

**ORIGINAL**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Perry H. Gravely, Circuit Court Judge

**RECEIVED**

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**SC Court of Appeals**

THE STATE,

RESPONDENT,

V.

RICHARD EARL TEDFORD,

APPELLANT

APPELLATE CASE NO. 2015-002213

RECORD ON APPEAL

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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

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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?

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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.

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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.

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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.

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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.

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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

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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?

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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

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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

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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

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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

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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.

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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.

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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

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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

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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.

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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.

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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 12<sup>th</sup> 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.

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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.

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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 14<sup>th</sup>?

24 A. Yes.

25 SOLICITOR MOYER: One moment. Okay.

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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

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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

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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:

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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

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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

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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)

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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

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y'all tomorrow.

(COURT IN RECESS)

(TRANSCRIPT CONTINUED NEXT PAGE)

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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

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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

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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

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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

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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

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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

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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.

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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

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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.

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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

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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

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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

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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.

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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

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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

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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

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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

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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

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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,

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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

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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:

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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

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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.

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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?

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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

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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

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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

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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

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Before The Honorable Perry H. Gravelly

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

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.



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

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

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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

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 show 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

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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.

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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.

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

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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

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

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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



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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.

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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

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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.

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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 --

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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

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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,

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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 show 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 nightttime.  
24 Evidence of the prior offenses committed by  
25 the Defendant was not offered to prove the

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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

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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

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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

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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

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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.

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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

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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

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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?

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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

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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.)

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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.

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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.

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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 13<sup>th</sup>,

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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,

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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

1 on August 13<sup>th</sup> 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

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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

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)

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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]*  
CLERK OF COURT

STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
BURGLARY FIRST DEGREE

At a Court of General Sessions, convened on

OCT 21 2014

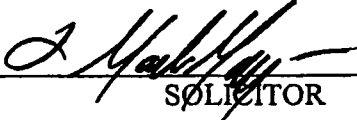
the Grand Jurors of Greenville

County present upon their oath:

That RICHARD EARL TEDFORD did in Greenville County, on or about the 13th day of August 2013, 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

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 degree

INDICTMENT/CASE#: 2013GS2310427

A/W#: 2013A2310300335

Date of Offense: 8/13/2013

S.C. Code §: 16-11-0311

CDR 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.

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

ATTEST: Moyer, Mark SC Bar# 64155 v R. Tedford Defendant Keeshan Rader Attorney for Defendant SC Bar# 05827

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: \$ days/hours Public Service Employment

Payment Terms: 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.

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 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 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$390, TOTAL \$13390.00

Clerk of Court/ Deputy Clerk Paul Williams Court Reporter: D. Lamson SCCA/217 (03/2011)

Presiding Judge Judge Code: 2755 Sentence Date: 10/15/15

010428

DOCKET NO. 2013-GS-23-  
LMM

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

October TERM 2013 <sup>2014</sup>

THE STATE

vs.

RICHARD EARL TEDFORD

WITNESSES

Gary Gilstrap

Greenville County Sheriffs Office

8/22/2013

*am*  
*10/21/14*

ARREST WARRANT NUMBER  
2013A2310300336

ACTION OF GRAND JURY  
TRUE BILL

*Richard T. Hall*

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

*Guilty*

*Kevin P. O'Brien*

Foreperson of Petit Jury

Date: *10/15/15*

Indictment for

3421

GRAND LARCENY

VIOLATION § 16-13-0030

*[Signature]*  
FILED

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

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS.

INDICTMENT/CASE#: 2013GS2310428

Richard Earl Tedford

A/W#: 2013A2310300336

AKA:

Date of Offense: 8/13/2013

Race: Sex: M Age: 50

S.C. Code §: 16-13-0030(B)

DOB: SS#:

CDR Code #: 3421

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

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 §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

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

ATTEST: Moyer, Mark Defendant Richard H. ... Attorney for Defendant

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: \$
Payment Terms:
Set by SCDPPPS
Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 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 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$390, TOTAL \$133.90

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 Paul B. ...
Court Reporter: ...
SCCA/217 (03/2011)

Presiding Judge ...
Judge Code: 2755
Sentence Date: 10/15/15

WITNESSES

J Bash

Greer PD

10/7/2013

*DA 10/21/14*

ARREST WARRANT NUMBER  
2013A2320500979

ACTION OF GRAND JURY  
TRUE BILL

*Ricky T. Hall*

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

*Petit Larceny*

*File*

GUILTY

*Kevin 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)*

*3596  
2887*

Indictment for

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

VIOLATION §16-13-0030

*OO*  
COMING TO COURT

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

COUNTY OF Greenville
STATE VS.
Richard Earl Tedford
AKA:
Race: Sex: M Age: 50
DOB: SS#:
Address:
City, State, Zip:
DL#: SID#:

INDICTMENT/CASE#: 2014GS2300597
A/W#: 2013A2320500979
Date of Offense: 8/14/2013
S.C. Code § : 16-13-0030
CDR Code #: 3587

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
TO: Grand Larceny, value more than \$2000 but less than \$10,000 - 3rd property offense

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

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
ATTEST: 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. 784 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: \$
Payment Terms:
Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 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, % to County (if paid in installments) \$, TOTAL \$133.90.

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 Paul B. Wickham
Court Reporter: D. Harrison
SCCA/217 (03/2011)

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

S E N T E N C E

STATE OF SOUTH CAROLINA

CASE NO. 92-GS-42-2897

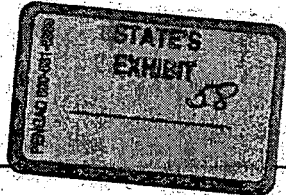
SPARTANBURG COUNTY

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 6/3/92

Frank Egger  
Presiding Judge

\*Costs and Assessments

Non-waivable \$ \_\_\_\_\_

Not waived \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

ACCEPTED  
M. Hope Mackey  
CLERK OF COURT  
SPARTANBURG COUNTY  
BY A. Seaver D.C.  
DATED 6/29/92

R. R. Huckaby  
Clerk of Court

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

02 G.C. - 42 - 2897

**WITNESSES**

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

1. RETURN MADE

2. REPORT INDEXED

3. CARD FILLED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

ARREST WARRANT - NO

FILE CARD MADE

7. TRAFFIC VIOLATIONS COPY

**ACTION OF GRAND JURY**

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

**VERDICT**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Foreman of Petit Jury                      Date:

**The State of South Carolina,**  
County of Spartanburg (05)  
03/05/92

COURT OF GENERAL SESSIONS  
**APR 27 1992** TERM \_\_\_\_\_

THE STATE  
vs. *C*  
Richard Tedford

**Indictment for Burglary  
(Dwelling)**

Holman C. Gosssett, Jr.

*Richard Tedford*  
hereby appear in my own proper person and plead  
guilty to ~~\_\_\_\_\_~~ *Burglary 2nd (NV)*  
On the within indictment.  
Witness *Richard Tedford*  
*R. H. Hickey*  
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

S E N T E N C E

STATE OF SOUTH CAROLINA

CASE NO. 92-GS-42-2896

SPARTANBURG 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

For physical injury \$ \_\_\_\_\_

Yes/No  No

property damage \$ \_\_\_\_\_

to be paid \_\_\_\_\_

to clerk for \_\_\_\_\_\*\*

Other conditions Pending trial - see center stay in jail until bid is ready. Sub Prob Home arrest pay \$100 to P.D. Bond 6 months

Date

6/3/92

Frank Eggen

Presiding Judge SPARTANBURG COUNTY

\*Costs and Assessments

Non-waivable \$ \_\_\_\_\_

Not waived \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

M. Hope Bralley  
CLERK OF COURT  
SPARTANBURG COUNTY  
BY: A. S. [Signature] D.C.  
DATED 6/24/92

R.L. [Signature]

Clerk of Court

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

**WITNESSES**

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

1. DEFENSE MADE

2. REPORT WRITTEN

3. CASE FILED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED FINGERPRINTS

ARREST WARRANT NO.

FINE CARD MADE

7. TRAFFIC VIOLATIONS COPY

---

**ACTION OF GRAND JURY**

*John Bill*

*Madge L. 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. *CS*

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 R. E. Tedford  
*R. E. Tedford*  
Clerk of Court

D-415843

FORM 1 (12/87)

STATE OF SOUTH CAROLINA )  
 COUNTY OF Spartanburg )

INDICTMENT FOR BURGLARY  
 (DWELLING)

APR 23 1992

At a Court of General Sessions, convened on \_\_\_\_\_,  
 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.

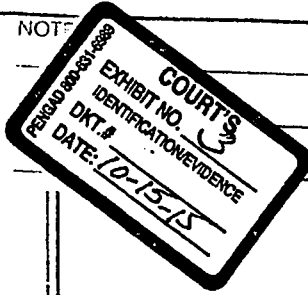
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Don H. Walsh  
 SOLICITOR

DATE \_\_\_\_\_

PURPOSE \_\_\_\_\_

CUE COLUMN



NOTE

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

*Kevin P. Dobbs*  
 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