

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Marlboro County

Honorable Roger E. Henderson, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

THEODORE GLOVER,

APPELLANT

APPELLATE CASE NO. 2018-000085

RECORD ON APPEAL

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State of South Carolina) In the Court of General Sessions
) Fourth Judicial Circuit
 County of Marlboro) 2017-GS-34-00191

STATE OF SOUTH CAROLINA,)
)
 Plaintiff,)
)
 vs.) Transcript of Record
)
 THEODORE GLOVER,)
)
 Defendant.)
)
)
)

Marlboro, South Carolina
 December 12, 2017

B E F O R E:

The Honorable Roger E. Henderson

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

Mr. Shipp Daniel, Esquire
 Attorney for Plaintiff

Mr. Delton Powers, Esquire
 Mr. Kirk Timothy Truslow, Esquire
 Attorney for Defendant

LISA S. CARTER
 CIRCUIT COURT REPORTER

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NO.

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1 THE CLERK: Mr. Glover, place your left hand on the
2 Bible and raise right.. Do you swear or affirm to tell the
3 truth the whole truth and nothing but the truth so help you
4 God?

5 MR. GLOVER: I do.

6 THE COURT: All right. Counsel, are we ready?

7 MR. DANIEL: Yes, Your Honor. If it pleases, the
8 Court? It is my understanding we have reached a plea
9 agreement in this case involving Mr. Glover.

10 THE COURT: Is that correction?

11 MR. POWERS: That's correct, Your Honor.

12 THE COURT: All right. If you'll come around please.
13 All right: Theodore Glover?

14 MR. GLOVER: Yes, sir.

15 THE COURT: All right. Mr. Glover, you are how old?

16 MR. GLOVER: Sixty-four.

17 THE COURT: Sixty-four. Okay. And you live, I
18 understand, in High Point, North Carolina?

19 MR. GLOVER: Yes, sir.

20 THE COURT: Okay. This offense that you are charged
21 with and that I understand you wish to plead under Alford to,
22 it took place in Marlboro County, South Carolina, correct?

23 MR. GLOVER: Yes, sir.

24 THE COURT: Okay. All right. Mr. Glover, the charge
25 is criminal sexual conduct in the first degree, you

1 understand this carries thirty (30) years in prison?

2 MR. GLOVER: Yes, sir.

3 THE COURT: That's the potential sentence, you
4 understand that?

5 MR. GLOVER: Right. Right.

6 THE COURT: Okay. Knowing that, how do you wish to
7 plead?

8 MR. GLOVER: I'm not guilty.

9 THE COURT: Okay. But ---

10 MR. POWERS: He's pleading to Alford, Your Honor. We
11 ---

12 THE COURT: But you're pleading under Alford, I
13 understand, from your attorney ---

14 MR. POWERS: We did a written form that I've passed up
15 to the Court.

16 THE COURT: Yeah. You understand that?

17 MR. GLOVER: Yes, sir.

18 THE COURT: Okay. All right. I understand that
19 there is a recommendation in this case, is that your
20 understanding?

21 MR. GLOVER: Yes, sir.

22 THE COURT: All right. I have to put it on the
23 record and I want you to understand I'm not bound by any
24 recommendations, you understand?

25 MR. GLOVER: Right.

1 THE COURT: I can sentence you in my discretion once
2 I've heard all of the facts and circumstances, any record,
3 and any matters that pertain to this matter; you understand
4 that?

5 MR. GLOVER: Yes, sir.

6 THE COURT: Okay. All right, sir. Do you understand
7 what an Alford plea is?

8 MR. GLOVER: Yes, I understand what it means now. It
9 means it's just an Alford plea. It is not saying that I'm
10 saying I'm guilty.

11 THE COURT: Right. Let me tell you what my
12 understanding of the Alford plea is so you'll clearly
13 understand. You're not admitting to anything. You're not
14 pleading guilty. You're not admitting that you've done
15 anything but your acknowledging to the Court that if you went
16 to trial, in all likelihood because of the evidence that
17 would be presented, you would be found or could very well be
18 found guilty, you understand?

19 MR. GLOVER: Yes, could be, right.

20 THE COURT: Okay. But and I, the Court, acknowledges
21 that it's not an admission of guilt on your part at all.

22 MR. GLOVER: Right.

23 THE COURT: But that you acknowledge the fact that
24 you could be found guilty in light of the testimony that the
25 State has, you understand that?

1 MR. GLOVER: Yes, sir.

2 THE COURT: Is that your understanding?

3 MR. GLOVER: Yes, sir, I understand.

4 THE COURT: Now, is anyone making you enter this
5 Alford plea, Mr. Glover?

6 MR. GLOVER: Not at all.

7 THE COURT: Is anyone threaten you in any way to get
8 you to plead to this?

9 MR. GLOVER: No threats.

10 THE COURT: Has anybody promised you anything to get
11 you to plead under Alford?

12 MR. GLOVER: No.

13 THE COURT: Are you under the influence of any
14 alcohol or drugs this morning?

15 MR. GLOVER: No, sir.

16 THE COURT: Do you suffer from any type of physical,
17 mental, or emotional problems that keep you from being able
18 to understand things clearly?

19 MR. GLOVER: No, sir.

20 THE COURT: So up to this point you've understood
21 everything we've talked about?

22 MR. GLOVER: Yes, sir.

23 THE COURT: Now, Mr. Glover, and I'm sure you've been
24 over this with your attorneys on several occasions, but for
25 the record I want you to understand that you do have the

1 right to a trial by a jury.

2 MR. GLOVER: Right.

3 THE COURT: And, obviously, we've already selected
4 the jury in this particular case, you are aware that?

5 MR. GLOVER: Yes, sir.

6 THE COURT: If you decide to go forward with the
7 trial, then you and your lawyers will be able to present a
8 defense. The State would have to present the case. The
9 State would have the burden of convincing that jury of your
10 guilt beyond a reasonable doubt. And the State would have to
11 convince all twelve jurors of your guilt before you can be
12 found guilty, are you aware that?

13 MR. GLOVER: Yes, sir.

14 THE COURT: During the course of the trial, your
15 attorneys would have the right to confront any witnesses that
16 testify against you. That means that they can cross-examine
17 any witnesses during the course of the trial.

18 MR. GLOVER: Yes, sir.

19 THE COURT: Then you have right to put forth a
20 defense. You can call witnesses on your behalf. You,
21 yourself, can testify if you so desire or you can exercise
22 the right to remain silent and not say a single word
23 throughout the trial and that cannot be held against you in
24 any way whatsoever, you are aware of that?

25 MR. GLOVER: Yes, sir.

1 THE COURT: Okay. And, of course, this is already
2 been accomplished at this point in time, you have the right
3 to obtain from the State any and all evidence they it has in
4 it's possession that can benefit you in the preparation for
5 your defense, you are aware that?

6 MR. GLOVER: Yes, sir.

7 THE COURT: So and I'm sure as I said earlier, it
8 been over all of this with your attorneys, do you understand
9 these rights that you have?

10 MR. GLOVER: I understand.

11 THE COURT: Do you understand that by pleading under
12 Alford you waive or give up all of these rights?

13 MR. GLOVER: Right.

14 THE COURT: So are you telling me now that you are
15 freely and voluntarily giving up all of your rights in order
16 to enter this Alford plea?

17 MR. GLOVER: Explain that again.

18 THE COURT: Are you telling me now, at this moment,
19 that you are freely and voluntarily giving up all of your
20 rights in order to enter this Alford plea?

21 MR. GLOVER: Right.

22 THE COURT: All right, sir. Now, Mr. Glover, you
23 are represented by Mr. Powers and Mr. Truslow, correct?

24 MR. GLOVER: Yes, sir.

25 THE COURT: Okay. Have you had ample opportunity to

1 fully discuss this with them?

2 MR. GLOVER: I have.

3 THE COURT: Have they answered all of your questions
4 to your satisfaction?

5 MR. GLOVER: Yes, they did.

6 THE COURT: Are you fully satisfied with their
7 services on your behalf?

8 MR. GLOVER: Yes.

9 THE COURT: Do you agree that they have done
10 everything they possibly can under the circumstances for you
11 as your attorneys?

12 MR. GLOVER: Right. I do. Yes, sir.

13 THE COURT: Is there anything that you think of or
14 can think of they have not done that they should have done
15 for you?

16 MR. GLOVER: I can't think of anything.

17 THE COURT: Okay. Again, you are totally and
18 completely satisfied with their services on your behalf?

19 MR. GLOVER: Yes, sir.

20 THE COURT: All right. At this time, Mr. Glover, I'm
21 going to ask Mr. Daniel, the solicitor, to state for me and
22 for the record the facts which support this charge, once that
23 statement of facts has been made I'll have a couple more
24 questions for you.

25 MR. GLOVER: Yes, sir.

1 THE COURT: Solicitor?

2 MR. DANIEL: Thank you, Your Honor. If it please, the
3 Court? The evidence that the State was prepared or is
4 prepared to present would have shown that on August 15, 2014
5 Mr. Glover who is a close family member to Urissa (sic) Kelly
6 who stands to my immediate left here. She's the victim in
7 the case. They had a significant relationship with the
8 entire family and he had help them out financially at times.
9 Urissa (sic) was one day from beginning her college career at
10 Francis Marion. Mr. Glover, the evidence would have shown,
11 had come down from where he lives in North Carolina to buy a
12 laptop or help buy a laptop for Urissa (sic) and then asked
13 Urissa (sic) if she would like anything else, she said she
14 wanted a pair shoes. So Mr. Glover said that he would take
15 her to the mall, from Dillon to the mall, in Florence to get
16 some shoes. They made a detour on the way to Marlboro County
17 to a piece of property and trailer own by Mr. Glover. The
18 evidence would have shown that inside that trailer when they
19 made a stop that a sexual assault occurred. And then the
20 investigation led to some forensic findings involving some
21 DNA that we would've presented as well. And that's
22 essentially the case that the State would've presented.

23 THE COURT: Okay. Thank you, Mr. Daniel. All right.
24 Mr. Glover, since you are pleading under Alford I'm certainly
25 not going to ask you if you agree with that, substantially

1 correct, but after hearing the statement of the facts and
2 after considering all of my other questions, is it still your
3 desire to enter a plea under Alford in this matter?

4 MR. GLOVER: No, I'm not entering a plea.

5 THE COURT: Sir?

6 MR. GLOVER: I'm not guilty. I'm not entering the
7 plea.

8 THE COURT: Listen to my question.

9 MR. GLOVER: Yes, sir.

10 THE COURT: I said after hearing that statement,
11 after considering all the other questions ---

12 MR. GLOVER: Yes.

13 THE COURT: --- that I've already ask you ---

14 MR. GLOVER: Okay.

15 THE COURT: --- is it still your desire to enter a
16 plea under Alford ---

17 MR. GLOVER: No, sir.

18 THE COURT: --- it's a guilty plea but a plea under
19 Alford, is it still your desire to do that?

20 MR. GLOVER: No, sir.

21 THE COURT: You don't want to enter an Alford plea?
22 Listen to me carefully.

23 MR. GLOVER: Okay.

24 THE COURT: Listen to me. Again, you heard the
25 factual situation. I'm not asking you to agree with me ---

1 MR. GLOVER: Yes, sir.

2 THE COURT: --- but I'm asking you to consider that
3 and all the other questions that I've already ask you ---

4 MR. GLOVER: Yes, sir.

5 THE COURT: --- okay. Is it still your desire to
6 enter a plea under Alford? Not a guilty plea ---

7 MR. GLOVER: Yes, sir ---

8 THE COURT: --- but a plea under Alford?

9 MR. GLOVER: Yes, I will go with what I'm saying from
10 the beginning, a plea under Alford. Yes, sir.

11 THE COURT: Okay. All right, sir. Now, you have
12 signed an affidavit of a plea under Alford, have you not?

13 MR. GLOVER: Yes, I did.

14 THE COURT: And I have had a chance to review it and
15 it does in fact have your signature on this document,
16 correct?

17 MR. GLOVER: Yes, sir.

18 THE COURT: Okay. And you fully understand all the
19 terms and conditions of this affidavit you signed?

20 MR. GLOVER: Yes, sir.

21 THE COURT: Okay. Had ample opportunity to go over
22 this with your attorneys?

23 MR. GLOVER: Yes, sir.

24 THE COURT: And, again, they've answered all of your
25 questions concerning this document to your satisfaction, did

1 they not?

2 MR. GLOVER: Yes, they did.

3 THE COURT: Mr. Powers?

4 MR. POWERS: Yes, sir.

5 THE COURT: Do you believe that Mr. Glover fully
6 understands all of his rights?

7 MR. POWERS: I do, Your Honor.

8 THE COURT: And do you concur in his decision to
9 enter an Alford plea based on the facts and circumstances and
10 the evidence that the State would present in this case?

11 MR. POWERS: I certainly do, Your Honor.

12 THE COURT: I find that the facts stated and
13 presented by the State support the Alford plea. I find that
14 Mr. Glover's plea has been entered freely, voluntarily and
15 intelligent. He's done so upon the advice of very competent
16 counsel with whom he indicates he satisfied. Therefore, I
17 am going to accept his Alford plea at this time. Mr. Glover
18 you have ten (10) days to appeal any decision that I
19 rendered. Do you understand?

20 MR. GLOVER: Yes, sir.

21 THE COURT: Okay. All right. Mr. Powers, I'll be
22 glad to hear from you or Mr. Truslow.

23 MR. TRUSLOW: Your Honor, I'll go first. Your Honor,
24 if it pleases, the Court? Mr. Glover, is seventy-four years
25 of age. This case is about three and half years old. He was

1 sixty-one years old at the time. He stands up here with one
2 of the sons before you, Your Honor. If you talk to his sons
3 and his daughter, family members, you would hear a story
4 about just of a helluva guy. A hard-working man. Seventy-
5 four years outside of this when he was age sixty-one, no
6 criminal record whatsoever in his entire life. Never been
7 a problem to anybody and, in fact, been an addition to the
8 community and help to the community. Help to his family.
9 Raised his kids and they are all doing spectacular. One
10 cannot be here because she has a big job in Washington, DC
11 with the federal government, high security clearance. He's
12 produced wonderful children. He worked hard, hard work for
13 thirty years and retired from that, fully retired with the
14 pension. You know, I've got to know him. He's just a
15 genuine pleasant person to be around. Your Honor, we just
16 asked that you look at him as a whole. Look at his entire
17 seventy-four years in addition to what you have to look at in
18 this case. And we need more people like Mr. Glover in terms
19 of his hard work and ethics, his parenting skills and his
20 generosity which was mentioned. He was always the one to go
21 to and it was never enough with family members in terms of
22 financial or otherwise. And we just ask you to be as
23 lenient, Your Honor, as possible. Thank you.

24 THE COURT: Thank you, sir.

25 MR. POWERS: Your Honor, very short, would like to add

1 today's environment that we found ourselves in is a really,
2 really tough environment and I'm afraid and I'm sad that
3 people like Matt Lauer and Chef Mario Batali who I've met.
4 Me or anyone, I don't think anybody wants to be judged by the
5 worst thing that's ever happened to them or the worst thing
6 they've ever done but today's environment really put a cloud
7 over the possibility, I thought, of a jury trial. Having
8 said that, the jury decides a lottery ticket is the only
9 formal legalize gambling we got in the State and I'm afraid
10 that Mr. Glover would be taken an awful chance to do that in
11 today's environment. I want to thank Mr. Truslow for coming
12 in and looking at some things that I haven't seen or looking
13 at them from a different prospective to allow us to get to
14 this point today. I really want to thank Mr. Daniel. I
15 looked around the courtroom the other day and there were
16 people lounging in chairs, chewing gum, not the way you and
17 I started out; not the same atmosphere, not the same decor.
18 But Mr. Daniel has that class that used to exist in
19 attorneys. He's been forthcoming. He's been courteous.
20 He's been diligent in his job and we may be looking at the
21 next solicitor. Your Honor, he's got those qualities.
22 Excuse me, my voice. Again, I would only add that this is a
23 generous man that I've known since this happened. I think
24 based upon the -- the evidence went both ways. I'm very
25 bothered that in the second interview one of the officers

1 said that he had his semen, they did not. I know that's
2 permissible but there's better ways to do things and I hope
3 law enforcement will follow Mr. Daniel's example. But there
4 was lack of evidence as well. This case was fifty/fifty but
5 the loss of this case is thirty/seventy. The Court would
6 have to consider it very serious if we had forward and had
7 gone through that effort. And I thank you for your years of
8 work on the bench. But I think he's making a tough but right
9 decision. Hopefully, if the Court is lenient it will give
10 him a chance to have some quality of life with his children
11 and grandchildren before death. He and I are the same age
12 and twenty years is a life sentence. And luckily, I think
13 this is a fair resolution. Thank you, Your Honor.

14 THE COURT: Thank you, Mr. Powers. Mr. Glover, do
15 you agree with the things that your attorneys just said to
16 me?

17 MR. GLOVER: Yes, sir.

18 THE COURT: Is there anything, sir, that you would
19 like to say yourself?

20 MR. GLOVER: Well, it's what he said is true by me,
21 being generous to the families. I mean, I always help people
22 out and loan money and stuff like that. A lot I haven't got
23 back from, you know, certain ones in the family and I always
24 try to help. So like I said it doesn't have to be a family
25 member just people I have worked with on the job from where

1 I retire from. I just always been like that. I would just
2 try to help.

3 THE COURT: Thank you, sir. Mr. Daniel, he does have
4 no record?

5 MR. DANIEL: That's correct.

6 THE COURT: I'll be glad to hear from you or anybody
7 else on behalf of the victim.

8 MR. DANIEL: Thank you, judge. I've got a few people
9 and then I'll wrap up, if I may. The sheriff would like to
10 address the Court briefly first.

11 THE COURT: Certainly.

12 SHERIFF LEMON: Yes, Your Honor. May I please, the
13 Court, judge? I just want to say that I thank Lieutenant
14 Alberri here at the sheriff's office for doing such an
15 outstanding job. The Dillon County City Police Department
16 Melvin Lee and investigated James Campbell who I've work with
17 over twenty years. It took the operation and the
18 communication of all these agencies to bring where we are
19 today and I thank you for what you've done and I just want to
20 thank the Court and thank you.

21 THE COURT: Okay.

22 MR. DANIEL: Thank you, sheriff. Thank you, judge.
23 Next, this is the mother, Vivian Kelly.

24 MS. KELLY: Yes, Your Honor, today I want to say that
25 Mr. Glover he is my first cousin, you know, we got along good

1 we was about like sisters and brothers. We fellowship a lot
2 and, you know, he was around to see my children grow up. And
3 my baby -- when she was a baby, he seen her grow up. And
4 when the incident happened, the day it happened, she was
5 getting her stuff ready to go to college. And after all this
6 happened she had to drop out of college. She had brain
7 surgery. And she had been going through a whole lot of stuff
8 since that incident happened. And, you know, she was kinda
9 of like cheated out of life, you know, a lot of things that
10 she was trying to accomplish, she wasn't able to accomplish
11 because of, you know, what happened. And I just want to make
12 that known for today.

13 THE COURT: Thank you, ma'am.

14 MR. DANIEL: Now, Urissa (sic) Kelly. I beg the
15 Court's indulgence?

16 THE COURT: Yes, sir.

17 MS. KELLY: I just really want -- I just want him to
18 pay for what happened. I don't care what it is I just want
19 him to pay. I don't -- every fifteenth of the month I break
20 down and it's not easy. Every year on August 15th, I break
21 down. I can't talk to nobody. I can't eat. And it's hard.
22 And I can't smell certain colognes because of him. Every
23 time I see a golden Honda, the one that he drove that day,
24 I freak out.

25 (Whereupon, there is a lot of crying to make out exactly what

1 she is saying)

2 MS. KELEY: I just want him -- I just want him to pay
3 for what he did. That's all I want. That's all I have to
4 say.

5 THE COURT: Thank you, ma'am.

6 MR. DANIEL: Yes, Your Honor, if it please, the Court?
7 Obviously, you hear the raw emotion from Urissa (sic) and her
8 family. I will say that, I've had this case for about a
9 year, and in all of my meetings and dealings with this family
10 they have handled the situation with class and dignity in a
11 way that it would be easy under these circumstances to not
12 have class and dignity but they certainly have. I'm sorry
13 that I've come to know them under the circumstances but I am
14 a better person and I'm a better prosecutor because I have
15 worked with them and that's on a personal note. I would like
16 to echo what the sheriff said and think law enforcement, Sara
17 Alberri of the sheriff department did a fantastic job in this
18 case. Sled did a really good job in this case as well with
19 their lab work. James Campbell, Melvin Lee of the sheriff
20 department and Dillon city, respectively, did a really good
21 job and I think the jury and the Court would've seen the
22 fruits of their hard work had we gone forward. As to Mr.
23 Powers, I think Mr. Powers for his comments about me
24 personally. This is adversarial system for a reason and
25 sometimes we get heated and we say things behind closed doors

1 or in the courtroom or whatever but Mr. Powers and I have
2 worked well together for years and I have a lot of respect
3 for him and I didn't know Mr. Truslow until this week but I
4 certainly appreciate both of them and their candor and the
5 way that we are respectful to each other, in the sense that we
6 shake hands when this thing is over and we walk out and we're
7 good and I appreciate that. A lot of times we in society
8 think when someone does a heinous act they need to go to
9 prison for thirty (30) years or more and that's not always
10 appropriate. And I think that today there's a lot of things
11 at play here. The fact that Mr. Glover has no priors there
12 certainly a positive for him. The fact that this agreement
13 keeps Ms. Kelly who you've just seen is quite emotional, it
14 keeps her from having to get on the stand and tell that story
15 in great detail in front of a bunch of strangers and then be
16 subjected to questioning from someone who may not be as
17 friendly as I would be since were on the same team.
18 Obviously, with them just doing their job. But this result
19 today is something that when we walk out of here, when Ms.
20 Kelly walks out of here, it's over. The three year ordeal is
21 over. We don't have to worry about putting things in the
22 hands of twelve people. We don't have to worry about other
23 things. And so all things considered we are -- we are
24 pleased with this result. Law enforcement is pleased with
25 this result. And I know that Urissa (sic) looks forward to

1 finally putting this behind her and getting on with her life.
2 So we thank the Court for its patience with us this week as
3 we worked this out. And we thank you.

4 THE COURT: Okay. Thank you, Mr. Daniel. Anything
5 else from the defendant?

6 MR. POWERS: And, Your Honor, I do ask for your
7 indulgence. I did not realize his son wanted to speak. And
8 I would add just one thing as far as this Court, being able
9 to live with a sentence that is lenient and give him a chance
10 to have a life. As the Court knows I prosecuted child abuse
11 cases for over twenty-five years and now, for DSS. And now
12 for DSS I go all of the state and I handle sexual cases,
13 these cases. I don't take these cases. The only reason why
14 I took this case is this man passed the polygraph before I
15 agreed to go forward with him and to me that's spoke volumes
16 as does his character. His son is here and would like to
17 speak briefly to the court.

18 THE COURT: Yes, sir, your name please for the
19 record?

20 MR. GLOVER: Qualyn. (sic) My name is Qualyn (sic)
21 Glover. To be honest with you I know my father ain't like
22 that. He always took care three of his kids. He used to
23 tell us, me and my brother, to protect my sister and
24 everything when he ain't around. He still gets on me now
25 about my daughter, I have a daughter, brother has a daughter,

1 about this type of stuff. This situation right here. And
2 for our family member to do something like this while, you
3 know, we are family and it shouldn't be like this. It
4 shouldn't be this serious like this. Oh, I know and they
5 know and God know my father won't do nothing like that. Like
6 my father always been the type of person that pay for the
7 family reunions. Anybody in the family can ask for anything
8 or whatever. And like I just said like he ain't that type of
9 guy like that and for them, you know, to sit here and make it
10 look like, you know, he that bad person, like I said, he
11 ain't got a bad record. He used to get on me and my brother
12 about staying in school, stay focused on our sister, go to
13 work, do the right thing, you know. And from my
14 understanding from one of our family members they came to him
15 too, he couldn't make it down here. He said they had got
16 wasted one time and she had came out with him, it was like,
17 um, I hate I had did this to my cousin like this. I guess it
18 had came out. But I wish I could've brought my cousin here
19 to speak. But he said he could've of did it but he out of
20 town. He in school, he taking care a lot of stuff. Well,
21 that's all I got to say. That's all I got to say.

22 MR. POWERS: Thank you, Your Honor.

23 THE COURT: Anything else from the State?

24 MR. DANIEL: Judge, that's -- we have nothing to say
25 about that. Judge, I know, I will say that collateral

1 consequences here we're dealing with sex offender registry
2 it's mandated by under the statute so whenever Mr. Glover
3 gets out, he will register as a sex offender for the rest of
4 his life. Also we would ask that there be no contact at all
5 once he's out or while he's in prison contact, direct or
6 indirect, with any member of this family and I don't think
7 they've got a problem with that.

8 THE COURT: You know, these cases are always very
9 difficult, they are the most difficult we have to, obviously,
10 to deal with and handle. It's always a tragedy when families
11 get split because of circumstances such as this. Obviously,
12 these folks at some point in time throughout the years had a
13 wonderful relationship which has now been destroyed because
14 of this and things will never be the same. The Court is
15 aware that Ms. Kelly's life is change forever. It will never
16 be the same as she pointed out on an annual basis it comes
17 back up to her and haunts her. On the other hand, the
18 defendant, Mr. Glover, his life has now changed forever as
19 well. I have to take into consideration what has taken place
20 with regards to the victim Ms. Kelly but I also have to weigh
21 Mr. Glover's circumstances. After taking into consideration
22 his age which I do. The fact that he has been an exemplary
23 citizen. He has no record whatsoever. And I have to take
24 into consideration the fact that he has entered a plea albeit
25 Alford but he has entered a plea to this matter. Which was

1 not, I'm sure, an easy decision for him to make. But again
2 it has not been easy on Ms. Kelly either throughout the last
3 three years, I believe it is. Hopefully, this will bring
4 some end to this. It will never, never go away. I'm not so
5 naive as to think that would happen but at least, hopefully,
6 at this point Ms. Kelly can pick up with her life and move
7 forward to some degree without this cloud hanging over her
8 head. Mr. Glover, obviously, is going to have a cloud
9 hanging over his head for the next several years and for the
10 rest of his life, quite frankly. He is strapped with the sex
11 offender registry for a lifetime. And he is going to serve
12 some prison time. So he will be punished, Ms. Kelly. You
13 know, I wouldn't want to spend five days in prison. That can
14 almost be an eternity in and of itself. So any prison
15 sentence is not going to be pleasant. It's not going to go
16 by fast. It's going to be quite, quite a burden on Mr.
17 Glover. The Court is very much aware of that. But I have to
18 balance both sides and I try to do that in making my
19 decision. All that being said, it is the decision of the
20 Court that Theodore Glover be committed to the State
21 Department corrections for a term of ten (10) years provided
22 that upon the service of five (5) years the balance of that
23 sentence is suspended and then is placed on probation for a
24 period of five (5) years. Probation of five (5) years, in
25 and of itself, is a substantial punishment, quite frankly.

1 But in addition to that as I pointed out he's going to serve
2 five (5) years of time in the State Department of
3 Corrections. This being a eight-five percent (85%) offense,
4 he's gonna serve substantial, a substantial amount of time
5 because of that. As a part of the sentence he is to have
6 absolutely no contact with the victim or any member of the
7 victim's family. And, of course, it's mandatory but I've
8 gone ahead and made sure that it's clear on the sentencing
9 sheet that he will be on the sex offender registry as well.
10 That's the sentence of the Court. Good luck.

11 MR. DANIEL: Thank you, judge.

12 MR. POWERS: Thank you, Your Honor.

13 THE COURT: Thank you.

14 (CONCLUSION OF THE PLEA ON DECEMBER 12, 2017)

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CERTIFICATE

I, the undersigned Lisa S. Carter, Official Court Reporter for the Fourth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete excerpt of transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Fourth Circuit Court for Marlboro County, South Carolina, on the 12th day of December, 2017.

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

Lisa S. Carter

Lisa Carter

Circuit Court Reporter

July 26, 2018

STATE OF SOUTH CAROLINA)
)
COUNTY OF MARLBORO)

IN THE SUMMARY COURT
OF THE FOURTH JUDICIAL CIRCUIT
INDICTMENT NUMBER: 2017-GS-34-191

State of South Carolina,)
)
Plaintiff,)

-versus-

MOTION FOR RECONSIDERATION

Theodore Glover,)
)
Defendant.)

The Defendant Theodore Glover, through the undersigned attorney on behalf of and for protection of Defendant Glover, would hereby move this Honorable Court on January 3rd, 2018, at 9:30 a.m. or as soon thereafter as practical, to reconsider the verdict rendered on December 12, 2017, and allow the Defendant to withdraw his plea.

The Defendant herein did not understand that his *Alford* plea would render a guilty verdict; he was under the assumption that after his *Alford* plea, a trial would be had that limited any potential sentence to 5 years served with 5 years probation.

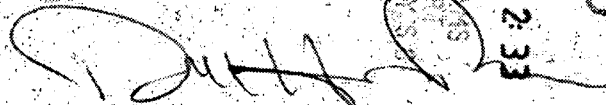
Further, the Defendant maintains that his plea was given under duress; he has maintained his innocence since the date he was first charged with this crime. Through counsel, he requested continuances both the day of his plea and the day before when the jury was drawn; both motions were denied. The Defendant's key witness, his daughter, lives in Maryland and was unable to be in Court; the Defendant felt as if he could not effectively present his case without his daughter present to testify, and that the plea was his only avenue to exonerate himself.

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CLERK OF COURT

The Defendant's attorneys of record have in his written agreement certified that he understood the *Alford* plea, and that the Court asked all the necessary questions prior to making the decision to accept the plea. The attorneys would further have to take a position contrary to the Defendant on this issue, but would request that the Court allow him to present the explanation he has given to the attorneys, and the blame that he places on the attorneys for not properly explaining *Alford*.

In addition, due to these conflicting positions, and in line with the Contract of Representation, the undersigned attorney feels that this opportunity should be afforded to the Defendant himself, as the undersigned attorney will separately submit a Motion to be Relieved as Counsel, and that the Court take necessary steps to protect the Defendant's right to appeal and seek other representation through Appellate Defense or other Private Counsel.

Respectfully submitted,



Delton W. Powers, Jr., Esquire
Attorney for Defendant
Post Office Box 47
Bennettsville, South Carolina 29512
843-479-6863
SC Bar Number: 4549

FILED
2017 DEC 13 P 2:33
ANITA H. WILLIAMS
CLERK OF COURTS
MAIL ROOM/REGISTRY

December 13, 2017

State of South Carolina) In the Court of General Sessions
) Fourth Judicial Circuit
 County of Marlboro) 2017-GS-34-00191

STATE OF SOUTH CAROLINA,)
)
 Plaintiff,)
)
 vs.) Transcript of Record
)
 THEODORE GLOVER,)
)
 Defendant.)
)
 _____)

Chesterfield, South Carolina
 January 3, 2018

B E F O R E:

The Honorable Roger E. Henderson

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

Mr. Shipp Daniel, Esquire
 Attorney for Plaintiff

Mr. Delton Powers, Esquire
 Mr. Kirk Timothy Truslow, Esquire
 Attorney for Defendant

LISA S. CARTER
 CIRCUIT COURT REPORTER

I N D E X

WITNESSES

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EXHIBITS

NO.

DESCRIPTION

EV.

1 THE COURT: All right, gentlemen.

2 MR. DANIEL: Your Honor, if it pleases, the Court?
3 Before you is Theodore Glover. A Marlboro County matter,
4 2017-GS-34-191.

5 Your Honor will recall that you heard in December the
6 plea of Mr. Glover and we are here now on defense motions
7 first to be relieved and then, I guess, a pro se motion to
8 reconsider.

9 THE COURT: All right, sir. Mr. Powers?

10 MR. POWERS: Your Honor, Mr. Truslow is on his way.
11 I don't know what kind of whether he ran into but he and I
12 would have the same argument in this case. I set a motion to
13 be relieved to Mr. Glover and he has returned the acceptance
14 of service by mail to my office which I will file in
15 Bennettsville.

16 Your Honor, immediately after the plea Mr. Glover
17 indicated that he thought he was pleading and then it would
18 go before the jury. I'm in the unique position that I
19 haven't been in, in forty-one years and we did a written plea
20 agreement, a written agreement. I went over every step of
21 that. And Mr. Truslow and I both certified to the court that
22 he understood that he was pleading under Alford, that he
23 understood that could get up to thirty (30) years, that he
24 was going -- that there would be a recommendation of five (5)
25 years but the court could do whatever they wanted. I think

1 it was like a six or seven page agreement that we passed up,
2 the court reviewed and I think you questioned Mr. Glover as
3 well. Because of that I'm ethically put in a position where
4 I cannot make an argument for him because I've certified to
5 the court that he knew what he was doing.

6 I also think under the circumstances and we also have a
7 contract that I'm not on board for any appeal, not pay for
8 any appeal and that I need to be relieved of counsel so that
9 he can have the ability and the advantage of applying to
10 indigent defense should he decide to appeal his guilty plea.
11 But it's an unusual position, Your Honor, and I just had a
12 chance to speak to him and told him that this was an argument
13 that he would have to make and he tells me he's ready to do
14 that.

15 I think Mr. Truslow is on his way. I've texted him but
16 I see no reason to delay or take the court's time because he
17 and I've discussed this at length and are on the same page as
18 far as our request.

19 THE COURT: Does the State take a position regards to
20 the motion?

21 MR. DANIEL: Your Honor, the State has no objection
22 whatsoever with Mr. Powers and Mr. Truslow being relieved.
23 And I want to thank Mr. Powers who let me know immediately
24 via text the moment he understood this was all going on and
25 who we would need to come back before the court. The State

1 have no objection whatsoever to both of the attorneys been
2 relieved.

3 THE COURT: Mr. Glover, that I understand you have a
4 no objection to the motions to be relieved by Mr. Truslow and
5 Mr. Powers?

6 MR. GLOVER: No, I would like for them to stay but
7 there's nothing I can do about it.

8 THE COURT: You understand his argument that he's put
9 in ---

10 MR. GLOVER: Yes, sir, I understand ---

11 THE COURT: --- an usual position because he
12 certified to me, the court, ---

13 MR. GLOVER: Yes, sir.

14 THE COURT: --- that you understood what you were
15 doing so he'd be, you know, he'd be arguing against himself
16 so to speak if he took any other position, you understand
17 that?

18 MR. GLOVER: Repeat that again.

19 THE COURT: I said, in a sense, be arguing against
20 himself because he certified to the court, to me, that you
21 understood what you were doing that day.

22 MR. GLOVER: Yes -- I thought I was -- I was
23 incompetent but I didn't -- but he did explain to me. He
24 explained it to me.

25 THE COURT: All right. Well, under the situation ---

1 MR. GLOVER: I didn't understand ---

2 THE COURT: Under the circumstances, Mr. Powers, I'm
3 gonna grant your motion. And I will relieve both you and Mr.
4 Truslow with regards to this matter.

5 MR. POWERS: Thank you, Your Honor.

6 THE COURT: I think we're in a situation where you
7 can pretty much state his position and you've been in, you
8 know, consultation ---

9 MR. POWERS: I just want to be able to protect his
10 appellate rights.

11 THE COURT: Sure. I understand that. And they'll be
12 protected so....

13 All right. That being said, Mr. Glover, I'll be glad to
14 hear your argument on your own behalf concerning the motion
15 for reconsideration. So I'll be glad to hear from you and
16 then Mr. Daniel will have an opportunity to respond.

17 MR. GLOVER: Yes, sir.

18 THE COURT: All right. Go ahead, sir.

19 MR. GLOVER: Well, you talking about -- okay, when he
20 was explaining it to me I thought that it was, I still was
21 gonna get a trial. I ain't never been in no situation like
22 this before and what the accuser said and stuff like that.
23 I mean, all this is new to me. You know, I just retired and,
24 you know, I retired at 61 years old. When this incident
25 happened that day, you know, what she said I done and stuff

1 like that so I didn't -- I didn't -- I didn't -- I thought I
2 understood until -- and I was saying -- when you was reading
3 it, you ask me -- did me -- you asked me the question also
4 and you got halfway and I know and I say, wait, this ain't
5 sounding right because I still thought I was going to get a
6 trial. You know, I wanted a trial and, you know, that's what
7 I wanted. And so that's what happened. I didn't know. I
8 thought I knew but I was incompetent a lot more than I
9 thought I were.

10 THE COURT: Well, I recall reviewing, you know, the
11 plea agreement. I mean, it was very thorough.

12 MR. GLOVER: Yes, sir.

13 THE COURT: And it covered everything. You had
14 signed it. Your lawyers had signed it. I mean, the
15 questions were very clear.

16 MR. GLOVER: Yes.

17 THE COURT: And ---

18 MR. GLOVER: Well, see I didn't ---

19 THE COURT: Your responses were, you know,
20 appropriate.

21 MR. GLOVER: Yes, sir. Well, see what I didn't know
22 I was signing -- I didn't know I was signing the plea offer.
23 I know you said you was going to ---

24 THE COURT: What do you mean you didn't know you were
25 signing it? You signed it.

1 MR. GLOVER: Yeah -- yeah - yes, I know but I'm saying
2 -- what I'm saying is I didn't know when I was signing -- I
3 didn't know I was signing the plea offer then. He told me he
4 said, I'm going over some things with you that the judge is
5 going to ask you and I said okay, you know, so he went over
6 everything with me, but I was a lot more incompetent of, you
7 know, what I was really doing because this stuff is all new
8 to me. I ain't a man of a whole lot of education but I got
9 good common sense, the only thing, but that's the main
10 mistake I made that day.

11 THE COURT: Well, I found you to be very intelligent
12 and even at this point in time, you know, you are stating
13 your position very capably so I didn't have any problem ---

14 MR. GLOVER: Yes, sir.

15 THE COURT: --- with your understanding of the
16 agreement. I'm satisfied that you did understand the
17 agreement. But -- and I had a colloquy with you. In other
18 words, I had questions back and forth with you ---

19 MR. GLOVER: Yes, sir.

20 THE COURT: --- and you responded to my questions
21 appropriately ---

22 MR. GLOVER: Yes, sir.

23 THE COURT: There was at one point in time I think
24 you had a question and I explained it and explained to you
25 what an Alford plea was and I made it very clear.

1 MR. GLOVER: Yes, sir.

2 THE COURT: And you responded that you understood
3 that in all likelihood the jury would find you guilty
4 based on the facts that were being presented but you weren't
5 saying you were guilty. We went through all of that very
6 thorough.

7 MR. GLOVER: Right. Right.

8 THE COURT: I was satisfied you understood what you
9 were doing.

10 MR. GLOVER: But I still thought I was gonna get a
11 jury trial. You know, I just -- I just didn't know. I just
12 -- that's what I thought.

13 THE COURT: Well, there was no statement at any point
14 in time during our colloquy that you would get a jury trial
15 at all. I mean, we were accepting an Alford plea.

16 MR. GLOVER: Right.

17 THE COURT: Which meant that you were not going to
18 get a trial.

19 MR. GLOVER: Right.

20 THE COURT: That you said that if you went to trial,
21 you basically understood that in all likelihood they would
22 find you guilty so they'd be no point in going to a trial.
23 I mean, that's the way that response came off to me as the
24 normal response.

25 MR. GLOVER: Yes. That's why I wanted to tell my part,

1 let the jury hear it -- I mean, like I say the only thing is
2 a mistake on my part. Y'all did y'all job. I ain't gonna
3 -- but I would -- I just want the jury to hear my side of the
4 story. That's, you know, I made the mistake that I made and
5 I definitely did make a mistake but I still thought I was
6 going to get a jury trial even with the signing -- I didn't
7 know.

8 THE COURT: Okay.

9 MR. GLOVER: I -- I didn't know.

10 THE COURT: Mr. Daniel?

11 MR. DANIEL: Your Honor, I have to be honest, I can't
12 blame Mr. Glover because if I was sentenced to five days in
13 prison I probably do everything in the world under the sun I
14 could do get out of too. But just as the court said not only
15 did the court undertake it's normal colloquy during the
16 guilty plea, wherein the court says, "do you understand, sir,
17 that your waiving your right to a trial in this case," and he
18 responded, yes. But there's also the plea agreement or the
19 document that Mr. Powers handed up to the court which I
20 didn't look at it but if it's anything like all the ones I've
21 ever seen it's a seven page document that where the defendant
22 signs and understands that he is waiving certain rights and
23 that sort of thing, the right to a trial being one of them.
24 And so, judge, the State thinks that this is frankly a waste
25 of time. But given the fact that we are here on the motion

1 for reconsideration and that reconsideration motions don't
2 only mean we can reduce the sentence but it also means we can
3 increase a sentence. So the State would ask the court to
4 consider increasing the time that Mr. Glover has received on
5 this penalty.

6 THE COURT: Okay. Do you wish to respond to that?
7 I believe my sentence was ten (10) year suspended upon the
8 service of five (5) ---

9 MR. DANIEL: And five (5) years probation.

10 THE COURT: -- and five (5) years probation?

11 MR. DANIEL: Yes, sir.

12 THE COURT: He's asking me to increase that above ten
13 years, give you more active time, do you want to respond to
14 that? I mean, you brought them back here so they have the
15 right to do that.

16 MR. GLOVER: Yes, sir. I understand what you're
17 saying. I just want -- I just want to trial. I want to
18 trial. I want a jury to hear my side.

19 THE COURT: That's not the point -- that's not what
20 we're arguing right now.

21 MR. GLOVER: Yes, sir.

22 THE COURT: Right now we're arguing whether or not I
23 should increase the time I gave you.

24 MR. GLOVER: Nah, I don't ---

25 THE COURT: I can give you thirty years.

1 MR. GLOVER: Yes. I don't want you to increase the
2 time. I don't want the time increased as far as the time.
3 I don't want that to happen.

4 THE COURT: Okay.

5 MR. POWERS: Your Honor, I would on his behalf have to
6 ask the court not to increase the time on him.

7 THE COURT: All right. I'm ready to rule on both
8 motions that are still outstanding having already granted Mr.
9 Powers motion.

10 With regards to the motion for reconsideration I'm
11 satisfied that Mr. Glover entered into the plea agreement
12 freely, voluntarily, and intelligently. He entered his
13 Alford plea before me freely, voluntarily and intelligently
14 which I've already found previously and there were no
15 problems with regards to the entry of that plea so his motion
16 for reconsideration is respectfully denied.

17 And with regards to your motion to increase, under the
18 circumstances Mr. Daniel, I'm going to respectfully deny that
19 motion as well. I'm going to leave the sentence as it is.
20 Ten (10) years suspended upon the service of five (5) with
21 five (5) years probation. He certainly has his rights to
22 appeal preserved and he can certainly contact indigent
23 defense and proceed with an appeal if he so desires.

24 MR. DANIEL: Thank you, judge.

25 THE COURT: Thank you, gentlemen.

1 MR. DANIEL: Thanks for hearing us first.

2 THE COURT: Thank you, Mr. Glover. Thank you for
3 your time, gentlemen.

4 (CONCLUSION OF THE PLEA ON JANUARY 3, 2018)

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CERTIFICATE

I, the undersigned Lisa S. Carter, Official Court Reporter for the Fourth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete excerpt of transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Fourth Circuit Court for Chesterfield County, South Carolina, on the 3rd day of January, 2018.

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

Lisa S. Carter

Lisa Carter

Circuit Court Reporter

August 6, 2018

STATE OF SOUTH CAROLINA)
)
 COUNTY OF MARLBORO)
)
 State of South Carolina,)
)
 Plaintiff,)
)
 -versus-)
)
 Theodore Glover,)
)
 Defendant.)

IN THE SUMMARY COURT
 OF THE FOURTH JUDICIAL CIRCUIT
 INDICTMENT NUMBER: 2017-GS-34-191

RECEIVED
 FEB 05 2018
 SC Court of Appeals

ORDER
 (RECONSIDERATION)
 A CERTIFIED TRUE COPY

Arlita M. Williams
 CLERK OF COURT
 MARLBORO COUNTY

This matter is before the Court on January 3rd, 2018, upon duly filed and served Motion for Reconsideration by Attorney Delton W. Powers, Jr. on behalf of the Defendant. Immediately prior to the hearing on this Motion, the Court heard and granted the Defendant's counsels' motion to be relieved. As to this matter, the Defendant is appearing before the Court pro se.

Defendant Glover informed the Court that although he entered an *Alford* plea, he had wanted the jury to hear his side of the case and thought that they still would. The Court in reviewing the matter and in questioning Mr. Glover determines that the plea was properly presented, that the Court in fact asked all the questions that were presented in his signed plea affidavit, and there are no grounds to reconsider the sentence on his behalf. His Motion for Reconsideration is hereby denied.

The Prosecutor asked that upon this Motion Defendant Glover's sentence be increased; the Court would deny that request as well.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED:

1. That Defendant Theodore Glover's motion for reconsideration is hereby denied; and,
2. That the State's request for increased sentencing is hereby denied.

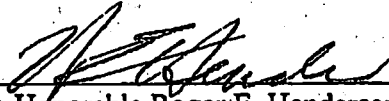
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[Signature]

FILED
 2018 FEB - 11 A 9 49
 CLERK OF COURT
 MARLBORO COUNTY, S.C.

AND IT IS SO ORDERED!

January 19th, 2018

Chesterfield, South Carolina


The Honorable Roger E. Henderson
Circuit Court Judge, 4th Judicial Circuit

ANITA H. WILLIAMS
CLERK OF COURT
HARLBORO COUNTY, S.C.

2018 FEB - 1 A 9 49

FILED

STATE OF SOUTH CAROLINA)
)
COUNTY OF MARLBORO) IN THE SUMMARY COURT
) OF THE FOURTH JUDICIAL CIRCUIT
) INDICTMENT NUMBER: 2017-GS-34-191

State of South Carolina,)
)
Plaintiff,)
)
-versus-)
)
Theodore Glover,)
)
Defendant.)
)

ORDER
(RECONSIDERATION)
A CERTIFIED COPY

Audra M. Williams
CLERK OF COURT
MARLBORO COUNTY

This matter is before the Court on January 3rd, 2018, upon duly filed and served Motion for Reconsideration by Attorney Delton W. Powers, Jr., on behalf of the Defendant. Immediately prior to the hearing on this Motion, the Court heard and granted the Defendant's counsel's motion to be relieved. As to this matter, the Defendant is appearing before the Court pro se.

Defendant Glover informed the Court that although he entered an *Alford* plea, he had wanted the jury to hear his side of the case and thought that they still would. The Court in reviewing the matter and in questioning Mr. Glover determines that the plea was properly presented, that the Court in fact asked all the questions that were presented in his signed plea affidavit, and there are no grounds to reconsider the sentence on his behalf. His Motion for Reconsideration is hereby denied.

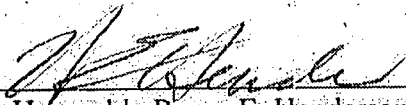
The Prosecutor asked that upon this Motion Defendant Glover's sentence be increased; the Court would deny that request as well.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED:

1. That Defendant Theodore Glover's motion for reconsideration is hereby denied; and,
2. That the State's request for increased sentencing is hereby denied.

1
[Signature]

AND IT IS SO ORDERED!



The Honorable Roger E. Henderson
Circuit Court Judge, 4th Judicial Circuit

January 19th, 2018

Chesterfield, South Carolina

2018 FEB - 1 A 9:49

FILED

STATE OF SOUTH CAROLINA)
)
 COUNTY OF MARLBORO)
)
 State of South Carolina,)
)
 Plaintiff,)
)
 -versus-)
)
 Theodore Glover,)
)
 Defendant.)

IN THE SUMMARY COURT
 OF THE FOURTH JUDICIAL CIRCUIT
 INDICTMENT NUMBER: 2017-GS-31-191

RECEIVED

FEB 05 2018

SC Court of Appeals

A CERTIFIED TRUE COPY
 ORDER

(RELIEVING COUNSEL)

Anda M. Williams

CLERK OF COURT
 MARLBORO COUNTY

This matter is before the Court on January 3rd, 2018, upon duly filed and served Motion of the attorneys for Theodore Glover to be relieved as Counsel. This is being heard just prior to a Motion for Reconsideration filed on behalf of Theodore Glover.

Mr. Glover appeared before this Court on December 12, 2017, and at that time entered an *Alford* plea to Criminal Sexual Conduct, First Degree; he was subsequently sentenced to ten years in prison, which was suspended to five years in prison with five years on probation. During his plea, he was represented by Delton W. Powers, Jr., of the Marlboro County Bar, and T. Kirk Truslow of the Horry County Bar. The attorneys filed a written plea affidavit, and, in that affidavit, certified to the Court that the Defendant entered into this plea knowingly, voluntarily, and without any undue duress, and that Mr. Glover fully understood the effect of the plea.

With the basis of his Motion for Reconsideration being that he misunderstood that his plea would be considered pleading guilty, there is obviously no way that the counsel of record could argue this Motion on behalf of Mr. Glover after having certified to the Court his understanding of the plea. Further, it is determined that neither attorney was hired beyond the initial trial or plea in this case and should have no responsibility for an appeal of an *Alford* plea

FILED
 2018 FEB 1 4 48
 A.M. WILLIAMS
 CLERK OF COURT
 MARLBORO COUNTY, S.C.

Williams

that by their signatures they certified. The Court finds that it would be proper to grant the Motion to be relieved as counsel.

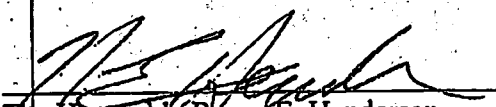
Further, granting this Motion allows for Mr. Glover's appellate rights to be protected by the Office of Indigent Defense and the Court finds that they are to be notified immediately that he may need counsel for the purposes of an appeal.

Lastly, the Court finds that Mr. Glover understands this conflict due the adversarial position the counsel would be placed in and agrees that counsel should be relieved.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED:

1. That Delton W. Powers, Jr., and T. Kirk Truslow are hereby relieved as counsel for the Defendant Theodore Glover; and,
2. That Defendant Theodore Glover, as an incarcerated inmate, would qualify for the services offered by the Office of Indigent Defense; SCOID should be notified immediately that Defendant Glover may need counsel to assist him in the appeal of his plea.

AND IT IS SO ORDERED!


 The Honorable Roger E. Henderson
 Circuit Court Judge, 4th Judicial Circuit

January 19th, 2018
 Chesterfield, South Carolina

FILED
 2018 FEB -1 A 9 48
 ANITA M. WILLIAMS
 CLERK OF COURT
 HARLORD COUNTY, S.C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF MARLBORO) IN THE SUMMARY COURT
) OF THE FOURTH JUDICIAL CIRCUIT
) INDICTMENT NUMBER: 2017-GS-34-191

State of South Carolina,)
)
) Plaintiff,)
)
) -versus-)
)
) Theodore Glover,)
)
) Defendant.)

A CERTIFIED TRUE COPY
ORDER
(RELIEVING COUNSEL)
Clerk of Court
MARLBORO COUNTY

This matter is before the Court on January 3rd, 2018, upon duly filed and served Motion of the attorneys for Theodore Glover to be relieved as Counsel. This is being heard just prior to a Motion for Reconsideration filed on behalf of Theodore Glover.

Mr. Glover appeared before this Court on December 12, 2017, and at that time entered an *Alford* plea to Criminal Sexual Conduct, First Degree; he was subsequently sentenced to ten years in prison, which was suspended to five years in prison with five years on probation. During his plea, he was represented by Delton W. Powers, Jr., of the Marlboro County Bar, and T. Kirk Truslow of the Horry County Bar. The attorneys filed a written plea affidavit, and, in that affidavit, certified to the Court that the Defendant entered into this plea knowingly, voluntarily, and without any undue duress, and that Mr. Glover fully understood the effect of the plea.

With the basis of his Motion for Reconsideration being that he misunderstood that his plea would be considered pleading guilty, there is obviously no way that the counsel of record could argue this Motion on behalf of Mr. Glover after having certified to the Court his understanding of the plea. Further, it is determined that neither attorney was hired beyond the initial trial or plea in this case and should have no responsibility for an appeal of an *Alford* plea

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[Signature]

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that by their signatures they certified. The Court finds that it would be proper to grant the Motion to be relieved as counsel.

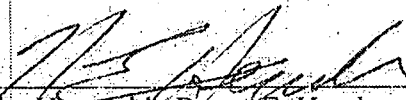
Further, granting this Motion allows for Mr. Glover's appellate rights to be protected by the Office of Indigent Defense and the Court finds that they are to be notified immediately that he may need counsel for the purposes of an appeal.

Lastly, the Court finds that Mr. Glover understands this conflict due the adversarial position the counsel would be placed in and agrees that counsel should be relieved.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED:

1. That Delton W. Powers, Jr., and T. Kirk Truslow are hereby relieved as counsel for the Defendant Theodore Glover; and,
2. That Defendant Theodore Glover, as an incarcerated inmate, would qualify for the services offered by the Office of Indigent Defense; SCOID should be notified immediately that Defendant Glover may need counsel to assist him in the appeal of his plea.

AND IT IS SO ORDERED!


 The Honorable Roger E. Henderson
 Circuit Court Judge, 4th Judicial Circuit

January 19th, 2018

Chesterfield, South Carolina

FILED
 2018 FEB - 1 A 9:48
 CLERK OF COURT
 JUDICIAL CIRCUIT 4
 CHESTERFIELD COUNTY, SC

WITNESSES

Sara Albarri

Marlboro County Sheriff

Law Enforcement Case #:
085

Sara Albarri

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
MAR0949

ARRESTED ON: 0000-00-00

ACTION OF GRAND JURY

True § 11

Gerrett Lee
Grand Jury Foreperson

Date
6-6-17

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2017-GS-34-0191

The State of South Carolina

County of Marlboro

COURT OF GENERAL SESSIONS

Term:
June 2017

THE STATE

vs.

Theodore Glover

INDICTMENT FOR

Sex / Criminal sexual conduct - First degree

§16-03-0652

CDR Code: 0160

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF MARLBORO)

INDICTMENT FOR

Sex / Criminal sexual conduct - First degree

§16-03-0652

WITNESSETH
County Sheriff
Enforcement Case #
[Signature]

At a Court of General Sessions, convened on June 06, 2017, the Grand Jurors of Marlboro County present upon their oath:

CRIMINAL SEXUAL CONDUCT, FIRST DEGREE

CDR: 0160-16-03-0652

That Theodore Glover did in Marlboro on or about August 15, 2014, engage in sexual battery with Euryssa Kelly, using aggravated force, in violation of Section 16-03-0652, S.C. 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.

[Signature]
WILLIAM B. ROGERS, JR.
SOLICITOR

COUNTY OF Marlboro
STATE VS. Theodore Glover
AKA:
Race:
DOB: 53 SS#:
Address: Jefferson St.
City, State, Zip: High Point, NC
DL#: SID#:

INDICTMENT/CASE#: 2017-GS-34-0191
A/W#: MAR0949
Date of Offense: 8/15/2014
S.C. Code §: 16-03-0652
CDR Code #: 0160

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Sex / Criminal sexual conduct - First degree

CONVICTED OF or PLEADS

in violation of § 16-03-0652 of the S.C. Code of Laws, bearing CDR Code # 0160
NON-VIOLENT VIOLENT SERIOUS MOST-SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
ATTEST: Daniel Shipp 76085 SC Bar# Defendant Theodore Glover Attorney for Defendant 66765 4540 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$ provided that upon the service of 5 days/months/years and/or payment
of \$ plus costs and assessments as applicable*; the balance is suspended with probation for 5

months and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.
CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Table with columns for Recipient, *Fine, and amounts. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$ 3.75. TOTAL \$ 128.75

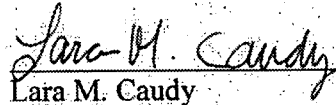
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning
\$ paid to Public Defender Fund
Other: No Contact with Victim or any member of Victim's Family
Sex offender Registry
Appointed PD or appointed other counsel. Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk April Druggler
Court Reporter Lisa Carter
Presiding Judge
Judge Code: 2754
Sentence Date: 12-12-17

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Lara M. Caudy
Appellate Defender

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

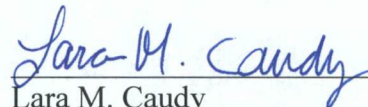
ATTORNEY FOR APPELLANT

This 1st day of April, 2019.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Lara M. Caudy
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 1st day of April, 2019.

RECEIVED

APR 01 2019

SC Court of Appeals