Stand Trial

Date of Evaluation: 8/28/13

Date of Report: 9/19/13

Evaluators: Kimberly S. Harrison, Ph.D. (Presiding)
Carol David, LISW-CP (Second)

Referral Information

Mr. Moseley is a 37-year-old (date of birth:) male who was ordered by the Williamsburg County Court to undergo an evaluation of his competency to stand trial, pursuant to S.C. Code Ann §44-23-410. The court order specifies the basis for the evaluation as, "The Defendant suffers from a number of mental illnesses." Mr. Moseley is currently charged with Murder, Attempted Armed Robbery, and Possession of a Weapon during a Violent Crime.

Notification

The nature and purpose of this evaluation were explained to Mr. Moseley at the beginning of the interview. He was notified that the information obtained during this evaluation would not remain confidential, and that anything he disclosed could be included in a report to the Court, solicitor, and defense counsel. Mr. Moseley demonstrated an adequate understanding of the purpose of the evaluation and the limits of confidentiality. He voluntarily signed an evaluation information form and agreed to proceed with the evaluation.

Sources of Information

1. Interview with Mr. Moseley on 8/28/13 for approximately one hour and 10 minutes
2. State of South Carolina, County of Williamsburg, Order for Competency to Stand Trial Evaluation Pursuant to *State v. Blair*, dated 5/9/13
3. SCDMH Competency to Stand Trial report by Margaret Melikian, D.O., dated 3/21/02
4. SCDMH Competency to Stand Trial report by Richard L. Frierson, M.D., dated 6/12/02
5. Records from Bryan Psychiatric Hospital, dated 7/26/01 to 1/24/11
6. Records from William S. Hall Psychiatric Institute, dated 11/9/01 to 11/16/01
7. Records from Carolinas Hospital System (provided by the defendant), dated 10/29/12 to 11/2/02
8. Records from Pee Dee Mental Health Center, dated 12/31/12 to 1/25/13
9. Records from Waccamaw Mental Health Center, dated 2/7/11 to 10/29/12
10. Records from SC Department of Corrections, dated 3/25/03 to 10/11/05
11. Records from Florence County Detention Center, dated 1/29/13 to 7/6/13
12. Defendant's NCIC criminal history record
13. Information from Williamsburg County pertaining to Mr. Moseley's current charges, including:
    a. Indictment for Murder, Attempted Armed Robbery, Possession of a Weapon during Violent Crime, and Criminal Conspiracy, dated 7/9/07

JSm

b. Three Arrest Warrants, dated 1/25/06
c. Incident Report, dated 3/23/01
d. Supplemental Incident Report, dated 1/24/06
e. Supplemental Incident Report, dated 1/31/06
f. Supplemental Incident Report, dated 2/21/06
g. Untitled document from the Federal Bureau of Investigation, dated 8/12/03 (date of dictation)
h. Untitled document from the Federal Bureau of Investigation, dated 8/25/03 (date of dictation)
i. Untitled document from the Federal Bureau of Investigation, dated 3/3/05
j. Untitled document from the Federal Bureau of Investigation, dated 3/9/05 (date of dictation)
k. Untitled document from the Federal Bureau of Investigation, dated 3/16/04 (date of dictation)
l. Untitled document from the Federal Bureau of Investigation, dated 3/19/02 (date of dictation)
m. Autopsy Report from MUSC Department of Pathology, dated 3/24/01

Records were also requested from Williamsburg Regional Hospital, Hope Health, Carolina Behavioral Health, Frankford Hospital (PA), but no information was received at the time of completion of this report.

McLeod Regional Medical Center and WES Health System (Philadelphia, PA) indicated they were unable to locate records for Mr. Moseley.

Belmont Hospital Center for Comprehensive Treatment (Philadelphia, PA) indicated they were unable to send information, due to records being in "outside storage."

Background Information

Developmental & Social History

Mr. Moseley reported he was born in Philadelphia, Pennsylvania, and lived there until some time in elementary school. He then moved to Kingstree, SC. He and his younger brother and younger sister were raised by their mother. He denied ever being removed from his home. He said he has never married and has one daughter.

Educational History

The defendant stated he discontinued his education during the 10th grade because he went to prison. He later earned a GED. According to records from Waccamaw Mental Health Center, he reported he completed the 8th grade. Mr. Moseley denied a history of special education classes or grade level retentions. He described his behavior in school as "typical," which he defined as, "Got in a lot of fights." He said he was suspended in high school for fighting.

Employment History

According to Mr. Moseley, he has been employed in assembly, landscaping, construction, and fast food. Most of his jobs were through temporary labor agencies. He said his longest job was 18 months at the newspaper in Florence, "stacking papers and inserting coupons." He reported he was fired from one job at

JRM

a restaurant "because they tried to make me cook pork," which is against his religion. He said he began receiving disability benefits a few years ago for "mental health . . ., bipolar, schizophrenia."

Medical History

Mr. Moseley reported a history of several head injuries with loss of consciousness from car accidents. He said he suffered a "stroke" in his left arm in 2009. He denied a history of surgeries or serious illnesses. According to detention center records, he has diabetes, asthma, and high blood pressure. He is currently prescribed amlodipine, HCTZ, clonidine, benzotropine, prednisone, and insulin.

Substance Use History

Mr. Moseley stated he began drinking alcohol at the age of 7 or 8. As a teenager, he would "cut school and get a 40" every day. He said he had a "bad [alcohol] habit in 2000 and 2001," during which time he would consume one or two cases of beer every day. More recently, he said he drinks "one or two Heinekens" per day. He reported he began smoking marijuana when he was in high school and said, "I never was addicted to marijuana. I'd smoke a joint or two." He stated he began using cocaine in 2001 and used it on a daily basis. He related that he last used cocaine on New Year's and said, "I'm still addicted to it." The amount and frequency of his use "depends on [his] mood swings," but he later said, "I had a $400 a day habit with cocaine." He endorsed experiencing several problems due to his cocaine use, including "problems with me and my baby mama," health problems (e.g., going to the hospital for rapid heartbeat), and experiencing withdrawal symptoms when he stopped using the drug. He said he used ecstasy on one or two occasions. He denied using other illegal drugs.

According to the competency to stand trial report authored by Richard Frierson, M.D., in 2002, "Mr. Moseley reports that he has been addicted to alcohol and cocaine in the past. He describes this pattern and use of both substances which would indicate physiologicall [*sic*] tolerance. It is our opinion, that we [*sic*] would have met criteria for Alcohol Dependence and Cocaine Dependence in the past. His continued use of Cannabis in the face of having been diagnosed with mental illness would constitute abuse of this substance."

Legal History

According to the defendant's NCIC criminal history record, he has been convicted of grand larceny (1993), armed robbery (1993), driving under suspension (2000, 2001, & 2002), disregarding a stop sign (2000), failure to surrender driver's license when required (2000), driving under the influence (2001), possession of marijuana (2002), and failure to stop for a blue light (2002 & 2003).

Mental Health History

Mr. Moseley was admitted to Bryan Psychiatric Hospital (BPH) on 7/26/01 after he "started becoming extremely depressed with suicidal thoughts." Upon admission, he reported "depressed mood, decreased sleep, and poor energy. . . . was very paranoid. . . . He seemed to be responding to internal stimuli. . . . On 07/28/01 he reported that he was hearing voices asking him to kill himself." He was treated with Zyprexa (an antipsychotic), Depakote (a mood stabilizer), and trazodone (an antidepressant used as a sleep aid). Diagnosed with "Bipolar Disorder, Depressed Type" and Antisocial Personality Disorder, he was discharged on 8/8/01.

On 11/9/01 the defendant was emergently admitted to William S. Hall Psychiatric Institute (WSHPI) from the detention center. He had "reported hearing 'voices' of 'my thoughts.' He also reported poor sleep and

nightmares of killing people." He was taking Geodon (an antipsychotic), Depakote, and trazodone at the time of admission. During his hospitalization, "He exhibited no significant distress and did not exhibit any behavior indicative of ongoing psychosis or mood disorder. However, he often stated 'I'd rather kill myself' when he was at the detention center, and said he felt that way because 'I'd rather kill myself than undergo the torture that the C.O.'s put me through.' He demanded sleeping pills and pain medications. Although he had a previous history of diagnoses of Bipolar disorder and Schizophrenia, when questioned about these, he was very resistant to discussing these diagnoses. . . . He was unable to describe any symptoms of either disorder. . . ." Final diagnoses were listed as, "History of Bipolar Disorder (no evidence of disorder at present)"; "History of Schizophrenia (no evidence of disorder at present)"; "Rule Out Malingering"; "History of Alcohol, Marijuana, and Cocaine Abuse"; and "Personality Disorder, NOS [Not Otherwise Specified]." He was continued on his medications and was discharged to the detention center on 11/16/01. The discharge summary notes, "Although he was not imminently dangerous to himself or others due to a major mental disorder, he appeared to have the potential to act out in an aggressive or self-injurious manner due to his personality disorder and for secondary gain."

Mr. Moseley was court-ordered to undergo a competency to stand trial evaluation in 2002. According to the report by Margaret Melikian, D.O., dated 3/21/02, Mr. Moseley "reported auditory hallucinations but was unable to describe them. He also described visual hallucinations in a very vague manner. . . . He made statements about needing to be in the hospital but could not elaborate further. He reported that he was suicidal and homicidal." The evaluation was terminated, and no diagnosis or opinion on competency was offered, after it was determined that Mr. Moseley did not have legal representation. After an attorney was appointed, Mr. Moseley was seen again for a competency to stand trial evaluation on 6/12/02. The evaluator, Richard Frierson, M.D., noted that during the evaluation, "He described his past hallucinations in a manner that were [*sic*] atypical of psychotic mental illness. His description of these symptoms were [*sic*] very vague and it was very difficult to get Mr. Moseley to be specific about these symptoms that would make their legitimacy suspect." Mr. Moseley was diagnosed with "Bipolar Disorder, NOS, By History, Currently Euthymic"; Alcohol Dependence; Cocaine Dependence; and Cannabis Abuse. According to Dr. Frierson:

> In summary, although Mr. Moseley has presented with a history of being diagnosed with Major Mental Illness (Schizophrenia per his report, Bipolar Disorder, and Schizoaffective Disorder), he does not display any current symptoms of these disorders that would be considered objective evidence that they indeed exist. It is this examiner's opinion that he does not suffer from Schizophrenia. He does not display the subtle signs of Schizophrenia included [*sic*] a blunted, flat, or inappropriate affect, social isolation or withdrawal, or other negative symptoms that are frequently seen even in individuals who are adequately treated for Schizophrenia and not psychotic. If he has been psychotic in the past, it is possible that the psychotic symptoms were due to drugs use [*sic*] or an underlying mood disorder. We note that he has also been diagnosed with Bipolar Disorder in the past. On interviewing him and reviewing the records we do not see symptoms that would be necessary to meet criteria for that diagnosis. However, we cannot rule out that he indeed had these symptoms while he was in the hospital in Philadelphia. . . . We do not concur with the diagnosis of Antisocial Personality Disorder. We have insufficient evidence that Mr. Moseley had symptoms of a Conduct Disorder prior to age 15, criteria necessary for making a diagnosis of Antisocial Personality Disorder in Adulthood. We do note that he is manipulative as evidenced in several of the prior mental health records.

Dr. Frierson opined that Mr. Moseley was competent to stand trial. TM

Mr. Moseley was admitted to Bryan Psychiatric Hospital on 9/20/02 because he "thought of hurting himself. Was depressed. Homicidal. Hearing voices. Patient admitted he had been drinking a case of beer per day for the past three weeks. He states he was released from jail one month ago and soon thereafter, starting drinking." He was not treated with psychiatric medications. Diagnosed with Alcohol Abuse, "Marijuana Abuse," and Antisocial Personality Disorder, he was discharged on 9/25/02.

The defendant was incarcerated in SCDC from 2003 to 2005. At the mental health clinic on 4/3/03, he "States that he was dx [diagnosed] as bipolar and schizophrenic but can not endorse any AH/VH/D [auditory hallucinations/visual hallucinations/delusions]. It is our impression that even if he had any psychotic sxs [symptoms] in the past those may be related to subs[tance] use." He was diagnosed with Antisocial Personality Disorder and prescribed the antipsychotic Risperdal, "mainly for aggressive outburst secondary to personality." The Rispderal was evidently discontinued, and he was prescribed Geodon (an antipsychotic) and Prozac (an antidepressant) on 6/28/03. On 9/6/03 the antidepressant trazodone was added as a sleep aid.

Mr. Moseley was assigned various mental health diagnoses during his incarceration in SCDC, including Substance-Induced Psychotic Disorder, Substance-Induced Mood Disorder, Intermittent Explosive Disorder, Antisocial Personality Disorder, Exhibitionism, and various substance use disorders. He was treated with a variety of antidepressant and antipsychotic medications. According to a mental health progress note dated 3/3/04, shortly after Mr. Moseley's transfer to a different facility, "He had been treated with Geodon, Prozac, Desyrel, although encounter notes do not document any objective sign of psychosis, depression, mood swings, and first psychiatric and psychological evaluations on 4-3-03 and 4-4-03 at R&E indicate all symptoms probably substance based. As he has done consistently as documented in numerous notes, he said that he suffers from 'bipolar and schizophrenia,' went on to say that he was told at a psychiatric hospital that 'I was one of 4 people in the United States that suffers from both.' He was well-oriented, cooperative with interview, not distracted by internal stimuli, but was vague and evasive when asked about specific symptoms. . . . He acknowledged heavy regular use of alcohol since he was 15 years old, but said he only started using cocaine in 2001, a year after his first psychiatric hospitalization." According to a note dated 3/17/04, "Inmate made it clear that his goal was to use mental health staff to 'pull strings' on his behalf." On 8/25/05, Mr. Moseley's treatment team discussed his "request to apply for SSI disability benefits. Tx [Treatment] team's recommendation is that I/M does not meet the requirements for disability."

SCDC documentation indicates that, on several occasions, Mr. Moseley was observed masturbating in front of female correctional officers. According to a note dated 11/4/04, "Treatment team discussed I/M Mosely [*sic*] referral to the ICS program. I/M Mosely [*sic*] has a severe problem of exposing his genital to female staff. He has major sexual misconduct charges and a pending charge. Treatment team recommendation is that I/M Mosely [*sic*] doesn't have a qualifying diagnosis, the ICS program is not an appropriate referral for him at this time."

Mr. Moseley was admitted to BPH for the third time on 1/16/11 "secondary to suicidal ideation and auditory hallucinations." Upon admission, he "reported a one and a half to a two month history of intermittent 'every other day' voices with self deprecating content, inside his head. He stated he was considering shooting himself but called EMS instead. . . . He endorsed mood swings and history of bipolar

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disorder. There is no clear mania on exam. There were not visual hallucinations or homicidal ideations. He has used cocaine approximately one gram daily with intermittent marijuana use and he reported drinking two beers daily." According to the discharge summary:

> During the course of his hospitalization, the patient was generally focused on secondary gain. He was very interested in obtaining Medicaid and other benefits. He was noted to be highly engaged in the milieu and was intrusive with others at times. Of note, he was accused by multiple female patients of exposing himself and being somewhat sexually predatory toward females. He did refrain from this activity when confronted with it. However, he would become antagonistic at times with other patients and had poor impulse control when provoked by two other patients on the lodge. . . . The patient's presentation appeared to be mostly consistent with antisocial personality disorder. At no point in time did he appear to be under the influence of psychosis and his thought process was quite coherent throughout.

Mr. Moseley was diagnosed with "Psychosis, Not Otherwise Specified", Cocaine Dependence, Cannabis Dependence, and Antisocial Personality Disorder. Treated with the antipsychotic Geodon, he was discharged on 1/24/11.

The defendant was seen at the Waccamaw Mental Health Center (MHC) on 2/7/11. According to the Initial Clinical Assessment, he began cutting his wrists when he was 25 years old. He was diagnosed with "Psychosis Disorder NOS", "Cannabis and cocaine dependence", and Antisocial Personality Disorder. It does not appear that he received additional services at the MHC.

On 10/29/12 Mr. Moseley went to the emergency department at Carolinas Hospital System with complaints of "SI [suicidal ideation], hallucinations, said that someone robbed him & shot at him 3 nights ago. He said that he was hearing voices telling him that he was stupid. He is not sleeping well. UDS [urine drug screen] was positive for cocaine, THC." He was taking Seroquel and Risperdal (antipsychotic medications) at the time. Mental health staff from the Waccamaw MHC performed a consult and diagnosed him with Psychotic Disorder Not Otherwise Specified, "based on reported sx [symptoms], no psychosis observed", Cannabis Abuse, Cocaine Abuse, and Antisocial Personality Disorder. He was discharged from the hospital on 11/2/12.

According to records from the Florence County Detention Center, where Mr. Moseley is currently incarcerated, he did not report that he was taking psychiatric medications at the time of his booking. It does not appear that he has been prescribed psychiatric medication during his incarceration. During his time in the detention center, he has engaged in several acts that violate jail rules. On 2/26/13 a female officer approached Mr. Moseley's cell. He was "lying on his bed facing the door direction with his covers off, stroking his penis." The officer instructed him to stop masturbating, but Mr. Moseley continued. On 5/10/13 an officer observed Mr. Moseley "standing at his cell door stroking his penis at Ms. Charlene." Mr. Moseley "would not stop or move from his cell door." A male officer went to the cell door, and Mr. Moseley "was very belligerent and disorderly." On 7/2/13 he was found to be in possession of medication that belonged to another inmate

Current Mental Status

Mr. Moseley is a 37-year-old African American male who was dressed in a jail uniform. He had a noticeable body odor. No abnormalities in gait or posture were noted. His affect (i.e., observed emotional expression)

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was broad and expressive, and his mood appeared generally euthymic (i.e., normal, non-depressed). He offered appropriate eye contact. His speech was normal in rate, tone, and volume. He occasionally provided some rambling responses to questions, incorporating large amounts of legal terminology. Otherwise, his thought processes were linear, logical, and goal-oriented. He made several comments that indicate he is distrustful of the legal system and suspicious of people in authority. However, he did not express thoughts or beliefs indicative of delusions.

Mr. Moseley described his current mood as, "Glad to get here." When asked about his sleep, he stated, "I don't sleep good" due to "crazy dreams and stuff." He said he typically sleeps during the day and stays up all night. He described his appetite as "poor" and said he has lost 30 pounds during his incarceration. He denied recent or current suicidal or homicidal ideation. Upon inquiry, Mr. Moseley stated he does not know why he is required to wear a pink jumpsuit. When asked about reports from the detention center that he has engaged in sexually inappropriate behavior and public masturbation, he denied these claims.

Records indicate that Mr. Moseley has repeatedly stated that he has Schizophrenia and Bipolar Disorder, and he made the same claims during the current evaluation. As such, diagnoses of psychotic and mood disorders were considered. However, during his documented psychiatric hospitalizations and various mental health evaluations, dating back to 2001, no overt symptoms of psychosis, mania, or depression have been observed. Evaluators have described him as offering "vague" descriptions of past symptoms. Likewise, no such symptoms were observed during the current evaluation. As such, at this time, there is insufficient evidence to offer a diagnosis of a psychotic or mood disorder. If Mr. Moseley has experienced psychotic or mood symptoms in the past, it is likely they were induced by his use of cocaine, alcohol, or other substances.

Diagnostic Impressions

Based on a review of available records and an interview with the patient, it is the opinion of the undersigned that Mr. Moseley meets criteria for Personality Disorder Not Otherwise Specified, with Antisocial features. Personality disorders are defined by persistent and inflexible patterns of thought, emotion, and behavior that are stable over time and lead to subjective distress or functional impairment. From available information, it is unclear if Mr. Moseley met criteria for Conduct Disorder prior to the age of 15, so a full diagnosis of Antisocial Personality Disorder is not offered. However, his history, self-report, and clinical presentation are indicative of features of Antisocial Personality Disorder. The features he demonstrates include repeatedly engaging in illegal activity, deceitfulness, irritability and aggressiveness, and lack of remorse.

Mr. Moseley's history is also consistent with a diagnosis of Cocaine Dependence, in a Controlled Environment. Substance dependence disorders are characterized by the development of tolerance to the substance, experiencing withdrawal symptoms if the substance is discontinued, continued use despite physical or psychological problems, and abandonment of social or occupational activities. The defendant reported a history of daily use of large quantities of cocaine for several years. He endorsed experiencing withdrawal symptoms when he discontinued his use. He said he experienced physical and interpersonal problems due to his cocaine use. The specifier "In a Controlled Environment" is applied if the individual is in an environment (i.e., jail, secure hospital) where access to the substance is restricted and no criteria for dependence or abuse have been met for at least the past month.

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Information Relevant to Competence to Stand Trial

The legal criteria for determining competence to stand trial from the S.C. Code Ann. §44-23-410 is: ". . . a person . . . is not fit to stand trial because the person lacks the capacity to understand the proceedings against him or to assist in his own defense as a result of a lack of mental capacity. . ."

Mr. Moseley described the role of the judge as, "To be unbiased. . . . Judge on the motions." He identified the judge as the person who would decide his sentence if he is found guilty. He reported the role of his defense attorney is "to defend me, effective assistance of counsel, 6th amendment." He said his attorney's goal in his case is "freedom." He correctly identified his attorney as Deborah Butcher. He described the solicitor's job as, "To lie and prosecute me." He said the solicitor's goal is "me to be found guilty so they can get some money from the state . . ., the bureaucracy. . . . Prison is a multi-billion dollar industry in the south." He said he would speak to the solicitor about his case "if she's talking about dismissing the case." He then began citing state statute and discussing "the speedy trial act." He reported the job of a jury is to "be unbiased and listen to the facts of the case . . ., study and give a verdict." He stated there are 12 people on a jury. He initially said that "the majority" of the jurors have to agree on a verdict. He was educated on the requirement for a unanimous verdict, and later in the evaluation he correctly recalled that "all of them" must agree.

The defendant reported he is charged with "murder, robbery, possession of a weapon." He said the police "said I robbed and killed this boy" in "2001." He provided a coherent account of the actions he is accused of committing. He correctly identified his charges as felonies. He described a misdemeanor as "magistrate ticket shit," and a felony as, "this is life." If he is found guilty of his charges, he could be sentenced to "life in prison."

Mr. Moseley described the plea of guilty as telling the court "that you did it." He stated that, after entering a guilty plea, there would be "some kind of plea deal." He described the plea of not guilty as telling the court "that I didn't do it." He stated that, subsequent to entering a not guilty plea, "Crank up the 12. . . . Go to trial. . . . Have to do a motion to dismiss. The clerk has not been acknowledging my motions. . . . It's a conspiracy." He stated a plea of not guilty by reason of insanity means "that you crazy." He described a plea bargain as, "Offering you a deal for your plea," referring to "the solicitor." He stated a defendant could benefit from a plea bargain by receiving "less time." He correctly said he would have to plead "guilty" to accept a plea bargain. He described the best possible outcome in his case as, "not guilty" and the worst possible outcome as, "guilty." He described potential evidence and possible witnesses in his case. He also provided the undersigned with several pages of notes that he said he had written regarding the evidence in his case. He identified reasons for and against opting for a jury trial.

Regarding appropriate courtroom conduct, Mr. Moseley stated a defendant's behavior should be "normal . . ., sane, not rude." When asked what he should do if a witness lied about him in court, he stated, "Tell my lawyer." He reported his attorney should do most of the speaking for him in court. During the current evaluation, he did not display any disruptive behaviors, such as agitation or verbal outbursts, which would be problematic in court.

Mr. Moseley demonstrated no delusional thoughts that would interfere with his ability to consult with his attorney. He stated he has not met with Ms. Butcher, who was recently appointed to his case. He said he fired his previous attorney because "she wasn't doing her job, was lying to me." He stated that if he has a disagreement with his new attorney, he would "file a complaint" with "the office of disciplinary counsel."

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He identified his attorney as the person with whom he would consult regarding issues about his case, such as deciding if he should have a jury trial. He demonstrated an understanding of attorney-client privilege and the advocacy role of the defense attorney. He reported he can help his attorney with his case by "tell[ing] her how I feel about how she should handle the case." He agreed that he should be honest with his attorney.

Conclusions and Recommendations

Based on a clinical interview, observations, and a review of available records, it is the opinion of the undersigned, with a reasonable degree of certainty, that Mr. Moseley is currently competent to stand trial. He demonstrated some factual understanding of courtroom personnel and legal procedures and the ability to learn and recall information relevant to his case. He appeared to have an adequate rational appreciation of his legal situation and the ability to evaluate his options in a logical manner. He did not exhibit any overt difficulties with memory, attention, or concentration. He has the ability to work with his attorney and control his behavior in the courtroom, if he chooses to do so. There is no indication that the defendant's behaviors, thought processes, or ability to communicate are currently influenced by a mental disorder.

In summary, Mr. Moseley currently possesses the capacity to understand the legal proceedings against him and to assist in his own defense.

Kimberly Harrison, Ph.D.

Kimberly S. Harrison, Ph.D.
Chief Psychologist

9/19/13
Date

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SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH
FORENSIC EVALUATION SERVICE

Name: MOSELEY, ARTHUR (A.K.A. MAJID, SHAHID)

Type of Evaluation: Criminal Responsibility & Capacity to Conform Conduct

Date of Evaluation: 8/28/13

Date of Report: 9/23/13

Evaluators: Kimberly S. Harrison, Ph.D. (Presiding)
Carol David, LISW-CP (Second)

Referral Information

Mr. Moseley is an 37-year-old (date of birth:) male who was ordered by the Williamsburg County Court to undergo an evaluation of his criminal responsibility, pursuant to S.C. Code Ann §17-24-10, and if he is opined criminally responsible, an evaluation of his capacity to conform his conduct to the requirements of the law. The court order specifies the basis for the evaluation as, "The Defendant suffers from all types of mental illnesses." Mr. Moseley is currently charged with Murder, Attempted Armed Robbery, and Possession of a Weapon during a Violent Crime.

Notification

The nature and purpose of this evaluation were explained to Mr. Moseley at the beginning of the interview. He was notified that the information obtained during this evaluation would not remain confidential, and that anything he disclosed could be included in a report to the Court, solicitor, and defense counsel. Mr. Moseley demonstrated an adequate understanding of the purpose of the evaluation and the limits of confidentiality. He voluntarily signed an evaluation information form and agreed to proceed with the evaluation.

Sources of Information

1. Interview with Mr. Moseley on 8/28/13 for approximately one hour and 10 minutes
2. State of South Carolina, County of Williamsburg, Order for Criminal Responsibility and Capacity to Conform Evaluation (*M'Naughten*), dated 5/9/13
3. SCDMH Competency to Stand Trial report by Margaret Melikian, D.O., dated 3/21/02
4. SCDMH Competency to Stand Trial report by Richard L. Frierson, M.D., dated 6/12/02
5. Records from Bryan Psychiatric Hospital, dated 7/26/01 to 1/24/11
6. Records from William S. Hall Psychiatric Institute, dated 11/9/01 to 11/16/01
7. Records from Carolinas Hospital System (provided by the defendant), dated 10/29/12 to 11/2/02
8. Records from Pee Dee Mental Health Center, dated 12/31/12 to 1/25/13
9. Records from Waccamaw Mental Health Center, dated 2/7/11 to 10/29/12
10. Records from SC Department of Corrections, dated 3/25/03 to 10/11/05
11. Records from Florence County Detention Center, dated 1/29/13 to 7/6/13
12. Defendant's NCIC criminal history record
13. Information from Williamsburg County pertaining to Mr. Moseley's current charges, including:
    a. Indictment for Murder, Attempted Armed Robbery, Possession of a Weapon during Violent Crime, and Criminal Conspiracy, dated 7/9/07
    b. Three Arrest Warrants, dated 1/25/06

c. Incident Report, dated 3/23/01
d. Supplemental Incident Report, dated 1/24/06
e. Supplemental Incident Report, dated 1/31/06
f. Supplemental Incident Report, dated 2/21/06
g. Untitled document from the Federal Bureau of Investigation, dated 8/12/03 (date of dictation)
h. Untitled document from the Federal Bureau of Investigation, dated 8/25/03 (date of dictation)
i. Untitled document from the Federal Bureau of Investigation, dated 3/3/05
j. Untitled document from the Federal Bureau of Investigation, dated 3/9/05 (date of dictation)
k. Untitled document from the Federal Bureau of Investigation, dated 3/16/04 (date of dictation)
l. Untitled document from the Federal Bureau of Investigation, dated 3/19/02 (date of dictation)
m. Autopsy Report from MUSC Department of Pathology, dated 3/24/01

Records were also requested from Williamsburg Regional Hospital, Hope Health, Carolina Behavioral Health, Frankford Hospital (PA), but no information was received at the time of completion of this report.

McLeod Regional Medical Center and WES Health System (Philadelphia, PA) indicated they were unable to locate records for Mr. Moseley.

Belmont Hospital Center for Comprehensive Treatment (Philadelphia, PA) indicated they were unable to send information, due to records being in "outside storage."

Background Information

Developmental & Social History

Mr. Moseley reported he was born in Philadelphia, Pennsylvania, and lived there until some time in elementary school. He then moved to Kingstree, SC. He and his younger brother and younger sister were raised by their mother. He denied ever being removed from his home. He said he has never married and has one daughter.

Educational History

The defendant stated he discontinued his education during the 10th grade because he went to prison. He later earned a GED. According to records from Waccamaw Mental Health Center, he reported he completed the 8th grade. Mr. Moseley denied a history of special education classes or grade level retentions. He described his behavior in school as "typical," which he defined as, "Got in a lot of fights." He said he was suspended in high school for fighting.

Employment History

According to Mr. Moseley, he has been employed in assembly, landscaping, construction, and fast food. Most of his jobs were through temporary labor agencies. He said his longest job was 18 months at the newspaper in Florence, "stacking papers and inserting coupons." He reported he was fired from one job at a restaurant "because they tried to make me cook pork," which is against his religion. He said he began receiving disability benefits a few years ago for "mental health . . ., bipolar, schizophrenia."

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Medical History
Mr. Moseley reported a history of several head injuries with loss of consciousness from car accidents. He said he suffered a "stroke" in his left arm in 2009. He denied a history of surgeries or serious illnesses. According to detention center records, he has diabetes, asthma, and high blood pressure. He is currently prescribed amlodipine, HCTZ, clonidine, benzotropine, prednisone, and insulin.

Substance Use History
Mr. Moseley stated he began drinking alcohol at the age of 7 or 8. As a teenager, he would "cut school and get a 40" every day. He said he had a "bad [alcohol] habit in 2000 and 2001," during which time he would consume one or two cases of beer every day. More recently, he said he drinks "one or two Heinekens" per day. He reported he began smoking marijuana when he was in high school and said, "I never was addicted to marijuana. I'd smoke a joint or two." He stated he began using cocaine in 2001 and used it on a daily basis. He related that he last used cocaine on New Year's and said, "I'm still addicted to it." The amount and frequency of his use "depends on [his] mood swings," but he later said, "I had a $400 a day habit with cocaine." He endorsed experiencing several problems due to his cocaine use, including "problems with me and my baby mama," health problems (e.g., going to the hospital for rapid heartbeat), and experiencing withdrawal symptoms when he stopped using the drug. He said he used ecstasy on one or two occasions. He denied using other illegal drugs.

According to the competency to stand trial report authored by Richard Frierson, M.D., in 2002, "Mr. Moseley reports that he has been addicted to alcohol and cocaine in the past. He describes this pattern and use of both substances which would indicate physiologicall [*sic*] tolerance. It is our opinion, that we [*sic*] would have met criteria for Alcohol Dependence and Cocaine Dependence in the past. His continued use of Cannabis in the face of having been diagnosed with mental illness would constitute abuse of this substance."

Legal History
According to the defendant's NCIC criminal history record, he has been convicted of grand larceny (1993), armed robbery (1993), driving under suspension (2000, 2001, & 2002), disregarding a stop sign (2000), failure to surrender driver's license when required (2000), driving under the influence (2001), possession of marijuana (2002), and failure to stop for a blue light (2002 & 2003).

Mental Health History
Mr. Moseley was admitted to Bryan Psychiatric Hospital (BPH) on 7/26/01 after he "started becoming extremely depressed with suicidal thoughts." Upon admission, he reported "depressed mood, decreased sleep, and poor energy. . . . was very paranoid. . . . He seemed to be responding to internal stimuli. . . . On 07/28/01 he reported that he was hearing voices asking him to kill himself." He was treated with Zyprexa (an antipsychotic), Depakote (a mood stabilizer), and trazodone (an antidepressant used as a sleep aid). Diagnosed with "Bipolar Disorder, Depressed Type" and Antisocial Personality Disorder, he was discharged on 8/8/01.

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had a previous history of diagnoses of Bipolar disorder and Schizophrenia, when questioned about these, he was very resistant to discussing these diagnoses. . . . He was unable to describe any symptoms of either disorder. . . ." Final diagnoses were listed as, "History of Bipolar Disorder (no evidence of disorder at present)"; "History of Schizophrenia (no evidence of disorder at present)"; "Rule Out Malingering"; "History of Alcohol, Marijuana, and Cocaine Abuse"; and "Personality Disorder, NOS [Not Otherwise Specified]." He was continued on his medications and was discharged to the detention center on 11/16/01. The discharge summary notes, "Although he was not imminently dangerous to himself or others due to a major mental disorder, he appeared to have the potential to act out in an aggressive or self-injurious manner due to his personality disorder and for secondary gain."

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> In summary, although Mr. Moseley has presented with a history of being diagnosed with Major Mental Illness (Schizophrenia per his report, Bipolar Disorder, and Schizoaffective Disorder), he does not display any current symptoms of these disorders that would be considered objective evidence that they indeed exist. It is this examiner's opinion that he does not suffer from Schizophrenia. He does not display the subtle signs of Schizophrenia included [*sic*] a blunted, flat, or inappropriate affect, social isolation or withdrawal, or other negative symptoms that are frequently seen even in individuals who are adequately treated for Schizophrenia and not psychotic. If he has been psychotic in the past, it is possible that the psychotic symptoms were due to drugs use [*sic*] or an underlying mood disorder. We note that he has also been diagnosed with Bipolar Disorder in the past. On interviewing him and reviewing the records we do not see symptoms that would be necessary to meet criteria for that diagnosis. However, we cannot rule out that he indeed had these symptoms while he was in the hospital in Philadelphia. . . . We do not concur with the diagnosis of Antisocial Personality Disorder. We have insufficient evidence that Mr. Moseley had symptoms of a Conduct Disorder prior to age 15, criteria necessary for making a diagnosis of Antisocial Personality Disorder in Adulthood. We do note that he is manipulative as evidenced in several of the prior mental health records.

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Mr. Moseley was admitted to Bryan Psychiatric Hospital on 9/20/02 because he "thought of hurting himself. Was depressed. Homicidal. Hearing voices. Patient admitted he had been drinking a case of beer per day for the past three weeks. He states he was released from jail one month ago and soon thereafter, starting drinking." He was not treated with psychiatric medications. Diagnosed with Alcohol Abuse, "Marijuana Abuse," and Antisocial Personality Disorder, he was discharged on 9/25/02.

FZM

The defendant was incarcerated in SCDC from 2003 to 2005. At the mental health clinic on 4/3/03, he "States that he was dx [diagnosed] as bipolar and schizophrenic but can not endorse any AH/VH/D [auditory hallucinations/visual hallucinations/delusions]. It is our impression that even if he had any psychotic sxs [symptoms] in the past those may be related to subs[tance] use." He was diagnosed with Antisocial Personality Disorder and prescribed the antipsychotic Risperdal, "mainly for aggressive outburst secondary to personality." The Rispderal was evidently discontinued, and he was prescribed Geodon (an antipsychotic) and Prozac (an antidepressant) on 6/28/03. On 9/6/03 the antidepressant trazodone was added as a sleep aid.

Mr. Moseley was assigned various mental health diagnoses during his incarceration in SCDC, including Substance-Induced Psychotic Disorder, Substance-Induced Mood Disorder, Intermittent Explosive Disorder, Antisocial Personality Disorder, Exhibitionism, and various substance use disorders. He was treated with a variety of antidepressant and antipsychotic medications. According to a mental health progress note dated 3/3/04, shortly after Mr. Moseley's transfer to a different facility, "He had been treated with Geodon, Prozac, Desyrel, although encounter notes do not document any objective sign of psychosis, depression, mood swings, and first psychiatric and psychological evaluations on 4-3-03 and 4-4-03 at R&E indicate all symptoms probably substance based. As he has done consistently as documented in numerous notes, he said that he suffers from 'bipolar and schizophrenia,' went on to say that he was told at a psychiatric hospital that 'I was one of 4 people in the United States that suffers from both.' He was well-oriented, cooperative with interview, not distracted by internal stimuli, but was vague and evasive when asked about specific symptoms. . . . He acknowledged heavy regular use of alcohol since he was 15 years old, but said he only started using cocaine in 2001, a year after his first psychiatric hospitalization." According to a note dated 3/17/04, "Inmate made it clear that his goal was to use mental health staff to 'pull strings' on his behalf." On 8/25/05, Mr. Moseley's treatment team discussed his "request to apply for SSI disability benefits. Tx [Treatment] team's recommendation is that I/M does not meet the requirements for disability."

SCDC documentation indicates that, on several occasions, Mr. Moseley was observed masturbating in front of female correctional officers. According to a note dated 11/4/04, "Treatment team discussed I/M Mosely [*sic*] referral to the ICS program. I/M Mosely [*sic*] has a severe problem of exposing his genital to female staff. He has major sexual misconduct charges and a pending charge. Treatment team recommendation is that I/M Mosely [*sic*] doesn't have a qualifying diagnosis, the ICS program is not an appropriate referral for him at this time."

Mr. Moseley was admitted to BPH for the third time on 1/16/11 "secondary to suicidal ideation and auditory hallucinations." Upon admission, he "reported a one and a half to a two month history of intermittent 'every other day' voices with self deprecating content, inside his head. He stated he was considering shooting himself but called EMS instead. . . . He endorsed mood swings and history of bipolar disorder. There is no clear mania on exam. There were not visual hallucinations or homicidal ideations. He has used cocaine approximately one gram daily with intermittent marijuana use and he reported drinking two beers daily." According to the discharge summary:

> During the course of his hospitalization, the patient was generally focused on secondary gain. He was very interested in obtaining Medicaid and other benefits. He was noted to be highly engaged in the milieu and was intrusive with others at times. Of note, he was accused by multiple female patients of exposing himself and being somewhat sexually predatory toward females. He did refrain from this activity when confronted with it. However, he would become antagonistic at times with other patients and had poor impulse control when provoked by two other patients on the lodge. . . .

The patient's presentation appeared to be mostly consistent with antisocial personality disorder. At no point in time did he appear to be under the influence of psychosis and his thought process was quite coherent throughout.

Mr. Moseley was diagnosed with "Psychosis, Not Otherwise Specified", Cocaine Dependence, Cannabis Dependence, and Antisocial Personality Disorder. Treated with the antipsychotic Geodon, he was discharged on 1/24/11.

The defendant was seen at the Waccamaw Mental Health Center (MHC) on 2/7/11. According to the Initial Clinical Assessment, he began cutting his wrists when he was 25 years old. He was diagnosed with "Psychosis Disorder NOS", "Cannabis and cocaine dependence", and Antisocial Personality Disorder. It does not appear that he received additional services at the MHC.

On 10/29/12 Mr. Moseley went to the emergency department at Carolinas Hospital System with complaints of "SI [suicidal ideation], hallucinations, said that someone robbed him & shot at him 3 nights ago. He said that he was hearing voices telling him that he was stupid. He is not sleeping well. UDS [urine drug screen] was positive for cocaine, THC." He was taking Seroquel and Risperdal (antipsychotic medications) at the time. Mental health staff from the Waccamaw MHC performed a consult and diagnosed him with Psychotic Disorder Not Otherwise Specified, "based on reported sx [symptoms], no psychosis observed", Cannabis Abuse, Cocaine Abuse, and Antisocial Personality Disorder. He was discharged from the hospital on 11/2/12.

According to records from the Florence County Detention Center, where Mr. Moseley is currently incarcerated, he did not report that he was taking psychiatric medications at the time of his booking. It does not appear that he has been prescribed psychiatric medication during his incarceration. During his time in the detention center, he has engaged in several acts that violate jail rules. On 2/26/13 a female officer approached Mr. Moseley's cell. He was "lying on his bed facing the door direction with his covers off, stroking his penis." The officer instructed him to stop masturbating, but Mr. Moseley continued. On 5/10/13 an officer observed Mr. Moseley "standing at his cell door stroking his penis at Ms. Charlene." Mr. Moseley "would not stop or move from his cell door." A male officer went to the cell door, and Mr. Moseley "was very belligerent and disorderly." On 7/2/13 he was found to be in possession of medication that belonged to another inmate

Current Mental Status

Mr. Moseley is a 37-year-old African American male who was dressed in a jail uniform. He had a noticeable body odor. No abnormalities in gait or posture were noted. His affect (i.e., observed emotional expression) was broad and expressive, and his mood appeared generally euthymic (i.e., normal, non-depressed). He offered appropriate eye contact. His speech was normal in rate, tone, and volume. He occasionally provided some rambling responses to questions, incorporating large amounts of legal terminology. Otherwise, his thought processes were linear, logical, and goal-oriented. He made several comments that indicate he is distrustful of the legal system and suspicious of people in authority. However, he did not express thoughts or beliefs indicative of delusions.

Mr. Moseley described his current mood as, "Glad to get here." When asked about his sleep, he stated, "I don't sleep good" due to "crazy dreams and stuff." He said he typically sleeps during the day and stays up all night. He described his appetite as "poor" and said he has lost 30 pounds during his incarceration. He denied recent or current suicidal or homicidal ideation. Upon inquiry, Mr. Moseley stated he does not know

why he is required to wear a pink jumpsuit. When asked about reports from the detention center that he has engaged in sexually inappropriate behavior and public masturbation, he denied these claims.

Records indicate that Mr. Moseley has repeatedly stated that he has Schizophrenia and Bipolar Disorder, and he made the same claims during the current evaluation. As such, diagnoses of psychotic and mood disorders were considered. However, during his documented psychiatric hospitalizations and various mental health evaluations, dating back to 2001, no overt symptoms of psychosis, mania, or depression have been observed. Evaluators have described him as offering "vague" descriptions of past symptoms. Likewise, no such symptoms were observed during the current evaluation. As such, at this time, there is insufficient evidence to offer a diagnosis of a psychotic or mood disorder. If Mr. Moseley has experienced psychotic or mood symptoms in the past, it is likely they were induced by his use of cocaine, alcohol, or other substances.

Diagnostic Impressions

Based on a review of available records and an interview with the patient, it is the opinion of the undersigned that Mr. Moseley meets criteria for Personality Disorder Not Otherwise Specified, with Antisocial features. Personality disorders are defined by persistent and inflexible patterns of thought, emotion, and behavior that are stable over time and lead to subjective distress or functional impairment. From available information, it is unclear if Mr. Moseley met criteria for Conduct Disorder prior to the age of 15, so a full diagnosis of Antisocial Personality Disorder is not offered. However, his history, self-report, and clinical presentation are indicative of features of Antisocial Personality Disorder. The features he demonstrates include repeatedly engaging in illegal activity, deceitfulness, irritability and aggressiveness, and lack of remorse.

Mr. Moseley's history is also consistent with a diagnosis of Cocaine Dependence, in a Controlled Environment. Substance dependence disorders are characterized by the development of tolerance to the substance, experiencing withdrawal symptoms if the substance is discontinued, continued use despite physical or psychological problems, and abandonment of social or occupational activities. The defendant reported a history of daily use of large quantities of cocaine for several years. He endorsed experiencing withdrawal symptoms when he discontinued his use. He said he experienced physical and interpersonal problems due to his cocaine use. The specifier "In a Controlled Environment" is applied if the individual is in an environment (i.e., jail, secure hospital) where access to the substance is restricted and no criteria for dependence or abuse have been met for at least the past month.

Information Relevant to Criminal Responsibility and Capacity to Conform Conduct

Collateral Information Related to the Alleged Offense

According to the Arrest Warrant, on 3/23/01 in Kingstree, SC, Mr. Moseley "did shoot the victim Tontor Larricko York with a large caliber hand gun in the chest which resulted in his death. The shooting took place during a robbery attempted of the victim." The Incident Report notes that the victim was found "with several gun shot [*sic*] wounds. The victim was located in his front yard. . . . Just before shots were heard by the complainant who saw the victim talking with a black male with gold teeth and braids in his hair."

As indicated in a police report dated 1/24/06, one of Mr. Moseley's co-defendants, Lonnie Lomont Dozier, provided a statement to FBI agents regarding the alleged offenses. He stated that he, Mr. Moseley, and Corey Liner drove to the victim's home in Mr. Moseley's girlfriend's car. Upon arrival at the victim's residence, Mr. Liner "asked York if he wanted to buy a weapon. . . . York came down the steps of his residence and approached the vehicle to see the gun. At that time Mosley [*sic*] jumped out of the passenger seat and stated give me the money, everything. . . . Mosley [*sic*] pointed the gun at York and stated give me

the money. York pulled at his back pocket and Mosley [*sic*] shot York twice in the chest. Mosley [*sic*] then jumped back in the car and said drive drive."

Corey Liner provided a statement to police on 2/21/06. According to a police report, he stated that "they decided to go to York's house to rob him[.] [W]hile Liner was talking to York Mosley [*sic*] got out of the car and started shooting York[.] [T]hey all got back in the car and left."

Defendant's Current Account of Alleged Events

Mr. Moseley reported that, at the time of the alleged offense, he was living in Philadelphia, PA, with his aunt. He said he had been living there since 2000 and did not return to South Carolina until May 2001. He stated he was unemployed and was attending outpatient mental health and drug treatment in Philadelphia.

The defendant denied that he knew the victim of the alleged shooting. He stated, "I don't know him, never met him, never heard of him." When asked why he believes he was accused of the offenses, he stated, "I don't know." He said he and his co-defendant were friends and, "I guess he wanted the rest of us locked up with him."

Opinion on Criminal Responsibility

According to S.C. Code Ann §17-24-10, a defendant may be found not guilty by reason of insanity if, "at the time of the commission of the act constituting the offense, the defendant, as a result of mental disease or defect, lacked the capacity to distinguish moral or legal right from moral or legal wrong or to recognize the particular act charged as morally or legally wrong."

During the current evaluation, Mr. Moseley denied committing the alleged offenses. He stated he was living in Philadelphia from 2000 until May 2001. A discrepant report of events is not uncommon in a criminal case, and there is currently no indication these discrepancies are due to symptoms of mental illness. He does not have a mental health diagnosis that would be associated with an inability to distinguish wrongfulness. Based on available information, it does not appear that Mr. Moseley was suffering from a mental disease or defect such that he lacked the capacity to distinguish moral or legal right from moral or legal wrong at the time of the alleged offenses.

Opinion on Capacity to Conform

Pursuant to S.C. Code Ann. § 17-24-20, "a defendant is guilty but mentally ill if, at the time of the commission of the act constituting the offense, he had the capacity to distinguish right from wrong or to recognize his act as being wrong as defined in Section 17-24-10(A), but because of mental disease or defect he lacked sufficient capacity to conform his conduct to the requirements of the law."

Mr. Moseley denied committing the alleged offenses. He reported he was living in Philadelphia with his aunt at the time of the alleged crimes. There is no evidence to suggest he was experiencing symptoms of a mental disorder at the time of the alleged offenses that would have caused him to lack sufficient capacity to conform his conduct to the requirements of the law.

Kimberly Harrison, Ph.D.
Kimberly S. Harrison, Ph.D.
Chief Psychologist

9/23/13
Date

WITNESSES

KINGSTREE PD

Joseph Graham

ARREST WARRANT NUMBER

H 076895, H 076896, H 076897,
H 076894, H 076898, H 076899

D/A: 1/31/06

ACTION OF GRAND JURY

Ethel Jackson
Foreperson of Grand Jury
Date: 7-5-07

VERDICT

Foreperson of Petit Jury
Date:

Amended
DOCKET NO. 2007-GS-45- 52

The State of South Carolina

County of WILLIAMSBURG

COURT OF GENERAL SESSIONS

JULY TERM 2007

THE STATE
vs.

ARTHUR MOSELEY

STEVE DURANT

COREY E. LINER

Indictment for

MURDER, ATTEMPTED ARMED ROBBERY, POSSESSION OF A WEAPON DURING VIOLENT CRIME AND CRIMINAL CONSPRIACY

C. KELLY JACKSON, SOLICITOR

FILED

07 JUL -5 PM 2:19

CAROLYN F. WILLIAMS
CLERK OF COURT
KINGSTREE, S.C.

A CERTIFIED TRUE COPY
SHARON W. STAGGERS
CLERK OF COURT
WILLIAMSBURG COUNTY

6498

STATE OF SOUTH CAROLINA)
)
COUNTY OF WILLIAMSBURG)

INDICTMENT FOR

MURDER, ATTEMPTED ARMED ROBBERY, POSSESSION OF A WEAPON DURING VIOLENT CRIME AND CRIMINAL CONSPRIACY

At a Court of General Sessions, convened on July 9, 2007, the Grand Jurors of WILLIAMSBURG County present upon their oath:

COUNT ONE – MURDER

That **ARTHUR MOSELEY, STEVE DURANT** and one **COREY E. LINER** did in Williamsburg County on or about March 23, 2001, feloniously, wilfully and with malice aforethought, kill one **Tontor Larricko York** by means of shooting, and that the said **Tontor Larricko York** did die as a proximate result thereof.

COUNT TWO – ATTEMPTED ARMED ROBBERY

That **ARTHUR MOSELEY, STEVE DURANT** and one **COREY E. LINER** did in Williamsburg County on or about March 23, 2001, violate Section 16-11-330 of the Code of Laws of South Carolina (1976), as amended, while armed with a deadly weapon, to-wit: a handgun, did feloniously attempt to take from the person in the presence of **Tontor Larricko York**, by means of force or intimidation goods or monies of the said **Tontor Larricko York**, such goods or monies being described as drugs and money.

COUNT THREE – POSSESSION OF A WEAPON DURING VIOLENT CRIME

That **ARTHUR MOSELEY** and **STEVE DURANT** did in Williamsburg County on or about March 23, 2001, possess or visibly display a firearm during the commission or attempted commission of a violent crime, in violation of Code Section 16-23-490, Code of

FILED
07 JUL -5 PM 2:20
CAMELYA F. WILLIAMS
CLERK OF COURT
KINGSTREE, S.C.

A CERTIFIED TRUE COPY
SHARON W. STAGGERS
CLERK OF COURT
WILLIAMSBURG COUNTY

COUNT FOUR – CRIMINAL CONSPIRACY

That **ARTHUR MOSELEY, STEVE DURANT** and one **COREY E. LINER** did in Williamsburg County on or about March 23, 2001, violate Section 16-17-410 of the Code of Laws of South Carolina (1976), as amended, in that they did unlawfully, wilfully, knowingly, wickedly and feloniously unite, combine, conspire, confederate, agree between and have tacit understanding with each other and with divers other persons whose names are unknown to the Grand Jurors for the purpose of committing the crime of Murder and Attempted Armed Robbery.

FILED
07 JUL -5 PM 2:19
CAROLYN F. WILLIAMS
CLERK OF COURT
KINGSTREE, S.C.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

A CERTIFIED TRUE COPY
Sharon W. Staggers
SHARON W. STAGGERS
CLERK OF COURT
WILLIAMSBURG COUNTY

C. Kelly Jackson
SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Williamsburg)
STATE VS.)
Arthur Moseley)
AKA:)
Race: 2 Sex: M Age: 37)
DOB: SS#:)
Address:)
City,State,Zip: Florence, SC 29506)
DL#: SID#:)
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2007-GS-45-0052
A/W#: H076896
Date of Offense: 3/23/2001
S.C. Code § : 16-11-0330(B)
CDR Code #: 0026

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Robbery / Attempted armed, or allegedly armed, robbery

In violation of § 16-11-0330(B) of the S.C. Code of Laws, bearing CDR Code # 0026
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

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: Kimberly V. Barr 8443
Barr, Kimberly V | SC Bar# | Defendant | Attorney for Defendant | SC Bar#

WHEREFORE, the Defendant is commited to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 20 ~~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: All Sentences today
☒ 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	$
§ 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	$
§ 14-1-212 (Law Enforce. Funding)	$25	$
§ 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	$
3% to County (if paid in installments)		$
TOTAL		$

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

A CERTIFIED TRUE COPY
Sharon W. Staggers
SHARON W. STAGGERS
CLERK OF COURT
WILLIAMSBURG COUNTY

☐ Appointed PD or appointed attorney
§ 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Sharon W. Staggers
Court Reporter: Crystal Holmes
Presiding Judge
Judge Code: 2143
Sentence Date: 1/31/14

SCCA/217 (03/2011)

652

STATE OF SOUTH CAROLINA)
COUNTY OF Williamsburg)
STATE VS.)
Arthur Moseley)
AKA:)
Race: 2 Sex: M Age: 37)
DOB: SS#:)
Address:)
City,State,Zip: Florence, SC 29506)
DL#: SID#:)
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2007-GS-45-0052
A/W#: H076895
Date of Offense: 3/23/2001
S.C. Code § : 16-03-0010
CDR Code #: 0116

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Murder / Murder

In violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

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: Kimberly V. Barr 8443
Barr, Kimberly V | SC Bar# | Defendant | Attorney for Defendant | SC Bar#

WHEREFORE, the Defendant is commited to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 50 ~~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: All sentenced today

☒ 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	$
§ 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	$
§ 14-1-212 (Law Enforce. Funding)	$25	$
§ 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	$
3% to County (if paid in installments)		$
TOTAL		$

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: ~~A CERTIFIED TRUE COPY~~
Sharon W. Staggers
SHARON W. STAGGERS
CLERK OF COURT
WILLIAMSBURG COUNTY

☐ Appointed PD or appointed other counsel
§ 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Sharon W. Staggers
Court Reporter: Crystal Holmes
Presiding Judge: _____
Judge Code: 2143
Sentence Date: 1/31/14

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Williamsburg)
STATE VS.)
Arthur Moseley)
AKA:)
Race: 2 Sex: M Age: 37)
DOB: SS#:)
Address:)
City,State,Zip: Florence, SC 29506)
DL#: SID#:)
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2007-GS-45-0052
A/W#: H076897
Date of Offense: 3/23/2001
S.C. Code § : 16-23-0490
CDR Code #: 0549

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

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 w/minor 1st or Lewd Act) ☐ §17-25-45

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: Bar, Kimberly V. 8443

Bar, Kimberly V.	SC Bar#	Defendant	Attorney for Defendant	SC Bar#

WHEREFORE, the Defendant is commited to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 5 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: All sentences
☒ 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	$
§ 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	$
§ 14-1-212 (Law Enforce. Funding)	$25	$
§ 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	$
3% to County (if paid in installments)		$
TOTAL		$

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

A CERTIFIED TRUE COPY
Sharon W. Staggers
SHARON W. STAGGERS
CLERK OF COURT
WILLIAMSBURG COUNTY

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Sharon W. Staggers
Court Reporter: Crystal Holmes

Presiding Judge _____
Judge Code: 2143
Sentence Date: 1/31/14

SCCA/217 (03/2011)

654

STATE OF SOUTH CAROLINA)
COUNTY OF Williamsburg)
STATE VS.)
Arthur Moseley)
AKA:)
Race: 2 Sex: M Age: 37)
DOB: SS#:)
Address:)
City,State,Zip: Florence, SC 29506)
DL#: SID#:)
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2007-GS-45-0052
A/W#: H076896 DIRECT PRESENTMENT
Date of Offense: 3/23/2001
S.C. Code § : 16-17-0410
CDR Code #: 0049

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

in violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

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.

ATTES Kimberly V. Barr 8443
Barr, Kimberly V | SC Bar# | Defendant | Attorney for Defendant | SC Bar#

WHEREFORE, the Defendant is commited to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 5 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: All sentences today
☒ 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	$
§ 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	$
§ 14-1-212 (Law Enforce. Funding)	$25	$
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
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SHARON W. STAGGERS
CLERK OF COURT
WILLIAMSBURG COUNTY

☐ Appointed PD or appoint other counsel
§ 47.12 requires $500 be paid to Clerk during probation.

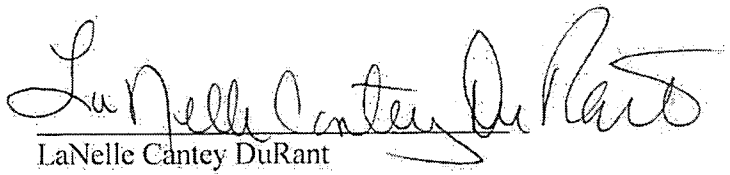
Clerk of Court/ Deputy Clerk: Sharon W. Staggers
Court Reporter: Crystal Holmes
Presiding Judge: [signature]
Judge Code: 2143
Sentence Date: 1/31/14

SCCA/217 (03/2011)

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."

January 8, 2016



LaNelle Cantey DuRant
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

RECEIVED
JAN 08 2016
SC Court of Appeals

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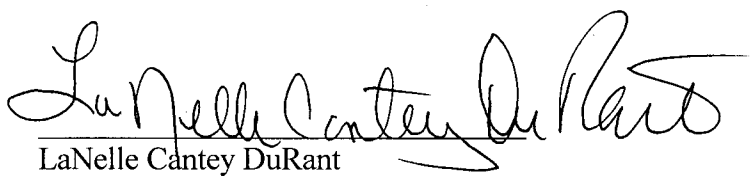

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