

THE Supreme Court OF South Carolina
APPEAL FROM Anderson County Court
Circuit Court Judge (R. SCOTT SPROUSE)

TABITHA ROBERTS (SCDC 372662)
VS

2017-GS-04-00051 RECEIVED
2017-GS-04-00449 SEP 21 2017
2017-GS-04-00450 S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA AFFIDAVIT OF SERVICE

THE (APPELLANT) HEREBY MOVES UPON THE ABOVE COURT ON SAID MOTION FOR A BELATED APPEAL FROM THE SENTENCE IMPOSED BY THE HONORABLE JUDGE R. SCOTT SPROUSE SENTENCED ON MAY 16TH 2017. A MOTION FOR RECONSIDERATION WAS FILED ON MAY 26TH 2017. MOTION DENIED ON JUNE 5TH 2017. NOTICE SENT BY ATTY SARAH G. DRAWDY DATE JUNE 9TH 2017 RECEIVED BY S.C.D.C KIRKLAND ON JUNE 14TH 2017 ALL PARTIES SERVED ON SEPTEMBER 2017.

ATTY. GEN. PO BOX 11549 COLA, S.C.
S.C. SUPREME COURT, COLA, S.C.

SWORN AND SUBSCRIBE BEFORE ME ON 19TH
THIS DAY OF September 2017 Notary
Public For THE STATE OF SC
My Commission Expires ON
July 22ND, 2026
Crystal Jones

X Tabitha Roberts
September 19 2017
Tabitha Roberts



EXHIBIT A-1

RECEIVED

SEP 21 2017

S.C. SUPREME COURT

THE SUPREME COURT OF SOUTH Carolina

APPEAL FROM Anderson County

Circuit Court Judge (R. Scott Sprouse)

TABITHA ROBERTS

VS

THE STATE OF SOUTH Carolina

2017-GS-04-00051

2017-GS-04-00449

2017-GS-04-00450

AFFIDAVIT OF SERVICE

CERTIFICATE OF SERVICE

THE (APPELLANT) HEREBY MOVES UPON THE ABOVE COURT ON SAID MOTION FOR A BELATED APPEAL FROM THE SENTENCED IMPOSED BY THE HONORABLE JUDGE R. SCOTT SPROUSE SENTENCE ON MAY 16TH 2017 A MOTION FOR RECONSIDERATION WAS FILED ON MAY 26TH 2017 MOTION DENIED ON JUNE 5TH 2017. NOTICE SENT BY ATTY SARAH G. DRAWDY DATE JUNE 9TH 2017 RECEIVED BY SCDC KIRKLAND ON JUNE 14TH 2017. ALL PARTIES SERVED ON SEPT. 2017

ATTY. GEN. P.O. BOX 11549 COLA, S.C
S.C SUPREME COURT, COLA S.C

Tabitha Roberts

SEPTEMBER 19 2017

SWORN TO AND SUBSCRIBE BEFORE ME ON THIS DAY OF September 2017, 19TH NOTARY PUBLIC FOR THE STATE OF S.C My Commission Expires on July 22nd, 2026

Tabitha Roberts

Cryshel Jones

EXHIBIT A-2

RECEIVED

THE SUPREME COURT OF SOUTH CAROLINA

TABITHA ROBERTS

V S

THE STATE OF SOUTH CAROLINA

SEP 21 2017

2017-GS-04-00051-449-450

S.C. SUPREME COURT

NOTICE OF INTENT TO APPEAL

S.C.A.C.R. RULE 203

THE STATE OF SOUTH CAROLINA AFFIDAVIT OF SERVICE THE (APPELLANT)
 FILES THIS NOTICE AND MOTION FOR A RELATED APPEAL OF THE
 GUILTY PLEA CONVICTION APPEAL FROM ANDERSON COUNTY GENERAL
 SESSION COURT. THE HONORABLE JUDGE R. SCOTT SPROUSE SENTENCE
 IMPOSED ON MAY 18TH 2017, 2 COUNTS OF 25 YEARS VOLUNTARY
 MAN SLAUGHTER (1) ONE COUNT OF ATTEMPT ARMED ROBBERY
 20 YEARS, SENTENCES ARE CONCURRENT
 ATTY. SARAH G. DRAWDY LLC

X Tabitha Roberts

September 19 2017

Tabitha Roberts

SWORN TO AND SUBSCRIBE BEFORE
 ME ON THIS (19TH) DAY OF SEPTEMBER
 2017. MY COMMISSION NOTARY PUBLIC
 FOR THE STATE OF S.C.

MY COMMISSION EXPIRES July 22nd, 2026

Coysh Jans



EXHIBIT A-3

THE SUPREME COURT OF SOUTH CAROLINA

TABETHA ROBERTS

VS

THE STATE OF SOUTH CAROLINA

2017-GS-04-00051-449-450

APPELLANT'S BRIEF

TABLE OF AUTHORITIES

(1) 5TH AMENDMENT U.S.C.A

(2) 6TH AMENDMENT U.S.C.A

(3) 8TH AMENDMENT U.S.C.A

(4) 14TH AMENDMENT U.S.C.A

WILSON-V-STATE, 348 S.C. 215. 559 SE 2D 581 (2002)

CHERRY-V-STATE, 300 S.C. 115, 119, 386 SE 2D 624, 626 (1989)

WEATHERS-V-STATE, 319 S.C. 59. 459 SE 2D 838 (1995)

TABLE OF CONTENTS

NOTICE OF INTENT TO APPEAL

1. COPY OF MOTION FOR RECONSIDERATION

2. LETTERS FROM ATTY SARAH G. DRANDY

1. AFFIDAVIT OF SERVICE, SERVICED ON ATTY GER

1. AFFIDAVIT OF SERVICE, SERVED ON S.C SUPREME COURT

1. AFFIDAVIT OF SERVICE, SERVED ON ANDERSON CLERK OF COURT

EXHIBIT B-1

THE SUPREME COURT OF SOUTH CAROLINA

IN ~~FILE~~

2017-G.S.-04-00051-449-450

TABITHA ROBERTS

NOTICE OF INTENT TO APPEAL

VS

S.C.A.C.R. RULE 203

THE STATE OF SOUTH CAROLINA

AFFIDAVIT OF SERVICE

THE (APPELLANT) FILES THIS NOTICE OF INTENT TO APPEAL THE GUILTY PLEA SENTENCE. Sentencing JUDGE THE HONORABLE R. SCOTT SPROUSE THE (APPELLANT) WAS SENTENCED TO 2 (TWO) COUNTS OF VOLUNTARY MANSLAUGHTER 25 YEARS CONCURRENTLY AND 20 YEARS FOR AN ATTEMPTED ARMED ROBBERY. (APPELLANT) FILED A MOTION FOR RECONSIDERATION. THE MOTION WAS DENIED ON JUNE 5TH 2017

CC ATTY GEN. ALLEN WELSON
S.C. CLERK OF COURT

x Tabitha Roberts

SEPTEMBER 19 2017

TABITHA ROBERTS

SWORN TO AND SUBSCRIBE BEFORE
ME ON THIS 19TH DAY OF SEPTEMBER
2017 NOTARY PUBLIC FOR THE
STATE OF S.C. MY

COMMISSION EXPIRES July 22nd, 2026

Crystal Jones

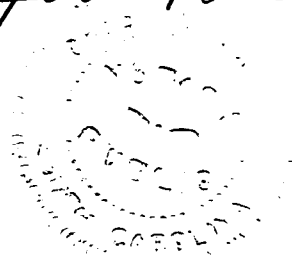


EXHIBIT C-1

THE SUPREME COURT OF SOUTH CAROLINA

TABITHA ROBERTS

VS

THE STATE OF SOUTH CAROLINA

2017-GS-04-00051-449-450

APPELLANTS BREEF

S.C.A.C.R RULE 227 G(1)

THE (APPELLANT) RAISE THE ISSUE ON THE MERITS OF THE RELATED APPEAL PURSUANT TO S.C.A.C.R RULE 227 G(1)
ISSUE RAISE FOR REVIEW

THE (APPELLANT) DID NOT WAIVE THE RIGHT TO APPEAL HER GUILTY PLEA
CITING CASE LAWS

WILSON-V-STATE 348 S.C 215, 559, SE 2D 581 (2002) THE SUPREME COURT OF SOUTH CAROLINA RULED IN FAVOR OF WILSON-V-STATE SAYING AN (APPLICANT) WHO MEETS THE BURDEN OF SHOWING THAT THE (APPLICANT) DID NOT KNOWINGLY AND VOLUNTARILY WAIVE HER RIGHTS TO DIRECT APPEAL OF HER TRIAL. CONVICTION IS ENTITLED TO A RELATED APPEAL
QUOTING DAVIS-V-STATE 288, SC. 290, 342, SE 2D 60 (1986) QUOTING CHERRY-V-STATE 300 S.C 115, 119, 386 SE 2D 624 (1989) CITING WEATHERS-V-STATE 319, SC 59, 459 SE 2D 838 (1995)

FINAL ARGUMENT:

THE (APPELLANT) REQUESTED AN APPEAL AND TRIAL COUNSEL MS. SARAH G. DRAWDY, CHOSE NOT TO FILE AN APPEAL, DENIED THE (APPELLANTS) RIGHTS TO EQUAL PROTECTION OF THE LAW GUARANTEED TO HER BY THE U.S CONSTITUTIONAL AMENDMENT 14 U.S.C.A

EXHIBIT-D

THE SUPREME COURT OF SOUTH CAROLINA

TABITHA ROBERTS

VS

THE STATE OF SOUTH CAROLINA

2017-GS-04-00051-449-450

APPELLANT'S BRIEF UNDER

S.C.A.C.R. RULE 227 G

AFFIDAVIT OF SERVICE

PLEA CONVICTION, IF THE (DEFENDANT) DOES ASK FOR AN APPEAL AND COUNSEL FAILS TO FILE IT THE (DEFENDANT) WOULD BE (ENTITLED) TO A BELATED APPEAL OF THE GUILTY PLEA CITING WEATHERS-V-STATE 319 S.C. 59 459 SE 2D 838 (1995) THE SUPREME COURT RULED IN WEATHERS-V-STATE: A (DEFENDANT) INQUIRING ABOUT AN APPEAL IS AN (EXTRAORDINARY CIRCUMSTANCE) THAT REQUIRES "COUNSEL" TO ADVISE (HER) CLIENT OF THE RIGHT TO APPEAL THE ISSUE OF THE EFFECTIVE ASSISTANCE OF COUNSEL WHO VIOLATED THE ATTY. CLIENT PRIVILEGE DOCTRINE GROSSLY DEPRIVED THE APPELLANT OF HER RIGHTS TO A FAIR TRIAL AND APPEAL.

x Tabitha Roberts

SEPTEMBER 19 2017

Tabitha Roberts

SWORN TO AND SUBSCRIBE
ME ON THIS 19th DAY OF

September 2017 NOTARY PUBLIC
FOR THE STATE OF S.C.

My Commission Expires July 22nd, 2026

Cristal Jans

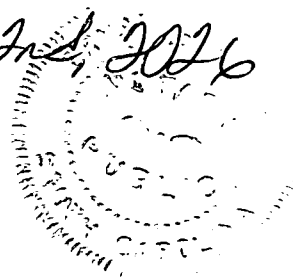


EXHIBIT D-II

THE SUPREME COURT OF SOUTH CAROLINA

TABITHA ROBERTS

2017-GS-04-00051-449-450

VS

THE STATE OF SOUTH CAROLINA

NOTICE OF INTENT TO APPEAL

S.C.A.C.R. RULE 203

APPELLANTS Brief S.C.A.C.R. Rule 227G(1)

THE (APPELLANT) SUBMITS THIS Brief ON THE MERITS OF A BELATED APPEAL.

THE (APPELLANT) SUBMITS THESE FACTS AS FACT FINDING EVIDENCE

OF PROCEDURAL ERRORS OF LAW THAT WERE VIOLATED BY TRIAL ERRORS.

GROUND ONE:

A (DEFENDANT) HAS A CONSTITUTIONAL RIGHTS TO APPEAL HER GUILTY PLEA. THE SUPREME COURT HELD IN WILSON-V-STATE 348 S.C. 215, 559 SE 2D 581 (2002).

AN (APPLICANT) WHO MEETS THE BURDEN OF SHOWING THAT THE (APPLICANT) DID NOT KNOWINGLY AND VOLUNTARILY WAIVE (HER) RIGHT TO A DIRECT APPEAL OF (HER) TRIAL CONVICTION IS (ENTITLED) TO A BELATED APPEAL.

AN (APPLICANT) IS (ENTITLED) TO SEEK APPELLATE REVIEW OF HIS GUILTY PLEA. QUOTING CHERRY-V-STATE 300 S.C. 115, 119, 386 SE 2D 624, 626 (1989).

THE SUPREME COURT RULED IN CHERRY-V-STATE ALTHOUGH ABSENT (EXTRAORDINARY) CIRCUMSTANCES, COUNSEL IS NOT UNDER THE DUTY TO ABUSE THEIR CLIENT OF THE RIGHT TO APPEAL FROM

A GUILTY PLEA.

EXHIBIT E-1

THE SUPREME COURT OF SOUTH CAROLINA

TABITHA ROBERTS

2017-GS-04-00051-449-450

VS

APPELLANT BRIEF UNDER

STATE OF SOUTH CAROLINA

S.C.A.C.R. RULE 227 (G) (1)

AFFIDAVIT OF SERVICE

I CERTIFY UNDER PENALTY OF PERJURY THAT I HAVE SERVED THE ATTY, GEN, ALLEN WILSON A NOTICE AND PHOTO COPY OF THIS MOTION FOR A RELATED APPEAL OF THE GUILTY PLEA IN LIEU OF DENIAL OF MOTION FOR A RECONSIDERATION WHICH WAS DENIED ON JUNE 5TH 2017.

ALLEN WILSON ATTY GEN
P.O. BOX 11549
COLUMBIA SC 29211

x Tabitha Roberts

SEPTEMBER 19 2017

Tabitha Roberts

S.C SUPREME COURT P.O. BOX 11330 COLA S.C 29211

SWORN TO AND SUBSCRIBE BEFORE ME ON THE 19TH DAY OF SEPTEMBER 2017 NOTARY PUBLIC FOR THE STATE OF S.C MY COMMISSION EXPIRES July 22nd, 2026
Crystal Jones



Byrholdt Drawdy

ATTORNEYS AT LAW, LLC

2315 N. Main Street, Ste. 117
Anderson, SC 29621

P. 864.261.3977
F. 864.261.3975

www.ByrholdtDrawdy.com
Sarah@ByrholdtDrawdy.com
Bruce@ByrholdtDrawdy.com

June 9, 2017

Inmate No.: 00372662
Tabitha Roberts
SCDC
4344 Broad River Road
Columbia, SC 29201

Re: State v. Tabitha Roberts
Case No.:

Dear Ms. Roberts:

I filed a Motion for Reconsideration of your sentence. The Judge just denied the motion. I have enclosed both items for you. You have 10 days from today to appeal the denial of this motion. As this was a plea I see no grounds for an appeal of the guilty plea. However, you may appeal the denial of the motion to reconsider. It is highly unlikely that an appeal of the sentence will be successful.

With kind regards,


Sarah Ganss Drawdy

SGD
Enclosures

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)
)
State of South Carolina)
)
)
vs.)
)
Tabitha Roberts,)
)
)
Defendant.)
_____)

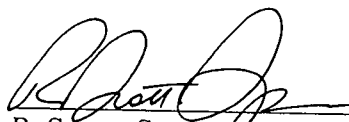
IN THE COURT OF GENERAL SESSIONS

2016A0110100072, 75, 83, 92

ORDER DENYING DEFENDANT'S MOTION
FOR RECONSIDERATION

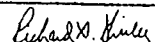
The Defendant's Motion to Reconsider her sentenced issued on May 16, 2017, is DENIED. After careful consideration and review of the record, the Court is unable to discover any material fact or principle of law that either has been overlooked or disregarded and further finds no error of law or fact not appropriately considered.

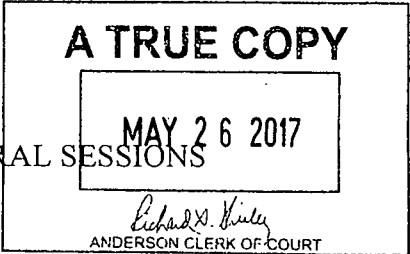
AND, IT IS SO ORDERED.


R. SCOTT SPROUSE
Judge, Tenth Judicial Circuit

Walhalla, South Carolina
6-5, 2017

FILED-CLERK'S OFFICE
ANDERSON SC
2017 JUN - 7 AM 11: 47
COMMON PLEAS AND
GENERAL SESSIONS

A TRUE COPY
JUN - 8 2017

ANDERSON CLERK OF COURT



STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)
)
STATE OF SOUTH CAROLINA,)
)
PLAINTIFF,)
)
-VS-)
)
TABITHA ROBERTS,)
)
DEFENDANT.)
_____)

IN THE COURT OF GENERAL SESSIONS

MOTION TO RECONSIDER SENTENCE
2016A0110100072, 75, 83, 92

TO: THE HONORABLE R. SCOTT SPROUSE, AND LUCAS MARCHANT,
ATTORNEY FOR THE STATE.

YOU WILL PLEASE TAKE NOTICE that the Defendant, through her undersigned attorney, moves before the Honorable R. Scott Sprouse, Circuit Court Judge, at such time, date and place as hereafter be scheduled, for the Court to review, revise, and/or reconsider the sentencing issued on May 16, 2017 based upon the following reasons:

1. Defendant Randall Simpson, the actual shooter, pled guilty to Murder, Voluntary Manslaughter, Attempted Armed Robbery, and Possession of a Weapon during a Violent Crime.
2. Defendant Randall Simpson received a 30 year sentence for murder, a 20 year sentence for voluntary manslaughter, a 15 year sentence for attempted armed robbery, and a 5 year sentence for possession of a weapon during the commission of a violent offense.¹
3. Defendant Tabitha Roberts, who cooperated with the State, pled guilty to two counts of Voluntary Manslaughter and one count of Attempted Armed Robbery.

¹ The 30 year sentence and the 15 year sentence and 5 year sentence were ordered consecutive. The 20 year sentence was ordered concurrent for a total 50 year sentence.

A TRUE COPY

MAY 26 2017

Richard S. Hiley
CLERK OF COURT

4. Defendant Tabitha Roberts received a 25 year sentence each for 2 counts of voluntary manslaughter and a 20 year sentence for attempted armed robbery to be served concurrently.
5. Defendant Tabitha Roberts was given a *greater* sentence for voluntary manslaughter than was Defendant Randall Simpson, who failed to cooperate with authorities.
6. Defendant Tabitha Roberts was given a *greater* sentence for attempted armed robbery than was Defendant Randall Simpson, who failed to cooperate with authorities.
7. It must be noted that on the voluntary manslaughter counts, one count is for the death of Justin Ray Williams who was also the victim of the attempted armed robbery. Mr. Williams had drugs to sell to Defendant Tabitha Roberts. The second voluntary manslaughter charge against Defendant Tabitha Roberts is for the death of what would have been her co-defendant Casey Waddell had he not been killed by Justin Ray Williams. There is no dispute that Casey Waddell participated in the attempted armed robbery of his own accord and was indeed the mastermind. In a sense, he brought about and was responsible for his own death. It seems unfair that the sentence the death of Casey Waddell would be the same as the sentence for the death of Justin Ray Williams.
8. Defendant Tabitha Roberts would request that the Court alter or amend her sentence on the voluntary manslaughter charge as it relates to Casey Waddell to 2 years, as Casey Waddell was responsible for his own choice to participate

A TRUE COPY

MAY 26 2017

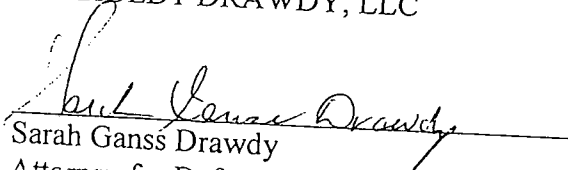
Richard W. Kiley
ANDERSON CLERK OF COURT

willingly and voluntarily in the attempted armed robbery of Justin Ray Williams and had Case Waddell not been killed, he would have been a co-defendant.

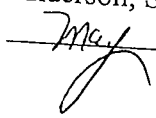
9. Defendant Tabitha Roberts would request that the Court alter or amend her sentence of 25 years on the voluntary manslaughter charge as it relates to Justin Ray Williams to a term less than that received by the actual shooter, Defendant Randall Simpson, who did not cooperate with the State.
10. Defendant Tabitha Roberts would request that the Court alter or amend her sentence of 20 years on the attempted armed robbery charge to a term less than that received by the actual shooter, Defendant Randall Simpson, who did not cooperate with the State.

I SO MOVE.

BYRHOLDT DRAWDY, LLC


Sarah Ganss Drawdy
Attorney for Defendant Tabitha Roberts
2315 N. Main St., Ste. 117
Anderson, SC 29621
(864)261-3977

Anderson, South Carolina

 May 26, 2017

Byrholdt Drawdy

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www.ByrholdtDrawdy.com
Sarah@ByrholdtDrawdy.com
Bruce@ByrholdtDrawdy.com

July 2, 2017

Inmate No.: 372662
Tabitha Roberts
C.G.G.C.I.
4450 Broad River Road
Columbia, SC 29210

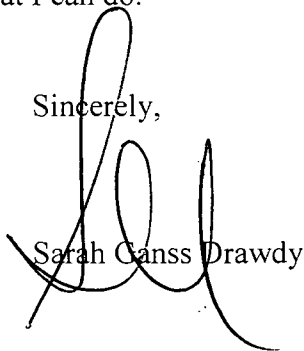
Re: State v. Tabitha Roberts
Case No.:

Dear Tabitha:

As I told you in my earlier letter I do not believe you have grounds for an appeal. You do have the right to file for Post Conviction Relief (PCR). However, since this was a plea to a very serious offense it will be a long shot as a gun charge was dismissed and a murder charge was reduced to manslaughter.

If you file a PCR, it must be filed and served within one year of your plea. I am sorry, but there is nothing else at this stage that I can do.

Sincerely,



Sarah Ganss Drawdy

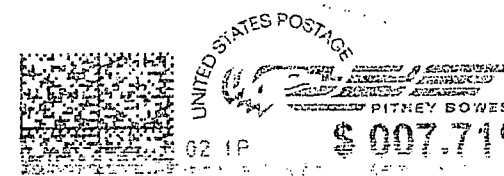
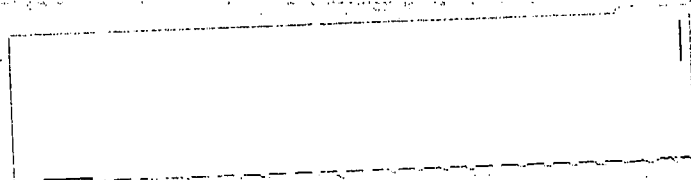
SGD

Tabitha Suzanne Roberts #372662

C.G.C. I SRF-24

4450 Broadriver Rd

Columbia SC 29210



Supreme Court Building of S.C.

P.O. Box 11330

Columbia SC 29211