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STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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**S.C. Supreme Court**

Appeal from Richland County

L. Casey Manning, Circuit Court Judge

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ANTHONY KELLEY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-002011

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APPENDIX

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 4 STATE OF SOUTH CAROLINA, )  
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 6 -V- ) OF  
 7 ) RECORD  
 8 WILLIAM A. KELLEY, ) 2011-GS-40-03867; 03869  
 9 ANTHONY D. KELLEY, )  
 10 DEFENDANTS. )

11

12 APRIL 23, 2012  
 13 RICHLAND, SOUTH CAROLINA

14

15 B-E-F-O-R-E:

16 HONORABLE R. KNOX MCMAHON, JUDGE;

17

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

19 FOR THE PLAINTIFF:

20 MARGART FENT, ESQ.

21

22 FOR THE DEFENDANT:

23 JIM MAY, ESQ.

24 GREG COLLINS, ESQ.

25 WILLIAM HODGE, ESQ.

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GUILTY PLEAS:

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SENTENCE:

62

CERTIFICATE OF REPORTER:

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(REPORTER'S NOTE: THERE WERE NO EXHIBITS ENTERED.)

I-N-D-E-X

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GUILTY PLEAS:

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SENTENCE:

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CERTIFICATE OF REPORTER:

64

(REPORTER'S NOTE: THERE WERE NO EXHIBITS ENTERED.)

1 (The following proceedings were held on  
2 April 23, 2012.)

3 THE CLERK: Raise your right hand, please.

4 THEREUPON,

5 WILLIAM A. KELLEY,

6 after having been duly sworn, testified as follows:

7 THEREUPON,

8 ANTHONY D. KELLEY,

9 after having been duly sworn, testified as follows:

10 CLERK: Speak up, please.

11 THE COURT: All right. Solicitor?

12 MS. FENT: Yes, Your Honor, the State call the  
13 cases of Anthony Deon Kelley and William A. Kelley.

14 Anthony Kelley is to your right. William Kelley  
15 is to your left. Anthony is represented by Jim May and Greg  
16 Collins of the Public Defender's Office. William Kelley is  
17 represented by William Hodge. They are here to plead  
18 guilty: Anthony to 12 separate indictments, and William  
19 Kelley to three.

20 Your Honor, we have negotiated a sentence on  
21 Anthony of a range of 40 to 50 years and to a negotiated  
22 sentence on William Kelley of 15 years. On William, we are  
23 also dismissing a CSC in the first degree charge.

24 THE COURT: Thank you.

25 MS. FENT: And I believe we had submitted to, Your

1 Honor, we had signed plea agreements with both parties, all  
2 attorneys. And part of that is that they will be waiving  
3 all of their appellate PCR and habeas rights.

4 THE COURT: All right. Thank you. Thank you very  
5 much, Solicitor.

6 Mr. May, Mr. Collins?

7 MR. MAY: Yes, Your Honor.

8 THE COURT: Do y'all represent Anthony Deon  
9 Kelley?

10 MR. MAY: Yes, sir.

11 MR. COLLINS: Yes, sir.

12 THE COURT: If there's no objections, I will  
13 address my questions to Mr. May. Will that be appropriate,  
14 Mr. Collins?

15 MR. COLLINS: Yes, sir.

16 THE COURT: Mr. May, have y'all explained to  
17 Anthony Kelley the charges contained in the indictments, the  
18 possible punishments, and his constitutional rights,  
19 including his right to a jury trial?

20 MR. MAY: We have, Your Honor.

21 THE COURT: In your opinion, does he understand  
22 the charge, the punishment, and his rights?

23 MR. MAY: Yes, sir.

24 THE COURT: How does he indicate he wishes to  
25 plead to the following charges: Burglary, first degree?

1 ANTHONY KELLEY: Guilty.

2 THE COURT: Criminal sexual conduct, first degree?

3 ANTHONY KELLEY: Guilty.

4 THE COURT: Grand larceny of a motor vehicle?

5 ANTHONY KELLEY: Guilty.

6 THE COURT: Failure to stop for a blue light?

7 ANTHONY KELLEY: Guilty.

8 THE COURT: Assault and battery, first degree,  
9 one, two, three, four, five counts?

10 ANTHONY KELLEY: Guilty.

11 THE COURT: Leaving the scene of an accident, hit  
12 and run, property damage?

13 ANTHONY KELLEY: Guilty.

14 THE COURT: Leaving the scene of an accident, hit  
15 and run, personal injury?

16 ANTHONY KELLEY: Guilty.

17 THE COURT: And resisting arrest?

18 ANTHONY KELLEY: Guilty.

19 MR. MAY: Your Honor, furthermore, due to the  
20 records that I provided you before this plea that we  
21 obtained in representation, we have had Mr. Anthony Kelley  
22 evaluated for criminal responsibility as well as competency.  
23 The university -- Medical University of South Carolina's  
24 forensics division has found him competent to stand trial  
25 and criminally responsible. I ask that be made apart of the

1 record.

2 THE COURT: All right. And I have also reviewed a  
3 multipage document which you handed to me previously and the  
4 evaluation review also, Mr -- Mr. May. I would have those  
5 both marked as a Court's exhibit -- Court's Exhibits Number  
6 1.

7 MR. MAY: Thank you, Your Honor.

8 THE COURT: Thank you, Ms. Holmes.

9 Mr -- Mr. May, do you have any question about  
10 Anthony Kelley's competency?

11 MR. MAY: Your Honor, he does -- does process  
12 things at a slower level, but I believe that he is competent  
13 to stand trial. There would have been no Blair Hearing had  
14 this case proceeded to trial.

15 THE COURT: Thank you. Thank you very much.  
16 Mr. Hodge?

17 MR. HODGE: Yes, Your Honor.

18 THE COURT: Do you represent the  
19 William A. Kelley?

20 MR. HODGE: I do, Your Honor.

21 THE COURT: Have you explained to Mr. Kelley the  
22 charges contain in the indictments, the possible  
23 punishments, and his constitutional rights, including his  
24 right to a jury trial?

25 MR. HODGE: I have, Your Honor.

1 THE COURT: In your opinion, does he understand  
2 the charge, the punishment, the element of the various  
3 charges and his rights?

4 MR. HODGE: Judge, I have never questioned his  
5 competency. He has been cooperative with me since day one.  
6 I feel he completely understands what he's facing today.

7 THE COURT: How does he indicate to you he wishes  
8 to plead guilty to burglary first, grand larceny of a motor  
9 vehicle, and resisting arrest?

10 MR. HODGE: Guilty, Your Honor.

11 THE COURT: Do you agree with that?

12 MR. HODGE: I do.

13 THE COURT: Thank you.

14 Are you Anthony Deon Kelley?

15 ANTHONY KELLEY: Yes, sir.

16 THE COURT: All right. And make sure you speak up  
17 so that I can hear you.

18 Before I can accept pleas of guilty, it's  
19 necessary for me to determine if your pleas are being given  
20 freely and voluntarily. Therefore, I need to ask you some  
21 questions. If you do not understand my questions, please  
22 let me know. I'll try to explain them to you. If at any  
23 time you wish to speak with your attorney, please let me  
24 know. I will allow you to do so.  
25 Do you understand?

1 ANTHONY KELLEY: Yes, sir.

2 THE COURT: How old are you, Mr. Kelley?

3 ANTHONY KELLEY: 27, sir.

4 THE COURT: How far did you go in school?

5 ANTHONY KELLEY: To the 11th grade.

6 THE COURT: Where did you go to school?

7 ANTHONY KELLEY: Dreher High School.

8 THE COURT: Prior to being incarcerated, what type  
9 of work did you do?

10 ANTHONY KELLEY: I worked at a newspaper company,  
11 State Newspaper Company.

12 THE COURT: At the State Newspaper Company?

13 ANTHONY KELLEY: Shop Road, yes.

14 THE COURT: And what type of work do you do there?

15 ANTHONY KELLEY: Stacking newspaper.

16 THE COURT: Today are you under the influence of  
17 any medication, drugs, or alcohol?

18 ANTHONY KELLEY: No, sir.

19 THE COURT: Are you aware of any physical,  
20 emotional, or nervous problems that might keep you from  
21 understanding what you're doing today?

22 ANTHONY KELLEY: No, sir.

23 THE COURT: All right.

24 Mr. William Kelley?

25 WILLIAM KELLEY: Yes, sir.

1 THE COURT: Before I can accept your pleas of  
2 guilty, it's necessary for me to determine if you're guilty  
3 pleas are being given freely and voluntarily. Therefore, I  
4 need to ask you some questions. If you do not understand my  
5 questions, please let me know. I'll try and explain them to  
6 you. If at any time you wish to talk with your attorney,  
7 please let me know. I'll allow you to do so.

8 Do you understand?

9 WILLIAM KELLEY: Yes, sir.

10 THE COURT: How old are you?

11 WILLIAM KELLEY: 23 years old, sir.

12 THE COURT: How far did you go in school?

13 WILLIAM KELLEY: To the 11th grade, sir.

14 THE COURT: Now, where did you go to school?

15 WILLIAM KELLEY: To AC Flora High School.

16 THE COURT: What type of work did you do prior to  
17 being incarcerated?

18 WILLIAM KELLEY: I picked up a trade when I was in  
19 school. I never had a -- I didn't have a job when I was  
20 outside on the streets.

21 THE COURT: Today you under the influence of any  
22 medications, drugs, or, alcohol?

23 WILLIAM KELLEY: No, sir.

24 THE COURT: Are you aware of any physical,  
25 emotional, or nervous problem that keeps you from

1 understanding what you're doing today?

2 WILLIAM KELLEY: No, sir.

3 THE COURT: All right. Now, going back to  
4 Mr. Anthony Kelley.

5 Mr. Kelley, you heard your attorney tell me that  
6 they have explained to you all these charges. Did they  
7 explain to you the possible punishments of these charges,  
8 the elements of these charges, and your constitutional  
9 rights, and that you understand these things; is that  
10 correct?

11 ANTHONY KELLEY: Yes, sir.

12 THE COURT: I've been handed up a number of  
13 indictments: 2011-GS-40-03869, 3866, 3876, 3874, 3865, 2929,  
14 2910, 2908, 3201, 2927, 3868, 3867. Appears to be 12  
15 indictments. I'm going to go over them with you  
16 individually.

17 Do you understand?

18 ANTHONY KELLEY: Yes, sir.

19 THE COURT: The first indictment that I come to,  
20 again, 3869 is indictment for burglary in the first degree.  
21 It alleges that you did in Richland County on or about May  
22 5th of 2011 enter the dwelling of Katherine Desportes  
23 (phonetic).

24 Is that -- pronounced that correctly?

25 MS. FENT: Desportes.

1 THE COURT: Desport?

2 MS. FENT: Desportes.

3 THE COURT: -- Katherine Desportes without consent  
4 and with the intent to commit a crime therein. And when in  
5 effecting entry or while in the dwelling or in immediate  
6 flight therefrom, the Defendant did cause physical injury to  
7 any person who was not a participant in the crime and/or did  
8 enter or remain during the nighttime in violation of  
9 16-11-311(A). That's a charge of burglary in the first  
10 degree for which you can receive a sentence of 15 years to  
11 life.

12 Do you understand that charge and that particular  
13 punishment?

14 ANTHONY KELLEY: Yes, sir.

15 THE COURT: The next indictment, 11-GS-40-3867,  
16 alleges that on that same date, May 5th, 2011, you did  
17 willfully and unlawfully engage in a sexual battery with the  
18 victim named in the indictment using aggravated force and/or  
19 the victim was also the victim of forcible confinement,  
20 kidnapping, robbery, extortion, burglary, housebreaking, or  
21 some other similar offense or act in violation of 16-3-652.  
22 That is an indictment for criminal sexual conduct in the  
23 first degree for which you could receive a sentence of up to  
24 30 years.

25 Do you understand?

1 ANTHONY KELLEY: Yes, sir.

2 THE COURT: The next indictment, 11-GS-40-3868,  
3 grand larceny, that you did on that same date, May 5th,  
4 2011, feloniously take and carry away the personal property  
5 of the victim, to wit, a '97 Chrysler for value of more than  
6 \$10,000. That's a charge of grand larceny of a motor  
7 vehicle for which you can receive a sentence of up to ten  
8 years.

9 Do you understand?

10 ANTHONY KELLEY: Yes, sir.

11 THE COURT: The next indictment, 11-GS-40-3866,  
12 failure to stop for a blue light or siren, first offense,  
13 alleges that on that same date, while operating a motor  
14 vehicle in the State of South Carolina, you failed to stop  
15 when signaled to do so by a law enforcement vehicle by means  
16 of the siren and/or a flashing light. The charge of failure  
17 to stop for a blue light for which you can receive a  
18 sentence of from 90 days to three years.

19 Do you understand?

20 ANTHONY KELLEY: Yes, sir.

21 THE COURT: The next five indictments all charge  
22 assault and battery, first degree, all on the same date of  
23 May 5th of 2011. The first one that I come to allege --  
24 that's Indictment 2929 -- that you did offer or attempt to  
25 injure another person, namely, Keith Thrower (phonetic),

1 with a present ability to do so and the act was accomplished  
2 by means likely to produce death or great bodily harm and/or  
3 the act occurred during the commission of a robbery,  
4 burglary, kidnapping, or theft all in violation of 16-3-600.  
5 That's a charge of assault and battery, first degree, for  
6 which you can receive a sentence of up to ten years.

7 Did you understand?

8 ANTHONY KELLEY: Yes, sir.

9 THE COURT: The next four indictments reads  
10 substantially the same, Mr. Kelley, the only difference  
11 being the named victim. In the Indictment 2910, the named  
12 victim of the assault and battery, first degree, is  
13 Justin Britt (phonetic). In Indictment 2908, the named  
14 victim is Andrew Caldwell.

15 In going back, it appears Mr. Thrower is an  
16 officer with the State Law Enforcement Division;  
17 Mr. Caldwell is an officer with the Richland County  
18 Sheriff's Department.

19 -- is he with Richland County?

20 MS. FENT: Yes, sir.

21 THE COURT: -- also with the Richland County  
22 Sheriff's Department.

23 The next indictment reads the same with the name  
24 of the victim, Ray Payhurst (phonetic) -- Richland County  
25 Sheriff's Department?

1 MS. FENT: Yes, sir.

2 THE COURT: And the next indictment, Mike Robinson  
3 with the Richland County Sheriff's Department; so that's  
4 five indictments all --

5 MS. FENT: He's with SLED.

6 THE COURT: With SLED?

7 MS. FENT: Yes, sir.

8 THE COURT: Sorry. Mr. Robison is with SLED.

9 That's five indictments for assault and battery,  
10 first degree, for which you can receive a sentence of up to  
11 ten years on each indictment.

12 Do you understand?

13 ANTHONY KELLEY: Yes, sir.

14 MS. FENT: The next indictment, leaving the scene  
15 of an accident, hit and run involving property damage is  
16 alleged. On that same date, while operating a motor  
17 vehicle, you became involved in an accident which resulted  
18 in property damage to property belonging to Tyrone McMullen  
19 (phonetic) and you did leave the scene of the accident  
20 without first rendering aid and/or information in violation  
21 of 56-5-2940, the Code of Laws of South Carolina, the charge  
22 of leaving the scene, of property damage, hit and run for  
23 which you can receive a sentence of up to 30 days.

24 Do you understand?

25 ANTHONY KELLEY: Yes, sir.

1 THE COURT: The next indictment, 3874, alleges a  
2 hit and run that you did on that same date, while operating  
3 a motor vehicle, become involved in an accident which  
4 resulted in injury to Larry Whitener and did leave the scene  
5 of the accident without first rendering aid and/or providing  
6 information in violation of 56-5-1210, charge of leaving the  
7 scene of a personal injury accident, for which you can  
8 receive a sentence of up to year.

9 Do you understand?

10 ANTHONY KELLEY: Yes, sir.

11 THE COURT: And the final indictment, 3865,  
12 resisting arrest, that you did on that same date, knowingly  
13 and willfully, oppose or resist an arrest being made by one  
14 whom you knew or reasonably should have known was a law  
15 enforcement officer in violation of 16-9-320(A), the charge  
16 of resisting arrest, for which you could receive a sentence  
17 of up to one year.

18 Do you understand?

19 ANTHONY KELLEY: Yes, sir.

20 THE COURT: All right. Mr. William A. Kelley, you  
21 heard your attorney, Mr. Hodge, tell me that he's explained  
22 to you the charges against you, the possible punishments,  
23 and your constitutional right, and that you understand these  
24 things; is that correct?

25 WILLIAM KELLEY: Yes, sir.

1 THE COURT: I've been handed up three indictments.  
2 Indictment 2011-GS-40-3873, basically reads that you did in  
3 Richland County on or about May 5th, 2011, enter the  
4 dwelling of the victim named in the indictment, Katherine  
5 Desportes; without consent and with the intent to commit a  
6 crime therein, and when, in effecting entry or while in the  
7 dwelling or in immediate flight therefrom, you did cause  
8 physical injury to any person who was not a participant in  
9 the crime and/or did enter or remain during the nighttime in  
10 violation 16-11-311 of the Code of Laws of South Carolina.  
11 It's an indictment for burglary in the first degree for  
12 which you could receive a sentence of from 15 years to life.

13 Do you understand?

14 WILLIAM KELLEY: Yes, sir.

15 THE COURT: The next indictment, 11-GS-40-3870,  
16 alleges on that same date, May 5th of '11, you did  
17 feloniously take and carry away the personal property of the  
18 victim, a 1997 Chrysler with a value of more than \$10,000,  
19 with the intent to deprive the owner permanently of such  
20 property in violation of 16-3-30. It's a charge of grand  
21 larceny \$10,000 or more for which you could receive a  
22 sentence of up to ten years.

23 Do you understand?

24 WILLIAM KELLEY: Yes, sir.

25 THE COURT: And 11-GS-40-2932 alleges that on

1 May 5th you did knowingly and willfully oppose or resist an  
2 arrest being made by Investigator Justin Britt whom you knew  
3 or reasonably should have known was a law enforcement  
4 officer in violation of 16-9-320(A). For that you could  
5 receive a sentence of up to one year.

6 Do you understand?

7 WILLIAM KELLEY: Yes, sir.

8 THE COURT: All right. Mr. Anthony Kelley, do you  
9 understand the nature of the charges that have been placed  
10 against you and range of the possible punishments?

11 ANTHONY KELLEY: Yes, sir.

12 THE COURT: When you enter guilty pleas, you give  
13 up certain very important constitutional rights. First, you  
14 give up your right to remain silent; that is, your right  
15 against self-incrimination, your right to say nothing at  
16 all. You cannot be compelled to testify or to provide  
17 evidence against yourself.

18 Second, you give up your right to have a jury  
19 trial; that is, your right to have a jury decide whether or  
20 not you're guilty beyond a reasonable doubt. The jury would  
21 base their decision upon evidence, which the State would  
22 have to present, and on any evidence you might wish to  
23 introduce. In a trial, you would be presumed to be innocent  
24 and the State would to have produce evidence that would  
25 convince all 12 members of the jury that you were guilty

1 beyond a reasonable doubt.

2 Third, you give up your right to confront and be  
3 confronted by the witnesses against you; that is, your right  
4 to see, hear, and cross-examine the witnesses that may be  
5 called against you during the trial of your case and the  
6 right to subpoena witnesses and call witnesses on your own  
7 behalf.

8 Do you understand these rights?

9 ANTHONY KELLEY: Yes, sir.

10 THE COURT: You understand that when you plead  
11 guilty, you give up these very important constitutional  
12 rights?

13 ANTHONY KELLEY: Yes, sir.

14 THE COURT: Is that what you want to do?

15 ANTHONY KELLEY: Yes, sir.

16 THE COURT: You understand that you will not get a  
17 jury trial if you plead guilty?

18 ANTHONY KELLEY: Yes, sir.

19 THE COURT: I've also been handed up a document by  
20 your attorney and the solicitor that is entitled plea  
21 agreement. This document, I understand, had been reviewed  
22 with you by your attorney; is that correct?

23 ANTHONY KELLEY: Yes, sir.

24 THE COURT: And it lists all the charges that  
25 you're entering a guilty plea to, all the charges I have

1 just gone over with you.

2 Do you understand?

3 ANTHONY KELLEY: Yes, sir.

4 THE COURT: It further indicates that you waive  
5 any appellate rights that you may have as to these charges,  
6 as to these guilty pleas.

7 Do you understand?

8 ANTHONY KELLEY: Yes, sir.

9 THE COURT: It indicates in writing that you give  
10 up your right to a jury trial, your right to see and hear  
11 the witnesses, to have your lawyer question them, and the  
12 right to subpoena witnesses; the right to testify and the  
13 right to have the prosecution prove your guilt beyond a  
14 reasonable doubt. You give all those rights up.

15 Do you understand.

16 ANTHONY KELLEY: Yes, sir.

17 THE COURT: It further indicates has the lawyer  
18 explained to you the penalties for the charges and the  
19 elements of the crime charged and any possible defenses that  
20 you may have.

21 Do you understand?

22 ANTHONY KELLEY: Yes, sir.

23 THE COURT: Further, it indicates that by  
24 accepting this plea agreement you give up, not only your  
25 right to appeal all matters, you also agree and waive any

1 and all appeals, any postconviction relief applications, any  
2 federal habeas corpus petitions, or any and all other  
3 methods of review of this guilty plea and sentence.

4 Do you understand?

5 ANTHONY KELLEY: Yes, sir.

6 THE COURT: And further, if I sentence you -- if I  
7 accept the sentence -- the negotiated sentence and sentence  
8 you within that range of 40 to 50 years, that if, in the  
9 future, you request any type of judicial review, that that  
10 would constitute a breach of this plea agreement and if the  
11 plea agreement was ruled a nullity, then the State could  
12 then pursue the maximum sentence allowed by law.

13 ANTHONY KELLEY: Yes, sir.

14 THE COURT: Do you understand?

15 ANTHONY KELLEY: Yes, sir.

16 THE COURT: Which would be --

17 MR. MAY: Life plus 95 years and 30 days.

18 THE COURT: -- life plus 95 years and 30 days.

19 Do you understand that?

20 ANTHONY KELLEY: Yes, sir.

21 THE COURT: On the second page of this document,  
22 it appears that you signed this document in the presence of  
23 your defense lawyer on this date; is that correct  
24 (indicating)?

25 ANTHONY KELLEY: Yes, sir.

1 THE COURT: It also has you signed it in my  
2 presence; however, it was signed when it was handed up to me  
3 as far as this document's concerned.

4 Also, on the next page there's a certificate by  
5 both Mr. Collins and Mr. May, your two attorneys, where they  
6 have reviewed this with you, discussed the case with you,  
7 the possible defenses, the maximum imprisonment, and that  
8 you've entered this of your own free will and accord; is  
9 that correct?

10 ANTHONY KELLEY: Yes, sir.

11 THE COURT: Understanding, then, the nature of the  
12 charges that have been placed against you and the  
13 consequences of entering these guilty pleas, how do you wish  
14 to plead to the following charges, Mr. Kelley? As far as  
15 burglary, first degree; criminal sexual conduct, first  
16 degree; grand larceny of a motor vehicle; how do you plead  
17 to those charges, guilty or not guilty?

18 ANTHONY KELLEY: Guilty.

19 THE COURT: And as to assault and battery, first  
20 degree, five counts, how do you plead to those charges,  
21 guilty or not guilty?

22 ANTHONY KELLEY: Guilty.

23 THE COURT: As to failure to stop for a blue  
24 light; leaving the scene of a property -- leaving the scene,  
25 hit and run property damage; leaving the scene, personal

1 injury; and resisting arrest; how do you plead to those  
2 charges, guilty or not guilty?

3 ANTHONY KELLEY: Guilty.

4 THE COURT: Are you guilty?

5 ANTHONY KELLEY: (The defendant nodded head.)

6 Yes, sir.

7 THE COURT: Did you commit those crimes?

8 ANTHONY KELLEY: Yes, sir.

9 THE COURT: Did you commit the crime of burglary?

10 ANTHONY KELLEY: Yes, sir.

11 THE COURT: Did you commit the crime of criminal

12 sexual conduct in first degree?

13 ANTHONY KELLEY: Yes, sir.

14 THE COURT: All right. Mr. William Kelley, do you

15 understand the nature of the charges that have been placed

16 against you and the range of possible punishment?

17 WILLIAM KELLEY: Yes, sir.

18 THE COURT: When you plead guilty, you give up

19 certain very important constitutional rights. First, you

20 give up your right to remain silent; that is, your right

21 against self-incrimination, your right to say nothing at

22 all. You cannot be compelled to testify or provide evidence

23 against yourself.

24 Second, you give up your right to have a jury

25 trial; that is, your right to have a jury decide whether or

1 not you're guilty beyond a reasonable doubt.

2 And third, you give up your right to confront and be  
3 confronted by the witnesses.

4 Do you understand these rights?

5 WILLIAM KELLEY: Yes, sir.

6 THE COURT: You understand that when you plead  
7 guilty, you give up these very important constitutional  
8 rights?

9 WILLIAM KELLEY: Yes, sir.

10 THE COURT: Is what you want to do?

11 WILLIAM KELLEY: Yes, sir.

12 THE COURT: You understand you will not get a jury  
13 trial if you plead guilty?

14 WILLIAM KELLEY: Yes, sir.

15 THE COURT: Also -- I'd also -- I've also been  
16 handed up document entitled plea agreement by your attorney,  
17 Mr. Hodge. It further indicates that the Solicitor will  
18 allow you to plead to a negotiated sentence of 15 years,  
19 that the terms and conditions are outlined in this plea  
20 agreement. In addition to the ones I've already explained  
21 to you, it indicates that the lawyer has discussed with you  
22 the maximum penalty, the elements of the offenses, the  
23 possible offenses, and that you understand these things; is  
24 that correct?

25 WILLIAM KELLEY: Yes, sir.

1 THE COURT: Further, by accepting this plea  
2 agreement, you give up your right appeal all matters, both  
3 postconviction relief, federal habeas petitions, and any  
4 other and all methods of review of this -- these guilty  
5 pleas and sentence; is that correct?

6 WILLIAM KELLEY: Yes, sir.

7 THE COURT: Further, you understand that, if you  
8 request judicial review, it would constitute a breach of  
9 this agreement and, if you breach the agreement, it would be  
10 a nullity.

11 Do you understand that?

12 WILLIAM KELLEY: Yes, sir.

13 THE COURT: Further, you indicate no one's  
14 threatened you or intimidated or coerced you into entering  
15 this plea; is that correct?

16 WILLIAM KELLEY: Yes, sir.

17 THE COURT: On the second page, it appears your  
18 signature of William A. Kelley that was signed in the  
19 presence of your defense lawyer; is that correct?

20 WILLIAM KELLEY: Yes, sir.

21 THE COURT: But not in my presence. In the  
22 presence of your lawyer, correct?

23 WILLIAM KELLEY: Yes, sir.

24 THE COURT: Understanding, then, the nature of the  
25 charges and the possible punishments, how do you plead,

1 Mr. Kelley, to burglary in the first degree, guilty or not  
2 guilty?

3 WILLIAM KELLEY: Guilty, Your Honor.

4 THE COURT: And how do you plead to grand larceny,  
5 greater than \$10,000, guilty or not guilty?

6 WILLIAM KELLEY: Guilty, Your Honor.

7 THE COURT: And how do you plead to resisting  
8 arrest, guilty or not guilty?

9 WILLIAM KELLEY: Guilty.

10 THE COURT: Are you guilty?

11

12 WILLIAM KELLEY: Yes, Your Honor.

13 THE COURT: Did you commit the burglary in the  
14 first degree?

15 WILLIAM KELLEY: Yes, Your Honor.

16 THE COURT: And did you commit the grand larceny  
17 of a motor vehicle?

18 WILLIAM KELLEY: Yes, Your Honor.

19 THE COURT: And did you commit the resisting  
20 arrest?

21 WILLIAM KELLEY: Yes, Your Honor.

22 THE COURT: All right. Solicitor, any additional  
23 matters as far as plea negotiations you need to place in the  
24 record?

25 MS. FENT: No, Your Honor.

1 THE COURT: Or Mr. May or Mr. Hodge, as far the  
2 plea negotiations only?

3 MR. MAY: Your Honor, this is -- we're under the  
4 understanding that this is a plea for that day, for all the  
5 actions of that day.

6 THE COURT: All right. Understanding, then, the  
7 plea negotiations, Mr. Anthony Kelley, if I accept the  
8 negotiated -- negotiations between the State and you and  
9 your attorneys, that I would sentence you to a range of not  
10 less than 40 nor more that 50 years.

11 Do you understand that?

12 ANTHONY KELLEY: Yes, sir.

13 THE COURT: Do you still wish to plead guilty?

14 ANTHONY KELLEY: Yes, sir.

15 THE COURT: Has anyone promised you anything or  
16 held out any hope of reward to get you to pled guilty?

17 ANTHONY KELLEY: No, sir.

18 THE COURT: Has anyone threatened you or used  
19 force to get you to plead guilty?

20 ANTHONY KELLEY: No, sir.

21 THE COURT: Has anyone used any pressure or  
22 intimidation to cause you to plead guilty?

23 ANTHONY KELLEY: No, sir.

24 THE COURT: Have you had enough time to make up  
25 your mind?

1 ANTHONY KELLEY: Yes, sir.

2 THE COURT: Are you pleading guilty of your own  
3 free will and accord?

4 ANTHONY KELLEY: Yes, sir.

5 THE COURT: And Mr. William Kelley, you  
6 understand, as far as the plea negotiations are concerned,  
7 if I accept the plea negotiations, I will sentence you to a  
8 term of 15 years?

9 WILLIAM KELLEY: Yes, sir.

10 THE COURT: Do you still wish to plead guilty?

11 WILLIAM KELLEY: Yes, sir.

12 THE COURT: Has anyone promised you anything or  
13 held out any hope of reward to get to plead guilty?

14 WILLIAM KELLEY: No, sir.

15 THE COURT: Has anyone threatened you or used  
16 force to get you to plead guilty?

17 WILLIAM KELLEY: No, sir.

18 THE COURT: Has anyone used any pressure or  
19 intimidation to cause you to plead guilty?

20 WILLIAM KELLEY: No, sir.

21 THE COURT: Have you had enough time to make up  
22 your mind?

23 WILLIAM KELLEY: Yes, sir.

24 THE COURT: Are you pleading guilty of your own  
25 free will and accord?

1 WILLIAM KELLEY: Yes, sir.

2 THE COURT: All right. Anthony Kelley, I'm going  
3 to ask you about your lawyers, about Mr. May and  
4 Mr. Collins. Are you satisfied with the manner in which  
5 your lawyers have advised you and represented you?

6 ANTHONY KELLEY: Yes, sir.

7 THE COURT: Have you talked with your lawyers as  
8 often and for as long as you feel necessary for them to  
9 properly represent you?

10 ANTHONY KELLEY: Yes, sir.

11 THE COURT: Do you need any more time to talk with  
12 your lawyers?

13 ANTHONY KELLEY: No, sir.

14 THE COURT: Have you understood your talks with  
15 your lawyers?

16 ANTHONY KELLEY: Yes, sir.

17 THE COURT: Have your lawyers done everything for  
18 you you feel like they could have done or should have done?

19 ANTHONY KELLEY: Yes, sir.

20 THE COURT: Have your lawyers done anything in  
21 this case that you feel they should not have done?

22 ANTHONY KELLEY: Yes, sir.

23 THE COURT: All right. Let me ask that you  
24 question again. Have your lawyers done anything in this  
25 case that you feel like they should not have done?

1 ANTHONY KELLEY: Oh, no, sir.

2 THE COURT: You didn't understand my question the  
3 first time; is that correct?

4 (There was no response.)

5 MR. MAY: Did you understand his question?

6 ANTHONY KELLEY: No, I didn't understand the first  
7 time.

8 THE COURT: Are you totally and completely  
9 satisfied with your lawyers' services?

10 ANTHONY KELLEY: Yes, sir.

11 THE COURT: Do have any complaints you want to  
12 make about your lawyers, the solicitors, or any officers  
13 involved in any of your cases?

14 ANTHONY KELLEY: No, sir.

15 THE COURT: Mr. William Kelley, I want to ask you  
16 about your lawyer, Mr. Hodge. Are you satisfied with the  
17 manner in which your lawyer has advised you and represented  
18 you?

19 WILLIAM KELLEY: Yes, sir.

20 THE COURT: Have you talked with your lawyer as  
21 often and for as long as you feel necessary for him to  
22 properly represent you?

23 WILLIAM KELLEY: Yes, sir.

24 THE COURT: Do you need any more time to talk with  
25 you lawyer?

1 WILLIAM KELLEY: No, sir.

2 THE COURT: Have you understood your talk with  
3 your lawyer?

4 WILLIAM KELLEY: Yes, sir.

5 THE COURT: Your lawyer done everything for you  
6 you feel like he could have down or should have done?

7 WILLIAM KELLEY: Yes, sir.

8 THE COURT: Has your lawyer done everything in  
9 this case -- has your lawyer done anything in this case that  
10 you feel like he should not have done?

11 WILLIAM KELLEY: No, sir.

12 THE COURT: Are you totally and completely  
13 satisfied with your lawyer's services?

14 WILLIAM KELLEY: Yes, sir.

15 THE COURT: Do you have any complaints you want to  
16 make about your lawyer, the solicitors, or any officers  
17 involved in any of your cases?

18 WILLIAM KELLEY: No, sir.

19 THE COURT: Mr. Anthony Kelley, have you  
20 understand my questions?

21 ANTHONY KELLEY: Yes, sir.

22 THE COURT: Is there anything you would like to  
23 ask me about anything we've been over?

24 ANTHONY KELLEY: No, sir.

25 THE COURT: Mr. William Kelley, have you

1 understood my questions?

2 WILLIAM KELLEY: Yes, sir.

3 THE COURT: Is there anything you would like to  
4 ask me about what we just went over?

5 WILLIAM KELLEY: No, sir.

6 THE COURT: All right. Any other questions you  
7 would request I ask either Anthony or William Kelley,  
8 Solicitor.

9 MS. FENT: No, sir.

10 THE COURT: Mr. May, Mr. Collins?

11 MR. MAY: No, Your Honor.

12 MR. COLLINS: No, Your Honor.

13 THE COURT: Mr. Hodge?

14 MR. HODGE: No, sir.

15 THE COURT: All right. I believe they can sit  
16 over at counsel table while I take the facts, if that's all  
17 right with security?

18 DEPUTY: Yes, sir.

19 THE COURT: All right. Thank you.

20 All right. Solicitor, if you can give me the  
21 facts, please?

22 MS. FENT: Thank you, Your Honor.

23 This occurred on May the 5th of 2011 between the  
24 five and six a.m. hour that morning. In looking at the  
25 sunrise/sunset, I believe sunrise was around 6:45 in the

1 morning, so it would have been during the hours of darkness  
2 for the burglary statute. The victim in this case,  
3 Ms. Katherine Desportes, was 88 years old at the time, was  
4 living alone in Shandon here in Richland County.

5 She was awoken from her bed from the sound of  
6 breaking glass and got up from her bed to go towards the  
7 kitchen to see what was going on, if it was a squirrel or if  
8 she heard the garbage trucks. And as she was entering into  
9 the kitchen area, she grabbed her keys that contained both  
10 her house keys and her car keys. And she looked up to the  
11 kitchen window and saw the Defendant Anthony Kelley  
12 basically in the process of coming through her kitchen  
13 window.

14 She could see another individual black male  
15 standing outside the porch. She immediately yelled at them  
16 to get out of here, and William Kelley responded, We're  
17 coming in.

18 She walked across the -- her kitchen to grab a  
19 telephone that was hanging on the wall. She grabbed that  
20 phone to call 911, and Anthony reached in, grabbed that  
21 phone from her, pulled the phone out as she is still holding  
22 on to that phone so her arm is pulled through that window  
23 and she's cut on the glass in that window. The phone is  
24 ripped off of the cord from the wall and he throws it out  
25 into the backyard. And I just have photos just basically

1 showing that kitchen, the broken glass, and the phone having  
2 been ripped from the wall.

3 At that point, Anthony Kelley comes into the  
4 kitchen. He immediately grabs her by the arm, grabs her by  
5 the shoulders, and pushes her to a bedroom in the house.

6 William Kelley then comes through the kitchen  
7 window, and he goes to another bedroom in the house. And  
8 she can hear, basically, he's starting to ransack that other  
9 bedroom looking for items to steal.

10 Anthony Kelley pushes Ms. Desportes into that  
11 bedroom where he then pushes her across the bed forcefully.  
12 Her pajama bottoms and her underwear are removed in the  
13 force of it. Her knees go down to the ground. And then  
14 he -- then proceeds to commit a sexual battery against her  
15 as is defined by the statute. And her hip is broken in the  
16 course of this vicious and violent sexual assault.

17 She is bleeding from the injuries that she  
18 sustained to her arm. Her skin is very fragile, and so when  
19 he grabbed her arm to push her into that kitchen, the skin  
20 was pulled away from her arm exposing essentially, I guess,  
21 the meat under her skin and she was bleeding profusely. So  
22 he ends up getting blood on his shirt.

23 After he sexually assaults her, she is down on the  
24 floor. She can't move. Her hip is broken. He gets a towel  
25 and he wipes himself off with the towel and that towel is

1 left in the bedroom on a dresser.

2 He then grabs a belt from one of the drawers and  
3 he snaps the belt at her couple of times and says in a  
4 taunting fashion, You going to call the cops? You going to  
5 call the cops?

6 And she just looks at him and she says, I don't  
7 know what I'm going to do.

8 William and Anthony are talking back a forth to  
9 each other. Anthony is saying have you found it yet? Have  
10 you found it yet?

11 And that's truly the extent of that.

12 They then leave, tried to, I guess, get into the  
13 car. She had two separate keys for her car. She had one  
14 for the door and one for the ignition. And I guess they did  
15 not -- couldn't get the ignition going so they came back  
16 into the house. She's got those keys on her hand and those  
17 keys are ripped out of her hand with such force she's  
18 holding onto them for dear life that it cuts her fingers  
19 down to the tendons in her fingers. They then leave again,  
20 get into the car, and drive away.

21 Ms. Desportes then has to pull herself across the  
22 house, drag her body across the house so that she can get to  
23 the living room to a working telephone. When she gets to  
24 that phone, she first thinks to call her niece and nephew  
25 because she knows that once she talks to the police, they're

1 going to keep her on the phone for a long time and she wants  
2 her family to know what's happened to her. So she calls  
3 niece, Betty Corley, and tells her what just happened to  
4 her. Betty Corley then turns around and calls 911, reports  
5 it to the police. They're trying to get immediate  
6 descriptions out, and then the 911 operator turns around and  
7 calls Ms. Desportes back and talks to her until police are  
8 able to arrive on scene.

9           The officer arrives and, you know, immediately  
10 they get nine -- they get EMS there. He tries go get as  
11 much a description as he can. She says that they were both  
12 wearing black caps, gives the description of the vehicle.  
13 And so he's then able to run the registration and get the  
14 VIN number for the vehicle so they can get that out on a  
15 BOLO as soon as possible.

16           Ms. Desportes is taken to the hospital. She's not  
17 taken through the normal sexual assault protocol because she  
18 can't be moved because her hip is broken. So the sexual  
19 assault nurse examiner, the forensic nurse examiner, Marlana  
20 Clarey (phonetic), who's here with us here in courtroom  
21 today, goes to a pod in the ER to start her examination.  
22 And she begins meticulously documenting the injuries from  
23 head to toe and taking any swabs that she's able to.

24           While Ms. Desportes is clearly in pain and  
25 traumatized about this, Marlana Clarey, the nurse, herself

1 is actually feeling horrible about what she's having to do  
2 the victim, and she starts apologizing. This is what I'm  
3 going to have to do. We're going to have to take these  
4 photos and collect this information.

5 Ms. Desportes tells her, It's okay. You do what  
6 you have to do so that we can get these guys, and comforts  
7 Marlana Clarey in the process of this examination.

8 Later that evening, I believe it was, that night,  
9 Ms. Desportes had surgery on her hip and then she spent the  
10 next couple of weeks in a rehabilitation center getting  
11 treatment for her hip.

12 In the meantime, Richland Count Sheriff's deputies  
13 that are tasked with finding fugitives, bringing fugitives  
14 to justice, are contacted and asked to help find these  
15 individuals. So they get the description of the vehicle and  
16 some other information. We also believe that the victim's  
17 cell phone was taken. They develop information that they  
18 believe the car is in the vicinity of Bluff Road/77.

19 And so SLED Agent Keith Thrower sets up about that  
20 place on Bluff Road and 77. And, sure enough, the victim's  
21 vehicle comes driving up Bluff Road inbound from 77. So  
22 the -- Agent Keith Thrower, who's here also in the courtroom  
23 today (indicating), gets in behind them. Initially, they're  
24 going at a fairly normal speed. But then he can tell --  
25 he's in an unmarked car. He can tell that they're starting

1 to look back and forth at each other, look in the rearview  
2 mirror, and starting to get suspicious.

3 And then they make a hard turn crossing over  
4 another lane, so they know that the two Defendants know  
5 their following. So Agent Thrower puts on his blue lights  
6 and sirens, starts going down the road, and then they meet  
7 up with Sergeant Caldwell and some other officers that are  
8 trying to help -- help stop these individuals. And then a  
9 chase, essentially, ensues reaching up to a 95 miles per  
10 hour.

11 At one point -- pardon me, I'm sorry. There's a  
12 lot of facts here, Your Honor -- they take a hard turn onto  
13 Idlewild. Then Payhurst, I believe, tries to -- or, excuse  
14 me, they try to essentially pass the suspect's vehicle.  
15 He's rams into one of the officer's cars. They continue  
16 down chasing the Defendant Anthony Kelley is the one  
17 driving. He hits two civilian vehicles, which are the two  
18 victims, Tyrone McMullen and a Larry Whitener, regarding the  
19 hit and run. They are driving down the road, and Anthony  
20 crashes into both of their cars, sideswipes their cars in an  
21 attempt to flee.

22 He stops at one point, and Sergeant Payhurst jumps  
23 out of the passenger side, puts his weapon on the car. He's  
24 shielding himself behind his door of the car. The Defendant  
25 has stopped the vehicle. As soon as he gets out, points his

1     weapon, Anthony steps on the gas, drives straight for  
2     Corporal Payhurst, hits his door. That's forcing the door  
3     onto him and pushing him back into the car. So the chase  
4     then continues on.

5             They go over railroad tracks where the front tire  
6     blows out, so now they're starting to lose speed. It  
7     eventually stops in a residential area in front of a house.  
8     And -- I'm sorry. And during that course, another officer  
9     had tried to cut in front, and he rammed that vehicle. So  
10    he's essentially hit all of the -- all of the vehicles  
11    involved in the chase.

12            When the car eventually stops, both Anthony and  
13    William jump out. William's in the passenger seat. They  
14    don't get too far. The officers chase them down.  
15    Agent Thrower and Robinson are attempting to arrest Anthony  
16    Kelley, the driver, and Corporal Payhurst and  
17    Investigator Britt of Richland County are trying to arrest  
18    William Kelley as they're both putting up struggles.

19            After they get William Kelley in custody, they  
20    find on his body the victim's cell phone is in his pocket as  
21    well as he has a black knit cap which is one of the items  
22    the victim was able to identify the suspects wearing when  
23    they came into her home.

24            Your Honor, with regard to William Kelley in the  
25    second bedroom, here's just photos of that second bedroom

1 that he is ransacking looking for property.

2 Another set of photos that are -- is the bedroom  
3 where Ms. Desportes was sexually assaulted and the blood and  
4 also the towel that's sitting on the dresser that Anthony  
5 wiped himself off on.

6 And finally, Your Honor, these are photos that  
7 were taken by the forensic nurse examiner documenting the  
8 injuries. And the last two photos are the injuries that  
9 were sustained as a result of the sexual battery that are  
10 consistent with blunt force trauma and the sexual battery  
11 that she reported to both the nurse and in her written  
12 statement to law enforcement.

13 The officers that were involved in the chase are  
14 all here: Corporal Payhurst, Sergeant Andrew Caldwell,  
15 Investigator Justin Britt, Special Agent Mike Robinson, and  
16 Special Agent Keith Thrower are all in the back. They  
17 wanted to be here today in support of the victim, not for  
18 themselves, but to support the victim in standing with the  
19 State in asking for -- for the maximum sentence under our  
20 negotiations.

21 The two victims regarding the hit run were  
22 notified and know what's -- what is going on with that.

23 At this point, the two Defendants are brought down  
24 to the Columbia Police Department. The case has been  
25 assigned to Investigator Colin Haley, who's present in the

1 courtroom. And he was working with Investigator Charley in  
2 taking the Defendants' statements.

3 They started with William Kelley, and essentially  
4 he says right off the bat, The phone's mine. That's my  
5 phone. But then cannot give the number of telephone, what  
6 his own number is. He says that he's had the phone for nine  
7 months. And then, essentially, says that he was with his  
8 brother, Anthony, all night at home. Then they go get a  
9 statement from Anthony and Anthony says was with his brother  
10 all night, but out. And they both say that the car was  
11 given to them by an individual by the name of QB or BJ, gave  
12 two different names. But that's what they -- that's  
13 essentially what they stick with that day.

14 The towel that was recovered from the victim's  
15 residence, her bedroom, was taken out to SLED and the rape  
16 kit was taken out to SLED as well. That evening we go  
17 execute a search warrant at the Defendants' home because he  
18 said, Anthony said, that this guy that gave him the car came  
19 to his house with a white shirt on and that he had some kind  
20 of a stain on it and wanted to -- asked if he could change  
21 his shirt. And so that shirt would be in his -- in his  
22 bedroom, for the officers to go get it. A white t-shirt was  
23 located in the washing machine of the home. Their mother  
24 indicated that she had picked it up out Anthony's bedroom  
25 and put it into that washing machine. Investigator April

1 Merrill (phonetic), who collected that piece of evidence is  
2 here with us today. And, also, I forgot, is Investigator  
3 Rows, who's the crime scene person that went to the victim's  
4 house and collected all of those items, is also present in  
5 the courtroom.

6 That shirt that was taken from the washing  
7 machine, they did a couple of different swabs on it. They  
8 did swabs for ownership of the shirt. They did swabs from  
9 around the neck, as well as the underarms. And then there  
10 were what noted to be blood stains on the bottom of that  
11 t-shirt, so cuttings were taken from that. The DNA  
12 resulting from that analysis was that the neck and the  
13 underarms came back to be Anthony Kelley's. It was his  
14 shirt. And the stains on the bottom of the shirt, the  
15 blood, was the victim's blood. The red towel in the  
16 victim's home, that towel indicated -- or, excuse me, semen  
17 was identified on that towel and Anthony Kelley's DNA was  
18 also found on that towel -- or was found on that towel.  
19 That was the result of that.

20 Beg the Court's indulgence one moment. Those are  
21 essentially the facts, Your Honor. We have more to present  
22 in terms of the sentencing, but those are the facts of the  
23 case.

24 THE COURT: All right. I find there is a  
25 substantial factual basis for these guilty pleas, both as to

1 Anthony Kelley and as to William Kelley; that each  
2 Defendants' decision to enter a plea of guilty is freely,  
3 voluntarily, knowingly, and intelligently made; that each  
4 Defendant has had the advice and counsel of -- Anthony  
5 Kelley of two experienced, qualified attorneys; that William  
6 Kelley has had the advice and counsel of a very experienced  
7 attorney. Both Defendants say they are satisfied with the  
8 legal counsel. Their plea of guilty as to the charges are,  
9 therefore, accepted.

10 Solicitor, what additional information do you want  
11 to present to the Court?

12 MS. FENT: There are three individuals who would  
13 like to speak. One will be reading a statement from  
14 Ms. Katherine Desportes. She does not want to speak  
15 herself. And then two family members would like to speak on  
16 her behalf.

17 THE COURT: All right.

18 MS. FENT: David, do you want to go first?

19 This is David Corley, her nephew.

20 THE COURT: All right. Do you mind coming around  
21 here for me, Mr. Corley? Is that -- what is the protocol in  
22 Richland County? I don't know.

23 Do y'all object if he comes around to the  
24 microphone?

25 DEPUTY: No, sir.

1 THE COURT: All right. Thank you.

2 I apologize. I get back in my resident -- sheriff's.

3 Yes, sir. Tell me your full name, please.

4 MR. CORLEY: David Jerol Corley.

5 THE COURT: All right. I'll be glad to hear from  
6 you, Mr. Corley.

7 MR. CORLEY: Your Honor, I'm speaking on behalf of  
8 the family of my Aunt, Katherine Desportes. Aunt Kat is my  
9 father's only sibling and had no children of her own. My  
10 two brothers, our families, and I are her only close family,  
11 our father, her brother, having died more than 40 years ago  
12 and our mother having died six years ago. To express our  
13 love and devotion to Kat is an impossible task. Kat is and  
14 has always been like a mother to us. She has nursed us and  
15 nurtured us and loved us as we thought only a mother could.  
16 But in our family, we've been fortunate enough to know the  
17 love of two mothers. The attack on our aunt could not have  
18 been more distressing had Kat been our actual mother.

19 Kat has lived in the same house for more the 50  
20 years, both with her husband and independently. She married  
21 later in life and her husband died more than 30 years ago.  
22 So she has lived independently most of her life. She has  
23 always felt safe, has known her neighbors, has been content  
24 in her independence since her husband died. Even though Kat  
25 was 88 years old on the date of the attach, she had driven

1 herself to three different stores to shop and worked in her  
2 yard until dusk, and had gone to bed without fear. Our aunt  
3 has not been able to return to her independent life.

4 First, she received a number of injuries from the  
5 assault May 5th and it appears that some of injuries have  
6 created long-term disability. Her upper leg, lower hip was  
7 broken in two places during the assault. The breaks  
8 required surgery to reattach the bones with plates and pins  
9 and to place ball of the upper leg back into the socket of  
10 the hip. Kat spent five days in the hospital recovering  
11 from more minor injuries from both the sexually assault and  
12 the physical assault and from the surgery to mend her  
13 shattered hip and leg.

14 In addition to the broken bones, the skin on both  
15 of Kat's arms was literally peeled away as the attackers  
16 held her. Her hand required stitches where her attackers  
17 ripped her keys from her hand, ripping the flesh of her hand  
18 and fingers. There were additional scrapes, bruises, and  
19 soreness from her having to drag herself with her arms and  
20 her broken leg across two rooms to a phone to call for help  
21 once the attackers left. There was also injury from the  
22 sexually battery.

23 From Tuesday, May 10th, 2011, until Wednesday,  
24 June 15th, 2011, Kat underwent rehabilitation. Almost a  
25 month of rehabilitation has helped Kat regain the ability to

1 walk with, first, a walker and now a cane, and to bathe and  
2 go to the bathroom with modified facilities. Kat will most  
3 likely never regain the ability to walk without the cane  
4 that she did before the attack.

5 In addition, modifications are necessary for her  
6 to accomplish other daily tasks which she did independently  
7 before the attack: Going to the bathroom, dressing, et  
8 cetera. She no longer drives and has lost the independence  
9 she had only a year ago.

10 Second, the financial repercussions of this attack  
11 are still impossible to tally. The hospital,  
12 rehabilitation, doctors, walkers, and other modifications  
13 mount their financial toll. A privacy and clean-up company  
14 had to come to clean the blood from our aunt's bed, couch,  
15 floors, walls, and carpet. Her car was destroyed as the  
16 attackers tried to escape capture by the police after  
17 stealing it. While medicare and supplemental insurance paid  
18 a large portion of the medical bills and her car and  
19 homeowner's insurance paid all of the deductible for the  
20 other damages, we are baffled that our government or her  
21 personal insurance should have to pay for the damages that  
22 resulted from these attacks. We cannot imagine what this  
23 attack will end up costing our family, city, county, and  
24 state.

25 Finally, the emotional trauma Kat has had has cost

1 her, her family, and her many friends in this community is  
2 impossible to put into words. Kat has not yet, nor will she  
3 ever be likely to live independently again in her home of  
4 more than 50 years. She has returned to her home only in  
5 daylight with one of us to try to determine all of the items  
6 stolen from her. And though she tried to go back to visit  
7 her home, she could not even stay an hour, could not be left  
8 alone there, and has only been back a couple of times to get  
9 her clothing. Her home now holds the trauma of reliving the  
10 attack, feeling vulnerable and afraid, and knowing that her  
11 attackers threatened to come back to attack her again.

12 Kat wells with tears when she tries to talk to  
13 officers of this Court, to her neighbors and well-wishers,  
14 and to her family. She has trouble sleeping. While she's  
15 tried to be strong and regain her composure, Kat's trauma  
16 remains just below the surface causing her great distress  
17 and anxiety. Each member of our family has been traumatized  
18 by this attack. We feel guilt and wonder what we could have  
19 done to prevent the attack. Our wives and daughters are  
20 afraid even in their own homes, our children sleeping with  
21 their parents because they're afraid in their own rooms.

22 Each of us feels inadequate to comfort and care  
23 for our beloved aunt. We are uncertain for her future,  
24 health, and happiness. Kat is currently living with one of  
25 us. We doubt that she will ever regain her independence.

1                   What has happened to Katherine Desportes was  
2 unimagivable to us only a year ago. A fiercely independent  
3 and happy 88-year-old woman has lost her safety, her health,  
4 both emotional and physical, and her property. Financial  
5 restitution will never repay the trauma that she has  
6 endured. Physical rehabilitation will never restore her  
7 full measure of health. She will never again be what she  
8 was.

9                   We only hope that some measure of justice will be  
10 able to restore some measure of her emotional and  
11 psychological well-being. Our hope is that neither of her  
12 attackers ever gains the freedom to harm another innocent  
13 person's peace and security. We ask you that you give these  
14 Defendants the maximum penalty.

15                   THE COURT: Thank you. Thank you, Mr. Corley.

16                   MS. FENT: Betty Corley. Your Honor, Betty Corley  
17 is a niece of victim and it is where Ms. Desportes lives now  
18 is with --

19                   THE COURT: Yes, ma'am. Tell me your name.

20                   BETTY CORLEY: I'm Betty Wilford Corley.

21                   THE COURT: Yes, ma'am.

22                   BETTY CORLEY: And I'm the niece of Katherine  
23 Desportes.

24                   THE COURT: All right, Ms. Corley.

25                   BETTY CORLEY: Your Honor, in May of 2011 the

1 unimaginable happened to our beloved aunt in grave payment.  
2 Katherine was forced when she was in her own home, living  
3 her life as she has done for many years, when this most  
4 heinous and unprovoked attack was mounted on her. This very  
5 tiny, demure, and Godly woman had no idea what she was in  
6 store for her when she heard a loud noise in her kitchen.

7           As she stood looking at the perpetrators  
8 face-to-face, one of them saying, We are coming in. The  
9 kitchen phone was yanked off the wall as they came through  
10 the window and one of them crushed her hand into the keys  
11 she was holding trying to take them from her. The skin was  
12 pulled back from her arms exposing flesh. And to make  
13 matters worse, she was sexually assaulted and flung around  
14 breaking her osteoporotic hip in several places. Not only  
15 was she burglarized, she was brutalized.

16           She also was told by one have them, We will be  
17 back. This was pure evil. This woman has been nothing but  
18 kind and caring to all that she has come in contact with and  
19 a stranger she will never meet, such as the troops she has  
20 crocheted hats for and sent coffee supplies to. She is a  
21 pillar of this community and a devout Christian woman.  
22 Never in her or our imaginations would anyone break into her  
23 home and attack her the way she was attacked.

24           She called me on the phone after her attackers  
25 fled to ask for help after dragging herself from the bedroom

1 where she was attacked, over a floor furnace and into her  
2 living room to get to a phone while profusely bleeding from  
3 her injures. I cannot imagine the pain she endured dragging  
4 that broken 88-year-old body to get help she so desperately  
5 needed.

6           Once at the hospital, despite her severe injuries  
7 mentally, emotionally, and physically, she tried in every  
8 way to help the police know about the two men that did this  
9 in order to stop them from doing harm to anyone else. She  
10 allow the police to do whatever they needed to do in order  
11 to stop these two no matter how degrading it must have been.

12           I accompanied to her to x-ray being a registered  
13 x-ray technologist myself. I saw the x-ray of her hip and  
14 how torn up it was and wondered if it could even be mended.  
15 Once in surgery, the family was in horror of possibly losing  
16 the wonderful woman. If she survived, would she ever be  
17 able to walk again was on the minds of all the family.

18           Amazingly, this lady has endured through God's  
19 help and has been an inspiration to many people in how she  
20 has conducted herself through this awful, horrible  
21 experience. It is her wish for this to be over and to go  
22 own with her life. However, her life and ours will never be  
23 the same.

24           These two brothers have deprived her of her home  
25 that she had for many years which she shared with her

1 husband. She had only been able to go back into it during  
2 the day while with a family member long enough to get what  
3 she needs. The feeling of safety in her own home and the  
4 wonderful memories shared with family and friends there have  
5 been shattered by the fear and horrific memories of  
6 brutality. She has lost her independence which she had  
7 valued so highly. The physical injuries will continue to  
8 afflict her the rest of her life as well.

9 It is the hope of the family that you will  
10 sentence these two men to the maximum that you can give them  
11 so that they cannot prey on others and as punishment for the  
12 continued pain and suffering that our aunt will endure the  
13 rest of her life.

14 Thank you for your help on this matter.

15 THE COURT: Thank you. Thank you, Ms. Corley.

16 MS. FENT: And finally, Your Honor,  
17 Dr. Stu Hamilton, who is a friend of the family is reading a  
18 statement from Ms. Desportes herself.

19 THE COURT: All right. Thank you.

20 Tell me your name, sir.

21 DR. HAMILTON: Stuart Hamilton.

22 THE COURT: All right. I'll be glad to hear from  
23 you.

24 DR. HAMILTON: I have a brief statement written by  
25 Katherine Desportes. I am a friend of the family and also a

1 ruling elder at the Rose Hill Presbyterian Church where  
2 Katherine Desportes is a congregant and dear friend.

3 At age 88, I was living peacefully and  
4 independently in my own home. I was able to drive my car  
5 and could often assist my friends by taking them to doctor's  
6 visits, church functions, and volunteer projects. Although  
7 I lived alone, I had many relatives and friends nearby and a  
8 busy social calendar. It was a simple and happy life with a  
9 predictable routine and rhythm.

10 Early on the morning of May 5th, 2011, I was  
11 awakened by the sound of breaking glass in my kitchen. I  
12 went to see what was happening and discovered that two men  
13 were forcing their way into my home. I was unable to dial  
14 911 and didn't have enough time to get out a full message.

15 I was attacked by the two men who had broken into  
16 my home. I was knocked to the floor, severely beaten, for  
17 what seemed like a very long time. The police arrived  
18 eventually and I was taken to the hospital. My house was  
19 robbed and my car was also stolen. I suffered a broken hip  
20 that required a surgical repair and months of healing and  
21 physical therapy before I could be again walking again. I  
22 had multiple bruises and lacerations of my head, arms,  
23 chest, and private parts.

24 Due to this horrible, traumatic experience, I have  
25 been forced to rely on family members for many of my daily

1 needs. I am too fearful to return to and live in my house,  
2 and I have move in with my retired nephew and his wife. I  
3 can no longer drive and must depend on others to take me  
4 everywhere. My life has indeed been turned upside down. I  
5 have lost my independence and my confidence. I have  
6 enduring pain from the hip surgery and cannot walk well like  
7 before. This has been very difficult for me.

8 My loving and supporting family has been most  
9 gracious in supplying my every need, but I was independent  
10 before. My friends have been most supportive and have  
11 showered me with calls, cards, visits, and gifts. I have  
12 been sustained by God's amazing grace through this most  
13 difficult time, and I am truly grateful. My prayer is for  
14 justice, God's grace and His peace for all.

15 And then she quotes from Psalm 51:17.

16 The sacrifices of God are a broken spirit, a  
17 broken and contrite heart, O God, that will not despise.

18 Katherine Desportes.

19 THE COURT: THE COURT: Thank you, Mr. Hamilton.  
20 Solicitor?

21 MS. FENT: Your Honor, there are other  
22 investigators that are here that were involved in the case  
23 in support of the victim, as well as, as you can see,  
24 there's multiple family members and friends of Katherine  
25 Desportes that are here in support of her.

1                   In preparing the case and meeting with her, she's  
2 always remained very strong about making sure that justice  
3 is done and these Defendants are -- are sentenced at the  
4 maximum that we can possibly get and has been strong in  
5 preparing for trial up until probably the last about two  
6 weeks and her blood pressure has risen to a very concerning  
7 level. And just in sitting down and talking with her this  
8 past week about possible pleas that we could work out and  
9 negotiations that we could work out, and we discussed the 50  
10 years, she said that it was worth it to her not to go to  
11 trial but to secure these convictions and to get, you know,  
12 a range of 40 to 50, but to stand here and ask for the full  
13 50. And in talking about the case against William is  
14 getting the negotiated 15. So that is -- you know, with her  
15 request and blessing that we have worked out this -- this,  
16 deal.

17                   We are clearly standing before you saying that the  
18 facts in this case support every day of the 50 years. And  
19 we ask you to assess that and we ask you to follow our  
20 negotiation with William.

21                   THE COURT: Thank you. Thank you very much.

22                   Solicitor, does either Anthony or William Kelley  
23 have any prior criminal history?

24                   MS. FENT: Yes, Your Honor. They both have a  
25 burglary, second, nonviolent conviction that they got YOA

1 on. The victim in that case is -- was 82 years old. It was  
2 a home invasion, and they stole her car and they ripped the  
3 phone out of the wall when in the course of the -- of the  
4 case.

5 It was also, in looking at that victim's wishes  
6 and not wanting to go to trial and the stress that it was  
7 putting on her, that the State negotiated that deal. So he  
8 does have that prior.

9 Anthony Kelley also has an open container and --  
10 but essentially they pled to a strong-armed robbery and  
11 burglary, second, nonviolent in 2009 and were given a YOA  
12 not to exceed six years.

13 THE COURT: Were they on YOA parole the time --

14 MS. FENT: Yes, they were.

15 THE COURT: -- with this incident?

16 MS. FENT: Yes, they were.

17 THE COURT: Anything -- anything further?

18 MS. FENT: No, sir.

19 THE COURT: Thank you. Thank you very much.

20 Mr. Kelley and Mr. Kelley, if y'all would come  
21 back around to the podium, please?

22 All right. Mr. May or Mr. Collins, I'll be glad  
23 to hear form you on behalf of Anthony Kelley.

24 MR. MAY: Yes, sir. May it please the Court, Your  
25 Honor.

1                   This is a awful, awful case. Nobody's saying  
2 anything different. Talking with Anthony, I've represented  
3 Anthony before. Over the majority of my -- here, I've  
4 represented him at some point. And he's always wanted to  
5 come in here and end this. He didn't want to put anybody  
6 through a trial. He never wanted to make the appeal drag  
7 out for years, PCR and habeas to drag out probably for  
8 decades. He wanted to take responsibility.

9                   Words of sorrow, apology will never -- will always  
10 ring hollow to the family to Ms. Desportes. He wants to say  
11 he's sorry. I want to say I'm sorry for him. But I know  
12 that that rings hollow.

13                  Your Honor, a 40-year sentence would put him out  
14 in his mid-60s. It's going to be a hard 40 years, if Your  
15 Honor's willing to even consider that. Forty years in the  
16 Department of Correction as a sex offender is going to  
17 subject him to untold horrors. I can tell you that, in  
18 knowing both of these young men, that what you have is a --  
19 what you've heard is four-hour snapshot of some of the most  
20 gruesome details there are. But in my knowing Anthony and  
21 also William, you would never know it. They are polite;  
22 they're respectful; they are nice young men. I know that  
23 actions on May 5th do not show that.

24                  Your Honor, they do have family. Their family has  
25 been very supportive of them during this entire process. He

1 wants to take responsibility. He wants to give closure to  
2 this family. And the one thing about this plea that that  
3 does is that it ends today due to the plea negotiations, due  
4 to the plea agreement, it's over today so this family can  
5 start rebuilding their lives. He has told us that he does  
6 not want to address the Court.

7 If I beg the Court's indulgence for one second?

8 THE COURT: Yes, sir.

9 MR. MAY: And, Your Honor, this appears to be the  
10 best resolution for all party -- all parties. This will be  
11 a plea for all the actions that day for 40 to 50 years,  
12 waiving all of those rights.

13 I'd ask Your Honor to consider something, but not  
14 the 50.

15 THE COURT: Thank you. Thank you very much, Mr.  
16 May.

17 Mr. Collins, anything further.

18 MR. COLLINS: Your Honor, I would just concur with  
19 the things that Mr. May said.

20 THE COURT: All right.

21 Is there anything else you would like to say?

22 MR. MAY: I'm sorry, Your Honor. Just one other  
23 thing.

24 THE COURT: Yes, sir.

25 MR. MAY: I would ask you to consider the 60 IQ.

1 The 60 IQ is almost one standard deviation below mentally  
2 retarded. I think your experience as both a prosecutor as  
3 well as a judge, there are -- when you start getting into  
4 very low IQs, often times their actions are made in the heat  
5 of the moment, more the frontal cortex of the brain, and  
6 that the ramifications oftentimes are not appreciated until  
7 later. Your Honor, I would ask you to consider the 60 IQ as  
8 a mitigating in this case.

9 THE COURT: Thank you. Thank you, Mr. May.  
10 Anything would you like the say

11 Mr. Anthony Kelley?

12 ANTHONY KELLEY: No, sir.

13 THE COURT: Thank you.

14 Mr. Hodge?

15 MR. HODGE: Thank you, Your Honor. May it please  
16 the Court.

17 Justice is a very difficult case. No one, I don't  
18 think, wants to be here today. No one wanted to be in this  
19 situation. Obviously no one wishes for this. I mean, and  
20 for Mr. William Kelley, Judge, coming here today was -- it  
21 was a tough decision to make. And it's not because he  
22 didn't want to accept responsibility. But it's because of  
23 the evidence that you've heard caused me concern as a  
24 lawyer, not Mr. Kelley. And so we talked numerous times  
25 regarding his options as far as going to trial and dragging

1 this thing out or accepting responsibility and coming in  
2 here today and accepting the offer that was made by the  
3 Prosecution. And I -- I strongly believe that it is the  
4 best resolution for all involved. I believe that Mr. Kelley  
5 agrees with me on that. I believe that the offer was fair  
6 and obviously Mr. Kelley does because he's accepting it.

7 Judge, we would just encourage you to go along  
8 with the negotiations. I know that Mr. Kelley is very sorry  
9 that this happened. I know from talking to him that he  
10 plans on using his time while he's in to better himself  
11 because he will be a little bit younger when gets out,  
12 Judge. I've encouraged him and he indicates that he wishes  
13 to get his GED and to pursue a trade while he's in. He  
14 tells me wishes to do that.

15 So, Judge, without saying more, I just would ask  
16 you to accept the negotiated plea.

17 THE COURT: Thank you. Thank you very much,  
18 Mr. Hodge.

19 William Kelley, anything you'd like to say?

20 WILLIAM KELLEY: : I mean, I just --

21 THE COURT: Step over to the microphone for me  
22 where I can hear.

23 WILLIAM KELLEY: I told my lawyer I don't want to  
24 say nothing, but I just -- I just want to say I'm sorry,  
25 Your Honor, for everything that -- for everything that

1 happened to the family. And just -- I just want to say I'm  
2 sorry. I just want to say I'm sorry, Your Honor.

3 THE COURT: All right. Thank you. Thank you very  
4 much.

5 Anything further, Mr. Hodge, Mr. May, Mr. Collins,  
6 Solicitor?

7 MR. HODGE: Nothing, Judge.

8 MR. MAY: No, Your Honor.

9 MS. FENT: No, Your Honor.

10 THE COURT: All right. I've got a little writing  
11 to do. I'm going to take about a ten-minute recess.

12 Court will be in recess ten minutes. Thank you  
13 very much.

14 (Whereupon, a short recess was held.)

15 THE COURT: All right. I've reviewed the facts  
16 that have been presented by the State for the victim impact  
17 both as presented by Mr. Corley, Ms. Corley, the statement  
18 of the victim presented by Mr. Hamilton. I considered all  
19 of the -- I've considered all of the mitigating information  
20 provided by Mr. May, Mr. Collins, and Mr. Hodge.  
21 Specifically, I considered the report that was previously  
22 provided to the Court that's marked as Court's Exhibit No.  
23 1, the IQ of the Defendant Anthony Kelley, their educational  
24 level both of Anthony and to William.

25 And just a few comments before I impose my

1 sentence. In looking at the prior criminal history of both  
2 of Mr. Anthony and Mr. William Kelley, it appears almost of  
3 a pattern. If the prior criminal history was a burglary,  
4 second, nonviolent in which it was a home invasion of  
5 82-year-old individual and stealing the automobile. And  
6 this is burglary or, in essence, a home invasion through a  
7 kitchen window rather than kicking in the door, perhaps,  
8 coupled with a sexual assault and the theft of personal  
9 property and of both an automobile and a cell phone.

10 I guess predators have particular patterns that  
11 they follow. It appears to me that Anthony Kelley and  
12 William Kelley are predators and they prey on the weak;  
13 weak, perhaps, physically but not weak spiritually. And  
14 that's a huge difference. That's a huge difference,  
15 because, perhaps, people a half, a third of Ms. Desportes'  
16 age would have quit. But, obviously, there was no quit in  
17 her. Just -- just an adage of quitters never win, winners  
18 never quit. And quite frankly, as she struggled across that  
19 floor after having the injuries that were inflicted upon her  
20 could get to a telephone and summons a, help, not only was  
21 she not quitting, but she was showing a degree of courage  
22 and heroism that is -- that is very -- not necessarily  
23 rarely seen, but is rarely recognized publicly quite  
24 frankly. And the help she was summoning was not only for  
25 herself but for other potential victims, for the victims in

1 the past and victim in the future.

2 I certainly understand Mr. May and Mr. Collins  
3 have done a remarkable job of representing -- representing  
4 Anthony Kelley and I certainly understand the State's  
5 position on the negotiated sentence in this particular case.  
6 And Mr. May pointed out, I believe he said it, Mr. Kelley  
7 can get life plus 93 years and 30 days, whatever the figure  
8 was. Somewhere in the 90s in that regard. So the attorneys  
9 have done a remarkable job, and I understand the State's  
10 position in offering and accepting the plea based on the  
11 consent and, I believe, as you placed it, Solicitor, the  
12 blessing of the victim in this matter.

13 The photographs of the physical injury are  
14 horrific and undecipherable. It's hard for me to imagine the  
15 associated pain. However, beyond that, some scars you can't  
16 see, but there's greater pain associated with that. The  
17 fact that, as Mr. Hamilton put it on behalf of  
18 Ms. Desportes, that she led a simple but predictable life  
19 that's all of a sudden all your assumption are gone. You  
20 can't go back into the sanctity of your home where you lived  
21 for in excess of 50 years. That -- that will never heal.  
22 You can't go back to a place where you had those wonderful  
23 memories with family and friends and your spouse of however  
24 many years without what can only be described as flashbacks,  
25 quite frankly. It will never be the same.

1                   One of the speakers spoke of closure. I'm no  
2 psychologist or psychiatrist or whatever -- never wanted to  
3 be, never will be. I have found in my experience that  
4 closure is way overrated. Perhaps, it's cathartic (sic) --  
5 but I think it's way overrated.

6                   It's remarkable to me, and I certainly accept  
7 Mr. May's statement entirely in having defended and  
8 counseled Mr. Kelley in the past, respectful a person he  
9 was, kind, polite. I believe it was polite, respectful,  
10 nice young man. And I'm sure he displayed those  
11 characteristics. I swear, based on just Mr. May's statement  
12 he displayed those characteristics to Mr. May. He certainly  
13 didn't display them to Ms. Desportes. However, her spirit  
14 will endure, her kindness, her perseverance, her courage.  
15 Every now and then we are in the presence of heroism.

16                   With that being said, on the Indictments  
17 2011-GS-3869, 3867, 3868, 3866, 2929, 2910, 2908, 3201,  
18 2927, 3876, 3874, 3865; those are the indictments as to  
19 Anthony.

20                   On indictments 11-3873, 3870, three -- 2932 on  
21 William A. Kelley, on burglary of the first, the  
22 Defendant's is committed to the State Department of  
23 Corrections for a determinate term of 15 years; grand  
24 larceny of a motor vehicle, ten years; resisting arrest, one  
25 year. Those are concurrent one with the other. I accept

1 the negotiated sentence in that case and I sentence him  
2 accordingly.

3 On the other indictments as to Anthony Kelley,  
4 resisting arrest, one year; leaving the scene, personal  
5 injury accident, one year; leaving the scene, property  
6 damage, 30 days; assault and battery, first degree, ten  
7 years; assault and battery, first degree, ten years; assault  
8 and battery, first degree, ten years; assault and battery,  
9 first degree, ten years; assault and battery, first degree,  
10 ten years; failure to stop for a blue light, three years,  
11 grand larceny over 10,000, ten years; criminal sexual  
12 conduct, first degree, 30 years. Additionally, he's placed  
13 on the sex offender registry. And as to a measure of  
14 justice, 11-GS-40-3869, Anthony Deon Kelley, burglary, first  
15 degree, Defendant's committed to the State Department of  
16 Corrections for a determinate term 50 years. Those are  
17 concurrent, credit for time served. No contact with the  
18 victim or any member of the victim's family.

19 Good luck to you, Mr. Kelley.

20 Good luck to you.

21 Thank you. Thank you very much.

22 MS. FENT: Thank you, Your Honor.

23 MR. MAY: Thank you, sir.

24 MR. HODGE: Thank you, Judge.

25 END OF PROCEEDINGS

1 COUNTY OF RICHLAND )

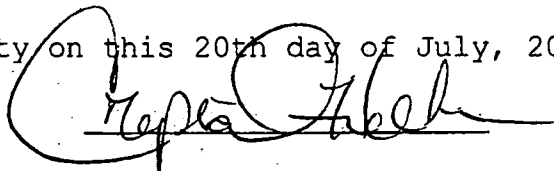
2 CERTIFICATE OF REPORTER

3 I, Crystal Holmes, hereby certify that I reported  
4 the preceding case entitled State of SC V. William a. Kelley  
5 and Anthony D. Kelley Case No. 2011-GS-40-03867; 03869, at  
6 the Richland County Courthouse, April 23, 2012.

7 I FURTHER CERTIFY that the foregoing pages 1  
8 through 64 constitute a true, accurate and full transcript  
9 of said hearing.

10 I FURTHER CERTIFY that I am not employed by any of  
11 the parties hereto and I have no financial interest in the  
12 outcome of said case.

13 IN WITNESS WHEREOF, I have heretofore set my hand  
14 and seal at Richland County on this 20th day of July, 2013.



Crystal Holmes, Court Reporter  
and Notary Public for the  
State of South Carolina my  
Commission Expires:  
April 21 2014

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STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
 ) FIFTH JUDICIAL CIRCUIT  
 COUNTY OF RICHLAND )  
 ) PLEA AGREEMENT  
 The State )  
 v. ) INDICTMENT NUMBER(S):  
 ) 2011-GS-40-02908; 2011-GS-40-02910;  
 ) 2011-GS-40-2927; 2011-GS-40-2929;  
 ) 2011-GS-40-3201; 2011-GS-40-3865;  
 ) 2011-GS-40-3866; 2011-GS-40-3867;  
 ) 2011-GS-40-3868; 2011-GS-40-3869;  
 ) 2011-GS-40-3874; 2011-GS-40-3876  
 )  
 Anthony Deon Kelley )  
 )  
 DEFENDANT )

I, Anthony Deon Kelley, the defendant in this Criminal Action do hereby enter a plea of guilty to the following charges:

- 2011-GS40-2908: Assault and Battery 1<sup>st</sup> Degree
- 2011-GS40-2910: Assault and Battery 1<sup>st</sup> Degree
- 2011-GS40-2927: Assault and Battery 1<sup>st</sup> Degree
- 2011-GS40-2929: Assault and Battery 1<sup>st</sup> Degree
- 2011-GS40-3201: Assault and Battery 1<sup>st</sup> Degree
- 2011-GS40-3865: Resisting Arrest
- 2011-GS40-3866: Failure to Stop for a Blue Light
- 2011-GS40-3867: Criminal Sexual Conduct in the First Degree
- 2011-GS40-3868: Grand Larceny over \$10,000
- 2011-GS40-3869: Burglary in the First Degree
- 2011-GS40-3874: Hit and Run – Personal Injury
- 2011-GS40-3876: Hit and Run – Property Damage

In exchange for my plea of guilty to the charges indicated above and the waiver of my appellate rights I understand that the Solicitor will allow me to plea to a negotiated range of forty (40) to fifty (50) years.

I understand all terms, conditions, obligations, duties, and rights that are listed below and that the sentencing court is incorporating by reference this complete plea agreement as part of the sentencing order imposed by the court.

I understand that if the Court accepts the plea as indicated above, I give up my right to trial by jury, at which I would have the following rights: (a) The right to have a jury determine my guilt or innocence; (b) The right to see and hear witnesses testify and to have my lawyer question them for me; (c) The right to subpoena witnesses in my behalf.

**CERTIFIED TRUE COPY**  
 ORIGINAL FILED,  
 J. [Signature]  
 RICHLAND COUNTY  
 SOUTH CAROLINA

and present items of evidence in my defense; (d) The right to testify or remain silent; (e) The right to have the prosecution prove my guilt beyond a reasonable doubt, before I can be found guilty.

I have read the information in this case, or have had it read to me, and I understand the charge to which I enter my plea. My lawyer has explained to me the maximum penalty for the charge, the essential elements of the crime, and possible defenses to the crime, and I understand these things. I understand that if I am on parole, my parole can be revoked and I can be returned to prison to complete that sentence; if I am on probation, my probation can be revoked and I can receive a separate sentence up to the maximum on the probation charge in addition to the sentence imposed in this case.

I have read every word of this written plea or have had it read to me. I have discussed this plea with my attorney and I fully understand it. I have been told what evidence the State has to present to a jury, and my attorney has advised me as to what defenses, if any, I may be able to assert in my own behalf. I am fully satisfied with the way my attorney has handled this case. He has effectively assisted me in all aspects of my defense.

I further understand that by accepting this plea agreement I give up my right to appeal all matters. I agree to waive any and all appeals, Post-Conviction Relief (PCR) applications, federal habeas petitions and any and all other methods of review of this guilty plea and sentence.

I understand that if I request either judicial review it would constitute a breach of this agreement. I understand that if I breach this agreement it will nullify the negotiation of a sentencing range of forty (40) to fifty (50) years and the State can pursue the maximum sentence allowed by law.

No one has threatened me to make me enter the plea. I am entering the plea because: I am guilty, and I believe it is in my own best interest.

I enter the plea voluntarily of my own free will.


SWORN TO, SIGNED, AND FILED in open Court in the presence of Defense Counsel, the State, and Judge R. Knox McMahon on this twenty-third (23) day of April, 2012.

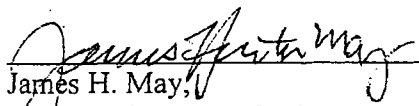
Anthony Kelley  
Anthony D. Kelley, Defendant

CERTIFIED TRUE COPY  
OF ORIGINAL FILED,  
*Jeanette Wade*  
C.O.C.P.S.G.S.  
RICHLAND COUNTY  
SOUTH CAROLINA

CERTIFICATE OF DEFENDANT'S ATTORNEY

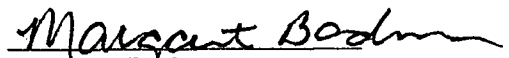
I, Defendant's Counsel of Record, certify that: I have discussed this case with the Defendant, including the nature of the charges, essential elements of each, the evidence against him of which I am aware, the possible defenses he has, the maximum penalty of the charges and his waiver of the right to appeal. No promises have been made to the defendant other than as set forth in this plea or on the record. I believe he fully understands this written plea, the consequences of entering it, and that the Defendant does so of his own free will. I have reviewed the Discovery in this case and have discussed the evidence in this case with the Defendant, I believe this plea is in my client's best interest.

  
Greg Collins,  
Attorney for the Defendant

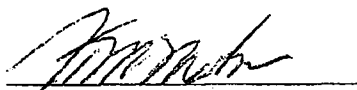
  
James H. May,  
Attorney for the Defendant

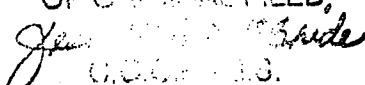
CERTIFICATE OF SOLICITOR

This plea agreement represents the total agreement between the defendant, Anthony D. Kelley, and the State of South Carolina. There are no promises made by anyone other than those contained in this agreement.

  
Margaret Bodman,  
Assistant Solicitor, Fifth Judicial Circuit

This plea is entered by the Defendant and accepted by the undersigned this twenty-third (23) day of April, 2012.

  
R. Knox McMahon  
Circuit Court Judge

CERTIFIED TRUE COPY  
OF ORIGINAL FILED,  
  
G. G. G. 13.  
RICHLAND COUNTY  
SOUTH CAROLINA 7

2013CP4002386

STATE OF SOUTH CAROLINA

County of Richland County

In the Court of Common Pleas

Anthony Donn Kelley # 334711  
Full name and prison number (if any) of Applicant,

vs.

The Solicitors/ Lawyer  
Name of Respondent.

APPLICATION FOR  
POST-CONVICTION RELIEF

2013 APR 22 AM 10:24  
JEANETTE W. ...  
C.C.P. & ...  
RICHLAND COUNTY  
FILED

INSTRUCTIONS — READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make it clear to which question any such continued answer refers.

Since every application must be sworn to under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken *in forma pauperis*, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which applicant was convicted.

- Place of detention ~~Richland County~~ Liberté Correctional Inst. P.O. Box 205  
Ridgeway SC, 29472 Richland County 261 DAIL MARK drive 29209
- Name and location of Court which imposed sentence Richland County, General Sessions  
COURT
- The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
  - N/A but The charges is Burglary 1 AND CSC 1
  - 
  -
- The date upon which sentence was imposed and the terms of the sentence:
  - 50 year on Burglary 1 degree April 23, 10
  - 
  -

5. Check whether a finding of guilty was made

- (a) after a plea of guilty YES
- (b) after a plea of not guilty BECAUSE SOME OF MY CHARGES I WAS NOT GUILTY ON
- (c) after a plea of nolo contendere NO

6. Did you appeal from the judgment of conviction or the imposition of sentence?

NO THEY DIDN'T MENTION APPEAL

7. If you answered "yes" to (6), list

(a) the name of each Court to which you appealed:

- i. IT WAS NO APPEAL MADE
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

(b) the result in each such Court to which you appealed:

- i. IT WAS NO APPEAL MADE
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

(c) the date of each such result:

- i. NO DATE OF RESULT
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

(d) if known, citations of any written opinion or orders entered pursuant to such results:

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

8. If you answered "no" to (6), state your reasons for not so appealing:

- (a) MY LAWYER NEVER MENTIONED APPEAL
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) GUILTY PLEA WAS MADE UNINTELLIGENTLY MAKE OUT COME OF SENTENCES WAS
- (b) UNJUST MY CODEFENDENT RECIEVES A PRA FOR A LESSER INCLUDED OFFENSE I WANT THE
- (c) SAME HE GOT 15 YEAR OR 10

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

- (a) THE PLEA WAS UNEQUAL LOWERED CODEFENDENTS CHARGES
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

11. Prior to this application have you filed with respect to this conviction

- (a) any petition in a State Court under South Carolina Law? N/A
- (b) any petitions in State or Federal Courts for habeas corpus or post-convictions relief? N/A
- (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7)? N/A
- (d) any other petitions, motions or applications in this or any other Court?

12. If you answered "yes" to any part of (11), list with respect to each petition, motion or application:

(a) the specific nature thereof:

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(b) the name and location of the Court in which each was filed:

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(c) the disposition thereof:

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(d) the date of each such disposition:

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

13. Has any ground set forth in (9) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

N/A

14. If you answered "yes" to (13), why:

(a) which grounds have been presented:

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

(b) the proceedings in which each ground was raised:

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

15. If any ground set forth in (9) has not previously been presented to any Court, State or Federal, set forth the ground, and state concisely the reasons why such ground has not previously been presented:

- (a) Because The ground set forth in 9. WAS Suppose To be A second degree
- (b) Burglary Charge Now it's A 1 degree
- (c) \_\_\_\_\_

16. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? IT WAS ARRAIGNMENT PLEA SENTENCING
- (b) your trial, if any? NO
- (c) your sentencing? yes it's A Negotiated Sentence
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? NO
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? \_\_\_\_\_

17. If you answered "yes" to one or more parts of (16), list:

(a) the name and address of each attorney who represented you

- i. JAME HUNTER MAY of RICHLAND COUNTY COURT Appointed A public Defender's
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

(b) the proceedings at which each such attorney represented you:

- i. Which A plea And SENTENCING which shoulda Been 15 year
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

18. State clearly the relief you seek in filing this application.

A plea sentence Appeal For A reduction Lesser plea

19. Are you now under sentence from any other court that you have not challenged?

NO I'm NOT sentence under any court have NOT challenged.

STATE OF SOUTH CAROLINA

VERIFICATION

County of Richland County

I, Anthony Kelley, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Anthony D. Kelley

RICHLAND COUNTY  
FILED  
2013 APR 22 AM 10:24  
JEANETTE W. JOHNSON  
C.C.P. & G.S.

SWORN to and subscribed before me this 15<sup>th</sup>  
day of April, 19 2013

Ludhean Bryant (L.S.)  
Notary Public

My Commission Expires: May 26, 2020

**APPLICATION TO PROCEED WITHOUT PREPAYMENT  
OF COSTS AND AFFIDAVIT  
IN SUPPORT THEREOF**

I, Anthony Kelley, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security therefor.

X Anthony Kelley  
Applicant

SWORN or affirmed to and subscribed before me this  
15<sup>th</sup> day of April, 19 2013

Ludhean Bryant  
Notary Public

My Commission Expires: May 26, 2020

**William J. Lamprey**

---

**From:** Kelly Oppenheimer [KOppenheimer@scag.gov]  
**Sent:** Wednesday, October 02, 2013 2:21 PM  
**To:** William J. Lamprey  
**Subject:** RE: Anthony Kelley; 13-CP-40-02386

Jared,

Megan filed a Motion to Dismiss the Application and, subsequently, sent a proposed Order of Dismissal with Prejudice to Judge Manning for his signature. Judge Manning signed the order, and it was filed with the Richland County Clerk of Court. ~~Therefore, a return was never filed, a hearing was never held, and a Motion to Alter or Amend was never submitted.~~

Thanks,

**Kelly Oppenheimer**  
Legal Assistant  
South Carolina Attorney General's Office

---

**From:** William J. Lamprey [mailto:jlamprey@sccid.sc.gov]  
**Sent:** Wednesday, October 02, 2013 2:17 PM  
**To:** Kelly Oppenheimer  
**Subject:** Anthony Kelley; 13-CP-40-02386

Dear Ms. Oppenheimer,

The following attachment is a document request for the above named individual. Thank you for your time and help regarding this matter. I look forward to hearing from you.

Thanks,

Jared Lamprey  
Administrative Specialist

10/2/2013

STATE OF SOUTH CAROLINA )  
 COUNTY OF RICHLAND )  
 )  
 Anthony Kelley, # 334711, )  
 )  
 Applicant, )  
 )  
 VS. )  
 )  
 State of South Carolina, )  
 )  
 Respondent. )

IN THE COURT OF COMMON PLEAS  
 FOR THE FIFTH JUDICIAL CIRCUIT

Case No. 2013-CP-40-2386

**ORDER OF DISMISSAL WITH  
 PREJUDICE**

SEP 17 2013  
 12:52 PM  
 FILED  
 RICHLAND COUNTY  
 JENNIFER M. HARRISON  
 CLERK OF COURT

This matter comes before the Court by way of an application for post-conviction relief filed April 22, 2013, in which he seeks relief in the form of a "reduction lesser plea." The State has moved to dismiss the application on the basis that Applicant waived post-conviction relief pursuant to a consent agreement accepted by the trial court in exchange for the State recommending a negotiated aggregate sentence of between forty to fifty years imprisonment.

Before this Court are Applicant's records from the Richland County Clerk of Court, Applicant's records from the South Carolina Department of Corrections, Applicant's Plea Agreement, and Applicant's Guilty Plea transcript. Applicant was indicted by the Richland County Grand Jury for:

- Assault and Battery in the First Degree (2011-GS-40-2908);
- Assault and Battery in the First Degree (2011-GS-40-2910);
- Assault and Battery in the First Degree (2011-GS-40-2927);
- Assault and Battery in the First Degree (2011-GS-40-2929);
- Assault and Battery in the First Degree (2011-GS-403201);
- Resisting Arrest (2011-GS-40-3865);
- Failure to Stop for a Blue Light (2011-GS-40-3866);
- Criminal Sexual Conduct in the First Degree (2011-GS-3867);

- Grand Larceny over \$10,000 (2011-GS-40-3868);
- Burglary in the First Degree (2011-GS-40-3869);
- Hit and Run – Personal Injury (2011-GS-40-3874); and
- Hit and Run – Property Damage (2011-GS-40-3876).

Applicant was represented on all charges by Gregory B. Collins, Esquire, and James H. May, Esquire. Applicant and his attorneys entered into a signed Plea Agreement with the Solicitor's Office signed by Applicant, both of his attorneys, the prosecuting Assistant Solicitor, and the Honorable R. Knox McMahon on April 23, 2012. In exchange for the State recommending a negotiated aggregate sentence of between forty to fifty years imprisonment, Applicant, under the express terms of the agreement, explicitly waived his right to any and all direct or collateral attacks on his guilty plea and sentences:

"I further understand that by accepting this plea agreement I give up my right to appeal all matters. I agree to waive any and all appeals, Post-Conviction Relief (PCR) applications, federal habeas petitions and any and all other methods of review of this guilty plea and sentence."

This Plea Agreement was sworn to, signed, and filed in open Court in the presence of both of Applicant's attorneys, the prosecuting Assistant Solicitor, and Judge McMahon during Applicant's guilty plea proceeding.

Respondent argues that the post-conviction relief application should be dismissed as it violates the bargained for agreement of the parties. Specifically, Applicant waived seeking post-conviction relief under the terms of the agreement. Further, the agreement explicitly stated that by signing the Plea Agreement, Applicant acknowledged and attested that he fully understood the terms of the agreement, read the Plea Agreement in detail, had ample opportunity to discuss the agreement with his attorneys, and did discuss at length the terms of the agreement with his

counsel. Finally, he indicated by his signature that: "I understand that if I request either judicial review it would constitute a breach of this agreement. I understand that if I breach this agreement it would nullify the negotiation of a sentencing range of forty (40) to fifty (50) years and the State can pursue the maximum sentence allowed by law. No one has threatened me to make me enter the plea. I am entering the plea because: I am guilty, and I believe it is in my own best interest."

In addition to the written Plea Agreement, this Court has reviewed the transcript of Applicant's guilty plea and finds that Judge McMahon reviewed Applicant's rights thoroughly and extensively, and determined that Applicant was waiving his rights, including the right to seek post-conviction relief, freely and voluntarily. Applicant's trial attorneys and the prosecuting Assistant Solicitor explained to Judge McMahon the essence of the bargain, including Applicant's waiver of appellate rights and post-conviction relief for an agreement the State would recommend a negotiated sentence of between forty to fifty years, as opposed to the life plus ninety-five years Applicant was facing. They advised Judge McMahon that they fully discussed the terms of the agreement with Applicant. Judge McMahon specifically went over Applicant's right to post-conviction relief and the fact that he was waiving this right. Judge McMahon's colloquy ensured that Applicant was making the decision voluntarily and that Applicant was comfortable with the decision.

Based on the express terms of the agreement and the clear demonstration from the colloquy that Applicant freely and voluntarily waived his rights in exchange for the agreement, this Court finds that the Respondent's motion to dismiss should be granted and that pursuant to the terms of the bargained for agreement between the State and Applicant, Applicant is

precluded from seeking post-conviction relief. See Spooone v. State, 379 S.C. 138, 665 S.E.2d 605 (2008) (finding waiver of appellate and post-conviction relief rights was voluntarily made based on the text of the plea agreement and the transcript of the plea hearing, and where both attorneys attended the plea hearing and signed the written plea agreement, along with Spooone himself; therefore, the post-conviction relief court did not err in enforcing the waiver and dismissing the application).

### **CONCLUSION**

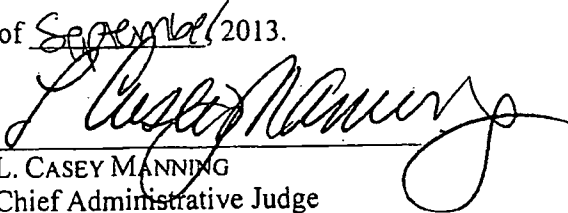
Based on the foregoing, this Court finds and concludes that the post-conviction relief application must be dismissed pursuant to the express terms of the aforementioned consent agreement. This Court notes to the parties that in order to secure the appropriate appellate review, notice of appeal must be served and filed within thirty days after receipt by counsel of notice of entry of this order. See Rules 203 and 243 of the South Carolina Appellate Court Rules. This Court notes that post-conviction relief counsel must advise an applicant of the right to seek appellate review of a post-conviction relief order. State v. Bray, 366 S.C. 137, 620 S.E.2d 743 (2005). Also, pursuant to Austin v. State, 305 S.C. 453, 409 S.E. 2d 395 (1991), an applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a notice of appeal on an applicant's behalf.

### **IT IS THEREFORE ORDERED:**

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and

- 2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 10 day of September 2013.

  
L. CASEY MANNING  
Chief Administrative Judge  
Fifth Judicial Circuit

Columbia South Carolina

WITNESSES

(s) BAILEY - Columbia Police Department

DOCKET NO. 2011-GS-40-03867

The State of South Carolina

County of

Richland

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

Defendant

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

RICHLAND COUNTY SOUTH CAROLINA

ARREST WARRANT NUMBER

K688548

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2011

Defendant

ACTION OF GRAND JURY

Anthony Deon Kelley

THE STATE vs.

Witness:

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

TRIPLE BILL

Date: Person of Grand Jury NOV 03 2011

VERDICT

Indictment for CRIMINAL SEXUAL CONDUCT (ADULT) 1ST DEG

SC Code: 16-3-652 CDR Code: 160

Foreperson of Petit Jury Date:

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

INDICTMENT

At a Court of General Sessions, convened on *November 2<sup>nd</sup> 85*, 2011,

the Grand Jurors of Richland County present upon their oath:

**CRIMINAL SEXUAL CONDUCT, FIRST DEGREE**

That Anthony Deon Kelley did in Richland County on or about May 5, 2011, willfully and unlawfully engage in sexual battery with CATHERINE DEPORTES, using aggravated force AND/OR the victim was also the victim of forcible confinement, kidnapping, robbery, extortion, burglary, housebreaking or some other similar offense or act, in violation of Section 16-03-0652, S. C. Code of Laws, 1976, as amended

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



DAN JOHNSON, SOLICITOR

WITNESSES

(S) BAILEY - Columbia Police Department

DOCKET NO. 2011-GS-40-03869

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2011

92

THE STATE

vs.

Anthony Deon Kalley

ACTION OF GRAND JURY

Defendant

Witness:

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

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury. *side*  
RICHLAND COUNTY SOUTH CAROLINA

TRUE BILL

*OS*  
Person of Grand Jury  
Date: NOV 03 2011

VERDICT

Indictment for  
BURGLARY 1ST DEGREE

SC Code: 16-11-0311  
CDR Code: 0079

Foreperson of Petit Jury  
Date:

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

INDICTMENT



At a Court of General Sessions, convened on NOVEMBER 2, 2011,  
the Grand Jurors of Richland County present upon their oath:

**BURGLARY, 1<sup>ST</sup> DEGREE**



That Anthony Deon Kelley did in Richland County on or about May 5, 2011, enter the dwelling of CATHERINE DEPORTES without consent and with the intent to commit a crime therein and when, in effecting entry or while in the dwelling or in immediate flight, the defendant did cause physical injury to any person who was not a participant in the crime AND/OR did enter and or remain during the nighttime; all in violation of Section 16-11-0311(A), Code of Laws of South Carolina, 1976, as amended.

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

DAN JOHNSON, SOLICITOR

