

STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )

IN THE COURT OF GENERAL SESSIONS  
FOR THE SEVENTH JUDICIAL CIRCUIT

STATE, )  
 )  
v. )  
 )  
Robert Young, )  
 )  
Defendant. )

Order to Dismiss  
the Defendant's Application  
for Forensic DNA Testing

2007-GS-42-0996; 0998

This matter came before the Court pursuant to the defendant's Application for Forensic DNA Testing pursuant to 17-28-10; et seq., Code of Laws of South Carolina, 1976, as amended, dated May 25, 2016. The defendant was convicted at trial for Assault and Battery with Intent to Kill and Armed Robbery in February 2008. The State filed a timely response to the application as directed by 17-28-50(B) on June 1, 2016.

In considering the defendant's application and the State's response pursuant to 17-28-50(C), the Court finds that the defendant is not entitled to additional DNA testing. The Court further finds no further purpose would be served by any further proceedings.

The Court bases its decision on the following reasons:

1. that the victim identified the defendant as his attacker to the police and jury;
2. that the items sought to be tested by the defendant were tested prior to his trial;
3. that the results of the DNA testing were presented at the trial;
4. that the victim's blood was found to be on the defendant's clothing by the DNA testing;
5. that the defendant admitted to the police that the victim's blood was on his clothing;
6. that the defendant's story as to how the blood came to be on his clothing was presented to the jury;
7. that the defendant claimed to have no prior contact with the victim's cab company, but evidence was presented to the jury to the contrary;
8. that the defendant was allowed to present alibi witnesses at trial;
9. that after considering all of the evidence in the case, the jury found the defendant guilty beyond a reasonable doubt, and

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10. that the trial and his attorney's effectiveness were properly reviewed by the trial appellate process and post-conviction relief process;

IT IS THEREFORE ORDERED that the defendant's Application for Forensic DNA Testing is dismissed under 17-28-50(C), Code of Laws of South Carolina, 1976, as amended.

IT IS SO ORDERED.

  
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Judge R. Keith Kelly  
Circuit Judge

June 9, 2016

*Spartanburg, SC*