

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Lancaster County

William Jeffrey Young, Circuit Court Judge

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S.C. Supreme Court

KEITH ROBINSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-002103

APPENDIX

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STATE OF SOUTH CAROLINA

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COURT OF GENERAL SESSIONS

4

COUNTY OF LANCASTER

5

2012-GS-29-1157 to 1165

6

7 State of South Carolina

8 vs.

9 Keith Robinson, Jr.

10

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12

Lancaster, South Carolina

13

December 3, 2012

14

Before the Honorable Brooks P. Goldsmith

15

16

APPEARANCES

17

For the State: Doug Barfield

18

For the Defendants: Mike Lifsey

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Reported by: Michael C. Watkins

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Official Court Reporter

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I N D E X

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Guilty Plea:

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Sentence:

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Certificate:

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NO EXHIBITS

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1 MR. BARFIELD: This is Keith Tyrone Robinson, Jr.
2 represented by Mr. Mike Lifsey. Mr. Robinson has multiple
3 charges, we have what I am told is a guilty plea to several
4 of these charges. I will tell you that -- well, I guess the
5 clerk has still got the indictments -- 2012-GS-29-1157 all
6 of these are indicted cases, he's indicted for burglary
7 first degree. 2012-GS-29-1158, a companion case indicted
8 for armed robbery. 2012-GS-29-1159 a companion charge
9 indicted for possession of a firearm during the commission
10 of a violent crime, those charges relate to one incident.
11 2012-GS-29-1160, indicted for the offense of murder,
12 2012-GS-29-1161 companion case, burglary first degree,
13 2012-GS-29-1162 companion case armed robbery,
14 2012-GS-29-1163, companion case charge possession of a
15 firearm during the commission of a violent crime. And then,
16 Your Honor, in the third incident, 2012-GS-29-1164, indicted
17 for attempted murder. And 2012-GS-29-1165 indicted for
18 possession of a knife during the commission of a violent
19 crime, those two are companion charges. I'm handing you
20 sentence sheets and indictments for the charges that I've
21 announced. Your Honor, there have been plea discussions
22 concerning Mr. Robinson's case and basically those
23 discussions include the following: Number one, that all
24 sentences on each of these indictments be run concurrent
25 each with the other. And I think this is sort of a hybrid

1 negotiation recommendation, but the negotiated part of it, I
2 guess, is other than the murder charge he get the maximum
3 sentences that the law provides on each offense other than
4 on the murder charge. And then on the murder charge, Your
5 Honor, he is pleading guilty to murder -- he's pleading
6 guilty as charged on all of these, and on the murder charge
7 he gets any sentence you want to give him provided by the
8 statute other than a life sentence, which means 30 years or
9 any higher number you deem is appropriate after you've heard
10 everything you need to hear in this case. And I will
11 restate any of that that I did not make clear for you.

12 THE COURT: No, that's fine, I think I understand it.
13 And it's your understanding that Mr. Robinson wishes to
14 plead guilty to each of those charges as you've stated they
15 were?

16 MR. BARFIELD: Yes, sir.

17 THE COURT: And Mr. Lifsey, you represent Mr. Robinson?

18 MR. LIFSEY: Yes, sir, I do.

19 THE COURT: Do you agree with his decision to plead
20 guilty to each of these charges as stated by the solicitor?

21 MR. LIFSEY: I do, Your Honor.

22 THE COURT: Have you explained to Mr. Robinson the
23 charges contained in these indictments, the possible
24 punishment and explained to him his constitutional rights?

25 MR. LIFSEY: Yes, sir.

1 THE COURT: Do you believe he has understood your
2 discussions that you've had with him?

3 MR. LIFSEY: Yes, sir.

4 THE COURT: Based on your investigation of the facts
5 and circumstances of these cases, do you believe it likely
6 the State could convince a jury of his guilt on each of
7 these charges beyond a reasonable doubt?

8 MR. LIFSEY: Yes, sir, almost certainly.

9 THE COURT: Mr. Robinson, how old are you?

10 THE DEFENDANT: Twenty, sir.

11 THE COURT: Twenty?

12 THE DEFENDANT: Twenty, sir.

13 THE COURT: How far did you go in school?

14 THE DEFENDANT: I didn't get far, about the ninth
15 grade.

16 THE COURT: What have you been doing since the ninth
17 grade?

18 THE DEFENDANT: I've been doing little side jobs. I
19 had started back to school going to Youth Build, it was like
20 one week I would work and the other week I was in school.

21 THE COURT: Before you were arrested were you living by
22 yourself, family, friends or who?

23 THE DEFENDANT: With family.

24 MR. LIFSEY: Judge, I would just tell you his family is
25 in the courtroom and not right now but later on at some

1 point they will talk to you.

2 THE COURT: Sure. Mr. Robinson, have you ever been in
3 criminal court before, before these charges were brought
4 against you?

5 MR. LIFSEY: Well, he's had pending matters, Judge,
6 nothing of this magnitude. There's some other older matters
7 that I think will be taken care of after this plea is over
8 with. But I don't think he has actually -- let me speak to
9 the solicitor just one second.

10 (Break in proceedings.)

11 MR. BARFIELD: Your Honor, I think it's accurate to say
12 there's no convictions as an adult in the criminal justice
13 system up to this point.

14 THE COURT: Do you agree with that then, Mr. Robinson?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Have you ever been treated for the abuse of
17 alcohol or abuse of drugs or treated for any kind of mental
18 illness or disorder?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: You have?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Tell me about it, which one?

23 THE DEFENDANT: You're talking about like what I've
24 been doing, like drugs? Cocaine, marijuana, and I drank
25 alcohol.

1 THE COURT: Have you received some treatment for that?

2 THE DEFENDANT: No, sir.

3 THE COURT: You have not.

4 THE DEFENDANT: No. I was going to mental health.

5 THE COURT: I'm sorry?

6 THE DEFENDANT: I said I was going to mental health.

7 THE COURT: You were going to mental health?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Was that locally?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: In the past 24 hours have you taken any
12 medication, any drugs or have you consumed any alcohol?

13 THE DEFENDANT: No, sir.

14 THE COURT: Are you aware of any physical, nervous or
15 emotional problem you might have that would interfere with
16 your ability to understand what's happening here today?

17 THE DEFENDANT: Can you break that down too?

18 THE COURT: You've been talking off and on with your
19 attorney --

20 THE DEFENDANT: Yes, sir.

21 THE COURT: -- about the charges, about this case?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Have you had any problems understanding the
24 discussions you've had with him?

25 THE DEFENDANT: At first I did but I got an

1 understanding.

2 THE COURT: Have you understood his questions that I've
3 asked you this morning?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Your attorney and the solicitor both tell
6 me they believe you wish to plead guilty to each of those
7 charges that were announced a moment ago by the solicitor,
8 and I believe there were two burglary first degrees, two
9 armed robberies, a possession of a firearm during the
10 commission of a violent crime, a possession of a knife
11 during the commission of a violent crime, murder and
12 attempted murder; is that correct?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: The solicitor is going to give me some
15 facts about each of these charges, I need you to listen to
16 what he says.

17 MR. LIFSEY: Yes, sir.

18 MR. BARFIELD: Your Honor, I am in fact going to give
19 you just bare-bones facts. I understand that we're going to
20 have other time before you later to conclude this matter,
21 but the first series of charges arose out of a Lancaster
22 County Police Department case which occurred on June 13th of
23 2012 about 11:00 at night. It occurred at the home of
24 Donald Morris, which is, of course, in the City of
25 Lancaster. The address was [REDACTED]

1 Mr. Morris lived there by himself. City police got a call
2 of a burglary and an armed robbery, Mr. Morris was found at
3 his home, he had been beaten and was bleeding. He reported
4 that several young men busted in his house, that they were
5 armed, that there was a guest there at the home with him,
6 they were basically robbed of a substantial amount of money,
7 I think it was something over \$8,000 during this event. Mr.
8 Morris was treated for his injuries and city police began an
9 investigation. Your Honor, the second series of charges
10 arose out of events that occurred with the same victim,
11 Donald Morris on, I believe, June 18th of 2012. I'll give
12 you more about Mr. Morris later today, but Mr. Morris was
13 sort of self-employed, dealt in cash, bought and sold
14 things, apparently was rumored truthfully to have a good bit
15 of money on him from time to time. But after the first
16 robbery Mr. Morris continued to live in the house that he
17 lived in. The second incident occurred on June 18th of 2012
18 or into the night of June 19th of 2012, during the daytime
19 of the 19th a young man ended up at the city police
20 department on some nickel and dime kind of a charge and was
21 scheduled to have a bond hearing and gave police some
22 information that Mr. Morris might be in danger of being
23 robbed again. City police had been trying to get up with
24 Mr. Morris to talk to him more about the first burglary and
25 robbery for several days, had been unable near the time of

1 this last report to get him. So officers went to his house
2 after receiving that information, basically could not raise
3 him, went into the house and found that Mr. Morris
4 apparently had been shot to death in his bed probably some
5 time the previous night or in the wee hours of the morning
6 of that day. Mr. Morris was in the bed, suffered a single
7 gunshot wound which was fatal, and I will talk more about
8 that later. The house appeared to have been ransacked and
9 we believe that more money was taken during that event.
10 Your Honor, sheriff's department -- excuse me, the city
11 investigated both of these cases. To make a real long story
12 very short, Robinson, this defendant, and several others
13 ended up getting charged in various combinations with these
14 two burglaries of Mr. Morris' house. Mr. Robinson
15 eventually -- he gave multiple statements but admitted these
16 two burglaries, admitted in the first one that he was armed,
17 I think, with a .357 caliber revolver, admitted
18 participation, active participation in the second burglary
19 which resulted in the shooting death of Mr. Morris, admitted
20 to I think being armed in that case. There were two people
21 that we've got charged with actually going into the house
22 during the homicide case, and suffice it to say that Mr.
23 Morris (sic) says the other guy fired the shot and killed --
24 excuse me, Mr. Robinson says the other guy fired the shot
25 that killed Mr. Morris, the other guy says Mr. Robinson

1 fired the fatal shot that killed Mr. Morris. I will tell
2 you that subsequent to all of this the sheriff's department
3 got involved and a bunch of search warrants were done and a
4 lot of evidence was recovered that we believe ties these
5 folks into these crimes. But at a search warrant of the
6 home where Keith Robinson was found hiding, a -- I'm looking
7 back here for them to correct me if I say anything wrong --
8 but a handgun was found, which I think matches the suspected
9 caliber of the bullet recovered at the scene that we believe
10 killed Mr. Morris and also one or more fired cartridge cases
11 recovered at the scene. We don't have the ballistics back
12 yet, but I believe Mr. Robinson in his statement admitted
13 that the gun found hidden in his house where he was hiding
14 at his house was, in fact, the gun that was used, although
15 he denies that he was the man that pulled the trigger.
16 That's a summary of those cases. Your Honor, the case that
17 was scheduled for trial this morning involves Agent Fred
18 Thomas (sic) with the Lancaster County Sheriff's Office.
19 During the course of these investigations the city and the
20 county were working these cases assisting each other, there
21 were other matters that are being investigated that Mr.
22 Robinson was thought maybe to have some knowledge of. Mr.
23 Robinson was in the Lancaster Detention Center on these
24 charges, Fred Thompson with the sheriff's office is somebody
25 he had a pretty good repour with and had talked with before.

1 On August 6th, I believe, Fred Thompson received a
2 handwritten note in his box at the sheriff's office we
3 believe from Keith Robinson saying, "Come talk to me, I've
4 got information that might be helpful to you and if I
5 provide it it might be helpful to me." Fred Thompson went
6 and got him the next day, the 7th, they actually went to the
7 drug task force office. That discussion and interview got
8 aborted because Mr. Robinson got kind of squirrly about it,
9 thought maybe somebody had seen him leaving the jail with
10 Fred Thompson and didn't want, I guess, to become known as a
11 snitch, but they called it off that day. Fred Thompson very
12 early the next morning called the jail, said, "Get him
13 ready, I'll come pick him up." Fred Thompson went and
14 picked him up some time a little before 8:00. He was
15 shackled -- first of all he was in an orange jumpsuit,
16 shower shoes, leg shackles, belly chain with handcuffs and
17 his hands were handcuffed to his belly chain. They went to
18 the task force office, another agent was going to meet him
19 there to participate in the interview, she didn't get there
20 before these events that I'm about to describe occurred.
21 And again, I'll talk more about this later this afternoon.
22 But during the interview -- during the discussion leading up
23 to the interview Robinson said, "I need to go to the
24 bathroom." His handcuffs were undone, he was allowed to go
25 to the bathroom, he ended up sitting back in the chair hands

1 free, and at some point he complained about the leg shackles
2 being too tight. Fred Thompson reached down once or twice
3 to check them and at some point apparently determined he was
4 going to adjust them, put his handcuff key -- Robinson is
5 sitting facing this way, Thompson is now leaning sort of
6 perpendicular to him leaning down with a handcuff key, feels
7 a blow to the right side of his head and neck, snatches --
8 the blow was sufficient -- or the activity as a result of
9 the blow was sufficient that it broke the handcuff key off
10 in the cuff in the leg shackle. Fred picked him up by the
11 chain between his legs, kind of held him, dragged him over
12 to a position that he could get his radio out of a charger,
13 was able to do all of that, got his radio, drew his firearm,
14 he's out there by himself. At some point during all of this
15 he feels wet and warm on his neck, realizes he has been cut,
16 gets out on the radio, help arrives very quickly. Thompson
17 is holding Robinson at gunpoint. When help arrives help
18 takes over, Fred Thompson goes out, is whisked away by law
19 enforcement to the hospital, Robinson is taken into custody
20 again. We've determined that he cut him with what we are
21 very certain was the blade portion of a razor from the
22 disposable razor issued to them at the jail, matched one
23 that they took apart and did comparisons with, typical Vic
24 type blade, it was found on the floor there at the scene.
25 Robinson was questioned by Lee Blackmon with SLED who took

1 over this investigation and in sort of vague but pretty
2 definite terms admitted that he did and claimed that he did
3 it because a former correctional officer put a hit out on
4 Fred Thompson. Fred Thompson was treated at the ER for a
5 laceration to his neck and a nick in his ear. We were
6 prepared to present evidence about that at trial tomorrow
7 with a doctor to testify how close it came to getting stuff
8 inside his neck that very likely could have killed him. I
9 think that's all I need to say about those things right now,
10 we will again talk more about these matters later.

11 THE COURT: Mr. Robinson, you heard the solicitor's
12 statement of the facts concerning each of these charges, do
13 you agree with what he told me?

14 THE DEFENDANT: Some of it.

15 THE COURT: I guess you probably need to tell me what
16 you don't agree with.

17 MR. LIFSEY: Can I have one second, Your Honor?

18 THE COURT: Sure.

19 (Break in proceedings.)

20 MR. LIFSEY: Your Honor, the only thing he tells me
21 that he differs with the solicitor on, he maintains he did
22 not fire the shot that killed Mr. Morris. He and I
23 discussed at length, and I'll talk about this later, that
24 the theory of the hand of one is the hand of all and the
25 felony murder rule, but that -- he wants me to make clear to

1 the Court he maintains that he did not fire that shot, even
2 though he acknowledges under those police liability
3 doctrines that I just described that he could be found
4 guilty, and would almost certainly be found guilty.

5 THE COURT: Well, let me ask you this, Mr. Robinson,
6 you heard what your attorney told me, do you agree with what
7 he said?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Does that mean that you agree with
10 everything that the solicitor told me about everything else
11 except for that one portion?

12 THE DEFENDANT: Yes, sir. It's a different side of the
13 story of the police side.

14 THE COURT: As to -- which story are you talking about?
15 I'm getting confused.

16 THE DEFENDANT: About the Fred Thompson.

17 THE COURT: Well, you need, I guess, to tell me what
18 you disagree with about the Fred Thompson event.

19 THE DEFENDANT: I disagree with it but I'm still
20 pleading guilty to it because I know I did it.

21 THE COURT: You disagree with it but you want to plead
22 guilt to it because you know you did it?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Is there some part of the facts that the
25 solicitor stated that you disagree with?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: You want to tell me what those are?

3 THE DEFENDANT: It was self-defense, Your Honor.

4 THE COURT: I couldn't understand you?

5 THE DEFENDANT: It was self-defense, Your Honor.

6 THE COURT: It was self-defense?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Well, you have the right to assert the
9 defense of self-defense if you wish to do that.

10 THE DEFENDANT: I just want to go ahead and plead and
11 get it over with.

12 THE COURT: You want to go ahead and plead guilty?

13 MR. BARFIELD: I will say this, I don't want to belabor
14 this, I'm certainly not forcing anybody to plead guilty,
15 we're prepared to pick a jury if we need to. He and I
16 talked a lot about self-defense and about the elements of
17 self-defense, and what he and I have discussed, and I think
18 he needs and believes that while in his mind he might think
19 in some method and manner he might have been defending
20 himself it doesn't amount to the legal definition of
21 self-defense. He tells me that he wishes to waive his right
22 to assert the defense of self-defense in this case because
23 he doesn't believe that it would meet legal standards of
24 being self-defense.

25 THE COURT: Well, let me ask you a couple of more

1 questions. Do you agree with what your attorney just told
2 me?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Let me ask you this: As far as the
5 incident involving Fred Thompson, all right, as far the
6 events that did occur, one of the allegations are that, if I
7 understand them correctly from what the solicitor said --

8 THE DEFENDANT: Some of them big words you've got to
9 break them down because I really don't understand.

10 THE COURT: The solicitor says that you cut Fred
11 Thompson with some kind of blade or sharp object.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: I just need to know if that's true.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Okay. So that's the reason you want to
16 plead guilty to the charge.

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you agree with everything else that the
19 solicitor said about the other charges?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Listen to me, I'm not going to use any big
22 words. Are you saying that you are guilty of the two
23 charges of burglary in the first degree?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: The two charges of armed robbery?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Two charges of possession of a firearm
3 during the commission of a violent crime.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: The charge of murder.

6 THE DEFENDANT: Yes, sir.

7 THE COURT: The charge of attempted murder, the one you
8 just talked about.

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And the possession of a knife during the
11 commission of a violent crime.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Has your attorney explained to you that you
14 have a right to have a trial by a jury on each and every one
15 of those charges?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Have you ever had a jury trial, Mr.
18 Robinson?

19 THE DEFENDANT: No, sir.

20 THE COURT: Just bare with me one minute. If you were
21 to have a jury trial, and as you know, the jury is outside
22 of the door now, if you were to have that trial among other
23 things the Court would instruct the jury that you're
24 presumed innocent of each of the charges, and then that the
25 State must prove to the jury your guilt on these charges

1 beyond a reasonable doubt. You would have the right or have
2 your attorney cross examine witnesses that the State might
3 be calling to testify against you. You could have your own
4 witnesses testify for you, and you could testify if you
5 wanted to, but if you didn't the Court would instruct the
6 jury that they could not hold that against you because you
7 have a constitutional right not to testify. If you had made
8 any, I think I'm going to use the word now, any
9 incriminating statements, anything that incriminated you in
10 any of these events, in any of these other crimes,
11 confessions, things such -- admissions by you, if there were
12 any admissions like I've heard the solicitor talk about it,
13 you would have the right to challenge the State's right to
14 use that evidence against you. But, of course, you would
15 have the right to challenge the State's right to use any of
16 that evidence. Do you understand -- do you understand you
17 do have these rights?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Have you discussed all of these rights with
20 your lawyer?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And do you understand by pleading guilty to
23 these charges you would be giving up or waiving those rights
24 that I just described to you as to these charges?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Is that what you wish to do?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Have you had enough time to discuss all of
4 these matters with Mr. Lifsey?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Has he answered all of your questions?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Has he done everything you've asked him to
9 do or everything you would expect him to do as your lawyer?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Are you satisfied with his services,
12 Mr. Robinson?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Mr. Robinson, has anyone threatened you or
15 coerced you in any way to make you or cause you to plead
16 guilty to these charges?

17 THE DEFENDANT: No, sir.

18 THE COURT: Has anyone promised you anything or held
19 out any hope of reward as an inducement to get you to plead
20 guilty?

21 THE DEFENDANT: It just won't be life.

22 THE COURT: Other than that, I am sorry.

23 THE DEFENDANT: No, sir.

24 THE COURT: Are you entering these pleas of guilty
25 freely and voluntarily?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Are you pleading guilty to each of these
3 charges because you are guilty of each of these charges?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: The Court finds there is a substantial
6 factual basis for each of the pleas and the decision to
7 enter the pleas have been made freely and voluntarily with
8 the advice of an attorney with whom the defendant states he
9 is satisfied and the Court accepts each of the pleas. Now,
10 as I understood the plan between the solicitor's office and
11 the office of the public defender is that we will hear other
12 matters later?

13 MR. BARFIELD: Yes, sir. We will probably fill in some
14 more details and hear from various parties who have an
15 interest in this case, victims and law enforcement and
16 that's a matter that I anticipate will take some little
17 period of time. Be happy to do it as soon as we can get it
18 done but just right now, I have in particular one of Mr.
19 Morris' relatives in Camden who will be up here after while.

20 MR. LIFSEY: I would prefer you do it this afternoon.

21 THE COURT: We will recess this case until later this
22 afternoon.

23 (A recess was taken and the hearing resumed
24 later the same day.)

25 MR. BARFIELD: Your Honor, I believe we are ready to

1 conclude the proceedings in the case of State versus
2 Robinson.

3 THE COURT: Can I ask for a little clarification on
4 recommendation? I understand what the recommendation is on
5 the murder, the possession of a knife, possession of a
6 firearm, armed robbery. What is it as it relates to the
7 burglaries?

8 MR. BARFIELD: Let me restate it -- and this is
9 something that occurred to me a day or two ago -- the idea
10 is that he gets -- other than the burglaries and the murder
11 he gets the maximum sentences that the statutes provide
12 which are concurrent, and as to the burglaries and the
13 murder anything other than a life sentence, which means
14 theoretically he's looking at 30 and any other number you
15 want to give him on the murder essentially.

16 THE COURT: On the murder and the burglary?

17 MR. BARFIELD: And the burglaries.

18 THE COURT: That's where I got sideways.

19 MR. LIFSEY: Basically he's got a 30.

20 MR. BARFIELD: He starts at 30.

21 THE COURT: On those three.

22 MR. BARFIELD: Yes, sir.

23 (Break in proceedings.)

24 MR. BARFIELD: Your Honor, again we are back with Keith
25 Tyrone Robinson, Jr. who entered pleas earlier today to

1 multiple charges, represented by Mr. Lifsey. We did an
2 abbreviated version of the facts. I'm not going to expound
3 a whole lot but there is a little bit of supplementation I
4 wanted to do which doesn't really change the facts and I
5 don't think I will say anything that will cause any issues
6 with Mr. Robinson but I do just want to touch base on a
7 couple things. I will then introduce some people to you who
8 would like to speak, both from the civilian world and from
9 the law enforcement world, and then I will in whatever order
10 you decide to do this I will have a few more comments
11 towards the end of this proceeding.

12 THE COURT: All right.

13 MR. BARFIELD: Your Honor, as to the first incident
14 that Mr. Robinson pled guilty to which was burglary first
15 degree, armed robbery and possession of firearm during the
16 commission of a violent crime, again, that occurred on
17 June 13th of '12, which was Wednesday night, some time late
18 night before midnight. The victim on the first two cases
19 I'm going to tell you about is Donald Morris. Mr. Morris
20 lived at the address on York Street that I put in the record
21 earlier, lived there by himself, self-employed, ran a
22 produce stand, then bought and sold items and apparently
23 dealt in cash and apparently that was not a huge secret in
24 the community. In the first incident he was there with a
25 female friend and they reported immediately to the police

1 that three black males came in, he said all of them were
2 armed, he was pistol-whipped and had to receive some
3 emergency medical treatment at the hospital. Something over
4 \$8,000 was stolen, also a flat screen TV was taken and the
5 house was ransacked. As I said again earlier, first of all
6 there's a young man who lives next door to where Mr. Morris
7 lived who is a codefendant in these cases and not charged
8 with murder but a codefendant, he was familiar with Mr.
9 Morris and was familiar with these defendants who were
10 charged, there are multiple defendants charged in each case.
11 He apparently had information about Mr. Morris' habits, his
12 comings and goings, and there is some evidence in the case,
13 I think some of which came from Robinson's cellphone which
14 was seized, that there was communication back and forth
15 concerning Morris' habits and comings and goings, talk about
16 his money, talk about whether he might or might not be armed
17 inside that house. The second incident occurred on
18 June 18th of 2012 which was either -- or either June 19th of
19 2012 which was either Monday night or into early Tuesday
20 morning, some time that day this neighbor who was a
21 codefendant had gotten himself arrested on something totally
22 unrelated to any of this, had a bond hearing scheduled at
23 the city police department, provided information to the
24 police officers at his bond hearing that maybe they needed
25 to check on Mr. Morris because he had been robbed and he was

1 suggesting that maybe something else was going to happen to
2 him. Phillip Hall with the city police department was
3 investigating the first burglary/robbery and had been trying
4 to get in touch with Mr. Morris and, in fact, had been by
5 the house several times, couldn't raise him. Officers went
6 to Mr. Morris' house late on the afternoon of June 19th,
7 Tuesday, couldn't raise Mr. Morris, eventually just decided
8 to enter the house. When they did so they found Mr. Morris
9 in his bed having been shot once in the head with a fatal
10 perforating gunshot wound. The scene turned up some
11 evidence which included a fired bullet I think there in the
12 bed somewhere, a fired .40 caliber cartridge case. The
13 house appeared to have been disturbed again, and based on
14 subsequent statements by many people interviewed in this
15 case it was determined that more money was taken from Mr.
16 Morris on the second burglary and robbery, and, in fact,
17 from the investigation it appears that these defendants
18 actually tried twice to get into Mr. Morris' house on the
19 night he was killed. They went there the first time,
20 couldn't get in, regrouped and came back later and gave it
21 another go and successfully got in. As I said before the --
22 there are two primary defendants in the homicide case, they
23 are Mr. Robinson and his codefendant, Jeremy Thomas, I
24 believe. Both of them gave statements and the statements
25 are fairly consistent in respects they differ in other

1 respects. Of course, the major difference is in Robinson's
2 statement, he says Thomas went in first and Thomas had the
3 gun and Thomas shot Mr. Morris, and in Thomas' statement he
4 says Robinson went in first and shot Mr. Morris and then let
5 Thomas in after Mr. Morris had been shot. From my
6 perspective it's really neither here nor there at this
7 point. There is also evidence, I think at least in the
8 homicide burglary, armed robbery that the folks who went in
9 and maybe even in the first one had their faces covered and
10 were concealing their identities, which I submit is
11 significant. Your Honor, once names got associated with
12 suspects in these cases, of course the city police and
13 county sheriff's office worked hard for a long time --
14 actually not terribly long but for several days to try to
15 get this thing pinned down, their investigation led them to
16 a home where we believe Mr. Robinson would be found, and he
17 was, in fact, found in that home when it was entered with
18 the search warrant hiding up under the box springs of the
19 bed, hiding from police. They also recovered during that
20 search among other things a .40 caliber firearm which has
21 not been -- the testing has not been completed on the
22 ballistics evidence in this case, but it appears that the
23 .40 caliber firearm is the most likely weapon that was used
24 to shoot and kill Mr. Morris. And, in fact, I believe in
25 Mr. Robinson's statement, although he denies being the one

1 who shot and killed Mr. Morris, he did admit that that was
2 the gun that was used in the second burglary which resulted
3 in the death of Mr. Morris. That's all I need to supplement
4 by way of facts and I will let you direct which side of this
5 story gets told next.

6 MR. LIFSEY: I'm fine if you let the solicitor finish
7 with whatever he's got at this point.

8 THE COURT: Solicitor?

9 MR. BARFIELD: Your Honor, Mr. Morris has a good number
10 of people here, and obviously there are a lot of law
11 enforcement people here, too. Let me back up, one more
12 thing, I forgot this. And again, I'm supplementing the
13 factual recitations concerning the Fred Thompson case, which
14 is the attempted murder and possession of a knife during the
15 commission of a violent crime. As I said earlier, this
16 kicked off on August 6th when Robinson apparently gave a
17 note directed to Fred Thompson that he wanted to talk to him
18 about some other matters. On the 7th there was an aborted
19 effort to do that interview. The interview was going to be
20 done at the drug task force office, which is on Pageland
21 Highway on the same side as the sheriff's office but a good
22 piece before you get to the sheriff's office. Fred Thompson
23 picked Robinson up, took him, of course, secured as I said
24 earlier, and took him to the task force office. At some
25 point as they left the sheriff's office he indicated

1 Robinson looked over to the Farmer's Market and appeared to
2 recognize some people over there, when they got to the task
3 force office or were close to getting there Robinson asked
4 Thomas (sic) if anybody else -- asked Thompson if anybody
5 else was going to be present during the interview, which I
6 think is significant. Thompson told Robinson at that time,
7 yes, Kristen Grant then with the Lancaster City Police
8 Department who was involved with the investigation of the
9 city cases had planned to be there but had not arrived, but
10 Robinson apparently was made aware that somebody else was
11 coming, otherwise Fred Thompson and Robinson were alone at
12 the task force office and it was determined that the
13 interview would not take place that day. Second day, the
14 next day, which was I think was Wednesday the 8th, same
15 procedure, Thompson called the jail ahead of time, initially
16 had not planned on doing it on the 8th but called the jail
17 ahead of time because he had a little bit of time before
18 they had an appointment to do some investigative work with
19 some folks over in Rock Hill, intended for Kristen Grant to
20 be there and thought that he had sent her a text message
21 telling her where he was going and she didn't get it. There
22 was no discussion apparently between Robinson and Thompson
23 about whether anybody else was going to be present. When
24 they got to the task force office it was just the two of
25 them. It is clear that at some point during -- we don't

1 know when, but at some point Robinson got ahold of a razor
2 blade, which we can't scientifically say is true but believe
3 was taken from a disassembled disposal type razor that are
4 issued to inmates at the detention center I'm told every
5 Saturday night, they are allowed to keep them for just a
6 short while on Saturday night to do their shaving and then
7 they're collected. Of course, they obviously take inventory
8 of what they hand out and take inventory of what they pick
9 back up. A comparison of an intact disposable razor, which
10 was disassembled, the blade from which was disassembled and
11 the one that was actually used to cut Fred Thompson was
12 done, photographic evidence was made, measurements were
13 taken and the blades appeared to be identical. Of course, I
14 guess you can go to Wal-Mart and get one that looks just
15 like it. But it was a typical probably close to 2-inch
16 blade, just strip of razor blade. Obviously there was some
17 planning put into that because Robinson had to make
18 provisions to get ahold of that blade and obviously -- I
19 don't know if it's obvious or not, but to me it seems pretty
20 obvious that he went to the task force office at least on
21 August 8th armed with that blade and had it concealed in
22 some fashion. Fred Thompson described him sitting in a
23 chair with outside arms with his thumb on the seat rail and
24 his fingers underneath it with his left hand and that's the
25 hand that Thompson got struck with. So it appears that

1 there was some plan to carry out the assault on Fred
2 Thompson, which might have been intended to have occurred on
3 August 6th, we don't -- or August 7th, excuse me, we don't
4 know. Maybe we called it off because he thought somebody
5 else was coming and waited until he thought Fred Thompson
6 was alone. But that's how all of that fell out. Your
7 Honor, Mr. Morris is represented here today by a bunch of
8 people, and of course, law enforcement is heavily
9 represented too. But his daughter is Holly Morris, his wife
10 is Stephanie Morris, his sister is Janice Ellis, all three
11 of them are here along with other family members. I would
12 ask them, or whomever among them would like to step up to
13 the microphone to speak. Of course, Fred Thompson and his
14 wife are here, I'm sure that he wants to speak and then I'll
15 introduce to you some law enforcement folks in a little bit
16 when they're ready to speak. So Holly Morris and you folks,
17 if you would, if any among you who would like to speak, step
18 to the microphone, state your name and your relationship to
19 Mr. Morris and then speak to the judge. Thank you.

20 SPEAKER: My name is Holly Morris and I am Donnie's
21 daughter. On June 18th of 2012 our family was destroyed.
22 My father had his life taken from him in a horrific crime.
23 About four years ago my dad found his Lord and Savior, Jesus
24 Christ. Through the strength and faithfulness of Jesus my
25 dad was able to start a successful small business selling

1 fruits and vegetables and other items to the public. He
2 quickly became an outstanding person in his church, driving
3 the church van to pick up people for church and pretty much
4 helping anyone that he could. I got to tell my dad I loved
5 him for the last time on Father's Day. The day after my
6 father -- the day after Father's Day I received a call
7 telling me to come to my dad's house. After waiting for
8 hours in disbelief that my dad might actually be dead, the
9 coroner told me that he had been shot in the head. I later
10 learned that he was sleeping in the bed when this man came
11 into his house and cold heartily shot my dad in the head. I
12 had to go to the morgue that night to see my dad. The last
13 images of my dad that I will forever have in my head is him
14 lying on a stretcher with blood dripping out of the hole in
15 his head where he'd been brutally shot execution style. I
16 have been scared to death ever since. He took my dad's life
17 over nothing. My dad was asleep. Why could you not just
18 let him live? You didn't have to kill him. My son and I
19 will never get to spend another moment on this earth with
20 him. Now I am left in fear forever. My dad came to my work
21 the next morning after he had been beaten and robbed at
22 gunpoint, he was scared. I had never seen my dad scared
23 like that. He had tears in his eyes. He told me that if he
24 went back to that house they was going to kill him, three
25 days later they did. I will always wish I could have done

1 something more to help him. Judge, I ask that you give this
2 guy the maximum sentence that is allowed. I am scared for
3 him to be walking the streets again. Who is to say he would
4 never do this again? I hope that one day God will ease my
5 heart about this and help me to forgive you. My son is nine
6 years old and he won't sleep without a light on or go
7 anywhere by himself. He can't play outside like a normal
8 little boy without fear since this happened. My dad will
9 never get to walk me down the aisle or watch my son grow up.
10 Your Honor, this man had no mercy on my dad. Thank you.

11 THE COURT: Thank you, ma'am.

12 SPEAKER: If my brother would have lived this Saturday
13 he would have been 54 years old. I was able to give him a
14 surprise birthday party for his 50th after he was saved,
15 which he had lived a pretty bad life up until 1988 -- not
16 '98 -- 2008 when he got saved. My mother and my sister both
17 had already passed away and I know they would have loved to
18 have seen him because it was pretty unbelievable for anybody
19 that had knew him to know that he had made that change and
20 he would have give you his last dime. What makes it so hard
21 is why he waited and come back in and killed him. If he was
22 going to kill him why didn't he kill him the first night?
23 That would have been bad enough. But for him to come back
24 and do it again and him asleep with his Bible laying on the
25 bed beside him, he has no mercy for anybody. How can you

1 put him back on the street knowing it could be you the next
2 time?

3 MR. BARFIELD: That was Janice Ellis, Mr. Morris'
4 sister.

5 THE COURT: Thank you, ma'am.

6 SPEAKER: My name is Stephanie Morris, I'm the wife of
7 Donnie Morris. I have a picture here that on August 25th of
8 2008 he was saved and he was baptized. This man didn't just
9 turn his life around, he changed his entire life. He turned
10 his life from something he'd never seen or never knew to
11 going to church, doing anything for anybody at that church,
12 driving that van, helping people, buying kerosene for people
13 that didn't have heat in their homes, buying Christmas
14 presents for people that couldn't take care of their kids,
15 giving beds to people that didn't have beds to sleep in. He
16 gave these things away. He would have given his last dime
17 to these young men that come in that house. He would have
18 handed it to them and let them have it rather than them cold
19 bloodily -- he was defenseless, he was asleep. He had no
20 way of knowing that they were even in the house, and all
21 they had to do was just get what they were going to get and
22 get back out. This murder was senseless. I can't go home.
23 I can never sleep in my own bed again, I'm terrified to be
24 alone at night. I've got a house sitting over there that I
25 can't live in. I've got belongings in that house that I

1 can't even hardly go in there and get them out because I'm
2 so terrified of that place. The other people have continued
3 to break in to that house, it has been broken in to again.
4 But these young men had no mercy on my husband in any way,
5 shape or form. He has two daughters and several
6 grandchildren that will never get to spend time with him
7 again. And it's not fair for these young men to walk the
8 streets and raise their families and be happy and go on with
9 their life when they took this man's life for no reason. A
10 dollar doesn't mean that much to any one and it never meant
11 that much to Donnie. And I just ask that -- he had no mercy
12 on my husband, that you have no mercy on him and that you
13 give him as much time as the law will allow. Thank you.

14 SPEAKER: Your Honor, my name is Steve Lambert and I
15 come here to speak as a friend of Holly Morris, and to
16 testify on her behalf that I had the pleasure of witnessing
17 a healthy, happy relationship between a father and a
18 daughter. I never saw them squabble, they got along great.
19 What this young man done is more than just murder, it's
20 theft. He stole from these people. He stole a father, he
21 stole a grandfather, he stole a member of the community, he
22 stole a member of a church, he stole from our society. I
23 don't have to remind the Court that this is bigger than just
24 killing one man. I hope that you can find no opportunity
25 for leniency. I have followed this case and find it to be

1 of the most egregious nature. Thank you for listening.

2 THE COURT: Thank you, sir.

3 SPEAKER: I am Vickie Underwood, I'm Holly Morris'
4 mother, I was married to Donnie Morris. I have to watch my
5 daughter suffer everyday scared and my grandson who was
6 eight years old when this happened, he will not go in the
7 house by himself. I have to go in the side and make sure
8 it's safe for him to go in. He fears everyday. He cannot
9 be a normal little active little boy like he was because his
10 grandfather's life is taken. And I have to watch Holly
11 suffer everyday that she don't have a daddy to have a
12 relationship with. So I hope you have no mercy because they
13 had no mercy when they took his life. Thank you.

14 MR. BARFIELD: Fred Thompson, agent with the Lancaster
15 County Sheriff's Office, the victim of the last case.

16 SPEAKER: Judge, I've tried to put something together,
17 I guess, as to what I would say to address the Court and the
18 only three things I can think of is love, forgiveness and
19 consequences. Before I got to be a police officer, before
20 anything I will say that I'm a Christian, I've had the
21 opportunity to speak on about that, I am a Christian so
22 according to my Christian beliefs I have to love regardless
23 of the circumstances. I have to forgive regardless of what
24 happened to me. And the crazy thing about this particular
25 situation, it's easier for me to forgive him than it is for

1 me to forgive myself. I sometimes hate myself because I
2 tried to treat him like a human being, I tried to treat him
3 like someone else, like someone, and in return I get my life
4 almost taken from me and I'm almost taken from my wife, I'm
5 almost taken from my children because I tried to treat him
6 like someone, so it's hard for me to forgive myself right
7 now. The last thing that I'm going to tell you and I'm
8 going to get out of your way, is even -- we are Christians,
9 I have to love unconditionally, I have to forgive. The
10 other thing I want to talk to you about is consequences. We
11 have to -- a consequence is the result of anything you do or
12 you chose not to do, and because he chose to take the life
13 of another person, because he chose to take me away from my
14 family, I believe, Judge, that he needs to suffer a severe
15 consequence. That's all I have to say. My life, my family
16 has changed. We are not able to get out and interact in the
17 community like we used to. I've worked three hours since
18 August 8th because the job that I love and the job that I
19 was so compassionate about I can't even imagine going back
20 and doing again. I lost trust, I lost faith in people. I
21 have neglected my family time after time again because I was
22 so dedicated to my job. I love helping people. I can't do
23 it anymore. I would never be able to sit across from
24 another person like that again to work a case, to try to
25 make a difference in the community, I can't do it anymore.

1 I refuse to sit across from another person that have put
2 themselves in that situation to try to do something to help
3 them. I have no compassion for it. I have to, I'm working
4 on that, but Judge, I have to love him, I have to forgive
5 him and I have. I'm going to ask God to have mercy on him,
6 I'm going to ask God to have mercy on him but I'm asking you
7 to give him the maximum sentence. Thank you.

8 THE COURT: Thank you, Mr. Thompson.

9 MR. BARFIELD: Your Honor Chief Howard with the city
10 has her contingent of officers and investigators and I would
11 ask that you hear from the city police department. And
12 after that Sheriff Faile and his officers and investigators
13 and I would ask you to hear from him and whoever on his --
14 from his department would like to speak also.

15 SPEAKER: Good afternoon. Your Honor, if it pleases
16 the Court? I humbly ask you to consider no mercy for Keith
17 Robinson, Jr. I consider Keith Robinson, Jr. to be a menace
18 to society, one who would take a life without a thought.
19 The egregious murder of Mr. Morris -- first off the burglary
20 where Mr. Morris was pistol-whipped was not enough to
21 satisfy whatever it is that grows inside of him. He came
22 back a second time, cold bloodily murdered Mr. Morris while
23 he was asleep, and not only did he murder him he ransacked
24 his home, he took his belongings. As if that was not enough
25 Keith Robinson, Jr. summoned, he summoned for Agent Thompson

1 and Lieutenant Grant. They didn't come on the first day,
2 they came on the second day, Agent Thompson was alone but
3 Keith Robinson, Jr. didn't know that, he was looking for
4 both of these officers. He cold bloodily attempted to take
5 the life of Agent Thompson. Your Honor, this individual has
6 caused so much harm, hurt not only to our community but to
7 these families, to a law enforcement community. We have
8 people within our society that are afraid to be left alone.
9 They're afraid to even take in their own folks because of
10 the actions of this individual. Your Honor, I ask that you
11 show no mercy and that you give him the maximum sentence or
12 whatever it is that is allowed through you and by this
13 Court. Thank you.

14 THE COURT: Thank you, Chief Howard.

15 MR. BARFIELD: Captain Scott Grant of the Lancaster
16 Police Department, Chief of Detectives.

17 SPEAKER: Judge, back probably some time in July I sat
18 down with the Morris family and they had a lot of questions
19 and we tried to give them as many answers as we could. One
20 of the things I told them that day is they lost their loved
21 one, Holly lost her father, it was over money. I've since
22 come to the realization that that wasn't 100 percent
23 correct, it wasn't over money, it was over the promise of
24 money. They had no idea what was going to be in that house
25 when they went back, but they made a decision that it was

1 worth a man's life just to find out. They had no reason to
2 believe he had any money in there, they already took all of
3 his money a short time earlier, but they thought that he may
4 have some more and they killed him for it. Fred Thompson is
5 a friend of mine, his family is our friends. He's been
6 robbed of something we can't describe. This county, this
7 city has been robbed of a top notch investigator that cared
8 the way few people cared. My fear is because there's so
9 much that we're dealing with today that I could see where it
10 would be easy for the levity of each situation for it to be
11 lost somewhat, and I just hope that -- and I know that due
12 consideration that we give to each individual would be not
13 only separate but as a whole. Thank you.

14 THE COURT: Thank you, sir.

15 MR. BARFIELD: Sheriff Faile. Of course, let me say
16 this too. As to the Fred Thompson case because it was one
17 of their own they asked SLED to investigate. Special Agent
18 Lee Blackmon of SLED handled that part of the investigation,
19 he's present also.

20 SPEAKER: Your Honor, we're here today talking about a
21 case or a person that really has effected many lives here in
22 Lancaster County, one being the Morris family who has lost a
23 loved one and one talking about Officer Thompson and his
24 family. And the law enforcement officers are here today
25 talking about the loss of a loved one because when we work

1 together, Your Honor, we become a brotherhood and try to
2 lookout for one another and want the best for each other and
3 we have truly lost a good officer. When I think about
4 Officer Thompson he was just elected the -- or nominated to
5 be the deputy sheriff of the year last year in the State of
6 South Carolina, that just talks about his character and what
7 kind of person he is and the love and support of his family
8 that he has. But we're also talking about an individual
9 here that has proven time and time again that he cannot be
10 trusted, he cannot mix with society and he truly terrorizes
11 the community each time he's out in it. You know, when you
12 get a call, Your Honor, about an officer down needing help
13 and when you arrive on the scene you see one of your
14 teammates, one of your officers sitting there bleeding
15 because someone that he's trying to help has conducted
16 himself in a way to try to bring harm to that officer and
17 try to take that officer from his family. You know, I've
18 heard several times over and over today about mercy in this
19 case in itself, but let me say that Officer Thompson has
20 already given mercy to this defendant, he's standing before
21 you here today. He had every justification in the world to
22 use deadly force that day and chose not to. So I just ask
23 you to impose as much as you can to keep this subject off
24 the streets here in Lancaster County. Thank you.

25 THE COURT: Thank you, Sheriff Faile.

1 MR. BARFIELD: Lee Blackmon with SLED briefly.

2 SPEAKER: Special Agent Lee Blackmon with the South
3 Carolina Law Enforcement Division. Your Honor, I've been in
4 law enforcement about 19 years and I'll say that I lived I
5 guess a very sheltered life before I got into law
6 enforcement. But once I did I found out there were good
7 people who did good things, of course, I already knew that,
8 then I found out that there were good people who sometimes
9 do bad things, and then there are bad people who sometimes
10 do bad things. But then, Your Honor, there are violent
11 people who sometimes do violent things. I have set across
12 the table from a lot of defendants and a lot suspects in my
13 career, Your Honor, and I will tell you that Keith Robinson,
14 Jr. is one of the most violent, unremorseful persons that I
15 ever talked to in an interview room. He had no remorse for
16 the killing of Donald Morris and he had no remorse for what
17 he did to Officer Thompson who I have worked with at the
18 Lancaster County Sheriff's Office. Your Honor, I ask that
19 this Court show no mercy on him when it comes to sentencing.

20 THE COURT: Thank you, Mr. Blackmon.

21 MR. BARFIELD: Your Honor that's all. I will have just
22 a couple of real brief comments before you conclude.

23 THE COURT: All right. Mr. Lifsey?

24 MR. LIFSEY: Thank you. Your Honor, I represent Keith
25 Robinson. I would like to kind of -- this is not a lengthy,

1 lengthy case and we're not going to try the case today but I
2 do want to say a few things to you. I want to kind of first
3 talk to you about the case and my view of the evidence and
4 what I did in this case, then I want to tell you a little
5 bit about Keith, and then I want to give you my thoughts on
6 sentence and what I think would be appropriate. Your Honor,
7 I actually represented Mr. Robinson for awhile, I was
8 appointed to represent him on these charges. I received
9 what I believe to be full and complete discovery from the
10 solicitor in this case and I've reviewed them at length with
11 my client. You know, couple of things struck me in
12 reviewing the evidence with him, first of all I think the
13 State had very good evidence, they had good cases.
14 Secondly, my client gave full statements and basically
15 admitted to everything. He and I discussed at length what
16 to do about this case. I don't really disagree with much of
17 what you have heard from the State today. I will -- and I
18 wasn't in any interview rooms, I don't know what he acted
19 like when he talked to Agent Blackmon, but I will tell you
20 that he has been remorseful when I've spoken to him about
21 this case from the very beginning. I visited him at the
22 detention center here where he was housed for awhile and
23 then they put him in the department of corrections for a
24 period of time in a safekeeping status. I think I drove to
25 Bishopville at Lee Correctional a couple of times at least

1 to meet with him down there, met again with him as recently
2 as Friday. As you know -- of course, you know, we were
3 prepared to pick a jury today, but that really wasn't out of
4 any sense of -- out of any sense of maintaining any real
5 degree of innocence of these charges, it was just a matter
6 of him coming to the realization of the significant amount
7 of prison time involved in this case. But I will tell you
8 that I reviewed with him this case at length, I discussed
9 with him the law both as to accomplice liability, in regards
10 to the murder I discussed it with him at length, any
11 possible defenses to any of these crimes and he made an
12 intelligent decision to enter the pleas in this matter. I
13 think they are the correct decision considering the
14 consequences under both the charges themselves, which carry
15 significant, significant prison sentences and, of course,
16 the provision of mandatory sentencing under 17-25-45. So I
17 agree with his decision, I think it's intelligently entered.
18 It's a difficult position he finds himself in but I think he
19 has made the correct decision today to plead to these
20 charges. Keith is 20 years old. He is from here in
21 Lancaster. He has not had an easy life. Of course, I think
22 what I would like to do is introduce some of his family,
23 tell you who they are and the ones of them that wish to
24 speak I would ask them to speak and come up to the
25 microphone. First I'm just going to sort of introduce

1 everybody. When I call your name just raise your hand.
2 Tonisha Robinson is his sister, Jessica Robinson another
3 sister, Kevin Reid is his brother, Rodrieka (phonetically)
4 Grier a friend of his. Bochial (phonetically) Cato is his
5 uncle. Damian Curry, his cousin is here. His mother was
6 here earlier, I'm not sure she was able to be back here, but
7 his mother was here this morning and active in my
8 conversations with her and his family, they agree with his
9 decision to enter this plea and his mother, Sheila Robinson,
10 was here earlier but may have had to go. Jim Cato his
11 cousin is here. If any of y'all would want to speak I would
12 ask you to come sort of one at a time up to the microphone
13 and state your name and then tell the Court what you know
14 about your friend.

15 SPEAKER: Kevin Reid, his brother. What I know about
16 him, I have grown up around him for about the last ten years
17 or whatever, he's always been -- he's been through a little,
18 but when you label someone a menace, a menace is more like
19 from my understanding it's someone that goes around
20 torturing people or getting in a lot of trouble off and on.
21 I understand things may have happened or whatever, but from
22 me being around him I know he has always had a big heart,
23 and kind-hearted, kids loved him, he was always good around
24 kids, always lend out a helping hand, whenever you needed
25 him he always there for you. It's just touching right now

1 the whole circumstances or whatever and the situation going
2 on. Only thing I can say about is show him mercy. It's not
3 good to fight life with life or whatever, but still on the
4 Judge's decision what goes on and how you handle it. Me, I
5 always seen the good side of him, I never seen no vicious
6 menace to society.

7 THE COURT: All right. Thank you, sir.

8 SPEAKER: My name is Jessica Robinson and I'm Keith
9 Robinson's sister and I am here to speak on his behalf
10 today. I first off want to apologize to the Fred Thomas
11 (sic) and the Morris family for their death and my brother's
12 actions to Fred. My brother was not convicted, and in his
13 statement it said that yes, he did take part in it but he
14 was not the trigger man. And I ask you to show him mercy
15 under any circumstances that it is. I love my brother to
16 death and I'll do anything for my brother, and if I could
17 take half of his time in being sentenced then I would, Your
18 Honor. But growing up with my brother I was always around
19 him 24/7, it was just me and him. My brother always is
20 happy, he's not down, he's just -- anytime I needed help he
21 would help me. When I didn't have anything to eat my
22 brother would get his paycheck from Youth Build and he would
23 send me something to eat and everything. My brother was
24 there with me 24/7, it was always just us. And I would be
25 heart-broken if he is not shown mercy in this courtroom

1 today, Your Honor. I love my brother to death, and if he
2 does not get life, Your Honor, I ask you to please let him
3 walk out these doors again. I apologize for all of this
4 actions that has been taken. And everyone is going off
5 about what they hear. No one in this courtroom knows Keith
6 Robinson but his family, no matter how many supporters they
7 got our love is still strong enough that shows our support,
8 that's why we're here today. My brother has been through a
9 lot growing up, and in our family we have been through a
10 lot. But my brother is a good dude, he don't hurt nobody.
11 But he may have did something to Fred, but the actions where
12 they're saying that he took with Donnie Morris, he did not
13 commit those actions. They does not have any strong
14 evidence against him. The only thing they have is a witness
15 statement which he stated that he was there but was not the
16 trigger man, Your Honor. But I love my brother, Your Honor,
17 and I pray to God that you show him mercy today in this
18 courtroom. Thank you.

19 THE COURT: Thank you, ma'am.

20 SPEAKER: My name is Rodrieka Grier and I'm a friend of
21 Keith Robinson. I grew up around him basically. And the
22 Keith Robinson I know, he's kind hearted and sweet, sweetest
23 person I ever met. I never thought that he would do
24 anything like that because he was too sweet, he was always
25 sweet to me. And whenever I had a falling out with my

1 brother he was there to talk to me about it and calm me
2 down. I just hope y'all show mercy.

3 THE COURT: Thank you, ma'am.

4 SPEAKER: My name is Janisha (phonetically) Robinson,
5 I'm his youngest sister. Growing up we never had much
6 together, but the times I spent together I really got to
7 know who he was, how he felt. It's not a lie how he is on
8 the outside, it's his actions but it's on the inside to how
9 he feels. Nobody really know how he go through and how he
10 feel unless you're walking in his shoes. I just want my
11 brother to be able to walk with me and talk with me again.
12 My condolence goes out to the Morris family and also what he
13 did to Fred Thompson. I know his actions he's got to take
14 the consequences for it, but me being his little sister I'm
15 going to stand behind him 100 percent because I do want my
16 brother to have something I never had. He didn't have a
17 father figure growing up, therefore he was raised by his
18 sisters. We taught him how to read, how to write, he didn't
19 know none of that. He may not have finished school but his
20 mind, his intelligence and all of that, it's great, it's
21 unbelievable what he can do not knowing that he can read or
22 write. He still is smart and he is still my brother and at
23 the end of the day I'm going to stand behind him. My mother
24 is not here to speak for him but she would say tell you the
25 same. This is my only brother, I can never have another one

1 and they will never have another son so I know how they
2 feel. It's just hard, but the family that prays together
3 stays together.

4 MR. LIFSEY: Anybody else want to say anything? Judge,
5 I will add -- and I'm not trying to embarrass their family
6 at all, but I've talked to -- one of the things you ask
7 yourself is how does a young man 20 years old find himself
8 in this position? And you know, I talked to him, and like I
9 say, I'm not trying to embarrass them but they relate a tale
10 of his upbringing of severe physical abuse at the hands of
11 his father for years. As referenced to -- you heard his
12 sister say they practically raised him and I think that's
13 probably true. I think these children when they were kids
14 practically raised themselves. I think their mother, Keith
15 and Jessica and Janisha's mother was abused by their father
16 just as much as they all were and he finds himself in this
17 situation. And you know, it's hard enough for young people
18 to make wise decisions in their life when they get good
19 guidance from parents and I just don't think he had that
20 opportunity. I will say that I do agree with his sisters
21 that he is intelligent. Now, he lacks -- he is not highly
22 educated and as you heard during the plea colloquy with you
23 sometimes when I've spoken to him I've had to kind of break
24 down instead of using lawyer words to kind of -- from a
25 vocabulary standpoint I've had to kind of breakdown the way

1 I speak to him. But he is not unintelligent at all, and I
2 say that because I think he has potential. What kind of
3 sentence should you give him? Well, there's been a lot of
4 talk of mercy and leniency, I'm not asking you for either of
5 those things. I'm going to ask you for something I don't
6 think I have ever done, which is I'm going to ask the Court
7 to sentence a client to 30 years in prison. I don't think I
8 have ever stood in front of a judge and asked a judge to
9 impose a 30 year sentence. My client is 20 years old.
10 Because of the nature of the charge of murder if you gave
11 him 30 years in prison he would have to do that day for day.
12 That's longer by 50 percent than he's been alive. In other
13 words when he turns -- if you gave him a 30 year sentence,
14 which I cannot fathom how anybody could find that a lenient
15 sentence, but if you gave him a 30 year sentence when he is
16 40 years old, which is the amount of time he has been on
17 this earth up until now, he will still be facing another ten
18 years in prison. I don't know what will become of Keith
19 Robinson, but I do know this, I'm a different person -- I
20 was a different person at 40 than I was at 20, different
21 person at 50 than I was at 20. If you impose a sentence
22 today that will keep him in prison until at least he is 50
23 years old and that's presuming he survives the rigors of
24 prison. We don't have country club -- lenient country club
25 prisons in South Carolina. I have had the, I guess in this

1 business, the unfortunate pleasure of visiting most of our
2 correctional institutions, I have yet to find one where
3 anybody was happy to be there. This young man will not be a
4 young man when he is released from prison. I would ask the
5 Court to consider a 30 year sentence in this matter. I
6 think considering his age, the fact that he has admitted his
7 guilt -- I know, you know, saving -- I will say this, he
8 pled to a number of charges today saving both the Court's
9 effort, the prosecution's effort, I would ask the Court to
10 take all of that into consideration. I would ask the Court
11 to sentence him to 30 years in prison, that's a long time.
12 Most of us in this courtroom may not -- I won't say most --
13 a lot of us probably won't be here in 30 years. There is no
14 danger of him being out in the streets of Lancaster anytime
15 soon. I would ask you to take his age and all of that into
16 account, his admissions of guilt and his upbringing and
17 consider imposing that sentence which I do not find to be
18 lenient at all. If Mr. Robinson wants to say anything I
19 would ask you to hear from him.

20 THE COURT: Mr. Robinson?

21 SPEAKER: Your Honor, I'm sorry for Donald death and
22 what happened to Fred. But for Donald I wasn't the trigger
23 man but I had action, I put hands in, I did go into the
24 house, I admitted to all of my things and I'm sorry for all
25 the trouble. I ain't never had no good life, I didn't

1 really have my father in my life. I always got beat, I got
2 beat with a belt or a belt buckle or with a two by four, I
3 always got beat. I ain't never had no good life. Only
4 thing I'm asking, Your Honor, is I just need help, Your
5 Honor.

6 THE COURT: Thank you, Mr. Robinson. Solicitor?

7 MR. BARFIELD: Briefly from me, Your Honor. Certainly
8 it could be easy to treat what Robinson has pled guilty to
9 as a single event under the sentencing structure that we
10 have put together for you. But I ask you vigorously to
11 consider that these were not single events, that this was
12 not a single event. This was not one bad day when Robinson
13 got up with some other guys hellbent on bad conduct. This
14 was three separate incidents; the first burglary, several
15 days later the second, and even at that point, Your Honor,
16 when he is in custody and has been now for -- or then for a
17 couple of months, he's tied down, he's locked down he
18 continues this violent criminal behavior. Each one of these
19 three separate incidents resulted in charges which are
20 classified as most serious offenses. And Mr. Lifsey and I
21 have talked about this and I made no qualms about it, if we
22 had not reached a plea agreement my objective was to try to
23 strike him out and that was what today was all about, the
24 last case first because it was one that could be put
25 together relatively quickly as opposed to the homicide which

1 has forensic evidence pending, that could have easily
2 occurred. I don't take anything for granted in this system
3 but that could have easily occurred. We think we've given
4 him all that he's entitled to. You've got a floor of 30
5 years on the murder charge and conceivably so on the
6 burglary charges and you've heard from everybody from our
7 side of the courtroom and they've all basically asked for
8 the same thing and it's the same thing I'm going to ask for,
9 give him every year, every year that you will give him over
10 30 years for what he has done. I just don't think we can
11 trust that at any point we would be safe if he's not in
12 prison. Thank you.

13 THE COURT: Thank you, Solicitor. Mr. Robinson, on the
14 possession of a firearm during the commission of a violent
15 crime I sentence you to five years, concurrent, credit for
16 time served, that was in case 2012-GS-29-1163. The other
17 possession of a firearm during the commission of a violent
18 crime, 2012-GS-29-1159 I sentence you to five years,
19 concurrent, credit for time served. On the possession of a
20 knife during the commission of a violent crime I sentence
21 you to five years, credit for time served. On the charge of
22 armed robbery I sentence you to 30 years, concurrent with
23 credit for time served, and that was in case
24 2012-GS-29-1162. On the other armed robbery case,
25 2012-GS-29-1158, I sentence you to 30 years, concurrent with

1 credit for time served. On the charge of attempted murder I
2 sentence you to 30 years, concurrent, credit for time
3 served. On each of the remaining charges, Mr. Robinson, the
4 sentence that I'm going to impose is not going to be a life
5 sentence but it's not going to be what your attorney has
6 asked for either, it's a sentence that will see you get out
7 of prison when you are almost as old as I am. On each of
8 those three remaining charges I sentence you to the
9 department of corrections for a period of 45 years, it will
10 be concurrent, credit for time served. Good luck to you,
11 Mr. Robinson.

12 (End of the hearing.)

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1 I, the undersigned, Michael C. Watkins, Official Court
2 Reporter for the Sixth Judicial Circuit of the State of South
3 Carolina, do hereby certify that the foregoing is a true,
4 accurate and complete transcript of the proceedings had and
5 evidence introduced in the trial of the captioned case,
6 relative to appeal, in the Court of General Sessions for
7 Lancaster County, South Carolina, on the 3rd day of December,
8 2012.

9 I do further certify that I am neither of kin, counsel,
10 nor interest to any party hereto.

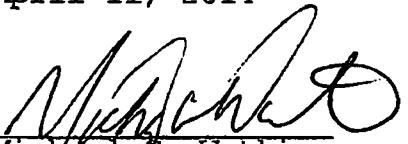
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April 11, 2014

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Michael C. Watkins
Court Reporter

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STATE OF SOUTH CAROLINA

County of

Lancaster

IN THE COURT OF COMMON PLEAS

Full name and prison number (if any) of Applicant

Roberson, Fitch #353365

v.

State of South Carolina

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS B READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention ~~Lee-Cut~~ Broad River Correctional Institution
2. Name and location of Court which imposed sentence Clerk of Court
P.O. Box 1809, Lancaster S.C. 29721
3. Name(s) of co-defendant(s) (if any) N/A (Don't know)
Full name
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) SEE Attached KR

3. (d) 2012-CS-29-1160 MURDER
 (e) 2012-CS-29-1161 Burglary 1st
 (f) 2012-CS-29-1162 ARMED ROBBERY
 (g) 2012-CS-29-1163 Poss. of Firearm during violent crime
 (h) 2012-CS-29-1164 Attempted Murder
 (i) 2012-CS-29-1165 Poss. of Knife during violent crime

4. (d) 3 DECEMBER 2012 45 years
 (e) 3 DECEMBER 2012 45 years
 (f) 3 DECEMBER 2012 30 years
 (g) 3 DECEMBER 2012 5 years
 (h) 3 DECEMBER 2012 30 years
 (i) 3 DECEMBER 2012 5 years

- (b) See attached, multiple offenses
- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 12/3/12 Dec. 3, 2012
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
- No
8. If you answered Ayes@ to (7), list:
- (a) the name of each Court to which you appealed:
- i. N/A
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. N/A
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. N/A
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. N/A
- ii. _____
- iii. _____
9. If you answered Ano@ to (7), state your reasons for not so appealing:
- (a) "Guilty plea attorney didn't do so, after -"

- (b) Being informed!
- (c) _____

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) In H. Abst. Court
- (b) Involuntary of Guilty Plea
- (c) Involuntary Plea at an Appellate Level

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) Court only spoke 2 App. twice, and only want App to plead Guilty
- (b) Court make erroneous advice by having App. Sign an Plea Agree of (30) yrs.
- (c) And, after Plea of (15) yrs. Plea Agree was breached. Court walked out of Courtroom during Court Plea. Proceeding. App. only plead Guilty, he was to receive (30) yrs.

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? No!
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No!
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No!
- (d) any other petitions, motions or applications in this or any other Court? No!

13. If you answered Ayes@ to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
- i. N/A
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. _____
- iii. _____

- iv. _____
- (c) the disposition thereof:
- i. N/A
- ii. _____
- iii. _____
- iv. _____
- (d) the date of each such disposition:
- i. N/A
- ii. _____
- iii. _____
- iv. _____
- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
- i. N/A
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

N/A

15. If you answered "yes" to (14) identify:

- (a) which grounds have been presented:
- i. N/A
- ii. _____
- iii. _____
- (b) the proceedings in which each ground was raised:
- i. N/A
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) First filing for PCR N/A
 (b) _____
 (c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? ✓
 (b) your trial, if any? _____
 (c) your sentencing? ✓
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? N/A

18. If you answered Ayes@ to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:
 i. "Not Sure of Att. Address!"
 ii. Attorney of Record at Guilty plea
 iii. "Mike Lipscomb, Esq."
LANCASTER, BAR
 (b) the proceedings at which each such attorney represented you:
 i. Guilty plea & Sentencing
 ii. _____
 iii. _____

19. State clearly the relief you seek in filing this application:
Revoke & New Trial !!!
OR any other relief deemed just

20. Are you now under sentence from any other court that you have not challenged?
No!

Revised 3/2003

STATE OF SOUTH CAROLINA)
County of Lancaster)

VERIFICATION

I, Robinson, Fred, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Fred Robinson

SWORN to and subscribed before me this 13
day of Nov, 2013.
Eugene Keet (L.S.)
Notary Public

My Commission Expires: My Commission Expires April 4, 2019

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

I, Keith Robinson, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Keith Robinson
Applicant

SWORN or affirmed to and subscribed before me this

13 day of Nov, 2013.

Eugene Heitz
Notary Public

My Commission Expires: _____
My Commission Expires: _____

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF LANCASTER	)	C.A. No. 2013-CP-29-1484
	)	
Keith T. Robinson,	)	
S.C.D.C. No. 353365,	)	
	)	
Applicant,	)	
	)	RETURN
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

In response to the post-conviction relief application filed November 18, 2013, the Respondent would show this Court:

I.

The Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Lancaster County Clerk of Court's orders of commitment. The Applicant was indicted at the September 2012 term of the Lancaster County Grand Jury for murder (2012-GS-29-1160), burglary - first degree (2012-GS-29-1161), armed robbery (2012-GS-29-1162), two (2) counts of possession or display of a firearm or knife during the commission of a violent crime (2012-GS-29-1163, 1165), and attempted murder (2012-GS-29-1164). Michael Lifsey, Esquire represented the Applicant.

On December 3, 2012, Applicant pled guilty as indicted. The Honorable Brooks P. Goldsmith sentenced the Applicant to concurrent terms of forty-five (45) imprisonment for murder and first degree burglary, thirty (30) years imprisonment for armed robbery and attempted murder, and five (5) years imprisonment on the weapons possession charges. The Applicant did not appeal.

Attached herewith and incorporated herein by reference are the records of the Lancaster County Clerk of Court regarding the subject conviction, the Applicant's records from the South Carolina Department of Corrections, and the transcript.

II.

In his application for post-conviction relief the Applicant alleges he is being held in custody unlawfully for the following reason:

1. Ineffective assistance of counsel.
 - a. Counsel only spoke to Applicant twice and only wanted him to plead guilty.
2. Involuntary guilty plea.
 - a. Applicant pled believing he would only receive a thirty (30) year sentence.
3. Ineffective assistance of appellate counsel.

III.

The Respondent asserts the Applicant's allegations that his attorney was ineffective are without merit. The Respondent asserts the Applicant's attorney rendered effective assistance well within the standard of "reasonableness within professional norms" for a criminal defense attorney.

Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume counsel

“rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Strickland, 466 U.S. at 690, 104 S. Ct. at 2066. The Applicant must overcome this presumption in order to receive relief. See Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove counsel’s performance was deficient. Under this prong, attorney performance is measured by its “reasonableness under prevailing professional norms.” Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S. Ct. at 2065). Second, counsel’s deficient performance must have prejudiced the Applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. “A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial.” Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984)).

The Respondent submits the Applicant cannot satisfy either requirement of the Strickland v. Washington test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (citing Norman v. State, 276 S.C. 278, 277 S.E.2d 707 (1981)).

IV.

The Applicant’s assertion that his guilty plea was involuntary is without merit. In post-conviction relief cases, an applicant asserting a constitutional violation must frame the issue as

one of ineffective assistance of counsel. See Al-Shabazz v. State, 338 S.C. 354, 363, 527 S.E.2d 742, 747 (1999) (citing Drayton v. Evatt, 312 S.C. 4, 9, 430 S.E.2d 517, 520 (1993)). An Applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the Applicant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (citations omitted). An Applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the range of competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985); Bennett v. State, 371 S.C. 198, 204, 638 S.E.2d 673, 675 (2006).

To find a guilty plea is voluntarily and knowingly entered into, the record must establish the applicant had a full understanding of the consequences of his plea and the charges against him. See Boykin v. Alabama, 395 U.S. 238, 243-44, 89 S. Ct. 1709, 1712 (1969). In Boykin, the United States Supreme Court held that before a court can accept a guilty plea, a criminal defendant must be advised of the constitutional rights he is waiving. Id. at 243, 89 S. Ct. at 1712. Specifically, the accused must be aware of the privilege against self-incrimination, the right to a jury trial, and the right to confront one's accusers. Id. Moreover, a criminal defendant entering a guilty plea "must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived." Pittman v. State, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999) (citation omitted). A criminal defendant's knowing and voluntary waiver of statutory or constitutional rights in a guilty plea "must be established by a complete record, and may be accomplished by colloquy

between court and defendant, between court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)).

When determining issues relating to guilty pleas, the court will consider the entire record, including the transcript of the guilty plea, and the evidence presented at the post-conviction relief hearing. Anderson v. State, 342 S.C. 54, 57, 535 S.E.2d 649, 657 (2000) (citing Harres v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984)).

The Respondent submits the record fully supports the knowing and voluntary nature of the Applicant's plea. However, allegations regarding ineffective assistance of counsel and the voluntariness of the plea may raise a question of fact that is not conclusively refuted by the record. Accordingly, the Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. at 265, 305 S.E.2d at 248 (1983).

V.

The Respondent denies each allegation not expressly admitted, qualified or explained.

VI.

WHEREFORE, having made its Return, the Respondent requests that a hearing be held and counsel appointed to represent the Applicant.

Respectfully submitted,

ALAN WILSON
Attorney General

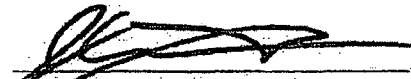
JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

J. CROOM HUNTER
Assistant Attorney General

P.O. Box 11549
Columbia, S.C. 29211

By:


Attorneys for Respondent

June 18, 2014

STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER

IN THE COURT OF COMMON PLEAS
IN THE SIXTH CIRCUIT

2014-CP-29-1484

KEITH T. ROBINSON

Applicant,

vs

AFFIDAVIT OF SERVICE BY MAIL

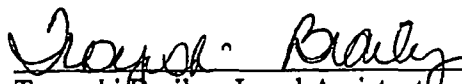
STATE OF SOUTH CAROLINA,

Respondent

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
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W. Michael Hemlepp, Jr.
3027 S. Paraham Rd.
York, SC 29745

DATED this 18th day of June, 2014


Troyeshi Brailey, Legal Assistant
For Respondent

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF LANCASTER) IN THE COMMON PLEAS COURT
3
4 Keith T. Robinson,)
5 Applicant,) TRANSCRIPT OF RECORD
6 -vs-) 2013-CP-29-1484
7 The State.) July 28, 2014
8) Lancaster, South Carolina
9
10

11 B E F O R E:

12 HONORABLE W. JEFFREY YOUNG, JUDGE
13
14

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

16 W. MICHAEL HEMLEPP, JR., ESQUIRE
17 Attorney for the Applicant

18 CROOM HUNTER, ESQUIRE
19 Attorney for the State
20
21

22 Linda D. Moffitt
23 Circuit Court Reporter
24
25

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Keith T. Robinson
Direct examination by Mr. Hemlepp

1 THE COURT: All right. This is the case -- County of
2 Lancaster -- excuse me -- Keith T. Robinson vs. the State
3 of South Carolina.

4 Present in the hearing is the plaintiff along with his
5 attorney Mr. Michael Hemlepp, Jr., of the York County Bar.

6 Is that correct?

7 MR. HEMLEPP: That is, Your Honor. Thank you.

8 THE COURT: And we have Mr. Croom Hunter for the
9 state.

10 Mr. Hemlepp, are you ready to proceed?

11 MR. HEMLEPP: I am, Your Honor.

12 THE COURT: You may call your first witness.

13 MR. HEMLEPP: Thank you, Your Honor. I would call the
14 applicant, Mr. Keith Robinson, to the stand.

15 THE COURT: Okay. Mr. Robinson, come forward and be
16 sworn.

17 KEITH T. ROBINSON, having been
18 first duly sworn, testified as follows:

19 DIRECT EXAMINATION BY MR. HEMLEPP

20 Q Mr. Robinson, would you please tell us your full name?
21 And if you can, would you spell your last name for the
22 court reporter to put on the record?

23 A Keith Tyrone Robinson. Last name R-O-B-I-N-S-O-N.

24 Q Okay. Now, this is a really big courtroom, and the
25 judge is going to have make a decision in this case based

Keith T. Robinson
Direct examination by Mr. Hemlepp

1 in part on your testimony, and it's really hard to hear in
2 here. So I'm going to ask you while we go through this to
3 talk as loud as I am. Can you do that for me?

4 A Yes, sir.

5 Q Okay. A little bit louder so the judge can hear you.
6 Now, you are currently incarcerated, are you not?

7 A Yes, sir.

8 Q And where are you incarcerated?

9 A Broad River.

10 Q Okay. Before you were incarcerated where did you
11 live?

12 A Lancaster, South Carolina.

13 Q And how long did you live in Lancaster?

14 A For my whole life.

15 Q How old are you, Keith?

16 A Twenty-two.

17 Q Okay. And when did you go to the Department of
18 Corrections?

19 A December the 3rd of 2012.

20 Q Okay. And was that based upon a conviction or a
21 guilty plea?

22 A Yes, sir.

23 Q Okay. Where was that -- where did that conviction or
24 guilty plea take place?

25 A This -- this -- what you call this? This -- this

Keith T. Robinson
Direct examination by Mr. Hemlepp

1 courthouse, sir.

2 Q So it happened here in Lancaster.

3 A Yes, sir.

4 Q Okay. Good. Do you remember what charges you had
5 that you --

6 A Yes, sir.

7 Q That were against you?

8 A Yes, sir.

9 Q Tell the judge what charges you had.

10 A Murder, armed robbery, burglary, possession of a
11 firearm and attempted murder.

12 Q Okay. Did you go to trial or did you plead guilty in
13 this case?

14 A I pleaded guilty in this case.

15 Q Okay. Did you have an attorney at the time?

16 A Yes, sir.

17 Q Who was that attorney?

18 A Mark Lipsom [sic].

19 Q Okay. Now, there's a public defender named Mike
20 Lifsey. Is that him?

21 A Yes, sir.

22 Q So Mr. Lifsey.

23 A Yes, sir.

24 Q Did you have an opportunity to talk to Mr. Lifsey
25 about your case prior to the hearing where you pled guilty?

Keith T. Robinson
Direct examination by Mr. Hemlepp

- 1 A Five times.
- 2 Q Okay. Now, did he talk to you about your right to a
3 trial?
- 4 A He did, but he didn't break it all the way down to me.
- 5 Q Okay. Did, in fact, you -- did you start a trial?
- 6 A Yes, sir.
- 7 Q Okay. And had you ever been to trial before?
- 8 A No, sir.
- 9 Q Okay. So I'm going to ask you a question, and I want
10 you to answer it as best you can.
- 11 A Yes, sir.
- 12 Q What part of the trial? How far into the trial did
13 you go?
- 14 A Picking my jury.
- 15 Q You picked a jury.
- 16 A Yes, sir.
- 17 Q Okay. And you didn't go any farther.
- 18 A No, sir.
- 19 Q Would you please tell Judge Young what happened at
20 that point on why you didn't go farther in the trial on
21 your charges?
- 22 A Mike Lifsey told me, he -- well, Mike Lifsey, he told
23 me. He say if I cop out right now that I will get 30
24 years. And him and the solicitor, they talked, and they
25 said, yes, if I cop out right now that I would get 30

Keith T. Robinson
Direct examination by Mr. Hemlepp

1 years. So I took -- I copped out right then and there.

2 Q Now, let me ask you a question, because I want to make
3 sure that we are all clear. In your testimony to the judge
4 you said if you cop out. What does that mean?

5 A Like if I end my trial.

6 Q Okay. How?

7 A By just pleading guilty.

8 Q By pleading guilty. So when you said cop out, you
9 meant pled guilty.

10 A Yes, sir.

11 Q Okay. And do you remember the proceeding in which you
12 pled guilty?

13 A We -- we got a break in the proceeding.

14 Q Okay. The hearing?

15 A Yes, sir.

16 Q Okay. Do you remember you were in front of the judge?

17 A Yes, sir.

18 Q Do you remember who the judge was?

19 A Goldsmith.

20 Q Judge Goldsmith, correct.

21 So after you had started the trial, picked a jury, in
22 the middle of that process Mr. Lifsey and the solicitor
23 talked. You were told that you could plead guilty.

24 what were the factors? What made you decide that you
25 wanted to plead guilty and stop your trial?

Keith T. Robinson
Direct examination by Mr. Hemlepp

1 A Because I felt like that -- like I didn't want to get
2 no more -- no more -- no more than 30. I felt like 30
3 probably was a good reasonable number but...

4 THE WITNESS: Excuse me, Your Honor.

5 A Basically, I copped out because I -- I really didn't
6 want to get a lot of time. And he told me that -- he say
7 if I kept going, he say -- he told that I was going to get
8 a lot of time. So I copped out. I -- I stopped the trial
9 right then and there. He said if you stop right now I
10 will -- he say it's a guaranteed fact that you will get 30
11 years.

12 Q Okay. How -- how much time did you and Mr. Lifsey
13 have to talk about this plea?

14 A Briefly.

15 Q Tell me what briefly means.

16 A Like I talked to him five times, but every time we
17 talked it was no more than 20 minutes.

18 Q Okay. And when you talked to him before -- this is
19 prior to the trial. That is getting ready for the trial,
20 is it not?

21 A For the trial, I only talked to him one time for the
22 trial.

23 Q Okay. But were you in the courtroom when you
24 discussed the plea with him?

25 A Yes, sir.

Keith T. Robinson
Direct examination by Mr. Hemlepp

1 Q Okay. Did you ever leave the courtroom to discuss
2 this plea with him?

3 A No, sir.

4 Q Okay. Was it at one of these tables?

5 A Yes, sir.

6 Q Okay. You -- based upon the factors you just
7 testified to, you decided that you wanted to plead guilty,
8 as you said cop out. What happened next?

9 A What happened next? When he -- when I copped out they
10 had brought me -- well, right before -- right before I said
11 I copped out he brought me -- you call the -- I think the
12 sentencing sheets.

13 Q Uh-huh.

14 A He brought me them, and he told me to sign all of
15 them. I never knew that they had to put a number on there.
16 But he told me to sign the sentencing sheets. So we
17 talked. After that I signed the sentencing sheet. He went
18 up there and talked to the judge and told him that I wanted
19 to cop out, I wanted to end the trial.

20 So when he came -- so after they -- they end all of
21 that the solicitor -- the solicitor stood up and told the
22 judge, say we -- we recommend him to get 30 years. And
23 then he said something else that I never knew about saying
24 for, like, I think for the other charge you can give him
25 what you want. But that wasn't the negotiated plea that we

Keith T. Robinson
Direct examination by Mr. Hemlepp

- 1 talked about. The negotiated plea was for me to get 30.
2 But if I would've knew that I was going to get more than 30
3 I'd have kept going with my trial.
4 Q Okay. What did you end up getting?
5 A Forty-five years.
6 Q Okay. So on some of the charges -- on armed robbery
7 you got 30.
8 A Yes, sir.
9 Q And on the murder charges you got 45.
10 A Yes, sir.
11 Q Did they run concurrent?
12 A Yes, sir.
13 Q Okay. Did you get credit for your time?
14 A I really don't know, sir.
15 Q Okay. Had -- when you were sentenced to 45 years by
16 Judge Goldsmith was that a surprise to you?
17 A Yes, sir.
18 Q Okay. Did you have an opportunity to talk to
19 Mr. Lifsey about that?
20 A No, sir. As soon as I got my time he walked straight
21 out the door.
22 Q Okay. So you didn't have -- you didn't exchange any
23 words with him or talk to him at all about this.
24 A No, sir, not after I got my time.
25 Q Okay. Had you known that your sentence was going to

Keith T. Robinson
Direct examination by Mr. Hemlepp

1 be 45 years would you have pled guilty?

2 A No, sir.

3 Q Were you ready to go to trial?

4 A In -- in a way. Well, I -- no, sir, I wasn't ready.

5 Q Okay. Well, here is what I mean by that. Did you
6 want to plead guilty or did you want to have a trial?

7 A I wanted to have a trial.

8 Q Okay. I'm not asking you how prepared you were for
9 the trial that day.

10 A Okay.

11 Q I meant your decision to plead guilty, had you known
12 that you were going to get 45 years, would you have made
13 that decision or would you have continued on with the
14 trial?

15 A I would continued with the trial.

16 Q Okay. Mr. Robinson, thank you for that. I would like
17 to ask you one final question.

18 A Yes, sir.

19 Q Judge Young is going to be hearing all of the
20 testimony in this case and will have to make a decision.
21 Is there anything else about this case that you think that
22 Judge Young needs to know?

23 A Mike Lipson -- Mike Lipson -- he had told -- he told
24 me, he say if anything don't go right with the case that I
25 can put him back in for a reconsideration. No, I think it

Keith T. Robinson
Cross-examination by Mr. Hunter

1 wasn't no -- it's ineffective assistance of counsel.

2 Q That you could -- Mr. Lifsey told you that you had the
3 right to bring ineffective assistance of counsel.

4 A Yes, sir.

5 Q When did that conversation take place?

6 A Like right before. Right when I was signing the
7 papers, sir.

8 Q I see. Before you pled.

9 A Yes, sir.

10 Q Okay. And did he tell you about an appeal?

11 A I asked -- I told him to put me in for appeal, but I
12 never got put in for appeal.

13 Q Okay. Is there anything else about the case that you
14 think Judge Young needs to know in order to make his
15 decision for you?

16 A No, sir.

17 Q Thank you very much. Before you get down the attorney
18 general is going to ask you some questions. Okay?

19 A Okay.

20 Q Thank you.

21 MR. HEMLEPP: Thank you, Your Honor.

22 THE COURT: Thank you. Mr. Hunter.

23 CROSS-EXAMINATION

24 BY MR. HUNTER

25 Q Good morning, Mr. Robinson.

Keith T. Robinson
Cross-examination by Mr. Hunter

1 A Yes. Good morning.

2 Q You -- you did plead guilty to these crimes, correct?

3 A Yes, sir.

4 Q Okay. Do you remember admitting to the police that
5 you were armed with the pistol that was used?

6 A Say what, now?

7 Q Do you remember admitting to the police that you were
8 armed with the pistol that was used in this case?

9 A Do I remember?

10 Q Yeah. Did you admit to the police that you were armed
11 with the pistol that was used?

12 A I was -- I was armed with a gun, sir.

13 Q Okay. But your whole story was that you were not the
14 one who actually killed the victim in this case.

15 A Yes, sir.

16 Q But you did go to the house.

17 A Yes, sir.

18 Q You were there while the crime occurred.

19 A Yes, sir.

20 MR. HEMLEPP: Your Honor, I object to this line of
21 questioning. I don't know how it's relevant to ineffective
22 assistance of counsel.

23 THE COURT: I'm going to give him some leeway. He's
24 on cross-examination.

25 MR. HEMLEPP: Thank you.

Keith T. Robinson
Cross-examination by Mr. Hunter

1 Q Let's move on to your guilty plea then. At your plea
2 do you remember telling the judge that you cut Investigator
3 Thompson with the razor blade?

4 A Yes, sir.

5 Q Okay. And do you remember in your plea when the
6 solicitor went over all of the facts in this case and that
7 you said you agreed with everything that the solicitor said
8 except the fact that you did not fire the gun?

9 A Say that one more time.

10 Q At your plea the solicitor read through all of the
11 facts of the case, what you're being charged with, correct?

12 A Yes, sir.

13 Q Okay. And then do you remember the judge asking if --
14 or the judge telling you to pay attention to the
15 solicitor's version of the facts?

16 A Yes, sir.

17 Q Okay. And then at the end of the facts you told
18 Mr. Lifsey that the only thing you disagreed with was that
19 you didn't fire the gun.

20 A Yes, sir.

21 Q Okay. Do you remember the judge asking you if
22 Mr. Lifsey had explained that you had the right to go to
23 trial on this case?

24 A Yes, sir.

25 Q Okay. And you told the judge that he had gone over

Keith T. Robinson
Cross-examination by Mr. Hunter

1 this, that, with you.

2 A Yes, sir.

3 Q Okay. Do you remember the judge asking you if
4 Mr. Lifsey had done everything that you had asked him to
5 do?

6 A Yes, sir.

7 Q Okay. Do you remember the judge asking you if you
8 were satisfied with Mr. Lifsey's work on this case?

9 A Yes, sir.

10 Q Okay. Now, you claim that Mr. Lifsey told you if you
11 pled guilty you could get 30 years, is that right?

12 A Yes, sir.

13 Q And that the solicitor offered 30 years.

14 A Yes, sir.

15 Q Okay. Do you recall --

16 MR. HUNTER: And, Your Honor, this is on page 20.

17 Q -- where the judge asked you if no one -- if anyone
18 had threatened or promised you anything in exchange for
19 your guilty plea?

20 A Yes, sir.

21 Q Do you remember what you told the judge?

22 A I think I said 30 years, sir.

23 MR. HUNTER: Your Honor, I'd like the record to
24 reflect that he told the judge it just won't be life.

25 THE COURT: which line?

Keith T. Robinson
Cross-examination by Mr. Hunter

1 MR. HUNTER: That is line 21.

2 THE COURT: Okay.

3 Q And then a couple of lines down the judge asked you if
4 you were entering your plea freely and voluntarily.

5 A Say what, now, again?

6 Q The judge asked you if you were entering your plea
7 essentially of your own free will, that it was your
8 decision.

9 A I don't remember that part, sir.

10 Q You don't remember that. Okay. Do you remember when
11 the judge asked you if you were pleading guilty because you
12 were guilty?

13 A No, sir.

14 Q You don't remember that.

15 MR. HUNTER: Your Honor, that's line two on page 21.

16 Q Do you remember the very end of your plea?

17 MR. HUNTER: Your Honor, this is on page 50.

18 Q Do you remember saying that you were sorry for the
19 victim, the victim's death, in this case and that you were
20 sorry for what had happened to Investigator Thompson?

21 A Yes, sir.

22 Q Okay.

23 MR. HUNTER: Beg the Court's indulgence just a moment,
24 Your Honor.

25 (Pause.)

Keith T. Robinson
Redirect examination by Mr. Hemlepp

1 Q So it's your testimony that Mr. Lifsey said you would
2 not get any more than 30 years on this.

3 A Yes, sir.

4 Q Did you ever ask Mr. Lifsey to file an appeal for you?

5 A Yes, sir.

6 Q You did?

7 A Yes, sir.

8 MR. HUNTER: Your Honor, that's all the questions I
9 have. Thank you.

10 MR. HEMLEPP: Briefly, Your Honor.

11 THE COURT: Yes, sir.

12 REDIRECT EXAMINATION

13 BY MR. HEMLEPP

14 Q Keith, the attorney general asked you some questions
15 about when the judge was asking you questions about
16 Mr. Lifsey, were you satisfied with his representations --

17 A Yes, sir.

18 Q -- and did he explain everything. You just answered
19 those questions.

20 A Yes, sir.

21 Q Okay. And do you remember when that happened during
22 the plea? Do you remember the point in the plea when that
23 happened?

24 A I don't remember right, like right exactly.

25 Q Here's my -- here's my question. Was that before you

Keith T. Robinson
Redirect examination by Mr. Hemlepp

1 were sentenced?

2 A Yes, sir.

3 Q So at the time that you answered those questions you
4 didn't know that you were going to get 45 years, did you?

5 A Yes, sir.

6 Q Thank you.

7 MR. HEMLEPP: Nothing further, Your Honor.

8 THE COURT: Any recross?

9 MR. HUNTER: Nothing further, Your Honor.

10 THE COURT: Thank you. You may step down.

11 Mr. Hemlepp, any other witnesses?

12 MR. HEMLEPP: No, sir, no, Your Honor.

13 If I may, however, I would want to make sure that the
14 Court's record is complete.

15 THE COURT: Okay.

16 MR. HEMLEPP: The Court has a copy of the transcript.

17 THE COURT: I've got it.

18 MR. HEMLEPP: I want that to be in the record.

19 THE COURT: Yes.

20 MR. HEMLEPP: As well as my client's application. And
21 I assume the indictments and sentencing sheets.

22 THE COURT: I've got the sentencing sheets. Sure do.

23 MR. HEMLEPP: Thank you, Your Honor. I would like to
24 make sure that the Court has those as court's exhibits for
25 this case.

Michael H. Lifsey
Direct examination by Mr. Hunter

1 THE COURT: I will.

2 MR. HEMLEPP: Thank you.

3 MR. HUNTER: Your Honor, the state would call
4 Mr. Lifsey.

5 MICHAEL H. LIFSEY, having been
6 first duly sworn, testified as follows:

7 DIRECT EXAMINATION BY MR. HUNTER

8 Q Good morning, Mr. Lifsey.

9 A Good morning.

10 Q How long have you been practicing law?

11 A Since 1991.

12 Q Okay. And how did -- how did you come to get this
13 case?

14 A Well, I had pending -- I was representing Mr. Robinson
15 on pending charges when he was charged in this series of
16 events.

17 There was a pending charge that was ultimately -- I
18 believe it was assault and battery with intent to kill that
19 was ultimately dismissed when he -- after he pled to all of
20 these charges. So I had him previously to -- to the -- to
21 these charges.

22 Q And this is while you were -- since you've been
23 employed as a public defender.

24 A Oh, yes, yes. I was employed as the circuit public
25 defender beginning March 1 of '09, and I can't remember

Michael H. Lifsey
Direct examination by Mr. Hunter

1 when he -- the older charges were. But I -- when these new
2 charges came in we just decided to keep the new ones with
3 me.

4 Q Okay. Do you recall how many times you met with
5 Mr. Robinson?

6 A Well, I met with him multiple times both before and
7 after.

8 First of all, I met with him several occasions, you
9 know, a number of times about the old charges, the ones
10 that are not the subject of this action.

11 These charges, I met with him numerous times, at first
12 in our jail here. I met with him in Lancaster.

13 Now, after -- you've got to remember the sequence of
14 these events. He's arrested on the two incidents, the --
15 the first-burglary-armed-robbery and then the
16 murder-burglary-armed-robbery, he was arrested on those
17 together, even though this happened on different occasions,
18 a few days apart, he was arrested on those together.

19 When he's arrested on those he gets incarcerated in
20 our jail here in Lancaster.

21 After the incident occurs, the attempted murder on
22 Investigator Thompson, he's ultimately sent to -- to Lee
23 Correctional as a safekeeper. I went to Lee twice on at
24 least two days, November 16th and November 26th, and met
25 with him at Lee Correctional. But I had seen him several

Michael H. Lifsey
Direct examination by Mr. Hunter

1 times prior to his being sent down there.

2 Q Okay. Did you file Rule 5 Brady motions in this case?

3 A Yes, sir.

4 Q Did you have any trouble obtaining discovery?

5 A No, sir.

6 Q Did you go over the discovery with Mr. Robinson?

7 A I did.

8 Q Okay. Now, did you discuss Mr. Robinson's version of
9 the facts of this case?

10 A I did.

11 Q Okay. Could you kind of go over what his story was?

12 A well, he -- he admitted his involvement in all of
13 these crimes. In fact, he gave statements to law
14 enforcement, confessions to all of them.

15 The only thing that he differed with -- the only --
16 the only variance concerned who pulled the trigger during
17 the murder. He admitted.

18 Like I say, you've got sort of three incidents. As to
19 incident 1, he admitted participating in the murder --
20 excuse me -- the burglary, armed robbery of Mr. Morris.

21 Incident No. 2, he admitted participating in the
22 burglary-armed-robbery and murder of Mr. Morris, but he
23 denied pulling the trigger. He admits to being there.
24 Other codefendants said he was the one who pulled the
25 trigger. He said he wasn't. You know, the hand of one is

Michael H. Lifsey
Direct examination by Mr. Hunter

1 the hand of all in South Carolina.

2 Incident 3, the thing involving Mr. Thompson where he
3 sliced Investigator Thompson's neck, he admitted doing that
4 and said he was intending to kill him.

5 And he never -- he never disputed any of those facts
6 with me. His only dispute was how much time he was going
7 to do in prison. He wanted them to offer him a smaller
8 number than they were willing to offer.

9 The problem from the state's -- from our end was the
10 state had the ability under the 2-strikes law to -- to give
11 him life without parole. That was the solicitor's stated
12 intention, basically had three opportunities because
13 they've got three separate incidents. Any of the two of
14 the three -- all they have to win is two of the three, and
15 they get them life without parole. And that was the
16 state's intention.

17 The only offer they were ever willing to make was
18 plead to everything and we'll agree not life in prison.

19 Q Did they ever actually serve Mr. Robinson with the
20 LWOP?

21 A I believe they did, yes, sir. Well, I mean, I take
22 that back. You know, no, they didn't because they hadn't
23 convicted.

24 Their intention, they were trying him on the attempted
25 murder. Had they -- had they -- had they gotten a strike

Michael H. Lifsey
Direct examination by Mr. Hunter

1 on him there they would have served him with a life notice
2 for one of the other two cases.

3 Q Okay.

4 A And the solicitor put that in writing somewhere in the
5 file.

6 Give me one -- here is his letter dated October 4th.
7 It's a 2-paragraph letter, but he talks about, "My
8 intention is to try him first on the Morris
9 burglary-first-armed-robbery case." He actually decided to
10 change the order of the cases. "If I am successful and
11 Robinson is convicted of a most serious offense I would
12 serve life-without-parole notice and then try Robinson on
13 the Fred Thompson attempted-murder case and then Robinson
14 could be tried -- sent to prison for life before being
15 tried on the murder case."

16 So, anyway, his intention was to strike him using the
17 2-strikes law.

18 Q Did the solicitor ever -- ever tell you, or to your
19 knowledge tell Mr. Robinson, that if he pled he was going
20 to get 30 years?

21 A No, sir. Everybody -- he wouldn't come off the
22 murder.

23 Here was the problem. The murder is a mandatory 30.
24 I mean, you've got to do 30 if you're convicted of murder.
25 The solicitor would not come off of murder. So everybody

Michael H. Lifsey
Direct examination by Mr. Hunter

1 knew the bottom line, the floor, if he pled would have been
2 30 years in prison.

3 The plea offer -- and I'm not saying this is a
4 particularly lenient, certainly not a lenient, plea offer,
5 but the offer was I'll recommend to the judge he not give
6 him life in prison.

7 And so we went into the plea knowing that he had to
8 get at least 30 and that he could get anything that wasn't
9 life. And my intention was to ask for 30. But in no way
10 did I or the solicitor or anybody ever say he was going to
11 get 30 years in prison.

12 Q Okay. So you never told Mr. Robinson if he pled he
13 would get 30 years.

14 A No, sir. I told Mr. Robinson I would ask for 30, but
15 I told him he had get at least 30. He knew -- the law said
16 he could not get any less than 30 years in prison, that the
17 solicitor would ask for him to get a lot more than that and
18 I would ask for him to get the 30, the judge would decide
19 what to give him, and we knew he wouldn't give him life.

20 Q Okay. Did you have any concerns about Mr. Robinson's
21 mental health, his competency?

22 A No, sir.

23 Q So he appeared to understand what was going on.

24 A Yes, sir.

25 Q And whose decision was it to actually plead guilty?

Michael H. Lifsey
Direct examination by Mr. Hunter

1 A It was Mr. Robinson's decision. I agree with that
2 decision, I mean, because I think -- he had give -- given
3 confessions to crimes which would have given him life in
4 prison, so -- a mandatory life in prison.

5 So, I mean, it's a -- he made a -- I mean, you know,
6 it's a -- 45 years is a long time in prison, and I'm not --
7 I'm not taking any difference with that being a long time
8 in prison. But it is my belief he certainly would have
9 received a mandatory life-without-parole if he had
10 proceeded onto trial in the case. We would have picked the
11 jury. And then on one of the others.

12 This was a pretty high profile case in Lancaster, and
13 folks were pretty worked up about it, which is why the plea
14 offer wasn't any better than it was.

15 Q Did Mr. Robinson ever ask you to appeal this guilty
16 plea?

17 A No, sir. I would have appealed it if he -- if he'd
18 asked me.

19 MR. HUNTER: Your Honor, I don't think I have any
20 further questions for Mr. Lifsey.

21 THE COURT: All right. Mr. Hemlepp.

22 MR. HEMLEPP: Thank you, Your Honor. May it please
23 the Court.

24 THE COURT: Yes, sir.

25

1 CROSS-EXAMINATION

2 BY MR. HUNTER

3 Q Mr. Lifsey, and I want to make sure that I'm
4 understanding.

5 A Yes, sir.

6 Q You and I have been practicing law about the same
7 amount of time and known each other for about that whole
8 time.

9 A Yes, sir.

10 Q In talking to your client about plea negotiations, a
11 lot of times that involves negotiations with the
12 solicitor's office and then explaining it to your client.

13 A Yes, sir.

14 Q Is it your testimony that that really didn't happen
15 here because there was not any meaningful offers in this
16 case, that it was really you talking to Keith about what he
17 wanted versus what was realistic?

18 A Well, yes, sir. There was -- well, there was not an
19 offer until October 4th. I got a letter from the solicitor
20 dated October 4th.

21 It was probably consistent with the solicitor's usual
22 practice. It was probably slid under my door upstairs on
23 October 4th. And I would have met with him.

24 But until then there was no offer at all. So our
25 discussions, you're correct, would have been on any

Michael H. Lifsey
Cross-examination by Mr. Hemlepp

1 defenses he had, you know, and then what ultimately outcome
2 he was looking for. So that's correct.

3 Q Okay. How old was your client, Mr. Robinson, at that
4 time?

5 A He's a young man. He was probably 18 or 19, I would
6 guess. I'd have to look, but he was very young.

7 Q And so --

8 A Legally an adult but very young.

9 Q Absolutely. Legally an adult. But you -- you would
10 not argue that he was 19 at the time.

11 A Oh, I'm sure that's probably -- you're right.

12 Q Probably agree.

13 A Yes, sir.

14 Q Okay.

15 A He was probably 18 when it happened.

16 Q Exactly.

17 A Yes, sir.

18 Q In fact, 19 at the time. So you had met with him at
19 Lee Correctional, and you had talked to him about the --
20 about the evidence.

21 According to his testimony he had talked to you a
22 little bit about what he thought was an appropriate
23 sentence. And would you agree that you talked to him about
24 what -- what was -- what the -- what was actually realistic
25 in his case?

1 A Yes, sir.

2 Q Okay. So would it be fair to say that you two didn't
3 really talk about any pleas until the date of the trial?

4 A We did not have a specific plea offer to discuss until
5 after the October 4th letter from the solicitor.

6 I would have discussed the plea-bargaining process
7 with him and what the solicitor might offer or might not
8 offer. I would have discussed what his offenses carried
9 and potential lesser included.

10 I know we discussed voluntary manslaughter as a lesser
11 with the whole idea that that would get him off the
12 mandatory 30. But there was not a specific plea offer to
13 discuss until the solicitor toward the end of this whole
14 thing actually made.

15 I didn't know the solicitor would make a plea offer to
16 be honest with you. This was a pretty -- our solicitor
17 usually does, as you know, usually makes some sort of plea
18 offer. But this was a pretty high profile case with strong
19 feelings from law enforcement because of the law
20 enforcement victim. So I -- I didn't know that he'd make a
21 plea offer to be honest with you. That was kind of a
22 last-minute offer.

23 Q And you're talking about the letter of October the
24 4th.

25 A Yes, sir.

Michael H. Lifsey
Cross-examination by Mr. Hemlepp

1 Q And when did you have an opportunity to talk to your
2 client about that?

3 A I would have met with him. If you'll give a minute I
4 can see if I can find. Well, I know I went to Lee on
5 November 16th and November 26th.

6 Okay. So by the -- certainly November 16th. I show a
7 October 3rd that I talked to him, which would have been
8 before the October 4th letter. Give me one minute.

9 (Pause.)

10 A It probably was. The plea offer did not -- probably
11 was November 16th, I discussed the plea offer with him.

12 Q Okay. And do you remember that discussion?

13 A I remember going to Lee. He was in a special handling
14 unit where they kept the safekeepers. I remember
15 discussing the case with him and what the plea offer was,
16 which he didn't want, because he wanted a better deal than
17 that.

18 Q And that deal was not --

19 A He wanted -- the deal was not-life that was offered,
20 that's correct.

21 Q Whatever the judge gives but not life.

22 A Yes, sir.

23 Q And then, in fact, became the deal the date of the
24 trial.

25 A It was still the deal. I mean, the offer was as of

1 the solicitor's letter of October 4th -- the solicitor
2 never revoked his offer. I mean, he might have talked
3 about it at one point or another.

4 But, in fact, I have a memory that the solicitor at
5 some point said something about maybe revoking the offer.
6 And I remember complaining that, you know, he's the one who
7 sent him to Lee, which makes it difficult for me, a little
8 more difficult for me, to get down to see him. So the
9 solicitor left the plea offer open.

10 Q Okay. Okay. What changed between your conversation
11 at Lee, which could have been November 16th, could have
12 been November 20-something?

13 A I'm sure it was -- I'm sorry.

14 Q And the -- the -- you are sure that conversation was
15 November 16th.

16 A Yes, sir. I'm sure I went to Lee on November 16th and
17 the 26th, and I'm sure I discussed -- I say I'm sure. I
18 believe -- that's what my notes indicate, and I wouldn't
19 have gone to Lee for any other reason but to talk to him.

20 Q Okay. So the solicitor called the case for trial a
21 couple of weeks later.

22 A Yes, sir.

23 Q December 3rd.

24 A Yes, sir.

25 Q You picked a jury.

Michael H. Lifsey
Cross-examination by Mr. Hemlepp

1 A Yes, sir.

2 Q And then there was the plea.

3 A Uh-huh.

4 Q What changed?

5 A I think the reality of it. You know, some --
6 sometimes with clients there's this belief that if -- you
7 know, sometimes the mythology of I'll get three offers.
8 Sometimes it's I hang out to the last minute and it'll get
9 better.

10 And I think what I had trouble convincing him of was
11 that it isn't going to get any better, that this is as good
12 as it gets. And I think here we are the day of trial. And
13 it's not just Mike Lifsey saying you need to come on in
14 here and plead. We're picking a jury and it's about to
15 start. And I think the reality of it is, you know, time's
16 up. I think -- I think that's what it was.

17 Q Okay. When -- whose idea was it to approach the
18 solicitor? Well, let me ask you this. Who was the -- was
19 it Doug Barfield trying the case?

20 A Yes. It was Solicitor Bar -- it was Solicitor
21 Barfield's case at least from -- I don't remember who had
22 the old case where he was charged with the shooting a
23 daddy. But this case -- I mean, this is the murder -- the
24 armed robbery, murder, attempted murder stuff was always --

25 Q So to make clear, you're on one side of the room and

Michael H. Lifsey
Cross-examination by Mr. Hemlepp

1 Solicitor Barfield is --

2 A That's correct.

3 Q Whose idea was that, yours or your client's, to
4 approach solicitor Barfield about changing the plea from
5 not guilty to guilty?

6 A I think I was constantly discussing with my client
7 beginning that morning are you sure you want to do this,
8 because I -- I saw -- this was kind of like a train wreck.
9 Okay. I saw -- or maybe the other way is to see the train
10 coming at you. I mean, this was going to be life without
11 parole and -- and I saw no way to avoid life without
12 parole.

13 so I -- from the very beginning of that morning, are
14 you sure you want to do this, does this continue to be what
15 you want to do. And -- and then, and so I think I was the
16 one that said tell me if you're going to change your mind,
17 because, obviously, the closer we got -- at some point the
18 solicitor was going to say no more, you know.

19 And I -- and so my memory of it is we're sitting there
20 or I think in -- I think in the jury assembly room where we
21 were picking the jury, which is what we usually do. And I
22 remember him leaning to me and saying, okay, I'll plead.

23 so I -- we were -- I think still maybe even actually
24 striking the jury as he said that. And I remember as soon
25 as that being walking over to the solicitor and saying he

Michael H. Lifsey
Cross-examination by Mr. Hemlepp

1 tells me he wants to plead now.

2 Q Okay. Do you and your client go somewhere to discuss
3 this or did you do it in the -- in the jury assembly room?

4 A I think we obviously had -- no. I think we went. He
5 had to sign paperwork, you know, to plead guilty. You have
6 to sign sentence sheets and all of that.

7 I can't remember where. I wouldn't have done it in
8 front of other people. I would have -- now, they -- he was
9 in custody. Okay. I can't remember if they let us go to
10 one room or if they made everybody else leave and have the
11 two of us and maybe a deputy standing some distance kind
12 of, you know, like these deputies are in the room,
13 reference to your client. But we would have had some
14 moment to discuss it more privately because he had to sign
15 the paperwork. I just don't recall exactly where we were.

16 Q Do you know how long that took, how long that process
17 was?

18 A Not particularly long. I remember him signing the
19 paperwork. And we did the plea. But then, you know, we
20 bifurcated, kind of bifurcated, the proceeding.

21 This was the morning it happened. It happened -- you
22 know how the solicitor -- Solicitor Barfield likes to start
23 first thing Monday morning, so we picked the jury Monday.
24 But of course he didn't have everybody there. And of
25 course I don't think I had everybody there from his family.

Michael H. Lifsey
Cross-examination by Mr. Hemlepp

1 So when he decided to plead, sort of jointly we
2 decided, well, we'll do the -- the plea colloquy to kind of
3 lock that in that morning. And then we did the mitigation
4 and the state's witnesses and all of that that afternoon.
5 That's my memory of it. We did it -- started the plea in
6 the morning and then took a break and finished it at some
7 point that afternoon.

8 And we finished it in that courtroom. I remember the
9 sentencing taking place in the Courtroom A.

10 Q Courtroom A?

11 A I remember it because it was packed with people, with
12 law enforcement. If you wanted to commit a crime in
13 Lancaster County, that would have been the day to do it,
14 because almost every law enforcement officer on duty -- it
15 seemed to me at least -- was in the courtroom that day.

16 Q The short amount of time you had to discuss this with
17 your client at the time that you were picking the jury and
18 the decision was made for him to change his plea from not
19 guilty to guilty, did it concern you at all that your
20 client was only 19?

21 A As to did it concern -- it concerned me that he was
22 facing this much time in jail at 19 or did it concern me as
23 to his --

24 Q His ability to comprehend what was going on.

25 A You know, I mean, he was -- he was 19, but he had

Michael H. Lifsey
Redirect examination by Mr. Hunter

1 had -- I mean, this was not his first brush with the
2 criminal justice system. And I believe that he understood
3 fully what we were doing, because we had discussed --
4 you've got to remember -- you are correct in noting that
5 there's a compressed time period from when he tells me he
6 wishes to plead until he pleads.

7 But, first of all, we had two meetings at Lee
8 Correctional in which we had discussed the matter, and then
9 before that we had discussed the concept of what kind of
10 pleas the solicitor might offer or might not offer.

11 MR. HEMLEPP: May I have the Court's indulgence?

12 THE COURT: You may.

13 (Pause.)

14 MR. HEMLEPP: Thank you, Your Honor.

15 Q Thank you, Mr. Lifsey.

16 MR. HEMLEPP: I have had no further questions.

17 THE COURT: Any redirect?

18 MR. HUNTER: Yes, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. HUNTER

21 Q So you -- did you -- I guess what I'm trying to get at
22 is prior -- prior to Mr. Robinson's actual plea did you
23 discuss with him that he would be waiving all various and
24 sundry constitutional rights by pleading guilty?

25 A Yes, sir. I had discussed the plea process and what's

Michael H. Lifsey
Redirect examination by Mr. Hunter

1 involved and all of that several times with him at some
2 point. I don't remember specifically which appointment
3 I -- or which meeting I had with him, but I had discussed
4 those issues with him.

5 MR. HUNTER: I don't have any further questions.

6 THE COURT: Thank you. You may step down.

7 Any other witnesses for the state?

8 MR. HUNTER: No, Your Honor.

9 THE COURT: Thank you. I'll take this matter under
10 advisement, and I will give you my ruling when I make it.

11 MR. HEMLEPP: Thank you, Your Honor.

12 END OF REQUESTED TRANSCRIPT OF RECORD

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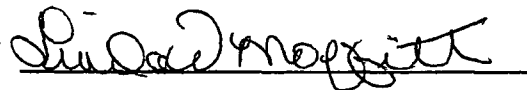
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CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Common Pleas Court for Lancaster County, South Carolina, on the 28th day of July 2014.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

October 23, 2014

A handwritten signature in cursive script, appearing to read "Linda D. Moffitt", is written over a horizontal line.

Linda D. Moffitt
Circuit Court Reporter

STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER

Keith T. Robinson, Jr., #353355,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE SIXTH JUDICIAL CIRCUIT

Case No. 2013-CP-29-1484

ORDER OF DISMISSAL

FILED
CLERK OF COURT
LANCASTER, SC

2014 SEP 22 AM 11:49

OFFICE OF CLERK
OF COURT

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on November 18, 2013. Respondent made its return on June 18, 2014. An evidentiary hearing into the matter was convened on July 28, 2014, at the Lancaster County Courthouse. Applicant was present at the hearing and was represented by W. Michael Hemlepp, Jr., Esquire. Respondent was represented by Assistant Attorney General J. Croom Hunter of the South Carolina Attorney General's Office.

PROCEDURAL HISTORY

The Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Lancaster County Clerk of Court's orders of commitment. The Applicant was indicted at the September 2012 term of the Lancaster County Grand Jury for murder (2012-GS-29-1160), burglary - first degree (2012-GS-29-1161), armed robbery (2012-GS-29-1162), two (2) counts of possession or display of a firearm or knife during the commission of a violent crime

(2012-GS-29-1163, 1165), and attempted murder (2012-GS-29-1164). Michael Lifsey, Esquire represented the Applicant.

On December 3, 2012, Applicant pled guilty as indicted. The Honorable Brooks P. Goldsmith sentenced the Applicant to concurrent terms of forty-five (45) imprisonment for murder and first degree burglary, thirty (30) years imprisonment for armed robbery and attempted murder, and five (5) years imprisonment on the weapons possession charges. The Applicant did not appeal.

ALLEGATIONS

In his application for post-conviction relief, Applicant alleged that he is being held in custody unlawfully based on the following grounds:

1. Ineffective assistance of counsel.
 - a. Counsel only spoke to Applicant twice and only wanted him to plead guilty.
2. Involuntary guilty plea.
 - a. Applicant pled believing he would only receive a thirty (30) year sentence.
3. Ineffective assistance of appellate counsel.¹

SUMMARY OF TESTIMONY PRESENTED

At the evidentiary hearing, Applicant testified on his own behalf. The State presented testimony from plea counsel, Mike Lifsey, Esquire (Counsel). This Court also had before it a copy of the plea transcript, the Lancaster County Clerk of Court records, the Applicant's South Carolina Department of Corrections records, the PCR application, and the return.

During the evidentiary hearing, Applicant testified that he was represented at his plea by

¹ This Court notes that Applicant did not appeal from his guilty plea. As such, this allegation is facially without merit.

Mike Lifsey, Esquire. Applicant testified he pled guilty to murder, armed robbery, burglary, attempted murder, and weapons possession. Applicant testified he met with Counsel five times prior to his plea. Applicant testified the times they met were brief, lasting twenty minutes or less. Applicant testified Counsel did not thoroughly discuss his right to trial and what a trial would entail. Applicant testified they began his trial, and he decided to plead guilty once they got to the jury selection phase. Applicant testified he had never been to trial before. Applicant testified Counsel told him he would get thirty years if he pled guilty then and there. Applicant testified that he remembered his plea in front of Judge Goldsmith. Applicant testified he did not want more than thirty years. Applicant testified he and Counsel never left the courtroom to discuss the plea. Applicant testified he signed the sentencing sheets before the sentence was levied. Applicant testified he received forty-five years imprisonment. Applicant testified Counsel left immediately after the plea. Applicant testified he would not have pled if he had known he would receive forty-five years. Applicant testified he wanted to go to trial. Applicant testified Counsel told him he could file a PCR. Applicant testified he told Counsel he wanted to appeal his plea.

On cross-examination, Applicant testified the plea transcript reflected that he told the Judge he was pleading to the maximum sentence on all charges except the murder. Applicant testified he was pleading to anything but life imprisonment on the murder charge. Applicant testified that he told the plea judge he understood all of his questions. Applicant testified that he admitted to the police he was armed with a handgun, but he denied he was the shooter. Applicant testified he hit Investigator Thompson over the head while he was adjusting Applicant's shackles and stabbed Investigator Thompson with a razor blade. Applicant testified he told the judge he was guilty of all the other charges. Applicant testified the plea transcript reflected he told the plea judge he understood he was giving up his constitutional rights by pleading guilty. Applicant

testified he told the plea judge he was satisfied with Counsel, and he had enough time to speak with him and discuss his case. Applicant testified he told the plea judge the only stipulation to his plea was that he would not receive life imprisonment. Applicant testified he told the plea judge he was pleading guilty because he was guilty. Finally, Applicant testified he told the plea judge that he was sorry for the death of the victim and for what happened to Investigator Thompson.

Following Applicant's testimony, Mike Lifsey, Esquire (Counsel), testified. Counsel testified he has been practicing law since 1991. Counsel testified he is the Circuit Public Defender for the Sixth Judicial Circuit. Counsel testified he was already representing Applicant on pending ABWIK charges when Applicant was arrested on these charges. Counsel testified he met with Applicant multiple times to discuss the old charge as well as the new charges. Counsel testified it was more difficult to meet with Applicant after he attempted to murder Investigator Thompson because Applicant was moved to Lee Correctional after the incident. Counsel testified he received discovery in the case and went over it with Applicant. Counsel testified Applicant gave statements to law enforcement about both incidents. Counsel testified Applicant admitted everything in the first incident, but he denied being the actual shooter. Counsel testified Applicant admitted stabbing Investigator Thompson and trying to kill him. Counsel testified the only plea offer to Applicant was the solicitor would not seek life imprisonment. Counsel testified the state could have sought life without parole. Counsel testified he never told Applicant he would only receive thirty years. Counsel testified it was Applicant's decision to plead guilty. Counsel testified Applicant never asked to appeal his guilty plea.

On cross-examination, Counsel testified Applicant was nineteen years old at the time of his plea. Counsel testified Applicant was legally an adult. Counsel testified he never received any specific plea offer until October 4, but he would have discussed pleas, in general, with Applicant.

Counsel testified he was surprised by the plea offer because one of the victims was a member of law enforcement. Counsel testified the solicitor never revoked the offer. Counsel testified that Applicant decided to plea once the reality of the situation set in, and Applicant realized the evidence against him was overwhelming. Counsel testified he kept asking Applicant if he was sure that he wanted a trial because Counsel thought the chances of a favorable outcome at trial were extremely low. Counsel testified that once Applicant realized he was looking at a potential sentence of life without parole, he decided to plead guilty. Counsel testified he discussed all of the constitutional issues surrounding a guilty plea with Applicant. Finally, Counsel testified he had no concerns that Applicant did not understand what was going, as well as the consequences of pleading guilty.

INEFFECTIVE ASSISTANCE OF COUNSEL

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989). The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea

counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

This Court finds Applicant failed to demonstrate that Counsel's performance was deficient in any way. This Court further finds that Applicant presented no evidence to show any prejudice resulting from Counsel's representation. Additionally, this Court finds Counsel's testimony credible and Applicant's testimony not credible.

This Court finds that Counsel met with Applicant multiple times prior to the guilty plea. This Court further finds Counsel obtained discovery from the solicitor and went over it with Applicant. This Court finds Counsel's belief that Applicant had no competency issues was reasonable. This Court finds that the evidence against Applicant was overwhelming, and Counsel did everything he could reasonably have done to obtain a favorable outcome for Applicant. This Court further finds that Counsel thoroughly prepared Applicant's case. This Court further finds that Applicant waived any constitutional or evidentiary challenges he may have had by pleading guilty. This Court further finds that Counsel thoroughly explained the trial process to Applicant, as well as the consequences of pleading guilty. This Court can find no evidence to support Applicant's allegation that Counsel advised him he would receive a specific sentence by

pleading guilty. This Court finds Applicant has failed to establish that Counsel promised him he would receive a thirty year sentence. Accordingly, This Court finds Applicant's argument in that regard to be without merit. This Court further finds that Applicant has failed to establish any evidence to show he requested an appeal of his guilty plea. This Court finds Applicant's testimony in this regard to be not credible and find's Counsel's testimony to be credible. Finally, this Court finds that Counsel did an exceptional job representing Applicant, given the extremely troubling facts surrounding the crimes committed by Applicant in this case.

Accordingly, this Court finds Applicant did not demonstrate any deficiencies in Counsel's representation. This Court finds that because Counsel's representation was well within the range of competence required in criminal cases, Applicant has further failed to make any showing that but for Counsel's alleged deficiencies, the result of Applicant's case would have been any different.

INVOLUNTARY GUILTY PLEA

To find a guilty plea is voluntarily and knowingly entered into, the record must establish the applicant had a full understanding of the consequences of his plea and the charges against him. See Boykin v. Alabama, 395 U.S. 238, 243-44, 89 S. Ct. 1709, 1712 (1969). In Boykin, the United States Supreme Court held that before a court can accept a guilty plea, a criminal defendant must be advised of the constitutional rights he is waiving. Id. at 243, 89 S. Ct. at 1712. Specifically, the accused must be aware of the privilege against self-incrimination, the right to a jury trial, and the right to confront one's accusers. Id. Moreover, a criminal defendant entering a guilty plea "must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived." Pittman v. State, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999) (citation omitted). A criminal

defendant's knowing and voluntary waiver of statutory or constitutional rights in a guilty plea "must be established by a complete record, and may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)).

When determining issues relating to guilty pleas, the court will consider the entire record, including the transcript of the guilty plea, and the evidence presented at the post-conviction relief hearing. Anderson v. State, 342 S.C. 54, 57, 535 S.E.2d 649, 657 (2000) (citing Harres v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984)).

This Court finds Applicant has failed to demonstrate that his guilty plea was entered involuntarily. Once again, this Court finds Counsel's testimony to be credible and Applicant's testimony to be not credible.

This Court finds Applicant was aware of the nature of the charges he was facing and the possible penalties. This Court finds Applicant was well aware that by pleading guilty he was waiving his ability to challenge the evidence against him. This Court further finds Applicant was well aware of the constitutional rights he was waiving by pleading guilty. This Court further finds that Applicant pled guilty voluntarily and of his own free will. Furthermore, this Court is not convinced by Applicant's claims that Counsel promised him a thirty year sentence. This Court finds that Applicant was well aware of the overwhelming evidence against him, and that Applicant made a well-reasoned decision to plead guilty in order to avoid a life sentence. As such, Applicant's claims are without merit.

Accordingly, this Court finds Applicant's guilty plea was knowingly and voluntarily entered. This Court finds that the evidence presented at the evidentiary hearing as well as contained within the guilty plea transcript clearly supports a finding that the guilty plea was not

coerced or involuntary; rather, it was freely, knowingly, and voluntarily entered. This Court finds Applicant was informed of the nature and elements of the offenses with which he was charged and to which he pled guilty. This Court further finds that Applicant was fully apprised of the rights he was forfeiting in order to plead guilty and that Applicant decided to go forward with his guilty plea.

ALL OTHER ALLEGATIONS

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this order, the Court finds Applicant failed to present sufficient evidence regarding such allegations. Accordingly, the Court finds Applicant has abandoned any such allegations.

CONCLUSION

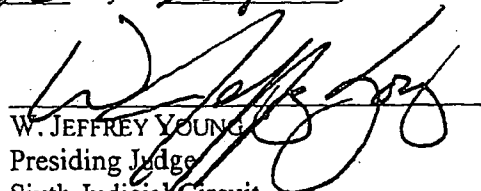
Based on the foregoing, the Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Plea counsel rendered effective assistance in regard to the claims raised by Applicant. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

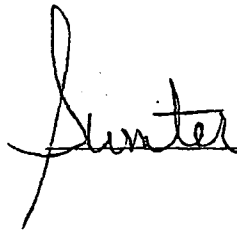
The Court notes Applicant must file and serve a notice of appeal within thirty (30) days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 16 day of Sept, 2014.


W. JEFFREY YOUNG
Presiding Judge
Sixth Judicial Circuit


Sumter, South Carolina

WITNESSES

K. Grant - LPD #12-09550

DOCKET NO. 2012-GS-29-7160

Library

The State of South Carolina

County of Lancaster

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CLERK OF COURT
LANCASTER, SC

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2012

ARREST WARRANT NUMBER/DOA

M701957 (DOA-6-28-12)

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: SEP 06 2012

VERDICT

THE STATE

vs.

Keith T. Robinson, Jr.

11/27/12

Bryan Cooper

Howard Davis

C. Lawrence Davis

C. Lawrence Davis

Indictment for

Murder

SC Code: §16-3-10
CDR Code: 0116
Class: Felony, EXM

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LANCASTER)

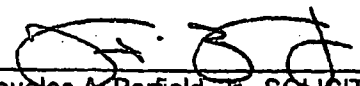
INDICTMENT

At a Court of General Sessions, convened on September 6, 2012, the Grand Jurors of Lancaster County present upon their oath:

MURDER

That Keith T. Robinson, Jr., did at [REDACTED] in Lancaster County on or about June 18, 2012, feloniously, willfully, and of his malice aforethought kill and murder [REDACTED] by shooting him and the victim did die as the proximate cause thereof then and there, in violation of Section 16-3-10 of the *Code of Laws of South Carolina*.

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


 Douglas A. Barfield, Jr., SOLICITOR.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

LANCASTER

STATE

VS.

Keith Tyrone Robinson, Jr.

AKA:

Race:

B

Sex:

M

Age:

20

DOB:

SS#:

Address:

City, State, Zip: Lancaster, SC 29720

DL#

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was TO:

INDICTMENT/CASE#: 2012-GS-29-1160

A/W#: M701957

Date of Offense: 6/18/12

S.C. Code §: 16-3-10

CDR Code #: 0116

SENTENCE SHEET

In violation of § 16-3-10 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 1st or Lewd Act)

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

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

ATTEST:

Solicitor

514

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 45 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ 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 the State Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:

\$14-1-208 (Assessments 107.5%)

\$14-1-211 (A)(1)(Conv. Surcharge)

\$100

\$14-1-211 (A)(2)(DUI Surcharge)

\$100

\$56-5-2995 (DUI Assessment)

\$12

\$56-1-286 (DUI Breath Test)

\$25

Proviso 47.9 (Public Def/Prob)

\$500

\$14-1-212 (Law Enforce. Funding)

\$25

\$14-1-213 (Drug Court Surcharge)

\$150

\$50-21-114 (BUI Breath Test Fee)

\$50

\$56-5-2942(J) (Vehicle Assessment)

\$40/ea

Proviso 90.5 (SCCJA Surcharge)

\$5

3% to County (if paid in installments)

TOTAL

Clerk of Court/Deputy Clerk
Court Reporter:

Obtain GED ☐

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning

Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

prmts. of \$ _____ Beginning

\$ _____ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, \$47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code: 134

Sentence Date: 12/3/12

WITNESSES

K Grant - LPD #12-09550

FILED

DOCKET NO. 2012-GS-29-1161

Life

The State of South Carolina

County of Lancaster

FILED
OFFICE OF CLERK
OF COURT

2012 SEP -6 PM 1:15

CLERK OF COURT
LANCASTER, SC

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2012

ARREST WARRANT NUMBER/DOA

M701962 (DOA 06-28-12)

THE STATE
VS.

TRUE BILL

Keith T. Robinson, Jr.

11/27/12

Grand Juror

Foreperson of Grand Jury
Date: SEP 06 2012

VERDICT

Indictment for

Burglary, First Degree

SC Code: §16-11-31(A)(1)(a)
CDR Code: 0079
Class: Felony, EXM

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

INDICTMENT

At a Court of General Sessions, convened on September 6, 2012, the Grand Jurors of Lancaster County present upon their oath:

BURGLARY, FIRST DEGREE

That Keith T. Robinson, Jr., did in Lancaster County on or about June 18, 2012, enter the dwelling of [REDACTED] without consent and with intent to commit a crime in the dwelling and while effecting entry or while in the dwelling or in immediate flight from the dwelling, he or another participant in the crime was armed with a deadly weapon or explosive, to wit: a handgun and a rifle, and the defendant did enter in the nighttime, in violation of §16-11-311(A)(1)(a), *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.



Douglas A. Barfield, Jr., SOLICITOR

max life

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

LANCASTER

STATE

VS.

Keith Tyrone Robinson, Jr.

AKA:

Race:

B

Sex:

M

Age: 20

DOB:

SS#:

Address:

City, State, Zip: Lancaster, SC 29720

DL#

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was TO:

Burglary 1st Degree

In violation of § 16-11-311(A)(1)(a) of the S.C. Code of Laws, bearing CDR Code # 0079

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.

(def.'s Initials)

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

ATTEST:

Solicitor 514 SC Bar # Keith T Robinson Defendant Attorney for Defendant 24 SC Bar # 015154

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 45 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ 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 the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine: _____ \$
 §14-1-206 (Assessments 107.5%) _____ \$
 §14-1-211 (A)(1)(Conv. Surcharge) \$100 _____ \$
 §14-1-211 (A)(2)(DUI Surcharge) \$100 _____ \$
 §56-5-2995 (DUI Assessment) \$12 _____ \$
 §56-1-286 (DUI Breath Test) \$25 _____ \$
 Proviso 47.9 (Public Def/Prob) \$500 _____ \$
 §14-1-212 (Law Enforce. Funding) \$25 _____ \$
 §14-1-213 (Drug Court Surcharge) \$150 _____ \$
 §50-21-114 (BUI Breath Test Fee) \$50 _____ \$
 §56-5-2942(J) (Vehicle Assessment) \$40/ea _____ \$
 Proviso 90.5 (SCCJA Surcharge) \$5 _____ \$
 3% to County (if paid in installments) _____ \$
 TOTAL _____ \$

Clerk of Court/Deputy Clerk

Court Reporter: Mike WalkerObtain GED ☐

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel
 §47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code: 134Sentence Date: 12/3/12

WITNESSES

K. Grant - LPD #12-09550

ARREST WARRANT NUMBER/DOA

M701961 (DOA 6-28-12)

ASSISTANT OF GRAND JURY
TRUE BILL

[Signature]
 Foreperson of Grand Jury
 Date: SEP 06 2012

VERDICT

Foreperson of Petit Jury
 Date:

DOCKET NO. 2012-GS-20-1162 *lit say*

The State of South Carolina

County of Lancaster

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2012

THE STATE
 vs.

Keith T. Robinson, Jr.

11/27/05

*Keith Robinson, Jr.
 known as
 Keith Robinson
 11/27/05*

Indictment for

Armed Robbery

SC Code: §16-11-0330(A)
 CDR Code: 0139
 Class: Felony, A

FILED
 OFFICE OF CLERK
 OF COURT

2012 SEP -6 PM 1:16

CLERK OF COURT
 LANCASTER, SC

STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER)

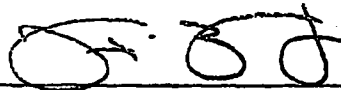
INDICTMENT

At a Court of General Sessions, convened on September 6, 2012, the Grand Jurors of Lancaster County present upon their oath:

ARMED ROBBERY

That Keith T. Robinson, Jr., did in Lancaster County on or about June 18, 2012, while armed with a deadly weapon, to wit: a handgun and rifle feloniously take and carry away from the person or presence of [REDACTED] by means of force, threats or intimidation goods or money of [REDACTED] such goods or monies being described as follows: an undetermined amount of money, with the intent to deprive the owner permanently of such property, in violation of § 16-11-0330(A), *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.



Douglas A. Barfield, Jr., SOLICITOR

3044
max 125

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

LANCASTER

STATE

VS.

Keith Tyrone Robinson, Jr.

AKA:

Race:

B

Sex:

M

Age:

20

DOB:

SS#:

Address:

City, State, Zip: Lancaster, SC 29720

DL#

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

INDICTMENT/CASE#: 2012-GS-29-1162

AW#: M701961

Date of Offense: 6/18/12

S.C. Code §: 16-11-330(A)

CDR Code #: 0139

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADS

TO:

In violation of § 16-11-330(A) of the S.C. Code of Laws, bearing CDR Code #

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or Lewd Act)

The charge is:

☒ As Indicted,

☐ Lesser Included Offense,

☐ Defendant Waives Presentment to Grand Jury.

(def.'s initials)

The plea is:

☐ Without Negotiations or Recommendation,

☐ Negotiated Sentence,

☒ Recommendation by the State.

ATTEST:

Solicitor

514

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and or payment of \$; plus costs and assessments as applicable; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ 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 the State Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:

Obtain GED ☐

☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

Recipient:

May serve W/E beginning

Substance Abuse Counseling ☐

*Fine:

§14-1-206 (Assessments 107.5%)	\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100
§14-1-211 (A)(2)(DUI Surcharge)	\$100
§56-5-2995 (DUI Assessment)	\$12
§56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§14-1-212 (Law Enforce. Funding)	\$25
§14-1-213 (Drug Court Surcharge)	\$150
§50-21-114 (BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

prmts. of \$ Beginning

\$ Paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel
\$47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/Deputy Clerk
Court Reporter:

Presiding Judge

Judge Code: 139

Sentence Date

12/3/12

WITNESSES

K. Grant - LPD #12-09550

ARREST WARRANT NUMBER/DOA

MT01963 (DOA-6-28-12)

ACTION OF GRAND JURY

TRUE BILL

Robert M. Smith
Foreperson of Grand Jury
SEP 06 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012-GS-29-1163

The State of South Carolina

County of Lancaster

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2012

THE STATE

vs.

Keith T. Robinson, Jr.

Brian Campbell

Armed Crime

Transferring Defendant

Deputy Transfers

Indictment for

Possession or Display of Firearm or
Knife During Commission of a Violent
Crime

SC Code: § 16-23-490
CDR Code: 0549
Class: Felony, F

FILED
OFFICE OF CLERK
OF COURT

2012 SEP -6 PM 1:16

CLERK OF COURT
LANCASTER, SC

STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER)

INDICTMENT

At a Court of General Sessions, convened on September 6, 2012, the Grand Jurors of Lancaster County present upon their oath:

**POSSESSION OR DISPLAY OF FIREARM OR KNIFE DURING COMMISSION OF A
VIOLENT CRIME**

That Keith T. Robinson, Jr., did in Lancaster County on or about June 18, 2012, possess or visibly display a firearm or knife, to wit: a handgun and rifle during his/her commission of a violent crime, to wit: Murder, Burglary First Degree and Armed Robbery of [REDACTED], in violation of §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.



Douglas A. Barfield, Jr., SOLICITOR

by the court
punishment of
principal offender

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

LANCASTER

STATE

VS.

Keith Tyrone Robinson, Jr.

AKA:

Race:

B

Sex:

M

DOB:

Address:

INDICTMENT/CASE#: 2012-GS-29-1163

AW#: M701963

Date of Offense: 6/18/12

S.C. Code §: 16-23-490

CDR Code #: 0549

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADS

TO:

Possession of Firearm During Violent Crime

In violation of § 16-23-490

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 1st or Lewd Act)

The charge is:

☒ As indicted,☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury,

(def.'s initials)

The plea is:

☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☒ Recommendation by the State.

ATTEST:

Solicitor

SC Bar # 514

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections☐ County Detention Center,

for a determinate term of

5

days/months/years or

☐ under the Youthful Offender Act not to exceed

years

and/or to pay a fine of \$

; provided that upon the service of

days/months/years and or payment

of \$

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

☒ 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 the State Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

Recipient:

May serve W/E beginning

Substance Abuse Counseling ☐

*Fine:

\$14-1-206 (Assessments 107.5%)

\$14-1-211 (A)(1)(Conv. Surcharge)

\$100

\$14-1-211 (A)(2)(DUI Surcharge)

\$100

\$56-5-2995 (DUI Assessment)

\$12

\$56-1-286 (DUI Breath Test)

\$25

Proviso 47.9 (Public Def/Prob)

\$500

\$14-1-212 (Law Enforce. Funding)

\$25

\$14-1-213 (Drug Court Surcharge)

\$150

\$50-21-114 (BUI Breath Test Fee)

\$50

\$56-5-2942(J) (Vehicle Assessment)

\$40/ea

Proviso 90.5 (SCCJA Surcharge)

\$5

3% to County (if paid in installments)

TOTAL

Clerk of Court/Deputy Clerk

Court Reporter:

Presiding Judge

Judge Code: 139

Sentence Date

12/3/12

WITNESSES

Blackmon - SLED

DOCKET NO. 2012-GS-29-1144

The State of South Carolina

County of Lancaster

FILED
OFFICE OF CLERK
OF COURT

2012 SEP -6 PM 1:17

CLERK OF COURT
LANCASTER, SC

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2012

ARREST WARRANT NUMBER/DOA

2012A2910100269 (DOA-8-8-12)

ACTION OF GRAND JURY

THE STATE

VS.

Keith Tyrone Robinson, Jr.

TRUE BILL

Foreperson of Grand Jury

Date: SEP 06 2012

VERDICT

ATTEMPTED MURDER

SC Code: §16-3-29

CDR Code: 3410

Class: Felony A

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)

COUNTY OF LANCASTER)

b6
b7C
INDICTMENT

At a Court of General Sessions, convened on September 6, 2012, the Grand Jurors of Lancaster County present upon their oath:

ATTEMPTED MURDER

That Keith Tyrone Robinson, Jr., did in Lancaster County on or about August 8, 2012, with intent to kill, attempt to kill [REDACTED] with malice aforethought, either expressed or implied, by cutting him on the neck with a razor blade, in violation of Section 16-3-29 of the *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.



Douglas A. Barfield, Jr., SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

LANCASTER

STATE

VS.

Keith Tyrone Robinson, Jr.

INDICTMENT/CASE#: 2012-GS- 29 - 1164

AW#: 2012A2910100269

AKA:

Date of Offense: 8/8/12

Race:

Sex: M

Age: 20

S.C. Code §: 16-3-29

DOB:

SS#:

CDR Code #: 3410

Address:

City, State, Zip: Lancaster, SC 29720

SENTENCE SHEET

DL#

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of this said indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADS

TO:

In violation of § 16-3-29

of the S.C. Code of Laws, bearing CDR Code # 3410

☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS
(CSC w/minor 1st or Lewd Act)☐ §17-25-45

The charge is:

☒ As Indicted,☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury,

(def.'s initials)

The plea is:

☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☒ Recommendation by the State.

ATTEST:

514

Keith T Robinson

Sollicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and or payment
of \$; plus costs and assessments as applicable; the balance is suspended with probation formonth/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
incorporated by reference.☒ 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 the State
Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

Recipient:

May serve W/E beginning

Substance Abuse Counseling ☐

*Fine:

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1)(Conv. Surcharge)

\$100

§14-1-211 (A)(2)(BUI Surcharge)

\$100

§56-5-2995 (DUI Assessment)

\$12

§56-1-286 (DUI Breath Test)

\$25

Proviso 47.9 (Public Def/Prob)

\$500

§14-1-212 (Law Enforce. Funding)

\$25

§14-1-213 (Drug Court Surcharge)

\$150

§50-21-114 (BUI Breath Test Fee)

\$50

§56-5-2942(J) (Vehicle Assessment)

\$40/ea

Proviso 90.5 (SCCJA Surcharge)

\$5

3% to County (if paid in installments)

TOTAL

Clerk of Court/Deputy Clerk

Court Reporter:

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ Beginning

\$ Paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel
\$47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code: 139

Sentence Date 12/3/12

WITNESSES

Blackmon - SLED

ARREST WARRANT NUMBER/DOA

2012A2910100270 (DOA-8-8-12)

ACTION OF GRAND JURY

TRUE BILL

Forperson of Grand Jury
Date: SEP 06 2012

VERDICT

Forperson of Petit Jury
Date:

DOCKET NO. 2012-GS-29-1165

The State of South Carolina

County of Lancaster

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2012

THE STATE
VS.

Keith T. Robinson, Jr.

FILED
OFFICE OF CLERK
OF COURT

2012 SEP -6 PM 1:17

CLERK OF COURT
LANCASTER, SC

Indictment for

Possession or Display of Firearm or
Knife During Commission of a Violent
Crime

SC Code: § 16-23-490
CDR Code: 0549
Class: Felony, F

STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER)

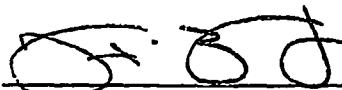
INDICTMENT

At a Court of General Sessions, convened on September 6, 2012, the Grand Jurors of Lancaster County present upon their oath:

**POSSESSION OR DISPLAY OF FIREARM OR KNIFE DURING COMMISSION OF A
VIOLENT CRIME**

That Keith T. Robinson, Jr., did in Lancaster County on or about August 8, 2012, possess or visibly display a firearm or knife, to wit: knife during his/her commission of a violent crime; to wit: Attempted Murder of [REDACTED], in violation of §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.


Douglas A. Barfield, Jr., SOLICITOR

*phurishment for
principal offense*

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

LANCASTER

STATE

VS.

Keith Tyrone Robinson, Jr.

AKA:

Race:

B

DOB:

City, State, Zip: Lancaster, SC 29720

DL#

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

INDICTMENT/CASE#: 2012-GS-29-1165

AW#: 2012A2910100270

Date of Offense: 8/8/12

S.C. Code §: 16-23-490

CDR Code #: 0549

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Possession of Knife During Violent Crime

In violation of § 16-23-490 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 1st or Lewd Act)The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

(Def.'s Initials)

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

ATTEST:

Solicitor

SC Bar # 514

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and or payment of \$; plus costs and assessments as applicable; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ 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 the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

Recipient:

May serve W/E beginning

Substance Abuse Counseling ☐

*Fines:

§14-1-206 (Assessments 107.5%)	\$	\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$

Random Drug/Alcohol Testing ☐

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