

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Anderson County

R. Scott Sprouse, Circuit Court Judge

RECEIVED
APR 18 2018
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RANDALL MATTHEW SIMPSON,

APPELLANT

APPELLATE CASE NO 2017-001576

RECORD ON APPEAL

TAYLOR D GILLIAM
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

MELODY J. BROWN
Senior Assistant Deputy Attorney General
Attorney General Office
P. O. Box 11549
Columbia, SC 29211

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

INDEX

INDEX i

GUILTY PLEA TRANSCRIPT DATED MAY 15, 20171

MOTION FOR RECONSIDERATION OF SENTENCE.....25

ORDER DENYING DEFENDANT’S MOTION FOR RECONSIDERATION.....27

INDICTMENTS28

CERTIFICATE OF COUNSEL34

STATE OF SOUTH CAROLINA)

COUNTY OF ANDERSON)

COURT OF GENERAL SESSIONS
2017-GS-04-00464
2017-GS-04-00465
2017-GS-04-00466

STATE OF SOUTH CAROLINA,)

vs.)

TRANSCRIPT OF RECORD

RANDALL M. SIMPSON,
DEFENDANT.)

ORIGINAL

May 15, 2017
Anderson, South Carolina

B E F O R E:

THE HONORABLE R. SCOTT SPROUSE, JUDGE.

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

LUCAS C. MARCHANT, ESQ.
Assistant Solicitor

GREGORY L. COLE, JR., ESQ.
Attorney for the Defendant

HOLLIE M. JENKINS
Circuit Court Reporter

I N D E X

(There were no witnesses called.)

E X H I B I T S

(There were no exhibits introduced.)

P R O C E E D I N G S

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

THE COURT: Mr. Marchant.

MR. MARCHANT: May it please the Court, Your Honor.

The Solicitor's Office is going to call the case of the State v. Randall M. Simpson, a charge of one count of murder on indictment number 2017-GS-04-464; a charge of one count of attempted armed robbery and possession of a weapon during the commission of a violent crime, 2017-GS-04-465; and a second count of murder on indictment number 2017-GS-04-466.

The case is scheduled for Your Honor to strike a jury at 2:30 today. I believe Defense Counsel has a motion.

THE COURT: All right. Mr. Cole.

MR. COLE: Your Honor, my client has indicated to me that he wishes to move to relieve me as his attorney. And there was some conversation about he may have another attorney. But I don't know what the status of that is right now. But he wants to move to relieve me. So I want to let -- I wanted to let him make his motion.

THE COURT: Madam Clerk, would you put him under oath.

THE CLERK: Yes, sir.

If you would, please, raise your right hand.

WHEREUPON,

RANDALL M. SIMPSON,

after first having been duly sworn, testified as follows:

1 THE CLERK: Thank you.

2 THE COURT: All right. Sir, your attorney indicates
3 that -- that you wish to relieve him as counsel.

4 DEFENDANT SIMPSON: Yes, sir.

5 THE COURT: Why -- why do you want him relieved?

6 DEFENDANT SIMPSON: I'm just -- I don't feel he has
7 my best interest in mind. I mean, I've been here in the
8 county jail for 17 months. I've seen him twice. I've
9 wrote him, don't get responses back about legal work, and
10 stuff.

11 I mean, all the sudden, I'm going to trial. He come
12 to see me last week. I didn't even know I was going to
13 trial. I found out about it on TV that I was going to
14 trial.

15 THE COURT: You understand your trial starts today?

16 (WHEREUPON, there was no response.)

17 THE COURT: Do you understand that?

18 DEFENDANT SIMPSON: Yes, sir.

19 THE COURT: And relieving your attorney is not
20 grounds for a continuance of your trial.

21 Do you understand that?

22 (WHEREUPON, there was no response.)

23 THE COURT: I'm not going to put your case off
24 because you want to fire your attorney.

25 Do you understand that?

1 DEFENDANT SIMPSON: Yes, sir.

2 THE COURT: All right. If you want to take a
3 minute --

4 Mr. Cole, do you want to talk to your client?

5 MR. COLE: Yes, Your Honor.

6 THE COURT: All right. Why don't y'all go off the
7 record and talk.

8 All right. Mr. Marchant, why don't we stand down on
9 this --

10 MR. MARCHANT: Yes, sir.

11 THE COURT: -- and let me hear the first probation
12 case while they talk.

13 (WHEREUPON, a break was taken.)

14 MR. MARCHANT: May it please the Court.

15 THE COURT: Yes, sir.

16 MR. MARCHANT: Before you is Randall M. Simpson.
17 He's here on indictment number 2017-GS-04-464, indictment
18 for a charge of murder. It has been true billed. He's
19 pleading to the same.

20 Indictment number 2017-GS-04-465, he's charged with
21 attempted armed robbery, a second charge of possession of
22 a weapon during the commission of a violent crime. That
23 charge has, also, been indicted.

24 Lastly, indictment number 2017-GS-04-466, an
25 indictment for a charge of murder, pleading to voluntary

1 manslaughter. It is a true bill. And that is a lesser
2 included offense.

3 THE CLERK: Raise your right hand.

4 WHEREUPON,

5 RANDALL M. SIMPSON,
6 after first having been duly sworn, testified as follows:

7 THE COURT: All right. You're Randall M. Simpson; is
8 that correct, sir?

9 DEFENDANT SIMPSON: Yes, sir.

10 THE COURT: All right. You have a charge of murder,
11 before the Court. That carries a minimum sentence of
12 30 years and a maximum sentence of life in prison.

13 Do you understand that?

14 DEFENDANT SIMPSON: Yes, sir.

15 THE COURT: You have a charge of voluntary
16 manslaughter, which carries a maximum sentence of
17 30 years.

18 Do you understand that?

19 DEFENDANT SIMPSON: Yes, sir.

20 THE COURT: You, also, have an attempted armed
21 robbery and possession of a weapon during the commission
22 of a violent crime.

23 Mr. Marchant, what's the maximum on the attempted
24 armed robbery?

25 MR. MARCHANT: Zero to 20, Your Honor.

1 THE COURT: 20. Okay. That's what I thought.

2 And the possession of a weapon during the commission
3 of a violent crime is punishable by up to five years.

4 Do you understand that?

5 DEFENDANT SIMPSON: Yes, sir.

6 THE COURT: Now, this Court can impose consecutive
7 sentences, meaning that if that were to happen, you'd have
8 to serve each sentence separately.

9 Do you understand that?

10 DEFENDANT SIMPSON: Yes, sir.

11 THE COURT: Now, Mr. Simpson, this case is being pled
12 off the trial docket. And there -- as I understand it,
13 there is no recommendation from the State.

14 Is that correct, Mr. Marchant?

15 MR. MARCHANT: That's correct, Your Honor. No
16 recommendation.

17 THE COURT: Mr. Simpson, with no recommendation, that
18 means that this is what we call a straight-up plea. It
19 means that the State would be free to ask for the maximum
20 sentence, just as your attorney would be free to ask for
21 an alternative sentence. And as in any situation before
22 the Court, it would be up to the Court to determine what
23 the appropriate sentence would be.

24 Do you understand that?

25 DEFENDANT SIMPSON: Yes, sir.

1 THE COURT: Now, with that knowledge, how do you
2 plead to the charge of murder?

3 DEFENDANT SIMPSON: Guilty.

4 THE COURT: How do you plead to the charge of
5 voluntary manslaughter?

6 DEFENDANT SIMPSON: Guilty.

7 THE COURT: How do you plead to the charge of
8 attempted armed robbery?

9 DEFENDANT SIMPSON: Guilty.

10 THE COURT: And how do you plead to the charge of
11 possession of a weapon during the commission of a violent
12 crime?

13 DEFENDANT SIMPSON: Guilty.

14 THE COURT: Mr. Simpson, are you pleading guilty of
15 your own free will?

16 DEFENDANT SIMPSON: Yes, sir.

17 THE COURT: Are you under the influence of any
18 alcohol, drugs, or anything that might affect your
19 judgment today?

20 DEFENDANT SIMPSON: No, sir.

21 THE COURT: When you plead guilty, you give up rights
22 that you have. One of those rights you had already begun
23 exercising this morning, that is the right to a jury
24 trial. You would be entitled to have a jury of 12 of your
25 peers to hear the evidence in the cases. In order for you

1 to be convicted, that jury would have to be unanimous in
2 finding you guilty.

3 Do you understand that right?

4 DEFENDANT SIMPSON: Yes, sir.

5 THE COURT: You would have a right to call witnesses
6 on your behalf.

7 Do you understand that right?

8 DEFENDANT SIMPSON: Yes, sir.

9 THE COURT: You would have the right to confront and
10 cross-examine the witnesses who are against you.

11 Do you understand that right?

12 DEFENDANT SIMPSON: Yes, sir.

13 THE COURT: Mr. Simpson, at a trial, you would have
14 the right to remain silent. And that could not be held
15 against you at all during a trial.

16 Do you understand that right?

17 DEFENDANT SIMPSON: Yes, sir.

18 THE COURT: If you went to trial, you, also, would
19 have the opportunity to present any defenses that you
20 might have to the charge.

21 Do you understand that right?

22 DEFENDANT SIMPSON: Yes, sir.

23 THE COURT: You are presumed innocent. And the State
24 would have the burden of proving you guilty beyond a
25 reasonable doubt.

1 Do you understand that right?

2 DEFENDANT SIMPSON: Yes, sir.

3 THE COURT: Now, you have been represented by
4 Mr. Cole in these cases. Have you had enough time to talk
5 to him?

6 DEFENDANT SIMPSON: Yes, sir.

7 THE COURT: Has he answered your questions?

8 DEFENDANT SIMPSON: Yes, sir.

9 THE COURT: Do you have any questions for him now?

10 DEFENDANT SIMPSON: No, sir.

11 THE COURT: Has he done all you've asked him to do?

12 DEFENDANT SIMPSON: Yes, sir.

13 THE COURT: Are you completely satisfied with his
14 services?

15 DEFENDANT SIMPSON: Yes, sir.

16 THE COURT: Now, Mr. Simpson, how old are you?

17 DEFENDANT SIMPSON: 33.

18 THE COURT: And how far did you go in school.

19 DEFENDANT SIMPSON: Eleventh grade.

20 THE COURT: Did you ever get your GED?

21 DEFENDANT SIMPSON: No, sir.

22 THE COURT: Have you ever been treated for mental
23 illness?

24 DEFENDANT SIMPSON: No, sir.

25 THE COURT: All right. Mr. Marchant, let me hear the

1 facts.

2 MR. MARCHANT: Judge, before we get into that, I'm
3 not sure that Your Honor went over the serious, most
4 serious, and two strikes, three strikes.

5 THE COURT: Okay. Mr. Simpson, you understand --
6 have you been over what a most serious offense is with
7 your attorney?

8 DEFENDANT SIMPSON: No, sir.

9 THE COURT: With the law, as the Solicitor stated it,
10 these convictions are classified as violent and most
11 serious, which gives you the possibility of receiving a
12 life sentence.

13 Do you understand that?

14 DEFENDANT SIMPSON: Yes, sir.

15 THE COURT: Do you need time to go off the record and
16 discuss that with your attorney?

17 Mr. Cole, why don't you go off the record and discuss
18 that with your client --

19 MR. COLE: Yes, Your Honor.

20 THE COURT: -- and make sure he understands it.

21 (Pause.)

22 THE COURT: All right. Mr. Simpson, have you
23 discussed the ramifications of the violent and most
24 serious offense convictions with your attorney?

25 DEFENDANT SIMPSON: Yes, sir.

1 THE COURT: Do you understand that -- that a life
2 without parole sentence is a possibility under that law?

3 DEFENDANT SIMPSON: Yes, sir.

4 THE COURT: Mr. Cole, anything that you'd like to add
5 to the record regarding that?

6 MR. COLE: No, Your Honor. I've -- I've discussed
7 that with my client, and he understands that going into
8 this.

9 THE COURT: Okay. Thank you, Mr. Cole.

10 All right. Mr. Marchant.

11 MR. MARCHANT: May it please the Court, Your Honor.

12 On or about January the 9th of 2016, just a little
13 after midnight at [REDACTED] and Amy Road in Iva here
14 in Anderson County, the victim, Justin Ray Williams, was
15 set up to be the victim of an armed robbery. This
16 Defendant and his co-defendants, Tabitha Roberts, Brandon
17 Davis, and Wesley Malmister conspired with a
18 would-have-been fifth co-defendant, Casey Waddell, to go
19 down to Mr. Williams' trailer and rob him of drugs and
20 money.

21 The five of these individuals were in a vehicle, an
22 Isuzu Trooper that was loaned to them by Taylor Pierce.
23 They went down to Mr. Williams' trailer.

24 Ms. Roberts was the individual who made contact with
25 Mr. Williams by way of cell phone and advised him that she

1 wanted to purchase some methamphetamine. Ms. Roberts was
2 really the key to getting into the trailer as Mr. Williams
3 had somewhat of a prior relationship with her.

4 Mr. Williams was familiar with Casey Waddell, who is the
5 other deceased in this case. And it seems that in the
6 past, they had had some prior disagreements likely over
7 drugs and women.

8 In any event, the five of these individuals drove
9 down to Mr. Williams' trailer. Ms. Roberts made entry
10 just by opening the door. Mr. Williams was expecting her
11 to arrive. Moments later, within a minute or two,
12 Ms. Roberts was pulled out of the camper as Casey Waddell
13 entered.

14 Mr. Waddell was clothed in a hoodie, had a bandanna
15 around his face, and was armed with an AK-47. He made
16 entry into the camper, demanded something to the effect
17 of, You know what time it is. Give it up.

18 Mr. Williams, the victim, who was the home owner of
19 the trailer, had a .357 in his pocket and he was able to
20 get off one shot. That one shot struck Mr. Waddell in the
21 left cheek causing him to collapse and was the fatal shot
22 to him. Mr. Waddell was shot one time by Justin Williams.

23 This individual, Mr. Simpson, was behind Casey
24 Waddell. Once Mr. Waddell went down, Randy Simpson
25 unloaded four to five shots into Mr. Williams. And those

1 were the fatal shots coming from a 40-caliber that caused
2 his life to end.

3 Following this, Mr. Simpson, Mr. Malmister,
4 Ms. Roberts, and Mr. Davis fled off in various directions.
5 The three co-defendants that are still with us are
6 Ms. Roberts, Mr. Davis, and Mr. Malmister. They pled in
7 front of Judge Hocker back on April the 25th. They all
8 pled to two counts of voluntary manslaughter and one count
9 of attempted armed robbery. Their sentences were
10 deferred. They are being held in the detention center,
11 are present, and would be ready to testify should
12 Mr. Simpson have exercised his right to trial. So their
13 sentences are deferred and have not had any resolution on
14 their charges yet.

15 The Defendants fled. They all attempted to make up a
16 story to say Mr. Waddell left by himself and went down
17 there, and we don't know what happened. But, obviously,
18 through the investigation of Jeff Finley [phonetic] with
19 the sheriff's office, he was able to bring this case to a
20 close and arrested those four individuals, Ms. Roberts,
21 Mr. Davis, Mr. Malmister, and Mr. Simpson.

22 There's no indication from any of the co-defendants
23 that we are aware of that anyone other than Mr. Simpson
24 fired a weapon. The weapon that Mr. Simpson had has not
25 been located. There are other guns that were seized as

1 part of this investigation. But that weapon we don't know
2 where it is.

3 Again, those other three co-defendants have pled and
4 are ready to testify here today or tomorrow at this trial.

5 There is no plea agreement from the State. At the
6 appropriate time, a representative of the Williams family,
7 Mr. Shaw, would like to address the Court with respect to
8 sentencing.

9 There are some members of the Waddell family. I do
10 not know if any of them wish to address the Court.

11 I do not believe Investigator Finley has anything to
12 add.

13 Thank you, Judge.

14 THE COURT: Mr. Simpson, did you hear the facts as
15 stated by the Solicitor?

16 DEFENDANT SIMPSON: Yes, sir.

17 THE COURT: Do you agree that those are the facts of
18 the case?

19 DEFENDANT SIMPSON: Yes, sir.

20 THE COURT: All right. Mr. Cole, have you had the
21 opportunity to thoroughly go over the facts and applicable
22 law with your client?

23 MR. COLE: Yes, Your Honor.

24 THE COURT: And based on your conversations with him,
25 are you satisfied that he understands his rights?

1 MR. COLE: Yes, Your Honor.

2 THE COURT: And after you've had the opportunity to
3 investigate these cases, and engage in discovery, and talk
4 to your client, do you concur in his decision to plead
5 guilty to these charges?

6 MR. COLE: Yes, I do, Your Honor.

7 THE COURT: Are there any concerns on your part of
8 your client's mental health or his competency to be here
9 today?

10 MR. COLE: No, Your Honor. I have no concerns.

11 THE COURT: All right. I find there is a factual
12 basis for the pleas. The Defendant pleads guilty freely,
13 voluntarily, and intelligently with the advice of
14 competent counsel with whom he indicates he is satisfied.

15 All right. Let's do this.

16 Mr. Marchant, I'll hear from anyone from the victims
17 families that wish to address the Court.

18 And then I'm going to turn it over to you, Mr. Cole.

19 MR. COLE: Thank you, Your Honor.

20 THE COURT: Yes, sir. State your name for the
21 record, please, sir.

22 MR. DANIEL SHAW: Daniel Shaw, Your Honor.

23 THE COURT: All right. Mr. Shaw.

24 MR. DANIEL SHAW: I'm Justin's older brother. And I
25 wanted to write some things, but I don't know how to put

1 into words something that's unexplainable.

2 If you look over there on the first row, that's
3 Justin's family, my mom, my dad, my older brother, my
4 older sister, his wife. His son's not here. But every
5 person over there lost more than I can put into words and
6 explain to you.

7 It's been 491 days since my brother died. And I can
8 tell you right now that that void is just as empty and
9 just as painful as it was the day we lost him.

10 Me, personally, it has changed me. It's put a strain
11 on my marriage, on my parents marriage, who we've always
12 seen just love one another through everything. The burden
13 of what's happened is one we're going to have to carry for
14 our entire lives.

15 His son, to this day, asks about his dad. His son is
16 special needs, and he don't [sic] understand. I don't
17 understand, and I'm a grown man.

18 A couple months before Justin died, God gave me an
19 opportunity to witness to my brother. Two weeks later, he
20 showed up at my house just unexpected asking questions.
21 The last conversation I ever had with my brother in person
22 was one about the Lord, and one about scripture, and about
23 forgiveness.

24 Because, Your Honor, I'm a Christian. I have been
25 for a long time, along with my family. And I don't say

1 that by meaning we go to church. I mean we are
2 Christians. We believe what the Bible says. And the
3 Bible asks that, as Christians, we learn to forgive. And
4 that's one that eludes us. I hope with time that we can
5 find the strength to do it.

6 But the Bible, also, says that vengeance is God's. I
7 ask that mercy be God's, too, and that you give him the
8 maximum on everything, that he never see the light of day
9 as a free man, because my brother won't.

10 Every Christmas, every birthday, we're going to feel
11 that loss. I think it's only fair that he feel loss every
12 day of his life, too.

13 Thank you.

14 THE COURT: Thank you, sir.

15 (Pause.)

16 MR. MARCHANT: I don't believe anybody from the
17 Waddell family wishes to speak.

18 The only other thing that -- our records indicate
19 he's been incarcerated continuously since his date of
20 arrest on February the 3rd of 2016. And our records
21 indicate that to be 449 days.

22 THE COURT: Do you agree with that, Mr. Cole?

23 MR. COLE: Yes, Your Honor. We're in agreement with
24 that.

25 THE COURT: Any prior record?

1 MR. MARCHANT: The relevant prior record, Your Honor,
2 2004, possession of a sawed-off shotgun; '08, burglary
3 second degree; '09, burglary second degree; 2015, PWID or
4 distribution of either crack cocaine or methamphetamine.
5 That was in July of '15, as well as unlawful carrying of a
6 pistol in July of '15.

7 THE COURT: All right. Mr. Cole.

8 MR. COLE: Thank you, Your Honor.

9 May it please the Court.

10 I'd like to start today on behalf of my client, Your
11 Honor, by apologizing to the families of the victims. He
12 is very remorseful. He knows that nothing that he can say
13 or I can say can take back what he's done. However, he
14 is -- he's very remorseful and wants to give his -- his
15 deepest apologies.

16 He understands in -- by pleading guilty today, he
17 understands that he is going to have to do significant
18 time in prison to help pay society back for the wrongs
19 he's done. And -- however, I would ask the Court to
20 consider the fact -- the circumstances of this case, and
21 to sentence him to the minimum of 30 years.

22 He has -- Your Honor, in this situation, it's like so
23 many we've seen. It's a tragic situation that all
24 revolves around methamphetamines. This was a -- my client
25 was a user addicted to methamphetamines, and all the

1 co-defendants were. The victims in this case were
2 involved in the trade of methamphetamines. And that was
3 the -- as the Solicitor stated with the facts earlier --
4 as this Court knows in that illegal -- that illegal
5 enterprise that so many people are involved in a regular
6 thing that happens in robberies. And that was something
7 that -- that they set out to do in this case.

8 As the Solicitor said, the -- the victim,
9 Mr. Waddell, who would have been a co-defendant if he
10 would have lived, went up to the -- the house. My client
11 was behind him. Mr. Waddell was shot dead. Then -- then
12 my client shot the other victim, Mr. Williams.

13 Now, this is a very -- very imperfect self-defense,
14 Your Honor. It would have been his -- it would have been
15 his possible defense, and we went over that. And -- and I
16 looked at that thoroughly.

17 And we know that self-defense cannot -- cannot hold
18 up if the person who is claiming self-defense was at fault
19 in bringing about the trouble. And that -- clearly, if
20 this case would have went to a jury, a jury, clearly,
21 would have found, based on the evidence, that my client
22 was at fault in bringing about the trouble.

23 However -- so this was a -- I don't know that there
24 was a lot of malice as far as evil intention towards the
25 victims, as -- as my client had. There's, certainly, the

1 inferred malice of being involved in a felony.

2 However, just in mitigation that he was -- he saw
3 somebody get shot in front of him, so he returned fire.
4 And that was the -- and had the tragic consequences. We
5 have two people who are deceased, Your Honor.

6 And so I would ask that you look at that and look at
7 the nature that they were all in this criminal enterprise.
8 And that he understands, again, that there's -- this is
9 going to be a significant prison sentence.

10 However, I would ask you to consider sentencing him
11 to the minimum. Give him the opportunity, at least, later
12 on -- he's 35 years old, I believe. He's 35. At least,
13 one day later on in the future when he is an older man
14 that he would be able to have the opportunity to get out
15 and be a productive member of society.

16 All his family lives here in the Anderson area. He
17 does have a young child that he would like to be able to
18 see at some point and be in that child's life after that
19 child's an adult, Your Honor. And he would like to try to
20 get back and work and become a member of society at --
21 some day after he's served his time.

22 So I would ask that you consider allowing him to do
23 that, allow him to go for -- to the Department of
24 Corrections to be corrected, and to be able to get back
25 into society for, at least, part of his life, hopefully,

1 Your Honor.

2 THE COURT: Mr. Simpson, anything you'd like to tell
3 me?

4 DEFENDANT SIMPSON: I'd just like to apologize to the
5 families. I mean, I wish I could take things back. I
6 wish I could trade places with them, but I can't. I'm
7 sorry for it, with all my heart, I am. I pray for y'all
8 every night. I'm sorry.

9 THE COURT: Thank you, Mr. Simpson.

10 All right. Anything further from either --

11 MR. MARCHANT: Nothing from the State, Your Honor.

12 THE COURT: If there's nothing further, this is truly
13 a tragic, tragic situation.

14 This will be the sentence of the Court, on
15 2017-GS-04-464, the Defendant be confined to the
16 Department of Corrections for a term of 30 years. He's
17 given credit for 449 days time served.

18 On 2017-GS-04-465, the Defendant be confined to the
19 Department of Corrections for a term of 15 years. That's
20 consecutive. 449 days time served.

21 And on 2017-GS-04-465, the other charge of possession
22 of a weapon, he's confined to the Department of
23 Corrections for a term of five years. That's consecutive.
24 449 days time served.

25 And the final indictment, 2017-GS-04-466, he's

1 confined to the Department of Corrections for a term of
2 20 years. That's concurrent.

3 Good luck to you, sir.

4 MR. MARCHANT: Judge, I'm sorry. Just a point of
5 clarification. The consecutive sentences, do they run
6 concurrent with each other?

7 THE COURT: No.

8 *****END OF TRANSCRIPT OF RECORD*****

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

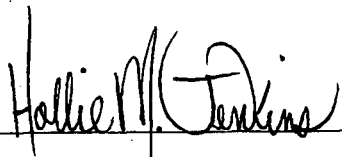
STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the captioned case, relative to appeal, in the Court of General Sessions for Anderson County, South Carolina, on 15th day of May, 2017.

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

October 6, 2017



Hollie M. Jenkins, Court Reporter

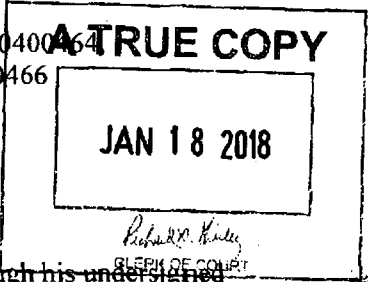
My Commission Expires: 09/24/20

STATE OF SOUTH CAROLINA)
)
 COUNTY OF ANDERSON)
)
)
 STATE OF SOUTH CAROLINA)
)
 vs.)
)
 RANDALL MATTHEW SIMPSON,)
)
 Defendant.)

IN THE COURT OF GENERAL SESSIONS
 OF THE TENTH JUDICIAL CIRCUIT

MOTION FOR RECONSIDERATION OF SENTENCE

Indictment Numbers: 2017GS0400464
 2017GS0400465, 2017GS0400466



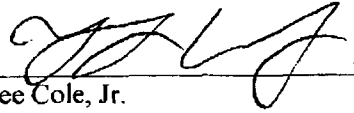
TO: ASSISTANT SOLICITOR LUCAS MARCHANT

YOU WILL PLEASE TAKE NOTICE that the Defendant, by and through his undersigned attorney, will move this Honorable Court to reconsider its sentencing of the Defendant on the above referenced indictments and impose concurrent sentences instead of consecutive sentences. This Motion is based on the following:

1. The Defendant pled guilty to Murder, Voluntary Manslaughter, Attempted Armed Robbery, and Possession of a Weapon during a Violent Crime.
2. The Court sentenced the Defendant to 30 years on the Murder charge, 15 years on the Attempted Armed Robbery charge, and 5 years on the Possession of a Weapon during a Violent Crime charge to be served consecutively.
3. The Court also sentenced the Defendant to 20 years on the Voluntary Manslaughter charge to be served concurrently with the other above referenced sentences.
4. Although the Defendant's guilty plea and convictions are to separate and distinct offenses under the law, the Defendant's crimes are based upon the same action, and they were committed at times so closely connected in point of time that they may be considered as one offense pursuant to S.C. Code Ann. Sec. 17-25-50.
5. If these convictions are considered as one offense, the sentence for said conviction should be concurrent instead of consecutive.

FILED CLERK'S OFFICE
 ANDERSON SC
 2017 JAN 18 AM 11:20
 COMMON PLEAS AND
 GENERAL SESSIONS

I SO MOVE.

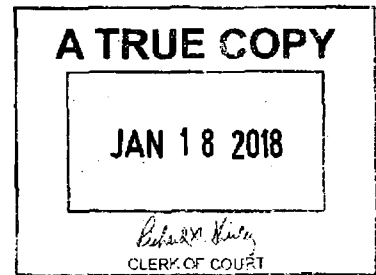


G. Lee Cole, Jr.
SC Bar Number 100352
COX & COLE, ATTORNEYS AT LAW
Post Office Box 315
Williamston, South Carolina 29697
Tel. (864) 847-9289
Fax (864) 847-7895
LeeCole@CoxandCole.com

ATTORNEY FOR THE DEFENDANT

May 16, 2017

Williamston, South Carolina



5/17/27

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)
)
State of South Carolina)
)
 vs.)
)
Randall Matthew Simpson,)
)
 Defendant.)

IN THE COURT OF GENERAL SESSIONS

2017GS04-00464, -00456, -00466

ENTERED
MAY 17 2017

ORDER DENYING DEFENDANT'S MOTION
FOR RECONSIDERATION

The Defendant's Motion to Reconsider his sentenced issued on May 15, 2017, is DENIED. After careful consideration and review of the record, the Court is unable to discover any material fact or principle of law that either has been overlooked or disregarded and further finds no error of law or fact not appropriately considered.

AND, IT IS SO ORDERED.

A TRUE COPY
JAN 18 2018
Richard X. Harty
CLERK OF COURT

R. Scott Sprouse
R. SCOTT SPROUSE
Judge, Tenth Judicial Circuit

York, South Carolina

7-11, 2017

FILED-CLERK'S OFFICE
ANDERSON SC
2017 JUL 17 PM 4:10
COMMON PLEAS AND
GENERAL SESSIONS

WITNESSES

Anderson Co. Sheriff's Office
Jeffrey R. Finley

ARREST WARRANT NUMBER

2016A0410100079

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: FEB 21 2017

[Signature]
Foreperson

VERDICT

Foreperson of Grand Jury
Date:

DOCKET NO. 2017-GS-04-00464

**The State of South Carolina
County of Anderson**

COURT OF GENERAL SESSIONS

FEB 21 2017, TERM

THE STATE

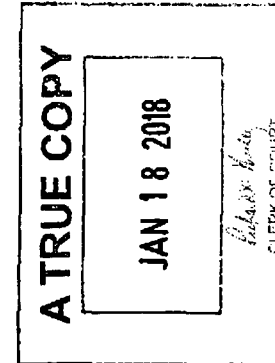
VS.

RANDALL M SIMPSON

INDICTMENT FOR

MURDER

SC Code: § 16-03-0010
CDR Code: 0116



COMMITMENT

5/15/17-RT

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

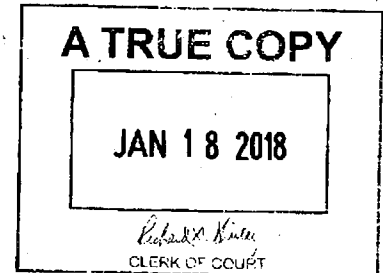
INDICTMENT

FEB 21 2017

At a Court of General Sessions, convened on _____, the
Grand Jurors of Anderson County present upon their oath:

MURDER

That Randall M Simpson did in Anderson County, on or about January 9, 2016, unlawfully and with malice aforethought, either express or implied, kill Justin Ray Williams by means of shooting the victim with a firearm, and the victim died as a proximate result thereof. All in violation of §16-3-10, *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.


AUSTIN MCLAIN
ASSISTANT SOLICITOR

WITNESSES

Anderson Co. Sheriff's Office
Jeffrey R. Finley

ARREST WARRANT NUMBER

COUNT ONE 2016A0410100081
COUNT TWO 2016A0410100098

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: FEB 21 2017

Foreperson

VERDICT

Foreperson of Grand Jury
Date:

DOCKET NO. 2017-GS-04-00465

**The State of South Carolina
County of Anderson**

**COURT OF GENERAL SESSIONS
FEB 21 2017**

TERM

THE STATE

VS.

RANDALL M SIMPSON

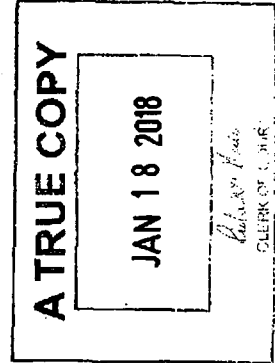
INDICTMENT FOR

**COUNT ONE - ATTEMPTED ARMED
ROBBERY**

SC Code: § 16-11-0330(B)
CDR Code: 0026

**COUNT TWO - POSSESSION OF A
WEAPON DURING THE COMMISSION OF
A VIOLENT CRIME**

SC Code: § 16-23-0490
CDR Code: 0549



COMMITMENT

5/15/17-RT

STATE OF SOUTH CAROLINA
 COUNTY OF ANDERSON

INDICTMENT

At a Court of General Sessions, convened on FEB 21 2017, the
 Grand Jurors of Anderson County present upon their oath:

COUNT ONE - ATTEMPTED ARMED ROBBERY

The defendant, Randall M Simpson did on or about January 9, 2016, in Anderson County, South Carolina, while armed with a deadly weapon or while displaying what a person present during the robbery would reasonably believe to be a deadly weapon, attempt to take by means of force, threats, or intimidation, goods or monies from the person or presence of Justin Ray Williams. All in violation of 16-11-0330(B) of the South Carolina Code of Laws (1976) as amended.

COUNT TWO - POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

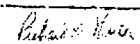
The defendant, Randall M Simpson, did on or about January 9, 2016, in Anderson County, South Carolina, while committing the crime of Attempted Arm Robbery, a crime of violence, have in his possession a firearm. All in violation of 16-23-0490 of the South Carolina Code of Laws (1976) as amended.

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


 AUSTIN MCLAIN
 ASSISTANT SOLICITOR

A TRUE COPY

JAN 18 2018


 CLERK OF COURT

WITNESSES

Anderson Co. Sheriff's Office
Jeffrey R. Finley

ARREST WARRANT NUMBER

2016A0410100067

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: FEB 21 2017

[Signature]
Foreperson

VERDICT

Foreperson of Grand Jury
Date:

DOCKET NO. 2017-GS-04-00466

The State of South Carolina
County of Anderson

COURT OF GENERAL SESSIONS

FEB 21 2017, TERM

THE STATE

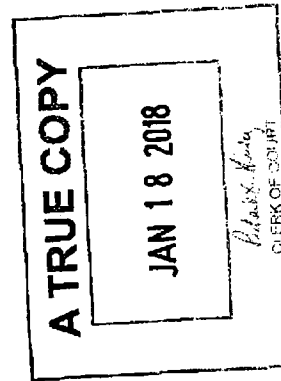
VS.

RANDALL M SIMPSON

INDICTMENT FOR

MURDER

SC Code: § 16-03-0010
CDR Code: 0116



COMMITMENT

5/15/17-RF

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

INDICTMENT

At a Court of General Sessions, convened on FEB 21 2017, the
Grand Jurors of Anderson County present upon their oath:

MURDER

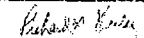
That Randall M Simpson did in Anderson County, on or about January 9, 2016, unlawfully and with malice aforethought, aid and assist in the death of Casey Allen Waddell during the commission of an armed robbery when Casey Allen Waddell was shot and the victim died as a proximate result thereof. All in violation of §16-3-10, *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.


AUSTIN MCLAIN
ASSISTANT SOLICITOR

A TRUE COPY

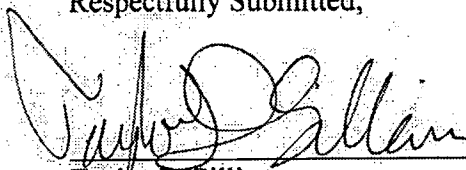
JAN 18 2018


CLERK OF COURT

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,



Taylor D Gilliam
Appellate Defender

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

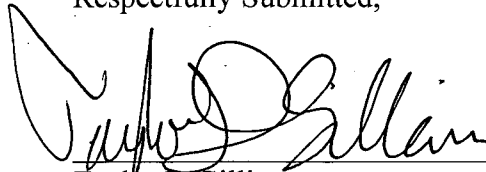
ATTORNEY FOR APPELLANT

This 18th day of April, 2018.

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,



Taylor D. Gilliam
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 18th day of April, 2018.

RECEIVED
APR 18 2018
SC Court of Appeals