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VOLUME THREE OF THREE

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Letitia H. Verdin, Family Court Judge

THE STATE,

RESPONDENT,

V.

DAVID S. BOYD,

APPELLANT

APPELLATE CASE NO. 2012-207268

RECORD ON APPEAL

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Jury Charge

1000

1 defendant is not required to prove his innocence.
2 The burden of proof remains on the State to prove
3 guilty beyond a reasonable doubt.

4 An issue in this case is the identification of
5 the defendant as the person who committed the crime
6 charged. The State has the burden of proving
7 identity beyond a reasonable doubt. You must be
8 satisfied beyond a reasonable doubt of the accuracy
9 of the identification of the defendant before you
10 may convict the defendant.

11 Identification testimony is an expression of
12 belief or an impression by a witness. You must
13 determine the accuracy of the identification of the
14 defendant. You must consider the believability of
15 each identification witness in the same way as any
16 other witness. You may consider whether the witness
17 had an adequate opportunity to observe the offender
18 at the time of the offense. This will be affected
19 by things like how long or short a time was
20 available, how far or close the witness was, the
21 lighting conditions and whether the witness had the
22 chance to see or know the person in the past.

23 Once again, I instruct you the burden of proof
24 on the State extends to every element of the crime
25 charged and this specifically includes the burden of

1 proving beyond a reasonable doubt the identity of
2 the defendant as the person who committed the crime.
3 If, after examining the testimony, you have a
4 reasonable doubt as to the accuracy of the
5 identification, you must find the defendant not
6 guilty.

7 In order to establish criminal liability,
8 criminal intent is required. For example, the
9 mental state required to be proven by the State for
10 a particular crime might be purpose, intent,
11 knowledge, recklessness or criminal negligence.
12 Criminal intent must be proven by the State beyond a
13 reasonable doubt.

14 Criminal intent is always a matter that must be
15 determined by the jury from the circumstances
16 surrounding the situation. There is no way to prove
17 criminal intent to a mathematical certainty. The
18 law says that criminal intent may be inferred from
19 the circumstances shown to have existed. This is
20 how you make a determination of whether or not the
21 element requiring intent was present. It is not
22 necessary to establish intent by direct evidence.
23 Intent may be established by inference in the same
24 way as any other fact, by taking into consideration
25 the acts of the parties and all the facts and

1 circumstances of the case.

2 Criminal intent is a mental state of conscious
3 wrongdoing. It is up to you to determine that the
4 defendant intended -- what the defendant intended to
5 do based on the circumstances shown to have existed.
6 Criminal intent can arise from action or failure to
7 act. It may arise from negligence, recklessness or
8 an indifference to duty or to consequences that is
9 considered by the law to be the equivalent of
10 criminal intent.

11 The defendant has been charged with Assault and
12 Battery with Intent to Kill. In order to prove
13 Assault and Battery with Intent to Kill, the State
14 must prove beyond a reasonable doubt that the
15 defendant committed an unlawful act of a violent
16 nature to the person of another with malice
17 aforethought. An assault occurs when a person
18 unlawfully attempts or offers to commit a violent
19 injury upon another person and had the present
20 ability to complete the attempted injury. An
21 assault is the intentional creation of reasonable
22 fear of immediate bodily harm.

23 It is not necessary that the attempted injury
24 or harm actually take place. For example, if I walk
25 up to you and when we are within arm's reach, I draw

1 back to hit you, that is an assault. A battery is
2 the unlawful touching of another person by a person
3 who has committed the assault. An unlawful touching
4 can be caused by a part of the accused's body or by
5 any object that the accused puts in motion. A
6 battery is the completion of the assault by using or
7 applying force to another person, however slight, in
8 a rude, angry or resentful manner without legal
9 justification for doing so. Using my earlier
10 example, if I carried the assault through by hitting
11 you, then that is a battery.

12 Malice is hatred, ill-will or hostility towards
13 another person. It is the intentional doing of a
14 wrongful act without just cause or excuse and with
15 an intent to inflict an injury or under
16 circumstances that the law will infer an evil
17 intent. Malice aforethought does not require that
18 malice exist for any particular time before the act
19 is committed. But malice must exist in the mind of
20 the defendant just before and at the time the act is
21 committed. Therefore, there must be a combination
22 of the previous evil intent and the act.

23 Malice aforethought may be expressed or
24 inferred. These terms, expressed and inferred, do
25 not mean different kinds of malice, but merely the

1 manner in which the malice may be shown to exist.
2 That is either by direct evidence or by inference of
3 the facts and circumstances which are proved.

4 Expressed malice is shown when a person speaks
5 words which express hatred or ill-will for another
6 or when a person prepared beforehand to do the act
7 which was later accomplished. For example, lying in
8 wait for a person or any other act of preparation
9 going to show that the deed was within the
10 defendant's mind would be expressed malice. Malice
11 may be inferred from conduct showing total disregard
12 for human life.

13 Inferred malice may also arise when the deed is
14 done with a deadly weapon. A deadly weapon is any
15 article, instrument or substance which is likely to
16 cause death or great bodily harm. Whether an
17 instrument has been used as a deadly weapon depends
18 on the facts and circumstances of each case. The
19 following are examples of instruments which may be
20 deadly weapons: a pistol, a shotgun, a rifle, a
21 dirk, a dagger, a knife, a slingshot, metal
22 knuckles, a razor, gasoline, a fire bomb or Molotov
23 cocktail and lighter fluid. Excuse me. A gun may
24 be a deadly weapon even if it is not operating.

25 In order for you to find the defendant guilty

1 of Assault and Battery with Intent to Kill, you must
2 be satisfied beyond a reasonable doubt that if the
3 victim had died, the defendant would have been
4 guilty of murder.

5 The defendant is charged with Armed Robbery.
6 In order to prove this offense, the State must first
7 prove beyond a reasonable doubt that the defendant
8 took personal property from the person or presence
9 of another person. Property is in the presence of a
10 person if it is within the person's reach,
11 inspection, observation or control so that the
12 person could, if not overcome with violence or
13 prevented by fear, keep possession of the property.

14 The State must also prove beyond a reasonable
15 doubt that the defendant carried the property away
16 intending to permanently deprive the owner of the
17 property and to keep the property for the
18 defendant's own use. The slightest removal of the
19 property or the complete possession of the property,
20 even for an instant, by the defendant is sufficient
21 to show a taking and carrying away of the property.
22 The taking and carrying away of the property must
23 have been done with violence or by putting the owner
24 of the property in fear of violence.

25 Finally, the State must prove beyond a

1 reasonable doubt that the defendant was armed with a
2 deadly weapon during the robbery. A deadly weapon
3 is any article, instrument or substance which is
4 likely to cause death or great bodily harm. Whether
5 an instrument has been used as a deadly weapon
6 depends on the facts and circumstances of each case.
7 Again, the following are examples of instruments
8 which may be deadly weapons: a pistol, a shotgun, a
9 rifle, a dirk, a dagger, a knife, a slingshot, metal
10 knuckles, a razor, gasoline, a fire bomb or Molotov
11 cocktail and lighter fluid. A gun may be a deadly
12 weapon even if it is not operating.

13 As to the charge of the -- excuse me. As to
14 the charge of Armed Robbery, the defendant is
15 charged with Possession of a Weapon during the
16 Commission of or Attempt to Commit a Violent Crime.
17 Armed Robbery is a violent crime. The State must
18 prove beyond a reasonable doubt that the defendant
19 was in possession of a firearm or visibly display
20 what appeared to be a firearm during the commission
21 of a violent crime. A firearm means any machine
22 gun, automatic rifle, revolver, pistol or any weapon
23 which is designed to or maybe readily converted to
24 expel a projectile. In order to find the defendant
25 guilty of possession of a weapon during the

1 commission of a violent crime, you must first find
2 the defendant guilty of either committing a violent
3 crime or attempting to commit a violent crime.

4 The defendant is charged with Receiving Stolen
5 Goods. The State must prove beyond a reasonable
6 doubt the defendant bought, received, or possessed
7 goods, chattels or other property and the defendant
8 knew or had reason to believe that the property was
9 stolen. Whether the defendant knew or had reason to
10 believe that the property was stolen may be shown by
11 direct or circumstantial evidence. The State may
12 prove that the defendant knew or had reason to
13 believe that the property was stolen by showing that
14 the defendant knew facts that would make a
15 reasonable person believe that the property was
16 stolen.

17 I will give you a copy of these instructions in
18 written form. During your deliberations, you may
19 refer to the instructions to guide your decision
20 making. You must consider the instructions as a
21 whole and not follow some and ignore others. Please
22 return the instructions to the court at the time
23 your verdict is rendered.

24 Ladies and Gentlemen, your verdict must be a
25 unanimous one.

1 Mr. Foreperson, when the jury agrees on the
2 verdict, you will fill out the verdict form provided
3 and sign and date it. Then knock on the jury room
4 door and inform the bailiff that you have reached a
5 verdict. At that time, we will receive you back in
6 the courtroom.

7 I ask that you will -- well, before I do that,
8 I want to go over the verdict form briefly with you.
9 You're going to have a verdict form with you in the
10 jury deliberation room. I'm going to step down and
11 speak to you about this verdict form. If I don't
12 fall, we're in good shape.

13 All right. This is your verdict form on which
14 your unanimous verdict will be written. There are
15 three different questions here that you must answer.
16 The first is as to Assault and Battery with Intent
17 to Kill, you will either find the defendant not
18 guilty or guilty and mark the same. As to the -- as
19 to Armed Robbery and Possession of a Weapon during
20 the Commission of a Violent Crime, you may find
21 three different verdicts as to that. Not guilty of
22 armed robbery, guilty of armed robbery but not in
23 possession of a weapon during the commission of a
24 violent crime or guilty of armed robbery and in
25 possession of a weapon during the commission of a

1 violent crime. Your unanimous verdict will be the
2 choice of one of those three. You will mark the
3 same.

4 Finally, the third one as to the indictment for
5 Possessing or Receiving Stolen Goods, you will find
6 not guilty of possessing or receiving stolen goods
7 or guilty of possessing or receiving stolen goods.
8 Once you've reach a unanimous verdict, Mr.
9 Foreperson, you will sign and date it and, as I
10 said, knock on the jury deliberation room door.

11 I'm going to ask that you now return to your
12 jury room, but do not begin deliberations until you
13 are told by the bailiff to do so. There are some
14 brief matters I need to take up with the attorneys.
15 One of them will be getting together all of our
16 exhibits to make sure that you have them in the jury
17 deliberation room. When you receive the verdict
18 form and all of the exhibits and a copy of my
19 charge, which I have signed on each page, then you
20 will know that that is your signal to begin
21 deliberations. Thank you.

22 (WHEREUPON, the jury exits at approximately
23 11:40 a.m.)

24 THE COURT: All right. Any objection to my
25 charge from the State?

Verdict

1010

1 **MR. FRETWELL:** No exception from the State.

2 **THE COURT:** All right. Anything from the
3 defense?

4 **MR. JOHNSON:** No objection.

5 **THE COURT:** All right then. I'll ask that
6 you all look at the exhibits, make sure we get
7 together all the exhibits that need to go back to
8 the jury deliberation room. Then I will give them a
9 copy of the verdict form and my charge on the top.
10 All right.

11 **MR. JOHNSON:** Thank you, Your Honor.

12 **THE COURT:** Thank you.

13 (WHEREUPON, jury deliberation is held from
14 approximately 11:56 a.m. to 1:48 p.m.)

15 **THE COURT:** All right. It's my understanding
16 that the jury's got a verdict. Let me -- before I
17 bring the jury back in, let me just say, I know this
18 is an emotional case all the way around. I say to
19 anybody in the courtroom who thinks that they can't
20 sit here and listen to this verdict, whatever this
21 verdict may be, uh, and conduct yourself like you
22 supposed to in a courtroom. If you think you can't,
23 I'm going to go ahead and ask you to leave now. I
24 say that to anybody.

25 Uh, but the last thing, this jury has been

1 intent and focused and listened to this evidence on
2 both sides and I think has put a lot into it. The
3 last thing they need from either side of the aisle
4 here is to have any type of emotion or reaction to
5 it. I'm just not going to permit that. I'm not
6 going to permit the jury to be subjected to anything
7 like that. All right.

8 (WHEREUPON, the jury enters at approximately
9 1:51 p.m.)

10 THE COURT: All right. Mr. Foreperson, it's
11 my understanding that you all have reached a
12 verdict; is that correct?

13 THE JUROR: That's correct.

14 THE COURT: All right. Would you please hand
15 the verdict form to the bailiff?

16 (WHEREUPON, the verdict form is passed up.)

17 THE COURT: My instructions back from the
18 jury and we will mark those as a Court's exhibit.
19 The verdict form appears to be in order.

20 Madam Clerk, will you publish it please.

21 THE CLERK: Your Honor, in the case of 2009-
22 GS-21 -- excuse me, 23-9989, the State of South
23 Carolina versus David Stephenson Boyd for Assault
24 and Battery with Intent to Kill. We, the jury,
25 unanimously find the defendant guilty of Assault and

1 Battery with Intent to Kill. Number two, as to
2 Indictment 2009-GS-23-9988 for Armed Robbery and
3 Possession of a Weapon during the Commission of a
4 Violent Crime, we, the jury, unanimously find the
5 defendant guilty of Armed Robbery and in Possession
6 of a Weapon during the Commission of a Violent
7 Crime. Number three, as to Indictment 2009-GS-23-
8 1985 for Possessing or Receiving Stolen Goods, we,
9 the jury, unanimously find the defendant guilty of
10 Possessing or Receiving Stolen Goods. This signed
11 by Mr. Gully, our foreman.

12 Ladies and Gentlemen of the jury, if you agree
13 these are your verdicts you reached in your
14 deliberation room, would you please raise your right
15 hand.

16 (WHEREUPON, each juror responds.)

17 THE COURT: All right. Any matters we need
18 to take up from the State before releasing the jury?

19 MR. FRETWELL: No, Your Honor.

20 THE COURT: All right. Anything from the
21 defense before releasing the jury?

22 MR. JOHNSON: No, ma'am, Your Honor.

23 THE COURT: All right. Uh, Ladies and
24 Gentlemen, I appreciate your service in this case.
25 I'm going to step back to the jury deliberation room

1 to excuse you in just one moment. I'll ask you to
2 please step back there with the bailiff at this
3 point.

4 (WHEREUPON, the jury exits at approximately
5 1:53 p.m.)

6 THE COURT: All right. Uh, we'll move next
7 to the sentencing phase. As we get ready to do
8 that, I'm going to step back and just release the
9 jury. All right. I certainly do not discuss any
10 matters with the jury. I just thank them for their
11 service and let them go.

12 MR. JOHNSON: All right. Thank you.

13 THE COURT: I'll be right back in if y'all
14 want to get ready for that.

15 (WHEREUPON, a short recess is taken.)

16 THE COURT: All right. Uh, well, I believe
17 I've heard the facts thoroughly in this case.
18 However, if there is anything else from the State
19 including any prior criminal record, I'll be happy
20 to hear from you.

21 MR. FRETWELL: Yes, Your Honor. May it
22 please the Court?

23 THE COURT: Yes, sir.

24 MR. FRETWELL: Your Honor, first of all,
25 Investigator Chris Miller is here on behalf of the

1 Sheriff's Office and would like to address the court
2 very briefly on behalf of the Sheriff's Office.

3 **THE COURT:** Yes, sir.

4 **MR. FRETWELL:** Also --

5 **THE COURT:** Go ahead. No. Go ahead.

6 **MR. FRETWELL:** Your Honor, also, uh, I
7 believe that the, uh, --Mr. Dill also wants to
8 address the court at the appropriate time along with
9 his wife, Tammy, just very briefly.

10 **THE COURT:** All right. Very well. All
11 right.

12 Yes, sir.

13 **INVESTIGATOR CHRIS MILLER:** I would just like
14 to say that, uh, this investigation took a lot of
15 hours away from the sheriff's office, took a lot of,
16 uh, deputies, put the community at bay, affected the
17 community and just like the court to recognize the
18 work that we put into this and what it cost.

19 **THE COURT:** Yes, sir. All right. And I
20 thank you, sir, for being here and throughout the
21 trial.

22 Mr. Dill?

23 **MR. DAVID DILL:** Uh, I just got a couple of
24 things I want to say.

25 **THE COURT:** Yes, sir.

1 **MR. DAVID DILL:** I just -- the guilty verdict
2 just came back and basically proved that he's been a
3 liability to society. On that day, I was just at
4 Applebee's just to meet my fiancé at the time. All
5 I was trying to do is a good deed, to be a good
6 citizen at the time. I followed the van and on the
7 phone with 911.

8 It looked like to me everything was
9 intentional. It was proven he was not on drugs. To
10 me, everything was done intentionally. The van was
11 stolen. And for me being shot, it had to be
12 intentional. If somebody had been on drugs or
13 something, you know, I could have sort of understood
14 what led them to do it.

15 But if it wasn't for David Weiner, I would be
16 most likely dead today. Again, the sheriff's
17 department did a great job. They treated me great.
18 They took care of me. The FBI also did a good job.
19 I'm not a good fan of lawyers, but he's good enough.
20 Mr. Fretwell and Johnson both did a great job and
21 took care of their clients. That's basically all I
22 just wanted to say. I just, again, want to thank
23 the Sheriff's Office and I want to thank the court
24 and the jury for the verdict they came up with.

25 I lost a lot of time with my family during that

1 year. I was very sick and in bed. I lost my job.
2 I'm just now getting better. The last year, I've
3 been sort of getting better. I'm going to be on
4 medicine for the rest of my life for things that
5 can't be fixed.

6 **THE COURT:** Yes, sir. I will say to you that
7 I'm very thankful that the worst did not happen. I
8 am very thankful that it did not happen. I think
9 everyone who heard your testimony and heard the
10 doctor's testimony understand that you're lucky to
11 be here today. As you said, you were just trying to
12 do the right thing.

13 In addition, Mr. Boyd is lucky that you are
14 here today. Of course, he had no hand in the good
15 turn out of this, but he's very lucky that you are
16 here today as well. I thank you, sir, for being
17 here. I've seen you throughout the trial. I thank
18 you for being here throughout the trial.

19 Ma'am, will you tell me your name please?

20 **MRS. TAMMY DILL:** Tammy.

21 **THE COURT:** Tammy. All right. Yes, ma'am.

22 **MRS. TAMMY DILL:** I just want to go into a
23 little bit about the kind of suffering that David
24 has had since he got shot.

25 **THE COURT:** Yes, ma'am.

1 **MRS. TAMMY DILL:** I held this man while he
2 curled up into a fetal position because of anxiety
3 of hearing rain, hearing thunder, being at a
4 restaurant and looking out and seeing big windows
5 because he was shot in a truck that had big windows,
6 watch him have anxiety attacks so bad -- we've been
7 sitting in church and the anxiety attacks hit him so
8 bad that the preacher had to stop service and call
9 the entire church to pray for him. This is just
10 part of the recovery and the things that David has
11 been through.

12 He has an eight-year-old daughter that when we
13 told her two weekends ago that her daddy had to go
14 back to trial, went home and started having
15 nightmares. All of this was totally unnecessary.
16 We have had extensive testing. The man had never
17 been sick. He tells me he didn't get sick until he
18 met me and got shot.. Had never been sick.

19 I've had to walk him through the process
20 because I'm a cancer survivor, this is how things
21 have to be done, David. They are doing this to
22 eliminate this to do this. They've had to check his
23 heart. He's got permanent tachycardia. Was beating
24 160 beats a minute until they could figure out that
25 it was because of the nerve damage that that bullet

1 hit. Nothing wrong with his heart. He'll be on
2 medicine the rest of his life. His sentence won't
3 end. I pray that you just take that into
4 consideration when you do give the sentence today.

5 **THE COURT:** Thank you, ma'am, for being here.
6 I appreciate your words on behalf of your husband.
7 Any prior record?

8 **MR. FRETWELL:** There is, Your Honor. Your
9 Honor, there is a 2004 conviction for Receiving
10 Stolen Goods greater than 1000, 2005 Burglary in the
11 second degree and also Grand Larceny.

12 **THE COURT:** Armed Robbery carries a minimum
13 of 10 years up to a maximum of 30 years. Is that
14 correct?

15 **MR. FRETWELL:** That's correct, Your Honor.

16 **THE COURT:** And Assault and Battery with
17 Intent to Kill carries 0 to 20; is that correct?

18 **MR. FRETWELL:** That's correct, Your Honor.

19 **THE COURT:** And Receiving Stolen Goods, that
20 carries up to 10. It's indicted as a third property
21 offense. That carries up to 10 years; is that
22 correct?

23 **MR. FRETWELL:** That's correct, Your Honor.
24 Just for the court and for the record, the 2004,
25 2005 larceny charges are the predicate charges for

1 that particular charge.

2 **THE COURT:** I see.

3 **MR. FRETWELL:** It does carry 10 years, Your
4 Honor.

5 **THE COURT:** All right. All right. Mr.
6 Johnson, I want to initially say that I don't think
7 anybody could have argued more vigorously for their
8 client or put up such a thoughtful defense as what
9 you did. I will say that to you initially. I know
10 that the trial did not turn out as you and your
11 client had hoped, but I'll certainly hear from you
12 as to sentencing.

13 **MR. JOHNSON:** Thank you, Your Honor, both for
14 the compliments and for hearing us out at this point
15 in time. Uh, I guess this has gone on for quite a
16 while. Throughout the whole thing, I can tell you
17 that David has been nothing but pleasant with me.
18 We both just worked towards getting his day in court
19 for something that he has asserted he did not do.
20 He's now asserted his right to trial and we respect
21 the jury's decision at this point in time, Your
22 Honor, and we just ask for the mercy of the court.
23 We ask, of course, that I know in the past the
24 concept suggested that -- to sum it up, we ask that
25 you not hold against him his asserting his right to

1 have a trial.

2 **THE COURT:** Certainly not.

3 **MR. JOHNSON:** We ask for the mercy of the
4 court. I've spoken with him. I do not know if
5 there's anything he'd like to say. However, I
6 think, throughout this trial, you heard a lot about
7 what happened from various witnesses and things of
8 that nature. We just, uh, ask you to consider those
9 things. Going forward, we ask for the mercy of the
10 court.

11 **THE COURT:** All right. I thank you, sir, for
12 the words on behalf of your client. We did not
13 discuss this earlier. Of course, I know today has
14 been a busy day with closings and everything, but I
15 will give you 10 days to file any motions certainly
16 that you think are appropriate to file.

17 Mr. Boyd, is there anything you would like to
18 say?

19 **MR. BOYD:** No, ma'am, not at this time.

20 **THE COURT:** Okay. I understand.

21 **MR. FRETWELL:** May it please the Court, Your
22 Honor?

23 **THE COURT:** Yes, sir.

24 **MR. FRETWELL:** The defendant has been in jail
25 since the arrest on December the 10th of 2008.

1 **THE COURT:** Do you know approximately how
2 long that is? December, that would be two years
3 and --

4 **MR. JOHNSON:** That's three years.

5 **THE COURT:** Three years. I'm sorry. Wrong
6 year.

7 **MR. FRETWELL:** I believe if you will put his
8 start date, he'll receive credit from the time that
9 he began his incarceration. The Department of
10 Corrections will calculate that.

11 **THE COURT:** Tell me the date again.

12 **MR. FRETWELL:** It's 12/10/2008.

13 **THE COURT:** Okay. (Pause.)

14 Mr. Boyd, I think I've told you, in speaking to
15 Mr. Dill, my feelings about this. And this is that
16 but for -- uh, but for the lucky nature of the fact
17 that Mr. Dill lived, you'd be standing here, uh, --
18 you'd be facing much different charges. Much
19 different charges. Uh, I do take into account
20 although you do have some record it is not an
21 extensive record. I do take into account that you
22 are young. The most painful thing in the world is
23 to sit here and sentence someone who is young, but I
24 have to sentence you for what you did.

25 So far as the armed robbery is concerned, I'm

1 going to give you 20 years. I'll give you credit
2 from December the 10th of 2008. That is consecutive
3 to the Assault and Battery with Intent to Kill. I'm
4 going to give you the maximum punishment on it. I
5 believe that the circumstances of it are
6 particularly egregious. 20 years and that is, as I
7 said, consecutive to the armed robbery. Concurrent
8 10 years and third property offense on the Receiving
9 Stolen Goods and the Possession of a Weapon during a
10 Violent Crime, five years and that is concurrent. I
11 wish you to best of luck, sir.

12 Mr. Dill, I wish you continued recovery. All
13 right. Thank you.

14 **MR. FRETWELL:** Thank you.

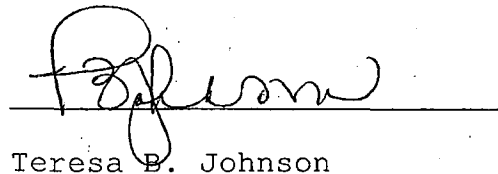
15 (WHEREUPON, the proceedings conclude at
16 approximately 2:09 p.m.)

CERTIFICATE

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

I, the undersigned, Teresa B. Johnson, 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 all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville, South Carolina, on this 10th day of July, 2012.

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

A handwritten signature in dark ink, appearing to read 'T. B. Johnson', is written over a horizontal line.

Teresa B. Johnson

Circuit Court Reporter

WITNESSES

Mary Fields *UF*

Greenville County Sheriffs Office

1/8/2009

ARREST WARRANT NUMBER

1477255

ACTION OF GRAND JURY

TRUE BILL

Tim Marks
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2009-GS-23-

AOF

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

December

TERM 2009

1-13-12

THE STATE

vs.

DAVID STEVENSON BOYD, II

Indictment for

2367

THIRD PROPERTY OFFENSE: POSSESSING OR
RECEIVING STOLEN GOODS

VIOLATION §16-13-0180 and §16-1-57

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
THIRD PROPERTY OFFENSE: POSSESSING OR RECEIVING
STOLEN GOODS

DEC 15 2009

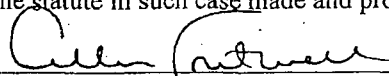
At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

That DAVID STEVENSON BOYD, II did in Greenville County, on or about the 10th day of December 2008, having previously been convicted of at least two offenses for which the term of imprisonment is contingent upon the value of the property involved, willfully and unlawfully receive, buy or possess stolen goods, chattels, or other property belonging to VERONICA CEPEDA, such goods being valued at more than One Thousand Dollars (\$1,000), described as follows: 1995 FORD WINDSTAR VAN. DAVID STEVENSON BOYD, II knew or had reason to believe the goods, chattels, or property to be stolen. This is in violation of §16-13-0180 and §16-1-57 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

WITNESSES

Mary Fields 

Greenville County Sheriffs Office

12/11/2008

DOCKET NO. 2009-GS-23-
AOF

000903

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

December

TERM 2009

THE STATE

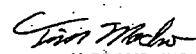
vs.

ARREST WARRANT NUMBER

I477006 and I477007

DAVID STEVENSON BOYD, II

ACTION OF GRAND JURY

TRUE BILL
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for
0139 and 0549ARMED ROBBERY and POSSESSION OF A
WEAPON DURING THE COMMISSION OF A
VIOLENT CRIME

Foreperson of Petit Jury

Date:

VIOLATION §16-11-0330 and §16-23-0490

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ARMED ROBBERY and POSSESSION OF A WEAPON DURING
THE COMMISSION OF A VIOLENT CRIME

At a Court of General Sessions, convened on DEC 15 2009 the Grand Jurors of Greenville
County present upon their oath:

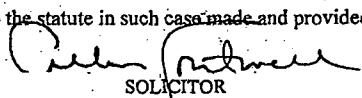
COUNT I

That DAVID STEVENSON BOYD, II did in Greenville County, on or about the 10th day of December 2008,
while armed with a deadly weapon, or while alleging either by action or words he was armed while using a
representation of a deadly weapon or any object which a person present during the commission of the robbery
would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies
described as: U.S. CURRENCY, belonging to BANK OF TRAVELERS REST. This is in violation of §16-11-
330 of the South Carolina Code of Laws (1976) as amended.

COUNT II

That DAVID STEVENSON BOYD, II did in Greenville County, on or about the 10th day of December 2008,
possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit:
ARMED ROBBERY. This is in violation of §16-23-490 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

WITNESSES

Mary Fields *MF*

Greenville County Sheriffs Office

12/11/2008

ARREST WARRANT NUMBER

1477005

ACTION OF GRAND JURY

TRUE BILL*Jim Mack*
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2009-GS-23-

AOF

The State of South Carolina

009937

County of Greenville

COURT OF GENERAL SESSIONS

December

TERM 2009

1-13-12

THE STATE

vs.

DAVID STEVENSON BOYD, II

/ Indictment for

0014

ASSAULT AND BATTERY WITH INTENT TO
KILL

VIOLATION §16-03-0620

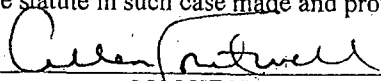
STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ASSAULT AND BATTERY WITH INTENT TO KILL

At a Court of General Sessions, convened on **DEC 15 2009** the Grand Jurors of Greenville
County present upon their oath:

That DAVID STEVENSON BOYD, II, did in Greenville County, on or about the 10th day of December 2008,
willfully, unlawfully and with malice aforethought, either express or implied, commit an assault and battery upon
DAVID DILL. This is in violation of §16-3-620 of the South Carolina Code of Laws (1976) as amended.

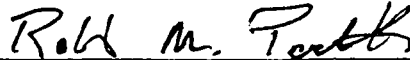
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

November 5, 2012



Robert M. Pachak
Appellate Defender

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

ATTORNEY FOR APPELLANT