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ORIGINAL
VOLUME TWO OF TWO
ANDERS

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Edward W. Miller, Circuit Court Judge

RECEIVED

NOV 06 2013

SC Court of Appeals

NO Respondent's Brief Filed

THE STATE,

ANDERS RESPONSE BRIEF
RESPONDENT,

V.

KOREY LOVE,

APPELLANT

APPELLATE CASE NO. 2012-213503

RECORD ON APPEAL

BENJAMIN JOHN TRIPP
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South Carolina Commission on Indigent Defense
Division of Appellate Defense
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MOTIONS AND MATTERS

1 test in cross, uh, and show that she was lying during the
2 course of the polygraph test and her sliver of information was
3 added into the, uh, State's case with regard to Rashida
4 Peters. We believe that the facts and circumstance even
5 looking at in light most favorable to the State would bear to
6 indicate that Mr. Love is not guilty of the charges.

7 THE COURT: Alright, well thank you for your motions,
8 they are denied.

9 MR. SMITH: Thank Your Honor.

10 (Pause.)

11 THE COURT: Okay. Alright, c'mon around.

12 (Whereupon, the defendant came forward.)

13 THE COURT: Alright, before we -- how many days has he
14 spent in jail or has he been incarcerated since when?

15 MS. SEAY: He's been incarcerated since March 16th of
16 2010.

17 THE COURT: Okay. Alright, well I'll be happy to hear
18 any victim input.

19 MS. SEAY: Yes, the family does have a statement to
20 present to the Court.

21 THE COURT: Alright, be happy to hear it.

22 MR. BASS: Uh, Your Honor, my name is Marvin Bass, uh,
23 I'm gonna have somebody ---

24 MS. COX: Your Honor, I'm Darlene Cox, I'm Isaac's ant.
25 This is his father Marvin Bass. Isaac was very special to all

MOTIONS AND MATTERS

1 of us, he was a special young man and he had potential in
2 life.

3 UNIDENTIFIED MAN: Do you want me to read it for ---

4 MR. BRIDGES: Okay. Uh, Your Honor, my name's
5 Christopher Bridges, I'm gonna read this from, uh, Isaac's
6 father. Isaac was a good young man whose life held a lotta
7 promise. He was cheerful, funny and worked hard, he loved his
8 family. It is terrible that Isaac was cheated of his life but
9 also unfortunate that all of us are cheated by the senseless
10 murder of Isaac Bass. We ask that the Cou -- Court issue a
11 sentence that is appropriate for the crime committed. Thank
12 you.

13 THE COURT: Alright, thank you. Anything else?

14 (No response.)

15 THE COURT: Alright. Alright, tell me wha -- does he
16 have a prior criminal history?

17 MS. SEAY: He does not have a prior cri -- prior criminal
18 history, Your Honor, he does have another pending armed
19 robbery case, um, that, uh, is from 2009.

20 THE COURT: Okay. Alright.

21 MR. SMITH: Your Honor, -- oh, may it please the Court.

22 THE COURT: Yeah, let's ---

23 MR. SMITH: He ---

24 THE COURT: --- go, Mr. Smith.

25 MR. SMITH: --- with regard to that charge, the person

MOTIONS AND MATTERS

1 uh, gave conflicting statements about whether or not they
2 could identify him.

3 THE COURT: I'm not concerned about ---

4 MR. SMITH: Okay, ---

5 THE COURT: --- that.

6 MR. SMITH: --- alright, sir. Your Honor, we, think this
7 young man had a very promising life, he was majoring in math
8 at Greenville Technical College. Fact is that this family
9 that his dad married into was not conducive to helping him.
10 We accept the jury's verdict, that's the way our system
11 operates. We believe that a sentence of of life with parole
12 would be, uh, wholly unconscionable under the circumstances,
13 there oughta be some hope for someone to be able to get outta
14 prison and and become a productive member of our society. For
15 society to take complete hope away from someone, and we
16 understand a death was involved in this matter, shows extreme
17 retribution with regard to the sentencing process and on that
18 basis we would ask for a a and a sentence appropriate with
19 regard to appropriate parole.

20 THE COURT: Alright, what do you wanna tell me?

21 THE DEFENDANT: Um, that I'm sorry about the family
22 losin' their son and e -- and everything but I didn't, I know
23 the jury said wha -- made their decision but I'm I'm not
24 guilty, I did not commit that murder, I did not kill their --
25 your son, wasn't me, you know. I really am deeply sorry about

SENTENCE

1 them losin' a child, you know, it's sad how one person, one
2 family lost their son, now another family losin' their son and
3 I just feel it's not right, ya know, 'cause I didn't do it,
4 wasn't me but ---

5 THE COURT: Well what did ya know about it?

6 THE DEFENDANT: I didn't know nothing about it. Them
7 people up there came up there and lie. They said they
8 admitted liars not one time, not two times, they kept e --
9 until every time they pressured 'em they change their
10 statement. Now a little sumtin', when they say sumtin' that
11 sound good they wanna go with it.

12 THE COURT: Hmm, it's kinda unusual in my mind that this
13 was a cold case and that years after the event occurred
14 different people on different parts of the globe all told
15 about the same story and yet your story is that you didn't
16 have any participation, didn't discuss potential robbery,
17 didn't have anything to do with it and yet these other people
18 from all over the globe told a mainly consistent story. Well
19 and what Mr. Smith says is, uh, carries some weight but this,
20 the victim's family I appreciate ya'll being here and we all
21 send you our heartfelt condolences, 23-years-old from what I
22 can tell, I'm gonna sentence him to 50 years in prison for the
23 murder, 20 years on the armed robbery, 5 on the other two.

24 MR. STEINBERG: Thank Your Honor.

25 MS. SEAY: Thank you, Your Honor.

1 CERTIFICATE OF REPORTER
2

3 I, Margaret A. Woods, Court Reporter in and for the State
4 of South Carolina at Large, hereby certify that I reported the
5 preceding case on November 5, 6, 7 and 8, 2012 at the time and
6 place heretofore set forth; and that the foregoing pages
7 numbered from 10 through 504, inclusive, constitute a true and
8 accurate transcription of my stenographic notes of the said
9 proceeding.

10 I further certify that I am neither attorney nor counsel
11 for, nor related to or employed by any of the parties
12 connected to the action, nor am I financially interested in
13 the action.

14 April 7, 2013

15
16 Margaret A. Woods

17 Margaret A. Woods, Court Reporter
18 in and for the State of South Carolina at Large.
19
20
21
22
23
24
25

WITNESSES

C H Flavell *CH*

Greenville Police Department

3/16/2010

ARREST WARRANT NUMBER

M382315

ACTION OF GRAND JURY

TRUE BILL*Bill Dune*
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2010-GS-23-

BSD

004508

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

January

TERM 2010 *2011*

THE STATE

vs.

KOREY LAMAR LOVE

Indictment for

2364

POSSESSION OF A PISTOL BY A PERSON
UNDER 18 YEARS OF AGE

VIOLATION § 16-23-0030

RECEIVED

JUN 17 2010

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
POSSESSION OF A PISTOL BY A PERSON UNDER 18 YEARS
OF AGE

JAN 19 2011

At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

That KOREY LAMAR LOVE did in Greenville County, on or about the 27th day of January, 2007, while at 943 North Pleasantburg Drive (Wendy's), Greenville, South Carolina, willfully and unlawfully have in his possession and under his control a pistol, the said defendant being under the age of eighteen (18). This is in violation of § 16-23-0030 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.

Chryna S. Seay
SOLICITOR

WITNESSES

C H Flavell *CH*

Greenville Police Department

3/16/2010

ARREST WARRANT NUMBER

M382313 and M382314

ACTION OF GRAND JURY

TRUE BILL*Bob Darr*
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2010-GS-23-
BSD

004509

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

January

TERM 2010 2011

THE STATE

vs.

KOREY LAMAR LOVE

Indictment for

0026/0549

ATTEMPTED ARMED ROBBERY AND
POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME

VIOLATION § 16-11-0330 and § 16-23-0490

RECEIVED

JUN 17 2010

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

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

At a Court of General Sessions, convened on **JAN 19 2011** the Grand Jurors of Greenville
 County present upon their oath:

COUNT I - ATTEMPTED ARMED ROBBERY

That KOREY LAMAR LOVE did in Greenville County, on or about the 27th day of January, 2007, 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 from the person or presence of MARVELIN ISAAC BASS. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

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

That KOREY LAMAR LOVE did in Greenville County on or about the 27th day of January, 2007, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: Attempted Armed Robbery. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

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

Bryna L. Seay
 SOLICITOR

WITNESSES

C H Flavell *CH*

Greenville Police Department

3/16/2010

ARREST WARRANT NUMBER

M382312

ACTION OF GRAND JURY

TRUE BILL*Bob L. Love*
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2010-GS-23-
BSD

004510

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

January TERM 2010 *2011*

THE STATE

vs.

KOREY LAMAR LOVE

Indictment for

0116

MURDER

VIOLATION § 16-03-0010

RECEIVED

JUN 17 2010

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
MURDER

At a Court of General Sessions, convened on

JAN 19 2011

the Grand Jurors of Greenville

County present upon their oath:

That KOREY LAMAR LOVE did in Greenville County, on or about the 27th day of January, 2007, unlawfully and with malice aforethought kill MARVELIN ISAAC BASS by means of shooting him and that MARVELIN ISAAC BASS died as a proximate result thereof. This is in violation of §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.

Bryana S. Seay
SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

November 6, 2013


Benjamin John Tripp
Appellate Defender

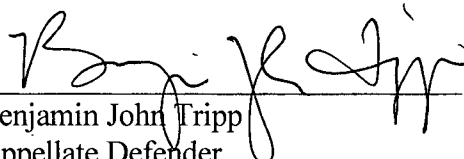
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ATTORNEY FOR APPELLANT

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."

November 6, 2013


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ATTORNEY FOR APPELLANT