

22643

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 M. PORTERFIELD

APPELLANT

APPELLATE CASE NO. 2015-000631

RECORD ON APPEAL

SUSAN B. HACKETT  
Appellate Defender

ALAN WILSON  
Attorney General

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

J. BENJAMIN APLIN  
Interim Senior Assistant Deputy Attorney  
General  
Office of the Attorney General  
PO Box 11549  
Columbia, SC 29211

Attorney for Appellant

Attorneys for Respondent

INDEX

INDEX .....i

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

MOTION TO SUPPRESS JAIL PHONE CALLS BY MR. PORTERFIELD .....23

JACKSON V. DENNO HEARING

TESTIMONY

    JOSEPH CLARKE (IN CAMERA)

        Direct examination by Ms. Meghan Walker .....44

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

NEIL V. BIGGERS HEARING

TESTIMONY

    JOSEPH CLARKE (IN CAMERA)

        Direct examination by Ms. Meghan Walker .....57

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

    RABIA NATHANI (IN CAMERA)

        Direct examination by Ms. Meghan Walker .....68

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

    SOBIA N. (IN CAMERA)

        Direct examination by Ms. Meghan Walker .....79

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

JURY VOIR DIRE .....118

JURY SELECTION .....136

OPENING STATEMENT BY MS. CAMPBELL .....160

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

TESTIMONY

    RABIA NATHANI

        Direct examination by Ms. Meghan Walker .....186

Cross examination by Ms. Anastasia Walker.....	204
Redirect examination by Ms. Meghan Walker.....	222
<b>SOBIA N.</b>	
Direct examination by Ms. Campbell.....	224
Cross examination by Ms. Anastasia Walker.....	244
Redirect examination by Ms. Campbell.....	250
<b>GULZAR NATHANI</b>	
Direct examination by Ms. Meghan Walker.....	254
Cross examination by Ms. Anastasia Walker.....	265
<b>SHAWN SCHRODER</b>	
Direct examination by Ms. Campbell.....	278
Cross examination by Mr. Bank.....	292
Redirect examination by Ms. Campbell.....	297
<b>ROBERT WATERS</b>	
Direct examination by Ms. Meghan Walker.....	334
Cross examination by Mr. Bank.....	336
<b>DANA OUTEN</b>	
Direct examination by Ms. Campbell.....	341
Cross examination by Ms. Anastasia Walker.....	361
Redirect examination by Ms. Campbell.....	362
<b>ANDREW CALDWELL</b>	
Direct examination by Ms. Campbell.....	368
Cross examination by Mr. Bank.....	398
Redirect examination by Ms. Campbell.....	404
<b>JOHN BARRON</b>	
Direct examination by Ms. Campbell.....	406
Cross examination by Mr. Tate.....	415
Redirect examination by Ms. Campbell.....	430
Recross examination by Mr. Tate.....	431
<b>SCOTT MCDONALD</b>	
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
<b>JOSEPH CLARKE</b>	
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 continues .....881

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

    Redirect examination by Ms. Anastasia Walker .....904

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 NOTE .....1006

VERDICT .....1009

POLLING OF THE JURY .....1012

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 TRIAL .....1024

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

MOTION FOR NEW TRIAL .....1028

RULING BY THE COURT .....1035

SENTENCING .....1066

INDICTMENTS AND SENTENCE SHEETS .....1069

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:**

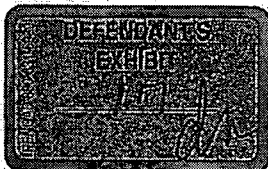
Statistical calculations are performed according to National Research Council's Recommendation 4.1 in "The Evaluation of Forensic DNA Evidence" (1996). Allele frequencies are provided in Hill et al., "U.S. population data for 20 autosomal STR loci", Forensic Science International: Genetics. 2013; 7(3):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

Y-STR calculations are performed according to [www.usystrdatabse.org](http://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.



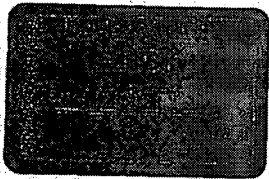
*John C. Barron*

Digitally signed by John C. Barron  
DN: cn=John C. Barron,  
o=RCSD, ou=DNA,  
email=jbarron@rcsd.net,  
c=US  
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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  
*[Signature]*

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. HOBBS  
C.C.P. & G.S.  
RICHLAND COUNTY  
FILED

On February 27<sup>th</sup>, 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.



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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 5<sup>th</sup> day of March, 2015.

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I N D E X   O F   W I T N E S S E S

(WHEREUPON, no witnesses were called during these proceedings.)

E X H I B I T S

(WHEREUPON, no exhibits were introduced during these proceedings.)



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**

*Gill R. Koenigs*  
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 W. M. ...*  
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:

**KIDNAPPING**

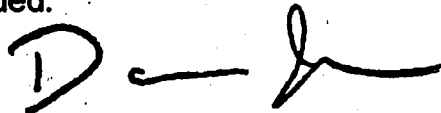
That Anthony M Porterfield and/or another co-defendant did in Richland  
County on or about June 27, 2012, unlawfully seize and/or confine and/or  
inveigle and/or decoy and/or kidnap and/or abduct and/or carry away one

Sobia N.

, without authority of law, in violation of Section 16-03-0910,

**S. C. Code of Laws, 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. Peterfield

INDICTMENT/CASE#: 2012 -GS- 40 - 5294

A/W#: 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

CONVICTED OF or  PLEADS

In disposition of the said indictment comes now the Defendant who was TO: Re-arresting

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 1<sup>st</sup> 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  
Solicitor

78454  
SC Bar #

Anthony M. Peterfield  
Defendant

W. M. Walker  
Attorney for Defendant

74925  
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 (Criminology 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: Janette Mc Bride  
Court Reporter: \_\_\_\_\_

CERTIFIED TRUE COPY OF ORIGINAL FILED,

W. M. Walker  
days/hours Public Service Employment

RICHLAND COUNTY SOUTH CAROLINA

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, 1<sup>ST</sup> 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

INDICTMENT/CASE#:

2012 -GS- 40 - 5295

VS.

Anthony M. Porterfield

AW#:

2012 A 4010 600029

AKA:

Race: Black Sex: Male Age: 28

Date of Offense:

6-27-12

DOB: [REDACTED] SS#: [REDACTED]

S.C. Code §:

16-11-0311

Address:

CDR Code #:

0079

City, State, Zip: Columbia, SC 29223

SENTENCE SHEET

DL# \_\_\_\_\_ SID# \_\_\_\_\_

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was TO: Burlington - 1st

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 1<sup>st</sup> 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:

[Signature] 78494 [Signature] [Signature] 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 \_\_\_\_\_

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

\_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_

Obtain GED

Set by SCDPPPS \_\_\_\_\_

Attend Voc. Rehab. Or Job \_\_\_\_\_

Recipient: \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling

*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	\$ _____

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.

Clerk of Court/Deputy Clerk: [Signature]  
Court Reporter: [Signature]

Presiding Judge [Signature]

Judge Code: 2145

Sentence Date: 6 March 15

ORIGINAL

CERTIFIED TRUE COPY  
OF ORIGINAL FILED  
[Signature]  
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:

**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 STATE

Richland

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 1<sup>st</sup> 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

Obtain GED  OF ORIGINAL FILED, Jeanette W McBride  
Attend Voc. Rehab. Or Job Prog. S. C.C.O.P.S.G.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# \_\_\_\_\_

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

CONVICTED OF or  PLEADS

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

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 1<sup>st</sup> 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 # Defendant

Anna 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.

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

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: 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.  
SOUTH CAROLINA

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 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 13<sup>th</sup> 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

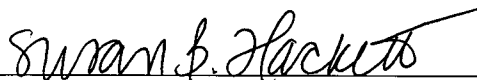
SC Court of Appeals

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 13<sup>th</sup> 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