

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Williamsburg County

Honorable Benjamin H. Culbertson, Circuit Court Judge

RECEIVED
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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

HAKEEM

EDWIN,

APPELLANT.

APPELLATE CASE NO. 2017-002602

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
 COUNTY OF WILLIAMSBURG)

STATE OF SOUTH CAROLINA)

STATE,)

TRANSCRIPT OF RECORD
 17-GS-45-00094

v.)

HAKEEM EDWIN,)

DEFENDANT.)

September 19, 2017
 Kingstree, South Carolina

BEFORE :

THE HONORABLE BENJAMIN H. CULBERTSON, JUDGE

APPEARANCES:

WARREN S. ANDERSON, ESQ.
 Assistant Solicitor

DOWARD K. HARVIN, ESQ.
 Attorney for Defendant

FRANCES B. RAY, RPR
 Circuit Court Reporter

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(There were no exhibits submitted.)

1 WHEREUPON,

2 **HAKEEM EDWIN,**

3 having been duly sworn by the Clerk, testified
4 as follows:

5 MR. ANDERSON: May it please the Court.

6 THE COURT: Yes, sir.

7 MR. ANDERSON: Your Honor, before you is
8 Hakeem Edwin on indictment number 2017-GS-45-94.
9 He's pleading guilty today to two offenses, one of
10 attempted murder and the other armed robbery. The
11 only recommendation in this case is the sentences be
12 run together, concurrently. He's represented by
13 Doward Harvin of the Williamsburg County Public
14 Defender's Office, and law enforcement and the
15 victims are present and wish to address the Court at
16 the appropriate time.

17 THE COURT: All right, Mr. Harvin, you
18 represent Hakeem Edwin on the charge of attempted
19 murder and armed robbery?

20 MR. HARVIN: Yes, Your Honor.

21 THE COURT: Have you discussed with your
22 client the charges against him, his rights as a
23 defendant, and the consequences of being convicted
24 of these crimes?

25 MR. HARVIN: I have.

1 THE COURT: In your opinion does your
2 client understand the charges against him, his
3 rights as a defendant, and the consequences of being
4 convicted of these crimes?

5 MR. HARVIN: Yes, I believe he does.

6 THE COURT: And does he wish to plead
7 guilty or not guilty?

8 MR. HARVIN: He wishes to enter a plea of
9 guilty.

10 THE COURT: Do you agree with his decision
11 to plead guilty to these charges?

12 MR. HARVIN: Yes.

13 THE COURT: Based upon the information you
14 have, if this case were proceeded to trial do you
15 feel that the State could prove your client's guilt
16 beyond a reasonable doubt?

17 MR. HARVIN: Yes, Your Honor.

18 THE COURT: Has your client received a
19 competency evaluation?

20 MR. HARVIN: No, sir.

21 THE COURT: Do you feel that he needs a
22 competency evaluation?

23 MR. HARVIN: No, sir.

24 THE COURT: All right. Sir, your name is
25 Hakeem Edwin?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Mr. Edwin, you have been
3 charged and indicted by the grand jury on the
4 charges of attempted murder and armed robbery, and
5 according to your attorney you wish to plead guilty
6 to these charges; is that correct?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Before I can accept your
9 guilty plea I've got to go over some questions with
10 you to be sure that you understand the charges
11 against you, that you understand your rights as a
12 defendant, that you understand the consequences of
13 pleading guilty, and I must be sure you're pleading
14 guilty voluntarily. During the past 72 hours have
15 you taken any medication, consumed any alcohol or
16 drugs, or been under any influence that would affect
17 your ability to know why you're here?

18 THE DEFENDANT: No, sir.

19 THE COURT: Do you understand why you're
20 here today?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Is there anything about this
23 hearing that you want to ask your lawyer or ask me
24 before we proceed?

25 THE DEFENDANT: Just that I don't get the

1 —

2 THE COURT: Excuse me?

3 THE DEFENDANT: I just want to know about
4 the charges. The charge carries a maximum. I'm
5 trying not to get the maximum charge or the max,
6 between the minimum sentence that —

7 (Mr. Harvin confers with defendant.)

8 THE COURT: All right, I'll go over that
9 with you in just a minute, okay? All right, my
10 question is, do you have any questions about the
11 procedure that we're following?

12 THE DEFENDANT: No, sir.

13 THE COURT: Do you have any questions
14 about this hearing?

15 THE DEFENDANT: No, sir.

16 THE COURT: All right. If you don't
17 understand what's going on or if you have any
18 questions, let me know, okay?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: All right. Now even though
21 you've been indicted by the grand jury, under the
22 Constitution of the United States you're presumed
23 innocent of these crimes and you have the right to
24 have your guilt or innocence determined by a jury
25 trial of your peers. The State bears the burden of

1 proving your guilt beyond a reasonable doubt. You
2 do not have to prove your innocence, and you cannot
3 be compelled to testify against yourself. You also
4 have the right to confront and cross-examine anybody
5 who testifies against you. If you choose, you can
6 present a defense to these charges; but when you
7 plead guilty, you give up all of those rights. You
8 understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And do you want to give up
11 those rights and plead guilty to these charges?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. And you understand
14 that for attempted murder I could send you to prison
15 up 30 years?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: For armed robbery I can send
18 you to prison up to 30 years.

19 MR. HARVIN: Yes, sir.

20 THE COURT: So if I impose the maximum
21 sentence as allowed by law and I order that they run
22 consecutively, I can send you to prison for 60
23 years. Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: You also understand that armed

1 robbery carries a mandatory minimum sentence of ten
2 years which means the absolute minimum sentence that
3 I must impose is ten years in prison?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: You understand that both of
6 these crimes are classified as a violent crime?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Which means if you're
9 convicted of another violent crime, then that
10 subsequent violent crime conviction, you would not
11 be eligible for probation and you would not be
12 eligible for parole.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: You understand that for both
15 of these charges you will not be eligible for
16 parole?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And do you understand that
19 both of these crimes are classified as serious
20 crimes. What that means is if you were ever
21 convicted of another serious crime, then that third
22 serious crime conviction, the sentence can be
23 enhanced to life in prison without the possibility
24 of parole and the State will use this guilty plea
25 against you to show two serious crime convictions on

1 your record to enhance that sentence. Do you
2 understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Knowing your rights as a
5 defendant, knowing the maximum sentence you could
6 receive, knowing that you will not be parole
7 eligible, knowing the mandatory minimum sentence
8 that must be imposed, and knowing that these are
9 classified as violent crimes and serious crimes and
10 the consequences of those classifications, do you
11 wish to plead guilty or not guilty to attempted
12 murder?

13 THE DEFENDANT: Guilty.

14 THE COURT: Do you wish to plead guilty or
15 not guilty to armed robbery?

16 THE DEFENDANT: Guilty.

17 THE COURT: Has anybody promised you
18 anything or threatened you in any way to get you to
19 plead guilty to these charges?

20 THE DEFENDANT: No, sir.

21 THE COURT: Are you pleading guilty
22 voluntarily?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Are you satisfied with your
25 lawyer?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Are you pleading guilty to
3 these crimes because you committed these crimes?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: I need you to listen carefully
6 while the Solicitor gives me the facts of your case,
7 okay?

8 All right, sir.

9 MR. ANDERSON: Your Honor, on January 2nd
10 of 2017, Officer Dixon responded to a call at 1601
11 North Long Street. When he arrived he met Melissa
12 Strong and her husband. They'd gone inside of the
13 Mishoe Barbershop and found Mr. Mishoe on the floor.
14 He was bleeding from an injury to his head and his
15 blood all over inside the barber shop. The officers
16 came and Mr. Mishoe was taken to McLeod Regional.
17 They began to process the scene. A projectile from
18 a firearm was recovered as well as swabs taken from
19 a chair believed to be used during the attack. Law
20 enforcement began to investigate the case and asked
21 out in the community how this had happened or who
22 may have information. The confidential informant
23 told them Mr. Edwin was involved in the case.

24 The DNA came back from the swabs that were
25 taken from the chair, and it was a positive CODIS

1 hit for Mr. Edwin. On the bottom of the chair, they
2 believed he used the handle to swing down on
3 Mr. Mishoe. The projectile was tested and was later
4 matched to the gun. That was recorded. The
5 officers arrested some juveniles on a different
6 armed robbery. Those juveniles said that the gun
7 that they had, they had purchased from Mr. Edwin.
8 He had sold it to them for cheap because he thought
9 it had a body on it. That projectile was matched to
10 the gun. It was a small .32 caliber pistol.

11 Mr. Mishoe was taken to the hospital. He
12 had two gunshot wounds to his cheek, shattered every
13 bone in his face and lost sight in the right eye,
14 and a significant portion of the top of his skull
15 had to be replaced with a mesh. He had items and
16 money missing from his person when he was found, and
17 he told officers later that he had been robbed.

18 Officers went and spoke to Mr. Edwin and
19 he gave a full confession. He described in detail
20 how he went to Mr. Mishoe's barbershop, how he shot
21 him and then beat him while he was on the ground
22 because he was out of bullets.

23 THE COURT: All right. Mr. Edwin, you
24 understand what the allegations are against you?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Is that what happened in this
2 case?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: All right. Mr. Harvin,
5 anything in mitigation?

6 MR. HARVIN: May it please the Court, Your
7 Honor. Mr. Edwin is a very, very young individual.
8 I don't think he's ever been in general sessions
9 court before this offense. He's been in jail for
10 253 days as of today from the time of arrest. As
11 the Solicitor's Office has stated, he did give a
12 full and very detailed confession after speaking to
13 law enforcement for a while. Judge, obviously on
14 its face, I can't deny that this isn't a heinous
15 act. From the facts, my client shot a weapon, a
16 firearm, a deadly weapon at the victim until he
17 unloaded that weapon and then struck him with an
18 object and took a wallet and, I believe, a cell
19 phone from him at that time. So there's no excuse
20 or any reason. Obviously Mr. Mishoe is here by some
21 act greater than any of us here in the courtroom.

22 And my client, I believe he is remorseful
23 about committing this crime. I don't know, and I
24 think he'll express that he may not even know what
25 prompted him to decide to commit this crime. I

1 think he realized immediately as he had committed
2 the crime that it was a terrible idea, that it
3 lacked any logic, and that was one of the reasons
4 that he finally confessed to law enforcement,
5 although it sounds like law enforcement without his
6 confession had a pretty solid case against him.

7 Judge, from my meetings with Mr. Edwin he
8 seems like a very intelligent individual. I don't
9 pick up any issues with his mental capacity at all.
10 It's kind of shocking that he stands here. I would
11 just surmise that from an IQ perspective he has a
12 very high IQ. But he made a decision, and that
13 decision has placed him in front of Your Honor.

14 Obviously both charges carry up to 30
15 years. One charge has a minimum of 10 years. The
16 Court could run it consecutive, although the State
17 has made a recommendation of a concurrent sentence.
18 Mr. Edwin is asking the Court for as much leniency
19 as possible. Primarily, he would like a sentence
20 that's between the 15 and 25, 25 year range — I'm
21 sorry, 15 to 20 year range — but he understands
22 that the Court has all authority to do what the
23 Court believes best in the interest of justice. And
24 Judge, I would ask you to allow him the opportunity
25 to speak if he would like to —

1 THE COURT: All right.

2 MR. HARVIN: —give some type of
3 statement in mitigation for himself.

4 THE COURT: All right. Mr. Edwin, is
5 there anything you want to say?

6 THE DEFENDANT: I want to apologize to the
7 victim 'cause you know what happened that day, it
8 wasn't planned or intentionally meant to happen.
9 It's something that did happen. As Ms. Mishoe can
10 tell you, I've worked for their family also. It
11 hadn't been the first time I ever been in that
12 barbershop. I sat and talked with him. We just sat
13 and talked multiple times before, numerous times
14 that I can't count but. That particular day I don't
15 know what came over me or why it happened; it just
16 happened. And I want to tell them I apologize for
17 the pain I caused this family, and that's all I have
18 to say before...

19 THE COURT: All right. You said the
20 victims wish to speak?

21 MR. ANDERSON: Mr. Mishoe is here, would
22 like to address the Court.

23 THE COURT: All right.

24 MR. ANDERSON: Give the court reporter
25 your name.

1 THE VICTIM: Edward Mishoe.

2 THE COURT: All right, Mr. Mishoe, what
3 would you like to say?

4 THE VICTIM: On January 2nd I was robbed
5 and shot in the face twice, and I was beaten in the
6 head with a chair which I had to have metal-nose
7 surgery; and it affected my, use of my left arm.
8 I'm blind in my right eye. And I still have other
9 health problems I have to face, and I still have
10 problems every day as far as walking and standing
11 and all kind of health problems now.

12 THE COURT: Thank you, sir.

13 Anyone else want to speak?

14 MR. ANDERSON: Your Honor, this is Robert
15 Lee from the Kingstree Police Department.

16 THE COURT: All right.

17 THE INVESTIGATOR: May it please the
18 Court, Your Honor. I was the lead investigator on
19 this case. In my ten years of law enforcement this
20 is the most heinous crime that I've ever had the
21 displeasure of working. I dealt with Mr. Edwin
22 several occasions in my ten years with the Kingstree
23 Police Department. On this particular day it's my
24 belief that Mr. Edwin, that Mr. Edwin had one
25 intention on his mind and that was to kill

1 Mr. Mishoe. He was shot multiple times in the face
2 and then beaten savagely with a metal chair which
3 were all linked back to Mr. Edwin. And what bothers
4 me the most about this case is during the interview
5 that myself and an investigator from Williamsburg
6 County Sheriff's Office conducted on Mr. Edwin, the
7 last statement he made on the tape was is, "I
8 figured this would bother me because of what
9 happened, but it really doesn't bother me. What
10 makes me mad is that I didn't get any money." So
11 that in itself should state right there there's no
12 remorse; that him shooting and beating the gentleman
13 almost to death, he showed no remorse for it. And
14 up until the interview Mr. Edwin actually thought
15 Mr. Mishoe was dead. They thought he was deceased.
16 He only learned that Mr. Mishoe was alive at the end
17 of the interview when I told him that he didn't
18 murder Mr. Mishoe, he's still alive.

19 THE COURT: All right, thank you, sir.

20 THE INVESTIGATOR: Yes, sir.

21 THE COURT: Any prior record?

22 THE DEFENDANT: Can I say something?

23 THE COURT: No.

24 Any prior record?

25 MR. ANDERSON: I was only aware of

1 juvenile offenses, but the Clerk may be able to...

2 THE INVESTIGATOR: He has a long record,
3 burglary.

4 MR. HARVIN: And Judge, just for the
5 record, any statements I made about his record is
6 based upon what I received from the Solicitor's
7 Office so I didn't have anything in my file in
8 discovery that talked about any.

9 MR. ANDERSON: As we said at side bar I
10 was under the impression he did not have a record as
11 well.

12 THE INVESTIGATOR: He has a very long
13 record.

14 THE COURT: Can we get — are you getting
15 his record now?

16 MR. ANDERSON: She's — it is, Your Honor,
17 it's printing now. May we have a moment to show
18 this to Mr. Harvin?

19 THE COURT: All right.

20 (Pause.)

21 MR. ANDERSON: I apologize about that,
22 Your Honor. I've reviewed this with Mr. Harvin. He
23 has a filing false police report.

24 THE COURT: From when?

25 MR. ANDERSON: From 2014, Your Honor. He

1 has a burglary in the third degree from that same
2 year, a common law robbery from 2015, and then a
3 grand larceny from 2015.

4 THE COURT: All right.

5 All right, Mr Edwin, I will accept your
6 guilty plea. I find that it's made knowingly,
7 voluntarily, fully advised of your rights as a
8 defendant, the nature of the charge against you, and
9 the consequences of your guilty plea. I also find
10 that there is a factual basis to support these
11 charges against you.

12 For each charge, the sentence of the Court
13 is that you be confined to the State Department of
14 Corrections for 30 years. The sentences will run
15 concurrent. You'll receive credit for any time
16 served thus far. All right, thank you.

17

18 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *

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20

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22

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24

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C E R T I F I C A T E O F R E P O R T E R

STATE OF SOUTH CAROLINA)

COUNTY OF FLORENCE)

I, FRANCES B. RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Third Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 19th day of September, 2017.

Frances B. Ray

FRANCES B. RAY, RPR

WITNESSES

R. Lee Kingstree Police
Department

ARREST WARRANT NUMBER

2017A4520300003 2017A4520300004
2017A4520300005

2017A4520300006

ACTION OF GRAND JURY

TRUE BILL

Date 3/23/17

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

20

DOCKET NO. 2017-GS-45-0094

The State of South Carolina

County of WILLIAMSBURG

COURT OF GENERAL SESSIONS

March TERM 2017

THE STATE

vs.

HAKEEM EDWIN

Indictment for

Attempted Murder

Armed Robbery

Possession of a weapon during a violent crime

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

2017 MAR 23 PM 12:16

STATE OF SOUTH CAROLINA)
)
 COUNTY OF WILLIAMSBURG)

INDICTMENT FOR

Attempted Murder
 Armed Robbery
 Possession of a weapon during a violent crime

At a Court of General Sessions, convened on 03/07/2017 the Grand Jurors of
 WILLIAMSBURG County present upon their oath:

COUNT ONE
ATTEMPTED MURDER

That Hakeem Edwin did in Williamsburg on or about 01/02/2017, violate Section 16-3-29 of the Code of Laws of South Carolina (1976), as amended, in that the said Hakeem Edwin did with intent to kill, attempt to kill another person, Edward Mishoe, with malice aforethought, either express or implied, by bludgeoning the victim with a chair and shooting him in the head with a firearm.

COUNT TWO
ARMED ROBBERY

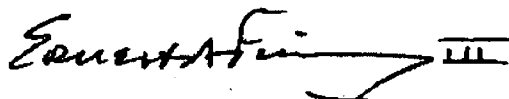
That on or about January 2, 2017, in Williamsburg County, South Carolina, the Defendant, Hakeem Edwin, did by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, was armed while using a representation of a deadly weapon or other object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, did take and carry away goods and or monies from the person or immediate presence of Edward Mishoe with the intent to permanently deprive the victim of possession thereof, to wit; he did present a pistol to the victim Edward Mishoe and take keys and a cellphone from his person, in violation of Section 16-11-330(A) of the South Carolina Code of Laws, 1976, as amended.

COUNT THREE
POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME

That Hakeem Edwin did in Williamsburg County, on or about January 2, 2017, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, to wit; he did have .32 caliber revolver in his possession during the commission of an armed robbery, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

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

Solicitor

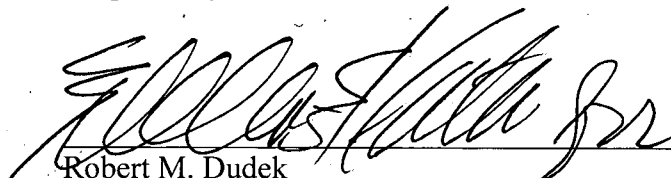


ARRO2

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,



Robert M. Dudek
Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

This 8th day of October, 2018.

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SC Court of Appeals