

RECEIVED

Mar 03 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Berkeley County

Honorable Jennifer B. McCoy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RASHEED DEVONNE ROBINSON,

APPELLANT

APPELLATE CASE NO 2024-001790

RECORD ON APPEAL

WANDA H. CARTER
Deputy Chief Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

MARK R. FARTHING
Senior Assistant Attorney General
1000 Assembly Street, Room 519
Columbia, SC 29201
(803) 734-4117

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

INDEX

INDEX i

GUILTY PLEA TRANSCRIPT DATED OCTOBER 7, 2024 1

INDICTMENTS 18

CERTIFICATE OF COUNSEL 22

State of South Carolina)	Court of General Sessions
County of Berkeley)	Ninth Judicial Circuit
)	
STATE OF SOUTH CAROLINA,)	Case Numbers:
)	2024-GS-08-03842
Plaintiff,)	2024-GS-08-02853
)	
vs.)	
)	
RASHEED D. ROBINSON,)	PLEA OF GUILTY
)	
Defendant.)	TRANSCRIPT OF RECORD
)	

October 7, 2024
Moncks Corner, South Carolina

B E F O R E:

The Honorable Jennifer B. McCoy

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

MS. OLIVIA H. LYNCH,
Assistant Solicitor,
for the Plaintiff;

MR. LAWRENCE W. LONG III
Assistant Public Defender,
for the Defendant.

Jamie Bickett
Official Court Reporter

1 (The following proceedings were had in open court.)

2 MS. LYNCH: Rasheed Robinson.

3 THE COURT: Rasheed Robinson, how are you?

4 THE DEFENDANT: Nervous, I'll be honest.

5 THE COURT: Well, that's an appropriate way to feel.

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: I understand you're going to plead to two
8 charges today.

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: One is possession of a handgun by someone
11 who has previously been convicted of a violent crime, and
12 that can carry up to five years.

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: The other is possession of MDMA, which can
15 carry up to six months.

16 Do you understand those are the two charges you are
17 pleading to today?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: All right. Nothing is checked. Does the
20 State have a position on this, Mr. Myers?

21 MS. LYNCH: I have down that there was a -- the State
22 does have a request.

23 MR. LONG: Yes.

24 MS. LYNCH: Or recommendation, I would say.

25 THE COURT: And what is that?

1 MS. LYNCH: The request is for three years' active time.

2 THE COURT: Okay.

3 All right. The State is requesting active time,
4 Mr. Robinson. Do you understand that's what they're asking
5 me for?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: All right.

8 THE DEFENDANT: Unfortunately.

9 THE COURT: Has anybody promised you anything or
10 threatened you or forced you to plead today?

11 THE DEFENDANT: Honestly, I wish. But no, ma'am.

12 THE COURT: Okay. Are you under the influence of any
13 drugs or alcohol or anything that would keep you from
14 understanding what's going on?

15 THE DEFENDANT: No, ma'am, I'm not.

16 THE COURT: All right. Do you need any more time to
17 talk with Mr. Long before we go forward?

18 THE DEFENDANT: We can just go forward.

19 THE COURT: Are you ready?

20 THE DEFENDANT: As ready as I can be.

21 THE COURT: Okay. Mr. Long, based on your discussions
22 with him, do you believe he understands what he's doing
23 today?

24 MR. LONG: I do, your Honor.

25 THE COURT: All right.

1 All right, Mr. Robinson. When you plead guilty you give
2 up several constitutional rights. You've given up your right
3 to a jury trial, your right to confront the State's witnesses
4 at trial, and your right to remain silent. Do you want to
5 give these up and plead today?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: All right. If you will please listen to the
8 solicitor, she'll tell me more about what led up to the
9 arrest on these two charges, and then we'll come back to you
10 after that.

11 MS. LYNCH: May it please the Court, your Honor. Olivia
12 Lynch standing in for Assistant Solicitor Myers.

13 For this case, on April 19, 2023, while in the Goose
14 Creek area of Berkeley County, an officer with the Goose
15 Creek Police Department conducted a traffic stop on a vehicle
16 that was being driven by the defendant, Mr. Robinson.

17 During the stop, the defendant admitted to having
18 marijuana and a firearm in his backpack. A subsequent search
19 of the defendant's backpack produced a 9-millimeter handgun
20 and a clear plastic bag that contained 5 pills. The pills
21 field tested positive for MDMA. And the defendant's criminal
22 record indicated that he was convicted of a crime of
23 violence, which was burglary second degree violent, in 2012.

24 And I have down that he's -- yes, he's pleading to both
25 charges.

1 THE COURT: All right. Give me the rap one more time.

2 MS. LYNCH: It's a burglary second degree from 2012.

3 THE COURT: And that's the only rap?

4 MS. LYNCH: Yes.

5 THE COURT: And was that a -- for a second violent, I'm
6 assuming, given the charge he's pleading to?

7 MS. LYNCH: I believe. He says that it was a crime of
8 violence, so --

9 MR. LONG: I had a burglary second nonviolent.

10 MS. LYNCH: It's a nonviolent? Okay.

11 THE DEFENDANT: Yes, ma'am.

12 MS. LYNCH: He has both on here.

13 THE COURT: Okay.

14 MS. LYNCH: It's probably nonviolent because I'm looking
15 at the second list.

16 THE COURT: So Ms. Lynch, can you -- can y'all come
17 up --

18 MS. LYNCH: I think I'm realizing --

19 THE COURT: Lawyers, can y'all come up real quick?

20 MS. LYNCH: Yeah.

21 (An off-the-record discussion was held at the bench.)

22 THE COURT: Mr. Robinson, I just was getting the
23 attorneys to verify for me that the -- that your record
24 indeed supports a crime of violence even though it was
25 technically a nonviolent burg second, and I'm told that it

1 does still under the statute. That was my only question.

2 Okay? So I'm ready and I'm satisfied.

3 So with that stated, his prior record is a 2012 burg
4 second nonviolent. Is that correct?

5 THE DEFENDANT: Yes, your Honor.

6 MS. LYNCH: Yes, your Honor.

7 THE COURT: And that's his only prior record, Ms. Lynch?

8 MS. LYNCH: Yes, your Honor.

9 THE COURT: Okay. All right.

10 Okay. Mr. Robinson, aside from my questions, is
11 everything correct?

12 Did you give me the facts and the -- yeah.

13 MS. LYNCH: I did.

14 THE COURT: The MDMA and then the possession of the
15 gun --

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: -- is that correct?

18 THE DEFENDANT: For the most part, that is correct, yes,
19 ma'am.

20 THE COURT: All right. Okay. I will accept your pleas.
21 I find you're entering into the pleas willfully and
22 voluntarily with the advice of an excellent attorney.

23 All right, Mr. Long. I'm happy to hear from you.

24 MR. LONG: Thank you, your Honor. May it please the
25 Court.

1 To be frank, I'm kind of shocked that this was the
2 recommendation given his minimal record. As I mentioned when
3 I approached, and I'll bring it back up for the record, the
4 only reason he ever had that handgun in the first place was
5 because he was under the assumption that when he had his YOA
6 and he completed the YOA successfully --

7 THE COURT: Mm-hmm.

8 MR. LONG: -- that his charges were automatically
9 expunged.

10 THE COURT: Got it.

11 MR. LONG: He had been applying for jobs --

12 THE COURT: Oh. Right.

13 MR. LONG: -- in the past and nothing popped up on his
14 record, jobs that specifically mentioned to him that if he
15 had a burglary or a theft on his record --

16 THE COURT: Mm-hmm.

17 MR. LONG: -- that he would not have been hired. He was
18 allowed to work those jobs. So he was under no impression
19 that he still had that conviction on his record.

20 THE COURT: Got it.

21 MR. LONG: Otherwise he would not have had the gun at
22 all.

23 THE COURT: Okay. Okay.

24 MR. LONG: As far as the drugs are concerned, your
25 Honor, this is a man who's going to stand here and admit when

1 he did wrong. He did possess those drugs.

2 THE COURT: Uh-huh.

3 MR. LONG: He explains to me that they were more so
4 recreational use, a party-type of drug. And he's here today
5 to take responsibility for that.

6 Your Honor, three years seems to be a little bit
7 excessive given the fact that he's only been -- he only has
8 one thing on his record that arguably shouldn't even be there
9 anymore.

10 And then we have these two charges. Those happened, as
11 the solicitor said --

12 THE COURT: Mm-hmm.

13 MR. LONG: -- in 2012, so we're talking -- he's 33 years
14 old. He didn't first get in trouble until he was about 21.
15 Then after that, fast forward 12 years later he has another
16 charge. And then there's been a year since --

17 THE COURT: Mm-hmm.

18 MR. LONG: -- and he hasn't been in trouble since, your
19 Honor.

20 THE COURT: Mm-hmm.

21 MR. LONG: I think time served and/or probation is a
22 much more -- a very short term of probation is a much more
23 sensible solution to these charges.

24 Your Honor, I've spoken to him at length. He knows that
25 possessing the gun given his record -- although he didn't

1 know, I told him that ignorance isn't necessarily a defense
2 to the law. He knows -- he's not doing the drugs anymore,
3 your Honor.

4 THE COURT: Mm-hmm.

5 MR. LONG: He's here today with his wife.

6 If you could just --

7 THE COURT: Hi.

8 MR. LONG: -- raise your hand.

9 Ms. Jasmine back there.

10 THE COURT: Mm-hmm.

11 MR. LONG: They have eight kids together, your Honor.

12 They have been together for a very long time.

13 Mr. Robinson used to work at Lids as a store manager.

14 THE COURT: Yep.

15 MR. LONG: And I emphasize that he would not have been
16 able to get this job had this charge reflected as it should
17 have on his record.

18 THE COURT: Right.

19 MR. LONG: And since then, his wife and he actually
20 opened a customization business called Amazing Jayy.

21 THE COURT: Mm-hmm.

22 MR. LONG: They started it five years ago, just a
23 family-owned thing, your Honor. Family means absolutely
24 everything to them.

25 THE COURT: Mm-hmm.

1 MR. LONG: Like I said, he hasn't been in trouble in
2 over a year. And before that, it hadn't been since 2012.

3 THE COURT: Okay.

4 MR. LONG: Even when he was in trouble, your Honor, as
5 soon as the cop brought something up, if Mr. Robinson did
6 something wrong, he admitted it. If you look at the facts,
7 he admitted to the fact that he had the gun.

8 THE COURT: Yeah.

9 MR. LONG: There was weed -- the smell of marijuana in
10 the car, which caused for the search. He admitted that the
11 pills were in there. He knows he did wrong, and he's here
12 today to take responsibility for it.

13 Your Honor, I believe his wife would also like to --

14 THE COURT: Sure.

15 MR. LONG: -- address the Court for a second.

16 THE COURT: Okay. Yeah.

17 Hi. Yes, ma'am. Happy to hear from you.

18 THE WITNESS: My name is Jasmine Robinson.

19 THE COURT: Hi.

20 THE WITNESS: Hi. I've known him literally my entire
21 life. Twenty-four years. We've been married and together 14
22 years. All eight of our children are together. We have a
23 family. We own and operate a business successful for five
24 years.

25 A brief lapse of judgment; that's what I can honestly

1 say. He's not a troublemaker. We take care of our
2 community. We do what we can do. And it literally was a
3 lapse in judgment. Being that we do have eight children in
4 our house, the firearms, they're really not to be in the
5 home.

6 THE COURT: Mm-hmm.

7 THE WITNESS: And that's why it actually was on him --

8 THE COURT: Mm-hmm.

9 THE WITNESS: -- and not in the home. We had no prior
10 knowledge of this being on his record because he was the
11 store manager for a time period. But like I said --

12 THE COURT: Okay. Thanks for being here.

13 Eight children. What's the age range?

14 THE WITNESS: We have -- our oldest is 13 and our
15 youngest just turned 1.

16 THE COURT: Wow.

17 THE WITNESS: Yeah.

18 THE COURT: Good for you.

19 THE WITNESS: Thank you.

20 THE COURT: That's amazing.

21 Okay. All right. Any twins or just --

22 THE WITNESS: No. It's all eight of them --

23 THE DEFENDANT: No. Back to back.

24 THE WITNESS: -- individual.

25 THE COURT: Bless you.

1 THE DEFENDANT: This was -- if I could speak to the --

2 THE COURT: Yes. What would you like to tell me? Of
3 course.

4 THE DEFENDANT: I just want to say truthfully, in all
5 honesty, this is my fault on the mere fact of ignorance is
6 not always the best tool. And like Mr. Lawrence said -- you
7 know what I mean? -- my ignorance caused this whole situation
8 because, like he specified, previous before I got hired on at
9 Lids, everybody else told me no because it did pop up on my
10 record. And the Lids job was a assistant manager job. So
11 you see what I'm saying? So they have to go into that.

12 THE COURT: Yeah.

13 THE DEFENDANT: And when I got hired on, they said
14 nothing pulled up. And the only reason it took so long is
15 because I put it on there because --

16 THE COURT: Mm-hmm.

17 THE DEFENDANT: -- you know, you gotta tell the truth on
18 your, um --

19 THE COURT: Yep.

20 THE DEFENDANT: -- on your application.

21 THE COURT: Right.

22 THE DEFENDANT: And from there, literally three months
23 later I got promoted to the store manager as a key holder.
24 And they further did some -- or corporate did my background.
25 And that's why, honestly, I thought wholeheartedly --

1 THE COURT: It's gone.

2 THE DEFENDANT: But that's not my fault -- I mean,
3 that's not -- that's not -- this is not the cop's fault --

4 THE COURT: Yeah.

5 THE DEFENDANT: -- that I didn't know. And I'm --

6 THE COURT: I understand what you're saying.

7 THE DEFENDANT: -- understanding that. You see what I'm
8 saying? And I do stand on that because, like I told
9 Mr. Lawrence, like, ignorance is nobody fault but the person
10 who's ignorant, and that's me. So I do apologize for that
11 because that wouldn't have happened if I knew better.

12 And like my wife stated -- like, not a copout, just the
13 truth -- like, I have eight kids. And it's just like she
14 said; I can't have stuff around the house. And that
15 literally was just like, "Oh, snap. Let me go." Because
16 even during this situation --

17 THE COURT: Mm-hmm.

18 THE DEFENDANT: -- I literally was going to go down and
19 -- I was going to get inventory literally from -- it's just
20 right there. Because I live in Otranto.

21 THE COURT: Mm-hmm.

22 THE DEFENDANT: It's the Sunshine building. I don't
23 know if anybody's familiar with that. That's where we get
24 our frames from. And I'm going right there. I went --
25 literally drove around the corner. You know, you -- I got my

1 mother-in-law -- my mother-in-law and my sister-in-law, the
2 one who took me, that's who car I was in. I was gonna see --

3 And as a man, I don't feel like nobody should -- you
4 know what I mean? -- be "Oh, it wasn't my gun." And I hadn't
5 got it figured out, so I just kept it -- just kept it on me.
6 You know what I mean? Because at the end of the day, that's
7 what we're supposed to do as men anyway is stand for others.
8 If we gonna do the wrong, we gotta be man enough to accept
9 it. You know what I'm saying? So I do accept it. And I
10 just didn't -- I don't -- I did it willfully because I didn't
11 know. You see what I'm saying?

12 THE COURT: I understand.

13 MR. LONG: So your Honor, just to conclude, I do think
14 three years is completely unnecessary. This is someone that
15 doesn't have the record to reflect that. There should not be
16 anything on the record, but even if there is, I don't think
17 three years is appropriate at all, your Honor.

18 THE COURT: Okay.

19 MR. LONG: I'd much rather see him with a -- either a
20 time served or, if not a time served, a short period of
21 probation.

22 THE COURT: Right.

23 MR. LONG: And if we could waive some of the fees in
24 that probation to help assist with the large household, that
25 would also be appropriate in my eyes, your Honor.

1 THE COURT: Did he serve any time?

2 MR. LONG: I believe it was just one day.

3 THE COURT: Mm-hmm.

4 THE DEFENDANT: It was three.

5 MR. LONG: Well, he says three. The public index --

6 THE DEFENDANT: Oh, my bad. I apologize. You don't get
7 -- you don't essentially get for it to the -- until -- days
8 until they actually serve you to the warrant. But I had to
9 sit for two before they served me with the warrant. So I
10 understand how that goes.

11 THE COURT: Hmm, I don't know about that.

12 MR. LONG: Yeah.

13 THE COURT: I think you get credit for any time you're
14 not --

15 MR. LONG: I thought he did too.

16 THE COURT: -- free.

17 MR. LONG: Anyway, there was a miscommunication about
18 how many days.

19 THE COURT: Okay. I don't think --

20 MR. LONG: The public index reflects one.

21 THE COURT: -- it's going to make a whole hill of beans
22 difference.

23 THE DEFENDANT: Right.

24 THE COURT: All right.

25 All right, Mr. Robinson, I've enjoyed getting to know

1 you and your family a little bit. I appreciate you talking
2 to me.

3 The sentence on the gun charge will be three years, but
4 you'll get credit for the, I'll say, three days you served
5 and then suspend the remainder to 18 months of probation.
6 All right? I'm not going to order any special conditions.
7 I'll let you waive your supervision fees.

8 And then on the MDMA it will be six months suspended to
9 18 months' probation. All right?

10 So good luck. A little bit of probation, fees waived.
11 Get this behind you and move on. Okay?

12 MR. LONG: Thank you, your Honor.

13 MS. LYNCH: Thank you, your Honor.

14 THE COURT: All right.

15 (End of proceedings.)
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

State of South Carolina

County of Berkeley

I, Jamie L. Bickett, an Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and evidence introduced in the hearing of the captioned case in the Ninth Judicial Circuit, the Court of General Sessions for Berkeley County, South Carolina.


Official Court Reporter

Dated this 26th day
of December, 2024.

DOCKET NO. 2024-GS-08-02853

The State of South Carolina

County of Berkeley

FAM/0400672
WITNESSES

Goose Creek Police Department

AGENCY CASE NUMBER

2023-1935

ARREST WARRANT NUMBER

2023A0820200270

DATE OF ARREST

04/20/2023

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

COURT OF GENERAL SESSIONS

TERM

October 7, 2024

THE STATE

VS.

RASHEED DEVONNE ROBINSON

B/M DOB: [REDACTED]-1991

Indictment for

POSS I-V CONT SUBS

SC Code: § 44-53-0370(d)(2)

CDR Code: 0179

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

INDICTMENT

At a Court of General Sessions, convened October 7, 2024, the Grand Jurors of Berkeley County present upon their oath:

Poss I-V Cont Subs

Possession of Methylenedioxymethamphetamine MDMA

The Defendant, Rasheed Devonne Robinson, did on or about April 19, 2023, in Berkeley County, South Carolina, knowingly or intentionally possess Methylenedioxymethamphetamine (MDMA), a schedule I controlled substance, without obtaining it directly from, or pursuant to a valid prescription or order of a practitioner. All in violation of § 44-53-0370(d)(2) 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.



F. ALEXANDER MYERS
ASSISTANT SOLICITOR

DOCKET NO. 2024-GS-08-03842

The State of South Carolina
County of Berkeley

FAM/0400672
WITNESSES

Goose Creek Police Department

AGENCY CASE NUMBER

2023-1935

ARREST WARRANT NUMBER

2024-GS-08-03842

DATE OF ARREST

04/20/2023

ACTION OF GRAND JURY

THE STATE

VS.

RASHEED DEVONNE ROBINSON
B/M DOB: [REDACTED]-1991

Foreperson of Grand Jury

Date:

VERDICT

Indictment for

UNLAWFUL POSSESSION OF A PISTOL

SC Code: § 16-23-0030
CDR Code: 2364

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

INDICTMENT

At a Court of General Sessions, convened October 7, 2024, the Grand Jurors of Berkeley County present upon their oath:

Possession of a Handgun by Person Convicted of a Crime of Violence

The Defendant, Rasheed Devonne Robinson, did on or about April 19, 2023, in Berkeley County, South Carolina, unlawfully possess or acquire a handgun after having been convicted of a crime of violence in any court of the United States, the several states, the commonwealths, territories, possessions or the District of Columbia or is otherwise a fugitive from justice. All in violation of Section 16-23-0030 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.



F. ALEXANDER MYERS
ASSISTANT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled “Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings.”

Respectfully Submitted,



Wanda H. Carter
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

RECEIVED

Mar 03 2025

SC Court of Appeals

This 3rd day of March, 2025.

RECEIVED

Mar 03 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Berkeley County

Honorable Jennifer B. McCoy, Circuit Court Judge

THE STATE,

RESPONDENT,

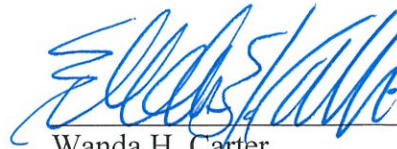
V.

RASHEED DEVONNE ROBINSON,

APPELLANT

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), and upon Rasheed A. Robinson at 2927 Salamander Creek Lane, Charleston, SC, 29406, this 3rd day of March, 2025.



Wanda H. Carter
Deputy Chief Appellate Defender