

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED

FEB 26 2024

SC Court of Appeals

Appeal From Richland County

Robert E. Hood, Chief Administrative Judge

Randolph Ashford,

Appellant,

v.

The State,

Respondent,

---

DESIGNATION OF MATTER TO BE  
INCLUDED IN RECORD ON APPEAL

---

Appellant proposes the following to be included in the record  
Record on Appeal:

- (1) True-billed indictment(s);
- (2) Entire Transcript dated March 30, 2009;
- (3) Entire Transcript dated March 31, 2009 - April 3, 2009
- (4) Entire Transcript dated April 3, 2009
- (4) Motion For New Trial Based on After Discovered Evidence  
Motion For Appointment of Counsel, Affidavit of Randolph  
Ashford Filed January 31, 2023. AM 11:27
- (5) State's Response To Defendant's Motion For After-Discovered  
Evidence And Motion To Dismiss And Judgment on The Pleadings
- (6) Objections To Respondent's Motion To Dismiss And Judgment  
On The Pleadings
- (7) Richland County Fifth judicial Circuit Public Index  
State of South Carolina VS Randolph Ashford

- (8) The South Carolina Court of Appeals ( ORDER ) Filed Nov 13, 2023.
- (9) Affidavit of Randolph Ashford; and Motion For Appointment of Counsel filed August 1, 2023.

I certify that this designation contains no matter which is irrelevant to this appeal.

February 21, 2024.



Randolph Ashford # 256638  
Pro-se Appellant

Allendale Corr. Inst. F-  
1057 Revolutionary Trail  
FairFax, South Carolina-

29827

WITNESSES

(S) Thomas Croxton - RCSD

Em Barr RCSD

ARREST WARRANT NUMBER

J-556199

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury Date: 2007

VERDICT

Foreperson of Petit Jury Date:

DOCKET NO. 2007-GS-40-1940

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2007

42

THE STATE vs.

RANDALL ASHFORD

RANDOLPH

Indictment for

CRIMINAL SEXUAL CONDUCT 1<sup>ST</sup> DEGREE

SC Code: 16-3-652 CDR Code: 0160 Class FEL/A(V)

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA )

INDICTMENT

COUNTY OF RICHLAND )

At a Court of General Sessions, convened on April 18, 2007, the Grand Jurors of Richland County present upon their oath:

**CRIMINAL SEXUAL CONDUCT – 1<sup>ST</sup> DEGREE**

*Randolph*  
That RANDALL ASHFORD did in Richland County on or about February 24, 2007, engage in sexual battery with the victim, Debbie Anne Simmons, without her consent. The defendant, Randall Ashford, used aggravated force to accomplish the sexual battery, to wit: defendant threatened the use of a pistol, and/or the victim, Debbie Anne Simmons, submitted to sexual battery by Randall Ashford under circumstances where the victim is also a victim of forcible confinement, kidnapping, robbery, burglary, or housebreaking committed by the defendant, Randall Ashford. All in violation of SC Code of Laws § 16-3-652.

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

*Warren B. Giese*  
Warren B. Giese, SOLICITOR

ARREST WARRANT

J-556199

STATE OF SOUTH CAROLINA

County/  Municipality of

Richland Bond Court

THE STATE  
against

RCSD 702200424

dolph Ashford

Address: 4891 Muir Street Lot 8

Columbia, SC 29203-

Sex: M Race: B Height: 5'9 Weight: 160

Date: 5/8/1965 DL #: Agency ORI #: 04000

Issuing Agency: Richland County Sheriff Department

Issuing Officer: Thomas Croxton - 37

Offense: Sex / Criminal Sexual Assault

Offense Code: 0160

Ordinance Section: 16-03-0652

This warrant is CERTIFIED FOR SERVICE in the

County/  Municipality of

The accused

to be arrested and brought before me to be

with according to the law.

(L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to defendant

*02-23-2007*  
*[Signature]*  
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland General Sessions  
1701 Main Street  
P O Box 192  
Columbia, SC 29202

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/  Municipality of

Richland Bond Court

Personally appeared before me the affiant Thomas Croxton

being duly sworn deposes and says that defendant Randolph Ashford

did within this county and state on or about 02/25/2007

State of South Carolina (or ordinance of  County/  Municipality of

Richland Bond Court

in the following particulars:

DESCRIPTION OF OFFENSE Sex / Criminal Sexual Assault

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on 2/24/2007 while at 4014 Booth Street in the Dentsville Magisterial District of Richland County, one Randolph Ashford did commit the crime of Criminal Sexual Assault in that he did engage in sexual battery of the victim while armed with a knife. The def. has given a sworn confession. Affiant and others are witness to prove the same.

Signature of Affiant

*Law Clerk for Croxton*

STATE OF SOUTH CAROLINA

County/  Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch Road  
Columbia, SC 29223-

Affiant's Telephone (803)576-3000

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

it appearing from the above affidavit that there are reasonable grounds to believe that

on or about 2/25/2007 defendant Randolph Ashford

did violate the criminal laws of the State of South Carolina (or ordinance of

County/  Municipality of Richland Bond Court ) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal Sexual Assault

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable Sworn to and subscribed before me

on 02/25/2007

*[Signature]* (L.S.)  
Signature of Issuing Judge

Mildred W McDuffie

Judge Code: 5017

Judge's Address 201 John Mark Dial Drive  
Columbia, SC 29209-

Judge's Telephone (803)576-3281

Issuing Court:  Magistrate  Municipal  Circuit

ORIGINAL

ORIGINAL

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S.C. Attorney General  
April 21, 2003  
SCCA 518

AFFIDAVIT

CERTIFIED TRUE COPY  
ORIGINAL FILED  
MAY 18 2007  
R.C.S.  
RICHLAND COUNTY  
SOUTH CAROLINA

2007 APR 8 11:33 AM  
MAGISTRATE  
SCCA 518

Judge McDUFFIE  
on 2/25/07  
Type and Amount: BD  
Name of Surety: \_\_\_\_\_

**PRELIMINARY HEARING held by**

Judge \_\_\_\_\_  
on \_\_\_\_\_  
Defendant Attorney: \_\_\_\_\_  
Decision: \_\_\_\_\_

**DISPOSITION before**

Judge \_\_\_\_\_  
on \_\_\_\_\_  
by \_\_\_\_\_  
(indicate jury trial, bench trial, plea, nol. pros., etc.)  
Disposition: \_\_\_\_\_  
Sentence: \_\_\_\_\_

**JURORS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WITNESSES**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Name: \_\_\_\_\_  
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Telephone: \_\_\_\_\_  
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Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**CODEFENDANTS**

\_\_\_\_\_  
\_\_\_\_\_

Exhibit -

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF GENERAL SESSIONS  
FOR THE FIFTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA, )  
vs. )

INDICTMENT NO. 2007-GS-40-1940

RANDOLPH ASHFORD, )  
DEFENDANT. )

VERDICT

WE, THE JURY, BY UNANIMOUS CONSENT, ON THE CHARGE OF FIRST  
DEGREE CRIMINAL SEXUAL CONDUCT, FIND THE DEFENDANT, RANDOLPH  
ASHFORD,

RICHLAND COUNTY  
FILED  
2008 MAY - 8 PM 3:59  
JENNIFER W. McBRIDE  
C.C.P. & G.S.

GUILTY.

NOT-GUILTY.

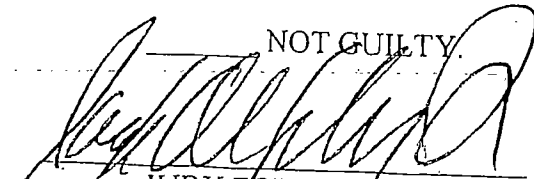
IF YOU FIND THE DEFENDANT NOT GUILTY OF FIRST DEGREE  
CRIMINAL SEXUAL CONDUCT, THEN YOU MAY CONSIDER WHETHER THE  
DEFENDANT IS GUILTY OF THE LESSER INCLUDED OFFENSE OF ASSAULT  
AND BATTERY OF A HIGH AND AGGRAVATED NATURE.

WE, THE JURY, BY UNANIMOUS CONSENT, ON THE LESSER INCLUDED  
OFFENSE OF ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE,  
FIND THE DEFENDANT, RANDOPLH ASHFORD,

GUILTY.

NOT GUILTY.

SIGNED:

  
JURY FOREPERSON

DATED: APRIL 3, 2009 in COLUMBIA, SC

PLEASE NOTIFY THE BAILIFFS WHEN YOU HAVE COMPLETED THIS FORM.

Randolph Ashford # 256638  
B.R.C.I. Murray Unit # 188  
4460 Broad River Rd.  
Columbia, South Carolina - 29210

January 20, 2023.

RICHLAND COUNTY  
FILED  
2023 JAN 31 AM 11:27  
JEANETTE W. MCBRIDE  
C.O.P., G.S., & F.C.

Jeanette W. McBride  
Clerk of Court  
P.O. Box 2766/1701 Main Street, RM#205  
Columbia, South Carolina - 29202

Re: Docket No. 2007-GS-40-2048, Case No.  
Motion For New Trial Based On After Discovered Evidence  
Motion For Appointment Of Counsel, and Affidavit of  
Randolph Ashford

Dear Ms. McBride:

Enclosed you will find the original and a copy of the above  
noted for your filing. Please return the clock-stamped copy  
to me for my record.

Thank you very much.

Sincerely,

*Randolph Ashford*

CC: Randolph Ashford # 256638

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

IN THE COURT OF GENERAL SESSIONS  
FOR THE FIFTH JUDICIAL CIRCUIT

Randolph Ashford # 256638  
Petitioner,

)  
) Docket No. 2007-GS-40-2048

) Case No. \_\_\_\_\_  
)

VS.

) MOTION FOR NEW TRIAL

) BASED ON AFTER DISCOVERED EVIDENCE

State of South Carolina  
Respondent,

) S.C. RULES OF Crim. PROCEDURE, RULE\_  
) 29(b).  
)

Now Comws, the Petitioner, Randolph Ashford # 256638, Respectfully moves this court, Pursuant to the South Carolina Rules of Criminal Procedures Rule - 29 (b). To grant Petitioner/ a new trial.

1. I am currently incarcerated at the Broad River Correctional Institution, and the issues raised in this motion for new trial based on after discovered evidence concerns the following.
2. In support of the motion, Petitioner will show the court the following.
3. States witness, Trial Transcript, Tuesday March 31, 2009 State's witness, Greogory Fleming, Cross by Ms. Singletary ( Incamera ). Q. And he was wearing a hat. (A. Yes, Ma'am, Page - 33, Line - 3 - 4,. Trial Transcript, Greogory Fleming-Direct by Mr. Bryant; Q. can you tell the jury what your de- scription of that person was ? (A. It was a brown skinned fellow about five eleven, probably weigh about, I think about 175, a small little mustache and wearing blue jeans, a jacket and had a hat on.

RICHLAND COUNTY  
FILED  
2023 JAN 31 AM 11:24  
JEANETTE W. McBRIDE  
C.C.P., G.S., & F.C.

4. State's witness, Trial Transcript, Patricia Reed Enzor, Direct by Ms. Campbell; Page - 625, Lines - 4 - 6,. Q. And in the laundry room there was a hat on the floor. Did you photograph that ? (A. Yes Ma'am.

5. Defendant, Randolph Ashford, Trial Transcript, Page - 828, Lines - 23 - 24, Cross by Ms. Campbell; Q. along with the cap you were wearing that day ? (A. No. My cap wasn't with it.

6. Trial Transcript, James Abraham, Cross by Ms. Campbell Page - 573 - 574, Lines - 22 - 25,. Q. And because tear gas can affect someone, that's why he had to be checked out by EMS ? (A. yes.) (Q. They said his vitals were normal ?.) (A. They said his vitals were normal.)

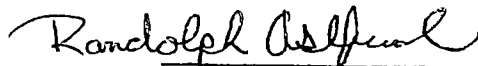
7. Trial Transcript, James Abraham, Cross by Ms. Campbell Page - 606, Lines - 11 - 13, ( Q. And was the defendant also afforded an opportunity, Was he given treatment if he needed any ?. ( A. Absolutelty. The EMS personnel check him out.

8. Trial Transcript, Randolph Ashford, Direct by O'Neil, Page - 810, Lines - 18 - 25,. Trial Transcript, Page 811, Lines - 1 - 13,.

I Randolph Ashford, asserts that upon information and belief, Indictment No. 2007-GS-40-2048, Violates the constitution of the State of South Carolina, and the United States Constitution State/Federal statues, and my rights to a fair trial.

January 20, 2023

Columbia, South Carolina



Randolph Ashford # 256638

B.R.C.I. Murray Unit #188

4460 Broad River Rd.

Columbia, South Carolina

29210

Indictment No. 2007-GS-40-2048

January 23, 2023  
Columbia, South Carolina

Randolph Ashford

Randolph Ashford # 256638

Sworn To And Subscribed Before Me  
This 23 day of January 2023.

J. K. Hulse

Notary Public For South Carolina

My Commission Expires 8/30/2026

THE STATE OF SOUTH CAROLINA IN THE COURT OF GENERAL SESSIONS  
COUNTY OF RICHLAND FOR THE FIFTH JUDICIAL CIRCUIT

RICHLAND COUNTY  
FILED

2023 JAN 31 AM 11:25

Randolph Ashford # 256638 )  
Petitioner, )  
V. )  
State Of South Carolina )  
Respondent, )

MOTION FOR APPOINTMENT  
OF  
COUNSEL

NOW COMES. Randolph Ashford, Pro-se, Pursuant to S.C.R.C.P. 17.1 (d), moves for appointment of counsel. Substantial issues allege in the motion for new trial based on after discovered evidence as to whether Petitioner's constitutional, due process rights, were were violated.

The issue(s) raised in this litigation of violations are complex and petitioner is not capable of handling the issue(s) effectively, due to serious medical issues (Glaucoma), both eyes, and moreover, he is not trained in the law, and justice would best be serve in this case if an attorney is appointed. ( Whitehead V. State, 426 SC 2d. 365):

WHEREFORE, Plaintiff prays that request be granted.

January 20, 2022.

*Randolph Ashford*  
Randolph Ashford # 256638  
B.R.C.I. Marion Unit # 188  
4460 Broad River Rd.  
Columbia, South Carolina-  
29210

RICHLAND COUNTY  
FILED

2023 JAN 31 AM 11: 25

JEANETTE W. MCBRIDE  
C.C.P., G.S., & F.S.

CERTIFICATE OF SERVICE

I do hereby certify that I have serve the following counse  
of record the original and a copy of the Motion For New Trial  
Based On After Discovered Evidence, Motion For Appointment Of  
Counsel, Affidavit of Randolph Ashford, by placing the same  
in the United States mail with sufficient postage affixed  
thereto, here at the Broad River Corr. Inst. Mailroom.

January 20, 2022.  
Columbia, South Carolina

*Randolph Ashford*

Randolph Ashford # 256638

CC: Richland County/Clerkof Court  
Jeanette W. McBride  
P.O. Box 2766/1701 Main Street, RM#205  
Columbia, South Carolina - 29202

THE STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

IN THE COURT OF GENERAL SESSIONS  
FOR THE FIFTH JUDICIAL CIRCUIT

Randolph Ashford # 256638 )  
Plaintiff, )  
V. )  
State of South Carolina )  
Respondent, )

AFFIDAVIT  
OF  
Randolph Ashford

JEANNETTE W. MCBRIDE  
C.C.P., G.S., & F.C.

2023 JAN 31 AM 11:25

RICHLAND COUNTY  
FILED

I Randolph Ashford # 256638, under penalty of perjury states the following:

I am over the age of (18) years old, and a competent adult a resident of the State of South Carolina Department of Corrections, and I make this affidavit based on personal knowledge unless stated otherwise.

2. I am currently incarcerated here at Broad River Corr. Inst., and the issue raised in this motion for new trial is based on after discovered evidence concerns the following.

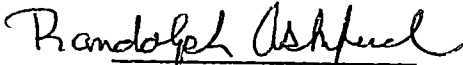
3. I Randolph Ashford # 256638, assert that on February 24, 2007, the State admitted circumstantial evidence of a hat, a state witness testified to that I was wearing.

4. I Randolph Ashford # 256638, asserts that the hat did not belong to me and my physical hat belonging to me was not introduced to the jury, nor was it introduced into evidence.

5. I Randolph Ashford # 256638, asserts that the state and its witnesses testified that I was checked out on the 24th of February 2007, by ( EMS ), and that my vitals were normal.

6. I Randolph Ashford # 256638, asserts that I was not checked out on February 24, 2007, by (EMS), and that my vitals was not normal.

January 20, 2023.  
Columbia, South Carolina

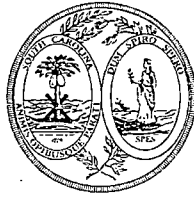
Handwritten signature of Randolph Ashford in cursive script.

Randolph Ashford # 256638

*The State of South Carolina*

Byron E. Gipson  
Solicitor

April Sampson  
Deputy Solicitor



Curtis Pauling  
Deputy Solicitor

Dan Goldberg  
Deputy Solicitor

SOLICITOR'S OFFICE  
Fifth Judicial Circuit

Judge Hood,

In Re: State v. Randolph Ashford, C.A. No 2007GS401938-40; 2007GS402000-03;  
2007GS402048

Attached is the State's Motion to Dismiss and Request for a Judgement on The Pleadings. Defendant Randolph Ashford filed a pro se motion for a new trial based upon purported after discovered evidence, pursuant to Rule 29(b), SCRCrimP on January 31, 2023. I have also attached Defendant's pro se pleadings and a Proposed Order of Dismissal for the Court's review and convenience. The Clerk of Court scheduled Defendant's Motion for a hearing on August 29, 2023. If the Court grants the State's Motion to Dismiss and Judgement on The Pleadings, I am requesting the matter be removed from the General Sessions-Non Jury Docket.

Sincerely,

  
WALT WHITMIRE  
Assistant Solicitor

Fifth Judicial Circuit Solicitor's Office  
1701 Main Street, Suite 302  
Columbia, SC 29201  
whitmire.john@richlandcountysc.gov

(CC): Randolph Asford, Inmate No. 256638  
B.R.C.I Murray Unit No. 188  
4460 Broad River Rd.  
Columbia, SC 29210

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 The State of South Carolina )  
 )  
 )  
 -v- )  
 )  
 )  
 Randolph Ashford, )  
 Defendant )

IN THE COURT OF GENERAL SESSIONS  
 FOR THE FIFTH JUDICIAL CIRCUIT

C.A. No. 2007GS401938-40; 2007GS402000-03; 2007GS402048

**RESPONSE TO DEFENDANT’S MOTION  
 FOR AFTER-DISCOVERED EVIDENCE AND  
 MOTION TO DISMISS AND JUDGMENT ON  
 THE PLEADINGS**

The State moves for this Court to dismiss Defendant’s pro se motion for After-Discovered Evidence. Defendant fails to present a single ground for relief to warrant an evidentiary hearing.

**PROCEDURAL HISTORY**

On February 27th, 2007, Defendant, while armed, committed a string of successive carjackings that culminated in a home invasion and sexual assault on Booth Street, where Defendant held his final victim hostage. The crime spree concluded when deputies with the Richland County Sherriff’s Department deployed tear gas into the Booth Street residence. Deputies successfully extracted the final victim and detained and arrested Defendant.

The State called Defendant’s case to trial on March 31, 2009. The Fifth Circuit Solicitor’s Office was represented by Luck Campbell, Esq. Defendant was represented by Deon O’Neil, Esq. The jury found Defendant guilty of three (3) counts of Carjacking (2007GS402000; 2007GS402001; 2007GS402002) two (2) counts of Kidnapping (2007GS402003; 2007GS401938); Burglary, First Degree (2007GS402048); two counts of Assault with Intent to Kill (AWIK); and Assault and Battery of a High and Aggravated Nature. Judge Thomas G.

2023 AUG 16 AM 11:35

RICHLAND COUNTY  
 CLERK

Cooper sentenced Defendant to an aggregate term of (40) years imprisonment and ordered him to register as a sex offender.

Defendant filed a notice of appeal. Wanda Carter, Esq., with the Office Appellate Defense filed an Anders<sup>1</sup> brief. The Court of Appeals dismissed Defendant's appeal in 2012. **See 2012-UP-035.**

After the Remittitur was issued, Defendant filed a Post-Conviction Relief (PCR) Action in 2012. **See 2012-CP-40-1053.** A hearing on the action was convened on March 31, 2015 at the Richland County Courthouse before Judge Goldsmith. The State was represented by Clay Mitchell, Esq. of the South Carolina Attorney General's Office. Defendant was represented by David Belding, Esq. Judge Goldsmith denied Defendant's PCR Action. In a written order issued on November 31, 2015, Judge Goldsmith found Defendant's convictions were supported by evidence of overwhelming guilt. Judge Goldsmith stated "[n]otably, [Defendant] was forcefully removed from [final victim's] residence after a standoff where hostage negotiations took place." **See 2012-CP-40-1053, Order of Dismissal, p.13.** Defendant has since exhausted his appeals in State Court.

#### **AFTER-DISCOVERED EVIDENCE**

A motion for a new trial based on after-discovered evidence must be made within one (1) year after the date of actual discovery of the evidence by the defendant or after the date when the evidence could have been ascertained by the exercise of reasonable diligence. Rule 29, SCRCrimP (Emphasis supplied). "The granting of a new trial because of after-discovered evidence is not favored, and [appellate courts] will affirm the trial court's denial of such a motion

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<sup>1</sup> Anders v. California, 386 U.S. 738, 87 S.Ct. 1369 (1967)

unless the trial court abused its discretion. State v. Harris, 391 S.C. 539, 545, 706 S.E.2d 526, 529 (Ct. App. 2011).

In order to warrant the granting of a new trial on the ground of after-discovered evidence, the movant must show the evidence (1) is such as will probably change the result if a new trial is granted; (2) has been discovered since the trial; (3) could not have been discovered before the trial by the exercise of due diligence; (4) is material to the issue; and (5) is not merely cumulative or impeaching. State v. Spann, 334 S.C. 618, 619–20, 513 S.E.2d 98, 99 (1999).

### ANALYSIS

Defendant raises two grounds of purported after-discovered evidence in his filing. First, Defendant challenges a lay witness's in camera identification testimony.<sup>2</sup> Second, Defendant challenges the testimony of a first responder.<sup>3</sup> Defendant was a participant in his trial, observed the witness testimony at issue, and thereby would have had actual knowledge of the purported after-discovered evidence in March 2009. And yet now for the first time, Defendant raises these allegations of “purported after discovered evidence” fourteen year after his trial. Simply, Defendant is procedurally barred from raising any allegation that he had full knowledge of more than a decade ago for the first time now in this forum.

Regardless, Defendant has failed to make a sufficient showing on any of the five State v. Spann factors to warrant to further review. First, limited testimony as to the purported hat and garments Defendant was wearing during his horrific crime spree on February 27, 2007 was

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<sup>2</sup> See Sections three (3) through five (5) of the filing, and sections three (3) through four (4) of a document titled, “Affidavit of Randolph Ashford.” In Summary, Defendant asserts that an eye-witness inaccurately testified that he was wearing a green hat. Defendant asserts that the green hat recovered from the crime scene did not belong to him.

<sup>3</sup> See Sections six (6) through eight (8) of the filing, and sections five (5) through (6) of the document titled, “Affidavit of Randolph Ashford.” In Summary, Defendant asserts that an EMS First Responder inaccurately testified that Defendant was provided medical care when he was captured at the scene of the home invasion.

immaterial to the mountain of compelling identification evidence presented at trial. Second, Defendant's challenge to the testimony from a first responder who provided him medical care at the scene of home invasion was inconsequential due to the fact that Defendant was captured at the scene of his final crime. As Judge Goldsmith noted in the order denying Defendant's PCR Action, Defendant was caught in the act.

**WHEREFORE**, the state moves for this Court to remove Defendant's motion for after-discovered evidence from the General Session Non-Jury Motion docket and to grant Defendant's Motion to Dismiss.

Respectably submitted,

WALT WHITMIRE  
Assistant Solicitor

By:   
ATTORNEY FOR THE STATE

Fifth Judicial Circuit Solicitor's Office  
1701 Main Street, Suite 302  
Columbia, SC 29201  
whitmire.john@richlandcountysc.gov

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	FOR THE FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
The State of South Carolina	)	C.A. No. 2007GS401938-40; 2007GS402000-
	)	03; 2007GS402048
	)	
-v-	)	<b>ORDER OF DISMISSAL</b>
	)	
	)	
Randolph Ashford,	)	
Defendant	)	

---

Defendant filed a pro se motion, titled, “Motion for New Trial Based On After-Discovered Evidence” on January 31, 2023. Defendant’s pro se filing included an array of documents, one of which was a document titled “Affidavit of Randolph Ashford” in support of the motion. In Defendant’s filings, he asserts two (2) grounds for relief based upon purported inaccuracies from witness testimony at his 2009 trial. The State subsequently moved to dismiss Defendant’s motion and moved for a judgment on the pleadings.

This Court grants the State’s motion and finds Defendant failed to assert a ground for relief that could and should have been raised within a year of discovery and knowledge. See Rule 29, SCRCrimP (A motion for a new trial based on after-discovered evidence must be made within one (1) year after the date of actual discovery of the evidence by the defendant or after the date when the evidence could have been ascertained by the exercise of reasonable diligence). This Court finds Defendant failed to assert a ground for relief that was material to guilt or innocence and was more than merely cumulative or impeaching. See State v. Spann. 334 S.C. 618, 619–20, 513 S.E.2d 98, 99 (1999).

[Signature Block on Following Page]

**IT IS THEREFORE ORDERED THAT:**

1. The motion for After-Discovered Evidence is denied and dismissed with prejudice;
2. The Clerk of Court remove Defendant's Motion from the August 29, 2023 General Sessions Non-Jury Motions Hearing Docket.

**AND SO IT IS ORDERED** this \_\_\_\_ day of August, 2023

---

ROBERT E. HOOD  
Chief Administrative Judge

\_\_\_\_\_, South Carolina

E. ....

RECEIVED

SEP 20 2023  
SC Courts of Appeals

RICHLAND COUNTY  
STATE OF SOUTH CAROLINA FILED IN THE COURT OF GENERAL SESSIONS  
COUNTY OF RICHLAND FOR THE FIFTH JUDICIAL CIRCUIT

2023 AUG 22 PM 3: 53

The State of South Carolina, et al., vs. Defendant  
C.C.P., G.S. & E.C. 2007GS401938-40; 2007GS402000-03;  
2007GS402048  
J556197, 96, 99; K 195896-99; J556198

-v-

ORDER OF DISMISSAL WITH PREJUDICE

Randolph Ashford,  
Defendant

This matter comes before this Court by way of Defendant's pro se motion, titled, "Motion for New Trial Based On After-Discovered Evidence" on January 31, 2023. Defendant's pro se filing included an array of documents in support of the motion, one of which was titled "Affidavit of Randolph Ashford." In Defendant's filing, he asserts two (2) grounds for relief:

1. Defendant asserts an eyewitness inaccurately testified that he was wearing a green hat. Defendant asserts the green hat recovered from the crime scene did not belong to him.
2. Defendant asserts an EMS First Responder inaccurately testified that Defendant was provided medical care when he was captured at the scene of the home invasion.

The State, represented by Walt Whitmire, Esq. of the Richland County Solicitor's Office, filed its responsive pleadings on August 16, 2023. This Court has reviewed the pleadings and prior court records related to Defendant's conviction. In its motion to dismiss and motion for a judgment on pleadings, the State argued Defendant's arguments are facially defective because Defendant raised allegations of purported after-discovered evidence that Defendant conceded he was privy to in 2009. This Court agrees. Additionally, Defendant failed to make a prima facie showing that the purported after-discovered evidence could have a reasonably changed the result of his trial.

## PROCEDURAL HISTORY

On February 27, 2007, the armed Defendant committed a string of successive carjackings that culminated in a home invasion and sexual assault on Booth Street, where Defendant held his final victim hostage. The crime spree concluded when deputies with the Richland County Sheriff's Department deployed tear gas into the Booth Street residence. Deputies successfully extracted the final victim and detained and arrested Defendant.

The State called Defendant's case to trial on March 31, 2009. The Fifth Circuit Solicitor's Office was represented by Luck Campbell, Esq. and Defendant was represented by Deon O'Neil, Esq. The jury found Defendant guilty of three (3) counts of Carjacking (2007GS402000; 2007GS402001; 2007GS402002) two (2) counts of Kidnapping (2007GS402003; 2007GS401938); Burglary, First Degree (2007GS402048); Assault with Intent to Kill (2007GS401939); and Assault and Battery of a High and Aggravated Nature (2007GS401940. Judge Thomas G. Cooper sentenced Defendant to an aggregate term of (40) years imprisonment and ordered him to register as a sex offender.

Defendant filed a notice of appeal. Wanda Carter, Esq., with the Office Appellate Defense filed an Anders<sup>1</sup> brief. The Court of Appeals dismissed Defendant's appeal in 2012. See 2012-UP-035.

After the Remittitur was issued, Defendant filed a Post-Conviction Relief (PCR) application in 2012. See 2012-CP-40-1053. A hearing on this action was convened on March 31, 2015 at the Richland County Courthouse before Judge Brooks P. Goldsmith. The State was represented by Clay Mitchell, Esq. of the South Carolina Attorney General's Office and Defendant was represented by David Belding, Esq. Judge Goldsmith denied Defendant's PCR Action. In a

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<sup>1</sup> Anders v. California, 386 U.S. 738, 87 S. Ct. 1369 (1967)

written order issued on November 31, 2015, Judge Goldsmith found Defendant's convictions were supported by evidence of overwhelming guilt. Judge Goldsmith stated "[n]otably, [Defendant] was forcefully removed from [final victim's] residence after a standoff where hostage negotiations took place." See 2012-CP-40-1053, Order of Dismissal, p.13. Defendant has since exhausted his appeals in State Court.

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

A motion for a new trial based on after-discovered evidence must be made within one (1) year after the date of actual discovery of the evidence by the defendant or after the date when the evidence could have been ascertained by the exercise of reasonable diligence. Rule 29, SCRCrimP (emphasis supplied). "The granting of a new trial because of after-discovered evidence is not favored, and [appellate courts] will affirm the trial court's denial of such a motion unless the trial court abused its discretion. State v. Harris, 391 S.C. 539, 545, 706 S.E.2d 526, 529 (Ct. App. 2011).

In order to warrant the granting of a new trial on the ground of after-discovered evidence, the movant must show the evidence (1) is such as will probably change the result if a new trial is granted; (2) has been discovered since the trial; (3) could not have been discovered before the trial by the exercise of due diligence; (4) is material to the issue; and (5) is not merely cumulative or impeaching. State v. Spann, 334 S.C. 618, 619-20, 513 S.E.2d 98, 99 (1999).

This Court finds Defendant's grounds of purported after-discovered are facially without merit. This Court grants the State's motion and finds Defendant failed to assert a ground for relief that could and should have been raised within a year of discovery and knowledge. See Rule 29, SCRCrimP. Defendant raises two grounds of purported after-discovered evidence in his filing. First, Defendant challenges a lay witness's in camera identification testimony. Second, Defendant challenges the testimony of a first responder. Defendant was a participant in his trial, observed the

witness testimony at issue, and thereby would have had actual knowledge of the purported evidentiary issues he now raises. Therefore, this Court finds Rule 29(b), SCRCrimP bars defendant from further litigation on the matter.

This Court also finds Defendant failed to make a prima facie showing that allegations of purported after-discovered evidence would necessitate an evidentiary hearing. This Court finds Defendant failed to assert a ground for relief that could have changed the outcome of trial. See Spann, 334 S.C. at 619–20, 513 S.E.2d at 99. The State presented numerous eyewitnesses who identified Defendant during his crime spree. Defendant was caught in the act of the home invasion. And Defendant testified in own defense to his purported state-of-mind when he was detained and arrested. See Trial Transcript pp.325—1009.

**IT IS THEREFORE ORDERED THAT:**

1. The motion for After-Discovered Evidence is denied and dismissed with prejudice;
2. The Clerk of Court remove Defendant's Motion from the August 29, 2023 General Sessions Non-Jury Motions Hearing Docket.

AND SO IT IS ORDERD this 22 day of August, 2023

*Re Hood*

ROBERT E. HOOD  
Chief Administrative Judge

*Columbia* South Carolina

Randolph Ashford # 256638  
Allendale Corr. Inst F-3, B-13  
1057 Revolutionary Trail  
FairFax, South Carolina - 29827

August 29, 2023.

Jeanette W. McBride  
Clerk of Court  
Richland County  
P.O. Box 2766  
Columbia, South Carolina - 29202-2766

2023 AUG 31 PM 4:08  
RICHLAND COUNTY  
FILED  
JEANETTE W. MCBRIDE  
C.C.P., G.S., & F.C.

Re: Ashford v. State, Case No. 2007 - GS - 40 - 2048  
Objection To Motion To Dismiss and Judgment On The  
Pleadings

Dear Ms. McBride:

Enclose you will find the original and a copy of the  
Objection to Respondent's Motion To Dismiss and Judgment  
On The Pleadings. Please file the original and return a  
clock filed copy to me for my record. In addition, Please  
serve a copy on the following counsels of record noted as  
CC: below. Along with Affidavit of Randolph Ashford.

Thank you very much.

Sincerely,

*Randolph Ashford*

CC: Robert E. Hood, Chief Administrative Judge  
Walt Whitmire, Assistant Solicitor

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

IN THE COURT OF GENERAL SESSIONS  
FOR THE FIFTH JUDICIAL CIRCUIT

Randolph Ashford

) C.A. No. 2007GS402048  
)  
)

-v-

)  
) OBJECTIONS TO  
) RESPONDENT'S MOTION TO DISMISS  
) AND JUDGMENT ON THE PLEADINGS

State of South Carolina

2023 AUG 31 PM 4:08  
FILED  
RICHLAND COUNTY  
JENNIFER M. MCDONNELL  
CLERK OF COURT  
P.O. BOX 100  
RICHLAND, SC 29928

Petitioner, moves for this court to dismiss the Respondent's Motion To Dismiss and Judgment on the pleadings, due to fraud on the court.

PROCEDURAL HISTORY

Petitioner/Defendant case was tried March 31, 2009 through April 3, 2009. Solicitor's Luck Campbell, Esq. and Will Bryant, Attorney for the State, Petitioner/Defendant was represented by six (6) different appointed Public Defenders and a appointed Attorney, Prior to the appointment of Deon O'Neil Esq. and Nicole Singletary Esq. of the Richland County Public Defenders Office.

The jury allege to have found Petitioner/Defendant guilty of three (3) carjackings ( 2007GS402000; 2007GS402001; 2007GS40-2002); two (2) kidnapping ( 2007GS402003; 2007GS401938) one (1) First Degree Burglary ( 2007GS402048) two (2) Assaults with Intent to Kill (AWIK), and Assault and Battery of a High and Aggravated Nature, a lesser included offense of 1st Degree Criminal Sexual Conduct.<sup>1</sup> The Honorable Judge Thomas G. Cooper

1 Trial Transcript, Page - 663, Thursday April 2, 2009.

The Court: I understand. The question is based on that statement would it support a charge of assault and battery of a high and aggravated nature. Solicitor: No Sir,

Jr. sentenced the Petitioner/Defendant to 40 years imprisonment and to register.

Petitioner/Defendant Public Defender Deon o'Neil, filed a notice of appeal. Wanda Carter, Esq. of the Office of Appellate Defense filed a Anders Brief. The Court of Appeals dismissed the appeal in 2012. (2012-UP-035)

Petitioner/Defendant then filed a Post-Conviction Relief (PCR) in 2012. (2012-CP-40-1053. Clay Mitchell Esq. of the S.C. Attorney General Office represented the state, and David Belding, Esq. represented Petitioner/Defendant.

The Honorable Judge Goldsmith denied Petitioner/Defendant PCR action on November 31, 2015. Investigator James Abraham on direct examination testified; We were about to make entry and we informed to stand down because the suspect was about to come out. So we stood down. We stayed behind our cover, we did not go up to make entry. shortly thereafter the suspect neve came out. he said he was but he didn't. Trial Transcript P. 557, 7-12,.

Randolph Ashford, on direct examination testified that Debbie Ann was saying like they was going to kill me. You know, don't go out because they're going to kill you and I don't want them to kill you in my house. And so that was scaring me more, you know, really. I didn't really want to die. You know, at that point I didn't. See: 2012-CP-40-1053, PCR Transcript of Record.

#### AFTER-DISCOVERED EVIDENCE

A motion for new trial based on after-discovered evidence must be made within one (1) year after the date of actual discovery of the evidence by the defendant or after the date when the evidence could have been ascertained by the exercise of reasonable diligence. Rule-29 SCRCrimP

See: State v. Harris, 391 S.C. 539, 545, 706 S.E. 2d 526, 529 ( Ct.App.2011) The Court: Trial Transcript, Page - 930, 2 - 6, Now, generally there are two types of evidence which has been described to you that are generally presented during a trial, direct evidence and circumstantial evidence. Direct -- evidence and we probably had both in this case. Page - 926, 20 - 21, The Court: I am not permitted to indicate to you how I might feel about the facts.

#### STATEMENT OF FACTS

The State of South Carolina, Assistance Solicitor Whitmire, continues the overwhelming judicial misconduct, fraud on the court, by intentionally presenting new and additional charges that the Petitioner/Defendant, were not serve with a warrant, nor indicted for, or called to trail for in March-April of 2009.

1. Solicitor Whitmire, setforth ( Home Invasion, Flase accusation of Petitioner/Defendant.

2. Solicitor Whitmire, set-forth ( February 27, 2007, Flase accusation of Petitioner/Defendant.

2. Solicitor whitmire, set-forth, ( sexual assault of victim hostage, Flase accusations of Petitioner/Defendant.


Petitioner/Defendant, raise the grounds to be heard by the court in his Motion For New Trial, Based on after Discovered evidence. Petitioner/Defendant, participated in his trial with his ineffective assistance of Public Defenders counsels, who would not object. See: Affidavit of Randolph Randolph, Page- 2 of 2. See: Trial Transcript, Page - 132-159, Lines - 1 - 25.

Simply, Petitioner/Defendant is not an attorney, nor has training of an attorney in law, and could not have know that he was being denied a fair trail other that what was put in the record by his attorneys. Trial Transcript, Page - 858, 11- 25, Page - 859, 1 - 25, and Page - 860, 1 - 2,.

Weinhauer v. State ( S.C. 1999 ).

WHEREFORE, Petitioner/Defendant, move this court to set-aside Respondent's Motion To Dismiss, and Judgment On The Pleadings, and grant a hearing for the Motion For New Trial Based On After Discovered Evidence.

Respectfully submitted,



Randolph Ashford # 256638

Allendale Corr. Inst.

1057 Revolutionary Trail

Fairfax, South Carolina

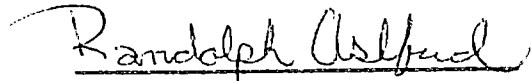
29827

CERTIFICATE OF SERVICE

I do hereby certify that I have serve the following counsel of record the original and a copy of the Objection To the Respondent's Motion To Dismiss and Request For A Judgement on The Pleadings, by placing the same in the United States Mail with sufficient postage affixed thereto, here at the Allendale Corr. Inst. Along with Affidavit of Randolph Ashford.

August 29, 2023.

FairFax, South Carolina



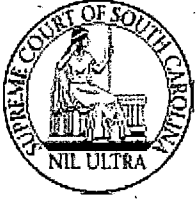
Randolph Ashford # 256638

CC: Robert E. Hood, Chief Administrative Judge  
Walt Whitmire, Assistant Solicitor

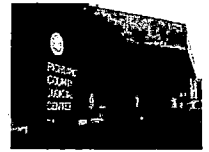
DEARRETT W. HARRISON  
C.C.P., S.S., & F.C.

2023 AUG 31 PM 4:08

RICHLAND COUNTY  
FILED



# Richland County Fifth Judicial Circuit Public Index



Richland County Home Page Online Payments Public Index City of Columbia Municipal Ct S.C. Judicial Department Summary Ct Dockets

<b>State of South Carolina vs Randolph Ashford</b>					
<b>Case Number:</b>	J556198	<b>Court Agency:</b>	Richland County General Sessions	<b>Filed Date:</b>	03/01/2007
<b>Case Type:</b>	Richland-Clerk	<b>Case Sub Type:</b>			
<b>Status:</b>	Disposed	<b>Assigned Judge:</b>	McDuffie, Mildred Weathers	<b>Disposition Judge:</b>	Cooper, G. Thomas Jr.
<b>Disposition:</b>	Trial Guilty				
<b>Disposition Date:</b>	04/03/2009	<b>Date Received:</b>	03/01/2007	<b>Arrest Date:</b>	02/25/2007
<b>Law Enf. Case:</b>	RCSD 702200424	<b>True Bill Date:</b>	04/19/2007	<b>No Bill Date:</b>	
<b>Prosecutor Case:</b>		<b>Indictment Number:</b>	2007GS4002048	<b>Waiver Date:</b>	
<b>Probation Case:</b>					

<b>Case Parties</b>							
<small>Click the <input checked="" type="checkbox"/> icon to show associated parties.</small>							
Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
<input checked="" type="checkbox"/> Ashford, Randolph	4801 Muir Street Lot 8 Columbia SC 29203-	Black	M	1965	Defendant		03/01/2007
<input type="checkbox"/> Croxton, Thomas	5623 Two Notch Road Columbia SC 29223				Officer		06/23/2007
<input checked="" type="checkbox"/> Lipson, Renee	Richland County Public Defender P O Box 192 Columbia SC 29202				Public Defender		06/23/2007
<input checked="" type="checkbox"/> Strickler, Douglas Steven	Richland County Chief Public Defender P O Box 192 Columbia SC 29202				Public Defender		06/23/2007

<b>Charges</b>			
Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Ashford, Randolph	0079-Burglary / Burglary (After June 20, 1985) - First degree	0079-Burglary / Burglary (After June 20, 1985) - First degree	04/03/2009

<b>Sentencing</b>							
And/Or	Description	Amount	Units	Begin Date	End Date	Completion Date	Consecutive or Concurrent
	20 YEARS - CONSECUTIVE - CREDIT FOR TIME SERVED FROM 2-24-07						

<b>Actions</b>							
Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents	
Ashford, Randolph	Motion for Pretrial Conference	Motion		08/01/2023-12:52			
Ashford, Randolph	Letter/Letter	Filing		08/01/2023-12:49			

Ashford, Randolph	Affidavit/Affidavit of Randolph Ashford	Filing		08/01/2023-12:41		
Ashford, Randolph	Motion for Appointment of Counsel	Motion		08/01/2023-12:40		
Ashford, Randolph	Motion for New Trial Based on After Discoverd Evidence	Motion		01/31/2023-12:39		
Ashford, Randolph	Letter/ AG's closing file/SC Appeal order/remittitur	Filing		01/05/2017-12:46		
Ashford, Randolph	Order/SC Court of Appeals/pet for writ certiorari is Denied	Order		12/08/2016-11:59		
Ashford, Randolph	Order/Order	Order		04/29/2015-12:49		
Ashford, Randolph	State's Response to Def's Motion for Post Conv. DNA Testing	Filing		07/18/2013-15:39		
Ashford, Randolph	Motion/Application for DNA Testing	Motion		04/23/2013-15:28		
Ashford, Randolph	Order clarifying sentence	Order		04/14/2009-11:26		
Ashford, Randolph	Active - Non Probation	Filing		04/06/2009-08:56		
Ashford, Randolph	Order/Relieve Counsel	Order		01/02/2009-00:00	04/03/2009-00:00	
Ashford, Randolph	Order/Relieve Counsel	Order		01/02/2009-00:00	04/06/2009-00:00	
Ashford, Randolph	Order/Order	Order		09/30/2008-00:00	04/06/2009-00:00	
Ashford, Randolph	Order/Order motion to relieve counsel Relieved	Order		09/26/2008-11:48	04/06/2009-11:48	
Ashford, Randolph	Order/Order motion to relieve counsel Relieved	Order		09/26/2008-11:48	04/03/2009-11:48	
Ashford, Randolph	Order/Order	Order		09/26/2008-00:00	04/06/2009-00:00	
Ashford, Randolph	Order/Order	Order		09/26/2008-00:00	04/03/2009-00:00	
Ashford, Randolph	Order BOND BDIS DENIED	Order		02/28/2007-12:12	04/06/2009-12:12	
Ashford, Randolph	Order BOND BDIS DENIED	Order		02/28/2007-12:12	04/03/2009-12:12	
Ashford, Randolph	Certificate of Service	Filing		02/28/2007-09:17	04/06/2009-09:17	
Ashford, Randolph	Certificate of Service	Filing		02/28/2007-09:17	04/03/2009-09:17	
Ashford, Randolph	Motion/Defendants Motion For Discovery & Disclosure Of Evide	Motion		02/28/2007-09:16	04/06/2009-09:16	
Ashford, Randolph	Motion/Defendants Motion For Discovery & Disclosure Of Evide	Motion		02/28/2007-09:16	04/03/2009-09:16	
Ashford, Randolph	WAIVER OF APPEARANCE AND BOND	Filing		02/28/2007-09:16	04/03/2009-09:16	
Ashford, Randolph	WAIVER OF APPEARANCE AND BOND	Filing		02/28/2007-09:16	04/06/2009-09:16	
Ashford, Randolph	Certificate of Service	Filing		02/27/2007-09:15	04/06/2009-09:15	
Ashford, Randolph	Certificate of Service	Filing		02/27/2007-09:15	04/03/2009-09:15	
Ashford, Randolph	Motion/Defendants Motion For Discovery & Disclosure Of Evide	Motion		02/27/2007-09:14	04/03/2009-09:14	

Ashford, Randolph	Motion/Defendants Motion For Discovery & Disclosure Of Evide	Motion		02/27/2007- 09:14	04/06/2009- 09:14	
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## Financials

### Summary

Fine/Costs:	\$133.90	Total Paid for fine/costs:	\$0.00	Balance Due:	\$133.90
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### Costs

Description	Cost Code	Amount	Charge Action	Disbursed Amount
Fine to State 44%	AFINES	\$0.00		\$0.00
Fine to General Fund	AFNEGF	\$0.00		\$0.00
Victim Services Asm 38.0013% / 5.7831%	ASMVIC	\$0.00		\$0.00
Victim Conviction Surcharge \$100 / \$25	CVSRCH	\$100.00		\$0.00
Law Enforcement Funding Surcharge \$25	LEFSUR	\$25.00		\$0.00
SC Criminal Justice Academy Training	SCCJAT	\$5.00		\$0.00
State Assessment	STAASM	\$0.00		\$0.00
Collection Fee 3%	CFEE3%	\$3.90		\$0.00

### Payments

Payment Date	Receipt Number	Entered By	Transaction Type Code	Payment Amount
None				

# The South Carolina Court of Appeals

The State, Respondent,

v.

Randolph Ashford, Appellant.

Appellate Case No. 2023-001463

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## ORDER

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In 2009, a Richland County jury convicted Appellant of first-degree burglary, AWIK, ABHAN, three (3) counts of carjacking, and two (2) counts of kidnapping. The trial court sentenced him to an aggregate term of forty (40) years imprisonment and ordered him to register as a sex offender.

In 2023, the Appellant filed a pro se motion titled "Motion for New Trial Based on After-Discovered Evidence." Although the Richland County Clerk of Court initially placed the matter on a CPNJ motions hearing roster, the circuit court ordered the matter removed from the roster; the circuit court then ruled on the matter without a hearing, based on filings. There is no indication that the Richland County Clerk of Court notified Appellant of Judge Robert Hood's August 22, 2023 Order of Dismissal or provided him with a copy of the Order of Dismissal.

On September 14, 2023, Appellant wrote the South Carolina Supreme Court to ask that the Court inquire as to the removal of his motion from the Richland County motions hearing roster. The Supreme Court construed Appellant's letter as a Notice of Appeal and transferred the appeal to this court on September 18, 2023.

It appears Appellant was unaware that his September 14 letter was construed by the appellate courts as a Notice of Appeal. Appellant was thus understandably confused when he received a deficiency letter inquiring as to his failure to provide a dismissal order he still had not received from Richland County; he confirmed this lack of written notice in a letter this court received on September 27. In this letter, Appellant requested "a copy of the appeal and/or this case order of dismissal from

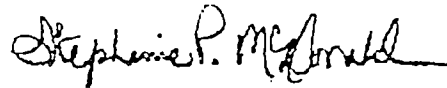
the lower court." At this point, Appellant still had no copy of the order of dismissal, nor proper written notice of such.

On October 4, 2023, this court mailed Appellant a copy of his "notice of appeal and accompanying filings." In this letter, the court instructed Appellant as to the remaining steps to be taken to correct certain deficiencies in the appeal. On October 16, 2023, Appellant filed an amended notice of appeal and proof of service upon the Richland County Clerk of Court, as well as the Clerks of the Supreme Court and Court of Appeals. Appellant separately wrote to request appointment of counsel should the appeal be allowed to proceed.

Following an October 19, 2023 letter from this court regarding proof of service upon the State of South Carolina, Appellant timely served proof of service of the Notice of Appeal upon John Walter Whitmer, Esq., Attorney General Alan M. Wilson, and Senior Assistant Attorney General Mark R. Farthing.

Appellant's request to appoint counsel is denied. *See State v. Clinkscales*, 318 S.C. 513, 515, 458 S.E.2d 548, 549 (1995) (holding a motion for new trial based on after-discovered evidence is not a critical stage of the criminal prosecution to which the right to counsel attaches).

Appellant's initial brief and designation of matter is due within thirty days of the date of this order.



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FOR THE COURT

Columbia, South Carolina

cc:  
Randolph Ashford, 00256638  
John Walter Whitmire, Esquire  
Alan McCrory Wilson, Esquire  
Mark Reynolds Farthing, Esquire

**FILED**  
**Nov 13 2023**

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5. Petitioner/Defendant, complained of trial counsel ineffectiveness prior to trial, during the trial, and after the trial at the (PCR) hearing before the Honorable Judge Goldsmith; See: attached Plaintiff Exhibit - 2, 03/31/2015, submitted at the (PCR) hearing, Also see Trial Transcript

6. Petitioner/Defendant, Arrest warrant, description of offense, Sex/Criminal Sexual Assault, Indictments for Criminal Sexual Conduct 1st Degree SC Code 16-3-652, CDR Code:0160, See: attached verdict form filed (9) years later ( Not Guilty ), and no evidence to support Assault and Battery of a High and Aggravated Nature. See: Attached Warrant, Indictment, and verdict form.

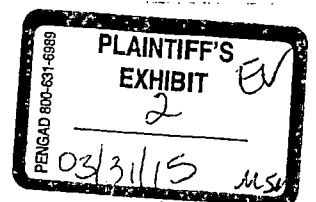
August 29, 2023.  
fairFax, South Carolina

  
Randolph Ashford # 256638

ONE 21

why do he sit there and don't object  
He probably does not want to highlight  
the issue.

Sometimes we have to make that decision  
b/c maybe the jury did not interpret  
it the same way we did and if we  
saw something it highlights it and  
the jury is like Oh, they did not  
want us to hear it.



STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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RECEIVED  
FEB 26 2024  
SC Court of Appeals

Appeal From Richland County  
Robert E. Hood, Chief Administrative Judge

---

Randolph Ashford

Appellant,

v.

The State of South Carolina

Respondent,

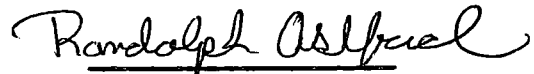
Appellant Case No. 2023-001463

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CERTIFICATE OF SERVICE

I do hereby certify that I have serve the following counsels of record the original and a copies of the initial Appellant's Brief by placing the same in the United States mail with the sufficient postage affixed thereto here at the Allendale Corr. Inst. Mail-room this date below.

February 21, 2024.



Randolph Ashford # 256638

Enclosures

CC: John Walter Whitmire, Esquire  
Alan McCrory Wilson, Esquire  
Mark Reynolds Farthering, Esquire

Randolph Ashford # 256638  
Allendale Corr. Inst. F-3, B-13  
1057 Revolutionary Trail  
FairFax, South Carolina - 29827

February 21, 2024.

**RECEIVED**  
FEB 26 2024  
SC Court of Appeals

South Carolina Court of Appeals  
Jenny Abbott Kitchings, Clerk  
Post Office Box 11629  
Columbia, South Carolina - 29211

Re: Ashford v. State, Case No. 2023-001463

Dear Ms Kitchings:

Enclosed you will find the original and a copy of Appellant Initial Brief for your filing. Please return a filed copy to me for my record in the self addressed envelope provided for the return of the copy.

( Please return copy of the initial brief only).

Thank you very much.

Sincerely,

*Randolph Ashford*

Enclosures

CC: John Walter Whitmire, Esquire  
Alan McCrory Wilson, Esquire  
Mark Reynolds farthing, Esquire

Randolph Ashford # 256638  
Allendale Corr. Inst. F-3, B-13  
1057 Revolutionary Trail  
Fairfax, South Carolina - 29827



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FEB 20 2024

The SC Court of Appeals  
South Carolina  
Court of Appeals  
Jenny Abbott Kitchings, Clerk  
P.O. Box 11629  
Columbia, South Carolina - 29211

LEGAL MAIL