

VOLUME II OF II

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY

D. Garrison Hill, Circuit Court Judge

RECEIVED

AUG 02 2013

THE STATE,

SC Court of Appeals
RESPONDENT,

V.

PRENTISS LOVE,

APPELLANT

APPELLATE CASE NO. 2012-212037

RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT.
COURT'S EXHIBIT # 5 (DETENTION CENTER PHONE RECORDS)**

1 dictionary you would find it is defined as a
2 careful consideration, a weighing up with a view to
3 a decision, and I have already talked to you about
4 this idea of weighing the evidence. The genius of
5 our jury system is it allows twelve people from
6 twelve different backgrounds and walks of life's
7 perspectives to come together and consider the
8 evidence and consider each other's opinions and
9 point of view and to ultimately reach a verdict.

10 Now, you are not partisans or advocates for
11 either side. You are judges, judges of the facts
12 and your sole interest is to find what the facts
13 are and determine whether the State has met its
14 burden of proof. So, listen to the views of your
15 fellow jurors and consider each other's point of
16 view and talk to and discuss the evidence and I
17 know you will do that in a courteous and thoughtful
18 manner.

19 This case is important to both sides and this
20 is their only day in court. Your verdict must be
21 unanimous and each of you has a vote and that means
22 that you should not hesitate to change your opinion
23 if the discussions persuade you you should but
24 don't come to a decision or give up a
25 conscientiously held belief simply to get the case

1 over with or because others think it's right. It
2 is important that you reach a unanimous verdict and
3 attempt to do so but of course only if each of you
4 can do so having made your own decision. Remember,
5 your vote is exactly that, it is your vote and no
6 one else's.

7 Now, I have prepared a verdict form and I'm
8 going to ask the bailiff just to hand this to Miss
9 Jenkins. It simply sets forth two indictments and
10 asks you to determine whether your decision is
11 guilty or not guilty as to each one and, Miss
12 Jenkins, of course you're only authorized to sign
13 that and fill it out when the verdict is unanimous.

14 And the record is closed, there are not going
15 to be any more witnesses, there are not going to be
16 any more exhibits. If something was referred to
17 and you don't have it back there I can't give it to
18 you, so keep that in mind as you begin your
19 discussions, and thank you for your attention to
20 me. I'm going to ask you not to talk about the
21 case when you get back there until you get the
22 exhibits. That will be your signal to start
23 deliberating.

24 So, thank you very much for your patience and
25 cooperation.

1 Mr. Crowe, you're the alternate, you will
2 need to stay back, sir.

3 (The jury was excused from the courtroom
4 at 11:22 a.m.).

5 THE COURT: Mr. Crowe, I want to thank you
6 for your service, you can't go in the jury room now
7 but you have performed a valuable function.
8 Because of you we had the peace of mind to know we
9 could get through the case if something happened to
10 one of the other jurors, and that is a common
11 occurrence, so thank you very much for your service
12 this week. I don't believe there are any other
13 cases the Solicitor has called, so your service is
14 complete and you have a three year exemption from
15 Circuit Court jury duty. Have a good day.

16 (The alternate juror was excused from the
17 courtroom).

18 THE COURT: Okay, are there any exceptions or
19 objections to the charge, from the State?

20 MS. LIVELY: No, Your Honor, no objection.

21 THE COURT: From the defense?

22 MR. FOX: None, Your Honor.

23 THE COURT: Okay. Well, if you all will just
24 confer about the exhibits and make sure everything
25 is there, nothing extraneous is there, we can send

1 them back to the jury and let them start
2 deliberating?

3 (Recessed at 11:25 a.m., April 26, 2012).

4 (Resumed at 1:10 p.m., April 26, 2012).

5 THE COURT: Okay, bring the jury out.

6 (Jury note marked ast Court's Exhibit 8).

7 THE COURT: All right, ladies and gentlemen,
8 I received your note and you asked for a clearer
9 defintion of lewd act whether Brittany had any
10 right to consent to anything. Okay, I'm going to
11 re-instruct you on the offense of lewd act on a
12 minor.

13 In order to convict Mr. Love of this offense
14 the State would have to prove beyond a reasonable
15 doubt that the defendant Mr. Love was over the age
16 of fourteen.

17 Next, the State must prove that the defendant
18 willfully and lewdly committed or attempted a lewd
19 or lascivious act on or with the body or its parts
20 of a child under the age of sixteen with the intent
21 to arouse, appeal to or gratify the lust, passions
22 or sexual desires of the defendant or the child.

23 Willfully means voluntarily and intentionally
24 with specific intent to do something the law
25 forbids. Lewd means obscene, lustful, indecent or

1 lecherous. Lascivious means tending to incite
2 lust, lewd, indecent, obscene or tending to deprive
3 the morals with respect to sexual relations.

4 As to the question regarding consent, I
5 instruct you that consent, willingness,
6 indifference or ignorance on the part of the minor,
7 if any, as to what was taking place does not in any
8 way affect the charge of criminal sexual conduct
9 with a minor or the charge of lewd act on a minor
10 because an unmarried woman under the age of sixteen
11 cannot legally consent to sexual battery or a lewd
12 act. When I earlier instructed you I believe I
13 stated an unmarried woman under the age of
14 fourteen. The law has actually changed fairly
15 recently to sixteen.

16 So, with that I will just ask you to return
17 to your deliberation. I believe your lunch is
18 here.

19 (The jury was excused from the courtroom at
20 1:39 p.m.).

21 THE COURT: Any objections or exceptions to
22 the charge?

23 MS. LIVELY: Not from the State, Your Honor.

24 MR. FOX: None, Your Honor.

25 THE COURT: Okay. They just got their lunch

1 so we'll be at ease until we hear something.

2 (Recessed at 1:40 p.m.).

3 (Resumed at 2:36 p.m.).

4 THE COURT: All right, I understand we have a
5 verdict. I don't know what the verdict is,
6 obviously, but I do want to state that I appreciate
7 everyone's decorum this week but if anybody thinks
8 they are going to have trouble controlling
9 themselves when the verdict is read now is the time
10 to leave so it is not something I have to take care
11 of later.

12 So, with that, you can bring the jury out.

13 (The jury returned to the courtroom).

14 THE COURT: Okay, Madam Forelady, has the
15 jury reached a unanimous verdict?

16 JUROR: We have, Your Honor.

17 THE COURT: All right. If you would, give it
18 to the bailiff for receiving and publishing.

19 Thank you.

20 Okay.

21 THE CLERK: The State of South Carolina
22 versus Prentis Wayne Love. As to the charge of
23 criminal sexual conduct with a minor second degree,
24 indictment number 2011-GS-22-00431, we the jury
25 unanimously find the defendant Prentis Wayne Love

1 not guilty.

2 As to the charge of lewd act upon a minor,
3 indictment number 2011-GS-22-00432, we the jury
4 unanimously find the defendant Prentis Wayne Love
5 guilty.

6 THE COURT: All right. Any matters or
7 motions before the jury is discharged?

8 MS. LIVELY: None from the State, Your Honor.

9 MR. FOX: Not with regard to the verdict. I
10 will have a motion after you dismiss the jury.

11 THE COURT: Do you want to have the jury
12 polled?

13 MR. FOX: No, Your Honor.

14 THE COURT: All right.

15 Ladies and gentlemen, thank you very much for
16 your service this week. You are excused for the
17 balance of the week. You have a three year
18 exemption from Circuit Court jury duty and we
19 appreciate all your understanding and hard work
20 this week, so thank you very much. Have a good
21 rest of the week.

22 (Jury excused from the courtroom).

23 THE COURT: Okay, any motions at this
24 juncture?

25 MR. FOX: Yes, Your Honor. At this time we

1 move to set aside the verdict on the lewd act being
2 against the weight of the evidence. We had made
3 previous motions with regard to evidence that was
4 admitted, specifically, or not admitted, Your Honor,
5 recalls the tape of defendant's conversation with
6 his wife in the jail, Your Honor excluded it, we
7 renew our previous motions at this time, Your
8 Honor.

9 THE COURT: All right. Your notions are
10 respectfully denied. And I assume there is a
11 motion for new trial?

12 MR. FOX: Yes.

13 THE COURT: I deny that as well.

14 Anything further before we move to
15 sentencing?

16 MR. FOX: Not from the defense, Your Honor.

17 MS. LIVELY: The State is ready to proceed,
18 Your Honor.

19 THE COURT: Okay.

20 PROBATION OFFICER: If it please the Court,
21 he is currently on probation, an active probation
22 case.

23 THE COURT: Okay.

24 PROBATION OFFICER: We issued a warrant for
25 him at the time of his arrest, citing his arrest

1 for a probable cause warrant which has already been
2 served on him so we're ready to go forward with the
3 probation violation also if the Court wishes.

4 THE COURT: Thank you, ma'am.

5 PROBATION OFFICER: Thank you.

6 THE COURT: All right.

7 MS. LIVELY: Your Honor, if I may approach, I
8 have a prepared sentence sheet for the Court to
9 review regarding the lewd act on a minor
10 conviction. I filled out all the pertinent
11 information. This is a zero to 15 year statute.

12 Also, Your Honor, based upon the time line of
13 when this occurred it would be post Jessie's law
14 which would mean a conviction would require
15 mandatory GPS monitoring since it is lewd act on a
16 minor.

17 And I believe that would be all the
18 information I need to provide, and then whenever
19 the Court is ready I will be glad to go into the
20 defendant's prior record as well as the victim has
21 told me that personally she did not wish to make a
22 statement herself, she did want me to just address
23 the Court briefly and having had so much contact
24 with Brittany I told her I would just address
25 briefly her position in regards to having to be

1 here for this trial in this case, Your Honor, so
2 however Your Honor would like to do it I will be
3 more than happy to comply.

4 THE COURT: All right. Please tell me his
5 prior record.

6 MS. LIVELY: Yes, sir, Your Honor. As you
7 heard, this defendant is on probation and you heard
8 during the trial he has the breach of trust with
9 fraudulent intent conviction. That was, he pled
10 guilty to that, it looks like the date on this is
11 2/6/2003. Then we have the sentence of the assault
12 and battery of a high and aggravated nature which
13 the sentence date was March 15, 2006. That is what
14 he is currently on probation for.

15 The concern the State has with regard to his
16 prior record, Your Honor, whenever this case was
17 actually being investigated by Ginger Pop she
18 actually got in contact with Lexington County and
19 was able to determine and received the original
20 incident report of that ABHAN. The defendant was
21 originally charged with criminal sexual conduct
22 with a minor, the victim in that case being a
23 minor.

24 Even though the defendant pled to an assault
25 and battery of a high and aggravated nature, the

1 original offense did involve a minor in that case
2 as well and so that of course raised the level of
3 concern for the State in regards to whenever I was
4 in plea negotiation and whenever I was dealing with
5 how to resolve this case, just the idea this, he
6 had pled guilty to something involving indecencies
7 with a female which fits the ABHAN from 2006, of
8 course that raised my concerns greatly.

9 Under those circumstances, Your Honor, you
10 know, he proceeded with a trial, not being able to
11 resolve anything by plea, which is obviously the
12 defendant's right. I prepared my victim Brittany
13 for the testimony. I can tell you that this has
14 been very difficult for her because she was
15 embarrassed initially, she has been in counseling
16 since this happened, it has been quite a traumatic
17 procedure for the entire family but one thing they
18 told me downstairs, which was very apparent to me,
19 is that they really feel like at this point having
20 had the time to confront him, to put everything out
21 there on the record and to know that they have done
22 everything they could now to protect their child
23 now that this has come out, Brittany as well as the
24 family is willing to accept obviously the verdict
25 that has come forward and they are truly ready to

1 have this matter completely resolved so that they
2 can try and have a more normal and peaceful life.
3 This has been quite an uproar for them but, Your
4 Honor, the State believes that under the
5 circumstances that this defendant obviously didn't
6 learn his lesson the first time. He needs some
7 help in regards to boundries with young girls and I
8 believe that this conviction will put him on the
9 sex offender, I know it will put him on the sex
10 offender registry, I believe that is extremely
11 appropriate, as well as the GPS monitor, but he
12 only served I think maybe a couple years on the
13 ABHAN before he was paroled, I'm not 100 percent
14 sure.

15 PROBATION OFFICER: Five. It was ten years
16 suspended on service of five years and five years
17 probation. He maxed out the five year portion of
18 the sentence.

19 MS. LIVELY: Right, he did not get a full,
20 like I said, it was pled down to an ABHAN, he got
21 the five years and then, you know, here we are
22 again. So, the State definitely has a concern
23 about this particular defendant and his propensity
24 to commit such a crime. But, Your Honor, I believe
25 the verdict is fair and I just would ask the Court

1 to sentence accordingly.

2 Thank you.

3 THE COURT: Can we go forward with the
4 probation violation? Is the victim present on that
5 one?

6 PROBATION OFFICER: Your Honor, we could
7 actually issue a courtroom citation and move
8 forward with it. We had issued a warrant at the
9 time of his arrest because we thought it was
10 serious enough to go ahead and do a probable cause
11 warrant and, like I said, that warrant was served.
12 We could actually withdraw that warrant today and
13 issue a courtroom citation and we could move
14 forward with it.

15 THE COURT: Has the victim been notified of
16 it, is what I was asking?

17 PROBATION OFFICER: No, sir, the victim has
18 not been notified of this today.

19 THE COURT: Why not?

20 PROBATION OFFICER: Because we were not, we
21 were waiting to see what the Court was going to do
22 as far as the guilty or not guilty verdict. We
23 were not, we were not prepared to do a violation
24 today on him, we have been in a holding status
25 waiting for the case to come to court.

1 THE COURT: Okay. Well, I don't feel
2 comfortable going forward on a probation violation
3 on an ABHAN that involved some type of assault on a
4 victim when the victim doesn't know the hearing is
5 coming up. How can I do that?

6 PROBATION OFFICER: Your Honor, we move on
7 probation violations with courtroom citations on
8 convictions all the time without notification but I
9 will leave the courtroom right now and see if I
10 can't get her on the phone, she is from Lexington,
11 I will see if we have some contact information on
12 her and try to contact her.

13 THE COURT: Well, and I'm not faulting you,
14 I'm just trying to understand procedurally how I
15 could do that. I think she has, if it's a she, I
16 don't know, but whoever the victim is, they would
17 have a right to be present, I believe, or be
18 notified this is coming up, so that is just going
19 to be done at another time, all right?

20 Thank you.

21 PROBATION OFFICER: Thank you.

22 THE COURT: Yes, sir, Mr. Fox.

23 MR. FOX: Thank you, Your Honor.

24 Prentis is 32 years old, or 31. As you know
25 from the testimony this week, he is married, has

1 two small children. I think one thing that is
2 clear, he has had a long heated trial, it's been a
3 fair trial. I think it is clear no one disputes he
4 has a loving wife and loving family. Whatever else
5 has happened, he is not all bad. He is here to
6 answer for some bad things in court this week.

7 But that is not the totality of Prentis Love.
8 There is testimony he is a good neighbor, the kind
9 of guy that helps you out. It is always a very
10 difficult situation when you're standing here at
11 trial and your client has insisted on his innocence
12 throughout. It is not the time to fault the
13 system. The jury clearly took their time to
14 deliberate and ask questions.

15 We had a week long trial, Your Honor, I can't
16 go back, I know we're not dealing with a violation
17 of probation itself but it has been brought up in
18 terms of what the sentence should be with Mr. Love
19 today. I can only assume the Solicitor back in
20 2006 had their own reasons for doing that and
21 treating that as an ABHAN. I do know from the
22 little bit I know about it it's a different
23 situation in terms of how it came to be than this
24 one, not the same, other than the fact it did end
25 up being an ABHAN.

1 Your Honor, I simply ask the Court for
2 whatever consideration you can show Mr. Love in
3 light of his entire life.

4 I do not know if he wishes to address the
5 Court or not.

6 THE DEFENDANT: The only thing I ask Your
7 Honor is to, like my attorney said, it has been a
8 long trial, I can't, it's the jurors' verdict, I
9 can't change that. I have pled my innocence the
10 whole time and I still think I'm innocent but I
11 just hope that you be fair.

12 THE COURT: Thank you. Mr. Fox, you did an
13 outstanding job representing Mr. Love, and taking
14 into account the jurors' verdict and circumstances
15 of his prior record, I want to say before I impose
16 sentence that, Miss [REDACTED] you did
17 nothing wrong, ma'am.

18 The sentence is you be committed, Mr. Love,
19 to the Department of Corrections for fifteen years,
20 credit for time served, placed on the registry,
21 mandatory GPS, assessment and counseling.

22 All right, thank you very much.

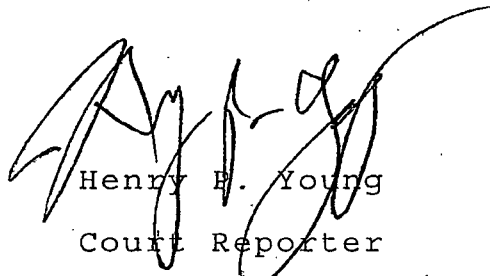
23 MS. LIVELY: Thank you, Your Honor.

24 (Hearing Concluded).
25

1
2
3
4 I, the undersigned Henry P. Young, Official
5 Court Reporter for the Eighth Judicial Circuit of
6 the State of South Carolina, do hereby certify that
7 the foregoing is a true, accurate, and complete
8 transcript of record of all the proceedings had and
9 evidence introduced in the trial of the captioned
10 case in the Circuit Court for Georgetown County,
11 South Carolina, on the 23rd and 24th days of April,
12 2012.

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

15 November 28, 2012
16
17
18
19
20
21
22
23
24
25


Henry P. Young
Court Reporter

WITNESSES

Georgetown County Sheriff's Office

DOCKET NO. 2011GS2200432

The State of South Carolina

County of Georgetown

Candice Lively

10G01123

COURT OF GENERAL SESSIONS

MAY, 2011 TERM

REST WARRANT NUMBER

1GS2200432

R: 2468 §16-15-0140

I: September 11, 2010

TION OF GRAND JURY

TRUE BILL

Richard C. Holmes

eperson of Grand Jury

te:

5-18-11

RDICT

eperson of Petit Jury

te:

THE STATE

vs.

PRENTISS WAYNE LOVE



W/M

ATTORNEY: Colvin, Richard F.

Indictment for

LEWD ACT ON A MINOR CHILD

ORIGINAL

J. Gregory Hembree, Solicitor

FILED
GEORGETOWN COUNTY, S.C.
2012 MAY -3 PM 1:24
ALMA Y. WHITE
CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GEORGETOWN)

INDICTMENT

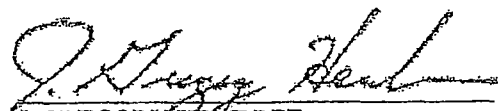
At the Court of General Sessions, convened on May 18, 2011, the Grand Jurors of Georgetown County present upon their oath:

LEWD ACT ON A MINOR CHILD

CDR: 2468 16-15-0140

That Prentiss Wayne Love, being over fourteen years of age, did in Georgetown County between December 31, 2009, and September 11, 2010, willfully and lewdly commit a lewd or lascivious act upon or with the body of a child, less than sixteen (16) years of age, to wit: [REDACTED] age 14, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of said defendant or of the victim, in violation of Section 16-15-0140, S. C. 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.


 J. GREGORY HEMBREE
 FIFTEENTH CIRCUIT SOLICITOR

520

STATE OF SOUTH CAROLINA

COUNTY OF Georgetown

STATE VS.

Prentiss Wayne Love

AKA:

Race: Sex: M Age: 31

DOB: SS#:

Address: 1:

City, State, Zip: Murrells Inlet, SC 29511

DL#: SID#:

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

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

FO: Lewd Act on a Minor <16

(0-15)

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS(CSCw/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: *[Signature]* SCB12123 *[Signature]* *[Signature]* 17723
Lively, Candice SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed years

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

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

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

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☒ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 47.9 (Public Def/Prob) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114(BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ca \$

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ 3.90

TOTAL \$ 133.40

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS2200432

A/W#: 2011GS2200432

Date of Offense: 9/11/2010

S.C. Code § : 16-15-0140

CDR Code #: 2468

SENTENCE SHEET

☒ CONVICTED OF orFILED
GEORGETOWN COUNTY, S.C.
2012 MAY -3 PM 1:24
CLERK OF COURT
ALMA Y. WHITE

days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. ☐

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ 20.00 beginning 1mo after release

\$ paid to Public Defender Fund

Other: Place on sex offender
registry, mandatory GPS,
sex offender counseling.☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

Presiding Judge

Judge Code:

Sentence Date:

Man / m
2138
April 26, 2012

15TH CIRCUIT SOLICITOR'S OFFICE

AFFIDAVIT

STATE OF SOUTH CAROLINA

COUNTY OF GeorgetownCase Number 1103599 Investigation. # _____

PERSONALLY appeared before me

Regina Frye

, who states:

I reside at _____

(Address)

in Lexington

(City)

SC

(State)

(Home Telephone)

(Work #)

Date of Birth: _____

(Social Security Number)

I have 12⁺ years of education, and I can cannot read and write. This statement is given on 4, 24 at 6:30 a.m./p.m. in the presence of George Papp, who has officially identified himself/herself as an investigator of 15TH CIRCUIT SOLICITOR'S OFFICE.

On 4/23/12 before lunch, I was contacted by Tabitha Love & Wayne's Attorney regarding Wayne's case. I was told that I may need to come down for the trial to testify. Upon my arrival I stayed with Tabitha Love. I looked ~~over~~ at his legal documents. In conversation ~~between~~ between Tabitha & myself ~~on~~ the date of September 11, 2010 was brought up. She asked me if I was ~~in~~ at his home that day for the football game. I told her that I didn't think I was there that day. I looked up the date of 9/11 ~~on~~ Carolina football game at her residence on my phone with Tabitha. Sitting on the bed the time was on the couch. We discussed the time of game & what time I would have ~~needed~~ needed to be there.

Looking back now on our conversation I feel as though I was being played into a situation that I had no thing to do with or knowledge about.

I do not know Wayne was on 9/11

Regina Frye
(Affiant's Signature)

[Signature]
(Witness Signature)

Page # 1 of 1 pages

EXHIBIT

Court # 4
4-25-2012

ADVICE OF RIGHTS

Place Sol. office
Date 4.24.12
Time 1715

Before we ask you any questions, you must understand your rights.

YOU HAVE THE RIGHT TO REMAIN SILENT.

ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.

YOU HAVE THE RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE WE ASK YOU ANY QUESTIONS AND HAVE HIM/HER PRESENT WITH YOU DURING QUESTIONING.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING IF YOU WISH.

IF YOU DESIRE TO MAKE A STATEMENT OR ANSWER QUESTIONS NOW WITHOUT A LAWYER PRESENT, YOU HAVE THE RIGHT TO STOP AT ANY TIME. YOU ALSO HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME UNTIL YOU TALK TO A LAWYER.

This is to certify that the above rights have been explained to me, and I understand each of these rights.

Regina M Lyle 4/24/12
(signature) (date)

WAIVER OF RIGHTS

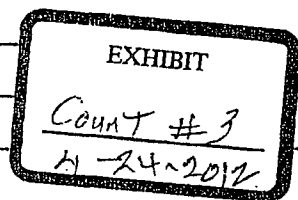
I HAVE READ THIS STATEMENT OF MY RIGHTS AND I UNDERSTAND WHAT MY RIGHTS ARE. I AM WILLING TO MAKE A STATEMENT AND ANSWER QUESTIONS AT THIS TIME. I DO NOT WANT A LAWYER AT THIS TIME. I UNDERSTAND AND KNOW WHAT I AM DOING. NO PROMISES OR THREATS HAVE BEEN MADE TO ME, AND NO PRESSURE OR COERCION OF ANY KIND HAS BEEN USED AGAINST ME.

Regina M Lyle 4/24/12
(signature) (date)

THIS IS TO CERTIFY THAT I HAVE RECEIVED A COPY OF THE ABOVE.

WITNESS: [Signature] 4.24.12
[Signature] 4-24-12 5:16 pm
(signature) (date) (time)

Teshia Jenkins 132



Clear definition of Lewd and
do [REDACTED] have any right to
consent to anything?



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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."

August 2, 2013,


Kathrine H. Hudgins
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

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Georgetown County

D. Garrison Hill, Circuit Court Judge

RECEIVED

AUG 02 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

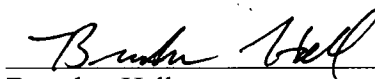
PRENTISS LOVE,

APPELLANT

APPELLATE CASE NO. 2012-212037

CERTIFICATE OF SERVICE

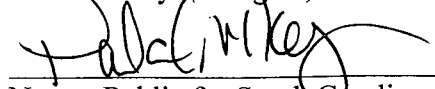
I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and a copy of the Anders Brief of Appellant and Designation of Matter and Record on Appeal have been served on Prentiss Love, #315271 at Macdougall Correctional Institution, 1516 Old Gilliard Road Ridgeville, SC 29472 this 2nd day of August, 2013.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me

This 2nd day of August, 2013.

 (L.S.)

Notary Public for South Carolina

My Commission Expires : July 24, 2022 .