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State of South Carolina)
County of Saluda)
James Robinson,)
Applicant/Plaintiff,)
vs.)
State of South Carolina,)
Respondent/Defendant.)
_____)

In the Court
Of Common Pleas
Case No.: 2016-CP-41-00077

Transcript of Record

February 22, 2018
Lexington, South Carolina

BEFORE:

The Honorable J. Derham Cole, Judge

APPEARANCES:

James Robinson, Pro se
Applicant/Plaintiff

Sherrie Butterbaugh, Assistant Attorney General
Attorney for the Respondent/Defendant

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INDEX

		PAGE
PCR HEARING		3
Certificate of Reporter		13

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8 what she tells me and then I'll let you respond to it.

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4 shouldn't be dismissed.

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23 evidence June 8th, 2015. It's a juror that should have

24 been dismissed. She should have been struck from the

25 first beginning. Her uncle is the coroner for the County

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4 inquiry of her. She served on my jury. So that's why I
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13 saying? So and I told him yeah. I said, you know what?
14 I never looked at my trial transcript. So I goes to my
15 room. I immediately goes to my room. I start going over
16 my transcript. Sure enough. I see where this juror
17 ain't supposed to have been on the jury panel.

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19 and I find codes and statutes, South Carolina code saying
20 that the juror must be removed but I was convicted by
21 her. Who can say that that juror was bias or not? We
22 don't know. She was never questioned, sir. We don't
23 know. So that's why I feel like --

24 Your Honor, I have been through a lot. I'm waiting
25 to hear for an answer. My friend lost his life because I

1 was drunk and mishandling a gun and it goes off and he
2 got shot. You know what I did was not to cause his death
3 and by me being back here trying to fight my case on a
4 murder charge that I shouldn't have never even had a
5 murder charge because I'm not the type of person that
6 would hurt anybody. It was wrong for me to have that gun
7 that night and my actions being that intoxicated but I'm
8 no murderer, sir. I'm not a murderer. Sir, I have been
9 through a lot. That's why I fight so much, fight this
10 case, sir, because I know I didn't do intentionally what
11 they said I done

12 I got new evidence that my trial attorney failed to
13 bring before the jury about the weapon itself because it
14 was a malfunction with the gun. By me being drunk you
15 can bump the gun and the gun would go off. That's how
16 irregular the gun was, sir. And in the SLED report it
17 says that the cylinder was out of alignment, that the
18 trigger had advanced all the way up in the gun. So if
19 you got the gun cocked, you can automatically hit it and
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21 of that to my attorney's attention. He didn't want to
22 hear none of that. He was calling me stupid. He was
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24 told him just don't say nothing to me no more.

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1 and I asked him did he file appeal for me. He said no.
2 I got his letter right here. Said the reason why he
3 didn't file no appeal for me is because I wouldn't take
4 the plea to manslaughter. He said that my confession,
5 which I never confessed to killing anyone, my confession,
6 my alleged confession that they say I said it was this
7 guy named Alex Kinard told me that I had shot somebody.
8 I said, I know I did not shoot at nobody. Me and
9 Mr. Richardson are friend when they told me that the
10 victim was dead.

11 Your Honor, I was knocked unconscious that night
12 with a pool stick. I goes to the hospital, get my head
13 stapled. I was still in a daze. I was still under
14 marijuana, alcohol and when I got back to the county
15 jail, it was approximately, I think it was four something
16 in the morning they made me do, they interrogated me,
17 sir. And I kept telling them, I said, I need to lay
18 down. I got a bad headache. I said I got a bad headache
19 from the pool stick. They said no. You can't lay down
20 until you give your testimony what happened. I asked
21 them for a lawyer. They did not give me an attorney.
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23 statement. I sit right there and I didn't even know what
24 to think, sir. I didn't know what to tell them, so I
25 come in not knowing nothing from the blow in the head

1 from the pool stick so I made this stuff up I was telling
2 them about, you know, that I came from my house. And I
3 was trying to help myself, sir, because I did not know
4 exactly what had happened. But I knew that I didn't
5 point that gun at Deshawn and shoot Deshawn.

6 Now, Your Honor, all the witnesses since I have been
7 doing time came forward saying that it was a accident. I
8 got a statement right here where the guy was one of the
9 chief witnesses at trial saying he was forced to give a
10 false statement on me, sir. That he was forced to give a
11 false statement saying this guy said that he saw him give
12 me the gun and they came to his home and questioned him
13 about the gun and told him if he didn't write a statement
14 on me, that they were gonna charge him for murder. I got
15 his sworn statement.

16 I have all this evidence, but if the State keep
17 denying me, I can never get into court, sir. So I beg
18 you, Your Honor, I beg you, Attorney General, give me a
19 chance. Let me prove my case. That's all I ask. You
20 give me that chance, I promise you I'll never file
21 another paperwork. Just let the truth come out please.
22 Please. That's all I ask.

23 THE COURT: All right. I'll make a decision and
24 I'll issue an order and you will receive it. Where are
25 you being housed now? Where are you?

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JAMES ROBINSON: Sir.

THE COURT: Where are you being housed now?

JAMES ROBINSON: I'm at Kirkland Correctional Institution.

THE COURT: All right. You will receive a copy of my order at Kirkland within probably the next 30 days, okay?

JAMES ROBINSON: Thank you, sir.

THE COURT: Anything else?

MS. BUTTERBAUGH: No, Your Honor.

THE COURT: All right. Court is in recess until 2:00.

WHEREUPON, THE HEARING WAS CONCLUDED.

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CERTIFICATE OF REPORTER

(STATE OF SOUTH CAROLINA)

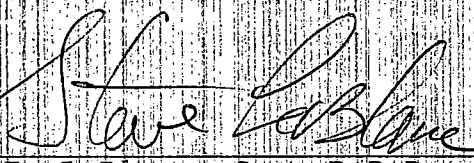
(COUNTY OF LEXINGTON)

I, THE UNDERSIGNED, Steven E. LeBlanc, Sr., R.P.R., and Official Circuit Court Reporter for the Eleventh Judicial Circuit in and for the State of South Carolina, do hereby certify that I reported the proceedings in the before captioned case in the Court of Common Pleas in and for the State of South Carolina on the 22nd day of February, 2018.

I FURTHER CERTIFY that the forgoing 12 pages constitute a true and accurate record of said proceedings.

I FURTHER CERTIFY that I am neither related, counsel to, nor of interest to any party hereto.

IN WITNESS WHEREOF, I have hereunto set my hand at Lexington County, this 7thth day of October, 2018.



Steven E. LeBlanc, Sr., R.P.R.
Eleventh Circuit Court Reporter
State of South Carolina.

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INDEX

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8 I said, I know I did not shoot at nobody. Me and
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13 stapled. I was still in a daze. I was still under
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22 Please. That's all I ask.

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JAMES ROBINSON: Sir.

THE COURT: Where are you being housed now?

JAMES ROBINSON: I'm at Kirkland Correctional Institution.

THE COURT: All right. You will receive a copy of my order at Kirkland within probably the next 30 days, okay?

JAMES ROBINSON: Thank you, sir.

THE COURT: Anything else?

MS. BUTTERBAUGH: No, Your Honor.

THE COURT: All right. Court is in recess until 2:00.

WHEREUPON, THE HEARING WAS CONCLUDED.

1 CERTIFICATE OF REPORTER

2 (STATE OF SOUTH CAROLINA)

3 (COUNTY OF LEXINGTON)

4
5 I, THE UNDERSIGNED, Steven E. LeBlanc, Sr., R.P.R.,
6 and Official Circuit Court Reporter for the Eleventh Judicial
7 Circuit in and for the State of South Carolina, do hereby
8 certify that I reported the proceedings in the before
9 captioned case in the Court of Common Pleas in and for the
10 State of South Carolina on the 22nd day of February, 2018.

11 I FURTHER CERTIFY that the forgoing 12 pages
12 constitute a true and accurate record of said proceedings.

13 I FURTHER CERTIFY that I am neither related, counsel
14 to, nor of interest to any party hereto.

15 IN WITNESS WHEREOF, I have hereunto set my hand at
16 Lexington County, this 7thth day of October, 2018.

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20 Steven E. LeBlanc, Sr., R.P.R.
21 Eleventh Circuit Court Reporter
22 State of South Carolina.
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