

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

R. Knox McMahon, Circuit Court Judge

VOLUME III OF III
RECEIVED
APR 13 2016
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ANTHONY PORTERFIELD,

APPELLANT

APPELLATE CASE NO. 2015-000631

RECORD ON APPEAL

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INDEX

INDEXi

TRIAL TRANSCRIPT DATED FEBRUARY 23 – 27, 2015.....1

MOTION TO SUPPRESS JAIL PHONE CALLS BY MR. PORTERFIELD23

JACKSON V. DENNO HEARING

TESTIMONY

 JOSEPH CLARKE (IN CAMERA)

 Direct examination by Ms. Meghan Walker44

 Cross examination by Ms. Anastasia Walker.....52

NEIL V. BIGGERS HEARING

TESTIMONY

 JOSEPH CLARKE (IN CAMERA)

 Direct examination by Ms. Meghan Walker57

 Cross examination by Ms. Anastasia Walker.....64

 RABIA NATHANI (IN CAMERA)

 Direct examination by Ms. Meghan Walker68

 Cross examination by Ms. Anastasia Walker.....75

 SOBIA N. (IN CAMERA)

 Direct examination by Ms. Meghan Walker79

 Cross examination by Ms. Anastasia Walker.....85

JURY VOIR DIRE118

JURY SELECTION136

OPENING STATEMENT BY MS. CAMPBELL160

OPENING STATEMENT BY MR. BANK.....169

TESTIMONY

 RABIA NATHANI

 Direct examination by Ms. Meghan Walker186

Cross examination by Ms. Anastasia Walker.....	204
Redirect examination by Ms. Meghan Walker.....	222
SOBIA N.	
Direct examination by Ms. Campbell.....	224
Cross examination by Ms. Anastasia Walker.....	244
Redirect examination by Ms. Campbell.....	250
GULZAR NATHANI	
Direct examination by Ms. Meghan Walker.....	254
Cross examination by Ms. Anastasia Walker.....	265
SHAWN SCHRODER	
Direct examination by Ms. Campbell.....	278
Cross examination by Mr. Bank.....	292
Redirect examination by Ms. Campbell.....	297
ROBERT WATERS	
Direct examination by Ms. Meghan Walker.....	334
Cross examination by Mr. Bank.....	336
DANA OUTEN	
Direct examination by Ms. Campbell.....	341
Cross examination by Ms. Anastasia Walker.....	361
Redirect examination by Ms. Campbell.....	362
ANDREW CALDWELL	
Direct examination by Ms. Campbell.....	368
Cross examination by Mr. Bank.....	398
Redirect examination by Ms. Campbell.....	404
JOHN BARRON	
Direct examination by Ms. Campbell.....	406
Cross examination by Mr. Tate.....	415
Redirect examination by Ms. Campbell.....	430
Recross examination by Mr. Tate.....	431
SCOTT MCDONALD	
Direct examination by Ms. Meghan Walker.....	433
Cross examination by Mr. Bank.....	442
Redirect examination by Ms. Meghan Walker.....	447
Recross examination by Mr. Bank.....	449
JOSEPH CLARKE	
Direct examination by Ms. Campbell.....	453
Cross examination by Mr. Bank.....	502
Redirect examination by Ms. Campbell.....	531

MOTION FOR DIRECTED VERDICT	546
RULING BY THE COURT	554
RENEWAL OF ALL MOTIONS	554
RULING BY THE COURT	556
COLLOQUY REGARDING DEFENDANT’S RIGHT TO TESTIFY	559
TESTIMONY	
NAZIRAH D. GALE	
Direct examination by Ms. Anastasia Walker	576
Cross examination by Ms. Meghan Walker	586
Redirect examination by Ms. Anastasia Walker	601
Recross examination by Ms. Meghan Walker	605
DIANNA ADDISON	
Direct examination by Mr. Bank	608
Direct examination by Mr. Bank (proffered)	614
Direct examination by Mr. Bank continues	624
Cross examination by Ms. Campbell	634
Redirect examination by Mr. Bank	646
ADRIAN DEBERRY	
Direct examination by Mr. Bank	650
Cross examination by Ms. Campbell	659
ANTHONY MARKALE PORTERFIELD	
Direct examination by Ms. Anastasia Walker	685
Cross examination by Ms. Campbell	732
HAKEEM COFFEIL	
Direct examination by Mr. Bank	792
Cross examination by Ms. Meghan Walker	801
Redirect examination by Mr. Bank	807
AARON GRIFFIN	
Direct examination by Mr. Bank	817
Cross examination by Ms. Meghan Walker	837
Redirect examination by Mr. Bank	841
DAWN MCQUISTON (IN CAMERA)	
Direct examination by Ms. Anastasia Walker	844
Direct examination by Ms. Anastasia Walker continues	851

Cross examination by Ms. Campbell.....863

DAWN MCQUISTON

 Direct examination by Ms. Anastasia Walker.....876

 Cross examination by Ms. Campbell.....879

 Direct examination by Ms. Anastasia Walker continues881

 Cross examination by Ms. Campbell.....893

 Redirect examination by Ms. Anastasia Walker904

CLOSING ARGUMENT BY MS. CAMPBELL.....915

CLOSING ARGUMENT BY MS. ANASTASIA WALKER.....937

CLOSING ARGUMENT BY MS. MEGHAN WALKER.....955

CHARGE ON THE LAW.....976

JURY NOTE1006

VERDICT1009

POLLING OF THE JURY1012

DEFENDANT’S EXHIBIT # 17 (DNA REPORT).....1020

DEFENDANT’S EXHIBIT # 18 (TIME CARD)1021

COURT’S EXHIBIT # 2 (JURY NOTE).....1022

COURT’S EXHIBIT # 3 (JURY NOTE).....1023

MOTION FOR NEW TRIAL1024

SENTENCING HEARING TRANSCRIPT DATED MARCH 6, 2015.....1026

MOTION FOR NEW TRIAL1028

RULING BY THE COURT1035

SENTENCING1066

INDICTMENTS AND SENTENCE SHEETS1069

CERTIFICATE OF COUNSEL.....1081

**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
STATE’S EXHIBIT # 23 (PHONE CALLS)**

1 burglary in the first degree, I would ask you to
2 check to the left of the words "guilty of burglary
3 in the first degree" and circle the check mark and
4 those words, "guilty of burglary in the first
5 degree."

6 And it carries throughout: Armed robbery,
7 kidnapping, and kidnapping.

8 Ladies and gentlemen, the order in which I
9 have listed the potential verdicts as to each
10 charge has no significance whatsoever. One must be
11 listed first. I must explain that in some manner.

12 Your verdicts must be unanimous. All 12 of
13 you must agree. Your verdicts may not be based on
14 passion, prejudice, emotion, or any other
15 consideration not in evidence in this case.

16 Once you have reached unanimous verdicts as to
17 all four of the charges in the indictment, Mr.
18 Foreman, if you would sign as the presiding juror
19 and date it today's date, knock on the jury room
20 door, and we will then receive you back into the
21 courtroom for your verdict.

22 I am going to ask you momentarily to return to
23 your jury room. Do not begin your deliberations
24 until you are instructed to do so. The law
25 requires I meet with the attorneys one final time

1 outside of your presence in case I have to bring
2 you back out for any further instructions. If I do
3 not have to bring you back out for any further
4 instructions -- everybody looks great -- what will
5 happen is our alternates would come out of the jury
6 room, you would then be delivered all the items of
7 evidence that have been introduced, along with the
8 verdict form, then instructed to begin your
9 deliberations with your fellow jurors.

10 If at any time you have any questions during
11 the course of your deliberations, you or any member
12 of the jury panel, Mr. Foreman, if you would please
13 write me a note. I know you know how to write me a
14 note. So if you would just write me a note, knock
15 on the jury room door, inform the bailiff, give him
16 the note, and I will certainly respond in a timely
17 manner.

18 Thank you very much. You may now retire to
19 your jury room. And, again, do not begin your
20 deliberations until you are instructed to do so.

21 (WHEREUPON, the jury retires to the jury
22 room at 3:37 p.m.)

23 THE COURT: Any exceptions, Ms. Walker or Mr.
24 Bank?

25 MS. A. WALKER: No, Your Honor.

1 THE COURT: Ms. Campbell or Ms. Walker?

2 MS. CAMPBELL: Your Honor, we don't ask for
3 anything. The only thing is if they were to ask to
4 be recharged on the armed robbery, just the
5 language about representation, I don't think it
6 really applies in this case, but if it was to be
7 recharged on that, we would like to request that at
8 that time, the representation of deadly weapon in
9 the armed robbery statute.

10 THE COURT: All right. You don't need
11 anything now, is what you are saying?

12 MS. CAMPBELL: Not at this time.

13 THE COURT: If you want to see the form of the
14 verdict and if you will get the evidence and make
15 sure it is all straight.

16 (Pause.)

17 MS. M. WALKER: The computer, are we in
18 agreement this one can go back?

19 THE COURT: Is there any objection to this
20 computer, Ms. Walker?

21 MS. A. WALKER: I think Mr. Bank looked over
22 it to make sure.

23 MR. BANK: I don't know -- I don't know if
24 they need an instruction for them not to go on the
25 computer for anything else.

1 MS. M. WALKER: They can't.

2 MR. BANK: That's fine.

3 THE COURT: All right. Have you checked the
4 evidence and you are good with that?

5 MS. M. WALKER: Yes, Your Honor.

6 MS. A. WALKER: Yes, Your Honor.

7 THE COURT: We will wait on the verdict.

8 (WHEREUPON, the jury was instructed to
9 begin deliberations at 3:42 p.m.)

10 (WHEREUPON, at 4:45 p.m., the jury sent
11 a note.)

12 (WHEREUPON, Court's Exhibit No. 2 was
13 marked for identification only.)

14 (WHEREUPON, at 4:49 p.m., the jury sent
15 another note.)

16 (WHEREUPON, Court's Exhibit No. 3 was
17 marked for identification only.)

18 THE COURT: I got a second note, Court Exhibit
19 Number 3.

20 Yes, the jury would like to hear the testimony
21 of Rabia Nathani.

22 So key it up.

23 (WHEREUPON, the jury came into open
24 court at 4:57 p.m.)

25 THE BAILIFF: The jury is seated, Your Honor.

1 THE COURT: All right. Ms. Court Reporter,
2 the testimony is keyed up. If -- of course, I'll
3 play both the testimony in its entirety, both
4 direct and cross-examination. If at any time, if
5 you have got a specific question in your mind that
6 is answered during the course of playing the
7 testimony and you don't want to hear more of it,
8 just please let me know how far. Unless I am
9 notified to otherwise, we will play it all.

10 (Testimony replayed to the jury.)

11 THE COURT: Thank you.

12 Mr. Foreman, and ladies and gentlemen, you may
13 return to your jury room and resume your
14 deliberations. Thank you very much.

15 (WHEREUPON, the jury returns to the jury
16 room to continue deliberations at
17 5:33 p.m.)

18 THE COURT: We'll be awaiting the jury
19 verdict. Thank you very much.

20 (WHEREUPON, a break was taken at 5:33
21 p.m.)

22 (WHEREUPON, at 6:31 p.m., the jury sent
23 a note.)

24 (WHEREUPON, Court's Exhibit No. 4 was
25 marked for identification only.)

1 THE COURT: One of the lady jurors wanted to
2 use the phone to call home to check on her child.
3 The other: Please, jury requesting a copy of
4 reasonable doubt.

5 THE COURT: Do you have any position on that?

6 MS. M. WALKER: The State doesn't have a
7 problem of giving them a copy of that charge.

8 MS. A. WALKER: Your Honor, we just request
9 Your Honor recharge.

10 THE COURT: Just recharge reasonable doubt?

11 MS. A. WALKER: Yes, Your Honor.

12 THE COURT: All right. Any objection to that,
13 Solicitor?

14 MS. CAMPBELL: No, Your Honor.

15 THE COURT: All right, bring us our jury,
16 please.

17 (WHEREUPON, the jury came into open
18 court at 6:40 p.m.)

19 THE COURT: Mr. Foreman, and ladies and
20 gentlemen of the jury, I received a note. Please,
21 the jury is requesting a copy of reasonable doubt.

22 I can recharge you the definition of
23 reasonable doubt, which would be the same as I read
24 to you before. It is only one page and two lines
25 on a second page. All right.

1 What is a reasonable doubt in the law? A
2 reasonable doubt is the kind of doubt that would
3 cause a reasonable person to hesitate to act. The
4 State has the burden of proving the Defendant
5 guilty beyond a reasonable doubt.

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

13 Proof beyond a reasonable doubt is proof that
14 leaves you firmly convinced of the Defendant's
15 guilt. There are very few things in this world we
16 know with absolute certainty, and in criminal cases
17 the law does not require proof that overcomes every
18 possible doubt.

19 If, based on your consideration of the
20 evidence, you are firmly convinced that the
21 Defendant is guilty of the crime or crimes charged,
22 you must find the Defendant guilty.

23 If, on the other hand, you think there is a
24 real possibility that the Defendant is not guilty,
25 you must give the Defendant the benefit of the

1 doubt and find him not guilty.

2 That is the full and complete charge on the
3 defense of reasonable doubt in the law.

4 I would further advise you, Mr. Foreman and
5 ladies and gentlemen of the jury, you have to take
6 that charge encapsulated within the entire charge
7 that I gave you as to the various subject matters
8 that I addressed.

9 If you have any other any further questions,
10 Mr. Foreman, please write me a note and I will try
11 to respond in a timely manner.

12 With that being said, if you will return to
13 your jury room and resume your deliberations.

14 Thank you. Thank you very much.

15 (WHEREUPON, the jury returns to the jury
16 room to continue deliberations at 6:42
17 p.m.)

18 THE COURT: Any objection to anything I told
19 the jury? From the Defense?

20 MS. A. WALKER: Nothing, Your Honor.

21 THE COURT: State?

22 MS. CAMPBELL: No.

23 MS. M. WALKER: No, Your Honor.

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

25 (WHEREUPON, a break was taken at 6:43

1 p.m.)

2 (WHEREUPON, at 7:27 p.m. the jury
3 indicated they had reached a verdict.)

4 THE COURT: Madam Clerk, I understand we have
5 a verdict.

6 THE CLERK: Yes, Your Honor.

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

8 To those in the courtroom, the observers, I
9 would advise you that the taking of a verdict can
10 be a very emotional time for one side or the other,
11 perhaps both sides. I do not allow any show of
12 emotion in the courtroom one way or the other. The
13 jury has had a very long week and a very difficult
14 task to perform, and they have reached a verdict
15 and they should not be criticized or commended by
16 any outburst or any show of emotion whatsoever.

17 If you feel like you cannot contain your
18 emotions, I would ask you to please leave the
19 courtroom at this time. If you choose not to leave
20 and you make the decision to remain, I would take
21 that that you are indicating to me, to the Court,
22 that you can contain your emotions. If you do not
23 contain your emotions, I would consider that a
24 contempt of court and ask the sheriffs to take
25 anyone in custody that fails to act with the

1 appropriate demeanor and decorum in this court of
2 law.

3 With that being said, Mr. Bailiff, will you
4 bring us our jury, please?

5 (WHEREUPON, the jury came into open
6 court at 7:29 p.m.)

7 THE BAILIFF: The jury is seated, Your Honor.

8 THE COURT: Madam Clerk? Thank you, Mr.
9 Bailiff.

10 THE CLERK: Mr. Foreman, have you reached a
11 verdict?

12 THE FOREPERSON: Yes, we have.

13 THE CLERK: Would you hand it to the bailiff?
14 (Complies.)

15 THE COURT: All right. The verdict form
16 appears to be in the proper form and it is signed
17 by our presiding juror, dated today's date.

18 Madam Clerk, would you publish the verdicts,
19 please?

20 VERDICT

21 THE CLERK: Indictment Numbers 2012-GS-40-
22 5294, 5295, 5296, 5297, the State of South Carolina
23 versus Anthony Porterfield.

24 We -- Number One, Indictment Number
25 2012-GS-40-5295, as to the charge of burglary in

1 the first degree: We, the jury, unanimously find
2 the Defendant guilty of burglary in the first
3 degree.

4 Indictment Number 2012-GS-40-5296, as to the
5 charge of armed robbery: We, the jury, unanimously
6 find the Defendant guilty of armed robbery.

7 Indictment Number 2012-GS-40-5294, as to the
8 charge of kidnapping as to Sobia.N We, the
9 jury, unanimously find the Defendant guilty of
10 kidnapping.

11 Indictment Number 2012-GS-40-5297, as to the
12 charge of kidnapping as to Rabia Nathani: We, the
13 jury, unanimously find the Defendant guilty of
14 kidnapping.

15 This is signed by: Presiding Juror, Juror
16 Number 304, February 27th, 2015.

17 Mr. Foreman, are these your verdicts, and the
18 verdicts of the entire jury?

19 MR. FOREMAN: Yes, it is.

20 THE COURT: Thank you. You may be seated.
21 Thank you, Mr. Foreman.

22 (Foreperson seated.)

23 THE COURT: Anything further for the jury from
24 the State?

25 MS. M. WALKER: Nothing from the State, Your

1 Honor.

2 THE COURT: Defense?

3 MS. A. WALKER: Your Honor, we request to poll
4 the jury, please.

5 THE COURT: You may be seated,
6 Mr. Porterfield, and members of the Defense team.

7 (Complies.)

8 THE COURT: Madam Clerk, would you explain the
9 polling procedures to the jury, ma'am, and conduct
10 that, please?

11 THE CLERK: I'm going to ask you two questions
12 regarding your verdict. If you will answer yes or
13 no to both questions. And I will just call out
14 your juror number.

15 Would you raise your hand for me when your
16 name is called so I will know who you are.

17 Juror 304, were these your verdicts?

18 THE FOREPERSON: Yes.

19 THE CLERK: Are they still your verdicts?

20 THE JUROR: Yes.

21 THE CLERK: Juror 288, were these your
22 verdicts?

23 THE JUROR: Yes.

24 THE CLERK: Are they still your verdicts?

25 THE JUROR: Yes.

1 THE CLERK: Juror 201, were these your
2 verdicts?

3 THE JUROR: Yes.

4 THE CLERK: Are they still your verdicts?

5 THE JUROR: Yes.

6 THE CLERK: Juror 33, were these your
7 verdicts?

8 THE JUROR: Yes.

9 THE CLERK: Are they still your verdicts?

10 THE JUROR: Yes.

11 THE CLERK: Juror 141, were these your
12 verdicts?

13 THE JUROR: Yes.

14 THE CLERK: Are they still your verdicts?

15 THE JUROR: Yes.

16 THE CLERK: Juror Number 143, were these your
17 verdicts?

18 THE JUROR: Yes.

19 THE CLERK: Are they still your verdicts?

20 THE JUROR: Yes.

21 THE CLERK: Juror 47, were these your
22 verdicts?

23 THE JUROR: Yes.

24 THE CLERK: Are they still your verdicts?

25 THE JUROR: Yes.

1 THE CLERK: Juror 181, were these your
2 verdicts?

3 THE JUROR: Yes.

4 THE CLERK: Are they still your verdicts?

5 THE JUROR: Yes.

6 THE CLERK: Juror 241, were these your
7 verdicts?

8 THE JUROR: Yes.

9 THE CLERK: Are they still your verdicts?

10 THE JUROR: Yes.

11 THE CLERK: Juror Number 43, were these your
12 verdicts?

13 THE JUROR: Yes.

14 THE CLERK: Are they still your verdicts?

15 THE JUROR: Yes.

16 THE CLERK: Juror Number 173, were these your
17 verdicts?

18 THE JUROR: Yes.

19 THE CLERK: Are they still your verdicts?

20 THE JUROR: Yes.

21 THE CLERK: Juror 101, were these your
22 verdicts?

23 THE JUROR: Yes.

24 THE CLERK: Are they still your verdicts?

25 THE JUROR: Yes.

1 THE CLERK: The jury has been polled; Your
2 Honor.

3 THE COURT: Thank you. Thank you very much,
4 Madam Clerk.

5 Anything further from the jury from the
6 Defense? Ms. Walker? Mr. Bank?

7 MS. A. WALKER: No, Your Honor.

8 THE COURT: All right. Thank you. Thank you
9 very much.

10 Momentarily, Mr. Foreman, and ladies and
11 gentlemen, ladies and gentlemen of the jury, I'm
12 going to release you from your jury service for the
13 remainder of the week. I want to thank you for
14 your service this week.

15 I read something -- well, I never commend or
16 criticize a jury for its verdict. However, I will
17 commend you for the focus and the attention and the
18 work ethic that you have shown to all the parties
19 throughout the trial of this case, throughout this
20 week.

21 I realize it has been a very long week for
22 you. I realize these are difficult decisions to
23 make. And I know you have worked very hard and
24 very diligently to resolve this matter between the
25 State and Mr. Porterfield. And I thank you for

1 that work ethic.

2 Everyone in this courtroom is a volunteer
3 except you. You have been drafted. The last great
4 American draft, of course, was during the previous
5 war. I commend you for your civic duty and civic
6 pride. Of all of us that are in here, you are the
7 ones that most belong here, the American people.

8 With that, you are released from your jury
9 service. I understand Sergeant -- Lieutenant --
10 Sergeant, he is going to escort y'all down to get
11 you through the garage back to the jury parking
12 places.

13 Again, thank you very much for your service.
14 It has been my pleasure and privilege to be with
15 you this week. Thank you very much.

16 (WHEREUPON, the jury was excused at 7:35 p.m.)

17 THE COURT: Ms. Walker, Mr. Bank, Solicitor, I
18 would prefer not to hear motions tonight, not to
19 impose sentence tonight. It has been my experience
20 that I do not like to do that at the end of a long
21 week, at the end of a long day.

22 I am going to allow you of course to prepare
23 your motions in that regard and motions for new
24 trial, what have you. I will have my law clerk
25 stay in touch with y'all by email and probably try

1 to get a date, next Friday, perhaps, because I'm in
2 another county next week, to Richland County and
3 hear your motions at that time. If anyone has any
4 objection to that, Mr. Bank, Ms. Walker, Solicitor?

5 MS. A. WALKER: No, Your Honor.

6 THE COURT: Solicitor?

7 MS. M. WALKER: Nothing from the State, Your
8 Honor.

9 THE COURT: All right. Then what I will do is
10 I will have my clerk keep y'all in email stream in
11 that regard. If there is anything not anticipated
12 how I might rule on any motions, if there is
13 anything you want me to look at in preparation of
14 your motions, if you email it to my law clerk, if
15 there is anything you want me to review in
16 preparation of mitigation, anything of that nature,
17 you may send it to my law clerk also. You send it
18 to the Solicitor and, Solicitor, same thing. If
19 y'all have anything that y'all want me to look at
20 at the time of the motions or sentencing, if y'all
21 will email it to my law clerk.

22 All right. Thank you. Thank the audience
23 very much for your demeanor which you have -- and
24 decorum you have displayed in court this week.

25 Mr. Porterfield is to remain in Alvin S. Glenn

1 Detention Center until further order of this Court.

2 Thank you. Thank you very much.

3 MS. A. WALKER: Thank you, Your Honor.

4 MS. CAMPBELL: Thank you, Your Honor.

5 (WHEREUPON, the proceedings concluded
6 at 7:37 p.m.)

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(END OF TRANSCRIPT)



**Richland County Sheriff's Department
DNA Analysis Section
Forensic Examination Report**



J. Clarke
Richland County Sheriff's Department

July 3, 2014
Case No: 1206 0351 27
Incident Date: 06/27/2012
Analysis Initiated: 08/28/2013

INITIAL REPORT

*This is an official report of the Richland County Sheriff's Department Forensic Sciences Laboratory. Additional information not included in this report may be found in the case record. Unless otherwise noted, all examinations are conducted at this location. The contents of this report are confidential and may not be reproduced, except in full, without approval of the laboratory. Sheriff Leon L. Lott, Richland County Sheriff's Department, 5623 Two Notch Road, Columbia, SC 29223
An ASCLD/LAB-International ACCREDITED LABORATORY (Since September 30, 2006)*

Items Received:

1. Swab – table
2. Swab – TV stand
3. Swab – A/V cable
4. Buccal swabs from Anthony Porterfield(S)

DNA Examinations:

The extracted DNA from items 1-4 was amplified and typing attempted at genetic loci Amelogenin, D3S1358, D1S1656, D2S441, D10S1248, D13S317, Penta E, D16S539, D18S51, D2S1338, CSF1PO, Penta D, TH01, vWA, D21S11, D7S820, D5S818, TPOX, DYS391, D8S1179, D12S391, D19S433, FGA, and D22S1045 using the Powerplex® Fusion System (Promega Corporation).

Conclusions:

PCR DNA typing using STR loci and Amelogenin determined the following:

1. The DNA results from items 1-3 are mixtures. Anthony Porterfield is excluded from these DNA results. Please submit any additional standards for comparison purposes.

Disposition of Evidence

Items received will be returned to the Evidence and Property Section. The case will be considered closed with these results until additional evidence is submitted and/or requests for analysis are made.

Footnotes:

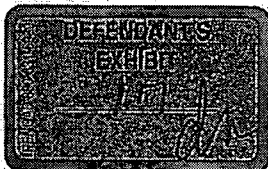
Statistical calculations are performed according to National Research Council's Recommendation 4.1 in "The Evaluation of Forensic DNA Evidence" (1996). Allele frequencies are provided in Hill et al., "U.S. population data for 20 autosomal STR loci", Forensic Science International: Genetics. 2013; 7(3): 83-83.

Y-STR calculations are performed according to www.usystrdatabse.org.

A true paternity trio result may include up to 2 inconsistencies.

Source attribution reference provided by Budowle et al., "Source Attribution of a Forensic DNA Profile", Forensic Sci Com 2000; 2(3).

*Non-probative evidence, no statistical analysis performed.



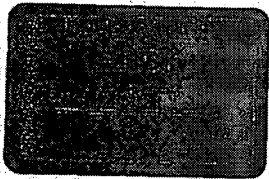
John C. Barron

Digitally signed by John C. Barron
DN: cn=John C. Barron,
o=RCSD, ou=DNA,
email=jbarron@rcsd.net,
c=US
Date: 2014.07.07 10:10:21
+04'00'

John C. Barron
DNA Analyst

6 25 / 6-29

MON.	A.M.		8:00
	P.M.	8	12:29
TUE.	A.M.		8:00
	P.M.	8	12:04
WED.	A.M.	8 1/2	8:07
	P.M.		11:12
THU.	A.M.	8	8:01
	P.M.		12:01
FRI.	A.M.		8:58
	P.M.		12:01
SAT.	A.M.		12:45
	P.M.		12:56
SUN.	A.M.		
	P.M.		



SIGNATURE



Aaron Griffin

Aaron Griffin

813 - 952 - 8251

We would like to request a transcript of Rabia Nathani's testimony.

COURT'S	
EXHIBIT NO.	2
IDENTIFICATION/EVIDENCE	
DKT.#	
DATE:	2/15

Supp 394
[Signature]

There is no transcript available. You may re-hear the testimony if you like. Please let me know so that I can notify the Court Reporter.

[Signature]
Circuit Judge
27 Feb 15

Yes the jury would like
to hear the testimony of
Rasia Nathan.

Taver 304
~~Ch...~~

PERIOD 800-671-6888	COURT'S
	EXHIBIT NO. <u>3</u>
	IDENTIFICATION/EVIDENCE
	DKT.#
DATE: <u>AT</u>	

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND) Indictment Nos.: 2012GS4005294

The State of South Carolina,) 2012GS4005295

) 2012GS4005296

vs.) MOTION FOR NEW TRIAL

Anthony M. Porterfield,)
Defendant.)

2015 MAR -6 AM 9:48
JEANNETTE W. HOGREN
C.C.P. & G.S.
RICHLAND COUNTY
FILED

On February 27th, 2015, Defendant was convicted of Burglary – First Degree, Armed Robbery, and two counts of kidnapping. At this time, Defendant moves for a new trial, as well as renews all previous objections and motions, including, but not limited to, the various motions and objections denies and the following grounds:

- (1) Defense counsel moved in limine to exclude all jail calls, based on the inability to apply South Carolina Rule of Evidence 106 in order to put all calls in proper context;
- (2) Defense counsel moved in limine to exclude Defendant’s statement to Investigator Clarke on the phone, based on *Edmond v. South Carolina* (341 S.C. 340) and the inability of the State to comment on Defendant assertion of a constitutional right, namely a defendant’s Fifth Amendment right to remain silent;
- (3) Defense counsel objected to the State providing evidence of alibi prior to the Defendant’s introduction to such a defense, based on burden shifting;
- (4) Defense moved to exclude use to Defendant’s criminal record for impeachment under South Carolina Rule of Evidence Rule 609, based on *State v. Broadnax* (401 S.C. 238) and *State v. Bryant* (369 S.C. 511);
- (5) Defense objected to State introducing testimony that Investigator Clarke attempted to search the location where Defendant was arrested and that Investigator Clarke discovered the type of car an alibi witness was driving at the time of the incident, based on violations of South Carolina Criminal Rule of Procedure Rule 5, *Brady v. Maryland* (373 U.S. 83), and *Riddle v. State* (369 S.C. 39);
- (6) Defense moves for a new trial due to the unusually short deliberation time of the jury considering the seriousness of the offense and the large amount of evidence presented by both the State and the Defense;
- (7) Defense further moves for a new trial asking the Court to consider that no reasonable jury could have arrived at the verdict of guilty considering the evidence presented and the burden of proof held by the State, particularly its burden to disprove alibi. Defense presented the testimony of four witnesses, other than the Defendant, indicating that Defendant was not at the incident location at the time the crime occurred. Furthermore,

Defense entered a time card into evidence indicating the same. This testimony and evidence was uncontested by the State in that they failed to even suggest that any witness lied under oath or that the time card was forged. In its failure to address those concerns, the State failed to meet their burden disproving alibi, and therefore, no reasonable jury could arrive at a finding of guilt.



Anastasia L. Walker
Attorney for Defendant

Richland County Public Defender's Office
P.O. Box 192
Columbia, South Carolina 29202
(803) 765-2592

Columbia, South Carolina

This 5th day of March, 2015.

1 I N D E X O F W I T N E S S E S

2
3
4 (WHEREUPON, no witnesses were called
5 during these proceedings.)
6
7

8
9
10 E X H I B I T S

11
12
13 (WHEREUPON, no exhibits were introduced
14 during these proceedings.)
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1 Your Honor, we would also move for a new trial
2 based on the initial short deliberation time of the
3 jury. I believe it was about four and a half
4 hours, if I remember correctly, considering the
5 length of trial, the wealth of the evidence
6 provided by both the State and the Defense for the
7 jury to consider.

8 Your Honor, lastly, we would also move for a
9 new trial considering -- we would ask Your Honor to
10 consider that no reasonable jury could have arrived
11 at a verdict of guilty considering the evidence
12 presented.

13 We do not believe that the State met their
14 burden of disproving alibi considering the evidence
15 that we presented, Your Honor.

16 There was no proof that the witnesses lied or
17 were fabricating their testimony or that the time
18 card was forged, or anything of that nature.

19 And for that reason, Your Honor, we believe
20 that the State failed to meet their burden of proof
21 to disprove alibi beyond a reasonable doubt.

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

23 Solicitor?

24 MS. M. WALKER: Your Honor, the State would
25 ask that you stand by your previous rulings.

1 Regarding the length of time that the jury
2 deliberated, Your Honor, I think four and a half
3 hours was a long time. They came back with
4 questions. It was clear that they were taking
5 their task seriously. And we ask that the Court
6 respect the verdict returned by the jurors.

7 In terms of his alibi defense, Your Honor, I
8 think that there were some inconsistencies with the
9 Defendant's testimony, as well as that of the
10 witnesses who were offering to give him an alibi.

11 Regarding the time card, I think there was
12 some testimony that the time card machine that
13 would have been used to create that time card
14 wasn't available to that company for several months
15 after this incident.

16 I think, Your Honor, the State met its burden
17 in disproving the credibility of the alibi.

18 We would just ask that you stand by your
19 previous rulings and that the verdict of the jury
20 stands.

21 THE COURT: All right. Thank you. Thank you,
22 Solicitor.

23 MS. A. WALKER: Your Honor, may I respond?

24 THE COURT: Oh, yes, ma'am. Certainly. Of
25 course.

1 MS. A. WALKER: I apologize. Just on one
2 minor issue.

3 Regarding the machine with the time clock, I
4 believe it is a misstatement of fact, Your Honor.
5 I believe Mr. Griffin indicated that that was the
6 machine used at this time that these events are
7 alleged to have occurred -- or did occur, Your
8 Honor.

9 With that being said, I believe he said that
10 they didn't get the machine until September or
11 October, but I believe Mr. Bank cleared that up on
12 redirect in that it was a previous that they got
13 the time machine or clock machine.

14 That would be my only thing to respond to,
15 Your Honor.

16 THE COURT: All right. Thank you.

17 In reviewing the written motion for a new
18 trial submitted by Ms. Walker and Mr. Bank on
19 behalf of their client, Mr. Porterfield, as far as
20 Numeral No. 1, I would affirm my previous trial
21 rulings as far as that is concerned.

22 At one point I did say -- and I never
23 rescinded this statement -- that y'all could play
24 all 247 phone calls if you chose to do so. I
25 believe it actually came down out of the three

1 phone calls that only one you wanted to put into
2 proper context. I allowed you to do that on the
3 last half of the redacted -- approximately a minute
4 and a half.

5 Be that as it may, I believe the phone calls
6 are admissible. I do not believe there was any
7 violation of Rule 106 or State v. Jackson.

8 As to Defense counsel's motion in limine to
9 exclude the Defendant's statement to Clarke on the
10 phone, I would find that that was not not subject
11 to Edmond v. South Carolina in that regard. That
12 he has said he understood -- and the record will
13 reflect precisely what the statement was, what
14 statement was made -- he understood what probable
15 cause was and did not want to talk and did not meet
16 with the officer.

17 As to No. 3, the State had the burden of
18 disproving alibi. I have charged -- at the very
19 beginning of a criminal trial I inform the jury
20 that the State has the burden of proof beyond a
21 reasonable doubt. The Defendant never has to prove
22 himself or herself innocent. The burden never
23 shifts. And I instruct the jury time and time and
24 time again based on that.

25 With that being said, I think the charge as to

1 the alibi was sufficient, and the State would be
2 allowed to begin disproving that, that being their
3 burden of proof in their case in chief.

4 I would stand by my ruling on the evidence as
5 to Rule 609. I believe that was his 2004 attempted
6 burglary second where he got a YOA, perhaps a YOA
7 suspended, I'm not sure which. I will reaffirm
8 that ruling.

9 As far as Investigator Clarke attempting to
10 search the location where Mr. Porterfield was
11 arrested at up under the house, I do not see
12 that -- never saw that as a Rule 5 issue or a Brady
13 or a Riddle issue. It went to the quality of the
14 investigation in that regard.

15 I believe the alibi witness -- I recall her
16 name, I apologize, her nickname as NaNa or Little
17 Mama -- she also testified that she had a gold- or
18 champagne-type vehicle.

19 I do not find the time the jury deliberated to
20 be short. They asked questions. They asked to be
21 recharged on specific issues. And it appeared they
22 did a very diligent job in fulfilling their oath
23 and sworn responsibilities.

24 Clearly, I think the State met its burden of
25 proof.

1 As far as the Defense testimony presented, as
2 far as the alibis, there was inconsistencies as to
3 days, dates, times, locations, parties, who did
4 what, when, where, how, who picked him up, what
5 vehicle picked him up. It was just totally
6 internally inconsistent as far as the alibi
7 testimony. Clearly, the jury had sufficient
8 evidence to find guilt. They had the testimony,
9 the direct testimony of the two victims of the
10 kidnappings and armed robbery, who both knew him by
11 name, knew him by face, they saw him multiple
12 times, was in his presence on that day 10 to 15,
13 perhaps 20 minutes.

14 Additionally, the officer went a step beyond
15 by showing them photographic lineups. They both
16 picked out the Defendant. They picked -- they did
17 that selection independent of each other, with no
18 coercion, no undue suggestion of any kind
19 whatsoever.

20 Additionally, there were the phone calls.
21 There was testimony that he had access to a
22 champagne- or gold-colored four-door sedan vehicle
23 that they also described.

24 There were the phone calls indicating that he
25 was attempting to manufacture a defense in the

1 case, particularly in his comments that he wanted
2 to be directed to TK in this case.

3 Further, there is evidence of flight. That at
4 the time the officers arrived, he chose to exit a
5 bathroom window and crawl under the crawl space of
6 the house and had to be apprehended by officers
7 with the use of a K-9 unit, or a K-9 officer.

8 So I would respectfully deny the motion for a
9 new trial.

10 Any reason sentence cannot be imposed at this
11 time, Ms. Walker?

12 MS. A. WALKER: No, Your Honor.

13 THE COURT: All right. If you would have your
14 client, Mr. Porterfield, come around, please.

15 (The Defendant approaches.)

16 THE COURT: Anything additional from the
17 State, Solicitor?

18 MS. M. WALKER: Yes, Your Honor. At the
19 appropriate time, the victims in the case would
20 like to speak.

21 And I can go ahead and give you his prior
22 record, Your Honor.

23 THE COURT: All right.

24 MS. M. WALKER: Your Honor, in 2004 he was
25 sentenced to a Youthful Offender Act, suspended

1 sentence for burglary in the second degree. That
2 was -- the sentence was imposed in 2005, excuse me.
3 That was revoked in 2007, it looks like for a
4 failure to stop for a blue light. Your Honor,
5 there is a possession of marijuana charge from that
6 time as well.

7 In 2009, the only arrest I see, Your Honor,
8 driving under suspension and an assault on a police
9 officer while resisting arrest. I don't have the
10 disposition of that one.

11 Your Honor, he was then violated of probation
12 in 2011.

13 In 2012 he picked up the charges that we tried
14 him on last week, Your Honor.

15 And while out on bond for those charges, he
16 was convicted of DUI first, driving under
17 suspension, second offense, possession of
18 marijuana, and transporting alcohol in a motor
19 vehicle with a broken seal.

20 That is the extent of his record, Your Honor.

21 Would you like to hear from the victims now?

22 THE COURT: Yes, ma'am.

23 MS. M. WALKER: Your Honor, the first victim,
24 Mr. Gulzar Nathani.

25 THE COURT: All right. Yes, sir, I will be

1 glad to hear from you.

2 MR. NATHANI: My name is Gulzar Nathani. I'm
3 the victims' father.

4 Six years ago I moved to United States. Not
5 to have a luxurious life, just for better
6 education, a good life for my kids.

7 I'm a really hard working guy. He knows very
8 well the way I work. Most of time I work 18 hours
9 just to look out for my family. And it is me only
10 to look after them.

11 It is not a matter of only a robbery or to
12 abduct them, it is a matter of betrayal. Me and my
13 family have been betrayed from him. I trust him.
14 That is why I let him come to my house for my
15 business part.

16 After this incident, me and my family were
17 scared and terrified. I stopped doing business
18 with anybody. And that affect my monthly -- my
19 welfare.

20 In my life, if I make one mistake, I learn my
21 lesson with this mistake. As you heard, multiple
22 times he was involved in different things. Did he
23 learn his lesson? No. Did he wish to learn his
24 lesson? I don't think so.

25 Because I believe one thing, if I plead guilt

1 I have to say sorry. In my culture, or my beliefs,
2 forgiveness is bigger than punishment. He never
3 come to me to say, Sorry, I break in your place, I
4 was not supposed to do this. But he didn't. And
5 he never plead his guilt. And still he is trying
6 to hide that other guy who is hiding and which
7 stole business from me and my family.

8 I just need peace of mind so I can work to
9 look after my family. I work at flea market. That
10 is an open place. I don't hide anything. Nothing
11 is hidden from him. My life. I'm very open with
12 everybody.

13 These kids, why they didn't, like -- why did
14 they open the door? Why did he go inside? Because
15 they trust him, that he is not going to harm them.
16 But he did.

17 Now, obviously may come more worse decisions
18 from him after reviewing his past record. On that
19 incident he didn't shoot them, but I'll admit it
20 will probably be worse decision if next time he
21 become murderer. I think he has to do his time, a
22 long time, so he can isolate himself and that he
23 can realize what he did, not for us, at least he
24 can think about his family, his kids.

25 We will never be happy if he is like gone for

1 a long time, but we will be more happy if he can
2 change his life, make change in himself.

3 The jury, they made a unanimous decision. And
4 that makes me feel belief in law and justice.

5 That's all I can say.

6 THE COURT: Thank you. Thank you very much.
7 Anything else?

8 MS. M. WALKER: Yes, Your Honor.

9 Sobia Nathani, the younger daughter, is in
10 school right now, so that is why she is not here.

11 THE COURT: All right.

12 MS. M. WALKER: So Rabia Nathani would like to
13 address the Court.

14 THE COURT: All right. Yes, ma'am, I will be
15 glad to hear from you.

16 MS. RABIA NATHANI: I don't have much to say
17 about it. This is the first time this happened.
18 Like, this never happened to us before. Like, we
19 never thought about this happening here. People
20 say that we trusted him. As my dad said, we
21 trusted him, that is why we opened the door for
22 him. It is just that we don't -- we are not
23 like -- we just do what our dad says. We go to
24 school, get good grades, study. That's it. And we
25 didn't know he was going to do that. That's why we

1 opened the door that day.

2 THE COURT REPORTER: I'm sorry, I didn't hear
3 that?

4 MS. RABIA NATHANI: We didn't know that he was
5 going to do that. That is why we opened the door
6 that day.

7 And then he still not -- like my dad says, he
8 is not pleading guilty or something, that he did
9 it.

10 That's all I want to say.

11 THE COURT: Thank you.

12 Anything further, Solicitor?

13 MS. M. WALKER: No, Your Honor.

14 THE COURT: Thank you.

15 Ms. Walker? Mr. Bank?

16 MS. A. WALKER: Thank you, Your Honor. May it
17 please the Court?

18 Your Honor, just to tell you a little bit
19 about Anthony's background. He is 28 years old.
20 For the past, I believe, year he's been working for
21 Angelica Corporation. It is a linen company.

22 THE COURT REPORTER: I'm sorry, where?

23 MS. A. WALKER: Angelica Corporation. I'm
24 sorry, I'll speak up. He was very thankful to be
25 able to get that job, Your Honor, considering the

1 charges that were pending against him. They gave
2 him a chance. And he was a great employee. And
3 they were very understanding about everything. And
4 he worked very hard.

5 Your Honor, I have had the pleasure to get to
6 know his fiancée. Mr. Bank and I went over to his
7 house a couple of times in order -- they had
8 transportation issues, so in order to prepare for
9 this case we were able to get to know his fiancée,
10 who is a wonderful person, Ms. Diana Addison. She
11 sat here through every day of the trial and was of
12 the utmost support for Mr. Porterfield.

13 She -- if you ask either one of them, they'll
14 tell you that they have five children. Anthony has
15 two from a prior relationship and Diana has three,
16 but they will tell you that they have five. All
17 girls. All daughters. And they all consider
18 themselves a family. So this has been indeed a
19 troubling experience for everybody involved. I
20 understand that.

21 Your Honor, we certainly, with the utmost
22 respect, understand the jury's decision and what it
23 is, but my client does maintain his innocence.

24 We have no doubt that the Nathani girls went
25 through an absolutely harrowing experience that

1 day. I have absolutely no doubt. And for that we
2 extend our deepest sympathies, condolences,
3 whatever would be appropriate. We certainly,
4 without a doubt, believe that that happened to
5 them. But my client does maintain his innocence.
6 That he was at work that day and that he was not
7 responsible for those events.

8 Your Honor, that being said, you heard a
9 little bit about Anthony's prior record. When he
10 was -- he was able to get a Youthful Offender
11 sentence for a burglary that happened about ten
12 years ago. Apparently, he said he got kicked out
13 of his brother's house and he and a friend went to
14 a random house and he said he all but touched the
15 window and attempted to open it before a marked
16 vehicle drove by and he took off running, and the
17 cops stopped him. And that was about the extent of
18 that burglary, Your Honor.

19 And he has had some rough spots along the way,
20 but, Your Honor, for the most part it was driving
21 offenses, DUI. But other than that, no serious
22 offenses. There is no disposition on anything, the
23 assault with police officer, or anything of that
24 nature, Your Honor. But other than that, the
25 attempted burglary from ten years ago would be the

1 most serious offense he has on his record.

2 Since meeting Diana I think that he has done
3 the best to be a family man. They have had --
4 every time we were over there, Diana slaved over
5 the stove. She was an amazing cook. And Anthony
6 took care of the house. And they were a great team
7 together. And still are. They are -- they took
8 walks every Wednesday. They had a routine. And
9 that is what they did. And they were a great
10 couple. They are a great couple. And a great
11 support system.

12 That being said, Your Honor, he does have a
13 couple of family members that have been here in and
14 out throughout the trial that I would ask Your
15 Honor, if you would indulge us, to hear from them,
16 just a little bit about Anthony's character.

17 And before I forget, I do have an order
18 regarding the kidnapping offenses. I believe all
19 the testimony indicated that these had nothing to
20 do -- sexual in nature whatsoever, just so that
21 there is no ifs, ands, or buts about that.

22 THE COURT: Yes, ma'am.

23 MS. A. WALKER: If you allow me to approach,
24 Your Honor?

25 THE COURT: Yes, ma'am. Certainly.

1 (Complies.)

2 THE COURT: Thank you.

3 MS. A. WALKER: Thank you, Judge.

4 THE COURT: All right. And I'll be glad to
5 hear from anyone you would like me to hear from,
6 Ms. Walker.

7 MS. A. WALKER: Mr. Porterfield would like to
8 address you first, Your Honor.

9 THE COURT: Before his family members?

10 MS. A. WALKER: Yes.

11 THE COURT: All right. Certainly. I will be
12 glad to hear from you, Mr. Porterfield.

13 THE DEFENDANT: How you doing, Your Honor?

14 THE COURT: I'm good.

15 THE DEFENDANT: I agree with Mr. Nathani on a
16 lot of errors. I have done a lot of things in my
17 past. And I did make a lot of mistakes. Some was
18 harder to learn from. Some I have. I have no
19 excuses for some of the errors I have made in my
20 past.

21 I'm not a violent individual. I love very
22 hard. My father passed when I was 16. He was my
23 greatest hope. He taught me everything. And he
24 taught me how to respect, he taught me how to love,
25 especially to be a family man.

1 He said I have no remorse, but I do. I feel
2 bad for his family. And I have two girls. And at
3 the time of that incident, I haven't seen my
4 daughter for a whole year. That is why I got up
5 off my mother couch and I got me a job. I worked
6 hard. And I got my own apartment. And,
7 unfortunately, I wasn't able to remember my
8 address, that's how long I stayed there.

9 And I didn't do this to Mr. Nathani. And I
10 wouldn't do that to his children. I'm not sure who
11 it was, but I'm definitely sorry for anything that
12 had happened to them. And I don't know how I even
13 end up in a position as this.

14 The job that I had obtained at that time was
15 the greatest job I ever had in my life. It paid
16 \$10 an hour and it paid weekly. And I worked hard.
17 I worked very hard.

18 And I can't say I don't believe in
19 coincidence. Look at the situation I'm in.
20 Something happened. And it happened to me. Two
21 guys right now are free and I'm chained to my
22 waist.

23 The same three girls I have at the house along
24 with Diana, when I came into that household, I
25 thought about it deeply, I have nothing but girls;

1 I love my girls. So I respect everything
2 Mr. Nathani said. And if I was in his position I
3 would want the man to rest under the jail. I
4 respectfully do. I would say that.

5 But -- and that burglary that they mentioned
6 back in 2004, I was kicked out by my brother. And
7 that wasn't a random house. I knew the guy. It
8 was a friend of mine. And it was an attempt. At
9 that very time I never stole anything. I wasn't
10 planning on stealing anything. I didn't even -- I
11 didn't have a home. And I made a bad decision.

12 Your Honor, I respectfully ask to maintain my
13 innocence, because I am innocent. And just as well
14 as the Nathani family and his daughters, I feel
15 like I'm a victim also. A lot of things were
16 innocent. I can't remember a lot of things then.
17 Through the whole time of being home from 2012, I
18 not only worked -- it was just that job that is on
19 the record, but I went from temp agencies. I did
20 landscaping. I know how to build houses from the
21 ground up. I concrete work. I know how to do
22 ducting work. Shingles. I did every little thing
23 I could do around South Carolina working under
24 every man who made a dollar. I know guys who --
25 you know, I did hard work. Unfortunately, I

1 couldn't get all my employers in here. I couldn't
2 contact everybody.

3 And I never even knew who wrote statements in
4 my behalf. I never knew. I didn't even know the
5 guy's real names. Never knew. Until January of
6 2015.

7 I didn't create this alibi. TK didn't even
8 get on the stand. He was a friend of mine. I
9 remember when I figured out when I was locked up.
10 And I apologize for rambling, but it is my life.
11 And, unfortunately, this is how things end up for
12 me. And I know this is something I'm going to
13 definitely fight. And I pray for the best for the
14 Nathani family. I don't know if he know it or not,
15 but I do. And he helped me out a great deal. I
16 never came against him. He always gave me the
17 benefit of the doubt when we did business, whether
18 it was -- whether everything was legitimate or not,
19 everything was okay. And he always, you know, gave
20 me a piece of advice, and I always did the same for
21 him.

22 I don't know why things end up the way it did,
23 but it did. And I'm here. And it is sad to see
24 myself in this situation. This is not the way I
25 was raised. This is not the way I raise my

1 children. And I believe they are scared. And
2 jail, prison, or any kind of confinement for any
3 man who have any type of daughters on the outside,
4 it is scary. I feel bad for the Nathani family and
5 my family. It is not just him who is mourning. I
6 have my daughters mourning also.

7 And I cry on the inside every night and every
8 day since then. And when I read the Bible, I felt
9 bad every night because I prayed that whoever it
10 was I can find out who it was myself and I can put
11 -- personally put this man on the stand.

12 Your Honor, I ask to maintain my innocence,
13 and -- I don't know what else to ask for. I'm
14 definitely trying. And I have done my best when I
15 was on the outside. And I always been a family
16 man. I had a couple of DUS, and I had a couple of
17 things that was against me in my past. I never
18 hurt an officer. I'm not sure how that went.

19 Maybe I'm rambling now. But, Your Honor, I
20 just want to say to the Nathani family, I pray for
21 the best for them. And I pray for the best for my
22 family also. They have got to go without me. And
23 I mean a lot to my family. I mean a lot to my
24 nephews. I mean a lot to my daughters. I mean a
25 lot to Diana. When I met her, I never left her

1 side. There was plenty of times that I could have
2 honestly done anything, you know, left or anything.
3 I love her to death. I love my family to death.
4 And I always been there for them. And I will
5 always be there for them.

6 And I just thank the Court for listening I
7 guess today and take into consideration that I'm an
8 honest man. I am a man of a lot of words, but
9 unfortunately I am running low, and I don't know
10 what else to say, Your Honor.

11 I made a lot of mistakes. And I can't say
12 that meeting Mr. Nathani was one. But I can say
13 that I pray that things can change and that the
14 truth will come to light. I pray that the truth
15 will come to light.

16 That's it. Thank you.

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

19 Anyone else you would like me to hear from, I
20 will be glad to, Ms. Walker.

21 MS. A. WALKER: Your Honor, his fiancée, Diana
22 Addison.

23 THE COURT: All right. I will be glad to hear
24 from you, Ms. Addison.

25 MS. A. WALKER: If you just want to stand

1 right there, just speak up.

2 THE COURT: Just speak up where I can hear
3 you, please.

4 MS: ADDISON: Good morning, Your Honor.

5 THE COURT: Good morning.

6 MS. ADDISON: My name is Diana Addison. That
7 is my fiancée, Anthony Porterfield. And the man
8 that I have known for over three years now is a
9 caring family man. I was raised to not judge
10 anybody by their past, because people do change.
11 And God makes sure of that. The man that I know
12 that has been described in this court last week
13 does not fit the description of what has been said
14 at all. I know a man who takes care of his kids to
15 the utmost ability. A soft-spoken man. A man that
16 did nothing but went to work and take care of his
17 family, in and out the house.

18 If somebody is calling him, he is trying his
19 best to be there to help them, whether it is
20 monetary-wise or it is supporting somebody
21 emotionally, physically.

22 There is not many good fathers on the street.
23 And I know this from experience. My father raised
24 me since I was five. And Anthony, one thing about
25 him is he has a lot of characteristics of a great

1 man. And I know by good example, like I said, my
2 father. I don't know many men who have teachers
3 from the school and the principal from the school
4 and the doctors that their kids need that would
5 rather speak with the father than the mother. I
6 find that very rare.

7 I have spoke with this man every night for
8 over the past three years. I have seen him cry
9 over this situation because he is not understanding
10 why he is in this situation. I have seen him want
11 to get this situation past him. And I see
12 nothing -- and I know nothing but a family man.
13 And nothing has changed since Day 1. And I have
14 seen him grow to be a better man. And at the age
15 of 28, I think if you ask most people on the
16 street, 28-year-old men are worried about being in
17 the clubs or hanging out with their friends all the
18 time. He was worried about going to work and
19 coming home and making sure dinner is cooked for
20 the kids. He was that traditional family man.

21 And I know firsthand from seeing this and from
22 hearing this, that he -- it is sad about this
23 happening to the victims, in which I am too, being
24 a mother of five girls -- and I count his two, so I
25 have five girls. And I would hate for anything to

1 happen to any of my kids, let alone somebody else,
2 because, for one, I'm a human being, I have a
3 heart, and so does Anthony. So I do know firsthand
4 that he hates that this situation happened. He
5 hates that he is in this situation. And I have
6 seen him cry over this situation.

7 And there is no need for me to stand up here
8 and lie for anybody, just as I maintained from Day
9 1.

10 And I thank you for your time.

11 THE COURT: Thank you. Thank you,
12 Ms. Addison.

13 MS. A. WALKER: Your Honor, his sister,
14 Rebecca Thomas.

15 MS. THOMAS: Good morning.

16 THE COURT: Good morning, Ms. Thomas.

17 MS. THOMAS: This is Diana's day, and she has
18 spoken. I sat here in court last week and I
19 listened to the Solicitor describe a absolutely
20 horrendous person. And a lot of times I sat here
21 and I questioned who were they speaking of, because
22 that is absolutely not my brother. That is my
23 youngest brother. I'm the oldest of five kids. He
24 is the baby boy. But baby boy doesn't absolute --
25 does not describe what he has been, because he

1 stepped up in the years to become a strong man, a
2 strong representative of our family. And in times
3 when our family would look like we were going
4 astray, everybody wanted to go in their own
5 direction, a lot of times it was Markale that was
6 pulling us back together, who would reach out, who
7 would call and say, Hey; Hey, baby; Hey, baby girl.
8 I'm the oldest sister. And he would address me,
9 Hey, baby girl. How are you? Come on, let's all
10 get together. I'm going to call mommy. We will
11 all come over. We will get together. His kids, my
12 kids. My daughter that he grew up with. Grew up
13 in the church. He was one of Christ Resurrection's
14 singing angels. Grew up in the church. Sang in
15 church.

16 Somewhere along the way he did go astray, as
17 we all did. And sometimes it comes out with
18 different endings. But in his mistakes in his
19 life, he saw his wrongs. He did. And he was on
20 the path to making corrections. He becomes a
21 completely different person. And the person that
22 they are describing is not Markale at all. He is a
23 brilliant, loving man who cares about his family,
24 who cares about his extended family. His friends
25 that he take in, they don't even begin to recognize

1 themselves as family -- as friends anymore, they
2 become family.

3 Just as everyone else, I feel terrible,
4 horrible. It was a horrible aching in my heart for
5 the Nathani family that they had to suffer through
6 that. I have a daughter of my own, I have a
7 granddaughter who I would hate to fall victim to
8 any heinous crime. And so we absolutely feel the
9 sorrow for them. However, the acts that are
10 described here does not represent Markale at all.

11 And I guess today we just come before you --
12 myself, my family -- for you to hope that you can
13 understand that -- and understand where we are
14 coming from, and we are begging leniency for the
15 person that we know, who is not the person that is
16 described here today.

17 Thank you, Your Honor.

18 THE COURT: Thank you. Thank you very much,
19 Ms. Thomas.

20 MS. A. WALKER: And, Your Honor, thank you so
21 much for being patient with us.

22 Finally, Your Honor, his sister, Katrell
23 Porterfield.

24 THE COURT: All right. Yes, I will be glad to
25 hear from you.

1 MS. PORTERFIELD: Good morning.

2 THE COURT: Good morning.

3 MS. PORTERFIELD: I am Anthony's baby sister.
4 He has been more than a brother to me. That is my
5 best friend. After my dad died, you know, he's
6 been my protector also, someone I can call on and
7 go talk to. You know, if it is the middle of the
8 night and just don't feel well, he is the one I
9 call on to help me get through what I'm going
10 through.

11 We grew up really, really close, so it is hard
12 on me because my life would not be the same. He
13 helps my little boy, my son. He looks up to him.
14 His father is not here, but my brother has stepped
15 in to help him grow up and to teach him the right
16 way.

17 But he has always been the person, like, when
18 it comes to the females in the family, we all go to
19 him because he has been that brother to his
20 cousins, he has been that to me. You know, he is
21 only a couple of years older than me, but he has
22 been like that role model, that leader that we all
23 just kick off on.

24 And I'm so sad right now, because this is
25 just -- I can't even imagine explaining to my son,

1 you know, why he can't talk to Uncle Kale, why he
2 can't go to the park with Uncle Kale, why he can't
3 see him.

4 And I'm having another boy. And it is just
5 very hurtful that this is somebody who is important
6 to me, somebody who I love dearly, and just -- I
7 just want him to know, you know, we always -- just
8 like he has always been there for us, we will
9 always be there for him. Always. No matter what,
10 I will still be here to support you.

11 And I'm just -- there is so much that I can go
12 on and talk about, but, you know, I just -- like my
13 sister and I have said, you know, we have seen him
14 go through so many changes, but he has always
15 remained that family person. He has always been
16 the one that we can talk to, the one that keeps us
17 together, because we don't have too many men in our
18 family that keeps us together, especially the women
19 in our family. We have got more women in our
20 family than men, and he has been that man to all of
21 us, even my cousins that, you know, we all, get all
22 us together, take us out to eat. You know, we just
23 talk to him about certain things that is going on
24 in our relationships, or anything. He has always
25 been supportive of us. Always been that person

1 that -- he will get all the kids for us to get a
2 little break, you know. And he'll get -- and his
3 girls love him to death, oh my God.

4 And I just can't imagine the same way I feel
5 about him, they love him ten times harder, because
6 he has been there. And he is a better father to
7 them than their own mothers are to them. It is
8 hurtful to say that, but I'm not sure how their
9 lives are going to be without him. And that is the
10 God's honest truth.

11 And I just feel sorry for the Nathani family.
12 You know, I feel sorry for me and my sister. We
13 have already lost a brother who died. I lost my
14 father at a young age. I lost another brother not
15 too long ago. And this is all that we have, you
16 know? It is just hurtful to even be standing here.

17 The last couple of days of court I couldn't
18 even be here because I can't -- I couldn't stand to
19 stand here and see this or even be here. But I'm
20 here, because I want him to know that I'm going to
21 always support him and I want him to know that I
22 love him dearly. And I will always love him,
23 regardless of any situation. I will be there for
24 him like he has always been there for me. And like
25 our father told us, to watch out. He has -- we

1 have always watched out for each other. And he
2 lives by what my dad taught him. When I'm going
3 through things, he is there for me. He has never,
4 ever let me hurt or never let me fall down.

5 And I just thank him. And I love him. That's
6 all I can say.

7 MS. A. WALKER: Your Honor, his cousin, Alexis
8 Green.

9 THE COURT: All right. Yes, ma'am, I will be
10 glad to hear from you.

11 MS. GREEN: Good morning.

12 THE COURT: Good morning.

13 MS. GREEN: I just want to take a few minutes
14 of you guys's time. My name is Alexis Green.
15 Anthony, better known as Markale, is my cousin. We
16 are like third or fourth cousins distant down the
17 line, but we were raised as if our parents were
18 sisters and brothers, we were raised as if we were
19 first and second cousins.

20 And growing up my greatest memories were with
21 Markale and Katrell. Their father, my uncle, he
22 was my favorite uncle until he passed when we were
23 younger. Excuse me. But to say that my uncle used
24 to pick us up, he had this van, and he would pick
25 us all up and he would take us to his house. And

1 my aunt would get off work fussing like, What are
2 you doing with all these kids here? I just got off
3 work from doing a 12-hour shift.

4 And also growing up, my two favorite cousins,
5 I thought they were twins for the longest time, my
6 favorite cousins with the pretty eyes. I used to
7 love to see them coming. I used to love to hear
8 that there was a family function going on and they
9 were going to be there.

10 We grew up so close to where that they lived
11 on one side of town, the North Main side of town,
12 and I lived on Two Notch Road area. I graduated
13 from W.A. Perry. I'm a 2007 graduate of C.A.
14 Johnson High School. I have been on my job at
15 Presidio Medical Care for seven years at Palmetto
16 Health Richland Hospital. And believe it or not,
17 it has really been hard growing up where I grew up.
18 I have lived in the Colony Apartments. I have
19 lived in Palmetto Terrace. My cousins graduated
20 from Alcorn. They went to Eau Claire. They went
21 to C.A. Johnson. And they went to W.J. Keenan.
22 Some of the most high-rated reckless schools in
23 Richland County School District 1, but we made it.
24 We might not have graduated on time, but we made it
25 out, you know, out of the situation that we grew up

1 in. We didn't always have the best, but our
2 parents gave us what we needed. And we grew up to
3 know that you always get what you need and your
4 wants will fall into place.

5 And when my uncle died years ago, our lives
6 changed forever, because he was that man. He would
7 make anybody's worst day their best.

8 And, Your Honor, I'm just here to say that
9 whatever had went on in court, I don't believe that
10 is my cousin. I would ask you all to just look at
11 who he is as a person. And it is not our fault
12 that we grew up in a society where we were directed
13 towards negative things. And we all strayed away.
14 But I believe that all of us here that grew up
15 together, grew up to know that the life that we
16 were a part of is not the life we want to live.

17 And my cousin Markale, when I was pregnant, we
18 would take walks in the park. He would take me
19 downtown just to get ice cream. He would pick me
20 up on my worst day when I felt like I couldn't
21 stand on my feet and say, Baby girl, come on, let
22 me feed you with that baby boy.

23 He always, always, always took care of me and
24 my little sister. He has always been there for us,
25 through thick and thin. And when his sisters and

1 everybody said he gets all of our kids, he keeps
2 them together.

3 And just as his dad was a shining star in our
4 life when we were younger, he is that shining star
5 in our life right now. The sun is coming up. And
6 we always have cookouts and birthdays and family
7 functions. It is times where we make up holidays
8 just to spend time together. And he is that man.
9 That is my cousin, and I love him. And he has
10 always been there. Always.

11 And his father always raised us, if you did
12 anything wrong, apologize. He would cut our
13 behinds and take us to wherever we did wrong. Or
14 if we pushed a little girl down or if we were too
15 aggressive towards somebody, And you are going to
16 apologize. And he made us apologize.

17 My cousin called me on numerous occasions
18 because he thought that he said something offensive
19 that might have hurt my feelings and it has been
20 bothering him. And I stayed up last night, and I
21 just wanted to call you, baby girl, and tell you
22 I'm sorry if I offended you. And I love you.

23 And I think I speak for everyone when I say
24 that, please let him continue to be that shining
25 star. Please one day let him come home.

1 I completely apologize to this family and
2 whatever happened to them, I'm sorry to them.
3 Forgive whoever. Find whoever. Anthony didn't do
4 it.

5 I just want him to come home one day. I want
6 him to be able to be a part of his children's
7 lives. He -- I just want him to be there. Because
8 without him I think we will just really be lost.
9 We'll make it, because we have each other. But he
10 is that star, Your Honor.

11 And I want to say thank you for letting me and
12 my family speak on Anthony's behalf this morning.

13 And you all have a good afternoon.

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

15 MS. A. WALKER: Thank you so much, Your Honor.

16 THE COURT: Anything further, Ms. Walker or
17 Mr. Bank?

18 MS. A. WALKER: Your Honor, just very briefly.
19 Thank you so much for the Court's patience this
20 morning. This is Anthony's day in court. And they
21 are a family of many words, and certainly I
22 understand. They are a caring family and a
23 close-knit family, Judge.

24 I just ask you to consider what we have
25 presented to Your Honor. We are respectfully

1 asking for the minimum in this case. We're asking
2 for a 15-year sentence, all to run concurrent,
3 respectfully, Your Honor. He has got a very short
4 amount of credit, 94 days total, to go towards his
5 sentence.

6 THE COURT: Thank you, Ms. Walker and Mr.
7 Bank.

8 Let me make sure I'm correct. Burglary first
9 degree carries not less than 15 years nor more than
10 a life sentence?

11 MS. M. WALKER: Yes, Your Honor.

12 THE COURT: Armed robbery carries 10 years to
13 30 years?

14 MS. M. WALKER: Yes, Your Honor.

15 THE COURT: Kidnapping carries up to 30 years?

16 MS. M. WALKER: Yes, Your Honor.

17 THE COURT: And the other kidnapping?

18 MS. M. WALKER: Yes, Your Honor.

19 THE COURT: Thank you.

20 All right. I take into account the totality
21 of the facts and circumstances in the case, the
22 statements from the victims that were presented
23 today.

24 I take his prior criminal history into
25 account, with the exclusion of assaulting a police

1 officer while resisting arrest. It had no
2 disposition. I do note that many of his offenses
3 are traffic offenses; however, he did have one of
4 those offenses while he was out on bond for this
5 charges, being DUI, DUS, possession of marijuana,
6 and illegal possession of alcohol. I take into
7 account that he had a probation violation. And the
8 burglary second. And the facts that were presented
9 concerning the burglary second and the fact that it
10 was 2004.

11 I take into account the statement that he has
12 presented to the Court. As I said during the
13 course of the trial, my observations of
14 Mr. Porterfield is that he is a very intelligent
15 and well-spoken young man who can present himself
16 very well and presented himself very well as far as
17 being before the Court. I do not comment on how he
18 may have presented himself as far as the jury is
19 concerned, because I have no knowledge of that.
20 But he has always been respectful to the Court,
21 well-spoken, and seems to be very intelligent.

22 I further take into account the statement of
23 Ms. Addison, who appeared to be very heartfelt, as
24 the statements of both his sisters and his cousin
25 during the course of this presentation concerning

1 sentencing.

2 Recalling back on the trial testimony and the
3 totality of the facts and circumstances, I take
4 into account that, although he maintains his
5 innocence -- which he has an absolute right to do
6 so, and I do not hold that against him in any
7 manner -- I do take into account the fact that he
8 attempted to blame: (a), the investigator; (b),
9 the police officers that arrested him; (c), EMS
10 that attempted to treat him; (d), the nurses at
11 Palmetto Richland Hospital and other medical
12 personnel.

13 I'm very impressed with his family support.
14 I'm familiar with W.A. Perry, C.A. Johnson, Alcorn
15 Middle, the Keenan Raiders. I remember when that
16 school was built, as a matter of fact. I certainly
17 am very impressed with his family and the family
18 support that he has. He is going to need it.

19 Going into someone's residence, whether it is
20 a part-time business or not, is one of the most
21 dangerous crimes that can be committed in our
22 society, short of a crime of a high degree of
23 physical violence or a homicide.

24 Mr. Nathani and his family trusted
25 Mr. Porterfield. And, given his demeanor, it is

1 probably easy to trust him. It is probably easy to
2 do that. Sometimes trust can be misplaced. These
3 are young victims. There are two victims. They
4 are children. Some people say, Well, they are
5 young ladies. They were children. And in my book
6 and within the safety of their home, where we
7 should all be able to be safe, guns were placed in
8 their face. That is so much more than items being
9 stolen. That steals your safety and security in
10 one place you think you will always be safe and
11 secure.

12 And I will not give him the minimum sentence.
13 I will not give him a life sentence. But it is a
14 significant sentence. And it is my responsibility
15 to impose it. And behavior has consequences.

16 Indictment 2012-GS-40-5295, Anthony M.
17 Porterfield, burglary first degree, the Defendant
18 is committed to the State Department of Corrections
19 for a determinate term of 30 years.

20 Armed robbery, 2012-GS-40-5296, the Defendant
21 is committed to the State Department of Corrections
22 for a determinate term of 30 years.

23 2012-GS-40-5294, kidnapping, the Defendant is
24 committed to the State Department of Corrections
25 for a determinate term of 30 years.

1 2012-GS-40-5297, kidnapping, the Defendant is
2 committed to the State Department of Corrections
3 for a determinate term of 30 years.

4 Those are concurrent, one with the other. He
5 is to be given credit for all time served.

6 Further, I have signed the document alleging
7 and indicating that the offenses of kidnapping did
8 not include a criminal sexual offense or any
9 attempted criminal sexual offense. Therefore, he
10 does not have to register as a sex offender.

11 MS. A. WALKER: Thank you, Your Honor.

12 THE COURT: Good luck to you, Mr. Porterfield.

13 THE DEFENDANT: Thank you.

14 THE COURT: Good luck to you, Ms. Addison; and
15 members of the Porterfield family.

16 MS. M. WALKER: Thank you, Your Honor.

17 THE COURT: Thank you, Solicitor.

18 Anything further for the Court?

19 MS. M. WALKER: Nothing, Your Honor.

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

21 (WHEREUPON, the proceedings were
22 concluded at 11:38 a.m.)

23
24
25 (END OF TRANSCRIPT)

1069

WITNESSES

(S) Joseph Clarke – Richland County
Sheriff

ARREST WARRANT NUMBER

2012A4010600031

ACTION OF GRAND JURY

TRUE BILL

Jill R. Koenig
Foreperson of Grand Jury
Date: **OCT 10 2012**

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS4005294

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

OCTOBER TERM 2012

42

**THE STATE
vs.**

Anthony M Porterfield

**Indictment for
KIDNAPPING**

SC Code: 16-03-0910
CDR Code: 0095

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.

CERTIFIED TRUE COPY
OF ORIGINAL FILED
Janette Williams
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF STATE

Richland

VS. Anthony M. Peterfield

INDICTMENT/CASE#: 2012 -GS- 40 - 5294
AW#: 2012A4010600031
Date of Offense: 6-27-12
S.C. Code §: 16-03-0910
CDR Code #: 0095

AKA: _____
Race: Black Sex: Male Age: 28
DOB: _____ SS#: _____
Address: _____
City, State, Zip: Columbia, SC 29223
DL# _____ SID# _____

SENTENCE SHEET

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

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 \$17-25-45
(CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: W. M. Walker 78454 Anthony M. Peterfield W. M. Walker 74925
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

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: with all current active orders
 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 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 (Granny
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 _____

Recipient: _____

*Fine:	\$	_____
§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	\$
§47.12 (Public Def/Prob)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$100	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
§90.7(SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	_____

Clerk of Court/Deputy Clerk: Janette Mc Bride
Court Reporter: _____

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: _____

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

Presiding Judge: W. M. Walker
Judge Code: 2145
Sentence Date: 6 March 15

ORIGINAL

WITNESSES

(S) Joseph Clarke – Richland County Sheriff

ARREST WARRANT NUMBER

2012A4010600029

ACTION OF GRAND JURY

TRUE BILL

Julie R. Koenig
Foreperson of Grand Jury
Date: OCT 10 2012

VERDICT

1072
Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS4005295

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

OCTOBER TERM 2012

42

THE STATE
vs.

Anthony M Porterfield

Indictment for
BURGLARY 1ST DEGREE

SC Code: 16-11-0311

CDR Code: 0079

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.

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Hearts to Williams
C.C.C. P&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)


INDICTMENT

At a Court of General Sessions, convened on OCTOBER 10, 2012,
 the Grand Jurors of Richland County present upon their oath:

BURGLARY, 1ST DEGREE

That Anthony M. Porterfield and/or another co-defendant did in Richland
 County on or about June 27, 2012, enter the dwelling of RABIA G
 NATHANI located at _____ 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 therefrom, the defendant displayed what was
 or appeared to be a firearm, in violation of Section 16-11-0311(A), Code of
 Laws of South Carolina, 1976, as amended.

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



DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF STATE

Richland

VS. Anthony M. Porterfield

INDICTMENT/CASE#: 2012 -GS- 40 - 5295

AW#: 2012 A4010 600029

AKA: _____

Race: Black Sex: Male Age: 28

DOB: _____ SS#: _____

Address: _____

City, State, Zip: Columbia, SC 29223

DL# _____ SID# _____

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: _____

CONVICTED OF or PLEADS

In violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079

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. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: M. Wall 78494 Anthony M. Porterfield Arnold 79925
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

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: with all current active sentences
 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 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

PTUP _____ days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. Or Job _____
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: _____
 Appointed PD or appointed other counsel, §47.12 requires \$500 be paid to Clerk during probation.

CERTIFIED TRUE COPY OF ORIGINAL FILED. Jeannette McBride C.C.C.P.&G.S. RICHLAND COUNTY SOUTH CAROLINA

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

Set by SCDPPPS _____

Recipient: _____

*Fine:	\$ _____
§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
§47.12 (Public Def/Prob)	\$500
§14-1-212 (Law Enforce. Funding)	\$25
§14-1-213 (Drug Court Surcharge)	\$100
§50-21-114 (BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
§90.7(SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$ _____
TOTAL	\$ _____

Clerk of Court/Deputy Clerk: Jeannette McBride
Court Reporter: McCurdy

Presiding Judge: _____
Judge Code: 2145
Sentence Date: 6 March 15

ORIGINAL

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on OCTOBER 10, 2012,
the Grand Jurors of Richland County present upon their oath:

ARMED ROBBERY

That Anthony M Porterfield and/or another co-defendant did in Richland County
on or about June 27, 2012, commit robbery by feloniously taking from the person
or presence of Rabia G Nathani, by means of force or intimidation, goods and/or
monies of Rabia G Nathani, such goods and/or monies being described as
Electronics and/or TV and/or TVs and/or Computer and/or Computers, with the
intent to deprive the owner permanently of such property, while armed with a
deadly weapon, or while alleging, either by actions or words, that he or she was
armed while using a representation of a deadly weapon or any object which a
person present during the commission of the robbery reasonably believed to be a
deadly weapon. All in violation of §16-11-330(A), SC Code of Laws (1976, as
amended)

Handwritten:
and/or
Sulzar
Nathani

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

Handwritten signature of Dan Johnson

DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE

INDICTMENT/CASE#: 2012 -GS- 40 - 5296

VS. Anthony M. Porterfield

AW#: 201244010600030
Date of Offense: 6-27-12
S.C. Code §: 16-11-0330(A)
CDR Code #: 0139

AKA: _____
Race: Black Sex: Male Age: 26
DOB: _____ SS#: _____
Address: _____
City, State, Zip: Columbia, SC 29223
DL# _____ SID# _____
*CDL Yes No CMV Yes No Hazmat Yes No

SENTENCE SHEET

CONVICTED OF or PLEADS

In disposition of the said indictment, I name now the Defendant who was TO: Armed Robbery

In violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury. (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: M. Waller 78494 Anthony M. Porterfield A Walker 74925
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

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: with all current active sentences
 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 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 PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

Set by SCDPPPS _____

Recipient: _____

*Fine:	\$	_____
§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	\$
§47.12 (Public Def/Prob)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$100	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
§90.7(SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	_____

Clerk of Court/Deputy Clerk: Melvinby
Court Reporter: Jeanette McBride

EMPLOYMENT: _____

Obtain GED OF ORIGINAL FILED, Jeanette W McBride
Attend Voc. Rehab. Or Job Prog. S. _____

MAY SERVE WITH BEGINNING SUBSTANCE ABUSE TREATMENT
RICHLAND COUNTY
SOUTH CAROLINA

Random Drug/Alcohol Testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____
\$ _____ Paid to Public Defender Fund

Other: _____

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

Presiding Judge: J. M. Walker
Judge Code: 2145
Sentence Date: 6 March 15

ORIGINAL

WITNESSES

(S) Joseph Clarke - Richland County Sheriff

ARREST WARRANT NUMBER

2012A4010600033

ACTION OF GRAND JURY

TRUE BILL

Gill R. Koenigs Foreperson of Grand Jury

Date: OCT 10 2012

VERDICT

Foreperson of Petit Jury Date:

DOCKET NO. 2012GS4005297

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

OCTOBER TERM 2012

42

THE STATE vs.

Anthony M Porterfield

Indictment for KIDNAPPING

SC Code: 16-03-0910 CDR Code: 0095

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.

CERTIFIED TRUE COPY OF ORIGINAL FILED, Jeannette W. McBride C.C.C.P&G.S. RICHLAND COUNTY SOUTH CAROLINA

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF STATE

Richland

vs. Anthony M. Porterfield

INDICTMENT/CASE#: 2012 -GS- 40 - 5297

AW#: 2012A4010600033

AKA: _____

Date of Offense: 6-27-12

Race: Black Sex: Male Age: 28

S.C. Code §: 16-03-0910

DOB: _____ SS#: _____

CDR Code #: 0095

Address: _____

City, State, Zip: Columbia, SC 29223

DL# _____ SID# _____

*CDL Yes No CMV Yes No Hazmat Yes No

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was TO: 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 \$17-25-45

(CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

M. Walker
Solicitor

78494
SC Bar #

Anthony M. Porterfield
Defendant

Ann Walker
Attorney for Defendant

79925
SC Bar #

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.

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SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

Set by SCDPPPS _____

Recipient: _____

*Fine:	\$ _____
§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
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§14-1-213 (Drug Court Surcharge)	\$100
§50-21-114 (BUI Breath Test Fee)	\$50
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§90.7(SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$ _____
TOTAL	\$ _____

Clerk of Court/Deputy Clerk: Jeannette McBride
Court Reporter: McArdy

PTUP CERTIFIED TRUE COPY

_____ days/months/years of Public Service Employment

Obtain GED Jeannette W McBride
C.C.C.P.&G.S.

Attend Voc. Rehab. or Job Corp. RICHLAND COUNTY

SOUTH CAROLINA

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

prmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

Appointed PD or appointed other counsel,

\$47.12 requires \$500 be paid to Clerk

during probation.

Presiding Judge Timothy M. ...

Judge Code: 2145

Sentence Date 6 March 13

ORIGINAL

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."

This 13th day of April, 2016.



Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

RECEIVED

APR 13 2016

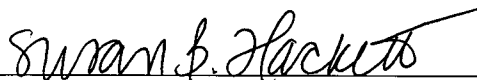
SC Court of Appeals

1081

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."

This 13th day of April, 2016.



Susan B. Hackett
Appellate Defender

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ATTORNEY FOR APPELLANT