

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Anderson County

Honorable R. Lawton McIntosh, Circuit Court Judge

CHARLIE TYLER ROBINSON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2017-001853

APPENDIX

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S.C. SUPREME COURT

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State of South Carolina

County of Anderson

In the Court of General Sessions

State of South Carolina,

Plaintiff,

-VS-

Charlie Tyler Robinson,

Defendant.

2011-GS-04-1849

April 19, 2013

Transcript of Record

BEFORE:

The Honorable Alexander Macaulay, Judge

APPEARANCES:

Rame Campbell, Esquire
Assistant Solicitor for Tenth Judicial Circuit
Attorney for the State

Norman Epps, Esquire
Attorney for the Defendant

Renee H. Tollison
Circuit Court Reporter

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EXHIBITS

No	DESCRIPTION	ID	EV
	<i>No exhibits were presented during the hearing</i>		

1 (WHEREUPON, court convened with all parties present,
2 and the following proceedings were had commencing at
3 approximately 10:55 a.m.)

4 THE COURT: Yes, sir?

5 MR. CAMPBELL: May it please the Court. Your
6 Honor, before you stands Charlie Tyler Robinson. He is
7 pleading guilty in indictment number 2011-1849. He's
8 pleading to voluntary manslaughter. He's represented by
9 Mr. Norman Epps.

10 We do have a recommendation in this case, Your
11 Honor, that -- it's a sentence range between 10 and 25
12 years.

13 THE COURT: All right. Are you Charlie Tyler
14 Robinson?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: If you would, please, sir, raise
17 your right hand.

18 (WHEREUPON, the Defendant was duly sworn.)

19 THE COURT: Mr. Solicitor, what's the maximum
20 sentence on voluntary manslaughter?

21 MR. CAMPBELL: It carries up to 30 years, Your
22 Honor.

23 THE COURT: Zero to thirty?

24 MR. CAMPBELL: Yes, sir.

25 THE COURT: And the recommendation?

1 MR. CAMPBELL: It's a plea between the sentence
2 range of 10 to 25 years.

3 THE COURT: Thank you.

4 Mr. Epps, have you explained to the Defendant the
5 charges contained in the indictment, the possible
6 punishments, and his constitutional rights to include his
7 right to a jury trial?

8 MR. EPPS: Yes, Your Honor.

9 THE COURT: In your opinion, does the Defendant
10 understand the charges, the punishments, and his rights?

11 MR. EPPS: Yes, sir, Your Honor.

12 THE COURT: In your investigation of the facts
13 and circumstances in this case, do you feel the State
14 could produce sufficient evidence to establish the
15 Defendant's guilt beyond a reasonable doubt, and if he
16 should stand trial he would most probably be found
17 guilty?

18 MR. EPPS: Yes, sir, Your Honor.

19 THE COURT: Has the Defendant been ordered to
20 submit to a mental examination to determine his
21 competency to stand trial?

22 MR. EPPS: Yes, sir, I believe -- yes, sir, he
23 has, Your Honor.

24 THE COURT: And did a report come back?

25 MR. CAMPBELL: Yes, sir.

1 THE COURT: May I see it, please?

2 MR. CAMPBELL: I couldn't hear you.

3 THE COURT: May I see it?

4 MR. CAMPBELL: I think I have it downstairs. I
5 didn't bring the entire case file. It's two banker
6 boxes.

7 THE COURT: Well, I'm just looking for the
8 competency ---

9 MR. CAMPBELL: He was ---

10 THE COURT: --- evaluation.

11 MR. EPPS: Your Honor, I have it.

12 THE COURT: That's fine. I just want to look
13 at the report.

14 (WHEREUPON, Mr. Epps handed up document to the
15 Court.)

16 THE COURT: Thank you, sir. All right. The
17 Court's been furnished a report from the Department of
18 Mental Health addressed to -- I guess that was the
19 attorney of record at the time?

20 MR. EPPS: Yes, sir, Your Honor.

21 THE COURT: All right. And it's May the 14th,
22 2012, Dr. Musak (phonic), Chief Psychologist of Forensic
23 Evaluation Services. And the finding of the Forensic
24 Evaluation Services Department of Mental Health was that
25 he -- his opinion regarding criminal responsibility is

1 that he is responsible. And opinion regarding capacity
2 to conform, he's capable of conforming. And the ultimate
3 conclusion was that it is the opinion of the Department
4 of Mental Health that the Defendant would have had the
5 capacity to conform his conduct to the requirements of
6 the law. And again, that's determined by Dr. Friarson,
7 Professor of Clinical Psychiatry and Vice Chair for
8 Education University of South Carolina School of
9 Medicine.

10 Based on the medical evidence and my own personal
11 observation of the Defendant, I find the Defendant to be
12 knowledgeable, perceptive, and well in control of his
13 faculties and therefore competent to stand trial and
14 enter this plea.

15 Now, Mr. Robinson, before I can accept a guilty
16 plea, it's necessary for me to make sure that your plea
17 is made freely and voluntarily in accordance with your
18 constitutional rights with a full understanding of the
19 nature of the offenses that you're pleading to and the
20 consequences of a guilty plea. Therefore, I need to ask
21 you some questions. If you do not understand the
22 questions I ask or the words I use, please advise me, and
23 I will explain them to you. Also, if at any time during
24 questioning you need to consult with your attorney,
25 you'll be permitted to do that as well. Do you

1 understand this?

2 THE DEFENDANT: Yes, sir.

3 CHARLIE TYLER ROBINSON,

4 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

5 EXAMINATION

6 BY THE COURT:

7 Q. How old are you, sir?

8 A. I'm 23.

9 Q. How far have you gone in school?

10 A. Graduated.

11 Q. What kind of work do you do?

12 A. I've never had a job. I never got the chance to
13 have a job with my past record, sir.

14 Q. Are you married?

15 A. No, sir.

16 Q. Do you have any children?

17 A. Yes, sir. I have a son. His name is T.

18 . He's six years old.

19 Q. And who does your son live with?

20 A. His mother.

21 Q. When you were available, did you support your child?

22 A. Not legally, but yes, sir, I do support him.

23 Q. You did it voluntarily, not through court order?

24 A. Yes, sir.

25 Q. Have you ever been treated for the abuse of alcohol

1 or drugs or mental illness?

2 A. Yes, sir.

3 Q. And when was that?

4 A. It was my early childhood. I'm not exactly -- I
5 can't exactly remember the age.

6 Q. What kind of program was it?

7 A. It was an outpatient rehab at the Behavioral Health
8 Center here in Anderson.

9 Q. Did you successfully complete the program?

10 A. Yes, sir.

11 Q. Are you under the -- have you had any medication
12 drugs, or alcohol within the last twenty-four hours?

13 A. No, sir.

14 Q. Are you under the influence of any medication,
15 drugs, or alcohol at this time?

16 A. No, sir.

17 Q. Are there any physical, emotional, or mental
18 problems that might keep you from understanding what
19 you're doing today?

20 A. You've heard your attorney tell me that he has
21 explained to you the charges against you, the possible
22 punishments and your constitutional rights and that you
23 understand these things. Is that correct?

24 A. Yes, sir.

25 Q. Now, you're pleading guilty to the lesser-included

1 offense of voluntary manslaughter which is a violent and
2 most serious offense. The maximum sentence -- or the
3 range of sentences on voluntary manslaughter is from zero
4 to thirty years. Do you understand that?

5 A. Yes, Your Honor.

6 Q. Are you on probation or parole at this time?

7 A. No, sir.

8 Q. You do understand that if you were that your plea
9 today would be a violation of that probationary sentence,
10 and you could serve additional time?

11 A. Yes, sir.

12 Q. Now, also, as I said, that voluntary manslaughter is
13 a violent and most serious offense. Do you understand
14 that this offense subjects you to the three- or two-
15 strike rule that would affect your parole eligibility if
16 you should be convicted of another most serious offense
17 or two other serious offenses?

18 A. Yes, sir.

19 Q. Have you fully discussed all aspects of your case
20 with your lawyer?

21 A. Yes, sir.

22 Q. Do you need any more time to talk to your lawyer?

23 A. No, sir.

24 Q. Have you understood your talks with your lawyer?

25 A. Yes, sir.

1 Q. Has your lawyer done everything for you that you
2 feel that he could have done or should have done in your
3 case?

4 A. Yes, sir.

5 Q. Has your lawyer done anything in your case that you
6 feel that he should not have done?

7 A. No, sir.

8 Q. Are you completely satisfied with Mr. Epps' services
9 as your attorney?

10 A. Yes, sir.

11 Q. Do you have any complaint that you want to make
12 about your lawyer?

13 A. No, sir.

14 Q. Now, you do understand that when you plead guilty,
15 you waive or give up certain important constitutional
16 rights. First, you give up your right to remain silent.
17 That is the right to say nothing at all. You cannot be
18 compelled to testify against yourself or offer evidence
19 against yourself. It's called the right against self
20 incrimination. Do you understand this?

21 A. Yes, sir.

22 Q. Second, you give up your right to a jury trial. In
23 a jury trial, you would be presumed to be innocent, and
24 the State must produce sufficient evidence to convince
25 all twelve members of the jury that you were guilty

1 beyond a reasonable doubt. Also, in the event that you
2 do not -- and as I say, the burden of proof is upon the
3 State, so you do not even have to take the stand or offer
4 any evidence or anything else. In fact, I would instruct
5 the jury the fact that you do not testify or offer any
6 evidence could not be held against you or construed as
7 any sort of guilt at all. The burden of proof remains on
8 the State to prove your guilt beyond a reasonable doubt.
9 You have no duty to prove your innocence. In fact, as I
10 say, you would be presumed to be innocent throughout the
11 trial. Do you understand this?

12 A. Yes, sir.

13 Q. Also, when you plead guilty, you waive or give up
14 any defenses you may have to these charges or this
15 charge. Do you understand that?

16 A. Yes, sir.

17 Q. If you've given an incriminating statement in this
18 case, if you plead guilty, you waive or give up the right
19 to challenge whether or not such statement was given in
20 accordance with your constitutional rights freely and
21 voluntarily. Do you understand that?

22 A. Yes, sir.

23 Q. Third, you give up your right to confront, that is
24 the right to see, hear and cross-examine witnesses that
25 may be called against you as well as the right to call

1 and present witnesses on your on behalf. Do you

2 understand that right?

3 A. Yes, sir.

4 Q. Do you understand all these rights?

5 A. Yes, sir.

6 Q. Do you understand that by pleading guilty you give
7 up all of your rights?

8 A. Yes, Your Honor.

9 Q. Do you understand you will not get a jury trial if
10 you plead guilty?

11 A. Yes, sir.

12 Q. Do you understand when you plead guilty you admit
13 the truth of the charges made against you?

14 A. Yes, sir.

15 THE COURT: All right. Mr. Solicitor, has the
16 Defendant been allowed access to all his Brady and other
17 discovery materials?

18 MR. CAMPBELL: Yes, sir, he has, through both
19 attorneys that have represented him.

20 THE COURT: Is that correct, Mr. Epps? Is that
21 what you understand too, that you've been provided all of
22 the discovery materials that the State has?

23 MR. EPPS: Yes, Your Honor.

24 Q. Now, Mr. Robinson, understanding then the nature of
25 the offenses and the consequences of a guilty plea, how

1 do you wish to plead to this charge?

2 A. I wish to plead guilty, Your Honor.

3 Q. Are you in fact guilty of the charge?

4 A. Yes, Your Honor.

5 Q. Do you want to tell me what you did?

6 A. On the night of July 18th, there was a robbery that
7 happened, Your Honor. We went in a house to rob it, and
8 it turns out someone got killed in the house. I take
9 full responsibility for my actions that I committed that
10 night. And I'm very sorry for the outcome of the
11 situation. While I was in the house, the man woke up in
12 the house, Your Honor. And he got out of bed and started
13 charging toward me, and I punched him in his face,
14 knocking out one of his teeth from my understanding. And
15 that's what I did on the night of the robbery.

16 Q. All right. Did you know what you did was wrong?

17 A. Yes, Your Honor. Drugs had took over my life, and I
18 was high on drugs. And drugs has been my biggest
19 downfall in life, Your Honor. I started at the age of
20 fourteen, and they just took control over my life. I
21 have a very bad problem with drugs.

22 Q. When I say it was wrong, you do understand it was
23 against the law of South Carolina? You do understand
24 that?

25 A. Yes, Your Honor.

1 Q. Your actions that night -- do you believe if you
2 stood trial you'd be convicted for what you did that
3 night?

4 A. Yes, Your Honor.

5 THE COURT: All right. As I understand, the
6 only negotiations or the only recommendation is a range
7 of sentences between ten and twenty-five years?

8 MR. CAMPBELL: That's correct, Your Honor.

9 THE COURT: Is that what you understand, Mr.
10 Epps?

11 MR. EPPS: Yes, sir, Your Honor.

12 Q. Is that your understanding, Mr. Robinson?

13 A. Yes, Your Honor.

14 Q. I do want to hear more about the case, but I need to
15 advise you, Mr. Robinson, that this is a recommendation
16 to the Court as far as a possible sentence for you. Do
17 you understand that I do not have to accept the
18 recommendation of the State; I could decline to do so?

19 A. Yes, Your Honor.

20 Q. I could either -- what is it-- sentence you to the
21 full sentence mandated by the statute or by the law, or I
22 could allow you to withdraw your guilty plea if I do not
23 -- if I find something that I cannot live with the
24 recommendation. Do you understand?

25 A. Yes, Your Honor.

1 Q. Has anyone suggested to you or represented to you
2 any sentence or condition of sentence other than the
3 recommendation that has been made?

4 A. (No response)

5 Q. In other words, has anyone said that I'm going to
6 give you a particular sentence between ten and twenty-
7 five years?

8 A. No, Your Honor.

9 Q. Are you pleading guilty because you are guilty and
10 not because of the recommendation?

11 A. Yes, Your Honor.

12 Q. Has anyone held out any promise of reward or held
13 out any hope of reward or in any way threatened you or
14 used force to cause you to plead guilty?

15 A. No, Your Honor.

16 Q. Has anyone used any pressure or intimidation to
17 cause you to plead guilty?

18 A. No, Your Honor.

19 Q. Do you have any complaint about any of the
20 solicitors, the police officers or anyone else involved
21 in this case? In other words, has anyone mistreated you
22 in any way?

23 A. No, Your Honor.

24 Q. Have you had enough time to make up your mind as to
25 whether or not you want to plead guilty?

1 A. Yes, Your Honor.

2 Q. Are you pleading guilty of your own free will and
3 accord?

4 A. Yes, Your Honor.

5 Q. Have you understood my questions?

6 A. Yes, Your Honor.

7 Q. Is there anything you'd like to ask me about what
8 we've just been over?

9 A. No, sir.

10 Q. Has anyone suggested to you how to answer my
11 questions?

12 A. No, sir.

13 Q. Now, you may have discussed parole or parole
14 eligibility with your lawyer or other people. No one can
15 tell you when, if ever, or under what conditions you may
16 be eligible for parole. You should assume that you will
17 serve the entire time in jail that I sentence you to. Do
18 you understand this?

19 A. Yes, Your Honor.

20 Q. Do you understand that you have the right to appeal
21 your guilty plea and the sentence of this court, but you
22 must do so within ten days?

23 A. Yes, Your Honor.

24 Q. All right. I want you to listen very carefully to
25 the facts as related by the State.

1 THE COURT: Mr. Solicitor, if you would,
2 please, what are the facts as you have them?

3 MR. CAMPBELL: May it please the Court. Your
4 Honor, I'm going to let Detective Owens, who's the case
5 officer in the case, give the facts in support.

6 THE COURT: Very good.

7 DETECTIVE OWENS: Your Honor, if it pleases the
8 Court, on July 18th ---

9 THE COURT: If you would, give us your name for
10 the record.

11 DETECTIVE OWENS: Yes, sir. It's Todd Owens,
12 detective with the Anderson County Sheriff's Office.

13 THE COURT: Very good. Thank you, sir.

14 DETECTIVE OWENS: On July 18th, 2011, Glenn
15 Craft, who lived on --- I believe is the
16 --, a Belton address. He was at home
17 asleep in his deceased wife's hospital bed in the front
18 room of the home. He had taken to sleeping there after
19 she had passed away after he provided home care for her.
20 She had died several months prior.

21 He was sleeping there in his home. The lights were
22 off in his home, and his storm door was unlocked which
23 was very common for him to do. He actually had a note
24 there by the door that said, "If no one answers the door,
25 come on in." It was a very open house, very friendly

1 gentleman. Had lots of friends in the community.

2 As he was sleeping, four individuals entered his
3 home on foot wearing masks and gloves. Two of the
4 individuals went to a back bedroom which was the master
5 bedroom of the home. There they began to go through
6 drawers, closets, search under the mattress, various
7 places, looking for a quantity of cash. This was Mr.
8 Bell, which was the great-grandson of Mr. Craft, and a
9 Holly Whitfield who was a female co-defendant in this
10 case. And they were looking for money. Mr. Robinson and
11 a Mr. Chase Alley, they were to -- the plan was they were
12 to hold the victim at gunpoint so he would not cause any
13 problems.

14 When they entered the home, Mr. Robinson was first
15 to make it to the victim. Mr. Alley was second. He has
16 a prosthetic leg. It took him a little longer to get up
17 the steps. Mr. Robinson was to the victim's left, and
18 Mr. Alley was to the victim's right. The victim sat up
19 in bed. He was only clothed in a white tee shirt. He
20 had no other pieces of clothing on and was awoken by them
21 telling him to sit still.

22 He stood up to see what was going on. At that time,
23 Mr. Robinson struck him in the face, causing a laceration
24 above the -- on the temple area, either there or that is
25 when he knocked some of his teeth out. Mr. Craft sat

1 down. We found evidence where he sat there and tried to
2 compose himself, bled, and then tried to stand back up to
3 ask what was going on. And again, Mr. Robinson struck
4 him in the face. We don't know if he used the weapon or
5 his fist. To do so caused severe damage. Like I stated,
6 a large laceration on the temple area. And also, several
7 of his teeth were knocked out of his mouth.

8 THE COURT: So you found that he was armed at
9 the time, the Defendant?

10 DETECTIVE OWENS: Yes, sir.

11 THE COURT: Do you know what he was armed with?

12 DETECTIVE OWENS: It was a handgun, a revolver.
13 I believe .32 caliber. Mr. Craft fell back to the bed
14 again, sat up. At that point in time, Mr. Alley was also
15 pointing his weapon at the victim. The victim stood up
16 and said, "I've got to use the bathroom. I've got to use
17 the bathroom." I feel that the victim was going to try
18 at that point -- because he had been assaulted twice --
19 was going to try to get to one of the weapons that was in
20 the back part of the home to try to defend himself, is
21 what I feel.

22 But when he stood up again, Mr. Alley shot him in
23 the face causing him to fall on all fours there where the
24 assault had happened. At that time, Mr. Robinson and Mr.
25 Alley ran out of the home. Once hearing the shots -- Mr.

1 Bell and Ms. Whitfield heard the shot as well -- they ran
2 from the back bedroom out of the house. There Mr. Bell
3 saw the victim's overalls where he knew he kept a wallet.
4 He reached, got the overalls, and Ms. Whitfield jerked
5 the phone line out of the wall so he was unable to call
6 for help. Mr. Craft was crawling at that time, trying to
7 get up back to his feet after being shot in the face.
8 They ran past him, ran out of the house, got into a
9 vehicle and fled. Those were the initial facts that we
10 were given.

11 The back story ---

12 THE COURT: Let's do this. As far as the
13 facts, those are what occurred that night?

14 DETECTIVE OWENS: That's correct.

15 THE COURT: All right.

16 Q. Mr. Robinson, do you agree with the facts as related
17 by the officer?

18 A. Yes, Your Honor.

19 THE COURT: What's the prior record?

20 MR. CAMPBELL: Your Honor, as he said, he's had
21 extensive history. This dates back to as a juvenile.
22 October 2004, felony driving under the influence/great
23 bodily injury, failure to stop for a blue light; 2004,
24 driving without a license, reckless driving, simple
25 assault and battery; 2006, August of 2006, grand larceny

1 greater than five, two simple assault and batteries.

2 That's as a juvenile.

3 As an adult in 2010, petit larceny, giving false
4 information; 2009, reckless driving, failure to stop for
5 a blue light.

6 At the time this occurred, he had also been charged
7 with forgery less than ten thousand, burglary first-
8 degree, armed robbery, in possession of a weapon during
9 the commission of a violent crime. He had actually made
10 bond on June 17th, 2011.

11 THE COURT: He was on bond on an armed robbery
12 charge?

13 MR. CAMPBELL: Yes, sir. And that was a month
14 prior to this occurring.

15 THE COURT: Have those ---

16 MR. CAMPBELL: As part of the deal of him
17 pleading, we will dismiss -- we're dismissing those other
18 pending charges.

19 THE COURT: Very good. And that's the record
20 that you have?

21 MR. CAMPBELL: Yes, sir, that's the record I'm
22 showing.

23 Q. Mr. Robinson, do you agree with your record as
24 stated by the Solicitor?

25 A. Yes, Your Honor.

1 Q. All right. Has each and every answer that you've
2 given to the Court today been absolutely truthful?

3 A. Yes, Your Honor.

4 THE COURT: I find that there is a substantial
5 basis for this plea and that the Defendant's decision to
6 plead guilty is freely, voluntarily, knowingly, and
7 intelligently made with the advice and counsel of an
8 attorney with whom the Defendant says he is satisfied.
9 The Defendant's plea of guilty is accepted.

10 All right. Officer, I would like to hear anything
11 else.

12 And I'd also like to hear from anyone else that
13 would like to speak on behalf of the victim.

14 DETECTIVE OWENS: Would you like to hear from
15 me first or the family, Your Honor?

16 THE COURT: I'll leave that up to you. I have
17 no idea.

18 DETECTIVE OWENS: Okay. I'll finish out some
19 of the facts that we found in our investigation. The
20 entire incident began when Mr. Chad Bell, who was the
21 great-grandson of the victim, contacted Mr. Robinson
22 while he himself was in a juvenile facility in Greenville
23 County stating that he wished to ---

24 THE COURT: When you say, "he," you're talking
25 about Mr. Bell?

1 DETECTIVE OWENS: Mr. Bell. Mr. Bell wished to
2 leave this juvenile facility that he was being housed in
3 over there. It was kind of a halfway home for him. He's
4 had some troubles as a juvenile, and he was living in a
5 group home over there. And he needed to facilitate a way
6 for him to be able to leave that location. So he
7 contacted Mr. Robinson and asked if Mr. Robinson would
8 come over to Greenville and meet with him. And he did.
9 And at that time, Mr. Robinson drove Mr. Bell away from
10 this location, and they came back to Honea Path, South
11 Carolina.

12 While there, they did use some methamphetamine, and
13 Mr. Robinson basically had run out of money at that point
14 in time. Without having a job and not working, he had to
15 do other activities to generate money for his drug habit.
16 So the question come up about money. They needed to get
17 some more money in order to obtain some more
18 methamphetamine.

19 Mr. Bell stated, "Well, my great grandfather lives
20 down here. I may be able to go to him and get some
21 money. His intention was to go ask his great-grandfather
22 for some money and see if he would give him some money.
23 Mr. Robinson said, "No. We need to take it," according
24 to Mr. Bell.

25 At that point in time, it was kind of put on the

1 back burner. They had some other individuals that they
2 spoke with. And later on in that evening, they come in
3 contact with Mr. Chase Alley at his home on Trussel
4 Street there in Honea Path.

5 While there, Mr. Robinson brought up to Mr. Bell,
6 "Who was that again that you were telling me about that
7 had all that money?" And Mr. Bell said, "Well, my
8 grandfather. I can go ask him for some money."

9 THE COURT: Grandfather or great-grandfather?

10 DETECTIVE OWENS: Great-grandfather. I
11 apologize.

12 THE COURT: I'm just curious.

13 DETECTIVE OWENS: Yes, sir. I apologize. It
14 was great-grandfather.

15 Mr. Robinson stated to him, "No. We need to go take
16 it," and looked at Mr. Alley. And Mr. Alley agreed. And
17 at that point in time, the armed robbery plan was hatched
18 by Mr. Robinson to go take the money by force.

19 Mr. Robinson, Mr. Alley and Mr. Bell then walked
20 down to the Spinx store there in Honea Path in order to
21 buy some cigarettes and some other things. While there,
22 they came in contact with Ms. Holly Whitfield who was in
23 the parking lot in her vehicle. At that point in time,
24 Mr. Robinson talked to Ms. Whitfield and told her of
25 their plan to go rob this individual. She agreed to be

1 the driver and agreed to go along with the plan.

2 At that time, they returned back to Mr. Alley's
3 home. There they donned masks, gloves and attempted to
4 disguise their appearance as best they could. Mr. Bell
5 stated that he asked for Mr. Robinson and Mr. Alley to
6 unload their weapons because he didn't want a loaded
7 weapon to be pointed at his great-grandfather. He agreed
8 that they were going to rob him, but he didn't want a
9 loaded weapon to be pointed at him. He stated that both
10 he and Mr. Robinson and Mr. Alley both declined and took
11 ammunition and had ammunition in their weapons.

12 THE COURT: When you said, "he" ...

13 DETECTIVE OWENS: Mr. Bell.

14 THE COURT: He had asked them to unload, but
15 then they all three ---

16 DETECTIVE OWENS: They disagreed. And Mr.
17 Robinson and Mr. Alley continued to have ammunition in
18 their weapons. At that point in time, they left Trussel
19 Street, drove to the home, Mr. Bell giving directions as
20 they went. It was approximately around midnight when
21 they arrived. At that point in time, they entered the
22 home, and the facts occurred as I stated earlier.

23 Post incident, they returned back to Mr. Alley's
24 home, took the overalls, the wallet, and the mask and
25 gloves that they were wearing and placed in a large trash

1 bag. They were still armed at this time and left to go
2 to Greenville to a location and basically lay low in case
3 anything were to come up.

4 At that point in time, Mr. Alley fired a weapon as
5 they crossed over the bridge into Greenville and threw
6 his weapon into the river. Mr. Robinson retained his
7 weapon, and they went on to Greenville. They stayed in
8 Greenville, and there a witness identified all of them
9 coming there and staying at an apartment complex where
10 Ms. Whitfield used to stay.

11 And to backtrack a minute, when I'm speaking of
12 witnesses, I forgot to mention when they went to the
13 Spinx store, we have a witness that placed all of them
14 together talking to Ms. Whitfield and the four co-
15 defendants all together at the Spinx. We have a witness
16 for that when they first went to the Spinx store to get a
17 ride.

18 At that point in time, they stayed in Greenville
19 overnight. And they had two, roughly two hundred and
20 sixty dollars in cash that they had taken from the
21 victim.

22 The next morning, they left and went to an apartment
23 complex in Clemson. And there they stayed at a place
24 called Harks Cove. There they stayed in a -- basically
25 like a recreation hall or community center for the

1 apartment complex. There they ordered pizza and -- from
2 Papa John's Pizza there in Clemson. We have a receipt
3 with Mr. Alley's information on it and Ms. Whitfield's
4 phone number that he had used to order the pizza and have
5 still photos from the video surveillance placing Mr.
6 Robinson and Mr. Alley and Ms. Whitfield there at the
7 community center during the time of the other co-
8 defendants' statements that corroborated their
9 statements. Mr. Bell we did not catch on camera.

10 At once leaving there, they left there at
11 approximately three or four o'clock in the afternoon
12 returning back to the Honea Path area. On their way
13 there, they stopped at an unknown location, pulled down a
14 dirt road. Mr. Robinson and Mr. Alley exited the
15 vehicle, got out, took the large black trash bag
16 containing the personal effects of the victim and the
17 gloves and masks that they had used to disguise
18 themselves and used a propellant of some kind, believed
19 to be lighter fluid, and burned these items on that dirt
20 road and then scattered them along the dirt road.

21 At that time, they returned back to the Honea Path
22 area and basically went their separate ways. Mr. Bell
23 went to Rock Hill. Mr. Robinson, we don't know where he
24 went. Ms. Whitfield remained in the Honea Path area, and
25 Mr. Alley remained in the Honea Path area until their

1 capture.

2 THE COURT: All right. Thank you very much.

3 Is there anything else?

4 MR. CAMPBELL: Yes, sir.

5 THE COURT: Yes, ma'am. If you would, please,
6 ma'am, give us your name.

7 MS. PRICE: My name is Lena Price.

8 THE COURT: Yes, ma'am?

9 MS. PRICE: My dad was Glenn Craft. He was
10 brutally murdered in his home. He was asleep in his bed,
11 and four murderers came into his house, woke my dad up
12 and Charles Robinson knocked his teeth out, either with
13 his fist or with a gun.

14 This has been devastating to my family. My sister
15 is so traumatized by this unforgivable incident, she has
16 not been able to come to any of the trials. We, the
17 family, think that Charlie Robinson deserves the maximum
18 sentence for this murder.

19 THE COURT: Thank you very much.

20 Is there anything else from the State on behalf of
21 the victim?

22 MR. CAMPBELL: Yes, Your Honor.

23 THE COURT: Please.

24 MR. CAMPBELL: He has been incarcerated for 641
25 days. We have attempted to get this case actually --

1 attempted earlier to try it last September and also in
2 March. It's been continued on both occasions. Then it
3 was placed on the trial docket for May, the week of May
4 13th. We feel, the State feels, in this case that a 25-
5 year sentence is appropriate. He's being given a break
6 by reducing in down from murder to voluntary
7 manslaughter. We're also dismissing these other pending
8 charges based on his past history, on the fact that he
9 was just out on bond, got out of the detention center.
10 It was over meth, needing money for meth. And the fact
11 that the family needs closure, we feel that a 25-year
12 sentence in this case is appropriate, Your Honor.

13 The shooter in this case went to trial in February.
14 He received thirty-seven years after the hearings
15 conducted in that matter. The other two individuals are
16 pleading next month.

17 THE COURT: The shooter? I thought Mr. ---

18 MR. CAMPBELL: He is not the shooter. The
19 shooter is Walter Chase Alley. He was the first one we
20 tried, and that was in February before Judge Nicholson.

21 THE COURT: Mr. Robinson did strike the victim?

22 MR. CAMPBELL: Yes, sir. On the autopsy and
23 what Dr. Woodard would testify that he had been
24 assaulted.

25 THE COURT: Anything else?

1 MR. CAMPBELL: No, sir, Your Honor.

2 THE COURT: All right. Mr. Epps, what do you
3 have to say on behalf of Mr. Robinson?

4 MR. EPPS: Yes, sir, Your Honor. May it please
5 the Court, Your Honor. William Norman Epps III
6 representing Mr. Charlie Tyler Robinson on his behalf.

7 As the Court has noticed, Mr. Robinson's birthday is
8 He is currently, I believe,
9 about 23 years old. As he stated, we've admitted
10 responsibility for this tragic, very sad incident. It
11 had a lot to do with drugs, as Mr. Robinson has stated.
12 As it was stated to the Court, this was a robbery in
13 regards to drugs, specifically methamphetamine.

14 And I would note Dr. Friarson's evaluation report --
15 in that report it said that Mr. Robinson suffered from
16 methamphetamine dependence. Drugs have been a major
17 problem in Mr. Robinson's life since he was 14 years old.
18 As Mr. Robinson had noted, he's had outpatient treatment,
19 an extensive DJJ record, a juvenile record, in which
20 drugs were a major contributing factor. I'm not trying
21 to excuse or mitigate -- well, mitigate -- but try to
22 walk away from any responsibility. He accepts full
23 responsibility, but I would like the Court to know that
24 drugs are the root of what has happened and what has
25 transpired and what led to what happened on July the 18th

1 of 2011.

2 Specifically, Your Honor, his involvement with DJJ,
3 he was basically incarcerated for basically most of his
4 years, except for I think a year, from the age of 14 to
5 23 now. In September 2010, he was released from his DJJ
6 sentence. At that point in time, he couldn't find a job.

7 His grandfather here, Mr. Raymond Brewington, his
8 grandfather [sic] will hear that he lived with him --
9 he'd like to speak to the Court to attest to that, that
10 he went to multiple counties with Charlie trying to find
11 a job.

12 Also, he has a son -- as Mr. Robinson told you, he
13 has a son, a young son, T. , who is age
14 6. When he got out, he's done his best to provide what
15 support voluntarily he could to his son. He does love
16 his son very much so. However, the child's mother
17 doesn't allow him around his son or anything to do with
18 his son. And in fact, that child is calling someone else
19 his father. And when he got out in September, he tried
20 to reconnect with his son, tried to bond with his son,
21 tried to establish that relationship or tried to
22 establish that relationship which he wants desperately to
23 have with his son. As a result, that didn't happen. The
24 mother did not allow that to happen.

25 As a result of him not having a job or not finding a

1 job because of his record led him back into the life back
2 in drugs, back in hanging around individuals, hanging
3 around the individuals, and culminating with this tragic
4 incident that happened on July the 18th, 2011.

5 And Your Honor, this was a -- it was a robbery for
6 drugs. As was stated -- as noted, Walter Chase Alley was
7 the individual that came up with shooting Mr. Craft. The
8 other individuals went into the house. Everybody was on
9 board that night to commit a robbery, an armed robbery.

10 Your Honor, we would respectfully request that the
11 Court take into consideration the drug problem. We would
12 think that certainly drugs for years, 25 years -- but at
13 the least, at the very least, a bracket between 15 and 20
14 years would be an appropriate sentence in regards to
15 punishment and rehabilitation to try to get Mr. Robinson
16 -- obviously, he's going to have an opportunity to
17 hopefully better himself, hopefully to get any kind of
18 vocational help he can, to maybe have a drug and alcohol
19 class or alcohol treatment. Anything that he can do to
20 try to better himself to make amends to not only the
21 Craft family, but to his family and to his self as well
22 so that he can -- if -- when he gets out of prison, his
23 son hopefully will be of the age, a young man in his
24 twenties, a young adult, to where he can, one, try to
25 reconnect or make amends for what he's done and what's

1 happened, to try to bond and have a relationship with his
2 son and to redeem himself and try to have a productive
3 life.

4 Your Honor, again, this incident, this horrible
5 incident, stems from just horrible drug abuse, drug
6 addiction, that he suffered from from an early age and
7 has really had no help or treatment for that at -- since
8 this time.

9 And Your Honor, I would like to present Mr. Raymond
10 Brewington, who is Mr. Robinson's grandfather, to speak
11 to the Court.

12 THE COURT: I'd like to hear from anyone on
13 behalf of the Defendant.

14 If you would though, sir, give us your name for the
15 record, please.

16 MR. BREWINGTON: Your Honor, my name is Raymond
17 Brewington. I'm Charlie's grandfather.

18 Charlie was raised up without a parent. He deserted
19 him. Alcoholic. He was a drug man. And he didn't have
20 a daddy to try to show him what was right and what was
21 wrong.

22 And he was sent to DJJ. And I attended some of the
23 meetings down there with him. And they informed me that
24 Charlie was a smart boy. He never give them any problem.
25 He graduated from high school there, and they asked me to

1 bring him to my house and try to help him to get a job.
2 He had a little boy he wanted to be a father to. He
3 wanted a job. And we went all over Anderson County,
4 Greenwood County, Laurens County, Greenville County. And
5 he would actually lie (phonic) to the people to give him
6 a job where he could support his family and get his life
7 on the right road.

8 I'm not here to try to get Charlie out of nothing.
9 I'm here to try to help him. And if it's your will, I
10 would appreciate it very much if you would get some kind
11 of help for him for drugs and maybe some kind of work,
12 job, that he can have when he get home. He's still a
13 young boy.

14 And Charlie never give me any problems. He always
15 minded when he was there. It got to a point he couldn't
16 get a job. He didn't have no money, only what little bit
17 I could give him off my Social Security. And he left and
18 he just got into the wrong crowd is all I can say.

19 But I think if Charlie would give up drugs that he
20 would change his life and be a man where he could be a
21 father to his child that his father wasn't a father to
22 him. And I ask the Court would they please try to help
23 him in the problems that he's had.

24 THE COURT: Thank you, sir..

25 All right. Anyone else on behalf of the Defendant?

1 MR. EPPS: Yes, sir, Your Honor. I would like
2 to call Mr. Robinson's sister, Kayla Robinson.

3 THE COURT: If you would, please, ma'am, give
4 us your name for the record.

5 MS. ROBINSON: My name is Kayla Robinson, and
6 I'm Charlie Robinson's sister.

7 THE COURT: Yes, ma'am?

8 MS. ROBINSON: As my grandfather stated, we
9 grew up with one parent. My mom did the best that she
10 could to provide for us. My mother was given drugs at a
11 young age by my father and my older brother. He thought
12 that was the way -- I mean, two adults in his life that
13 he looked up to, he thought they were teaching him and
14 showing him the right thing, that that was the right
15 road.

16 I understand that my brother has a past history of
17 getting in trouble. But Your Honor, he has suffered and
18 paid the price for any mistakes that he has made. And by
19 him coming here today, he's accepting full
20 responsibility. Like my grandfather stated, he has a
21 child that he can't be a part of his life.

22 And he's tried to find jobs. Nobody will give him
23 one. I honestly feel that if he gets out at an early
24 enough age and he's able to find somebody that will give
25 him a job, he will turn his life around and make

1 everybody see what kind of person he really is. He's not
2 -- I'm not saying that mistakes should be overlooked.
3 I'm a parent. I have two children. I'm a single parent.
4 I would trust my children with my brother before I would
5 their own fathers. My brother has potential if somebody
6 would just give him a chance. That's all he wants is a
7 chance to show that he can be somebody.

8 THE COURT: Thank you, ma'am.

9 Anyone else?

10 MR. EPPS: Your Honor, I would -- no one else
11 to speak. I would ask that Mr. Robinson's mother be
12 allowed to stand with him. She's not going to speak on
13 his behalf, but be allowed to stand next to him ---

14 THE COURT: Certainly.

15 MR. EPPS: --- when sentence is imposed. Your
16 Honor, she is -- his mother does suffer with liver and
17 colon problems, cancer. And I believe she has a brain
18 aneurysm. Just for the record -- I don't know if the
19 Court could do anything about it. But if the Court could
20 recommend a penitentiary in the Upstate, if that ---

21 THE COURT: Well, that will be left to the
22 Department of Corrections.

23 MR. EPPS: Yes, sir.

24 THE COURT: All right. You do have someone
25 that wants to stand with him?

1 MR. EPPS: Yes, sir.

2 (WHEREUPON, a female approached and stood with the
3 Defendant.)

4 THE COURT: All right. Anyone else on behalf
5 of the Defendant want to say anything?

6 MR. EPPS: No, sir, Your Honor.

7 THE COURT: Anything further from the State?

8 MR. CAMPBELL: Your Honor, the sad thing about
9 this case is it was senseless. Mr. Craft was a man who
10 was 86 years old that would have given them the money if
11 they just asked for it. This was unnecessary actions. I
12 mean, everybody says what a great man he was. Charlie
13 has been given chance time after time again since he's
14 been in the juvenile detention center. He is a danger to
15 the community. He was doing violent crimes. He was out
16 on bond for a violent crime. And while, yes, he may not
17 have had a great upbringing and no father around, this
18 act itself took away the father of the Craft family,
19 deprived them of their dad. And this isn't the way that
20 people want to see their loved ones leave them or depart
21 this life in such as act such as this. And that's why in
22 this case we feel that 25 years is an appropriate
23 sentence in this matter, Your Honor.

24 THE COURT: Thank you very much.

25 Mr. Robinson, having accepted your freely,

1 voluntarily, knowingly and intelligently made plea of
2 guilty, is there anything you or anyone on your behalf
3 would like to say before you are sentenced?

4 THE DEFENDANT: I just want to take
5 responsibility for my actions, Your Honor. I know what I
6 did was wrong. And I'm just asking -- I just want to
7 come home and be successful in life and be a father to my
8 son because I never had a father. And I have a child. I
9 only wanted to give him the things I never had in life.
10 And I'm just asking for help, Your Honor.

11 THE COURT: Thank you, sir.

12 All right. Anything else, Mr. Epps?

13 MR. EPPS: Your Honor, we would respectfully
14 request again -- we believe a proper balanced punishment
15 plus attempted rehabilitation would an appropriate
16 sentence in the range of 10 to 20 years.

17 THE COURT: Mr. Robinson, anything else?

18 THE DEFENDANT: No, Your Honor.

19 THE COURT: Someone once asked what is expected
20 of us. And it was said, "Love mercy, do justice, walk
21 humbly." Twenty years ago, I gave up doing what I wanted
22 to do, and I have to do what's required of me under the
23 law and the facts of each particular situation.

24 Regardless of what was the cause of the events on
25 the night of July the 18th, 2011, I have heard nothing

1 that suggests that the victim deserved what was done to
2 him and obviously to his family. In this case, I think
3 justice requires the maximum agreed-to punishment.

4 Therefore, on indictment number 2011-GS-04-1849,
5 it's the sentence of the Court that the Defendant Charlie
6 Tyler Robinson be committed to the State Department of
7 Corrections for a term of 25 years plus pay the costs and
8 assessments as applicable. The Defendant be given credit
9 for the time served. Also, he's to undergo ---

10 (Emotional outburst)

11 THE COURT: If there are going to be any other
12 outbursts, leave now.

13 Special conditions of the sentence is that he is to
14 undergo such drug and alcohol testing and treatment and
15 substance abuse counseling available to include the
16 Addictive Treatment Unit services in the Department of
17 Corrections.

18 Hopefully, in those 25 years, Mr. Robinson, you will
19 be able to do what no one has been able to do for you.
20 And that is to accept your responsibility. You've done
21 it this morning. You said you have. You'll have the
22 time to not only prove that, but develop what talents --
23 and obviously they tell me you have good talents. But
24 your child doesn't need someone who is nothing more than
25 a person at this point in your life -- and apparently, up

1 until this time, for whatever reason, has not been able
2 to be the type of person that you should have been and
3 could have been. And I just hope -- that's a personal,
4 not as a judge, but as an individual. I just hope that
5 you recognize that and become what you can be.

6 Good luck to you, sir.

7 (WHEREUPON, the hearing ended at approximately 11:52
8 a.m.)

9 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

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FORM 5

STATE OF SOUTH CAROLINA

County of

ANDERSON

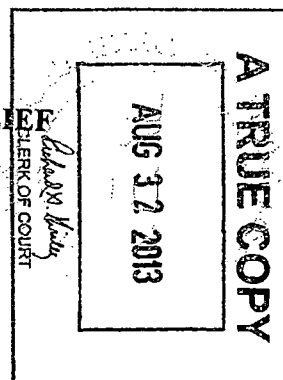
IN THE COURT OF COMMON PLEAS

Charlie Tyler Robinson
Full name and prison number (if any) of Applicant

#335823

v.

2013-CP-04-01925

APPLICATION FOR
POST-CONVICTION RELIEF

FILED CLERK'S OFFICE
ANDERSON SC
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COMMON PLEAS AND
GENERAL SESSIONS

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Lee Correctional Institution, 990
Wisnuck Highway, Bishopville, South Carolina 29010
2. Name and location of Court which imposed sentence Anderson County
Court of General Sessions, Anderson, South Carolina
3. Name(s) of co-defendant(s) (if any) Walter Chase Alley; Holley
Brister Whittfield; Charles Steven Bell
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2011-95-04-01849; Voluntary Manslaughter
 - (b) _____

5. The date upon which sentence was imposed and the terms of the sentence:
 (a) April 19, 2013; Twenty-five (25) years
 (b) _____
 (c) _____
6. Check whether a finding of guilty was made:
 (a) after a plea of guilty ✓
 (b) after a plea of not guilty _____
 (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
No, I did not
8. If you answered "yes" to (7), list:
 (a) the name of each Court to which you appealed:
 i. N/A
 ii. _____
 iii. _____
 (b) the result in each such Court to which you appealed:
 i. N/A
 ii. _____
 iii. _____
 (c) the date of each such result:
 i. N/A
 ii. _____
 iii. _____
 (d) if known, citations of any written opinion or orders entered pursuant to such results:
 i. N/A
 ii. _____
 iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
 (a) Per Court's ineffectiveness
 (b) Requested for review

- (d) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Denial of Effective Assistance of Counsel
- (b) Involuntary Guilty Plea
- (d) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Failure to Investigate facts of case
- (b) Resulting from Ineffectiveness of Counsel
- (d) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? No.
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No.
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No.
- (d) any other petitions, motions or applications in this or any other Court? No.
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. N/A
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

i. N/A

ii. /

iii. /

iv. /

(d) the date of each such disposition:

i. N/A

ii. /

iii. /

iv. /

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. N/A

ii. /

iii. /

iv. /

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No, they have not

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. N/A

ii. /

iii. /

(b) the proceedings in which each ground was raised:

i. N/A

ii. /

iii. /

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) (10)(a); First Collateral Attack
 (b) (10)(b); First Collateral Attack
 (c) /

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? Yes, I was.
 (b) your trial, if any? N/A
 (c) your sentencing? Yes, I was.
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
N/A

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:
 i. William Abraham Epps, III, Post Office Box 21101, Anderson, South Carolina 29622
 ii. Mary J. Gordon, 113 North Main Street, Anderson, South Carolina 29621
 iii. /
 (b) the proceedings at which each such attorney represented you:
 i. Plea and Sentencing
 ii. Arraignment and Bond
 iii. /

19. State clearly the relief you seek in filing this application:

Based on the above, Conviction and Sentence
Unacted, Reversed and Remanded for a New
Trial. To the Alternative Sentence Modification
to a Downward Departure

20. Are you now under sentence from any other court that you have not challenged?

No, I am not.

2013- CP - 04 - 01925

STATE OF SOUTH CAROLINA

County of ANDERSON

VERIFICATION

I, Charlie Tyler Robinson, #335823, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

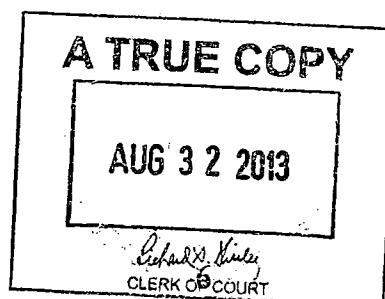
Charlie Robinson

SWORN to and subscribed before me this 21
 day of Aug, 2013.

Debra Jones (L.S.)
 Notary Public

My Commission Expires: 11-4-2015

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 ANDERSON SC
 2013 AUG 23 AM 11 51
 COMMON PLEAS AND
 GENERAL SESSIONS



2013- CP - 04 - 01925

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

I Charlie Tyler Robinson #335823 hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

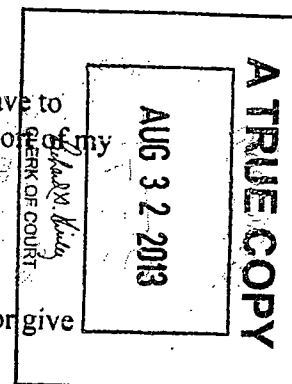
- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Charlie Robinson
Applicant

SWORN or affirmed to and subscribed before me this
21 day of Aug 2013.

[Signature]
Notary Public

My Commission Expires: 11-7-2015



FILED CLERK'S OFFICE
ANDERSON SC
2013 AUG 23 AM 11 51
COMMON PLEAS AND
GENERAL SESSIONS

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF ANDERSON	)	FOR THE TENTH JUDICIAL CIRCUIT
	)	
Charlie T. Robinson,	)	C.A. No. 2013-CP-04-1925
S.C.D.C. No. 233976,	)	
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	(counsel has been appointed)
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

Respondent, making its Return to the Application for Post-Conviction Relief (PCR) filed August 23, 2013, would respectfully show this Court:

I.

Applicant is presently confined in the Department of Corrections pursuant to orders from the Oconee County Clerk of Court. On October 11, 2011, the Oconee County grand jury indicted Applicant for murder (2011-GS-04-1846). He was represented by Norman Epps, Esq. On April 19, 2013, Applicant entered a guilty plea to the lesser-included offense of voluntary manslaughter. The Honorable J. Cordell Maddox Jr., accepted the plea and sentenced Applicant to a term of twenty-five (25) years imprisonment. Applicant did not appeal his sentence or conviction.

Attached herewith and incorporated herein by reference are the records of the Anderson County Clerk of Court regarding the subject conviction, S.C.D.C. records, and Applicant's plea transcript. Respondent reserves the right to amend any subsequent relevant records upon its receipt.

II.

In his Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel:
 - a. "Failure to investigate facts of case;"
2. Involuntary Guilty Plea:
 - a. "Resulting from ineffective assistance of counsel."

III.

The Respondent contends that the Applicant's trial counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases. See Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). In a post-conviction relief proceeding, the Applicant bears the burden of proving the allegations in their application. Id. Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 80 L.Ed.2d 674. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance

must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

The Respondent therefore requests that this Court convene an evidentiary hearing solely on the issue of ineffective assistance of counsel. As to all other allegations, the Respondent moves for summary dismissal pursuant to S.C. Code Ann. § 17-27-70 on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

V.

Applicant must specify any claims he intends to raise at the PCR trial. Any claims not *specifically* laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing. S.C. Code '17-27-10 et seq; SCRCP 71.1. All claims should be made well in advance of the PCR hearing. If Applicant has an attorney appointed, the attorney, and not the inmate, is the only one authorized to file amendments. SCRCP Rule 11. Filings by inmates will not be considered at the PCR hearing. Respondent intends to move to dismiss Applicant's action absent timely and sufficient amended pleadings.

VI.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

VII.

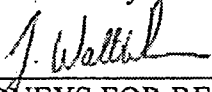
WHEREFORE, having made its Return, the Respondent requests that a hearing be held.

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

WALT WHITMIRE
Assistant Attorney General

By: 
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Jan 14th, 2015

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF ANDERSON	)	
	)	
	)	2013-CP-04-1925
CHARLIE TYLER ROBINSON, #329067	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	
_____	)	

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return** on the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Mr. Hugh W. Welborn, Esquire
PO Box 173
Anderson, SC 29622

DATED this 14th day of January, 2015.


 Ashley Haworth, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

IN THE COURT OF COMMON PLEAS

CHARLIE TYLER ROBINSON,

PLAINTIFF,

-VS-

STATE OF SOUTH CAROLINA,

DEFENDANT.

2013-CP-04-01925

FEBRUARY 9, 2015

TRANSCRIPT OF RECORD

BEFORE:

THE HONORABLE R. LAWTON MCINTOSH, JUDGE

APPEARANCES:

HUGH WELBORN, ESQUIRE
ATTORNEY FOR THE PLAINTIFF

WALT WHITMIRE, ESQUIRE
ATTORNEY FOR THE DEFENDANT

DANETTE P. HANKS
COURT REPORTER

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PLAINTIFF'S EXHIBITS

NO	DESCRIPTION	ID	EV
	(NONE)		

STATE'S EXHIBITS

1	Letter from Solicitor to Mr. Epps	40	41

COURT'S EXHIBITS

	(NONE)		

1 **FEBRUARY 9, 2015**

2 (WHEREUPON, court convened with all parties
3 present and the following proceedings were had.)

4 THE COURT: Who's next on the roster?

5 MR. WHITMIRE: Robinson, Your Honor.

6 THE COURT: Robinson? Mr. Whitmire, are you
7 ready?

8 MR. WHITMIRE: One second, Your Honor.

9 May it please the Court?

10 THE COURT: Yes, sir.

11 MR. WHITMIRE: Next matter before Your Honor
12 is Charlie Robinson v. State of South Carolina. He
13 comes to this Court by way of a timely filed
14 application for post conviction relief. Case number
15 2013-CP-04-1925. Mr. Robinson was indicted for murder
16 at the October 11th, 2011 term of Grand Jury for
17 Anderson County. He was represented by, originally,
18 Mary K. Goodwin and then by Mr. Epps.

19 On April 19th, 2013, he entered a guilty plea to
20 the lesser included offense of voluntary manslaughter
21 where Judge Maddox accepted the plea and sentenced the
22 applicant to a term of twenty-five years imprisonment.
23 He did not file a timely notice of appeal from his post
24 conviction relief sentence. He did time a PCR
25 application. He is here and present and represented by

1 Mr. Welborn.

2 I'm just going to put on the record, Your Honor,
3 that this offense involved Ms. Price and Ms. Mitchell,
4 two victims, that have been for all the other Co-
5 Defendants' PCRs, and they're here and present to
6 observe Mr. Robinson's PCR, also.

7 THE COURT: Very good. Mr. Welborn?

8 MR. WELBORN: Your Honor, please the Court?
9 I do represent Mr. Robinson. However, a moment ago he
10 wanted to know if I had received some type of, quote,
11 Motion for Discovery, that he said he told me to file
12 or I said I was going to get, according to him. I'm
13 not familiar with what he's referring to, and I'm ready
14 to go. But he said if I haven't done that, I'm fired.
15 So that's where we are in this matter, Your Honor.

16 THE COURT: All right, sir. Raise your right
17 hand. Do you swear or affirm to tell the truth, whole
18 truth and nothing but the truth?

19 THE WITNESS: Yes, Your Honor.

20 THE COURT: What is it -- you're saying,
21 what, Mr. Robinson, that you asked Mr. Welborn to
22 engage in discovery?

23 THE WITNESS: Yes, sir. I asked for Mr.
24 Welborn to have my Motion for Discovery sent to me. I
25 was transferred from Lee Correctional Institution April

1 18th of last year. When in the process of me being
2 transferred, everything -- all my legal work I have for
3 my case is this transcript. So I talked to him two
4 weeks ago this Monday and asked him would he file for a
5 Motion of Discovery so I can properly prepare for my
6 case. I've only talked to him one time since he's been
7 appointed to me. He sent me three letters telling me
8 if I had any questions to write his office. But he's
9 failed to have my Motion of Discovery, you know what
10 I'm saying. I done wrote to the Clerk of Court to ask
11 them to resend my Motion of Discovery, and they failed
12 to send it. I've asked him to file for my Motion so I
13 could properly prepare for my case. I spoke to him one
14 time since I had him. And I talked to him on the
15 phone. I told him I wanted to speak with him in
16 person. He told me, no, I couldn't do so. If I had
17 anything I needed to say, I needed to say it on the
18 phone then. I only talked to him one time, Your Honor.
19 And I'm not properly prepared for my case. So if
20 there's anyway possible you could please give me a
21 continuance, I can go back and study my case and have
22 time to get my Motion of Discovery.

23 THE COURT: What evidence do you feel like
24 you would receive in discovery that you don't have ---

25 THE WITNESS: Well, my discovery ---

1 THE COURT: Just a -- we have this lady right
2 here and every time you and I speak or we're talking to
3 each other, she can't get it; okay?

4 THE WITNESS: Yes, sir.

5 THE COURT: So what do you think that
6 discovery ---

7 THE WITNESS: Well, I ---

8 THE COURT: What do you think that discovery
9 would afford you that you don't have presently now?

10 THE WITNESS: Well, discovery, Your Honor,
11 it's got the false statements that the supposed Co-
12 Defendants wrote against me. I can't study my case
13 period, whatsoever, without my motion. It's got
14 everything about my case from the time M.J. got it to
15 the time Mr. Norman Epps got it. And I don't have none
16 of that. I wrote Mr. Norman and asked him would he
17 resend it, because he sent it one time to Lee County.
18 But in my -- like I said, in my transfer, everything
19 was lost. It's on record that all my legal work, it
20 was lost. You understand?

21 THE COURT: So other than Co-Defendant
22 statements, what are you contending ---

23 THE WITNESS: Everything dealing with my
24 case.

25 THE COURT: Just one second, Mr. Robinson.

1 Please stop interrupting me, if you don't mind, just
2 for the reason I've stated; okay?

3 THE WITNESS: Yes, sir.

4 THE COURT: Other than the statements from
5 your Co-Defendants, what else is there that you contend
6 is not there?

7 THE WITNESS: Everything to do with my case.
8 I mean, I don't have nothing. The only thing I have --
9 the only legal work I have now is what happened in the
10 courtroom. That is some evidence, but it's not a lot
11 of evidence. Because I cannot look up case laws
12 without my motion. I need my motion to prepare for --
13 to have the right -- the right paperwork to prepare to
14 have the case law that I need. And I can't do none of
15 that with this right here. This is all I have, is the
16 transcript.

17 THE COURT: Mr. Welborn?

18 MR. WELBORN: Yes, sir.

19 THE COURT: When you reviewed his case was
20 there discovery exchanged in the underlying matter
21 between his original plea attorney and the State?

22 MR. WELBORN: Your Honor, there absolutely
23 was. As a matter of fact, Mr. Epps probably does more
24 thorough discovery than a lot of lawyers in this town.
25 He does a great job on that.

1 THE COURT: And have you made that
2 information available to this gentleman?

3 MR. WELBORN: Judge, he told me he lost his
4 stuff. But I've never found out what stuff am I
5 supposed to be getting. I've got a trial transcript
6 that I sent to him. Everything I got from the State, I
7 sent to him. And I've never got any more specifics of
8 what he's looking for that he lost.

9 THE COURT: Any statements -- his Co-
10 Defendant statements, have those been provided in the
11 information, Mr. Whitmire?

12 MR. WHITMIRE: No, Your Honor, as far as what
13 the attorney general has now is the Judge's packet, is
14 the very basic Court's documents, transcripts,
15 appellate records. Anything on a substantive evidence
16 itself would be an issue of what would be in counsel's
17 file or potentially in the solicitor's office. And
18 it's my understanding that Mr. Epps provided Mr.
19 Robinson a copy of his file in this case after the fact
20 Mr. Robinson filed a PCR, I believe, four or five
21 months after his guilty plea. He would have had plenty
22 of time to review all that and get it ready for the
23 purposes of PCR. Because he lost it purportedly in the
24 Department of Corrections, well, recently, does not
25 particularly prejudice him because he's had it for over

1 a year, year and a half.

2 THE COURT: I tell you what I'm going to do.
3 I'm going to deny your motion for a continuance. I'm
4 going to deny your motion to relieve Mr. Welborn. I am
5 going to keep the issue open as to whether or not --
6 I'll keep the record open depending on what I hear in
7 this case; okay?

8 You ready to proceed, Mr. Welborn?

9 MR. WELBORN: Yes, sir, I am.

10 THE COURT: Call your first witness.

11 MR. WELBORN: I call Charlie Robinson.

12 THE COURT: Just one second. This is an
13 Oconee County case; is that right?

14 MR. ROBINSON: No, this is Anderson County.

15 THE COURT: Anderson County case? Okay.

16 THE CLERK: Right here, please, sir. I ask
17 that you raise your right hand.

18 Do you solemnly swear or affirm the testimony you
19 give the court today in this case to be the truth, the
20 whole truth and nothing but the truth?

21 THE WITNESS: Yes, sir, Your Honor.

22 THE CLERK: If you would take the witness
23 stand, please.

24 MR. WELBORN: Please the Court?

25 THE COURT: Yes, sir.

1 **CHARLIE TYLER ROBINSON,**
2 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

3 **DIRECT EXAMINATION**

4 **BY MR. WELBORN:**

5 Q. You're Charlie Robinson?

6 A. Yes, sir.

7 Q. Mr. Robinson, I'm going to need for you to kind
8 of lean forward so you can speak to the microphone
9 where we can hear each other and the court can record
10 it. Now, if you can't me, I want you to let me know;
11 okay? Can you hear me, sir?

12 A. Yes, sir.

13 Q. All right. Mr. Robinson, you pled guilty back on
14 about April 19 of 2013 to the charges that was read out
15 just a little while ago; is that correct?

16 A. Yes, sir.

17 Q. And you now stated in your application for post
18 conviction relief that your lawyer was ineffective for
19 failing to investigate your case. Is that correct?

20 A. Yes, sir.

21 Q. And I want you to tell the Court as specifically
22 as you can -- it says here that it was failure -- your
23 lawyer failed to investigate the facts of the case.
24 Now, what specifically did he not investigate on this
25 case for you?

1 A. Well, from my understanding, Your Honor, Mr.

2 Norman Epps, he never hired a private -- he hired never
3 an investigator to investigate my case.

4 Q. Never hired an investigator?

5 A. A private investigator where they go out to the
6 crime scene and investigate if you have any witnesses
7 to go speak with them. He failed to do that.

8 Q. Now, when you say he failed to do that, you have
9 no independent recollection, candidly, of whether he
10 went out on his own and what he did on his own; is that
11 correct?

12 A. He told me he never hired one, because I was
13 taking mine to trial when the situation come up and
14 they come up with this plea. And he told me, he was
15 like, well, they're offering you an open plea of
16 voluntary manslaughter, ten to twenty-five years. He
17 said, it's going before a judge. He said, most likely
18 you'll receive seventeen years. He said at this time I
19 had no other option because my alibi, he wouldn't come
20 forward and speak on my behalf.

21 Q. Well, let me ask my question again, because I
22 want the Court to understand. Are you telling the
23 Court here that Mr. Epps -- you don't know whether or
24 not Mr. Epps independently, on his own, investigated
25 your case like a private investigator would? You don't

1 know that; do you?

2 A. I know he didn't.

3 Q. You know he didn't?

4 A. Yes, sir.

5 Q. And how do you know he didn't? Did he tell you

6 he didn't?

7 A. Because he told me whenever the open plea come up

8 that he stopped looking into it, because he told me he

9 was going to try to travel, him hisself, from the crime

10 scene to Walter Chase Alley's house to the Spinx to

11 supposedly where I was at in Greenville, and from there

12 to the resort in Clemson.

13 Q. Okay. What would he have found if he had --

14 assuming he did do those things. What was he going to

15 find?

16 A. What he would find, he would have found there's

17 no way possible that -- they said -- the time line

18 would have never matched. See what I'm saying, because

19 I had a cell phone that would have proved I was nowhere

20 around this crime scene. And this cell phone rode

21 around in Marshall Long's truck for nineteen months.

22 Failure to preserve evidence to prove my innocence

23 until I told Mr. Norman Epps, pull my cell phone

24 records, and this is nineteen months after the case.

25 And by the time they received my cell phone records,

1 the cell phone could not be properly searched because
2 it was damaged.

3 Q. So let me see if I understand this. Are you
4 telling the Court that you were not at the crime scene;
5 you didn't have anything to do with this?

6 A. Yes, sir.

7 Q. And you pled guilty to it; is that correct?

8 A. Yeah. I pled guilty because Mr. Epps said that I
9 had no other chance.

10 Q. And tell the Court now how this phone would have
11 proven if he had investigated it that you were nowhere
12 to be found at the crime scene?

13 A. Because you can ping a cell phone off of towers
14 and it will gave you the basic location of where you
15 was at at the time they're saying this murder was
16 occurred. Okay? By their failure to preserve my
17 phone, running around in a SLED agent's trunk for
18 nineteen months, by the time they searched my phone
19 they could not properly run tests on it. They couldn't
20 ping it off the towers because it's been so long.

21 Q. So that wouldn't be Mr. Epps' fault, in all
22 candidness; would it?

23 A. I mean, I'm not going to say it's Mr. Epps'
24 fault. I'm going to say it's the SLED agent's for
25 fault for failure to turn my phone into evidence.

- 1 Q. Yeah. Okay.
- 2 A. And the solicitor's fault.
- 3 Q. Well, again, that's not Mr. Epps' fault. You
- 4 would agree with that; wouldn't you?
- 5 A. (Affirmative nod.)
- 6 Q. You just nodded your head yes. Now ---
- 7 A. I'm not fully saying it's his fault, what I'm
- 8 saying, because when I did ask him to pull my cell
- 9 phone records, he did pull it, but it was too late.
- 10 The phone was destroyed.
- 11 Q. Yeah. He couldn't help that, in all honesty;
- 12 could he?
- 13 A. No, sir.
- 14 Q. Okay. But again, back to the fact that you
- 15 weren't there. I want you to explain to the Court
- 16 where were you that night and did you tell Mr. Epps
- 17 about it? On the night this murder occurred?
- 18 A. I was with my brother on the night of the murder.
- 19 Q. You were with your brother. Where were y'all?
- 20 A. We was at his house.
- 21 Q. At his house. Where is his house?
- 22 A. In Abbeville County.
- 23 Q. And what's your brother's name?
- 24 A. Tommy Ray Robinson, III.
- 25 Q. And did you tell Mr. Epps, Lawyer Epps, I wasn't

1 at the crime scene. I was at my brother's house. You
2 need to call him. He'll prove it. Did you tell him
3 that?

4 A. Yes, sir.

5 Q. And did he call your brother to make sure that
6 that's exactly what happened?

7 A. I think he may have tried to contact him but
8 wasn't able to.

9 Q. Wasn't able to. Do you know why he wasn't ---

10 A. My brother gave a statement to Ms. Goodwin that I
11 was with him on the night of the murder; him and his
12 wife.

13 Q. All right. So what you're saying, I think, is
14 Mr. Epps tried to contact your brother, but for some
15 reason couldn't get in contact with him?

16 A. Yes, sir.

17 Q. Now, do you know how many times he tried to
18 contact your brother?

19 A. I couldn't -- I mean, I can't speak on that. I'm
20 not sure.

21 Q. Well, has your brother told you?

22 A. Has my brother told me what?

23 Q. That he's tried to get in contact with him or
24 sent letters or anything to him?

25 A. I haven't communicated with my brother since this

1 situation.

2 Q. Why?

3 A. I mean, I don't know, something happened while
4 I've been in here. He was coming to see me and all of
5 a sudden I stopped talking to him.

6 Q. Why did you stop talking to your brother?

7 A. If I knew I'd tell you.

8 Q. If you knew why you stopped talking to your
9 brother you would tell the Court?

10 A. I'm not -- he quit talking to me. It was a
11 misunderstanding. I'll say he quit talking to me. I
12 guess him and my family must have had some kind of
13 argument and I haven't seen him since I was in the
14 county jail.

15 Q. Okay. But in spite of all what you just said,
16 you're telling the Court that you weren't there at this
17 murder scene over in Belton the night this happened; is
18 that correct?

19 A. Yes, sir.

20 Q. And yet you pled guilty to it. Can you tell the
21 Court ---

22 A. I'm saying the only reason I pled guilty is
23 because my brother wouldn't come forward and testify
24 for me. Mr. Norman Epps said with that being done I
25 had no other way to prove my innocence because the SLED

1 agent's failure to preserve my phone for evidence would
2 have proved I wasn't there, so he was like, well, this
3 is your only choice now.

4 MR. WHITMIRE: Objection. Hearsay.
5 Withdrawn.

6 Q. Let's talk about that for just a little bit, Mr.
7 Robinson. How long after the murder did you plead
8 guilty? How many months after that?

9 A. You would have to ask Mr. Epps. I want to say
10 around nineteen to twenty months.

11 Q. Okay. So before you pled guilty, you knew your
12 phone records were out there somewhere; is that
13 correct?

14 A. I asked for the phone records when M.J. had them.

15 Q. Yeah. And you haven't filed anything on her
16 though; have you?

17 A. The only thing, I fired her and my family hired
18 Mr. Epps.

19 Q. Well, let me ask you, Mr. Robinson, why would
20 these other three people make up this story that you
21 were there?

22 A. Because I was out on bond at the time. One of the
23 supposed Co-Defendants was like ---

24 Q. You were what? I didn't understand you. Say
25 that ---

26 A. I said I was out on bond at the time and one of

1 the supposedly Co-Defendants knew my criminal
2 background and they knew if they're going to commit
3 this murder why not blame me, I'm out on bond for
4 something I didn't even do. So why not blame it on me
5 and make it look like I did it.

6 Q. Well, they pled guilty. How can you explain
7 that?

8 A. I mean, you need to ask them that.

9 Q. So if I'm understanding correctly, you're saying
10 that even though they pled guilty to the same crime,
11 that for some reason, the reason you think is you're a
12 convenient target because you're out on bond and they
13 decide to throw your name in there and they blame part
14 of this on you, even though they pled guilty. Is that
15 what I'm hearing you say?

16 A. Yes, sir.

17 Q. Okay. Now, besides the phone that you say is
18 missing and your brother who won't talk to you, what
19 else should Mr. Epps have discovered on your case that
20 would have proven you were nowhere around when this
21 happened?

22 A. The only thing I can say about Mr. Epps, I felt
23 like he should have hired his own private investigator
24 to review my case to travel the distance, you know what
25 I'm saying? If we would have had the phone, if we

1 would have had the phone and that it's pinging off the
2 tower, I feel like Mr. Epps would have been able to
3 prove my innocence. But by him -- but by the solicitor
4 and the SLED that had my phone not producing my phone
5 and Mr. Epps not hiring an investigator to retravel the
6 distance, there was no way I could prove my innocence.
7 And I didn't have no alibi because my family -- my
8 brother wouldn't come forward. So I didn't have no
9 other choice but to plead guilty.

10 Q. Well, a couple more questions, Mr. Robinson. Is
11 there anything else besides Mr. Epps not investigating
12 this phone and not investigating your brother and not
13 hiring a private investigator, anything else you want
14 to tell the Court that you think is critically
15 important about you getting post conviction relief that
16 I've not already asked? Anything else?

17 A. Only thing else I could say that Mr. Epps said I
18 wouldn't twenty-five, I wouldn't get ten; I would get
19 somewhere in the middle.

20 Q. Somewhere in the middle?

21 A. Yes, sir.

22 Q. What were you expecting to get?

23 A. Somewhere in the middle; seventeen years, sixteen
24 years. That's the only reason I pled guilty.

25 Q. So if you had gotten seventeen years you wouldn't

1 be here today?

2 A. I mean, if he had properly investigated the facts
3 of my case, you know what I'm saying, I know I wouldn't
4 be here. If he wouldn't have investigated the facts of
5 my case, yeah, I would be back here.

6 Q. Well, a moment ago you said that you thought you
7 were going to get somewhere in the middle; seventeen
8 years?

9 A. Seventeen years, yes, sir.

10 Q. So are you telling the Court now that even though
11 you didn't get the seventeen, that you were expecting
12 that, that still looking back over it, you would have
13 pled guilty to get the seventeen?

14 A. I'm not saying that here. I'm not saying that.

15 Q. Well, what are you saying?

16 A. I'm saying -- all I'm saying is I wish that Mr.
17 Epps would have hired a private investigator to
18 retravel the distance to help prove that I wasn't at
19 this crime scene.

20 Q. Okay. Have you filed suit for slander or
21 anything, against these other three people that made
22 this heinous crime up on you?

23 A. No. By me being ignorant to the law; no. No, I
24 haven't.

25 Q. All right, Mr. Robinson. Thank you. Answer

1 anything opposing counsel may have.

2 MR. WHITMIRE: May it please the Court?

3 THE COURT: Yes, sir.

4 CROSS EXAMINATION

5 BY MR. WHITMIRE:

6 Q. Mr. Robinson, my understanding is you had an
7 alibi during the entire time of this offense; correct?

8 A. Yes, sir.

9 Q. Where was -- was it your brother?

10 A. Yes, sir.

11 Q. Where does he live?

12 A. Right now he moved. I can't speak upon where he
13 lives because I haven't had no communications with him
14 in over two years.

15 Q. Where did he -- where were you on the night of
16 this offense?

17 A. In Abbeville County.

18 Q. Abbeville. So you weren't with any of the Co-
19 Defendants?

20 A. No, sir.

21 Q. Not Walter Chase Alley?

22 A. No, sir.

23 Q. Not Holly Whitfield?

24 A. No, sir.

25 Q. Not Mr. Bell?

1 A. No, sir.

2 Q. Did Mr. Epps reviewed with you video footage at
3 the apartment complex that showed you and Ms. Whitfield
4 together right after the offense?

5 A. After the murder. It was over twelve hours after
6 the murder that I was with them. I didn't have no
7 knowledge they went and committed this murder. They
8 called me the following -- they called me that morning
9 that -- the following -- of me being in Clemson and
10 asked me if I wanted to swimming. And that's why I was
11 with them after the murder. But I had no knowledge
12 they went and committed a murder. They never told me
13 they went and committed no murder.

14 Q. You're spending time with them after the fact and
15 didn't know what they had just done, according to you?

16 A. No, sir, I did not.

17 Q. Did you tell all of this to Mr. Epps?

18 A. Yes, sir. I did.

19 Q. If I recall correctly, you're upset at Mr. Epps
20 for not retaining an investigator in your case?

21 A. Yes, sir.

22 Q. Okay. One second. This isn't your first time in
23 General Sessions; is it?

24 A. I want to say it's my second.

25 MR. WHITMIRE: Beg the Court's indulgence.

1 A. I know I had a case in Abbeville County on an
2 escape charge and I want to say ---

3 Q. Does this sound correct? 2002 Burglary Second in
4 Anderson?

5 A. That's not General Sessions. That's DJJ.

6 Q. Okay.

7 A. To be correct.

8 Q. 2006 ABHAN, was that DJJ?

9 A. Yeah, 2006 was DJJ.

10 Q. 2008 Burglary Second and Grand Larceny, that
11 would be in Abbeville?

12 A. 2008? I don't recall that.

13 Q. Not at all?

14 A. No, sir.

15 Q. Do you remember going to trial before this or
16 entering a guilty plea?

17 A. No, sir. Only thing I remember on my adult
18 pleading guilty to was an escape and a lynching charge.

19 Q. In Abbeville?

20 A. Yes, sir.

21 Q. Who was your attorney?

22 A. I'm not familiar. I can -- I'm not familiar.

23 Q. Did that attorney have a private investigator?

24 A. I'm not -- I mean, it was so long ago.

25 Q. And you pled guilty because you were guilty in

1 2008?

2 A. Yes, sir.

3 Q. But you're not guilty here?

4 A. No, sir.

5 Q. And according to your testimony, you felt forced
6 to because Mr. Epps wouldn't look into some things for
7 you?

8 A. Yes, sir.

9 Q. If I recall correctly, about nineteen months
10 passed between your picking up these charges and your
11 guilty plea?

12 A. Yes, sir.

13 Q. Did you ever tell anyone to look into your phone
14 records?

15 A. Yes, sir.

16 Q. Who?

17 A. I told Mr. Epps and I told M.J.

18 Q. And what did he do when you told him?

19 A. He investigated. But by the time he
20 investigated, it was too late because the phone was
21 destroyed.

22 Q. Did you tell him everything you knew about your
23 case?

24 A. I mean, I can only tell him what I know, know
25 what I'm saying.

1 Q. Yeah. Everything you knew?

2 A. Yeah. Where I was. Yeah.

3 Q. Did you tell him anything that -- any information
4 you might have that could help you on Holly Whitfield?

5 A. No, sir.

6 Q. Walter Chase Alley?

7 A. No, sir.

8 Q. You're familiar with these people?

9 A. Yes, sir.

10 Q. Did Mr. Epps review their statements with you?

11 A. Yes, sir. He did.

12 Q. He reviewed that some -- at least Ms. Whitfield,
13 would testify against you if you went to trial?

14 A. Yes, sir.

15 Q. Did you ever express any concerns to him on that
16 morning of the plea that this is not really what you
17 want to do?

18 A. I told him I didn't know why I was pleading
19 guilty to something I didn't do. I even told him that
20 after I got sentenced. We was in the bottom of the
21 courthouse down there, and I was like, Mr. Epps, I just
22 pled guilty to something I didn't do.

23 Q. Well, you've pled guilty before? So why didn't
24 you ---

25 A. If it's something that I do -- when I pled

1 guilty, I did that.

2 Q. Why didn't you take the opportunity to tell Judge
3 Maddox your side?

4 A. I was scared.

5 Q. But you knew from pleading guilty before that he
6 was going to give you an opportunity to accept the
7 State's facts and tell your side?

8 A. Yes, sir.

9 Q. But you were scared?

10 A. Yes, sir.

11 Q. And why did you plead guilty, again?

12 A. Because I had no other choice.

13 Q. Did you plead guilty for the offer?

14 A. No, sir. I pled guilty because my alibi wouldn't
15 come forward and I was scared to go to trial and get
16 life. I had no way to prove my innocence with my phone
17 being destroyed.

18 Q. Did you discuss the possibility of an Alford
19 plea, then, with Mr. Epps?

20 A. With what?

21 Q. Pleading guilty but not accepting guilt, if this
22 is the case?

23 A. Again, by me being ignorant to the law, I didn't
24 know that you could plead guilty but have ignorance to
25 the case.

1 Q. You're saying Mr. Epps pled you guilty, but you
2 protested your innocence the entire time?

3 A. You can ask Mr. Epps, all the way up to the time
4 -- you know, in the bottom of the courthouse after I
5 pled guilty, I said, Mr. Epps, I don't understand why I
6 just pled guilty to something I didn't do.

7 Q. Did Mr. Epps meet with you as many times as you
8 would have liked?

9 A. Yes, sir.

10 Q. Did he look into everything you ever asked him to
11 do?

12 A. Yes, sir.

13 Q. This is my final questions. I'm interesting,
14 what do you think Mr. Epps could have done for you that
15 wasn't done?

16 A. The only thing that I wanted Mr. Epps to do for
17 me that wasn't done was to hire a private investigator
18 to retravel the distance to help me prove my innocence
19 because my alibi wouldn't come forward and because my
20 phone was destroyed.

21 MR. WHITMIRE: No further questions, Your
22 Honor.

23 THE COURT: Redirect?

24 MR. WELBORN: No, Your Honor. I have one
25 more witness.

1 THE COURT: You can step down.

2 Do you have a problem there, Officer?

3 THE OFFICER: (Inaudible).

4 THE COURT: Which one? This lady right here?

5 THE OFFICER: Yes, sir.

6 THE COURT: Ma'am, you are not to communicate
7 with this gentleman. I want you to sit back on the
8 other side of this courtroom. I don't want you in
9 close proximity to him, please.

10 Let me know if that happens again.

11 All right. Call your next witness.

12 MR. WELBORN: Please the Court? Call Norman
13 Epps.

14 THE CLERK: I'd ask you to raise your right
15 hand, please, sir.

16 Do you solemnly swear or affirm the testimony
17 you'll give the Court today in this case to be the
18 truth, whole truth and nothing but the truth?

19 THE WITNESS: Yes, sir, I do.

20 THE CLERK: If you will take the witness
21 stand, please, sir.

22 W. NORMAN EPPS, III,

23 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

24 DIRECT EXAMINATION

25 BY MR. WELBORN:

- 1 Q. You're Norman Epps?
- 2 A. Yes, sir.
- 3 Q. How long have you been practicing law, Mr. Epps?
- 4 A. In August it'll be ten years.
- 5 Q. And that's a lot in family court and criminal
- 6 court; is that correct?
- 7 A. Yes, sir.
- 8 Q. And you represented Mr. Robinson in this
- 9 particular case?
- 10 A. Yes, sir.
- 11 Q. Do you have a copy of the trial transcript with
- 12 you, Mr. Epps?
- 13 A. I do.
- 14 Q. Would you turn to page thirteen, please?
- 15 A. I got it.
- 16 Q. And can you explain -- or did you tell my client
- 17 to admit that he went in the house to kill someone,
- 18 because I'm quoting what your client said to the Judge,
- 19 that he knocked the tooth out of this gentleman. Did
- 20 you tell him to tell those things to the Court on that
- 21 day, Mr. Epps?
- 22 A. That was his response to a question from Judge
- 23 Macaulay. Judge Macaulay asked him to tell him what he
- 24 did.
- 25 Q. And did you ---

1 A. And that's what Mr. Robinson told him.

2 Q. And you didn't tell Mr. Robinson to say those
3 things; or did you?

4 A. Did I tell him to say those specific things? No.
5 He was pleading guilty. He knew exactly what he was
6 pleading to, the charge and the recommendation -- the
7 recommended range in which was worked out between us
8 and the solicitor's office.

9 Q. Now, Mr. Robinson says that you failed to hire a
10 private investigator and he went into some detail about
11 you would have found that a phone was gone or missing
12 and would have proved he wasn't around. Tell the Court
13 the efforts you went through, if any, to investigate
14 this case?

15 A. I met with Charlie a good many times. And
16 Charlie was -- when he was arrested, he was in jail
17 pretty much the entire time. I was hired in October of
18 2012. I substituted in for M.J. Goodwin. At that
19 point in time it had been set for trial in September of
20 2013. It got continued at that point in time, the
21 trial got continued. I substituted in for M.J. in
22 October. His trial was originally set for March of
23 2013 and it was set again, what they served him, in May
24 of 2013. In between that period of time I got all the
25 discovery from M.J.'s file and went through all of the

1 discovery. Went through the Co-Defendants' statements.
2 Looked at the evidence. I asked him when -- I
3 discussed this case numerous times with Rame Campbell.
4 I discussed this case numerous times with Todd Owens.
5 Prior to trial in March I shut my office down for about
6 three weeks because we were going to trial. It was an
7 alibi case. M.J. Goodwin had in her file a statement
8 from Trey Robinson, his brother, as well as Lydia
9 Madden, I guess is her name; that's his common-law
10 wife, regarding their statements of picking Mr. Charlie
11 -- Mr. Robinson up at Chase Alley's house after they
12 left the Spinx station. I went -- so when this thing
13 was coming to trial, by the time I got involved in the
14 beginning of 2013, it was understanding that his
15 brother, Trey Robinson, our alibi, was in Georgia
16 penitentiary for a probation violation; some charge in
17 the state of Georgia. So the reason it got continued
18 in March was because we could not get him -- we could
19 not get Trey here to testify. It had been -- I talked
20 with Rame and Rame agreed we'd call down to Georgia to
21 try to get a subpoena to get him here. There was no
22 way we were going to be able to get him here. So we
23 came and talked to Judge Maddox. I made a motion to
24 continue the trial. Judge Maddox granted it. And then
25 it was set for a day certain in May. In the meantime,

1 after that, in my conversations with Charlie we
2 discussed all aspects of this case. I went out to the
3 solicitor's -- I went out to the sheriff's department
4 to the evidence room and looked at all the evidence. I
5 talked with Todd Owens. There was no physical evidence
6 putting Charlie at the scene of the crime. There was
7 no physical evidence putting Charlie in Holly
8 Whitfield's car that night. However, you have Holly
9 Whitfield that -- she made two statements. All right.
10 She said that Charlie was there; Charlie was driving
11 the car. But she wouldn't -- she didn't tell the whole
12 truth. There's differences between her first statement
13 and second statement. However, but she said Charlie
14 was there. Chad Thayer, also another Co-Defendant, had
15 a statement saying Charlie was there. He had different
16 inconsistencies in his statement. But he said he was
17 there. There was a video at the Spinx station that
18 showed all of them together. There was -- maybe not
19 all of them together. There was a -- Charlie wasn't in
20 that video, but they had Sammy -- they got a statement
21 from Sammy Kirk, who was a drug addict, had a whole
22 bunch of criminal charges against him, but he was going
23 to testify that he saw all four of them together at the
24 Spinx station, which was directly or right before the
25 time of this murder. So and then they had an

1 individual at a hotel, I believe in Greenville, that
2 ID'ed the four individuals after the murder. And there
3 was an issue about that because there was an issue
4 about a lineup. He picked Charlie out of a lineup. So
5 we discussed whether that was an inadmissible
6 suggestion, so to speak, where they used a picture -- I
7 think his mug shot -- a picture that was in the
8 newspaper as the photograph this guy identified. But
9 they had identified him. There was going to be
10 testimony putting Charlie there with them at the time
11 -- right at the time before the murder, as well as
12 right after. And then he's on the video at Hart's Cove
13 at Clemson the next day where they're all together.
14 Our whole alibi was -- I mean, our whole defense was an
15 alibi and that was his brother. And that was it. His
16 brother said, if you buy that, you believe that he was
17 with his brother, his brother picked him up out at the
18 Spinx station and he spent the night and watched 8
19 Seconds with him at his house. Left the next morning
20 when he said he got a call from one of the Co-
21 Defendants. They picked him up and he went to Clemson
22 with them and went to Hart's Cove. Well, before -- and
23 I think it was March 14th of 2013, Rame Campbell and
24 Todd Owens went to Georgia and interviewed his brother
25 Trey about his alibi defense. And when they sent me

1 this video and I went out and I showed it to Charlie --
2 in fact, Charlie wrote a statement and said I could
3 show his mama the video. His brother said, in
4 absolutely no unequivocal terms, that didn't happen;
5 Charlie was not with him that night. That didn't
6 happen. And that was all this BS. At that point in
7 time, I went out and told Charlie, I mean, what are you
8 going to do? Your alibi defense just got shot down.
9 Now, we could have gone to trial and we were prepared
10 to go to trial. I subpoenaed -- I even subpoenaed Mike
11 Ellis with the Anderson Independent because they were
12 going to have Holly Whitfield's dad be a witness
13 regarding some arguments. I had sent subpoenas --
14 there was Chase Allen and he pled and I sat in on Chase
15 Allen's hearings when he pled guilty and got thirty-
16 seven years. At that point in time, Chase tried to get
17 his roommate in jail to basically manufacture, put
18 evidence against Charlie, saying he was the actual
19 shooter, when Chase Alley was the shooter. So we
20 looked into that. I sent a subpoena to an inmate at
21 the Anderson County Detention Center because I was
22 going to bring him in. If they were going to have
23 Chase Alley -- I assumed they were going to have Alley,
24 Holly Whitfield and Chad Bell come testify against
25 Charlie. So we reviewed every single bit of this

1 evidence. I went through the charges, the minimums,
2 the maximums of each charge against Charlie. I
3 actually -- and then the phone. The phone was a
4 problem. Because see, when he told me, he said, that
5 phone's been sitting in that -- they took my phone when
6 I got arrested. I went to Rame Campbell and I went to
7 Todd Owens, I said, what about his phone? And sure
8 enough, that phone was sitting in the backseat of the
9 SLED agent. So we got that phone and they actually
10 took the phone and they got a report from Thomas
11 Slovenski. Thomas Slovenski; I think that's how you
12 say his name. And he's right, there was a failed data
13 port. It had been sitting there for so long and that
14 was my argument. I was going to make an argument, you
15 know, regarding failure to preserve evidence. But
16 there was nothing they could draw from it. I think
17 they did draw off some numbers or a call history on the
18 phone. But again, there was a call that went into
19 Charlie at probably -- it wasn't seven or eight thirty
20 like he said or what he told me, but it was earlier
21 than that. But there was a call log produced. But
22 that was -- by the time I got -- when I knew about --
23 when I found out about it, I went and like I say, I
24 talked with Rame Campbell and Todd Owens, and
25 Investigator Detective Owens went and found that phone.

1 The main defense of Charlie in this case was his alibi.
2 And his alibi basically said, no, that wasn't true. So
3 we could have gone to trial -- and I told him this --
4 we could go to trial. Now, I'm going to have to put
5 your brother up, but guess what, he's going to say what
6 he said in this video -- I mean in this audio and the
7 state is going -- if he says something different,
8 they're going to put this video in showing he denied
9 it. So you're in a -- you can't -- at that point in
10 time his alibi defense was not viable.

11 Q. Mr. Epps, if you had hired a private
12 investigator, what would he had found differently than
13 what ---

14 A. Not a thing. Not a thing. As far as the
15 distance between the victim's house, Chase Alley's
16 house, Greenville and Hart's Cove, it doesn't matter.
17 You had three individuals that said Charlie was with
18 them. You had a couple of other witnesses that were
19 going to say Sammy Kerr and Charlie were with them, or
20 they were all together right around the time of the
21 murder. And when his brother -- when they went and
22 interviewed him in March, about a month and a half
23 before trial, you know, he said that alibi wasn't -- he
24 said he wasn't his alibi; he wasn't with him. So then
25 I discussed -- we discussed -- I went out and showed

1 that video to Charlie and then we discussed about
2 pleading guilty. Because what he pled to and what we
3 had worked out, the murder -- everything else was going
4 to be dismissed. The murder charge would be reduced to
5 a lesser offense of voluntary manslaughter. The range
6 of sentencing, we would argue between ten and twenty-
7 five. And I told Charlie it was -- obviously the state
8 is going to ask for the maximum. We're going to ask
9 for the low end. And I absolutely did not promise him
10 -- I said you could walk out of there with the full
11 twenty-five or if you get -- you could get less than
12 that. And we got prepared for that.

13 Q. Let me ask you another question, Mr. Epps. If he
14 had gone to trial, based on your understand and review
15 of this case, do you have an opinion as to whether or
16 not there was enough evidence for him to be convicted?

17 A. There was enough evidence for him to be -- yes.

18 Q. Of murder?

19 A. Yes.

20 Q. I'd like you to answer anything opposing counsel
21 would have.

22 MR. WHITMIRE: I have a few questions.

23 **CROSS EXAMINATION**

24 **BY MR. WHITMIRE:**

25 Q. Mr. Epps, is there anything unusual about this

1 guilty plea from numerous other guilty pleas you've
2 done?

3 A. No, sir.

4 Q. Did he ever waiver or indicate to you that he did
5 not want to go forward with the plea?

6 A. No, sir.

7 Q. And did you try this case to the best of your
8 ability?

9 A. Yes. And I'm going to tell you real quick. Up
10 until his brother -- they went and interviewed his
11 brother, this case was a trial. And actually I had
12 taken -- because Rame had sent me a letter, the first
13 one was in February to drop the charge -- to reduce
14 murder to manslaughter and just plead to a negotiated
15 twenty-five year sentence. I went out and talked to
16 Charlie and he signed it saying I reviewed the proposal
17 with him and he did not accept it. He rejected that
18 offer. They sent another one that he signed reducing
19 murder to manslaughter, however the recommendation was
20 a sentence range of ten to twenty-five years. He
21 signed that. He rejected that at that time. That was
22 in March 4th, 2013.

23 MR. WHITMIRE: Beg the Court's indulgence.
24 May I approach?

25 THE COURT: Yes.

1 MR. WHITMIRE: Very briefly. Can I get this
2 marked as State's Exhibit 1?

3 (WHEREUPON, State Exhibit Number 1 was marked for
4 identification.)

5 MR. WHITMIRE: Thank you, Your Honor. May I
6 approach again, really quickly?

7 THE COURT: Yes, sir.

8 Q. Mr. Epps, I'm showing you what's been marked as
9 State's Exhibit 1. Do you recognize this document?

10 A. Yes.

11 Q. What is this document?

12 A. That's the document -- that's the letter I
13 received from the solicitor's office asking -- well,
14 making the offer of the state will reduce the
15 following, the charge of murder to voluntary
16 manslaughter with a recommended range for a plea to a
17 sentence in a range of ten to twenty-five years.
18 Initially he rejected that. I reviewed it with him and
19 explained -- I explained that to him. We had a long
20 conversation about that. He rejected that offer.
21 Again, when the video of his brother -- the interview
22 with his brother came back, that changed the game, so
23 to speak, and he understood completely that if he was
24 convicted at trial he was looking at a mandatory
25 minimum of thirty years to life. So we had an

1 opportunity -- at that point in time the range of ten
2 to twenty-five years was still on the table and he
3 decided to accept that.

4 Q. Thank you, Mr. Epps.

5 MR. WHITMIRE: At this time, Your Honor, the
6 State would like to move State's Exhibit 1 into
7 evidence.

8 THE COURT: We'll make a copy of that. Any
9 objection to that being admitted into evidence?

10 MR. WELBORN: No, Your Honor.

11 THE COURT: All right. We'll make it an
12 Exhibit and get a copy of that. Give Mr. Epps a copy
13 of that letter for his file, either way.

14 MR. WHITMIRE: No further questions.

15 (WHEREUPON, State Exhibit Number 1 was admitted
16 into evidence.)

17 THE COURT: Cross examination or redirect?

18 MR. WELBORN: No, sir.

19 THE COURT: Thank you, Mr. Epps. May he be
20 excused?

21 MR. WELBORN: Yes.

22 MR. WHITMIRE: Absolutely, Your Honor.

23 THE COURT: Thank you, sir.

24 MR. EPPS: Thank you, Your Honor.

25 THE COURT: Call your next witness, please,

1 sir.

2 MR. WELBORN: Plaintiff rests.

3 MR. WHITMIRE: State rests. We'll be happy
4 to answer any questions Your Honor may have.

5 THE COURT: If I understand what you guys are
6 saying, that all three Co-Defendants, although they
7 gave inconsistent statements, all implicated the
8 Applicant as being at the scene; is that correct?

9 MR. WELBORN: Yes, sir.

10 MR. WHITMIRE: Yes, Your Honor. And this
11 record doesn't necessarily reflect it. We have already
12 proceeded forward on two of the Co-Defendants' PCRs.
13 The shooter, he ended up pleading in the middle of the
14 trial, which it was fully explained, he goes into
15 details, several pages long, very specific account of
16 exactly what happened play by play and all of his
17 interactions with Mr. Robinson, with Mr. Bell and with
18 Ms. Whitfield. This case came down to -- it was Mr.
19 Robinson's idea to go rob the victim, and Mr. Bell
20 explained and told them this is a potential option to
21 do. And Mr. Robinson went in the house and got
22 everyone else along. Mr. Alley was the ultimate
23 shooter and he entered a guilty plea in the middle of
24 his trial.

25 THE COURT: Mr. Welborn?

1 MR. WELBORN: Yes, sir.

2 THE COURT: Be glad to hear any final
3 comments you may have?

4 MR. WELBORN: Judge, you've heard my client's
5 position. He is adamant, that is his position. I just
6 ask the Court to rule on it.

7 THE COURT: All right. First, let me address
8 the issue that was brought up at the beginning of this
9 hearing as to a continuous request by Mr. Robinson.
10 The Court denied the request and that the corresponding
11 denial of the request to relieve Mr. Welborn.

12 Looking at the basis for Mr. Robinson's PCR in
13 this matter, what he said in his paperwork, what he
14 said from the stand, is that Mr. Epps should have hired
15 a PI to go out and prove that I was innocent and he
16 would have been able to do so.

17 The burden of proof at this stage is on the
18 applicant. There's been no proof presented in this
19 hearing whatsoever as to what a PI could have
20 developed, whatsoever, at that time. The statements of
21 Co-Defendants that he referred to at the beginning of
22 the case, although may be inconsistent, would place him
23 at the scene. So it's to no avail. His alibi that he
24 wished to pursue with his brother obviously was due to
25 his brother's refusal to cooperate. The phone, Mr.

1 Epps didn't do anything -- or he didn't do something or
2 did not do something that would have prejudiced the
3 Defendant. By the time he found out about it, he took
4 the steps he could. It just wasn't to any avail.
5 Could it have been used at trial to try to throw some
6 doubt to the jury, but it's not some act or omission on
7 behalf of Mr. Epps that would have then prejudiced this
8 Defendant.

9 With regard to his performance in this case and
10 his decision to plead, any information that the
11 applicant may have had at one point is not the basis of
12 his claim. In other words, he made the basis of his
13 claim on the issue of Mr. Epps' failure to hire a PI,
14 not what the State had already had him produce. So
15 whatever he didn't have with him today wouldn't have
16 been supportive of his claim, and even so, I find
17 there's been no showing or indication as to what that
18 would have done to gone forward to show any type of
19 alibi to the extent that was alleged or what an
20 investigation would have revealed.

21 For that reason I'm not going to keep the record
22 open in this matter. There's been absolutely no
23 evidence of prejudice shown as to the failure to hire a
24 PI by Mr. Epps. There's been no evidence of alibis
25 presented here in the Court.

1 Looking at the issue of the plea, the colloquy of
2 the record with Judge Macaulay more than adequately
3 goes on for almost forty pages, during which time Judge
4 Macaulay very thoroughly goes over all the necessary
5 factors for the Court to consider for this Defendant to
6 make a knowing, intelligent and voluntary waiver of his
7 right to a jury trial, his constitutional rights and
8 enter into a plea of guilt, which he did. That would
9 include the sentence range being -- indicating to him
10 being between ten and twenty-five years, as a way of a
11 recommendation. He was also advised that the Court
12 could sentence him to thirty years and that he did not
13 have to accept any recommendation.

14 Through colloquy with Mr. Epps, the Court
15 established that he felt like the Defendant understood
16 his constitutional rights. Also that the State could
17 prove its case against the Defendant sufficiently if
18 they were to go to trial.

19 They went over the fact that the Defendant has has
20 a mental examination and that that did not prevent him
21 from going forward.

22 And the Court, from its own perspective, found the
23 Defendant knowledgeable, perceptive and in control of
24 his faculties. He went over the fact that there had to
25 be a free, voluntary and knowing waiver of his

1 constitutional rights. And he asked the Defendant, the
2 applicant, if you do not understand something, let me
3 know and we'll consult with your attorney, which he
4 indicated he would. He goes over his work history.
5 The fact that he was not on alcohol or drugs. And that
6 he was competent to plead, although in the past he had
7 undergone alcohol treatment. Again, he goes over the
8 zero to thirty year range for voluntary manslaughter.
9 He also specifically asked whether or not he had -- the
10 applicant had gone over all of the aspects of his case
11 with his attorney, which he responded that he had and
12 that he did not need any additional time to speak with
13 his attorney. And the attorney has done everything
14 that he asked him to do and the attorney did not do
15 anything that he should not have done. Thereafter he
16 goes over waiver of the right to remain silent, the
17 right to a jury trial. He was explaining his right to
18 be presumed innocent. The burden of proof.
19 Instructions to the jury in case he did not testify.
20 And the fact that he would give up his defenses to any
21 -- to the case if he pled guilty and his right to
22 confrontation. And the Defendant repeatedly throughout
23 this case admits that he was guilty. He's pleading
24 guilty because he's guilty. After a lengthy recitation
25 of the facts on the record, he admits to committing

1 those acts. He says that he's had sufficient time to
2 go over Brady. He wished to plead guilty because he
3 was, in fact, guilty.

4 And so long and short of it is, there's absolutely
5 no basis behind the PCR application in this matter.

6 I'm going to ask the State to draft me an Order
7 consistent with my ruling from the bench and your brief
8 in this matter, please, sir.

9 MR. WHITMIRE: Yes, Your Honor. I'll get
10 that to Mr. Welborn before it sent it to your chambers.

11 THE COURT: Very good. Thank you very much.
12 This concludes this hearing.

13

14

15

16

17 [END OF REQUESTED TRANSCRIPT OF RECORD]

1 CERTIFICATE OF REPORTER

2 I, the undersigned Danette P. Hanks, do hereby
3 certify that the foregoing is a true, accurate, and
4 complete transcript of record of all the proceedings
5 had and evidence introduced in the trial/hearing of the
6 captioned case, relative to appeal, in the Court of
7 Common Pleas for Anderson County, South Carolina, on
8 the 9th day of February, 2015.

9 This transcript may contain quoted material. Such
10 material is reproduced as read by the speaker.

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

13 September 27, 2016

14

15

16

17

18

Danette P. Hanks

ANDERSON COUNTY COURTHOUSE
P.O. BOX 8002
ANDERSON, SC 29622
TELEPHONE 864-260-4046
FAX 864-260-4187



OCONEE COUNTY COURTHOUSE
415 SOUTH PINE STREET
WALHALLA, SC 29691
TELEPHONE 864-638-4294
FAX 864-638-4295

2/20/2013

Norman Epps
PO Box 2167
Anderson, SC 29622

RE: Plea Offer for State v. Charlie Tyler Robinson

Dear Norman Epps:

I am willing to make the following proposal to your above-referenced client in order to dispose of these charges:

The State will reduce the following:

<i>Warrant Number:</i>	<i>Charge:</i>	<i>Plead to Charge:</i>
J893564	Murder / Murder	to Voluntary Manslaughter

The State will make the following sentence recommendations/negotiation:

twenty five (25) years

Other conditions/comments:

I will dismiss his remaining general sessions charges that are currently pending against him

Please contact me as soon as possible with your client's response as plea negotiations must be concluded and the guilty plea entered before 3/6/2013 or this and any other offers are automatically withdrawn. If your client does not plead guilty by this date, the case(s) will be placed on the trial calendar for disposition without further negotiation.

Yours very truly,

My attorney has reviewed the above proposal with me, and I do not accept the offer.

Chara Brown
2-25-13

Rame Campbell
Rame Campbell
Assistant Solicitor



FILED-CLERK'S OFFICE
ANDERSON, SC

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF ANDERSON) FOR THE TENTH JUDICIAL CIRCUIT

Charlie T. Robinson,)
S.C.D.C. No. 335823,) C.A. No. 2013-CP-04-1925

Applicant,)

v.) ORDER OF DISMISSAL

State of South Carolina,)

Respondent.)

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed August 23, 2013. An evidentiary hearing into the matter was convened on February 9, 2015, at the Anderson County Courthouse. Applicant was present and represented by Hugh Welborn, Esquire. Respondent was represented by Assistant Attorney General Walt Whitmire.

Applicant and Applicant's plea counsel, Norman Epps, Esquire, testified at the hearing. This Court also had before it all relevant pleadings and documents, the Clerk of Court records for Anderson County, the South Carolina Department of Corrections' records, and Applicant's plea transcript.

PROCEDURAL HISTORY

Applicant is presently confined in the Department of Corrections pursuant to orders from the Anderson County Clerk of Court. On October 11, 2011, the Anderson County grand jury indicted Applicant for murder (2011-GS-04-1846). He was represented by Norman Epps, Esq. On April 19, 2013, Applicant entered a guilty plea to the lesser-included offense of voluntary manslaughter. The Honorable J. Cordell Maddox Jr., accepted the plea and sentenced Applicant

to a term of twenty-five years' imprisonment. Applicant did not appeal his sentence or conviction.

In his application, Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel:
 - a. "Failure to investigate facts of case;"
2. Involuntary Guilty Plea:
 - a. "Resulting from ineffective assistance of counsel."

SUMMARY OF THE TESTIMONY

Applicant testified at the PCR hearing that his plea counsel was ineffective for failing to hire an investigator to "retravel the distance" and thereby prove Applicant innocent, for failing to preserve cell phone records, and for failing to investigate his alibi witness. Applicant testified plea counsel stated he did not hire an investigator and did not continue investigating the case after Applicant indicated he wanted to plead. Applicant claims plea counsel did not preserve cell phone records and by the time there was an attempt to retrieve cell phone records, the phone was determined to be too damaged to be helpful, and Applicant alleges this was the fault of SLED for failing to turn the cell phone into the evidence locker. Applicant also claimed he was with his brother and his brother's wife during the time of the murder and he told plea counsel that information, but Applicant alleges plea counsel did not get in touch with his brother. Applicant testified the reason his co-defendants claimed he was involved with the murder is because he was out on bond, his co-defendants knew his criminal record, and his co-defendants decided to blame him for the murder. Applicant acknowledged these same co-defendants also pleaded guilty to the crime.

Applicant also alleged counsel was ineffective for failing to hire an investigator to “retravel the distance” (PCR Hearing Tr. p. 20, ll. 5-6), which would have helped prove Applicant’s innocence. Finally, Applicant alleged he only pleaded because he was expecting to get “somewhere in the middle” of twenty-five and ten, about sixteen or seventeen years. (PCR Hearing Tr. p. 20, ll. 17-24.)

On cross-examination, Applicant claimed he was not with any of the three co-defendants the night of the murder. He admitted, however, that he had reviewed video footage with his plea counsel that showed him with one of the co-defendants after the murder. Applicant agreed counsel reviewed the statements of his co-defendants and explained how at least one co-defendant would testify against him if he went to trial.

Plea counsel, Norman Epps, testified at the PCR hearing as well. He explained that M. J. Goodwin, Esquire, had originally been representing Applicant until Mr. Epps was substituted in. At the time Mr. Epps was substituted in as counsel, Applicant’s case was already set for trial. Mr. Epps informed the Court he met with Applicant “many times” over the course of his representation and that he received and reviewed the discovery in the case, to include the co-defendants’ statements. Plea counsel also went to the sheriff’s department to review evidence in the evidence room. (PCR Hearing Tr. p. 33, ll. 2-4.) Part of the file that plea counsel received from M. J. Goodwin included a statement from Applicant’s brother, Trey Robinson, and his common-law wife about “picking [Applicant] up at Chase Alley’s house after they left the Spinx station.” (PCR Hearing Tr. p. 32, ll. 7-12.) Mr. Epps explained that when trial was called in March he moved for and secured a continuance in order to try and get Trey Robinson, who was in a prison in Georgia, transported to the trial. (PCR Hearing Tr. p. 32, ll. 12-24.)

Plea counsel explained that prior to the next trial date he discussed all of the evidence with Applicant. That evidence included two written statements by Holly Whitfield, which were different from each other, but the statement placed Applicant at the scene. (PCR Hearing Tr. p. 33, ll. 6-14); a statement by another co-defendant, Chad Thayer, that also had inconsistencies but also stated Applicant was there (PCR Hearing Tr. p. 33, ll. 14-17); video showing some of the co-defendants together at the Spinx station (PCR Hearing Tr. p. 33, ll. 17-20); a statement from Sammy Kirk, who had a long criminal record, but who claimed he saw Applicant with the co-defendants all together at the Spinx station either directly or right before the time of the murder (PCR Hearing Tr. p. 33, ll. 19-25); an individual in Greenville who identified the four individuals after the murder, to include picking Applicant out of a line-up, but that line-up had "an issue" (PCR Hearing Tr. p. 34, ll. 1-4); and video at Hart's Cove at Clemson the next day showing all the co-defendants together again (PCR Hearing Tr. p. 34, ll. 12-13).

Mr. Epps explained the entire defense was the alibi Applicant's brother was going to provide. However, that defense fell apart when the solicitor and investigator went to Georgia and interviewed Applicant's brother, who stated "in absolutely no unequivocal terms, that didn't happen; [Applicant] was not with him that night." (PCR Hearing Tr. p. 34, l. 14-p. 35, l. 6.) Mr. Epps testified he informed Applicant about his brother's statement and asked what he wanted to do. Mr. Epps explained that he was ready to proceed to trial at this point and had subpoenaed Anderson Independent to get Holly Whitfield's dad as a witness and had subpoenaed an inmate who would have testified Chase Allen tried to get him to say Applicant was the shooter when it was actually Chase. (PCR Hearing Tr. p. 35.)

Mr. Epps explained that when it came to the cell phone, he did approach law enforcement about it and it had been "sitting in the backseat of the SLED agent['s car]." (PCR Hearing Tr. p.

36, ll. 2-9.) Once Mr. Epps raised the issue, law enforcement had a report done by Thomas Slovenski stating there was “a failed data port.” (PCR Hearing Tr. p. 36, ll. 12-13.) Mr. Epps planned to argue failure to preserve evidence. (PCR Hearing Tr. p. 36.)

Mr. Epps maintained that hiring an investigator would not have made a difference because distance between the victim’s house, the co-defendant’s house, Greenville and Hart’s Cove did not matter when you had three individuals saying Applicant was with them and Applicant’s brother denied being Applicant’s alibi (PCR Hearing Tr. p. 37.)

Finally, Mr. Epps explained that he discussed the plea offer with Applicant and “absolutely did not promise him . . . [he] could get less than that” and explained he could “walk out of there with the full twenty-five.” (PCR Hearing Tr. p. 38, ll. 5-12.) Mr. Epps believed that based on the State’s evidence, had Applicant proceeded to trial, the State would have been able to meet its burden and Applicant would have been convicted of murder. (PCR Hearing Tr. p. 38, ll. 12-19.)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Ineffective Assistance of Counsel

Applicant alleges he received ineffective assistance of counsel when counsel failed to investigate his case, preserve phone records, and secure alibi witnesses.

In a PCR action, “[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence.” Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002) (citing Rule 71.1(e), SCRCP). Where ineffective assistance of counsel is alleged as a ground for relief, Applicant must prove that “counsel’s conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result.” Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064 (1984); Butler v. State, 286 S.C.

441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. at 441, 334 S.E.2d at 813. Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

First, Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland, 466 U.S. at 668, 104 S.Ct. at 2064). Second, counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

Prejudice from trial counsel's failure to interview or call witnesses cannot be shown where the witnesses do not testify at post-conviction relief. Underwood v. State, 309 S.C. 560, 425 S.E.2d 20 (1992); Bassette v. Thompson, 915 F.2d 932 (4th Cir. 1990), cert. denied, 499 U.S. 982 (1991). Applicant's mere speculation as to what a witnesses' testimony would have been cannot, by itself, satisfy his burden of showing prejudice. Clark v. State, 315 S.C. 385, 434 S.E.2d 266 (1993); Glover v. State, 318 S.C. 496, 458 S.E.2d 538 (1995).

Applicant claims plea counsel failed to investigate witnesses who could have provided an alibi on his behalf. However, Applicant failed to present any of these witnesses at the PCR

hearing; therefore, no prejudice can be shown pursuant to Underwood. Specifically as to the potential alibi from Applicant's brother, testimony from the hearing was that Applicant's brother provided a statement to law enforcement that he was **not** with Applicant the night of the murder. Applicant presented no information as to what an investigator would have developed. As to the cell phone records, Applicant did not establish that Mr. Epps failed to do anything. By the time, Mr. Epps was made aware of the phone, he took action to secure its records and planned to challenge the failure to preserve the evidence at trial. The loss of the records was not due to some act or omission on behalf of Mr. Epps.

Accordingly, this Court finds Applicant has failed to prove the first prong of the Strickland test: that Counsel failed to render reasonably effective assistance under prevailing professional norms. Applicant failed to present specific and compelling evidence that Counsel committed either errors or omissions in his representation of Applicant. This Court also finds Applicant has failed to prove the second prong of Strickland: that he was prejudiced by Counsel's performance.

Involuntary Guilty Plea

Applicant also argues his guilty plea was involuntary because he thought he would be getting somewhere in between ten and twenty-five years.

Applicant's allegation that his guilty plea was involuntary is also without merit. In post-conviction relief cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 363-64, 527 S.E.2d 742, 747 (2000) (citing Drayton v. Evatt, 312 S.C. 4, 430 S.E.2d 517 (1993); Hyman v. State, 278 S.C. 501, 299 S.E.2d 330 (1983); Richardson v. State, 310 S.C. 360, 426 S.E.2d 795 (1993)). An applicant who pleads guilty on the advice of counsel may collaterally attack the plea

only by showing (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pleaded guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (citing Hill v. Lockhart, 474 U.S. 52; Jackson v. State, 342 S.C. 95, 535 S.E.2d 926 (2000); Thompson v. State, 340 S.C. 112, 531 S.E.2d 294 (2000); Rayford v. State, 314 S.C. 46, 443 S.E.2d 805 (1994)). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. at 56. Furthermore, "[a] guilty plea is a solemn, judicial admission of the truth of the charges" against the applicant. Dalton v. State, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Blackledge v. Allison, 431 U.S. 63 (1977)). Admissions "made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements." Id. at 137-38, 654 S.E.2d at 874 (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976)).

In this case, the plea court did a very thorough review with Applicant to ensure he made a knowing, intelligent and voluntary waiver of his right to a jury trial and his other constitutional rights in deciding to enter a plea of guilty. More than once, the plea court reviewed the sentencing range and advised Applicant the court did not have to accept the recommendation and could sentence Applicant to thirty years. Through its colloquy with Mr. Epps and the State, the plea court established Applicant understood his constitutional rights and established the State could prove its case against Applicant sufficiently if they were to go to trial. The plea court also went over the fact that Applicant had a mental examination and that it did not prevent him from going forward. Additionally, the plea court asked Applicant if he needed additional time to speak

with his attorney and whether his attorney had done everything he had asked him to do. The plea transcript shows Applicant repeatedly admitted he was guilty and was pleading guilty because he was guilty.

This Court finds the guilty plea transcript and Counsel's testimony at the PCR hearing directly refute Applicant's claims. This Court also finds Applicant pleaded guilty freely, voluntarily and without any coercion, threats or promises. Therefore, this allegation is denied.

Accordingly, this Court finds Applicant has failed to prove the first prong of the Strickland test: that Counsel failed to render reasonably effective assistance under prevailing professional norms. Applicant failed to present specific and compelling evidence that Counsel committed either errors or omissions in his representation of Applicant.

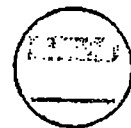
This Court also finds Applicant has failed to prove the second prong of Strickland: that he was prejudiced by Counsel's performance. This Court concludes Applicant has not met his burden of proving counsel failed to render reasonably effective assistance.

Therefore, having reviewed the pleadings, considered the applicable law, reflected upon the testimony and evidence at the plea, and considered the arguments of counsel, this Court finds Applicant is not entitled to relief.

CONCLUSION

Based on all the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notifies Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the



appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. Applicant must be remanded to the custody of the Respondent.

IT IS SO ORDERED.


 R. LAWTON MCINTOSH
 Presiding Judge
 Tenth Judicial Circuit

Order received 1-26-17



1-27-17 (date)
Andrew, South Carolina

FILED-CLERK'S OFFICE
 AUGUST 30
 2017 MAY 31 PM 4:03
 COMMON PLEAS AND
 GENERAL SESSIONS

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
APPEAL FROM ANDERSON COUNTY
COURT OF COMMON PLEAS
HONORABLE R. LAWTON MCINTOSH

2013-CP-04-1925

CHARLIE T. ROBINSON, #335823

APPELLANT,

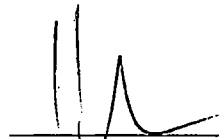
vs

STATE OF SOUTH CAROLINA,

RESPONDENT.

NOTICE OF APPEAL

Charlie T. Robinson, #335823 appeals the denial of his Post Conviction Relief. The Post Conviction Relief Action was heard and denied by the Honorable R. Lawton McIntosh, Circuit Court Judge on February 9, 2015, and Order of Dismissal issued on January 27, 2017 and filed on January 31, 2017. The Order of Dismissal was received on September 6, 2017. The Appellant received Order of Dismissal on September 6, 2017.



Hugh W. Welborn
Attorney for the Appellant
Post Office Box 173
Anderson, South Carolina 29622
(864) 226-5787
Attorney for Charlie T. Robinson, #335823

Other Counsel of Record:
Walt Whitmire
Office of Attorney General State of SC
Post Office Box 11549
Columbia, South Carolina 29211

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
APPEAL FROM ANDERSON COUNTY
COURT OF COMMON PLEAS
HONORABLE R. LAWTON MCINTOSH

2013-CP-04-1925

CHARLIE T. ROBINSON, #335823

APPELLANT,

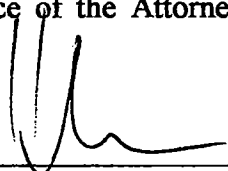
VS

STATE OF SOUTH CAROLINA,

RESPONDENT.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of it in the United States Mail postage prepaid on September 5, 2017 addressed to its attorney of record Walt Whitmire, Office of the Attorney General, Post Office Box 11549, Columbia, South Carolina 29211-1549



Hugh W. Welborn
Attorney for the Appellant
Post Office Box 173
Anderson, South Carolina 29622
(864) 226-5787
Attorney for Charlie T. Robinson, #335823

Anderson, South Carolina

9/6, 17

WITNESSES

Todd Owens, Anderson County Sheriff's Dept.

ARREST WARRANT NUMBER

J893564

**ACTION OF GRAND JURY
TRUE BILL**

OCT 25 2011

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2011GS04 01849

The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

OCT 25 2011

Term

THE STATE

vs.

Charlie Tyler Robinson

RLC

Indictment for

Murder / Murder

SC Code: 16-03-0010, 0020
CDR Code: 0116

COMMITMENT

4-19-13/RT

STATE OF SOUTH CAROLINA)
COUNTY OF Anderson)

INDICTMENT

At a Court of General Sessions, convened on OCT 25 2011, the Grand Jurors of Anderson County present upon their oath:

Murder / Murder

That Charlie Tyler Robinson did in Anderson County, on or about July 18, 2011, unlawfully and with malice aforethought kill Glenn Craft by means of shooting the victim with a firearm, and that Glenn Craft died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976), as amended.

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

Rene L. Campbell

ASSISTANT SOLICITOR