

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County  
Thomas W. Cooper, Circuit Court Judge

ORIGINAL

THE STATE,

RESPONDENT,

V.

RICKY LAMONT ESAW

APPELLANT

APPELLATE CASE NO. 2017-002213

RECORD ON APPEAL

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1 his perception, his attention was on that person.  
2 Again, there is nothing wrong with his  
3 identification. If nothing else, he didn't pick  
4 one, but he saw him on this one, he saw him in the  
5 courtroom.

6 I submit to you refocus, refocus on what was  
7 presented. And we submit to you that we have proven  
8 this case beyond a reasonable doubt. Thank you.

9 THE COURT: Thank you, Ms. Patterson.

10 Madam Clerk, if you'll hand up the indictments,  
11 please.

12 THE CLERK: Yes, sir.

13 THE COURT: Thank you.

14 Now, ladies and gentlemen, give me your  
15 attention for a few more moments. It is my  
16 responsibility now to instruct you and charge on you  
17 what the law is. Before I begin this, let me tell  
18 you that you've been in here about an hour, almost  
19 exactly an hour. My instructions are scripted,  
20 they're going to take about 30 minutes. I'm  
21 prepared to do them right now.

22 But if any of you need a break, a brief break,  
23 before we begin the instructions, I want to give you  
24 a chance to let me know that right now, because once  
25 I start, I can't stop. And so if anybody needs a

1 break -- it just takes one of you, you don't have to  
2 be unanimous on this. If any one of you needs a  
3 break, a brief recess, we'll declare that and get  
4 that concern out of your mind. Anybody need a  
5 break? Good. Thank you.

6 So now, ladies and gentlemen, it becomes by  
7 responsibility, as I told you to instruct you as to  
8 what the law is. You've been very patient  
9 throughout this trial and you have listened  
10 patiently and attentively to Mr. Chehoski and  
11 Ms. Patterson. And I now ask that you give me the  
12 same attention as I instruct you as to what the law  
13 is in this case.

14 Under our constitution, I have the  
15 responsibility of telling you what the law is and it  
16 is your responsibility as jurors to accept the law  
17 as I charge it to you now to be the correct law.  
18 It's your exclusive duty as jurors to decide any  
19 issues of fact in this case, and for that purpose  
20 you have to determine the effect and the value and  
21 the weight and factual nature of the evidence that  
22 you heard and determine what you determine to be the  
23 true facts.

24 Both the State and the Defendant have the right  
25 to expect that you will conscientiously consider and

1 evaluate the evidence and that you will apply the  
2 law of the case to that evidence so that both the  
3 State and the Defendant will receive a fair and  
4 impartial trial at your hands.

5 Throughout the course of this charge when I use  
6 the word Defendant, I'm referring to Mr. Ricky  
7 Lamont Esaw. Mr. Esaw has been indicted by the  
8 Grand Jury of Lexington County and charged in the  
9 indictments, which I read to you earlier this week,  
10 first of all, with the crime of murder.

11 That indictment accuses Mr. Esaw in Lexington  
12 County on or about August 9th of 2015 with malice  
13 aforethought, causing the death of Hector Vasquez by  
14 shooting him and that Mr. Vasquez died as a result  
15 thereof. He's also charged with the attempted  
16 murder, while acting alone or in concert with  
17 Wilfred Pitts, attempting to murder Franklin Vasquez  
18 with malice aforethought either expressed or implied  
19 in violation of the law.

20 He is next charged with the armed robbery while  
21 acting alone or in concert with Wilfred Pitts,  
22 taking from the person or presence of Rafael  
23 Izaguirre, by means of force or threats or  
24 intimidation, a wallet or cell phone in violation of  
25 the law.

1           He is next charged with the attempted armed  
2 robbery of Franklin Vasquez while armed with a  
3 deadly weapon, a handgun, attempting to take money  
4 and/or a cell phone with the intent to steal it, and  
5 also with the attempted armed robbery of Hector  
6 Vasquez while armed with a handgun by attempting to  
7 take his money or cell phone in violation of the law  
8 with the intent to steal it. And finally, with  
9 being in possession of a weapon, a firearm, during  
10 the commission of a violent crime.

11           Now, ladies and gentlemen, as I told you before  
12 this trial began, and I remind you again, those  
13 indictments that I just summarized for you very  
14 briefly are not evidence nor are they proof of the  
15 charges that they contain, because to the charges in  
16 the indictments, as you know, Mr. Esaw has entered  
17 pleas of not guilty and has requested a jury trial  
18 at your hands which he has received and which  
19 you-all will soon conclude.

20           The legal effect of a plea of not guilty then  
21 is to place the burden of proof on the State to  
22 prove the guilt of the defendant beyond a reasonable  
23 doubt before you can convict him and find him  
24 guilty. Mr. Esaw is presumed innocent of these  
25 charges. It is a fundamental rule of our law of

1 evidence that a defendant, regardless of the number  
2 of charges, the nature of the charges, the  
3 seriousness of the charges against him, will always  
4 be presumed innocent of the charges for which he's  
5 been indicted unless and until his guilt has been  
6 proven by evidence that satisfies you jurors of that  
7 guilt beyond a reasonable doubt.

8 The presumption of innocence is not a mere  
9 legal theory, it is not an empty legal phrase. The  
10 presumption of innocence has been likened to a robe  
11 of righteousness which is placed about the shoulders  
12 of a defendant, and it assigns to that defendant a  
13 class known as the innocent. And that presumptive  
14 robe righteousness continues to exist to the benefit  
15 of a defendant until it has been stripped from his  
16 person by evidence, evidence that satisfies you of  
17 guilt beyond a reasonable doubt.

18 The presumption of innocence accompanies the  
19 defendant from the time of his arrest and follows  
20 him throughout every stage of this trial, indeed it  
21 even continues to his benefit when you go into that  
22 jury room to deliberate and to reach a verdict in  
23 this case. The presumption of innocence continues  
24 to exist to the benefit of the defendant unless and  
25 until you as a jury reach the conclusion that the

1 State has proven his guilt beyond a reasonable  
2 doubt. So that then is the burden of the State to  
3 prove guilt beyond a reasonable doubt.

4 Some of you might have served as jurors in  
5 civil cases before. And if you did, the judge in  
6 the civil case told you that it is only necessary  
7 for the party that has the burden of proof to  
8 present evidence to you that is more convincing on  
9 that party's side than the evidence is on the other  
10 party's side. They call it the preponderance of the  
11 evidence.

12 But in criminal cases, the State's proof has to  
13 be more powerful than that. In criminal cases, the  
14 State's evidence must be beyond a reasonable doubt.  
15 So what then do we mean by proof beyond a reasonable  
16 doubt? Proof beyond a reasonable doubt is proof  
17 that leaves you firmly convinced of the defendant's  
18 guilt.

19 Now, there are very few things in this world  
20 that you and I know with absolute certainty. And in  
21 criminal cases, the law does not require proof that  
22 overcomes every possible doubt. And so if based on  
23 your consideration of the evidence you are firmly  
24 convinced that the defendant is guilty of the crime  
25 charged, you must find him guilty. If on the other

1 hand you think there's a real possibility that he is  
2 not guilty, you must give him the benefit of the  
3 doubt and find him not guilty.

4 Reasonable doubt can arise from evidence in the  
5 case or it might arise from the lack of evidence in  
6 the case. But you, ladies and gentlemen, have to  
7 decide whether or not reasonable doubt exists as to  
8 the guilt of this defendant. I tell you that he is  
9 entitled to every reasonable doubt which arises in  
10 the case.

11 And so if on any issue of fact that is  
12 necessary to a conviction and a verdict of guilty  
13 you have a reasonable doubt as to how that issue  
14 should be resolved, it is your duty to resolve that  
15 reasonable doubt in favor of the defendant.

16 A defendant, ladies and gentlemen, is not  
17 required to prove his innocence. The State is  
18 required in law to prove every essential element of  
19 the defense charged against him by evidence that  
20 satisfies you of his guilt beyond a reasonable doubt  
21 before you can convict him and find him guilty.

22 And I instruct you now and I emphasize to you  
23 that the fact that the defendant did not testify in  
24 his own behalf is not a factor to be considered by  
25 you in any way in your deliberation and in your

1 consideration of the question of his guilt or  
2 innocence. It must not be considered by you in any  
3 matter whatsoever. It must not militate against the  
4 defendant in any respect whatsoever.

5 A defendant has a constitutional right to  
6 remain silent, and if he chooses to assert that  
7 constitutional right, that fact cannot and must not  
8 be considered by you in your deliberations. And so  
9 under your oath then, you are to reach no inference  
10 and draw no conclusion whatsoever from the fact that  
11 this defendant did not himself testify. That should  
12 not even be discussed by you in the jury room  
13 because, as I have said, the defendant has no  
14 obligation to prove innocence and the burden remains  
15 upon the State to prove guilt beyond a reasonable  
16 doubt and the fact that the defendant did not  
17 testify is not a factor to be considered by you in  
18 determining his guilt or his innocence.

19 So then, ladies and gentlemen, if upon the  
20 whole case you have a reasonable doubt as to the  
21 guilt or the innocence of the defendant, he's  
22 entitled to that reasonable doubt and would be  
23 entitled to an acquittal and a verdict of not  
24 guilty. But, on the other hand, if upon the whole  
25 case you find the State has proven by evidence that

1 satisfies you as a jury of his guilt beyond a  
2 reasonable doubt, then in such circumstances it is  
3 equally your duty to convict him and to find him  
4 guilty.

5 Now, during the trial, ladies and gentlemen,  
6 each of us, you and I, have our separate duties to  
7 perform. As the trial judge it is my job to preside  
8 over and rule upon the admissibility of evidence and  
9 things of that nature during the course of this  
10 trial, and to you to consider only the competent  
11 evidence that has been offered in the course of this  
12 trial, that is, the testimony offered in this  
13 witness chair right here, and the items and  
14 documents of evidence that you'll have with you in  
15 the jury room when you begin your deliberations.

16 I have the additional duty to charge you as to  
17 what the applicable law of the case is, and that's  
18 what I'm doing right now. As the presiding judge I  
19 am made the sole judge of the law of the case and it  
20 is your duty to accept and apply this law as I state  
21 it to you now to be the correct law.

22 If you have some preconceived idea of what you  
23 think the law is or if you've brought with you into  
24 your service as jurors some preferences or  
25 understandings that you might have about the law and

1 if your ideas about the law disagree with what I'm  
2 telling you now the law actually is, under your oath  
3 you're obligated to forget what you think the law is  
4 or what you'd like for the law to be, because under  
5 that oath you're bound to accept the law as I charge  
6 it to you now to be the correct law.

7 Now, since you're the sole and exclusive judge  
8 of the facts and I'm the judge of the law, our trial  
9 courts have said and our constitution has said, I  
10 should say, that the trial judge can't hint to you  
11 or comment to you or intimate to you any opinion  
12 about any facts in the case.

13 Since you're the sole judge of the facts of the  
14 case then, you're not to gather from anything that I  
15 have said during the course of this trial or  
16 anything that I'm saying to you now that I have an  
17 opinion about the facts of the case. The law does  
18 not allow me such an opinion. That is solely a  
19 matter for you, ladies and gentlemen, to determine.  
20 So as jurors it becomes your duty to determine, as I  
21 have told you, the value, the weight, the effect,  
22 and the truth of the evidence offered during the  
23 course of this trial.

24 Now, as you determine what the facts of the  
25 case are, you must necessarily pass upon the

1       credibility, which is just another word that means  
2       believability, of the witnesses who have testified,  
3       and you have to decide the value and the effect that  
4       you will give to the testimony you have heard. You  
5       and you alone have to decide the force and the  
6       effect and the truth of the testimony that has been  
7       offered.

8               Now, there are a lot of things that you can  
9       take into account when you do this. You can look at  
10      the appearance, the manner of the witnesses as he or  
11      she testified from the witness stand. We sometimes  
12      call that the demeanor of the witness. How did the  
13      witness appear to you as he or she was testifying on  
14      the witness stand?

15             Was the witness forthright or was the witness  
16      hesitant? Was a witness' testimony consistent or  
17      did it contain discrepancies? What was the ability  
18      of that witness to know the things that he or she  
19      was telling you about? Did the witness have an  
20      interest to be served by his or her testimony; in  
21      other words, the cause to be served by that  
22      testimony? Was the testimony of a witness made  
23      stronger by other evidence or was it made weaker by  
24      other evidence in the case?

25             You've heard in this particular case the

1 testimony of an expert witness. Our rules of  
2 evidence ordinarily don't allow witnesses to testify  
3 about opinions or conclusions. However, persons who  
4 by their training and by their qualifications and by  
5 their experience in certain fields can be qualified  
6 as expert witnesses in those particular fields, and  
7 they then have a right to render opinions on those  
8 fields in which they have been qualified as experts.

9 You should consider any expert opinion received  
10 in evidence in this case like any other evidence in  
11 this case and give it the weight you think it  
12 deserves. If you decide that the opinion of an  
13 expert witness is not based on sufficient education  
14 and experience or if you conclude that the reasons  
15 given in support of the opinion are not sound or  
16 that the opinion is outweighed by other evidence,  
17 you can disregard the opinion entirely, because an  
18 expert witness' testimony is like the testimony of  
19 any other witness; it doesn't receive any greater  
20 weight than that of any other witnesses.

21 Because as jurors, ladies and gentlemen, you've  
22 got the right to believe a small portion of the  
23 testimony of a single witness, disbelieve the larger  
24 portion of the testimony of the same witness, or you  
25 can believe everything that a witness tells you or

1 none of what a witness tells you.

2 Now, there's been admitted into the record in  
3 this case also evidence of an alleged prior criminal  
4 record of one of the witnesses who was called. And  
5 that evidence was admitted for a limited purpose and  
6 you can consider that evidence only for the limited  
7 purpose for which was it offered and you can  
8 consider that evidence only for the purpose of  
9 evaluating the credibility or the believability of  
10 the testimony offered by that witness himself or  
11 herself and you can give it no other weight for any  
12 other purpose at all.

13 Now, ladies and gentlemen, in determining the  
14 matter of what you believe, that law requires that  
15 you use your good common sense, your mental  
16 processes, your sense of logic and reason, and your  
17 experiences in life. In other words, as I told you  
18 before you began this trial, you use the same  
19 qualities in this courtroom in determining what you  
20 believe that you use every day outside of this  
21 courtroom in determining what you believe, those  
22 same unique abilities that each of you brings from  
23 your own individual ways of life and from your own  
24 experiences in life to bear on what you heard in  
25 this courtroom, and you'll be able to decide what

1       you believe. And once you decide what you believe,  
2       then you apply the law that I'm giving you to what  
3       you believe to be the facts of this case and you'll  
4       arrive at a true verdict in this particular case.

5               Now, ladies and gentlemen, I'm going to  
6       instruct you as to the particular charges which are  
7       contained in these indictments. I charge you first  
8       as to the law of the crime of murder. Murder is  
9       defined in our law as the killing of any person with  
10       malice aforethought either expressed or implied.

11              In order for the State to prove the defendant  
12       guilty of murder, it has to be proven beyond a  
13       reasonable doubt that this defendant had, in fact,  
14       killed the person alleged to have been killed in the  
15       indictment, and that the killing was done a malice  
16       aforethought. The State doesn't have to prove a  
17       motive for the killing, but it does have to prove  
18       malice to prove that beyond a reasonable doubt.

19              So what is malice? Malice aforethought is a  
20       deliberate and well-formed purpose to do the  
21       unlawful act. Aforethought means that the intention  
22       to do the unlawful act was conceived or planned  
23       sometime before it actually occurred, but it need  
24       not exist for any particular length of time prior to  
25       the act to meet the test of malice aforethought.

1 Malice itself is a word that suggests a  
2 wickedness or a hatred or a determination to do what  
3 one knows to be wrong without just cause or legal  
4 provocation. Malice need not be in the mind of the  
5 one doing the act for any particular length of time  
6 in order to render the killing murder. If it is  
7 present in the mind of the one doing the killing any  
8 length of time before the act, then its presence  
9 would be sufficient to render the killing murder.

10 Malice can be expressed or it can be inferred.  
11 Malice is said to be expressed when there is shown a  
12 deliberate, violent intention to unlawfully take  
13 away the life of another human being. Malice may be  
14 inferred when no legal provocation or excuse for the  
15 killing appears and when the circumstances attending  
16 the killing show an abandoned heart or a malignant  
17 heart fatally bent on mischief.

18 Now, the defendant is also accused of the  
19 attempted murder of Franklin Vasquez through the  
20 acts of Mr. Pitts. So in order to prove the charge  
21 of attempted murder, the State has to prove beyond a  
22 reasonable doubt that this defendant, either alone  
23 or in concert with somebody else, and I'll charge  
24 you on that law in a few moments, attempted to kill  
25 in this case Franklin Vasquez, with malice

1       aforethought either expressed or implied as I've  
2       already defined malice to you.

3               Now, an attempt to commit an act is an act done  
4       in part in execution of a plan or a design to commit  
5       a crime. There has to be an intent that the action  
6       be committed and an act done, not in full execution  
7       of the crime, but in pursuing the intent to commit a  
8       crime. An attempt is different from preparation and  
9       it's also different from the intent to commit.

10              The law does not punish the mere entertainment  
11       of a criminal intent. To bring the law of attempt  
12       into action, it is necessary that some act should be  
13       done in pursuance of the intent immediately and  
14       directly tending to the commission of the crime, an  
15       act which, if the crime is carried out, would  
16       constitute a part and parcel of the crime itself,  
17       but it doesn't reach the accomplishment which was  
18       intended because it is prevented or voluntarily  
19       abandoned.

20              The defendant is also charged with armed  
21       robbery, once again, in concert with Mr. Pitts. I'm  
22       going explain to you now the offense which is known  
23       in law as armed robbery. And I'll tell you that the  
24       statute says that a person who commits robbery while  
25       armed with a pistol or other deadly weapon or while

1       alleging with action or words that he is armed with  
2       such a weapon is guilty of armed robbery. So let me  
3       define for you first robbery and then armed robbery.

4               Robbery is what we normally call stealing, but  
5       it's a little bit more than just stealing. Robbery  
6       is stealing, is just taking somebody else's  
7       property, whether they know it or not. That's  
8       larceny or stealing. But robbery, robbery is the  
9       wrongful taking and carrying away of somebody's  
10       personal property, of something of value of somebody  
11       else, either taking it for himself or herself, or in  
12       the presence of that person by putting that person  
13       by threat of violence or putting them in fear of  
14       violence. So robbery then is stealing from the  
15       person, himself or herself, in the presence of the  
16       person himself, by the use of force or fear or  
17       violence..

18               So now, what is armed robbery? Armed robbery  
19       is robbery of somebody's property from his or her  
20       person or in that presence by putting that person in  
21       fear of violence and by the use of a deadly weapon.  
22       A handgun, of course, is a deadly weapon. And so  
23       the law then requires in order to prove the offense  
24       of armed robbery, it must prove that the defendant  
25       robbed someone of their personal property from their

1 presence or in their -- from their person or in  
2 their presence by fear or force or intimidation and  
3 by using a deadly weapon. Those are the elements of  
4 armed robbery.

5 Once again, the defendant is charged with the  
6 attempted armed robbery of Hector Vasquez and  
7 Franklin Vasquez. The law of attempt that I charge  
8 you on murder also applies to the law of attempt for  
9 armed robbery; that is, there has to be some act and  
10 furtherance of that event which was either  
11 voluntarily abandoned or stalled for some other  
12 reason.

13 The defendant is also charged with possession  
14 of a firearm during the commission of a violent  
15 crime. Our law makes it illegal to possess a  
16 firearm during the commission of a violent crime.  
17 And so a violent crime includes murder, attempted  
18 murder, robbery, attempted armed robbery, I should  
19 say, or attempted armed robbery. All of these are  
20 violent crimes in the definition of the law.

21 And so in order for you to find the defendant  
22 guilty of this separate offense of possessing a  
23 weapon during the commission of a violent crime, you  
24 must first find that the State has proven to you  
25 beyond a reasonable doubt that he actually committed

1 one of those violent crimes, murder, attempted  
2 murder, robbery, attempted robbery, and then that he  
3 was in possession of a firearm during the commission  
4 of that crime.

5 Now, ladies and gentlemen, as this has been  
6 explained to you, some of these charges arise out of  
7 allegations of Mr. Esaw being in concert with  
8 Mr. Pitts. And the State brings a theory -- those  
9 cases under the theory of the law known as  
10 accomplice liability or the hand of one is the hand  
11 of all.

12 And I tell you, ladies and gentlemen, that when  
13 two or more person aid, encourage, and abet each  
14 other in the commission of a crime, all who are  
15 present are principals and are equally guilty. When  
16 two or more persons combine together and commit a  
17 crime and the crime is committed, all of those who  
18 are present to aid and abet and assist in the  
19 commission of the crime are guilty. The act of one  
20 becomes the act of all, the hand of one becomes the  
21 hand of all; it makes no difference by whose  
22 immediate hand the crime is committed, all are  
23 principals.

24 However, I tell you that mere presence at the  
25 scene of the crime, even with knowledge of the

1           commission of the crime but without an intent to  
2           aid, abet, or assist in its commission, does not  
3           constitute guilt. And so the burden is upon the  
4           State then to establish beyond a reasonable doubt  
5           that the defendants, and each of them as to those  
6           particular charges, those charges in concert with  
7           Mr. Pitts, they were there with each other, they  
8           were present, and that they were there with a  
9           criminal intent; that is, with the intent to aid,  
10          encourage, and abet each other in committing the  
11          offense of attempted murder and armed robbery.

12                 Now, ladies and gentlemen, an issue in this  
13          case is the identification of the defendant as a  
14          person who committed the crime charged. The State  
15          has the burden of proving identity beyond a  
16          reasonable doubt, and you must be satisfied beyond a  
17          reasonable doubt of the accuracy of the  
18          identification of the defendant before you can  
19          convict him.

20                 Identification testimony is an expression or a  
21          belief of an impression by a witness and you must  
22          determine the accuracy of the identification of the  
23          defendant. You must consider the believability of  
24          the identification witness in the same way as any  
25          other witness.

1           You may consider whether the witness had an  
2           adequate opportunity to observe the offender at the  
3           time of the offense, and this can be affected by  
4           things about how long or short the time was  
5           available or how far or close the witness was, the  
6           lighting conditions, whether the witness had a  
7           chance to see or know the person in the past.

8           Once again I tell you that the burden of proof  
9           upon the State extends every element of the offense  
10          charged, and this includes specifically includes the  
11          burden of proving beyond a reasonable doubt the  
12          identity of the defendant as the one who committed  
13          the crime. After examining the testimony if you  
14          have a reasonable doubt as to the accuracy of the  
15          identification, then you must find the defendant not  
16          guilty.

17          Now, criminal intent is a necessary element of  
18          the offenses in this case and it has to be proven by  
19          the State beyond a reasonable doubt. Criminal  
20          intent is always a matter that has to be determined  
21          by a jury from the circumstances surrounding the  
22          situation because there is no way that we can cut  
23          off a person's skull and look down at their brain  
24          and figure out what they had in mind at the time.  
25          And the law says that criminal intent may be

1           inferred from the circumstances which are shown to  
2           have existed at the time. And that's how you make a  
3           determination as to whether or not the criminal  
4           intent was present.

5           So criminal intent is a state of mind and it  
6           operates jointly with an act in the commission of a  
7           crime. It is a mental state, it is a conscious  
8           wrongdoing, and it's up to you as a jury to  
9           determine what the defendant intended to do based on  
10          the circumstances which are shown to have existed.  
11          I tell you that the State has to prove criminal  
12          intent beyond a reasonable doubt just as it has to  
13          prove every other element beyond a reasonable doubt.

14          Now, ladies and gentlemen, in this case a  
15          statement alleged to have been made by the defendant  
16          has been admitted into the record of this case. And  
17          while I have determined as a preliminary matter that  
18          the statement is admissible, it is up to you as a  
19          jury to make the ultimate decision as to whether or  
20          not the defendant actually made the statement and  
21          what -- whether or not the statement was given  
22          freely and voluntarily, that is, by the own free  
23          will and accord of the defendant.

24          This means the State has to prove to you beyond  
25          a reasonable doubt that the statement was not caused

1 by pressure, force, fear, threats, coercion, or  
2 intimidation; it was not obtained by hope or a  
3 promise of leniency or reward of any kind. And as  
4 you determine whether or not the statement was  
5 voluntary, you should consider the circumstances of  
6 the defendant and the circumstances surrounding the  
7 questioning.

8 You can consider the age of the defendant, his  
9 education or lack of it, his apparent mental  
10 ability, his background, the length of the  
11 detention, the nature of questions, whether or not  
12 the defendant was advised of his constitutional  
13 rights including the right to remain silent and that  
14 any statement could be used against him in a court  
15 of law, the right to have a lawyer present with him,  
16 if he could not afford a lawyer then one would be  
17 appointed to represent him without cost, that he  
18 could stop making a statement at any time.

19 You must carefully consider all the  
20 circumstances surrounding this before you give any  
21 weight at all to the alleged statement. The State,  
22 I so tell you again, has the burden of proving  
23 beyond a reasonable doubt that the alleged statement  
24 was made by the defendant and that it was voluntary,  
25 and if you determine that it was, you can give the

1 statement any further consideration that you think  
2 it should receive. You must decide what weight, if  
3 any, should be given to the alleged statement, and  
4 if you determine the alleged statement was not the  
5 free and voluntary statement of the defendant, you  
6 should not consider it for any purpose whatsoever.

7 Now, ladies and gentlemen, the State attempts  
8 to meet its burden of proof in this case by the  
9 introduction of the two types of evidence: Direct  
10 evidence and circumstantial evidence. Direct  
11 evidence is evidence that directly proves the  
12 existence of a fact and it doesn't require any  
13 conclusions or any deductions.

14 Circumstantial evidence is a proof of a chain  
15 of facts which indicates the existence of another  
16 fact and is -- the existence of another fact is  
17 developed by deduction or by conclusions based on  
18 the evidence presented. Crimes can be proven by  
19 circumstantial evidence. The law doesn't make any  
20 distinction between the weight or the value that  
21 you'll give direct evidence or circumstantial  
22 evidence.

23 However, to the extent that the State relies on  
24 circumstantial evidence, all the circumstances must  
25 be consistent with each other, and when they're

1 taken together they must point conclusively to the  
2 guilt of the accused beyond a reasonable doubt. If  
3 the circumstances merely portray the defendant's  
4 behavior as suspicious, then the proof has failed.

5 The State has the burden of proving the  
6 defendant guilty beyond a reasonable doubt, and this  
7 burden rests upon the State whether the State relies  
8 on direct evidence or circumstantial evidence or  
9 some combination of the two.

10 Now, ladies and gentlemen, let me tell you,  
11 finally -- finally, there's a word you can hang  
12 onto -- let me tell you, finally, that you're not  
13 that you're not partisans or advocates for the State  
14 of South Carolina or for this defendant. You don't  
15 serve as jurors to reward your friends or punish  
16 your enemies. Obviously, such a perverted system of  
17 justice would not be justice at all.

18 You have been selected by both the State and  
19 the Defendant to be fair and impartial jurors, and  
20 so it is your duty then, by your joint  
21 deliberations, to determine the facts in this  
22 particular, giving to this defendant the benefit of  
23 every reasonable doubt on each and every issue, and  
24 then to the facts which you determine to exist in  
25 this case, you apply the law which I've just given

1           you, and thus arrive at a verdict.

2           The word verdict means the truthful saying.  
3           And when you've accomplished the responsibilities,  
4           you'll have satisfied your oath as jurors and you  
5           will have discharged your duty to the Court.

6           Now, ladies and gentlemen, I'm going to  
7           instruct you as to the forms of verdict in this  
8           particular case. They are here on this verdict  
9           sheet. There are six different charges, and so you  
10          will write six different verdicts. Your verdict on  
11          one charge does not necessarily determine your  
12          verdict on another charge. The defendant can be  
13          convicted or acquitted on any or all of the charges  
14          contained in these indictments.

15          You're not to gather anything at all from the  
16          order that I have written these possible choices of  
17          verdict on this sheet. I simply write them in the  
18          order that I find easiest to explain. I'm giving  
19          the verdict form to the foreperson because it's  
20          going to be his responsibility to fill it out. And,  
21          as I have said, there are six different charges and  
22          six different verdicts.

23          The first charge of murder says we the jury, by  
24          unanimous consent, find the defendant as to the  
25          charge of murder, the choices of verdict are two,

1 guilty if the State has met its burden of proof as I  
2 have instructed you on that particular charge, not  
3 guilty if the State has failed to meet its burden of  
4 proof.

5 Each of the other charges contain the same  
6 choices of verdict. The attempted murder of  
7 Franklin Vasquez, guilty or not guilty; guilty if  
8 the State has met its burden of proof under the  
9 theory of the hand of one is the hand of all, not  
10 guilty if it has failed to meet its burden of proof.

11 The armed robbery, once again under the theory  
12 of the hand of one is the hand of all, guilty if the  
13 State has met its burden of proof, not guilty if it  
14 has failed to meet its burden of proof.

15 The attempted armed robbery, there are two  
16 charges, one of Franklin Vasquez and one of Hector  
17 Vasquez as the alleged victims. And their names are  
18 there so you can tell which of those charges apply  
19 to each particular victim. The possible charges are  
20 the same.

21 The last charge is possession of a weapon  
22 during the commission of a violent crime. You'll  
23 reach this charge only if you have found Mr. Esaw  
24 guilty of one of the violent crimes above. If your  
25 verdict is not guilty as to those charges, you will

1 not reach the verdict of possession of a weapon  
2 during the commission of a violent crime. If you do  
3 find that he is guilty of at least one of those  
4 crimes of violence, then you will reach the last  
5 verdict. And your choices of verdict are, once  
6 again, the same, guilty or not guilty.

7 Now, I've shown the verdict form to the  
8 foreperson, ladies and gentlemen, because he's the  
9 one who's got to fill it out. But it, obviously,  
10 will not be the foreman's verdict alone; the  
11 verdicts have to be unanimous, all 12 have to agree  
12 as to what the verdicts will be. And, Mr. Foreman,  
13 you're not authorized to fill out the verdict form  
14 nor to sign it until all 12 of your number have  
15 agreed as to what the verdicts will be.

16 We're going to send you to your jury room right  
17 now. I want you to wait just a few moments before  
18 you begin your deliberations. I've got to talk with  
19 the lawyers to see if I have misstated anything or  
20 if I've left out anything, and if I have, I'll have  
21 to bring you back out to correct that. But if we do  
22 not have to bring you back out, we will send back  
23 the items of evidence. Once the items of have been  
24 sent in, then that will be your signal to begin your  
25 deliberations. Please, not until then.

1           Once the items of evidence have been delivered,  
2           you will begin your deliberations. And you will  
3           deliberate until you've reached verdicts, at which  
4           point, Mr. Foreman, you will fill out the verdict  
5           form, knock on the door, advise the bailiff, and we  
6           will bring you back out to receive the verdict.  
7           Before you begin your deliberations, Ms. Frick is  
8           going to bring in menus to give you for the ordering  
9           of lunch, to allow you to go ahead and get that  
10          matter out of the way, and she'll explain to you how  
11          that is going to be done before you begin your  
12          deliberations.

13           Please retire to your jury room. Do not begin  
14          yet begin your deliberations. I'll ask that the  
15          alternates just stay where you are, please.

16           (The jury exits the courtroom at 11:06 AM.)

17           THE COURT: Ms. Patterson, Ms. Martin, any  
18          requests for additional charge or exception from the  
19          State?

20           MS. PATTERSON: None from the State, Your  
21          Honor.

22           THE COURT: Thank you.

23           Ms. Fullwood, Mr. Chehoski?

24           MS. FULLWOOD: Yes. Simply, Your Honor, we'd  
25          like to put on the record that we take exception to

1           that portion of your charge that stated that malice  
2           is implied where no legal provocation or excuse  
3           appears. We believe that's burden shifting and  
4           could be interpreted to require the Defense to  
5           disprove legal provocation or excuse, and thereby  
6           violating rights under the Fifth, Sixth, and  
7           Fourteenth Amendments of the comparable provisions  
8           of the South Carolina Constitution.

9           THE COURT: Thank you. Ms. Fullwood, I note  
10          that, respectfully decline to recharge with that.  
11          That language has been time-honored, and although  
12          our malice and the definition of malice under the  
13          law have received some tweaking over the years  
14          through case law, that portion of the charge has  
15          been left undisturbed, or at least I hope it has.  
16          If they've changed it, they've failed to let me  
17          know. Thank you. That's respectfully noted, but  
18          declined.

19          MS. FULLWOOD: Thank you, Your Honor.

20          (Court's Exhibit No. 3 marked for  
21          identification.)

22          THE COURT: All right. Folks, you-all can  
23          start then getting the evidence together and making  
24          sure the evidence is in order.

25          Folks, you, obviously, have realized that your

1           role as alternate jurors would have been to take the  
2           places of any of these 12 in that jury room if they  
3           had not been able to last throughout the trial. We  
4           knew when we began this trial that it was going to  
5           last several days, and there was probability or some  
6           likelihood, maybe, that some of these 12 might have  
7           had some emergencies in their lives that would not  
8           allow them to conclude the trial and go back and  
9           deliberate.

10           If that had happened and you were not there, we  
11           would have had to start this whole case over from  
12           scratch and everything done up to that point in time  
13           would have been wasted. And so when I saw you each  
14           day, I knew that we were not going to be wasting our  
15           time because I knew that if something happened to  
16           those, either of you could have stepped into their  
17           shoes. And you're just as capable as they are in  
18           this case. Thankfully you don't have to do that.

19           But your service has been valuable to us for  
20           reasons that I've already mentioned to you. And, as  
21           I said, you can step into that room and make the  
22           same decisions they have. You have been equally  
23           prompt and attentive as they have. But I'm going to  
24           let you go now. You don't have to come back and you  
25           don't have to call back. We've pretty much killed

1 your week, so we won't take any more of your time.

2 If you need a slip telling anybody who needs to  
3 know where you've been, go downstairs to the Clerk's  
4 office and ask for Carol and they'll give you a  
5 slip. You'll get a check in the mail some time in  
6 near the future. It's not going to begin to pay you  
7 for the real time that you've spent with us. But I  
8 hope that you'll accept our gratitude for what  
9 you've done this week.

10 And I hope that you have gained, during your  
11 experience this week as a juror, of the importance  
12 of folks like you who have to submit themselves to  
13 jury service and I you've gained a greater  
14 appreciation for what we do and what folks like you  
15 do in this process. Thank you, folks, for your  
16 service and your willingness to serve, and you're  
17 free to go.

18 (Alternate jurors excused at 11:10 AM.)

19 MS. MARTIN: Your Honor, should we have an IT  
20 person come up with a blank computer for them to  
21 play a disc or wait for them to ask or how do you  
22 want to do that?

23 THE COURT: When you take the evidence in, tell  
24 the jury if they need to have any of this electronic  
25 evidence replayed, let us know. If they tell us

1 they need it, we'll cross that bridge at that time.

2 (The jury begins deliberations at 11:13 AM.)

3 THE COURT: Ladies and gentlemen, we're advised  
4 that the jury has reached a verdict and momentarily  
5 the jury is going to be brought in for us to receive  
6 the verdict. Let me tell you before they come in  
7 that I recognize that this is an emotional case, for  
8 obvious reasons, and that there are emotions on  
9 either side of the aisle.

10 At this juncture, none of us has any way of  
11 knowing which side of the aisle will feel relief and  
12 which side will feel disappointment. I don't expect  
13 you-all to be automatons, you-all have a great deal  
14 at stake in this case, but at the same time I do  
15 expect, and I'm sure that you will, use the same  
16 dignity and restraint throughout this process of  
17 receiving the verdict that you've use throughout the  
18 trial itself.

19 If you feel that you might have some difficulty  
20 in restraining your emotions when the verdict of the  
21 jury is announced, I'll give you a chance now to  
22 leave the courtroom, because if you stay, I will  
23 expect you to abide by those same rules and decorum  
24 and dignity that we have followed throughout. All  
25 right?

1 Are both sides ready to receive the verdict?

2 MS. PATTERSON: The State is ready, Your Honor.

3 MR. CHEHOSKI: The Defense is ready, Your  
4 Honor.

5 THE COURT: All right. Bring us the jury,  
6 please.

7 (The jury enters the courtroom at 12:51 PM.)

8 THE CLERK: Mr. Foreman, have you reach your  
9 verdicts?

10 THE FOREMAN: Yes, we have.

11 THE CLERK: Please pass them up by the bailiff.

12 THE COURT: You may publish the verdicts.

13 THE CLERK: Indictment 2016-GS-32-00217, 218,  
14 214, 213, 216, and 206, The State vs. Ricky Lamont  
15 Esaw. As to Indictment 2016-GS-32-00217, charge  
16 murder, we the jury, by unanimous consent, find the  
17 defendant, as to the charge of murder, guilty.

18 Indictment 2016-GS-32-00218, charge attempted  
19 murder, we the jury, by unanimous consent, find the  
20 defendant, as to the charge of attempted murder,  
21 guilty.

22 Indictment 2016-GS-32-00214, charged armed  
23 robbery, we the jury, by unanimous consent, find the  
24 defendant, as to the charge of armed robbery,  
25 guilty.

1           Indictment 2016-GS-32-00213, charge of  
2 attempted armed robbery, we the jury, by unanimous  
3 consent, find the defendant, as to the charge of  
4 attempted armed robbery of Franklin Vaquez, guilty.

5           Indictment 2016-GS-32-00216, attempted armed  
6 robbery, we the jury, by unanimous consent, find the  
7 defendant, as to the charge of attempted armed  
8 robbery of Hector Vasquez, guilty.

9           Indictment 2016-GS-32-00206, possession of a  
10 weapon during the commission of a violent crime, we  
11 the jury, by unanimous consent, find the defendant,  
12 as to the charge of possession of a weapon during  
13 the commission of a violent crime, guilty.

14           It is so sign by the foreperson Randall  
15 Hallman, October 19th, 2017.

16           Mr. Foreman, ladies and gentlemen of the jury,  
17 if this is your verdicts, please indicate so by  
18 raising your right hand.

19           All hands raised, Your Honor.

20           THE COURT: Thank you.

21           Does the Defense wish for the jury to be  
22 polled?

23           MR. CHEHOSKI: Yes, Your Honor, we do.

24           THE COURT: Thank you.

25           Ladies and gentlemen, you're going to be polled

1 days.

2 THE COURT: Okay.

3 All right. Mr. Esaw, on the charge of  
4 possession of a weapon during the commission of a  
5 violent crime, the sentence is five years. On the  
6 remaining charges, attempted armed robbery,  
7 Indictment 213; armed robbery, 214; attempted armed  
8 robbery, 216; murder, 217; attempted murder, 218,  
9 the sentence is fixed by statute. You are to be  
10 committed to the state department of corrections for  
11 the balance of your natural life without the  
12 possibility of parole. These sentences all run  
13 concurrent to each other with credit for time  
14 served.

15 Good luck, folks, to all of you. Ms. Vasquez,  
16 we're all sorry for your loss.

17 -- END OF TRANSCRIPT OF RECORD --

18

19

20

21

22

23

24

25

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF LEXINGTON )  
 )  
 STATE OF SOUTH CAROLINA, )  
 )  
 v. )  
 )  
 )  
 RICKY LAMONT ESAW, )  
 Defendant. )  
 \_\_\_\_\_ )

IN THE COURT OF GENERAL SESSIONS

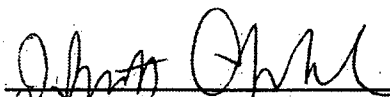
INDICTMENT NOS. 2016-GS-32-00206,  
 2016-GS-32-00213, 2016-GS-32-00214,  
 2016-GS-32-00216 through -00218

DEFENDANT'S REQUESTED  
 JURY INSTRUCTION

In this case, the identifying witness is of a different race than the defendant. When a witness, who is a member of one race, identifies a defendant, who is a member of another race, we say that there has been a cross-racial identification. You may consider, if you think it is appropriate to do so, whether the cross-racial nature of the identification has affected the accuracy of the witness' original perception and/or the accuracy of the subsequent identification.

*State v. Cromedy*, 727 N.J. 112, 727 A.2d 457 (1999)

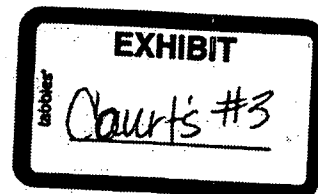
Respectfully submitted,



Jason Scott Chehoski  
 Elizabeth C. Fullwood

202 East Main St.  
 Lexington SC 29072  
 (803) 785-8873

Lexington, South Carolina  
 October 19, 2017.



WITNESSES

Lexington County Sheriffs Department

J. A. Moore

Law Enforcement Case #: 15015095

RWP

ARREST WARRANT NUMBER

2015A3210201582

ACTION OF GRAND JURY

**TRUE BILL**

Foreperson of Grand Jury

Date: 1-14-16

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016GS3200206

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JANUARY TERM 2016

THE STATE

vs.

Ricky Lamont Esaw

CDR #: 0549

Indictment for

Possession of a Weapon During the  
Commission of Violent Crime

§ 16-23-0490

DONALD V. MYERS, SOLICITOR

RECEIVED  
OCT 25 2017  
APPELLATE DEFENSE

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
 )

INDICTMENT FOR  
Possession of a Weapon During the  
Commission of Violent Crime

§ 16-23-0490

At a Court of General Sessions, convened on January 2016, the Grand Jurors of Lexington County present upon their oath:

That Ricky Lamont Esaw did in Lexington County, South Carolina on or about August 9, 2015 knowingly and willfully possess a firearm during the commission of a violent crime or attempt to commit a violent crime, to wit: murder and armed robbery such weapon described as a firearm in violation of § 16-23-490 of the Code of Laws of South Carolina, 1976, as amended.

Lex. Co. C.C.C.P., G.S. § 16-23-490  
*[Signature]*  
A TRUE COPY

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

*[Signature]*  
ASSISTANT SOLICITOR

0-5414

COUNTY OF Lexington  
STATE VS.  
Ricky Lamont Esaw  
AKA:  
Race: Sex: M Age: 42  
DOB: SS#:   
Address:   
City, State, Zip: Columbia, SC 29212  
DL#: SID#: SC00892990

INDICTMENT/CASE#: 2016GS3200206  
A/W#: 2015A3210201582  
Date of Offense: 8/9/2015  
S.C. Code §: 16-23-0490  
CDR Code #: 0549

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS  
TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST-SERIOUS  Mandatory GPS  §17-25-45  
(CSC 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:  
Solicitor [Signature] SC Bar# 15969 Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of 5 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: 10/19/17  
 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  
Total: \$     plus 20% fee: \$      
Payment Terms:      
 Set by SCDPPPS    

PTUP:     days/hours Public Service Employment  
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:    

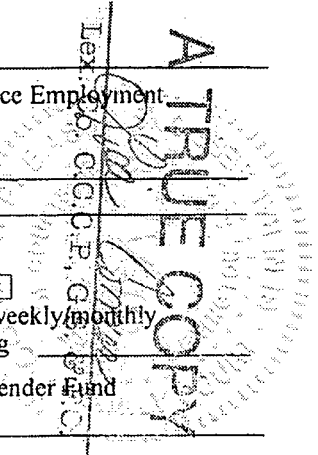
Recipient:    

*Fine:	\$
§ 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)	\$

TOTAL \$125

Clerk of Court/ Deputy Clerk [Signature]  
Court Reporter: [Signature]  
SCCA/217 (07/2016)

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.  
Presiding Judge [Signature]  
Judge Code: 054  
Sentence Date: 10/19/17



WITNESSES

Lexington County Sheriffs Department

J. A. Moore

Law Enforcement Case #: 15015095

RWP

ARREST WARRANT NUMBER

2015A3210201583

ACTION OF GRAND JURY

**TRUE BILL**

*CM*  
Foreperson of Grand Jury  
Date: 1-19-16

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. 2016GS3200213

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JANUARY TERM 2016

THE STATE  
vs.

Ricky Lamont Esaw

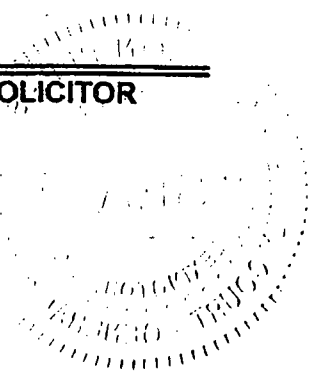
CDR #: 0139

Indictment for

Armed Robbery

§ 16-11-0330(A)

DONALD V. MYERS, SOLICITOR



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
 )

INDICTMENT FOR  
Armed Robbery

§ 16-11-0330(A)

At a Court of General Sessions, convened on January 2016, the Grand Jurors of Lexington County present upon their oath:

That Ricky Lamont Esaw did in Lexington County, South Carolina on or about August 9, 2015 knowingly and willfully while armed with a deadly weapon to wit: a handgun, did feloniously take from the person or presence of Franklin Vasquez, by means of force, threats or intimidation goods or monies being described as follows: money and/or cell phone with intent to deprive the owner of the use of such property, in violation of Section 16-11-330 (A) of the South Carolina Code of Laws, 1976, as amended.

A TRUE COPY  
Lex. Co. C.O.C.P., G.S. § 16-11-0330

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

Rick Potts  
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS 543

COUNTY OF Lexington
STATE VS.

Ricky Lamont Esaw

AKA:

Race: Sex: M Age: 42

DOB: SS#:

Address:

City, State, Zip: Columbia, SC 29212

DL#: SID#: SC00892990

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Attempted Armed robbery

INDICTMENT/CASE#: 2016GS3200213

A/W#: 2015A3210201583

Date of Offense: 8/9/2015

S.C. Code § : 16-11-330 (B)

CDR Code #: 0026

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-11-330(B) of the S.C. Code of Laws, bearing CDR Code # 0026

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC 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:

Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of life 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: 10/19/17
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
Total: \$ plus 20% fee: \$

Payment Terms:
Set by SCDPPPS

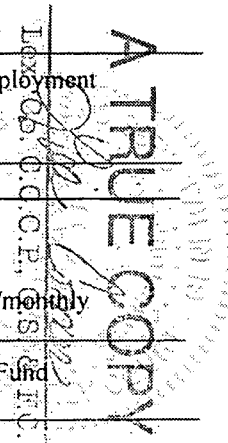
Recipient:

Table with 3 columns: Description, Amount, Total. 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 Enfcree. 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) \$

TOTAL \$125
Clerk of Court/ Deputy Clerk Sisa Conner
Court Reporter: B. Crispin
SCCA/217 (07/2016)

PTUP days/hours Public Service Employment
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.
Presiding Judge Judge Code: 954
Sentence Date: 10/19/17



WITNESSES

Lexington County Sheriffs Department

J. A. Moore

Law Enforcement Case #: 15015095

RWP

ARREST WARRANT NUMBER

2015A3210201584

ACTION OF GRAND JURY

**TRUE BILL**

Foreperson of Grand Jury

Date: 1-14-16

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016GS3200214

**The State of South Carolina**

**County of Lexington**

**COURT OF GENERAL SESSIONS**

**JANUARY TERM 2016**

**THE STATE**

**vs.**

**Ricky Lamont Esaw**

CDR #: 0139

**Indictment for**

**Armed Robbery**

**§ 16-11-0330(A)**

**DONALD V. MYERS, SOLICITOR**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
 )

INDICTMENT FOR  
Armed Robbery

§ 16-11-0330(A)

At a Court of General Sessions, convened on January 2016, the Grand Jurors of Lexington County present upon their oath:

That **Ricky Lamont Esaw** did in Lexington County, South Carolina on or about August 9, 2015 knowingly and willfully while armed with a deadly weapon to wit: a handgun, did feloniously take from the person or presence of Rafael Izaguirre, by means of force, threats or intimidation goods or monies being described as follows: money and/or cell phone with intent to deprive the owner of the use of such property, in violation of Section 16-11-330 (A) of the South Carolina Code of Laws, 1976, as amended.

Lex. Co. C.C.C.P., G.S. & H.C.  
A TRUE COPY

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

*[Signature]*  
ASSISTANT SOLICITOR

546  
STATE OF SOUTH CAROLINA

COUNTY OF Lexington  
STATE VS.

Ricky Lamont Esaw

AKA:

Race: Sex: M Age: 42

DOB: SS#:

Address:

City, State, Zip: Columbia, SC 29212

DL#: SID#: SC00892990

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45 (CSC 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:

*Rick Dutt*  
Solicitor

*139169*  
SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of Life days/months/years or  under the Youthful Offender Act not to exceed — years and/or to pay a fine of \$ Up to Parole 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: 10/19/17

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

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	\$ <u>100</u>
§ 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	\$ <u>25</u>
§ 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)		\$

TOTAL: \$ 125

Clerk of Court/ Deputy Clerk: *Jana Comer*

Court Reporter: *B. Cuppen*

SCCA/217 (07/2016)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS3200214

A/W#: 2015A3210201584

Date of Offense: 8/9/2015

S.C. Code § : 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

CONVICTED OF or  PLEADS

PTUP \_\_\_\_\_ days/hours Public Service Employment

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

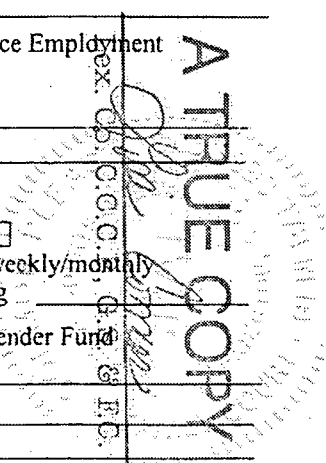
Other: \_\_\_\_\_

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.

Presiding Judge: *Thomas H. Ruff*

Judge Code: 054

Sentence Date: 10/19/17



WITNESSES

Lexington County Sheriffs Department

J. A. Moore

Law Enforcement Case #: 15015095

RWP

ARREST WARRANT NUMBER

2015A3210201585

ACTION OF GRAND JURY

**TRUE BILL**

*CJA*  
Foreperson of Grand Jury  
Date: 1-12-16

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. 2016GS3200216

The State of South Carolina  
County of Lexington

COURT OF GENERAL SESSIONS

JANUARY TERM 2016

THE STATE  
vs.

Ricky Lamont Esaw

CDR #: 0139

Indictment for

Armed Robbery

§ 16-11-0330(A)

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
 )

INDICTMENT FOR  
Armed Robbery  
§ 16-11-0330(A)

At a Court of General Sessions, convened on January 2016, the Grand Jurors of Lexington County present upon their oath:

That Ricky Lamont Esaw did in Lexington County, South Carolina on or about August 9, 2015 knowingly and willfully while armed with a deadly weapon to wit: a handgun, did feloniously take from the person or presence of Hector Vasquez, by means of force, threats or intimidation goods or monies being described as follows: money and/or cell phone with intent to deprive the owner of the use of such property, in violation of Section 16-11-330 (A) of the South Carolina Code of Laws, 1976, as amended.

Lex. Co. C.C.C.P., G.S. § 16-11-0330  
A TRUE COPY

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

*[Handwritten Signature]*

ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.

Ricky Lamont Esaw

AKA:

Race: Sex: M Age: 42

DOB: SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: Columbia, SC 29212

DL#: SID#: SC00892990

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Attempted Armed robbery

INDICTMENT/CASE#: 2016GS3200216

A/W#: 2015A3210201585

Date of Offense: 8/9/2015

S.C. Code § 16-11-330(B)

CDR Code #: 0026

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-11-330(B) of the S.C. Code of Laws, bearing CDR Code # 0026

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC 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: Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of Life w/o Parole 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: 10/19/17
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

Total: \$ plus 20% fee: \$

Payment Terms:

Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge), etc.

TOTAL \$125

Clerk of Court/ Deputy Clerk: Lisa Comer

Court Reporter: B. Cooper

PTUP days/hours Public Service Employment

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

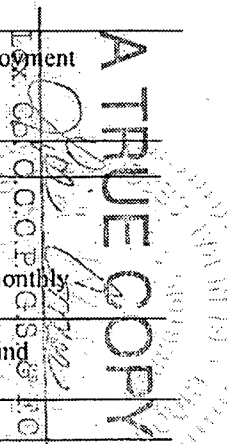
Other:

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.

Presiding Judge: [Signature]

Judge Code: 054

Sentence Date: 10/19/17



**WITNESSES**

Lexington County Sheriffs Department

J. A. Moore

Law Enforcement Case #: 15015095

RWP

**ARREST WARRANT NUMBER**

2015A3210201586

**ACTION OF GRAND JURY**

**TRUE BILL**

For person of Grand Jury

Date: 1-14-16

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2016GS3200217

**The State of South Carolina**

**County of Lexington**

**COURT OF GENERAL SESSIONS**

**JANUARY TERM 2016**

**THE STATE**

**vs.**

**Ricky Lamont Esaw**

**CDR #: 0116**

**Indictment for**

**Murder**

**§ 16-03-0010**

**DONALD V. MYERS, SOLICITOR**



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
 )

INDICTMENT FOR  
Murder

§ 16-03-0010

At a Court of General Sessions, convened on January 2016, the Grand Jurors of Lexington County present upon their oath:

That **Ricky Lamont Esaw** did in Lexington County on or about August 9, 2015, with malice aforethought, either express or implied, shoot the victim, Hector Vasquez and the victim died as a proximate result thereof, in violation of §16-3-10, Code of Laws of South Carolina, 1976, as amended.

Lex. Co. C.C.C.P., G.S. § 17C.  
*[Signature]*  
A TRUE COPY

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

*[Signature]*  
\_\_\_\_\_  
ASSISTANT SOLICITOR

STATE OF <sup>552</sup>SOUTH CAROLINA

COUNTY OF Lexington  
STATE VS.

Ricky Lamont Esaw

AKA: \_\_\_\_\_

Race: \_\_\_\_\_ Sex: M Age: 42

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: Columbia, SC 29212

DL#: \_\_\_\_\_ SID#: SC00892990

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was TO: Murder / Murder

in violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45 (CSC 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:

R. P. Potts  
Solicitor

13969  
SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of Life days/months/years or  under the Youthful Offender Act not to exceed 1 years and/or to pay a fine of \$ 100 Parole and 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: 10/17/19  
 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  
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	\$ <u>100 -</u>
§ 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	\$ <u>25 -</u>
§ 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)		\$

TOTAL \$ 125 -

Clerk of Court/ Deputy Clerk Jessie Comer

Court Reporter: B. Cooper

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS3200217

A/W#: 2015A3210201586

Date of Offense: 8/9/2015

S.C. Code § : 16-03-0010

CDR Code #: 0116

SENTENCE SHEET

CONVICTED OF or  PLEADS

PTUP \_\_\_\_\_ days/hours Public Service Employment

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

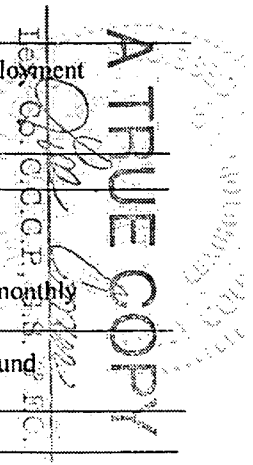
Other: \_\_\_\_\_

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.

Presiding Judge Theresa A. [Signature]

Judge Code: 054

Sentence Date: 10/19/17



**WITNESSES**

Lexington County Sheriffs Department

J. A. Moore

Law Enforcement Case #: 15015095

RWP

**ARREST WARRANT NUMBER**

2015A3210201589

**ACTION OF GRAND JURY**

**TRUE BILL**

Foreperson of Grand Jury  
Date: 1-14-16

**VERDICT**

Foreperson of Petit Jury  
Date:

**DOCKET NO. 2016GS3200218**

**The State of South Carolina**

**County of Lexington**

**COURT OF GENERAL SESSIONS**

**JANUARY TERM 2016**

**THE STATE**

**vs.**

**Ricky Lamont Esaw**

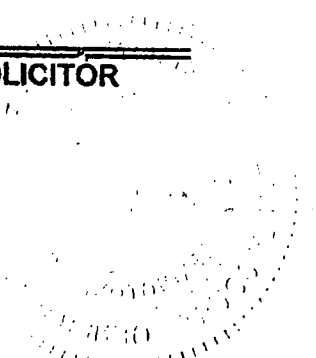
**CDR #: 3410**

**Indictment for**

**Attempted Murder**

**§ 16-03-0029**

**DONALD V. MYERS, SOLICITOR**



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
 )

INDICTMENT FOR  
Attempted Murder

§ 16-03-0029

At a Court of General Sessions, convened on January 2016, the Grand Jurors of Lexington County present upon their oath:

That Ricky Lamont Esaw in Lexington County, South Carolina, on or about August 9, 2015, did, with the intent to kill, attempt to kill another person with malice aforethought, either express or implied, to wit: the defendant shot the victim Franklin Vasquez in his legs, in violation of §16-03-0029 of the South Carolina Code of Laws of 1976, as amended.

Lex. Co. C.C.C.P., G.S. § 16-03-0029  
*[Signature]*  
A TRUE COPY

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

*[Signature]*  
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington
STATE VS.

INDICTMENT/CASE#: 2016GS3200218
A/W#: 2015A3210201589
Date of Offense: 8/9/2015
S.C. Code §: 16-03-0029
CDR Code #: 3410

Ricky Lamont Esaw

AKA:

Race: Sex: M Age: 42

DOB: SS#:

Address:

City, State, Zip: Columbia, SC 29212

DL#: SID#: SC00892990

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Attempted Murder

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC 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: Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of Life days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$ 470 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: 10/19/17
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
Total: \$ plus 20% fee: \$

Payment Terms:
Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. 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/ca, 3% to County (if paid in installments) \$

TOTAL \$125

Clerk of Court/ Deputy Clerk: Lisa Carter
Court Reporter: B. Cooper
SCCA/217 (07/2016)

PTUP days/hours Public Service Employment

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

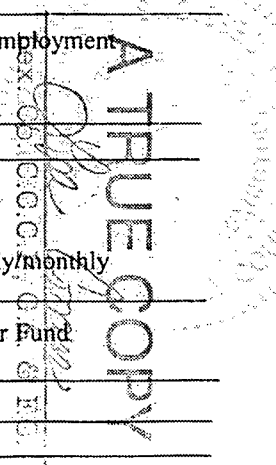
\$ paid to Public Defender Fund

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.

Presiding Judge: [Signature]
Judge Code: 054

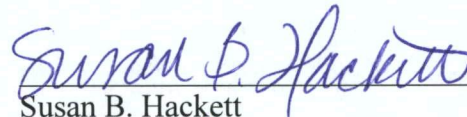
Sentence Date: 10/19/17



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,

  
Susan B. Hackett  
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 13th day of February, 2019.

**RECEIVED**  
FEB 13 2019  
SC Court of Appeals