

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

WARRANT NOS.: 2023A0410101937-940
INDICTMENT NOS: 2024-GS-04-0221AG,
-0222AG, -0223AG and -0224AG

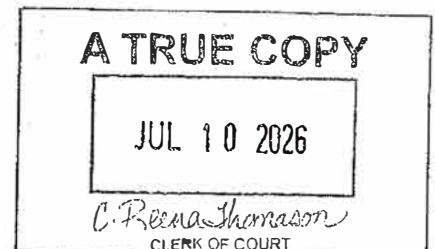
MOTION TO SUPPRESS ARREST
WARRANT OF ROSMORE VILARDI

Defendant moves the Court to exclude any evidence gained as a result of an arrest warrant that does not include probable cause. When an arrest warrant in South Carolina fails to state probable cause, the defendant has several potential remedies depending on the circumstances, though the defect does not automatically invalidate all subsequent proceedings. The primary remedy is suppression of evidence obtained as a result of the unlawful arrest. On its face, the arrest warrant in the above referenced indictment does not provide necessary information to determine whether probable cause existed to arrest Rosmore Wayne Vilardi.

It is clear that South Carolina law requires that all criminal arrest warrants before magistrates "shall be commenced on information under oath, plainly and substantially setting forth the offense charged, upon which, and only which, shall a warrant of arrest issue" S.C. Code Ann. § 22-3-710. Further, the South Carolina Constitution mandates that "no warrants shall be issued but upon probable cause, supported by oath or affirmation" S.C. CONST Art. I, § 10. A warrant affidavit that is "insufficient in itself to establish probable cause may be supplemented before a magistrate by sworn oral testimony" *Gist v. Berkeley County Sheriff's Dept.*, 336 S.C. 611 (1999). However, "a warrant issued upon a statement of facts not sworn to is unconstitutional" *Gist v. Berkeley County Sheriff's Dept.*, 336 S.C. 611 (1999).

Here, it is clear the four warrants against Rosmore Wayne Vilardi do not have probable cause on their face (Exhibit A). The listed probable cause is as follows:

That on or about October 31, 2015, in the County of Anderson, one Rosmore Wayne Vilardi, did with malice aforethought cause the death of (decedent) by



causing fatal wounds which led to her death. The incident occurred at 2217 Refuge Road in Pendleton.

The same set of facts establishing probable cause is used for all four warrants used to arrest Mr. Vilardi. The Defense hopes that all parties can agree that this affirmation does not set forth sufficient probable cause to establish a valid arrest warrant. Therefore, a hearing is required with the testimony of the Honorable Nancy Wilson Devine to determine what information she was provided to base her decision to sign the arrest warrant.

When an arrest warrant lacks probable cause, the defendant may move to suppress evidence obtained as a result of the unlawful arrest under the exclusionary rule. In *State v. Porch*, the defendant "challenged the sufficiency of the evidence to support probable cause for his arrest warrant" and "argued Chief Wilson intentionally or recklessly omitted information from his arrest warrant affidavit and any evidence gathered as a result of his arrest should be suppressed" *State v. Porch*, 417 S.C. 619 (2016). The court granted a pretrial hearing to determine warrant validity, demonstrating that suppression motions are the appropriate procedural mechanism for challenging defective arrest warrants. *State v. Porch*, 417 S.C. 619 (2016).

The exclusionary rule applies when "the Fourth Amendment to the United States Constitution prohibits unreasonable searches and seizures" and "evidence seized in violation of the Fourth Amendment must be excluded from trial" *State v. Dill*, 423 S.C. 534 (2018). This remedy extends to evidence that is the "fruit of the poisonous tree," as defendants may argue that "fingerprints and blood, which were taken at the jail after his allegedly illegal arrest, should be suppressed." *State v. Baccus*, 367 S.C. 41 (2006).

Because there was clearly no probable cause on the face of the arrest warrant, a hearing is necessary to determine what information was provided to Judge Devine. If the information provided to Judge Devine fails to establish probable cause, then the Defendant would request that all information and evidence uncovered after the unlawful arrest be suppressed.

KENT LAW FIRM, LLC



Shaun C. Kent, Bar #68565

19 South Mill Street

Post Office Box 117

Manning, SC 29102

(803) 433-5368

Manning, South Carolina

July 10, 2026

EXHIBIT A

ARREST WARRANT

2023A0410101937

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

THE STATE 2015-20728

against

Rosmore Wayne Vilardi *and*

Address 3400 Quarter Trail

West Columbia, SC 29172-

Phone: *See M* Race *W* Height *5 10* Weight *160*DL State *SC* DL # *103516226*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 me to be

dealt with according to the law

The accused

23 DEC 20 4:10:32:31

HENDERSON, SC 0000, CP/MS

(L.S.)

Date

RETURN

A copy of this arrest warrant was delivered to

defendant

on 12/15/23

Rosmore Vilardi

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

100 South Main Street

Po Box 8002

Anderson, SC 29622

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 Michael 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 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:

It 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 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 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

ORIGINAL

THIS COUNTY:

A TRUE COPY

FEB 08 2024

C. Reynolds

Signature of Constable/Law Enforcement Officer

ORIGINAL

AFFIDAVIT

I am Approved by

S.C. Attorney General

April 14, 2023

SCCA 318

ARREST WARRANT

2023A0410101938

STATE OF SOUTH CAROLINA

County/ ☐ Municipality of

Anderson

THE STATE

2015-20728

against

Rosmore Wayne Vilardi

Address 3980 Quarter Trail

West Columbia, SC 29172-

Phone: State W Height SSN 107-74-9657

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 me to be

dealt with according to the law

23 DEC 20 AM 10:52:45

Anderson, SC 29625-1156 (L.S.)

Signature of Judge

Date

RETURN

A copy of this arrest warrant was delivered to

defendant Rosmore Wayne Vilardi

on 12/15/23

L. Hill

Signature of Detachable 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

being duly sworn deposes and says that defendant

did within this county and state on or about

State of South Carolina (or ordinance of

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 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

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:

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

on or about 10/31/2015

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

County/ ☐ Municipality of

Anderson

defendant Rosmore Wayne Vilardi

) as set forth below:

FEB 08 2024

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 Judge

Nancy 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

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ORIGINAL

AFFIDAVIT

who

violate the criminal laws of the

County/ ☐ Municipality of

Anderson

Form Approved by
U.S. Department of Justice
April 27, 2003
SCA 518

ARREST WARRANT

2023A0410101939

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

THE STATE

2015-20728

against

Rosmore Wayne Vilardi

Address: 100 3700 Quarter Trail

PO West Columbia, SC 29172-

Phone: Cell: 107-74-9657 SSN: 107-74-9657
DL State: SC DL #: 103516276 Height: 5' 10" Weight: 160

DOB: 7/25/1987 Agency ORI #: SC00400000

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

20 DEC 20 AM 10:52:50

Anderson, SC 29622

(L.S.)

Signature of Judge

Date:

RETURN

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

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Personally appeared before me the affiant

being duly sworn deposes and says that defendant

did within this county and state on or about

State of South Carolina (or ordinance of

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 Cathy Delores Scott by causing fatal wounds which led to her death. This incident occurred at 2217 Refugee Road in Pendleton.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Affiant's Address 305 Canson 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.

It appearing from the above affidavit that there are reasonable

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 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

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

AFFIDAVIT

Each Affidavit for
Arrest Warrant
Adopted 2/1/2003
SCCA 518

who

violate the criminal laws of the

Anderson

County/ ☐ Municipality of

10/31/2015

Rosmore Wayne Vilardi

Robert T Duncan

305 Canson Rd

Anderson, SC 29625-

Affiant's Telephone

ARREST WARRANT

2023A0410101940

STATE OF SOUTH CAROLINA

County/ ☒ Municipality of

Anderson

THE STATE 2015-20728

against

Rosmore Wayne Vilardi

Address 100 Quarter Trail

Rt 2 West Columbia, SC 29172-

Phone Sex M Race W Height 5 10 Weight 160 SSN: 107-74-9657

DL State SC DL # 103516276

DOB 7/23/1987 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

2015-20728

Anderson SC 29172-0555

(L.S.)

Signature of Judge

Date.

RETURN

A copy of this arrest warrant was delivered to

defendant

on

12/15/23

Rosmore Vilardi

Signature of Constable/Law Enforcement Officer

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

100 South Main Street

Po Box 8002

Anderson, SC 29622

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

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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 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:

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

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defendant Rosmore Wayne Vilardi

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

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Sworn to and subscribed before me

on 12/14/2023

Signature of Constable/Law Enforcement Officer

Nancy Wilson Devine

Judge Code 5851

(L.S.)

Judge's Address 2404 N. Main St.

Judge's Telephone (864)260-4156

Issuing Court ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

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ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 318