

State of South Carolina            )  
  ) Court of General Sessions  
County of Greenwood                )        1984-GS-24-314

State of South Carolina            )  
  )        Transcript of Record  
  )  
Edward Lee Elmore                    )  
  )        DEFENDANT

March 2, 2012  
Greenwood, South Carolina

B E F O R E:

Honorable Frank R. Addy, Judge

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

Don Zelenka, Attorney General  
Jerry Peace, Solicitor  
Attorney for the State

Diana Holt, Esq.  
J. Christopher Jensen, Esq.  
Martak Kahn, Esq.  
Attorneys for the Defendant

Joy E. Holston  
Official Court Reporter

E X H I B I T S

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Court's

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1 THE COURT: All right, Solicitor.

2 MR. PEACE: Thank you, Your Honor. If it please the  
3 Court. Your Honor, we have handed up indictment  
4 84-GS-24-314, the State against Edward Lee Elmore. In  
5 that indictment he was charged with murder, CSC and  
6 burglary. Your Honor, Mr. Elmore is going to enter an  
7 Alford plea to murder for a negotiated sentence of 30  
8 years. The State, if the Alford plea is successful we  
9 will dismiss the CSC and the burglary. Mr. Elmore is  
10 represented by Diana Holt of the Columbia Bar.

11 THE COURT: Ms. Holt, just so the record is clear  
12 would you introduce the other counselors who are with you  
13 today representing Mr. Elmore today?

14 MS. HOLT: Yes, Your Honor. To Mr. Elmore's left is  
15 J. Christopher Jensen of New York, New York.. He has  
16 represented Mr. Elmore since 1992. To my right is Marta  
17 K. Kahn of Baltimore, Maryland. She has represented Mr.  
18 Elmore since 2003.

19 THE COURT: The record should reflect that I signed  
20 an order admitting Mr. Jensen pro hac vice having this  
21 morning and certainly have no issue with Ms. Kahn  
22 appearing today either. Ms. Holt, you are representing  
23 Mr. Elmore, is that correct?

24 MS. HOLT: Yes, Your Honor.

25 THE COURT: Do you have any motions to make prior to

1 the proceeding?

2 MS. HOLT: I do, Your Honor.

3 THE COURT: Go ahead.

4 MS. HOLT: At this time Mr. Elmore would move to  
5 dismiss all charges against him based on the Fourth  
6 Circuit Court of Appeals decision in Elmore versus Ozmint.  
7 That is 661 F.3d 783 and in that opinion the Forth Circuit  
8 Court of Appeals dismantled the State's case against Mr.  
9 Elmore and we would ask for a dismissal at this time.

10 THE COURT: All right. The record should reflect  
11 that I have had an opportunity to view that case in full,  
12 that was provided to me by Ms. Holt some months ago. And  
13 I believe that the ruling in that case was that the matter  
14 was remanded to the court here in Greenwood for purposes  
15 of further proceedings. I do know or I am aware,  
16 Solicitor, that you were seeking to proceed, is that  
17 correct?

18 MR. PEACE: That is correct, Your Honor.

19 THE COURT: Very well. For those reasons and based  
20 upon the holding in that order of the Fourth Circuit I  
21 will deny your motion at this time. Ms. Holt, if we could  
22 I would ask just for jurisdictional reasons that a copy of  
23 that order be made a part of the record in this case if  
24 that is acceptable to all concerned.

25 MR. PEACE: The State concurs, Your Honor.

1 THE COURT: One other procedural housekeeping matter,  
2 remittitur has been issued and we are within jurisdiction.  
3 Is that correct, Solicitor? Mr. Zelenka?

4 MR. ZELENKA: Yes, Your Honor.

5 THE COURT: We will make that a Court's exhibit.  
6 (Whereupon, Court's Exhibit 1 was marked for  
7 identification.)

8 THE COURT: Ms. Holt, you are representing Mr.  
9 Elmore, is that correct?

10 MS. HOLT: Yes, Your Honor.

11 THE COURT: I am told that he wants to tender a plea  
12 of guilty under the case of North Carolina versus Alford,  
13 tendering a plea under North Carolina versus Alford. Is  
14 that your understanding?

15 MS. HOLT: Your Honor, yes. And he will maintain his  
16 innocence of all charges.

17 THE COURT: And the offense that he is desiring to  
18 tender a plea under Alford to is the offense of murder.  
19 At the time this offense took place the verdict carried  
20 the potential sentence and still carries, of course, the  
21 potential sentence of life imprisonment. In this case I  
22 have been told that the State and you and your client have  
23 agreed upon a sentence of 30 years with credit for the 30  
24 years that Mr. Elmore has served. Is that correct?

25 MS. HOLT: Your Honor, he was arrested on January

1 20th of 1982. Yes, sir.

2 THE COURT: And Ms. Holt, have you reviewed with your  
3 client the potential penalties involved, all of his  
4 constitutional rights and the elements of this offense?

5 MS. HOLT: Yes, sir.

6 THE COURT: Do you agree with his decision to tender  
7 a plea under North Carolina versus Alford?

8 MS. HOLT: I do.

9 THE COURT: Mr. Jensen, do you believe that the State  
10 possesses sufficient credible evidence that if he were to  
11 proceed to trial there is a possibility of a conviction if  
12 he were to be retried?

13 MR. JENSEN: If the matter were to go to trial we  
14 would contest the evidence for the reasons set forth in  
15 the Fourth Circuit's decision but we accept what Your  
16 Honor has just said. Yes, we do believe that.

17 THE COURT: Mr. Elmore, if you would raise your right  
18 hand.

19 EDWARD LEE ELMORE, being  
20 first duly sworn, testified as follows:

21 THE COURT: Are you Edward Lee Elmore?

22 MR. ELMORE: Yes, sir.

23 THE COURT: Mr. Elmore, I am told that you want to  
24 plead guilty under the case of North Carolina versus  
25 Alford. It is the offense of murder, is that correct,

1       sir?

2               MR. ELMORE:  Yes, sir.

3               THE COURT:  Do you understand, Mr. Elmore, for  
4       purposes of sentencing and criminal conviction an Alford  
5       plea is treated exactly the same way as any other plea.  
6       Do you understand that, sir?

7               MR. ELMORE:  Yes, sir.

8               THE COURT:  By my reading of the Alford case, it  
9       basically stands for the proposition that you may continue  
10      to maintain your innocence but that the State has offered  
11      you such a beneficial offer that you feel like you would  
12      be a fool not to take that offer.  Is that how it was  
13      basically explained to you, Mr. Elmore?

14              MR. ELMORE:  Yes, sir.

15              THE COURT:  Mr. Elmore, within the last twenty-four  
16      hours have you taken any medication that affects your  
17      thinking?

18              MR. ELMORE:  No, sir.

19              THE COURT:  And you don't suffer from any emotional  
20      or nervous problems that prevent you from understanding  
21      what is going on here today?

22              MR. ELMORE:  No, sir.

23              THE COURT:  And, Ms. Holt, from a review of the  
24      Fourth Circuit opinion I am aware that at some point in  
25      the past Mr. Elmore had been diagnosed with cognitive

1 deficits. Are you comfortable with going forward with  
2 this today?

3 MS. HOLT: Yes, Your Honor.

4 THE COURT: So there has been no concern about Mr.  
5 Elmore's understanding of what is happening here?

6 MS. HOLT: No, Your Honor.

7 THE COURT: Again, Mr. Elmore, I am told by Ms. Holt  
8 and Mr. Jensen that you desire to plead under North  
9 Carolina versus Alford to the offense of murder. Is that  
10 correct, sir?

11 MR. ELMORE: Yes, sir.

12 THE COURT: In a moment I am going to ask the  
13 Solicitor to give me a brief recitation of the facts and I  
14 am going to ask that you listen carefully. Once he is  
15 done speaking I am not going to ask you whether or not  
16 that is what you did. What I am going to ask you is  
17 whether or not those are the facts which would be used to  
18 convict you at trial if you were to proceed to trial.  
19 Okay, Mr. Elmore?

20 MR. ELMORE: Yes, sir.

21 THE COURT: Solicitor, if you will give me a brief  
22 recitation.

23 MR. PEACE: Thank you, Your Honor, if it please the  
24 Court. These are the facts that the State would present  
25 to cause a jury to have a substantial likelihood of



1 convicting Mr. Elmore. Dorothy Edwards was killed on  
2 January the 16th of 1982. Her body was not discovered  
3 until January the 18th of 1982. And it was discovered by  
4 a neighbor, Jimmy Holloway. On January the 16th Mr.  
5 Holloway had been told by Ms. Edwards that she was going  
6 to go to North Carolina on Sunday to visit a friend. On  
7 Sunday he noticed that her car was still at her home and  
8 he just assumed that she was sick or had a change in  
9 plans. On Monday he noticed the car was still there, he  
10 became concerned so he walked over to the house just to  
11 make sure Ms. Edwards was okay. When he got to the house  
12 he saw the newspaper from Sunday and the newspaper from  
13 Monday in the driveway. He went to the door, knocked on  
14 the door, there was no answer. He tried the door, the  
15 door opened. He walked into the house and the first thing  
16 he noticed there was a wire rack on the wall and this wire  
17 rack contained pots, flower pots. And the wire rack was  
18 askew, there was a pot in the floor that was broken. He  
19 walked on into the house and he noticed part of a partial  
20 denture in the floor. So he continued to go through the  
21 house, he noticed that, during his search of the house he  
22 noticed the coffee pot was on, the coffee was burning, the  
23 pot was burning because the coffee had evaporated. The TV  
24 was on in the living room, the TV was on very loud. He  
25 went into the bedroom and he noticed other things in the

1 bedroom. During his search of the house he saw some  
2 needle nosed pliers, a paring knife, a cake knife, bottle  
3 tongs and an ashtray. He went into her bedroom, he saw  
4 blood, he saw that her closet door was ajar, he did not  
5 look into the closet door, he removed himself from the  
6 house, went to a neighbor's house and he and the neighbor  
7 called the hospital to see maybe if Ms. Edwards was at the  
8 hospital. She was not so they both went back into the  
9 house. Mr. Holloway had a pair of gloves, they went into  
10 the bedroom, he opened the door to the closet and in the  
11 closet was the body of Dorothy Edwards. Of course, the  
12 police were called, SLED came in, there was an  
13 investigation. During the investigation they found hair  
14 on the bed, that hair was identified as pubic hair. They  
15 found a fingerprint belonging to Mr. Elmore outside on a  
16 door facing. Mr. Holloway knew that Mr. Elmore had been  
17 there to do some work. Mr. Elmore was subsequently  
18 arrested. After he was arrested they obtained clothing on  
19 Mr. Elmore. On this clothing was what appeared to be  
20 blood on his shoes and his pants. Over the years  
21 subsequent investigation has shown through DNA testing  
22 that the pubic hair that was found on the bed belonged to  
23 Mr. Elmore, that the blood found on the pants and the  
24 shoes belonged to Ms. Edwards. Ms. Edwards was beaten  
25 severely, the pathologist findings were that she died from

1       exsanguination. She had a number of bruises, cuts and  
2       stabs as well as being beaten severally, she had a broken  
3       jaw. She had a crushing chest injury. And the  
4       exsanguination and the crushing chest injury were  
5       determined to be the cause of death. During the  
6       investigation Mr. Elmore was questioned and one of the  
7       statements that he made, well, if I did it I don't  
8       remember it. And based on those facts Mr. Elmore was  
9       tried a number of times. As you know this case has quite  
10      a history and there is a lot of emotion in this case but  
11      those are the facts that the State would present to the  
12      jury to try to convince them that he should be found  
13      guilty of murder.

14           THE COURT: Mr. Elmore, you have heard what the  
15      allegations are against you. Again, are those the facts  
16      in which the State would use in their effort or were you  
17      told that those are the facts that the State would use in  
18      their effort to convict you, sir?

19           MR. ELMORE: Yes, sir.

20           THE COURT: I assume that those are essentially the  
21      facts that were produced during the first two trials? Is  
22      that correct, sir?

23           MR. ELMORE: Yes, sir.

24           THE COURT: So you are very familiar with the facts  
25      that the State has?

1 MR. ELMORE: Yes, sir.

2 THE COURT: Mr. Elmore, I need to review with you  
3 briefly some of the rights that you are giving up by  
4 tendering your plea today. Okay. If at any time you  
5 don't understand anything I am telling you just indicate  
6 to me in some way, shape or form and I will let you step  
7 back and talk to Ms. Holt and Mr. Jensen. But I am quite  
8 confident that you probably are very familiar with what I  
9 am going to discuss with you. Now, Mr. Elmore, you do  
10 understand that you of course have the right to a jury  
11 trial on this case. You have been through two other jury  
12 trials at least and I think one penalty phase trial. So  
13 this could actually be your fourth trial if you wanted a  
14 jury trial. Do you understand that, sir?

15 MR. ELMORE: Yes, sir.

16 THE COURT: Of course in a jury trial, Mr. Elmore,  
17 the State would have to bring in the witnesses that they  
18 have against you. In a jury trial you and your attorneys  
19 would assist in picking twelve people who would sit right  
20 over there, they would be the jury. You would have the  
21 chance to confront and cross-examine all the witnesses  
22 that the State would have to bring in in their effort to  
23 prove your guilt beyond a reasonable doubt. Do you  
24 understand, sir?

25 MR. ELMORE: Yes, sir.

1           THE COURT: In a jury trial you would have no burden  
2 of proof whatsoever. The burden would always be on the  
3 State of South Carolina to prove your guilt beyond a  
4 reasonable doubt. If you wanted to, however, you could  
5 call witnesses to testify for you. Obviously if those  
6 witnesses were hesitant to come into court you could  
7 subpoena those witnesses, meaning you could use the  
8 Court's power to bring them into court even if they didn't  
9 want to testify. Do you understand, Mr. Elmore?

10           MR. ELMORE: Yes, sir.

11           THE COURT: Additionally, Mr. Elmore, in a jury trial  
12 you could take the witness stand in your own defense if  
13 you wanted to do so. However, Mr. Elmore, if you did not  
14 want to testify I would explain to the jury that they  
15 could not hold that against you or use it as evidence of  
16 guilt. They couldn't consider it in any way, shape or  
17 form. Do you understand, Mr. Elmore?

18           MR. ELMORE: Yes, sir.

19           THE COURT: That is your Fifth Amendment Right  
20 against self-incrimination. Do you understand, Mr.  
21 Elmore, that in a jury trial you would also be presumed  
22 innocent. The way that I would explain that to the jury  
23 is that right now, Mr. Elmore, in the eyes of the law you  
24 are an innocent man. And that you are basically clothed  
25 in a robe of righteousness. And until such time the State

1 has met its burden to proving your guilt beyond a  
2 reasonable doubt you would still be considered to be an  
3 innocent man. Do you understand that, sir?

4 MR. ELMORE: Yes, sir.

5 THE COURT: If you plead guilty, even if you plead  
6 guilty under North Carolina versus Alford, Mr. Elmore, you  
7 waive that presumption of innocence and you waive your  
8 right to a jury trial and waive your ability to confront  
9 and cross-examine witnesses. Do you understand that, Mr.  
10 Elmore?

11 MR. ELMORE: Yes, sir.

12 THE COURT: Mr. Elmore, in a jury trial you would  
13 have the ability to present any defenses that you might  
14 want to present. I understand that there, from reading  
15 the Fourth Circuit Court of Appeals opinion there may very  
16 well be some defenses to this charge that you and your  
17 lawyers have. Do you understand that?

18 MR. ELMORE: Yes, sir.

19 THE COURT: Do you understand however by pleading  
20 guilty even under North Carolina versus Alford that you  
21 are waiving your right to present those defenses. Do you  
22 understand that, sir?

23 MR. ELMORE: Yes, sir.

24 THE COURT: Additionally, Mr. Elmore, in a jury trial  
25 you would be able to challenge any evidence that the State

1 seized in this case. I do realize there is a good bit of  
2 evidence that was seized. Do you realize that by pleading  
3 guilty under North Carolina versus Alford you are waiving  
4 your right to challenge the legality by which that  
5 evidence was seized. Do you understand that, sir?

6 MR. ELMORE: Yes, sir.

7 THE COURT: Mr. Elmore, all of these are very  
8 important rights guaranteed to you under the laws of our  
9 State. Are you quite certain you want to waive these  
10 rights and plead guilty, sir, under North Carolina versus  
11 Alford?

12 MR. ELMORE: Yes, sir.

13 THE COURT: So you do want to waive these rights, is  
14 that correct?

15 MR. ELMORE: Yes, sir. I am innocent of the charges.

16 THE COURT: I understand, Mr. Elmore. Do you  
17 understand, Mr. Elmore, that if you were seeking, I  
18 understand your position but you do also understand that  
19 if you were seeking exoneration or vindication or to  
20 completely clear your name the way to proceed with that  
21 would be with a jury trial. Do you understand that, sir?

22 MR. ELMORE: Yes, sir.

23 THE COURT: My role today is pretty limited. It is  
24 to accept this plea or reject this plea based upon what I  
25 am hearing. Do you understand, Mr. Elmore?

1 MR. ELMORE: Yes, sir.

2 THE COURT: Now, Ms. Holt, I understand and of course  
3 of the three trials there has probably been extensive  
4 discovery and there is the record that is substantial in  
5 this case. You are comfortable going forward with this  
6 proceeding today in light of the discovery that has been  
7 provided, the information that you have?

8 MS. HOLT: Yes, sir. Unless the Solicitor has  
9 additional information which I don't know how that would  
10 happen. But, yes, Your Honor.

11 THE COURT: Very good. Mr. Elmore, I have got a few  
12 questions to ask you about your attorneys in this case.  
13 Are you satisfied with the representation that you have  
14 received from these individuals?

15 MR. ELMORE: Yes sir, yes sir, excellent.

16 THE COURT: Do you have any complaints to make  
17 against them?

18 MR. ELMORE: No sir, no sir.

19 THE COURT: They have done everything that you have  
20 wanted them to do?

21 MR. ELMORE: Yes, sir.

22 THE COURT: Do you have any complaints to make  
23 against anyone associated with this case?

24 MR. ELMORE: No, sir.

25 THE COURT: Mr. Elmore, aside from the 30 year



1 sentence and dismissal of the CSC and the burglary charge  
2 has anyone promised you anything else or held out any  
3 other hope or reward to get you to plead guilty here today  
4 under North Carolina versus Alford?

5 MR. ELMORE: No, sir.

6 THE COURT: Has anyone tried to threaten you or force  
7 you or pressure you or intimidate you to make you plead  
8 under North Carolina versus Alford?

9 MR. ELMORE: No, sir.

10 THE COURT: Have you had enough time, Mr. Elmore, to  
11 make up your mind on how you want to proceed with these  
12 charges?

13 MR. ELMORE: Yes, sir.

14 THE COURT: Do you need any more time to think about  
15 it?

16 MR. ELMORE: No, sir.

17 THE COURT: Do you need any more time to talk to your  
18 attorneys?

19 MR. ELMORE: No, sir.

20 THE COURT: You do or you do not?

21 MR. ELMORE: Oh, no.

22 THE COURT: You are fine, you are good?

23 MR. ELMORE: Yes, sir.

24 THE COURT: All right. Is there anything that you  
25 need to ask me about anything that we have gone over, Mr.

1 Elmore.

2 MS. HOLT: The Court's indulgence.

3 THE COURT: Yes, please.

4 MR. ELMORE: No, sir.

5 THE COURT: You don't have any questions of me then?

6 MR. ELMORE: No, sir.

7 THE COURT: Have you understood all of my questions?

8 MR. ELMORE: Yes, sir.

9 THE COURT: I do find there is a substantial factual  
10 basis for this plea, it is freely, voluntarily, knowingly  
11 and intelligently made. Mr. Elmore is satisfied with the  
12 services that Ms. Holt and Mr. Jensen and Ms. Kahn. I  
13 will accept his plea. Ms. Holt, anything want you want to  
14 say?

15 MS. HOLT: Your Honor, we all of his counsel believe  
16 that Mr. Elmore is one-hundred percent innocent. He did  
17 not do it, he did not do those things, he wasn't there, he  
18 had no knowledge of those things. And we would, the  
19 Fourth Circuit Court of Appeals opinion dismantled the  
20 case that the architects of injustice had created against  
21 Mr. Elmore and we are satisfied with that. That opinion  
22 will be there for the world to read. The question we had  
23 to ask ourselves and Mr. Elmore, is there any justice for  
24 him waiting further while this matter drags on. Freedom,  
25 freedom is justice and that is why he is doing this today,

1 Your Honor.

2 THE COURT: Correct me if I am wrong, Ms. Holt, even  
3 under the old law based upon the posture that we are in  
4 today, even if you were to be convicted I believe he would  
5 be parole eligible after 20 years. Is that correct?

6 MS. HOLT: Correct, Your Honor.

7 THE COURT: That is a correct statement of the law.  
8 Mr. Jensen, anything that you would like to add, sir.

9 MR. JENSEN: No, I think it has been said eloquently  
10 by cocounsel.

11 THE COURT: Ms. Kahn.

12 MS. KAHN: I concur, Your Honor.

13 THE COURT: Anything from the State?

14 MR. PEACE: Yes, Your Honor, if I may speak on behalf  
15 of the family. Of course, the State disagrees. I mean  
16 this case has been tried three times, tried twice, a  
17 sentencing hearing, three times the defendant was found  
18 guilty of murder, three times he received the death  
19 penalty. After 28 years of being on death row he was  
20 determined to be mentally retarded and so under the Eighth  
21 Amendment he wasn't subject to the death penalty so it is  
22 commuted to life. The Fourth Circuit Court of Appeals did  
23 issue an opinion. Of course there is a dissent in that  
24 opinion and I would encourage folks to read that dissent  
25 because the State thinks that that dissent puts this case

1 in the posture that it needs to be reviewed from. The  
2 Fourth Circuit made its decision, remanded the case back.  
3 And as a prosecutor your choices are to dismiss the case  
4 and that was never a consideration. The other choice was  
5 to try the case and as soon as I became familiar with the  
6 case, reviewed the case my posture was that the State was  
7 ready to go forward with a trial or try to resolve the  
8 case. And in coming to a resolution, of course I talked  
9 to all parties involved, the SLED agents, the folks in the  
10 AG's office who worked very hard over 30 years on this  
11 case. But most importantly I talked to Carolyn Lee and  
12 Carolyn Lee is the daughter of Dorothy Edwards. Carolyn  
13 Lee has been involved in this case for 30 years. In my  
14 introduction to her was this. She said, Solicitor, if you  
15 don't mind I am going to call you Jerry and I want you to  
16 call me Carolyn, I want to have that kind of relationship.  
17 And, Jerry, I am tired. I am 72 years old, I get calls  
18 about this case, I didn't want to go in 1986, the last  
19 time. I am telling you I don't want to come this time. I  
20 want peace, I need peace, can you get me peace. And so  
21 based on that conversation, Ms. Holt and I started having  
22 conversations and we came up with this resolution. I  
23 talked with Ms. Lee last night and told her this is the  
24 resolution that we can come up with. And of course it  
25 means that Mr. Elmore will walk out of jail today but you

1 will not get any more phone calls. If we try the case and  
2 he is convicted then we go through the appellate process  
3 again and I can't tell you when it will end. And she  
4 said, please, just give me peace. And I said, well, you  
5 realize the media may be calling you. And she said,  
6 please, do not, do not have the media call me. And she  
7 said I would like for you to be my spokesman. And, Your  
8 Honor, if there is any humanity left in this world nobody  
9 in the media will contact Carolyn Lee. She is 72 years  
10 old, she is tired, her mother was murdered, she has been  
11 dealing with it for 30 years. And I just wanted the Court  
12 to know the background from the State's perspective of how  
13 we got where we are today.

14 THE COURT: Thank you very much, Solicitor. Mr.  
15 Elmore, is there anything that you care to say, sir?

16 MR. ELMORE: No, sir.

17 THE COURT: All right. Based upon a review of  
18 everything that has transpired in this case I would have  
19 to concur with counsel that this is a proper resolution.  
20 One of the benefits of this job is having an extremely  
21 able Clerk who assists me. And any time he is given a  
22 date where one is taken into custody part of his job is to  
23 calculate precisely how many days credit time served an  
24 individual is entitled to. And he didn't fail me this  
25 time. It might be of interest and I am not sure the

1 parties are even aware of this but today is the 11,000th,  
2 (eleven thousandth), day that Mr. Elmore has been in  
3 prison. So of today's date this is 11,000 days since he  
4 was initially taken into custody. Mr. Elmore, it is the  
5 sentence of the Court that you are committed to the  
6 Department of Corrections for 30 years, you are to receive  
7 credit for 30 years in prison. And I wish you luck, sir.  
8 We are adjourned.

9 MR. PEACE: Your Honor, just a housekeeping matter.  
10 I need to have the sentencing sheet clocked so I can send  
11 the sentencing sheet and the indication that the other  
12 charges were nolle prosequi to SCDC and then I understand  
13 they can take what action they need to take.

14 THE COURT: The Clerk will give everyone involved a  
15 certified copy of that. Mr. Elmore, at this point and  
16 time is a free man, he is free to go where he wants, he is  
17 free to walk out of this courtroom. Good luck to you,  
18 sir.

19 MS. HOLT: Thank you, Your Honor.

20 \*\*\* END OF REQUESTED TRANSCRIPT OF RECORD \*\*\*

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## 1 CERTIFICATE OF REPORTER

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3

4 State of South Carolina )

)

5 County of Greenwood )

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8 I, Joy E. Holston, Official Court Reporter for the  
9 Eighth Judicial Circuit of the State of South Carolina, do  
10 hereby certify that the foregoing is a true, accurate and  
11 complete transcript of record of the proceedings had and  
12 evidence introduced in the trial of the captioned case,  
13 relative to appeal, in the County of Greenwood, South  
14 Carolina on the 2nd day of March 2012.

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

17

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June 5, 2012

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Joy E. Holston, Court Reporter

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My Commission expires: March 13, 2016

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