

23299

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

Honorable Letitia H. Verdin, Circuit Court Judge

ANDERS ORIGINAL
ANDERS
No Respondent's Brief Filed
RECEIVED
MAY 08 2017
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

JANOBLIN MAURICE BRACY-BROWN,

APPELLANT

APPELLATE CASE NO 2016-001513

RECORD ON APPEAL

TAYLOR D GILLIAM
Appellate Defender

ALAN WILSON
Attorney General

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

J. BENJAMIN APLIN
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

INDEX

INDEX i

TRANSCRIPT OF TRIAL HELD MARCH 14, 2013 (Guilty Plea) 1

OPENING STATEMENT BY SOLICITOR.....9

SENTENCING HEARING (June 4, 2014) 12

INDICTMENTS31

MOTION TO RECONSIDER SENTENCE.....36

ORDER DENYING MOTION TO RECONSIDER38

CERTIFICATE OF COUNSEL39

1 STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
 2 COUNTY OF RICHLAND) 2012 GS 40 0347; 0350; 0356;
) 0357; 0358
 3

4 STATE OF SOUTH CAROLINA)
)
 5)
)
 6 versus) TRANSCRIPT OF RECORD
)
 7)
)
 8 JANOBLIN MAURICE BRACY-BROWN)
)
 9 Defendant)

10 Columbia, South Carolina
 11 March 14, 2013
 12

13 B E F O R E :

14 HONORABLE G. THOMAS COOPER, Judge Presiding

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

16 For the State: D. GARFIELD, Esq.
 17 Assistant Solicitor

18 For the Defendant: J. COOPER, Esq.
 19 Public Defender

20 Reporter Present: DAPHNE HELMS

21
 22 HARRIET P. BENNETT
 23 Reporter, S. C. Court Administration
 46 Regency Oaks Drive
 24 Summerville, S.C. 29485
 25

1 (The within matter came before the Court for hearing
2 on March 14, 2013)

3 THE COURT: All right, Solicitor.

4 SOLICITOR: The State calls Janoblin Bracy-Brown, Your
5 Honor.

6 (Defendant sworn by the Clerk for purposes of this
7 proceeding)

8 SOLICITOR: May it please the Court, Your Honor?

9 Before the Court is Janoblin Bracy-Brown. He is with
10 his attorney, Mr. James Cooper of the Public Defender's
11 Office.

12 Your Honor, he's pleading guilty to, as charged, at-
13 tempted armed robbery and armed robbery. He is also plead-
14 ing guilty to, I think as charged, assault and battery in
15 the first degree, and two counts of assault and battery
16 in the first degree have been reduced from attempted mur-
17 der.

18 In exchange for his pleas and upon sentencing, the
19 State will dismiss three counts of possession of a weapon
20 in the commission of a violent offense and one count of
21 armed robbery.

22 Your Honor, we're asking that you defer sentencing in
23 this case until a later time.

24 THE COURT: Mr. Cooper, does Mr. Brown understand the
25 significance of his guilty pleas to most serious offenses,

1 no parole offenses, in this particular case?

2 MR. COOPER: Yes, he does, Your Honor.

3 THE COURT: Does he understand the possible sentences
4 he could get upon giving up his rights and waiving a jury
5 trial?

6 MR. COOPER: Yes, he does, Judge.

7 THE COURT: Mr. Brown, you are pleading guilty to at-
8 tempted armed robbery, and you can get up to twenty years
9 in jail for that offense. Do you understand that?

10 DEFENDANT: Yes, sir.

11 THE COURT: For armed robbery, you can get up to thirty
12 years in jail, and you must receive a sentence of at least
13 ten years in jail. None of that can be suspended. Do
14 you understand that?

15 DEFENDANT: Yes, sir.

16 THE COURT: Both of those offenses are most serious
17 offenses in the eyes of the law. That means that you use
18 up at least one of the strikes you have today, and if you
19 have any subsequent offenses when you get out of jail you
20 will use up your second strike and you would go to jail
21 for the rest of your life. Do you understand that?

22 DEFENDANT: Yes, sir.

23 THE COURT: Upon entering a plea of guilty you give up
24 certain of your rights. You give up your -- excuse me.

25 Assault and battery carries up to ten years in jail.

1 Do you understand that?

2 DEFENDANT: Yes, sir.

3 THE COURT: If you give up your right to a jury trial
4 in this process, you give up your right to say nothing at
5 all. Do you understand that?

6 DEFENDANT: Yes, sir.

7 THE COURT: You have a right to a jury trial in each
8 of these charges. If you plead guilty you will not have
9 a jury trial as you give up that right. Do you understand
10 that?

11 DEFENDANT: Yes, sir.

12 THE COURT: If you had a jury trial, the State would
13 have to prove your guilty, and all members of the jury
14 must find you guilty of these charges beyond a reasonable
15 doubt.

16 You wouldn't have to prove you are not guilty, but the
17 State would have to prove the charges. If you plead
18 guilty you don't get a trial. You give up that right.
19 Do you understand that?

20 DEFENDANT: Yes, sir.

21 THE COURT: If you had a trial, you would have a right
22 to question the State's witnesses who testify against you.
23 You can call your own witnesses to testify for you, but if
24 you plead guilty you don't get to question witnesses and
25 you don't get to call witnesses. Do you understand all of

1 that, sir?

2 DEFENDANT: Yes, sir.

3 THE COURT: Have you understood the rights I have just
4 explained to you?

5 DEFENDANT: Yes, sir.

6 THE COURT: Do you want me to go over any of it with
7 you again?

8 DEFENDANT: No, sir.

9 THE COURT: Indictment Number 356 charges you with
10 attempted armed robbery, and it says that you did in Rich-
11 land County on or about July 2nd of 2011, while armed with
12 a deadly weapon, attempt to take and carry away goods or
13 moneys, which is stealing.

14 Do you understand the charge of attempted armed rob-
15 bery?

16 DEFENDANT: Yes, sir.

17 THE COURT: How do you plead to that?

18 DEFENDANT: Guilty.

19 THE COURT: Indictment 350 charges you with armed
20 robbery and says that you did in Richland County on or
21 about June 24th of 2011 commit a robbery by means of force
22 or intimidation and take away goods that did not belong to
23 you, specifically U. S. Currency, while you were armed
24 with a deadly weapon or something that looked like a
25 deadly weapon.

1 You are therefore charged with armed robbery. Do you
2 understand that charge?

3 DEFENDANT: Yes, sir.

4 THE COURT: How do you plead to that?

5 DEFENDANT: Guilty, sir.

6 THE COURT: Indictment Number 358 charges you with at-
7 tempted murder, and that Indictment says that you did in
8 Richland County on or about June 26, 2011, with the in-
9 tent to kill, attempt to kill Matthew Taylor with malice
10 aforethought.

11 Do you plead guilty to assault and battery in the
12 first degree on that, and do you understand that charge?

13 DEFENDANT: Yes, sir.

14 THE COURT: Indictment 357 charges you with another
15 count of attempted murder on July 2nd of 2011 with intent
16 to kill; that you intended to kill Hampton Johnson (inaud-
17 ible).

18 They are allowing you to plead guilty again to as-
19 sault and battery in the first degree. Do you understand
20 that charge?

21 DEFENDANT: Yes, sir.

22 THE COURT: How do you plead to it?

23 DEFENDANT: Guilty.

24 THE COURT: Indictment Number 347 charges you with
25 assault and battery in the first degree on June 24, 2011,

1 and this time an assault and battery upon the victim,
2 Mr. Harrison (inaudible), in committing an act of bodily
3 injury.

4 You are charged with assault and battery in the first
5 degree in connection with that. Do you understand that
6 charge?

7 DEFENDANT: Yes, sir.

8 THE COURT: How do you plead to that?

9 DEFENDANT: I plead guilty, sir.

10 THE COURT: Has anybody promised you anything or held
11 out any hope of reward to get you to plead guilty to these
12 charges?

13 DEFENDANT: No, sir.

14 THE COURT: Has anyone threatened you or in any way
15 forced you to plead guilty to these charges?

16 DEFENDANT: No, sir.

17 THE COURT: Are you pleading guilty freely and volun-
18 tarily?

19 DEFENDANT: Yes, sir.

20 THE COURT: Of your own will and accord?

21 DEFENDANT: Yes, sir.

22 THE COURT: Are you satisfied with everything Mr.
23 Cooper has done for you as your lawyer?

24 DEFENDANT: Yes, sir.

25 THE COURT: You are satisfied with his representation?

1 DEFENDANT: Yes, sir.

2 THE COURT: Have you had enough time to talk to him
3 about all of this?

4 DEFENDANT: Yes, sir.

5 THE COURT: Have you understood the talks you have had
6 with him?

7 DEFENDANT: Yes, sir.

8 THE COURT: Do you need some time to talk with him any
9 more?

10 DEFENDANT: No, sir.

11 THE COURT: Before we go forward with your pleas, do
12 you need to talk with him any more?

13 DEFENDANT: Yes, sir.

14 THE COURT: We'll give you whatever time you need to
15 talk to him.

16 DEFENDANT: I believe I understand it.

17 THE COURT: I don't mean to suggest to you that you
18 don't but . . .

19 MR. COOPER: After it's over, I told him I would come
20 and talk to him but I think that's what he means. There
21 aren't any concerns right now and I will speak to him af-
22 ter it's over.

23 THE COURT: You understand what you're doing?

24 DEFENDANT: Yeah, I understand this.

25 THE COURT: You will have ten days from the date of

1 your sentencing -- not today but ten days from the date
2 of your sentencing -- to file for post conviction or an
3 appeal. You have to do that within ten days of your sen-
4 tencing to file an appeal to your sentencing and your
5 plea.

6 DEFENDANT: Yes, sir.

7 THE COURT: All right. Solicitor, let me hear from
8 you.

9 SOLICITOR: I'll be brief, Your Honor.

10 All of these incidents occurred on different dates
11 between June 24th and July second of 2011, where the De-
12 fendant and the passenger, the CoDefendant, made entry
13 into cabs with a gun.

14 He attempted to rob one cab driver and did rob the
15 others.

16 Judge, two times the victims were struck. One cab
17 driver was struck in the back of the head with a gun, and
18 the other two were actually shot at and sustained injury.

19 He was identified by photographic lineup or video sur-
20 veillance or the Defendant left personal items in the
21 cab.

22 I would reserve the right to go into further detail
23 at the time of sentencing.

24 MR. COOPER: Sure.

25 THE COURT: All right. I find there is factual support

1 for these charges and a factual basis on which they were
2 made.

3 The pleas have been freely and voluntarily made, and
4 he has had the services of a competent lawyer with whom he
5 has said he is satisfied.

6 I will accept the pleas today, and the sentencing will
7 be deferred until a later date.

8 SOLICITOR: Thank you, Judge.

9 THE COURT: Thank you all.

10 -----END OF REQUESTED TRANSCRIPT OF RECORD-----

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

1
2 I, HARRIET P. BENNETT, Court Reporter for South
3 Carolina Court Administration, hereby certify that the
4 foregoing Transcript was prepared to the best of my abil-
5 ity from the records of Daphne Helms, having been heard
6 in the Court of General Sessions for Richland County on
7 March 14, 2013.

8 Further, I would certify that I am not related to or
9 counsel of any party to the action, nor do I have any
10 interest in the same.

11 October 29, 2016

12
13 *Harriet P. Bennett*
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) COURT OF GENERAL SESSIONS
2012-GS-40-00350

STATE OF SOUTH CAROLINA,)
Plaintiff,)
vs.) TRANSCRIPT OF RECORD
JANOBLIN BRACY-BROWN,)
Defendant.)

June 4, 2014
Columbia, South Carolina

B E F O R E:

THE HONORABLE LETITIA HAMILTON VERDIN , JUDGE.

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

DOLLY JUSTICE GARFIELD, ASSISTANT SOLICITOR
Attorney for the Plaintiff

JENNIFER S. DAVIS, ASSISTANT PUBLIC DEFENDER
Attorney for the Defendant

DEBORAH M. McCURDY, RPR
Official Court Reporter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X O F W I T N E S S E S

(WHEREUPON, no witnesses were called during these proceedings.)

E X H I B I T S

(WHEREUPON, no exhibits were introduced during these proceedings.)

1 today: One count of armed robbery and three counts
2 of possession of firearm during the commission of a
3 violent offense.

4 Your Honor, back -- this plea was taken before
5 Judge Cooper on March 14th of last year. He was
6 represented at that time by Mr. James Cooper, of
7 the Public Defender's Office, who shortly
8 thereafter passed away.

9 Jennifer Davis, with the Public Defender's
10 Office, is now representing him for purposes of
11 sentencing.

12 His sentencing was deferred, Your Honor,
13 because Mr. Brown was in agreement with the State
14 to help in the prosecution of a Co-Defendant in one
15 of his offenses who had requested a trial,
16 Mr. Tyrek Givens. Mr. Givens' charges were
17 disposed of earlier this year.

18 We are here today for sentencing.

19 Would you like for me to give you background
20 facts at this time?

21 THE COURT: If you don't mind, yes, ma'am.

22 MS. GARFIELD: Judge, these facts arise out of
23 three separate incidents. And I'm actually going
24 to take them out of order to kind of explain to you
25 how law enforcement developed their investigation.

1 The first one involving -- he is pleading
2 guilty to an assault and battery in the first
3 degree, which is reduced from attempted murder.
4 And in this particular incident, he is having an
5 armed robbery and possession of a weapon during a
6 violent offense not-prosecuted.

7 The victim in this case is Mr. Matthew Taylor.
8 And I would just like to make sure. Is Matthew
9 Taylor in the courtroom?

10 (WHEREUPON, there was no response.)

11 MS. GARFIELD: Your Honor, that incident
12 occurred June 26th of 2011 at 36 -- actually, that
13 is not the right address -- at Carnegie
14 Street. Mr. Taylor was a driver of a Checker
15 Yellow taxi, and the Defendant, along with a
16 Co-Defendant, Tyrek Givens, made a phone call
17 asking him to come and pick them up.

18 They did arrive to that particular location.
19 When the Defendants approached them, did produce
20 weapons and did fire at them. He was not injured
21 in any way. They then stole some money from him
22 and then fled the scene.

23 That scene obviously -- that began an
24 investigation. And just a few days later, on
25 July 2nd, 2011, the same sort of scenario. A taxi

1 driver was called to Hammond Avenue. Well,
2 I'm sorry, called the Bay Shell area, picked up two
3 individuals, and then taken to Hammond Avenue.
4 The victim in that case was Robert Hampton.

5 The Defendant produced or asked him if he had
6 change for a \$50 bill. As Mr. Hampton looked for
7 some change, Mr. Brown changed his mind and said,
8 Nevermind, here is a 10-dollar bill, gave him the
9 10-dollar bill. At that time produced guns, him
10 and his Co-Defendant produced guns, in an effort to
11 rob him.

12 At that time it is alleged that Mr. Hampton
13 put his hand under the seat as if he were going to
14 somehow defend himself when the Defendant opened
15 fire on him and did strike him in his upper chest/
16 shoulder area.

17 At that time they did flee. However, the
18 Defendant left his cell phone in the car.

19 Law enforcement obviously arrived. They were
20 not able to identify -- interview the victim
21 initially because he was being treated by the
22 hospital, but they were able to get a search
23 warrant on his car where they found the cell phone.

24 The cell phone did come back registered to Mr.
25 Brown. And there were photographs of the Defendant

1 arming himself with guns on the phone.

2 With that they were able to identify from
3 those photographs, along with several members of
4 the Columbia Police Department who were familiar
5 with Mr. Brown were able to identify him as
6 Janoblin Bracy-Brown as someone that hung out in
7 the Bethel-Bishop and Colony communities in our
8 city. All this is in the City of Columbia. And,
9 Judge, you are not from here anymore. That is some
10 of our higher crime area.

11 They identified him as Janoblin Bracy-Brown.
12 At that time they go back and revisit another
13 incident.

14 Again, cab driver called on June 24th, 2011,
15 at High Circle. That victim's name was
16 Harrison Munywoki, for Madam Court Reporter.
17 Again, he was dispatched to a location and
18 immediately was struck. After he hears a large
19 laugh, he turns and sees a Co-Defendant shoot into
20 the air, and then immediately feels the back of his
21 head being hit by something that he believed to be
22 a handgun.

23 Approximately a hundred dollars was taken from
24 him, and people did flee.

25 Based on those cell phone pictures from the

1 post-robbery, he was shown a photographic line-up,
2 and he was able to identify the Defendant as the
3 person that did assault him.

4 Your Honor, the second robbery, or the one
5 involving Mr. Taylor, they then go back and they
6 are able to retrieve video footage from an
7 apartment complex where it determined the Defendant
8 lived.

9 They see the Defendant coming from his
10 apartment building, then they see a Tyrek Givens
11 coming from another apartment building. The two of
12 them leave. And then they are seen, the two
13 together, coming back. And that is where you see
14 the Checker Yellow come into play.

15 This video was shown to the Defendant's
16 mother. The Defendant's mother did identify him as
17 being the person in the video.

18 Also, Tyrek Givens' probation agent was shown
19 the video, and he identified Tyrek Givens as the
20 person in the video.

21 Tyrek Givens was then interviewed, and he did
22 implicate himself and the Defendant being involved
23 in the robbery. Of course, he pointed that Mr.
24 Brown was the more culpable person and the one that
25 actually that did the shooting.

1 When the Defendant himself was finally brought
2 in and interviewed, he initially denied for some
3 time having anything to do with this. He even
4 denied ever riding in a cab. He tried to place the
5 blame on other people, saying other people had
6 borrowed routinely his cell phone and that is how
7 it was used so many times. He never really gave an
8 implicating statement at that time.

9 Mr. Givens wanted a trial. He was willing to
10 cooperate. He did give law enforcement -- the
11 Defendant before you did give law enforcement a
12 statement. It was minimal statement. Can't say it
13 was the best against Mr. Givens, but he did give a
14 statement implicating Mr. Givens, and he would have
15 been cooperative and used in trial against
16 Mr. Givens.

17 Mr. Givens did, after that statement was
18 rendered, agree to plead guilty to the same charges
19 that Mr. Brown had already pled guilty to
20 previously in his deferred plea.

21 We have also had several people in the jail
22 that have come forward that have given statements,
23 their names will remain anonymous at this time, who
24 do report -- and they have this in discovery -- but
25 they do report that the Defendant admits to the

1 last shooting of the cab driver. Several
2 statements where the Defendant was trying to kill
3 the cab driver, and that kind of nature of the
4 statement.

5 His prior record, Judge, consists as an
6 adult -- a 2010 ABHAN conviction -- that would have
7 been three of the new ABHANS -- and a April of 2011
8 possession of controlled substance. He also has a
9 minimal juvenile record.

10 He has been in jail -- I'm sure Ms. Davis has
11 that right before her, I had it earlier -- over
12 1000 days. He has been in jail since July 7th,
13 2011.

14 And I believe that is all from the State,
15 Judge.

16 THE COURT: All right. And y'all are not
17 making any recommendation as to sentence?

18 MS. GARFIELD: Judge, the agreement at plea
19 was I would recommend a concurrent sentence.

20 THE COURT: Okay.

21 MS. GARFIELD: And there would be no other
22 negotiations.

23 THE COURT: All right. Yes, ma'am?

24 MS. DAVIS: Thank you, Your Honor. May it
25 please the Court?

1 And as Ms. Garfield stated, I became involved
2 in this case after Janoblin had already pled
3 guilty. My understanding was that the sentencing
4 was deferred so that he could cooperate. He did
5 follow through on that. He gave actually a 4-page
6 single-spaced statement.

7 He told us, from what I can review of the
8 discovery and his statement, everything that there
9 was to tell and corroborated everything that we
10 believe happened between him and Mr. Givens. I
11 don't believe there is anything else he could have
12 told them that he didn't in his statement.

13 He has been in jail, Your Honor, 1061 days.
14 That is almost three years day-for-day.

15 He was 18 at the time this happened. He was
16 fully prepared to go and testify against his
17 Co-Defendant had he gone to trial, but he ended up
18 pleading I think about three weeks ago.

19 Your Honor, Janoblin went through a Turning
20 Leaf program down at the jail. And I'm not sure if
21 Your Honor is familiar with that. It is something
22 that has been down at the jail for I think the last
23 year and a half or so. And he gave me all the
24 paperwork from that program. And I have been to
25 the graduation and watched the inmates get up and

1 talk about their poems and essays, and stuff like
2 that. But he also gave me the worksheet that he
3 did. And it is not something a defense attorney
4 gets to see a whole lot of, their work that they
5 have done.

6 But it was very effectual, Your Honor. I
7 think it speaks for his character.

8 He is 21 now. He was 18 when this happened.
9 He has done a lot of growing up. Unfortunately, he
10 has done it down at the Detention Center.

11 He spoke to me regularly about what that --
12 what he learned from that. Not only did he learn
13 once he got arrested, but learned what it is like
14 to see people coming in and out of the jail, what
15 happens at the jail. Being down there for three
16 years day-for-day, he, unfortunately, has seen a
17 lot.

18 Your Honor, one of the things I thought was
19 interesting in his paperwork that he did for that
20 program is it asked, if he was on probation or
21 parole what would you do and how could he repair
22 damages his actions had done in the community.

23 Now, granted, we understand he is not getting
24 probation today, and he's very aware of that. We
25 are asking Your Honor to consider the minimum

1 sentence concurrent.

2 But I did think that what he wrote was
3 interesting. He said: I will give my professional
4 painting and renovating skills to the community. I
5 will establish my credibility effective. They will
6 respect me and they can trust me again. While I
7 work, I can develop normalcy and be at peace. They
8 will not have to worry. I will experience and
9 accept all the wrongs that I have done. I have
10 learned important lessons at this point. And any
11 choice that will be made will be made with thoughts
12 of their actions. I am very sorry for the pain I
13 have caused everyone in my whole life. I have got
14 a lot of work to do, and I'm doing it with God
15 Almighty.

16 And that is something he wrote while at the
17 jail. It is not something I told him to say. It
18 is not something I had an influence on. I have
19 plenty of clients if they were asked that question
20 I don't know how they would respond, but I think
21 very few would have the foresight to say what he
22 said.

23 I think the fact that he said it in a program,
24 which he knew no one may ever see it, speaks to his
25 character and to what he can be once he is released

1 from the Department of Corrections.

2 I spoke with his mother and a girlfriend
3 repeatedly. They are in support of him. His
4 girlfriend could not get off work today. His
5 mother was actually going to be here and called me
6 this morning and had been admitted to the emergency
7 room for a stomach problem that she was having, and
8 so she could not be here either, but desperately
9 wanted to be and wanted to know what the outcome
10 was for Janoblin.

11 Your Honor, I'm asking you to consider the ten
12 years with 85 percent, as you know, come out on
13 community supervision. I think that is a
14 substantial amount of time for someone at 18 when
15 they get into trouble to have to go to the
16 Department of Corrections. I think that is enough
17 to rehabilitate him, enough to punish him, and to
18 meet any other goals that are supposed to be met in
19 the criminal system. And I would ask Your Honor to
20 consider that.

21 I know that he wants to address you at this
22 time.

23 THE COURT: Yes, sir?

24 THE DEFENDANT: Yes, ma'am, Your Honor. I'm
25 Janoblin Bracy-Brown. And I would like to mention

1 that I was 18 at the time and wasn't responsible
2 for my actions. And I would like to -- and I have
3 made plenty of mistakes and learned from them as
4 well as not to be a repeat offender. I have also
5 made bad decisions by hanging around the wrong
6 people that got me in a situation that I can't get
7 out.

8 Your Honor, while serving these 35 months, I
9 have learned lot of things that I have been allowed
10 to see, which was a wake-up call for me.

11 And also, while this is my first felony
12 charge, it also will be my last. But causing me
13 service time at Alvin S. Glenn Detention Center has
14 taught me a valuable lesson. I do not intend to
15 throw my life away to the system anymore.

16 Your Honor, by serving these months, I have
17 been praying and hoping for a second chance for
18 freedom to turn my life around and be the best I
19 can be and to be there to aid and assist my sick
20 mother as well.

21 And, Your Honor, I know I'm not perfect nor am
22 I special to any other. All I'm asking is for your
23 favoritism to hear me out while I speak from my
24 heart to let you know that I'm a changed man. I
25 want to do the right thing and be successful in

1 life.

2 And, Your Honor, one thing I -- another thing
3 I would like to say, I'm very sorry to the victim
4 for my behavior and my actions.

5 If they are here today, I will say, I'm very
6 sorry, and I wish I could take those things back.

7 And I want to say that I'm very sorry to you
8 as well for breaking the law here in the State of
9 South Carolina.

10 And I thank you for taking the time to hear me
11 out.

12 THE COURT: Thank you.

13 MS. DAVIS: And, Your Honor, actually he
14 failed to mention -- the probation agent was just
15 here. He has a probation violation as well, which
16 was a YOA not to exceed four years. He has done
17 three years day-for-day. And I would ask Your
18 Honor to terminate that.

19 And during the course of these events, I just
20 want to relay as well, he was not in his right
21 state of mind. He was using cocaine, marijuana,
22 alcohol, which is clear from his probation report
23 as well because he tested positive. In his right
24 state of mind, I don't think anything would have
25 happened, although he is very aware that that is

1 not an excuse, that is just what happened.

2 So I would ask Your Honor to consider the ten
3 years concurrent.

4 MS. GARFIELD: Your Honor, can I just put
5 something on the record as well?

6 THE COURT: Certainly.

7 MS. GARFIELD: Matthew Taylor, one of the
8 victims, he had told us he was going to be present,
9 and he has not appeared.

10 Also, the other two victims indicated they
11 were not going to be here because they didn't want
12 anything to do with the Defendant and did not want
13 to see him.

14 The investigator, lead investigator in this
15 case, is Sergeant Robert McCracken, with the
16 Columbia Police Department. He wanted to be here
17 today and was here for the plea, but he is wrapped
18 up in an incident that occurred in the Vista this
19 past weekend.

20 THE COURT: All right. The sentence of the
21 Court is 16 years, credit for the time that you
22 served, concurrent; and ten concurrent on all the
23 assault and batteries.

24 Good luck to you.

25 MS. GARFIELD: Thank you, Judge.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

(WHEREUPON, the proceedings were concluded.)

(END OF TRANSCRIPT)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

I, Deborah M. McCurdy, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Richland County, South Carolina, on the 4th day of June, 2014.

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

November 5, 2016

s/Deborah M. McCurdy, RPR

Deborah M. McCurdy, RPR
Fifth Circuit Court Reporter

WITNESSES

(S) INV. DOW - Columbia Police
Department

McCracken

ARREST WARRANT NUMBER

K689110

ACTION OF GRAND JURY

TRUE BILL

Margaret K. Davidson
Foreperson of Grand Jury
Date: JAN 19 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS40 00347

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

JANUARY TERM 2012

87

**THE STATE
vs.**

Janoblin M B Brown

**Indictment for
ASSAULT AND BATTERY 1ST DEGREE**

SC Code: 16-03-600(c)(1)
CDR Code: 3412

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.

WITNESSES

(S) INV. DOW - Columbia Police
Department

McCracken

ARREST WARRANT NUMBER

K689108

ACTION OF GRAND JURY

TRIE DII I

Margaret K. Dickerson
Foreperson of Grand Jury
Date: JAN 19 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS40 00350

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

JANUARY TERM 2012

87

**THE STATE
vs.**

Janoblin M B Brown

**Indictment for
ARMED ROBBERY**

SC Code: 16-11-0330(A)
CDR Code: 0139

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.

WITNESSES

(S) Robert Mccracken – Columbia Police
Department

ARREST WARRANT NUMBER

K689155

ACTION OF GRAND JURY

TRUE BILL

Margaret H. Dickman
Foreperson of Grand Jury
Date: JAN 19 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS40 00356

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

JANUARY TERM 2012

87

**THE STATE
vs.**

Janoblin M B Brown

**Indictment for
ATTEMPTED ARMED ROBBERY**

SC Code: 16-11-0330(B)
CDR Code: 0026

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.

WITNESSES

(S) Robert Mccracken - Columbia Police
Department

ARREST WARRANT NUMBER

K689154

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

JAN 19 2012

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012GS40 00 357

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

JANUARY TERM 2012

87

THE STATE

vs.

Janoblin M B Brown

**Indictment for
ATTEMPTED MURDER**

SC Code: 16-03-0029

CDR Code: 3410

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.

WITNESSES

(S) Robert Mccracken - Columbia Police
Department

ARREST WARRANT NUMBER

K689291

ACTION OF GRAND JURY

TRUE BILL

Margaret A. Dickerson
Foreperson of Grand Jury
Date: JAN 19 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS40 00358

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

JANUARY TERM 2012

87

THE STATE
vs.

Janoblin M B Brown

Indictment for
ATTEMPTED MURDER

SC Code: 16-03-0029
CDR Code: 3410

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

Defendant

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

AB 1st

Janoblin M B Brown
Defendant

Witness: *[Signature]*
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL SESSIONS
Warrant Numbers: K689154, K689155,
K689110, K689108, K689291
Indictment Numbers: 2012-GS-40-00357,
2012-GS-40-00356, 2012-GS-40-00347
2012-GS-40-00350, 2012-GS-40-00358

RECEIVED

JUL 20 2016

SC Court of Appeals

The State of South Carolina,)
)
 vs.)
)
 Janoblin Bracy-Brown,)
)
 Defendant.)

MOTION TO RECONSIDER SENTENCE

2014 JUN 11 PM 3:23
JEANNETTE W. MCBRIDE
C.C.P. & G.S.
RICHLAND COUNTY
FILED

TO: The Honorable Letitia H. Verdin, Presiding Circuit Court Judge
The Honorable Robert E. Hood, Chief Judge for Administrative Purposes
cc: Dolly Garfield, Assistant Solicitor

This matter comes before me on motion of Deputy Public Defender Jennifer Davis, Attorney for the Defendant, requesting this Court to reconsider the sentence imposed against the Defendant on the above referenced indictments.

It appears that the Defendant pled guilty before this Court in March 2013 when James Cooper represented him. His sentence was deferred at that time. He was sentenced on June 4, 2014. He received sixteen years on his Armed Robbery charge, sixteen years on his attempted Armed Robbery charge, and ten years on the three counts of Assault and Battery First Degree all concurrent.

2014 JUL 11 AM 10:11
JEANNETTE W. MCBRIDE
C.C.P. & G.S.
RICHLAND COUNTY
FILED

The Defendant respectfully requests this Court to reconsider the sentence imposed in the above-referenced case because Defendant believes the solicitor's position regarding sentencing was represented differently on the record than had been expressed to Defendant.

Respectfully submitted,



Jennifer Davis
Deputy Public Defender
Attorney for the Defendant

Columbia, South Carolina

This 11 day of June, 2014

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Jeannette W McBride
C.C.P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL SESSIONS

Warrant Numbers: K689154, K689159,
K689110, K689108, K689291

Indictment Numbers: 2012-GS-40-00357

2012-GS-40-00356, 2012-GS-40-00347

2012-GS-40-00350, 2012-GS-40-00358

RECEIVED

JUL 20 2016

Court of Appeals

JEANNETTE W. MCBRIDE
C.C.P. & G.S.

RICHLAND COUNTY
FILED

The State of South Carolina,)

vs.)

Janoblin Bracy-Brown,)
Defendant.)

CERTIFICATE OF SERVICE

I certify that on this date I served the Motion to Reconsider Sentence in this case on The State of South Carolina by delivering a copy of this motion to the State's attorney of record, Assistant Solicitor Dolly Garfield, by delivering said copy to The Office of the Solicitor, Fifth Judicial Circuit, Richland County Judicial Center, 1701 Main Street, Columbia, South Carolina 29201, and leaving it with a clerk or other person of authority at said office.

Deborah Zaidman

Deborah Zaidman
Paralegal

Richland County Public Defender's Office
P.O. Box 192
Columbia, South Carolina 29202
(803) 765-2592

RICHLAND COUNTY
FILED
2014 JUL 11 AM 10:11
JEANNETTE W. MCBRIDE
C.C.P. & G.S.

Columbia, South Carolina

This 11th day of June, 2014

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Jeannette W. McBride
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

12/3/57

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 The State of South Carolina,)
)
 v.)
)
)
)
 Janoblin Bracy-Brown,)
)
)
)
 Defendant)

IN THE COURT OF GENERAL SESSIONS
FIFTH JUDICIAL CIRCUIT

Warrant No.: K689154, K689155, K689110,
K689108, K689299
Indictment No.: 2012-GS-40-00347, -0350, -0350,
-0357, and -0358

RECEIVED

JUL 20 2016

SC Court of Appeals
ORDER DENYING MOTION TO RECONSIDER

This matter comes before the Court on the Defendant's timely Motion to Reconsider. In March 2013, the Defendant pled guilty to armed robbery, attempted armed robbery, and assault and battery in the first degree, but his sentence was deferred pending his cooperation at the trial of his co-defendant. The co-defendant pled guilty and no trial was held. On June 4, 2013, the Court sentenced the Defendant to serve 16 years in the South Carolina Department of Corrections. The Defendant argues the state presented a different position as to sentencing on the record than that which the state presented to the Defendant during plea negotiations. Specifically, the Defendant argues the state said prior to sentencing it would make no recommendation and would inform the Court about the extent of the Defendant's cooperation with law enforcement. The Court was informed of and considered the Defendant's cooperation with law enforcement at the time of sentencing. Finding no reason to reconsider or alter the sentence as imposed, the Court hereby denies Defendant's Motion to Reconsider.

RICHLAND COUNTY
 FILED
 2014 JUL 11 AM 11:14
 JEANETTE W. McBRIDE
 S.C.P. & G.S.

IT IS SO ORDERED.

July 8, 2014

Letitia H. Verdin
Circuit Court Judge


CERTIFIED TRUE COPY
 OF ORIGINAL FILED
 Jeanette W. McBride
 C.C.C.P.&G.S.
 RICHLAND COUNTY
 SOUTH CAROLINA

SR

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,



Taylor D Gilliam
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 May, 2017.

RECEIVED
MAY 08 2017
SC Court of Appeals