State of South Carolina
In the Court of appeals

Appeal From Greenville County
Brian m. Gibbons Circuit Court Judge

The State
Respondent

v.

Appellate Case No:
2016-000525

Raymond L. Boberson
appellant

Actual Brief of Appellant

Raymond L. Roberson 284306
G.C.I B-5 A 45 B
4556 Broad River Rd.
Columbia, S.C. 29210

Robert m. Pachak
appellate Defender

South Carolina Commission
on indigent defense
P.O. Box 11589
Columbia S.C. 29211

Statement of Facts

The following statement of facts, supportable by the trial transcript in its entirety. Clearly shows beyond any reasonable doubt. That during the proceedings on March 1, 2016 in the 13th circuit court of general sessions, Greenville County. A Permanent Restraining order (SC 16-3-1910) was never ;(a) requested (b) properly identified or (c) officially ordered or imposed anywhere in the eleven page, official record of the proceedings.

The State erred by failing to properly request and/or identify a Permanent Restraining Order (SC 16-3-1910), as such, at anytime during the official proceedings. However, SC 16-3-1910 was so imposed. For the first time ever in the state of South Carolina. With absolutely no knowledge or indication given to appellant that that was actually what was taking place. Because by the states own admission on page 4 of the initial brief of the respondent (I BoR). The issuance of 16-3-1910 did not occur until after the official conclusion of the proceedings which was (Tr p.11 L, 9,10) where the presiding judge, in response to defense counsel making a recorded request for clarity (Tr p.11 L, 7,8) to the only order of record "No victim contact" restraining order for the victim. (Tr. p.10 L,10). Stated "He can go to Family Court and work all that out". Thereby officially ending the proceedings

State thereby undeniably admit (Pg 1 BOR) that the lower court then proceeded to issue a PRO 16-3-1910 after the official proceedings had concluded. Appellant submits he nor defense counsel was present when this took place. Appellant was promptly escorted from the court room immediately following (Tr p 11, L 9, 10) Appellant only became aware of the issuance of 16-3-1910 through a documented, after hours visit. From counsel John Crangle at the Greenville County Detention Center. At which time appellant was informed of what had taken place, unbeknownst to him. after the conclusion of the proceedings. Appellant then immediately instructed counsel to withdraw his plea, after he was shown 16-3-1910 and became aware of it's life altering provisions.

Appellant adamantly contends that it is an absolute impossibility to contest or challenge something. That was never formally requested, identified or ordered, anywhere during the official record of the proceedings. It is an indisputable fact of record that at no time during the proceedings was SC 16-3-1910 ever properly requested, identified, or ordered. Thereby making it's issuance and imposition invalid. As any mention of 16-3-1910 is absent in the official record.

Statement of the case

During the proceedings, the Honorable Brian Gibbons on (Tr. p10 L,10) after imposing sentence states "No victim contact, restraining order for victim" (emphasis added) victim is used singularly and only appears on the sentencing sheet for CDUHAN 2014-GS-23-2745, as ordered." No victim contact/restraining order for victim. Not Permanent Restraining Order.

After this order, assistant solicitor Barbara Tiffin for the state on (Tr. p10 L, 11,12) states," Your Honor, we also have this restraining order to hand up" (emphasis on restraining order) not PRO. At which time on (Tr p10 L, 13,14) a probation agent tactfully breaks in with "May we do a civil judgement for the monies due". Which the court allows. Then on (Tr p10 L, 16-18) assistant solicitor Tiffin again addresses the court stating", And Your Honor, since these are new I don't want to offend you but we've highlighted where you need to sign" At which time the record reflects a momentary break in the proceeding, where solicitor Tiffin hands up her proposed restraining order and the proceedings resume.

Appellant asserts that at no time after the only order of record during the official proceedings on (Tr. p10 L10) does the Honorable Brian Gibbons ever impose anytype additional restraining order, permanent

or otherwise as a special condition of appellants sentence. The trial transcript clearly supports this indisputable fact.

After the introduction of the proposed restraining order the presiding judge engaged in great judicial error when he failed to not only identify on the record the proposed restraining order as an actual PRO. but by also failing to officially impose and order a Permanent Restraing Order in any manner anywhere in the official record of the proceedings. Thereby making the imposition of 16-3-1910 arbitrary as well as invalid in this matter. As there is clearly no order or mention of a PRO anywhere in the proceedings official record.

Argument

Under South Carolina Code 16-3-1910 Permanent Restraining Orders; Procedure (B) To seek a PRO, a person must: (1) request the order in general sessions court or family court, as applicable, at the time the respondent is convicted for the criminal offense committed against the complainant (emphasis on request). The state absolutely failed to ever properly request or impose a PRO during the proceedings

Even though 16-3-1910; procedures subsection (L)

mandates that a PRO must conspicuously bear certain language making clear the felony consequences of a violation. The state, through assistant solicitor, Barbara Tiffins circumvention of SC 16-3-1910 procedure, clearly tried to impose 16-3-1910 for the first time ever in the state of South Carolina, as inconspicuously as possible. To the point of; Without any knowledge thereof given to restrainant/appellant or being ordered during the official proceedings

SC 16-3-1910(J) further allows that upon a finding that respondent was convicted of a criminal offense for which the victim was the subject of the crime the court may impose, if requested, a PRO. Additionally it states; that in determining (emphasis added) whether to impose or issue a PRO, physical injury to the victim is not required. This subsection clearly implies that a consideration of relevant facts of an individual case be incorporated in determining whether 16-3-1910 is appropriate in individual cases, to wit, the merits. In appellants case this clearly did not happen. It was issued totally without knowledge to appellant. Appellants every effort to challenge has been disregarded.

On page 7 (IBOR) the state alluded to a momentary break in the proceedings during which appellant presumably had a chance to ask the judge to see the

proposed order (emphasis on proposed). Which was clearly identified as only a restraining order not a PRO. Appellant had no knowledge or reason to believe that this was anything other than the paperwork associated with the "no contact/restraining order for the victim" ordered on (Tr. p10 L10). As the state and the trial judge both failed in their ethical duty to identify the unknown document being proposed. (emphasis added)

Again on (p7 IBAR) the state acknowledges that attorney Crangle even mentioned what he called the "no contact" order (the only order during the proceedings) and made known appellants desire for CLARIFICATION" (Tr. p11 L. 7-8) yet despite this documented request for clarification in regards to the only order of record during the proceedings, no clarity was provided to appellant The state then after acknowledgement of the documented request. Seem to adopt the stance that appellant somehow failed to "actually" object to or otherwise challenge the trial courts decision to impose a restraining order (great emphasis on restraining order) not PRO! Then the state further attempts to contend that appellant failed to move for a continuance or for any additional time to review or challenge the PRO (emphasis added)

Any failure to so challenge said PRO, results directly from assistant solicitor Tiffins intentional

failure to ever officially request a PRO on record. Additionally, the trial court also erred when it failed to properly identify the proposed restraining order as an actual PRO. The trial court then further erred when it failed to order, on record, a PRO as a special condition of appellants sentence. Solicitor Tiffin clearly, intentionally attempted to introduce the issuance of the states first ever PRO under the guise of an RO, in order to do so without challenge. Again, appellant asserts that it is an impossibility to challenge the unknown.

However, an additional challenge did come in the form of a motion to reconsider PRO. Filed forthwith by attorney Crangle upon learning a PRO had been ordered. This instruction along with his desire to withdraw plea was conveyed to attorney Crangle on march 1, 2016 at the aforementioned after hours visit with attorney Crangle when appellant was informed that a PRO had somehow, without his knowledge been imposed. Sadly, the imposition occurred after the conclusion of the recorded official proceeding and was no part thereof

It seems the state readily acknowledges that there is an obvious difference between an RO and PRO with use of the word permanent and the acronym PRO throughout the IBOR. However, they fail to acknowledge that no such necessary distinction was made during the

proceedings. The word permanent or permanent restraining order appear nowhere in the official record of the proceedings and a PRO is not listed as a special condition on appellants sentencing sheets. Therefore the states claim that a PRO was part and parcel of the plea proceedings is without substance or weight. The official record of the proceedings indicates there was never a request or order by the absence of such therein. This determining factor should be indisputable for the Court of Appeals

Appellant further contends and points out that his documented attempt through counsel on (Tr. p11 L 7-8) to seek clarity in regards to the only order of record during the proceedings (Tr p.10 L 10) and his later motion to reconsider PRO summarily sufferred near identical fates. The former on (Tr p. 11 L 9-10) where the presiding judge made the allusion that appellant could go to family court and sort all that. The latter denied by Judge Gibbons hastily scrawling "Denied" on MTR and granting family court jurisdiction. Denying appellant a hearing on the merits or in the least judicial review. Even though a PRO was never requested, identified or ordered during the proceedings.

Appellant adamantly contends that he can in no way

be lawfully, legally bound, or subject to the harsh strictures and provisions that are PRO 16-3-1910. Because 16-3-1910 was in no way a part of the official record of the proceedings. Never requested, identified or ordered, Barbara Tiffin, with malicious intent. Willfully and intentionally disregarded the procedures for application in 16-3 1910. Thereby clearly denying appellant procedural due process resulting in great loss of life and liberty

In conjunction with assistant solicitor Barbara Tiffins blatant disregard for procedural due process. The Honorable Brian Gibbons also committed great prejudicial error through out the official proceedings when he failed to properly identify, for the record. The proposed RO that was presented on (Tr p. 10 L 11-12). And by failing to order its imposition during the official proceedings on record. In the presence of and with knowledge given thereof to the appellant, appellant asserts that a PRO cannot be lawfully imposed under the guise of an RO. With no knowledge or opportunity to challenge afforded appellant or no order there of made on the official record.

Finally, the state submitted that appellants review should be barred by offensive application of the Doctrine of Collateral Estoppel because he has now pled guilty to violating a PRO, that in reality was never requested identified, or ordered on record by the trial court.

However, appellant desires to assert the application of collateral estoppel, defensively for a far greater reason of importance for the following reasons:

a) Courts generally allow for application of collateral estoppel only when four criteria factors are met;

1) First, the issue decided in the prior adjudication must be identical with the issue in the present action.

2) Second, the prior adjudication must have resulted in a final judgement of the merits. (emphasis added)

3) Third, the party against whom collateral estoppel is asserted must have been a party or in privity with a party to the prior adjudication.

4) finally, and most importantly. The party against whom collateral estoppel is asserted must have had a "full and fair" opportunity to litigate the issue in the prior proceedings.

Appellant adamantly contends, premised on the complete absence of a PRO being present anywhere in the official record of the proceedings by order, identification, or request. In conjunction with the fates suffered by his documented attempt

to seek clarity (tr. p.11 L. 7,8) to the only order of record (Tr. p.10 L.10) as well as appellants Motion to reconsider PRO. The state has clearly failed to meet the necessary criteria factors that would allow for application of collateral estoppel offensively to bar appellants meritorious review. As there was no final judgement premised on the merits. Additionally, supported by the transcript in its entirety, appellant was clearly not afforded a full and fair opportunity to litigate the issue in the prior proceedings. Appellant submits that this fact is indisputable.

Furthermore, in regards to the states attempt to apply collateral estoppel offensively to bar appellants meritorious review and in conjunction with the trial courts judge, the Honorable Brian Gibbons obvious attempt to legislate from the bench. By granting Family Court jurisdiction in regards to the PRO 16-3-1910, that was clearly no part of the official proceedings as a PRO is not only absent from the official record of the proceedings. A PRO is also not present or listed as a special condition of appellants sentence on appellants offical sentencing sheets. Appellant is including certified copies of the sentencing sheets for indictment no.

2014GS2302746 Unlawful Conduct Towards a Child as well as indictment no. 2014GS2302745 for CDVHAN to be designated as part of the permanent official record. On the sentencing sheet for indictment no. 2014GS2302745; the only special condition listed is "RO for the victim" pertaining to the only order of record (Tr. P.10 L.10) not a PRO. This only order of record was given prior to assistant solicitor Barbara Tiffins attempt to introduce a proposed RO on (Tr. P.10 L.11,12) Solicitor Tiffin cleary tried to introduce what was actually a PRO under the guise of an RO, to have it imposed without challenge or knowledge there of afforded appellant.

However, the trial judge clearly engaged in great judicial error by failing to identify and/or order the proposed RO as an actual PRO. As from (Tr. p.10 L. 11.12) through the conclusion of the official proceedings the Honorable Brian Gibbons fails to order the unknown document as a special condition of appellants sentence. This fact is indisputable by the absence of a PRO being ordered at anytime during the official proceedings. As well as the absence of a PRO being listed as a special condition of appellants sentence, anywhere on either included sentencing sheet. As to indictment no.

2014GS2302746 Unlawful Conduct Towards a Child the only charge that relates to appellants minor child. There is no special condition listed for a RO or PRO! Adding further support to the indisputable fact of record that a PRO being issued in any manner was no part of the proceedings, official or otherwise!

Additionally, in regards to the trial court Judge attempting to grant jurisdiction to Family Court as well as the issue of collateral estoppel. Appellant is officially submitting a copy of a final order/decree decided by the Honorable Alex Kinlaw 13th Circuit Family Court, Greenville County. Formally dismissing with no services a case resulting from the exact charges that were a result of appellants current appeal.

The Honorable Brian Gibbons attempted to grant jurisdiction to Family Court regarding an issue which it had already issued a final decree on September 21, 2015. Six months prior to the case being heard before the trial court. This indisputable fact of record should also allow for appellants assertion of collateral estoppel defensively.

Finally, the state well knows that by and through assistant solicitor Tiffins blatant disregard for procedural due process as well as the trial court judges failure to order or identify a PRO on record. It's case is clearly fraught with prejudicial error that was intentional on assistant solicitor Tiffins part as well as the trial court judge. As prior to the hearing on March 1, 2016. Assistant Solicitor Tiffin admitted in July 2016, in the presence of counsel to having engaged in a meeting in chambers with the Honorable Brian Gibbons to discuss the PRO. Without benefit of defense counsel being present or no knowledge thereof given to defense counsel. This action clearly constitutes ex-parte communication as well as prosecutorial misconduct.

In the states IBOR the state seemingly contradict their every assertion. By using obscure verbiage to muddy the waters. They acknowledge appellants documented attempt to obtain clarity then in the same breath state that "Despite this request appellant somehow failed to actually object to, or otherwise challenge the trial courts decision to impose a restraining order (emphasis on RO not PRO) It seems the state readily

identifies the PRO as such when it's suited to their assertion or deception.

On page 9 of IBOR the state attempts to contend that appellant argues that at the time of the plea he was only informed that a RO would be sought concerning the victim of the CDUHAN and was not told his minor child would be included as a party; However, nothing in the plea transcripts reflects these assertions.

Appellant adamantly contends that the transcript in it's entirety makes those assertions clearly indisputable. Appellant hereby challenges the court of appeals to show anywhere in the eleven page transcript anything that can in anyway contradict this indisputable fact of record. The sentencing sheets also 100% clearly solidify appellants assertions. A PRO is in no manner listed as a special condition of either sentence, period! This too is an indisputable fact of record.

The trial court judge allowed assistant solicitor Tiffin to hand up a proposed RO identified as such. That was actually a PRO

then failed to order during the official proceedings the imposition of unknown/unidentified document as a special condition of appellants sentence.

Appellant again never heard the word PRO until hours after his sentencing when he was presented with a copy at the aforementioned documented, after hours visit with attorney Crangle. At which time he immediately conveyed his desire to withdraw plea, forthwith[1]

In closing their IBOR the state seems to acknowledge the presence of prejudicial error that they well know should be preserved. They then submit that any grant of relief must include an entirely new sentencing proceeding with reconsideration of both the term of years imposed as well as the terms and conditions of the restraining order (emphasis again on restraining order not PRO)

Appellant would like to point out that this is an overt attempt of the state to gain what is tantamount to a second bite at the apple because they well know the presence of prejudicial error is not merely present but an indisputable fact of record.

In reference to the states attempt to treat the rule of Law as if it were malleable. So that the seemingly unbridled power in which they routinely, unchecked, operate with total disregard for the rules of criminal procedure as well as statutory procedure and guidelines which were set forth to govern their actions. To protect appellant from the very type actions that have made appellants appeal necessary. This type of administrating injustice must be reigned in by the noble institution that is the S.C. Court of Appeals.

The state also openly further attempts to insult and defame the integrity of the Court of Appeals. By requesting that should the court find prejudicial error, preserved for review? that the Court of Appeals become complicit with them in their unethical, prejudicial error. By granting the 13th Circuit a second bite of the apple that would clearly further defile appellants right to be treated fairly and impartially as well as in accordance with statutory procedure and other great constitutional safeguards ensured appellant in the U.S. Constitution.

The state request that should the court

find the obvious prejudicial error preserved for review. That they be granted said second bite of the apple by way of an entirely new sentencing proceeding with reconsideration of both the term of years imposed and the terms and conditions of the restraining order (emphasis added)

Appellant contends that this request is strange in that it is obvious that in the initial proceeding no consideration was given in any manner to the terms and conditions or even the type restraining order that has resulted in appellants meritorias appeal (emphasis added)

Furthermore, in reference to states far reaching request. Appellant would like to bring to the Court's attention, prior to yet another grave error occurring. Appellant has completely satisfied the original sentence imposed by the trial court on March 1, 2016. For the court to allow an entirely new sentencing proceeding after the sentence imposed originally has been completely satisfied. In appellants limited understanding of the american system of jurisprudence, himself being merely a layman. Would this not clearly constitute double jeopardy

For all the foregoing facts contained herein indisputably supported by the official record of the proceedings and the complete lack of any mention or order for a Permanent Restraining Order therein or on the official sentencing sheets listed as a special condition of appellants sentence.

Appellant hereby humbly submits that in light of the foregoing indisputable facts of record. Appellants prays that the Court of Appeals find the obvious error is preserved. And that due to the prejudicial error resulting from blatant disregard for statutory procedure as well as procedural and substantive due process. This great court immediately issue an order rescinding the imposition of 16-3-1910 PRO that is present nowhere in the official record of the proceedings or the accompanying sentencing sheets for the above indictments in this matter.

As well as an order effecting appellants immediate release from his current incarceration. As appellant is currently serving a 5 year sentence in the South Carolina DOC for violating

the provisions of a PRO that appears nowhere in appellants official record of proceedings or listed as a special condition on appellants sentencing sheets.

Conclusion:

For all the foregoing reasons, Appellant respectfully request that the Court of Appeals take the only course of action available if it hopes to maintain the integrity of this noble institution. Immediate rescinsion of the PRO wrongfully attached to appellants original sentence. As it is an indisputable fact of record that it was no part thereof. As well as any other order this great court deem necessary and proper.

Respectfully submitted this 5th day February 2018

s/ Raymond L Rahman

5th February 2018
Fluchelburg - Notary
Exp: 8/30/2026

EXHIBIT A

STATE OF SOUTH CAROLINA)
) IN THE FAMILY COURT OF THE
COUNTY OF GREENVILLE) THIRTEENTH JUDICIAL CIRCUIT
) C A No.: 2014 DR 23-2981
South Carolina Department)
of Social Services,)
FILED CLERK OF COURT
GREENVILLE, S.C.
Plaintiff,)
vs. 2015 SEP 22 AM 9 24
Dianne Lipscomb)
Ray Roberson) **ORDER OF DISMISSAL**
FAMILY COURT
Defendant(s),)
)
IN THE INTEREST OF:)
Destiny Roberson (6/1/2007))
Minor Under the Age of 18)
)

PRESIDING JUDGE:	Alex Kinlaw, Jr.
DATE OF HEARING:	September 10, 2015
ATTORNEY FOR PLAINTIFF:	Mark X Herro
GREENVILLE COUNTY DSS:	Heather Radloff
ATTORNEY FOR DIANNE LIPSCOMB:	Sam Weldon
ATTORNEY FOR RAY ROBERSON:	Chad Mitchell
GUARDIAN AD LITEM FOR RAY ROBERSON :	Mills Ariail
GUARDIAN *AD LITEM*:	Lewis Mc Neil
ATTORNEY FOR GUARDIAN *AD LITEM*:	Don Stevenson
COURT REPORTER:	Julie Ashbrook

The above-entitled action was filed on July 8, 2014 as a Complaint for Intervention requesting a finding against the Defendant, Ray Roberson, and leaving custody of the child with the Defendant, Dianne Lipscomb. This case is before the Court for a merits hearing with all parties present. Upon the call of the case, the Court was informed the Defendant, Ray Roberson has been incarcerated since February 18, 2014 and the minor child has been safely residing with her mother, Diane Lipscomb. Thereafter counsel for Ray Roberson moved the court to dismiss this action.

#1

a

The Court, after hearing argument of counsel and having reviewed the file, grants the Motion to Dismiss, as agreed upon by the Defendants, Ray Roberson and Dianne Lipscomb, with the Guardian ad Litem taking no position, and over the objection of the Plaintiff.

THEREFORE, it is ORDERED:

1. Legal and physical custody of the minor child, Destiny Roberson, shall remain with the Defendant, Dianne Lipscomb.

2. The above-entitled action is hereby dismissed and the Department shall close its case.

3. The appointed attorneys and the Guardian *ad Litem* shall be relieved of further services in this matter.

AND, IT IS SO ORDERED.

Alex Kinlaw, Jr.
Presiding Family Court Judge
THIRTEENTH Judicial Circuit

September 21, 2015
GREENVILLE, South Carolina.

A Certified Copy
Paul B. Wilkerson
Clerk of Court C.P. & G.S. & Family Court
Greenville County, SC
Dated 7/6/17

Exhibit B

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF GENERAL SESSIONS
THE 13TH JUDICIAL CIRCUIT

CASE No.: 2014-GS-23-2745

2014A2330201414

DIANE A. LIPSCOMB,
DESTINY H. ROBERSON
DENNIS M. PACE
COMPLAINANT(S)

vs.

RAYMOND ROBERSON
RESPONDENT(S).

PERMANENT RESTRAINING ORDER

FILED-CLERK OF COURT
PAUL B. WICKENSIMER
GREENVILLE CO. S.C.
2016 MAR -2 AM 10:41

RESPONDENT IDENTIFIERS

SEX *	RACE *	DOB*	HEIGHT
M	W	7/19/1969	5'8"
WEIGHT	HAIR	EYES	STATE
208	BRO	BLU	SC

And/or on behalf of minor family member(s) or other protected persons: (List name)

Diane A. Lipscomb
Destiny H. Roberson
Dennis M. Pace

Relationship to Complainant: FATHER OF HER CHILD
FATHER
LIPSCOMP'S CHILD

Respondent's Address

CAUTION:
***Indicates required information for entry into NCIC**

☐ Weapon Involved ☐ Weapon Present on Respondent's Property ☐ Access to weapons

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter.
Respondent has been provided with reasonable notice and opportunity to be heard.
Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

☒ That the above named Respondent be restrained from committing further acts of abuse or threats of abuse.
☒ That the above named Respondent be restrained from any contact with the Protected Person as set forth on the attached pages.
The terms of the this order shall be effective until further ordered.

WARNINGS TO RESPONDENT:

This order shall be enforced in any county of South Carolina and by the courts of any state, District of Columbia, any U. S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

State and federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922).

Only the Court can change this order.

For Additional Information Call:

Sheriff _____ Phone Number

Clerk of Court _____ Phone Number

The Court held a hearing on March 1, 2016. After hearing the evidence, and examining the supporting documentation, the Court has determined that the Complainant has/ has not proved by a preponderance of evidence the need for issuance of a Permanent Restraining Order.

The Court makes the following finding of fact: (Check all that apply)

☒ 1. The Complainant resides in GREENVILLE County, SC (State).

☒ 2. The Respondent lives at 4 MCGEE STREET (Street Address) which is in GREENVILLE County, SC (State).

☐ 3. The Respondent is employed at which is located at .

☐ 4. The Respondent is a nonresident of this state or cannot be found.

☒ 5. The Respondent:
- ☒ was convicted of a criminal offense (as defined in SC Code Ann. § 16-3-1900(3)) for which the victim was the subject of the crime.
- ☒ was convicted of a criminal offense (as defined in SC Code Ann. § 16-3-1900(3)) for which the witness assisted the prosecuting entity/agency.

☒ 6. The conviction took place on this date 03/01/2016 in the GENERAL SESSIONS COURT court. The prosecuting entity/agency was 13TH CIRCUIT SOLICITOR.
The qualifying conviction was: AGGRAVATED DOMESTIC VIOLENCE AND UNLAWFUL CONDUCT TOWARD A CHILD.

☐ 7. A restraining order has expired, is set to expire, or is not available and the common pleas court is not in session for the complainant to obtain a permanent restraining order.

IT IS THEREFORE ORDERED THAT (Check all that apply):

☒ A. The Respondent is restrained, prohibited and forbidden from abusing, threatening to abuse, or molesting the Complainant or members of Complaint's family.

☒ B. The Respondent is restrained, prohibited and forbidden from entering or attempting to enter the Complainant's place of residence, employment, or education.

☒ C. The Respondent is restrained, prohibited and forbidden from communicating or attempting to communicate with the Complainant or members of the Complaint's family in any way that would violate Section 16-3-1910.

☐ D. Federal Firearms Prohibition, pursuant to 18 U.S.C § 922.
1. Does this Order protect an intimate partner, a child of an intimate partner, or a child of the respondent? ☒ YES ☐ NO
2. Did the person restrained have actual notice and an opportunity to participate in the hearing?? ☒ YES ☐ NO
3. Does the Order find the restrained person a credible threat or explicitly prohibit the use, attempted use, or threatened use of physical force? ☐ YES ☐ NO

☐ E. A copy of this Order shall be served on the following law enforcement agencies:

AND IT IS SO ORDERED.
Entered at A.M. on 3/1/16

Circuit Court Judge

Family Court has jurisdiction for custody issues r/o AI to visitation.

VIOLATION OF THIS ORDER IS A FELONY CRIMINAL OFFENSE PUNISHABLE BY UP TO FIVE YEARS IN PRISON.

TO LAW ENFORCEMENT OFFICERS:

Pursuant to S.C. Code Ann. § 16-3-1910, notwithstanding any other provision of law, the terms of this Order are enforceable throughout this State. Law enforcement officers shall arrest a respondent who acts in violation of this Order after service and notice of the Order have been provided. A respondent who is in violation of a permanent restraining order is guilty of a felony, if the underlying conviction that was the basis for the permanent restraining order was a felony and, upon conviction, must be imprisoned not more than five years. If the underlying conviction that was the basis for the permanent restraining order was a misdemeanor, a respondent who is in violation of an permanent restraining order is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than three years, or both.

COPY GIVEN TO COMPLAINANT BY _____ (initials) COPY GIVEN TO RESPONDENT BY _____ (initials)

EXHIBIT C

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS 445375

COUNTY OF Greenville)
STATE VS.)
Raymond L Roberson)
AKA:)
Race: WHITE Sex: M Age: 46)
DOB: SS#:)
Address:)
City,State,Zip:)
DL#: SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

INDICTMENT/CASE#: 2014GS2302746
A/W#: 2014A2330201415
Date of Offense: 2/18/2014
S.C. Code § : 63-05-0070
CDR Code #: 2481

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Unlawful Conduct Towards a Child

in violation of § 63-05-0070 of the S.C. Code of Laws, bearing CDR Code # 2481 ✓
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Tiffin, Barbara Heape 2887 SC Bar# | Raymond Roberson Defendant | John Cole Attorney for Defendant | 100515 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 5 days/months/years or ☐ under the **Youthful Offender Act** not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.
☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

A Certified Copy
Paul D. Linder
Clerk of Court C.P. & G.S.
Greenville County, SC
Dated 1-26-18

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

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

Clerk of Court/ Deputy Clerk M Watkins
Court Reporter: Paul B Wilkinson

Presiding Judge 2168
Judge Code:
Sentence Date: 3/1/16

SCCA/217 (03/2011)

EXHIBIT D

STATE OF SOUTH CAROLINA)
COUNTY OF Greenville)
STATE VS.)
Raymond L Roberson)
AKA:)
Race: WHITE Sex: M Age: 46)
DOB: SS#.)
Address:)
City,State,Zip:)
DL#: SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS2302745
A/W#: 2014A2330201414
Date of Offense: 2/18/2014
S.C. Code § : 16-25-0065
CDR Code #: 2988

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒PLEADS
TO: CDVHAN

in violation of § 16-25-0065 of the S.C. Code of Laws, bearing CDR Code # 2988 ✓
☐ NON-VIOLENT ☒ VIOLENT ☐SERIOUS ☐MOST SERIOUS ☐Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐§17-25-45

The charge is: ☒ As Indicted, ☐Lesser Included Offense, ☐Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☒Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 2887 Raymond Roberson John Cyph 100515
Tiffin, Barbara Heape SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 5 days/months/years or ☐ under the **Youthful Offender Act** not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. (since 2/16/14) 33
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐**RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
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PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: c/o Assoc. victim I

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

Clerk of Court/ Deputy Clerk M. Wathuis
Court Reporter: Paul B Witherspoon
Presiding Judge _____
Judge Code: 2106
Sentence Date: 3/11/16

SCCA/217 (03/2011)

A Certified Copy
Clerk of Court C.P. & G.S.
Greenville County, SC
1-26-16

Raymond L Roberson # 284306
G. C. I B-5 A 45-B
4556 Broad River Rd.
Columbia, S. C 29210

Clerk of Court
South Carolina Court of Appeals

RE: Appellate Case No. 2016-000525

Dear Clerk, February 11, 2018

Please find enclosed one 20 page brief of appellant with a cover sheet. Prepared on lined legal paper and notarized 2-5-18. Also enclosed is a copy of the same on photo copy paper as well as an S. A. S. E with adequate U. S. Postage affixed.

Upon receipt please file the original document with your office. As well as clock-stamping the included photo-copy and utilizing the S. A. S. E please send me the clock-stamped

copy for my personal files

Additionally, there is also included four separate documents marked as exhibits A through D. These documents are attached to the brief as relevant, indisputable evidence supporting appellants appeal. Please include these with the filing of the brief so that they may be designated as part of the official permanent record.

Thanking you in advance for your time and assistance in this matter

Respectfully

Raymond L Roberson

EVANS CORR. INST. - 2A-0261-A
610 Highway 9 West
Bennettsville, SC 29512

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL

7016 3560 0000 3460 6696

1000

29211

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29687
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S.C. Court of Appeals
Clerk of Court - Jenny Abbott Kitchens
P.O. Box 11629
Columbia, SC 29211

AH 2/24

ATTN: Clerk of Court

RECEIVED
FEB 26 2018
SC Court of Appeals