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FEB 26 2026

S.C. SUPREME COURT

APPENDIX

1. A COPY of the Record on Appeal, initial and Final briefs of Respondent's and Pro se Appellant
2. S.C. Court of Appeals (Letter) December 10, 2024,
S.C. Court of Appeals (Order) January 3, 2025.
S.C. Court of Appeals (Letter) February 19, 2025.
Portions of Trial Transcript of Record March 30,
through April 3, 2009. See: Cover letter for Petition
For Writ of Certiorari
3. A COPY of the decision of Court of Appeals
4. A COPY of the Petition for rehearing

②

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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FEB 26 2026

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

S.C. SUPREME COURT

Appellate Case No. 2023-001463

The State, ... Respondent,
v.
Randolph Ashford, ... Appellant,

RECORD ON APPEAL

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DEC 23 2024
SC Court of Appeals

s/ Randolph Ashford
Randolph Ashford # 256638
Allendale Corr. Inst.
1057 Revolutionary Trail
FairFax, South Carolina-
29827

Pro-se Appellant

S.C. Attorney General
Mark Reynolds farthing
Post Office Box 11549
Columbia, South Carolina-
29211- 1549
Attorney For Respondent

INDEX

INDEX	1 - 5
ORDER OF NOVEMBER 13, 2023	6 - 7
ORDER OF AUGUST 22, 2023	8 - 11
S.C. Rule of Crim. P. Rule - 29(b) Motion.....	12- 17
STATE'S MOTION TO DISMISS	18- 24
OBJECTION TO RESPONDENT'S MOTION	25- 35
INITIAL BRIEF OF APPELLANT	36- 46
INITIAL BRIEF OF RESPONDENT	47- 65
REPLY BRIEF OF APPELLANT	66- 91
CHARGE	-92
REQUEST TO CHARGE	-93
DEFENDANT / STATE'S EXHIBIT'S	-94
TRANSCRIPT OF PROCEEDING	-94
CERTIFICATE OF APPELLANT.....	-95

ORDER OF NOVEMBER 13, 2023

The South Carolina Court of Appeals

The State, Respondent v. Randolph Ashford;

Appellant Case No. 2023-001463 (ORDER) Page - 6-7

ORDER OF AUGUST 22, 2023

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND FOR THE FIFTH JUDICIAL CIRCUIT

The State of South Carolina v. Randolph Ashford

ORDER OF DISMISSAL WITH PREJUDICE, Pages - 6 - 7

S.C. Rule of Crim. P. Rule - 29(b) Motion

MOTION FOR NEW TRIAL BASED ON AFTER DISCOVERED EVIDENCE,
MOTION FOR APPOINTMENT OF COUNSEL, AND AFFIDAVIT OF RANDOLPH
ASHFORD, Docket No. 2007-GS-40-2048, Pages - 8 - 11

STATES MOTION TO DISMISS

STATE'S MOTION TO DISMISS and REQUEST FOR A JUDGMENT ON THE
PLEADINGS, RESPONSE TO DEFENDANT'S MOTION FOR AFTER DISCOVERED
EVIDENCE, Pages - 12 - 17

OBJECTION TO RESPONDENT

OBJECTION TO MOTION TO DISMISS and JUDGMENT ON THE PLEADING OF
RESPONDENT'S, Pages - 25 - 35

INITIAL BRIEF

APPELLANT'S INITIAL BRIEF, Pages - 36 - 46

INITIAL BRIEF

RESPONDENT'S INITIAL BRIEF, Pages - 47 - 65

REPLY BRIEF

REPLY BRIEF OF APPELLANT, Pages - 66 - 91

TESTIMONY OF GREGORY FLEMING

GREGORY FLEMING - CROSS BY MS. SINGLETARY (In Camera)

March 31, 2009 Trial Transcript, Page - 33, 3-4

TESTIMONY OF GREGORY FLEMING

GREGORY FLEMING - DIRECT BY MR. BRYANT

April 1, 2009. Trial Transcript, Page - 216, 11-14

TESTIMONY OF GREGORY FLEMING

GREGORY FLEMING - CROSS BY SINGLETARY

April 1, 2009 Trial Transcript Page - 222, 8-9

TESTIMONY OF GREGORY FLEMING

GREGORY FLEMING - CROSS BY MS. SINGLETARY

APRIL 1, 2009 Trial Transcript, Page - 225, 6-13

TESTIMONY OF RANDOLPH ASHFORD

RANDOLPH ASHFORD - DIRECT BY MR. O'NEIL

April 3, 2009. Trail Transcript, Page - 791-792, 1-25

TESTIMONY OF RANDOLPH ASHFORD

RANDOLPH ASHFORD - CROSS BY MS. CAMPBELL

April 3, 2009. Trial Transcript Page - 828, 24-25

TESTINONY OF PATRICIA REED ENZOR

PATRICIA REED ENZOR - CROSS BY MR. O'NEIL

April 2, 2009. Trial Transcript, Page - 625 - 636, 1-25

TESTIMONY OF JAMES ABRAHAM

James Abraham - DIRECT BY MS. CAMPBELL

April 2, 2009. Trial Transcript, Page - 567, 1-25

4

TESTIMONY OF JAMES ABRAHAM

JAMES ABRAHAM - REDIRECT - EXAMINATION BY MS. CAMPBELL
April 2, 2009. Trial Transcript, Page - 573 - 574, 1 - 25

TESTINONY OF RUBIN SANTIAGO

RUBIN SANTAGO - DIRECT BY MS. SINGLETARY
April 2 2009. Trial Transcript, Page - 606, 11 - 25

TESTIMONY OF PATRICIA REED ENZOR

PATRICIA REED ENZOR - CROSS BY MR. O'NEIL
April 2, 2009. Trial Transcript, Page - 629, 16-25

TESTIMONY OF PATRICIA REED ENZOR

PATRICIA REED ENZOR - CROSS BY MR. O'NEIL
April 2, 2009. Trial Transcript Page - 634, 23-25
April 2, 2009. Trial Transcript, Page - 635, 1 - 2

TESTIMON OF TAMMY L. COOK

TAMMY L. COOK - CROSS EXAMINATION BY MS. SINGLETARY
March 31, 2009. Trial Transcript, Page - 392, 25, Page-393, 6-11

TESTIMONY OF RANDOLPH ASHFORD

RANDOLPH ASHFORD, DIRECT BY O'NEIL
April 3, 2009. Trial Transcript, Page - 810-811, 1-25

TESTIMONY OF DEBORAH A. SIMMONS

DEBORAH A. SIMMONS - BY MS. SINGLETARY
April 1, 2009. Trail Transcript, Page - 378, 7-8

5

CHARGE

PLEASE TAKE JUDICIAL NOTICE

The Honorable G. Thomas Cooper, Judge

April 3, 2009. Trial Transcript Page - 926, 9-25

April 3, 2009. Trial Transcript Page - 930, 1-6

REQUEST TO CHARGE

PLEASE TAKE JUDICIAL NOTICE

Nicole singletary, Deputy Public Defender

April 2, 2009. Trial Transcript, Page - 661 - 662, 1 - 25

APPELLANT/DEFENDANT EXHIBIT'S / STATE'S EXHIBIT'S - 94

Exhibit's - A & B

Exhibit's - C; D; E;

CERTIFICATE OF PRO SE APPELLANT (COUNSEL)

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

December 11, 2024.

/s/ Randolph Ashford

Randolph Ashford # 256638

Allendale Corr. Inst.

1057 Revolutionary Trail

FairFax, South Carolina

Pro se

29827

CERTIFICATE OF SERVICE

Appellate Case No. 2023-001463

I do hereby certify that I have serve the following counsels of record listed below the Appellant's Record On Appeal, along with the Designation of Matter To Be Included In The Record On Appeal, Exhibit's - A,B,C,D,E, by placing the original and a copies in the United States Postal Service, postage prepaid on the 11, of December 2024., here at the Institution mail-room.

December 11, 2024.



Randolph Ashford # 256638

Enclosures

**CC: South Carolina Court of Appeals
1220 Senate Street,
Columbia, South Carolina - 29201**

**South Carolina Attorney General
Mark Reynolds Farthing, Esquire
Post Office Box 11549**

Columbia, South Carolina - 29211-1549

The South Carolina Court of Appeals

The State, Respondent,

v.

Randolph Ashford, Appellant.

Appellate Case No. 2023-001463

ORDER

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

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

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

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

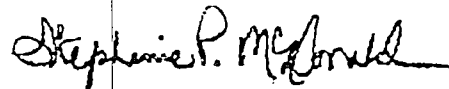
the lower court." At this point, Appellant still had no copy of the order of dismissal, nor proper written notice of such.

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

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

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

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



FOR THE COURT

Columbia, South Carolina

cc:

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

FILED
Nov 13 2023

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SEP 20 2023
SC Court of Appeals

RICHLAND COUNTY
STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
2023 AUG 22 PM 3:53

IN THE COURT OF GENERAL SESSIONS
FOR THE FIFTH JUDICIAL CIRCUIT

The State of South Carolina

C.C.P., G.S. & E.

2007GS401938-40; 2007GS402000-03;
2007GS402048

J55697, 96, 99; K 195896-99; J556198

-v-

ORDER OF DISMISSAL WITH PREJUDICE

Randolph Ashford,
Defendant

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

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

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

PROCEDURAL HISTORY

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

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

Defendant filed a notice of appeal. Wanda Carter, Esq., with the Office Appellate Defense filed an Anders¹ brief. The Court of Appeals dismissed Defendant's appeal in 2012. See 2012-UP-035.

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

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

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

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

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

11

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

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

IT IS THEREFORE ORDERED THAT:

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

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

Robert E. Hood

ROBERT E. HOOD
Chief Administrative Judge

Columbia

South Carolina

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

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

January 20, 2023.

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

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

Dear Ms. McBride:

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

Thank you very much.

Sincerely,

Randolph Ashford

CC: Randolph Ashford # 256638

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF GENERAL SESSIONS
FOR THE FIFTH JUDICIAL CIRCUIT

Randolph Ashford # 256638
Petitioner,

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

VS.

) MOTION FOR NEW TRIAL
) BASED ON AFTER DISCOVERED EVIDENCE
)

State of South Carolina
Respondent,

) S.C. RULES OF Crim. PROCEDURE, RULE_
) 29(b).
)
)

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

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

RICHLAND COUNTY
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2023 JAN 31 AM 11:24
JENNIFER M. MORRIS
C.C.P., G.S. & F.C.

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

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

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

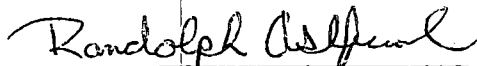
7. Trial Transcript, James Abraham, Cross by Ms. Campbell Page - 606, Lines - 11 - 13, (Q. And was the defendant also afforded an opportunity, Was he given treatment if he needed any ?. (A. Absolutelty. The EMS personnel check him out.

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

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

January 20, 2023

Columbia, South Carolina



Randolph Ashford # 256638

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

4460 Broad River Rd.

Columbia, South Carolina

29210

15
RICHLAND COUNTY
FILED

2023 JAN 31 AM 11:25

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

CERTIFICATE OF SERVICE

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

January 20, 2022.
Columbia, South Carolina

Randolph Ashford

Randolph Ashford # 256638

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

16

THE STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF GENERAL SESSIONS
FOR THE FIFTH JUDICIAL CIRCUIT

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

AFFIDAVIT
OF
Randolph Ashford

JEANETTE M. MCBRIDE
C.C.P., C.S., & F.C.

2023 JAN 31 AM 11:25

RICHLAND COUNTY
FILED

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

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

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

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

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

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

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

January 20, 2023.

Columbia, South Carolina

Randolph Ashford

Randolph Ashford # 256638

The State of South Carolina

Byron E. Gipson
Solicitor

April Sampson
Deputy Solicitor



Curtis Pauling
Deputy Solicitor

Dan Goldberg
Deputy Solicitor

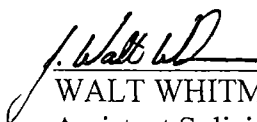
SOLICITOR'S OFFICE
Fifth Judicial Circuit

Judge Hood,

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

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

Sincerely,


WALT WHITMIRE
Assistant Solicitor

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

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

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

IN THE COURT OF GENERAL SESSIONS
FOR THE FIFTH JUDICIAL CIRCUIT

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

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

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

PROCEDURAL HISTORY

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

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

2023 AUG 16 AM 11:35

RICHLAND COUNTY

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

Defendant filed a notice of appeal. Wanda Carter, Esq., with the Office Appellate Defense filed an Anders¹ brief. The Court of Appeals dismissed Defendant's appeal in 2012. See 2012-UP-035.

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

AFTER-DISCOVERED EVIDENCE

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

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

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

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

ANALYSIS

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

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

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

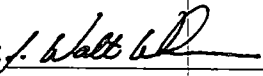
³ See Sections six (6) through eight (8) of the filing, and sections five (5) through (6) of the document titled, "Affidavit of Randolph Ashford." In Summary, Defendant asserts that an EMS First Responder inaccurately testified that Defendant was provided medical care when he was captured at the scene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

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

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

Respectably submitted,

WALT WHITMIRE
Assistant Solicitor

By: 
ATTORNEY FOR THE STATE

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

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

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

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

[Signature Block on Following Page]

IT IS THEREFORE ORDERED THAT:

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

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

ROBERT E. HOOD
Chief Administrative Judge

_____, South Carolina

25

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

August 29, 2023.

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

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

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

Dear Ms. McBride:

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

Thank you very much.

Sincerely,

Randolph Ashford

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

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF GENERAL SESSIONS
FOR THE FIFTH JUDICIAL CIRCUIT

Randolph Ashford

C.A. No. 2007GS402048

-v-

OBJECTIONS TO

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

State of South Carolina

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

PROCEDURAL HISTORY

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

The jury allege to have found Petitioner/Defendant guilty of three (3) carjackings (2007GS402000; 2007GS402001; 2007GS40-2002); two (2) kidnapping (2007GS402003; 2007GS401938) one (1) First Degree Burglary (2007GS402048) two (2) Assaults with Intent to Kill (AWIK), and Assault and Battery of a High and Aggravated Nature, a lesser included offense of 1st Degree Criminal Sexual Conduct¹. The Honorable Judge Thomas G. Cooper

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

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

RICHLAND COUNTY
FILED

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JEANETTE W. MORRIS
CLERK
P.G.S. & F.C.

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

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

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

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

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

AFTER-DISCOVERED EVIDENCE

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

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

STATEMENT OF FACTS

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

1. Solicitor Whitmire, setforth (Home Invasion, Flase accuration of Petitioner/Defendant.
2. Solicitor Whitmire, set-forth (February 27, 2007, Flase accuration of Petitioner/Defendant.
2. Solicitor whitmire, set-forth, (sexual assault of victim hostage, Flase accusations of Petitioner/Defendant.

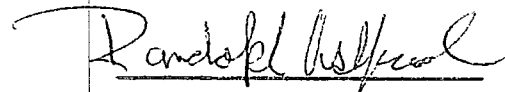
Petitioner/Defendant, raise the grounds to be heard by the court in his Motion For New Trial, Based on after Discovered evidence. Petitioner/Defendant, participated in his trial with his ineffective assistance of Public Defenders counsels, who would not object. See: Affidavit of Randolph Randolph, Page-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

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

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

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

Respectfully submitted,



Randolph Ashford # 256638

Allendale Corr. Inst.

1057 Revolutionary Trail

FairFax, South Carolina

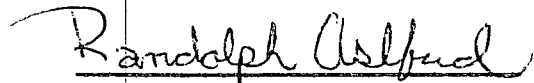
29827

CERTIFICATE OF SERVICE

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

August 29, 2023.

FairFax, South Carolina



Randolph Ashford # 256638

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

U.S. DISTRICT COURT
C.C.P., G.S., & F.C.

2023 AUG 31 PM 4:08

RICHLAND COUNTY
FILED

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF GENERAL SESSIONS
FOR THE FIFTH JUDICIAL CIRCUIT

Randolph Ashford

Petitioner,

- 3 -

State of South Carolina

Respondent,

) C.A. No. 2007GS402048

AFFIDAVIT

OF

RANDOLPH ASHFORD

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RD

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

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

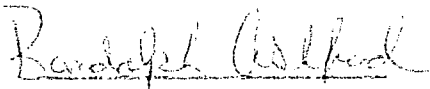
1. On August 16, 2023. The Richland County Clerk of Court filed the Respondent's Response To Defendant/Petitioner's Motion for New Trial Based On After Discovered Evidence, Motion For Appointment of Counsel and Affidavit of Randolph Ashford.
2. The Respondent's Motion To Dismiss and Judgment On The Pleadings, Filed August 16, 2023. Post-Marked August 17, 2023.
3. Allendale Correctional Institution mail-room received on August 24, 2023. From Broad River Correctional Institution that received August 22, 2023.
4. Petitioner/Defendant received a copy of the motion on August 24, 2023.

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

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

August 29, 2023.

fairFax, South Carolina



Randolph Asnford # 296632

J-556199

STATE OF SOUTH CAROLINA

County/ Municipality of

Richland Bond Court

THE STATE against

RCS D 702200424

Ashford

4831 Muir Street Lot 8

Columbia, SC 29203-

SSN: Race: B Height: 5 9 Weight: 160

DL #: 0160

Agency ORI #: 04000

Richland County Sheriff Department

Thomas Croxton - 37

Criminal Sexual Assault

0160

16-03-0652

CERTIFIED FOR SERVICE in the

Municipality of

The accused

arrested and brought before me to be

according to the law.

(L.S.)

Signature of Judge

RETURN

this arrest warrant was delivered to

22-23-2007

Signature of Constable/Law Enforcement Officer

ARRAIGNED TO:

land General Sessions

Main Street

Box 92

Columbia, SC 29202

AFFIDAVIT

County/ Municipality of

Richland Bond Court

Personally appeared before me the affiant Thomas Croxton

being duly sworn deposes and says that defendant Randolph Ashford

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

State of South Carolina (or ordinance of County/ Municipality of Richland Bond Court

in the following particulars:

DESCRIPTION OF OFFENSE Sex / Criminal Sexual Assault

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

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

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch Road

Columbia, SC 29223-

Affiant's Telephone (803)576-3000

ARREST WARRANT

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

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

on or about 2/25/2007 defendant Randolph Ashford

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

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

DESCRIPTION OF OFFENSE: Sex / Criminal Sexual Assault

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

Sworn to and subscribed before me

on 02/25/2007

Signature of Issuing Judge

Mildred W McDuffie

Judge Code: 5017

Judge's Address 201 John Mark Dial Drive

Columbia, SC 29209-

Judge's Telephone (803)576-3281

Issuing Court: X Magistrate Municipality of Circuit

CERTIFIED TRUE COPY
ORIGINAL FILED
2/27/2007
2:00 P.M.
RICHLAND COUNTY
SOUTH CAROLINA

Judge

on

Type and Amount:

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(Indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:

Address:

Telephone:

Name:

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CODEFENDANTS

WITNESSES

(S) Thomas Croxton - RCSD

Em Barre Rcsd

ARREST WARRANT NUMBER

J-556199

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

APR 19 2007

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2007-GS-40-1940

The State of South Carolina
County of Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2007

42

THE STATE
vs.

~~RANDALL ASHFORD~~
RANDOLPH

Indictment for
CRIMINAL SEXUAL CONDUCT
1ST DEGREE

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

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

Defendant

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

Defendant

Witness:

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

BAIL set by

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

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

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

JURORS

WITNESSES

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CODEFENDANTS

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL SESSIONS
FOR THE FIFTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,)
vs.)

INDICTMENT NO. 2007-GS-40-1940

RANDOLPH ASHFORD,)
DEFENDANT.)

VERDICT

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

GUILTY.

~~NOT GUILTY.~~

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

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

~~GUILTY.~~

NOT GUILTY.

SIGNED:

JURY FOREPERSON

DATED:

APRIL 3, 2009 in COLUMBIA, SC

PLEASE NOTIFY THE BAILIFFS WHEN YOU HAVE COMPLETED THIS FORM.

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

36
Randolph Ashford # 256638
Allendale Corr. Inst. F-3, B-13
1057 Revolutionary Trail
FairFax, South Carolina - 29827

February 21, 2024.

RECEIVED
FEB 26 2024
SC Court of Appeals

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

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

Dear Ms Kitchings:

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

(Please return copy of the initial brief only).

Thank you very much.

Sincerely,

Randolph Ashford

Enclosures

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

37

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

FEB 26 2024

SC Court of Appeals

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

Randolph Ashford

Appellant,

v.

The State South Carolina

Respondent,

Appellant Case No. 2023-001463

APPELLANT INITIAL BRIEF

Randolph Ashford # 256638

Allendale Corr. Inst.

1057 Revolutionary Trail

FairFax, South Carolina-

29827

INDEX

INDEX.....	1
STATEMENT OF THE ISSUES ON APPEAL	1
STATEMENT OF THE CASE	2
ARGUMENT	3,4
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL	
CONCLUSION	5

STATEMENT OF THE ISSUE ON APPEAL

1. The lower court erred by ruling on Appellant/Petitioner's in-complete filings of the S.C.R.Crim.P. Rule - 29 (b).
Motion For New Trial Based On After Discovered Evidence.

STATEMENT OF THE CASE

On April 18, 2007, the Richland County Grand Jury indicted Appellant for first degree burglary, two counts of assault with intent to kill (AWIK), and first degree criminal sexual conduct. App. 998-1000.

On May 23, 2007, Appellant was indicted for kidnapping and and three counts of carjacking from the same set of facts. App. 1000-1021. On March 31, Appellant's case proceeded to a jury trial before Judge G. Thomas Cooper, jr. App. 1. Deon O'Neil and Nicole Singletary represented Appellant. Kathryn Luck Campbel and Will Bryant represented the State. App. 1.

Appellant was found not guilty of the Criminal sexual conduct 1st degree. App. 990-998. Transcript of Record, April 3, 2009. Page - 23-26,.

Appellant appealed his conviction and sentences. The court of appeals dismissed the appeal by order dated January 25, 2012. The remittitur was issued on February 15, 2012.

On April 23, 2013. Appellant filed an application for post conviction for forensic DNA testing. App. 955. Respondent filed its response on July 18, 2013, requesting that Appellant's application be denied App. 961. An evidentiary hearing was held on January 5, 2015 before Judge Robert E. Hood App. 965. Here, there are no specific finding of fact or conclusion of law made by Judge Hood, in its assessment of whether Appellant had met his burden of proving whether he was entitled to additional DNA testing. David E. Belding, represented the Appellant. Joanna McDuffie, represented the State.

On January 5, 2015, Judge Hood issued an order of dismissal denying Appellant's application. App. 989.

41

ARGUMENT

The lower court erred by ruling on Appellant/Petitioner's in-complete filings of the S.C.R.Crim.P. Rule - 29 (b). Motion For New Trial Based On After Discovered Evidence.

Appellant argues that on January 20, 2024. He filed a Motion For New Trial Based On After Discovered Evidence, Motion For Appointment Of Counsel and Affidavit of Randolph Ashford. The court clocked stamped filed January 31, 2023. The State filed its response to Petitioner/Defendant motion for after discovered evidence and motion to dismiss and judgment on the pleadings August 16, 2023.

On August 22, 2023. The court denied and dismissed Appellant/Petitioner motion for new trial based on after discovered evidence six (6) days after the Respondent's motion to dismiss.

Due the the courts continued judicial misconduct an Prejudice to Appellant, Ashford, was unaware the court deliberately did not, and still have not provided the Appellant/Ashford with Judge Robert Hood's, August 22, 2023. Order of Dismissal, Pursuant South Carolina Rule - 77,(d). Clerks and Courts. S.C. Code Ann -

On August 29, 2023. Appellant Ashford, unaware the court had dismiss the motion for new trial, Ashford filed Objections to the respondent's motion to dismiss and judgment on the pleadings that never considered by the court or reviewed.

Appellant/Ashford, contends that the Whole/Complete Motion For New Trial was not before the court for its review, due to the courts continued overwhelming judicial misconduct. This motion were clocked filed January 31, 2023. Seperated then the

Affidavit of Randolph Ashford, and Motion For Appointment of Counsel were filed August 1, 2023. According to Richland County Fifth Judicial Circuit Public Index.

Appellant asserts that his complete, Motion For New Trial was not before the court, due to the court neglect o of duty code 1976 & 8-1-60, prejudice Ashford; by failing to keep constant attendance and discharge all duties, According to Code 1976 & 14 - 17 - 220.

In State v. Spann, 334 S.C. 618, 619-20, 513 S.E. 2d 98, 99 (1999). Appellant asserts all (5) five grounds was not presented for the courts review, nor was Ashford's, Objections To Respondent's Motion To Dismiss. all of which hindered the Appellant Motion For New Trial from a full/fair consideration of the facts by the court, violating the U.S. Constitution, Section 1. XIV Amendment, S.C. Constitution, Article I. Section 1, 3, 11, and 22, and the South Carolina Rules of Court.

Here the court's refusal of a hearing to hear this claim constitute a gross miscarriage of justice where state government interference rendered reasonable unavailability of the factual basis of the claim impeded appellant's ability to raise the claim or where some other circumstance beyond Appellant's control occurred.

CONCLUSION

Based on the foregoing argument, Appellant prays that this court grant this appeal, remand this case back to the lower court for hearing and that it violates the U.S. Const. Section 1. XIV Amendment, S.C. Const. Article I. Section 1, 3, 11, and 22, S. C. Rules of Court.

February 21, 2024.

Randolph Ashford

Randolph Ashford # 256638

Pro-se Appellant

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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FEB 26 2024
SC Court of Appeals

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

Randolph Ashford

Appellant,

v.

The State of South Carolina

Respondent,

Appellant Case No. 2023-001463

CERTIFICATE OF SERVICE

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

February 21, 2024.

Randolph Ashford

Randolph Ashford # 256638

Enclosures

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

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

Randolph Ashford,

Appellant,

v.

The State,

Respondent,

DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL

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

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

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

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

February 2024.

Randolph Ashford

Randolph Ashford # 256638
Pro-se Appellant

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FairFax, South Carolina-

29827

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Honorable Robert E. Hood, Circuit Court Judge
Appellate Case No. 2023-001463

THE STATE,

Respondent,

vs.

RANDOLPH ASHFORD,

Appellant.

INITIAL BRIEF OF RESPONDENT

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TABLE OF CONTENTS

TABLE OF AUTHORITIES	ii
STATEMENT OF ISSUE ON APPEAL.....	1
COUNTER-STATEMENT OF ISSUE ON APPEAL	1
STATEMENT OF THE CASE.....	2
ARGUMENT	4
The circuit court judge did not abuse his broad discretion or otherwise err by summarily rejecting Appellant’s motion seeking a new trial based on after-discovered evidence without conducting a hearing on the matter because: (1) the evidence identified by Appellant could not and did not constitute after-discovered evidence as a matter of law; (2) Appellant could not possibly have met his burden of establishing what was necessary to warrant a grant of a new trial under the circumstances involved; and (3) no hearing or further information was needed for the circuit court judge to be able to correctly resolve and reject Appellant’s motion.	
<u>Relevant Facts.</u>	4
<u>Standard of Review.</u>	6
<u>Analysis.</u>	7
CONCLUSION.....	12

TABLE OF AUTHORITIES

South Carolina Cases:

<u>Clark v. State</u> , 315 S.C. 385, 434 S.E.2d 266 (1993).	10
<u>Morris v. Jensen</u> , 309 S.C. 153, 420 S.E.2d 710 (Ct. App. 1992).	6
<u>State v. Fowler</u> , 264 S.C. 149, 213 S.E.2d 447 (1975).	9
<u>State v. Gray</u> , 438 S.C. 130, 882 S.E.2d 469 (Ct. App. 2022).	11
<u>State v. Harris</u> , 391 S.C. 539, 706 S.E.2d 526 (Ct. App. 2011).	7
<u>State v. Haulcomb</u> , 260 S.C. 260, 195 S.E.2d 601 (1973).	7, 9
<u>State v. Irvin</u> , 270 S.C. 539, 243 S.E.2d 195 (1978).	7
<u>State v. McKnight</u> , 291 S.C. 110, 352 S.E.2d 471 (1987).	4
<u>State v. Needs</u> , 333 S.C. 134, 508 S.E.2d 857 (1998).	7
<u>State v. Prince</u> , 316 S.C. 57, 447 S.E.2d 177 (1993).	7, 11
<u>State v. Spann</u> , 334 S.C. 618, 513 S.E.2d 98 (1999).	10
<u>State v. Taylor</u> , 333 S.C. 159, 508 S.E.2d 870 (1998).	7
<u>State v. Wells</u> , 162 S.C. 509, ___, 161 S.E. 177 (1931).	7
<u>State v. Wilson</u> , 345 S.C. 1, 545 S.E.2d 827 (2001).	6

Other State and Federal Cases:

<u>Meriwether v. State</u> , 418 S.E.2d 451 (Ga. Ct. App. 1992).	9
<u>Stern v. United States</u> , 219 F.2d 263 (4th Cir. 1955).	9
<u>United States v. Wilson</u> , 624 F.3d 641 (4th Cir. 2010).	8

Other Authorities:

Rule 29, SCRCrimP.	9, 10

Appellate Records for <u>Randolph Ashford v. State</u> , South Carolina Appellate Court Public Index, https://ctrack.sccourts.org/public/caseView.do?csIID=74670 .	2

Appellate Records for <u>Randolph Ashford v. State</u> , South Carolina Appellate Court Public Index, https://ctrack.sccourts.org/public/caseView.do?csIID=60973	2
Appellate Records for <u>State v. Randolph Ashford</u> , South Carolina Appellate Court Public Index, https://ctrack.sccourts.org/public/caseView.do?csIID=79209	3

STATEMENT OF ISSUE ON APPEAL

“The lower court erred by ruling on Appellant/Petitioner’s in-complete filings of the S.C.R.Crim.P. Rule – 29(b). Motion For New Trial Based on After Discovered Evidence.”

COUNTER-STATEMENT OF ISSUE ON APPEAL

Did the circuit court judge somehow abuse his broad discretion or otherwise err by summarily rejecting Appellant’s motion seeking a new trial based on after-discovered evidence without conducting a hearing on the matter when: (1) the evidence identified by Appellant could not and did not constitute after-discovered evidence as a matter of law; (2) Appellant could not possibly have met his burden of establishing what was necessary to warrant a grant of a new trial under the circumstances involved; and (3) no hearing or further information was needed for the circuit court judge to be able to correctly resolve and reject Appellant’s motion?

STATEMENT OF THE CASE

In February of 2007, Appellant Randolph Ashford was arrested after he eventually surrendered to the Richland County Sheriff's Office's special response team at the conclusion of a terrifying crime spree. Between April and May of 2007, the Richland County Grand Jury indicted Appellant for one count of first-degree burglary, two counts of kidnapping, one count of first-degree criminal sexual conduct, three counts of carjacking, and two counts of assault with intent to kill. On March 30, 2009, a jury trial was commenced in the Richland County Court of General Sessions with the Honorable G. Thomas Cooper, circuit court judge, presiding. At the conclusion of the five-day trial, the jury convicted Appellant of all the indicted offenses except for first-degree criminal sexual conduct. As to that offense, the jury convicted Appellant of the lesser-included offense of assault and battery of a high and aggravated nature. Following the verdict, the trial judge sentenced Appellant to an aggregate forty-year term of imprisonment.

Subsequently, following an unsuccessful direct appeal and a variety of other unsuccessful attempts to obtain relief, Appellant submitted a pro se motion seeking a new trial based on after-discovered evidence, which was filed on January 31, 2023.^{1 2} On August 16, 2023, the State filed a return opposing Appellant's motion and seeking for the matter to be summarily dismissed. Thereafter, through an order dated August 22, 2023, the Honorable Robert E. Hood, circuit court judge, denied Appellant's motion with prejudice. Following that, Appellant submitted a pro se

¹ Oddly, Appellant's certificate of service for the new trial motion is dated January 20, 2023, but the motion itself was apparently not notarized until January 23, 2023. (Motion for New Trial).

² Records from several of Appellant's earlier appeals are presently available through the appellate court public index. Appellate Records for Randolph Ashford v. State, South Carolina Appellate Court Public Index, <https://ctrack.sccourts.org/public/caseView.do?csIID=74670>; Appellate Records for Randolph Ashford v. State, South Carolina Appellate Court Public Index, <https://ctrack.sccourts.org/public/caseView.do?csIID=60973>.

response opposing the State's return. Appellant then—in a somewhat unusual fashion—initiated an appeal.³

³ This Court addressed the unusual nature of how Appellant's current appeal was initiated through its November 13, 2023, order, which is available through the appellate court public index. Appellate Records for State v. Randolph Ashford, South Carolina Appellate Court Public Index, <https://ctrack.sccourts.org/public/caseView.do?csIID=79209>.

ARGUMENT

The circuit court judge did not abuse his broad discretion or otherwise err by summarily rejecting Appellant's motion seeking a new trial based on after-discovered evidence without conducting a hearing on the matter because: (1) the evidence identified by Appellant could not and did not constitute after-discovered evidence as a matter of law; (2) Appellant could not possibly have met his burden of establishing what was necessary to warrant a grant of a new trial under the circumstances involved; and (3) no hearing or further information was needed for the circuit court judge to be able to correctly resolve and reject Appellant's motion.

Relevant Facts

Over thirteen years after he was convicted of numerous highly-serious offenses, Appellant filed a motion seeking a new trial based on supposed after-discovered evidence. (Motion for New Trial). Importantly though, Appellant did not actually identify anything newly discovered in that motion. (Motion for New Trial). Instead, Appellant advised he intended to "show the court the following" before merely pointing to several portions of the testimony contained in the *trial transcript*, including portions of his own testimony. (Motion for New Trial). Appellant then followed that by asserting he believed—for reasons unspecified—his first-degree burglary indictment violated the state and federal constitutions along with his right to a fair trial. (Motion for New Trial).

In addition to his motion, Appellant also included an affidavit from himself that appeared to more fully identify the basis for his after-discovered evidence claim.⁴ (Motion Affidavit). Specifically, in his affidavit, Appellant asserted: (1) the State introduced circumstantial evidence of a hat during trial, and a witness testified he had been wearing one; (2) the hat referenced by

⁴ Notably, Appellant's "affidavit" was not notarized and does not appear to be sworn and, thus, was not truly an affidavit. See *State v. McKnight*, 291 S.C. 110, 113, 352 S.E.2d 471, 472 (1987) ("An affidavit is a voluntary ex parte statement reduced to writing *and sworn to or affirmed* before some person legally authorized to administer an oath or affirmation. It differs from an oath in that an affidavit consists of a statement of fact *which is sworn to as the truth*, while an oath is a pledge." (emphasis added and citations omitted)).

the State purportedly did not belong to him, and his “physical hat” was not introduced during trial or admitted into evidence; (3) testimony was presented during trial indicating he was checked out by medical personnel on the date of the incident and his vitals were normal; and (4) he purportedly was—contrary to that testimony—not, in fact, checked out by medical personnel on the date of the incident and his vitals were not, in fact, normal. (Motion Affidavit).

Based on the obvious deficiencies with Appellant’s after-discovered evidence claims, the State responded by opposing the motion and asking for it to be dismissed without a hearing. (State’s Response). In doing so, the State—while specifically referencing Appellant’s “affidavit”—noted Appellant was a participant in his own trial, had heard the witnesses’ testimony, and obviously would have had knowledge *at that time* regarding whether a hat belonged to him or if he received medical treatment on the date of the incident. (State’s Response). Therefore, the State argued what was identified by Appellant could not as a matter of law constitute after-discovered evidence or satisfy the conditions necessary for a new trial to be granted based on it. (State’s Response). Beyond that, the State noted the matter identified by Appellant was immaterial and inconsequential in light of the other evidence of guilt that had been presented, which had already been deemed “overwhelming” in an earlier post-conviction relief action. (State’s Response).

After considering the parties’ filings, the circuit court judge summarily rejected Appellant’s new trial motion and declined to conduct a hearing on the matter. (Order of Dismissal). In so ruling, the circuit court judge concluded Appellant’s after-discovered evidence claim was “facially defective” because Appellant was privy to the purported evidence at the time of his trial over *fourteen years* earlier, which meant his motion was not made within one year of the date the identified evidence was actually discovered. (Order of Dismissal). Furthermore, the

circuit court judge concluded Appellant failed to make a prima facie showing the purported after-discovered evidence could have reasonably changed the result of his trial under the circumstances involved. (Order of Dismissal).

Following that, Appellant submitted a document containing his “objections” to the State’s response to his new trial motion. (“Objections”). Significantly though, in that document, Appellant did not explain how what he had identified in his motion was newly discovered. (“Objections”). Instead, he: (1) accused the assistant solicitor who prepared the State’s response of “continu[ing] the overwhelming judicial misconduct” and committing a “fraud on the court” by somehow “presenting new and additional charges;” (2) complained of his defense counsel’s supposed ineffective representation; and (3) alleged he could not have known at the time of trial he was being denied a fair one due to his lack of legal training. (“Objections”).

Along with that, Appellant submitted yet another affidavit.⁵ (“Objections” Affidavit). However, through the latest one, Appellant again did not set out any true after-discovered evidence. (“Objections” Affidavit). Instead, he merely detailed the timing of when he received the State’s response to his motion, confirmed he had previously accused his defense counsel of being ineffective both before and after his trial, and now alleged there was no evidence to support his conviction for the lesser-included offense of assault and battery of a high and aggravated nature. (“Objections” Affidavit).

Standard of Review

In criminal cases, appellate courts sit to review errors of law only. State v. Wilson, 345 S.C. 1, 5, 545 S.E.2d 827, 829 (2001). When reviewing rulings on a motion seeking a new trial

⁵ Like the one before it, Appellant’s second “affidavit” was not notarized or sworn and, thus, was also not an actual affidavit. See Morris v. Jensen, 309 S.C. 153, 157, 420 S.E.2d 710, 712 (Ct. App. 1992) (instructing an unsworn affidavit is *not* evidence).

based on after-discovered evidence, an appellate court will not reverse the circuit court judge's rulings absent a clear and manifest abuse of discretion. State v. Prince, 316 S.C. 57, 63, 447 S.E.2d 177, 181 (1993); see State v. Wells, 162 S.C. 509, ___, 161 S.E. 177, 187 (1931) (“[T]he granting or refusing of new trials, on the ground of after discovered evidence, is within the discretion of the trial judge, and this court will not interfere with that discretion, unless it manifestly appears that there was an erroneous exercise of it.”).

Analysis

Newly-discovered or after-discovered evidence is “evidence of facts existing at time of trial of which [the] aggrieved party was *excusably ignorant*.” State v. Haulcomb, 260 S.C. 260, 270, 195 S.E.2d 601, 606 (1973) (emphasis added). In order to obtain a new trial based on after-discovered evidence, a party must demonstrate the evidence: (1) would probably change the result of the proceedings if a new trial is granted; (2) was discovered after the trial ended; (3) could not have been discovered prior to trial; (4) was material to the issue of guilt or innocence; and (5) was not merely cumulative or impeaching. State v. Taylor, 333 S.C. 159, 176, 508 S.E.2d 870, 879 (1998). When deciding whether to grant a new trial based on newly-discovered evidence, the circuit court judge is tasked with weighing the evidence and determining whether a new trial is warranted under the circumstances presented. State v. Harris, 391 S.C. 539, 545, 706 S.E.2d 526, 529 (Ct. App. 2011). Importantly though, the granting of a new trial based on newly-discovered evidence is disfavored in South Carolina, and, thus, a party seeking a new trial based on such evidence must satisfy a *heavy* burden in order to be entitled to one. State v. Needs, 333 S.C. 134, 158, 508 S.E.2d 857, 869 (1998); see State v. Irvin, 270 S.C. 539, 545, 243 S.E.2d 195, 197-198 (1978) (“The granting of a new trial because of after-discovered is not favored, and this Court will sustain the lower court’s denial of such a motion unless there

appears an abuse of discretion.”); see also United States v. Wilson, 624 F.3d 641, 660 (4th Cir. 2010) (explaining new trials based on newly-discovered evidence should only be granted *sparingly* and in the *rare* circumstance the evidence weighs heavily against the jury’s verdict).

In the case sub judice, Appellant contends the circuit court judge reversibly erred by denying his motion seeking a new trial based on purported after-discovered evidence without conducting a hearing on the matter. As support for that contention, Appellant maintains the circuit court judge’s decision to summarily dismiss his new trial motion without a hearing constituted a “gross miscarriage of justice” because: (1) the circuit court judge issued his ruling prior to receiving and without giving consideration to Appellant’s objections to the State’s return to the new trial motion; and (2) the circuit court judge purportedly did not have the “whole” new trial motion before him at the time he ruled because Appellant’s personal affidavit had supposedly been separated from the motion as a result of “continued overwhelming judicial misconduct” and neglect of duty. To the contrary, the circuit court judge did not abuse his discretion or otherwise err in any way by denying Appellant’s new trial motion because—as a matter of law and just as the trial judge recognized—what Appellant identified as after-discovered evidence was not, in fact, such evidence.

Demonstrating the meritless nature of Appellant’s new trial motion, the only purported after-discovered evidence identified by Appellant, which consisted of personal claims he was not in possession of a hat on the date of the incident and was not treated by medical personnel on that date, was and is evidence of facts Appellant necessarily would have known *at the time of his trial* since those facts relate to things that would have naturally fallen within his personal knowledge. Indeed, Appellant’s own trial testimony demonstrated such evidence *was*, in fact, already fully within his personal knowledge since, during his sworn trial testimony, he: (1)

identified the clothing he allegedly was wearing on the date of the incident without referencing a hat and in contradiction to an earlier description that had been provided; and (2) he directly refuted earlier testimony that had been presented by a witness for the prosecution by insisting he never received any medical treatment after he was arrested. (Tr. II p. 216; p. 567; p. 573; pp. 790-791; p. 811; p. 816). Thus, since Appellant's supposed after-discovered evidence was not newly discovered at all but, instead, was already testified to *by him* during trial, it simply could not be and was not a viable basis for an after-discovered evidence claim as a matter of law. See Rule 29(b), SCRCrimP ("A motion for a new trial based on after-discovered evidence must be made within one (1) year after the date of actual discovery of the evidence by the defendant or after the date when the evidence could have been ascertained by the exercise of reasonable diligence."); see also Haulcomb, 260 S.C. at 270, 195 S.E.2d at 606 ("[A]fter-discovered evidence refers to evidence of facts existing at time of trial of which aggrieved party was excusably ignorant."); cf. Stern v. United States, 219 F.2d 263, 265 (4th Cir. 1955) ("The only basis for Stern's motion for a new trial is newly discovered evidence. This alleged evidence was not newly discovered, it was known to Stern at the time of his trial."); Meriwether v. State, 418 S.E.2d 451, 453 (Ga. Ct. App. 1992) ("The new evidence, he contends, would show that the victim has a history of violence and that family members who testified at trial were attempting to attack Meriwether when the shooting occurred. It is clear from a review of the record, however, that Meriwether testified at trial about prior acts of violence by the victim and he feared that family members were approaching him. We therefore do not see the novelty of evidence of the history of violence."); State v. Fowler, 264 S.C. 149, 155, 213 S.E.2d 447, 450 (1975) ("The testimony of Hughes that he committed the crime was not newly-discovered. Appellant testified

at his trial that he did not commit the crime but had been informed prior to his arrest that Hughes committed it.”).

Moreover, even assuming Appellant’s personal claims could somehow have constituted after-discovered evidence despite the fact those claims were essentially just a rehashing of a portion of his trial testimony from over a decade earlier, Appellant’s guilt or innocence did not in any way hinge on whether he was wearing a hat on the date of the incident or was provided medical treatment after his arrest. Therefore, notwithstanding the fact nothing Appellant presented in support of his new trial was truly newly discovered, none of Appellant’s supposed after-discovered evidence could have possibly met the standard necessary to warrant a grant of a new trial as that insignificant evidence could not possibly have had an impact on the outcome of trial in light of the other evidence presented, including Appellant’s own cumulative testimony. See State v. Spann, 334 S.C. 618, 619-620, 513 S.E.2d 98, 99 (1999) (“In order to prevail in this new trial motion, appellant must show the after-discovered evidence: (1) is such that it would probably change the result if a new trial were granted; (2) has been discovered since the trial; (3) could not in the exercise of due diligence have been discovered prior to the trial; (4) is material; and (5) is not merely cumulative or impeaching.”); see also Clark v. State, 315 S.C. 385, 387-388, 434 S.E.2d 266, 267 (1993) (instructing a party seeking a new trial based on newly-discovered evidence *must* show the evidence was—amongst other things—“material to the issue of guilt or innocence”).

Finally, to the extent Appellant contends the circuit court judge abused his discretion by supposedly issuing his ruling without all the necessary information and without conducting a full-blown evidentiary hearing on the matter, the circuit court judge had all the information he needed to be able to fully and correctly analyze the merits—and quickly recognize the

insufficiency—of Appellant’s after-discovered evidence claim based upon Appellant’s motion itself along with its accompanying affidavit, which was filed with the circuit court and directly referenced in the State’s return to the new trial motion. And, because Appellant’s claims in his new trial motion simply could not have constituted after-discovered evidence as a matter of law even if they were all accepted as unwaveringly true, the circuit court judge had no duty to conduct an unnecessary hearing on the matter when he was already fully equipped with everything he needed to be able to correctly resolve the merits of Appellant’s new trial motion. See Rule 29(a), SCRCrimP (instructing post-trial motions “may, in the discretion of the court, be determined on briefs filed by the parties without oral argument”).

Therefore, the circuit court judge did not abuse his broad discretion or otherwise err by summarily rejecting Appellant’s meritless after-discovered evidence claim without conducting a needless hearing on the matter. See Prince, 316 S.C. at 63, 447 S.E.2d at 181 (“It is well settled that the grant or refusal of a new trial is within the discretion of the trial judge and will not be disturbed on appeal absent a clear abuse of that discretion.”); cf. State v. Gray, 438 S.C. 130, 145, 882 S.E.2d 469, 477 (Ct. App. 2022) (concluding the trial judge did not abuse his discretion by denying a new trial motion without a hearing because, based on the allegation raised and the information provided, the requested inquiries were neither necessary nor proper). The circuit court judge’s ruling denying Appellant’s motion seeking a new trial based on after-discovered evidence should be affirmed.

62

CONCLUSION

For all the foregoing reasons, it is respectfully submitted the judgment and conviction of the lower court be affirmed.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Deputy Attorney General

BYRON E. GIPSON
Solicitor, Fifth Judicial Circuit



BY: _____

Mark R. Farthing
S.C. Bar Number 76901

ATTORNEYS FOR RESPONDENT

July 22, 2024

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Honorable Robert E. Hood, Circuit Court Judge
Appellate Case No. 2023-001463

THE STATE,

Respondent,

vs.

RANDOLPH ASHFORD,

Appellant.

PROOF OF SERVICE

I, Mark R. Farthing, certify I have served the within Initial Brief of Respondent and Designation of Matter on Appellant by mailing a copy to the following address:

Randolph Ashford, #256638, BBB-0029-B
Allendale Correctional Institution
1057 Revolutionary Trail
Fairfax, South Carolina 29827

I further certify all parties required by Rule to be served have been served.
This 22nd day of July, 2024.



MARK R. FARTHING
Senior Assistant Deputy Attorney General
Office of the Attorney General

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Honorable Robert E. Hood, Circuit Court Judge
Appellate Case No. 2023-001463

THE STATE,

Respondent,

vs.

RANDOLPH ASHFORD,

Appellant.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Respondent proposes the following to be included in the Record on Appeal:

- (1) Trial Transcript (Part I – March 30, 2009), Pages 1, 3, and 13-15;
- (2) Trial Transcript (Part II – March 31, 2009 through April 3, 2009), Pages 1, 110-121, 159-305, 309-413, 415-574, 576-660, 672-721, 723-755, 776-856, 868-925, and 951;
- (3) Trial Transcript (Part III – April 3, 2009), Pages 1, 7-9, and 16-25;
- (4) All Nine Indictments (#2007-GS-40-1938; #2007-GS-40-1939; #2007-GS-40-1940; #2007-GS-40-1941; #2007-GS-40-2000; #2007-GS-40-2001; #2007-GS-40-2002; #2007-GS-40-2003; and #2007-GS-40-2048);
- (5) All Nine Arrest Warrants (#J-556194; #J-556196; #J-556197; #J-556198; #J-556199; #K-195896; #K-195897; #K-195898; #K-195899);
- (6) All Nine Sentencing Sheets;

- (7) Entire Motion for New Trial Based on After-Discovered Evidence (with accompanying Affidavit, Motion for Appointment of Counsel, and Certificate of Service), filed January 31, 2003;**
- (8) Response to Defendant's Motion for After-Discovered Evidence and Motion to Dismiss and Judgment on the Pleadings, filed August 16, 2023;**
- (9) Order of Dismissal with Prejudice, filed August 22, 2023; and**
- (10) Entire "Objections to Respondent's Motion to Dismiss and Judgment on the Pleadings" (with accompanying Affidavit and Certificate of Service), filed August 31, 2023.**

To facilitate the preparation of the Final Brief, Respondent requests that counsel for Appellant retain the page numbers of the trial transcript in the Record on Appeal, in addition to the new page numbers.

The undersigned hereby certifies this Designation contains no matter which is irrelevant to this appeal.

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Deputy Attorney General

BYRON E. GIPSON
Solicitor, Fifth Judicial Circuit



BY: _____
Mark R. Farthing
S.C. Bar Number 76901

ATTORNEYS FOR RESPONDENT

July 22, 2024

66
Randolph Ashford # 256638
Allendale Corr. Inst. F-4, B-29
1057 Revolutionary Trail
FairFax, South Carolina - 29827

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SC Court of Appeals

November 7, 2024.

State of South Carolina
In The Court of Appeals
1015 Sumter Street
Columbia, South Carolina - 29201

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

Dear Clerk:

Enclosed you will find the original and a copy of the Reply Brief of Appellant. Please file the original and copy, and return the copy to me for my record in the self-addressed envelope I provided for that purpose with sufficient postage affixed thereto.

Thank you very much.

Sincerely,

Randolph Ashford

Enclosures
CC:

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal From Richland County

Honorable Robert E. Hood, Circuit Court Judge

Appellate Case No. 2023-001463

67
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NOV 11 2024
SC Court of Appeals

Randolph Ashford,

Appellate,

vs.

The State,

Respondent,

Reply Brief of Appellant

Randolph Ashford

Randolph Ashford # 256638

Allendale Corr. Inst. F-4, B-29

1057 Revolutionary Trail

Fairfax, South Carolina - 29827

Pro-se

TABLE OF AUTHORITIES

TABLE OF AUTHORITIES	ii
STATEMENT OF THE ISSUE ON APPEAL	1
REPLY STATEMENT TO COUNTER-STATEMENT OF ISSUE ON APPEAL .	1
STATEMENT OF THE ISSUE	2,3
ARGUMENT	4,5,6,7,8,9, 10

Did the circuit court judge abuse his discretion or erred by rejecting Pro-se Appellant's motion for new trial based on after discovered evidence without conducting a hearing on the matter, because (1) the evidence direct and circumstantial was contaminated, fabricated, false and or altered (2) Appellant would have met his burden of establishing what was necessary for new trial under the circumstances of the contamination of the evidence (3) a hearing and this information was needed for the circuit court judge to be able to grant Appellant/Defendant motion for new trial based on after discovered evidence .. 4

<u>RELEVANT FACTS</u>	4
<u>STANDARD OF REVIEW</u>	9
<u>ANALYSIS</u>	9,10
<u>CONCLUSION</u>	11

TABLE OF AUTHORITIES

Riddle v. Ozmint, 631 S.E. 2d 70 (S.C. 2006).....	4, 8
State v. Guthrie, 352 S.C. 103, 572 S.E. 2d. 309 (2002)...	5
State v. Brooks, 277 S.C. 111 283, S.E. 2d 830 (1981).....	5
Foster v. State, 298 S.C. 306, 379 S.E. 2d 907 (1989).....	6
State v. Edwards, 373 S.C. 230 644 S.E.2d 66, (2007).....	9
State v. Haulcomb, 195 S.E. 2d 601, 606 S.C. (1973)	9
State v. South, 427 S.E.2d 666, 669-70 (S.C,1993)	9
Simpson v. Moore, 627 S.E.2d 701, 708 (S.C.2006).....	9
State v. Taylor, 508 S.E.2d 870, 879 (S.C.1998).....	9
State v. Spann, 513 S.E.2d 98, 100 (S.C.1999).....	10

Other Authorities:

Constitution of the United States.....	4
Constitution of the State of South Carolina Article 1, ...	3
Section 3, Section 22.	3
Rule - 29 (b) SCRCrimP.....	1,4
South Carolina Rules of Court, Rule - 3(C).....	5
Rule - 501 Code of Judicial Conduct, Canon 2.A. Canon 3.B. (2),(3),(4),(5),(6),(9).....	8

STATEMENT OF THE ISSUE ON APPEAL

" The lower court erred by ruling on Appellant/Defendant's in complete filing of the S.C.R.Crim. P. Rule - 29(b) Motion For New Trial Based On After Discovered Evidence."

REPLY STATEMENT TO - COUNTER STATEMENT OF THE ISSUE ON APPEAL

Did the circuit court judge abuse his discretion or erred by rejecting Pro-se Appellant's motion for new trial based on after discovered evidence without conducting a hearing on the matter, because (1) the evidence direct and circumstantial was contaminated, fabricated, false and/or altered (2) Appellant would have met his burden of establishing what was necessary for new trial under the circumstances of the contamination of the evidence (3) a hearing and this information was needed for the circuit court judge to be able to grant Appellant/Defendant motion for new trial based on after discovered evidence ??

STATEMENT OF THE CASE

There in February 24, 2007, Randolph Ashford, was taken into custody by Richland County Sheriff's Office, then on or about April-May of 2007, the Richland County Grand Jury, falsified and allege to have indicted Appellant of one count of first degree burglary, two counts of kidnapping, one count of first-degree criminal sexual conduct, three counts of carjacking, two counts of assault with intent to kill. March 30 through April 3, 2009. a jury trial was held in the Richland County Court of General Sessions and the circuit court judge G. Thomas Cooper presiding. The conclusion of the five day trial, Appellant was convicted by the judge, and jury during the trial and after closing arguments, convicted Appellant of all the allege indictments, except first degree criminal sexual conduct. As to that offense the jury found Randolph Ashford, not Guilty. Then the court charged a lesser-included offense of assault and battery of a high and aggravated nature with any evidence to support the lesser-included offense. The jury and judge found appellant guilty of the lesser-included offense of assault and battery of a high and aggravated nature. Following the verdict, the trial judge sentence Appellant to an aggregate forty-year term of imprisonment.

Due to the overwhelming judicial misconduct" and fraud upon fraud on the court, Appellant direct appeal and PCR, DNA Testing, Habeas Petition, Petition For Writ of Certiorari to the United States Court of Appeals, was unsuccessful in obtaining relief. Here, Applicant filed a Motion For New Trial based upon After Discovered Evidence filed January 31, 2023, The Court's tampering with this motion, rendered the ruling of the court without the

1. Thursday April 2, 2009. Trial Transcript, Page - 663, Lines - 14-19

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

Complete filing of Appellant's Motion For New Trial Based Upon After Discovered Evidence. Prior to the court filing this motion on January 31, 2023., The Affidavit of Randolph Ashford, and the Motion For Appointment of Counsel was seperated. The Motion For New Trial was filed January 31, 2023., Then the Affidavit of Randolph Ashford, and Motion For Appointment of Counsel, were filed August 2023., seven (7) months later, according to the Richland County Public Index. See: Appellant's Initial Brief.

On August 16, 2023., The State filed a return seeking for the matter to be summarily dismissed. Appellant filed an Objection to the Motion To Dismiss and Judgment on the pleading August 29, 2023., Court filed August 31, 2023.

Thereafter, the state filed its return on Wednesday the 16, of August 2023. The Honorable Robert E. Hood, on August 22, 2023., In four (4) working days it was denied. Appellant's motion with prejudice. Applicant's objection to the state's return were not even considered by the court, violation Appellant constitutional rights to be heard,² Constitution of the State of South Carolina., Article 1, section 3, section 22., Rule 501 Code of judicial Conduct, Canon 2 A. Canon 3 B. (2), (3), (4), (5), (6), (9).

2 March 31, 2009., Trial Transcript, Page - 103, Lines - 21-25., The Court: I have no opinion about the facts in this case which I may share with you at this time. In fact the Constitution of the State of South Carolina provide that no trial judge shall make any comment or statement to a jury about the facts of a case.

2 April 3, 2009., Trial Transcript, Page - 926., The Court: Now, I'll remind you that under our constitution and code of laws, only the jury can make findings of fact in this case, I am not permitted to indicate to you how I might feel about the facts.

2 April 3, 2009., Trial Transcript - Page - 930, The Court: Now generally there are two types of evidence which has been described to you that are generally permitted during trial, direct evidence and circumstantial evidence. Direct evidence- and we probably had both in this case.

ARGUMENT

The circuit court judge abused his discretion or erred by summarily rejecting Appellant's motion for new trial based on after discovered evidence without conducting a hearing on the matter because(1)the evidence direct or circumstantial was contaminated, fabricated, altered, and false(2) Appellant would have met his burden of establishing what was necessary for new trial under the circumstances involved; and(3) a hearing and this information was needed for the circuit court judge to be able to grant Appellant motion for new trial based on after discovered evidence.

RELEVANT FACTS

Many years ago Appellant were denied the right to a fair trial an effective assistance of counsel during direct appeal, Initial PCR Application, Application For Forensic DNA Testing.

Appellant continues to be the victim of overwhelming judicial misconduct, and fraud upon the court. " Importantly though the state's witnesses testified to false, contaminated evidence, even evidence that did not, and do not exist³. In this case while under oath James Abraham, testified that Appellant, receive EMS treatment. Solicitor Campbell; failure to correct this false evidence is as reprehensible as its presentation. See: Riddle v. Ozmint, 631 S.E.2d 70 (S.C.2006). There is no discovery, records, bills, of Appellant receiving EMS treatment on February 24, 2007., to support state's witness testimony while under oath.

Appellant's Motion For Counsel, and Affidavit of Randolph Ashford, was filed August 1, 2023., New Trial Motion filed January

3 April 2, 2007., Trial Transcript, Page-567, Lines-19-21, James Abraham-Direct by Ms. Campbell; (Q) Did they treat him in any way ?., (A)., No, ma'am. They checked him, checked his vitals and said that he was fine and sent him on his way.

April 2, 2007., Trial Transcript, Page-573, Lines-22-25, James Abraham-Cross by Ms. Campbell; (Q) And because tear gas can affect someones, that's why he had to be checked out by EMS ? (A) Yes, They said his vitals were normal.

31, 2023., Appellant asserts the alleged indictment (2007-GS-40-2048, 2007-GS-40-02001, and all (7) seven other indictment's violates State and Federal Constitution, Rules of Court, Rule-3, (c)., and other statutes and laws of South Carolina. See: 4,5,6 State v. Guthrie, 352 S.C. 103, 572 S.E. 2d 309 (October 28, 2002)., Upon information and belief, Appellant was indicted for (2) second degree burglary. See: State v. Brooks, 277 S.C. 111 283. S.E.2d 830 (October 5, 1981). State's witness James Abraham, testified on direct, By Ms. Campbell; (Q), And just for the record, prior to entering, you all actually had to force your way in the door ? (A), Yes. (Q) And that would included ramming the door with some object ? (A) Yes. See: Trial Transcript, April 2, 2009., Page - 558-559, Lines-9 - 14., State's witness Marcus Brown, testified on Cross, By Mr. O'Neil, (Q) And I would assume that you had to use a considerable amount of force to open that door ? (A) Yes. Appellant own testimony supports the fact that he did not brake into the residents of the location and it certainly was not during the hours of darkness as the state has alleged in it's alleged indictment of 1st degree burglary. State's witness, David Unger testified on Direct by Mr. Bryant; (Q), What were you doing ? (A), We responded to that location, arrived somewhere between 1:15 in the afternoon. April 2, 2009., Trial Transcript, Page - 438, Lines - 22 - 25.

At the PCR hearing held March 31, 2015., Appellant trial counsel Nicole Singletary; testified that the trial was prejudicial. App. 1343, 9-25 through 1345, 1-5., App. 4, 15-25., APP. 1383 - 1384, 1 - 25., also APP. 1285, 1-25, through APP.

4 April 3, 2009., Trial Transcript, Page - 858-862, Lines - 11-25. Your Honor. At this time the defense would respectfully make a motion for a mistrial based on due process violations and 403, Your Honor. It would be our argument that inappropriate-

5 April 3, 2009., Trial Transcript, Page - 15 - 16, Lines - 3-25, Mr. O'Neil: yes Your Honor. Your Honor, at this time I Line-8, And I also at this time would like to make a motion for new trial based on the due process violations dealing with the out burst--

1288, 1-25., Appellant's PCR Counsel, David E. Belding; stated Mr. Ashford; would like to amend his application, APP. 1186, 22 - 25, - 1187, 1-25., The Court; Okay All Right. We'll leave -I'll agree, Then we'll leave the record open to permit the applicant's attorney submit to the court to file with the court APP. 1180, 11 - 16, through App. 1184, 10 - 25.

Based on the obvious deficiencies noted by the Respondent's Appellant's is well aware that he is not an attorney an was not an attorney at the trial, nor does he has the legal training, education of an attorney then or now to file a none deficiency Rule - 29(b). SCRCF. Motion For New Trial Based On After Discovered Evidence. In Fact Appellant, requested the appointment of counsel in his bid for motion For New Trial. That motion was seperated by the court and file many months later, and was not before the court prior to the dismissal of the Motion For New Trial by the Honorable Judge Robert E. Hood, Circuit Court Judge.

Appellant / Defendant, participate in his trial, heard the state's witnesses under oath testifying falsely to evidence that do not exist, an was prejudice by the presentation of the State's overwhelming judicial misconduct., Appellant brought this misconduct to the attorneys attention, Nicloe Singletary, and Deon O'Neil; during the trial. See: Appellant's Initial Brief and Designation of Matter To Be Included In The Record on Appeal filed 2024. The Court: itself denied, the Appellant/Defendant motion for a continuance an motion for to relieve counsel.^{8,9} to obtain discovery, an since I was represented by counsel would not allow hybrid representation. See: Foster v. State, 298 S.C. 306, 379 S.E.2d 907 (1989). State

6 April 2, 2009. Trial Transcript, Page 479, Lines - 13-14., The Court: just hold it. Mr. Broome, You all hold it down, Please.

7 April 1, 2009., Trial transcript, Page - 307, Lines - 8-18., Ms. Singletary; Your Honor, at this time the defense would move for a mistrial based on the testimony of Shante Martin.etc

v. Sanders, 269 S.C. 215, 237 S.E. 2d 53 (1997)., Foster, 298 S.C. 215, 237 S.E.2d at 907., After Appellant/Defendant informed the court and his attorneys that discovery was needed for his defense, the court and attorney Deon O'Neil; denied Appellant/Defendant this discovery, resulting in due process violation, and violating the United State Constitution, Constitution of the State of South Carolina an the right to a fair trail. 10

On April 24, 2007., Sgt. K. Scott, Reporting officer, Unit Number # 13767, and follow-up investigation officer F. Williams, processed the following vehicle: 1996. Lincoln, Town Car, South Carolina Tag Number: 752-VRE Bronze In Color. R/O Collected The Following Items Left By Suspect: 1 Each, Cap Brown in color, collected from the front drivers seat. Placed cap in evidence room. R/O Took Photographs as Follows: Marker # 1: Cap on Driver Front Seat etc.

On March 31, 2009., State Witness, Gregory Fleming - Cross by Singletary (In Camera) Page - 33, Lines 3-4, Q And he was wearing a hat ? (A) Yes, ma'ma.

On March 31, 2009., State Witness, Gregory Fleming - Direct by Mr. Bryant; Q Can you tell the jury what your description of that person was ? (A) It was a brown skinned fellow about five eleven, probably weighed about, I think about 175, a small

8 April 1, 2009., Trial Transcript, Page - 132, Lines - 13-17., The Court: And what are you asking me to do ?.

Mr. Ashford: I'm still lacking discovery.

9 April 1, 2009., Trial Transcript, Page - 145, Lines - 19-22., Mr. O'Neil; Yeah I have informed Mr. Ashford, that any records that we obtain would not be used in our case in chief which-----

little mustache and wearing blue jeans, a jacket and had on a hat on.

On March 31, 2009., State Witness Gregory Fleming - Cross by Ms. Singletary; Q That he was wearing a hat ? (A) Yes, ma'ma.

March 31, 2009., Trial Transcript, Page - 225, Lines 6 - 14
Gregory Fleming - Cross by Ms. Singletary; Question: And do you know whether or not my client ever went to that wrecked car that occurred right outside of Gill Creek Baptist Church? (Answer) I seen him get out that car. (Question) I understand that. I understand that you testified to that. But do you know if my client ever went back to that wrecked car ? (Answer) No, he didn't go back to the car. He went out to the main road.

Appellant, asserts that he was not wearing a hat, and that his hat was left in the 1996 Lincoln Town Car, Tag Number 752- VRE an Gregory Fleming; State's witness testified falsely under oath, and Solicitor Campbell; knew this testimony to be false, and yet presented the false direct and/or circumstantial evidence to the jury of Defendant/Appellant wearing one of the hats of the tainted, contaminated crime scene.

One of the prime duties of both the investigators and the expert is to prevent contamination of the evidence. (carelessness has ruined many cases). It may at least have the effect of creating a doubt in the minds of the jury as to the authenticity of the exhibit's or may minimize expert opinion testimony based on examination of the objects after it's improper handling.

10 April 1, 2009., Trial Transcript, Page - 113, Lines - 14-15, The case is going to forward. Do you understand that/

STANDARD OF REVIEW

In criminal cases, the appellant Court sit to review error of law only," State v. Edwards, 373 S.C. 230 644 S.E.2d 66, (March 12, 2007).., When reviewing rulings on a motion for new trial based on after discovered evidence is bound by the trials courts factual findings unless they are clearly erroneous.

This same standard of review applies to preliminary factual findings in determining the admissibility of certain evidence in criminal cases.

ANALYSIS

New trial based on after-discovered evidence encompasses claims predicated on the presentation of evidence that existed at the time of trial, but of which the defendant was "excusably ignorant." State v. Haulcomb, 195 S.E. 2d 601, 606 S.C.1973).

The after-discovered evidence must reflex upon the defendant innocence or the defendant's moral culpability in capital cases. State v. South, 427 S.E.2d 666, 669-70 (S.C.1993). Generally, a motion for new trial should be considered when new evidence is discovered shortly after the trial has concluded or when new evidence is discovered after the completion of state PCR. Simpson v. Moore, 627 S.E.2d 701, 708 (S.C.2006).., To obtain a new trial based on after discovered evidence the petitioner must file a motion pursuant to South Carolina Rules of Criminal Procedures 29(b): [s]howing that the evidence:1) would probably change the results if a new trial is had; 2) has been discovered since the trial; 3) could not have been discovered before trial; 4) is material to the issue of guilt or innocence; and 5) is not merely cumulative or impeaching. State v. Taylor, 508 S.E.2d 870, 879 (S.C.1998). The provisions of Rule - 29(b) place no

time limit limitations on a motion for new trial based on after-discovered evidence., State v. Spann, 513 S.E.2d 98, 100 (S.C. 1999)., but do require that it be filed within a reasonable time after discovery of the evidence.

conclusion

For any or all the reason set-forth, I respectfully request
this conviction of the lower court be vacated or a new trial.

Respectfully submitted,

November 7, 2024.

Randolph Ashford

Randolph Ashford # 256638

Allendale Corr. Inst.

1057 Revolutionary Trail

Fairfax, South Carolina-

29827

Pro se

CERTIFICATE OF SERVICE

Appellate Case No. 2023-001463

I do hereby certify that I have serve the Appellant Reply Brief and copies on the following counsels of record, by placing it in the United States mail with sufficient postage affixed thereto here at the Allendale Corr. Inst. on this 7, day November 2024.

Randolph Ashford

Randolph Ashford # 256638

Pro-se

CC: ALAN WILSON, Attorney General

MARK R. FARTHING,

Senior Assistance Deputy Attorney General

Post Office Box 11549

Columbia, South Carolina - 29211

BYRON E. GIBSON

Solicitor, Fifth Judicial Circuit

Post Office Box 192

Columbia, South Carolina - 29202

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SC Court of Appeals

82

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

RECEIVED

IN THE COURT OF APPEALS
FOR THE 5TH JUDICIAL CIRCUIT

NOV 11, 2024

Randolph Ashford

SC Court of Appeals
Appellant, Appellee

Appellant Case No. 2023-001463

v.

PERSONAL AFFIDAVIT

State of South Carolina

OF

Respondent,

RANDOLPH ASHFORD

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

I make this affidavit based on personal knowledge of what i have read, unless stated otherwise; I am over the age of (21) years old and a competent adult, and a resident of the South Carolina Department of Corrections.

1. The Due process violation of the United States Constitution, and the Constitution of the State of South Carolina, State/ Federal statutes would probably change the results if a new trial is had.

2. The Due process violation was discovered most recently by me Randolph Ashford (Appellant) since the trial and numerous court reviews of the records of the trial etc. etc, etc. etc..

3. I Randolph Ashford, is not a lawyer, and was represented by Deon Oneil, and Nicole Singletary; whom I felt was ineffective and asked the court for a continuance, and Trial Transcript April 1, 2009., Page - 132, lines - 13 - 17.

4. This Due process violation is material to the contaminated, tainted, fabricated, false, and altered direct and circumstantial evidence presented during the trial.

5. This Due Process violation is not merely cumulative it's a constitutional right to a fair trial guaranteed by the United States Constitution.

November 5, 2024.

Randolph Ashford

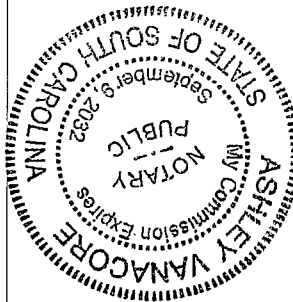
Randolph Ashford

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 5 DAY OF NOVEMBER 2024.

Ashley Vanacore

NORARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES 9/9/32



STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF APPEALS
FOR THE 5TH JUDICIAL CIRCUIT

Randolph Ashford)
Appellant,)
v.)
State of South Carolina)
Respondent,)
_____)

Appellant Case No. 2023-001463

AFFIDAVIT
OF
RANDOLPH ASHFORD

Randolph Ashford, being duly sworn, deposes and says:

1. I am the present Pro-se Appellant.
2. This case was tried in the county of Richland County, before Hon. G. Thomas Cooper, and jury. The Appellant/Defendant was represented by Deon O'Neil and Nicole Singletary. The Appellant Randolph Ashford, was convicted of all alleged crimes except 1st degree criminal sexual conduct. As to that offense, the jury convicted Appellant/Defendant of the lesser-included offense of assault and battery of a high and aggravated nature, without evidence to support the lesser-included offense (See: Page - 2, statement of the case). Trial Transcript April 2, 2007, Page - 663, Lines -14 - 19., After such conviction: The court of Appeals affirmed the conviction.
3. This is an affidavit in support of Appellant, Reply To Respondent's Motion To Dismiss.
4. Insofar as the record in this case discloses the following evidence upon which the verdict of the jury was based presents

itself as follows:

a. It was the contention of the jury, upon the trial that the Appellant/Defendant committed all the crimes at the time and place on February 24, 2007., In support of the contentions the jury adduced the following testimony of the State's witnesses of fabricated, false, altered, contamination of the evidence.

State's Witness: Deborah Ann Simmons, and State's Exhibit's- 73,74,78,102, all of which admitted into evidence.

State's Witness: Inv. Patricia-Reed Enzor, State's Exhibit's- 43,45,46,47,52,53,75,80,90, & 61,62,63,64,58,57, & 8,9, all of which admitted into evidence.

b. In opposition to the contentions of the jury, judge, direct appeal, pcr application, dna testing, etc.,

5. Appellant/Defendant set-fourth the additional after discovere evidence. See: Tabs - 1,2,3, of crime scene contamination.

6. However, since the decision of the Court's affirm the conviction presented by the state and it's appointed representation of Appellant (seven (7) in total), certain startling information was discovered, which if had been pursed before the trial and/or during the trial, would undoubtedly have changed the results, and which if opportunity is afforded by the granting of New Trial, based upon after discovered evidence, will without questions result in a verdict of not guilty for me.

7. I Randolph Ashford, was not wearing the hat in state's exhibit's - 8 or 9., of the contaminated crime scene., I Randolph

Ashford, was not wearing the green jacket in exhibits - 102, of the contaminated crime scene. Therefore, in this case the prosecution's presentation of false evidence at trial is a violation of the Ashford's (Appellant's) due process rights,

Thus, a due process violation occurs when a law enforcement officer who participated in the investigation or preparation of the prosecution's case fabricates evidence or give false testimony against the Defendant/Appellant at trial on an issue material to guilt or innocence, The conviction is tainted and must be set aside if there is any reasonable likelihood that the false evidence could have affected the jury's verdict. See: Trial Transcript, April 2, 2009., Page - 665, lines - 1 - 7., Juror number 134 during lunch saying something to the affect that, "I've heard all I need to hear."

8. The evidence relied upon by the court and jury were contaminated Ollie Harrison; the allege victim brother, due to Inv. Patricia-Reed Enzor releasing the crime scene to the brother the night of February 24, 2007., and then falsified the official analysis report, and took the stand during the trial while under oath an lied to the jury, the court, and the public citizens of the state of South Carolina to convict me, Randolph Ashford; of all those alleged crimes I did not commit.

9. The exercise of the highest degree of diligence I could not have procured this at trial, for it was not until recently after many proceeding in the court affirm the conviction by all the court's that I was apprised for the first time of the facts stated in my affidavit, Randolph Ashford, (Appellant)

10. The statements in the affidavit of appellant (Randolph Ashford), constitutes such evidence as if before received, would have changed the verdict and I, therefore respectfully submit that pursuant to the United States Constitution, and the Constitution of the State of South Carolina, State/Federal statutes, the affiant whose affidavit is annexed hereto should be brought before the court for personal examination and cross-examination under oath upon the contents of my affidavit.

The affidavit which is annexed hereto constitutes the absolute truth; in the interest of justice and accordance with law, a full and complete hearing should be had and no stone left unturned, to avert another miscarriage of justice which cannot be hereafter remedied.

WHEREFORE, I respectfully suggest that a New Trial be granted, and for such other relief as the court deem just and proper.

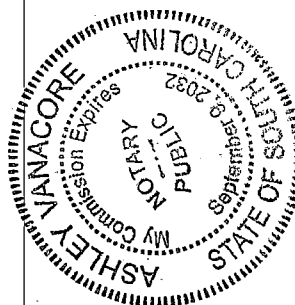
November 5, 2024.

Randolph Ashford

Randolph Ashford # 256638

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 5 DAY OF NOVEMBER 2024.

Ashley Vanacore
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 9/9/32





**Richland County Sheriff's Department
Crime Scene Investigation
Analysis Report**

Case #: 0702200424

Crime Scene Analyst: P. Reed-Enzor

Date: 02/24/2007

Incident Type: Kidnapping

Call receive time: 1221

Arrive: 1236

Complete: 2030

Status: incomplete

Weather: clear Received by: radio

Scene Officer / Investigator: Reed-Enzor

Status: at scene

Incident Location: 4014 Booth St

Subjects:

Type: suspect Name: Ashford, Randolph DOB: 05/12/1965 Sex: M Race: B

Type: Name: DOB: Sex: Race:

Type: Name: DOB: Sex: Race:

POE: Method:

Vehicles:

TAG: YEAR: MAKE: MODEL: COLOR: VIN:

TAG: YEAR: MAKE: MODEL: COLOR: VIN:

Photos: #Taken: Type:

Narrative / Conclusions

I/O responded to I/L to assist CPD and RCSD units involved in a hostage situation. I/O acted as Incident Commander until relieved by Sgt. Tanner. I/O remained on scene and assisted I/C Olsinaga. I/O maintained radio communications and acted as a liaison with Hostage Negotiators. Once the situation had been resolved I/O was requested to process/photograph the I/L. I/O was unable to process the scene at that time due to the electricity had been cutoff and tear gas had been deployed during the incident. The crime scene was secured and a rotation started. I/O turned over the scene to Deputy Benson.

These examinations and/or conclusions were conducted by P. Reed-Enzor, Crime Scene Analyst with the Richland County Sheriff's Department.

P. Reed-Enzor
P. Reed-Enzor
Crime Scene Analyst

Analyst Initials: *PRE*

Case #: 0702200424

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**Richland County Sheriffs Department
Crime Scene Investigation
Bench Notes**

scene secure/crime scene log maintained upon arrival

I/L still contaminated w/ gas. I/O photographed the interior/exterior of I/L. observed a gunshot hole in black chair in living room - unable to locate projectile in chair. It did not appear any furniture had been moved (couch, chair) in the living room. A chest freeze was partially blocking the back door. Both mops in the "wash room" area were dry and did not appear to have been used recently.

I/O did not locate any ~~p~~^{PPE} rounds, shell casings or projectiles while processing.

→ collected crime scene log, released scene.

Ollie Harrison (743-9914) ~~accepted~~ ^{accepted} PPE
took possession of residence.

0702 200424

Case #

P. Reed-Engel

Crime Scene Analyst

Analyst Initials

PRE

Page 2 of 2

1 **MR. O'NEIL:** May I approach, Your Honor?

2 **THE COURT:** Yes.

3 **Q** Let me let you read this last paragraph of
4 Investigator Barnes' report and see if that refreshes
5 your memory.

6 **A** Okay. Okay. I understand what you're saying here.
7 What he is discussing here is when he talked to me
8 before I cleared the crime scene. And I had already
9 done a walk through while I was looking for
10 projectiles inside and outside of the house while I
11 was processing the crime scene. And I had looked at
12 all the vehicles on the inside and outside of the
13 house, not just specifically that blue van.

14 **Q** Yeah. So you looked at all the vehicles that were
15 outside of the house?

16 **A** Right.

17 **Q** You didn't find any projectiles in this van?

18 **A** No. I did not find any projectiles in that van.

19 **Q** You didn't find any bullet holes in this van?

20 **A** No, sir, I did not.

21 **Q** Any bullet holes in this trailer?

22 **A** No, sir.

23 **Q** And I think on the night of the 24th you released the
24 scene to a Mr. Ali Harrison. That's correct?

25 **A** Yes, I did.

1 ~~Q~~ And he was one of the residents of that location?

2 ~~A~~ ~~Yes, I did.~~

3 MR. O'NEIL: Beg the Court's indulgence. No
4 further questions, Your Honor.

5 THE COURT: Redirect.

6 REDIRECT EXAMINATION

7 BY MS. CAMPBELL

8 Q Just a couple of questions. He asked you about the
9 log that you wrote down about some chatter on the
10 radio?

11 A Yes.

12 Q Did you hear any gunshots that afternoon?

13 ~~A~~ ~~No~~ Well, ~~yes~~, I did hear some.

14 Q And when did you here a gunshot that afternoon?

15 A I heard a gunshot that afternoon shortly after I took
16 the scene as incident commander. And that would have
17 been approximately 1:00, between 12:45 and 1:00.

18 Q Approximately? Could it have been a little later?

19 A Probably -- I got there and I took the scene about
20 12:45. So within 30 minutes I guess of arriving
21 there. There's a guesstimate.

22 ~~Q~~ A guesstimate. ~~And during the course of the rest of~~
23 ~~that afternoon, did you hear any more gunshots out~~
24 there?

25 ~~A~~ ~~No, I did not.~~

EXHIBIT'S - 94 (A)

TRANSCRIPT OF RECORDS

TRIAL

MARCH 31, 2009 through APRIL 3, 2009

March 31, 2009. Trial Transcript, Page - 33, 3 - 4
April 1, 2009. Trial Transcript, Page - 216, 11 - 14
April 1, 2009. Trial Transcript, Page - 222, 8 - 9
April 1, 2009. Trial Transcript Page - 225, 6 - 13
April 3, 2009. Trail Transcript, Page - 791 - 792, 1 - 25
April 3, 2009. Trial Transcript, Page - 828, 24 - 25
April 2, 2009. Trial Transcript, Page - 625 - 636, 1 - 25
April 2, 2009 Trial Transcript, Page - 567, 1 - 25
April 2, 2009. Trial Transcript, Page - 573 - 574, 1 - 25
April 2, 2009. Trial Transcript, Page - 606, 11 - 25
April 2, 2009. Trial Transcript, Page - 629, 16 - 25
April 2, 2009. Trial Transcript, Page - 634, 23 - 25
April 2, 2009. Trail Transcript, Page - 635, 1 - 2
March 31, 2009. Trial Transcript, Page - 392, 25, Page - 393, 6-
11
April 3, 2009. Trial Transcript, Page - 810 - 811, 1 - 25

April 1, 2009. Trial Transcript, Page - 378, 7 - 8

April 3, 2009. Trial Transcript, Page - 926, 9 - 25

April 3, 2009. Trial Transcript Page - 930, 1 - 6

April 2, 2009. Trial Transcript, Page - 661 - 662, 1 - 25

ORIGINAL

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

) COURT OF GENERAL SESSIONS
) 07-GS-40-1938-1941;
2000-2003; 2048

State of South Carolina

vs.

)
)
) TRANSCRIPT OF RECORD
) (Trial)
)

Randolph Ashford,

Defendant.

March 31, 2009 through April 3, 2009
Columbia, South Carolina

BEFORE:

THE HONORABLE G. THOMAS COOPER, JR., JUDGE

APPEARANCES:

KATHRYN LUCK CAMPBELL, DEPUTY SOLICITOR
WILL BRYANT, ASSISTANT SOLICITOR
Attorneys for the State

DEON O'NEIL, DEPUTY PUBLIC DEFENDER
NICOLE SINGLETARY, DEPUTY PUBLIC DEFENDER
Attorneys for the Defendant

JENNY H. WILLIAMS
Official Circuit Court Reporter
(803) 576-1743

INDEX OF WITNESSES

GREGORY FLEMING

Direct By Ms. Campbell: 14

Cross By Ms. Singletary: 26

KIMBERLY GILLIARD

Direct By Ms. Campbell: 35

Cross By Ms. Singletary: 44

KELLI MCQUEEN

Direct By Ms. Campbell: 48

Cross By Ms. Singletary: 56

KERI MCQUEEN

Direct By Ms. Campbell: 58

Cross By Ms. Singletary: 65

ARTHUR L. THOMAS

Direct By Ms. Campbell: 67

Cross By Mr. O'Neil: 72

Redirect By Ms. Campbell: 78

BARRY TAYLOR

Direct By Mr. Bryant 160

Cross By Ms. Singletary 169

OLIN KELLY

Direct By Ms. Campbell 173

Cross By Ms. Singletary 195

PEARL KELLY

Direct By Ms. Campbell 198

1 Q Weighing about 175 to 180 pounds?

2 A I think so.

3 Q And he was wearing a hat?

4 A Yes, ma'am.

5 Q But you didn't give him any description about whether
6 or not he had a mustache?

7 A He had -- I didn't give them no description of a
8 mustache. But, you know --

9 Q And you didn't give any other facial descriptions at
10 all?

11 A No.

12 Q Did you?

13 A No.

14 MS. SINGLETARY: Beg the Court's indulgence,
15 Your Honor. Your Honor, may I approach the witness?

16 THE COURT: Sure.

17 Q I just want you to identify these three pictures that
18 I'm showing you right now.

19 A Okay.

20 Q Now, do you see the sign for Gill Creek Church in
21 those pictures?

22 A Right there.

23 Q Gill Creek. You're going to have to speak up so that
24 she can --

25 A Oh. Right here.

1 Q So there is a sign for the Gill Creek?

2 A Yes, ma'am.

3 Q And you see the stop sign?

4 A Yes, ma'am.

5 Q Right there. Now, is that the stop sign that you
6 were at?

7 A There's another stop sign. There's a median right
8 over here. There's two stop signs, the stop sign
9 right here and the stop signs at the median. I was
10 at the one in the median fixing to make a left turn
11 on the road.

12 Q Look at this picture right here. That's a better
13 picture right there. Which stop signs were you at?

14 A Right there.

15 Q So the church would be right here?

16 A That's right.

17 MS. SINGLETARY: I have no further questions.

18 THE COURT: Redirect.

19 MS. CAMPBELL: None.

20 THE COURT: You may come down, sir. Thank you
21 very much. Next witness.

22 MS. CAMPBELL: The State would call Kimberly
23 Gilliard.

24 KIMBERLY GILLIARD, after being duly sworn,
25 testifies as follows:

- 1 Q Investigate Thomas? Or do you remember?
- 2 A There were many police officers that were there
- 3 that day
- 4 Q Do you remember the statement you gave that day?
- 5 A Yes, sir.
- 6 Q Do you remember the description of the Defendant from
- 7 that
- 8 A Yes,
- 9 Q Can you tell the jury what your description of that
- 10 person?
- 11 A It was a brown-skinned fellow about five-eleven,
- 12 probably weighed about, I think about 175, a small,
- 13 thin mustache and wearing blue jeans, a jacket and
- 14 hat on.
- 15 Q Next day did you go to the police department?
- 16 A Yes, sir.
- 17 Q Do you remember what you did at the police
- 18 department?
- 19 A Yes, sir.
- 20 Q Were you shown a series of photographs?
- 21 A Yes, sir.
- 22 Q Did you go with Ms. Gilliard?
- 23 A Yes, sir.
- 24 Q These photographs you were shown, you all reviewed
- 25 them together or separately?

1 A Yes, sir.

2 Q Was she there the whole time

3 A Yes, sir.

4 Q Are you familiar with Booth S

5 A Yes, sir.

6 Q Did you grow up in that area?

7 A Yes, sir.

8 Q How long did you say in that area

9 A Since I've been three years old.

10 Q You're how old now? I'm not trying

11 A Forty-three. embarrass you.

12 Q So you're well familiar with the a

13 A Yes, sir.

14 Q How long did you stay in that Booth at location?

15 A Until Investigator Williams came and took

16 me onto the other side.

17 Q Do you remember what time it started on Cushman Road?

18 A Well, we left Wal-Mart around 11, about 30. By

19 the time we got to Cushman Road, it was 12:00.

20 Q When you got back I believe you stated where

21 brought back to Gill's Creek Church?

22 A Gill's Creek Baptist church.

23 Q Do you remember talking with one of the e

24 officers that day?

25 A I talked with one of the investigators.

- 1 Q I'm just going by your statement. Okay. That he was
- 2 skinny?
- 3 A Yes, ma'am.
- 4 Q He was a black man?
- 5 A Yes, ma'am.
- 6 Q About 175 to 180 pounds?
- 7 A Yes, ma'am.
- 8 Q ~~That he was wearing a hat?~~
- 9 A ~~Yes, ma'am?~~
- 10 Q But no mentioning of the mustache?
- 11 A No, ma'am.
- 12 Q Or that he was five-eleven?
- 13 A No, ma'am.
- 14 Q Now, let's go back to you actually being near Gill
- 15 Creek Church on that day.
- 16 A Okay.
- 17 Q Now, you said that you came to a stop sign, correct?
- 18 A Yes, ma'am.
- 19 Q ~~Okay. So when you are initially watching the man in~~
- 20 ~~this car lose control, you are actually watching all~~
- 21 ~~of this unfold through the mirror in your car?~~
- 22 A ~~Yes, ma'am.~~
- 23 Q Because there's no way that you could be driving and
- 24 looking back at the same time?
- 25 A I was at a stop sign.

1 second page of your statement and the second
2 question. Now, you actually told the police officer
3 that the man that you saw on that day was actually
4 five-foot-nine, about five-foot-nine?

5 A I didn't say.

6 Q According to your statement that you gave police
7 officers you say five-foot-nine, correct?

8 A About five-foot-nine, five-eleven. I mean, --
9 Q But in your statement --

10 A Yeah. In the statement, yeah.

11 Q -- your statement says five-foot-nine.
12 A Yeah.

13 Q And also in your statement you don't mention anything
14 about facial description at all, do you?

15 A No.

16 Q You don't say anything about a mustache in that
17 statement?

18 A No.

19 Q Okay. But you said that the person was wearing a
20 brown leather coat?

21 A Sort of like brown, yeah. Brown leather coat.
22 Q Blue jeans or slacks?

23 A Blue jeans. Blue jeans.

24 Q I'm talking about in your statement.
25 A Yeah.

1 what had happened earlier that day?

2 A No, we didn't. She went to bed because she was kind
3 of shook up about it.

4 Q Okay. And that's just your opinion?

5 A Yeah.

6 Q And do you know whether or not my client ever went to
7 that wrecked car that occurred right outside of Gill
8 Creek Baptist Church?

9 A ~~I seen him get out that car.~~

10 Q ~~I understand that. I understand that you testified~~
11 ~~to that. But do you know if my client ever went back~~
12 ~~to that wrecked car?~~

13 A ~~No, he didn't go back to the car. He went out to the~~
14 ~~main road.~~

15 Q I understand that you're saying that happened. And
16 maybe it's just me and I'm asking the wrong
17 questions.

18 MR. BRYANT: Objection. Objection. It's asked
19 and answered.

20 THE COURT: Overruled. Go ahead. It's cross
21 examination.

22 Q Okay. I understand that you testified that you saw
23 my client get out of that car. Correct?

24 A Mm-hmm (affirmative).

25 Q Okay. And I understand that you said that my client

1 got into a cab?

2 A Okay.

3 Q And I understand that you said that you followed my
4 client to Booth Street?

5 A Okay.

6 Q Now, ~~this is where the question is going to start.~~
7 ~~After you followed my client to Booth Street and saw~~
8 ~~him on Booth Street, did he ever leave Booth Street~~
9 ~~and go back to --~~

10 A ~~NO.~~

11 Q That was the question. Thank you, Your Honor. I
12 have no further questions.

13 THE COURT: Redirect?

14 MR. BRYANT: Briefly.

15 REDIRECT EXAMINATION

16 BY MR. BRYANT

17 Q Ms. Singletary asked you about seeing the wreck in
18 your rearview mirror. You turned around and came
19 back to see if the person was okay?

20 A Yes. I pulled -- the way you come out the church
21 parking lot, there's a side, a little side part
22 entrance.

23 Q Right.

24 A You can go out and come in. I went around and came
25 back to the stop sign. When I came to the stop sign,

1 marked as Defense Exhibit No. 1. I want you to take
2 a look at this. Okay? Take a look at what's in the
3 bag, please.

4 **A** Yeah.

5 **Q** Are these the same clothes you had on on
6 February 24th, 2007?

7 **A** Yes, sir, it is.

8 **MR. O'NEIL:** Your Honor, at this time I'd move
9 into evidence Defense Exhibit No. 1.

10 **THE COURT:** Any objection?

11 **MS. CAMPBELL:** No, sir.

12 (WHEREUPON, Defendant's Exhibit No. 1 is
13 admitted into evidence.)

14 **Q** And you had on those clothes all day long?

15 **A** That day, yes, sir. Yes, sir. That Saturday
16 morning, I put them on that Saturday morning.

17 **Q** No green sweater?

18 **A** No green sweater.

19 **Q** No jeans?

20 **A** No jeans.

21 **Q** No jacket?

22 **A** A brown leather one.

23 **Q** A brown leather jacket?

24 **A** Yes, sir.

25 **Q** No green jacket?

1 **A** No green jacket.

2 **Q** No tannish jacket?

3 **A** No tannish jacket.

4 **Q** And do you ever remember leaving the house that
5 morning?

*6 **A** No, I do not remember leaving the house. I was there
7 for some time. I pulled my car from behind the house
8 because I was going to rake the leaves up. Roberta's
9 brother, Ernest, was out in the yard and a friend of
10 mine by the name of Richard. So I pulled the car out
11 there where they was. They were sitting right out in
12 the yard. So I sit in the car and I talked to them a
13 little while. I told them what I was fixing to do.

14 And at that time, it was about -- it was 11:00.
15 I discovered I didn't have any cigarettes. So I
16 said, well, I said, "I need to go get some
17 cigarettes." My reason for not driving the car over
18 to the store is because my license got suspended and
19 I didn't have any insurance on the car. So I backed
20 the car back up in the backyard and I went back in
21 the house. And my arm had started bothering me and I
22 took two of the pain killer pills. And from that
23 point I don't remember --

24 **Q** What's the --

25 **A** -- when I left the house at all.

1 A I said I wouldn't drive it because of my license.

2 Q And you mentioned that you got hurt on the job?

3 A That's correct.

4 Q Did you get a settlement in that case?

5 A Yes.

6 Q And was that settlement for \$4,000 or more?

7 A That's correct.

8 Q And, in fact, when you got that settlement, you gave
9 Roberta \$1,000?

10 A That's correct.

11 Q That morning when you dressed you put on that red and
12 white shirt, and you had on a brown colored jacket
13 over it?

14 A Repeat the question?

15 Q You put on this red shirt you testified?

16 A Yes, I did.

17 Q And then you put your brown jacket over it?

18 A That's correct.

19 Q And do you know what happened to your brown jacket?

20 A No, I do not know what happened to it.

21 Q Did you leave it at Debbie Ann's house?

22 A Apparently that must be where it's left at.

23 Q Along with the cap you were wearing that day?

24 A No. My cap wasn't with it.

25 Q And you testified on direct that you dressed and

- 1 **A** That's correct.
- 2 **Q** And in that phone call, when you picked it up, who
- 3 was on the other line?
- 4 **A** No one.
- 5 **Q** So that wasn't the phone call where you heard sex
- 6 noises and it was Roberta?
- 7 **A** I never heard sex noises.
- 8 **Q** And I'll get to your statement later. And then the
- 9 next morning you moved your car around the back, but
- 10 you couldn't drive it, right?
- 11 **A** Repeat it?
- 12 **Q** You moved your car around to the back of the trailer
- 13 you said?
- 14 **A** No. I did not.
- 15 **Q** What did you do?
- 16 **A** That morning I moved my car from behind the trailer
- 17 out in the front area.
- 18 **Q** In the front area?
- 19 **A** Yes, I did.
- 20 **Q** But you couldn't drive it?
- 21 **A** I could have drove the car. I had to drive it from
- 22 the back of the house out into the front of the
- 23 house.
- 24 **Q** But didn't you mention that you couldn't drive to the
- 25 store because of your license situation?

1 was there was a jacket on that bed. Did you
2 photograph that?

3 A Yes, ma'am.

4 Q And in the laundry room there was a hat on the floor.
5 Did you photograph that?

6 A Yes, ma'am.

7 Q Did you do any swabs for DNA in that residence?

8 A No, ma'am, I did not.

9 Q And why was that?

10 A I did not -- I wasn't requested to, for one. For
11 two, the suspect was known. He was in the house. So
12 there wasn't any relevancy to it.

13 Q It wouldn't --

14 A It wouldn't be probative.

15 Q Thank you. And in addition to that, did you dust for
16 any fingerprints?

17 A No, ma'am.

18 Q And for the same reasons?

19 A The same reasons. Yes, ma'am.

20 Q Beg the Court's indulgence. Thank you. Please
21 answer any questions the defense may have.

22 THE COURT: Questions.

23 MR. O'NEIL: Thank you, Your Honor.

24 CROSS EXAMINATION

25 BY MR. O'NEIL

1 Q Investigator Enzor?

2 A Yes, sir.

3 Q I guess the job of crime scene analysts is to -- part

4 of the job would be to photograph crime scenes?

5 A Yes, sir.

6 Q And try to collect physical evidence?

7 A Yes, sir.

8 Q And that's what you attempted to do in this

9 situation?

10 A Yes, sir.

11 Q You attempted to go into the residence I think that

12 night on the 24th, correct?

13 A Yes, sir. The electricity was cut off. So that made

14 it a little bit more difficult.

15 Q And, plus, I think you noted in your report two

16 reasons why you couldn't go in there and analyze the

17 scene that night, correct?

18 A Right. It was dark, for one; and it was a little

19 bit, I guess you could call smelly, and it had a

20 little bit of that smell of the, I think it's CS gas.

21 Q You said you couldn't go in because there was no

22 electricity in there and because the tear gas was in

23 the incident location?

24 A Right. The main reason would be the electricity.

25 But because we could secure it, it would be better to

- 1 ~~come back the next day~~ where I had more light,
- 2 especially because ~~I was requested to look for~~
- 3 ~~projectiles~~ and shell casings and they're so small.
- 4 So it would be easier to do it with light.
- 5 Q So you came back on ~~February 25th~~ at ~~10:00?~~
- 6 A When my shift came on. Yes, sir.
- 7 Q And you noted in your report at that time that the
- 8 incident location was still contaminated with the
- 9 tear gas?
- 10 A Right. ~~But I was able to work.~~
- 11 Q But you were able to look at it?
- 12 A Yes, sir.
- 13 Q And you found a bullet hole in the black chair?
- 14 A Yes, sir.
- 15 Q ~~No projectile?~~
- 16 A No, sir.
- 17 Q You didn't find any other shell casings in the house?
- 18 A No, sir. I wasn't able to locate any.
- 19 Q No projectiles?
- 20 A No, sir.
- 21 Q No live rounds?
- 22 A No, sir.
- 23 Q No other ammunition?
- 24 A No, sir.
- 25 Q And I guess backing up to the 24th, one of your jobs

1 I guess that day was to do the command log that went
2 on that day at the command center?

3 **A** ~~At the incident command truck?~~

4 **Q** Yeah.

5 **A** Yes, sir. I was requested to.

6 **Q** Okay. And you indicated at that point that there was
7 gunshots inside the home at 4:55 p.m.?

8 **A** Well, actually the incident command truck was
9 separate from, I guess about maybe about a block or
10 two down from the actual house. And the truck, I
11 guess it's an air conditioned truck. So couldn't
12 hear anything that was going on. The only thing I
13 was actually recording, and writing down as fast as I
14 could is what deputies and other persons were
15 recording or requesting or hearing on the radio.

16 So what I'm writing down by hand is what people
17 are recording. So what they're saying is what they
18 might hear. But when you look on the log, at 16:55
19 ~~I'm saying shots fired inside residence;~~ if you look
20 at 16:57, it's saying gas deployed inside by SRT. So
21 it may have been actually at the same time, but I'm
22 handwriting it. So I'm not sure if they were all at
23 the same time and if deputies are hearing the gas
24 being deployed at the same time.

25 **Q** But you would agree that those deputies heard shots

- 1 fired approximately 4:55, 4:56?
- 2 ~~A~~ They were hearing loud noises, but I'm writing down
- 3 what they're saying. Yes, sir.
- 4 Q That was approximately 4:55, 4:56?
- 5 A Yes. But it says 16:55, 56 and 57. Yes, sir.
- 6 Q That's military time.
- 7 A I'm sorry. I'm sorry. Yes, sir. It's 4:55, 56, 57
- 8 in the afternoon. I apologize.
- 9 Q And another loud noise could have been a shot around
- 10 6:00? 6:04? Would that be fair to say?
- 11 ~~A~~ I need to look back to see. It said: "Reported one
- 12 shot, was here prior to last deployment of gas."
- 13 That was what was reported. Yes, sir.
- 14 Q Around 6:00?
- 15 A Yes, sir.
- 16 Q And you also noted that around 6:47 that EMS was
- 17 responding to the victim?
- 18 A That's what was reported on the radio. Yes, sir.
- 19 Q There's no report on the radio that EMS responded to
- 20 Mr. Ashford, to the suspect?
- 21 ~~A~~ Nothing that was requested on the radio. Yes, sir.
- 22 Q No report of that?
- 23 A On the radio; no, sir. I'm only hearing what's on
- 24 the radio.
- 25 Q And the next day you went in -- I think one of the

1 places you went to were the washroom when you were
2 photographing the trailer?

3 A I have to go through because you're skipping around.
4 Hold on one second, sir. You're talking about
5 photographing --

6 Q Yeah.

7 A -- or what was your question?

8 Q One of the areas of the trailer you photographed was
9 the washroom?

10 A Okay. I photographed the whole area. But hold on.
11 What was your question? I'm sorry.

12 Q One of those areas was the washroom, correct?

13 A Okay.

~~14~~ Q And the washroom has I think two mops in it?

15 A Yes, sir.

16 Q And didn't it have two hats in there as well as the
17 two mops?

18 A I'd have to look at the photographs, sir.

~~19~~ Q Okay. But the reason why you were interested in this
20 washroom, one of the reasons why you were interested
21 in this washroom was that there was a report that the
22 suspect had used these mops. Would that be fair to
23 say?

~~24~~ A I didn't interview him. I wouldn't know.

~~25~~ Q But you made a notation in your report that the mops

1 appeared to be dry and had not been used recently.

2 Is that correct?

3 **A** ~~I think I recall a request to look at the mops and to~~
 4 ~~check the conditions of the mops.~~ And at that time,
 5 at -- and I remember it was towards the end of my
 6 exam, so it was probably closer to noon that
 7 afternoon, and by noon on the 25th it appeared that
 8 the mops in the laundry room appeared to be dry and
 9 hadn't been used recently. So I don't know what
 10 their condition would have been the following
 11 afternoon. But by noon on that day they appeared to
 12 be dry.

13 **Q** And that's what you noted in your report?

14 **A** Yes, sir.

15 **Q** I'm going to show you what's been marked State's
 16 Exhibit No. 79. That's that washroom and the mops
 17 we're talking about?

18 **A** Yes, sir. I took that photograph.

19 **Q** And I think you would agree that there is two hats in
 20 that picture, in that washroom?

21 **A** Right. ~~There is one hanging up from one of the mops~~
 22 ~~and there is one on the floor.~~

23 **Q** Okay. And you took some pictures of the windows in
 24 the house?

25 **A** Yes, sir. I would have taken all the photographs

1 completely around the house.

2 Q Now, when a firearm is fired I guess, what's called
3 gunshot residue would expel from the firearm. That's
4 correct?

5 A I'm not anything to do with firearm examination.
6 You'll have to ask a professional. I'm not a
7 specialist in that type of --

8 Q Do you know if anybody did any gunshot residue
9 analysis on any of your analysis?

10 A ~~I did not do any and I was the crime scene person.~~

11 So if I did not do it, it wasn't done. No, sir.

12 Q If you didn't do it, it wouldn't have been done?

13 A No, sir.

14 Q And there was nothing on your report that was stolen
15 from this residence. Is that correct?

16 A Not that I'm aware of.

17 Q And I think ~~Investigator Barnes~~ had you come out and
18 photograph and examine the blight blue van on the
19 outside of the house?

20 A I wouldn't know what he did, sir.

21 Q No. He had you go photograph the van that was on the
22 outside of the house?

23 A ~~I don't have a report of where he had me do that,~~
24 sir.

25 Q Did you take any pictures of a blight blue van and

1 the exterior of the house?

2 **A** I have where I did the entire photographs in general,
3 sir. When I do -- well, I guess I should back up
4 just a little bit. When I do crime scene
5 photographs, I would take general photographs which
6 are of everything when I looked completely from the
7 outside of the crime scene and then work myself in.
8 And I wouldn't think an investigator would get me
9 specifically to take a picture of a specific van
10 unless I would make note that he wanted me to take a
11 specific photograph. So that's why I'm not
12 understanding what you're asking me.

13 **Q** I could show you Investigator Barnes' investigative
14 report. Would that refresh your memory about whether
15 or not you took pictures of this light blue van in
16 State's Exhibit No. 50?

17 **A** I mean, I remember taking photographs of all of the
18 vans. I mean, I remember that van. Sure.

19 **Q** But do you remember focusing on this van
20 specifically?

21 **A** No. I don't recall specifically photographing that
22 specific van. No, sir.

23 **Q** Let me show you something and see if that refreshes
24 your memory. Okay?

25 **A** Sure.

1 **MR. O'NEIL:** May I approach, Your Honor?

2 **THE COURT:** Yes.

3 **Q** Let me let you read this last paragraph of
4 Investigator Barnes' report and see if that refreshes
5 your memory.

6 **A** Okay. Okay. I understand what you're saying here.
7 What he is discussing here is when he talked to me
8 before I cleared the crime scene. And I had already
9 done a walk through while I was looking for
10 projectiles inside and outside of the house while I
11 was processing the crime scene. And I had looked at
12 all the vehicles on the inside and outside of the
13 house, not just specifically that blue van.

14 **Q** Yeah. So you looked at all the vehicles that were
15 outside of the house?

16 **A** Right.

17 **Q** You didn't find any projectiles in this van?

18 **A** No. I did not find any projectiles in that van.

19 **Q** You didn't find any bullet holes in this van?

20 **A** No, sir, I did not.

21 **Q** Any bullet holes in this trailer?

22 **A** No, sir.

23 **Q** And I think on the night of the 24th you released the
24 scene to a Mr. Ali Harrison. That's correct?

25 **A** Yes, I did.

1 Q And he was one of the residents of that location?

2 A Yes, I did.

3 MR. O'NEIL: Beg the Court's indulgence. No
4 further questions, Your Honor.

5 THE COURT: Redirect.

6 REDIRECT EXAMINATION

7 BY MS. CAMPBELL

8 Q Just a couple of questions. He asked you about the
9 log that you wrote down about some chatter on the
10 radio?

11 A Yes.

12 Q Did you hear any gunshots that afternoon?

13 A No. Well, yes, I did hear some.

14 Q And when did you here a gunshot that afternoon?

15 A I heard a gunshot that afternoon shortly after I took
16 the scene as incident commander. And that would have
17 been approximately 1:00, between 12:45 and 1:00.

18 Q Approximately? Could it have been a little later?

19 A Probably -- I got there and I took the scene about
20 12:45. So within 30 minutes I guess of arriving
21 there. There's a guestimate.

22 Q A guestimate. And during the course of the rest of
23 that afternoon, did you hear any more gunshots out
24 there?

25 A No, I did not.

1 Q But were you aware that they were launching tear gas
2 into the --

3 A ~~Yes, I was.~~

4 Q And the time periods he went over with you where he
5 talks about these gunshots, that's the same time
6 period?

7 A Yes, it is.

8 Q And, in fact, could someone maybe initially on the
9 radio say gunshots when in fact it's them launching
10 tear gas?

11 A Yes.

12 Q And you don't have any other reports from anywhere
13 else of any gunshots later that afternoon after the
14 first ones you heard?

15 A No, ma'am.

16 Q He talked to you about projectiles. You explained
17 about how you looked in the house and looked for
18 projectiles. And you weren't even able to recover
19 the one in the chair. Is that correct?

20 A That is correct.

21 Q And that's not unusual?

22 A No, ma'am.

23 Q And as far as if someone is shooting into a tree line
24 through the woods, it's whizzing past, would you
25 think there is any likelihood you'd be able to

1 A Yes, ma'am, it was.

2 Q You didn't have any direct contact with the victim
3 that night?

4 A No, ma'am, I did not.

5 Q And the Defendant while he was with you, you didn't
6 question him any, did you?

7 A No, ma'am. As soon as I escorted him out, he and I
8 ~~walked over towards EMS~~ and he was checked.

9 Q That was going to be my next question. Did he get
10 checked out by EMS that night?

11 A ~~Yes, ma'am, he did.~~

12 Q And was that because of tear gas?

13 A Yes, ma'am.

14 Q And did EMS release him without any further need of
15 any treatment?

16 A Yes, ma'am. He was released. And I placed him in a
17 patrol car in which he was taken to the Richland
18 County Sheriff's Department.

19 Q Did they treat him in any way?

20 A ~~No, ma'am.~~ They checked him, checked his vitals and
21 said that he was fine and sent him on his way.

22 Q Later that night Investigator Brown actually went
23 back in and gathered up what equipment you all had
24 used?

25 A Yes, ma'am.

1 **Q** The tear -- whatever you all call that stuff. The
2 person that you as the point man and Investigator
3 Brown apprehended and found in that laundry room
4 where the gun was, do you see him here in the
5 courtroom?

6 **A** Yes, ma'am, I do.

7 **Q** Can you point him out for the jury?

8 **A** It's the gentleman sitting at the table right there
9 with the dark suit on with a dark tie with the white
10 stripes and the white shirt.

11 **MS. CAMPBELL:** Your Honor, may the record
12 reflect?

13 **THE COURT:** The record will so reflect the
14 witness identified the Defendant. Cross examination.

15 **MS. CAMPBELL:** Thank you.

16 **MS. SINGLETARY:** Thank you, Your Honor. If it
17 pleases the Court.

18 **THE COURT:** Yes, ma'am.

19 CROSS EXAMINATION

20 **BY MS. SINGLETARY**

21 **Q** Investigator Abraham, I'm going to be as brief as I
22 can because the State asked basically the same
23 questions to you that they asked to Investigator
24 Brown. Okay?

25 **A** Yes, ma'am.

1 I'm not ready for. In other words, I could get shot.

2 Q But what I'm saying is initially when you throw the
3 flash bang, are you looking directly at this flash
4 bang?

5 A No, ma'am. I'm not looking directly at the flash
6 bang. When I deployed the flash bang, what I did was
7 looked in, tossed it, stuck my head back out, then I
8 went in after it went off.

9 Q And that's what I'm saying. You threw the flash bang
10 but you looked away. So you said you looked in,
11 threw the flash bang and then you ducked your head
12 back out?

13 A Yes.

14 Q So you wouldn't be affected by the flash bang?

15 A Correct.

16 MS. SINGLETARY: Okay. I have no further
17 questions, Your Honor.

18 THE COURT: Redirect.

19 MS. CAMPBELL: Just a couple.

20 REDIRECT EXAMINATION

21 BY MS. CAMPBELL

22 Q And because tear gas can effect someone, that's why
23 he had to be checked out by EMS?

24 A Yes.

25 Q They said his vitals were normal?

1 A They said his vitals were normal.

2 Q At any point did he complain of anything about the
3 gas to you?

4 A No, ma'am, he didn't.

5 MS. SINGLETARY: Objection, Your Honor. Beyond
6 the scope of cross examination.

7 THE COURT: I'll allow it. Go ahead.

8 Q Thank you. And finally, she talked about how the gas
9 mask could muffle your voice?

10 A Yes.

11 Q And you're trained to project your voice so that
12 people can hear you?

13 A Yes, ma'am.

14 Q Because you and all your training aren't going to be
15 very effective if you go in and they can't hear you?

16 A That is correct.

17 Q And did you make sure he could hear you that day?

18 A Yes, ma'am, I did.

19 Q Thank you.

20 MS. SINGLETARY: Your Honor, I have no further
21 questions.

22 THE COURT: All right. You may come down. May
23 this witness be excused?

24 MS. SINGLETARY: Yes, Your Honor. Without
25 objection.

1 victim and no threat to the officers and was
2 immediately released.

3 Q The victim was then transported to the hospital via
4 EMS?

5 A That's correct. As soon as the all clear was there,
6 EMS showed up on the scene, rendered care and then
7 was taken to the hospital.

8 Q And the purpose of her going to the hospital is
9 because of the rape?

10 A That's correct.

11 Q And was the Defendant also afforded an opportunity,
12 was he given treatment if he needed any?

13 A Absolutely. The EMS personnel checked him out.
14 There was concerns about the exposure to the CS gas.
15 At the time, like I said, the CS gas was not very
16 effective. ~~There was a lot of~~ time from the last
17 launch to dissipate. And so it was -- like I said, I
18 ~~myself walked up to there and~~ could not feel the
19 effects of it very well. You could smell it but
20 there was no immediate effects.

21 Q So you were actually there on the scene and went up
22 to the house?

23 A Yes. That was my duty to make sure all the officers
24 were secured and all the equipment was gathered.

25 Q And it didn't have any effect on you?

1 A Yes.

2 Q And shortly thereafter the victim was also escorted
3 out?

4 A That's correct. I was right there in front of the
5 house when the all clear was given to assist with
6 anything that needed to happen from the outside.

7 Q Why do you have the policy that when you go in, no
8 matter who is in the house, you handcuff everyone in
9 the house until you can make a further determination?

10 A We rely heavily on intelligence, but you just never
11 know the situation on the inside. So for the
12 officers' safety and the safety of others, everyone
13 is detained and handcuffed appropriately and advised
14 of why they're being detained. And it's usually
15 because of officer safety issues. We want to make
16 sure that -- there could be a number of different
17 reasons why -- ~~I think Investigator James Abraham~~
18 ~~gave some examples of, you're just not sure who is in~~
19 ~~there.~~ So we want to make sure everyone stays safe.
20 So everyone is secured.

21 Q And that's your policy in every situation?

22 A Every situation.

23 Q And as soon as the victim is brought outside, she was
24 unhandcuffed?

25 A That's correct. It was ascertained that she was the

1 fired approximately 4:55, 4:56?

2 ~~A~~ They were hearing loud noises, but I'm writing down
 3 what they're saying. Yes, sir.

4 Q That was approximately 4:55, 4:56?

5 A Yes. But it says 16:55, 56 and 57. Yes, sir.

6 Q That's military time.

7 A I'm sorry. I'm sorry. Yes, sir. It's 4:55, 56, 57
 8 in the afternoon. I apologize.

9 Q And another loud noise could have been a shot around
 10 6:00? 6:04? Would that be fair to say?

11 ~~A~~ I need to look back to see. It said: "Reported one
 12 shot, was here prior to last deployment of gas."
 13 That was what was reported. Yes, sir.

14 Q Around 6:00?

15 A Yes, sir.

16 Q And you also noted that around 6:47 that EMS was
 17 responding to the victim?

18 ~~A~~ That's what was reported on the radio. Yes, sir.

19 Q There's no report on the radio that EMS responded to
 20 Mr. Ashford, to the suspect?

21 ~~A~~ Nothing that was requested on the radio. Yes, sir.

22 Q No report of that?

23 A On the radio; no, sir. I'm only hearing what's on
 24 the radio.

25 Q And the next day you went in -- I think one of the

1 places you went to were the washroom when you were
2 photographing the trailer?

3 A I have to go through because you're skipping around.
4 Hold on one second, sir. You're talking about
5 photographing --

6 Q Yeah.

7 A -- or what was your question?

8 Q One of the areas of the trailer you photographed was
9 the washroom?

10 A Okay. I photographed the whole area. But hold on.
11 What was your question? I'm sorry.

12 Q One of those areas was the washroom, correct?

13 A Okay.

14 Q And the washroom has I think two mops in it?

15 A Yes, sir.

16 Q And didn't it have two hats in there as well as the
17 two mops?

18 A I'd have to look at the photographs, sir.

19 Q Okay. But the reason why you were interested in this
20 washroom, one of the reasons why you were interested
21 in this washroom was that there was a report that the
22 suspect had used these mops. Would that be fair to
23 say?

24 A I didn't interview him. I wouldn't know.

25 Q But you made a notation in your report that the mops

1 ~~Q~~ And he was one of the residents of that location?

2 ~~A~~ ~~Yes, I did.~~

3 **MR. O'NEIL:** Beg the Court's indulgence. No
4 further questions, Your Honor.

5 **THE COURT:** Redirect.

6 REDIRECT EXAMINATION

7 **BY MS. CAMPBELL**

8 **Q** Just a couple of questions. He asked you about the
9 log that you wrote down about some chatter on the
10 radio?

11 **A** Yes.

12 **Q** Did you hear any gunshots that afternoon?

13 ~~A~~ ~~No.~~ Well, ~~yes~~, I did hear some.

14 **Q** And when did you here a gunshot that afternoon?

15 **A** I heard a gunshot that afternoon shortly after I took
16 the scene as incident commander. And that would have
17 been approximately 1:00, between 12:45 and 1:00.

18 **Q** Approximately? Could it have been a little later?

19 **A** Probably -- I got there and I took the scene about
20 12:45. So within 30 minutes I guess of arriving
21 there. There's a guestimate.

22 ~~Q~~ A guestimate. ~~And during the course of the rest of~~
23 ~~that afternoon, did you hear any more gunshots out~~
24 ~~there?~~

25 ~~A~~ ~~No, I did not.~~

1 Q But were you aware that they were launching tear gas
2 into the --

3 ~~A Yes, I was.~~

4 Q And the time periods he went over with you where he
5 talks about these gunshots, that's the same time
6 period?

7 A Yes, it is.

8 Q And, in fact, could someone maybe initially on the
9 radio say gunshots when in fact it's them launching
10 tear gas?

11 A Yes.

12 Q And you don't have any other reports from anywhere
13 else of any gunshots later that afternoon after the
14 first ones you heard?

15 A No, ma'am.

16 Q He talked to you about projectiles. You explained
17 about how you looked in the house and looked for
18 projectiles. And you weren't even able to recover

19 the one in the chair. Is that correct?

20 A That is correct.

21 Q And that's not unusual?

22 A No, ma'am.

23 Q And as far as if someone is shooting into a tree line
24 through the woods, it's whizzing past, would you
25 think there is any likelihood you'd be able to

1 Q And her complaints were basically that she had been
2 cut. I believe she said she had a headache?

3 A Yes.

4 Q And her chief complaint was the sexual assault?

5 A Yes.

6 Q The rape. Just for the record, I believe -- and this
7 is a copy of your call sheet. It indicates what time
8 you departed the scene that night?

9 A Yes. At 13:11.

10 Q When you departed the scene. The second from the
11 bottom.

12 A Yes, ma'am. I'm sorry. 19:07.

13 Q And that's military time. That would be 7:07 that
14 evening?

15 A Yes.

16 Q What time did she actually arrive at the hospital?

17 A At 19:16.

18 Q And that's when you would have turned her over to
19 emergency personnel at the hospital?

20 A Yes.

21 Q Thank you, ma'am.

22 THE COURT: Cross examination.

23 MS. SINGLETARY: Thank you, Your Honor.

24 CROSS EXAMINATION

25 BY MS. SINGLETARY

1 ~~reported to you?~~

2 **MS. SINGLETARY:** Objection, Your Honor.

3 **THE COURT:** Overruled.

4 **Q** Was her demeanor consistent with what she reported to
5 you?

6 **A** ~~Yes. It appeared so.~~

7 **Q** And upon transporting her to the hospital, I believe
8 you take blood pressure and pulse and things of that
9 nature?

10 **A** Yes.

11 **Q** And in this case I believe you also gave her some
12 oxygen?

13 **A** ~~Yes. And I put her on our cardiac monitor.~~

14 **Q** And what's the purpose in that?

15 **A** ~~She had been exposed to the possible tear gas and her~~
16 ~~heart rate was elevated. So as a precaution I put~~
17 ~~her on a cardiac monitor and gave her oxygen.~~

18 **Q** And were you able to transport her to the hospital?

19 **A** Yes.

20 **Q** At that point, because she gets to the hospital;
21 specifically to the emergency room, you wouldn't do
22 any further examination of her at that point?

23 **A** No. Unless she had a specific physical complaint of,
24 say, she said her leg hurt, then I would maybe expose
25 her leg.

1 Q Just briefly, Ms. Cook. And again, I asked you some
2 questions earlier. And you stated that when you all
3 go out to a scene you rely on what this person tells
4 you?

5 A Yes.

6 Q You don't have any personal knowledge of what
7 actually occurred?

8 A No.

9 Q And on that date was Ms. Simmons the only person you
10 actually attended to?

11 A Yes. She was my only patient.

12 Q And you placed her on the cardiac, you say monitor?

13 A Yes, ma'am. Cardiac monitor.

14 Q And you placed her on that because she was exposed to
15 tear gas?

16 A Yes. And she had an elevated heart rate.

17 MS. SINGLETARY: I have no further questions.

18 THE COURT: Redirect?

19 MS. CAMPBELL: No, sir. May she be excused?

20 MS. SINGLETARY: Certainly, Your Honor. Without
21 objection.

22 THE COURT: Yes, ma'am. You may come down. No,
23 ma'am. Thank you. You're excused from this trial.
24 Next witness.

25 MS. CAMPBELL: The State calls Linda Morphis.

1 LINDA MORPHIS, after being duly sworn, testifies
2 as follows:

3 **THE CLERK:** Please have a seat. State your full
4 name for the record.

5 **THE WITNESS:** My name is Linda Morphis.

6 DIRECT EXAMINATION

7 **BY MS. CAMPBELL**

8 **Q** Ms. Morphis, where are you employed?

9 **A** I am a sexual assault nurse examiner on call for
10 Richland Memorial and Baptist Hospitals. I'm an
11 adjunct professor at USC College of Nursing. And I
12 direct the public education at the American Cancer
13 Society.

14 **Q** And are you actually a registered nurse yourself?

15 **A** Yes.

16 **Q** And how long have you been a registered nurse?

17 **A** I've been a registered nurse since 1968 and a woman's
18 health nurse practitioner since 19 -- goodness -- 25
19 years. Whatever date that is.

20 **Q** Twenty-five years?

21 **A** Yes.

22 **Q** You mentioned first that you're an on call sexual
23 assault nurse examiner. Explain to the jury what
24 that means.

25 **A** That is a registered nurse with additional education

1 told them to give me five minutes. And when I told
2 them that, I got up and I went to the front window
3 and I opened the curtains up so they could see me. I
4 seen all these little red lights and pointed on me
5 and stuff like that. They didn't shoot me.

6 So when I went back, I said, "Debbie Ann," I
7 said, "I'm going to go out. They didn't shoot me
8 just now." About the time I said that, I just heard
9 a big old bang at the front door. And so I just got
10 down on the floor when I heard that. I just got down
11 on the floor like this here.

12 So when they came in, I guess they were looking
13 for me to be up top. They was almost stepping on me
14 before they saw me. And then they saw me. I done
15 put my hands behind my back and stuff like that. So
16 by that time one of them had already grabbed me, put
17 me in handcuffs.

18 Q Now, at this point were you suffering from any
19 effects from tear gas?

20 A Yes, I were.

21 Q What was that?

22 A My eyes had swolled (sic) up. My nose was running.
23 And, to be honest with you, man, my head felt like it
24 was that big, you know. Yeah. I just felt real bad.

25 Q Now, when they took you out of the house, did they

1 money from them", just like that. And so that was
2 the end of that conversation. So, with that, I
3 didn't think no more of it. So, --

4 Q Now, at this point were the lights still on, or --

5 A Well, at that point they were. And shortly after
6 that the lights got turned off.

7 Q And what happened after the lights got turned off?

8 A It started getting dark in the house. And Debbie Ann
9 said something like, she said, "I've got to go to the
10 bathroom." And so I was sitting on the floor in the
11 corner. So she got up and she went in the bedroom.
12 So about I'd say 15, 10 or 15 minutes later, it was
13 getting darker and darker. So I got up. I was
14 getting me some more water for my face.

15 And so when I went and walked to the laundry
16 room, Debbie Ann was sitting on the sink. When she
17 seen me, she was looking, peeping out part of the
18 bedroom and she told me to get down. So, you know,
19 so I didn't go no farther into the room or anything
20 like that. So I went into the washroom. And when I
21 went in the washroom I got some water and put on my
22 face. So she was in the bathroom.

23 And at that point the phone rang and they
24 called, and I told them that I would -- I would --
25 you know, I would come out in about five minutes. I

1 send you to EMS, get any treatment?

2 A No. When they took me out of the house, right in
3 front of the door they stopped and brought Debbie Ann
4 out. And someone told them to take the handcuffs.
5 Debbie Ann said, "What am I being arrested for? I
6 didn't do anything." And so somebody said, "Take the
7 handcuffs off of her." So when they took the
8 handcuffs off of her, they said, "Take him on." So
9 they walked me on to the car, put me inside the car.

10 Q And where did you go from there?

11 A Then they took me straight from there to
12 headquarters. I guess that's their headquarters,
13 somewhere off Two Notch Road.

14 Q Do you remember who you talked to there?

15 A Yes, I do.

16 Q You spoke with Investigator Barnes I think?

17 A Yes. That's correct.

18 Q Now, I'm going to show you what's been marked as
19 State's Exhibit No. 1. Now, do you remember
20 Investigator Barnes giving you what's called your
21 Miranda rights?

22 A No, sir.

23 Q Do you remember Investigator Barnes going over with
24 you those rights in a written form like in State's
25 Exhibit No. 1?

1 A No, sir.

2 Q Is your signature on State's Exhibit No. 1?

3 A No, sir.

4 Q Do you remember signing an advice of rights?

5 A I remember signing some papers and I remember him
6 telling me somewhat I guess the name of them. I
7 can't recall if he told me the actual name of them or
8 not. And I couldn't see because my eyes was -- I
9 couldn't see anyway. So I just did as he asked me to
10 do.

11 Q Were you understanding the conversations you had with
12 Investigator Barnes?

13 A Well, yes. I understood, you know, a little bit of
14 it. But I was disoriented. I really didn't -- I
15 really didn't realize a lot of the stuff he was
16 probably saying to me. No.

17 Q Now, I'm also showing you what's been marked State's
18 Exhibit No. 2. That's your statement Investigator
19 Barnes said you gave to them on that particular day?

20 A I did not.

21 Q Now, have you had the opportunity to review that
22 statement --

23 A I have.

24 Q -- at this point?

25 A I have. And I did not give them that statement.

1 **A** Okay.

2 **Q** Throughout the duration of this time, the police was
3 shooting tear gas in there?

4 **A** Mm-hmm (affirmative).

5 **Q** Into your home?

6 **A** Yes, ma'am.

7 **Q** And you said that Mr. Ashford had on a jacket?

8 **A** ~~A brown leather jacket with black stuff in the front~~
9 ~~inside of it.~~

10 **Q** ~~At any point did anything happen to that jacket?~~

11 **A** Ma'am, after that man destroyed my house and me, I
12 don't know what happened to nothing.

13 **Q** So you don't know what happened to nothing?

14 **A** No. All my stuff got messed up, too, in it.

15 **Q** And part of that was because of the tear gas they
16 threw in there?

17 **A** Yes, ma'am.

18 **Q** And you went to the hospital?

19 **A** Yes.

20 **Q** And you were seen by a nurse?

21 **A** Yes.

22 **Q** And you were asked several questions by that nurse?

23 **A** Say that again?

24 **Q** The nurse asked you a lot of questions, didn't she?

25 **A** Yeah. Yes.

1 A He told the police, "You all back off from me and
2 I'll let her go."

3 Q Okay. Beg the Court's indulgence, Your Honor. You
4 also stated during direct examination that you were
5 told by Mr. Ashford that he had just killed two
6 people?

7 A Yes, he did.

8 Q But you found out that no one was killed?

9 A I don't know. He's claiming, he said he just killed
10 two people on North Main.

11 Q No. What I'm saying is that now, today, you know
12 that --

13 A Wasn't no one killed?

14 Q And shortly after you got out of the home you knew
15 that no one was killed?

16 A Yeah. I thought he killed two people; well, I must
17 have been next.

18 Q Well, what I'm saying is afterwards. Not while you
19 were in there, but afterwards you found out that two
20 people weren't killed?

21 A You're right.

22 Q All right. And what was the duration of time the
23 police were -- are you okay, or do you need a break?

24 A Yeah. I'm okay.

25 Q I'll try to speed it up.

1 for five or so minutes.

2 (Whereupon, a break is taken)

3 **THE COURT:** Any objection to the jury form?

4 **MR. O'NEIL:** No, Your Honor.

5 **MS. CAMPBELL:** No, sir.

6 **THE COURT:** Bring the jury.

7 ~~(Jury in at 4:02 p.m.)~~

8 **THE BAILIFF:** Your Honor, the jury is present.

9 **THE COURT:** All right. Thank you, ladies and
10 gentlemen. All right, ladies and gentlemen. Now
11 you've heard all the testimony in this case. You'll
12 take with you to the jury room all of the evidence
13 that there is in the case that's been introduced.
14 You've heard everything there is to see and hear.
15 You've heard the arguments of both the State and the
16 Defendant, and I'll now explain the law to you as it
17 applies to this case.

18 Now, I'll remind you that under our ~~constitution~~
19 ~~and Code of Laws~~ only the jury ~~can make findings of~~
20 ~~fact in this case.~~ I am not permitted to indicate to
21 you how I might feel about the facts. So if I've
22 said or done anything in this case which would
23 indicate to you that I have an opinion concerning the
24 facts of this case, you must disregard that. This
25 jury must independently weigh the evidence presented

1 and you consider the evidence in this case, you will
2 reach a verdict that does speak the truth. It comes
3 from the Latin phrase "veredicto", to speak the
4 truth; and that you will find him guilty of each of
5 these indictments individually, guilty as charged.
6 Thank you.

7 **THE COURT:** All right, ladies and gentlemen. It
8 now becomes my responsibility to explain to you the
9 law of the State of South Carolina as it applies to
10 this case. But before I do that, let me ask; this
11 will take about 30 minutes, would you like to take a
12 short break? I've got a lot of yesses. Let's take
13 about five minutes. Well, I don't know if every --
14 you know --

15 **FOREPERSON:** There's two restrooms in there.
16 We're all right.

17 **THE COURT:** I've always had a problem figuring
18 out how long it would take 14 people to relax. I'll
19 tell you what. You knock on the door when you're
20 ready and we'll be ready. Don't discuss the case
21 among yourselves while you're in the jury room.

22 ~~(Jury out at 13:45 p.m.)~~

23 **THE COURT:** Counsel, this is the verdict form on
24 the CSG first. I'll have you take a look at it and
25 see if you have any objections. We'll stand at ease

1 doubt and find him not guilty.

2 Now, generally there are two types of evidence
3 which has been described to you that are generally
4 presented during a trial, direct evidence and
5 circumstantial evidence. Direct evidence -- and we
6 ~~probably had both in this case.~~ Direct evidence is
7 the testimony of a person who claims to have actual
8 knowledge of a fact, such as an eye witness. It is
9 evidence which immediately establishes the main fact
10 to be proved.

11 Circumstantial evidence, on the other hand, is
12 proof of a series or chain of facts and circumstances
13 indicating the existence of some fact. It is
14 evidence which immediately establishes collateral
15 facts from which the main fact may be inferred.
16 Circumstantial evidence is based on inference and not
17 on personal knowledge or personal observation.

18 Circumstantial evidence is permissible provided
19 to the extent that the state relies upon
20 ~~circumstantial evidence to prove the elements of the~~
21 ~~crime, it must prove all of the circumstances relied~~
22 ~~upon beyond a reasonable doubt. They must be wholly,~~
23 ~~and in every particular perfectly consistent with one~~
24 ~~another and they must point conclusively and beyond a~~
25 ~~reasonable doubt to the guilt of the accused.~~

1 cause a reasonable person to hesitate to act. Let me
2 repeat that. A reasonable doubt is the kind of doubt
3 that would cause ~~a reasonable person to hesitate to~~
4 ~~act~~. The State has the burden of proving the
5 Defendant guilty beyond that reasonable doubt.

6 Some of you may have served as jurors in civil
7 cases where you were told it is only necessary to
8 prove that a fact is more likely true than not true,
9 such as by the greater weight or preponderance of the
10 evidence. ~~In criminal cases, however, the State's~~
11 ~~proof must be more powerful than that. It must be~~
12 ~~beyond a reasonable doubt.~~

13 Proof beyond a reasonable doubt is proof that
14 leaves you firmly convinced of the Defendant's guilt.
15 ~~The State must meet its burden as to each of the~~
16 ~~elements charged. There are very few things in this~~
17 ~~world we know with absolute certainty, and in~~
18 ~~criminal cases the law does not require proof that~~
19 ~~overcomes every possible doubt.~~

20 If, based on your consideration of the evidence,
21 you are firmly convinced that the Defendant is guilty
22 of the crimes charged, you must find the Defendant
23 guilty. On the other hand, if you think there is a
24 real possibility that the Defendant is not guilty,
25 then you must give the Defendant the benefit of the

1 have a pleasant evening. Again don't discuss the
2 case among yourselves when you return to the jury
3 room or with anyone else over the evening hours. See
4 you at 9:00 in the morning.

5 ~~(Jury out at 4:24 p.m.)~~

6 **THE COURT:** All right, counsel. While we have a
7 few minutes -- and I'll take your matter up in a
8 moment -- I'm interested in whether the State or
9 defense has any requests to charge.

10 **MR. O'NEIL:** I do, Your Honor.

11 **THE COURT:** All right.

12 **MS. SINGLETARY:** Your Honor, may we approach?

13 **THE COURT:** Sure.

14 (Documents handed to the Court)

15 **MS. SINGLETARY:** Your Honor, what I just handed
16 up to you is actually the defenses' requests, the
17 charge, the jury instructions. A lot of the jury
18 instructions is that we handed up are in your actual
19 general instruction.

20 **THE COURT:** All right.

21 **MS. CAMPBELL:** I hope so.

22 **THE COURT:** I'll review these. You could have
23 just given me the book.

24 **MS. SINGLETARY:** Your Honor, my clerk brought
25 them in.

1 **THE COURT:** That's all right. Well, let me ask
2 you this. Are you requesting any lesser-included
3 charges? That's a primary concern to me.

4 **MS. SINGLETARY:** Yes, Your Honor. We are
5 actually requesting ABHAN.

6 **THE COURT:** Now, wait a minute. You're going to
7 have to tell me which indictment you're referring to.

8 **MS. SINGLETARY:** We are actually referring to
9 the CSC indictment, Your Honor. And that would be
10 the indictment ending 1940.

11 **THE COURT:** All right. Okay. Just ABHAN?

12 **MS. SINGLETARY:** Yes, Your Honor. Your Honor,
13 that would be all the lesser's that we are asking
14 for.

15 **THE COURT:** Okay. Ms. Campbell, assuming you
16 have not, nor have I, read all of these, does the
17 State have any objection to a charge of assault and
18 battery of a high and aggravated nature as a
19 lesser-included charge of criminal sexual conduct in
20 the first degree?

21 **MS. CAMPBELL:** I'd have to review the law, Your
22 Honor. But based on the testimony that's so far in
23 the record, now the statement is not in yet; but the
24 Defendant in his own statement says that they had
25 sexual relations, just that it was consensual.

EXHIBIT'S - B.

CONTAMINATION OF CRIME SCENE EVIDENCE

State's Exhibit's # 102 Green Jacket

Affidavit of James D. Truitt

Johnson Petition For Writ of Certiorari



STATE'S EXHIBIT
102



STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

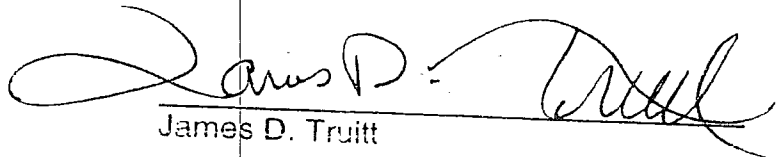
AFFIDAVIT OF JAMES D. TRUITT

Personally appeared before me JAMES D. TRUITT who, being first duly sworn, deposes and says:

"I, James D. Truitt, am the Court Administrator for the Richland County Clerk of Court. I have held this position for sixteen (16) years. One of my duties is to securely maintain the physical evidence introduced in all criminal trials held by the Fifth Judicial Circuit Court of General Sessions in Richland County.

On January 6, 2015, I received a request from Defendant's counsel, David Belding, asking whether I still had possession of State's Exhibit #102 in the trial of *State vs. Randolph Ashford* (Indictment Nos.: 2007-GS-40-02000/02048). I have looked through the entire box of physical evidence from this trial and the "green jacket" Mr. Belding requested is not in the box. I am attaching a copy of the *Receipt for Exhibits* prepared at the trial which indicates that State Exhibit #102 was not a jacket but a photograph. I have looked at Exhibit #102 and it is a photograph of a green jacket from the crime scene. Therefore, this office does not have the jacket requested for DNA testing."

Further Affiant sayeth not.


James D. Truitt

SWORN TO AND SUBSCRIBED
before me this 7 day of January 2015.

 (L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 12/20/2017

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Richland County

Robert E. Hood, Circuit Court Judge

RECEIVED

MAR - 2 2016

SC SUPREME COURT

RECEIVED

MAR 02 2016

SC Court of Appeals

RANDOLPH ASHFORD,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2015-001268

JOHNSON PETITION FOR WRIT OF CERTIORARI

TIFFANY L. BUTLER
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1343

ATTORNEY FOR PETITIONER

INDEX

INDEX.....	1
ISSUE PRESENTED.....	2
STATEMENT OF FACTS	3
ARGUMENT	7
CONCLUSION	9
PETITION TO BE RELIEVED AS COUNSEL.....	10

ISSUE PRESENTED.

Did the lower court err by denying Petitioner's application for forensic DNA testing pursuant to S.C. Code Ann. § 17-28-90 where the court made no specific findings of fact and did not expressly state its conclusions of law in the order denying Petitioner's application for forensic DNA testing?

STATEMENT OF FACTS

On April 18, 2007, the Richland County Grand Jury indicted Petitioner for first degree burglary, three counts of assault with intent to kill (AWIK), and first degree criminal sexual conduct. App. 998 – 1000. On May 23, 2007, Petitioner was indicted for kidnapping and three counts of carjacking from the same set of facts. App. 1000 – 1021. On March 31, Petitioner's case proceeded to a jury trial before the Honorable G. Thomas Cooper, Jr. App. 1. Deon O'Neil and Nicole Singletary represented Petitioner. Kathryn Luck Campbell and Will Bryant represented the State. App. 1.

According to the State, on the afternoon of February 24, 2007, Petitioner committed a series of carjackings in Columbia, South Carolina, which led him to the home of Deborah Simmons. App. 227. Simmons testified that Petitioner called her repeatedly from 12:00 a.m. until 4:00 a.m. during the morning of the alleged incident looking for Roberta Neil, Petitioner's girlfriend. App. 346, ll. 7 – 9. Simmons told Petitioner that Neil was not at the home and asked him to stop calling. App. 346, ll. 7 – 9.

Simmons claimed that Petitioner forced his way into her home and held Simmons and her grandchildren hostage at gunpoint. App. 340. The grandchildren were eventually allowed to leave the home. App. 340 – 341. Simmons stated that Petitioner repeatedly asked her where was Roberta Neil. App. 348, ll. 5 – 6.

Simmons stated that Petitioner barricaded the front door with furniture. App. 352 – 353. She also asserted that Petitioner sexually assaulted her while holding her hostage. App. 353 – 354. Richland County officers testified that gunshots were fired from the front bedroom window. After a nearly eight-hour standoff, Petitioner and Simmons were escorted out of the residence by police. App. 356, ll. 9 – 10.

During a search of the residence, police discovered a green jacket lying on the bed in the bedroom where the gunshots allegedly came from. App. 624, l. 25 – App. 625, l. 3. There were witnesses who testified that Petitioner was wearing a green jacket. App. 196 – 203. However, Petitioner denied wearing a green jacket on the day of the alleged incident. App. 791 – 792. Petitioner explained that he had been taking pain medication from his doctor for pain in his arm. App. 785, ll. 2 – 5. Petitioner could not remember the name of the pain medication but stated that it made him drowsy. App. 785, ll. 6 – 9.

Petitioner recalled that at around 11:00 a.m. on the day of the incident, he had taken his pain medication because his arm was hurting. App. 792, ll. 14 – 16. The next thing Petitioner remembered after taking his medication was walking through the parking lot of the Wash World on Main and Prescott streets in Columbia, South Carolina. App. 173, ll. 1 – 3. Petitioner admitted driving away in someone else's car but could not recall why. App. 793, ll. 9 – 25. Petitioner then drove to Simmons' house to look for his girlfriend, Neil, who was not answering Petitioner's phone calls. App. 796, l. 23 – App. 797, l. 4. Petitioner testified that the sex with Simmons was consensual. App. 805, l. 9 – App. 806, l. 13.

Petitioner was found guilty and sentenced to ten years' imprisonment for each count of AWIK, sixteen years' imprisonment for one count of carjacking, and ten years' imprisonment for the remaining two counts of carjacking, all to run concurrently to each other. App. 990 – 998. That sentence was to be followed consecutively by concurrent twenty year terms of imprisonment for kidnapping and first-degree burglary. App. 990 – 998.

Petitioner appealed his convictions and sentences. A brief was filed pursuant to the procedure in Anders v. California, 386 U.S. 738 (1967), by Deputy Chief Appellate Defender Wanda H. Carter. The South Carolina Court of Appeals dismissed Petitioner's appeal by order

dated January 25, 2012. See State v. Ashford, 2012-UP-035 (S.C. Ct. App. filed January 25, 2012).

The remittitur was issued on February 15, 2012.

On April 23, 2013, Petitioner filed an application for post-conviction forensic DNA testing. App. 955. Respondent filed its response on July 18, 2013, requesting that Petitioner's application be denied. App. 961. An evidentiary hearing was held on January 5, 2015 before the Honorable Robert E. Hood. App. 965. David Belding represented Petitioner. Joanna McDuffie represented the State. App. 965.

Counsel for Petitioner explained to the court that Petitioner requested that a green jacket located at the scene of the burglary be tested "for DNA and any physical evidence related to DNA matter." App. 968, ll. 19 – 20. Counsel explained that the State alleged Petitioner committed several carjackings where he ended up at the victim's mobile home. App. 968, l. 23 – App. 969, l. 1. Petitioner then held the victim hostage in her home for several hours. App. 969. Counsel stated that Richland County deputies who responded to the home claimed that shots were fired from a bedroom window. App. 969.

After Petitioner was escorted from the home with the alleged victim and was arrested, officers searched the home and found a green jacket lying on the bed in the room from which they heard gunshots. App. 969, ll. 16 – 25. Counsel stated that Petitioner asked his trial attorneys to have the green jacket tested for Petitioner's DNA. App. 970, ll. 1 – 8. Counsel explained that "[n]o one actually testified that they saw [Petitioner] go in that room." App. 971, ll. 5 – 8. The solicitor referenced the green jacket in her closing argument as circumstantial evidence that Petitioner was in the bedroom in question. App. 970, l. 15 – App. 971, l. 4. However, Petitioner contended that his DNA would not have been found on the jacket.

If Petitioner's trial attorneys had gotten the green jacket DNA tested, they could have used the test results for Petitioner's defense at trial. App. 974. Counsel asserted that if the green jacket had been tested and Petitioner's DNA was not found on the jacket, it would not have been circumstantial evidence which placed Petitioner at the crime scene. App. 974, l. 23 – App. 975, l. 5.

On January 5, 2015, the judge issued an order of dismissal denying Petitioner's application. App. 989. The judge wrote that "the green jacket in question was not available for testing." App. 989. The judge further wrote that the "green jacket was not made an exhibit at trial and thus, was not in the possession of the Clerk's office." App. 989. The judge found that there was a "lack of sufficient factual cause for the motion." App. 989.

ARGUMENT

The lower court erred by denying Petitioner's application for forensic DNA testing pursuant to S.C. Code Ann. § 17-28-90 where the court made no specific findings of fact and did not expressly state its conclusions of law in the order denying Petitioner's application for forensic DNA testing.

Pursuant to S.C. Code Ann. Section 17-28-30 of the Access to Justice Post-Conviction DNA Testing Act (DNA Testing Act), a person who pled not guilty to criminal sexual conduct in the first degree, *inter alia*, was subsequently convicted of, is currently incarcerated for the offense, and asserts he is innocent of the offense "may apply for forensic DNA testing of his DNA and any physical evidence or biological material related to his conviction or adjudication." The application for forensic DNA testing "must be heard in, and before a judge of, the general sessions court or family court in which the conviction or adjudication took place." S.C. Code Ann. §17-28-90(A).

A court "shall order DNA testing of the applicant's DNA and the physical evidence or biological material upon a finding that the applicant has established each of [seven] factors by a preponderance of the evidence." S.C. Code Ann. §17-28-90(B) (1-7).

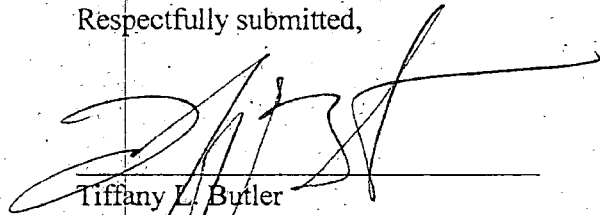
However, when "the court is satisfied, on the basis of the application, the responses, or the motion of the solicitor . . . that the applicant is not entitled to DNA testing and no purpose would be served by any further proceedings, it may indicate to the applicant and the solicitor . . . its intention for summarily dismiss the application and its reasons for so doing." S.C. Code Ann. §17-28-50(C). "The court shall make **specific findings of fact and expressly state its conclusions of law.**" S.C. Code Ann. §17-28-50(C) (emphasis added).

Here, there are no specific findings of fact or conclusions of law made by the lower court in its assessment of whether Petitioner had met his burden of proving whether he was entitled to additional DNA testing. See Marlar v. State, 375 S.C. 407, 653 S.E.2d 266 (2007) (holding that in a post-conviction relief proceeding, the judge must make specific findings of fact and state expressly the conclusions of law relating to each issue presented). The lower court did not abide by the statutory provisions of the DNA Testing Act which deprived Petitioner of his right to counsel and to have a fair assessment of his application for forensic DNA Testing.

CONCLUSION

For the reasons argued above, Petitioner Randolph Ashford respectfully requests this Court to grant his petition for writ of certiorari with the ultimate relief of a new hearing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Butler', is written over a horizontal line.

Tiffany L. Butler
Appellate Defender

ATTORNEY FOR PETITIONER

This 2nd day of March, 2016.

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CERTIORARI TO RICHLAND COUNTY
ROBERT E. HOOD, CIRCUIT COURT JUDGE

RECEIVED

MAR 02 2016

SC Court of Appeals

RANDOLPH ASHFORD,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2015-001268

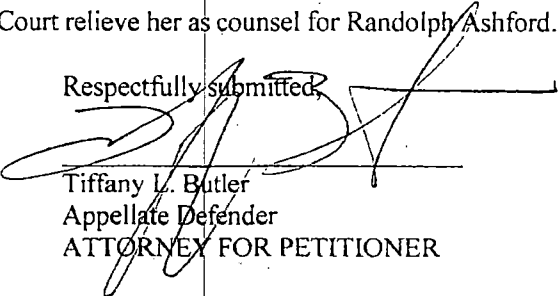
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Randolph Ashford states:

1. She is an Appellate Defender for the South Carolina Office of Appellate Defense and was appointed to represent petitioner.
2. She has reviewed the records and transcript of petitioner's post-conviction relief hearing which was held on January 5, 2015. In her opinion seeking certiorari from the order of dismissal is without merit.
3. She has, pursuant to Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988), briefed the one arguable legal issue which arose during the post-conviction relief process.

Therefore, counsel requests that the Court relieve her as counsel for Randolph Ashford.

Respectfully submitted,


Tiffany L. Butler
Appellate Defender
ATTORNEY FOR PETITIONER

This 2nd day of March, 2016

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Richland County

Robert E. Hood, Circuit Court Judge

RANDOLPH ASHFORD,

V.

STATE OF SOUTH CAROLINA,

APPELLATE CASE NO. 2015-001268

CERTIFICATE OF SERVICE

I certify that a true copy of the Johnson petition for writ of certiorari and a copy of the appendix in this case have been served on Clay Mitchell, Esquire and Randolph Ashford, #256638, at Perry Correctional Institution this 2nd day of March, 2016.

Tiffany L. Butler
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 2nd day
of March, 2016.

Mark M. M. M. (L.S.)
Notary Public for South Carolina
My Commission Expires: July 2, 2023.

RECEIVED

MAR - 2 2016

SC SUPREME COURT

RECEIVED

PETITIONER, MAR 02 2016

SC Court of Appeals

EXHIBIT'S - C.

CONTAMINATION OF CRIME SCENE EVIDENCE

State's Exhibit's - 57

State's Exhibit's - 58

State's Exhibit's - 60

State's Exhibit's - 61

State's Exhibit's - 62



CM

4

5





EXHIBIT'S - D.

APPELLANT / DEFENDANT

Supplemental Report, Pages - 1 of 2

Photograph of Marker 1, Cap

051185

☒ SUPPLEMENTAL REPORT

☐ ADDITIONAL VICTIMS

☐ ADDITIONAL STOLEN PROPERTY

PAGE 1 OF 2

☐ ADDITIONAL RECOVERED PROPERTY

ORIGINAL INCIDENT TYPE

CARJACKING

KIDNAPPING

ORIGINAL INCIDENT

DATE 02-24-2007

TIME 1230

ORIGINAL INCIDENT LOCATION

5700 RANDALL ST. COLUMBIA, SC. 29203

NAME OF COMPLAINANT

TAYLOR, BARRY

LOCATION NO

101

SUSPECTS NAME

SHIFORD, RANDOLPH

RACE

SEX

DATE OF BIRTH

AGE

B

M

09-07-1965

41

HEIGHT

WEIGHT

HAIR

EYES

3 MUR STREET LOT = 9, COLUMBIA, SC. 29203

ON 02-24-2007, REPORTING OFFICER RESPONDED TO 5820 PRESCOTT ROAD, PARKING LOT OF WASH WORLD, AND PROCESSED THE FOLLOWING VEHICLE TAKEN FROM 5700 RANDALL ST.:

VEHICLE: 1985, OLDSMOBILE, DELTA 88, BLUE IN COLOR, SOUTH CAROLINA TAG NUMBER: 583-WAN.

R/O LIFTED 2 IDENTIFIABLE PRINTS FROM THE EXTERIOR OF DRIVERS FRONT BROKEN DOOR GLASS.

R/O FOUND NO WEAPON(S) IN LISTED VEHICLE.

R/O COLLECTED ELIMINATION PRINTS FROM THE ORIGINAL DRIVER MR. BARRY TAYLOR.

R/O COMPARED THE LIFTED PRINTS TO THAT OF MR. BARRY TAYLOR RESULTING IN A MATCH.

PRINTS WERE PLACED IN LATENT FINGERPRINT FILE.

REPORTING OFFICER THEN RESPONDED TO THE 2100 BLOCK OF CUSHMAN ROAD, TO PHOTOGRAPHED AND

ROCESSED THE FOLLOWING VEHICLE: 1996, LINCOLN, TOWN CAR, SOUTH CAROLINA TAG NUMBER: 752-VRE,

BRONZE IN COLOR.

R/O FOUND NO IDENTIFIABLE PRINTS ON LISTED VEHICLE.

R/O COLLECTED THE FOLLOWING ITEM LEFT BY SUSPECT:

EACH: CAP, BROWN IN COLOR. COLLECTED FROM THE FRONT DRIVERS SEAT. R/O PLACED CAP IN EVIDENCE ROOM.

R/O TOOK PHOTOGRAPHS AS FOLLOWS: MARKER # 1: CAP ON DRIVERS FRONT SEAT, MARKER # 2: STREET WARNING

IGN, MARKER # 3: YELLOW IN COLOR GUIDE WIRE COVER FROM POLE # C-5774, MARKER # 4: CURB DAMAGE 2100

LOCK OF CUSHMAN ROAD WEST BOUND. MARKER # 5: DAMAGE TO ELECTRIC POLE # C-5774.

REPORTING OFFICER THEN RESPONDED TO THE 2100 BLOCK OF CUSHMAN ROAD, PARKING LOT OF GILL CREEK

MURCH TO PHOTOGRAPHED AND PROCESSED THE FOLLOWING VEHICLE: 1996, LINCOLN, TOWN CAR, SOUTH

CAROLINA TAG NUMBER: 1000, CHEVROLET, TAHOE, SOUTH CAROLINA TAG NUMBER: 238-UFL, WHITE IN COLOR.

R/O FOUND NO IDENTIFIABLE PRINTS ON LISTED VEHICLE.

R/O TOOK PHOTOGRAPHS OF LISTED VEHICLE.

SUBMIT CENTRED

SUBJECT LOCATED

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SET, K. SCOTT

DATE

02-24-2007

FOLLOWUP

02-24-2007

REPORT

DAVE WILLIAMS

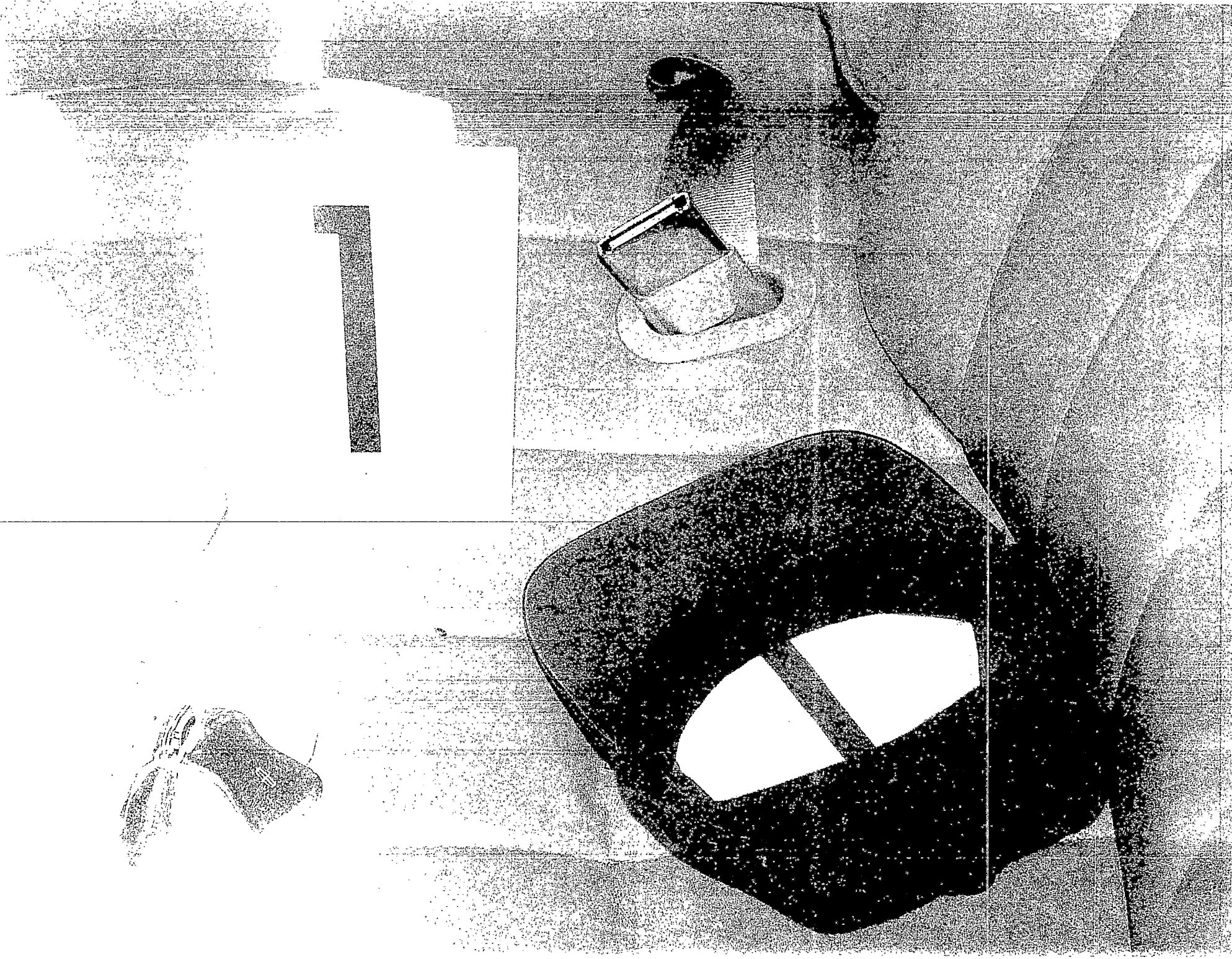
RECORDS

SLIP

INVESTIGATIONS

DISTRICT

FORWARD





EXHIBIT'S - E.

PLEAS TAKE JUDICIAL NOTICE

WARRANT NO. j-556199

INDICTMENT NO. 2007-GS-40-1940

WARRANT NO. j-556198

INDICTMENT NO. 2007-GS-40-2048

IN RE: THE RICHLAND COUNTY GRAND JURY

(ORDER)

ARREST WARRANT

J-556199

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

THE STATE
against

RCSD 702200424

Randolph Ashford

Address:

Columbia, SC 29203-

Phone:

SSN:

Sex: M Race: B Height: _____ Weight: _____

DL State: _____ DL #: _____

DOB: 5/8 Agency ORI #: 04000Prosecuting Agency: Richland County Sheriff DepartmentProsecuting Officer: Thomas Croxton - 37Offense: Sex / Criminal Sexual AssaultOffense Code: 0160Code/Ordinance Sec: 16-03-0652This warrant is **CERTIFIED FOR SERVICE** in the☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant
on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Personally appeared before me the affiant Thomas Croxton whobeing duly sworn deposes and says that defendant Randolph Ashforddid within this county and state on or about 02/25/2007State of South Carolina (or ordinance of ☒ County/ ☐ Municipality ofRichland Bond Court)

in the following particulars:

DESCRIPTION OF OFFENSE Sex / Criminal Sexual AssaultI further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on 2/24/2007 while at 4014 Booth Street in the Dentsville Magisterial District of Richland County, one Randolph Ashford did
commit the crime of Criminal Sexual Assault in that he did engage in sexual battery of the victim while armed with a pistol. The
def. has given a sworn confession. Affiant and others are witness to prove the same.

Signature of Affiant

*Law Calabro for Croxton*Affiant's Address 5623 Two Notch RoadColumbia, SC 29223-Affiant's Telephone (803)576-3000

ARREST WARRANT

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

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

on or about 2/25/2007 defendant Randolph Ashford

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

☒ County/ ☐ Municipality of Richland Bond Court) as set forth below:DESCRIPTION OF OFFENSE: Sex / Criminal Sexual AssaultHaving found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable

Sworn to and subscribed before me

on 02/25/2007Signature of Issuing Judge *Mildred W McDuffie* (L.S.)

Mildred W McDuffie

Judge Code: 5017Judge's Address 201 John Mark Dial DriveColumbia, SC 29209-Judge's Telephone (803)576-3281Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

AFFIDAVIT

Palmetto Health Richland/Baptist

Adult/Adolescent Forensic Record

Deborah Ann Simmons

Unit Record:

001926400

General Physical Examination

Exam Start Time 21:50 Exam Completed: 22:30

- Vitals signs: BP: 147/103 Pulse: 107 Resp: 24 Temp: 98.9
- Tanner Stage: ☒ 1 ☒ 2 ☒ 3 ☒ 4 ☒ 5
- Describe general physical appearance: thin, slightly stooped

Describe general demeanor: ☐ Quiet ☐ Tearful ☐ Trembling ☒ Anxious
☐ Controlled ☐ Angry ☐ Sobbing ☐ Tense

• Response to questions: ☐ Briefly ☐ Reluctantly ☒ Readily

• Eye contact: ☒ Good ☐ Poor

• Describe: Anxious to get home to children, very cooperative and pleasant

Assessment	Findings	Comment
HEENT	☒ Normocephalic, No exudate/redness	
Neck	☒ Nontender, supple	
Chest	☒ Clear, equal bilaterally	
Abdomen	☒ Soft, nontender, bowel sounds present	
Musc./Skel	☒ MAE, No deformities	
Neuro	☒ Alert and oriented x3, PERRL	
Skin	☐ Intact	1/4" laceration index finger, It hand due to broken glass from window

Strangulation Assessment*: ☒ NA

* Note patient history

• Object used on neck ☐ one hand ☐ two hands ☐ forearm ☐ other _____

• How long was the patient strangled? _____ How many times? _____

• Any loss of consciousness? ☒ Yes ☒ No

• Throat hoarseness? ☒ Yes ☒ No

• Voice at time of exam: _____

Drug Facilitated Sexual Assault Assessment*: ☒ NA

* Note patient history

• Orientation: ☒ Oriented x 3 ☒ Disoriented; describe _____

• Ability to recall events: ☒ Well ☒ No memory ☒ Lapses of memory loss

• Patient's speech: ☒ Clear ☒ Garbled

• Patient's gait: ☒ Steady ☒ Unsteady, describe _____

• History of nausea: ☒ Yes ☒ No Vomiting: ☒ Yes ☒ No How many times? _____

• Other concerning symptoms or assessment: _____

WITNESSES

(S) Thomas Croxton - RCSD

Em Barr RCSD

ARREST WARRANT NUMBER

6199

ACTION OF GRAND JURY

TRUE BILL

Person of Grand Jury 2007

VERDICT

Person of Petit Jury

DOCKET NO. 2007-GS-40-1940

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2007

42

THE STATE

VS.

RANDALL ASHFORD

RANDOLPH

Indictment for

CRIMINAL SEXUAL CONDUCT
1ST DEGREE

SC Code: 16-3-652

CDR Code: 0160

Class FEL/A(V)

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

Defendant

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF RICHLAND)

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

CRIMINAL SEXUAL CONDUCT – 1ST DEGREE

Randolph
That RANDALL ASHFORD did in Richland County on or about February 24,

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

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

Warren B. Giese
Warren B. Giese, SOLICITOR

J-556198

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

THE STATE

RCSD 702200424

against

Randolph Ashford

Address:

Columbia, SC 29203-

Phone:

SSN:

Sex: M Race: B Height: Weight:

DL State: DL #:

DOB: 5/ 8/ Agency ORI #: 04000Prosecuting Agency: Richland County Sheriff DepartmentProsecuting Officer: Thomas Croxton - 37Offense: Burglary / Burglary (After June 20, 1985) - First degreeOffense Code: 0079Code/Ordinance Sec: 16-11-0311This warrant is **CERTIFIED FOR SERVICE** in the☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant

on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

☒ County/ ☐ Municipality of

Richland Bond Court

Personally appeared before me the affiant Thomas Croxtonbeing duly sworn deposes and says that defendant Randolph Ashforddid within this county and state on or about 02/25/2007State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Richland Bond Court

in the following particulars:

DESCRIPTION OF OFFENSE Burglary / Burglary (After June 20, 1985) - First degree

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

That on 2/24/2007 while at 4014 Booth Street in the Dentsville Magisterial District of Richland County, one Randolph Ashford did commit the crime of Burglary 1st in that he did unlawfully enter the residence of Debbie Anne Simmons with a handgun and forcefully confined and kidnapped her against her will. He also demanded terms of her release to law enforcement during a standoff that lasted for hours. The def. was arrested at the scene and has given a sworn confession to the same. Affiant and others are witness to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch RoadColumbia, SC 29223-Affiant's Telephone (803)576-3000

ARREST WARRANT

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

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

on or about 2/25/2007defendant Randolph Ashford

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

☒ County/ ☐ Municipality of Richland Bond Court

) as set forth below:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

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

Sworn to and subscribed before me

on 02/25/2007

Signature of Issuing Judge (L.S.)

Mildred W McDuffie

Judge Code: 5017Judge's Address 201 John Mark Dial DriveColumbia, SC 29209-Judge's Telephone (803)576-3281Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

ORIGINAL

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

whc

violate the criminal laws of the

TRUE COPY

FILED
MAR - 1
AM 10:58
A. SCOTT
& G.S.

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF RICHLAND)

At a Court of General Sessions, convened on May 23, 2007, the Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That RANDOLPH ASHFORD did in Richland County on or about February 24, 2007, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Evelin Worthy, by any means whatsoever without authority of law. All in violation of § 16-3-910, 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.

Warren B. Giese

Warren B. Giese, SOLICITOR

WITNESSES

(S) Thomas Croxton - RCSD

Eric Barnes RCSD

ARREST WARRANT NUMBER

J556198

ACTION OF GRAND JURY

TRUE BILL

[Signature]
person of Grand Jury

Date:

APR 19 2007

VERDICT

10 Foreperson of Petit Jury
Date:

DOCKET NO. 2007-GS-40-2048

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2007

42

THE STATE

VS.

Randolph
RANDALL ASHFORD

Indictment for

BURGLARY(AFTER 6/20/85)
1ST DEGREE

SC Code: 16-11-311

CDR Code: 079

Class FEL-EXM(V)

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

Defendant

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

Defendant

Witness

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

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

IN RE:

The Richland County Grand Jury

) IN THE COURT OF GENERAL SESSIONS
) FIFTH JUDICIAL CIRCUIT
)
)
)
)
)
)

ORDER

IT IS ORDERED that the Richland County Grand Jury shall meet in 2007 as follows:

9:00 a.m.

Wednesday, January 24, 2007

9:00 a.m.

Wednesday, February 14, 2007

9:00 a.m.

Wednesday, March 21, 2007

9:00 a.m.

Wednesday, April 18, 2007

9:00 a.m.

Wednesday, May 23, 2007

9:00 a.m.

Wednesday, June 20, 2007

AND IT IS SO ORDERED.



PRESIDING JUDGE
FIFTH JUDICIAL CIRCUIT

Columbia, South Carolina

This 28 day of November, 2006

FILED
C.C.C. & G.S.

NOV 29 AM 9:54

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

DEC 19 2024

SC Court of Appeals

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

The State of South Carolina

Respondent,

v.

Randolph Ashford

Appellant,

Appellate Case No. 2023-001463

APPELLANT'S FINAL BRIEF

Randolph Ashford # 256638
Allendale Corr. Inst.
1057 Revolutionary Trail
Fairfax, South Carolina-

29827

INDEX

INDEX.....	1
STATEMENT OF THE ISSUES ON APPEAL	1
STATEMENT OF THE CASE	2
ARGUMENT	3,4
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL	
CONCLUSION	5

STATEMENT OF THE ISSUE ON APPEAL

1. The lower court erred by ruling on Appellant/Petitioner's in-complete filings of the S.C.R.Crim.P. Rule - 29 (b). Motion For New Trial Based On After Discovered Evidence.

STATEMENT OF THE CASE

On April 18, 2007, the Richland County Grand Jury indicted Appellant for first degree burglary, two counts of assault with intent to kill (AWIK), and first degree criminal sexual conduct. App. 998-1000.

On May 23, 2007, Appellant was indicted for kidnapping and and three counts of carjacking from the same set of facts. App. 1000-1021. On March 31, Appellant's case proceeded to a jury trial before Judge G. Thomas Cooper, jr. App. 1. Deon O'Neil and Nicole Singletary represented Appellant. Kathryn Luck Campbel and Will Bryant represented the State. App. 1.

Appellant was found not guilty of the Criminal sexual conduct 1st degree. App. 990-998. Transcript of Record, April 3, 2009. Page - 23-26,.

Appellant appealed his conviction and sentences. The court of appeals dismissed the appeal by order dated January 25, 2012. The remittitur was issued on February 15, 2012. On April 23, 2013. Appellant filed an application for post conviction for forensic DNA testing. App. 955. Respondent filed its response on July 18, 2013, requesting that Appellant's application be denied App. 961. An evidentiary hearing was held on January 5, 2015 before Judge Robert E. Hood App. 965. Here, there are no specific finding of fact or conclusion of law made by Judge Hood, in its assessment of whether Appellant had met his burden of proving whether he was entitled to additional DNA testing. David E. Belding, represented the Appellant. Joanna McDuffie, represented the State.

On January 5, 2015, Judge Hood issued an order of dismissal denying Appellant's application. App. 989.

ARGUMENT

The lower court erred by ruling on Appellant/Petitioner's in-complete filings of the S.C.R.Crim.P. Rule - 29 (b). Motion For New Trial Based On After Discovered Evidence.

Appellant argues that on January 20, 2024. He filed a Motion For New Trial Based On After Discovered Evidence, Motion For Appointment Of Counsel and Affidavit of Randolph Ashford. The court clocked stamped filed January 31, 2023. The State filed its response to Petitioner/Defendant motion for after discovered evidence and motion to dismiss and judgment on the pleadings August 16, 2023.

On August 22, 2023. The court denied and dismissed Appellant/Petitioner motion for new trial based on after discovered evidence six (6) days after the Respondent's motion to dismiss.

Due the the courts continued judicial misconduct an Prejudice to Appellant, Ashford, was unaware the court deliberately did not, and still have not provided the Appellant/Ashford with Judge Robert Hood's, August 22, 2023. Order of Dismissal, Pursuant South Carolina Rule - 77,(d). Clerks and Courts. S.C. Code Ann -

On August 29, 2023. Appellant Ashford, unaware the court had dismiss the motion for new trial, Ashford filed Objections to the respondent's motion to dismiss and judgment on the pleadings that never considered by the court or reviewed.

Appellant/Ashford, contends that the Whole/Complete Motion For New Trial was not before the court for its review, due to the courts continued overwhelming judicial misconduct. This motion were clocked filed January 31, 2023. Seperated then the

Affidavit of Randolph Ashford, and Motion For Appointment of Counsel were filed August 1, 2023. According to Richland County Fifth Judicial Circuit Public Index.

Appellant asserts that his complete, Motion For New Trial was not before the court, due to the court neglect of duty Code 1976 & 8-1-60, prejudice Ashford; by failing to keep constant attendance and discharge all duties, According to Code 1976 & 14 - 17 - 220.

In State v. Spann, 334 S.C. 618, 619-20, 513 S.E. 2d 98, 99 (1999). Appellant asserts all (5) five grounds was not presented for the courts review, nor was Ashford's, Objections To Respondent's Motion To Dismiss. all of which hindered the Appellant Motion For New Trial from a full/fair consideration of the facts by the court, violating the U.S. Constitution, Section 1. XIV Amendment, S.C. Constitution Article I. Section 1, 3, 11, and 22, and the South Carolina Rules of Court. Here the court's refusal of a hearing to hear this claim

Here the court's refusal of a hearing to hear this claim constitute a gross miscarriage of justice where state government interference rendered reasonable unavailability of the factual basis of the claim impeded appellant's ability to raise the claim or where some other circumstance beyond Appellant's control occurred. (R.P. 33, lines 3-4) (R.P. 216, lines 11-14) (R.P. 222, lines 8-9) (R.P. 225, lines 6-13) (R.P.P. 791-792, lines 1-25) (R.P. 828, lines 24-25) (R.P.P. 625-636, lines 1-25) (R.P. 567, 1-25) (R.P.P. 573-574, lines 1-25) (R.P. 606, lines 11-25) (R.P. 629, lines 16-25) (R.P. 634, lines 23-25) (R.P. 635, 1-2) (R.P. 392, line 25) (R.P. 393, 6-11) (R.P.P. 810-811, 1-25) (R.P. 378, 7-8) (R.P. 926, lines 9-25) (R.P. 930, lines 1 - 6) (R.P.P. 661-662, lines 1-25) (R. Exhibit's - A,B,C,D,E,).

CONCLUSION

Based on the foregoing argument, Appellant prays that this court grant this appeal, remand this case back to the lower court for hearing and that it violates the U.S. Const. Section 1. XIV Amendment, S.C. Const. Article I. Section 1, 3, 11, and 22, S. C. Rules of Court.

December 17, 2024.


Randolph Ashford # 256638

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

RECEIVED
DEC 19 2024
SC Court of Appeals

The State, ... Respondent,

v.

Randolph Ashford Appellant,

Appellant Case No. 2023-001463

CERTIFICATE OF SERVICE

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

December 17, 2024.

Randolph Ashford
Randolph Ashford # 256638

Enclosures

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

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

RECEIVED
DEC 19 2024
SC Court of Appeals

Randolph Ashford,

Appellant,

v.

The State,

Respondent,

DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL

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

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

(8) The South Carolina Court of Appeals (ORDER) Filed Nov
13, 2023.

(9) Affidavit of Randolph Ashford; and Motion For Appointment
of Counsel Filed August 1, 2023.

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

December 17, 2024.

Randolph Ashford

Randolph Ashford # 256638
Pro-se Appellant

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

29827

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

RECEIVED

DEC 19 2024

SC Court of Appeals

The State, ... Respondent,

v.

Randolph Ashford Appellant,

Appellant Case No. 2023-001463

CERTIFICATE OF SERVICE

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

December 17, 2024.

Randolph Ashford

Randolph Ashford # 256638

Enclosures

CC: John Walter Whitacre, Esquire

Alan McCrory Wilson, Esquire

Mark Reynolds Parthering, Esquire

TABLE OF CONTENTS

TABLE OF AUTHORITIES	ii
STATEMENT OF ISSUE ON APPEAL.....	1
COUNTER-STATEMENT OF ISSUE ON APPEAL	1
STATEMENT OF THE CASE.....	2
ARGUMENT	4
The circuit court judge did not abuse his broad discretion or otherwise err by summarily rejecting Appellant’s motion seeking a new trial based on after-discovered evidence without conducting a hearing on the matter because: (1) the evidence identified by Appellant could not and did not constitute after-discovered evidence as a matter of law; (2) Appellant could not possibly have met his burden of establishing what was necessary to warrant a grant of a new trial under the circumstances involved; and (3) no hearing or further information was needed for the circuit court judge to be able to correctly resolve and reject Appellant’s motion.	
<u>Relevant Facts.</u>	4
<u>Standard of Review.</u>	6
<u>Analysis.</u>	7
CONCLUSION.....	12

TABLE OF AUTHORITIES

South Carolina Cases:

<u>Clark v. State</u> , 315 S.C. 385, 434 S.E.2d 266 (1993).	10
<u>Morris v. Jensen</u> , 309 S.C. 153, 420 S.E.2d 710 (Ct. App. 1992).	6
<u>State v. Fowler</u> , 264 S.C. 149, 213 S.E.2d 447 (1975).	9
<u>State v. Gray</u> , 438 S.C. 130, 882 S.E.2d 469 (Ct. App. 2022).	11
<u>State v. Harris</u> , 391 S.C. 539, 706 S.E.2d 526 (Ct. App. 2011).	7
<u>State v. Haulcomb</u> , 260 S.C. 260, 195 S.E.2d 601 (1973).	7, 9
<u>State v. Irvin</u> , 270 S.C. 539, 243 S.E.2d 195 (1978).	7
<u>State v. McKnight</u> , 291 S.C. 110, 352 S.E.2d 471 (1987).	4
<u>State v. Needs</u> , 333 S.C. 134, 508 S.E.2d 857 (1998).	7
<u>State v. Prince</u> , 316 S.C. 57, 447 S.E.2d 177 (1993).	7, 11
<u>State v. Spann</u> , 334 S.C. 618, 513 S.E.2d 98 (1999).	10
<u>State v. Taylor</u> , 333 S.C. 159, 508 S.E.2d 870 (1998).	7
<u>State v. Wells</u> , 162 S.C. 509, __, 161 S.E. 177 (1931).	7
<u>State v. Wilson</u> , 345 S.C. 1, 545 S.E.2d 827 (2001).	6

Other State and Federal Cases:

<u>Meriwether v. State</u> , 418 S.E.2d 451 (Ga. Ct. App. 1992).	9
<u>Stern v. United States</u> , 219 F.2d 263 (4th Cir. 1955).	9
<u>United States v. Wilson</u> , 624 F.3d 641 (4th Cir. 2010).	8

Other Authorities:

Rule 29, SCRCrimP.	9, 10
Appellate Records for <u>Randolph Ashford v. State</u> , South Carolina Appellate Court Public Index, https://ctrack.sccourts.org/public/caseView.do?csIID=74670	2

Appellate Records for Randolph Ashford v. State, South Carolina Appellate Court Public Index,
<https://ctrack.sccourts.org/public/caseView.do?csIID=60973>. 2

Appellate Records for State v. Randolph Ashford, South Carolina Appellate Court Public Index,
<https://ctrack.sccourts.org/public/caseView.do?csIID=79209>. 3

STATEMENT OF ISSUE ON APPEAL

“The lower court erred by ruling on Appellant/Petitioner’s in-complete filings of the S.C.R.Crim.P. Rule – 29(b). Motion For New Trial Based on After Discovered Evidence.”

COUNTER-STATEMENT OF ISSUE ON APPEAL

Did the circuit court judge somehow abuse his broad discretion or otherwise err by summarily rejecting Appellant’s motion seeking a new trial based on after-discovered evidence without conducting a hearing on the matter when: (1) the evidence identified by Appellant could not and did not constitute after-discovered evidence as a matter of law; (2) Appellant could not possibly have met his burden of establishing what was necessary to warrant a grant of a new trial under the circumstances involved; and (3) no hearing or further information was needed for the circuit court judge to be able to correctly resolve and reject Appellant’s motion?

STATEMENT OF THE CASE

In February of 2007, Appellant Randolph Ashford was arrested after he eventually surrendered to the Richland County Sheriff's Office's special response team at the conclusion of a terrifying crime spree. Between April and May of 2007, the Richland County Grand Jury indicted Appellant for one count of first-degree burglary, two counts of kidnapping, one count of first-degree criminal sexual conduct, three counts of carjacking, and two counts of assault with intent to kill. On March 30, 2009, a jury trial was commenced in the Richland County Court of General Sessions with the Honorable G. Thomas Cooper, circuit court judge, presiding. At the conclusion of the five-day trial, the jury convicted Appellant of all the indicted offenses except for first-degree criminal sexual conduct. As to that offense, the jury convicted Appellant of the lesser-included offense of assault and battery of a high and aggravated nature. Following the verdict, the trial judge sentenced Appellant to an aggregate forty-year term of imprisonment.

Subsequently, following an unsuccessful direct appeal and a variety of other unsuccessful attempts to obtain relief, Appellant submitted a pro se motion seeking a new trial based on after-discovered evidence, which was filed on January 31, 2023.^{1 2} On August 16, 2023, the State filed a return opposing Appellant's motion and seeking for the matter to be summarily dismissed. Thereafter, through an order dated August 22, 2023, the Honorable Robert E. Hood, circuit court judge, denied Appellant's motion with prejudice. Following that, Appellant submitted a pro se

¹ Oddly, Appellant's certificate of service for the new trial motion is dated January 20, 2023, but the motion itself was apparently not notarized until January 23, 2023. (Supp. R. pp. 5-11).

² Records from several of Appellant's earlier appeals are presently available through the appellate court public index. Appellate Records for Randolph Ashford v. State, South Carolina Appellate Court Public Index, <https://ctrack.sccourts.org/public/caseView.do?csIID=74670>; Appellate Records for Randolph Ashford v. State, South Carolina Appellate Court Public Index, <https://ctrack.sccourts.org/public/caseView.do?csIID=60973>.

response opposing the State's return. Appellant then—in a somewhat unusual fashion—initiated an appeal.³

³ This Court addressed the unusual nature of how Appellant's current appeal was initiated through its November 13, 2023, order, which is available through the appellate court public index. Appellate Records for State v. Randolph Ashford, South Carolina Appellate Court Public Index, <https://ctrack.sccourts.org/public/caseView.do?csIID=79209>.

ARGUMENT

The circuit court judge did not abuse his broad discretion or otherwise err by summarily rejecting Appellant's motion seeking a new trial based on after-discovered evidence without conducting a hearing on the matter because: (1) the evidence identified by Appellant could not and did not constitute after-discovered evidence as a matter of law; (2) Appellant could not possibly have met his burden of establishing what was necessary to warrant a grant of a new trial under the circumstances involved; and (3) no hearing or further information was needed for the circuit court judge to be able to correctly resolve and reject Appellant's motion.

Relevant Facts

Over thirteen years after he was convicted of numerous highly-serious offenses, Appellant filed a motion seeking a new trial based on supposed after-discovered evidence. (Supp. R. pp. 5-7). Importantly though, Appellant did not actually identify anything newly discovered in that motion. (Supp. R. pp. 5-7). Instead, Appellant advised he intended to "show the court the following" before merely pointing to several portions of the testimony contained in the *trial transcript*, including portions of his own testimony. (Supp. R. pp. 5-7). Appellant then followed that by asserting he believed—for reasons unspecified—his first-degree burglary indictment violated the state and federal constitutions along with his right to a fair trial. (Supp. R. pp. 5-7).

In addition to his motion, Appellant also included an affidavit from himself that appeared to more fully identify the basis for his after-discovered evidence claim.⁴ (Supp. R. pp. 8-9). Specifically, in his affidavit, Appellant asserted: (1) the State introduced circumstantial evidence of a hat during trial, and a witness testified he had been wearing one; (2) the hat referenced by

⁴ Notably, Appellant's "affidavit" was not notarized and does not appear to be sworn and, thus, was not truly an affidavit. See *State v. McKnight*, 291 S.C. 110, 113, 352 S.E.2d 471, 472 (1987) ("An affidavit is a voluntary *ex parte* statement reduced to writing *and sworn to or affirmed* before some person legally authorized to administer an oath or affirmation. It differs from an oath in that an affidavit consists of a statement of fact *which is sworn to as the truth*, while an oath is a pledge." (emphasis added and citations omitted)).

the State purportedly did not belong to him, and his “physical hat” was not introduced during trial or admitted into evidence; (3) testimony was presented during trial indicating he was checked out by medical personnel on the date of the incident and his vitals were normal; and (4) he purportedly was—contrary to that testimony—not, in fact, checked out by medical personnel on the date of the incident and his vitals were not, in fact, normal. (Supp. R. pp. 8-9).

Based on the obvious deficiencies with Appellant’s after-discovered evidence claims, the State responded by opposing the motion and asking for it to be dismissed without a hearing. (Supp. R. pp. 12-15). In doing so, the State—while specifically referencing Appellant’s “affidavit”—noted Appellant was a participant in his own trial, had heard the witnesses’ testimony, and obviously would have had knowledge *at that time* regarding whether a hat belonged to him or if he received medical treatment on the date of the incident. (Supp. R. pp. 12-15). Therefore, the State argued what was identified by Appellant could not as a matter of law constitute after-discovered evidence or satisfy the conditions necessary for a new trial to be granted based on it. (Supp. R. pp. 12-15). Beyond that, the State noted the matter identified by Appellant was immaterial and inconsequential in light of the other evidence of guilt that had been presented, which had already been deemed “overwhelming” in an earlier post-conviction relief action. (Supp. R. pp. 12-15).

After considering the parties’ filings, the circuit court judge summarily rejected Appellant’s new trial motion and declined to conduct a hearing on the matter. (Supp. R. pp. 1-4). In so ruling, the circuit court judge concluded Appellant’s after-discovered evidence claim was “facially defective” because Appellant was privy to the purported evidence at the time of his trial over *fourteen years* earlier, which meant his motion was not made within one year of the date the identified evidence was actually discovered. (Supp. R. pp. 1-4). Furthermore, the circuit court

judge concluded Appellant failed to make a prima facie showing the purported after-discovered evidence could have reasonably changed the result of his trial under the circumstances involved. (Supp. R. pp. 1-4).

Following that, Appellant submitted a document containing his “objections” to the State’s response to his new trial motion. (Supp. R. pp. 16-19). Significantly though, in that document, Appellant did not explain how what he had identified in his motion was newly discovered. (Supp. R. pp. 16-19). Instead, he: (1) accused the assistant solicitor who prepared the State’s response of “continu[ing] the overwhelming judicial misconduct” and committing a “fraud on the court” by somehow “presenting new and additional charges;” (2) complained of his defense counsel’s supposed ineffective representation; and (3) alleged he could not have known at the time of trial he was being denied a fair one due to his lack of legal training. (Supp. R. pp. 16-19).

Along with that, Appellant submitted yet another affidavit.⁵ (Supp. R. pp. 20-21). However, through the latest one, Appellant again did not set out any true after-discovered evidence. (Supp. R. pp. 20-21). Instead, he merely detailed the timing of when he received the State’s response to his motion, confirmed he had previously accused his defense counsel of being ineffective both before and after his trial, and now alleged there was no evidence to support his conviction for the lesser-included offense of assault and battery of a high and aggravated nature. (Supp. R. pp. 20-21).

Standard of Review

In criminal cases, appellate courts sit to review errors of law only. State v. Wilson, 345 S.C. 1, 5, 545 S.E.2d 827, 829 (2001). When reviewing rulings on a motion seeking a new trial

⁵ Like the one before it, Appellant’s second “affidavit” was not notarized or sworn and, thus, was also not an actual affidavit. See Morris v. Jensen, 309 S.C. 153, 157, 420 S.E.2d 710, 712 (Ct. App. 1992) (instructing an unsworn affidavit is *not* evidence).

based on after-discovered evidence, an appellate court will not reverse the circuit court judge's rulings absent a clear and manifest abuse of discretion. State v. Prince, 316 S.C. 57, 63, 447 S.E.2d 177, 181 (1993); see State v. Wells, 162 S.C. 509, ___, 161 S.E. 177, 187 (1931) (“[T]he granting or refusing of new trials, on the ground of after discovered evidence, is within the discretion of the trial judge, and this court will not interfere with that discretion, unless it manifestly appears that there was an erroneous exercise of it.”).

Analysis

Newly-discovered or after-discovered evidence is “evidence of facts existing at time of trial of which [the] aggrieved party was *excusably ignorant*.” State v. Haulcomb, 260 S.C. 260, 270, 195 S.E.2d 601, 606 (1973) (emphasis added). In order to obtain a new trial based on after-discovered evidence, a party must demonstrate the evidence: (1) would probably change the result of the proceedings if a new trial is granted; (2) was discovered after the trial ended; (3) could not have been discovered prior to trial; (4) was material to the issue of guilt or innocence; and (5) was not merely cumulative or impeaching. State v. Taylor, 333 S.C. 159, 176, 508 S.E.2d 870, 879 (1998). When deciding whether to grant a new trial based on newly-discovered evidence, the circuit court judge is tasked with weighing the evidence and determining whether a new trial is warranted under the circumstances presented. State v. Harris, 391 S.C. 539, 545, 706 S.E.2d 526, 529 (Ct. App. 2011). Importantly though, the granting of a new trial based on newly-discovered evidence is disfavored in South Carolina, and, thus, a party seeking a new trial based on such evidence must satisfy a *heavy* burden in order to be entitled to one. State v. Needs, 333 S.C. 134, 158, 508 S.E.2d 857, 869 (1998); see State v. Irvin, 270 S.C. 539, 545, 243 S.E.2d 195, 197-198 (1978) (“The granting of a new trial because of after-discovered is not favored, and this Court will sustain the lower court’s denial of such a motion unless there

appears an abuse of discretion.”); see also United States v. Wilson, 624 F.3d 641, 660 (4th Cir. 2010) (explaining new trials based on newly-discovered evidence should only be granted *sparingly* and in the *rare* circumstance the evidence weighs heavily against the jury’s verdict).

In the case sub judice, Appellant contends the circuit court judge reversibly erred by denying his motion seeking a new trial based on purported after-discovered evidence without conducting a hearing on the matter. As support for that contention, Appellant maintains the circuit court judge’s decision to summarily dismiss his new trial motion without a hearing constituted a “gross miscarriage of justice” because: (1) the circuit court judge issued his ruling prior to receiving and without giving consideration to Appellant’s objections to the State’s return to the new trial motion; and (2) the circuit court judge purportedly did not have the “whole” new trial motion before him at the time he ruled because Appellant’s personal affidavit had supposedly been separated from the motion as a result of “continued overwhelming judicial misconduct” and neglect of duty. To the contrary, the circuit court judge did not abuse his discretion or otherwise err in any way by denying Appellant’s new trial motion because—as a matter of law and just as the trial judge recognized—what Appellant identified as after-discovered evidence was not, in fact, such evidence.

Demonstrating the meritless nature of Appellant’s new trial motion, the only purported after-discovered evidence identified by Appellant, which consisted of personal claims he was not in possession of a hat on the date of the incident and was not treated by medical personnel on that date, was and is evidence of facts Appellant necessarily would have known *at the time of his trial* since those facts relate to things that would have naturally fallen within his personal knowledge. Indeed, Appellant’s own trial testimony demonstrated such evidence *was*, in fact, already fully within his personal knowledge since, during his sworn trial testimony, he: (1)

identified the clothing he allegedly was wearing on the date of the incident without referencing a hat and in contradiction to an earlier description that had been provided; and (2) he directly refuted earlier testimony that had been presented by a witness for the prosecution by insisting he never received any medical treatment after he was arrested. (Supp. R. p. 98; p. 445; p. 457; pp. 635-636; p. 656; p. 661). Thus, since Appellant's supposed after-discovered evidence was not newly discovered at all but, instead, was already testified to *by him* during trial, it simply could not be and was not a viable basis for an after-discovered evidence claim as a matter of law. See Rule 29(b), SCRCrimP ("A motion for a new trial based on after-discovered evidence must be made within one (1) year after the date of actual discovery of the evidence by the defendant or after the date when the evidence could have been ascertained by the exercise of reasonable diligence."); see also Haulcomb, 260 S.C. at 270, 195 S.E.2d at 606 ("[A]fter-discovered evidence refers to evidence of facts existing at time of trial of which aggrieved party was excusably ignorant."); cf. Stern v. United States, 219 F.2d 263, 265 (4th Cir. 1955) ("The only basis for Stern's motion for a new trial is newly discovered evidence. This alleged evidence was not newly discovered, it was known to Stern at the time of his trial."); Meriwether v. State, 418 S.E.2d 451, 453 (Ga. Ct. App. 1992) ("The new evidence, he contends, would show that the victim has a history of violence and that family members who testified at trial were attempting to attack Meriwether when the shooting occurred. It is clear from a review of the record, however, that Meriwether testified at trial about prior acts of violence by the victim and he feared that family members were approaching him. We therefore do not see the novelty of evidence of the history of violence."); State v. Fowler, 264 S.C. 149, 155, 213 S.E.2d 447, 450 (1975) ("The testimony of Hughes that he committed the crime was not newly-discovered. Appellant testified

at his trial that he did not commit the crime but had been informed prior to his arrest that Hughes committed it.”).

Moreover, even assuming Appellant’s personal claims could somehow have constituted after-discovered evidence despite the fact those claims were essentially just a rehashing of a portion of his trial testimony from over a decade earlier, Appellant’s guilt or innocence did not in any way hinge on whether he was wearing a hat on the date of the incident or was provided medical treatment after his arrest. Therefore, notwithstanding the fact nothing Appellant presented in support of his new trial was truly newly discovered, none of Appellant’s supposed after-discovered evidence could have possibly met the standard necessary to warrant a grant of a new trial as that insignificant evidence could not possibly have had an impact on the outcome of trial in light of the other evidence presented, including Appellant’s own cumulative testimony. See State v. Spann, 334 S.C. 618, 619-620, 513 S.E.2d 98, 99 (1999) (“In order to prevail in this new trial motion, appellant must show the after-discovered evidence: (1) is such that it would probably change the result if a new trial were granted; (2) has been discovered since the trial; (3) could not in the exercise of due diligence have been discovered prior to the trial; (4) is material; and (5) is not merely cumulative or impeaching.”); see also Clark v. State, 315 S.C. 385, 387-388, 434 S.E.2d 266, 267 (1993) (instructing a party seeking a new trial based on newly-discovered evidence *must* show the evidence was—amongst other things—“material to the issue of guilt or innocence”).

Finally, to the extent Appellant contends the circuit court judge abused his discretion by supposedly issuing his ruling without all the necessary information and without conducting a full-blown evidentiary hearing on the matter, the circuit court judge had all the information he needed to be able to fully and correctly analyze the merits—and quickly recognize the

insufficiency—of Appellant’s after-discovered evidence claim based upon Appellant’s motion itself along with its accompanying affidavit, which was filed with the circuit court and directly referenced in the State’s return to the new trial motion. And, because Appellant’s claims in his new trial motion simply could not have constituted after-discovered evidence as a matter of law even if they were all accepted as unwaveringly true, the circuit court judge had no duty to conduct an unnecessary hearing on the matter when he was already fully equipped with everything he needed to be able to correctly resolve the merits of Appellant’s new trial motion. See Rule 29(a), SCRCrimP (instructing post-trial motions “may, in the discretion of the court, be determined on briefs filed by the parties without oral argument”).

Therefore, the circuit court judge did not abuse his broad discretion or otherwise err by summarily rejecting Appellant’s meritless after-discovered evidence claim without conducting a needless hearing on the matter. See Prince, 316 S.C. at 63, 447 S.E.2d at 181 (“It is well settled that the grant or refusal of a new trial is within the discretion of the trial judge and will not be disturbed on appeal absent a clear abuse of that discretion.”); cf. State v. Gray, 438 S.C. 130, 145, 882 S.E.2d 469, 477 (Ct. App. 2022) (concluding the trial judge did not abuse his discretion by denying a new trial motion without a hearing because, based on the allegation raised and the information provided, the requested inquiries were neither necessary nor proper). The circuit court judge’s ruling denying Appellant’s motion seeking a new trial based on after-discovered evidence should be affirmed.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted the judgment and conviction of the lower court be affirmed.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Deputy Attorney General

BYRON E. GIPSON
Solicitor, Fifth Judicial Circuit



BY: _____
Mark R. Farthing
S.C. Bar Number 76901

ATTORNEYS FOR RESPONDENT

March 6, 2025

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Honorable Robert E. Hood, Circuit Court Judge
Appellate Case No. 2023-001463

THE STATE,

Respondent,

vs.

RANDOLPH ASHFORD,

Appellant.

PROOF OF SERVICE

I, Caroline Collins, certify I have served the within Final Brief of Respondent on Appellant by mailing a copy to the following address:

Randolph Ashford, #256638, BBB-0029-B
Allendale Correctional Institution
1057 Revolutionary Trail
Fairfax, South Carolina 29827

I further certify all parties required by Rule to be served have been served.
This 6th day of March, 2025.



CAROLINE COLLINS
Administrative Support Manager
Office of the Attorney General

Randolph Ashford #256638
Lee Corr. Inst. F-6, B-2214
990 Wisacky Hwy.
Bishopville, South Carolina-29010

November 13 2025.

South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina-29201

Re: The State vs. Randolph Ashford
Appellate Case No. 2023-001463

Dear Honorable Clerk:

Enclosed You will find the Original Motion To Allow Filing
of Supplemental Record on Appeal, Appendix To Record on Appeal
for filing in the reference case noted above. Please return
notice of Filing to me for my record.

Thank You Very much,

Sincerely,

Randolph Ashford

Enclosures

CC: Attorney General For S.C.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Richland County
Honorable Robert E. Hood, Circuit Court Judge
Appellate Case No. 2023-001463

The State,

Respondent,

VS.

Randolph Ashford,

Appellant,

MOTION TO ALLOW FILING OF
SUPPLEMENTAL RECORD ON APPEAL

The Appellant Randolph Ashford, Pursuant to Rule 212(b) SCACR hereby moves the Court for an order allowing the appellant to Supplement the record on appeal with material document recently received in order to address the issues presented by Appellant, and Respondent's in its final brief's. In Support of the motion the appellant Shows the following Appendix TO Record on Appeal:

1. Leave to Supplement the record on appeal with recently re-material documents will not Prejudice the Appellant, nor the Respondent, because Copies of Prior and Present indictments a total of nine (9) violates Appellant State / Federal Constitutional rights to a fair trial.
2. Supplementation of the record on appeal is necessary to allow the Appellant a fair and impartial appeal. Here

Supplementation is also necessary to because Appellant's State / Federal Constitutional Rights were violated, and State / Federal Statutes, South Carolina Rules of Court, etc. etc.

I.

On July 22, 2024, The State Respondent's filed and Served it's Initial Brief and Designation of Matter in this case, along with nine (9) unfilled indictment's Pursuant to the South Carolina Rules of Court, Rule 3, Disposition of Arrest Warrants (C) SCRCrimP, Warrants, and Sentencing Sheet.

II.

On December 11, 2024, Pro-se Appellant served and filed what he believes is his record on appeal consisting of a large number of documents including nine (9) unfilled indictments a total of approximately 14 (177) pages of documents.

III.

Because Properly Designated matters was inadvertently omitted from the Record on Appeal, Appellant asserts it is necessary to file a Appendix To Record on Appeal, by a Supplemental Record on Appeal. Containing the matter to be properly designated for including in the Record on Appeal by Appellant, who recently receive these documents See Rule 210(C), SCACR ("The record on appeal shall include all matters designated to be included by any party under Rule 209[E]").

According, Appellant ask this Court to Permit and accept the filing of Appendix To Record on Appeal, by way of Supplemental Record on Appeal, Material documents that Appellant

recently received and filed within the Court. Some (18) Eighteen Years later that relates to this appeal. By doing so, this Court will ensure that Properly Designated matters that has previously been omitted from Appellant, and Respondent is properly before this Court for review of State / Federal Constitutional violations, Statutes, and etc.etc.

Appellant's Submits Contemporaneously Appendix To Record On Appeal with the motion.

WHEREFORE, Appellant Prays that this Court will allow the Appellant to file this Appendix To The Record On Appeal by Supplemental Record On Appeal by excepting the filing of material documents, and for such other relief as release, and further relief as the Court may deem Just and Proper.

November ~~13~~ 2025.

Respectfully Submitted

Randolph Ashford

Randolph Ashford #256638

Lee Corr. Inst. F-6, B-2214

990 Wisacky Hwy

Bishopville, South Carolina-

29010

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Richland County
Honorable Robert E. Hood, Circuit Court Judge
Appellant Case No. 2023-001463

The State,

vs.

Respondent,

Randolph Ashford

Appellant,

Certificate of Service

I do hereby certify that I serve the Motion To Allow Filing of Supplemental Record on Appeal by placing the original and a copy of in the United States Mail with sufficient postage affixed thereto here at the Lee Correctional Institution mailroom,

November 13, 2025,

Randolph Ashford
Randolph Ashford #256638

Enclosures

CC: S.C. Court of Appeals
1220 Senate Street
Columbia, South Carolina-29201

Attorney General
Alan Wilson, and Mark R. Farthing
P.O. Box 11549
Columbia, South Carolina-29211-1549

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Richland County
Honorable Robert E. Hood, Circuit Court Judge
Appellant Case No. 2023-001463

The State,

VS.

Respondent,

Randolph Ashford

Appellant,

APPENDIX TO RECORD ON APPEAL

November 13 2025.

Randolph Ashford
Randolph Ashford #256638
Lee Corr. Inst. F-6, B-2214
990 Wisacky HWY
Bishopville South Carolina-
29010

INDEX

Motion To Allow Filing of Supplemental Record on Appeal	1 - 3
Appendix To Record on Appeal	4 - 5
Warrants	6 - 15
Indictments	16 - 25

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Richland County
Honorable Robert E. Hood, Circuit Court Judge
Appellate Case No. 2023-001463

The State,

Respondent,

VS.

Randolph Ashford

Appellant,

CERTIFICATE OF SERVICE

I do hereby certify that I have serve the Appendix TO The Record on Appeal, by way of Supplementation, by placing the original and 2 copy of the same in the United States Mail, and/or Postal Service with sufficient postage affixed thereto on the 13 day of November 2025.

Randolph Ashford
Randolph Ashford # 256638

Enclosures

cc: South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina - 29201

Attorney General For South Carolina
Alan Wilson, and Mark R. Farthing
P.O. Box 11549
Columbia, South Carolina - 29211-1549

Inmate ID: 256638
Lee Correctional Inst.
Jeanette W. McBride
Clerk of Court

Virginia F. Belcher
Chief Deputy Clerk of Court

Case Status: disposed - guilty 2007-GS-40-01938
1941 J556197, 96, 99, 94
07-GS-40-2000-2003
K195896-00
97-01
98-02
99-03



Mailing Address
Post Office Box 2766
Columbia, S.C. 29202
Phone: (803) 576-1939
Fax: (803) 576-1925

RICHLAND COUNTY JUDICIAL CENTER

Clerk of Court
Criminal Records Division
1701 Main Street
Columbia, S.C. 29201

Name: Randolph Ashford #256638
Date: 9/12/2025 Lee C.I F-6B 2214B

We have received your inquiry and respond as follows:

☒ Please find enclosed the following document(s):
☐ Disposition ☐ Sentence ☒ Warrant ☒ Indictment ☐ Motion

☒ Other: Clocked Everything

☐ A copy of your request has been forwarded for handling to:
☐ Solicitor's Office ☐ Public Defender's Office ☐ Scheduling Department

☐ SCDC is responsible for clearing up detainers. Your charge(s) have been faxed to SCDC.

☐ SCDC calculates credit for time served. Necessary records have been faxed to SCDC.

☐ To obtain a transcript of a General Sessions case only, please write to SC Court Administration at 1220 Senate Street, Suite 200, Columbia, SC 29201 and provide the case number, Judge's name, and date of trial. If your case was heard in another court agency, you must contact that agency directly.

☐ We need more information to process your request:
☐ Case Number ☐ Charge ☐ SSN ☐ Court Location ☐ Date of Arrest

☐ There is no record of said charge.

☐ Other: Your correspondence has been clocked as received only. Our office is not responsible for scheduling any hearings in General Sessions. Please contact your attorney or the Solicitor's Office regarding any hearing schedules.

☐ Please contact: _____

Criminal Records/spm

DISCLAIMER: The role of the Clerk of Court's office is to maintain court documents. The Clerk's office provides copies of case documents (with proper identifying information) upon request, but does not provide other information regarding a case. The Clerk's office is not permitted to give legal advice and/or determine length of sentence or other case specific questions.

WITNESSES.

(S) Thomas Croxton - RCSD

Em Barnes RCSD

ARREST WARRANT NUMBER

J556197

ACTION OF GRAND JURY

TRUE BILL

Dee Clark
Foreperson of Grand Jury
Date:

APR 19 2007

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2007-GS-40-1938

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2007

42

THE STATE
vs.

RANDALL ASHFORD

Randall

Indictment for
KIDNAPPING

SC Code: 16-3-910
CDR Code: 0095
Class FEL/A(V)

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

Defendant

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

Defendant

Witness:

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

RICHLAND COUNTY
FILED
2007 SEP 12 AM 10:07
JEANETTE W. MOBRIDE
C.C.P. G.S. & E.C.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

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

KIDNAPPING

Randolph
That ~~RANDALL~~ ASHFORD did in Richland County on or about February 24, 2007, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Debbie Anne Simmons, by any means whatsoever without authority of law. All in violation of § 16-3-910, Code of Laws of South Carolina (1976) as amended.

RICHLAND COUNTY
CLERK

2025 SEP 12 AM 10:11

JEANETTE W. McBRIDE
Clerk of Court, S.C.

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

Warren B. Giese
Warren B. Giese, SOLICITOR

ARREST WARRANT

J-556197

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

THE STATE

RCSD 702200424

against

Randolph Ashford

Address: 4801 Muir Street Lot 8

Columbia, SC 29203-

Phone: SSN: 251-43-2458
Sex: M Race: B Height: 5 9 Weight: 160

DL State: DL #:

DOB: 5/8/1965 Agency ORI #: 04000

Prosecuting Agency: Richland County Sheriff Department

Prosecuting Officer: Thomas Croxton - 37

Offense: Kidnapping / Kidnapping

Offense Code: 0948

Code/Ordinance Sec: 16-03-0910

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

Defendant: Randolph Ashford
2/25/07Signature of Constable/Enforcement Officer: Summers, E.

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Personally appeared before me the affiant Thomas Croxton

being duly sworn deposes and says that defendant Randolph Ashford

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

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

Richland Bond Court

in the following particulars:

DESCRIPTION OF OFFENSE Kidnapping / Kidnapping

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

That on 2/24/2007 while at 4014 Booth Street in the Dentsville Magisterial District of Richland County, one Randolph Ashford did commit the crime of kidnapping. It is believed the def. committed the crime because he did enter into the residence of Debbie Anne Simmons with a handgun and forcefully confined and kidnapped her against her will. He also demanded terms of her release to law enforcement during a standoff that lasted for hours. The def. was arrested at the scene and has given a sworn confession to the same. Affiant and others are witness to prove the same.

Signature of Affiant

Mr. Catlett for Croxton

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch Road

Columbia, SC 29223-

Affiant's Telephone (803)576-3000

ARREST WARRANT

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

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

on or about 2/25/2007

defendant Randolph Ashford

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

☒ County/ ☐ Municipality of Richland Bond Court

) as set forth below:

DESCRIPTION OF OFFENSE: Kidnapping / Kidnapping

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

Sworn to and subscribed before me

on 02/25/2007

Signature of Issuing Judge: Mildred W McDuffie (L.S.)

Mildred W McDuffie

Judge Code: 5017

Judge's Address 201 John Mark Dial Drive

Columbia, SC 29209-

Judge's Telephone (803)576-3281

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

BAIL set by

Judge

on

Type and Amount:

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

CODEFENDANTS

WITNESSES

(S) Thomas Croxton - RCSD

Enz Barnes Resd

ARREST WARRANT NUMBER

J556196

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

APR 10 2007

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2007-GS-40-1939

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2007

42

THE STATE

vs.

RANDALL ASHFORD

Randolph

Indictment for

ASSAULT WITH
INTENT TO KILL

SC Code: 17-25-30

CDR Code: 768

Class MIS-UNC

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

Defendant

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

Defendant

Witness:

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

RICHLAND COUNTY
FILED

2025 SEP 12 AM 10:07

JEANETTE W. McBRIDE
Clerk of Court
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF RICHLAND)

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

ASSAULT WITH INTENT TO KILL

Randolph
That ~~RANDALL~~ ASHFORD, did in Richland County on or about February 24, 2007, with malice aforethought commit an assault with intent to kill upon one Deputy Unger, in violation of Section 17-25-30 C/L, Code of Laws of South Carolina, (1976, as amended).

RICHLAND COUNTY
CLERK

2025 SEP 12 AM 10:12

JEANETTE W. MORRIS
C.D.R. (S.S.) & F.D.

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

Warren B. Giese
WARREN B. GIESE, SOLICITOR

WITNESSES

(S) Thomas Croxton - RCSD

ARREST WARRANT NUMBER

J556196

ACTION OF GRAND JURY

TRUE BILL

TRUE BILL

Foreperson of Grand Jury

Date:

VERDICT

Guilty

Foreperson of Petit Jury

Date:

DOCKET NO. 2007-GS-40-1939

AMENDED

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2007

42

THE STATE

vs.

RANDOLPH ASHFORD

Indictment for

ASSAULT WITH
INTENT TO KILL

SC Code: 17-25-30

CDR Code: 768

Class MIS-UNC

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

Defendant

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

Defendant

Witness:

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

RICHLAND COUNTY
FILED

2025 SEP 12 AM 10:07

JEANETTE W. MCGRIDY
C.C.P. G.S. & C.D.

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF RICHLAND)

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

ASSAULT WITH INTENT TO KILL

That RANDOLPH ASHFORD, did in Richland County on or about February 24, 2007, with malice aforethought commit an assault with intent to kill upon one Deputy Unger. All in violation of Section 17-25-30 C/L, Code of Laws of South Carolina, (1976, as amended).

RICHLAND COUNTY
FILED
2005 SEP 12 AM 10:12
JEANETTE W. McBRIDE
Clerk of Court

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

W. B. Giese

WARREN B. GIESE, SOLICITOR

ARREST WARRANT

J-556196

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

THE STATE

RCSD 702200424

against

Randolph Ashford

Address: 4801 Muir Street Lot 8

Columbia, SC 29203-

Phone: SSN: 251-43-2458

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

DL State: DL #: DOB: 5/8/1965 Agency ORI #: 04000

Prosecuting Agency: Richland County Sheriff Department

Prosecuting Officer: Thomas Croxton - 37

Offense: Assault / Assault with intent to kill (AWIK)

Offense Code: 0768

Code/Ordinance Sec: C/L, 16-03-0620,

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant on 2/25/07

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Personally appeared before me the affiant Thomas Croxton

being duly sworn deposes and says that defendant Randolph Ashford

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

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

Richland Bond Court

in the following particulars:

DESCRIPTION OF OFFENSE Assault / Assault with intent to kill (AWIK)

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on 2/24/07 while at 4014 Booth Street in the Dentsville Magisterial District of Richland County, one Randolph Ashford did
commit the crime of Kidnapping. It is believed the def. committed the crime because he did during a stand off with law enforcement,
shoot at Deputy Unger with the intent to kill him. The def. was arrested at the scene with the weapon and admitted to firing the
same. Affiant and others are witness to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch Road

Columbia, SC 29223-

Affiant's Telephone (803)576-3000

ARREST WARRANT

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

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

on or about 2/25/2007 defendant Randolph Ashford

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

☒ County/ ☐ Municipality of Richland Bond Court

) as set forth below:

DESCRIPTION OF OFFENSE: Assault / Assault with intent to kill (AWIK)

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

Sworn to and subscribed before me

on 02/25/2007

Signature of Issuing Judge (L.S.)

Mildred W McDuffie

Judge Code: 5017

Judge's Address 201 John Mark Dial Drive

Columbia, SC 29209-

Judge's Telephone (803)576-3281

Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

who

violate the criminal laws of the

2007 FEB 28 AM 10:07
RICHLAND COUNTY
JANET M. McBRIDE
CLERK OF COURTFILED
1007 MAR -8 PM 11:30
JANET M. McBRIDE
CLERK OF COURT

BAIL set by

Judge McDuffie
on 2/25/07
Type and Amount: BD
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

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

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

2025 SEP 12 AM 10:11
RICHLAND COUNTY
FILED
JEANETTE W. MEDRID
CLERK, DIST. CLERK

WITNESSES

(S) Thomas Croxton - RCSD

Em Barr RCSD

ARREST WARRANT NUMBER

J-556199

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

APR 19 2007

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2007-GS-40-1940

The State of South Carolina
County of Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2007

42

THE STATE
vs.

RANDALL ASHFORD
RANDOLPH

Indictment for
CRIMINAL SEXUAL CONDUCT
1ST DEGREE

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

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

Defendant

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

Defendant

Witness:

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

RICHLAND COUNTY
FILED
2005 SEP 12 AM 10:07
JEANETTE W. McBRIDE
C.C.P., G.S., & F.C.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

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

CRIMINAL SEXUAL CONDUCT - 1ST DEGREE

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

RICHLAND COUNTY
CLERK
2007 SEP 12 AM 10:13
JEANETTE M. WATKINS
CLERK OF COURT

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

Warren B. Giese
Warren B. Giese, SOLICITOR

ARREST WARRANT

J-556199

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

THE STATE
against

RCSD 702200424

Randolph Ashford

Address: 4801 Muir Street Lot 8

Columbia, SC 29203-

Phone: _____ SSN: 251-43-2458
 Sex: M Race: B Height: 5 9 Weight: 160
 DL State: _____ DL #: _____
 DOB: 5/8/1965 Agency ORI #: 04000
 Prosecuting Agency: Richland County Sheriff Department
 Prosecuting Officer: Thomas Croxton - 37
 Offense: Sex / Criminal Sexual Assault

Offense Code: 0160

Code/Ordinance Sec: 16-03-0652

This warrant is **CERTIFIED FOR SERVICE** in the
☐ County/ ☐ Municipality of

The accused
 is to be arrested and brought before me to be
 dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to
 defendant

on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Personally appeared before me the affiant Thomas Croxton whobeing duly sworn deposes and says that defendant Randolph Ashforddid within this county and state on or about 02/25/2007State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Richland Bond Court

DESCRIPTION OF OFFENSE Sex / Criminal Sexual Assault

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

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

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch Road

Columbia, SC 29223-

Affiant's Telephone (803)576-3000

ARREST WARRANT

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

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

on or about 2/25/2007defendant Randolph Ashford

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

☒ County/ ☐ Municipality of Richland Bond Court

) as set forth below

DESCRIPTION OF OFFENSE: Sex / Criminal Sexual Assault

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

Sworn to and subscribed before me

on 02/25/2007

Signature of Issuing Judge

Mildred W McDuffie

Judge Code: 5017

Judge's Address 201 John Mark Dial Drive

Columbia, SC 29209-

Judge's Telephone (803)576-3281

Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
 S.C. Attorney General
 April 21, 2003
 SCCA 518

ORIGINAL

AFFIDAVIT

RICHLAND COUNTY
 FILED
 2007 MAR -8
 2007 SEP 12 AM 10:07

BAIL set by:

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

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition: _____
Sentences: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
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Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

JEANETTE W. MCRRID
CLERK, CLERK OF COURT
2025 SEP 12 AM 10:12
FILED
RICHLAND COUNTY

WITNESSES

(S) Thomas Croxton - RCSD

Eric Barnes RCSD

ARREST WARRANT NUMBER

J556194

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

APR 19 2007

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2007-GS-40-1941

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2007

42

**THE STATE
vs.**

RANDALL ASHFORD

Randolph

Indictment for

**ASSAULT WITH
INTENT TO KILL**

SC Code: 17-25-30

CDR Code: 768

Class MIS-UNC

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

Defendant

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

Defendant

Witness:

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

RICHLAND COUNTY
FILED
2025 SEP 12 AM 10:08
JEANETTE W. McBRIDE
C.C.R. G.S. & REC.

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF RICHLAND)

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

ASSAULT WITH INTENT TO KILL

Randolph
That RANDALL ASHFORD, did in Richland County on or about February 24,

2007, with malice aforethought commit an assault with intent to kill upon one Deputy Nate White, in violation of Section 17-25-30 C/L, Code of Laws of South Carolina, (1976, as amended).

RICHLAND COUNTY
FILED

2005 SEP 12 AM 10:13

JEANETTE W. McBRIDE
C.C.P., G.C., & F.C.

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

Warren B. Giese
WARREN B. GIESE, SOLICITOR

WITNESSES

(S) Thomas Croxton - RCSD

ARREST WARRANT NUMBER

J556194

ACTION OF GRAND JURY

TRUE BILL

TRUE BILL

Foreperson of Grand Jury
Date:

AUG 15 2008

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2007-GS-40-1941

AMENDED

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2007

42

THE STATE

vs.

RANDOLPH ASHFORD

Indictment for

**ASSAULT WITH
INTENT TO KILL**

SC Code: 17-25-30

CDR Code: 768

Class MIS-UNC

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

Defendant

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

Defendant

Witness:

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

RICHLAND COUNTY
FILED
JEANETTE W. McBRIDE
CLERK, C.S., & FC.
2008 SEP 12 AM 10:08

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

INDICTMENT

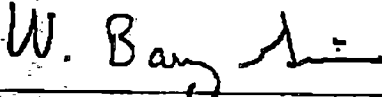
At a Court of General Sessions, convened on April 18, 2007, the Grand Jurors of Richland County present upon their oath:

ASSAULT WITH INTENT TO KILL

That RANDOLPH ASHFORD, did in Richland County on or about February 24, 2007, with malice aforethought commit an assault with intent to kill upon one Deputy Nate White. All in violation of Section 17-25-30 C/L, Code of Laws of South Carolina, (1976, as amended).

RICHLAND COUNTY
FILED
2005 SEP 12 AM 10:13
JEANETTE W. McBRIDE
Clerk of Court

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


WARREN B. GIESE, SOLICITOR

ARREST WARRANT

J-556194

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

THE STATE

RCSD 702200424

against

Randolph Ashford

Address: 4801 Muir Street Lot 8

Columbia, SC 29203-

Phone: SSN: 251-43-2458
Sex: M Race: B Height: 5 9 Weight: 160

DL State: DL #:

DOB: 5/8/1965 Agency ORI #: 04000

Prosecuting Agency: Richland County Sheriff Department

Prosecuting Officer: Thomas Croxton - 37

Offense: Assault / Assault with intent to kill (AWIK)

Offense Code: 0768

Code/Ordinance Sec: C/L, 16-03-0620,

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

02-25-2007
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Personally appeared before me the affiant Thomas Croxton

being duly sworn deposes and says that defendant Randolph Ashford

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

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

Richland Bond Court

In the following particulars:

DESCRIPTION OF OFFENSE Assault / Assault with intent to kill (AWIK)

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

That on 2/24/2007 while at 4014 Booth Street in the Dentsville Magisterial District of Richland County, one Randolph Ashford did commit the crime of AWIK in that he did during a kidnapping standoff with Law Enforcement, shoot at Deputy Nate White with the intent to kill him. The def. was arrested at the scene with a weapon and admitted to firing. Affiant and others are witness to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch Road

Columbia, SC 29223-

Affiant's Telephone (803)576-3000

ARREST WARRANT

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

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

on or about 2/25/2007 defendant Randolph Ashford

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

☒ County/ ☐ Municipality of Richland Bond Court

) as set forth below

DESCRIPTION OF OFFENSE: Assault / Assault with intent to kill (AWIK)

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

Sworn to and subscribed before me

on 02/25/2007

Signature of Issuing Judge (L.S.)

Mildred W Meduffie

Judge Code: 5017

Judge's Address 201 John Mark Dial Drive

Columbia, SC 29209-

Judge's Telephone (803)576-3281

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

FILED
2007 SEP 12
AM 10:08
RICHLAND COUNTY
CLERK OF COURT
M. BRIDGES, CLERK

BAIL set by:

WITNESSES

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

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____

Name: _____
Address: _____
Telephone: _____

Decision: _____

Name: _____
Address: _____
Telephone: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)

Name: _____
Address: _____
Telephone: _____

Disposition: _____
Sentence: _____

Name: _____
Address: _____
Telephone: _____

JURORS

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

2025 SEP 12 AM 10:13
JEANETTE W. MCGRIDG
G.O.P. # 1100
RICHLAND COUNTY
CLERK

WITNESSES

(S) Thomas Croxton - RCSD

Eric Barnes RCSD

ARREST WARRANT NUMBER

J556198

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

APR 19 2007

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2007-GS-40-2048

The State of South Carolina
County of Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2007

42

THE STATE
vs.

Randolph
RANDALL ASHFORD

Indictment for

BURGLARY/(AFTER 6/20/85)
1ST DEGREE

SC Code: 16-11-311
CDR Code: 079
Class FEL-EXM(V)

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

Defendant

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

Defendant

Witness:

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

RICHLAND COUNTY
FILED
2007 SEP 12 AM 10:09
JEANETTE W. MORRIS
CLERK, C.C.C. & F.D.

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF RICHLAND)

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

BURGLARY/(AFTER 6/20/85) - 1ST DEG

Randall
That RANDALL ASHFORD did in Richland County on or about February 24, 2007, willfully and unlawfully enter the dwelling of Debbie Anne Simmons, without consent and with the intent to commit a crime therein and the defendant entered during the hours of darkness and/or was armed with a deadly weapon while therein and/or caused physical injury to the victim, Debbie Anne Simmons, and/or used or threatened to use a dangerous instrument and/or displayed what was or appeared to be a handgun, all in violation of Code Section §16-11-311, Code of Laws of South Carolina (1976, as amended).

RICHLAND COUNTY
FILED
2025 SEP 12 AM 10:10
JEANETTE W. McBRIDE
Clerk, C.S. & F.C.

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

Warren B. Giese
WARREN B. GIESE, SOLICITOR

WITNESSES

(S) Thomas Croxton - RCSD

ARREST WARRANT NUMBER

J556198

ACTION OF GRAND JURY

TRUE BILL

TRUE BILL

Foreperson of Grand Jury
Date:

AUG 15 2008

VERDICT

Guilty

Foreperson of Petit Jury
Date:

4/3/09

DOCKET NO. 2007-GS-40-2048

AMENDED

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2007

42

THE STATE

VS.

RANDOLPH ASHFORD

Indictment for

BURGLARY/(AFTER 6/20/85)
1ST DEGREE

SC Code: 16-11-311

CDR Code: 079

Class FEL-EXM(V)

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

Defendant

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

Defendant

Witness:

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

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

2025 SEP 12 AM 10:09

RICHLAND COUNTY
FILED

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

INDICTMENT

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

BURGLARY/(AFTER 6/20/85) - 1ST DEG

That RANDOLPH ASHFORD did in Richland County on or about February 24, 2007, willfully and unlawfully enter the dwelling of Debbie Anne Simmons, without consent and with the intent to commit a crime therein and the defendant entered during the hours of darkness and/or was armed with a deadly weapon while therein and/or caused physical injury to the victim, Debbie Anne Simmons, and/or used or threatened to use a dangerous instrument and/or displayed what was or appeared to be a handgun, all in violation of Code Section §16-11-311, Code of Laws of South Carolina (1976, as amended).

2025 SEP 12 AM 10:10
JEANETTE W. McBRIDE
CCP C.S. & F.D.

RICHLAND COUNTY
FILED

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


Warren B. Giese, SOLICITOR

ARREST WARRANT

J-556198

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

THE STATE

RCSD 702200424

against

Randolph Ashford

Address: 4801 Muir Street Lot 8

Columbia, SC 29203-

Phone: SSN: 251-43-2458
Sex: M Race: B Height: 5 9 Weight: 160

DL State: DL #:

DOB: 5/8/1965 Agency ORI #: 04000

Prosecuting Agency: Richland County Sheriff Department

Prosecuting Officer: Thomas Croxton - 37

Offense: Burglary / Burglary (After June 20, 1985) - First degree

Offense Code: 0079

Code/Ordinance Sec: 16-11-0311

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Randolph Ashfordon 2/25/07

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Personally appeared before me the affiant Thomas Croxtonbeing duly sworn deposes and says that defendant Randolph Ashforddid within this county and state on or about 02/25/2007State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Richland Bond Court

in the following particulars:

DESCRIPTION OF OFFENSE Burglary / Burglary (After June 20, 1985) - First degree

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

That on 2/24/2007 while at 4014 Booth Street in the Dentsville Magisterial District of Richland County, one Randolph Ashford did commit the crime of Burglary 1st in that he did unlawfully enter the residence of Debbie Anne Simmons with a handgun and forcefully confined and kidnapped her against her will. He also demanded terms of her release to law enforcement during a standoff that lasted for hours. The def. was arrested at the scene and has given a sworn confession to the same. Affiant and others are witness to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch Road

Columbia, SC 29223-

Affiant's Telephone (803)576-3000

ARREST WARRANT

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

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

on or about 2/25/2007defendant Randolph Ashford

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

☒ County/ ☐ Municipality of Richland Bond Court

) as set forth below:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

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

Sworn to and subscribed before me

on 02/25/2007

Signature of Issuing Judge (L.S.)

Mildred W McDuffie

Judge Code: 5017

Judge's Address 201 John Mark Dial Drive

Columbia, SC 29209-

Judge's Telephone (803)576-3281

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

RICHLAND COUNTY

FILED
MAR - 11 AM 10:09FILED
MAR - 11 AM 10:58
A. SCOTT
& G.S.

BAIL set by

Judge COOPER
on 2/28/07
Type and Amount: DENIED
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

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

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

RICHLAND COUNTY
FILED
2025 SEP 12 AM 10:10
JEANETTE W. McBRIDE
C.C.F. G.S., & F.C.

WITNESSES

✓(S) AL THOMAS - CPD

ARREST WARRANT NUMBER

K195896

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: SEP 19 2008

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2007-GS-40-02000

AMENDED

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MAY TERM 2007

42

THE STATE

vs.

RANDOLPH ASHFORD

Indictment for

CARJACKING

SC Code: 16-3-1075(B)(1)

CDR Code: 2599

Class: C/FELONY

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

Defendant

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

Defendant

Witness:

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

RICHLAND COUNTY
FILED
2008 SEP 12 AM 10:08
JEANETTE W. McBRIDE
C.C.P. G.S. & F.C.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

CARJACKING

At a Court of General Sessions, convened on **MAY 23, 2007**, the Grand Jurors of Richland County present upon their oath:

That RANDOLPH ASHFORD did in Richland County on or about February 24, 2007, take or attempt to take a motor vehicle from the victim, Malachi James, by force and violence or by intimidation while the person, Malachi James, is operating the vehicle or while the person is in the vehicle. All in violation of § 16-3-1075(B)(1) of the Code of Laws of South Carolina, (1976, as amended).

RICHLAND COUNTY
FILED

2025 SEP 12 AM 10:13

JEANETTE W. McBRIDE
Clerk of Court, R.C.C.

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

W. B. Giese

WARREN B. GIESE, SOLICITOR

WITNESSES

(S) AL THOMAS - CPD

ARREST WARRANT NUMBER

K195896

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2007-GS-40-02000

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MAY TERM 2007

42

**THE STATE
vs.**

RANDOLPH ASHFORD

**Indictment for
CARJACKING**

SC Code: 16-3-1075(B)(1)

CDR Code: 2599

Class FEL/C

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

Defendant

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

Defendant

Witness:

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

2025 SEP 12 AM 10: 08

FILED
RICHLAND COUNTY

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

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF RICHLAND)

At a Court of General Sessions, convened on May 23, 2007, the Grand Jurors of Richland County present upon their oath:

CARJACKING

That RANDOLPH ASHFORD did in Richland County on or about February 24, 2007, take or attempt to take a motor vehicle from the victim, Evelin Worthy, by force and violence or by intimidation, while the person, Evelin Worthy, is operating the vehicle or while the person is in the vehicle. All in violation of § 16-3-1075.

RICHLAND COUNTY
FILED
2005 SEP 12 AM 10:13
JEANETTE W. McBRIDE
C.C.R. C.S. & F.G.

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

Warren B. Giese
WARREN B. GIESE, SOLICITOR

ARREST WARRANT

K195896

K- 195896

076186

STATE OF SOUTH CAROLINA

☐ County ☒ Municipality of
COLUMBIA

THE STATE

against

RANDOLPH ASHEFORD

Address: 4801 MUIR ST APT 9
COLUMBIA SC 29203

Phone: _____ SSN: _____
Sex: M Race: B Height: 6 00 Weight: 155
DL State: _____ DL #: _____
DOB: 09/07/1965 Agency ORI: SC0400100
Prosecuting Agency: CITY OF COLUMBIA
Prosecuting Officer: THOMAS AL BOND A
Offense: CARJACKING
Offense Code: MAC
Code/Ordinance Sec. 16-3-1075

This warrant is CERTIFIED FOR SERVICE in the
☐ County ☒ Municipality of
COLUMBIA. The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge

(L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant Randolph Ashford
on 02/24/07

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

CITY OF COLUMBIA
MUNICIPAL COURT
P.O. BOX 644
COLUMBIA, S.C. 29202

STATE OF SOUTH CAROLINA

☐ County ☒ Municipality of
COLUMBIA

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 818

Personally appeared before me the affiant AL THOMAS who
being duly sworn deposes and says that defendant RANDOLPH ASHEFORD
did within this county and state on 02/24/2007 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County ☒ Municipality of COLUMBIA)
in the following particulars:
DESCRIPTION OF OFFENSE: CARJACKING 16-3-1075

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

DEF DID ON 02/24/07 AT 1200 HOURS COMMIT THE CRIME OF CARJACKING AND
KIDNAPPING WHILE AT 1000 OAKLAND WITHIN THE CITY LIMITS OF COLUMBIA,
SC DEF POINTED A HAND GUN AT VICTIM BARRY TAYLOR AND ORDERED VICTIM
OUT OF HIS VEHICLE. DEF DROVE THAT VEHICLE TO 5820 N MAIN ST. DEF
POINTED THE WEAPON AT VICTIMS PEAL KELLY AND KING KELLY AND ORDER
THEM OUT OF THEIR VEHICLE. DEF RECKED VICTIM'S VEHICLE ON 2116
CUSHMAN DR. DEF WENT IN THE GILL CREEK BAPTIST CHURCH AND POINTED
HIS WEAPON AT VICTIM EVELIN WORTHY. DEF GRABBED VICTIM BY THE ARM

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County ☒ Municipality of
COLUMBIA

Affiant's Address #1 JUSTICE SQ
COLA, SC 29201
Affiant's Telephone 5453500

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds believe that
on 02/24/2007 defendant RANDOLPH ASHEFORD
did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County ☒ Municipality of COLUMBIA) as set forth below:
DESCRIPTION OF OFFENSE: CARJACKING 16-3-1075

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

Sworn to and subscribed before me

on 02/25/2007

Signature of Issuing Judge

Judge Code 403003

Judge's Address CITY OF COLUMBIA, SC
MUNICIPAL COURT, P.O. BOX 644 29202

Judge's Telephone _____
Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

BAIL set by

Judge _____

on _____

Type and Amount: _____

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

RICHLAND COUNTY
FILED

2025 SEP 12 AM 10:13

HEANETTE W. McBRIDE
C.C.P. & S. & F.C.

WITNESSES

(S) AL THOMAS - CPD

ARREST WARRANT NUMBER

K195897

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury

Date:

MAY 23 2007

VERDICT

[Signature]
Foreperson of Petit Jury

Date:

4/3/09

DOCKET NO. 2007-GS-40-02001

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MAY TERM 2007

42

THE STATE

vs.

RANDOLPH ASHFORD

**Indictment for
CARJACKING**

SC Code: 16-3-1075(B)(1)

CDR Code: 2599

Class FEL/C

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

Defendant

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

Defendant

Witness:

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

JEANETTE W. MCBRIDE
C.C.R., G.S., & E.C.

2025 SEP 12 AM 10:09

RICHLAND COUNTY
FILED

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on May 23, 2007, the Grand Jurors of Richland County present upon their oath:

CARJACKING

That RANDOLPH ASHFORD did in Richland County on or about February 24, 2007, take or attempt to take a motor vehicle from the victims, Pearl Kelly ~~and Kelly~~, by force and violence or by intimidation, while the persons, Pearl Kelly ~~and Kelly~~, are operating the vehicle or while the persons are in the vehicle. All in violation of § 16-3-1075.

Amended by Agreement 5-30-09.

G. R. [Signature]

JEANETTE H. MCBRIDE
CLERK, G.S. & C.

2025 SEP 12 AM 10:13

RICHLAND COUNTY

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

Warren B. Giese
WARREN B. GIESE, SOLICITOR

ARREST WARRANT
K195897 K- 195897 076186
STATE OF SOUTH CAROLINA
☐ County ☒ Municipality of
COLUMBIA

THE STATE
against

RANDOLPH ASHFORD
Address: 4801 MUIR ST APT 9
COLUMBIA SC 29203
Phone: _____ SSN: _____
Sex: M Race: B Height: 6 00 Weight: 155
DL State: _____ DL #: _____
DOB: 03/07/1965 Agency ORI: SC0400100
Prosecuting Agency: CITY OF COLUMBIA
Prosecuting Officer: THOMAS AL GOOD A
Offense: CARJACKING
Offense Code: MAC
Code/Ordinance Sec. 16-3-1075

This warrant is CERTIFIED FOR SERVICE in the
☐ County ☒ Municipality of
COLUMBIA. The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge (L.S.)
Date: _____

RETURN
A copy of this arrest warrant was delivered to
defendant Randolph Ashford
on 2/24/07
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
CITY OF COLUMBIA
MUNICIPAL COURT
P.O. BOX 644
COLUMBIA, S. C. 29202

STATE OF SOUTH CAROLINA)
☐ County ☒ Municipality of)
COLUMBIA)

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 618

Personally appeared before me the affiant AL THOMAS who
being duly sworn deposes and says that defendant RANDOLPH ASHFORD
did within this county and state on 02/24/2007 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County ☒ Municipality of COLUMBIA)
in the following particulars:
DESCRIPTION OF OFFENSE: CARJACKING 16-3-1075

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

DEF DID ON 02/24/07 AT 1200 HOURS COMMIT THE CRIME OF CARJACKING AND
KIDNAPPING WHILE AT 1000 OAKLAND WITHIN THE CITY LIMITS OF COLUMBIA,
SC DEF POINTED A HAND GUN AT VICTIM BARRY TAYLOR AND ORDERED VICTIM
OUT OF HIS VEHICLE. DEF DROVE THAT VEHICLE TO 5820 N MAIN ST. DEF
POINTED THE WEAPON AT VICTIMS PEAL KELLY AND KING KELLY AND ORDER
THEM OUT OF THEIR VEHICLE. DEF RECKED VICTIM'S VEHICLE ON 2116
CUSHMAN DR. DEF WENT IN THE GILL CREEK BAPTIST CHURCH AND POINTED
HIS WEAPON AT VICTIM EVELIN WORTHY. DEF GRABBED VICTIM BY THE ARM

Signature of Affiant

STATE OF SOUTH CAROLINA)
☐ County ☒ Municipality of)
COLUMBIA)

Affiant's Address #1 JUSTICE SQ
COLA, SC 29201
Affiant's Telephone 5453500

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that
on 02/24/2007 defendant RANDOLPH ASHFORD
did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County ☒ Municipality of COLUMBIA) as set forth below:
DESCRIPTION OF OFFENSE: CARJACKING 16-3-1075

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

Sworn to and subscribed before me
on 02/25/2007

Signature of Issuing Judge
Judge Code 103003

Judge's Address CITY OF COLUMBIA, SC
MUNICIPAL COURT, P.O. BOX 644 29202

Judge's Telephone _____
Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

BAIL set by

Judge _____

on _____

Type and Amount: _____

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol, pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

RICHLAND COUNTY
CLERK

2025 SEP 12 AM 10:13

JEANETTE W. McBRIDE
CLERK

WITNESSES

(S) AL THOMAS - CPD

ARREST WARRANT NUMBER

K195898

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

MAY 23 2007

VERDICT

Guilty

Foreperson of Petit Jury
Date:

DOCKET NO. 2007-GS-40-02002

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MAY TERM 2007

42

THE STATE
vs.

RANDOLPH ASHFORD

Indictment for
CARJACKING

SC Code: 16-3-1075(B)(1)
CDR Code: 2599
Class FEL/C

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

Defendant

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

Defendant

Witness:

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

RICHLAND COUNTY
FILED
2005 SEP 12 AM 10:09
JEANETTE W. McBRIDE
C.C.P., G.S., & I.C.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on May 23, 2007, the Grand Jurors of Richland County present upon their oath:

CARJACKING

That RANDOLPH ASHFORD did in Richland County on or about February 24, 2007, take or attempt to take a motor vehicle from the victim, Barry Taylor, by force and violence or by intimidation, while the person, Barry Taylor, is operating the vehicle or while the person is in the vehicle. All in violation of § 16-3-1075.

RICHLAND COUNTY
FILED
2007 SEP 12 AM 10:14
JEANETTE W. McBRIDE
CLERK, S.C. J.C.

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

Warren B. Giese
WARREN B. GIESE, SOLICITOR

ARREST WARRANT

K195898 K- 195898 076186

STATE OF SOUTH CAROLINA

☐ County ☒ Municipality of
COLUMBIA

THE STATE

against

RANDOLPH ASHFORD

Address: 4801 MUIR ST APT 9
COLUMBIA SC 29203Phone: _____ SSN: _____
Sex: M Race: B Height: 6 00 Weight: 155
DL State: _____ DL #: _____
DOB: 09/07/1965 Agency ORI: SC0400100
Prosecuting Agency: CITY OF COLUMBIA
Prosecuting Officer: THOMAS AL GOOD A
Offense: CARJACKING
Offense Code: MAC
Code/Ordinance Sec. 16-3-1075This warrant is CERTIFIED FOR SERVICE in the
☐ County ☒ Municipality of
COLUMBIA. The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge

(L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant Randolph Ashford
on 2/24/07

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

CITY OF COLUMBIA
MUNICIPAL COURT
P. O. BOX 644
COLUMBIA, S. C. 29202

STATE OF SOUTH CAROLINA

☐ County ☒ Municipality of
COLUMBIA

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 618Personally appeared before me the affiant AL THOMAS who
being duly sworn deposes and says that defendant RANDOLPH ASHFORD
did within this county and state on 02/24/2007 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County ☒ Municipality of COLUMBIA)
in the following particulars:

DESCRIPTION OF OFFENSE: CARJACKING

16-3-1075

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:DEF DID ON 02/24/07 AT 1200 HOURS COMMIT THE CRIME OF CARJACKING AND
KIDNAPPING WHILE AT 1000 OAKLAND WITHIN THE CITY LIMITS OF COLUMBIA,
SC DEF POINTED A HAND GUN AT VICTIM BARRY TAYLOR AND ORDERED VICTIM
OUT OF HIS VEHICLE. DEF DROVE THAT VEHICLE TO 5820 N MAIN ST. DEF
POINTED THE WEAPON AT VICTIMS PEAL KELLY AND KING KELLY AND ORDER
THEM OUT OF THEIR VEHICLE. DEF RECKED VICTIM'S VEHICLE ON 2116
CUSHMAN DR. DEF WENT IN THE GILL CREEK BAPTIST CHURCH AND POINTED
HIS WEAPON AT VICTIM EVELIN WORTHY. DEF GRABBED VICTIM BY THE ARM

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County ☒ Municipality of
COLUMBIAAffiant's Address #1 JUSTICE SQ
COLA, SC 29201
Affiant's Telephone 5453500

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that
on 02/24/2007 defendant RANDOLPH ASHFORD
did violate the criminal laws of the State of South Carolina (or ordinance of☐ County ☒ Municipality of COLUMBIA) as set forth below:

DESCRIPTION OF OFFENSE: CARJACKING

16-3-1075

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

Sworn to and subscribed before me

on 02/25/2007

Signature of Issuing Judge (L.S.)

Judge's Address

Judge's Address CITY OF COLUMBIA, SC
MUNICIPAL COURT, P. O. BOX 644 29202

Judge's Telephone

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

BAIL set by

Judge _____

on _____

Type and Amount: _____

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

RICHLAND COUNTY
CLERK

2025 SEP 12 AM 10:13

JEANETTE W. McBRIDE
C.O.B., G.S., & E.C.

WITNESSES

(S) AL THOMAS - RCSD

ARREST WARRANT NUMBER

K-195899

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

MAY 23 2007

VERDICT

Foreperson of Petit Jury

Date:

4/3/09

DOCKET NO. 2007-GS-40-02003

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MAY TERM 2007

42

THE STATE

vs.

RANDOLPH ASHFORD

Indictment for

KIDNAPPING

SC Code: 16-3-910

CDR Code:0095

Class FEL/A(V)

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

Defendant

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

Defendant

Witness:

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

JEANETTE V. MCBRIDE
C.C.F. GS. & EC.

2025 SEP 12 AM 10:09

RICHLAND COUNTY
FILED

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on May 23, 2007, the Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That RANDOLPH ASHFORD did in Richland County on or about February 24, 2007, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Evelin Worthy, by any means whatsoever without authority of law. All in violation of § 16-3-910, Code of Laws of South Carolina (1976) as amended.

RICHLAND COUNTY
FILED

2005 SEP 12 AM 10:14

JEANETTE V. McBRIDE
C.O.P. 1111, P.D.

2005 SEP 12

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

Warren B. Giese
Warren B. Giese, SOLICITOR

ARREST WARRANT

K195899 **K-195899** 876186

STATE OF SOUTH CAROLINA

☐ County ☒ Municipality of
COLUMBIA

THE STATE

against

RANDOLPH ASHFORDAddress: **4801 MUIR ST APT 9**
COLUMBIA SC 29203Phone: _____ SSN: _____
Sex: **M** Race: **B** Height: **6 00** Weight: **155**
DL State: _____ DL #: _____
DOB: **09/07/1965** Agency ORI: **SC0400100**
Prosecuting Agency: **CITY OF COLUMBIA**
Prosecuting Officer: **THOMAS AL/GOOD A**
Offense: **KIDNAPPING**
Offense Code: **ABD**
Code/Ordinance Sec. **16-3-910**This warrant is **CERTIFIED FOR SERVICE** in the
☐ County ☒ Municipality of
COLUMBIA The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge (L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant **Randolph Ashford**
on **2/26/07**

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO: **CITY OF COLUMBIA**
MUNICIPAL COURT
P.O. BOX 644
COLUMBIA, S. C. 29202

STATE OF SOUTH CAROLINA

☐ County ☒ Municipality of
COLUMBIA

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCGA 918Personally appeared before me the affiant **AL THOMAS**
being duly sworn deposes and says that defendant **RANDOLPH ASHFORD**
did within this county and state on **02/24/2007** violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County ☒ Municipality of **COLUMBIA**)
in the following particulars:
DESCRIPTION OF OFFENSE: KIDNAPPING **16-3-910**I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:DEF DID ON 02/24/07 AT 1200 HOURS COMMIT THE CRIME OF CARJACKING AND
KIDNAPPING WHILE AT 1000 OAKLAND WITHIN THE CITY LIMITS OF COLUMBIA,
SC DEF POINTED A HAND GUN AT VICTIM BARRY TAYLOR AND ORDERED VICTIM
OUT OF HIS VEHICLE. DEF DROVE THAT VEHICLE TO 5820 N MAIN ST. DEF
POINTED THE WEAPON AT VICTIMS PEAL KELLY AND KING KELLY AND ORDER
THEM OUT OF THEIR VEHICLE. DEF RECKED VICTIM'S VEHICLE ON 2116
CUSHMAN DR. DEF WENT IN THE GILL CREEK BAPTIST CHURCH AND POINTED
HIS WEAPON AT VICTIM EVELIN WORTHY. DEF GRABBED VICTIM BY THE ARM

Signature of Affiant

STATE OF SOUTH CAROLINA
☐ County ☒ Municipality of
COLUMBIAAffiant's Address **#1 JUSTICE SQ**
COLA, SC 29201
Affiant's Telephone **5453500**

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that
on **02/24/2007** defendant **RANDOLPH ASHFORD**
did violate the criminal laws of the State of South Carolina (or ordinance of☐ County ☒ Municipality of **COLUMBIA**) as set forth below:**DESCRIPTION OF OFFENSE: KIDNAPPING****16-3-910**Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to
the defendant at the time of its execution, or as soon thereafter as is practicable.Sworn to and subscribed before me
on **02/25/2007**

Signature of Issuing Judge (L.S.)

Ministerial Order

Judge's Address **CITY OF COLUMBIA, SC**
MUNICIPAL COURT, P.O. BOX 644 29202Judge's Telephone _____
Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

BAIL set by

Judge _____

on _____

Type and Amount: _____

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

RICHMOND COUNTY,
FILED

2025 SEP 12 AM 10:14

JEANETTE M. KIRBY
C.O.P. B.S. 210.



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

December 10, 2024

Randolph Ashford, 00256638
Allendale Correctional Institution
P. O. Box 1151, Hwy 47
Fairfax SC 29827

Re: The State v. Randolph Ashford
Appellate Case No. 2023-001463

Dear Mr. Ashford:

The Court has received your motion to appoint counsel and the motion to extend time to file the designation of matter to be included in the record on appeal on December 2, 2024. The filing of the motion to appoint counsel automatically stays this timeline for perfecting the appeal. Thus, we will not take any action on the motion for an extension of time.

Very truly yours,

Catherine Harrison, deputy
CLERK

cc: Alan McCrory Wilson, Esquire
Mark Reynolds Farthing, Esquire

The South Carolina Court of Appeals

The State, Respondent,

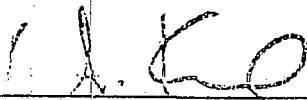
v.

Randolph Ashford, Appellant.

Appellate Case No. 2023-001463

ORDER

Appellant has filed a motion for appointment of counsel, arguing he is indigent and unable to proceed with his appeal without appointed counsel. After careful consideration, we hold this appeal in abeyance for thirty days to allow Appellate Defense to screen this matter.



FOR THE COURT

Columbia, South Carolina

cc:

Randolph Ashford, 00256638
Alan McCrory Wilson, Esquire
Mark Reynolds Farthing, Esquire
Robert Michael Dudek, Esquire

FILED
Jan 03 2025



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

February 19, 2025

Randolph Ashford, 00256638
Allendale Correctional Institution
P. O. Box 1151, Hwy 47
Fairfax SC 29827

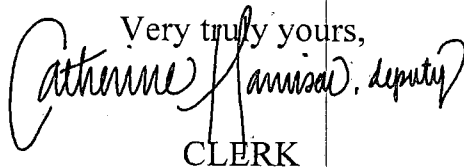
Mr. Mark Reynolds Farthing, Esquire
PO Box 11549
Columbia SC 29211-1549

Re: The State v. Randolph Ashford
Appellate Case No. 2023-001463

Dear Counsel and Mr. Ashford:

The Office of Appellate Defense has informed this Court that they will not be handling this appeal. Therefore, Mr. Ashford will continue to be proceeding as pro se.

All parties are advised this appeal is no longer held in abeyance. All final briefs and bound copies are due to be served and filed within thirty (30) days of the date of this letter.

Very truly yours,

CLERK

cc: Alan McCrory Wilson, Esquire
Robert Michael Dudek, Esquire

1 to do it in front of the jury or not in front of the jury.
2 Go ahead.

3 MR. O'NEILL: Yes, Your Honor.

4 Your Honor, at this time I would like to renew
5 all our previous objections and motions specifically but
6 not limited to my directed verdict motion as relates to
7 the ABWIKs, the kidnapping, and the carjacking. And I
8 also at this time would make a motion for a new trial
9 based on the due process violations dealing with the
10 outburst during jury selection and also the outburst --

11 THE COURT: During jury selection?

12 MR. O'NEILL: Yes, Your Honor.

13 THE COURT: Nothing's on the record about that.

14 MR. O'NEILL: We made it. It's on the record
15 about the outburst during jury selection. I think Your
16 Honor say you didn't audibly hear the outburst.

17 THE COURT: Okay. All right.

18 MR. O'NEILL: And also the outburst during Mr.
19 Ashford's testimony, Your Honor, and also based on our
20 directed verdict motion, I would ask for a new trial.

21 THE COURT: All right. Anything from the State?

22 MR. O'NEILL: One additional ground, Your Honor.

23 THE COURT: I'm sorry. I thought you were
24 finished.

25 MR. O'NEILL: Also on the grounds of the jury's

1 ~~inability to come to a verdict on the CSC in the first~~
2 ~~degree and finding a guilty verdict on the lesser included~~
3 ~~of ABHAN.~~

4 THE COURT: Let me see. Let me just have that
5 verdict form.

6 The Clerk didn't announce it, but they did
7 find -- ~~they found a not guilty verdict.~~ You're certainly
8 welcome to see it.

9 They found not guilty on the CSC first and
10 guilty on the ABHAN.

11 MR. O'NEILL: Thank you, Your Honor.

12 THE COURT: Yes, sir.

13 Anything from the State?

14 MS. CAMPBELL: No, sir.

15 THE COURT: All right. Mr. O'Neill, I think the
16 case was well tried by you and the State and I
17 respectfully deny your motions.

18 All right. Let's stand at ease for a few
19 minutes until we get the paperwork signed up.

20 (A break was taken.)

21 THE COURT: All right. Solicitor.

22 MS. CAMPBELL: May it please the Court, Your
23 Honor.

24 THE COURT: Yes, ma'am.

25 MS. CAMPBELL: As far as his prior record goes,

MR. O'NEIL: I don't think that's quite an accurate characterization of Mr. Ashford's statement.

THE COURT: Okay. Well, I haven't heard the statement or seen the statement.

MS. CAMPBELL: And it may just effect your decision because --

THE COURT: I'm sorry?

MS. CAMPBELL: Because he basically says that -- it's crude. Let me hand up the statement.

THE COURT: I think I -- did you show me the statement?

MR. O'NEIL: I think Your Honor is familiar with the pre-trial hearing.

THE COURT: Yeah. That's what I thought. I think I'm that familiar with it. I understand. The question is, based on that statement, would it support a charge of assault and battery of a high and aggravated nature?

MS. CAMPBELL: No, sir. The worst thing he says is it only lasted about a second because I couldn't get it up.

THE COURT: I understand that. I understand what the statement says.

MS. CAMPBELL: But he still admits to sexual -- the first thing he says is she and I had sexual

1 relations on the living room floor. I just don't
2 know that there's any evidence to support an ABHAN in
3 this case. ~~But she does say it was consensual or she~~
4 ~~wanted it.~~

5 **THE COURT:** All right. Now, Mr. O'Neil, with
6 regard to your motion.

7 **MR. O'NEIL:** Yes, Your Honor.

8 **THE COURT:** I mean, your making the record.

9 **MR. O'NEIL:** I just want to put on the record
10 what occurred this morning, Your Honor, in camera.

11 **THE COURT:** I understand. You want counsel for
12 the State present since they were present in those in
13 camera interviews?

14 **MR. O'NEIL:** Yes, Your Honor.

15 **THE COURT:** Okay. All right. I need the
16 court -- court is adjourned for the day with the
17 exception of this matter we need to put on the
18 record. And I need to do it in camera, which means
19 we need to go ahead and clear the courtroom.
20 Everybody else can leave except the attorneys and the
21 deputies. Security stays.

22 **MR. BRYANT:** I'm sorry, sir?

23 **THE COURT:** I said we're ready to proceed. The
24 investigator will have to leave. All right, Mr.
25 O'Neil.

1 MR. O'NEIL: Yes, Your Honor. I think it came
2 to the State's attention on yesterday that one of
3 their deputies, ~~a Deputy White from the Richland~~
4 ~~County Sheriff's Department,~~ may have overheard I
5 think it was what turned out to be juror number ~~134~~
6 during lunch saying something to the effect that,
7 ~~"I've heard what I need to hear."~~

8 I think at that point my request of the Court
9 was to bring that juror in, or hopefully bring in
10 Deputy White first to try to identify that juror and
11 then to ask that juror first if she made that
12 statement; and if she did make that statement, in
13 what context does she make that statement in.

14 I think what the Court decided to do was to
15 bring in what turned out to be a total of five jurors
16 one-by-one in camera, I think it was juror 134, 172,
17 juror number 1, juror number 199 and juror 174; and
18 ask them in a generic form had they formed any
19 opinion about the ultimate issues of this case or
20 either expressed that opinion to anybody about the
21 ultimate issues of the case and whether or not they
22 had made up their mind, whether or not they expressed
23 to anyone they had made up their mind.

24 I think all the jurors that were questioned
25 answered in the negative about whether or not they

1 had either made their mind up or expressed the fact
2 that they had made their mind up. I just want to put
3 on the record that it was my request for the jurors
4 to be -- especially one juror in question, I think
5 juror number 134 -- to be asked specifically did she
6 make that specific statement and whether or not, if
7 she did make that statement, in what context she made
8 that statement. And, Your Honor, based on that I
9 guess I would ask for a ~~mistrial~~.

10 **THE COURT:** Does the State have a position?

11 **MS. CAMPBELL:** Yes, Your Honor. As we discussed
12 in chambers, no one alleged to know what she was
13 referring to, if she was referring to this case or
14 any other thing in her life. You did bring the juror
15 in as well as other jurors to make sure, to inquire
16 whether or not they heard anything from anybody or
17 there had been any discussions. Each and every one
18 of them denied doing anything. ~~Basically you just~~
19 ~~reminded them of their duty.~~ There is no evidence
20 that she was referring to this case.

21 In addition to that, Your Honor, all the jurors
22 seemed quite forthright and quite serious about their
23 obligations in this case. And I do believe the
24 colloquy you went through with each and every one of
25 them back in chambers would be enough to address this

1 issue.

2 **THE COURT:** All right. Well, I don't know if,
3 A, to begin with, I don't know what the -- the
4 officer wasn't clear as to exactly what he heard,
5 although it's something similar to what ~~Mr. O'Neil~~
6 ~~has placed on the record.~~ We did our best to
7 identify who that witness might be; I mean, that
8 juror might be. I believe we covered everybody that
9 the Defendant's counsel, Mr. O'Neil, asked us to meet
10 and to voir dire in terms of their ability to be fair
11 and impartial ~~and the fact that they had neither~~
12 ~~spoken in the jury room nor outside of the courtroom~~
13 about having made up their mind in this case.

14 And all five of those witnesses (sic) I would
15 say categorically denied that they had made any such
16 statement ~~outside the jury room or inside the jury~~
17 ~~room,~~ and I had no reason to go any further with it.
18 And I stopped calling jurors in for an in camera
19 conference with the consent of both parties. I must
20 respectfully deny your motion.

21 **MR. O'NEIL:** Just one further thing I want to
22 put on the record, I guess just so the record is
23 clear. Deputy White's description of the individual
24 whom he heard make that statement was a black female,
25 a younger black female I think. And there are only

1 ~~three~~ black females on the jury. There's juror
2 number 172 and juror number 134. You questioned both
3 134 and 172. And out of an abundance of caution, I
4 think we requested three additional jurors.

5 **THE COURT:** 9:00.

6 **MS. SINGLETARY:** Thank you, Your Honor.

7 (Whereupon, the proceedings are concluded for
8 the day, to be reconvened tomorrow morning)
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STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

)

)

)

COURT OF GENERAL SESSIONS

2007-GS-40-1938

2007-GS-40-1939

2007-GS-40-1940

2007-GS-40-1941

2007-GS-40-2000

2007-GS-40-2001

2007-GS-40-2002

2007-GS-40-2003

2007-GS-40-2048

STATE OF SOUTH CAROLINA

vs.

RANDOLPH ASHFORD

DEFENDANT

)

)

)

)

)

)

TRANSCRIPT OF RECORD

April 3, 2009

Columbia, South Carolina

B E F O R E:

THE HONORABLE G. THOMAS COOPER, JUDGE; and a jury.

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

KATHRYN LUCK CAMPBELL, ASSISTANT SOLICITOR

WILL BRYANT, ASSISTANT SOLICITOR

Attorneys for the State

DEON O'NEILL, ASSISTANT PUBLIC DEFENDER

NICOLE SINGLETARY, ASSISTANT PUBLIC DEFENDER

Attorneys for the Defendant

CAROL M. THUEME, RPR

Official Court Reporter

I N D E X

Verdict of the Jury	7
Sentence of the Court	23
Certificate of Reporter	27

EXHIBITS

COURT'S EXHIBITS

		ID	EVD.
EXH.-1 and 2	Jury notes	6	
EXH.-3	Jury note	7	

Friday, April 3, 2009

(WHEREUPON, State's Exhibit No. 113 is marked for identification.)

MR. BRYANT: Your Honor, if it pleases the Court?

THE COURT: Are you on the record, Jenny?

COURT REPORTER: Yes, sir.

THE COURT: Yes, sir.

MR. BRYANT: I was talking to our court reporter and there was a little bit of a question mark about some of the stuff that was in evidence. I believe everything has been moved in. But I've talked with Mr. O'Neil, and in order to err on the side of caution, Exhibits 19, 20, 21 I believe -- I'm sorry. Did I say that? Exhibits 19, 20, 21, 25 through 29 and then 90 I move again just to make it official so Madam Reporter does not have a problem. 112 I marked, did not enter. And I believe then Ms. Campbell has 91, 92 and 100. If there is another problem, let me know and I'll clear it up so that I don't cause you any more confusion.

COURT REPORTER: Thank you.

(WHEREUPON, State's Exhibit No. 19 is admitted into evidence.)

1 (WHEREUPON, State's Exhibit No. 20 is admitted
2 into evidence.)

3 (WHEREUPON, State's Exhibit No. 21 is admitted
4 into evidence.)

5 (WHEREUPON, State's Exhibit No. 25 is admitted
6 into evidence.)

7 (WHEREUPON, State's Exhibit No. 26 is admitted
8 into evidence.)

9 (WHEREUPON, State's Exhibit No. 27 is admitted
10 into evidence.)

11 (WHEREUPON, State's Exhibit No. 28 is admitted
12 into evidence.)

13 (WHEREUPON, State's Exhibit No. 29 is admitted
14 into evidence.)

15 (WHEREUPON, State's Exhibit No. 90 is admitted
16 into evidence.)

17 (WHEREUPON, State's Exhibit No. 91 is admitted
18 into evidence.)

19 (WHEREUPON, State's Exhibit No. 92 is admitted
20 into evidence.)

21 (WHEREUPON, State's Exhibit No. 100 is admitted
22 into evidence.)

23 **THE COURT:** All right. The State ready to
24 proceed?

25 **MS. CAMPBELL:** The State's ready, Your Honor.

1 **THE COURT:** By the way, without objection on the
2 exhibits?

3 **MR. O'NEIL:** No objection, Your Honor.

4 **MS. SINGLETARY:** No objection, Your Honor.

5 **THE COURT:** Defense ready to proceed?

6 **MS. SINGLETARY:** Yes, Your Honor.

7 **THE COURT:** Bring the jury.

8 ~~(Jury in at 9:15 a.m.)~~

9 **THE BAILIFF:** Your Honor, the jury is present.

10 **THE COURT:** Good morning, ladies and gentlemen.
11 I think somebody cut the air conditioner on.

12 **FOREPERSON:** We hanging beef in here this
13 morning, or what?

14 **THE COURT:** Unfortunately, I don't have much --
15 I've got control over a lot of things, but the air
16 conditioner, I can't touch it. But, Jackie, the
17 clerk, is going to work on it. All right. Good
18 morning, ladies and gentlemen. We're ready to
19 continue with the trial. Solicitor, call your next
20 witness.

21 **MS. CAMPBELL:** May it please the Court.

22 **THE COURT:** Yes, ma'am.

23 **MS. CAMPBELL:** The State calls Eric Barnes.

24 ERIC BARNES, after being duly sworn, testifies
25 as follows:

1 **THE CLERK:** Please have a seat. State your full
2 name for the record.

3 **THE WITNESS:** Eric Barnes.

4 DIRECT EXAMINATION

5 **BY MS. CAMPBELL**

6 **Q** Sergeant Barnes, where are you employed?

7 **A** Richland County Sheriff's Office.

8 **Q** What do you do there, sir?

9 **A** I am a sergeant in the investigative division.

10 **Q** Can you tell this jury as a sergeant in the
11 investigative division what your duties include?

12 **A** I am a sergeant over ten men, and our primary duty in
13 the division that I'm in, the burglary team, is we
14 handle all the burglaries that happen in the county.
15 I then investigate those and bring the suspects to
16 justice in regard to burglary.

17 **Q** I want to turn your attention back to February the
18 24th of 2007. Were you working that evening?

19 **A** I was.

20 **Q** Did you become aware during the course of that day of
21 a hostage situation over on Booth Street?

22 **A** I did. As a part of my other duties as an on-call
23 supervisor for investigations, we do a rotation about
24 every five to eight weeks. And we handle anything
25 that happens over the weekends or during the evening

1 **THE COURT:** Any reply?

2 **MS. CAMPBELL:** Your Honor, can I consult?

3 (Pause)

4 **MS. CAMPBELL:** Nothing from the State, Your
5 Honor.

6 **THE COURT:** All right, ladies and gentlemen.
7 That will conclude the presentation of the testimony
8 in this case. The remaining portion of the trial
9 will consist of the final arguments of counsel and my
10 instructions to you on the law of the case as it
11 applies in South Carolina.

12 ~~Now, it's 1:15.~~ What I have done, and I hope
13 it's waiting for you, is ordered lunch for you
14 because this process will take a little bit of time.
15 And I think the most efficient use of our time, of
16 course you can make phone calls if you need to make
17 phone calls, there should be lunch waiting for you in
18 the jury room.

19 And again, I'm going to ask you not to discuss
20 the case over the lunch, maybe half hour. We're just
21 running on a tight schedule. So I'll ask you to just
22 relax and have your lunch. And, say, in about 30
23 minutes or so we'll call you back and conclude the
24 trial. So again, don't discuss the case while you're
25 in the -- hold on a minute. Hold on. Hold on. Hold

1 on. Well, it's come. It's on the way. It's in the
2 mail. I thought it had already arrived. So it
3 should be there very shortly. So just relax for a
4 few minutes, and we're going to feed you and then
5 we'll conclude the trial following that. Thank you
6 very much.

7 ~~(Jury out at 1:18 p.m.)~~

8 **THE COURT:** Let's stand at ease. Counsel, I
9 will furnish you a set of instructions in the next
10 half hour. Any motions?

11 **MS. SINGLETARY:** Yes, Your Honor. At this time
12 the defense would respectfully make a motion for a
13 mistrial based on ~~due process violations and 403,~~
14 Your Honor. It would be our argument that
15 inappropriate behavior of individuals in the gallery
16 that consisted of loud noises that were made while my
17 client was actually testifying, there were actually
18 loud gasps that were made by individuals in the
19 gallery and seated behind the Solicitor's Office.

20 Your Honor, also there were actual people who
21 actually were laughing and actually covered their
22 face in this manner while they were laughing or just
23 laughed, like in front of the jury. Your Honor,
24 there was patting of the feet. There were
25 inappropriate facial expressions. There were rolling

1 of the eyes. Your Honor, it was constant laughing,
2 laughing and chattering and blowing hard, Your Honor.

3 Because of these inappropriate behaviors that
4 were actually displayed, we feel that this actually
5 infected my client's right to a fair jury trial.

6 Your Honor, at no point throughout the duration of
7 this trial when individuals were on that stand that
8 my client actually conducted himself in this manner
9 at all. We feel that this actually has infected the
10 jury as it relates to my client's right to a fair
11 trial, Your Honor.

12 The behavior was so blatant and flagrant that I
13 actually had to take off my watch at one point
14 because the foreman for about five minutes -- and I
15 timed him, and there were other individuals in the
16 jury who actually did this, too -- for five minutes
17 they turned around and they looked out in the gallery
18 and did not pay attention to any testimony that was
19 elicited by our client, Your Honor.

20 And this happened throughout the duration of his
21 testimony. And this behavior is not acceptable in
22 courtrooms, Your Honor. Based on that, I feel that
23 this jury has been affected and that it actually --
24 this behavior violates my client's Fourth Amendment
25 right to a fair trial. And it was so prejudicial,

1 Your Honor, I think it just extends beyond 403, Your
2 Honor.

3 **THE COURT:** All right. State's position.

4 **MS. CAMPBELL:** Your Honor, I'm not aware of what
5 she is talking about. However, if it did become so
6 offensive, I would have thought she would have
7 brought it to the Court's attention. It was not
8 brought to the Court's attention. I am not aware of
9 any of this behavior she is talking about. Whether
10 or not the -- I mean, I just don't know, Your Honor.
11 I mean, I wasn't privy to it. I understand her
12 rendition of it.

13 **THE COURT:** All right. Ms. Singletary, I did
14 not witness the same behavior that you apparently
15 witnessed. And I certainly respect your position on
16 that. You are sitting a lot closer to the gallery
17 than I am, and that may have been the reason why you
18 may have overheard some things that I didn't
19 overhear. I did not think that the behavior -- and
20 I'm always acutely aware of -- try to be acutely of
21 aware of what's going on in the courtroom.

22 I know the victim from time to time has in any
23 case had emotional reactions to testimony. And maybe
24 there was a -- I think a minimal amount of that. But
25 I think it is the responsibility of counsel when you

1 observe something like that to inform the Court so
2 the Court can make a ruling and can correct that
3 behavior.

4 I have all the -- I have plenty of authority to
5 do that. And I could have cleared the courtroom, as
6 you know, if things become so disruptive that it
7 interferes with the failure with a fair trial for
8 your client. I do not think it rises to the level of
9 a mistrial. But as I said, I certainly would have
10 respected your wishes had you called it to my
11 attention at a previous time. So I respectfully deny
12 your motion.

13 **MS. SINGLETARY:** And, Your Honor, may I --

14 **THE COURT:** It's on the record.

~~15~~ **MS. SINGLETARY:** Yes, Your Honor. I wanted to
16 put just one last -- a couple of last things on the
17 record. Your Honor, the reason for me not actually
18 bringing it to the Court's attention at that time, I
19 didn't myself want it to interrupt the testimony at
20 that point.

~~21~~ **THE COURT:** Well, then you live with it.

22 **MS. SINGLETARY:** Yes, Your Honor. And I wanted
23 to make sure that I was actually seeing this type of
24 behavior. But we would ask that you caution
25 individuals in the gallery as a whole that this

1 behavior is not accepted in a court of law.

2 **THE COURT:** I'll be glad to do it. However, at
3 the present time we're going to take about a -- we're
4 going to take that break. And, Jackie, how about
5 checking? Mr. Dye. Or Mr. Broome.

6 **THE BAILIFF:** No, sir. . .

7 **THE COURT:** Not here yet? All right. We'll
8 stand at ease 'til 2:00, at which time -- or I'll try
9 to get that set of instructions to you before then.
10 But let's try to resume at 2:00.

11 **MR. O'NEIL:** Yes, sir.

12 **MS. SINGLETARY:** Thank you, Your Honor.

13 (Whereupon, a lunch break is taken)

14 **THE COURT:** Anything further with respect to the
15 jury charges?

16 **MS. CAMPBELL:** Yes, Your Honor.

17 **THE COURT:** All right.

18 **MS. CAMPBELL:** Ms. McDuffie has come in here.
19 She researched this. I would just refer to the State
20 vs. Cherry.

21 **THE COURT:** What about it?

22 **MS. CAMPBELL:** In State vs. Cherry the Supreme
23 Court in 2005 addressed the language from the Edwards
24 case --

25 **THE COURT:** That's correct.

1 and you consider the evidence in this case, you will
2 reach a verdict that does speak the truth. It comes
3 from the Latin phrase "veredicto", to speak the
4 truth; and that you will find him guilty of each of
5 these indictments individually, guilty as charged.
6 Thank you.

7 **THE COURT:** All right, ladies and gentlemen. It
8 now becomes my responsibility to explain to you the
9 law of the State of South Carolina as it applies to
10 this case. But before I do that, let me ask; this
11 will take about 30 minutes, would you like to take a
12 short break? I've got a lot of yesses. Let's take
13 about five minutes. Well, I don't know if every --
14 you know --

15 **FOREPERSON:** There's two restrooms in there.
16 We're all right.

17 **THE COURT:** I've always had a problem figuring
18 out how long it would take 14 people to relax. I'll
19 tell you what. You knock on the door when you're
20 ready and we'll be ready. Don't discuss the case
21 among yourselves while you're in the jury room.

22 ~~(Counselor at 3:45 p.m.)~~

23 **THE COURT:** Counsel, this is the verdict form on
24 the CSC first. I'll have you take a look at it and
25 see if you have any objections. We'll stand at ease

1 for five or so minutes.

2 (Whereupon, a break is taken)

3 **THE COURT:** Any objection to the jury form?

4 **MR. O'NEIL:** No, Your Honor.

5 **MS. CAMPBELL:** No, sir.

6 **THE COURT:** Bring the jury.

7 ~~(Jury in at 4:02 p.m.)~~

8 **THE BAILIFF:** Your Honor, the jury is present.

9 **THE COURT:** All right. Thank you, ladies and
10 gentlemen. All right, ladies and gentlemen. Now
11 you've heard all the testimony in this case. You'll
12 take with you to the jury room all of the evidence
13 that there is in the case that's been introduced.
14 You've heard everything there is to see and hear.
15 You've heard the arguments of both the State and the
16 Defendant, and I'll now explain the law to you as it
17 applies to this case.

18 Now, I'll remind you that under our ~~constitution~~
19 ~~and Code of laws~~ only the jury ~~can make findings of~~
20 ~~fact in this case~~ I am not permitted to indicate to
21 you how I might feel about the facts. So if I've
22 said or done anything in this case which would
23 indicate to you that I have an opinion concerning the
24 facts of this case, you must disregard that. This
25 jury must independently weigh the evidence presented

1 doubt and find him not guilty.

2 Now, generally there are two types of evidence
3 which has been described to you that are generally
4 presented during a trial, ~~direct evidence and~~
5 ~~circumstantial evidence. Direct evidence -- and we~~
6 ~~probably had both in this case.~~ Direct evidence is
7 the testimony of a person who claims to have actual
8 knowledge of a fact, such as an eye witness. It is
9 evidence which immediately establishes the main fact
10 to be proved.

11 Circumstantial evidence, on the other hand, is
12 proof of a series or chain of facts and circumstances
13 indicating the existence of some fact. It is
14 evidence which immediately establishes collateral
15 facts from which the main fact may be inferred.
16 Circumstantial evidence is based on inference and not
17 on personal knowledge or personal observation.

18 Circumstantial evidence is permissible provided
19 to the extent that the state relies upon
20 ~~circumstantial evidence to prove the elements of the~~
21 ~~crime, it must prove all of the circumstances relied~~
22 ~~upon beyond a reasonable doubt. They must be wholly~~
23 ~~and in every particular perfectly consistent with one~~
24 ~~another and they must point conclusively and beyond a~~
25 ~~reasonable doubt to the guilt of the accused.~~

1 cause a reasonable person to hesitate to act. Let me
2 repeat that. A reasonable doubt is the kind of doubt
3 that would cause ~~a reasonable person to hesitate to act~~
4 ~~act~~. The State has the burden of proving the
5 Defendant guilty beyond that reasonable doubt.

6 Some of you may have served as jurors in civil
7 cases where you were told it is only necessary to
8 prove that a fact is more likely true than not true,
9 such as by the greater weight or preponderance of the
10 evidence. ~~In criminal cases, however, the state's~~
11 ~~proof must be more powerful than that. It must be~~
12 ~~beyond a reasonable doubt.~~

13 Proof beyond a reasonable doubt is proof that
14 leaves you firmly convinced of the Defendant's guilt.
15 The State must meet its burden as to each of the
16 elements charged. ~~There are very few things in this~~
17 ~~world we know with absolute certainty, and in~~
18 ~~criminal cases the law does not require proof that~~
19 ~~overcomes every possible doubt.~~

20 If, based on your consideration of the evidence,
21 you are firmly convinced that the Defendant is guilty
22 of the crimes charged, you must find the Defendant
23 guilty. On the other hand, if you think there is a
24 real possibility that the Defendant is not guilty,
25 then you must give the Defendant the benefit of the



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

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November 03, 2025

Randolph Ashford, 00256638
Lee Correctional Inst.
990 Wisacky Highway
Bishopville SC 29010

Mr. Alan McCrory Wilson, Esquire
S.C. Attorney General's Office
PO Box 11549
Columbia SC 29211-1549

Mr. Mark Reynolds Farthing, Esquire
PO Box 11549
Columbia SC 29211-1549

Re: The State v. Randolph Ashford
Appellate Case No. 2023-001463

Dear Mr. Ashford and Counsel:

After careful consideration by the Court, this case will be submitted on the record on appeal and briefs during the November 2025 term without oral argument.

Very truly yours,

Catherine Harrison, deputy
CLERK



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

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December 10, 2025

Randolph Ashford, 00256638
Lee Correctional Inst.
990 Wisacky Highway
Bishopville SC 29010

Mr. Mark Reynolds Farthing, Esquire
PO Box 11549
Columbia SC 29211-1549

Re: The State v. Randolph Ashford
Appellate Case No. 2023-001463

Dear Counsel and Mr. Ashford:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

Jasmine D. Smith, Deputy
CLERK

cc: Alan McCrory Wilson, Esquire
Byron E. Gipson, Esquire
The Honorable Robert E. Hood

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Randolph Ashford, Appellant.

Appellate Case No. 2023-001463

Appeal From Richland County
Robert E. Hood, Circuit Court Judge

Unpublished Opinion No. 2025-UP-402
Submitted November 1, 2025 – Filed December 10, 2025

AFFIRMED

Randolph Ashford, pro se.

Attorney General Alan McCrory Wilson, Senior
Assistant Deputy Attorney General Mark Reynolds
Farthing, and Solicitor Byron E. Gipson, all of Columbia,
for Respondent.

PER CURIAM: Randolph Ashford appeals his convictions for first-degree burglary, two counts of kidnapping, two counts of assault with intent to kill, and three counts of carjacking, along with his aggregate sentence of forty years' imprisonment. On appeal, Ashford argues the trial court abused its discretion by

denying his motion for a new trial based on after-discovered evidence under Rule 29(b) of the South Carolina Rules of Criminal Procedure.¹ We affirm pursuant to Rule 220(b), SCACR.

We hold the trial court did not abuse its discretion by denying Ashford's motion for a new trial because the motion was not timely and Ashford failed to demonstrate any of the factors supporting granting the motion. *See State v. Harris*, 391 S.C. 539, 544-45, 706 S.E.2d 526, 529 (Ct. App. 2011) ("A motion for a new trial based on after-discovered evidence is addressed to the sound discretion of the trial [court]." (quoting *State v. Irvin*, 270 S.C. 539, 545, 243 S.E.2d 195, 197 (1978))); *id.* ("The granting of a new trial because of after-discovered evidence is not favored,' and [appellate courts] will affirm the trial court's denial of such a motion unless the trial court abused its discretion." (quoting *Irvin*, 270 S.C. at 545, 243 S.E.2d at 197-98)); Rule 29(b), SCRCrimP ("A motion for a new trial based on after-discovered evidence must be made within one (1) year after the date of actual discovery of the evidence by the defendant or after the date when the evidence could have been ascertained by the exercise of reasonable diligence."); *State v. Haulcomb*, 260 S.C. 260, 270, 195 S.E.2d 601, 606 (1973) ("[A]fter-discovered evidence refers to evidence of facts existing at [the] time of trial of which [the] aggrieved party was excusably ignorant."); *State v. Spann*, 334 S.C. 618, 619-20, 513 S.E.2d 98, 99 (1999) (explaining a defendant moving for a new trial on the basis of after-discovered evidence must show the evidence (1) would probably change the result if a new trial were granted, (2) has been discovered since the trial, (3) could not have been discovered prior to trial by the exercise of due diligence, (4) is material, and (5) is not merely cumulative or impeaching).

AFFIRMED.²

KONDUROS, GEATHERS, and VINSON, JJ., concur.

¹ On November 17, 2025, Ashford filed a "motion to allow filing of a supplemental record on appeal." We grant Ashford's motion and have considered the supplemental record on appeal.

² We decide this case without oral argument pursuant to Rule 215, SCACR.

Randolph Ashford #256638
Lee Corr. Inst. F-6, B-2214
990 Wisacky Hwy
Bishopville, South Carolina-29010

December 19, 2025.

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

RECEIVED

DEC 23 2025

SC Court of Appeals

Re: The State v. Randolph Ashford
Appellant Case No. 2023-001463

Dear Honorable Clerk:

Enclosed You will Find the Original Motion For Re-hearing
of the above noted appellant Case for your filing.

Please file the motion, and return a file COPY to me for my
record.

Thank You very much.

Sincerely,

Randolph Ashford

Enclosures

C.C.: Attorney General Office
For South Carolina

The State of South Carolina
In The Court of Appeals

RECEIVED

Appeal From Richland County
Robert E. Hood, Circuit Court Judge

DEC 23 2025

SC Court of Appeals

Case NO. 2023-001463

The State of South Carolina, Respondent,

v.

Randolph Ashford Appellant,

THE APPELLANT'S MOTION FOR REHEARING

The appellant, Randolph Ashford, Pursuant to Rule 221, SCACR, moves the Court to reconsider and modify its _____. In support of the motion, the appellant shows the following to the Court:

1. This Court overlooked several material facts in the record, through out the trial. Appellant's Conviction has been before the Courts for many years, without the assistance of legal Counsel, and no two Proceeding will be heard at the same time as that is a decision which is controlling as authority v. State v. Spann, 334 S.C. 618, 513 S.E. 2d 98 (1999).

a: (Due Process violations, Contaminated Crime Scene Evidence.

b: (Due Process violations, Indictments Clocked filed (18) YEARS after conviction.

C: C Abuse of discretion. Court Participated in this tainted Conviction of Appellant.

2. The material facts State and Federal Constitution violations, Statutes, decisions overlooked requires a different decision from that rendered by the Court of Appeals.

3. The decision that should have been rendered is for Appellant Randolph Ashford a new trial or in the alternate South Carolina Code Ann - 17-25-50. Considering Closely Connected etc.

WHEREFORE, Appellant respectfully request the Court to reconsider its decision and rule in favor of Appellant Ashford.

December 19 2025.

Randolph Ashford
Randolph Ashford #256638
Lee Corr. Inst. F-6, B-2214
990 Wisacky Hwy
Bishopville South Carolina-
29010

CERTIFICATE OF SERVICE

I do hereby Certify that I have Serve the following Counsels of record, the original and a Copy of Motion For Rehearing, by Placing the Same in the United States Mail, with Sufficient Postage affixed thereto here at the Lee Correctional Institution on the date below.

Appellant Case No. 2023-001463

December 19, 2025.

Randolph Ashford

Randolph Ashford #256638
Pro-se

Enclosures

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

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DEC 23 2025

SC Court of Appeals

Alan McCrory Wilson/Mark Reynolds Farthing, Esquire
South Carolina Attorney General Office
Post Office Box 11549
Columbia, South Carolina - 29211-1549

Randolph Ashford #256038
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Randolph Ashford # 256638
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990 Wisconsin HWY
Bishopville, South Carolina-29010

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JAN 27 2026

SC Court of Appeals

January 22, 2026.

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

Re: The State v. Randolph Ashford
Appellant Case No. 2023-001463

Dear Honorable Clerk:

Enclosed You will find 2 Copy of the Order that was unintentionally left out of the motion for rehearing that were filed with the Court on December 25, 2025.

Please return the copy to me for my record in this matter.

Thank You very much.

Sincerely,

Randolph Ashford

Enclosures

CC: Attorney General Office
For South Carolina

Certificate of Service

RECEIVED

JAN 27 2026

SC Court of Appeals

Re: The State v. Randolph Ashford
Appellant Case No. 2023-001463

I do hereby Certify that I have serve the following
Counsels of record the letter, and Order by Placing the
Same in the United States Postal Service with Sufficient
Postage affixed thereto here at the institution mailroom
on the date below.

January 22, 2026.

Randolph Ashford
Randolph Ashford #256638
Pro-Se

Enclosures

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

Alan McCrory Wilson / Mark Reynolds Farthing, Esq.
South Carolina Attorney General Office
Post Office Box 11549
Columbia, South Carolina 29211-1549

The South Carolina Court of Appeals

The State, Respondent,

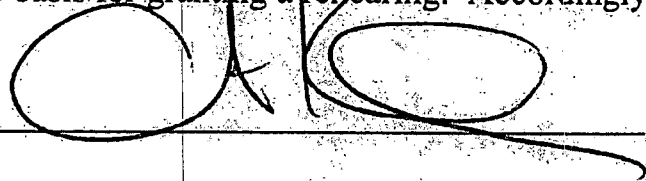
v.

Randolph Ashford, Appellant.

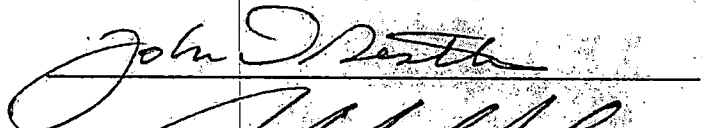
Appellate Case No. 2023-001463

ORDER

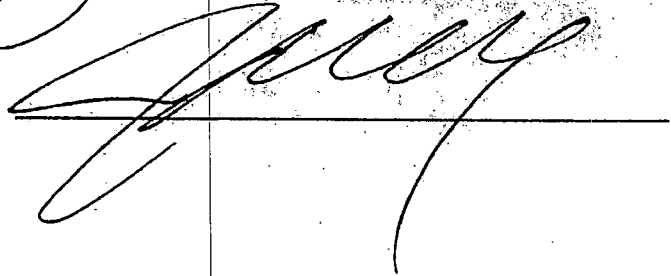
After careful consideration of the petition for rehearing, the court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.



J.



J.



J.

Columbia, South Carolina

cc:

Randolph Ashford, 00256638
Alan McCrory Wilson, Esquire
Mark Reynolds Farthing, Esquire
Byron E. Gipson, Esquire
The Honorable Robert E. Hood

FILED
Jan 29 2026