

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

---

Appeal from Spartanburg County

Honorable R. Keith Kelly, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

ROBERT KEITH MOSS,

APPELLANT **RECEIVED**

DEC 06 2017

APPELLATE CASE NO 2017-000277

SC Court of Appeals

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RECORD ON APPEAL

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# INDEX

|                                             |     |
|---------------------------------------------|-----|
| INDEX.....                                  | i   |
| TRIAL TRANSCRIPT.....                       | 1   |
| TESTIMONY                                   |     |
| LEE GRIFFIN                                 |     |
| Direct Examination by Ms. Walters.....      | 11  |
| Cross Examination by Mr. MacDonald .....    | 32  |
| JITU PATEL                                  |     |
| Direct Examination by Ms. Walters.....      | 40  |
| Cross Examination by Mr. MacDonald .....    | 50  |
| DANA REAVES                                 |     |
| Direct Examination by Ms. Walters.....      | 52  |
| Cross Examination by Mr. MacDonald .....    | 61  |
| Redirect Examination by Ms. Walters .....   | 63  |
| JUSTIN BOYCE                                |     |
| Direct Examination by Ms. Walters.....      | 65  |
| Cross Examination by Mr. MacDonald .....    | 87  |
| JONATHAN KENT                               |     |
| Direct Examination by Ms. Walters.....      | 93  |
| Cross Examination by Mr. MacDonald .....    | 100 |
| Redirect Examination by Ms. Walters .....   | 102 |
| MARIE WEARING                               |     |
| Direct Examination by Ms. Walters.....      | 102 |
| MOTION FOR DIRECTED VERDICT .....           | 113 |
| RULING ON MOTION FOR DIRECTED VERDICT ..... | 117 |
| TESTIMONY                                   |     |
| ASHLEY PARRIS                               |     |
| Direct Examination by Mr. MacDonald.....    | 119 |
| Cross Examination by Mr. Ghent.....         | 125 |
| Redirect Examination by Mr. MacDonald ..... | 128 |

|                                                               |     |
|---------------------------------------------------------------|-----|
| TAYLOR SADOWSKY                                               |     |
| Direct Examination by Mr. MacDonald.....                      | 129 |
| Cross Examination by Mr. Ghent.....                           | 134 |
| Redirect Examination by Mr. MacDonald .....                   | 139 |
| RENEWED MOTION FOR DIRECTED VERDICT AND RULING ON MOTION..... | 142 |
| JURY CHARGE.....                                              | 144 |
| VERDICT .....                                                 | 158 |
| SENTENCING .....                                              | 161 |
| STATE’S EXHIBIT #5 – COPY OF CHECK NO. 1097.....              | 165 |
| STATE’S EXHIBIT #6 – COPY OF CHECK NO. 1098.....              | 167 |
| STATE’S EXHIBIT #13 – DRIVER’S LICENSE RECORDS .....          | 169 |
| INDICTMENTS.....                                              | 170 |
| CERTIFICATE OF COUNSEL .....                                  | 174 |

1 STATE OF SOUTH CAROLINA  
2 COUNTY OF SPARTANBURG

)  
) IN THE COURT OF GENERAL SESSIONS

3 The State,

4 -vs-

5 Robert Keith Moss,  
6 Defendant.

)  
) TRANSCRIPT OF RECORD  
) 2016-GS-42-5646;5647  
)  
) February 8 and 9, 2017  
) Spartanburg, South Carolina

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9  
10 B E F O R E:

11 HONORABLE R. KEITH KELLY, JUDGE; and a jury  
12  
13

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16 RUSSELL D. GHENT, ESQUIRE  
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23 Circuit Court Reporter  
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|    |                                       |             |
|----|---------------------------------------|-------------|
| 1  | <u>INDEX</u>                          |             |
| 2  | <u>WITNESSES</u>                      | <u>PAGE</u> |
| 3  | LEE GRIFFIN (SW)                      |             |
| 4  | Direct examination by Ms. Walters     | 43          |
| 5  | Cross-examination by Mr. MacDonald    | 64          |
| 6  | JITU PATEL (SW)                       |             |
| 7  | Direct examination by Ms. Walters     | 77          |
| 8  | Cross-examination by Mr. MacDonald    | 87          |
| 9  | DANA REAVES (SW)                      |             |
| 10 | Direct examination by Ms. Walters     | 89          |
| 11 | Cross-examination by Mr. MacDonald    | 98          |
| 12 | Redirect examination by Ms. Walters   | 100         |
| 13 | JUSTIN BOYCE (SW)                     |             |
| 14 | Direct examination by Ms. Walters     | 102         |
| 15 | Cross-examination by Mr. MacDonald    | 124         |
| 16 | JONATHAN KENT (SW)                    |             |
| 17 | Direct examination by Ms. Walters     | 129         |
| 18 | Cross-examination by Mr. MacDonald    | 137         |
| 19 | Redirect examination by Ms. Walters   | 139         |
| 20 | MARIE WEARING (SW)                    |             |
| 21 | Direct examination by Ms. Walters     | 139         |
| 22 | ASHLEY PARRIS (DW)                    |             |
| 23 | Direct examination by Mr. MacDonald   | 156         |
| 24 | Cross-examination by Mr. Ghent        | 162         |
| 25 | Redirect examination by Mr. MacDonald | 165         |

INDEX

|                                       |             |
|---------------------------------------|-------------|
| <u>WITNESSES</u>                      | <u>PAGE</u> |
| TAYLOR SADOWSKY (DW)                  |             |
| Direct examination by Mr. MacDonald   | 166         |
| Cross-examination by Mr. Ghent        | 171         |
| Redirect examination by Mr. MacDonald | 176         |
| ROBERT KEITH MOSS                     |             |
| Examination by the Court              | 178         |

|    |                    |     |
|----|--------------------|-----|
| 1  | Jury qualification | 6   |
| 2  | Jury sworn         | 31  |
| 3  | Opening statements | 39  |
| 4  | Closing arguments  | 190 |
| 5  | Jury charge        | 206 |
| 6  | Verdict            | 220 |
| 7  | Sentence           | 223 |
| 8  | Certificate        | 227 |
| 9  |                    |     |
| 10 |                    |     |
| 11 |                    |     |
| 12 |                    |     |
| 13 |                    |     |
| 14 |                    |     |
| 15 |                    |     |
| 16 |                    |     |
| 17 |                    |     |
| 18 |                    |     |
| 19 |                    |     |
| 20 |                    |     |
| 21 |                    |     |
| 22 |                    |     |
| 23 |                    |     |
| 24 |                    |     |
| 25 |                    |     |

|    |                 |                         |            |            |
|----|-----------------|-------------------------|------------|------------|
| 1  | <u>EXHIBITS</u> |                         |            |            |
| 2  | <u>NO.</u>      | <u>DESCRIPTION</u>      | <u>ID.</u> | <u>EV.</u> |
| 3  | S-1             | Copy of check No. 1000  | 30         | 50         |
| 4  | S-2             | Copy of check No. 1097  | 30         | 55         |
| 5  | S-3             | Account printout        | 30         | 53         |
| 6  | S-4             | Copy of check No. 1096  | 53         | 58         |
| 7  | S-5             | Copy of check No. 1097  | 71         | 84         |
| 8  | S-6             | Copy of check No. 1098  | 71         | 84         |
| 9  | S-7             | Copy of check No. 1097  | 92         | 93         |
| 10 | S-8             | Copy of check No. 1096  | 92         | 93         |
| 11 | S-9             | Account application     | 94         | 114        |
| 12 | S-10            | Summary                 | 94         | 114        |
| 13 | S-11            | Driver's license record | 142        | 145        |
| 14 | S-12            | Driver's license record | 142        | 145        |
| 15 | S-13            | Driver's license record | 145        | 148        |
| 16 | S-14            | calendar                |            | 187        |

17  
18  
19  
20  
21  
22  
23  
24  
25

Jury qualification

1 (Proceedings February 8, 2017)

2 THE COURT: Are we ready to bring the panel around?

3 MS. WALTERS: Yes, Your Honor.

4 THE COURT: Okay. Let's have the jury panel.

5 (The following takes place in the presence of the jury,  
6 venire.)

7 THE COURT: Good afternoon, ladies and gentlemen.

8 Thank you again for your patience and being timely in your  
9 jury service.

10 We are now ready to begin the next case. This morning  
11 seems like a long time ago, but it really hasn't been that  
12 long. We're ready to start the next case, which is the  
13 State of South Carolina vs. Robert Keith Moss.

14 Indictment 2016-5647 alleges that Mr. Moss did in the  
15 County of Spartanburg, State of South Carolina, on or  
16 between the dates of January 15 of 2016 and January 19 of  
17 2016 committed the offense of forgery.

18 Also, in another indictment, 2016-5646, it is alleged  
19 that Robert Keith Moss did in the County of Spartanburg,  
20 State of South Carolina, on the same dates of January 16  
21 through January 19 of 2016, knowingly commit the offense of  
22 forgery, the elements of which will be explained to you  
23 later.

24 I tell, ladies and gentlemen, once again, as you heard  
25 me throughout the week say, that the two indictments are

1       You can sit in the front; you can sit in the back.  
2       You see that I'm standing. And if you want to stand,  
3       that's fine with me. I stand a lot, but if you do, please  
4       sit on the back row so that you would not block the view of  
5       a fellow juror. Okay. But you can sit in that seat or  
6       move around and do whatever you'd like.

7       All right. If you will, go with the bailiff to the  
8       jury room for about 15 minutes.

9       (The following takes place outside the presence of the  
10      jury.)

11      THE COURT: All right. We have the jury that's out of  
12      the presence of everyone.

13      So, solicitor, you have something?

14      MS. WALTERS: Yes, Your Honor.

15      Mr. Moss was not arraigned. He was originally charged  
16      with forgery less than ten thousand without enhancement,  
17      two counts. And I directly indicted it to be with an  
18      enhancement.

19      He did not have an arraignment, and it's my  
20      understanding that through his attorneys that he is waiving  
21      his arraignment on the direct indictment for the enhanced  
22      charges. And I'd like to just put that on the record.

23      THE COURT: Okay. And that's for both indictments.

24      MS. WALTERS: That's correct, Your Honor.

25      THE COURT: All right. Mr. MacDonald, does he waive

1 the formal arraignment on each indictment?

2 MR. MACDONALD: Yes, Your Honor.

3 THE COURT: Okay. He waives formally on each  
4 indictment.

5 MS. WALTERS: Thank you, Your Honor.

6 And, Your Honor, we also have a second matter if you'd  
7 like for me to continue into that.

8 THE COURT: Okay.

9 MS. WALTERS: Your Honor, we too would like to put on  
10 the record that a plea offer was made and rejected in this  
11 case. And I'm going to state what the plea offer is just  
12 for the record.

13 That Mr. Moss could plead without an enhanced --  
14 without an enhancement as charged, plus restitution to the  
15 zero to five years originally charged, the forgery, or six  
16 months to five years with an option of home detention  
17 program on the enhanced forgery if he decided not to plead  
18 straight up on the lesser included forgery without the  
19 enhancement.

20 So we'd just like to put that on the record, that an  
21 offer was made in this case and it was rejected by the  
22 defendant and his attorneys.

23 THE COURT: Okay.

24 MS. WALTERS: Thank you, Your Honor.

25 THE COURT: He understands he's rejected the offer. I

1 guess it's a compound offer, one or the other?

2 MR. MACDONALD: Yes, Your Honor. He's been made aware  
3 of the offers.

4 THE COURT: And he -- and he does that freely,  
5 intelligently and voluntarily.

6 MR. MACDONALD: That's correct.

7 THE COURT: And you're satisfied that he has done that  
8 voluntarily, intelligently.

9 MR. MACDONALD: Yes, Your Honor.

10 THE COURT: Anything further?

11 MS. WALTERS: Nothing from the state, Your Honor.

12 THE COURT: How about the defense? Anything?

13 MR. MACDONALD: No, Your Honor.

14 (Whereupon, a recess was taken.)

15 (Copy of check No. 1000 marked State's Exhibit No. 1  
16 for Identification; copy of check No. 1097 marked State's  
17 Exhibit No. 2 for Identification; account printout marked  
18 State's Exhibit No. 3 for Identification.)

19 THE COURT: Any matters?

20 MS. WALTERS: No, Your Honor.

21 MR. MACDONALD: No, Your Honor.

22 THE COURT: Okay. Ready for the jury?

23 MS. WALTERS: Yes, Your Honor.

24 THE COURT: All right. Bring our jurors. Let's get  
25 them sworn.

Jury sworn

1       (The following takes place in the presence of the  
2 jury.)

3       THE COURT: Madam clerk.

4       (Whereupon, the jury was duly sworn.)

5       THE COURT: Ladies and gentlemen of the jury, Madam  
6 Forelady, at this time we are about to try the case of the  
7 State of South Carolina vs. Robert Keith Moss.

8       Mr. Moss is the defendant, and he is charged with two  
9 indictments alleging forgery in that it occurred in  
10 Spartanburg County, South Carolina, between the dates of  
11 January 16 and 19 of 2016, and, one, January 15 through  
12 January 19 of 2016, the elements of which will be explained  
13 to you later.

14       I tell you, once again, that the indictments are  
15 merely pieces of paper, nothing more and nothing less.  
16 They are no evidence of guilt whatsoever against this  
17 defendant.

18       He has entered a plea of not guilty to both of the  
19 indictments, and he is presumed not guilty of the offenses  
20 alleged in the indictments. And the burden remains  
21 squarely on the State of South Carolina to prove his guilt  
22 beyond a reasonable doubt.

23       Now, ladies and gentlemen, and I will you that more  
24 than once during these proceedings.

25       Ladies and gentlemen, this trial will probably be

Lee Griffin

Direct examination by Ms. Walters

1 witnesses testifying against the victim, then you have to  
2 find him not guilty. Thank you.

3 THE COURT: Solicitor.

4 MS. WALTERS: Thank you, Your Honor. The state calls  
5 its first witness, Lee Griffin.

6 LEE GRIFFIN, having been first  
7 duly sworn, testified as follows:

8 THE COURT: Sir, once you're situated if you'll pull  
9 that microphone a little bit closer --

10 THE WITNESS: Like this?

11 THE COURT: Yes, sir. Tell us your full name, and  
12 spell your last name for my court reporter.

13 THE WITNESS: My name is Lee Griffin. Last name,  
14 G-R-I-F-F-I-N.

15 THE COURT: Thank you.

16 Solicitor.

17 MS. WALTERS: Thank you, Your Honor.

18 DIRECT EXAMINATION BY MS. WALTERS

19 Q Mr. Griffin, where are you employed?

20 A Wells Fargo Bank.

21 Q And what is your current position?

22 A I'm a financial crimes investigator there in  
23 Charlotte, North Carolina.

24 Q And how long have you been employed with Wells Fargo?

25 A Ten years.

Lee Griffin  
Direct examination by Ms. Walters

1 Q And what are your duties as the investigator?

2 A Primarily regulatory reporting. Next to that would be  
3 supporting mostly law enforcement, individual branches with  
4 providing video, whether it be for the A.T.M., branches,  
5 documents for cases such as this, copies of checks, things  
6 like that.

7 Q Can you please explain to me and the Court the brief  
8 process on when Wells Fargo receives a check for payment?

9 A So, the life of a check, just in real layman's terms,  
10 basically, the check is written.

11 It is then presented to whichever bank. It's whoever  
12 the payee banks with. It's presented for payment to that  
13 bank. That bank can then either -- well, let me back up a  
14 second.

15 The check is written. In this case a Wells Fargo  
16 check was written to an individual. That check would be  
17 then taken by the individual and presented at their bank,  
18 whether it be Wells Fargo or someone else. In this case my  
19 understanding was it was presented for payment at a store.

20 Wherever that store banks with would then present the  
21 check. We then would make the decision to return that  
22 check based on, obviously, if the customer put a stop-pay  
23 on it or said, you know, my checks were stolen or whatever  
24 like that. Then we would obviously pay the check  
25 accordingly.

Lee Griffin

Direct examination by Ms. Walters

1 Q Now, what happens once that check, if it goes through  
2 a normal process and a bank is, you know, pays the customer  
3 money and you all receive the check -- it's a Wells Fargo  
4 check -- what happens to those original checks?

5 A They have a life expectancy roughly of maybe a month.  
6 Once that time period gets, you know, there, then that it's  
7 just pretty much destroyed. And there's copies, images,  
8 kept on file.

9 Q Okay. How are they actually kept on file, these  
10 images?

11 A Electronically.

12 Q Okay. And so are they stored in a Wells Fargo  
13 database?

14 A They are.

15 Q How -- do you know how those records are maintained  
16 and stored as part of, like, the business records at Wells  
17 Fargo?

18 A I mean, I don't really have knowledge of that, just  
19 that they're stored there for so many years.

20 Q Now, are the images in the database, are they complete  
21 and accurate copies of the original checks that are  
22 processed for payment?

23 A Yes.

24 Q Can anyone delete or manipulate those check images?

25 A No.

Lee Griffin  
Direct examination by Ms. Walters

1 Q Do you know who is in charge of maintaining those  
2 records or is it --

3 A I don't. It's just general.

4 Q Certain departments and --

5 A Correct.

6 Q Now, when an account holder opens a checking account  
7 with wells Fargo are they given a debit card?

8 A Yes, typically an instant-issued debit card. You  
9 receive your -- your actual debit card later in the mail.

10 Q Are they given a checkbook?

11 A Yes. Starter checks until you get --

12 Q So every account holder is given starter checks.

13 A Correct.

14 Q And then, you know, it's -- then you'd order checks --

15 A Correct.

16 Q -- if you wanted to actually use the checks.

17 A That's correct.

18 Q A lot of people do and don't do this these days.

19 A Right.

20 Q Do you know Mr. Moss?

21 A I do not.

22 Q Okay. Do you know Mr. Boyce?

23 A I do not.

24 Q Okay. Now, since you are an investigator, do you know  
25 that you have an account holder at wells Fargo by the name

Lee Griffin  
Direct examination by Ms. Walters

1 of Justin Boyce?

2 A Yes.

3 Q Do you know how long he has had an account with Wells  
4 Fargo?

5 A Not right off, I don't.

6 MS. WALTERS: Beg the Court's indulgence.

7 (Pause.)

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

9 THE COURT: Sure.

10 Q Just to refresh your memory.

11 A Okay.

12 Q Now, when a -- a customer comes into Wells Fargo do  
13 they fill out a [sic] application when -- before they get  
14 their debit card and do the usual? Correct?

15 A Yes. That's correct. That's correct, yes.

16 Q Okay. And do you know how long that Mr. Joyce --  
17 excuse me -- Mr. Boyce had been an account holder when he  
18 opened an account?

19 A This particular account was opened May 26th of 2015.

20 Q So has he had that account for about almost two  
21 years --

22 A Correct.

23 Q -- in May?

24 A That's right.

25 Q Now, was Mr. Boyce issued checks by Wells Fargo?

Lee Griffin  
Direct examination by Ms. Walters

1 A Yes.

2 MS. WALTERS: Your Honor, may I approach the witness?

3 THE COURT: Sure.

4 MS. WALTERS: Let the record reflect that I am showing  
5 Mr. Griffin what's been previously marked as State's  
6 Exhibit 1.

7 Q Now, Mr. Griffin, can you tell me what it is that I  
8 just handed you?

9 A This is a check belonging to Mr. Boyce's account for  
10 the same application that you provided me here, made  
11 payable to Oren Brady for \$312.84 dated November 3rd of  
12 2015.

13 Q So it has the same account number?

14 A One moment.

15 (Pause.)

16 A This particular application, I don't see an account  
17 number indicated on it.

18 Q But it is from Mr. Boyce's victim's account.

19 A That's right.

20 Q Correct?

21 A Well, it has his name on it, but, like I said, there's  
22 no account number indicated on this application. There is  
23 one on the check.

24 Q But on the application.

25 A Correct. The information for Mr. Boyce and the

Lee Griffin

Direct examination by Ms. Walters

1 application matches the information on the maker of the  
2 check.

3 Q Okay. And this is a wells Fargo check, correct?

4 A Yes.

5 Q And it was provided by wells Fargo?

6 A That's correct.

7 Q And how do you know that?

8 A Well, it's -- it has our logo on it, routing number is  
9 ours. That's pretty much it.

10 Q And this was provided by wells Fargo.

11 A Correct.

12 Q Correct? Was this check maintained as part of the  
13 normal business-records process and operations of wells  
14 Fargo?

15 A Yes, ma'am.

16 Q Is it a complete and accurate depiction of the  
17 original check, front and back?

18 A Well, there's no back. It's a front.

19 Q Just the front.

20 A Yes.

21 Q Be the front of the check.

22 A Correct.

23 Q From your knowledge was there any problem with this  
24 check being processed or disputed?

25 A No, ma'am.

Lee Griffin  
Direct examination by Ms. Walters

1 Q And how would you know that?

2 A This check was not a disputed check by Mr. Boyce.

3 Q That would just say that and his account, like in a  
4 database, or it would show that?

5 A It paid against his account, was kept on record and  
6 not disputed.

7 MS. WALTERS: Your Honor, at this time the state would  
8 like to admit what's been previously marked as State's  
9 Exhibit 1 into evidence.

10 THE COURT: Any objection?

11 MR. MACDONALD: No objection.

12 THE COURT: All right. It's admitted without  
13 objection.

14 (Copy of check No. 1000 marked State's Exhibit No. 1.)

15 Q Now, Mr. Griffin does Wells Fargo have a program or  
16 setup if there's a bad check? Or let me, I guess, specify  
17 bad check. Anything that's counterfeit, forged,  
18 fraudulent, disputed, any of those terminologies? Is there  
19 a way that they can detect that in with one of their  
20 checks?

21 A Wells Fargo itself or the customer?

22 Q Wells Fargo.

23 A We wouldn't -- I mean, we have some things in place,  
24 but as far as disputing a particular check that would be up  
25 to the customer to make that dispute with us.

Lee Griffin

Direct examination by Ms. Walters

1 Q And how -- how would that work if there was a disputed  
2 check?

3 A For instance, Mr. Boyce would check his statement,  
4 whether it be on his paper statement if he gets that, on  
5 line or just on his phone, and he notices a charge on there  
6 or a check clearing his account that he's not sure of, he  
7 would then maybe go to his local branch and ask for a copy,  
8 dispute it. And if it's not written by him, he would want  
9 to dispute it or he could choose to dispute it.

10 Q So when -- if he disputes it does he have to -- is  
11 it -- what process would he go to? Would he call Wells  
12 Fargo or just --

13 A He would -- he would -- typically, he's put on the  
14 phone in one of the branches. He can do it -- it's done  
15 over the phone. But you would call our claims intake area  
16 and they would file a claim. They would pull the documents  
17 he's -- and the items he's disputing and then do their  
18 investigation from there.

19 MS. WALTERS: Your Honor, may I approach the witness?

20 THE COURT: Uh-huh.

21 Q Now, Mr. Griffin, can you identify what I just handed  
22 you?

23 A This is a screen shot of our claims database where  
24 when a claim is filed by a customer it's housed here. This  
25 is a database I have access to as well.

Lee Griffin  
Direct examination by Ms. Walters

- 1 Q And you said you -- did you provide this?
- 2 A I did.
- 3 Q And you said that is from a Wells Fargo database?
- 4 A Correct. It's a claim made in the name of Mr. Justin
- 5 Boyce.
- 6 Q So it is a claim from the victim.
- 7 A That's correct. It's for a forged -- forged maker or
- 8 stolen check.
- 9 Q Now, are you able to tell through your research and
- 10 investigation through the database system if the victim
- 11 called Wells Fargo about the check, or did he go into the
- 12 bank? Are you able to determine that?
- 13 A He -- I don't know that just from this. He would have
- 14 more than likely -- typically, customers will go into the
- 15 branch. Then they would usually put an office on the phone
- 16 or give them the number to call to file their claim.
- 17 Q Was it more than one check listed on that claim?
- 18 A There were two.
- 19 Q And for how much money?
- 20 A Total was nineteen forty-nine -- \$1,949.
- 21 Q And does it state a reason in the database?
- 22 A The dispute reason here was forge maker's signature or
- 23 stolen check.
- 24 Q And what usually happens after this point once they
- 25 file a claim?

Lee Griffin  
Direct examination by Ms. Walters

1 A So whatever item is disputed, typically the claims  
2 agent will either pull the signature card on file, compare  
3 it to the signature on the checks in dispute or pull a  
4 comparison check, what we call a comparison check, which  
5 were checks that were not in dispute that paid against his  
6 account in the following -- in the previous statements.

7 Q So you would pull an undisputed check as the one I  
8 just showed you?

9 A Correct.

10 MS. WALTERS: Your Honor, at this time the state would  
11 move to make what has been previously marked as State's  
12 Exhibit 3 and move it into evidence.

13 THE COURT: Any objection?

14 MR. MACDONALD: No, Your Honor.

15 THE COURT: It's without objection.

16 MS. WALTERS: Thank you, Your Honor.

17 (Account printout marked State's Exhibit No. 3.)

18 MS. WALTERS: And, Your Honor, may I publish this to  
19 the jury?

20 THE COURT: Certainly.

21 MS. WALTERS: Your Honor, beg the Court's indulgence.

22 (Pause.)

23 (Copy of check No. 1096 marked State's Exhibit No. 4  
24 for Identification.)

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

Lee Griffin  
Direct examination by Ms. Walters

1 THE COURT: Yes, ma'am.

2 Q Mr. Griffin, can you tell me what it is that I just  
3 handed you?

4 A It's check No. 1097 in the amount of \$849. It's on  
5 Mr. Boyce's account made payable to a Robert K. Moss dated  
6 1/16/16.

7 Q And there's a signature there that looks like -- what  
8 does it state on the bottom? Or the signature looks like  
9 it reads -- excuse me.

10 A Appears to read Justin C. Boyce.

11 Q And you said it was made payable to the order of whom?

12 A Robert K. Moss.

13 Q And what is it dated?

14 A 1/16 of '16.

15 Q And, again, you said it was for how much?

16 A \$849, no cents.

17 Q And the reason? There's a reason for, I guess for,  
18 why the check was written on the bottom left.

19 A It appears to be -- I'm not sure if that says painting  
20 or what that says.

21 Q Now, is this a Wells Fargo check?

22 A It is.

23 Q Okay. And, again, how do you know?

24 A Based on our logo and the routing number.

25 Q And was this check maintained as part of the normal

Lee Griffin  
Direct examination by Ms. Walters

1 business-records process and operations of Wells Fargo?

2 A Yes, ma'am.

3 Q And is it a complete and accurate depiction of the  
4 original check, front and back?

5 A Yes, ma'am.

6 MS. WALTERS: Your Honor, at this time the state would  
7 like to admit what's been previously marked as State's  
8 Exhibit 2 into evidence.

9 THE COURT: Any objection?

10 MR. MACDONALD: No, Your Honor.

11 THE COURT: It's without objection.

12 (Copy of check No. 1097 marked State's Exhibit No. 2.)

13 Q Now, Mr. Griffin, were there any problems with this  
14 check being processed?

15 A There was no problems. It was actually presented for  
16 payment.

17 Q And were there any problems with this check being  
18 disputed?

19 A This was one of the disputed checks that -- in the  
20 claim that you had indicated earlier.

21 Q And how do you know that it was one of the checks?

22 A Because I obtained it from the claim.

23 MS. WALTERS: And beg the Court's indulgence.

24 (Pause.)

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

Lee Griffin  
Direct examination by Ms. Walters

1 THE COURT: Yes, ma'am.

2 MS. WALTERS: May I publish the check to the jury?

3 THE COURT: Yes, ma'am.

4 Q Mr. Griffin, can you tell me a little bit more about  
5 the back of the check?

6 A The back of the check where it's endorsed appears to  
7 have a -- what I would determine to be a South Carolina  
8 driver's license number with a phone number underneath it.  
9 It is -- appears to be stamped by the receiver or whomever  
10 cashed the check, which appears to be some type of food  
11 mart.

12 Q Pointer.

13 A So here appears to be endorsement for the payee,  
14 Mr. Moss. This here would be what I would consider the  
15 South Carolina driver's license used for authentication of  
16 who Mr. Moss was, this being a phone number he would have  
17 provided and this being the actual location of the  
18 business, food mart. Could be some store he presented for  
19 payment or cashing.

20 Q And do you know what happened with this check after it  
21 was presented for payment? Are you able to tell what  
22 happened in the line, processed?

23 A Well, we -- we returned it for the reason that he made  
24 the claim, which would have been forgery. When he filed a  
25 claim, we would have then stopped the payment and would

Lee Griffin

Direct examination by Ms. Walters

1 have returned the payment -- or the check as unpaid.

2 MS. WALTERS: Your Honor, may I approach the witness?

3 THE COURT: Yes, ma'am.

4 Q Mr. Griffin, what is it that I just handed you?

5 A This is the check No. 1096 drawn on Mr. Boyce's  
6 account number, the same as for the claim. It is this item  
7 on the screen for \$1,100 dated 1/15/2016 made payable to  
8 Robert K. Moss.

9 Q And is there a reason, again, listed on the bottom  
10 left?

11 A Again, it appears to be painting, is my -- that's what  
12 I would consider it. Not sure if that's what it says.  
13 That's what it looks like to me.

14 Q And it's the front and back image of the check?

15 A Yes, ma'am.

16 Q Is it endorsed as well?

17 A It is similar to the one on the screen here with  
18 another, with the same South Carolina D.L. here. It's the  
19 same on this check, and the phone number appears the same  
20 as well.

21 And it has the same stamp as under here that looks  
22 like Ruchi Food Mart, Inc., which was deposited at B B & T  
23 bank.

24 Q And is this a Wells Fargo check?

25 A That's correct, yes, ma'am.

Lee Griffin  
Direct examination by Ms. Walters

1 Q And, again, how do you know?

2 A It has our logo on it, and our routing number.

3 Q And was this check maintained as part of the normal  
4 business-records process and operations of Wells Fargo?

5 A Yes, ma'am, it was.

6 Q And is it a complete and accurate depiction of the  
7 original check, front and back?

8 A Yes, ma'am.

9 MS. WALTERS: Your Honor, at this time the state would  
10 like to move what has been previously marked as State's  
11 Exhibit 4 into evidence.

12 THE COURT: Any objection.

13 MR. MACDONALD: No objection, Your Honor.

14 THE COURT: Without objection, it's admitted.

15 MS. WALTERS: Thank you, Your Honor.

16 (Copy of check No. 1096 marked State's Exhibit No. 4.)

17 MS. WALTERS: May I publish it to the jury?

18 THE COURT: Yes, ma'am.

19 Q So, Mr. Griffin, you stated that this first check we  
20 look at, it's dated 1/16/2016.

21 A Yes, ma'am.

22 Q And do you know when it was cashed?

23 A We processed it or it was presented to us, whatever  
24 this date here. It should be in reverse order. I can't --  
25 looks like 1/20 maybe right up there if everybody can see

Lee Griffin

Direct examination by Ms. Walters

1 that.

2 Q 1/20/16?

3 A That's what it appears to be, yeah. I can't really  
4 see it for this angle, but that was when we would have  
5 presented -- or it would have been presented to us for  
6 payment. However, exactly when it was handed over to this  
7 location here, I don't know that.

8 MS. WALTERS: Let the record reflect that I am now  
9 showing what's been introduced into evidence as State's  
10 Exhibit 4.

11 Q This is that second check we just talked about. And  
12 that's dated a day prior.

13 A Yes, ma'am.

14 Q And when was this check processed?

15 A It looks like January the 20th as well -- 2016.

16 Q So it was processed the same day.

17 A Yes, ma'am.

18 Q Or, I guess, is that when it was paid?

19 A That's whenever, yes.

20 Q So this wouldn't be the -- necessarily the date it was  
21 cashed.

22 A No, ma'am. Whenever this company here, this business,  
23 took it in. The date at the top would be when we received  
24 it for payment or disposition.

25 Q So I may backtrack here, Mr. Griffin, Investigator

Lee Griffin  
Direct examination by Ms. Walters

1 Griffin.

2 When a check -- when a claim is filed by a customer  
3 and it's in reference to a disputed check, you had stated  
4 that it's compared to what in Wells Fargo if it's a  
5 disputed check like in this case? Is it compared to other  
6 checks?

7 A To what we call a companion check or comparison  
8 check, or their signature card.

9 Q What's a signature card?

10 A It would -- it's typically with, again, application  
11 whenever the person opens the account. It would be taken  
12 at that time by the banker.

13 Sometimes we may or may not have that on file for  
14 whatever reason, and we would just go to the previous  
15 checks that were paid undisputed.

16 MS. WALTERS: Let the record reflect I'm now  
17 publishing State's Exhibit 4 and State's Exhibit 2 that  
18 were introduced into evidence.

19 Q So in this case these are the two disputed checks,  
20 correct?

21 A That's correct.

22 Q And what happened or how were they at the claims  
23 department -- how did they investigate in reference to  
24 these checks?

25 A So when the claim would have been made they would have

Lee Griffin  
Direct examination by Ms. Walters

1 pulled the two checks in question and confirmed with  
2 Mr. Boyce that those were the two in dispute. And from  
3 there they would have pulled a comparison check, one that  
4 had been in his previous statement, to compare it to.

5 MS. WALTERS: Your Honor, may I approach the witness?

6 THE COURT: Yes, ma'am.

7 Q Mr. Griffin, the check that we originally showed you  
8 is State's Exhibit 1 that was introduced into evidence, is  
9 this the check that the claims department compared to the  
10 disputed checks or was -- is this just a check from the  
11 account holder, from the victim's account?

12 A This was contained in the claim as a comparison check.

13 Q So the investigators -- are they called investigators?

14 A Claims intake agent, yes.

15 Q The claims intake agent used this check to compare the  
16 signatures or the writing? How do they compare?

17 A Well, I mean, they'll compare everything -- the  
18 information on the maker, who it's made payable to.  
19 They'll compare this, as well as this, the actual signature  
20 on the check. The account holder is supposed to sign the  
21 check saying that this is presented to the payee.

22 Q So the claims department, the claims agent, compared  
23 what's been marked as State's Exhibit 1, the undisputed  
24 check, with this check, correct, the one on the top, 1098?

25 A That's correct.

Lee Griffin  
Direct examination by Ms. Walters

1 Q And you said they would compare the handwriting,  
2 everything about the check -- the handwriting, the  
3 signature?

4 A Correct. You know, there are several. Obviously,  
5 there are several things they can use for comparison. They  
6 can use the payee line; they can use the memo, all of this,  
7 to an undisputed check.

8 Q And they determined then that these do not match.

9 A That's correct.

10 Q This is the second check that was disputed, State's  
11 Exhibit 2, against State's Exhibit 1, the nondisputed  
12 check. And they did the same thing in this case?

13 A That's correct.

14 Q And they determined that they were not --

15 A In their opinion that the signatures were not  
16 authentic, that they were unfavorable.

17 MS. WALTERS: Beg the Court's indulgence.

18 (Pause.)

19 Q Now, Mr. Griffin, was Mr. Boyce's claim denied? You  
20 may have already gone into this a little bit.

21 A Technically speaking, it was denied, and that's just  
22 verbiage we use because Wells Fargo didn't incur a loss.  
23 Had we honored it we would have paid it, which would have  
24 meant we would have given the money back. In this case  
25 because the checks were presented at another bank we would

Lee Griffin

Direct examination by Ms. Walters

1 have had to return them to the other bank unpaid. So we  
2 didn't incur a loss.

3 Q So Wells Fargo found them unfavorable.

4 A Correct.

5 Q They did not match. And please correct me if I'm  
6 wrong. So they did not match the customer's undisputed  
7 checks, and so they denied paying the check and sent it  
8 back to the --

9 A Correct --

10 Q To the other bank.

11 A Once he -- once Mr. Boyce filed a claim they pulled  
12 the comparison based on his claim saying these are not  
13 authentic. And their comparison of the signatures, they  
14 made the decision to -- to return the checks back to Bank  
15 of America or B B & T.

16 Q Do you know if Mr. Boyce incurred the loss on these  
17 checks?

18 A He should not have, no.

19 Q So who would have incurred the loss on these checks?

20 A B B & T would have incurred the loss.

21 Q B B & T would have incurred it.

22 A Correct.

23 Q But it did process through Mr. Boyce's account  
24 originally.

25 A Correct.

Lee Griffin  
Cross-examination by Mr. MacDonald

1 Q And that's why he filed the claim?

2 A Correct. And it may have been that the -- the  
3 business, the convenience store, whomever took the check  
4 in, they most likely incurred the loss.

5 MS. WALTERS: Your Honor, just for the record, we'd  
6 again like to state that State's Exhibits 1, 2, 3 and 4  
7 were introduced and admitted into evidence.

8 THE COURT: I had one, two, three and four.

9 MR. MACDONALD: No objection.

10 THE COURT: Yes, sir.

11 MS. WALTERS: Beg the Court's indulgence.

12 (Pause.)

13 MS. WALTERS: No further questions from the state,  
14 Your Honor.

15 THE COURT: All right.

16 MR. SNYDER: One second, Your Honor.

17 (Pause.)

18 CROSS-EXAMINATION

19 BY MR. MACDONALD

20 Q Investigator Griffin --

21 A Yes, sir.

22 Q -- so besides the fact that Robert Moss signed the  
23 back of the check, you don't really know the scenario that  
24 came into play in regards to him cashing the check, is that  
25 correct?

Lee Griffin

Cross-examination by Mr. MacDonald

1 A That's correct.

2 Q So you have no idea if he was actually given authority  
3 or not to cash that check by Mr. Boyce.

4 A That's correct, absolutely.

5 MR. MACDONALD: No further questions.

6 THE COURT: All right. Anything at all over there?

7 MS. WALTERS: None from the state, Your Honor.

8 THE COURT: Sir, you may step down. Please be  
9 careful.

10 MS. WALTERS: Your Honor, may Mr. Griffin be released?

11 THE COURT: Any objection?

12 MR. MACDONALD: No objection.

13 THE COURT: Sir, you're released from your subpoena.  
14 You may stay or go, whichever you choose.

15 THE WITNESS: Thank you.

16 (Whereupon, the witness was excused.)

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

18 THE COURT: Sure.

19 (Bench conference held off the record in the presence  
20 of the jury but out of the hearing of the jury.)

21 THE COURT: Madam Forelady and ladies and gentlemen of  
22 the jury, the lawyers have consulted with me. They and I  
23 agree not to go any longer today on this particular case,  
24 that there's -- sometimes we have witnesses and sometimes  
25 they're somewhere else and they have to be here. And so we

1 need to stop at this point for logistics purposes. So  
2 we've got somebody that will be testifying, and I don't  
3 think that person is going to be with us until tomorrow.

4 Having said that, it is a little bit early, but we  
5 will go ahead and stop for the day.

6 I'm going to tell you and charge you that you are not  
7 to discuss the case with anyone whatsoever. This case is  
8 far from over. We've just gotten started on the case.

9 So don't begin deliberating about the case, not even  
10 within your own mind. Now, let me just put it this way.  
11 People say how in the world can I not talk about it in my  
12 own mind or think about it. Well, this is the way. This  
13 is work for us. Okay. And I assure you when I leave here  
14 and I go home this evening I'm am not going to be thinking  
15 about this case. Okay. So I am going to be doing  
16 something else, something I like to do besides -- and I  
17 like being at work, but I'm just saying I don't go home and  
18 think about work. And I doubt that many of you do.

19 So don't think about this. This is your job. Don't  
20 be thinking about it. Go home and enjoy your family, enjoy  
21 a meal, enjoy the ballgame, whatever it is you like to do.  
22 But don't be thinking about work.

23 So having said that, we're going to recess until in  
24 the morning at 9:00 o'clock. Now, I will be here by  
25 8:00 a.m. tomorrow morning. The lawyers will be here by

1 8:00 a.m. tomorrow morning in the event that we have  
2 anything to do.

3 For instance, it takes a few minutes to set this elmo  
4 equipment up and get the courtroom situated. So we get  
5 here early and get all of that set up ahead of time.

6 I'm going to ask you to be here before 9:00. Now,  
7 we're all adults. I'm not going to tell you to be here 15  
8 minutes early or 30 minutes early. We're all adults here.  
9 I'm just going to ask you to be ready to go at 9:00 -- at  
10 9:00.

11 I'm going to come up those steps and come into the  
12 courtroom at 9:00 o'clock sharp. And I have to have all 13  
13 of you. We cannot start if someone is tardy and we cannot  
14 start if someone is absent. So please, please, please be  
15 with us or it will delay the trial and your brothers and  
16 sisters on your jury will be looking around to see who is  
17 the person who was late. And I wouldn't want to be that  
18 person.

19 So, please, having said that, get here in the morning  
20 in time to enjoy a cup of coffee, chat with your fellow  
21 brothers and sisters on the jury, use the facilities and be  
22 ready to go.

23 So with that, Madam Forelady, I'm going to let you  
24 take your jury out and be excused from there. And I will  
25 see you all tomorrow morning at 9:00 o'clock sharp.

1           (The following takes place outside the presence of the  
2 jury.)

3           THE COURT: Mr. Moss, I understand, sir, that you are  
4 on bond and you are not incarcerated.

5           During these proceedings the way this works is once  
6 your case is called for trial -- and it has been -- you'll  
7 be taken into custody.

8           I am going to allow you to remain on bond and not  
9 be -- spend the night in the Department of Corrections. Do  
10 you understand?

11          THE DEFENDANT: Thank you, sir.

12          THE COURT: I'm extending that courtesy to your two  
13 lawyers whom I have known for a very long time. They have  
14 told me that they don't have any trouble getting in touch  
15 with you and that you've always been where they asked you  
16 to be when they asked you to be there. If they had told me  
17 that they had a problem I would take you in custody.

18          Having said that, they assured me that they don't have  
19 a problem. So I am telling you that this trial will  
20 continue tomorrow whether you're in that chair or absent.  
21 Do you understand?

22          THE DEFENDANT: Yes, sir.

23          THE COURT: Okay. Because the lawyers will be here,  
24 and if you're not here at 9:00 o'clock tomorrow when I take  
25 the bench -- now, they might tell you to be here at another

1 time. You follow their instructions. But when I take the  
2 bench at 9:00 if you're not here I will issue a bench  
3 warrant for your arrest.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Then you will be found and taken into  
6 custody until the conclusion of this trial. But this trial  
7 will continue at 9:00 o'clock tomorrow morning with you, or  
8 without.

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Okay. We understand each other.

11 THE DEFENDANT: Thank you.

12 THE COURT: All right. Anything from the solicitor?

13 MS. WALTERS: None from the state, Your Honor.

14 THE COURT: Okay. From the defense?

15 MR. MACDONALD: No, Your Honor.

16 THE COURT: Okay.

17 END OF PROCEEDINGS FEBRUARY 8, 2017

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1 (Proceedings February 9, 2017)

2 (The following takes place outside the presence of the  
3 jury.)

4 MS. WALTERS: Your Honor, may it please the Court. I  
5 have a matter I would like to address with Your Honor and  
6 the Court.

7 In reference to State's Exhibit 3 yesterday, we just  
8 want to confirm and ensure that that was properly  
9 introduced into evidence.

10 THE COURT: Madam court reporter, I've got it in.  
11 I've got it checked. I've got -- I've got one -- they were  
12 put in in this order. It was State's 1, State's 3, State's  
13 2 and State's 4.

14 MS. WALTERS: Thank you, Your Honor.

15 MR. MACDONALD: I concede.

16 THE COURT: Okay. I put a check -- I put -- I write  
17 them. And then once they come in I put a checkmark by it  
18 because sometimes they don't come in, so.

19 MS. WALTERS: Thank you, Your Honor.

20 May we approach?

21 THE COURT: Sure.

22 MS. WALTERS: We just wanted to ensure that that was  
23 properly introduced.

24 And, Your Honor, we do have another quick matter. We  
25 would also like the witnesses to be sequestered.

1 THE COURT: Any objection?

2 MS. WALTERS: Besides the defendant and victim of  
3 course.

4 MR. MACDONALD: That's fine with us.

5 THE COURT: I usually do it if somebody asks for it.

6 So, all right. Everybody who is going to be a --  
7 going to testify who hasn't already testified, the state or  
8 defense, has to leave except the agent on the case. All  
9 right.

10 (Copy of check No. 1097 marked State's Exhibit No. 5  
11 for Identification; copy of check No. 1098 marked State's  
12 Exhibit No. 6 for Identification.)

13 MR. GHENT: Your Honor, Mr. Patel is going to be the  
14 very next witness, so could he go ahead and come back in?

15 THE COURT: Yes, he can do that. But we've got -- the  
16 first thing you want, don't you have some motions? Don't  
17 we have some matters we need to take up?

18 MR. GHENT: Your Honor, after this morning --

19 THE COURT: Yes, sir.

20 MR. GHENT: -- and consultation with lead counsel,  
21 it's our understanding there's really not going to be a  
22 third-party-guilt issue. They're not pointing the finger  
23 at somebody else who's not going to be in these  
24 proceedings. Is that correct?

25 MR. MACDONALD: That's correct.

Jitu Patel  
Direct examination by Ms. Walters

1 MR. MACDONALD: Thank you, Your Honor.

2 MR. GHENT: Thank you, Your Honor.

3 THE COURT: All right. Anything else?

4 MR. MACDONALD: None from the defense, Your Honor.

5 MS. WALTERS: None from the state, Your Honor.

6 THE COURT: Okay. Are we ready, gentlemen, lady?

7 MS. WALTERS: Yes, Your Honor.

8 THE COURT: I should say lady first.

9 All right. We're ready. We'll have our jury.

10 (The following takes place in the presence of the  
11 jury.)

12 THE COURT: Madam forelady, any matters for the jury?

13 THE FOREPERSON: No, sir.

14 THE COURT: All right. Thank you.

15 MS. WALTERS: May it please the Court, Your Honor.

16 THE COURT: Yes, ma'am.

17 MS. WALTERS: The state calls its first witness of the  
18 day, Jitu Patel.

19 JITU PATEL, having been first  
20 duly sworn, testified as follows:

21 THE COURT: Sir, pull the microphone around a little  
22 bit -- that one there, the black one. And tell us your  
23 full name, and spell your last name for my court reporter.

24 THE WITNESS: My whole name is Jitendra Patel.

25 THE COURT: And last name is spelled?

Jitu Patel  
Direct examination by Ms. Walters

1 THE WITNESS: P-A-T-E-L.

2 THE COURT: Thank you.

3 MS. WALTERS: Thank you, Your Honor.

4 DIRECT EXAMINATION BY MS. WALTERS

5 Q Mr. Patel, what is your occupation?

6 A I'm a cashier in my business.

7 Q And what kind of business is it?

8 A Convenience store.

9 Q I'm sorry?

10 A Convenience store.

11 Q Convenience store. What's the name of this  
12 convenience store?

13 A Ruchi Food Mart.

14 Q Ruchi Food Mart. Where is this business located?

15 A On Asheville Highway, 8047 on Asheville Highway.

16 Q On Asheville Highway. Is that in Spartanburg County?

17 A Yeah.

18 Q And what do you sell or what is sold at that business?

19 A We sell everything like gas, beer, soft drinks,  
20 coffee, everything.

21 Q So it's a convenience store and gas station?

22 A Yeah.

23 Q And are you the owner of the business?

24 A Yeah.

25 Q Do you know the defendant, Robert Keith Moss?

Jitu Patel  
Direct examination by Ms. Walters

- 1 A Yes, ma'am.
- 2 Q How long have you known him?
- 3 A About, almost 20 something years.
- 4 Q And how do you know him?
- 5 A I know his uncle too. They used to live close to it.
- 6 Q Is he in the courtroom today?
- 7 A Yes, ma'am.
- 8 Q Can you point him out?
- 9 (whereupon, the witness pointed to the defendant.)
- 10 Q And does he have a nickname?
- 11 A No. We don't know the nickname, his whole name. I
- 12 don't know his nickname, but I know his name, whole thing.
- 13 Q So he doesn't have a nickname?
- 14 A I have no idea. I know his name is.
- 15 Q Does he come into your store?
- 16 A All time.
- 17 Q He comes in all of the time?
- 18 A Yes, ma'am.
- 19 Q How long has he been coming into your store?
- 20 A How long I have owned the store. I see him all of the
- 21 time. I know him and his uncle, everybody. His uncle
- 22 passed away, but I know him.
- 23 Q So he comes in to shop and get gas.
- 24 A Yes, ma'am. Always get the black -- the black coffee,
- 25 right.

Jitu Patel  
Direct examination by Ms. Walters

1 Q Between January 15th and January 19th did he come into  
2 your store?

3 A Yes, ma'am.

4 Q Did he come in to shop?

5 A Yes, ma'am.

6 Q What else did he do? Did he do anything else, or just  
7 shop?

8 A No. He cashed a check. He always cashed a check in  
9 my business too.

10 Q He cashed checks?

11 A Yes, ma'am.

12 MS. WALTERS: Your Honor, may I approach?

13 THE COURT: Sure.

14 Q Mr. Patel, what is it that I just handed you?

15 A Check.

16 Q Is there one or two checks?

17 A Two.

18 Q And did you give us those checks right before court?

19 A I just give it to you.

20 Q Right before we started today.

21 A Yeah.

22 Q And what -- what are they? Can you tell me about  
23 those checks?

24 A Robert cashed this check.

25 Q He cashed those checks?

Jitu Patel  
Direct examination by Ms. Walters

1 A Yes, ma'am.

2 Q Can you tell me who it's made payable to and the date  
3 numbers?

4 A Date is 1/15/2016, one of them, one, 1/16/2016.

5 Q Can you give me the information that's listed on each  
6 of those checks separately?

7 A Robert Moss, \$849; another one is Robert Moss, \$1,100.

8 Q And what are the dates that correspond with each of  
9 those amounts?

10 A I got glasses.

11 Q You can't read without glasses? Do you have your  
12 glasses with you?

13 A No. I left everything, my cell phone and everything,  
14 in car.

15 MS. WALTERS: Beg the Court's indulgence.

16 (Pause.)

17 MS. WALTERS: Your Honor, may I approach?

18 THE COURT: Sure.

19 Q So, Mr. Patel, I'm showing you what's marked,  
20 previously marked, as State's Exhibit 5. And can you tell  
21 me what this line says, it's made payable to the order of?

22 A Robert Moss?

23 Q For?

24 A Eight forty-nine.

25 Q And the date?

Jitu Patel  
Direct examination by Ms. Walters

1 A 1/16/16.

2 Q And for?

3 A Painting.

4 Q And what does it look like the signature is there?

5 A Justin -- I don't know. Something. I don't know.

6 Q And that number, does it look like -- what does it  
7 look like to you, the number?

8 A One thousand ninety-seven.

9 MS. WALTERS: And let the record reflect I'm showing  
10 what's been previously marked as State's Exhibit 6 to  
11 Mr. Patel.

12 Q Again, payable to the order of?

13 A Robert Moss, \$1,100, one thousand ninety-six,  
14 ninety-eight, something.

15 Q Okay. And the date?

16 A 1/15/2016.

17 Q For the amount?

18 A Eleven hundred.

19 Q For?

20 A Painting.

21 Q And?

22 A Adjusting gross whatever.

23 Q And, Mr. Patel, Mr. -- did Mr. Moss endorse these  
24 checks?

25 A Yes, ma'am.

Jitu Patel  
Direct examination by Ms. Walters

- 1 Q Did he do it on the back?
- 2 A Yeah. He will always sign right here. That his name,  
3 Robert Moss.
- 4 Q And did he put a driver's license?
- 5 A Something, yeah.
- 6 Q Is that the same number on each check on the back?
- 7 A No.
- 8 Q Is it the same phone number?
- 9 A Yeah. The phone number look like same, yeah.
- 10 Q And can you tell the Court what happened with these  
11 checks once you cashed them?
- 12 A He come back. I called the Robert Moss. As you say,  
13 he going to bring the money back. And the next day, I  
14 know, like, he's in jail a few days later.
- 15 Q So you called him. Did -- when you went to cash these  
16 at your bank -- where do you bank?
- 17 A B B & T.
- 18 Q You bank at B B & T. And what happened when you --
- 19 A They take about ten days to come back.
- 20 Q It takes about ten days to come back. And what  
21 happened when the checks came back?
- 22 A I called Robert Moss.
- 23 Q Why did you call Mr. Moss?
- 24 A I got phone number. Right here it is 23, what it is.
- 25 Q You called him at that number.

Jitu Patel

Direct examination by Ms. Walters

1 A Yes, ma'am.

2 Q why did you have to call Mr. Moss?

3 A They don't say like a stolen check that should known,  
4 because he do the painting job. And a lot of time people  
5 write the check and not have enough money. So I called  
6 him.

7 Q Go ahead.

8 A I called him, and he say I'm sorry, I go to his house  
9 and bring your money back. And after a few days later I  
10 see that his picture in, what, Jail Bird? Picture in jail  
11 for stolen check.

12 Q So it came back from your bank, B B & T.

13 A Yes, ma'am.

14 Q And you said not -- not sufficient funds.

15 A Yes, ma'am.

16 MS. WALTERS: Your Honor, at this time the state would  
17 like to move what's been previously marked as State's  
18 Exhibit 5 and 6 into evidence.

19 MR. MACDONALD: No objection, Your Honor.

20 THE COURT: Without objection.

21 (Copy of check No. 1097 marked State's Exhibit No. 5;  
22 copy of check No. 1098 marked State's Exhibit No. 6.)

23 MS. WALTERS: Your Honor, may I publish this to the  
24 jury?

25 THE COURT: You may.

Jitu Patel  
Direct examination by Ms. Walters

1 MS. WALTERS: Beg the Court's indulgence while I turn  
2 this machine on.

3 (Pause.)

4 Q Mr. Patel --

5 A Yes, ma'am.

6 Q -- you were telling the Court that it became -- these  
7 two checks came back nonsufficient funds.

8 A Yes, ma'am.

9 Q And did you get these from your bank?

10 A Yes, ma'am.

11 Q These checks. And it says on the top left -- what  
12 does that say?

13 A Nonsufficient funds, N.S.F.

14 Q And it's hard to tell here on this screen, but the  
15 endorsement on the back, does that have your stamp?

16 A Yeah.

17 Q When you normally take a check -- when someone brings  
18 in a check to cash, what's do you normally do? What's the  
19 normal process?

20 A We only cash if we know the people. We cash their  
21 check, by the name and everything.

22 Q So you take -- just go through with me what you would  
23 normally do if somebody that you know comes in and takes  
24 the check.

25 A I cash the Robert Moss check, not one, a bunch of

Jitu Patel  
Direct examination by Ms. Walters

1 them.

2 Q Do you normally --

3 A And then what happened, the first time that happened.

4 Q Do you normally take a driver's license?

5 A We know his whole name, and the check got a name on  
6 it. We know his name. We don't have to check his I.D.  
7 because we know his.

8 Q And in this instance you didn't check for I.D., or you  
9 did check for I.D.?

10 A No, no. I don't check his I.D. because I know his  
11 name.

12 Q Now, did you give him cash back for these checks?

13 A Yes, ma'am.

14 Q Mr. Patel, did you suffer any loss with these checks,  
15 as you stated? It came back insufficient funds. Did you  
16 suffer a loss?

17 A Yeah.

18 Q So and you stated that you called Mr. Moss.

19 A Yes, ma'am.

20 Q Did you or did you not hear back from him about these  
21 checks?

22 A He know that I already call him, and I said, man -- he  
23 said I go talk to the whoever write the check, and he going  
24 to bring me my money back. But next, few days later I see  
25 that he's in jail.

Jitu Patel  
Cross-examination by Mr. MacDonald

1 Q Did he have anyone else with him when he came to cash  
2 the check?

3 A No, ma'am.

4 Q It was just Mr. Moss.

5 A Yes, ma'am.

6 MS. WALTERS: Beg the Court's indulgence.

7 (Pause.)

8 MS. WALTERS: No further questions from the state at  
9 this time.

10 CROSS-EXAMINATION

11 BY MR. MACDONALD

12 Q Mr. Patel, you said you've known Robert Moss for  
13 20-some years.

14 A Yes.

15 Q You know -- you know his dad. You're familiar with  
16 him.

17 A His uncle and everybody.

18 Q Uh-huh. He's -- he's been in your store for these 20  
19 years, comes in all of the time.

20 A Yeah, all of the time.

21 Q He cashes checks regularly.

22 A Yes, ma'am.

23 Q And how -- do -- how -- if you just estimate, would  
24 you say like hundreds, ten, a lot of checks he's cashed in?

25 A He -- he do the painting job. A lot of people pay

Jitu Patel  
Cross-examination by Mr. MacDonald

1 him, must be cash, and a lot of people write him check,  
2 money order or whatever. He bring it to me a lot of time.  
3 His uncle too.

4 Q And you've never had any issues before any of these  
5 checks.

6 A No, never, no, never.

7 Q And, you know, the checks were for a lot of money.  
8 You wouldn't have issued -- cashed those checks if you  
9 weren't confident that it was a valid check, is that  
10 correct?

11 A Yeah.

12 MS. WALTERS: Objection, Your Honor.

13 THE COURT: What's the objection?

14 MS. WALTERS: Your Honor, he's basically testifying.  
15 The counsel is testifying.

16 THE COURT: He's on cross.

17 MS. WALTERS: Thank you.

18 THE COURT: Go ahead.

19 Q So, like I said, you wouldn't have cashed the check  
20 unless you were confident that you -- that you thought it  
21 would work out based on your history with Robert Moss  
22 cashing checks, is that correct?

23 A Robert Moss cash my store all times, yeah, because  
24 he's always do the painting work.

25 Q Right.

Dana Reaves  
Direct examination by Ms. Walters

1 A And like everybody must write him check, money order,  
2 whatever.

3 Q And no issues until -- until this.

4 A Yeah.

5 MR. MACDONALD: Nothing further, Your Honor.

6 THE COURT: Anything?

7 MS. WALTERS: Nothing from the state, Your Honor.

8 THE COURT: Sir, you may step down. Please be  
9 careful.

10 MS. WALTERS: Your Honor, may Mr. Patel be released?

11 THE COURT: Any objection?

12 MR. MACDONALD: No objection, Your Honor.

13 THE COURT: Sir, you may stay or go, whichever you  
14 choose.

15 THE WITNESS: Can I go?

16 THE COURT: Yes, sir.

17 (Whereupon, the witness was excused.)

18 MS. WALTERS: Your Honor, the state calls Deputy Dana  
19 Reaves.

20 DANA REAVES, having been first  
21 duly sworn, testified as follows:

22 THE COURT: Officer, tell us your full name, and spell  
23 your last name for my court reporter, please.

24 THE WITNESS: It's Dana Sharmen Reaves, and the last  
25 name is spelled R-E-A-V, as in Victor, E-S.

Dana Reaves  
Direct examination by Ms. Walters

1 THE COURT: Thank you.

2 THE WITNESS: Thank you.

3 THE COURT: Solicitor.

4 MS. WALTERS: Thank you, Your Honor.

5 DIRECT EXAMINATION BY MS. WALTERS

6 Q Deputy Reaves, what law enforcement agency are you  
7 employed by?

8 A Spartanburg County Sheriff's Office.

9 Q And how long have you been in law enforcement?

10 A I've been in law enforcement a little over 20 years.

11 Q Have you been with the sheriff's office for 20 years?

12 A Yes, ma'am.

13 Q What are your present duties?

14 A I am one of the desk sergeants. I work at the front  
15 desk in the main lobby of the sheriff's office.

16 Q And what were your duties as of January of 2016?

17 A My job description is pretty lengthy, but one of the  
18 things that I do is file reports for someone needing to  
19 come into the office to have a report filed.

20 Q And were you working on the day of January 20th of  
21 2016?

22 A Yes, ma'am.

23 Q What shift do you normally work at the sheriff's  
24 office?

25 A I work first shift.

Dana Reaves  
Direct examination by Ms. Walters

- 1 Q First shift.
- 2 A Yes.
- 3 Q And what is the first shift for those that don't know?
- 4 A Well, technically first shift hours are 7:30 to 4:00.
- 5 Q Did the victim, Deputy Reaves -- Mr. Justin Boyce --
- 6 did he come into the sheriff's office that day?
- 7 A He did.
- 8 Q And do you know around what time?
- 9 A Let me refer to my report. The time reported on
- 10 January 20th of 2016 was 10:53 a.m.
- 11 Q And what happened when Mr. Boyce came into the
- 12 sheriff's office?
- 13 A He came in that morning, basically, to advise that he
- 14 had two personal checks that were stolen and forged.
- 15 Q And what did he say about the checks? What were you
- 16 informed about them?
- 17 A Again, basically, he came in to advise that he had two
- 18 checks that were stolen from his residence. He lives in
- 19 Greenville County, but the two checks that were stolen and
- 20 forged were cashed at Ruchi Food Mart located at 8047
- 21 Asheville Highway in Spartanburg, South Carolina, which is
- 22 an address in Spartanburg County.
- 23 Q And what were the check amounts that he said were
- 24 forged?
- 25 A I've got one check here documented. Check No. 1096

Dana Reaves  
Direct examination by Ms. Walters

1 was written in the amount of \$1,100 and check No. 1097 was  
2 written in the amount of \$849.

3 Q Did he provide copies of those checks to you when he  
4 came in?

5 A He did.

6 Q So he didn't just state the information on the checks.  
7 He actually provided copies of the checks?

8 A Right. He did have documentation to support his  
9 complaint.

10 MS. WALTERS: Beg the Court's indulgence.

11 (Pause.)

12 MS. WALTERS: Your Honor, may I approach?

13 THE COURT: Yes, ma'am.

14 (Copy of check No. 1097 marked State's Exhibit No. 7  
15 for Identification; copy of check No. 1096 marked State's  
16 Exhibit No. 8 for Identification.)

17 Q Deputy Reaves, let the record reflect, show, that I am  
18 giving Deputy Reaves what's been previously marked as  
19 State's Exhibits 7 and 8. Can you identify those two  
20 exhibits?

21 A Yes. These are two personal checks belonging to  
22 Mr. Boyce, again, check No. 1096 and 1097. So these are  
23 the two checks that he advised had been, again, stolen and  
24 forged.

25 Q Are those fair and accurate representations of what

Dana Reaves  
Direct examination by Ms. Walters

1 Mr. Boyce brought in that day --

2 A It is.

3 Q -- to the sheriff's office?

4 A It is.

5 Q Deputy Reaves, did you try to do any research on those  
6 checks?

7 A The only thing additional that I did other than  
8 getting the copies was running the driver's license numbers  
9 indicated on the back of the checks.

10 Q And what resulted from you running those driver's  
11 license numbers?

12 A Nothing came back on either one. Okay. I was just  
13 confirming that they were two different numbers. Yeah. I  
14 ran both numbers and both of them came back not on file.

15 Q Are they the same driver's license numbers on the  
16 back, or different?

17 A No. These are two different driver's license numbers.

18 MS. WALTERS: Your Honor, at this time the state would  
19 ask to admit what's been previously marked as State's  
20 Exhibits 7 and 8 into evidence.

21 MR. MACDONALD: I never got to look at those.

22 (Pause.)

23 MR. MACDONALD: No objections, Your Honor.

24 THE COURT: Without objection, they're admitted.

25 (Copy of check No. 1097 marked State's Exhibit No. 7;

Dana Reaves  
Direct examination by Ms. Walters

1 copy of check No. 1096 marked State's Exhibit No. 8.)

2 Q Deputy Reaves, did the victim say that any more checks  
3 were stolen?

4 A Not that I can recall.

5 Q So just those two checks --

6 A Just -- yes, ma'am.

7 Q -- that he provided to the sheriff's office. What  
8 else was informed after speaking with the victim when he  
9 was filing a report?

10 A As it pertains to the checks or you're referring to  
11 additional?

12 Q Additional, well, additional information.

13 A The only thing additional pretty much that he  
14 advised -- I mean, he just -- he gave information as to who  
15 he suspects was responsible for the stolen checks. But  
16 other than that, that's pretty much it.

17 Q Did he write a written statement?

18 A He did.

19 Q Did it confirm what he told you verbally?

20 A Yes, ma'am.

21 Q And did he also provide any bank paperwork?

22 A He did.

23 (Account application marked State's Exhibit No. 9 for  
24 Identification; summary marked State's Exhibit No. 10 for  
25 Identification.)

Dana Reaves  
Direct examination by Ms. Walters

1 MS. WALTERS: Your Honor, may I approach?

2 THE COURT: Yes, ma'am.

3 MS. WALTERS: Let the record reflect I'm showing  
4 Deputy Reaves what's been previously marked as State's  
5 Exhibits 9 and 10.

6 Q Deputy Reaves, can you identify those documents?

7 A These are copies of Mr. Boyce's banking statement.

8 Q Are those documents that he provided to the sheriff's  
9 office?

10 A Yes, ma'am. This would have been documentation  
11 provided on the day of the report.

12 Q Now, in reference to the second exhibit, the second  
13 document, is that another bank document?

14 A Yes, ma'am.

15 Q And what is that second document?

16 A Well, the second document is going to be a summary --  
17 well, it's referred to as a customized summary versus an  
18 actual statement itself.

19 Q A summary?

20 A You referring to Exhibit 10?

21 Q Yes.

22 A Yes. Basically just referred to as a summary, a  
23 customized summary of his visit.

24 Q And those are fair and accurate representations of the  
25 bank paperwork that Mr. Boyce provided to the sheriff's

Dana Reaves  
Direct examination by Ms. Walters

1 office?

2 A Yes.

3 MS. WALTERS: Beg the Court's indulgence.

4 THE COURT: Yes, ma'am.

5 (Pause.)

6 Q Deputy Reaves, I'm going to backtrack to what the  
7 victim informed you. Who did he suspect as suspects in  
8 this case?

9 MR. MACDONALD: Objection. This is hearsay.

10 THE COURT: Solicitor.

11 MS. WALTERS: Your Honor, the officer, Deputy Reaves,  
12 is just -- what she's going to be -- obviously, what she  
13 heard or she was informed in reference to filing the report  
14 and doing an investigation is information she received from  
15 the victim in order to start her case file. And it's  
16 not for the matter of the truth asserted. That was just  
17 information he was giving to officers in reference to  
18 helping start a report.

19 MR. MACDONALD: They're using the victim's statement  
20 to prove the truth of the matter asserted.

21 THE COURT: Do what, now?

22 MR. MACDONALD: They're using the defendant's  
23 statement to prove the truth of the matter asserted.

24 THE COURT: Is he going to testify?

25 MS. WALTERS: Your Honor, he is going testify. We're

Dana Reaves  
Direct examination by Ms. Walters

1 not putting in a written statement.

2 THE COURT: They're not putting the written statement  
3 in but I'm -- it's overruled. She can testify to what he  
4 said.

5 He's going to testify, right?

6 MS. WALTERS: Yes, Your Honor.

7 THE COURT: Okay.

8 A I'm sorry. Can you repeat the question? I'm sorry.

9 Q That's all right, Ms. Reese.

10 The victim, Mr. Boyce, had given information when he  
11 filed the report, and he informed the sheriff's office who  
12 he thought would be possible suspects. Could you go into  
13 that, what you were informed?

14 A Right, yeah. He informed me that a Shannon Skates was  
15 the person that he suspected to be responsible.

16 Q And why? Could you elaborate into that or why he  
17 would have suspected?

18 A I don't recall the reason as to why he, you know,  
19 provided information pertaining to her as the person  
20 responsible or what the relationship was between him and  
21 Ms. Skates.

22 MS. WALTERS: Beg the Court's indulgence.

23 (Pause.)

24 Q Deputy Reaves, did Mr. Boyce say that there was a  
25 relationship to the defendant in this case, between

Dana Reaves

Cross-examination by Mr. MacDonald

1 Ms. Skates and Mr. Moss?

2 A Yes. He indicated that Ms. Skates was a friend of  
3 Mr. Moss. I just don't recall per se what his -- what Mr.  
4 Boyce's relationship was to Ms. Skates.

5 MS. WALTERS: Beg the Court's indulgence.

6 (Pause.)

7 MS. WALTERS: No further questions at this time for  
8 this witness.

9 CROSS-EXAMINATION

10 BY MR. MACDONALD

11 Q Just to be clear. You stated that you were told that  
12 Mr. Boyce suspected Shannon Skates of stealing his  
13 checkbook?

14 A Well, yes. Well, he suspected her of writing the  
15 checks, not -- he didn't indicate as far as her stealing  
16 the checks, just her being the person responsible for  
17 writing the checks.

18 Q But he told you that his entire checkbook was stolen  
19 from his car, isn't that correct?

20 A The only information that was given to me at the time  
21 was two personal checks.

22 Q I'm going to hand you his voluntary statement to read  
23 to refresh your recollection.

24 A Okay.

25 MR. GHENT: We didn't get to read it.

Dana Reaves  
Cross-examination by Mr. MacDonald

1 MR. MACDONALD: I'm sorry.

2 MR. GHENT: That's okay.

3 (Pause.)

4 Q This portion right here, can you just read that to  
5 refresh your recollection?

6 (Pause.)

7 A I'm trying to -- the check here -- oh, the check --  
8 okay. I'm sorry. The checkbook. I can't make out the  
9 whole sentence here. I guess that word is "was". The  
10 checkbook that was stolen out of my car.

11 Q Uh-huh.

12 A Okay.

13 Q Thank you.

14 He provided that in his voluntary statement to you, is  
15 that correct?

16 A Right, uh-huh.

17 Q And only two checks from that checkbook were ever  
18 cashed.

19 A To my knowledge.

20 Q To your knowledge.

21 A To my knowledge, yes.

22 Q Now, going back, he suspected Shannon Skates. Did you  
23 know he knew Shannon Skates?

24 A No.

25 Q Did you ever arrest Shannon Skates?

Dana Reaves  
Redirect examination by Ms. Walters

1 A No.

2 Q Was there anyone in contact with Shannon Skates once  
3 you were given that -- her as a suspect?

4 A No, sir, not on my end.

5 Q Now, the checks that were cashed, they were dated the  
6 15th and the 16th of 2016.

7 A Yes, sir.

8 Q And the check fraud was not reported until the 20th,  
9 is that correct?

10 A That's correct, yes. The report was filed on the  
11 20th.

12 Q And between the 16th and the 20th there were no more  
13 checks that were allegedly cashed.

14 A Not to my knowledge.

15 Q Okay.

16 MR. MACDONALD: No further questions, Your Honor.

17 THE COURT: Anything?

18 MS. WALTERS: Brief, Your Honor.

19 REDIRECT EXAMINATION

20 BY MS. WALTERS

21 Q Deputy Reaves, per your job description, do you do  
22 arrest warrants?

23 A No, I don't.

24 Q Do you just take reports at the desk?

25 A Yes, ma'am.

Dana Reaves  
Redirect examination by Ms. Walters

1 Q And then what happens after you make that initial  
2 report?

3 A Once a report is filed it's approved by another  
4 supervisor, and then it's forwarded up to investigations  
5 and assigned to a detective.

6 Q So you wouldn't do any further research.

7 A No, ma'am.

8 Q And, Deputy Reaves, can you tell me on those checks  
9 that are dated 1/15 and 1/16, when were the checks posted  
10 on Mr. Boyce's account?

11 A I'm not sure what dates they were actually -- they  
12 actually posted.

13 MS. WALTERS: Your Honor, may I approach the witness?

14 A Oh, I'm sorry. I'm sorry. I found it. The check  
15 that was written on the 15th was posted on his -- oh, I'm  
16 sorry. Posted to his account on the 19th. And the one  
17 written on the 16th was also posted to his account on the  
18 19th.

19 Q And he came into the sheriff's office.

20 A On the 20th.

21 Q At what time?

22 A That time was 10:53 a.m.

23 MS. WALTERS: No further questions, Your Honor.

24 THE COURT: Anything?

25 MR. MACDONALD: No, Your Honor.

Justin Boyce  
Direct examination by Ms. Walters

1 THE COURT: You may step down. Please be careful.

2 MS. WALTERS: Your Honor, may we approach? Your

3 Honor, may Deputy Reaves be excused, please?

4 THE COURT: Any objection?

5 MR. MACDONALD: No objection.

6 THE COURT: You may be.

7 (whereupon, the witness was excused.)

8 (Bench conference held off the record in the presence  
9 of the jury but out of the hearing of the jury.)

10 THE COURT: Solicitor.

11 MS. WALTERS: Thank you, Your Honor.

12 The state's next witness is Justin Boyce.

13 JUSTIN BOYCE, having been  
14 first duly sworn, testified as follows:

15 THE COURT: Sir, tell us your full name, and spell  
16 your last name for my court reporter, please.

17 THE WITNESS: My name is Justin Cole Boyce. Boyce,  
18 B-O-Y-C-E.

19 THE COURT: Thank you.

20 Solicitor.

21 MS. WALTERS: Thank you, Your Honor.

22 DIRECT EXAMINATION BY MS. WALTERS

23 Q Justin, how old are you?

24 A I am 19 years old.

25 Q And what do you do for a living?

Justin Boyce  
Direct examination by Ms. Walters

- 1 A I am in road construction.
- 2 Q And where do you currently live?
- 3 A Taylors, South Carolina.
- 4 Q Where did you live as of January of last year, 2016?
- 5 A Taylors, South Carolina.
- 6 Q So you lived in the same place?
- 7 A Yes.
- 8 Q Now, do you live alone, or does someone live with you?
- 9 A I live with my father.
- 10 Q And at that time in January of last year what were you
- 11 doing? What -- were you doing the same job?
- 12 A I didn't -- I was unemployed.
- 13 Q You were unemployed. And what do you plan to do for
- 14 the future? What are your -- what's your goal for the
- 15 future?
- 16 A I'd like to join the National Guard and eventually
- 17 become an I.C.U. nurse.
- 18 Q How often do you work now?
- 19 A Monday through Friday and sometimes Saturdays.
- 20 Q So you work a lot.
- 21 A Yes.
- 22 Q Now, Justin, what happened on January the 19th or
- 23 January 20th when you went to file a report?
- 24 A Well, I had woken up about 9:00 o'clock, and me and my
- 25 dad were going to go eat somewhere. And he'd asked if I

Justin Boyce  
Direct examination by Ms. Walters

1 had money. So I checked my bank account and noticed that I  
2 was -- I was already negative \$140. And with those two  
3 checks I was over negative two thousand. So I had called  
4 my mother, and she drove me to the Greenville police  
5 station. And since the checks were cashed in Spartanburg,  
6 we had to drive to the Spartanburg police station.

7 Q How did you know -- so you weren't working at the  
8 time.

9 A No.

10 Q And how did you know that you were negative? You  
11 checked your account?

12 A I had overdrawn so I could have food and gas money.

13 Q How did you know that you were overdrawn more on this  
14 day?

15 A I had the Wells Fargo app, and I logged in to check  
16 and see, and that's when I noticed that I was negative.  
17 The extra nineteen or one thousand, nine hundred forty  
18 something -- however much the checks added up to be.

19 Q \$1,949?

20 A Yes.

21 Q And did you look to see why you were overdrawn? Did  
22 you go into, you know, why you were overdrawn that much?  
23 Can you elaborate?

24 A Yes. There -- I had -- it let me look that there were  
25 two checks posted, and that's how I saw that Robert Moss

Justin Boyce  
Direct examination by Ms. Walters

1 had cashed two checks.

2 Q Did you write those checks?

3 A No, I did not.

4 Q So after you saw those two checks, what did you do?

5 A I called my mother and we immediately went to -- or we  
6 went to the Wells Fargo branch closest to my house, and we  
7 got a check that I had written plus the two fraud checks  
8 and my bank statements, and then we immediately went to the  
9 Greenville police station.

10 Q How much time after you noticed the depletion in your  
11 account and those checks present was it? What was the time  
12 duration from the time you saw what was in your account to  
13 the time you went to the sheriff's office?

14 A I immediately called my mother, and then to the bank  
15 and there, so it's probably about 30 minutes.

16 Q And you went to the bank in Taylors?

17 A Yes.

18 Q Do you know the defendant, Robert Moss?

19 A I do.

20 Q Is he in the courtroom today?

21 A Yes.

22 Q Can you point him out?

23 (whereupon, the witness responded.)

24 Q Can you explain to the Court and to the jury how you  
25 know Mr. Moss?

Justin Boyce  
Direct examination by Ms. Walters

1 A I was dating a female, Ashley, through her best  
2 friend, Taylor.

3 Q And what's Ashley's last name?

4 A Starts with a P. I couldn't...

5 Q And how long did you date Ashley?

6 A About a week.

7 Q You dated her for about a week. How did you meet  
8 Ashley?

9 A The on-line dating app.

10 Q And I'll let you continue on how -- on your story.

11 A We had talked, texted, and we talked on the phone, and  
12 she said that she wanted to meet. So I think it was one or  
13 two days later I drove up to Forest City, North Carolina,  
14 where they were staying, and we hung out.

15 Q And how did you get to know Mr. Moss through Ashley?

16 A A few days of me hanging out with her and met her  
17 friend Taylor. She was dropped off by Mr. Moss in a Q.T.  
18 parking lot. That's the first time I met him. I met him  
19 again. He'd come over to hang or to hang out with  
20 Ms. Shannon Skates, Ashley's mother.

21 And then the last time I saw him we were at one of Ms.  
22 Skate's friend's house -- me, Ashley, Taylor, Mr. Moss,  
23 Skates and the owner the house. And after that I never saw  
24 them again.

25 Q So this was within a week timeframe.

Justin Boyce  
Direct examination by Ms. Walters

1 A Yes.

2 Q And when was the last time that you saw your -- saw  
3 Ashley and Mr. Moss?

4 A I want to say it was the 13th of January of 2016. It  
5 was at night, and I had went home after hanging out with  
6 them.

7 Q And why are you saying you think it's the 13th?

8 A Because that is when a status was posted about us not  
9 being together any more. And after we weren't together, we  
10 didn't hang out.

11 Q And so you haven't hung out with Ashley or seen  
12 Mr. Moss since?

13 A No.

14 Q What happened that last day that you were with Ashley?

15 A We were just hanging out. Me, Ashley and Taylor were  
16 in one part of the house, and all of the adults were in one  
17 part.

18 Q And who else -- who were the adults that were there?

19 A That would be Mr. Moss and Ms. Skates and the owner of  
20 the house. I don't remember his name.

21 Q And where was this house?

22 A It was borderline, North Carolina, borderline. I  
23 couldn't give you the exact city, but borderline North  
24 Carolina and borderline South Carolina.

25 Q Did y'all meet there or --

Justin Boyce  
Direct examination by Ms. Walters

1 A Ashley and Taylor had rode with me. Ms. Skates rode  
2 with Mr. Moss.

3 Q Did you meet Ashley at her house before or --

4 A Yes. And, well, it wasn't really her house. It was  
5 Ms. Skates' friend, Brenda's, house. And that's where they  
6 were staying at the time. I don't know if they're still  
7 staying there.

8 Q So you left Brenda's house and went to this owner's  
9 house.

10 A Yes, yes.

11 Q How long were you there?

12 A I would say three or four hours.

13 Q You were there for three or four hours. What were you  
14 doing at the house?

15 A They had a wee. We would play on that, or we'd go and  
16 talk, just sit around, play on our phones.

17 Q Is this what you were doing at the owner's house --

18 A Yes.

19 Q -- that last night?

20 A Yes.

21 Q And at any time did you leave? Did you stay the whole  
22 duration?

23 A No. They had a kerosene heater because it was  
24 January. It was cold. So me and Ashley had rode to the  
25 nearest gas station to get kerosene for that heater.

Justin Boyce  
Direct examination by Ms. Walters

1 Q How long would you say you were gone?

2 A Ten to fifteen minutes.

3 Q You were gone about ten or fifteen minutes. And at  
4 that time did you have any of your property that was at the  
5 home, or was your property with you always?

6 A I had left my backpack which had my clothes and one of  
7 my checkbooks in it, the one that is missing.

8 Q So it wasn't in your car.

9 A No. My other -- I originally had five checkbooks,  
10 four of which were in my glove compartment, and one was in  
11 my backpack.

12 Q Are you talking -- when you say a -- like the box that  
13 the banks send you?

14 A Yes, the original five starter checks.

15 Q And you -- so you had, I guess, four of the box in  
16 your car, and you said one checkbook in your book bag.

17 A Yes.

18 Q Why did you have the checkbook in your book bag and  
19 the others in the car?

20 A Me and my friends had taken a hiking trip, and I had  
21 my checkbook for emergency cases only. It was in my  
22 backpack that we went hiking with. And I guess I forgot  
23 that it was in there. We took a trip up to one of the  
24 mountains in North Carolina. I can't remember which one,  
25 but there's a campsite and a hiking trail.

Justin Boyce  
Direct examination by Ms. Walters

1 Q So you had left your book bag.

2 A At the owner's house while we went to go get kerosene.

3 Q And it had your checkbook in it.

4 A Yes.

5 MS. WALTERS: May I approach?

6 THE COURT: Yes, ma'am.

7 MS. WALTERS: Let the record reflect I'm showing  
8 what's been previously admitted into evidence as State's  
9 Exhibit 1.

10 Q Justin, can you tell me what that is?

11 A Yes. This is the check I wrote to the treasurer for  
12 my taxes on my car.

13 Q And you provided that to the sheriff's office?

14 A Yes.

15 Q There's not a problem with this check, correct? You  
16 wrote this check.

17 A Right. That is my handwriting and my signature.

18 Q And you wrote this -- what date does that say?

19 A That is November 3rd of 2015.

20 Q So this is about three months, two-months-ish, before  
21 this incident.

22 A Yes.

23 MS. WALTERS: Let the record reflect that I'm showing  
24 what's been previously admitted into evidence as State's  
25 Exhibits 2 and 4.

Justin Boyce  
Direct examination by Ms. Walters

- 1           Beg the Court's indulgence -- 7 and 8.
- 2   Q     Justin, can you tell me what I just handed you?
- 3   A     Yes. These are the two fraudulent checks cashed by
- 4   Mr. Moss. That would be check 1096 and check 1097.
- 5   Q     Did you write those checks?
- 6   A     I did not.
- 7   Q     Did you sign those checks?
- 8   A     I did not. I don't put my middle initial when I sign
- 9   the name, nor is that my handwriting.
- 10   Q     Did you ask Mr. Moss to paint anything for you?
- 11   A     I did not.
- 12   Q     When did it state that these checks posted to your
- 13   account?
- 14   A     It would have been the 19th.
- 15   Q     And these are the copies that you provided to the
- 16   sheriff's office?
- 17   A     They are.
- 18   Q     Justin, what is your middle name?
- 19   A     Cole.
- 20   Q     It's Cole. Is there a reason you don't put your
- 21   middle initial when you sign?
- 22   A     There's not -- I've always signed it Justin Boyce.
- 23   The only time I had was with the military papers because
- 24   you're required to.
- 25           MS. WALTERS: Beg the Court's indulgence.

Justin Boyce  
Direct examination by Ms. Walters

1 (Pause.)

2 MS. WALTERS: Let the record reflect I'm showing  
3 what's been previously marked as State's Exhibits 9 and 10.

4 Q Justin, can you tell me what those items are?

5 A Yes. Exhibit 9 would be my account application  
6 through wells Fargo and Exhibit 10 would be the customized  
7 summary of my visit.

8 Q When did you open your account with wells Fargo?

9 A It says May 26th of 2015.

10 Q And then those checks were posted in your account  
11 according to the wells Fargo customer copy.

12 A Of this. These are posted January 15th of 2016 and  
13 January -- 16th of January of 2016.

14 Q They're dated. And then but they posted to your  
15 account on this day.

16 A The 19th.

17 Q The 19th. And Exhibit...

18 MS. WALTERS: Your Honor, may I approach?

19 THE COURT: Yes, ma'am.

20 Q Exhibit 10, your summary of your visit, can you  
21 explain more about this?

22 A There was an account researched that the statement  
23 says to give the -- "Researched a specific item related to  
24 your banking relationship. If you have any additional  
25 questions, please contact me at the number listed below."

Justin Boyce  
Direct examination by Ms. Walters

1 This was when I had gone and stated that I had fraudulent  
2 checks been cashed.

3 Q Did you go to the sheriff's office first or did you go  
4 to your bank?

5 A No. I went to the bank to have this paperwork to  
6 prove that it was fraudulent.

7 Q And so you actually went in, physically into the  
8 branch location.

9 A Yes.

10 Q You didn't call them.

11 A No.

12 Q And is that reflected in that document in Exhibit 10?

13 A Yes.

14 Q And who did you speak with at the bank?

15 A That would be a Ms. Christina Tickle.

16 Q And what date? Is it reflected on your state -- your  
17 summary of your visit?

18 A January 20th of 2016.

19 Q Are these fair and accurate representations of what  
20 you produced to the sheriff's office?

21 A Yes.

22 Q And these are actually your records that you got from  
23 your bank?

24 A Yes.

25 MS. WALTERS: Your Honor, at this time the state would

77

Justin Boyce  
Direct examination by Ms. Walters

1 move, like to introduce, what's been previously marked as  
2 State's Exhibits 9 and 10 into evidence.

3 THE COURT: Any objection?

4 MR. MACDONALD: No objection.

5 THE COURT: Okay. Without objection.

6 (Account application marked State's Exhibit No. 9;  
7 summary marked State's Exhibit No. 10.)

8 MS. WALTERS: Beg the Court's indulgence.

9 (Pause.)

10 Q Justin, how many times did you see Ashley in that  
11 week? Let me backtrack a little bit.

12 A For the entire week probably five or six times. Five  
13 or six days I had seen her out of that week.

14 Q And you stated that you only knew or actually had only  
15 visited with Ashley for a week. And how many times did you  
16 see Mr. Moss in that period?

17 A Let's see. Two or three days out of that week.

18 Q So you knew him a week or less as well.

19 A Yes.

20 Q And how long each time did you interact and hang out  
21 with Mr. Moss, the defendant?

22 A The first time is very brief. He was dropping Taylor  
23 off. I would say it took -- I saw him for five minutes.

24 The next night when he'd come to see Ms. Skates, he  
25 was there, I would say, five hours.

Justin Boyce  
Direct examination by Ms. Walters

1           And then the last night of being at the unknown  
2 person's house, he was there the entire time I was there,  
3 and we were there for about three or four hours.

4 Q     And I know the last time that you said -- the adults  
5 and the younger adults were separated. How many times in  
6 this small window of those three times did you have an  
7 opportunity to actually talk to Mr. Moss?

8 A     I didn't really approach to talk to him. I mean, I  
9 can't really remember a conversation we had.

10 Q    Did you interact more with the younger adults?

11 A    Ashley and Taylor.

12 Q    Ashley. And anybody else?

13 A    I'd sometimes talked with Ms. Skates, but I was there  
14 to hang out with Ashley. So that's really who I talked to.

15 Q    So you didn't really have conversations with Mr. Moss,  
16 the defendant.

17 A    No.

18 Q    You were -- so you were there. What was your purpose  
19 for actually being up there with Ashley and Mr. Moss and  
20 Taylor and Ms. Skates?

21 A    Well, me and Ashley were dating, so if her and her  
22 mother wanted to go here, I had a car. They didn't.  
23 Mr. Moss had a truck. So I drove the younger adults and he  
24 drove Ms. Skates. So it was really to hang out together.

25 Q    To hang out with whom?

Justin Boyce  
Direct examination by Ms. Walters

- 1 A Ashley.
- 2 Q Ashley. Did you know what Mr. Moss did for a living?
- 3 A Based on his truck. He had ladders, and he was
- 4 covered in paint. So my assumption was that he painted.
- 5 Q So he wasn't an artist like painting canvases.
- 6 A No.
- 7 Q He's an actual house painter.
- 8 A Yes.
- 9 Q Did you ever talk with him about painting houses?
- 10 A No.
- 11 Q Do you own your home that you live with with your dad?
- 12 A We rent.
- 13 Q You rent. Did you or your dad need anything that
- 14 needed painting?
- 15 A At one point, yes. My room used to be a little girl's
- 16 room, so it was pink. We got it painted to a light shade
- 17 of gray.
- 18 Q But you painted that.
- 19 A Our -- the owner of the house had, specifically had,
- 20 somebody do it that he had known and did a good job. So
- 21 that's who did our painting.
- 22 Q Okay. Does the owner or the landlord, I should say,
- 23 does he allow you to hire people to paint?
- 24 A No. It had to be that person.
- 25 Q So the landlord hired someone to paint your bedroom.

Justin Boyce  
Direct examination by Ms. Walters

- 1 A Yes.
- 2 Q How long -- was this during this interaction, or is
- 3 this before all of this happened?
- 4 A It was before.
- 5 Q How much before?
- 6 A Two or three weeks.
- 7 Q Two or three weeks before you met Ashley?
- 8 A Yes.
- 9 Q And met Mr. Moss?
- 10 A Yes.
- 11 Q Was it really cold last January --
- 12 A Yes.
- 13 Q -- during this time?
- 14 A Especially in North Carolina, yes.
- 15 Q So Mr. Moss and Ashley and Shannon Skates and Taylor,
- 16 they all lived in that North Carolina area.
- 17 A Yes.
- 18 Q How far away was that from your house?
- 19 A Forest City is about an hour-and 15-minute drive from
- 20 my house.
- 21 Q Now, the checks say that these are for painting.
- 22 A Yes.
- 23 Q Did Mr. Moss come do any painting for you?
- 24 A No.
- 25 Q Obviously, it's super cold. And how far away do you

Justin Boyce  
Direct examination by Ms. Walters

1 live from Mr. Moss? Well, not Mr. Moss, but Ashley and her  
2 family.

3 A An hour and 15 minutes roughly.

4 Q It's an hour and 15 minutes away. And you didn't need  
5 any indoor painting?

6 A No.

7 Q And outdoor painting in the winter. You didn't need  
8 any outdoor painting.

9 A No.

10 Q Who pays the -- the rent at your house?

11 A Me and my father.

12 Q Now, at that time did you pay the rent in January of  
13 last year?

14 A No. I helped him whenever I could to make up for not  
15 being employed. So I would drive him places he needed to  
16 be, do things with the dog if he was busy, stuff like that.

17 Q So you didn't work, right?

18 A Not at that time.

19 Q So you didn't work and your -- I'm just wanting to  
20 make sure I got this correct. Your dad was paying the  
21 rent.

22 A Yes.

23 Q And you were helping him out as much as you could.

24 A Yes.

25 Q Because you didn't have a job.

Justin Boyce  
Direct examination by Ms. Walters

1 A Yes.

2 Q And you didn't ask Mr. Moss to do any indoor painting.

3 A No.

4 Q Or outdoor painting.

5 A No, ma'am.

6 Q Would you have had the authority to ask Mr. Moss to  
7 come and paint?

8 A No.

9 Q And what are the landlord's rules on anything to the  
10 home?

11 A It has to be by him and he wants to know the person  
12 that's doing it.

13 MS. WALTERS: Beg the Court's indulgence.

14 THE COURT: Yes, ma'am.

15 (Pause.)

16 MS. WALTERS: Beg the Court's indulgence.

17 (Pause.)

18 Q Justin, were you taught cursive --

19 A In school, no.

20 Q -- in school?

21 A That's why my "J" looks like it does, because I don't  
22 know how to do the loop and all of that.

23 Q when did you graduate?

24 A 2015.

25 Q Did they teach you just to print?

Justin Boyce  
Direct examination by Ms. Walters

1 A Yes. I mean, I came from -- I went when I was younger  
2 in first grade in Texas. We kind of learned, not any real  
3 cursive.

4 Q So you were not learned in school to write cursive.

5 A No. I was not.

6 Q And on your check here -- have it all printed and then  
7 a cursive signature or attempt to cursive.

8 A Yeah.

9 Q And, again, how did you learn to try the cursive?

10 A I mean, I'd looked up on line, like I could type it in  
11 in word and see how my name was supposed to be in cursive.  
12 And I just practiced, and that's the best I can do. And my  
13 print, my signature, still looks like that.

14 Q But do you normally print all of your --

15 A Yes. Everything I write is printed.

16 Q Justin, I have one more question for you.

17 Did Mr. Robert Keith Moss paint anything for you?

18 A Not a single thing.

19 MS. WALTERS: No further questions from the state at  
20 this time, Your Honor.

21 THE COURT: Get the lights back up, please. Thank  
22 you.

23 Madam forelady, ladies and gentlemen of the jury, I  
24 don't want to keep you. You've been here a little over an  
25 hour, but we've been here longer than that. So we're going

1 to take about a 15-minute break.

2 In the meantime, Madam Forelady, when you take the  
3 jury out don't anybody talk about the case; don't discuss  
4 the case; don't deliberate about the case.

5 This will be your morning break, so enjoy the  
6 facilities. If you want some more coffee or something, or  
7 water, we have that, and I don't know if there are any  
8 snacks back there at all. But if so, you can avail  
9 yourself of that. Or if you need something, ask one of  
10 these gentlemen with the red coats and they'll be happy to  
11 accommodate you.

12 Now, with that, we'll see you in about 15 or 18  
13 minutes.

14 (The following takes place outside the presence of the  
15 jury.)

16 THE COURT: Sir, I'm going to allow you to leave the  
17 stand during the break. You may use the facilities, go  
18 drink water, coffee, whatever you'd like.

19 You cannot talk with anyone about your testimony.  
20 Okay.

21 THE WITNESS: Okay.

22 THE COURT: But you may step down. About ten minutes  
23 till, please be right there.

24 MR. GHENT: Your Honor, would you please emphasize  
25 that to him? He's young. I want him to understand that's

1 nobody.

2 THE COURT: I understand.

3 You -- you can't talk to anybody on the break. Okay.  
4 Just don't talk to anybody. Just -- just go enjoy the  
5 facilities, get something to drink or whatever. Be back in  
6 here about ten till.

7 THE WITNESS: Okay.

8 MR. GHENT: Once he's out, Your Honor, I'd like to put  
9 something on the record.

10 THE COURT: All right.

11 (Pause.)

12 THE COURT: Yes, sir.

13 MR. GHENT: A trial ain't golf. You don't get  
14 mulligans, but I would like to explain one thing.

15 Your Honor, when I said talking I was looking -- had a  
16 senior moment. I knew I wanted it. This is to amend the  
17 record simply for purposes of going forward.

18 My objection to counsel's questioning, or rather my  
19 colleague's objection to counsel's questioning, I got out  
20 the word he's testifying, and I'm sitting here going he was  
21 testifying as to character.

22 And the objection was that it's known, was known  
23 previously, and it's still the law under Rule 16 -- 608(a).  
24 It's called accrediting the witness. Until the witness has  
25 had his character put into issue, 608(a) reads, "Opinion

1 and Reputation Evidence of Character. The credibility of a  
2 witness may be attacked or supported by evidence in the  
3 form of opinion or reputation, but subject to these  
4 limitations: (2) Evidence of truthful character is  
5 admissible only after character of the witness for  
6 truthfulness has been attacked by opinion or reputation  
7 evidence or otherwise."

8       There had been no such attack. That was the objection  
9 I was trying to get across. It's kind of like watching a  
10 plane coming in backwards and upside down for a landing.

11       It doesn't look right -- and I had a senior moment --  
12 for future reference would like to object to any such  
13 questioning, because he was suggesting how he had never had  
14 any problems with any of the checks or the credibility or  
15 the reputation of the defendant. Thank you, Your Honor.

16       MR. MACDONALD: Just to clarify. It was their witness  
17 and he -- they brought it up during direct. And I am  
18 allowed to cross -- to question anything that was mentioned  
19 on direct. He mentioned it on direct, so I have a right to  
20 ask about it on cross.

21       THE COURT: All right. Well, it's in the record as it  
22 is anyway, and we can't unring the bell. But thank you for  
23 bringing that to my attention.

24       Anything else?

25       MR. GHENT: Thank you, Your Honor.

Justin Boyce  
Cross-examination by Mr. MacDonald

1 (Whereupon, a recess was taken.)

2 THE COURT: Are you ready?

3 MR. MACDONALD: Yes.

4 THE COURT: Ready?

5 MS. WALTERS: Yes, Your Honor.

6 THE COURT: We'll have our jury.

7 (The following takes place in the presence of the  
8 jury.)

9 THE COURT: Madam Forelady, any matters for the jury?

10 THE FOREPERSON: No, sir.

11 THE COURT: Everybody's good.

12 THE FOREPERSON: Everybody's good.

13 THE COURT: Yes, sir.

14 CROSS-EXAMINATION

15 BY MR. MACDONALD

16 Q Mr. Boyce, on January 20th of last year, that's when  
17 you filed the report at the police station, is that  
18 correct?

19 A Yes.

20 Q You wrote a written statement, is that correct?

21 A Correct.

22 Q In that statement you said that you believed the  
23 checks were stolen from your vehicle, is that correct?

24 A I did write that, yes.

25 Q Yes. So you wrote that. You never mentioned the

Justin Boyce  
Cross-examination by Mr. MacDonald

1 backpack in that written statement, did you?

2 A No. I didn't.

3 Q You're only mentioning the backpack today. You're  
4 only mentioning that you left the backpack behind today, is  
5 that correct?

6 A That is correct.

7 Q So why didn't you tell the police station that?

8 A Because I wasn't thinking about it. I was angry that  
9 it happened. And I knew that my checks, at least four of  
10 them, were in my car.

11 Q So you only told them -- so you're only thinking about  
12 it. You weren't thinking about it then.

13 Okay. So next. You're talking about an incident  
14 where you were hanging out with Taylor, Ashley. And there  
15 are adults also there, which was, I believe, you said  
16 Shannon, Robert. And it was at someone's house, is that  
17 correct?

18 A That is correct.

19 Q And what were you -- you said you were talking with  
20 Taylor and Ashley, hanging out, playing on your phones,  
21 that sort of thing.

22 A Uh-huh.

23 Q Doing any partying?

24 A Partying?

25 Q Partying, yeah.

Justin Boyce  
Cross-examination by Mr. MacDonald

1 A No.

2 Q Smoking any weed?

3 A I don't smoke weed.

4 Q Any drinks?

5 A No.

6 Q Nothing. Now, you said earlier -- you said that, you  
7 know, the junior adults were kind of on one end of the  
8 house, the senior adults were kind of in the other end,  
9 talking.

10 A It's not really an end. There's a glass door that  
11 separated.

12 Q Right. But -- but --

13 A Yeah. They were separated.

14 Q But they were hanging on --

15 THE COURT: Hang on a second.

16 My court reporter is really good, but she can only get  
17 one voice at a time.

18 THE WITNESS: I'm sorry.

19 MR. MACDONALD: I apologize, Your Honor.

20 THE COURT: If he's answering, let him answer it.

21 And, sir, if he's asking a question, wait until he  
22 has. Okay. She's good, but she's not that good.

23 THE WITNESS: Yes, sir. I apologize.

24 THE COURT: Go ahead.

25 Q Now, you said the juniors were kind of on one end and

Justin Boyce  
Cross-examination by Mr. MacDonald

1 the senior adults were kind of on the other end, is that  
2 correct?

3 A That is correct.

4 Q Now, and you didn't have much interaction with the  
5 senior adults. You were mostly just hanging out with  
6 Ashley and Taylor.

7 A That is correct.

8 Q So how would the adults even know that you had a book  
9 bag?

10 A Because it was in the room that they were in.

11 Q But they weren't -- you said you weren't interacting  
12 with them, you were in the other room. Why -- why didn't  
13 you have your backpack with you?

14 A I said previously that there was a Wee and we were  
15 playing it before. And when we went to go get the  
16 kerosene, as I had stated, I left my backpack in that room.

17 After we had gotten the kerosene is when we kind of  
18 branched off, but I had no communication. I can still be  
19 in a room, but I wasn't communicating with him. I was  
20 sitting with Ashley on the couch before we went and got --  
21 I got the kerosene.

22 Q Now, when you talked to the police officer you said  
23 that you suspect that Shannon Skates may have stolen your  
24 checks. But you have -- you have no evidence to show that  
25 it was -- that she had your checks. You just -- that's

Justin Boyce  
Cross-examination by Mr. MacDonald

1 just what you thought, is that correct?

2 A Because she had a history, yes.

3 Q Well, doesn't matter. You have no -- you have no  
4 idea.

5 A I did have an idea.

6 Q You weren't there and you weren't present, is that  
7 correct?

8 A That is correct.

9 Q You have no idea what happened to your checks. You  
10 have no idea about -- about any. All of that you said is  
11 just based on speculation, is that correct?

12 A I know my checkbook was taken. I know I did not write  
13 those two checks. So that's all I need to know to make a  
14 speculation that there is forgery.

15 Q Did you ever authorize someone to write your checks?

16 A No, I did not.

17 MR. MACDONALD: No further questions, Your Honor.

18 THE COURT: All right. Anything?

19 MS. WALTERS: Beg the Court's indulgence.

20 (Pause.)

21 MS. WALTERS: Nothing from the state, Your Honor.

22 THE COURT: Sir, you may step down. Please be  
23 careful.

24 THE WITNESS: Thank you.

25 THE COURT: Solicitor.

Jonathan Kent  
Direct examination by Ms. Walters

1 MS. WALTERS: Thank you, Your Honor.

2 The state calls its next witness, Investigator  
3 Jonathan Kent.

4 JONATHAN KENT, having been  
5 first duly sworn, testified as follows:

6 THE COURT: Sir, tell us your full name, and spell  
7 your last name for the court reporter, please.

8 THE WITNESS: My full name is Jonathan Kent, spelling  
9 last name K-E-N-T.

10 THE COURT: Thank you.

11 Solicitor.

12 MS. WALTERS: Thank you, Your Honor.

13 DIRECT EXAMINATION BY MS. WALTERS

14 Q Investigator Kent, what law enforcement agency are you  
15 employed by?

16 A I'm employed by the Spartanburg County Sheriff's  
17 Office as an investigator with the special victims unit.

18 Q And how long have you been with the Spartanburg County  
19 Sheriff's Office?

20 A I've been employed with the sheriff's office here  
21 since 2012.

22 Q How long have you been in law enforcement?

23 A Twenty years.

24 Q And what are your present duties?

25 A I am currently assigned to a special victims unit,

Jonathan Kent  
Direct examination by Ms. Walters

1 which investigates criminal sexual conduct and child  
2 maltreatment cases.

3 In the year of 2016 we had some manpower issues in the  
4 investigative division which led me to be assigned some  
5 different white collar cases.

6 Q Were you working on the day of January 20th of last  
7 year -- 2016?

8 A Yes.

9 Q What shift?

10 A I primarily worked the day shift, and investigations  
11 at that time is from 8:30 in the morning until 5:00 o'clock  
12 p.m.

13 Q What normally happens when you get a case? How are  
14 they assigned?

15 A Once the road patrol division or the front desk  
16 receives a report that report is handled by a front-line  
17 supervisor. Those reports are then entered into a computer  
18 system known as spillman.

19 The individual units of the investigative division  
20 supervisors are sergeants. They will review those reports  
21 on a daily basis. If those reports are determined to have  
22 some form of an investigative avenue in which we can  
23 conduct criminal investigation, those reports are then  
24 assigned to individual investigators.

25 Q Were you assigned this case on January the 26th of

Jonathan Kent  
Direct examination by Ms. Walters

1 last year?

2 A Yes, I was. I received this case in my assignment box  
3 on the 26th of 2016.

4 Q And what -- what was your next step once you were  
5 assigned this case?

6 A Once I was initially assigned the case, I always  
7 conduct a follow-up investigation. I conduct a case review  
8 on the case itself depending on what information is  
9 available to me at the time.

10 I learned that two checks had been cashed at a local  
11 convenience store, Ruchi's Food Mart, which is located at  
12 8047 Asheville Highway in Spartanburg County. This store  
13 does fall within the law enforcement jurisdiction of the  
14 sheriff's office.

15 On the -- on that day I went to Ruchi Food Mart and  
16 attempted to obtain surveillance footage from the store to  
17 identify who was potentially responsible for passing or  
18 uttering these forged documents.

19 Q And you stated that Ruchi's Food Mart is in  
20 Spartanburg County.

21 A Yes. It is.

22 Q Did Ruchi's Food Mart, did they have video  
23 surveillance?

24 A They do have video surveillance. However, at that --  
25 on the date that I went there the clerk, Mr. Patel, was not

Jonathan Kent  
Direct examination by Ms. Walters

1 there, and he would be the only person that would be  
2 available to produce that surveillance footage.

3 He was not going to be returning to work until later  
4 in the week, so I was not able to obtain that footage as  
5 it's on a, basically a, loop reel and it -- it covers  
6 itself every couple of days.

7 Q Were you ever able to obtain any surveillance footage  
8 from Ruchi's?

9 A No, I was not.

10 Q What happened next? Did you contact the victim; did  
11 you contact the defendant?

12 A Yes. On the 28th I was able to make contact with  
13 Mr. Boyce. He informed me that he suspects a female whom  
14 he identified as a Shannon Skates as being responsible or  
15 potentially responsible for the stealing of the checks as  
16 well as forging his name, and provided them to someone else  
17 for the cashing.

18 Q Did he say why he suspected her?

19 A Yes. Mr. Boyce explained that he had been involved in  
20 a short-term-dating relationship with a young female by the  
21 name of Ashley Parris. Ashley was friends with another  
22 female by the name of Taylor Goodwin. Taylor Goodwin is  
23 related to or acquainted with Mr. Moss, as I believe  
24 Mr. Moss serves as like a father figure to her.

25 Q Since Mr. Ruchi's didn't have video surveillance did

Jonathan Kent  
Direct examination by Ms. Walters

1 you go talk to -- or excuse me. Mr. Patel's business,  
2 Ruchi's Food Mart, didn't have video surveillance, did you  
3 go over to Ruchi's Food Mart?

4 A Yes, I did. On February 1st of 2016 I was able to  
5 make contact with Mr. Patel. He stated to me that he was  
6 the person that cashed the checks that Mr. Moss had  
7 presented to him.

8 He also explained to me that he knew Mr. Moss  
9 personally, that Mr. Moss had come into his store on a  
10 regular basis. He described to me that he knew Mr. Moss by  
11 the nickname of Patch, and this being due to Mr. Moss was  
12 having a patch over a medical condition of his eye.

13 I showed a photograph of Mr. Moss to Mr. Patel, and he  
14 immediately identified him as being the person that he  
15 knows as Patch who is also Robert Keith Moss.

16 Q Did he give any other description of Mr. Moss besides  
17 the Patch?

18 A Yes. He described him as a white man with a shaved or  
19 bald head and wears a patch over his eye.

20 Q What did you do next, Investigator Kent, through your  
21 investigation?

22 A After meeting with Mr. Patel I attempted to make  
23 contact with Mr. Moss based on the telephone number that  
24 was written on the back of the checks, that number being  
25 (864)237-5596. I was unable to reach anyone at that

Jonathan Kent  
Direct examination by Ms. Walters

1 number, and I left a voice-mail message identifying who I  
2 am and asking for a return phone call. I did not ever  
3 receive a return phone call that day.

4 On February 2nd I again attempted to make contact with  
5 Mr. Moss at the same number. I left a second voice mail.

6 Also, on the 2nd I completed and submitted a request  
7 form through the state law enforcement division to have a  
8 photographic lineup array produced. SLED, or the state law  
9 enforcement division, was unable to produce that lineup  
10 based on the abnormalities of the suspect's face with the  
11 eye patch.

12 Q So you attempted to do a six, what we would call, a  
13 six-photo lineup.

14 A Correct.

15 Q And SLED said they were unable to do that --

16 A Correct.

17 Q -- because of Mr. Moss having an eye patch.

18 A Yes.

19 Q You did say though that Mr. Patel at Ruchi's Mart did  
20 know him.

21 A Yes.

22 Q And did positively I.D. him from your picture.

23 A Yes.

24 Q From the picture you showed him.

25 A Correct.

Jonathan Kent  
Direct examination by Ms. Walters

1 Q And these are the checks that Mr. Boyce presented to  
2 the sheriff's office.

3 A Yes, ma'am.

4 MS. WALTERS: Let the record reflect that I am showing  
5 what has been previously admitted into evidence as State's  
6 Exhibits 7 and 8.

7 Q And you contacted Ruchi's Food Mart, obviously,  
8 because of what reason? What information gave you -- what  
9 information was given so that you knew to go to Ruchi's?

10 A I believe the initial report done by Sergeant Reaves  
11 stated that they had been cashed there. Yes. Two checks  
12 were cashed at a convenience store located at 8047.

13 Q Okay. And going back to the checks, they do say --  
14 the information that you used through your investigation,  
15 you used off these checks.

16 A Yes.

17 Q And you had given the Court previously a phone number.  
18 You tried to contact Mr. Moss?

19 A Yes.

20 Q Did these come from a sheriff's office database or  
21 came from the checks?

22 A The phone number that I attempted to contact Mr. Moss  
23 on came from the check itself.

24 Q Came from the checks itself.

25 A Yes.

Jonathan Kent  
Direct examination by Ms. Walters

1 Q And does it have information for Ruchi's Food Mart as  
2 well?

3 A Yes, it does. It has a stamp. It says B B & T Branch  
4 Banking and Trust Company for deposit only to Ruchi's Food  
5 Mart, Inc. check cashing account.

6 MS. WALTERS: Beg the Court's indulgence.

7 (Pause.)

8 Q Investigator Kent, did you get the arrest warrant for  
9 Mr. Moss?

10 A I did.

11 Q And what was that based on?

12 A On March 10th of 2016 I presented the case in chief to  
13 a local magistrate, Judge James Paslay, who subsequently  
14 issued the two arrest warrants.

15 These arrest warrants were for the arrest of Mr.  
16 Robert Moss for forgery, value less than \$10,000. And this  
17 was based on the fact that the checks being made payable to  
18 Mr. Moss, I had obtained through the investigation evidence  
19 that Mr. Moss had indeed uttered those checks. So I do  
20 believe that probable cause existed for the arrest based on  
21 the fact that he did utter or publish as true the forged  
22 writing or instrument of writing, that being the checks.

23 Q At any time since the closure of your investigation --  
24 you got the arrest warrant -- have any witnesses come  
25 forward to tell you that they were there that day?

Jonathan Kent  
Cross-examination by Mr. MacDonald

1 A No.

2 MS. WALTERS: No further questions from the state at  
3 this time.

4 THE COURT: Okay.

5 CROSS-EXAMINATION

6 BY MR. MACDONALD

7 Q Investigator, you said that you typically investigate  
8 property crimes, is that correct?

9 A No. I typically investigate crimes against persons.

10 Q Crimes against persons. But you have some experience  
11 doing that?

12 A Yes.

13 Q What exactly did you say your experience was? I  
14 forgot.

15 A I've been an investigator for going on 16 years. I've  
16 been trained and received certifications in all forms of  
17 investigations from property crimes to medical-legal death  
18 investigations.

19 Q Okay. So when you found out that Mr. Boyce suspected  
20 Shannon Skates was the person who stole his checks, did you  
21 investigate Shannon Skates?

22 A I did not. I was unable to establish jurisdiction as  
23 to where the checks were stolen at. I can only, of course,  
24 investigate and affect an arrest within my jurisdiction.

25 Q So you never spoke to any suspects.

Jonathan Kent  
Cross-examination by Mr. MacDonald

1 A No.

2 Q Okay. Now, according to -- you were given the  
3 voluntary statement made by Justin Boyce, is that correct?

4 A Yes. It was attached to the initial spillman file.

5 Q Now, in this statement did he tell you that his  
6 checkbook was stolen from his car? Again, first line.

7 A His statement does indeed state that the checkbook  
8 that was stolen was in my car.

9 Q And also that the checks were cashed on the -- or the  
10 date of the checks was the 15th and the 16th, is that  
11 correct, in your investigation?

12 A Oh, yes. That's not in his statement.

13 Q Right, right, yeah. The date -- the checks were dated  
14 the 15th and the 16th.

15 A Yes, correct, of January of 2016.

16 Q And they were reported on the 20th.

17 A Yes.

18 Q But between the 16th and the 20th there were no other  
19 checks reported forged, is that correct?

20 A Not by Mr. Boyce to the sheriff's office.

21 Q That's to your knowledge.

22 A Yes.

23 Q So even though no more checks were -- so there -- no  
24 more checks cashed after the 16th allegedly by Robert Moss.

25 A Not reported to me, no, sir.

Jonathan Kent  
Redirect examination by Ms. Walters

1 Q Okay.

2 MR. MACDONALD: No further questions.

3 THE COURT: Anything at all?

4 MS. WALTERS: Briefly, Your Honor.

5 REDIRECT EXAMINATION

6 BY MS. WALTERS

7 Q Investigator Kent, was Shannon Skates in North  
8 Carolina?

9 A To the best of my knowledge she's somewhat of a  
10 transient individual, but I believe she was in North  
11 Carolina at the time.

12 MS. WALTERS: Beg the Court's indulgence.

13 (Pause.)

14 MS. WALTERS: No further questions.

15 THE COURT: Sir, you may step down. Please be  
16 careful.

17 MS. WALTERS: Thank you, Your Honor.

18 The state calls Marie Wearing.

19 MARIE WEARING, having been  
20 first duly sworn, testified as follows:

21 THE COURT: Ma'am, tell us your full name, and spell  
22 your last name for my court reporter, please.

23 THE WITNESS: Marie Wearing, W-E-A-R-I-N-G.

24 THE COURT: Thank you.

25 solicitor.

Marie Wearing  
Direct examination by Ms. Walters

1 MS. WALTERS: Thank you, Your Honor.

2 DIRECT EXAMINATION BY MS. WALTERS

3 Q Marie, where are you employed?

4 A South Carolina Department of Motor Vehicles.

5 Q And what is your current position?

6 A Custodian of drivers' records.

7 Q I'm sorry?

8 A Custodian of drivers' records.

9 Q And how long have you been -- that's with the South  
10 Carolina Department of Motor Vehicles?

11 A Yes.

12 Q And how long have you been employed by the South  
13 Carolina D.M.V.?

14 A Twenty-eight years.

15 Q Forty-eight years?

16 A Twenty-eight.

17 Q Twenty-eight years.

18 What are your duties there as the custodian?

19 A I oversee the drivers' records department and  
20 photograph.

21 Q And as your duties -- do you oversee the South  
22 Carolina D.M.V. system or just the records division?

23 A The system and the records division.

24 Q Can you elaborate more about your duties in reference  
25 to being the custodian?

Marie Wearing  
Direct examination by Ms. Walters

- 1 A Okay. It's like when the driver's license or  
2 suspension notice come in, it's being kept on the hard  
3 drive through the business working days, hours of the day.  
4 And we just keep track of the application and suspension  
5 notice that comes into the department of motor vehicles.
- 6 Q Or driver's license?
- 7 A Or driver's license, yes.
- 8 Q And South Carolina I.D.s, beginner's permits, etc.  
9 Are those also in the D.M.V. system?
- 10 A That's correct.
- 11 Q And you oversee that.
- 12 A That's correct.
- 13 Q How are the South Carolina I.D. pictures, signatures  
14 in reference to I.D.s, how is all of that information  
15 stored in the South Carolina D.M.V. systems.
- 16 A It's stored on a hard drive at the department of motor  
17 vehicles.
- 18 Q Is that able to be accessed throughout the whole  
19 state?
- 20 A That's correct.
- 21 Q And how are these records maintained and stored in  
22 reference to -- you said that's in a system.
- 23 A Right.
- 24 Q That the whole statewide can access. Can anyone  
25 manipulate or delete these records? Who is in control of

Marie Wearing  
Direct examination by Ms. Walters

1 these records?

2 A The D.M.V.

3 Q The D.M.V. Can anyone just delete or manipulate them?

4 A No.

5 Q And do you have a whole department that you work with,  
6 or does each D.M.V. location have a custodian of records,  
7 or is it all centralized in Columbia or Blythewood?

8 A Yes, all centralized at headquarters.

9 Q And where is that located?

10 A That's in Blythewood.

11 Q In Blythewood.

12 How many people would you say are in your  
13 headquarters? There are a good many?

14 A Yes, definitely.

15 Q Do you know, Marie -- do you know the defendant,  
16 Mr. Moss, who is at the end of the table?

17 A No.

18 Q Do you know him?

19 A No.

20 Q Do you know the victim, Justin Boyce?

21 A No.

22 Q Now, do you have anyone in your database with the name  
23 of Justin Boyce?

24 A Yes.

25 (Driver's license record marked State's Exhibit No. 11

Marie Wearing  
Direct examination by Ms. Walters

1 for Identification; driver's license record marked State's  
2 Exhibit No. 12 for Identification.)

3 MS. WALTERS: Your Honor, may I approach the witness?

4 THE COURT: Sure.

5 MS. WALTERS: Let the record reflect that I'm showing  
6 what's been previously marked as State's Exhibits 11 and 12  
7 to the witness.

8 Q Marie, can you tell me what it is that I just handed  
9 you?

10 A A photograph of driver's record, driver's license, for  
11 Justin Cole Boyd [sic].

12 Q And those are two -- two documents of driver's  
13 license?

14 A Yes.

15 Q And are those provided by the South Carolina D.M.V.?

16 A Yes.

17 Q Does it look like it's manipulated in any way?

18 A No.

19 Q Is it a fair and accurate representation of what's  
20 produced by the South Carolina Department of Motor  
21 Vehicles?

22 A Yes.

23 Q Now, was Mr. Boyce issued a South Carolina driver's  
24 license or an I.D. or beginner's permit?

25 A It was a driver's license.

Marie Wearing  
Direct examination by Ms. Walters

1 Q And what is Mr. Boyce's South Carolina driver's  
2 license number?

3 A It's [REDACTED].

4 Q And between those two exhibits there are two different  
5 pictures. Why are there two different pictures?

6 A One with the beard, and this one, Exhibit 12, it  
7 doesn't have a beard on it, and Exhibit 11 has a beard.

8 Q Is that just because he got his photo retaken? Is it  
9 the same information?

10 A On photograph, Exhibit 12, he looks younger. And like  
11 Exhibit 11, he has like a beard, show, but it has the same  
12 issue date.

13 Q Same issue date. Does that just mean that he just had  
14 a picture retaken?

15 A Yes.

16 Q And the same information is on both?

17 A Yes.

18 Q Does it state his name and address on both?

19 A Yes. On Exhibit 11 it's [REDACTED] Whitmore Drive, Taylors,  
20 South Carolina 29687, and on Exhibit 12 it's [REDACTED] Dean Road,  
21 Greer, South Carolina.

22 Q And this South Carolina driver's license information,  
23 that was maintained as part of the normal business records  
24 process and operations of the -- excuse me -- of the South  
25 Carolina Department of Motor Vehicles?

Marie Wearing  
Direct examination by Ms. Walters

1 A Yes.

2 Q And, again, I'm going to ask. It is a complete and  
3 accurate depiction of Mr. Boyce's South Carolina driver's  
4 license.

5 A Yes.

6 Q His photo and signature.

7 A Yes.

8 MS. WALTERS: Your Honor, at this time state would  
9 like to admit what's been previously marked as State's  
10 Exhibits 11 and 12 into evidence.

11 THE COURT: Any objection?

12 MR. MACDONALD: Can I just see what the documents are?

13 THE COURT: Sure.

14 MS. WALTERS: Apologize.

15 (Pause.)

16 MR. MACDONALD: No objection.

17 THE COURT: No objection. It's a government record.

18 (Driver's license record marked State's Exhibit No. 11;  
19 driver's license record marked State's Exhibit No. 12.)

20 MS. WALTERS: Your Honor, may I publish this to the  
21 jury?

22 THE COURT: Sure.

23 (Driver's license record marked State's Exhibit No. 13  
24 for Identification.)

25 Q So, Marie, when you get a new license you would get

Marie Wearing  
Direct examination by Ms. Walters

1 your picture retaken as everyone probably has experienced,  
2 is that right?

3 A Right.

4 Q Or renewed, I guess. When would you get a new picture  
5 and have to re-sign your name?

6 A If the ten years is up or you want a duplicate picture  
7 or if you want to see a picture date.

8 Q Marie, do South Carolina driver's license numbers, do  
9 they ever change?

10 A No, not to my knowledge.

11 Q So if you get a beginner's person before you get your  
12 driver's license, you take the road test, is that the same  
13 driver's license number?

14 A Yes.

15 Q You always have that.

16 A Yes.

17 Q Even if, you know -- if your license was suspended and  
18 reinstated, it's still the same.

19 A That's correct.

20 Q How many numbers does a driver's license number  
21 normally have?

22 A It depends. I believe probably eight or more.

23 Q Do they -- I'm sorry.

24 A Go ahead. I'm sorry.

25 Q Do they normally start -- sometimes do they normally

Marie Wearing  
Direct examination by Ms. Walters

1 start with double zeroes or can they start with --

2 A Sometimes they do and sometimes they don't.

3 Q So it could be a number. It could be from five digits  
4 to eight digits?

5 A Yes. Just depends on the computer.

6 MS. WALTERS: Your Honor, may I approach?

7 THE COURT: Sure.

8 MS. WALTERS: Let the record reflect that I'm showing  
9 the witness what's been previously marked as State's  
10 Exhibit 13.

11 Q Marie, can you tell me what it is I just handed you?

12 A A photograph of Robert Keith Moss.

13 Q And is this a South Carolina Department of Motor  
14 Vehicles printout as well?

15 A Yes.

16 Q And was Mr. Moss issued a South Carolina driver's  
17 license?

18 A Yes.

19 Q Can you tell what Mr. Ross' South Carolina driver's  
20 license number is?

21 A [REDACTED]

22 Q And, again, is -- it has Mr. Ross' signature on there.

23 A Yes.

24 Q And his picture?

25 A Yes.

Marie Wearing  
Direct examination by Ms. Walters

1 Q And his address as well?

2 A Yes.

3 Q Now, was this South Carolina driver's license info  
4 maintained as part of the normal business process and  
5 operations of the South Carolina D.M.V.?

6 A Yes.

7 Q And to your knowledge is it a complete and accurate  
8 depiction of Mr. Moss at his information -- name, address,  
9 South Carolina driver's license number and his signature?

10 A Yes.

11 MS. WALTERS: Your Honor, at this time the state would  
12 like to introduce what's been previously marked as State's  
13 Exhibit 13 into evidence.

14 MR. MACDONALD: No objection.

15 THE COURT: Without objection.

16 (Driver's license record marked State's Exhibit No.  
17 13.)

18 MS. WALTERS: Your Honor, may I publish that to the  
19 jury?

20 THE COURT: You may.

21 (Whereupon, State's Exhibit No. 13 was submitted to the  
22 jury.)

23 MS. WALTERS: Beg the Court's indulgence.

24 (Pause.)

25 MS. WALTERS: No further questions from the state at

1 this time, Your Honor.

2 MR. MACDONALD: We have no cross, Your Honor.

3 THE COURT: All right. Ma'am, you may step down.

4 Please be careful.

5 MS. WALTERS: Your Honor, may Ms. Marie Wearing be  
6 released?

7 MR. MACDONALD: No objection.

8 THE COURT: Ma'am, you may stay or go, whichever you  
9 choose.

10 (Whereupon, the witness was excused.)

11 MS. WALTERS: Your Honor, at this time I would like to  
12 reissue or recertify that all of State's Exhibits 1 through  
13 13 have been introduced into evidence.

14 THE COURT: That's what I have. Okay. One through  
15 13, yes.

16 MS. WALTERS: Thank you, Your Honor. And at this time  
17 the state does rest.

18 THE COURT: The state rests.

19 Okay. Madam Forelady and ladies and gentlemen, the  
20 state has now rested it, what's called, case in chief,  
21 meaning at this point they do not intend to present any  
22 more evidence from the witnesses or documents at this time.

23 That necessarily brings us to one of those moments  
24 where I have to go over a couple of things with the lawyers  
25 from one of these rule books right here, which will have to

1 be done outside of your presence.

2 That probably won't take us more than just a few  
3 minutes, and then we'll be back in here.

4 I will tell you ahead of time that we have ordered  
5 your lunch. And we had steak yesterday, so you missed  
6 that, but no. We didn't have steak. But we did order from  
7 Chick-Fil-A. We do have Chick-Fil-A coming for lunch. And  
8 whenever it's here we will break. But I don't think  
9 it'll -- we are a little bit early right now.

10 So having said that, do not discuss the case  
11 whatsoever. Don't begin deliberations. Expect to be back  
12 in just a few minutes, Madam forelady.

13 (The following takes place outside the presence of the  
14 jury.)

15 THE COURT: Anything from the state?

16 MS. WALTERS: Nothing from the state, Your Honor.

17 THE COURT: From the defense?

18 MR. MACDONALD: We'd like to move for directed  
19 verdicts on this case based on the fact that there is no --  
20 the state was unable to prove several of the elements for  
21 forgery, first being that Mr. Moss had no knowledge of a  
22 forgery. They were unable to prove that Mr. Moss in any  
23 way had knowledge that that check was forged.

24 They have no proof through testimony that he had any  
25 intent to deceive or defraud Justin Boyce, and they have

1 not presented any proof that he was the one that wrote the  
2 checks.

3 And for those reasons I believe that the state has  
4 failed to meet the elements for this charge.

5 THE COURT: Solicitor.

6 MS. WALTERS: Your Honor, we have established that  
7 this occurred, forgery occurred, in Spartanburg County.

8 Also, that the victim testified he did not write the  
9 check that has been forged. He did not sign Mr. Moss'  
10 name. He did not allow Mr. Moss to cash the check. He did  
11 not give Mr. Moss the check. He did not give permission  
12 for him to do anything with his checks.

13 He also -- we also had -- and also Mr. Boyce said he  
14 did not go in with Mr. Moss to cash the check. Again,  
15 there's no permission from Mr. Boyce, the victim, that  
16 allowed Mr. Moss to have these checks or to go in and  
17 publish and utter it and receive money for those checks.

18 We also had Mr. Patel who was a witness who stated  
19 that he actually was the witness that saw Mr. Moss come in  
20 and actually handle the transaction where Mr. Moss  
21 presented this check that was not signed, was not filled  
22 out or not given to Mr. Moss. He actually handled that  
23 transaction of that check and gave him money.

24 So Mr. Moss did utter or publish and present for money  
25 the forged check to Ruchi's Food Mart, and Mr. Patel in

1 exchange gave him cash.

2 Your Honor, we also had Mr. Lee Griffin from Wells  
3 Fargo, investigator, who did state that Wells Fargo did  
4 through their claims department, did look at the disputed  
5 versus nondisputed checks and realized that the signatures  
6 did no match and that they claim that there was -- it was  
7 false or forgery, or alluded to that, but that the  
8 signatures did not match and rejected payment of the check  
9 because it was not Mr. Boyce's signature through their  
10 determination.

11 Beg the Court's indulgence.

12 (Pause.)

13 MS. WALTERS: That's it from the state, Your Honor.

14 MR. MACDONALD: Your Honor, if I may just say one more  
15 thing.

16 We're not disputing that Robert Moss cashed the check.  
17 We're disputing the fact that he had no knowledge that this  
18 was a forged check, that he was simply cashing the check  
19 like he was authorized to. That's our argument. And the  
20 state hasn't proven that he had no knowledge of that.

21 In fact, the investigator had said that the suspect of  
22 Shannon Skates -- and there's no even mention of Robert  
23 Moss by -- by any of the investigators, that he was even a  
24 suspect. It was just that he cashed the check.

25 MS. WALTERS: Your Honor, if I may make a rebuttal,

1 Mr. Moss' name was clearly on the check. The investigator  
2 took what was initially on the check, information, and did  
3 his investigation.

4 They don't -- you know, law enforcement doesn't  
5 automatically go with what exactly one person says. They  
6 do investigation, and they investigated this case and found  
7 Mr. Moss to be the suspect in this case.

8 Mr. Moss presented, again presented, this check that  
9 did not belong to him. And as the victim stated, he did  
10 not have -- ask for any services from Mr. Moss. The check  
11 was taken from him. And Mr. Moss went in and cashed this  
12 check for money.

13 Your Honor, the check does state that there was  
14 painting and that was what the reason for the check was  
15 for.

16 Mr. Boyce did clearly state that there was no painting  
17 done, and that's what the check states. And Mr. Boyce did  
18 state on the stand that he did not ask Mr. Moss to do any  
19 painting.

20 And the question for the jury is the signature and the  
21 handwriting. The state is arguing that that is not  
22 Mr. Boyce's handwriting or signature. And there's also a  
23 question for the jury on the signature on the back.

24 Mr. Patel did state though that Mr. Moss signed the  
25 back of the check, but clearly it is a question for the

1 jury, is if Mr. Boyce filled it out or not. But we would  
2 argue that he did not because he did not give him  
3 permission. And his handwriting samples, the state would  
4 allege, that they do not match.

5 THE COURT: All right. The motion for directed  
6 verdict is denied.

7 This Court is not concerned with the weight of the  
8 evidence. This Court is concerned with the existence of  
9 any evidence but not its weight.

10 There are several cases on that, but the one I like  
11 the best is State vs. Kenneth G. Butler. That's an  
12 appellate court case from 2013 affirming -- oh, Judge  
13 Kelly, yes.

14 There is evidence -- there is evidence, again, not in  
15 the trial from which the jury can consider this matter.

16 I agree with the solicitor on the painting on the  
17 check. The Court has been concerned about the knowledge  
18 aspect, but the evidence before the jury is that no  
19 painting was done and none was authorized. None was done.

20 I'm not sure -- I may be sure that it's not -- it's  
21 not in controversy that maybe the defendant didn't write  
22 the check. And I don't know how all of that happened. But  
23 certainly the victim's handwriting appears to be different.

24 But, nonetheless, it was a check that was negotiated  
25 allegedly, at least the evidence is, by the shopkeeper

1 himself who personally knows the defendant over a 20-year  
2 time period that the check was negotiated by him. whether  
3 or not he wrote it or not, I don't know, and that would be  
4 up for the jury to determine anyway.

5 But, once again, this Court's concerned with the  
6 existence of evidence, not its weight.

7 All right. Anything else?

8 MR. MACDONALD: Nothing, Your Honor. Thank you.

9 THE COURT: Okay. All right. Anybody got anything  
10 else before we bring the jury back?

11 MR. GHENT: Your Honor, could I take a brief recess?  
12 Could we take maybe three minutes?

13 THE COURT: Let's take three -- three or four minutes  
14 here. I'll just stay in place -- if anybody needs to use  
15 the facilities.

16 Lunch is here. Do you want me to just break for  
17 lunch?

18 MR. GHENT: Sure.

19 THE COURT: Okay. We can just tell them -- I mean,  
20 the bailiff can just tell them rather than me, you know,  
21 the lunch is here.

22 Let's reconvene at -- do you want to reconvene at  
23 1:00?

24 MS. WALTERS: That's fine.

25 THE COURT: That gives you an hour and five minutes.

Ashley Parris  
Direct examination by Mr. MacDonald

1 Nobody's going anywhere. Let's reconvene at 1:00.

2 Just feed them and tell them to reconvene at 1:00.

3 (Whereupon, a recess was taken.)

4 THE COURT: Are you ready to go?

5 MR. MACDONALD: Yes, sir.

6 MR. SNYDER: Before we bring the jury out, can we turn  
7 that off and move the projector?

8 THE COURT: Sure.

9 MR. SNYDER: It's right in front of the jury. It  
10 might be a little distracting for them.

11 (Pause.)

12 THE COURT: Ready? We will have the jury.

13 (The following takes place in the presence of the  
14 jury.)

15 THE COURT: Madam Forelady, everybody good with the  
16 jury?

17 THE FOREPERSON: Yes, sir.

18 THE COURT: Hope you enjoyed your lunch. Very good.  
19 Yes, sir.

20 MR. MACDONALD: The defense would like to call Ashley  
21 Parris.

22 ASHLEY PARRIS, having been  
23 first duly sworn, testified as follows:

24 THE COURT: Ma'am, tell us your name, and spell your  
25 last name for my court reporter, please.

Ashley Parris  
Direct examination by Mr. MacDonald

1 THE DEFENDANT: Ashley Parris, P-A-R-R-I-S.

2 THE COURT: Thank you.

3 Yes, sir.

4 DIRECT EXAMINATION BY MR. MACDONALD

5 Q Ms. Parris, how do you know Justin Boyce?

6 A I met him on line and we started talking.

7 Q About what time did y'all start talking?

8 A I don't remember the exact date. I really don't.

9 Q Okay. Well, let's go straight to the incident  
10 involving the checks being written.

11 What were y'all doing leading up to that date?

12 A Taylor and -- it was Taylor, Patch and Justin and my  
13 mama, Shannon Rudisill. And has done been drinking. He  
14 brought over a bag.

15 Q Now, when you say Patch, who are you referring to?

16 A Robert Moss.

17 Q Robert Moss.

18 A He has done been drinking. He brought over a bag of  
19 an ounce of pot.

20 Q Who? Now, who is he?

21 A Justin.

22 Q Okay.

23 A And he had the checks in his book bag. And some of  
24 the pot got stolen because my mama was putting it in her  
25 purse. And he found out about it, and he was scared that

Ashley Parris

Direct examination by Mr. MacDonald

1 his dad was going to get mad about it.

2 So my mama told him let's go in the room and talk  
3 about it. So all of us -- Patch, which is Robert Moss, me,  
4 my mama, Shannon Rudisill, Taylor and Justin went into my  
5 mama's room.

6 He was sitting beside my mama on the bed. He told my  
7 mama, he said, "I don't want my dad to get mad. I need  
8 your help." So my mama told him, "Well, Patch can help you  
9 out. He knows how to get some weed and some ice." So he  
10 gave them the checks.

11 Q who gave who checks?

12 A Justin. Justin gave my mama the checks.

13 Q Okay. And what did your mama do with the check?

14 A She wrote out the \$1,100 one, and then they went and  
15 cashed it.

16 Q Now, for the \$1,100 check that she wrote out, she  
17 filled out the check in its entirety, is that correct?

18 A Yes.

19 Q Was anyone else present while she was filling out this  
20 check?

21 A Yes, sir.

22 Q Who was present in the room?

23 A Patch and Taylor and me.

24 Q Was Mr. Boyce?

25 A Yeah. Justin. And Justin was there. He was on the

Ashley Parris  
Direct examination by Mr. MacDonald

1 bed.

2 Q Now, was there any authorization given?

3 A Yes. He told my mama that she could write out the  
4 check because he was drunk and had done been smoking.

5 Q Okay. And so what happened after the check was  
6 written?

7 A Patch went and got it filled out, well, cashed. He  
8 brought him back the weed. And then he wrote out, Taylor  
9 wrote out, the second one because he gave him permission  
10 to.

11 Q Now, just rewind. Who is Taylor?

12 A Taylor is one of Patch's people that he knew, which  
13 was my friend at the time.

14 Q Uh-huh.

15 A So we got back to the house. Well, they got back to  
16 the house. And he told Taylor she could write out the \$849  
17 check.

18 Q Now, by he, you mean Justin Boyce?

19 A Yes. For the ice, because my mama told him that she  
20 knew some people that, you know, he could sell it to.

21 Q And by ice, just to clarify.

22 A Meth. And so they went and they cashed that the next  
23 morning.

24 They went and got the stuff and brought it back to  
25 Justin.

Ashley Parris  
Direct examination by Mr. MacDonald

- 1 Q So --
- 2 A And then his dad found out about it, and that's
- 3 whenever he filed the complaint.
- 4 Q So the first check, you say it was for Mr. Moss to get
- 5 marijuana.
- 6 A Yes.
- 7 Q And he brought it back to Mr. Boyce.
- 8 A Yes, sir.
- 9 Q And Mr. Boyce got possession of that marijuana.
- 10 A Yes, sir.
- 11 Q The second check was for Mr. Moss to get him meth.
- 12 A Yes.
- 13 Q He brought back the meth?
- 14 A Yes, sir.
- 15 Q And he gave it to Mr. Boyce.
- 16 A Yes, sir.
- 17 Q And you were present when Mr. Boyce gave authorization
- 18 for those checks to be written out.
- 19 A Yes, sir.
- 20 Q Was Mr. Moss?
- 21 A Yes, sir.
- 22 Q For both checks.
- 23 A Yes, sir.
- 24 Q So he was aware.
- 25 A Uh-huh.

Ashley Parris  
Direct examination by Mr. MacDonald

- 1 Q Okay.
- 2 MR. MACDONALD: One second, Your Honor.
- 3 (Pause.)
- 4 Q Now, Ms. Parris, besides the check transactions
- 5 what -- what were y'all doing at the place with everyone
- 6 there?
- 7 A Well, Patch and them went and got some liquor, and he
- 8 had the weed on him.
- 9 Q Uh-huh.
- 10 A Taylor and him and my mama was smoking.
- 11 Q So by him, you mean Justin Boyce.
- 12 A Yes, sir. And Patch had been drinking with them.
- 13 Q Uh-huh.
- 14 A And it was only him and Justin that was drinking
- 15 because Taylor and my mama doesn't drink. And that's
- 16 whenever he got wasted. We's sitting in the room, and
- 17 that's whenever he gave the authorization to my mama and
- 18 Taylor to write out the checks.
- 19 Q Now, you saw Mr. Boyce smoking weed.
- 20 A Yes, sir.
- 21 Q And you know for a fact it was his.
- 22 A Yes, sir.
- 23 Q One last question. Did you ever go and get kerosene
- 24 with Justin?
- 25 A No, sir.

Ashley Parris  
Cross-examination by Mr. Ghent

1 Q Okay. Thank you. That's all.

2 THE COURT: Solicitor.

3 CROSS-EXAMINATION

4 BY MR. GHENT

5 MR. GHENT: May it please the Court.

6 THE COURT: Yes, sir.

7 Q Ms. Parris, I hardly know where to begin. I just want  
8 to get this clear.

9 what you have just testified to this jury is that this  
10 young man over here whom you met on line --

11 A Yes, sir. I met him on Meet Me.

12 Q Meet Me. And you had met him like a week before?

13 A Yes, sir.

14 Q You had come down to visit with him.

15 A No. He came up there to visit me.

16 Q But had you come down at some point to visit with him?

17 A No, sir. He came up there to visit me.

18 Q And that's the only time y'all ever visited.

19 A No. He was -- he stayed the night with me that night  
20 that we partied.

21 Q Okay. So there were two nights that he visited.

22 A Yes.

23 Q Your testimony in defense of the defendant is that  
24 while this young man had come up to visit with you, he  
25 brought pot across state lines in his bag and your mama

Ashley Parris  
Cross-examination by Mr. Ghent

- 1 stole them or somebody's mama stole them?
- 2 A My mama took, and whenever he was showing it to my  
3 mama, my mama was sticking it in her purse.
- 4 Q Okay. So she was just taking the pot from him and  
5 shoveling it into her purse.
- 6 A Yes. Without him looking.
- 7 Q Without him looking.
- 8 A Yeah.
- 9 Q Your mother is kind of quick with her hands, I guess.
- 10 A Yeah. My mama's a criminal.
- 11 Q Okay. And this gentleman you call Patch sees your  
12 mama, is that right?
- 13 A No.
- 14 Q Doesn't see your mama at all?
- 15 A No. He was only there because we was associate --  
16 well, I was living with her at the time, and I was friends  
17 with Taylor, and I met Patch recently.
- 18 Q Okay. And Patch, it is your testimony, is so well  
19 connected in drug dealing in North Carolina that he said  
20 don't worry about it, I'll take care of it. And he got  
21 ice. That was your term. That's what?
- 22 A Meth.
- 23 Q Meth. And he got pot. That was your term, right?
- 24 A Yes, sir.
- 25 Q And he then brought that back for the victim, this

Ashley Parris  
Cross-examination by Mr. Ghent

1 gentleman.

2 A Yes, sir.

3 Q And because of that the victim wrote him checks?

4 A Yes, sir. Because he was getting some of the money  
5 for doing it.

6 Q Have you looked at those checks?

7 A No, I haven't.

8 Q So you don't know if someone who might not be up to  
9 their ears in trying to help somebody out with this, if  
10 they were to look at these checks might use common sense  
11 and go, wait a minute, he don't write cursive. Do you  
12 write cursive?

13 A No, sir.

14 Q They don't teach it in school, do they?

15 A No.

16 Q So it would stand to reason that somebody who's  
17 writing in cursive on that check would be someone, say,  
18 from my generation, more or less, like Patch. We're all --  
19 well, no offense. She's not as old as me. But I learned  
20 cursive. You did not. You haven't even looked at the  
21 checks, have you? You're just telling a story to come in  
22 here and tell a story to help out Patch.

23 A No. That's what happened that night.

24 Q And everything about you -- your demeanor, the way you  
25 have not looked the jury in the eye and all of that -- says

Ashley Parris  
Redirect examination by Mr. MacDonald

1 you're telling the truth, doesn't it -- doesn't it?

2 MR. MACDONALD: Objection, Your Honor.

3 MR. GHENT: I asked for an answer, yes or no.

4 THE COURT: What's the objection?

5 MR. MACDONALD: Badgering the witness.

6 THE COURT: All right. Well, he -- he asked the  
7 question.

8 Go ahead.

9 A I'm telling the truth.

10 Q I see. Thank you.

11 MR. GHENT: No further questions.

12 THE COURT: Anything?

13 REDIRECT EXAMINATION

14 BY MR. MACDONALD

15 Q Just to clarify. Justin Boyce gave your mother the  
16 authority to write the first check, is that correct?

17 A Yes, sir.

18 Q And she gave Taylor the authority to write the second  
19 check, is that correct?

20 A Yes, sir.

21 Q Everyone was present when those checks were authorized  
22 and written.

23 A Yes, sir.

24 Q Where is your mom right now?

25 A I don't know.

Taylor Sadowsky  
Direct examination by Mr. MacDonald

1 MR. MACDONALD: No further questions.

2 THE COURT: Anything at all on that -- brief?

3 MR. GHENT: No, sir, Your Honor.

4 THE COURT: Thank you, ma'am. You may step down.

5 MR. MACDONALD: Your Honor, may the witness stay in  
6 the courtroom since she's testified?

7 THE COURT: Certainly. Yes, sir.

8 MR. MACDONALD: Defense calls their second witness,  
9 Taylor Sadowsky.

10 TAYLOR SADOWSKY, having been  
11 first duly sworn, testified as follows:

12 THE COURT: Ma'am, tell us your name, and spell your  
13 last name, please.

14 THE WITNESS: Taylor Sadowsky, S-A-D-O-W-S-K-Y.

15 THE COURT: Thank you.

16 Yes, sir.

17 DIRECT EXAMINATION BY MR. MACDONALD

18 Q Ms. Sadowsky, how do you know Justin Boyce, through  
19 who?

20 A He -- through Ashley. Ashley and him met on line.

21 Q Now, I'm going to go straight to the event in  
22 question, the night the checks were written.

23 what -- what was happening and where were you?

24 A what was happening? We was at Brenda's house, a  
25 friend of Shannon's, and just partying.

Taylor Sadowsky  
Direct examination by Mr. MacDonald

1 Q Now, when you say partying --

2 THE COURT: Hang on one second.

3 Ma'am, will you pull that microphone just a little  
4 closer, please? I can't hear you.

5 THE WITNESS: This one?

6 THE COURT: Yes, ma'am. Thank you.

7 Repeat your answer please. Speak up.

8 A We -- we was partying.

9 Q Now, when you say partying --

10 A We were getting high.

11 Q Now, who -- and who exactly was getting high?

12 A Me, Justin, Shannon.

13 Q That was it?

14 A Yes, sir.

15 Q Was Ashley?

16 A No, sir.

17 Q Was Mr. Moss?

18 A No, sir.

19 Q Now, do you know whose weed you were smoking?

20 A Justin's.

21 Q It was Justin's weed.

22 A Yes.

23 Q Okay. And who -- was there anyone else in the room,  
24 or was it just you, Ashley, Shannon, Mr. Moss and  
25 Mr. Boyce?

Taylor Sadowsky  
Direct examination by Mr. MacDonald

- 1 A That's correct.
- 2 Q Now, there's the incident, the first check. How --
- 3 how did that first check come about?
- 4 A Well, Justin lost his weed and Shannon -- he brought
- 5 the checks back and Shannon -- Shannon wrote the first
- 6 check.
- 7 Q Now, why did Shannon write the check?
- 8 A To make up for what he had lost, I guess.
- 9 Q Now, who authorized the writing of the checks?
- 10 A He did.
- 11 Q Now, how do you know that?
- 12 A Because he sat there and said, you know, I give you
- 13 permission.
- 14 Q Okay. Now, was Robert Moss in the room when this
- 15 happened?
- 16 A Yeah, yes, sir.
- 17 Q Were you? You were in the room?
- 18 A Yes, sir.
- 19 Q Shannon was?
- 20 A Yes, sir.
- 21 Q Was Ashley?
- 22 A Yes.
- 23 Q Was Mr. Boyce?
- 24 A Yes, sir.
- 25 Q Who was the check written out -- who was the first

Taylor Sadowsky  
Direct examination by Mr. MacDonald

1 check written out to?

2 A Robert Moss.

3 Q And for what purposes was this first check for?

4 A Painting.

5 Q well, what was the purpose?

6 A well, the purpose was to make up for the weed, I  
7 guess.

8 Q So what was he -- what was the plan to do with this  
9 check?

10 A Cash it and go by some weed to make up for what he had  
11 lost, to pay it back.

12 Q So -- so Mr. Moss cashed the check and then went and  
13 got some weed.

14 A Uh-huh.

15 Q And then what happened next?

16 A Brought the weed back to Brenda's.

17 Q And what did he do with the weed?

18 A He gave it to Justin.

19 Q He gave it to Justin. And then, so, now, what  
20 happened with the second check?

21 A I wrote it out, and Robert cashed it, and it went for  
22 ice. And that was to make up for the money.

23 Q Now, you wrote the check.

24 A Yes, sir.

25 Q And who -- did anyone authorize you to write the

Taylor Sadowsky  
Direct examination by Mr. MacDonald

1 check?

2 A Justin.

3 Q What did he say?

4 A He said you can write it out.

5 Q Now, he gave you permission. He gave you permission  
6 to write this check out.

7 A Uh-huh.

8 Q In front of Robert Moss?

9 A Uh-huh.

10 THE COURT: Ma'am, you have to answer yes or no.  
11 She's recording it.

12 THE WITNESS: Yes, sir.

13 THE COURT: Thank you.

14 Q Was it -- was it -- was it in front of Ashley Parris?

15 A Yes, sir.

16 Q Was Justin Boyce in the room?

17 A Yes, sir.

18 Q And what did you say was the purpose of this second  
19 check?

20 A It -- it was for ice.

21 Q For ice or meth.

22 A Yes.

23 Q Okay. Now, did Mr. Moss go and get this meth?

24 A Yes, sir.

25 Q And he brought it back?

Taylor Sadowsky  
Cross-examination by Mr. Ghent

1 A Yes, sir.

2 Q And what did he do with it?

3 A Gave it. He --

4 Q He gave it to Justin Boyce.

5 A Yes, sir.

6 Q So was everyone in the room aware of this transaction  
7 whenever it was occurring for both checks?

8 A Yes, sir.

9 Q It was very clear that there's authorization given.

10 A Yes, sir.

11 MR. MACDONALD: No further questions, Your Honor.

12 THE COURT: Thank you.

13 MR. GHENT: May it please the Court.

14 CROSS-EXAMINATION

15 BY MR. GHENT

16 Q It's Ms. Sadowsky?

17 A Yes, sir.

18 Q I'd ask you to clarify. As it just so happens  
19 everything that you're saying occurred regarding drugs,  
20 what you're saying occurred, involved this gentleman and  
21 the defendant, happened in North Carolina, correct?

22 A Yes, sir.

23 Q Not in South Carolina where we might have something to  
24 do with that, correct?

25 A Well, I'm not -- I'm not following.

Taylor Sadowsky  
Cross-examination by Mr. Ghent

- 1 Q Well, then let me make it simple.  
2 A Okay.  
3 Q If you're speeding in North Carolina --  
4 A Uh-huh.  
5 Q -- and you get stopped in North Carolina --  
6 A You're going to --  
7 Q -- they're going to write you a ticket in North  
8 Carolina, right?  
9 A Right.  
10 Q I don't have anything to do with that, right?  
11 A Right.  
12 Q Okay. Now, with respect to these checks, did you say  
13 you saw who write them both?  
14 A No. I said Shannon -- Shannon wrote -- Shannon Skates  
15 wrote the first check.  
16 Q Shannon Skates wrote the first check. And who wrote  
17 the second one?  
18 A I did.  
19 Q Okay. And wrote it in its entirety?  
20 A Sir?  
21 Q Wrote it in its entirety, ma'am? Let me.  
22 MR. GHENT: May I approach the witness?  
23 THE COURT: Yes, sir.  
24 Q Is this the check you're referring to, the \$1,100  
25 check?

Taylor Sadowsky  
Cross-examination by Mr. Ghent

- 1 A Shannon wrote that one.
- 2 Q Shannon wrote this one.
- 3 A Yes.
- 4 Q What you're saying is that you wrote this one,
- 5 correct?
- 6 A Yes.
- 7 Q That says painting, correct?
- 8 A Yes.
- 9 Q That says?
- 10 A Justin C. Boyce, yes, sir.
- 11 Q That says --
- 12 A Robert K. Moss.
- 13 Q Correct?
- 14 A Yes.
- 15 Q That says forty.
- 16 A That says eight forty-nine and no one hundred.
- 17 Q And how far did you go in school?
- 18 A What does that have to do with anything?
- 19 Q Okay. I'm --
- 20 THE COURT: Hold on, hold on.
- 21 No, ma'am, no, ma'am. He asks the questions; you give
- 22 the answers.
- 23 THE WITNESS: Yes, sir.
- 24 MR. GHENT: I didn't mean to embarrass her. Let me
- 25 clarify, Your Honor. She's embarrassed.

Taylor Sadowsky  
Cross-examination by Mr. Ghent

- 1 Q I apologize.  
2       okay. Did you go far enough in school that you  
3 learned how to read and write?  
4 A Yes, sir.  
5 Q Do you write?  
6 A Yes, sir.  
7 Q Do you write cursive?  
8 A Yes, sir. But everybody was taught how to write  
9 cursive in school.  
10 Q Oh, really?  
11 A Yes.  
12 Q Everybody.  
13 A Yes. That was -- that's what it -- how to be, yeah.  
14 Q And that's your claim, that you wrote these.  
15 A Uh-huh.  
16 Q Every bit of it.  
17 A I wrote that one.  
18 Q It is your testimony, again, as I understand, that  
19 you -- by the way, did anybody discuss with you the matter  
20 of school outside in the hallway?  
21 A No.  
22 Q You didn't talk about it with anyone?  
23 A Uh-uh.  
24 Q I'm sorry. You're going to have to answer yes or no.  
25 A No, sir, no, sir.

Taylor Sadowsky  
Cross-examination by Mr. Ghent

- 1 Q The checks that were written for these, you're telling  
2 me that this gentleman, the defendant, got drugs to replace  
3 drugs that this young man had brought from South Carolina  
4 into North Carolina and that one of your mother's stole  
5 from his bag, correct?
- 6 A That's seems to be correct, yes.
- 7 Q And to replace those drugs, this gentleman, you say,  
8 had such good connections in North Carolina that he went  
9 out and got pot, marijuana, correct?
- 10 A Uh-huh.
- 11 Q You'll have to speak up again.
- 12 A Yes, sir, yes, sir.
- 13 Q And ice, is that correct?
- 14 A Yes, sir.
- 15 Q What is ice?
- 16 A Methamphetamines.
- 17 Q You seem to know a lot in terms of -- I'll say the  
18 vernacular, the plain wording of drugs. You are familiar  
19 with drugs, correct, ma'am?
- 20 A Yes, sir.
- 21 Q Let me ask you this. If the checks were written in  
22 North Carolina, can you tell the ladies and gentlemen of  
23 the jury why they were cashed in South Carolina?
- 24 A No. I couldn't, honestly.
- 25 Q Can you tell them why the checks were cashed at a

Taylor Sadowsky  
Redirect examination by Mr. MacDonald

1 place that was used to cashing checks for this defendant,  
2 why somebody would have cashed these checks, this large,  
3 for this man?

4 MR. MACDONALD: Objection. This is speculation, Your  
5 Honor.

6 MR. GHENT: I just asked if she could tell.

7 THE COURT: Yes. He just asked a question. He's on  
8 cross.

9 Go ahead.

10 A I don't know -- I don't know.

11 Q You've used a lot of street words. You ever heard the  
12 expression working a con?

13 A Yes, sir.

14 Q You wouldn't be trying to work a con --

15 A No, sir.

16 Q -- on these 12 good people, would you?

17 A No, sir.

18 Q Thank you, ma'am.

19 THE COURT: Anything else?

20 MR. MACDONALD: Yes, Your Honor.

21 REDIRECT EXAMINATION

22 BY MR. MACDONALD

23 Q Just to clarify. Shannon wrote the first check with  
24 Justin's authorization.

25 A Yes, sir.

Taylor Sadowsky  
Redirect examination by Mr. MacDonald

1 Q And you wrote the second check with Justin's  
2 authorization.

3 A Yes, sir, yes, sir.

4 Q Robert Moss was present during this authorization.

5 A Yes.

6 Q The authorization was verbal for both checks?

7 A Yes, sir.

8 MR. MACDONALD: Nothing further, Your Honor.

9 THE COURT: Anything on that little bit?

10 MR. GHENT: No, sir.

11 THE COURT: Thank you, ma'am. You may step down.

12 Please be careful.

13 MR. MACDONALD: Your Honor, may she remain in the  
14 courtroom as well?

15 THE COURT: She may. Sit behind the rail, please.

16 MR. MACDONALD: Your Honor, we have a matter to  
17 discuss outside the presence of the jury.

18 THE COURT: Okay. Madam forelady and ladies and  
19 gentlemen, looks like we have a matter that the lawyers  
20 need to take up with me.

21 Please do not discuss the case. It's not at an end at  
22 this time.

23 Madam forelady.

24 (The following takes place outside the presence of the  
25 jury.)

1 would you have any motions while the jury is still out?

2 MR. GHENT: Your Honor, may we ask the Court as a  
3 matter of -- well, to take -- if the Court would take  
4 judicial notice just to clarify this. It came up.

5 Counsel very capably at some point asked questions  
6 regarding when it was reported. I would simply ask the  
7 Court to take judicial notice of when the 15th and 16th and  
8 17th are.

9 MS. WALTERS: 15th, 16th, 19th and 20th.

10 MR. GHENT: Excuse me. I'll let my colleague.

11 MS. WALTERS: We ask that the Court take judicial  
12 notice that the 15th was a Friday in January of 2016, that  
13 it was a Saturday, the 16th was a Saturday. The 19th was a  
14 Tuesday and the 20th was a Wednesday.

15 THE COURT: All right. Any objection?

16 (No response.)

17 THE COURT: The Court takes judicial notice of the  
18 dates being the days that they were specified in the  
19 record. Okay.

20 MS. WALTERS: Thank you, Your Honor.

21 THE COURT: All right. The defense has now rested.  
22 Anything from the state?

23 MS. WALTERS: Beg the Court's indulgence, Your Honor.

24 (Pause.)

25 THE COURT: Do you want this as a state's exhibit, the

1 calendar?

2 MS. WALTERS: Yes, Your Honor.

3 THE COURT: That's fine.

4 (Calendar marked State's Exhibit 14.)

5 THE COURT: Anything from the state?

6 MR. GHENT: No, sir.

7 THE COURT: From the defense?

8 MR. MACDONALD: We'd like to renew our motion for  
9 directed verdicts.

10 THE COURT: Okay. And for the reasons heretofore  
11 stated, it's denied again, but you're protected on your  
12 record.

13 Anything further?

14 MR. MACDONALD: No, Your Honor.

15 THE COURT: The jury trial -- do we have any jury  
16 requests to charge?

17 MR. GHENT: Standard.

18 THE COURT: Standard charges.

19 Okay. All right. Let's take about ten or 15 minutes  
20 or so.

21 collect your thoughts, but let me see everybody real  
22 quick before we come back out to argue and charge, because  
23 we're going to show you our charge. Okay.

24 (Whereupon, a recess was taken.)

25 THE COURT: Do you want to rest in front of the jury

1 when they come in just as a formality?

2 MR. MACDONALD: Yes, Your Honor.

3 THE COURT: Ready, solicitor?

4 MS. WALTERS: Yes, Your Honor.

5 THE COURT: All right. Ready defense? Are y'all  
6 ready?

7 MR. MACDONALD: Yes, Your Honor.

8 THE COURT: Let me have the jury.

9 (The following takes place in the presence of the  
10 jury.)

11 THE COURT: Madam Forelady, everything okay with the  
12 jury?

13 THE FOREPERSON: Everything is fine.

14 THE COURT: Very good.

15 All right. Next witness.

16 MR. MACDONALD: The defense rests.

17 THE COURT: The defense rests.

18 Okay. Anything from the state?

19 MS. WALTERS: None from state, Your Honor.

20 THE COURT: All right. Well, Madam Forelady, ladies  
21 and gentlemen, the defense has now rested, meaning they  
22 don't intend to put up any other witnesses at this time.  
23 And the state has no rebuttal.

24 So at this time we'll go to closing arguments, and  
25 then I'll charge you on the law, and then we'll let you

## Jury charge

1 just was honest with the Court and said I was negative and  
2 now this made me more negative in my account.

3 And, lastly, the defense attorney says about the  
4 reason, and I brought up the painting reason. He goes,  
5 well, they're not going to put drugs. Well, why put any  
6 reason on there? Why put any reason on why the checks were  
7 written?

8 Ladies and gentlemen, we do have a burden of proof for  
9 the state. That's beyond a reasonable doubt. It doesn't  
10 mean any doubt. It means beyond a reasonable doubt.

11 And Judge Kelly will go into what the definition of  
12 reasonable doubt is, but I told you in opening that we are  
13 confident that you will be satisfied when you go to  
14 deliberate that we have met that burden.

15 Again, I ask you to find the defendant guilty. Thank  
16 you.

17 THE COURT: Thank you.

18 Madam forelady and ladies and gentlemen of the jury,  
19 you have seen and heard the evidence presented, as well as  
20 the arguments of counsel, and it is now my duty and  
21 obligation to instruct you on the law in this case. And it  
22 will then be your solemn duty and obligation to begin your  
23 deliberations through which process you will decide the  
24 facts, apply the law as I now instruct it and render a fair  
25 and impartial verdict.

### Jury charge

1       It is your exclusive duty to determine what the facts  
2 are in this case. You will do that based on your own  
3 common sense evaluation and examination of the testimony  
4 and other evidence received during the trial.

5       You 12 jurors alone will decide what effect, value and  
6 weight is to be given to any particular testimony or other  
7 evidence received.

8       Quite simply, ladies and gentlemen, your obligation as  
9 jurors is to give both the state and the defendant a fair  
10 and impartial trial based on the evidence presented and the  
11 law as I now tell it to you.

12       The two indictments charge the defendant with the  
13 offense of forgery. Specifically, that the defendant,  
14 Robert Keith Moss, did in the County of Spartanburg, State  
15 of South Carolina, on or between January 15 and January 19  
16 of 2016 knowingly and with the intent to defraud falsely  
17 make, forge, counterfeit, cause, or procure to be falsely  
18 made, forged, or wilfully acted or assisted in the false  
19 making, forging or counterfeiting of any writing or  
20 instrument of writing, and/or did utter or publish as true  
21 any false, forged or counterfeited writing or instrument of  
22 writing, and/or did willingly act or assist in any of the  
23 above activities with two writings or instruments of  
24 writings, the first being a check No. 1096 in the amount of  
25 \$1,100 and the second being a check No. 1097 in the amount

## Jury charge

1 of \$849, all in violation of state law.

2 I remind you the fact the defendant was arrested,  
3 charged and indicted is not evidence and cannot be  
4 considered by you as evidence of guilt, nor does it create  
5 any presumption or inference of guilt. I charge you that  
6 the instrument -- the indictment is simply the written  
7 instrument which contains the charge, two charges, made  
8 against the defendant, and it's the document which brings  
9 him before the Court.

10 The defendant has pled not guilty to both indictments,  
11 and that puts the complete burden on the State of South  
12 Carolina to prove the defendant's guilt beyond a reasonable  
13 doubt.

14 A person charged with committing a criminal offense in  
15 South Carolina is never required to prove himself innocent.

16 I charge you it is a cardinal, important and vital  
17 rule of law that in a criminal trial, no matter what the  
18 seriousness of the charge may be for which he stands  
19 charged, the defendant is always presumed to be innocent of  
20 the crime for which the indictment was issued unless guilt  
21 has been proven by evidence satisfying you of that guilt  
22 beyond a reasonable doubt.

23 This presumption of innocence does not end when you  
24 begin your deliberations, but it accompanies the defendant  
25 throughout the trial until you reach a verdict of guilt

## Jury charge

1 based on the evidence satisfying you of that guilt beyond a  
2 reasonable doubt.

3 The presumption of innocence is like a robe of  
4 innocence placed about the shoulders of this defendant  
5 which remains with him from the moment of his arrest and  
6 continues until it has been striped from his shoulders by  
7 evidence satisfying you of his guilt beyond a reasonable  
8 doubt.

9 The presumption of innocence is not mere legal theory  
10 nor a legal phrase but a substantial right to which every  
11 defendant is entitled unless you 12 jurors are satisfied  
12 from the evidence of his guilt beyond a reasonable doubt.

13 Ladies and gentlemen, I remind you that during this  
14 trial you and I have certain duties to perform. As the  
15 trial judge it is my responsibility to preside over this  
16 trial, and I also have the duty to rule on the  
17 admissibility of evidence offered.

18 You are to consider only the competent evidence before  
19 you. If there were any testimony ordered stricken from the  
20 record, you must disregard it. You are to consider only  
21 the testimony which has been presented from the witness  
22 stand and the exhibits which have been made a part of the  
23 record.

24 Additionally, I have the duty to charge you the law  
25 applicable to this case. As presiding judge I am the sole

## Jury charge

1 judge of the law, and it is your duty as jurors to accept  
2 it and apply it as I now state it to you.

3 I remind you and now charge you that if you have any  
4 idea as to what the law is or ought to be or should be and  
5 it does not agree with what I now tell you the law is, you  
6 must abandon your idea because you are sworn to accept the  
7 law and apply it as I now state it to you.

8 In every case tried in this courtroom before a jury  
9 you 12 jurors become the sole and exclusive judge of the  
10 facts in a case.

11 A trial judge cannot comment on or make a statement to  
12 a jury about a fact in a case. You, the jury, are the sole  
13 judge of all of the facts in this case, and you are not to  
14 infer from anything that I have said during the progress of  
15 this -- of this trial that I have an opinion about a fact  
16 in this case. The law of South Carolina does not allow me  
17 to have an opinion about a fact in this case. This is a  
18 matter solely for you 12 to determine.

19 The State of South Carolina has the burden of proving  
20 the defendant guilty beyond a reasonable doubt.

21 Ladies and gentlemen, proof beyond a reasonable doubt  
22 is proof that leaves you firmly convinced of the  
23 defendant's guilt.

24 There are very few things in this world that we know  
25 with absolute certainty, and in criminal cases the law does

## Jury charge

1 not -- in a criminal case the law does not require proof  
2 that overcomes every possible doubt.

3 A reasonable doubt may also be described as the kind  
4 of doubt that would cause a reasonable person to hesitate  
5 to act. If you have such a doubt as to the guilt of this  
6 defendant he is entitled to a verdict of not guilty.

7 Reasonable doubt may arise from evidence which is in  
8 the case or from the absence or lack of evidence in a case.  
9 Based on your consideration of the evidence if you are  
10 firmly convinced that the defendant is guilty of the crimes  
11 charged, you must find him guilty.

12 On the other hand, if you think there is a real  
13 possibility that this defendant is not guilty, you must  
14 give him the benefit of the doubt and find him not guilty.

15 You 12 jurors alone must make the determination of  
16 whether or not reasonable doubt exists as to the guilt of  
17 this defendant.

18 Now, ladies and gentlemen, there are two types of  
19 evidence which are generally presented during a trial. We  
20 call that direct evidence and circumstantial evidence.

21 Direct evidence is testimony of a person who claims to  
22 have actual knowledge of a fact such as an eye witness. It  
23 is evidence which immediately establishes the fact to be  
24 proven.

25 Circumstantial evidence is proof of a chain of facts

## Jury charge

1 and circumstances indicating the existence of a fact. It  
2 is evidence which immediately establishes collateral facts  
3 from which the main fact may be inferred.

4 Circumstantial evidence is based on inference and not  
5 on personal knowledge or personal observation. The law of  
6 this state makes no distinction between the weight or value  
7 to be given to either direct or circumstantial evidence,  
8 nor is a greater degree of certainty required of  
9 circumstantial evidence.

10 You should weigh all evidence, and after doing so if  
11 you are not convinced of the guilt of this defendant beyond  
12 a reasonable doubt, you must find him not guilty.

13 Under the constitution of this state you 12 are the  
14 finders of fact. And necessarily you must determine the  
15 credibility of witnesses who have testified. Credibility  
16 simply means believability. It becomes your duty as jurors  
17 to analyze and evaluate the evidence and determine which  
18 evidence is convincing to you.

19 I charge you that in determining the believability of  
20 witnesses who have testified you may believe one witness  
21 over several, or several witnesses over one. You may  
22 believe a part of the testimony of a witness and reject the  
23 remaining part of the testimony of that same witness.

24 You may believe the testimony of a witness in its  
25 entirety or reject the testimony of that witness in its

## Jury charge

1 entirety. You may consider whether the witness has  
2 exhibited to you any interest, bias, prejudice or other  
3 motive in the case.

4 Ladies and gentlemen, whatever your good judgment and  
5 common sense tells you is the most believable testimony is  
6 the testimony that you should accept, and reject testimony  
7 which you find not to be credible or believable.

8 Now, criminal intent is a necessary element of each  
9 crime that must be proved by the state beyond a reasonable  
10 doubt.

11 Criminal intent is a matter that must be determined by  
12 the jury from the circumstances surrounding the situation.  
13 There is no way to prove to a mathematical certainty.  
14 There is no way medical science can dissect a person's  
15 brain and determine what he had in mind. So the law says  
16 that criminal intent may be inferred from the circumstances  
17 shown to have existed.

18 Criminal intent is a state of mind which when operated  
19 jointly with an act is the commission of a crime. Criminal  
20 intent is a mental state, a conscious wrongdoing. So it is  
21 up to you 12 jurors to determine what the defendant  
22 intended to do based on the circumstances shown to have  
23 existed.

24 I tell you the state must prove criminal intent beyond  
25 a reasonable doubt just as it must prove every element

## Jury charge

1 beyond a reasonable doubt.

2 Now, it is not necessary to establish intent by direct  
3 and positive evidence, but it may be established by  
4 inference in the same way as any other fact by taking into  
5 consideration the acts of the parties, all of the facts and  
6 circumstances of the case. While the state may prove  
7 motive, it is unnecessary for the state to so do. But the  
8 state must prove criminal intent.

9 I have instructed you that the defendant is charged  
10 with the offense of forgery. And I will now read to you in  
11 part Section 16-13-10 of our Code of Laws which states in  
12 part: It is unlawful for a person to falsely make, forge  
13 or counterfeit, cause or procure to be falsely made, forged  
14 or counterfeited, or wilfully acted or assist in the false  
15 making, forging or counterfeiting of any writing or  
16 instrument of writing, utter or publish as true any false,  
17 forged or counterfeit writing or instrument of writing,  
18 falsely make, forge, counterfeit, alter, change, deface or  
19 erase, or cause or procure to be falsely made, forged,  
20 counterfeited, altered, changed, defaced or erased any  
21 record or plat of land, or willingly or assist in any of --  
22 of the above with the intent to defraud any person.

23 The forgery statute makes it a crime to utter or  
24 publish as true any false, forged or counterfeited writing  
25 or instrument of writing with an intention to defraud any

## Jury charge

1 person.

2 A forgery is uttered or published when there is an  
3 attempt to use these instruments by bringing it to the  
4 knowledge of an innocent person. One may be guilty of  
5 forgery who did not make or alter the instrument if, after  
6 it has been forged, he utters or publishes it.

7 One knowingly uttering a forged instrument with the  
8 intent to defraud need not have actually forged the  
9 document themselves.

10 Uttering is defined as offering as genuine an  
11 instrument known to be false with intent to defraud.  
12 Uttering is the offering of a forged instrument knowing it  
13 to be such with a representation that it is genuine and  
14 with an intent to defraud.

15 In order to convict for uttering or publishing a  
16 forged instrument the state must prove the following three  
17 elements beyond a reasonable doubt: One, the instrument  
18 must be uttered or published as true or genuine; two, the  
19 person uttering or publishing the instrument must know it  
20 is false, forged or counterfeited; and, three, it must be  
21 uttered or published with the intent to prejudice, damage  
22 or defraud another person.

23 To constitute the offense of uttering or publishing a  
24 forged instrument the instrument must be uttered or  
25 published as true or genuine, and it is essential that the

## Jury charge

1 person doing so -- or uttering or passing the forged  
2 instrument have knowledge of its falsity. To make the  
3 offense of uttering or publishing a forged or false  
4 instrument complete it is not necessary that one should  
5 have actually been injured or defrauded by the uttering or  
6 publishing. It is enough that it may probably or possibly  
7 be done.

8       It is not a defense for uttering or publishing a  
9 forged or false instrument that the person committing the  
10 crime was himself justly entitled to what he would obtain  
11 by means of the uttering or publishing of the instrument.

12       The intent to injure or defraud must be present. The  
13 intent required for a forgery is the intent to defraud. If  
14 one in good faith or ignorance presents a check or other  
15 written instrument not knowing it to be a forgery, he would  
16 not be guilty of uttering or publishing a forged  
17 instrument. The circumstances surrounding the uttering of  
18 the instrument are relevant to the establishment of the  
19 intent.

20       Now, you 12 have been selected as fair and impartial  
21 jurors sworn to impartially try and determine the facts of  
22 this case, and you are to decide the case according to the  
23 testimony you have seen and heard from the witnesses, along  
24 with other evidence presented.

25       Ladies and gentlemen, your verdict must be a unanimous

## Jury charge

1 one.

2 Madam Forelady, when the jury agrees on the verdict,  
3 you will indicate your verdict in the space provided on the  
4 two verdict forms. Sign your name as the foreperson of the  
5 jury, knock on the jury room door, advise the bailiff you  
6 have reached a verdict, and we will return the verdict to  
7 the courtroom.

8 Now, ladies and gentlemen, during your deliberations  
9 you may only discuss the case in the jury room with your  
10 fellow jurors because they have seen and heard the same  
11 evidence you have seen and heard, but you must not discuss  
12 this case with anyone outside the jury room until you have  
13 returned a verdict.

14 Madam Forelady, the jury must remain together, all 12,  
15 during your deliberations. If a juror needs to be excused  
16 for the restroom or other break, the jury deliberations  
17 must cease until all 12 jurors are collectively once again  
18 together.

19 Do you understand?

20 Okay. This -- these are the two jury forms of which  
21 I -- I previously spoke. It has the caption of the case.  
22 My law clerk here prepares these in every case.

23 It has the caption. It has a number up here and it  
24 has the name of the case, and that's just so we know that  
25 this form belongs with this case.

## Jury charge

1       It says, we, the jury, unanimously find the defendant,  
2 Robert Keith Moss, on the charge of forgery as to check  
3 No. 1096 in the amount of \$1,100 not guilty or guilty.

4       I tell you that there is no significance to whether  
5 it's not guilty and guilty, or guilty and not guilty on the  
6 piece of paper. It simply has to come in some order, and I  
7 use the same order each time.

8       It then has a place that says I certify this decision  
9 was the unanimous decision of the jury.

10       Madam Forelady, you would sign your name here, and you  
11 would put the date here.

12       The other document is identical except that it has the  
13 other check and the other check number.

14       Remember, you have two cases before you. You can find  
15 the defendant guilty on both; you can find the defendant  
16 not guilty on both; you can find the defendant guilty on  
17 one and not guilty on the other. You have two cases before  
18 you.

19       Madam Forelady, in just about 30 seconds I'm going to  
20 send all 13 jurors with you -- you and the 12 others -- to  
21 go out into the jury room.

22       Do not begin your deliberations. Give me about two or  
23 three minutes. I practiced law for 25 years before coming  
24 up here. It is so easy to pick up a document down here, be  
25 talking about it in closing and then walk back to my table

## Jury charge

1 and sit down with that piece of paper.

2 All of these in evidence belong to you, the jury.

3 Therefore, when I send you out of the courtroom I'm going  
4 to ask the lawyers to come up here.

5 Madam court reporter has a list. I'm going to ask  
6 them to go through and make sure. I believe there are 14  
7 of them. I try to keep up with them for myself.

8 I'm going to ask them to come up and make sure they  
9 are all here.

10 Once the lawyers agree that all of those are here I  
11 will give those and both pieces of paper to my bailiff. My  
12 bailiff will come to you and will retrieve madam alternate.

13 Madam Alternate, you will leave when the 12 get the  
14 doc -- the evidence and these two. So when he comes back  
15 with this and removes the madam alternate, that is your  
16 signal to begin your deliberations at that time.

17 Please take your jury out. Don't begin deliberations.  
18 Just give me a minute.

19 (Whereupon, the jury retired to deliberate at  
20 3:20 p.m.)

21 THE COURT: Anything from the state?

22 MS. WALTERS: Nothing from the state, Your Honor.

23 THE COURT: From the defense?

24 MR. MACDONALD: No, Your Honor.

25 THE COURT: Lady and gentlemen, please come forward

## Jury charge

1 and make sure everything is here. I think there are 14.

2 (Pause.)

3 THE COURT: Take all 14, and those, and take madam  
4 alternate and put her somewhere.

5 They can begin their deliberations.

6 (Whereupon, a recess was taken.)

7 THE COURT: Okay. We've got everybody in place --  
8 state, defense. Got everybody.

9 All right. We'll have our jury.

10 When you bring the alternate, just let the alternate  
11 sit in one of the gallery seats. That will be good. Thank  
12 you.

13 (Whereupon, the jury returned to the courtroom at  
14 4:12 p.m. to report its verdict.)

15 THE COURT: Madam Forelady, has the jury reached its  
16 verdict?

17 THE FOREPERSON: Yes, sir.

18 THE COURT: If you would, hand that to the bailiff.  
19 Madam clerk.

20 THE CLERK: We, the jury, unanimously find the  
21 defendant, Robert Keith Moss, on the charge of forgery as  
22 to check No. 1096 in the amount of \$1,100, the verdict is  
23 guilty. Signed by the foreperson. Dated February the  
24 9th of 2017.

25 As to the charge of forgery to the check of 1097 in

Verdict

1 the amount of \$849, the verdict is guilty. Signed by the  
2 foreperson. Dated February the 9th of 2017.

3 Ladies and gentlemen of the jury, is this your verdict  
4 and still your verdict? If so, please raise your right  
5 hands.

6 (Whereupon, all jurors responded in the affirmative.)

7 THE CLERK: So say you all.

8 THE COURT: Polling of the jury by the state?

9 MS. WALTERS: None from the state.

10 THE COURT: From the defense?

11 MR. MACDONALD: No, Your Honor.

12 THE COURT: Okay. Madam forelady, ladies and  
13 gentlemen, that will conclude your service on this case and  
14 for the week. This was the last trial that we will be  
15 trying this week by a jury. I'll be here tomorrow doing  
16 some nonjury work, and you're invited to come back. But  
17 you probably have other things to do.

18 But, again, thank you so very much. We could not do  
19 what we do without your assistance. Having said that, I'm  
20 going to be excusing you momentarily.

21 But, Madam Forelady, the first thing, if you would,  
22 come forward.

23 Do you need her to sign the indictments?

24 THE CLERK: Yes, sir. Do you have those?

25 THE COURT: I do. She needs you to sign the

## Verdict

1 indictments, please.

2 (Pause.)

3 THE COURT: Again, thank you for your service in this.

4 I'm going to excuse you back to the jury room.

5 They'll collect those badges from you. Then you'll be  
6 excused.

7 And their pay vouchers, will you mail them? The pay  
8 vouchers will be mailed to you. It'll be a million  
9 dollars, so, but, anyway, thank you so very much for your  
10 service.

11 I will tell you this. If you decide to stay -- and I  
12 say this because I've had jurors in the past ask me could  
13 they stay for the remainder, because we're going to proceed  
14 to some sentencing here. The answer to that is yes. But  
15 if you don't mind, please, when you leave the jury box, you  
16 can sit in the gallery out here instead of in the jury box.  
17 But if you'd like to stay for the next 20 minutes or so,  
18 you may, but you're certainly not required to do that.

19 Madam forelady, if you would, take your jury back to  
20 the jury room, and turn you badges in.

21 (Whereupon, the trial jury was excused.)

22 THE COURT: Matters from the state?

23 MS. WALTERS: No matters from the state, Your Honor.

24 THE COURT: From the defense?

25 MR. MACDONALD: No, Your Honor.

## Sentence

1 THE COURT: Okay. All right. We're ready to get the  
2 sentencing sheets?

3 MS. WALTERS: Your Honor, if I may run upstairs and  
4 grab his prior record for sentencing purposes.

5 (Pause.)

6 MR. MACDONALD: Your Honor, I'd like to make a  
7 motion --

8 THE COURT: Yes, sir.

9 MR. MACDONALD: -- for a new trial based on the  
10 factors listed in my motions for directed verdicts.

11 THE COURT: All right. Solicitor.

12 MS. WALTERS: Your Honor, we ask that the Court would  
13 deny the defense's motion.

14 THE COURT: Okay. Well, the motion is denied for a  
15 new trial in that the evidence was sufficient by the jury  
16 to consider and render a verdict.

17 MR. MACDONALD: Thank you.

18 THE COURT: Are we ready, Solicitor?

19 MS. WALTERS: Yes, Your Honor.

20 THE COURT: All right. Do y'all want to come up?  
21 Solicitor, I heard the facts, but you can tell me  
22 anything else, especially past record.

23 MS. WALTERS: Yes, Your Honor.

24 In reference to Mr. Moss' prior record, he has a 1982  
25 grand larceny; 1991, D.U.I. and open container; 2005,

## Sentence

1 D.U.S., operating uninsured motor vehicle; 2010, ABHAN and  
2 common law strong arm robbery; a 2012, loitering for  
3 prostitution or engaging in illegal drug activity; and a  
4 2016 attempt to possess unlawful substance.

5 THE COURT: Is he on probation?

6 MS. WALTERS: Not to my knowledge, Your Honor.

7 THE COURT: Okay. All right. Yes, sir.

8 MR. MACDONALD: Your Honor, the facts in this case, no  
9 one really had clean hands, you know. There's a -- there's  
10 a bunch of drugs involved -- the victim involved here, you  
11 know.

12 Mr. -- Your Honor, my client, Mr. Moss, he's got an  
13 eight-month-old son that he takes care of, he provides for  
14 financially. He, the son, lives with him mostly. You  
15 know, he's got an eight-month-old kid that needs a fatherly  
16 figure.

17 And he owns his own business, painting business. He  
18 has employees there. Those employees are going to lose  
19 their job.

20 You know, he is a hardworking citizen. He's worked  
21 hard. He's painted for over 35 years now. He's always  
22 been a hard worker. He has future painting contracts that  
23 he was going to be performing in the City of Greer.

24 He owns his own house. He has pets that he takes care  
25 of -- his cat, dog, chicken. You know, he hopes one day

## Sentence

1 to, you know, buy a farm and, you know, a piece of land and  
2 just grow crops and livestock.

3 He's got a history, but most of that history is way,  
4 way in the past. And, you know, he's been -- seven years  
5 ago was his most recent serious charges. And he's tried to  
6 put that behind him and he just is trying to move forward.  
7 And we ask for a light sentence here, Your Honor. That's  
8 what we're requesting from you.

9 THE COURT: Okay. Mr. Moss, I'll be happy to hear  
10 from you.

11 THE DEFENDANT: I -- I apologize for everything that's  
12 gone on, and, I mean, I got to live with it, he's got to  
13 live with it, everything that's went on here. I know both  
14 of us has got dirty hands. I mean, like he said, all of us  
15 do.

16 And, you know, ever since that major trouble I got  
17 into -- and I realize I got a son now -- and I -- I retired  
18 from the outlaw life. I don't even want nothing to do with  
19 it because I don't want my son to grow up in it. He's --  
20 he's just so special. I just -- I just want him to have a  
21 good life because he's -- you know, he's all I've got now,  
22 and he's my future. And I just -- and I, like I said, I'm  
23 -- I apologize. You know, you lost money and everything  
24 that went on. And I just don't -- I'm just begging for  
25 mercy, sir.

## Sentence

1 MS. WALTERS: Your Honor, I forgot to mention. For  
2 the record, he did have a second grand larceny in 2010.

3 THE COURT: All right. 2016-5646, State Department of  
4 Corrections for five years concurrent. Credit for time.

5 2016-5647, State Department of Corrections for five  
6 years concurrent. Credit for time. Best of luck to you.

7 END OF REQUESTED TRANSCRIPT OF RECORD

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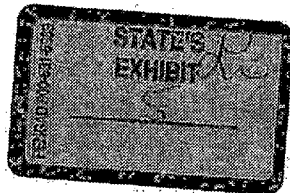
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\* [REDACTED] \*

This is a LEGAL COPY  
of your check. You can  
use it the same way  
you would use the  
original check.

RETURN REASON-A  
NOT SUFFICIENT  
FUNDS



9102/61/10 1121101501  
96889840E2000000

NSF

JUSTIN C. BOYCE  
DEAN RD.  
GREER, SC 29651

1097  
67-776732

Date 1. 16. 16

Pay to the order of

Robert K. Moss \$ 849.<sup>00</sup>

Eight forty nine and no one hundred Dollars

Wells Fargo bank, N.A.  
South Carolina  
wellsfargo.com

for

Dairington Justin C. Boyce

00000084900

2 01/19/2016  
 3 RR - A  
 \* 0 01/21/2016  
 2 RR - A

↓ Do not endorse or write below this line. ↓

ENDORSE HERE

*Handwritten:* Moss  
 S.C.D.L.  
 864-

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE  
 MP 58878823 FINANCIAL INSTITUTION USE MP  
 58878823 BANKING & TRUST CO  
 #0532016074  
 FOR DEPOSIT ONLY  
 RUCHI FOOD MART INC  
 CHECK CASHING ACCT  
 5125788442

\* > 0 01/19/2016



Parlock design is a certification mark of the Check  
 Payment Systems Association

**Warning:**

Absence of the following Security Features may indicate alteration

MP Markings

Chemical Resistant Ink

Warning Parlock Logo

Security Screen Paper

• Try type on front and back of document to see if it forms  
 lines when scanned or photographed.  
 • Scrutinize paper edges to chemical markers to alter check  
 lines in paper when viewed under black light.

• Water markers to be made of colored security features.  
 "Original Document" text, and water pattern visible on back  
 of check, will not appear if scanned or photographed.

\* FEDERAL RESERVE BOARD OF GOVERNORS REG. C C

10/27/2010  
This is a LEGAL COPY  
of your check. You can  
use it the same way  
you would use the  
original check.

RETURN REASON-A  
NOT SUFFICIENT  
FUNDS



9102/61/10 1121101E501  
9E259840E200000

NSF

JUSTIN C. BOYCE  
DEAN RD.  
GREER, SC 29651

1098  
87-778532

Date 1/5. 2010

Pay to the order of Robert K. Moss \$ 1100.00  
Eleven hundred and no/100 Dollars

Wells Fargo bank, N.A.  
South Carolina  
wellsfargo.com

for [Signature]

[Signature] Justin C. Boyce  
1098

[Redacted]

00000100000

3212 01/19/2016

01/21/2016

RR - A

Do not endorse or write below this line

ENDORSE HERE

x *Ant Mo 22*  
 SICD6, 00477307  
 864 - [REDACTED]

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE  
 RESERVED TO THE INSTITUTION USE

MP

BB&amp;T BRANCH BANKING &amp; TRUST CO

90532016074

FOR DEPOSIT ONLY

RUCHI FOOD MART INC

CHECK CASHING ACCT

5125788442

\* > 05310 [REDACTED] < \* 01/19/2016  
 000002304 [REDACTED] 8



Padlock design is a certification mark of the Check  
 Payment Systems Association

## Warning:

Absence of the following Security Features may indicate alteration

MP Member

Key type on front and back of document like in to front and  
back when scanned or photocopied.

Chemical Resistance Ink

Sensitive paper reacts to chemical attacks to alter check  
type in paper stock removed when check type

Moving Barcode MP Member Logo

When removed to be aware of altered security features

Security Screen Backer

"Original Document" text, and altered pattern visible on back  
of check, will not appear if scanned or photocopied.

\* FEDERAL RESERVE BOARD OF GOVERNORS REG. C.C.



South Carolina Department of Motor Vehicles  
Official Driver License Record



*Robert Keith Moss*

Name and Address: MOSS, ROBERT KEITH  
[REDACTED] S PINE ST  
SPARTANBURG SC 293023777

Gender: M  
Height: 5'11"  
Weight: 200 lbs  
Date of Birth: [REDACTED]/1965

License Number: [REDACTED]  
Issue Date: 02/29/2008  
Expiration Date: 01/23/2018

Print Date: 2/7/2017



Certified to be a true and correct  
copy of the original document on file  
with the South Carolina Department of  
Motor Vehicles.

*A. L. Phelps*

Driver Services, Deputy Director

## WITNESSES

Spartanburg County Sheriff's Office

1. SENTENCE MADE

2. REPORT ENTERED

3. CASE PULLED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

7. ASSESSMENT AND FINE CARD MADE

ARREST WARRANT NUMBER

2018A4210101024 (Direct Indictment)

ACTION OF GRAND JURY

True Bill OCT 28 2016

Foreperson of Grand Jury  
Date:

VERDICT

Guilty

Foreperson of Petit Jury  
Date:

2-9-17

DOCKETED

18-CS-42-5647

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

OCT 31 2016

TERM

THE STATE  
vs.

Robert Keith Moss

Indictment for

FORGERY &lt; \$10,000

SC Code: 16-13-10 (A), (B)(2), 16-1-57

GBR Code: 3812

Class FEL/E

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY

2016 NOV -4 AM 10:17

M. HOPE BLACKLEY

RECEIVED

FEB 15 2017

SC Court of Appeals

TD

STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )

## INDICTMENT

At a Court of General Sessions, convened on GC 28 2016, the  
Grand Jurors of Spartanburg County present upon their oath:

**FORGERY < \$10,000**

That the defendant, Robert Keith Moss, did in Spartanburg County on or between January 15, 2016 and January 19, 2016, knowingly and with the intent to defraud: (1) falsely make, forge, counterfeit, cause or procure to be falsely made, forged, or willfully act or assist in the false making, forging or counterfeiting of any writing or instrument of writing; and/or (2) utter or publish as true any false, forged, or counterfeited writing or instrument of writing; and/or (3) willingly act or assist in any of the above activities; said writing or instrument of writing being: a check (#1096) in the amount of \$1,100.00, in violation of §16-13-10(A) and §16-1-57, THE CODE OF LAWS OF SOUTH CAROLINA (1976), as amended.

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

  
ASSISTANT SOLICITOR

## WITNESSES

Spartanburg County Sheriff's Office

1. SENTENCE MADE

2. REPORT MADE

3. CASE FILED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

7. ASSIGNMENT

FINE CARD

ARREST WARRANT NUMBER

2016A4210101025 (Direct Indictment)

## ACTION OF GRAND JURY

True Bill

OCT 28 2016

Foreperson of Grand Jury  
Date:

VERDICT

Guilty

Foreperson of Petit Jury  
Date:

2-9-17

DOCKET NO.

16-GS-42-5646

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

## COURT OF GENERAL SESSIONS

OCT 31 2016

TERM

THE STATE  
vs.

Robert Keith Moss

Indictment for

FORGERY &lt; \$10,000

SC Code: 16-13-10 (A), (B)(2), 16-1-57

CDR Code: 3812  
Class FEL/EFILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2016 NOV -4 AM 10:17  
M. HOPE BLACKLEY

TD

STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )

## INDICTMENT

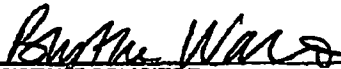
OCT 28 2016

At a Court of General Sessions, convened on \_\_\_\_\_, the  
Grand Jurors of Spartanburg County present upon their oath:

**FORGERY < \$10,000**

That the defendant, Robert Keith Moss, did in Spartanburg County on or between ~~January 16, 2016 and January 19, 2016~~, knowingly and with the intent to defraud: (1) falsely make, forge, counterfeit, cause or procure to be falsely made, forged, or willfully act or assist in the false making, forging or counterfeiting of any writing or instrument of writing; and/or (2) utter or publish as true any false, forged, or counterfeited writing or instrument of writing; and/or (3) willingly act or assist in any of the above activities, said writing or instrument of writing being: a check (#1097) in the amount of \$849.00, in violation of §16-13-10(A) and §16-1-57, THE CODE OF LAWS OF SOUTH CAROLINA (1976), as amended.

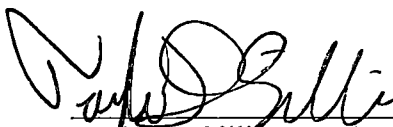
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
\_\_\_\_\_  
ASSISTANT SOLICITOR

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Taylor D Gilliam  
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 6<sup>th</sup> day of December, 2017.

RECEIVED

DEC 06 2017

SC Court of Appeals