

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

COURT OF GENERAL SESSIONS

2005-GS-23-07611

ORIGINAL

STATE OF SOUTH CAROLINA

PLAINTIFF

VS.

TRANSCRIPT OF RECORD

TIFFANY ELMORE

DEFENDANT

September 12, 2007

Greenville, South Carolina

B E F O R E

THE HONORABLE CARMEN T. MULLEN, Judge

A P P E A R A N C E S

JOHN NEWKIRK, JESQ
Attorney for the State

DANIEL FARNSWORTH, SR., ESQ.
Attorney for the Defendant

APRIL HERRON
Official Court Reporter

INDEX OF WITNESSES

TIFFANY ELMORE

Examination By The Court 4

» » ○ < «

Sentencing 30

Certificate of Reporter 31

1 THE COURT: Your Honor, this is Indictment
2 2005-GS-23-7611, Tiffany Diane Elmore, indicted for
3 murder, pleading to voluntary manslaughter. It is a true
4 bill.

5 Would you, please, raise your right hand.

6 TIFFANY ELMORE, after being duly sworn,
7 testified as follows:

8 THE COURT: Good morning, Mr. Farnsworth.

9 MR. FARNSWORTH: Good morning, Judge.

10 THE COURT: Good morning, Mr. Newkirk.

11 MR. NEWKIRK: Good morning, Your Honor.

12 THE COURT: Mr. Farnsworth, have you explained
13 and does your client understand the charges against her,
14 the possible punishment and her Constitutional rights?

15 MR. FARNSWORTH: I've explained all those rights
16 to her, Your Honor, and in my opinion she does understand
17 fully.

18 THE COURT: How does she wish to plea, sir?

19 MR. FARNSWORTH: Guilty, Your Honor.

20 THE COURT: Is that correct, Ms. Elmore?

21 MS. ELMORE: Yes, ma'am.

22 THE COURT: Based on your investigation,
23 Mr. Farnsworth, does the State have adequate evidence to
24 prove her guilt on this charge beyond a reasonable doubt?

25 MR. FARNSWORTH: Yes, Your Honor. And let me

1 also say that, at least, based on the theory of the hand
2 of one hand of all. And I've explained that to her.

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

4 EXAMINATION

5 BY THE COURT:

6 Q Ma'am, how old are you?

7 A I'm 23 years old.

8 Q How far did you go in school?

9 A Ninth grade.

10 Q Where are you from?

11 A I'm from Greer, South Carolina.

12 Q Born and raised here?

13 A Yes, ma'am.

14 Q Do you have any family here?

15 A Yes, ma'am.

16 Q Okay. Are you married?

17 A No, ma'am.

18 Q Do you have any children?

19 A Yes, ma'am.

20 Q How many children do you have?

21 A I have two.

22 Q How old are they?

23 A They're three and four.

24 Q Who has custody of those children now?

25 A Their daddy's mother.

- 1 Q All right, ma'am. Have you taken any medication or
2 drank any alcohol in the last 24 hours?
- 3 A No, ma'am.
- 4 Q Do you suffer from any mental or physical infirmity
5 that would prevent you from understanding what we're
6 doing here today?
- 7 A No, ma'am.
- 8 Q Ma'am, you're charge in Indictment No.
9 2005-GS-23-7611, with murder. Now the Solicitor's
10 Office is allowing you to plea to voluntary
11 manslaughter. This indictment states that you did in
12 Greenville County on or about March 26th of 2005
13 unlawfully and with malice aforethought kill a
14 Ms. Tammy McGarity-Nasser by means of hitting her and
15 beating her with baseball bat and cutting her wrist.
16 And that Ms. McGarity-Nasser died as a approximate
17 result thereof. Ma'am, do you understand the charge
18 contained in the indictment?
- 19 A Yes, ma'am.
- 20 Q And how do you wish to plea to it?
- 21 A Guilty.
- 22 Q Ma'am, are you pleading guilty because you are, in
23 fact, guilty?
- 24 A Yes.
- 25 Q Okay. Ma'am, I understand from your attorney that

1 there were other co-defendants involved or a
2 co-defendant involved and you are pleading under the
3 theory of the hand of one is the hand of all. And my
4 understanding from your attorney, Mr. Farnsworth, is
5 that that is part of this plea, do you understand
6 that, ma'am?

7 A Yes, ma'am.

8 Q All right, ma'am. Ma'am, do you understand that
9 voluntary manslaughter carries up to 30 years and
10 that I can put you prison up to 30 years on this
11 charge?

12 A Yes, ma'am.

13 Q And understanding that do you still wish to plead
14 guilty?

15 A Yes, ma'am.

16 THE COURT: Solicitor, what percentage is she
17 going to have to do of any sentence I give her?

18 MR. NEWKIRK: Eighty-five percent.

19 BY THE COURT:

20 Q Ma'am, do you understand it's a most serious offense
21 and based on that whatever sentence I do give you
22 will do at least 85 percent of it, do you understand,
23 if not more? Is that a yes?

24 A Yes, ma'am.

25 Q All right. Ms. Elmore, everything I say and you say

1 and everything the attorneys say is the being taken
2 down so I need you to respond verbally, all right?

3 A Yes, ma'am.

4 Q All right, ma'am. Additionally, ma'am, when you
5 plead guilty you give certain Constitutional rights.
6 For instance, you have the right to a jury trial on
7 this charge. At a jury trial I'd tell 12 people over
8 in the jury box that you would be presumed innocent
9 until and unless the jury found you guilty. Ma'am,
10 additionally at a jury trial, you'd have the right to
11 testify or not testify on your own behalf. If you
12 chose not to testify, I'd tell the jury that they
13 couldn't hold it against you. Remember at jury
14 trial, ma'am, you do not have the burden of proving
15 yourself innocent. The State has the burden of
16 proving you guilty beyond a reasonable doubt.

17 Additionally, ma'am, were you to go to a jury
18 trial your attorney would have the opportunity,
19 again, to cross-examine the State's witnesses as well
20 as present witnesses in your defense. He could also
21 make various motions to try to suppress evidence. I
22 don't know whether or not he would be successful.
23 But please understand that by pleading guilty here
24 today you're waiving your right to a jury trial,
25 you're waiving your Constitutional rights associated

1 with a jury trial and you're basically coming forward
2 and telling the Court that you did it. Do you
3 understand that?

4 A Yes, ma'am.

5 Q Is that what you want to do here today, ma'am?

6 A Yes, ma'am.

7 THE COURT: Any plea negotiations or
8 recommendations from the Solicitor's Office?

9 MR. NEWKIRK: Yes, Your Honor. The State is
10 recommending a sentencing range from 15 to 20 years.

11 THE COURT: Mr. Farnsworth, is there anything
12 further that we need to put on the record as far as any
13 plea recommendations or negotiations or any other charge
14 that is being dismissed?

15 MR. FARNSWORTH: No other charge is being
16 dismissed. And, Your Honor, I think Mr. Newkirk covered
17 the recommendation. That's what the State's
18 recommendation is as I understand it. And I would be
19 allowed to argue, you know, to less.

20 THE COURT: All right, thank you, sir.

21 BY THE COURT:

22 Q Ma'am, are you completely satisfied with how
23 Mr. Farnsworth has represented you?

24 A Yes, ma'am.

25 Q Has he done everything you've asked him to do?

- 1 A Yes, ma'am.
- 2 Q Have you understood all your conversations with him?
- 3 A Yes, ma'am.
- 4 Q Have you talked to him for as long as and as often as
5 you feel necessary for him to represent you in this
6 matter?
- 7 A Yes, ma'am.
- 8 Q Do you have any complaints against him whatsoever?
- 9 A No, ma'am.
- 10 Q Ma'am, do you need to speak with him any further
11 before I accept your plea and sentence you?
- 12 A No, ma'am.
- 13 Q Ma'am, has anyone promised you anything or held out
14 any hope of reward to get you to plead guilty?
- 15 A No, ma'am.
- 16 Q Has anyone pressured you or threatened you or told
17 you had to plead guilty here today?
- 18 A No, ma'am.
- 19 Q Because as you know, ma'am, you are always entitled
20 to a jury trial; do you understand that?
- 21 A Yes, ma'am.
- 22 Q Do you still wish to go forward here today and plead
23 guilty to the charge of voluntary manslaughter, is
24 that correct?
- 25 A Yes, ma'am.

1 Q Ma'am, has anyone from the Solicitor's Office or law
2 enforcement mistreated you in any way regarding this
3 charge?

4 A No, ma'am.

5 Q Ms. Elmore, have you understood all my questions?

6 A Yes, ma'am.

7 Q Have you been truthful in your responses?

8 A Yes, ma'am.

9 Q Ma'am, you have the right to appeal this guilty plea
10 and the sentence of this Court but you must do so
11 within 10 days of today's date. If you can't afford
12 an attorney for this guilty plea -- I'm sorry, if you
13 can't afford an attorney for an appeal, one would be
14 appointed for you at no cost to you if you request
15 it, do you understand that?

16 A Yes, ma'am.

17 THE COURT: Also, Mr. Farnsworth, have you
18 explained to your client that this is considered a most
19 serious offense and as a most serious offense it is
20 considered a strike. And if she is convicted down the
21 line of another most serious offense that the Solicitor's
22 Office could seek life without parole. Have you explained
23 that to her, sir?

24 MR. FARNSWORTH: Yes, Your Honor.

25 THE COURT: All right, sir.

1 BY THE COURT:

2 Q All right, do you understand that, ma'am?

3 A Yes, ma'am.

4 Q All right..

5 THE COURT: All right, Mr. Newkirk.

6 MR. NEWKIRK: May it please the Court, Your
7 Honor. The facts that the State would present at trial is
8 that on March 27th, 2005, the two defendants in this case
9 Ms. Elmore and Mr. Jay Bradley Jackson, went to the
10 victim's house. Which was located in Taylors, South
11 Carolina. That was a Saturday afternoon. They picked up
12 the victim and went over to their house. Later that
13 evening these defendants contacted a witness, a Lynn
14 Gosnell, who is also a family member of the victim, and
15 met her at roller skating rink in Taylors, South Carolina.

16 That incident was the -- that meeting was the
17 last time that the victim, Ms. Tammy McGarity, was seen
18 alive. The victim and the two defendants then went to the
19 defendants resident located on Stegal Circle in Greenville
20 County to party. To drink alcohol and to use drugs that
21 night. Again, that was Saturday night. On Sunday morning
22 the victim did not return home. She lived with her
23 grandmother, she did not return home. Her family became
24 concerned about her whereabouts and began to call both of
25 these two defendants. Initially they really did not hear

1 anything from these two defendants.

2 Then sometimes late afternoon into the evening
3 on Sunday this defendant did contact her grandmother and
4 told her grandmother that the victim and the two
5 defendants had gone out to Pretty Place. Which is a
6 area -- a chapel in the Northern part of Greenville County
7 in the mountains. She stated to her grandmother that, in
8 fact, the victim did not want to leave so they left her
9 there. Of course, the family began -- was even more
10 concerned at this point that she was up in the mountains
11 alone, by herself. At that point the family did contact
12 law enforcement to report that the victim was missing.

13 Law enforcement went up to the mountains, did
14 not locate her there. Went to the defendants residence.
15 It did appear that no one was home so they left. Then on
16 Monday morning these two defendants contacted the
17 co-defendant, Jay Bradley Jackson's father, and told the
18 father that the victim in this case had been at their
19 house and they were afraid that she may have done
20 something to herself. That she may have committed
21 suicide. And that they wanted him to go in and see what
22 was inside the house. He went inside the house and
23 located the victim who was deceased.

24 At that point law enforcement was contacted.
25 And they responded to the house initially believing that

1 this was a suicide call. When they arrived the
2 investigators initially observed the scene and believed
3 this was not a suicide. The Greenville County Medical
4 Examiner was actually called to the scene. Which does not
5 occur very often. He determined that this was, in fact,
6 not a suicide but rather it was a homicide. An autopsy
7 was done a few days later which revealed that the victim
8 died of blunt force trauma to the head and both her wrists
9 were slit.

10 Through their investigation law enforcement
11 learned that the defendants took the victim over to their
12 house where the three of them used drugs and drank
13 alcohol. Sometime during that night these two defendants
14 confronted the victim about the fact that the victim was a
15 confidential informant and had been a confidential
16 informant. Specifically this defendant believed that she
17 was a confidential informant in a case pending in
18 Spartanburg County. The co-defendant was also upset with
19 the victim because he believed that she had been a
20 co-defendant in past cases dealing with him and his ex
21 wife. As this altercation began and confronted her with
22 this, the defendant was beat about the head with a
23 baseball bat and her wrists were slit with a razor blade.

24 The following day, this was on Saturday night,
25 the following day these defendants did contact a third

1 party and told this third party that they wanted to go to
2 the lake. This witness came to their house and quickly
3 learned that their intention was not to go to the lake for
4 fun but was to go to the lake and have him help them
5 dispose of the body. He declined to do that and did
6 contact law enforcement on Monday morning.

7 A short time later, approximately a week or two
8 weeks after these defendants were arrested, he died of an
9 overdose. The co-defendant, Jay Jackson, also confessed
10 to a cell mate while his case was pending in the law
11 enforcement center, stating that he was responsible for
12 this murder. The investigation also revealed that some
13 time during that weekend that this defendant took a
14 baseball bat and drove to her father's house and deposited
15 a baseball bat at his house.

16 Law enforcement spoke to this defendant who
17 initially told them that this was a suicide. She then
18 changed her story and gave investigators a written
19 statement admitting to participating in the murder. In
20 her statement she details the fact that the defendants
21 confronted the victim about being a CI. She then states
22 that the co-defendant attacked the victim while she stood
23 by and watched. The co-defendant struck the victim,
24 according to her statement, with a baseball bat repeatedly
25 and then eventually her wrists were slit in attempt to

1 make it appear that this was, in fact, a suicide.

2 In her statement the defendant also makes such
3 statements that she did not say anything during the attack
4 because she did not want the victim to know that she was
5 involved. She also admits that she was concerned that the
6 victim was making too much noise and she did not want law
7 enforcement to be called and respond to the scene.

8 Basically in her statement she says that she stood by as
9 the co-defendant continued to beat and cut this defendant
10 and she stood by and did nothing. She also in her
11 statement disposes of -- or details disposing of evidence
12 after the crime occurred. Dumping in the lake and
13 depositing in other areas. Your Honor -- and the victim
14 was Ms. Tammy McGarity who was a 33 year-old female. And
15 she was the aunt of this defendant.

16 The co-defendant in this case, Jay Jackson, did
17 plead guilty of murder and was sentenced to 30 years
18 incarceration. The State, of course, has reduced this
19 charge to voluntary manslaughter and recommended a 15 to
20 20 year sentencing range. And the evidence that the State
21 would present and that the State has in its possession
22 shows that the co-defendant was the primary aggressor in
23 the killing of Ms. McGarity. But taking all the facts and
24 all the evidence together, the State is convinced that the
25 defendant is guilty of in this case voluntary manslaughter

1 under the hand of one hand of all theory. And, Your
2 Honor, after -- at the appropriate time the victims would
3 like to address the Court.

4 THE COURT: Okay, let's go ahead and hear from
5 them right now. Also, Mr. Newkirk, do you have a copy of
6 her statement that you gave? If you can just look for
7 that and pass it up while the victims are speaking.

8 MR. NEWKIRK: Okay.

9 THE COURT: This is the victims statement? I'm
10 sorry, defendant's statement.

11 MR. NEWKIRK: Right.

12 THE COURT: All right, if you would, please,
13 state your full name for the record.

14 VICTIM'S FAMILY: Diane Gosnell.

15 THE COURT: Ms. Gosnell.

16 MS. GOSNELL: Uh-huh.

17 THE COURT: Ms. Gosnell, yes, ma'am what would
18 like to say?

19 MS. GOSNELL: Well I am the victim's sister.
20 And I've had -- my whole family has waited for about two
21 and a half years for this to come to trial and get some
22 justice for my sister because she was brutally, brutally
23 murdered. And the only thing I can say is that I just
24 want justice for her. So if there is any way possible
25 that's all. That's all that I want is justice for my

1 sister. She did not deserve to die like that.

2 THE COURT: Thank you, Ms. Gosnell.

3 Anyone further? All right.

4 MR. FARNSWORTH: I've got two people that would
5 like to speak. You want them now?

6 THE COURT: Yes, sir, I want to go ahead and
7 hear from you first, Mr. Farnsworth.

8 MR. FARNSWORTH: Okay, hear from me first, I
9 thought so. Your Honor, you've heard, she's told you that
10 she's 20, she went to the ninth grade, she had two
11 children, age three and four. They live with the father
12 of the children's mother. She's single. She has worked a
13 number of jobs over the past several years. But she
14 started out working -- her mother ran a bingo parlor here
15 and she started helping her with that when she was about
16 12 years old.

17 Your Honor, this -- she met the co-defendant in
18 this case, Jay Jackson, about, I don't know, two or three
19 months before. After they met they started living
20 together. He's 34 years old at that time. She's 20.
21 He's about 6'2, 220 something, he's a body builder. He's
22 got a terrible record that started when he was 17 years
23 for some violent things on there, a lot of other things.
24 His reputation is that of a violent person. People that
25 knew him a knew of him. As I say, they did get involved.

1 And I think the victim may have or one or two of the
2 family members may have known him before they met but she
3 hadn't known him as long as they had. In other words, she
4 met him through family.

5 The Solicitor, and I'm not going to harp on the
6 facts, the Solicitor told you they picked the aunt up one
7 Saturday afternoon and there was drinking, pills, this
8 type thing. There was a thing that did come up about this
9 victim claimed that she was a NARC or a CI type person
10 that had turned her in before, had turned Jay Jackson in
11 before and also his girlfriend. And the statement from
12 the guy that he met in jail that he confessed all these
13 things to, his statement reflects that right when I knew
14 that she was a NARC, I knew then that she had to die.
15 That was his exact words that he told a guy name Eddie
16 Fricks who we have a statement from and would have
17 testified had it gone to trial.

18 This thing was a terrible incident, Your Honor.
19 And she feels as bad about it as anybody else does. The
20 whole family is upset about it, there's no question that
21 this thing never should have happened. The situation was
22 that, no question just to make it short on the facts, that
23 at some point in time, we don't know when exactly or what
24 happened first or second or third but she was hit with a
25 bad, both her wrists were cut and she was suffocated there

1 at the end with the pillow to die. Mr. Frick gives, as I
2 say, gives a statement, when Mr. Jackson, the
3 co-defendant, told him in prison, in jail here, that --
4 that he -- that he was responsible for all that. That he
5 suffocated her, he cut her wrists.

6 And, Your Honor, the wounds that she had, I'm
7 not so sure that this lady could have done them. It would
8 have taken some force. She was cut pretty severely. Bad
9 things with a baseball bat too. And it was just -- I just
10 don't know that this young lady could have had the
11 strength to do what the evidence reflects happened to this
12 lady.

13 This co-defendant, Your Honor, a fella that
14 Mr. Newkirk told you came over there to see the body that
15 night. They were going to use him to get rid of it, this
16 type thing. He gave a statement and he died shortly
17 thereafter within a couple of weeks. The co-defendant
18 gave a statement to his prison mate down there that said,
19 and he was bragging about it and said, Well I had that
20 done. And he probably didn't because it was an overdose
21 that the boy did on his own. But he wanted to claim
22 responsibility for that. Said, I had him killed and now
23 he can't be a witness against me, this type thing.

24 Also, the -- the co-defendant, Mr. Jackson,
25 during this weekend when all this happened, the statement

1 from Eddie Elmer, who overdosed, said that he was
2 carrying -- that the co-defendant was carrying a .45
3 pistol in his belt thing here the entire weekend and his
4 words were, I'm afraid of him, I was afraid he was going
5 to kill me. He further says that the co-defendant told
6 him the next morning that he was going to kill her and put
7 her down a well so she couldn't testify against him.
8 So -- so this is the kind of fella, a 20 year old who made
9 a terrible mistake no question about it getting involved
10 with this guy twice as old as she was. And I'm not
11 excusing her at all. I'm just saying that that guy was a
12 control freak as I understand it. Based on everything
13 I've done.

14 And Mr. Newkirk will tell you, we've been
15 working on this case for two and a half years. We both
16 got a lot of work in it. But based on everything, Your
17 Honor, that I've been able to find out, that there's no
18 question in my mind that the co-defendant was the more
19 culpable. Much more than this young lady. She messed up
20 by initially not telling the truth. When she was
21 confronted that Elmer had given a statement after seeing
22 the lady there at the house that night dead, she then told
23 what I consider to be true. That Mr. Jay Jackson did all
24 the infliction of the deadly wounds. He turns around,
25 they confront him with that, he turns around and gives a

1 statement throwing it all on her. So we'll never know but
2 I think it's important what both of these witnesses say
3 that weren't involved. They all claim that Mr. Jackson
4 bragged about the part he did. You know, she's got to
5 die, she's a NARC, no NARC comes in my house.

6 But in any event, Your Honor, I'm convinced
7 based on everything I know about this case that she's not
8 nearly as involved. That's the reason we've talked about
9 this thing numerous times. I've met with her family
10 several times. And I'm convinced that if this case went
11 to trial that there would be a chance that she would be
12 convicted. Maybe a substantial chance. Based on that,
13 and that would be the hand of one hand of all. Thus the
14 reduction in the charge and the, you know, lesser charge
15 and lesser recommended sentence. She's been in jail for,
16 since this incident occurred, March 28th, almost two and a
17 half years. This March would have been two years. So
18 about two and a half years.

19 And I just, again, I'm not saying that she's --
20 her hands are completely clean, I don't mean to suggest
21 that to the Court; but on that theory the hand of one hand
22 of all, there's no question in mind that she is guilty and
23 I think she understands that. So I would ask, Your Honor,
24 based on everything that you've heard to give her a
25 sentence some where around the 15 years or less if you see

1 fit.

2 THE COURT: Thank you, Mr. Farnsworth. You say
3 there are some members of her family that would like to
4 speak, sir?

5 MR. FARNSWORTH: This is her mother, she's in a
6 wheelchair so she can't stand up.

7 THE COURT: Yes, ma'am.

8 MR. FARNSWORTH: Linda McGarity.

9 THE COURT: All right, Ms. McGarity, what would
10 you like to say, ma'am?

11 MS. MCGARITY: Yes, ma'am, to begin with I would
12 like to say that I'm like in the middle here. Because
13 Tammy and I were as close as -- if not closer than twins
14 could have been. The only job she ever had, I was her
15 manager at bingo. She -- my child -- my sister grow up
16 with my child. My child looked up to Tammy. If ever she
17 thought there was one human being in this whole wide world
18 that would protect her, she knew that it would be her Aunt
19 Tammy. I mean, it was as if I had two daughters. And the
20 main reason I had two daughters was, yes, ma'am, my sister
21 was a confidential informant. And it started at the end
22 of '92 or the beginning of '93 until 1997 when Tammy said,
23 I quit, I will do no more. And they got so angry with her
24 that they put her in prison. And she did 19 months at the
25 women's correctional institution for -- and she worked

1 with them for almost five years.

2 Craig Moore and Marry Fields that are still at
3 the detention center, they worked with my sister all of
4 those five years along with SLED. My sister lived between
5 my mom's house and my house because of fear. They even
6 offered to put my mother in the motel and she denied it.
7 There's so many -- there's so many things that this it is
8 unfair and unfair to all. The one thing that I know, I
9 spent 15 years, six to seven days with Tammy. I was
10 closer to her than I am to my husband, I was closer to her
11 than I was to my parents, I was closer to her than I was
12 to my own daughter.

13 My child is 20 years old, had never once been in
14 a fight. She was pregnant at age 19, 19 and 20 and Tammy
15 was the only one that truly wanted to make sure she had
16 the best 21st birthday. And she knew that I wouldn't
17 allow it because I would not allow alcohol and drugs to be
18 in front of me with my child. But yet, the last pills
19 that Tiffany was ever bought for or given, the last pill
20 that my sister Tammy took, the last pill that they ever
21 bought came from Lynn Gosnell. The reason that my
22 daughter got with this stranger was because my sister kept
23 staying he was from a good family. My brother was running
24 a marijuana house. So he called -- my brother called him
25 his body guard.

1 There is so much that has not been told in this.
2 And all I can say is that my child was at the wrong place
3 at the wrong time. She had no idea that this man was
4 going to kill her aunt. Someone that she looked up to,
5 someone that she when she couldn't talk to me she would go
6 to her Aunt Tammy. She'd say, Mom, you know I go to my
7 Aunt Tammy it wasn't because I didn't love you, it was
8 because you would spank me and my Aunt Tammy would only
9 yell at me. I mean, I know that everybody in here is
10 grieving.

11 I have been manic with post-traumatic stress
12 syndrome just like a soldier coming from war. Because I
13 wake up with my sister, I dream of my sister. And Linda
14 Holbrook is going to take me through and show me the scene
15 pictures. And she's going to get me into a good
16 counseling group. Because she knows that I have not got a
17 grip on this. It's not that my child is standing here
18 innocently and pleading guilty, it's that that's the God's
19 honest truth, she is innocent. And me, as a mother, that
20 my sister was at my child's, having to leave a cemetery
21 and going to the detention center and seeing your daughter
22 through a glass when you've got two babies that are the
23 same age for every year, for two weeks of every year of
24 their life -- when she found out she was pregnant the
25 second time, she was so devastated the nurse had to walk

1 her out.

2 But Lynn is the only one, my half sister, Lynn
3 is our half sister. Me and Tammy and Larry are whole
4 sisters. But my father Roger McGarity that has been
5 ignored throughout the situation. But if there's any
6 justice for Tammy, if there's any justice for Tiffany, the
7 whole picture will be looked at. And I just ask, I've got
8 some pictures here that Lynn wants -- Lynn wants justice
9 for our sister Tammy. Four and a half months before Tammy
10 was murder--

11 MR. NEWKIRK: I'm going to object to this,
12 this--

13 THE COURT: Ma'am.

14 MR. NEWKIRK: -- with this case.

15 THE COURT: Ma'am, if would, I need you to
16 direct your comments about your daughter here today.
17 That's what I'm here to listen to. She's the one that's
18 being sentenced in this case today. Okay.

19 MS. MCGARITY: I apologize.

20 THE COURT: So I need you to direct your
21 comments to your daughter, all right.

22 MS. MCGARITY: The only thing that I can say is
23 that's the only child I have. And I raised her alone. I
24 raised her to know good from evil. I raised her to know
25 from right from wrong. I raised here to know good from

1 evil. I raised her to know her aunt and she was raised in
2 a church. And there is absolutely she no way that she
3 could have done anything. I mean, I have the autopsy and
4 there's nothing that my child could have done in there.
5 Not even to a stranger, much less someone that she looked
6 upon with such love and admiration. The only thing that I
7 can say to you is, Your Honor, is that Tiffany has two
8 babies that she's already spent almost three years away
9 from their lives. My granddaughter was only nine months
10 old. So the only thing that I can say is that I've prayed
11 to God that there would be wisdom and knowledge and common
12 sense and just that the truth would come out. And that
13 you will have mercy my child. So.

14 THE COURT: All right, thank you, ma'am. I do
15 appreciate your words. And I have heard you.

16 Mr. Farnsworth is their anybody else that would
17 like to speak?

18 MS. MCGARITY: My daddy.

19 THE COURT: All right. And again, sir, if you
20 would just give me your name for the record and let's
21 direct our comments as to Ms. Elmore here.

22 THE GRANDFATHER: Yes, ma'am, it was my daughter
23 that was killed. This is my granddaughter. And I just --
24 you know, they got along good at times. Everybody had
25 their ups and downs. But I just don't think my

1 granddaughter could have done the damage that they said
2 was done. And if it went ahead and investigated some more
3 like, it oughta (sic) been, they could have found out a
4 lot more. That's all I got to say.

5 MR. FARNSWORTH: Thank you, Mr. McGarity.

6 THE COURT: I appreciate it, sir.

7 Anything further?

8 Ms. Elmore, what would you like to tell me
9 ma'am?

10 MS. ELMORE: Your Honor, I would just like to
11 say that I know that everybody in this courtroom is
12 hurting. And trust me everyday I have hurt. And I loved
13 my Aunt Tammy more than life itself. And I want to
14 apologize to my family for not being big enough or strong
15 enough to save her life because that's all it was. And if
16 God would have let me take her place I would have. And I
17 just want to apologize. And I understand about the hand
18 of one and the hand of all. But I love my Aunt Tammy.
19 And I would have never hurt her. And that's all I have to
20 say.

21 THE COURT: Thank you, Ms. Elmore.

22 Solicitor, does Ms. Elmore have any prior
23 record?

24 MR. NEWKIRK: Your Honor, she has a
25 methamphetamine charge from Spartanburg from 2005. And

1 that is the extent. And I'd also like to put on the
2 record as part of the plea negotiations, we did agree that
3 we would give her time served starting from March 28th,
4 2005. She's been both in the law enforcement here in
5 Greenville County and the Department of Corrections on the
6 methamphetamine charge. I just want to put that on the
7 record.

8 THE COURT: And the victim in this case, was
9 she, in fact, working as a CI?

10 MR. NEWKIRK: She had been a CI, a long standing
11 CI with the County of Greenville.

12 THE COURT: Had she been working off drug
13 charges of her own, is that correct? What type of charges
14 had she been working off?

15 MR. NEWKIRK: She in the past had worked off her
16 drug charges but she had formed a relationship with the
17 narcotics office where she was -- she was making buys to
18 make buys.

19 THE COURT: Anything further from anyone?

20 MR. FARNSWORTH: No, Your Honor.

21 MR. NEWKIRK: No, Your Honor.

22 THE COURT: I do find there's a substantial,
23 factual basis for this plea, that your decision to plead
24 guilty has been made freely, voluntarily, knowingly and
25 intelligently with the consent of competent counsel with

1 whom you tell me you're satisfied. And I am going to
2 accept your plea.

3 I will tell this to the family, it's always so
4 difficult when someone young dies. It's additionally
5 heart wrenching when they're from the same family and you
6 all love the same people. I only hope at this point that
7 you can put this behind you, the rest of y'all can move on
8 with your lives. Obviously Tiffany is very young, she's
9 23 years old. The recommendation from the Solicitor's
10 Office and a reduction of the sentence from murder to
11 voluntary manslaughter will allow her to get out one day
12 and she will be able to move on. And hopefully be a
13 productive citizen, be able to come out and love her
14 family, eventually love her children.

15 Unfortunately, you're not going to be able to
16 raise your children because you're going to be in prison
17 during that time period. But I am hopeful that when you
18 come out you will come out having learned something and a
19 better person and able to move on with your life. And
20 take care of your children at that point and support them,
21 help them. So I do want you to know that I do wish you
22 the best of luck. And for you there's a light at the end
23 of the tunnel that you can come out and do something
24 positive.

25

SENTENCING

1
2 With that said on Indictment No.
3 2005-GS-23-7611, it's for voluntary manslaughter, sentence
4 of this Court that you be committed to Department of
5 Corrections for a period of 20 years. Good luck to you,
6 ma'am. Additionally, I will give her credit from
7 March 28th, 2005.

8 MR. NEWKIRK: Thank you, Your Honor.

9 (WHEREUPON, the proceedings were concluded.)
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