

 ORIGINAL

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM EDGEFIELD COUNTY
William P. Keesley, Circuit Court Judge

THE STATE,

V.

K.C. LANGFORD, III,

AND

THE STATE,

V.

BRYAN PHILLIPS,

RESPONDENT,

APPELLANT

RESPONDENT,

APPELLANT

S.C. Supreme Court

MAR 14 2012

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SUPPLEMENTAL RECORD ON APPEAL

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JUDGE KEESLEY’S ORDER ON MOTION FOR SPEEDY TRIAL AND REGARDING BOND
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STATE OF SOUTH CAROLINA)
)
 COUNTY OF EDGEFIELD) IN THE COURT OF GENERAL SESSIONS
)
 STATE OF SOUTH CAROLINA,)
)
 -vs-) ORDER ON MOTION FOR SPEEDY TRIAL
) AND REGARDING BOND
)
 KC LANGFORD,) Case Numbers: 2008-GS-19-0673; 0674;
) 0675; 0676; 0677; & 0678
)
 Defendant.)

EDGEEFIELD COUNTY
 CLERK OF COURT
 2008 MAY 20 PM 2:30

The defendant is before the court on a motion to dismiss these cases based on the State's failure to provide a speedy trial, which is denied. In the alternative, the defendant moves to have the court issue an order directing that the State try this case expeditiously. That motion is granted. The defendant also moves to be released on bail. That motion is denied.

WPK #1

The defendant is charged with Criminal Conspiracy (08-GS-19-0673); Burglary in the 1st Degree (2008-GS-19-0674); Possession of a Weapon During the Commission of a Violent Crime (2008-GS-19-0675); Kidnapping (2008-GS-19-0677); ABWIK (2008-GS-19-0676); and, Armed Robbery (2008-GS -19-0678).

It is alleged that this defendant, along with two co-defendants, concocted a scheme to rob a family that runs a Chinese restaurant. They waited outside the home until the local business owner came out to water his garden. All of the defendants allegedly wore masks, and one of the defendants had a gun. They forced the store owner into his home and took approximately \$3,000 in cash, bludgeoning the victim with the gun.

The case was scheduled to be tried beginning Monday of this week. This defendant and one other co-defendant were facing a jury trial, and a third co-defendant had agreed with the State to testify against them. All three defendants have been incarcerated for 20 months, and only the cooperating witness had given any statement. Since the defendants wore masks, the case hinges almost exclusively on the testimony of the cooperating defendant. Some of the purported victims needed the services of an interpreter, and the State had gone to a great deal of time and expense in arranging an interpreter for Mandarin Chinese, having to bring the interpreter from another State since none are certified in South Carolina.

At the last moment, the cooperating witness changed his mind and declared that he was not going to testify and would assert his privilege under the 5th Amendment to the Constitution of the United States. That created Bruton problems and confrontation clause issues that necessitate that the defendant who was formerly cooperating now has to be tried first. However, the State could not go forward with the trial of the defendant who formerly had been cooperative because the attorney for that defendant had just received an appointment to the case by substitution of counsel and had only had the discovery for 8 days. The State agreed that the new attorney had not had sufficient time to adequately prepare for trial.

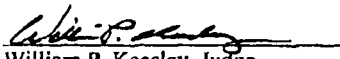
None of this delay was occasioned by any impropriety on the part of the State. While the court is deeply concerned about the length of time that these defendants have been incarcerated, there does not appear to be sufficient reason to dismiss the charges for failure to provide a speedy trial. The court is aware that there is a death penalty case scheduled for the Fall of 2010 and that there is an older conflict case that a visiting judge

is trying to set for the August term. Therefore, unless this case is tried within 9 months, the defendant may reassert his motions.

As for the issue of bail, the court finds that the defendant is a danger to the community and should be held without bail. If the case is not tried within 9 months, the defendant may reassert his request for release on bail.

AND IT IS SO ORDERED.

May 20, 2010


William P. Keesley, Judge

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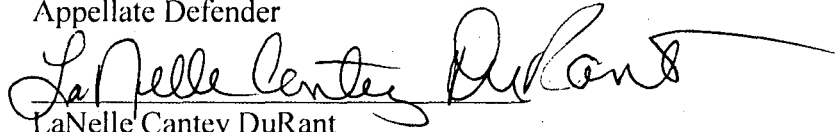
CERTIFICATE OF COUNSEL FOR APPELLANTS

Counsel for appellants certifies that this Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Supplemental Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

March 14, 2012



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Appellate Defender



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ATTORNEYS FOR APPELLANTS

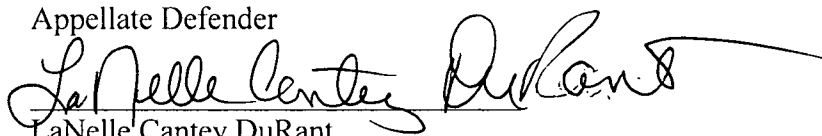
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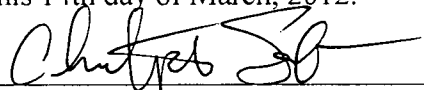
APPELLANT

CERTIFICATE OF SERVICE

I certify that a true copy of the Supplemental Record on Appeal in the above referenced case has been served upon William M. Blich, Jr., Esquire, and David Spencer, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; E. Charles Grose, Attorney for South Carolina Public Defenders Association, at 600 Monument St. P-133, Greenwood, SC 29646; and upon Tara Marie Shultz, Attorney for South Carolina Public Defenders Association, at 100 Hillcrest Drive, Suite P, Laurens, SC 29360, this 14th day of March, 2012.


Emily Bryson
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 14th day of March, 2012.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: May 16, 2021