

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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POST CONVICTION RELIEF APPEAL FROM HORRY COUNTY SUPREME COURT
Court of Common Pleas

William H. Seals, Jr., Circuit Court Judge

Appellate Case No.: 2018-000053

Robbie Lee Bufkin, Jr., Applicant

v.

The State of South Carolina, Respondent.

APPENDIX

Johnny Ellis James, Jr.
Assistant Attorney General
PO Box 11549
Columbia, SC 29211-1549

William G. Yarborough, III
Attorney for Petitioner
522 N. Church Street
Greenville, SC 29601
(864) 331-1612
SC Bar No.: 10271

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STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF HORRY) FOR THE FIFTEENTH JUDICIAL CIRCUIT

Robbie Lee Bufkin, Jr.,) Case No.: 2016-CP-26-06494
S.C.D.C. No. 256043,)

Applicant,)

v.)

State of South Carolina,)

Respondent.)

ORDER OF DISMISSAL

FILED
HORRY COUNTY
2018 JAN -5 PM 2:18
JOHN ELLIS
CLERK OF COURT
HORRY COUNTY, SC

This matter comes before the Court by way of an application for post-conviction relief filed by Robbie Lee Bufkin, Jr. ("Applicant") on October 4, 2016. Respondent made its return on or about August 3, 2017. The Court convened an evidentiary hearing into the matter on Tuesday, September 19, 2017, at the Horry County Courthouse in Conway, South Carolina. Applicant was present at the hearing and represented by William G. Yarborough, III, Esquire. Johnny Ellis James Jr., of the South Carolina Attorney General's Office, represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Applicant's plea counsels, L. Morgan Martin, Esquire ("Morgan"), and Mary Ashley Martin ("Mary Ashley") also testified. Finally, Applicant's mother briefly testified. The Court had before it Applicant's records from the South Carolina Department of Corrections, a copy of the original trial transcript, the records of the Horry County Clerk of Court regarding the subject convictions, and the pleadings. The Court finds as follows:

I. PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Horry County Clerk of Court. Applicant was indicted at the January 2016 term of the Horry County Grand Jury for trafficking cocaine, between 10 and 28 grams (2016-GS-26-00176). Applicant waived presentment of an additional indictment for trafficking cocaine, between 28 and 100 grams (2016-GS-26-02357).¹ Morgan Martin, Esquire, and Mary Ashley Martin, Esquire, represented Applicant. Joshua Holford, of the Fifteenth Circuit Solicitor's Office, prosecuted the case. On May 17, 2016, Applicant pled guilty to the above two counts of trafficking cocaine. Upon recommendation by the State that Applicant be sentenced to between 15 and 20 years, the Honorable Thomas W. Cooper, Jr. sentenced Applicant to imprisonment for concurrent terms of 16 years for each crime. Applicant did not appeal his plea or sentence.

Present Application

In his post-conviction relief application, as amended by and through counsel on August 9, 2017, Applicant alleges he is being held unlawfully for the following reasons:

1. "Ineffective assistance of counsel pursuant to Strickland v. Washington due to retained counsel failing to adequately prepare for the case, failing to properly inform Applicant by sharing the State's discovery with him, and appearing at Applicant's plea hearing with no knowledge of Applicant's case."
 - a. "Ineffective assistance of counsel pursuant to Strickland v. Washington. Retained counsel was ineffective by failing to prepare at all for Applicant's case, instead relying on his younger daughter to prepare Applicant's case so that counsel could work on other cases. Instead of familiarizing himself in any way with Applicant's case, counsel appeared at Applicant's plea hearing having no knowledge of Applicant's case. Applicant was prejudiced because he desired to go to trial, but when he

¹ Applicant was additionally indicted for murder (2015-GS-26-01733); trafficking cocaine, between 100 and 200 grams (2016-GS-26-00084); trafficking cocaine, between 10 and 28 grams (2016-GS-26-00177); unlawful possession of a firearm by a person convicted of a violent offense (2016-GS-26-00185); and possession of a stolen pistol (2016-GS-26-00186). These indictments were dismissed *nolle prosequi*.

realized his attorney was completely unprepared, Applicant decided to plead guilty rather than risk a trial with an unprepared attorney. Applicant's attorney allowed his other case load to interfere with his zealous advocacy for Applicant, and denied Applicant the opportunity to go to trial as he wished."

2. "Applicant's counsel was also ineffective by failing to properly inform Applicant by sharing the State's discovery with him."
 - a. "Applicant's counsel was also ineffective by failing to properly inform Applicant by sharing the State's discovery with him. Applicant was prejudiced because he did not know that there was a suppression issue in his case due to counsel's errors. Had Applicant known about the suppression issue, he would not have pled guilty but would have gone to trial."
3. "Applicant's guilty plea was involuntary since Applicant desired to go to trial but decided to plead guilty when he realized counsel knew nothing of his case, relying instead on his younger daughter to do all the work on Applicant's case and allowing his other cases to interfere with Applicant's case."
 - a. "Applicant's guilty plea was involuntary because Applicant pled in order to avoid the risks of going to trial with his unprepared counsel. Applicant desired for his counsel to try the case and expressed this to his counsel, but when counsel appeared at the plea hearing unprepared, Applicant made an involuntary plea to avoid having to try an unprepared case."
4. "Denial of due process because Applicant was unable to get a continuance so that he could remedy his counsel's unprofessional mistake, instead having to plead guilty."
 - a. "Denial of due process because Applicant was unable to get a continuance so that he could remedy his attorney's unprofessional mistake and instead had to plead guilty. Though alerted to Applicant's attorney's unprofessionalism in not being adequately prepared for trial, the trial judge refused to grant Applicant a continuance to remedy his attorney's unprofessional error, violating Applicant's due process rights guaranteed by the 4th and 14th Amendments."
5. "Ineffective assistance of counsel pursuant to Strickland v. Washington due to counsel failing to challenge the unlawful search and seizure of Applicant's possessions by moving for a suppression hearing."
 - a. "Ineffective assistance of counsel pursuant to Strickland v. Washington, due to counsel failing to challenge the unlawful search and seizure of Applicant's possessions or making a motion for a suppression. The officers in Applicant's case entered his home without a warrant and with no justifiable exception to the warrant requirement. Although this issue is

clear from the police reports, counsel failed to make a motion to suppress or challenge the search and seizure. Applicant was prejudiced by this since the illegally seized evidence was the only evidence the State had against Applicant and there is a reasonable probability that had it been challenged, the evidence stemming from the illegal search would have been suppressed."

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the records submitted to it by the parties and the legal arguments made by the attorneys. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings based upon all of the probative evidence presented.

A. Ineffective Assistance of Counsel

In a post-conviction relief action, an applicant has the burden of proving the allegations in his or her application. Rule 71.1(c), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant alleges ineffective assistance of counsel as a ground for relief, he or she must prove "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." Butler at 442, 334 S.E.2d 441 (quoting Strickland v. Washington, 466 U.S. 668, 686 (1984)). The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. Id.

"[C]ounsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler at 442, 334 S.E.2d 441 (quoting Strickland at 690). The applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989). "Judicial scrutiny of counsel's performance must be highly deferential, as it is all too tempting for a

defendant to second-guess counsel's assistance after conviction or an adverse sentence, and it is all too easy for a court, examining counsel's defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable." Strickland, 466 U.S. at 689; Edwards v. State, 392 S.C. 449, 456-57, 710 S.E.2d 60, 64 (2011). "[W]hen counsel articulates a valid reason for employing a certain strategy, such conduct will not be deemed ineffective assistance of counsel." Smith v. State, 386 S.C. 562, 567, 689 S.E.2d 629, 632 (2010) (citing Caprood v. State, 338 S.C. 103, 110, 525 S.E.2d 514, 517 (2000)).

Courts use a two-pronged test 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 at 117, 386 S.E.2d at 625 (citing Strickland at 688). 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 at 117-18, 386 S.E.2d at 625 (citing Strickland at 694). The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. Strickland at 696. A court need not first determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. Strickland, 466 U.S. at 696-97.

Applicant further claims his plea was not entered knowingly or voluntarily. To find a guilty plea is voluntarily and knowingly entered into, the record must establish Applicant had a full understanding of the consequences of his plea and the charges against him. See Boykin v.

Alabama, 395 U.S. 238, 243 (1969); Dover v. State, 304 S.C. 433, 434, 405 S.E.2d 391, 392 (1991). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence presented at the PCR hearing. See Harris v. Leeke, 282 S.C. 131, 134, 318 S.E.2d 360, 361 (1984).

Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, the PCR applicant's right to contest the validity of such a plea is usually, but not invariably, foreclosed. See Blackledge v. Allison, 431 U.S. 63, 73-74 (1977). Statements made during a guilty plea should be considered conclusively, unless an Applicant presents valid reasons why he should be allowed to depart from the truth of his statements. See Crawford v. U.S., 519 F.2d 347, 350 (4th Cir. 1975) (overruled on other grounds by U.S. v. Whitley, 759 F.2d 327 (4th Cir.1985)). Applicant presented no reasons to show that he should be allowed to depart from the truth of the statements he made during his guilty plea hearing.

An applicant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that trial counsel's representation fell below an objective standard of reasonableness, and that there is a reasonable probability that, but for trial counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial instead. See Roscoe v. State, 345 S.C.16, 20, 546 S.E.2d 417, 419 (2001); see also Richardson v. State, 310 S.C. 360, 362 426 S.E.2d 795, 797 (1993). Given Applicant's burden of proof and the analysis to be applied to this claim, Applicant's claim of involuntary plea is, in essence, a claim of ineffective assistance of counsel, and it will be treated as such.

IAC Allegation #1 – Failure to Prepare, Motion for Suppression

Applicant alleges that his representation was ineffective because Morgan was wholly unprepared and unduly relied upon Mary Ashley, and in particular that because of his lack of

6

preparation, Morgan failed to identify and challenge issues with the warrants for Applicant's arrest and subsequent search of his residence. In order to prevail upon a claim that counsel did not adequately prepare or investigate a case, an applicant must present evidence of what counsel could have discovered or what other defenses applicant could have requested counsel develop and present had counsel been more prepared. Harris v. State, 377 S.C. 66, 75-76, 659 S.E.2d 140, 145-46 (2008) (citing Jackson v. State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998)). Furthermore, an applicant must also present evidence to show how the discoverable matters or defenses would have resulted in a different outcome. Id. (citing Davis v. State, 326 S.C. 283, 288, 486 S.E.2d 747, 749 (1997); Skeen v. State, 325 S.C. 210, 214, 481 S.E.2d 129, 132 (1997)). Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. Id., 377 S.C. at 75, 659 S.E.2d at 145 (citing Glover v. State, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)).

At the plea, this Court notes that the plea court asked Applicant if he was "fully satisfied with everything that *Mr. Martin* and *Mary Ashley* have done for you in their representation[,]" to which Applicant affirmed that he was satisfied, that both attorneys had done everything asked of them, and that he required no additional time to confer with counsels. Tr. 8-9 (emphasis added). In the course of an extensive argument in mitigation, Morgan condemned the murder charge dismissed as part of the plea as completely unsupported by evidence. Tr. 14-15.

At the evidentiary hearing, Morgan testified that both he and Mary Ashley represented Applicant and that Applicant was fully aware that both attorneys represented him. Morgan noted that Applicant had been arrested multiple times and was facing multiple charges as a consequence of each arrest. As for the charges to which Applicant pled, Morgan noted the State had both a warrant for Applicant's arrest and a warrant to search the room at the Sea Mist Hotel.

Morgan testified that he perceived no valid challenges for the warrants or the search. When challenged with Applicant's claim that he was in custody when the search warrant was signed, Morgan observed that police may simply wait for a search warrant after an arrest is executed. Morgan additionally noted that to some extent a search may be conducted incident to arrest. Morgan emphasized that Applicant faced a multitude of extremely serious charges, which provided the State multiple opportunities to try and convict Applicant. Morgan testified that both he and Mary Ashley had several conversations with Applicant in preparation, explained to him the weakness of potential suppression motions, and that seeking a plea was the best course among bad options. Morgan asserted that making motions and pursuing pre-trial hearings thereupon can poison plea negotiations. Morgan testified that he saw nothing to show any deception on the part of law enforcement and that the arrest warrants appeared valid.

Mary Ashley also testified that both she and Morgan represented Applicant. Mary Ashley considered challenging the search warrant and evidence recovered from the hotel room. While exploring the possibility, Mary Ashley personally visited the Sea Mist Hotel to see if the State's story checked out and, after that investigation, concluded that there was no possibility of successfully suppressing drugs tossed out of the hotel room window and recovered from a landing below. See also, A/W # 2014 A26 10400563.² Mary Ashley echoed Morgan's concern that going forward with pre-trial motions presents the risk that plea offers are withdrawn.

Applicant testified that he did not have proper knowledge of his case. Applicant denied ever talking to defense counsels about the warrants, denied ever getting a copy of his discovery, and denied ever seeing the affidavit in support of the warrant for his arrest. Applicant further

² "Agents had reason to believe that [Applicant] had tossed a large amount of narcotics from his hotel room upon police entry. On today's [date,] Agents returned and located a broken glass [sic] measuring jar and 144.3 grams of off white rock substance, with in [sic] direct eyes sight [sic] and throwing sight of the hotel room previously occupied by the defendant. A similar measuring device was also located in [Applicant's] hotel room."

denied knowing that he was nearing trial and denied knowing that the charges against him carried between 7 and 30 years.³ Applicant alleged that law enforcement misled the magistrate who approved the warrants, and that the magistrate was improperly influenced. Applicant claimed that the drugs and money collected as evidence against him were found before the search warrant was signed.

The Court finds no deficiency on the part of counsels, nor deficiency therefrom. Both attorneys represented Applicant and Applicant was clearly aware that both worked on his case. The thorough, detailed, and wholly credible testimony of Morgan and Mary Ashley shows that they were aware of potentially challenging the warrants against Applicant, explored the possibility of doing so, and determined that a defense based on suppressing the evidence against Applicant was not viable. Counsels explained the weakness of any defense to Applicant. No evidence exists to show that either attorney unduly burdened the other or shirked their obligations in representing Applicant. Both attorneys clearly articulated strategic reasons for not filing motions to suppress well ahead of trial—namely, that it would diminish options in plea negotiations. As such, this Court cannot condemn their representation as ineffective assistance of counsel. See Smith, 386 S.C. at 567, 689 S.E.2d at 632. Applicant's testimony, conversely, is not credible. There is no evidence to support his bald allegations of misconduct on the part of the State, and his broad claim of dissatisfaction with counsel throughout their representation is irreconcilable with his affirmation of satisfaction at the plea hearing. Accordingly, Applicant cannot show any deficiency on the part of counsel or prejudice therefrom, and his request for relief by way of this allegation is **DENIED**.

³ However, see Tr. 3-4, wherein the plea court advised that the charges carried sentences of between 7 and 25 years and up to 30 years, respectively.

IAC Allegation #2 – Failure to Discuss Discovery

Applicant also alleges that counsels failed to review the contents of his discovery with him. At the plea proceeding, this Court again notes that the plea court asked Applicant if he was “fully satisfied with everything that Mr. Martin and Mary Ashley have done for you in their representation[,]” to which Applicant affirmed that he was satisfied, that both attorneys had done everything asked of them, and that he required no additional time to confer with counsels. Tr. 8-9. At the evidentiary hearing, Mary Ashley confirmed that counsels filed motions pursuant to Rule 5, SCCrimP, and Brady.⁴ As previously noted, Morgan testified that both he and Mary Ashley had several conversations with Applicant in preparation, explained to him the weakness of potential suppression motions, and that seeking a plea was the best course among bad options.

The Court finds no deficiency on the part of counsels or deficiency therefrom. The Court finds that counsels sought discovery, received it, reviewed it, applied due professional judgment, and explained their findings to Applicant. Accordingly, Applicant’s request for relief by way of this allegation is **DENIED**.

B. Denial of Due Process – Denial of Continuance

Applicant alleged that his due process rights were violated by the Court’s refusal to grant Applicant a continuance in order for Applicant to remedy the mistakes of his unprepared counsel. There is no indication of any request for a continuance by Applicant in the guilty plea transcript. Once again, the Court notes that Applicant affirmed at the plea proceeding that he required no additional time. Having already found that both counsels Martin and Mary Ashley were fully prepared and engaged in the representation of Applicant, the Court finds there were no mistakes for Applicant to remedy. Applicant cannot show that he ever asked for a continuance

⁴ Brady v. Maryland, 373 U.S. 83 (1963).

or how a continuance would have changed the outcome of this case. Accordingly, Applicant's request for relief by way of this allegation is **DENIED**.

III. CONCLUSION

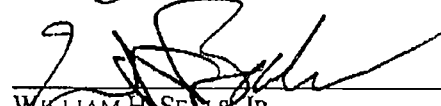
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notifies the 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 the 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. The Applicant must be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 19 day of December, 2017.


WILLIAM H. SEALS, JR.
Presiding Judge
Fifteenth Judicial Circuit

Mari, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF Horry

Robbie L. Buffkin #256043
Plaintiff(s)

vs.

State of South Carolina
Defendant(s)

Submitted By: Robbie Buffkin #256043
Address: Pecky Card Trust
430 Killebrew Rd
Pelham, SC 29669

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

16-CP- - 6/9/14

SC Bar #: _____
Telephone #: _____
Fax #: _____
Other: _____
E-mail: _____

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|---|--|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ General (130)
☐ Breach of Contract (140)
☐ Fraud/Bad Faith (150)
☐ Failure to Deliver/
Warranty (160)

☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199) _____ | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 ____-NI-_____
☐ Notice/ File Med Mal (230)
☐ Other (299) _____ | Torts - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☐ Slander/Libel (380)
☐ Other (399) _____ | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) _____ |
| Inmate Petitions
☒ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) _____ | Administrative Law/Relief
☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) _____ | Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured
Settlement Payment Rights
Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers
Compensation Settlement
Approval (780)
☐ Other (799) _____ | Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)

☐ Other (999) _____ |
| Special/Complex /Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699) _____

☐ Sexual Predator (510)
☐ Permanent Restraining Order (680) | ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)

☐ Out-of State Depositions (650)

☐ Motion to Quash Subpoena in an
Out-of-County Action (660)
☐ Pre-Suit Discovery (670) | | |

Submitting Party Signature: Robbie Buffkin

Date: 9/29/14

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCF, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FORM 5

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF)

Robbie Lee Buffkin, Jr. # 256043)
Full name and prison number (if any) of Applicant.)

16

6494

v.)

APPLICATION FOR

State of South Carolina)

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legible 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 *Perry Corr. Inst. 430 Oaklawn Rd, Pelham, SC 29667*
2. Name and location of Court which imposed sentence *Horry County Court of Common Pleas*
3. Name(s) of co-defendant(s) (if any) *Reginal Lewis*
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) *2016 ES 26 00176 10-28 grams Trafficking Cocaine*
 - (b) *2016 ES 26 00084 28-100 grams Trafficking Cocaine*
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) *May 17, 2016* *> 2 16 year aggregate sentences.*
 - (b) *May 17, 2016* *Sentences were ordered concurrent*

Revised 3/2003

- (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
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. _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Counsel did not file appeal
- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) Ineffective Assistance of Counsel
- (b) Involuntary guilty plea
- (c) Denial of Due process

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) Counsel's inactions lead to erroneous advice to plea
- (b) erroneous advice in sentencing
- (c) Failed to investigate complete discovery

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?

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. NA

ii.

iii.

iv.

(b) the name and location of the Court in which each was filed:

i.

ii.

iii.

iv.

(c) the disposition thereof:

i.

ii.

iii. NA

iv. N/A

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

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

i. _____

ii. _____

iii. _____

iv. N/A

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?

first filing for Post Conviction Relief

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. _____

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) *first filing of Post Conviction Relief*

(b) _____

(c) _____

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

16

- (a) your arraignment and plea? Morgan Martin
(b) your trial, if any? NONE
(c) your sentencing? SAME as (a)
(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. Morgan Martin Conway SC. Bar.
ii. Mary Ashley Martin
iii. _____
(b) the proceedings at which each such attorney represented you:
i. plea & sentencing
ii. _____
iii. _____

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

VACATE sentence AND REMAND for new trial

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

NO

STATE OF SOUTH CAROLINA)

VERIFICATION

County of Horry
Robbie L. B. B. B.

14

6494

I, _____, 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.

Robbie B. B. B. ✓

SWORN to and subscribed before me this 29th
day of September, 2016.

Nancy C. Merchant (L.S.)
Notary Public

My Commission Expires: 1-23-2021

2016 OCT -14 AM 9:34

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

16

6494

Robbie L. Buffkin

I, Robbie L. Buffkin, 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.

Robbie L. Buffkin ✓
Applicant

SWORN or affirmed to and subscribed before me this
29th day of September, 2016.

Nancy C. Merchant
Notary Public

My Commission Expires: 1-23-2021

2016 OCT -4 AM 9:34

FORM 5

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
 COUNTY OF HORRY)
)
 Robbie Lee Bufkin, Jr. # 256043) 2016 -CP- 260 - 6494
 Full name and prison number (if any) of Applicant)
)
 v.)
) AMENDED APPLICATION FOR
)
 State of South Carolina.) POST-CONVICTION RELIEF
)

FILED
 CLERK OF COURT
 HORRY COUNTY, SC
 2017 AUG -9 AM 8:50

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 Perry Correctional Institution
2. Name and location of Court which imposed sentence Horry County General Sessions
3. Name(s) of co-defendant(s) (if any) Ricqual Lewis
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2016 - GS - 26 - 00176 - Trafficking in cocaine 10-28 grams
 - (b) 2016 - GS - 26 - 00084 - Trafficking in cocaine 28 - 100 grams
5. The date upon which sentence was imposed and the terms of the sentence:

20

- (a) May 17, 2016 – 16 years concurrent
- (b) May 17, 2016 – 16 years concurrent
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty X
- (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
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Counsel did not file appeal.
- (b) _____
- (c) _____

21

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective assistance of counsel pursuant to Strickland v. Washington due to retained counsel failing to adequately prepare for the case, failing to properly inform Applicant by sharing the State's discovery with him, and appearing at Applicant's plea hearing with no knowledge of Applicant's case.
 - (b) Applicant's counsel was also ineffective by failing to properly inform Applicant by sharing the State's discovery with him.
 - (c) Applicant's guilty plea was involuntary since Applicant desired to go to trial but decided to plead guilty when he realized counsel knew nothing of his case, relying instead on his younger daughter to do all the work on Applicant's case and allowing his other cases to interfere with Applicant's case.
 - (d) Denial of due process because Applicant was unable to get a continuance so that he could remedy his counsel's unprofessional mistake, instead having to plead guilty.
 - (e) Ineffective assistance of counsel pursuant to Strickland v. Washington due to counsel failing to challenge the unlawful search and seizure of Applicant's possessions by moving for a suppression hearing.
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Ineffective assistance of counsel pursuant to Strickland v. Washington. Retained counsel was ineffective by failing to prepare at all for Applicant's case, instead relying on his younger daughter to prepare Applicant's case so that counsel could work on other cases. Instead of familiarizing himself in any way with Applicant's case, counsel appeared at Applicant's plea hearing having no knowledge of Applicant's case. Applicant was prejudiced because he desired to go to trial, but when he realized his attorney was completely unprepared, Applicant decided to plead guilty rather than risk a trial with an unprepared attorney. Applicant's attorney allowed his other case load to interfere with his zealous advocacy for Applicant, and denied Applicant the opportunity to go to trial as he wished.
 - (b) Applicant's counsel was also ineffective by failing to properly inform Applicant by sharing the State's discovery with him. Applicant was prejudiced because he did not know

that there was a suppression issue in his case due to counsel's errors. Had Applicant known about the suppression issue, he would not have pled guilty but would have gone to trial.

(c) Applicant's guilty plea was involuntary because Applicant pled in order to avoid the risks of going to trial with his unprepared counsel. Applicant desired for his counsel to try the case and expressed this to his counsel, but when counsel appeared at the plea hearing unprepared, Applicant made an involuntary plea to avoid having to try an unprepared case.

(d) Denial of due process because Applicant was unable to get a continuance so that he could remedy his attorney's unprofessional mistake and instead had to plead guilty. Though alerted to Applicant's attorney's unprofessionalism in not being adequately prepared for trial, the trial judge refused to grant Applicant a continuance to remedy his attorney's unprofessional error, violating Applicant's due process rights guaranteed by the 4th and 14th Amendments.

(e) Ineffective assistance of counsel pursuant to Strickland v. Washington due to counsel failing to challenge the unlawful search and seizure of Applicant's possessions or making a motion for a suppression. The officers in Applicant's case entered his home without a warrant and with no justifiable exception to the warrant requirement. Although this issue is clear from the police reports, counsel failed to make a motion to suppress or challenge the search and seizure. Applicant was prejudiced by this since the illegally seized evidence was the only evidence the State had against Applicant and there is a reasonable probability that had it been challenged, the evidence stemming from the illegal search would have been suppressed.

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-conviction 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:

23

(a) the specific nature thereof:

i. n/a

ii. n/a

iii. n/a

iv. n/a

(b) the name and location of the Court in which each was filed:

i. n/a

ii. n/a

iii. n/a

iv. n/a

(c) the disposition thereof:

i. n/a

ii. n/a

iii. n/a

iv. n/a

(d) the date of each such disposition:

i. n/a

ii. n/a

iii. n/a

iv. n/a

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

i. n/a

ii. n/a

iii. n/a

iv. n/a

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

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

(a) which grounds have been presented:

i. (a)

ii. (b)

24

- iii. (c)
- iv. (d)
- v. (e)
- (b) the proceedings in which each ground was raised:
 - i. _____
 - 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) _____
 - (b) _____
 - (c) _____
- 17. Were you represented by an attorney at any time during the course of:
 - (a) your arraignment and plea? Yes
 - (b) your trial, if any? N/a
 - (c) your sentencing? Yes
 - (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? Yes
- 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. L. Morgan Martin, 1121 3rd Avenue, Conway, SC 29526
 - ii. Mary Ashley Martin, 1121 3rd Avenue, Conway, SC 29526
 - iii. _____
 - (b) the proceedings at which each such attorney represented you:
 - i. Retained for trial
 - ii. Arraignment, plea, and sentencing
 - iii. _____
- 19. State clearly the relief you seek in filing this application:

That the Applicant's conviction be overturned and/or a new trial be granted on the merits.

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

No.

STATE OF SOUTH CAROLINA

County of Horry

VERIFICATION

I, Robbie L. Bufkin, Jr., 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.

Robbie L. Bufkin

SWORN to and subscribed before me this 3
day of August, 2017.

Maui Daulton (L.S.)
Notary Public

My Commission Expires: 10/9/23

FILED
HORRY COUNTY
2017 AUG -9 AM 8:50
RENEE A. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

27

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

Robbie Lee Bufkin, Jr. # 256043)

Plaintiff,)

VS.)

The State of South Carolina,)

Defendant.)

IN THE COURT OF COMMON PLEAS
THE FIFTEENTH JUDICIAL CIRCUIT

CASE NO.: 2016-CP-260-6494

**AFFIDAVIT OF SERVICE
BY MAILING**

I, William K. Hubbard, certify on this date, August 3, 2017, I served an Amended Application for Post-Conviction Relief in this action, dated August 3, 2017, on Renee Elvis, Clerk of Court for Horry County, by mailing it to her at her work place address, by depositing it in the U.S. Mail, in a certified envelope with sufficient postage affixed, addressed as follows:

Renee Elvis, Clerk of Court
Horry County Courthouse
Attn: Common Pleas
P.O. Box 677
Conway, SC 29528

Respectfully submitted,

William K. Hubbard

William K. Hubbard

Law Clerk to William G. Yarborough III, Esquire

FILED
HORRY COUNTY
2017 AUG -9 AM 8:50
RENEE ELVIS
CLERK OF COURT
HORRY COUNTY, SC

SWORN to and subscribed before me this 3rd
Day of August 2017

Flavine Hayo
Notary Public for South Carolina

My Commission expires: 12/30/23

28

copy

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF HORRY	)	
Robbie Lee Bufkin, Jr.,	)	Case No.: 2016-CP-26-06494
S.C.D.C. No. 256043,	)	
	)	
Applicant,	)	
	)	RETURN
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

In response to the application for post-conviction relief filed by Robbie Lee Bufkin, Jr. (Applicant) on October 4, 2016, Respondent would show this Court:

I.

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Horry County Clerk of Court. Applicant was indicted at the January 2016 term of the Horry County Grand Jury for trafficking cocaine, between 10 and 28 grams (2016-GS-26-00176). Applicant waived presentment of an additional indictment for trafficking cocaine, between 28 and 100 grams (2016-GS-26-02357).¹ Morgan Martin, Esquire, and Mary Ashley, Esquire, represented Applicant. Joshua Holford, of the Fifteenth Circuit Solicitor's Office, prosecuted the case. On May 17, 2016, Applicant pled guilty to the above two counts of trafficking cocaine. Upon recommendation by the State that Applicant be sentenced to between 15 and 20 years, the Honorable Thomas W. Cooper, Jr. sentenced Applicant to imprisonment for concurrent terms of 16 years for each crime. Applicant did not appeal his plea or sentence.

¹ Applicant was additionally indicted for murder (2015-GS-26-01733); trafficking cocaine, between 100 and 200 grams (2016-GS-26-00084); trafficking cocaine, between 10 and 28 grams (2016-GS-26-00177); unlawful possession of a firearm by a person convicted of a violent offense (2016-GS-26-00185); and possession of a stolen pistol (2016-GS-26-00186). These indictments were dismissed *nolle prosequi*. Numerous other charges, not here listed but included in the records attached and incorporated, were also dismissed without indictment.

II.

In his post-conviction relief application, Applicant alleges he is being held unlawfully for the following reasons:

1. "Ineffective Assistance of Counsel"
 - a. "Counsel's inactions lead to erroneous advice to plea"
2. "Involuntary guilty plea"
 - a. "Erroneous advice in sentencing"
3. "Denial of Due Process"
 - a. "Failed to investigate complete discovery"

Attached to and incorporated herein are the records of the Horry County Clerk of Court regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the current application for relief. Respondent reserves the right to amend this Return upon receipt of relevant information.

III.

Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland v. Washington, 466 U.S. 668. First, Applicant must prove that counsel's performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at

625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. (citing Strickland, 466 U.S. at 690). Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. 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 (1985).

Applicant can satisfy neither requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent respectfully requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Applicant further claims his plea was not entered knowingly or voluntarily. To find a guilty plea is voluntarily and knowingly entered into, the record must establish Applicant had a full understanding of the consequences of his plea and the charges against him. See Boykin v. Alabama, 395 U.S. 238, 243 (1969); Dover v. State, 304 S.C. 433, 434, 405 S.E.2d 391, 392 (1991). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence presented at the PCR hearing. See Harris v. Leeke, 282 S.C. 131, 134, 318 S.E.2d 360, 361 (1984).

The transcript reflects that the guilty plea was knowingly and voluntarily entered with a full understanding of the charges and consequences of the plea. Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, the PCR applicant's right to contest the validity of such a plea is usually, but not invariably, foreclosed. See Blackledge v. Allison, 431 U.S. 63, 73-74 (1977). Statements made during a guilty plea should be considered conclusively, unless an Applicant presents valid reasons why he should be allowed to depart from the truth of his statements. See Crawford v. U.S., 519 F.2d 347, 350 (4th Cir. 1975) (overruled on other grounds by U.S. v. Whitley, 759 F.2d 327 (4th Cir.1985)). Applicant presented no reasons to show that he should be allowed to depart from the truth of the statements he made during his guilty plea hearing.

An Applicant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that trial counsel's representation fell below an objective standard of reasonableness, and that there is a reasonable probability that, but for trial counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial instead. See Roscoe v. State, 345 S.C.16, 20, 546 S.E.2d 417, 419 (2001); see also Richardson v. State, 310 S.C. 360, 362 426 S.E.2d 795, 797 (1993). Given Applicant's burden of proof and the analysis to be applied to this claim, Applicant's claim of involuntary plea is, in essence, a claim of ineffective assistance of counsel, and it will be treated as such.

V.

Applicant alleges he was denied due process of law. However, the facts offered in support of that allegation are that counsel "failed to investigate complete discovery." Given that allegation, Applicant's claim of a due process violation is actually a claim of ineffective assistance of counsel, and it will be treated as such.

VI.

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments *will be opposed by the State at an evidentiary hearing* pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules 15(a)-(b), SCRCP; Mangal v. State, Op. No. 27726 (S.C.Sup.Ct. filed July 19, 2017) (Shearouse Adv.Sh. No. 27 at 47). All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRCP. Pro se filings will not be considered at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. See Rule 15(a), SCRCP.

Pursuant to § 17-27-150 of the South Carolina Code of Laws, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, Respondent requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent well in advance of the evidentiary hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to Respondent.

VII.

Respondent denies each allegation not expressly admitted, qualified, or explained.

VIII.

WHEREFORE, Respondent respectfully requests that this Court convene an evidentiary hearing on the allegations of ineffective assistance of counsel and involuntary guilty plea.

Respectfully submitted,

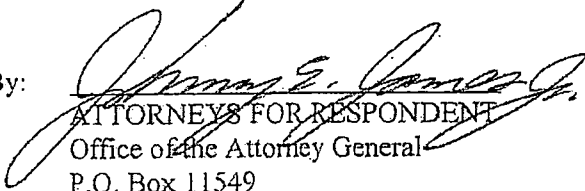
ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

JOHNNY ELLIS JAMES JR.
Assistant Attorney General

By:


ATTORNEYS FOR RESPONDENT
Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

3 Aug., 2017

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS

COUNTY OF HORRY)

2016-CP-26-06494

ROBBIE LEE BUFKIN,)

Petitioner,)

Transcript of Record

vs.)

September 19, 2017

STATE OF SOUTH CAROLINA,)

Respondent.)

B E F O R E:

Honorable William H. Seals
Horry County Courthouse
Conway, South Carolina

A P P E A R A N C E S:

William G. Yarborough, III, Esquire
Attorney for Petitioner

Johnny E. James, Jr., Esquire
Attorney for Respondent

Kay H. Richardson
Circuit Court Reporter

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1 (SEPTEMBER 19, 2017 - 1:34 P.M.)

2 MR. JAMES: The State would call the matter of *Robbie Lee*
3 *Bufkin, Jr. vs. State of South Carolina*. That is docket
4 number 2016-CP-26-6494. Mr. Bufkin is present here in the
5 courtroom and is represented by Mr. Bill Yarborough, Esquire.

6 Mr. Bufkin pled guilty on May 16, 2016 to two counts of
7 trafficking cocaine. Upon recommendation by the State that he
8 be sentenced between 15 and 20 years, the Honorable Thomas
9 Cooper sentenced Mr. Bufkin to imprisonment for concurrent
10 terms of 16 years on each crime.

11 THE COURT: All right. Mr. Yarborough?

12 MR. YARBOROUGH: May the please the court, Your Honor?
13 We'd call Mr. Martin.

14 MORGAN MARTIN, HAVING BEEN DULY
15 SWORN, TESTIFIED AS FOLLOWS:

16 THE COURT: Yes, sir.

17 DIRECT EXAMINATION OF MORGAN MARTIN BY MR. YARBOROUGH:

18 Q: Mr. Martin, state your name for the record.

19 A: Morgan Martin.

20 Q: And you're a criminal defense lawyer here in Conway?

21 A: I am, among other things.

22 Q: And you've been doing that for how long?

23 A: I've been a lawyer since 1979 and left the solicitor's
24 office in 1988 and I've been in private practice since then.

25 Q: Okay. Did you represent Mr. Bufkin?

37

1 A: I did.

2 Q: Can you tell us a little bit about that representation as
3 you recall it?

4 A: Well, Mary Ashley Bellamy, who is my law partner and my
5 daughter and I both represented Robbie on several occasions.
6 I think the first couple of cases that Mary Ashley handled
7 primarily were failure to stop for blue lights and siren. I
8 think there were a couple of those. Robbie was represented on
9 those, then he was arrested again for trafficking in cocaine
10 and/or cocaine -- crack cocaine, which I think was in October
11 of 2004, having to do with the possession and sell out of some
12 drugs out of the Sea Mist Motel in Myrtle Beach. He was later
13 charged with murder and again trafficking in drugs, having to
14 do with drugs found in an apartment over in the Myrtle Beach
15 area. He and a girlfriend were arrested with trafficking
16 cocaine on those cases. And I think in both instances, maybe
17 some weapons charges to go along with it.

18 Q: You classify the two, one is the C&S Motel ---

19 A: Sea Mist.

20 Q: And the other one is the -- what's that called, that
21 high-rise?

22 A: Well, I forgot the name of the place, but there -- it's
23 an apartment complex or a high-rise -- I'm not sure whether
24 it's a high-rise or not, but it's an apartment complex in the
25 Myrtle Beach area, Carolina Forest area, maybe.

- 1 Q: Okay. So, there was two -- there was two separate
2 searches?
- 3 A: Two separate events.
- 4 Q: Events.
- 5 A: Two separate dates of arrest with multiple charges
6 emanating from each event or each incident.
- 7 Q: And the first one was the C&S Motel and the other one at
8 the -- we'll call it the high-rise?
- 9 A: Correct.
- 10 Q: And now you mentioned a murder, those charges were never
11 prosecuted, right?
- 12 A: They were dismissed along with other charges at the time
13 that Robbie pled.
- 14 Q: Okay. At some point, I noticed in the colloquy during
15 the guilty plea that the murder was mentioned. Do you recall
16 that?
- 17 A: I do, yeah.
- 18 Q: And at -- at that point, the murder had been dismissed,
19 right?
- 20 A: Well, the murder -- if my memory serves me correct, the
21 murder was going to be dismissed pursuant to that plea, so
22 simultaneous therewith I guess is the way to say it.
- 23 Q: Was there any evidence that he was involved in the murder
24 at all?
- 25 A: Well, there may've been some evidence but there certainly

1 was not -- I did not think they had a good case at all on
2 Robbie and they had -- they had sent several plea offers in
3 the case having to do with the murder and what started out,
4 they'd recommend 40 years and then 30 years, but again he did
5 not plead to the murder charge or anything in connection with
6 it, and that's probably because at the end of the day, they --
7 I don't think they had enough evidence to convict him of
8 murder.

9 Q: But wasn't it the murder case that got him into the high-
10 rise, that's what they went there to arrest him?

11 A: If my memory serves me correctly, they got an arrest
12 warrant for Mr. Bufkin and they went there to arrest him, and
13 then in addition to the murder warrant for the warrant for
14 arrest, they got a search warrant to search that apartment.

15 Q: Okay. But do you know when that search warrant was
16 issued?

17 A: No, it's in the file, but I think it was the same day
18 they went there.

19 Q: All right. So, the way I -- the way I read it and I can
20 show you this ---

21 A: Okay.

22 Q: I'm just looking at this. Do you recognize this?

23 A: That looks like the affidavit that was with that search
24 warrant, yes.

25 Q: Okay. And it looks to me like he's -- he's arrested at

1 2:35, according to that affidavit. Do you see that? That
2 first couple of lines ---

3 A: It says on February 15th at approximately 2:35, they were
4 dispatched to a shooting in which a person was killed.

5 Q: Okay. And then I'm looking at the time down there it
6 looks like it's 2:00-P.M.-something. Do you see that down at
7 the bottom?

8 A: It looks like the magistrate signed this warrant about
9 2:00 P.M. which -- these are different dates. I mean, this
10 says sworn and subscribed before me on 27th day of March 2015,
11 and the affidavit says that on February 15th at 2:35 Myrtle
12 Beach police officers went to a shooting where a man was
13 killed.

14 Q: Right, killed. And what -- what I don't understand is
15 does it -- how did they -- how did they get into that
16 apartment to arrest Bufkin without an arrest -- or did they
17 have an arrest warrant?

18 A: My understanding is they had an arrest warrant.

19 Q: Okay. And then -- but how did they get permission to
20 search the high-rise?

21 A: Well, they got -- they got -- you got two ways to do it.
22 One is, if you arrest a person in there -- and I can't
23 remember the details now to the search incident to arrest, but
24 they got a search warrant. If you read the rest of the search
25 warrant it talks about the fact that they -- is this arrest --

1 they're gonna search the apartment for evidence.

2 Q: Okay. And I mean at any point did -- wanted to file a
3 suppression motion or ---

4 A: Well, my take on it at the time was that we didn't have a
5 valid motion to make in connection with suppression. Now, had
6 we actually gone to trial, probably would've done that but
7 they had an arrest warrant and they got a search warrant, and
8 my experience is that the combination of the two of those two
9 is a pretty potent reason to be able to search the apartment.

10 Q: Okay. And did -- I guess my question is, Did you discuss
11 with Mr. Bufkin the possibility of suppressing that evidence?

12 A: I'm sure we did. Now, I can't tell you as I sit here
13 today that I talked with Mr. Bufkin about -- exactly what we
14 talked about. I know that certainly I consider that. Mary
15 Ashley worked on this. She and I together considered that. I
16 frankly don't think it would get us anywhere and, of course,
17 the other part of that was there were more moving parts to
18 this than that.

19 Q: Okay. What were those other moving parts?

20 A: Well, there were the other charges against him. One in
21 particular was, if you go back to the Sea Mist Motel, I think
22 there were three drug trafficking charges coming from there.
23 And one of those was trafficking in 100 to 200 grams of
24 cocaine, which is a mandatory 25 to 35-year sentence. And
25 that I think in my mind that is the overriding factor to

1 Robbie's cases was the ability of the government with that one
2 case, which there was some questions about could they prove
3 that he was guilty of that 134 grams of cocaine, and we looked
4 at that thoroughly.

5 Q: All right. There was somebody else at that place, right?

6 A: Well ---

7 Q: The drugs were found somewhere else?

8 A: Well, the drugs were -- according -- the drugs were found
9 below the apartment that Robbie was in somewhere near a pool
10 deck or in the bottom of an un -- of a drained pool at the
11 time.

12 Q: Right.

13 A: We looked at that thoroughly. If I'm not mistaken, Mary
14 Ashley went over to that place to go to the room to see where
15 the drugs were found, to see what was possible, what wasn't
16 possible. So, the one conclusion was that was a very
17 worrisome fact there because that's a mandatory minimum 30-
18 year sentence if I recall it correctly. And I am an
19 experienced trial lawyer and I know after she and I looked at
20 all the facts of this case, and I know I told Robbie this, I'm
21 worried to death about that case when you take all of the
22 evidence that they've got surrounding it, which included
23 sending an informant to a certain room at the Sea Mist who
24 photographed Mr. Bufkin in the room at the time doing what he
25 said was cooking cocaine into crack, pictures ---

1 Q: You say he says that. Did he give a statement?

2 A: I don't remember but that's where -- somewhere I got
3 that. He must've told somebody that, yeah. And, the police
4 went to the room, and so -- and there was drugs in the room,
5 there were the drugs that were allegedly sold to the
6 informant. So, there's three charges, if I recall it
7 correctly, and it has been awhile since I've looked at it.
8 But there were -- and those were 10 to 28-gram charges. And
9 Robbie had certainly one prior and maybe two prior drug
10 offenses, which would enhance the penalty, so ---

11 Q: You say two. I think we discussed that earlier. I see
12 one. You made reference when we were discussing earlier about
13 something in Williamsburg or Williamstown?

14 A: That wasn't a -- that was not a drug charge. At the time
15 he pled guilty, there's the discussion there about whether
16 there are -- he had two prior drug offenses. Whether the age
17 of one of them would've kept it from enhancing seems to me
18 like was an issue, but again my worry was that it would not --
19 that he would've had a third offense, two priors for
20 possession or relatively minor charges but still enhancements.
21 And this part I can't remember exactly, but it seems to me
22 that when the murder -- but all of these charges were there,
23 the solicitor's office was rattling their saber about most
24 serious prior offense convictions, which would again allow
25 them to enhance a penalty against Robbie to life imprisonment

1 or something like that. And so one of those was as a juvenile
2 he had an AWIK on his record, I think if you'll pull that AWIK
3 over maybe Williamsburg County. And finally, we followed that
4 thread and I wouldn't have followed it except for the fact
5 that they were rattling their saber about they were gonna use
6 that to further enhance their ability to enhance the records
7 against him. But, I think we concluded and I was able to talk
8 to Mr. Holford with the solicitor's office that that was not a
9 -- could not be used as predicate offense for further
10 enhancement under the most serious conviction aspect of it.
11 Because, what they could do see here is they could try Robbie
12 on one event which happened on the 22nd and then come back to
13 another one and it was -- there were a lot of moving parts to
14 it, I guess, is the part I'm trying to say.

15 Q: Well, I mean, he was in jail for quite a period of time
16 leading up to that guilty plea, right?

17 A: He was.

18 Q: How long was that? Do you recall?

19 A: Well, I do not recall. No, I don't recall exactly but he
20 was in jail for a significant period of time.

21 Q: If I said 14 months would that ---

22 A: I would not disagree with that. I don't know but I
23 wouldn't disagree with it.

24 Q: And if he said during that 14 months he didn't have any
25 hearings, would that be correct?

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1 A: He didn't have a hearing?

2 Q: Yeah, he said he didn't have a suppression hearing or ---

3 A: Oh, I think that would be correct. I don't recall any
4 suppression hearings that we had; no, sir.

5 Q: Was he asking for a suppression hearing?

6 A: I don't recall that specifically. I don't recall that
7 conversation.

8 Q: If -- would it be fair to say that during the course of
9 this representation your daughter met with him more than you
10 did?

11 A: I think that would be accurate, yeah.

12 Q: And, would it be safe to say that when you came to Mr.
13 Bufkin on the last couple of days before he entered his guilty
14 plea that it was you coming at that point, you were ---

15 A: Well, I came -- I came at different times throughout. I
16 saw Robbie out at the jail on more than one occasion. I can't
17 tell you exactly what we discussed or didn't discuss those
18 times but I went out to see Robbie at the jail on multiple
19 occasions. I also -- and I'm sure Mary Ashley went more than
20 I did, but I do recall specifically in the days and weeks
21 preceding the day we went to court having several
22 conversations with Robbie about the case and whether he ought
23 to plead guilty or how we should handle it or have a trial.

24 Q: Were you his lawyer or was your daughter his lawyer?

25 A: We were both his lawyers.

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1 Q: Y'all were both retained to represent him; is that how
2 that works?

3 A: Right.

4 Q: All right. Do you feel like he understood that?

5 A: Yeah.

6 Q: Do you recall him asking for a continuance so that he
7 wouldn't have to rush into this guilty plea?

8 A: Specifically, no, but I wouldn't doubt that at all. Most
9 of the time that's what we run into is I wanted a continuance,
10 he wanted a continuance, and I'd have been -- we were probably
11 asking for a continuance, yeah.

12 Q: Okay. And do you remember if that was granted?

13 A: No, no. I didn't ask the Court for a continuance. I'm
14 talking about talking with the solicitor's office.

15 Q: Okay. Did you feel like the solicitor's officer was
16 pushing this case because of the murder case or because of
17 these drugs?

18 A: Combination thereof.

19 Q: And Mr. Bufkin has always said he didn't have anything to
20 do with the murder case, right?

21 A: Correct.

22 Q: And did you feel like that should be pursued at least at
23 that point in getting down to the searches of these two
24 different locations?

25 A: Well, when a magistrate -- in my opinion, with the

1 magistrate signed the warrant that there was probable cause
2 and the police execute that warrant, that's sufficient to
3 justify the arrest of the defendant.

4 Q: Well, I mean, on one of those warrants, the warrant was
5 for attempted murder, right, or murder?

6 A: Murder, I believe.

7 Q: Was for murder, and that case was later dismissed?

8 A: Correct.

9 Q: So, that -- did you think that you should check into that
10 particular search based on that?

11 A: No.

12 Q: And why not?

13 A: Because they had a warrant.

14 Q: Well, did you ---

15 A: And, and they had a search warrant to back up the
16 warrant, and the fact that the warrant was later dismissed, I
17 don't think was relevant to the execution of it.

18 Q: Did you discuss that with Mr. Bufkin?

19 A: I don't remember whether he discussed that specifically
20 or not.

21 Q: Okay. Let's go back to the -- you called it C&S Motel
22 ---

23 A: Sea Mist.

24 Q: Sea Mist, Sea Mist, I, I ---

25 A: Not C&S but Sea Mist.

1 Q: Okay, Sea Mist. At that location, did you look at the
2 search of that particular incident?
3 A: Yeah, we looked at all of it.
4 Q: Okay. Do you recall the facts surrounding that?
5 A: I don't know if I recall them in detail today.
6 Q: Do you know if Mr. Bufkin wanted to challenge those
7 charges?
8 A: Oh, I'm sure he wanted to challenge any and everything he
9 could.
10 Q: And did you do that for him?
11 A: I challenged in the manner I thought was best to do it.
12 There wasn't any way to get that evidence suppressed. It's
13 easy to talk about filing suppression motions; it's very
14 difficult to win them.
15 Q: Well, if you don't file them, you can't win them; can
16 you, Mr. Martin?
17 A: Well, and I -- and if we'd gone to trial, I may well have
18 filed them in the midst of the trial. By that same token,
19 just so you understand now, I don't remember in this
20 particular case or not, but I can tell you that the
21 solicitor's office here has taken the position on multiple
22 occasions that if they have to go through a suppression
23 hearing, they'll withdraw any offer they're making to you,
24 which I don't think that's a good way to do things but I'm
25 telling you it's a fact that occurs in some cases. So,

1 sometimes, what you have to do is to -- if you don't want to
2 poison any plea-making ability you have is to wait till they
3 swear a jury then start making your motions because it's still
4 not too late to make them.

5 Q: Right. So, that was your strategy in this case?

6 A: If that's where we had've gone -- and look, maybe I'm
7 wrong, okay, I don't know, but I can tell you that Mary Ashley
8 and I together looked thoroughly at Robbie's cases, because I
9 don't like to go to a man and say you ought to plead guilty to
10 a 15 to 20-year plea offer. That's painful for me.

11 Q: Sure.

12 A: I think that's too much time in the world we live in
13 today even for somebody who is a perineal drug dealer, but I'm
14 not in charge of making the plea offers. And what I have seen
15 on multiple occasions is that inability to work out something
16 lead to a 30-year-without-parole sentence. And so I say that
17 to say to you, we looked thoroughly at whether or not there
18 was any motions we could make that would make this go away and
19 disappear. And I don't think there was.

20 Q: Right. But my question is, Did you discuss that with Mr.
21 Bufkin?

22 A: Yes, yeah.

23 Q: You did?

24 A: Yeah. At some point, yeah, I know we did because when
25 I'm sitting down talking to a man about the fact that I think

1 he ought to accept this plea and he's saying, man, I don't
2 want to do that, can't you get me a better deal than that,
3 aren't you a better lawyer than that. I painstakingly say I
4 think you ought to do it and here's why, because I don't think
5 we can win this case. I don't think we can win it. I don't
6 think there's a motion -- and he'd probably say what about
7 motion, they didn't have this or they didn't do that; I'd say,
8 I've looked at all that. I don't think they had -- I don't
9 think there's a motion we can make that's gonna make this go
10 away. And if we win one, I don't think we'll win the next
11 one.

12 Q: Well, I mean, he did plead to -- I guess you brought him
13 in and he pled 15 to 20, but the minimum mandatory was 7 on
14 both of those, correct?

15 A: I'd have to look and see, but if it was it might've been
16 because had he pled to the one that had the mandatory 25,
17 that's what he'd have had to've gotten. They dismissed that
18 charge.

19 Q: Did you discuss that with him?

20 A: Yes, uh-huh, (affirmative response). I'm telling you
21 again the overriding factor has to be, and I've been there on
22 multiple occasions, when you're looking at a mandatory 25 or
23 30, that is -- that's -- that's the one poison you seek to
24 avoid. One of the charges against Robbie was that. The Sea
25 Mist Motel 143 grams of cocaine, prior to -- one or two

1 priors, he's looking a mandatory minimum of 30 years. And as
2 bad as 16 is, it's a heck of a lot better than 30. And that's
3 the reason, as he's sitting here looking at me and his family
4 is sitting here looking at me, that's the reason that I would
5 suggest to anybody you consider this because it's, it's the
6 best of several bad options.

7 Q: Right. I understand your thought pattern. I'm just
8 wondering did you discuss that with Robbie?

9 A: Yes.

10 Q: Just a second. On this search warrant we were talking
11 about a little while ago -- Mr. Bufkin is gonna state this
12 after we call ---

13 A: Yes, sir.

14 Q: He says that he was already incarcerated at 2:01 when the
15 magistrate signed off on that search warrant and that causes
16 him some consternation, he's upset about it, and I was
17 wondering if you might -- if you looked at that issue or if
18 your daughter did.

19 A: I don't know if she did. I can't sit here today and say
20 that I recall discussing with him the fact that he was in
21 custody when a search warrant was signed. But that don't
22 surprise me. I mean, if obviously they get the search
23 warrant, they can take somebody in custody, they can sit there
24 and wait before they search waiting on a magistrate to sign a
25 search warrant. So, I don't -- as I'm sitting here today

1 recall all of the details.

2 Q: Okay.

3 A: And maybe I made a mistake in not filing the -- for a
4 search warrant.

5 Q: Along those lines, he -- also we've talked about the
6 indictments in this case. Now, one of the cases that he pled
7 guilty to went to the Grand Jury; the other case did not go to
8 the Grand Jury. And do you recall the specifics of that?

9 A: No.

10 Q: Would you recall -- were they gonna take him trial when
11 he went in to enter this guilty plea?

12 A: I can't remember whether the trial was imminent that week
13 or not. It must've been -- it must've been on the trial
14 roster, because I think I saw reviewing the file where we had
15 a jury list for some week. But I can't remember whether it
16 was you either gonna plead today or we're going to trial
17 tomorrow, but it was fairly imminent, whether it was that week
18 or ---

19 Q: Do you remember telling his family that if he didn't take
20 this deal, he needed to have a suit up there so that he could
21 go to trial?

22 A: Might have; might have. I don't remember that but I
23 might have. It makes sense.

24 Q: Okay. But at that point, that one case hadn't been sent
25 to the Grand Jury?

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1 A: Well, and then they wouldn't have tried him on that but
2 they would've tried him on something else.

3 Q: All right. And were there discussions about that?

4 A: I don't recall right now; I don't.

5 Q: Okay. Thank you.

6 THE COURT: All right. Cross examination?

7 CROSS EXAMINATION OF MORGAN MARTIN BY MR. JAMES:

8 Q: Mr. Morgan, you've been very thorough on direct
9 examination, so I'll be brief and focus on Applicant's third
10 allegation. He claims that you failed to investigate and
11 complete discovery. Did you file motions pursuant to Rule 5
12 and Brady?

13 A: Yes, yeah.

14 Q: All right. And do you have any reason to believe that
15 you didn't get everything out of that?

16 A: No.

17 Q: Did you review all that discovery yourself?

18 A: Yes.

19 Q: All right. Did you review that discovery and explain it
20 to Mr. Bufkin?

21 A: Whether I did or whether Mary Ashley did, I can't tell
22 you for sure. There were, again, different conversations with
23 Mr. Bufkin at different times that I had and I know there were
24 different various times Mary Ashley went to see him. And Mary
25 Ashley and I, as we often do, would get -- questions would

1 come up about Robbie's case, we'd pull the file down, the
2 discovery down, we'd look at it, we'd talk about what we can
3 do, how should we do this. Because, you know, as always, I --
4 and she did, we wanted to do a good job for Robbie. I like
5 Robbie Bufkin. He's got a -- he's got a -- he's got a great
6 personality, he does. I like Robbie. And I never want to go
7 to somebody and -- you know, it doesn't look good if you plead
8 somebody guilty for 15 years. So, again -- and maybe we made
9 a mistake, but we looked at this as closely as we could to try
10 to find a way to wiggle out, but I don't -- I think that they
11 had too many arrows in their quiver, and that if we'd have
12 beat one of these cases at trial, they'd have got him on the
13 next one and either way -- I didn't see how we could win
14 either one of them at a trial, frankly, and the result
15 would've been must worse than what the plea was.

16 Q: You said Mary Ashley went out and looked at the Sea Mist?

17 A: I'm pretty sure she did. You'll have to ask her, but I
18 think she did.

19 Q: Did you go out and look at it?

20 A: Not the Sea Mist, no.

21 Q: All right. I have no further questions, Your Honor.

22 THE COURT: Anything further?

23 MR. YARBOROUGH: No, sir.

24 THE COURT: Thank you, Mr. Martin.

25 Call your next witness.

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1 MR. YARBOROUGH: Mary Ashley Martin.

2 MARY ASHLEY MARTIN, HAVING BEEN DULY

3 SWORN, TESTIFIED AS FOLLOWS:

4 CLERK: State your name for the Court, please.

5 MS. MARTIN: Mary Ashley Martin.

6 DIRECT EXAMINATION OF MARY ASHLEY MARTIN BY MR. YARBOROUGH:

7 Q: Mary Ashley, did you at some point get into a contractual
8 relationship with Mr. Bufkin?

9 A: Yes, sir; I did.

10 Q: Can you tell us about that?

11 A: Well, initially, it involved other charges which are not
12 the subject of this hearing here.

13 Q: Right.

14 A: And then he was charged with these drug charges and he
15 engaged both the services of myself and my father, Morgan
16 Martin, to represent him on those.

17 Q: Okay. And did -- were you the -- did you meet with him
18 regularly at the jail?

19 A: I met with him pretty often while he was in jail.

20 Q: And would it be safe to say that he came to believe that
21 you were his attorney?

22 A: Well, surely, I think he would think that, but I think
23 the understanding was also that Morgan Martin was also his
24 lawyer and was actively involved in the investigation and
25 preparation of his case.

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1 Q: Okay. We discussed earlier two specific searches, one at
2 the Sea Crest Motel and then one at the high-rise, are you
3 familiar with where these two searches took place?

4 A: Yes.

5 Q: Did you look at challenging those searches?

6 A: Yes, we certainly considered it, certainly considered it.
7 And with regard to the Sea Mist Resort, I actually went out
8 onto the property myself, took the time to go up into the
9 hotel, figure out where the room was that, that the police
10 would have come to execute that search warrant and then go
11 down below where the drugs were later found to try to figure
12 out just what the police could put, you know, put together on
13 that, so...

14 Q: And is it safe to say you had numerous conversations with
15 Mr. Bufkin about those?

16 A: Yes.

17 Q: And was he convinced that he could beat those charges
18 based on the fact that the drugs were found out in the, the --
19 on the property, not in his room?

20 A: I certainly think that Mr. Bufkin thought that that
21 created a significant issue ---

22 Q: Did you agree with him?

23 A: --- with the prosecution of the case. I probably did
24 initially tell him that may become a significant issue. But,
25 after further investigation, I believed that -- I don't

1 believe those drugs would have been suppressed.
2 Q: Okay. But did you tell him that?
3 A: I did.
4 Q: And was that prior to his guilty plea?
5 A: I'm sure it was, yes.
6 Q: Okay. Did you look at the other searches, the search of
7 the high-rise when they arrested him on the murder charge?
8 A: I believe when they arrested him on the murder charge, it
9 was on a condominium or apartment.
10 Q: Condominium, yeah.
11 A: Yes.
12 Q: I've just seen the pictures. It looks kind of like a
13 high-rise condominium.
14 A: Okay. I just want to be sure, not the hotel.
15 Q: No, I mean, it's safe to say that when they arrested him
16 they went and there it was a knock-and-arrest.
17 A: Uh-huh, (affirmative response).
18 Q: And ---
19 A: Yes, I'm sorry.
20 Q: Did you recall discussing that with him?
21 A: Yes.
22 Q: Okay. And did you recall discussing with him that if you
23 beat the murder case, you could probably beat the search?
24 A: I don't specifically recall having that conversation with
25 him. I know we had many conversations. I don't recall that

1 at all.

2 Q: But did -- would it be safe to say that Mr. Bufkin
3 believes that y'all had a number of conversations about the
4 search of that apartment?

5 A: We probably did have a number of conversations about it.
6 I don't think that that would be inaccurate at all.

7 Q: And at some point, they dismissed the murder charges,
8 right?

9 A: They did.

10 Q: And somehow or another, they came up during the guilty
11 plea colloquy, do you recall that?

12 A: I don't recall that specifically.

13 Q: Okay. Were you at the guilty plea?

14 A: I believe I was, yes, sir.

15 Q: Okay. And did -- were you representing him at that
16 guilty plea or was your dad or were y'all doing it jointly or
17 ---

18 A: Well, obviously, we were representing him jointly the
19 entire time. If I recall correctly when -- my father was the
20 one who addressed the Court on behalf of Mr. Bufkin on that
21 day.

22 Q: Okay. Do you recall how long Mr. Bufkin was in jail?

23 A: I do not.

24 Q: Okay. Did -- do you believe that Mr. Bufkin thought
25 there were gonna be some suppression hearings at some point?

1 A: I believe the conversation would've been that we would
2 likely have had those hearings if we ended up in a trial
3 situation.

4 Q: Okay. And so when he went over to court, there had been
5 no suppression hearings or no suppression motions filed in
6 either one of those cases?

7 A: Not that I recall.

8 Q: Okay. And they were -- do you recall how the number got
9 from 15 to 20 versus 7 to 25 as the minimum maximum?

10 A: Not specifically. I think the underlying -- I can -- I
11 believe the underlying thought was that he was facing
12 significantly more time on the trafficking charge that was
13 dismissed. They were willing to let him plead to the lessor
14 charge but would only recommend something within that range.

15 Q: Right. And do you recall when the first time Mr. Bufkin
16 heard about that was?

17 A: I do not.

18 Q: Okay. Did you tell him that or did your father tell him?

19 A: I can't recall. I would assume -- it may've been both of
20 us.

21 Q: Okay. And was that on the eve of trial?

22 A: Not that recall, no.

23 Q: Okay. So, if Mr. Bufkin believed it was a trial, that
24 wouldn't have been correct?

25 A: If I recall correctly, we received notice that his case

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1 was on the trial roster. We began continuing conversations
2 with the prosecutor's office about how we could possibly
3 resolve Robbie's case and get the best result we could for
4 him. It was on the trial roster. Those come out weeks before
5 and we began negotiations and tried to keep him informed as
6 those were going on.

7 Q: And do you recall notifying his family that he needed to
8 have a suit there for his trial?

9 A: I do recall that we -- yes, one of us or somebody in our
10 office notified his family that they would need to have
11 something there for him in the event the case was called for
12 trial.

13 Q: Okay. And at that point, one of those cases hadn't even
14 been indicted, right?

15 A: I believe that's correct.

16 Q: Okay. And so if, if they were gonna do anything, they
17 would've had to try the Sea Mist Hotel case?

18 A: That's was the one indicted, yes, it is.

19 Q: Right, that was the older one, so I'm just -- I'm
20 assuming that.

21 A: Yeah.

22 Q: And so at that point, you could've filed a suppression
23 motion for that case in lieu of going to a guilty plea,
24 correct?

25 A: I suppose we could have but the risk in doing that is

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1 having done that you would get started in a trial situation
2 and have a jury sworn, the solicitor's office would typically
3 take any plea offers or deals off the table should that motion
4 be denied.

5 Q: So, it's safe to say that Robbie didn't get -- you didn't
6 file suppression motions in either one of the two cases?

7 A: No, sir.

8 Q: Okay. And he had spent about 14 months in jail?

9 A: I can't ---

10 Q: Do you recall did he ever go up for a bond hearing?

11 A: I don't believe that he did. I think the bond was
12 denied.

13 Q: Okay. But denied without a hearing or ---

14 A: I don't recall exactly. I don't recall.

15 Q: Did you go over the discovery with him?

16 A: I did.

17 Q: And did y'all discuss the possibility of fighting the
18 drug charges?

19 A: We discussed it many times because, you know, Robbie --
20 Robbie was adamant he wanted this thing fully explored and all
21 avenues addressed.

22 Q: Right. And I mean those, those avenues would've included
23 fighting the searches, right?

24 A: If -- surely, yes, if we got in a trial situation,
25 obviously, yeah, we'd have fought our way through every bit of

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1 those.

2 Q: Thank you. I don't have any further questions.

3 THE COURT: All right. Mr. James?

4 CROSS EXAMINATION OF MARY ASHLEY MARTIN BY MR. JAMES:

5 Q: Good afternoon, Ms. Mary Ashley.

6 A: Good afternoon.

7 Q: Sorry for the surprise appearance in court today?

8 A: That's quite all right. That's quite all right.

9 Q: How long have you been a practicing attorney?

10 A: I finished law school in 2006 -- let me do the
11 calculating real quick -- 11 years.

12 Q: And how much of that has been criminal?

13 A: The vast majority. When I began practicing law, I was
14 with the Horry County Public Defender's office. That was for
15 several years. And then I began practicing with my father and
16 we do a mix of criminal and civil work.

17 Q: Since the public defender's office, have you practiced
18 with your father that entire time?

19 A: Yes.

20 Q: Okay. You or your father filed motions for discovery
21 pursuant to Rule 5 and Brady?

22 A: Yes.

23 Q: Do you have any reason to believe that you didn't get
24 anything?

25 A: No, I do not believe so. We even went so far as to file

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1 additional -- I mean, motions to try and cover every base we
2 could with regard to Robbie's case.

3 Q: And you reviewed all that discovery?

4 A: Yes, sir.

5 Q: And did you explain all that discovery to Mr. Bufkin?

6 A: Yes, sir.

7 Q: And you firmly believe that there was -- you were not
8 going to be able to beat those -- the search warrant?

9 A: Yes, sir. Yes, sir.

10 Q: And you explained that to Mr. Bufkin?

11 A: Yes, sir.

12 Q: Other than the plea that he ultimately agreed to, were
13 there any other plea offers in this case that you recall?

14 A: There were some early on that involved all of the charges
15 including the murder, I believe, which was a 40-year plea
16 offer, and maybe some prior to that but that one stands out in
17 my mind.

18 Q: Did he ever seem like he didn't understand what you were
19 explaining to him?

20 A: No, Robbie was fully capable of understanding everything
21 we were discussing.

22 Q: Okay. And you explained to him all of his rights,
23 constitutional rights, right to jury trial, right to remain
24 silent?

25 A: Yes, sir.

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MARY ASHLEY MARTIN - REDIRECT BY YARBOROUGH

1 Q: Okay. And whose decision was ultimately was it to plead?

2 A: It was Robbie's.

3 Q: All right. If he had refused to plea and insisted that
4 y'all take this to trial and fight it, would you or could you
5 have been prepared to do so?

6 A: Absolutely.

7 Q: Okay. I have no further questions, Your Honor.

8 THE COURT: All right. Any redirect?

9 REDIRECT EXAMINATION OF MARY ALICE MARTIN BY MR. YARBOROUGH:

10 Q: Mr. Bufkin sat in jail for 14 months and that other case
11 was never indicted?

12 A: That may be.

13 Q: Do you know why?

14 A: No, I wouldn't. I don't recall anything.

15 Q: Well, I mean, were there -- was there give and take, was
16 there negotiations going on? That's a long time for a case to
17 sit.

18 A: Well, I don't have any control over that. The solicitor
19 can send a case to the Grand Jury whenever they would like to.

20 Q: But you did have control filing a bond motion or some
21 type of hearing to try to get him out on bond, right?

22 A: We did and I can assure you that we discussed with Robbie
23 in great detail what we were doing and why we were doing it.

24 And I don't recall if there was a bond hearing there or not
25 but, if we did not file to have a bond hearing, there was

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1 discussion with Robbie as to why we were doing that and why we
2 thought it may've been best for him to not ask for a bond
3 hearing at that time.

4 Q: Okay. And do you recall why that was?

5 A: I don't recall, but I just know that if we did not ask
6 the court for a bond hearing in Robbie's case there was a
7 reason behind it, and we would have explained that to him. We
8 wouldn't have just left him sitting in jail for 14 months
9 wanting a bond hearing and us not filing the motion just
10 because we didn't do it.

11 Q: Nothing further.

12 THE COURT: All right. Anything further, Mr. James?

13 RECROSS EXAMINATION OF MARY ALICE MARTIN BY MR. JAMES:

14 Q: Would anything in your file refresh your memory as to why
15 you may or may not have sought a bond hearing?

16 A: Probably would if I went back and looked.

17 Q: Okay. You don't have your file here today?

18 A: I've got part of it but -- and again, if we did not have
19 a bond hearing on that, it was for strategic reasons only that
20 we had discussed with Robbie or -- but I don't recall
21 specifically.

22 Q: Generally, what sort of strategic decisions might come up
23 that might cause you to advise against pursuing a bond
24 hearing?

25 A: Well, Robbie had a number of charges pending at the time.

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1 I can't be certain how many but there were a number of them.
2 He had gotten out on bond multiple times, time after time, and
3 bond had obviously been denied by the magistrate and it was
4 likely that bond was gonna be denied by a circuit judge. But
5 it also became clear that, you know, as these cases built up,
6 one by one, it may be smart for Robbie to get a little time
7 under his belt and that may help us in our negotiations with
8 the solicitors.

9 Q: All right. No further questions.

10 THE COURT: All right.

11 MR. YARBOROUGH: I'd call Mr. Bufkin.

12 THE COURT: You may step down. Thank you.

13 Call your next witness.

14 MR. BUFKIN: I'd call Mr. Robbie Bufkin.

15 ROBBIE LEE BUFKIN, HAVING BEEN DULY
16 SWORN, TESTIFIED AS FOLLOWS:

17 CLERK: State your name for the Court, please.

18 DIRECT EXAMINATION OF ROBBIE LEE BUFKIN BY MR. YARBOROUGH:

19 Q: Mr. Bufkin, would you state your name for the record?

20 A: Robbie Bufkin.

21 Q: You are incarcerated in the upstate of South Carolina?

22 A: Yes, sir.

23 Q: And what are you incarcerated for?

24 A: Trafficking cocaine.

25 Q: And did you feel like that at the time that you were --

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1 pled guilty that you made a good decision?

2 A: I feel like I did not make a good decision.

3 Q: Let's tell the Court a little bit about why you feel like

4 you did not make a good decision.

5 A: Well, I mean, at the time ---

6 Q: Speak up, Mr. Bufkin, so that everybody can hear you.

7 A: At the time, I didn't have the proper knowledge as far as

8 the stipulations of my case and the charges and the things

9 that the lawyer was -- could have did but didn't do. I wasn't

10 aware of that at the time.

11 Q: Okay. Well, let's take it step by step. What do you

12 feel like that could've been done that wasn't done?

13 A: Well, I mean, I feel as far as -- as far as the charge of

14 the 34 grams, I mean, I ---

15 Q: Okay. Now, which -- which charge is the 34 grams?

16 A: The 34 grams is the one that they came to the high-rise.

17 Q: High-rise, okay. And your problem with that is that

18 those drugs weren't found on you, right?

19 A: No, that's not my problem with that. My problem with

20 that is that the police misled the magistrate judge in

21 obtaining a warrant to even come to the residence in the first

22 place by giving them false information and perjuring me, you

23 see what I'm saying, that's false information like that's on

24 this paperwork.

25 Q: That false information is what?

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1 A: The simple fact that they told the magistrate judge that
2 an investigation into the murder revealed that the shooter was
3 hired by Robbie Lee Bufkin, therefore there's a record of
4 phone calls between Robbie Bufkin and the shooter. There's
5 evidence that was found that I paid a shooter, either by third
6 party or by myself, all this -- all this information that I'm
7 reading off now is what they ---

8 Q: Did you go over that with your lawyer?

9 A: I didn't never seen this paper -- I mean, I didn't have
10 knowledge of it because I never seen -- I never saw this paper
11 until you brought it to me at the prison.

12 Q: Okay. Let's mark this as -- I think we've looked at it
13 before and I don't think it was marked.

14 THE COURT: Has Mr. James seen it?

15 MR. JAMES: It is the same document -- it's without
16 objection, Your Honor.

17 MR. YARBOROUGH: Make it a court's exhibit.

18 COURT REPORTER: Applicant's 1.

19 MR. YARBOROUGH: Applicant's 1.

20 APPLICANT'S EXHIBIT NUMBER 1

21 ADMITTED INTO EVIDENCE

22 BY MR. YARBOROUGH:

23 Q: Okay. So, when you looked at this, this was the first
24 time you had seen this?

25 A: Yes.

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1 Q: Okay. And did you believe any of that to be true?

2 A: No. And like I said, this is -- what I'm reading off
3 this is what they told the magistrate judge to obtain a
4 warrant to come to this residence. And all this is false
5 information what they even told the magistrate judge in the
6 first place. So, I just feel as though as if they wouldn't
7 have misled the magistrate judge to get a search warrant they
8 never would've been at this residence in the first place.

9 Q: Okay. So, you feel like they misled the magistrate
10 judge, but did you ever talk to your lawyer about it? You
11 didn't have a suppression hearing. I'm just wondering ---

12 A: No, I never talked to my lawyer about it. I never even
13 seen this paperwork.

14 Q: Okay. Why didn't you discuss it with your -- and who was
15 your lawyer?

16 A: Mary Ashley Martin.

17 Q: Okay. Why didn't you discuss it with Mary Ashley Martin?

18 A: I never seen my discovery. I never received a copy of my
19 discovery until I was already sentenced, incarcerated, and I
20 was in South Carolina Department of Corrections when I first
21 got a copy of my discovery. The whole 14 months I was in the
22 county jail, I never saw the discovery.

23 Q: Okay. And so how did you get in -- when you were
24 incarcerated in Columbia?

25 A: I started sending family members and calling home and

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1 asking people to go ask Mary Ashley about the discovery,
2 trying to get the discovery like that. I even sent my kids'
3 -- my daughter's mother to stop by Mary Ashley office and ask
4 her about the discovery and went to the courthouse and just
5 starting giving her the runaround about the discovery for a
6 good little while, for a few weeks to a month or two, and then
7 maybe about three months, four months after the initial
8 contact with the attorney, then she was like, well, I'm gonna
9 mail out the -- I'm gonna mail it out to you. And then maybe
10 three weeks or a month pass by, I still haven't seen no
11 discovery. So, we contacted her again, Mary Ashley, I really
12 would like the discovery. And then the discovery came through
13 legal mail through South Carolina Department of Corrections.
14 But I say again, that was my first time ever seeing my
15 discovery.

16 Q: Okay. So, when you saw it were you surprised?

17 A: Well, when I saw it, I really didn't know what to look
18 for. So, I was just basically reading words. I wasn't really
19 comprehending what I was reading at the time. But once I
20 started reading it and I started reading and going to law
21 library a little bit and just, you know, pointing out the
22 little facts and stuff, I'm like, this ain't true. This ain't
23 happening. I, you know, and ---

24 Q: And specifically what you're talking about that not being
25 accurate is that that whole murder thing never took ---

1 A: When they say the murder situation and investigation into
2 the shooting revealed that I had something to do with the
3 investigating into the shooting, say that I hired someone.
4 All this stuff is what they told the magistrate. So, I just
5 feel like if they wouldn't tell the man these lies, the man
6 wouldn't never have signed off on a warrant for them to come
7 to this residence, and therefore they wouldn't have never
8 found no cocaine. So, now that we found the cocaine, we gonna
9 say, well, we gonna drop this murder charge and hit you for
10 this cocaine, but the whole time I'm not -- I don't know that
11 until the morning of that you ain't even been indicted for
12 anything. The whole 14 months, everything that they came to
13 this house for this murder charge, they hold me in the county
14 jail for 14 months and don't indict me for anything.

15 Q: Right.

16 A: The whole 14 months, I mean, I'm not indicted for no
17 murder charge, the 13,000, the money, the money that they
18 found, the murder charge, the gun charge, drugs, I'm not
19 indicted for anything. I'm just sitting in there for 14
20 months. I'm steady asking for bond hearings.

21 Q: Right.

22 A: No bond hearing coming, and basically what I was advised
23 at that time is don't worry about the indictment, you haven't
24 been indicted yet but I will use that as leverage when I go up
25 for your bond hearing. Still no bond hearing.

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1 Q: Okay. And were you ever indicted for this?

2 A: I never was indicted for it. I never was indicted for
3 anything that they came and arrested me on March the 27th. I
4 never was indicted for anything stemming from that.

5 Basically, once I got locked up that day, the only one time
6 that I ever left J. Reuben Long Detention Center was to come
7 here and get 16 years.

8 Q: Okay. And that was it?

9 A: Never, I never left; I stayed right in the county jail.
10 The only time -- unless one of them came to see me and I went
11 up front to talk with them.

12 Q: Okay. Well, when -- you said they came to see you; what
13 did y'all talk about when they came to see you?

14 A: Basically we talk about what they gonna do as far as like
15 try to get me a bond and talk about -- basically, she let me
16 know that she went out to the hotel and let me know that they
17 got a real weak case.

18 Q: What did she tell you about going out to the hotel?

19 A: She told me that she went out there and see that there
20 was a real far -- it was -- she was checking the distance from
21 this balcony to where this pool area where the drugs was
22 found, cause I remind you now, the found these drugs the next
23 day. They arrested me one night.

24 Q: Right.

25 A: The next day, the hotel security guard found these drugs

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1 and then called Horry County police, Myrtle Beach police to
2 the Sea Mist and said, well, an incident happened here last
3 night and we found these drugs this morning. So, we go gonna
4 back -- so then they came back and charged me with the drugs
5 that they found the next morning time. That's how that
6 happened.

7 Q: Did you tell her those weren't your drugs?

8 A: Yes, I told her that.

9 Q: And were you surprised that you went to court on those
10 drugs?

11 A: I didn't. They dismissed all those drugs, but she told
12 me before I even went to court that that was a real weak case,
13 don't worry about that.

14 Q: Okay, so, those drugs ---

15 A: That's not they best case is what her words.

16 Q: That wasn't their best case. So, they got rid of that
17 case.

18 A: Uh-huh, (affirmative response).

19 Q: Okay. What about the case of the drugs inside the
20 apartment?

21 A: Well, basically, what they did for those drugs is once
22 the found those drugs, the officer had -- I got pictures in
23 there, it's in the discovery, there's pictures of me sitting
24 on a bed, because once they kicked the door in, they had me
25 sitting on the bed saying they was waiting on a warrant then.

1 The drugs was already found, the money, the \$5,000 in the
2 female pocketbook was already found, but they had us sitting
3 there saying, well, we waiting on a warrant. So, after I sit
4 there about 45 minutes to a hour, one of the detectives say
5 I'm tired of looking at him, take him to the jail. So, then
6 they arrested me and my girlfriend, they put is in the back of
7 the police car, they took us to the jail. So, I never saw a
8 warrant, they didn't search no apartment when I was there, but
9 the drugs was already found and they had done went in her
10 pocketbook and found the money. But that was before the
11 warrant even came.

12 Q: Right. And did you tell Morgan and Mary Ashley that?

13 A: Yes. I let them -- they know the whole story.

14 Q: Okay. And what did they tell you they were gonna do
15 about it?

16 A: Well, I mean, a suppression motion was supposed to be
17 filed. I mean, they -- it was basically like we telling you
18 we gonna do this, but at the time it was like my confidence
19 was so high for them, you understand what I'm saying, it's
20 like I wasn't really -- I wasn't afforded the opportunity to
21 really go into the law library and study stuff but it's just
22 like I had so much trust into them, that they had my best
23 interest at heart, that I really wasn't into my case because I
24 felt like they was representing me to the best of their
25 ability.

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1 Q: Right. And you feel like that should there have been a
2 suppression motion, you would've won?

3 A: Yeah. I feel like I should've won it. I mean, I feel
4 like I would've won it solely based upon the reason that they
5 even came to this house is because they gave him false
6 information and perjury, that's -- that's not right. You
7 can't ---

8 Q: Did you tell your lawyer that?

9 A: Yes, I mean, at the time, like I said, I didn't know
10 this. I didn't have knowledge because I didn't have the
11 discovery. You see what I'm saying? So, I was basically
12 letting them know that what I knew at the time, if I would've
13 had a discovery at the time and I was able to read, because I
14 can read and comprehend well, so if I could've read and
15 comprehend that then, then I would have been able to discuss
16 that with them and been better as far as trying to get
17 information on what's going on with my situation.

18 Q: So, your problem with that case is that, that nobody went
19 over the discovery with you, you weren't indicted, and if you
20 would've had the benefit of knowing what was happening, you
21 would've wanted a suppression motion filed?

22 A: Yes, sir.

23 Q: And none of those three things were done?

24 A: None.

25 Q: Okay. And you didn't learn about all of this until after

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1 the fact?

2 A: After the fact.

3 Q: Okay. Did you not realize that you hadn't been indicted
4 when you signed the waiver?

5 A: Okay. And that's -- this is the tricky part, because
6 basically I signed the plea agreement because they ---

7 Q: Now, wait a second. You're talking about a plea
8 agreement or are you talking about a ---

9 A: I'm talking about the plea agreement was signed the same
10 time -- I mean, right after the -- first the plea agreement
11 was signed. Okay. Then it was brought back to me -- after I
12 signed it then it was brought back to me and said, well, we
13 need you to initial at the top to waive your rights for
14 indictment.

15 Q: Okay. And when you're talking about that, you're talking
16 about the charges, right?

17 A: I'm talking about the 17 grams and the 34 grams. I had
18 two pieces of paper in front of me. So, you sign this one,
19 this is for the 17 grams ---

20 Q: Seventeen grams.

21 A: You sign this one, this is for the 34 grams. We collect
22 the paper, we leave you in the conference room, maybe three
23 minutes, five minutes. We come back to you in the conference
24 room with the 34 gram paper and say I need you to initial that
25 top and sign -- I mean, and waive your rights for indictment.

1 Q: Okay. Would you have done that if you knew what ---

2 A: If I had knew what I knew now, I would not have signed
3 anything, you understand, and to be honest if I knew what I
4 knew now, I think I would've hired a new attorney.

5 Q: But what you know how is -- you've heard them say you
6 were gonna get a life sentence and ---

7 A: Yes. This is what they saying but, but like I said, this
8 is what they saying that the State was trying to up my charges
9 based on the charge that I committed when I was 14. So, they
10 was saying they -- a third strike or a second strike or what
11 -- I never been convicted of no charge that carries 85
12 percent. You understand, I never had no violent 85 percent
13 charge until this charges right here.

14 Q: Okay. What about the charge that you were indicted on?

15 A: The 17 grams.

16 Q: The 17 grams.

17 A: Uh-huh, (affirmative response).

18 Q: What -- are you upset that you pled guilty to that?

19 A: Well, I feel like if -- I feel like a motion to suppress
20 should have been filed on that one, too, as well. And I feel
21 like they sent a informant in here to allegedly buy some drugs
22 but we dismissed that charge. We found these other -- we
23 found these 17 grams without a search warrant, we found this
24 17 grams without the search warrant and then, okay, now we
25 dismiss the charge of you selling this stuff to an undercover.

1 We dismiss this charge that we find these drugs the next day,
2 but we're gonna hold you to these 17 grams that we found when
3 we came in the room.

4 Q: All right. You would've like to have had your day in
5 court and argued that?

6 A: Yes. I would like to argue the fact that you move stuff
7 around to find these drugs. It's not like you came in here
8 and these drugs was in plain view.

9 Q: They came in without a search warrant, right?

10 A: Yes.

11 Q: No question about that?

12 A: No question about that because at the end of the day I
13 was sitting on the bed for about 45 minutes to an hour while
14 they say they was waiting on one.

15 Q: Right.

16 A: But they never came.

17 Q: And those other drugs, Mary Ashley did go investigate and
18 ---

19 A: Yes, she did.

20 Q: Okay. What else do you wish they would've done to help
21 you?

22 A: I really just wish they would've gone over my discovery
23 with me and let me read and comprehend -- like I say, I just
24 pointed this out to you today that this paperwork said that
25 the magistrate judge signed off on this paper at 2:00 P.M. but

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1 by 2:00 P.M. the drugs was already found, the door was already
2 kicked in, I was already inside Myrtle Beach City Jail by 2:00
3 P.M.

4 Q: Right.

5 A: So, therefore, what you basically -- what this really --
6 what this right here is basically telling me is we found these
7 drugs, we arrested you, and then we went and get a search
8 warrant.

9 Q: Okay. And you just feel like you -- if somebody would've
10 gone over that with you, you would've had some opportunities
11 to file a suppression motion?

12 A: Yeah, yes.

13 Q: Okay. Now, I've got the same one you have in my hand.
14 Can you point to us what you're talking about in this -- the
15 one you've got right there. What's your ---

16 A: That's it.

17 Q: I see where you're talking about the 2:00 P.M.

18 A: Yeah, that's at the bottom. Right up under where it says
19 the -- sworn by the magistrate judge.

20 Q: Right.

21 A: I can't pronounce his signature but that's -- he signed
22 off on it and he -- like I said, he put the time that he
23 signed off on it and I know at this time right here, I was
24 already at Myrtle Beach City Jail already arrested. And they
25 also said that upon arrest I told them that crack was in the

1 house. Never had no crack. Never had no crack charge. All
2 this stuff is stuff that's not true. This is lies.

3 Q: So, there wasn't any crack? It was ---

4 A: It was powder.

5 Q: So, you're saying everything that they put in here was
6 incorrect?

7 A: Well, I'm basically saying that everything they went and
8 told the magistrate judge was incorrect. I don't know what
9 kind of investigation they did at the -- right here when they
10 said about what happened on the 15th of February, I can't
11 really say whether that was correct or incorrect because I
12 don't have no knowledge of the murder. But what I do know is
13 this investigation into the murder that revealed that I, that
14 Robbie Bufkin hired the shooter, and that there's a record of
15 phone calls between the shooter and Robbie Bufkin as well as
16 evidence that Bufkin was using a third phone ---

17 Q: All that ---

18 A: All that is lies that you told this man to get the
19 warrant to even come to this house in the first place.

20 Q: Right. And if they wouldn't have gotten the warrant to
21 come to the house, they would've never found ---

22 A: They would've never find no drugs. I wouldn't have never
23 had no 34 grams of cocaine charge.

24 Q: Okay. Now, let's talk about the guilty plea. Did you,
25 did you feel like it was a knowing and voluntary guilty plea

1 that you entered into?

2 A: And see, as of right now, I feel like no, it wasn't,
3 because I did not have full knowledge of the case. I did not
4 know that my charge carried 7 to 30. I had no knowledge of
5 that. I didn't know no 7 -- I didn't know no low end. It was
6 basically you're gonna take this 15 to 20 or you're going to
7 trial and get 30, they gonna pop you. I don't got no defense
8 for you and your mother already got your Sunday suit out there
9 to pick your jury this morning.

10 Q: And that's your mother in the courtroom there?

11 A: Yes, sir.

12 Q: And she's the one that brought your suit up there?

13 A: Yeah, she brought it gave it to Mr. Martin.

14 Q: Okay. And that was because they told you were going to
15 trial?

16 A: I was going to trial that morning.

17 Q: Okay. And were -- did you have any knowledge you were
18 going to trial that morning?

19 A: No, because last -- like I said, I spoke with Mary
20 Ashley and she basically told me maybe like the week before
21 this she came and saw me and she was letting me know, giving
22 the heads-up that, you know, we got a court date coming up.
23 We're not ready to go to court yet but we going through the
24 motions so you're gonna come over here. Don't worry, they'll
25 have you back over here at the jailhouse, you know, everything

1 is all right, you know. She was like -- I said she had me
2 feeling real comfortable because when I looked -- I know she
3 was on it. I knew she was on it. She was, you know, doing
4 everything. But it was like, in the end after she told me
5 that, the next visit was her and her daddy and she don't do no
6 talking. Like her daddy doing all the talking now. They
7 trying to give you 25 years and ladada, and just, you know,
8 and ---

9 Q: What did you think when he told you they were gonna try
10 to give you 25 years?

11 A: I mean, I felt -- I felt like it was -- I felt like it
12 was wrong. I felt like it was wrong.

13 Q: Why didn't you stop things right then and say, look, I
14 ---

15 A: I mean, because basically it's like either you're gonna
16 take -- either you gonna take what they saying or you gonna
17 get 30 years. I don't got no defense for you.

18 Q: You realize that if the Court granted your PCR that you'd
19 be back at ground zero and be looking at the potential for
20 much more time than what you've already got?

21 A: Yes, I do.

22 Q: Okay. And you want to take that opportunity?

23 A: Yes.

24 Q: And you're asking this Court to grant your post-
25 conviction relief application?

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1 A: I'm asking the Court to please grant my post-conviction
2 relief.

3 Q: You know, I know you've studied your case better than
4 anybody will ever be able to. Is there anything else you want
5 the Court to know?

6 MR. JAMES: Objection. That's not a specific question.

7 THE COURT: I'm gonna overrule it. Go ahead and answer
8 it if you can.

9 A: What I really want the Court know that I just feel like
10 this murder situation, just like my -- hold on, let me get it
11 together. I'm kind of choking up a little bit. Kind of
12 nervous a little bit. But, I really feel like this murder
13 situation, and these are the words of my attorney at the time,
14 Mr. Morgan Martin, what he told me, the murder poisoned my
15 situation.

16 Q: Right.

17 A: Basically saying that if it was a normal situation and I
18 was a normal client going into his office with a trafficking
19 cocaine charge and I come before the judge, he would've gotten
20 me a lot better deal than 16 years. What he's basically
21 letting me know that because you're charged with this murder
22 charge that they saying that you did or you had -- you was
23 involved in ---

24 Q: Right.

25 A: Now, the solicitor's office, they don't want to hear

1 nothing we got to say. This the best deal they gonna give
2 you; 15 to 20 years or you gonna get 30. The choice is yours.
3 I'm gonna give you 5 to 10 minutes to think about it. That
4 was that. And I feel like I should at least be -- I should be
5 treated fairly. I -- if -- and I feel like by the law if --
6 you shouldn't punish me -- the way I feel like I'm sentenced
7 for murder up under the title of cocaine. That makes any
8 sense? Like we ain't prove this murder charge, but we gonna
9 give you this 16 -- like a manslaughter charge almost, you
10 understand what I'm saying?

11 Q: Sure.

12 A: For -- we gonna put it under the title for cocaine, but
13 really if he didn't have this murder charge, we wouldn't give
14 him all this time for cocaine, but that's the way I just feel
15 like I wasn't given -- I didn't get a fair shot. I feel like
16 I didn't get a fair hearing and it's all based upon this
17 murder charge really poisoned everything.

18 Q: All right. And were you upset that the murder was even
19 mentioned at your ---

20 A: I was upset that the -- yes, of course, I was upset that
21 the murder was mentioned in front of this judge that was
22 sentencing me for cocaine at the time. And I feel like why is
23 you mentioning a murder that you never indicted me for. You
24 had me in the county jail for 14 months, you never indicted me
25 for murder or anything but now I'm in front of this judge for

1 a cocaine charge and y'all talking about it. Why are you even
2 mentioning this to the judge if it ain't even been to the
3 Grand Jury yet for indictment. So, I feel like by that being
4 mentioned, even though they say it and Mr. Martin even ask the
5 judge at the time, please don't let this right here -- y'all
6 throwing murder around in here, don't let this murder -- don't
7 let the word murder sway your decision.

8 Q: Right.

9 A: And which the judge said that he wasn't gonna let it sway
10 his decision but how could you help, how could you not let it
11 sway your decision once you're hearing murder throwed around
12 and I just feel like it wasn't fair to me for them to throwing
13 murder around when we had him in the county jail 14 months and
14 we ain't even indicted him on murder. We don't got -- and
15 like I said, once again, Mr. Martin let them know that we all
16 shouldn't even have gotten a murder warrant in the first
17 place. He stated this in the courtroom on the day of my
18 sentencing. So, if they shouldn't have never got a murder
19 warrant, you're not indicted for murder, why are we even
20 mentioning this for the judge.

21 Q: No further questions.

22 THE COURT: All right. Mr. James?

23 CROSS EXAMINATION OF ROBBIE LEE BUFKIN, JR. BY MR. JAMES:

24 Q: Mr. Bufkin, would it surprise you to hear that you were
25 indicted for murder?

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1 A: Say that again.

2 Q: Would it surprise you to hear that you were, in fact,
3 indicted for murder?

4 A: I was indicted?

5 Q: You were indicted.

6 A: I never seen it, never heard about it.

7 Q: All right. Would it surprise you to hear that you were
8 true-bill indicted on one charge of murder, docket number
9 2015-GS-26-01733, you were indicted on April 23rd of 2015?

10 A: Never -- I have no discovery ---

11 MR. JAMES: May I approach?

12 THE COURT: Show him first.

13 MR. JAMES: Sure.

14 BY MR. JAMES:

15 Q: I'm sorry, this is part of a packet but this is the one
16 piece of paper I'm trying to show you right here. Have you
17 ever seen this indictment here before?

18 A: No, sir.

19 Q: Would it surprise you to hear that you were true-bill
20 indicted on a number of other charges?

21 A: No, I mean, I know I was indicted for the 17 grams and
22 the stuff like -- I know I wasn't indicted -- from my
23 understanding from what my attorney advised me that I wasn't
24 indicted for anything that happened at the -- from the March
25 27th incident on down.

1 Q: Okay. Do you recall your guilty plea?
2 A: Yes.
3 Q: Do you recall telling the Court that you were pleading
4 freely and voluntarily?
5 A: Yes.
6 Q: And do you recall telling the Court that you were fully
7 satisfied with both Mr. Morgan Martin and Ms. Mary Ashley
8 Martin?
9 A: And I say again, if I knew better I would do better. I
10 didn't knew no better at that time. So, at the time, yes, I
11 felt like they was representing me as best of their ability
12 because I had no knowledge, I knew no better.
13 Q: And at that time, do you recall telling the Court that
14 they had done everything that you had asked them to do?
15 A: Like I said again to you, if I knew better I would do
16 better. At the time I didn't know no better.
17 MR. JAMES: No further questions for this witness, Your
18 Honor.
19 THE COURT: Anything further?
20 MR. YARBOROUGH: I don't think I have any further
21 questions.
22 THE COURT: All right. You may step down. Thank you.
23 MR. BUFKIN: Thank you, Your Honor.
24 THE COURT: Call your next witness.
25 MR. YARBOROUGH: We would call Ms. Bufkin.

1 back then?

2 A: Yes, sir.

3 Q: Okay. And is that the first you had heard about there
4 being a trial?

5 A: Yes, sir. And when he called me that night I told him
6 and he didn't know anything about it.

7 Q: Okay. Thank you. I don't have any further questions.

8 THE COURT: All right. Mr. James?

9 MR. JAMES: I have no questions for this witness, Your
10 Honor.

11 THE COURT: All right. You may step down. Thank you.
12 Call your next witness.

13 MR. YARBOROUGH: That's all our witnesses.

14 THE COURT: Mr. James, any witnesses?

15 MR. JAMES: Your Honor, I would call Mr. Morgan Martin
16 back to the stand.

17 THE COURT: You're still sworn in, so go ahead and have a
18 seat.

19 If you would like to keep it brief, you feel free to do
20 so.

21 MR. JAMES: I intend to, Your Honor.

22 DIRECT EXAMINATION OF MORGAN MARTIN BY MR. JAMES:

23 Q: Mr. Martin ---

24 A: Yes.

25 Q: Did you ever have any reason to believe that the arrest

1 warrant affidavit was based on false or misleading
2 information?

3 A: No. The arrest warrant was worded as many warrants are
4 and the answer to your question is no. I just didn't think
5 they had a case for murder against him.

6 Q: So, you believed that the arrest warrant was valid?

7 A: Yes.

8 Q: All right. No further questions, Your Honor.

9 THE COURT: Thank you.

10 CROSS EXAMINATION OF MORGAN MARTIN BY MR. YARBOROUGH:

11 Q: Did you challenge that arrest warrant?

12 A: No, I did not.

13 Q: Did you challenge the search pursuant to ---

14 A: I'm just trying to get my mind back on the -- no, we did
15 not. I didn't file a suppression motion in any of the
16 matters.

17 Q: Okay. And Mr. Bufkin sat in jail for about 14 months?

18 A: He was in jail for a long time.

19 Q: And hindsight is 20/20, do you wish you would've filed a
20 suppression motion?

21 A: Well, not really. I mean, I -- again, the filing of the
22 suppression motion for the sake of filing it, I didn't deem in
23 his best interest at the time. And on both of the instances,
24 I felt that there was valid searches. There's no question
25 about the incident at the Sea Mist Motel. That was a buy

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1 bust, officers watching, exigent circumstances, search
2 warrants got while they're there. There's just absolutely no
3 way that you're gonna win that. Now, should I have filed it
4 so that when I'm sitting here with you today, I'd say yes I
5 filed it, the judge denied it, but I don't do things that way
6 always. I mean, I -- in this instance, I was, you know,
7 trying to again at the end of the day get the best situation
8 for Robbie.

9 Q: The bottom line is that -- did you feel the solicitor's
10 office was punishing him for this murder case?

11 A: No.

12 MR. JAMES: Your Honor, I do have to object at one point.
13 We're well beyond the scope of direct, I think.

14 THE COURT: Sustained.

15 BY MR. YARBOROUGH:

16 Q: Did that have -- did the murder indictment affect how you
17 were dealing with these other two drug cases?

18 A: I think the answer to that is no because I got from the
19 -- the feeling from the beginning that the murder charges were
20 not cases that they could make, or at least that was my
21 thought, but I'm always fearful of them, I am, but I think --
22 I think the fact that the police and therefore the prosecutors
23 thought that Robbie was involved somehow in this killing
24 probably made them if anything tougher to deal with on the
25 other drug charges, because they were convinced that Robbie

BY THE COURT

1 was constantly in the drug business and might be involved in
2 -- Robbie got shot one time and that Robbie might be involved
3 in these things and so they just -- they take a harder line
4 sometimes than maybe if there had been no allegations of
5 murder.

6 MR. YARBOROUGH: I have no further questions.

7 THE COURT: All right. You may step down.

8 Thank you.

9 MR. MARTIN: Thank you, Judge.

10 BY THE COURT:

11 THE COURT: All right. Any other witnesses?

12 MR. YARBOROUGH: No, sir, Your Honor.

13 THE COURT: Anything from the State?

14 MR. JAMES: No, Your Honor.

15 THE COURT: I'll take it under advisement and let you
16 know something soon.

17 Thank you.

18 MR. JAMES: Thank you, Your Honor.

19 (ADJOURNED - 2:52 P.M.)

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C E R T I F I C A T E

I, the undersigned, Kay H. Richardson, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the hearing held in the case of *Robbie Lee Bufkin versus State of South Carolina*, held in the Court of Common Pleas for Horry County, Horry County Courthouse, Conway, South Carolina, on September 19, 2017.

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



Kay H. Richardson

Official Court Reporter

March 1, 2018.

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSIONS
INDICTMENT 2016GS2600176,
2016GS2600177 & 2016GS2600084

STATE OF SOUTH CAROLINA)
VS)
ROBBIE LEE BUFKIN)
_____)

MOTION TO PRODUCE

FILED
HORRY COUNTY
2016 MAY 16 PM 3:34
HELEN BUGGINS-WARD
CLERK OF COURT

NOW COMES the Defendant, by and through his undersigned attorney, and
moves this Court for an Order requiring the State to produce any and all records obtained
by a dump or the examination of cell phone records of the Defendant, Robbie Lee Bufkin.

Respectfully Submitted,

LAW OFFICES L. MORGAN MARTIN, P.A..


Mary Ashley Martin
1121 Third Avenue
Conway, SC 29526
(843)248-3172

Conway, South Carolina

Dated: 5/16/16

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

IN THE GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA)
)
VS)
)
ROBBIE LEE BUFKIN)
_____)

MOTION TO PRODUCE

The Defendant, by and through his undersigned attorney, move this Honorable Court for entry of an Order compelling the State (which when used in this Motion shall include the Solicitor's Office in and for the Fifteenth Judicial Circuit, the Horry County Police, the State Law Enforcement Division, and any other department, commission, arm, bureau, or agency of the State of South Carolina, its respective counties and municipalities) to disclose to the Defendant, and his defense counsel, all evidence in possession, custody, and control of the State, any of its agents, or others if the existence of that evidence is known to the State, when the evidence may be favorable to the defendant and material to an issue of guilt or to punishment, or bears upon or could reasonably weaken or affect any evidence proposed to be introduced against the Defendant by the State, or bears to any material degree on the charges contained in the Indictment filed in the above-captioned cause, or is relevant to the subject matter of said Indictment, and prosecution under it, or in any manner may aid the Defendant in the ascertainment of the truth, disclosure to be made without regard to whether or not the evidence to be disclosed be deemed to be admissible at trial of this case; and the disclosure to contain all evidence discoverable pursuant to Brady v Maryland, 373 U.S. 83 (1963) and its progeny and pursuant to South Carolina Circuit Court Rule 5 including but not limited to the following evidence:

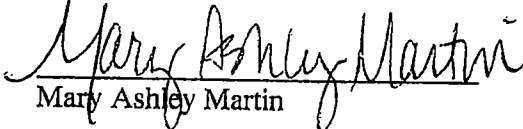
1. That the Defendants be permitted to inspect copy or photograph any relevant written or recorded statements made by the Defendants, or copies thereof within the possession, custody or control of the prosecution, the existence of which is known or by the exercise of due diligence may become known to the attorney for the prosecution; the substance of any oral statement which the prosecution intends to offer in evidence at the trial made by the Defendant whether before or after arrest in response to interrogation by any person then known the Defendant to be a prosecution agent.
2. Copies of any books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are within the possession, custody or control of the prosecution, the existence of which is known or by the exercise of due diligence

may become known, to the attorney for the prosecution, and which are material to the preparation of the defense or are intended for use by the prosecution as evidence in chief at the trial.

3. Any copy of any results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, custody or control of the prosecution, the existence of which is known or by the exercise of due diligence may become known, to the attorney for the prosecution, and which are material to the preparation of the defense or are intended for use by the prosecution as evidence in chief at the trial.
4. The names and addresses of all persons who may have some knowledge of the facts of the present case.
5. The names and addresses of all witnesses to be called by the State at trial.
6. The statements of all persons who have been interviewed by an agent of the State in connection with the subject matter of this case and whom the State does not presently intend to call at trial.
7. A copy of the Defendant's prior criminal record, if any, as is within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for prosecution.
8. The criminal record, charges and convictions of all witnesses to be presented, if any, by the State in the trial of this case.
9. List any and all of the above requested statements, memoranda, documents, photographs, reports, recordings, or physical evidence which have been destroyed or lost and if so:
 - (A) Why was it destroyed?
 - (B) Who had possession of the item when the loss or destruction occurred?

Respectfully submitted,

LAW OFFICES L. MORGAN MARTIN, PA


Mary Ashley Martin

Conway, South Carolina

December 12, 2014

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF HORRY) INDICTMENT 2016GS2600176,
2016GS2600177 & 2016GS2600084

STATE OF SOUTH CAROLINA)
VS)
ROBBIE LEE BUFKIN)
_____)

MOTION TO SUPPRESS

NOW COMES the Defendant, by and through his undersigned attorney, and
moves this Court to suppress any and all evidence seized from Room 512304 of the Sea
Mist Hotel, Driftwood Building, by the officers of the DEU on October 22, 2014. Such
search is a violation of the applicable provisions of the South Carolina Constitution and
the United States Constitution.

Respectfully Submitted,

LAW OFFICES L. MORGAN MARTIN, P.A..



Mary Ashley Martin
1121 Third Avenue
Conway, SC 29526
(843)248-3172

Conway, South Carolina

Dated: 5/16/14

FILED
HORRY COUNTY
2016 MAY 16 PM 3:35
MELANIE PUGGINS-WARD
CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSIONS
INDICTMENT 2016GS2600176,
2016GS2600177 & 2016GS2600084

STATE OF SOUTH CAROLINA)

VS)

ROBBIE LEE BUFKIN)
_____)

**MOTION TO PROHIBIT
JOINDER OF
INDICTMENTS**

FILED
HORRY COUNTY
CLERK OF COURT
MELANIE HUGHES-WALTON

2016 MAY 16 PM 3:35

NOW COMES the Defendant, by and through his undersigned attorney, and
moves this Court to prohibit the State from joining for trial purposes Indictment
Numbers 2016GS2600176, 2016GS2600177 and 2016GS2600084. Each indictment
alleges a separate crime which is not provable by the same evidence.

Respectfully Submitted,

LAW OFFICES L. MORGAN MARTIN, P.A..


Mary Ashley Martin
1121 Third Avenue
Conway, SC 29526
(843)248-3172

Conway, South Carolina

Dated: 5/16/14

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

STATE OF SOUTH CAROLINA

VS

ROBBIE BUFKIN

) IN THE COURT OF GENERAL SESSIONS
) 2014A2610400561 - 00563
)

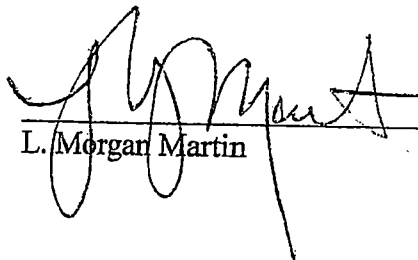
) **MOTION TO PRODUCE**
) **AMOUNT OF MONEY PROVIDED**
) **TO CONFIDENTIAL INFORMANT**
)
)
)

FILED
HORRY COUNTY
2014 MAY 16 PM 3:35
MICHAEL HUGGINS-WARD
CLERK OF COURT

AND NOW COMES the Defendant by and through his undersigned attorney and moves this Court to require the State to provide to the Defendant the amount of money provided to the Confidential Informant for the alleged purchase of drugs on or about October 22, 2014.

Respectfully submitted,

LAW OFFICES L. MORGAN MARTIN, P. A.



L. Morgan Martin

Conway, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

) IN THE COURT OF GENERAL SESSIONS
) 2014A2610400561 - 00563
)

STATE OF SOUTH CAROLINA
VS
ROBBIE BUFKIN

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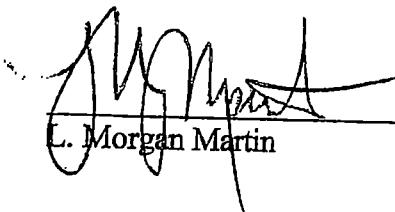
**MOTION TO PRODUCE
CRIMINAL HISTORY OF
CONFIDENTIAL INFORMANT**

FILED
HORRY COUNTY
2016 MAY 16 PM 3:36
MELANIE HUGGINS-WARD
CLERK OF COURT

AND NOW COMES the Defendant by and through his undersigned attorney and moves this Court to require the State to provide to the Defendant the criminal history of the Confidential Informant used for the alleged drug purchase by the Defendant on or about October 22, 2014.

Respectfully submitted,

LAW OFFICES L. MORGAN MARTIN, P. A.



L. Morgan Martin

Conway, South Carolina

1
2 STATE OF SOUTH CAROLINA) TRANSCRIPT OF RECORD
3 COUNTY OF HORRY) CASE NOS: 2016-GS-26-0084,
4 2016-GS-26-0176

5 (PLEA)

6 B E F O R E: The Honorable Thomas Cooper
7 May 17, 2016

8
9 STATE OF SOUTH CAROLINA,

10 Plaintiff,

11 vs.

12 ROBBIE LEE BUFKIN, JR.,

13 Defendant.

14
15 APPEARANCES:

16 Joshua Holford, Esq.
17 For the State of South Carolina.

18
19 Morgan Martin, Esq.
20 Mary Ashley, Esq.
21 For the Defendant.

22
23 Court Reporter:

24 Natalie Dahl, RPR
25

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 ORIGINAL

P-R-O-C-E-E-D-I-N-G-S

(ROBBIE LEE BUFKIN, having been duly sworn,
testified as follows:)

MR. HOLFORD: State versus Robbie Bufkin. It is true bill Indictment 2016-GS-26-00176 for trafficking cocaine, 10 to 28 grams, second offense. That is an offense that carries 5 to 30 years and a \$50,000 fine. It is violent and a serious offense. The State's recommendation is a range between 15 and 20 years to run concurrent with Indictment 2016-GS-26-02357 for trafficking in cocaine, 28 to a hundred grams, second offense. That is an offense that carries 7 to 30 years and a \$50,000 fine. It is violent and serious. That indictment has not been presented to the Grand Jury, however, the defendant has noted on the sentencing sheet by his initials that he wishes to waive that presentment to run concurrent with a range of 15 to 20 years. May I approach?

THE COURT: Yes, sir. The significance of his plea to violent, no parole, serious offenses, and of course the significance of a plea to a drug charge in any event, does he seem to understand all of those things?

MR. MARTIN: He does. Your Honor, let me say for the record that we've had much conversation over the

1 week about serious, most serious, one, two
2 convictions, the fact that three serious offenses can
3 give the State an opportunity to seek life without
4 parole. He understands that. We talked about this
5 case, and he understands he is not in that situation
6 yet, but that these are two serious offenses and if he
7 were to be charged after this period of incarceration
8 with some other offense, that that was a serious or
9 most serious offense, he could be looking to life, but
10 we have gone over all of that in great length. He
11 understands that, and he's elected to enter his plea.
12 I think Mr. Holford probably put it on record, there
13 is other charges, drug trafficking charges, I think
14 maybe a possession of a gun or whatever, they are
15 dismissing, as well as a murder charge that is
16 currently pending that will be dismissed. He's
17 tendering his plea of guilty, as you see, to a
18 relatively serious range of -- not relative, but a
19 really serious range of sentencing to 15 to 20, and he
20 understands it, Judge.

21 THE COURT: Thank you.

22 EXAMINATION

23 BY THE COURT:

24 Q Mr. Bufkin, when you enter pleas to the charge of
25 trafficking in cocaine, second offense, between 10 and

1 28 grams, you must receive a sentence of at least seven
2 years, and can receive a sentence of up to 25 years and
3 a fine; do you understand that?

4 A Yes, sir.

5 Q And on the charge of trafficking 28 to 100 grams,
6 a sentence of at least seven years and up to 30 years
7 of imprisonment; do you understand that?

8 A Yes, sir.

9 Q Otherwise, these will be held against your record
10 if you ever commit subsequent offenses, and it will be
11 at least third offenses, because these are treated as
12 second offenses, so that is one impact of this.
13 Another is that as Mr. Martin just said these are, in
14 the eyes of the law, classified as serious offenses,
15 which means today you use up at least one of the three
16 strikes you have for serious offenses that the law
17 allows a person. If an individual commits three
18 serious offenses in his lifetime, upon the commission
19 and conviction for that third serious offense, they can
20 go to jail for the rest of their life, no parole, die
21 in jail; do you understand that?

22 A Yes, sir.

23 Q You use up at least one of those strikes today;
24 do you understand that?

25 A Yes, sir.

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1 Q Whatever sentence you receive, you have to serve
2 at least 85 percent of it before you are released into
3 the community, under community supervision. These are
4 what the law refers to as no parole or 85 percent
5 sentences because of the nature of the penalty. So you
6 have to serve at least 85 percent of whatever sentence
7 you receive; do you understand that?

8 A Yes, sir.

9 Q These are also classified as violent offenses,
10 which has an impact on the custody status that you
11 would have while you are in the department. When you
12 enter these pleas, you, first of all, give up your
13 right to remain silent. Under our law, no one can
14 testify against yourself, no one can make you admit
15 that you are guilty, but if you plead guilty, you have
16 to tell me you are guilty. You give up your right to
17 remain silent when you plead guilty; do you understand
18 that?

19 A Yes, sir.

20 Q You have a right to a jury trial on either or
21 both of these charges. You don't have to try to
22 convince a jury you are not guilty. The State has to
23 convince a jury that you are guilty. If you plead
24 guilty, you don't get a trial and you give up that
25 right; do you understand that?

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1 A Yes, sir.

2 Q If you had a trial, Mr. Martin would have a right
3 to question the State's witnesses who would testify
4 against you. You would have a right to call witnesses
5 of your own to testify for you to tell your side of the
6 story. If you plead guilty, you don't get to question
7 or call witnesses, you give up that right; do you
8 understand that?

9 A Yes, sir.

10 Q The indictment charging you with trafficking 10
11 to -- 28 to hundred grams has not yet been presented to
12 the Grand Jury for its action; the other indictment has
13 been. The Grand Jury's job is to talk with the State's
14 witnesses to make sure there is evidence to support
15 these charges. They have not had a chance to talk with
16 anyone about that particular indictment, and that means
17 that I don't have the right to take your guilty plea on
18 that charge without the Grand Jury's action, unless you
19 are willing to give up that right; do you understand
20 what that it is all about?

21 A Yes, sir.

22 Q Are you willing to give up that right so I can
23 take your plea today?

24 A Yes, sir.

25 Q You have understood these rights that I just

1 explained to you?

2 A Yes, sir.

3 Q Do I need to go over any of them again?

4 A No, sir.

5 Q Indictment 176 charges you with trafficking in
6 cocaine from 10 to 28 grams, and that indictment says
7 you got caught here in Horry County, on or about
8 October 22, 2014, knowingly in possession, either
9 actual or constructive, or attempting to become in
10 actual or constructive possession of a quantity of
11 cocaine, more than ten grams, but less than 28 grams in
12 violation of the law; do you understand that charge?

13 A Yes.

14 Q This being a second drug offense charge; do you
15 understand that?

16 A Yes, sir.

17 Q How do you plead?

18 A Guilty.

19 Q Indictment 2357 charges you with trafficking in
20 cocaine, 28 to 100 grams, and that indictment says you
21 got here in Horry County, on or about March 27, 2015,
22 and you had in your actual constructive possession an
23 amount of cocaine more than 28 grams, but less than 100
24 grams in violation of the law; do you understand the
25 charge of trafficking cocaine, 28 to 100 grams in

1 connection with that event?

2 A Yes, sir.

3 Q How do you plead?

4 A Guilty, Your Honor.

5 Q The State is recommending concurrent sentences of
6 between 15 and 20 years in return for your guilty plea
7 today, and I understand they are dropping some other
8 charges that they will tell me about in a few minutes.
9 Other than that, has anyone promised you anything or
10 held out any hope of reward to get you to plead guilty
11 to these charges?

12 A No, sir.

13 Q Has anyone threatened you or forced you in any
14 way to get you to plead guilty to the charge?

15 A No, sir.

16 Q Are you pleading guilty freely and voluntarily?

17 A I am.

18 Q Are you fully satisfied with everything that Mr.
19 Martin and Mary Ashley have done for you in their
20 representation?

21 A I am.

22 Q Have they done everything you asked them to do?

23 A They have.

24 Q Have you had enough time to talk to them about
25 this?

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1 A Yes, sir.

2 Q You understood those talks?

3 A Yes, sir.

4 Q Do you need any more time to talk with them?

5 A No, sir.

6 Q You have 10 days from today to appeal these pleas
7 to a higher court, but you have to file a paper with
8 this court within 10 days if you wish to appeal; do you
9 understand that?

10 THE COURT: Mr. Holford.

11 MR. HOLFORD: Thank you, Your Honor. As to
12 2016-GS-26-00176, trafficking cocaine 10 to 28 grams,
13 second offense, this was on October 22, 2014. Agents
14 with the Drug Enforcement Unit here in Horry County,
15 Blue, Miller and Mondala (phonetics), utilized a
16 confidential informant to make a controlled purchase
17 from Mr. Bufkin, who was known to be selling drugs in
18 the area. He was at the Sea Mist Hotel, the Driftwood
19 building there, Room 51304. At approximately 7:30,
20 the Drug Enforcement Unit gave an amount of money to
21 buy approximately an ounce of cocaine. At that time,
22 the confidential informant was in touch with Goldie,
23 as they knew him, who is Mr. Bufkin, the defendant.

24 At that time, he went up to the room. You can
25 see on the CI video camera Mr. Bufkin in the room with

1 another individual, as well as a person who was
2 charged as a codefendant, Raquel Lewis (phonetic), who
3 was in the room at the time. Mr. Bufkin is doing what
4 appears to be cooking crack, putting baking powder,
5 soda, whatever, in the microwave. The confidential
6 informant did purchase an amount of cocaine, about an
7 ounce. It tested positive for cocaine when it was
8 sent to SLED, and came back at 25.19 grams of cocaine.
9 That would be between the 10 to 28.

10 When he went downstairs, he talked to the Drug
11 Enforcement Unit, who realized there was a large
12 amount of cocaine in the room. They executed a search
13 warrant. They knocked three times, announced
14 themselves. They heard movement and ended up busting
15 through the door. When they went in, they found 16.32
16 grams, that is the tested weight which is positive for
17 cocaine, and found Mr. Bufkin in the bathroom. That
18 indictment, that second trafficking cocaine 10 to 28,
19 is being dismissed.

20 The next day they found 143 grams outside at a
21 pool. This was on the 13th floor. They believed
22 that Mr. Bufkin threw that amount of cocaine out the
23 window. That charge is also dismissed. It is a
24 mandatory 25-year charge. That constitutes the facts
25 surrounding this October 22, 2014 cocaine.

|||

1 As to 2016-GS-26-2357, officers with Myrtle Beach
2 obtained a warrant for murder for Mr. Bufkin. It was
3 believed that Mr. Bufkin had hired someone, Kevin
4 Bryant, to kill someone, Saquan Green. Saquan was
5 seen on the CI tape from the October 2014 charge. It
6 is Myrtle Beach Police Department's belief that
7 Mr. Bufkin thought Saquan was a CI, however, he
8 wasn't, and had him killed for that.

9 In any even, based on that murder warrant, they
10 went and executed a search warrant on March 27, 2015
11 in the city limits of Myrtle Beach in Horry County,
12 and he was located inside on 480
13 looks like 63F. Inside that residence, agents located
14 a handgun. Mr. Bufkin is a convicted felon. Also, I
15 believe the gun was stolen. That charge -- both of
16 those pistol charges -- they charged him with
17 possession of a firearm by a person convicted of a
18 felony, as well as by certain persons unlawful or a
19 stolen pistol. That charge is dismissed.

20 Also within the residence, they did find -- it
21 came back as a tested weight of 33.14 grams, and it
22 did test positive for cocaine. Based on that search,
23 as well as having prior convictions to substantiate
24 the rise to the second offense for both of these
25 charges, he does have a 2007 possession of cocaine

1 base, second offense, for which he received five
2 years. He had a 2003 possession of crack, first
3 offense, or cocaine base first offense; however,
4 because of the date, that was actually sentenced, it
5 looks like, September 2003. There was some question
6 whether that would enhance or not. I believe it
7 could; however, it is at least a second offense for
8 each of these.

9 Your Honor, as indicated, the State is dismissing
10 the trafficking cocaine 10 to 28 and trafficking
11 cocaine over 100, but less than 200 grams, as well as
12 felony possession of a firearm and possession of a
13 stolen handgun. The State already has dismissed --
14 because of the age of the charges and because he
15 continued to get new charges -- multiple failure to
16 stop for blue lights, second offense, and unlawful
17 possession of a firearm and possession with intent to
18 distribute crack back from -- between July 2013 and
19 February 2014. Those already have been dismissed by
20 me.

21 Your Honor, the final thing would be that that
22 murder warrant that was served on him, while these
23 ones I spoke of are being dismissed as a result of the
24 guilty plea in connection with this, they will be
25 dismissed with prejudice. The murder warrant is

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1 dismissed without prejudice with the right to restore,
2 if at a later time evidence becomes available that he
3 was, in fact, involved in that hit or murder for hire,
4 the State would then require the right to come back at
5 a later time.

6 THE COURT: Thank you. Anything further from the
7 State?

8 MR. HOLFORD: Your Honor, I spoke briefly about
9 his record, but in full, in 1999 as he was I believe
10 still close to a juvenile, it doesn't say a juvenile
11 disposition, but they may have converted it
12 afterwards, the NCIC says assault and battery with
13 intent to kill; however, Mr. Martin said he has spoken
14 to the Court and that appears to be to an ABHAN
15 perhaps, but also criminal conspiracy, a 2002 failure
16 to stop for a blue light; 2003, pointing and
17 presenting a firearm, possession of crack, first, that
18 I spoke of, and possession of a stolen vehicle, value
19 1,000 to \$5,000. 2007, failure to stop for a blue
20 light, second offense, possession of cocaine base,
21 second offense, and 2013, simple possession of
22 marijuana.

23 THE COURT: Does that sound like your record?

24 MR. BUFKIN: Yes, sir.

25 THE COURT: I'll take the plea. You understand

1 what you're doing, the plea was freely and voluntarily
2 made and you had the service of competent lawyers that
3 you are satisfied with. Mr. Martin.

4 MR. MARTIN: Let me say that, first of all, but
5 for what I believe to be the suspicion surrounding
6 what led the death to the murder charge, I believe we
7 are looking at a 3 to 10 sentence for trafficking,
8 maybe two of those to run concurrent, but I say that
9 because if you look at the two charges that he's
10 pleading guilty to, one of them is -- one is 10 to 28
11 grams, and the other one is just over 34, just over
12 the 28 grams in this instance. And so I think that
13 even though there has been a dismissal of some other
14 warrants, and there has been a dismissal of the murder
15 charge currently pending, that we've had a tough time
16 negotiating this plea because the State wanted him to
17 get more time than, frankly, I feel like the cocaine
18 charges and his prior records amount to what he should
19 get. But there is always a lot of give and take in
20 these cases like this, but I can't overstate to you
21 the fact that they have no evidence, whatsoever,
22 linking him to the murder. I just -- just the mention
23 of that in the courtroom, and the insinuation of it, I
24 guess, has got the taint they want out there, but I
25 can't tell you how -- you know, as far as this

1 sentencing is concerned, it is not relevant, it is not
2 proper and it should not be considered.

3 THE COURT: It won't be.

4 MR. MARTIN: And Myrtle Beach thinking -- the
5 warrant is not based on probable cause, and I just
6 want to be sure that whatever sentence Robbie gets is
7 not because of some unsubstantiated thoughts of some
8 police officer who is not here and couldn't articulate
9 within the warrant any probable cause for that arrest.

10 Now, having said that, I do want to say that
11 obviously what Robbie is doing is wrong, dead wrong,
12 and he knows it, and I'm not here to take up for it.
13 But I will say, you know, that there is, in every
14 case, those points which I think are worth making.
15 One is this is the first time that Robbie has been in
16 court and would have pled guilty to, not only to
17 trafficking, but so much as a distribution and/or a
18 PWID. As Mr. Holford told you, his record contains a
19 simple possession of cocaine and a simple possession
20 of crack, the last one being in 2007, as far as drugs
21 are concerned.

22 So this is the first time he's been into the
23 courtroom and would have been sentenced for any drug
24 trafficking sale, distribution type of case. I think
25 that is worthy of note here, because I think it is one

1 of those situations in which, you know, you can't say
2 that he's been caught and punished for the same thing,
3 and now he's back again. He has had possession of
4 drugs, and as they say in the world, we don't know
5 what he did and got away with, but we don't ever know
6 that, do we? So what we have here is this is the
7 first time he's ever been in court for any sort of
8 serious drug cases. Of course what the sentencing
9 range that we have negotiated with the State is not
10 less than 15, no more than 20 years, I want to say, in
11 all earnestness and with all sincerity, ask you to
12 give Robbie the 15 years, the minimum and what we have
13 negotiated as a range.

14 I think, first of all, even though the State
15 would want you to give him 20 or more, I think they
16 realize by virtue of the negotiation that has been
17 made that if he gets 15, that that is a fair sentence
18 in terms of where we are. 15 years is a long time.

19 Now, it is easy for we within this courtroom to
20 have -- most of us have never served a day, thank
21 goodness, but to say, I'll tell you what, two years,
22 five, 25, 30, I'll give you 15. Those are long, long
23 times and, frankly, I think that any day over 15,
24 frankly, becomes counter productive to the State of
25 South Carolina, for the simple reason that Robbie will

1 be nearly 50 when he serves a 50-year (sic) sentence.
2 I'm not sure whether that is 47 or 48, 49, but he'll
3 be in that range, because he's 34 now. Robbie is
4 intelligent. Robbie is a very nice person, frankly.
5 I've been -- Mary Ashley represented Robbie in some of
6 the failure to stop for blue lights, and I have too.
7 We've known Robbie, I guess, the past three, four
8 years. But he's a very respectful person. His mother
9 and some of the family are out here with him. He is
10 not -- what he's done is very wrong, and it is part of
11 the problem in our society, and I recognize that. But
12 there are redeeming qualities to Robbie, and I see
13 those in the time I have spent with him.

14 The point I go back to is, why are we putting him
15 in jail for this long period of time? Well, he's a
16 drug dealer. The statute says 7 to 25, 7 to 30,
17 whatever. But, again, there is a wide range in those.
18 This is the first time he's been up here on these
19 kinds of charges.

20 Then, secondly, he has to be punished. I heard
21 you sentence a young man this morning and you were
22 talking about what was the just punishment and what
23 all goes into it, you know, does it do society good
24 for him to be in jail, what about the course of his
25 life. Robbie took one wrong turn in the course of his

1 life, and it has led him here, and that is nobody's
2 fault but Robbie's. But Robbie, if he can get a long
3 15-year sentence, can get out at a time when he will
4 be significantly younger than I am, and I think have
5 an opportunity to have some sort of a life to do the
6 things for this family that he's not going to be able
7 to do the next 15 years or something, just short of
8 that, and make a difference in that.

9 The longer he's kept in jail, what good is it
10 doing anybody? Because if you are punishing Robbie
11 for doing wrong and saying we can't allow that kind of
12 conduct and retribution from the State, as you called
13 it, why is 20 better than 15? Frankly, why is 15
14 better than 12, or 17 better than 15? I think you
15 reach a point of diminishing returns. The minimum we
16 agreed to, 15, is a long sentence. It takes Robbie
17 out of Horry County, Williamsburg County, out of the
18 bad things that he was doing or whatever drug world is
19 out there. Robbie won't be a part of that.

20 Now, I think, I wish, I hope it would be nice if
21 putting Robbie in jail for these 15 or so years that
22 you are going to give him, well, I'm glad we got that
23 done, now there won't be any more trouble with drugs
24 in Horry County or Williamsburg County because we put
25 a stop to that. But you and I know from our lives in

1 the judiciary and court system that is just dead
2 wrong. It is dead wrong. Putting Robbie in jail,
3 whether five years or 15, doesn't have any impact on
4 the movement of cocaine in South Carolina. None.
5 None. I don't care if you put 50 in jail this week,
6 before you leave, for 25 years without parole, there
7 will be someone taking his place before the sun rises
8 tomorrow morning. So it makes no sense to give these
9 vast, long sentences because it is going to change the
10 world. It is not. We have proven that it is not.

11 So what good then does it do after awhile?
12 Surely 15 years of a man's life, 20 percent, so to
13 speak, maybe for an average man, is enough for moving
14 around less cocaine than you can put in this cup.
15 That is what we're doing. I won't get into the rest
16 of my speech. If you have enough money, you can go to
17 the drug store and get it, and all of that kind of
18 stuff.

19 Having said that, I do -- it is -- I speak the
20 heart, from the heart when I say that I just feel like
21 the sentences are too long for those who are dealing
22 with drugs, and that is what Robbie is here in court
23 for, but I know what the legislature says. I know
24 what the rules are, but I also know that there is
25 discretion. It is for that reason that I ask you to

1 please consider giving Robbie 15 years, because I
2 believe it is a more than adequate punishment to
3 punish him for what he has pled guilty to here in
4 court. The only reason, again, that it is pushed up
5 to this level of 7 to 25 is the possession of cocaine
6 nearly 10 years ago. Now, that is not to say it's a
7 good thing, but it kind of is what it is.

8 So I do think those are the reasons that I have
9 worked and struggled so hard to try to resolve this
10 matter, and I appreciate the State listening to me and
11 working with me to some degree. I understand if we
12 had trials it might turn worse, but Robbie is not
13 putting the State, as many people do, to the contest
14 of a trial, which in a trial you never know what will
15 happen. Sometimes, if you have that, then you have an
16 appeal or PCR and you come back. Robbie said, no, I'm
17 guilty, I'll plead guilty. Get me something
18 reasonable, please get me something reasonable.

19 Of course Robbie probably doesn't think 15 is
20 reasonable, but I convinced him that under the
21 situation we're in, that it is the best we can do, and
22 so I would ask that you consider Robbie a very severe
23 sentence of 15 years.

24 THE COURT: Thank you. Mr. Bufkin, do you want
25 to add anything?

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1 MR. BUFKIN: First of all, I like to accept
2 responsibility and ask you to have mercy on me where I
3 can see my kids finish growing up. 15 years is like
4 15 years. Right now they are already going to be
5 close to 30 when I come home, so I pray you have mercy
6 on me. I understand you have a job to do. I just ask
7 that you have leniency on me as possible.

8 THE COURT: Thank you.

9 Mr. Martin, I am in tune with you on the
10 significance of no probable offenses, and I take those
11 things with a great deal of weight, as you indicated
12 in your very eloquent plea here. I realize that any
13 time in jail is a long time, and of course as you
14 know, as we all know in this courtroom, anyone who has
15 been a part of the judicial system understands the
16 criticism that has been brought to bear because of
17 mandatory drug offenses and the changes made within
18 the federal system to address what the federal system
19 has seen as inequities and discrimination and the
20 administration of those offenses, and the judgments
21 that have been made, not only in the law for future
22 sentences, but also in dealing with some folks who
23 already are serving time. I really can't argue why 17
24 or 18 years is any better than 15, or as you said, why
25 15 is better than 12. Don't have a good answer to

1 that. Sentencing within the discretion of the law is
2 -- I can't even call it a science, it is not a science
3 at all, it is inexact, at best. Even if we had
4 sentencing guidelines in the State system, which I
5 sometimes wish we did, a lot of times I'm glad we
6 don't, we still would be talking about a range that
7 has been suggested, in this particular case 15 to 20.

8 I can promise that the mention of the word
9 "murder" is not going to have any impact on what I do
10 here, and of course you knew that at the time.
11 Frankly, if the word "murder" was going to have any
12 impact on my sentence, the sentence would not be
13 within the 15- to 20-year range, as suggested in this
14 case already. So that is not a factor to be
15 considered here.

16 I took into account what he pled guilty to. I'm
17 free in my consideration to take any other aggravating
18 circumstances that might be brought to bear that have
19 been -- that might have some weight on what I'm doing
20 in this case, prior record of course is one of those
21 things. Another thing I take into account, as I may
22 have mentioned in chambers awhile ago, is that these
23 two offenses occurred at two separate times with a
24 great deal of time in between, and I don't presume
25 that anything happened in between those times other

1 than what we're looking at here today. But what those
2 two events do tell me is that in October of 2014
3 Mr. Bufkin had in his possession at one time and sold
4 to a confidential informant more than 25 grams of
5 cocaine. I agree, the 25 grams or 33 grams, the way
6 we measure it, is not that much. I put more sugar
7 than that in my coffee this morning, but the sugar is
8 not against the law. It is a different matter
9 entirely, but I recognize the finite nature of the
10 weight of the drugs, and I'm sure there is a
11 scientific legal reason to draw the line at 10 to 28,
12 and 28 to a 100, and things of that nature, that has
13 bearing on the impact on people. All of those things
14 are worked out by people smarter than me.

15 What these two events tell me is that even after
16 -- even after that event in October of 2014, six
17 months later, even a greater amount of cocaine. I
18 guess, if anything else, the combination of those two
19 things, Mr. Martin, is what tells me that there is
20 room somewhere between 15 and 20 years for a sentence
21 that still would be fair, and so I take that into
22 account. I will say this, you have given -- as I'm
23 not surprised you would -- as eloquent a plea and as
24 reasonable an argument against mandatory sentencing
25 generally that I have heard in the 25 years that I've

1 been doing this, and I cannot argue with the logic
2 with what you said, quite frankly. But the general
3 assembly has agreed that these crimes can carry up to
4 25, 30 years imprisonment and they -- what is the
5 difference between a seven-year sentence and 25-year
6 sentence? How do we decide that one trafficking in
7 cocaine between 10 and 28 is worth seven, and another
8 25? That is problematic. I deal with that
9 unfortunately almost every week when I try to decide
10 why one felony DUI causing death is a year in jail,
11 and another is worth 25 years, and there is no real
12 answer for that. I don't have a good answer for it.
13 I just try to deal with what the whole of the
14 situation is as best I see.

15 Mr. Bufkin, on Indictment 2357 and Indictment
16 176, the sentence is the same, you will be committed
17 to the State Department of Corrections for a period of
18 16 years. Sentences will run concurrent. Credit for
19 time served. Good luck to you.

20 (Whereupon, the proceedings concluded.)
21
22
23
24
25

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CERTIFICATE OF REPORTER

State of South Carolina)

County of Horry)

I, Natalie Dahl, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the matter of the captioned case, relative to appeal, in the Court of General Sessions for Horry County, South Carolina, on the 17th day of May, 2016.

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

November 21, 2016



Natalie Dahl, RPR

Court Reporter

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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

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COUNTY OF Horry
STATE VS.Robbie Lee Buffkin

AKA:

Race: BLACK Sex: M Age: 34DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Loris, SC 29569DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADSTO: Trafficking in cocaine, 10-28 grams, 2nd offense (5-30 AND \$50,000)in violation of § 44-53-0370(e)(2)(a)2 of the S.C. Code of Laws, bearing CDR Code # 0387☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The 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. Range 15-20yATTEST: [Signature] SCB80071 [Signature] 3667 cc
Holford, Joshua D. SC Bar# 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 16 days/months/years or ☐ under the Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years and/or paymentof \$; 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: A 2357

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 16-25-61 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUPTotal: \$ 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 \$ 150.00§ 50-21-114 (BUI Breath Test Fee) \$50 \$ § 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00% to County (if paid in installments) \$ 8.40TOTAL \$ 288.40 + 40.00 = 328.40INDICTMENT/CASE#: 2016GS2600176A/W#: 2014A2610400561Date of Offense: 10/22/2014S.C. Code § : 44-53-0370(e)(2)(a)2CDR Code #: 0387

SENTENCE SHEET

Clerk of Court/ Deputy Clerk

Melanie Huggins-WardPresiding Judge
Judge Code: [Signature]
054FILED
16 MAY 11 PM 4:34
CLERK OF COURT

WITNESSES

David Belue 15th Circuit Drug Enforcement Unit

DOCKET NO. 2016-0176-00119

The State of South Carolina

County of Horry

Joshua D. Holford

14H04783

COURT OF GENERAL SESSIONS

JANUARY, 2016 TERM

FILED
HORRY COUNTY

2016 JAN 26 AM 9:56

DATE RECEIVED

GRAND JURY

REST WARRANT NUMBER

4A2610400561

R: 0387 44-53-0370(e)(2)(a)2

A: 10/23/2014

THE STATE

VS.

Robbie Lee Buffkin B/M

Loris, SC 29569

ATTORNEY: Mary Ashley Martin

PERSON OF GRAND JURY

TRUE BILL

Person of Grand Jury

JAN 21 2016

RDICT

Indictment for
TRAFFICKING COCAINE
(10 - 28 GRAMS)

Jimmy A. Richardson, II, Solicitor

Person of Petit Jury

SIGNAL

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on JANUARY 21, 2016, the Grand Jurors of Horry County present upon their oath:

TRAFFICKING COCAINE (10 - 28 GRAMS)

CDR: 0387 44-53-0370(e)(2)(a)(2)

That Robbie Lee Buffkin did in Horry County on or about October 22, 2014 knowingly, sell, deliver, purchase or bring into this State, or did aid, abet, attempt, or conspire to sell, deliver, purchase or bring into this State, or was in actual or constructive possession, or attempted to become in actual or constructive possession of a quantity of Cocaine in an amount of more than ten (10) grams, but less than twenty-eight (28) grams, the same being a controlled substance, all within the meaning of Section 44-53-370, et seq., S. C. Code of Laws, 1976, as amended, such possession not having been authorized, and being in violation of Section 44-53-370(e)(2)(a), S. C. Code of Laws, 1976, as amended, for the crime of Trafficking.

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


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

2014A2610400561

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

Horry Coun

THE STATE
against

2014 NOV - 9 PM 12:23

Robbie Lee Buffkin

Address: [REDACTED] MELANIE HUGHES-WARD
CLERK OF COURT

Loris, SC 29569-

Name: [REDACTED] SSN: [REDACTED]
M Race: B Height: 5 9 Weight: 158

State: DL #:

3: [REDACTED] Agency ORI #: SC0260900

Securing Agency: Horry County - D.E.U.

Securing Officer: David Belue - DEU050

Offense: Drugs / Trafficking in cocaine, 10 g or more, but
less than 28 g - 2nd offense

Offense Code: 0387

e/Ordinance Sec: 44-53-0370(e)(2)(a)2

This warrant is CERTIFIED FOR SERVICE in the
County/ ☐ Municipality ofThe accused
to be arrested and brought before me to be
it with according to the law.

(L.S.)

Signature of Judge

RETURN

Copy of this arrest warrant was delivered to

Defendant: Robbie Buffkin Jr.

10-23-14

Signature of Constable/Law Enforcement Officer

TURN WARRANT TO:

General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

☒ County/ ☐ Municipality of

Horry

Personally appeared before me the affiant David Belue

being duly sworn deposes and says that defendant Robbie Lee Buffkin

did within this county and state on or about 10/22/2014

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Horry)

in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Trafficking in cocaine, 10 g or more, but less than 28 g - 2nd offense

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:On October 22nd 2014, within the Horry County section of Myrtle Beach, a search warrant was executed on 1207 S. Ocean Blvd,
Room number 51304 of the Sea Mist Hotel. One Robbie Buffkin Jr. was located inside the hotel room and did knowingly sell,
manufacture, cultivate, deliver, possess, purchase, or otherwise aid, abet, or conspire to sell, manufacture, cultivate, deliver, possess,
or purchase approximately 26.6 grams of off white powder like substance. The substance field tested positive for the presence of
cocaine. Review of the defendant's criminal history revealed at least one prior conviction, within the last ten years, for a cocaine
base related felony offense. Given the above stated facts, there is probable cause to believe the Defendant did violate the SC State
Statute 44-53-370 (e)(2)(a) "Trafficking Cocaine 2nd".

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

Affiant's Address P.O. Box 1276
Conway, SC 29528-

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 10/22/2014 defendant Robbie Lee Buffkin

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

☒ County/ ☐ Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Trafficking in cocaine, 10 g or more, but less than 28 g - 2nd offense

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 10/23/2014

Judge's Address
Judge's Telephone
Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit
Judge Code: 5858

(L.S.)

Judge's Address Surfside Magistrate Office
Myrtle Beach, SC 29588-7575

Judge's Telephone (843)915-5291

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

131

COUNTY OF Horry
STATE VS.

Robbie Lee Bufkin Jr

AKA:

Race: BLACK Sex: M Age: 34JOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Loris, SC 29569DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Trafficking in cocaine, 28 to 100 grams, 2nd offense (7-30 AND \$50,000)INDICTMENT/CASE#: 2016-GS-26-02357A/W#: 2015A2610200755Date of Offense: 3/27/2015S.C. Code § : 44-53-0370(e)(2)(b)2CDR Code #: 0388

SENTENCE SHEET

in violation of § 44-53-0370(e)(2)(b)2 of the S.C. Code of Laws, bearing CDR Code # 0388☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or 1st Act) §17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury (K15) (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☒ Recommendation by the State. Range 15-20yATTEST: Holford, Joshua D. SCB80071 SC Bar# [REDACTED] Defendant [REDACTED] Attorney for Defendant 3667 SC Bar# ccWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 16 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: # 176The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied 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 16-25-62 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ 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 \$ 150.00§ 50-21-114(BUI Breath Test Fee) \$50 \$ § 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00County (if paid in installments) \$8.40AL \$288.40

PTUP

 days/hours Public Service EmploymentObtain 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 \$ 25.00 beginning 6/17/2032\$ paid to Public Defender FundOther: ☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Melanie Higgins-WardPresiding Judge
Judge Code: [Signature]
054

WITNESSES

David Belue 15th Circuit Drug Enforcement Unit

DOCKET 2016-GS-26-02357

The State of South Carolina

County of Horry

Joshua D. Holford

15H01465

COURT OF GENERAL SESSIONS

May, 2016 TERM

ARREST WARRANT NUMBER

2015A2610200755

CDR: 0388 44-53-0370(e)(2)(b)2

DOA: 3/28/2015

THE STATE

vs.

Robbie Lee Bufkin Jr

B/ M

Loris, SC 29569

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

ATTORNEY: L. Morgan Martin

VERDICT

Indictment for

**TRAFFICKING COCAINE (28 - 100
GRAMS)**

ORIGINAL

Jimmy A. Richardson, II, Solicitor

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY) INDICTMENT
) TRAFFICKING COCAINE (28 - 100 GRAMS)

At a Court of General Sessions, convened on May 26, 2016, the Grand Jurors of Horry County present upon their oath:

TRAFFICKING COCAINE (28 - 100 GRAMS)

(CDR: 0388 44-53-0370(e)(2)(b)(2))

That Robbie Lee Bufkin Jr did in Horry County on or about March 27, 2015, knowingly sell, deliver, purchase or bring in this State, or aid, abet, attempt or conspire to sell, deliver, purchase or bring into this State, or was in actual or constructive possession, or attempted to become in actual or constructive possession of a quantity of Cocaine in an amount of more than twenty-eight (28) grams, but less than one-hundred (100) grams, same being a controlled substance all within the meaning of Section 44-53-370, et.seq., S. C. Code of Laws, 1976, as amended, such possession not having been authorized, and being in violation of section 44-53-370(e)(2)(b), S. C. Code of Laws, 1976, as amended, for the crime of trafficking.

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


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

FILED
2016 MAY 17 PM 4:34
CLERK OF COURT
COURT DATE
PLED GUILTY/TRIAL

2015A2610200755

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Horry

2015 APR -9 AM 10:02

THE STATE
against

DEU-15-1261

MELANIE HUGGINS
CLERK OF COURT☒ County/☐ Municipality of

Horry

Personally appeared before me the affiant David Belue whobeing duly sworn deposes and says that defendant Robbie Lee Bufkin, Jrwithin this county and state on or about 3/27/2015

violate the criminal laws of the

State of South Carolina (or ordinance of

☒ County/☐ Municipality of

Horry

in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Trafficking in cocaine, 28 g or more, but less than 100 g - 2nd offense

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:

On March 27th 2015, within the Horry County section of Myrtle Beach, a search warrant was executed at [REDACTED] within the Myrtle Beach section of Horry County. One Robbie Bufkin Jr. was located inside and did knowingly sell, manufacture, cultivate, deliver, posses, purchase, or otherwise aid, abet, or conspire to sell, manufacture, cultivate, deliver, posses, or purchase approximately 34.2 grams of off white powder like substance. The substance field tested positive for the presence of cocaine. Review of the defendant's criminal history revealed at least one prior conviction, within the last ten years, for a cocaine base related felony offense. Given the above stated facts, there is probable cause to believe the Defendant did violate the SC State Statute 44-53-370 (c)(2)(b) "Trafficking Cocaine 2nd more than 28 grams".

r/o Agent D. Belue: C#DEU-15-126.1

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Horry

Affiant's Address, P.O. Box 1276Conway, SC 29528-

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 3/27/2015defendant Robbie Lee Bufkin, Jr

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

☒ County/☐ Municipality of

Horry

) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Trafficking in cocaine, 28 g or more, but less than 100 g - 2nd offense

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 3/28/2015

Signed and sworn before me

Dennis Earl Phipps

Judge Code: 5373

(L.S.)

Judge's Address

J. Ruben Long Detention CenterConway, SC 29526-1071

Judge's Telephone

(843)365-9222

Issuing Court:

☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

134

Robbie Lee Bufkin, Jr

Address:

Loris, SC 29569-

Phone: [REDACTED] SSN: [REDACTED]

Sex: M Race: B Height: 5 9 Weight: 158L State: DL #:OB: [REDACTED] Agency ORI #: SC0260900Prosecuting Agency: Horry County - D.E.U.Prosecuting Officer: David Belue - DEU050Offense: Drugs / Trafficking in cocaine, 28 g or more, but less than 100 g - 2nd offenseOffense Code: 0388Code/Ordinance Sec: 44-53-0370(e)(2)(b)2This warrant is CERTIFIED FOR SERVICE in the☐ County/ ☐ Municipality of

The accused

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

Robbie Bufkin Jr3-28-15[Signature]

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

PO Box 677

1301 2nd Avenue

Conway, SC 29528

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ORIGINAL

**State of South Carolina
Office of the Solicitor
Fifteenth Judicial Circuit**

Scott R. Hixson
Chief Deputy Solicitor

1301 2nd Avenue
P.O. Drawer 1276
Conway, SC 29528
Phone: (843) 915-5460
Fax: (843) 915-6461



JIMMY A. RICHARDSON, II
Solicitor

Alicia A. Richardson
Deputy Solicitor

401 Cleland Street
P.O. Box 1688
Georgetown, SC 29442
Phone: (843) 545-3169
Fax: (843) 545-3268

DISMISSAL/NOLLE PROSSE FORM

TO: Horry County Clerk of Court

FROM: JOSHUA D. HOLFORD, ASSISTANT SOLICITOR

DATE: MAY 17, 2016

RE: STATE OF SC VS. ROBBIE LEE BUFFKIN
CASE NO: 14H04783

FILED
HORRY COUNTY
CLERK OF COURT
2016 MAY 19 AM 10:15

PLEASE BE ADVISED THAT THE CHARGE(S) LISTED BELOW HAVE BEEN DISMISSED OR NOLLE PROSSED (PLEASE PLACE X IN APPROPRIATE COLUMN).

Warrant #	Charge	Indict #	T/B Date	D/M	N/P	DOA
2014A2610400562	Drugs/Trafficking Cocaine, 10-28g, 2 nd	2016GS2600177	1/21/2016		XXX	10/23/2014
2016GS2600084 (Direct Indictment)	Drugs/Trafficking Cocaine, 100-200g	2016GS2600084	1/21/2016		XXX	10/23/2014
~~2014A2610400562~~	~~Traf. Cocaine~~			~~XX~~		~~10/23/2014~~
	~~base~~					

Assistant Solicitor

WITNESSES

id Belue 15th Circuit Drug Enforcement Unit

DOCKET NO. 2016-GS 00084

The State of South Carolina

County of Horry

Joshua D. Holford

14H04783

COURT OF GENERAL SESSIONS

JANUARY, 2016 TERM

THE STATE

vs.

Robbie Lee Buffkin B/M

Loris, SC 29569

ATTORNEY: Mary Ashley Martin

Indictment for

**TRAFFICKING COCAINE
(100 GRAMS OR MORE, BUT LESS
THAN 200 GRAMS)**

Jimmy A. Richardson, II, Solicitor

**FILED
HORRY COUNTY**

2016 JAN 26 AM 9:54

MELANIE ROSS, CLERK OF COURT

DATE RECEIVED FROM

GRAND JURY

NP
5/19/16

REST WARRANT NUMBER

6GS2600084

R: 0280 44-53-0370(e)(2)(c)

A: 10/23/2014

TION OF GRAND JURY

TRUE BILL

Rob Harris

person of Grand Jury

JAN 21 2016

RDICT

person of Petit Jury

e:

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on JANUARY 21, 2016, the Grand Jurors of Horry County present upon their oath:

**TRAFFICKING COCAINE
(100 GRAMS OR MORE, BUT LESS THAN 200 GRAMS)**

CDR: 0280 44-53-370(e)(2)(c)

That Robbie Lee Bufkin did in Horry County on or about October 22, 2014, knowingly, sell, deliver, purchase or bring in to this State, or aid, abet, attempt or conspire to sell, deliver, purchase or bring into this State, or was in actual or constructive possession, or attempted to become in actual or constructive possession of a quantity of Cocaine in an amount of 100 grams or more, but less than 200 grams, the same being a controlled substance, a within the meaning of Section 44-53-370, et. seq., S. C. Code of Laws, 1976, as amended, such possession not having been authorized by law, and being in violation of Section 44-53-370(e)(2)(c), S. C. Code of Laws, 1976, as amended, for the crime of trafficking.

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


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

id Belue 15th Circuit Drug Enforcement Unit

DOCKET NO. 2016-GS

00177

The State of South Carolina

County of Horry

Joshua D. Holford

14H04783

COURT OF GENERAL SESSIONS

JANUARY, 2016 TERM

THE STATE

vs.

Robbie Lee Buffkin B/M

Loris, SC 29569

ATTORNEY: Mary Ashley Martin

Indictment for

TRAFFICKING COCAINE
(10 - 28 GRAMS)

Jimmy A. Richardson, II, Solicitor

FILED
HORRY COUNTY

2016 JAN 26 AM 9:56

DATE RECEIVED FROM

GRAND JURY

NP
5/19/16

REST WARRANT NUMBER

4A2610400562

R: 0387 44-53-0370(e)(2)(a)2

A: 10/23/2014

TION OF GRAND JURY

TRUE BILL

Scott Jarvis

eperson of Grand Jury

JAN 21 2016

le:

RDICT

reperson of Petit Jury

te:

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on JANUARY 21, 2016, the Grand Jurors of Horry County present upon their oath:

TRAFFICKING COCAINE (10 - 28 GRAMS)

CDR: 0387 44-53-0370(e)(2)(a)(2)

That Robbie Lee Buffkin did in Horry County on or about October 22, 2014 knowingly, sell, deliver, purchase or bring into this State, or did aid, abet, attempt, or conspire to sell, deliver, purchase or bring into this State, or was in actual or constructive possession, or attempted to become in actual or constructive possession of a quantity of Cocaine in an amount of more than ten (10) grams, but less than twenty-eight (28) grams, the same being a controlled substance, all within the meaning of Section 44-53-370, et.seq., S. C. Code of Laws, 1976, as amended, such possession not having been authorized, and being in violation of Section 44-53-370(e)(2)(a), S. C. Code of Laws, 1976, as amended, for the crime of Trafficking.

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


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

FILED
HORRY COUNTY
2016 MAY 17 PM 4:34
MELANIE "MEL" HARRIS
CLERK OF COURT
COURT DATE
PLED GUILTY/TRIAL

ARREST WARRANT

2014A2610400562

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

THE STATE
against

Robbie Lee Buffkin

ess:

Loris, SC 29569-

19: M Race: B Height: 5 9 Weight: 158

DL #: _____

Agency ORI #: SC0260900

Executing Agency: Horry County - D.E.U.

Executing Officer: David Belue - DEU050

Offense: Drugs / Trafficking in cocaine, 10 g or more, but less than 28 g - 2nd offense

199 Code: 0387

Ordinance Sec: 44-53-0370(e)(2)(a)2

Warrant is CERTIFIED FOR SERVICE in the

County/ ☐ Municipality of

The accused

to be arrested and brought before me to be

with according to the law.

(L.S.)

Signature of Judge

RETURN

Copy of this arrest warrant was delivered to

indant

Robbie Buffkin Jr.
10-23-14

Signature of Constable/Law Enforcement Officer

TURN WARRANT TO:

General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528

ORIGINAL

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ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

Personally appeared before me the affiant David Belue

being duly sworn deposes and says that defendant Robbie Lee Buffkin

did within this county and state on or about 10/22/2014

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Horry)

the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Trafficking in cocaine, 10 g or more, but less than 28 g - 2nd offense

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:

On October 22nd 2014, within the Horry County section of Myrtle Beach, a search warrant was executed on 1207 S. Ocean Blvd, Room number 51304 of the Sea Mist Hotel. One Robbie Buffkin Jr. was located inside the hotel room and did knowingly sell, manufacture, cultivate, deliver, possess, purchase, or otherwise aid, abet, or conspire to sell, manufacture, cultivate, deliver, possess, or purchase approximately 17.3 grams of off white powder like substance. The substance field tested positive for the presence of cocaine. Review of the defendant's criminal history revealed at least one prior conviction, within the last ten years, for a cocaine base related felony offense. Given the above stated facts, there is probable cause to believe the Defendant did violate the SC State Statute 44-53-370 (e)(2)(a) "Trafficking Cocaine 2nd".

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

Affiant's Address P.O. Box 1276
Conway, SC 29528-

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 10/22/2014

defendant Robbie Lee Buffkin

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

☒ County/ ☐ Municipality of Horry

) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Trafficking in cocaine, 10 g or more, but less than 28 g - 2nd offense

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 10/23/2014

Judge's Address Surfside Magistrate Office
Myrtle Beach, SC 29588-7575

Judge's Telephone (843)915-5291

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

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140

WITNESSES

Belue 15th Circuit Drug Enforcement Unit

DOCKET NO. 2016-GS 00185

The State of South Carolina

County of Horry

Joshua D. Holford

15H01465

COURT OF GENERAL SESSIONS

JANUARY, 2016 TERM

EST WARRANT NUMBER

A2610200753

3434 16-23-0500

3/28/2015

ION OF GRAND JURY

TRUE BILL

Joshua D. Holford

person of Grand Jury

JAN 21 2016

DICT

person of Petit Jury

Robbie Lee Bufkin Jr B/M

Loris, SC 29569

ATTORNEY: L. Morgan Martin

Indictment for

UNLAWFUL POSSESSION OF FIREARM
BY PERSON
CONVICTED OF A VIOLENT OFFENSE

Jimmy A. Richardson, II, Solicitor

FILED
HORRY COUNTY

2016 JAN 26 AM 9:56

DATE RECEIVED FROM
GRAND JURY

NP
5/19/16

141

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on JANUARY 21, 2016, the Grand Jurors of Horry County present upon their oath:

**UNLAWFUL POSSESSION OF FIREARM BY PERSON
CONVICTED OF A VIOLENT OFFENSE**

CDR: 3434 16-23-0500

That Robbie Lee Bufkin Jr did in Horry County on or about March 27, 2015, knowingly possess a firearm and /or ammunition after having been convicted of a violent crime defined in Section 16-1-60, S. C. Code of Laws, 1976, as amended, in violation of Section 16-23-0500, S. C. 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.


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

ARREST WARRANT

2015A2610200753

FILED

STATE OF SOUTH CAROLINA

HORRY COUNTY



County/



Municipality of

Horry

2015 APR -9 AM 10:02

THE STATE

against

DEU-16-126.1
MELANIE HUGGINS
CLERK OF COURT

Robbie Lee Bufkin, Jr

Address:

Loris, SC 29569-

Date of Birth: [REDACTED] SSN: [REDACTED]

Sex: M Race: B Height: 5 9 Weight: 158

State: [REDACTED] DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0260900

Prosecuting Agency: Horry County - D.E.U.

Prosecuting Officer: David Belue - DEU050

Offense: Weapons / Possession of Firearm or Ammunition
by person convicted of violent felony

Offense Code: 3434

Code/Ordinance Sec: 16-23-0500(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

to be arrested and brought before me to be
alt with according to the law.

(L.S.)

Signature of Judge

Date: [REDACTED]

RETURN

A copy of this arrest warrant was delivered to

Defendant: Robbie Lee Bufkin, Jr

Date: 3-28-15

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

PO Box 677

1301 2nd Avenue

Conway, SC 29528

- ORIGINAL

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ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Horry

Personally appeared before me the affiant David Belue

being duly sworn deposes and says that defendant Robbie Lee Bufkin, Jr

did within this county and state on or about 3/27/2015

violate the criminal laws of the

State of South Carolina (or ordinance of



County/



Municipality of

Horry

The following particulars:

DESCRIPTION OF OFFENSE: Weapons / Possession of Firearm or Ammunition by person convicted of violent felony

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:

On March 27th 2015, within the Horry County section of Myrtle Beach, a search warrant was executed at [REDACTED] within the Myrtle Beach section of Horry County. One Robbie Bufkin Jr. was located inside. Within the common area of the residence Agents located a handgun. NCIC check for Bufkin revealed that he is a convicted felon of a violent charge. Given the above stated facts, there is probable cause to believe the Defendant did violate the SC State Statute 16-23-500 Felon in Possession of a firearm.

R/O Agent D. Belue:C#DEU16-126.1

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Horry

Affiant's Address P.O. Box 1276

Conway, SC 29528-

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 3/27/2015

defendant Robbie Lee Bufkin, Jr

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

☒ County/☐ Municipality of

Horry

) as set forth below:

DESCRIPTION OF OFFENSE: Weapons / Possession of Firearm or Ammunition by person convicted of violent felony

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 3/28/2015

Signature of Issuing Judge

Dennis Earl Phipps

Judge Code: 5373

(L.S.)

Judge's Address J. Ruben Long Detention Center

Conway, SC 29526-1071

Judge's Telephone (843)365-9222

Issuing Court:



Magistrate



Municipal



Circuit

ORIGINAL

ORIGINAL

ORIGINAL

153

WITNESSES

id Belue 15th Circuit Drug Enforcement Unit

DOCKET NO. 2016-GS-00186

The State of South Carolina

County of Horry

Joshua D. Holford

15H01465

COURT OF GENERAL SESSIONS

JANUARY, 2016 TERM

REST WARRANT NUMBER

5A2610200754

R: 2364 16-23-0030(C), 0050(A)(1)

A: 3/28/2015

TION OF GRAND JURY

TRUE BILL

Bob Harris

eperson of Grand Jury

JAN 21 2016

e:

RDICT

eperson of Petit Jury

e:

FILED
HORRY COUNTY

2016 JAN 26 AM 9:56

DATE RECEIVED FROM
GRAND JURY

NP
5/19/16

THE STATE

vs.

Robbie Lee Bufkin Jr B/M

Loris, SC 29569

ATTORNEY: L. Morgan Martin

Indictment for

POSSESSION OF A STOLEN PISTOL

Jimmy A. Richardson, II, Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on JANUARY 21, 2016, the Grand Jurors of Horry County present upon their oath:

POSSESSION OF A STOLEN PISTOL

CDR: 2364 16-23-0030(C),0050(A)(1)

That Robbie Lee Bufkin Jr did in Horry County on or about March 27, 2015, knowingly receive or possess a stolen pistol, or one from which the original serial number has been removed or obliterated, in violation of Section 16-23-0030(C), S. C. 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.


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

2015A2610200754

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Horry

2015 APR -9 AM 10:02

THE STATE
against

DEU-126.1

MELANIE ROBBIE BUFKIN
CLERK OF COURT☒ County/☐ Municipality of

Horry

Personally appeared before me the affiant David Belue

who

being duly sworn deposes and says that defendant Robbie Lee Bufkin, Jr

did within this county and state on or about 3/27/2015

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/☐ Municipality of

Horry

in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Sale or delivery of pistol to, and possession by, certain persons unlawful: stolen pistol

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.

On March 27th 2015, within the Horry County section of Myrtle Beach, a search warrant was executed at [REDACTED] within the Myrtle Beach section of Horry County. One Robbie Bufkin Jr. was located inside. Within the common area of the residence Agents located a handgun, NCIC check of the weapon revealed the status as stolen out of Georgetown County SC. Given the above stated facts, there is probable cause to believe the Defendant did violate the SC State Statute 16-23-30 Possession of a Stolen Handgun.

R/O Agent D. Belue: C#DEU-15-126.1

Signature of Affiant



STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Horry

Affiant's Address P.O. Box 1276
Conway, SC 29528-

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 3/27/2015

defendant Robbie Lee Bufkin, Jr

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

☒ County/☐ Municipality of

Horry

) as set forth below:

DESCRIPTION OF OFFENSE: Weapons / Sale or delivery of pistol to, and possession by, certain persons unlawful: stolen pistol

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 3/28/2015

Signature of Issuing Judge

Dennis Earl Phipps

Judge Code: 5373

Judge's Address J. Ruben Long Detention Center
Conway, SC 29526-1071

Judge's Telephone (843)365-9222

Issuing Court.

☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

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146

RETURN

A copy of this arrest warrant was delivered to

defendant

on

Robbie Bufkin Jr.

3-28-15



Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

PO Box 677

1301 2nd Avenue

Conway, SC 29528

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WITNESSES

Myrtle Beach Police Department

DOCKET NO. 2015-GS 01733

The State of South Carolina

County of Horry

Joshua D. Holford

15H01480

COURT OF GENERAL SESSIONS

APRIL 2015 TERM

THE STATE

vs.

Robbie Lee Bufkin Jr B/M

Loris, SC 29569-4514

ATTORNEY:

Indictment for

MURDER

Jimmy A. Richardson, II, Solicitor

ORIGINAL

FILED
HORRY COUNTY

2015 APR 27 AM 10:23

MELANIE HODGINS WARD
CLERK OF COURT

DATE RECEIVED FROM

GRAND JURY

NP
5/19/16

147

TRUE BILL

ION OF GRAND JURY

REST WARRANT NUMBER

5A2620600559

R: 0116 16-03-0010, 0020

A: 3/27/2015

sw Harris

person of Grand Jury

INDICT APR 23 2015

person of Petit Jury

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF HORRY)

At a Court of General Sessions, convened on April 23, 2015, the Grand Jurors of Horry County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Robbie Lee Bufkin, Jr, did in Horry County, on or about and in the several weeks leading up to February 15, 2015, offer money for the murder of the victim, Saequan Vereen, and did hire a hitman, Kevin Bryant, who did willfully, feloniously, and intentionally kill the victim on February 15, 2015, with malice aforethought, either express or implied, by means of lying in wait in a public place and shooting the victim multiple times with a semi-automatic handgun, and the victim did die as a proximate result thereof on February 15, 2015 in Horry County, in violation of Section 16-03-0010, S. C. 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.


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

2015A2620600559

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Myrtle Beach

THE STATE

15-002479

against

Robbie Lee Bufkin, Jr

Address:

Loris, SC 29569-4514

Sex: M Race: B Height: 5 9 Weight: 158

Date: SC DL #:

Agency ORI #: SC0260600

Arresting Agency: Myrtle Beach Police Department

Arresting Officer: H Jones - 6912

Offense: Murder / Murder

Case Code: 0116

Ordinance Sec: 16-03-0010

Warrant is CERTIFIED FOR SERVICE in the

County/ ☐ Municipality of

The accused

to be arrested and brought before me to be sworn according to the law.

(L.S.)

Signature of Judge

RETURN

Copy of this arrest warrant was delivered to defendant

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528

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STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Myrtle Beach

Personally appeared before me the affiant H Jones

being duly sworn deposes and says that defendant Robbie Lee Bufkin, Jr

did within this county and state on or about 2/15/2015

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Myrtle Beach

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:

See Attached

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Myrtle Beach

Affiant's Address 1101 Oak Street
Myrtle Beach, SC 29577-

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 2/15/2015 defendant Robbie Lee Bufkin, Jr

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

☐ County/ ☒ Municipality of Myrtle Beach

) 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 3/2/2015

Signature of Issuing Judge
Christine Lamparter
Judge Code: 6869

Judge's Address 1101 Oak Street
Myrtle Beach, SC 29577-3599

Judge's Telephone (843)918-1356

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

B
STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

AFFIDAVIT

MUNICIPALITY OF MYRTLE BEACH)

2015A2620600559

Vs.

Robbie Lee Bufkin, Jr.

On 2/15/2015, Officers of the Myrtle Beach Police Department were dispatched to the area of 515 9th Ave N within the city limits of Myrtle Beach in Horry County for a report of a shooting incident. Upon arrival a victim was discovered deceased due to multiple gunshot wounds. Through investigation it was revealed that a co-defendant, Kevin Bryant, did lie in wait for the victim to exit Levelz nightclub. When the victim passed Bryant, Bryant did exit out between two vehicles where he was crouched, and he did begin to shoot the victim multiple times, at which point the victim succumbed to injuries from the shooting. Investigation revealed that the defendant, Robbie Bufkin, did offer money for the murder of the victim, did hire Bryant to commit the murder, and was instrumental in planning the execution-style murder. Since Bryant did intentionally shoot and kill the victim with malice afterthought, and since the defendant did hire Bryant, as well as encouraged and assisted in accomplishing the act, there is probable cause to believe that the defendant did commit the offense of Murder.

Sworn to and Subscribed before me, this 24th day of March 2015.

SIGNATURE OF JUDGE

SIGNATURE OF AFFIANT

FILED
HORRY COUNTY

2015 APR 10 PM 4:09

MELANIE
CLERK

2014A2610400563

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

THE STATE

against

Robbie Lee Buffkin

res:

Loris, SC 29569-

Sex: M Race: B Height: 5 9 Weight: 158
 State: DL #

Agency ORI #: SC0260900
 Secuting Agency: Horry County - D.E.U.
 Secuting Officer: David Belue - DEU050
 Cause: Drugs / Trafficking in meth. or cocaine base - 100
g or more, but less than 200 g
 Cause Code: 0368
 Ordinance Sec: 44-53-0375(C)(3)

Warrant is CERTIFIED FOR SERVICE in the
 County/ ☐ Municipality of

The accused

to be arrested and brought before me to be
 it with according to the law.

(L.S.)

Signature of Judge

e:

RETURN

copy of this arrest warrant was delivered to

endant

Robbie Buffkin Jr.
10-23-14
David Belue
 Signature of Constable/Law Enforcement Officer

TURN WARRANT TO:

General Sessions
 PO Box 677
 1301 2nd Avenue
 Conway, SC 29528

ORIGINAL

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ORIGINAL

☒ County/ ☐ Municipality of

Horry

Personally appeared before me the affiant David Belue whobeing duly sworn deposes and says that defendant Robbie Lee Buffkindid within this county and state on or about 10/23/2014

violate the criminal laws of the

State of South Carolina (or ordinance of

☒ County/☐ Municipality ofHorry

in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Trafficking in meth. or cocaine base - 100 g or more, but less than 200 g

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:

On October 23rd 2014, within the Horry County section of Myrtle Beach, Agents returned to 1207 S. Ocean Blvd, the Sea Mist Hotel. This was a location of a search warrant late at night the previous day in room 51304. One Robbie Buffkin Jr. was located inside the hotel room and was placed under charges relating to narcotics. Agents had reason to believe that the Defendant had tossed a large amount of narcotics from his hotel room upon police entry. On today's Agents returned and located a broken glass measuring jar and 144.3 grams of off white rock substance, with in direct eyes sight and throwing sight of the hotel room previously occupied by the defendant. A similar measuring device was also located in the defendant's hotel room. Agents have reason to believe that the substance located on this morning was thrown from the room occupied by the defendant the night of his arrest. In doing so, the defendant did violate SC State Statute 44-53-375 (c) (3).

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

Affiant's Address P.O. Box 1276
Conway, SC 29528-
 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 10/23/2014defendant Robbie Lee Buffkin

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

☒ County/☐ Municipality ofHorry

) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Trafficking in meth. or cocaine base - 100 g or more, but less than 200 g

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 10/23/2014

Gregory Derek Blanton (L.S.)
 Signature of Issuing Judge

Gregory Derek Blanton

Judge Code: 5858

Judge's Address Surfside Magistrate Office
Myrtle Beach, SC 29588-7575

Judge's Telephone (843)915-5291

Issuing Court:

☒

Magistrate

☐

Municipal

☐

Circuit

ORIGINAL

ORIGINAL

ORIGINAL

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