

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)
)
State of South Carolina,)
)
)
vs.)
)
Rosmore Wayne Vilardi,)
)
Defendant.)
_____)

IN THE COURT OF GENERAL SESSIONS
FOR THE TENTH JUDICIAL CIRCUIT

INDICTMENT NUMBER:

2024-GS-04-0221AG, -222AG, -223AG,
and -224AG

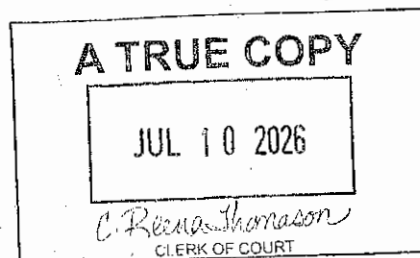
MOTION TO DISMISS FOR UNDUE
PRE-INDICTMENT DELAY

COMES NOW the Defendant, by and through his attorney, Shaun C. Kent, and would respectfully request an order dismissing his case due to the unreasonable pre-indictment delay.

STATEMENT OF FACTS

On November 2, 2015, Terry Michael Scott, Cathy Delores Scott, Barbara Jean Scott and Violet Juanita Taylor were found dead in their double-wide trailer at 2217 Refuge Road in Pendleton, SC. A Co-Defendant, Amy Vilardi, found the bodies, called 911 and deputies from the Anderson County Sheriff's Department responded and initiated their investigation. The 2217 Refuge Road address has two mobile homes on the property, a double-wide in the front and a single-wide in the back. Cathy and Michael Scott, who owned the property, lived in the double-wide in the front of the property with their mothers Barbara Jean Scott and Violet Juanita Taylor, while Amy and Rosmore Vilardi, and their children lived in the single-wide. Cathy Delores Scott is Amy Vilardi's mother and Violet Juanita Taylor is Amy Vilardi's grandmother. Terry Michael Scott is the husband of Cathy Delores Scott and the son of Barbara Jean Scott.

From the information available to the Defense, it is apparent the Vilardis were considered suspects by the Anderson County Sheriff's Office in early November 2015 even though it was not



announced to the public until March 2023. The Vilardi's cooperated in every sense of the word with the investigation by giving dozens of statements, complying with all evidentiary requests and submitting tips. Law Enforcement performed multiple search warrants on both the double-wide and single-wide trailers located on the property. In the double-wide, there was \$21,462.50 recovered, while \$68,003.00 was seized from the single-wide. Because of the way a substantial portion of the money was banded, an alleged link between serial numbers on the bills and the financial situation of the Vilardi's, law enforcement believes the money was stolen from the double-wide as a part of the motive for the quadruple homicide.

After months of the Anderson County Sheriff's Office failing to communicate with the Vilardi's about retrieval of their property, the Vilardi's sued Anderson County Sheriff's Office in 2016 to recover the property inventoried during the investigation. The heirs of the Estates of Barbara and Mike Scott in addition to Violet Taylor filed competing claims to the property. This lawsuit began in May 2016 and settled on the eve of trial in December 2021 with each party receiving property in conjunction with their ownership interests. (Exhibit A: Settlement Agreement)

On March 14, 2023, Anderson County Sheriff Chad McBride named Amy and Rosmore Vilardi as persons of interest for the first time to the general public. In the same interview, Sheriff McBride compared the Vilardi case to the case of State v. Richard Alexander Murdaugh (2022-GS-15-594) that concluded eleven days prior on March 3, 2023. (Exhibit B: McBride Interview with Fox) The State's theory of this case is that the Vilardi's were broke, murdered their family to benefit financially. There are vast differences between the allegations of this case and the Murdaugh case.

Sheriff McBride assigned Detective Tyler Duncan to this case on April 28, 2023. Shortly after the Anderson County Sheriff's Department solicited help in the form of a television show named *Cold Justice*. Producers, actors and former prosecutors from the show descended into Anderson County for a week in December 2023. While in Anderson County, they re-interviewed witnesses with leading questions and analyzed evidence already in possession of the State with a focus of Amy and Rosmore Vilardi as the perpetrators. After uncovering no new material evidence, the team from *Cold Justice* determined the Vilardi's should be charged with Murder.

Due to the hesitation of Tenth Circuit Solicitor's Office to prosecute the case, the Anderson County Sheriff's Office bypassed the Tenth Circuit Solicitor's Office and directly met with the South Carolina Attorney General's Office on December 12, 2023. After reviewing the 35,000 pages of discovery, the Attorney General's Office agreed to prosecute the case and arrest warrants were signed on December 14, 2023, before serving them on Amy and Rosmore Vilardi the next day. Without question, these arrest warrants lack probable cause on their face forcing Mr. Vilardi to speculate what the probable cause was for his arrest. (Exhibit C: Arrest Warrants against Rosmore Vilardi) On January 23, 2024, Rosmore Vilardi was indicted on four counts of Murder.

From very early in 2016 until the date of the Indictment in January of 2024, the State has not disclosed the discovery of any new evidence that would materially change the facts used to prove their case. The evidence available when the Vilardis commenced their civil suit against the Anderson County Sheriff's Office is largely the same evidence that was available when they were indicted in January 2024.

ARGUMENT

MR. VILARDI HAS CONSTITUTIONALLY PROTECTED RIGHTS UNDER THE 5th, 6th AND 14th AMENDMENTS TO THE UNITED STATES CONSTITUTION AND ARTICLE I, §3 AND §14 OF THE CONSTITUTION OF SOUTH CAROLINA TO COMPEL THE ATTENDANCE OF ANY WITNESS TO TRIAL, TO CONFRONT WITNESSES UNDER OATH AND TO HAVE A MEANINGFUL OPPORTUNITY TO PRESENT A FULL AND COMPLETE DEFENSE.

The Defendant, Rosmore Wayne Vilardi, has a constitutionally protected “right to present a defense,” a right enumerated via the 6th Amendment to the Constitution of the United States and recognized by the Supreme Court of the United States in Washington v. Texas, 388 U.S. 14 (1967).

In *Washington*, the Supreme Court recognized that the compulsory process clause was designed to secure more than the presence of the defendant’s witnesses:

The right to offer the testimony of witnesses and to compel their attendance, if necessary, is in plain terms the right to present the defense, the right to present the defendant’s version of the facts as well as the prosecution’s to the jury so it may decide where the truth lies. *Washington* at 19, emphasis added

In reversing a South Carolina conviction based on the right to present a defense, the United States Supreme Court stated that “the Constitution guarantees criminal defendants ‘a meaningful opportunity to present a complete defense.’” Holmes v. South Carolina, 547 U.S. 319, 331 (2006). In quoting that language, the *Holmes* court cited previous decisions. The full quote is actually:

Whether rooted directly in the Due Process Clause of the Fourteenth Amendment or in the Compulsory Process or Confrontation clauses of the Sixth Amendment, the Constitution guarantees criminal defendants “a meaningful opportunity to present a complete defense.” Crane v. Kentucky, 476 U.S. 683, 689 (1986), quoting California v. Trombetta, 476 U.S. 479, 485 (1984).

This concept is also firmly rooted in the Constitution of South Carolina. In a section titled “Trial by Jury; Witnesses; Defense,” our State constitution reads:

The right of trial by jury shall be preserved inviolate. Any person charged with an offense shall enjoy the right to a speedy and public trial by an impartial jury; to be fully informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to be fully heard in his defense by himself or by his counsel or by both. Art. I, Sec 14 S.C. Cnst, emphasis added.

The Supreme Court of South Carolina has embraced the “right to present a defense,” specifically quoting the language from *Washington* cited above and further citing *Washington* in stating that, “This right is a fundamental element of due process of law.” *State v. Inman*, 395 S.C. 539, 561 (2011), quoting *Washington* at 19. This right gains special importance when the evidence is critical of the accused’s defense and state courts may not impinge a defendant’s fundamental constitutional rights by relying on state evidentiary or court rules. *Pettijohn v. Hall*, 599 F.2d 476 (1st Cir. 1979), citing *Chambers v. Mississippi*, 410 U.S. 284, 302 (1973).

At this juncture, the most egregious due process violation in this case involves an excessive pre-indictment delay. “The Due Process Clause plays a limited role in protecting against oppressive pre-indictment delay.” *State v. Brazell*, 325 S.C. 65, 72, 480 S.E.2d 64, 68 (1997); see *United States v. Lovasco*, 431 U.S. 783, 789–90, 97 S.Ct. 2044, 52 L.Ed.2d 752 (1977) (analyzing Due Process Clause of the Fifth Amendment with respect to pre-indictment delay); *United States v. Marion*, 404 U.S. 307, 324, 92 S.Ct. 455, 30 L.Ed.2d 468 (1971) (recognizing Due Process Clause of the Fifth Amendment provides basis for dismissing indictment as a result of pre-indictment delay).

The South Carolina Supreme Court has addressed the standard for reviewing an excessive pre-indictment delay and provided a two-pronged test to see whether the pre-indictment delay violated the Defendant’s due process rights. Specifically, in *State v. Lee*, 375 S.C. 394, 653 S.E.2d

259 (S.C. 2007) (Exhibit D: State v. Lee) the South Carolina Supreme Court found an undue delay in an indictment is a violation of the Due Process Clause of the Fifth Amendment. In Lee, the Court overruled a conviction where the Defendant was indicted in 2001 for first-degree criminal sexual conduct (CSC) and lewd act upon a child based upon charges that he sexually abused his two stepdaughters on separate occasions between 1982 and 1985. The two-prong test enumerated to determine if a pre-indictment delay has violated a defendant's due process rights in Lee is as follows: "First, the defendant must prove that the delay caused substantial actual prejudice to his right to a fair trial. The second prong requires the Court to consider the reason for the State's delay and to balance the justification for the delay against the prejudice to the defendant." *id* at 398 "Substantial prejudice requires a showing that 'he was meaningfully impaired in his ability to defend against the state's charges to such an extent that the disposition of the criminal proceeding was likely [a]ffected.'" (quoting Jones v. Angelone, 94 F.3d 900 (4th Cir. 1996))

With regards to the second prong of considering the reason for the State's delay, our Supreme Court adopted the test that does not require showing the government acted intentionally in their delay to gain a tactical advantage. "When balancing the prejudice and the justification, the basic inquiry then becomes whether the government's action in prosecuting after substantial delay violates "fundamental conceptions of justice" or "the community's sense of fair play and decency." *Id.* (quoting U.S. v. Automated Med. Laboratories, Inc., *supra* at 404)."

In this case, the delay of 8 years between the date of incident and indictment has clearly caused substantial actual prejudice to Mr. Vilardi's right to a fair trial. Across the State, it appears the majority of cases with pre-indictment delay involve delayed reporting of a Criminal Sexual Conduct case in which there was no disclosure or investigation at the time of the incident.

That is not the case here as Amy Vilardi found the deceased individuals, called law enforcement and a significant investigation across multiple agencies commenced. Then the popular option is when scientific capabilities not available at the time of incident are suddenly available to link a person to a crime. There is no justification for the delay by the State that overcomes the substantial actual prejudice created by the delay. Since the incident happened, the Tenth Circuit Solicitor's office has declined to prosecute the case as, it logically appears, they did not feel the evidence could not sustain a conviction and, thus, would not be aligned with their pursuits of justice. It wasn't until the Anderson County Sheriff's Office, at the urging of Television Producers from Texas, contacted the South Carolina Attorney General's Office that a warrant was procured.

SUBSTANTIAL ACTUAL PREJUDICE

The events that are the subject of this case occurred in 2015. Mr. Vilardi was arrested on the present charges in December of 2023, eight years after the incident. He was indicted on January 23, 2024. Expectedly, several pieces of potential exculpatory evidence and witnesses are now unavailable due to the simple passage of time. The significant passage of time in this case has severely inhibited Mr. Vilardi and his counsel from adequately investigating the allegations against him and preparing a complete defense.

Specifically, some of the witnesses who were around during the time frame of the incident and resulting investigation are now deceased or are medically unavailable to testify. These are individuals that would likely testify if they were able to and not having the ability to examine them under oath is a right Mr. Vilardi is entitled to and something that cannot be replicated. The witnesses that are currently known to be deceased and/or medically unavailable include:

- 1) **Rick King**- One of the first suspects in this quadruple homicide, Mr. King is now deceased. Mr. King and the victim Mike Scott got into an argument shortly before the murder over items being sold. Mr. King was diagnosed with Schizoaffective Disorder that he refused to take medication for due to his religion. Mr. King, lived within walking distance to the victims, was upset with Terry Michael Scott, trained in martial arts and was found in possession of numerous knives and firearms.
- 2) **Roger Dale Taylor**- Brother of Cathy Scott. Mr. Taylor admitted to being at the house on Sunday, November 1, 2015, around 3:30 in the afternoon. (Exhibit E: Roger Dale Taylor Statement Vilardi 000238) He was involved in the civil suit after the homicide that resulted in him receiving some of the money found at the scene. <https://obits.robinsonfuneralhomes.com/roger-taylor-sr>
- 3) **Deputy Kevin Evatt**- Was the K-9 handler for Duke who was deployed around the scene of the crime. Questioning him about Duke's actions near Mr. and Mrs. Vilardi who were on the scene when he was used, prohibits the introduction of extremely compelling evidence if the dog failed to alert. <https://www.tributearchive.com/obituaries/28416226/kevin-evatt>
- 4) **Rick Charles**- Polygrapher who performed the polygraph on Amy Vilardi that she allegedly indicated deception. Mr. Charles told Law Enforcement that Mrs. Vilardi was on the verge of confessing to the crime. Further, Mr. Charles was present when law enforcement unlawfully seized Mrs. Vilardi's phone. <https://www.floydmortuary.com/obituaries/ricky-charles>
- 5) **Joan Marie Hightower Taylor**- Mrs. Taylor lived two houses down from the incident location. She is the sister-in-law of Cathy Scott and the daughter-in-law of Juanita Taylor. She was briefly interviewed but not really questioned about the weekend of these homicides. With the homicide involving the use of firearms and time of death being contested, Mrs. Taylor would be someone who could testify whether she heard any loud commotion. <https://obits.robinsonfuneralhomes.com/joan-taylor>
- 6) **Dr. Brett H. Woodard**- Dr. Woodard performed the autopsy in this case. According to Dr. Woodard, he retired as the Anderson County Medical Examiner in 2019. Dr. Woodard is no longer qualified to speak as an expert. Dr. Woodard is neither licensed, board certified, nor has he maintained his continuing education requirements. Time of death is a hotly contested issue in this case and being

unable to question the only medically trained doctor about his findings is highly prejudicial to Mr. Vilardi.

- 7) **Denise "Dee" Herman**- On November 19, 2015, Mrs. Herman called in a very specific detailed criminal tip regarding James Franklin "Jim" Golden to SLED S/A Andrew Tribble, who is currently a Major with the Anderson County Sheriff's Office. Mr. Golden was a trained sniper, former Navy SEAL and CIA operative that was highly trained in Jiu Jitsu. Mr. Golden suffered from manic depression and did not like to take his prescribed medications. According to Mrs. Herman, Mr. Golden was deathly ill and was planning on proceeding with a "hit list" before taking his own life. At the top of his hit list was Terry Michael Scott, Mr. Scott used to bully Mr. Golden when he worked at the Department of Transportation. Mrs. Herman passed away in April 2023.
(<https://www.legacy.com/us/obituaries/legacyremembers/denise-herman-obituary?id=49678566>)
- 8) **Jimmy Bradley Richey**- Mr. Richey was considered to have involvement with a suspect in this case. His phone was extracted and messages were downloaded.
(<https://everloved.com/life-of/jimmy-richey/obituary/>)
- 9) **Dorothy Owens**-Neighbor on the State's witness list who is deceased.
- 10) **Louise Williams**- Friend of the Cathy Scott's who spoke to Investigators with Anderson County Sheriff's Office. She is on the State's witness list and is deceased.
- 11) **Dewayne Hildabrand** - Dewayne S. Hilderbrand is a footwear expert hired by the Anderson County Sheriff's Office that claims the footwear impression was made by an Asics Speedstar Shoe. He issued a quick report but has not been available to answer any questions from Mr. Vilardi about his methodology.
- 12) **Blair Hill** - Blair Hill with the Anderson County Sheriff's Department was the forensic investigator who took several hundred photographs of the scene. Mr. Hill was able to search different types of footwear impressions on Google and determined that the impression in the single-wide came from an Asics Speedstar Shoe. Mr. Hill was unable to testify at the first trial. However, the State used the "good fortune" of his lucky Google search to suggest the footwear impression was made by an Asics Speedstar Shoe. Mr. Hill is a crucial witness who Mr. Vilardi cannot cross examine due to the undue delay.

The uncertainty surrounding the time of death is of extreme importance in this case. It was originally reported to the public that the four individuals died on November 1, 2015. Coincidentally, the Vilardis were able to provide an alibi for the majority of the November 1, 2015, date. Only then, did the time of death window expand. Dr. Woodard performed the autopsy and was the only medical personnel to analyze the four bodies. Dr. Woodard retired in 2019, which gave the State ample opportunity to indict Mr. Vilardi and prosecute this case. Now, because of their undue delay in bringing the case, Mr. Vilardi has lost the opportunity to question Dr. Woodard about his findings. Furthermore, the State presented a pathologist, Dr. Kyle Shaw, at the original trial who only reviewed the findings of the original autopsy.

Witnesses that are still available are not able to provide the Court their contemporaneously perceived statements of the facts and circumstances of this 2015 homicide. Everyone has their own truth, perspective and version of particular events in their lives. As we know, time often erodes, enhances and confuses those memories, substantially changing the form and substance of how events occurred. This confusion was evidenced by the multitude of interviews performed in 2023 when *Cold Justice* came to South Carolina as nearly all of the subjects could not remember or made different statements than their initial interview. Further, social media podcast, gossip, and media coverage has weakened the firsthand impressions of witnesses. Multiple witnesses admit to reading Facebook when events took place that unintentionally clouds their memory. All of these factors infringe Mr. Vilardi's ability to effectively cross-examine the witnesses, thus stripping him of his Sixth Amendment Right to confront his accusers.

In addition to different individuals being unable to testify, the undue delay has stripped the availability to gather, test and evaluate physical evidence from Mr. Vilardi. There have been

countless tests, performed by many different individuals secured by the State, in an attempt to develop physical evidence in this case. It is, and seemingly has been since January 2016, the State's theory that a bloody shoe impression linked to a pair of Asic Speedstar 5 shoes was found in the house near the deceased bodies and Mr. Vilardi was seen on video wearing a pair of Asic Speedstar 5 shoes. (Exhibit F: Signed Application for Mobile Tracking from Tenth Circuit Solicitor's Office). Despite being willing and able to assist the State in any investigation, Mr. Vilardi was not asked about these shoes until December 2023, when Detective Tyler Duncan and Television investigator Steve Spingola bombarded him at his house in Columbia as a part of their television show. This was eight years after the incident and, by this point, the Vilardis had moved multiple times before relocating to Richland County. Rightfully so, he was not in possession of the shoes at that time.

Looking at the pictures of the shoe print, it is not readily ascertainable what type of shoe left the print. Analysts from the FBI agreed that they could not determine specifically what type of shoeprint that was (Exhibit G: FBI Shoe Analysis), but law enforcement hired an expert in 2016 that prepared a report stating it could have been left by an Asics Speedstar 5. However, due to the delay in the indictment, most of the shoes worn by Mr. Vilardi at the time of the incident, and the days prior, no longer are in his possession. If Mr. Vilardi was simply asked for these shoes at some point closer in time to this incident, then he could have attempted to secure them and let the State test them. After the passage of 8 years, Mr. Vilardi is unable to have access to these materials to turn over to the State or have his own tests performed and prepare a defense. Further, both the hired expert and the Anderson County Sheriff's Office investigator who the print as an Asics are unavailable.

On November 10, 2016, a safe and a gun were recovered from a pond off Anderson Road in Pendleton. This safe was taken into evidence but subsequently destroyed by law enforcement without any further testing. The gun was not sent to SLED for forensic testing until after the indictment on July 29, 2025. It should be noted that there was a safe found in the single-wide with cash in it that was opened by Mr. Vilardi for Law Enforcement to investigate. Because of key evidence being destroyed and lapse in time it was not analyzed prior to indictment.

Between the availability of key witnesses, the opportunity to examine physical evidence and the significant lapse in time, the pre-indictment delay has caused substantial actual prejudice to Mr. Vilardi's right to receive a fair trial today in Anderson County. The amount of time between the incident and the indictment has caused citizens to speculate, theorize and just plain make up evidence that points towards the guilt of Mr. Vilardi. Further, as time extends, these opinions without any factual basis become ingrained in individuals' minds that they believe they are facts. That has led to over half of the individuals re-interviewed in 2023 to state that they "know who did it but can't prove it." Because of the considerable amount of coverage by all levels of media including news stations, newspapers, podcasts and television, people both tangentially associated with the case and members of the community at large have all developed beliefs on who is responsible. These theories have run so rampant that it essentially strips Mr. Vilardi of his presumption of innocence and places the burden on him to prove that he is not guilty.

REASONS FOR THE DELAY

At this juncture, it is not proper to predict the State's reasons for the delay in indicting Mr. Vilardi nearly 9 years after the incident. We would appreciate the opportunity to respond to the reasons the State will espouse for their undue delay in charging Mr. Vilardi with these crimes.

However, we can look at different filings, media appearances and discovery to anticipate what the State's reasoning is for the delay.

Because there has been no new physical evidence linking Mr. Vilardi to the commission of this homicide uncovered, no eyewitness testimony or any subsequent confession, the Defense believes the reason for the delay was the successful prosecution of Alex Murdaugh by the Attorney General's office both in public and in the Courtroom.

The Anderson County Sheriff at the time of the incident was John Skipper. Sheriff Skipper had his department working on this case through 2015 and well into 2016 before he lost his re-election bid. The current Sheriff, Chad McBride, was not elected until November 2016 before taking office in January 2017. Analyzing the discovery, there was very little, if any, work done on this case from the time McBride took office until days after the Murdaugh verdict, when Sheriff McBride went to the media publicly naming the Vilardi's as persons of interest for the first time and said:

"The Murdaugh case was very interesting you know, to say the least," McBride said. "There was a lot of circumstantial evidence. And it's a lot like our case, we have some evidence. It's not just circumstantial.

(Exhibit H from above news article)

After neglecting this case since he was elected, Sheriff McBride assigned Detective Tyler Duncan to the case on April 28, 2023. Anderson county Sheriff's Office decides to bring in television producers from Texas named *Cold Justice* to focus solely on evidence against Rosmore and Amy Vilardi. This show which purportedly helps investigative agencies solve "cold cases" came to Anderson County on December 7, 2023, re-interviewed everyone, had a couple of paid "expert" witnesses look at evidence already in the State's possession. Then, by December 12, 2023, there was a meeting between Anderson County Sheriff's Office and the South Carolina

Attorney General's Office. In a day and a half, the South Carolina Attorney General's Office reviewed the 35,000 pages of discovery in the file before agreeing to prosecute this case.

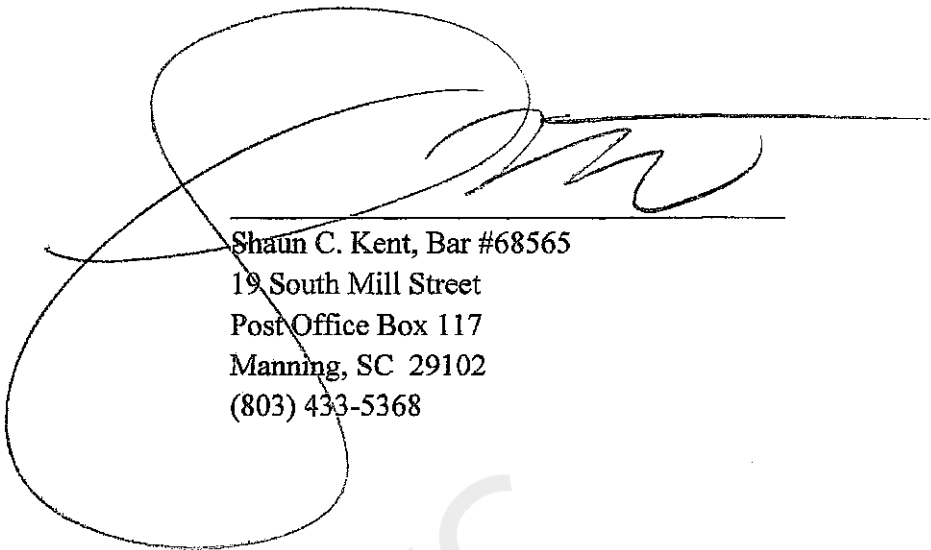
It should be very clear to the Court, there was no new evidence uncovered by the State to ease their decision to bring these charges. On January 14, 2016, the 10th Circuit Solicitor's Office submitted an application with the Court for a tracking device for the Vilardi's vehicles. In their request, they submitted probable cause for their request. (Exhibit F from above) The probable cause submitted that date in 2016 is the exact same evidence that the State is using as the evidence of guilt in the December 2023 arrest and subsequent Indictment. Essentially, the investigation stopped in 2016 and did not begin again until shortly after the Murdaugh verdict and the coordinated media blitz by the Anderson County Sheriff's Department. This coordinated media blitz includes appearances on podcasts by Detective Scotty Hill, billboards placed on Clemson Road, a devoted Facebook Group and GoFundMe created by the family of Mike and Barbara Scott. Although not necessary, that delay is without justification and only serves the purpose of attempting to try the case outside the courtroom, fundamentally preventing Mr. Vilardi from receiving a fair trial.

From the date of the homicide until they were arrested in December 2023, the Vilardis cooperated with every effort made by the State of South Carolina to track down the perpetrator. They turned over clothes, phones and They sat for multiple interviews and polygraph examinations. The Anderson County Sheriff Office's decision to slow play this investigation forced the Vilardis to file an action in the Court of Common Pleas to recover some of the items they turned over. A settlement was reached, property was returned and, still, the State waited several years before seeking these warrants.

Deliberately delaying justice without justification prevents the Defendants from presenting a complete defense and is exactly the type of behavior the South Carolina Supreme Court has attempted to stop with their rulings on undue delay cases. As stated above, the key factor in balancing the prejudice and the justification is whether the government's actions in prosecuting after substantial delay violates "fundamental concepts of justice" or "the community's sense of fair play and decency." Here, it is apparent that the prejudice suffered by the delay is not justified. The initial investigation resulted in two different seasoned prosecutors declining to prosecute the case. After six years on the job, Sheriff McBride solicited a television show to come to Anderson County in an attempt to solve the case. However, the results do not include any significant changes in evidence, and it surely does not produce enough evidence to justify an 8-year delay. It is an attempt to try this case outside the courtroom with inadmissible evidence, an influenced jury pool and an unjustified delay infringing upon Vilardi's substantial right to a fair trial.

Because the law allows the Court to consider the "fundamental concepts of justice" or "the community's sense of fair play and decency," it is necessary to consider the amount of burden shifting that has happened since 2015 and continues to happen in 2026 in making the determination. While Mr. Vilardi acknowledges there is no Statute of Limitations in South Carolina, the nearly 10-year delay is extreme, abnormal and discouraged in our state, the delay is not justified by the discovery of a "smoking gun" that materially changes the circumstances of the case. It only serves to completely strip Mr. Vilardi of his constitutional right to a fair trial. For these reasons, we ask the Court to dismiss the charge against Rosmore Wayne Vilardi for unreasonable pre-indictment delay.

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Manning, South Carolina
July 10, 2026

FITSNEWS

EXHIBIT A

ELECTRONICALLY FILED - 2021 Dec 22 2:39 PM - ANDERSON - COMMON PLEAS - CASE#2016CP0401200
ELECTRONICALLY FILED - 2021 Dec 23 2:40 PM - ANDERSON - COMMON PLEAS - CASE#2016CP0401200

EXHIBIT A

STATE OF SOUTH CAROLINA)

COUNTY OF ANDERSON)

SETTLEMENT AGREEMENT

This Settlement Agreement ("Settlement Agreement") is entered into this 31st day of May, 2021 ("Effective Date") by and between Rosmore and Amy Vilardi ("Plaintiffs"), on one hand, and Anderson County Sheriff's Office ("ACSO"), David J. Taylor and Roger D. Taylor as co-Personal Representatives of the Estate of Violet J. Taylor ("Taylors"), and Pam S. Isbell, as Personal Representative for the Estate of Terry Michael Scott and as Personal Representative for the Estate of Barbara Scott ("Isbell"), on the other hand. Plaintiffs, ACSO, Taylors, and Isbell may be referred to individually as a "Party" or collectively as the "Parties."

PURPOSE

This Settlement Agreement is a compromise between the Parties for the settlement of the claims, counterclaims, and cross-claims asserted in the lawsuit commenced by Plaintiff in the Anderson County Court of Common Pleas identified as *Rosmore and Amy Vilardi vs. Anderson County Sheriff's Office, David J. Taylor and Roger D. Taylor as co-Personal Representatives of the Estate of Violet J. Taylor, and Pam S. Isbell, as Personal Representative for the Estate of Terry Michael Scott and as Personal Representative for the Estate of Barbara Scott* - Civil Action No.: 2016-CP-04-01200 ("ACSO Litigation"). This Settlement Agreement is further entered into between Amy Vilardi and Pam Isbell for the settlement of the claims and counterclaims asserted in the lawsuit commenced by Amy Vilardi in the Anderson County Court of Common Pleas identified as *Amy Vilardi v. Pamela Isbell* - Civil Action No.: 2016-CP-04-00729 ("Vehicle Litigation").

STATEMENT OF DISPUTE

The claims, counterclaims and cross-claims asserted in the ACSO Litigation are all related to U.S. currency and other personal property seized by ACSO in relation to the criminal investigation of a quadruple homicide that occurred at 2217 Refuge Road, Pendleton, South Carolina, on or about November 2, 2015 ("Criminal Investigation"). At all relevant times, there were two homes located at 2217 Refuge Road, Pendleton, South Carolina. One was a double-wide home ("Double-Wide") occupied by Terry Michael Scott, Cathy Taylor Scott, Barbara Scott, and Violet J. Taylor. The other home was a single-wide ("Single-Wide") that was occupied by Plaintiffs at or around the time of the homicide. The quadruple homicide occurred in the Double-Wide and the victims of the quadruple homicide were Terry Michael Scott, Cathy Taylor Scott, Barbara Scott, and Violet J. Taylor. Several search warrants were issued for various items of evidence related to the homicides. The search warrants attached to the Complaint involved the two (2) mobile homes except for the search warrant for a storage unit located at 4303 Edgewater Way, Anderson, South Carolina. The items of evidence seized are detailed in the return to each search warrant. The Criminal Investigation is active and ongoing, and no charges have been brought.

The ACSO Litigation was commenced when Plaintiffs filed asserting a claim and delivery action against

Initials: _____ *ACM RSC*

ACSO related to the U.S. currency and tangible personal property seized and held by ACSO as part of the Criminal Investigation. Subsequently, Taylors and Isbell were granted leave to intervene in the ACSO Litigation and have asserted claims related to the U.S. currency and other property currently held by ACSO.

After a series of motions and the passage of time, ACSO identified a list of items that it is prepared to release and provided Plaintiffs, Taylors and Isbell with photographs of said items. Consistent with the Order executed and filed on January 28, 2020, Plaintiffs and Defendants have examined the list and photographs to identify those items that are contested. Plaintiffs, Taylors, and Isbell have asserted competing claims related to the U.S. currency and other personal property currently held by ACSO.

A trial was scheduled for March 16, 2020; however, the matter was continued due to certain COVID-related issues and/or concerns. A bench-trial was scheduled for June 1, 2021 before the Honorable J. Cordell Maddox, Jr.

After engaging in extensive discovery, filing of various motions, participating in a mediation, and trial preparation, the Parties engaged in a series of settlement negotiations.

The Parties desire to avoid further costs and expense associated with the ACSO Litigation, and/or Vehicle Litigation, and without any admission of liability, further agree to compromise, settle, and resolve their respective claims, counterclaims, and cross-claims as set forth herein.

NOW, THEREFORE, for and in consideration of the mutual agreements, representations, covenants, and warranties recited herein below, the Parties agree as follows:

TERMS OF SETTLEMENT

1. Distribution of Currency and other personal property to currently available for release by ACSO.
 - a. Currency and other Personal Property removed from Single-Wide:
 - i. The Parties have asserted competing claims related to Sixty-Five Thousand, Eight Hundred Ninety and no/100 Dollars (\$65,890.00) of the currency removed from the Single-Wide. The Parties agreed that ACSO shall release the \$65,890.00 in cash to Plaintiffs' attorney, J. Christopher Pracht, Esquire, who shall deposit said funds into his firm's trust account to be disbursed as follows:
 - (1) \$34,890.00 to Rosmore Vilardi and Amy Vilardi;
 - (2) \$3,000.00 to David J. Taylor and Roger D. Taylor;
 - (3) \$7,000.00 to Thomas W. Cox, CPA, as custodian for Savannah Thomas, under the South Carolina Uniform Gifts to Minors Act to age 21;
 - (4) \$7,000.00 to Thomas W. Cox, CPA, as custodian for Brady Hill, under the South Carolina Uniform Gifts to Minors Act to age 21;
 - (5) \$7,000.00 to Thomas W. Cox, CPA, as custodian for Raiden Vilardi, under the South Carolina Uniform Gifts to Minors Act to age 21; and

Initials: _____ *CCM RSO*

(6) \$7,000.00 to Thomas W. Cox, CPA, as custodian for Ambrose Vilardi, under the South Carolina Uniform Gifts to Minors Act to age 21.

(7) *The Parties acknowledge and agree that none of them shall serve as successor custodian for the funds disbursed under the South Carolina Uniform Gifts to Minors Act in paragraphs (3) - (6) of this subsection.*

ii. Pam Isbell shall receive the North American .22 Magnum Silver in color, SN 249115.

iii. Rosmore Vilardi and Amy Vilardi shall receive all remaining personal property items removed from the Single-Wide.

b. Currency and other Personal Property removed from Double-Wide:

i. David J. Taylor and Roger D. Taylor shall receive the \$400.00 in cash from bedroom of the Double-Wide.

ii. Pam Isbell shall receive all items removed from the Double-Wide including the \$21,412.00 in cash found in the master bath.

c. Vehicles:

i. Pam Isbell shall receive the following vehicles: (a) 2010 Toyota Tundra (VIN: xxxxxxxxxxxx3183), (b) 2005 Toyota Corolla (VIN: xxxxxxxxxxxx9620), (c) 1996 Nissan (VIN: xxxxxxxxxxxx6743), and the 2003 Toyota Camry (VIN: xxxxxxxxxxxx2684). To the extent any Party, other than Isbell, is listed as the owner of one of the above-described vehicles, said Party will execute any document(s) required to transfer title to Isbell in a timely manner. Likewise, any Party having keys to the vehicles shall deliver the keys to Pam Isbell or her attorney.

2. Future Distribution of Currency and/or other Personal Property by ACSO. Given that the Criminal Investigation is active and ongoing, ACSO is still in possession of certain currency and/or other personal property items ("Remaining Items"). If and when ACSO is prepared to release the Remaining Items, those items removed from the Single-Wide shall be disbursed to Rosmore and Amy Vilardi and those items removed from the Double-Wide shall be disbursed to Pam Isbell.

3. Representations. The Parties each acknowledge and affirmatively state that they have not assigned, transferred, or conveyed in any manner all or any part of their legal claims or legal rights in connection with the matters set forth in the ACOS Litigation, Vehicle Litigation, or this Settlement Agreement.

4. Dismissal of Vehicle Litigation. By execution of this Settlement Agreement, Amy Vilardi and Pam Isbell hereby authorize and direct their respective attorneys to execute and file a Stipulation of Dismissal with prejudice as to claims and counterclaims asserted in the Vehicle Litigation provided that the Vehicles have been transferred in accordance with this Agreement.

Initials: _____ AM PS

5. No Admission of Liability. The Parties each acknowledge and agree that the matters set forth in this Settlement Agreement constitute the settlement and compromise of disputed claims, and that this Settlement Agreement does not constitute an admission or evidence of liability by any of them regarding any claim alleged or damages sought by any Party.

6. Binding on Successors and Assigns. This Settlement Agreement shall be binding upon, inure to the benefit of and be enforceable by and against, the Parties hereto and their respective heirs, devisees, members, managers, officers, successors, assigns, affiliates, and agents, provided, however, that nothing contained in this Settlement Agreement shall confer upon any other person or entity not a party to this Settlement Agreement any rights or remedies hereunder.

7. Enforceability. Nothing contained herein shall be interpreted as releasing or compromising any claim regarding the enforcement of the terms of this Settlement Agreement or right to enforce the dismissal of the Vehicle Litigation.

8. Acknowledgment. The Parties hereto, as evidenced by their signatures below, acknowledge that this Settlement Agreement has been fully explained to them by their respective attorneys, that they understand the terms and conditions of the Settlement Agreement, and that they voluntarily agree to be bound by the terms and conditions of this Settlement Agreement.

9. Construction of Settlement Agreement. If this Settlement Agreement requires construction or interpretation by any court, the Parties agree that interpretation and construction of this Settlement Agreement shall not be subject to the rule that any agreement shall be construed more strictly against the party which itself, or through its agents, prepared the same; the Parties agreeing that each participated equally in the preparation hereof.

10. Counterparts. This Settlement Agreement may be executed in a number of counterparts and each counterpart signature shall, when taken with all other signatures, be treated as if executed upon one original of this Settlement Agreement. A photocopy, scan, or facsimile of this Settlement Agreement or of the signatures hereto will serve in place of an original.

11. Expenses. Unless specifically referred to herein to the contrary, each Party shall be responsible for any debt, liability or obligation, cost, expense, or fee of any nature whatsoever including, without limitation, any and all legal, accounting, and other professional fees and expenses incurred by it in connection with the dispute, negotiation, execution, or performance of this Settlement Agreement.

12. Headings and Definitions. The headings in the sections of this Settlement Agreement are inserted for convenience only and in no way alter, amend, modify, limit, or restrict the contractual obligations of the Parties.

13. Entire Agreement; Law Governing. All prior negotiations and agreements between the Parties hereto are superseded by this Settlement Agreement, and there are no representations, warranties, understandings, or

Initials: _____ *CCM* *PSO*

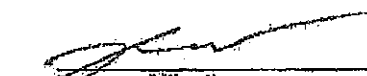
agreements other than those expressly set forth herein or in a document delivered pursuant hereto. This Settlement Agreement shall be governed and construed and interpreted according to the laws of the State of South Carolina. The terms of this Settlement Agreement may not be changed, modified, waived, discharged, or terminated in any manner, except by written instrument signed by all of the Parties.

IN WITNESS WHEREOF, the Parties hereto have executed this Settlement Agreement as of the day and year first above written.

WITNESSES:



James L. Ellis
Jovet M. Franbrell

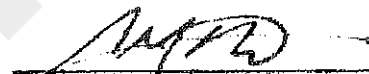

Rosmore Vilardi


Amy Vilardi

Roger O. Taylor
David J. Taylor (SEAL)
David J. Taylor and Roger O. Taylor as co-Personal
Representatives of the Estate of Violet J. Taylor

Pam S. Isbell (SEAL)
Pam S. Isbell, as Personal Representative for the Estate
of Terry Michael Scott and as Personal Representative for
the Estate of Barbara Scott


C. Lee Bran


Anderson County Sheriff's Office (SEAL)
By: CHAD A. BRADE
Its: SHERIFF



Initials: Ros AV R.O.T.

ELECTRONICALLY FILED - 2021 Dec 22 2:39 PM - ANDERSON - COMMON PLEAS - CASE#2016CP0401200
ELECTRONICALLY FILED - 2021 Dec 23 2:40 PM - ANDERSON - COMMON PLEAS - CASE#2016CP0401200

WITNESSES:

Amy Vilardi (SEAL)

Kary Easter
Kary Easter

Pam S. Isbell (SEAL)
Pam S. Isbell, as Personal Representative for the Estate
of Terry Michael Scott and as Personal Representative for
the Estate of Barbara Scott

Initials: *CM*

EXHIBIT B



Live Video

News

First Alert Weather

Traffic

Investigations

2022



Years after Pendleton quadruple homicide, sheriff names persons of interest

Victim's sister says she believes justice will come "in God's time."

Two persons of interests have been named in a quadruple homicide case from 2015 in Anderson County

By Brookley Cromer and Amanda Shaw

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PENDLETON, S.C. (FOX Carolina) - More than seven years after four people were murdered inside their home in Pendleton, the sheriff of Anderson County has named two persons of interest in the case.

The bodies of Michael and Cathy Scott, along with their mothers Barbara Scott and Violet Taylor, were found in a house on Refuge Road on Nov. 2, 2015. Investigators believe they were killed days earlier since Halloween candy was still by the front door. There was no sign of forced entry to the home, but a safe normally filled with cash was empty.

Their loved ones have endured a long wait for justice. Pam Isbell, Michael Scott's sister, said thoughts of her brother and mother never leave her mind.

"Whenever I start to doubt - and I do, I doubt, I question why - but my mother's belief in God always gets me through," Isbell said. "I just know that it's going to happen in God's time."



CATHY AND MIKE SCOTT



VIOLET TAYLOR



BARBARA SCOTT

The bodies of 80-year-old Barbara Scott, 60-year-old Cathy Scott, 59-year-old Michael Scott, and 82-year-old Violet Taylor were found in a home in Pendleton on Nov. 2, 2015. (Provided by family)

Sheriff Chad McBride, who inherited the unsolved case when he was elected in 2016, has said for years that he is confident about who he believes committed the murders - but investigators are still working to firm up their case.

He hopes a podcast released in March by Unsolved Mysteries, which puts the case in the national spotlight, will help get more answers in the investigation. Anderson County Staff Sergeant Scotty Hill told producers with Unsolved Mysteries that he doesn't believe the murders were committed by a stranger.

"The family had to have known them because nobody put up a fight until after the attack occurred or started," Hill said in the podcast.

McBride echoed this opinion.

"It is not a crime of randomness," he said. "It is a very planned, personal crime is what this is. And all the details in the crime point to it being very personal and it had to be somebody they knew very well."

In an interview only on FOX Carolina, McBride named Cathy Scott's daughter Amy Vilardi and her husband Ross Vilardi as persons of interest in the investigation. The couple has always adamantly denied any involvement in the murders and want to find the person responsible more than anyone, according to their former attorney.

The Vilardis lived on the same property, just steps away from the home where their family members were stabbed to death and then shot postmortem. They later remodeled the house where the homicides occurred and moved into it.

McBride said investigators have been able to rule out other suspects in the case.

During search warrants executed on Refuge Road, deputies seized \$60,000 in cash, nearly two dozen firearms, boxes of ammunition, two vehicles, laptops, video game consoles, and cell phones. The Vilardis sued the Anderson County Sheriff's Office, saying their property was being held for an unreasonable amount of time and claiming tests performed on the items did not link them to any wrongdoing.

Amy Vilardi spoke to FOX Carolina in 2016 about “Facebook detectives” and other groups on social media who accused her and her husband of committing the murders. She said they were cooperating with investigators, including both taking polygraph tests.

“I want to do everything I can so they can move along in the investigation,” Vilardi said at the time.

New evidence has been uncovered, according to the sheriff, and he hopes a jury will be able to hear the case in “the near future.” However, McBride says nothing will ever right the wrong that was committed against the Scotts and their elderly mothers.

“Even when that day comes and we’re able to bring justice, I don’t think there’s enough justice to be given to them on this earth,” McBride said.

At this time, no charges have been filed in the quadruple homicide investigation, but the sheriff said the double murder conviction of Alex Murdaugh could help investigators.

“The Murdaugh case was very interesting you know, to say the least,” McBride said. “There was a lot of circumstantial evidence. And it’s a lot like our case, we have some evidence. It’s not just circumstantial.”

FOX Carolina has reached out to the Vilardis for comment.

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EXHIBIT C

ARREST WARRANT

2023A0410101937

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

THE STATE 2015-201728

Rosmore Wayne Vilardi

Address 3400 Quarter Trail

West Columbia, SC 29172

Phone M Race W Height 5 10 Weight 160

DL State SC DL # 103516276

DOB 7/23/1987 Agency ORI # SC00410000

Prosecuting Agency Anderson County Sheriff

Prosecuting Officer Robert T. Duncan - 885

Offense Murder

Offense Code 0116

Code/Ordinance Sec 16-03-0010

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality ofis to be arrested and brought before me to be
dealt with according to the law The accused
28 DEC 20 10:02:31
H0047200 SC00010005 (L.S.)

Signature of Judge

Date

RETURN

A copy of this arrest warrant was delivered to
defendant Rosmore Vilardi
on 12/15/23

Signature of Clerk of Court or Enforcement Officer

RETURN WARRANT TO:

General Sessions
100 South Main Street
PO Box 8002
Anderson, SC 29622

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Personally appeared before me the affiant Robert T. Duncan

being duly sworn deposes and says that defendant Rosmore Wayne Vilardi

did within this county and state on or about 10/31/2015

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Anderson

in the following particulars

DESCRIPTION OF OFFENSE: Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on or about October 31, 2015 in the county of Anderson, one Rosmore Wayne Vilardi did with malice aforethought, cause the
death of Terry Mitchell Scott by causing fatal wounds which led to his death. This incident occurred at 2217 Refuge Road in
Pendleton.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Affiant's Address 305 Cains Rd

Anderson, SC 29625-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

If appearing from the above affidavit that there are reasonable grounds to believe that

on or about 10/31/2015 defendant Rosmore Wayne Vilardi

did violate the criminal laws of the State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Anderson

as set forth below

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before the court to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or its
sworn to and subscribed before me on 12/14/2023

(L.S.)

Judge's Address 2404 N. Main St.

Anderson, SC 29621-

Signature of Hearing Judge

Nancy Wilson Devine

Judge Code 5851

Issuing Court

☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

I am empowered by
the South Carolina
Judicial Branch
to sign this warrant
under the
provisions of
S.C.A. 14-11

ARREST WARRANT

2023A0410101938

STATE OF SOUTH CAROLINA

☒ County ☐ Municipality of

Anderson

THE STATE

2015-20728

Rosmore Wayne Vilardi

against

Address 3980 Quarter Trail

West Columbia, SC 29172-

Phone SSN 107-74-9657

Sex M Race W Height 5 10 Weight 160

DL State SC DL # 103516276

DOB 7/25/1987 Agency ORI # SC0040000

Prosecuting Agency Anderson County Sheriff

Prosecuting Officer Robert T Duncan - 885

Offense Murder / Murder

Offense Code 0116

Code/Ordinance Sec 16-03-0010

This warrant is CERTIFIED FOR SERVICE in the

☐ County ☐ Municipality of

is to be arrested and brought before the to be

dealt with according to the law

28 DEC 20 410:02:45

2023A0410101938

(L.S.)

Signature of Judge

Date

RETURN

A copy of this arrest warrant was delivered to defendant Rosmore Wayne Vilardi on 12/15/23

Signature of Defendant and Understanding of Case

RETURN WARRANT TO:

General Sessions

100 South Main Street

P.O. Box 8002

Anderson, SC 29622

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County ☐ Municipality of

Anderson

Personally appeared before me the affiant Robert T Duncan

being duly sworn deposes and says that defendant Rosmore Wayne Vilardi

did within this county and state on or about 10/31/2015

State of South Carolina for entrance of ☒ County ☐ Municipality of

Anderson

DESCRIPTION OF OFFENSE: Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts

that on or about October 31, 2015 in the county of Anderson, one Rosmore Wayne Vilardi did, with malice aforethought, cause the death of Barbara Jean Scott by causing fatal wounds which led to her death. This incident occurred at 2217 Refuge Road in Pendleton

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County ☐ Municipality of

Anderson

Affiant's Address

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY.

If appearing from the above affidavit that there are reasonable

on or about 10/31/2015

did violate the criminal laws of the State of South Carolina for entrance of

☒ County ☐ Municipality of Anderson

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Sworn to and subscribed before me on 12/14/2023

12/14/2023

Signature of Affiant

Nancy Wilson Devine

Judge Code 5851

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Printed Name of Affiant
Robert T Duncan
Date: 12/14/2023
Signature of Affiant

ORIGINAL

who

violate the criminal laws of the

Anderson

TRUE COPY

FEB 08 2024

Signature of Affiant

ARREST WARRANT

2023A0410101939

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

THE STATE

2015-20728

Rosmore Wayne Vilardi

against

Address: 3700 Quarter Trail

PO West Columbia, SC 29172-

Phone: 716-74-9657 SSN: 107-74-9657

DOB: 7/25/1987 DL State: SC DL #: 103516276 Agency ORI #: SC00040000

Prosecuting Agency:

Anderson County Sheriff

Prosecuting Officer:

Robert T. Duncan - 885

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

is to be arrested and brought before me to be dealt with according to the law. The accused

12 DEC 20 10:02:50

12 DEC 20 10:02:50

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Rosmore Vilardi on 12/15/23

Signature of Certified Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

100 South Main Street

Po Box 8002

Anderson, SC 29622

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Personally appeared before me the affiant Robert T. Duncan

being duly sworn deposes and says that defendant Rosmore Wayne Vilardi

did within this county and state on or about 10/31/2015

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Anderson

in the following particulars: violate the criminal laws of the

DESCRIPTION OF OFFENSE: Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on or about October 31, 2015 in the county of Anderson, one Rosmore Wayne Vilardi did, with malice aforethought, cause the death of Cathy Delores Scott by causing fatal wounds which led to her death. This incident occurred at 2217 Refuge Road in Pendleton.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Affiant's Address: 305 Camson Rd

Anderson, SC 29625-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

If appearing from the above affidavit that there are reasonable

on or about 10/31/2015

defendant Rosmore Wayne Vilardi

☒ County/ ☐ Municipality of Anderson

) as set forth below.

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Sworn to and subscribed before me on 12/14/2023

Signature of Issuing Judge

Name: Wilson Devine

Judge Code: 5851

Judge's Address: 2404 N. Main St.

Anderson, SC 29621-

Judge's Telephone: (864)260-4156

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ARREST WARRANT

2023A0410101940

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

THE STATE 2015-20728

against

Rosmore Wayne Vilardi

Address: ~~PO Box 3920~~ Quarter Trail

PO West Columbia, SC 29172.

Phone: SSN: 107-74-9637

Sex: M Race: W Height: 5 10 Weight: 160

DL State: SC DL #: 103516276

DOB: 7/25/1987 Agency ORI #: SC0040000

Prosecuting Agency: Anderson County Sheriff

Prosecuting Officer: Robert T Duncan - 885

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law.

MURDER

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Rosmore Vilardi on 12/15/23

Signature of Court/Clerk/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
100 South Main Street
PO Box 8002
Anderson, SC 29622

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Robert T Duncan

Personally appeared before me the affiant Rosmore Wayne Vilardi

being duly sworn deposes and says that defendant

did within this county and state on or about 10/31/2015

in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

I had on or about October 31, 2015 in the county of Anderson, one Rosmore Wayne Vilardi did, with malice aforethought, cause the death of Violet Juanita Taylor by causing fatal wounds which led to her death. This incident occurred at 2217 Refuge Road in Pendleton.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Affiant's Address: 305 Camson Rd

Anderson, SC 29625.

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

If appearing from the above affidavit that there are reasonable grounds to believe that

on or about 10/31/2015

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Anderson

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Sworn to and subscribed before me on 12/14/2023

Signature of Issuing Judge

Nancy Wilson Devine

Judge Code: 5851

(L.S.)

Judge's Address: 2404 N. Main St.

Anderson, SC 29621.

Judge's Telephone: (864) 260-4156

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

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ORIGINAL

ORIGINAL

South Carolina
State Judicial Branch
April 21, 2023
SCCA 515

FEB 08 2024

EXHIBIT D

375 S.C. 394
Supreme Court of South Carolina.

The STATE, Petitioner
v.
Larry LEE, Respondent.

No. 26393.

|
Heard Sept. 20, 2007.

|
Decided Nov. 5, 2007.

Synopsis

Background: Defendant was convicted in the Circuit Court, Aiken County, James R. Barber, J., of criminal sexual conduct involving minor and committing lewd act on child. Defendant appealed. The Court of Appeals, 360 S.C. 530, 602 S.E.2d 113, vacated convictions due to excessive pre-indictment delay. State filed petition for certiorari.

Holdings: The Supreme Court, Pleicones, J., held that:

defendant suffered substantial actual prejudice due to twelve-year pre-indictment delay, and

claim that pre-indictment delay violated defendant's due process rights does not require proof that State acted intentionally to gain an unfair tactical advantage over defendant.

Affirmed.

Toal, C.J., dissented and filed opinion, in which E.C. Burnett, III, Acting J., concurred.

Attorneys and Law Firms

****260** Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General David A. Spencer, all of Columbia, and Barbara R. Morgan, of Aiken, for Petitioner.

Appellate Defender Robert M. Pachak, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Respondent.

Opinion

Justice PLEICONES:

***396** Respondent Larry Lee (Lee) was indicted in 2001 for first-degree criminal sexual conduct (CSC) and lewd act upon a child based upon charges that he sexually abused his two stepdaughters on separate occasions between 1982 and 1985. The jury found Lee guilty, and he received an aggregate sentence of forty-five years imprisonment. The Court of Appeals vacated Lee's convictions, finding the excessive pre-indictment delay violated the Due Process Clause of the Fifth Amendment. *State v. Lee*, 360 S.C. 530, 602 S.E.2d 113 (Ct.App.2004). We granted the State's petition for certiorari and now affirm.

FACTS

Lee married the mother of the two alleged victims in 1982. Lee, his wife, and the two stepdaughters moved into a home together. In 1988, the Department of Social Services (DSS) investigated allegations that Lee sexually abused his stepdaughters. These allegations arose during a juvenile criminal investigation involving the stepdaughters. DSS removed the stepdaughters from the home and placed them in the custody ***397** of their aunt, but DSS returned the stepdaughters to the home with Lee within several months.

The solicitor's office represented DSS during the family court hearings in 1988 which involved the allegations against Lee. According to the State, the procedure used at that time was for an assistant solicitor to prosecute family court cases on behalf of DSS. After the family court proceedings, the State took no further action until Lee was indicted in 2001.

ISSUE

Did the Court of Appeals err in vacating Lee's convictions due to excessive pre-indictment delay in violation of the Due Process Clause of the Fifth Amendment?

ANALYSIS

The State argues the Court of Appeals erred in vacating Lee's convictions based on the excessive pre-indictment delay. We disagree.

We have adopted a two-prong inquiry when pre-indictment delay is alleged to have violated a defendant's due process rights. *State v. Brazell*, 325 S.C. 65, 72–73, 480 S.E.2d 64, 68–69 (1997) (citing *U.S. v. Lovasco*, 431 U.S. 783, 97 S.Ct. 2044, 52 L.Ed.2d 752 (1977)). First, the defendant must prove that the delay caused substantial actual prejudice to his right to a fair trial. *Id.* The second prong requires the court to consider the reason for the State's delay and to balance the justification for the delay against the prejudice to the defendant. *Id.* The State contends that the Court of Appeals erred by finding Lee satisfied both parts of the inquiry.

Substantial Actual Prejudice

The State argues the Court of Appeals erred in holding that Lee met his burden of proving substantial actual prejudice because Lee presented only non-specific, conjectural possibilities of prejudice. We disagree.

To prove substantial prejudice, Lee must show that he was “ ‘meaningfully impaired in his ability to defend against *398 the **261 [S]tate's charges to such an extent that the disposition of the criminal proceeding was likely effected [sic].’ ” *Brazell*, 325 S.C. at 73, 480 S.E.2d at 69 (quoting *Jones v. Angelone*, 94 F.3d 900, 907 (4th Cir.1996)). Prejudice to the defense of a criminal case may result from the shortest and most necessary delay, but every delay-caused detriment to a defendant's case should not abort a criminal prosecution. *U.S. v. Marion*, 404 U.S. 307, 324–325, 92 S.Ct. 455, 30 L.Ed.2d 468 (1971). To accommodate the sound administration of justice to the rights of the defendant to a fair trial will necessarily involve a delicate judgment based on the circumstances of each case. *Id.* at 325, 92 S.Ct. 455.

To meet his burden of showing substantial prejudice, the defendant must identify the evidence and expected content of the evidence with specificity, as well as show that he made serious efforts to obtain the evidence and that it was not available from other source. *Brazell*, *supra*. The State argues that Lee cannot prove the alleged exculpatory evidence with specificity, and it contends that the missing evidence is just

as likely to be inculpatory instead of exculpatory. The State's argument is without merit.

The Court of Appeals determined:

Lee did more than merely rely on the length of the delay to establish substantial actual prejudice. As Lee's counsel pointed out, the delay of twelve years presented a significant obstacle in preparing an adequate defense and receiving a fair trial. All the records from the family court case have been destroyed. No records contemporaneous with the alleged offenses are available, particularly those explaining why the stepdaughters were placed back into Lee's home after being removed. Lee's efforts to acquire the same information from other sources were likewise unavailing. Lee's original attorney could not be located, and the DSS investigator could recall no specifics about the investigation. Without this information, Lee's counsel could not adequately cross-examine the victims and other family members regarding the alleged incidents and the juvenile investigation that prompted DSS to become involved. Moreover, Lee's counsel was also prevented from refuting *399 the delayed disclosure evidence presented by the State through its expert witness.

Lee, 360 S.C. at 538, 602 S.E.2d at 117–118.

Ample evidence supports the Court of Appeals' conclusion that Lee suffered actual substantial prejudice from the pre-indictment delay. Lee had no record of the previous DSS investigation into the alleged abuse. He could not gain access to evidence concerning the Department of Juvenile Justice investigating officer or records from the family court proceedings. Because Lee *never* had access to these records, it was admittedly difficult for him to accurately identify specific pieces of evidence that would have exonerated him.

Nonetheless, the absence of any contemporaneous evidence prejudiced Lee's ability to defend himself, as he had no ability to cross-examine the State's witnesses nor obtain items of exculpatory evidence. The missing evidence, although possibly damaging, on balance would have likely benefited Lee because it would have revealed the State's justification for placing the stepchildren back in the home with Lee and revealed why the State did not prosecute him in 1988 or 1989.

For these reasons, the Court of Appeals did not err in determining Lee proved he suffered substantial actual prejudice due to the pre-indictment delay.

Justification for Delay

The State argues that Lee cannot satisfy the second prong of the due process analysis for pre-indictment delay because there is no evidence that the State acted intentionally to gain a tactical advantage over Lee. The State also argues that the twelve year delay was justified when compared to the purported prejudice to Lee. We disagree, as the absence of any prosecutorial bad faith motive is not fatal to Lee's Fifth Amendment claim.

Brazell sets forth the test for excessive pre-indictment delay under the Fifth Amendment. In *Brazell*, we adopted the Fourth Circuit standard¹ for the second prong of the due process analysis. The State argues that *Brazell* did not adopt the Fourth Circuit test because the *Brazell* court declined to consider the second part of the test after *Brazell* failed to establish substantial actual prejudice. We disagree. Although *Brazell* did not specifically acknowledge the adoption of the Fourth Circuit rule, the Court clearly adopted the Fourth Circuit's test for pre-indictment delay by citing *Howell* and *Automated Med. Laboratories* when it discussed the two-part inquiry.

Regardless, we find the Fourth Circuit standard to be the better rule. Requiring a higher burden of proof in proving improper motives on the part of the prosecution would put an almost impossible burden on defendants to maintain a Fifth Amendment due process claim in pre-indictment delay cases. See *Howell*, *supra* at 895 (holding that to require proof of prosecutorial bad faith would mean that no matter how egregious the prejudice to a defendant, and no matter how long the pre-indictment delay, if a defendant cannot prove improper prosecutorial motive, then no due process violation has occurred and that this conclusion, on its face, would

violate fundamental conceptions of justice, as well as the community's sense of fair play).

Accordingly, the second part of the due process inquiry requires the court to consider the prosecution's reasons for the delay and balance the justification for delay with any prejudice to the defendant. *Brazell*, *supra*. When balancing the prejudice and the justification, the basic inquiry then becomes whether the government's action in prosecuting after substantial delay violates "fundamental conceptions of justice" or "the community's sense of fair play and decency." *Id.* (quoting *U.S. v. Automated Med. Laboratories, Inc.*, *supra* at 404).

With the balancing test in mind, the Court of Appeals correctly held that the State offered no valid explanation for the delay in indicting Lee, and thus, in light of the prejudice to the defendant, the prosecution of Lee twelve years later violated fundamental concepts of justice and the community's sense of fair play. The only explanation ever given by the State involved its reason for indicting Lee in 2001, namely that other allegations and charges of similar conduct with other alleged victims had surfaced. However, this rationalization does not explain the delay from 1988 to 2001, nor does it justify the substantial prejudice to Lee's ability to defend against these charges.

CONCLUSION

For the reasons previously stated, the Court of Appeals did not err in vacating Lee's convictions due the excessive pre-indictment delay of twelve years.

AFFIRMED.

MOORE and WALLER, JJ., concur.

TOAL, C.J., dissenting in a separate opinion in which Acting Justice E.C. BURNETT, III, concurs.

Chief Justice TOAL dissenting:

I respectfully dissent. In accordance with the majority of the federal circuits that have addressed the issue, I would hold that pre-indictment delay does not violate the Fifth Amendment's due process clause unless a defendant can show both actual prejudice and that the State has intentionally delayed the

issuance of an indictment in order to gain an unfair tactical advantage. See *Jones v. Angelone*, 94 F.3d 900, 905 (4th Cir.1996) (recognizing that this test applies in every federal circuit save the Fourth and the Ninth).

But leaving this aside, I disagree with the majority's analysis of how the facts presented here interact with the majority's interpretation of this Court's decision in *State v. Brazell*, 325 S.C. 65, 480 S.E.2d 64 (1997). In contrast to the specific showing of prejudice *Brazell* purports to require, there is no specific showing of prejudice in the instant case. See *id.* at 73, 480 S.E.2d at 69 (providing that when the claimed prejudice is caused by the unavailability of a witness, courts require that the defendant identify **263 the witness he would have called; demonstrate, with specificity, the expected testimony; establish that the defendant made serious attempts to locate the witness; and show that the information the witness would have provided was not available from another source). Although the court below broadly asserted that "[n]o records *402 contemporaneous with the alleged offenses are available ... [and Appellant's] efforts to acquire the same information from other sources were likewise unavailing," *State v. Lee*, 360 S.C. 530, 538, 602 S.E.2d 113, 117-18 (2004), the record in this case reveals only that Appellant's attorney tried (unsuccessfully) to subpoena documents from the Department of Social Services, and that the persons the attorney sought to interview did not recall these specific incidents. In my view, this is a showing totally devoid of specificity.

The record does not contain any evidence of an attempt to view the family court's file regarding the prior incidents. Furthermore, there is no evidence demonstrating that other purportedly sought evidence, such as the alleged victims' school records, could not be obtained from alternate sources; nor is there evidence that the information purportedly

contained in school records or in the minds of potential witnesses could not be obtained through interviewing other family members or acquaintances. Finally, there is no specific assertion as to how any of this information would be beneficial to Appellant. No Court may justifiably ask a litigant to prove a negative—that is to say, no Court may ask a party to specifically establish the contents of a document that the party has never seen or the substance of testimony a party has never heard—but Appellant's arguments are, at bottom, utter speculation regarding the possible content of documents that may never have even existed. In my view, *Brazell* requires substantially more in the way of specificity.

As a final aside, I would dismiss the lower court's assertion that the State offered no substantial reason for the pre-indictment delay as completely out of place given this case's posture. *Id.* at 539, 602 S.E.2d at 118. At trial, the court adopted the State's position that the court could not find a due process violation absent a showing that the State intentionally delayed the issuance of an indictment in order to gain an unfair tactical advantage. Thus, at trial, there was no need for the State to offer any justification for the delay whatsoever. We ought not ask the parties to make any kind of an evidentiary showing in this Court that they did not make below. If *Brazell* requires reversal of the trial court's decision *403 because the court applied the wrong legal standard, we ought to remand to the trial court for application of the correct one.

For the foregoing reasons, I respectfully dissent.

Acting Justice E.C. BURNETT, III, concurs.

All Citations

375 S.C. 394, 653 S.E.2d 259

Footnotes

- 1 The Fourth Circuit is one of two federal circuits that does not currently require a showing that the government intentionally delayed the indictment so as to gain a tactical advantage. See *U.S. v. Automated Med. Laboratories, Inc.*, 770 F.2d 399 (4th Cir.1985); *Howell v. Barker*, 904 F.2d 889 (4th Cir.1990).

EXHIBIT E

AGENCY I.D.
SC0040000

SUPPLEMENTARY REPORT

CASE NUMBER

2,0,1,5,-,2,0,7,2,8

NCIC

IND.	ENTD.
N	N

☐ ORIGINAL
REPORT

☐ MODIFIES
ORIGINAL

☒ SUPPLEMENTAL
REPORT

☐ CASE STATUS
CHANGE

☐ ADDITIONAL
VICTIMS

☐ ADDITIONAL
OFFENDERS

☐ ADDITIONAL
STOLEN PROPERTY

☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 22 of _____ PAGES.

NARRATIVE

After closing out the search warrants from the single wide, I shut the front door to the single wide and left copies of each warrant on the counter top. We left the scene.

11/04/15- I along with Detectives Hill, Wood, and Call returned to the area of Refuge Road as instructed to walk the shoulder of the road from the scene to Cherry Street Extension and to Danenhower Road. Once on scene we were advised to stand down until a K9 could arrive to conduct an article search of the area. Due to this delay, Detective Hill and I went to speak to David Taylor, Cathy Scott's brother and Violet Taylor's son. He lives 2 houses down from the incident location on Refuge Road. We spoke to him and other family members and also had contact made with Roger Taylor who is his brother. Roger is the subject who went to 2217 Refuge Road on Sunday, 11/01/15 and could not make contact on this date. We requested to speak to him and he came over to his brother's house. Roger stated he came over to Mike and Cathy's on Sunday afternoon and checked his phone log and discovered he was there at 3:32 PM due to him receiving a call from his daughter as he was on the front porch. He stated the only vehicle he noticed missing was the black mustang which Amy and Ross own.

Roger advised he did not notice anything out of place with the exception of when he walked up to the front porch of the residence. He advised Cathy and Mike had placed a motion sensor type driveway alarm on the front porch that sounds off so they knew when someone was walking up, and he advised when he came over on Sunday the motion sensor was face down which he found unusual. He showed me the sensor he was referring to and then told me he believed an object we saw on the edge of the porch was also moved. I observed the item and discovered it was a video camera which was mounted on the porch by screws and the power cord was cut. I notified Lt. Mills of these findings and we were informed a search warrant for the property would be drafted to search for DVR equipment. Mr. Taylor

The K9's arrived by this time and it was determined Detective Hill would stand by at the property to ensure items were not disturbed. Detectives Wood and Call walked on foot searching while Deputy Evatt and I went the opposite direction from Detective Call and Wood. Deputy E. Scott and B. Picard deployed their K9's further down to road to saturate the area on a ground search. While we were walking almost directly across from 2312 Refuge Road I discovered a Cell phone laying on the shoulder of the road along with a Game 4 Clemson Lot 22 parking pass. The phone did not have a back cover, battery, sim card or memory card inside it. I collected the phone with rubber gloves, bagged it and obtained a case number from dispatch for found property.

I returned to the scene and turned the phone over to Detective Wood on an evidence sheet so it could be logged into evidence and processed. At this time I entered the residence where the victims were located as Detective Garrett and Detective Hill were executing a search warrant. After leaving the scene I went out of service.

11/05/15- On this date, I initiated my supplemental reports regarding the investigation. While at the office, I along with additional Detectives reviewed surveillance footage from Texas Roadhouse to ensure the subjects using the financial transaction card were in fact Mike and

ADMINISTRATIVE

SUBJECT IDENTIFIED
☐ YES ☒ NO

SUBJECT LOCATED
☐ YES ☒ NO

☒ ACTIVE ☐ ADM. CLOSED
☐ UNFOUNDED

☐ ARRESTED UNDER 18
☐ ARRESTED 19 AND OVER

☐ EX-CLEAR UNDER 18
☐ EX-CLEAR 19 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECLINES COOPERATION. 5. ☐ JUVENILE - NO CUSTODY

REPORTING OFFICER(S)

DATE
11/05/15

UNIT
NUMBER

APPROVING OFFICER

DATE

UNIT
NUMBER

RUSSELL, E. S

FOLLOW-UP
INVESTIGATION ☒ YES ☐ NO ☐ OFFICER
CULBERTSON, GENE 11/06/15

Vilardi 000238

EXHIBIT F

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

IN THE COURT OF GENERAL SESSIONS
FOR THE TENTH JUDICIAL CIRCUIT

APPLICATION FOR MOBILE TRACKING DEVICE

The State of South Carolina, through the Tenth Circuit Solicitor's Office, hereby respectfully requests an authorization from this court for the installation and use of a mobile tracking device ("MTD") by the Anderson County Sheriff's Office (ACSO) as part of an ongoing criminal investigation, as provided by Section 17-30-140, The Code of Laws of South Carolina (1976), as amended. The vehicle upon which the MTD would be installed is a black 2014 Ford Mustang displaying VIN 1ZVBP8AM5E5324637 registered to Rosmore Wayne Vilardi at 2217 Refuge Road in Pendleton which is located in Anderson County, SC.

PART ONE: STATEMENT OF APPLICANT'S IDENTITY

The applicant is an Assistant Solicitor under the direction of Tenth Circuit Solicitor Chrissy Adams. The Anderson County Sheriff's Office (ACSO) is a law enforcement entity.

PART TWO: CERTIFICATION OF PROBABLE CAUSE

An investigation by ACSO has revealed the following: The operator of the above described vehicle is Rosmore Vilardi and his wife Amy Vilardi who reside at 2217 Refuge Road in Pendleton, SC. On 11-2-15, Amy Vilardi contacted the Anderson County Sheriff's Office in reference to finding 4 members of her family deceased at a residence beside hers. The family members were Cathy Scott (Amy's mother), Terry Michael Scott (Amy's step-dad/Cathy's husband), Barbara Scott (Terry's mother), and Violet Taylor (Cathy's mother). The investigation revealed all 4 victims had been murdered by use of a cutting instrument and firearm 1-2 days prior to them being discovered. During the investigation, several inconsistencies were learned in statements provided to law enforcement by Rosmore and Amy. Also, a total of \$68,000 in cash was found inside Amy's residence during the execution of a search warrant in reference to the murder and Amy has provided several differ-

ent stories as to where the money came from. The currency was wrapped in money bands of the same type as other money bands found in the victim's residence. The investigation has revealed that Amy and Rosmore had severe financial troubles leading up to the incident despite Amy claiming to have had the \$68,000 for quite some time. Also, a shoewear impression from an Asic Speedstar 5 shoe in blood was found inside the murder scene and a digitally recorded video found during the investigation showed Rosmore Vilardi wearing a pair of Asic Speedstar 5 shoes. These shoes were not found during the search warrant execution at both residences. An investigation into Rosmore's personal history revealed that he is a former Marine and would have had extensive knife combat training. Further investigation revealed that both Amy and Rosmore and the victim's had ongoing family arguments between them and some were video recorded. One video in particular depicted Rosmore telling one of the victim's "Hope you die".

The weapons used in the murder have not been found and no other viable suspects have been identified at this time. It is believed that the use of this tracking device may lead investigators to more evidence in this case and to the location in which the murder weapons were disposed of or hidden.

Due to the fact that conventional surveillance techniques can not be used to follow the above described 2014 Ford Mustang, it is the affiants belief that use of an MTD on this vehicle may assist in the investigation of these numerous communication wire thefts and shoplifting.

I certify that Probable Cause exists that information exists on an ongoing criminal investigation being conducted by The Anderson County Sheriff's Office.

Attested:



Officer:

Agency: Anderson County Sheriff's Office

PART THREE: STATEMENT OF THE OFFENSE

The information likely to be obtained by use of the MTD relates to the offenses of the murder of 4 victims.

PART FOUR: STATEMENT OF USE BEYOND JURISDICTION

Upon information and belief, it may be necessary to use and monitor the MTD outside the jurisdiction of this court. Therefore, the applicant requests authorization to use and monitor the MTD outside this court's jurisdiction.

PART FIVE: STATEMENT OF EXIGENT CIRCUMSTANCES

Upon information and belief, the suspect has committed the following crimes in Anderson County: the murders of 4 victims. Therefore, because of the time-sensitive nature of ACSO's investigation and the existence of probable cause, the State requests that ACSO be granted authorization, akin to that of a Search Warrant, briefly to enter the curtilage of the residence of (address) 2217 Refuge Road in Pendleton, SC, which is located in Anderson County, SC, for the limited purpose of installing the MTD upon the Vehicle, if ACSO decides that installation at said location is desirable.

Respectfully Submitted:

Ramel L. Campbell

Deputy
Assistant Solicitor
Tenth Judicial Circuit

1/14, 2016

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

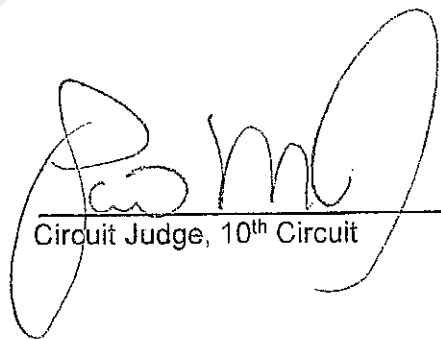
IN THE COURT OF GENERAL SESSIONS
FOR THE TENTH JUDICIAL CIRCUIT

ORDER FOR AUTHORIZATION OF MOBILE TRACKING DEVICE

Having reviewed Section 17-30-140 and the application by the Tenth Circuit Solicitor's Office, this court finds that the appropriate certification and statements have been made and that probable cause exists. Therefore, the Anderson County Sheriff's Office or any assisting agency is hereby authorized to install a mobile tracking device upon the vehicle with the VIN 2FTRF17203CA73157 and to use and monitor said device both inside and outside of the jurisdiction of this court. Installation of the device may occur during a brief entry into the curtilage of (address) 2217 Refuge Road in Pendleton, SC, which is located in Anderson County, SC

Other: _____

IT IS SO ORDERED.


Circuit Judge, 10th Circuit

1-14, 2016

Anderson, South Carolina

EXHIBIT G

UNCLASSIFIED



FBI Laboratory

2501 Investigation Parkway
Quantico, Virginia 22135

4940 Fowler Road
Redstone Arsenal, Alabama 35898

LABORATORY REPORT

To: Tracy A Call
Anderson County SC Sheriff's Office
305 Camson Road
Anderson, SC 29625

Date: August 24, 2017

Case ID No.: 95A-HQ-6760790

Lab No.: 2015-02664-2

Communication(s): November 9, 2015

Agency Reference(s):

Subject(s): Ross Vilardi; Amy Vilardi

Victim(s): Barbra Scott; Violet Taylor; Mike Scott; Cathey Scott

Discipline(s): Shoe Prints/Tire Treads

FBI Laboratory Evidence Designator(s):

Item 1 Digital image depicting footwear impressions submitted electronically
(Pendleton1)

Item 2 Digital image depicting footwear impressions submitted electronically
(Pendleton2)

Item 3 Digital image depicting footwear impressions submitted electronically
(Pendleton3)

This report contains the results of the footwear examinations.

Results of Examinations:

The footwear impressions depicted in the Item 1 through Item 3 images were not associated with a brand name and model of footwear based on a search of the reference materials available in this laboratory.

Remarks:

For questions about the content of this report, please contact Forensic Examiner Gilkerson, Eric at (703)632-7315.

The evidence is being retained.

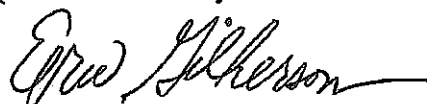
UNCLASSIFIED

Vilardi 025778

UNCLASSIFIED

This report contains the opinions and interpretations of the issuing examiner(s) and is supported by records retained in the FBI files.

The work described in this report was conducted at the Quantico Laboratory.

A handwritten signature in black ink, appearing to read "Eric Gilkerson", with a long horizontal flourish extending to the right.

Gilkerson, Eric
Questioned Document Unit

FITSNEWS