

STATE OF SOUTH CAROLINA

 ORIGINAL

IN THE COURT OF APPEALS

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Appeal from Greenville County

JAN 30 2017

Honorable Doyet A. Early, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

KEYON D. ROBINSON

APPELLANT

APPELLATE CASE NO. 2014-002434

\_\_\_\_\_  
RECORD ON APPEAL  
\_\_\_\_\_

LANELLE CANTEY DURANT  
Appellate Defender

ALAN WILSON  
Attorney General

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

WILLIAM M. BLITCH  
Assistant Attorney General  
Rembert Dennis Building  
1000 Assembly Street, Room 519  
Columbia, SC 29201

ATTORNEY FOR APPELLANT

W. WALTER WILKINS, III  
Solicitor, Thirteenth Judicial Circuit

ATTORNEYS FOR RESPONDENT

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 2 : 2012-GS-23-006687  
 3 State of SC : TRANSCRIPT RECORD  
 4 vs :  
 5 Keyon D. Robinson :  
 6 :  
 7 :

November 5, 2014  
 Greenville, South Carolina

BEFORE: The Honorable Doyet A. Early, Judge

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

Katrina Salisbury, Esquire  
 Assistant Solicitor

Jake Erwin, Esquire  
 Attorney for the Defendant

Caroline Hiskell  
 Thirteenth Circuit Court Reporter

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 SC OFFICE OF  
 APPELLATE DEFENSE

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## Hinton - Direct

## P R O C E E D I N G S

1  
2 THE COURT: Counselor, you may call your  
3 case.

4 MS. SALISBURY: Your Honor, the State is  
5 ready to proceed on the case of the State versus Keyon  
6 Deshawn Robinson. Mr. Robinson is charged with  
7 trafficking in cocaine and resisting arrest.

8 THE COURT: You have a motion, Mr. Erwin?

9 MR. ERWIN: Yes, Your Honor. The defense  
10 intends to challenge the admission of the drugs into  
11 evidence. If the Court would prefer to hear that motion,  
12 we are prepared to present it.

13 THE COURT: That's exactly why we're here at  
14 9:00. I don't think there's any question about it. You  
15 may move forward.

16 MR. ERWIN: Yes, Your Honor. My client  
17 alleges his right were violated during the search and we  
18 are asserting that now.

19 THE COURT: You want to tell me some facts,  
20 some law, some position perhaps.

21 MR. ERWIN: Judge, it's our position is it's  
22 the State's burden to present facts to overcome the  
23 presumption the warrantless search is unreasonable. In  
24 this case my position is the State is going to call the  
25 deputy and offer some testimony and based on those facts,

Hinton - Direct

1 we would argue about the admissibility of the evidence.

2 With no evidence in, there's nothing to  
3 argue.

4 THE COURT: Ms. Salisbury.

5 MS. SALISBURY: The State is prepared to call  
6 Deputy Chris Hilton.

7 THE CLERK: Sir, please come up to the Bible  
8 to be sworn.

9 Master Deputy Chris Hilton, having been duly  
10 sworn, testified as follows:

11 Thank you. Please have a seat and state your  
12 name for the record.

13 THE WITNESS: Master Deputy Chris Hilton.

14 DIRECT EXAMINATION

15 BY MS. SALISBURY:

16 Q Deputy, where are you employed?

17 A Greenville County Sheriff's Office.

18 Q How long have you been with the Sheriff's Office?

19 A Over nine years.

20 Q What's your capacity at the Sheriff's Office?

21 A I'm a master deputy in uniform patrol. I answer  
22 calls for service and train deputies.

23 Q Were you working in that capacity in December of  
24 2011?

25 A I was a deputy, too, at that time but yes, I was

## Hinton - Direct

1 working uniformed patrol.

2 Q Do you recall if you were dispatched to an  
3 incident during the early morning hours of December 18,  
4 2011?

5 A Yes, I was.

6 Q Would you please describe for the Court the  
7 circumstances in which you became involved in the  
8 incident?

9 A On that date we were called to Waffle House which  
10 is 6105 White Horse Road in reference to subjects in the  
11 parking lot arguing with security according to a customer  
12 who called in. That's why I originally responded.

13 As I responded and arrived on scene, I exited  
14 my patrol vehicle. I parked probably two or three car  
15 lengths from where I saw one car. The other car they had  
16 described pulled off but there was still a red car in the  
17 parking lot which we describe as a red car and a black  
18 Lexus and a red vehicle that wound up being involved.

19 As I was approaching on foot I observed the  
20 defendant walking towards the vehicle. He had a purple  
21 bag in his hand. I could hear him using profane language  
22 cursing, cursing at security, at which point as I  
23 approached he dropped that purple bag in the back seat of  
24 his vehicle.

25 I made contact with him, placed him in

## Hinton - Direct

1 handcuffs, advised him he was under arrest. I could smell  
2 alcohol on him at that time as well. After I placed him  
3 in handcuffs, I grabbed the Crown Royal bag he had dropped  
4 in the back seat and another deputy responded at that time  
5 so I had backup at that point. She was able to watch the  
6 other three people in the vehicle as I took him to my  
7 vehicle.

8 I looked in the Crown Royal bag that he had  
9 and I could tell immediately it had narcotics in it. At  
10 which point I locked that in my passenger's side of my  
11 vehicle and placed him in my vehicle.

12 Q That would be good for right now. Let me back up  
13 a little for a few of the details. Do you recall what  
14 time it was that you actually arrived at this Waffle  
15 House?

16 A Looks like according to the report 4:37 a.m.

17 Q At the time you approached this group of  
18 individuals that you said that you observed working  
19 towards the red car, what were your intentions?

20 A We got a call for the disturbance in general.  
21 The other three, from my recollection, I believe were  
22 already in the car. I think he was coming out of the  
23 Waffle House or just having dealt with security and I  
24 could immediately hear him as I got out cussing in public  
25 and vulgar language. Of course, at that point I'm going

## Hinton - Cross

1 to charge him with disorderly conduct.

2 Q You testified just a few minutes ago that you  
3 walked up to him and advised him he was under arrest. Is  
4 that the offense in which you were arresting him for?

5 A Yes, disorderly conduct.

6 Q And you mentioned that you saw him carrying this  
7 purple bag, where exactly did you see the defendant place  
8 that bag?

9 A In the back seat of the red Volvo.

10 Q Was there another individual seated in the back  
11 seat at that time?

12 A Yes, he was sitting behind the passenger. He  
13 dropped it behind and there was an individual sitting  
14 behind the driver's side at that time.

15 Q Did you see anyone touch or otherwise make  
16 contact at that point between the defendant drop it and  
17 you retrieve it?

18 A I didn't see anyone, no.

19 Q With respect to the car, where did you make  
20 contact with the defendant and ultimately place him in  
21 custody?

22 A I believe it was right -- he was at the driver's  
23 side of the rear door I believe right at the trunk area.  
24 So as I made contact with him from my recollection I  
25 believe dropped that bag, the door was shut, and then

## Hinton - Cross

1 that's when I placed him under arrest and opened the door  
2 back up and the bag was there.

3 Q You describe this purple bag, could you give the  
4 Court a little bit more information about what that bag  
5 looks like?

6 A It looks like a Crown Royal bag and it would have  
7 alcohol in it usually. The bottles are sold in it and  
8 that's where that bag comes from.

9 Q Was that bag immediately recognizable to you.  
10 Did you notice that right away about it?

11 A I noticed it was a purple bag. I couldn't tell  
12 it was that logo at that time, no.

13 Q Sir, if you would answer any questions that  
14 Mr. Erwin might have.

15 THE COURT: Mr. Erwin.

16 CROSS-EXAMINATION

17 BY MR. ERWIN:

18 Q How are you doing, officer? Your car is equipped  
19 with an in-car video system, right?

20 A Yes, sir.

21 Q In this case it never came on because you never  
22 hit your blue lights or anything like that.

23 A Correct.

24 Q You don't have any video from inside the car of  
25 the incident?

## Hinton - Cross

1 A No, sir.

2 Q Likewise, there was no surveillance video of  
3 Waffle House or anything like that?

4 A Not to my knowledge, no.

5 Q So you did, however, right a report documenting  
6 everything that you did in this case.

7 A Yes. You recollect to the best you can, but yes,  
8 sir.

9 Q You're trained to write the report and it's  
10 thorough and to the best of your ability it's accurate and  
11 correct and all that, right?

12 A Yes.

13 Q And you have to have this report approved by an  
14 approving officer, right?

15 A Right.

16 Q In this case, that was Sergeant Kay Robinson?

17 A Yes.

18 Q Just a coincidence it's the same name as the  
19 defendant?

20 A Yes.

21 Q Now, you didn't have a warrant to go inside t his  
22 car, did you?

23 A No, I did not.

24 Q When you saw Mr. Robinson coming out of the  
25 Waffle House in the parking lot, he had the bag in his

## Hinton - Cross

1 hand, right?

2 A Yes, sir.

3 Q You say in your report when you saw him, he  
4 dropped it into the car?

5 A Yes.

6 Q Is the door closed or opened?

7 A I believe the door was open. I can't remember if  
8 he dropped -- I didn't verbatim put it in the report if he  
9 opened the door and dropped it or he dropped through a  
10 rolled down window. I just remember him putting it in the  
11 vehicle.

12 Q So it was either through an open door or open  
13 window and you don't remember?

14 A Yes.

15 Q There were folks already inside that car?

16 A Yes.

17 Q Including somebody in the driver's seat?

18 A Yes, three other individuals.

19 Q I'm skipping around a little bit here, but later  
20 in this encounter, you dealt with those individuals a  
21 little bit, right?

22 A Yes.

23 Q I'm going off your report here and you said they  
24 were not very cooperative, correct?

25 A Yes.

## Hinton - Cross

1 Q Nobody, the driver, the owner, nobody gave you  
2 consent to search the car, right?

3 A They did not.

4 Q Now, just to be clear from your testimony earlier  
5 when you put Mr. Robinson under arrest, he was not inside  
6 the car?

7 A Right.

8 Q The purple bag. It's a Crown Royal bag.

9 A Right.

10 Q You said you did not immediately recognize that  
11 but it was just a small purple bag about the size of a  
12 liquor bottle, correct?

13 A Yes. He had a purple bag in his hand.

14 Q And you couldn't see inside the bag, correct?

15 A Correct.

16 Q You put Mr. Robinson under arrest for public  
17 disorderly conduct.

18 A Correct.

19 Q And that was for screaming and using profanity  
20 loudly?

21 A Yes. And as I said, as I approached him I  
22 smelled the odor of alcohol.

23 Q Were you ever able to determine who the owner of  
24 the car was?

25 A I'm sure it's in here where we ran the tag.

## Hinton - Cross

1 Q Can you take a look and see if it's in your  
2 report.

3 A The owner's name is not in the report, it's just  
4 got the vehicle information with the tag numbers. One of  
5 the responding officer did that portion and it's not in  
6 her report.

7 Q Okay. That's alright. The point is the guys who  
8 were in the car, were there three or four?

9 A Three.

10 Q Those folks were not charged with anything, were  
11 they?

12 A No, sir.

13 Q And because they did not give consent, you didn't  
14 search their car or their person, did you?

15 A I don't 100 percent recall. I had some other  
16 stuff occur with the defendant and I had to get back to  
17 them, but when we did make back contact with them, we  
18 probably did pat them down at that point.

19 Q Okay. What you're saying is after you determined  
20 there were drugs in that car, then the car was searched  
21 incident to ---

22 A Incident to the probable cause that there could  
23 be more drugs in there.

24 Q Fair enough. At this time, I have no further  
25 questions.

## Hinton - Cross

1 THE COURT: Solicitor, anything further?

2 MS. SALISBURY: Nothing from this witness.

3 THE COURT: You may step down.

4 Any other witnesses from the State?

5 MS. SALISBURY: No other witnesses.

6 THE COURT: Any argument from the defense?

7 MR. ERWIN: Your Honor, we ask that the drugs  
8 be excluded. The officer admitted it was a warrantless  
9 search and there was not consent to search the vehicle at  
10 any time.

11 If the State intends to point out an  
12 exception to the Fourth Amendment, I'm certainly prepared  
13 to respond to that. A search incident to arrest I don't  
14 believe would apply in this situation.

15 When Mr. Robinson was under arrest, the bag  
16 was not on his person. It was in the car and the officer  
17 admitted that without warrant, without consent, he entered  
18 that car and searched at that time.

19 THE COURT: Do you have any case law to  
20 support your position?

21 MR. ERWIN: At this time, I do not. The  
22 burden is on the State ---

23 THE COURT: I understand where the burden is  
24 but I'm asking you if you have any case law to support  
25 that position?

## Hinton - Cross

1 MR. ERWIN: Your Honor, at this time, I  
2 don't.

3 THE COURT: Do you, at any time during these  
4 proceedings, perhaps present some?

5 MR. ERWIN: Judge, other than the Fourth  
6 Amendment, I don't.

7 THE COURT: Thank you, you may be seated.  
8 Ms. Salisbury.

9 MS. SALISBURY: Your Honor, I believe that  
10 the United States Supreme Court has been particularly  
11 clear about these kinds of circumstances. I would point  
12 the Court's attention to the most recent opinion in  
13 Arizona versus Gambet(ph), 2009 United States Supreme  
14 Court opinion. The Supreme Court described that where a  
15 defendant is arrested law enforcement can search the  
16 portion of the passenger compartment to which the  
17 defendant has ready access or in which evidence of the  
18 offense for which the defendant was being arrested could  
19 be located. I think both of those alternatives apply in  
20 this case.

21 THE COURT: He was only being arrested for  
22 disorderly conduct. So what evidence of the offense would  
23 that bag indicate if he was just being arrested for  
24 cussing and being disorderly?

25 MS. SALISBURY: The officer also testified

## Hinton - Cross

1 that as he approached the defendant he also smelled an  
2 order of alcohol.

3 THE COURT: He did.

4 MS. SALISBURY: One of the components as this  
5 Court is aware of disorderly conduct is the defendant's  
6 boisterous behavior which would include this public  
7 profanity or public intoxication. And to the extent that  
8 this Crown bag which is an alcohol packaging bag could  
9 contain evidence of an intoxicating substance whether that  
10 be in the form of additional alcohol or narcotics, there's  
11 certainly a possibility that that bag contained evidence  
12 of this disorderly conduct for which the defendant was  
13 being arrested.

14 But again, I think more importantly and  
15 probably more clear, I would suggest, is the fact that  
16 whether this window was open or whether the door itself  
17 was open, this area of the car, this back seat behind the  
18 driver's side of the door where this bag was deposited is  
19 a passenger compartment to which the defendant has ready  
20 access.

21 Obviously he has not access at the time that  
22 he is restrained, but that's not what the Court described  
23 in Arizona. It's the wing span so to speak of the  
24 defendant at the time of his arrest. So I would suggest  
25 that that particular opinion is informative and

## Hinton - Cross

1 instructive on this particular issue.

2           However, it may also be worthwhile for the  
3 Court to consider the fact that this type of search could  
4 be considered an exception based on the fact that it's an  
5 automobile. Because we know the automobile is readily  
6 mobile, there's a potential that evidence will be  
7 destroyed so to the extent that the officer has some  
8 suspicion that there might be contraband or otherwise  
9 illegal substances in that container based on the  
10 defendant's behavior both in being boisterous and being  
11 combative and aggressive with security, and also quickly  
12 relieving himself of responsibility for that bag as soon  
13 as he saw law enforcement, certainly leaves this deputy to  
14 reasonably suspect that there was something afoot with  
15 respect to that bag.

16           So the fact that there is the ready ability  
17 of that car that potentially evidence would be destroyed,  
18 there's an alternative plausible basis for the officer to  
19 search that bag if it was not, as I suggest, a perfectly  
20 legitimate search incident to the defendant's arrest.

21           MR. ERWIN: I do think there's a pretty clear  
22 distinction between the facts in this case and what we're  
23 talking about Gant. First of all, with the search  
24 incident to arrest with the looking for evidence that  
25 relates to that arrest, the solicitor mentioned it is a

## Hinton - Cross

1 Crown Royal bag, it is a liquor bag, intoxication being an  
2 element of public disorderly, I will point out that the  
3 officer testified that he did not recognize the bag as a  
4 liquor bag and that he could not see inside the bag to see  
5 what it contained. He said it was a purple bag.

6 THE COURT: He said it was a Crown Royal bag.

7 MR. ERWIN: He said later he recognized it as  
8 a Crown Royal bag but at the time he just saw a purple  
9 bag. Judge, he did admit that he could not see inside the  
10 bag and see what was in it.

11 Furthermore, Judge, the rationale behind this  
12 automobile exception in Gant and cases like that is that  
13 the search of the automobile is an extension to a search  
14 incident to arrest, but in that case and in all these  
15 cases is an arrest that occurs inside the vehicle whether  
16 it be a traffic stop or something like that.

17 In this case it's pretty clear Mr. Robinson,  
18 according to the officer's testimony, at no point was he  
19 inside that vehicle. He never was. The search incident  
20 to his arrest would only extend to his body. If somebody  
21 inside the car, the driver, or one of the passengers was  
22 placed under arrest for something, then the search could  
23 extend to the part of the car that could reach inside. In  
24 this case, it's different. Mr. Robinson was at no point  
25 inside of the car.

## Hinton - Cross

1 THE COURT: Any case law to support that  
2 position?

3 MR. ERWIN: Your Honor, I'm just  
4 differentiating from the rationale in Gant and the facts  
5 in Gant.

6 THE COURT: Anything else?  
7 Anything by the State?

8 MS. SALISBURY: Your Honor, I believe our  
9 position is clear.

10 THE COURT: Okay. Is the jury ready?

11 THE CLERK: They're ready.

12 THE COURT: Let's take about a five minute  
13 break. I need to think about this for a minute. We'll  
14 either draw a jury or see what we got.

15 I'd like to see the lawyers back in chambers.

16 (Whereupon, there was a brief recess.)

17 Let the record reflect we had a brief  
18 in-chambers discussion generally discussing what my ruling  
19 was perhaps was going to be which I told the lawyers that  
20 I felt like I was going to deny your motion to suppression  
21 and now I am officially doing so and will allow the  
22 evidence in the record.

23 Your lawyer tells me, Mr. Robinson, that you  
24 wish now to waive the jury trial and have a bench trial.  
25 In other words, it will be a trial without a jury.

## Hinton - Cross

1           What that will do, if I found you guilty and  
2 sentenced you, you will still have the right to an appeal  
3 and you would reserve for appellate review your motion to  
4 suppress. Do you understand what I'm saying?

5           DEFENDANT ROBINSON: Yes, sir.

6           THE COURT: In order to do that in that  
7 manner, that mode, you will forego and give up your right  
8 to a jury trial. In other words, you will give up your  
9 right to a jury to perform their duty which is they are  
10 the finders of the facts. They determine what the true  
11 facts are in the case and they take those true facts as  
12 they find them to be and apply it to the law as I give it  
13 to them.

14           If you waive or give up your right to a jury  
15 trial, obviously I will be the finder of facts and apply  
16 the law.

17           From what your lawyer tells me, other than  
18 the suppression motion, this really has not contradict the  
19 facts in the case and it's really just how we apply the  
20 law to it and reserve that right on appeal.

21           Having said that, do you wish to give up your  
22 right to have a jury hear your case and have me try it?

23           DEFENDANT ROBINSON: Yes, sir.

24           THE COURT: Do you have any questions you  
25 want to ask me about that procedure?

## Hinton - Cross

1                   DEFENDANT ROBINSON: I don't have any  
2 questions.

3                   THE COURT: What happens if I do find you  
4 guilty, obviously you have a right to file an appeal from  
5 my ruling of finding you guilty and my ruling for allowing  
6 the evidence in or of not suppressing the evidence, and  
7 then you would have the right while you served your  
8 sentence to file the appeal with the Court of Appeals or  
9 the Supreme Court of South Carolina and they can then  
10 review my ruling in the suppression hearing.

11                   If they find that I was right, then obviously  
12 you would stay there and complete your sentence. If they  
13 find that I was wrong, you may be entitled to a new trial  
14 and that would have to play out. I don't know how that  
15 would go.

16                   Do you agree with that, Mr. Erwin?

17                   MR. ERWIN: Yes, sir.

18                   THE COURT: Anything you need to put on the  
19 record?

20                   MR. ERWIN: No, sir.

21                   THE COURT: Please let them know down stairs  
22 that we won't need a jury. We're going to try this  
23 non-jury.

24                   THE CLERK: Yes, sir.

25                   THE COURT: Okay. Y'all need a minute to get

## Hinton - Direct

1 organized or are you ready to proceed?

2 MS. SALISBURY: The State's ready to proceed.

3 THE COURT: Mr. Robinson, in the trial of  
4 these cases, the State has the burden of proving you  
5 guilty beyond a reasonable doubt so they put their  
6 testimony and evidence up first. Obviously, your lawyer  
7 would have the right to cross-examine at the conclusion of  
8 the State's case if you wish.

9 You have the right to present your side of  
10 the case, your defense. You can call witnesses and  
11 introduce relevant exhibits and you can testify in your  
12 own defense if you choice to do so.

13 You also have the right to exercise your  
14 constitutional right to remain silent. If you do not  
15 testify and exercise that right to remain silent,  
16 obviously trying the case without a jury, I can not confer  
17 anything from that. You have an absolute right to remain  
18 silent. If you choice to do so, I can't consider that in  
19 making my decision.

20 So you can testify if you want or you can  
21 remain silent. Do you understand that?

22 DEFENDANT ROBINSON: Yes, sir.

23 THE COURT: We can talk about that a little  
24 bit later when it's your turn.

25 Ms. Salisbury, you can call your first

## Hinton - Direct

1 witness.

2 MS. SALISBURY: Yes, sir. For the record,  
3 the State waives opening arguments.

4 THE COURT: You can make a little brief  
5 opening if you'd like.

6 MS. SALISBURY: I don't believe it's  
7 necessary. I would like to allow Mr. Erwin to do that if  
8 he chooses to.

9 MR. ERWIN: We would likewise waive that,  
10 Your Honor.

11 MS. SALISBURY: The State would call Deputy  
12 Chris Hilton. Please come around to be sworn, please.

13 THE CLERK: Would you raise your right hand,  
14 please.

15 CHRISTOPHER HILTON, having been duly sworn,  
16 testified as follows:

17 Thank you. You may be seated.

18 DIRECT EXAMINATION

19 BY MS. SALISBURY:

20 Q Deputy, where are you employed?

21 A Greenville County Sheriff's Office.

22 Q What is your capacity there?

23 A Master deputy uniformed patrol.

24 Q How long have you worked with the Sheriff's  
25 Office?

## Hinton - Direct

1 A Over nine years.

2 Q Were you working in a similar capacity in  
3 December of 2011?

4 A Yes. I was in uniformed patrol as well.

5 Q Do you recall where you were working during the  
6 early morning hours of December 18, 2011?

7 A I was.

8 Q Do you recall being dispatched to an incident  
9 during those early morning hours which is the subject, of  
10 course, of this trial?

11 A I did.

12 Q Would you please describe to the Court how you  
13 became involved in that incident?

14 A In that particular incident, we got a call from  
15 our dispatchers about subjects given security a problem at  
16 the Waffle House. An actual customer called, it wasn't  
17 security. I responded. I was the first to arrive on the  
18 scene. They described a black Lexus and a red car.

19 The black Lexus was pulling off as I pulled  
20 up. As I exited my patrol vehicle I saw a red car which  
21 turned out later to be a Volvo. I observed the defendant  
22 walking towards the vehicle using profane language in  
23 general and towards security.

24 At which point I approached him. He had a  
25 purple bag in his hand and I saw him drop it in the back

## Hinton - Direct

1 seat of that red Volvo.

2           As I approached him, I was able to get both  
3 of his arms and placed him in handcuffs and advised him he  
4 was under arrest for disorderly conduct in connection with  
5 the profanity. I could also smell the odor of alcohol on  
6 his person as well. At which point I retrieved the purple  
7 bag he dropped in the car. It was in his immediate  
8 possession as I approached him.

9           The back up officer got there. She was able  
10 to watch the other three suspects that were in the car  
11 while I placed the defendant in the patrol vehicle. I  
12 looked in the purple bag that was a Crown Royal bag that  
13 he had in his hand. I immediately noticed that there were  
14 narcotics in there. At that time I was unable to  
15 determine what all was in there, but I secured it in my  
16 patrol vehicle locking it in the front compartment of my  
17 vehicle.

18           I placed the defendant in my vehicle and  
19 locked my car. The three other suspects were in the car  
20 security by the other officer and we were trying to work  
21 to figure out what they were up there and what they were  
22 doing. At that point, I heard a noise coming from my  
23 patrol vehicle and at which point the defendant had gotten  
24 out of my vehicle.

25           As he got out he started to run across White

## Hinton - Direct

1 Horse Road. I pursued him on foot. As we crossed White  
2 Horse Road, I yelled for him to stop and pulled and shot  
3 the tazer. He was wearing a big coat so the tazer did not  
4 have any effect on him, but he did trip and stumble and I  
5 was able to grab him.

6           After a little bit of a struggle, I was able  
7 to get him in handcuffs and get back to the patrol  
8 vehicle. At which point we finished the duration of the  
9 call dealing with the other suspects and I confirmed what  
10 all was in the bag as far as narcotics went. And then I  
11 transferred him to the Detention and charged him with  
12 trafficking crack cocaine and also resisting arrest for  
13 the incident of him getting out of the car.

14       Q     Let's start back at the incident with the car.  
15 When you arrived at the parking lot at this establishment,  
16 what did you see? You mentioned you saw the black Lexus  
17 leaving. What else was happening?

18       A     As I pulled up and exited my vehicle, I saw the  
19 black Lexus leaving and I saw the defendant walking from  
20 the Waffle House front door area. I don't know for sure  
21 if he was just coming out of the Waffle House or where he  
22 was at. I believe security was still outside at that  
23 point too. I remember him using profane language just in  
24 general and also towards security.

25           As I approached him, he observed that I was

## Hinton - Direct

1 walking towards him and that's when he tried to -- he  
2 dropped that purple bag in the car. He was trying to get  
3 into the car as I grabbed him and explained to him that he  
4 was under arrest with the profane language and the alcohol  
5 odor on his person as well.

6 Q You mentioned that you saw the defendant drop the  
7 bag into the back seat. Do you recall which side of the  
8 car, driver's or passenger's?

9 A Driver's side rear.

10 Q Do you recall whether he deposited that bag in  
11 the back seat from an open window or whether the door was  
12 open?

13 A I don't recall.

14 Q When you actually restrained the defendant that  
15 first time at the car, in what physical proximity were you  
16 to the red car that the defendant was attempting to enter?

17 A We were right next to the vehicle. I believe we  
18 were in between the back door and the trunk area. As the  
19 report states as I was trying to place him under arrest,  
20 the driver was trying to get out of the vehicle and I kept  
21 telling him to stay in the vehicle as I'm trying to deal  
22 with the defendant at that point.

23 Q How many other people were in the car at the time  
24 you were interacting with this defendant?

25 A Three.

## Hinton - Direct

1 Q Were you able to see what was happening inside  
2 the car while you were interacting with the defendant?

3 A There's no way of seeing that whole vehicle.

4 Q Do you know whether anyone else touch,  
5 manipulated or dealt with that bag the defendant deposited  
6 in the back seat?

7 A I could not definitely say one way or the other.

8 Q Okay. How long between the time the defendant  
9 deposited that bag in the back seat, how time elapsed  
10 between that time and the time you collected it?

11 A Seconds.

12 Q Now, once you restrained the defendant and placed  
13 him in your patrol car, you testified that you dealt with  
14 what was inside that bag.

15 A Yes. I briefly looked in the bag and could tell.

16 MS. SALISBURY: I'd like to have this marked.

17 (Whereupon, bag marked as State's Exhibit No.  
18 1 for identification.)

19 BY MS. SALISBURY:

20 Q Deputy, I'm going to have you look at what's been  
21 marked as State's Exhibit 1. Take a look at that item and  
22 tell me whether you recognize that item.

23 A I do.

24 Q How do you recognize that item?

25 A This is the bag that I placed into our property

## Hinton - Direct

1 and evidence after the incident. This is the purple bag  
2 that the narcotics were in.

3 Q How do you know that to be the same purple bag?

4 A It's got my case no., signature, and date of when  
5 I placed this particular envelope in our property and  
6 evidence.

7 Q Alright.

8 (Item marked as State's Exhibit No. 2 for  
9 identification.)

10 BY MS. SALISBURY:

11 Q Deputy, I'm going to show you what's been marked  
12 as State's 2, do you recognize that item?

13 A I recognize the description of the item. This is  
14 not the particular bag that I placed it in.

15 Q Would you open that envelope and look inside.

16 A I do recognize each individual bag inside. It's  
17 got my initials on it and the date and, of course, it's  
18 been opened and processed by our lab and then put into a  
19 bigger bag.

20 Q Alright. Generally speaking, when you opened  
21 that purple Crown Royal bag, State's 1, and looked inside,  
22 what specifically did you see inside the bag?

23 A I immediately saw the baggies of the white crack  
24 or the white rock like substance in the bag. I had no  
25 weight at the time or field tested it because he was

## Hinton - Direct

1 already under arrest for disorderly conduct so I secured  
2 what I had and was going to check it before any charge was  
3 made. It was check in the field. I got a field test out  
4 of my car and it was field tested positive for crack  
5 cocaine.

6 Q Do you recall how many individual baggies were  
7 inside that larger purple bag?

8 A I testified as to what I put in the report. In  
9 the report I had seven baggies and the total weight was  
10 30.6 grams.

11 Q For purposes of sticking with what happened to  
12 these particular items, 1 and 2, after you secured those  
13 items, completed your field testing and whatever other  
14 packaging you did with those items, what did you do with 1  
15 and 2?

16 A I placed them in our property and evidence at the  
17 Law Enforcement Center.

18 Q Is that a secure location?

19 A It is.

20 Q Once you deposit any item of evidence into  
21 property and evidence, do you ever retrieve it again for  
22 any purpose?

23 A Only for court and in this case I filled out a  
24 drug analysis request for the lab and that's why, of  
25 course, the lab took it from P&E to their lab and returned

## Hinton - Cross

1 it. But everything would be a chain of custody as far as  
2 that is concerned.

3 Q Back on scene, you mentioned you secured the  
4 defendant in your patrol car.

5 A That's right.

6 Q At some point in the few moments that elapsed,  
7 you noticed he was outside of your patrol car.

8 A Correct.

9 Q Do you know how he managed to ---

10 A What happened my status is also trainer so I also  
11 train other deputies. I had a trainee prior to that and  
12 with the window lock undone you can roll down both windows  
13 up front but you can also roll the rear window down. The  
14 lock button was not turned back on so he was able to roll  
15 the window back down. He got his handcuffs in front of  
16 him. I don't know if he was able to reach out of the door  
17 and get out or he crawled out. I just heard a thud and  
18 looked over and that when I saw him he was fleeing on foot  
19 across White Horse.

20 Q Do you recall how far you pursued him on foot  
21 before you were ultimately again restrain him?

22 A Probably 150 maybe 200 yards across the six lanes  
23 of White Horse Road into Little John Silver's parking lot  
24 and then just beyond that into the road next to that.

25 Q Now, is that location where you pursued the

## Hinton - Cross

1 defendant on foot and also this originating location, this  
2 Waffle House, is all that inside Greenville County?

3 A It is.

4 Q Sir, if you would answer any questions Mr. Erwin  
5 may have for you.

6 THE COURT: Mr. Erwin.

7 MR. ERWIN: Thank you, sir.

8 CROSS-EXAMINATION

9 BY MR. ERWIN:

10 Q So, again, your in-car video was never activated  
11 this night so there's no video from your car of what  
12 happened. There's no surveillance from Waffle House.

13 A Not to my knowledge.

14 Q You did, however, right a right that  
15 comprehensive and accurate to the best of your ability.

16 A Yes, sir.

17 Q So mostly that's what you're going off today as  
18 to what happened?

19 A Yes.

20 Q This is your report?

21 A Yes, sir.

22 Q You wrote that?

23 A Yes, sir.

24 Q You are familiar with it. This is an accurate  
25 representation and everything that happened that night.

## Hinton - Cross

1 A Yes, sir.

2 MR. ERWIN: I'm going to mark this as  
3 Defendant's Exhibit 1 and move to have it admitted into  
4 evidence.

5 THE COURT: Any objection?

6 MS. SALISBURY: I do, Your Honor. The  
7 officer's report is not admissible. I believe he can  
8 impeach and inquire about the officers comments.

9 THE COURT: I sustain your objection.

10 BY MR. ERWIN:

11 Q Mr. Robinson, when you were on scene when you saw  
12 him he never entered the car, right? He was never inside  
13 that car?

14 A To my recollection, he never entered the car.

15 Q You arrested him when he was on his way to  
16 getting in the car but he never was inside.

17 A I arrested at the back side of the vehicle. I  
18 don't recollect he was trying to open the door to get in.  
19 The report specifies he was attempting to get in the car.  
20 but to what extent I don't know.

21 Q The bag, however, was inside the car?

22 A Yes.

23 Q You reached inside the car and got the bag out of  
24 it?

25 A Yes.

## Hinton - Cross

1 Q You did not have a warrant for that.

2 A Correct.

3 Q Nor did anyone give you consent to search that  
4 car?

5 A No, sir.

6 Q The other folks in that car never gave you  
7 consent the car at that point.

8 A Correct.

9 Q The other individuals were not charged with  
10 anything?

11 A Correct.

12 Q The original arrest for Mr. Robinson was for  
13 public disorderly conduct?

14 A Correct.

15 Q And that, going off your testimony earlier, that  
16 was for two things, one was his using profanity loudly in  
17 the parking lot and then when you got closer, you could  
18 smell alcohol on his breath?

19 A Correct.

20 Q So you were going to arrest him for public  
21 disorderly conduct.

22 A Correct.

23 Q Briefly, I just want to talk about the Crown  
24 Royal bag. You testified earlier that at the time you  
25 just saw it was a purple bag, right?

## Hinton - Cross

1 A Correct.

2 Q From that far away you could not tell it was a  
3 Crown Royal bag.

4 A That's correct.

5 Q It wasn't until later when you got close to it  
6 and picked it up that you realized it was a Crown Royal  
7 bag.

8 A That's correct.

9 Q Obviously you could not see in this bag.

10 A No, sir.

11 Q At this time, I have no further questions.

12 THE COURT: Any redirect?

13 MS. SALISBURY: No redirect for this witness.

14 THE COURT: Officer, you may step down.

15 Next witness, please.

16 MS. SALISBURY: Officer, after having a  
17 conversation with Mr. Erwin, it's my understanding he's  
18 prepared to stipulate to the drug analysis that was  
19 performed on State's Exhibit 2 in this case.

20 MR. ERWIN: Yes, Your Honor.

21 THE COURT: So based on that stipulation,  
22 there is no question that the amount was 30.6 grams, 7  
23 baggies field tested positive for crack cocaine. Is that  
24 correct?

25 MS. SALISBURY: The actual drug analysis

## Hinton - Cross

1 report, and I'm prepared to ---

2 THE COURT: I'm sorry, that was his field  
3 report. This is the drug analysis report from ---

4 MS. SALISBURY: Yes, sir, Your Honor.

5 In light of that stipulation, I'd offer  
6 State's Exhibit 3 into evidence which is the drug analysis  
7 report performed by the chemist here.

8 MR. ERWIN: Without objection.

9 (Drug analysis report previously marked as  
10 State's Exhibit No 3 for identification was admitted into  
11 evidence.)

12 THE COURT: The analysis report shows  
13 analysis in each of the seven grams and the percentage of  
14 each bag and all of the contained cocaine base or crack  
15 cocaine, is that correct?

16 MS. SALISBURY: I believe that some of the  
17 bags contained powdered cocaine.

18 THE COURT: Three contained powder and the  
19 rest contained rocks.

20 MS. SALISBURY: To divide them up evenly if  
21 that's how the Court ---

22 THE COURT: I was just processing the  
23 evidence. Any other witnesses by the State?

24 MS. SALISBURY: No, Your Honor, at this time  
25 I would formerly offer State's 1 and 2 into evidence.

## Hinton - Cross

1 THE COURT: Any objection?

2 MR. ERWIN: Yes, Your Honor, I would object  
3 to the introduction of the evidence for reasons we  
4 formally discussed at the prior hearing on the record.

5 THE COURT: Prior to and on the record here  
6 you are protected on that and I respectfully disagree with  
7 you and allow it in. So we have exhibits 1, 2 and 3 and 1  
8 and 2 over your objection.

9 Anything in addition from the State?

10 MS. SALISBURY: No, Your Honor, the State  
11 rests.

12 (Whereupon, State Exhibit Nos 1 and 2  
13 previously marked for identification was admitted into  
14 evidence.)

15 THE COURT: Any motions?

16 MR. ERWIN: I move for a directed verdict in  
17 the interest of reserving the record.

18 THE COURT: Based on the stipulation that we  
19 have over 10 grams of the powder or rock substance and  
20 based on the uncontradicted evidence and the bag and the  
21 bag was placed in the vehicle by your client, I will  
22 respectfully deny the motion.

23 Anything on behalf of the defendant? Is he  
24 going to testify or any other evidence.

25 MR. ERWIN: Judge, I don't have any other

## Hinton - Cross

1 evidence I need to submit. If you don't mind, if you  
2 could do a colloquy about his right to testify on the  
3 record and see what he wants to do.

4 THE COURT: Mr. Robinson, if you would stand  
5 for me once again and raise your right hand.

6 KEYON ROBINSON, having been duly sworn,  
7 testified as follows:

8 We're at the stage of the trial now where  
9 obviously you can present your own defense. Included in  
10 presenting your side of the defense, you can testify in  
11 your own defense.

12 As we talked about earlier when we talked  
13 about waiving your right to a jury trial, you have the  
14 constitutional right to remain silent. You also have the  
15 right to take the witness stand and testify about what  
16 happened that night.

17 If you do take the witness stand, obviously,  
18 you will be subjected to cross-examination by the  
19 solicitor and if you have any prior record -- does he have  
20 any to be impeached with?

21 MS. SALISBURY: Yes, Your Honor.

22 THE COURT: Which is what?

23 MS. SALISBURY: 2006 conviction for  
24 possession of crack cocaine, 2006 conviction for accessory  
25 after the fact of robbery, and I believe those are the

## Hinton - Cross

1 only events that qualify.

2 THE COURT: Mr. Robinson, if you testified  
3 and I found that your prior record was more probative than  
4 prejudicial in judging your credibility or believability,  
5 those records could come in for that limited purpose only.  
6 Obviously, they couldn't be used to determine any guilt in  
7 this case but it could be used in a matter of, if there  
8 was a jury, allowing them to judge your credibility or  
9 believability.

10 But other than that, obviously you would be  
11 subjected to cross-examination on your prior record.

12 On the other side of the coin, if you  
13 exercise your right to remain silent, with me being the  
14 finder of fact, I can not hold that against you in any  
15 manner and I can not consider the fact that you did not  
16 testify when I deliberate your guilt or innocence.

17 Obviously, you will be presumed innocent  
18 throughout the trial unless and until the State is able to  
19 prove your guilty beyond a reasonable doubt. But that's  
20 your constitutional right to remain silent and it's your  
21 right and only you can exercise it. You can talk to your  
22 lawyer or your family behind you, but ultimately that is  
23 your decision whether or not you wish to testify.

24 Do you need a few minutes to reflect on that?

25 DEFENDANT ROBINSON: Yes, sir.

## Hinton - Cross

1 THE COURT: Mr. Robinson, have you made your  
2 decision?

3 DEFENDANT ROBINSON: Yes.

4 THE COURT: Do you wish to testify or not to  
5 testify?

6 DEFENDANT ROBINSON: Not to testify.

7 THE COURT: Mr. Robinson, do you have any  
8 additional witnesses?

9 MR. ERWIN: I do not, Your Honor. The  
10 defense rests.

11 THE COURT: Do y'all want to make any kind of  
12 closing arguments?

13 MS. SALISBURY: Your Honor, I don't believe  
14 that's necessary as far as the State is concerned.

15 MR. ERWIN: Your Honor, I don't have anything  
16 further to add.

17 THE COURT: Well, based on the evidence  
18 presented to me, I believe the State has prove beyond a  
19 reasonable doubt that the defendant had, in his  
20 possession, a quantity of drugs, crack cocaine, and as  
21 well he resisted the lawful efforts made by the deputy in  
22 securing his rest. I find him guilty of both charges.

23 Do you have a sentencing sheet, ma'am?

24 MS. SALISBURY: Yes, sir, Your Honor.

25 THE COURT: Mr. Erwin, do you want to bring

## Hinton - Cross

1 your client around?

2 MR. ERWIN: Yes, sir.

3 THE COURT: Any prior record you want to put  
4 on the record?

5 MS. SALISBURY: Your Honor, I gave you only  
6 those offenses that might be eligible under Rule 609.  
7 There's a 2003 conviction for attempting to enter a house  
8 without breaking, auto breaking; 2005 driving under  
9 suspension, possession of marijuana; 2006 conviction for  
10 possession of cocaine base, accessory after the fact to  
11 robbery; 2010 conviction for false information to police,  
12 possession of marijuana, violation of probation, and then  
13 a 2013 violation of probation for which I believe the  
14 defendant is currently incarcerated.

15 THE COURT: Is he on probation now?

16 MS. SALISBURY: I believe he was sentence of  
17 July of 2013 and it appears that may have been a full  
18 revocation but I would be happy to contact probation if  
19 you would.

20 THE COURT: So you were revoked in full and  
21 you're doing that sentence now?

22 DEFENDANT ROBINSON: Yes, sir.

23 THE COURT: When will you max that out?

24 DEFENDANT ROBINSON: February 1, 2015.

25 THE COURT: Sir, do you have the indictment

## Hinton - Cross

1 number?

2 MR. ERWIN: I don't have it with me.

3 THE COURT: If I run it concurrent, I'll need  
4 to put it on the sentence sheet so if you'll get that for  
5 me.

6 MR. ERWIN: We'll make that happen, Your  
7 Honor.

8 Judge, just a little bit of biographical  
9 information, very briefly. Mr. Robinson is 29 years old.  
10 He went to the 12th grade. He did not graduate from high  
11 school but did go to the 12th grade at Berea High. He's a  
12 lifelong resident of Greenville County.

13 He's got three children who are living with  
14 his parents. He works construction. His uncle and dad  
15 own a construction company and he works with them on a  
16 pretty regular basis.

17 Your Honor, he's a young guy who obviously  
18 has made a really big mistake in this case and he  
19 understands this is a second offense and he's going to pay  
20 for it. He's going to do some time.

21 THE COURT: It's not only a second but it's  
22 the amount of drugs he had on him and that rises to  
23 another level.

24 MR. ERWIN: Obviously, everything I'm going  
25 to say about him is objective, but he's not a drug

## Hinton - Cross

1 kingpin. The night of this arrest there were several  
2 other guys around and he kind of drew the short straw of  
3 having of being the one who got popped with the drugs.

4 It's not that he's not taking responsibility  
5 for that, but I'd like the Court not to have the  
6 impression that he's a big player in the game.

7 Judge, again, we have come this far in the  
8 process simply because Mr. Robinson had a problem with the  
9 search and you understand we went this far to preserve his  
10 appeal rights as to that search, but we certainly do not  
11 wish to waste the jury's time or to needlessly play the  
12 system and all he wanted to do was preserve his rights.

13 That's where we are right now and I'd ask you  
14 to consider all that when sentencing him here today.

15 THE COURT: Mr. Robinson, anything you want  
16 to say?

17 DEFENDANT ROBINSON: Just ask for mercy,  
18 that's it.

19 THE COURT: You were applicable on the drug  
20 charged when he violated his probation?

21 MS. SALISBURY: Your Honor, he was convicted  
22 in 2010 of possession of marijuana and also appears to  
23 have secured a violation of probation in 2010. Obviously,  
24 that was before this 2011 incident.

25 MR. ERWIN: Judge, he tells me it was for the

## Hinton - Cross

1 accessory charge that Ms. Salisbury mentioned earlier. It  
2 wasn't drug related but he was on probation also.

3 THE COURT: He was on probation when this  
4 happened?

5 MR. ERWIN: Yes, sir, I believe so. I did  
6 not represent him at the probation hearing but I imagine  
7 that was a lot of why he was revoked in full.

8 THE COURT: As to the trafficking in crack  
9 cocaine, the sentence of the Court is you be sentenced to  
10 the Department of Correction for eight years. That will  
11 run concurrent to your probation revocation that you're  
12 current serving. I'll have to get that number.

13 As to resisting arrest, it's a one year  
14 sentence and it runs concurrent to the eight year  
15 sentence. You give credit for the time that's allowed by  
16 statute.

17 Thank you.

18 MR. ERWIN: Thank you, Your Honor.

19 MS. SALISBURY: Thank you, Your Honor.

20 ---END OF TRANSCRIPT RECORD---

21

22

23

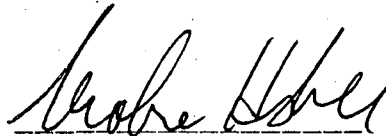
24

25

## State versus Robinson

1  
2 I, the undersigned Caroline Hiskell, Official  
3 Court Reporter for the Thirteenth Circuit of the State of  
4 South Carolina, do hereby certify that the foregoing is a  
5 true, accurate, and complete transcript of record of all  
6 proceedings had and evidence introduced in the trial of  
7 the captioned case, relative to appeal, in General  
8 Sessions, Greenville County, this 5th of November, 2015.

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

11  
12  
13   
14

15 Caroline Hiskell  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**WITNESSES**

C. R. Hill

Greenville County Sheriffs Office

12/18/2011

*[Handwritten signature]*

**ARREST WARRANT NUMBER**  
M991409

**ACTION OF GRAND JURY**

**TRUE BILL**

*[Handwritten signature]*  
**FOREMAN GRAND JURY**

*Foreperson of Grand Jury*

**VERDICT**

*Bench Trial*  
*Guilty*

*[Handwritten signature]*  
**Foreperson of Petit Jury**

Date:

*NOV 15, 2014*

DOCKET NO. 2012-GS-23-000600  
KBS

The State of South Carolina

County of Greenville

*SP 12c*

COURT OF GENERAL SESSIONS

July

TERM 2012

THE STATE

vs.

KEYON DEVON DESHAWN ROBINSON

Indictment for

0450

TRAFFICKING COCAINE BASE  
(CRACK COCAINE)

VIOLATION § 44-53-0375

ENTERED  
ACCT. 1/1/14

RECEIVED

NOV 14 2014

SC Court of Appeals

RECEIVED

FEB 03 2012

Clerk of Court  
Greenville County

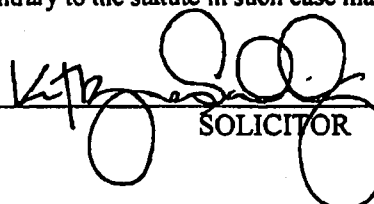
STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
TRAFFICKING COCAINE BASE (CRACK COCAINE)

At a Court of General Sessions, convened on JUL 31 2012 the Grand Jurors of Greenville County present upon their oath:

That KEYON DEVON DESHAWN ROBINSON did in Greenville County, on or about the 18th day of December 2011, knowingly sell, manufacture, deliver or bring into the State of South Carolina or did knowingly provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver or bring into the State or was knowingly in actual or constructive possession of more than 10 grams of Cocaine Base (Crack Cocaine). This is in violation of §44-53-375 of the South Carolina Code of Laws (1976) as amended.

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

  
\_\_\_\_\_  
SOLICITOR

STATE OF SOUTH CAROLINA

501741

5-30yrs AND \$50,000  
IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville  
STATE VS.

Keyon Devon Deshawn Robinson

AKA: \_\_\_\_\_

Race: \_\_\_\_\_ Sex: M Age: 29

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DL#: \_\_\_\_\_ SID#: \_\_\_\_\_

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was  
TO: TRAFFICKING IN COCAINE BASE 10-28 GRAMS 2ND OFFENSE

INDICTMENT/CASE#: 2012GS2300688

A/W#: M991409

Date of Offense: 12/17/2011

S.C. Code § : 44-53-0375(C)(1)

CDR Code #: 0450

SENTENCE SHEET

CONVICTED OF or  PLEADS

in violation of § 44-53-0375(C)(1) of the S.C. Code of Laws, bearing CDR Code # 0451

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: \_\_\_\_\_ 73989

Salisbury, Katelyna Boyis 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 8 days/months/years of  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: 06-65-23-9417

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

Payment Terms: \_\_\_\_\_  
 Set by SCDPPPS \_\_\_\_\_  
Obtain GED   
Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_  
May serve W/E beginning \_\_\_\_\_

\*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 \_\_\_\_\_ \$ 150.00  
§ 50-21-114(BUI Breath Test Fee) \$50 \_\_\_\_\_ \$ \_\_\_\_\_  
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \_\_\_\_\_ \$ \_\_\_\_\_  
Proviso 90.5 (SCCJA Surcharge) \$5 \_\_\_\_\_ \$ 5.00  
3% to County (if paid in installments) \_\_\_\_\_ \$ 8.40  
TOTAL \_\_\_\_\_ \$ 508.40

Other: \_\_\_\_\_  
\$ \_\_\_\_\_ paid to Public Defender Fund

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SC Court of Appeals

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

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

Presiding Judge \_\_\_\_\_  
Judge Code: 0136 (2136)  
Sentence Date: 11-5-2014

000607

DOCKET NO. 2012-GS-23-  
KBS

The State of South Carolina

County of Greenville

*502*

COURT OF GENERAL SESSIONS

July

TERM 2012

THE STATE

vs.

KEYON DEVON DESHAWN ROBINSON

WITNESSES

C. R. Hill

Greenville County Sheriffs Office

12/18/2011

*[Handwritten signature]*

ARREST WARRANT NUMBER

M991411

ACTION OF GRAND JURY

*TRIE BILL*

*[Handwritten signature]*

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

*Bench Trial*

*Guilty*

*[Handwritten signature]* 0136

Foreperson of Petit Jury

Date:

*Nov 5, 2011*

Indictment for

✓  
0326

RESISTING ARREST

VIOLATION § 16-09-0320(A)

ENTERED  
ACCT. *[Handwritten initials]*

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FEB 03 2012

Clerk of Court  
Greenville County

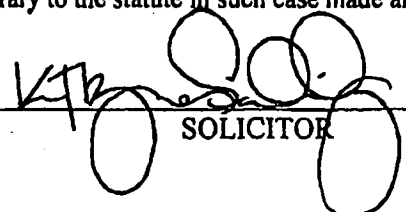
STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
RESISTING ARREST

At a Court of General Sessions, convened on **JUL 31 2012** the Grand Jurors of Greenville  
County present upon their oath:

That KEYON DEVON DESHAWN ROBINSON did in Greenville County, on or about the 18th day of  
December 2011, knowingly, willfully and unlawfully oppose or resist an arrest being made by Deputy C. R. Hill  
with the Greenville County Sheriff's Office whom he knew or reasonably should have known was a law  
enforcement officer. This is in violation of §16-9-320(A) of the South Carolina Code of Laws (1976) as  
amended.

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

  
SOLICITOR

STATE OF SOUTH CAROLINA )  
 COUNTY OF Greenville )  
 STATE VS. )  
Keyon Devon Deshawn Robinson )  
 AKA: \_\_\_\_\_ )  
 Race: \_\_\_\_\_ Sex: M Age: 29 )  
 DOB: \_\_\_\_\_ S#: \_\_\_\_\_ )  
 Address: \_\_\_\_\_ )  
 City, State, Zip: \_\_\_\_\_ )  
 DL#: \_\_\_\_\_ SID#: \_\_\_\_\_ )

Up to 1yr &/or up to \$500  
 IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS2300687  
 A/W#: M991411  
 Date of Offense: 12/17/2011  
 S.C. Code § : 16-09-0320(A)  
 CDR Code #: 0326

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
 In disposition of the said indictment comes now the Defendant who was  
 TO: RESISTING ARREST

CONVICTED OF or  PLEADS

in violation of § 16-09-0320(A) of the S.C. Code of Laws, bearing CDR Code # 0326  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC  §17-25-45  
 w/minor 1st or Lewd Act)

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.

ATTORNEY: Salisbury, Matryna Bevis 73989 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 1 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: 12-69-23-688  
 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 PTUP \_\_\_\_\_  
 Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
 Payment Terms: \_\_\_\_\_  
 Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

*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/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

\_\_\_\_\_ 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.

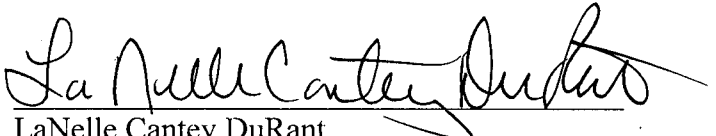
Clerk of Court/ Deputy Clerk Paul B. Williams  
 Court Reporter: Nishell  
 SCCA/217 (03/2011)

Presiding Judge T. B. Carls  
 Judge Code: 0136 (2136)  
 Sentence Date: 11-5-2014

## CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,

  
LaNelle Cantey DuRant  
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 30th day of January, 2017.

**RECEIVED**

JAN 30 2017

SC Court of Appeals