

J. Patrick Anderson
Travis A. Moore
V. C. "Vic" Bailey, IV
Mark A. Nowell

Jenny D. Moore
Associate

**AM ANDERSON, MOORE,
B&N BAILEY & NOWELL LLC**

ATTORNEYS AT LAW

240 Magnolia Street • Spartanburg, South Carolina 29306
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Telephone: 864.641.6431
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Toll Free: 888.234.2483

March 29, 2019

Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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APR 03 2019

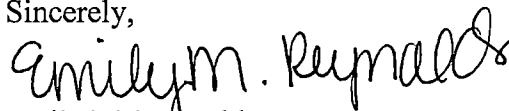
SC Court of Appeals

*Re: The State v. Richard D. Waldrup
Appellate Case No. 2019-000438*

Dear Ms. Kitchings:

Please find enclosed the documents requested in the above referenced case.

Sincerely,



Emily M. Reynolds
Paralegal for
Travis A. Moore

Enclosure

STATE OF SOUTH CAROLINA) IN THE COURT OF (Select one.)
 COUNTY OF CHEROKEE) GENERAL SESSIONS FAMILY COURT
) SEVENTH JUDICIAL CIRCUIT
 State of South Carolina,) CASE NO.: 2017A1120200139
 Plaintiff,) APPOINTMENT OF COUNSEL
 -vs-) (Select one.)
 RICHARD WALDRUP,) ORDER
 Defendant Juvenile.) AMENDED ORDER

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SC Court of Appeals

Offense(s): BURGLARY 1ST

It appears that the above named person is entitled to court-appointed counsel or a guardian ad litem.

It further appears that: (Select only one.)

- the public defender now represents another person involved herein and that a conflict would arise if that office represents the above-named individual. *Re appointed Per Judge Knie*
- the public defender has indicated a possible conflict of interest or other good cause warranting the appointment of counsel based on:
- the public defender or court-appointed counsel has indicated that the named individual has now retained private counsel and is no longer entitled to appointed counsel.
- court-appointed counsel has claimed an exemption or has demonstrated good cause pursuant to Rule 608 warranting the appointment of new counsel based on:
- court-appointed counsel has obtained substitute counsel named below pursuant to Rule 608(h)(2); only the member who originally received the appointment and who sought substitute counsel shall receive credit for the appointment.

Therefore, it is ordered that TRAVIS MOORE, Esquire hereby is appointed as (Select only one.)
 counsel lead counsel (if capital PCR case)
 for the above-named person. Counsel previously appointed is/are hereby relieved as counsel.

(If Death Penalty PCR Case) It is further ordered that _____, Esquire, is hereby appointed as second counsel in this capital case.

The clerk of court is directed to forward a copy of this order to all persons entitled to notice.

IT IS SO ORDERED THIS 26 DAY OF MARCH, 2018.

Bandy W. Moore
 Circuit Judge Clerk of Court

NOTICE: SC Supreme Court Order of September 29, 2006, requires appointed counsel entitled to payment from the Office of Indigent Defense (OID) to register the case online with OID within fifteen (15) days of this appointment at www.sejid.sc.gov, and further directs that reimbursement vouchers be submitted directly to SCCID and not to the trial judge or clerk of court. See SCCID website for further details.

STATE OF SOUTH CAROLINA)
COUNTY OF Cherokee)

IN THE COURT OF GENERAL SESSIONS
7th JUDICIAL CIRCUIT

The State of South Carolina)
Plaintiff,)

**AFFIDAVIT OF INDIGENCY
AND
APPLICATION FOR COUNSEL**
(Defense of Indigency Act, Form No. 2)

vs.

Richard Douglas Waldrop)
Defendant.)

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Burg 1st 2017A1120200030 Court of Appeals

CRIMINAL CHARGING DOCUMENT NO.

NAME OF APPLICANT	<u>Richard Douglas Waldrop</u>
ADDRESS	
TELEPHONE NUMBER(S)	
DATE OF BIRTH	
SOCIAL SECURITY NO.	
NAMES OF CO-DEFENDANTS	<u>None</u>

1. Are you presently employed? Yes No
- a. If "yes", state the amount of your salary or wages per month, and give the name and address of your employer.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER
	<u>N/A</u>

If "no", state the name and address of last employment, date of termination of employment, and amount of your salary or wages per month.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER	TERMINATION DATE
	<u>N/A</u>	

2. Include employment information for the spouse, if applicable.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER
	<u>N/A</u>

If the spouse is not currently employed, state the name and address of last employment, date of termination of employment, and amount of salary or wages per month.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER	TERMINATION DATE
	<u>N/A</u>	

3. List by name, age and relationship to you, any persons who are dependent upon you for support. Indicate beside each how much you contribute toward their support.

NAME	AGE	RELATIONSHIP	AMOUNT OF SUPPORT
N/A			

4. Have you received within the past twelve months any money from any of the following sources?

- a. Business, profession or form of self-employment? Yes No
- b. Rent payments, interest or dividends? Yes No
- c. Pensions, annuities or life insurance payments? Yes No
- d. Gifts or inheritances? Yes No
- e. Any other sources? Yes No

If the answer to any of the above is "yes", describe each source of money and state the amount received from each during the past twelve months.

SOURCE OF MONEY	AMOUNT
Disability	750.00 mth

5. Do you own cash, or do you have any money in a checking or savings account?

- Yes No

If the answer is "yes", state the total amount of the cash owned. _____

6. Do you own any real estate, stocks, bonds, notes, or other valuable property (excluding ordinary household furnishings and clothing)?

- Yes No

If the answer is "yes", describe the property and state the appropriate value of the items owned.

7. What kind of motor vehicle do you own? NO

Is it paid for? Yes No

If not, what are the payments? _____

8. How much do you owe (on liens, mortgages, other encumbrances or debts)?

NONE

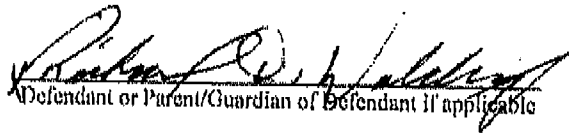
I do solemnly swear that the amount by me delivered into this court with my application for counsel does contain a true and full account of all my real and personal estate, debts, credits and effects whatsoever without exception, which I or any person in trust for me have or at the time of my possession had, or am, or was, in any respect, entitled to, in possession, remainder or reversion and that I have not at any time since charges were made against me or before, directly or indirectly sold, leased, assigned or otherwise disposed of or made over, in trust for myself or otherwise, other than is mentioned herein.

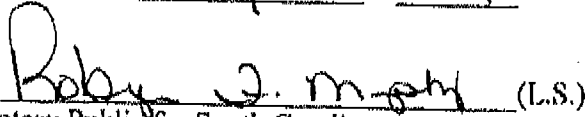
I understand the appointment of counsel creates a claim against the assets and estate of the person who is provided counsel or the parents or legal guardians of a juvenile in an amount equal to the cost of representation less the amount paid to appointed counsel, the public defender office and/or the Commission on Indigent Defense. I understand that such claim shall be filed in the office of the Clerk of Court in the county where I, my child, or ward are assigned counsel, but that the filing of a claim shall not constitute a lien against my real or personal property unless, in the discretion of the court, part of all of such claim is reduced to judgment by appropriate order of the court after serving me with at least thirty (30) days notice that judgment will be entered.

I understand that, pursuant to §17-3-30(b), I am required to pay a non-refundable \$40.00 application fee to the Clerk of Court for public defender services or other appointed counsel.

I am financially unable to employ counsel and request that counsel be assigned to represent me. I understand that I am entitled to at least thirty days' notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

This 2 day of 5, 2017


Defendant or Parent/Guardian of Defendant if applicable

Subscribed and sworn to before me this
2 day of May, 2017
 (L.S.)
Notary Public for South Carolina
My Commission Expires: 9-2-2019

The applicant's request for court-appointed counsel is hereby granted / denied.

Dated: _____
_____, South Carolina

Judge/Clerk or Deputy Clerk

FORM 4
NOTICE OF APPEAL FROM A SENTENCE IMPOSED BY THE COURT
OF GENERAL SESSIONS

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of General Sessions

J. Mark Hayes, Circuit Court Judge

Case No. 2017-GS-11-00843

The State,

Respondent,

v.

Richard Douglas Waldrup,

Appellant.

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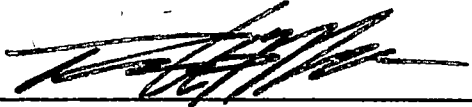
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SC Court of Appeals

NOTICE OF APPEAL

Richard Douglas Waldrup appeals his conviction and sentence in this case. The sentence was imposed by the Honorable J. Mark Hayes on March 6, 2019, in Cherokee County following a conviction by a jury.

March 13, 2019


Travis A. Moore,
Anderson, Moore, Bailey & Nowell, LLP
240 Magnolia Street
Spartanburg, South Carolina 29306
Telephone: 864-641-6431
Facsimile: 864-641-6435
Attorney for Appellant

RANDY W. MCBEE
2019 MAR 14 AM 8:32

CLERK OF COURT
CHEROKEE COUNTY, S.C.

**FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of General Sessions

J. Mark Hayes, Circuit Court Judge

Case No. 2017-GS-11-00843

The State,

Respondent,

v.

Richard Douglas Waldrup,

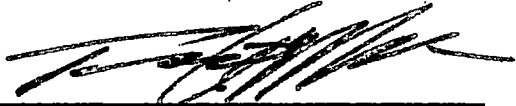
Appellant.

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SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State by personally delivering a copy of it to its attorney of record, Adrienne Barry, at her office at 125 E. Floyd Baker Blvd., Gaffney, SC 29340, on March 13, 2019.

March 13, 2019


Travis A. Moore,
Anderson, Moore, Bailey & Nowell, LLC
240 Magnolia Street
Spartanburg, South Carolina 29306
Telephone: 864-641-6431
Facsimile: 864-641-6435
Attorney for Appellant

BRANDY W. MCBEE

2019 MAR 14 AM 8:32

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Cherokee
STATE VS.

INDICTMENT/CASE#: 2017GS1100843

Richard Douglas Waldrup

A/W#: 2017A1120200139

AKA:

Date of Offense: 4/15/2017

Race: WHITE Sex: M Age: 51

S.C. Code § : 16-11-0311

DOB: SS#:

CDR Code #: 0079

Address:

City, State, Zip:

DL#: SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

CONVICTED OF or PLEADS

In disposition of the said indictment comes now the Defendant who was TO: Burglary / Burglary (After June 20, 1985) - First degree (15-life)

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079

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.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Adrienne Barry 101671 Defendant Moore, Travis A. SCB78108 SC Bar# Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 20 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 days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years 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 SCDOC. 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: \$ 175 plus 20% fee: \$ days/hours Public Service Employment

Payment Terms: Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Rows include various assessment fees like §14-1-206, §14-1-211(A)(1), §14-1-211(A)(2), §56-5-2995, §56-1-286, Proviso, §14-1-212, §14-1-213, §50-21-114, §56-5-2942(J), and 3% to County.

RECEIVED APR 03 2019 Court of Appeals Other: no victim contact

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk Court Reporter:

Presiding Judge Judge Code: 2137 Sentence Date: 3/6/19

WITNESSES

Gaffney Police Dept.

[Signature]

ARREST WARRANT NUMBER

2017A1120200139

ACTION OF GRAND JURY

[Signature]
Foreperson of Grand Jury

Date: 6-22-17

VERDICT

GUILTY

TRUE BILL

[Signature] 3-6-19
Foreperson of Petit Jury

Date:

DOCKET NO.

17-GS-11-00843

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

June 22 2017 TERM

THE STATE

vs.

RICHARD DOUGLAS WALDRUP

Indictment for

BURGLARY, FIRST DEGREE
(Dwelling)

SC Code: 16-11-0311

CDR Code: 0079

Class: FEL/EXM (V)

FILED IN THE OFFICE
CLERK OF COURT
2017 JUN 22 A 10:35
CLERK OF COURT
CHEROKEE COUNTY, SC

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STATE OF SOUTH CAROLINA)
)
COUNTY OF CHEROKEE)

INDICTMENT

At a Court of General Sessions, convened on June 22 2017, the Grand Jurors of Cherokee County present upon their oath:

BURGLARY, FIRST DEGREE
(DWELLING)

That the Defendant, Richard Douglas Waldrup did in Cherokee County on or about April 15, 2017, enter the dwelling belonging to Teresa Smith, located at 119 Canty Way, Gaffney, South Carolina without consent and with the intent to commit a crime therein, and either:

- (1) when, in effecting entry or while in the dwelling or in immediate flight:
 - (a) was armed with a deadly weapon or explosive; or
 - (b) caused physical injury to any person who was not a participant in the crime; or
- (2) the burglary was committed by a person with a prior record of two or more convictions for burglary or housebreaking or a combination of both,

in violation of §16-11-311, Code of Laws of South Carolina (1976) as amended.

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



ASSISTANT SOLICITOR

Court Reporter Mailing Address:

Michael R. Watts
mwatts@sccourts.org
489 Edgewater Drive
Gaffney, SC 29340

AM ANDERSON, MOORE,
B&N BAILEY & NOWELL, LLC
ATTORNEYS AT LAW

240 Magnolia Street
Spartanburg, South Carolina 29306

Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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