

**STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

**Appeal From Dorchester County
The Honorable Diane S. Goodstein, Circuit Court Judge**

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TIMOTHY DION ROGERS,

S.C. Supreme Court

Respondent,

vs.

STATE OF SOUTH CAROLINA,

Petitioner.

SUPPLEMENTAL APPENDIX

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INDEX

INDEX	i
Page 625 - Post-Conviction Relief Transcript of Record	1
Page 731 - Post-Conviction Relief Transcript of Record	2
Page 1219 - Post-Conviction Relief Transcript of Record	3
Page 19 - Post-Conviction Relief Hearing Transcript - March 25, 2005	4
Page 4 - Respondent's proposed Order - May 11, 2007	5

Robert Bryant - Direct Exam by Ms. Holt

- 1 Q. How did it turn out?
- 2 A. My personal opinion I really --
- 3 Q. Your personal experience.
- 4 A. Yeah, ~~I really felt we could do without him,~~
- 5 ~~so far as helping I really don't know how much he~~
- 6 ~~helped.~~
- 7 Q. Did he work much?
- 8 A. ~~I seen him leave the house, so I assume he~~
- 9 ~~went to work~~ so, yeah, I'd say he work all the time
- 10 because he always gone to do jobs.
- 11 Q. He was gone to do jobs?
- 12 A. Yeah.
- 13 Q. Do you remember moving to South Carolina?
- 14 A. Yeah. Yeah.
- 15 Q. How did that -- what was that like for you?
- 16 A. Well, ~~I didn't want to move to South Carolina~~
- 17 ~~period.~~
- 18 Q. Why?
- 19 A. ~~Because it's the South, you know. The South~~
- 20 ~~when you're raised in New York, you don't really want~~
- 21 ~~to come to the South even for vacation.~~
- 22 Q. Why?
- 23 A. ~~Because that's what you hear and you don't --~~
- 24 ~~you hear so much about the South, and you don't~~
- 25 ~~really want to come to the South because of all the~~

Robert D. Robbins - Direct Exam by Mr. Salter

1 your full name for the record.

2 Mr. Salters, Mr. Robbins delivered
3 the solicitor's file, it is in chambers. I
4 don't know if or when you want to retrieve
5 it, Ms. Holt, Mr. Bloom, I don't know when
6 you all want to retrieve it, but it's there.

7 THE WITNESS: Robert Douglas Robbins.

8 DIRECT EXAMINATION

9 BY MR. SALTER:

10 Q. Where are you currently employed, sir?

11 A. I am the solicitor for the First Judicial
12 Circuit.

13 Q. How long have you worked in the First Circuit
14 Solicitor's Office?

15 A. Since June of '97.

16 Q. All right. Before that where were you
17 employed?

18 A. I was employed from 1987, I guess in August
19 of '87 through June of '97, with the law firm of Jim
20 Bell here in St. George.

21 Q. What percentage of your practice was devoted
22 to criminal matters?

23 A. Mr. Salter, I'm not sure what percentage it
24 would have been, but we did -- we have general
25 practice, and in St. George in particular, it was

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THE COURT: We'll mark them as the Court's Exhibit. Again, I know we used Mr. Runyon's, I think we used Mr. Robbins', too. We'll go ahead mark them as a Court's Exhibit, make them a part of the record. And just for the record which is which?

MR. BLOOM: I'll identify that as the court reporter marks them.

THE COURT: Great.

(Marked for purposes of the record was Court's Exhibit 2, William L. Runyon, Jr.'s deposition.)

(Marked for purposes of the record was Court's Exhibit 4, Walter Bailey's deposition.)

(Marked for purposes of the record was Court's Exhibit 5, Robert D. Robbins' deposition.)

MR. BLOOM: Your Honor, if it please the Court, the original deposition of Mr. William Runyon is marked as Court's Exhibit 3, the original deposition of Walter Bailey is marked as Court's Exhibit 4, and the original deposition of Robert Robbins is marked as Court's Exhibit 5.

./March 25, 2005 Rogers v. State

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Rogers v. State - 3/25/05

STATE OF SOUTH CAROLINA)
 : C E R T I F I C A T E
COUNTY OF DORCHESTER)

I, Robin L. Keil, Registered Merit Reporter and First Judicial Circuit Court Reporter, certify that the preceding pages are a true and correct transcript of the proceedings had at the aforesaid time and place.

I certify that the same was reduced to typewritten form from my original stenograph notes by computer-aided transcription.

I further certify that I am not of counsel or kin to any of the parties to this cause of action, nor am I interested in any manner in its outcome.

IN WITNESS WHEREOF I have hereunto set my hand this the 31st day of August 2006.

who had previously been convicted of two violent crimes would have been ineligible for parole under S.C. Code § 24-21-640 if sentenced to life, and the state made his future dangerousness a major issue at sentencing.

Final Brief of Appellant at 3. Respondent filed the Final Brief of Respondent on July 7, 1995.

The South Carolina Supreme Court affirmed his murder conviction, but reversed his death sentence and remanded the matter back for resentencing because the trial judge erroneously refused to give a *Simmons v. South Carolina*, 512 U.S. 154 (1994), instruction on his parole ineligibility. *State v. Rogers*, 320 S.C. 520, 466 S.E.2d 360 (1996) (*Rogers I*). Applicant was represented on direct appeal by Chief Deputy Appellate Defender Joseph L. Savitz, III.

Motions hearings in connection with the resentencing proceeding were held on February 8 and November 20, 1996.¹ On December 2-5, 1996, a resentencing proceeding was held before Judge Whetstone and a jury. Mr. Runyon and Mr. Alan Leiendecker represented Applicant. The State, again, relied upon the statutory aggravating circumstances that the offender, by his act of murder, knowingly created a great risk of death to more than one person in a public place by means of a weapon or device which normally would be hazardous to the lives of more than one person; and, that he killed a child under the age of eleven years old. The jury unanimously found that Applicant had killed a child under the age of eleven, *see* § 16-3-20(C)(a)(10), and it recommended a sentence of death.

¹The February 8, 1996, hearing was before the Honorable Victor A. Rawl. Judge Whetstone conducted the November 20, 1996, hearing.