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SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT

v.

WILLIE JAMES MOORE,

APPELLANT

APPELLATE CASE NO. 2018-000164

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

)  
) IN THE COURT OF GENERAL SESSIONS

The State,  
-vs-  
Willie James Moore,  
Defendant.

)  
) TRANSCRIPT OF RECORD  
) 2016-GS-42-6095  
)  
) April 10 and 12, 2017  
) Spartanburg, South Carolina

B E F O R E:

HONORABLE J. DERHAM COLE, JUDGE

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guilty plea -- page 3.

No sworn testimony; no exhibits entered into evidence.

1 (Proceedings April 10, 2017)

2 THE COURT: All right. Willie James Moore.

3 Mr. MacDonald, you represent him?

4 MR. MACDONALD: Yes, Your Honor.

5 Your Honor, at this time Mr. Moore would like to make  
6 a motion for a continuance so that he could hire private  
7 counsel.

8 THE COURT: Well, you have to make that motion if  
9 you're his lawyer unless he's firing you.

10 THE DEFENDANT: No, sir. He's a good -- he's a good  
11 guy. I'm not firing him.

12 THE COURT: You're not firing him?

13 THE DEFENDANT: No, sir, not like.

14 THE COURT: Okay. Then he's going to have to speak on  
15 your behalf.

16 MR. MACDONALD: Your Honor, at this time I'm -- he's  
17 retaining me, but he would like a continuance so he could  
18 hire private counsel.

19 He's told me that he has the money for a charge such  
20 as this, which is burglary in the first degree. He wishes  
21 to spend all of his remaining funds on hiring private  
22 counsel. He believes that that is his best bet for  
23 fighting for his life, and that's what he wants to do.

24 He's told me that he has the money and he just wants a  
25 short continuance so he can get private counsel retained to

1 represent him on his case.

2 THE COURT: Well, now, I know, or you know that I  
3 know, and I guess he knows too since I'm sitting here in  
4 the courtroom while Mr. Brown has been here.

5 He talked to Mr. Brown, and apparently they couldn't  
6 come to terms. So who else is he going to hire? I have to  
7 have somebody here.

8 MR. MACDONALD: Yes. Your Honor, he told me that he's  
9 had -- he has gotten prices, checks from several other  
10 attorneys and he's willing to go with those.

11 THE COURT: Who are those other lawyers?

12 MR. MACDONALD: Chris Kennedy and Josh Schultz and Mr.  
13 Brannon.

14 THE DEFENDANT: Doug Brannon.

15 THE COURT: And they said they'd take the case?

16 THE DEFENDANT: Yes, sir. What it was was --

17 THE COURT: Talk to your lawyer.

18 (Pause.)

19 MR. MACDONALD: Your Honor, he just came up with the  
20 funds just several days ago.

21 THE COURT: Has he talked to those three lawyers?

22 MR. MACDONALD: He's -- he's talked to Mr. Brannon and  
23 he's talked to Mr. Schultz.

24 THE COURT: All right. And they told him what they  
25 were going to charge for this case?

1 MR. MACDONALD: That's correct, Your Honor.

2 THE COURT: And he says he has the money to give them?

3 MR. MACDONALD: That's correct, Your Honor.

4 THE COURT: Well, why aren't they here?

5 MR. MACDONALD: Your Honor, he just got the funds  
6 several days ago, and Mr. Schultz is currently on vacation.  
7 So he's not been able to retain him.

8 THE COURT: All right. Well, he's not going to be  
9 able to help him this week then.

10 who else -- Mr. Brannon and Mr. Kennedy?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Where are they?

13 (Pause.)

14 THE COURT: All right. I tell you what I'll do. I'm  
15 going to give him until 2:30.

16 Mr. MacDonald, you can get Mr. Kennedy and Mr. Brannon  
17 or Mr. Schultz or anybody else in the world that's going to  
18 represent him or wants to represent him, but I'm not going  
19 to entertain continuances or time to hire lawyers until I  
20 have somebody who says that they want to take this case and  
21 he can pay them, because Mr. Brown just said he can't take  
22 the case because he couldn't get paid. So I'm guessing  
23 that's not going to be feasible but --

24 MR. MACDONALD: Yes, Your Honor.

25 THE COURT: So, anyway, I'll give you during lunch.

1 You can talk to Mr. Kennedy or Mr. Brannon or Mr. Schultz  
2 or anybody else and find out if they're going to come over  
3 here and tell me they're going to take this case.

4 MR. MACDONALD: Thank you, Your Honor.

5 THE COURT: All right. We'll be in recess until 2:30.  
6 Be prepared to go forward at 2:30.

7 (whereupon, a recess was taken.)

8 THE COURT: You are Willie James Moore.

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Mr. MacDonald is your lawyer.

11 THE DEFENDANT: Yes, sir.

12 THE COURT: I have before me Indictment 2016-6095.

13 It's an indictment that charges you with burglary in the  
14 first degree.

15 The state alleges on October the 1st of 2016 you did  
16 wilfully and intentionally enter a dwelling of Kenneth  
17 Henderson on Upper Valley Falls Road in Spartanburg County  
18 without his consent and with the intent to commit a crime  
19 therein, and that you did either enter the dwelling in the  
20 nighttime, or you were armed with a deadly weapon, or you  
21 caused physical harm or injury to a person who was not a  
22 participant in the crime, or you used or threatened to use  
23 a dangerous instrument, or you displayed what appeared to  
24 be a knife, pistol, revolver, rifle, shotgun, machine gun  
25 or some other kind of firearm, and/or you have two prior

1 convictions for burglary or housebreaking, or a combination  
2 of those two.

3 That indictment alleges burglary in the first degree.  
4 Upon a conviction for burglary in the first degree, whether  
5 by trial or by entering a guilty plea, the sentence that  
6 must be imposed by the Court is not less than 15 years, and  
7 it could be up to and including a term of life  
8 imprisonment.

9 Do you understand what you're charged with?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you understand what kind of sentence  
12 can be imposed if I accept your plea of guilty?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you still want to plead guilty, or not  
15 guilty?

16 THE DEFENDANT: Guilty.

17 THE COURT: How long has Mr. MacDonald been  
18 representing you on this charge?

19 THE DEFENDANT: About 90 days.

20 THE COURT: Ninety days. Have you been in jail that  
21 entire time?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And during those 90 days have you had  
24 plenty of time and opportunity to talk to him about this  
25 charge, as well as your apparent decision to plead guilty

1 to it?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Has he been over the indictment with you  
4 and explained to you what the state claims you did?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Did he tell you what had to be proven in  
7 court before you could be convicted or found guilty of  
8 burglary in the first degree?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And he told you what kind of sentence  
11 could be imposed if you were convicted?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Did you tell him everything you know about  
14 these allegations made against you?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Did you and he discuss whether or not you  
17 have a defense to the charge of burglary in the first  
18 degree?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you understand what a defense is?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you have one?

23 THE DEFENDANT: No, sir.

24 THE COURT: Did he explain to you each of the  
25 constitutional rights you have that you must give up if you

1 wish to enter a plea of guilty?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Did he explain the right to remain silent?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you understand it?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Did he explain your right to confront and  
8 to examine any witness in court who provides evidence  
9 against you?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you understand it?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Did he explain your right to have a jury  
14 trial and to have 12 jurors that you would help select  
15 decide whether or not you're guilty of this crime?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you understand it?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Understanding each of those rights, do you  
20 wish to give them up in order to plead guilty as you've  
21 indicated?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Has anybody promised you anything that  
24 caused you to make that decision?

25 THE DEFENDANT: No, sir.

1 THE COURT: Has anybody indicated to you what the  
2 sentence might be if you pled guilty?

3 THE DEFENDANT: No, sir.

4 THE COURT: Has anybody forced you into pleading  
5 guilty?

6 THE DEFENDANT: No, sir.

7 THE COURT: Has anybody threatened you or coerced you  
8 or pressured you into pleading guilty?

9 THE DEFENDANT: No, sir.

10 THE COURT: Are you pleading guilty freely and  
11 voluntarily?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: It's your decision?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You're 34 years old.

16 THE DEFENDANT: Yes, sir.

17 THE COURT: How far did you go in school?

18 THE DEFENDANT: One year, Charleston College.

19 THE COURT: Are you married?

20 THE DEFENDANT: No, sir.

21 THE COURT: Do you have children?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you work?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Where?

1 THE DEFENDANT: Frontier Flooring.

2 THE COURT: And you've been in jail for about 90 days?

3 THE DEFENDANT: No. Six months.

4 THE COURT: You've been in jail for six months?

5 THE DEFENDANT: Yes, ma'am -- yes, sir.

6 THE COURT: And was that after your arrest on this  
7 charge or something else?

8 THE DEFENDANT: Oh, he was -- he's been my attorney  
9 for 90 days, but he hadn't gave me something. I had  
10 someone else at first, and then they appointed to him after  
11 about 90 days.

12 THE COURT: Who did you have before that?

13 THE DEFENDANT: Charles Snyder.

14 THE COURT: Oh, with the public defender's office?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Have you been in jail since you were  
17 arrested on the charge?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Are you under the influence of drugs or  
20 alcohol or anything that might prevent you from  
21 understanding what you're doing?

22 THE DEFENDANT: No, sir.

23 THE COURT: Have you ever been treated for any type of  
24 substance abuse or addiction?

25 THE DEFENDANT: No, sir.

1 THE COURT: Do you suffer from any type of an  
2 addiction?

3 THE DEFENDANT: No, sir.

4 THE COURT: Have you been ever been treated for any  
5 type of mental illness or emotional disturbance?

6 THE DEFENDANT: No, sir.

7 THE COURT: Do you suffer from any such a condition?

8 THE DEFENDANT: No, sir.

9 THE COURT: And you understand fully what you're doing  
10 today and the consequences of that decision?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. Listen to what the solicitor  
13 tells me about the facts that relate for your cases.

14 MR. SMITH: Thank you.

15 Your Honor, this incident happened back on  
16 October 1st of 2016. The Hendersons returned. They'd been  
17 out an auction. They returned home around 11:45 in the  
18 evening.

19 Mr. Henderson entered in the house first. He noticed  
20 a door that he said is normally closed that was open inside  
21 of his house, and then he saw some lights that are normally  
22 turned off. They were turned on. And he became suspicious  
23 that somebody may be inside the house.

24 He started going through and checking rooms, and he  
25 came across Mr. Moore. Mr. Moore had his back turned to

1 him and was loading things up inside of a backpack. He  
2 thought it was a relative's boyfriend, so he asked, you  
3 know, what are you doing. And Mr. Moore turns around and  
4 tried to swing on him.

5 He had had a Yeti cooler in his hand, or one of those  
6 Yeti steel things, and hit Mr. Moore several times with it.  
7 was able to get on top of him. And then his stepson runs  
8 into the house and holds a gun on him until the police get  
9 there. And we've got a body cam that shows basically the  
10 Hendersons standing on or around him. And then the police  
11 come and pull him out.

12 They empty out his left pocket. On the body cam it's  
13 got about eight gold rings in it. He's got a pack back  
14 that has all kinds of other jewelry items that were taken  
15 from Mrs. Henderson.

16 And there was -- the room very near where he was  
17 found, Your Honor, he had collected a number of long guns  
18 and some pistols and had put them on a bed like he was  
19 about to leave.

20 He was able to gain access through a window on the  
21 house. I think it had a broken screen.

22 Mr. Henderson did twist his knee, hurt his knee,  
23 during this altercation, Your Honor, but that's basically  
24 it as far as the facts.

25 I do believe some of the victims wish to address the

1 Court, maybe shed a little more light on exactly how it  
2 went down.

3 And, Your Honor, if you do want his prior record for  
4 the purposes of the plea, Your Honor, he has a 2004, public  
5 disorderly; 2005, failure to stop; 2008, attempted  
6 burglary; 2009, burglary second and petty larceny; 2011,  
7 arson third, malicious injury and two M.D.P. crack; 2013,  
8 C.D.V., A & B third, burglary second and M.D.P. crack; in  
9 2014, C.D.V. second and use of vehicle without permission.

10 I do believe he's on probation, Your Honor. I don't  
11 know if that's been handled during the pendency of this,  
12 but they did serve him with a warrant when this charge  
13 first came out.

14 I think Mr. Henderson has got a statement to read, and  
15 I think Mr. Henderson wants to speak too.

16 Your Honor, they just -- they're very traumatized by  
17 this. It wasn't just these four people that were there.  
18 They also a grandson who was four years old that witnessed  
19 this. And they basically do a perp walk of Mr. Moore  
20 through the entire family, and that's caused problems with  
21 the children. Obviously, it's traumatic even at their  
22 young age.

23 Mrs. Henderson wants -- you know, is wondering why he  
24 picked out their house and wants him to know that he took  
25 away her peace of mind and it has affected the

1 four-year-old grandson where he's not as comfortable coming  
2 over to the house as he used to be. And she wishes that he  
3 get the max. And also they said the kids are scared.

4 Mr. Henderson had a related knee injury from having to  
5 restrain Mr. Moore until the police got there.

6 They've installed surveillance video, and they check  
7 on it every day before they come home. Mrs. Henderson, I  
8 know, told me she's checked every single day to make sure  
9 Moore is -- Mr. Moore is still in jail. It's just very  
10 traumatizing.

11 Your Honor, the only good thing I can say is that it  
12 could have ended a lot worse with the proximity to loaded  
13 weapons when they came home with children. And it just  
14 fortunately ended with him being caught and nobody being  
15 hurt or them having to kill him.

16 That's all we have for the facts, Your Honor.

17 THE COURT: They don't want to be heard?

18 MR. SMITH: No, Your Honor. They just -- they wish  
19 for the max in this case. We never entertained making a  
20 plea offer in this case.

21 THE COURT: All right. Mr. Moore, you've heard what  
22 the solicitor told me about the facts that relate to your  
23 case.

24 THE DEFENDANT: Yes, sir.

25 THE COURT: You heard what he said --

1 THE DEFENDANT: Yes, sir.

2 THE COURT: -- about what he would offer to show if  
3 the case went to trial.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you agree or disagree with what he's  
6 told me about the facts?

7 THE DEFENDANT: I disagree.

8 THE COURT: All right. What is it you disagree with?

9 THE DEFENDANT: Oh, I dis -- I disagree with the  
10 fact -- I didn't attack anyone. I didn't attack anyone or  
11 try to pose a threat.

12 THE COURT: Okay. Well, let's just confine ourself  
13 right now to the facts of the burglary.

14 Do you agree that what he stated about what  
15 constitutes the burglary is factually correct?

16 THE DEFENDANT: Yes. I was in the house but I  
17 don't -- I just don't remember getting -- going there.

18 THE COURT: Did you enter the house?

19 THE DEFENDANT: I guess I did. I --

20 THE COURT: Did you have consent?

21 THE DEFENDANT: No, sir.

22 THE COURT: Did you take something?

23 THE DEFENDANT: I don't remember.

24 THE COURT: Okay. Well, why? Why don't you remember?

25 THE DEFENDANT: I was on Xanax and eframazine [sic]

1 pills.

2 THE COURT: Okay. And your lawyer's explained to you  
3 that voluntary consumption of alcohol and drugs is not a  
4 defense to a criminal charge?

5 THE DEFENDANT: Yes, sir. I was just saying that's  
6 why I don't remember.

7 THE COURT: I know. But you don't dispute what  
8 they've said are the facts? Do you dispute what they've  
9 stated?

10 THE DEFENDANT: I mean, as far as the burglary, I was  
11 in that house, caught in the house, so, yes, sir.

12 THE COURT: Well, and I know you've said that you  
13 didn't pose a threat to anybody. Or I thought you said you  
14 didn't remember what happened.

15 THE DEFENDANT: No. I'm saying I know I didn't swing  
16 at anyone.

17 THE COURT: Well, how do you know if you don't  
18 remember what happened?

19 In other words, if you don't remember going in the  
20 house, you don't remember being in the house, you don't  
21 remember taking anything in the house, how could you  
22 remember those things but not the burglary things? How  
23 could you remember what you did as it relates to what they  
24 say about you threatening them but you don't remember  
25 anything about the burglary itself?

1 THE DEFENDANT: I mean, I admit to being in the house,  
2 yes, sir, but I just don't remember how I got in or  
3 anything.

4 THE COURT: Okay. Well, in order to be guilty of  
5 burglary you have to enter a dwelling and you've got to  
6 have a previous intent when you enter the dwelling to  
7 commit some crime.

8 So burglary is an entering of a dwelling without  
9 consent and with the intent to commit a crime therein. And  
10 the intent to commit a crime has to be developed before you  
11 enter the house.

12 In other words, entering a house without an intent to  
13 commit a crime does not constitute burglary. Do you  
14 understand?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Might be some other crime of some sort,  
17 but entering a house without consent but not intending to  
18 commit a crime is not burglary.

19 Burglary is entering a dwelling without consent and  
20 with the intent to commit a crime.

21 So you know what they would present. But you say you  
22 don't remember why you were there. You just remember being  
23 there at some point.

24 THE DEFENDANT: I remember that Spartanburg County had  
25 his knee in my back and I asked him --

1 THE COURT: Spartanburg County had a knee in your  
2 back?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Okay. So you remember not posing a  
5 threat. You remember Spartanburg County putting a knee in  
6 your back. But you don't remember going into a dwelling  
7 with the intent to commit a crime and not having consent?  
8 You don't remember any of that.

9 THE DEFENDANT: I just don't remember that.

10 THE COURT: Do you have issues with your memory?  
11 Because that seems right strange and odd to me that you  
12 would remember everything except those things that make you  
13 guilty of a crime.

14 THE DEFENDANT: Oh, I know I don't -- I don't disagree  
15 about taking the items, I mean, because I know that's what  
16 the burglary consists of. I just -- yes, sir. I mean, I'm  
17 not disagreeing with -- with, I mean, like some of the  
18 facts that make it a burglary, no, sir.

19 THE COURT: Well, do you agree that you went into the  
20 residence?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you agree that you did not have consent  
23 of the homeowner to be in the residence?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you agree that you entered the

1 residence with the intent to commit some crime? I guess  
2 larceny. But some crime of some grade.

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And you admit to actually committing  
5 larceny by stealing something?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Okay. Do you agree with what the  
8 solicitor said about your previous criminal history?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: That's accurate?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Did Mr. MacDonald explain to you that  
13 burglary in the first degree, aside from just the fact that  
14 it carries between 15 years and life, it's also classified  
15 and designated a violent offense under the law? Did he  
16 explain to you the significance of that classification?

17 THE DEFENDANT: No, sir.

18 THE COURT: Did he discuss with you the fact that  
19 first degree burglary is also designated and classified as  
20 a most serious offense under the law?

21 THE DEFENDANT: No, sir.

22 THE COURT: Did he explain to you that burglary in the  
23 first degree is designated and classified as a no-parole  
24 offense under the law?

25 THE DEFENDANT: No. I didn't know that either.

1 THE COURT: Okay. All right. Well, I'm going to let  
2 y'all step aside.

3 You talk to Mr. MacDonald, and you talk about the fact  
4 that this is classified as violent, most serious and no  
5 parole so you'll understand that before we accept your  
6 guilty plea if you still want to plead guilty.

7 (Whereupon, a recess was taken.)

8 THE COURT: All right. Did Mr. MacDonald explain to  
9 you the significance of it being classified as violent?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And you understand it?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Did he explain to you the significance of  
14 it being classified as most serious?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And do you understand it?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And he explained to you that it's also  
19 classified as a no-parole offense?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And do you understand it?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you still want me to accept your plea  
24 of guilty?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: All right. I'll accept it and hear from  
2 you and anybody else on wednesday.

3 what time do y'all want to do it?

4 MR. MACDONALD: The morning is fine with me, Your  
5 Honor.

6 THE COURT: 9:30. All right. 9:30 wednesday morning  
7 we'll proceed with the sentencing aspect of the case.

8 END OF PROCEEDINGS APRIL 10, 2017

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1 (Proceedings April 12, 1017)

2 THE COURT: All right. You're Willie James Moore.

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Mr. MacDonald is still representing you.  
5 I accepted your plea on Monday.

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And we deferred your sentence until today  
8 so that your family could appear.

9 So what would y'all like to tell me?

10 MR. MACDONALD: Yes, Your Honor.

11 This is Mr. Willie James Moore. He's pleading to the  
12 burglary in the first degree.

13 Mr. Moore has five children that he takes care of.  
14 And before he was incarcerated or before he was in jail he  
15 had a steady job.

16 Your Honor, I would like to focus on the incident in  
17 question because there's some things that the solicitor  
18 said in the incident report that we don't technically agree  
19 with.

20 First off, Mr. Moore was never violent. He never  
21 attempted to injure anybody. But he was heavily  
22 intoxicated at the time and he did something that was a --  
23 he was not of sound mind, and he did something that he  
24 clearly, very clearly, regrets and has been apologetic and  
25 has wanted to accept responsibility for his actions since

1 that -- since day one when I first retained him as a  
2 client.

3 Your Honor, this charge is first degree because he's  
4 got two priors and also because it occurred at night. I'd  
5 like to briefly just discuss his two prior burglaries that  
6 he's been charged -- that he pled guilty to.

7 They weren't strangers that he had burglarized. They  
8 were altercations with his girlfriend at her residence and  
9 that she ended up calling the police. They weren't violent  
10 altercations. They were verbal altercations. But they  
11 weren't strangers that he -- he never invaded any  
12 strangers' homes before, Your Honor. It was altercation  
13 with the girlfriends. Never -- it never got violent, just  
14 like we contest, or we contest that there was no violence  
15 in this burglary, Your Honor.

16 He was just not of a sound mind, and he was heavily  
17 intoxicated. And, you know, once -- once the victims found  
18 him at the home they beat him up pretty good, and they held  
19 him down at gunpoint until the police came. And he -- he's  
20 complied. He stayed down. He complied. When the police  
21 came he complied. He never resisted.

22 He's -- he's here today because he didn't want to  
23 waste anyone's time with a trial. He wants to take  
24 responsibility for his actions, and that's why he's here  
25 today to plead guilty.

1 His family is here today. He has his sister Amanda  
2 Moore in the back. She's present here. He did -- that's  
3 why he wished it deferred. He wished that he could have  
4 some of his family here. And Ms. Amanda Moore has decided  
5 to come for him. She does not wish to speak at this time,  
6 but she wants her presence -- she wanted her presence to be  
7 known.

8 And, Your Honor, I believe that Mr. Moore also has  
9 some words that he would like to say.

10 THE COURT: Okay. Mr. Moore.

11 THE DEFENDANT: Yes, sir.

12 First off, I want to just apologize to the victims and  
13 the homeowners that are in here. I just -- I'm extremely  
14 sorry. That's not my character. That's not me.

15 Mr. -- Mr. MacDonald here, he's done a good job for  
16 me. He's helped me out as much as he could. Like he said,  
17 I wanted to take responsibility from the -- from the --  
18 from the word jump. That -- that's not my character and  
19 that's not me.

20 I'm really a good person, and I take full  
21 responsibility for what I done. And I know that's not  
22 right.

23 And I also want to thank them because I was really  
24 paid for. They could have ended my life. And I want to  
25 thank them if they can be out to them. I don't know if

1 they're in here.

2 And, like I say, I take full responsibility for my  
3 actions. I just wish whenever I do my time, just get out  
4 and be a better commodity to the community and continue to  
5 father my kids, sir.

6 And I just wish Your Honor would take some leniency on  
7 me, sir, and take into consideration. And, like I say,  
8 that is not my character. I am not that type of person.  
9 And I just throw myself on the mercy of the Court, sir.  
10 And I also want to thank Mr. MacDonald here and Tam and  
11 Mr. Cheeks for trying all they could to help me out, sir.

12 THE COURT: All right. Mr. Smith, remind me of his  
13 history.

14 MR. SMITH: Your Honor, he has a 2004 public  
15 disorderly; 2005, failure to stop; 2008, attempted  
16 burglary; 2009, burglary second, petty larceny; 2011 --  
17 Your Honor, he got five years suspended to 90 days and  
18 three years probation for that burglary. And then in 2011  
19 he had an arson third, malicious injury to personal  
20 property and two manufacture and distribute crack; 2013,  
21 C.D.V., assault and battery third, burglary second and  
22 another manufacture or distribute crack; 2014, C.D.V.  
23 second and use of vehicle without permission.

24 THE COURT: Okay. Do you agree with that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Does anybody else need to be heard?

2 MR. SMITH: Yeah. He does. Come up here and tell her  
3 your full name.

4 KENNETH HENDERSON: My name is Kenneth Henderson.  
5 when he come in -- my wife generally comes in the  
6 house first with my grandson.

7 Just so happened that night I came in, and I seen  
8 everything. The doors was opened. I generally keep all of  
9 my bedroom doors shut.

10 when I came in I walked back to the back and I seen  
11 him putting the stuff in the bag. And I asked, I said,  
12 "Man, what are you doing in the house?"

13 He stood up when he seen me and he swung at me, and  
14 then that's when I hit him up beside the head with the Yeti  
15 cooler.

16 Yes. I did beat the devil out of him on account he  
17 was in my house stealing. He had all my guns laid out  
18 on -- on the bed going to steal them and all. But I don't  
19 think -- I think he'd have come in the house if we had --  
20 if we'd been home on account of the T.V. was playing. Car  
21 was in the -- in the -- at the house. And dog was there.  
22 I think he'd have come in the house if we'd been there.  
23 And I don't think he needs to get out of jail and all. But  
24 if my grandson and my wife would have come in first, yes, I  
25 believe he'd have done harm to them. That's all I've got

1 to say.

2 THE COURT: Okay. Thank you, sir.

3 On Indictment 2016-6095, sentence is you, Willie James  
4 Moore, be confined to the South Carolina Department of  
5 Corrections for a period of 18 years.

6 END OF REQUESTED TRANSCRIPT OF RECORD

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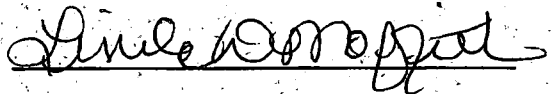
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CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 10th and 12th days of April 2017.

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

July 20, 2017



Linda D. Moffitt  
Circuit Court Reporter

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SPARTANBURG )  
 )  
 State of South Carolina )  
 Plaintiff )  
 vs. )  
 Willie James Moore )  
 Defendant )

IN THE GENERAL SESSIONS COURT  
 SEVENTH JUDICIAL CIRCUIT  
**MOTION OF RECONSIDERATION OF  
 SENTENCE**

Charge(s): Burglary / Burglary (After June 20,  
 1985) - First degree  
 Indictment(s): 2016GS4206095  
 Date of Arrest: October 02, 2016

To: Barry Barnette, Solicitor, Seventh Judicial Circuit

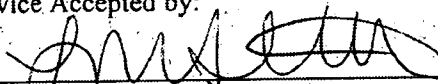
**YOU WILL PLEASE TAKE NOTICE**, that the undersigned attorney for the Seventh Judicial Circuit Public Defender Office, on behalf of the aboved-named Defendant, will move immediately before Cole on April 24, 2017 or as soon thereafter as counsel may be heard, for a reconsideration of the sentence handed down on April 12, 2017 on indictment(s): 2016GS4206095.

Respectfully submitted,

*Daniel MacDonald / Elizabeth Rose*  
 Daniel MacDonald, Assistant Public Defender  
 Seventh Judicial Circuit Public Defender Office  
 Spartanburg, South Carolina

2017 APR 21 PM 3:52  
 CLERK OF COURT  
 SEVENTH JUDICIAL CIRCUIT  
 SPARTANBURG, SOUTH CAROLINA

Date: 4-21-17

Service Accepted by:  
  
 Solicitor's Office, Seventh Judicial Circuit

STATE OF SOUTH CAROLINA )  
 COUNTY OF SPARTANBURG )  
 The STATE of South Carolina, )  
 Prosecutor, )  
 -vs- )  
 Willie James MOORE, )  
 Defendant. )

IN THE COURT OF GENERAL SESSIONS

**ORDER**

Indictment(s) No(s): **2016-GS-42-06095**

This matter came before this Court on motion of the defendant by and through his court-appointed counsel, Daniel MacDonald, Assistant Public Defender, pursuant to Rule 29, SCRCrimP seeking reconsideration of the sentence imposed by the Court.

**Salient Facts**

The defendant appeared before this Court on April 12, 2017 for disposition of the ab referenced indictment charging him with Burglary 1<sup>st</sup> Degree. At the call of the case the Court was informed that the defendant wished to enter a plea of guilty to the charge. The State is represented by Spencer Smith of the Circuit Solicitor's office. Dan MacDonald, Esq. appeared with the defendant.

The usual plea colloquy established that the defendant understood the charges, the sentence range, his waiver of constitutional rights, and his waiver of any defenses. It is apparent that his decision to plead guilty was freely, voluntarily, knowingly, and intelligently made with an understanding of the consequences.

The defendant is now seeking a reconsideration of the sentence imposed by the Court.

**Applicable Law**

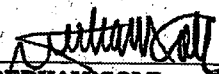
Rule 29, SCRCrimP, provides that "... post-trial motions shall be made within ten (10) days after the imposition of sentence." "The motion may, in the discretion of the Court, be determined ... without oral argument."

**Conclusion**

This Court carefully considered the matter and all relevant material in aggravation and mitigation at the time the sentence was imposed and no reason has been given or is apparent that would justify an alteration of it.

The defendant's Rule 29 **MOTION** should be and **IS** therefore **DENIED**.

January 26, 2018

  
 J. DERHAM COLE, Presiding Judge  
 The Seventh Judicial Circuit Court

2018 JAN 26 AM 10:23  
 CLERK OF COURT  
 SPARTANBURG COUNTY

**WITNESSES**

Spartanburg County Sheriff's Office

2. REPORT MADE

3. CASE FILED

4. INDEXED

5. CHECKED

6. CLERK

7. JURY

*James W. [Signature]*

**ARREST WARRANT NUMBER**

2016A4210203440

**ACTION OF GRAND JURY**

DEC 09 2015

~~True Bill~~

Foreperson of Grand Jury

Date:

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. **16-GS-42-6095**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

**COURT OF GENERAL SESSIONS**

DEC 12 2016

**TERM**

THE STATE  
vs.

Willie James Moore

*Plea accepted 4/10/17*

Indictment for

**BURGLARY, FIRST DEGREE  
(Dwelling)**

SC Code: 16-11-0311  
CDR Code: 0079  
Class: FEL/EXM (V)

FILED COURT  
CLERK OF COURT  
SPARTANBURG COUNTY  
2016 DEC 16 PM 4:00  
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SPARTANBURG )

INDICTMENT

At a Court of General Sessions, convened on DEC 09 2016, the Grand Jurors of Spartanburg County present upon their oath:

**BURGLARY, FIRST DEGREE**

**(DWELLING)**

That the Defendant, Willie James Moore, did in Spartanburg County, on or about October 1, 2016, willfully and intentionally enter the dwelling belonging to [REDACTED] located at [REDACTED] Upper Valley Falls Road, Spartanburg, South Carolina without consent and with the intent to commit a crime therein, and that the defendant did enter the dwelling either:

- (1) in the nighttime and/or
- (2) while armed with a deadly weapon; and/or
- (3) caused physical injury to any person who is not a participant in the crime; and/or
- (4) used or threatened the use of a dangerous instrument; and/or
- (5) displayed what is or appeared to be a knife, pistol, revolver, rifle, shotgun, machine gun, or other firearms;

and/or that the defendant has a prior record of two convictions for burglary or housebreaking or a combination of both, in violation of Section 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

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
STATE VS. Willie James Moore
AKA:
Race: BLACK Sex: M Age: 34
DOB: SS#
Address:
City, State, Zip: Boiling Springs, SC 29316
DL#: SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS4206095
A/W#: 2016A4210203440
Date of Offense: 10/1/2016
S.C. Code §: 16-11-0311
CDR Code #: 0079

SENTENCE SHEET

CONVICTED OF or PLEADS

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: 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: SMITH, SPENSER H 101370 SC Bar# Defendant
Attorney for Defendant 102614 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 18 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 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
Recipient:
\*Fine: \$
§ 14-1-206 (Assessments 107.5%) \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§ 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 \$ 25.00
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ca \$
3% to County (if paid in installments) \$ 3.75

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:
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.

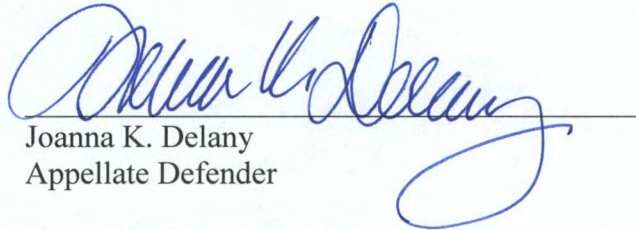
TOTAL \$ 128.75
Clerk of Court/ Deputy Clerk
Court Reporter:
SCCA/217 (07/2016)

Presiding Judge
Judge Code:
Sentence Date: April 12, 2017
Plea accepted 4/10/17

## 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,



Joanna K. Delany  
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 February, 2019.

RECEIVED  
FEB 01 2019  
SC Court of Appeals