

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

---

APPEAL FROM AIKEN COUNTY

Doyet A. Early, III, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

RONALD GROOMS,

APPELLANT

APPELLATE CASE NO. 2012-212683

---

RECORD ON APPEAL

---

ROBERT M. PACHAK  
Appellate Defender

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

Attorney for Appellant

ALAN WILSON  
Attorney General

SALLEY W. ELLIOTT  
Senior Assistant Deputy Attorney General  
Office of the Attorney General  
PO Box 11549  
Columbia, SC 29211  
(803) 734-3727

Attorneys for Respondent

INDEX

INDEX .....i

GUILTY PLEA HEARING TRANSCRIPT (MAY 14, 2012)..... 1

MOTION FOR RECONSIDERATION OF SENTENCE.....46

MOTION TO WITHDRAW PLEA.....47

MOTION HEARING TRANSCRIPT (JUNE 11, 2012).....50

ORDER DENYING DEFENDANT’S MOTIONS TO WITHDRAW GUILTY  
PLEA AND/OR RECONSIDER SENTENCE (JULY 30, 2012) ..... 64

INDICTMENTS .....67

CERTIFICATE OF COUNSEL.....73

State of South Carolina	)	
County of Aiken	)	Court of General Sessions
	)	2009-GS-02-959,969,1518

State of South Carolina	)	
Plaintiff	)	
vs.	)	Transcript of Record
Ronald Grooms	)	
Defendant	)	

May 14, 2012  
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:**

Elizabeth B. Young, Assistant Solicitor  
Attorney for the Plaintiff

Margaret C. Tribert, Esq.  
Attorney for the Defendant

Lisa H. Davenport, RPR  
Official 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

I N D E X   O F   W I T N E S S E S

Ronald Grooms,	
Questions by The Court.....	3
Statement by Mrs. Young.....	22
Statement by Mrs. Tribert.....	33
Statement by Miss Frelicia Tucker.....	37
Statement by The Mother.....	39
Statement by the Defendant.....	42

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
------------	--------------------	-----------	-----------

(None offered)

1 (Whereupon, on May 14, 2012 the following proceedings  
2 were held:)

3 THE COURT: Call your case.

4 MRS. YOUNG: The State of South Carolina versus  
5 Ronald Grooms.

6 THE COURT: Spell the last name, please.

7 MRS. YOUNG: G-R-O-O-M-S.

8 THE COURT: Mr. Grooms, if you'd stand and come up,  
9 please.

10 RONALD GROOMS, after being duly sworn, testified  
11 as follows:

12 THE COURT: All right. Mr. Grooms, as I understand  
13 I've had a number of conversations this morning with the  
14 Solicitor as well as your lawyer. I don't know -- four or  
15 five conferences this morning. Your case is set for trial  
16 at 2 o'clock this afternoon. The jury is ready, willing,  
17 and able. They're sitting across the way to come out.

18 Before lunch I was informed that you were going to  
19 enter a plea of guilty to three charges and -- which would  
20 dispense with the trial. Now your lawyer tells me you've  
21 changed your mind; is that correct?

22 THE DEFENDANT: No, sir.

23 THE COURT: Sir?

24 THE DEFENDANT: I'll go with the plea.

25 THE COURT: Well, nobody is forcing you to do

1 anything. I am familiar with this case. I've tried --  
2 Who did I try?

3 MRS. YOUNG: Antonio Miller.

4 THE COURT: Mr. Miller.

5 MRS. YOUNG: In February.

6 THE COURT: In February and this is the case where  
7 people came in from Columbia and the man was hog-tied with  
8 duct tape and cigarette burns or either --

9 MRS. YOUNG: Screwdriver.

10 THE COURT: -- screwdriver burns and shot a number of  
11 times. We felt like Mr. Miller was the main culprit.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: He was convicted by a jury. They found  
14 him guilty. I gave him a sentence of life in prison  
15 without the possibility of parole.

16 THE DEFENDANT: Yes, sir.

17 THE COURT: There was another young man charged and  
18 he plead guilty after four or five days of trial and he  
19 received this sentence before Judge ---

20 MRS. YOUNG: Judge Newman on voluntary manslaughter  
21 among other charges. He received 20 years. He was the  
22 driver; did not go in the house.

23 THE COURT: Driver; did not go in the house.

24 MRS. YOUNG: And 30 years on the other one who plead  
25 to murder.

1 THE COURT: Then we had another gentleman who plead  
2 before me in Barnwell --

3 MRS. YOUNG: Yes, sir.

4 THE COURT: -- who plead guilty to murder. He was  
5 given a 30-year sentence. He'll do that 30 years day for  
6 day; so we got one guy doing life, one guy doing 30 years,  
7 and another guy doing 85 percent of 20.

8 THE DEFENDANT: Yes, sir.

9 THE COURT: As I understand the charges against you  
10 are murder; correct?

11 MRS. YOUNG: That's correct.

12 THE COURT: Which carries up to life like Mr. Miller  
13 got. You've got burglary first which carries a minimum of  
14 15 to life and kidnapping -- Are we all right?

15 THE BAILIFF: The family is out there wanting to come  
16 in.

17 MRS. YOUNG: The Defendant's family.

18 THE COURT: Just bear with them a second. And the  
19 Solicitor as we've talked in chambers and she's allowing  
20 or would agree to a plea to voluntary manslaughter which  
21 carries up to 30, the burglary first which carries up to  
22 life, and the kidnapping which carries up to 30.

23 MRS. TRIBERT: Burglary second.

24 MRS. YOUNG: Your Honor, it is actually second. We  
25 were going to let him plead to the lesser included second

1 violent.

2 THE COURT: And I told your client -- I mean your  
3 lawyer -- that I would listen to everything and I  
4 certainly didn't think you were involved as Mr. Miller.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: I didn't certainly didn't think you were  
7 as involved as the man who plead guilty in Barnwell that  
8 got the 30 years.

9 THE DEFENDANT: Yes, sir.

10 THE COURT: You may have a little more involvement  
11 than the man who got 20 years, but I told her if  
12 everything sounded like she told me it was sounded that I  
13 would probably run them all together concurrent and do it  
14 all at one time and that you would not get a life sentence  
15 and you wouldn't get a 30-year sentence. You would get  
16 something less than that. I am going to listen to it, but  
17 I think that's where we all sort of have this case  
18 assessed with you involved.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Now, if you do not want to plead guilty  
21 you have the absolute right not to plead guilty. We've  
22 got the jury and we'll bring them in right now in about  
23 five minutes and start the case or -- you know, I don't  
24 know what would happen with a jury. If they find you  
25 guilty of -- What is he charged with on the trial?

1 MRS. YOUNG: Murder, kidnapping, burglary first.

2 THE COURT: On the trial?

3 MRS. YOUNG: On the trial.

4 THE COURT: So if you get convicted by the jury in a  
5 murder case I can't give you anything less than 30. You  
6 do that day for day. So, I don't know. It is up to you.  
7 You want to speak to your lawyer one more time?

8 THE DEFENDANT: Please.

9 THE COURT: You want to plea? I'm sorry?

10 THE DEFENDANT: Can I talk to the lawyer, please?

11 THE COURT: Okay.

12 (Whereupon, the Defendant confers with his attorney.)

13 THE COURT: If he pleads he is going to plea to what?

14 MRS. YOUNG: Voluntary, burglary second violent,  
15 kidnapping.

16 MRS. TRIBERT: Your Honor, my client has indicated he  
17 wishes to go forward with a plea of guilty.

18 THE COURT: Okay.

19 MRS. TRIBERT: Permission to bring his family in?

20 THE COURT: Who else is outside that needs to come  
21 in?

22 Mr. Grooms, do you have any other family members  
23 other than what's back there?

24 THE DEFENDANT: No, sir.

25 THE COURT: All right. Before me we have Mr. Ronald

1 J. Grooms, Jr. He has been indicted by the Aiken County  
2 Grand Jury on three indictments. The first indictment is  
3 2009-GS-02-959. That is an indictment for burglary in the  
4 second degree violent which carries up to 15 years,  
5 classified as violent and serious. It has been  
6 true-billed. The second indictment is 09-GS-02-969, an  
7 indictment for kidnapping. That is classified as violent  
8 and most serious, and the third indictment is  
9 09-GS-02-1578, an indictment for voluntary manslaughter.  
10 Actually, he was indicted for murder, but the state is  
11 allowing him to plea to the lesser included offense of  
12 voluntary manslaughter which carries up to 30 years,  
13 classified as violent and most serious.

14 The Defendant is represented by Mrs. Margaret  
15 Tribert.

16 Ma'am, have you explained to Mr. Grooms the charges  
17 as outlined in all three indictments?

18 MRS. TRIBERT: I have, Your Honor. I have also  
19 explained to him all of the charges on his original  
20 warrants and potential penalties for those indicted, those  
21 that we're pleading to today.

22 THE COURT: Okay. Specifically on the burglary  
23 second degree have you explained to him that carries up to  
24 a potential 15 years?

25 MRS. TRIBERT: Yes, I have.

1 THE COURT: On the kidnapping have you explained to  
2 him that carries a potential 30 years?

3 MRS. TRIBERT: Yes, I have.

4 THE COURT: And on the voluntary manslaughter have  
5 you advised him that carries up to 30 years?

6 MRS. TRIBERT: Yes, I have.

7 THE COURT: Have you advised him that as to the  
8 kidnapping and voluntary manslaughter those are what we  
9 call no-parole offenses and that he has to do 85 percent  
10 of whatever sentence I give him?

11 MRS. TRIBERT: Yes, I have.

12 THE COURT: Have you further advised him that when he  
13 is released from incarceration he'll be released to a  
14 community supervision program?

15 MRS. TRIBERT: No, I have not.

16 THE COURT: All right. I'll explain that to him.

17 MRS. TRIBERT: Thank you, Your Honor.

18 THE COURT: Have you further advised him that all  
19 three offenses are classified as violent and that may have  
20 some effect on where and how he is housed in the  
21 Department of Corrections and other ramifications?

22 MRS. TRIBERT: No, I have not.

23 THE COURT: I'll do that as well.

24 MRS. TRIBERT: Thank you, Your Honor.

25 THE COURT: Have you explained to him that the

1 burglary second is a serious offense and the other two --  
2 kidnapping and manslaughter -- are most serious?

3 MRS. TRIBERT: Yes, I have.

4 THE COURT: Have you explained to him that what that  
5 means under our enhancement laws this would be a first  
6 strike and if he --

7 MRS. TRIBERT: Yes, Your Honor.

8 THE COURT: -- were involved in the future --

9 MRS. TRIBERT: Yes.

10 THE COURT: You've explained all that to him?

11 MRS. TRIBERT: I have. We have talked about  
12 enhancement. We haven't necessarily reviewed that today.  
13 There was a time that we did discuss enhancement. If the  
14 court would want to assist in that review, I would be most  
15 grateful.

16 THE COURT: I will be glad to do it.

17 MRS. TRIBERT: Thank you, Your Honor.

18 THE COURT: Further, ma'am, have you advised him of  
19 his rights to trial by jury?

20 MRS. TRIBERT: I have.

21 THE COURT: And in your opinion does he understand  
22 the charges, the potential sentence, and all the other  
23 collateral issues that we've talked about?

24 MRS. TRIBERT: Your Honor, in my opinion he  
25 understands that he could be convicted under these charges

1 today. He understands the elements that the state needs  
2 to establish for that conviction.

3 THE COURT: Okay.

4 MRS. TRIBERT: And he does understand and I have  
5 explained at length the potential penalties, particularly  
6 for the possibility of life without parole should he be  
7 convicted of murder.

8 THE COURT: And has he indicated to you how he wishes  
9 to plead, not guilty or guilty as to each indictment?

10 MRS. TRIBERT: He has indicated to me and to the  
11 court that he wishes to plead guilty.

12 THE COURT: And, ma'am, having had an opportunity to  
13 spend, obviously, a lot of time with him and the file and  
14 reviewing all the information given to you, do you feel  
15 like that is a wise decision on his behalf?

16 MRS. TRIBERT: I do.

17 THE COURT: All right. Mr. Grooms, I am going to ask  
18 you a series of questions.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: If you do not understand the questions,  
21 please say, Judge, repeat that. Okay?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: If you answer my questions I'll assume  
24 that you understood it. Is that fair?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: You understand you're standing before me  
2 on three separate charges today?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: The first one is what we call burglary in  
5 the second degree violent. That carries up to 15 years in  
6 the Department of Corrections.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Potentially. You understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: The second case is the kidnapping case.

11 That carries up to 30 years in the Department of  
12 Corrections and it, too, is classified as violent and it  
13 is most serious, whereas the burglary second is just  
14 serious. Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And the last case you were involved with  
17 was a murder indictment, but the state is allowing you to  
18 enter a plea to what we call the lesser included offense  
19 of voluntary manslaughter and that carries up to 30 years.  
20 Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: As I said all three are classified as  
23 violent and that classification may have some effect on  
24 how and where you're housed as well as other restrictions  
25 while in the Department of Corrections. Do you understand

1 that?

2 THE DEFENDANT: No, sir.

3 THE COURT: Well, if you were up here for cashing a  
4 bad check or possession of cocaine or some other  
5 non-violent offense ---

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Sometimes when you get to the Department  
8 of Corrections they'll house violent offenders and  
9 non-violent offenders over here. Since these offenses are  
10 classified as violent it may have some effect on where  
11 you're housed. I don't know what -- I don't know. I  
12 don't want to say how it happens but it may have some  
13 effect.

14 THE DEFENDANT: So I'll be with the violent people?

15 THE COURT: Yes, sir. Well, I mean, you're -- you'll  
16 be with people who are classified as violent. I am not  
17 saying they're violent.

18 THE DEFENDANT: Yes, sir.

19 THE COURT: They've committed crimes that are  
20 classified as violent.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Okay. The burglary second is classified  
23 as serious and the other two are classified as most  
24 serious which means you now have a strike against you.  
25 South Carolina is what we call a three-strike state.

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Or sometimes two-strike state which means  
3 now that you have one strike if and when you get out you  
4 become involved in law -- criminal activity again that is  
5 classified as two more serious -- that would be three  
6 serious -- that would be three strikes --

7 THE DEFENDANT: Yes, sir.

8 THE COURT: -- or another most serious, you would  
9 have two strikes with the most serious.

10 THE DEFENDANT: Yes, sir.

11 THE COURT: If you get to that point in life, then  
12 the state can say you've got these strikes and so we can  
13 seek to have you imprisoned for the balance of your life  
14 without parole because you have all these prior records of  
15 violent -- strike that -- of serious and most serious  
16 crimes. Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: The kidnapping and the manslaughter --  
19 voluntary manslaughter -- cases are what we call no-parole  
20 sentences which means you will not be eligible for parole  
21 which means under the current state of law whatever  
22 sentence I give you you will have to do 85 percent of it.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: It is not a day-for-day like murder. It  
25 is 85 percent; so if I gave you a 20-year sentence you

1 would do 17 years, if my math is correct. Do you  
2 understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Once you're released you're released to  
5 what we call a community supervision program which is sort  
6 of like being on parole, but it is a little different type  
7 of supervision.

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Now, do you understand all these charges,  
10 the potential sentence, the classifications of violent and  
11 serious, the fact that it's a no-parole 85 percent  
12 sentence? Do you understand all of that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Any questions you want to ask me about  
15 any of that?

16 THE DEFENDANT: No, sir.

17 THE COURT: Sir?

18 MRS. TRIBERT: You need to speak up because she needs  
19 to hear what can you're saying and the court does, too.

20 THE DEFENDANT: No, ma'am. I mean, no, sir.

21 MRS. TRIBERT: No questions?

22 THE DEFENDANT: No, ma'am.

23 MRS. TRIBERT: Okay. Thank you.

24 THE COURT: All right. Understanding all that how do  
25 you wish to plead to the three charges of burglary second,

1 kidnapping, and voluntary manslaughter? Not guilty or  
2 guilty?

3 THE DEFENDANT: Guilty.

4 THE COURT: Mr. Grooms, when you plead guilty you'll  
5 be giving up certain of your constitutional rights.

6 Number one is you'll give up your right to remain silent.  
7 You'll have to tell me or admit to me your involvement in  
8 this unfortunate event.

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Secondly, you'll give up your right to a  
11 jury trial. We have the jurors waiting in the jury  
12 assembly room ready to go.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: If you plead guilty you give that up. If  
15 you had a trial you would have the right to confront and  
16 cross examine everyone who testifies against you. Do you  
17 understand that?

18 THE DEFENDANT: Yes, ma'am. Yes, sir.

19 THE COURT: You would have the right to present your  
20 own defense. You could call whatever witnesses you deem  
21 necessary that were relevant.

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Introduce relevant exhibits and you can  
24 even testify in your own defense. If you exercised your  
25 constitutional right to remain silent, I would tell that

1 jury they could not hold the fact that you didn't testify  
2 against you in any manner whatsoever and I would instruct  
3 them that they could not even consider the fact that you  
4 did not testify when they deliberate your guilt or  
5 innocence. You would be presumed innocent throughout the  
6 trial and the State of South Carolina would have the  
7 burden of proving you guilty beyond a reasonable doubt to  
8 the jury of 12 people and in order for that jury to  
9 convict you all 12 jurors would have to unanimously agree  
10 that you were, in fact, guilty.

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And even if you were found guilty you  
13 would still have the right to an appeal. Now, do you  
14 understand your rights to trial by jury?

15 THE DEFENDANT: Yes, sir. What is an appeal?

16 THE COURT: Well, an appeal would be this. If you  
17 had a jury trial and let's say the jury found you  
18 guilty --

19 THE DEFENDANT: Yes, sir.

20 THE COURT: -- then your lawyers would have the right  
21 to review all the transcripts to see if maybe I made an  
22 error of law in connection with the trial or if your  
23 lawyers left something out or some ruling was not right.

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And then it would go to an appeal court

1 to look at -- It wouldn't be any new testimony. It would  
2 simply be a review of how the proceedings took place.

3 That's an appeal. Everybody has that right.

4 THE DEFENDANT: Okay.

5 THE COURT: Do you understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: All right. Understanding your rights to  
8 trial by jury, Mr. Grooms, do you still wish to plead  
9 guilty or do you want me to bring the jury in and try it?

10 THE DEFENDANT: I'll take the plea. I'll take the  
11 plea.

12 THE COURT: All right, sir. Now, other than the fact  
13 that the state is letting you plead to the lesser included  
14 for murder down to voluntary manslaughter and has anybody  
15 promised your anything, held out any hope of reward, or  
16 threatened you in any manner in order to make you plead  
17 guilty?

18 THE DEFENDANT: No, sir.

19 THE COURT: You've been represented by Mrs. Tribert.  
20 Are you satisfied with her representation?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: In your opinion has she had enough time  
23 that she could spend with you and research the law and  
24 investigate the facts so that she can properly represent  
25 you here today?

1 THE DEFENDANT: Yes, sir.

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

5 THE DEFENDANT: No, sir. No, sir.

6 THE COURT: And I ask you once again are you totally  
7 and completely satisfied with her services?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Mr. Grooms, are you today under the  
10 influence of any alcoholic beverages?

11 THE DEFENDANT: No, sir.

12 THE COURT: Drugs?

13 THE DEFENDANT: No, sir.

14 THE COURT: Prescription medication?

15 THE DEFENDANT: No, sir.

16 THE COURT: Mr. Grooms, are you today entering this  
17 plea of guilty of your own free will?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Mr. Grooms, did you, sir, here in Aiken  
20 County back on September 15 of the year of 2008  
21 participate in the burglary, the killing, and the  
22 kidnapping of one Frederick Tucker? It is alleged that on  
23 September 15, 2008 that you participated in the unlawful  
24 entry to the dwelling of Mr. Tucker located at

25 without his consent and with the intent to

1 commit a crime therein while either you were armed or the  
2 participants were armed and that y'all did on that same  
3 date seize him, take control of him, or confine him  
4 without his permission, and on that same date that you  
5 were a part of a group that caused his death. He was shot  
6 with a handgun at that same location.

7       Were you a participant in the, for lack of a better  
8 term, the crime spree wherein his house was broken into,  
9 he was held unlawfully, and then ultimately killed?

10       THE DEFENDANT: Yes, sir.

11       THE COURT: Are you pleading guilty to that because  
12 you are, in fact, guilty?

13       THE DEFENDANT: No, sir.

14       THE COURT: Sir?

15       THE DEFENDANT: No, sir.

16       THE COURT: You're not guilty?

17       THE DEFENDANT: No, sir.

18       THE COURT: Sir?

19       THE DEFENDANT: No, sir.

20       THE COURT: I thought you said you were earlier. Did  
21 you participate in it?

22       THE DEFENDANT: Yes, sir.

23       THE COURT: I didn't say you pulled the trigger, but,  
24 you know, the hand of one is the hand of all; so were you  
25 a participant in the robbery and --

1 THE DEFENDANT: No, sir.

2 THE COURT: Sir?

3 THE DEFENDANT: I wasn't a participant in the  
4 robbery. I was just in the vehicle.

5 THE COURT: I understand that, but as a result of  
6 being in the vehicle and driving down there did  
7 Mr. Frederick Tucker end up with his house broken into?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Shot and killed and bound?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: As I understand the facts and I am  
12 familiar with them, there were four of you involved?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: You were part of the group that was  
15 involved; is that correct?

16 THE DEFENDANT: I was with the group that was  
17 involved.

18 THE COURT: You were with the group that was  
19 involved.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And that involvement whether you meant to  
22 or not ended up in him being dead, house broken into, and  
23 him being tied up?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And you understand that from a legal

1 standpoint that once you were involved in driving down and  
2 being there under our law that that makes you guilty if  
3 you were involved and you tell me you were involved; is  
4 that correct?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right. I find your decision to plead  
7 guilty to be freely, voluntarily, and intelligently made.  
8 You've had the representation of an excellent lawyer  
9 Mrs. Tribert with whom you say you're satisfied and you  
10 have admitted to me your involvement in the breaking in,  
11 the burglary, the kidnapping, the binding up of the  
12 deceased and his killing -- a part of the group -- and I  
13 will accept your plea.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Mrs. Solicitor?

16 MRS. YOUNG: Thank you, Your Honor. On the morning  
17 of September 15, 2008 at approximately 10 o'clock  
18 Ms. Ebony Williamson heard some shots coming from the  
19 general direction of her neighbor's house. Her neighbor  
20 was Mr. Frederick Tucker who lived at  
21 which is here in Aiken County. As a result of what  
22 she heard she had her uncle and her boyfriend go over  
23 there and see if something had happened. When they  
24 arrived the back door to Mr. Tucker's residence was  
25 standing open. It, apparently, had been shot through and

1 the house was completely ransacked and they found  
2 Mr. Tucker bound and nude and apparently suffering from  
3 very serious injuries and as a result of that they called  
4 9-1-1.

5 Aiken County Sheriff's Office responded rather  
6 quickly. Officer McCord was the first one on the scene.  
7 He went inside and observed the same conditions that the  
8 back door was apparently shattered by a bullet and broken  
9 into; that the house was ransacked in every room. There  
10 were items pulled out and on the floor and he did find  
11 Mr. Tucker nude, bound with duct tape laying face down in  
12 the front doorway of his residence. He called out to him.  
13 He did not receive a response. The first responders went  
14 inside and they cut the duct tape that was binding his  
15 hands and rolled him over. He was deceased at that point  
16 in time. They pronounced him to be deceased.

17 Aiken County came out there and processed the crime  
18 scene. They collected numerous shell casings,  
19 projectiles, and other items in an effort to determine  
20 what had happened. It was a very large crime scene --  
21 basically, the whole house. There were pools of blood.  
22 The main crime had apparently occurred in the kitchen area  
23 where there were large amounts of blood, but Mr. Tucker  
24 had somehow managed to inch his way over while he was  
25 bound from the kitchen to his living room to his front

1 door where he later died. He was autopsied and was found  
2 to have been murdered as a result of exsanguination or  
3 blood loss. His manner of death was classified as a  
4 homicide.

5 Aiken County set up a perimeter and the dog team did  
6 began searching. While all this was going on kind of  
7 simultaneously at the same time that morning in Richland  
8 County in Columbia the the U-Save Auto Rental had called  
9 in and reported that one of their cars had not been  
10 returned for several days and they made a report to  
11 Richland County Sheriff's Office and when the officer  
12 arrived Mr. Day and U-Save Auto Rental showed the officer  
13 that he had GPS on this car and the car was actually in  
14 Aiken County at the time and he had pinged it there and he  
15 didn't want to disable it even though he was capable  
16 because he was afraid he wouldn't get his car back; so he  
17 was told when it gets back to Columbia give us a call and  
18 we'll take care of that.

19 It did, in fact, get back to Columbia at  
20 approximately 12:30 or one that day. It was disabled on  
21 North Main Street in Columbia and Richland County did  
22 respond to that location. Upon arrival they found several  
23 black males in the backyard including the co-defendants in  
24 this case: Mr. Melvin Cummings, Mr. Antonio Miller, and  
25 Mr. Marquis Redfield. As a result of their being several

1 guns found in one car led them into the breach of trust  
2 car and they did find some crack in the car.

3 As a result of that they obtained a search warrant  
4 for North Main Street which was later determined to be  
5 Mr. Miller's residence. They executed the search warrant  
6 and found that it was Mr. Miller's residence. They found  
7 some paperwork to that regard and they also found in the  
8 closet a .38 revolver, a .40 caliber Glock pistol, and  
9 9-millimeter handgun and they did collect those items.

10 At the same time when Richland County was processing  
11 what they thought was a breach of trust car and some drug  
12 activity Mr. Cummings' name had come up as a possible  
13 suspect in this murder here in Aiken and Aiken County and  
14 Richland County actually got in touch with each other and  
15 did have communication about the fact that they had him  
16 detained up there and that he could be a suspect down here  
17 and they gave them the information about the car and that  
18 really kind of sealed the deal because this car had been  
19 in Aiken. It was around the victim's house several times  
20 on the morning of the murder and it was on the highway  
21 leaving within five minutes after the murder was  
22 committed -- Old Charleston Highway heading away towards  
23 the Columbia area.

24 As a result of that Aiken County Sheriff's Officers  
25 went up there to interview the suspects they had at the

1 time which were Mr. Cummings, Mr. Miller, and  
2 Mr. Redfield. Mr. Miller denied being involved in this  
3 and basically gave a statement that said I don't know  
4 anything about a murder in Aiken which was all he ever  
5 said about it.

6 The Richland County Sheriff's Office on the night of  
7 the murder that evening Mr. Cummings and Mr. Redfield were  
8 being interviewed simultaneously in separate rooms.  
9 Mr. Redfield was being interviewed by Detective Ghannt and  
10 Detective Sanders from Aiken County Sheriff's Office.  
11 Mr. Cummings was being interviewed by Agent Flowers and  
12 Investigator Brahnam of Richland County and they both gave  
13 consistent statements with each other saying that they had  
14 been together. They were in that rental car together all  
15 weekend; that they had come to Columbia and they had cased  
16 out Mr. Tucker's house. He was being targeted as somebody  
17 to get money from or do a robbery on and that all three of  
18 them were in that rental car.

19 They were here all weekend. They stayed at Melvin's  
20 mother's house and basically went out there on the morning  
21 of his murder to commit some sort of crime against him.  
22 Mr. Cummings stated he was the driver of the car and that  
23 he stayed inside the whole time and he was actually kind  
24 of the look-out and was next door. That was actually  
25 later confirmed by the neighbor who spoke to him in the

1 yard. I think he was sort of surprised that she came  
2 outside and he came up with some story about trying to buy  
3 a car and she actually picked him out of a photo line-up  
4 later and this was also consistent with Ms. Williamson who  
5 originally stated that she saw three males running out of  
6 the backdoor shortly after these shots were fired.

7 Mr. Cummings gave a four-page written statement, but  
8 he never said anything about there being a fourth person  
9 involved. Mr. Redfield's statement was verbal and it was  
10 sort of confusing because he kept referring to people as  
11 this guy or that guy, but eventually they figured out that  
12 there was possibly a fourth suspect and they came back and  
13 asked Mr. Cummings about that and he said the fourth  
14 suspect's name was Ron. He lived in Columbia. They asked  
15 him what did Ron do and Mr. Cummings stated he said he  
16 shot the back door, did the taping, and kicked him a  
17 little bit. When they spoke to Mr. Redfield his story was  
18 similar. Neither one of them seemed to know his last  
19 name. They just knew him as Ron. Their stories were all  
20 that the ones who went in the house were Mr. Miller,  
21 Mr. Redfield, and Mr. Grooms.

22 Mr. Flowers with SLED was able to do some  
23 investigation and determine that the Ron that they were  
24 speaking of was Ronald Grooms. He prepared a photo  
25 line-up and showed it to both Mr. Redfield and

1 Mr. Cummings separately. Both of them picked Mr. Grooms  
2 out as being the fourth person who was involved at this  
3 crime here in Aiken.

4 Several days later Mr. Grooms did turn himself in.  
5 At that point in time he did not give a statement. Later  
6 on he did give a statement. On September 29 of 2008 with  
7 his attorney at the time Ms. Teresa Johns present he was  
8 interviewed by Investigator Sanders with the Aiken County  
9 Sheriff's Office. He stated that -- He referred to  
10 Mr. Cummings as Pug. He didn't know Mr. Redfield's name,  
11 but he agreed with what they said and that all four of  
12 them were together over the weekend.

13 They spent the night at Mr. Cummings' house in Aiken.  
14 He stated that they had gone out early to the victim's  
15 house and it was his understanding that they were going to  
16 go buy crack. He stated that Cummings was driving, that  
17 Miller was in the passenger side; that he was in the rear  
18 passenger side; and Mr. Redfield was on the rear -- I  
19 mean -- Excuse me. He was on the rear driver side and  
20 Mr. Redfield was on the rear passenger side.

21 He stated to Investigator Sanders that they walked to  
22 the back door and Mr. Miller told him to knock on the  
23 door; so he did. He stated when he did so the window was  
24 cracked and when he knocked a piece of glass fell out.  
25 The victim came to the door, invited them in -- that they

1 were having a conversation and he was going to go get  
2 their drugs and that Mr. Miller and the others then pulled  
3 guns and told him, You know what it is, and he stated he  
4 did not do anything else but ran back outside and got in  
5 the car.

6 He then stated that he heard some shots and that the  
7 rest of them came running outside -- that Mr. Miller had a  
8 ziplock bag of crack and the victim's driver's license.  
9 He did state Mr. Cummings drove, but they went back a  
10 different way and his statement in the car was similar to  
11 what Mr. Cummings and Mr. Redfield had stated. Because  
12 they had had Mr. Cummings and Mr. Redfield give statements  
13 the night of the murder that were consistent with each  
14 other they felt like, you know, what he was telling them  
15 was partly true but not all the way true; so they spoke to  
16 his attorney about that and she stated that she was going  
17 to speak to him and they possibly would come back and give  
18 a taped interview at a later date.

19 On the way to the jail he told Mr. -- Investigator  
20 Sanders and Investigator Wertz could he go back to the  
21 Aiken County Sheriff's Office for another interview  
22 because he had not been totally honest and had withheld  
23 information. He stated he had witnessed more than he  
24 reported and has been more involved. Ms. Johns had  
25 already gone to Columbia and so they did not do that at

1 that point in time. She's from Columbia and that was the  
2 end of it. There was never any additional statement given  
3 by Mr. Grooms in the case.

4 There was some items that were tested at SLED and  
5 they did come back to connect the guns that were found in  
6 Mr. Miller's home -- the .40 caliber matched the shell  
7 casings at the scene and the 9-millimeter matched the  
8 shell casings as well as the projectiles that were  
9 recovered. Both of those weapons that were at  
10 Mr. Miller's house were confirmed to have been involved in  
11 the murder of Frederick Tucker.

12 The .38 revolver had been described by several of the  
13 participants that possibly Mr. Grooms had had it but that  
14 it was Mr. Miller's gun, but that it was distinctive in  
15 that the trigger guard was filed off; so, basically, you  
16 could just pull the trigger and the gun was found in that  
17 condition. On the guns also was some DNA that was a match  
18 to Mr. Tucker's DNA, the victim in this case.

19 The Aiken County Sheriff's Office did a search  
20 warrant on the green Taurus and in the back trunk area  
21 there was a long-sleeved black t-shirt and a short-sleeved  
22 black t-shirt found. The long-sleeved black t-shirt was  
23 tested. It came back positive for being a match to  
24 Mr. Cummings. The short-sleeved t-shirt was tested and it  
25 came back on the -- one of the areas was a match to

1 Mr. Grooms and it was a one in 19 quadrillion match that  
2 that shirt matched his DNA. There was a mixture found  
3 which they opined that Mr. Tucker could not be excluded,  
4 but it was a very low like one in 17. It was not a very  
5 strong match and there were several other mixtures that  
6 excluded Mr. Tucker, Mr. Redfield, and Mr. Cummings, but  
7 never was Mr. -- Mr. Grooms' profile was present  
8 throughout on the shirt.

9 Your Honor, that would, basically, be what the state  
10 would have presented in this case. You heard the case  
11 against Mr. Miller. This case was a little bit different  
12 with regard to Mr. Grooms because he was not present at  
13 the home in Columbia when the Richland County Sheriff's  
14 Office went there to recover that car. He wasn't present  
15 with Mr. Miller, Mr. Redfield, and Mr. Cummings.  
16 Mr. Cummings had stated that they had -- when they got  
17 back to Columbia all of them together they went to  
18 Books-A-Million because his girlfriend was working there  
19 and he had to deal with her. She was pregnant -- and pick  
20 something up from her and at that point in time the three  
21 of them -- Excuse me; the four of them separated. He got  
22 into his car which was a red Taurus and they went their  
23 separate ways and at that point in time is when we believe  
24 that Mr. Grooms left and was picked up by somebody else in  
25 Columbia because he was never seen with them again, and

1 that was corroborated by Mr. Cummings and Mr. Miller being  
2 on the surveillance video at Books-A-Million as  
3 Mr. Cummings had stated in his statement.

4 Your Honor, Mr. Cummings has testified in the trial  
5 against Mr. Miller and was prepared to testify in the  
6 trial against Mr. Grooms and, basically, give that  
7 information that I told you. The additional information  
8 that he would have given was that he saw Mr. Grooms  
9 throwing the screwdriver that was allegedly used to burn  
10 Mr. Tucker and some gloves out the back window of the  
11 Taurus shortly when they were driving away from the  
12 victim's home.

13 Mr. Cummings didn't give that information initially,  
14 but he did give it about a month or two later. The  
15 officers went out to this area and they were able to find  
16 a screwdriver that was similar to the one he described.  
17 They couldn't find any gloves. The road had actually been  
18 mowed several times and the screwdriver was out in the  
19 elements. They couldn't test it, but they felt like that  
20 was corroboration of his story -- additional  
21 corroboration.

22 Mr. Grooms does not have a prior record other than a  
23 shoplifting conviction in 2008.

24 The victim's family is here, Your Honor, and I do  
25 believe they want to speak at the appropriate time -- his

1 twin daughters and their mother are here.

2 THE COURT: Thank you.

3 Mrs. Tribert?

4 MRS. TRIBERT: Thank you, Your Honor. I received  
5 this case early on. I've had it since late 2008 or early  
6 -- My first job was to attend a revocation of a bond  
7 hearing. Teresa Johns secured a bond for Mr. Grooms and  
8 he has been out on bond without incident since that took  
9 place in October of 2008 and in the entire time that I  
10 have represented Ronnie Grooms it has struck me how  
11 different he is than the other gentlemen involved in this  
12 charge.

13 To begin with he is approximately 10 years younger  
14 than just about everyone. It's my understanding that  
15 Antonio Miller was some kind of cousin to him, lived next  
16 door. Ronnie started some activities with Mr. Miller  
17 about 30 days before this event took place and there was a  
18 little bit of seed money provided for some drug  
19 entrepreneurial activity, Your Honor, and, frankly, I  
20 think Antonio Miller saw Ronnie Grooms as somebody who was  
21 working and maybe had some cash and so he could take  
22 advantage of this young man and get money to go buy drugs.  
23 That's how all this began.

24 Ronnie Grooms graduated from the tenth grade. That  
25 was a social promotion. I don't think he's got a reading

1 level past sixth grade. He's got a cumulative GPA of a  
2 .5. He's a follower and on September 15, 2008 he got  
3 wound up in something God-awful horrific and there is no  
4 doubt about that. He was 22 when this took place.

5 Never did he have an intent to go and kill Freddie  
6 Tucker. He didn't know Freddie Tucker. He didn't know  
7 Melvin Cummings. He didn't know Marquis Redfield. In  
8 your listening to the testimony in the trial of Antonio  
9 Miller you heard a lot about this car casing this joint  
10 and the GPS proves that -- that this rent-a-car was around  
11 that neighborhood certainly suggestive of a plan.

12 Mr. Grooms for the most part was sitting on the couch  
13 in the home of Melvin Cummings during that time; so he was  
14 ignorant and devoid of any intent to go and kill Freddie  
15 Tucker. I honestly believe that, you know, there might  
16 have been an intent to go take something from Freddie  
17 Tucker. The testimony that would have been offered I  
18 think is -- without going into it at length -- the  
19 numerous statements from Melvin Cummings -- some that have  
20 been given on the witness stand and some that have been  
21 given in other places -- if the jury were to believe  
22 everything that Melvin Cummings had to say Mr. Grooms  
23 would be at risk which is why I have suggested that he  
24 come before you and plead today.

25 He has -- He is a single dad of a seven and an

1 eight-year-old girl. His eight-year-old child is a  
2 candidate for a magnet school. He's been a terrific  
3 parent to his daughters and is devastated to leave them.  
4 It has been with a good bit of effort on my part to fully  
5 explain to Ronnie the hand of one being the hand of all  
6 because in his heart or hearts as he just told you I'm not  
7 guilty.

8 He's a good man. Ronnie Grooms is a good man. I'm  
9 asking you to consider that. He's the only one in this  
10 this crowd that doesn't have a nickname. He's the only  
11 one in this crowd that doesn't have a record half the  
12 length of my arm. He's the only one in this crowd who was  
13 able to succeed out on bond for just about four years  
14 without incident. We came back on one bond revocation and  
15 that was a financial issue, Your Honor. My goodness, the  
16 expense that his loving family has gone to keep him out up  
17 to this day.

18 I know, Your Honor, that one defendant offered  
19 cooperation to the State of South Carolina and assisted  
20 mightily in the conviction of the real bad guy in this  
21 case. The other real bad guy already plead. He sang that  
22 day inconsistently, and Melvin Cummings I think we can all  
23 safely state was given a little consideration in his  
24 sentencing because he came up here and fully elocuted and  
25 made assurances that he was going to assist in the

1 prosecution.

2 That's of record on his plea, and then Marquis plead  
3 straight up, but I am going to ask you, Your Honor, the  
4 gentleman who drives the car, makes the plan, knows the  
5 players -- that's Melvin Cummings. The gentleman that  
6 good caught at the door, got fully taken advantage of, got  
7 told what to do by somebody with a gun in his hand, that  
8 never got academically past the sixth grade -- that's  
9 Ronnie Grooms. I am begging you to take that into  
10 consideration in your sentencing, Your Honor. He's a good  
11 man who did a horrible thing.

12 I'm not certain if any of his family members would  
13 like to speak. May I inquire? Is there anything that  
14 you'd like to say?

15 MR. EBNER: I'd like to speak on his behalf.

16 MRS. TRIBERT: All right.

17 MR. EBNER: Do I do it from here?

18 THE COURT: You may. Stand up. What's your name?

19 MR. EBNER: My name is Jerry Ebner. (phonetic  
20 spelling) I have a Doctor of Philosophy Degree in  
21 Business administration; so I am not a medical doctor, but  
22 I've known Ron for a long time. He's never been in  
23 trouble. He's always done what he is supposed to do. I  
24 was flabbergasted then I found out that this went down.  
25 It is way out of character with anything he would be

1 involved with.

2 I think his attorney stated exactly right. He got  
3 caught up with the wrong people at the wrong time and  
4 didn't know what he was getting into. Even though at 22  
5 we're considered adults, I don't think any of us in here  
6 that are my age anyway would think at 22 you're really  
7 fully grown as an adult.

8 I think he made a mistake and I think for the  
9 mistakes he made he should pay, but I think you should  
10 take all consideration into everything she said. He's a  
11 good dad. He hasn't done anything wrong except for a  
12 small prior and he will be rehabilitated very well back  
13 into society and he'll do very well back in society. He  
14 just got caught in the wrong time, wrong situation, and he  
15 is a very good guy. He really is.

16 THE COURT: Thank you. Anyone else?

17 MRS. TRIBERT: I just want to add, Your Honor,  
18 Mr. Grooms did voluntarily turn himself in.

19 THE COURT: Ladies?

20 MISS FRELICIA TUCKER: Good afternoon.

21 THE COURT: I am not going to say it's good to see  
22 you again, but it is. It's just under these horrible  
23 circumstances. How are y'all doing? How is school?

24 MISS FRELICIA TUCKER: Good as always.

25 THE COURT: What grade are you in?

1 MISS FRELICIA TUCKER: Seventh.

2 THE COURT: Seventh. They're twins, aren't they?  
3 Who wants to go first today?

4 MISS FRELICIA TUCKER: I'll be the only one speaking  
5 for us. Since my father has died I've been in a state of  
6 denial. I haven't wanted to believe it and I couldn't  
7 believe it, but coming to trial this second time it  
8 started getting more real. The feelings I've come to are  
9 I'm afraid. I'm terrified, horrified that this would  
10 happen. I feel angry and I'm -- I just don't know what to  
11 do and we're lonely without our dad.

12 I understand that he's not -- He's not over the sixth  
13 grade level, but I knew what to do when I was in second  
14 grade. I know what was right and wrong probably in  
15 kindergarten. I know what was right and wrong. I could  
16 suspect what was going to happen. You can predict stuff  
17 that's going to happen. You know not to get in situations  
18 like this, and you know what you are supposed to do and  
19 you're supposed to do it.

20 Now my feelings now is hope. I want -- I want to  
21 hope that he gets his punishment. I want to know that he  
22 knows what to do now. I want him to get the maximum  
23 sentence because he needs to understand that what he did  
24 is wrong. He has two daughters. My dad has two  
25 daughters -- me and my sister. We don't have our dad no

1 more. He is gone forever.

2 I don't know what kind of sentence he has. I  
3 understand he is getting many years, but his daughter will  
4 be able to see him again, but it's gone. Our chance is  
5 gone. It's never coming back and now we are here and we  
6 want to make sure this happens to nobody else. We want  
7 everyone -- we want the public to know that this is going  
8 to happen. We want him to be one of those people that  
9 everyone sees has done wrong and for people to learn from  
10 his mistake and he needs to learn from his, too. That's  
11 all I have right now.

12 THE COURT: Thank you.

13 MRS. YOUNG: Your Honor, that was Frederica and  
14 Frelicia Tucker.

15 THE MOTHER: Good afternoon.

16 THE COURT: You have impressive twin daughters.

17 THE MOTHER: Thank you so much. They're really very  
18 smart, straight-A students. Minor 1 is number one on  
19 Aiken High tennis team girls. Minor 2 is number six and  
20 she's number two in the region. Minor 1 is number two  
21 in the region in track for high school and they're only in  
22 the seventh grade.

23 THE COURT: Well, I challenge you to keep them  
24 involved in the school and track and their tennis. I  
25 think they'll be fine young women. They look like they

1 certainly have started off that way.

2 THE MOTHER: Yes, sir. I appreciate it. I would  
3 just like to ask you to impose the maximum sentence  
4 possible and simply because it is sending a message to my  
5 girls as well as everyone else. Just like <sup>Minor 2</sup> said  
6 she knew right from wrong when she was in kindergarten and  
7 that's something that's instilled in you. If you do  
8 something bad when you're little you expect the  
9 consequences from a parent and I understand that he turned  
10 himself in and I understand that he may not have a record  
11 as long as all the rest of the defendants that were  
12 involved, but, Your Honor, what he participated in is  
13 devastating.

14 They will never get their father back. Like you say,  
15 the hand of one is the hand of all. He was there; so he  
16 is just as much responsibility as Antonio Miller, Melvin  
17 Cummings ---

18 THE COURT: There is no question he is just as  
19 responsible. My job is -- I guess this is the tough part  
20 about my job is trying to decide your desires of making  
21 him to have a maximum sentence, no prior records,  
22 participating very significantly in it, but there were  
23 four people in this thing. It was a horrible -- what your  
24 husband went through is horrible. One of them is gone for  
25 the rest of his life. He'll never come back into society.

1 THE MOTHER: Right. I understand.

2 THE COURT: The other one who was second involved,  
3 he's gone for 30 years. He'll be a long time and then you  
4 got the guy who drove and didn't go in the house. He is  
5 gone for at least 17 years or 18 years. Then I've got to  
6 decide what to do with Mr. Grooms; so it is some degree of  
7 culpability there.

8 THE MOTHER: I understand.

9 THE COURT: And you're a smart lady --

10 THE MOTHER: I understand.

11 THE COURT: -- and you're raising two beautiful  
12 children. You understand what I'm trying to say.

13 THE MOTHER: I understand. I do and that's way I am  
14 asking you. I know that you have to weigh everything  
15 that's involved in this, but at the same time I want you  
16 to weigh what my children --

17 THE COURT: I understand.

18 THE MOTHER: -- are also going through and so  
19 whatever sentence that you think is best along with -- I  
20 mean, the maximum sentence because he's pleading today, we  
21 don't have to go through a trial.

22 THE COURT: Like we did before.

23 THE MOTHER: So the maximum was murder; so being that  
24 he is pleading he is actually getting ---

25 THE COURT: He is getting a break.

1 THE MOTHER: Exactly.

2 THE COURT: Well, rest assured I will do what I think  
3 -- I'll go back to my chambers and I'll step in the  
4 restroom and I'll look in the mirror and I'll be able to  
5 look in the mirror.

6 THE MOTHER: Yes, sir.

7 THE COURT: I'll do what I think is -- I don't know  
8 what is right, but I'll do what I think is right.

9 THE MOTHER: I appreciate that.

10 THE COURT: Mr. Grooms, anything you want to say?

11 THE DEFENDANT: I just want to say I'm sorry for what  
12 happened to y'all's family. I didn't have a lot to do with  
13 that. I was just in the wrong place at the wrong time and  
14 I've got two daughters. I can't apologize to y'all  
15 enough. I'm sorry.

16 THE COURT: Well, Mr. Grooms, you know, I sit up here  
17 a lot and I see a lot of people and a lot of situations.  
18 These two young ladies -- twin girls -- this is the second  
19 time they've been before me -- are very impressive and  
20 very smart and very industrious young ladies and you've  
21 taken their dad away or participated in taking their dad  
22 away.

23 I agree with your lawyer. I don't think you had any  
24 intentions that it would go this far, but you had no idea  
25 who you were going down there with and you happened to

1 choose --

2 THE DEFENDANT: Yes, sir.

3 THE COURT: -- one guy in particular who is a person  
4 that is completely devoid of any kindness --

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Or any caringness or -- just a mean guy.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: When you hog-tie somebody and burn them  
9 and shoot them and leave them like that -- that's why he  
10 doesn't need to be back out in society.

11 THE DEFENDANT: Yes, sir.

12 THE COURT: I am going to treat you different, but  
13 you still got to be punished.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right. Mr. Grooms, as to the  
18 manslaughter charge the sentence of the court is that you  
19 be committed to the State Department of Corrections for a  
20 period of 22 years; the kidnapping charge the sentence of  
21 the court is that you be committed to the State Department  
22 of Corrections for 22 years.

23 On the burglary charge the sentence is that you be  
24 committed to the State Department of Corrections for 15  
25 years. They're all to be run concurrent. You'll be given

1 credit for your time served. Good luck to you.

2 (Whereupon, a break was taken.)

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE OF REPORTER

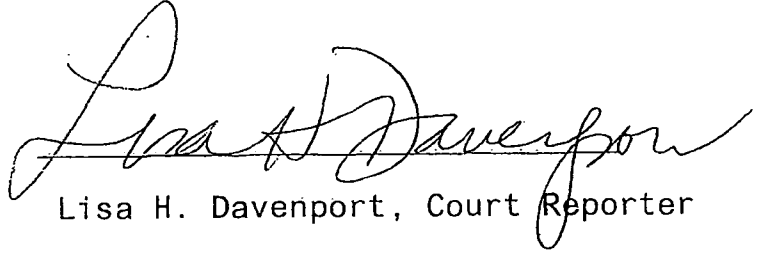
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

State of South Carolina        )  
  )  
County of Aiken                    )

I, Lisa H. Davenport, Official 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 the proceedings had and  
evidence introduced in the trial of the captioned case,  
relative to appeal, in the Court of General Sessions for  
Aiken County, South Carolina, on the 14TH day of May,  
2012.

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

June 8, 2012

  
Lisa H. Davenport, Court Reporter

H 87 3174  
H 87 3173  
H 87 3172

STATE OF SOUTH CAROLINA )  
COUNTY OF AIKEN )

IN THE GENERAL SESSIONS COURT )  
FOR THE SECOND JUDICIAL CIRCUIT )

STATE, )  
Plaintiff, )

MOTION FOR RECONSIDERATION OF )  
SENTENCE )

vs. )

RONALD GROOMS, )  
Defendant )

Case Nos. 2009GS0200969 (Kidnapping), )  
2009GS0200959 (Burglary second degree) )  
2009GS0201578 (Voluntary Manslaughter) )

Comes now Defendant, Ronald Grooms, and pursuant to S.C. Rule 29, SCRCP, respectfully showing unto the Court:

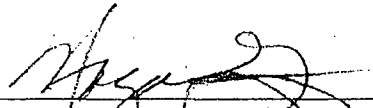
On May 14, 2012, The Defendant pled guilty to the above referenced indictments, and received sentences of 22yrs, (Kidnapping) 15 yrs (Burglary Second Degree), and 22 yrs (Voluntary Manslaughter) to run concurrently, and further,

The Defendant will show unto the Court that he was incarcerated from September 18<sup>th</sup> 2008 through October 29<sup>th</sup> 2008, when he was released on bond.

1. Defendant moves that his sentence(s) be amended to allow credit for time served.
2. Defendant also respectfully prays the Court reconsider his sentence(s) in their entirety as they are, in opinion, excessive based upon his admitted level of participation in the crimes described in the indictments and excessive in light of his age and lack of criminal history.

Wherefore Defendant prays a hearing be scheduled that the Court may make inquiry into the matters asserted herein and grant the relief requested.

Respectfully submitted:

  
Margaret Tribert SC BAR 10444  
Attorney for Defendant  
116 Waterloo St. SW  
Aiken SC 29801  
803-648-9889

Dated: May 23, 2012

4 COPY CERTIFIED TRUE & CORRECT ATF4

FILED May 23 2012  
Liz Hedard  
C.C.C.P. & G.S.  
Sharon Higgins  
Deputy Clerk

2009-GS-02-42-1761101018

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

) IN THE GENERAL SESSIONS COURT  
) FOR THE SECOND JUDICIAL CIRCUIT  
)  
)  
)

STATE,  
Plaintiff,

) MOTION TO WITHDRAW PLEA  
)

vs.

) Case Nos. 2009GS0200969 (Kidnapping),  
) 2009GS0200959 (Burglary second degree)  
) 2009GS0201578 (Voluntary Manslaughter)  
)

RONALD GROOMS,  
Defendant

Comes now Defendant, Ronald Grooms, and pursuant to S.C. Rule 29, SCRCP, respectfully showing unto the Court:

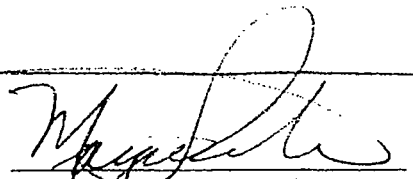
On May 14, 2012, The Defendant pled guilty to the above referenced indictments, and received sentences of 22yrs, (Kidnapping) 15 yrs (Burglary Second Degree), and 22 yrs (Voluntary Manslaughter) to run concurrently, and further,

The Defendant will show unto the Court that he now desires to withdraw his plea as it was not entered into voluntarily and with full comprehension of the surrounding circumstances.

Defendant will show unto the Court that he desired to withdraw his plea after he executed forms presented by the State, wherein he agreed to plead guilty. His desire to withdraw from this Agreement was communicated to the Court by his attorney. Immediately thereafter, he presented to the Court for the Court's inquiry and explanation of his options. Defendant will show unto the Court that at this time he did not realize he still had an option to plead not guilty and proceed to jury trial. It is Defendant's desire that his plea be vacated and he be allowed to proceed to a jury trial.

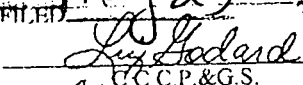
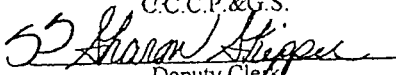
Wherefore Defendant prays a hearing be scheduled that the Court may make inquiry into the matters asserted herein and grant the relief requested.

Respectfully submitted:

  
Margaret Tibert SC BAR 10444  
Attorney for Defendant  
116 Waterloo St. SW  
Aiken SC 29801  
803-648-9889

Dated: May 23, 2012

4 COPY  
CERTIFIED A114  
TRUE & CORRECT

FILED May 23 2012  
  
Lynn Hodard  
C.C.P. & G.S.  
  
Sharon Stippes  
Deputy Clerk



LAW OFFICE  
OF  
**MARGARET TRIBERT**  
116 Waterloo St., SW  
AIKEN, SC 29801  
803-648-8898

May 23 2012

Hon. Liz Godard  
Aiken County Clerk of Court  
109 Park Ave.  
Aiken SC 29801

Hand Delivered

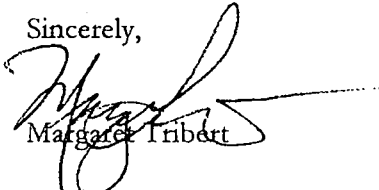
Re: State v. Grooms  
Indictment # 2009GS0200969, 2009GS0200959, 2009GS0201578

Dear Ms. Godard:

Enclosed for docketing please find Defendant's Motion for Reconsideration of his Sentence and Motion to Withdraw his Plea in the above captioned matter.

You will also find our certificate of service of same upon Solicitor Thurmond. Thank you for your kind attention in this regard.

Sincerely,



Margaret Tribert

MT/njq  
Enclosures

Cc: Hon. Strom Thurmond, Jr.  
Ronald Grooms  
Marci Grooms

FILED May 23 2012  
Liz Godard  
C.C.P. & G.S.

55 Sharon Stepp  
Deputy Clerk

4 COPY ATTY  
CERTIFIED  
TRUE & CORRECT

State of South Carolina	)	
County of Aiken	)	Court of General Sessions
	)	2009-GS-02-959,969,1578

State of South Carolina	)	
Plaintiff	)	
vs.	)	Transcript of Record
Ronald Grooms	)	
Defendant	)	

June 11, 2012  
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:**

Elizabeth B. Young, Assistant Solicitor  
Attorney for the Plaintiff

Margaret C. Tribert, Esq.  
Attorney for the Defendant

Lisa H. Davenport, RPR  
Official 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

I N D E X   O F   W I T N E S S E S

Statement by Mrs. Tribert.....	5,12
Statement by Mrs. Young.....	5
Statement by the Defendant.....	9

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
------------	--------------------	-----------	-----------

(None offered)

1 (Whereupon, on June 11, 2012 the following  
2 proceedings were held:)

3 THE COURT: All right. I have before me Mr. Ronald  
4 Grooms with his counsel Mrs. Tribert. I sentenced  
5 Mr. Grooms after he plead guilty on May 14 of this year,  
6 2012. He plead guilty to three indictments:  
7 09-GS-02-959, an indictment for burglary in the first  
8 degree, plead to the lesser included of burglary in the  
9 second degree; also pleading on that same day to  
10 indictment 2009-GS-02-969, an indictment for kidnapping;  
11 and also on that same date he plead guilty to  
12 09-GS-02-1578, an indictment for murder. He plead to the  
13 lesser included offense of involuntary manslaughter.

14 MRS. YOUNG: Voluntary.

15 THE COURT: Strike that; to voluntary manslaughter.  
16 He was sentenced to 22 years on indictment 09-GS-02-1578  
17 for the voluntary manslaughter. As to the kidnapping  
18 sentence he was likewise sentenced to 22 years and on the  
19 burglary second he was sentenced to 15 years. The  
20 kidnapping and the burglary second were to run -- I did  
21 run concurrently to the voluntary manslaughter plea.

22 Thereafter, on May 17, 2012 I signed an order to make  
23 sure that he was given credit for the time that he had  
24 served from September 28, 2008 through October 29 of 2008  
25 when he was released on bond. Those orders affected all

1 three indictments.

2 Subsequent to his pleading guilty I have received a  
3 motion for reconsideration of sentence filed by  
4 Mrs. Tribert pursuant to South Carolina Rules of Civil  
5 Procedure. I don't know how civil procedure---

6 MRS. TRIBERT: I don't know how that got in there.

7 THE COURT: Anyway, pursuant to the applicable Rules  
8 of Criminal Procedure she filed a motion to reconsider the  
9 sentence basically alleging that he plead guilty on May  
10 14, 2012 and received the sentences that I just read into  
11 the record. Before me today -- What I was just reading  
12 was the motion to reconsider wherein I gave him credit for  
13 his time served.

14 She's now before me today moving that the defendant  
15 desires to withdraw his plea alleging it was not entered  
16 into voluntarily and with full comprehension of the  
17 surrounding circumstances. His desire to withdraw from  
18 the agreement -- I don't know what kind of agreement we  
19 had, but it was a sentence that was communicated to the  
20 court by his attorney. Defendant will show unto the court  
21 that he did not realize he still had an option to plead  
22 not guilty and proceed to jury trial. It is defendant's  
23 desire that his plea be vacated and he be allowed to  
24 proceed to a jury trial.

25 Ma'am?

1 MRS. TRIBERT: Thank you, Your Honor. Your Honor --

2 THE COURT: Yes, ma'am.

3 MRS. TRIBERT: -- very shortly after this plea was  
4 entered into I was informed by Mr. Grooms' family who had  
5 been in regular contact with him that he wanted to undo  
6 what was done on May 14. I will simply share with the  
7 court that in the years that I did represent and continue,  
8 of course, but in the years leading up to this Mr. Grooms  
9 is very adamant that he was not going to plead guilty.  
10 His desire or agreement to plead guilty was reached the  
11 morning that we came into court on the 14th when this case  
12 was called.

13 THE COURT: If I remember correctly, this involved  
14 the brutal death of Mr. --

15 MRS. TRIBERT: Frederick Tucker.

16 MRS. YOUNG: Fred Tucker.

17 THE COURT: -- Tucker who was bound with Duct tape.

18 MRS. YOUNG: Burned with a hot screw driver, beaten  
19 or whipped, and then ultimately shot.

20 THE COURT: On a number of occasions.

21 MRS. YOUNG: He suffered one fatal wound, but he was  
22 shot at numerous times.

23 THE COURT: Inside of the trailer that was  
24 bullet-ridden.

25 MRS. YOUNG: Yes, sir.

1 THE COURT: As I recall the facts, there were four  
2 individuals involved.

3 MRS. YOUNG: That's correct.

4 THE COURT: Four co-defendants. We had a trial on  
5 one of the co-defendants. He was convicted of murder. He  
6 was given a life sentence.

7 MRS. YOUNG: Yes, sir.

8 THE COURT: The other two have plead guilty and  
9 Mr. Grooms admitted to me at the plea that although he did  
10 not go into the house he was a driver or sitting outside  
11 as a lookout or sitting outside when it was going on.

12 MRS. YOUNG: That's what he originally tried to  
13 state, Your Honor. However, we -- Law enforcement knew  
14 based on interviews at the time when they were  
15 investigating the murder that that was not the case; that,  
16 in fact, Mr. Cummings, the previous co-defendant who  
17 testified during Mr. Miller's trial, was with driver. He  
18 has been outside. He was identified as being outside by  
19 the neighbor who picked him out of the line-up.

20 THE COURT: Mr. Grooms' involvement was what?

21 MRS. YOUNG: He, according to the state, went inside  
22 and was involved in the invasion and ensuing events and we  
23 were proceeding under the hand-of-one based on his  
24 involvement and he did somewhat balk when we started the  
25 plea; however, after I expressed all of the colloquy of

1 those facts including his involvement based on the  
2 hand-of-one theory and knowing that there was going to be  
3 some criminal activity taking place he did not question  
4 the facts after I went through the colloquy.

5 THE COURT: I'm sorry. Go ahead, ma'am.

6 MRS. TRIBERT: That's fine, Your Honor. We signed  
7 him up before lunch. I came back after lunch. When I  
8 came back after lunch Mr. Grooms had been met by several  
9 members of his family, his extended family and friends,  
10 and there was a conversation at the bottom of the  
11 staircase where Mr. Grooms told me that he wanted to  
12 change his mind.

13 THE COURT: Change his mind? What---

14 MRS. TRIBERT: To not plead and that's what I came in  
15 and told you.

16 THE COURT: Okay.

17 MRS. TRIBERT: And then upon examination in the  
18 courtroom -- and it was my understanding that we were  
19 going to put that on the record -- Mr. Grooms said I'll  
20 take the plea and so we proceeded to do the plea.

21 THE COURT: Which I remember was a rather lengthy  
22 plea.

23 MRS. TRIBERT: It was, Your Honor, and I do have the  
24 transcript from that. Mrs. Davenport did pull that  
25 together for us. It is sort of two-pronged based on my

1 conference with him today in that it was his family's  
2 desire to retain private counsel. There was some mention  
3 of that before we came into the courtroom. I did give my  
4 opinion that I thought it highly unlikely that the court  
5 would give him a continuance on those grounds given  
6 that---

7 THE COURT: Well, the murder took place on  
8 September 15, 2008. That was some four years later.

9 MRS. TRIBERT: Yes, sir.

10 THE COURT: Almost four years later.

11 MRS. TRIBERT: Yes, sir, and based upon my feeling  
12 that that was the position the court would take I do  
13 believe Mr. Grooms came into this courtroom and at this  
14 juncture just thought he had no choice and I would just  
15 ask that you also just hear what Mr. Grooms has to say  
16 about it --

17 THE COURT: Sure.

18 MRS. TRIBERT: -- because it is my understanding  
19 today that he does not want this anymore. I'll be frank.  
20 This is certainly kind of against my judgment, but I have  
21 to go with my client's opinion here.

22 THE COURT: Well, I don't know. Sometimes you  
23 shouldn't let the tail wag the dog.

24 MRS. TRIBERT: Well, Your Honor, I'm at a point where  
25 his next claim would be my attorney put me under duress to

1 take this plea and I am just about on that ledge and I  
2 just -- I have to step back. I almost feel maybe that's  
3 the case.

4 THE COURT: Let me hear from Mr. Grooms. What do you  
5 say, Mr. Grooms? Why do you want to change your mind and  
6 tell me you're not guilty now?

7 THE DEFENDANT: Because I want to plead my innocence.

8 THE COURT: Innocence to what?

9 THE DEFENDANT: That I had no involvement with what  
10 was going on that day.

11 THE COURT: Well, you told me at the plea you did.

12 THE DEFENDANT: I was there, but I had no doings with  
13 nothing that happened inside of that house.

14 THE COURT: Sir?

15 THE DEFENDANT: I didn't have nothing to do with what  
16 happened inside that house and I thought that I didn't  
17 have a choice but to take that plea. I thought if I  
18 didn't take the plea that I had to go to trial right then.

19 THE COURT: Well, you did.

20 THE DEFENDANT: I thought---

21 THE COURT: Wasn't it set for trial that day?

22 MRS. YOUNG: It was set for trial, Your Honor --

23 MRS. TRIBERT: Yes.

24 MRS. YOUNG: -- that week. We had all of the  
25 witnesses and we were prepared to try the case.

1 THE COURT: And the jury was here.

2 MRS. YOUNG: The jury was here.

3 THE COURT: You're right about that. It was either  
4 going to be a plea or trial that day.

5 THE DEFENDANT: But I have the money for a paid  
6 attorney.

7 THE COURT: Well, the thing happened in 2008. You  
8 had been out on bond for a long time and -- I have been  
9 doing this a long time.

10 THE DEFENDANT: I just---

11 THE COURT: A lot of people want to hire an attorney  
12 at the --

13 THE DEFENDANT: I just received the money --

14 THE COURT: -- eleventh and a half hour. Sir?

15 THE DEFENDANT: I just received that I would be able  
16 to receive the money for a paid attorney that evening when  
17 I talked with my attorney now.

18 THE COURT: Who are you going to hire?

19 THE DEFENDANT: I got to talk to my parents.

20 THE COURT: Sir?

21 THE DEFENDANT: I have to talk to my parents.

22 THE COURT: Anything else? Please tell me everything  
23 you want to tell me now.

24 THE DEFENDANT: That I had no involvement with what  
25 happened in that house. That's all.

1 THE COURT: Were you in the house?

2 THE DEFENDANT: I was in, but I came back out.

3 THE COURT: Anything else?

4 THE DEFENDANT: That's it. I had no gun, no nothing.

5 My fingerprints -- no nothing. I had nothing to do with  
6 what happened inside the house.

7 THE COURT: Okay. All right. I'll take it under  
8 advisement.

9 Ma'am, do you have an extra copy of that transcript  
10 so I can look at it?

11 MRS. TRIBERT: I'll get you an extra copy of it. I  
12 just got it today. I'll bring a copy---

13 THE COURT: I can get one from Lisa.

14 Lisa, shoot me a copy, please.

15 THE COURT REPORTER: Okay.

16 MRS. TRIBERT: Thank you, Your Honor.

17 THE COURT: All right. I'll take it under  
18 advisement, Mr. Grooms, but you understand that if I grant  
19 your wish we try the case and you'll be tried not on  
20 voluntary manslaughter.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: You'll be tried on a murder charge.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And I will tell that jury the hand of one  
25 is the hand of all and the man is definitely dead.

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And you were, I assume, in the house.

3 You told me you are.

4 THE DEFENDANT: I was in there.

5 THE COURT: And if I tell them that the hand of one  
6 is the hand of all you may be looking at a life sentence  
7 like one of your other co-defendants; so you may be facing  
8 that. Do you understand that?

9 THE DEFENDANT: I think I'll be able to prove my  
10 innocence.

11 THE COURT: Very well. I'll take it under  
12 advisement. I'll get an order out.

13 (Whereupon, a break was taken.)

14 THE COURT: Where is your client?

15 MRS. TRIBERT: My client has already gone back.

16 THE COURT: I'll be glad to hear from you, I guess.

17 MRS. TRIBERT: Thank you. Immediately after this  
18 plea was taken I realized that the sentencing sheet did  
19 not include credit for time served. Beth Ann Young and I  
20 worked out that consent order which you signed and we  
21 filed. Before the signed order was filed my 10 days was  
22 racking up; so I filed the motion for reconsideration of  
23 his sentence, but it was two-prong. The second half of  
24 that motion asked for less time.

25 Your Honor, you haven't ruled on anything yet. I

1 don't want it to be on the record that I waived the second  
2 half.

3 THE COURT: You have not waived it and I respectfully  
4 deny it.

5 MRS. TRIBERT: Thank you, Your Honor.

6 THE COURT: Mrs. Beth Ann Young, are you in the  
7 courtroom?

8 Get her an instant message for her to do me an order.  
9 We took that up and I denied it.

10 MRS. TRIBERT: Thank you, Judge.

11 (End of Transcript of Record.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE OF 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

State of South Carolina        )  
  )  
County of Aiken                    )

I, Lisa H. Davenport, Official 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 the proceedings had and  
evidence introduced in the trial of the captioned case,  
relative to appeal, in the Court of General Sessions for  
Aiken County, South Carolina, on the 11th day of June,  
2012.

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

February 6, 2013

\_\_\_\_\_  
Lisa H. Davenport, Court Reporter

THE STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

THE STATE OF SOUTH CAROLINA

VS.

RONALD GROOMS

Defendant

) IN THE COURT OF GENERAL SESSIONS  
) SECOND JUDICIAL CIRCUIT

) ORDER DENYING DEFENSE  
) MOTIONS TO WITHDRAW GUILTY  
) PLEA AND/OR RECONSIDERATION  
) SENTENCE

) INDICTMENT NUMBERS:  
) 2009-GS-02-959 #878173  
) 2009-GS-02-969 #878174  
) 2009-GS-02-1578 #878172

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

Deborah A. Grooms, Clerk of Court of General Sessions and General  
Sessions for Aiken County, South Carolina do hereby certify  
that foregoing constitutes a true and correct copy of the  
original documents which have been filed in my office this

AUG 03 2012

6  
Deborah A. Grooms  
C.C.C.P. & G.S., AIKEN COUNTY, S.C.

This matter came before the Court in Aiken County on June 11, 2012, on a motion made by defendant's counsel for a hearing regarding both the Withdrawal of Defendant's Guilty Plea and Reconsideration for Sentence. The Defendant was previously sentenced on May 14, 2012, to twenty-two (22) years for Voluntary Manslaughter, twenty-two (22) years for Kidnapping, and fifteen (15) years for Burglary, First Degree, with all sentences running concurrently. The Defendant was present in the courtroom during the hearing. The court heard argument from Defense Counsel, Margaret Tribert, and the State of South Carolina represented by Assistant Solicitor Elizabeth B. Young. The Court heard sworn testimony from the Defendant during this hearing. Additionally, the Court reviewed the transcript of the Defendant's guilty plea. After considering the arguments, testimony, and transcript, the Court finds no reason or justification for allowing the Defendant to withdraw his guilty plea.

During the hearing the Defendant argued that he did not understand he had an option to plead "not guilty" and proceed to trial on May 14, 2012 (after signing the sentence sheets but prior to entering his plea before the Court). In the transcript at page three (3), line twelve (12), immediately after the Defendant was sworn, the Court had the following colloquy with the Defendant:

DAE  
#1

FILED: Aug 3 2012  
Deborah A. Grooms  
C.C.C.P. & G.S.  
Shannon Thompson  
Deputy Clerk

THE COURT: "All right. Mr. Grooms, as I understand I've had a number of conversations this morning with the Solicitor as well as your lawyer. I don't know---four or five conferences this morning. Your case is set for trial at 2 o'clock this afternoon. The jury is ready, willing, and able. They're sitting across the way to come out.

Before lunch I was informed that you were going to enter a plea of guilty to three charges and -- which would dispense with the trial. Now your lawyer tell me you've changed your mind; is that correct?"

THE DEFENDANT: "No, sir."

THE COURT: "Sir?"

THE DEFENDANT: "I'll go with the plea."

After some additional discussion, the Court had the following colloquy with the Defendant as set forth in the transcript at pages sixteen (16) through seventeen (17) at line sixteen (16):

THE COURT: "Mr. Grooms, are you today entering this plea of guilty of your own free will?"

THE DEFENDANT: "Yes, sir."

The Court finds that the Defendant entered his guilty plea freely and voluntarily.

During this hearing the Defendant further argued that the Court's sentence should be reduced based on his age, level of participation, and lack of a prior record. During the guilty plea the Court considered the facts and the victim's statements. The Court also considered the Defendant's age, level of participation, and lack of a prior record at the time of sentencing. Further, the Court considered that the Defendant was charged with Murder but was pleading guilty to a lesser-included offense of Voluntary Manslaughter. The Court finds that the sentence imposed was within the limits of the penalties allowed to be imposed by the Court. The Court finds no reason for changing its original sentence.

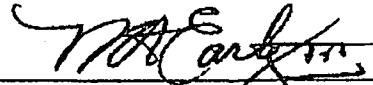
DAE  
#2

Wherefore, the Court finds that the sentence imposed on the Defendant on May 14, 2012, should not be changed by the Court. The Defendant's Motions to Withdraw the Guilty Plea and to Reconsider the Sentence are DENIED.

AND IT IS SO ORDERED

Done this 10<sup>th</sup> day of July, 2012, Aiken, South Carolina.

30<sup>th</sup> (DAE)



THE HONORABLE DOYET A. EARLY III  
Presiding Administrative Judge

WITNESSES

Aiken County Sheriff

J.D. Sanders

Law Enforcement Case #: 2008 51584

BAY

ARREST WARRANT NUMBER

H873173

FILED June 11 2009

*Liz Godard*  
C.C.P. & G.S.

*Ann Sanders*  
Deputy Sheriff

ACTION OF GRAND JURY

*True Bill*

*J. Strom Thurmond*

Foreperson of Grand Jury  
Date: June 11, 2009

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. 2009GS0200959

The State of South Carolina  
County of Aiken

COURT OF GENERAL SESSIONS

JUNE TERM 2009

THE STATE  
vs.

RONALD J. GROOMS, JR.

CDR #: 0079

Indictment for

BURGLARY IN THE FIRST DEGREE

§ 16-11-0311

J. STROM THURMOND, SOLICITOR

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

MAY 16 2012

*Liz Godard*  
C.C.C.P. & G.A., Aiken County, S.C.  
*Ann Sanders*  
Deputy Clerk

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF AIKEN )  
 )

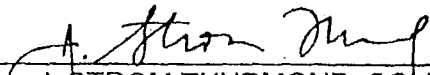
INDICTMENT FOR  
BURGLARY IN THE FIRST DEGREE

§ 16-11-0311

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

That **RONALD J. GROOMS JR.**, along with others, did in Aiken County, South Carolina on or about September 15, 2008 wilfully and unlawfully enter the dwelling of Frederick Tucker located at \_\_\_\_\_, Aiken, South Carolina, without consent and with the intent to commit a crime therein and the defendant was armed with a deadly weapon, all in violation of §16-11-311, Code of Laws of South Carolina (1976), as amended.

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

  
\_\_\_\_\_  
J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

J.D. Sanders

Law Enforcement Case #: 2008 51584

DOCKET NO. 2009GS0200969

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

JUNE TERM 2009

THE STATE

vs.

RONALD J. GROOMS, JR.

ARREST WARRANT NUMBER

FILED June 11 2009

H873174

Liz Godard  
C.C.P. & G.S.

Amy Sanders  
SHERIFF

ACTION OF GRAND JURY

True Bill

[Signature]

Foreperson of Grand Jury

Date: 06-11-2009

VERDICT

Foreperson of Petit Jury

Date:

CDR #: 0095

Indictment for

KIDNAPPING

§ 16-03-0910

J. STROM THURMOND, SOLICITOR

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.

MAY 16 2012

Liz Godard  
C.C.P. & G.S., Aiken County, S.C.

[Signature]  
Deputy Clerk

STATE OF SOUTH CAROLINA    )  
  )  
COUNTY OF AIKEN            )  
  )

INDICTMENT FOR  
KIDNAPPING

§ 16-03-0910

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

That **RONALD J. GROOMS, JR.**, along with others, did in Aiken County, South Carolina on or about September 15, 2008, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away Frederick Tucker without authority of law, all in violation of §16-3-910 of the Code of Laws of South Carolina (1976), as amended.

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

  
J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

J. Sanders

Law Enforcement Case #: 2008 51584

BAY

ARREST WARRANT NUMBER

FILED September 10 2009  
H873172

*Liz Godard*  
C.C.P. & G.S. *clerk*  
*(Shannon W. Rosenkrantz)*  
Deputy Clerk

ACTION OF GRAND JURY

True Bill

*[Signature]*  
Foreperson of Grand Jury  
Date: September 10, 2009

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. 2009GS0201578

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2009

THE STATE

vs.

RONALD J. GROOMS, JR.

CDR #: 0116

Indictment for

MURDER

§ 16-03-0010; 16-03-0020

J. STROM THURMOND, SOLICITOR

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

MAY 16 2012

*Liz Godard*  
C.C.P. & G.S. Aiken County, S.C.  
Deputy Clerk

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF AIKEN )  
 )

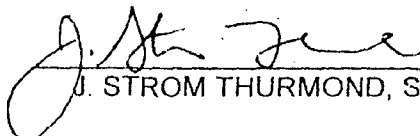
INDICTMENT FOR  
MURDER

§ 16-03-0010; 16-03-0020

At a Court of General Sessions, convened on September 14, 2009, the Grand Jurors of Aiken County present upon their oath:

That **RONALD J. GROOMS, JR.** did in Aiken County on or about September 15, 2008, feloniously, wilfully and with malice aforethought, then and there kill and murder Frederick Tucker by means of shooting him with a handgun and that the victim did die in Aiken County at \_\_\_\_\_, Aiken, South Carolina as a proximate result thereof. All in violation of Section 16-3-10 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.

  
\_\_\_\_\_  
J. STROM THURMOND, 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."

March 15, 2013



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