

**RECEIVED**

**Nov 14 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Richland County

Honorable Robert E. Hood, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

RACHEL MARIE WILCOX,

APPELLANT

APPELLATE CASE NO 2024-000796

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RECORD ON APPEAL

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ATTORNEYS FOR RESPONDENT

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1 STATE OF SOUTH CAROLINA \* GENERAL SESSIONS  
 2 COUNTY OF RICHLAND \* TRANSCRIPT OF RECORD

3 -----X  
 4 STATE OF SOUTH CAROLINA, \*  
 5 State, \*  
 6 vs. \* Case No. 2023-GS-40-08168  
 7 RACHEL M. WILCOX, \*  
 8 Defendant.\*  
 -----X

9 May 6, 2024

10 B E F O R E:

11 The Honorable Robert E. Hood, Presiding Judge

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

13 John Gardner, Esq.  
 14 Assistant Solicitor for the State

15 Charles Dulaney, Esq.  
 16 Attorney for the Defendant

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22 Recorded by: DCRP Court Monitor

23 Transcribed by: Bobbi Fisher, RPR  
 24 SC Official Court Reporter III

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E X H I B I T S

(None.)

COURT REPORTER LEGEND

Dash (--)	Indicates an interruption in speech
Ellipses (...)	Indicates trailing off in speech
(ph)	Indicates phonetic word
[Verbatim]	Indicates the word is said as written
(Indiscernible)	[Transcription] Indicates word(s) is not known due to audio recording quality

## 1 P R O C E E D I N G S

2 (The following proceedings started at 10:30 a.m.):

3 THE CLERK: Please raise your right hand.

4 RACHEL WILCOX,

5 after having been duly sworn, was examined and  
6 testified to as follows:

7 THE COURT: All right. What's she pleading to?

8 MR. GARDNER: To breach of peace of an aggravated  
9 nature.

10 THE COURT: And what's the recommendation?

11 MR. GARDNER: I believe three years suspended to two  
12 years' probation.

13 THE COURT: Okay. Are you Rachel Wilcox?

14 THE DEFENDANT: Yes.

15 THE COURT: Are you under the influence of any  
16 alcohol or drugs today?

17 THE DEFENDANT: No.

18 THE COURT: Ever been treated for any mental health  
19 issues?

20 THE DEFENDANT: Yes.

21 THE COURT: Are you on any medicine for that?

22 THE DEFENDANT: No.

23 THE COURT: Do you understand what's going on here  
24 today?

25 THE DEFENDANT: Yes.

1 THE COURT: Have you understood your conversations  
2 with your lawyers?

3 THE DEFENDANT: Yes.

4 THE COURT: And do you want to plead guilty to  
5 breach of peace of a high and aggravated nature?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you understand I can put you in  
8 prison for ten years?

9 THE DEFENDANT: Yes.

10 THE COURT: Are you on probation or parole?

11 THE DEFENDANT: No.

12 THE COURT: Do you want to give up your right to  
13 remain silent?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you want to give up your right to a  
16 jury trial?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you want to give up your right to  
19 confront your accusers?

20 THE DEFENDANT: Yes.

21 THE COURT: And let's see, on June the 5th of 2023,  
22 did you commit an aggravated breach of peace here in  
23 Richland County?

24 THE DEFENDANT: Yes.

25 THE COURT: And the recommendation is probation.

1 Besides that, has anybody promised you anything to get you  
2 to plea?

3 THE DEFENDANT: No.

4 THE COURT: Has anybody forced you or threatened you  
5 to get you to plea?

6 THE DEFENDANT: No.

7 THE COURT: Are you pleading freely and voluntarily?

8 THE DEFENDANT: Yes.

9 THE COURT: Are you satisfied with your lawyer?

10 THE DEFENDANT: Yes.

11 THE COURT: Yes?

12 THE DEFENDANT: Yes.

13 THE COURT: And are you pleading guilty because you  
14 are guilty?

15 THE DEFENDANT: Yes.

16 THE COURT: You have ten days to appeal. Do you  
17 understand?

18 THE DEFENDANT: Yes.

19 THE COURT: Okay.

20 MR. GARDNER: Your Honor, Richland Sheriff's  
21 Department responded to [REDACTED] Spring Flower Road in regard  
22 to a domestic dispute with a weapon. The victim, Mary  
23 Wilcox, reported her daughter, the defendant, appeared at  
24 her home with a gun demanding to see her two children  
25 despite previously being trespassed and having a no

1 contact order.

2 The victim was able to leave the home with the  
3 grandchildren. RCSD began to circle the property and a  
4 stand-off situation ensued. They began a negotiation  
5 process to try to get the defendant to relinquish the  
6 shotgun she was armed with. She was armed, openly  
7 drinking alcohol, and yelling about DSS trouble involving  
8 her children.

9 Richland County was able to deploy the K-9, which  
10 ultimately apprehended her, and she was taken into  
11 custody.

12 Your Honor, the victim is present, and I believe she  
13 would like to address the Court.

14 THE COURT: Okay. Is there a record?

15 MR. GARDNER: No prior record.

16 THE COURT: Okay. And where is the victim?

17 All right. Tell me your name, please.

18 MS. WILCOX: Mary Wilcox.

19 THE COURT: Ms. Wilcox, thank you very much for  
20 being here today. I'm happy to hear anything you'd like  
21 to tell me.

22 MS. WILCOX: I would like to say, Your Honor, that I  
23 am in full support of Rachel getting a second chance here.

24 THE COURT: Okay.

25 MS. WILCOX: She is scheduled for an appointment

1 tomorrow for patient intake assessment at a very good  
2 treatment center.

3 THE COURT: Excellent. And what's the relationship?

4 MS. WILCOX: I'm her mom.

5 THE COURT: You're mom. Okay. All right. And I  
6 appreciate you being here, and I appreciate you taking the  
7 time to be here today and I appreciate your comments  
8 today. And I know it's a difficult situation as a parent,  
9 so thank you for being here.

10 MS. WILCOX: Thank you.

11 THE COURT: All right. And, Ms. Wilcox, do you  
12 agree that you participated in this event?

13 THE DEFENDANT: I'm sorry?

14 THE COURT: Do you agree that you participated in  
15 this event?

16 THE DEFENDANT: Yes.

17 THE COURT: Okay. And Mr. Dulaney?

18 MR. DULANEY: Thank you, Your Honor.

19 Just -- all I have is the request that she's going  
20 to be evaluated tomorrow for treatment. We're not sure  
21 how long that will be.

22 THE COURT: Okay.

23 MR. DULANEY: I'd just ask for a condition in the  
24 order allowing her probation to terminate when she does  
25 complete that program.

1 THE COURT: Okay. And how much credit does she  
2 have?

3 MR. DULANEY: 31 days.

4 THE COURT: Okay. Is Duckett in here? Agent  
5 Duckett, are you in here?

6 So is she going to be able to do what she needs to  
7 do tomorrow with probation?

8 AGENT DUCKETT: She has to be transported to Georgia  
9 tomorrow.

10 MR. DULANEY: That's correct.

11 AGENT DUCKETT: It should take about -- once she  
12 reports, it will take about an hour and a half  
13 [indiscernible] Georgia but she has to get transferred.

14 THE COURT: Okay. All right. So she's got to go  
15 where tomorrow first?

16 AGENT DUCKETT: [Indiscernible] back on probation.

17 THE COURT: So Mom -- the reason I'm doing this is  
18 so -- is really for Mom, so you can hear it. So she's got  
19 to go where tomorrow, agent Duckett?

20 MR. DULANEY: I gave her the address.

21 THE COURT: And she's got to go there first before  
22 she can go to any treatment intake. Does that make sense?  
23 Because the treatment place is in Georgia. So Probation  
24 has to give their permission -- their blessing to allow  
25 her to go to Georgia.

1 Is that right, Agent Duckett?

2 AGENT DUCKETT: Yes, sir.

3 THE COURT: Okay. All right. And is there anything  
4 you'd like to say, Ms. Wilcox?

5 And what kind of treatment is she going to?

6 MR. DULANEY: It will be first to evaluate for  
7 mental health and for substance abuse, but it would be a  
8 comprehensive treatment for both.

9 THE COURT: Okay. All right. Is there anything you  
10 want to say, Ms. Wilcox?

11 THE DEFENDANT: Praise the Lord, Jesus.

12 THE COURT: Ma'am?

13 THE DEFENDANT: Just want to get out of here.  
14 That's all.

15 THE COURT: Okay. Thank you.

16 MR. GARDNER: And, Your Honor, I do have a bench  
17 warrant that needs to be vacated as part of this as well.

18 THE COURT: Okay. All right. The sentence is three  
19 years suspended upon two years of probation. She's given  
20 credit for 31 days. \$500 to the public defender fund.  
21 Probation may terminate upon the successful completion of  
22 substance abuse treatment.

23 Best of luck to you, Ms. Wilcox.

24 (The hearing concluded at 10:35 a.m.)  
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CERTIFICATE OF TRANSCRIBER

CASE NAME/NUMBER: State v. Rachel Wilcox

2023-GS-40-08168

DATE OF HEARING: 5/6/24

COURT REPORTER/MONITOR: DCRP

\*\*\*\*\*

I, Bobbi Fisher, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information, and that I am neither counsel for, related to, nor employed by any of the parties to this case, and I have no interest, financial or otherwise, in its outcome.

*Bobbi Fisher*

/s/ Bobbi Fisher\_\_\_\_\_

Bobbi Fisher, RPR and Certified Transcriber

Date Submitted: 9/13/24

NOTE: PURSUANT TO RULE 607(h)(1)(B), SCACR, "A COURT REPORTER SHALL RECEIVE THE FEE OF \$1.00 PER PAGE FOR FURNISHING A COPY OF A PREVIOUSLY PREPARED TRANSCRIPT." ALL REQUESTS FOR COPIES OF THE ATTACHED TRANSCRIPT (FORM 800) FROM OPPOSING PARTY OR NON-PARTIES MUST BE SENT TO THIS REPORTER AT BFISHER@SCCOURTS.ORG.

DOCKET NO. 2023GS4008168

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2023

57

THE STATE  
vs.

Rachel Marie Wilcox

Indictment for  
BREACH / BREACH OF PEACE,  
AGGRAVATED IN NATURE

SC Code: 00-00-0000  
CDR Code: 0955

WITNESSES

(S) Matthew R Rush

- Richland County Sheriff Dept

ARREST WARRANT NUMBER

2023A4010202563

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: SEP 14 2023

VERDICT

Foreperson of Petit Jury

Date:

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

Defendant

RACHEL WILCOX

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )

**INDICTMENT**

At a Court of General Sessions, convened on September 12, 2023,  
 the Grand Jurors of Richland County present upon their oath:

**BREACH OF PEACE - AGGRAVATED**

That Rachel Marie Wilcox did in Richland County on or about June 5, 2023,  
 knowingly, willfully and intentionally disturb public order and/or public tranquility  
 through her conduct, accompanied by circumstances of aggravation in relation to a  
 standoff with law enforcement, such acts constituting the offense of Breach of  
 Peace in violation of the Common Law of South Carolina.

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




---

BYRON E. GIPSON, SOLICITOR

5-10 years

STATE OF SOUTH CAROLINA  
COUNTY OF Richland  
STATE

IN THE COURT OF GENERAL SESSIONS

VS.

INDICTMENT/CASE#: 2023 - GS - 40 - 08168

Rachel Marie Wilcox

A/W#: 2023A4010202563

AKA: \_\_\_\_\_  
Race: WHITE Sex: F Age: 36

Date of Offense: 6/5/2023

DOB: ██████-1987 SS#: \_\_\_\_\_

S.C. Code § 00-00-0000

Address: No Perm Address

CDR Code #: 0955

City, State, Zip: Columbia, SC 29201

DL#: \_\_\_\_\_ SID#: \_\_\_\_\_

SENTENCE SHEET

RECOMMENDED

NEGOTIATED \_\_\_\_\_

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Breach / Breach of peace, aggravated in nature

in violation of § 00-00-0000 of the S.C. Code of Laws, bearing CDR Code # 0955

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45  
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (def.'s initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State. **PROBATION W/TX**  
**3425 SS ON 2 PPP**

ATTEST: John E. Gardner 104645  
Gardner, John SC Bar #

Rachel Marie Wilcox  
Defendant

Charles M. Dulaney  
Dulaney, Charles M. SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Correction,  County Detention Center,

for a determinate term of 3 ~~days~~ months years/Time Served  Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years/Time Served and or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for 2

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

The sentence shall run  CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 31 0 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Rachel Marie Wilcox INDICTMENT/CASE#: 2023 - GS - 40 - 08168

**SPECIAL CONDITIONS:**

**PTUP** after \_\_\_\_\_ months/years

**And Other Terms Listed Below:**

Substance Abuse Counseling       Completion of GED       Random Drug/Alcohol Testing

Attend Voc. Rehab. or Job Corp       No Contact with Victim       Domestic Violence Intervention Program

Mental Health Counseling       May serve W/E beginning: \_\_\_\_\_

Sex Offender Registry pursuant to S.C. Code § 23-3-430       Public Service Employment \_\_\_\_\_ days/hours

Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Other: probation may terminate upon the successful completion of substance abuse treatment

**RESTITUTION:**       Deferred       Def. Waives Hearing       Ordered

Total: \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

**\*Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_ \$ \_\_\_\_\_

§14-1-206 (Assessments 107.5 %)      \$      \$

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

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

§56-5-2995 (DUI Assessment)      \$12      \$

§56-1-286 (DUI Breath Test)      \$25      \$

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

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

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)      \$41      \$

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

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

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

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.      \$500      \$

§ 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund      TBD      \$ 3.75

**TOTAL**      \$ 128.75

Clerk of Court/ Deputy Clerk:  
Court Reporter:

Janette McBride  
Debra Brown

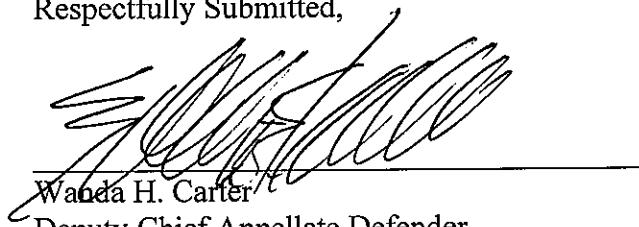
Presiding Judge:  
Judge Code:  
Sentence Date:

Be Hood  
2764  
5/6/24

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Wanda H. Carter  
Deputy Chief Appellate Defender

**RECEIVED**

**Nov 14 2024**

**SC Court of Appeals**

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

ATTORNEY FOR APPELLANT

This 14th day of November, 2024.

**RECEIVED**

**Nov 14 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Richland County

Honorable Robert E. Hood, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

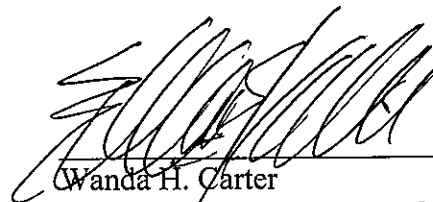
V.

RACHEL MARIE WILCOX,

APPELLANT

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

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS) this 14th day of November, 2024.



\_\_\_\_\_  
Wanda H. Carter  
Deputy Chief Appellate Defender