

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY

Howard P. King, Circuit Court Judge

RECEIVED
JUL 29 2013
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

KENNETH HAMPTON,

APPELLANT

APPELLATE CASE NO. 2013-000680

RECORD ON APPEAL

ROBERT M. PACHAK
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

J. BENJAMIN APLIN
Chief Legal Counsel

MATTHEW BUCHANAN
General Counsel
South Carolina Department of
Probation, Parole & Pardon Services
PO Box 50666
Columbia, SC 29250
(803) 734-9220

Attorneys for Respondent

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1	State of South Carolina	)	In the Court
2	County of Lexington	)	Of General Sessions
3			
4	Indictment No.:		2010-GS-32-00020
5			2010-GS-32-00654
6	State of South Carolina,	)	
7	Plaintiff.	)	
8	vs.	)	Transcript of Record
9		)	
10	Kenneth Hampton,	)	
	Defendant.	)	
11			
12			
13	March 15, 2013		
14	Lexington, South Carolina		
15			
16	<u>B E F O R E:</u>		
17	The Honorable Howard P. King, Judge.		
18			
19	<u>A P P E A R A N C E S:</u>		
20	Department of Probation and Parole		
21			
22	Erik P. Drylie, Esquire		
23	Attorney for the Defendant		
24			
25	Brenda J. Sigwald, Circuit Court Reporter		
	For the Honorable R. Knox McMahon		
	P.O. Box 206, Jackson, South Carolina 29831		

I N D E X

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E X H I B I T S

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1 **PROBATION VIOLATION HEARING**

2 **THE COURT:** All right. The next matter before the
3 Court is the probation violation hearing on Kenneth Edward
4 Hampton. The No. Has a copy of two 1106's, one in Case
5 number 10-GS-32-654 and the other in 10-GS-32-020.

6 Madame Clerk?

7 **KENNETH EDWARD HAMPTON,**

8 having been duly sworn, testified as follows:

9 **THE COURT:** The Court will mark both 1106's -- the
10 one in Case No. 654 as Court's Exhibit No. 1 and the one in
11 Case No. 020 as Court's Exhibit No. 2 and make them a part
12 of the record.

13 (WHEREUPON Court's Exhibits 1 and 2 were marked
14 into evidence.)

15 **THE COURT:** The 1106 indicates that in Case No.
16 10-GS-32-654, the defendant was sentenced for forgery by
17 Judge McIntosh on February 24, 2010, given five years,
18 suspended upon time served, which is twenty-eight days and
19 placed on probation for five years.

20 The 1106 in the Case No. 10-GS-32-020 indicates the
21 defendant was sentenced for forgery by Judge Keesley on
22 1/27 of 2010, given five years suspended upon one hundred
23 twenty-eight days time served and five years probation.

24 The Court also has a copy of two arrest warrants,
25 both dated October 8th, 2012, and both served on October

1 the -- I'm sorry, December 17 of 2012, and thus this Court
2 has jurisdiction on the matter.

3 Mr. Hampton, the department alleges and claims that
4 you violated the terms and conditions of your probation by
5 failing to report as instructed and failing to report on
6 4/19/2012 or any time thereafter. You haven't worked
7 diligently at a lawful occupation. You're in arrears on
8 your fines, your restitution and your drug test fees, and
9 these are the things the department alleges that you did to
10 violate the terms and conditions of your probation.

11 Do you understand what the allegations of the
12 arrest warrants are?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: You understand that you have a right to
15 present any testimony to me that you wish to present and
16 that I'll hear from you in that regard in a few minutes?

17 MR. HAMPTON: Yes, sir.

18 THE COURT: And you also have the right to be
19 represented by an attorney. I see you are hear with Mr.
20 Drylie. Have you had a chance to talk with Mr. Drylie
21 about those violations.

22 MR. HAMPTON: Yes, sir.

23 THE COURT: And you have the right to appeal from
24 any decision that I make and you must do that within ten
25 days. You understand that?

1 MR. HAMPTON: Yes, sir.

2 THE COURT: All right. Anything you'd like to add
3 to the 1106?

4 THE PROBATION OFFICER: No, sir, nothing at this
5 time, Your Honor.

6 THE COURT: All right. Mr. Drylie?

7 MR. DRYLIE: Thank you, Your Honor. Mr. Hampton is
8 30 years old. He went to the 11th grade. He does do
9 painting. I want to let you know a couple of the -- a
10 couple of the circumstances surrounding his not reporting.
11 He actually left the state -- his sister was dying and he
12 went down there and he just didn't come back. And he
13 realizes that was wrong. I talked with the agent about
14 this matter, Your Honor, and we'd ask for a partial
15 revocation and credit him time served. He does have some
16 mental health issues, Your Honor and I think the agent,
17 Mr. Hampton, and I are all in agreement that he is probably
18 not a good candidate for probation.

19 We'd ask that you partially revoke and terminate
20 the probation and credit him with time served. He has been
21 in jail since December 17th. I think he was actually in
22 jail for about a week down in Georgia before that, which is
23 where they picked him up in Atlanta. He was down in
24 Atlanta with his family.

25 THE COURT: He's been in jail since December 17th,

1 of 2012?

2 MR. DRYLIE: Yes, Your Honor.

3 THE COURT: All right. Mr. Hampton? Anything
4 you'd like to tell me?

5 THE DEFENDANT: I just want to apologize to the
6 Court for wasting your time. And the circumstances, I
7 might could have done things better than -- I actually did
8 talk to my agent at the time and he didn't grant me
9 anything. I was trying to get him to understand that my
10 sister was dying of AIDS and she was my mother's only
11 daughter and I'm my mother's only son and things got
12 complicated; so I went down there thinking I was going to
13 be able to come back, but it didn't happen like that. I
14 stayed with her until she passed October 5th, 2012. But
15 other than that, I'm sorry. I apologize.

16 THE COURT: All right. Well the -- of course, the
17 department can't do anything to supervise you if you take
18 off. So -- I've told a lot of people this, the easiest
19 thing you have to do on probation is report and they'll
20 work with you most of the time, but if you don't report,
21 there's not a thing in the world the probation department
22 can do.

23 Of course, this is not the first time you have
24 failed to report. I see on the 1106 that you failed to
25 report multiple -- prior violations for failure to report.

1 You absconded from supervision.

2 How much time does the probation department compute
3 that he has remaining on his five year sentence? Do you
4 have that figured?

5 **THE PROBATION OFFICER:** Judge, I do. On Indictment
6 654, I show three years and three hundred thirty-seven
7 days. And on Indictment 20, I show three years, two
8 hundred thirty-seven days.

9 **THE COURT:** All right. That's because there were
10 one hundred twenty-eight days credit for time served on
11 Indictment 20 and twenty-eight days credit for time served
12 on 654.

13 **THE PROBATION OFFICER:** Yes, sir, plus there was a
14 year revocation --

15 **THE COURT:** Right.

16 **THE PROBATION OFFICER:** -- at some point.

17 **THE COURT:** All right. The Court finds the
18 defendant does understand the nature of these proceedings,
19 he's represented by competent counsel and this Court does
20 find that he's in violation of the terms and conditions of
21 his probation, mainly by failing to report, having
22 absconded from supervision. I'm not making any finding
23 with regard to the financial obligations because of the
24 requirement of the Spear case that such a finding be --
25 that such a violation be willful and this Court must make a

1 finding to that effect, and I cannot based upon the
2 evidence before me make a finding of willfulness; but
3 absconding from supervision and not reporting is enough for
4 the Court to find that he is in violation of the terms and
5 conditions of his probation. As a result of which, the
6 Court will revoke three years on each case, to run
7 concurrent; terminate; give him credit for the time served
8 since December 17th, 2012.

9 THE PROBATION OFFICER: And can we convert the
10 restitution to a civil judgment?

11 THE COURT: Convert the restitution to a civil
12 judgment. Time satisfies all supervision fees in arrears.

13 THE PROBATION OFFICER: Thank you, Your Honor.

14 MR. DRYLIE: Thank you, Your Honor.

15 * * * * * END OF TRANSCRIPT * * * * *

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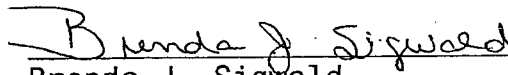
1 State of South Carolina)
2 County of Aiken) Certificate of Reporter

3
4
5
6 I, THE UNDERSIGNED, Brenda J. Sigwald, Official
7 Court Reporter for the Fifth Judicial Circuit of the State
8 of South Carolina, do hereby certify that I reported the
9 proceedings in the captioned case in the Court of General
10 Sessions in and for the State of South Carolina on the 15th
11 day of March, 2013.

12 I FURTHER CERTIFY that the foregoing pages,
13 numbered 1 through 8 constitute a true, accurate and
14 complete transcript of said hearing.

15 I FURTHER CERTIFY that I am neither kin, counsel,
16 nor of interest to any party hereto.

17 IN WITNESS WHEREOF, I have hereunto set my hand and
18 seal at Aiken County, this 25th day of May, 2013.

19
20
21
22 
23 Brenda J. Sigwald,
24 Court Reporter and Notary Public
25 For the State of South Carolina
My commission expires
January 4, 2020.

Henry
WITNESSES

Lexington County Sheriff's Department

Stephen Baumgardner

Law Enforcement Case #: 09031314

CGS

ARREST WARRANT NUMBER

J835841

ACTION OF GRAND JURY

TRUE BILL

Jm Heaw
Foreperson of Grand Jury

Date: 1/11/10

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2010GS3200020

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JANUARY TERM 2010

THE STATE

vs.

Kenneth Edward Hampton a/k/a Kennith
Edward Hampton

CDR #: 2427

Indictment for ✓

FORGERY < \$5,000

§ 16-13-10

DONALD V. MYERS, SOLICITOR

A TRUE COPY

DCI
Lex. Co. C.C.P., G.S. & F.C.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)

INDICTMENT FOR
 FORGERY < \$5,000

§ 16-13-10

At a Court of General Sessions, convened on JANUARY 2010, the Grand Jurors of Lexington County present upon their oath:

That Kenneth Edward Hampton a/k/a Kennith Edward Hampton did in Lexington County, South Carolina on or about April 10, 2009, with intent to defraud, falsely make, forge, or counterfeit; cause or procure to be falsely made, forged, or counterfeited; utter and publish as true; or willfully act or assist in any of the foregoing in regard to an instrument of writing, to wit: check # 1260 in the amount of \$368.35, made payable to Kenneth Hampton and drawn on the Bank of America, N.A. account of T-N-T Carpentry LLC. All in violation of §16-13-10 of the Code of Laws of South Carolina, 1976, as amended.

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

Christopher H. Smith
 ASSISTANT SOLICITOR

* AMENDED WITHOUT OBJECTION TO AMEND
 SCRIVENER'S ERROR AT GUILTY PLEA.

William P. Keesley 1/27/2010
 WILLIAM P. KEESLEY
 DINE

WITNESSES

Pelion Police Department

J. Coon

Law Enforcement Case #: 0908018

CGS

ARREST WARRANT NUMBER

J145200

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2010GS3200654

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2010

THE STATE

vs.

Kenneth Edward Hampton a/k/a Kennith
Edward Hampton

CDR #: 2427

Indictment for

FORGERY < \$5,000

§ 16-13-10

DONALD V. MYERS, SOLICITOR

I DO HEREBY WAIVE MY RIGHT
TO GRAND JURY PRESENTMENT

Kenneth E Hampton
DEFENDANT

02/24/10
DATE

[Signature]
WITNESS

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)

INDICTMENT FOR
 FORGERY < \$5,000

§ 16-13-10

At a Court of General Sessions, convened on FEBRUARY 2010, the Grand Jurors of Lexington County present upon their oath:

That Kenneth Edward Hampton a/k/a Kennith Edward Hampton did in Lexington County, South Carolina on or about August 14, 2009, with intent to defraud, falsely make, forge, or counterfeit; cause or procure to be falsely made, forged, or counterfeited; utter and publish as true; or willfully act or assist in any of the foregoing in regard to an instrument of writing, to wit: check # 2368 in the amount of \$315.92, made payable to Kennith Hampton and drawn on the Bank of America account of Trouble Shooter Heating and Air Conditioning. All in violation of §16-13-10 of the Code of Laws of South Carolina, 1976, as amended.

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


 ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of
STATELexington

AKA:

Race: BSex: M

DOB:

SSN

SID#:

0138211

Indictment Number:

2010 -GS- 32 - 0020
Probation C/W#s: W-32-12-0285Name of Original Offense: Forgery < \$5000Original A/W#: J 835841Date of Original Offense: 4/10/2009Conviction S.C. Code §: 16-13-10Conviction CDR Code #: 2 / 4 / 2 / 7Original Sentence: 5 yrs sspon 128 days CTS +
ORDER 5 yrs probation

The above named defendant has been charged with violating the conditions of probation ordered on 01/29/10 in the Court of General Sessions of Lexington County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 8/12/11, as set forth in the attached warrant(s) or citation(s) dated 10/8/12. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 3 months/years, the remainder of the original sentence, and/or pay \$_____.
- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$_____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- ☒ Financial Obligations: Order satisfies: ☒ Department fees (arrearage) ☐ Fines and other fees (arrearage/balance) ☐ Restitution (and 20%) (arrearage/balance)
- Civil judgment: ☐ Department fees ☒ Fines and other fees ☒ Restitution (and 20%)
- ☒ Additional Conditions ordered by the Court:
concurrent

- ☒ The defendant is given credit for pre-arrest detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- ☒ The defendant has previously served 1 year + 128 days months/years on this sentence.
(split sentence time and/or prior partial revocation time)
- ☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 15 day of MARCH, 2013,
Lexington, SC

Presiding Judge

11th Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature

Witnessed by

Lex. Co. C.C.P., G.S. & F.C.

Signed this _____ day of _____, Year _____, at _____, SC

33
STATE OF SOUTH CAROLINA
County of Lexington
STATE VS.
Kenneth Edward Hampton
AKA:
Race: B Sex: M
DOB: _____
SSN: _____
SID#: 1382111

IN THE COURT OF GENERAL SESSIONS

15

Indictment Number: 2010 -GS- 32 - 0654
Probation C/W#s: W-32-12-0284
Name of Original Offense: Forgery > \$5000
Original A/W#: J 145200
Date of Original Offense: 8/14/09
Conviction S.C. Code §: 16-13-10
Conviction CDR Code #: 2 / 4 / 2 / 7
Original Sentence: 5 yrs ss on 28 days CTS
ORDER + 5 yrs probation

The above named defendant has been charged with violating the conditions of probation ordered on 02/24/10 in the Court of General Sessions of Lexington County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 8/12/11, as set forth in the attached warrant(s) or citation(s) dated 10/8/12. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 3 months/years the remainder of the original sentence, and/or pay \$_____.
- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$_____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- ☒ Financial Obligations: Order satisfies: ☒ Department fees (arrearage) ☐ Fines and other fees (arrearage/balance) ☐ Restitution (and 20%) (arrearage/balance) Civil judgment: ☐ Department fees ☒ Fines and other fees ☒ Restitution (and 20%)
- ☒ Additional Conditions ordered by the Court:
concurrent

- ☒ The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- ☒ The defendant has previously served 1 year + 28 days months/years on this sentence.
(split sentence time and/or prior partial revocation time)
- ☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 15 day of MARCH, 2013,
Lexington, SC

Andrew D. Phibbs
Presiding Judge

11th Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature _____

Witnessed by _____

Signed this _____ day of _____, _____, at _____, SC

48

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of LEXINGTON **FILED**
STATE VS.INDICTMENT#:
10 GS- 32 - 00654
Probation C/W#: N-32-10-0200KENNETH HAMPTONAKA: BETH A. CARRIG
Race: BLACK Sex: MALE
DOB: 01/14/1971
SSN: 1-11-11
SID#: 0138211Name of Original Offense: FOLGELY, VALUE LESS THAN \$50
Original A/W#: J-145200
Date of Original Offense: 8/14/2009
Conviction S.C. Code §: 16-13-10
Conviction CDR Code #: 2141217
Original Sentence: 5 YRS SSF 5 YRS PROBATION
ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 2/24/10 in the Court of General Sessions of LEXINGTON County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 22, 2010, as set forth in the attached warrant or citation(s) dated JUNE. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)
1, 2, 5, 7, 9, 10 + 11

Therefore, IT IS ORDERED that:

- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years, the remainder of the original sentence, and/or pay \$_____.
- ☒ the suspended sentence be revoked and the above named defendant be required to serve 1 month(s) of the original sentence and/or pay \$_____ thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).

☒ Additional Conditions ordered by the Court:same as IND. # 10-65-31-00020☒ The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.☒ The defendant has previously served 28 DAYS months/years on this sentence.
(split sentence time and/or prior partial revocation time)☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.This 12 day of AUGUST, 2011,
LEXINGTON SCPresiding Judge
NTA Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature

Witnessed by

Signed this _____ day of _____, 2011 at LEXINGTON SC

Day

Month

Year

City

SC

ARREST WARRANT

J-835841

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Lexington

THE STATE
against

Kennith Edward Hampton

Address: Rd

Phone: SSN:
Sex: M Race: B Height: 6 2 Weight: 185

DL State: SC DL #: 090234199

DOB: Agency ORI #: SC0320000

Prosecuting Agency: Lexington County Sheriff

Prosecuting Officer: S. E. Baumgardner - 0575

Offense: Forgery / Forgery, value less than \$5,000

Offense Code: 2427

Code/Ordinance Sec: 16-13-0010(B)(2)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe 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 Kennith Hampton
on 9-21-09

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
Lexington County Judicial Center
205 East Main Street
Lexington, SC 29072

Lexington Co. Sheriff's Dept.

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STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Lexington

Personally appeared before me the affiant S. E. Baumgardner whobeing duly sworn deposes and says that defendant Kennith Edward Hamptondid within this county and state on or about 04/14/2009

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Lexington)

in the following particulars:

DESCRIPTION OF OFFENSE Forgery / Forgery, value less than \$5,000

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:

On 04-14-2009 the def. Kenneth Edward Hampton did enter into The Corner Store located at 4289 Fish Hatchery Road, Gaston SC within Lexington County SC and presented check to be cashed. Check #1260 issued on Bank of America in the name of TNT Carpentry account number in the amount of \$ 368.38 was presented to Piyush Chauhan. The check was later returned by BB&T Bank as counterfeit. Kenneth Hampton presented his SCID to Mr Chauham as a form of identity. Mr Chauham identified Kenneth Hampton from a line up and gave a statement to the same. The total transaction was \$368.38.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Lexington

Affiant's Address P.O. Box 639
Lexington, SC 29071-

Affiant's Telephone

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 4/14/2009 defendant Kennith Edward Hampton

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

☒ County/ ☐ Municipality of Lexington) as set forth below:DESCRIPTION OF OFFENSE: Forgery / Forgery, value less than \$5,000

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 06/23/2009

(L.S.)

Signature of Issuing Judge

Scott D. Whittle

Judge Code: 5886Judge's Address 650 Knox Abbott Drive
Cayce, SC 29033-Judge's Telephone (803)796-7100Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

A TRUE COPY

Lex. Co. C.C.P., G.S. & P.C.

ORIGINAL

ORIGINAL

17

Form 13.1 - Arrest Warrant
Form Approved by
SC Attorney General
Section 17-13-160
March 15, 1978

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

Probation

ARREST WARRANT

Indictment Number 10-GS-32-00020

Warrant Number W-32-12-0285

State Identification No. (SID) 01382111

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF LEXINGTON, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that KENNETH EDWARD HAMPTON, did on the 8 day of October, 2012 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Violation of Probation pursuant to Statute 24-21-430 in that the defendant has willfully violated the conditions of his probation sentence as imposed by Judge Keesley at the 1/27/10 term of General Sessions Court holden in Lexington County, Lexington, SC.

Now, therefore, you are empowered and directed to arrest the said defendant and bring KENNETH EDWARD HAMPTON 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. Done at LEXINGTON, S. C. this 8 day of October, 2012.

County of LEXINGTON

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Sandra Young, who, first being duly sworn, deposes and says that KENNETH EDWARD HAMPTON did within this County and State on the 8 day of October, 2012, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

Violation of Probation pursuant to Statute 24-21-430 in that the defendant has willfully violated the conditions of his probation sentence as imposed by Judge Keesley at the 1/27/10 term of General Sessions Court holden in Lexington County, Lexington, SC.

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

Kenneth Edward Hampton has failed to report as instructed, having failed to report on 4/19/12 or anytime thereafter. Mr. Hampton has failed to work diligently at a lawful occupation, having reported being unemployed since 3/2/10. Subject has failed to pay the Court ordered fine, restitution, and Drug Test Fee as directed. Mr. Hampton has failed to provide Agent with verification of his compliance of mental health treatment regimen as ordered by the Court. These actions constitute a willful failure to follow the advice and instructions of his Agent. Subject was notified in writing of the Standard Conditions of Probation as evidenced by his signature of this document on 1/27/10. The above actions constitute willful violations of probation conditions 1, 5, 9, 10, 11 and special conditions of the original Probation Order signed by the defendant, dated 1/27/10 and conditions of Continuation Order dated 8/12/11.

Sworn to and Subscribed before me
this 8 day of October, 2012.

William J. Sundry
Signature of Notary Public

8/4/14
My Commission Expires

(L.S.)

Address: 605 West Main Street
Suite 104
LEXINGTON, SC 29072
LEXINGTON
USA
(803) 359-2551

Sandra Young
Affiant

RETURN

Constable or Law Enforcement Officer

A copy of this Arrest Warrant was delivered by me to the following defendant:

on the

17 day of Dec 2012

Constable or Law Enforcement Officer

This Warrant is certified for service in [County of warrant Certification] County. The accused is to be arrested and brought before me to deal with according to law.

Signature of Judge

(L.S.)

STATE OF SOUTH CAROLINA
COUNTY OF

LEXINGTON

THE STATE
against

KENNETH EDWARD HAMPTON

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 10/8/2012

Officer and Agency: SC Department of Probation,
Parole and Pardon Services

Sandra Young

Disposition

Sentence

Co-Defendants

INFORMATION ON DEFENDANT

Name KENNETH EDWARD HAMPTON

Address LEXINGTON, SC 29073

Phone (803)

Sex Male Race Black Height 603

Weight 190 Birth date

Social Security Number

INFORMATION ON WITNESSES

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

PRELIMINARY HEARING held by

Magistrate

on

with

Attorney for the Defendant.

Decision

BAIL

Date Set

Magistrate

Amount

Surety

A TRUE COPY

Lex. Co. C.C.P., G.S. & F.C.

RETURN

STATE OF SOUTH CAROLINA
COUNTY OF
LEXINGTON

THE STATE
against

KENNETH EDWARD HAMPTON

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 6/22/2010

Officer and Agency: SC Department of Probation,
Parole and Pardon Services

lloyd anson turner

Disposition

Sentence

Co-Defendants

Constable or Law Enforcement Officer.

A copy of this Arrest Warrant was delivered by me to the
following defendant:

on the 28 day of June, 2011

Constable or Law Enforcement Officer

This Warrant is certified for service in [County of warrant
Certification] County. The accused is to be arrested and brought
before me to dealt with according to law.

Signature of Judge

(L.S.)

INFORMATION ON DEFENDANT

Name KENNETH EDWARD HAMPTON

Address 3

Phone

Sex Male Race Black Height 602

Weight 179 Birth date

Social Security Number

INFORMATION ON WITNESSES

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

PRELIMINARY HEARING held by

Magistrate

on

with

Attorney for the Defendant.

Decision

Date Set

Magistrate

Amount

Surety

BAIL

6/30/11

15,000 \$/B

STATE OF SOUTH CAROLINA
 COUNTY OF LEXINGTON

Probation

ARREST WARRANT

Indictment Number 10-GS-32-00654

Warrant Number W-32-10-0200

State Identification No. (SID) 01382111

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF LEXINGTON, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that KENNETH EDWARD HAMPTON, did on the 22 day of June, 2010 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Violation of Probation pursuant to statute 24-21-430 in that the defendant has willfully violated the conditions of his probation sentence as imposed by Judge McIntosh at the 2/24/10 term of General Sessions Court holden in Lexington County, Lexington, South Carolina.

Now, therefore, you are empowered and directed to arrest the said defendant and bring KENNETH EDWARD HAMPTON 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. Done at LEXINGTON, S. C. this 22 day of June, 2010.

County of LEXINGTON

STATE OF SOUTH CAROLINA

Personally appeared before me, one Lloyd anson turner, who, first being duly sworn, deposes and says that KENNETH EDWARD HAMPTON did within this County and State on the 22 day of June, 2010, violate the criminal laws of the State of South Carolina in the following particulars:

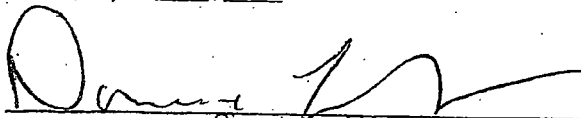
DESCRIPTION OF OFFENSE:

Violation of Probation pursuant to statute 24-21-430 in that the defendant has willfully violated the conditions of his probation sentence as imposed by Judge McIntosh at the 2/24/10 term of General Sessions Court holden in Lexington County, Lexington, South Carolina.

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

Kenneth Hampton has failed to report as instructed on 5/12/10, 5/19/10, 6/1/10, and having last reported on 4/14/10. Subject has failed to notify his Agent immediately of his address change by moving without consent from Lexington, SC 29073 to an unknown location on or about 6/1/10 as evidenced by a home visit conducted on 6/21/10. Subject has failed to work diligently at a lawful occupation, having reported being unemployed since 3/2/10. Subject has failed to pay Supv Fees, Fine, DACOR, and Drug Test Fee as instructed by being in arrears. Subject has failed to complete SAC at Insights, having failed to contact Insights since being referred on 3/10/10. These actions constitute a willful failure to follow the advice and instructions of his Agent. Subject was notified in writing of the Standard Conditions of Probation as evidenced by his signature of this document on 2/24/10. The above actions constitute willful violations of probation conditions 1, 2, 5, 7, 9, 10, & 11 of the original Probation Order signed by the defendant, dated 2/24/10.

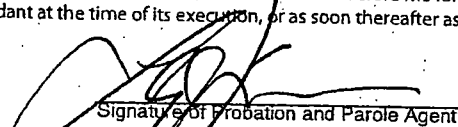
Sworn to and Subscribed before me
 this 22 day of June, 2010.



Signature of Notary Public

(L.S.)

My Commission Expires


 Signature of Probation and Parole Agent

(L.S.)

AFFIDAVIT

Address: 605 West Main Street
 Suite 104
 LEXINGTON, SC 29072
 LEXINGTON
 USA
 (803) 359-2551

Affiant

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

Probation

ARREST WARRANT

Indictment Number 10-GS-32-00654

Warrant Number W-32-12-0284

State Identification No. (SID) 01382111

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF LEXINGTON, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that KENNETH EDWARD HAMPTON, did on the 8 day of October, 2012 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Violation of Probation pursuant to Statute 24-21-430 in that the defendant has willfully violated the conditions of his probation sentence as imposed by Judge McIntosh at the 2-24-10 term of General Sessions Court holden in Lexington County, Lexington, SC.

Now, therefore, you are empowered and directed to arrest the said defendant and bring KENNETH EDWARD HAMPTON 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. Done at LEXINGTON, S. C. this 8 day of October, 2012.

County of LEXINGTON

STATE OF SOUTH CAROLINA

Sandra Young
Signature of Probation and Parole Agent

(L.S.)

AFFIDAVIT

Personally appeared before me, one Sandra Young, who, first being duly sworn, deposes and says that KENNETH EDWARD HAMPTON did within this County and State on the 8 day of October, 2012, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

Violation of Probation pursuant to Statute 24-21-430 in that the defendant has willfully violated the conditions of his probation sentence as imposed by Judge McIntosh at the 2-24-10 term of General Sessions Court holden in Lexington County, Lexington, SC.

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

Kenneth Edward Hampton has failed to report as instructed, having failed to report on 4/19/12 or anytime thereafter. Mr. Hampton has failed to work diligently at a lawful occupation, having reported being unemployed since 3/2/10. Subject has failed to pay the Court ordered fine, restitution, and Drug Test Fee as directed. These actions constitute a willful failure to follow the advice and instructions of his Agent. Subject was notified in writing of the Standard Conditions of Probation as evidenced by his signature of this document on 2/24/10. The above actions constitute willful violations of probation conditions 1, 5, 9, 10 and 11 of the original Probation Order signed by the defendant, dated 2/24/10 and conditions of Continuation Order dated 8/12/11.

Sworn to and Subscribed before me
this 8 day of October, 2012.

Sandra Young
Affiant

Address: 605 West Main Street
Suite 104
LEXINGTON, SC 29072
LEXINGTON
USA
(803) 359-2551

Bellie A. Lundy (L.S.)
Signature of Notary Public
8/4/14
My Commission Expires

RETURN

Constable or Law Enforcement Officer

A copy of this Arrest Warrant was delivered by me to the following defendant:

ENTERED

on the 17 day of

December 2012

Constable or Law Enforcement Officer

This Warrant is certified for service in [County of warrant Certification] County. The accused is to be arrested and brought before me to deal with according to law.

Signature of Judge

STATE OF SOUTH CAROLINA

COUNTY OF

LEXINGTON

THE STATE

against

KENNETH EDWARD HAMPTON

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 10/8/2012

Officer and Agency: SC Department of Probation,
Parole and Pardon Services

Sandra Young

Disposition

Sentence

Co-Defendants

INFORMATION ON DEFENDANT

Name KENNETH EDWARD HAMPTON

Address

Phone

Sex Male Race Black Height 603

Weight 190 Birth date 9/1/1971

Social Security Number

INFORMATION ON WITNESSES

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

PRELIMINARY HEARING held by

Magistrate

on

with

Attorney for the Defendant.

Decision

BAIL

Date: Set

Magistrate

Amount

Surety

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CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

July 29, 2013

Robert M. Pachak

Robert M. Pachak
Appellate Defender

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

ATTORNEY FOR APPELLANT

RECEIVED

JUL 29 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA

ORIGINAL

IN THE COURT OF APPEALS

Appeal from Lexington County

Howard P. King, Circuit Court Judge

RECEIVED

JUL 29 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

KENNETH HAMPTON,

APPELLANT

APPELLATE CASE NO. 2013-000680

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Matthew Buchanan, Esquire, at South Carolina Department of Probation, Parole & Pardon Services, PO Box 50666, Columbia, SC 29250, this 29th day of July, 2013.

Brandon Hall

Brandon Hall

Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 29th day of July, 2013

Dalal McKay

(L.S.)

Notary Public for South Carolina

My Commission Expires: July 24, 2022.