

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

STATE OF SOUTH CAROLINA)

PLAINTIFF)

vs.)

CHRISTOPHER E. RUSSELL)

DEFENDANT)

COURT OF COMMON PLEAS

2011-GS-23-01118;

01122-01124

ORIGINAL

TRANSCRIPT OF RECORD

RECEIVED

Jan 03 2023

February 13, 2013,
Greenville, South Carolina

S.C. SUPREME COURT

B E F O R E:

THE HONORABLE R. LAWTON MCINTOSH, Judge; and a jury.

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

MARK MOYER, ESQ.
Attorney for the State

SUSANNAH ROSS, ESQ.
Attorney for the Defendant

APRIL HERRON
Official Court Reporter

* MS. ROSS: Judge, I would just say that Mr. Russell, in light of the fact that you have no ability to change the sentence here, is looking at life without parole. Mr. Russell has been offered opportunities to plead to life without parole on the table a number of times. He has consistently maintained his innocence on this case.

* THE COURT: If I'm not mistaken that was an offer that was actually made today during this trial, or am I incorrect on that?

* MS. ROSS: That was true, that was an offer that was extended today during trial.

THE COURT: Mr. Moyer, as to the burglary, armed robbery and kidnapping, those are all LWOP. Would conspiracy be LWOP as well?

MR. MOYER: The conspiracy would not, it would be five years. If it please the Court, I have documentation I'd like to enter into the record regarding life without parole.

THE COURT: Absolutely, please.

MR. MOYER: I have the Notice of Intent to Seek Life Without Parole document that was served on the defendant and his attorney on December the 18th of 2011, based on his previous convictions. He has seven previous convictions for burglary, second degree. Which are all

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Perry H. Gravely, Circuit Court Judge

Appellate Case No. 2017-000826
Lower Court No. 2016-CP-23-3282

Christopher Eric Russell, Respondent,

v.

State of South Carolina, Petitioner.

APPENDIX

ALAN WILSON
Attorney General

LINDSEY A. MCCALLISTER
Assistant Attorney General
SC Bar No. 79054
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737

ATTORNEY FOR PETITIONER

WANDA H. CARTER
Appellate Defender

S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29201
(803) 734-1330

ATTORNEY FOR RESPONDENT

1 Q. And -- okay. So you have nothing in your file. My
2 question is, I guess, was he adamant that he was, I mean,
3 what's his position in regards to pleaing on this case?

4 A. His position was always that he was innocent and he did
5 not want to plead guilty.

6 Q. Okay. Did he say -- did you have any discussions with
7 him, well, I'll plead guilty if I can get something less
8 than life without parole?

* 9 A. I don't recall that independently. It's quite possible
10 often that I'll hear probation or something like that, but
11 he was not accepting the twenty years or even a straight-up
*12 with the mandatory minimum of ten.

13 Q. Right. I mean, because at this point in time when all
14 this is going on from March 29th of 2011 to December 8th
15 life without parole is not on the table yet?

16 A. Uh-uh (negative). No.

17 Q. And y'all -- because he hadn't been served with it.

18 A. Right.

19 Q. It's a potential that's out there. Was he -- do you
20 remember advising him of that and say, hey, look, if you
21 don't ---

22 A. Yes.

23 Q. --- turn -- if you turn these down, you're going to get
24 served with life without parole?

25 A. Yes, I would have -- I was well aware of his record and