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STATE OF SOUTH CAROLINA

ORIGINAL

IN THE COURT OF APPEALS

RECEIVED

Appeal from Greenville County

JAN 30 2017

Honorable Doyet A. Early, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

KEYON DEVON DESHAWN ROBINSON

APPELLANT

APPELLATE CASE NO. 2014-002434

RECORD ON APPEAL

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vs

Keyon D. Robinson

November 5, 2014
Greenville, South Carolina

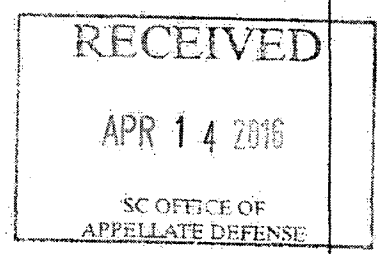
BEFORE: The Honorable Doyet A. Early, Judge

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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I N D E X

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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 you 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 suspicious 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---

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22

23

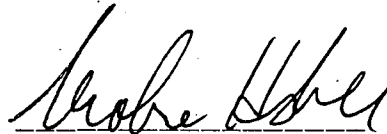
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State versus Robinson

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
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21
22
23
24
25



Caroline Hiskell

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:

0136

Nov 5, 2014

DOCKET NO. 2012-GS-23-000400
KBS

The State of South Carolina

County of Greenville

SC DC

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. *[initials]*

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NOV 14 2014

SC Court of Appeals

RECEIVED

FEB 03 2012

Clerk of Court
Greenville County

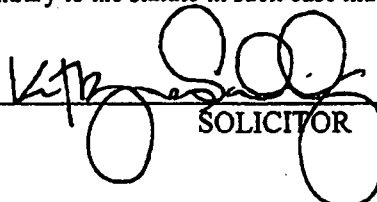
STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

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#:

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

*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

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 §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.

ATTEST: Salisbury, Katelyna 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 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: \$ _____
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	\$ 50.00
§ 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		\$ 188.40

_____ 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: _____

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NOV 14 2014

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 Paul White
Court Reporter: Hickell
SCCA/217 (03/2011)

Presiding Judge [Signature]
Judge Code: 0136 (2126)
Sentence Date: 11-5-2014

000697

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

[Signature]

ARREST WARRANT NUMBER

M991411

ACTION OF GRAND JURY

TRUE BILL

[Signature]

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Bench Trial

Guilty

[Signature] 0136

Foreperson of Petit Jury

Date:

Nov 5, 2011

Indictment for

✓
0326

RESISTING ARREST

VIOLATION § 16-09-0320(A)

ENTERED
ACCT. *[Signature]*

RECEIVED

FEB 03 2012

Clerk of Court
Greenville County

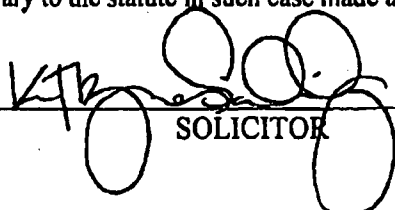
STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

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

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

STATE OF SOUTH CAROLINA)
COUNTY OF Greenville)
STATE VS.)
Keyon Devon Deshawn Robinson)
AKA:)
Race: Sex: M Age: 29)
DOB: 3#:)
Address:)
City, State, Zip:)
DL#: SID#:)

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.

ATTEST: 73989
Salisbury, Katryna Bevis 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: 12-68-23-688
 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: \$ _____ 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 \$ 102.00
§ 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 (SCJA Surcharge) \$5 \$ 5.00
3% to County (if paid in installments) \$ 3.90
TOTAL \$ 133.90 LBH

\$ _____ paid to Public Defender Fund
Other: _____

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

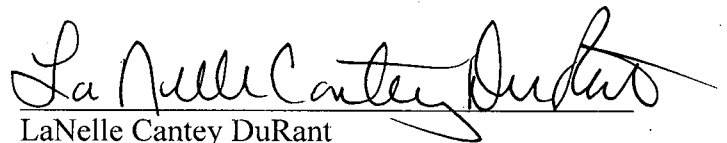
Clerk of Court/ Deputy Clerk Paul B. Williams
Court Reporter: Hickell
SCCA/217 (03/2011)

Presiding Judge MB 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

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Greenville County
Honorable Doyet A. Early, Circuit Court Judge

RECEIVED

JAN 30 2017

SC Court of Appeals

THE STATE,

RESPONDENT,

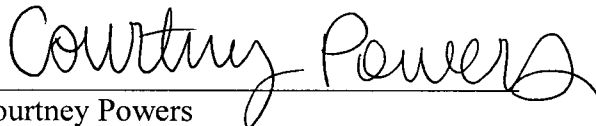
V.

KEYON ROBINSON

APPELLANT


CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above-referenced case has been served upon William M. Blich, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 30th day of January, 2017.



Courtney Powers
Administrative Assistant

SUBSCRIBED AND SWORN TO before me
this 30th day of January, 2017.



(L.S.)

Notary Public for South Carolina

My Commission Expires: July 3, 2025.