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S.C. SUPREME COURT

# Exhibit F

## Comparator Cases

Mr. Owens submits this list of cases for the Court's consideration when conducting its expanded proportionality review under *Moore v. Stirling*, 436 S.C. 207, 871 S.E.2d 423 (2022) (holding that a capital defendant has the statutory and due process right to comparative proportionality review of all similar cases, not only those that resulted in a death sentence).

In *Moore*, this Court instructed that, “[b]ecause only the records of cases in which there has been an appeal are readily accessible by this Court, if a defendant seeks the Court’s consideration of a case that has not resulted in an appeal, the defendant shall submit to the Court an official record of the conviction and sentence, including a trial transcript, for consideration in the Court’s review.” *Id.* at 227, 871 S.E.2d at 434. Attached to this list, Mr. Owens submits the records of conviction and relevant transcripts for cases that were not appealed to the South Carolina Supreme Court.

### 1. James Anthony Butler

**Facts:** James Anthony Butler was convicted of a 1980 armed-robbery murder at a motel in Santee, South Carolina. Butler shot and killed the 33-year-old motel owner in front of the owner’s wife, who was eight months pregnant at the time, and then shot and injured her. Butler was convicted of murder, assault and battery with intent to kill, and unlawfully carrying a pistol. He was sentenced to life imprisonment.

**Sentence:** Life sentence at capital retrial.

**Record:** Record of initial capital trial on file with this Court. *See State v. Butler*, 277 S.C. 543, 290 S.E.2d 420 (1982) (reversing initial murder conviction). Record of retrial on file with this Court in case number 2009-136094, Butler’s PCR appeal.

### 2. Felix Cheeseboro

*State v. Cheeseboro*, 346 S.C. 526, 552 S.E.2d 300 (2001).

**Facts:** Felix Cheeseboro was convicted of a 1996 armed robbery and double murder at a barbershop in Columbia. Cheeseboro robbed the barbershop, then committed execution-style murders of a 75-year-old barber and a 70-year-old customer. He also attempted to execute a third man, shooting him in the back of the neck, but the third man survived. Evidence was admitted that Cheeseboro was on parole from another murder conviction, and that Cheeseboro had, weeks before the barbershop murder, also murdered a cab driver. The jury found Cheeseboro guilty of three counts of armed robbery, three counts of kidnapping, two counts of murder, and one count of assault and battery with intent to kill, but did not recommend a death sentence.

**Sentence:** Life sentence at capital trial.

**Record:** Conviction and sentence appealed to the South Carolina Supreme Court. *See State v. Cheeseboro*, 346 S.C. 526, 552 S.E.2d 300 (2001).

### **3. Christopher J. Costa**

**Facts:** Christopher J. Costa recruited Lewis David Bezer to help him rob a video shop after Costa was fired from the shop for stealing \$17,000 from the machines. The men pretended to have car trouble in order to get into the parlor, then shot and killed the 22-year-old security guard who let them in to use the store phone. Costa had a co-defendant, but there was no question that Costa was the triggerman. Costa was convicted of murder, armed robbery, and criminal conspiracy, and the jury found as aggravating factors that: (1) the murder was committed while in the commission of a burglary; (2) the murder was committed during the commission of robbery while armed with a deadly weapon; and (3) the murder was committed during the commission of larceny while armed with a deadly weapon. Costa was sentenced to life in prison.

**Sentence:** Life sentence at capital trial.

**Record:** Records provided in Exhibit F-1.

### **4. Eugene Gary**

**Facts:** Eugene Gary killed 31-year-old Leila Rios, the manager of the sandwich shop where he worked, in 1997. Gary slit Rios's throat and left her to bleed to death, and stole about \$1,300 in cash. Gary was found guilty of murder, armed robbery, and possession of a knife during the commission of a violent crime. Gary was sentenced to life in prison.

**Sentence:** Life sentence at capital trial.

**Record:** Records provided in Exhibit F-2.

### **5. Eric Gill**

*Gill v. State*, 346 S.C. 209, 552 S.E.2d 26 (2001)

**Facts:** Eric Gill shot and killed restaurant owner Bert Long during a 1977 robbery of the restaurant. Gill also shot and wounded the cook Isabelle Milles, who escaped into the bathroom. Gill pursued Mills into the bathroom and fired again, but Mills survived. Gill also shot another employee, Kathie Faile, in the back and the shoulder. Faile struggled to a phone and was calling for help when Gill yanked the phone from her hand and fled. At a capital trial, Gill was convicted of murder, grand larceny of a vehicle, armed robbery, and two counts of assault and battery with intent to kill. He was sentenced to life in prison for the murder.

**Sentence:** Life sentence at capital retrial.

**Record:** Record on file with this Court in case number 1997-005815.

### **6. Mose Peterson III and Craig Anthony Stubbs**

**Facts:** Mose Peterson III and Craig Anthony Stubbs robbed a Florence car rental agency, tied up the 18-year-old college student who was working there, robbed him, and shot him four

times in the head. Peterson and Stubbs were convicted of murder, armed robbery, and grand larceny. They were both sentenced to life in prison for the murder.

**Sentence:** Life sentences at capital retrial.

**Record:** Record of initial capital trial on file with the South Carolina Supreme Court. *See State v. Peterson*, 287 S.C. 244, 335 S.E.2d 800 (1985) (reversing initial convictions and death sentences). Record of retrial on file with the South Carolina Supreme Court in Stubb's 1987 appeal.

## 7. **Jessie Lee Pringle**

**Facts:** Jessie Lee Pringle robbed a convenience store in Sumter in 1991. After taking money from the cash register, he dragged Angela Taylor, the store clerk, into a wooded area behind the store. He raped her and then smashed her skull with a cinderblock. Pringle pled guilty to murder, first degree criminal sexual conduct, kidnapping, aggravated assault and battery, and armed robbery with a deadly weapon. He was sentenced to life in prison on the murder.

**Sentence:** Life sentence after guilty plea.

**Record:** Records of conviction provided in Exhibit F-3. *See also* Scott Bronstein, *Pringle Pleads Guilty to Vicious Murder*, SUMTER ITEM (Apr. 16, 1994) (included with Exhibit F-3).

## 8. **Frederico D. Riddley**

**Facts:** In an attempted robbery of the Thunderbird Motor Lodge in Anderson, Frederico D. Riddley beat Sarita Patel to death with a shovel and a chair and choked her. Riddley pled guilty to murder, grand larceny, assault and battery with intent to kill, and pointing a firearm. He was sentenced to life in prison.

**Sentence:** Life sentence after guilty plea.

**Record:** Records of conviction provided in Exhibit F-4. *See also* Nicholas Charalambous, *Suspect Pleads Guilty*, ANDERSON INDEP. (Jan. 9, 2001) (provided with Exhibit F-4).

## 9. **Stanley Eugene Woods**

**Facts:** Stanley Eugene Woods shot and killed a 71-year-old man during a 1981 armed robbery of a gas station. The following month, Woods kidnapped a 16-year-old store clerk, stole cash from the store, and raped the girl in the back seat of a car. After his initial conviction was vacated by this Court, *State v. Woods*, 282 S.C. 18, 316 S.E.2d 673 (1984), Woods pled guilty to murder and armed robbery and was sentenced to life in prison for the murder.

**Sentence:** Life in prison after guilty plea.

**Record:** Records of Woods's initial conviction on file with the South Carolina Supreme Court. *See State v. Woods*, 282 S.C. 18, 316 S.E.2d 673 (1984). Records of Woods's current conviction and life sentence on file with this Court in case number 1999-010420, Woods's PCR appeal. Records of conviction also provided in Exhibits F-5. *See also* Paul Martin,

*Stanley Woods Sentenced to Life Plus 55 Years*, GREENVILLE NEWS (Oct. 24, 1984) (included with Exhibit F-5); Associated Press, *Woods Gets Life for Hold-up, Murder*, GAFFNEY LEDGER (July 17, 1985) (included with Exhibit F-5).