

ORIGINAL

VOLUME III OF III

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County

Honorable G. Thomas Cooper, Circuit Court Judge

RECEIVED
NOV 05 2018
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

TYRONE LORENZA ROBINSON,

APPELLANT

APPELLATE CASE NO. 2017-002233

RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

MELODY J. BROWN
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

PAGES 1001-1091

INDEX

INDEX	i
TRIAL TRANSCRIPT (SEPTEMBER 15-19, 2014)	1
<u>JACKSON V. DENNO HEARING</u>	
MARTIN THOMAS	138
WENDY CONANT	156
OPENING STATEMENT BY MR. STONE	295
OPENING STATEMENT BY MR. BAX	298
TESTIMONY	
MELANIE SMITH	308
ZACHARY TAYLOR	315
CHARLESE MITCHELL	320
TYRONE DELANEY	349
BRITTANY BRINSON	375
DOMINIQUE GRIFFIN	391
BENNIE LEE HAMILTON	402
MARTIN THOMAS	412
WENDY CONANT	425
EBONY CAMPBELL	440
JONTU SINGLETON, SR	464
DOUG SEIFERT	502
JOHN ADAMS	514

LAUREL ALBERTIN	522
BOB BROMAGE	528
DERRICK NELSON	540
JEFF MORAN	552
WENDY CONANT	557
ROGER HEATON.....	568
DR. LEE MARIE TORMOS	571
ILLA SIMMONS.....	595
DAN DEFREESE	617
MOTION FOR A DIRECTED VERDICT	664
RULING BY THE COURT.....	670
RENEWAL OF ALL PREVIOUS MOTIONS	675
TESTIMONY	
KIMBERLY HILL.....	709
CEDRIC CAMPBELL.....	713
EBONY CAMPBELL	746
ANDRES FLORENÇIO	753
LAUREL ALBERTIN	758
J. S. (IN-CAMERA EXAMINATION).....	779
J. S.....	784
ROBERT BROMAGE.....	793
TYRONE ROBINSON.....	821
CLOSING ARGUMENT BY MR. BAX	939

CLOSING ARGUMENT BY MR. STONE.....960

CHARGE ON THE LAW983

VERDICT1013

SENTENCING1024

TRANSCRIPT OF HEARING (FEBRUARY 27, 2014).....1037

INDICTMENT.....1089

CERTIFICATE OF COUNSEL1091

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT #4 (C.D. DASH CAM).AND
STATE’S EXHIBIT #6 (C.D. OFFICER CONANT INTERVIEW)**

State v Tyrone Robinson
Charge
September 19, 2014

1 believed that he was in imminent danger of death or
2 serious bodily harm you should consider all of the facts
3 and circumstances surrounding the crime. You have the
4 right to consider evidence of prior difficulties between
5 the defendant and the parties on the other side. You
6 have the right to consider whether a threat existed and
7 whether the defendant had a reason to believe that a
8 threat existed and how serious the threat was.

9 Another element that has to be established in this
10 case is that the defendant had no other probable way to
11 avoid the danger of death or serious bodily injury than
12 to act as he did in this particular instance. The
13 defendant has no duty to retreat from a situation in
14 which death or serious bodily harm may be present if by
15 doing so the retreat would increase his danger of being
16 killed or suffering serious bodily harm.

17 So those are the elements that have to be
18 established in order to establish the defense of self-
19 defense. The defendant must have been without fault in
20 bringing on the difficulty or if he was with fault in
21 bringing upon and creating the difficulty then the
22 evidence must establish that he had withdrawn and
23 indicated that withdrawal by word or by act to the other
24 side. It must be established that he was in imminent
25 danger of serious death or bodily harm -- or death or

State v Tyrone Robinson
Charge
September 19, 2014

1 serious bodily harm or that he believed that he was in
2 such imminent danger. And those types of beliefs must be
3 the same type of belief that a reasonable person would
4 have entertained under the same facts and circumstances
5 and that there was no other way to avoid the danger
6 except in acting as he did.

7 Now I told you a few minutes ago about the law of
8 transferred intent on murder. That is to say that if a
9 person with malice aforethought intends to kill one
10 person but actually kills another then that intent to
11 kill is transferred from one person to another and the
12 defendant is equally guilty of the charge of murder.

13 Well, in a somewhat reverse way transferred intent
14 also works when self-defense is being raised because if a
15 defendant is entitled to self-defense against an
16 assailant or an attacker he is not deprived of that right
17 if an unintended victim was harmed by his acts.

18 Now ladies and gentlemen you have heard the
19 testimony of the defendant in this particular case by
20 statements that were given prior to the trial. This
21 court determines whether or not those statements are
22 admissible and I have determined that you could hear them
23 obviously because you have. But you must determine
24 whether or not the defendant made those statements
25 voluntarily. In other words were the statements actually

State v Tyrone Robinson
Charge
September 19, 2014

1 made and were they voluntarily made and then you have to
2 decide the weight that you will give them because you
3 have to make the ultimate determination of whether or not
4 the statement was made and whether or not it was made
5 voluntarily and then the weight that you will give to it.
6 You have to decide whether the statement was the product
7 of an essentially free and unconstrained choice by the
8 maker of it.

9 The State has to prove the voluntariness of the
10 statement beyond a reasonable doubt. And if you
11 determine beyond a reasonable doubt that the statement
12 was freely and voluntarily given, then you can give it the
13 weight and consideration that you think it should
14 receive. If you determine that the statement was not the
15 free and voluntarily willed statement of the defendant
16 then you should not consider it as evidence for any
17 purpose at all.

18 And in determining whether or not the statement was
19 freely and voluntarily made or whether the defendant's
20 will was overcome by something else the law requires you
21 to consider the totality of the circumstances; that is
22 all of the circumstances surrounding the interrogation at
23 the time. The law says that you can take into account
24 the age of the defendant, his background, his mental
25 ability; all of the facts and circumstances which are

State v Tyrone Robinson
Charge
September 19, 2014

1 shown to have existed before the statement was made. And
2 in determining the voluntariness of the statement you
3 should consider whether he was advised of or whether he
4 understood his constitutional rights because the law
5 requires that when a person is in custody before any
6 questions can be asked that person must be informed and
7 advised of his constitutional rights.

8 That means that he has to be advised by the
9 authorities that he has the right to remain silent and if
10 he makes a statement that statement can be used against
11 him in a court of law, that he has the right to have a
12 lawyer present, and that if he cannot afford a lawyer
13 then one will be appointed to represent him free of
14 charge and that he can stop making his statement at any
15 time he wants to.

16 You must carefully scrutinize all of the surrounding
17 circumstances before you give any weight to the
18 statement. You have to be satisfied beyond a reasonable
19 doubt that the defendant made the statement, that he was
20 uninfluenced by any promise of reward or any threat of
21 harm. You must decide that the statement was voluntarily
22 given and then you decide what weight you will give to
23 the statement if those matters have been proven beyond a
24 reasonable doubt. You have looked at transcripts during
25 the course of this trial and you will have in the jury

State v Tyrone Robinson
Charge
September 19, 2014

1 room with you the compact disks of the testimony of all
2 the witnesses that you saw here in court. If you want to
3 view those things again let us know and we will make some
4 arrangements either to take the mechanism in there to
5 show it to you or more likely to bring you back out here
6 and play it for you again. But all of those statements
7 or at least most of them were accompanied by transcripts
8 as an aid for your understanding of what the statements
9 actually said.

10 I remind you again that those transcripts were
11 guides. Those were aids or things to assist you in what
12 the witness or the defendant was actually saying. Your
13 ear is just as good and so if your ear tells you that the
14 statement says one thing and the transcript tells you
15 that it something else then go with what you heard and
16 not with what you read.

17 Now ladies and gentlemen let me tell you finally,
18 that's a word you've been hanging on for a while here
19 right finally, let me tell you finally that you don't
20 serve as jurors in this or in any case as partisans or
21 advocates for the State of South Carolina or for this
22 defendant. You've been selected by both the defendant
23 and the State to serve as fair and partial jurors. It is
24 your duty then by your joint deliberations to determine
25 the truth in this case giving to the defendant every

State v Tyrone Robinson
Charge
September 19, 2014

1 reasonable doubt on each and every issue. And then as I
2 have told you to the facts which you determine to be true
3 apply the law which I have just given you and thus arrive
4 at a verdict which will speak the truth of this case.

5 And that's what the word verdict means. It comes from a
6 Latin phrase and it means a truthful saying.

7 And once you have done that you will have
8 accomplished the responsibilities which we have imposed
9 upon you and you will have fulfilled the obligation that
10 you took under your oath before you began the trial of
11 this case to well and truly try this case and to render a
12 true verdict according to the law and the evidence so
13 help you God. We are confident that you will do nothing
14 less than that and that you will do just that.

15 Now ladies and gentlemen, I want to instruct you as
16 to the forms of the verdict in this particular case. I
17 have written them down on this [indicates] sheet. There
18 are two possible verdict forms. The order in which I
19 have written them has no significance whatsoever and you
20 are not to reach any conclusion or draw any inference
21 from the order in which I have written them.

22 I am giving this form to the Foreperson because he
23 is the one who has to fill it out. There are only two
24 possible verdict forms. The verdict form reads as to the
25 indictment number here on the charge of murder we

State v Tyrone Robinson
Charge
September 19, 2014

1 unanimously find the defendant, Tyrone Robinson and the
2 first possible verdict form is guilty of murder. That's
3 the verdict that you will arrive at if you feel that the
4 State has met its burden of proof as to the crime of
5 murder and that the defense of self-defense has not been
6 established. And if that is the verdict form that you
7 arrive at Mr. Foreman you will indicate that by putting
8 an X or a check mark in the blank that you see we have
9 provided for you.

10 The second possible verdict form is that we the jury
11 by unanimous consent find the defendant, Tyrone Robinson
12 not guilty. That's the verdict that you will arrive at
13 if you find that the State has failed to meet its burden
14 of proof as to the charge of murder or if the defense of
15 self-defense has been made out to your satisfaction in
16 this particular case. If that is a verdict that you
17 arrive at you will indicate that by putting an X or a
18 check mark in the space that you see we have provided for
19 you. I have given the verdict form to the Foreman ladies
20 and gentlemen because he's the one who has to fill it out
21 but it is not going to be his verdict alone. The verdict
22 has to be unanimous. All 12 of you have to agree. And
23 Mr. Foreman you not authorized to fill out that verdict
24 form nor to sign it until all 12 of you agree as to what
25 the verdict shall be. I am going to send you to your

State v Tyrone Robinson
Charge
September 19, 2014

1 jury room now but I ask you to wait one final moment
2 before you begin your discussions in this case. I have
3 to talk to the lawyers to see if I have left out anything
4 or if I have misstated something to you. And if I have
5 I'll have to bring you back out to correct that. But if
6 I do not have to bring you back out we will send in these
7 items of evidence. Once the items of evidence have been
8 delivered to you that will be your signal to begin your
9 deliberations; not until then please. Once you have done
10 your deliberations you will deliberate until you have
11 reached a verdict. You will fill out the verdict form at
12 that time; you will knock on the door and advise the
13 bailiff and we will bring you out to receive your
14 verdict. Your lunch will be here momentarily, well
15 around 12:30. You can deliberate while you eat, you can
16 stop deliberating and eat that's up to you. You have
17 been on our clock all week. Once that evidence is
18 brought in we're going to be on your clock from that
19 point on we will be at your behest and will wait to hear
20 from you. Mr. Foreman and ladies and gentlemen please
21 retire to your jury room and please wait just for a
22 moment before you begin your discussions. Ms. Boston and
23 Ms. Mauriocourt, if you'll stay right where you are
24 please.

25 [Whereupon, the jury exits at 11:52 a.m.]

State v Tyrone Robinson
Proceedings
September 19, 2014

1 THE COURT: Ms. Boston and Ms. Mauriocourt, ladies
2 as alternate jurors I think you have realized your role
3 in the trial of this case. I am not right this minute at
4 liberty to let you go. There is a separate jury room
5 that we will put you in momentarily just to make sure
6 that we don't need you any further in this trial.

7 Obviously your role as alternate jurors would have
8 been to take the place of any of these original 12 if
9 they had not been able to complete their service; if they
10 had an emergency or some illness that kept them from
11 showing up every day. And if that had happened if one of
12 them had not been able to be here and if you all had not
13 been we would have had to start this whole trial over
14 from scratch. Everything up to that point would have
15 been wasted.

16 So you have given us the peace of mind, you have
17 given me the peace of mind knowing that because you were
18 here we were going to be able to complete this trial this
19 week and you were just as capable as any of those 12 in
20 that jury room to deliberate and to reach a verdict in
21 this case. But right this minute it does not look like
22 we're going to need you. I'm going to ask you to stay
23 for a while longer. First of all stay at least long
24 enough to get the pizza. It will be here in about 30
25 minutes; goodness knows you've earned that. And at some

State v Tyrone Robinson
Proceedings
September 19, 2014

1 point there about or after that time release you I will
2 certainly do that. So if you don't get a chance to
3 deliberate, if you don't get a chance to decide this
4 case, and I trust that you will not. I hope that the 12
5 who are in there will be able to survive through until a
6 verdict has been reached.

7 But if you don't get a chance to take part in this
8 case please understand that your service has been just as
9 valuable as anybody else's and we thank you for the time
10 that you have contributed to us during this week. And I
11 hope you have gained a greater appreciation even in your
12 somewhat one step removed from the jury room of the
13 importance of jurors like yourselves in this process.
14 Thank you, folks.

15 [Whereupon, the alternate jurors exits at 11:55
16 a.m.]

17 THE COURT: Mr. Stone, any exceptions to those
18 charges or requests for additional charge from the State?

19 MR. STONE: No, sir.

20 THE COURT: Thank you. Mr. Bax other than
21 previously noted any exceptions or requests for
22 additional charge from the defense?

23 MR. BAX: No, Your Honor.

24 THE COURT: Thank you. All right folks, if you
25 will look at the evidence and make sure it is all

State v Tyrone Robinson
Proceedings
September 19, 2014

1 together and once it is all in order it should be taken
2 in and tell the jury they can begin their deliberations.

3 MR. STONE: Yes, sir.

4 THE COURT: Folks, we will be at ease. They have
5 other work for us to do but we're not going to do it
6 right this minute. We'll stand aside for a while at
7 least until the pizza gets here. And after that we'll
8 come out and take some pleas. Thank you.

9 [Whereupon, counsel review exhibits with the court
10 reporter]

11 [Whereupon, evidence out to the jury at 12:02 p.m.]

12 [Whereupon, court is in recess from 12:02 p.m. until
13 1:40 p.m.]

14 [Whereupon, court's exhibit number 2 is marked by
15 the court reporter.

16 THE COURT: Thank you ladies and gentlemen, you may
17 be seated. Ladies and gentlemen we're advised that the
18 jury has reached a verdict. Are both the State and the
19 defense ready to receive the verdict?

20 MR. STONE: The State is ready, Your Honor.

21 MR. BAX: The defense is ready, Your Honor.

22 THE COURT: Thank you. Ladies and gentlemen
23 indeed we are ready now to bring the jury out to receive
24 the verdict. You all have been here on both sides of the
25 aisle all week and have been following this case with a

State v Tyrone Robinson
Proceedings
September 19, 2014

1 great deal of interest and I appreciate the interest that
2 you have in the case and the emotion that is necessarily
3 tied up in it and that will be necessarily tied to the
4 response of any verdict that has been reached in this
5 case. We don't know what the verdict is. I imagine on
6 one side there might be relief, on the other side there
7 might be remorse; we don't know which side those emotions
8 will be on. But I tell you that regardless of which side
9 of your aisle those emotions fall on I must ask you to
10 continue to use the same restraint and the same respect
11 to these proceedings that you have shown throughout this
12 trial. That is to say please refrain from any outward
13 display of emotion that would disrupt these proceedings
14 in any way whatsoever. And if you feel that you might be
15 unable to restrain your emotions if this verdict turns
16 out different than what you would hope then I'll give you
17 this chance to leave the courtroom rather than stay in
18 here and subject yourself to those emotions and any
19 adverse outcome that might impact you as a result of your
20 display. So if you stay then I am confident that you
21 will abide by my instructions. Thank you very much.
22 Bring us the jury.

23 THE BAILIFF: The jury is entering the courtroom,
24 Your Honor.

25 [Whereupon, the jury enters at 1:50 p.m.]

State v Tyrone Robinson
Verdict
September 19, 2014

1 VERDICT

2 THE COURT: Mr. Foreman, has the jury reached a
3 verdict?

4 MR. FOREMAN: Yes, Your Honor.

5 THE COURT: Is it a unanimous verdict?

6 MR. FOREMAN: Yes, Your Honor.

7 THE COURT: Will you please hand the verdict form
8 to the bailiff please sir? Thank you.

9 [Whereupon, the verdict form is provided to the
10 court and then to the Clerk of Court]

11 THE COURT: Madame Clerk, you may publish the
12 verdict.

13 CLERK OF COURT: The State of South Carolina County
14 of Beaufort in the Court of General Sessions Fourteenth
15 Judicial Circuit indictment number 2012-GS-07-1935 the
16 State of South Carolina versus Tyrone Robinson. As to
17 that indictment the charge of murder we, the jury,
18 unanimously find the defendant Tyrone Robinson guilty of
19 murder. I certify that this is the unanimous decision of
20 the jury. The Foreperson has signed it.

21 Mr. Foreman, ladies and gentlemen of the jury if
22 this is the decision of each and every one of you please
23 indicate so by raising your right hand.

24 [Whereupon, all jurors raise their right hands]

25 THE COURT: Thank you. The record will reflect

State v Tyrone Robinson
Verdict
September 19, 2014

1 that all 12 jurors affirmed the verdict. Mr. Bax, does
2 the defendant desire a polling of the jury?

3 MR. BAX: Yes, Your Honor.

4 THE COURT: Thank you. Ladies and gentlemen you
5 are now going to be polled individually. That means your
6 names are going to be called individually. As your names
7 are called will you please stand in place and you will be
8 asked two questions is this your verdict or was this your
9 verdict and is it still your verdict and if you will give
10 the appropriate answer to that question whatever it
11 happens to be. All right, Madame Clerk?

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Tyrone Robinson
Polling of the Jury
September 19, 2014

1 POLLING OF THE JURY
2 CLERK OF COURT: Juror 95 David Crocker. Is this
3 your verdict?
4 MR. CROCKER: Yes.
5 CLERK OF COURT: Is this still your verdict??
6 MR. CROCKER: Yes, it is.
7 CLERK OF COURT: Juror 151 Warren Gaither. Is this
8 your verdict? Is this still your verdict?
9 MR. GAITHER: Yes, it is.
10 CLERK OF COURT: Juror number 121, James Dresher.
11 Is this your verdict?
12 MR. GAITHER: Yes.
13 CLERK OF COURT: Is this still your verdict??
14 MR. DRESHER: Yes.
15 CLERK OF COURT: Juror 286, Tyianna McKoy. Is this
16 your verdict? Is this still your verdict?
17 MS. MCKOY: Yes.
18 CLERK OF COURT: Juror 262 James Lorenz. Is this
19 your verdict? Is this still your verdict?
20 MR. LORENZ: Yes, it is.
21 CLERK OF COURT: Thank you. Juror 245 David
22 Lancaster. Is this your verdict? Is this still your
23 verdict?
24 MR. LANCASTER: Yes, it is.
25 CLERK OF COURT: Thank you. Juror 406 Edward

State v Tyrone Robinson
Polling of the Jury
September 19, 2014

1 Uniejewski. Is this your verdict? Is this still your
2 verdict?

3 MR. UNIEJEWSKI: Yes.

4 CLERK OF COURT: Thank you. Juror 209 Mary
5 Hughes. Is this your verdict? Is this still your
6 verdict?

7 MS. HUGHES: Yes.

8 CLERK OF COURT: Thank you. Juror 59 Samuel
9 Burke. Is this your verdict? Is this still your
10 verdict?

11 MR. BURKE: Yes, it is.

12 CLERK OF COURT: Thank you. Juror 125 Benjamin
13 Dunning. Is this your verdict? Is this still your
14 verdict?

15 MR. DUNNING: Yes, it is.

16 CLERK OF COURT: Thank you. Juror 438 Steven
17 Womack. Is this your verdict? Is this still your
18 verdict?

19 MR. WOMACK: Yes, it is.

20 CLERK OF COURT: Thank you.

21 THE COURT: If you will go back to juror 365.

22 CLERK OF COURT: I'm sorry. Juror 365 Evelyn
23 Seabrook. Is this your verdict? Is this still your
24 verdict?

25 MS. SEABROOK: Yes.

State v Tyrone Robinson
Polling of the Jury
September 19, 2014

1 CLERK OF COURT: Thank you.

2 THE COURT: All right. Thank you. Anything
3 further before the jury is dismissed Mr. Bax from the
4 defense?

5 MR. BAX: No, Your Honor.

6 THE COURT: Thank you. From the State?

7 MR. STONE: No, sir.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Tyrone Robinson
Proceedings
September 19, 2014

1 THE COURT: Thank you. Now, ladies and gentlemen
2 I want to thank you for your service this week as jurors.
3 You have been an excellent jury, a wonderful jury. I
4 never condemn a jury for the verdict that it reaches nor
5 do I commend a jury for the verdict that it reaches. I
6 am delighted that the difficult questions of guilt and
7 not guilty and things of that nature are in your capable
8 hands.

9 What I do comment upon is your quality of service.
10 You've been here promptly. Even when we were not ready
11 you were ready. You have followed this case throughout.
12 We have exposed to you unfortunately to a side of life
13 that you are not familiar with and some of these things
14 have been difficult emotionally. We appreciate the fact
15 that you have born up under those things so well.

16 I hope you have gained a better appreciation by
17 virtue of your service this week of how important folks
18 like you are to our system and how we cannot take care of
19 the difficult matters that we've taken care of without
20 your help. I hope that you never find yourself caught up
21 in this system. I hope you never find yourself seated on
22 this side [indicates] of the aisle where the victim's
23 family is, the victims sometimes are seated or on this
24 side [indicates] of the aisle where the defendant and the
25 defendant's family are seated. I hope you never find

State v Tyrone Robinson
Proceedings
September 19, 2014

1 yourself in this courtroom on that side of the rail. But
2 I can tell you, you don't have to volunteer to get caught
3 up in this system. You can get caught up in it whether
4 your want to or not. As a matter of fact nobody in this
5 courtroom is here on that side [indicates] of the rail
6 because they want to be here today; they are here because
7 of circumstances in the system have brought them here. I
8 hope that never happens to you.

9 But if it ever does happen to you and if you find
10 yourselves in a courtroom like this on a Monday morning
11 when the whole venire of jurors like you all are brought
12 into this courtroom seated in those chairs back there
13 [indicates] and you're seated inside this rail
14 [indicates] when you turn around to look into the faces
15 of the people that we have brought into this court to try
16 to decide your case, a case that you have a deep and
17 abiding personal interest in you're going to hope that
18 you are looking into the faces of people just like
19 yourself. People who have things to do, better things to
20 do than what we are going to be asking you to do you
21 think, plans that you have made and things that you have
22 to set aside to come with us. The last thing in the
23 world that you want us to do to get a jury to try your
24 case, your case, is to scrap around the streets of
25 Beaufort and see if we can't find 12 people who don't

State v Tyrone Robinson
Proceedings
September 19, 2014

1 have a better thing in the world to do than to come into
2 this court and decide your case. You don't want that
3 kind of jury. Nobody wants that kind of jury. People
4 want a jury just like you; folks who do have better
5 things to do but are willing to set those things aside to
6 help us do the things that we have to do. You've given
7 us that type of jury and we appreciate your contribution
8 and I hope you understand how important you are and how
9 much we appreciate your efforts in this regard.

10 I still have matters out here to attend to, motions
11 and sentencing that do not require your presence and so
12 you are free to go now. Leave your tags with the folks.
13 You will get a check in the mail sometime in the next few
14 days. It's not going to begin to pay you for the full
15 time you have invested in us this week. If you will add
16 the appreciation of everybody who makes up this system to
17 the small amount of that check I hope you will be
18 compensated in some way for what you've done for us this
19 week. Thank you folks, you're excused now.

20 [Whereupon, the jury is excused and exits at 1:58
21 p.m.]

22 THE COURT: Mr. Bax, I'll be glad to hear any
23 motions.

24 MR. BAX: Thank you, Your Honor.
25

State v Tyrone Robinson
Motions
September 19, 2014

1 MOTION

2 MR. BAX: At this time first I would like to move
3 for judgment notwithstanding the verdict. I would argue
4 in support of that very similar to what I have already
5 argued on directed verdict after the State's case and the
6 resubmittal of directed verdict after the defense's case.

7 I would put special emphasis on the fact that based
8 on all the testimony that was entered into the record in
9 evidence that withdrawal was undisputed and the
10 disproving or submitting evidence beyond a reasonable
11 doubt to dissolve self-defense was not done at all. I
12 believe that the jury in this case made their decision
13 based on emotion despite the pleas of the defense not to
14 do so.

15 I would also cite for Your Honor that this was a
16 complicated case and that there were arguments about the
17 forensics. There were multiple different forensic items
18 and science that was testified to. There was also the
19 issue of self-defense and this jury reached its verdict
20 in roughly an hour and a half which included eating their
21 lunch after a five day trial roughly, Your Honor; four
22 and a half days. As a result I believe we are entitled
23 to a judgment notwithstanding the verdict because I think
24 it's clear that the jury did exactly the opposite of what
25 I believe that they are required to do, which is to make

State v Tyrone Robinson
Motions
September 19, 2014

1 a decision on the facts and not on the fact that the
2 victim was a boy. So that would be the motion under
3 JNOV, Your Honor.

4 THE COURT: Thank you. Once again taking the
5 evidence in this case in the light most favorable to the
6 State I find that the verdict which was reached was well
7 within the province of this jury. It was
8 quintessentially a jury question to decide the issues of
9 guilty of murder or not guilty by reason of self-defense
10 or perhaps not guilty because they believed that Mr.
11 Robinson didn't fire the shot in the first place. And
12 while those issues were entirely separate issues they
13 were all quite frankly combined into a relatively small
14 period of time and into a small space once we got here to
15 the things shown on the model.

16 The things that occurred before that were really not
17 in dispute. What had happened in the house where he
18 first went to the Youngs house. The only dispute was
19 whether there was a tussle over the gun when it went off
20 accidentally, whether there was a slapping of the gun. But
21 from that point on most of the dynamics of it were pretty
22 much the same. Now who said what and when those matters
23 change as they bound to change with this many witnesses
24 involved. But when the jury was able to focus on the
25 model here and what happened in that point, which is the

State v Tyrone Robinson
Motions
September 19, 2014

1 most critical area that they had to focus on and the
2 facts around which they necessarily at the end based
3 their verdict that was a narrow scope of time and space.
4 And they had more than enough time in my view to discuss
5 this case and discuss the issues surrounding all that
6 within the timeframe that they took.

7 They have been an attentive jury throughout as I've
8 indicated to them. They have understood they have been
9 punctual; they have been interested in this process.
10 There is nothing in my observation of them to lead me to
11 believe that they went outside of my instructions or
12 outside of the facts of this case to decide this. So I
13 am going to respectfully deny the motion for JNOV.

14 MR. BAX: Thank you, Your Honor. . And then for the
15 record in light of the ruling I would also move for a new
16 trial under the same arguments.

17 THE COURT: Thank you. And I renew my ruling for
18 the same reasons. Thank you.

19 MR. BAX: Thank you, ~Your Honor.
20
21
22
23
24
25

State v Tyrone Robinson
Sentencing
September 19, 2014

1 SENTENCING

2 THE COURT: Is the State now ready to proceed to
3 the matter of sentencing?

4 MR. STONE: We are, Your Honor.

5 THE COURT: Is the defense ready?

6 MR. BAX: Yes, Your Honor.

7 THE COURT: All right.

8 MR. STONE: We have a matter first of his criminal
9 record. We also have -- I believe we have members of the
10 family that would like to address Your Honor if you would
11 hear from them.

12 THE COURT: I'll be glad to.

13 MR. STONE: Would you rather hear the family first
14 or the record?

15 THE COURT: Let's do the record first.

16 MR. STONE: Yes, sir. Tyrone Robinson has
17 literally been in and out of prison his entire adult
18 life. He starts in 1995 with a simple assault and
19 battery, a public disorderly conduct, and a malicious
20 injury to property, domestic violence two counts. And
21 then in 1996 an assault and battery, a discharging a
22 firearm, grand larceny, hit and run death or personal
23 injury; it was personal injury, burglary third degree,
24 simple larceny, petty larceny, grand larceny two counts
25 of that. At that point he was placed in Lieber

State v Tyrone Robinson
Sentencing
September 19, 2014

1 Correctional Institute; that was in June of 1996. He was
2 paroled three times. He violated his parole each time
3 and ended up maxing out that sentence in July of 2002.
4 That's important, Your Honor because in November of 2002
5 he went back to prison on a separate set of charges.
6 This two counts of failure to stop for a blue light,
7 possession of a stolen motor vehicle.

8 This was the offense that Your Honor was aware of
9 that he received maximum penalties on all of that which
10 totaled 13 years. He maxed out his sentence April the
11 30th of 2010 within two years of this incident -- or a
12 little after two years of this incident. That's his
13 criminal history. Family members at this time, Your
14 Honor, would you hear from them please?

15 THE COURT: I'll be glad to.

16 [Whereupon, individuals come forward]

17 THE COURT: Give me your name please, sir?

18 MR. SINGLETON: Kareem Singleton.

19 THE COURT: Mr. Singleton?

20 MR. SINGLETON: I just want to say thank you to the
21 State and to the jury for this bittersweet day for me.
22 And I say bitter because I'll never get my son back.
23 When God gave the little boy to us I prayed and I asked
24 God to give us this child. The Lord gave us this child.
25 I raised that child, we raised that child from a young

State v Tyrone Robinson
Sentencing
September 19, 2014

1 man -- from a little boy I say young man because I know
2 him from the time he came here and from the time he left.
3 And that little boy had more heart and was more a man
4 than many of men in here today. My son, God knows how
5 much I love him and how much I miss him. I say it's a
6 little sweet because I feel a little vindication today
7 for all the tears that was shed up here on the witness
8 stand. I feel no remorse for that.

9 I am a Christian and I know you are supposed to
10 forgive and I do forgive but I have a big problem
11 forgiving with you right now because you took something
12 from me that nobody can give back to me. Nobody. And
13 that was my heart, my heart.

14 I sacrificed and I worked endless days and nights to
15 make sure that boy had every and anything that he wanted.
16 Anybody that know me anybody can tell you how hard I
17 worked and how I worked to do what I was supposed to do
18 to give that boy the best life I could and he did that
19 and he had that.

20 And I want to thank all of my family members because
21 he had a strong family from my parents to her parents
22 everybody played a part and a role in his life. And I
23 thank you all. And most importantly I thank God for
24 giving him to me for those eight years that he was there.
25 And I thank you.

State v Tyrone Robinson
Sentencing
September 19, 2014

1 THE COURT: Thank you Mr. Singleton.

2 MS. SINGLETON: Katrina Singleton.

3 THE COURT: Ms. Singleton?

4 MS. SINGLETON: Your Honor, we stand here today this
5 is not a day that I would have wanted to stand here in
6 front of you or to anyone. My son, eight year old he
7 lived a life that any child would want to live. He lived
8 a life that a child is supposed to live. From the day he
9 was born to the day he left he had that smile on his
10 face. He was a loving, caring boy.

11 He loved baseball and he loved outside; that was his
12 dream to play. He was playing since he was four up until
13 he left here. God gave him to us. That was a gift.
14 That was a gift that God gave us. That gift will never
15 leave me here in my heart. Even though his presence is
16 not here he will always be a part of my life spiritually
17 because the memories that I have of my son no one can
18 never take it from me.

19 He's gone now; I understand that for somebody's
20 senseless -- because they choose to make a bad decision.
21 We all make decisions but one thing we have is a choice
22 and that choice is to try to do the right thing
23 especially when young eight year old our son Minor did
24 not know what was going on. He didn't know nothing about
25 a gun. I raised my child into an environment of safety.

State v Tyrone Robinson
Sentencing
September 19, 2014

1 That's what we raised our kids. And I'm just sorry this
2 had to happen. I am a Christian. I'm not -- God will
3 handle everyone in their own way. I'm not that judge. I
4 can't judge no one for what happened. The only thing I
5 can say is he did it and that is something that God has
6 to punish him for. He will have to show an accounting
7 for what he has done today -- done in 2012 when we lost
8 our son.

9 And Your Honor I know you are fair and I want you to
10 do what is right in the sentence today because this is a
11 loss, a big loss that we have for two years. This is
12 something that we had -- I can't even say -- it's very
13 hard. This is the hardest thing I have ever had to do in
14 my own life. And the only thing that got me going is the
15 strength because God gave me the strength to hold on and
16 He said it is going to be okay and I believe that. And I
17 know you as a Judge will do the right thing. And I thank
18 you.

19 THE COURT: Thank you Ms. Singleton.

20 MR. STONE: Your Honor, if I may? You've heard
21 everything, you know his record and I don't always give
22 my opinion and quite frankly you probably don't need it.
23 But there is nothing redeeming about Tyrone Robinson. He
24 has been in and out of prison his entire adult career.
25 This isn't a tragic accident. This was absolutely

State v Tyrone Robinson
Sentencing
September 19, 2014

1 preventable and I'd ask you to consider the maximum
2 sentence. Thank you, Your Honor.

3 THE COURT: Thank you, Mr. Stone. Mr. Bax?

4 MR. BAX: Thank you, Your Honor. First of all I
5 would like to point out that my client has indicated some
6 of the early convictions that were read on the record I
7 think he disputes some of the earlier ones. He does not
8 believe all those charges were actually brought forward
9 to the sentence in 1996. One was the burglary and one
10 other charge that actually was associated with that.

11 Second of all Your Honor obviously when this comes
12 up after a trial Your Honor is in a much larger and
13 better and more expansive control of the facts than you
14 are when we're up here for a plea. You have been present
15 during the entire trial. I would like to point out that
16 Tyrone's family has been here. His mother is here.

17 In fact his father was here earlier this week, Mr.
18 Samuel Campbell who I have gotten to know and Mr. Chapman
19 has gotten to know. Unfortunately he has a heart
20 condition and midway through the trial it was too much
21 for him and he is actually in the hospital in Charleston,
22 in the VA hospital in Charleston right now. So I'm
23 hoping that he is all right. But as Tyrone said he does
24 have some familial relationship to a lot of people out on
25 that area on Allen Road. That is he is related to the

State v Tyrone Robinson
Sentencing
September 19, 2014

1 family that has been on that land for God knows how long.
2 So I do honestly believe that Tyrone has been tortured at
3 heart about all this as well. And that's not offered as
4 an excuse; it's just the truth. Your Honor, has also
5 seen the facts concerning the situation. And obviously
6 the jury has rendered their verdict and obviously they
7 have decided to not condone what they believed his role
8 to be, whatever that is, and they believed it to be
9 something that rose to the level of criminal liability.

10 But I would point out as Your Honor is well aware
11 that there are still undisputed facts that regardless of
12 what started Tyrone tried to get away. Now maybe he
13 didn't make all the right choices about how to get away
14 but he was trying to get away. We are left with what
15 we're left with and Your Honor is left with the decision
16 of sentencing. You've heard about Tyrone's past but
17 you've also heard from Tyrone as well on the stand.

18 I believe there is enough mitigation in this case to
19 warrant a 30 year sentence. And as the court knows this
20 as well as I do but I want to make sure everybody knows
21 it that's 30 years day for day. And Your Honor my
22 understanding is my client is over the age of 40 if I'm
23 not mistaken, 30 years day for day Your Honor is going to
24 put him at 70. I believe that in light of the facts in
25 light of the roles other people played in this case, in

State v Tyrone Robinson
Sentencing
September 19, 2014

1 light of the efforts he made at some point to go away
2 that a 30 year sentence day for day is going to put him
3 in his 70's if he even lives that long is enough to
4 satisfy the ends of justice and to satisfy the ends of
5 our purpose. Obviously there are two roles. There is
6 the role of punishment and justice but there is also the
7 role of rehabilitation.

8 I'm sorry Your Honor, at 70 I just don't see him
9 being the same man if he is with us then, which I would
10 hope he would be but he's not going to be the same
11 person. So I think it serves all the ends of society and
12 justice to impose a 30 year sentence. Thank you.

13 THE COURT: Thank you. Anything further from the
14 defense?

15 MR. BAX: No, Your Honor.

16 THE COURT: Thank you. Does Mr. Robinson wish to
17 be heard?

18 [Whereupon, Mr. Bax confers with his client]

19 THE COURT: You can stay right there Mr. Robinson.
20 You can stand in place right there.

21 MR. ROBINSON: I really don't want to talk but I
22 feel that I owe y'all that.

23 THE COURT REPORTER: Judge, can he speak up?

24 MR. ROBINSON: When you give -- between us me and
25 you -- Katrina me and you go way back. You know me since

State v Tyrone Robinson
Sentencing
September 19, 2014

1 a little boy. I know you since a little girl. I always
2 had -- and every time we see each other we enjoy our
3 conversation. Kareem, I never got a chance to meet you
4 but I always heard about you. Kareem, I've got a son
5 man, so I know you love your son dearly. You got every
6 right to get up here and talk about every man charged in
7 or you think took the child that day.

8 And I did not do nothing bad -- Aaron, Sr. and
9 Aaron, Jr. they chased me so hard that day I tried and I
10 tried to get away. They chased me -- I tried -- I fled
11 three times. I just want you to know that. I tried
12 three times to keep your son alive. But Aaron Sr. and
13 Aaron Jr. kept coming back all three times.

14 If they had just stopped coming one time this
15 wouldn't have happened. I'm sorry, man. I swear to God
16 I love your kids that you got -- I didn't want Minor to
17 die -- I loved him to death. I don't care if the Judge
18 gives me life I am going to keep loving y'all --

19 THE COURT: Thank you. Do you have the sentencing
20 sheet?

21 [Whereupon, Mr. Stone provides documents to the
22 court]

23 THE COURT: The possible sentence for the crime of
24 murder is from 30 years to life imprisonment. The
25 sentence is a day for day sentence. Every crime of

State v Tyrone Robinson
Sentencing
September 19, 2014

1 murder has the elements of the unlawful killing of
2 someone else with malice aforethought. Our General
3 Assembly has decided that there are some times when the
4 unlawful killing of another with malice aforethought
5 justifies a 30 year sentence, sometimes when it justifies
6 a life sentence and sometimes when it justifies something
7 in between.

8 The fact that the General Assembly provided for that
9 wide range of sentencing and the fact that sometimes
10 Judges sentence within that wide range is not a comment
11 upon the life of the one who has been killed. It is not
12 a comment upon the life of the victim or the worth of the
13 victim or the victim's status or standing.

14 Every life is priceless. No life that has been
15 taken has the right to have a value assigned by the
16 General Assembly or by a court as to its worth. And so
17 for that reason the sentence that is imposed then is not
18 a comment upon or an attempt to place a value on that
19 priceless life. And surely Minor life was
20 one of those priceless lives.

21 As his parents have said he had everything that a
22 young man could be given. He had everything; except the
23 gift of years and that was taken from him. Throughout
24 this case several things have been obvious. It has been
25 obvious from the evidence that this was a senseless,

State v Tyrone Robinson
Sentencing
September 19, 2014

1 senseless set of events from the time that it started
2 until the time it was over. I appreciate the fact as Mr.
3 Robinson has testified that he tried to get away from
4 this once it had begun. Now whether Mr. Robinson was
5 trying to get away from it simply to escape and wait to
6 fight another day or whether he had intended to separate
7 himself from the Youngs forever I don't know. And the
8 jury has obviously found that the defense of self-defense
9 did not apply in this case for whatever reason and for
10 many reasons that were evidenced in this record.

11 As Mr. Bax has said sometimes a sentence addresses
12 the rehabilitation of somebody. Well rehabilitation from
13 30 years to life obviously when 30 years are passed there
14 is no rehabilitation. I would like to think that
15 sentences like this constitute a deterrent but I'm aware
16 of the fact that people who commit these sorts of acts
17 give no thought whatsoever to the consequences and the
18 difficulty of having to serve 30 years or more.

19 But the tragic thing is neither do they give any
20 thought to the consequences on innocent victims like
21 **Minor** And that is the tragedy of this particular case.
22 Mr. Robinson says he did not intend for **Minor** to die.
23 No one intended for **Minor** to die that day. But the risk
24 of getting involved in a gunfight in a residential area,
25 one in which he had seen the children playing before the

State v Tyrone Robinson
Sentencing
September 19, 2014

1 shooting came his way and before he responded as the jury
2 has found makes one responsible as this jury has found
3 just as if he had aimed the pistol at **Minor** himself.
4 That was not his intention but that was the result.

5 And it was the inevitable result of a gunfight in a
6 residential area under these circumstances when if you
7 believe the facts as they were submitted and apparently
8 as a jury believed the Youngs were -- all that they had
9 done up until this point and for all the efforts that
10 they had made at this particular point for leaving the
11 area and apparently were no longer of any immediate
12 threat to Mr. Robinson.

13 I'm confident that based on their past history there
14 might have been a future threat. And maybe that's what
15 Mr. Robinson was trying to address, but that does not
16 justify firing the shots that he fired under these
17 circumstances. Mr. Robinson, the sentence of the court
18 is that you be committed to the Department of Corrections
19 for the balance of your natural life.

20 All right folks, is there anything further from the
21 Solicitor's office in connection with this trial?

22 MR. STONE: No, sir. Thank you, Your Honor.

23 THE COURT: We stand adjourned. Thank you.

24 [Whereupon, the jury trial concludes at 2:25 p.m.]

25

STATE OF SOUTH CAROLINA
14TH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT
COURT OF GENERAL SESSIONS
CASE NO'S. 2012-GS-07-01935
2012-GS-07-01932 & 2012-GS-07-02173

STATE OF SOUTH CAROLINA

PLAINTIFF

VERSUS

FEBRUARY 27, 2014

TRANSCRIPT OF HEARING

BEAUFORT, SOUTH CAROLINA

TYRONE ROBINSON
AARON YOUNG, JR.
AARON YOUNG, SR.

DEFENDANTS

B E F O R E:

HON. THOMAS W. COOPER, JR, JUDGE

WANDA H. ROWE, CVR-CM
OFFICIAL COURT REPORTER

APPEARANCES

ON BEHALF OF THE STATE:

HON. ISAAC MCDUFFIE STONE III
BEAUFORT COUNTY SOLICITOR
HON. HUNTER SWANSON DEYSACH
ASSISTANT BEAUFORT COUNTY SOLICITOR
POST OFFICE BOX 1880
BLUFFTON, SOUTH CAROLINA 29910-1880
TELEPHONE 843-255-5880

ON BEHALF OF DEFENDANT
TYRONE ROBINSON:

DEFENDANT ROBINSON APPEARS PRO SE

HON. ARI BAX
APPEARS AS STAND-IN COUNSEL

BEAUFORT COUNTY PUBLIC
DEFENDERS OFFICE
1905 DUKE STREET
BEAUFORT, SOUTH CAROLINA 29902
TELEPHONE 843-255-5805

ON BEHALF OF DEFENDANT
AARON YOUNG, JR.:

HON. ROBERTS TABOR VAUX
VAUX & MARSCHER P.A.
1251 MAY RIVER ROAD
POST OFFICE BOX 769
BLUFFTON, SOUTH CAROLINA 29910-0769
TELEPHONE 843-757-2888

ON BEHALF OF DEFENDANT
AARON YOUNG, SR.:

HON. ROBERT E. FERGUSON, JR., LLC
POST OFFICE BOX 845
46-C SAMS POINT ROAD
BEAUFORT, SOUTH CAROLINA 29901-0845
TELEPHONE 843-521-0141

INDEX

Caption.....1
Appearances.....2
Index.....4
By The Court.....5

ATTACHMENTS

Certificate of Reporter.....52
Keyword Index

EXHIBITS

No exhibits were admitted.

1 BEGINNING 9:24 A.M.

2 BY THE COURT:

3 BAILIFF: All rise, please, for The Honorable
4 Thomas W. Cooper, Jr. Court is now in session.

5 THE COURT: Thank you. Thank you, ladies and
6 gentlemen. Please be seated. Good morning. Wanda, do
7 you have the caption?

8 COURT REPORTER: I do, yes. Thank you.

9 THE COURT: Solicitor, what do we have this
10 morning?

11 MR. STONE: Your Honor, we have a couple of motions
12 made by -- first of all, to let you know who is in the
13 courtroom and what the situation is as far as
14 representation is concerned, the first individual is Mr.
15 Tyrone Robinson over here. He is actually a pro se
16 defendant. Mr. Ari Bax has been appointed as stand-by
17 counsel. I believe that is correct.

18 Mr. Roberts Vaux is representing Aaron Young, Jr.

19 THE COURT: All right.

20 MR. STONE: And then, beside Mr. Young, Jr., is Mr.
21 Young, Sr., and he is represented by Robbie Ferguson.

22 THE COURT: All right.

23 MR. STONE: The Youngs have a motion that concerns
24 severance of this trial. Mr. Robinson has a number of

1 motions, but the one that is particularly -- that needs
2 to be heard, obviously, before trial is a motion for the
3 use of the *Castle Doctrine*.

4 We are prepared to go forward on either one of
5 those at this time. Whichever you think is best to go
6 first, we're ready to move on.

7 THE COURT: All right.

8 MR. STONE: Concept in this, we have three co-
9 defendants. Each one of them made statements, and our
10 intention is to try them all together. Thus, the reason
11 for the severance motion. With the proper redactions in
12 accordance with *Bruton*, Mr. Robinson's -- I believe is
13 the only defendant that has made the *Castle* motion
14 *Doctrine*, so that obviously needs to be heard before, as
15 that is a defendant to trial and not at trial.

16 THE COURT: All right. We will deal with the
17 motions to sever first. And Mr. Vaux, Mr. Ferguson, the
18 gentleman is -- are your motions, motions to sever for
19 Mr. Robinson, and/or motions to sever from each other?

20 MR. VAUX: From Mr. Robinson, your Honor.

21 MR. FERGUSON: That's correct on that. Mr. Young,
22 Sr.'s.

23 THE COURT: All right. Who's going to argue that
24 motion for the Youngs?

1 MR. VAUX: We'd both like to speak as to the
2 motion.

3 THE COURT: All right. Mr. Vaux, I'll be glad to
4 hear from you.

5 MR. VAUX: Thank you, your Honor. The facts of the
6 case as charged by the State are that the Youngs were
7 involved in a running gun battle, so to speak, with the
8 defendant, Robinson. It started in the yard adjacent to
9 their house; and then, moved first to Oakview Road; and
10 then, to Allen Road, continuing over some period of time
11 and at different locations.

12 The Youngs each face one count of murder. Mr.
13 Robinson has multiple indictments, including murder.

14 It's alleged that Mr. Robinson was discharging a
15 gun at the Youngs when he fired a shot by killing an
16 eight-year-old child.

17 All the defendants have given a statement, some in
18 writing, some oral. In normal instances, defense would
19 move for a severance on the grounds that each would
20 present antagonistic defenses, and the State would
21 present one or more statements into evidence. And
22 that's sort of the situation here. But in addition to
23 that, it's complicated by the fact that we have two
24 unique situations.

1 One defendant is pro se. And in addition to
2 antagonistic defenses, the defenses are completely
3 different in legal theory. For example, the litany of
4 motions filed by Robinson include a *Castle Doctrine*
5 defense. It would certainly appear that the State
6 relies in part on a transferred intent for the Robinson,
7 and felony murders for the Youngs.

8 In this case, with both antagonistic defenses and a
9 pro se defendant, the jury's going to be easily
10 confused, and with coupled with the defenses that are
11 based on completely different theories, we would
12 respectfully submit to you that the jury will become
13 hopelessly constricted.

14 Finally, add to the mix of the pro se defendant,
15 who innocently or intentionally makes some inappropriate
16 comment, and the odds are just overwhelming that these
17 two defendants would be prejudiced as a matter of law.
18 And I'm not sure that such an instruction, a curable
19 instruction, would, in fact, overcome any kind of
20 prejudice.

21 The statements made by these two defendants would
22 have to be redacted as to each other and as to Mr.
23 Robinson to such an extent it would be confusing at
24 best. We've asked for to see a copy of the proposed

1 redacted statements that they wish to use, and we have
2 not seen those yet. But given the most recent case of
3 *State versus Henson*, filed January 22, 2014, in which
4 the Court cited *State versus Holder*, a 2009, stands for
5 the proposition that a redacted statement violated the
6 confrontation clause, because it was apparent the
7 statement was referring to the appellant, without even
8 considering any other evidence introduced at trial. And
9 arguing somewhat in the dark, your Honor, it's hard to
10 say with specificity how the redacted statement would be
11 prejudicial. But with three statements, you could say,
12 for example, -- and three defendants sitting here, how
13 you're going to play one without inferring something to
14 the other is past my ability to imagine.

15 If a statement comes in from Robinson, then, the
16 jury has to believe that it refers to the two Youngs.
17 There's nobody else that's involved there. If a
18 statement -- and while the confrontation clause is
19 subject to harmless error analysis here, because the
20 defendants are not co-conspirators, and that's huge.
21 That they -- and they were not acting in concert. As a
22 matter of fact, they were acting the opposite of in
23 concert and the opposite of co-conspirators. And the
24 ability -- or the odds of their being prejudiced here is

1 just simply overwhelming.

2 Mr. Ferguson is going to argue some of the more
3 detailed parts of the law.

4 THE COURT: All right. Let me pull up *Henson*. I'm
5 familiar with that. I read it. I realize that I seem
6 to --

7 MR. STONE: I'll hand them up, your Honor. I have
8 some here.

9 THE COURT: All right. Thank you. All right. Mr.
10 Ferguson.

11 MR. FERGUSON: Thank you, your Honor. Now, this
12 motion is in your own sound discretion, as you've been,
13 I guess, been appointed the trial judge of this case.
14 And essentially, your Honor, our motion is to sever,
15 and that is to protect specific trial rights of my
16 client and Mr. Vaux's client, and prevent the jury from
17 making -- or allow the jury to make a reliable judgment
18 as to each individuals guilt, as opposed to the guilt of
19 three as a whole.

20 You know, it does require us to point to a very
21 specific trial right that would be violated if the joint
22 trial would go forward, and not just the confrontation
23 clause and the issues that Mr. Vaux raised. There are
24 also some very specific instances where we would be, I

1 think, prejudiced, or at least our clients would be
2 prejudiced if we were forced to go forward with a three-
3 defendant trial.

4 You know, every defendant in this case has a due
5 process right to a fair trial. You know, we're
6 concerned about imputed responsibility. If the jury
7 finds one of three guilty, then, they'll say, well, more
8 than likely than not, or somehow change the standards to
9 include all three into that calculation.

10 We want the jury to be able to focus on each
11 individual's personal culpability or guilt, and just
12 feel that, that would be extremely difficult if all
13 three were tried together.

14 You know, the judicial economy argument that
15 there's going to be innerconnected evidence; that there
16 -- it doesn't warrant the cost of multiple trials,
17 doesn't really apply here. This is a very high-profile
18 case with serious consequences for everyone involved,
19 and I do think it warrants the extra time and expense to
20 have the separate trials in order to protect these
21 defendants' rights.

22 Logistical minefield, that's kind of what comes to
23 mind when I try to prepare for this case, even starting
24 with jury selection. As a three-defendant case, you

1 know, our clients would not have the ten strikes that
2 they would ordinarily have, but rather, a pro rata
3 share, if tried together.

4 I would have no control over whether another
5 defendant introduced evidence or not. And therefore,
6 could stand to lose my right to last argument without
7 any real ability to change that or to have that be part
8 of my strategy.

9 Certain statements -- and I think this is
10 particularly important -- would become -- would be
11 inadmissible at separate trials, but would be admissible
12 during joint trials, as statements by a defendant. Even
13 if they're redacted to remove any mention of my
14 particular client, they're still going to paint the
15 State's theory, which is that all three individuals
16 should be liable.

17 A co-defendant -- another scenario, your Honor,
18 would be that a co-defendant may object to certain
19 evidence that's beneficial to my client, and may,
20 effectively, suppress, limit, or impeach certain
21 evidence that I personally would not on behalf of my
22 client.

23 The likelihood of a pro se defendant testifying,
24 hard to say, your Honor. I know that we have voluminous

1 pretrial motions that are narrative in nature. You
2 know, we're concerned about the possibility of a
3 mistrial, particularly if we get a fair way into this
4 case, and then, the mistrial's declared, we've already
5 tipped our hand to certain objections and certain trial
6 strategies that, then, the State can adapt to on a
7 subsequent trial. And so, I think we would be
8 prejudiced in that regard.

9 Your Honor, our only goal with this motion is not
10 to frustrate the State's, you know, attempt to move
11 these cases, but to avoid jury confusion, animosity,
12 frustration through repetition or contradiction. I
13 think that these issues raised, your Honor, could be
14 cured by instruction. And your Honor, I'm sure, has
15 faced this situation many times before. And once or
16 twice, I think that's okay, but in the anticipated
17 number of curative instructions that could result in
18 this case, I think makes this atypical.

19 And your Honor, just to finish, you know, it is a
20 transferred intent versus a felony murder. Completely
21 different defenses to different theories of liability
22 that are complex enough on their own for a jury to
23 grasp. I'm not the smartest man in this room, but it
24 took me a while to really, you know, understand the

1 theory of the Youngs' guilt versus Defendant Robinson.
2 And I can only imagine the difficulties the jury's going
3 to have trying to separate those two out in the course
4 of just a week, you know, when I've had months.

5 And so, your Honor, we are asking that the two
6 Youngs be separated or severed from the Defendant
7 Robinson for those reasons, your Honor. Thank you.

8 THE COURT: Is there any question as to who the
9 allegations are against in so far as the fatal shot is
10 concerned?

11 MR. FERGUSON: No, sir, your Honor.

12 THE COURT: And that's Mr. Robinson?

13 MR. FERGUSON: Yes, sir, your Honor.

14 THE COURT: All right.

15 MR. STONE: I don't know that I would go that far,
16 your Honor.

17 THE COURT: Okay.

18 MR. STONE: Here -- I'm sorry.

19 THE COURT: Okay. Tell me what evidence you rely
20 upon in that to make that statement, Mr. Ferguson.

21 MR. FERGUSON: Well, your Honor, the theory of the
22 State's case all along has been that Mr. Robinson fired
23 the fatal shot. That has been backed up by scientific
24 testing. If there is contradictory evidence, I would

1 certainly like to be made aware of that, your Honor.

2 MR. VAUX: And your Honor, if I may add, if you
3 look at the State's memorandum in opposition to the
4 Defendant Robinson's request for immunity, it may not
5 come out and say Mr. Robinson is allegedly the person
6 who shot it, but it certainly implies that he is.

7 THE COURT: Okay. I haven't seen any of those
8 memos yet. I'll be glad to consider them in time.
9 Thank you. All right. Thank you.

10 Now, Mr. Solicitor, I'll be glad to hear from you,
11 sir.

12 MR. STONE: Yes, sir, your Honor. Let me make sure
13 we're clear as far as what the State wishes to do in
14 this matter. You have a -- basically a shootout among
15 three people. An eight-year-old child was caught in the
16 crossfire in the middle of this shootout. We know --
17 what we know is at least one of the Youngs was carrying
18 a .9 millimeter handgun, and that .9 millimeter did not
19 kill the child. We know that.

20 There is, we believe, a revolver in Mr. Robinson's
21 hand. We believe that was the revolver that killed the
22 child. However, we never -- the police never located
23 that firearm. Mr. Robinson previously had alleged that
24 one of the Youngs had a .38. We did not find that. So,

1 basically, the situation -- this is the situation the
2 State's in. Our theory is the felony murder rule, that
3 you have three people committing inherently dangerous
4 felonies, and as a result of those inherently dangerous
5 felonies, a child dies. The actual shooter, so to
6 speak, the one that discharged the fatal bullet, under
7 that scenario, is, while relevant, not controlling. So,
8 that is the position that the State's going under.
9 That's the theory that the State goes under, and that is
10 a consistent theory among all the defendants. That's
11 the -- that is the theory.

12 We're not switching up our theories, depending on
13 which defendant we're talking about. We feel like all
14 three of these people were involved in an inherently
15 dangerous felony, which is a shootout that basically
16 went from the right as you get to Hilton Head, all the
17 way down into Marshland Road, along the Cross Island
18 Expressway. And I don't know if you're familiar with
19 this area, but it involves three neighborhoods in Hilton
20 Head. And this was a shootout that took place first at
21 White Horse Road; and then, at another neighborhood in
22 between; and then, a third at Allen Road area, which is
23 where the child was playing on the trampoline and
24 killed. Our theory is all three of them are culpable

1 under that scenario, and that's the theory we're
2 proceeding for trial. So, I wanted to clarify that as
3 far as who the gunman was and things like that.

4 THE COURT: All right.

5 MR. STONE: The issues as far as whether or not
6 there's some problems with jury selection and things
7 like that, that's inherent in every joint trial. There
8 was nothing that was really offered that is different
9 from any joint trial. The issue before your Honor is
10 whether or not the State can adequately redact those
11 statements --

12 THE COURT: Right.

13 MR. STONE: -- so that you do not get into the
14 problem that they got into in the *Henson* case. I will
15 tell you that I was -- I really wasn't surprised at the
16 outcome of the *Henson* case, because they do two things I
17 think that are wrong. One is, you've got a -- the use
18 of the words guy, him, his is very specific. The other
19 thing is, they tried -- they actually referred to four
20 people involved in the case; three were named; and the
21 other one wasn't. So, it was a little -- that's
22 obvious.

23 I think what is more in line with what I'm talking
24 about, your Honor, is a Court of Appeals case for 2012,

1 *State versus McDonald*. And I'll hand that up to you,
2 and I -- this was a case in which three people were
3 tried as co-defendants. The reference -- all three
4 statements were redacted to use the term *another person*.
5 So, it did two things. Number 1 is, there was no him-
6 or her-type pronoun usage. The second thing is, there
7 wasn't even a limitation as to who else was involved in
8 the case. It simply was this person's statement, and
9 referred to another -- other people. Plus a limiting
10 instruction. And the Court of Appeals said that was --
11 that, that satisfied *Bruton*. They also referred to a
12 Fourth Circuit Court of Appeals case, which actually
13 suggested that way of redaction.

14 I will tell you, my intention, your Honor, is to go
15 further than that. I am going to -- and I apologize for
16 not having all these statements with me. We're still
17 waiting on a court reporter to transcribe, so that I
18 make sure that I'm accurate when I'm doing this. My
19 intention is to redact not even using another person,
20 but to redact from any -- even any reference to another
21 human. In other words, the statements that I intend to
22 introduce refer only to that person that makes the
23 statement, which I think is not only consistent with
24 *Bruton*, but I think it is a more careful approach than

1 the Supreme Court even requires in that matter. That is
2 my intention, and that's how I wish to try the case. I
3 think, in fact, it's very confusing were we to try to
4 try that case under that theory with only one defendant.
5 So, that is the State's position, and I'll be glad to
6 answer any questions you have.

7 THE COURT: Thank you. The concern of the Court,
8 quite frankly, Mr. Vaux and Mr. Ferguson, gentlemen, is
9 it does go to the statements. The other concerns which
10 have been raised, the concern specifically, Mr.
11 Ferguson, about the limitation on jury selection and
12 things of that nature, they have all been addressed
13 adverse to your position, of course, in various
14 appellate and supreme court decisions.

15 The difference in trial strategy, likewise, has
16 been addressed in supreme court decisions and has been
17 held not to be a sufficient basis for severing cases.

18 The main concern for a trial judge is how we deal
19 with the statements. Of course, at this point in time,
20 I've not seen either the unredacted statements or the
21 redacted statements. So, it's somewhere difficult for
22 me to be specific in that regard, other than to say that
23 there are ways to redact. Now, clearly, the redaction
24 takes some of the meaning away, and that's what it's

1 supposed to do, really. It's supposed to take away any
2 reference to anyone else who might be on trial so as to
3 avoid the confrontation problems, but there are ways to
4 get it done.

5 The way to eliminate any reference to anyone else,
6 if the Solicitor's willing to do that, that's a good way
7 to do it. It's the cleanest way to do it. Sometimes
8 solicitors aren't willing to do that, because it seems
9 to fly in the face of, in this case, the felony murder
10 rule, for example, which implies that there are a group
11 of people involved in some ongoing criminal activity
12 leading to the death of another person. But
13 nonetheless, if that's going to be done, it certainly
14 can be done, that would seem to address those concerns
15 that the Court would have.

16 The fact of the -- Mr. Vaux, as you mentioned, the
17 transfer of intent on one hand, as opposed to the felony
18 murder rule on the other. The felony murder rule and
19 transfer of intent are sort of, in this case, sort of
20 handmaidens. They go together. The theory is certainly
21 not going to be that the eight-year-old child was killed
22 intentionally by, or was meant to be killed in this
23 case, but was killed as a result of illegal, reckless,
24 willful, malicious activity on the part of someone else

1 who didn't fired the gun himself, or herself, perhaps.

2 So, I think that those are things that can be dealt
3 with by way of instructions. When we deal with the
4 jury, we don't call things like this is the theory of
5 transfer and intent, ladies and gentlemen, or this is
6 the theory of felony murder. We simply go to the
7 elements that are inherent in these things, if they can
8 be explained.

9 My only -- well, it's not a concern for this
10 moment, in any event. But I will address that with you
11 all at side bar. It has to do with scheduling, quite
12 frankly, more than anything else.

13 So, based on what you have indicated here today, I
14 can't find anything applying the arguments that you have
15 made to the case law as it exists and the facts, limited
16 though I have about this particular case, that would
17 give grounds for a severance. The inconsistent or
18 antagonistic defenses have been addressed in *Hughes*
19 *versus State* case, *State versus Smith*. There are a
20 dozen of those. I can give you the cite if you need it.
21 The difference in culpability, the seating of jurors,
22 the difference in strategy, the relevant, admissible
23 evidence for one on behalf of the other, all of these
24 things have been addressed by the appellate courts as

1 being, in and of themselves, insufficient grounds for a
2 severance.

3 The whole object, obviously, is to present the case
4 to a jury that is understandable and that is fair under
5 the rules to all of the individuals involved. In my
6 view, this can be done.

7 The fact of the judicial economy, Mr. Ferguson, you
8 mentioned that as a reason to oppose those. I agree
9 with you. I don't think that, that, in and of itself,
10 should weigh up against all of the other considerations
11 that they were juggling, but certainly, it is a
12 consideration. Frankly, from the trial judge's
13 perspective, the easiest thing to do, the easiest thing
14 in the world to do is to grant three separate trials.
15 The easiest thing for a trial judge is try three cases,
16 one defendant in each case. Simplify things. It means
17 they're only dealing with one set of lawyers on each
18 side; a single witness is subject to examination by four
19 different people; the length of the trial. When you
20 talk about judicial economy, the length of a trial for a
21 four- -- we've got three -- defendants and the State.
22 When it comes to examination of witnesses, it's the same
23 thing as we've got three different trials. The only
24 questions that are going to be limited, the Solicitor's

1 only going to have them once, but the cross-examination
2 is going to take just as long as it would if we were
3 having three different trials. And so, you know,
4 judicial economy in a single trial is somewhat
5 overblown, quite frankly, which is something of a
6 concern of mine, given my schedule. But nonetheless,
7 that's not the reason. I'm overruling for the reasons
8 that I've mentioned. The motions to sever are
9 respectfully denied.

10 MR. FERGUSON: Thank you, your Honor.

11 MR. VAUX: Thank you, your Honor.

12 THE COURT: Thank you. Now, Mr. Vaux, Mr.
13 Ferguson, gentlemen, are there any additional motions at
14 this time on behalf of Mr. Young, Senior or Junior?

15 MR. VAUX: No, sir.

16 MR. FERGUSON: No, sir.

17 THE COURT: All right. Thank you.

18 THE COURT: Now, I turn to Mr. Robinson's motion
19 under the *Castle Doctrine*. And Mr. Robinson, I'll be
20 glad to hear from you now on your motion for immunity
21 under the *Castle Doctrine*.

22 BEGIN MOTIONS BY DEFENDANT ROBINSON:

23 DEFENDANT ROBINSON: I'm arguing this motion under
24 the immune from criminal prosecution as civil action to

1 *South Carolina Protection of Person and Property Act,*
2 *South Carolina Court of Law, 16-11-440(c) and 16-11-*
3 *420(b) (e), and 16-11-440(b) (a). And I just want to cite*
4 *the laws right quick.*

5 Under South Carolina statute 16-11-440(c) it
6 states, and I quote:

7 *A person is not engaged in the unlawful*
8 *activity and who is attacked in another*
9 *place where he has a right to be, including,*
10 *but not limited to his place of business,*
11 *has no duty to retreat, and has the right*
12 *to stand his ground and use force -- with*
13 *force, including deadly force, if he*
14 *reasonably believes it is necessary to*
15 *prevent the commission of a violent crime,*
16 *as defined in Section 16-1-60.*

17 And that's what I'm cited for, with that statute.

18 Under South Carolina Court of Law, Statute 16-1-10:

19 *Per violent crimes for purposes of*
20 *definition under South Carolina law, a*
21 *violent crime includes the offense of murder.*
22 16 through 10.

23 Under South Carolina Statute 16-11-420(e), it
24 states, and I quote:

1 The General Assembly finds that it is
2 proper for law-abiding citizens to protect
3 themselves, their families, and others from
4 intruders and attackers without fear of
5 prosecution or civil action for acting in
6 defense of themselves and others.

7 And that's for 16-11-420, Section (e).

8 The General Assembly finds that no
9 person or victim of crime should be required
10 to surrender his personal safety to a criminal;
11 nor should a person or victim be required
12 to needlessly retreat in the face of
13 intrusion or attack.

14 And for this statute, 16-11-450(b)(a), it states:

15 A person who uses deadly force as
16 permitted by the provision of this article,
17 or another applicable provision of law, is
18 justified in using deadly force and immune
19 from criminal prosecution in civil action
20 or the use of deadly force.

21 And Section (a) states:

22 But the agency may not arrest a
23 person for using deadly force unless
24 probable cause is that the deadly force

1 *used was unlawful.*

2 And for the case of South Carolina Supreme Court
3 case, the *State versus Demerits Burris, 513,*
4 *Southeastern 2nd, 104,* states that:

5 *A motion for immunity' from criminal*
6 *prosecution and civil action must be*
7 *decided before trial on the charge*
8 *before trial on the charge. Before the*
9 *trial begins, a motion for immunity from*
10 *criminal prosecution and civil action*
11 *must be determined by a preponderance of*
12 *the evidence standard.*

13 And that's what I'm going to be arguing, based on
14 the preponderance of evidence standard.

15 For the elements of use of deadly force to prevent
16 the commission of a violent crime as defined in *Section*
17 *16-1-60,* for that element to satisfy this element, the
18 State of South Carolina, the investigators, Laurel
19 Albertin in this case, in her investigation, at the
20 conclusion of her investigation, she determined, based
21 on a preponderance of the evidence in this case, Aaron
22 Scott Young, Sr. and Aaron Scott Young, Jr., they were -
23 - they got together. They ride together. Came to
24 agreement. After they told me they were going to kill

1 me three times inside the yard, they came together with
2 they guns.

3 One of the guns was a semi-automatic Mac 11 machine
4 gun. Holds 32 rounds in the clip. With a suppressor to
5 silence it so nobody can't hear no shooting it when they
6 go to kill somebody.

7 They -- she -- she -- they convinced her that they
8 were in possession of this gun. And so, at least one of
9 the guns they were in possession of. They -- they
10 confessed that they came to an agreement; came together;
11 went looking for me; conspired to murder me. Came to my
12 neighborhood where I live at; shot up in front of in the
13 presence of small kids up there, in the process of
14 trying to kill me, because [REDACTED] Minor was shot
15 and killed.

16 Now, I'm going to go through -- through these
17 events, because the State of South Carolina, some things
18 we do agree with, some things we don't agree with.
19 Because it's a lot more to this right here than they
20 know I'm saying, so.

21 Now, I did go to they neighborhood the date the
22 [REDACTED] Minor was shot and killed. I had Jontu
23 Singleton with me and he --

24 THE COURT: You had who with you?

1 DEFENDANT ROBINSON: I had Jontu Singleton along
2 with me.

3 THE COURT: Okay.

4 DEFENDANT ROBINSON: And he asked me to take him to
5 their neighborhood. So, first, I took him to the store.
6 We bought -- we bought some 40 ounces of beer. I was
7 celebrating my birthday. This was the day after my
8 birthday. I went to their neighborhood because he asked
9 me to take him there.

10 Now, he did ask me to take him there for reasons
11 that he acted he wanted to buy some drugs or whatnot.
12 But when he got there, he switched it up, and he never
13 asked them for drugs. What he asked them for -- what he
14 asked them for money to go buy some more beer. So, he
15 -- so -- so, drugs were never involved in this.

16 He -- he -- he -- he has a DVD recorder that I
17 wanted to play his DVD recorder that I wanted to play
18 this DVD recorder for you. I asked my sister to have
19 the technology with the adapter and the video screen to
20 play these video recorders for you of these witnesses'
21 interviews, so that you could see for yourself exactly
22 what was said, instead of just taking my word, cause, I,
23 you know.

24 THE COURT: Mr. Robinson, let me ask you a couple

1 of questions to see whether those statements would be
2 relevant or not. Now, you say these folks came to your
3 neighborhood and started this gun fight. Is that what
4 you're saying?

5 DEFENDANT ROBINSON: I'm about to explain the whole
6 thing now to you now.

7 THE COURT: Okay. If you'll explain it to me in
8 the order in which it happened, it will make it a lot
9 easier for me to understand.

10 DEFENDANT ROBINSON: That's what I was trying -- I
11 was getting to.

12 THE COURT: Okay.

13 DEFENDANT ROBINSON: All right. Well, I went --
14 went to their neighborhood. Jontu gets out the car. He
15 goes talk to Aaron, Sr. Now, Aaron, Sr., prior to this,
16 I saw him at the gas station. Me and him shook hands,
17 because he -- we did have some more -- some little
18 arguments, little drama going on. We shook hands at the
19 gas station, laughed with each other, and he said that,
20 that situation was Gucci. Now, that's a slang term.
21 When somebody says Gucci, that means that -- that --
22 that's over with, and we back friends now, we cool, we
23 don't have any problems.

24 Okay. Now, about a week later or so, I went -- I

1 went back to his house. Took Jontu to his house, Jontu
2 gets out of the car; goes to talk to Aaron, Sr.; Aaron,
3 Sr. sees me in the car; starts yelling, cursing up,
4 acting crazy for no reason at all, because his
5 girlfriend is out there, and I guess he trying to play
6 big -- big -- big in the front of his girlfriend or his
7 son or whatever. He starts acting all crazy, telling me
8 to get out of his yard. I tell him I'm leaving, please
9 just let me get out of his yard; just hold up.

10 I'm yelling for Jontu to get back in the car.
11 Jontu sitting there acting like he just went out to
12 space somewhere and he don't know what going on. But
13 Jontu grew up with Aaron, Sr. and Aaron, Jr., so they
14 are home boys. So, I realize the situation done flipped
15 on me. I'm the only person from another neighborhood in
16 they neighborhood, so they all against me now.

17 So, I decide to leave out of they neighborhood.
18 Aaron, Sr. approached my car, tried to snatch me out of
19 my car that I'm riding in to -- to -- and I guess he was
20 figuring if he snatch me out of the car, his son will or
21 whoever, it was another dude with dreads or whatever, he
22 was out there. They were going to blitz me. There was
23 no doubt about that.

24 So, we -- we -- that little confrontation takes --

1 takes off. Aaron, Sr. telling me:

2 *I'm going to kill you; I'm going to*
3 *kill you; I'm going to kill you; I got*
4 *something for your ass.*

5 He goes in the house; comes out of the house; a gun
6 so big, he look like he pregnant. Comes out of the
7 house and gets in my car. I back out of -- out of his
8 yard. I start backing out of his yard. This is the gun
9 right here. One of the guns that he goes and get for
10 me.

11 THE COURT: All right.

12 DEFENDANT ROBINSON: Now, I'm by myself against 32
13 rounds of Mac 11 machine gun and a yard full of people.
14 He gets that gun right there. As I'm riding down the
15 road, he shoots at me in my car to try to shoot and
16 murder me. Shoot his own grandmama house as I'm riding
17 down the road. This is a picture of her -- the bullet
18 hole from Old Wild Horse Road.

19 COURT REPORTER: From what road?

20 DEFENDANT ROBINSON: ■ Old Wild Horse Road, where
21 I'm riding down going towards 270 -- 278. Those bullet
22 holes in that, I'm in the car, running, fleeing from
23 him, trying not to be shot and killed. He's shooting at
24 me. Trying to shoot, kill, and murder me, while I'm

1 riding.

2 I flee to Oakview Road to hide from him, to hide
3 from this obligation of what's taking place and what's
4 going on. Aaron, Sr. and his son, they get together;
5 they go get they guns; they decide that they going to
6 come look for me; they going human hunting. And I'm a
7 human they hunting.

8 So, they come hunting for me to shoot, kill, and
9 murder me. I'm hiding from them on Oakview Road. They
10 -- they -- they go to my uncle house. One of them got
11 that gun right there. Aaron, Jr. confessed to having
12 that gun right there. Asked my uncle where I'm at. Got
13 my uncle scared to death. Pulled that gun out; showed
14 that gun to my uncle. My uncle ain't got no -- he don't
15 know what's going on. He just at his house, and they
16 asking him where I'm at with that gun right there. He
17 tell them he don't know where I'm at. He don't know
18 where I'm at.

19 So, they -- they left -- they leave my uncle house;
20 they go down Oakview Road. Now, I'm -- I'm -- now, I
21 know they looking for me, hunting for to try to shoot,
22 kill, and murder me. I'm trying to avoid the
23 obligation. At the same time, I'm trying to -- I'm
24 trying to get off Hilton Head Island, because I know, if

1 they catch me, I -- I -- I'm going to the morgue.

2 They come. I -- I'm leaving off of Oakview Road.

3 They come on Oakview Road. I see the truck. The truck
4 in the left lane. I'm in the right lane. As they
5 coming past -- coming past me, Aaron, Jr. -- Aaron, Sr.,
6 driving -- Aaron, Jr. lean out the window, half of his
7 body lean out the window like this. His father holding
8 his leg while his leg on his left leg this right here so
9 he can't fall out the truck. So, when he shoot the gun,
10 the gun powder go over here, and -- and -- and one get
11 on the truck so they won't get caught for this murder
12 they try to commit.

13 He shoot up my car while I'm in the car. Shoot at
14 my head. Head level shots in the car. Hit the back
15 driver with the headrest. Shoot in the trunk. These
16 are pictures of the bullet holes from the car and the
17 headrest that they shoot in the car while I'm -- while
18 I'm in the car.

19 I take off and free out of the road of them,
20 because I see that they ain't going to quit. They keep
21 -- they just ride around hunting for me. This is --
22 this is a expedition of hunting, and they hunting for
23 me. I'm the human they hunting for.

24 After they -- they shoot at my car. They don't

1 know if they hit me or not, I guess, so they go back to
2 Wild Horse, ■ Wild Horse Road. I guess they scared
3 now, but they don't have nothing. So, they unsatisfied,
4 so while they go back, they must be drinking beer or
5 smoking spam or whatever, go take a shower, whatever.
6 They get back in they truck again for the second time.
7 They confessed to the investigator were out there. I
8 got the DVD right here if you want to -- if you want to
9 review it, the DVDs. He confessed to Sergeant Albertin
10 that he pulled the gun out, tried to shoot me and --

11 THE COURT: When you say *he*, which one are you
12 talking about?

13 DEFENDANT ROBINSON: Aaron, Jr.

14 THE COURT: Okay.

15 DEFENDANT ROBINSON: He told them -- he told them,
16 said, if -- if the gun wouldn't a jammed, it was
17 supposed to go down on Oakview Road. If the -- if the
18 -- if the gun wouldn't a jammed, it would have went
19 down, nobody would a known nothing. It would have been
20 a clean get-a-way. And he ain't talking about giving me
21 no Christmas present, no birthday present, or nothing.
22 He talking about killing me. He would have killed me,
23 shoot and kill me. Nobody was on Oakview Road when they
24 would have did it, and nobody would a seen anything. It

1 just be me dead, and they would a got away with it. He
2 confessed to that.

3 So, he goes back home. He confessed that they went
4 -- both of them confessed that, after they saw me on
5 Oakview Road, they went back to they house on ■ Old
6 Wild Horse Road. Both of them confessed to that.

7 After they leave, after they decide and they
8 weren't satisfied, they come left they residence. I'm
9 hiding in my neighborhood. I hide my car behind my
10 family house on -- on Old Allen Road. I walk over to my
11 other cousin Charlese' house. I go call my other cousin
12 Patrick, and let them know somebody trying to -- trying
13 to chase me down. I think I said about AR-15 or some
14 kind of big gun, because when I look out the window and
15 seen him with the gun shooting in my car, the clip on
16 the gun this long right here, when I seen the clip like
17 that, I knew it was some kind of machine gun, you know.

18 So, I go to Charlese' house. I'm talk -- I talked
19 to Patrick; I talked to Charlese. I told -- I tell them
20 they somebody's trying to kill me; that I -- I'm hiding
21 from somebody; somebody trying to kill me. Charlese'
22 boyfriend were up in the yard. I asked him if he seen
23 the truck. He said he seen the truck speeding and all
24 this right here. I'm standing in the yard. These two

1 here come back, in my neighborhood I'm at.

2 THE COURT: Okay. If you'll stay back over there.

3 DEFENDANT ROBINSON: They come back in the
4 neighborhood shooting again, and start shooting up.
5 They start shooting up in the neighborhood. They got a
6 cloud of smoke so big over the truck, it look like a
7 cloud come down from heaven and sitting over the truck.
8 So, my -- and that's gun smoke coming from they -- from
9 they truck. That's how much gun -- gun -- gun smoke
10 they got going on inside -- inside the neighborhood.

11 Then they come shooting up trying to shoot, kill,
12 and murder me in my neighborhood again, I hide behind
13 the house. I got two, forty-ounce bottle of beer. They
14 try to shoot, kill, and murder me. They done shoot up
15 my car. I go behind this trailer. I walk in the woods,
16 because I'm trying -- I'm trying not to get shot by --
17 by these right here. I walk in the woods over here
18 behind about -- by [REDACTED] Allen Road where they say this --
19 where they say [REDACTED] Minor -- well, it's across from where
20 [REDACTED] Minor got shot. He didn't get shoot at [REDACTED] Allen
21 Road. It's another road over by Marshland Road. But I
22 walk behind there with two, forty-ounce bottles of beer
23 in my hand, and -- and I'm hiding, trying to hide to be
24 avoid -- avoid from getting shot and killed.

1 Now, at the time, I'm walking behind there, Britney
2 seen me walking. She said she looked to see if I was
3 shooting a gun. At the time, she see **Minor** sitting
4 there fallen, he was shot to shot and killed. She say
5 the only thing she saw me doing was toting two, forty-
6 ounce bottles of beer in my hand. I was walking.

7 Aaron, Sr., you know, they -- they shot up -- they
8 shot up around there like crazy, man, and all that. And
9 they ride up.

10 Now, they confess that they came to my neighborhood
11 to try to shoot, kill, and murder me. After they came
12 to my neighborhood shot -- try to shoot, kill, and
13 murder me, after they confessed to this, they also
14 confessed that, when they left out, they told Sergeant
15 Albertin that Aaron, Jr. said he told his father to go
16 back and shoot some more. So, they -- the conspiracy to
17 murder me wasn't even over after **Minor** was
18 dead. After they left out, they still was tried to
19 murder me, still had intentions to shoot, kill, and
20 murder me. After he say and he wanted to come back and
21 they went home, I went and called the police, because I
22 heard somebody say somebody got shot. But I had to
23 leave the neighborhood, because everywhere I go,
24 everywhere I go, these two were popping up shooting at

1 me the whole day on the Island. They ain't got one -- I
2 ain't be shooting at them no time. I been running from
3 them trying to get off the Island.

4 They behind me now, shooting at me. My car full of
5 bullet holes. Every time they see me, they be shooting
6 at me. I got bullet holes from the side; they shoot on
7 Allen Road. Bullet holes from the back. They shoot on
8 Allen Road. And bullet holes from the right-hand side
9 that he shoot in my -- in the right side when I be
10 leaving his house. So, that's just three incidents
11 already they tried to shoot, kill, and murder me. I
12 ain't shoot at them none.

13 I got him confessing that he lied to the police.
14 Both of them lied to the police that I came to his
15 house, point a -- a .38 at them, shoot at them. Try to
16 shoot, kill, and murder them. They own video camera at
17 the police station saying to each other, but he ain't
18 tried to shoot you. Oh, I know he -- he -- he ain't
19 shoot at me; he tried to hit me and shoot at the ground
20 or something like that he said. So, they lied about me
21 so I would a false charge, because of they lie, and I'm
22 charged with pointing and presenting a firearm, because
23 the investigators know I'm saying I'm going to they
24 house pointing a gun at both of them to try to shoot,

1 kill, and murder them. And they both confessed that I
2 ain't never did it, after they lied to the police and
3 say they did it. So, they done committed perjury.

4 THE COURT:, Mr. Robinson, what I'm trying to figure
5 out, and I can appreciate the fact that you and the
6 Youngs obviously had a lot going on against each other,
7 and you say the evidence here is that somebody was
8 shooting at your car everywhere you went.. I'm trying to
9 figure out how the facts that you just laid out to me
10 fit within the *Castle Doctrine*, because as you've cited
11 parts of the *Castle Doctrine*, but you have to take the
12 whole meaning of the *Castle Doctrine* in and of itself.

13 It starts out with saying:

14 *It is the intent of the General Assembly*
15 *to codify the common law that recognizes*
16 *that a person's home is his castle. And so,*
17 *it then is proper for law-abiding citizens*
18 *to protect themselves and their families*
19 *and others from intruders --*

20 That means people that try to break in on them.

21 *-- and attackers without fear of*
22 *prosecution when they act in defense of*
23 *themselves and others.*

24 So, it goes on to say that:

1 A person is entitled to immunity
2 if the person who is actually harmed
3 is entering or attempting to enter your
4 home or your dwelling or your occupied
5 vehicle.

6 That means to enter your home with the intent to
7 commit a crime, as defined in the law.

8 Now, I'm not sure, in this instance, whether that
9 means, frankly, whether it means just shooting at
10 somebody in your car or not. And it might well. But
11 I'm not sure that, that was the intent of it. You raise
12 an interesting question about that!

13 Had the shooting in question occurred while you
14 were in your automobile, riding down the road, they were
15 shooting at you, and you maybe shoot back at them, and
16 somebody was injured, that would be a slightly different
17 question and slightly different factual scenario than
18 what we have now.

19 My understanding is, and I'm going to ask the
20 Solicitor to confirm the facts of this in a minute when
21 I hear from him, is that the fatal shot occurred
22 somewhere in your neighborhood. And you say you didn't
23 even know that anybody had been shot until after it
24 happened. But apparently, that exchange of gunfire

1 occurred as you were running, in your words, into the
2 woods back there to try to get away. Is that about
3 right? Is that you're understanding of when the actual
4 -- when the child was actually shot?

5 DEFENDANT ROBINSON: I don't know where he was
6 shot, to be honest with you.

7 THE COURT: All right. Okay. But you understand
8 that the *Castle Doctrine* is designed to protect people
9 in their homes or in their vehicles from somebody trying
10 to break in.

11 DEFENDANT ROBINSON: Well, my understand was it was
12 also designed to protect people in a place where they
13 had a right to be.

14 THE COURT: Well, that's self-defense. That's a
15 part of it. But it does not -- when you read the law in
16 its entirety, it is designed to give protection to those
17 folks who are protecting themselves in their home or in
18 their vehicle. And I'm not sure whether that's applies
19 to you or not, but. And you're not either, because you
20 said you don't know when that child was actually killed,
21 so.

22 Let me ask the Solicitor to tell me some more about
23 the facts of this case and hear his side. I'm going to
24 come back to you, and you get the last word, because

1 it's your motion. Okay?

2 DEFENDANT ROBINSON: argue

3 THE COURT: All right. Thank you. You can have a
4 seat. Mr. Stone.

5 MR. STONE: Yes, sir. Thank you, your Honor.
6 Trying to analyze this with not only what Mr. Robinson
7 just told you, but also, his affidavit, which is a part
8 of his motion, I do not know of any case that talks
9 about the *Castle Doctrine* that would give that
10 protection to someone who did not use deadly force. And
11 the concern we have from the very beginning is that Mr.
12 Robinson never has said that he used deadly force.

13 So, when you talk about the *Castle Doctrine*,
14 initially, you have to say that someone has a right to
15 the defense of the *Castle Doctrine*, if, as the statute
16 says, a person uses deadly force.

17 THE COURT: Right.

18 MR. STONE: Mr. Robinson, in his affidavit and to
19 you just a few moments ago, denied ever using deadly
20 force. So, I don't know how we even get to the *Castle*
21 *Doctrine* to begin with.

22 The next concern I would have after that is what
23 your Honor was discussing; is this in this dwelling; is
24 it even in the curtilage of his dwelling? It is his

1 neighborhood. And I just take that for him putting it
2 in the record. I will accept that, as it is his
3 neighborhood. However, the residence is of a man named
4 Garcia. The child was killed at 30 -- let me get that
5 exact address. I'm not sure how I lost that, the
6 address. It's [REDACTED] Marshland Road. That is the address
7 of Mr. Garcia. It's not Mr. -- it's not Mr. Robinson's
8 address. So, the shooting, the place, did not happen in
9 his dwelling, in his car, or even in the curtilage of
10 his residence.

11 The next point, then, if you even get past that, is
12 going to be whether or not the stand-your-ground would
13 actually apply as a separate argument. And the problem
14 with stand-your-ground is, you have two issues with
15 that. One is, that has to be something that -- and I
16 think the *Curry* case outlines this, a relatively recent
17 South Carolina Supreme Court case outlines that, that
18 has to be without you bringing on the fault. We already
19 have what he tells police officers at the scene, and we
20 have that as a recording: *I was in a shootout earlier.*

21 So, I don't believe that he could claim that.

22 But then, at the ultimate of all of this, the
23 person that was killed was an eight-year-old, unarmed
24 child. For the *Castle Doctrine* to apply, Mr. Robinson

1 has to be afraid for his life from an eight-year-old,
2 unarmed child. And I do not believe that there's
3 anything in his motion, nor has he told you today, that
4 he was in somehow fear of his life from **Minor**
5 **██████████**. And that would be the final argument that I
6 think he would have to make in order for the *Castle*
7 *Doctrine* to apply.

8 THE COURT: All right. Thank you. All right. Mr.
9 Robinson, now I come back to you. I told you I'd give
10 you the last word. It's your motion.

11 DEFENDANT ROBINSON: My understanding of the *Castle*
12 *Doctrine* is, if a person is in the process and
13 commission of committing a violent crime against a
14 person, a reasonable person in that present position
15 would have the right to use deadly force to prevent the
16 commission of a violent crime from being committed
17 against him. As -- as defined and stated in -- by the
18 *Castle Doctrine*. Then that person would be immune to
19 criminal prosecution and civil prosecution from any use
20 of deadly force they would had the right to use.

21 Now, the State of South Carolina alleges that I
22 shot and killed the **Minor** **██████████**. What they said
23 was, they said that Aaron, Sr., Aaron, Jr. left from
24 Allen Road. They said I shot towards the truck and

1 towards the [Minor] -- that's what the police reports
2 say. I have the police report if you want to review it.
3 The police report charging me with shooting to kill the
4 [Minor] by shooting towards the truck and
5 shooting towards killing [Minor]. And they
6 say a bullet killed [Minor] while I was
7 shooting towards Aaron, Sr. and Aaron, Jr.

8 Now, I don't know how they came up with that
9 scenario, because I did not shoot and kill [Minor]
10 [Minor]. The forensic evidence they say they had,
11 that proves that I did not shoot kill [Minor]
12 or whatever. The bullet, in no way possible I could
13 have even possibly killed [Minor].

14 However, at the time --

15 THE COURT: Let me just address that point before
16 we leave it, because that's an important point, and I'm
17 going to talk about that before you leave and get to
18 another point.

19 If, in fact, they have no evidence that says that
20 you fired the fatal shot, then that's a different
21 matter. That raises a different defense. That doesn't
22 raise the *Castle Doctrine*, because the *Castle Doctrine*,
23 is available when a person uses deadly force to prevent
24 somebody else, in certain circumstances, from harming

1 them. And it applies if a person against whom the
2 deadly force was used.

3 In this case, the deadly force was used against the
4 eight-year-old victim. That's what we're talking about
5 in this particular case. And so, the *Castle Doctrine*
6 would not apply in that particular case, because you did
7 not -- even if they can prove that you were involved in
8 the shooting or some theory would make you liable under
9 the shooting, whether you did it or not, or whether it
10 was just a felony murder, you all out just shooting at
11 each other and the stray bullet hits this person over
12 here, and everybody's equally responsible for it, under
13 any theory.

14 The *Castle Doctrine* does not apply unless you're
15 using it to protect yourself by using deadly force
16 against someone who's bringing deadly force to bear
17 against you, either in your home or your car or
18 wherever, or under the stand-your-ground defense,
19 perhaps, in another situation.

20 That's not what I understand we have here, because
21 what we have here is something different from somebody
22 trying to break into your car or into your home or into
23 your porch or whatever it happens to be, and causing you
24 harm and you shoot them or hurt them or kill them, as

1 the case might be. That gives you immunity from
2 prosecution.

3 Now, just because you don't get the *Castle Doctrine*
4 immunity, doesn't mean that you can't raise defenses in
5 the trial of this case. But it means that you still
6 have to answer for those charges before a jury. You're
7 not protected from going to trial. You've got the same
8 rights that everybody else does in a trial to tell a
9 jury that everything that you've told me here today, and
10 see if the jury, then, will believe that you're without
11 fault and then they start bringing around, coming
12 around, and that you did everything that you did to
13 protect yourself from a prolonged attack by this father
14 and son, who, as you say, were following you all over
15 Hilton Head, trying to kill you in different places on
16 the Island.

17 That scenario that you've laid out here today is
18 different from the *Castle Doctrine*. You understand the
19 distinction between the *Castle Doctrine*, which says you
20 cannot be tried in these cases, and other defenses which
21 say you can be tried or must be tried, but you have the
22 right to raise these issues as defenses. That's where
23 you find yourself with what you've explained to me
24 today.

1 I find that you're not entitled to the *Castle*
2 *Doctrine*. You've made a good record for this. And if
3 you lose at trial, you can appeal on that particular
4 issue, among others, if you have to do it. But for
5 today, I find that the *Castle Doctrine* does not apply to
6 you for those reasons I've just mentioned. Thank you.

7 I'm going to give you this stuff back. You need to
8 keep -- hang onto this.

9 All right. Are there any other motions that we
10 need to deal with today?

11 MR. STONE: I do not believe so, your Honor.

12 DEFENDANT ROBINSON: I do have some motions.

13 THE COURT: Okay. Tell me what it is, Mr.
14 Robinson, and I'll decide whether we have to hear it
15 today or whether it can wait.

16 DEFENDANT ROBINSON: Well, I had some motions to
17 dismiss for insufficient evidence.

18 THE COURT: Okay. The time to do that is after the
19 State has placed its case as evidence before yours. I
20 don't know what the evidence is yet, so I'm not in a
21 position to rule on that. That would come at a directed
22 verdict stage, after the State has put in its evidence,
23 and then I would rule as to whether or not they've got
24 enough evidence against you to send that case forward.

1 DEFENDANT ROBINSON: Okay. I had another motion
2 dealing with *South Carolina Statute 17-23-90* for dealing
3 a speedy trial motion.

4 THE COURT: Have you made a speedy trial motion?

5 DEFENDANT ROBINSON: I submitted a writ of habeas
6 corpus to you, but I don't know if you ever got it or
7 received it or not.

8 THE COURT: I haven't received any motions. They
9 might be in the court file somewhere, but I don't have
10 anything. It might be very well in the court file, but,
11 no, I haven't received those or acted on those. But and
12 I'm not sure whether the State's prepared to go today
13 forward on arguing that motion. I'll be glad to hear
14 it.

15 MR. STONE: We're not, but I think we solved the
16 problem, your Honor, by, once we determine the
17 schedules, I think everyone recognizes that we are
18 prepared to go forward at the next available court term
19 that your Honor would be available.

20 THE COURT: Okay. That's true. This case is set
21 for the next available court term, Mr. Robinson, and
22 that would address your habeas and your speedy trial
23 motions.

24 DEFENDANT ROBINSON: Well, I -- okay. I, just for

1 the record, I just want it on record that I do request
2 for a speedy trial under *South Carolina Statute 17-23-90*
3 by the second term of court and as -- as -- as it is
4 written in that statute, because this case, I was -- I
5 requested like -- I filed like five or six motions for a
6 speedy trial so far, and it been going on over a year,
7 and they just was ignoring my motions, violating my
8 speedy trial, so I just want that on court record that I
9 was -- I request for that.

10 THE COURT: I'll note that.

11 DEFENDANT ROBINSON: Okay.

12 THE COURT: The record will reflect that.

13 DEFENDANT ROBINSON: Thank you.

14 THE COURT: Thank you, Mr. Robinson. All right.

15 Gentlemen, -- and I'm going to let Mr. Robinson go
16 on.

17 I'm concerned that you know my schedule. In
18 retirement, I work one week a month. I work the whole
19 week. I even work on Fridays. I consider that a work
20 day. When you only work one week a month, you can work
21 five days a week. And I just want to be sure that, when
22 I get back in April, that we can finish that in one
23 week. Because the following week, the following Monday,
24 I am scheduled to be in Greenville to hear a week-long

1 arbitration that's been scheduled now for about nine
2 months, involving people from in and out of the country.
3 And I'm going to have to be available to be there. I
4 can't, you know. So, but I'm here. I'll come early.
5 I'll work late. You know, whatever you all need to do.
6 I just want to make sure that everybody understands that
7 I'm here for a week.

8 MR. STONE: Yes, sir.

9 THE COURT: Okay? All right. Thank you. Anything
10 further, then, in this matter before we go for the day?

11 MR. VAUX: No, sir.

12 MR. STONE: Not from the State, your Honor.

13 THE COURT: Thank you.

14 END PROCEEDING 10:15 A.M.

CERTIFICATE OF REPORTER

FEBRUARY 27, 2014 TRANSCRIPT OF HEARING

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

I, Wanda H. Rowe, CVR-CM, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing February 27, 2014 Transcript of Hearing is a true, accurate, and complete record of the proceedings had on said date in the case of State of South Carolina versus Tyrone Robinson, et al, Beaufort County, South Carolina, Court of General Sessions, Case Numbers 2012-GS-07-01935, 2012-GS-07-01932, and 2012-GS-07-02173; that no exhibits were admitted.

I further certify that I am of neither kin, counsel, or interest to any party hereto.

THIS CERTIFICATE OF REPORTER CONTAINS MY ORIGINAL SIGNATURE AND IS ATTACHED TO THE ORIGINAL TRANSCRIPT REQUESTED BY SCCID. PURSUANT TO SCACR 607, REQUESTS FOR COPIES OF THIS TRANSCRIPT MUST BE MADE TO THE COURT REPORTER. UNAUTHORIZED COPYING/EMAILING IS PROHIBITED.

Witness my signature July 9, 2016.



Wanda H. Rowe, CVR-CM
Official Court Reporter

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

INDICTMENT
2012GS0701935

At a Court of General Sessions, convened on October 18, 2012, the Grand Jurors of Beaufort County present upon their oath:

Murder / Murder

That in Beaufort County on or about September 1, 2012, while engaged in an ongoing gun battle, an inherently dangerous felony, Tyrone Robinson did willfully, unlawfully and with malice aforethought cause the victim [Minor] to be shot and killed in the area of Marshland Drive and Allen Road, Hilton Head Island, SC, and that [Minor] did die in Beaufort County as a proximate result thereof on September 1, 2012; in violation of Section 16-3-10 of the South Carolina 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.

Gene M. Shaw

WITNESSES

Inv. L. Albertin-BCSO

ARREST WARRANT NUMBER

2012A0720300114

ACTION OF GRAND JURY

Madeline Beard
Foreperson of Grand Jury
Date: **OCT 18 2012**

VERDICT

Foreperson of Petit Jury
Date:
INDICT

DOCKET NO. 2012GS0701935

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

October Term 2012

THE STATE

vs.

Tyrone Robinson

Indictment for

Murder / Murder

SC Code: 16-03-0010; 16-03-0020
CDR Code:0116

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
Hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

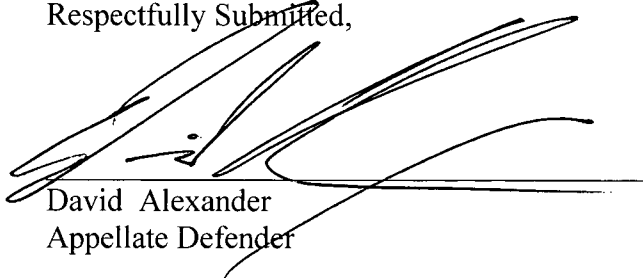
Witness:

C.C.C. PLS. and G.S.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 5th day of November, 2018.

RECEIVED
NOV 05 2018
SC Court of Appeals