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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

ANDERS BRIEF OF APPELLANT

WANDA H. CARTER
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
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ATTORNEY FOR APPELLANT

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STATEMENT OF ISSUE ON APPEAL

The plea judge erred in accepting appellant's guilty pleas because the pleas were not knowingly and voluntarily given in the case.

STATEMENT OF THE CASE

Appellant Rasheed Devonne Robinson pled guilty to possession of MDMA¹ and possession of a handgun by a person convicted of a crime of violence during the October 2024 term of the Berkeley County General Sessions Court before Judge Jennifer B. McCoy. Appellant was sentenced to an aggregate three-year prison term in the case. Attorney Lawrence W. Ling, III, represented appellant at the plea proceeding, and Assistant Solicitor Olivia H. Lynch appeared on behalf of the state.

Appellant appealed his convictions and sentences. This brief follows.

¹ Methylenedioxymethamphetamine.

STANDARD OF REVIEW

In criminal cases, the appellate court sits to review errors of law only. State v. Nesbitt, 411 S.C. 194, 768 S.E.2d 67 (2015), quoting State v. Jacob, 393 S.C. 584, 713 S.E.2d 621 (2011).

ARGUMENT

The plea judge erred in accepting appellant's guilty pleas because the pleas were not knowingly and voluntarily given in the case.

In the case at bar, a handgun and MDMA² were found pursuant to a search of appellant's vehicle per a traffic stop that occurred on April 19, 2023, in Berkeley County, South Carolina. R. 4, lines 11-25.

At the plea proceeding, the solicitor recommended "three-years active time." R. 2, l. 21 – p. 3, l. 2. Thereafter, the plea judge asked appellant if he understood the state's sentencing recommendation, and appellant answered in the affirmative. R. 3, lines 3-8. However, the plea judge failed to simultaneously advise appellant that the court was not required or bound to accept the state's sentencing recommendation requested in the case.

As a rule, a plea judge is not bound by the state's sentencing recommendation in a criminal case. State v. Riddle, 278 S.C. 148, 292 S.E.2d 795 (1982). This rule was not made known to appellant during the guilty plea proceeding. As a result, appellant was not advised of all sentencing consequences attached to his pleas because had he known of the same, then he might have exercised his right to plead not guilty and proceed with the option of a trial by jury in the case. See State v. Hazel, 275 S.C. 392, 271 S.E.2d 602 (1980), where the Court held that a defendant must understand sentencing consequences in order to ensure that any guilty plea has been voluntarily and knowingly entered in a case. See also Boykin v. Alabama, 395 U.S. 238 (1968).

Here, appellant's pleas were not given voluntarily because he was unaware of all sentencing consequences in the case. Also, trial counsel erred in failing to fully advise petitioner

² Methylendioxyamphetamine.

properly regarding sentencing consequences when the plea judge failed to do so. Trial counsel's omission in this regard constituted deficient legal representation in violation of the Sixth Amendment to the United States Constitution. See Hill v. Lockhart, 474 U.S. 52 (1985).

CONCLUSION

Based on the foregoing argument, counsel would request that appellant's guilty pleas be vacated.



Wanda H. Carter
Deputy Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 3rd day of March, 2025.

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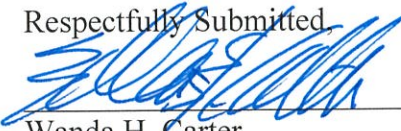
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Rasheed Robinson states that:

1. She is Deputy Chief Appellate Defender for the South Carolina Office of Appellate Defense and was appointed to represent appellant.
2. She has reviewed the record of appellant's trial before Judge Jennifer B. McCoy, which was held on Oct. 7, 2024, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She has, pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, she asks the Court to relieve her as counsel for Rasheed Robinson.

Respectfully Submitted,



Wanda H. Carter
Deputy Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 3rd day of March, 2025.

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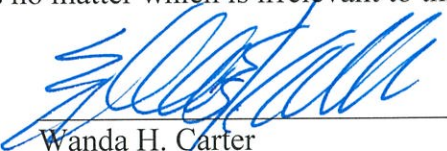
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**DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

- (1) Entire Guilty Plea Transcript
- (2) Indictments

I certify that this designation contains no matter which is irrelevant to this appeal.



Wanda H. Carter
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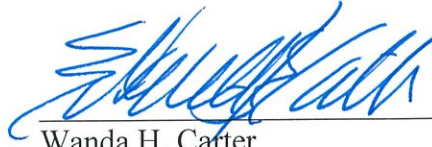
CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Anders Brief of Appellant complies with Rule 211(b), SCACR, and 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.”

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CERTIFICATE OF SERVICE

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



Wanda H. Carter
Deputy Chief Appellate Defender

ATTORNEY FOR APPELLANT