

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Bamberg County

Honorable L. Casey Manning, Circuit Court Judge

RECEIVED
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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CHRISTOPHER ANTOINE BYARS,

APPELLANT

APPELLATE CASE NO 2017-001722

RECORD ON APPEAL

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1 State of South Carolina) In the Court
2 County of Bamberg) Of General Sessions

3
4 Indictment No.: 2016-GS-05-00100

5
6 State of South Carolina,)
Plaintiff.)

7
8 vs.)

Transcript of Record

9
10 Christopher Byars,)
Defendant.)

11
12
13 August 1, 2016
14 Aiken, South Carolina

15
16 B E F O R E:

17 The Honorable R. Casey Manning, Judge.
18

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

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Attorney for the State

21 Michael Chesser, Esquire
22 Attorney for the Defendant

23
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1 CHRISTOPHER BYARS,
2 having been duly sworn, testified as follows:

3 THE COURT: Yes, sir.

4 MR. MILLER: Thank you, Your Honor, before the
5 Court is Christopher Byars. This is a Bamberg County case.
6 Mr. Byars is here today to waive presentment and plead
7 guilty to the charge contained in Indictment
8 2016-GS-05-100. That is an indictment for assault and
9 battery of a high and aggravated nature.

10 Prior to accepting the plea, Your Honor, we have a
11 couple of exhibits, Court's Exhibits, to hand up. The
12 first identified as Court's Exhibit Number 1 is the
13 Capacity to Stand Trial Evaluation, done by the Department
14 of Mental Health, Dr. Frierson, which states that Mr. Byars
15 is competent to stand trial. And the second is an
16 Evaluation of Criminal Responsibility and Capacity to
17 Conform, which was also conducted by Dr. Frierson for
18 Mr. Byars and Dr. Frierson's conclusion based on these
19 reports, which I will hand up, is that he is competent to
20 stand trial in this matter and that he had the capacity to
21 conform his conduct and understood the difference between
22 right and wrong at the time of the alleged event.

23 I believe that Mr. Chesser would stipulate for the
24 purposes of this hearing that Mr. Byars is competent and
25 that he had the capacity to conform his conduct at the time

1 of the event.

2 THE COURT: Is that correct, Mr. Chesser?

3 MR. CHESSER: Yes, Your Honor.

4 THE COURT: So Mr. Chesser, you represent
5 Christopher Byars; is that correct?

6 MR. CHESSER: Yes, sir.

7 THE COURT: Have you explained to Mr. Byars the
8 charge contained in this indictment, the possible
9 punishment and his rights including his constitutional
10 right to a jury trial?

11 MR. CHESSER: Yes, Your Honor.

12 THE COURT: And in your opinion does Mr. Byars
13 understand the charge, the punishment, and his rights?

14 MR. CHESSER: Yes.

15 THE COURT: How does he indicate to you he wishes
16 to plead, guilty or not guilty?

17 MR. CHESSER: Guilty.

18 THE COURT: Do you agree with his decision to do
19 so?

20 MR. CHESSER: Yes.

21 THE COURT: From your investigation of the facts
22 and circumstances surrounding this case, do you feel that
23 the State could produce sufficient evidence to convince a
24 jury here in Aiken County of Mr. Byars's guilt beyond a
25 reasonable doubt; and if he were to stand trial on this

1 charge, his conviction would be probable?

2 MR. CHESSER: Yes.

3 THE COURT: Now, the solicitor indicated Mr. Byars
4 has been evaluated for the purposes of determining whether
5 or not he's competent to stand trial or enter this guilty
6 plea; is that correct?

7 MR. CHESSER: Yes, sir.

8 THE COURT: All right.

9 Now, you are Christopher Byars?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Mr. Byars, before I can accept a plea
12 of guilty, it's necessary for me to make sure that you're
13 making this plea freely and voluntarily. To do that, sir,
14 I need to ask you a series of questions. At any point
15 during my questioning of you, if you do not understand
16 anything I say or the words I use, please stop me, I'll be
17 more than happy to repeat or explain anything I say,
18 Mr. Byars. Additionally I'll be more than happy to stop
19 this plea and allow you as much time as you feel you may
20 need to consult with your lawyer, Mr. Chesser. Do you
21 understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: How old are you Mr. Byars?

24 THE DEFENDANT: 32.

25 THE COURT: 32?

1 THE DEFENDANT: Yes, sir.

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

3 THE DEFENDANT: I completed the eighth grade.

4 THE COURT: Now speak up a little bit.

5 THE DEFENDANT: Eighth grade.

6 THE COURT: Eighth grade. And what kind of work
7 have you done?

8 THE DEFENDANT: I've done a lot of construction
9 work. The last job I had was at a -- Company down the road
10 here in South Carolina.

11 THE COURT: All right. Have you ever been treated,
12 Mr. Byars, for the use of alcohol or drugs or for mental
13 illness?

14 THE DEFENDANT: For mental illness, sir.

15 THE COURT: And when and how long have you been
16 treated for mental illness, sir.

17 THE DEFENDANT: Last time I --

18 THE COURT: I'm sorry Mr. Byars. You're really
19 going to have to speak up for me.

20 THE DEFENDANT: The last time I remember, sir, it
21 was in 2014.

22 THE COURT: 2014?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And where was that? Where did that
25 take place?

1 THE DEFENDANT: That was at the Aurora Pavilion
2 over in Aiken.

3 THE COURT: And did you successfully complete the
4 program or did something happen?

5 THE DEFENDANT: I completed it. They sent me home.

6 THE COURT: All right. You're originally from
7 Williston?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. Now, Mr. Byars, you heard
10 your lawyer, Mr. Chesser, tell me that he has explained to
11 you the charge contained in the indictment, the possible
12 punishment and your rights, including your right to a jury
13 trial and that you understand these things; is that
14 correct?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: All right. Mr. Byars you're before me
17 on Indictment 2016-100 State versus Christopher Byars.
18 This is an indictment for assault and battery of a high and
19 aggravated nature. Do you understand this charge?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: This indictment, Mr. Byars alleges that
22 you did here in Aiken County -- I'm sorry, that you did in
23 Bamberg County on or about July 31st of 2015 commit an
24 assault and battery upon Latosha Jamison resulting in great
25 bodily injury and the act was accomplished by means likely

1 to produce death or great bodily injury; that is shooting
2 Latosha Jamison in the abdomen with a shotgun. You
3 understand this allegation, Mr. Byars?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: This is what you want to plead guilty
6 to?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: You realize that by pleading guilty of
9 assault and battery of a high and aggravated nature,
10 Mr. Byars, that you could go to jail for 20 years?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Knowing this, that you can go to prison
13 for 20 years by pleading guilty to this charge, do you
14 still wish to plead guilty to it?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Now, Mr. Byars, are you currently on
17 probation or parole for any prior offenses.

18 THE DEFENDANT: No, sir.

19 THE COURT: Now, Mr. Byars, when you plead guilty
20 you have to give up certain basic rights. First of all,
21 you have to give up your right to remain silent. Now, this
22 is your right against self-incrimination, Mr. Byars, your
23 right to say nothing at all. No one can compel you to come
24 into court to provide evidence or to testify against you,
25 sir. Do you understand this right?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Secondly, Mr. Byars, when you plead
3 guilty, you have to give up your right to a jury trial.
4 That is your right for a jury in Bamberg County to decide
5 whether or not you're guilty of this charge beyond a
6 reasonable doubt. A jury would base its decision on
7 whatever evidence the State would introduce at trial
8 against you and also whatever evidence you and your lawyer,
9 Mr. Chesser, may wish to introduce.

10 Now, Mr. Byars I wish to emphasize may wish to
11 introduce, sir, because at a trial, you would be presumed
12 innocent and wouldn't have to prove anything and you could
13 not be convicted unless the State convinced all twelve
14 jurors of your guilt beyond a reasonable doubt. The jury's
15 decision would have to be unanimous; all twelve would have
16 to agree that you assaulted Ms. Jamison with a shotgun. Do
17 you understand that?

18 THE DEFENDANT: Yes, sir, I understand.

19 THE COURT: Mr. Byars, this incident occurred in
20 Bamberg County. We're now in Aiken County. Now, you have
21 a constitutional right to have this plea or trial in
22 Bamberg County, but since you're here in Aiken, I assume
23 that you discussed a change of venue or jurisdiction with
24 your lawyer, Mr. Chesser, and you want me to hear this case
25 today in Aiken County; is that fair enough?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Is there any documents signed to that
3 effect?

4 MR. CHESSER: No, sir.

5 THE COURT: But you've discussed this with
6 Mr. Byars.

7 Mr. Byars, it's your decision to have this matter
8 heard in Aiken County today rather than in Bamberg; is that
9 fair enough?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right. Now, Mr. Byars, thirdly
12 when you plead guilty, you give up your right to confront
13 and be confronted by the witnesses against you. That is
14 your right to see, hear, and cross-examine any witnesses
15 the State may call to testify against you during a trial.
16 In addition, Mr. Byars, by pleading guilty, you give up
17 your right to subpoena and call witnesses on your own
18 behalf, that is, someone may testify for you; do you
19 understand that?

20 THE DEFENDANT: Yes, sir, Your Honor.

21 THE COURT: Fourthly, Mr. Byars, this indictment,
22 2016-100 has not been presented to or considered by the
23 grand jury in Barnwell County -- I'm sorry, Bamberg County.
24 After hearing evidence, at least twelve of the grand jurors
25 in Bamberg would have to agree that you're probably guilty

1 of shooting Ms. Jamison with a shotgun before a true-billed
2 indictment would be returned indicating that this case
3 would be ready for trial. It's possible, Mr. Byars that
4 the grand jury in Bamberg could no bill this indictment,
5 which would mean that the case against you could be
6 dismissed.

7 Now, do you want the grand jury to consider this
8 indictment or do you want to waive presentment and continue
9 with your guilty plea here and now?

10 THE DEFENDANT: I'd like to waive, sir.

11 THE COURT: So you're going to waive presentment of
12 this indictment to the grand jury of Bamberg, change
13 jurisdiction and venue, and plead guilty here today in
14 Aiken; is that correct?

15 THE DEFENDANT: That's correct.

16 THE COURT: Now, Mr. Byars, do you understand these
17 rights that I've just explained to you?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you understand, sir, when you plead
20 guilty, you have to give up these constitutional rights?

21 THE DEFENDANT: Yes, sir, I understand.

22 THE COURT: Now, is that what you want to do?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: You want to give up your constitutional
25 rights?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Now, you realize you will not receive a
3 jury trial on this charge by pleading guilty?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Now, once again, Mr. Byars, you're
6 pleading guilty to assault and battery of a high and
7 aggravated nature. Could receive up to 20 years in prison
8 by pleading guilty to this. You're giving up all of your
9 constitutional rights. Now, Mr. Byars, considering what I
10 just said to you, I'll ask you once again, how do you wish
11 to plea to this charge, guilty or not guilty?

12 THE DEFENDANT: Guilty, sir.

13 THE COURT: You realize, Mr. Byars, that when you
14 plead guilty you admit the truth of the allegations
15 contained in this indictment against you; you understand
16 that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: I tell you that, Mr. Byars, because you
19 may have some defenses to this charge, which I have no way
20 of knowing that, but you realize by pleading guilty here
21 today you give up any defenses you might have; do you
22 understand?

23 THE DEFENDANT: Yes, sir, I understand.

24 THE COURT: Additionally, Mr. Byars, I tell you
25 that because when you were arrested by the Bamberg County

1 Sheriff's Department, you may have given some type of
2 incriminating statement, that is maybe an admission or
3 confession about your guilt. You need to realize by
4 pleading guilty today, you're waiving your right to later
5 on challenge or contest that you gave any statements
6 whether or not they were taken or obtained from you freely
7 and voluntarily in accordance with your constitutional
8 rights. Do you understand that?

9 THE DEFENDANT: Yes, sir, I understand.

10 THE COURT: Now, Mr. Byars, I ask you once again,
11 did you commit this offense?

12 THE DEFENDANT: Yes, sir, I did.

13 THE COURT: So once again, Mr. Byars, you're
14 telling me you're pleading guilty, 2016-100, assault and
15 battery of a high and aggravated nature, sir, because you
16 did, in fact, in Bamberg County, on or about July 31st of
17 2015, shoot one Latosha Jamison with a shotgun?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: You're pleading guilty because you are
20 guilty; is that correct?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Now has there been any plea
23 negotiations, Solicitor?

24 MR. MILLER: No, sir.

25 THE COURT: Is that correct, Mr. Chesser?

1 THE DEFENDANT: Yes, sir, Your Honor.

2 THE COURT: Anything additional needs to be added
3 to the record in connection with any plea negotiations or
4 any recommendations?

5 THE DEFENDANT: No, sir.

6 THE COURT: You still wish to continue to plead
7 guilty, Mr. Byars?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Now, sir, are you fully satisfied with
10 the manner in which your lawyer here, Mr. Chesser, the way
11 he has advised and represented you on this charge?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Have you talked with him for as long as
14 and as often as you feel it necessary for him to properly
15 represent you?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: You need any more time to talk to him?

18 THE DEFENDANT: No, sir.

19 THE COURT: Have you understood your talks with
20 him?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Mr. Byars, has Mr. Chesser done
23 everything for you, you feel he should do or could do on
24 your behalf in advising you and representing you on this
25 charge?

1 THE DEFENDANT: Yes, sir, he has.

2 THE COURT: Has he done anything you feel he should
3 not have done?

4 THE DEFENDANT: No, sir.

5 THE COURT: Are you completely satisfied with his
6 services?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: You need to speak up a little bit more,
9 Mr. Byars.

10 THE DEFENDANT: I'm satisfied, sir.

11 THE COURT: Mr. Byars, you have any complaints
12 against anyone of the Bamberg County Sheriff's Office?

13 THE DEFENDANT: No, sir.

14 THE COURT: Any complaints against anyone in the
15 Second --

16 This is the Second Circuit, isn't it?

17 MR. MILLER: Yes, sir.

18 THE COURT: -- Second Circuit Solicitor's Office?

19 THE DEFENDANT: No, sir.

20 THE COURT: Mr. Byars have you understood my
21 questions?

22 THE DEFENDANT: Yes, sir, I have.

23 THE COURT: Is there anything you want to ask me
24 about what I just discussed with you? Anything at all?

25 THE DEFENDANT: No, sir.

1 THE COURT: Mr. Byars, you realize that you have a
2 right to appeal this guilty plea and whatever sentence I
3 may impose upon you, but if you're going to appeal, you
4 need to file a notice of intent to appeal within 10 days of
5 today's date. You understand that?

6 THE DEFENDANT: I understand.

7 THE COURT: Additionally, Mr. Byars, it may not
8 mean much to you now, but it could later on. Once you're
9 in the department of corrections, if you later on think,
10 feel, or find that you have some complaints against the
11 Bamberg County Sheriff's Office, against your lawyer, Mr.
12 Chesser, against the Second Circuit Solicitor's Office, or
13 anybody else involved in your case, you need to make those
14 complaints known by filing a post conviction relief
15 application within one year of today's date. Do you
16 understand that, sir?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: You understand that sir?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Okay, Solicitor, I'll be happy to hear
21 about it.

22 MR. MILLER: Thank you, Your Honor. On July 31st
23 of 2015, at approximately 1:45 in the morning, deputies
24 with the Bamberg County Sheriff's Office were dispatched to
25 Zorn Street in the Denmark area of Bamberg County in

1 reference to a shooting.

2 Upon arrival deputies found the victim, Latosha
3 Jamison, had been shot in the side. Xavier J. who is
4 the 14-year-old son of the victim told police that he and
5 his siblings, Jaquan G. who was 10-years-old,
6 Christopher B. who was 7-years-old and also the
7 son of the defendant; and Adonsio B. , a 9-year-old girl
8 who is the daughter of the defendant and Ms. Jamison were
9 at home that night when the defendant called his mother on
10 the telephone.

11 Xavier overheard his mother and the defendant
12 arguing and his mother telling the defendant not to come to
13 the house. As soon as the conversation -- as the
14 conversation on the phone was going on Xavier heard the
15 back door open and the defendant came into the house. The
16 defendant and Ms. Jamison went into Ms. Jamison's bedroom
17 and were in the room for several minutes.

18 When they came back from the bedroom, Ms. Jamison
19 was telling the defendant that he needed to give her the
20 key to the back door that he had used to let himself into
21 the house. Ms. Jamison and the defendant had previously
22 had domestic issues and he had been evicted from the house
23 the previous month. Ms. Jamison did not know that he had a
24 key to the back door until he used it to enter the
25 residence that night and she wanted the key back from him.

1 Ms. Jamison stated that Byars wanted to discuss him
2 moving back into the house with her and her children, but
3 she said it was not a good time. The defendant, Mr. Byars,
4 became agitated because Jamison would not let him stay at
5 the house. Mr. Byars told Ms. Jamison that the key that he
6 had used was on the back porch of the house -- of the home.
7 He walked outside and returned a few seconds later armed
8 with a camouflage shotgun. At that point, the children
9 were scared and started telling the defendant not to shoot
10 their mother.

11 Adonsia said she ran from the living room and hid
12 under the bed. Xavier was on the couch with his mother and
13 he said he was hugging on her and trying to place himself
14 between his mother and the defendant. The defendant had
15 the shotgun pointed at the victim's chest as he loaded it.
16 When he got a shell into the gun, he stuck the gun close to
17 the victim's side and shot her in her left abdomen.

18 The defendant then left the house with the shotgun
19 through the front door. Following his arrest, the
20 defendant gave a Mirandized statement to investigators.
21 During his interview he claimed he did not shoot the victim
22 and that the shotgun was already in the house when he
23 arrived. He stated that the victim was mad at him because
24 he could not give her more money and that he heard the gun
25 go off as he left the home. He said he thought the victim

1 was shooting at him and that's why he'd left in such a
2 hurry.

3 The defendant has written a number of letters to
4 the victim and to our office. In some letters, he claimed
5 that he did not shoot the victim. In others he claimed
6 that he was being discriminated against because our office
7 would not offer him probation or a sentence of less than 20
8 years. In yet another letter, he claimed the victim had
9 obtained a stolen bulletproof vest and had asked him to
10 shoot her in order to try the vest out.

11 After receiving that letter, Mr. Chesser and I,
12 along with our investigator actually met with Ms. Jamison
13 and she very bluntly denied that that had occurred. More
14 recently, on July 14th of 2016, he has written a letter to
15 the victim, Ms. Jamison threatening to shoot himself in
16 front of the children at their school when he gets out of
17 incarceration.

18 Your Honor, I have an original of that letter.
19 Ms. Jamison brought it into us this morning and we have
20 marked that as Court's Exhibit Number 3. A copy has been
21 handed or given to the defense counsel. And I would hand
22 up Court's Number 3.

23 Your Honor, there is no sentencing recommendation
24 agreed upon with the State and the defense in this case.
25 Mr. Jamison has a prior criminal history that includes --

1 excuse me, Mr. Byars, has a criminal history that includes
2 a 2004 trespassing, 2007 CDV first, and 2011 public
3 disorderly conduct.

4 Your Honor, based on the circumstances of the crime
5 and the defendant's expressed anger since his arrest, the
6 State is requesting a sentence of 20 years in this matter.
7 The victim is present in the courtroom, joined by her
8 friend and her sister, the victim's friend and the victim's
9 sister. They initially thought that Ms. Jamison may want
10 to address the Court, but she has since informed me that
11 she wanted me to hand up a letter instead. I have marked
12 that as Court's Exhibit Number Number 4. This is
13 Ms. Jamison's statement that she would give the Court and a
14 copy of this has been --

15 THE COURT: Mr. Chessser, you've seen this, right?

16 MR. CHESSER: Yes, sir.

17 MR. MILLER: -- provided to Mr. Chessser as well.

18 Your Honor, it's my understanding that Mr. Chessser
19 would like for the defendant's mother to address the Court
20 and she is not here at the current time. If the Court
21 would accept the defendant's plea, then I think we can wait
22 until --

23 THE COURT: Let me read this first.

24 (The Court is reading all the documents handed up.)

25 THE COURT: Solicitor, let me ask this question.

1 What's the condition of Ms. Jamison now? Is she fully
2 recovered, 80 percent recovered, or will she ever recover?

3 MR. MILLER: Your Honor, she is not fully recovered
4 at this time. She is, in the civil context, we would say
5 she's reached maximum medical improvement, but she has pain
6 and she has difficulty dealing with the situation. She
7 informed me and actually I met with her a couple of
8 different times, but she was in the hospital for almost 3
9 months after this incident occurred. She was shot in her
10 left side. There was about a quarter-size hole that was
11 put into her side and she's obviously had some difficulties
12 dealing with that.

13 THE COURT: Now, Mr. Chesser, Mr. Byars, y'all
14 heard the presentation by the solicitor, is all that
15 substantially accurate and correct? Is that fair enough?
16 Mr. Chesser, you agree with that?

17 MR. CHESSER: Yes, Your Honor.

18 THE COURT: As well as your prior record? Was that
19 your prior record, sir?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: You agree, Mr. Chesser?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Well, Mr. Byars, I find that there's a
24 substantial, factual basis for your plea. I further find
25 your decision to plead guilty to be freely and voluntarily,

1 knowingly and intelligently made, that you've had the
2 advice of competent counsel, whom you indicated to me
3 you're completely satisfied with. Therefore, I will accept
4 this plea. And Mr. Chessser, I think probably -- I don't
5 know that you would say this, but you want to wait and make
6 your presentation when his mother's present?

7 MR. CHESSER: Yes, sir.

8 THE COURT: Is that agreeable with everybody here?
9 Understood? Very well..

10 I've accepted the plea and we'll get together
11 again, I guess maybe today or whenever it is that it's
12 convenient for everybody and I'll present sentence at that
13 time.

14 MR. CHESSER: Thank you, Your Honor.

15 MR. MILLER: Thank you, Your Honor.

16 (This case was in recess until later in the day and
17 the following was heard:)

18 THE COURT: Yes, sir?

19 MR. MILLER: Christopher Byars.

20 THE COURT: Well, at the break, I believe the
21 solicitor had finished his presentation and we broke to
22 allow Mr. Byars's mother to come and say something on his
23 behalf; is that correct, Mr. Chessser?

24 MR. CHESSER: Yes, Your Honor.

25 THE COURT: All right. You ready to proceed?

1 MR. CHESSER: Yes, sir.

2 THE COURT: Go ahead. And you presented nothing in
3 mitigation or anything yet; is that correct?

4 MR. CHESSER: Right. Thank you, Your Honor. I've
5 represented Christopher Byars for about the last 6 months.
6 He'd been represented by somebody else before and then the
7 case just came to me. I was appointed.

8 He's 32. He has two children of his own, Chris and
9 Adonsia, pardon by pronunciation; and then there are two
10 other children he had with Latosha, Xavier and Jaquan. Of
11 course, he had lived in the house and then they were
12 estranged at the time that this took place. You heard the
13 recitation of the facts by the prosecutor.

14 They had been together and had a relationship which
15 was about 12 or 13 years, that's about how long they've
16 been together. And with some exceptions, some off and on.

17 Chris told you that he had an eighth grade
18 education. In his evaluation, it says sixth grade and it
19 talks about him being in special ed. So he was never,
20 ever, I guess, successful in school at all. He left either
21 in the sixth or the eighth grade, right in there, which, of
22 course, is -- you're really still a child.

23 He worked at various construction jobs. I will
24 just tell you that working with him in the jail, he's been
25 in the Bamberg jail, for what it's worth, we got along.

1 He's always had a sort of a depressed type of look or
2 approach, which I guess, naturally, he's been in jail since
3 this happened, the whole time. But, on the other hand, at
4 the risk of repeating what's in this, I'd like to just
5 emphasize some of what is in this evaluation.

6 THE COURT: Yes, sir.

7 MR. CHESSER: It indicates that he has the symptoms
8 of and, in fact, is diagnosed with major depressive
9 disorder. He talked about his mood is sad most of the day,
10 every day; difficulty sleeping; energy; poor concentration;
11 tearful episodes a few times a week; suicidal ideas.
12 Again, it appears he was diagnosed in 2010 with major
13 depressive disorder, alcohol abuse, and cannabis or
14 marijuana abuse. He had a suicide attempt in March of
15 2011. He's been admitted several times to the local
16 facility for acute psychologic or psychiatric disorders.
17 And there again, he was diagnosed with the same thing, this
18 major depression, except for in this case they indicated
19 psychotic features. That is to say there are elements
20 where he hears voices which they -- and this is not all the
21 time -- but at times, and they feel this is an indication
22 of what they call, again, psychotic features.

23 He talks about various suicide attempts. He's
24 taken overdoses on five occasions. He's cut himself. I
25 don't know about all this cutting oneself that's coming --

1 that, you know, when I was growing up, I never even heard
2 of it, but now it's something that young people do. And
3 Chris, I guess to me, is a young person. But he would cut
4 himself on his chest and abdomen in order to feel better.

5 And, again, it talks about auditory hallucinations
6 and looking at a few pages on, it talks about, again,
7 psychotic mental illness. This is something that's been
8 going on for so long, the majority of his adult life, and
9 maybe even when he was a child, I don't know. In that
10 regard, before I go any further, I would ask that the
11 Court -- to hear from his mother Gertrude Byars.

12 THE COURT: All right.

13 Good afternoon, Ms. Byers.

14 MS. GERTRUDE BYARS: What I want to say about
15 Chris, actually he's been better but he's had problems, you
16 know, with behavior and stuff like that. And well, and it
17 be like elementary, middle, high he was on Ritalin and he
18 was disabled child, with disability and everything, so it
19 went from there. I guess it been about two years ago I
20 went -- I went to the family court in Barnwell and I asked
21 them could they please help my son. But by him being
22 grown, they couldn't do anything. Just little things, I
23 think he's on his meds and everything. I think he'll be
24 okay if he on his meds and everything now.

25 So he'll be better not in -- not in no place where

1 he would aggravate somebody hollering and screaming at him
2 all the time. I think he'll be better if he comes home.

3 THE COURT: All right. Thank you, Ms. Byars.

4 MR. CHESSER: His sister indicates she would like
5 to speak if the Court would hear her, Jacqueline Byars.

6 THE COURT: Of course, come around Ms. Byars.

7 And you're Jacqueline Byars; is that correct?

8 MS. JACQUELIN BYERS: Uh-huh.

9 THE COURT: Yes, ma'am.

10 MS. JACQUELIN BYARS: Thank you, Your Honor. I'm
11 asking for leniency for my brother because, you know,
12 that's my brother and I love him and you know, I know he's
13 going to be punished and he should be, but I just want to
14 continuation of what the lawyer is saying. He's always had
15 mental issues. As when we were little, he was always into
16 every stuff. My mom, she tried to get him help and
17 couldn't get that. You know, as he got to be an adult, he
18 did what he want to do.

19 But, I know he's going to be punished and he's
20 going to be sentenced. I want him to be rehabilitated
21 because he needs some mental health. He really does.

22 I love you, Bro.

23 THE DEFENDANT: Thank you.

24 THE COURT: Thank you, ma'am.

25 Yes, sir, Mr. Chesser?

1 MR. CHESSER: Your Honor, he is recently, they had
2 some trouble getting him into mental health down in
3 Bamberg, but finally they did through an agency that's
4 located in Denmark and he is taking some drugs they're
5 prescribing and really what has been prescribed before in
6 this eval, Celexa, Trazodone, and Kortseca (phonetic) but
7 the Celexa, I looked that up and it's to treat his
8 depression and Trazodone is a sleep aid; and this Kortseca,
9 the last one is ADHD.

10 He is going -- I'll say a benefit of going to that
11 mental health treatment now, I will say this in terms of
12 what it's worth. I believe that this act was a product of
13 a certain degree of mental illness. It doesn't rise to the
14 level of, obviously, being they found him competent and
15 criminally responsible, but there is an element of that and
16 I would ask you to consider that as mitigating. He is --
17 again, he has suicidal thoughts every so often.

18 Finally, Your Honor, concluding, in dealing with
19 him in jail, he has gotten to where he reads. He reads the
20 Bible, but he also reads adventure books. It's apparent if
21 you ever tell him that he does something good or whatever,
22 the attention really makes a difference to him. I've
23 enjoyed working with him.

24 But I would ask you to consider the problems that
25 he's had his whole life. I don't think he's a bad person.

1 What he did was horrific, but I'd ask you to consider what
2 you think is a just sentence in the case.

3 THE COURT: All right. Thank you, sir.

4 Anything further?

5 MR. MILLER: Your Honor, Ms. Jamison has indicated
6 that she would like to -- Ms. Jamison has indicated she
7 would like to address the Court.

8 THE COURT: All right. Come around, Ms. Jamison.

9 MS. JAMESON: I just want to say this from what I
10 have known of Chris. He's -- he knows --- I believe he
11 knows better. He's smart. And for me to go through what I
12 went through with him abusive through the whole time
13 that -- almost the whole time I've been with him. And I
14 took enough and I -- when I was fed up with it, I guess he
15 took it in his own hands to do what he need to do to try to
16 get rid of me. And I just want you to know that I been
17 through so much after this. I'm hurt. I'm still hurting,
18 still in pain every day, and what was done, it was uncalled
19 for. He should -- it's something that he shouldn't a did.

20 THE COURT: I understand Ms. Jamison. Thank you,
21 ma'am.

22 MR. MILLER: Your Honor, the -- we have provided to
23 the defense some photographs of Ms. Jamison both when she
24 was in the hospital and the aftermath of the injuries that
25 she sustained. And she would like if I hand those up. Mr.

1 Chesser has been provided with copies. And at the top of
2 the second page, there is a listing of all the different
3 procedures that she needs to go through or had to go
4 through for this. She had three different surgeries. She
5 had to have physical and occupational therapy to walk and
6 to eat again. And she lost the home that she was raising
7 the children in as a result of this because she couldn't
8 work. And as I stated before, she ended up spending 3
9 months in the hospital and was out of work for a period of
10 10 months.

11 Your Honor, Tameka Hughes, who is the sister of
12 Ms. Jamison, would like to briefly address the Court as
13 well if the Court would be willing to hear from her.

14 THE COURT: Come around, Ms. Hughes. Good
15 afternoon, Ms. Hughes. Yes, ma'am?

16 MS. HUGHES: Good afternoon. I'm Tameka Hughes who
17 is sister of Latosha Jamison.

18 THE COURT: Take your time, Ms. Hughes.

19 MS. HUGHES: Through this -- through this whole
20 ordeal that my sister had to go through, it's like she
21 said, it's uncalled for. He knows what's right and what's
22 wrong. See her being lying up at the hospital the way she
23 was, you know, I had to be the big sister of the family to
24 do what we had to do to make sure the kids, you know, I
25 know they're traumatized and everything, but you know,

1 we've worked with them. It was wintertime and we were
2 trying to get them ready for school and stuff. It was a
3 whole lot, but we had a lot of support.

4 Everybody's got to be held accountable for what
5 they do, their actions. And this shouldn't have never took
6 place. She's still, you know, hurting. She's still
7 healing. But still, we got a long road still ahead of us,
8 even though it's been over a year. As far as the children,
9 they seem to be pretty good. You know, I talk to them
10 every day. I had to step up and be the mom too.

11 THE COURT: These are the children of Mr. Byars?

12 MS. HUGHES: Yes.

13 THE COURT: Yes, ma'am.

14 MS. HUGHES: I feel he just needs to be accountable
15 for his actions. I'm about to break down, I can't do this
16 anymore.

17 THE COURT: Thank you.

18 MR. MILLER: Your Honor, I would point out that two
19 of the four children are the children of Mr. Byars and the
20 other two children are not, but were present in the home
21 whenever this incident occurred.

22 And, Your Honor, there is a pretty lengthy opinion
23 that's been issued, evaluation that was issued from Dr.
24 Frierson and I noted in that evaluation that there were no
25 complaints or indications of any hallucinations at the time

1 of this event. Certainly there wasn't any indication of
2 allegation of cutting going on at the time of this event.
3 I don't know what kind of depression issues were out there,
4 but as Mr. Chesser said, they didn't rise to the level of
5 being -- of preventing the defendant from knowing the
6 difference between right and wrong and being able to
7 conform his behavior.

8 What I do believe based upon the incident report
9 and based upon my discussions with the victim, is that
10 there was probably some alcohol use going on at the time of
11 this argument, this confrontation, and I do believe his
12 mother when she says he's always had anger problems.

13 He was mad and he shot this lady with a shotgun and
14 I don't know how you can shoot somebody with a shotgun and
15 not think that that's going to go poorly. And I think that
16 he absolutely did think it was going to go poorly, but he
17 was mad and he shot her with a shotgun. And that's what's
18 led her to where she is.

19 THE COURT: Let me stop you, Solicitor, and ask you
20 to help me out here.

21 MR. MILLER: Okay.

22 THE COURT: He was originally charged with assault
23 and battery with intent to kill; is that correct?

24 MR. MILLER: He was originally charged with
25 attempted murder. He was looking at 0 to 30.

1 THE COURT: What's the difference between
2 sentencing in aggravated assault and battery with intent to
3 kill.

4 MR. MILLER: He was looking at 0 to 30, he's now
5 looking at 0 to 20.

6 THE COURT: All right.

7 MR. MILLER: And, Your Honor --

8 THE COURT: But the other issue would be, the
9 benefit he receives is the reduction in charge; is that
10 fair enough?

11 MR. MILLER: Absolutely, Your Honor. The reduction
12 in charge resulting in a reduction of exposure, but we have
13 said from day one that we felt like it was a 20-year
14 offense. And certainly he has stepped up and he has pled
15 guilty today. I think he's been very forthcoming in
16 answering the Court's questions and I think he's gotten the
17 leniency and the mercy that he deserves by looking at 20
18 instead of looking at 30. And I understand Mr. Chesser has
19 a necessarily different view on that, but, Your Honor, he
20 was also charged, initially, with another count of
21 attempted murder for the 14-year-old boy.

22 As we got into the case more and were able to talk
23 with Ms. Jamison, this was almost a contact wound. I mean,
24 he was very close to her and -- in her view, I'll say it
25 that way. In her view, his intent was to get past the

1 14-year-old to shoot her and that's why he didn't shoot at
2 both of them while they were sitting there was that he kind
3 of went around the 14-year-old with the gun to shoot her
4 and he ends up shooting her in her left side. As you can
5 see from the photo that was passed up, the scar on the
6 right-hand side of the photo in the left abdomen, that's
7 the result of that shotgun blast to the -- to the side.
8 And it didn't -- they described it in the incident report
9 as a quarter-sized hole that was in her side when --

10 THE COURT: That was the entrance wound, but it
11 doesn't explain the damage internally.

12 MR. MILLER: Right.

13 THE COURT: Thank you, sir.

14 Anything further, Mr. Chesser?

15 MR. CHESSER: No, sir.

16 THE COURT: This has been a difficult case to hear.
17 On one hand, you think about his own children that are
18 shared with Ms. Jamison, but on the other hand, I
19 specifically asked what was the difference in the reduction
20 in the charge and that plays in part of my decision. And
21 this is very emotional for everybody, you, for Ms. Byars
22 and for Ms. Jamison. But I've concluded from hearing
23 everything that this is a proper sentence and the other
24 avenues you've been given when you tried to persuade or not
25 to persuade.

1 Lastly, Mr. Byars is there anything you want to
2 tell me sir? Go ahead, I'm sorry.

3 THE DEFENDANT: I would like to apologize for what
4 happened. I would also like to say my past ain't going to
5 define me, Your Honor. My past refined me. Over the time
6 that I have spent in jail, it's changed me as a man and I
7 would ask that you give me the opportunity to prove it and
8 continue on getting the help in the counseling that I was
9 receiving at the jailhouse.

10 THE COURT: All right. Sir.
11 Anything further?

12 MR. CHESSER: No, sir.

13 THE COURT: Indictment Number 2016-100, State
14 versus Christopher Byars, assault and battery of a high and
15 aggravated nature, sentence 20 years, credit for time
16 served from July 31st, 2015. Good luck to you, Mr. Byars.

17 MR. MILLER: Thank you, Your Honor.

18 * * * * * END OF TRANSCRIPT * * * * *

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1 State of South Carolina)

2 County of Aiken)

Certificate of Reporter

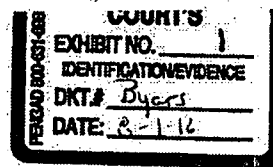
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6 I, THE UNDERSIGNED, Brenda J. Sigwald, Official
7 Court Reporter for the Second Judicial Circuit of the State
8 of South Carolina, do hereby certify that I reported the
9 proceedings in the captioned case in the Court of General
10 Sessions in and for the State of South Carolina on the 1st
11 day of August, 2016.

12 I FURTHER CERTIFY that the foregoing pages
13 constitute a true, accurate and complete transcript of said
14 hearing.

15 I FURTHER CERTIFY that I am neither kin, counsel,
16 nor of interest to any party hereto.

17 IN WITNESS WHEREOF, I have hereunto set my hand and
18 seal at Aiken County, this 25th day of August, 2017.

19
20
21
22 Brenda J. Sigwald
23 Brenda J. Sigwald,
24 Court Reporter and Notary Public
25 For the State of South Carolina
My commission expires
January 4, 2020



CAPACITY TO STAND TRIAL EVALUATION
FORENSIC EVALUATION SERVICE
SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH (SCDMH)

DATE OF EVALUATION: May 5, 2016

PRESIDING EXAMINER: Richard L. Frierson, MD, DFAPA
Professor of Clinical Psychiatry
University of South Carolina School of Medicine

SECOND EXAMINER: Katie Chambers, MD
Resident in Psychiatry
University of South Carolina School of Medicine

PSYCHIATRIC DIAGNOSES: DSM-5 Major Depressive Disorder, Recurrent,
Severe with psychotic features.
Alcohol Use Disorder, moderate.
Cannabis Use Disorder, mild.

OPINION REGARDING CAPACITY TO STAND TRIAL: Mr. Byars currently has the capacity to stand trial.

DISPOSITION: Mr. Byars was returned to the Bamberg County Detention Center at the conclusion of this evaluation.

IDENTIFYING INFORMATION: Christopher Byars is a 32-year-old African American male who was seen at the forensic evaluation service pursuant to a court order from the Bamberg County Court of General Sessions. This court order requested evaluation of his capacity to stand trial pursuant to State vs. Blair, 275 S.C. 529, 273 S.E. 2d 536 (1981) and S.C. Code Ann. §44-23-410 (1976). He is currently charged with two counts of Attempted Murder and Possession of a Weapon in Commission of a Violent Crime. According to the court order it was issued for the following reasons: "Counsel represents the Defendant does not fully comprehend significance of charges and evidence; also, history of mental illness."

Prior to participating in the evaluation, Mr. Byars was warned regarding the limitations of confidentiality. He was informed that the evaluation was court ordered. He was informed that the evaluators were employed by the South Carolina Department of Mental Health and were not paid by his attorney or the solicitor in the case. He was informed that after the evaluation was completed a report would be written and sent to his attorney, the solicitor, and the judge in his case. He was informed that the evaluators could be called to court to testify at a hearing related to his capacity to stand trial. Finally, he was informed that the evaluators were not providing treatment. He was able to

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answer questions regarding this information correctly and he voluntarily agreed to participate in the evaluation.

SOURCES OF INFORMATION:

1. Court order requesting the evaluation received by the Forensic Evaluation Service on April 8, 2016.
2. Arrest Warrant #2015A-0510100220 for Attempted Murder.
3. Arrest Warrant #2015A-0510100221 for Attempted Murder.
4. Arrest Warrant #2015A-0510100222 for Possession of a Weapon during a Violent Crime.
5. Incident Report related to the offenses of Attempted Murder and Possession of a Weapon during a Violent Crime dated July 31, 2015.
6. Incident Report related to "Civil Action" dated June 1, 2015.
7. Statement of Zyveiar J.
8. Three-year driving record for Alicia Grant.
9. Statement of Alicia Grant.
10. Search Warrants for cell phone and Zorn Street.
11. Three-year driving record for Latosha Jamison.
12. Three-year driving record for the Defendant.
13. National Crime Information Center (NCIC) report for the Defendant.
14. News article from WRDW-TV.
15. A social history obtained from his mother, Gertrude Byars, by Leslie Jacobs, LISW.
16. Medical records from the Aiken Barnwell Mental Health Center.
17. Medical records from the Aurora Pavillion at Aiken Regional Medical Center.
18. A two-hour clinical forensic interview on today's date.

CLINICAL AND PSYCHIATRIC HISTORY: Mr. Byars is currently incarcerated in the Bamberg County Detention Center. He is reportedly in general population according to the detention center; however, he states that he is in a special unit and states that he was moved there due to "a conflict of interests." It is unclear what is meant by that statement. He reports that he is locked down 23 hours a day and is in a cell by himself. Mr. Byars currently reports symptoms of Major Depressive Disorder. He reports that his mood is sad most of the day nearly every day. He reports difficulty sleeping and only gets a few hours of sleep a day. He reports his appetite is decreased but he cannot tell if he has lost weight. He reports low energy, poor concentration, and tearful episodes a few times a week. He also reports suicidal ideas but states that the inmate in the cell next to him tells him to "leave it in God's hands." He has not attempted suicide and reports that he has no current plans to attempt suicide. He states that he tried to get a bunch of Benadryl tablets but that the staff at the jail makes him take medication in front of them so that he cannot hoard it. He is currently on no medications in the jail.

Mr. Byars has had several hospitalizations at the Aurora Pavillion where he has been treated for Major Depressive Disorder. He was admitted from November 15, 2010 until November 17, 2010 with suicidal thoughts. He was diagnosed with Major Depressive Disorder, Alcohol Abuse, and Cannabis Abuse. He was admitted from March 8, 2011 through March 11, 2011 after a suicide attempt by

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hanging and he received a discharge diagnosis of Major Depressive Disorder, recurrent, Alcohol Abuse, Cannabis Abuse, and Cocaine Abuse. He was admitted there from April 8, 2014 through April 15, 2014 and received a discharged diagnosis of Major Depression, Recurrent with Psychotic Features, Alcohol Abuse, and Cannabis Abuse. Apparently he has been depressed since approximately age 16 when his grandmother died. He has made several suicide attempts in his lifetime. He reports that he has taken overdoses on approximately five occasions. He states that after one of these overdoses he was seen in the Barnwell County Hospital where he was placed on emergency admission papers for psychiatric admission. He reports that because no psychiatric bed was available, he was housed in the local detention center until a bed became available at Aurora Pavilion. He has been followed periodically at the Aiken Barnwell Mental Health Center where he has been treated for Major Depressive Disorder. However, his treatment there has been sporadic. He reports that he has transportation problems and also could not afford medication that he was prescribed. He was prescribed antidepressant medications, citalopram (Celexa®) and trazodone. He reports that these medications were helpful and his condition improved while he was taking them.

~~f-t-334~~
Records from the mental health center report that in November of 2010 he was at Aurora Pavilion after attempting to hang himself. He has also engaged in self-injurious behaviors that were not suicide attempts. He reports he has cut on his chest and abdomen in order to "feel better". In addition to his depressive symptoms he also reports that he occasionally experiences auditory hallucinations. He reports that these hallucinations tell him to "do it." He reports that he believes this is in reference to suicide. He denied visual hallucinations.

ALCOHOL AND SUBSTANCE USE HISTORY: He reports that he would drink a 12-pack of beer daily prior to his incarceration. Upon being incarcerated he experienced withdrawal symptoms including nausea and shakiness. He has a history of a prior driving under the influence (DUI) charge. His drinking has caused interpersonal difficulties in his relationships. He has demonstrated tolerance to the effects of alcohol. He would meet the DSM-5 diagnostic criteria for Alcohol Use Disorder, Moderate.

In addition to his use of alcohol he reports that he smokes six to seven blunts of marijuana on a daily basis. He does this with friends. He has experienced tolerance to the effects of cannabis and reports that at times it has made him "more paranoid." He denies failing urine drug screens. He reports cravings if he does not use marijuana but reports that in the past he has not felt a need to decrease his cannabis use. He would meet diagnostic criteria for Cannabis Use Disorder, Mild.

He reports that he tried cocaine on one occasion. He denies regular use of cocaine or other illicit substances. He denies the use of intravenous (IV) drugs. He denies hallucinogen or opioid abuse.

MEDICAL HISTORY: He denies a history of medical problems. He had surgery in the past to remove his appendix and his tonsils. He takes no medications. He reports that he is allergic to mustard.

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FAMILY HISTORY: His mother, Gertrude Byars, is 56-years-old and works at a local manufacturing plant. She has no history of mental health treatment. His father, Don Wilson, lives in New York City and has not been a part of his life. He has one older sister. There is a family history of mental illness. He reports that his aunt was treated for Bipolar Disorder. He also has a cousin that was treated for Attention-Deficit Hyperactivity Disorder.

SOCIAL HISTORY: He was born in Williston, South Carolina and raised by his mother and older sister. There were no problems with his delivery and he met his developmental milestones on time. He reports that he was physically abused by his older sister. He reports that she was ten years older and would beat him with a belt. He denied a history of sexual abuse. He attended public school but in the fifth grade was sent to an alternative school due to fighting. He was in special education classes to help him with written homework. He is unsure whether these were classes for behavioral problems or for learning difficulties. He reports that he was suspended for fighting and was eventually expelled. He denied a history of cruelty to animals but was involved with the Department of Juvenile Justice on two occasions. He reports that at age 13 he stole some guns from a store. He spent six months in the Department of Juvenile Justice after spending 60 days at Reception and Evaluation. He reports that he has a sixth grade education, but that he was placed in a special program at the tenth grade level at Williston Elko High School. He reports that he quit school shortly thereafter. He denies gang involvement.

He has had several jobs. He reports that he worked at the Dayco Manufacturing Plant, at a Dollar General Store, and for another manufacturing plant known as Gypsy Narco. He states that he worked there for four and a half months. He receives food stamps.

He has never married but reports that he was engaged at one time to one of the alleged victims. He reports that they had been in an off and on relationship for 13 years. He reports that he broke off the engagement because she would allow her mother and sister to talk bad about him. They have two children together, 9-year-old Christopher Jr. and 8-year-old Adoncia.

Mr. Byars has never been incarcerated in the South Carolina Department of Corrections.

MENTAL STATUS EXAM: Mr. Byars was alert and oriented to person, place, day, date and time. He was neatly groomed and cooperative with the interview. He made good eye contact. He had numerous tattoos including his nickname, Sabian, on his right arm. He had a bumblebee tattooed on his left arm as well as the name Tasha. He was able to register three objects but could not recall them after five minutes, even when given a prompt. However, his short-term memory during the clinical interview did not appear impaired. Furthermore, he was able to recall significant past personal information. We found no evidence of clinically significant long- or short-term memory impairment. His fund of knowledge was in the average range. He could name the current President and two past Presidents. He was also able to state that Hillary Clinton and Donald Trump were currently running for President. His ability to concentrate was intact as evidenced by his performance in spelling the word *world* backwards without error. He was also able to perform a calculation, correctly subtracting \$0.67 from \$1.00; however, he was noted to use his fingers when performing this

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calculation. His ability to think abstractly was limited. He had difficulty placing similar objects into abstract categories. He was able to interpret the simple proverb, *what goes around comes around*. His judgment to a hypothetical situation was good. He described his mood as two on a scale of one to ten with one being severely depressed and ten being euphoric. His affect was also sad and depressed. His speech was very low in volume. He reported auditory hallucinations that were described in a manner that is typical in psychotic mental illness. He only hears them at night when there is a little environmental stimulation. He reports numerous other symptoms of depression. He denied delusional thinking. His thinking was logical and goal directed without loosening of associations or flight of ideas. Although he had evidence of disturbed thought content (hallucinations), he did not have evidence of disturbed thought process.

DIAGNOSTIC FORMULATION: Mr. Byars has a clear history of Major Depressive Disorder. He continues to experience depressive symptoms in the absence of access to substances so his depression cannot be merely attributed to his substance use. He is currently not receiving treatment for his depression. This examiner called the detention center but they do not have the ability to treat mental illness. This examiner also spoke with Mark Binkley, DMH head of outpatient mental health services, and he was going to call the Orangeburg Mental Health Center to see if someone could see Mr. Byars in the detention center in Bamberg. I also made the detention center aware of Mr. Byars' suicidal thinking, although Mr. Byars denied suicide intent. Given the fact that Mr. Byars experiences depressed mood, sleep disturbance, appetite disturbance, anhedonia (lack of interest in activities), poor concentration, tearful episodes, and suicidal ideas, he would meet diagnostic criteria for Major Depression, Severe with Psychotic Features.

The rationale for the diagnoses of Alcohol Use Disorder and Cannabis Use Disorder are contained in the section above entitled "Alcohol and Substance Use History."

CONCLUSION REGARDING CAPACITY TO STAND TRIAL: Mr. Byars is aware of the charges against him and he appreciates their seriousness. He knows that he can be incarcerated if convicted, but did not know the maximum sentence he could receive. He identified his attorney by name as the person that could provide this information. He states that the job of his attorney is "to help me get the help I need and to try to get me out of jail." He states that he has met with his attorney on two occasions and can tell him everything he remembers about the allegations against him. He understands the role of the judge in deciding a sentence. He states that the solicitor "wants to see me go to jail." He is aware of the adversarial role of the solicitor in the courtroom. He states that a jury consists of people who sit in a box and tell the judge if they find you guilty or not guilty. He was aware of the number of jurors on a jury as well as the unanimous requirement for a jury verdict.

He was able to define the pleas of *guilty* and *not guilty*. He initially described a plea bargain as "the time your lawyer gets you." He understands that in a plea bargain he would have to agree to plead guilty in order to receive a reduced sentence. He would be competent to accept or reject a plea offer in his case. He states that his attorney's investigator met with him recently and mentioned the possibility of the charges being reduced to Assault and Battery of a High and Aggravated Nature.

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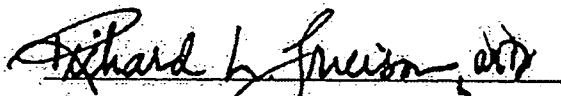
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FORENSIC EVALUATION SERVICE 5

Mr. Byars was able to solve a hypothetical problem involving the courtroom. Hence, if a witness was lying about him on the witness stand he would tell his attorney. He appreciates the importance of appropriate courtroom behavior. He was able to define evidence as "the stuff they got against you." He further identified evidence as the statement of witnesses, including his stepson. He was aware also that a weapon could be used as evidence as well as the testimony of the alleged victim. He was able to state his desired outcome in his case. He was able to define *probation* and is aware of the requirements of someone placed on probation. He states on probation "you get to go home but you have to come back and see someone - your probation officer." He is aware that he could not get in further trouble, could not leave the state, and could not use drugs. Mr. Byars required some education about his right against self-incrimination. However, he is able to understand that he could not be forced to testify at trial.

Mr. Byars appears to have a factual understanding of the legal system and the rational ability to consult with his attorney regarding a defense. Although he is depressed at the current time, his depression is not interfering with his understanding of the legal system and ability to answer questions in a rational manner. It is our opinion that he currently has the capacity to stand trial pursuant to State vs. Blair, 275 S.C. 529, 273 S.E. 2d 536 (1981) and S. C. Code Ann. §44-23-410 (1976).



Richard L. Frierson, M.D., DFAPA
Professor of Clinical Psychiatry

RLF/bds

D: 05/06/2016

RT/EM: 05/06/2016

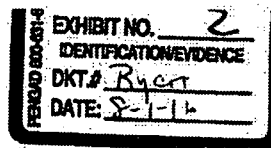
F/EM: 05/06/2016

BYARS, CHRISTOPHER

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OUTPATIENT EVALUATION

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH
FORENSIC EVALUATION SERVICE 6



42

CRIMINAL RESPONSIBILITY AND CAPACITY TO CONFORM EVALUATION
FORENSIC EVALUATION SERVICE
SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH (SCDMH)

DATE OF EVALUATION: May 5, 2016

PRESIDING EXAMINER: Richard L. Frierson, MD, DFAPA
Professor of Clinical Psychiatry
University of South Carolina School of Medicine

SECOND EXAMINER: Katie Chambers, MD
Resident in Psychiatry
University of South Carolina School of Medicine

PSYCHIATRIC DIAGNOSES: DSM-5 Major Depressive Disorder, Recurrent,
Severe with psychotic features.
Alcohol Use Disorder, moderate.
Cannabis Use Disorder, mild.

OPINION REGARDING CRIMINAL RESPONSIBILITY: Mr. Byars would have been criminally responsible for his actions on or about July 31, 2015.

OPINION REGARDING CAPACITY TO CONFORM: Mr. Byars would have had sufficient capacity to conform his conduct to the requirements of the law on or about July 31, 2015.

DISPOSITION: Mr. Byars was returned to the Bamberg County Detention Center at the conclusion of this evaluation.

IDENTIFYING INFORMATION: Christopher Byars is a 32-year-old African American male who was seen at the forensic evaluation service pursuant to a court order from the Bamberg County Court of General Sessions. This court order requested evaluation of his criminal responsibility and capacity to conform his conduct to the requirements of the law on or about July 31, 2015 pursuant to S.C. Code Ann. §17-24-10 (1976). He is currently charged with two counts of Attempted Murder and Possession of a Weapon in Commission of a Violent Crime. According to the court order it was issued for the following reasons: "History of mental illness."

Prior to participating in the evaluation, Mr. Byars was warned regarding the limitations of confidentiality. He was informed that the evaluation was court ordered. He was informed that the evaluators were employed by the South Carolina Department of Mental Health and were not paid by his attorney or the solicitor in the case. He was informed that after the evaluation was completed a

BYARS, CHRISTOPHER

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OUTPATIENT EVALUATION

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH
FORENSIC EVALUATION SERVICE 1

report would be written and sent to his attorney. He was informed that the report could also go to the solicitor and the judge in his case. He was informed that the evaluators could be called to court to testify at trial. Finally, he was informed that the evaluators were not providing treatment. He was able to answer questions regarding this information correctly and he voluntarily agreed to participate in the evaluation.

SOURCES OF INFORMATION:

1. Court order requesting the evaluation received by the Forensic Evaluation Service on April 8, 2016.
2. Arrest Warrant #2015A-0510100220 for Attempted Murder.
3. Arrest Warrant #2015A-0510100221 for Attempted Murder.
4. Arrest Warrant #2015A-0510100222 for Possession of a Weapon during a Violent Crime.
5. Incident Report related to the offenses of Attempted Murder and Possession of a Weapon during a Violent Crime dated July 31, 2015.
6. Incident Report related to "Civil Action" dated June 1, 2015.
7. Statement of Zyveiar J.
8. Three-year driving record for Alicia Grant.
9. Statement of Alicia Grant.
10. Search Warrants for cell phone and Zorn Street.
11. Three-year driving record for Latosha Jamison.
12. Three-year driving record for the Defendant.
13. National Crime Information Center (NCIC) report for the Defendant.
14. News article from WRDW-TV.
15. A social history obtained from his mother, Gertrude Byars, by Leslie Jacobs, LISW.
16. Medical records from the Aiken Barnwell Mental Health Center.
17. Medical records from the Aurora Pavillion at Aiken Regional Medical Center.
18. A two-hour clinical forensic interview on today's date.

CLINICAL AND PSYCHIATRIC HISTORY: Mr. Byars is currently incarcerated in the Bamberg County Detention Center. He is reportedly in general population according to the detention center; however, he states that he is in a special unit and states that he was moved there due to "a conflict of interests." It is unclear what is meant by that statement. He reports that he is locked down 23 hours a day and is in a cell by himself. Mr. Byars currently reports symptoms of Major Depressive Disorder. He reports that his mood is sad most of the day nearly every day. He reports difficulty sleeping and only gets a few hours of sleep a day. He reports his appetite is decreased but he cannot tell if he has lost weight. He reports low energy, poor concentration, and tearful episodes a few times a week. He also reports suicidal ideas but states that the inmate in the cell next to him tells him to "leave it in God's hands." He has not attempted suicide and reports that he has no current plans to attempt suicide. He states that he tried to get a bunch of Benadryl tablets but that the staff at the jail makes him take medication in front of them so that he cannot hoard it. He is currently on no medications in the jail.

BYARS, CHRISTOPHER

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Mr. Byars has had several hospitalizations at the Aurora Pavillion where he has been treated for Major Depressive Disorder. He was admitted from November 15, 2010 until November 17, 2010 with suicidal thoughts. He was diagnosed with Major Depressive Disorder, Alcohol Abuse, and Cannabis Abuse. He was admitted there from April 8, 2014 through April 15, 2014 and received a discharged diagnosis of Major Depression, Recurrent with Psychotic Features, Alcohol Abuse, and Cannabis Abuse. Apparently he has been depressed since approximately age 16 when his grandmother died. He has made several suicide attempts in his lifetime. He reports that he has taken overdoses on approximately five occasions. He states that after one of these overdoses he was seen in the Barnwell County Hospital where he was placed on emergency admission papers for psychiatric admission. He reports that because no psychiatric bed was available, he was housed in the local detention center until a bed became available at Aurora Pavillion. He has been followed periodically at the Aiken Barnwell Mental Health Center where he has been treated for Major Depressive Disorder. However, his treatment there has been sporadic. He reports that he has transportation problems and also could not afford medication that he was prescribed. He was prescribed antidepressant medications, citalopram (Celexa®) and trazodone. He reports that these medications were helpful and his condition improved while he was taking them.

Records from the mental health center report that in November of 2010 he was at Aurora Pavillion after attempting to hang himself. He has also engaged in self-injurious behaviors that were not suicide attempts. He reports he has cut on his chest and abdomen in order to "feel better". In addition to his depressive symptoms he also reports that he occasionally experiences auditory hallucinations. He reports that these hallucinations tell him to "do it." He reports that he believes this is in reference to suicide. He denied visual hallucinations.

ALCOHOL AND SUBSTANCE USE HISTORY: He reports that he would drink a 12-pack of beer daily prior to his incarceration. Upon being incarcerated he experienced withdrawal symptoms including nausea and shakiness. He has a history of a prior driving under the influence (DUI) charge. His drinking has caused interpersonal difficulties in his relationships. He has demonstrated tolerance to the effects of alcohol. He would meet the DSM-5 diagnostic criteria for Alcohol Use Disorder, Moderate.

In addition to his use of alcohol he reports that he smokes six to seven blunts of marijuana on a daily basis. He does this with friends. He has experienced tolerance to the effects of cannabis and reports that at times it has made him "more paranoid." He denies failing urine drug screens. He reports cravings if he does not use marijuana but reports that in the past he has not felt a need to decrease his cannabis use. He would meet diagnostic criteria for Cannabis Use Disorder, Mild.

He reports that he tried cocaine on one occasion. He denies regular use of cocaine or other illicit substances. He denies the use of intravenous (IV) drugs. He denies hallucinogen or opioid abuse.

MEDICAL HISTORY: He denies a history of medical problems. He had surgery in the past to remove his appendix and his tonsils. He takes no medications. He reports that he is allergic to mustard.

BYARS, CHRISTOPHER

9164060

OUTPATIENT EVALUATION

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH
FORENSIC EVALUATION SERVICE 3

FAMILY HISTORY: His mother, Gertrude Byars, is 56-years-old and works at a local manufacturing plant. She has no history of mental health treatment. His father, Don Wilson, lives in New York City and has not been a part of his life. He has one older sister. There is a family history of mental illness. He reports that his aunt was treated for Bipolar Disorder. He also has a cousin that was treated for Attention-Deficit Hyperactivity Disorder.

SOCIAL HISTORY: He was born in Williston, South Carolina and raised by his mother and older sister. There were no problems with his delivery and he met his developmental milestones on time. He reports that he was physically abused by his older sister. He reports that she was ten years older and would beat him with a belt. He denied a history of sexual abuse. He attended public school but in the fifth grade was sent to an alternative school due to fighting. He was in special education classes to help him with written homework. He is unsure whether these were classes for behavioral problems or for learning difficulties. He reports that he was suspended for fighting and was eventually expelled. He denied a history of cruelty to animals but was involved with the Department of Juvenile Justice on two occasions. He reports that at age 13 he stole some guns from a store. He spent six months in the Department of Juvenile Justice after spending 60 days at Reception and Evaluation. He reports that he has a sixth grade education, but that he was placed in a special program at the tenth grade level at Williston Elko High School. He reports that he quit school shortly thereafter. He denies gang involvement.

He has had several jobs. He reports that he worked at the Dayco Manufacturing Plant, at a Dollar General Store, and for another manufacturing plant known as Gypsy Narco. He states that he worked there for four and a half months. He receives food stamps.

He has never married but reports that he was engaged at one time to one of the alleged victims. He reports that they had been in an off and on relationship for 13 years. He reports that he broke off the engagement because she would allow her mother and sister to talk bad about him. They have two children together, 9-year-old Christopher Jr. and 8-year-old Adoncia.

Mr. Byars has never been incarcerated in the South Carolina Department of Corrections.

MENTAL STATUS EXAM: Mr. Byars was alert and oriented to person, place, day, date and time. He was neatly groomed and cooperative with the interview. He made good eye contact. He had numerous tattoos including his nickname, Sabian, on his right arm. He had a bumblebee tattooed on his left arm as well as the name Tasha. He was able to register three objects but could not recall them after five minutes, even when given a prompt. However, his short-term memory during the clinical interview did not appear impaired. Furthermore, he was able to recall significant past personal information. We found no evidence of clinically significant long- or short-term memory impairment. His fund of knowledge was in the average range. He could name the current President and two past Presidents. He was also able to state that Hillary Clinton and Donald Trump were currently running for President. His ability to concentrate was intact as evidenced by his performance in spelling the word *world* backwards without error. He was also able to perform a calculation,

BYARS, CHRISTOPHER

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OUTPATIENT EVALUATION

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH
FORENSIC EVALUATION SERVICE 4

correctly subtracting \$0.67 from \$1.00; however, he was noted to use his fingers when performing this calculation. His ability to think abstractly was limited. He had difficulty placing similar objects into abstract categories. He was able to interpret the simple proverb, *what goes around comes around*. His judgment to a hypothetical situation was good. He described his mood as two on a scale of one to ten with one being severely depressed and ten being euphoric. His affect was also sad and depressed. His speech was very low in volume. He reported auditory hallucinations that were described in a manner that is typical in psychotic mental illness. He only hears them at night when there is a little environmental stimulation. He reports numerous other symptoms of depression. He denied delusional thinking. His thinking was logical and goal directed without loosening of associations or flight of ideas. Although he had evidence of disturbed thought content (hallucinations), he did not have evidence of disturbed thought process.

DIAGNOSTIC FORMULATION: Mr. Byars has a clear history of Major Depressive Disorder. He continues to experience depressive symptoms in the absence of access to substances so his depression cannot be merely attributed to his substance use. He is currently not receiving treatment for his depression. This examiner called the detention center but they do not have the ability to treat mental illness. This examiner also spoke with Mark Binkley, DMH head of outpatient mental health services, and he was going to call the Orangeburg Mental Health Center to see if someone could see Mr. Byars in the detention center in Bamberg. I also made the detention center aware of Mr. Byars' suicidal thinking, although Mr. Byars denied suicide intent. Given the fact that Mr. Byars experiences depressed mood, sleep disturbance, appetite disturbance, anhedonia (lack of interest in activities), poor concentration, tearful episodes, and suicidal ideas, he would meet diagnostic criteria for Major Depression, Severe with Psychotic Features.

The rationale for the diagnoses of Alcohol Use Disorder and Cannabis Use Disorder are contained in the section above entitled "Alcohol and Substance Use History."

CONCLUSION REGARDING CRIMINAL RESPONSIBILITY: Mr. Byars reports that on the day of the alleged offense he was supposed to bring money to Latosha Jamison because he had received unemployment income, but the money was being placed on a card the next morning. He states he came to the house and he and Latosha had sexual relations. He reports that afterwards she became mad when he told her that his unemployment card would not have available money until the next day. He states he walked in the living room and she had a gun in the chair. He states he snatched the gun and it went off accidentally. He denies possessing the weapon or attempting to shoot the alleged victims. He does not relate symptoms of mental illness or depression to the alleged offenses. His version of events is self-protective. It is our opinion that he would have been able to distinguish legal and moral right from legal or moral wrong and to recognize the particular acts charged as legally or morally wrong. Therefore it is our opinion that he would have been criminally responsible for his actions on or about July 31, 2015 pursuant to S. C. Code Ann. §17-24-10 (1976).

CONCLUSION REGARDING CAPACITY TO CONFORM: Although Mr. Byars has a history of depression, his depression was not so severe as to have caused a delusion, auditory hallucination,

BYARS, CHRISTOPHER

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OUTPATIENT EVALUATION

or other symptom that would have impaired his capacity to conform his conduct to the requirements of the law.



Richard L. Frierson, M.D., DFAPA
Professor of Clinical Psychiatry

RLF/bds

D: 05/06/2016

RT/EM: 05/06/2016

F/EM: 05/06/2016 (rlf)

BYARS, CHRISTOPHER

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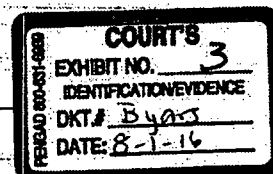
OUTPATIENT EVALUATION

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH
FORENSIC EVALUATION SERVICE 6

7-14-16

Dear
Cherry

Well I have made peace with everyone and
now you're trying to keep my kids away from me &
write them you or the kids don't write back. I call you
and I get no answer. So when I get out since you
your mama and grandma trying to keep me away from
Dad I'm going to that school and I'm go. I'll
myself in front of them I promise I put that
on ~~everything~~ everything I love. Then I'm go
leave the burden with you hateful mother fucker
cause they go ask all you why you did what you
did. Then you just go fuck up your kids life for some
other mother fucker when they get a life that wants
to be in there life you real fucked up in the head
you think this shit a game. I promise you I'm
go blow my god damn head off in front of them
when I get out of jail all because of your bullshitty
my counselor at Denmark Mental Health name Mary
McTeer asked me ~~what~~ to give her one reason
why living is so important to me & I told her my
kids and that's it. If you don't believe me call
her and ask her 793-4274 ext. 123 her name is
Mary McTeer. But you took that reason away from
me. I don't have love & I don't know if I
will happen it to me with you.



8-1-16 49

Good morning,

My name is Latosha Jamison, and I am here this morning to humbly beg you to give the defendant, Christopher Byars, the maximum sentence. I feel the need for this is because he has no remorse as to what so ever for what he did to me and my kids and my family. He has not ^{sincerely} apologize for what he put me through. ~~I feel that~~ If it was not for the grace of

GOD to keep me here to be with my kids and family, I could have been dead, like some of the other unfortunate victims that did not survive. I am so thankful for the Lord for giving me the opportunity to be able to be with my kids and family. And I feel that he has not change since the first to the last threaten letter he wrote stating that he will kill himself in front of them. I feel that he has no remorse for them or myself. And I think that he will come for me again. This has been a year and no change. Where I was in the hospital for about 3 months.

and still had to recover ~~from~~ from the wound. I had hard times to find a place to stay for me and my children and at the end I finally did this pass July. And I still have pain every day. I strongly want him ~~there~~ until my children out of school. to be incarcerated



EX-100-0000	COURT'S
	EXHIBIT NO. 4
	IDENTIFICATION/EVIDENCE
	DATE: 8-1-16

COUNTY OF BAMBERG

SECOND JUDICAL CIRCUIT

STATE OF SOUTH CAROLINA IN THE COURT OF GENERAL SESSIONS

The State of South Carolina,

vs.

Christopher Byars,

Defendant

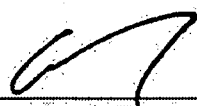
**MOTION FOR
RECONSIDERATION
OF SENTENCE**

Indictment 2016GS0500100

ABHAN

Defendant moves the honorable court to reconsider the sentence of 20 years imposed on August 1st, 2016. This motion is based on considerations of justice and mercy and such other factors as the Court may deem appropriate.

Aiken, South Carolina
August 3, 2016


Michael Chesser
Attorney for the Defendant
PO Box 1018
Aiken, SC 29802-1018
chesserlaw@gmail.com
(803) 646-1166

FILED
JAMES H. HARRIS
CLERK OF COURT
BAMBERG, SC
2016 AUG -5 PM 12:10

FILED
BAMBERG COUNTY
2017 AUG -4 AM 10:03
JAMES N. HERS
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF BAMBERG
STATE OF SOUTH CAROLINA, BAMBERG, SC

IN THE GENERAL SESSIONS COURT
SECOND JUDICIAL CIRCUIT

**ORDER DENYING MOTION TO
RECONSIDER SENTENCE**

2016-GS-05-00100

v.

CHRISTOPHER BYARS,
Defendant.

This matter came before the Court on the Defendant's motion to reconsider the sentence imposed by this Court on the above referenced indictment. The Defendant pled guilty to one count of Assault and Battery of a High and Aggravated Nature on August 1, 2016. In exchange for the plea, the State dismissed two additional charges stemming from this same incident. Additionally, the State agreed to allow the Defendant to plead guilty to the charge of ABHAN where the original charge was attempted murder, capping the Defendant's exposure at twenty (20) years. The Defendant was represented at the plea by Michael Chessser of the Aiken County Bar. Following the plea, this court sentenced the Defendant to confinement in the South Carolina Department of Corrections for a term of twenty (20) years. Mr. Chessser and the Defendant subsequently filed separate, timely motions to reconsider the sentence imposed.

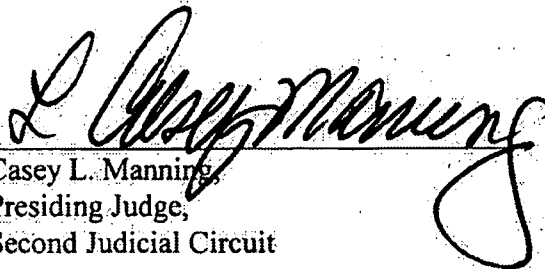
Based upon the recitation of the facts from the Solicitor at the guilty plea, the Defendant and the victim, Ms. Latosha Jamison had been in a long-term, albeit tumultuous, romantic relationship. On the night of July 31, 2015, Byars and Jamison were involved in a verbal altercation that ended when Byars retrieved a shotgun from the porch of Jamison's home. Byars then came back into the living room where he shot Jamison in the abdomen before fleeing the scene. Byars was arrested at a motel in Orangeburg County the following evening.

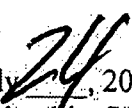
After considering the information provided in the motions to reconsider, I find it is not necessary to have a formal hearing on the motions. The Defendant has not provided sufficient justification for this Court to amend its previously issued sentence. Counsel for the Defendant previously brought the Defendant's lack of significant prior criminal history, family ties, and mental health history to the attention of the Court at the initial sentencing hearing. This Court does not find these matters which were previously considered at the time of sentencing justify any change in the

sentence imposed. Considering the circumstances of the offense, the actions of this Defendant threatened the lives of the victim and the minor children that were in the residence at the time of the shooting. Ms. Jamison suffered substantial financial and emotional hardship as a result of being shot by the Defendant. At the time of the plea, just over a year after the incident, she continued to suffer pain and anxiety from the incident. This Court's sentence, while substantial, was justified because the Defendant was allowed to plead to an offense which capped his exposure at twenty years.

Based on the foregoing, the Defendant's Motion to Reconsider the sentence previously imposed by this Court is hereby DENIED.

IT IS SO ORDERED.


Casey L. Manning
Presiding Judge,
Second Judicial Circuit


July 4, 2017
Columbia, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF BAMBERG)
)

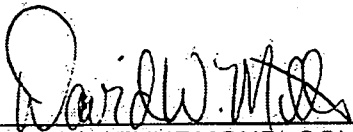
INDICTMENT FOR
ASSAULT AND BATTERY OF A
HIGH AND AGGRAVATED NATURE

§ 16-03-600(B)(1)

At a Court of General Sessions, convened on August 8, 2016, the Grand Jurors of Bamberg County present upon their oath:

That **CHRISTOPHER ANTOINE BYARS** did in Bamberg County on or about July 31, 2015, commit an assault and battery upon Latosha Jamison resulting in great bodily injury, and the act was accomplished by a means likely to produce death or great bodily injury, to wit: shooting Latosha Jamison in the abdomen with a shotgun. All in violation of §16-3-600(B)(1) 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.



J. STROM THURMOND, SOLICITOR

WITNESSES

Bamberg County Sheriffs Office

Alonza Jenkins

Law Enforcement Case #: 2015-0555

DWM

ARREST WARRANT NUMBER

2015A0510100220

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date: August 4, 2016

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016GS0500100

The State of South Carolina

County of Bamberg

COURT OF GENERAL SESSIONS

AUGUST TERM 2016

THE STATE

vs.

CHRISTOPHER ANTOINE BYARS

CDR #: 3411

Indictment for

**ASSAULT AND BATTERY OF
A HIGH AND AGGRAVATED NATURE**

§16-03-0600(B)(1)

J. STROM THURMOND, SOLICITOR

COUNTY OF Bamberg
STATE VS.

Christopher Antoine Byars

AKA:

Race: Black Sex: M Age: 32

DOB:

Address: Dicks St

City, State, Zip: Williston, SC 29853-2727

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Assault and Battery of a High and Aggravated Nature.

INDICTMENT/CASE#: 2016GS0500100

A/W#: 2015A0510100220

Date of Offense: 7/31/2015

S.C. Code §: 16-03-600(B)(1)

CDR Code #: 3411

SENTENCE SHEET

0-20 years

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-03-600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury: CB (defendant's initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: David W. Miller 69553 Chris Byars 1212
Miller, David Warren SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections: FROM JULY 31, 2015

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk Patricia K. Thomas

Court Reporter: Brenda Sigwald

SCCA/217 (07/2016)

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge Plaster

Judge Code: _____

Sentence Date: 8-1-16

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,



Laura R. Baer
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 23rd day of July, 2018.

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,



Laura R. Baer
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 23rd day of July, 2018.

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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Bamberg County
Honorable L. Casey Manning, Circuit Court Judge

THE STATE,

V.

CHRISTOPHER ANTOINE BYARS,

APPELLANT

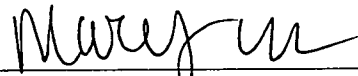
CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above-referenced case has been served upon J. Benjamin Aplin, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 23rd day of July, 2018.



Tyler Cheney
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 23rd day of July, 2018.



(L.S.)

Notary Public for South Carolina

My Commission Expires: May 12, 2027.

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SC Court of Appeals