

**VOLUME II OF II**

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Carmen T. Mullen, Circuit Court Judge

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60 Court of Appeals

THE STATE,

RESPONDENT,

V.

RICHEY LAMONT BOYD,

APPELLANT

APPELLATE CASE NO. 2012-209166

RECORD ON APPEAL

ROBERT M. DUDEK  
Chief Appellate Defender

ALAN WILSON  
Attorney General

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

JOHN W. MCINTOSH  
Chief Deputy Attorney General

Attorney for Appellant

DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General  
Office of the Attorney General  
PO Box 11549  
Columbia, SC 29211  
(803) 734-3727

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W. WALTER WILKINS, III  
Solicitor, Thirteenth Judicial Circuit  
Greenville County Courthouse  
305 E. North Street, Suite 325  
Greenville, SC 29601-2185  
(864) 467-8282

Attorneys for Respondent

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1 consider this in determining whether to trust the  
2 witnesses testimony as to other matters. And you may  
3 reject all testimony of that witness, and give all or part  
4 of the testimony the weight you think it deserves.

5 Now, ladies and gentlemen of the jury, I remind you  
6 that the burden of proof in this trial is on the State.  
7 The burden of proof is beyond a reasonable doubt, and it  
8 extends to every element of a crime charged. And this,  
9 specifically, includes the burden of proving beyond a  
10 reasonable doubt the identity of a defendant as a person  
11 who committed the crime.

12 Identification testimony is an expression of belief  
13 or impression by a witness. You must determine the  
14 accuracy of the identification of a defendant. You must  
15 consider the believability of each identification witness  
16 in the same way as any other witness. You must be  
17 satisfied beyond a reasonable doubt of the accuracy of the  
18 identification of a Defendant before you may find that  
19 Defendant guilty. On the other hand, if after examining  
20 the testimony, you have a reasonable doubt as to the  
21 accuracy of the identification, you must find that  
22 Defendant not guilty.

23 Now, ladies and gentlemen, if a crime is committed by  
24 two or more people who are acting together in committing a  
25 crime, the act of one is the act of all. A person who

1 joins with another to commit an unlawful act is criminally  
2 responsible for everything done by the other person which  
3 happens as a probable or natural consequence of the acts  
4 done in carrying out the common plan and purpose. If two  
5 or more people are acting together assisting each other in  
6 committing the offense, the act of one is the act of all,  
7 or it is sometimes called the hand of one is the hand of  
8 all.

9 Ladies and gentlemen, prior knowledge that a crime is  
10 going to be committed without more is not sufficient to  
11 make a person guilty of that crime. Mere knowledge that  
12 another person is going to commit a crime, even if the  
13 Defendant is present when the crime is committed, is not  
14 sufficient to convict a Defendant as a principle. Guilt  
15 as a principle is shown by actual or constructive presence  
16 at the scene as a result of prior arrangement.

17 Therefore, a finding of a prior arranged plan or  
18 common scheme is necessary for a finding of guilt as a  
19 principle. And the State must prove beyond a reasonable  
20 doubt by competent evidence the theory of the hand of one  
21 is the hand of all. A principle in a crime is one who  
22 either, actually, commits the crime, or who is present  
23 aiding, abetting, or assisting in committing the crime.

24 When a person does an act in the presence of and with  
25 the assistance of another, the act is done by both. When

1 two or more acting with a common plan or intent are  
2 present during the commission of a crime, it does not  
3 matter who, actually, commits the crime, all are guilty.  
4 Again, the hand of one is the hand of all. Present at the  
5 commission of a crime means to be sufficiently near to  
6 aid, and abet, and assist in the commission of the crime.  
7 However, ladies and gentlemen, mere presence at the scene  
8 of a crime is not sufficient to convict one as a principle  
9 on the theory of aiding and abetting.

10 Intent is, also, a necessary element. For there must  
11 have been a common design or intent to commit the crime,  
12 and the crime must have been committed pursuant thereto  
13 with a person aiding and abetting by some overt act.  
14 Intent means intending the result which, actually, occurs,  
15 not accidentally or involuntarily. Intent may be shown by  
16 acts and conduct of a Defendant in other circumstances  
17 from which you may naturally and reasonably infer intent.  
18 Again, ladies and gentlemen, the State must prove these  
19 elements beyond a reasonable doubt.

20 Now, in order to establish criminal liability,  
21 criminal intent is required. For example, the mental  
22 state required to be proven by the State for a particular  
23 crime might be purpose, intent, knowledge, recklessness,  
24 or criminal negligence. Criminal intent must be proven by  
25 the State beyond a reasonable doubt.

1 Criminal intent is always a matter that must be  
2 determined by the jury from the circumstances surrounding  
3 the situation. There is no way to prove intent to a  
4 mathematical certainty. There is no way medical science  
5 can dissect a person's brain and determine what the person  
6 had in their mind. So the law says that criminal intent  
7 may be inferred from the circumstances shown to have  
8 existed.

9 Ladies and gentlemen, this is how you make a  
10 determination of whether or not the element requiring  
11 intent was present. It is not necessarily to establish  
12 intent by direct and positive evidence. But intent may be  
13 established by inference in the same way as any other fact  
14 by taking into consideration the acts of the parties and  
15 all of the facts and circumstances of the case, based on  
16 evidence introduced during the trial of the case.  
17 Criminal intent is a mental state of conscious wrongdoing.  
18 It is up to you to determine what a Defendant intended to  
19 do, based on the circumstances shown to have existed.

20 Ladies and gentlemen, the indictments in this case  
21 allege different offenses against the Defendants, Lamar  
22 Williams and Richey Boyd. Those charges are murder,  
23 kidnapping, attempted armed robbery, burglary in the first  
24 degree, conspiracy, and possession of a weapon while  
25 committing a violent crime. Ladies and gentlemen, each

1 charge is a separate and distinct offense.

2 You must decide each charge separately on the  
3 evidence and the law that's applicable to it, uninfluenced  
4 by your decision as to any other charge with one  
5 exception. If you do find the Defendant guilty -- or a  
6 Defendant guilty of murder, attempted armed robbery,  
7 kidnapping, or burglary in the first degree, then you may,  
8 also, find the Defendant guilty of possession of a weapon  
9 during the commission of a violent crime.

10 And, Madam Foreperson, and, members of the jury, the  
11 verdict form will have further instructions on this. But  
12 you'll be asked to write a separate verdict of guilty or  
13 not guilty for each charge following the instructions on  
14 the verdict form.

15 Now, what I'm going to do is define these offenses  
16 for you, ladies and gentlemen. And the first one is  
17 murder. To prove murder, the State must prove beyond a  
18 reasonable doubt that a Defendant killed another person  
19 with malice aforethought. Malice is hatred, ill will, or  
20 hostility towards another person. It is the intentional  
21 doing of a wrongful act without just cause or excuse, and  
22 with an intent to inflict an injury, or under  
23 circumstances that the law will infer an evil intent.

24 Malice aforethought does not require that malice  
25 exists for any particular time before the act is

1 committed. But malice must exist in the mind of a  
2 Defendant just before and at the time the act is  
3 committed. Therefore, there must be a combination of the  
4 previous evil intent and the act.

5 Ladies and gentlemen, malice aforethought may be  
6 expressed or inferred. And these terms do not mean  
7 different kinds of malice, but merely the manner in which  
8 malice is shown to exist, that is either by direct  
9 evidence or by inference from the facts and circumstances  
10 which are proven in the case.

11 Expressed malice is shown when a person speaks words  
12 which express hatred or ill will for another, or when the  
13 person prepared beforehand to do the act which was later  
14 accomplished. For example, lying in wait for a person or  
15 any other acts of preparation going to show that the deed  
16 was within a Defendant's mind would be expressed malice.  
17 Malice may be inferred from conduct showing a total  
18 disregard for human life.

19 Now, ladies and gentlemen, the Defendant is, also --  
20 or the Defendants are, also, charged with kidnapping. And  
21 the State must prove beyond a reasonable doubt that a  
22 Defendant knowingly and unlawfully seized, confined,  
23 inveigled, decoyed, kidnapped, abducted, or carried away  
24 another person without authority of law. Ladies and  
25 gentlemen, to do a thing unlawfully is to do it willfully

1 against the law. And knowingly means with knowledge,  
2 consciously, not accidentally. And seize means to take  
3 hold of suddenly or forcibly. And confine means to limit,  
4 restrict, or enclose within bounds, imprison, or shut up,  
5 or keep in.

6 Ladies and gentlemen, inveigle means to lure, entice,  
7 or lead astray by false representations, promises, or  
8 other deceitful means. And decoy means to lure by -- or  
9 as if by decoy. Again, a decoy is something to entice a  
10 person into a trap. And kidnap is to remove a person  
11 against their will by unlawful force or by fraud. And  
12 abduct, ladies and gentlemen, means to carry away off  
13 secretly, or by force for an illegal purpose. And carry  
14 away, of course, means to remove.

15 Ladies and gentlemen, the State does not have to  
16 prove that a Defendant did all of these things. Instead,  
17 if you find beyond a reasonable doubt that a Defendant did  
18 any of these things, you may find that Defendant guilty of  
19 kidnapping. Ladies and gentlemen, something done without  
20 authority of law is something which the law does not  
21 sanction, permit, allow, condone, or provide justification  
22 for. And the kidnapping does not have to be for any  
23 personal or monetary gain or illegal purpose, but may be  
24 for any reason whatsoever.

25 Now, ladies and gentlemen, the Defendants are, also,

1 charged with attempted armed robbery. Now, an attempt is  
2 an effort to accomplish a crime which does not succeed.  
3 An intent includes a specific intent to do a particular  
4 criminal act, along with an act -- falling short of the  
5 act that is intended. Now, the State must show more than  
6 mere preparation and intent. There must be some overt act  
7 committed in the effort to commit. Intent, ladies and  
8 gentlemen, means intending the result which, actually,  
9 occurs, not accidentally or involuntarily. An intent may  
10 be shown by acts and conduct of a Defendant and other  
11 circumstances from which he may naturally and reasonably  
12 infer intent.

13 Now, ladies and gentlemen, armed robbery is the  
14 taking of personal property from the person or presence of  
15 another person. And property is in the presence of a  
16 person if it is within the person's reach, inspection,  
17 observation, or control so that the person could, if not  
18 overcome with violence or prevented by fear, keep  
19 possession of their property.

20 Now, the State must, also, prove beyond a reasonable  
21 doubt that the Defendant carried away the property  
22 intending to permanently deprive the owner of the property  
23 and to keep the property for the Defendant's own use.  
24 Ladies and gentlemen, the slightest removal of the  
25 property or the complete possession of the property, even

1 for an instant, by a Defendant is sufficient to show a  
2 taking and carrying away of that property. Now, the  
3 taking and carrying away of the property must have been  
4 done with violence or by putting the owner of the property  
5 in fear of violence.

6 Ladies and gentlemen, finally, the State must prove  
7 beyond a reasonable doubt that the Defendant was armed  
8 with a deadly weapon during the robbery to prove attempted  
9 armed robbery. A deadly weapon is any article,  
10 instrument, or substance which is likely to cause death or  
11 great bodily harm. Now, whether an instrument has been  
12 used as a deadly weapon depends on the facts and  
13 circumstances of each case.

14 Now, ladies and gentlemen, the Defendants are, also,  
15 charged with first degree burglary. And the State must  
16 prove beyond a reasonable doubt that a Defendant entered a  
17 dwelling without their consent. Now, a dwelling is any  
18 building or portion of a building in which a person  
19 ordinarily sleeps. A building constructed as a dwelling  
20 that has never been occupied cannot be considered a  
21 dwelling for purposes of burglary. But a building is a  
22 dwelling, even if the residents are temporarily absent  
23 from the building.

24 Now, in order to prove that a Defendant entered the  
25 dwelling, the State does not have to show the Defendant's

1 entire body entered the dwelling. The smallest entry is  
2 sufficient. In addition, the State does not have to prove  
3 that force was used to gain entry.

4 Ladies and gentlemen, next, to prove burglary in the  
5 first degree, the State must, also, prove beyond a  
6 reasonable doubt that the Defendant intended to commit a  
7 crime, either a felony or misdemeanor, at the time of the  
8 of entry. Now, again, the mere entry into a dwelling  
9 without consent is not burglary. If the intent to commit  
10 a crime is formed after the entry, it is not burglary.

11 If a Defendant intended, however, to commit a crime  
12 at the time of the entry, it is burglary, even if the  
13 intent was abandoned after the entry. Now, it does not  
14 matter that the intended crime was not completed. Now,  
15 ladies and gentlemen, intent, again, may be shown by acts  
16 and conduct of a Defendant, and other circumstances from  
17 which you may naturally and reasonably infer intent.

18 And, finally, ladies and gentlemen, in this case, the  
19 State must prove beyond a reasonable doubt that when  
20 entering and while in the dwelling or when fleeing, a  
21 Defendant or an accomplice was armed with a deadly weapon.  
22 Ladies and gentlemen, again, a deadly weapon is any  
23 article, instrument, or substance which is likely to cause  
24 death or great bodily injury. Now, whether an instrument  
25 has been used as a deadly weapon, again, depends on the

1 facts and circumstances of each case.

2 Now, ladies and gentlemen, the Defendants are, also,  
3 charged with conspiracy. The State must prove beyond a  
4 reasonable doubt that a Defendant combined with one or  
5 more persons for the purpose of committing an unlawful  
6 act, or committing a lawful act by unlawful means.

7 Now, ladies and gentlemen, there must be a mutual  
8 understanding, agreement, or common intention and plan.  
9 Mere passive knowledge of or consent to the criminal  
10 conduct of another is not enough to make a person a  
11 conspirator. There must be knowledge and participation.  
12 Similarly, the mere fact that a Defendant may have  
13 associated with another person and discussed common aims  
14 and interest does not necessarily establish proof of the  
15 existence of a conspiracy, or that a Defendant was  
16 involved in a conspiracy.

17 On the other hand, ladies and gentlemen, it's not  
18 necessary that the agreement be a formal one, that it,  
19 actually, be in writing, or the persons hold a meeting and  
20 expressly state the terms of the common plan, or that the  
21 agreement be stated in words between them. The agreement  
22 of a criminal conspiracy may come into being through an  
23 implied mutual understanding, the willful, intentional,  
24 and knowing adoption of two or more persons of a common  
25 plan is sufficient. Ladies and gentlemen, no overt acts

1 need to be shown to establish a conspiracy. And a  
2 conspiracy may be shown by circumstantial evidence, and  
3 the conduct of the parties.

4 Ladies and gentlemen, in order to convict a Defendant  
5 of conspiracy, the State must prove beyond a reasonable  
6 doubt not only that a Defendant knew of the unlawful  
7 conduct, but that the Defendant agreed to combine with  
8 other persons for the purpose of accomplishing the  
9 unlawful conduct.

10 Now, lastly, ladies and gentlemen, the Defendants are  
11 charged with possession of a weapon during the commission  
12 of a violent crime. Now, the State must prove beyond a  
13 reasonable doubt that a Defendant was in possession of a  
14 firearm, or visibly displayed what appeared to be a  
15 firearm during the commission of a violent crime.

16 Again, a firearm means any machine gun, automatic  
17 rifle, revolver, pistol, or any weapon which is designed  
18 to or may be readily converted to expel a projectile. In  
19 order to find a Defendant guilty of possession of a weapon  
20 during the commission of a violent crime, you must, first,  
21 find a Defendant guilty of either committing a violent  
22 crime, or attempting to commit a violent crime. Ladies  
23 and gentlemen, I charge you that the offenses of murder  
24 kidnapping, attempted armed robbery, and burglary in the  
25 first degree are violent crimes under the law.

1           Now, ladies and gentlemen, a Defendant in this case  
2 has raised the defense of alibi. In order to establish an  
3 alibi, it must be shown that the Defendant was at another  
4 specified place at the time the crime was committed, and  
5 it was, therefore, impossible for the Defendant to have  
6 been at the scene of the crime.

7           Ladies and gentlemen, mere denial of presence at the  
8 scene of a crime does not constitute an alibi. And,  
9 ladies and gentlemen, there is no burden on a Defendant to  
10 prove an alibi. The burden is on the State to prove  
11 beyond a reasonable doubt that the Defendant was,  
12 actually, present at the scene of the crime and, actually,  
13 participated in it and was not somewhere else. In other  
14 words, the State has the burden of disproving the  
15 Defendant's alibi defense.

16           Now, Madam Foreperson, and, ladies and gentlemen of  
17 the jury, I have now charged you on the law in order to  
18 help guide you to a fair and just result in this case.  
19 You are the judges of the facts in this case. And so  
20 based on your determination of the facts and the law, as  
21 I've explained it to you, you will soon begin your  
22 deliberations.

23           Ladies and gentlemen of the jury, you have been  
24 selected as fair and impartial jurors. You are sworn to  
25 fairly and impartially try and determine the facts of this

1 case. And when you comply with the oath that you took, no  
2 one can criticize your verdict in this case.

3 Ladies and gentlemen, you are to decide the case  
4 based solely on the testimony you've heard from sworn  
5 witnesses who have testified, along with the evidence in  
6 this case and exhibits presented to you, which you will  
7 have in the jury room, and any other stipulations that the  
8 attorneys may have entered into, and nothing else.

9 You must decide the issues -- excuse me, you must  
10 decide the issues in this proceeding without any bias or  
11 prejudice towards either party. Ladies and gentlemen, you  
12 cannot be governed by prejudice for or against any person  
13 by public opinion, or by any other arbitrary factor. Both  
14 the Defendants and the State of South Carolina have the  
15 right to expect that each of you will be careful and  
16 impartially consider all the evidence in this case, and  
17 that you will follow the law as I have instructed you in  
18 reaching your verdict in this case.

19 Now, ladies and gentlemen, to that end, my law clerk  
20 has prepared verdict forms. One of them states, the State  
21 of South Carolina v. Lamar Williams. The second one is  
22 the State of South Carolina v. Richey Boyd. Please  
23 understand that there is no significance in the order of  
24 the verdicts on the verdict form, simply, one verdict has  
25 to be written before the other. And, ladies and

1 gentlemen, to that end, there are questions on the verdict  
2 form.

3 Madam Foreperson, I need you to answer every question  
4 on the verdict form. And to begin, both of them are the  
5 same, it says, As to the charge of murder, We, the jury,  
6 unanimously find the Defendant, and it says the  
7 Defendant's name, and either not guilty or guilty. Then  
8 it goes on to ask about the charge of kidnapping, then the  
9 charge of attempted armed robbery, the charge of burglary  
10 in the first degree, the charge of possession of a weapon  
11 during a violent crime, and, also, for the charge of  
12 conspiracy.

13 Madam Foreperson, at the end of this verdict form,  
14 there's a line for you to sign your name and date it.  
15 Madam Foreperson, I want to remind you that the verdict  
16 must be unanimous in this case. It must be the verdict of  
17 all 12 jurors.

18 So, again, I am going to send you back to the jury  
19 room, but for the very last time, I'm going to tell you  
20 not to begin your deliberations in this case. There may  
21 be something further that the lawyers want me to charge  
22 you. If there is, I'm going to bring you back out, and  
23 I'm going to charge you further on the law. If, not  
24 ladies and gentlemen, I'm going to send these verdict  
25 forms into the jury room with you, as well as all the

1 other evidence that has been introduced in this case. And  
2 that will be your signal to begin your deliberations.

3 When you have reached a final verdict, Madam  
4 Foreperson, if you will, knock on the jury room door. And  
5 we'll accept you back into the courtroom to take your  
6 verdict.

7 Ladies and gentlemen, I appreciate your patience.  
8 And I appreciate your attention. At this time, I'm going  
9 to go ahead and excuse you back to your jury room. And,  
10 again, do not begin your deliberations until I go ahead  
11 and forward these verdict forms to you and the evidence.

12 Madam Foreperson, I will, also, tell you that while  
13 we do have someone transcribing the testimony in this  
14 case, we do not have written copies of any testimony, nor  
15 do we have a written copy that I can give you of my jury  
16 charge. If you need to hear any testimony played back,  
17 you need to let us know. And what we will do is we'll  
18 bring you back in the courtroom, and we can play the  
19 audiotape for you so you can hear it.

20 Additionally, ladies and gentlemen, if you wish to  
21 hear a portion of testimony, I am required to give you all  
22 of that witnesses testimony. So, please, just keep that  
23 in mind. Additionally, if you need to be charged again on  
24 any portion of the law, let me know and as well, I can  
25 bring you back into the courtroom and reread that portion

1 to you.

2 All right. Ladies and gentlemen, again, thank you.

3 I'm going to go ahead and excuse you to the jury  
4 room. And we will be with you shortly.

5 (WHEREUPON, the jury was excused from open court at  
6 approximately 11:56 a.m.)

7 THE COURT: Any exceptions or additions to the charge  
8 from the State?

9 MR. WESTON: No, ma'am, Your Honor.

10 THE COURT: From the Defense?

11 MR. COOKE: None here, Judge.

12 MR. GODFREY: No, Your Honor.

13 THE COURT: All right. Gentlemen, thank you.

14 I'm going to ask that you go through the evidence to  
15 make sure it's proper.

16 And you all have agreed that there's no objections to  
17 the verdict form. For the record, I'm going to go ahead  
18 and give those to Hollie. Let's make sure we've got all  
19 of the right evidence going back.

20 (WHEREUPON, the alternate jurors were released.)

21 (WHEREUPON, the proceedings were recessed at  
22 approximately 11:58 a.m.)

23 THE COURT: Ladies and gentlemen, it's my  
24 understanding that we do have a verdict. For those of you  
25 in the gallery, I want to make sure that there is no

VERDICT

1  
2 THE CLERK: Your Honor, this is case number  
3 2011-GS-23-2011, 2013, 2012, 2010, 2014, the State v.  
4 Lamar Williams. As to the charge of murder, we, the jury,  
5 unanimously find the Defendant, Lamar Williams, guilty.

6 As to the charge of kidnapping, we, the jury,  
7 unanimously find the Defendant, Lamar Williams, guilty.

8 As to the charge of attempted armed robbery, we, the  
9 jury, unanimously find the Defendant, Lamar Williams,  
10 guilty.

11 As to the charge of burglary first degree, we, the  
12 jury, unanimously find the Defendant, Lamar Williams,  
13 guilty.

14 As to the charge of possession with a weapon --  
15 possession of a weapon during a violent crime, we, the  
16 jury, unanimously find the Defendant, Lamar Williams,  
17 guilty.

18 As to the charge of conspiracy, we, the jury,  
19 unanimously find the Defendant, Lamar Williams, guilty.

20 I certify that this is a unanimous decision of the  
21 jury, signed the Foreperson, Katherine Robirds.

22 If this is your verdict, please, raise your right  
23 hand.

24 (WHEREUPON, all jurors raised their right hand.)

25 THE COURT: Thank you.

1 THE CLERK: In regards to 2011-GS-23-6381, 6382,  
2 6383, 6384, 6385, the State of South Carolina v. Richey  
3 Boyd.

4 As to the charge of murder, we, the jury, unanimously  
5 find the Defendant, Richey Boyd, guilty.

6 As to the charge of kidnapping, we, the jury,  
7 unanimously find the Defendant, Richey Boyd, guilty.

8 As to the charge of attempted armed robbery, we, the  
9 jury, unanimously find the Defendant, Richey Boyd, guilty.

10 As to the charge of burglary first degree, we, the  
11 jury, unanimously find the Defendant, Richey Boyd, guilty.

12 As to the charge of possession of a weapon during a  
13 violent crime, we, the jury, unanimously find the  
14 Defendant, Richey Boyd, guilty.

15 As to the charge of conspiracy, we, the jury,  
16 unanimously find the Defendant, Richey Boyd, guilty.

17 I certify that this is a unanimous decision of the  
18 jury, signed the Foreperson, Katherine Robirds.

19 If this is your verdict, please, raise your right  
20 hand.

21 (WHEREUPON, all jurors raised their right hand.)

22 THE CLERK: Thank you.

23 THE COURT: Thank you.

24 Gentlemen, would you like the jury individually  
25 polled?

1 MR. GODFREY: No, Your Honor.

2 THE COURT: Mr. Cooke?

3 MR. COOKE: No.

4 THE COURT: All right. You may be seated, gentlemen.

5 Is there anything further required of this jury from  
6 the State?

7 MR. WESTON: Nothing from the State, Your Honor.

8 THE COURT: From the Defense?

9 MR. COOKE: Nothing, Your Honor.

10 THE COURT: Ladies and gentlemen of the jury, I want  
11 to thank you.

12 These cases are hard. And I'll be the first to admit  
13 that. I probably have tried as many as probably most  
14 judges that have been on the bench in this amount of time.  
15 It's very difficult to sit in judgment. It's very  
16 difficult when the charges are this serious. And we  
17 appreciate that. I know y'all worked hard this week. I  
18 know you deliberated well. And no one has any right, nor  
19 will they ever criticize your verdict. You have done  
20 exactly what you were asked to come here to do. And we  
21 send you away with our thanks.

22 I want you to know that this not only resolved these  
23 two cases, but, additionally, at the beginning of the  
24 week, we had a number of cases on the trial roster, so you  
25 helped us resolve those cases. Additionally, we could

1 correct, sir?

2 THE BAILIFF: Yes.

3 (WHEREUPON, the jury was excused from the courtroom  
4 at approximately 3:08 p.m.)

5 THE COURT: All right. Well, let's go ahead and  
6 proceed?

7 Y'all are ready for sentencing?

8 MR. WESTON: Your Honor, we were looking -- we're  
9 trying to locate the criminal record sheets for the  
10 Defendants. And we should have them in just a moment.

11 THE COURT: Thank you, sir.

12 MR. GODFREY: Well, while we're waiting, Your Honor,  
13 may I got ahead and make a motion?

14 THE COURT: Absolutely, sir.

15 MOTIONS

16 MR. GODFREY: Judge, at this time, we'd make a motion  
17 for a new trial, and move to set the verdict aside. This  
18 motion is based on previous motions and objections in the  
19 trial so far, and the fact that the evidence does not  
20 support the verdicts.

21 THE COURT: Thank you, sir.

22 Mr. Cooke.

23 MR. COOKE: On behalf of my client, Lamar Williams, I  
24 would, also, make that same motion, Your Honor. We feel  
25 like the State has not met their burden of proof in the

1 matter. And we, respectfully, disagree with the verdict  
2 of the jury.

3 THE COURT: All right. Well, thank you, gentlemen.

4 Respectfully, I am going to deny your motions.  
5 Certainly, there was ample evidence from which this jury  
6 could find both of these gentleman guilty, and they did,  
7 in fact. And I think there was overwhelming evidence in  
8 this case. I don't think there were any errors of law  
9 made. And I respectfully deny your motions.

10 MR. WESTON: We have one, Your Honor. And we should  
11 have the other in just a moment.

12 THE COURT: Okay.

13 (Pause.)

14 MR. WESTON: The State is ready to proceed.

15 THE COURT: All right, sir. I'll let you go ahead  
16 and give me -- are we going to start with Mr. Williams, or  
17 where do you want to start?

18 MR. WESTON: That will be fine, Your Honor.

19 THE COURT: We'll start with Mr. Williams. Why don't  
20 you give me his prior record.

21 MR. WESTON: With regard to Mr. Williams, Your Honor,  
22 2002, armed robbery, burglary second degree, grand  
23 larceny, and petit larceny.

24 THE COURT: What was the sentence on that?

25 MR. WESTON: These were juvenile justice sentences,

1 want. And that's how I referred to him is Jay. I'm so  
2 glad that I can't hate, because it will not bring my  
3 brother back.

4 So, again, I know he's in a safe place. And that's  
5 what I dwell on, I really do.

6 Thank you.

7 THE COURT: Thank you.

8 MR. WESTON: Nothing further from the State, Your  
9 Honor.

10 THE COURT: Anything further from the Defense?

11 Mr. Williams, is there anything you'd like to say,  
12 sir?

13 DEFENDANT WILLIAMS: No, Your Honor.

14 THE COURT: Would anyone like to speak on behalf of  
15 his family?

16 (WHEREUPON, there was no response.)

17 SENTENCE

18 THE COURT: As to Lamar Dontray Williams, on the  
19 indictment for murder, the sentence of this Court is you  
20 be committed to the Department of Corrections for a period  
21 of life.

22 On the charge of burglary first degree, the sentence  
23 of this Court is that you be committed to the Department  
24 of Corrections for a period of life.

25 On the charge of possession of a weapon during the

1 commission of a violent crime, the sentence of this Court  
2 is you be committed to the Department of Corrections for a  
3 period of five years.

4 On indictment number 2011-2012 for kidnapping --  
5 excuse me, I'm sorry, for attempted armed robbery, the  
6 sentence of this Court is you be committed to the  
7 Department of Corrections for a period of 20 years.

8 On the charge of kidnapping, 2011-2013, the sentence  
9 of this Court is you be committed to the Department of  
10 Corrections for a period of 30 years.

11 On indictment 2011-2014, for conspiracy, the sentence  
12 of this Court is you be committed to the Department of  
13 Corrections for a period of five years.

14 Good luck to you, Mr. Williams.

15 DEFENDANT WILLIAMS: Yes, ma'am.

16 MR. COOKE: Judge, on behalf of -- I told him I'd put  
17 this on the record, that I would file an appeal for him.

18 THE COURT: Thank you, Mr. Cooke.

19 MR. COOKE: And I told him -- and that the defense  
20 people in Columbia would work with him on any transcripts.  
21 And I wouldn't be involved in that process.

22 THE COURT: Exactly.

23 Thank you.

24 THE COURT: Anything else y'all want to tell me in  
25 reference to Mr. Boyd?

1 MR. GODFREY: No, Your Honor.

2 THE COURT: Mr. Boyd, is there anything you'd like to  
3 tell me, sir?

4 DEFENDANT BOYD: No, ma'am.

5 THE COURT: On indictment 2011-6381 for murder, the  
6 sentence of this Court is you be committed to the  
7 Department of Corrections for a period of 30 years.

8 On indictment 2011-6382 for kidnapping, the sentence  
9 of this Court is you be committed to the Department of  
10 Corrections for a period of 30 years.

11 On 2011-6383 for burglary in the first degree, the  
12 sentence of this Court is you be committed to the  
13 Department of Corrections for a period of 30 years.

14 On indictment 2011-6384 for attempted armed robbery,  
15 the sentence of this Court is you be committed to the  
16 Department of Corrections for a period of 20 years.

17 On indictment 2011-6385 for conspiracy, the sentence  
18 of this Court is you be committed to the Department of  
19 Corrections for a period of five years.

20 On indictment 2011-6381 for possession of a weapon  
21 during the commission of a violent crime, the sentence of  
22 this Court is you be committed to the Department of  
23 Corrections for a period of five years.

24 Good luck to you, Mr. Boyd.

25 \*\*\*\*\*END OF TRANSCRIPT OF RECORD\*\*\*\*\*

**WITNESSES**

Henry Hammett *CH*

Greenville County Sheriffs Office

4/15/2011

**ARREST WARRANT NUMBER**

1484230 and 1484235

Count I & II

**ACTION OF GRAND JURY**

**TRUE BILL**

*Justin P. Shaw*

FOREMAN GRAND JURY

Foreperson of Grand Jury

**VERDICT**

*guilty*

*Kathleen J. R.*  
Foreperson of Petit Jury

Date: *2/18/12*

DOCKET NO. 2011-GS-23-

WJW

006381

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

January

TERM 2011 *2012*

THE STATE

vs.

RICHEY LAMONT BOYD

Indictment for

0116/0549

**MURDER AND POSSESSION OF A WEAPON  
DURING THE COMMISSION OF A VIOLENT  
CRIME**

VIOLATION § 16-03-0010 and § 16-23-0490

**RECEIVED**

AUG 18 2011

Clerk of Court  
Greenville County

STATE OF SOUTH CAROLINA    )  
   )  
 COUNTY OF GREENVILLE    )

INDICTMENT FOR  
**MURDER AND POSSESSION OF A WEAPON DURING THE  
 COMMISSION OF A VIOLENT CRIME**

At a Court of General Sessions, convened on **JAN 10 2012** the Grand Jurors of Greenville  
 County present upon their oath:

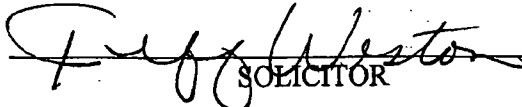
**COUNT I- MURDER**

That RICHEY LAMONT BOYD did in Greenville County, on or about the 18th day of October, 2010, unlawfully and with malice aforethought kill WALLACE CRUELL, JR. by means of shooting him, and that WALLACE CRUELL, JR. died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

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

That RICHEY LAMONT BOYD did in Greenville County, on or about the 18th day of October, 2010, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: MURDER. 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

Henry Hammett *CH*

Greenville County Sheriffs Office

4/15/2011

ARREST WARRANT NUMBER

1484231

ACTION OF GRAND JURY

*ALICE BILL*

*[Signature]*  
FOREMAN GRAND JURY

*Foreperson of Grand Jury*

VERDICT

*Guilty*

*[Signature]*  
Foreperson of Petit Jury

Date: *2/14/12*

DOCKET NO. 2011-GS-23-006382

-WJW

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

January

TERM <sup>2012</sup> 2011

THE STATE

vs.

RICHEY LAMONT BOYD

Indictment for

0095

KIDNAPPING

VIOLATION § 16-03-0910

RECEIVED

AUG 18 2011

Clerk of Court  
Greenville County

STATE OF SOUTH CAROLINA    )  
  )  
COUNTY OF GREENVILLE    )

INDICTMENT FOR  
KIDNAPPING

At a Court of General Sessions, convened on

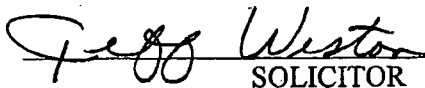
JAN 10 2012

the Grand Jurors of Greenville

County present upon their oath:

That RICHEY LAMONT BOYD did in Greenville County, on or about the 18th day of October, 2010, unlawfully seize, abduct, confine, inveigle, decoy or carry away NOAH CRUELL, without the authority of law. This is in violation of §16-3-910 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

006383

DOCKET NO. 2011-GS-23-  
WJW

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

January TERM 2011<sup>2012</sup>

THE STATE

vs.

RICHEY LAMONT BOYD

WITNESSES

Henry Hammett *CH*

Greenville County Sheriffs Office

4/15/2011

ARREST WARRANT NUMBER

1484232

ACTION OF GRAND JURY

TRUE BILL

*John H. R. Dew*  
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

*Guilty*

Indictment for

0079

BURGLARY FIRST DEGREE

VIOLATION § 16-11-0311

RECEIVED

AUG 18 2011

Clerk of Court  
Greenville County

*William J. R.*  
Foreperson of Petit Jury

Date: *2/15/11*


STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
**BURGLARY FIRST DEGREE**

At a Court of General Sessions, convened on **JAN 10 2012** the Grand Jurors of Greenville County present upon their oath:

That RICHEY LAMONT BOYD did in Greenville County, on or about the 18th day of October 2010, willfully and unlawfully enter the dwelling of WALLACE CRUELL, JR. located at [REDACTED] Travelers Rest, SC without consent and with the intent to commit a crime therein, and the burglary was accompanied by circumstances of aggravation, to wit: armed with a deadly weapon and/or did cause death to the victim, WALLACE CRUELL, JR. This is in violation of §16-11-0311 of the South Carolina Code of Laws (1976) as amended.

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

  
SOLICITOR

**WITNESSES**

Henry Hammett *(Signature)*

Greenville County Sheriffs Office

4/15/2011

**ARREST WARRANT NUMBER**  
1484233

**ACTION OF GRAND JURY**  
**TRUE BILL**  
*(Signature)*  
FOREMAN GRAND JURY  
*Foreperson of Grand Jury*

**VERDICT**  
*Guilty*

*(Signature)*  
Foreperson of Petit Jury  
Date: *2/16/12*

DOCKET NO. 2011-GS-23- 006384

WJW

**The State of South Carolina**  
**County of Greenville**

**COURT OF GENERAL SESSIONS**  
**January** *2012*  
**TERM 2011**

**THE STATE**

vs.

**RICHEY LAMONT BOYD**

**Indictment for**  
0026  
**ATTEMPTED ARMED ROBBERY**  
VIOLATION § 16-11-0330

**RECEIVED**

**AUG 18 2011**

Clerk of Court  
Greenville County

STATE OF SOUTH CAROLINA    )  
  )  
COUNTY OF GREENVILLE    )

INDICTMENT FOR  
ATTEMPTED ARMED ROBBERY

At a Court of General Sessions, convened on **JAN 10 2012** the Grand Jurors of Greenville  
County present upon their oath:

That RICHEY LAMONT BOYD did in Greenville County, on or about the 18th day of October, 2010, 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, attempt to take by means of force or intimidation, goods or monies described as: US currency from the person or presence of NOAH CRUELL. This is in violation of §16-11-330 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

DOCKET NO. 2011-GS-23-

006385

WJW

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

January

TERM 2011

2012

THE STATE

vs.

RICHEY LAMONT BOYD

WITNESSES

Henry Hammett

*[Signature]*

Greenville County Sheriffs Office

4/15/2011

ARREST WARRANT NUMBER

1484234

ACTION OF GRAND JURY

TRUE BILL

*[Signature]*  
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

*Guilty*

Indictment for

0049

CONSPIRACY

VIOLATION § 16-17-0410

RECEIVED

AUG 18 2011

Clerk of Court  
Greenville County

*[Signature]*  
Foreperson of Petit Jury

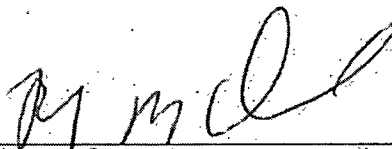
Date: *2/16/12*



## 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."

September 25th, 2013



---

Robert M. Dudek  
Chief Appellate Defender

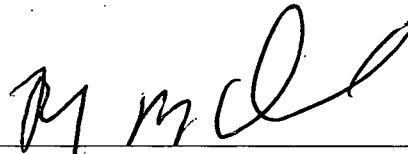
South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S. C. 29211-1589  
(803) 734-1330

ATTORNEY FOR APPELLANT

## 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."

September 25th, 2013



Robert M. Dudek  
Chief 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

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Greenville County  
Carmen T. Mullen, Circuit Court Judge

RECEIVED

SEP 25 2013

SC COURT OF APPEALS

THE STATE,

RESPONDENT,

V.

RICHEY LAMONT BOYD,

APPELLANT

APPELLATE CASE NO. 2012-209166

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Donald J. Zelenka, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 25th day of September, 2013.

*Brandon Hall*

Brandon Hall  
Administrative Specialist

SUBSCRIBED AND SWORN TO before me  
this 25th day of September, 2013.

*[Signature]* (L.S.)  
Notary Public for South Carolina

My Commission Expires: August 21, 2023