

STATE OF SOUTH CAROLINA)
)
)
 vs.)
)
 Robert Dumon Johnson)
)
)
 Defendant.)
 _____)

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Indictment #: 2017GS3201005,
2017GS3201006

RECEIVED

APR 23 2018

SC Court of Appeals

RULE 203(d)(1)(B)(iv) EXPLANATION

Pursuant to Rule 203(d)(1)(B)(iv), the undersigned asserts that he does not have a good faith basis to believe that any issues are properly before the Court of Appeals, and the undersigned did not object to the sentence.

The undersigned attorney consulted with the client and after consultation the client requested that an appeal be filed.

The undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. See *Frazer v. South Carolina*, 430 F.3d 696, 706 (4th Cir. 2005) ("A defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate on behalf of his client.'") (quoting *Anders v. California*, 386 U.S. 738, 744 (1967)).

Respectfully submitted,



Ola Johnson
P.O. Box 549
Lexington, SC 29071

Lexington, South Carolina
April 20, 2018

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington
STATE VS.

INDICTMENT/CASE#: 2017GS3201006

Robert Dumon Johnson

A/W#: 2016A3210800265

Date of Offense: 5/25/2016

S.C. Code §: 16-03-0010

CDR Code #: 0116

AKA:

Race: B Sex: M Age: 36

DC

Addr

City, State, Z

DL#: SID#: SC01335396

*CDL Yes No CMV Yes No Hazmat Yes No

SENTENCE SHEET

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

CONVICTED OF or PLEADS

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

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Solicitor, Defendant, Attorney for Defendant, SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 1 1/2 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: 1765 32-1005
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. 684 days

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 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms: Obtain GED

Set by SCDPPPS Attend Voc. Rehab. or Job Corp.

Recipient: May serve W/E beginning

*Fine: \$ Substance Abuse Counseling

§ 14-1-206 (Assessments 107.5 %) \$ Random Drug/Alcohol testing

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100 Fine may be pd. in equal, consecutive weekly/monthly

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ pmts. of \$ beginning

§ 56-5-2995 (DUI Assessment) \$12 \$ paid to Public Defender Fund

§ 56-1-286 (DUI Breath Test) \$25 \$ Other:

Proviso 61.6 (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$25

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$

TOTAL \$125

Clerk of Court/ Deputy Clerk Lisa Conner

Court Reporter: S Johnson #

SCCA/217 (07/2016) Presiding Judge Judge Code: Sentence Date: 4-12-18

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Murder
§ 16-03-0010

At a Court of General Sessions, convened on December 2017, the Grand Jurors of Lexington County present upon their oath:

That **Robert Dumon Johnson** did in Lexington County on or about May 25, 2016, unlawfully kill one Brenda Posey with malice aforethought, either express or implied, to wit: the defendant stabbed the victim 5 times in the chest causing her death, in violation of § 16-3-10, Code of Laws of South Carolina, 1976, as amended.

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


DEPUTY SOLICITOR

WITNESSES

Lexington County Sheriffs Department

J. Kemfort

Law Enforcement Case #: 16010596

DSG

ARREST WARRANT NUMBER

2016A3210800265

ACTION OF GRAND JURY

TRUE BILL

Sheryl R. Ferguson
Foreperson of Grand Jury

Date: 12-4-17

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2017GS3201006

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

DECEMBER TERM 2017

THE STATE

vs.

Robert Dumon Johnson

CDR #: 0116

Indictment for

Murder

§ 16-03-0010

S.R. Hubbard III, SOLICITOR

ARREST WARRANT

2016A3210800265

STATE OF SOUTH CAROLINA

County/ Municipality of

Lexington

THE STATE
against

Robert Dumon Johnson

Address:

Phone: _____ Sex: M Race: B Height: 6 Weight: 185

DL State: SC DL #: _____ Agency ORI #: SC0320000

Prosecuting Agency: Lexington County Sheriff

Prosecuting Officer: J. Kemfort - 2992

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010, 0020

This warrant is CERTIFIED FOR SERVICE in the
 County/ Municipality of

The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant Robert Dumon Johnson
on 5-29-2016

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
Lexington County Summary Court Center
139 East Main Street
Lexington, SC 29072

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Lexington

Personally appeared before me the affiant J. Kemfort who

being duly sworn deposes and says that defendant Robert Dumon Johnson

did within this county and state on or about 5/25/2016 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Lexington)

in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

That Robert Dumon Johnson on or about May 25, 2016 while at 269 Cedarcrest Dr in Lexington County SC, did unlawfully kill
another person with malice aforethought to wit: Robert Johnson did stab victim Brenda Posey 5 times in the chest causing her death.
The fire was determined to be intentionally set to conceal evidence that both Posey and Smith were stabbed numerous times causing
their deaths; and whereas Johnson can be placed at the scene of the arson/homicide by cell phone records and eye witness accounts;
and whereas Johnson made incriminating statements to his wife and fled the area in haste without taking any clothing or other
personal items within hours of the incident. Case # 16-010596. See Attached Supporting Affidavit.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Lexington

Affiant's Address P O Box 639

Lexington, SC 29071-

Affiant's Telephone _____

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 5/25/2016 defendant Robert Dumon Johnson

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Lexington) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable

Sworn to and subscribed before me
on 5/27/2016

Signature of Issuing Judge
Bradley Stewart Melton

Judge Code: 7321

Judge's Address 139 East Main Street, Suite B

Lexington, SC 29072-

Judge's Telephone (803)785-2594

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

ORIGINAL

AFFIDAVIT

BAIL set by

Judge Bub
on 5/29/16
Type and Amount: DENIED
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition: _____
Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
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Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS



BEITH A. SPRIGG
CLERK OF COURT
FLEXINGTON SC

2016 JUN -1 PM 3:00

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington
STATE VS.

Robert Dumon Johnson

AKA:
Race: B Sex: M Age: 36

Address:
City, State, Zip:
DL# SID#: SC 01335396

*CDL Yes No CMV Yes No Hazmat Yes No

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

INDICTMENT/CASE#: 2017GS3201005
A/W#: 2016A3210800264
Date of Offense: 5/25/2016
S.C. Code § : 16-03-0010
CDR Code #: 0116

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS §17-25-45 (CSC w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:
Solicitor SC Bar# 11630
Defendant
Attorney for Defendant SC Bar# 68563

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of Life days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; 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: 1765321006
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. 604 days
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 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS
days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$

TOTAL \$135
Clerk of Court/ Deputy Clerk: Lissa Coner
Court Reporter: Johnson
SCCA/217 (07/2016)

Appointed PD or appointed other counsel, §Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.
Presiding Judge: [Signature]
Judge Code: 2154
Sentence Date: 4-12-18

WITNESSES

Lexington County Sheriffs Department

J. Kemfort

Law Enforcement Case #: 16010596

DSG

ARREST WARRANT NUMBER

2016A3210800264

ACTION OF GRAND JURY

TRUE BILL

Sheryl R. Ferguson
Foreperson of Grand Jury
Date: 12-4-17

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2017GS3201005

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

DECEMBER TERM 2017

THE STATE

vs.

Robert Dumon Johnson

CDR #: 0116

Indictment for

Murder

§ 16-03-0010

S.R. Hubbard III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Murder
§ 16-03-0010

At a Court of General Sessions, convened on December 2017, the Grand Jurors of Lexington County present upon their oath:

That **Robert Dumon Johnson** did in Lexington County on or about May 25, 2016, unlawfully kill one Harry Smith with malice aforethought, either express or implied, to wit: the defendant did stab Harry Smith 19 times in the arms, head, neck and torso causing his death, in violation of § 16-3-10, Code of Laws of South Carolina, 1976, as amended.

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


DEPUTY SOLICITOR

ARREST WARRANT

2016A3210800264

STATE OF SOUTH CAROLINA

County/ Municipality of

Lexington

THE STATE
against

Robert Dumon Johnson

Address:

Phone:

Sex: M Race: B Height: 6 Weight: 185

DL S: DL

DOB: 0/13/1961

Prosecuting Agency: Lexington County Sheriff

Prosecuting Officer: J. Kemfort - 2992

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010, 0020

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Robert Dumon Johnson

on 5-29-2016

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
Lexington County Summary Court Center
139 East Main Street
Lexington, SC 29072

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Lexington

Personally appeared before me the affiant J. Kemfort

being duly sworn deposes and says that defendant Robert Dumon Johnson

did within this county and state on or about 5/25/2016

State of South Carolina (or ordinance of County/ Municipality of Lexington)

in the following particulars:

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Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Lexington

Affiant's Address P O Box 639
Lexington, SC 29071-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

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on or about 5/25/2016

defendant Robert Dumon Johnson

did violate the criminal laws of the State of South Carolina (or ordinance of

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Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 5/27/2016

Signature of Issuing Judge
Bradley Stewart Melton

Judge Code: 7321

Judge's Address 139 East Main Street, Suite B
Lexington, SC 29072-

Judge's Telephone (803)785-2594

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 516

ORIGINAL

BAIL set by

Judge BWB
on 5/29/16
Type and Amount: DENIED
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition: _____
Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
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Telephone: _____

Name: _____
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Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS



BETH A. O'ARRIGG
CLERK OF COURT
SPRINGFIELD, MO, MO

2016 JUN -1 PM 3:07