

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
JUL 14 2017
SC Court of Appeals

Appeal from Aiken County

Honorable Doyet A. Early, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TODD VIRGIL BROWN,

APPELLANT

APPELLATE CASE NO 2016-002481

RECORD ON APPEAL

ROBERT M. PACHAK
Appellate Defender

ALAN WILSON
Attorney General

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

DONALD J. ZELENKA
Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

INDEX

INDEX i

GUILTY PLEA TRANSCRIPT DATED JANUARY 5, 2016.....1

SENTENCING31

MOTION TO RECONSIDER SENTENCE FILED JANUARY 6, 2016.....33

ORDER DENYING MOTION TO RECONSIDER FILED NOVEMBER 29, 2016.....34

INDICTMENT.....35

CERTIFICATE OF COUNSEL37

State of South Carolina
County of Aiken

Court of General Sessions

| | | |
|-------------------|---|----------------------|
| State |) | |
| |) | |
| |) | Transcript of Record |
| v. |) | 2016-GS-02-00716 |
| |) | |
| Todd Virgil Brown |) | |
| |) | |
| <u>Defendant.</u> |) | |

January 5, 2016
Aiken, South Carolina

B E F O R E:

The Honorable Doyet A. Early, III, Judge.

A P P E A R A N C E S:

Samuel Grimes, Assist. Solicitor
Attorney for the State

Wallis Alves, Assist. Public Defender
Attorney for the Defendant

Bethanie K. Creppon
Circuit Court Reporter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WITNESS

I N D E X

PAGE

(No Witnesses.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E X H I B I T S

| <u>NO.</u> | <u>DESCRIPTION</u> | <u>ID.</u> | <u>EVD.</u> |
|------------|--------------------|------------|-------------|
|------------|--------------------|------------|-------------|

(No Exhibits.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

* * *

TODD VIRGIL BROWN

being first duly sworn, testified as follows:

THE COURT: Before me is Todd Virgil Brown, Indictment 2015-GS-02-716, an indictment for murder, and he's represented by Ms. Wallis Alves. Is that correct?

MR. GRIMES: Yes, Your Honor. The defendant is before you on an indictment for murder. There's some associated charges, including burglary at the same time this murder occurred, that will be nol-prossed, as well as some drug charges from a prior date that will be nol-prossed as a result of the plea.

THE COURT: Ms. Alves, you represent Todd Virgil Brown in the indictment called?

MS. ALVES: Yes, sir.

THE COURT: Have you informed and advised Mr. Brown of the charges contained in the indictment, i.e., murder, and the possible sentence?

MS. ALVES: Yes, sir.

THE COURT: Have you advised him that the sentence is a mandatory minimum of 30 years to life within the discretion of the Court?

1 MS. ALVES: Yes, sir.

2 THE COURT: And that under our current law,
3 that whatever sentence that is imposed will be a
4 day-for-day sentence; in other words, he will get no
5 credit for any good time or any other credits, and
6 if he gets a 30-year sentence, he'll do 30 years, if
7 he gets 35 years, he'll 35 years, and if he gets
8 life, he'll do life?

9 MS. ALVES: I have advised him of that, Judge.
10 It's my understanding that the department of
11 corrections -- anything after the 30 years would be
12 subject to the 85 percent. That would be up to the
13 department of corrections.

14 THE COURT: I don't make that representation.

15 MS. ALVES: Yes, sir. He understands that he
16 could wind up doing day for day everything that he's
17 got.

18 THE COURT: Have you advised him that it's
19 classified as violent and the implications that may
20 have on him during his incarceration?

21 MS. ALVES: Yes, sir.

22 THE COURT: Have you advised him that it is
23 classified as a most serious offense and now -- is
24 this his first strike?

25 MR. GRIMES: Yes, Your Honor.

1 THE COURT: That he now has one strike under
2 South Carolina's three-strike law?

3 MS. ALVES: I advised him.

4 THE COURT: Have you advised him of his right
5 to trial by jury?

6 MS. ALVES: I have.

7 THE COURT: And how does he indicate to you he
8 wishes to plead?

9 MS. ALVES: Guilty, Your Honor.

10 THE COURT: And, Ms. Alves, after having had an
11 opportunity to review all of the evidence in this
12 case, discussing the matter with your client, and
13 researching the law, are you in agreement with his
14 decision to enter this plea?

15 MS. ALVES: I am.

16 THE COURT: Mr. Brown, good morning. I have to
17 ask you some questions. I'll ask that you please
18 respond loudly so I can hear you and my court
19 reporter can hear you. All of this has to be taken
20 down on the record.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: If you do not understand a
23 question, please ask me to stop. And let's make
24 sure we're clear of what the question is before you
25 answer. If you do answer, I will assume that you

1 understood my question. Is that fair?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: If you need to stop at any time,
4 please let us know.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Is that fair?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Let's go through a couple things.
9 Number one, you're charged with the offense of
10 murder. Do you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Under our current law, murder
13 carries as a sentence, a minimum -- a mandatory
14 minimum of 30 years; in other words, I cannot give
15 you anything less than 30 years. Do you understand
16 that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: I do have the discretion to
19 sentence you above 30 years; anywhere from 30 years
20 to the balance of your natural life. Do you
21 understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Under the murder statute, you do
24 your time day for day. Do you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: It is classified as a violent
2 offense, so that may have some effect on where and
3 how you're housed in the department of corrections,
4 along with other restrictions and requirements. Do
5 you understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: It's classified as a most serious
8 offense which means you now will have one strike.
9 If you are released from incarceration and become
10 involved in criminal activity classified as most
11 serious one more time or serious two more times,
12 you'd be subjecting yourself to the possibility of
13 life in prison without parole. Do you understand
14 that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you have any questions you want
17 to ask me or your lawyer about what you're charged
18 with, the potential sentence, the classifications of
19 violent and most serious and what they mean, and the
20 fact that this is a day-for-day sentence?

21 THE DEFENDANT: No, sir.

22 THE COURT: Do you understand all of that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Understanding all of that, how do
25 you wish to plead to the charges of murder; not

1 guilty or guilty?

2 THE DEFENDANT: Guilty.

3 THE COURT: Mr. Brown, when you enter a plea of
4 guilty, you'll give up certain of your
5 constitutional rights. The first is your right to
6 remain silent. You'll have to admit to me that you
7 did, in fact, shoot Ms. Lacy Parker, and as a result
8 of that shooting, she died, that you committed the
9 offense of murder. Do you understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: You will likewise give up your
12 right to a jury trial. We just drew a jury in
13 another case. If you plead guilty, you give up that
14 right to have that jury trial. If you asked or
15 demanded for a jury trial, obviously the State would
16 provide one for you at which time you'd have the
17 right to confront and cross-examine everyone who
18 testified against you. You'd have the right to
19 present your own defense, your side of the story, by
20 calling witnesses, introducing relevant exhibits
21 and, if you choose, testifying in your own defense.

22 If you exercised your constitutional right to
23 remain silent, then I would tell the jury they could
24 not hold the fact that you did not testify against
25 you in any manner whatsoever, and I would instruct

1 them that they could not consider the fact that you
2 didn't testify when they deliberated your guilt or
3 innocence.

4 You'd be presumed innocent throughout the
5 proceedings and the State of South Carolina would
6 have the burden of proving you guilty beyond a
7 reasonable doubt. And in order for that jury to
8 convict you, all 12 jurors would have to unanimously
9 agree that you were, in fact, guilty. And even if
10 you were convicted, you'd still have the right to an
11 appeal. Do you understand your rights to trial by
12 jury?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Understanding those rights, do you
15 still wish to plead guilty?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Has anyone promised you anything,
18 held out any hope of reward, or threatened you in
19 any manner in order to make you plead guilty?

20 THE DEFENDANT: No, sir.

21 THE COURT: Are you satisfied with the legal
22 services provide today you by Ms. Wallis Alves?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: In your opinion has she had enough
25 time to spend with you, enough time to investigate

1 and research the law so that she can properly defend
2 you here today?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Is there anything else you want her
5 to do for you today before we move forward other
6 than speak up on your behalf?

7 THE DEFENDANT: No, sir.

8 THE COURT: And I ask you again, are you
9 totally and completely satisfied with her as your
10 lawyer?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Sir, are you today under the
13 influence of alcohol, drugs, or prescription
14 medication?

15 THE DEFENDANT: No, sir.

16 THE COURT: Sir, are you aware of any mental,
17 nervous, or emotional conditions that would keep you
18 from understanding my questions?

19 THE DEFENDANT: No, sir.

20 THE COURT: Have you understood all of my
21 questions?

22 THE DEFENDANT: Yes, sir, I have.

23 THE COURT: Do you have any questions you wish
24 to ask of me?

25 THE DEFENDANT: No, sir.

1 THE COURT: Are you entering a plea of guilty
2 to the offense of murder for the killing of Lacy
3 Parker of your own free will?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: No one has twisted your arm, forced
6 you, or made you do this; is that correct?

7 THE DEFENDANT: No, sir, nobody has.

8 THE COURT: And you've done it after a careful
9 and deliberate talk with your lawyer, understanding
10 of the law, the facts, all of that you've known
11 about, and you're doing it knowing all of that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Pleading guilty because you are
14 guilty?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Did you, sir, here in Aiken County
17 on March 19th, 2014, willfully and with malice
18 aforethought, murder Lacy Parker?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Pleading guilty because you killed
21 Lacy Parker?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Pleading guilty because you broke
24 the law?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: All right. Mr. Brown, I find your
2 decision to plead guilty to the offense of murder to
3 be freely, voluntarily, and intelligently made.
4 You've had the representation of an excellent
5 lawyer, Ms. Wallis Alves, with whom you tell me
6 you're satisfied, and I'll accept your plea. If you
7 disagree with these proceedings or my sentence, you
8 have ten days from today's date to file a notice of
9 intent to appeal. Do you understand that?

10 THE DEFENDANT: Yes, sir.

11 MR. GRIMES: Your Honor, on March 19th, 2014,
12 32-year-old Lacy Parker was shot and killed by the
13 defendant at her home. The Aiken County Sheriff's
14 Office was notified of this incident via a 911 call
15 that was made by a passerby. They responded, along
16 with EMS, to [REDACTED] Pine Street, which is the incident
17 location.

18 Lacy Parker was located on the dirt ground
19 outside of her home suffering from two gunshot
20 wounds. She was transported by EMS to Georgia
21 Regents University Hospital in Augusta and she was
22 pronounced dead that same day.

23 The investigation into this murder led to the
24 following information: The victim, Lacy Parker in
25 this case, and the defendant had a romantic

1 relationship that ended in the weeks prior to her
2 murder. She had moved from his house back to her
3 home at [REDACTED] Pine Street where she was living there
4 with an individual named Nicholas Ard and her four
5 children, one son and three daughters. The night
6 before the murder was her 13-year-old son's
7 birthday.

8 And just to kind of give you some information
9 about how this -- the defendant's address and the
10 victim's address were on opposite streets. And if
11 you were to drive a vehicle between the two houses,
12 it would probably take a few minutes. But there's
13 some woods between the two of their houses.

14 And in investigating this case, myself and some
15 investigators actually walked through one of the
16 trails in that woods -- there's probably more --
17 from an area that was near the defendant's house to
18 an area that came out on Pine Street near the
19 victim's house, and it really was a pretty short
20 walk.

21 The victim's son walked through those woods
22 from her home to the defendant's home the night
23 before. As I said, it was his birthday. While he
24 was at the defendant's home, among other things, the
25 defendant had questioned him about whether Nicholas

1 Ard was staying at Lacy Parker's home. He thought
2 that question, I guess, and the behavior from the
3 defendant was strange, and ultimately asked the
4 defendant to take him back home. The defendant took
5 him to one of those trails where he walked back
6 home.

7 The following morning is when this incident
8 took place. The -- Nicholas Ard indicated that he
9 was home. This was around 7:00 in the morning. The
10 victim, Lacy Parker, basically took her kids out to
11 the school bus to get on the school bus and leave
12 for school.

13 When she came back into the home, she came to
14 the bedroom door. He was inside the bedroom. She
15 told him that she loved him, and she shut the
16 bedroom door. He indicated that around that time,
17 the front door was busted open and he heard the
18 defendant -- he heard the defendant ask where Nick
19 was, Nicholas Ard being him.

20 Her response was, I told you he's not here.
21 That response led us to believe that the defendant
22 had actually been outside and had already confronted
23 Lacy outside prior to coming into the home about
24 whether Nicholas Ard was there and, presumably, was
25 there waiting for the children to leave for school.

1 Nicholas Ard indicated that it would have been
2 strange behavior for her to come and tell him that
3 she loved him and shut the bedroom door. He reports
4 hearing at that time Lacy screaming and the
5 defendant beating her. This would have occurred in
6 the kitchen/living room area which would be close to
7 the entrance to the home. He reported hearing Lacy
8 ask, "Why are you doing this to me" and "Todd, have
9 you lost your mind," to which the defendant
10 responded yes.

11 Nick said at that point he heard what he
12 believed was a gunshot and he actually jumped out of
13 the window and ran around the side of the house and
14 ultimately ran to the road. The front yard of this
15 home was not very big, so the distance between the
16 road and the front of this home wasn't very far.

17 When Nick got to the street, he frantically waved
18 down a car that was passing by. This was somebody
19 unrelated to any of this incident. But the driver
20 of that vehicle was taking her child to school. She
21 stopped and assisted Nick in dialing 911. I think
22 she had initially handed him the phone, but he
23 wasn't really able to communicate, so she took the
24 phone back and began communicating with 911.

25 Nick had told her that a man was trying to kill

1 him, and the driver reports hearing at that time a
2 lady scream and then a gunshot. She got the phone
3 back from Nick and then she heard two more gunshots.
4 Nick reports at this time he would have been
5 standing at the road, not immediately in front of
6 the house, but at a diagonal angle in front of the
7 house with a view of the front yard of this home.

8 And he indicates that while he was standing
9 there at the road during this 911 call that he
10 watched Lacy Parker run from the house. She jumped
11 off the porch and she fell face first about ten feet
12 away and she didn't move. He said at this point the
13 defendant walked up to her, pointed the gun at her,
14 and shot her as she laid there on the ground. The
15 defendant is then said to have run into the woods.

16 Your Honor, a later interview with the
17 defendant's daughter indicated that -- or revealed,
18 rather, that the defendant then, at that point,
19 called her and asked her to come pick him up. He
20 ran through the woods and came out of the woods,
21 kind of the opposite direction he would be if he was
22 going to his own house, near a church. And his
23 daughter picked him up at that church and took him
24 home.

25 The evidence collected by the sheriff's office

1 in this case is significant and it confirms the
2 accounts from the witnesses. The defendant was
3 located later that same morning at his home not long
4 after this murder took place by the sheriff's
5 office. His daughter was there. She indicated in
6 her interview that she brought him home, he gave
7 her, I guess, a bag with his dirty clothes and shoes
8 in it, and told her to take them out to the trash
9 and take the trash out to the road. The sheriff's
10 office located those items in the trash can that
11 day.

12 When they arrived, he was in the bathroom
13 cleaning up. The clothes and shoes found in that
14 trash can by the sheriff's office were collected for
15 DNA testing of apparent blood stains. The DNA
16 confirmed that the clothes belonged to the defendant
17 and they confirmed that the blood was the DNA of
18 Lacy Parker.

19 Your Honor, during the struggle inside this
20 house -- and there are blood stains inside this
21 house -- it's evident that there was a significant
22 struggle inside the house prior to them coming into
23 the yard when Nicholas Ard reports that the
24 defendant essentially executed Lacy Parker. There's
25 blood stains inside the house.

1 Also found inside the house were a pair of
2 glasses. The interview with the defendant's
3 daughter essentially revealed that when she picked
4 up the defendant, he didn't have his glasses. The
5 glasses that were collected from the scene were
6 tested. There were blood stains on them. The blood
7 stains were Lacy Parker's.

8 The glasses themselves were also examined by
9 the Walmart Vision Center in North Augusta who was
10 able to indicate to us that those are the same type
11 of glasses sold to Todd Brown and that the
12 prescription was the same prescription of the
13 glasses that were sold to Todd Brown.

14 The sweatshirt found in the trash by the
15 sheriff's office was tested additionally for gunshot
16 residue and was positive for gunshot residue. There
17 were three shell casings, I believe, located at the
18 scene.

19 There were two bullets recovered from Lacy
20 Parker's body. The shell casings were .380 caliber.
21 The bullets were consistent with .380 caliber. And
22 that, along with a statement from Nicholas Ard
23 indicating that there was no gun in the house, leads
24 us to believe that the defendant was the only person
25 involved in this that had a firearm.

1 Your Honor, the pathologist's report in this
2 case indicates that the victim suffered the
3 following injuries: One, a fatal penetrating
4 gunshot wound of the head which lacerated the brain
5 and, two, potentially fatal perforating wound of the
6 right arm which re-enters the chest causing a
7 penetrating gunshot wound of the chest, abdomen, and
8 lacerates the right lung and liver.

9 She also had sharp-force injuries listed as an
10 incised wound over the left shoulder blade, puncture
11 wounds of the face, incised wound of the right
12 cheek, and blunt-force injuries --

13 THE COURT: What caused those wounds?

14 MR. GRIMES: Your Honor, the assumption is that
15 those occurred to her during the fight inside the
16 house, but it's not listed.

17 And blunt-force injuries including multiple
18 contusions of the head and multiple contusions of
19 the upper and lower extremities. The manner of
20 death is listed as homicide. The probable cause and
21 mechanism of death is listed as exsanguination and
22 laceration of the brain due to gunshot wounds of the
23 head and torso. Your Honor, when Lacy was found in
24 the dirt in her front yard, at that time I believe
25 she already had grade brain matter exposed.

1 The defendant's prior record, he's been to
2 prison on a couple occasions. Initially in 1987, he
3 was convicted of a larceny charge. He received ten
4 years suspended to 30 months' confinement and five
5 years of probation. He was convicted of night
6 hunting in 1992 and simple possession of marijuana
7 in 1992. In 1995 he was convicted of four charges
8 of strong-arm robbery. One of those convictions
9 resulted in a six-year sentence; the remaining three
10 convictions were sentenced the same, which is 15
11 years suspended to five years of probation.

12 Additionally noted, given the facts of this case,
13 the defendant has a conviction for criminal domestic
14 violence in 1998 and simple assault and battery in
15 2002.

16 Your Honor, the victim's family is here, they
17 are present in court today. Ms. Cathy Baker is the
18 victim's mom, and she would like to address the
19 Court. Three of Lacy's children are here. I don't
20 believe they intend to address the Court, but I
21 wanted to make you aware that they were here.

22 This case is -- was very well-investigated. I
23 think this is what we'd consider a strong case. The
24 evidence in this case is very significant, as well
25 as the witness accounts of the story. At the

1 appropriate time I would have Cathy Baker come up
2 here and address the Court in this case. She has
3 asked that her son be allowed to stand up here with
4 her. He does not want to address the Court.

5 THE COURT: Ms. Alves?

6 MS. ALVES: Your Honor, may it please the
7 Court. Todd Brown is 48 years old, Judge. He has
8 been in jail since March 19th of 2014 for a total of
9 657 days as of today. He does understand how much
10 time he's facing. And I'd just note that 30 years
11 for Mr. Brown is not a light sentence at all.
12 That's the minimum on this, but it will not be a
13 light sentence.

14 He does have some health problems. From what
15 he's told me, he suffers from rheumatoid arthritis,
16 asthma, and COPD. He takes an inhaler for his
17 respiratory issues. Prior to being arrested he was
18 taking Humira shots for his arthritis, and that
19 caused some slight nerve damage. And he also takes
20 medication for acid reflex.

21 He has not gotten all of the medication that he
22 was taking prior to his incarceration due to some of
23 the restrictions at the jail. But prior to his
24 incarceration, he was taking Nexium, Humira and
25 Klonopin, as well as his asthma inhalers. While

1 he's been in the jail, he's also had some other
2 problems suffering from ear infections while he's
3 incarcerated. So he does have some health problems
4 of note.

5 He does have -- he has family. He was living
6 here in Aiken County with his mother and his -- he
7 has two daughters, Leena Brown and Alice Brown, who
8 also live here in Aiken County, as well as some
9 grandchildren.

10 He was working for his family's business,
11 Brown's Tire Service. That's a business that was
12 owned by his mother that he and one of his daughters
13 was working at prior to his incarceration. He did
14 finish the 10th grade at Midland Valley High School.
15 He got his GED. He didn't have any further
16 education beyond that. He never served in the
17 military but, as I said, he's worked throughout his
18 life.

19 I know the solicitor did list Mr. Brown's
20 record, but I'd note that after that 2002 conviction
21 for simple assault, he had no prior charges until
22 2014 when he was charged with, first, a drug charge,
23 and then these charges right after that. So he was
24 trying to just live a good life and stay out of
25 trouble and just work and be with his family.

1 He was involved with Ms. Parker for a while.
2 They were -- as the solicitor stated, they were in a
3 relationship and were living together. And he did
4 have some relationship with at least one of her
5 children, the son that the solicitor mentioned,
6 which is why the son went down there on his birthday
7 to spend time with Mr. Brown.

8 This whole situation, Judge, happened because
9 Mr. Brown was jealous of Ms. Parker's relationship
10 with the new man in her life. And that's when he
11 went down there to, unfortunately, argue with her
12 about that. And then things escalated to the point
13 where, unfortunately, Mr. Brown caused the death of
14 Ms. Parker by shooting her.

15 He's not denied that. I know that he does
16 regret that. That wasn't his intention when he went
17 there or his intention for how their -- how their
18 whole relationship should end. But it is
19 unfortunate that he went down there, that they got
20 into this argument, that it escalated to the point
21 where he shot her. And I know that he does regret
22 that.

23 Another thing that he does regret in all of
24 this is involving his family. He involved his
25 daughter by asking her to come and pick him up and

1 to dispose of the clothes. He knows that was wrong.
2 He wasn't thinking straight at the time,
3 unfortunately. And he regrets not only the pain
4 that he's caused to Ms. Parker's family, but also
5 the pain that he's caused to his as well.

6 I would just ask you to take all of that into
7 consideration, take into consideration the fact that
8 even though he did have some record in the past, he
9 had about 12 years of just trying to stay out of
10 trouble, living his life, being in a relationship,
11 working.

12 He does have a close family relationship with
13 his family members. I've been in constant contact
14 with his mother and his daughters about this case
15 and just about their supporting him. And he knows
16 that no matter what his sentence is, he's not going
17 to get out in his mother's lifetime. And she knows
18 that as well and that's (a particularly devastating
19 thought to his mother.

20 She's not well, she's on oxygen. She would
21 have been one of the witnesses to testify in the
22 trial based on some information that she had
23 regarding the glasses. And he didn't want to put
24 his mother through that. He didn't want to put his
25 daughters through this. He knows he's not going to

1 be around to see his grandchildren grow up, and
2 that's painful to him and his family.

3 But he understands that he's caused this. So
4 there's a lot of punishment that Mr. Brown has put
5 on himself beyond the sentence that he's facing for
6 what he did here. I would just ask that you to take
7 all of that into consideration in your sentencing of
8 Mr. Brown. Thirty years is not an easy sentence for
9 him. I know that's the lowest that the sentence can
10 be. That's not an easy sentence.

11 And Mr. Brown, he understands that he might not
12 even make it out of prison on that sentence with
13 some of the health problems that he's had and the
14 way prison life is. He understands that this could
15 be -- that even if you give him 30, that's a life
16 sentence. So I'd ask you to take that into
17 consideration in your sentence of Mr. Brown today.

18 THE COURT: Mr. Brown, anything you want to
19 add?

20 THE DEFENDANT: One thing I want to say is, you
21 know, I am sorry for what I've done.

22 THE COURT: I would hope so.

23 THE DEFENDANT: And, you know, I know it's
24 extremely worse on the kids and, like I say, I'm
25 sorry for it.

1 THE COURT: In all of these cases, as everyone
2 in this courtroom knows, we have discussions with
3 the solicitor and with the defense lawyers and
4 oftentimes we get law enforcement involved. We
5 talked about this case in chambers, and I was
6 willing to give you a good bit of consideration if
7 you were to be able to provide testimony or evidence
8 or some understanding concerning some other unsolved
9 cases in this county. I told your lawyer that. And
10 I've been informed that there's been no evidence, no
11 information, no data forthcoming. Is that correct,
12 Ms. Alves?

13 MS. ALVES: That's correct, Judge.

14 THE COURT: You want to have an opportunity to
15 reconsider that?

16 THE DEFENDANT: Like I told my lawyer, there's
17 nothing I can do.

18 THE COURT: Nothing you can do? Last chance.

19 MS. ALVES: Judge, Mr. Brown has maintained his
20 innocence in those other --

21 THE COURT: I'm not suggesting he's --

22 MS. ALVES: Yes, sir.

23 THE COURT: -- involved in anything else. I
24 was just suggesting he may have some information.

25 MS. ALVES: He has none.

1 THE COURT: Is that correct, sir?

2 THE DEFENDANT: Yes, sir.

3 MR. GRIMES: Your Honor --

4 THE COURT: Ms. Baker?

5 MR. GRIMES: Yes, sir.

6 THE COURT: Ms. Baker, if you would, give us
7 your name for the record, please.

8 MS. BAKER: Cathleen Baker. I'm the mother of
9 the victim, Lacy Parker.

10 THE COURT: How old was Lacy?

11 MS. BAKER: Thirty-two.

12 THE COURT: How many children?

13 MS. BAKER: Four.

14 THE COURT: Ages?

15 MS. BAKER: At the time of this, 16, 14 --

16 MR. GRIMES: Thirteen --

17 MS. BAKER: -- 13 and 12. I have 12
18 grandchildren I have to try to keep up with. But...

19 THE COURT: I understand.

20 MS. BAKER: This is my daughter. You might not
21 be able to see it really good. She didn't deserve
22 to die, her children didn't deserve to lose their
23 mother, and I didn't deserve to lose my only
24 daughter. I have three sons and her, and she was my
25 baby.

1 And he's saying he's sorry for it? I don't
2 believe that. And I pray that this Court gives him
3 a life sentence like he has given us through this
4 grief, given me and her children. She'll never get
5 to see her children grow. She's got one who is
6 going to graduate and go to college; she'll never
7 get to see that. And this has been hard on us. I'm
8 trying to find the words.

9 THE COURT: I'm sure there's no words to
10 describe how you feel.

11 MS. BAKER: No. And I'll never be over this.

12 THE COURT: No, ma'am.

13 MS. BAKER: Even counseling is not helping with
14 this. That's all I can say. I'm going to start
15 crying. It's just -- and all his being sorry isn't
16 going to bring her back. She didn't deserve to die.

17 THE COURT: No, ma'am, it's not going to bring
18 her back. And however much time I give him is not
19 going to bring her back.

20 MS. BAKER: I know that. I know that. But I
21 just want you to know that we're in a lifetime of
22 grief.

23 THE COURT: And he'll probably spend the rest
24 of his life in the department of corrections. It's
25 not a pleasant situation, particularly with these

1 facts and this type of execution of a young,
2 innocent girl. And they know what's going on, so it
3 will not be pleasant for him at all.

4 MS. BAKER: I know.

5 THE COURT: Of course my job is I have a wide
6 range of 30 to life. But I suspect a 30-year
7 sentence will be a life sentence for him. But I'll
8 give him some consideration for the fact that he has
9 admitted his guilt, accepted responsibility, and has
10 kept y'all from having to go through a trial. So
11 I'm not going to give him a life sentence, but I'm
12 not going to give him a 30-year sentence either.

13 MS. BAKER: I appreciate it. Thank you.

14 THE COURT: Good luck to you and your family
15 and your children and all the grandchildren.
16 Nothing can take your memories away.

17 MS. BAKER: Thank you.

18 MR. GRIMES: Your Honor, Nick Ard is not here.
19 I think it's pretty clear from the facts that, and I
20 think he believes, had he not jumped out of that
21 window, there very well may have been two bodies at
22 that incident location that morning. It was
23 mentioned that the defendant had not intended these
24 results, but as Nick stated, there was not a gun at
25 the home; that the defendant brought this gun with

1 him and he showed up there early in the morning and,
2 obviously, I think, intended the results that
3 happened that morning.

4 THE COURT: Anything else?

5 MS. ALVES: No, sir.

6 THE COURT: Mr. Brown, you want some time or
7 the rest of the afternoon to think about telling us
8 anything else?

9 THE DEFENDANT: No, sir.

10 THE COURT: The sentence of the Court is that
11 you be committed to the state department of
12 corrections for a period of 38 years. Good luck to
13 you.

14 -- END OF TRANSCRIPT OF RECORD --

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

I, the undersigned, Bethanie K. Creppon, Circuit Court Reporter for the Second Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the hearing of the captioned cause, relative to appeal in the Criminal Court for Aiken County, South Carolina, on the 5th of January, 2016.

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

May 17, 2017

*s/Bethanie K. Creppon*Bethanie K. Creppon
Circuit Court Reporter

STATE OF SOUTH CAROLINA)
 COUNTY OF AIKEN)
)
 State of South Carolina,)
)
 v.)
)
 Todd Virgil Brown,)
)
 Defendant.)

IN THE COURT OF GENERAL SESSIONS
 FOR THE SECOND JUDICIAL CIRCUIT

Warrant: 2014A0210200280

MOTION TO RECONSIDER
 SENTENCE

The Defendant in the above-captioned matter respectfully moves the Court to reconsider and reduce the sentence it imposed on the Defendant on Tuesday, January 5, 2016.

As grounds for the reconsideration and reduction, the Defendant urges that the interests of justice will be served by the granting of this request. The Defendant will present further grounds as necessary, in open court and/or *in camera* at such date and time as the Court deems appropriate.

Respectfully submitted,

Wallis Alves
 Wallis Alves
 Attorney for Defendant

2015.GS.02.00716

Aiken, South Carolina
 January 5, 2016

3 cert copies PD

STATE OF SOUTH CAROLINA)
 COUNTY OF AIKEN)
 I, Robert J. Harie, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 12 day of June in 17.
 C.C.C.P. & G.S. Aiken County, S.C.
 Deputy Clerk

FILED 6 January 2016
Luis Godard
 C.C.C.P. & G.S.
Angel Miles am
 Deputy Clerk

Robert J. Harie
 Deputy Clerk

Robert J. Harie
 P.E.T.

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

STATE OF SOUTH CAROLINA,

vs.

TODD VIRGIL BROWN.,

DEFENDANT.

IN THE COURT OF GENERAL SESSIONS
SECOND JUDICIAL CIRCUIT

**ORDER DENYING MOTION TO
RECONSIDER SENTENCE**

Indictment: 2015-GS-02-00716
(Murder)

(2014A0210200280)

The Defendant pled guilty before the Court on the above-referenced indictment January 5, 2016 at the Aiken County Courthouse. The Defendant was represented by Wallis Alves. The State was represented at the plea by Assistant Solicitor Sam Grimes. The Defendant timely filed a Motion to Reconsider Sentence January 6, 2016.

During the guilty plea, the Court heard a full presentation of mitigation on behalf of the Defendant. The Court also took into consideration the facts of the case as presented by the State as well as the Defendant's prior record. The Defendant was sentenced based on the foregoing information, and a hearing on this motion is unnecessary.


THEREFORE, the Defendant's Motion to Reconsider Sentence is hereby DENIED without a hearing.

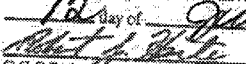
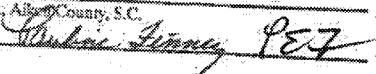
IT IS SO ORDERED.



Doyet A. Early, III
Chief Administrative Judge
Second Judicial Circuit

November 27, 2016
Aiken, South Carolina

FILED 29 November 2016

Shannon W. Rosenkrantz
Deputy Clerk

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Robert J. Harle, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this
18 day of June 2016

Robert J. Harle
C.C.P. & G.S., Aiken County, S.C.
Deputy Clerk 

2 cert copies Sol.

WITNESSES

Aiken County Sheriff

Greg Savell

Law Enforcement Case #: 14-015947

DOCKET NO. 2015GS0200716

The State of South Carolina

County of Aiken

RECEIVED
DEC 12 2016
SC Court of Appeals

SBG

COURT OF GENERAL SESSIONS

JUNE TERM 2015

ARREST WARRANT NUMBER

2014A0210200280

FILED June 4 HC
Liz Godard
C.C.C.P. & G.S.
Sharon Stippes SS
Deputy Clerk

THE STATE

vs.

TODD VIRGIL BROWN

ACTION OF GRAND JURY

True Bill

CDR #: 0116

Indictment for

MURDER

§ 16-03-0010; 16-03-0020

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

I, Liz Godard, clerk of Court, of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

DEC 08 2016

Liz Godard
C.C.C.P. & G.S., Aiken County, S.C.
Sharon Stippes SS
Deputy Clerk

Danny Quattlebaum
Foreperson of Grand Jury
Date: June 4, 2015

VERDICT

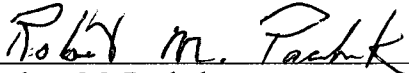
J. STROM THURMOND, SOLICITOR

Danny Quattlebaum
Foreperson of Petit Jury
Date:

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,



Robert M. Pachak
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 14th day of July, 2017.

RECEIVED
JUL 14 2017
SC Court of Appeals