

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Court of General Sessions
Paul Burch, Circuit Court Judge

Case No. 2012-210570

RECEIVED
AUG 19 2013
SC Court of Appeals

THE STATE

vs.

Respondent,

WILLIE RITTER

Appellant.

RECORD ON APPEAL

William B. von Herrmann
216 Elm Street
Conway, South Carolina 29526
(843) 488-1030
Attorney for Appellant

David Spencer
Assistant Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727
Attorney for Respondent

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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL SESSIONS
FIFTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

CR. NO. 2007-GS-40-4465

v.)

ORDER DENYING DEFENDANT'S
MOTION TO VACATE GUILTY PLEA AND
MOTION TO RECONSIDER SENTENCING

WILLIE RITTER,
Defendant.)

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On October 31, 2011, the Court heard Willie Ritter (Defendant's) Motion to Reconsider Sentencing and Motion to Vacate the Guilty Plea. Present at the hearing were Fifth Circuit Assistant Solicitor Luck Campbell, for the State, and William Bertram Von Herrmann, for the Defendant. The Court denies Defendant's motions.

Procedural Background

On July 20, 2009, Defendant entered a plea of guilty to one count of Homicide by Child Abuse before Judge Paul Burch. At the time of his plea, he was represented by Attorney Jan Strifling, of Columbia.

At the guilty plea, Judge Burch advised the Defendant of the constitutional rights he was waiving, and discussed with the Defendant his privilege against self-incrimination, rights to a jury trial, and right to confront his accusers. Judge Burch also questioned the defendant about the facts surrounding the crime and the punishment that could be imposed.

Judge Burch then deferred sentencing pending the receipt of sentencing memorandums from counsel and a presentence investigation. On September 21, 2009, Judge Burch sentenced the Defendant to twenty years.

On September 25, 2009, Defendant, by and through his attorney Jan Strifling, moved that the Court reconsider the sentence imposed on the Defendant September 21, 2009.

On December 8, 2010, the Court ordered that William B. von Herrmann be substituted as counsel of record for the Defendant, and relieved Jan Strifling.

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The Court heard Defense's Motion to Reconsider Sentencing on October 31, 2011. At the hearing, the Defendant also moved to vacate the guilty plea. A Motion to Vacate the Guilty Plea was never submitted in writing. Rather, the motion was made on the record at the October 31, 2011, hearing.

Defendant's Motion to Reconsider

Sentencing was imposed by Judge Burch on September 21, 2009. The Motion to Reconsider was timely filed by Defendant on September 25, 2009.

The authority to change a sentence rests exclusively with the sentencing judge and is within his or her discretion. *State v. Smith*, 276 S.C. 494, 498, 280 S.E.2d 200, 2010 (1981). A judge or other sentencing authority is to be according very wide discretion in determining an appropriate sentence, and must be permitted to consider any and all information that reasonably might bear on the proper sentence for the particular defendant, given the crime committed. *Wasman v. United States*, 468 U.S. 559, 563, 104 S.Ct. 3217, 82 L.Ed.2d 424 (1984).

Defense has failed to present any new or enlightening information regarding sentencing. The Court has once again considered all information that may determine proper sentencing, and finds that, given the facts and circumstances and lack of any new perspective, the original sentence of twenty years was appropriate. Thus, Defendant's Motion for Reconsideration is DENIED.

Defendant's Motion to Vacate Guilty Plea

The Defendant failed to file a Motion to Vacate the Guilty Plea in writing within ten (10) days after the imposition of sentence. Instead, the Defendant made its Motion to Vacate during the hearing for the previously filed Motion to Reconsider at the October 31, 2011, hearing in open court with a court reporter present.

Rule 4(a) of the SC Rules of Criminal Procedure is as follows: "An application to the court for an order shall be by motion which, unless made during a hearing or trial in open court with a court reporter present, shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought. The requirement of writing is fulfilled if the motion is stated in a written notice of the hearing of the motion." Rule 4(a), SCRCrimP.

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Also, "Except for motions for new trials based on after-discovered evidence, post trial motions shall be made within ten (10) days after the imposition of the sentence... The time within which to make the motion shall not be affected by the ending of a term of court or departure of the judge from the circuit, and the circuit judge shall retain jurisdiction of the action for the purpose of hearing and disposing of the motion if not heard and disposed of during the term..." Rule 29(a), SCRCrimP.

Defendant's motion was not a motion for new trial based on after-discovered evidence. Defendant's post-trial motion was not made within ten (10) days of September 21, 2009. The motion to vacate was not timely filed, and thus the Court does not have the authority to decide Ritter's motion to vacate.

In *State v. Warren*, Appellant Warren appealed guilty pleas to burglary in the first degree and attempted armed robbery. *State v. Warren*, 392 S.C. 235, 236, 708 S.E.2d 234, 235 (2011). After sentencing, Warren filed a timely motion to withdraw her pleas. *Id.* She then later amended her post trial motion to request reconsideration of her sentence, specifically abandoning the motion to withdraw her plea. *Id.* Warren argued to the SC Court of Appeals that the circuit court erred in finding it was without authority to consider her untimely motion to reconsider the sentence. *Id.* The Court of Appeals affirmed the circuit court's finding that her motion to reconsider was not timely filed, and found that her motion to reconsider her sentence, like the motion to withdraw a guilty plea, was subject to the ten day time period prescribed in Rule 29. *Id.* 392 S.C. at 240, 708 S.E.2d at 236. The Court of Appeals concluded that because the motion was filed more than three years after imposition of the sentence, Warren's motion was not timely, and thus was denied. *Id.*

The case at hand is distinguishable from *Warren* in that here, Defendant never filed a motion to vacate or amended its motion to reconsider. Rather, Defendant's motion to vacate was made October 31, 2011. In *Warren*, the Defendant filed a timely motion to withdraw pleas and, over three years later, moved to amend to seek a reconsideration of sentence. Per *Warren*, both motions to reconsider and motions to vacate are subject to the ten day time period in Rule 29. *Id.* Defendant obviously did not comply in the case at hand. Further, the Court in *Warren* concluded that despite efforts to amend, supplement, or convert her original post trial motion, because it was filed more than three years after imposition, her motion was not timely. *Id.* Similarly, Defendant's motion was filed over two years after the imposition of sentencing. Regardless of any assertions to withdraw the motion to reconsider and replace it with the motion to vacate, to amend the motion to reconsider,

or to simply move to vacate in addition to reconsider, Defendant's motion to vacate is clearly untimely, leaving the Court without authority to hear it.

Even if the Court were to entertain Defendant's motion to vacate, it would still be denied:

"The withdrawal of a guilty plea is generally within the sound discretion of the trial judge." *State v. Riddle*, 278 S.C. 148, 150, 292 S.E.2d 795, 796 (1982). A trial judge should not accept a guilty plea without an affirmative showing that it was intelligent and voluntary. *Boykin v. Alabama*, 395 U.S. 238, 241, 89 S.Ct. 1709, 23 L.Ed.2d 274 (1969). Also, to intelligently and voluntarily enter a plea of guilty, all that is required is that a defendant have a full understand of the consequences of his plea and the charges against him. *Simpson v. State*, 317 S.C. 506, 508, 455 S.E.2d 175, 176 (1996). The record in a guilty plea proceeding must establish the factual basis for the plea. *LoPiano v. State*, 270 S.C. 563, 569, 243 S.E.2d 448, 451 (1978); *State v. Armstrong*, 263 S.C. 594, 598, 211 S.E.2d 889, 891 (1975). When a trial judge accepts a guilty plea, he "is free to use any appropriate procedure for determining the accuracy of the guilty plea. The judge must be certain that the defendant understands the charge and the consequences of the plea and that the record indicates a factual basis for the plea." *Armstrong*, 263 S.C. at 598, 211 S.E.2d at 891. "All that is required before a plea can be accepted is that the defendant understand the nature and crucial elements of the charges, the consequences of the plea, and the constitutional rights he is waiving, and that the record reflect a factual basis for the plea." *Rollison v. State*, 346 S.C. 506, 511, 552 S.E.2d 290, 292 (2001).

State v. Rikard, 371 S.C. 295, 300-301, 638 S.E.2d 72, 75 (2007).

Ritter argues that his guilty plea should be vacated. This argument is based on the recent S.C. Supreme Court decision *State v. Abel Jacobs*, handed down July 25, 2011, in which the Supreme Court affirms the circuit court's decision that a sentence for burglary in the first degree cannot be suspended under the language of S.C. Code 24-21-410. *Jacobs*, 393 S.C. 584, 713 S.E.2d 621 (2011). In *Jacobs*, Appellant pled guilty to burglary in the first degree. *Id.* The circuit court found that a sentence for burglary 1st was not suspendable under S.C. code 24-21-410 and sentenced Appellant to fifteen years. *Id.* On appeal, Appellant argued that a sentence for the conviction of first degree burglary is suspendable because the burglary statute does not expressly prohibit suspension. *Id.* The Supreme Court held "the trial court lacked the authority to suspend the sentence for first degree burglary; state gave the trial judge the discretion to suspend a criminal sentence in favor of probation unless the seriousness of the crime warranted a penalty of death or life imprisonment..." *Id.*, 393 S.C. at 587, 713 S.E.2d at 622.

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§ 24-21-410 states:

After conviction or plea for any offense, except a crime punishable by death or life imprisonment, the judge of a court of record with criminal jurisdiction at the time of the sentence may suspend the imposition or the execution of a sentence and place the defendant on probation or may impose a fine and also place the defendant on probation. Probation is a form of clemency.

S.C. Code Ann. § 24-21-410 (Supp. 2010). Ritter argues that like burglary 1st, the penalty for homicide by child abuse is punishable by death or life imprisonment, and thus, per *Jacobs*, a sentence for homicide by child abuse is not suspendable.

The *Jacobs* case does not change the characterization of Ritter's guilty plea as freely, voluntarily, or intelligently made. The record clearly reflects that both Ritter and his attorney understood the nature of the charge, the consequences of the plea, and the constitutional rights he was waiving, and that a factual basis was made by the Solicitor. The following exchange occurred between Judge Burch and defendant:

The Court: The indictment alleges that in Richland County on or about May 18th, 2007 that you caused the death of a child under the age of 11, that is Javon Simpson, ten months old, while committing child abuse or neglect, and that the death occurred under circumstances manifesting an extreme—extreme indifference to human life in violation of South Carolina code section 16-3-85(A)(1)(B)(1) of our code of laws, 1976 as amended. For that particular offense, the maximum possible penalty is up to life imprisonment with a minimum sentence of 20 years. However, that is not what we term a mandatory minimum sentence. The—we will have further discussion about that in a few minutes, but for right now I'm advising you of—when I say it's not a mandatory minimum sentence, that means that the minimum sentence portion of the statute can be suspended, as I understand the law. Now, have you got any questions about this charge?

The Defendant: No, sir.

Moreover, shortly thereafter, Defendant's lawyer, Jan Strifling, confirmed Ritter's understanding at the plea when he stated to the court:

Attorney Strifling: So we—we also enter this plea, Your Honor, with the understanding that the Court, as you have stated, believes that the statute under which my client is pleading is a suspendible statute. In other words, he's facing 20 to life, and Your Honor can give him a suspended sentence, you know, give him some committed sentence which you can suspend all or part of it. Now that's not to say that there has been any discussion of a sentence. In other words, as to what, if any, suspended sentence you give. There is no agreement with the Solicitor's Office. There is no agreement with your Honor. We have not discussed it, and so while—while the condition that I stated seem to be what we have agreed to, there

is no—we did not discuss it with Mr. Ritter in his plea that if he did this, he would get this...

The Court: Thank you.

The clarification of sentencing for burglary 1st in *Jacobs* does not change the status of Ritter's plea. "The correct penalty is the one in effect at the time of sentencing, even if the penalty is repealed while the appeal is pending." *State v. Varner*, 310 S.C. 264, 265, 423 S.E.2d 133 (1992). "Thus, a criminal defendant receives the benefit of punishment mitigated by legislative amendment only when the amendment becomes effective before sentence is pronounced." *Id.* Clearly, the *Jacobs* decision was handed down well after the imposition of sentencing for Ritter. As of September 21, 2009, the Court had yet to speak on the possibility of a suspended sentence on crimes punishable by death or life imprisonment. Therefore, the subsequent clarification of the law does not affect sentencing.

At sentencing, Ritter had a full understanding of the consequences of his plea. He was advised of the mandatory minimum, the maximum, and the possibility of suspension. The Court considered a suspended sentence at Ritter's sentencing, as *Jacobs* had yet to be decided. Still, the Court did not impose a suspended sentence. Sentencing is not and was not affected by the subsequent decision that a penalty involving death or life imprisonment is not suspendable.

Ritter also argues that the Court should grant his motion to vacate based on *State v. Roddy*. *Roddy*, 339 S.C. 29, 32, 528 S.E.2d 418, 420 (2000). However, *Roddy* is distinguishable from the case at hand. In *Roddy*, Respondent entered a guilty plea and instead of receiving the negotiated plea, he received one that was more severe. *Id.*, 339 S.C. at 32, 528 S.E.2d at 420. Roddy appealed, argued that he thought the plea negotiations were binding and was unaware the judge could deviate. *Id.* The Supreme Court held "Defendant's guilty plea was knowing and voluntary, where plea judge explained the maximum sentence for each offense and defendant acknowledged that he understood the maximum sentence for each charge, defendant admitted that his guilty plea was not induced by any promises from his attorney that he would get concurrent sentences, defendant knew that his negotiated plea was not binding, defendant acknowledged that judges had option of sentencing him to either concurrent or consecutive time, and respondent's counsel stated that they merely 'hoped' the plea judge would accept the state's recommendation." *Id.* 339 S.C. at 34, 528 S.E.2d at 421.

The respondent in *Roddy* entered his guilty plea with negotiations. Even with the negotiations, his plea was deemed knowing and voluntary. Ritter's plea was entered without negotiations or recommendations, and

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according to the record, he understood this fact. Further, in accordance with *Roddy* and in review of the record, even if it had been negotiated, his plea was still voluntarily and knowingly made. Ritter acknowledged at the plea hearing that he had been made no promises as to sentence.

As Ritter's plea was voluntarily, knowingly, and intelligently made, the motion to vacate would be denied.

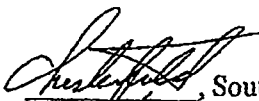
Defendant's Motion to Vacate Guilty Plea is DENIED.

Defendant's Motion to Reconsider Sentencing is DENIED.

AND IT IS SO ORDERED.




The Honorable Paul Burch
Presiding Judge, Fourth Judicial Circuit
Court of General Sessions



South Carolina
This 5th day of March, 2012

ISO MOVE:



Kathryn Luck-Campbell, Deputy Solicitor
Fifth Judicial Circuit

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1 MS. SHIPLEY: May it please the Court, Your Honor.

2 THE COURT: Yes.

3 MS. SHIPLEY: Your Honor, I'm Vanessa Shipley with
4 the Richland County Solicitor's Office. Standing before
5 you is Willie Ritter. He is represented by Jan Strifling
6 from the private bar.

7 Your Honor, Mr. Ritter was charged back on May 18,
8 2007 with homicide by child abuse. The State was prepared
9 to call his case for trial today. His attorney has
10 indicated he wishes to plead guilty at this time.

11 THE COURT: Thank you, Solicitor.

12 Mr. Ritter, I need your age.

13 THE DEFENDANT: Yes, sir. I'm 65.

14 THE COURT: And where are you from?

15 THE DEFENDANT: Here in Columbia, South Carolina.

16 THE COURT: You're a resident of Richland County?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Your education?

19 THE DEFENDANT: Master's degree in Education;
20 Commanding General Staff, United States Army.

21 THE COURT: And with that said, you are retired
22 military?

23 THE DEFENDANT: Yes, sir.

24 MR. STRIFLING: Retired Colonel.

25 THE COURT: Mr. Ritter, have you discussed the charge

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1 that the State has presented against you with your
2 attorney and also discussed with him your jury trial
3 rights?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you understand all of his advice at
6 this time?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: All right. I'm going to go over these
9 charges with you. If you have any questions, please ask
10 me to pause, and we'll let your attorney respond to any
11 questions you have. Then if you have any questions of me,
12 you just let me know.

13 The indictment alleges that in Richland County on or
14 about May 18th, 2007 that you caused the death of a child
15 under the age of 11, that is Javon Simpson, ten months
16 old, while committing child abuse or neglect, and that the
17 death occurred under circumstances manifesting an
18 extreme -- extreme inference to human life in violation of
19 South Carolina code section 16-3-85(A)(1)(B)(1) of our
20 code of laws, 1976 as amended.

21 For that particular offense, the maximum possible
22 penalty is up to life imprisonment with a minimum sentence
23 of 20 years. However, that is not what we term a
24 mandatory minimum sentence.

25 The -- we will have further discussion about that in

1 a few minutes, but for right now I'm advising you of --
2 when I say it's not a mandatory minimum sentence, that
3 means that that minimum sentence portion of the statute
4 can be suspended, as I understand the law.

5 Now, have you got any questions about this charge?

6 THE DEFENDANT: No, sir.

7 THE COURT: And how do you plead to this charge?

8 (Pause).

9 THE DEFENDANT: I'm guilty.

10 THE COURT: Do you understand by entering a plea of
11 guilty that you waive your constitutional right to a jury
12 trial?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: If you had a jury trial, the State would
15 have to prove your guilt beyond a reasonable doubt and
16 convince 12 jurors unanimously of your guilt. In other
17 words, all 12 would have to vote to convict you in order
18 to find you guilty. Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: If you have a trial, you could
21 cross-examine the State's witnesses and put up your own
22 defensive witnesses. Do you understand that?

23 THE DEFENDANT: Yes, I do.

24 THE COURT: You also understand that you could
25 testify at your own defense, but you would also have a

1 If we could -- I'll be glad to get him on the
2 telephone for Your Honor or clerk or however you want to
3 do that to confirm that, that part of it.

4 So we -- we also enter this plea, Your Honor, with
5 the understanding that the Court, as you have stated,
6 believes that the statute under which my client is
7 pleading is a suspendible statute.

8 In other words, he's facing 20 to life, and Your
9 Honor can give him a suspended sentence, you know, give
10 him some committed sentence which you can suspend all or
11 part of it.

12 Now, that's not to say that there has been any
13 discussion of a sentence. In other words, as to what, if
14 any, suspended sentence you give.

15 There is no agreement with the Solicitor's Office.
16 There is no agreement with your Honor. We have not
17 discussed it, and so while -- while the conditions that I
18 stated seem to be what we have agreed to, there is no --
19 we did not discuss with Mr. Ritter in his plea that if he
20 did this, he would get this.

21 So it's simply that ability is there for Your Honor,
22 and I think that's the -- that's his understanding, and I
23 think that he would agree that -- that there is sufficient
24 evidence for a jury to find an extreme indifference, and
25 therefore, convict him under the statute, and the rest, of

1 MR. STRIFLING: Thank you, Your Honor. May it
2 please the Court. We have a number of people who are
3 here on behalf of Mr. Ritter, people who are here on
4 behalf of Mr. Ritter.

5 If you could stand please, briefly. Most of them,
6 Your Honor, would like to address the Court about what
7 they know of Mr. Ritter's character. I told them to
8 please try to be brief.

9 I realize that kind of strains the --- strains
10 the Court, but nevertheless, all of them are very
11 insistent on doing it. I have a list. I'd like to
12 call one at a time of to speak to the Court.

13 THE COURT: You may proceed.

14 MR. STRIFLING: Thank you, Your Honor.

15 First Reverend --- stand right up here and tell
16 us your name and tell us what you'd like to say for
17 the record.

18 PASTOR: MY name is (unintelligible).

19 THE COURT REPORTER: I'm sorry. What? Your name
20 is what?

21 PASTOR: Jay Walter Hills, H-I-L-L-S.

22 THE COURT REPORTER: Thank you.

23 PASTOR: I've known Mr. Ritter for the past
24 ten-plus years, mainly in the capacity of pastor. He
25 was a member of the Second Nazareth Church where I

1 pastored beginning in 1999.

2 I've known him on a personal level. He and his
3 mother and my wife and I were friends. I frequent
4 both his home and the day care center. I know him to
5 be a man of impeccable character, one who has a heart
6 for the youth of our community, the church and that
7 the individual that was very conscious about the
8 welfare of the community at large.

9 MR. STRIFLING: Thank you, Reverend.

10 Ms. Ruth Hill.

11 MS. HILL: I'm Ruth Hill. I'm first director for
12 the youth center. During that time, Mr. Ritter and I
13 organized a cotillion for young men to be able to go
14 to college. He has always been a giving person.
15 Never taking.

16 He is a man of integrity, and he loves children.
17 He loves the youth. He has worked hard in the
18 community with the youth, and Mr. Ritter and I, we
19 took children, the youth, on trips to Washington, D.C.
20 where he took care of their affairs, the housing for
21 them, the transportation. He's just a giving person.

22 MR. STRIFLING: Thank you. Thank you.

23 Barbara Conwright.

24 MS. CONRAD: My name is Barbara Conwright, and
25 I've known Mr. Ritter for about 20 years, and

1 through --- basically, through my son.

2 As a single parent, he put upon himself to handle
3 the cotillion, and for years he had a number of young
4 men that he would sponsor, help them with their
5 character, help them with self-esteem. They wrote
6 essays and so forth.

7 As a result, my son went to WestPoint, graduated
8 from there, and Mr. Ritter was very instrumental, not
9 just in the initial part of him going, but throughout
10 his four years, he was always calling and checking on
11 him and saying, "Do you need anything?"

12 He has been one of impeccable character and a
13 very giving person, a very loving person. He loves
14 children. Also, a church I was attending at the time
15 used his facility.

16 We didn't pay him not one penny, but he poured
17 into the church. The church has now moved to a larger
18 facility, and he helped to build that. The church is
19 still going forward. He is that kind of person.

20 I've seen him take little children and even teach
21 them, and I'm talking about the very young, before
22 they were school age. So I know him as a very caring,
23 loving person, and never, ever have I seen anything
24 other than that kind of character exhibited. He was
25 also a member of that particular church at the time.

1 MR. STRIFLING: Thank you, ma'am.

2 Mr. Pinkney.

3 MR. PINKNEY: My name is Michael Pinkney. I have
4 known Mr. Ritter for a little over 20 years, and in
5 those years, I worked at the day care.

6 I have seen kids go for years there without even
7 paying, you know. He also sponsored my baseball team
8 where he supplied all of my kids cleats, equipment for
9 them over, you know, a number of years.

10 We had --- what we had for the kids, we had all
11 the kids in tuxedos that he paid for. You know, over
12 the twenty years that I have known him, he's just
13 always been a giving person, you know, for the kids in
14 the community.

15 MR. STRIFLING: Bobby Taylor.

16 MR. TAYLOR: Excuse me. I'm his first cousin.
17 I've been knowing him my entire 60 years of living,
18 and he hadn't been anything but a person of kindness.

19 (Crying)

20 That's all.

21 MR. STRIFLING: Dr. Ray.

22 UNIDENTIFIED MAN: I'm not a medical doctor. I'm
23 a former television anchorman in Washington, D.C. My
24 purpose is my calling. I was a weather man.

25 When I left television as an anchor, I went into

1 business, and 25 years ago I started a federal credit
2 union, one of the first to step up with \$1,000 was
3 Colonel Ritter. All I gave him was a card. That was
4 25 years ago.

5 I relocated to North Carolina, and I watched him
6 save this teenage world. When the sponsors didn't
7 have enough money, Colonel Ritter took his credit card
8 out for \$7,000 and put that to make sure that they got
9 those dollars.

10 Over the 25 years that I've known him, I watched
11 him give and give and give without looking for
12 anything in return. I've never seen a man give so
13 much and never had an ulterior motives to get
14 something out of it.

15 Now, he never got nothing back from the \$1,000 he
16 gave me 25 years ago other than a card saying he was a
17 member. The \$7,000 he put up for this --- that
18 teenager girl, he never got that back.

19 I started working for Bentley Products (phonetic).
20 Every Christmas for 25 years this man bought baskets,
21 spent at least \$1,000 or more every year for his
22 entire staff at the day care center. He never asked
23 me for nothing in return.

24 I don't know many people like that, and if I was
25 anchoring the news today, he would be one of the first

1 people that I would spend my time to cover.

2 He's a great statesman. I'm pleased to be here
3 from Kernersville, North Carolina today to show my
4 association with him. Thank you.

5 THE COURT: Thank you, sir.

6 THE COURT REPORTER: Could I get his name again,
7 please?

8 MR. STRIFLING: John Ray, R-A-Y.

9 THE COURT REPORTER: Thank you.

10 UNIDENTIFIED MAN: R-A-Y-E, John Raye.

11 MR. STRIFLING: Ms. Smith, Rosie Smith.

12 MS. SMITH: Good evening. I'm Rosie Smith. I'm
13 from Kernersville, and I've known Colonel Ritter for
14 20 years. I met him when he first got out of the
15 service.

16 He used to take young men to Washington, D.C. on
17 different runs. In other words, he tried to help the
18 community. Not only was he dedicated to his community,
19 he was dedicated to his country.

20 I know that deep in his heart, he regrets
21 everything that happened, and he's a good man. Thank
22 you.

23 MR. STRIFLING: Thank you, ma'am.

24 Joe Dudley.

25 MR. DUDLEY: I'm Joe Dudley, the founder of

1 Dudley Products. Colonel Ritter, we had a group of
2 kids we worked with and helped them in North Carolina
3 in Greensboro, North Carolina.

4 This group was so powerful that President Bush
5 gave him the Point of Light Award for what we've done
6 and Colonel Ritter was there to help support it.

7 He went to the school, and they had talked to the
8 kids and he made a difference. Again, just to let you
9 know the credibility of Dudley Products, I'm the only
10 African American that have ever been inducted into the
11 Hall of Fame with direct sales, along with Mary Kay
12 and some of the rest of the people, but Colonel
13 Saunders [sic] I done --- Colonel, I always call him
14 Colonel, but it's Kerner (phonetic), for 20-some years
15 that we have worked together, some form or fashion, so
16 with this pageant, I worked close with that.

17 He brought these kids, and we always gave them
18 scholarships. We did a lot of things, so Colonel, to
19 me, is a man of great integrity, a man that is really
20 about helping and making a difference. Thank you.

21 MR. STRIFLING: Thank you.

22 Daniel Arthur.

23 MR. ARTHUR: Yes. My name is Daniel Arthur. I
24 knew Mr. Ritter for 13 years. He's been my boss, my
25 mentor and to me, the biggest father figure I ever had

1 in my life.

2 When I first met Mr. Ritter, we had a basketball
3 team, and our coach only had one car that was like a
4 four-seater. He used to let us hold the vans from the
5 day care so we could go get to our games, go back and
6 forth.

7 Later on, he gave me a job, so after I went
8 through high school, he paid for every --- every
9 tuxedo I ever wore for homecoming, all my senior dues,
10 my cap and gown. I got a scholarship to college, and
11 it was a full basketball scholarship.

12 I --- it was in Alabama, and I didn't know how I
13 was going to get to Alabama. Mr. Ritter rented a
14 truck and took me all the way there and then gave me
15 some money.

16 Every time I needed to come back for home, he
17 made sure that that was possible. Just like I told
18 him, he's the biggest father figure I ever had in my
19 life, and I am an inner city child.

20 Thank you.

21 MR. STRIFLING: Wilma Hills.

22 MS. HILLS: My name is Wilma Hills, and I have
23 also knew Mr. Ritter for the past ten years, working
24 with him on several capacities as consultant with the
25 day care on a lot of projects.

1 I worked with him to establish minds that was
2 instrumental in helping to get scholarships for
3 children from the day care and also for other youth
4 that he had identified in the community that he wanted
5 to help.

6 I also publish a Christian magazine that we
7 featured Mr. Ritter as one of the feature stories, and
8 in that magazine, I was able to interview several
9 people from the community, several people that he had
10 helped and touched in the past in order to do research
11 for the article.

12 What I found out from that magazine interview and
13 from that research was that a lot of people held him
14 in high esteem. A lot of people looked at him as a
15 means by which he was the last resort for them getting
16 help.

17 While I was there, I also witnessed several
18 people calling him, asking him to help them pay their
19 light bill, help them to pay different things that was
20 going on with them at the time, and even though
21 Mr. Ritter may not have had the money in my presence,
22 he never said no.

23 As a matter of fact, one of the things he would
24 say is that he would have to go pick up some cans, and
25 he would get back with them. I would venture to say

1 that he picked up many cans for me.

2 MR. STRIFLING: Thank you, ma'am.

3 Robin Schick (phonetic).

4 MS. SCHICK: Your Honor, I've known Colonel
5 Ritter since 1980, September of 1980, as a matter of
6 fact. I'm retired now, but my responsibility when I
7 was working was to assist inmates to return to the
8 community as a successful citizen.

9 At that time, they would come in. They had
10 children, male and female. One or the other had no
11 job or no money and no day care.

12 He set aside specific beds in the day care just
13 for the inmates if they needed assistance. They
14 didn't have transportation, so he arranged for a van
15 to go to their homes and pick them up.

16 He had transportation when transportation wasn't
17 really legal or in --- a popular thing, as you say,
18 because they needed his help.

19 He wasn't in it for the money, because he knew
20 they could not pay him. He knew I could not pay it.
21 I had a job. I was just a volunteer coordinator
22 trying to get some assistance.

23 He never let us down. There were days when I
24 would take the bill, and we could --- owed him a lot,
25 financially and morally. He is a man of deep, very,

1 very deep emotion.

2 All he wants to do is help to improve his
3 community and his surroundings, and since I've known
4 him, it has been totally professional. That's all he
5 has ever done. Thank you.

6 MR. STRIFLING: Thank you, ma'am.

7 Darin Foster.

8 MR. FOSTER: My name is Darin Foster. I knew
9 Colonel Ritter from the military. We crossed paths
10 several times.

11 I first met him in 1970. In the late '80s, he
12 was my battalion commander. I worked directly for him.
13 I saw how he interacted with people. I saw how he
14 took responsibility for things.

15 I had to deal with him every day, dealing with
16 him and stuff. He was always there. He was always
17 listening. He took responsibility.

18 Since I've been out of the military, he and I
19 have gotten together on several ventures. We've been
20 to D.C. numbers of times, Alabama.

21 I had a small daughter. He would take her with
22 him. He would pay for her school responsibilities,
23 her financial. We didn't have to pay for anything.
24 He took care of everything.

25 I was with him when he left the first battalion.

1 He helped set that up. We would go running; I'm a
2 runner. We went to D.C., went to Virginia. I mean,
3 he paid for the whole thing. So he has always been
4 caring. He took responsibility, and he gave back to
5 the community.

6 Thank you.

7 MR. STRIFLING: Thank you, sir.

8 Lee Carroll.

9 THE COURT REPORTER: I'm sorry, what was the name
10 again?

11 MR. STRIFLING: Lee Carroll.

12 (There was no response.)

13 Woodrow Wilson.

14 MR. WILSON: My name is Woodrow Wilson. I am ---
15 I've known Willie Ritter since my first memories in
16 life. He is the same age as my older brother, and one
17 of the people that all of us as children in the
18 community look to as a big brother and a mentor ---
19 I'm talking about a lifetime here --- was Willie
20 Ritter.

21 He was one of the few guys of my brother's
22 generation that graduated from high school. He was
23 one of the few guys from my brother's generation who
24 went on to college or started college.

25 He always gave back to the community. He would

1 look us up. He never forgot a name. He was a fine
2 fellow. He made sure we were still in school, made
3 sure we were doing well in school.

4 So the fact that I went to school and got
5 multiple degrees, that was the guy that I looked to.
6 As a young adult, I was in Washington, D.C. one time.
7 He was working at the Pentagon.

8 I spent a day with him in Washington. He
9 probably doesn't even remember that. I came back to
10 Columbia. I started a business for myself, and I've
11 been running into Mr. Ritter.

12 He asked to me consult with him. I consulted
13 with him, and the things that he wanted me to do was
14 things that would help with a program that he had
15 called a Job-a-thon.

16 I was writing grants and doing things to try to
17 assist him in that. He helped people every day. I
18 see parents come in there who couldn't afford to pay
19 for him. He never harassed people. He never went
20 down the road or door-to-door collection.

21 I saw mothers who came in there needing help with
22 things like light bills and things that has nothing to
23 do with coming. I saw him give and give and give.

24 I thought about saying two things: The first
25 being this morning when I spoke with Mr. Ritter, he

1 said, "Woody, I don't know what is going to happen
2 today, but I want you to get with a group that I have
3 and make sure that we do that Job-a-thon." That was
4 today, okay?

5 The last thing I'll say is simply this: That if
6 bad things can happen to good people, we're all
7 evidence of that as we sit in this room today.

8 Thank you.

9 THE COURT: Thank you.

10 MR. STRIFLING: (Unintelligible).

11 THE COURT REPORTER: I'm sorry, what name?

12 MR. STRIFLING: Luella.

13 THE COURT REPORTER: Luella?

14 MR. STRIFLING: Nelson.

15 MS. NELSON: My name is Luella Nelson, and I'm
16 here today to speak for my good friend. We grew up
17 together, Mr. Ritter and I. We're the same age.

18 He's the only one out of my neighborhood that
19 went to college. He was the only one really going to
20 high school until he tried to get the children the
21 right way in the right world because they were led
22 astray.

23 He was always a mentor. I knew he was going to
24 be a leader, but by and larger, I didn't know. I've
25 been to the care home different times. I've been to

1 the day care different times.

2 Every holiday his mother would cook, and he would
3 say, "Come and get some free food." Whoever was out
4 of character would be welcome. He was a gentleman, a
5 fine person. Has never done anybody any harm that I
6 know of. Please have mercy on him, please.

7 Thank you.

8 MR. STRIFLING: Flora Boyce (phonetic).

9 THE COURT REPORTER: I'm sorry. I didn't hear
10 that one.

11 MR. STRIFLING: Flora Boyd.

12 THE COURT REPORTER: Maura?

13 MR. STRIFLING: Flora.

14 THE COURT REPORTER: Boyce?

15 MR. STRIFLING: Boyd.

16 THE COURT REPORTER: Thank you. Boyd.

17 MS. BOYD: Good afternoon. My name is Flora Boyd.
18 I am from the Golden Acres community, the community
19 which the day care was located, and the day care was
20 located adjoining my property.

21 It was on Columbia College Drive, and I was on
22 Isabel Street. I would often see Mr. Ritter in the
23 yard with the children when the play time or whatever.
24 He was always looking out for the children.

25 Our meeting for the Golden Acres community is

1 every third Monday in the month. He has attended that
2 meeting wanting to know what he can do to help us in
3 the community.

4 Instead of asking what the community can do to
5 help him, he was always trying to help us. We would
6 have fish fries in the community. We would be right
7 there at that day care in the yard. If it's raining,
8 we would go in the kitchen or sit out at the back door.
9 He was just a wonderful man, and please have mercy.

10 MR. STRIFLING: Thank you, ma'am.

11 Rosie Smith; Rosie Smith.

12 MS. SMITH: I've gone already.

13 MR. STRIFLING: Oh, sorry.

14 Ms. Briggs. Ms. Briggs.

15 MS. BRIGGS: My name is Mary Briggs, and I've
16 known Colonel Ritter for approximately 20 years. He
17 has always been a respectful citizen and wanted to
18 help people and has never looked for anything in
19 return.

20 I know nothing positive that --- I know nothing
21 negative of Mr. Ritter, and Mr. Ritter would not
22 intentionally do anybody harm to anyone.

23 MR. STRIFLING: Thank you, ma'am.

24 Mr. Trapp?

25 MR. TRAPP: Good evening. My name is Aaron Trapp.

1 I'm the head men's baseball coach at Eau Claire High
2 School.

3 I'm here today to support Mr. Ritter. I've been
4 knowing Mr. Ritter for approximately 20 years. I
5 started coaching in --- I want to say for Mr. Ritter,
6 he was a sponsor for me in 1994, basically gave me my
7 first head coaching job coming out of college. Also,
8 he gave me my first job coming out of college.

9 UNIDENTIFIED WOMAN: Yes.

10 MR. TRAPP: He's been a good man to me, all the
11 kids in the community. He makes sure all of the kids
12 always had what they needed, as Ms. Pinkney was saying,
13 make sure that they was dressed nice, looked nice,
14 made sure they played right, made sure we coached
15 right.

16 He always wanted the best. He also was there for
17 me when I became the head men's baseball coach when I
18 first got my head coaching job at Eau Claire. I just
19 wanted to let you know he's a good man and thank you.

20 MR. STRIFLING: Lee Carroll.

21 MR. CARROLL: Good afternoon. My name is Lee
22 Carroll from Saving Our Kids. I've now been knowing
23 Mr. Ritter for about 20 years.

24 I can say that this is an accident, and this is a
25 good man. Whatever you can do for him, I appreciate

1 it. Thank you.

2 UNIDENTIFIED WOMAN: Amen.

3 MR. STRIFLING: Ms. Carter?

4 (There was no response.)

5 Dorothy Bright.

6 MS. BRIGHT: I've been knowing Colonel Ritter for
7 about 20 years, and being a single parent, I had to
8 have a job to do as a mother. I needed a place for my
9 daughter. She was she was very little at the time.

10 When someone told me about Ritter's day care
11 service, they said that, "You can bank on this one,"
12 so I decided to give it a try and I did.

13 My daughter, she attended for a couple of years
14 until she went to a public school. Mr. Ritter, he
15 sponsored a trip to Washington, D.C., and my daughter
16 was there. She was a part of that trip, too.

17 When I got to asking if we needed to pay anything,
18 he said, "No, no, no, no." I said, "What do you mean
19 no, no, no, no?"

20 I said, "Well, if she is going on a trip, I got
21 to be able to pay for it." So he said, "Well, no.
22 I'll take care of it."

23 I said, "Really?" So I said it was okay.

24 But Mr. Ritter is a great, honorable and honest
25 man I've ever met. When you entrust your child to

1 someone that while you're working, you don't never
2 have to worry about your child, your child is in the
3 greatest hands.

4 And Mr. Ritter, I've been knowing him all these
5 years. He also --- I looked Mr. Ritter up after my
6 daughter graduated from high school. I told him about
7 the college she was going to.

8 He said he wanted to help her since she was one
9 of the members of his day care, so I said okay. Her
10 dad died before she graduated from high school, so
11 whenever she needed books or a little financing
12 towards her tuition, Mr. Ritter was right there.

13 When it was time for me to get a tax refund, I
14 said, "Mr. Ritter when I get that, I will pay you
15 back."

16 He said, "No, I can't take it. I'm just doing it
17 that she would get a good education."

18 UNIDENTIFIED WOMAN: Amen.

19 MS. BRIGHT: And my daughter attends South
20 Carolina State University. She was a freshman at the
21 time. Now she is a rising senior about to graduate
22 next May.

23 UNIDENTIFIED WOMAN: All right.

24 MS. BRIGHT: And Mr. Ritter had put money in her
25 hand when I couldn't do it. When her --- her dad

1 wasn't there to help me being a single mother, he said,
2 "Ms. Bright, don't worry about it. We'll make sure
3 that she gets to college."

4 She is about to graduate. She is an accountant
5 major at South Carolina State.

6 UNIDENTIFIED WOMAN: Amen.

7 MS. BRIGHT: And she has got a 2.83 average, and
8 because of Mr. Ritter's integrity of wanting to help
9 her, she even says that. He is a great man.

10 She says, "Mama, I wish my daddy could see him
11 helping me, because I'm about to make it to
12 graduation." He --- he said --- he was like, "Just as
13 long as me and you work together, she will get that."
14 She got that, and she is a senior at this time until
15 graduation.

16 UNIDENTIFIED WOMAN: Amen.

17 MS. BRIGHT: So we hope that the Lord can bless
18 this trial today because Mr. Ritter is a good man, a
19 man of integrity, honor, and respect.

20 UNIDENTIFIED WOMAN: Amen.

21 UNIDENTIFIED MAN: Amen.

22 MULTIPLE SPECTATORS: Amen.

23 MR. STRIFLING: Judge, I'd also like to
24 acknowledge Mr. Ritter's daughter. She is here with
25 her two children. Perhaps she wants to speak, and

1 then Mr. Ritter, if you could.

2 DAUGHTER: Good afternoon. My name is Sakina
3 (phonetic) Ritter. I am Mr. Ritter's only child,
4 these are his only two granddaughters, and I really
5 wasn't expecting to speak today, but I just know him
6 as my father.

7 I've always known him to work in the community.
8 I've always known him to help others, encourage people
9 to do the right things. Education is always number
10 one.

11 I remember coming to the day care when I was
12 younger. I lived in Texas, but in the summertime, I
13 would have to come to South Carolina to stay with my
14 dad, worked at the day care, played at the day care,
15 worked in the kitchen.

16 There's always great workers, great people around
17 him. It's really all I can say. He's an honorable
18 man. I remember a lot about the military. I just
19 can't say anything except that's my dad, and I wish
20 you would have mercy.

21 THE COURT: All right.

22 DAUGHTER: Thank you.

23 MR. STRIFLING: Judge, thank you for your
24 indulgence. I'd like for you to hear from Mr. Ritter
25 in this matter.

1 like the justification for their enhancement of this
2 particular law is because of the innocence and
3 vulnerability of a child that becomes a victim, as
4 well as child advocacy groups met with the various
5 panels over at the legislature coming up with this
6 very strict law that has unusual teeth to it as far as
7 punishment.

8 We all know what the law is about suspended
9 sentences, but I also know what the legislature came
10 up with in stating their minimum sentence.

11 Colonel Ritter, I know probably in the past ---
12 well, I don't know that, but I would --- I would think
13 that you have probably been involved in the
14 court-martial panel in proceedings where you possibly
15 had to sit as a judge or possibly as a witness or
16 whatever.

17 I want you to know that if you had that
18 experience, then you know the dilemma I find myself in
19 trying to figure out an appropriate punishment.

20 We all have to remind ourselves, whether we are
21 the judge or whether we are the jury, it's a standard
22 principle of law we have to go by.

23 We don't go by what we think the law should be.
24 We have to go by what the law is. I'm going to be
25 very open and honest with you. I came in here from

1 that I would today because I wanted to hear everybody
2 involved.

3 The fact that all of you came, and especially the
4 victim's mother that we all ---

5 UNIDENTIFIED WOMAN: Amen.

6 THE COURT: --- paid strict attention to and
7 taking into account her forgiveness, her presentation.

8 I'm coming off of what I was going to originally
9 do, but I'm going to follow the recommendation of the
10 State. The sentence is that Mr. Ritter be confined to
11 the State Department of Corrections for a period of 20
12 years.

13 UNIDENTIFIED WOMAN: Jesus.

14 THE COURT: He's going to get credit for any jail
15 time he had. Also, because of his health and age, I'm
16 going to recommend specialized placement for him.

17 Hopefully, the Department of Corrections has a
18 place for him where he will be able to assist the
19 State in some ways that will be beneficial.

20 I thank everybody for being here and taking part,
21 those that did, and good luck to you, Colonel.

22 MS. SHIPLEY: Thank you, Your Honor.

23 MR. STRIFLING: Thank you.

24 (Whereupon, the proceedings were concluded.)
25

1 obviously, he has asked for a motion to reduce sentence or
2 a change in the sentence or alter the sentence.

3 What we are asking for, Your Honor, is in fact that
4 exactly, and that is to vacate the plea and send everyone
5 back in a position for which they would now be entitled to
6 -- they would be entitled to be in, had some of the law
7 been a little bit clearer at the time.

8 As The Court is quite aware, I'm sure, and having been
9 a prosecutor for quite some years and tried many of these
10 cases, it was our position or at least an unchallenged
11 position that we believe that the homicide by child abuse
12 statute could be suspended in spite of the fact that it did
13 carry the potential life in prison without parole.

14 There is, Your Honor, a statute -- statute 24-21-410
15 that in fact was pertinent and has actually prohibited the
16 suspended sentence. And while I'm not aware of any appeal
17 -- with regards to that, it does clearly state that
18 potential penalties with life in prison are not
19 suspendible.

20 Your Honor, to go one step further, the court
21 eventually -- somebody on the court did try to suspend the
22 sentence or actually was requested to suspend the sentence
23 and declined to -- in that particular case, Your Honor,
24 Judge Childs was appealed and the final court -- or Supreme
25 Court ruled in July 25, 2011 that in fact any case that

1 give him some committed sentence for which you can suspend
2 all or part of it. Now, that's not to say there's been any
3 discussion of a sentence or any words as to what if any
4 suspended sentence you give.

5 Your Honor, it's our position that under every bit of
6 the case law that I have located -- and Robbie (phonetic)
7 versus the State of South Carolina, I believe, is
8 pertinent, it does quote the U.S. Supreme Court -- says,
9 that in order for a defendant to knowingly and voluntarily
10 plead guilty, he must have a full understanding of the
11 consequences of the plea. And it says to ensure the
12 defendant understands the consequence of the plea, the
13 Trial Court usually asks the questions of the defendant
14 about the facts and the punishment that can be imposed.

15 And they also, Your Honor, further quote some federal
16 law. And I've provided that in Boykin v. Alabama, that he
17 has to have a full understanding of the law, and that has
18 to be an accurate understanding of the law.

19 In his mind, he was 65 years old at the time. He
20 reasonably believed that there was an opportunity -- and
21 The Court had at least entertained and explained to him
22 that he had the possibility of getting a suspended
23 sentence.

24 In this particular case we know not only by the
25 statute that we have that has been provided by The Court,

STATE OF SOUTH CAROLINA)	GENERAL SESSIONS
)	
County of Richland)	2007-GS-40-4465
)	
THE STATE,)	
)	
)	
vs.)	TRANSCRIPT OF RECORD
)	
WILLIE RITTER,)	
)	
DEFENDANT,)	

September 21, 2009
Columbia, South Carolina

BEFORE:

THE HONORABLE PAUL BURCH, JUDGE.

APPEARANCES:

VANESSA C. SHIPLEY, ASSISTANT SOLICITOR
Attorney for the State

JAN STRIFLING, ESQ.
Attorney for the Defendant

KAREN AMBROZIAK
Official Court Reporter

C O N T E N T S

INDEX OF EXHIBITS:

(There were no exhibits introduced.)

INDEX OF WITNESSES:

(There were no witnesses called.)

CERTIFICATE OF REPORTER

38

1 THE COURT: You may be seated.

2 WILLIE RITTER,

3 after being duly sworn, testified as follows:

4 MS. SHIPLEY: May it please the Court, Your Honor.
5 Standing before you is Willie Ritter on indictment
6 2007-GS-40-4465. It is an indictment for homicide by
7 child abuse.

8 Your Honor, just for the record, this was a plea
9 that was held before you on July 20th of 2009. Your
10 Honor, you ordered the sentencing to be deferred, and
11 we're now here for purposes of sentencing.

12 Your Honor, the --- for the record, I am here
13 with Investigator Kevin Reese from the Columbia Police
14 Department and Investigator Arthur Thomas from the
15 Columbia Police Department.

16 Also, standing is Sofia Simpson, the mother of
17 Javon Simpson. At the appropriate time, she would
18 like to address the Court. We did already relay all
19 the facts to Your Honor on July 20th, and you did want
20 to hear from the defense.

21 THE COURT: I'll come back to the victim's family.

22 MS. SHIPLEY: Thank you, Your Honor.

23 THE COURT: I always hear from them last.

24 MS. SHIPLEY: Thank you, Your Honor.

25 THE COURT: Counsel.

1 MR. STRIFLING: Thank you, Your Honor. May it
2 please the Court. We have a number of people who are
3 here on behalf of Mr. Ritter, people who are here on
4 behalf of Mr. Ritter.

5 If you could stand please, briefly. Most of them,
6 Your Honor, would like to address the Court about what
7 they know of Mr. Ritter's character. I told them to
8 please try to be brief.

9 I realize that kind of strains the --- strains
10 the Court, but nevertheless, all of them are very
11 insistent on doing it. I have a list. I'd like to
12 call one at a time of to speak to the Court.

13 THE COURT: You may proceed.

14 MR. STRIFLING: Thank you, Your Honor.

15 First Reverend --- stand right up here and tell
16 us your name and tell us what you'd like to say for
17 the record.

18 PASTOR: MY name is (unintelligible).

19 THE COURT REPORTER: I'm sorry. What? Your name
20 is what?

21 PASTOR: Jay Walter Hills, H-I-L-L-S.

22 THE COURT REPORTER: Thank you.

23 PASTOR: I've known Mr. Ritter for the past
24 ten-plus years, mainly in the capacity of pastor. He
25 was a member of the Second Nazareth Church where I

1 pastored beginning in 1999.

2 I've known him on a personal level. He and his
3 mother and my wife and I were friends. I frequent
4 both his home and the day care center. I know him to
5 be a man of impeccable character, one who has a heart
6 for the youth of our community, the church and that
7 the individual that was very conscious about the
8 welfare of the community at large.

9 MR. STRIFLING: Thank you, Reverend.

10 Ms. Ruth Hill.

11 MS. HILL: I'm Ruth Hill. I'm first director for
12 the youth center. During that time, Mr. Ritter and I
13 organized a cotillion for young men to be able to go
14 to college. He has always been a giving person.
15 Never taking.

16 He is a man of integrity, and he loves children.
17 He loves the youth. He has worked hard in the
18 community with the youth, and Mr. Ritter and I, we
19 took children, the youth, on trips to Washington, D.C.
20 where he took care of their affairs, the housing for
21 them, the transportation. He's just a giving person.

22 MR. STRIFLING: Thank you. Thank you.

23 Barbara Conwright.

24 MS. CONRAD: My name is Barbara Conwright, and
25 I've known Mr. Ritter for about 20 years, and

1 through --- basically, through my son.

2 As a single parent, he put upon himself to handle
3 the cotillion, and for years he had a number of young
4 men that he would sponsor, help them with their
5 character, help them with self-esteem. They wrote
6 essays and so forth.

7 As a result, my son went to WestPoint, graduated
8 from there, and Mr. Ritter was very instrumental, not
9 just in the initial part of him going, but throughout
10 his four years, he was always calling and checking on
11 him and saying, "Do you need anything?"

12 He has been one of impeccable character and a
13 very giving person, a very loving person. He loves
14 children. Also, a church I was attending at the time
15 used his facility.

16 We didn't pay him not one penny, but he poured
17 into the church. The church has now moved to a larger
18 facility, and he helped to build that. The church is
19 still going forward. He is that kind of person.

20 I've seen him take little children and even teach
21 them, and I'm talking about the very young, before
22 they were school age. So I know him as a very caring,
23 loving person, and never, ever have I seen anything
24 other than that kind of character exhibited. He was
25 also a member of that particular church at the time.

1 MR. STRIFLING: Thank you, ma'am.

2 Mr. Pinkney.

3 MR. PINKNEY: My name is Michael Pinkney. I have
4 known Mr. Ritter for a little over 20 years, and in
5 those years, I worked at the day care.

6 I have seen kids go for years there without even
7 paying, you know. He also sponsored my baseball team
8 where he supplied all of my kids cleats, equipment for
9 them over, you know, a number of years.

10 We had --- what we had for the kids, we had all
11 the kids in tuxedos that he paid for. You know, over
12 the twenty years that I have known him, he's just
13 always been a giving person, you know, for the kids in
14 the community.

15 MR. STRIFLING: Bobby Taylor.

16 MR. TAYLOR: Excuse me. I'm his first cousin.
17 I've been knowing him my entire 60 years of living,
18 and he hadn't been anything but a person of kindness.

19 (Crying)

20 That's all.

21 MR. STRIFLING: Dr. Ray.

22 UNIDENTIFIED MAN: I'm not a medical doctor. I'm
23 a former television anchorman in Washington, D.C. My
24 purpose is my calling. I was a weather man.

25 When I left television as an anchor, I went into

1 business, and 25 years ago I started a federal credit
2 union, one of the first to step up with \$1,000 was
3 Colonel Ritter. All I gave him was a card. That was
4 25 years ago.

5 I relocated to North Carolina, and I watched him
6 save this teenage world. When the sponsors didn't
7 have enough money, Colonel Ritter took his credit card
8 out for \$7,000 and put that to make sure that they got
9 those dollars.

10 Over the 25 years that I've known him, I watched
11 him give and give and give without looking for
12 anything in return. I've never seen a man give so
13 much and never had an ulterior motives to get
14 something out of it.

15 Now, he never got nothing back from the \$1,000 he
16 gave me 25 years ago other than a card saying he was a
17 member. The \$7,000 he put up for this --- that
18 teenager girl, he never got that back.

19 I started working for Bentley Products (phonetic).
20 Every Christmas for 25 years this man bought baskets,
21 spent at least \$1,000 or more every year for his
22 entire staff at the day care center. He never asked
23 me for nothing in return.

24 I don't know many people like that, and if I was
25 anchoring the news today, he would be one of the first

1 people that I would spend my time to cover.

2 He's a great statesman. I'm pleased to be here
3 from Kernersville, North Carolina today to show my
4 association with him. Thank you.

5 THE COURT: Thank you, sir.

6 THE COURT REPORTER: Could I get his name again,
7 please?

8 MR. STRIFLING: John Ray, R-A-Y.

9 THE COURT REPORTER: Thank you.

10 UNIDENTIFIED MAN: R-A-Y-E, John Raye.

11 MR. STRIFLING: Ms. Smith, Rosie Smith.

12 MS. SMITH: Good evening. I'm Rosie Smith. I'm
13 from Kernersville, and I've known Colonel Ritter for
14 20 years. I met him when he first got out of the
15 service.

16 He used to take young men to Washington, D.C. on
17 different runs. In other words, he tried to help the
18 community. Not only was he dedicated to his community,
19 he was dedicated to his country.

20 I know that deep in his heart, he regrets
21 everything that happened, and he's a good man. Thank
22 you.

23 MR. STRIFLING: Thank you, ma'am.

24 Joe Dudley.

25 MR. DUDLEY: I'm Joe Dudley, the founder of

1 Dudley Products. Colonel Ritter, we had a group of
2 kids we worked with and helped them in North Carolina
3 in Greensboro, North Carolina.

4 This group was so powerful that President Bush
5 gave him the Point of Light Award for what we've done
6 and Colonel Ritter was there to help support it.

7 He went to the school, and they had talked to the
8 kids and he made a difference. Again, just to let you
9 know the credibility of Dudley Products, I'm the only
10 African American that have ever been inducted into the
11 Hall of Fame with direct sales, along with Mary Kay
12 and some of the rest of the people, but Colonel
13 Saunders [sic] I done --- Colonel, I always call him
14 Colonel, but it's Kerner (phonetic), for 20-some years
15 that we have worked together, some form or fashion, so
16 with this pageant, I worked close with that.

17 He brought these kids, and we always gave them
18 scholarships. We did a lot of things, so Colonel, to
19 me, is a man of great integrity, a man that is really
20 about helping and making a difference. Thank you.

21 MR. STRIFLING: Thank you.

22 Daniel Arthur.

23 MR. ARTHUR: Yes. My name is Daniel Arthur. I
24 knew Mr. Ritter for 13 years. He's been my boss, my,
25 mentor and to me, the biggest father figure I ever had

1 I worked with him to establish minds that was
2 instrumental in helping to get scholarships for
3 children from the day care and also for other youth
4 that he had identified in the community that he wanted
5 to help.

6 I also publish a Christian magazine that we
7 featured Mr. Ritter as one of the feature stories, and
8 in that magazine, I was able to interview several
9 people from the community, several people that he had
10 helped and touched in the past in order to do research
11 for the article.

12 What I found out from that magazine interview and
13 from that research was that a lot of people held him
14 in high esteem. A lot of people looked at him as a
15 means by which he was the last resort for them getting
16 help.

17 While I was there, I also witnessed several
18 people calling him, asking him to help them pay their
19 light bill, help them to pay different things that was
20 going on with them at the time, and even though
21 Mr. Ritter may not have had the money in my presence,
22 he never said no.

23 As a matter of fact, one of the things he would
24 say is that he would have to go pick up some cans, and
25 he would get back with them. I would venture to say

1 in my life.

2 When I first met Mr. Ritter, we had a basketball
3 team, and our coach only had one car that was like a
4 four-seater. He used to let us hold the vans from the
5 day care so we could go get to our games, go back and
6 forth.

7 Later on, he gave me a job, so after I went
8 through high school, he paid for every --- every
9 tuxedo I ever wore for homecoming, all my senior dues,
10 my cap and gown. I got a scholarship to college, and
11 it was a full basketball scholarship.

12 I --- it was in Alabama, and I didn't know how I
13 was going to get to Alabama. Mr. Ritter rented a
14 truck and took me all the way there and then gave me
15 some money.

16 Every time I needed to come back for home, he
17 made sure that that was possible. Just like I told
18 him, he's the biggest father figure I ever had in my
19 life, and I am an inner city child.

20 Thank you.

21 MR. STRIFLING: Wilma Hills.

22 MS. HILLS: My name is Wilma Hills, and I have
23 also knew Mr. Ritter for the past ten years, working
24 with him on several capacities as consultant with the
25 day care on a lot of projects.

1 that he picked up many cans for me.

2 MR. STRIFLING: Thank you, ma'am.

3 Robin Schick (phonetic).

4 MS. SCHICK: Your Honor, I've known Colonel
5 Ritter since 1980, September of 1980, as a matter of
6 fact. I'm retired now, but my responsibility when I
7 was working was to assist inmates to return to the
8 community as a successful citizen.

9 At that time, they would come in. They had
10 children, male and female. One or the other had no
11 job or no money and no day care.

12 He set aside specific beds in the day care just
13 for the inmates if they needed assistance. They
14 didn't have transportation, so he arranged for a van
15 to go to their homes and pick them up.

16 He had transportation when transportation wasn't
17 really legal or in --- a popular thing, as you say,
18 because they needed his help.

19 He wasn't in it for the money, because he knew
20 they could not pay him. He knew I could not pay it.
21 I had a job. I was just a volunteer coordinator
22 trying to get some assistance.

23 He never let us down. There were days when I
24 would take the bill, and we could --- owed him a lot,
25 financially and morally. He is a man of deep, very,

1 very deep emotion.

2 All he wants to do is help to improve his
3 community and his surroundings, and since I've known
4 him, it has been totally professional. That's all he
5 has ever done. Thank you.

6 MR. STRIFLING: Thank you, ma'am.

7 Darin Foster.

8 MR. FOSTER: My name is Darin Foster. I knew
9 Colonel Ritter from the military. We crossed paths
10 several times.

11 I first met him in 1970. In the late '80s, he
12 was my battalion commander. I worked directly for him.
13 I saw how he interacted with people. I saw how he
14 took responsibility for things.

15 I had to deal with him every day, dealing with
16 him and stuff. He was always there. He was always
17 listening. He took responsibility.

18 Since I've been out of the military, he and I
19 have gotten together on several ventures. We've been
20 to D.C. numbers of times, Alabama.

21 I had a small daughter. He would take her with
22 him. He would pay for her school responsibilities,
23 her financial. We didn't have to pay for anything.
24 He took care of everything.

25 I was with him when he left the first battalion.

1 He helped set that up. We would go running; I'm a
2 runner. We went to D.C., went to Virginia. I mean,
3 he paid for the whole thing. So he has always been
4 caring. He took responsibility, and he gave back to
5 the community.

6 Thank you.

7 MR. STRIFLING: Thank you, sir.

8 Lee Carroll.

9 THE COURT REPORTER: I'm sorry, what was the name
10 again?

11 MR. STRIFLING: Lee Carroll.

12 (There was no response.)

13 Woodrow Wilson.

14 MR. WILSON: My name is Woodrow Wilson. I am ---
15 I've known Willie Ritter since my first memories in
16 life. He is the same age as my older brother, and one
17 of the people that all of us as children in the
18 community look to as a big brother and a mentor ---
19 I'm talking about a lifetime here --- was Willie
20 Ritter.

21 He was one of the few guys of my brother's
22 generation that graduated from high school. He was
23 one of the few guys from my brother's generation who
24 went on to college or started college.

25 He always gave back to the community. He would

1 look us up. He never forgot a name. He was a fine
2 fellow. He made sure we were still in school, made
3 sure we were doing well in school.

4 So the fact that I went to school and got
5 multiple degrees, that was the guy that I looked to.
6 As a young adult, I was in Washington, D.C. one time.
7 He was working at the Pentagon.

8 I spent a day with him in Washington. He
9 probably doesn't even remember that. I came back to
10 Columbia. I started a business for myself, and I've
11 been running into Mr. Ritter.

12 He asked to me consult with him. I consulted
13 with him, and the things that he wanted me to do was
14 things that would help with a program that he had
15 called a Job-a-thon.

16 I was writing grants and doing things to try to
17 assist him in that. He helped people every day. I
18 see parents come in there who couldn't afford to pay
19 for him. He never harassed people. He never went
20 down the road or door-to-door collection.

21 I saw mothers who came in there needing help with
22 things like light bills and things that has nothing to
23 do with coming. I saw him give and give and give.

24 I thought about saying two things: The first
25 being this morning when I spoke with Mr. Ritter, he

1 said, "Woody, I don't know what is going to happen
2 today, but I want you to get with a group that I have
3 and make sure that we do that Job-a-thon." That was
4 today, okay?

5 The last thing I'll say is simply this: That if
6 bad things can happen to good people, we're all
7 evidence of that as we sit in this room today.

8 Thank you.

9 THE COURT: Thank you.

10 MR. STRIFLING: (Unintelligible).

11 THE COURT REPORTER: I'm sorry, what name?

12 MR. STRIFLING: Luella.

13 THE COURT REPORTER: Luella?

14 MR. STRIFLING: Nelson.

15 MS. NELSON: My name is Luella Nelson, and I'm
16 here today to speak for my good friend. We grew up
17 together, Mr. Ritter and I. We're the same age.

18 He's the only one out of my neighborhood that
19 went to college. He was the only one really going to
20 high school until he tried to get the children the
21 right way in the right world because they were led
22 astray.

23 He was always a mentor. I knew he was going to
24 be a leader, but by and larger, I didn't know. I've
25 been to the care home different times. I've been to

1 the day care different times.

2 Every holiday his mother would cook, and he would
3 say, "Come and get some free food." Whoever was out
4 of character would be welcome. He was a gentleman, a
5 fine person. Has never done anybody any harm that I
6 know of. Please have mercy on him, please.

7 Thank you.

8 MR. STRIFLING: Flora Boyce (phonetic).

9 THE COURT REPORTER: I'm sorry. I didn't hear
10 that one.

11 MR. STRIFLING: Flora Boyd.

12 THE COURT REPORTER: Maura?

13 MR. STRIFLING: Flora.

14 THE COURT REPORTER: Boyce?

15 MR. STRIFLING: Boyd.

16 THE COURT REPORTER: Thank you. Boyd.

17 MS. BOYD: Good afternoon. My name is Flora Boyd.

18 I am from the Golden Acres community, the community
19 which the day care was located, and the day care was
20 located adjoining my property.

21 It was on Columbia College Drive, and I was on
22 Isabel Street. I would often see Mr. Ritter in the
23 yard with the children when the play time or whatever.
24 He was always looking out for the children.

25 Our meeting for the Golden Acres community is

1 every third Monday in the month. He has attended that
2 meeting wanting to know what he can do to help us in
3 the community.

4 Instead of asking what the community can do to
5 help him, he was always trying to help us. We would
6 have fish fries in the community. We would be right
7 there at that day care in the yard. If it's raining,
8 we would go in the kitchen or sit out at the back door.
9 He was just a wonderful man, and please have mercy.

10 MR. STRIFLING: Thank you, ma'am.

11 Rosie Smith; Rosie Smith.

12 MS. SMITH: I've gone already.

13 MR. STRIFLING: Oh, sorry.

14 Ms. Briggs. Ms. Briggs.

15 MS. BRIGGS: My name is Mary Briggs, and I've
16 known Colonel Ritter for approximately 20 years. He
17 has always been a respectful citizen and wanted to
18 help people and has never looked for anything in
19 return.

20 I know nothing positive that --- I know nothing
21 negative of Mr. Ritter, and Mr. Ritter would not
22 intentionally do anybody harm to anyone.

23 MR. STRIFLING: Thank you, ma'am.

24 Mr. Trapp?

25 MR. TRAPP: Good evening. My name is Aaron Trapp.

1 I'm the head men's baseball coach at Eau Claire High
2 School.

3 I'm here today to support Mr. Ritter. I've been
4 knowing Mr. Ritter for approximately 20 years. I
5 started coaching in --- I want to say for Mr. Ritter,
6 he was a sponsor for me in 1994, basically gave me my
7 first head coaching job coming out of college. Also,
8 he gave me my first job coming out of college.

9 UNIDENTIFIED WOMAN: Yes.

10 MR. TRAPP: He's been a good man to me, all the
11 kids in the community. He makes sure all of the kids
12 always had what they needed, as Ms. Pinkney was saying,
13 make sure that they was dressed nice, looked nice,
14 made sure they played right, made sure we coached
15 right.

16 He always wanted the best. He also was there for
17 me when I became the head men's baseball coach when I
18 first got my head coaching job at Eau Claire. I just
19 wanted to let you know he's a good man and thank you.

20 MR. STRIFLING: Lee Carroll.

21 MR. CARROLL: Good afternoon. My name is Lee
22 Carroll from Saving Our Kids. I've now been knowing
23 Mr. Ritter for about 20 years.

24 I can say that this is an accident, and this is a
25 good man. Whatever you can do for him, I appreciate

1 it. Thank you.

2 UNIDENTIFIED WOMAN: Amen.

3 MR. STRIFLING: Ms. Carter?

4 (There was no response.)

5 Dorothy Bright.

6 MS. BRIGHT: I've been knowing Colonel Ritter for
7 about 20 years, and being a single parent, I had to
8 have a job to do as a mother. I needed a place for my
9 daughter. She was she was very little at the time.

10 When someone told me about Ritter's day care
11 service, they said that, "You can bank on this one,"
12 so I decided to give it a try and I did.

13 My daughter, she attended for a couple of years
14 until she went to a public school. Mr. Ritter, he
15 sponsored a trip to Washington, D.C., and my daughter
16 was there. She was a part of that trip, too.

17 When I got to asking if we needed to pay anything,
18 he said, "No, no, no, no." I said, "What do you mean
19 no, no, no, no?"

20 I said, "Well, if she is going on a trip, I got
21 to be able to pay for it." So he said, "Well, no.
22 I'll take care of it."

23 I said, "Really?" So I said it was okay.

24 But Mr. Ritter is a great, honorable and honest
25 man I've ever met. When you entrust your child to

1 someone that while you're working, you don't never
2 have to worry about your child, your child is in the
3 greatest hands.

4 And Mr. Ritter, I've been knowing him all these
5 years. He also --- I looked Mr. Ritter up after my
6 daughter graduated from high school. I told him about
7 the college she was going to.

8 He said he wanted to help her since she was one
9 of the members of his day care, so I said okay. Her
10 dad died before she graduated from high school, so
11 whenever she needed books or a little financing
12 towards her tuition, Mr. Ritter was right there.

13 When it was time for me to get a tax refund, I
14 said, "Mr. Ritter when I get that, I will pay you
15 back."

16 He said, "No, I can't take it. I'm just doing it
17 that she would get a good education."

18 UNIDENTIFIED WOMAN: Amen.

19 MS. BRIGHT: And my daughter attends South
20 Carolina State University. She was a freshman at the
21 time. Now she is a rising senior about to graduate
22 next May.

23 UNIDENTIFIED WOMAN: All right.

24 MS. BRIGHT: And Mr. Ritter had put money in her
25 hand when I couldn't do it. When her --- her dad

1 wasn't there to help me being a single mother, he said,
2 "Ms. Bright, don't worry about it. We'll make sure
3 that she gets to college."

4 She is about to graduate. She is an accountant
5 major at South Carolina State.

6 UNIDENTIFIED WOMAN: Amen.

7 MS. BRIGHT: And she has got a 2.83 average, and
8 because of Mr. Ritter's integrity of wanting to help
9 her, she even says that. He is a great man.

10 She says, "Mama, I wish my daddy could see him
11 helping me, because I'm about to make it to
12 graduation." He --- he said --- he was like, "Just as
13 long as me and you work together, she will get that."
14 She got that, and she is a senior at this time until
15 graduation.

16 UNIDENTIFIED WOMAN: Amen.

17 MS. BRIGHT: So we hope that the Lord can bless
18 this trial today because Mr. Ritter is a good man, a
19 man of integrity, honor, and respect.

20 UNIDENTIFIED WOMAN: Amen.

21 UNIDENTIFIED MAN: Amen.

22 MULTIPLE SPECTATORS: Amen.

23 MR. STRIFLING: Judge, I'd also like to
24 acknowledge Mr. Ritter's daughter. She is here with
25 her two children. Perhaps she wants to speak, and

1 then Mr. Ritter, if you could.

2 DAUGHTER: Good afternoon. My name is Sakina
3 (phonetic) Ritter. I am Mr. Ritter's only child,
4 these are his only two granddaughters, and I really
5 wasn't expecting to speak today, but I just know him
6 as my father.

7 I've always known him to work in the community.
8 I've always known him to help others, encourage people
9 to do the right things. Education is always number
10 one.

11 I remember coming to the day care when I was
12 younger. I lived in Texas, but in the summertime, I
13 would have to come to South Carolina to stay with my
14 dad, worked at the day care, played at the day care,
15 worked in the kitchen.

16 There's always great workers, great people around
17 him. It's really all I can say. He's an honorable
18 man. I remember a lot about the military. I just
19 can't say anything except that's my dad, and I wish
20 you would have mercy.

21 THE COURT: All right.

22 DAUGHTER: Thank you.

23 MR. STRIFLING: Judge, thank you for your
24 indulgence. I'd like for you to hear from Mr. Ritter
25 in this matter.

1 THE COURT: Yes, sir.

2 THE DEFENDANT: I'm almost at a loss for words
3 coming here. The concept --- I never thought in my
4 wildest dreams that I would end up in a situation
5 where the thing that I loved the most would have been
6 harmed, but I'd like to say to the mother of the child
7 that I am sorry beyond.

8 UNIDENTIFIED WOMAN: Amen.

9 THE DEFENDANT: All of my understanding.

10 UNIDENTIFIED WOMAN: That's right.

11 THE DEFENDANT: I have a special sympathy every
12 day for this young girl, because I was born when my
13 mother was 16.

14 My father died before I was two years old. I
15 know what it means to live in poverty and strain with
16 a single parent. I didn't know then, but I know now.

17 I am an only child, and I think that this young
18 lady only had one son. For two years almost every day,
19 for almost two years, I sympathized and empathized
20 with this young lady because I could draw a parallel
21 between her and her son and my mother and myself.

22 UNIDENTIFIED WOMAN: Amen.

23 THE DEFENDANT: I'm 66 years old. My mother and
24 I had a great life. We came out of abject poverty,
25 and we walked on faith.

1 When I think that this young lady has lost even
2 the potential to do that, it pains me tremendously and
3 continuously.

4 Nobody on the face of this earth will ever
5 understand how deeply sorry and grieved I am for the
6 loss of the child.

7 Most of my adult life has been centered on
8 helping the disenfranchised. I have a special,
9 special love for the children, not only the ones in my
10 day care center and in my care, but all of the
11 children that I come ---

12 UNIDENTIFIED MAN: Amen.

13 THE DEFENDANT: --- in contact with.

14 Being a soldier and having fought two wars,
15 seeing other countries in their poverty.

16 UNIDENTIFIED WOMAN: Thank you, Jesus.

17 THE DEFENDANT: --- and the way they treated
18 their children and how their children came up. I know
19 that the children of this country at some point will
20 be this country, and the fact that we have that level
21 of tragedy in our place is a pain. It creates a pain
22 for me that I can't seem to shake.

23 The only thing that's close to comparable, being
24 comparable to the fact that the child lost his life in
25 our care is the recent death of my own mother from

1 cancer ---

2 UNIDENTIFIED WOMAN: Oh, oh, oh.

3 THE DEFENDANT: --- on the 18th of June. That
4 was the day I was supposed to go to some type of
5 hearing or trial. I decided not to. Less than eight
6 days later, she died.

7 UNIDENTIFIED WOMAN: Lord Jesus.

8 UNIDENTIFIED WOMAN: Jesus.

9 THE DEFENDANT: I don't have any clue as to
10 what's going to happen to me today, but I do know that
11 there is a future ---

12 UNIDENTIFIED WOMAN: Amen.

13 THE DEFENDANT: --- and there is a God.

14 UNIDENTIFIED WOMAN: Yes, Jesus.

15 THE DEFENDANT: And I believe ---

16 UNIDENTIFIED WOMAN: Yes.

17 THE DEFENDANT: --- in our future, in this
18 country, and I believe in God Almighty.

19 UNIDENTIFIED WOMAN: Yes; yes, Jesus.

20 THE DEFENDANT: With that, I would like to
21 re-express my complete sorrow ---

22 UNIDENTIFIED WOMAN: Jesus.

23 THE DEFENDANT: --- for what happened at my day
24 care center, and with that, I thank you for your
25 indulgence for my speaking now.

1 UNIDENTIFIED WOMAN: Amen.

2 MR. STRIFLING: Judge, would you like to hear
3 from me now, or would you like to hear from the
4 attorneys now or proceed?

5 THE COURT: You may proceed.

6 MR. STRIFLING: Thank you, Your Honor.

7 Judge, I don't know, frankly, what I can say that
8 hadn't been said here, Your Honor. The community came
9 out in force with Mr. Ritter.

10 This was a spontaneous gathering of guests coming
11 forward, and I think that the issues that we've raised
12 in the brief and the solicitor's brief and certainly
13 stated all of the facts that needed to be stated.

14 They painted a --- I think a picture of
15 Mr. Ritter, that was not available to the Court at his
16 plea. This, of course, does not take away from the
17 fact that a young child died needlessly.

18 Mr. Ritter has accepted responsibility for that.
19 He has said that had he followed the DSS guidelines,
20 the child would be alive today. Javon would be with
21 us, and we would not be here today.

22 So certainly, he accepts responsibility as a good
23 soldier should. He realizes that he must pay
24 atonement for what he has done.

25 I simply ask the Court at this time --- well, I

1 will say, Judge, that it would be simple to say that
2 this was such a terrible accident that he should get a
3 substantial punishment, and anything substantial is
4 going to be a life sentence for Mr. Ritter with his
5 age and health.

6 I would ask the Court for a reasonable sentence
7 that will allow him to reflect on what has happened,
8 which is now the situation that he has put in place
9 failed. Of course, with that he accepts
10 responsibility, but I would ask the Court to give him
11 a light at the end of the tunnel.

12 Because --- not only for what he has done with
13 that, but what he could mean to the community in the
14 future. Certainly, he deserves to be punished, but
15 with all due respect, I, members of the community that
16 have come forward and Mr. Ritter, asks the Court for
17 some light at the end of the tunnel, some ability to
18 come back, be a member of this community again.

19 I think if he's allowed to do that, he will
20 continue to be a help to the community. Thank you.

21 THE COURT: Counsel?

22 MS. SHIPLEY: Your Honor, if I may just respond
23 and allow Ms. Simpson --- her name is Sophia Simpson.
24 That is the name of --- the mother of this child, and
25 the child's name is Javon Simpson. They have names.

1 Your Honor, if I could let her to speak last,
2 because of course, her opinion is the most important
3 opinion in this entire courtroom. She is the one that
4 has suffered the greatest loss of anyone in this
5 courtroom.

6 Your Honor, I was listening to Mr. Strifling talk
7 about how I painted a picture to Your Honor when he
8 pled guilty. I just want Your Honor to know that I
9 don't know Mr. Ritter. I'm simply relaying to the
10 Court the facts of case. That is exactly what I did
11 on July 20th when I explained to you that when he
12 discovered this child, he continued to drive with the
13 baby in his car, after he had taken the baby out of
14 his car --- car seat, put the baby up --- Javon, up to
15 his ear to hear if the baby was breathing.

16 He then puts the baby back in the car seat and
17 continues to drive to pick up other children while he
18 was three minutes away from Richland Memorial Hospital.

19 He also carries his cell phone with him. Not at
20 any time did he call 911, nor did he take the baby to
21 the hospital.

22 Instead, he takes the baby to the day care center.
23 He is a Lieutenant Colonel in the Army. He is
24 supposed to be a leader.

25 Instead, he abandoned Javon with the coworkers or

1 the staff of Willie Ritter Day Care Center. He left
2 it to them. In fact, he told one of the witnesses,
3 one of the ladies that worked there, Ms. Katherine
4 Brownly, that, "Here, you take care of this
5 situation." He said that to one of the ladies that
6 worked there, and then he leaves.

7 That is not an example of leadership. That is
8 not an example of remorse. That is an example of
9 trying to get away from something you know you did
10 wrong.

11 Your Honor, he then returns to the day care
12 center and makes contact with one of the officers and
13 tells the officer that he wasn't there when the
14 incident happened, trying to make it sound like it
15 happened at the day care center, inside of the day
16 care center.

17 He instructed a --- or told an employee, another
18 staff member, "You tell the police you found Javon in
19 the crib in the infant room," to try to cover-up that
20 the baby had been left for seven hours in the van.

21 He also then --- not only did he lie by saying he
22 wasn't there during the incident, he instructed his
23 staff not to cooperate with these investigators,
24 Investigator Reese and Investigator Thomas. He told
25 them not to talk to the police.

1 Those are actions of a culpable state of mind,
2 Your Honor, a state of mind that does reek of extreme
3 indifference to human life.

4 As a result, Ms. Simpson has suffered a loss that
5 no one in this courtroom, not even Your Honor, can
6 replace, but you can give her justice, Your Honor. We
7 would respectfully request that you sentence him to 20
8 years.

9 Ms. Simpson, please read your statement to the
10 Judge.

11 THE MOTHER: I just would like to say that it's
12 --- it's been two years, four months, three weeks, and
13 three days since the last time I held my baby. It's
14 been really hard these last couple of years, a lot of
15 decision making.

16 I just also would like to thank everybody that
17 had everything to do with today, all your sweat and
18 tears in this. I just want to appreciate --- I just
19 want to say that I appreciate that.

20 Javon will be missed by family and friends, but
21 most of all by his mother.

22 And to Mr. Ritter, I do forgive you because God
23 forgave me ---

24 UNIDENTIFIED WOMAN: Amen.

25 THE MOTHER: --- so I forgive you, and I just

1 wanted to --- just an apology.

2 I appreciate that. That's all I really wanted.

3 UNIDENTIFIED WOMAN: You got it.

4 THE MOTHER: That's all I really wanted. If you
5 had showed any type of sympathy that day, you probably
6 wouldn't even be here, because it's not about the fact
7 that he's not here.

8 What you did to why he's not here, it's no help,
9 but God does everything for a reason. So I also would
10 like to say that God doesn't make no mistakes, and
11 hopefully he won't make one today.

12 MS. SHIPLEY: Thank you, Your Honor.

13 THE COURT: Anything from law enforcement?

14 THE INVESTIGATOR: No, Your Honor.

15 THE INVESTIGATOR: No, Your Honor.

16 THE COURT: First of all, I want to thank all of
17 you that came today taking part in this sentencing
18 procedure, both for Colonel Ritter and also the
19 victim's family.

20 I appreciate you're coming and the comments that
21 you have given to me. I don't mind telling you in all
22 my years on the bench, this is probably one of the
23 most difficult matters that I've been faced with
24 handling.

25 I also want to thank counsel, both for the State

1 and the defense in their presentations to the Court,
2 including the follow-up briefs. It gave me some
3 guidance on this hearing. I also want to thank
4 Probation and Parole for the intensive presentence
5 investigation that they completed for the Court.

6 I want all of you to understand the particular
7 law that is involved in this case, this hybrid type of
8 law compared to what most of us attorneys and judges
9 are used to, having practiced and presided over the
10 years.

11 Our law of homicide, of course, evolved from the
12 old English common law, was divided, basically, into
13 three different areas: That of murder, which we all
14 know in most states is the premeditated homicide where
15 plans were made.

16 In this State, it's a homicide that involves
17 malice aforethought. A lesser-included offense of
18 that is voluntary manslaughter where you have homicide
19 that involved heat of passion, heat of anger, and then
20 the lesser of the three was involuntary manslaughter
21 where you have the death by negligence, as it is
22 sometimes said, carelessness.

23 The legislature has drawn up this particular law,
24 pretty well disregarded the old law as we know it, and
25 I --- from what I've researched about it, it seems

1 like the justification for their enhancement of this
2 particular law is because of the innocence and
3 vulnerability of a child that becomes a victim, as
4 well as child advocacy groups met with the various
5 panels over at the legislature coming up with this
6 very strict law that has unusual teeth to it as far as
7 punishment.

8 We all know what the law is about suspended
9 sentences, but I also know what the legislature came
10 up with in stating their minimum sentence.

11 Colonel Ritter, I know probably in the past ---
12 well, I don't know that, but I would --- I would think
13 that you have probably been involved in the
14 court-martial panel in proceedings where you possibly
15 had to sit as a judge or possibly as a witness or
16 whatever.

17 I want you to know that if you had that
18 experience, then you know the dilemma I find myself in
19 trying to figure out an appropriate punishment.

20 We all have to remind ourselves, whether we are
21 the judge or whether we are the jury, it's a standard
22 principle of law we have to go by.

23 We don't go by what we think the law should be.
24 We have to go by what the law is. I'm going to be
25 very open and honest with you. I came in here from

1 these initial reports from both sides after I reviewed
2 this situation in total whereby Colonel Ritter, you
3 ignored several warnings by the State about the way
4 you were handling those children in that van.

5 If you had just used the check-off list which you
6 had available, this wouldn't have come about. As in
7 the military --- and you should know better than any
8 of us in here --- that if our military is going to be
9 successful in defending this country, you got to
10 follow the rules and regulations and follow orders.
11 You should have done that here, because as I said, if
12 anybody should have known to follow the rules, it was
13 you.

14 I realize on the mitigating side of that
15 situation, you probably got in the business after your
16 retirement. It was a lot more complicated than you
17 originally thought maybe was there. Anytime you're
18 dealing with other people's welfare and livelihood,
19 especially children, you've got to follow the rules.

20 I also took notice of the fact that you didn't
21 immediately respond to the child's needs when you
22 discovered there was a crisis at hand, and worst of
23 all, you tried to pass it on to the other workers.

24 So I'm going to tell all of you up front: I am
25 going to give a lesser sentence than I first thought

1 that I would today because I wanted to hear everybody
2 involved.

3 The fact that all of you came, and especially the
4 victim's mother that we all ---

5 UNIDENTIFIED WOMAN: Amen.

6 THE COURT: --- paid strict attention to and
7 taking into account her forgiveness, her presentation.

8 I'm coming off of what I was going to originally
9 do, but I'm going to follow the recommendation of the
10 State. The sentence is that Mr. Ritter be confined to
11 the State Department of Corrections for a period of 20
12 years.

13 UNIDENTIFIED WOMAN: Jesus.

14 THE COURT: He's going to get credit for any jail
15 time he had. Also, because of his health and age, I'm
16 going to recommend specialized placement for him.

17 Hopefully, the Department of Corrections has a
18 place for him where he will be able to assist the
19 State in some ways that will be beneficial.

20 I thank everybody for being here and taking part,
21 those that did, and good luck to you, Colonel.

22 MS. SHIPLEY: Thank you, Your Honor.

23 MR. STRIFLING: Thank you.

24 (Whereupon, the proceedings were concluded.)

25

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

COURT OF GENERAL SESSIONS
2007-GS-40-04465

STATE OF SOUTH CAROLINA

-vs-

WILLIE RITTER

:
:
:
:
:

TRANSCRIPT OF RECORD

MONDAY, OCTOBER 31, 2011
SUMTER, SOUTH CAROLINA

B E F O R E:

THE HONORABLE PAUL M. BURCH, JUDGE.

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

LUCK CAMPBELL, ASSISTANT SOLICITOR
ATTORNEY FOR THE STATE

WILLIAM B. VON HERRMANN, ESQUIRE
ATTORNEY FOR THE DEFENDANT

DIANNE A. RUTLEDGE
CIRCUIT COURT REPORTER

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I N D E X

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Certificate of Court Reporter 18

E X H I B I T S

No.		ID	In Ev
C-1	Sentence Sheet and Transcript of Plea		17

1 MS. CAMPBELL: May it please The Court.

2 THE COURT: Okay.

3 MS. CAMPBELL: Your Honor, we're here today with The
4 State versus Willie Ritter. He was charged in Richland
5 County with homicide by child abuse. He came before you
6 for trial, Your Honor. He ended up pleading guilty back in
7 2007, September 2007. At that time he was sentenced to 20
8 years for homicide by child abuse by you at that time.
9 Subsequent to that his counsel then filed a motion to
10 reconsider the sentence. And we are here for purposes of
11 that this morning.

12 THE COURT: All right. Counsel.

13 MR. VON HERRMANN: Thank you, Your Honor, Bert Von
14 Herrmann for the defendant.

15 Your Honor, I provided a copy of several things to
16 both the state, as well as The Court. First of all, there
17 is a sentencing sheet where Mr. Ritter was sentenced to 20
18 years in the Department of Corrections, along with a motion
19 for reconsideration filed by the former counsel, Jan
20 Strifling, of the Richland County bar. It was properly
21 before The Court at that particular time.

22 Your Honor, I have also provided a copy of a
23 transcript of the record for the guilty plea that occurred
24 on that particular day, which was July 20 of 2009.

25 Your Honor, as part of the motion for reconsideration,

1 obviously, he has asked for a motion to reduce sentence or
2 a change in the sentence or alter the sentence.

3 What we are asking for, Your Honor, is in fact that
4 exactly, and that is to vacate the plea and send everyone
5 back in a position for which they would now be entitled to
6 -- they would be entitled to be in, had some of the law
7 been a little bit clearer at the time.

8 As The Court is quite aware, I'm sure, and having been
9 a prosecutor for quite some years and tried many of these
10 cases, it was our position or at least an unchallenged
11 position that we believe that the homicide by child abuse
12 statute could be suspended in spite of the fact that it did
13 carry the potential life in prison without parole.

14 There is, Your Honor, a statute -- statute 24-21-410
15 that in fact was pertinent and has actually prohibited the
16 suspended sentence. And while I'm not aware of any appeal
17 -- with regards to that, it does clearly state that
18 potential penalties with life in prison are not
19 suspendible.

20 Your Honor, to go one step further, the court
21 eventually -- somebody on the court did try to suspend the
22 sentence or actually was requested to suspend the sentence
23 and declined to -- in that particular case, Your Honor,
24 Judge Childs was appealed and the final court -- or Supreme
25 Court ruled in July 25, 2011 that in fact any case that

1 carries life in prison without parole or the death penalty
2 is a non-suspendible sentence.

3 And that really comes back to -- and there are rival
4 cases out here. Ms. Campbell handed me several of them,
5 I'm sure she handed to The Court several of them.

6 When The Court was taking the plea -- and I would
7 point The Court's attention to page 4 of the transcript,
8 The Court indicated to the defendant, for the particular
9 offense the maximum possible penalty is up to life in
10 prison with a minimum sentence of 20 years. However, that
11 is not what we mean as mandatory minimum sentence. We will
12 have further discussion about that in a few minutes. But
13 for right now, I'm advising you that when I say it's not a
14 mandatory minimum sentence, that means that the minimum
15 sentence portion of this statute can be suspended as I
16 understand the law.

17 Now, do you have any questions about this charge?

18 And The Court further indicates to him that it was a
19 suspendible sentence.

20 His attorney in fact, on page 27, indicates that, so
21 we also enter this plea, Your Honor, with the understanding
22 that The Court as you have stated believe the statute under
23 which my client is pleading is a -- excuse me -- is a
24 suspendible statute. In other words, he's facing 20 to
25 life, and Your Honor can give him a suspended sentence,

1 but now the guidance -- excuse me, by the legislature, but
2 also by the guidance we've been provided by the South
3 Carolina Supreme Court, that was an impossibility. He
4 could not have received a suspended sentence.

5 He is not -- Your Honor, certainly at 65 years old
6 would not have plead guilty knowing that there was no
7 chance that he could get less than 20 years. He expected
8 -- or at least expected the opportunity or a chance, and
9 didn't understand the consequences was that he was going to
10 get at least 20 years.

11 To ask this Court -- and this Court right now is bound
12 in my opinion -- and I believe as The Court indicted, at
13 least we talked about briefly in chambers, is bound now by
14 the most recent case which says it can't be suspended.

15 So the motion for reconsideration would essentially be
16 void. It would be of no value if we were not able to ask
17 you to vacate the sentence, which is essentially what we're
18 asking you to do, vacate the sentence, which would in turn
19 vacate the plea and allow us to go forward with his
20 chances.

21 You also have to understand, Your Honor, this man was
22 also engaged in a number of plea offers -- or a number of
23 plea negotiations and a plea offer to voluntary
24 manslaughter, for which he understood he could get zero to
25 30 years, while not suspendible, he could get the zero

1 give him some committed sentence for which you can suspend
2 all or part of it. Now, that's not to say there's been any
3 discussion of a sentence or any words as to what if any
4 suspended sentence you give.

5 Your Honor, it's our position that under every bit of
6 the case law that I have located -- and Robbie (phonetic)
7 versus the State of South Carolina, I believe, is
8 pertinent, it does quote the U.S. Supreme Court -- says,
9 that in order for a defendant to knowingly and voluntarily
10 plead guilty, he must have a full understanding of the
11 consequences of the plea. And it says to ensure the
12 defendant understands the consequence of the plea, the
13 Trial Court usually asks the questions of the defendant
14 about the facts and the punishment that can be imposed.

15 And they also, Your Honor, further quote some federal
16 law. And I've provided that in Boykin v. Alabama, that he
17 has to have a full understanding of the law, and that has
18 to be an accurate understanding of the law.

19 In his mind, he was 65 years old at the time. He
20 reasonably believed that there was an opportunity -- and
21 The Court had at least entertained and explained to him
22 that he had the possibility of getting a suspended
23 sentence.

24 In this particular case we know not only by the
25 statute that we have that has been provided by The Court,

1 years.

2 His mother was sick at the time and he rejected that.
3 Ultimately this plea came about on the eve of trial.

4 Your Honor, I just suggest that out of fundamental
5 fairness, out of the case law, and out of the fact that he
6 was, you know, obviously, inadvertently -- I don't believe
7 that there was any intent to be -- to be, I guess, misled
8 by The Court at all. I think it's something that was
9 routinely done. However, the problem is, that's not what
10 the law is. That's what a lot of us believed the law to
11 be, and I don't think he should be the one prejudiced by
12 maybe our misinterpretation of the law at this point.

13 Your Honor, we do respectfully request that this Court
14 allow him a bond, allow this plea, the sentence be vacated.
15 He's now spent 2 -- over 2 years in jail on charges, quite
16 frankly, Your Honor, that are a little suspect in nature
17 any way. But that's neither here nor there. I don't think
18 we even need to get into the facts. I think that the facts
19 can be dealt with at a later time. What we need to do is
20 deal with the fact that he did not fully understand the
21 consequences of his action. And if Your Honor needs, Mr.
22 Ritter is here. He is fully willing to testify to his
23 understanding of the plea.

24 And I appreciate Your Honor, and I would respectfully
25 request an opportunity to respond to the state and any

1 argument that they have.

2 THE COURT: Solicitor.

3 MS. CAMPBELL: Thank you, Your Honor. May it please
4 The Court, Your Honor. If I may approach. Having handed
5 up a copy of the sentencing sheet. This is a plea that
6 took place over 2 days. You took the voluntariness plea on
7 the first day. And then the second day you actually did
8 the sentencing.

9 In addition to that, Your Honor, I have a copy of the
10 motion that was filed by Jan Strifling back then to
11 reconsider the sentence. I also hand up State versus
12 Rickard, State versus Morton, and State versus Wolf, which
13 all address, I believe the issues in this case if you were
14 to entertain them.

15 First of all, Your Honor, we have a motion before you
16 today pursuant to the filings in the clerk of court's
17 office -- any motions that are out there are a motion to
18 reconsider the sentence. So then to ask in the alternative
19 to vacate the guilty plea itself, I do not believe would be
20 appropriate.

21 However, even if you were to entertain that motion and
22 consider it, Your Honor, the case upon which he relies
23 which I just was handed this morning and I just had an
24 opportunity to review briefly is a whole different
25 scenario. In that case it was a sentence that was promised

1 to this defendant. He was promised a negotiated sentence
2 of 15 years; that was what was held out to him, and the
3 judge deviated from the negotiations in that case, which is
4 not what is here.

5 If the record is clear, Your Honor, we would ask to
6 make the transcript -- if it's appropriate, Your Honor. I
7 just received it this morning. I haven't had a chance to
8 review it. However, in my little bit to review it, Your
9 Honor, the transcript, you went through this defendant's
10 entire -- all his rights, whether or not his plea was
11 voluntary is not a question, Your Honor.

12 You went through the fact that, yes, you thought it
13 could be suspendible, but you also represented to him very,
14 very clearly that he was facing 20 to life and that was the
15 sentencing range.

16 He acknowledged that.

17 There is nowhere in his argument that you didn't go
18 through all his rights with him.

19 In the cases that I've handed up to you, both in
20 Rickard and Morton, a defendant cannot just wipe the slate
21 off because he doesn't like the sentence he gets, if he's
22 not promised anything. If you will look at this
23 transcript, Judge, it's very clear that there were no
24 promises made to this defendant, that he's pleading guilty
25 straight up. And the sentencing could be suspended by you

1 was put in the record, however, he was facing 20 to life.

2 You fell well within those guidelines.

3 In addition to that, Your Honor, in the case of State
4 versus Wolf, that's the case which addresses the fact that
5 defense counsel represented to the defendant that he could
6 get less time than he actually could. They're saying it
7 wasn't an issue in that case as in this case, because he
8 was aware of the actual penalties that did exist in this
9 case.

10 Respectfully, Your Honor, we ask that you deny the
11 motion. We do not feel it is appropriate here to entertain
12 the motion. We find that there's no basis other than they
13 don't like the sentence, which clearly has been addressed
14 by the Supreme Court and the Court of Appeals, Your Honor,
15 to say that this plea was not voluntary.

16 And defense counsel cannot point out anything in the
17 transcript that would render it involuntary. Thank you.

18 THE COURT: Yes, sir.

19 MR. VON HERRMANN: Your Honor, just briefly. And I
20 don't think we need to belabor it. But State v. Wolf is
21 when defense counsel in and of itself misrepresented a
22 potential sentence. It was not on the Judge effectively or
23 inadvertently misrepresented or did represent to a
24 defendant that there is an alternative sentence that could
25 be offered.

1 In this particular case, quite frankly -- I mean,
2 certainly, we've got -- he was told on the record by the
3 Judge that it was a suspendible sentence and he could
4 potentially walk out of the courtroom that day.

5 We have his attorney doing it.

6 My assumption is that we also have a prosecutor who
7 has a duty to justice, that if she knew that that was not
8 the case -- and I know Ms. Shipley (sic) very well. And I
9 would whole-heartedly agree that if she knew or believed to
10 be any different from what this court said to Mr. Ritter,
11 she would have brought it to The Court's attention. No
12 question in my mind about that.

13 So we essentially have 3 people that have represented
14 or at least acknowledge that there is a potential that you
15 could walk out of here today at 65 years old, as opposed to
16 what we're faced with right now is 20 years.

17 You know, to mince words with vacating the plea or
18 vacating the sentence, Your Honor -- that in and of itself
19 allow the plea to be vacated. If we're going to mince
20 words over trying to get to justice -- and that's really
21 what we're talking about here is getting to justice. We're
22 not talking about mincing words as to whether or not
23 because he filed a motion to reconsider whether you can
24 then vacate his plea.

25 Your Honor, having been a law clerk and sat by a

1 judge, a judge can do an awful lot. And it's always in the
2 interest of justice. And, quite frankly, what we're asking
3 right now for, Your Honor, is something that this court has
4 the authority to do and absolutely, we believe, the
5 responsibility saying -- again, there is no -- we're not
6 saying that The Court intentionally ever misrepresented
7 anything. But that's not the question. He's still
8 prejudiced by the fact that the proposed potential penalty,
9 the consequences of his plea, which is what every case
10 she's handed up and I handed up was not the potential
11 consequences for which he pled.

12 And in our particular case, Your Honor, we believe
13 that the only proper thing to do is to set aside the plea.
14 If he comes back and he pleads later, then we know what the
15 plea is. We know what the consequences are.

16 If it goes to trial, he knows what the consequences
17 are.

18 But that day when he made that plea, he did not know
19 what the consequences were. He believed that it could be a
20 suspended sentence, that could potentially allow him to
21 walk out at 65 years old.

22 And I would point out, Your Honor, just as an aside,
23 that you were absolutely cognizant of his condition. They
24 put forth that he was diagnosed by a mental health expert
25 having some schitzofroid issues.

1 But even your recommendations were that he be
2 specially placed with health needs and history -- medical
3 history. So it's not that you weren't cognizant of his
4 situation in things -- although they were not raised as a
5 defense, those were just mitigating factors or issues.

6 But The Court was cognizant of his rights and
7 everything. And I believe The Court did do everything that
8 they could in their power to. Unfortunately, it is a
9 mistake. It is a mistake that is materially prejudicial to
10 my client. And we should go back to square-one, allow him
11 the opportunity to make the decision whether knowing that
12 this 20 years to life and there's no suspended sentence.
13 Let him make that decision, Your Honor. And that's all
14 that we are asking. Thank you, sir.

15 THE COURT: Yes.

16 MS. CAMPBELL: Respectfully, Your Honor, he makes his
17 argument for me. I mean, you did seek justice that day.
18 You rendered it. I ask you to take into consideration
19 everything put forward.

20 You went through his rights, to make sure it was
21 voluntary. He made a knowing and intelligent waiver of his
22 rights and he pled guilty to this.

23 We just ask that you abide by your decision you took
24 into consideration.

25 THE COURT: All right. There's no misrepresentation.

1 I mean, there's not a mistake as far as the transcript;
2 that was the understanding of most judges at that time that
3 that was what the law was. I remember that very well
4 because The State paper did a survey -- even attempted to
5 call several jurist to get their opinion on it. And I
6 mean, there wasn't any question about it at that time.

7 Of course, the law is all over the board. I don't
8 remember the particular statute. But I remember years ago
9 there's an obscure statute out there somewhere that I was
10 told that says that no matter what any other statute says,
11 the circuit judge still has the authority to suspend a
12 sentence. But I don't know whether that's true or not. I
13 just remember somebody making that statement at a class one
14 time.

15 But if I had suspended the sentence down somewhat -- I
16 don't think there's any question about that. The
17 Department of Corrections would have gone along with it,
18 whatever that particular sentence was, would probably not
19 even be questioned here today.

20 MR. VON HERRMANN: Your Honor, if I may, I actually
21 brought that issue up to Ms. Campbell on Friday. She
22 indicated that her circuit always would review those cases.
23 And had it been a suspended sentence, it would in fact been
24 appealed.

25 Now, I've known Ms. Campbell quite some time, and I

1 know that she would not misrepresent that. So, in fact, we
2 would have been here and perhaps the decision would have
3 been made different.

4 And, Your Honor, respectfully -- and, of course, not
5 to interrupt The Court. But, again, 24-21-410 speaks
6 clearly to if the potential sentence is life in prison. We
7 might have all been ignoring it or potentially we just
8 haven't been appealing it, because I've had it happen when
9 I was on the state's side. We did not appeal the judge's
10 decision. But had we done so, we might have had this
11 decision on February 25. Quite frankly, we'd have had this
12 hearing we're having a motion to reconsider 2 years later.
13 Had we had a year later or a year ago and they didn't
14 appeal it, then this Court would have had the opportunity
15 to reduce the sentence if they saw fit.

16 THE COURT: Well, I can't speak for them. I know what
17 was common practice back then. And there's been a lot of
18 discussion across the board about it. And I know -- I do
19 remember that The State paper was very actively involved in
20 researching that matter.

21 All right. If you all want to do proposed orders
22 within 10 days, please.

23 MS. CAMPBELL: Thank you.

24 MR. VON HERRMANN: Thank you, Your Honor.

25 THE COURT: Good seeing you all.

1 (Sentence Sheet and transcript of plea were marked
2 Court's Exhibit No. 1 at the conclusion of the hearing.)

3 --- End of transcript of record ---
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1 I, the undersigned Dianne A. Rutledge, official court
 2 reporter for the Fifth Judicial Circuit of The State of South
 3 Carolina, do hereby certify that the foregoing is a true,
 4 accurate, and complete transcript of the record of the
 5 proceedings had and evidence introduced in the hearing of the
 6 captioned case, relative to appeal, in the Circuit Court for
 7 Richland County, South Carolina on the 31st day of October
 8 2011.

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

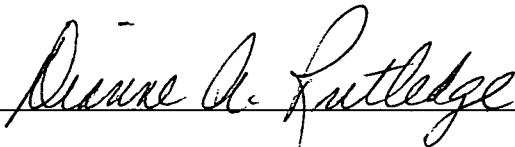
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August 16, 2012

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Court Reporter

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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

GENERAL SESSIONS

STATE OF SOUTH CAROLINA

CR. NO. 2007-GS-40-4465

MOTION FOR
RECONSIDERATION OF
SENTENCE

JEANETTE W. NICKBRI
C.C.P. & G.S.

2009 SEP 25 AM 11:24

RICHLAND COUNTY
FILED

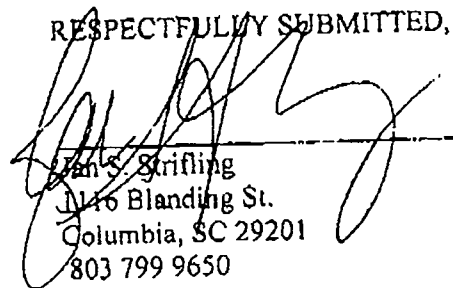
v

WILLIE RITTER

The defendant, by and through the undersigned attorney, pursuant to Rule 29(a) of the South Carolina Rules of Criminal Procedure, hereby moves the court for the reconsideration of the sentence imposed on the defendant on September 21, 2009.

This motion is based on the instant motion, subsequent matters to be presented, and matters to come before the court at a hearing on the motion.

RESPECTFULLY SUBMITTED,


Jan S. Strifling
1146 Blanding St.
Columbia, SC 29201
803 799 9650

September 25, 2009

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County
Court of General Sessions

Paul Burch, Circuit Court Judge

Case No.2012-210570

THE STATE

Respondent,

vs.


WILLIE RITTER

Appellant.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Aug 12, 2013



William B. von Herrmann
216 Elm Street
Conway, South Carolina 29526
(843)488-1030
Attorney for Appellant

Bar # 15675

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AUG 19 2013

SC Court of Appeals

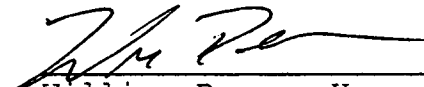
PROOF OF SERVICE

I, William B. von Herrmann, certify that I have served the Record on Appeal on Respondent by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

David Spencer, Assistant Attorney General
Post Office Box 11549
Columbia, South Carolina 29211

I further certify that all parties required to be served have been served.

This 14 day of Aug, 2013


William B. von Herrmann
216 Elm Street
Conway, SC 29526
(843) 488-1030
Attorney for Appellant

Ben # - 15675