

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

\_\_\_\_\_  
Certiorari to York County

Honorable John C. Hayes, Circuit Court Judge

\_\_\_\_\_  
JESSIE JAMES ROBINSON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

**RECEIVED**

SEP 10 2018

SC Court of Appeals

APPELLATE CASE NO 2017-001688

\_\_\_\_\_  
SUPPLEMENTAL APPENDIX  
\_\_\_\_\_

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S.C. SUPREME COURT

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STATE OF SOUTH CAROLINA

-----x

STATE,

Plaintiff,

Case No. .

-against-

2011-GS-44-3701

JESSIE ROBINSON,

Defendant.

-----x

March 22, 2012

York, S.C.

B E F O R E:

HONORABLE MICHAEL NETTLES

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

MINDY LIPINSKI, Esquire

Attorney for the Plaintiff

B.J. BARROWCLOUGH, Esquire

Attorney for the Defendant

Aileen Butler

Official Court Reporter

1 MS. LIPINSKI: May it please the Court.

2 Your Honor, this is Jessie Robinson. We did  
3 briefly talk to you about this case prior to  
4 calling in Court today. Mr. Robinson does have a  
5 mental health history. As a result of that Mr.  
6 Barrowclough pursued an evaluation by the  
7 Department of Mental Health. They came back and  
8 did determine that he was competent to stand try.  
9 The mental evaluation also determined that he  
10 could distinguish right from wrong at the time he  
11 committed this crime. There were nonetheless a  
12 substantial amount of other diagnoses such that  
13 the State does feel comfortable for the  
14 defendant to plead guilty but under the mentally  
15 ill statute.

16 THE COURT: Do you have anything that you  
17 would like to offer with regard to his competency  
18 other than this report.

19 MS. LIPINSKI: No, Your Honor

20 THE COURT: We will mark it as a Court's  
21 Exhibit.

22 (Court's Exhibit 1, Evaluation, receive in  
23 evidence as of this date.)

24 THE COURT: I have a document here that is  
25 Court Exhibit Number 1, which will be made a

1 part of the record and it is entitled competency  
2 to stand trial. It indeed finds that he is  
3 competent to stand trial and the State has  
4 indicated they have nothing further to enter in  
5 that regard, so therefore I do find that he is  
6 competent to proceed here today.

7 Mr. Barrowclough, you represent Mr.  
8 Robinson?

9 MR. BARROWCLOUGH: Yes, sir, Your Honor.

10 THE COURT: Have you explained to him the  
11 defense of burglary, 1st degree, the fact that he  
12 can be incarcerated for a period of up to 15  
13 years to life? The fact it is a violent offense,  
14 a most serious offense subject to the two and  
15 ~~three strike rule, the life with parole~~  
16 consequence, the fact that it is a violent  
17 offense and adversely effects his custody status,  
18 the elements of the offense and any potential  
19 defenses and his constitutional rights?

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

21 THE COURT: How does he wish to plead?

22 MR. BARROWCLOUGH: Guilty but mentally ill.

23 THE COURT: Do you agree with his decision  
24 to do so?

25 MR. BARROWCLOUGH: Yes, I do.

1 Do you feel if called upon to do so the  
2 State could prove him guilty beyond a reasonable  
3 doubt?

4 MR. BARROWCLOUGH: Yes, sir, Your Honor.

5 THE COURT: Does he understand this is a  
6 non-parolable offense and for all practical  
7 purposes he will serve it day-for-day?

8 MR. BARROWCLOUGH: Yes, sir.

9 THE COURT: Mr. Robinson, are you under the  
10 influence of any drug or alcohol here today.

11 THE DEFENDANT: No, sir.

12 THE COURT: Are you experiencing any kind of  
13 physical or mental problem that would prevent you  
14 from understanding what is going on here today?  
15 Any kind of physical or mental problem that  
16 prevents you from understanding what is going on  
17 here.

18 THE DEFENDANT: No, sir. I don't think so.

19 THE COURT: Very good. Do you understand  
20 what we talking about? Do you understand what I  
21 am telling you?

22 THE DEFENDANT: I think so.

23 THE COURT: Very good.

24 All right. Pay very close attention to the  
25 State summarize the facts that bring us here

1           today.

2           MS. LIPINSKI: May it please the Court.  
3           This offense occurred on August 2011 at  
4           approximately one o'clock in the morning. Rock  
5           Hill Police Department responded to a residential  
6           burglary in progress. When they arrived they  
7           noticed that someone had kicked in the front  
8           door. They made entry in the home. The  
9           defendant was located in a hallway in the middle  
10          of the residence.

11          Initially he put his hands in the air and  
12          started walking towards the officers. When the  
13          officers approached him more closely he then  
14          turned and ran. Slipped out of his shirt and  
15          tried to run. He was contained within the  
16          home. He initially gave a false name but  
17          subsequently did identify himself.

18          The homeowner was called to the scene and  
19          confirmed the defendant did not reside there.  
20          Had no reason to be in the residence. Obviously  
21          nothing appeared to be missing but the house had  
22          been ransacked indicating a burglary was in  
23          progress.

24          He also has despite it happening during the  
25          hours of darkness he does have two prior

1 convictions for burglary which also justifies the  
2 burglary, first degree.

3 THE COURT: Are those facts true and  
4 accurate Mr. Robinson?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Is what the solicitor said true?

7 THE DEFENDANT: Yes, sir, some of it.

8 THE COURT: Are you indeed guilty of  
9 burglary, first degree.

10 THE DEFENDANT: Yes, sir.

11 THE COURT: You need to answer up so I can  
12 hear you.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: You stand before me pleading  
15 guilty, but you don't have to plead guilty to  
16 anything. You could exercise your right to a  
17 jury trial. In that process the jury would  
18 determine whether or not the State could actually  
19 prove you guilty beyond a reasonable doubt. I  
20 would charge the jury as matter of law that you  
21 are presumed to be innocent. No one could  
22 require that you take the witness stand, however  
23 if you wanted to you could. You could subpoena  
24 witnesses on your own behalf.

25 In addition to that you and your lawyer

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could cross examination the States witnesses.  
Have an opportunity to eyeball them. Confront  
them as they testified against you.

Do you realize Mr. Robinson by pleading  
guilty you are giving up all these rights? You  
understand that, don't you?

THE DEFENDANT: Yes, sir my lawyer talked to  
me about it.

THE COURT: Very good. The plea negotiations  
as I understand is a recommended minimal  
mandatory 15, maximum 20 recommendation?

MS. LIPINSKI: Yes.

THE COURT: Is there also no objection with  
regard to guilty but mentally ill given the  
~~report; is that correct.~~

MS. LIPINSKI: That is not, Your Honor. We  
accept the plea under those terms.

THE COURT: Very good.

Is that your understanding Mr. Barrowclough.

MR. BARROWCLOUGH: Yes, sir, Your Honor.

THE COURT: Is that your understanding Mr.  
Robinson?

THE DEFENDANT: Yes, sir.

THE COURT: All right.

Mr. Robinson, has anybody promised you

1 anything, threatened or mistreated you any way,  
2 shape or form in effort to get to you plead  
3 guilty here today?

4 THE DEFENDANT: No, I thought I was going  
5 home.

6 THE COURT: Okay. But nobody has mistreated  
7 you, have they?

8 THE DEFENDANT: No, sir.

9 THE COURT: Has anybody promised you  
10 anything today with regard to the sentence other  
11 than the least you could get is 15, the most you  
12 can get is 20; is what they told you?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Nobody has threatened you in any  
15 way or harmed you in any way?

16 THE DEFENDANT: No, sir.

17 THE COURT: All right. Any complaints  
18 whatsoever? Do you have any complaints with your  
19 lawyer or anybody else?

20 THE DEFENDANT: What do you mean?

21 THE COURT: Do you have any complaint with  
22 your lawyer?

23 THE DEFENDANT: No. No, sir.

24 THE COURT: Law enforcement has not  
25 mistreated you in way, shape or form, have they?

1 THE DEFENDANT: They smashed me to the  
2 floor and through me on the ground and stuff like  
3 that.

4 THE COURT: But other than that they haven't  
5 done anything to you?

6 THE DEFENDANT: No.

7 THE COURT: Very good. Have you understood  
8 all my questions?

9 THE DEFENDANT: Yes, sir I think so.

10 THE COURT: Have your answers been truthful?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you understand that you have  
13 ten days to appeal any decision I might render  
14 here today?

15 THE DEFENDANT: My lawyer said something  
16 about that.

17 THE COURT: Very good. Based on your  
18 testimony I find there is substantial factual  
19 basis for your plea. That your decision was  
20 freely and voluntarily entered into, knowingly  
21 and intelligently with the consent of competent  
22 counsel with whom you say you are satisfied.

23 I will accept the plea and be glad to hear  
24 from you and your lawyer with regard to  
25 mitigation. Mr. Barrowclough.

1 MR. BARROWCLOUGH: Thank you, Your Honor.  
2 May it please the Court.

3 Your Honor, Mr. Robinson is 45 years old.  
4 Your Honor, Mr. Robinson as the report indicates  
5 and also by self-reporting and his brother,  
6 Lindsey Woodard, is here and I had many  
7 conversations with him as well, Mr. Robinson  
8 suffered many kinds of abuse growing up. All of  
9 the kinds that you could imagine, Your Honor, and  
10 I think it paints a picture of him as somebody  
11 who became an adult as sort of a broken person.  
12 He has been diagnosed with multiple  
13 personalities. He has issues -- transgender  
14 issues, his sexuality issues. His family tells  
15 me tells me he suffers from schizophrenia  
16 although they didn't find it at the Department of  
17 Mental Health. And the picture emerged of Mr.  
18 Robinson as an adult who battles mental health  
19 issues. He has been the sort of person who lives  
20 on the fringes of society. At times being  
21 homeless.

22 He has accumulated a number of convictions  
23 on his record as the solicitor noted prior; house  
24 breaking convictions, burglary convictions, but  
25 Your Honor, they are all from what I can

1 determine are all the type of just trying to  
2 steal something to survive type of situation.

3 I do know from talking to him and talking to  
4 his brother he does not present as a violent  
5 person at all. I talked to the prosecutor about  
6 that and she pointed out he did have resisting B  
7 on his record and we looked that up and that was  
8 in the nature he was running away and through  
9 something backwards at the officer, so I don't  
10 think he is a violent person. He is a physically  
11 small person. I know he is certainly frightened  
12 about the possibility of actually of what is  
13 going to happen that he will get a lengthy  
14 sentence because whatever the sentence is it will  
15 be lengthy and no parole. Being physically small  
16 I do have -- I have subpoena his health records  
17 from the jail and basically he doesn't have any  
18 life-threatening conditions, but he has a series  
19 of conditions. He has prostrate problems,  
20 chronic arthritis, acid reflux, he has elevated  
21 sugar, has trouble with his eye site due to his  
22 diabetes. So in addition to being very small, he  
23 doesn't see very well. He can't move around very  
24 well because of his arthritis. He can't eat very  
25 well because of his problem with with prostrate

1 and and reflux. I think that incarceration will  
2 be extremely difficult for him. He and I have  
3 had many conversation about that, but, you know  
4 at the same time it is what it is. It is a  
5 residence in the night time. There was some  
6 discrepancy in the facts. I know the officer  
7 said he was caught in the house. There is one  
8 eye-witness who we actually went and found and  
9 talked to who said they did see him go in the  
10 house and he ran out of the house and was  
11 actually tackled outside the house by the  
12 policeman. Either way the State had an extremely  
13 strong case of burglary, first degree. I would  
14 just ask the Court in its mercy to recognize all  
15 of his frailties, mental and physical and  
16 sentence him to 15 years.

17 Your Honor, I think his brother did want  
18 to address the Court briefly.

19 THE COURT: How much time will he get credit  
20 for?

21 MR. BARROWCLOUGH: Your Honor, he is  
22 entitled to credit for 227 days dating back to  
23 August 8th last year.

24 THE COURT: Yes, sir, be glad to hear from  
25 you. Your full name?

1 MR. WOODARD: Lindsey Woodard.

2 THE COURT: Mr. Woodard, be glad to hear  
3 from you.

4 MR. WOODARD: I just ask the Court to have  
5 mercy. I think he had a long history of  
6 psychological problems and now his health is bad  
7 and I feel that if the family had known about it,  
8 we didn't have no knowledge about that, but I  
9 have seen it in the last stage when he went to  
10 court I tried to do something about it, but I  
11 couldn't get him into town enough to really do  
12 something about it.

13 Jessie, he is not criminal. He hasn't been  
14 in any kind of trouble violently. He just does  
15 ~~that I guess for survival like the lawyer said.~~  
16 But I just ask you to have mercy on him.

17 There is no words I can say, with all the  
18 knowledge of you all, intellectual knowledge here  
19 to be able to do anything about it. He got  
20 caught up a place where you know, he substituted  
21 his phycological problem for criminal, Your  
22 Honor. Going to jail. I mean, you know, he done  
23 a crime and for that -- you know, if he been  
24 treated a long time ago he probably wouldn't  
25 be facing this.

1 I just ask you have mercy on him.

2 THE COURT: All right. Very good.

3 THE COURT: Anything further Mr.

4 Barrowclough?

5 MR. BARROWCLOUGH: Just the fact that I did  
6 have a short form plea affidavit I would like to  
7 also make it part of the record.

8 (Whereupon, a document was handed up to the  
9 Court.)

10 THE COURT: We will make that part of the  
11 record.

12 MR. BARROWCLOUDH: Thank you.

13 THE COURT: All right. Mr. Robinson, I will  
14 give you the least amount of time I can under the  
15 law. There is no way I can give you any less  
16 even if I wanted to.

17 Mr. Robinson, on indictment 2011-GS-46-3701,  
18 burglary, first degree, the sentence of the Court  
19 is you be committed to State Department of  
20 Correction for a period of 15 years. Given  
21 credit for 227 days. Guilty but mentally ill.  
22 That way you will be able to get the benefit of  
23 mental health treatment before you are put in  
24 the general population.

25 Good luck to you.

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MR. BARROWCLOUGH: Thank you, Your  
Honor.

\* \* \* \* \*

## C E R T I F I C A T E

1  
2  
3 I, the undersigned Aileen Butler, Official Court  
4 Reporter for the 16th Judicial Circuit of the State of  
5 South Carolina, do hereby certify that the foregoing is  
6 a true, accurate, and complete transcript of record of  
7 all the proceedings in the captioned case, in the  
8 Circuit Court for York County, South Carolina, on the  
9 22nd day of March, 2012,

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

12 September 15, 2013

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15 Aileen Butler  
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