

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM SPARTANBURG COUNTY  
Court of General Sessions

Roger L. Couch, Circuit Court Judge

Case No. 2009-GS-42-3609, 2009-GS-42-3610

The State .....Respondent,

v.

Ricky Lee Blackwell, .....Appellant.

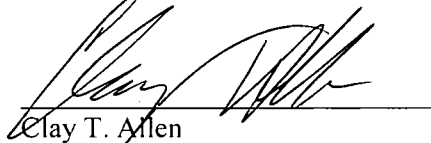
NOTICE OF APPEAL

Ricky Lee Blackwell appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Roger L. Couch on March 16, 2014, and reaffirmed on March 20, 2014. This appeal is taken from this conviction and sentence and the order of the Honorable Roger L. Couch of March 20, 2014, which denied appellant's motion for a new trial.

RECEIVED  
March 21, 2014

MAR 24 2014

S.C. SUPREME COURT



Clay T. Allen  
Bar #: 328  
Seventh Judicial Circuit Public Defender  
366 North Church Street, Suite 3000  
Spartanburg, S.C. 29303  
(864) 596-2561  
Attorney for Appellant

Other Counsel of Record:

Barry J. Barnette, Esquire  
Seventh Judicial Circuit Solicitor  
Seventh Judicial Circuit Solicitor's Office  
180 Magnolia Street  
Spartanburg, S.C. 29306  
(864) 596-2575  
Attorney for Respondent

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM SPARTANBURG COUNTY  
Court of General Sessions

Roger L. Couch, Circuit Court Judge

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Case No. 2009-GS-42-3609, 2009-GS-42-3610

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The State ..... Respondent,

v.

Ricky Lee Blackwell, ..... Appellant.

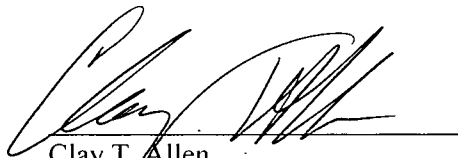
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PROOF OF SERVICE

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I certify that I served the Notice of Intent to Appeal on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on March 21, 2014, addressed to its attorney of record, Barry J. Barnette, Esq., Seventh Judicial Circuit Solicitor, 180 Magnolia Street, Spartanburg, S.C. 29306.

March 21, 2014



Clay T. Allen  
Bar #: 328  
Seventh Judicial Circuit Public Defender  
366 North Church Street, Suite 3000  
Spartanburg, S.C. 29303  
(864) 596-2561  
Attorney for Appellant

STATE OF SOUTH CAROLINA )

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG )

SEVENTH JUDICIAL CIRCUIT

State of South Carolina, )

vs. )

**VERDICT FORM**

Case Number: 2009-GS-42-3609

2009-GS-42-3610

Ricky Lee Blackwell, Sr., )

Defendant. )

1. We the jury, unanimously find the Defendant, Ricky Lee Blackwell, Sr., concerning the offense of **Kidnapping** (Indictment No. 2009-GS-42-3609):

\_\_\_\_\_ Not Guilty

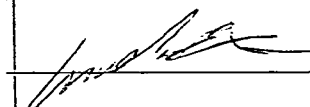
Guilty

2. We the jury, unanimously find the Defendant, Ricky Lee Blackwell, Sr., concerning the offense of **Murder** (Indictment No. 2009-GS-42-3610):

\_\_\_\_\_ Not Guilty

Guilty

I certify this decision was the unanimous decision of the jury.

  
\_\_\_\_\_  
Foreperson

March 12, 2014

FIRST VERDICT FORM TO BE CONSIDERED

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS

)

COUNTY OF SPARTANBURG ) FOR THE SEVENTH JUDICIAL CIRCUIT

)

)

STATE OF SOUTH CAROLINA ) INDICTMENT NOS.:

)

2009-GS-42-3609, 2009-GS-42-3610

)

)

JURY FINDING AS TO MENTAL

)

RETARDATION

)

vs. )

)

)

RICKY LEE BLACKWELL, SR. )

)

We, the jury unanimously find by the preponderance of the evidence that the Defendant was mentally retarded as defined as, significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period at the time of the commission of the crime of murder in this case.


Yes

No

We the jury are unable to make a unanimous finding on the

question of mental retardation

Should the finding be yes, stop your deliberations and return that verdict. Should the finding be no, or should you be unable to make a finding, you should proceed with your further deliberations as to the appropriate verdict.

  
FOREPERSON

MARCH 17, 2014

As of 3/16/2014

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

STATE OF SOUTH CAROLINA

VS.

RICKY LEE BLACKWELL, SR.

) IN THE COURT OF GENERAL SESSIONS

) FOR THE SEVENTH JUDICIAL CIRCUIT

) INDICTMENT NOS.:  
) 2009-GS-42-3609, 2009-GS-42-3610,

) RECOMMENDATION OF SENTENCE  
) (DEATH)

WE THE JURY IN THE ABOVE ENTITLED CASE, HAVING FOUND BEYOND A REASONABLE DOUBT THE EXISTENCE OF THE FOLLOWING STATUTORY AGGRAVATING CIRCUMSTANCE(S), TO WIT:

i. The Defendant Ricky Lee Blackwell, SR., did murder Brooke Center which was the murder of a child eleven years of age or under. Section 16-3-20(C)(a)(10) of the Code of Laws of South Carolina (1976) as amended.  
2. The Defendant, Ricky Lee Blackwell, SR., did murder Brooke Center while in the commission of the crime or act of kidnapping. Section 16-3-20(C)(a)(1)(b) of the Code of Laws of South Carolina (1976) as amended.

NOW RECOMMEND TO THE COURT THAT THE DEFENDANT, RICKY LEE BLACKWELL, SR., BE SENTENCED TO DEATH.

FOREPERSON [Signature]

JUROR [Signature]

JUROR [Signature]

JUROR [Signature]

JUROR 

JUROR Andrew Deig

JUROR E. J. Mc

JUROR Barbara J. Collins

JUROR Donna P. Champion

JUROR Stephanie M. Park

JUROR George M. Hunt

JUROR Paul E.

Spartanburg, SC

Date: 16-MAR-2014



JUROR Donna P. Champion

JUROR Stephanie M. Rediger

JUROR George M. Land

JUROR Paul W. [Signature]

JUROR Angie Bray

Spartanburg, SC

Date: 16-MAR-2014

STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )  
STATE OF SOUTH CAROLINA )  
vs. )  
RICKY LEE BLACKWELL, SR. )

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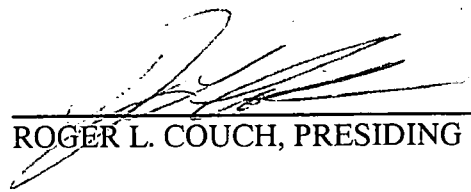
IN THE COURT OF GENERAL SESSIONS  
FOR THE SEVENTH JUDICIAL CIRCUIT

INDICTMENT NOS.:  
2009-GS-42-3609, 2009-GS-42-3610

AFFIRMATION OF DEATH SENTENCE

As the Trial Judge in the above entitled action, and prior to the imposition of the death sentence upon the Defendant, Ricky Lee Blackwell, Sr., I find as an affirmative fact that the evidence of the case warrants the imposition of the death penalty and its imposition is not a result of prejudice, passion, or any other arbitrary factor.

Spartanburg, SC  
March 16, 2014

  
\_\_\_\_\_  
ROGER L. COUCH, PRESIDING JUDGE

STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

)  
)  
)

IN THE COURT OF GENERAL SESSIONS  
FOR THE SEVENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA

)  
)  
)

INDICTMENT NOS.:  
2009-GS-42-3610

vs.

)  
)  
)

SENTENCE

RICKY LEE BLACKWELL, SR.


)  
)  
)

The Defendant, Ricky Lee Blackwell, Sr., has been found by the jury to be guilty of the offense of murder. The jury has recommended that the Defendant should be sentenced to death.

It is, therefore, the judgment of the law and the Sentence of the Court that the Defendant, Ricky Lee Blackwell, Sr., be taken to the County Jail of Spartanburg County, and thence to the State Penitentiary, henceforth to be kept in close and safe confinement until the 14th day of June, 2014, upon which day between the hours of six o'clock A.M. and six o'clock P.M., the Defendant, Ricky Lee Blackwell, Sr., shall suffer death by electrocution or lethal injection in the manner provided by law.

Spartanburg, SC

March 16, 2014

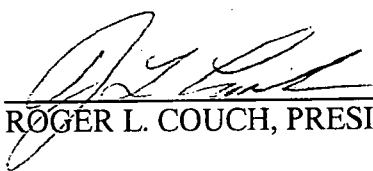
  
\_\_\_\_\_  
ROGER L. COUCH, PRESIDING JUDGE

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF SPARTANBURG	)	FOR THE SEVENTH JUDICIAL CIRCUIT
	)	
	)	
STATE OF SOUTH CAROLINA	)	INDICTMENT NOS.:
	)	2009-GS-42-3609
	)	
vs.	)	SENTENCING ORDER
	)	
	)	
	)	
RICKY LEE BLACKWELL, SR.	)	
_____	)	

The Defendant Ricky Lee Blackwell was found guilty by a jury of his peers of the crime of kidnapping in the above captioned case. At the same time the jury returned a verdict of guilty in the Capital Murder trial in C.A. No. 42-GS-42-3610. On March 16, 2014 the same jury recommended the imposition of the death penalty for the murder conviction. S.C. Code (1976 as amended) § 16-3-910, provides for sentencing in accordance with the murder statute S.C. Code §16-3-20 (1976 as amended) if the defendant is convicted of murder at the same time.

It is the Order of this Court that the Defendant Rickey Lee Blackwell, Sr. sentence for the crime of kidnapping is subsumed in the sentence given for the murder conviction that being death.

Spartanburg, SC  
 March 20, 2014

  
 ROGER L. COUCH, PRESIDING JUDGE

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )  
 )  
STATE OF SOUTH CAROLINA )  
 )  
vs. )  
 )  
RICKY LEE BLACKWELL, SR. )  
\_\_\_\_\_ )

IN THE COURT OF GENERAL SESSIONS  
FOR THE SEVENTH JUDICIAL CIRCUIT

INDICTMENT NOS.:  
2009-GS-42-3609, 2009-GS-42-3610,

AFFIRMATION OF DEATH SENTENCE

As the Trial Judge in the above entitled action, and prior to resentencing and the imposition of the death sentence upon the Defendant, Ricky Lee Blackwell, Sr., I again find as an affirmative fact that the evidence of the case warrants the imposition of the death penalty and its imposition is not a result of prejudice, passion, or any other arbitrary factor.

Spartanburg, SC

March 20, 2014

  
\_\_\_\_\_  
ROGER L. COUCH, PRESIDING JUDGE

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.
Ricky Lee Blackwell Sr
AKA:
Race: WHITE Sex: M Age: 55
DOB: SS#:
Address: 248 Ridings Rd
City, State, Zip: Chesnee, SC 29323
DL#: SID#:

INDICTMENT/CASE#: 2009GS4203609 3610 ABC
A/W#: M088424 3/20/14
Date of Offense: 7/8/2009
S.C. Code §: 16-03-0010; 16-03-0020
CDR Code #: 0116

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Murder / Murder

Convicted of or PLEADS

in violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: BARNETTE, BARRY 13039 SC Bar#
Ricky Blackwell Defendant
Attorney for Defendant 328 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 6 months days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for

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

CONCURRENT or CONSECUTIVE to sentence on: 3/16/14
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPS

PTUP
days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other: Kidnapping sentence in removed
in this sentence from case #
09-65-42-3669 Note 3/20/14

Table with columns for assessment type, amount, and total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge), § 14-1-211(A)(2) (DUI Surcharge), § 56-5-2995 (DUI Assessment), § 56-1-286 (DUI Breath Test), Proviso 47.9 (Public Def/Prob), § 14-1-212 (Law Enforce. Funding), § 14-1-213 (Drug Court Surcharge), § 50-21-114 (BUI Breath Test Fee), § 56-5-2942(J) (Vehicle Assessment), Proviso 90.5 (SCCJA Surcharge), 3% to County (if paid in installments), and TOTAL.

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Janice Camp
Court Reporter: Pam Green

Presiding Judge: [Signature]
Judge Code: 2135
Sentence Date: 3/16/14

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )

INDICTMENT

At a Court of General Sessions, convened on July 17, 2009, the  
Grand Jurors of Spartanburg County present upon their oath:

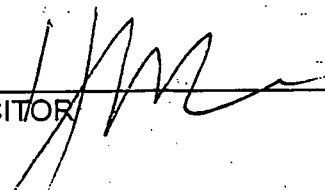
**MURDER**

The Defendant, Ricky Lee Blackwell, Sr., did in Spartanburg County on or about July 8, 2009, feloniously, willfully, and with malice aforethought, kill one Heather Brooke Center, by shooting her, and the victim died as a proximate result thereof, all in violation of Section 16-3-0010, 0020, 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.

SOLICITOR



WITNESSES

Spartanburg County Sheriff's Office

*T.K. T...*  
 8. TRANSPORTATION COPY

7. ASSESSMENT AND FINE CARD MADE

6. CHECKED SIGNATURE

5. CHECKED FINGERPRINTS

ARREST WARRANT NUMBER

M-088424

4. NUMBER

3. CARD FILLED

2. REPORT ENDED

1. SENTENCE MADE

ACTION OF GRAND JURY

*[Signature]*  
Foreperson of Grand Jury  
Date: *17 Jul 09*

VERDICT

*GUILTY*

Foreperson of Petit Jury  
Date: *12 MAR 2014*

09-GS-42-3610

The State of South Carolina

County of Spartanburg

Trey Gowdy, Solicitor

COURT OF GENERAL SESSIONS

JULY 20, 2009 TERM

THE STATE

vs.

RICKY LEE BLACKWELL, SR.

Indictment for

MURDER

SC Code 16-03-0010, 0020

CDR Code 116

Class FEL-EXM

SPARTANBURG COUNTY JUVENILE  
2009 JUL 27 AM 11:01  
MARC KITCHENS

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.
Ricky Lee Blackwell Sr
AKA:
Race: WHITE Sex: M Age: 55
DOB: SS#:
Address: 608 Conifer Circle
City, State, Zip: Spartanburg, SC 29303
DL#: SID#:

INDICTMENT/CASE#: 2009GS420300 3609 DC
A/W#: M088434
Date of Offense: 7/8/2009
S.C. Code §: 16-03-0910
CDR Code #: 0095

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Kidnapping/ Kidnapping

CONVICTED OF or PLEADS

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: BARNETTE, BARRY SC Bar# 13039
Defendant
Attorney for Defendant SC Bar# 328

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 30 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for

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

CONCURRENT or CONSECUTIVE to sentence on: 3/16/14
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

PTUP
days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund

Table with columns for assessment type, amount, and total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$ 0

Other: This sentence is substituted in
the death sentence issued in 3610 or
09-65-42-3610
3/20/14

Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk: Pam Green
Court Reporter: Pam Green

Presiding Judge: [Signature]
Judge Code: 2135
Sentence Date: 3/16/14

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )

INDICTMENT

At a Court of General Sessions, convened on July 17, 2009 the  
Grand Jurors of Spartanburg County present upon their oath:

**KIDNAPPING**

The Defendant, Ricky Lee Blackwell, Sr., did in Spartanburg County, on or about  
July 8, 2009, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away the  
victim, Heather Brooke Center, without authority of law, all in violation of Section 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.

  
\_\_\_\_\_  
SOLICITOR

WITNESSES

Spartanburg County Sheriff's Office

*T.K. Tillotson*

1. SENTENCE MADE

2. REPORT ENDED

3. CARD PULLED

ARREST WARRANT NUMBER

5. CHECKED WARRANTS

M-088434 6. CHECKED SIGNATURE

7. ASSESSMENT AND FINE CARD MADE

8. TRAFFIC VIOLATION COPY

ACTION OF GRAND JURY

*True Bill*

*Standy*

Foreperson of Grand Jury

Date: *17 Jul 09*

VERDICT

*GUILTY*

Foreperson of Petit Jury

Date: *12 MAR 2014*

**09-GS-42-3609**

The State of South Carolina

County of Spartanburg

*Trey Gowdy, Solicitor*

COURT OF GENERAL SESSIONS

July 20, 2009 TERM

THE STATE  
vs.

RICKY LEE BLACKWELL, SR.

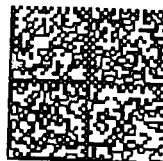
Indictment for  
KIDNAPPING


SC Code: 16-03-910  
CDR Code: 0095  
Class FEL-A

*Vertical stamp: JUL 27 11:10 AM '09 MARG MITCHENS*

**Seventh Judicial Circuit Public Defender**

366 N Church Street, Suite 3000  
Spartanburg, South Carolina 29303



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The Honorable Daniel E. Shearouse  
Clerk of the South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211