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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM CHESTER COUNTY
Court of General Sessions

Honorable Roger E. Henderson, Sixth Circuit Court Judge

Appellate Case No.: 2016-000193

The State,

Respondent

v.

Charles David Hayes

Appellant

RECORD ON APPEAL
Volume 3 of 3

Counsel for Respondent:

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Columbia, SC 29211

Counsel for Appellant:

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Greenville, SC 29601

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Solicitor, Sixth Judicial Circuit

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(803) 283-3855

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STATE OF SOUTH CAROLINA)	IN THE COURT OF GENERAL SESSIONS
)	FOR THE SIXTH JUDICIAL CIRCUIT
COUNTY OF CHESTER)	Indictment Nos.: 2014-GS-12-650,2014-GS-12-651
)	2016-GS-12-065
STATE OF SOUTH CAROLINA)	
)	STATE'S MEMORANDUM
vs.)	IN SUPPORT OF
)	ADMISSIBILITY OF EVIDENCE
)	PURSUANT TO A LAWFUL SEARCH
CHARLES HAYES)	
<u>Defendant.</u>)	

2016 JAN 21 P 4:49
 COURT OF GENERAL SESSIONS
 SIXTH JUDICIAL CIRCUIT
 CHESTER, SOUTH CAROLINA

The State submits this Memorandum in support of the admissibility of evidence seized pursuant to a lawful search. The defendant is indicted for the following: Possession With Intent to Distribute Marijuana; Possession With Intent to Distribute Cocaine Base; and, Possession of a Stolen Pistol.¹

On August 27, 2014, law enforcement conducted two (2) searches of the defendant's room. The searches occurred at his mother's residence, located at 557 5th Street, Chester, S.C. The first search was made with the written consent of the defendant's mother, Pauline Hayes, who is the owner and primary resident of the premises. The second search was made pursuant to a lawfully issued and valid search warrant.

During the second search, law enforcement seized the following from the defendant's bedroom, which the State intends to admit as evidence in the trial of this case: marijuana; crack cocaine; a firearm; \$1650 in cash; and other evidence of illegal drug sales.

Background Facts.

¹ Both of the drug counts are classified as second offenses as to penalty, because the defendant has prior convictions for possession of marijuana, and for possession of cocaine (crack cocaine).

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Law enforcement initially went to the residence of Pauline Hayes looking for a fugitive from an armed robbery in Charlotte, N.C. that was entered in NCIC: Patrick Simpson. Police knocked on the door of Ms. Hayes' residence, and she answered. Police asked Ms. Hayes as to the whereabouts of Patrick Simpson, and Ms. Hayes stated he was not there. Later, police returned to the Hayes residence, and found Patrick in the back yard. Police placed him under arrest in the yard.

Police then asked permission of Ms. Hayes to search her residence in order to locate any firearm that Patrick may have used in the armed robbery in N.C. Ms. Hayes signed a written consent to search. While looking for a firearm in a back room – which turned out to be the bedroom of the defendant, Charles Hayes, who is also the son of Ms. Hayes – police saw marijuana behind a couch, and also saw crack cocaine under a desk. Police stopped their search, secured the premises, and obtained a search warrant.

With the search warrant, law enforcement then again searched the back bedroom of the defendant. Police seized a quantity of marijuana in jars behind the bed. Police seized crack cocaine in baggies under the desk. Police seized a firearm under the seat cushion of a chair. And police seized \$1650 in cash from a pants pocket. Police also found identification of the defendant in the back bedroom connecting the defendant to this room.

The defendant was arrested at the residence: After being advised of his *Miranda* rights,² the defendant made a statement that the drugs were his and that he would take the charge. At the police station, after again being advised of his *Miranda* rights, the defendant made a written statement, again making additional incriminating statements, but also saying, “ I am claiming up to what was found in the house in order to keep my parents from going to jail...” inferring that his initial admission was to protect his mother, Ms. Hayes and Mr. Quinton Feaster who also lived in

² *Miranda v. Arizona*, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966).

the home.³ At some point, and after *Miranda* warnings, the defendant admitted that it was his room where the police had searched and found the incriminating evidence.

Legal Support for the Search.

First, law enforcement lawfully entered and searched the residence. Police can “knock & talk” at residence where suspected illegal activity is occurring. *State v. Counts*, 413 S.C. 153, 776 S.E.2d 59 (2015)(affirming trial court’s admission of evidence). Moreover, law enforcement are clearly within their authority to inquire if a fugitive is present. *Id.* Upon arresting the fugitive, Patrick Simpson, outside, police were still within their authority to ask if they could have permission to search within the residence for a dangerous firearm. Police then obtained *written consent* to search the premises from its owner and resident, Pauline Simpson.

Thus, police were lawfully at the premises and there was no illegal intrusion because law enforcement had, at least, a reasonable suspicion to inquire if a fugitive was at the premises, and then to ask for permission to search the residence for a potential firearm possessed by that same fugitive. “We hold that law enforcement must have reasonable suspicion of illegal activity at a targeted residence prior to approaching the residence and knocking on the door.” *Counts*, 413 S.C. at 174, 776 S.E.2d at 71. The Supreme Court has affirmed the “knock and talk” technique as constitutionally permissible. *Florida v. Jardines*, 133 S. Ct. 1409, 1415-16 (2013).

In *Counts, supra.*, police officers had an anonymous tip that the defendant was selling marijuana out of his mother’s home. Police knocked on the door to talk to the defendant, and when

³ The State acknowledges that the trial court should conduct a *Jackson v. Denno* hearing regarding the admission of the defendant’s statements. *Jackson v. Denno*, 378 U.S. 368, 84 S. Ct. 1774, 12 L. Ed. 2d 908 (1964); *See, State v. Miller*, 375 S.C. 370, 652 S.E.2d 444 (Ct.App. 2007)(Trial judge must determine if the State has proven by a preponderance of the evidence, and under the totality of the circumstances that the defendant’s waiver and statement were knowingly, intelligently, and voluntarily made); *Accord, State v. Saltz*, 346 S.C. 114, 136, 551 S.E.2d 240, 252 (2001); *State v. Rochester*, 301 S.C. 196, 200, 391 S.E.2d 244, 247 (1990).

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the door was opened police saw marijuana in plain view. Police conducted a protective sweep because of apprehension that the defendant was armed – found and seized a firearm from the defendant – and saw further evidence in plain view of illegal drug distribution. Police then obtained a search warrant, and seized large amounts of marijuana, cash, scales, and other drug evidence of marijuana sales. The defendant objected, claiming that “[T]he search was unconstitutional because law enforcement did not have a warrant or probable cause. Counts maintained that, prior to searching his home, the officers failed to corroborate the anonymous tip that precipitated the actions of law enforcement. Additionally, Counts asserted the plain view doctrine did not apply as law enforcement's initial intrusion into his home was not lawful.” *Counts*, 413 S.C. at 157, 776 S.E.2d at 61. The trial court denied Counts’ motion to suppress, and the Court upheld the admission of the evidence, holding that the officers had reasonable suspicion to initially knock on the defendant’s door and ask questions, and then conduct a protective sweep based on exigent circumstances (i.e. – the belief that Counts was armed), and then obtained a search warrant based on their plain view observations. *Id.*, 413 S.C. at 173-75, 776 S.E.2d at 70-71.

Similar to the *Counts* case, is *State v. Bash*, 412 S.C. 420, 772 S.E.2d 537 (Ct.App. 2015). In *Bash*, police received a tip about drugs being used or distributed in the backyard of a house. Police drove to the house to do a “knock & talk.” Police saw people in or near the backyard, and watched them drop “baggies” and run. Police entered the backyard, looked in a parked van to see if anyone else was hiding or was armed, and saw scales, and other drug paraphernalia, including a large baggie containing white powder. The Court found the search permissible and admitted the evidence.

Here, in defendant Hayes’ case, police had at least reasonable suspicion for a “knock and talk” and were therefore lawfully at the premises. Police had more than a mere anonymous tip as

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that in *Counts* and *Bash*: they had probable cause information from another law enforcement agency that Patrick Simpson was wanted as a fugitive for an armed robbery in North Carolina. Police knew that Patrick Simpson sometimes visited the residence of his grandmother, Pauline Hayes. Police knocked on the door of Pauline's home and asked if Patrick was there. A short time later, police drove by the yard, and saw Patrick in the yard, arrested him based on the probable cause information from North Carolina, and obtained written consent from the home owner, Pauline Hayes, to locate a dangerous weapon, namely a firearm. Upon seeing evidence of illegal drug activity during the consent search, police then obtained a search warrant for the premises. Thus, police were in a lawful position to be at the residence even more so than the reasonable suspicion "knock and talk" scenarios of *Counts* and *Bash*.

Thus, the police were lawfully at the residence.

Next, the first search is legal because consent is a lawful and legitimate exception to the warrant requirement. *Counts*, 413 S.C. at 163, 776 S.E.2d at 65, citing *State v. Brown*, 401 S.C. 82, 89, 736 S.E.2d 263, 266 (2012)(recognizing the following exceptions to the warrant requirement: (1) search incident to a lawful arrest, (2) hot pursuit, (3) stop and frisk, (4) automobile exception, (5) the plain view doctrine, (6) consent, and (7) abandonment). Police obtained Pauline's written consent. She is the homeowner. Police do not have to obtain separate permission from the occupier of the specific bedroom where the illegal drugs, firearm, and cash were found; the homeowner's consent is sufficient. *State v. Flowers*, 360 S.C. 1, 598 S.E.2d 725 (Ct.App. 2004) (boyfriend resident denied police permission to search; police later obtained consent from the girlfriend/homeowner; search held to be lawful); See also, *State v. Pressley*, 288 S.C. 128, 130, 341 S.E.2d 626, 627 (1986)(homeowner who exercises common authority over the premises can consent to search of resident's room); *State v. Moultrie*, 271 S.C. 526, 528, 248 S.E.2d 486, 487

(1978)(police can lawfully rely upon third-party consent to search by person who has common authority over the premises), *citing United States v. Matlock*, 415 U.S. 164, 94 S.Ct. 988, 39 L.Ed.2d 242 (1974).

The illegal drugs were seen in the same areas where a firearm – which is what police were initially searching for – might be found. Further, since police were lawfully inside the residence conducting a lawful search pursuant to Ms. Hayes' consent, then the drugs they observed were in plain view. "The plain view doctrine justifies seizure of evidence when the seizing officer is lawfully present at the place from which the evidence can be plainly viewed and the evidence's incriminating character is immediately apparent." *Bash*, 412 S.C. at 432, 772 S.E.2d at 543, *citing State v. Wright*, 391 S.C. 436, 443, 706 S.E.2d 324, 327 (2011).

Thus, the police lawfully observed the illegal drugs during a lawful search.

Finally, the police in this case – out of an abundance of caution – stopped the search, and sought to obtain a search warrant. This is identical to the steps the police took, and which the Court approved, in *Counts, supra*. The police then obtained a valid search warrant for Pauline Hayes' home. Law enforcement then returned to the residence of Ms. Hayes, and executed the search warrant, finding marijuana, crack cocaine, a firearm, and \$1650 in cash, along with identification and papers belonging to the defendant Charles Hayes in the same bedroom. Moreover, Hayes admitted, after proper *Miranda* warnings, that the room in which the evidence was found, was his room.

Thus, the police conducted the second search pursuant to a lawful, valid search warrant.

Therefore, law enforcement acted lawfully and made no illegal intrusion or search onto the premises of Pauline Hayes or of defendant Hayes' room. Police made an initial lawful inquiry at the residence, then later saw and made a lawful arrest of Patrick Simpson, then conducted a lawful

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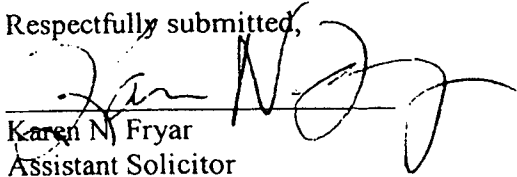
search pursuant to consent, and then obtained a lawful and valid search warrant. The evidence should be admitted against the defendant at trial, and there is no basis for suppression.

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CONCLUSION.

Law enforcement were lawfully on the premises to initially conduct a "knock and talk", and then later, to arrest a fugitive in the yard. The fugitive was entered in NCIC. Law enforcement then asked for, and received, consent from the homeowner to search the residence for a possible firearm. While searching for the firearm, law enforcement found illegal drugs in plain view. Law enforcement then stopped (which they did not actually have to do since the first search was by consent, a legitimate exception to the warrant requirement), obtained a valid search warrant, and returned to the premises to conduct a more thorough search. Thus, the marijuana, crack cocaine, firearm, and \$1650 in cash, are all admissible as evidence against the defendant.

Respectfully submitted,


Karen N. Fryar
Assistant Solicitor
Sixth Judicial Circuit
Chester, S.C.

Dated: January 21, 2016

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CHESTER COUNTY SHERIFF'S OFFICE
NARCOTICS TASK FORCE

PERMISSION TO SEARCH

I, Paulina Hays have been informed by
Trey Hunter and Johnny Neal, who
have made proper identification as authorized Law Enforcement Officer(s), of my
constitutional right not to have a search made of these premises and/or property owned
by me and/or under my care, custody and control, without a search warrant.

I willingly give my permission to these Officer(s) to conduct a complete search of
these premises and/or property including all buildings, vehicle(s), both inside and
outside of the property, located at [REDACTED].

The above named Officer(s) further have my permission to take from these
premises [or vehicle(s)] any property, letters, papers, materials, or other property and
effects which they desire as evidence for criminal prosecution in the case or cases
under investigation.

This written permission is given by me voluntarily, without threats or promises of
any kind.

This being the 27th day of August, 2014 at 9:20 A M.

Witness: [Signature]

Witness: [Signature]

Paulina Hays
Signature of Person Giving Consent

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MIRANDA

"You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to speak to an attorney, and to have an attorney present during any questioning. If you cannot afford a lawyer, one will be provided for you at government expense." Knowing and understanding your rights as I have explained them to you, are you willing to answer my questions without an attorney present?"



**SOUTHERN STATES
POLICE BENEVOLENT ASSN., INC.**
1-800-233-3506
www.sspba.org
The Voice of Law Enforcement Officers

Read To: Charles Hayes, Palline Hayes, Quinton H. Feuster

Read By: Agent David Ford *[Signature]*

Date: 8/27/2014

Time: 12:06 pm

Witness: Agent Al Crawford,

Chester County Sheriffs Office
Evidence/Inventory Sheet

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Incident Number <p align="center">201401906</p>	Date <p align="center">8/27/14</p>	BIN #
Found or Recovered From: <input type="checkbox"/> Victim <input checked="" type="checkbox"/> Suspect <input type="checkbox"/> Other _____ Name <u>Patrick Simpson</u>	Found or Recovered From: <input type="checkbox"/> Victim <input checked="" type="checkbox"/> Suspect <input type="checkbox"/> Other _____ Name <u>Pauline Hayes</u>	
Found or Recovered From: <input type="checkbox"/> Victim <input checked="" type="checkbox"/> Suspect <input type="checkbox"/> Other _____ Name <u>Charles David Hayes Jr.</u>	Found or Recovered From: <input type="checkbox"/> Victim <input checked="" type="checkbox"/> Suspect <input type="checkbox"/> Other _____ Name <u>Quinton Feaster</u>	

Incident/Seizing Location
557 Fifth Street Chester SC, 29706

Time	Officer	Item #	Description, Model, Serial No., Color, etc ...	Location Found/Seized	Evidence Use Only
9:12a	A.Crawford	1	plastic baggie containing marijuana	Simpson's right front pocket	
9:20a	A.Crawford	2	glass mason jar containing marijuana	C. Hayes' bedroom behind futon on floor	
9:20a	A.Crawford	3	glass pickle jar containing marijuana	C. Hayes' bedroom behind futon on floor	
9:25a	A.Crawford	4	Ziplock bag containing marijuana	C. Hayes' bedroom in a shoe box that was on the floor	
9:27a	A.Crawford	5	bag containing marijuana	C. Hayes' bedroom in a computer desk drawer	
9:29a	A.Crawford	6	plastic baggie containing crack cocaine B.E.S.T. Kit # B239298	C. Hayes' bedroom on floor under computer desk	
11:26a	A.Crawford	7	plastic baggie containing marijuana	C. Hayes' bedroom on dresser shelf	
11:30a	A.Crawford	8	Black TAURUS .38 Special S/N XD75476	C. Hayes' bedroom under chair cushion	

I hereby acknowledge that the above lists represent all taken from my possession and that I have received a copy report.

Signature X _____
 Item # 1-9 Processing request Marijuana Analysis
 Item # 6 Processing request Drug/Chemical Analysis

Item # (s) 1-9, & 12	From: (Sign) 	To: Sign EVIDENCE LOCKER	Date and Time Received 8/27/14 @ 3:00pm
Item # (s) 10-11	From: (Sign) 	To: Sign BANK DEPOSIT BOX	Date and Time Received 8/27/14 @ 3:10pm
Item # (s)	From: (Sign)	To: Sign	Date and Time Received
Item # (s)	From: (Sign)	To: Sign	Date and Time Received
Item # (s)	From: (Sign)	To: Sign	Date and Time Received
Item # (s)	From: (Sign)	To: Sign	Date and Time Received
Item # (s)	From: (Sign)	To: Sign	Date and Time Received

Type of Disposition: Release Disposal Other _____

Item Vs _____ Date _____	AUTHORIZATION FOR DISPOSITION
If released, properly released to:	Person Authorizing _____
Name _____	Name (print) _____
Address _____	Signature _____
I.D. # _____	Date _____

IT IS THE AUTHORIZING OFFICER'S RESPONSIBILITY TO RETURN PROPERTY TO AN AUTHORIZED OWNER

WHITE - Evidence with Property CANARY - Department PINK - Officer GOLD - Defendant / Owner

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STATE OF SOUTH CAROLINA

County/Municipality of CHESTER

SEARCH WARRANT

Date 08/27/2014

Officer DEPUTY BRAD EVANS BOWERS

STATE OF SOUTH CAROLINA

COUNTY OF CHESTER

SEARCH WARRANT

Form Approved by S.C. Attorney General Section 17-13-160 March 15, 1978

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TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF CHESTER

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

THE RESIDENCE OF [REDACTED] SOUTH CAROLINA [REDACTED] DESCRIBED AS BEING A WHITE IN COLOR VINYL SIDING SINGLE STORY RESIDENCE, WITH A GREY IN COLOR SHINGLED ROOF AND A GREY IN COLOR CONCRETE BLOCK FOUNDATION. THERE IS A WOODEN PORCH AFFIXED TO THE FRONT OF THE HOME ALSO WHITE IN COLOR WITH THE NUMBERS [REDACTED] ON ONE OF THE WOODEN POST SUPPORTING THE ROOF OF THE PORCH. THE SEARCH OF THIS RESIDENCE IS TO INCLUDE ALL PERSONS LOCATED AT THIS LOCATION AT THE TIME OF WARRANT SERVICE, ALSO TO INCLUDE ANY AND ALL VEHICLES AT THE LOCATION IF OWNED OR OPERATED BY PERSONS AT THIS LOCATION OR IF OWNED OR OPERATED BY PERSONS WHO RESIDE AT THIS LOCATION TEMPORARILY ABSENT AND ALL OUT BUILDINGS LOCATED ON THE CURTILAGE.

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

BOOKS, RECORDS, RECEIPTS, NOTES, LEDGERS (BOTH ELECTRONIC AND PAPER) RELATING TO THE TRANSPORTATION, ORDERING, PURCHASE AND DISTRIBUTION OF CONTROLLED SUBSTANCES, IN PARTICULAR MARIJUANA AND CRACK COCAINE (COCAINE BASE), BOTH CONTROLLED DANGEROUS SUBSTANCES. PAPERS, TICKETS, NOTES, SCHEDULES, RECEIPTS, AND OTHER ITEMS RELATING TO DOMESTIC AND INTERNATIONAL TRAVEL. BOOKS, RECORDS, RECEIPTS, BANK STATEMENTS AND RECORDS, MONEY DRAFTS, LETTERS OF CREDIT, MONEY ORDERS AND CASHIER'S CHECK, RECEIPTS, PASSBOOKS, BANK CHECKS, SAFE DEPOSIT BOX KEYS, AND OTHER ITEMS EVIDENCING THE OBTAINING, SECRETING, TRANSFER, AND/OR CONCEALMENT OF ASSETS AND THE OBTAINING, SECRETING, TRANSFER, CONCEALMENT AND/OR EXPENDITURE OF MONEY UNITED STATES CURRENCY, PRECIOUS METALS, JEWELRY, AND FINANCIAL INSTRUMENTS, INCLUDING STOCKS AND BONDS IN AMOUNTS INDICATIVE OF THE PROCEEDS OF ILLEGAL NARCOTICS TRAFFICKING. PHOTOGRAPHS, IN PARTICULAR, PHOTOGRAPHS OF CO-CONSPIRATORS, OF ASSETS AND/OR CONTROLLED SUBSTANCES, IN PARTICULAR MARIJUANA AND CRACK COCAINE (COCAINE BASE). INDICIA OF OCCUPANCY, RESIDENCY, AND/OR OWNERSHIP OF THE PREMISES DESCRIBED ABOVE, INCLUDING, BUT NOT LIMITED TO, UTILITY AND TELEPHONE BILLS, CANCELED ENVELOPES, AND KEYS. WEAPONS USED IN CRIMINAL ACTIVITY, PARTICULARLY WEAPONS POSSIBLY USED IN THE CRIME OF ARMED ROBBERY OR ANY OTHER CRIME. CONTROLLED DANGEROUS SUBSTANCES NAMELY MARIJUANA AND CRACK COCAINE (COCAINE BASE) AND RELATED PARAPHERNALIA. RECEIPTS FOR ITEMS EVIDENCING THE EXPENDITURE OF THE PROCEEDS OF DRUG DISTRIBUTION, INCLUDING, BUT NOT LIMITED TO, CLOTHING FURNITURE AND ELECTRONIC EQUIPMENT.

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to

JUDGE ~~PORTER~~ Underwood

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Chester, S.C.

[Signature] (L.S.) Signature of Judge

STATE OF SOUTH CAROLINA

COUNTY OF CHESTER

AFFIDAVIT

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Personally appeared before me, one BRAD BOWERS who, being duly sworn, says that there is probably cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

BOOKS, RECORDS, RECEIPTS, NOTES, LEDGERS (BOTH ELECTRONIC AND PAPER) RELATING TO THE TRANSPORTATION, ORDERING, PURCHASE AND DISTRIBUTION OF CONTROLLED SUBSTANCES, IN PARTICULAR, MARIJUANA AND CRACK COCAINE (COCAINE BASE), BOTH CONTROLLED DANGEROUS SUBSTANCES. PAPERS, TICKETS, NOTES, SCHEDULES, RECEIPTS, AND OTHER ITEMS RELATING TO DOMESTIC AND INTERNATIONAL TRAVEL. BOOKS, RECORDS, RECEIPTS, BANK STATEMENTS AND RECORDS, MONEY DRAFTS, LETTERS OF CREDIT, MONEY ORDERS AND CASHIER'S CHECK, RECEIPTS, PASSBOOKS, BANK CHECKS, SAFE DEPOSIT BOX KEYS, AND OTHER ITEMS EVIDENCING THE OBTAINING, SECRETING, TRANSFER, AND/OR CONCEALMENT OF ASSETS AND THE OBTAINING, SECRETING, TRANSFER,

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

THE RESIDENCE OF [REDACTED] SOUTH CAROLINA [REDACTED] DESCRIBED AS BEING A WHITE IN COLOR VINYL SIDING SINGLE STORY RESIDENCE, WITH A GREY IN COLOR SHINGLED ROOF AND A GREY IN COLOR CONCRETE BLOCK FOUNDATION. THERE IS A WOODEN PORCH AFFIXED TO THE FRONT OF THE HOME ALSO WHITE IN COLOR WITH THE NUMBERS [REDACTED] ON ONE OF THE WOODEN POST SUPPORTING THE ROOF OF THE PORCH. THE SEARCH OF THIS RESIDENCE IS TO INCLUDE ALL PERSONS LOCATED AT THIS LOCATION AT THE TIME OF WARRANT SERVICE, ALSO TO INCLUDE ANY AND ALL VEHICLES AT THE LOCATION IF OWNED OR OPERATED BY PERSONS AT THIS LOCATION OR IF OWNED OR OPERATED BY PERSONS WHO RESIDE AT THIS LOCATION TEMPORARILY ABSENT AND ALL OUT BUILDINGS LOCATED ON THE CURTILAGE.

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

THAT WITHIN THE PAST 72 HOURS, THE CHESTER COUNTY SHERIFF'S OFFICE NARCOTICS UNIT CONDUCTED A SEARCH FOR A SUSPECT WANTED IN AN ARMED ROBBERY. (WARRANT IN NCIC) DURING THE COURSE OF THAT SEARCH THE SUBJECT WAS LOCATED AT THE RESIDENCE OF [REDACTED] PAULINE HAYES WHO RESIDES AT [REDACTED] SOUTH CAROLINA [REDACTED] WHO ALSO SHARES THE HOME WITH HER [REDACTED] AND THEIR SON. DURING A LAWFUL CONSENTUAL SEARCH (CONSENT FORM SIGNED BY MS. HAYES) AGENTS WITH THE NARCOTICS UNIT, WHILE SEARCHING FOR THE WEAPON BELIEVED TO HAVE BEEN USED DURING THE ARMED ROBBERY AS STATED IN THE WARRANT, DISCOVERED A QUANTITY OF MARIJUANA AND WHAT IS BELEIVED TO BE CRACK COCAINE INSIDE THE HOME. IT IS YOUR AFFIANTS BELIEF THAT THERE COULD POSSIBLY BE MORE EVIDENCE INTO THE NARCOTICS VIOLATIONS ALREADY DISCOVERED AND AGENTS WISH TO CONDUCT A MORE THOROUGH SEARCH OF THE RESIDENCE, AND ALSO CONTINUE THE SEARCH FOR THE WEAPON BELIEVED TO HAVE BEEN USED IN THE ARMED ROBBERY. THIS SEARCH IS TO INCLUDE ALL OUTBUILDINGS AND THE CURTILAGE SURROUNDING THE HOME.

Sworn to and Subscribed before me

this 27th day of August, 2014, [Signature] (L.S.) Signature of Judge

[Signature] Affiant

Address 2740 DAWSON DRIVE

CHESTER SC 29706

Phone 803-581-5131

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RETURN

I received the attached Search Warrant # 157, and have executed it as follows:

On 08/27/2014 at 12:00 o'clock PM, I searched

(the person) described in the warrant and (the premises)

I left a copy of the warrant with PAULINE HAYES
Name of person searched or "at the place of search" with.
Together with a receipt for the items seized.

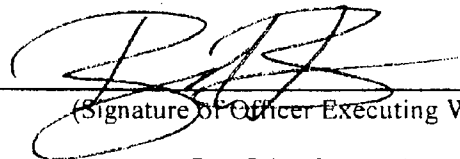
The following is an inventory of property taken pursuant to the warrant:

- GLASS MASON JAR CONTAINING MARIJUANA
- GLASS MASON JAR CONTAINING MARIJUANA
- ZIP LOC BAG CONTAINING MARIJUANA
- PLASTIC BAG CONTAINING MARIJUANA
- PLASTIC BAGGIE CONTAINING CRACK COCAINE
- PLASTIC BAGGIE CONTAINING MARIJUANA
- BLACK Taurus .38 REVOLVER SERIAL KD75470
- PLASTIC BAG CONTAINING MARIJUANA
- NOTE - \$1650.00 US CURRENCY
- BLACK DIGITAL SCALE

This inventory was made in the presence of AGENT HUNTER
AND AGENT CRAWFORD

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

SWORN to before me this _____ day of _____, _____ (L.S.)
Signature of Judge


(Signature of Officer Executing Warrant)

Date Printed: 08/27/2014 10:25:56 AM



CHESTER COUNTY 512
SHERIFF'S OFFICE

2740 DAWSON DRIVE, CHESTER, S.C. 29706

Phone 803-581-5131

Fax 803-581-5552

Date: AUGUST 27, 2014

Investigative Report / Case Number: 201401906

To: Chester County Solicitor's Office

From: AL CRAWFORD

Re: State vs. CHARLES HAYES JR

CO-DEFENDANTS PAULINE HAYES, QUINTON H FEASTER

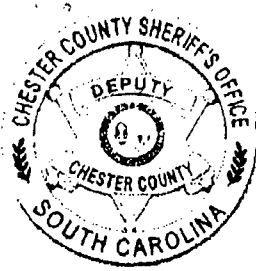
Warrant Number / Charges: 2014A1210400072, 73, 74,75,76,77,78,80 PWID CRACK
COCAINE, PWID MARIJUANA, POSS FIREARM BY VIOLENT FELONY, POSS
FIREARM DURING VIOLENT CRIME

Victim Information: STATE OF SOUTH CAROLINA

Introduction: DURING A LAWFUL SEARCH AGENTS LOCATED, CRACK
COCAINE, MARIJUANA AND A LOADED HANDGUN

Summary: ON 08/27/2014 AGENTS OF THE CHESTER COUNTY SHERIFFS OFFICE
WERE AT [REDACTED] IN ORDER TO LOCATE A FUGITIVE FROM
CHARLOTTE NC, MR PATRICK SIMPSON,(SEE ATTACHMENT 1 REPORT) WHO
WAS WANTED FOR ARMED ROBBERY AND WAS REPORTED TO BE AT THAT
LOCATION. AGENTS ARRIVED AND LT NEAL MADE CONTACT WITH THE
HOMEOWNER MRS PAULINE HAYES WHO STATED THAT MR SIMPSON WAS
NOT AT THE LOCATION. AGENTS LEFT THE HOME BUT RETURNED A SHORT
TIME LATER TO FIND THE SUBJECT MR SIMPSON WALKING IN THE BACK
YARD. MR SIMPSON WAS ARRESTED AND CONTACT WAS MADE WITH MS
HAYES. AGENTS ASKED MS HAYES HOW LONG MR SIMPSON HAD BEEN
LIVING AT THE HOME AND SHE STATED THAT HE ONLY CAME DOWN THE
OTHER DAY FOR A FUNERAL AND THAT SHE DID NOT KNOW HE WAS STILL
THERE. AGENT TREY HUNTER ASKED FOR AND RECEIVED WRITTEN
PERMISSION TO SEARCH FOR THE GUN USED IN THE ARMED ROBBERY IN
CHARLOTTE. AS AGENT CRAWFORD ENTERED THE HOUSE A VERY STRONG
ODOR OF MARIJUANA WAS DETECTED COMING FROM A BACK BEDROOM
WERE MR SIMPSON WAS STAYING. AGENTS BEGAN SEARCHING FOR THE

Sheriff Alex Underwood



CHESTER COUNTY 513
SHERIFF'S OFFICE

2740 DAWSON DRIVE, CHESTER, S.C. 29706

Phone 803-581-5131

Fax 803-581-5552

WEAPON AND CRAWFORD FOUND TWO GLASS JARS OF MARIJUANA BEHIND A COUCH. CRAWFORD ALSO FOUND A PLASTIC BAGGIE CONTAINING CRACK UNDER A DESK IN THE ROOM. AGENTS STOP THE SEARCH AND LT BOWERS GOT A SEARCH WARRANT BECAUSE OF THE AMOUNT OF DRUGS BEING FOUND (SEE ATTACHMENT 2 SEARCH WARRANT). LT BOWERS SERVED THE SEARCH WARRANT AND AGENTS CONTIUED THE SEARCH FINDING 725.6 GRAMS OF MARIJUANA, \$1866.00, 9.5 GRAMS OF CRACK AND A LOADED .38 CAL HANDGUN. THE HANDGUN WAS LOCATED UNDER A SEAT CUSHION OF A CHAIR IN THE SAME ROOM (SEE ATTACHMENT 3 PICTURES). AGENT CRAWFORD TOOK PICTURES AND COLLECTED ALL THE EVIDENCE. AGENT DAVID FORD READ ALL THE SUBJECTS THEIR RIGHTS WHICH THE WAVED. WHEN MR HAYES WAS ASKED ABOUT THE DRUGS AND GUN HE STATED THAT HE WOULD TAKE THE CHARGES. MR HAYES WAS ARRESTED AND TRANSPORTED TO THE LEC. LT BRAD BOWERS AND AGENT FAILE INTERVIEWED MR HAYES. WHEN MR HAYES WROTE HIS STATEMENT HE STATED THAT HE WAS ONLY TAKING THE CHARGES TO KEEP HIS MOTHER OUT OF JAIL. CRAWFORD OBTAINED WARRANTS ON MR HAYES, MS HAYES AND MR QUINTON FEASTER (SEE ATTACHMENT 4 WARRANTS). MR FEASTER AND MS HAYES WERE ARRESTED AT THE RESIDENCE. ALL THE EVIDENCE WAS SUBMITTED FOR ANALYSIS BY CRAWFORD AND THE MONEY WAS DEPOSITED IN THE BANK (SEE ATTACHMENT 5 EVIDENCE SHEET 6 BANK DEPOSIT SLIP 7 ANALYSIS SHEET). CRAWFORD RAN MR HAYES RAP SHEET AND FOUND THAT HE WAS PROHIBITED FROM OWNING A GUN DUE TO PREVIOUS VIOLENT FELONIES.(ATTACHMENT 8 RAP SHEET). MR SIMPSON WAS ISSUED A CITATION FOR POSSESSION OF MARIJUANA FOR A PLASTIC BAGGIE OF MARIJUANA THAT WAS LOCATED IN HIS RIGHT FRONT POCKET. A FUGITIVE FROM JUSTICE WARRANT WAS ALSO OBTAINED FOR SIMPSON.

Sheriff Alex Underwood



CHESTER COUNTY 514
SHERIFF'S OFFICE

2740 DAWSON DRIVE, CHESTER, S.C. 29706

Phone 803-581-5131

Fax 803-581-5552

Attachments:

1. **REPORT**
2. **SEARCH WARRANT**
3. **PICTURES**
4. **WARRANTS**
5. **EVIDENCE**
6. **BANK DEPOSIT**
7. **ANALYSIS**
8. **RAP SHEETS**
9. **RIGHTS CARD**
10. **RIGHTS SHEET**

Sheriff Alex Underwood

515

CHESTER COUNTY SHERIFF'S OFFICE
RIGHTS FORM

****READ CAREFULLY****
****THESE ARE YOUR RIGHTS****

NAME: Charles David Hayes

ADDRESS: [REDACTED]

SOCIAL SECURITY [REDACTED] DATE OF BIRTH: [REDACTED]

LOCATION OF MIRANDA: CCSO. DC

DATE: 8/27/14 TIME: 1400 hrs

- 1) BEFORE WE ASK YOU ANY QUESTIONS, YOU MUST UNDERSTAND YOUR RIGHTS. CH
- 2) YOU HAVE THE RIGHT TO REMAIN SILENT. CH
- 3) ANYTHING YOU SAY CAN BE USED AGAINST YOU IN COURT. CH
- 4) YOU HAVE THE RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE ANY QUESTIONS AND TO HAVE HIM/HER WITH YOU DURING QUESTIONING. CH
- 5) IF YOU CANNOT AFFORD A LAWYER, ONE WILL BE APPOINTED FOR YOU BEFORE ANY QUESTIONING, IF YOU WISH. CH
- 6) IF YOU DECIDE TO ANSWER QUESTIONS NOW WITHOUT A LAWYER PRESENT, YOU WILL STILL HAVE THE RIGHT TO STOP ANSWERING AT ANYTIME UNTIL YOU TALK TO A LAWYER. CH

WAIVER OF RIGHTS

I HAVE READ THIS STATEMENT OF MY RIGHTS AND I UNDERSTAND WHAT MY RIGHTS ARE. I AM WILLING TO MAKE A STATEMENT AND ANSWER QUESTIONS. I DO NOT WANT A LAWYER AT THIS TIME. NO PROMISES OR THREATS HAVE BEEN MADE TO ME AND NO PRESSURE OR COERCION (FORCE) OF ANY KIND HAS BEEN USED AGAINST ME.

SIGNATURE: Charles Hayes DATE: 8-27-2014
 WITNESS: [Signature] C-15 DATE: 8/27/2014
 WITNESS: [Signature] C-14 DATE: 8/27/2014

514

STATE OF SOUTH CAROLINA

COUNTY OF Christie

PERSONALLY appeared before me Charles David Hayes, who states:

"My name is Charles My address is [REDACTED]

Date of Birth: [REDACTED] Social Security Number: [REDACTED] Phone Number: [REDACTED]

I completed the 10th grade in school, and I can not read and write".

Before answering any questions or making any statements, Yes

a person who identified himself as L T Seberry Neal

fully warned and advised me, and I know and understand that I have the following rights: That I have the right to remain silent and I do not have to answer any questions or make any statements at all; that any statement I make can and will be used against me in a court or courts of law for the offense or offenses concerning which the following statement is hereinafter made; that I have the right to consult with a lawyer of my own choice before or at anytime during any questioning or statements I make; that if I cannot afford to hire a lawyer, I may request and have a lawyer appointed for me by the proper authority before or at anytime during any questioning or statements that I make, without cost or expense to me; that I can stop answering any questions or making any statements at any time that I choose, and call for the presence of a lawyer to advise me before continuing any more questioning or making any more statements, whether or not I have already answered some questions or made some statements.

I do not want to talk to a lawyer, and I hereby knowingly and purposely waive my right to remain silent, and my right to have a lawyer present while I make the following statement to the aforesaid person, knowing that I have the right and privilege to terminate any interview at any time hereafter and have a lawyer present with me before answering any more questions or making any more statements, if I choose to do so.

I declare that the following voluntary statement is made of my own free will without promise or hope of reward, without fear or threat of physical harm, without coercion, favor or offer of favor, without leniency or offer of leniency, by any person or persons whomsoever.

I am clearing up to what was found in the house in order to keep my parents from going to jail so the weed, gun, and i think crack is mine therefore there is no need to go back and arrest anyone else. My reason for saying that was i didnt see none of this come out the house but I myself did have in my possession a black gun and some weed in jars.

~~CH~~
~~CH~~
~~CH~~

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct. I further certify that I made no request for the advice or presence of a lawyer before or during any part of this statement, nor at any time before it was finished did I request that this statement be stopped. I also declare that I was not told or prompted what to say in this statement.

This statement was completed at 2:26 P.M. on the 27th day of August, 2014.

SWORN TO AND SUBSCRIBED TO BEFORE ME THIS _____ DAY OF _____, 19 _____

NOTARY PUBLIC FOR SOUTH CAROLINA My Commission Expires: _____

Charles David Hayes
Signature of person giving voluntary statement

WITNESS: [Signature]

WITNESS: [Signature]

VOLUNTARY STATEMENT

SUPPLEMENTAL

517

CHARLES HAYES

Statement of, Continued.

Q - WHERE DID THE GUN COME FROM? (THE STOLEN GUN FOUND IN YOUR BEDROOM)
A - ~~My bed~~ CRACKS

Q DID YOU KNOW THE GUN WAS STOLEN?
A - NO

Q HOW MUCH WEED WAS IN YOUR BEDROOM?
A - 2 oz and a quarter

Q HOW MUCH CRACK WAS IN YOUR BEDROOM?
A - Don't know

Q WHERE WAS THE WEED STORED? (KEPT)
A - Behind my bed

Q WHERE WAS THE CRACK KEPT/STORED?
A - Don't know

Q HOW LONG HAVE YOU HAD THE GUN IN YOUR POSSESSION
WHEN DID YOU BUY IT?
A - I think about 3 years or more

Q DID YOU WRITE THIS STATEMENT ON YOUR OWN FREE
WILL?
A - Yes

Charles Hayes

Signature of person giving voluntary statement

ARREST WARRANT

2014A1210400072

STATE OF SOUTH CAROLINA

County/ Municipality of

Chester

THE STATE 201401906
against

Charles David Hayes

Address

Phone: SSN:

Sex: M Race: B Height: Weight:

DL State: SC DL #:

DOB: Agency ORI #: SC0120000

Prosecuting Agency: Chester County Sheriff

Prosecuting Officer: Albert Crawford - C25

Offense: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Charles Hayes

on 8/27/2014

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Rossville Magistrate
Post Office Box 88
1 Argonne Ave.
Great Falls, SC 29055

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Chester

Personally appeared before me the affiant Albert Crawford

being duly sworn deposes and says that defendant Charles David Hayes

did within this county and state on or about 8/27/2014

State of South Carolina (or ordinance of County/ Municipality of Chester)

in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on or about August 27, 2014 in the County of Chester, one Charles David Hayes did knowingly and willfully possess a firearm, to wit: a loaded black .38 Taurus pistol, Serial No. XD75476 during the commission of a violent crime, to wit: Possession With Intent To Distribute Crack Cocaine/Cocaine Base 2nd Offense. Probable cause is based upon investigation by Law Enforcement which includes, but is not necessarily limited to direct observation by Law Enforcement, witness statements, seized evidence, and review of criminal records of Charles David Hayes.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Chester

Affiant's Address 2740 Dawson Drive

Chester 29706-

Affiant's Telephone (803)581-5131

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

I appearing from the above affidavit that there are reasonable grounds to believe that

on or about 8/27/2014 defendant Charles David Hayes

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Chester) as set forth below

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Sworn to and subscribed before me

on 8/27/2014

Signature of Judge
Yale Zamore

Judge Code 7182

(L.S.)

Judge's Address Post Office Box 88

Great Falls, SC 29055

Judge's Telephone (803)482-2132

Issuing Court Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

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ORIGINAL

AFFIDAVIT

Form Approved 01,
S.C. Attorney General
April 21, 2003
SCCA 518

WHO

818

50

ARREST WARRANT

2014A1210400073

STATE OF SOUTH CAROLINA

County Municipality of

Chester

THE STATE
against

201401006

Address:

Phone: SSN: [REDACTED]

Sex: M Race: B Height: [REDACTED] Weight: [REDACTED]

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency OR #: SC0120000

Prosecuting Agency: Chester County Sheriff

Prosecuting Officer: Albert Crawford - C25

Offense: Weapons / Possession of Firearm or Ammunition
by person convicted of violent felony

Offense Code: 3434

Code/Ordinance Sec: 16-23-0500(A)

This warrant is CERTIFIED FOR SERVICE in the

County Municipality of

The accused

is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant: CHARLES HAYES

on 8/27/2014

[Signature]

Signature of Law Enforcement Officer

RETURN WARRANT TO:

Rossville Magistrate
Post Office Box 88
L Argonne Ave.
Great Falls, SC 29055

STATE OF SOUTH CAROLINA

County Municipality of

Chester

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 512

Personally appeared before me the affiant Albert Crawford

being duly sworn deposes and says that defendant Charles David Hayes

did within this county and state on or about 8/27/2014

State of South Carolina (or ordinance of County/ Municipality of Chester

in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Possession of Firearm or Ammunition by person convicted of violent felony

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on or about August 27, 2014 in the County of Chester, one Charles David Hayes did knowingly and willfully possess a firearm, to wit: a loaded black .38 Taurus pistol, Serial No. XD75476 having previously been convicted of a violent felony, to wit: Sale/Possession of a Stolen Firearm. Probable cause is based upon investigation by Law Enforcement which includes, but is not necessarily limited to direct observation by Law Enforcement, witness statements, seized evidence, and review of criminal records of Charles David Hayes.

Signature of Affiant

STATE OF SOUTH CAROLINA

County Municipality of

Chester

Affiant's Address 2740 Dawson Drive

Chester 29706

Affiant's Telephone (803)581-5131

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 8/27/2014 defendant Charles David Hayes

did violate the criminal laws of the State of South Carolina (or ordinance of

County Municipality of Chester

) as set forth below:

DESCRIPTION OF OFFENSE: Weapons / Possession of Firearm or Ammunition by person convicted of violent felony

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 8/27/2014

Signature of issuing judge

Yale Zunone

Judge Code: 7182

(L.S.)

Judge's Address Post Office Box 88

Great Falls, SC 29055

Judge's Telephone (803)482-2132

Issuing Court Magistrate

Municipal

Circuit

519

2

520

ARREST WARRANT

2014A1210400074

STATE OF SOUTH CAROLINA

County/ Municipality of

Chester

THE STATE 201401906

against

Charles David Hayes

Address: [REDACTED]

Phone: [REDACTED] SSN: [REDACTED]

Sex: M Race: B Height: [REDACTED] Weight: [REDACTED]

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0120000

Prosecuting Agency: Chester County Sheriff

Prosecuting Officer: Albert Crawford - C25

Offense: Drugs / Manufacture, distribution, etc. cocaine base, 2nd offense

Offense Code: 3015

Code/Ordinance Sec: 44-53-0375 (B) (2)

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date: [REDACTED]

RETURN

A copy of this arrest warrant was delivered to

defendant CHARLES HAYES

on 8/27/2014

[Signature]

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Rossville Magistrate
Post Office Box 88
1 Argonne Ave.
Great Falls, SC 29055

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Chester

Personally appeared before me the affiant Albert Crawford

being duly sworn deposes and says that defendant Charles David Hayes

did within this county and state on or about 8/27/2014

State of South Carolina (or ordinance of County/ Municipality of Chester)

in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Manufacture, distribution, etc. cocaine base, 2nd offense

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on or about August 27, 2014 in the County of Chester, one Charles David Hayes did knowingly and without authorization possess with intent to distribute approximately 9.5 grams of a substance reasonably believed to be crack cocaine/cocaine base, a Schedule II Controlled Substance, the said Charles David Hayes having at least one prior conviction for violation of drug laws. Probable cause is based upon investigation by Law Enforcement which includes but is not necessarily limited to direct observation by Law Enforcement, seized evidence, witness statements, and the criminal history of Charles David Hayes.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Chester

Affiant's Address 2740 Dawson Drive

Chester 29706-

Affiant's Telephone (803)581-5131

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

I appearing from the above affidavit that there are reasonable grounds to believe that

on or about 8/27/2014 defendant Charles David Hayes

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Chester) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Manufacture, distribution, etc. cocaine base, 2nd offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on 8/27/2014

[Signature]

Yule Zamore

Judge Code: 2182

(L.S.)

Judge's Address Post Office Box 88

Great Falls, SC 29055

Judge's Telephone (803)482-2132

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

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ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 516

50

125

ARREST WARRANT

2014A1210400075

STATE OF SOUTH CAROLINA

County/ Municipality of

Chester

THE STATE against 201401906

Charles David Hayes

Address: [REDACTED]

Phone: [REDACTED] SSN: [REDACTED]

Sex: M Race: B Height: [REDACTED] Weight: [REDACTED]

DL State: [REDACTED] DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0120000

Prosecuting Agency: Chester County Sheriff

Prosecuting Officer: Albert Crawford - C25

Offense: Drugs / Manuf. poss. of other sub. in Sch. I,II,III

or flunitrazepam or analogue, w.i.t.d. - 2nd offense

Offense Code: 0187

Code/Ordinance Sec: 44-53-0370(b)(2)

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to

defendant: CHARLES HAYES

on 8/27/2014

Signature of Law Enforcement Officer

RETURN WARRANT TO

Rossville Magistrate

Post Office Box 88

1 Argonne Ave.

Great Falls, SC 29055

STATE OF SOUTH CAROLINA

County/ Municipality of

Chester

Personally appeared before me the affiant Albert Crawford

being duly sworn deposes and says that defendant: Charles David Hayes

did within this county and state on/about 8/27/2014

State of South Carolina (or ordinance of County/ Municipality of Chester

in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Manuf. poss. of other sub. in Sch. I,II,III or flunitrazepam or analogue, w.i.t.d. - 2nd offense

further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts

That on or about August 27, 2014 in the County of Chester, one Charles David Hayes did possess approximately 752.6 grams of a green leafy substance reasonably believed to be marijuana, with intent to distribute same, having been previously convicted of violating drug laws. Probable cause is based upon investigation by Law Enforcement which includes but is not necessarily limited to direct observation by Law Enforcement, seized evidence, witness statements, and the criminal records of Charles David Hayes.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Chester

Affiant's Address 2740 Dawson Drive

Chester 29706

Affiant's Telephone (803)581-5131

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 8/27/2014 defendant: Charles David Hayes

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Chester

) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Manuf. poss. of other sub. in Sch. I,II,III or flunitrazepam or analogue, w.i.t.d. - 2nd offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 8/27/2014

(L.S.)

Signature of Judge

Yale Zamora

Judge Code 7182

Judge's Address Post Office Box 88

Greene Falls, SC 29055

Judge's Telephone (803)482-2132

Issuing Court: Magistrate Municipal Circuit

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2005 SCCA 514

522

RECEIVED

STATE OF SOUTH CAROLINA

FEB 12 2016

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

CHESTER

SC Court of Appeals

STATE

INDICTMENT/CASE#: 2016-GS-12-065

Charles David Hayes VS. David Hayes

AW#: DI

AKA:

Date of Offense: 8-27-14

Race: Black

Sex: Male

Age: 25

S.C. Code §: 16-23-30(F); 16-23-50(A)(1)

DOB:

CDR Code #: 2304

Address:

City, State, Zip:

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

CONVICTED OF or PLEADS

TO: Possession of a Firearm

In violation of § 16-23-30(F); 16-23-50 of the S.C. Code of Laws, bearing CDR Code # 2304

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS \$17-25-45

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:

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 3 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: 2014-09-12-650

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

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 822, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

PTUP

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

_____ days/hours Public Service Employment

Payment Terms:

Obtain GED

Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

Recipient:

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in installments of _____ of original paper

prts. of \$ On file in _____

\$ Paid to Public Defender Fund

Other: _____

Clerk of Court

Chester County, SC

Appointed PD if appointed other counsel,

\$47.12 requires \$500 be paid to Clerk

during probation.

*Fine:	\$
§14-1-206 (Assessments 107.5%)	\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100
§14-1-211 (A)(2)(DUI Surcharge)	\$100
§56-5-2995 (DUI Assessment)	\$12
§56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§14-1-212 (Law Enforce. Funding)	\$25
§14-1-213 (Drug Court Surcharge)	\$150
§50-21-114 (BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 80.5 (SCCJA Surcharge)	\$5
3% to County (If paid in installments)	\$
TOTAL	\$ 133.90

Clerk of Court/Deputy Clerk
Court Reporter: _____

Presiding Judge

Judge Code: 2754

Sentence Date: 1-28-16

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

520

COUNTY OF Chester VS. STATE

INDICTMENT/CASE#: 2014GS12651

Charles David Hayes

2014A1210400075

AKA:

Date of Offense: 8/27/2014

Race: BLACK Sex: M Age: 25

S.C. Code §: 44-53-0370(b)(2)

DOB: SS#: FEB 12 2016

CDR Code #: 0187

Address:

SC Court of Appeals

City, State, Zip:

SENTENCE SHEET

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Drugs / Manuf., poss. of other sub. in Sch. I,II,III or flunitrazepam or analogue, w.i.t.d. - 2nd offense

in violation of § 44-53-0370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0187

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

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

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

ATTEST:

Fryar, Karen

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

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: 2014-GS-12-650

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on the 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 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like Assessments 107.5%, Conv. Surcharge, DUI Surcharge, etc.

PTUP days/hours Public Service Employment

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/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other: True and correct copy of original paper On file in this office

Signature of Sue K. Carpenter, Clerk of Court, Chester County, SC

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Signature of Sue K. Carpenter

Court Reporter:

Signature of Lisa Carter

Presiding Judge

Signature of Presiding Judge

Judge Code: 2754

Sentence Date: 01-28-16

STATE OF SOUTH CAROLINA

COUNTY OF Chester
STATE VS. Charles David Hayes

AKA:
Race: BLACK Sex: M Age: 25
DOB: SS#:
Address:
City, State, Zip:
DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Drugs / Manufacture, distribution, etc. cocaine base, 2nd offense

in violation of § 44-53-0375(B)(2) of the S.C. Code of Laws, bearing CDR Code # 3015
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
ATTEST:

Fryar, Karen SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 20 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:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
The Defendant is to be placed on the 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 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Table with columns for Recipient, *Fine, and amounts. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments), TOTAL \$ 288.40

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS12650
A/W#: 2014A1210400074
Date of Offense: 8/27/2014
S.C. Code §: 44-53-0375(B)(2)
CDR Code #: 3015

SENTENCE SHEET

CONVICTED OF or PLEADS

PTUP days/hours Public Service Employment
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/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund of original paper
Other:

Sue K. Carpenter
Clerk of Court
Chester County, SC

Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

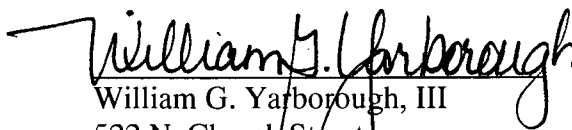
Clerk of Court/ Deputy Clerk
Court Reporter:

Presiding Judge
Judge Code:
Sentence Date:

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by the Appellant and not any other material.

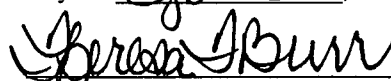
This 30th day of June, 2017


William G. Yarborough, III
522 N. Church Street
Greenville, South Carolina 29601
(84) 331-1612
Attorney for Appellant

Julie Hall
Deputy Solicitor
Post Office Box 728
Chester, SC 29706

Deborah R.J. Shupe
Attorney General's Office
Post Office Box 11549
Columbia, SC 29211

Sworn to before me this 30th
day of June, 2017


Notary Public for South Carolina

My commission expires: 3/20/24

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHESTER COUNTY
Court of General Sessions

Honorable Roger E. Henderson, Sixth Circuit Court Judge

RECEIVED
JUL 03 2017
SC Court of Appeals

Case No.: 2016-000193

The State,

Respondent

v.

Charles D. Hayes,

Appellant

AFFIDAVIT OF SERVICE

I, Traci Trouton-Burr, certify on this date, June 30, 2017, I served the Final Brief and Record On Appeal in this action, dated June 30, 2017, on Deborah R.J. Shupe, and Deputy Solicitor Julie Hall by mailing it to them at their work address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows:

Deborah R.J. Shupe
Assistant Attorney General
PO Box 11549
Columbia, SC 29211

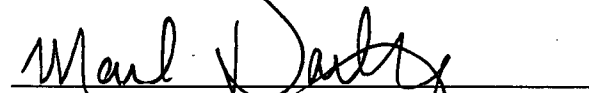
Julie Hall, Deputy Solicitor
PO Box 728
Chester, SC 29706

Respectfully submitted,



Traci Trouton-Burr
Paralegal to William G. Yarborough, Esquire

SWORN TO before this 30
Day of June, 2017


Notary Public for South Carolina
My Commission expires: 10/19/23