

VOLUME II OF II

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Perry H. Gravely, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RICHARD EARL TEDFORD,

APPELLANT

APPELLATE CASE NO. 2015-002213

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INDEX

INDEX	i
TRIAL TRANSCRIPT DATED OCTOBER 13-15, 2015.....	1
<i>JACKSON V. DENNO</i> HEARING	
JASON BASH	
Direct Examination by Solicitor Moyer.....	12
Cross Examination by Mr. Warder	20
GARY GILSTRAP	
Direct Examination by Solicitor Moyer.....	24
Cross Examination by Mr. Warder	36
<i>NEIL V. BIGGERS</i> HEARING	
GARY GILSTRAP	
Direct Examination by Solicitor Moyer.....	40
Cross Examination by Mr. Warder	50
Redirect Examination by Solicitor Moyer	52
NATALIE POWELL	
Direct Examination by Solicitor Moyer.....	53
Cross Examination by Mr. Warder	61
GERALD LOCKHART	
Direct Examination by Solicitor Moyer.....	62
Cross Examination by Mr. Warder	68
OPENING STATEMENT BY SOLICITOR MOYER	82
OPENING STATEMENT BY MR. WARDER	91
TESTIMONY	
RENEE BEAUFORD	
Direct Examination by Solicitor Moyer.....	94
MELODY WILBANKS	
Direct Examination by Solicitor Moyer.....	105
Cross Examination by Mr. Warder	136
Redirect Examination by Solicitor Moyer	140

GERALD LOCKHART

Direct Examination by Solicitor Moyer.....	144
Cross Examination by Mr. Warder	166
Redirect Examination by Solicitor Moyer	169

TERRY BISHOP

Direct Examination by Solicitor Moyer.....	170
Cross Examination by Mr. Warder	180

NATALIE POWELL

Direct Examination by Solicitor Moyer.....	184
Cross Examination by Mr. Warder	198

JOE SEEGARS

Direct Examination by Solicitor Moyer.....	200
--	-----

TRAVIS STAMEY

Direct Examination by Solicitor Moyer.....	217
Cross Examination by Mr. Warder	227

BRIAN WALKER

Direct Examination by Solicitor Moyer.....	229
Cross Examination by Mr. Warder	257

JEFF HEMRIC

Direct Examination by Solicitor Moyer.....	260
--	-----

ARLENE BRUCE

Direct Examination by Solicitor Moyer.....	270
Cross Examination by Mr. Warder	287

DENISE CROCKETT

Direct Examination by Solicitor Moyer.....	291
Cross Examination by Mr. Warder	297
Redirect Examination by Solicitor Moyer	299

DAR SHAW

Direct Examination by Solicitor Moyer.....	304
Cross Examination by Mr. Warder	331

RILEY HOPE

Direct Examination by Solicitor Moyer.....	337
Cross Examination by Mr. Warder	346

CHRIS GARY	
Direct Examination by Solicitor Moyer.....	347
TYLER BUCHOLTZ	
Direct Examination by Solicitor Moyer.....	363
JASON BASH	
Direct Examination by Solicitor Moyer.....	371
Cross Examination by Mr. Warder	385
GARY GILSTRAP	
Direct Examination by Solicitor Moyer.....	391
Cross Examination by Mr. Warder	410
RICHARD TEDFORD	
Direct Examination by Mr. Warder	448
Cross Examination by	464
CHRIS GARY	
Direct Examination by Solicitor Moyer.....	514
Cross Examination by Mr. Warder	515
TYLER BUCHOLTZ	
Direct Examination by Solicitor Moyer.....	517
ARLENE WALKER	
Direct Examination by Solicitor Moyer.....	518
CLOSING STATEMENT BY MR. WARDER	531
CLOSING STATEMENT BY SOLICITOR MOYER.....	539
VERDICT	595
SENTENCING	609
INDICTMENTS AND SENTENCING SHEETS	611
STATE'S EXHIBIT #58.....	620
STATE'S EXHIBIT #59.....	623
COURT'S EXHIBIT #3	626
CERTIFICATE OF COUNSEL	627

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Jury Trial of October 13-15, 2015 - Testimony of Defendant
Before The Honorable Perry H. Gravely

533

1 didn't get out and go get that big tire out
2 of her -- that trailer tire and go put it
3 behind the garage for her to hit when she
4 went to back away?

5 A. No, sir. I never had intention to
6 do it. I never saw the tire. And if there
7 was tire there, I would have just thought it
8 belonged there.

9 Q. Okay. Now, so your testimony then
10 is that you ended up going to Hot -- why
11 didn't you go back to the drug house? Why
12 did you have to go to this Hot Spot?

13 A. The drug house is -- the Hot Spot is
14 at the drug house. It's on 11th Street,
15 right behind there.

16 Q. Okay. What about the Waffle House?

17 A. What about the Waffle House?

18 Q. Is it right next to a Waffle House;
19 is that right?

20 A. No, sir.

21 Q. It's not?

22 A. The Waffle House, I told that to
23 Detective Gilstrap -- when we passed the
24 Waffle House on 14. That's the one we were
25 talking about, on Highway 14. And if you go

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Jury Trial of October 13-15, 2015 - Testimony of Defendant
Before The Honorable Perry H. Gravely

534

1 straight across Wade Hampton, you go to
2 downtown Greer and you turn left and it goes
3 to the Hot Spot.

4 Q. Okay. And then you said your girl-
5 friend came and picked you up?

6 A. Yes, sir.

7 Q. And where did y'all go after that?

8 A. To my house in Wellford.

9 Q. Did you still have the drugs on you?

10 A. Yes, sir.

11 Q. Did you give her the drugs?

12 A. Yes, sir.

13 Q. So after you gave the drugs to
14 Derek, Derek gave them back to you?

15 A. No, sir, I gave Derek some of the
16 drugs.

17 Q. How did you give him some of the
18 drugs? You opened the bag ---

19 A. I poured it in his hand when he
20 picked me up. That was his payment for
21 giving me a ride.

22 Q. So you not only let him go into the
23 house, but you poured the drugs into his
24 hands where he could go into the house and do
25 it; right?

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Jury Trial of October 13-15, 2015 - Testimony of Defendant
Before The Honorable Perry H. Gravely

535

1 A. Yes, sir, I did.

2 Q. That's your testimony?

3 A. I had talked to my fiancé and she
4 told me to get it for the ride, to give it
5 to him.

6 Q. Okay. Well, you started referring a
7 little bit to detective -- about Detective
8 Gilstrap and what you told him. You didn't
9 tell him anything like what you just
10 testified to here in Court today; did you?

11 A. Yes, sir. I told him everything
12 except where I was when Derek picked me up.

13 Q. Oh, ---

14 A. And there was -- I didn't tell him I
15 asked -- I thought I'd told him that I asked
16 for Derek. He states that I did not -- that
17 when I went to the woman and asked for Derek
18 -- he asked me the question, in his statement
19 he says I said I did not. In my remembrance
20 to that interview, I told him I did ask for
21 Derek. I admitted to it when he asked me.

22 Q. So your testimony is that you told
23 this whole story that you're telling here
24 today to Detective Gilstrap?

25 A. Yes, sir.

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Jury Trial of October 13-15, 2015 - Testimony of Defendant
Before The Honorable Perry H. Gravely

536

1 Q. He just wrote down just that little
2 bit?

3 A. No, sir. All he wrote here -- yes,
4 sir, the remarks he wrote down. I told him
5 the basis of everything that happened. When
6 we were going to get into the details of it,
7 he said, 'well, you're charged with first
8 degree burglary.' And at that point, I
9 ceased the interview and wanted counsel.

10 Q. Okay. We're not worried about that,
11 but the point is, what I'm trying to
12 understand here is that -- and you heard
13 Detective Gilstrap testify yesterday?

14 A. (Affirmative nod).

15 Q. Do you remember telling him that you
16 were walking on Highway 14 to go see a guy
17 named Robert?

18 A. Yes, sir.

19 Q. Okay. Who's Robert?

20 A. Robert is one of the dealers on
21 Pacolet Street by the hospital.

22 Q. On River Road?

23 A. Yes, sir.

24 Q. And that's way down south, isn't it?

25 A. Yes, sir.

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Jury Trial of October 13-15, 2015 - Testimony of Defendant
Before The Honorable Perry H. Gravely

537

1 Q. Okay. So and ---

2 A. That's because I didn't think that
3 it was very smart to tell Detective Gilstrap
4 of where the drug dealer's house was.

5 Q. And you also told Detective Gilstrap
6 that this guy Dirk picked you up at a CVS
7 near a Waffle House on Highway 14 in Greer?

8 A. Yes, sir. That's all I could think
9 of to -- because I didn't want to tell him
10 about the house that I met him at.

11 Q. Oh, you didn't?

12 A. No, sir.

13 Q. So you made that part up, is what
14 you're telling us?

15 A. That's the only part I made up. The
16 rest I tried to tell him.

17 Q. And he just left it out?

18 A. No. We were going into details and
19 then he told me he was charging me with
20 burglary.

21 Q. Okay. Now, what I'm trying to
22 understand is you just said a minute ago that
23 you told all of this stuff to Detective
24 Gilstrap?

25 A. Yes, I did.

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Jury Trial of October 13-15, 2015 - Testimony of Defendant
Before The Honorable Perry H. Gravely

538

1 Q. And so he just omitted all of that;
2 right?

3 A. Well, you'll have to be specific
4 about what stuff?

5 Q. Well, all, all -- all right. And
6 you said you also told Detective Gilstrap
7 that he didn't pick you up until 8:00 or 9:00
8 or 10:00 in the morning, too; right?

9 A. Yes.

10 Q. That's when you said Dirk picked you
11 up?

12 A. Yes.

13 Q. And so why did you lie about that to
14 Detective Gilstrap?

15 A. I didn't. Because in my remembrance
16 I told him between 7:00, 8:00, 9:00 or 10:00.
17 He did not set it down for some reason.

18 Q. So you're saying you told him 7:00,
19 8:00, 9:00 or 10:00?

20 A. Yes, sir. In between when the sun
21 -- I told when the sun come up and I think I
22 said 7:00, 8:00, 9:00 or 10:00. And that he
23 didn't write 7:00. And maybe I didn't say
24 7:00, but I did tell him it was right after
25 the sun came up.

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Jury Trial of October 13-15, 2015 - Testimony of Defendant
Before The Honorable Perry H. Gravely

539

1 Q. And it was in Greer where you were
2 trying to walk to your drug dealer's house?

3 A. (No response).

4 Q. And you also told him that you
5 didn't go to someone's house and ask if Dirk
6 was there; right?

7 A. Yes. But in my remembrance I did --
8 I told him that I did go ask somebody if
9 somebody named Derek was at their house.

10 Q. Now, you also got a phone call from
11 Investigator Bash with the Greer Police
12 Department; didn't you?

13 A. Yes, sir.

14 Q. And he told you that he just wanted
15 to talk to you about a case; right?

16 A. Yes, sir.

17 Q. Did you have any idea what he was
18 talking about?

19 A. No, sir. But I assumed it was
20 something to do with that night.

21 Q. Okay. Well, what to do with that
22 night?

23 A. All that night. Maybe the car,
24 maybe Derek, maybe drugs. I didn't know.
25 And when they showed up at my house, it was

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Jury Trial of October 13-15, 2015 - Testimony of Defendant
Before The Honorable Perry H. Gravely

540

1 dogs, Spartanburg -- I was scared.

2 Q. Okay. We'll get to that in a
3 minute. Right now I'm just talking about
4 this phone call. And you told him you'd come
5 meet with him at 2:00; right?

6 A. Yes, sir.

7 Q. And you didn't show up?

8 A. Yes, sir. I was conked out a little
9 bit.

10 Q. Okay. But you didn't show up?

11 A. Yes, sir.

12 Q. And you didn't call him to say you
13 couldn't make it?

14 A. He talked to my fiancé twice after
15 that. I told her to tell him that he could
16 reschedule. We rescheduled and then I missed
17 -- and then rescheduled, and he showed up
18 before the schedule.

19 Q. I see. So you're saying you talked
20 to him again and rescheduled these meetings?

21 A. My fiancé did.

22 Q. Your fiancé did?

23 A. Yes.

24 Q. That's what your testimony is? How
25 do you know?

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Jury Trial of October 13-15, 2015 - Testimony of Defendant
Before The Honorable Perry H. Gravely

541

1 A. Because she told me. She called me
2 and told me "that detective is calling here."

3 Q. Well, why didn't you?

4 A. Why didn't I?

5 Q. Why didn't you call him?

6 A. Because I didn't want to get
7 involved with it.

8 Q. Okay. When those officers showed up
9 at your house ---

10 A. Yes, sir.

11 Q. You spoke to Investigator Bash for
12 what, an hour, an hour fifteen, twenty
13 minutes?

14 A. I don't believe it was that long.

15 Q. Well, whatever period of time it
16 was, you talked to him a long while and you
17 just flat out lied about who you were; right?

18 A. Yes, I did.

19 Q. And you also lied to the Spartanburg
20 County deputies, too; didn't you?

21 A. Yes.

22 Q. And it wasn't until you were about
23 to be fingerprinted that you finally owned up
24 to who you were?

25 A. My fiancé told them who I was. And

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Jury Trial of October 13-15, 2015 - Testimony of Defendant
Before The Honorable Perry H. Gravely

542

1 that's when they placed me under arrest. I'm
2 thinking it was maybe twenty minutes. Yes,
3 sir.

4 Q. So even after she told them that you
5 were Richard Tedford, you still continued to
6 lie about it; didn't you?

7 A. Yes, sir.

8 Q. Because you knew you were about to
9 get in some big trouble; right?

10 A. I knew I was going to get into some
11 trouble of some kind. And if I could tell
12 them I was my brother until I could find out
13 or get a lawyer or whatever they was going to
14 do -- it was not good. I just wanted -- they
15 came to my house with a gazillion police
16 cars.

17 Q. Well, according to your testimony,
18 you hadn't done anything wrong, had you,
19 other than trespassing; right?

20 A. That's wrong.

21 Q. Okay. What, a fine? I mean, what
22 are you worried about?

23 A. Because trespassing is something to
24 worry about. I don't do it on a normal
25 basis. It was very out of the norm. It was

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Jury Trial of October 13-15, 2015 - Testimony of Defendant
Before The Honorable Perry H. Gravely

543

1 a night from hell.

2 Q. And so you were avoiding the police.
3 You're lying about who you are. You're
4 saying you're your brother just because
5 you're worried about a trespassing charge?

6 A. Yes.

7 Q. Okay. All right. Isn't the truth
8 of the matter, Mr. Tedford, that you and
9 whoever else out doing drugs and you ran out
10 of money to buy more drugs. You decided you
11 were going to do whatever it took to get more
12 money so you could buy more drugs. Isn't
13 that the truth?

14 A. Absolutely not. Absolutely not. It
15 happened like I said.

16 SOLICITOR MOYER: I have no further
17 questions.

18 THE COURT: Mr. Warder, redirect?

19 MR. WARDER: No, sir.

20 THE COURT: Okay.

21 (WITNESS STEPS DOWN)

22 MR. WARDER: Your Honor, if it
23 please the Court, that would be the
24 Defendant's case.

25 THE COURT: Okay. The Defendant

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Jury Trial of October 13-15, 2015 - Testimony of Defendant
Before The Honorable Perry H. Gravely

544

1 rests. Do you want to take a minute?

2 SOLICITOR MOYER: Yes, Your Honor.

3 Could we have a minute, Your Honor.

4 THE COURT: Yes. All right.

5 Ladies and gentlemen. It's kind of a musical
6 door. Look, you're already ready to run to
7 the door. At this stage, we're going to take
8 a break now because we have to shift to the
9 other side now. So we'll take about a ten-
10 minute break and then come back with any --
11 we'll see what the testimony is at that
12 point. So, again, do not begin deliberation.
13 Don't talk about the case and we'll bring you
14 back in. And it looks like we'll have you
15 out of here at a decent hour.

16 (JURY OUT AT 4:00 P.M.)

17 SOLICITOR MOYER: I think I'm going
18 to have a couple of quick, very quick reply
19 witnesses, Your Honor.

20 THE COURT: That's what I figured.
21 So obviously we're not going to argue and
22 charge today?

23 SOLICITOR MOYER: So we will ---

24 THE COURT: No, that's fine.

25 Because it's already 4:00. By the time we

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Jury Trial of October 13-15, 2015 - Testimony of Defendant
Before The Honorable Perry H. Gravely

545

1 finish that, you know, go through the charge
2 and all of that, we'll have just to argue and
3 charge first thing in the morning.

4 SOLICITOR MOYER: Yes, sir.

5 THE COURT: All right.. Will five
6 minutes, will that be enough?

7 SOLICITOR MOYER: I think.

8 THE COURT: All right.

9 (BRIEF RECESS)

10 (DEFENDANT PRESENT)

11 THE COURT: All right. Ready to
12 bring the jury in? Anything from the State
13 before we bring the jury in?

14 SOLICITOR MOYER: We're ready.

15 THE COURT: Anything from the
16 Defense?

17 MR. WARDER: (No response).

18 THE COURT: Anything from the
19 Defense before we bring the jury in?

20 MR. WARDER: (No response).

21 THE COURT: Do you have anything
22 before we bring the jury in?

23 MR. WARDER: No.

24 THE COURT: All right. Bring them
25 in.

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Jury Trial of October 13-15, 2015 - Rebuttal Testimony of Chris Gary
Before The Honorable Perry H. Gravely

546

1 BAILIFF: Yes, sir.

2 (JURY IN AT 4:10 P.M.)

3 (DEFENDANT PRESENT)

4 THE COURT: All right. You can't
5 say that you didn't get some exercise today.
6 All right. Ladies and gentlemen, it's my
7 understanding we have a little more testimony
8 that will be presented. And then we're
9 breaking and just start back early in the
10 morning so we can finish this case early
11 tomorrow. Sorry about that, but that's where
12 we're going. Please proceed.

13 SOLICITOR MOYER: Thank you, Your
14 Honor. May it please the Court. The State
15 calls Chris Gary back to the stand.

16 (WITNESS TAKES STAND)

17 CHRIS GARY, having been previously sworn,
18 testified as follows:

19 DIRECT EXAMINATION

20 BY SOLICITOR MOYER:

21 Q. Okay. Mr. Gary, did the finger-
22 prints that you examined for this case that
23 came from the black Scion, did you compare
24 them against a Derek Sakela?

25 A. Yes, I did.

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Jury Trial of October 13-15, 2015 - Rebuttal Testimony of Chris Gary
Before The Honorable Perry H. Gravely

547

1 Q. Did you get a match?

2 A. Derek Sakela was negative for the
3 prints lifted in this case.

4 Q. Thank you.

5 SOLICITOR MOYER: No further
6 questions.

7 CROSS-EXAMINATION

8 BY MR. WARDER:

9 Q. I guess we went through all of this
10 litany with you in the beginning about all
11 the reasons that we couldn't get all these
12 prints on the car is because every time Derek
13 touched it, it didn't automatically leave a
14 print, did it?

15 A. Could you clarify your question,
16 please?

17 Q. Certainly. We'll start from the
18 beginning. Does every time you touch
19 something, does it leave a fingerprint?

20 A. It does not always leave a
21 fingerprint; that is correct.

22 Q. And are there reasons that
23 fingerprints can't be found?

24 A. Yes, there are.

25 Q. For example, sometimes people don't

1 have oily skin. They have dry skin?

2 A. That is correct.

3 Q. Do you know whether Derek has dry
4 skin?

5 A. I do not. I have never met him.

6 Q. Sometimes people could have -- touch
7 something too hard and squash a print out?

8 A. That is correct.

9 Q. Sometimes they touch it not hard
10 enough and there's no print?

11 A. That is also correct.

12 Q. So the fact that Derek's fingerprint
13 wasn't found doesn't prove that he didn't
14 touch the car, does it?

15 A. I simply examine the evidence. And
16 I discuss my findings in court with you.
17 Derek Sakela was negative for the latents
18 that were lifted by Sergeant Shaw in this
19 case.

20 Q. Did you test him with all the other
21 prints in this case?

22 A. Only the latent lifts by Sergeant
23 Shaw.

24 Q. Thank you.

25 SOLICITOR MOYER: No further

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Rebuttal Testimony of Tyler Bucholtz
Before The Honorable Perry H. Gravely

549

1 questions.

2 THE COURT: All right. You may
3 step down. Thank you.

4 (WITNESS STEPS DOWN)

5 SOLICITOR MOYER: The State calls
6 Tyler Bucholtz.

7 THE COURT: I remind you, you've
8 already been placed under oath.

9 (WITNESS TAKES STAND)

10 TYLER BUCHOLTZ, having been previously
11 sworn, testified as follow:

12 DIRECT EXAMINATION

13 BY SOLICITOR MOYER:

14 Q. Mr. Bucholtz, did you -- regarding
15 the fingerprints that you examined that were
16 lifted from the Meritage Street, did you
17 compare them to known fingerprints belonging
18 to Derek Sakela?

19 A. Yes, sir, I did.

20 Q. And what was the result?

21 A. Mr. Sakela was negative in this
22 case.

23 Q. Okay. Thank you.

24 SOLICITOR MOYER: No further
25 questions.

State of South Carolina v Richard Tedford

550

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Rebuttal Testimony of Arlene Walker
Before The Honorable Perry H. Gravely

1 MR. WARDER: No questions.

2 THE COURT: All right. You may
3 step down.

4 (WITNESS STEPS DOWN)

5 MR. WARDER: The State calls Arlene
6 Walker to the stand.

7 THE COURT: Ms. Walker, you are
8 already under oath.

9 WITNESS: All right.

10 (WITNESS TAKES STAND)

11 ARLENE WALKER, having been previously
12 sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY SOLICITOR MOYER:

15 Q. Ms. Walker, let me ask you just a
16 few questions. The first one of which is
17 could you tell us what the lighting is like
18 around the neighborhood of the house that you
19 purchased at Meritage Street?

20 A. Directly across the street from my
21 house, in front of the house across the
22 street is a huge street light that's put up
23 by CPW. And they're on all their streets.
24 They come automatically at dusk and go off
25 when it gets light out.

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Rebuttal Testimony of Arlene Walker
Before The Honorable Perry H. Gravely

551

1 Q. So there is plenty of light in that
2 neighborhood?

3 A. It looks like daylight at night.

4 Q. Let me ask you about when you -- the
5 last time you were there about 5:00 on August
6 12th of 2013. Was the power on?

7 A. Absolutely, positively the power was
8 on and everything worked.

9 Q. Were all the lights working in the
10 bathroom when you left?

11 A. Yes.

12 Q. How many people had a key to your
13 home?

14 A. I had a key and my husband had a
15 key.

16 Q. Did you lock the house when you left
17 it?

18 A. Every single time I left I made sure
19 the doors were locked.

20 Q. So you're sure that house was
21 locked?

22 A. Absolutely, positively.

23 Q. Did any workers have a key to your
24 house?

25 A. No.

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Rebuttal Testimony of Arlene Walker
Before The Honorable Perry H. Gravely

552

1 Q. Did any workers, whether Hispanic or
2 not who were working in that area have a key
3 to your house?

4 A. Absolutely not.

5 Q. Any real estate agents or anyone
6 like that?

7 A. No.

8 Q. Now, if you were leaving your house,
9 can you lock the house without a key?

10 A. Not the front door.

11 Q. Okay. So it's not just a knob that
12 you can twist and ---

13 A. Correct. No, it's not. The top is
14 the deadbolt and the bottom is not a knob,
15 it's a handle, from the inside it's a handle.

16 Q. So whoever locked the house, you
17 would have to use a deadbolt?

18 A. Yes.

19 Q. The candles that were in the
20 bathroom that you found, were they the kind
21 of candles that you would use a candleholder
22 for?

23 A. No. All of the candles that he used
24 were in little tin holders or they were --
25 not or -- and they were in glass jars.

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Rebuttal Testimony of Arlene Walker
Before The Honorable Perry H. Gravely

553

1 Nothing needed a candleholder.

2 Q. And you said there was some body
3 lotion in the bathroom?

4 A. Yes. I had all of my -- it's called
5 Body Butter from Bed, Bath & Beyond. And he
6 had taken two jars of that. And you could
7 see where there were just gobs of them taken
8 out. Everything was fresh for when we were
9 getting ready to move in. So the body
10 lotions; he used the toothpaste and all of
11 that stuff. It was just disgusting.

12 Q. Okay. It's called Body Butter?

13 A. Body Butter from Bed, Bath & Beyond.

14 Q. Forgive me for not knowing what that
15 is. Is that the sort of thing a man would
16 use or a woman or ---

17 A. A woman. A woman. When you put it
18 on your skin, it just melts.

19 Q. Okay. And it had not been used
20 prior to?

21 A. Had not been used.

22 Q. And it had been used when you saw it
23 in the bathroom on the 14th?

24 A. Yes.

25 SOLICITOR MOYER: One moment. Okay.

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Charge Conference
Before The Honorable Perry H. Gravelly

554

1 I have no further questions for this
2 witness.

3 THE COURT: Mr. Warder.

4 MR. WARDER: I have no questions,
5 Your Honor.

6 THE COURT: All right. You may
7 step down. Thank you.

8 (WITNESS STEPS DOWN).

9 SOLICITOR MOYER: I have nothing
10 further, Your Honor.

11 THE COURT: All right. Is the
12 State resting.

13 SOLICITOR MOYER: Yes, we rest. We
14 have no further witnesses at this time.

15 THE COURT: Okay. Any additional
16 testimony, evidence or anything?

17 SOLICITOR MOYER: (Negative
18 response).

19 THE COURT: All right. Ladies and
20 gentlemen, that concludes the evidentiary
21 portion of the trial. So all the evidence
22 and all the testimony is in at this point.
23 But that still does not mean you can talk
24 about the case, begin deliberations. You can
25 only do that after you've heard the law of

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Charge Conference
Before The Honorable Perry H. Gravely

555

1 the case. So we will do that first thing in
2 the morning. We're going to start at five
3 until 9:00. Does that pose any problems to
4 anybody?

5 JURY: (Unanimous negative
6 response).

7 THE COURT: Okay. Or do y'all
8 want to do it a little bit earlier.

9 SOLICITOR MOYER: I'm sorry. I
10 didn't -- what time?

11 THE COURT: Five until 9:00. Is
12 that okay with everyone? I mean, if it is
13 not okay -- but is that acceptable?

14 (UNANIMOUS AFFIRMATIVE RESPONSE)

15 THE COURT: All right. So be back
16 in your jury room at fifteen 'til 9:00. And
17 again, I'm going to instruct you again:

18 Do not discuss the case among yourselves.

19 Do not discuss it with anyone at your
20 home or anyone tonight, family, friends or
21 anything like that. It's not permissible to
22 discuss it.

23 Do not do any type of investigation.

24 Do not Google anything that you've heard.

25 Do not go by this area. Don't do any

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Charge Conference
Before The Honorable Perry H. Gravely

556

1 independent investigation.

2 Again, the only thing that you need to
3 consider is what you've heard here.

4 If anybody should contact you, which I
5 don't expect that to happen, then you are to
6 get as much information you can about that
7 and report that to the bailiff.

8 And finally, if there should be anything
9 about this case or the parties on any kind of
10 media, whether it's social media, the
11 newspaper or TV, please disregard it and do
12 not pay any attention to it. With that, I
13 hope y'all have a good evening and I'll see
14 y'all first thing in the morning. Thank you.

15 (JURY OUT @ 4:25 P.M.)

16 THE COURT: All right. Do y'all
17 want to go through the charge right quick so
18 y'all can be -- I mean, I'm obviously going
19 to kind of let you know what I'm going to be
20 charging.

21 MR. WARDER: Sure.

22 THE COURT: All right. We're
23 going to -- well, we'll let you look at the
24 Verdict form in the morning, but just general
25 charge about:

State of South Carolina v Richard Tedford

557

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Charge Conference

Before The Honorable Perry H. Gravely

1 The charge, arrest and indictment,
2 which is not evidence.

3 Presumption of innocence as to each
4 charge.

5 Reasonable doubt.

6 Duty between a judge and a jury.

7 Direct and circumstantial evidence.

8 Credibility of witnesses.

9 Identification.

10 First degree burglary.

11 And so we basically have four charges
12 now. We have first degree burglary, second
13 degree burglary, grand larceny and petit
14 larceny.

15 We will charge first degree burglary as
16 to a -- and I will tell the jury which it
17 applies to and how they are separated. Let
18 them know there's four different charges.

19 Entering a dwelling, and the aggravated
20 circumstances which will be two or more
21 convictions and in the nighttime.

22 I will define what "nighttime" is and
23 that'll be one of the factors they'll have to
24 consider.

25 I know there wasn't anything about a

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Charge Conference
Before The Honorable Perry H. Gravely

558

1 weapon. I know it seemed like there was some
2 indication early-on that there may be. But I
3 didn't hear anything there. I mean, there
4 was evidence about a saber but it was not
5 tied to this Defendant in any of the
6 burglaries.

7 Second degree burglary, we'll go through
8 -- okay. Now, that one will just be based on
9 two or more convictions because that
10 particular indictment did not allege
11 nighttime.

12 SOLICITOR MOYER: Right. I don't
13 think we can prove ---

14 THE COURT: Okay. So the
15 aggravated circumstance there will be the two
16 or more convictions.

17 Grand larceny, just the standard language
18 about larceny. And then tell them that for
19 the indictment for grand larceny it must be a
20 value of more than two thousand dollars
21 (\$2,000).

22 Petit larceny will be larceny but the
23 value of the property is two thousand dollars
24 (\$2,000) or less.

25 And then the verdict form will be each of

State of South Carolina v Richard Tedford

559

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Charge Conference

Before The Honorable Perry H. Gravely

1 the indictments with a Guilty or a Not Guilty
2 for each of them. I'm going to give you that
3 the first thing in the morning.

4 Anything else that the State can
5 think of? But, again, I'll give you the
6 right to submit something in the morning.
7 But anything that comes to mind that I may
8 have missed?

9 SOLICITOR MOYER: The only thing,
10 Your Honor, and that's a technicality. But I
11 think the grand larceny would be over ten
12 thousand (\$10,000). It's the vehicle. As
13 I'm looking at the indictment I think it's
14 looks like it is over ten thousand

15 MR. WARDER: There's no testimony as to
16 what the value is?

17 THE COURT: There was some
18 testimony. Twenty-six thousand (\$26,000), if
19 I remember correctly.

20 SOLICITOR MOYER: I thought she said
21 twenty-nine (\$29,000), but twenty-six
22 (\$26,000) sounds ---

23 THE COURT: I wrote it down
24 because that was one of the things I was -- I
25 wrote twenty-six thousand dollars (\$26,000)

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Charge Conference
Before The Honorable Perry H. Gravely

560

1 value by Ms. Wilbanks.

2 MR. WARDER: Okay

3 THE COURT: All right. Anything
4 on any other -- and, again, if you come up
5 with something in the morning to present me,
6 that'll be fine. But I'm just saying
7 anything that you can think of that I may
8 have missed.

9 MR. WARDER: What was the charge
10 on when the sun and moon -- the sunrise and
11 sunset times?

12 THE COURT: The civil twilight is
13 6:21 and sunrise is 6:48.

14 MR. WARDER: Thank you. That's all
15 I wanted.

16 THE COURT: And then I'll do the
17 charge about what nighttime, define
18 nighttime. So anything else?

19 SOLICITOR MOYER: No, Your Honor.

20 THE COURT: All right. Anything
21 else from the Defense.

22 MR. WARDER: No, Your Honor.

23 THE COURT: All right. Five until
24 9:00. I won't start talking to that jury
25 whether y'all are ready or not. We'll see

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Charge Conference
Before The Honorable Perry H. Gravelly

561

1 y'all tomorrow.

2 (COURT IN RECESS)

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State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Charge Conference
Before The Honorable Perry H. Gravely

562

1

2

OCTOBER 15, 2015

9:00 A.M.

3

(DEFENDANT PRESENT)

4

(OFF RECORD BENCH CONFERENCE)

5

THE COURT: Any additional jury

6

charges?

7

SOLICITOR MOYER: Not from the

8

State.

9

MR. WARDER: None from the

10

Defendant, Your Honor.

11

THE COURT: Okay. Then we would

12

go along the lines of what we did discuss

13

yesterday then. All right. Are you ready to

14

go?

15

SOLICITOR MOYER: One moment,

16

please.

17

THE COURT: Okay.

18

SOLICITOR MOYER: Thank you. The

19

State is ready, Your Honor.

20

THE COURT: And I guess -- any

21

Motions to renew?

22

MR. WARDER: No motions, Your

23

Honor.

24

THE COURT: Okay.

25

MR. WARDER: Your Honor, we took

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Closing Argument by Defense
Before The Honorable Perry H. Gravely

563

1 care of all of the, I think, Motions for
2 directed verdict.

3 THE COURT: Right. Again, I'm
4 just making sure. So, all right. Then we'll
5 bring the jury in if they're ready and we'll
6 proceed with closing statements.

7 (JURY IN AT 9:00 A.M.)

8 THE COURT: Good morning ladies
9 and gentlemen.

10 JURORS: Good morning.

11 THE COURT: We're trying to keep
12 it on time today. All of the testimony and
13 evidence has been presented. And now we will
14 begin with closing arguments by the
15 attorneys. And then at that point, after
16 they're finished, then I will charge you the
17 law. Then I can give you a signal so you can
18 finally begin discussing the case. So at
19 this time we'll have closing arguments. You
20 may proceed.

21 MR. WARDER: Thank you, Your Honor.

22 CLOSING STATEMENT

23 BY MR. WARDER:

24 I accept no responsibility for this
25 (podium) being here in the way. I'm not

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Closing Argument by Defense
Before The Honorable Perry H. Gravely

564

1 going to stand behind it.

2 I -- first of all, I appreciate seeing
3 all you pay attention. You've listened to
4 the trial since Tuesday. We're here today
5 and I will be reasonably brief on this so you
6 can get into deliberations and start
7 finishing up with this case.

8 This is a case that you only will be able
9 to begin your deliberations after His Honor
10 has charged you the law. But I know that you
11 all watched the testimony. You looked at the
12 witnesses and that was your job up until this
13 point, was to look, to remember, to see, to
14 judge the demeanor of the witnesses, the
15 other things that you need and found
16 significant.

17 So now you will take and apply the law as
18 you'll hear in just a few minutes from Judge
19 Gravely. And he will tell you the law that's
20 both the case law, the common law or the
21 statutory law. And he'll give it in the form
22 -- he charges definitions. And you'll apply
23 those to the facts.

24 Now under our system of judicial trials,
25 from the Constitution everybody is presumed

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Closing Argument by Defense
Before The Honorable Perry H. Gravely

565

1 to be innocent. As a result of that
2 presumption, the State then has the burden of
3 proving guilt beyond a reasonable doubt. And
4 it's beyond all reasonable doubt.

5 And so the question comes up of 'well,
6 what is a reasonable doubt?' And in deciding
7 what a reasonable doubt is, I think you have
8 to consider what would be an unreasonable
9 doubt. Clearly an unreasonable doubt would
10 be the one that was not supported by any of
11 the facts or evidence or one that you give
12 some reason that does not involved the facts.
13 A reasonable doubt, though, is a doubt that
14 would cause you to hesitate to act. It is
15 the kind of a doubt that if it was in a great
16 matter of your own personal business would
17 give you reason to hesitate to act.

18 It's been said that it is a doubt for
19 which you can give a reason. But that
20 doesn't really explain it because sometimes
21 the reason is, 'I don't think it's been
22 sufficiently proven. I'm not convinced.'
23 All of those would be reasonable doubts if
24 those are the conditions that existed.

25 When you got down to considering the

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Closing Argument by Defense
Before The Honorable Perry H. Gravely

566

1 evidence, in looking at everything, if you
2 had a doubt that was of the nature that 'I've
3 heard everything and I've listened and it
4 could be true, but I'm not convinced that
5 that's what they've proven,' then that would
6 be a doubt for which you could give a reason.

7 So a reasonable doubt is not just
8 something you would down that we've proven
9 wasn't. But it's how you feel when you
10 evaluate the evidence. You would have to be
11 firmly convinced of the guilt of this
12 defendant after hearing the evidence.

13 So in that regard, you need to decide in
14 your deliberations what evidence is believ-
15 able, what has been proved. What evidence is
16 not believable, what has not been proved.
17 And in that regard in deciding that, you
18 could use all of the facts.

19 You could use all of your common sense,
20 you know, for the one thing juries are not
21 required to do is to leave their brains in a
22 basket outside the courtroom. You bring in
23 all of the things you've learned just by
24 living on this earth. You bring in your
25 everyday experiences. You bring in the

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Closing Argument by Defense
Before The Honorable Perry H. Gravely

567

1 things you know. Things you've been taught.
2 And you apply all of that to the facts and to
3 the law in deciding this case.

4 Now, you'll be given a verdict form at
5 the end of this. It will have written on it
6 the verdicts of each charges. There's four
7 charges in this case. And you'll have to
8 find him guilty or not guilty on each one.
9 And in each case, you'll have unique elements
10 that apply to the charge and you'll decide
11 whether the State has proven each of those
12 elements in each of those cases.

13 And you reach a verdict and you're saying
14 guilty or not guilty. The foreman will write
15 down guilty or not guilty on those lines
16 after you've all reached your verdict. And
17 when I say all reached a verdict is because
18 it must be a unanimous verdict. To decide
19 this case either for guilt or for innocence,
20 it will take a unanimous verdict of guilty or
21 not guilty on each and every charge.

22 And you're to deliberate with one
23 another. That means you talk and you discuss
24 and you reason with each other. But no one
25 is ever required in a jury to give up an

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Closing Argument by Defense
Before The Honorable Perry H. Gravely

568

1 honestly held belief just so they can reach a
2 verdict, just so they can have it unanimous.
3 A jury verdict is really the verdict of
4 twelve people that's identical. If it's
5 eleven to one, that one isn't required to
6 give up his verdict so it can be unanimous
7 and it can be over. Under your oath you will
8 vote the way you honestly think, what your
9 conviction and your view of the evidence is.
10 Now, guilty and not guilty is what we write
11 on the verdicts. And that's under the
12 American system.

13 We got our law from England, the common
14 law over there was brought to over here and
15 that became the original law of the colonies.
16 And in England they don't use the verdict
17 form just the same. They find the case to be
18 either proven or unproven. And I want to
19 bring that up because I think that more
20 clearly tells the jury what they're doing and
21 gives more direction as to what their main
22 function is. And that's what you doing here.
23 A case that's unproven is a verdict of not
24 guilty. A case that's proven is a guilty
25 verdict.

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Closing Argument by Defense
Before The Honorable Perry H. Gravely

569

1 So what we're really doing is what the
2 kind of the English way of saying it says.
3 You're deciding whether the State has proven
4 the case by evidence that's so clear and
5 convincing that it removes all reasonable
6 doubt.

7 Now, in this particular case there's two
8 separate houses.

9 One was a second degree burglary and
10 petit larceny.

11 And the first one was the first degree
12 burglary and the grand larceny. And that's
13 the house that the lady was sleeping in. And
14 in that case there's absolutely no evidence
15 from anybody that saw my client there that
16 recognized him, that identified him. There
17 was no scientific evidence. There's no
18 fingerprints, there's nothing. There's
19 absolutely nothing. But there is a grand
20 larceny that's associated with it and that's
21 the car. There's really no evidence that my
22 client took the car. But there is evidence
23 that he was associated with it shortly
24 thereafter. And that's where that case is.
25 It'll be the State's position that that

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Closing Argument by Defense
Before The Honorable Perry H. Gravely

570

1 proves the elements of the first case. And I
2 ask you to listen to His Honor's charge on
3 that. Listen to His Honor when he tells you
4 what has to be proven, what the elements of a
5 burglary first degree are, and you apply it
6 to the facts and the testimony you've heard.
7 I submit to you that after you hear His
8 Honor's charge, it'll become clear that the
9 fair, the correct, and the right verdict in
10 this case is the verdict of not guilty of
11 burglary first degree.

12 Also, the taking of that car. There's no
13 evidence of it. But I ask you to just listen
14 to His Honor's charge on that. Use your
15 common sense and apply it to these facts in
16 deciding what's been proven and unproven.

17 I submit to you in this case there will
18 be many things that are proven and many
19 things and elements that are unproven. I'm
20 not going to stand here and go over all the
21 evidence. You've seen two and a half days of
22 it. I thank you for being here and answering
23 your subpoenas and then serving on jury duty.
24 I hope you found it somewhat pleasant. It's
25 certainly an important day to my client.

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Closing Argument by State
Before The Honorable Perry H. Gravely

571

1 It's an important day to everybody else
2 involved in the case to have it resolved.
3 And we appreciate it very much. Thank you.

4 THE COURT: Mr. Moyer.

5 SOLICITOR MOYER: Thank you, Your
6 Honor. May it please the Court..

7 CLOSING STATEMENT

8 BY SOLICITOR MOYER:

9 As you have heard from His Honor,
10 the evidence phase of this case is now over
11 with. And there won't be any more testimony
12 or evidence brought before you. So you're
13 now to the point of the case where that is
14 all closed.

15 Sometimes jurors who after deliberation
16 will come back and say, 'well we would like
17 to, you know get some notes or see this
18 statement or see the officers report.'
19 That's not permitted. The rules of evidence
20 except in rare situations don't allow for
21 statements or police reports or things like
22 that to come into evidence. So you have it
23 all and you've had a day and a half worth of
24 testimony that you've heard and a lot of
25 photographs and several other items of

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Closing Argument by State
Before The Honorable Perry H. Gravely

572

1 evidence that you will have back in your jury
2 room to use in parts of your deliberation.
3 Now, as you've heard and as you'll hear some
4 more, the State has the burden of proof in
5 criminal cases. We have to prove the crimes
6 were committed beyond a reasonable doubt.
7 That is a doubt that -- that is a burden that
8 we do not shy from at all in this case. That
9 is one we gladly accept. It's the bedrock of
10 our criminal justice system and it is one we
11 don't back down from at all. Keep in mind
12 ladies and gentlemen that the burden is a
13 reasonable doubt. It's not beyond all doubt.
14 It's not beyond every doubt. I once heard
15 someone say a shadow of a doubt. Whatever
16 that is, it's not that. There are very few
17 things that we can say that we know beyond
18 any doubt. And justice does not require that
19 either.

20 So just keep in mind that every case that
21 ever goes up before a jury, every case that
22 ever ends up with a conviction begins in the
23 same way. In South Carolina you can have a
24 jury trial for a traffic ticket. If you had
25 six people hearing your speeding ticket that

State of South Carolina v Richard Tedford

573

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Closing Argument by State
Before The Honorable Perry H. Gravelly

1 jury would have to find you were guilty of
2 speeding beyond a reasonable doubt.

3 Or if it were the most significant case,
4 say a capital murder case, the burden is the
5 same.

6 And so in every case in both extremes
7 and everything in between, if a person is
8 convicted a group of citizens just like you
9 gets together and finds that person guilty
10 beyond a reasonable doubt.

11 Now, let's talk just for a moment
12 about the law in this case. His Honor is
13 going to instruct you on the law and the
14 definitions of burglary grand larceny in just
15 a few moments.

16 So let's talk about it first in light of
17 Ms. Wilbanks. That was the burglary where
18 Ms. Wilbanks was sleeping in her home when
19 the crashing noise came through the window
20 and she walked out and saw this man coming
21 through the window. There's grand larceny
22 associated with that. That is stealing. It
23 is just considered as the taking of goods or
24 property from the person of another with the
25 intent to permanently deprive that person of

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Closing Argument by State
Before The Honorable Perry H. Gravely

574

1 that property. The value has to be over ten
2 thousand dollars (\$10,000). You heard Ms.
3 Wilbanks testify. There's no question about
4 her car being stolen. There's no question
5 that it was valued more than ten thousand
6 dollars. She told you all of that, that she
7 believed it was valued at approximately
8 twenty-six thousand dollars (\$26,000).
9 There is also a burglary first degree charge.
10 Burglary first degree means it is entering a
11 residence without permission with the intent
12 to commit a crime therein. And there has to
13 be an aggravated factor.

14 So let's analyze the law in light of Ms.
15 Wilbanks' burglary. Certainly someone coming
16 through a window of a house is entering and
17 is doing so without permission. There's no
18 doubt about that. And there's clearly an
19 intent to commit a crime in Ms. Wilbanks'
20 home. Now, keep in mind, it can be any
21 crime. So breaking into a house or building
22 with the intent to hurt somebody, the intent
23 to steal something, maybe commit an arson.
24 Whatever it is, as long as there's -- you
25 know, damaged property, whatever it is.

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Closing Argument by State
Before The Honorable Perry H. Gravely

575

1 There's an intent to commit a crime going in
2 and there is larceny -- I'm sorry -- and
3 there is burglary. Now, Ms. Wilbanks' home,
4 we know that he stole property. So we know
5 there was an intent to commit a crime.

6 We also know that he was following Ms.
7 Wilbanks into her bedroom where she's hiding
8 to get away from him. And did he also enter
9 that home with the intention of rape? Did he
10 intend to do that only when he saw Ms.
11 Wilbanks come into the room naked? Or did he
12 not have an intention of rape. We know he
13 certainly was going after her. We don't know
14 for sure. We don't know and probably never
15 will. But he came in that home and that is
16 what he did.

17 Now, also for a burglary there has to be
18 an aggravating factor. And under the law
19 there are several. There are two that
20 applies in this situation for Ms. Wilbanks.
21 One is that it occurred at nighttime. Under
22 the law nighttime, His Honor will instruct
23 you that is it is between sunset and sunrise
24 is considered the nighttime. We know that
25 sunrise on that date was at 6:48 in the

1 morning. We know that twilight was at 6:21.
2 So this happened even before twilight. We
3 know that Ms. Wilbanks called 9-1-1 at 6:20.
4 And the burglary had -- she had just fired
5 the gun at that point. So the burglary had
6 taken place. But either way if you have some
7 reason you thought that was not nighttime, we
8 also know that this Defendant has two
9 convictions for burglary. That is another
10 aggravating factor that would make a burglary
11 from first degree to second degree.

12 Now, in Ms. Walker's home there is some
13 slight differences. The larceny is a petit
14 larceny because the value was not over two
15 thousand dollars (\$2,000). It was petit
16 larceny for her home. There is also burglary
17 second degree. And the reason this burglary
18 is second degree is because she had not moved
19 in the home yet. The Walkers had not moved
20 in yet. So it's not yet considered a
21 residence.

22 So -- many of the elements, though, are
23 the same. There has to be entry of that
24 property without permission. The Defendant,
25 in fact, admits to that. He admitted that he

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Closing Argument by State
Before The Honorable Perry H. Gravely

577

1 went into her home without permission. There
2 also has to an intent to commit a crime. And
3 just like in Ms. Wilbanks' home, the
4 Defendant stole property. He didn't steal a
5 car this time, didn't steal as much, but he
6 took some things. He took some random
7 things. Now, the stereo maybe made some
8 sense. The trash can and recycle bin,
9 perhaps they were just receptacles for what
10 he was taking from the home, just to help
11 carry it out to the car. There was some
12 other random things, a Bible, Solo cups,
13 matches. I mean, who knows why they were
14 taken but they certainly were. They were all
15 stolen.

16 Now, there also must be an aggravating
17 factor for that burglary as well. Now, we
18 can't prove that one took place in the
19 nighttime. We're not quite sure when he went
20 into her house. But once again, he still has
21 two convictions for burglary, which makes it
22 second degree.

23 So when did he enter Ms. Walker's home?
24 Well, we know he was there after the
25 Wilbanks' burglary. We know that. And how

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Closing Argument by State
Before The Honorable Perry H. Gravely

578

1 do we know that? Because just ten minutes
2 later when he was seen at Mr. Lockhart's home
3 in the car, Mr. Lockhart said he looked in
4 the car and it didn't look like any of that
5 property was there yet. In addition, he was
6 seen at Mr. Lockhart's only ten minutes after
7 he was at Ms. Wilbanks' home, broke in and
8 stole the car. So he didn't have time to go
9 over to the Walker's home and steal that
10 property. So we know he went back at some
11 point, somewhere between 8:00 in the morning,
12 after the last time he was seen at Jug
13 Factory Road to when the car was then
14 abandoned down in Greer later that afternoon.
15 So some time in that period of time, he had
16 to go there.

17 But was he there earlier also? Was he
18 there the previous night? Did he spend the
19 night there? Perhaps even with a woman who
20 used that body lotion? Did he leave that
21 person there, go break into the Wilbanks'
22 home, steal the car, head off into the
23 country and to get away from the police who
24 were certainly on the way. Drive off main
25 roads down private driveways to get out of

State of South Carolina v Richard Tedford

579

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Closing Argument by State
Before The Honorable Perry H. Gravely

1 the sight of the police, go through the car.
2 Wait for the police to get out of there and
3 then go back. That is a possibility.

4 Or did he just break into the Walker's
5 home after the Wilbanks' burglary? That's
6 also a possibility. There certainly was a
7 long period of time for him to do that. He's
8 unaccounted for from about 8:00 in the
9 morning until when the car is found later,
10 somewhere around 2:00 in the afternoon; when
11 the car was ditched in Greer.

12 So you can certainly infer from the
13 evidence that he was not completely satisfied
14 with what he got from Ms. Wilbanks' home.

15 He went to Ms. Powell's home. He went to
16 her door. Why? That scenario is very
17 similar, has a very similar blueprint to what
18 he did to Ms. Wilbanks. It was still early
19 in the morning. Ms. Powell's husband had
20 just left for work. Was he knocking on her
21 door just to see if someone was home so he
22 could burglarize it? And then when someone
23 did come to the door with a gun, just come up
24 with some random questions. 'Is your mom and
25 dad home?' Why would he ask that? What kind

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Closing Argument by State
Before The Honorable Perry H. Gravely

580

1 of question is that? And he mentioned
2 another name.

3 Whatever the case whenever it was he
4 entered the Walker's home, whether it was
5 once, whether it was twice, it was still a
6 burglary second degree because of those two
7 convictions for burglary.

8 The only other comment I'm going to make
9 about Ms. Walker's home is that -- as I
10 thought about my cross-examination of him
11 last night, I think you could arguably still
12 find him guilty of that burglary, even if you
13 believed every word he said. He admits to
14 entering it without permission; correct?
15 Right? He admitted that.

16 He also did all sorts of drugs. He was
17 using, damaging their property. He was
18 concealing drugs according to his testimony.
19 And you can say he distributed some drugs for
20 a buddy and let the guy go in the house and
21 use the drugs, aiding and abetting there.

22 So even if you believe every word he
23 said, ladies and gentlemen, arguably, you
24 could still find him guilty of that burglary.
25 So let's talk a minute about the Defendant's

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Closing Argument by State
Before The Honorable Perry H. Gravely

581

1 story, what he testified to you yesterday.
2 And the first thing I want to mention, I just
3 want to bring up, is there was some testimony
4 about the voice that Ms. Wilbanks heard. We
5 have one -- and it came up a little bit of a
6 big deal at one point in the trial. There
7 was one forensics officer who got up and said
8 he wrote in his report the man sounded black,
9 a black man. I want to just -- I don't know
10 if that's going to be a red herring in this
11 case or something you'll think about. So I
12 just want to give you, make a few comments
13 about that. The first thing I wanted to say
14 is that Ms. Wilbanks testified yesterday or
15 actually two days ago, and when she testified
16 she said she could not tell either by looking
17 at him or by listening to him, she could not
18 tell anything about this person, other than
19 he was a man. She couldn't tell race and she
20 couldn't identify him. And she had no reason
21 to lie in court about that. I mean, if she
22 had been in a position to lie she could have
23 just said she identified the Defendant.

24 I want to also point out to you that the
25 responding officer, remember Officer Seegars,

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Closing Argument by State
Before The Honorable Perry H. Gravelly

582

1 the officer who came from Berkeley County, he
2 testified that Ms. Wilbanks told him that she
3 could not identify the suspect either by
4 voice or by sight. She knew nothing about
5 his race. He obviously had a greater reason
6 to make note of that. He was the first
7 officer there. He's getting ready to do what
8 they call a BOLO, get that information out on
9 the radio so people could be looking. So he
10 is the one who would have the most reason to
11 try to find out anything about identifying
12 features of this person. He said that she
13 did not tell him.

14 Also, on the 9-1-1 call. You heard
15 twenty minutes of it on Tuesday. She made no
16 reference at all about having any possibility
17 about race.

18 And in addition to that, ladies and
19 gentlemen, keep in mind when she heard the
20 voice. First off, there's only -- she said
21 he only muttered a few times. And he said
22 something like 'be cool' or 'why are you
23 doing that?' And it was after she shot the
24 gun. She said that her ears were ringing and
25 she really couldn't hear much at all. So she

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Closing Argument by State
Before The Honorable Perry H. Gravely

583

1 wouldn't have been able to make any
2 inferences from a voice, even if she had
3 wanted to.

4 So what I would argue to you what
5 happened is that this forensics officer
6 either misunderstood Ms. Wilbanks or he
7 simply made a mistake.

8 So let's talk to you for a minute about
9 the Defendant's story. This story, ladies
10 and gentlemen, that I would point out to you
11 that he's had two years to come up with to
12 try to fit the evidence as he has learned
13 about it, he has to explain away his
14 fingerprints in the Walker's home. How can
15 he find an innocent explanation for that?
16 He didn't realize he's identified by two
17 people as being in the stolen car shortly
18 after the crime. How can explain away that?
19 He has to come up with a story that will fit
20 that.

21 And I mention that because before he had
22 that information what was his story? Well,
23 to Investigator Bash, the Greer Police
24 Department his story was or his position was
25 avoidance. 'Yes, I'll come to talk to you'

1 but then he never shows up.

2 What about with Gary Gilstrap? Investi-
3 gator Gary Gilstrap with the Greenville
4 County Sheriff's Office, what did he tell
5 Investigator Gilstrap? He said that he was
6 picked up in the car sometime between 8:00 in
7 the morning and 10:00 in the morning. It was
8 way down in Greer. It was near some
9 convenience store, CVS.

10 He denied being at Ms. Powell's home
11 asking if a Dirk was there.

12 He said nothing about his night of being
13 with his girlfriend and buying drugs and
14 waking around the neighborhood all night and
15 being picked up by some guy named Dirk at the
16 house and then putting the seat back and
17 laying down in the seat while going to Mr.
18 Lockhart's home and being confronted by Mr.
19 Lockhart. He made no mention of any that.
20 That's because it took two years to come up
21 with a story that will fit this evidence.

22 Now, ladies and gentlemen, I want
23 you to think about how much credibility you
24 should give his story. And I ask you to
25 consider this, a two-fold question:

State of South Carolina v Richard Tedford

585

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Closing Argument by State
Before The Honorable Perry H. Gravely

1 One, does his story make sense?

2 Two, does it fit the facts? Does his
3 story make sense?

4 We could probably go on endlessly with
5 questions about this. And y'all will be able
6 to take this up in your jury room as you
7 deliberate.

8 But let me ask just a few questions I
9 think you really need to think about. This
10 story of his that he would be just dropped
11 off at 10:30 or 11:00 at night, by his
12 girlfriend, who would not come back and pick
13 him up. This girlfriend who wanted dope so
14 badly that she had to go drive in the middle
15 of the night down to Greer to go to the dope
16 dealers house, buy a couple hundred dollars
17 worth of dope. His story is that they then
18 were driving back and he took the dope so she
19 wouldn't use it. And then she's just going
20 to drop him off with the dope and leave him
21 there? She wants this dope so bad she's not
22 going to come back and get it? She's just
23 going to leave him with the dope?

24 And what about all these other people he
25 was talking about, who were waiting for him

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Closing Argument by State
Before The Honorable Perry H. Gravely

586

1 to come back with the dope? They're not --
2 they're just going to leave him there?
3 He said he wandered all night. And then just
4 as it becomes light he decided he needed a
5 shower. What in the world would cause
6 somebody all of a sudden at 6:30 in the
7 morning to go in some unknown house, some
8 stranger's house and use it to take a shower?
9 What kind of sense does that make?

10 What kind of sense does it make for some
11 random person who's working near the house,
12 who doesn't know him, who is just going to
13 take him and take him to some house and let
14 him use a bath?

15 And then this guy, Dirk, who, according
16 to him, just committed this horrendous crime,
17 there are police officers coming. And he's
18 going to just drive across the street, pick
19 him up, go inside the house, do drugs, come
20 back and then drive him away? Is that what a
21 person would do? No. A person who just
22 committed this crime is going to get out of
23 there, just like he did. And drive up there
24 in the country and try and get away in a
25 secluded area, which is what he did.

State of South Carolina v Richard Tedford

587

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Closing Argument by State
Before The Honorable Perry H. Gravely

1 Now, consider whether his story fits the
2 facts. Here's what we know:

3 We know the burglary of Ms. Wilbanks'
4 home happened sometime between 6:15 and 6:20
5 in the morning.

6 He was then seen at Mr. Lockhart's home
7 at 6:30. Mr. Lockhart was clear about that.
8 He said the sun had not yet come up. It was
9 still dark.

10 The Defendant said he did not get to the
11 Walker's house until between 6:40 and 6:50.
12 He then testified that he looked at the
13 house, he went through closets. He got
14 candles; he got towels; he took a bath. He
15 spoke on the phone with this Dirk guy. He
16 went on the porch he waited.

17 So how much more time has gone by? It
18 has to be well past 7:00 at this point when
19 he says that this Dirk guy comes and picks
20 him up in the black Scion. It does not fit
21 the facts.

22 What else about his story doesn't fit the
23 facts? He couldn't have gotten into the
24 Walker's home as he said. Ms. Walker was
25 clear. She locked that door when she left on

1 two days prior. No one else had a key. Only
2 she and her husband had keys. That house was
3 locked. You also cannot lock her home
4 without a key. Keep in mind. Remember what
5 the Defendant testified about that. He said
6 after he -- while he was waiting this Dirk
7 guy to come in the car to pick him up, he was
8 waiting on the porch. When Dirk shows up in
9 the black Scion he said he gave Dirk some
10 dope as payment for picking him up. He said
11 Dirk then went up into the house and when he
12 was coming out he locked the front door. Why
13 did he have to say that? Because he had to
14 explain why that door was then later broken
15 in. Leaving you all to believe or infer that
16 later Dirk came back to the house and broke
17 in. So that's why he had to tell you that
18 Dirk locked the door. But that couldn't have
19 happened because they didn't have a key. Ms.
20 Walker said this is not the kind of house
21 where you can just lock the door and then
22 close it and it's locked. It's a deadbolt.
23 You have to have a key to lock it. That
24 simply could not have happened.

25 And whether the power was on the house?

State of South Carolina v Richard Tedford

589

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Closing Argument by State
Before The Honorable Perry H. Gravely

1 Ms. Walker testified on redirect -- well,
2 both. The first time she testified and when
3 she came back up on the stand that the power
4 was on. The Defendant, you know, kind of
5 tripped himself up on that one because he
6 said that he took a hot bath. One would
7 presume the water heater was on.

8 He had to explain why his fingerprints
9 were on that lightbulb. Ladies and
10 gentlemen, what I would argue to you as the
11 reason for his fingerprints being on that
12 lightbulb is he did not want to be detected.
13 There were three light bulbs. He went to the
14 interior bathroom so he couldn't be seen. He
15 wanted it to be as dim as possible so he
16 unscrewed two of the lightbulbs so only one
17 of the lightbulbs would work. But he had to
18 come up with an instant explanation as to why
19 his fingerprints were on that lightbulb and
20 that's what he says.

21 The candles that he used didn't need
22 candleholders. Once again, he had to come up
23 with an explanation about why his fingerprint
24 was on a candleholder in that bedroom closet.
25 But there was no reason for it, other than

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Closing Argument by State
Before The Honorable Perry H. Gravely

590

1 that he was going through that closet looking
2 for property to steal.

3 His story doesn't make sense. It flies
4 in the face of the facts. The facts are
5 these:

6 Within ten minutes of the burglary at Ms.
7 Wilbanks' home, this Defendant was seen in
8 her car two point seven miles away, a five-
9 minute drive.

10 He's on a secluded driveway, off the road
11 because he knows police officers are going to
12 be driving around looking for him. What he
13 didn't know is that there would be a person
14 home, Mr. Lockhart, at that time. So he's
15 out. He has the doors open. He's looking
16 through this car to see what sort of stuff he
17 has scored. See what he had gotten in that
18 car when Mr. Lockhart comes out with the gun
19 and chases him away.

20 He then goes to another house, just a
21 mile and a half away, doing the same thing.
22 A secluded driveway, a secluded home, well
23 off the road where he couldn't be seen. He's
24 hiding. Why? Because he just stole that car
25 from Ms. Wilbanks. The fingerprint on the

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Closing Argument by State
Before The Honorable Perry H. Gravely

591

1 car is exactly where he was seen when Mr.
2 Bishop saw him rummaging through the
3 passenger side of the car at his home. His
4 fingerprints were in the home of Ms.
5 Wilbanks' [sic] in three different locations,
6 two of which were places where property was
7 stolen in her house. The other of which is
8 the lightbulbs location to indicate that he
9 was trying to remain undetected.

10 Property from Ms. Walker's home were
11 found in the car that he'd just stolen from
12 Ms. Wilbanks.

13 Ladies and gentlemen, it's an inescapable
14 conclusion that this Defendant is the person
15 who committed these crimes.

16 Now, I asked you at the beginning of this
17 case to do three things. To listen closely;
18 and I could tell by looking over here during
19 the trial that y'all were doing that. To use
20 your good, your common sense and good
21 judgment to weigh the evidence. And that is
22 what you're about to go do, talk about the
23 evidence, and then at the end of your
24 deliberations to do justice. And justice in
25 this case, I argue to you, requires holding

1 people responsible who do crimes like
2 this in our community. I ask you, ladies and
3 gentlemen, to find this Defendant guilty of
4 all four of these charges. Thank you.

5 THE COURT: All right. Now, it's
6 my duty to tell you what the laws that need
7 to be applied to this case.

8 As I indicated to you earlier, you're the
9 sole judge of the facts and I'm the sole
10 judge of the law. And I remind you too that
11 regardless of what you think the law is, what
12 you think the law should be and what you may
13 have picked up the law is on TV, you need to
14 disregard that. The law is what I indicate
15 here to you today.

16 First of all, you need to disregard any
17 previous listing of the charges and make sure
18 that you understand that there are four
19 separate charges here, four separate
20 indictments. And there are four different
21 charges. There's one of count of burglary
22 first. There's one count of burglary second
23 and I'll define the differences between those
24 two. There's one count of grand larceny and
25 there's one county of petit larceny. Those

State of South Carolina v Richard Tedford

593

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Jury Charge

Before The Honorable Perry H. Gravely

1 are the indictments before you which you are
2 to consider.

3 I tell you what can you move the
4 podium there, please? I'm sorry. I didn't
5 realize that it was in the way.

6 I remind you that these indictments,
7 the fact the Defendant was arrested for these
8 charges is not evidence and cannot be
9 considered as evidence of any guilt of the
10 Defendant. It creates no presumption or
11 inference whatsoever of his guilt. These
12 documents are merely the documents which
13 bring the charges properly before this court.
14 Now, as I have told you before, the Defendant
15 comes into this courtroom with a presumption
16 of innocence as to all charges. He has pled
17 not guilty to the indictments. And that puts
18 the burden on the State, okay?

19 The State has the burden on each charge
20 and each element of these charges. A person
21 charged with committing a criminal offense in
22 this state is never required to prove himself
23 innocent. The rule of law is that the
24 defendant in a criminal trial, no matter how
25 serious or petty the charge, will always be

1 presumed innocent. That's kind of the basis
2 of our criminal system in the United States.
3 That presumption of innocence does not end
4 with your deliberation but accompanies this
5 Defendant throughout the entire trial until
6 you have reached a verdict. And, again, that
7 presumption stays with him until you find
8 that the State, if the State has met their
9 burden. And that is, has met the burden of
10 proving each element beyond a reasonable
11 doubt.

12 And this presumption of innocence is not
13 merely a legal theory. It's not merely just
14 some fancy phrase. It's a substantial right.
15 It's a substantial right of the defendant.
16 And it is one that you, the jury, have sworn
17 to uphold as you deliberate.

18 You've heard me state numerous time and
19 you've heard the parties state numerous times
20 that the State's burden is to prove each
21 element of each charge beyond a reasonable
22 doubt, okay?

23 Well, what is reasonable doubt? Well,
24 reasonable doubt is the kind of doubt that
25 would cause a reasonable person to hesitate

State of South Carolina v Richard Tedford

595

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Jury Charge

Before The Honorable Perry H. Gravely

1 to act. Proof beyond a reasonable doubt is
2 proof that leaves you firmly convinced of the
3 Defendant's guilt. There are few things in
4 this world that we know with absolutely
5 certainty. In a criminal case the law does
6 not require that the State prove these
7 elements with absolute certainty and that
8 overcomes every possible doubt.

9 But if based on your consideration of the
10 evidence you are firmly convinced that the
11 Defendant is guilty of the crimes charged,
12 you must find the Defendant guilty.

13 If, on the other hand, you think there's
14 a reasonable possibility that the Defendant
15 is not guilty, you must give the Defendant
16 the benefit of that doubt and find him not
17 guilty.

18 I remind you once again that you and I
19 have separate duties in this trial. As the
20 trial judge, I preside over the trial of the
21 case. I rule on the admissibility of
22 evidence and you're to consider only the
23 competent evidence before you. You are only
24 to consider which has been presented from
25 this witness stand and the exhibits which

State of South Carolina v Richard Tedford

596

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Jury Charge

Before The Honorable Perry H. Gravely

1 have been introduced. And these exhibits
2 you'll have back in your jury room to view.
3 These are the official part of the record.
4 And you also are to consider any stipulations
5 of counsel. I am the sole judge of the law
6 of this case.

7 Every case tried before a jury, the jury
8 becomes -- you're the sole and exclusive
9 judge of the facts of the case. I cannot
10 intimate, I cannot state, comment or make any
11 statement about the facts. And if anything
12 that I have said or done indicates anything
13 about any facts, you are to disregard that
14 because that is not to sway you. You are the
15 sole judge of the facts and not me. I cannot
16 influence you in any way. So if I've said
17 anything during the course of this trial that
18 would lead you to believe that I have an
19 opinion about the facts of the case, please
20 disregard that. The law does not allow me to
21 have an opinion about the facts of the case.
22 This is merely your duty.

23 So as jurors, it's your duty to determine
24 the effect, the value, the weight, the truth
25 of the evidence presented during the trial.

State of South Carolina v Richard Tedford

597

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Jury Charge

Before The Honorable Perry H. Gravely

1 Okay. There's two types of evidence. In
2 addition to having testimony and exhibits,
3 there's two kinds or types of or standards of
4 evidence. So that's direct evidence and
5 circumstantial evidence.

6 Direct evidence is the testimony of a
7 person who claims to have actual knowledge of
8 the fact, such as an eyewitness. It is
9 evidence which immediately establishes the
10 main fact to be proved.

11 Circumstantial evidence is a chain of
12 facts, and circumstances indicating the
13 existence of a fact. It is evidence which
14 immediately establishes a collateral fact
15 from which the main fact may be inferred.
16 Circumstantial evidence is based on an
17 inference and not on personal knowledge or
18 observation.

19 The law makes no distinction between the
20 weight or value to be given to circumstantial
21 or direct evidence. There is not a greater
22 certainty required of circumstantial evidence
23 than direct evidence. You should still weigh
24 all of the evidence in the case.

25 And after weighing all of this evidence

1 if you are not convinced of the guilt of the
2 Defendant beyond a reasonable doubt, then you
3 must find the Defendant not guilty.

4 All right. Let's talk about credibility
5 of witnesses. You, as the jury, must
6 determine the credibility of the witnesses
7 who have testified in this case. Credibility
8 means believability. It becomes your duty as
9 jurors to analyze and evaluate the evidence
10 and determine which evidence convinces you of
11 its truth. And this is using your own common
12 sense and your experiences in life.

13 You may believe one witness over several
14 witnesses or you may believe several
15 witnesses over one witness.

16 You may believe a part of the testimony
17 of a witness and reject the remaining part of
18 the testimony of that same witness.

19 You may believe the testimony of a
20 witness in its entirety or reject the
21 testimony of a witness in its entirety.

22 You may consider whether any witness has
23 exhibited to you an interest, a bias or
24 prejudice or other motive in the case.

25 You may consider the appearance and

State of South Carolina v. Richard Tedford

599

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Jury Charge

Before The Honorable Perry H. Gravely

1 manner of the witness.

2 It's totally up to you how to determine
3 that credibility of a witness.

4 There's been testimony about identifica-
5 tion. And that's something that you will
6 also need to be considering in your
7 deliberations. And the issue in this case is
8 the identification of the Defendant as a
9 person who committed the various crimes
10 charged.

11 The State has a burden of proving the
12 identity of the Defendant beyond a reasonable
13 doubt. You must be satisfied of the accuracy
14 of the identification of the Defendant before
15 you may convict the Defendant.
16 Identification testimony is an expression of
17 belief or an impression by a witness.

18 You must determine the accuracy of the
19 identification of the Defendant. You must
20 consider the believability of each
21 identifica-tion witness in the same way as
22 any other witness. You may consider whether
23 the witness had an adequate opportunity to
24 observe the Defendant at the time of the
25 events. This will be affected by things like

1 how long or short a time was available. How
2 far or close the witness, was the lighting
3 conditions and whether the witness had the
4 chance to see or know the person in advance.

5 Once again, I instruct you the burden on
6 the State extends on every element of the
7 crime charged. It specifically includes the
8 burden of proving beyond a reasonable doubt
9 the identity of the Defendant as the person
10 who committed the crime.

11 If, after examining the testimony, you
12 have reasonable doubt as to the accuracy of
13 the identification, you must find the
14 Defendant not guilty.

15 All right. Let me go over the
16 specific, the law that applies to the charges
17 here. All right.

18 We have an indictment for burglary first
19 degree and burglary second degree. And there
20 are some similarities, some common elements
21 that have to be proved in both of these
22 charges. But one of the indictments relates
23 to one of the incidences and there's another
24 indictment for one of the other incidences.

25 In the first degree burglary, the

State of South Carolina v Richard Tedford

601

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Jury Charge

Before The Honorable Perry H. Gravely

1 Defendant is charged with first degree
2 burglary. The State must prove beyond a
3 reasonable doubt that the Defendant entered a
4 dwelling without consent.

5 A "dwelling" is any building or portion
6 of a building in which a person ordinarily
7 sleeps. In order to prove that the Defendant
8 entered the dwelling, the State does not have
9 to show that the Defendant's entire body
10 entered the dwelling. The smallest entry is
11 sufficient. It may be any part of the body
12 such as the hand or foot or even an instru-
13 ment, such as a hook or other instrument. In
14 addition the State does not have to prove
15 that force was used to gain entry. If a
16 person enters a building by using deception,
17 or a trick or representation to get consent
18 to enter, this is an entry without consent.

19 Next, the State must prove beyond a
20 reasonable doubt that the Defendant intended
21 to commit a crime, either a felony or a
22 misdemeanor at the time of his entry. The
23 mere entry into a dwelling without consent is
24 not burglary. If the intent to commit a
25 crime is formed after the entry, it is not a

State of South Carolina v Richard Tedford

602

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Jury Charge

Before The Honorable Perry H. Gravelly

1 burglary. On the other hand, if the
2 Defendant intended to commit a crime at the
3 time of the entry, it is a burglary even if
4 the intent was abandoned after the entry. It
5 does not matter that the intended crime was
6 not completed. Intent may be shown by acts
7 and conduct of the Defendant and other
8 circumstances from which you may naturally
9 and reasonably infer intent.

10 Finally, the State must prove one of the
11 aggravating circumstances. And that is that
12 the Defendant has a prior record of two or
13 more convictions for burglary or house-
14 breaking or that it occurred at nighttime.
15 Evidence of the prior offenses committed by
16 the Defendant was not offered to prove the
17 Defendant has a bad character or to prove
18 that the Defendant committed a burglary on
19 this occasion. The prior convictions may be
20 considered by you only for the purposes to
21 determine whether or not it satisfies the
22 elements that makes it first degree burglary.
23 Entering a dwelling without consent to commit
24 a crime and he had two prior convictions.

25 Before you consider the evidence of the

State of South Carolina v Richard Tedford

603

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Jury Charge

Before The Honorable Perry H. Gravely

1 Defendant's prior burglary for housebreaking,
2 you must find that the State has proved
3 beyond a reasonable doubt a burglary was
4 committed. If you found beyond a reasonable
5 doubt that the burglary was committed, then
6 you may consider the evidence of the prior
7 convictions as evidence or the circumstances
8 which would make the burglary first degree
9 burglary.

10 If you do not find beyond a reasonable
11 doubt the Defendant committed these alleged
12 prior offenses, then you cannot return a
13 verdict of first degree burglary.

14 And, also, the other element is that the
15 Defendant entered or remained in the dwelling
16 in the nighttime. "Nighttime" is the period
17 between sunset and sunrise during which there
18 is not enough daylight to recognize a
19 person's face, except by artificial light or
20 moonlight.

21 Burglary second degree, a person is
22 guilty of burglary second degree if the
23 person enters a dwelling or building without
24 consent and with the intent to commit a crime
25 therein. A person is guilty of burglary in

1 the second degree -- sorry -- if the person
2 enters a building without consent and with
3 the intent to commit crime therein and a
4 burglary is committed by a person with a
5 prior record, two or more convictions for
6 burglary or housebreaking or a combination of
7 both.

8 All right. So let me just kind of review
9 this. On the indictment for burglary in the
10 first degree, you must first determine
11 whether a burglary had occurred.

12 And then it occurred -- well, that the
13 burglary occurred in a dwelling as I defined
14 dwelling. And it was either nighttime and
15 the Defendant had two prior convictions,
16 okay? That is a dwelling or a place that
17 appropriate indicates a person would normally
18 sleep. That's the burglary first degree.

19 Burglary second degree in this particular
20 case, you must determine first that a
21 burglary occurred in a building that does not
22 meet the definition of dwelling and that the
23 Defendant had two prior convictions. Okay?
24 That's the second degree. There is not the
25 element of nighttime on that indictment.

State of South Carolina v Richard Tedford

605

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Jury Charge

Before The Honorable Perry H. Gravely

1 All right. And there's grand larceny and
2 petit larceny, which they're also known as
3 simple larceny. And basically the
4 distinction there is the value of the items
5 stolen. We have an indictment for grand
6 larceny, which will -- I'll go through the
7 elements which requires proof beyond a
8 reasonable doubt of the value of more than
9 ten thousand dollars (\$10,000).

10 We also have an indictment of a separate
11 incident for petit larceny, which is required
12 that the value of the property is two
13 thousand dollars (\$2,000) or less. That's
14 the main distinction between those two in
15 addition to the elements here.

16 The grand larceny, the Defendant is
17 charged with grand larceny. The State must
18 prove beyond a reasonable doubt that the
19 Defendant took and carried away the property
20 of another against the will or without the
21 consent of the owner. The slightest removal
22 of a property or the complete possession of
23 the property, even for an instant, by the
24 Defendant is enough to show a taking and
25 carrying away of the property.

State of South Carolina v Richard Tedford

606

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Jury Charge

Before The Honorable Perry H. Gravely

1 The State must prove beyond a reasonable
2 doubt that the Defendant intended to
3 permanently deprive the owner of the
4 property.

5 Finally -- and this is the grand larceny.
6 And the State must prove that the value of
7 the property taken was ten thousand dollars
8 (\$10,000) or more.

9 Then you have the same elements for petit
10 larceny, again, except this is a separate
11 incident for property of two thousand dollars
12 (\$2,000) or less. In this the Defendant's
13 charged with petit larceny. The State must
14 prove beyond a reasonable doubt that the
15 Defendant took and carried away property of
16 another against the will or without the
17 consent of the other person. The State must
18 prove beyond a reasonable doubt that the
19 Defendant intended to permanently deprive the
20 owner of the property. And, again, this
21 applies if based on being proof by the State
22 that the value of the property taken was two
23 thousand dollars or less.

24 So you have four -- again, four
25 different indictments and you must consider

State of South Carolina v Richard Tedford

607

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Jury Charge

Before The Honorable Perry H. Gravely

1 each one of these. The burden is on the
2 State to prove beyond a reasonable doubt each
3 element of each of these:

4 Burglary first,
5 Burglary second,
6 Grand larceny and
7 Petit larceny.

8 Mister Bailiff, you will hand that to the
9 foreperson.

10 BAILIFF: (Hands verdict form to
11 Foreperson).

12 THE COURT: I'm handing you the jury
13 verdict for you to look at. I'm going to go
14 through it. I'm going to go the verdict with
15 you. Now, first of all on every form the top
16 part is just merely the caption of the case
17 and the indictment numbers. And you are
18 going to go through and you have four
19 questions to answer:

20 The first question as to indictment
21 number ending in 10427 for first degree.
22 "We, the jury, find the Defendant, Richard
23 Earl Tedford..." -- you need to check one --
24 either not guilty or guilty. You are not to
25 consider the order of this. Of course, it

State of South Carolina v Richard Tedford

608

Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Jury Charge
Before The Honorable Perry H. Gravely

1 has to be in some order. And so you can
2 disregard the order but you need to check one
3 or the other.

4 Then on number two, that's indictment
5 number ending in 10428, that's for the grand
6 larceny indictment. And that's "We, the
7 jury, find the Defendant.." -- you need to
8 check one, not guilty or guilty.

9 Then number three, as to indictment
10 ending in 596 for burglary second degree,
11 "We, the jury, find the Defendant, Richard
12 Earl Tedford.." -- and, again, you check not
13 guilty or guilty, whichever you determine.

14 And then for number four, it's indictment
15 ending in 597. That's for petit larceny.
16 "We, the jury, find the Defendant, Richard
17 Earl Tedford.." -- either not guilty or
18 guilty.

19 Put your initials down on the bottom of
20 the first page.

21 Again, ladies and gentlemen, the State
22 has the burden of proving each element beyond
23 a reasonable doubt for each charge. Your
24 verdict must be unanimous as to each charge.
25 In other words, it can't be majority. It has

State of South Carolina v Richard Tedford

609

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Jury Charge

Before The Honorable Perry H. Gravely

1 to be all twelve of you.

2 And then Mr. Foreman, when you have
3 completed, answered all those four questions,
4 you will sign your name on the back where it
5 says Foreperson, and put a date, okay? And
6 then you'll knock on the door and you will
7 let the bailiff know that you have reached a
8 verdict -- you have a light to turn on, and
9 he (bailiff) will instruct you on that.

10 Now, some other rules. When you get
11 back there and you have any questions, Mr.
12 Foreman, what I would ask you to do is you
13 write those questions on a piece of paper and
14 give them to the bailiff. And the bailiff
15 with bring your question to me. And then I
16 will let you know how I need to address it.
17 You know, whether it's coming in listening to
18 additional testimony, whether it's coming in
19 listening to additional law or whatever your
20 question is. That's something that you, as
21 foreperson, that's kind of one of your duties
22 is that if someone has a question that y'all
23 need to address then, again, give it to the
24 bailiff and the bailiff will bring it in and
25 we will let you know how we're going to

1 respond to it.

2 Now, at this time -- and I would point
3 out as you -- I'm going to ask you to return
4 to your jury room. But you will not begin
5 deliberations because I need to talk with the
6 attorneys. And what I need to determine,
7 one, is if I left anything out or if I have
8 to correct some application of the law. And
9 so you're not to deliberate, not to begin
10 discussion. So one of two things will
11 happen:

12 If there is something else I need to
13 address with you, I will bring you back out
14 here and I will give you further
15 instructions.

16 If I don't need to give you further
17 instructions, then your signal to deliberate
18 will be when you get the exhibits.

19 The bailiff will bring the exhibits back
20 in there to you. And at that point, he will
21 give you the exhibits and y'all have to give
22 him the alternates. So unfortunately, y'all
23 have sat here for two days but you are not to
24 participate in the deliberations. But right
25 now, I'm going to ask all of you to go back

State of South Carolina v Richard Tedford

611

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Jury Charge

Before The Honorable Perry H. Gravely

1 there. Do not begin deliberations until you
2 get the signal. Either you will come back
3 out here or you will get the exhibits and the
4 verdict form.

5 Hand the verdict form to the bailiff
6 there.

7 FOREMAN: (Tenders).

8 THE COURT: When you get the
9 exhibits and the verdict form, that's when
10 you can begin deliberation. So at this time
11 if you will retire to your jury room and I
12 will be in touch with you in just a few
13 minutes.

14 (JURY OUT @ 9:55 A.M.)

15 THE COURT: All right. Any
16 exception to the charge from the State?

17 SOLICITOR MOYER: No, Your Honor.

18 THE COURT: Any exception to the
19 charge from the Defendant?

20 MR. WARDER: No, Your Honor.

21 THE COURT: All right. Will y'all
22 go through the exhibits, make sure they're
23 all there and we'll send them back to the
24 jury room.

25 SOLICITOR MOYER: This was a Court's

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Jury in Deliberation
Before The Honorable Perry H. Gravely

612

1 Exhibit.

2 COURT REPORTER: That does not go to
3 the jury.

4 (COUNSEL APPROVAL OF EXHIBITS)

5 THE COURT: All right. Are all of
6 the exhibits there?

7 COURT REPORTER: Yes, sir.

8 THE COURT: All right. Bring the
9 -- I'll be glad to talk to the alternates.

10 BAILIFF: Okay.

11 (OFF RECORD BENCH CONFERENCE)

12 (JURY IN DELIBERATION AT 10:00 A.M.)

13 (ALTERNATE JURORS EXCUSED)

14 (COURT IN RECESS)

15 (NOTIFIED OF JURY QUESTION AT 11:00 A.M.)

16 (DEFENDANT PRESENT)

17 THE COURT: We have an evidentiary
18 type question.

19 MR. WARDER: Sir?

20 THE COURT: Evidentiary type
21 questions is what we have.

22 All right. We have two questions
23 that have been presented from the jury. And
24 I'm going to mark these as Court Exhibit 1.

25 COURT REPORTER: Court's Exhibit 2.

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Jury in Deliberation
Before The Honorable Perry H. Gravely

613

1 THE COURT: The first question, "Do we
2 have access to written transcripts from
3 testimony and questions?" Signed Kevin
4 Dobbs.

5 I'm going to respond back that we
6 can replay any portions of the testimony
7 requested.

8 Second question, "Can we get
9 fingerprints and reports associated with the
10 fingerprints?" And my answer is you can only
11 consider evidence and the exhibits
12 introduced.

13 So do y'all want to look at this
14 before ---

15 MR. WARDER: No, Your Honor.

16 THE COURT: So, obviously if they
17 want to come back to listen to some
18 testimony.

19 All right. Any exception or
20 objections to the response by the Court.
21 And I'm just -- I wrote on here. I'm going
22 to send it back. And then they may send back
23 if they need to listen to any testimony.

24 MR. WARDER: Okay.

25 THE COURT: Any exception from the

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Jury in Deliberation
Before The Honorable Perry H. Gravelly

614

1 State?

2 SOLICITOR MOYER: No, Your Honor.

3 THE COURT: Any exceptions from
4 the Defense?

5 MR. WARDER: I guess not. I think
6 the answer to the first thing is 'no.' But
7 you know if you want to volunteer that we can
8 replay the testimony. In other words, they
9 asked if they could have written transcripts.

10 THE COURT: Yeah. But that's
11 going to be the next one. Is can they
12 listen to testimony, so that's why the
13 response.

14 (SO MARKED AS COURT'S EXHIBIT 2)

15 THE COURT: All right. We're
16 going to take a break. I guess we will be
17 at-ease for a while.

18 (COURT IN RECESS)

19 (NOTIFIED OF JURY QUESTION AT 11:20 A.M.)

20 (DEFENDANT PRESENT)

21 THE COURT: Now they've gone
22 strictly from evidence issues to law issues.
23 I thought the question would come back can we
24 hear such and such, but ---

25 COURT REPORTER: Court's Exhibit 3.

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Jury in Deliberation
Before The Honorable Perry H. Gravely

615

1 (SO MARKED AS COURT'S EXHIBIT 3)

2 THE COURT: Which goes to the old
3 adage of should we be sending the written
4 questions back or charge back or not. All
5 right. This has been marked as Court's
6 Exhibit 3. "We would like to get the written
7 definition for the four charges."

8 SOLICITOR MOYER: I have no problem
9 with sending back your whole charge. Your
10 whole charge, Your Honor, or just that part.

11 THE COURT: Just that part. What
12 do you, Mr. Warder? And I often charge or
13 send them back the written part of my charge
14 or bring them back out here and recharge them
15 on the four elements -- I mean the four
16 charges.

17 MR. WARDER: The written part of
18 your charge, you just send -- if you send the
19 written part, do you just send back the
20 definitions of the charge. Is that what
21 you'd do?

22 THE COURT: I would send back the
23 burglary, the entire part of burglary. It's
24 the statute. You know what, I can't do that
25 because I changed it in the middle of --

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Jury in Deliberation
Before The Honorable Perry H. Gravely

616

1 yeah. Because I realized the burglary second
2 I had left the first part in. So I'm going
3 to have to charge them.

4 MR. WARDER: Okay. Well, then I
5 guess we need to recharge, if you'd do that.

6 THE COURT: All right. We'll
7 recharge them just on those, what they
8 requested. So the whole burglary section,
9 first and second. And then the grand larceny
10 and petit larceny. And when they're out
11 here, we'll ask them about lunch.

12 All right. Our response is we can
13 recharge you on these charges.

14 Any objection from the State?

15 SOLICITOR MOYER: No, Your Honor.

16 THE COURT: Any objection from the
17 Defense?

18 MR. WARDER: No, Your Honor.

19 THE COURT: All right.

20 (OFF RECORD DISCUSSION)

21 (JURY IN AT 11:25 A.M.)

22 THE COURT: Mr. Foreman, we have
23 received your note and I understand that you
24 would like to get the written definitions for
25 the four charges. I will read to you again

State of South Carolina v. Richard Tedford

617

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Jury in Deliberation

Before The Honorable Perry H. Gravely

1 the charge previously given, (reading):

2 We have an indictment for burglary first
3 degree and burglary second degree. And there
4 are some similarities, some common elements
5 that have to be proved in both of these
6 charges. One of the indictments relates to
7 one of the incidences and there's another
8 indictment for one of the other incidences.

9 In the first degree burglary, the
10 Defendant is charged with first degree
11 burglary. The State must prove beyond a
12 reasonable doubt that the Defendant entered a
13 dwelling without consent.

14 A "dwelling" is any building or portion
15 of a building in which a person ordinarily
16 sleeps. In order to prove that the Defendant
17 entered the dwelling, the State does not have
18 to show that the Defendant's entire body
19 entered the dwelling. The smallest entry is
20 sufficient. It may be any part of the body
21 such as the hand or foot or even an instru-
22 ment, such as a hook or other instrument.
23 In addition, the State does not have to prove
24 that force was used to gain entry. If a
25 person enters a building by using deception,

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Jury in Deliberation
Before The Honorable Perry H. Gravelly

618

1 or a trick or representation to get consent
2 to enter, this is an entry without consent.

3 Next, the State must prove beyond a
4 reasonable doubt that the Defendant intended
5 to commit a crime, either a felony or a
6 misdemeanor at the time of his entry. The
7 mere entry into a dwelling without consent is
8 not burglary. If the intent to commit a
9 crime is formed after the entry, it is not a
10 burglary. On the other hand, if the
11 Defendant intended to commit a crime at the
12 time of the entry, it is a burglary even if
13 the intent was abandoned after the entry. It
14 does not matter that the intended crime was
15 not completed. Intent may be shown by acts
16 and conduct of the Defendant and other
17 circumstances from which you may naturally
18 and reasonably infer intent.

19 Finally, the State must prove one of the
20 aggravating circumstances. And that is that
21 the Defendant has a prior record of two or
22 more convictions for burglary or house-
23 breaking or that it occurred at nighttime.
24 Evidence of the prior offenses committed by
25 the Defendant was not offered to prove the

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Jury in Deliberation
Before The Honorable Perry H. Gravely

619

1 Defendant has a bad character or to prove
2 that the Defendant committed a burglary on
3 this occasion. The prior convictions may be
4 considered by you only for the purposes to
5 determine whether or not it satisfies the
6 elements that makes it first degree burglary.
7 Entering a dwelling without consent to commit
8 a crime and he had two prior convictions.

9 Before you consider the evidence of the
10 Defendant's prior burglary for housebreaking,
11 you must find that the State has proved
12 beyond a reasonable doubt a burglary was
13 committed. If you found beyond a reasonable
14 doubt that the burglary was committed, then
15 you may consider the evidence of the prior
16 convictions as evidence or the circumstances
17 which would make the burglary first degree
18 burglary.

19 If you do not find beyond a reasonable
20 doubt the Defendant committed these alleged
21 prior offenses, then you cannot return a
22 verdict of first degree burglary.

23 And, also, the other element is that the
24 Defendant entered or remained in the dwelling
25 in the nighttime. "Nighttime" is the period

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Jury in Deliberation
Before The Honorable Perry H. Gravely

620

1 between sunset and sunrise during which there
2 is not enough daylight to recognize a
3 person's face, except by artificial light or
4 moonlight.

5 Burglary second degree, a person is
6 guilty of burglary second degree if the
7 person enters a dwelling or building without
8 consent and with the intent to commit a crime
9 therein. A person is guilty of burglary in
10 the second degree -- sorry -- if the person
11 enters a building without consent and with
12 the intent to commit crime therein and a
13 burglary is committed by a person with a
14 prior record, two or more convictions for
15 burglary or housebreaking or a combination of
16 both.

17 All right. So let me just kind of review
18 this. On the indictment for burglary in the
19 first degree, you must first determine
20 whether a burglary had occurred.

21 And then it occurred -- well, that the
22 burglary occurred in a dwelling as I defined
23 dwelling. And it was either nighttime and
24 the Defendant had two prior convictions,
25 okay? That is a dwelling or a place that

State of South Carolina v Richard Tedford

621

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Jury in Deliberation

Before The Honorable Perry H. Gravely

1 appropriate indicates a person would normally
2 sleep. That's the burglary first degree.

3 Burglary second degree in this particular
4 case, you must determine first that a
5 burglary occurred in a building that does not
6 meet the definition of dwelling and that the
7 Defendant had two prior convictions. Okay?
8 That's the second degree. There is not the
9 element of nighttime on that indictment.

10 All right. And there's grand larceny and
11 petit larceny, which they're also known as
12 simple larceny. And basically the
13 distinction there is the value of the items
14 stolen. We have an indictment for grand
15 larceny, which will -- I'll go through the
16 elements which requires proof beyond a
17 reasonable doubt of the value of more than
18 ten thousand dollars.

19 We also have an indictment of a separate
20 incident for petit larceny, which is required
21 that the value of the property is two
22 thousand dollars or less. That's the main
23 distinction between those two in addition to
24 the elements here.

25 The grand larceny, the Defendant is

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Jury in Deliberation
Before The Honorable Perry H. Gravely

622

1 charged with grand larceny. The State must
2 prove beyond a reasonable doubt that the
3 Defendant took and carried away the property
4 of another against the will or without the
5 consent of the owner. The slightest removal
6 of a property or the complete possession of
7 the property, even for an instant, by the
8 Defendant is enough to show a taking and
9 carrying away of the property.

10 The State must prove beyond a reasonable
11 doubt that the Defendant intended to
12 permanently deprive the owner of the
13 property.

14 Finally -- and this is the grand larceny.
15 And the State must prove that the value of
16 the property taken was ten thousand dollars
17 or more.

18 Then you have the same elements for petit
19 larceny, again, except this is a separate
20 incident for property of two thousand dollars
21 or less. In this the Defendant's charged
22 with petit larceny. The State must prove
23 beyond a reasonable doubt that the Defendant
24 took and carried away property of another
25 against the will or without the consent of

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Jury in Deliberation
Before The Honorable Perry H. Gravely

623

1 the other person. The State must prove
2 beyond a reasonable doubt that the Defendant
3 intended to permanently deprive the owner of
4 the property. And, again, this applies if
5 based on being proof by the State that the
6 value of the property taken was two thousand
7 dollars or less.

8 So you have four -- again, four
9 different indictments and you must consider
10 each one of these. The burden is on the
11 State to prove beyond a reasonable doubt each
12 element of each of these:

13 Burglary first,
14 Burglary second,
15 Grand larceny and
16 Petit larceny.

17 Please retire to your jury room, continue
18 deliberations and let us know if you have any
19 other questions. Also, the bailiff will be
20 in to discuss whether you'd like for us to
21 order lunch for you. Thank you.

22 (JURY OUT AT 11:45 A.M.)

23 THE COURT: Any exceptions from the
24 State?

25 SOLICITOR MOYER: No, Your Honor.

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Jury in Deliberation
Before The Honorable Perry H. Gravely

624

1 THE COURT: Any exceptions from the
2 Defense?

3 MR. WARDER: No, Your Honor.

4 (JURY IN DELIBERATION)

5 (NOTIFIED OF JURY QUESTION AT 12:20 P.M.)

6 (DEFENDANT PRESENT)

7 (SO MARKED AS COURT'S EXHIBIT 4)

8 THE COURT: Court's Exhibit 4.

9 "We would like to be recharged on the grand
10 larceny indictment." Signed, Kevin Dobbs.

11 All right. And I'm just going to --
12 that's just about a page. I'll read what --
13 exactly what I read before. That might kind
14 of give them something to think about during
15 lunch because their lunch hasn't gotten here
16 yet.

17 All right. Bring them back in.

18 (JURY IN @ 12:35 P.M.)

19 THE COURT: All right. Ladies and
20 gentlemen, first of all, I'll let y'all know
21 your lunch is on the way. So it should be
22 here shortly.

23 I have received a note that says,
24 "We would like a recharge on the grand
25 larceny indictment." So I am going to read

State of South Carolina v Richard Tedford

625

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Jury in Deliberation

Before The Honorable Perry H. Gravely

1 to you the provisions I did previously on the
2 grand larceny, (reading):

3 Grand larceny, the Defendant is
4 charged with grand larceny. The State must
5 prove beyond a reasonable doubt that the
6 Defendant took and carried away the property
7 of another against the will or without the
8 consent of the other person. The slightest
9 removal of the property or the complete
10 possession of the property even for an
11 instant by the Defendant is enough to show a
12 taking and carrying away of the property.
13 The State must also prove beyond a reasonable
14 doubt that the Defendant intended to
15 permanent deprive the owner of the property.
16 Finally, the State must prove that the value
17 of the property taken was ten thousand
18 dollars or more.

19 All right. That's the extent of the
20 grand larceny. Is that what you needed?

21 FOREMAN: Yes, sir.

22 THE COURT: All right. Well, I
23 will ask then that you go back and continue
24 your deliberations. And just let us know if
25 you have any additional questions or when you

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Jury in Deliberation
Before The Honorable Perry H. Gravely

626

1 reach a verdict. And as soon as the lunch
2 gets here we'll have it delivered to you.
3 Thank you.

4 (JURY OUT AT 12:40 P.M.)

5 THE COURT: Any exceptions from
6 the State?

7 SOLICITOR MOYER: No, Your Honor.

8 THE COURT: Any exceptions from
9 the Defense?

10 MR. WARDER: No, Your Honor.

11 THE COURT: All right. We'll I'm
12 not going to let y'all go this time. I mean,
13 y'all just stick around.

14 (COURT IN RECESS)

15 (NOTIFICATION OF VERDICT @ 3:30 P.M.)

16 (DEFENDANT PRESENT)

17 THE COURT: All right. I under-
18 stand we have a verdict. Anything before we
19 bring the jury in? From the State?

20 SOLICITOR MOYER: No, Your Honor.

21 THE COURT: Anything from the
22 Defendant?

23 MR. WARDER: No, sir.

24 THE COURT: Anything from the
25 Defense before we bring the jury in?

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Defense Motion for New Trial
Before The Honorable Perry H. Gravely

627

1 MR. WARDER: Yes.

2 THE COURT: You're ready for the
3 jury to come in?

4 MR. WARDER: Yes, sir.

5 THE COURT: All right.

6 All right. Bring them in.

7 (JURY IN AT 3:40 P.M.)

8 THE COURT: Mr. Foreman, it's my
9 understanding that you all have reached a
10 verdict?

11 FOREMAN: Yes, sir.

12 THE COURT: All right. If you'll
13 hand it to the bailiff.

14 FOREMAN: (Tenders)

15 BAILIFF: (Tenders verdict for
16 to the judge.)

17 THE COURT: (Upon review), you
18 can publish the verdict.

19 CLERK: Thank you.

20 Your Honor, Indictment 2013-GS-23-
21 10427; 2013-GS-23-10428; 2014-GS-23-596;
22 2104-GS-23-597, the State of South Carolina
23 versus Richard Wayne Tedford.

24 As to Indictment 2013-23-10427 for
25 burglary first degree: "We, the jury, find

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Defense Motion for New Trial
Before The Honorable Perry H. Gravely

628

1 the Defendant, Richard Earl Tedford, guilty."

2 As to Indictment 2013-GS-23-10428
3 for grand larceny: "We, the jury, find the
4 Defendant, Richard Earl Tedford, guilty."

5 As to Indictment 2014-GS-23-596 for
6 burglary second degree: "We, the jury, find
7 the Defendant, Richard Earl Tedford, guilty."

8 As to Indictment 2014-GS-23-597 for
9 petit larceny: "We, the jury, find the
10 Defendant, Richard Earl Tedford, guilty."

11 Signed foreperson, Kevin Dobbs.

12 If this was your verdict in the jury room
13 and is your verdict now, please raise your
14 right hand.

15 (ALL JURORS RIGHT HANDS WERE RAISED)

16 CLERK: Thank you.

17 THE COURT: All right. Anything else
18 from the jury -- from the State?

19 SOLICITOR MOYER: No, Your Honor.

20 MR. WARDER: No, Your Honor.

21 THE COURT: All right. At this time I
22 would ask that you go back to your jury room.
23 And I'll step back there in just a few
24 minutes.

25 (JURY OUT AT 3:46 P.M.)

State of South Carolina v Richard Tedford
Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Defense Motion for New Trial
Before The Honorable Perry H. Gravely

629

1 THE COURT: All right. Anything
2 from the State?

3 SOLICITOR MOYER: We're ready for
4 sentencing.

5 THE COURT: All right. Anything
6 for the Defense?

7 MR. WARDER: Of course, we move for
8 a new trial because of lack -- insufficient
9 evidence to convict the Defendant on. They
10 didn't have sufficient facts to support the
11 verdict on each of the indictments.

12 THE COURT: Okay. And I find
13 there was sufficient evidence so I'm going to
14 deny your motion.

15 All right. Do y'all have anything
16 further?

17 SOLICITOR MOYER: (No verbal
18 response)

19 MR. WARDER: (No verbal response).

20 THE COURT: I'm going to step back
21 here and see the jury. We'll be at ease.
22 Then we'll come back from sentencing.

23 (COURT STOOD AT-EASE)

24 THE COURT: Okay.

25 MR. WARDER: Your Honor, we've

1 signed the sentencing sheets. They really
2 indicate it's a guilty plea in the sense that
3 it's the custom that they get them signed up
4 here.

5 THE COURT: I wasn't aware they
6 signed them on the sentencing sheet when
7 there's a burglary.

8 SOLICITOR MOYER: I don't think they
9 have to, no.

10 THE COURT: No.

11 SOLICITOR MOYER: I think I forgot
12 to check that it was a -- I think I forgot to
13 check both that they're convictions and no
14 recommendation. I left that -- I can ---

15 THE COURT: All right. Yeah. Why
16 don't you do that?

17 SOLICITOR MOYER: Yes, sir. They do
18 now reflect that he was convicted of and not
19 pled guilty. And also the fact there's no
20 plea agreement.

21 THE COURT: All right. Mr.
22 Tedford, as indicated you have been found
23 guilty on all four charges: the burglary
24 second, petit larceny, grand larceny which is
25 an enhanced, and burglary first degree.

State of South Carolina v Richard Tedford

631

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Sentencing

Before The Honorable Perry H. Gravelly

1 I'll be glad to hear from you, Mr. Warder?

2 MR. WARDER: Your Honor, if it
3 pleases the Court, as it come forward in the
4 trial my client has served his country in the
5 Marines. He was honorably discharged. Your
6 Honor, actually when this happened he was
7 drawing disability. Been diagnosed with Post
8 Traumatic Stress Disorder.

9 Since this time, he's enrolled in a Bible
10 study program. He's got a letter from the
11 administrator of that program at Crossroads
12 Bible Institute indicating that he's gotten
13 about a third of the way through it, Your
14 Honor. And he's satisfactorily completed the
15 first phase of it.

16 He's told me he's living in Lyman. He
17 has a mother up there who's retired. She's a
18 librarian. She's seventy-four years of age.
19 He's caring for that.

20 He has grandchildren that he helped
21 provide support and cared for.

22 He has a degree in computer programming.
23 He's been locked up twenty-seven months and
24 no trouble in the jail. Again, there's no
25 disciplinaries or anything like that against

1 him. Of course, the project manager at Fluor
2 had indicated that had he got a sentence that
3 didn't require a mandatory jail time, that
4 they would have had a job for him.

5 He's certainly -- he has another side to
6 him. He's just an individual, kind of a
7 large friendly fellow. That's generally how
8 he's known. He got involved with -- not so
9 much as a user, but a whole crowd of meth.
10 Everybody he knew was taking meth and hung
11 out with people taking meth. And he just
12 kind of got in a downward spiral from it.
13 His life slipped into a terrible situation.
14 I'd urge you to be lenient.

15 I think there's a lot of rehabilitative
16 work, that he's certainly a man that has
17 given to his country. He's a man that
18 deserves a second chance. He is faced with a
19 crime that carries a terrible minimum
20 sentence. I urge you to be lenient.

21 THE COURT: And how long has he
22 been in jail?

23 MR. WARDER: Twenty-seven months.

24 SOLICITOR MOYER: It is seven
25 hundred and eighty-four (784) days.

State of South Carolina v Richard Tedford

633

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Sentencing

Before The Honorable Perry H. Gravely

1 THE COURT: All right. That
2 sounds right. It's definitely more than ---

3 MR. WARDER: Quick math, that seems
4 to be right.

5 THE COURT: Yeah. All right. And
6 I'll hear from the Solicitor and then I'll be
7 glad to hear from you, Mr. Tedford.

8 SOLICITOR MOYER: Thank you, Your
9 Honor. May it please the Court? I believe
10 both victims would like to address the Court
11 as well.

12 THE COURT: Okay.

13 SOLICITOR MOYER: I would just like
14 to give you the Defendant's criminal history.
15 In addition to the two burglary convictions,
16 he had corresponding larceny convictions with
17 those, those 1992 convictions that were in
18 Spartanburg County.

19 He also has a 1991 conviction for
20 resisting arrest.

21 He has a 1988 conviction in California
22 for theft of personal property.

23 A 2002 conviction in Colorado for drug
24 paraphernalia.

25 A 1999 conviction in Georgia for DUI and

1 also for robbery.

2 The only thing I would want to add, Your
3 Honor is that -- well, Your Honor's heard all
4 the testimony that came out in the trial.
5 This is more than just a property crime, I
6 would argue to you in that he encountered a
7 person at home during this burglary and did
8 not leave but instead followed her. And I
9 would argue to you there all indications are
10 that he had intentions to harm that woman.
11 So we consider this very, obviously a very
12 serious crime. And would ask that his
13 sentence reflect that.

14 As I stated, I believe both victims would
15 like to address the Court.

16 THE COURT: I'll be glad to hear
17 from them.

18 MS. WILBANKS: I'm trying to -- I
19 feel a sense of ---

20 THE COURT: I realize you've
21 testified but make sure you state your name
22 too.

23 MS. WILBANKS: Oh, I'm Melody
24 Wilbanks. And this is the truth. What
25 Richard Tedford did to me on August 13th,

State of South Carolina v Richard Tedford

635

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Sentencing

Before The Honorable Perry H. Gravelly

1 2013, has changed my life forever --

2 (emotional). Sorry.

3 Maybe I was living in a fantasy world,
4 living in a cul-de-sac in a nice little
5 subdivision and two Greenville County
6 deputies as neighbors. I always felt safe.
7 I had never really worried about crime in our
8 neighborhood. But since that day my life is
9 completely different.

10 The first week after the incident, before
11 they caught him, I didn't sleep for one
12 minute for the entire week. It's like my
13 hearing became super sensitive. I could hear
14 every noise all the time. Every car that
15 drove into our neighborhood or came down 101.
16 If I lay down to try to rest, I could hear my
17 heart pounding all the time like it was
18 coming through my chest.

19 When Detective Gilstrap finally called me
20 and said he had caught him, I finally slept
21 that night but not for very long.

22 I was -- I could not be alone for over a
23 year. I made arrangements so that someone
24 was always at my house if my husband wasn't
25 there or that I was somewhere else. My

1 husband strongly encouraged me to seek
2 counseling. He thought I was suffering from
3 some level of PTSD. And looking back now I
4 think he was probably right.

5 His actions that day, Richard Tedford's
6 actions that day also had a great impact on
7 my family financially, some directly and some
8 indirectly. Of course, there was the cost of
9 the repairs from the damage he caused to my
10 house, which was just under our deductible,
11 so it had to come out of our pockets . And I
12 had to pay the deductible on my car. We
13 changed the locks. My vehicle as well as the
14 house, because he had my keys.

15 Because of the extreme paranoia and fear
16 I was experiencing we spent thousands of
17 dollars. We purchased several guns
18 immediately. We got a security system with
19 every possible security feature you can get.
20 We had door jamb reinforcements installed.
21 Window detectors in all the windows, cameras
22 installed. I took a concealed weapons permit
23 class and got my South Carolina and New
24 Hampshire permit. I got Lasik eye surgery
25 immediately after so in case, God forbid,

State of South Carolina v Richard Tedford

637

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Sentencing

Before The Honorable Perry H. Gravely

1 this ever happens to me again I can
2 positively identify the intruder. We sold my
3 car and got a new one because I couldn't
4 stand to be in it.

5 As time has gone on, I have moved on.
6 Things have gotten better but it's still
7 never the same. I always have this sense of
8 fear. My daily routine begins every day with
9 checking the Greenville County Inmate Search
10 page to make sure he's still there. I look
11 at his face every morning. I've looked at
12 for seven hundred and ninety four days, since
13 it happened.

14 I feel like my home is not a safe haven
15 for me anymore. I miss sitting on my back
16 porch and reading after I put my daughter to
17 bed. I can't do that anymore.

18 More nights than not I lay in bed trying
19 to fall asleep and I think about the fact
20 that he was in my bedroom, right there.
21 Touching my things and going through my
22 personal belongings and trying to get to me.
23 My mind constantly wonders what would have
24 happened to me if my husband hadn't had that
25 gun. If his intention was solely to steal my

1 property then he had every opportunity to do
2 that. He was in my living room. I didn't
3 say a word. I ran to the bedroom and locked
4 the door. In that door was a slew of
5 expensive electronics he could have grabbed
6 all he could hold and taken off out through
7 the door and we probably would never know who
8 he was today.

9 But why did he kick down my bedroom door?
10 Why did he still come after me when I went to
11 the bathroom and locked the door. He had to
12 have some kind of worse intention for me, and
13 my mind races all the time.

14 The first time I ever fired a gun in my
15 life was at him. I, unfortunately, had
16 little exposure to them in my life. I was
17 actually pretty afraid of them. Now, I
18 regret that that was my upbringing and it
19 won't be my daughter's upbringing. I feel
20 that that morning would have had a different
21 outcome if I had been more prepared. And
22 because of that, I still go through periods
23 of significant guilt now knowing that he's a
24 career criminal and probably always will be.
25 I think the people I know from just that day

State of South Carolina v Richard Tedford

639

Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Sentencing
Before The Honorable Perry H. Gravely

1 on August 13th that had to endure the terror
2 and fear of him being at their house. I
3 could have prevented that on that day. I am
4 now, while still not comfortable with a gun,
5 very capable and knowledgeable about guns and
6 I carry one all the time. It gives me some
7 level of comfort. I have to carry it
8 everywhere.

9 This also makes me angry and bitter that
10 when I have moments with my three-year-old
11 daughter because she -- I can't bring myself
12 to swim in the pool or jump on the trampoline
13 with her because it's impossible to do those
14 things and keep a gun with me. And it's
15 moments like that that I truly hate Richard
16 Tedford for what he did to me.

17 Over the last two years the emotional
18 trauma for me has never entirely waned.
19 However, facing him in this court this week
20 and witnessing this trial, it has brought all
21 the trauma and emotions back.

22 The day he is released from prison
23 whenever that is, I'm sure it will start all
24 over again. As I dressed my three-year-old
25 daughter this morning to go to daycare before

1 I came here, I was fighting back tears for
2 the day he is released. I prayed and thank
3 God that he would not be released today and
4 come after me again. I feel like as a result
5 of this trial, he has seen detailed pictures
6 of the layout of my house. We've offered my
7 address over and over again. I'm sure he has
8 a distinct dislike for me and this makes me
9 even more fearful than I've ever been.

10 So please, please, please consider the
11 maximum sentence in this case. Thank you.

12 THE COURT: Thank you very much.

13 MS. WALKER: I'm Arlene Walker.

14 What he did to me was nothing like what he
15 did to her. But he did kick my front door in
16 and he ransacked my house. And what that has
17 done to me is it's made me fearful all the
18 time. I don't sleep well. I have panic
19 attacks. I can't go into my home without
20 driving around my house to make sure that
21 none of my doors have been kicked in. I,
22 too, have gotten a security alarm system.
23 I have a concealed weapons permit. I have
24 motion lights on my house. I have a dog.
25 I beg you to put him away for as long as you

State of South Carolina v Richard Tedford

641

Case No. 13-GS-23-10427 et al

Trial of October 13-15, 2015 - Sentencing

Before The Honorable Perry H. Gravely

1 can put him away and keep him off of the
2 streets. Thank you.

3 THE COURT: Thank you. Anything
4 else from the State?

5 SOLICITOR MOYER: No, Your Honor.

6 THE COURT: All right. I'll be
7 glad to hear from you? Anything else from
8 you?

9 MR. WARDER: (Negative response).

10 THE COURT: Mr. Tedford, I'll be
11 glad to hear from you.

12 DEFENDANT: Sir, I just want to
13 say I'm sorry that my decision that night
14 caused all this mess. And to the victim, I'm
15 sorry. I have no hard feelings towards them.
16 I never did and they shouldn't worry.

17 THE COURT: All right. On 2013- 10427,
18 the sentence of the court is twenty-three
19 (23) years, that's the burglary first.

20 Burglary second, 2013-596, the sentence
21 of the court is twelve (12) years and that
22 will be concurrent.

23 On Grand larceny property, third property
24 offense enhanced. 2013-10428, the sentence
25 of the court is ten (10) years to run

State of South Carolina v Richard Tedford

642

Case No. 13-GS-23-10427 et al
Trial of October 13-15, 2015 - Sentencing
Before The Honorable Perry H. Gravely

1 concurrent.

2 On the petit larceny thirty (30) days,
3 credit for time served.

4 And Mr. Tedford as your attorney will
5 instruct you, you have the right to file an
6 appeal within ten days. Good luck to you.

7 MR. WARDER: Thank you, sir.

8 SOLICITOR MOYER: Thank you, Your
9 Honor.

10 (TRANSCRIPT CONCLUDED)

11

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WITNESSES

Gary Gilstrap

Greenville County Sheriffs Office

8/22/2013

cm
10/21/14

ARREST WARRANT NUMBER

2013A2310300335

ACTION OF GRAND JURY

TRUE BILL

Ricky T. Hall

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

GUILTY

Kevin P. O'Brien

Foreperson of Petit Jury

Date: 10/15/15

DOCKET NO. 2013-GS-23-010427

LMM

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

October

TERM 2014

THE STATE

vs.

RICHARD EARL TEDFORD

Indictment for

0079

BURGLARY FIRST DEGREE

VIOLATION § 16-11-0311

[Signature]
10/15/15

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
BURGLARY FIRST DEGREE

At a Court of General Sessions, convened on
County present upon their oath:

OCT 21 2014

the Grand Jurors of Greenville

That RICHARD EARL TEDFORD did in Greenville County, on or about the 13th day of August 2013, willfully and unlawfully enter the dwelling of MELODY WILBANKS located at Rayland Place, Greer, South Carolina without consent and with the intent to commit a crime therein, and the burglary was accompanied by circumstances of aggravation, to wit: the entering or remaining occurred during the nighttime hours and/or the defendant was armed with a deadly weapon and/or the defendant has two or more prior convictions of Burglary.

This is in violation of §16-11-0311 of the South Carolina 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.


SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

613

COUNTY OF Greenville
 STATE VS.
Richard Earl Tedford

AKA:

Age: 50 Sex: M

DOB: SS#:

Address:

City, State, Zip:

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Burglary First degreeINDICTMENT/CASE#: 2013GS2310427A/W#: 2013A2310300335Date of Offense: 8/13/2013S.C. Code §: 16-11-0311CDR Code #: 0079

SENTENCE SHEET

☒ 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 ☐ §17-25-45 w/minor 1st or Lewd Act)

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

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

ATTEST:

Moyer, Mark
 SC Bar#

64155
 SC Bar#

R. Tedford
 Defendant

Richard Vander
 Attorney for Defendant

05827
 SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 23 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:

☒ 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. 784 days

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered 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	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$ <u>3.90</u>
TOTAL	\$	\$ <u>133.90</u>

 days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

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

Clerk of Court/ Deputy Clerk

Court Reporter: D. Harrison

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2155Sentence Date: 10/15/15

WITNESSES

Gary Gilstrap

Greenville County Sheriffs Office

8/22/2013

ARREST WARRANT NUMBER
2013A2310300336

ACTION OF GRAND JURY
TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

Foreperson of Petit Jury

Date: 10/15/15

DOCKET NO. 2013-GS-23-

LMM

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

October TERM 2013

THE STATE

vs.

RICHARD EARL TEDFORD

Indictment for

GRAND LARCENY

VIOLATION § 16-13-0030

010428

614

FILED

NOV 22 2013

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
GRAND LARCENY

At a Court of General Sessions, convened on

OCT 21 2014

the Grand Jurors of Greenville

County present upon their oath:

That RICHARD EARL TEDFORD did in Greenville County, on or about the 13th day of August, 2013, feloniously take and carry away the personal property of MELODY WILBANKS to wit: a 2011 Toyota Scion, with a total value of more than Ten Thousand Dollars with the intent to deprive the owner permanently of such property. This is in violation of §16-13-0030 of the South Carolina 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.


SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Greenville

VS.

Richard Earl Tedford

AKA:

Race: Sex: M Age: 50

DOB: SS#:

Address:

City, State, Zip:

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Grand Larceny, value \$10,000 or more - 3rd property offense

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS2310428

A/W#: 2013A2310300336

Date of Offense: 8/13/2013

S.C. Code §: 16-13-0030(B)

CDR Code #: 3421

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-13-0030(B) of the S.C. Code of Laws, bearing CDR Code # 3421

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The 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:

Moyer, Mark

SC Bar# 64153

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 10 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: 10/15/15
☒ 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. 784 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

*Fine:

Random Drug/Alcohol testing ☐

§ 14-1-206 (Assessments 107.5 %)

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

§ 14-1-211(A)(1) (Conv. Surcharge)

\$100

\$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge)

\$100

\$

§ 56-5-2995 (DUI Assessment)

\$12

\$

§ 56-1-286 (DUI Breath Test)

\$25

\$

Proviso 47.9 (Public Def/Prob)

\$500

\$

§ 14-1-212 (Law Enforce. Funding)

\$25

\$ 25.00

§ 14-1-213 (Drug Court Surcharge)

\$150

\$

§ 50-21-114(BUI Breath Test Fee)

\$50

\$

§ 56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$

Proviso 90.5 (SCJA Surcharge)

\$5

\$ 5.00

3% to County (if paid in installments)

\$ 3.90

TOTAL

\$ 133.90

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

Presiding Judge

Judge Code: 2755

Sentence Date: 10/15/15

Clerk of Court/ Deputy Clerk

Court Reporter: D. S. S. S.

SCCA/217 (03/2011)

WITNESSES

J Bash

Greer PD

10/7/2013

DA 10/21/14

ARREST WARRANT NUMBER
2013A2320500979

ACTION OF GRAND JURY
TRUE BILL

Richard T. Hall

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Petit Larceny

GUILTY

Kenneth P. Dobson

Foreperson of Petit Jury

Date: 10/15/15

DOCKET NO. 2014-GS-23-
LMM

000597

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

October TERM 2014

THE STATE

vs.

RICHARD EARL TEDFORD

Motion to Amend granted (plg)

Indictment for

GRAND LARCENY
(Sentencing per § 16-01-0057)

VIOLATION §16-13-0030

FILED

JAN 27 2014

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
GRAND LARCENY
(Sentencing Per § 16-01-0057)

At a Court of General Sessions, convened on

OCT 21 2014

the Grand Jurors of Greenville

County present upon their oath:

That RICHARD EARL TEDFORD did in Greenville County, on or about the 14th day of August, 2013, feloniously take and carry away the personal property of HARLENE BRUCE to wit: Tools, radio, trash can, and/or other miscellaneous items, with a total value of more than Two Thousand Dollars with the intent to deprive the owner permanently of such property. This is in violation of §16-13-0030 and §16-1-0057 of the South Carolina 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.



SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

619

COUNTY OF Greenville
 STATE VS.
Richard Earl Tedford

INDICTMENT/CASE#: 2014GS2300597A/W#: 2013A2320500979Date of Offense: 8/14/2013S.C. Code § : 16-13-0030CDR Code #: 3587

AKA: _____

Race: _____ Sex: M Age: 50

DOB: _____ SS#: _____

Address: _____

City, State, Zip: _____

DL#: _____ SID#: _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Grand Larceny, value more than \$2000 but less than \$10,000 - 3rd property offensein violation of § 16-13-0030 of the S.C. Code of Laws, bearing CDR Code # 3587 3596
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45
The charge is: ☒ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation ☐ Negotiated Sentence, ☐ Recommendation by the State.
 ATTEST: [Signature] 64155 R 2nd [Signature]
 Moyer/Mark 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 T.S. 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: 10/15/15
☒ 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. 184 days (other charges)
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP _____

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

*Fine: _____ \$ _____

Substance Abuse Counseling ☐

§ 14-1-206 (Assessments 107.5 %)

Random Drug/Alcohol testing ☐§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

\$ _____ paid to Public Defender Fund

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

Other: _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ca \$ _____

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.003% to County (if paid in installments) \$ 3.90TOTAL \$ 133.90Presiding Judge [Signature]Judge Code: 2755Sentence Date: 10/15/15Clerk of Court/ Deputy Clerk Paul B. WickmanCourt Reporter: D. Harrison

SCCA/217 (03/2011)

S E N T E N C E

STATE OF SOUTH CAROLINA

CASE NO. 72-GS-42-2897

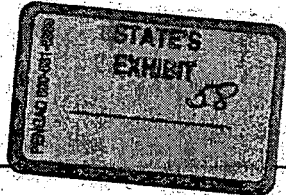
SPARTANBURG COUNTY

The defendant Richard Earl Tedford is committed to the State Department of Corrections/County for a term of 15 ~~months~~/years and/or to pay a fine of \$; provided upon the service of months/years and/or payment of \$, plus pay/waive costs and assessments as applicable*, the balance suspended with probation for months/years.

Restitution

Yes

to be paid



For physical injury \$

property damage \$

to clerk for

Other conditions

Date

Frank Egger
Presiding Judge

Presiding Judge

*Costs and Assessments

Non-waivable \$

Not waived \$

Total \$

ACQUITTAL
M. Hope Mackay
CLERK OF COURT
SEAL OF THE DISTRICT OF COLUMBIA
BY *A. Seay* D.C.
DATED 9/29/75

K. L. Hickley
Clerk of Court

****Pay to Victim's Compensation Fund if subrogated.**

WITNESSES
 Steve Denton
 Spartanburg County Sheriff's Dept.
 Spartanburg, SC 29304

1. RETURN MADE ☒
 2. REPORT FILED ☒
 3. CARD FILED ☒
 4. INDEXED ☒
 5. CHECKED WARRANTS ☒
 6. CHECKED DISBURSEMENTS ☒
 ARREST WARRANT MADE ☒
 FINE CARD MADE ☒
 8. TRAFFIC VIOLATIONS COST ☒

ACTION OF GRAND JURY

John B. Bill
John J. McTigue
 Foreman of Grand Jury

VERDICT

Foreman of Petit Jury

Date:

02-GC-42-2897

The State of South Carolina,

County of Spartanburg (05)

03/05/92

COURT OF GENERAL SESSIONS
 APR 27 1992 TERM

THE STATE

vs.

Richard Tedford

Indictment for Burglary
 (Dwelling)

Holman C. Gossert, Jr.

Richard Tedford
 hereby appear in my own proper person and plead
 guilty to *Burglary 2nd (NV)*
 On the within indictment.
 Witness *Richard Tedford*
K. H. Gossert, Jr.
 Clerk of Court

FORM 1 (12/87)

STATE OF SOUTH CAROLINA)
)
 COUNTY OF Spartanburg)

INDICTMENT FOR BURGLARY
 (DWELLING)

At a Court of General Sessions, convened on APR 23 1992
 the Grand Jurors of Spartanburg County present upon their oath:

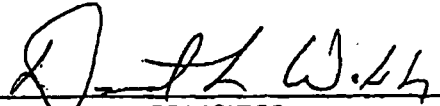
COUNT ONE — BURGLARY IN THE FIRST DEGREE
(DWELLING)

That _____
 did in _____ County on or about _____
 willfully and unlawfully enter the dwelling of _____
 without consent and with the intent to commit a crime therein and the defendant _____

COUNT TWO — BURGLARY IN THE SECOND DEGREE
(DWELLING)

That Richard Tedford
 did in Spartanburg County on or about March 4, 1992
 willfully and unlawfully enter the dwelling of Sandy Blesse
 without consent and with the intent to commit a crime therein.

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


 SOLICITOR

SENTENCE

STATE OF SOUTH CAROLINA

CASE NO. 92-GS-42-2896SPARTANBURG COUNTY

The defendant Richard Earl Tedford is committed to the State Department of Corrections/County for a term of Fifteen 15 ~~months~~ years and/or to pay a fine of \$ _____; provided upon the service of _____ months/years and/or payment of \$ _____, plus pay/waive costs and assessments as applicable*, the balance suspended with probation for Five 5 ~~months~~ years.

Restitution

Yes/No ☒ No

to be paid _____



For physical injury \$ _____

property damage \$ _____

to clerk for _____ **

Other conditions Pending test - no center stay in jail until test is ready. Sub Prob bond amount pay \$100 to P.D. Bond 6 months

Date 6/3/92

Frank Eggen
Presiding Judge

*Costs and Assessments

Non-waivable \$ _____

Not waived \$ _____

Total \$ _____

Presiding Judge Frank Eggen

CLERK OF COURT
SPARTANBURG COUNTY
BY: A. Stanley D.C.
DATED 6/24/92

R.L. Hickey
Clerk of Court

**Pay to Victim's Compensation Fund if subrogated.

WITNESSES

Steve Denton
Spartanburg County Sheriff's Dept.
Spartanburg, SC 29304

1. DEFENSE MADE ☒
2. DEFENSE VERDICT ☒
3. CASE FILED ☒
4. INDEXED ☒
5. CHECKED WARRANTS ☒
6. CHECKED CITATIONS ☒
ARREST WARRANT NO. ☒
FINE CARD MADE ☒
8. TRAFFIC VIOLATIONS COPY ☒

ACTION OF GRAND JURY

John Bill
Judge J. Perkins
Foreman of Grand Jury

VERDICT

Foreman of Petit Jury

Date:

92-65-42-2896

The State of South Carolina,

County of Spartanburg (05)
03/04/92

COURT OF GENERAL SESSIONS

APR 27 1992 TERM

THE STATE

vs.

Richard Tedford

Indictment for Burglary
(Dwelling)

Holman C. Gossett, Jr.

Richard Tedford
I, *Richard Tedford*
hereby appear in my own proper person and plead
guilty to *Burglary 2nd degree (non-violent)*
On the within indictment.
Witness *X* *RE Tedford*
R. H. Haskins
Clerk of Court

D-415843

FORM 1 (12/87)

STATE OF SOUTH CAROLINA)
)
 COUNTY OF Spartanburg)

INDICTMENT FOR BURGLARY
 (DWELLING)

At a Court of General Sessions, convened on APR 23 1992,
 the Grand Jurors of Spartanburg County present upon their oath:

COUNT ONE — BURGLARY IN THE FIRST DEGREE

(DWELLING)

That Richard Tedford
 did in Spartanburg County on or about March 4, 1992,
 willfully and unlawfully enter the dwelling of J. W. Knox
 without consent and with the intent to commit a crime therein and the defendant did enter
the dwelling of J. W. Knox at West Croft Circle, Spartanburg, SC,
while armed with a pistol, a deadly weapon.

COUNT TWO — BURGLARY IN THE SECOND DEGREE

(DWELLING)

That _____
 did in _____ County on or about _____,
 willfully and unlawfully enter the dwelling of _____
 without consent and with the intent to commit a crime therein.

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

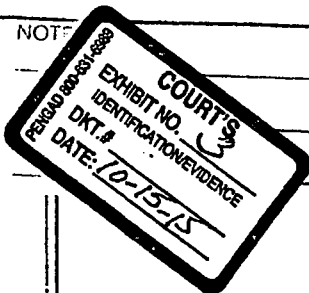
Dan K. Walsh
 SOLICITOR

DATE _____

PURPOSE _____

CUE COLUMN

NOTE



WE WOULD LIKE TO GET THE
WRITTEN DEFINITION FOR
THE FOUR CHARGES?

Kevin P. O'Brien
KEVIN P. DOBBS

WE CAN RECHARGE

YOU ON THESE CHARGES

SUMMARY

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."

Respectfully Submitted,



David Alexander
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 15th day of November, 2016.

RECEIVED

NOV 15 2016

SC Court of Appeals

RECEIVED

NOV 15 2016

SC Court of Appeals