

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Beaufort County  
Thomas W. Cooper, Circuit Court Judge

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 ORIGINAL

**RECEIVED**  
JAN 12 2018  
SC Court of Appeals

STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

TYRONE LORENZO ROBINSON,

APPELLANT

Appellate Case No. 2017-002233

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RETURN TO MOTION FOR APPOINTMENT  
OF COUNSEL

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Undersigned counsel, making the Return requested by this Court, for the reasons listed below, states that the Appellate Division will represent Appellant Robinson, so long as the notice of intent to appeal was timely served, since he was represented by appointed counsel James Falk, who filed and served the amended notice of intent to appeal. In addition, appellant is serving a life sentence. This decision is based on the following facts.

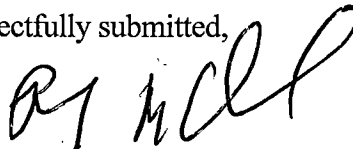
- 1) Appellant was found guilty of murder, and sentenced to life imprisonment on September 19,

2014 by the Honorable Thomas W. Cooper, Jr. He filed a motion to reconsider his life sentence. See Exhibit A. Appellant apparently prematurely filed a notice of intent to appeal while his motion to reconsider was still pending. That appeal was dismissed without prejudice.

2) On October 12, 2017, Judge Cooper issued an order denying the motion to reconsider the life sentence imposed. See Attached Exhibit B. On October 20, 2017, appellant filed and timely served a notice of intent to appeal the denial of the motion to reconsider. See Exhibit C. On December 1, 2017, Attorney James Falk who apparently was appointed to represent appellant in another action, filed an amended notice of intent to appeal the denial of Judge Cooper's motion to reconsider which attorney Falk received notice of on November 30, 2017. See Exhibit D. It is unclear why this amended notice of intent to appeal was filed as a courtesy.

WHEREFORE, if the Court finds that the Notice of Intent to Appeal was timely served from the order denying the motion to reconsider, this office will represent Appellant Robinson on appeal.

Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender

January 12, 2018

# Exhibit A

STATE OF SOUTH CAROLINA )  
COUNTY OF BEAUFORT )

IN THE COURT OF GENERAL SESSIONS )  
FOURTEENTH JUDICIAL CIRCUIT )

Indictment No.: 2012-GS-07-1935 )

The State of South Carolina, )

v. )

Tyrone Robinson, )

Defendant. )

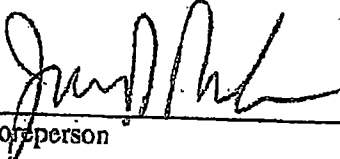
**VERDICT FORM**

Please answer each question below.

As to Indictment Number 2012-GS-07-1935 the charge of Murder we, the jury,  
unanimously find the Defendant, Tyrone Robinson (Check One)

Guilty of Murder  
 Not Guilty.


I certify that this is the unanimous decision of the jury.

  
Foreperson

September 19, 2014  
Beaufort, South Carolina

*When you have completed your deliberations, please notify the bailiff.*

Certified - A True Copy

  
Jerri Ann Rosebeau - Clerk of Court  
Beaufort County, SC - Karen Boone

STATE OF SOUTH CAROLINA

COUNTY OF Beaufort  
STATE VS.

AKA: Tyrone Robinson

Race: AFRICAN AM. Sex: M Age: 39

DOB: 1975 SS#: [REDACTED]

Address:

City, State, Zip:

DL#: SID#:

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was TO: Murder / Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0701935

A/W#: 2012A0720300114

Date of Offense: 9/1/2012

S.C. Code § : 16-03-0010; 16-03-0020

CDR Code #: 0116

SENTENCE SHEET

CONVICTED OF or  PLEADS

in violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116  
 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.

ATTORNEY: [Signature] SC Bar# [REDACTED] Defendant Attorney for Defendant SC Bar# [REDACTED]

WHEREFOR: the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of life days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ imprisonment; 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.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_

Set by SC PPS \_\_\_\_\_

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

*Fine:		\$
§ 14-1-206 (Assessments 107.5%)		\$
§ 14-1-211(A)(1) Conv. Surcharge	\$100	\$ 100.00
§ 14-1-211(A)(2) (UI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$5(in)	\$
§ 14-1-212 (Law Enforcement Funding)	\$25	\$ 75.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 6.00
3% to County (if paid in installments)		\$ 8.90
TOTAL		\$ 185.90

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

Obtain GED

Attend Voc. Rehab. or Job Corp

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmis. of \$ \_\_\_\_\_ beginning \_\_\_\_\_

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

Other: \_\_\_\_\_

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

Clerk of Court/Deputy Clerk

Court Reporter: Annice Kelly

SCCA/217 (03/2011)

Amiel B. Winston

Presiding Judge

Judge Code: 052

Sentence Date: 9/19/18

[Signature]

Certified - A True Copy  
Jerrard Rouseau - Clerk of Court  
Beaufort County, SC - Karen Boege

# Exhibit B

STATE OF SOUTH CAROLINA )  
COUNTY OF BEAUFORT )  
STATE OF SOUTH CAROLINA, )  
v. )  
TYRONE LORENZO ROBINSON, )  
Defendant. )

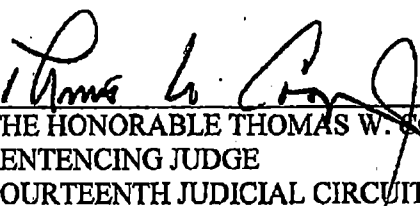
IN THE COURT OF GENERAL SESSIONS  
FOURTEENTH JUDICIAL CIRCUIT

CASE NO. 2012-GS-07-1935

**ORDER DENYING DEFENDANT'S MOTION  
TO RECONSIDER SENTENCE**

THIS MATTER came before the Court on written motion of Defendant, Tyrone Lorenzo Robinson, filed with the Beaufort County Clerk of Court on July 10, 2015. Defendant petitions the Court to reconsider his life sentence. After considering the motion, Defendant's motion is respectfully DENIED.

AND IT IS SO ORDERED.

  
THE HONORABLE THOMAS W. COOPER JR.  
SENTENCING JUDGE  
FOURTEENTH JUDICIAL CIRCUIT

October 12, 2017  
Beaufort, South Carolina

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SC Court of Appeals

2017 NOV -2 PM 1:01  
JERRI ANN ROSENEAU  
BEAUFORT COUNTY, S.C.  
CLERK OF COURT

# Exhibit C

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY  
COURT OF GENERAL SESSION  
THOMAS COOPER, CIRCUIT COURT JUDGE

CASE NO: 2012-GS-07-01935

STATE OF SOUTH CAROLINA  
RESPONDENT

VS.

TYRONE LORENZA ROBINSON SC Court of Appeals

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OCT 26 2017

NOTICE OF APPEAL

TYRONE LORENZA ROBINSON APPEALS HIS  
CONVICTION AND PRISON SENTENCE IN THIS  
CASE. THE SENTENCE WAS IMPOSED BY JUDGE  
THOMAS COOPER ON SEPTEMBER, 19TH 2017.  
THE APPEAL IS TAKEN FROM THE ORDER OF  
JUDGE THOMAS COOPER DATED ON OR ABOUT  
OCTOBER 13TH, 2017 WHICH DENIED APPELLANT'S  
MOTION TO RECONSIDER. APPELLANT WAS  
GIVEN NOTICE OF THIS ORDER ON OCTOBER  
13TH, 2017

Dated: October 20th, 2017  
Signature: Tyrone J. Robinson

# PROOF OF SERVICE

I TYRONE LORENZA ROBINSON CERTIFY  
THAT I SERVED A COPY OF NOTICE OF  
APPEAL, ON THE BEAUFORT COUNTY CLERK  
OF COURT OFFICE, ALSO ON RESPONDENTS  
THE ATTORNEY GENERAL OFFICE FOR  
THE STATE OF SOUTH CAROLINA, THRU USE  
OF THE U.S. POSTAL SERVICE, ADDRESSED  
AS FOLLOWS.

ATTORNEY GENERAL OFFICE  
ALAN WILSON  
P.O. BOX 11549  
COLUMBIA, S.C. 29211

---

AND

JERRI ANN ROSENEAU  
CLERK OF COURT  
P.O. DRAWER 1128  
BEAUFORT, SOUTH CAROLINA, 29901

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OCT 26 2017  
SC Court of Appeals

DATE: OCTOBER, 21ST, 2017  
SIGNATURE: Tyrone L Robinson  
PRINT: TYRONE LORENZA ROBINSON

# Exhibit D

AMENDED NOTICE OF APPEAL FROM A SENTENCE IMPOSED BY THE COURT  
OF GENERAL SESSIONS

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM BEAUFORT COUNTY  
Court of General Sessions

---

Thomas W. Cooper, Circuit Court Judge

---

Case No. 2012-GS-07-1935


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State of South Carolina,	vs.	Respondent,
Tyrone Lorenzo Robinson,		Appellant,

---

Tyrone Lorenzo Robinson appeals his September 19, 2014 conviction and the October 12, 2017 Order of the Honorable Thomas W Cooper denying Appellant's Motion to Reconsider Sentence. Undersigned counsel received notice of Judge Cooper's order on November 30, 2017. A copy of the Verdict Form, Sentencing Sheet as well as the Order denying the motion to reconsider are attached hereto.

December 1, 2017



---

James K Falk  
PO Box 1058  
Charleston, SC 29402  
(843) 606 6007  
Attorney for Respondent

Other Counsel of Record  
Isaac McDuffie Stone III  
14<sup>th</sup> Judicial Circuit Solicitor  
PO Box 1880  
Bluffton, SC 29910

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SC Court of Appeals

AMENDED NOTICE OF APPEAL FROM A SENTENCE IMPOSED BY THE COURT  
OF GENERAL SESSIONS

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of General Sessions

Thomas W. Cooper, Jr., Circuit Court Judge

Case No. 2012-GS-07-1935

South Carolina.....Respondent

Tyrone Lorenzo Robinson .....Appellant

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DEC 04 2017  
SC Court of Appeals

AMENDED CERTIFICATE OF SERVICE

The undersigned certifies that on December 1, 2017 he deposited a true and accurate copy of the Amended Notice of Appeal with the United States Post Office, sufficient first class postage affixed, and addressed to Isaac McDuffie Stone III, Solicitor 14<sup>th</sup> Judicial Circuit PO Box 1880 Bluffton, SC 29910. I further certify that all parties required by Rule to be served have been served this July 3, 2017

December 1, 2017



James K Falk  
Falk Law Firm  
PO Box 1058  
Charleston, SC 29402  
(843) 606-6007  
Jfalklaw@gmail.com

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Beaufort County

Thomas W. Cooper, Circuit Court Judge

**RECEIVED**  
JAN 12 2018  
SC Court of Appeals

STATE OF SOUTH CAROLINA,

RESPONDENT,

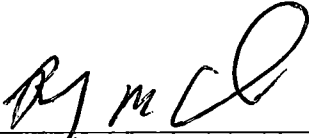
V.

TYRONE LORENZO ROBINSON,


APPELLANT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the return to the motion to appoint counsel in the above-referenced case has been served upon opposing counsel, J. Benjamin Aplin, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and upon Tyrone Lorenzo Robinson, # 235104, at Lee Correctional Institution, 990 Wisacky Highway, Bishopville, SC 29010, this January 12<sup>th</sup>, 2018.

  
Robert M. Dudek  
Chief Appellate Defender

SUBSCRIBED AND SWORN TO before me  
this January 12<sup>th</sup>, 2018.

 (L.S.)  
Notary Public for South Carolina  
My Commission Expires: July 3, 2023.



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

January 12, 2018

The Honorable Jenny Abbott Kitchings  
Clerk, S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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JAN 12 2018  
SC Court of Appeals

Re: The State v. Tyrone Lorenzo Robinson – Appellate case No. 2017-002233

Dear Ms. Kitchings:

Enclosed please find an original and six copies of the return to the motion to appoint counsel along with a certificate of service.

Sincerely,

Robert M. Dudek  
Chief Appellate Defender

RMD/mpm

Enclosure

cc: J. Benjamin Aplin, Esquire  
Tyrone L. Robinson, # 235104