

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County

Jennifer B. McCoy, Circuit Court Judge

**ORIGINAL
RECEIVED**

OCT 02 2019

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

JAMIE JERMAINE ROBINSON,

APPELLANT

APPELLATE CASE NO. 2018-002259

RECORD ON APPEAL

SUSAN B. HACKETT
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

WILLIAM M. BLITCH
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

INDEX

INDEX i

TRIAL TRANSCRIPT DATED JULY 16-19, 2018.....1

 JURY VOIR DIRE9

 JURY SELECTION.....37

 PRETRIAL MOTIONS50

 MOTION TO EXCLUDE EVIDENCE OF PRIOR BAD ACTS57

 TESTIMONY

 EDWARD LEGREE.....57

 TAMIEKA MOON.....69

 RULING BY THE COURT.....89

JACKSON V. DENNO HEARING.....91

 TESTIMONY

 JASON MALPHRUS91

 ADAM ZSAMAR.....101

 RULING BY THE COURT ON THE ADMISSIBILITY
 OF THE FIRST STATEMENT107

 TESTIMONY

 TODD DUNCAN109

 RULING BY THE COURT ON THE ADMISSIBILITY
 OF THE SECOND STATEMENT116

 OPENING STATEMENT BY MS. SMITH127

 OPENING STATEMENT BY MS. CAMPBELL.....133

 TESTIMONY

ALLYSON MOREIRA139

TROY KRAPF.....141

HAZEL ROBINSON151

MICHAEL PINCKNEY174

BRANDON DISBROW183

TODD DUNCAN203

JAMIE GREEN210

JASON MALPHRUS219

MOTION TO SUPPRESS JAIL CALL241

 EDDIE AIKEN (In Camera).....245

RULING BY THE COURT ON THE MOTION TO SUPPRESS.....251

TESTIMONY

 EDDIE AIKEN255

 TODD DUNCAN263

 EDWARD LEGREE.....310

MOTION TO ADMIT FACEBOOK POSTS324

RULING BY THE COURT.....328

TESTIMONY

 EDWARD LEGREE (Continued)334

 TAMIEKA MOON.....335

 JENNIFER NATES348

 ANDREW GARINGER358

 PAULO PANCHECO.....375

ELLEN RIEMER.....	380
STATE RESTS.....	386
MOTION FOR DIRECTED VERDICT.....	387
RULING BY THE COURT.....	389
COLLOQUY WITH DEFENDANT ON HIS RIGHT TO TESTIFY	390
CHARGE CONFERENCE.....	395
CLOSING ARGUMENT BY MS. SMITH.....	413
CLOSING ARGUMENT BY MS. CAMPBELL.....	427
CHARGE ON THE LAW	444
JURY QUESTION.....	465
RECHARGE ON THE LAW	467
VERDICT	477
SENTENCING	489
POST-TRIAL HEARING TRANSCRIPT DATED DECEMBER 17, 2018.....	492
MOTION TO RECONSIDER SENTENCE.....	494
RULING BY THE COURT.....	497
MOTION FOR A NEW TRIAL.....	497
COURT'S RULING	499
STATE'S EXHIBIT #36 (<u>MIRANDA</u> FORM)	505
INDICTMENTS AND SENTENCE SHEETS.....	506
CERTIFICATE OF COUNSEL	512

THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:

STATE'S EXHIBIT #37 (CD)

1 taping of Mr. Robinson's jail phone calls and then the
2 State using those as an investigative tool rather than
3 their proper use which is securing measures for the
4 Detention Center. We objected to the admission of that.
5 And on that basis, again, after Your Honor admitted it.
6 We would ask again on that basis for the new trial.

7 THE COURT: Okay, it is interesting. You did make
8 an interesting argument regarding the jail phone call.
9 And I in further -- and I ruled. Obviously I allowed it
10 in at the time.

11 I have done further research and I do believe the
12 case law supports that there -- there is no right to
13 priv- -- there is no reasonable expectation of privacy
14 into these jail phone calls. That seems to be the
15 jurisprudence that we are operating under. So my ruling
16 with regards to admissibility stands as well.

17 MS. CAMPBELL: Thank you. And then we will just --
18 Number 5 and 6, and that would conclude Mr. Robinson's
19 post-trial motions, was that at our directed verdict
20 motions stage the court erred in denying his directed
21 verdict and then that the verdict was not supported by
22 the evidence in this case.

23 And with that I would conclude. And thank you, Your
24 Honor, for hearing us today.

25 THE COURT: Absolutely.

1 Ms. Smith, anything you want to address on the
2 record as to my denying the motion for directed verdict
3 and the verdict not being supported by the evidence?

4 MS. SMITH: Judge, we would agree with the ruling.
5 I think one of the arguments was our failure to prove
6 malice, that we only elicited that through testimony of
7 the victim's children. But in fact Ms. Robertson,
8 Jamie's mother, testified as to malice and what malice
9 could be inferred from his actions and their relationship
10 in the past and of his actions that night.

11 Thank you.

12 THE COURT: I stand by my ruling on your motion for
13 directed verdict. I do think that the State has met
14 their burden at that stage of the trial.

15 And as far as the jury's verdict of voluntary
16 manslaughter I do find that certainly that their verdict
17 to the lesser included was supported by the evidence
18 presented by the State at trial, that they met their
19 burden as to all of the elements required for that
20 charge. So I will not grant your motion for a new trial
21 on that ground as well.

22 But I appreciate you being here today. Anything
23 else you need to put on the record?

24 MS. CAMPBELL: Thank you, Judge. No, not at this
25 time.

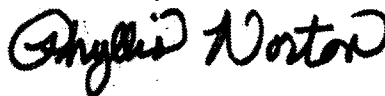
1 THE COURT: Okay. All right. Thank you, ladies.
2 Appreciate it.
3 MS. SMITH: Thank you, Judge.
4 THE COURT: Mr. Robinson, good to see you again.
5 MR. ROBINSON: Yes, ma'am.
6 THE COURT: Good luck, sir.
7 (WHEREUPON, the hearing concluded.)

(NOTE: Please contact the court reporter for additional copies or certified transcripts.)

CERTIFICATE

I, the undersigned Phyllis Norton, Official Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all proceedings had and evidence introduced in the captioned case, relative to appeal, in the court for South Carolina, on December 17, 2018.

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



PHYLLIS NORTON, CVR

Date: February 8, 2019

Certified Transcript Provided For: SCCCID
Certification Reference #2019-0208 Original



BEAUFORT COUNTY SHERIFF'S OFFICE

Miranda Warning Form

Case Number: 16S230894

Location Where Miranda Issued: DJS

Name: Jamie Robinson Date of Birth: 10/21/72

Statement of Rights

JR 1. You have the right to remain silent.
(Initials)

JR 2. Anything you say can and will be used against you in a court of law.
(Initials)

JR 3. You have the right to have an attorney present before or during questioning.
(Initials)

JR 4. If you cannot afford an attorney, one will be appointed for you before any questioning, if you wish.
(Initials)

Waiver of Rights

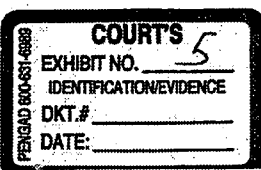
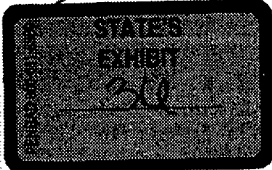
Do you understand each of these rights I have explained to you? YES: JR NO: _____
(Initials)

Having these rights in mind, do you wish to talk to us now? YES: JR NO: _____
(Initials)

Signature: [Signature] Date: 10/29/16 Time: 2:30 AM

Witness: [Signature] Date: 10/29/16 Time: 0230

Witness: [Signature] Date: 10/29/16 Time: 0230



WITNESSES

T. Duncan, BCSO

DOCKET NO. 2016GS0701999

The State of South Carolina
County of Beaufort

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

Defendant

COURT OF GENERAL SESSIONS

March Term 2017

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

THE STATE

vs.

Jamie Jermaine Robinson

ARREST WARRANT NUMBER

2016A0710400398

Indictment For

Possession of Weapon During
Violent Crime

SC Code: 16-23-490

CDR Code: 0549

Defendant

Nelly B. Bosworth
Foreperson of Grand Jury

Date:

Witness:

VERDICT

Guilty

True Bill

Sylvia Caldero
Foreperson of Petit Jury

Date: 7/19/18

INDICT

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

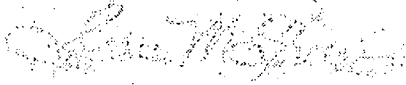
INDICTMENT
2016GS0701999

At a Court of General Sessions, convened on March 23, 2017, the Grand Jurors of Beaufort County present upon their oath:

Possession of Weapon During Violent Crime

That in Beaufort County, South Carolina, on or about October 29, 2016, the Defendant, Jamie Jermaine Robinson, did possess a firearm, visibly displayed what appeared to be a firearm during the commission of a violent crime, to wit: Murder and Jamie Jermaine Robinson was convicted of committing or attempting to commit a violent crime as defined in Section 16-1-60, to wit: Murder, all in violation of Section 16-23-490, et al. of the Codes of Law of South Carolina.

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



Solicitor

True Bill

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Beaufort

STATE

INDICTMENT/CASE#: 2016-GS-01-1999

Jamie vs Robinson

AW#: 2016 A0710400370

AKA:

Date of Offense: 6/29/16

Race: B Sex: M Age:

S.C. Code §: 16-23-490

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 549

Address: [REDACTED]

SENTENCE SHEET

City, State, Zip: Beaufort, SC 29907

DL# _____ SID# _____

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: INDV

CONVICTED OF or PLEADS

In violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 549

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury, (def. s initials) Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] Solicitor SC Bar # _____ Defendant [Signature] Attorney for Defendant SC Bar # 15149

WHEREFORE the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 628 days credit
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOP.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

PTUP _____ days/hours Public Service Employment

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: Set by SCDPPPS

Recipient: _____

*Fine:	\$	
§14-1-206 (Assessments 107.5%)	\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100 -
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25 -
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk [Signature]
Court Reporter: [Signature]

SCCA/217 (04/2018)

Obtain GED
Attend Voc. Rehab. Or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol Testing
Fine may be pd. in equal consecutive weekly installments of \$ _____ Beginning _____ Paid to Public Defender
Other: _____
Certified True Copy
Jerrilyn Rosebrouck - Clerk of Court
Beaufort County SC - Jennifer Pettit

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge [Signature]
Judge Code: 2764
Sentence Date: 7/19/16

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

WITNESSES
T. Duncan, BCSO

DOCKET NO. 2016GS0701987

The State of South Carolina
County of Beaufort

Defendant

COURT OF GENERAL SESSIONS

March Term 2017

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

ARREST WARRANT NUMBER

2016A0710200393

THE STATE

vs.

Jamie Jermaine Robinson

Indictment For

Murder

SC Code: 16-3-10

CDR Code: 0116

Defendant

Nally B. Brando
Foreperson of Grand Jury
Date:

Witness:

VERDICT

Guilty of the lesser included offense
True Bill

Voluntary Manslaughter
Foreperson of Petit Jury *Ylma Ondo*
Date: 7/19/18
INDICT

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

INDICTMENT
2016GS0701987

At a Court of General Sessions, convened on March 23, 2017, the Grand Jurors of Beaufort County present upon their oath:

Murder

That in Beaufort County, South Carolina, on or about October 29, 2016, the Defendant, Jamie Jermaine Robinson, did, with malice aforethought, kill Eulia Moon and Eulia Moon did die as a proximate result of Jamie Jermaine Robinson's actions, all in violation of Section 16-3-10, et al. of the Codes of Law of South Carolina.

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



Solicitor

True Bill

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Beaufort

STATE

INDICTMENT/CASE#: 2016-GS-07-1987

Jamie vs. Robinson

AW#: 2016A0710200393

AKA:

Date of Offense: 10/29/16

Race: B Sex: M Age:

S.C. Code §: 16-3-050

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 217

Address:

City, State, Zip: Beaufort, SC 29907

DL# SID#

*CDL Yes No CMV Yes No Hazmat Yes No

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was TO: Voluntary Misdemeanor

CONVICTED OF or PLEADS

In violation of § 16-3-50 of the S.C. Code of Laws, bearing CDR Code # 217

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense. Defendant Waives Presentation to Grand Jury. (def. s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence. Recommendation by the State.

ATTEST [Signature] Solicitor SC Bar # [Signature] Defendant Attorney for Defendant SC Bar # 15149

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 30 days/months/years or under the Youthful Offender Act not to exceed 30 years and/or to pay a fine of \$ 0; provided that upon the service of 30 days/months/years and or payment of \$ 0; plus costs and assessments as applicable; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2016-GS-07-1999
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 623 days credit

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

PTUP _____ days/hours Public Service Employment

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: Set by SCDPPPS

Obtain GED Attend Voc. Rehab. Or Job Corp.

Recipient: Public Defender App. Fee

May serve W/E beginning Substance Abuse Counseling Random Drug/Alcohol Testing Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning \$ _____ Paid to Public Defender For _____ Other: _____

*Fine:		\$	<u>40 -</u>
§14-1-206 (Assessments 107.5%)		\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	<u>100 -</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	
§56-5-2995 (DUI Assessment)	\$12	\$	
§56-1-286 (DUI Breath Test)	\$25	\$	
Proviso (Public Def/Probation)	\$500	\$	
§14-1-212 (Law Enforce. Funding)	\$25	\$	<u>25 -</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$	
§50-21-114 (BUI Breath Test Fee)	\$50	\$	
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
3% to County (if paid in installments)		\$	<u>3.75</u>

TOTAL \$ 1168.75

Other: _____

Clerk of Court/Deputy Clerk [Signature]
Court Reporter: [Signature]

Appointed PD or appointed other counsel. Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.
Presiding Judge [Signature]
Judge Code: 2764
Sentence Date 7/19/18

Certified True Copy
Jeri Amy Rosemeau - Clerk of Court
Beaufort County, SC - Jennifer Petroff

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,

Susan B. Hackett

Susan B. Hackett
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 2nd day of October, 2019.

RECEIVED
OCT 02 2019
SC Court of Appeals