

**ORIGINAL**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Dorchester County

Honorable Diane Schafer Goodstein, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

V.

LIONEL QUINN HAYNES,

APPELLANT

APPELLATE CASE NO 2016-002434  
\_\_\_\_\_

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

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**SC Court of Appeals**

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STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
 )  
COUNTY OF DORCHESTER ) CASE NO.: 2014-GS-18-0157

STATE OF SOUTH CAROLINA, )  
 )  
 v. )  
 )  
LIONEL QUINN HAYNES )  
 )

TRANSCRIPT OF RECORD

**ORIGINAL**

Thursday, November 17, 2016

COMMENCING AT:  
Dorchester County Courthouse  
St. George, South Carolina  
Before The Honorable Diane Schafer Goodstein, Judge

APPEARANCES:

For the State of South Carolina:  
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Official Court Reporter

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NO EXHIBITS INTRODUCED

1 (The proceeding began at 12:56 p.m.)

2 AST. SOL. SORENSON: May it please the Court, Your  
3 Honor?

4 THE COURT: Yes, sir.

5 AST. SOL. SORENSON: Before you is Lionel Quinn Haynes.  
6 He's here on indictment 2014-GS-18-157, and with his lawyer  
7 Chris Murphy, entering a guilty plea of one count of  
8 strong-arm robbery.

9 (Whereupon, the defendant, Lionel Quinn Haynes, is duly  
10 sworn.)

11 THE COURT: All right. You are Lionel Quinn Haynes?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: And you are represented by Mr. Chris  
14 Murphy?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: I have questions for your attorney and then  
17 I have questions for you. Mr. Murphy, have you advised your  
18 client regarding the nature of this offense, the maximum  
19 possible penalty, and his constitutional rights including  
20 his right to a jury trial?

21 MR. MURPHY: Yes, ma'am; I have.

22 THE COURT: And in your opinion, does he understand the  
23 nature of this offense, the maximum possible penalty, and  
24 his rights?

25 MR. MURPHY: Yes, ma'am; he does.

1 THE COURT: Tell me how he wishes to plead.

2 MR. MURPHY: He's indicated he wishes to plead guilty,  
3 Your Honor.

4 THE COURT: And do you concur with his decision?

5 MR. MURPHY: Yes, ma'am.

6 THE COURT: From your investigation of the facts and  
7 circumstances of your client's case, do you believe that the  
8 State could produce sufficient evidence to convict and  
9 establish your client's guilt beyond a reasonable doubt; and  
10 if he was to stand trial, that his conviction would be  
11 probable?

12 MR. MURPHY: Yes, ma'am; I do.

13 THE COURT: All right. And do you have any concerns  
14 regarding your client's competency?

15 MR. MURPHY: No, ma'am.

16 THE COURT: All right. Mr. Haynes, I have many  
17 questions to ask of you.

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: The reason that I'm asking you these  
20 questions is to be sure that you're entering into these  
21 proceedings freely and voluntarily. If at any point in time  
22 you do not understand my question, don't answer it; but let  
23 me know you don't understand my question. And if you need  
24 to take a break and speak with your attorney, I want you to  
25 feel very free to do that, okay?

1 THE DEFENDANT: Yes.

2 THE COURT: All right. And I'm going to ask you to do  
3 just as you did just now and answer with your voice rather  
4 than with a nod of the head or an uh-huh or an huh-uh. I'll  
5 probably know what you mean, but I need our record to be  
6 very clear.

7 THE DEFENDANT: Okay. Yes, ma'am.

8 THE COURT: So thank you for that. Tell me how old are  
9 you.

10 THE DEFENDANT: I'm 34.

11 THE COURT: Tell me how far you went in school?

12 THE DEFENDANT: Tenth grade.

13 THE COURT: Do you have your GED?

14 THE DEFENDANT: No, ma'am.

15 THE COURT: Did you spend any time at all detained  
16 before you bonded out?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: How long?

19 THE DEFENDANT: Four months.

20 THE COURT: Okay.

21 MR. MURPHY: A total of a 131 days in the detention  
22 center.

23 THE COURT: Got it. Have you ever been treated for  
24 alcohol, drug abuse, or mental health challenges?

25 THE DEFENDANT: No, ma'am.

1 THE COURT: In the last 72 hours, have you had any  
2 alcohol?

3 THE DEFENDANT: No, ma'am.

4 THE COURT: Drugs?

5 THE DEFENDANT: No, ma'am.

6 THE COURT: Medicine?

7 THE DEFENDANT: No, ma'am.

8 THE COURT: And tell me where you work.

9 THE DEFENDANT: I work at Fender Mender in West Ashley  
10 as a body technician.

11 THE COURT: Are you married?

12 THE DEFENDANT: No, ma'am.

13 THE COURT: Do you have kids?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: How many?

16 THE DEFENDANT: Three.

17 THE COURT: Are you aware of any challenges or problems  
18 that you have in your life -- and this is just for example:  
19 Physical problem, a mental problem, a nervous problem, drug  
20 or alcohol problem. Are you aware of any problems that you  
21 have that might or could interfere with your ability to know  
22 exactly what you're doing here today?

23 THE DEFENDANT: No, ma'am.

24 THE COURT: Now, are you on probation or parole at this  
25 time?

1 THE DEFENDANT: No, ma'am.

2 THE COURT: Now Mr. Haynes, the offense with which I  
3 understand you are going to plead guilty, common law  
4 robbery, also called strong-arm robbery. Do you understand  
5 that this offense carries a maximum possible penalty of 15  
6 years in prison?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: And you are not on probation or parole?

9 THE DEFENDANT: No, ma'am.

10 THE COURT: All right. Now with regards to this  
11 offense, Mr. Haynes, common law or strong-arm robbery, tell  
12 me how you plead?

13 THE DEFENDANT: Guilty.

14 THE COURT: Do you understand that when you plead  
15 guilty you give up certain very important constitutional  
16 rights?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: We are going to talk about some of the  
19 them, but we will not talk about them all, okay?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: If you have questions, please free to ask  
22 me or ask certainly your attorney, okay?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: You give up the right to remain silent.  
25 You give up the right against self-incrimination, your Fifth

1 Amendment rights. You give up your right to require the  
2 State prove you guilty beyond a reasonable doubt, if they  
3 can. You give up your right to have your lawyer  
4 cross-examine witnesses who may testify against you. You  
5 give up your right to have your lawyer challenge any  
6 incriminating statements that you may have made. You give  
7 up your right to have your lawyer challenge any stops or  
8 searches or seizures you think were not appropriate. You  
9 give up your right to have your lawyer subpoena witnesses to  
10 come testify in your defense. You give up your right to  
11 have your lawyer present defenses for you. And, of course,  
12 you give up your right to a jury trial.

13 And, Mr. Haynes, it's very important that you  
14 understand that if you wanted to have a jury trial, you  
15 would have a jury trial. No one can waive that right but  
16 you. And at that jury trial, it would be completely left up  
17 to you whether you wanted to testify or not testify. That's  
18 your Fifth Amendment right. In the event that you wanted to  
19 go to trial and that you chose not to testify, the judge  
20 trying your case would tell the jury that the jury could not  
21 consider your decision not to testify. In fact, the jury  
22 couldn't even talk about it in the jury room. And the  
23 reason is is that that is the exercise of your Fifth  
24 Amendment right. And it's not even appropriate for the jury  
25 to discuss your exercise of your Fifth Amendment right. The

1 reason for that, Mr. Haynes, is because in a criminal  
2 matter, the burden is and remains on the State to prove  
3 guilt beyond a reasonable doubt. You don't have to prove  
4 anything. And so it's important that you understand that  
5 those are some of your constitutional rights.. And there  
6 were others that were not specifically talked about. And  
7 these rights are preserved for you at a trial and you waive  
8 them when you plead guilty. Do you understand your rights?

9 THE DEFENDANT: Yes, ma'am; I do.

10 THE COURT: And do you understand that they are  
11 preserved for you at trial, and certain very important ones  
12 you waive when you plead guilty?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: And is that what you wish to do?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: And do you clearly understand that when you  
17 plead guilty, you give up your right to have a jury  
18 determine if you're guilty or not guilty?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: And do you understand that if I accept your  
21 plea, I will sentence you?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Now I want to pause here for a moment, Mr.  
24 Haynes, because we want to talk about what we talked about  
25 so far. You've told me that you understand this offense,

1 strong-arm robbery, also known as common law robbery.  
2 You've told me that you understand that this carries a  
3 maximum possible penalty of 15 years in prison. You've also  
4 told me now that you understand your constitutional rights.  
5 Keeping all of these matters absolutely in the forefront of  
6 your mind, do you still want to continue with your plea of  
7 guilty?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: I want to tell you what happens next.  
10 Every plea must be supported by factual basis. So in a  
11 moment, Mr. Sorenson is going to go over the facts that the  
12 State stands ready to present at trial for the purpose of  
13 proving your guilt. And when he is finished, I am simply  
14 going to ask you is that what happened. And I need you to  
15 correct anything that I am told that needs correcting so  
16 that I have an accurate picture of what occurred, okay?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Yes, Mr. Sorenson?

19 AST. SOL. SORENSON: May it please the Court, Your  
20 Honor?

21 THE COURT: Yes.

22 AST. SOL. SORENSON: This offense occurred back on the  
23 early afternoon of December 13th of 2013 at the intersection  
24 of Summers Drive and Clubhouse Road. It's a building  
25 located there that was closed at the time. It's a parking

1 lot. The victim in this case, Mr. Peter Cook -- Mr. Cook is  
2 on Your Honor's left in the front row sitting next to Ms.  
3 Gohdi (ph). Mr. Cook had gone out there that afternoon for  
4 the purposes of a marijuana transaction with this defendant  
5 who he knew and had prior dealings with. He just knew him  
6 at that time by the nickname Fuzz. They had some -- and we  
7 have phone records that corroborates some phone conversation  
8 the night before and then leading right up to basically  
9 right before this all happened at about 1:30 that afternoon.  
10 Mr. Cook indicates that he was going out there that day to  
11 purchase a little under \$4000 worth of marijuana from Mr.  
12 Haynes. Ultimately, during the course of that, there were  
13 some other individuals that Mr. Cook did not know that were  
14 there with Mr. Haynes, Lionel Haynes. And during the course  
15 of that, two of those individuals ended up pulling out  
16 firearms. And at that point in time, robbed Mr. Cook.

17 During the course of this happening, they took the  
18 money that he had there to buy the marijuana, which was, as  
19 I said, 36- \$3800; somewhere in that range. They also  
20 ultimately ended up taking his pants from him and then  
21 taking his vehicle. During the course of when this robbery  
22 initially began and the guns were produced, Mr. Cook's dog I  
23 believe was actually sitting up in his truck at the time all  
24 of this happened, ended up coming out of the vehicle and  
25 ended up getting shot by one of the individuals one time and

1 ended up dying as a result out there, basically in  
2 Mr. Cook's arms out there in the parking lot. As indicated,  
3 there's one individual that -- no indication Mr. Cook -- Mr.  
4 Haynes is the only person he knew out of these. He did not  
5 have a gun. His position is that he basically set this  
6 whole robbery up. The two individuals that had guns, one of  
7 them is the individual that shot and killed his dog. The  
8 other one was the individual that ultimately ended up  
9 initially going through his pockets and then basically  
10 taking his pants off of him. There's a fourth individual  
11 that is basically the driver of the vehicle that they were  
12 in, the suspects were in, that had gotten out and was  
13 basically kind of standing initially in the background.

14 They end up fleeing the scene in the victim's vehicle.  
15 And the vehicle is a Dodge Magnum that they arrived in. And  
16 a passerby ends up actually calling 911; comes upon, finds  
17 him sitting out there and holding his dog at the point in  
18 time. Law enforcement responds. As indicated, he's  
19 basically in his underwear sitting in the middle of the  
20 parking lot. Mr. Cook is up front with them that from the  
21 get-go that he was there for the purposes of a marijuana  
22 transaction; also indicates that there should be some other  
23 money in the vehicle that was money that he had to buy  
24 paint. He's a commercial painter. They ultimately find his  
25 truck. There's kind of a side street, probably less than a

1 mile away. It's pulled down the side street, doors are  
2 open, keys are still in the ignition. That money is  
3 actually still found in the vehicle. It's in an envelope in  
4 between the two seats. His pants are found a little further  
5 down the main road, basically in the middle of the road by  
6 one of the responding officers that's on the way there.  
7 Mr. Cook ends up, as I said, describes what happened, gives  
8 the nickname Fuzz. Law enforcement ultimately develops who  
9 that is. Mr. Cook identifies Mr. Haynes as being the Fuzz  
10 that he's talking about. And kind of through their  
11 investigation, develop several other possible suspects.  
12 He's shown, Mr. Cook, is shown several lineups where he  
13 doesn't pick anybody out of them. And ultimately is shown  
14 over the course of a month or so three lineups where he  
15 develops -- where he identifies a Darnell Chaplin, a Daryl  
16 Green, and Leonard Chaplain as being the other three  
17 individuals. Leonard Chaplin being the individual that was  
18 kind of hanging in the background driving the Dodge Magnum.  
19 He, initially in the photo lineups, identifies Daryl Green  
20 as being the person that shot his dog. And Darnell Chaplain  
21 as being the other individual that basically went through  
22 his pockets and took his pants.

23 He has since had an opportunity on several occasions in  
24 bond hearings to see all of these individuals more than just  
25 an upper-body photograph. And is now -- and he has been

1 consistent from the first time he observed them in court  
2 that he got the two of them backwards. That in fact it was  
3 Darnell Chaplain that shot his dog Easy; and Daryl Green,  
4 that was the other individual that had a gun that went  
5 through his pants.

6 There was a one 19-millimeter shell casing recovered  
7 out there at the scene. About six days after this, Darnell  
8 Chaplin, the individual that Mr. Cook now indicates he  
9 believed shot his dog, was stopped in a traffic stop in that  
10 Dodge Magnum over in Charleston County. And they did  
11 recover a 9-millimeter gun out of that vehicle that  
12 ultimately ended up -- they got an IVAS (ph) hit to that  
13 shell casing that has then been further compared by the  
14 State Law Enforcement Division. So that kind of  
15 corroborated what Mr. Cook is now saying upon seeing them as  
16 far as who is the individual that shot his dog.

17 That, I believe, would basically be the facts. I can  
18 go into a little more background as far as where we are and  
19 everybody -- but I don't know if that necessarily doesn't  
20 pertain to the facts.

21 THE COURT: Yeah, I'll get that in just a little bit.

22 AST. SOL. SORENSON: Yes, ma'am.

23 THE COURT: All right, sir. And is that what happened?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: All right. Now, has anyone promised you

1 anything or held out any hope of a reward to get you to  
2 plead guilty?

3 THE DEFENDANT: No, ma'am.

4 THE COURT: Has anyone tried to force or threaten,  
5 pressure or intimidate you to make you plead guilty?

6 THE DEFENDANT: No, ma'am.

7 THE COURT: And have you had enough time to make up  
8 your mind that this is what you want to do?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: And are you pleading guilty freely and  
11 voluntarily?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Are you satisfied with the representation  
14 of Mr. Murphy?

15 THE DEFENDANT: Yes, ma'am; I am.

16 THE COURT: Have you talked to Mr. Murphy for as many  
17 times and for as long a period of time on each of those  
18 occasions as you think appropriate for him to properly  
19 represent you?

20 THE DEFENDANT: Yes, ma'am; I have.

21 THE COURT: And do you need any more time to talk to  
22 him?

23 THE DEFENDANT: No, ma'am.

24 THE COURT: Have you understood your conversations with  
25 him?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: And has Mr. Murphy been over your -- been  
3 over the evidence that the State has available to present at  
4 trial for the purpose of proving your guilt? Has he been  
5 over the discovery with you?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: And has -- I don't know if you asked  
8 Mr. Murphy to talk to any witnesses. But if you did, did  
9 he?

10 THE DEFENDANT: I didn't. No, ma'am; I didn't ask him.

11 THE COURT: Okay. And has he conducted any and all  
12 investigation that you asked him do?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: And has he answered all of your questions?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Have you understood his answers to your  
17 questions?

18 THE DEFENDANT: Yes, ma'am; I have.

19 THE COURT: Has he been over with you the elements of  
20 strong-arm or common law robbery?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Did he go over the elements with you of  
23 armed robbery, of course which is what you were originally  
24 charged with?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: And has he done everything for you in your  
2 case that you believe he should've done or could have done  
3 to properly represent you?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Has he done anything in his representation  
6 of you that you think he should not have done?

7 THE DEFENDANT: No, ma'am.

8 THE COURT: And are you completely satisfied with his  
9 representation?

10 THE DEFENDANT: I am; yes, ma'am.

11 THE COURT: Has anyone associated with your case, your  
12 lawyer, the solicitor, any of the police officers involved  
13 in your arrest, or any of the folks at the detention  
14 facility, has anyone associated with your case mistreated  
15 you in any way?

16 THE DEFENDANT: No, ma'am.

17 THE COURT: Have you understood my questions?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: And is anything that you want to ask me  
20 about what we have just been over?

21 THE DEFENDANT: No, ma'am.

22 THE COURT: Do you understand they have a right to  
23 appeal your guilty plea and any sentence that I impose.  
24 However, if you wish to appeal, you or an attorney on your  
25 behalf must appeal within ten days?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: And I would just tell you that if you want  
3 to appeal and you want Mr. Murphy to do that, you probably  
4 need to let him know pretty quickly, okay?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Best to keep it in writing if you can,  
7 okay?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: If you wish that. All right. With respect  
10 to each and every answer that you have given me here today,  
11 have you been absolutely candid and truthful with me?

12 THE DEFENDANT: Yes, ma'am; I have.

13 THE COURT: Have your answers been your own?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Has anyone asked -- or has anyone told you  
16 how to answer my questions?

17 THE DEFENDANT: No, ma'am.

18 THE COURT: Whose answers have you given me today?

19 THE DEFENDANT: Lionel's.

20 THE COURT: And would that be Lionel Haynes?

21 THE DEFENDANT: Yes, ma'am. I'm sorry.

22 THE COURT: All right. Very well. I find that there  
23 is a substantial factual basis for this plea. And I find  
24 that Mr. Haynes' decision to plead guilty is freely,  
25 voluntarily, knowingly, and intelligently made. He's had

1 advice of counsel with whom he tells me he is satisfied, and  
2 I'll accept the plea. Record, if any?

3 AST. SOL. SORENSON: He does have a record, Your Honor.  
4 He's got a 2001 conviction for receiving stolen goods that  
5 was over a thousand, so a General Sessions offense; 2002,  
6 two convictions for assault and battery of a high and  
7 aggravated nature; and then the only thing since then would  
8 be a simple possession of marijuana from 2011. And at the  
9 appropriate time, Mr. Cook would like to address the Court,  
10 Your Honor.

11 THE COURT: And I think that time has come.

12 (Brief pause.)

13 THE COURT: Good afternoon, Mr. Cook.

14 MR. COOK: So many things to say.

15 THE COURT: You just take your time.

16 MR. COOK: First of all, the dog in question, it was my  
17 son's dog that was left to me when my son died on September  
18 22, 2012. It was under my care. On more than one  
19 occasion, I gave Mr. Haynes a ride to -- one time -- and I  
20 don't remember the other ones. But my dog was in the  
21 vehicle, sat on his lap on more than one occasion. He knew  
22 what the dog meant to me, that it was my dead son's dog. I,  
23 you know, just like anybody put in a spot, they want to do  
24 the best they can prior to this point in the criminal ---

25 THE COURT: I need to stop you for a second. Tell me

1 what you have your hands.

2 MR. COOK: The only thing I have left of that dog.  
3 This is his paw print after he died in clay, his collar,  
4 which this -- it has my son's ashes in.

5 THE COURT: Let's get Mr. Cook a chair.

6 MR. COOK: You know, everybody wants to do what the  
7 will look best in the eyes of the Court when this time -- if  
8 the thing comes. Prior to the incident on December 13,  
9 2013, I had known him for a while, years, a couple of years,  
10 a few years. I had offered him jobs with my painting  
11 company at \$15 an hour. He refused saying that he made more  
12 money in a day than he'd make in a week working for me. He  
13 just got this job at Fender Mender to avoid prosecution and  
14 ease the end results.

15 I just lost my other son on November 9th, both of -- my  
16 first son, Thomas, whose dog it was died on September 22,  
17 2012; it was two months after his 21st birthday. My son  
18 Joseph who never recovered from his brother's death and was  
19 four years younger than his brother just died November 9th.  
20 And -- resulting drug overdose because he just -- as we  
21 tried to go on with our lives after Thomas died, it just  
22 got -- more time that went by, it just got worse and worse,  
23 and we tried and tried to help him. The only thing that I  
24 find that ease my -- ease me in anyway with my recent son's  
25 passing is that a week prior to his death -- or two weeks

1 prior to his death, I was talking with Ms. Lynn about this  
2 case. And my son broke down in tears and came and hugged me  
3 and told me how sorry he was. He was sorry and I didn't  
4 know until after he died what he had meant. But a mutual  
5 friend, my best friend's sister, talked to him a couple days  
6 before his death. And he said that up until a week ago he  
7 thought that I had just brushed this case with the dog under  
8 the mat, you know, and walked away from it and left, you  
9 know, and didn't pursue the people who killed his brother's  
10 dog. And he had hated me up until -- and a lot of his drug  
11 reuse was due to the fact that I let him down and let his  
12 brother down in the pursuit of this. And I never stopped  
13 pursuing this. I just didn't talk about it because it was  
14 so painful. And then he overheard a conversation on the  
15 phone and he broke down and hugged me, crying. And like I  
16 said, I didn't know what that meant until a couple of days  
17 after his death and my friend's sister came forward and  
18 explained all that to me and, you know, said that they had  
19 like a three-hour heart-to-heart. And that's why this means  
20 so much to me.

21 I know that 15 years isn't 15 years. And I don't think  
22 that 15 years is enough. So I'm just begging you to please  
23 give him the most you can give him today so he can do the  
24 most time that the Court -- whatever 15 years equates to in  
25 the Court system. I know it doesn't equate to 15 years.

1 But, like I said, he destroyed my life. He destroyed my  
2 son's life up until my son destroyed his own life. And  
3 there's nothing anybody can do or say to stop -- bring any  
4 of this back except for him to sit as long as you possibly  
5 can allow. I'd appreciate that, and I know both my sons  
6 would. Thank you, Your Honor.

7 THE COURT: Thank you, Mr. Cook. (Brief pause.) Does  
8 that conclude the State's?

9 AST. SOL. SORENSON: Yes, Your Honor.

10 THE COURT: Very well. Thank you, Mr. Sorenson. Yes,  
11 sir, Mr. Murphy?

12 MR. MURPHY: Thank you, Your Honor. Your Honor, I  
13 represent Lionel. Lionel is 34 years old. In the courtroom  
14 with him is his fiancée and his grandfather. Lionel has  
15 been one of my most loyal clients, Your Honor. He has never  
16 -- never in any of our discussions shied away from the fact  
17 that this was a terrible day; that things got out-of-control  
18 in a hurry, but that tends to happen when you're in the drug  
19 business. We would dispute the State's versions of how  
20 these people got together. But it doesn't negate or --  
21 there's no dispute over the elements of the crime. His  
22 involvement that Lionel did know Mr. Cook; knew Mr. Cook's  
23 dog. And really, the brother, Darnell Chaplin, who is not  
24 before the Court, was the one that shot the dog. There's no  
25 evidence that Lionel had a gun on that day. I've explained

1 to Lionel, in addition to the elements of the crime, the  
2 State's theory of the case. I've explained to him the hand  
3 of one, the hand of all. How he basically was the person  
4 that brought these two parties together on that fateful day.  
5 Lionel has expressed from the beginning, Your Honor, remorse  
6 that this incident took place. He works at Fender Mender.  
7 He understands that there are consequences, that he is going  
8 to serve some jail time, prison time, on this case. He has  
9 indicated a desire to me that he will continue his education  
10 in the Department of Corrections with the hope of obtaining  
11 his degree in auto mechanics to continue on the career path  
12 that he started with Fender Mender.

13 Your Honor, he's spent 131 days at the Detention Center  
14 before he came before the Court on March 5, 2014. You were  
15 the presiding judge. You ordered him on house arrest at  
16 that time, Your Honor. He spent on house arrest with the  
17 ankle monitoring 885 days. I know pursuant to the statute  
18 that was recently amended, 24-13-40, that you may consider  
19 that. I've explained that to Lionel. I said, "Lionel,  
20 you're entitled to the 131 days; no question about that,  
21 that you spent in detention in the Dorchester County  
22 Detention Center; that it is up to the Judge to determine  
23 whether you receive credit or any -- partial credit, any  
24 credit for the house arrest." So we would us for your  
25 consideration on that. Your Honor, I think at the

1 appropriate time -- I understand Mr. Cook's position that  
2 Lionel -- that nothing we do today is going to bring back  
3 the dog; nothing today is going to bring back the grief that  
4 he feels from his sons. Your Honor, one of the codefendants  
5 has pled, received a sentence -- and this was one of the  
6 individuals that had a firearm -- received a sentence of ten  
7 years. That was Mr. Daryl Green. That was about two weeks  
8 ago, I believe. I don't think when looking at the entire  
9 facts -- I know you have to look at the entire case. We'd  
10 ask for a sentence of something in the -- of less than ten  
11 years, Your Honor, quite honestly. Based on the fact that  
12 Mr. Green before the Court was before Judge Dickson had an  
13 extensive prior record, was armed with a handgun. And we're  
14 just asking for the Court to consider that and also to  
15 consider giving him credit for the 885 days. At the  
16 appropriate time, I know Lionel would like to address the  
17 Court, Your Honor.

18 THE COURT: Happy to hear from him.

19 THE DEFENDANT: First, I would like to apologize. Ever  
20 since this situation with Mr. Cook, I apologize for the  
21 grief and everything that happened to his dog, Easy. And  
22 like it was a transaction that went bad. And I can't  
23 apologize enough. How my life has changed since this  
24 incident happened. I know he probably doesn't know, but I  
25 have been working Fender Mender two years prior before this \

1 happened. I have been there six years plus. My job was  
2 waiting on me no matter what happens to me. But I  
3 understand. But I just want to let the Court know I'm  
4 sorry; I apologize what happened to his dog and his son. I  
5 really didn't have no control over the situation. And I  
6 apologize -- my kids; sorry.

7 MR. MURPHY: Thank you.

8 THE COURT: Thank you.

9 MR. MURPHY: Thank you, Judge.

10 THE COURT: Very well. All right. With regards to the  
11 house arrest, does the State have a position regarding the  
12 885 days?

13 AST. SOL. SORENSON: I mean, we would objective to him  
14 getting any credit for that, Your Honor. This isn't a  
15 situation where he's just been confined to his house for two  
16 and half years. I mean, he's been out and about. I've  
17 gotten -- shared every time I've gotten something from the  
18 GPS monitoring company. But, I mean, probably at least a  
19 half a dozen complaints about him not complying in various  
20 shapes and forms over the last year especially. And I don't  
21 think it's appropriate for him to get credit, I mean, as if  
22 he's been sitting in jail that whole time. Because he is  
23 definitely not been in that same boat. So we would object  
24 to that. Obviously, I think he gets credit for the time he  
25 was pre-trial detained.

1 THE COURT: Right. All right.

2 MR. MURPHY: And, Judge, just to -- I would agree with  
3 Mr. Sorenson that he has let me know and has provided me the  
4 violations that were provided by the bonding company. The  
5 majority -- the vast majority, of those were he was just not  
6 caught up on his payment.

7 THE COURT: Gotcha. Okay.

8 MR. MURPHY: I don't think there's any dispute about  
9 that.

10 THE COURT: Okay. Gotcha.

11 MR. MURPHY: Yes, ma'am.

12 (Brief pause.)

13 THE COURT: All right. Having listened to everyone,  
14 having listened to, first of all, the heart-wrenching  
15 circumstances of this particular matter, having wished  
16 perhaps that all parties at issue could have made a  
17 different decision, being mindful of how senseless all this  
18 pain was, and to have a living, breathing, loving reminder  
19 of your loved one that you felt was entrusted to you has got  
20 to be absolutely heartbreaking. And no doubt, Mr. Cook, as  
21 much anger as you feel, you must be just heartbroken that  
22 you even found yourself there, and you would have never been  
23 there for any of this if even in your wildest imagination  
24 had thought any of this could have, would have happened, you  
25 would have never been there. And I'm ever so mindful of all

1 of that. I am mindful that one of the gun wielding people  
2 has been sentenced. I am mindful of that. And I'm mindful  
3 that the law does dictate consistency. And Mr. Haynes, you  
4 know, I gather that you were involved in an enterprise in  
5 some form or fashion that has delivered so much pain. There  
6 are so many people who are killed because robbery and drugs  
7 now goes hand-in-hand. It's almost as though when you  
8 consider the war on drugs, it's the war on the buyers and  
9 sellers is where the second offense has broken out in the  
10 war on drugs. Doesn't even involve law enforcement. And,  
11 obviously, your involvement, while you were not armed, you  
12 orchestrated it. And you bear tremendous responsibility.  
13 The only difference between you and your codefendant is that  
14 you did not have the specific intent to kill this beloved  
15 animal, but you are responsible for it. We can never know  
16 what the relationship is between these events and the loss  
17 of Mr. Cook's second child, but you can only imagine his  
18 heartbreak.

19 But with all of these matters in mind, being mindful of  
20 what my colleague heretofore has done, Mr. Haynes, I'm going  
21 to commit you to the State Department of Corrections for a  
22 period of nine years. I will not give you credit for the  
23 house arrest. But you are entitled by state law to the 131  
24 days. And that will be the order of the Court. Take him  
25 into custody, please.

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MR. MURPHY: Thank you, Judge.  
(The proceeding concluded at 1:32 p.m.)



**WITNESSES**

Keith Elmore

Dorchester County Sheriff  
13-014675

**ARREST WARRANT NUMBER**  
2013A1810301018

Arrested: January 22, 2014

**ACTION OF GRAND JURY**  
**TRUE BILL**

*[Signature]*  
Foreperson of Grand Jury  
Date: June 26, 2014

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2014GS180157

**The State of South Carolina**  
**County of DORCHESTER**

**COURT OF GENERAL SESSIONS**

**July 7, 2014 TERM**

**THE STATE**  
vs.

Lionel Quinn Haynes

**Indictment for**

Armed Robbery

SC Code: 16-11-330(A)

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

2014 JUN 26 PM 2:48  
GENERAL SESSIONS  
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF DORCHESTER )

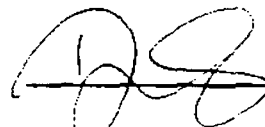
INDICTMENT  
 2014GS180157

As a Court of General Sessions, convened on July 7, 2014 the Grand Jurors of DORCHESTER County present upon their oath:

**ARMED ROBBERY**

That on or about December 13, 2013, in Dorchester County, the defendant, Lionel Quinn Haynes did by use of force, threats or intimidation and while armed with a deadly weapon or while alleging either by words or action that he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, take and carry away goods and/or monies from the person or presence of the victim, Peter Cook, with the intent to permanently deprive the victim of possession of the goods or monies. Such weapon or alleged weapon described as a handgun. This offense in violation of Section 16-11-330 of the South Carolina Code of Laws, as amended.

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



Donald N. Sorenson, Solicitor

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS 0-15 yr

COUNTY OF Dorchester  
STATE VS.  
Lionel Quinn Haynes

INDICTMENT/CASE#: 2014GS180157  
A/W#: 2013A1810301018  
Date of Offense: 12/13/2013  
S.C. Code § : 16-11-330(A)  
CDR Code #: 0139

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DEC 02 2016

SENTENCE SHEET SC Court of Appeals

AKA:  
Race: Sex: M Age: 34  
DOB: 1982 SS#  
Address: Amber Ln  
City, State, Zip: Ridgeville, SC 29472-9141  
DL#: SID#:

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
In disposition of the said indictment comes now the Defendant who was  
TO: Common Law Robbery, Strong Arm Robbery

CONVICTED OF or  PLEADS

In violation of § 16-11-325 of the S.C. Code of Laws, bearing CDR Code # 0137  
 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: Donald N. Sorrenson SC Bar# 9512 Lionel Quinn Haynes Defendant [Signature] Attorney for Defendant 891 SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of 9 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

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

CONCURRENT or  CONSECUTIVE to sentence on:  
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied  
by the State Department of Corrections. 131 days

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 (Domestic  
Violence ) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms:  
 Set by SCDPPPS

PTUP \_\_\_\_\_ days/hours Public Service Employment

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

Obtain GED   
Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

| *Fine:                                 |         | \$      |
|--|---------|---------|
| § 14-1-206 (Assessments 107.5 %)       |         | \$      |
| § 14-1-211(A)(1) (Conv. Surcharge)     | \$100   | \$ 100  |
| § 14-1-211(A)(2) (DUI Surcharge)       | \$100   | \$      |
| § 56-5-2995 (DUI Assessment)           | \$12    | \$      |
| § 56-1-286 (DUI Breath Test)           | \$25    | \$      |
| Proviso 61.6 (Public Def/Probation)    | \$500   | \$      |
| § 14-1-212 (Law Enforce. Funding)      | \$25    | \$ 25   |
| § 14-1-213 (Drug Court Surcharge)      | \$150   | \$      |
| § 50-21-114(BUI Breath Test Fee)       | \$50    | \$      |
| § 56-5-2942(J) (Vehicle Assessment)    | \$40/ea | \$      |
| 3% to County (if paid in installments) |         | \$ 3.75 |

May serve W/E beginning \_\_\_\_\_  
Substance Abuse Counseling

Random Drug/Alcohol testing   
Fine may be pd. in equal, consecutive weekly/monthly  
prmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_

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

TOTAL \$ 128.75

\_\_\_\_\_

\_\_\_\_\_

Appointed PD or appointed other counsel,  
Proviso 61.6 requires \$500 be paid to Clerk  
during probation and shall be collected before  
any other fees.

Clerk of Court/ Deputy Clerk [Signature]  
Court Reporter: [Signature]  
SCCA/217 (07/2016)

Presiding Judge [Signature]  
Judge Code: 2112  
Sentence Date: 11-17-2016

## 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,

*Robert M. Pachak*

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Robert M. Pachak  
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 8th day of June, 2017.

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JUN 08 2017

**SC Court of Appeals**