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SC Court of Appeals

DOCKET NO. 2023GS0600125

The State of South Carolina

County of Barmwell

COURT OF GENERAL SESSIONS

JULY TERM 2023

**THE STATE
vs.**

TREVON XAVIER ROBERTS

CDR #: 2397

Indictment for

**FAILURE TO STOP FOR A BLUE LIGHT,
GREAT BODILY HARM RESULTS**

§ 56-05-0750(C)(1)

BILL WEEKS, SOLICITOR

WITNESSES

Barnwell Police Department

Dakota R Nicholson



Law Enforcement Case #: C22-10-3308

LBS

ARREST WARRANT NUMBER

2022A0620100133

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: July 13, 2023



VERDICT

Foreperson of Petit Jury

Date: ~~7/13/23~~



7-13-23

STATE OF SOUTH CAROLINA)
)
COUNTY OF BARNWELL)
)

INDICTMENT FOR
FAILURE TO STOP FOR A BLUE LIGHT,
GREAT BODILY HARM RESULTS

§ 56-05-0750(C)(1)

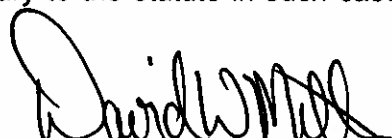
At a Court of General Sessions, convened on July 17, 2023, the Grand Jurors of Barnwell County present upon their oath:

That **TREVON XAVIER ROBERTS** did in Barnwell County, South Carolina on or about October 11, 2022 willfully, knowingly and unlawfully fail to stop a motor vehicle, while driving said motor vehicle on a road, street or highway of this State when PTL Dakota Nicholson, a law enforcement officer with the Barnwell Police Department, signaled and sounded his siren and/or turned on his flashing blue light, and such driving he did perform is an act forbidden by law or neglected a duty imposed by law in the driving of the vehicle where great bodily injury resulted to [REDACTED] All in violation of § 56-5-750 (C) (1), Code of Laws of South Carolina, 1976, as amended.

STATE OF SOUTH CAROLINA
COUNTY OF BARNWELL
Rhonda D. McElveen, Clerk of Court for Barnwell
County, South Carolina do hereby certify that the
foregoing constitutes a true and correct copy of the
original documents which have been filed in my office.

Rhonda D. McElveen
Clerk of Court, Barnwell County, SC
By: CBC Date: 10-18-2023

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



BILL WEEKS, SOLICITOR

RECEIVED
Oct 20 2023
SC Court of Appeals

ARREST WARRANT

2022A0620100133

STATE OF SOUTH CAROLINA

County/ Municipality of

Barnwell

THE STATE C22-10-3308
against

Trevon Xavier Roberts

Address: 267 Cave Cir
Allendale, SC 29810-7223

Phone: [redacted]
Sex: M Race: [redacted] Height: 5 9 Weight: 165
DL State: SC DL #: [redacted]
Agency ORI #: SC0060100
Prosecuting Agency: Barnwell Police Department
Prosecuting Officer: Dakota R Nicholson - S00388
Offense: Traffic / Failure to stop for a blue light, great bodily harm results
Offense Code: 2397
Code/Ordinance Sec: 56-05-0750(C)(1)

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.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant Trevon Roberts
on 10/12/22

RETURN WARRANT TO:
General Sessions
141 Main Street
P O Box 723
Barnwell, SC 29812

ORIGINAL

BY: MKR ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA)

County/ Municipality of)

Barnwell)

AFFIDAVIT

ORIGINAL

FORM APPROVED BY
S.C. Attorney General
April 21, 2003
SCCA 418

Personally appeared before me the affiant Dakota R Nicholson who
being duly sworn deposes and says that defendant Trevon Xavier Roberts
did within this county and state on or about 10/11/2022 violate the criminal laws of the
State of South Carolina (or ordinance of County/ Municipality of Barnwell)
in the following particulars:

DESCRIPTION OF OFFENSE: Traffic / Failure to stop for a blue light, great bodily harm results

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 10/11/2022 at or around 1717 hours on Jackson St near Amerotron Rd within the city limits of Barnwell one Trevon Roberts
did commit the offense of Failure to Stop for Blue Lights, Great Bodily Injury, in that he did knowingly, willfully, and unlawfully
fail to stop for flashing blue lights and audible sirens and subsequently struck another motor vehicle, a white Hyundai Tucson,
resulting in great bodily injury to the driver of the other vehicle. This act being in violation of SC Code of Laws 1976, as amended.

Signature of Affiant

STATE OF SOUTH CAROLINA)

County/ Municipality of)

Barnwell)

Affiant's Address 105 Burr Street
Barnwell, SC 29812-

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 10/11/2022 defendant Trevon Xavier Roberts
did violate the criminal laws of the State of South Carolina (or ordinance of
 County/ Municipality of Barnwell) as set forth below:

DESCRIPTION OF OFFENSE: Traffic / Failure to stop for a blue light, great bodily harm results

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 10/12/2022

Susan Wade Anderson (Barnwell)
Judge Code: 8133

Judge's Address P. O. Box 776
Barnwell, SC 29812

Judge's Telephone (803)259-1838

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

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RECEIVED

Oct 20 2023

(0-10 years)

SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF Barnwell

STATE

VS.

Trevon Xavier Roberts

AKA:

Race: _____ Sex: M Age: 25

DOB: _____ SS#: _____

Address: 267 Cave Cir

City, State, Zip: Allendale, SC 29810-7223

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2023 - GS - 06 - 00125

AW#: 2022A0620100133

Date of Offense: 10/11/2022

S. C. Code §: 56-05-0750(C)(1)

CDR Code #: 2397

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Traffic / Failure to stop for a blue light, great bodily harm results

In violation of § 56-05-0750(C)(1) of the S.C Code of Laws, bearing CDR Code # 2397

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45
(CSC w/minor 1- or CSC w/minor 3-4)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (def.'s Initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

[Signature]
Solicitor

101118
SC Bar #

Trevon Roberts
Defendant

[Signature] 77834
Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 4 days/months/years/Time Served Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment of \$ _____; plus costs and assessments as applicable*, the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Pardon and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on _____

The Defendant is to be given credit for time served pursuant to S. C. Code § 24-13-40 to be calculated and applied by SDOC. 133 day/months

To include time spent on monitored house arrest prior to trial and sentencing

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE OF SOUTH CAROLINA
COUNTY OF BARNWELL

Shanda D. McElveen, Clerk of Court for Barnwell County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office.

[Signature]
Clerk of Court, Barnwell County, SC

CBC

Date: 10-18-2023

SPECIAL CONDITIONS:

- PTUP after _____ months/years
 And Other Terms Listed Below:
- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp No Contact with Victim Domestic Violence Intervention Program
- Mental Health Counseling May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCOPPPS

Recipient: _____

*Fine:		\$ _____
Fine may be pd. in equal consecutive weekly/monthly prts. of	\$ _____	Beginning _____
§14-1-206 (Assessments 107.5%)		\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u> <u>800</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	TBD	\$ <u>3.00</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____
TOTAL		\$ <u>1253</u> <u>103.00</u>

Clerk of Court/Deputy Clerk: Ronda McEl...
 Court Reporter: Randy Johnson

Presiding Judge: [Signature]
 Judge Code: 2767
 Sentence Date: 10/10/2023

STATE OF SOUTH CAROLINA)
CITY OF BARNWELL)

IN THE COURT OF GENERAL SESSIONS
2nd JUDICIAL CIRCUIT

IN THE MAGISTRATE'S COURT

IN THE MUNICIPAL COURT

The State of South Carolina)

vs.)

Trevon Xavier Roberts)

Defendant)

**AFFIDAVIT OF INDIGENCY
AND
APPLICATION FOR COUNSEL**
(Defense of Indigency Act, Form No.2)

Case Number:

Charge Description:

2022A0620100127/Weapons / Sale or delivery of pistol to, and possession by, certain persons unlawful; stolen pistol;
2022A0620100128/Drugs / Manuf., poss. of other sub. in Sch. I, II, III or flunitrazepam or analogue, w.i.t.d. - 1st
offense; 2022A0620100131/Weapons / Unlawful carrying of pistol; 2022A0620100133/Traffic / Failure to stop for a
blue light, great bodily harm results; 2022A0620100135/Traffic / Failure to comply with lawful direction of police,
fireman, or crossing guard

ADDRESS	267 Cave Cir Allendale, SC 29810-7223
TELEPHONE NUMBER(S)	803-571-5917
NAMES OF CO-DEFENDANTS	

1. Are you presently employed?

Yes

No

a. If "yes", state the amount of your salary or wages per month, and give the name and address of your employer.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER

If "no", state the name and address of last employment, date of termination of employment, and amount of your salary or wages per month.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER	TERMINATION DATE
2 checks 400 each	Wild whgs	July 22

2. Include employment information for the spouse, if applicable.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER
	N/A

If the spouse is not currently employed, state the name and address of last employment, date of termination of employment, and amount of salary or wages per month.

--	--	--

3. List by name, age and relationship to you, any persons who are dependent upon you for support. Indicate beside each how much you contribute toward their support.

NAME	AGE	RELATIONSHIP	AMOUNT OF SUPPORT
Aubree Jones	9	daughter	80%

4. Have you received within the past twelve months any money from any of the following sources?

- a. Business, profession or form of self-employment? Yes No
- b. Rent payments, interest or dividends? Yes No
- c. Pensions, annuities or life insurance payments? Yes No
- d. Gifts or inheritances? Yes No
- e. Any other sources? Yes No

If the answer to any of the above is "yes", describe each source of money and state the amount received from each during the past twelve months.

SOURCE OF MONEY	AMOUNT

5. Do you own cash, or do you have any money in a checking or savings account?

Yes No If the answer is "yes", state the total amount of the cash owned.

6. Do you own any real estate, stocks, bonds, notes, or other valuable property (excluding ordinary household furnishings and clothing)? Yes No

If the answer is "yes", describe the property and state the appropriate value of the items owned.

7. What kind of motor vehicle do you own? NO Is it paid for? Yes No

If not, what are the payments?

8. How much do you owe (on liens, mortgages, other encumbrances or debts)?

Hospital \$80,000	

I do solemnly swear that the account by me delivered into this court with my application for counsel does contain a true and full account of all my real and personal estate, debts, credits and effects whatsoever without exception, which I or any person in trust for me have or at the time of my possession had, or am, or was, in any respect, entitled to, in possession, remainder or reversion and that I have not at any time since charges were made against me or before, directly or indirectly sold, leased, assigned or otherwise disposed of or made over, in trust for myself or otherwise, other than is mentioned herein.

I understand the appointment of counsel creates a claim against the assets and estate of the person who is provided counsel or the parents or legal guardians of a juvenile in an amount equal to the cost of representation less the amount paid to appointed counsel, the public defender office and/or the Commission on Indigent Defense. I understand that such claim shall be filed in the office of the Clerk of Court in the county where I, my child, or ward are assigned counsel, but that the filing of a claim shall not constitute a lien against my real or personal property unless, in the discretion of the court, part of all of such claim is reduced to judgment by appropriate order of the court after serving me with at least thirty (30) days notice that judgment will be entered.

I understand that, pursuant to §17-3-30(b), I am required to pay a non-refundable \$40.00 application fee to the Clerk of Court for public defender services or other appointed counsel.

I am financially unable to employ counsel and request that counsel be assigned to represent me. I understand that I am entitled to at least thirty days' notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

Dated: 5/15/23

Trevon Roberts
Defendant or Parent/Guardian of Defendant if applicable

Subscribed and sworn to before me this
15 day of May, 2023
[Signature] (L.S.)
Notary Public for South Carolina
My Commission Expires: 6/9/2030

.....
The applicant's request for court-appointed counsel is hereby granted / denied.

Dated: 5/15/23

[Signature]
Judge/Clerk or Deputy Clerk

Barnwell, South Carolina

fee waived 5/15/23