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STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM AIKEN COUNTY

Doyet A. Early, III, Circuit Court Judge

RECEIVED
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SC Court of Appeals

THE STATE,

RESPONDENT,

v.

EDDIE MACK STEWART,

APPELLANT

APPELLATE CASE NO. 2014-001324

RECORD ON APPEAL

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1 facts to the law and render a true and just verdict.
2 So, as I told you yesterday, if there's been any
3 time during the trial of this case that I've done
4 anything up here which makes you believe that I have
5 an opinion about the facts, set that aside. I do
6 this day in and day out, and the law does not allow
7 me to have an opinion about the facts. That's
8 solely your duty; you're the judges of the facts, it
9 is your sole responsibility to be the judges of the
10 facts. And do not infer anything that I've said,
11 done, or acted in this trial of the case make you
12 believe that I have an opinion about the facts.

13 Because you are the judges of the facts or the
14 finders of the facts, you must determine the
15 credibility of the witnesses who have testified in
16 this case. Credibility simply means believability.
17 It becomes your duty as jurors to analyze and to
18 evaluate the evidence to determine which evidence
19 convinces you of its truth. In determining the
20 believability of witnesses who have testified in
21 this case, you can believe one witness over several,
22 several over one, you can disbelieve everything a
23 witness says, you can believe everything a witness
24 says, you can believe a portion and disbelieve the
25 other portion. So I ask you once again, please use

1 your ordinary common sense in dealing with people.
2 You know how to determine when someone is telling
3 the truth. You have family members you deal with,
4 friends, employees, employers, so please use that
5 same ordinary common sense in determining what
6 witnesses in this case are credible and who you
7 believe. You also have the right to consider
8 whether any witness has exhibited to you any
9 interest, bias, prejudice or other motive in the
10 case, and you can also consider the appearance and
11 manner of a witness while on the witness stand. So
12 you are the judges of the facts, so you have to
13 determine what you believe and who you believe in
14 this case.

15 As I told you during the trial of the case, we
16 had I know one witness, maybe more, who testified as
17 an expert witness. As I told you then, normally
18 witnesses cannot give opinion testimony. They must
19 testify as to what they either see or heard or
20 sensed by smell or something of that nature. There
21 is an exception to that rule: When someone is
22 qualified because of education or experience, they
23 are permitted to give their opinion in certain
24 areas, if I qualify them. So you can give the
25 expert -- you can give that opinion any weight you

1 deem necessary. I mean, you don't even have to
2 accept that even if it's not contradicted. So you
3 just treat an expert witness' opinion testimony just
4 like any other; you judge the credibility and the
5 believability of it and whether he was fully
6 qualified and whether or not he gave reasons to
7 support that opinion.

8 Now, one other general proposition in a
9 criminal case is what we call the concept of the
10 hand of one is the hand of all. And that's
11 generally this: If a crime is committed by two or
12 more people who are acting together in committing
13 the crime, the act of one is the act of all. The
14 person who joins with another to accomplish an
15 illegal purpose is criminally responsible for
16 everything done by the other people which occur as a
17 natural consequence of the acts done in carrying out
18 the common plan or purpose. Prior knowledge that a
19 crime is going to be committed without more is not
20 sufficient to make a person guilty of that crime.
21 The mere knowledge that another person is going to
22 commit a crime, even if the defendant is present
23 when the crime is committed, is not sufficient to
24 convict the defendant. Guilt of the hand of one is
25 the hand of all is shown by actual or constructive

1 presence at the scene as a result of prior
2 arrangement, therefore finding the prior arranged
3 plan of common scheme is necessary. So a principal
4 in a crime is one who either actually commits the
5 crime or who is present or who is aiding, abetting,
6 or assisting in the committing of the crime. So if
7 a person does an act in the presence of and with the
8 assistance of another, the act is done by both. So
9 that's the hand of one is the hand of all. However,
10 the mere presence at a scene of a crime is not
11 sufficient to prove someone guilty of a crime. A
12 defendant's presence where a crime is being
13 committed or mere association with a person who
14 commits a crime does not make a defendant an
15 accomplice or an aider and abettor.

16 The burden is on the State to prove every
17 element of the crime. So if you find that after
18 reviewing all of the evidence that the State has
19 proved that the defendant was only present at the
20 scene and they have not proved beyond a reasonable
21 doubt any other participation in the crime, then you
22 must find the defendant not guilty. The law is that
23 proof of at the scene of the crime is not sufficient
24 to find someone guilty. They must prove beyond a
25 reasonable doubt that they knew what was going on or

1 acted with the other, the hand of one is the hand of
2 all.

3 Now, let's turn to what the defendant is
4 charged with in this case. Two offenses are as
5 follows: He's charged with first-degree burglary.
6 That's set out in our Code of Laws in 16-11-311.
7 The defendant is charged with first-degree burglary.
8 The State must first prove beyond a reasonable doubt
9 that the defendant entered a dwelling without
10 consent. Entered a dwelling without consent. Our
11 law defines a dwelling as any building or portion of
12 a building in which a person ordinarily sleeps.
13 Dwelling is any building or portion of a building in
14 which a person ordinarily sleeps. A dwelling house
15 has been defined by our Legislature in 16-11-10, and
16 it says that a dwelling house is any house,
17 outhouse, apartment, building, shed, or box in which
18 there sleeps a proprietor, tenant, watchman, clerk,
19 laborer -- so someone who owns the building and they
20 sleep therein -- or a person who lodges there with a
21 view to the protection of property shall be deemed a
22 dwelling house. So the State must prove to you
23 beyond a reasonable doubt that the defendant entered
24 a dwelling without consent. A dwelling is any
25 building or portion of the building in which a

1 person ordinarily sleeps. In order to prove that
2 the defendant entered the dwelling, the State does
3 not have to show that his entire body entered the
4 dwelling; the smallest entry is sufficient.

5 Next, the State must prove beyond a reasonable
6 doubt that the defendant intended to commit a crime
7 at the time of the entry. The mere entry into the
8 dwelling without consent is not burglary. If the
9 intent to commit a crime is formed after the entry
10 is not burglary. On the other hand, if the
11 defendant intended to commit a crime at the time of
12 the entry, it is burglary even if the intent was
13 abandoned after the entry.

14 Intent may be shown by acts and conduct of the
15 defendant and any other circumstances from which you
16 may naturally and reasonably infer intent. And then
17 the final thing the State must prove beyond a
18 reasonable doubt, that while entering or when
19 entering and while in the dwelling or when
20 fleeing -- in other words, while going in or while
21 in the dwelling or when fleeing -- the defendant or
22 one of the others who were participating was armed
23 with a deadly weapon or when entering or while in
24 the dwelling or when leaving or fleeing, the
25 defendant or the others participating used or

1 threatened to use a dangerous object -- and
2 obviously a gun is a dangerous object -- or when
3 entering or while in the dwelling or when fleeing
4 the defendant or one of the others displayed what
5 was or appeared to be a pistol, revolver, rifle,
6 shotgun or other firearm or the defendant entered or
7 remained in the dwelling in the nighttime -- and
8 nighttime is obviously between sunset and sunrise --
9 where there's not enough daylight to recognize a
10 person's face except by artificial light.

11 So it's fairly simple. Burglary in the first
12 degree, the State must prove to you beyond a
13 reasonable doubt that a person entered a dwelling
14 without consent with the intent to commit a crime in
15 the dwelling, and then one of several things: Is
16 armed with a deadly weapon or uses or threatens the
17 use of a dangerous instrument or displays what
18 appears to be a dangerous instrument or entered and
19 remained in the building in the nighttime. Could be
20 one or others, but it has to be at least one of
21 those.

22 The other offense for which the defendant is
23 charged is grand larceny. Grand larceny or larceny
24 is simply stealing. The State must prove beyond a
25 reasonable doubt that the defendant took and carried

1 away property of another against the will or without
2 the consent of the other person. The slightest
3 removal of the property or the complete possession
4 of the property by the defendant is enough to show a
5 taking and a carrying away of the property. The
6 State must also prove beyond a reasonable doubt that
7 the defendant intended to permanently deprive the
8 owner of the property and the State must prove
9 beyond a reasonable doubt that the value of the
10 property taken was in excess -- was \$10,000 or more.
11 So those are the two offenses and those are the
12 elements.

13 There is a recognized offense in the law of
14 South Carolina, and that is known as the defense of
15 coercion or duress. And the defendant has raised
16 the defense of coercion or duress. Coercion or
17 duress is when a person makes another person commit
18 a crime against someone else's person or property by
19 the threat of immediate physical violence. Coercion
20 or duress must be present, imminent and of the type
21 to create a well-grounded fear of death or serious
22 bodily harm if the act is not done. The fear of
23 injury must be reasonable. Coercion or duress is
24 not a defense if there's any reasonable way other
25 than committing the crime for the defendant to

1 escape the threat of harm. If you find that the
2 defendant was coerced into committing the crime,
3 then you must find him not guilty.

4 Now, madam forelady, ladies and gentlemen of
5 the jury, your verdict must be unanimous; all 12 of
6 you must agree as to the verdict. Obviously, you
7 have been selected to determine what the true facts
8 are in the case, who you believe in the case. And I
9 told you a number of times, you take those facts and
10 apply it to the law as I've just given it to you.
11 We're not here to reward any friends or to punish
12 any enemies. We're here to give it serious
13 deliberation as to what the facts are and to apply
14 the facts to the law.

15 You'll have a verdict form in the jury room.
16 You'll consider the one as to grand larceny and the
17 burglary. You have to do them separate and apart
18 from the other. You have two choices; not guilty or
19 guilty. Whichever one you decide on, you check
20 it -- it's easy to follow -- sign your name and let
21 us know when you've reached a verdict. Just knock
22 on the door and Mr. Whittle or one of them will
23 receive you back into the courtroom.

24 You will have all of the exhibits back in the
25 jury room that have been introduced in the trial of

1 the case, and you'll have the verdict form. If you
2 have any questions while you deliberate, the
3 procedure is to write the question out on a piece of
4 paper and knock on the door and hand it to
5 Mr. Whittle or one of the bailiffs and they'll give
6 it to me. Sometimes I can answer it and sometimes I
7 can't; it depends on what the question is and what
8 the law is and what all is happening. But if you
9 have a question, send it out and I'll send the
10 answer or some type of response back to you.

11 I'm going to ask you to step back into your
12 jury room. Do not start deliberating quite yet. I
13 have to ask the lawyers if I've left anything out or
14 if I need to delete anything, and then we will
15 gather up all the exhibits and they'll be brought
16 back to you by the bailiff along with the verdict
17 form, and then you may start your deliberations.
18 You may take your notepads with you. Obviously, you
19 may refer to your notes. Be respectful of other
20 people's notes and have a general discussion on the
21 case. Thank you.

22 (The jury retires to the jury room at 12:32
23 PM.)

24 THE COURT: Any objections, requested additions
25 or deletions to the charge by the State?

1 MS. YOUNG: None from the State, Your Honor.

2 THE COURT: Mr. Routzong?

3 MR. ROUTZONG: No, sir, Your Honor.

4 THE COURT: Thank you.

5 Would y'all please come forward and review the
6 exhibits, review the verdict form. And, obviously,
7 Mr. Routzong is protected on his request to have the
8 lesser-included, but other than that, please review
9 it and we'll send everything back to the jury.

10 (Exhibits reviewed by the State and the
11 Defense.)

12 THE COURT: All right. Let the record reflect
13 that we have counted all the exhibits, they've been
14 verified by both the State and the defendant;
15 verdict form has been reviewed. We're going to send
16 everything back to the jury with permission to let
17 Mr. Whittle to tell the jurors if they need to play
18 the CDs, that -- just let us know and we'll send
19 back a laptop for them to use.

20 Any objections by the State?

21 MS. YOUNG: No, sir, Your Honor.

22 THE COURT: By the defendant?

23 MR. ROUTZONG: No, sir.

24 THE COURT: All right. It's 12:38. We'll
25 stand at ease.

1 (The jury begins deliberations at 12:38 PM.)

2 THE COURT: All right. I got a note that I
3 discussed with the lawyers in chambers. But
4 basically it is for me to recharge hand of all --
5 hand of one is the hand of all.

6 Bring the jury back in, please.

7 (The jury enters the courtroom at 1:43 PM.)

8 THE COURT: All right. I got a note about the
9 hand of one is the hand of all. You want me to sort
10 of retell you that?

11 THE FORELADY: Yes, please.

12 THE COURT: All right. There's a principal of
13 law which the lawyers and the judges and all, we
14 call it the hand of one is the hand of all. That's
15 sort of the common name.

16 But basically it says: When a crime is
17 committed by two or more people who are acting
18 together in committing the crime, the act of one is
19 the act of all. A person who joins with another to
20 accomplish a criminal activity is criminally
21 responsible for everything done by the other person
22 which occurs as a natural consequence of the acts
23 done in the carrying out the common plan and
24 purpose.

25 A lot of times they will give us an example.

1 It says that two people can be guilty of killing
2 another person when only one of the two had a gun
3 and there was only one bullet and only one of the
4 two fired the shot that caused the death.
5 Therefore, if two or more people are together,
6 acting together, assisting each other in committing
7 the crime, the act of one is the act of all or as
8 it's sometimes said, the hand of one is the hand of
9 all.

10 A principal in a crime is one who either
11 actually commits the crime or who is present aiding,
12 abetting or assisting in committing the crime. If a
13 person does an act in the presence of and with
14 assistance of another, the act is done by both. So
15 that's the law of the hand of one is the hand of
16 all.

17 Further, prior knowledge that a crime is going
18 to be committed without more is not sufficient to
19 make a person guilty of that crime. Mere knowledge
20 that another person is going to commit a crime, even
21 if the defendant is present when the crime is
22 committed, is not enough to convict the defendant.
23 Guilt must be shown by the actual constructive
24 presence at the scene as the result of a prior
25 arrangement. Therefore, the finding of a prior

1 alleged plan or common scheme is necessary. In the
2 finding of guilt as a principal, the State must
3 prove beyond a reasonable doubt, by competent
4 evidence, the theory of the hand of one is the hand
5 of all.

6 So, basically, it simply says one who either
7 actually commits the crime, who is and aiding,
8 abetting or assisting, is just as guilty as the one
9 doing it. The most common example is the one about
10 two people present, one person has the gun, one
11 bullet, one person shoots, one person is killed, but
12 the other person is aiding and abetting, that person
13 is just as guilty as the person who pulls the
14 trigger. That's the law of hand of one hand of all.

15 Need anything else on that, any other
16 explanation? I don't know that I can give you any
17 further than that.

18 THE FORELADY: No, Your Honor. I think that
19 answers it.

20 THE COURT: Thank y'all very much. You may go
21 back to your jury room.

22 (Court's Exhibit No. 2 marked for
23 identification and admitted into evidence.)

24 (The jury retires to the jury room at 1:47 PM
25 to continue deliberations.)

1 THE COURT: Any objection by the State to that
2 recharge?

3 MS. YOUNG: No, sir, Your Honor.

4 THE COURT: Mr. Routzong?

5 MR. ROUTZONG: No, Your Honor.

6 THE COURT: All right. I've gotten another
7 note. I thought I asked them if they needed
8 anything else, but apparently they got back there
9 and said they want a recharge or more information on
10 coercion and duress.

11 Bring them out for me, please.

12 (The jury enters the courtroom at 1:53 PM.)

13 THE COURT: All right. Madam forelady says,
14 can we have more information on coercion and duress?
15 Is that correct?'

16 THE FORELADY: Yes, sir.

17 THE COURT: All right. The law on coercion or
18 duress is this: The defendant has raised the
19 defense of coercion or duress. Coercion or duress
20 is when a person makes another person commit a crime
21 against someone else's -- commits a crime by the
22 threat of immediate physical violence; in other
23 words, coercion or duress is when a person makes
24 another person commit a crime by the threat of
25 immediate physical violence. You don't do it, I'm

1 going to hurt you.

2 The coercion or duress must be present, must be
3 imminent and of the type to create a well-grounded
4 fear of death or serious bodily harm if the criminal
5 act is not done, and the fear of injury must be
6 reasonable. Coercion or duress is not a defense if
7 there's any reasonable way other than committing the
8 crime for the defendant to escape the threat of
9 harm. If he can get out of the way of it, then he
10 can't raise it. If you find the defendant was
11 coerced in committing the crime, then you must find
12 the defendant not guilty.

13 Thank you. Anything else?

14 THE FORELADY: No. That's it.

15 THE COURT: All right. If you have any other
16 questions, send them to the bailiff and I'll be more
17 than happy to try to help.

18 (Court's Exhibit No. 3 marked for
19 identification and admitted into evidence.)

20 (The jury retires to the jury room at 1:55 PM
21 to continue deliberations.)

22 THE COURT: Bring the defendant out, please.

23 All right. I received a third note that says:
24 We cannot all agree on guilty or not guilty, signed,
25 The Foreperson. Upon receiving that, I got

1 permission from both the State and the Defense to
2 inquire of the forelady as to the split and as to
3 whether or not additional time would help. I've
4 discussed that -- the split with the lawyers in
5 chambers. I asked both the State and the defendant
6 if -- based on the split, if they wish for me to
7 give an Allen Charge. I was told no by the State
8 and the defendant because the split probably would
9 not -- and even in my opinion would not -- achieve
10 any type of verdict because it's not even close one
11 way or the other.

12 Is that correct, Ms. Bethann Young?

13 MS. YOUNG: Yes, Your Honor, it is.

14 THE COURT: Mr. Routzong?

15 MR. ROUTZONG: Yes, sir.

16 THE COURT: All right. I'm going to bring the
17 jury in and I'm going to ask the forelady if that
18 is, in fact, correct and ask her if they need any
19 additional time or if she thinks that they will be
20 unable to reach a unanimous verdict. I assume she's
21 going to tell me no, and if she does, I'll declare a
22 mistrial.

23 Any objection to that by the State?

24 MS. YOUNG: No, sir.

25 THE COURT: Mr. Routzong?

1 MR. ROUTZONG: No, sir.

2 (The jury enters the courtroom at 3:20 PM.)

3 THE COURT: Madam forelady, I received a note
4 that said that y'all were unable to reach a
5 unanimous verdict. I asked to speak to you
6 privately in chambers with permission from both
7 sides and you informed me as to basically what the
8 division was.

9 I'm going to ask you on the record: Do you
10 believe -- well, first of all, y'all have not been
11 able to reach a unanimous verdict; is that correct?

12 THE FORELADY: That would be correct.

13 THE COURT: And do you think additional time
14 would serve any useful purpose?

15 THE FORELADY: No, sir.

16 THE COURT: And that's exactly what you told me
17 in chambers.

18 THE FORELADY: Yes, sir.

19 THE COURT: All right. I'm going to -- what we
20 have to do in this situation -- this doesn't happen
21 often, but sometimes it happens -- we declare a
22 mistrial. And what that simply means is either next
23 week or the week after with the same sort of people
24 like y'all, 12 people, we'll try it again. And it
25 doesn't mean that -- the charges remain pending and

1 they're tried again, so that's what that means.
2 Thank y'all very much. I'm going to excuse you now.
3 You're free to go. You'll be sent a check. If you
4 need a work excuse, stay in the jury room and I'll
5 send one of the clerks back and they'll be glad to
6 get you one. Thank you.

7 (Jury excused.)

8 THE COURT: All right. Anything more by the
9 State?

10 MS. YOUNG: No, sir.

11 THE COURT: Mr. Routzong?

12 MR. ROUTZONG: No, sir.

13 THE COURT: Defendant Robinson, obviously the
14 charges are still pending and you'll remain in
15 custody. Thank you.

16 (Pause in the proceedings.)

17 THE COURT: All right. We're back on the
18 record with Eddie Mack Stewart, two indictments
19 everyone is familiar with, 13-GS-02-231 and 230; 230
20 being the burglary and 231 being grand larceny. I
21 have accepted his plea and --

22 DEFENDANT STEWART: I want to withdraw it.

23 THE COURT: Denied. You pled guilty.

24 DEFENDANT STEWART: But I haven't pled yet.

25 THE COURT: Yes, you have.

1 DEFENDANT STEWART: I only told -- I said what
2 my lawyer told me to say. He told me -- what I told
3 you, he told me to say it.

4 THE COURT: I've been watching you all week. I
5 took your plea, I asked you, asked you, and asked
6 you --

7 DEFENDANT STEWART: I just like to withdraw my
8 plea. You told me I had seven days --

9 THE COURT: Denied.

10 DEFENDANT STEWART: -- to withdraw.

11 THE COURT: Denied.

12 DEFENDANT STEWART: I don't want to plead
13 guilty.

14 THE COURT: I have already accepted your plea,
15 sir.

16 DEFENDANT STEWART: I'm not pleading guilty.

17 THE COURT: Very well. You already have.

18 DEFENDANT STEWART: I haven't.

19 THE COURT: Anything you want to tell me?

20 DEFENDANT STEWART: I'm not pleading guilty.

21 THE COURT: Sentence of the Court on 230 is 25
22 years, that's the burglary first; on the grand
23 larceny, that's ten yours. They'll run concurrent,
24 exactly what I said. Thank you.

25 DEFENDANT STEWART: Well, you still told me I

1 had seven days.

2 MR. CHESSER: I'm going to file an appeal on
3 his behalf for the record, Your Honor.

4 THE COURT: Thank you.

5 DEFENDANT STEWART: Now this motherfucker got
6 me stuck with this bullshit.

7 -- END OF TRANSCRIPT OF RECORD --

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C E R T I F I C A T E

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

I, the undersigned, Bethanie K. Creppon, Circuit Court Reporter for the Second Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the captioned cause, relative to appeal in the General Sessions Court for Aiken County, South Carolina, on the 10th-12th of June, 2014.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

November 10, 2014

/s/Bethanie K. Creppon
Circuit Court Reporter

523 WITNESSES

Aiken County Sheriff

Chuck Cain

Law Enforcement Case #: 12-045334

DOCKET NO. 2013GS0200231

The State of South Carolina

County of Aiken

BAY

COURT OF GENERAL SESSIONS

ARREST WARRANT NUMBER

2012A0210200196

FILED

7 March 2013

MARCH TERM 2013

Luis Godard
S.C.C.P. & G.S. Div.
Shannon D. Cohen-Krantz
Deputy Clerk

THE STATE

vs.

EDDIE MACK STEWART

ACTION OF GRAND JURY

Tava Bill

Ronnie M. Hall

CDR #: 3421

Foreperson of Grand Jury

Date: March 7, 2013

Indictment for

VERDICT

GRAND LARCENY

§ 16-13-30(B)

Foreperson of Petit Jury

Date:

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
GRAND LARCENY

§ 16-13-30(B)

At a Court of General Sessions, convened on March 11, 2013, the Grand Jurors of Aiken County present upon their oath:

That **EDDIE MACK STEWART** did in Aiken County on or about August 9, 2012, feloniously take and carry away assorted firearms valued at Ten Thousand Dollars or more and belonging to Stephen Bayazes with intent to deprive the owner permanently of such property. All in violation of §16-13-30, 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.


J. STROM THURMOND, SOLICITOR

525
WITNESSES

Aiken County Sheriff

Chuck Cain

Law Enforcement Case # 12-045334

DOCKET NO. 2013GS0200230

The State of South Carolina

County of Aiken

BAY

COURT OF GENERAL SESSIONS

ARREST WARRANT NUMBER

MARCH TERM 2013

2012A0210200195

FILED 7 March 2013

Liz Godard
J.C.C.P. & G.S.
Shannon D. Rosenkrantz
Deputy Clerk

THE STATE
vs.

EDDIE MACK STEWART

ACTION OF GRAND JURY

True Bill

Ronnie M. Hall

CDR #: 0079

Foreperson of Grand Jury
Date: March 7, 2013

Indictment for

VERDICT

BURGLARY IN THE FIRST DEGREE

§ 16-11-0311

J. STROM THURMOND, SOLICITOR

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
BURGLARY IN THE FIRST DEGREE

§ 16-11-0311

At a Court of General Sessions, convened on March 11, 2013, the Grand Jurors of Aiken County present upon their oath:

That EDDIE MACK STEWART, along with others, did in Aiken County on or about August 9, 2012, wilfully and unlawfully enter the dwelling of Stephen Bayazes located at Edgefield Road, North Augusta, South Carolina, without consent and with the intent to commit a crime therein and when, in effecting entry or while in the dwelling or in immediate flight, he or another participant in the crime became armed with a deadly weapon and/or displayed what appeared to be a firearm, all in violation of §16-11-311, Code of Laws of South Carolina (1976), as amended.

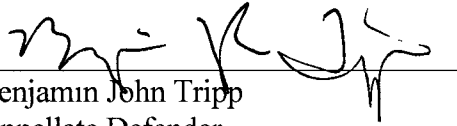
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


J. STROM THURMOND, SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

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

April 16, 2015


Benjamin John Tripp
Appellate Defender

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ATTORNEY FOR APPELLANT