

**ORIGINAL**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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SC Court of Appeals

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Appeal from Spartanburg County

Honorable J. Mark Hayes, II, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

TIMOTHY DALE CROCKETT,

APPELLANT

APPELLATE CASE NO. 2015-002298

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RECORD ON APPEAL

---

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STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG ) COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA, ) TRANSCRIPT  
PLAINTIFF, ) OF  
vs. ) RECORD  
TIMOTHY DALE CROCKETT, ) 2014-GS-42-3727  
DEFENDANT. ) 2015-GS-42-4027

September 17<sup>th</sup>, 2015  
Spartanburg, South Carolina

B E F O R E :

THE HONORABLE J. MARK HAYES, II, Judge.

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

MEG HANG ILMER  
ASSISTANT SOLICITOR  
Attorney for the State

ANDREW JOHNSTON and JAMES CHEEK  
ESQUIRE and ASSISTANT PUBLIC DEFENDER  
Attorneys for the Defendant

PAMELA E. GREEN  
Circuit Court Reporter  
Seventh Judicial Circuit

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I N D E X   O F   W I T N E S S E S

(There were no exhibits marked during this hearing.)

## P R O C E E D I N G S

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THE COURT: All right. I need for you to please listen to me for a few moments.

When I call your name, if you would, just raise your hand and let me eyeball where you are for now.

We have James Abner.

(Defendant raises hand.)

THE COURT: Timothy Bridges.

(Defendant raises hand.)

THE COURT: Timothy Crockett.

(Defendant raises hand.)

THE COURT: Kevin Dillard.

(Defendant raises hand.)

THE COURT: Leroy Foster.

(Defendant raises hand.)

THE COURT: Darrel Hindman.

(Defendant raises hand.)

THE COURT: Qwenshun Jones.

(Defendant raises hand.)

THE COURT: Charles Miller.

(Defendant raises hand.)

THE COURT: Michael Schneider.

(Defendant raises hand.)

THE COURT: Travis Dodd.

1 (Defendant stands.)  
2 THE COURT: Come on up, sir.  
3 (Defendant complies.)  
4 THE COURT: Josh -- Joshua Jones.  
5 (Defendant stands.)  
6 THE COURT: Come on up, sir.  
7 (Defendant complies.)  
8 THE COURT: Tanya McDaniel.  
9 (Defendant stands.)  
10 THE COURT: Ma'am, if you will just come right up here.  
11 (Defendant complies.)  
12 THE COURT: Anybody else?  
13 (No response.)  
14 THE COURT: Is there anybody sitting in the jury box  
15 whose name I did not call?  
16 (No response.)  
17 THE COURT: All right. Then I need for all of you to  
18 please listen to me for a few moments.  
19 I have been told that each one of you has one or more  
20 matters that are presently pending in the court of General  
21 sessions. I've also been told that each one of you has  
22 expressed a desire or an intent to enter a plea to those  
23 matters.  
24 I need to let you know that, as part of every plea that  
25 is presented in front of me, we make a recording. This lady

1 who's sitting over here to my right, she's a court reporter.  
2 She's taking down everything that's said.

3 I tell you that because, if ever during this process  
4 now or later, if you need to speak to me, I need you to  
5 speak up loud enough so that both she and I can hear you  
6 cause, if we can't hear you, then I can not accept your  
7 plea. But, likewise, if ever during this process, if ever  
8 you can not hear me, immediately let me know and I will  
9 speak up as well.

10 Now, in just a few moments I'm gonna ask you a series  
11 of questions. I'm gonna ask you these questions as a group  
12 but I do not wish for you to think nor conclude that simply  
13 because I'm asking you these questions as a group that, for  
14 some reason, that these questions are not important because  
15 these questions are very important.

16 The questions that I ask you and the answers you give  
17 me to these questions help me decide, excuse me, whether or  
18 not I can, in fact, accept your plea. So please listen to  
19 them.

20 If you need to respond to the questions I'm gonna ask  
21 you, if you would, to please stand up and let me call on you  
22 one at a time. Just don't everybody speak out at once but  
23 stand up and let me call on you.

24 Now, if ever during this process, if any of you wish to  
25 speak to your lawyer, you just let me know and I'll allow

1 you to talk to your lawyer in private.

2 I'm now gonna call your names one more time. Now, this  
3 time, when I call your name, I'm gonna ask you, if you  
4 would, to please stand up and remain standing. After  
5 everybody's name has been called, the court reporter has  
6 your names written down, the lady on this side of the  
7 courtroom, the Clerk of Court, she's gonna swear you in. So  
8 please respond out loud when she asks you to do so.

9 All right. We have Tanya McDaniel. Tanya.

10 (Defendant stands.)

11 THE COURT: Joshua Jones.

12 (Defendant stands.)

13 THE COURT: Travis Dodd.

14 (Defendant stands.)

15 THE COURT: James Abner.

16 (Defendant stands.)

17 THE COURT: Timothy Bridges.

18 (Defendant stands.)

19 THE COURT: Timothy Crockett.

20 (Defendant stands.)

21 THE COURT: Kevin Dillard.

22 (Defendant stands.)

23 THE COURT: Leroy Foster.

24 (Defendant stands.)

25 THE COURT: Darrel Hindman.

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(Defendant stands.)

THE COURT: Qwenshun Jones.

(Defendant stands.)

THE COURT: Charles Miller.

(Defendant stands.)

THE COURT: Michael Schneider.

(Defendant stands.)

THE COURT: Lisa Smith.

(Defendant stands.)

THE COURT: Please raise your right-hand.

(WHEREUPON, all defendants were placed under oath at this time.)

THE COURT: Thank you. You may be seated.

(Defendants comply.)

THE COURT: Here are the questions I need for you to please listen to.

During the last 24 hours, have you consumed any type of substance that is adversely or negatively affecting your ability to understand what we're doing today, if you have taken something, then I need for you to please stand at this time.

(No response.)

THE COURT: If you've ever received any type of substance abuse treatment in the past, I need for you to please stand at this time, and that's for a drug or alcohol

1 problem, please stand at this time.

2 (Defendants respond.)

3 THE COURT: All right. Your name, sir?

4 THE DEFENDANT: Timothy Bridges.

5 THE COURT: Timothy who?

6 THE DEFENDANT: Bridges.

7 THE COURT: Mr. Bridges, did you receive treatment for  
8 drugs, alcohol, or both?

9 THE DEFENDANT: Drugs.

10 THE COURT: And where did you receive that treatment?

11 THE DEFENDANT: SADAC.

12 THE COURT: About how long ago was that approximately?

13 THE DEFENDANT: Five years ago.

14 THE COURT: And was it successful at the time?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Thank you, sir. You may be seated.

17 (Defendant complies.)

18 THE COURT: Yes, sir, your name.

19 THE DEFENDANT: Charles Miller.

20 THE COURT: Mr. Miller, did you receive treatment for  
21 drugs, alcohol, or both?

22 THE DEFENDANT: Drugs, sir.

23 THE COURT: And where did you receive that last  
24 treatment?

25 THE DEFENDANT: Narconon program in Oklahoma about

1 eight years ago.

2 THE COURT: And was it successful?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Thank you, sir. You may be seated.

5 Yes, sir, your name?

6 THE DEFENDANT: Darrel Hindman.

7 THE COURT: And -- yes, sir, did you receive treatment  
8 for drugs, alcohol, or both?

9 THE DEFENDANT: Drugs.

10 THE COURT: And where did you receive that last  
11 treatment?

12 THE DEFENDANT: Holmesview in Greenville.

13 THE COURT: About how long ago was that?

14 THE DEFENDANT: About a year and a half ago.

15 THE COURT: And was it successful at the time?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Thank you, sir. You may be seated.

18 THE DEFENDANT: Yes, sir.

19 THE COURT: If you are satisfied with the work that  
20 your lawyer has done for you, then I need for you to please  
21 stand at this time.

22 If you're satisfied with the work that your lawyer has  
23 done for you, please stand.

24 (WHEREUPON, all defendants stand at this time.)

25 THE COURT: Let the record reflect that everyone stood.

1 Thank you very much. You may be seated.

2 (Defendants comply.)

3 THE COURT: If anybody has come to you and threatened  
4 you in anyway or if they have made you any promises in order  
5 to get you to make the decision to enter the plea, then I  
6 need for you to please stand at this time.

7 If you have been threatened in anyway or promised  
8 anything, please stand.

9 (No response.)

10 THE COURT: If, if the decision by you to enter the  
11 plea is a free and voluntary decision on your part, then I  
12 need for you to please stand.

13 If this is a free and voluntary decision, please stand.

14 (WHEREUPON, all defendants stand at this time.)

15 THE COURT: Let the record reflect that everyone stood.  
16 You may be seated.

17 (Defendants comply.)

18 THE COURT: I need for you to understand that, under  
19 the law, you are presumed innocent of each and every charge  
20 that's presently against you and you are entitled to have a  
21 jury trial on each and every one of those charges.

22 Now, at any jury trial that would take place, it would  
23 be the state that has the burden of proof and the state  
24 would have to convince all 12 members of a jury that you  
25 are, in fact, guilty beyond a reasonable doubt of each and

1 every one of those charges.

2 Now, in order to enter a plea, however, you have to  
3 give up your right to that jury trial. But if you wish to  
4 have a jury trial on any of the charges that are presently  
5 against you, that is perfectly fine. We will simply  
6 schedule a jury trial for you.

7 Is there anyone who wishes to have a jury trial on any  
8 of the charges that are presently against them?

9 If you do wish to have a jury trial, please stand at  
10 this time.

11 (No response.)

12 THE COURT: In addition to giving up your right to that  
13 jury trial, excuse me, there are other very important  
14 Constitutional rights that you are entitled to but that you  
15 have to give up in order to enter a plea. You have to give  
16 up your right to confront and cross-examine the State's  
17 witnesses. You also have to give up your right to present  
18 evidence which you or your lawyer may feel would establish a  
19 defense to the charge or charges and you have to give up  
20 your right of subpoena as well as your right to remain  
21 silent.

22 Now, if you understand those rights and you wish to  
23 give up those rights and go forward with entering the plea,  
24 then I need for you to please stand at this time.

25 (WHEREUPON, all defendants stand at this time.)

1 THE COURT: Let the record reflect that everyone stood.  
2 Thank you very much. You may be seated.  
3 (Defendants comply.)

4 THE COURT: Again, if ever during this process if any  
5 of you wish to speak to your lawyer, just let me know and  
6 I'll allow you to talk to your lawyer in private.

7 Now, the three of you who joined us from the gallery,  
8 you can return back to the gallery.

9 (Defendants comply.)

10 SOLICITOR GILMER: Thank you, Your Honor.

11 May it please the Court.

12 Your Honor, before the Court is Defendant Timothy Dale  
13 Crockett here represented by Attorney Andy Johnston in the  
14 following two indictments.

15 First, in 2014-GS-42---

16 MR. JOHNSTON: Your Honor, I hate to interrupt but he  
17 may be pleading on another charge, which would, of course,  
18 make it easier for the Court to resolve both of them.

19 If you could give us just one moment?

20 He's ready to go on mine. I'm not sure that he -- what  
21 he and Mr. Cheek are doing on the charge Mr. Cheek has with  
22 him.

23 THE COURT: Okay.

24 MR. JOHNSTON: If you would---

25 THE COURT: I can go ahead and qualify them if y'all

1 want to work on that.

2 MR. JOHNSTON: All right, sir. Thank you very much.

3 (WHEREUPON, a short recess was taken in this case at  
4 this time.)

5 SOLICITOR GILMER: Timothy Crockett.

6 THE COURT: Yes, ma'am.

7 SOLICITOR GILMER: Thank you, Your Honor.

8 Your Honor, before the Court is Defendant Timothy Dale  
9 Crockett. He's here represented by attorneys Andy Johnston  
10 and James Cheek in the following two indictments.

11 First, Your Honor, in 2015-GS-42-4027. Your Honor, he  
12 is waiving presentment to the Grand jury and pleading guilty  
13 as charged to assault and battery second degree.

14 2014-GS-42-3727, Your Honor, is a true billed  
15 indictment for the offense of petty larceny third or  
16 subsequent offense. He's pleading guilty as charged. There  
17 is no negotiation or recommendation by the State.

18 Your Honor, in exchange for this plea, there is an  
19 accompanying shoplifting charge, Indictment 2015-GS-42-4028,  
20 that will be dismissed as well as a burglary charge, Your  
21 Honor.

22 THE COURT: You are Mr. Crockett?

23 THE DEFENDANT: Yes, sir, Your Honor.

24 THE COURT: Sir, it is your intent to enter a plea to  
25 the charges that were announced by the solicitor?

1 THE DEFENDANT: That's correct, Your Honor.

2 THE COURT: How old are you?

3 THE DEFENDANT: Fifty-one, sir.

4 THE COURT: How far did you go in school?

5 THE DEFENDANT: Graduated Boiling Springs and about  
6 four -- about three and a half years at USC-Upstate. It was  
7 USC then.

8 THE COURT: Are you married, single, divorced, or  
9 widowed?

10 THE DEFENDANT: Married, sir.

11 THE COURT: Do you have children?

12 THE DEFENDANT: One daughter.

13 THE COURT: How old?

14 THE DEFENDANT: Twenty-six.

15 THE COURT: Do you have a job outside, outside of the  
16 home?

17 Did you have one prior to your arrest?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: What were you doing?

20 THE DEFENDANT: I was operating heavy equipment at a  
21 junk yard and property maintenance for Ms. Campbell. Rental  
22 property maintenance.

23 THE COURT: Military?

24 THE DEFENDANT: No, sir.

25 THE COURT: How long have you been in jail on these

1 charges?

2 THE DEFENDANT: Thirty-seven days now.

3 THE COURT: Please listen to the solicitor. She's  
4 gonna give us the facts.

5 SOLICITOR GILMER: Thank you, Your Honor.

6 Your Honor, as to the petty larceny charge, that's the  
7 charge being handled by Mr. Johnston. The defendant did  
8 steal a car battery from 120-A Southport Road in Spartanburg  
9 County on February 13<sup>th</sup> of 2014. The victim saw the  
10 defendant and took pictures of the license plate.

11 As to the assault and battery second degree charge with  
12 Mr. Cheek, on August the 11<sup>th</sup> of 2015 officers with the  
13 Spartanburg County Sheriff's Office were dispatched to 505  
14 Underwood Road in Campobello, Spartanburg County, in  
15 reference to a burglary and an assault. Ms. Jane Copeland,  
16 the victim, stated that her son had come into her home that  
17 evening and told her that he was going to kill her if she  
18 got rid of his stuff and threw her up against the wall in  
19 her home by her neck and pulled her by the hair. He then  
20 left the residence.

21 The victim then reported that he did have access to her  
22 home. So this was not a burglary but that he did assault  
23 her.

24 THE COURT: Do you believe that, as she stated the  
25 facts, the solicitor's substantially correct?

1 THE DEFENDANT: Yes, sir, Your Honor.

2 THE COURT: Sir, do you understand that, on the petty  
3 larceny charge, since that's a third or subsequent offense,  
4 that I could sentence you to ten years?

5 THE DEFENDANT: Yes, sir, Your Honor.

6 THE COURT: And on the assault and battery in the  
7 second degree -- is that a three year sentence?

8 SOLICITOR GILMER: It is, Your Honor.

9 THE COURT: You understand that I could sentence you up  
10 to three years on that charge?

11 THE DEFENDANT: Yes, sir, Your Honor.

12 THE COURT: Understanding the possible sentences I  
13 could impose, you still wish to enter these pleas?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Are you, in fact, guilty of the petty  
16 larceny charge, third and subsequent and property offense?

17 THE DEFENDANT: Yes, sir, I am.

18 THE COURT: Are you also guilty of the assault and  
19 battery in the second degree?

20 THE DEFENDANT: Shamefully, yes.

21 THE COURT: Have all of your answers to my questions  
22 been truthful and honest?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Discovery's been shared with the, with the  
25 defense?

1 SOLICITOR GILMER: Yes, Your Honor.

2 THE COURT: Prior record.

3 SOLICITOR GILMER: Yes, Your Honor. It dates back to  
4 1983, grand larceny, violation of the pistol act, store  
5 breaking.

6 '84, probation violation.

7 '86, simple assault.

8 '87, shoplifting.

9 '88, grand larceny.

10 1990, grand larceny, use of vehicle without permission  
11 two counts, disorderly conduct.

12 '93, malicious injury to personal property, pointing a  
13 firearm.

14 '98, manufacturing, burglary third, grand larceny two  
15 counts.

16 1999, bank robbery in which he was sentenced to 15  
17 years in prison.

18 THE COURT: Anything from the victim of the -- of  
19 either case?

20 SOLICITOR GILMER: Not as to the petty larceny, Your  
21 Honor, but the defendant's mother is here. She's the victim  
22 on the assault and battery second degree. She does tell me  
23 that she would like to address the Court. She has some  
24 input that she would like the judge to know.

25 THE COURT: All right. Just come right up here beside

1 the solicitor ma'am.

2 (Party complies.)

3 THE COURT: I just need to let you know we are making a  
4 recording of everything that happens here. So, when you  
5 speak, please speak up loud enough so that both the court  
6 reporter and I can hear you, and, if you would, just start  
7 by giving us your full name.

8 MS. COPELAND: Jane Copeland.

9 THE COURT: Yes, ma'am, Ms. Copeland. Be more than  
10 happy to hear from you.

11 MS. COPELAND: I beg your pardon?

12 THE COURT: Be more than happy to hear from you.

13 SOLICITOR GILMER: Your Honor, she does tell me she's a  
14 little hard of hearing.

15 MS. COPELAND: I had originally told them, when they  
16 arrested him, I wanted him in jail till he could maybe sober  
17 up and dry out a little bit. You know, I think if he gets  
18 some mental help and physical help that that will be all  
19 right.

20 THE COURT: All right. Does he have a diagnosed mental  
21 condition?

22 MS. COPELAND: No, I don't think so. His parole agent  
23 had him going to see a psychiatrist and I think he needs to  
24 go back to see him.

25 THE COURT: Are you in fear of him?

1 MS. COPELAND: Not when he's sober when he's all right.

2 THE COURT: Thank you, ma'am.

3 Anything else from the State?

4 SOLICITOR GILMER: Nothing else, Your Honor.

5 THE COURT: Yes, sir.

6 MR. JOHNSTON: May it please the Court, Your Honor.

7 Your Honor, I've known Mr. Crockett a long time. I've  
8 represented him in the bank robbery charge. He and I kept  
9 in touch while he was in the federal penitentiary. He  
10 didn't do the full 15 years on that. I think he did  
11 probably about---

12 THE DEFENDANT: Fourteen and a half.

13 MR. JOHNSTON: Fourteen and a half. Since he's been  
14 out he's had some troubles. He's not been able to find  
15 stable employment and I think that's one of his biggest  
16 problems.

17 He's got some bad physical issues. He's got a bad leg.  
18 He's also -- someone beat him very badly and he lost his  
19 eye. But when he is sober he is as pleasant and articulate  
20 gentleman as you could possibly want to meet. But, when he  
21 gets to drinking, he does things that are wrong and things  
22 that are illegal.

23 As far as my charge, Your Honor, is concerned though,  
24 it is about as minimus a charge as you can imagine. He's  
25 pleading guilty to taking a used car battery from a used

1 car. He was immediately identified as the person that did  
2 it. The officer called him and he brought the battery back.

3 So I would ask the Court to consider, on that charge,  
4 that he get time served because I think that is appropriate  
5 for that particular charge.

6 As to the other charge, I'll let Mr. Cheek address  
7 that.

8 MR. CHEEK: May it please the Court, Your Honor?

9 THE COURT: Yes.

10 MR. CHEEK: As the Court has heard, I believe his  
11 mother succinctly provided the Court her opinion of her  
12 son's situation. It's my understanding she's had  
13 conversations with representation in that she would not want  
14 him to go to prison at this time. She didn't specifically  
15 address that when she was before the Court, Your Honor, but  
16 that's my understanding. That's what I expected her to say.

17 We just ask the Court to consider a situation -- ask  
18 the Court to consider the possibility of still leaving him  
19 in the community and requiring him to get some very serious  
20 attention to rehab programs, Your Honor.

21 THE COURT: Do you agree with the statements made by  
22 your lawyers?

23 THE DEFENDANT: Yes, sir, Your Honor, I do.

24 THE COURT: Is there anything else that you would like  
25 to say or want me to know or consider?

1 THE DEFENDANT: Briefly, I know your time is important.  
2 I'd like to say that I'm extremely embarrassed and sorry  
3 about this having law enforcement come and mess with me when  
4 they should be doing other things and with my mother. And I  
5 when got out of prison I was doing good, you know, seeing my  
6 psychiatrist and had a very vigilant, vigilant program. I  
7 think I do better with the restraints on me, you know, as  
8 opposed to everything.

9 I kind of got a little loose, got away from my  
10 psychologist and, you know, I had an injury and he was  
11 giving me Lortabs from -- a doctor was giving it to me and  
12 drinking and then people with that meth. You know, when I  
13 was out and robbed the bank I was shooting cocaine, Your  
14 Honor. I knew not to mess with that.

15 when I got out, I had -- but that meth was something  
16 new, you know. But now I know. Don't fool around with  
17 that. But I think I was high on the, on the Lortabs and  
18 drinking, it clouds your judgment, you know, and I'm kind of  
19 glad they put me in jail. Run me back and forth and give me  
20 a little time and credit for running back and forth from the  
21 courthouse with the chains on if you don't mind cause  
22 that -- like I say, it's embarrassing and I'm sorry.

23 I'm sorry, it's a terrible word to say, but I'm sorry.  
24 If I just get a chance to get probation, people where they  
25 can kind of get me hooked back up with Doctor Bartoff over

1 there in Taylors.

2 In the situation with my mother, I mean she was kicking  
3 me out and throwing everything I own all my life on the side  
4 of the road. I got kind of emotional, you know. And as  
5 soon as I did it, I know I was wrong and I left.

6 THE COURT: Thank you, sir.

7 I'll find that there's a substantial factual basis for  
8 the plea.

9 On these -- on the shoplifting case, it will be a ten  
10 year sentence at the Department of Corrections. Now, that  
11 will be suspended upon the service of three years and the  
12 service of five years of supervision. I've indicated on the  
13 sentencing sheet, once he is released, the first six months  
14 will be under intensive supervision. He gets credit for the  
15 37 days.

16 Sir, you've said you want to get help. So I'm gonna  
17 give you this opportunity to get help.

18 THE DEFENDANT: I'm not pleading guilty to shoplifting.

19 MR. JOHNSTON: Your Honor?

20 SOLICITOR GILMER: It's a petty larceny, Your Honor.

21 THE COURT: I'm sorry. Petty larceny.

22 MR. JOHNSTON: Petty larceny.

23 THE COURT: Third or subsequent property offense.

24 On -- then it's gonna -- I'm gonna instruct they have  
25 Addiction Treatment Unit provided to you at the Department

1 of Corrections. Once you are released, probation is gonna  
2 monitor your substance abuse issues. You're gonna have to  
3 comply with whatever type treatment plan they come up with.  
4 You're gonna have to stay clean cause they will be doing  
5 drug testing on you. Also indicated that it's my desire  
6 that you have a mental health evaluation.

7 (WHEREUPON, a discussion was held at this time with the  
8 defendant and his attorneys.)

9 THE COURT: And that he have a mental health  
10 evaluation.

11 (WHEREUPON, another discussion was held with the  
12 defendant and his attorneys at this time.)

13 THE DEFENDANT: I'm sorry, Your Honor. It's just --  
14 it's a misunderstanding.

15 MR. CHEEK: That's enough said.

16 THE DEFENDANT: All right.

17 MR. CHEEK: Enough said.

18 THE COURT: All right. And that after he does -- has  
19 the mental health evaluation and comply with any type of  
20 treatment plan that the mental health professionals believe  
21 that he should have. Failure by you to comply with those  
22 mental health treatments then will be a basis for sending  
23 you back into the Department of Corrections.

24 It will be a three year sentence on the assault and  
25 battery to which I've indicated you can get credit for 37

1 days. Run concurrent with the other charge as well as, on  
2 that sentence as well, that you be provided with the  
3 Addiction Treatment Unit.

4 Good luck to you, sir.

5 MR. JOHNSTON: Thank you, Your Honor.

6 MR. CHEEK: Thank you, Your Honor.

7 THE DEFENDANT: Thank you.

8 SOLICITOR GILMER: Thank you, Your Honor.

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11 \* \* \*END OF REQUESTED TRANSCRIPT OF RECORD\* \* \*

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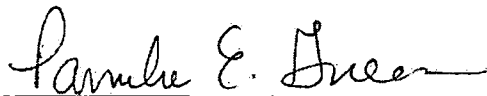
## C E R T I F I C A T E

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I, Pamela E. Green, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 17<sup>th</sup> day of September, 2015.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

May 27<sup>th</sup>, 2016

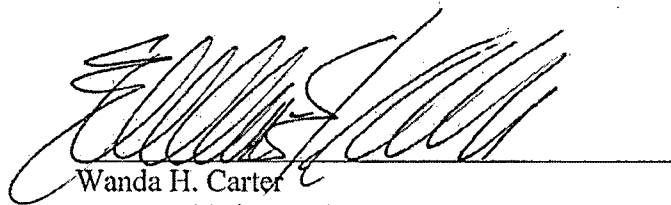


PAMELA E. GREEN, Court Reporter

## 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 South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully submitted,



Wanda H. Carter  
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S.C. 29211-1589

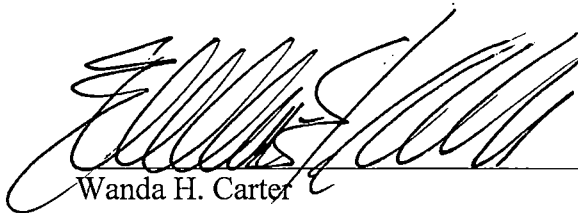
ATTORNEY FOR APPELLANT

This 1<sup>st</sup> day of August, 2016.

## 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 South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully submitted,



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Wanda H. Carter  
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 1<sup>st</sup> day of August, 2016.

**RECEIVED**  
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SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Spartanburg County  
Honorable J. Mark Hayes II, Circuit Court Judge

RECEIVED

AUG 01 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

TIMOTHY DALE CROCKETT,

APPELLANT

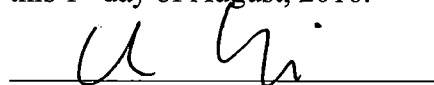
CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above referenced case has been served upon J. Benjamin Aplin, Esquire, at Rembert Dennis Building 1000 Assembly Street, Room 519, Columbia, SC 29201; and upon Timothy Dale Crockett, #200598, at Lee Correctional Institution, 990 Wisacky Hwy., Bishopville, SC 29010, this 1<sup>st</sup> day of August, 2016.



George Vlasis  
Administrative Specialist

SUBSCRIBED AND SWORN TO before me  
this 1<sup>st</sup> day of August, 2016.

 (L.S.)  
Notary Public for South Carolina

My Commission Expires: 05/12/2016.