

VOLUME TWO OF TWO

STATE OF SOUTH CAROLINA

In The Court of Appeals

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APPEAL FROM GREENVILLE COUNTY

D. Garrison Hill, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

BILLY ROY BOYD,

APPELLANT

APPELLATE CASE NO. 2012-205986

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RECORD ON APPEAL

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**RECEIVED**  
JUL 11 2013  
SC Court of Appeals

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1 Q And you wear different kind of hats?

2 A Yes. I wear a variety of hats, especially when I  
3 haven't shaved. Hats, that is, hats.

4 Q Okay. And so you work outside a lot landscaping?

5 A Only if I feel good, so to speak.

6 Q Okay. Well, you said that's what you do; right? You  
7 drive around and you --

8 A When I feel good.

9 Q -- collect collectibles?

10 A Only when I feel good.

11 Q Okay. Well, back in March of 2010, you felt well  
12 enough to go to four pawnshops on Friday; correct?

13 A That's correct.

14 Q And you felt well enough on Monday to go back to the  
15 same shop you had been at; correct?

16 A That's correct.

17 Q And you felt well enough to drive Mr. Martin, he's  
18 your neighbor?

19 A That's correct.

20 Q And you felt well enough to drive him over to the  
21 Cash America on East North Street?

22 A That's correct.

23 Q A pawnshop you had never been to?

24 A That -- well, I had been there, but I don't --  
25 probably to look for a heater one time for my house, a

1 kerosene heater. But I don't think I purchased anything.

2 Q So you didn't have an affiliation with that pawnshop?

3 A That's correct.

4 Q And the pawnshop that you went to on Rutherford Road  
5 where you met Ms. Neubia, who was here testifying today,  
6 you didn't know her as well; right?

7 A Well, actually, she probably wasn't familiar with me.  
8 I had noticed her before, but she stated something that  
9 was so true.

10 Q Well, what she said is hearsay. So I'm going to ask  
11 you to just answer the question. Had you been to that  
12 pawnshop before Friday after the robbery and the  
13 kidnapping?

14 A Friday before, you stated?

15 Q No. Were you there the day after you committed the  
16 robbery?

17 A That I committed the robbery?

18 Q Were you there on the Friday after?

19 A I went there on a Friday, yes.

20 Q And you saw the video; correct?

21 A Yes. That's correct.

22 Q And that was the day after the robbery?

23 A After I did my figures and everything from looking at  
24 the discovery, yes, it was the day after.

25 Q Well, you saw the video?

1 A Yes.

2 Q And do you recall being there?

3 A But I, also, saw the date of the video. And on the  
4 5th, I stated, yes, I did go to multiple places on the  
5 5th. That's correct.

6 Q And you went and you showed Ms. Neubia the two gold  
7 rings that you had in your possession; correct?

8 A That is correct.

9 Q Okay. And those gold rings, you've seen those, the  
10 pictures of those?

11 A Yes, I have.

12 Q Okay. And so you agree that you pawned those items  
13 that -- or excuse me, you showed number 17 and 16, those  
14 two rings to Ms. Neubia; correct?

15 A I showed them to her on the 5th, and got an  
16 evaluation of approximately if I did sell them to her, how  
17 much would she give me. I did do this on Friday, that is  
18 correct.

19 Q On Friday, the 5th?

20 A The 5th.

21 Q Okay. And that was at about 11:20 in the morning?

22 A Yes. Because I had to hurry back because my sitter  
23 was there, so to speak, my housekeeper.

24 Q And the items shown in State's Exhibit No. 26, do you  
25 recognize those?

1 A Yes. I do recognize that.

2 Q Okay. And you agree you pawned those items at the  
3 Cash America -- well, came back on Monday with those  
4 items?

5 A Yes. I came back and inquired again, yes.

6 Q So you felt well enough to do all of this, as you  
7 said, kind of price comparison, trying to get the most you  
8 could because you had struck gold?

9 A How many days had lapsed before I came back?

10 Q I don't know.

11 A Approximately three days. All of this event didn't  
12 happen on one day. It happened in a total of three days.  
13 So, yes, I did, come back on the following Monday.

14 Q Well, the armed robbery occurred on Thursday evening.  
15 And Friday, you went to four different pawnshops; correct?

16 A Well, I'm not familiar with an armed robbery and a  
17 kidnapping. But I am familiar with my findings and the  
18 date. And she stated about the plastic bag. That's the  
19 plastic bag that I found them in, too. I, also, stated  
20 that in the record, so to speak.

21 Q Let's talk about that. Where did you -- you said you  
22 found them just on the ground when you got out of your  
23 truck?

24 A If I would have had someone to go to the night drop  
25 where I go and buy my cigarettes, so to speak --

1 Q Well, I'm asking, where did you find that plastic  
2 bag?

3 A Okay. If you would have went to the night 711 drop  
4 in store on the 5th of Friday -- the 5th of March, March  
5 the 5th, 2010, between 9:30 and 10:00, if you would have  
6 ran the video footage, you would have saw --

7 MS. TESSITORE: Objection, Your Honor.

8 THE COURT: Overruled.

9 DEFENDANT BOYD: You would have saw a black male  
10 getting out of the gray truck that you see. If it appears  
11 that he found this on the -- it appears on the camera that  
12 he found this on the ground, and the plastic bag. But  
13 because I was denied bail, I couldn't go and get that  
14 footage, that video footage, so to speak. I've been  
15 detained and incarcerated.

16 BY MS. TESSITORE:

17 Q Okay. I'm just asking you where you were when you  
18 found this plastic bag that happened to contain the two  
19 sets of jewelry that were stolen during the armed robbery?

20 A The drop in store 711, which is in the facility of  
21 the alleged, what, beauty shop or whatever. That's my  
22 area of town. That's where my church is. That's where my  
23 grocery store is. And that's where I go to get my  
24 cigarettes. I'm very familiar with that area.

25 Q Okay. Now, I'm going to focus your attention on

1 State's Exhibit No. 38, and ask you to take a look at  
2 that. Isn't it true that's the stick that was found on  
3 the front seat of your truck when you were arrested, or  
4 taken into custody by Detective Lusk?

5 A That is the stick that was found in my truck.

6 Q Okay. Thank you.

7 A Because there wasn't a search warrant. There was  
8 multiple tools --

9 MS. TESSITORE: Your Honor, I object.

10 DEFENDANT BOYD: There was multiple tools. That was  
11 the one that was seized.

12 And I'm going to ask you this, is there --

13 THE COURT: No, no, no --

14 DEFENDANT BOYD: Okay. I'm sorry. Go ahead.

15 That is the stick. That is one of the tools that was  
16 seized from my truck, yes.

17 BY MS. TESSITORE:

18 Q Okay. So this stick is the stick that was seized  
19 from your truck?

20 A I don't know if it's the one that was mentioned.

21 They stated two by two, two by four, they stated. I think  
22 that's a two by eight right there.

23 Q Okay. And, as far as the photo of the truck, when  
24 Detective Lusk found you, you didn't know he was coming to  
25 the pawnshop, did you?

1 A No. I really didn't care who was coming behind me.  
2 The only thing I knew was that I had used my driver's  
3 license to show that I didn't have anything to hide. And  
4 I had no idea whatsoever -- I had no idea that it was  
5 stolen or came from a robbery.

6 Q Okay. So looking at State's Exhibit No. 24, would  
7 you agree that that is the way that you were stopped by  
8 Detective Lusk? Is that the -- that's the inside of your  
9 truck; right?

10 A I could say yes and no, so to speak. Because I don't  
11 know where that was taken at. And I'm not there showing  
12 my face to say that I permitted it or I okay'd it. So I  
13 don't know.

14 Q So you didn't approve the picture being taken, and  
15 you didn't approve of the officer seeing it in plain view;  
16 correct?

17 A I didn't approve of being arrested, to be honest with  
18 you.

19 Q Okay. And I'm showing you State's Exhibit No. 23.  
20 That is your truck; right?

21 A That is my truck.

22 Q Okay. Mr. Boyd, you had mentioned earlier that you  
23 knew Mr. Martin; correct?

24 A Only the fact that he lives next door to me with his  
25 mother.

1 Q Okay. And you've known him for several years?

2 A When I say know him, know him as being -- as one  
3 would say the neighbors bond, so to speak, to be honest.

4 Q The neighbors what?

5 A In other words, to be living with his mother,  
6 dependent on his mother, so to speak. To be, as one would  
7 say, not really stable. That's what I would say.

8 Q How long have you known him?

9 A I can't say how long I've known him. But I can say  
10 how long I've lived in that house, seven years. And I've  
11 seen him off and on during that period of time.

12 Q And you, obviously, took him with you to the  
13 pawnshop?

14 A Yeah.

15 Q So you're that familiar with him that you're  
16 comfortable riding with him?

17 A Not riding. But that particular day -- every now and  
18 then, my family would give him a couple of bucks, or give  
19 him a ride. He's always walking or on the bicycle, so to  
20 speak.

21 Q Well, isn't it true that the property you're talking  
22 about where you had resided at

23 , that's a rental; correct?

24 A That's correct.

25 Q And you received some housing subsidy to pay that

1 rent?

2 A At one point in time, I did, but not now.

3 Q And you mentioned earlier, too, that you were -- that  
4 you are disabled; correct?

5 A This is correct.

6 Q And as part of -- I guess you -- and you said you got  
7 a \$1,000 check for disability?

8 A On the 3rd, yes.

9 Q The 3rd of?

10 A The 3rd of the month.

11 Q Okay. And how often do you get that?

12 A I get that every month on the 3rd.

13 Q Every month on the 3rd, you get \$1,000. And that's  
14 for -- that's because you cannot work; correct?

15 A I've been clinically diagnosed as being disabled.

16 Q Okay. And who pays your rent, your -- all your  
17 expenses as they are -- as they come up?

18 A Well, my family has spent \$15,000 on me since I've  
19 been incarcerated just on lawyer's fees. They buy my  
20 vehicles. They, literally, give me everything that I want  
21 to make me feel comfortable. They're very supportive.  
22 They give me anything I want.

23 Q And that's because your sisters, they're both very  
24 successful?

25 A Yes, they are.

1 Q One of them has a Hummer that she drives around?

2 A That's correct.

3 Q And the other one works in finance?

4 A She's been at Greenville Technical College for 20  
5 years.

6 Q And so they're willing to provide that help to you;  
7 correct?

8 A I -- only if I need it, only if I need their support.  
9 I'm their baby brother, so to speak. And they love me.  
10 And I love them, and I miss them.

11 Q And it must be hard to always feel like you're asking  
12 them for money?

13 A Well, the only time I really do ask is if I need it.  
14 But my sister, Debbie Boyd Ladson, who's my power of  
15 attorney -- during the moments -- my very, very gray days  
16 and the days where I couldn't get out of the bed and she  
17 had to almost lift me and turn me over and wipe my butt,  
18 so to speak, I made her power of attorney over all of my  
19 financial affairs.

20 Q So in order to access your money, you have to go  
21 through your sister?

22 A If I really, really need something. But I will tell  
23 you this, that was only when I was, as one would say,  
24 severely stricken. But if I'm not severely stricken, I  
25 manage my own affairs.

1 Q But she is in control of the --

2 A She's only in control when I fall ill, so to speak.  
3 Because I'm affiliated with AIDS Upstate, so I had to have  
4 a power of attorney. And she has accessibility to  
5 everything.

6 Q Okay. Now, do you recall when you -- as far as the  
7 truck, your sisters bought that truck for you?

8 A Well, in fact, both of my sisters have bought my last  
9 three vehicles.

10 Q Okay. Well, just talking about this truck. One of  
11 your sisters bought that for you; correct?

12 A I'm trying to think of the month and date that she  
13 bought it.

14 Q Well, we don't need to know the month and date. I'm  
15 just asking you, did she buy the truck for you?

16 A Yes. Debbie Boyd Ladson.

17 Q Okay. And it's a 1983 Ford truck?

18 A This is correct.

19 Q And isn't it true she spent about \$900 on it?

20 A That is true.

21 Q Now, Mr. Boyd, you want this jury to believe that  
22 you, Billy Roy Boyd, just happened to get out of your  
23 truck and strike gold when you got out that day, and you  
24 just found the two sets of jewelry? And they just  
25 happened to be laying outside your truck; is that correct?

1 THE COURT: No. That's not an appropriate question.

2 DEFENDANT BOYD: Thank you, sir.

3 What I want the jury to know, not believe, but know  
4 is I want them to go beyond that day and look at the whole  
5 affiliation of all of the pawnshops, and let them see how  
6 far my history go back. And if they could know the  
7 history of the pawnshops, they would see in the past that  
8 I have pawned multiple jewelry and accessories, all types  
9 of things, not just that particular day, so to speak.

10 BY MS. TESSITORE:

11 Q Okay. Just focusing on the items of jewelry that  
12 we're talking about here today.

13 A Yes, ma'am.

14 Q We're not talking about all your collectibles. I'm  
15 just talking about the items that you found. You say they  
16 were all in one plastic bag outside of your truck when you  
17 went to get cigarettes?

18 A Yes. And, also, I think that it was stated -- the  
19 lady who said that she received it at the pawnshop, she  
20 said she received it in a bag. She said it was in a bag.  
21 She said that herself. Yes, it was in a bag, a little  
22 plastic bag. In fact, it looked like costume jewelry. It  
23 didn't look like it was real. This is why I went to  
24 multiple places getting it appraised. And this is why my  
25 housekeeper will attest to it herself.

1 Q So you found the items?

2 A That is correct.

3 Q On the ground?

4 A That is correct.

5 Q All together?

6 A That's correct.

7 Q And it just so happens that your physical description  
8 matches the suspect's description from the robbery and the  
9 kidnapping; correct?

10 A Well, I have to really answer that in this area.  
11 They provided the description of the individual. And  
12 looking at the lineup, everybody had a goatee on the  
13 lineup, but Billy Roy Boyd was the only one that had the  
14 beard. So that was kind of easy to pick out the one with  
15 the beard, so to speak. It was almost like it was coerced  
16 and rehearsed, so to speak.

17 On both lineups, if you look at it closely, you will  
18 see only Billy Roy Boyd had the beard. And you will see  
19 that the incident acquired March the 4th, 2010, on the  
20 4th -- and it was stated that the perpetrator was  
21 recognized that day. But it shows on the lineup that he  
22 was not identified until the 9th. But he was formally  
23 arrested on the 8th, and charged as guilty. He was  
24 already --

25 MS. TESSITORE: Your Honor, at this point, I would

1 ask that -- he's just going on and on.

2 THE COURT: Do you have any more questions?

3 MS. TESSITORE: Thank you.

4 BY MS. TESSITORE:

5 Q So, Mr. Boyd, this picture that was taken four days  
6 after the robbery --

7 A Can you look at the date on the bottom?

8 Q No. I'm asking you a question.

9 A Can you, please, ask -- answer that question? Can  
10 you look at the date on that photo lineup?

11 Q Well, let's look at the photo lineup that Ms. Maurer  
12 looked at.

13 A The date, can you, please, specify the date on that  
14 lineup, please, ma'am?

15 Q That is March 9th.

16 A Thank you.

17 I was formally arrested and detained on the 8th. And  
18 that analysis of the lineup was presented a day after my  
19 being arrested. So it was easy to say this is the person  
20 we have in custody. This is the person that we found with  
21 the merchandise. That was the day after my being  
22 arrested, a day.

23 So that assessment and that analysis should have been  
24 submitted already on, what, on the 4th, when the incident  
25 happened, or on the 5th, or --

1 Q Mr. Boyd --

2 A -- or maybe on the 6th --

3 Q -- just focusing on the question. This was the  
4 picture taken four days --

5 A That's Mr. Billy Boyd a day after he was arrested,  
6 yes.

7 Q But it was four days after the robbery; correct?

8 A Yes, five days.

9 Q Five days?

10 A Yes, that's five days.

11 Q And you, obviously, have a little bit more facial  
12 hair in that picture; correct?

13 A Yes, that's correct.

14 MS. TESSITORE: I have no further questions.

15 THE COURT: Mr. Boyd, thank you very much.

16 You may step down.

17 DEFENDANT BOYD: Do I leave that up here?

18 THE COURT: Yes. They're in evidence.

19 All right, sir. You may call your next witness.

20 MR. ROBINSON: One second, Your Honor.

21 (Pause.)

22 DEFENDANT BOYD: At this point, the Defense rests,  
23 Your Honor.

24 THE COURT: All right. Ladies and gentlemen, we're  
25 going to go ahead and take our lunch recess. I just ask

1 you to be back in the jury room at 1:45. And we're going  
2 to try to conclude the case at that time.

3 So enjoy your lunch. Don't do any outside  
4 investigation. And continue to keep an open mind. And  
5 don't discuss the case with anyone.

6 Thank you.

7 Be back at 1:45.

8 (WHEREUPON, the jury was excused from open court at  
9 approximately 12:28 p.m.)

10 MOTIONS

11 THE COURT: Yes, sir, Mr. Boyd.

12 DEFENDANT BOYD: Yes, sir, Your Honor.

13 Can I renew my motion for a directed verdict of  
14 acquittal on all --

15 THE COURT: Of course, you may, sir.

16 And I respectfully deny the motion.

17 DEFENDANT BOYD: Thank you, sir.

18 THE COURT: All right. We'll be in recess until  
19 1:45. And, at that time, we'll have the closing  
20 arguments.

21 Thank you.

22 (WHEREUPON, a lunch break was taken.)

23 THE COURT: Good afternoon.

24 We have a juror who has been involved in a minor car  
25 wreck, Mr. Ingle. And I don't know how long it's going to

1 take him to return.

2 Is there any objection to removing him and replacing  
3 him with the alternate?

4 MS. TESSITORE: Not from the State, Your Honor.

5 DEFENDANT BOYD: No objection.

6 THE COURT: Okay. That's what we'll do.

7 Anything else before we bring the jury back in?

8 MS. TESSITORE: Your Honor, the State would request  
9 permission to, at least, be able to approach the table  
10 with respect to the evidence when I'm speaking to the jury  
11 in closing.

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

13 DEFENDANT BOYD: No, sir, Your Honor.

14 THE COURT: Thank you.

15 MS. TESSITORE: Thank you, Your Honor.

16 THE COURT: So is the State going to waive opening on  
17 the law?

18 MS. TESSITORE: Yes, Your Honor.

19 THE COURT: Bring the jury in.

20 (WHEREUPON, the jury came into open court at  
21 approximately 2:05 p.m.)

22 THE COURT: Ladies and gentlemen, I believe  
23 Mr. Ingle, as you may know, was involved in a minor car  
24 wreck out on Haywood Road during the break. And we're  
25 just going to substitute Ms. Bonavia --

1 Am I pronouncing that right?

2 JUROR #148, LAURIE BONAVIA: Bonavia.

3 THE COURT: Yes. So you're a regular juror.

4 JUROR #148, LAURIE BONAVIA: I was a regular juror.

5 THE COURT: Oh, Mr. Owens --

6 THE CLERK: It's Mr. Owens.

7 THE COURT: Oh, okay. I got my notes wrong.

8 And, Ms. Bonavia, you're still a regular then.

9 With that, we're going to have the closing arguments.

10 Mr. Boyd, whenever you're ready, sir.

11 CLOSING ARGUMENTS

12 DEFENDANT BOYD: Yes, sir.

13 I thank you today, jury. And I thank you for the  
14 last three days that you've listened. I will say that I'm  
15 not guilty. I may pawn items lately, but I did not commit  
16 these crimes.

17 The stick they found in my truck four days later  
18 can't be linked to the incident. Officer Shaw and Lusk  
19 could not connect the stick to the material or the scene.  
20 No FBI, no SLED, no county, no one could say it was the  
21 stick. It's not broken. And Ms. Holcombe said it broke.  
22 The material that came from when the suspect hit the table  
23 can't be connected to my stick. I didn't do it. I didn't  
24 do it.

25 I was legally pawning property I had found with a

1 license in plain view, midday, in front of a camera at  
2 these pawnshops. Video shows me finding the items, not  
3 stealing. If I thought I was doing something illegally,  
4 why would I use my license during midday in front of  
5 video?

6 Both victims gave different statements. One says  
7 it's me. The other says, I don't know. How long do you  
8 think 15 minutes took? You, the jury, I can't even begin  
9 to explain what I'm feeling right now. I've never been in  
10 this situation before. This is what I've always watched  
11 on television, and hoped that it never happened to me. I  
12 may look somewhat confident and I may look somewhat  
13 professional, but deep down inside, I'm very afraid and  
14 fearful. This is my life here. I'll never be the same.

15 I have condolences for the victims. I have a mother  
16 and I have sisters that I love. I didn't just wake up one  
17 day at 43 years old and decide to throw my life away. I  
18 love life even more since my diagnosis. I feel very good  
19 considering everything I've been through. I feel very  
20 good in my body. I still take medication that's probably  
21 \$4,500 to \$5,000 a month.

22 And I don't give no credit to medication, but I give  
23 praise to all mighty God. One thing the situation did do,  
24 it did bring me closer to God. I'm still here, and I'm  
25 still alive for a purpose. The only thing I want to do is

1 go back to that little house that I love so much. The  
2 only thing I want to do is see my spoiled rotten kitty cat  
3 again. I want to hold my cat again. The only thing I  
4 want to do is tell my sisters how much I love them.  
5 They've spent \$15,000 of their money since I've been  
6 incarcerated. \$15,000 on representation when the only  
7 thing someone had to do was just go and obtain the audio  
8 and video of that day.

9 But this is for a purpose. God allowed this for a  
10 reason. I hate that this happened to the victims, but  
11 more so, I'm a victim. And I've been unjustly violated.  
12 But you know what? If I go to heaven, I have to forgive  
13 my accusers. I want to go to heaven. I made my peace  
14 with God.

15 I've met a lot of wonderful guys in that jail that  
16 respected me and called me Mr. Billy, that came to me  
17 every morning and asked me, Mr. Billy, would you pray for  
18 me? Let me tell you something. I met some guys that will  
19 never ever get out of jail. And they were some of the  
20 nicest people I ever met, who made mistakes, who went down  
21 that road, so to speak.

22 Now, I know what God wants me to do. Whether I spend  
23 the rest of my life in jail, or whether I'm free --

24 MS. TESSITORE: Objection, Your Honor --

25 DEFENDANT BOYD: -- God wants me to preach his gospel

1 to the broken hearted, or people that have made wrong  
2 choices.

3 I want the jury to look at everything that the  
4 Prosecutors presented, at everything that could not link  
5 Billy Boyd or that particular stick they say that they got  
6 out of my material on my truck. A stick they stated, at  
7 first, was a two by two, and then a two by four. That  
8 particular stick over there is a two by eight. Everything  
9 they tried to present, it did not stick. Nothing [sic]  
10 was circumstantial.

11 Out of all the alleged conversations, we did not hear  
12 not one recorded conversation between the victims talking  
13 with the detectives. We got no surveillance. We got no  
14 DNA. And even with that stick over there, there's no  
15 Billy Boyd's blood on it. There's no Billy Boyd's  
16 fingerprint on it. There's not a hair of Billy Boyd's.  
17 There's nothing of Billy Boyd's to link Billy Boyd to that  
18 crime.

19 I think they stated once that they had been robbed  
20 before. The bottom line of it is, March the 8th, when I  
21 was arrested because I was found with the alleged items, I  
22 was judged right then as guilty. And I've been denied  
23 bail since then. I haven't had a chance to build my case  
24 or my strategy. This is me presenting the truth with what  
25 I got, as I'm still presently incarcerated. This is me

1 presenting the truth. This is everything that I know.

2 I'm 44 years old now. My past record, my history,  
3 nothing supports me being a robber and a kidnapper.  
4 Nothing supports me being that person, nothing even  
5 similar in my past record. Nothing supports that,  
6 nothing. Nothing that they have submitted, nothing  
7 circumstantial [sic], nothing that was conversed, nothing.  
8 Not a fingerprint, not a hair, not an audio video, not a  
9 surveillance. Nothing can link Billy Roy Boyd on that  
10 day, March the 4th, at this particular place that this  
11 robbery and this kidnapping happened.

12 There was so much more I could have said. There was  
13 so much more I could have submitted had I been not denied  
14 bail. But I used what I had. And you, the jury, I want  
15 you to look at all the facts, and everything that was  
16 submitted. Look at someone who's 44 years old, past and  
17 present, and identify Billy Boyd as the one that night  
18 that did the alleged crime.

19 And, also, I would like to say I forgive. I forgive  
20 my accusers. And God bless everybody today. I want to  
21 thank you very, very much.

22 Thank you.

23 THE COURT: Thank you, Mr. Boyd.

24 Ms. Tessitore.

25 MS. TESSITORE: May it please the Court.

1           Mr. Boyd, Mr. Robinson.

2           Ladies and gentlemen of the jury, when I began this  
3 case, I told you a little bit of a road map as far as the  
4 law, which the Judge will give you at the end of my  
5 closing remarks. And I just wanted to remind you of those  
6 elements before I sum up what the State's case is, and how  
7 it shows that this Defendant is guilty beyond a reasonable  
8 doubt.

9           First of all, the kidnapping, the Judge will explain  
10 that. Whoever unlawfully seizes or confines a person  
11 without the authority of law, then they commit a  
12 kidnapping. In this case, as I said in the beginning,  
13 there's no duct tape. There's no blood. Fortunately,  
14 there is no blood. And it was the fact that he used the  
15 stick to open the door, told them to get in there,  
16 threatened them, and they didn't feel free to leave. It's  
17 as simple as that. They were in there. They locked the  
18 door. And they were afraid to come out, because they  
19 could hear the rumblings that he was still in the shop  
20 looking for something. The front of the shop was dark.  
21 He couldn't find anything. He went right out the back  
22 door.

23           So, as far as the kidnapping goes, that's the  
24 evidence you can consider. And you are the fact finders.  
25 You are the judges of the facts. And I think that those

1 facts have been established. You've heard it from both  
2 victims. You've heard the officers talk about where they  
3 found the victims, in the bathroom, scared. You heard the  
4 call from Ms. Maurer to 911 while she was in the bathroom.  
5 And you could hear that she was not feeling like she was  
6 free to leave.

7 So I think we can move on to the issue of the armed  
8 robbery. Now, that is taking something of value from  
9 another person in that person's presence by force or  
10 intimidation, and while using a deadly weapon. And  
11 there's no question that this Defendant was standing in  
12 that small room and he held this stick, which feels like a  
13 baseball bat. And you'll have a chance to look at this.  
14 That would be force or intimidation. And you can  
15 decide -- because you will make this decision, whether  
16 this is a deadly weapon and whether it is able to be used  
17 to inflict serious bodily harm. And this is the stick  
18 which he was striking on the table. And Ms. Holcombe  
19 never said that it broke in two. She just said that she  
20 thought it may have broken. And you can determine if you  
21 find that that is a broken stick.

22 So the elements of the armed robbery, obviously,  
23 you've heard about the rings, the items of value, the  
24 money that was taken. You heard it was from another  
25 person, the two victims, and, obviously, in their

1       presence. So those are, basically, the checklist that you  
2       need to keep in mind as you consider all of the evidence,  
3       and decide what the facts are as the finders of the facts.

4             But, basically, ladies and gentlemen, this case is  
5       about common sense and credibility. It's as simple as  
6       that. It's not about conspiracy, or a trail, or a series  
7       of coincidences. It's simply not that. This Defendant  
8       was greedy. He was careless, and he got caught.

9             And he wants to talk to you about why would he go  
10      into the pawnshop and not conceal his identity and talk  
11      about that. My question is, why would he go into the shop  
12      and not conceal his face when he's committing the robbery?  
13      That's the first question. Because he was careless. And  
14      then he got greedy when he started taking these items  
15      around the next morning. And he said he felt like he  
16      struck gold. And he was trying to get as much as he could  
17      out of that jewelry. And then he was caught, as Detective  
18      Lusk explained to you as he followed that trail.

19            You don't need -- as the Judge told you at the  
20      beginning of this case, you don't need any special skills,  
21      other than your common sense. And you can look at these  
22      pieces of evidence and determine for yourself whether you  
23      think that it's -- those wood fragments may have come from  
24      that stick.

25            There was no testing done. The detective said -- you

1 know, the FBI couldn't do it, SLED couldn't do it. And  
2 it's just pieces. It's pieces from an object that you can  
3 compare and look at that stick as it was being struck on  
4 the table and swung around. Would pieces of decay have  
5 fallen out of the crack and the stick as you look at it?

6 And then you can decide whether those pieces that Dar  
7 Shaw, Sergeant Shaw, collected the night of the incident  
8 came from that crack in the stick. And you'll see that  
9 crack in the stick. This is the photograph that was  
10 taken. But you, actually, have the stick, and you have  
11 the pieces. And you can look at those back in the jury  
12 room and decide, did these pieces come from that stick?  
13 That's your decision. It's common sense. And I don't  
14 want to insult your intelligence by going any longer about  
15 that. But this is not CSI. This is not TV. This is  
16 Greenville County. And with all the pieces in the puzzle,  
17 you don't need an expert to come in here and explain to  
18 you how those pieces look like that stick.

19 With respect to the credibility, I would ask you to  
20 consider, first of all, when Mr. Boyd was caught by  
21 Detective Lusk, who -- and the Defendant, Mr. Boyd, didn't  
22 know he was coming. So he didn't have time to tuck that  
23 back with the rest of the tools, or whatever he says was  
24 in the back of the truck.

25 But he is found by Detective Lusk. And Detective

1 Lusk asks him, hey, what about those rings. After they  
2 had just found out that he had pawned the second set of  
3 jewelry, which was the green and silver stones. And he  
4 asked, well, what about the gold rings? And what did the  
5 Defendant say to him after he was Mirandized? He said, I  
6 don't know what you're talking about. Well, of course, he  
7 knew what he was talking about, because he's on video, and  
8 you have that, where he was pawning the two gold rings the  
9 day after the robbery. So, of course, he knew about the  
10 rings. So he lied to Detective Lusk. And he invoked his  
11 right to remain silent. And no other statements were  
12 taken, and the conversation ended.

13 With respect to, you know, Mr. Boyd, he wants you to  
14 believe that Ms. Holcombe is a hair stylist who may have  
15 been legally blind. I mean, that's what he wanted you to  
16 believe when he was asking that question. He wants you to  
17 believe that Ms. Holcombe was legally blind. But she's  
18 not the one that identified him in the photo array. So  
19 it's -- just moving on.

20 As far as the money, he told you that he collects  
21 from social security for disability, he told you that he  
22 receives that disability because he can't work. But, yet,  
23 he's, also, told you about how hard he works at finding  
24 all of those things, and going around talking to  
25 pawnshops. He's very busy doing that. He's a landscaper.

1 He told you about his landscaping abilities.

2 So, basically, he is collecting a check from the  
3 government, the same as if he's disabled. But yet, you  
4 heard about how active he is. And he's talked about his  
5 medical -- apparently, medical issues. That's not  
6 relevant. That's to just try to get your sympathy. And  
7 to believe that there's parasites the size of a snake, you  
8 know, you make that decision. Is he telling the truth?

9 And he talked to you about his affiliations with all  
10 of these pawnshops. But, yet, the two employees that came  
11 in here, they did not recognize him when he came in the  
12 pawnshop. And they told you that. They had to get all of  
13 his information. He didn't wear a mask during the crime.  
14 He changed his clothes.

15 He changes his hat. He said he has other hats. He  
16 put on a baseball hat that's got a lid. And you have the  
17 baseball cap right in that bag there to look at. And you  
18 see it in the video, and you see it in the pictures. That  
19 cap has a lid that, you know, kind of might help conceal  
20 his face a little bit if he's walking around. But he  
21 didn't do a whole lot. He just wasn't careful when he was  
22 getting greedy. And he was trying to get as much as he  
23 could out of the jewelry he found.

24 Now, you can look at the items that were collected by  
25 Detective Lusk. Does that look like the belongings and

1 the money -- is this the money that came from the pawnshop  
2 where they found him and he got the \$20 for the green  
3 stones? And these items are the ones that were collected  
4 from him, his hat, his wallet, and some loose change in  
5 the pocket. Does that sound like somebody -- or as far as  
6 the things he had that, you know, he leads a lavish life,  
7 and has a housekeeper, and all these things that he's  
8 trying to convince you that he -- you know why would he  
9 need this money? So consider that.

10 Then he told you about his sisters, how they give him  
11 everything. He's the baby. And whatever he wants, they  
12 give him. They spend all of this money on lawyers, but  
13 he's chosen to represent himself. His sisters are  
14 enablers. That's what they are. And you can see how from  
15 the day that his picture was taken when he was arrested --  
16 and he told you his appearance has changed. That is not a  
17 coincidence. He doesn't want to look like this man,  
18 because this man is who robbed the shop that night. This  
19 man right there, Mr. Billy Boyd. He has changed his hair.  
20 He's changed his facial -- his beard. And he told you  
21 about how much weight he has gained, you know. That is  
22 not a coincidence. And maybe he was hoping that the  
23 victims wouldn't be able to recognize him when he was in  
24 here.

25 He said if he knew that the items were stolen that he

1 found that he would have traded them on the streets. And,  
2 you know, why wouldn't he have gone and tried to find the  
3 rightful owners of that property? You can see the rings.  
4 They're valuable. And all of these items are in a plastic  
5 bag laying on the ground. And my question is, what robber  
6 would have gone through all that, to use this stick, to  
7 shake it at these victims, you know, steal the items,  
8 leave out before the police got there and then go up the  
9 street and just drop his loot and just walk off? I mean,  
10 that doesn't make any sense.

11 Again, just use your common sense. He wants you to  
12 believe that these pieces of jewelry just all fell down  
13 from the sky altogether, both sets of jewelry were  
14 altogether, and contained in a nice little plastic bag.  
15 And they just fell from the sky. And he was the luckiest  
16 man to have found that. Use your common sense. That is  
17 not a coincidence.

18 He called Mr. Martin, his friend that came in here.  
19 He knows him. It's his neighbor. And he referred to him  
20 as a bum. He was trying to, basically, distance himself  
21 from Mr. Martin. Because Mr. Martin is the one that puts  
22 him in the pawnshop. He rode with him. He knows him.  
23 And, now, he's saying, oh, he's a bum. He's got problems.  
24 And he's trying to push him away. That's the guy who he  
25 was with. And that's -- why would he bring him to pawn

1 the items?

2 So you -- I think you can think about that, and  
3 realize he's just trying to distance himself. He's  
4 referring to himself in the third person. And you heard  
5 that he would refer to Mr. Billy Boyd. Well, he is  
6 Mr. Billy Boyd. He's the same one on March 4th, 2010,  
7 that's sitting right here today.

8 He has, also, told you, basically, because there's no  
9 video that it didn't happen. Well, you have better than  
10 the video. In fact, you had the videos that you saw that  
11 didn't have sound, because they don't record sound. But  
12 you had the live testimony of the victims who lived  
13 through this.

14 And Ms. Maurer is a little dramatic. There's no  
15 question about that. But she's sitting there and being  
16 cross-examined by the man who held this stick up to her.  
17 And she was the one that got a full view of his face as he  
18 was holding this stick, and shaking it, and demanding  
19 money and jewelry. So, yes, she's going to be emotional,  
20 and she's going to be dramatic. But that's because this  
21 was a serious incident. And you heard her voice on that  
22 911 call. And you can tell she was scared, and she still  
23 is scared.

24 So, as far as Mr. Boyd talking about the months  
25 that -- you know, all this time that could have been

1 investigated, he's had that time. He's had time to sit  
2 there and think about how he could try to explain away,  
3 you know, all of these pieces along the trail. And so he  
4 has had that time. And he says he's got the resources and  
5 so -- and he's given you what he has today, which is his  
6 testimony about, you know, what he does, and where he  
7 lives, and how he lives, or how he wants you to think he  
8 lives. I would ask you to consider the credibility of the  
9 officers and the victims, you know. Would all of those  
10 officers come in here and put their hand on that Bible and  
11 swear to tell the truth and risk their careers? All of  
12 them.

13 So Mr. Boyd is suggesting that everybody got together  
14 and there's a conspiracy against him. And I just ask you  
15 to think about that. Does that make sense that they would  
16 all just come together and decide that they were going to  
17 try to frame Mr. Boyd? No, that doesn't make sense. And  
18 that's -- you get to assess their demeanor and their  
19 credibility. And you are the judges of that. So I'll let  
20 you decide that.

21 Now, regarding the photo identification, the Judge  
22 will explain to you about what factors you need to  
23 consider with respect to the photo array that Ms. Maurer  
24 looked at when she picked this Defendant out. And those  
25 factors just, generally, are the opportunity to observe

1 the suspect, how close did she get, how is the lighting,  
2 how accurate was her description that she gave to the  
3 police as it compared to the Defendant, not today, but  
4 when he was arrested only four days later with additional  
5 growth on his face, obviously, showing that he did not  
6 shave.

7 And it would be -- as far as the other factors, you  
8 know, like I said, was she accurate in her description she  
9 gave from the 911 call all the way to Detective Lusk?  
10 And, you know, age, you know, height, weight, some of  
11 those things are hard to judge in that instance. But she  
12 was -- you know, she gave a range. And it all fits right  
13 there, if you look at that.

14 So what I just want to do very briefly is have you  
15 focus on the fact that this is -- clearly, we're just  
16 talking about four days in time. And the first day was  
17 Thursday, March 4th, when the robbery was committed. And  
18 I'm just going to point out, this is the beginning of the  
19 911 call from Ms. Maurer. And you can listen to that  
20 again, if you wish to. This is when she called and she  
21 gave the description of the suspect.

22 And then Sergeant Shaw collected the wood fragments  
23 from the table, the table where the stick was struck. And  
24 then you have the pictures. And I'm just pulling out two  
25 where you can see where if he had parked this truck on the

1 side of the business -- you know, if he's going to commit  
2 a robbery, he's not going to park between two cars. He's  
3 going to plan for a quick getaway.

4 So if his truck had been parked here, Ms. Holcombe  
5 and the other witness said they wouldn't be able to see  
6 it. But he didn't, because he left a trail. He didn't  
7 leave a fingerprint, but he left a trail. And you don't  
8 need a fingerprint when you have two witnesses. And  
9 Ms. Holcombe, even though she couldn't pick him out of the  
10 array -- and that makes sense, because she told you all I  
11 could see was the side of his face. And he kept shaking  
12 that stick at me. And I was trying not to look, but I was  
13 trying to look. So she did the right thing when she  
14 looked at that array. She didn't pick out the wrong  
15 person. So that goes to her credibility. She said,  
16 I'm -- I can't be sure, you know. I don't know.  
17 Ms. Maurer, Sharon, was the one who got the better look at  
18 him. So she did the right thing, and you should consider  
19 that.

20 Then the next day, as far as -- the Defendant is in  
21 possession of the stolen jewelry. And you have heard that  
22 he was at First Cash at 11:00. And he was getting an  
23 offer on the two gold rings. And isn't it interesting  
24 that he didn't show her all of the jewelry? He only  
25 picked out two of the items as a set, the set taken from

1 Ms. Holcombe. And then at 3:00 p.m., he's over at Cash  
2 America getting \$320 in cash. And he doesn't show them  
3 the green stone jewelry either.

4 On Monday, when he goes back to First Cash, that's  
5 when he pulls out the green jewelry, and he shows it to  
6 Ms. Neubia. And Ms. Neubia, having been alerted by  
7 Detective Lusk, is looking for items that match the  
8 descriptions that were in the diagram. It matches. She  
9 does the right thing, she calls the police. And they  
10 arrive.

11 And then what do you have? Then you have this  
12 Defendant with his truck with the stick laying across the  
13 seat. And the detective told you, This is how I found it,  
14 this is how I saw it. And the Judge makes the decision  
15 about the legality of him seizing that. And he's already  
16 made that decision, so you don't have to. All you have to  
17 decide is does that appear to be the stick that's here  
18 today, and is it in substantially the same condition? And  
19 you will be the judge of that.

20 Then you look at the items that were collected from  
21 his person when he was arrested. And there's the money  
22 from the pawnshop. He's already somehow spent the other  
23 \$320 pretty quickly. And then he's arrested. And this  
24 trail then leads to when he is photographed by Detective  
25 Lusk. And you can see him there when he's caught. And

1 that's the look of a man who had been caught. He got  
2 greedy. He got careless. And he got caught.

3 And then, finally, you have the photo array. And, as  
4 I said, you look at the lighting. You look at the  
5 opportunity to observe. And you've heard from the  
6 victims. And this is the Defendant. This is the man who  
7 has been identified, not only by his face, but when  
8 Ms. Holcombe was in here you can tell, I mean, he had a  
9 very distinctive voice, you know. You don't need a voice  
10 degree in college to understand that. You can hear his  
11 voice. It's very distinctive.

12 And, just remember, when Ms. Holcombe testified, she  
13 said that when he was about to -- they were closing the  
14 door, because he ordered them in there. She said, I heard  
15 him say, God will forgive me for this. And it's not a  
16 coincidence that he stood up here before you and talked  
17 about God and forgiveness. That's not a coincidence.  
18 Because he believes that because he's done all these good  
19 things, and met all these nice people, and done some good  
20 things since he's been arrested and pending his trial that  
21 he somehow has been justified in what he did. But, in  
22 order to be forgiven, he has to repent and be held  
23 accountable for it. And that, ladies and gentlemen, is  
24 your job.

25 And, in this case, there are not a series of

1 coincidences, like lightening striking Mr. Boyd one time  
2 after another time after another time. There's this whole  
3 trail of evidence that leads to him. It's not a series of  
4 coincidences. It's a trail of evidence that leads by just  
5 using your common sense, and what you've heard here today  
6 and this week.

7 This is the Defendant who needs to be held  
8 accountable. He's in denial. And it's your job to make  
9 sure he understands, just like he said when he stood up  
10 before you, that when you do bad things, there's bad  
11 consequences. And he needs to be held accountable for  
12 that, rather than having this delusion that he's somehow  
13 made peace with God. Well, that's between him and God.  
14 And you're not asked to be God. You're just asked to be  
15 judges of the facts, and use those facts that the State  
16 has given to you. And you should be firmly convinced of  
17 his guilt as to all four charges.

18 Thank you.

19 THE COURT: Thank you, Ms. Tessitore.

20 CHARGE ON THE LAW

21 THE COURT: Ladies and gentlemen, you've heard all  
22 the evidence, and you've heard the arguments of the  
23 lawyers. And it's now my duty to instruct you on the law  
24 that applies to this case. And it's your duty to find the  
25 facts from all the evidence in the case. And to those

1 facts, you must apply the law as I give it to you, and you  
2 must follow the law as I give it to you. And you should  
3 not be concerned with what the law should be, but with  
4 what it is.

5 You must not be influenced or concerned by any  
6 personal likes or dislikes, or opinions, or prejudices, or  
7 undue sympathy. And that means you must decide this case  
8 solely on the evidence before you, and according to the  
9 law. And you will recall you took an oath to do just that  
10 when we began this case on Monday.

11 Now, in following my instructions, you must follow  
12 all of them and not single out some and ignore others,  
13 because they're all equally important. And you must not  
14 read into these instructions, or anything I may have said  
15 or done during the course of this trial as any suggestion  
16 as to what I think your verdict should be, or what I think  
17 the facts are in this case, because that is a matter  
18 entirely for you to determine.

19 Under our Constitution, you are the sole and  
20 exclusive judges of the facts. And I'm not allowed or  
21 permitted to comment on the facts. And, please, don't  
22 construe anything I've done or said during this trial as  
23 any commentary on the facts. You and you alone are the  
24 judges of what the facts are. And you decide what the  
25 facts are by evaluating or weighing the evidence you've

1 heard during the course of this trial.

2 There's no way for you to weigh evidence in the  
3 literal sense. I'm, certainly, not going to give you a  
4 set of scales to take back in the jury room to conduct  
5 experiments. That wouldn't be practical. You weigh and  
6 evaluate evidence mentally. And you do it by simply using  
7 your good common sense, and your sense of logic and  
8 reason, and your life experiences. And you bring those  
9 things to bear on the evidence you've heard here in this  
10 trial.

11 Now, I told you at the outset that the evidence from  
12 which you are to decide what the facts are consists of two  
13 sources. The first is by way of sworn testimony. And the  
14 second is by way of exhibits. Everything else is not  
15 evidence. The law, also, recognizes two different forms  
16 or types of evidence. And what I'm talking about, ladies  
17 and gentlemen, is direct evidence and circumstantial  
18 evidence.

19 Direct evidence is the testimony of someone who  
20 claims to have actual and direct knowledge of a fact, such  
21 as an eyewitness. It is evidence that, if believed,  
22 immediately establishes a fact.

23 Circumstantial evidence, on the other hand, is  
24 indirect evidence. Put another way, circumstantial  
25 evidence is proof of a chain of facts and circumstances

1 from which you could find that another fact exists, even  
2 though it has not been proven to you directly.

3 Now, the law makes no distinction between the weight  
4 or value to be given direct or circumstantial evidence.  
5 You're entitled to consider both kinds of evidence. And  
6 there's not a greater degree of certainty required of one  
7 over the other. After weighing all the evidence, if  
8 you're not convinced of Mr. Boyd's guilt beyond a  
9 reasonable doubt, you are required to find him not guilty.

10 Now, I told you at the beginning that you would have  
11 to determine and gauge the credibility or believability of  
12 all the evidence. And I'm not going to repeat that again,  
13 because I know you heard me the first time. But I will  
14 say this, you can believe everything a witness says, or  
15 you can believe nothing a witness says. You can believe  
16 parts of a witnesses testimony, and disbelieve other parts  
17 of the same witnesses testimony. You can believe one  
18 witness over several, or several over one. But you,  
19 certainly, aren't going to decide this matter of  
20 credibility arbitrarily or irrationally. You're going to  
21 decide it based on principles of logic and reason, and  
22 using sound judgment.

23 Now, as I told you several times before we began the  
24 presentation of evidence, the mere fact that Mr. Boyd has  
25 been charged is not evidence of anything. Remember, the

1 indictment is not a witness. It's not an exhibit. And  
2 you should not place any weight on it whatsoever. The  
3 mere fact that someone has been charged with a crime  
4 doesn't even create a suspicion of guilt.

5 Mr. Boyd pled not guilty to the charges, and that  
6 plea put the burden on the State to prove him guilty. A  
7 person charged with committing a crime is never required  
8 to prove himself innocent, or prove himself not guilty, or  
9 offer any evidence or explanation whatsoever. That is a  
10 fundamental part of our law. And it is not a  
11 technicality. It is a substantial right to which everyone  
12 is entitled, unless you, the jury, are satisfied that the  
13 State has proven guilt beyond a reasonable doubt.

14 I, also, told you that you would have to weigh and  
15 evaluate the evidence as to each charge separately. And  
16 there are four charges, four indictments. And the verdict  
17 form is going to set them out separately. But you're  
18 going to have to weigh and evaluate the evidence as to  
19 each charge individually, and not be influenced by your  
20 decision on one charge as to what you decide to do on  
21 another.

22 Now, I've talked a lot about reasonable doubt, so let  
23 me define that term for you. Reasonable doubt is defined  
24 by the law as the kind of doubt that would cause a  
25 reasonable, sincere, honest, and conscientious person to

1 hesitate to act in an important matter in their own  
2 affairs. Proof beyond a reasonable doubt is proof that  
3 leaves you firmly convinced of the Defendant's guilt.

4 There are, of course, very few things we can know  
5 with absolute certainty. And the law does not require  
6 proof that overcomes every possible doubt. If, based on  
7 your view of the evidence, you are firmly convinced of  
8 Mr. Boyd's guilt as to a charge, you must convict him of  
9 that charge. On the other hand, if you think there's a  
10 real possibility that he is not guilty, you would be  
11 required to give him the benefit of the doubt and find him  
12 not guilty.

13 A reasonable doubt may arise from the evidence or  
14 from a lack of evidence. And a defendant is entitled to  
15 every reasonable doubt that may arise in the case. And  
16 that means simply that if upon any issue of fact that is  
17 essential to a finding of guilt you have a reasonable  
18 doubt as to how that issue should be resolved, it's your  
19 duty to resolve that doubt in favor of Mr. Boyd.

20 In order to establish criminal liability, the State  
21 is always required to prove criminal intent beyond a  
22 reasonable doubt. Criminal intent is something that can  
23 be shown by circumstantial evidence, and may be inferred  
24 from the circumstances. And it is not necessary to  
25 establish intent by direct and positive evidence. But

1 intent may be established by inference in the same way as  
2 any other fact by taking into consideration the acts of  
3 the parties and all the circumstances. Criminal intent is  
4 a mental state of conscious wrongdoing. It is up to you  
5 to determine what the Defendant intended to do based on  
6 the circumstances.

7 Now, ladies and gentlemen, Mr. Boyd has represented  
8 himself during this trial. And, of course, everyone has a  
9 Constitutional right to represent themselves. And the law  
10 makes no distinction between a criminal defendant that  
11 represents himself at a trial and a defendant who is  
12 represented by an attorney. And, of course, you would not  
13 be authorized to make any distinction in that regard  
14 either.

15 Now, I'm going to go through the two crimes that are  
16 alleged to have occurred and committed by Mr. Boyd. The  
17 first is armed robbery. And I'm going to tell you what  
18 the elements of that crime are. And the second is  
19 kidnapping. And then I'll go through the elements of  
20 those crimes -- that crime as well.

21 Armed robbery is an offense set forth by statute.  
22 And in order to prove that Mr. Boyd committed this  
23 offense, the State must first prove beyond a reasonable  
24 doubt that he took personal property away from the person  
25 or presence of another person. Property is in the

1 presence of a person if it is within the person's reach,  
2 inspection, observation, or control so that the person  
3 could, if not overcome with violence or prevented by fear,  
4 keep possession of the property.

5 The State must, also, prove beyond a reasonable doubt  
6 that the Defendant carried the property away intending to  
7 permanently deprive the owner of the property, and keep  
8 the property for the Defendant's own use. The slightest  
9 removal of the property or the complete possession, even  
10 for an instant by the Defendant, is sufficient to show a  
11 taking and carrying away of the property. The taking and  
12 carrying away of the property must have been done with  
13 violence, or putting the owner of the property in fear of  
14 violence.

15 Finally, the State must prove beyond a reasonable  
16 doubt that the Defendant was armed with a deadly weapon  
17 during the robbery. A deadly weapon is defined as any  
18 article, instrument, or substance that is likely to cause  
19 death or great bodily harm. Whether an instrument has  
20 been used as a deadly weapon depends on the facts and the  
21 circumstances. The following are examples of instruments  
22 that may be deadly weapons: A pistol, a shotgun, a rifle,  
23 a dagger, a knife, a slingshot, metal knuckles, a razor,  
24 and a gun may be a deadly weapon, even if it is not  
25 operating. Ordinary objects may become deadly weapons

1 when the facts show that they have been used to inflict  
2 serious bodily harm or death.

3 Now, the second crime alleged is kidnapping. In  
4 order to prove this offense, the State must prove beyond a  
5 reasonable doubt that Mr. Boyd knowingly and unlawfully  
6 seized, confined, inveigled, decoyed, kidnapped, abducted,  
7 or carried away another person without authority of law.

8 To do something unlawfully is to do it willfully  
9 against the law. Knowingly means with knowledge,  
10 consciously, and not accidentally or involuntarily. Seize  
11 means to take hold of suddenly or forcibly. Confine means  
12 to limit, restrict, or enclose within bounds, imprison, or  
13 shut or keep in. Inveigle means to lure, entice, or lead  
14 astray by false representations, promises, or other  
15 deceitful means. Decoy means to lure by or as if by  
16 decoy. A decoy is something to entice a person into a  
17 trap. Kidnap is to remove a person against his will by  
18 unlawful force, or by fraud. Abduct means to carry off  
19 secretly or by force for an illegal purpose. And carry  
20 away means to remove.

21 The State does not have to prove that the Defendant  
22 did all of these things. Instead, if you find by a  
23 reasonable doubt that the Defendant did any of these  
24 things, you may find the Defendant guilty of kidnapping.  
25 Something done without authority of law is something done

1 which the law does not sanction, permit, allow, condone,  
2 or provide justification for. The kidnapping does not  
3 have to be for any personal or monetary gain or any  
4 illegal purpose, but may be for any reason whatsoever.

5 Now, ladies and gentlemen, the State always has to  
6 prove identity beyond a reasonable doubt. You must be  
7 satisfied beyond a reasonable doubt of the accuracy of the  
8 identification of the Defendant before you may convict  
9 him. Identification testimony is an expression of belief  
10 or impression by a witness.

11 You must decide the accuracy of the identification.  
12 And you must consider the believability of each  
13 identification witness in the same way as you would with  
14 other witnesses. You may consider whether the witness had  
15 an adequate opportunity to observe the offender at the  
16 time of the offense. This may be affected by how long or  
17 short a time was available, how far or close the witness  
18 was, the lighting conditions, and whether the witness had  
19 a chance to see or know the person in the past.

20 The burden of proof on the State extends to every  
21 element of the crime charged. And this, specifically,  
22 includes the burden of proving beyond a reasonable doubt  
23 the identity of the Defendant as the person who committed  
24 the crime.

25 Now, that covers all the substantive law. And let me

1 just give you a few instructions as to your deliberations.  
2 You don't serve as jurors in this case, or any case, to be  
3 partisans or advocates for either the State or the  
4 Defense. You were chosen because both sides believed you  
5 could be fair and impartial, and could decide this case  
6 without any kind of preconceived ideas, or any type of  
7 bias or prejudice. And that means that you are to use  
8 your experiences in life, and your good common sense, and  
9 your sense of logic and reason.

10 And, as I said, you use those things to weigh and  
11 evaluate the evidence. And once you do that, you'll be  
12 able to determine whether the State has met its burden of  
13 proof. And you'll be able to determine the facts of the  
14 case. And, once you have decided the facts, you take the  
15 law that I've just given to you, and you apply it to those  
16 facts. And when you've done that, you'll be able to reach  
17 a verdict.

18 Now, deliberations are called that for a reason.  
19 Because deliberation is defined as a careful  
20 consideration, a weighing up with a view to a decision.  
21 And I've already talked to you about this idea of weighing  
22 the evidence. The genius of our jury system is it allows  
23 12 people from different backgrounds, life experiences,  
24 and perspectives to come together, consider the evidence,  
25 and, ultimately, reach a verdict.

1           Now, we call them deliberations for a reason. You're  
2           to consider the evidence in this case carefully and  
3           deliberately, and discuss it in a calm, thorough, and  
4           courteous manner. And, remember, you're not partisans or  
5           advocates. You are judges, judges of the facts. And your  
6           sole interest is to determine the facts of the case, and  
7           determine whether the State has met its burden of proof.

8           So listen to the views of all your fellow jurors and  
9           consider others points and points of view, and talk  
10          through and discuss the evidence. And remember that your  
11          vote is just that, it's your vote and no one else's. And,  
12          certainly, don't surrender an honestly and conscientiously  
13          held belief if you don't think you should. But, on the  
14          other hand, don't be afraid to give up your opinion if the  
15          discussion persuades you that you should and it would be  
16          rational to do so. But this case is very important to  
17          both sides. This is their day in court. And I know  
18          you'll do this fairly and impartially.

19          And I want to go over the verdict form just briefly  
20          with you. And I'll hand it to Mr. George. You'll just  
21          see for each of the four indicted charges, it asks you to  
22          determine whether you find Mr. Boyd guilty or not guilty  
23          of those charges. And, again, you must consider each  
24          charge separately and independently.

25          Now, the record is closed. There are not going to be

1 any more witnesses. There's not going to be anymore  
2 exhibits. So I can't give you something that may have  
3 been referred to during this case that was not put into  
4 evidence, so bear that in mind.

5 And, also, don't start deliberating until you get the  
6 exhibits. That will be your signal that you can start  
7 discussing the case.

8 I thank you for your attention.

9 And you may return to the jury room at this time.  
10 And don't start talking about the case until you get the  
11 exhibits.

12 (WHEREUPON, the jury was excused from open court at  
13 approximately 2:54 p.m.)

14 THE COURT: Any objections to the charge?

15 MS. TESSITORE: None from the State.

16 THE COURT: From the Defense?

17 MR. ROBINSON: Your Honor, we didn't cover this --  
18 Mr. Boyd didn't cover this. He would ask for a lesser  
19 included charge of strong armed robbery in this case.

20 THE COURT: Okay. On what basis would he be entitled  
21 to that?

22 MR. ROBINSON: Your Honor, as the Court is aware, the  
23 elements of strong armed robbery are -- one is the taking  
24 of money, goods, or personal property. Another is putting  
25 that person in fear by violence -- or putting the person

1 in fear. That was presented in this case by the evidence  
2 that this person took a stick, and put the persons in  
3 fear, and took the personal property of the two victims.  
4 So Mr. Boyd would ask for a lesser included charge.

5 THE COURT: But how would that be a -- I just --  
6 this, of course, has not been raised before. So I'm  
7 trying to think through it here at the very end of the  
8 case.

9 MR. ROBINSON: Yes, sir.

10 THE COURT: So how would a jury be entitled to find  
11 him guilty of strong armed robbery is what I'm asking?

12 They can either believe or not believe --

13 MR. ROBINSON: Yes, sir.

14 THE COURT: -- the evidence. I'm just trying to find  
15 your rationale for requesting this lesser included charge.

16 MR. ROBINSON: I think the rationale, Your Honor, is  
17 that it covers the elements of armed robbery. The weapon  
18 that we're speaking of here is a stick that put them in  
19 fear -- put the victims in fear of danger and harm. It  
20 wasn't a gun or anything of that nature, but it was a  
21 stick. And that's a rationale that fits into the common  
22 law robbery.

23 THE COURT: So what's the State's position on that?

24 MS. TESSITORE: Well, Your Honor, if they determine  
25 that the weapon in the case is not a deadly weapon, as

1       they have the -- as what's -- that's in their province,  
2       then it would be strong armed robbery.

3       THE COURT: Yes. I mean, I could see that.

4       I don't see how they could find that somebody wasn't  
5       put in fear, that that didn't occur. But I could see the  
6       jury saying the stick was not a deadly weapon. So I  
7       don't -- I'll be glad to charge them that as a lesser  
8       included offense.

9       Is that what you want, Mr. Boyd?

10      MR. ROBINSON: One second, Your Honor.

11      (Pause.)

12      DEFENDANT BOYD: I don't want it, Your Honor.

13      THE COURT: You don't want the charge?

14      DEFENDANT BOYD: No, sir.

15      THE COURT: And that's a strategic decision you're  
16      making after consulting with Mr. Robinson?

17      DEFENDANT BOYD: Yes, sir.

18      THE COURT: All right. So you understand that if you  
19      give the jury the option of the lesser included offense,  
20      it's --

21      What's the maximum sentence on the strong armed  
22      robbery?

23      MR. ROBINSON: 15 years.

24      MS. TESSITORE: 15 years, Your Honor.

25      THE COURT: So if the jury came back with that, the

1 maximum sentence would be 15 years, whereas under armed  
2 robbery, it's 30 years.

3 MS. TESSITORE: A mandatory minimum, and then up to  
4 30 years.

5 THE COURT: What's the mandatory minimum?

6 MS. TESSITORE: 10, I believe.

7 THE COURT: So it's a mandatory minimum of 10 to 30  
8 years if they convict you of armed robbery. And you have  
9 two charges of armed robbery.

10 If the jury had the option of the lesser included  
11 offense of strong armed robbery and just convicted you of  
12 those -- and, of course, I don't know what the jury is  
13 going to do. I'm just making sure you understand they may  
14 find you not guilty. And that may be your strategic  
15 reason for not wanting the lesser included offense,  
16 because you don't -- and then the jury doesn't have that  
17 option. But I just want to make sure you understand the  
18 consequences.

19 DEFENDANT BOYD: Yes, sir. I understand. If I said  
20 I'm not guilty, I'm not guilty.

21 THE COURT: So you don't want the lesser included?

22 DEFENDANT BOYD: No, sir.

23 THE COURT: All right. Thank you.

24 Well, y'all confer about the exhibits and make sure  
25 they're all in order. And then we'll be at ease until we

1 hear something from the jury once the exhibits are taken  
2 back.

3 (Pause.)

4 THE COURT: Okay. We'll be at ease until we hear  
5 something from the jury.

6 (WHEREUPON, the proceedings were recessed at  
7 approximately 3:04 p.m.)

8 THE COURT: I understand we have a verdict.  
9 Anything before we bring the jury in?

10 MS. TESSITORE: Not from the State, Your Honor.

11 THE COURT: All right. Do you have anything?

12 DEFENDANT BOYD: No objection, sir.

13 THE COURT: Bring the jury in.

14 (WHEREUPON, the jury came into open court at  
15 approximately 4:00 p.m.)

16 THE COURT: Mr. Foreman, has the jury reached a  
17 unanimous verdict, sir?

18 JUROR #45, JOSHUA GEORGE: We have.

19 THE COURT: All right. If you'll hand it to the  
20 bailiff, we'll receive it and publish it.

21 Thank you.

22 VERDICT

23 THE CLERK: Your Honor, in the case of  
24 2010-GS-23-3487, 3488, 3489, and 3490, the State of South  
25 Carolina v. Billy Roy Boyd. Number one, as to the charge

1 of armed robbery, victim Sharon Maurer, indictment  
2 2010-GS-23-3487, we, the jury, unanimously find the  
3 Defendant, Billy Roy Boyd, guilty.

4 Number two, as to the charge of armed robbery, victim  
5 Debbie Holcombe, indictment 2010-GS-23-3488, we, the jury,  
6 unanimously find the Defendant, Billy Roy Boyd, guilty.

7 Number three, as to the charge of kidnapping, victim  
8 Sharon Maurer, indictment 2010-GS-23-3490, we, the jury,  
9 unanimously find the Defendant, Billy Roy Boyd, guilty.

10 Number four, as to the charge of kidnapping, victim  
11 Debbie Holcombe, indictment number 2010-GS-23-3489, we,  
12 the jury, unanimously find the Defendant, Billy Roy Boyd,  
13 guilty.

14 This is signed by Joshua George, our foreman.

15 Ladies and gentlemen of the jury, if you agree that  
16 these are the verdicts you reached in your deliberation  
17 room, would you, please, raise your right hand.

18 (WHEREUPON, all the jurors raised their hand.)

19 THE CLERK: Thank you.

20 THE COURT: Any matters before the jury is discharged  
21 from the State?

22 MS. TESSITORE: No, Your Honor.

23 THE COURT: From the Defense?

24 DEFENDANT BOYD: No, sir..

25 THE COURT: Okay. Ladies and gentlemen, that

1 concludes your service in this case. I believe you just  
2 need to call back tonight after 6:00 to see if we have  
3 cases tomorrow.

4 And I want to thank you for your service. And I hope  
5 you have a good evening.

6 (WHEREUPON, the jury exited the courtroom at  
7 approximately 4:03 p.m. )

8 THE COURT: Any motions at this stage?

9 MS. TESSITORE: None from the State, Your Honor.

10 THE COURT: From the Defense?

11 DEFENDANT BOYD: No, sir.

12 THE COURT: All right. We'll proceed to the  
13 sentencing whenever everyone is ready.

14 Yes, ma'am, Ms. Tessitore.

15 MS. TESSITORE: May it please the Court.

16 Your Honor, I believe that the victims do wish to be  
17 heard prior to sentencing.

18 Your Honor, with respect to his prior record, in  
19 1997, receiving stolen goods; in 1998, fraudulent check;  
20 in 2004, two counts of fraudulent check; in Georgia, 1991,  
21 trespassing, false information to police, and unlawful use  
22 of telephone.

23 THE COURT: I'll be glad to hear anybody who wishes  
24 to speak at the sentencing on -- as far as the victims.

25 MS. TESSITORE: Thank you, Your Honor.

1 Just, please, state your name for the record.

2 MS. DEBBIE HOLCOMBE: I'm Debbie Holcombe.

3 THE COURT: Yes, ma'am, Ms. Holcombe.

4 MS. DEBBIE HOLCOMBE: Mr. Boyd, I just want you to  
5 know --

6 THE COURT: No, no. You're not going to address him.  
7 You're addressing me.

8 MS. DEBBIE HOLCOMBE: I just want Mr. Boyd to know  
9 that my heart goes out to his family for what he has put  
10 them through in the last almost two years. I want him to  
11 know that being the Christian that I am, I will forgive  
12 him, but I will never forget what he has done do me.

13 THE COURT: Thank you, Ms. Holcombe.

14 MS. TESSITORE: Ms. Maurer.

15 THE COURT: Yes, ma'am.

16 MS. SHARON MAURER: Your Honor, I hold this man no --  
17 I forgive this man. But he's made his own choices. And  
18 he's got a history of bad choices. I'm glad that this  
19 happened to me, rather than someone smaller and weaker  
20 that he might have taken advantage of. And I beg you when  
21 you make your decision to bear in mind what might happen  
22 if he's allowed out somewhere, for the trauma he's put us  
23 through.

24 And I want to thank you for your indulgence. And I'm  
25 sorry I'm such an emotional wreck.

1 THE COURT: All right. I understand, ma'am.

2 Thank you.

3 Anything further?

4 MS. TESSITORE: Nothing further, Your Honor.

5 THE COURT: All right. Mr. Boyd, I'll be glad to  
6 hear anything you'd like to say, or if you'd like  
7 Mr. Robinson to say anything for you.

8 DEFENDANT BOYD: I'm just -- I'm devastated. I'm  
9 devastated. God knows my heart. But this is for a  
10 reason. I'm really concerned about my family, my animals.  
11 I'm devastated and -- I'm just devastated.

12 MR. ROBINSON: Your Honor, may I say something on  
13 Mr. Boyd's behalf?

14 THE COURT: If he wants you to.

15 DEFENDANT BOYD: (Defendant Boyd nodded.)

16 MR. ROBINSON: Your Honor, he's been a very  
17 cooperative person at the trial of this case. It's  
18 unfortunate, the result. But I believe that Mr. Boyd had  
19 an opportunity to speak his mind and to present himself in  
20 court.

21 He does suffer from AIDS. His life span is not very  
22 high. He doesn't have a long life to live as a result of  
23 this. He's been in jail for 20 --

24 DEFENDANT BOYD: 21 months.

25 MR. ROBINSON: 21 months.

1 And, Your Honor, his record is very small, nothing in  
2 terms of any violent crimes or anything of that nature,  
3 mostly bad checks that weren't paid and failure to return  
4 rental property back in 1997, I believe.

5 But, Your Honor, we'd ask the Court to impose a  
6 minimum sentence in this case. And, because of his  
7 sickness, we'd ask him to be put into some medical  
8 facility as well.

9 Thank you.

10 THE COURT: Thank you, sir.

11 The CDR code on kidnapping is 95; is that right?

12 MS. TESSITORE: Yes, Your Honor.

13 I believe -- I didn't check the CDR code.

14 THE COURT: What's the sentencing range?

15 MS. TESSITORE: The sentencing range with the  
16 kidnapping is zero to 30 years. And it is violent and  
17 most serious. And armed robbery is 10 to 30, also,  
18 violent and most serious.

19 THE COURT: I didn't bring my sheet up here.

20 MS. TESSITORE: I didn't bring my CDR book. I'm  
21 sorry, Your Honor.

22 Your Honor, it's 646 days that he's been in jail.

23 SENTENCE

24 THE COURT: Mr. Boyd, the sentence of the Court is  
25 that you be committed to the Department of Corrections on

1 indictment number 2010-GS-23-3487 for a period of 20  
2 years. Credit for time served.

3 On indictment 3488, the sentence is 20 years,  
4 concurrent. Those are for the armed robberies.

5 For the kidnapping, it's 10 years on case 3489, and  
6 10 years on case 3490 concurrent.

7 Good luck to you, sir.

8 \*\*\*\*\*END OF TRANSCRIPT OF RECORD\*\*\*\*\*  
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CERTIFICATE OF REPORTER

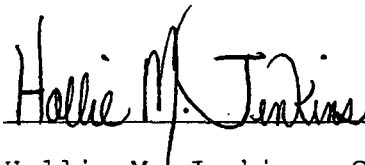
STATE OF SOUTH CAROLINA )

COUNTY OF GREENVILLE )

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 12th, 13th, and 14th days of December, 2011.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

August 18, 2012

A handwritten signature in cursive script, reading "Hollie M. Jenkins", is written over a horizontal line.

Hollie M. Jenkins, Court Reporter

My Commission Expires: 09/24/20

WITNESSES

B W Lusk

Greenville Police Department

3/8/2010

ARREST WARRANT NUMBER

M382244

ACTION OF GRAND JURY

*Bobby Lusk*  
Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2010-GS-23-

AOF

003487

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2010 2011

12-14-11

THE STATE

vs.

BILLY ROY BOYD

Indictment for

0139

ARMED ROBBERY

VIOLATION § 16-11-0330

RECEIVED

MAY 07 2010

Clerk of Court  
Greenville County

STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
ARMED ROBBERY

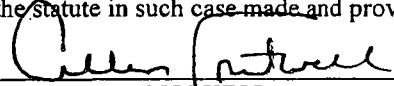
At a Court of General Sessions, convened on  
County present upon their oath:

FEB 15 2011

the Grand Jurors of Greenville

That BILLY ROY BOYD did in Greenville County, on or about the 4th day of March, 2010, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies, described as U.S. Currency and jewelry, from the person or presence of SHARON MAURER. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
SOLICITOR

WITNESSES

B W Lusk

Greenville Police Department

3/8/2010

ARREST WARRANT NUMBER

M382243

ACTION OF GRAND JURY

*Bobby Damm*  
Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2010-GS-23-

AOF

003488

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2010 204

12-14-11

THE STATE

vs.

BILLY ROY BOYD

Indictment for

0139

ARMED ROBBERY

VIOLATION § 16-11-0330

RECEIVED

MAY 07 2010

Clerk of Court  
Greenville County

STATE OF SOUTH CAROLINA     )  
                                          )  
COUNTY OF GREENVILLE     )

INDICTMENT FOR  
ARMED ROBBERY

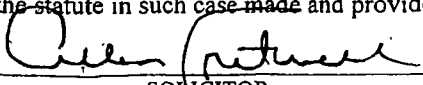
FEB 15 2011

At a Court of General Sessions, convened on  
County present upon their oath:

the Grand Jurors of Greenville

That BILLY ROY BOYD did in Greenville County, on or about the 4th day of March, 2010, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies, described as U.S. Currency and jewelry, from the person or presence of DEBBIE HOLCOMBE. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
SOLICITOR

WITNESSES

B W Lusk *DL*

Greenville Police Department

3/8/2010

ARREST WARRANT NUMBER

M382245

ACTION OF GRAND JURY

*Billy Daum*  
Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2010-GS-23-

AOF

003489

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2010

204

12-14-11

THE STATE

vs.

BILLY ROY BOYD

Indictment for

0095

KIDNAPPING

VIOLATION § 16-03-0910

RECEIVED

MAY 07 2010

Clerk of Court  
Greenville County

STATE OF SOUTH CAROLINA )

COUNTY OF GREENVILLE )

INDICTMENT FOR  
KIDNAPPING

At a Court of General Sessions, convened on

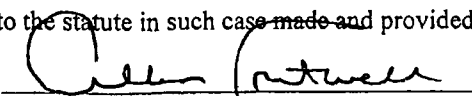
FEB 15 2011

the Grand Jurors of Greenville

County present upon their oath:

That BILLY ROY BOYD did in Greenville County, on or about the 4th day of March, 2010, unlawfully seize, abduct, confine, inveigle, decoy or carry away DEBBIE HOLCOMBE, without the authority of law. This is in violation of §16-3-910 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
SOLICITOR

WITNESSES

B W Lusk *DL*

Greenville Police Department

3/8/2010

ARREST WARRANT NUMBER

M382246

ACTION OF GRAND JURY

*Billy Dacus*  
Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2010-GS-23-

AOF

The State of South Carolina

003490

County of Greenville

COURT OF GENERAL SESSIONS

12-14-11  
TERM 2010 2011

THE STATE

vs.

BILLY ROY BOYD

✓  
0095  
Indictment for

KIDNAPPING

VIOLATION § 16-03-0910

RECEIVED

MAY 07 2010

Clerk of Court  
Greenville County

STATE OF SOUTH CAROLINA     )  
                                          )  
COUNTY OF GREENVILLE     )

INDICTMENT FOR  
KIDNAPPING

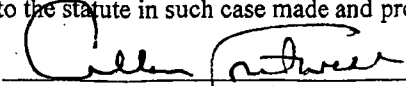
At a Court of General Sessions, convened on  
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FEB 15 2011

the Grand Jurors of Greenville

That BILLY ROY BOYD did in Greenville County, on or about the 4th day of March, 2010, unlawfully seize, abduct, confine, inveigle, decoy or carry away SHARON MAUER, without the authority of law. This is in violation of §16-3-910 of the South Carolina Code of Laws (1976) as amended.

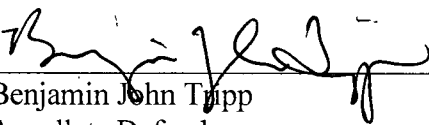
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
SOLICITOR

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the 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."

July 12, 2013

  
Benjamin John Tapp  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S. C. 29211-1589  
(803) 734-1330

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

 ORIGINAL

\_\_\_\_\_  
Appeal from Greenville County

D. Garrison Hill, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

V.

BILLY ROY BOYD,

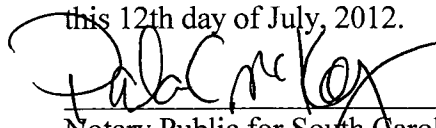
APPELLANT  
\_\_\_\_\_

CERTIFICATE OF SERVICE  
\_\_\_\_\_

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 12th day of July, 2013.

  
Brandon Hall  
Administrative Specialist

SUBSCRIBED AND SWORN TO before me  
this 12th day of July, 2012.

 (L.S.)  
Notary Public for South Carolina  
My Commission Expires: July 24, 2022.

**RECEIVED**  
JUL 11 2013  
SC Court of Appeals