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REPORT OF THE TRIAL JUDGE
IN THE COURT OF GENERAL SESSIONS S.C. SUPREME COURT
Spartanburg COUNTY, SOUTH CAROLINA

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APR 24 2014

The State

vs

Ricky Lee Blackwell, Sr.

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

S.C. SUPREME COURT

A. Data Concerning The Defendant

1. Name Ricky Lee Blackwell, Sr.

2. Date of Birth November 18 1958
Month Day Year

3. Social Security Number [] Unknown

4. Sex: Male Female []
5. Race: White Black [] Other []

6. Education - Highest Grade Completed:
1 2 3 4 5 6 7 8 9 10 (11) 12 13 14 15 16
(Circle One) (College)

7. Do you have an opinion as to the Defendant's intelligence level?
Yes No []

If so, is it

a. Below Average
b. Average []
c. Above Average []

8. Did the solicitor notify the defendant at least thirty days before trial that the State would seek imposition of the death penalty upon the defendant?

Yes [] No []

9. Did the solicitor make known to the defendant in writing prior to trial the evidence in aggravation of punishment thereafter introduced by the State during the trial or during the sentencing proceeding?

Yes [] No []

10. Did the defendant move for a change of venue?

Yes [] No []

Abandoned this motion after jury selection.

a. If so, was the venue changed?

Yes [] No []

(1) If so, designate County. _____

C. Data Concerning The Trial

1. The defendant was brought to trial in the Court of General Sessions for SPARTANBURG County, South Carolina on _____ during the _____ term of that Court.

2. How did the defendant plead? Guilty []

Not Guilty []

3. List each offense of which the defendant was convicted and each offense of which the defendant was acquitted:

a. The offense(s) of which the defendant was convicted:

1. MURDER
2. KIDNAPPING
3. _____
4. _____
5. _____

b. The offense(s) of which the defendant was acquitted:

1. _____
2. _____
3. _____
4. _____
5. _____

4. On what date and at what time did the conviction(s) occur?

March 12, ²⁰¹⁴~~199~~, at 3:12 o'clock P M.

D. Data Relating to Sentencing Proceeding

1. Before whom was the defendant's sentencing proceeding conducted?

the trial jury the trial judge

a new jury a new trial judge

a. If conducted before the trial jury,

1. On what date and at what time was the sentencing proceeding held?

March 14, ²⁰¹⁴~~199~~ at 9 o'clock P M.

a. If such proceeding was conducted less than twenty four hours after the defendant's conviction, did the defendant waive the twenty-four hour waiting period?

Yes No

b. If conducted before the trial judge or a new trial judge,

1. And if the defendant was convicted by a jury,

a. Did the defendant and the State waive having the trial jury recommend sentence?

Yes No

If not, was the sentencing proceeding conducted by the trial judge because the case, due to nonprejudicial error, had been remanded to the trial court for resentencing based upon the record and argument of counsel?

Yes []

No []

b. On what date and what time was the sentencing proceeding held?

_____, 199__ at _____ o'clock __. M.

If such proceeding was conducted less than twenty four hours after the defendant's conviction, did the defendant waive the twenty four hour waiting period?

Yes []

No []

And if the defendant was convicted upon a plea of guilty, on what date was the sentencing proceeding held?

_____, 199__

c. If conducted before a new jury,

1. On what date was the sentencing proceeding held?

_____, 199__

2. Was such a proceeding conducted by the same judge who presided over the defendant's trial?

Yes []

No []

2. Which of following statutory aggravating circumstances were instructed, if the sentencing proceeding was conducted before a jury, and which of those circumstances were found irrespective of whether or not that proceeding was conducted before a jury or a trial judge?

	<u>Instructed</u>	<u>Found</u>
A. Murder was committed while in the commission of		
1. Criminal sexual conduct, _____ degree,	[]	[]
2. Kidnapping	[✓]	[✓]
3. Burglary, _____ degree	[]	[]
4. Robbery while armed with a deadly weapon.	[]	[]
5. Larceny with use of a deadly weapon.	[]	[]
6. Killing by poison	[]	[]
7. Physical torture	[]	[]
B. Murder was committed by a person with a prior record of conviction for murder.	[]	[]
C. The offender by his act of murder knowingly created a great risk of death to more than one person in a public place by means of a weapon or device which would normally be hazardous to the lives of more than one person.	[]	[]
D. The offender committed the offense of murder for himself or another for the purpose of receiving money or any other thing of monetary value.	[]	[]
E. The murder of a judicial officer, former judicial officer, solicitor, former solicitor, or other officer of the court during or because of the exercise of his official duty.	[]	[]

F. The offender caused or directed another to commit murder or committed murder as an agent or employee of another person. [] []

G. The offense of murder was committed against any peace officer, corrections employee or fireman while engaged in the performance of his official duties. [] []

H. Murder wherein two or more persons are murdered by the defendant by one act or pursuant to one scheme or course of conduct. [] []

I. The murder of a child eleven years of age or under. [✓] [✓]

3. Was (were) the aggravating circumstance(s) found supported by the evidence?

Yes [✓] No []

4. Was there evidence of mitigating circumstances found supported by the evidence?

Yes [] No []

5. If so, which of the following mitigating circumstances was in evidence?

[] 1. The defendant has no significant history of prior criminal conviction involving the use of violence against another person.

[] 2. The murder was committed while the defendant was under the influence of mental or emotional disturbance.

[] 3. The victim was a participant in the defendant's conduct or consented to the act.

4. The defendant was an accomplice in the murder committed by another person and his participation was relatively minor.
5. The defendant acted under duress or under the domination of another person.
6. The capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired.
7. The age or mentality of the defendant at the time of the crime(s).
8. The defendant was provoked by the victim into committing murder.
9. The defendant was below the age of eighteen at the time of the crime(s).
10. Other. Please explain if 10 is checked.
-
-
-

6. If tried with a jury, was the jury instructed to consider the circumstances in number 5 as mitigating circumstances?
Yes No
7. Was the jury provided in writing for its deliberation the statutory instructions as to aggravating and mitigating circumstances?
Yes No
8. As a trial judge, did you, prior to imposing the sentence of death upon the defendant, find as an affirmative fact that the death penalty was warranted under the evidence of the case and was not a result of prejudice, passion or any other arbitrary factor?
Yes No

E. Data Relating to Offense(s)

1. Was there evidence that the defendant, at the time the offense(s) was (were) committed, was

a. Under the influence of alcohol? Yes [] No [✓]

b. Under the influence of narcotics or other dangerous drugs? Yes [] No [✓]

2. Was (were) any weapon(s) used in the commission of the crime of murder? Yes [✓] No []

a. If so, check each weapon used

1. Poison []

2. Pistol [✓]

3. Rifle []

4. Shotgun []

5. Blunt instrument []

Describe - _____

6. Sharp instrument []

Describe - _____

7. Motor vehicle []

8. Other []

Describe - _____

3. Cause of death.

GUNSHOT WOUNDS (4)

4. County in which the body was found. SPARTANBURG

5. County in which the murder occurred if different from county in which the body was found. SPARTANBURG

F. Data Relating to Victim

1. What was the victim's age? 8 years old
2. Was the victim related by blood or marriage to the defendant?
Yes [] No [✓]
- a. If so, what was the relationship? _____
3. Was the victim the same race as the defendant? Yes [✓] No []
4. Was the victim the same sex as the defendant? Yes [] No [✓]
5. Was the victim physically harmed or tortured? Yes [✓] No []

If yes, state nature of harm or extent of torture.

Shot the victim four times - in the head, neck, back
and left leg.

G. Data Concerning Defense Counsel

1. Who was (were) the defendant's attorney(s) and what was (were) his (their) mailing address(es)?

<u>Name</u>	<u>Mailing Address</u>
a. <u>William Sean McGuire</u>	<u>1330 Lady Street, 4th floor, Columbia, SC 29201</u>
b. <u>Clay T. Allen</u>	<u>366 N. Church Street, Suite 3000, Spartanburg, SC 29303</u>
c. _____	_____
d. _____	_____

2. Did the defendant retain his own counsel or did the court appoint defense counsel?

Retained by Defendant []
Appointed by Court [✓]

- a. Specify for each such counsel, the date retained or appointed, the number of years as a licensed attorney and the number of years of actual felony trial experience.

<u>Name</u>	<u>Date retained or appointed</u>	<u>Years experience as attorney</u>	<u>Years felony trial experience</u>
1. William Sean McEvire		18 years	16 years
2. Clay T. Allen		34 years	29 years
3.			
4.			

3. Identify by name each attorney who, at the time of his appointment, was employed by the Public Defender's Office.

Clay T. Allen

4. Did each counsel serve throughout the trial?
 Yes No

a. If not, explain in detail.

H. General Considerations

1. Was race raised by the defense as an issue in the trial? Yes No
2. Did race otherwise appear as an issue in the trial? Yes No
3. Were members of the defendant's race represented on the petit jury? Yes No

4. Were members of the defendant's race represented on the jury venire? Yes [] No []
5. Was there any evidence that members of the Defendant's race were systematically excluded from the jury? Yes [] No []
6. Was the jury instructed to exclude race as an issue? Yes [] No []
7. Was there extensive publicity in the community concerning this case? Yes [] No []
8. Was the jury instructed to disregard such publicity? Yes [] No []
9. Was the jury sequestered? Yes [] No []
10. Was the jury instructed to avoid any influence of passion, prejudice or any other arbitrary factor when recommending sentence? yes [] No []
11. Your general comments concerning the appropriateness of the sentence imposed in this case.

12. If the defendant is a female, is she currently pregnant? Yes [] No []
- a. If so, the anticipated delivery date is _____.
13. This report was submitted to the defendant's counsel for such comments as he (they) desired to make concerning the factual accuracy of the report and *They submitted a Defense questionnaire which is attached.*
- a. His (their) comments are attached []
- b. He (they) stated he (they) had no comments []
- c. He has (they have) not responded []

8. Was a psychiatric evaluation performed? Yes [] No []

a. If performed, by whom?

Dr. Kimberly Harrison, Dr. Donna Schwartz-Watts, Dr. Gordon Brown

b. If performed, is defendant

1. Able to distinguish right from wrong? Yes [] No []

2. Able to cooperate intelligently in his own defense? Yes [] No []

c. If performed, were character or behavior disorders found? Yes [] No []

(If yes, please elaborate)

Major Depressive Disorder, Recurrent
Generalized Anxiety Disorder

9. Does the Defendant have a record of prior convictions?

Yes [] No []

a. If so, either attach hereto a record manifesting such prior convictions(s) or list the offenses(s), the date(s) of such offense(s) and the sentence(s) imposed:

<u>Offense</u>	<u>Date of Offense</u>	<u>Sentence imposed</u>
1. <u>Breaking and entering into storage tank</u>	<u>1981</u>	<u>YOA 2 yrs. suspended to 6 mo. and \$300</u>
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

10. Was the defendant a resident or non-resident of the county in which the trial was held?

Resident

Non-Resident

B. Data Concerning Pre-trial Matters

1. The defendant was arrested on

JULY 8, 2009

2. Was a preliminary hearing requested?

Yes

No

3. Was a preliminary hearing conducted?

Yes

No

4. The defendant was indicted at the JULY 19, 2009

term of the Court of General Sessions for SPARTANBURG
County, South Carolina.

5. List each charge alleged in the indictment.

a. MURDER - Indictment No. 2009-GS-42-3610

b. KIDNAPPING - Indictment No. 2009-GS-42-3609

c. _____

d. _____

e. _____

f. _____

6. The defendant was arraigned on _____.

a. If not arraigned, did the defendant waive arraignment?

Yes

No

7. Was the defendant provided with a true copy of the whole indictment at least three days prior to his trial thereupon?

Yes

No

a. If not, did the defendant waive this right to a three-day sight of the indictment?

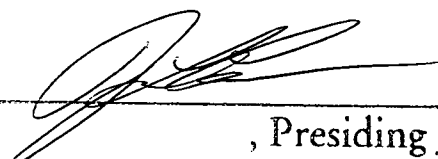
Yes

No

I. Chronology of Case

		<u>Elapsed Days</u>
1. Date of offense	<u>July 8, 2009</u>	<u> </u>
2. Date of arrest	<u>July 8, 2009</u>	<u> </u>
3. Date trial began	<u>March 3, 2014</u>	<u> </u>
4. Date sentence imposed	<u>March 16, 2014</u>	<u> </u>
5. Date post trial motions ruled on	<u>March 19, 2014</u>	<u> </u>
6. Date trial judge's report completed	<u>March 28, 2014</u>	<u> </u>
7. *Date received by Supreme Court	<u> </u>	<u> </u>
8. *Date sentence review completed	<u> </u>	<u> </u>
9. *Total elapsed days	<u> </u>	<u> </u>

*To be completed by Supreme Court



, Presiding Judge

Date: 3/28/14

DEFENSE QUESTIONNAIRE

The State v. RICKEY LEE BLACKWELL, Sr.
Ca. No. 2009-GS-42-3610

A. Data Concerning the Defendant

1. Name BLACKWELL RICKEY LEE
Last First Middle
2. Date of Birth NOVEMBER 18, 1958
Month Day Year
3. Social Security Number [] _____ [] Unknown
4. Sex: Male Female []
5. Race: White Black []
Other: _____
(Specify)
6. Education - Highest Grade Completed:
1 2 3 4 5 6 7 8 9 10 (11) 12 13 14 15 16
(Circle One) (College)
7. Do you have an opinion as to the Defendant's intelligence level?
Yes No []
- If so, is it
- a. Below Average Mental Retardation
b. Average []
c. Above Average []

8. Was a psychiatric evaluation performed? Yes No

a. If performed, by whom? DONNA SCHWARTZ-WATTS

b. If performed, is defendant

(1) Able to distinguish right from wrong? Yes No

(2) Able to cooperate intelligently in his own defense? Yes No

[NOT EVALUATED]

c. If performed, were character or behavior disorders found? Yes No

(If answer is yes, please elaborate)

MAJOR DEPRESSION, RECURRENT

ANXIETY DISORDER NOS

B. Data Concerning Pretrial Matters

1. The Defendant was arrested on JULY 8, ~~19~~ 2009.

2. Was a preliminary hearing requested? Yes No

3. Was a preliminary hearing conducted? Yes

No Indicted before prelim.

4. The Defendant was arraigned on _____, 19____.

If not arraigned, did the Defendant waive arraignment?

Yes No

5. Was the Defendant provided with a true copy of the whole indictment at least three days prior to his trial thereupon?

Yes No

a. If not, did the defendant waive his right to a three day sight of the indictment?

Yes No

6. Did the Solicitor notify the Defendant at least thirty days before trial that the State would seek imposition of the death penalty upon the Defendant?

Yes []

No []

7. Did the Solicitor make known to the Defendant in writing prior to trial the evidence in aggravation of punishment thereafter introduced by the State during the trial or during the sentencing proceeding?

Yes []

No []

8. Did the Defendant move for a change of venue? Yes [] No []

If so, designate County NONE DESIGNATED

C. Data Concerning Defense Counsel

1. Who was (were) the defendant's attorney(s) and what was (were) his (their) mailing addresses?

<u>Name</u>	<u>Mailing Address</u>
a. <u>WILLIAM SEAN MCGUIRE</u>	<u>1330 LADY ST., 4TH FLOOR, COLUMBIA, SC 29201</u>
b. <u>CLAY T. ALLEN</u>	<u>366 N. CHURCH ST., SUITE 3000, SPARTANBURG, SC 29303</u>
c. _____	_____
d. _____	_____

2. Did the defendant retain his own counsel or did the Court appoint defense counsel?

Retained by Defendant []

Appointed by Court []

a. Specify for each such counsel, the date retained or appointed, the number of years as a licensed attorney and the number of years of actual felony trial experience.

	<u>Name</u>	<u>Date retained or appointed.</u>	<u>Years experience as attorney</u>	<u>Years felony trial experience</u>
(1)	<u>WILLIAM SEAN MCGUIRE</u>		<u>18 yrs</u>	<u>16 yrs</u>
(2)	<u>CLAY T. ALLEN</u>		<u>34 yrs</u>	<u>29 yrs</u>
(3)	_____			
(4)	_____			

3. Identify by name each attorney who, at the time of his appointment, was employed by the Public Defender's Office.

CLAY T. ALLEN, William S. McGuire (SCCID,
Capital Trial Division.)



Attorney(s) for Defendant

Dated: 3-20-74

STATE'S QUESTIONNAIRE

The State v. RICKY LEE BLACKWELL, SR.
Case No. 2009-GS-42-3609 AND 3610

A. Data Concerning the Defendant

1. Name BLACKWELL RICKY LEE
Last First Middle

2. Do you have an opinion as to the Defendant's intelligence level?

Yes No

If so, is it

a. Below Average

b. Average

c. Above Average

3. Was a psychiatric evaluation performed? Yes No

a. If performed, by whom? DR. KIMBERLY HARRISON, DR. GORDON BROWN

b. If performed, is defendant

(1) Able to distinguish right from wrong? Yes No

(2) Able to cooperate intelligently in his own defense? Yes No

c. If performed, were character or behavior disorders found? Yes No

(If answer is yes, please elaborate)

MAJOR DEPRESSIVE DISORDER

GENERALIZED ANXIETY DISORDER

(PLEASE COPIES OF DR. HARRISON'S REPORT AND DR. GORDON BROWN'S REPORT ATTACHED TO THIS QUESTIONNAIRE.)

4. Does the Defendant have a record of prior convictions?

Yes

No

a. If so, either attach hereto a record manifesting such prior conviction(s) or list the offense(s), the date(s) of the offense(s) and the sentence(s) imposed:

<u>Offense</u>	<u>Date of Offense</u>	<u>Sentence Imposed</u>
1. MURDER -	JULY 8, 2009	DEATH
2. KIDNAPPING -	JULY 8, 2009	
3.		
4.		
5.		
6.		

5. Was the Defendant a resident or nonresident of the county in which the trial was held? Resident Non-Resident

B. Data Concerning Pretrial Matters

1. The Defendant was arrested on JULY 8, 19 2009.

2. Was a preliminary hearing requested? Yes No

3. Was a preliminary hearing conducted? Yes No

4. The Defendant was indicted at the JULY 19, 19 2009 term of the Court of General Sessions for SPARTANBURG County, South Carolina.

5. List each charge alleged in the indictment.

a. MURDER - IND. No.: 2009-GS-42-3610

b. KIDNAPPING - IND. No.: 2009-GS-42-3609

c. _____

d. _____
e. _____
f. _____

6. The Defendant was arraigned on JULY 16, 15 2009.
If not arraigned, did the Defendant waive arraignment?
Yes [] No []

7. Was the Defendant provided with a true copy of the whole indictment at least three days prior to his trial thereupon?
Yes No []

a. If not, did the Defendant waive his right to a three day sight of the indictment?
Yes [] No []

8. Did the Solicitor notify the Defendant at least thirty days before trial that the State would seek imposition of the death penalty upon the Defendant?
Yes No []

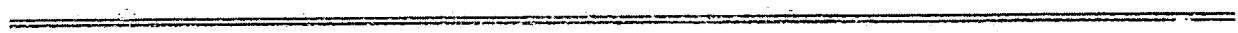
9. Did the Solicitor make known to the Defendant in writing prior to trial the evidence in aggravation of punishment thereafter introduced by the State during the trial or during the sentencing proceeding?
Yes No []

10. Did the Defendant move for a change of venue? Yes No []
If so, designate County THE DEFENSE ABANDONED THE MOTION
AFTER JURY SELECTION.

C. Data Relating to Victim

1. What was the victim's age? EIGHT (8) YEARS OLD

2. Was the victim related by blood or marriage to the Defendant?
Yes [] No



a. If so, what was the relationship? N/A

3. Was the victim the same race as the Defendant? Yes No

4. Was the victim the same sex as the Defendant? Yes No

5. Was the victim physically harmed or tortured? Yes No

a. If yes, state nature of harm or extent of torture

SHOT BY THE DEFENDANT - FOUR (4) TIMES WITH A .357
PISTOL. HE SHOT HER THE VICTIM IN THE HEAD, NECK,
BACK AND THE LEFT LEG.

Ramy Rametto
Solicitor

Date: _____