

ARREST WARRANT

2021A1010203498

STATE OF SOUTH CAROLINA

County/ Municipality of Charleston

THE STATE against

Israel Malachi Robinson

Address: Phone: Sex: M Race: B Height: Weight: DL State: SC DL #: DOB: Agency ORI #: SC0100800 Prosecuting Agency: North Charleston Police Department Prosecuting Officer: Michael A Sanchez - S00636 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

(L.S.)

Signature of Judge

Date

RETURN

A copy of this arrest warrant was delivered to defendant on

Signature of Certified Law Enforcement Officer

RETURN WARRANT TO:

General Sessions Charleston County Judicial Center 100 Broad Street, Suite 106 Charleston, SC 29401

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA County/ Municipality of Charleston

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 CCA 518

Personally appeared before me the affiant Michael A Sanchez / J.P. Pierce who being duly sworn deposes and says that defendant Israel Malachi Robinson did within this county and state on or about 6/22/2021 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Charleston) 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:

Signature of Affiant

STATE OF SOUTH CAROLINA County/ Municipality of Charleston

Affiant's Address 2500 City Hall Lane North Charleston, SC 29406- 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 6/22/2021 defendant Israel Malachi Robinson did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Charleston) 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 6/22/2021 Signature of Issuing Judge Amanda Haselden Judge Code: 7412

(L.S.)

Judge's Address 3841 Leeds Avenue Charleston, SC 29405- Judge's Telephone (843)746-9822

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

RECEIVED

Dec 18 2024

SC Court of Appeals

BAIL set by

WITNESSES

Judge Judge Amanda S. Haselden  
on July 1, 2021  
Type and Amount \_\_\_\_\_  
Name of Surety: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_



PRELIMINARY HEARING held by

Judge \_\_\_\_\_  
on \_\_\_\_\_  
Defendant Attorney \_\_\_\_\_

Telephone: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Decision: \_\_\_\_\_

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

DISPOSITION before

Judge \_\_\_\_\_  
on \_\_\_\_\_  
by \_\_\_\_\_  
(indicate jury trial, bench trial, plea, nol proce, etc)

Telephone: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Disposition \_\_\_\_\_

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

Sentence \_\_\_\_\_

Telephone: \_\_\_\_\_

JURORS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Telephone: \_\_\_\_\_

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

Telephone: \_\_\_\_\_

CODEFENDANTS

\_\_\_\_\_  
\_\_\_\_\_

FILED  
2021 JUL -7 AM 11:58  
JOHN ARMSTRONG  
CLERK OF COURT  
BY \_\_\_\_\_

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON  
CITY OF NORTH CHARLESTON

AFFIDAVIT  
OCA# 2021017467  
Det. M. Sanchez

Personally appeared before me, a magistrate of this County, one J. Pierce who, first being duly sworn, deposes and says that (name of the defendant)

**Israel Malachi Robinson**

did within this County and State on the 22<sup>nd</sup> day of June 2021 violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE  
**MURDER**  
**16-3-10**

The affiant states there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

That on June 22, 2021 at approximately 8:02 P.M., while near 3754 Old Pine Circle, which is located in the City of North Charleston, County of Charleston, State of South Carolina, the defendant, one Israel Malachi Robinson, did knowingly and unlawfully with malice aforethought commit the offense of MURDER in violation of 16-3-10 of the South Carolina Code of Laws 1976 as amended, In that the defendant did act in concert with a co-defendant who, while armed with a firearm, shot and killed the victim Jaquez Butler.

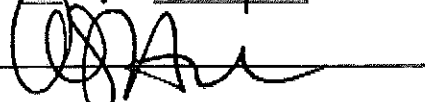
On June 22, 2021 at approximately 8:02 P.M., Officers of the North Charleston Police Department responded to 3754 Old Pine Circle, to a shooting and a possible victim in the park. Upon arrival officers located a male victim in the playground area near 3754 which had suffered several gunshot wounds. The victim was pronounced deceased by Charleston County Emergency Medical Services on scene.

Detectives received information that the victim was with two subjects who possibly witnessed the shooting. Detectives located and interviewed these witnesses, one of which was with the victim during the shooting and stated he was shot at as well. He stated that as he approached in the playground area, a tall and slender black male dressed in a black hooded shirt, blue basketball shorts, with a mask and something hanging down from around his head, possibly dreads. The suspect was holding an AR style rifle and was shooting at both him and the victim. As he turned to flee, he heard additional shots from a different location behind him at the same time which he believed to be two shooters.

As he fled toward safety, he noted the defendants flee toward a gold Nissan sedan which sped out of the neighborhood. An additional witness that had just dropped off the victims, was waiting in their car nearby. This witness heard gunshots, followed by seeing two males get into a gold or silver sedan, possibly an Acura. This witness described one of the defendants to be armed with a rifle. The witness's description of the co-defendant was also a tall and slender black male dressed in a black hooded shirt, blue basketball shorts, with a mask and something hanging down from around his head, possibly dreads. The witness further stated that the defendant was dressed in all black. Additional calls to dispatch and anonymous tips relay reports of two males with rifles getting into a car after the shooting. Other witnesses located additionally describe the vehicle that fled as a Nissan and one positively identified the vehicle from a photo.

Video from the area corroborates the witness statements as it captures a gold Nissan Altima bearing SC Tag TLD211 circling the neighborhood and driving erratically. The victim's vehicle is seen parking on Pine Forest Drive, a few parking spaces down from where the Nissan parks. After the shots, at least one defendant is seen fleeing to that vehicle and drives out of the area as described by the witnesses. This vehicle leaves the complex and its tag is confirmed through video at the gate, and is registered to the defendant, Israel Robinson.

Sworn to and Subscribed before me  
This 5 day of July 2021



Signature of Judge:

  
(AFFIANT)

Address: 2500 City Hall Lane  
North Charleston, S.C. 29406  
Phone: 843-554-5700

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON  
CITY OF NORTH CHARLESTON

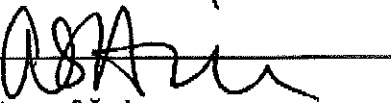
AFFIDAVIT  
OCA# 2021017467  
Det. M. Sanchez

Approximately 10-20 minutes prior to the shooting this same vehicle parks at the Max's Quick Stop near the incident location, and the passenger exits. He enters the store and purchases a black tee shirt, which matches the description of something hanging around the head area, as it is common to see shirts used as impromptu masks during robberies and assaults.

An interview was conducted with the defendant, Israel Robinson at North Charleston City Hall. Mr. Robinson was read his Miranda rights, to which he acknowledged and waived his rights. He at that time admitted to driving his vehicle to the Max's Quick stop as seen on video. He further admitted having two rifles in his car, belonging to him and passenger, "DJ" or Framon Frasier. He also admits to driving erratically into the neighborhood and being present and near the shooting. He further admits to fleeing the scene after the shooting.

All based on the investigation of Det. M. Sanchez and statements provided by witnesses to prove same. All this done against the law, peace and dignity of the City of North Charleston and the State of South Carolina.

Sworn to and Subscribed before me  
This 13<sup>th</sup> day of July 2021



Signature of Judge:



(AFFIANT)

Address: 2500 City Hall Lane  
North Charleston, S.C. 29406  
Phone: 843-554-5700

ARREST WARRANT

2021A1010203499

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

THE STATE against

Israel Malachi Robinson

Address:

Phone: SSN:

Sex: M Race: Height: Weight:

DL State: SC DL #:

DOB: Agency ORI #: SC0100800

Prosecuting Agency: North Charleston Police Department

Prosecuting Officer: Michael A Sanchez - S00636

Offense: Assault / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

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 on

Signature of Constable or Enforcement Officer

RETURN WARRANT TO:

General Sessions Charleston County Judicial Center 100 Broad Street, Suite 106 Charleston, SC 29401

ORIGINAL

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STATE OF SOUTH CAROLINA County/ Municipality of Charleston

AFFIDAVIT

ORIGINAL

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

Personally appeared before me the affiant Michael A Sanchez / J. Pierce being duly sworn deposes and says that defendant Israel Malachi Robinson did within this county and state on or about 6/22/2021 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Charleston) in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Attempted 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:

Signature of Affiant

STATE OF SOUTH CAROLINA County/ Municipality of Charleston

Affiant's Address 2500 City Hall Lane North Charleston, SC 29406

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 6/22/2021 defendant Israel Malachi Robinson

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

County/ Municipality of Charleston) as set forth below:

DESCRIPTION OF OFFENSE: Assault / Attempted 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 7/1/2021

(L.S.)

Amanda Haselden

Judge Code: 7412

Judge's Address 3841 Leeds Avenue Charleston, SC 29405

Judge's Telephone (843)746-9822

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

RECEIVED

Dec 18 2024

SC Court of Appeals

**BAIL set by**

**WITNESSES**



Judge \_\_\_\_\_  
on \_\_\_\_\_  
Type and Amount \_\_\_\_\_  
Name of Surety \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**PRELIMINARY HEARING held by**

Judge \_\_\_\_\_  
on \_\_\_\_\_  
Defendant Attorney: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Decision: \_\_\_\_\_

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

**DISPOSITION before**

Judge \_\_\_\_\_  
on \_\_\_\_\_  
by \_\_\_\_\_  
(indicate jury trial, bench trial, plea, not pros, etc.)

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Disposition: \_\_\_\_\_

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

Sentence: \_\_\_\_\_

Telephone: \_\_\_\_\_

**JURORS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**CODEFENDANTS**

\_\_\_\_\_  
\_\_\_\_\_

2021 JUL -7 AM 11:58  
JUDITH J. ARMSTRONG  
CLERK OF COURT  
BY \_\_\_\_\_

**FILED**

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON  
CITY OF NORTH CHARLESTON

AFFIDAVIT  
OCA# 2021017467  
Det. M. Sanchez

Personally appeared before me, a magistrate of this County, one J. Pierce who, first being duly sworn, deposes and says that (name of the defendant)

**Israel Malachi Robinson**

did within this County and State on the 22<sup>nd</sup> day of June 2021 violate the criminal laws of the State of South Carolina in the following particulars:

**DESCRIPTION OF OFFENSE**  
**ATTEMPTED MURDER**  
**16-3-29**

The affiant states there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

That on June 22, 2021 at approximately 8:02 P.M., while near 3754 Old Pine Circle, which is located in the City of North Charleston, County of Charleston, State of South Carolina, the defendant, one Israel Malachi Robinson, did knowingly and unlawfully with malice aforethought commit the offense of ATTEMPTED MURDER in violation of 16-3-29 of the South Carolina Code of Laws 1976 as amended, In that the defendant did act in concert with a co-defendant who, while armed with a firearm, shot at and attempted to kill the victim, Eugene Morgan.

On June 22, 2021 at approximately 8:02 P.M., Officers of the North Charleston Police Department responded to 3754 Old Pine Circle, to a shooting and a possible victim in the park. Upon arrival officers located a male victim in the playground area near 3754 which had suffered several gunshot wounds. The victim was pronounced deceased by Charleston County Emergency Medical Services on scene.

Detectives received information that the victim was with two subjects who possibly witnessed the shooting. Detectives located and interviewed these witnesses, one of which was with the victim during the shooting and stated he was shot at as well. He stated that as he approached in the playground area, a tall and slender black male dressed in a black hooded shirt, blue basketball shorts, with a mask and something hanging down from around his head, possibly dreads. The suspect was holding an AR style rifle and was shooting at both him and the victim. As he turned to flee, he heard additional shots from a different location behind him at the same time which he believed to be two shooters.


As he fled toward safety, he noted the defendants flee toward a gold Nissan sedan which sped out of the neighborhood. An additional witness that had just dropped off the victims, was waiting in their car nearby. This witness heard gunshots, followed by seeing two males get into a gold or silver sedan, possibly an Acura. This witness described one of the defendants to be armed with a rifle. The witness's description of the co-defendant was also a tall and slender black male dressed in a black hooded shirt, blue basketball shorts, with a mask and something hanging down from around his head, possibly dreads. The witness further stated that the defendant was dressed in all black. Additional calls to dispatch and anonymous tips relay reports of two males with rifles getting into a car after the shooting. Other witnesses located additionally describe the vehicle that fled as a Nissan and one positively identified the vehicle from a photo.

Video from the area corroborates the witness statements as it captures a gold Nissan Altima bearing SC Tag TLD211 circling the neighborhood and driving erratically. The victim's vehicle is seen parking on Pine Forest Drive, a few parking spaces down from where the Nissan parks. After the shots, at least one defendant is seen fleeing to that vehicle and drives out of the area as described by the witnesses. This vehicle leaves the complex and its tag is confirmed through video at the gate, and is registered to the defendant, Israel Robinson.

Sworn to and Subscribed before me

This 7<sup>th</sup> day of July 2021

  
Signature of Judge:

  
(AFFIANT)  
Address: 2500 City Hall Lane  
North Charleston, S.C. 29406  
Phone: 843-554-5700

**STATE OF SOUTH CAROLINA**

**COUNTY OF CHARLESTON  
CITY OF NORTH CHARLESTON**

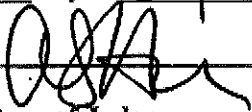
**AFFIDAVIT  
OCA# 2021017467  
Def. M. Sanchez**

Approximately 10-20 minutes prior to the shooting this same vehicle parks at the Max's Quick Stop near the incident location, and the passenger exits. He enters the store and purchases a black tee shirt, which matches the description of something hanging around the head area, as it is common to see shirts used as impromptu masks during robberies and assaults.

An interview was conducted with the defendant, Israel Robinson at North Charleston City Hall. Mr. Robinson was read his Miranda rights, to which he acknowledged and waived his rights. He at that time admitted to driving his vehicle to the Max's Quick stop as seen on video. He further admitted having two rifles in his car, belonging to him and passenger, "DJ" or Framon Frasier. He also admits to driving erratically into the neighborhood and being present and near the shooting. He further admits to fleeing the scene after the shooting.

All based on the investigation of Det. M. Sanchez and statements provided by witnesses to prove same. All this done against the law, peace and dignity of the City of North Charleston and the State of South Carolina.

Sworn to and Subscribed before me  
This 1<sup>st</sup> day of July 2021



Signature of Judge:



(AFFIANT)  
Address: 2500 City Hall Lane  
North Charleston, S.C. 29406  
Phone: 843-554-5700

ARREST WARRANT

2021A1010203514

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

THE STATE against

Israel Malachi Robinson

Address:

Phone: SSN: Sex: Race: Height: Weight: DL State: SC DL #: DOB: Agency ORI #: SC0100800

Prosecuting Agency: North Charleston Police Department Prosecuting Officer: Michael A Sanchez - S00636

Offense: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Offense Code: 0549 Code/Ordinance Sec: 16-23-0490

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 Israel Malachi Robinson on 7/16/21

RETURN WARRANT TO:

General Sessions Charleston County Judicial Center 100 Broad Street, Suite 106 Charleston, SC 29401

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA County/ Municipality of Charleston

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 11, 2003 ECGA 518

Personally appeared before me the affiant Michael A Sanchez who being duly sworn deposes and says that defendant Israel Malachi Robinson did within this county and state on or about 6/22/2021 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Charleston) in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime. If not also sentenced to life without parole or death

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:

PLEASE SEE ATTACHED AFFIDAVIT

Signature of Affiant

STATE OF SOUTH CAROLINA County/ Municipality of Charleston

Affiant's Address 2500 City Hall Lane North Charleston, SC 29406 Affiant's Telephone (843)554-5700

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 6/22/2021 defendant Israel Malachi Robinson

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

County/ Municipality of Charleston) as set forth below.

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime. If not also sentenced to life without parole or death

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 7/1/2021

Signature of Juror/Judge Amanda Haselden (L.S.) Judge Code: 7412

Judge's Address 3841 Leeds Avenue Charleston, SC 29405 Judge's Telephone (843)746-9822

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

RECEIVED

Dec 18 2024

SC Court of Appeals

**BAIL set by**

**WITNESSES**



Judge \_\_\_\_\_  
on \_\_\_\_\_  
Type and Amount: \_\_\_\_\_  
Name of Surety: \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_

**PRELIMINARY HEARING held by**

Judge \_\_\_\_\_  
on \_\_\_\_\_  
Defendant Attorney: \_\_\_\_\_  
Decision: \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_

**DISPOSITION before**

Judge \_\_\_\_\_  
on \_\_\_\_\_  
by \_\_\_\_\_  
(indicate jury trial, bench trial, plea, nol proes, etc)  
Disposition \_\_\_\_\_  
Sentence \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_

**JURORS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_

**CODEFENDANTS**

\_\_\_\_\_  
\_\_\_\_\_

**FILED**  
2021 JUL -7 AM 11:57  
DELE J. ARMSTRONG  
CLERK OF COURT  
BY \_\_\_\_\_

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON  
CITY OF NORTH CHARLESTON

AFFIDAVIT  
OCA# 2021017467  
Det. M. Sanchez

Personally appeared before me, a magistrate of this County, one Det. Sanchez who, first being duly sworn, deposes and says that (name of the defendant)

**Israel Malachi Robinson**

did within this County and State on the 22<sup>nd</sup> day of June 2021 violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE  
**POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME**  
16-23-490

The affiant states there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

That on June 22, 2021 at approximately 8:02 P.M., while near 3754 Old Pine Circle, which is located in the City of North Charleston, County of Charleston, State of South Carolina, the defendant, one **Israel Malachi Robinson**, did knowingly and unlawfully with malice aforethought commit the offense of **POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME** in violation of 16-23-490 of the South Carolina Code of Laws 1976 as amended, In that the defendant did act in concert with a co-defendant who, while armed with a firearm, shot at two victims one of which resulted in death.

On June 22, 2021 at approximately 8:02 P.M., Officers of the North Charleston Police Department responded to 3754 Old Pine Circle, to a shooting and a possible victim in the park. Upon arrival officers located a male victim in the playground area near 3754 which had suffered several gunshot wounds. The victim was pronounced deceased by Charleston County Emergency Medical Services on scene.

Detectives received information that the victim was with two subjects who possibly witnessed the shooting. Detectives located and interviewed these witnesses, one of which was with the victim during the shooting and stated he was shot at as well. He stated that as he approached in the playground area, a tall and slender black male dressed in a black hooded shirt, blue basketball shorts, with a mask and something hanging down from around his head, possibly dreads. The suspect was holding an AR style rifle and was shooting at both him and the victim. As he turned to flee, he heard additional shots from a different location behind him at the same time which he believed to be two shooters.

As he fled toward safety, he noted the defendants flee toward a gold Nissan sedan which sped out of the neighborhood. An additional witness that had just dropped off the victims, was waiting in their car nearby. This witness heard gunshots, followed by seeing two males get into a gold or silver sedan, possibly an Acura. This witness described one of the defendants to be armed with a rifle. The witness's description of the co-defendant was also a tall and slender black male dressed in a black hooded shirt, blue basketball shorts, with a mask and something hanging down from around his head, possibly dreads. The witness further stated that the defendant was dressed in all black. Additional calls to dispatch and anonymous tips relay reports of two males with rifles getting into a car after the shooting. Other witnesses located additionally describe the vehicle that fled as a Nissan and one positively identified the vehicle from a photo.

Video from the area corroborates the witness statements as it captures a gold Nissan Altima bearing SC Tag TLD211 circling the neighborhood and driving erratically. The victim's vehicle is seen parking on Pine Forest Drive, a few parking spaces down from where the Nissan parks. After the shots, at least one defendant is seen fleeing to that vehicle and drives out of the area as described by the witnesses. This vehicle leaves the complex and its tag is confirmed through video at the gate, and is registered to the defendant, Israel Robinson.

Sworn to and Subscribed before me

This 1 day of July 2021



Signature of Judge:



(AFFIANT)

Address: 2500 City Hall Lane  
North Charleston, S.C. 29406  
Phone: 843-554-5700

**STATE OF SOUTH CAROLINA**

**COUNTY OF CHARLESTON  
CITY OF NORTH CHARLESTON**

**AFFIDAVIT  
OCA# 2021017467  
Det. M. Sanchez**

Approximately 10-20 minutes prior to the shooting this same vehicle parks at the Max's Quick Stop near the incident location, and the passenger exits. He enters the store and purchases a black tee shirt, which matches the description of something hanging around the head area, as it is common to see shirts used as impromptu masks during robberies and assaults.

An interview was conducted with the defendant, Israel Robinson at North Charleston City Hall. Mr. Robinson was read his Miranda rights, to which he acknowledged and waived his rights. He at that time admitted to driving his vehicle to the Max's Quick stop as seen on video. He further admitted having two rifles in his car, belonging to him and passenger, "DJ" or Framon Frasier. He also admits to driving erratically into the neighborhood and being present and near the shooting. He further admits to fleeing the scene after the shooting.

All based on the investigation of Det. M. Sanchez and statements provided by witnesses to prove same. All this done against the law, peace and dignity of the City of North Charleston and the State of South Carolina.

Sworn to and Subscribed before me  
This 1 day of July 2021



Signature of Judge:



(AFFIANT)

Address: 2500 City Hall Lane  
North Charleston, S.C. 29406  
Phone: 843-554-5700

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE

INDICTMENT/ CASE#: 2024-GS-10-03096

RECEIVED

Dec 18 2024

VS.

ISRAEL MALACHI ROBINSON

A/W#: 2021A1010203498  
Date of Offense: 06/22/2021

SC Court of Appeals

AKA: Israel Robinson, Israel Malachi Robinson

S.C. Code §: 16-03-0010  
CDR Code #: 0116

Race: Black Sex: M Age: [REDACTED]

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL# [REDACTED] SID SC02402319 #

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
 Defendant Pro Se

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

TO: Murder (30 years-Life)

In violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116

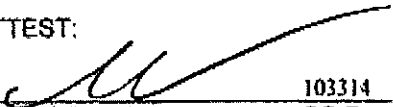
NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45 (CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury.

The State's Position is:

None  
 Negotiated and Agreed Upon Sentence: \_\_\_\_\_ Years, \_\_\_\_\_ Months, Probation for \_\_\_\_\_ Years, \_\_\_\_\_ Months  
 Negotiated and Agreed as to Charges Only  
 Recommended and Agreed Upon Sentence: \_\_\_\_\_ Years, \_\_\_\_\_ Months, Probation for \_\_\_\_\_ Years, \_\_\_\_\_ Months

ATTEST:

  
Lemuel C. Zeigler, 103314 SC Bar # Defendant Attorney for Defendant 102987 SC Bar #  
Assistant Solicitor

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

for a determinate term of 55 Hours/Days/Months/Years  Time Served

Home Detention Program(HIP)  MH Evaluation and Compliance  Batterer's Treatment  
 Domestic Abuse Counseling  Drug Court  Drug Program  Alcohol Program  Inpatient Facility  
 Hold Until Bed Space Available  Mental Health Court  Balance Suspended with Drug Court

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

Judicial Review \_\_\_\_\_ Days/ Months

Youthful Offender Act not to exceed \_\_\_\_\_ Days/ Months/ Years

STATE ISRAEL MALACHI INDICTMENT/CASE#: 2024-GS-10-03096  
VS. ROBINSON

And /Or to pay a fine of \$ \_\_\_\_\_;

Time Served

provided that upon the service of \_\_\_\_\_ Hours/Days/Months/Years

- Home Detention Program(HIP)     MH Evaluation and Compliance     Batterer's Treatment  
 Domestic Abuse Counseling     Drug Court     Drug Program     Alcohol Program     Inpatient Facility  
 Hold Until Bed Space Available     Mental Health Court     Balance Suspended with Drug Court  
 Suspended To Batterer's Treatment  
 Other: \_\_\_\_\_

And/ Or a payment of \$ \_\_\_\_\_ ; plus costs and assessments as applicable\*

the balance is suspended with probation for \_\_\_\_\_ Months/ Years

- Suspended During Probation     Suspended During Drug Court     Suspended During Batterer's Treatment  
 Other: \_\_\_\_\_

and subject to South Carolina Department of Probation, Parole 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 SCDOP.

126 days/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.

Defendant has 10 days to apply for Home Detention Program or this will convert to an active sentence.

**SPECIAL CONDITIONS:**

PTUP after \_\_\_\_\_ Months/Years     Home Detention Program (HIP)

**And Other Terms Listed Below:**

- Conditional Discharge  
 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 SCDPPPS

Recipient: \_\_\_\_\_

*Fine:		\$	_____
Fine may be pd. In equal consecutive weekly/monthly pmts. of	\$	Beginning	_____
§14-1-206 (Assessments 107.5%)		\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	<u>100.00</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>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$	_____
§50-21-114 (BUI Breath Test Fee)	\$50	\$	_____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	_____
3% to County (if paid in installments)	TBD	\$	<u>3.75</u>
Other Costs (As Authorized by Cost Code)*			
<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	\$	_____
<b>TOTAL</b>		\$	<u>128.75</u>

Clerk of Court/Deputy Clerk: \_\_\_\_\_  
 Court Reporter: \_\_\_\_\_

*[Signature]*  
*Jessie Butler H*

Presiding Judge: \_\_\_\_\_  
 Judge Code: 2997  
 Sentence Date: 12/12/24

Specify Other Costs\*

Cost Code	Cost Description	Amount
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____

LCZ/0380566  
WITNESSES

North Charleston Police Department

*C. Ross*

AGENCY CASE NUMBER

2021-017467

ARREST WARRANT NUMBER

2021A1010203498

DATE OF ARREST

07/01/2021

ACTION OF GRAND JURY

**TRUE BILL**

*[Signature]* JUN 04 2024  
Foreperson of Grand Jury Date:

VERDICT

*Guilty*

*[Signature]*  
Foreperson of Petit Jury

*12/12/24*  
Date:

DOCKET NO. 2024-GS-10-03096

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

JUNE TERM 2024

THE STATE

VS.

ISRAEL MALACHI ROBINSON

B/M *[Redacted]*

Indictment for

**MURDER**

SC Code: § 16-03-0010  
CDR Code: 0116

**RECEIVED**

**Dec 18 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened June 2024, the Grand Jurors of Charleston County present upon their oath:

**Murder**

That in Charleston County, South Carolina on or about June 22, 2021, the defendant, Israel Malachi Robinson, while acting alone or while acting in concert with others, with malice aforethought did kill and murder Jaquez Butler by means of firearm, and Jaquez Butler did die in Charleston County as a proximate result thereof on or about June 22, 2021 in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

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

  
\_\_\_\_\_  
LEMUEL C. ZEIGLER  
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE

INDICTMENT/ CASE#: 2024-GS-10-03098

VS.

RECEIVED

ISRAEL MALACHI ROBINSON

A/W#: 2021A1010203514  
Date of Offense: 06/22/2021

Dec 18 2024

AKA: Israel Robinson, Isreal Malachi Robinson

S.C. Code §: 16-23-0490  
CDR Code #: 0549

SC Court of Appeals

Race: Black Sex: M Age: [REDACTED]

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State,

Zip: [REDACTED]

DL# [REDACTED] SID SC02402319  
#

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
 Defendant Pro Se

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

TO: Possession Of A Weapon During The Commission Of A Violent Crime (5 years)

In violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury.

The State's Position is:

None  
 Negotiated and Agreed Upon Sentence: \_\_\_\_\_ Years, \_\_\_\_\_ Months, Probation for \_\_\_\_\_ Years, \_\_\_\_\_ Months  
 Negotiated and Agreed as to Charges Only  
 Recommended and Agreed Upon Sentence: \_\_\_\_\_ Years, \_\_\_\_\_ Months, Probation for \_\_\_\_\_ Years, \_\_\_\_\_ Months

ATTEST:

[Signature] 103314 SC Bar # Defendant 102987 SC Bar #  
Lemuel C. Zeigler, Assistant Solicitor Attorney for Defendant

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

for a determinate term of 5 Hours/Days/Months/Years  Time Served

Home Detention Program(HIP)  MH Evaluation and Compliance  Batterer's Treatment  
 Domestic Abuse Counseling  Drug Court  Drug Program  Alcohol Program  Inpatient Facility  
 Hold Until Bed Space Available  Mental Health Court  Balance Suspended with Drug Court

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

Judicial Review \_\_\_\_\_ Days/ Months

Youthful Offender Act not to exceed \_\_\_\_\_ Days/ Months/ Years

STATE ISRAEL MALACHI INDICTMENT/CASE#: 2024-GS-10-03098  
VS. ROBINSON

And /Or to pay a fine of \$\_\_\_\_\_;

Time Served

provided that upon the service of \_\_\_\_\_ Hours/Days/Months/Years

- Home Detention Program(HIP)     MH Evaluation and Compliance     Batterer's Treatment  
 Domestic Abuse Counseling     Drug Court     Drug Program     Alcohol Program     Inpatient Facility  
 Hold Until Bed Space Available     Mental Health Court     Balance Suspended with Drug Court  
 Suspended To Batterer's Treatment  
 Other: \_\_\_\_\_

And/ Or a payment of \$\_\_\_\_\_ ; plus costs and assessments as applicable\*

the balance is suspended with probation for \_\_\_\_\_ Months/ Years

- Suspended During Probation     Suspended During Drug Court     Suspended During Batterer's Treatment  
 Other: \_\_\_\_\_

and subject to South Carolina Department of Probation, Parole 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 SCDOC.

1,261 days/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.

Defendant has 10 days to apply for Home Detention Program or this will convert to an active sentence.

**SPECIAL CONDITIONS:**

PTUP after \_\_\_\_\_ Months/Years     Home Detention Program (HIP)

**And Other Terms Listed Below:**

- Conditional Discharge  
 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: \_\_\_\_\_

STATE ISRAEL MALACH INDICTMENT/CASE#: 2024-GS-10-03098  
 VS. ROBINSON

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

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

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

*Fine:		\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning
§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100.00</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>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ <u>37.5</u>
Other Costs (As Authorized by Cost Code)*		
<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	\$
	<b>TOTAL</b>	\$ <u>128.75</u>

Clerk of Court/Deputy Clerk: [Signature]  
 Court Reporter: Alina Bickett

Presiding Judge: [Signature]  
 Judge Code: 2777  
 Sentence Date: 12/12/24

Specify Other Costs\*

Cost Code	Cost Description	Amount
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____

LCZ/0380566  
WITNESSES

North Charleston Police Department

*C. Reis*

AGENCY CASE NUMBER

2021-017467

ARREST WARRANT NUMBER

2021A1010203514

DATE OF ARREST

07/01/2021

ACTION OF GRAND JURY

**TRUE BILL**

*Maria Ryl*  
Foreperson of Grand Jury

JUN 04 2024

Date:

VERDICT

*Guilty*

*[Signature]*  
Foreperson of Petit Jury

12/12/24

Date:

DOCKET NO. 2024-GS-10-03098

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

JUNE TERM 2024

THE STATE

VS.

ISRAEL MALACHI ROBINSON

B/M

Indictment for

**POSSESSION OF A WEAPON DURING  
THE COMMISSION OF A VIOLENT  
CRIME**

SC Code: § 16-23-0490  
CDR Code: 0549

**RECEIVED**

**Dec 18 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

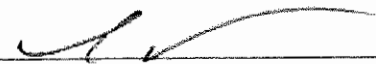
INDICTMENT

At a Court of General Sessions, convened June 2024, the Grand Jurors of Charleston County present upon their oath:

**Possession Of A Weapon During The Commission Of A Violent Crime**

That in Charleston County, South Carolina, on or about June 22, 2021, the Defendant, Israel Malachi Robinson, did possess a firearm or did visibly display what appeared to be a firearm or did visibly display a knife during the commission of or attempted commission of a violent crime, to wit: Murder; in violation of Section 16-23-490, Code of Laws of South Carolina, (1976, as amended).

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

  
\_\_\_\_\_  
LEMUEL C. ZEIGLER  
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE

INDICTMENT/ CASE#: 2024-GS-10-03097

**RECEIVED**

VS.

**Dec 18 2024**

ISRAEL MALACHI ROBINSON

AKA: Israel Robinson, Isreal Malachi Robinson

A/W#: 2021A1010203499  
Date of 06/22/2021

**SC Court of Appeals**

Race: Black Sex: M Age: [redacted]

Offense: 16-03-0029

DOB: [redacted] SS#: [redacted]

S.C. Code §: 16-03-0029

Address: [redacted]

CDR Code #: 3410

City, State, [redacted]

Zip: [redacted]

**SENTENCE SHEET**

DL# [redacted] SID SC02402319

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
 Defendant Pro Se

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

TO: Attempted Murder (0-30 years)

In violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury.

The State's Position is:

None  
 Negotiated and Agreed Upon Sentence: \_\_\_\_\_ Years, \_\_\_\_\_ Months, Probation for \_\_\_\_\_ Years, \_\_\_\_\_ Months  
 Negotiated and Agreed as to Charges Only  
 Recommended and Agreed Upon Sentence: \_\_\_\_\_ Years, \_\_\_\_\_ Months, Probation for \_\_\_\_\_ Years, \_\_\_\_\_ Months

ATTEST:

[Signature] 103314 SC Bar # Defendant: 102987 SC Bar #  
Lemuel C. Zeigler, Assistant Solicitor Attorney for Defendant

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

for a determinate term of 30 Hours/Days/Months/ Years  Time Served

Home Detention Program(HIP)  MH Evaluation and Compliance  Batterer's Treatment  
 Domestic Abuse Counseling  Drug Court  Drug Program  Alcohol Program  Inpatient Facility  
 Hold Until Bed Space Available  Mental Health Court  Balance Suspended with Drug Court  
 Other: \_\_\_\_\_  
 Judicial Review \_\_\_\_\_ Days/ Months  
 Youthful Offender Act not to exceed \_\_\_\_\_ Days/ Months/ Years

And /Or to pay a fine of \$\_\_\_\_\_;

Time Served

provided that upon the service of \_\_\_\_\_ Hours/Days/Months/Years

- Home Detention Program(HIP)     MH Evaluation and Compliance     Batterer's Treatment  
 Domestic Abuse Counseling     Drug Court     Drug Program     Alcohol Program     Inpatient Facility  
 Hold Until Bed Space Available     Mental Health Court     Balance Suspended with Drug Court  
 Suspended To Batterer's Treatment  
 Other: \_\_\_\_\_

And/ Or a payment of \$\_\_\_\_\_ ; plus costs and assessments as applicable<sup>1</sup>

the balance is suspended with probation for \_\_\_\_\_ Months/ Years

- Suspended During Probation     Suspended During Drug Court     Suspended During Batterer's Treatment  
 Other: \_\_\_\_\_

and subject to South Carolina Department of Probation, Parole 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 SCDOC.  
*1261* days/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.

Defendant has 10 days to apply for Home Detention Program or this will convert to an active sentence.

**SPECIAL CONDITIONS:**

- PTUP after \_\_\_\_\_ Months/Years     Home Detention Program (HIP)  
**And Other Terms Listed Below:**
- Conditional Discharge
- 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 pmts. of	\$ _____	Beginning _____
§14-1-206 (Assessments 107.5%)		\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100.00</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>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	TBD	\$ <u>3.75</u>
Other Costs (As Authorized by Cost Code)*		
<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	\$ _____
	<b>TOTAL</b>	\$ <u>128.75</u>

Clerk of Court/Deputy Clerk: *[Signature]*  
 Court Reporter: *[Signature]*  
 Presiding Judge: *[Signature]*  
 Judge Code: 2197  
 Sentence Date: 12/12/24

Specify Other Costs\*

Cost Code	Cost Description	Amount
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____

**RECEIVED**  
**Dec 18 2024**  
**SC Court of Appeals**

LCZ/0380566  
WITNESSES

DOCKET NO. 2024-GS-10-03097

North Charleston Police Department

The State of South Carolina  
County of Charleston

*C. Ross*

AGENCY CASE NUMBER

2021-017467

COURT OF GENERAL SESSIONS

JUNE TERM 2024

ARREST WARRANT NUMBER

2021A1010203499

DATE OF ARREST

07/01/2021

THE STATE

VS.

ACTION OF GRAND JURY  
**TRUE BILL**

ISRAEL MALACHI ROBINSON  
B/M [REDACTED]

*Marion Rangel* JUN 04 2024  
Foreperson of Grand Jury Date:

VERDICT

Indictment for

**ATTEMPTED MURDER**

*Guilty*

SC Code: § 16-03-0029  
CDR Code: 3410

*[Signature]* 12/12/24  
Foreperson of Petit Jury Date:

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened June 2024, the Grand Jurors of Charleston County present upon their oath:

**Attempted Murder**

That in Charleston County, South Carolina, on or about June 22, 2021, the Defendant, Israel Malachi Robinson, did, with intent to kill and malice aforethought, attempt to kill Eugene Jaborie Morgan Jr. This is in violation of Section 16-3-29 of the South Carolina Code of Laws (1976) as amended.

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

  
\_\_\_\_\_  
LEMUEL C. ZEIGLER  
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

IN THE COURT OF GENERAL SESSIONS )  
NINTH JUDICIAL CIRCUIT )

The State of South Carolina, )

Indictment No: 2024-GS-10-03096; 3097; 3098 )

v. )

Israel Malachi Robinson, )

Defendant. )  
\_\_\_\_\_ )

**VERDICT FORM**

Please answer the following questions:

1. As to the charge of **MURDER**, we, the jury, find the Defendant (Check One)

Guilty

Not Guilty

If **Not Guilty** of the above charge then please skip question 2 and proceed to question 3. However, if **Guilty** then please answer question 2.

2. As to the charge of **POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME**, we, the jury, find the Defendant (Check One)

Guilty

Not Guilty

3. As to the charge of **ATTEMPTED MURDER**, we, the jury, find the Defendant (Check One)

Guilty

Not Guilty

If **Guilty** of the above charge then please skip question 4 on the next page. However, if **NOT Guilty** then please answer question 4.

4. As to the charge of **ASSAULT AND BATTERY IN THE FIRST DEGREE**, we, the jury, find the Defendant (Check One)

\_\_\_\_\_ Guilty

\_\_\_\_\_ Not Guilty

I certify that this is the unanimous decision of the jury.

  
\_\_\_\_\_  
Foreperson, Juror # 97

December 12, 2024  
Charleston, South Carolina

***When you have completed your deliberations, please notify the bailiff.***

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA

vs.

ISRAEL MALACHI ROBINSON,

Defendant.

) IN THE COURT OF GENERAL SESSIONS  
) FOR THE NINTH JUDICIAL CIRCUIT  
) Indictment No(s): 2024-GS-10-03096; 2024-  
) GS-10-03097; 2024-GS-10-03098  
) Warrant No(s): 2021A1010203498;  
) 2021A1010203499; 2021A1010203514

) **MOTION IN LIMINE REQUESTING**  
) **JACKSON v. DENNO HEARING**

The Defendant, Israel M. Robinson, through undersigned Counsel, hereby moves for a hearing outside the presence of the jury, pursuant to *Jackson v. Denno*, 378 U.S. 368 (1964) and Rule 104, SCRE, to determine whether statements he made to Sergeant Bernard were voluntarily made and in compliance with *Miranda v. Arizona*, 384 U.S. 436 (1966), for admission as evidence in trial.

Respectfully Submitted,

/s/ Karla Martinez

Karla C. Martinez  
Assistant Public Defender  
Attorney for Defendant

Charleston, South Carolina

Dated: 12/05/2024

FILED 12/05/2024 Julie J. Armstrong Clerk of Court

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA

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)  
)  
) **MOTION TO EXCLUDE EXPERT**  
) **TESTIMONY**  
) **FIREARMS/TOOLMARK EXAMINER**  
)  
)  
)

The Defendant, Israel Robinson, through undersigned Counsel, hereby moves for a hearing under *Sate v. Council*, 335 S.C. 1 (1999), to determine the admissibility of expert testimony by James W. Green, a firearms/toolmark examiner from the South Carolina Law Enforcement Division (SLED).

Twenty-eight cartridge cases (Aguila brand) were recovered from the crime scene, but no firearm or firearms were recovered. The firearms/toolmark examiner compared the recovered cartridge cases to one another. The State intends to introduce testimony of the firearms/toolmark examiner that matching individual identifying characteristics were found on two separate sets of items (Items 1 – 12 and Items 13 – 28), and that based on this examination, he concluded that each set of cartridge cases was fired by a separate firearm: Items 1 -12 were fired by one firearm and Items 13 – 28 were fired by a second firearm.

The Defendant objects to this testimony because the expert has not acquired the requisite knowledge and skill to qualify as an expert in the subject matter, the evidence will not assist the trier of fact, the underlying science and methodology is not reliable, and the substance of the testimony is not reliable. *Sate v. Council*, 335 S.C. 1 (1999); *State v. Jones*, 423 S.C. 631 (2018); Rule 702, SCRE. The trial judge should apply the following factors in determining reliability of

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the proposed expert's testimony: (1) the publications and peer review of the technique; (2) prior application of the method to the type of evidence involved in the case; (3) the quality control procedures used to ensure reliability; and (4) the consistency of the method with recognized scientific laws and procedures. *Council*, 335 S.C. at 20. Any probative value of the testimony is substantially outweighed by the danger of unfair prejudice, confusion of the issues, and misleading the jury. Rule 403, SCRE.

Respectfully Submitted,

*/s/ Karla Martinez*

Karla C. Martinez  
Assistant Public Defender  
Attorney for Defendant

Charleston, South Carolina

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) **DEFENSE MOTION OPPOSITION TO**  
) **CORONER'S TESTIMONY AT TRIAL**

**Introduction**

The defense objects to the testimony of Charleston County Coroner, Bobbi Jo On'Neal, in place of Dr. J.C. Upsaw-Downs who conducted 16-year-old Jaquez Butler's autopsy. The State's reasoning for having her testify is that "[Dr. Upshaw-Downs] has been difficult to work with," but this reasoning does not sufficiently satisfy the requirements of the Confrontation Clause. The information contained in the autopsy report is testimonial in nature, and thus subject to the requirements of the Confrontation Clause.

**Argument**

The Sixth Amendment's Confrontation Clause prohibits the admission of testimonial hearsay against a defendant if the declarant is unavailable to testify at trial and the accused has had no prior opportunity to cross-examine the witness against him. *Crawford v. Washington*, 542 U.S. 36, 53-54 (2004). In determining whether an out-of-court statement is testimonial, courts apply the primary purpose test: "where the primary purpose of an out-of-court statement is to serve as evidence or an out-of-court substitute for trial testimony," the statement is considered testimonial. *Bullcoming v. New Mexico*, 564 U.S. 647, 671-72 (2011) (Sotomayor, J., concurring). The Confrontation Clause may render otherwise admissible hearsay inadmissible if testimonial in

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nature. *State v. Brockmeyer*, 406 S.C. 324, 342 (2013); *State v. Garner*, 389 S.C. 61, 66-67 (Ct. App. 2010). Using the primary purpose test, other state appellate courts have also reasoned that if an autopsy is legally required in order to investigate a death, then the primary purpose is for a criminal investigation and, thus testimonial. *State v. Brewer*, 438 S.C. 37, 53-54 (2022) (citing *State v. Frazier*, 229 W. Va. 724, 735 S.E.2d 727, 731 (W. Va. 2012); *Cuesta-Rodriguez v. State*, 2010 OK CR 23, 241 P.3d 214, 228 (Okla. 2010). South Carolina specifically requires that an autopsy be done by a pathologist with forensic training whenever a child dies as a result of violence, in a suspicious manner, or in an unexplained way. S.C. Code Ann. Sec. 17-5-520; 17-5-540.

The Confrontation Clause would render statements contained in Dr. Upshaw-Downs' autopsy report testimonial in nature because they were prepared for the purpose of a criminal investigation, and our state statutes required that Jaquez's autopsy be conducted for the same purpose. For these reasons, the Court should require that the State produce Dr. Upshaw-Downs, so that the defense may have a proper opportunity to cross examine him about the findings in his report. The public records exception alone, does not render statements in the autopsy report admissible.

### CONCLUSION

The Court should deny the State's request to have Coroner Bobbi Jo On'Neal in place of Dr. Upshaw-Downs.

Respectfully Submitted,

/s/ Karla Martinez

Karla C. Martinez  
Assistant Public Defender  
Attorney for Defendant

Charleston, South Carolina

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**DEFENSE MOTION OBJECTING TO  
ADMISSION OF 911 CALL**

**Introduction**

The State argues that the 911 recording, and associated CAD report, from Mr. Thomas Miller's call made shortly after midnight the day after Jacquez Butler was shot, should be admitted into evidence in this case to show motive in the murder of Jacquez. The defense objects to the admission of the 911 recording and CAD for the reasons stated below.

**Argument**

A. Mr. Miller's recorded 911 call is inadmissible hearsay.

Hearsay is an out-of-court statement made by someone other than the declarant while testifying at trial, offered to prove the truth of the matter asserted, and it is inadmissible unless it falls within an exception. Rules 801 (c) and 802, SCRE, *State v. Rice*, 375 S.C. 302, 323 (Ct. App. 2007) (overturned on other grounds); *State v. Brockmeyer*, 406 S.C. 324, 351(2013). None of the numerous exceptions to the rule apply to the 911 recording.

The 911 recording does not fall under the business records exception. Under Rule 803 (6), SCRE, "subjective opinions and judgments found in business records are not admissible" evidence. Mr. Miller made the call the next day, shortly after midnight (when the emergency had

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dissipated), to inform law enforcement that Israel was possibly involved in the shooting.<sup>1</sup> He stated that Israel was not involved as a shooter, but rather may have been a potential target because some guys from Liberty Hill were after him due to prior incidents between Israel and those guys. Mr. Miller also mentioned the incident where his younger son was assaulted and robbed in Liberty Hill by guys who he also thought were after Israel. In the call, he was passing along information to the law enforcement agency that was investigating his younger son's assault in Liberty Hill. His statements seem to suggest that he believed the two incidents were related. These statements reflect Mr. Miller's subjective opinions and judgments about what may have happened at some prior time and do not fall within the business records exception. Additionally, his statements in the recording do not fall under the excited utterance<sup>2</sup> or present sense impression<sup>3</sup> exceptions to the South Carolina Rules of Evidence.

B. Statement made by Mr. Miller during the 911 call are testimonial in nature and subject to the requirements of the Confrontation Clause.

The Sixth Amendment Confrontation Clause prohibits the admission of testimonial hearsay against a defendant if the declarant is unavailable to testify at trial and the accused has had no prior opportunity to cross-examine the witness against him. *Crawford v. Washington*, 542 U.S. 36, 53-54 (2004). South Carolina also recognizes that the Sixth Amendment Confrontation Clause is not implicated by non-testimonial hearsay. *State v. Garner*, 389 S.C. 61, 66 (Ct. App. 2010). While the U.S. Supreme Court declined to define "testimonial" in *Crawford*, it did provide a list of

<sup>1</sup> The very first thing he tells the dispatcher is that he wants to talk to a detective on the case to provide information on that might help piece things together.

<sup>2</sup> Excited utterance is "a statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition." Rule 803 (2), SCRE; *See State v. Hendricks*, 408 S.C. 525, 533-34 (Ct. App. 2014).

<sup>3</sup> The three elements for the foundation of admission of hearsay as present sense impression are: "(1) the statement must describe or explain an event or condition; (2) the statement must be contemporaneous with the event; and (3) the declarant must have personally perceived the event." *See* Rule 803 (1), SCRE; *Hendricks* at 533 (citing *USv. Mitchell*, 145 F.3d 572 (3d Cir. 1998)).

statements that are within the "core class of testimonial" statements. 542 U.S. at 51-52. And similarly, in *Davis v. Washington*, the Supreme Court refused to provide an exhaustive classification of all conceivable statements as either testimonial or non-testimonial and limited its holding to statements made in the course of interrogation. 547 U.S. 813, 823, n.1 (2006). *Davis* made clear that its holding did not imply that "statements made in the absence of interrogation are necessarily nontestimonial." *Id.* at 823.

Here, Mr. Miller's recorded out-of-court statements in the 911 call are testimonial in nature because they were, at best, necessary to investigate the events that had already occurred rather than an ongoing emergency. As the recording proves, Mr. Miller stated that he made the call to provide information that could potentially assist detectives in the investigation of his younger son's assault and the targeting of Israel, his stepson. The fact that Mr. Miller was not being "interrogated" in a technical sense at the time he made the call, has no bearing on whether or not the statements he made in the recording are testimonial in nature. Because his statements are testimonial in nature and the defense has not had an opportunity to cross-examine him, the recording should be excluded from evidence.

C. Rules 403 and 602, SCRE.

Even if the Court finds that the statements contained in the 911 call are relevant, the statements should be excluded because it would unfairly prejudice the defendant to allow into evidence Mr. Miller's subjective opinion that Israel was somehow involved in the shooting. Rule 403, SCRE; *State v. Alexander*, 303 S.C. 377, 382 (1991) ("although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice").

Finally, it is not appropriate to call Mr. Miller as a witness to testify about facts related to this case because he was not a witness and does not have personal knowledge about the events.

Rule 603, SCRE (“a witness may not testify to a matter unless evidence is introduced sufficient to support that the witness has personal knowledge of the matter”). No evidence has been presented that supports that Mr. Miller was a witness to the shooting. The 911 recording only supports that he is guessing about what happened.

### CONCLUSION

For the foregoing reasons, the Court should not allow the 911 recording into evidence.

Respectfully Submitted,

*/s/Karla Martinez*

---

Karla C. Martinez  
Assistant Public Defender  
Attorney for Defendant

Charleston, South Carolina

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**DEFENSE MOTION OBJECTING TO  
ADMISSION OF SECOND 911 CALL**

**Introduction**

The State will attempt to admit into evidence the second 911 call (hereinafter "Second 911 call") made after the shooting.<sup>1</sup> According to entry 86 of the CAD report, this call was made to dispatch at 23:26:35 hours (which is over 2 hours after the shooting happened) by a woman who did not live at Pincrest and did not witness the shooting. Based on her statements, it appears she first called the news and then 911 to provide information about the shooting, which by that point was not an ongoing emergency. The caller states that she did not witness the shooting but is passing along information on behalf of her 87-year-old father-in-law who she states "can't (or couldn't) see anything" (00:44), "he is not capable of talking to you guys so that's why I'm calling" (01:12), and "that's what he told me that he saw" (00:53-00:55). In this call she is reporting, on behalf of her father-in-law, that he saw two guys running with what looked like rifles. The defense objects to the admission of the Second 911 call recording and CAD report for the reasons stated below.

<sup>1</sup>The call is labeled, 1\_Console\_13\_Phone\_Analog\_2021\_06\_22\_23\_23\_38\_by\_Start\_Time\_asc

## Argument

### A. The Second 911 call is inadmissible hearsay

Hearsay is an out-of-court statement made by someone other than the declarant while testifying at trial, offered to prove the truth of the matter asserted, and it is inadmissible unless it falls within an exception. Rules 801 (c) and 802, SCRE; *State v. Rice*, 375 S.C. 302, 323 (Ct. App. 2007) (overturned on other grounds); *State v. Brockmeyer*, 406 S.C. 324, 351(2013). None of the numerous exceptions to the rule apply to the 911 recording.

The Second 911 call recording does not fall under the business records exception, Rule 803 (6), SCRE, because it was not made during an ongoing emergency or for the purpose of emergency services. Much like Mr. Miller's 911 call, the Second 911 call was made long after the emergency dissipated and by someone without personal knowledge about the shooting. This caller is providing information relayed to her by a third party who either "can't or couldn't see anything." The caller's statements in this recording also do not fall under the excited utterance<sup>2</sup> or present sense impression<sup>3</sup> exceptions, or any other exception, to the South Carolina Rules of Evidence.

### B. Statements made by the 911 caller are testimonial in nature and subject to the requirements of the Confrontation Clause.

The Sixth Amendment Confrontation Clause prohibits the admission of testimonial hearsay against a defendant if the declarant is unavailable to testify at trial and the accused has had no prior opportunity to cross-examine the witness against him. *Crawford v. Washington*, 542 U.S. 36, 53-54 (2004). South Carolina also recognizes that the Sixth Amendment Confrontation Clause is not

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<sup>2</sup> Excited utterance is "a statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition." Rule 803 (2), SCRE; *State v. Hendricks*, 408 S.C. 525, 533-34 (Ct. App. 2014).

<sup>3</sup> The three elements for the foundation of admission of hearsay as present sense impression are: "(1) the statement must describe or explain an event or condition; (2) the statement must be contemporaneous with the event; and (3) the declarant must have personally perceived the event." Rule 803 (1), SCRE; *Hendricks* at 533 (citing *US v. Mitchell*, 145 F.3d 572 (3d Cir. 1998)).

implicated by non-testimonial hearsay. *State v. Garner*, 389 S.C. 61, 66 (Ct. App. 2010). While the U.S. Supreme Court declined to define "testimonial" in *Crawford*, it did provide a list of statements that are within the "core class of testimonial" statements. 542 U.S. at 51-52. And similarly, in *Davis v. Washington*, the Supreme Court refused to provide an exhaustive classification of all conceivable statements as either testimonial or non-testimonial and limited its holding to statements made in the course of interrogation. 547 U.S. 813, 823, n.1 (2006). *Davis* made clear that its holding did not imply that "statements made in the absence of interrogation are necessarily nontestimonial." *Id.* at 823.

The recorded out-of-court statements in the Second 911 call are testimonial in nature because their purpose was to assist in the investigation of events that had already occurred, rather than an ongoing emergency. This caller explained to dispatch that she passed the information along to the news and is now passing it along to law enforcement to "help whoever to do whatever" (00:47-00:53). She intended and anticipated that her statements would be used in the criminal investigation and prosecution of this case, implicating the Confrontation Clause. The fact that this caller is not under "interrogation" when she made the statements, does not render the statements nontestimonial in nature. The recording should be excluded in its entirety because the defense will not have an opportunity to cross-examine the 87-year-old father-in-law, or the caller herself, about the statements contained in the recording.

C. Rule 603, SRE.

"[A] witness may not testify to a matter unless evidence is introduced sufficient to support that the witness has personal knowledge of the matter." Rule 603, SRE. The Second 911 caller could not be called as a witness by the State because she has zero personal knowledge about the shooting. By her own admission, she is calling over two hours after the shooting from another

location and relaying information that someone else told her.

**CONCLUSION**

For the foregoing reasons, the Court should not allow the recording of the Second 911 call into evidence.

Respectfully Submitted,

*/s/Karla Martinez*

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Assistant Public Defender  
Attorney for Defendant

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) **DEFENSE MOTION IN RESPONSE TO**  
) **STATE'S MOTION IN LIMINE**

**Introduction**

The State seeks to exclude any statements that were made by the deceased, Jaquez Butler, to Eugene Morgan and Sa' Guni Dotson in furtherance of their planned robbery of Cal Lockwood, as inadmissible hearsay. In cross-examining Eugene and Sa' Guni, the defense will seek to expose the witnesses' reasons for being in the apartment complex on the evening of June 22, 2021. Asking that the witnesses provide an account of what they were doing (and their intentions) at the apartment complex at that particular time and place, is not inadmissible hearsay. The defense may, however, appropriately impeach the witnesses on cross-examination and elicit evidence of what they were doing at the apartment complex and may elicit evidence about statements made by the deceased in furtherance of the planned robbery pursuant to the South Carolina Rules of evidence. Admission of this evidence does not unfairly prejudice the State and is required so that the jury has a full picture of the circumstances surrounding the incident.

**I. Brief Procedural History**

On June 22, 2021, Jaquez Butler was shot and killed at the Pinecrest apartment complex in North Charleston. On June 30, 2021, the Defendant, Israel M. Robinson, was arrested for Murder, Attempted Murder, and Possession of a Weapon During the Commission of a Violent Crime. He

remains detained at the county jail. The co-defendant, Framon Frasier, Jr. was arrested on July 9, 2021, for Murder, Attempted Murder, and Possession of a Weapon During the Commission of a Violent Crime. The co-defendant entered a guilty plea to Voluntary Manslaughter on May 14, 2024. His sentencing was deferred pending the conclusion of this case and he remains out on bond.

## II. Brief Factual Background

On June 22, 2021, Eugene Morgan, Jr., and Sa'Guni Dotson picked up Eugene's cousin, 16-year-old Jaquez Butler, from his grandmother's apartment in Pinecrest because Jaquez had asked Eugene for a ride to Ravenel presumably to buy marijuana. Sometime on the way back to Pinecrest, it became known to Sa'Guni and Eugene that Jaquez had been communicating with someone named Cal Lockwood. According to Eugene, Jaquez was setting up to have Cal meet him at Pinecrest so that he could rob him but got him to go there under the pretense that they were going to smoke and engage in a sexual encounter. According to Sa'Guni, Eugene and Jaquez were going to "do the lick"<sup>1</sup> on Cal.

When Sa'Guni, Eugene, and Jaquez arrived at Pinecrest shortly before 7:50 PM,<sup>2</sup> Cal was already driving in the neighborhood looking for Jaquez. When Eugene was interviewed by Detective David Pritchard on June 23, 2021, he admitted that he and Jaquez sat at the apartment complex after they parked by the pool area,<sup>3</sup> and watched Cal to make sure she was alone. This suggests that Eugene was also involved in the plan. According to Eugene, Jaquez was the one who kept changing the meeting place on Cal. Eugene also acknowledged to knowing that Cal was alone and that she was wearing a blonde wig. Eugene and Jaquez eventually got out of the car, walked towards the park and past the playground in the center of the apartment complex, and then back

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<sup>1</sup> By "do the lick," she meant the robbery.

<sup>2</sup> Video surveillance shows that Israel's car drove out of the apartment complex as Eugene's car was driving in, around 7:50 PM.

<sup>3</sup> The pool area is on the way to the exit/entrance of the apartment complex.

towards the pool area – the last place where Cal was stopped while talking to Jaquez on a video application. As Eugene and Jaquez walked back towards the pool, they were met by gunfire from one shooter holding a “big ass gun.” When Eugene and Jaquez saw this, Eugene ran back to the car away from the shooting,<sup>4</sup> where Sa’Guni was waiting for them. Sa’Guni drove herself and Eugene away from the scene, leaving Jaquez behind.

Detective Sanchez also interviewed Sa’Guni on June 23. During the interview, she confirmed that she was driving Eugene’s car and that she was aware of the “lick.” She stated that when three of them arrived at the apartment complex, she parked around/in front of building 1900 or 1927,<sup>5</sup> while Eugene and Jaquez got out of the car to “do the lick.” She stated that she heard gun shots shortly thereafter and when she turned around, she saw two black males running into a silver Acura-style-car parked behind her – one had a big gun in his hands. She identified the clothing Framon was wearing, reversing the colors of the shorts and shoes, and stated that the other person was wearing all black. She stated that Eugene was also carrying a firearm with him that day. She did not witness the shooting.

On July 9, Framon confessed to shooting at Eugene and Jaquez in the playground area, stating that one of them had a rifle and that Eugene and Jaquez shot at him and Israel, first. Framon stated that he did not know who Eugene or Jaquez were at the time of the shooting but thought that those guys were hunting Israel. He stated that he and Israel came upon the shooters, who were all wearing masks, in the playground shortly after they returned from Max’s Quick Stop, that they were all wearing black masks, and that he and Israel fired shots after they were shot at. In his proffer, recorded in June 2024, Framon stated that he did not know if Israel put a mask on his face

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<sup>4</sup> In his interview from June 23, Eugene stated he only saw one shooter at the playground, but that he saw two men jumping into the car behind him, after he had gotten into his car.

<sup>5</sup> The 1900s are between the pool, where Cal last did a video call with Jaquez, and the entrance/exit to the apartment complex.

and that he did not see where Israel was at the time of the shooting. In this interview, Framon admitted to tying a black t-shirt he bought at Max's Quick Stop around his face and stated that Israel fired first.

### III. Argument

- A. Evidence of the planned robbery is admissible pursuant to Rule 608 (c), SCRE, to prove bias and motive to misrepresent.

"Bias, prejudice or any motive to misrepresent may be shown to impeach [a] witness either by examination of the witness or by evidence otherwise adduced." Rule 608 (c), SCRE. The subsection of the Rule preserves South Carolina precedent holding that generally, "anything having a legitimate tendency to throw light on to the accuracy, truthfulness, and sincerity of a witness may be shown and considered in determining the credit to be accorded [their] testimony." *State v. Jones*, 343 S.C. 562, 542 (2001) (quoting *State v. Brewington*, 267 S.C. 97 (1976)).

The defense should be allowed to question the witnesses about their purpose for being back at the apartment complex around 7:50 PM with the deceased, to show bias and motive to misrepresent. This is particularly relevant with regard to Eugene who was not completely forthcoming with law enforcement about his role in the plan to rob Cal and about carrying a firearm on the date of the incident. Of note, Eugene was recently out of prison on community supervision and was not supposed to be around guns, among other things. Even the State has conceded in their Motion in Limine that Eugene possibly has a motive to misrepresent his actions by "covering up for himself, or his own plan," to avoid criminal responsibility. State's Motion, at 4. For these reasons, the defense should be allowed to elicit any fact from Eugene and Sa'Guni, that tends to show bias or motive to misrepresent as it pertains to the facts surrounding what led to Jacquez's death.

B. Statements made by the decedent are admissible under Rule 804 (b)(4), SCRE, as a statements against interest.

An out-of-court statement by someone other than the person testifying which is used to prove the truth of the matter asserted is inadmissible hearsay unless it falls within an exception. *State v. Rice*, 375 S.C. 302, 324 (Ct. App. 2007) (overruled on other grounds); *State v. Brockmeyer*, 406 S.C. 324, 351 (2013). Statements made by the decedent (who is unavailable) to the two participating witnesses in the robbery, fall within the exception to the hearsay rule for statements against penal interests, under Rule 804, SCRE. Pursuant to Rule SCRE 804 (b)(3), SCRE, statements that are "so far contrary to the declarant's pecuniary or proprietary interest, or so far subject the declarant to civil or criminal liability...that a reasonable person in the declarant's position would not have made the statement unless believing it to be true," are not excluded by the hearsay rule. In determining if the statement is self-inculpatory, the court must view the statement in the context of all the circumstances. *State v. Prioleau*, 339 S.C. 605, 611 (Ct. App. 2000) (reversed on other grounds).

Here, even if the defense's inquiry of the two witnesses in question, elicits statements made to them by the decedent in furtherance of the robbery, those statements are admissible because they fall under the statements against interest exception. Statements made by Jaquez are reliable and admissible under Rule 804. There is no question in this case, that the plan to rob Cal was real and that the trio would have carried it out, had Jaquez and Eugene had not been shot at when they were walking through the playground, back towards the pool area to meet Cal (their target) where Sa'Guni was waiting to drive them away. Had the plan been carried out, Jaquez would certainly have been exposed to criminal liability, just the same as Eugene and Sa'Guni would have been. By their own admissions, Eugene and Sa'Guini were not at the apartment complex walking through the playground towards the pool with firearms for the sake of a stroll or sitting in the car

near the 1900/1927 building for nothing.

C. Evidence of what Eugene and Sa'Guni were doing at the apartment complex should be allowed under the Gestae theory.

The *res gestae* theory recognizes "evidence of other bad acts may be an integral part of the crime with which the defendant is charged or may be needed to aid the fact finder in understanding the context with which the crime occurred." *State v. Gilmore*, 396 S.C. 72, 83 (Ct. App. 2011) (citing *State v. Owens*, 346 S.C. 637, 652 (2001)).

Admission of evidence of the planned robbery will aid the jury in understanding the context with which the crime occurred. Without the complete story of the events, the jury will be left to believe that this crime was nothing more than a random attack on two random people who were walking through the park on their way to the pool area. However, Eugene and Jacquez had no legitimate reason to be walking around the apartment complex with firearms on hand, other than to complete a robbery. Jacquez who was 16 years old at the time, was not supposed to own firearms, and Eugene, by his own account, was not supposed to own or be around them.

### CONCLUSION

Based on the foregoing, the defense should be allowed to elicit evidence about what Eugene and Sa'Guni were doing with the deceased at the apartment complex at the time the shooting took place, and statements the deceased made pertaining to the robbery.

Respectfully Submitted,

*/s/Karla Martinez*

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Attorney for Defendant

Charleston, South Carolina

Dated: 12/05/2024

FILED 12/05/2024 Julie J. Armstrong Clerk of Court