

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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OCT 15 2015

SC Court of Appeals

APPEAL FROM AIKEN COUNTY
In the Court of General Sessions

The Honorable Doyet A. Early, III, Presiding Judge

Trial Court Case No.(s): 2013GS0200256, 2013GS0200257

Appellate Case No. 2015-000288

The State.....Respondent,

v.

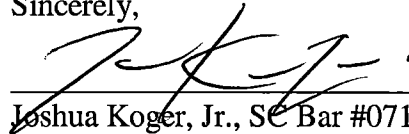
Franklin Jerome Robinson.....Appellant.

MOTION TO REINSTATE

The undersigned moves before this Honorable Court to reinstate appeal pursuant to Rule 260 of the South Carolina Appellate Court Rules for good cause shown. The undersigned has closed his Barnwell, SC location during the latter part of May, 2015 and has been working out of a space located on 1237 Gadsden Street, Suite G, P.O. Box 2445, Columbia, SC, 29201 since June 15, 2015. This office has not officially opened as the undersigned is using his cell number (803) 206-3389 and his email, **Kogerlaw@aol.com**, as his contact information. The undersigned is currently working on existing case files and attending hearings for existing case files. In relation to the present case, the undersigned did travel to Aiken to retrieve the sentence sheets, but neglected to transmit the sheets to this Honorable Court. Thus, the undersigned would

respectfully asked this Court to reinstate this appeal based upon excusable neglect as good cause shown and accept the enclosed redacted sentence sheets as compliance with Rule 203 of the South Carolina Appellate Court Rules upon anticipated reinstatement.

Sincerely,



Joshua Koger, Jr., SC Bar #0711

THE LAW OFFICES OF JOSHUA KOGER, JR., FKA
KOGER LAW FIRM

Mailing Address: Post Office Box 2445

Physical Address: 1237 Gadsden Street, Suite G

Columbia, SC 29201

(803) 206-3389 (cell)

Kogerlaw@aol.com

Attorney for Appellant

10/15/15
Columbia, SC

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken
STATE VS.
Franklin Jerome Robinson
AKA:
Race: Sex: M Age: 29
DOB:
Address:
City, State, Zip:
DL#: SID#: SC01437525

INDICTMENT/CASE#: 2013GS0200256
A/W#: 2012A0210200199
Date of Offense: 8/9/2012
S.C. Code §: 16-11-0311
CDR Code #: 0079

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SC Court of Appeals
SENTENCE SHEET
15 years Life

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (After June 20, 1985) - First degree

CONVICTED OF or PLEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
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, (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Elizabeth B. Young 73947 SC Bar#
Franklin Robinson Defendant
Attorney for Defendant 7111 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 25 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 the 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
Total: \$ plus 20% fee: \$
PTUP days/hours Public Service Employment

Payment Terms:
Set by SCDPPPS
Obtain GED
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 \$ 100.00
§ 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 \$ 25.00
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ca \$
Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00
3% to County (if paid in installments) \$ 3.90
TOTAL \$ 132.90

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.

Clerk of Court/ Deputy Clerk
Court Reporter:
SCCA/217 (03/2011)

Presiding Judge
Judge Code:
Sentence Date: Jan 14, 2015

WITNESSES

Aiken County Sheriff

Chuck Cain

Law Enforcement Case #: 12-045334

BAY

ARREST WARRANT NUMBER

FILED 7 March 2013
2012A0210200199

Liz Hedard
U.C.P.&G.S.
Shannon W. Rosenkrantz
Deputy Clerk

ACTION OF GRAND JURY

True Bill
Ronnie M. Hall

Foreperson of Grand Jury
Date: March 7, 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2013GS0200256

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

MARCH TERM 2013

THE STATE
vs.

FRANKLIN JEROME ROBINSON

CDR #: 0079

Indictment for

BURGLARY IN THE FIRST DEGREE

§ 16-11-0311

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
BURGLARY IN THE FIRST DEGREE

§ 16-11-0311

At a Court of General Sessions, convened on March 11, 2013, the Grand Jurors of Aiken County present upon their oath:

That FRANKLIN JEROME ROBINSON, along with others, did in Aiken County on or about August 9, 2012, wilfully and unlawfully enter the dwelling of [REDACTED] located at [REDACTED] North Augusta, South Carolina, without consent and with the intent to commit a crime therein and when, in effecting entry or while in the dwelling or in immediate flight, he or another participant in the crime became armed with a deadly weapon and/or displayed what appeared to be a firearm, all in violation of §16-11-311, 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.


J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Aiken VS. STATE

Franklin Jerome Robinson

AKA:

Race: Sex: M Age: 29

DOB:

Address:

City, State, Zip:

DL#: SID#: SC01437525

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Larceny / Grand Larceny, value \$10,000 or more

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS0200257

A/W#: 2012A0210200200

Date of Offense: 8/9/2012

S.C. Code § : 16-13-30(B)

CDR Code #: 3421

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OCT 15 2015

SC Court of Appeals

SENTENCE SHEET

0-10 years or 100 Fine

CONVICTED OF or PLEADS

in violation of § 16-13-30(B) of the S.C. Code of Laws, bearing CDR Code # 3421
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.

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

Elizabeth B. Wery 73947 Defendant
Attorney for Defendant 711 SC Bar#

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

for a determinate term of 10 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: 2013-GS-0200256
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 the 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
Total: \$ plus 20% fee: \$

Payment Terms:
Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like Assessments, Conv. Surcharge, DUI Surcharge, etc.

PTUP days/hours Public Service Employment
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 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.

Clerk of Court/ Deputy Clerk Ledasha M. Bell
Court Reporter: Rebekah Creppon
SCCA/217 (03/2011)

Presiding Judge Judge Code: 0134 Sentence Date: Jan 14, 2015

WITNESSES

Aiken County Sheriff

Chuck Cain

Law Enforcement Case #: 12-045334

BAY

ARREST WARRANT NUMBER

FILED 7 March 2013
2012A0210200200

Liz Godard
C.C.P.&G.S.
Shannon W. Rosenkrantz
Deputy Clerk

ACTION OF GRAND JURY

True Bill
Ronnie M. Hall

Foreperson of Grand Jury
Date: March 7, 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2013GS0200257

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

MARCH TERM 2013

THE STATE
vs.

FRANKLIN JEROME ROBINSON

CDR #: 3421

Indictment for

GRAND LARCENY

§ 16-13-30(B)

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

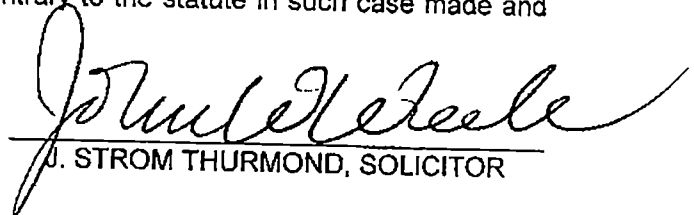
INDICTMENT FOR
GRAND LARCENY

§ 16-13-30(B)

At a Court of General Sessions, convened on March 11, 2013, the Grand Jurors of Aiken County present upon their oath:

That **FRANKLIN JEROME ROBINSON** did in Aiken County on or about August 9, 2012, feloniously take and carry away assorted firearms valued at Ten Thousand Dollars or more and belonging to [REDACTED] with intent to deprive the owner permanently of such property. All in violation of §16-13-30, 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.


J. STROM THURMOND, SOLICITOR

The South Carolina Court of Appeals

The State, Respondent,

v.

Franklin Jerome Robinson, Appellant.

Appellate Case No. 2015-000288

The Honorable Doyet A. Early, III
Aiken County

Trial Court Case No. 2013GS0200256, 2013GS0200257

ORDER

Counsel for the Appellant has failed to provide this office with a redacted copy of the sentencing sheet as required by Rule 203 of the South Carolina Appellate Court Rules. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:

Joshua Koger, Jr., Esquire

Robert Michael Dudek, Esquire

Elizabeth Burkhalter Young, Esquire

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APPEAL FROM AIKEN COUNTY
In the Court of General Sessions

The Honorable Doyet A. Early, III, Presiding Judge

Trial Court Case No.(s): 2013GS0200256, 2013GS0200277

Appellate Case No. 2015-000288

The State.....Respondent.

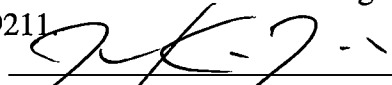
v.

Franklin Jerome Robinson.....Appellant.

PROOF OF SERVICE

I certify that I served the Motion to Reinstate, postage prepaid, on October 15, 2015 to Robert Michael Dudek of South Carolina on Indigent Defense at Post Office Box 11589, Columbia, SC 29211

Columbia, SC
October 15, 2015


Joshua Koger, Jr., SC Bar #0711
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KOGER LAW FIRM
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Columbia, SC 29201
(803) 206-3389 (cell)
Attorney for Respondent