STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Honorable Benjamin H. Culbertson, Circuit Court Judge
Honorable Roger M. Young, Sr., Circuit Court Judge
Appellate Case No. 2014-001555

THE STATE,

Respondent,

vs.

SAMUEL HAYWORTH ROBINSON,

Appellant.

FINAL BRIEF OF RESPONDENT

ALAN WILSON
Attorney General

MARK R. FARTHING
Assistant Attorney General

Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

SCARLETT A. WILSON
Solicitor, Ninth Judicial Circuit

O.T. Wallace Building
101 Meeting Street, Suite 400
Charleston, SC 29401
(843) 958-1900

ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Honorable Benjamin H. Culbertson, Circuit Court Judge
Honorable Roger M. Young, Sr., Circuit Court Judge
Appellate Case No. 2014-001555

THE STATE,

Respondent,

vs.

SAMUEL HAYWORTH ROBINSON,

Appellant.

FINAL BRIEF OF RESPONDENT

ALAN WILSON
Attorney General

MARK R. FARTHING
Assistant Attorney General

Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

SCARLETT A. WILSON
Solicitor, Ninth Judicial Circuit

O.T. Wallace Building
101 Meeting Street, Suite 400
Charleston, SC 29401
(843) 958-1900

ATTORNEYS FOR RESPONDENT

TABLE OF CONTENTS

TABLE OF AUTHORITIES ii

STATEMENT OF ISSUE ON APPEAL 1

STATEMENT OF THE CASE 2

STATEMENT OF THE FACTS 3

ARGUMENT 6

Any issue with Appellant's trial in absentia was not properly preserved for appellate review because neither Appellant nor defense counsel raised any objections to the trial proceeding forward in Appellant's absence or to the sufficiency of the trial judge's findings on the matter before, during, or after the trial took place. Furthermore, notwithstanding any issue preservation concerns, the trial judge did not abuse his discretion in proceeding forward with the trial in absentia because Appellant was fully aware of his right to be present for trial, the term of court during which his trial was scheduled to be held, and the fact his trial would proceed forward without him if he failed to appear. 6

CONCLUSION 13

TABLE OF AUTHORITIES

Cases:

City of Aiken v. Koontz, 368 S.C. 542, 629 S.E.2d 686 (Ct. App. 2006). 9, 12

Ellis v. State, 267 S.C. 257, 227 S.E.2d 304 (1976). 10

Illinois v. Allen, 397 U.S. 337 (1970). 9

I'On, L.L.C. v. Town of Mt. Pleasant, 338 S.C. 406, 526 S.E.2d 716 (2000). 7

South Carolina Dep't of Soc. Servs. v. Janice C., 383 S.C. 221, 678 S.E.2d 463 (Ct. App. 2009). 11

State v. Adams, 354 S.C. 361, 580 S.E.2d 785 (Ct. App. 2003). 8

State v. Bryant, 372 S.C. 305, 642 S.E.2d 582 (2007). 10

State v. Carlson, 363 S.C. 586, 611 S.E.2d 283 (Ct. App. 2005). 8

State v. Fairey, 374 S.C. 92, 646 S.E.2d 445 (Ct. App. 2007). 12

State v. Fleming, 254 S.C. 415, 175 S.E.2d 624 (1970). 7

State v. Goode, 299 S.C. 479, 385 S.E.2d 844 (1989). 12

State v. Green, 269 S.C. 657, 239 S.E.2d 485 (1977). 9

State v. Holland, 385 S.C. 159, 682 S.E.2d 898 (Ct. App. 2009). 8

State v. Jackson, 290 S.C. 435, 351 S.E.2d 167 (1986). 10

State v. Johnson, 363 S.C. 53, 609 S.E.2d 520 (2005). 7

State v. Lopez, 82 S.C. 368, 64 S.E. 144 (1909). 7

State v. Patterson, 324 S.C. 5, 482 S.E.2d 760 (1997). 8

State v. Pauling, 322 S.C. 95, 470 S.E.2d 106 (1996). 7

State v. Penland, 275 S.C. 537, 273 S.E.2d 765 (1981). 8

State v. Ravenell, 387 S.C. 449, 692 S.E.2d 554 (Ct. App. 2010). 8, 11

State v. Rogers, 361 S.C. 178, 603 S.E.2d 910 (Ct. App. 2004). 6

State v. Williams, 292 S.C. 231, 355 S.E.2d 861 (1987). 9

State v. Wright, 304 S.C. 529, 405 S.E.2d 825 (1991). 10, 12

Wise v. Wise, 394 S.C. 591, 716 S.E.2d 117 (Ct. App. 2011). 11

Other Authorities:

Rule 210, SCACR. 11

Rule 16, SCRCrimP. 9

Rule 201, SCRE. 11

JEAN HOEFER TOAL ET AL., APPELLATE PRACTICE IN SOUTH CAROLINA (2nd ed. 2002). 7

STATEMENT OF ISSUE ON APPEAL

Any issue with Appellant's trial in absentia was not properly preserved for appellate review because neither Appellant nor defense counsel raised any objections to the trial proceeding forward in Appellant's absence or to the sufficiency of the trial judge's findings on the matter before, during, or after the trial took place. Furthermore, notwithstanding any issue preservation concerns, the trial judge did not abuse his discretion in proceeding forward with the trial in absentia because Appellant was fully aware of his right to be present for trial, the term of court during which his trial was scheduled to be held, and the fact his trial would proceed forward without him if he failed to appear.

STATEMENT OF THE CASE

In October of 2013, Appellant Samuel Hayworth Robinson was arrested following an investigation into allegations he pointed a gun at several adults and children. In April of 2014, the Charleston County Grand Jury indicted Appellant for one count of pointing and presenting a firearm. On June 23, 2014, the solicitor called Appellant's case to trial before a jury in the Charleston County Court of General Sessions with the Honorable Benjamin H. Culbertson, circuit court judge, presiding. Appellant was not present at that time, and the trial proceeded forward in his absence. At the conclusion of trial, the jury convicted Appellant as indicted. Following the verdict, the trial judge sentenced Appellant and sealed the sentence. Subsequently, Appellant was apprehended, and, on July 19, 2014, a sentencing hearing was conducted in the Charleston County Court of General Sessions with the Honorable Roger M. Young, Sr., circuit court judge, presiding. During the hearing, the sentencing judge unsealed Appellant's sentence and imposed a five-year term of imprisonment. Appellant then timely filed a notice of appeal.

STATEMENT OF FACTS

On the evening of October 14, 2013, Britney Mishoe began eating dinner on the front porch of her mother's home along with her mother, her boyfriend, her four-year-old sister, her two-year-old nephew, and a friend. (R. pp. 18-19; p. 37; pp. 50-51). As Mishoe and her family and friends ate their dinners, Appellant Samuel Hayworth Robinson approached the front porch from a residence located across the street along with his girlfriend, Kelsie Ammons, and two other individuals. (R. p. 20; p. 35; pp. 38-40; pp. 51-52; p. 54). After approaching the porch, Appellant suddenly pulled out a gun and pointed it at Mishoe and the others in a threatening manner. (R. pp. 21-24; p. 26; pp. 40-41; p. 43; pp. 51-54). While he did so, Ammons proceeded to puncture all four of the tires on Mishoe's vehicle, which was parked nearby, before exclaiming: "That's what y'all get." (R. p. 24; p. 42; p. 51; p. 54). Appellant, Ammons, and their companions then rapidly fled from Mishoe's mother's yard, ran to their vehicle, and sped away from the area. (R. p. 26; p. 44).

After Appellant and his confederates fled, Mishoe immediately called the police while attempting to obtain the license plate number from Appellant's fleeing vehicle. (R. p. 26; p. 56). Shortly thereafter, officers arrived on the scene and took statements from the victims, who identified Appellant as the gunman involved in the incident. (R. p. 26; p. 44; p. 49; pp. 55-56; pp. 69-71). In response, the officers sought out and apprehended Appellant for his role in the incident. (R. p. 72; p. 74; p. 76). Appellant was then arrested and indicted for one count of pointing and presenting a firearm. (R. p. 7; p. 72; p. 74; p. 76; pp. 122-123).

Subsequently, Appellant's case was called to trial, but Appellant was not present in the courtroom at that time. (R. p. 4). Based on Appellant's absence, defense counsel

informed the trial judge before the commencement of the trial she wanted to make him aware of Appellant's history of notice "so [he could] make a fully informed decision as to whether or not [he thought Appellant] received proper notice." (R. p. 4). Defense counsel then informed the trial judge Appellant had received "ample" notice of the term of court during which his case was going to be called to trial and had confirmed to her he had received that notice. (R. pp. 4-6). Additionally, defense counsel advised the trial judge she personally scheduled several meetings with Appellant so they could discuss his case, Appellant indicated to her he was going to attend the meetings, and Appellant subsequently failed to appear at the meetings. (R. p. 5). Furthermore, defense counsel conceded Appellant's "bond paperwork state[d] that [Appellant] could be tried in his absence if he were not to appear for trial[.]" (R. p. 5). However, defense counsel advised the trial judge she had not personally provided Appellant with notice he would be tried in his absence if he failed to appear and had not had a discussion with him about him being tried in his absence. (R. p. 6). Thereafter, after being advised by defense counsel Appellant was aware of the term of court during which he would be tried and Appellant had received notice on his bond paperwork indicating he would be tried in his absence if he failed to appear, the trial judge stated he was "comfortable going forward with the trial in [Appellant's] absence."[1] (R. p. 6).

Following the trial judge's decision, the trial proceeded forwarded, and Britney and the other witnesses testified regarding the events of the night of October 14, 2013, and the ensuing investigation into the incident that led to Appellant's arrest for pointing a firearm at the victims. (R. pp. 18-26; pp. 37-44; pp. 50-56; p. 62; p. 64; pp. 69-72).

[1] Prior to the commencement of trial, defense counsel did **not** object to Appellant being tried in absentia and did **not** move for a continuance. (R. pp. 4-6). Likewise, after the trial judge decided to proceed forward with the trial in Appellant's absence, defense counsel did **not** object to the trial judge's decision and did **not** object to sufficiency of the trial judge's findings on the matter. (R. p. 6).

Thereafter, at the conclusion of trial, the jury convicted Appellant as indicted.[2] (R. p. 109). Following the verdict, the trial judge sentenced Appellant and sealed the sentence. (R. p. 112).

Subsequently, Appellant was apprehended and brought before a sentencing judge to receive his sentence. (R. p. 114). During the sentencing proceedings, Appellant personally asserted he failed to appear for trial because of "[his] stupidity[.]" (R. p. 114). However, neither defense counsel nor Appellant challenged the propriety of Appellant's trial in absentia or asserted Appellant lacked sufficient notice to be tried in his absence. (R. pp. 114-116). At the conclusion of the hearing, the sentencing judge unsealed Appellant's previously-imposed sentence and sentenced him to a five-year term of imprisonment. (R. p. 115).

[2] Before the case was submitted to the jury, the trial judge instructed the jury on the applicable law. (R. pp. 92-100). During his jury instructions, the trial judge specifically instructed the jury Appellant's absence from trial did not constitute an admission of guilt and could not be considered against him. (R. p. 97).

ARGUMENT

Any issue with Appellant's trial in absentia was not properly preserved for appellate review because neither Appellant nor defense counsel raised any objections to the trial proceeding forward in Appellant's absence or to the sufficiency of the trial judge's findings on the matter before, during, or after the trial took place. Furthermore, notwithstanding any issue preservation concerns, the trial judge did not abuse his discretion in proceeding forward with the trial in absentia because Appellant was fully aware of his right to be present for trial, the term of court during which his trial was scheduled to be held, and the fact his trial would proceed forward without him if he failed to appear.

Appellant contends the trial judge reversibly erred by conducting Appellant's trial in his absence. In support of that contention, Appellant maintains the trial judge erred in proceeding forward with the trial in absentia without making specific factual findings Appellant received notice of his right to be present and was warned the trial would proceed in his absence if he failed to appear. Initially, to the extent Appellant is challenging his trial in absentia on appeal based on the trial judge's failure to make specific factual findings regarding Appellant's receipt of notice of his trial rights, that issue was not properly preserved for appellate review because it was never raised to the trial judge at any point before, during, or after the trial. However, even if the issue was somehow preserved for appellate review despite the fact no objection to the trial in absentia was ever raised to the trial judge, the trial judge nonetheless committed no error by proceeding forward with the trial in Appellant's absence because Appellant had notice of when his trial was scheduled begin, was warned of the consequences of failing to appear, and simply failed to appear for trial. Appellant's conviction should be affirmed.

A. Issue Preservation

In order for an issue to properly be preserved for appellate review, the issue must be: (1) raised to and ruled upon by the trial court; (2) raised by the appellant; (3) raised in a timely manner; and (4) raised to the trial court with sufficient specificity. State v.

Rogers, 361 S.C. 178, 183, 603 S.E.2d 910, 912-913 (Ct. App. 2004); see also JEAN HOEFER TOAL ET AL., APPELLATE PRACTICE IN SOUTH CAROLINA 57 (2nd ed. 2002) (identifying the four requirements that must be met in order for an issue to be properly preserved for appellate review). "Imposing this preservation requirement on the appellant is meant to enable the lower court to rule properly after it considered all relevant facts, law, and arguments." I'On, L.L.C. v. Town of Mt. Pleasant, 338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000); see also State v. Pauling, 322 S.C. 95, 100, 470 S.E.2d 106, 109 (1996) ("Having denied the trial judge an opportunity to cure any alleged error by failing to contemporaneously object to the charge, Appellant is procedurally barred from raising these issues for the first time on appeal."). If a party fails to properly object, the party is procedurally barred from raising the issue on appeal, and an appellate court will not consider or address the issue. State v. Johnson, 363 S.C. 53, 58-59, 609 S.E.2d 520, 523 (2005); see State v. Fleming, 254 S.C. 415, 421, 175 S.E.2d 624, 627 (1970) ("It is well settled that an issue which has not been presented to or passed upon by the trial judge will not be considered on appeal.").

In the case sub judice, Appellant contends on appeal the trial judge erred by proceeding forward with a trial in absentia without making specific factual findings regarding Appellant's waiver of his right to be present for trial. However, neither Appellant nor defense counsel raised any objections to the trial judge regarding the trial in absentia, and defense counsel did not object to the sufficiency of the trial judge's findings or ruling before the trial judge commenced the trial in Appellant's absence. See State v. Lopez, 82 S.C. 368, 368, 64 S.E. 144, 144 (1909) ("The Circuit Court was in no way called upon to make a ruling and made no ruling upon the subject. There was nothing to prevent counsel raising the question in the Circuit Court. Hence there is

nothing to review."); see also State v. Penland, 275 S.C. 537, 538, 273 S.E.2d 765, 766 (1981) ("One may not preserve a vice until he learns what the result will be and then, take advantage of the error on appeal."). Instead, defense counsel specifically assured the trial judge Appellant had received notice of both the term of court during which his case would be tried and the fact the trial would proceed in his absence if he failed to appear. See State v. Carlson, 363 S.C. 586, 595, 611 S.E.2d 283, 287 (Ct. App. 2005) ("A party cannot complain of an error which his own conduct induced."). Because no objection was raised to the trial proceeding in Appellant's absence or to the trial judge's failure to make specific factual findings regarding Appellant's waiver of his right to be present for trial, Appellant is precluded from raising such an objection for the first time on appeal. See State v. Ravenell, 387 S.C. 449, 456, 692 S.E.2d 554, 558 (Ct. App. 2010) ("In order to claim the protection afforded by the rule of law that a criminal defendant may be tried in his absence only upon a trial court's finding that the defendant has received the requisite notice of his right to be present and advisement that the trial would proceed in his absence if he failed to attend, **a defendant or his attorney must object at the first opportunity to do so**, and failure to so object constitutes waiver of the issue on appeal." (emphasis added)); see also State v. Patterson, 324 S.C. 5, 19, 482 S.E.2d 760, 767 (1997) ("Appellant is limited to the grounds raised at trial."); State v. Adams, 354 S.C. 361, 380, 580 S.E.2d 785, 795 (Ct. App. 2003) ("[A] defendant may not argue one ground below and another on appeal."). Therefore, to the extent Appellant is challenging his trial in absentia on appeal, the issue was not properly preserved for appellate review, and the issue cannot appropriately be raised or addressed for the first time on appeal. See State v. Holland, 385 S.C. 159, 172, 682 S.E.2d 898, 905 (Ct. App. 2009) ("[The appellant] did not raise this specific ground before the trial court. Therefore, this specific

argument is not preserved for this Court's review."); cf. State v. Williams, 292 S.C. 231, 232-233, 355 S.E.2d 861, 862 (1987) ("In order to claim the protection afforded by Criminal Practice Rule 3, a defendant or his attorney must object at the first opportunity to do so. Here, neither appellant nor his attorney objected to the trial having begun in appellant's absence. Any error under Criminal Practice Rule 3 was therefore waived."). Appellant's conviction should be affirmed.

B. Propriety of Appellant's Trial In Absentia

Unquestionably, a criminal defendant has a constitutional right to be present for trial. See City of Aiken v. Koontz, 368 S.C. 542, 546, 629 S.E.2d 686, 688 (Ct. App. 2006) ("A criminal defendant has a constitutional right guaranteed by the Confrontation Clause of the Sixth Amendment to be present at trial."); see also Illinois v. Allen, 397 U.S. 337, 338 (1970) ("One of the most basic of the rights guaranteed by the Confrontation Clause is the accused's right to be present in the courtroom at every stage of his trial."). However, in South Carolina, a criminal defendant may voluntarily waive his right to be present for trial by failing to appear and may be tried in his absence if he fails to appear for trial. See Rule 16, SCRCrimP ("Except in cases wherein capital punishment is a permissible sentence, a person indicted for misdemeanors and/or felonies may voluntarily waive his right to be present and may be tried in his absence upon a finding by the court that such person has received notice of his right to be present and that a warning was given that the trial would proceed in his absence upon a failure to attend the court."); see also State v. Green, 269 S.C. 657, 662, 239 S.E.2d 485, 487 (1977) ("The right to be present at trial, like many other constitutional rights can be waived if done 'voluntarily' and 'knowingly'.").

Notably, in State v. Wright, 304 S.C. 529, 531, 405 S.E.2d 825, 826 (1991), Wright was not present for his trial on a charge of distributing cocaine. At the outset of trial, Wright's defense counsel moved for a continuance, asserting he had recently been in contact with Wright and believed Wright could be located. Id. at 532, 405 S.E.2d at 827. Despite Wright's counsel's assertions, the trial judge denied the continuance motion and proceeded forward with the trial in Wright's absence. Id. Subsequently, following his conviction, Wright appealed, contending the trial judge erred by denying the continuance motion. Id. However, the Supreme Court disagreed with Wright's contention and affirmed the trial judge's decision to proceed forward the trial in absentia after finding the trial judge did not abuse his discretion by denying the continuance motion due to the fact the record reflected Wright was aware of the term of court in which he was set to be tried and knew he would be tried in his absence if he failed to appear for trial. Id.

In Appellant's case, Appellant – just like the defendant in Wright – indisputably received notice of his right to attend his trial, the term of court during which his trial was scheduled to take place, and the consequences of his failure to appear for trial prior to the trial going forward in his absence in light of defense counsel's concessions to the trial judge confirming Appellant was amply advised of when his case was set to be tried and was advised on his bond paperwork of the fact he would be tried in his absence if he failed to appear for trial. See State v. Bryant, 372 S.C. 305, 315-316, 642 S.E.2d 582, 588 (2007) (recognizing an issue conceded during trial cannot subsequently be argued on appeal); see also State v. Jackson, 290 S.C. 435, 436, 351 S.E.2d 167, 167 (1986) ("Notice of the term of court for which the trial is set constitutes sufficient notice to enable a criminal defendant to make an effective waiver of his right to be present."); Ellis

v. State, 267 S.C. 257, 261, 227 S.E.2d 304, 306 (1976) ("In our courts of general sessions, defendants are generally only given notice of the term of court in which they will be tried and do not know the exact date and time of their trial until shortly before the trial begins. We think such notice is sufficient to enable a defendant to make an effective waiver of his right to be present at his trial."). Moreover, notwithstanding defense counsel's express assurances to the trial judge, Appellant's receipt of notice of his rights regarding trial could not legitimately be questioned because, prior to his release on bond, he personally signed an acknowledgement form affirmatively stating he understood: (1) he had "a right and obligation to be present at trial"; and (2) "should [he] fail to attend the court, the trial [would] proceed in [his] absence."[3] (R. pp. 120-121). Significantly, through his signature on the acknowledgement form, Appellant unequivocally demonstrated a full understanding of his right to appear for trial and the consequences of his failure to appear at the scheduled time of his trial, which enabled him to knowingly and voluntarily waive his right to be present for trial by failing to appear.[4] See Ravenell,

[3] Notably, the bail proceeding order containing Appellant's signature acknowledging his awareness of his right to be present during trial and the consequences of his failure to appear for trial was directly referenced by defense counsel when she advised the trial judge regarding the notice Appellant had received. (R. p. 5). Moreover, the bail proceeding order was properly before the trial court due to the fact the order was signed by Appellant during the bond hearing that took place before Appellant's trial, was filed with the Charleston County Clerk of Court roughly eight months before Appellant's trial, and was a part of the clerk's file associated with Appellant's criminal case. See Rule 210(c), SCACR ("The Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267. The Record shall not, however, include matter which was not presented to the lower court or tribunal."); see also South Carolina Dep't of Soc. Servs. v. Janice C., 383 S.C. 221, 227, 678 S.E.2d 463, 467 (Ct. App. 2009) ("These documents were filed with the family court; **therefore, they were part of the record**." (emphasis added)). However, even assuming the order was somehow not before the trial court as required by Rule 210(c), SCACR, despite the fact it was filed with the Charleston County Clerk of Court in the case at bar, this Court can and should take judicial notice of the order due to the indisputable nature of the signed, filed, and certified court document. See Wise v. Wise, 394 S.C. 591, 601, 716 S.E.2d 117, 122 (Ct. App. 2011) ("[A]n appellate court can take judicial notice of something that was not before the trial court if it is indisputable."); see also Rule 201(f), SCRE ("Judicial notice may be taken at any stage of the proceeding.").

[4] On appeal, Appellant contends – without explanation and without any authority of any kind to support such a contention – the notice on his bond paperwork was "inadequate" to properly warn him of the consequences of failing to appear for trial. (App. Br. p. 9). To the contrary, Appellant's signing of the

387 S.C. at 456, 692 S.E.2d at 558 ("[A] bond form that provides notice that a defendant can be tried in absentia may serve as the requisite warning that he may be tried in his absence should he fail to appear); State v. Fairey, 374 S.C. 92, 101, 646 S.E.2d 445, 449 (Ct. App. 2007) ("A bond form that provides notice that a defendant can be tried in absentia may serve as the requisite notice."); see also State v. Goode, 299 S.C. 479, 481, 385 S.E.2d 844, 845 (1989) ("[T]he right to be present at trial can be waived if done knowingly and voluntarily.").

In light of the representations of Appellant's defense counsel regarding Appellant's awareness of his rights coupled with Appellant's act of signing the acknowledgement form on his bond paperwork prior to his release on bond, Appellant was unquestionably fully aware of his right to be present for his trial, the scheduled date and time of his trial, and the consequences of failing to appear for trial. As a result, the trial judge did not abuse his discretion by proceeding forward with the trial in Appellant's absence after Appellant failed to appear for trial without any legitimate justification or excuse. See Wright, 304 S.C. at 532, 405 S.E.2d at 827 (finding no abuse of discretion in the denial of Wright's continuance motion raised before Wright's trial in absentia because the record reflected Wright was aware of the term of court in which his case was set to be tried and was aware the trial would proceed forward in his absence if he failed to appear). Appellant's conviction should be affirmed.

---

acknowledgment on his bond paperwork indicating he understood he would be tried in his absence if he failed to appear for trial was clearly and logically sufficient to demonstrate Appellant understood exactly what he acknowledged he understood on that paperwork. See Koontz, 368 S.C. at 548, 629 S.E.2d at 689 (holding Koontz had notice of the consequences of failing to appear for trial where he signed an acknowledgment on an order specifying methods and conditions of release indicating he understood his trial would proceed in his absence if he failed to appear for trial).

CONCLUSION

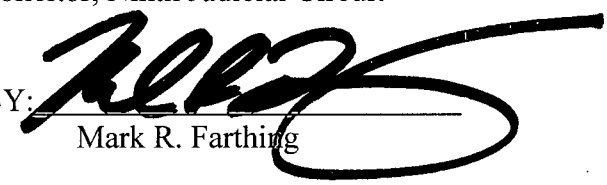
For all the foregoing reasons, it is respectfully submitted that the judgment and conviction of the lower court be affirmed.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Assistant Attorney General

SCARLETT A. WILSON
Solicitor, Ninth Judicial Circuit

BY: 
Mark R. Farthing

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

May 1, 2015

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Honorable Benjamin H. Culbertson, Circuit Court Judge
Honorable Roger M. Young, Sr., Circuit Court Judge
Appellate Case No. 2014-001555

THE STATE,

Respondent,

vs.

SAMUEL HAYWORTH ROBINSON,

Appellant.

CERTIFICATE OF COUNSEL

The undersigned certifies that this Final Brief of Respondent complies with Rule 211(b), SCACR, and the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

ALAN WILSON
Attorney General

MARK R. FARTHING
Assistant Attorney General

SCARLETT A. WILSON
Solicitor, Ninth Judicial Circuit

BY: _____
Mark R. Farthing
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

May 1, 2015

ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Honorable Benjamin H. Culbertson, Circuit Court Judge
Honorable Roger M. Young, Sr., Circuit Court Judge
Appellate Case No. 2014-001555

THE STATE,

Respondent,

vs.

SAMUEL HAYWORTH ROBINSON,

Appellant.

PROOF OF SERVICE

I, Anne A. Mueller, certify that I have served the within Final Brief of Respondent on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Lara M. Caudy, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served. This 1st day of May, 2015.

ANNE A. MUELLER
Legal Assistant

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727