STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Horry County

Honorable George M. McFaddin, Circuit Court Judge

EBON ROBERTS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2020-001180

SUPPLEMENTAL APPENDIX

VICTOR R SEEGER
Appellate Defender

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

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

CHELSEY MARTO
Assistant Deputy Attorney General
1000 Assembly St., Room 519
Columbia, SC 29201

ATTORNEYS FOR RESPONDENT

INDEX

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County

Larry B. Hyman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

EBON ROBERTS,

APPELLANT

APPELLATE CASE NO 2015-002046

ANDERS BRIEF OF APPELLANT

SUSAN B. HACKETT
Appellate Defender

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

ATTORNEY FOR APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Did the trial judge violate Appellant's right to self-representation pursuant to the Sixth and Fourteenth Amendments to the United States Constitution and Article I, § 14 of the South Carolina Constitution by denying Appellant's request to represent himself?

STATEMENT OF THE CASE

On May 28, 2015, an Horry County grand jury indicted Appellant for armed robbery (2015-GS-26-01888), two counts of kidnapping (2015-GS-26-01889 & -01890), and felon in possession of a firearm (2015-GS-26-01891). R. 325-326; R. 328-329; R. 331-332; R. 334-335. On August 31, 2015, the state served notice of its intent to seek a sentence of life without the possibility of parole based on a prior kidnapping conviction. R. 7, ll. 13-15; R. 309, ll. 14-15; R. 324.[1] The state, represented by James Austin Thomas, called the case for trial before the Honorable Larry B. Hyman and a jury on September 15-16, 2015. R. 1. J.M. "Buddy" Long represented Appellant. R. 1.

After the state and defense presented their cases, the jury began its deliberations at 11:29 a.m. R. 303, ll. 13-17. At 3:20 p.m., the jury asked for a transcript of Appellant's testimony and wanted to know if the prosecution was aware of the defense theory that the alleged victims were involved in the supposed armed robbery. R. 304, ll. 6-16. The judge informed the jury that the testimony could be replayed for them and that all of the evidence in the case had been submitted. R. 305, ll. 7-18. The Court then played Appellant's testimony for the jurors. R. 305, l. 19 – R. 306, l. 10. The jury resumed deliberations at 4:12 p.m. R. 306, ll. 11-12. At 9:14 p.m., almost ten hours after the jury began deliberating, the jury had reached a verdict. R. 306, l. 18 – R. 307, l. 1. The jury found Appellant guilty has charged. R. 307, ll. 8-24.

Judge Hyman sentenced Appellant to life imprisonment without the possibility of parole for armed robbery and two counts of kidnapping. R. 319, ll. 10-14; R. 327; R. 330; R. 333. For the firearm charge, he sentenced Appellant to five years' imprisonment. R. 319, ll. 15-17; R.

[1] During the trial, the parties stipulated that Appellant had been convicted of kidnapping in October of 2007 and that such a conviction was a crime of violence. R. 182, ll. 1-22.

336. He ordered the life sentences to be served concurrently, but ordered the five-year sentence to be served consecutively to the life sentence. R. 319, ll. 18-19; R. 336.

Appellant filed a timely notice of appeal. This brief follows.

STATEMENT OF FACTS

The facts were largely undisputed – except for one crucial point: were the alleged victims really part of the plot to steal money from Wendy's?

According to Appellant, he met Rebecca Kennedy and her boyfriend, Shaun Cain, in the fall of 2014 at a convenience store. R. 238, l. 24 - R. 239, l. 13. Appellant began selling marijuana to Kennedy and Cain thereafter. R. 239, ll. 10-22. One day, while the three were smoking marijuana, Appellant revealed that he had been convicted of strong arm robbery. R. 240, l. 19 - R. 241, l. 14. Kennedy and Cain asked if he would be willing to rob again – specifically, their place of employment, Wendy's. R. 241, ll. 21-23. Cain noted that he was the manager and there were would be between $2,500 and $3,500 available. R. 242, ll. 3-4; R. 243, ll. 4-8. The plan called for Appellant to make it look like a real robbery by tying them up. R. 242, l. 11-18. The plan also called for them to split the money 50/50. R. 242, ll. 19-25. In early December 2014, Appellant saw Cain and Kennedy again and told them the robbery was "going down this weekend." R. 243, l. 22 - R. 244, l. 3. Cain and Kennedy agreed. R. 244, ll. 4-5. Cain and Kennedy denied knowing Appellant and denied conspiring to rob Wendy's. R. 68, ll. 4-6; R. 83, l. 22 – R. 84, l. 10; R. 120, ll. 14-24.

On December 8, 2014, Kennedy and Cain worked the closing shift at Wendy's in Conway, South Carolina. R. 60, ll. 11-20; R. 86, ll. 4-7. Appellant waited in the parking lot for everyone to leave except Kennedy and Cain. R. 244, l. 23 – R. 246, l. 10. Around 3 a.m., Kennedy left the restaurant and got into her car to wait for Cain. R. 60, ll. 21-22; R. 86, ll. 9-10; R. 98, ll. 21-25; R. 246, l. 1. Appellant approached her window. R. 60, ll. 22-24; R. 246, ll. 15-16. Kennedy claimed Appellant had a gun out as he approached, but Appellant denied having the gun out at that time. R. 60, ll. 22-24; R. 246, ll. 21-24. Appellant got into her backseat. R.

60, ll. 24-25; R. 246, ll. 19-20. Appellant gave a roll of duct tape to Kennedy and instructed her to tape her hands together, which she did. R. 60, l. 25 – R. 61, l. 1; R. 246, l. 25 – R. 247, l. 3.

When Cain approached the car, Appellant got out of the backseat, startling Cain. R. 61, ll. 3-5; R. 86, ll. 13-15; R. 247, ll. 14-25. The three of them then re-entered the restaurant. R. 61, ll. 3-8; R. 86, l. 21; R. 249, ll. 1-4. Cain claimed this occurred at gunpoint, but Appellant testified that although he had his gun out, it was not pointed at them. R. 86, ll. 16-17; R. 88, ll. 11-23 R. 249, ll. 5-9. Cain told Appellant that he had already dropped the money into the time-locked safe, and there was no way to retrieve it. R. 61, ll. 18-21; R. 91, ll. 2-4; R. 249, ll. 23-24; R. 250, l. 16. Incredulous, Appellant did not believe him. R. 62, ll. 8-9; R. 91, l. 5; R. 249, ll. 24-25; R. 250, ll. 16-18. The group went to the office where Cain showed Appellant the safe. R. 61, ll. 10-14; R. 91, l. 7-9; R. 249, l. 23. Cain claimed that Appellant took his wallet when he was unable to get any cash from the safe. R. 91, ll. 16-18; R. 92, ll. 12-13.[2] Cain also claimed that Appellant initially told them to tape themselves together, but when they were not doing it fast enough he took over. R. 61, ll. 13-17; R. 92, ll. 13-15; R. 117, ll. 4-19. Appellant denied taping them up in the office, explaining there was no need to do so at that time because they were his accomplices. R. 252, ll. 1-6.

A police officer, who did not testify at the trial, saw the three of them at Wendy's after hours and grew suspicious. R. 138, ll. 1-9; R. 250, ll. 3-12. The officer alerted other officers, and the restaurant was soon surrounded. R. 138, ll. 7-10; R. 139, ll. 13-15; R. 156, ll. 4-10; R. 251, ll. 16-18. The trio saw the police outside. R. 63, ll. 1-3; R. 92, ll. 18-19; R. 250, ll. 16-18. According to Appellant, Kennedy suggested Appellant wear Cain's shirt and jacket so that he would appear to be a Wendy's employee. R. 251, l. 19 - R. 252, l. 15. Everyone agreed that

[2] Appellant denied taking anything from Cain. R. 251, ll. 9-15; R. 256, ll. 13-15. No one testified to finding a wallet at the scene or in Appellant's possession.

Appellant did so. R. 63, ll. 10-12; R. 93, ll. 2-3; R. 93, ll. 13-14; R. 251, ll. 23-24. Kennedy claimed that Appellant un-taped her and Cain, then took Cain's clothes and re-taped him while Kennedy remained free. R. 83, ll. 6-18. Neither Kennedy nor Cain explained how Appellant could hold them hostage while changing clothes or even if Appellant somehow managed to maintain control of the gun while changing clothes.

Then, Appellant and Kennedy walked to the door together, leaving Cain in the office. R. 63, ll. 12-17; R. 142, ll. 10-14; R. 252, ll. 16-22. Kennedy and Cain alleged Cain was duct-taped in the office while Appellant and Kennedy left. R. 63, ll. 16-17; R. 93, ll. 3-7. Appellant tried to explain that there was a misunderstanding, but the police insisted that he and Kennedy open the door. R. 64, ll. 5-17; R. 143, ll. 6-8; R. 252, ll. 19-20. When Appellant opened the door, the police arrested the two of them. R. 64, ll. 17-20; R. 143, ll. 8-13; R. 253, ll. 1-2.[3] However, Kennedy told the police she was not involved in the robbery attempt and that Appellant alone was responsible. R. 65, ll. 5-7. This led to Kennedy's prompt release. R. 144, ll. 6-9.

[3] Kennedy claimed she unlocked the door using a key. R. 64, ll. 18-19. The officer closest to them said unlocking the door only required pressing on the bar and that Appellant had been the one to open the door. R. 143, ll.10-11; R. 154, ll. 3-5.

ARGUMENT

In violation of Appellant's right to self-representation pursuant to the Sixth and Fourteenth Amendments to the United States Constitution and Article I, § 14 of the South Carolina Constitution, the trial judge erred by denying Appellant's request to represent himself.

Relevant facts

As soon as the state called the case for trial, Appellant moved to relieve trial counsel. R. 6, ll. 10-20. The judge and Appellant then engaged in the following colloquy:

> The Court: You want to go forward with your case pro se then which means without a lawyer?
>
> The Defendant: I do want to go forward, but I don't know the law exact, so I would like time to get to know it - - -

R. 6, ll. 21-25. Appellant explained that he wanted to relieve trial counsel because the two had only met a "few times" and trial counsel had offered no assistance in develop a defense strategy for the case. R. 7, l. 23 – R. 8, l. 3. Essentially, Appellant had learned "nothing" from trial counsel. R. 8, ll. 5-7. Then, the judge inquired whether Appellant had attempted to retain private counsel. R. 8, ll. 8-9. Appellant informed the judge that he and his family were trying to hire Scott Bellamy. R. 8, ll. 10-11. In fact, Appellant had spoken to Mr. Bellamy about representing him "a couple of months" prior to the case being called to trial. R. 8, ll. 18-24.

The judge then stated that he was "not going to continue this case." R. 8, l. 25 – R. 9, l. 1. He stated that if Appellant wanted to relieve trial counsel and represent himself, they would "talk about that." R. 9, ll. 1-3. The judge then quickly stated he "would strongly suggest that you do not do it." R. 9, ll. 3-4. It appeared the judge's decision was motivated by a strong desire to "move the docket" in light of his remarks that the case was "on the roster" and was "set for trial." R. 9, ll. 4-5. He saw "no good reason for th[e] case not to be tried." R. 9, l. 6.

When Appellant asked for clarification, the judge stated he was "not going to continue th[e] case" and that Appellant had "had enough time." R. 9, ll. 8-11. Appellant noted that trial counsel's caseload was "two hundred and eight people in a year's time" and there was simply "no way he could represent them all equally and adequate[ly]." R. 9, ll. 12-17. To this, the judge responded, "[w]e do it every day, and he's a good lawyer." R. 9, ll. 18-19. The judge noted that Appellant may have wanted to retain a lawyer, but had not done so. R. 9, ll. 20-23. A member of Appellant's family told the judge she had recently spoken to Mr. Bellamy's secretary. R. 10, ll. 9-13. The judge stated again that he was "not going to continue th[e] case." R. 10, ll. 14-15. When Appellant tried yet again to relieve trial counsel, the judge responded, "I don't know how much clearer I can be." R. 11, ll. 7-12. The judge had ruled to "deny both motions" – the motion to continue and permit Appellant to retain a new lawyer and the motion to relieve trial counsel and proceed *pro se*. R. 10, ll. 20-22.

Discussion

A criminal defendant "has the constitutional right to represent himself under both the federal and state constitutions." State v. Barnes, 407 S.C. 27, 35, 753 S.E.2d 545, 550 (2014) (citing State v. Starnes, 388 S.C. 590, 698 S.E.2d 604 (2010)); see also State v. Winkler, 388 S.C. 574, 586, 698 S.E.2d 596, 602 (2010) (explaining "[a]n accused may waive the right to counsel and proceed pro se" and "[t]he request to proceed pro se must be clearly asserted by the defendant prior to trial").[4] "The Sixth Amendment does not provide merely that a defense shall be made for the accused; it grants to the accused personally the right to make his defense." Faretta v. California, 422 U.S. 806,

[4] The South Carolina Constitution explicitly provides for the right of self-representation: "Any person charged with an offense shall enjoy the right ... to be fully heard in his defense by himself or by his counsel or by both." S.C. Const. Art. I, § 14.

819 (1975). "That right must be preserved even if the court believes that the defendant will benefit from the advice of counsel." State v. Fuller, 337 S.C. 236, 241, 523 S.E.2d 168, 170 (1999) (citing United States v. Singleton, 107 F.3d 1091 (4th Cir. 1997)). In fact, even if the decision to proceed *pro se* is to the defendant's detriment, the decision "must be honored out of that respect for the individual which is the lifeblood of the law." Faretta, 422 U.S. at 834; see also State v. Brewer, 328 S.C. 117, 119, 492 S.E.2d 97, 98 (1997). "So long as the defendant makes his request prior to trial, the *only* proper inquiry is that mandated by Faretta." Barnes, 407 S.C. at 35, 753 S.E.2d at 550 (emphasis added).

"When an accused manages his own defense, he relinquishes, as a purely factual matter, many of the traditional benefits associated with the right to counsel." Faretta, 422 U.S. at 835. Thus, the decision to proceed *pro se* must be made knowingly, intelligently, and voluntarily. Id. "The ultimate test of whether a defendant has made a knowing and intelligent waiver of the right to counsel is not the trial judge's advice, but the defendant's understanding." Brewer, 328 S.C. at 119, 492 S.E.2d at 98 (citing Graves v. State, 309 S.C. 307, 422 S.E.2d 125 (1992)). "A determination by the trial judge that the accused lacks the expertise or technical legal knowledge to proceed *pro se* does not justify a denial of the right to self-representation; the only relevant inquiry is whether the accused made a knowing and intelligent waiver of the right to counsel." Id. "A decision can be made intelligently, with an understanding of the consequences, without the decision itself being a wise one." Id. at 120, 492 S.E.2d at 99.

"Under Faretta, the trial judge has the responsibility to make sure that the defendant is informed of the dangers and disadvantages of self-representation, and that he makes a knowing and intelligent waiver of his right to counsel." Barnes, 407 S.C. at 36, 753 S.E.2d at 550; see also State v. Dixon, 269 S.C. 107, 236 S.E.2d 419 (1977) (explaining "it is the responsibility of the trial judge

to determine whether there is or is not an intelligent and competent waiver"). "Faretta requires that a defendant 'be made aware of the dangers and disadvantages of self-representation so that the record will establish he knows what he is doing and his choice is made with eyes open.'" Wroten v. State, 301 S.C. 293, 294, 391 S.E.2d 575, 576 (1990) (quoting Faretta, 422 U.S. at 835). "To establish a valid waiver of counsel, Faretta requires the accused be: (1) advised of his right to counsel; and (2) adequately warned of the dangers of self-representation." Prince v. State, 301 S.C. 422, 423-424, 392 S.E.2d 462, 463 (1990).

According to the South Carolina Supreme Court, "a specific inquiry by the trial judge expressly addressing the disadvantages of a *pro se* defense is preferred." Id. The trial judge must "make a meaningful inquiry into [a defendant's] background to determine whether [the defendant] had sufficient experience or knowledge to waive counsel." Watts v. State, 347 S.C. 399, 403, 556 S.E.2d 368, 371 (2001). However, "[t]he ultimate test of whether a defendant has made a knowing and intelligent waiver of the right to counsel is the defendant's understanding." State v. Reed, 332 S.C. 35, 41, 503 S.E.2d 747, 750 (1998). The United States Supreme Court held that when a defendant requests to proceed *pro se*, "a judge must investigate as long and as thoroughly as the circumstances of the case before him demand." Von Moltke v. Gillies, 332 U.S. 708, 723-724 (1948). "To be valid such a waiver must be made with an apprehension of the nature of the charges, the statutory offenses included within them, the range of allowable punishments thereunder, possible defenses to the charges and circumstances in mitigation thereof, and all other facts essential to a broad understanding of the whole matter." Id. at 724. Thus, a judge must make "a penetrating and comprehensive examination of all the circumstances." Id.

"The judicial inquiry and educative effort concerning the importance of legal representation that must necessarily precede any knowing and intelligent waiver of counsel cannot be cursory or

by-the-way in nature." United States v. Belanger, 936 F.2d 916, 918 (7th Cir. 1991). At a minimum, a court must inform a defendant "of the crimes with which he was charged, the nature of those charges, and the possible sentences they carry." Id. Also, "a defendant should be made aware of the 'difficulties he would encounter in acting as his own counsel.'" Id. at 919 (quoting United States v. Moya-Gomez, 860 F.2d 706, 733 (7th Cir. 1988)).

Appellant's request was clear and timely. See Fuller, 337 S.C. 236, 241, 523 S.E.2d 168, 170 (1999)(declining "to hold that a motion to proceed *pro se* made on the day of trial, but before the commencement of trial proceedings, is either timely or untimely as a matter of law" and recognizing the "variety of reasons which might excuse a last minute request by a defendant to proceed *pro se*"). Just as in Fuller, Appellant's request to proceed *pro se* "was made in an atmosphere of his escalating dissatisfaction with his attorney" and Appellant "complained to the trial court that his counsel had been ineffective in preparing for trial." See id. at 242, 523 S.E.2d at 171. Appellant's "purpose in making the request was not to delay or stall the proceedings, but rather to address his growing concerns about his attorney." See id.

Despite Appellant's request to relieve trial counsel and his stated dissatisfaction with trial counsel's representation, particularly in light of trial counsel's unbearable caseload, the trial court failed to engage in even the slightest colloquy to determine whether Appellant wanted to proceed *pro se*. The judge erred in failing to protect Appellant's state and federal constitutional right to represent himself at trial. Certainly, there were questions regarding whether Appellant preferred to retain private counsel, but those questions and answers did not alleviate the trial judge's obligation to protect Appellant's constitutional right to represent himself. Appellant made clear that he was unhappy with trial counsel's representation, and during the course of his discussion with the judge on this topic, the subject of self-representation appeared, however, brief. In fact, the brevity of that

discussion was due to the trial judge's failure to engage Appellant in a colloquy to determine whether he wanted to represent himself and whether he could knowingly and voluntarily waive his right to counsel. The judge's failure to safeguard Appellant's right to self-representation was reversible error.

CONCLUSION

Appellant respectfully requests this Court reverse his convictions and remand for a new trial.

Susan B. Hackett
Appellate Defender

ATTORNEY FOR APPELLANT

This 5th day of August, 2016.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County

Larry B. Hyman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

EBON ROBERTS,

APPELLANT

PETITION TO BE RELIEVED AS COUNSEL

Counsel for Ebon Roberts states:

1. She is Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent appellant.

2. She has reviewed the record of appellant's trial before Judge Larry B. Hyman, which was held on September 14-16, 2015, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.

3. Pursuant to Anders v. California, 386 U.S. 738 (1967), she has briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, she asks the Court to relieve her as counsel for Ebon Roberts.

Respectfully Submitted,

Susan B. Hackett

Susan B. Hackett
Appellate Defender
ATTORNEY FOR APPELLANT

This 5th day of August, 2016.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Larry B. Hyman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

EBON ROBERTS,

APPELLANT

DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

(1) Entire trial transcript dated September 15-16, 2015;
(2) Notice of intent to seek LWOP;
(3) True-billed indictments;
(4) Sentence sheets.

I certify that this designation contains no matter which is irrelevant to this appeal.

August 05, 2016

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

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Anders Brief of Appellant complies with Rule 211(b), SCACR, and 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."

August 05, 2016.

Susan B. Hackett
Appellate Defender

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

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County

Larry B. Hyman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

EBON ROBERTS,

APPELLANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Anders Brief of Appellant and Designation of Matter in the above referenced case has been served upon J. Benjamin Aplin, Esquire, at the Rembert C. Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and a copy of the Anders Brief of Appellant and Designation of Matter have been served on Ebon Roberts, 299062, at Lee Correctional Institution, 990 Wisacky Hwy., Bishopville, SC 29010, this 5th day of August, 2016.

Susan B. Hackett
Appellate Defender
ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 5th day of August, 2016.

_____ (L.S)
Notary Public for South Carolina
My Commission Expires: October 30, 2022.

2014A2604000754, 755, 756, 757

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF HORRY	)	INDICTMENTS: 2015-GS-26-01888, 01889, 01890, 01891
	)	
STATE OF SOUTH CAROLINA	)	
	)	
VS.	)	NOTICE OF INTENTION TO SEEK A
	)	SENTENCE OF LIFE WITHOUT PAROLE
EBON ROBERTS	)	
	)	
DEFENDANT	)	
	)	

TO: EBON ROBERTS, DEFENDANT, AND J. M. "BUDDY" LONG, III, HIS ATTORNEY

PLEASE TAKE NOTICE that at the trial of the above-entitled action to be scheduled on a date at least ten (10) days hence, of which you will be timely notified, the State will seek the Defendant to be sentenced to a term of imprisonment for life without the possibility of parole, pursuant to South Carolina Code of Laws, § 17-25-45 (1995), as amended. The State intends to rely upon the Defendant's prior conviction of:

Kidnapping / 2004-GS-26-3184 / 10-10-2007 (sentencing date)

to statutorily enhance his punishment.

J. Austin Thomas

J. AUSTIN THOMAS, ASST. SOLICITOR
FIFTEENTH JUDICIAL CIRCUIT

Conway, South Carolina

Dated: 8/5/2015

2015 AUG -5 PM 1:40
ELAINE HUGGINS-WARD
CLERK OF COURT
HORRY COUNTY

[redacted]

J. REUBEN LONG DETENTION CENTER
4150 J. Reuben Long Avenue
Conway, SC 29526
Office: 843-915-5140
Fax: 843-365-0348

Phillip E. Thompson – Sheriff

August 9th, 2019

Mr. Ebon Roberts #299062
Broad River Correctional Institute MLT-B-2060
4460 Broad River Road
Columbia, South Carolina 29210

Re: (see attached copy of letter received 8/9/2019)

Mr. Roberts,

On or about April 2nd 2015 you were administered a polygraph by Sgt. J. Duff from the Florence (SC) Police Department during your incarceration at J. Reuben Long Detention Center. This polygraph occurred at our facility and I was present, however there is nothing further I know about this test, as our only involvement was facilitating the test.

Sincerely,

Sgt. L. Piccone
Investigator
Horry County Sheriff's Office