

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

Jocelyn Newman, Circuit Court Judge

Case No. 2023-001547

SCDPPS,

Respondent,

v.

David Minor Lambert,

Appellant.

RECORD ON APPEAL

Makenzie Thomas
Constantine Pournaras
1701 Main St. #103
Columbia, SC 29201
(803)765-2592
Attorneys for Appellant

Matthew Buchanan
P.O. Box 207
Columbia, SC 29202
(03) 734-9220
Attorney for Respondent

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COUNTY OF Richland
STATE VS.

David Minor Lambert

AKA: _____

Race: WHITE Sex: M Age: 41

DOB: 09-18-1974 SS#: 251-49-7409

Address: 3976 Leesburg Rd. 1501 Congress Rd.

City, State, Zip: Hopkins, SC 29064 Eastover, SC 29044

DL#: 004222804 SID#: _____

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Manslaughter / Voluntary manslaughter

INDICTMENT/CASE#: 2013GS4005309

A/W#: 2012A4010200926

Date of Offense: 9/20/2012

S.C. Code § : 16-03-0010

CDR Code #: 0116

RECOMMENDED

SENTENCE SHEET
NEGOTIATED

CONVICTED OF or PLEADS

in violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217

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

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: [Signature] 15964 David Lambert 12 yrs ss 7 yrs active [Signature] 79925
SAMPSON, APRIL 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 12 ~~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 7 ~~days/months~~ years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 5

~~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. 1,132d

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.

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUD
Total: \$ 9400.00 plus 20% fee: _____ \$

Payment Terms: _____
 Set by SCDPPPS per order

Recipient: _____

*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 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$

CERTIFIED TRUE COPY
OF ORIGINAL FILED
Public Service Employment
Jeanette W. McBride
C.C.P.&O.S.
RICHLAND COUNTY
SOUTH CAROLINA
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: NO CONTACT WITH VICTIM(S)
DIRECTLY OR INDIRECTLY

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

Clerk of Court/ Deputy Clerk Jeanette McBride B
Court Reporter: Ambrozick
SCCA/217 (03/2011)

Presiding Judge Re Howard
Judge Code: 2164
Sentence Date: 10-1-15

2012A4010200926
IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

STATE
-vs-

DAVID LAMBERT

Defendant

00858198

SID #

365629

9/18/1974

SCDC # or DOB

No. 13-GS-40-05309 1

Count

Community Supervision
CONTINUATION ORDER

This matter was brought before me on the 15th day of May, 2020, pursuant to a (warrant or citation) charging the Defendant with violating the Defendant's Community Supervision Program and asking the Court to revoke the Defendant's community supervision. I find:

1. The terms of the Community Supervision Program are fair and reasonable;
2. The Defendant has not complied with all terms of the Community Supervision Program;
3. The Defendant has willfully violated terms of the Community Supervision Program;
4. The Defendant should be continued in the Community Supervision Program under its current terms or under other terms and conditions;

RICHLAND COUNTY
CLERK
2020 MAY 19 AM 10:45
JEANETTE W. MERRITT
C.C.P. 603

The Defendant is ordered continued on Community Supervision subject to all conditions not inconsistent with this order. The Court orders the following additional Conditions: Revoke all compliance credits earned. Allow case to close on original close date of 7/31/2020. Exempt SF arrears due to financial hardship. Make all payments on BORA/DORA. Pay \$500 on BORA/DORA account within 30 days. Pay \$75/month on BORA/DORA account. Follow all recommendations of SCOMH. Exempt SF arrears through 7/31/2020 end date.

This 15 day of May, 2020
[Signature]
Presiding Judge S. Benjamin

Columbia S.C. 5th Judicial Circuit

This is to certify that I have read or have had read to me the Continuation Order and the Conditions set out therein. I agree to comply with such conditions and the conditions of my supervision order not inconsistent with this order during the period of my supervision. I have received a copy of this court order.

Offender's Signature David Lambert Witnessed by [Signature]

Signed this 15th day of May, 2020, at Columbia, SC

STATE OF SOUTH CAROLINA

County of Richland

STATE VS.

AKA: David Lambert

Race: White Sex: Male

DOB: 9-18-1974

SSN: 251-49-7409

SID# 00858198

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

13 -GS- 40 - 05309
Probation C/W#s: C-40-21-B041

Name of Original Offense: Manlaughter / vol.

Original A/W#: 2012A4010200926

Date of Original Offense: 9-20-2012

Conviction S.C. Code §: 16-03-0050

Conviction CDR Code #: 0 / 2 / 1 / 7

Original Sentence: 12 yrs ss 7 yrs CTS 1, 132 days
and 5 yrs probation

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 10 / 1 / 15 in the Court of General Sessions of Richland County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on _____, as set forth in the attached warrant(s) or citation(s) dated 3-10-21. 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)
7, 9, 10 and 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 _____ 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 electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first or third 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)
 - Civil judgment:
 - Department fees
 - Fines and other fees (arrearage / balance)
 - Fines and other fees
 - Restitution (and 20%) (arrearage / balance)
 - Restitution (and 20%)

Additional Conditions ordered by the Court:
Continue on probation. Revoke only earned compliance credits. Restructure court fine arrearage. Allow case to terminate when restitution is paid off in full. Allow case to close with no additional costs with all remaining balances being converted to civil judgment at end of supervision.

- The defendant is given credit for pre-arrest hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant is to be given credit for pretrial detention time served (N/A if defendant has served prior SCDC time).
- The defendant has served _____ days/months/years of prior revocations and/or initial SCDC time.
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 13th day of August, 2021
Columbia, SC

Judy Maman
Presiding Judge
F. J. M. 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
David Lambert
Signed this 13 day of August, 2021
Day Month Year

Witnessed by
GPT
Columbia SC
City

J. M. Maman

2/530

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
)
)
State of South Carolina,)
)
)
v.)
)
David Lambert,)
Defendant.)
_____)

IN THE COURT OF GENERAL SESSIONS
FIFTH JUDICIAL CIRCUIT

Indictment Number: 2013-GS-40-05309
Probation Warrant No. W-40-21-0310

Order Denying the Motion of the Defendant
to Dismiss the Probation Arrest Warrant

RICHLAND COUNTY
FILED
2023 JUN 13 AM 9:54
JEANETTE W. MARRIS
C.C.P. C.S. J.C.

This matter is before the Court on the motion of Defendant to dismiss the probation arrest warrant pursuant to S.C. Code Section 24-21-560(E) and *State v. Picklestimer*, 388 S.C. 695 S.E.2d 845 (2010). For the reasons outlined below, the Court dismisses the motion and authorizes the Department of Probation, Parole and Pardon Services (the Department) to proceed with a violation hearing.

Procedural History

Defendant David Lambert pled to the offense of voluntary manslaughter on October 1, 2015, before the Honorable Robert E. Hood. Judge Hood sentenced him to twelve years provided upon the service of seven years, with the balance suspended to five years of probation. As a condition of that sentence, Defendant was required to pay \$9,400.00 in restitution.

Defendant was released from the Department of Corrections on August 1, 2018, and started a term of community supervision program (CSP), pursuant to the mandatory requirements of S.C. Code 24-21-560. Per the authorization of Section 24-21-560(B) and the sentence of Judge Hood, ordering restitution, the Department imposed restitution payments as a condition of CSP.

Defendant's CSP ended unsuccessfully on July 31, 2020, due to his failure to pay his restitution amount in full. Consequently, the Department initiated Defendant's term of probation, which began on August 1, 2020.

Prior to the current probation violation warrant, Defendant had previously fallen behind on his financial obligations, resulting in the Department issuing financial citation C-40-21-0041 on March 10, 2021. That matter was addressed by the Honorable Jocelyn Newman on August 13, 2021, wherein probation was continued and his financial obligations were restructured.

The Department subsequently issued the warrant at issue on October 27, 2021, alleging Defendant had absconded supervision, as well as being in arrears on his financial obligations. Agents served the warrant upon Defendant on September 26, 2022, after the Camden Police Department located and arrested him.

On December 5, 2022, the Defendant appeared before the court for the violation hearing represented by Public Defender Makenzie Thomas of the Fifth Circuit Public Defender's Office. The State was represented by Agent George Jimenez and General Counsel Matthew Buchanan. Defendant presented his motion to dismiss along with a memorandum of law at the hearing. The Court at the time took the matter under advisement. The Department provided its memorandum of law the same day of the hearing, and Defendant provided his response on December 8, 2022.

Analysis

Defendant argued that according to *State v. Picklesimer*, 388 S.C. 64, 695 S.E.2d 845 (2010), and Section 24-21-560(E), his sentence should have been considered satisfied upon completion of his CSP without any violations, and therefore he should not be on probation or any form of supervision. Subsection (E) states, "A prisoner who successfully completes a community

supervision program pursuant to this section has satisfied his sentence and must be discharged from his sentence.”

The Department, in response, argued that because Defendant did not pay his restitution in full at the conclusion of his term of CSP, he did not successfully complete CSP. Therefore, the Department properly instated his probationary term.

Defendant argued that “successful completion” of CSP is defined in *Picklesimer* as “the completion of a maximum of two continuous years of CSP, as mandated by section 24-21-560(B), without any violations or revocations, or a determination by the Department that a defendant has fulfilled his CSP responsibilities prior to two years service in the program.” *Id.* at 264, 695 S.E.2d at 845.

The Department argued the more appropriate case is *State v. Dawkins*, 352 S.C. 162, 573 S.E.2d 783 (2002). In *Dawkins*, a similar set of facts was before our Supreme Court as the present case. Dawkins was released to CSP, completed it, and then began his ordered term of probation. Under the clear terms of Section 24-21-560(E), the Supreme Court held that Dawkins’ sentence, and any residual probation, was satisfied upon the successful completion of CSP.

The Court notes that the question of unpaid restitution is not present in either *Picklesimer* or *Dawkins*. Here, because Defendant failed to pay his ordered restitution in full by the end of his CSP, the Court agrees with Department that he did not successfully complete his supervision.


The term “successfully” is not to be ignored. The Supreme Court in *Dawkins* chose to emphasize that word when it said, “Accordingly, Dawkins’ sentence, including probation, is discharged upon *successful* completion of the CSP.” *Id.* at 167, 573 S.E.2d at 785 (emphasis in original).

The Court does not agree with Defendant that he successfully completed CSP. Judge Hood suspended a portion of the original sentence and ordered a five-year term of probation and required that he pay restitution to the family of the victim. Defendant had the opportunity to end his sentence early by successfully completing CSP and paying the restitution amount owed in full. In failing to do so, this Court finds his CSP was not completed successfully, after which his ordered probation was required to begin. Therefore, Defendant was responsible to comply with the terms and conditions of probation, and is subject to violation proceedings upon the allegation of violations by the Department.

Therefore, Defendant's motion to dismiss the probation warrant is DENIED.

IT IS SO ORDERED

Columbia, South Carolina
June 8, 2023


Clifton Newman
Presiding Judge
Court of General Sessions
Fifth Judicial Circuit

STATE OF SOUTH CAROLINA

County of Richmond
STATE VS
DAVID LAMBERT

AKA: _____
Race: W Sex: M
DOB: 9/18/1974
SSN: 251-49-7409
SID#: 00858198

IN THE COURT OF GENERAL SESSIONS

Indictment Number: 13 - GS - 40 - 05309
Probation CW#s & issuance dates: W-40-21-0310 ; 10/27/21

Name of Original Offense: Voluntary Manslaughter
Original AW#: 2012A4010200926
Date of Original Offense: 9/20/2012
Conviction S.C. Code §: 16-03-0050
Conviction CDR Code #: 0 / 2 / 1 / 7
Original Sentence: 12 YRS SS 7 YRS + 5 YRS PROB

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 10 / 1 / 15 in the Court of General Sessions of Richmond County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 8/13/21, as set forth in the attached warrant(s) or citation(s). 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, 7, 9, 10 + SC

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve the remainder of the original sentence.
- the suspended sentence be partially revoked and the above named defendant be required to serve _____ days/months/years of the original sentence; and
 - Terminate the balance of probation.
 - Continue/reinstate probation, subject to the conditions set forth in the original sentence 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 electronic monitoring pursuant to §23-3-540.
- Financial Obligations: Order satisfies:
 - Department fees (arrearage)
 - Fines and other fees (arrearage / balance) (structure)
 - Restitution (and 20%) (arrearage / balance)
 Civil judgment: _____ Department fees _____
 Fines and other fees _____
 Restitution (and 20%) _____
- Additional Conditions ordered by the Court (Jail time credits should not be reported in this section):
Set DACOR to \$50/per month.

RICHMOND COUNTY
CLERK OF COURT
23 SEP 22 PM 3:10

- The defendant is given credit for _____ days/months/years of pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant is to be given credit for _____ days/months/years of Hayes credit (N/A if defendant has served prior SCDC time).
- No pre-revocation hearing detention time to be awarded because a citation was issued.
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 22 day of Sept, 23,
Columbia, SC

Joseph Newman
Presiding Judge 5TH S/ J. Newman
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: David Lambert
Signed this 22 day of Sept, 23 at _____
Day Month Year

Witnessed by GTD
_____ at _____ SC
City

CITATION

Indictment Number(s):
13-08-40-0

No. C-40-20-0101

SOUTH CAROLINA

V.

DAVID LAMBERT

County RICHLAND

SCDC #
365629

SID #
00858198

Citation for Violation of

- Parole Emergency Powers Act Release Supervised Re-entry Program Community Supervision Supervised Furlough

TO: DAVID LAMBERT

YOU ARE HEREBY NOTIFIED to appear in the above case at the time, date and place specified below.

Place	Room
	Date Time

YOU ARE HEREBY NOTIFIED that you are charged with violating the conditions of your supervision as stated below.

Violations Charged

The offender has knowingly and willfully violated conditions 7, 9, 10 as proscribed by the Department. Due to the violation of said conditions the offender is subject to the issuance of an arrest warrant citation pursuant to Section 24-21-560 of the South Carolina Code of Laws.

YOU ARE HEREBY NOTIFIED that you have the rights listed below.

List of Rights:

You have the right at the preliminary hearing to question any person who appears as a witness against you and to have witnesses appear on your behalf. You may present evidence on your behalf. You may have an attorney represent you at the hearing at your expense. An attorney may be appointed to represent you in extraordinary circumstances. It is your responsibility to make arrangements for your witnesses and your attorney to appear at the hearing.

IF YOU FAIL TO APPEAR AT THE TIME, DATE AND PLACE SHOWN ABOVE, THE HEARING WILL BE HELD IN YOUR ABSENCE AND YOU MAY BE INCARCERATED.

RICHLAND, South Carolina

Probation and Parole Agent - Agent #
Stephen Satterfield - 0723

Date 4/7/2020

PROOF OF SERVICE

Date Served: 4-23-20 Place: 1221 Gregg St. City SC 29201

Served On: (Print Name) David Lambert

Served By: (Print Name) Douglas A. Demoy Title: Agent

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct

Executed on: 4-23-20 DATE

Signature of Server

Address of Server

1221 Gregg St.

City Columbia State SC Zip 29201

AFFIDAVIT

County of RICHLAND

Personally appeared before me, Stephen Satterfield, who first being duly sworn, deposes and says that DAVID LAMBERT did within this county and State on the 7 day of April, 2020, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

The offender has knowingly and willfully violated conditions 7, 9, 10 as proscribed by the Department. Due to the violation of said conditions the offender is subject to the issuance of an arrest warrant or citation pursuant to Section 24-21-560 of the South Carolina Code of Laws.

The Affiant states that there is probable cause to believe the defendant named committed the violations set forth and that such probable cause is based on the following facts:

David Lambert has failed to pay the BORA/DORA (Board Ordered Restitution/Department Ordered Restitution) by being in arrears \$3,250 at the issuance of process or being 7 payments behind; Failed to pay the supervision fee by being in arrears \$350 at the issuance of process; Such actions constitute violation of conditions 7, 9, 10.

Sworn to and subscribed before me this
07 day of April, 2020.

Stephen Satterfield
Affiant

Elaine M. Jones
Signature of Notary Public

5-30-2024
My Commission Expires

**Financial
 PROBATION CITATION**

Indictment Number(s):
 13-GS-40-05309

Citation #: C-40-21-0041

SOUTH CAROLINA		COUNTY: RICHLAND	
V.		SID # 00858198	
DAVID LAMBERT		SCDC # 365629	
TO: DAVID LAMBERT			
YOU ARE HEREBY NOTIFIED to appear in the above case at the time, date and place specified below.			
Place		Room	
		Date and Time:	
YOU ARE HEREBY NOTIFIED that you are charged with violating the conditions of your supervision as stated below.			
Violations Charged The above named defendant has failed to comply with the Court's probation order and the defendant's agreement to pay a fine, restitution and supervision fees.			
YOU ARE HEREBY NOTIFIED that you have the rights listed below.			
List of Rights: You have the right at the hearing to question any person who appears as a witness against you and to have witnesses appear on your behalf. You may present evidence on your behalf. You may have an attorney represent you. If you cannot afford an attorney, an attorney will be appointed for you. You must advise the agent or the court in writing of your desire for an attorney. It is your responsibility to make arrangements for your witnesses and your attorney to appear at the hearing.			
IF YOU FAIL TO APPEAR AT THE TIME, DATE AND PLACE SHOWN ABOVE, THE HEARING WILL BE HELD IN YOUR ABSENCE AND YOU MAY BE INCARCERATED.			
Date 03/10/2021		RICHLAND , South Carolina Probation and Parole Agent - Agent # George Jimenez - 0288	
A copy of the citation was served by the undersigned and given to the individual named therein at the time, date, and place indicated below.			
Place		Date and Time	
7251 Patricia Dr 29209		4-27-21 @ 1400	
		Serving Officer's Signature	
		<i>W. J. Jelen</i>	
Sworn to and subscribed before me this		27 day of April, 2021	
Signature of Notary Public		My Commission Expires	
<i>[Signature]</i>		08/04/2030	

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of RICHLAND

Personally appeared before me, George Jimenez, who first being duly sworn, deposes and says that DAVID LAMBERT did within this county and State on the 10 day of March, 2021, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

The above named defendant has failed to comply with the Court's probation order and the defendant's agreement to pay a fine, restitution and supervision fees.

The Affiant states that there is probable cause to believe the defendant named committed the violations set forth and that such probable cause is based on the following facts:

The above named defendant agreed in writing, as a part of his/her probation agreement, to pay a fine, restitution and supervision fees. The defendant has not complied with his/her written agreement. As of the date of this affidavit, the defendant's arrearage and unpaid balance on the agreed payment schedule is as follows:

	Fine	Restitution	Supervision Fees	DNA Fees
Arrearage	\$140.00	\$1,169.00	\$350.00	\$0.00
Unpaid Balance	\$648.90	\$11,071.00	\$3,000.00	\$0.00

The matter needs to be reviewed by the court pursuant to Section 24-21-430. The defendant should be required to show the Court why he/she has not kept his/her probation agreement to pay. The Court should determine whether or not the defendant has willfully violated the condition to pay fines, and/or restitution and whether or not the condition to pay fines, restitution should be modified.

Sworn to and subscribed before me this 10 day of March, 2021

[Signature]
Signature of Notary Public

[Signature] 258
Affiant

05/19/25
My Commission Expires:

Probation
ARREST WARRANT
Indictment Number: 13-GS-40-05309
Warrant Number: W-40-21-0310
State Identification No. (SID) 00858198

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

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

It appearing from the attached affidavit that there are reasonable grounds to believe that DAVID LAMBERT, did on the 27 day of October, 2021 violate the criminal
laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

The offender has violated conditions 1, 2, 7, 9, 10, Special Conditions of the standard Department conditions associated with Section 24-21-430. The offender has also violated special conditions imposed by the General Sessions Court per order dated October 01, 2015. This warrant or citation is issued pursuant to section 24-21-450 or 300.

Now, therefore, you are empowered and directed to arrest the said defendant and bring DAVID LAMBERT 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 RICHLAND, S. C. this 22 day of October, 2021.



Signature of Probation and Parole Agent (L.S.)

County of **RICHLAND**

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Danielle Farnum, who, first being duly sworn, deposes and says that DAVID LAMBERT did within this County and State on the 27 day of October, 2021, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

The offender has violated conditions 1, 2, 7, 9, 10, Special Conditions of the standard Department conditions associated with Section 24-21-430. The offender has also violated special conditions imposed by the General Sessions Court per order dated October 01, 2015. This warrant or citation is issued pursuant to section 24-21-450 or 300.


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:

David Lambert has failed to follow the advice and instructions of his supervising agent in that he; failed to provide his supervising agent with a valid address or contact information as evident by a home visit conducted on 10/4/21 in which the listed residence had been demolished. Mr. Lambert's supervising agent has been unable to locate or make contact with him through his family or reported place of employment therefore making his current whereabouts unknown, thus absconding supervision. failed to pay restitution by being \$100 in arrears with a balance of \$11,071; failed to pay supervision fees by being \$700 in arrears with a balance of \$3,000; failed to pay court fine by being \$40 in arrears with a balance of \$648.90, failed to pay \$20 drug test fee. Such actions constitute violation of conditions 1, 2, 7, 9, 10, Special Conditions.

Sworn to and Subscribed before me
this 27 day of October, 2021.



Affiant



Signature of Notary Public (L.S.)

Address: PO BOX 908
STATE PARK
COLUMBIA, SC 29147

Oct. 31, 2027

My Commission Expires

(803) 734-6320

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF

RICHLAND

THE STATE

against

DAVID LAMBERT

INFORMATION ON DEFENDANT

Name DAVID LAMBERT

Address 1743 CLOVER ST
SUMTER, SC 29154

Phone (803) 917-9553

Sex Male Race White Height 510

Weight 148 Birth date 9/18/1974

Social Security Number 251497409

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

Constable of Law Enforcement Officer

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

David Lambert

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 10/27/2021

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

Danielle Farnum

Disposition

Sentence

Co-Defendants

on the 26 day of September, 2022.

Si AL

Constable of 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.)

South Carolina Department of Probation, Parole and Pardon Services

Violation Report - (Report 1106)

Personal Information					
Name:	SID:	DOB:	SCDC#:	Supervision Level:	Agent Name:
DAVID MINOR LAMBERT	00858198	09/18/1974	365629	High Supervision	40-AG-12-George Jimenez

Sentencing Information		
Order: 3	Potential End Date: 6/16/2024	Adjusted End Date: 7/31/2025
Warrant/Citation Numbers: W-40-21-0310		
Sentence Date: 10/01/2015	County Name: RICHLAND	GPS Indicator:
Authority: Judge - Hood, Robert E.		

Indictment Number: 13-GS-40-05309	Offense Code: 217 - Voluntary manslaughter
Supervision: Probation	Sup. Begin Date: 08/01/2020
Sentence: 12 YRS SS 7 YRS & 5 YRS PROB; CTS 1,132 DAYS; CC 12-GS-40-03305, 03306; PTUP RESTIT	Sup. End Date: 07/31/2025

8/13/2021 form 9 per Judge J. Newman: Continue on probation; revoke any earned compliance credits; restructure DACOR to \$50/month; restructure court fine arrearage; allow case to terminate when DACOR is paid off in full; allow case to close with no additional order; all remaining balances being converted to civil judgment at end of supervision. emj

Special Conditions: DACOR - DACOR / Department Administered Court Ordered Restitution in the amount of \$9400 +FEE; Fine - \$648.90/ Fine/Costs and Assessments payable as directed by the Court.; NC-Vctm - No contact with Victim(S) directly or indirectly.; Other1 - Concurrent 12-GS-40-03305, 03306; Other2 - The defendant is to be given credit for time served in the amount of 1,132 days.; PTUP - PTUP / Case to end upon Certification by the Clerk of Court that all monies have been paid. (Sec. 24-21-550)

Residence Summary & Address History			
Address:	Begin Date:	End Date:	Time at Residence:
1805 CHAIN GANG RD, EASTOVER, SC, 29044	09/27/2022		0 YR, 0 MO, 22 DY
1743 CLOVER ST, SUMTER, SC, 29154	07/19/2021	09/26/2022	1 YR, 2 MO, 7 DY
7251 PATRICIA DR APT G, COLUMBIA, SC, 29209	04/13/2021	07/19/2021	0 YR, 3 MO, 6 DY
US-76, WT BILLY TOLAR BOAT RAMP, EASTOVER, SC, 29044	03/25/2020	04/12/2021	1 YR, 0 MO, 16 DY

Employment History				
Employer:	Location:	Begin Date:	End Date:	Time at Employer:
MCDONALD'S	906 HIGHWAY 1 S, LUGOFF, SC, 29078	09/26/2022		0 YR, 0 MO, 23 DY
MCDONALDS	7501 GARNERS FERRY RD, COLUMBIA, SC, 29209	08/19/2020	09/26/2022	2 YR, 1 MO, 7 DY
LANDSCAPING		07/22/2020	08/19/2020	0 YR, 0 MO, 27 DY

Account Information										
Account Name:	Case:	Indictment #:	Monthly Obligation:	Total Obligation:	Total Paid:	Co-Payer Paid:	Account Balance:	Pmts In Arrears:	Arrearage:	Last Payment Made:
Court Ordered Fines	103	13-GS-40-05309	\$20.00	\$648.90	\$0.00	\$0.00	\$648.90	14	\$280.00	
Regular Supervision			\$50.00	\$3,000.00	\$0.00	\$0.00	\$3,000.00	26	\$1,300.00	
Drug Test Fee			\$20.00	\$20.00	\$0.00	\$0.00	\$20.00	1	\$20.00	
Dept. Admn. Cl. Ordered Rest.	103	13-GS-40-05309	\$50.00	\$11,280.00	\$209.00	\$84.00	\$11,071.00	14	\$700.00	02/13/2021

South Carolina Department of Probation, Parole and Pardon Services
Violation Report - (Report 1106)

Violation History

Violation:	Start Date:	Complete Date:	Disposition:
2021-03-03: David Lambert has failed to pay the restitution by being in arrears \$1,169 at the issuance of process or being 7 payments behind	03/03/2021	08/19/2021	Continue on CSP as originally ordered. -Revoke all compliance credits earned to allow case to close on original closure date of 7/31/2025. -Exempt supervision fee arrears due to financial hardship. Make all payments on the restitution. Must make monthly payments on restitution. -Continue -Restructure fine and DACOR -Revoke compliance credits
2021-03-03: Failed to pay the supervision fee by being in arrears \$350, failed to pay the drug test fee of \$20; failed to pay court ordered fine by being in arrears \$140 with a balance of \$648.90 at the issuance of process			

Current Violation(s) Summary

Violations:	16x
Condition:	Description:
1	I shall report in person to the SCDPPPS' office on the day of my sentencing or release, and as instructed by the Department; and I shall make complete and truthful reports to the Agent.
2	I shall not change my residence or employment without the consent of my agent. Further, I shall allow my Agent to visit me in my home, at my place of employment, or elsewhere at any time.
7	I shall pay a supervision fee as determined by the Department.
9	I shall obey all conditions of supervision set forth in this order including the payment of fines, restitution or other payments, and the service of any period of incarceration.
10	I shall follow the advice and instructions of my Agent and I agree to comply with any further conditions imposed by the Department or its' Agents.
DACOR	DACOR / Department Administered Court Ordered Restitution in the amount of \$9400 + FEE
Fine	\$648.90/ Fine/Costs and Assessments payable as directed by the Court.

Description:

David Lambert has failed to follow the advice and instructions of his supervising agent in that he; failed to provide his supervising agent with a valid address or contact information as evident by a home visit conducted on 10/4/21 in which the listed residence had been demolished. Mr. Lambert's supervising agent has been unable to locate or make contact with him through his family or reported place of employment therefore making his current whereabouts unknown, thus absconding supervision. failed to pay restitution by being \$100 in arrears with a balance of \$11,071; failed to pay supervision fees by being \$700 in arrears with a balance of \$3,000; failed to pay court fine by being \$40 in arrears with a balance of \$648.90, failed to pay \$20 drug test fee. Such actions constitute violation of conditions 1, 2, 7, 9, 10, Special Conditions.

The Agent's Recommended Response(s) Summary

Responses:

Revoke and terminate; convert financial obligations.

Justification:

Prior to absconding his supervision, the Defendant was being supervised under the mental health caseload. He has always struggled with residential stability but he was able to maintain employment at various McDonald's doing handyman work. The Defendant ultimately stopped complying with reporting instructions or contacting the State thus absconding his supervision. With the sizeable amount of restitution owed and the gross arrearages towards his accounts, the State believes he is in a position where he is unable to comply with his conditions. His willful noncompliance with reporting indicates that he is not a good candidate for supervision and at this time respectfully requests a revocation in order to make the victim of his original sentence whole.

Approved By: Justin R Sellers, 10/19/2022

End Of Violation Report

State of South Carolina) In the Court of General Sessions
County of Richland) Fifth Judicial Circuit
2013-GS-40-05309

The State of South Carolina,)
Plaintiff,)
vs.) Transcript of Record
David Lambert,)
Defendant.)

December 5, 2022
Columbia, South Carolina

B E F O R E:

The Honorable Clifton Newman, Judge

A P P E A R A N C E S:

Makenzie A. Thomas, Esquire
Attorney for the Defendant

George Jimenez, Agent
South Carolina Department of Probation, Parole, &
Pardon Services

Matthew C. Buchanan, Esquire
Attorney for South Carolina Department of Probation,
Parole, & Pardon Services

Elizabeth B. Harris, CVR-M-CM
Circuit Court Reporter

I N D E X

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<u>Witness/Description</u>	<u>Page No.</u>
Certificate Page.	11

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>I.D.</u>	<u>Ev.</u>
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No Exhibits Introduced.

1 (PRIOR TO HEARING, THE DEFENDANT WAS SWORN.)

2 THE COURT: Yes, sir.

3 AGENT JIMENEZ: Your Honor, this case also has a
4 victim involved. We have a statement from our victim
5 advocate, and as well we have our legal counsel Matthew
6 Buchanan here you to address the court.

7 THE COURT: Okay.

8 MR. BUCHANAN: Your Honor, I'm here. I was asked to
9 be here because we were passed a memorandum of law by the,
10 the defendant. I believe that she's probably going to have
11 some motion. I'm going to be responding.

12 THE COURT: Is this something I'm supposed to read on
13 the fly or?

14 MS. THOMAS: I'm sorry, Your Honor. We weren't sure
15 who was going to be the judge for probation this morning,
16 and so I did not know who to send it to.

17 THE COURT: Okay. What is it about?

18 MS. THOMAS: Essentially I believe the department's
19 argument is that Mr. Lambert is currently in violation of
20 his probation. However, it's the defense's argument that
21 the court does not have this jurisdiction to hear this
22 probation violation as Mr. Lambert should not be -- is not
23 supposed to be on probation currently.

24 THE COURT: What happened to his probation?

25 MS. THOMAS: So, Mr. Lambert was originally sentenced

1 in 2015 to twelve years provided upon the service of seven
2 years' active time and five years' probation. He was
3 released from SCDC in 2018 on community supervision, which
4 was set to end 2020. He was violated on community
5 supervision on April 23, 2020. However, the Honorable
6 Judge Benjamin, she ordered him to be continued on
7 community supervision and for his case, his community
8 supervision case to close on the original close date of
9 July 31, 2020.

10 It appears that after that original close date that
11 the department opened a probation case for Mr. Lambert,
12 which under the SC Code 24-21-560 and *Picklesimers* (sic)
13 they don't have the authority to do, Your Honor.

14 THE COURT: Say that one more time.

15 MS. THOMAS: It appears that when Mr. Lambert's
16 community supervision case expired in 2020, the department
17 opened a probation case for the five year probationary
18 period of his sentence, which they did not have the
19 authority to do under SC CODE 24-21-560 and ---

20 THE COURT: What does that say?

21 MS. THOMAS: Under 21-24-560, the only way for a
22 community supervision case to close is for that case -- for
23 that term of community supervision to be completed, or for
24 the offender to be revoked so many times that he eventually
25 serves out his full sentence.

1 In *Picksimers*, our Supreme Court stated that that
2 means essentially after someone has completed their
3 community supervision case and it has closed, the
4 probationary sentence is dispelled and no longer exists,
5 Your Honor.

6 THE COURT: What portion of the case says that?

7 MS. THOMAS: I have a copy of the case right here,
8 Your Honor. And also included in the memorandum is
9 probation's own statement about *Picklesimers* after the case
10 came out, Your Honor, which I believe agrees with our
11 arguments. There's *Picklesimers* and *Dawkins*.

12 THE COURT: So, what happened to Judge Hood's order
13 for five years' probation?

14 MS. THOMAS: When Mr. Lambert's CSP case closed, the
15 five years of probation was essentially dispelled, Your
16 Honor; it no longer exists.

17 THE COURT: So, you cannot have probation following
18 community supervision?

19 MS. THOMAS: Under *Picklesimers* and SC Code
20 24-21-560(e), that is our argument, Your Honor.

21 THE COURT: All right, that's your argument?

22 MS. THOMAS: Yes, Your Honor, and I believe probation
23 -- it as probation's argument as well in 2010. Attachment
24 10 in our memo is probation's own statement regarding
25 *Picklesimers* and their opinion on the matter.

1 THE COURT: All right. Yes, sir, Mr. Buchanan.

2 MR. BUCHANAN: Thank you very much, Your Honor. May
3 it please the court? Your Honor, the reason why Mr.
4 Lambert is -- has begun his probationary case is because he
5 did not successfully complete his community supervision.
6 Per the, the original sentence by Judge Hood, he received
7 twelve years suspended on the service of seven years
8 active, the balance suspended, five years' probation, with
9 special condition of \$9400 of restitution.

10 Upon the closure of his community supervision, he
11 still had an outstanding balance of restitution; he still
12 has an outstanding restitution balance even on probation.
13 Per the law, the very clear language 24-21-560 subsection
14 E, it says that upon a successful completion of community
15 supervision. He did complete community supervision but
16 with an outstanding balance of restitution, the department
17 holds that it is not a successful completion. Therefore,
18 because Judge Hood did order res -- order this restitution
19 and he ordered probation, we rolled the case into a
20 probationary case. And I believe this, this squares and
21 comports with *Picklesimer* because *Picklesimer* talks about
22 when a case is successfully completed. That is true.
23 Subsection E does terminate the person's sentence. But
24 when there is an outstanding balance of restitution, we do
25 not believe that was a successful completion.

1 He did comply with all the other terms, so his
2 community supervision ended. Therefore, the only thing
3 that's left is the probationary case because otherwise, he
4 would be rewarded for not paying his restitution, and it
5 does not comport to say that he was successful in his
6 community supervision when he did not pay off his
7 restitution.

8 THE COURT: All right, Ms. Thomas.

9 MS. THOMAS: Thank you, Your Honor. The department's
10 arguing that Mr. Lambert essentially violated his community
11 supervision by not successfully paying off all his
12 restitution. However, under the statute that Mr. Buchanan
13 just mentioned, 24-21-560, the department would've had to
14 serve Mr. Lambert with process before midnight on July 31,
15 2020, when his community supervision case was to close in
16 order to initiate a proceeding before a general sessions
17 court, who would then have to find Mr. Lambert in violation
18 of his community supervision.

19 MR. BUCHANAN: Your Honor, we disagree that that is
20 required. As I'm sure the defense is aware, that's --
21 willfulness isn't required to show for a violation of
22 nonpayment.

23 All we have is the tools in front of us. We have a
24 ordered probationary case by Judge Hood. We have an
25 unsuccessful community supervision which does close because

1 it expires. It only has two years. This is an opportunity
2 for Mr. Lambert to continue to pay on his obligation, those
3 financial obligations ordered by the judge at the
4 sentencing.

5 We don't believe that we needed to file any citations
6 or, or, or warrants or anything like that because as the
7 case expires, it's very typical for -- just like when a
8 person's -- after, after a -- after Mr. Lambert's sentence
9 at the Department of Corrections ends, his community
10 supervision by necessity begins. Just as Judge Hood
11 actually intended was his -- he would be starting with his
12 probation. Of course, by, by law the department -- or the
13 community supervision does begin first, and that's what
14 happened. But because we don't have a successful
15 completion of community supervision, his probation
16 therefore must begin.

17 THE COURT: Anything else?

18 MS. THOMAS: Your Honor, it's our argument and opinion
19 that the court has the authority to determine whether or
20 not Mr. Lambert has successfully completed his community
21 supervision. At the time, probation, the department, could
22 have served him with process as the statute requires them
23 to do and brought him before Your Honor.

24 THE COURT: I said anything else. You said that
25 before, I believe.

1 MS. THOMAS: No, Your Honor. We have nothing further.

2 THE COURT: Anything further?

3 MR. BUCHANAN: No, Your Honor.

4 THE COURT: All right. You have your victim advocate
5 here.

6 MR. WHITE: Good morning, Your Honor.

7 THE COURT: Good morning. How are you doing?

8 MR. WHITE: May I approach?

9 THE COURT: Yes, sir.

10 MR. WHITE: We have a letter from the victim, and she
11 would like for me to read it.

12 THE COURT: All right.

13 MR. WHITE: For the record, Your Honor my name is
14 Anthony White.

15 THE COURT: Mr. White.

16 MR. WHITE: Anthony White.

17 It's been one year, one month, four days since
18 you murdered my brother. Our lives were forever
19 changed. You took a father, son, brother, and
20 uncle away from us. You got a second chance to
21 do right, but yet again you broke the law. It is
22 my sincere prayer that they lock you up for the
23 remainder of your sentence, that you receive the
24 harshest punishment for your new charges. We pay
25 every day for the choices you made. I'll never

1 get my brother back. He wasn't here to watch his
2 only child graduate, walk her down the aisle, or
3 to be here for a million other important events
4 in our lives, but maybe we'll get justice today,
5 all you stole from us. If not, then when you
6 burn in hell.

7 THE COURT: Is the victim present, or she wanted to
8 submit this instead?

9 MR. WHITE: She's not present, Your Honor.

10 THE COURT: All right. Well, I'm not going to try to
11 decide this on the fly. I'll take it under advisement.
12 We'll have to reconvene when I get a chance to review this
13 stuff.

14 MR. BUCHANAN: Thank you, Your Honor.

15 MS. THOMAS: Thank you, Your Honor.

16 THE COURT: All right.

17 AGENT JIMENEZ: Do you have a timeframe you'd like for
18 us to try to reschedule this for, Your Honor?

19 THE COURT: I don't know. I have to have time to look
20 at it. It all depends on what happens. I assume everyone
21 will be available.

22 AGENT JIMENEZ: Thank you. The state will contact
23 you, and we'll schedule something after the 1st.

24 THE COURT: All right.

25 MS. THOMAS: Thank you, Your Honor.

CERTIFICATE

I, THE UNDERSIGNED ELIZABETH B. HARRIS, CERTIFIED
VERBATIM OFFICIAL COURT REPORTER FOR THE FIFTH
JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO
HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE
AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE
PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE HEARING
OF THE CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE
CIRCUIT COURT FOR RICHLAND COUNTY, SOUTH CAROLINA, ON
THE 22ND DAY OF SEPTEMBER, 2023.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,
COUNSEL, NOR INTEREST IN ANY PARTY HERETO.

/s/ELIZABETH B. HARRIS, CVR-M-CM

COLUMBIA, SOUTH CAROLINA

NOVEMBER 21ST 2023

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<u>Witness/Description</u>	<u>Page No.</u>
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E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>I.D.</u>	<u>Ev.</u>
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No Exhibits Introduced.

1 (PRIOR TO HEARING, THE DEFENDANT WAS DULY SWORN.)

2 AGENT JIMENEZ: Your Honor, this is the case of Mr.
3 David Lambert. Mr. Lambert was placed on probation out of
4 Richland County for voluntary manslaughter back in 2015,
5 October 2015, where he received a sentence of twelve years
6 suspended to seven years, and then five years' probation.
7 He has -- he was afforded the opportunity of PTUP upon
8 payment of restitution.

9 He's had a prior revocation in front of Your Honor,
10 where he was continued. Compliance credit was revoked, and
11 we restructured his probation -- his restitution. A big
12 factor in the violations that he's had previously was that
13 his restitution amount, total amount due was \$11,071, and
14 the amount was outside of his means of being able to pay at
15 the time.

16 So since that date, which that was back in 2021, Mr.
17 Lambert was being supervised under the mental health case
18 load, and Mr. Lambert has had issues in the past
19 maintaining residential stability. He's had issues -- he's
20 had issues with maintaining residential stability, which
21 then makes it difficult for the state to remain in contact
22 with him.

23 I can say, though, in my experience in working with
24 him since 2021 he has always had a job. It's fluctuated
25 from how much he was getting paid and the work he was

1 doing, but he does work at McDonald's, and he's recently
2 been promoted there, which I just provided you with a
3 ledger of today's date that indicates that Mr. Lambert has
4 paid his restitution current where he's -- to date he's
5 paid a total of \$1409 of his restitution amount.

6 Him and I have had previous conversations on, on --
7 discussing how to stay current and how to pay his financial
8 obligations to avoid this becoming a recurring issue. But
9 needless to say, we are still here today because Mr.
10 Lambert does have a violation of whenever the warrant was
11 issued, he did fail to contact his agent. He did fail to
12 provide a verifiable residence because of his homelessness,
13 which hopefully we can address and correct in the future if
14 we're provided an opportunity to continue to supervise him.

15 The state also has our legal department and does have
16 a victim advocate statement to address when the time is
17 appropriate.

18 THE COURT: Let me go ahead and hear Mr. Buchanan.

19 MR. BUCHANAN: Actually, I think I'd defer to Ms.
20 Makenzie. She had brought an earlier motion; that had been
21 resolved, but I want to first defer to her and let her
22 explain that to you.

23 THE COURT: Ms. Thomas.

24 MS. THOMAS: Thank you, Your Honor. I just want to
25 address a little bit procedurally how we got here. So Mr.

1 Lambert, he pleaded to voluntary manslaughter on October 1,
2 2015. He was sentenced to twelve years, provided upon the
3 service of seven years active, balance suspended to five
4 years' probation and restitution, Your Honor.

5 So, he served 85 percent of his seven years and was
6 released on community supervision on August 1st of 2018.
7 Then on April 23rd of 2020, he was served with a community
8 supervision citation, which was heard May 5, 2020, by the
9 Honorable Judge Benjamin, who ordered that Mr. Lambert be
10 continued on community supervision and for the case to
11 close on its original close date of July 31, 2020. The
12 department did close his community supervision on July 31st
13 of 2020 but then opened a five year probation case on
14 August 1st of 2020. No citation or warrant was ever issued
15 prior to opening the probation case.

16 THE COURT: Okay.

17 MS. THOMAS: Then on April 27, 2021, Mr. Lambert was
18 served a probation citation which was heard by Your Honor
19 on August 13th of 2021, where you ordered that he be
20 continued on probation. Then the current probation warrant
21 that we're -- that you're hearing today was served on Mr.
22 Lambert on October 24th of 2021. It was initially before
23 the court on December 5th of 2022 in front of the Honorable
24 Clifton Newman, where I made a motion to dismiss for lack
25 of jurisdiction, which Judge Newman took under advisement

1 at the time after memorandums of law were submitted to the
2 court. On June 8th of this year, Judge Newman signed an
3 order denying that motion.

4 We still argue that the court lacks jurisdiction to
5 hear this probation violation under South Carolina Code
6 24-21-560(e) as well as *Picklesimer* -- *State v.*
7 *Picklesimers* (sic), Your Honor. I have that argument, that
8 argument heard and decided upon by Judge Clifton Newman.
9 If you would like to hear it, I can provide it to you, but
10 I do just for the record want to state that Mr. Lambert and
11 I object to the dismissal, Your Honor.

12 It's my understanding that probation is asking that he
13 be continued on probation if you ---

14 AGENT JIMENEZ: Your Honor, just for clarity,
15 technically the recommendation by the state was that he was
16 -- revoke and terminate and convert financial obligations.
17 But this also was produced in two thousand ---

18 THE COURT: So, he's not caught up on restitution?

19 AGENT JIMENEZ: --- 2022, yes, Your Honor, and, I
20 mean, he's made strides in the last year. So, needless to
21 say, the recommendation of the state was revoke and
22 terminate.

23 THE COURT: Right.

24 MS. THOMAS: And I also have letters from his
25 employers and everyone throughout the McDonald's chain,

1 Your Honor, if you would like to see those, talking about
2 how well Mr. Lambert is doing. I have shown these to
3 probation, Your Honor.

4 (A PAUSE.)

5 THE COURT: Okay.

6 MS. THOMAS: Thank you, Your Honor. So in the
7 alternative, agreeing that the court lacks jurisdiction
8 under South Carolina Code Section 24-21-560(e) and *State v.*
9 *Picklesimers*, Your Honor, we would ask that you continue
10 Mr. Lambert on probation.

11 THE COURT: Now let me go back to the state.

12 MR. BUCHANAN: All right. Thank you very much, Your
13 Honor. Yes, regarding that, that motion and the, the
14 language of 24-21-560(e), it specifically said that upon
15 the successful completion of community supervision, the
16 case is satisfied and, and the individual's sentenced is,
17 is done. And that was also ruled by *State v. Dawkins*, that
18 upon successful completion, any residual probation would
19 also necessarily be terminated.

20 The state's position, of course, is he still had
21 outstanding restitution; that cannot be considered a
22 successful completion and, therefore, the probation began.
23 Judge Clifton Newman did agree with the state, ruled. I
24 have the, the order here now, but as -- again we are here
25 for the, the probation matter, and otherwise I defer to

1 Agent Jimenez's rendition of the facts.

2 THE COURT: Okay.

3 MS. THOMAS: Your Honor.

4 THE COURT: Yes.

5 MS. THOMAS: If I may? I would like to add that the
6 department is correct that the South Carolina Code Section
7 24-21-560(e) does state that -- and *Dawkins* does state that
8 the community supervision may be closed upon successful
9 completion. However, only the court is able to determine
10 that supervision was unsuccessful, Your Honor. And so in
11 order for that to happen, a citation or a warrant must have
12 been issued before the expiration of community supervision,
13 and that was not done, Your Honor.

14 THE COURT: You mean outside of the April 2020
15 warrant?

16 MS. THOMAS: Correct.

17 THE COURT: Citation.

18 MS. THOMAS: Yes, the April citation. He was -- that
19 was heard and he was continued on community supervision,
20 and Judge Benjamin ordered that he -- his community
21 supervision be closed on his original close date of July
22 31, 2020. In order for them to open a probation violation
23 -- or a probation supervision case, there would have had to
24 have been a new violation that would have had to have been
25 heard, Your Honor.

1 MR. BUCHANAN: Your Honor, if...

2 THE COURT: Well, I'm just -- I mean, I asked out of
3 curiosity. I'm really not going to revisit the issue
4 because it's ruled upon, and I actually have a copy of the
5 order where there is a judicial determination that the
6 community supervision ended unsuccessfully on July 31,
7 2020. So, to the extent the court must make that
8 determination, it already has.

9 MS. THOMAS: Yes, Your Honor, Judge Newman did.

10 MR. BUCHANAN: And, Your Honor, not, not to certainly
11 disagree with your ruling, and our also position is that
12 Judge Hood's original sentencing order gives us that
13 authority because he ordered probation in the case.

14 THE COURT: Right. Okay.

15 So, now let's get into this violation. Mr. Lambert --
16 well, y'all just want to continue him at this point, right?
17 There's no victim impact statement?

18 AGENT JIMENEZ: Your Honor, our victim advocate is
19 here to make a statement.

20 VICTIM'S ADVOCATE: May I please the court, Your
21 Honor? I have a statement from Ms. Tennille Waddell. She
22 states that it has been eleven years, eleven days since Mr.
23 Lambert murdered her brother. She says her lives -- their
24 lives have forever been changed. He took away a father, a
25 brother, and a son away from them. He got a second chance

1 to do what's right, but yet again he broke the law. That
2 it's her sincerest prayer that they lock him up the
3 remainder of his sentence, and that he receive the harshest
4 punishment for the violations. They pray for his choices
5 every single day. She says she'll never get her brother
6 back, and she may never get justice, that she asks for
7 justice today. Thank you.

8 THE COURT: Yes, ma'am.

9 Mr. Lambert, what was going on with the restitution
10 that you got so far behind, and are you going to be able to
11 stay on top of it going forward?

12 DEFENDANT: Yes, ma'am. I got homeless there for a
13 while. Like, the motor broke in my car, and I was
14 homeless. But I'm working now and I got transportation and
15 a stable place to live, and I got -- just got another
16 promotion at work, so.

17 THE COURT: Where are you living now?

18 DEFENDANT: With my girlfriend, with Angie.

19 THE COURT: Okay.

20 MS. THOMAS: And, Your Honor, I think it's also
21 important to add that this probation violation, because of
22 all of -- the motion that was filed and everything has been
23 rescheduled several times, and Mr. Lambert has shown up
24 maybe seven or eight different days at this point, Your
25 Honor. So, he does -- he shows up. He stays in contact

1 with me; he's been in contact with probation. Since being
2 served the warrant, he's doing wonderfully, Your Honor.

3 RULING OF THE COURT:

4 THE COURT: Let's just continue him on probation.

5 Now, you've got to stay on top of things. You've got
6 to check in. You've got to make payments. Even if you
7 can't make a full payment, pay what you can. Understood?

8 DEFENDANT: Yes, ma'am.

9 THE COURT: Now, do you work at McDonald's on Two
10 Notch ---

11 DEFENDANT: No, ma'am.

12 THE COURT: --- ever?

13 DEFENDANT: I'm over off -- there's seven McDonald's.
14 Two in Camden, one of Lugoff, one on Bluff Road, Atlas Road
15 in front of Lowe's, Forest Drive, and Blythewood.

16 THE COURT: Okay. Never the one on Two Notch at
17 Beltline?

18 DEFENDANT: No, ma'am. The owner don't own it.

19 THE COURT: Okay. I thought I recognized you. You
20 take the bus or you have a car?

21 DEFENDANT: No, ma'am. I got a company van.

22 THE COURT: So, somebody else then. Okay. All right.
23 I thought I recognized you.

24 (A PAUSE.)

25 THE COURT: Yes, let's just continue you on probation.

1 You've got to stay on top of things. It sounds like
2 everyone is kind of working to keep you out of prison.

3 DEFENDANT: Yes, ma'am. I appreciate that.

4 THE COURT: But you've got to do your part ---

5 DEFENDANT: Yes, ma'am.

6 THE COURT: --- to stay out of prison because if you
7 come back on another violation ---

8 DEFENDANT: Oh, I know.

9 THE COURT: --- it's really not going to look good,
10 and you really might end up ---

11 DEFENDANT: I really ain't coming back.

12 THE COURT: --- in the Department of Corrections.
13 Okay. All right.

14 DEFENDANT: Yes, ma'am.

15 MS. THOMAS: Thank you, Your Honor.

16 AGENT JIMENEZ: Thank you, Your Honor.

17 --- END OF TRANSCRIPT OF RECORD ---

CERTIFICATE

I, THE UNDERSIGNED ELIZABETH B. HARRIS, CERTIFIED VERBATIM OFFICIAL COURT REPORTER FOR THE FIFTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE HEARING OF THE CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE CIRCUIT COURT FOR RICHLAND COUNTY, SOUTH CAROLINA, ON THE 22ND DAY OF SEPTEMBER, 2023.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST IN ANY PARTY HERETO.

/s/ELIZABETH B. HARRIS, CVR-M-CM

COLUMBIA, SOUTH CAROLINA

NOVEMBER 21ST, 2023

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL SESSIONS
Warrant Number: W40210310
Indictment Number: 13GS400539

The State of South Carolina,)

vs.)

DEFENDANT'S MEMORANDUM OF LAW

David Lambert)
Defendant.)

RICHLAND COUNTY
FILED
2022 DEC - 5 PM 2:23
JEANETTE V. MERRIND
C.C.R. G. B. B. B.

PROCEDURAL HISTORY

David Lambert was originally arrested and charged with Murder on September 20, 2012. Lambert pleaded to Voluntary Manslaughter before The Honorable Robert E. Hood on October 6, 2015 and was sentenced to twelve years provided upon the service of seven years active, balance suspended to five years of probation, special conditions \$9400 restitution and no contact with victims. See Attachment 1.

Mr. Lambert was released on Community Supervision on August 01, 2018, after serving 85% of his active seven-year sentence. See Attachments 2 and 3. On April 23, 2020, Mr. Lambert was served with a Community Supervision Citation by South Carolina Department of Probation, Parole, and Pardon Services. See Attachment 4. This Citation was heard before The Honorable DeAndrea G. Benjamin on May 15, 2020; during which the Court ordered Mr. Lambert be continued on Community Supervision and for his case to close on its "original close date" of July 31, 2020. See Attachment 5.

It appears that the Department closed Mr. Lambert's Community Supervision case on July 31, 2020 and began a five-year term of probation on August 01, 2020. See Attachment 6. No citation or warrant was issued prior to the expiration of Mr. Lambert's Community Supervision case. On April 27, 2021, Mr. Lambert was served with Probation Citation by the Department. See Attachment 7. This Citation was heard before The Honorable Jocelyn Newman on August 13, 2021, during which she ordered Mr. Lambert to be continued on probation. See Attachment 8. On October 24, 2021, the current Probation Warrant before this Court was issued. See Attachment 9.

ARGUMENT

Mr. Lambert contends that the Court lacks jurisdiction to grant the Department's request to revoke his probation for alleged violations as Mr. Lambert's supervision expired, without the issuance of a citation or warrant, on July 31, 2020. Mr. Lambert further contends, that per S.C. Code § 24-21-560(E) and State

v. Picklesimer, 388 S.C. 264 (2010), he “has satisfied his sentence and must be discharged from his sentence.” S.C. Code § 24-21-560(E).

The Department contends that Mr. Lambert was unsuccessful in completing his term of Community Supervision as he failed to pay the entirety of his court ordered restitution by July 31, 2020. The Department did not, however, issue a violation or citation prior to the expiration of his required two-year term of Community Supervision on July 31, 2020. The Department further believes that his Community Supervision case ended unsuccessfully, triggering the imposition of a five-year term of standard probation, beginning on August 1, 2020 and ending July 31, 2025. This position is neither supported by statute nor by case law interpreting the Community Supervision statutes.

Although Mr. Lambert’s sentence was a “split sentence,” with an active portion as well as a suspended portion including probation, our courts have deemed the residual probationary period to be wholly subsumed by the term of Community Supervision:

[B]ecause the Court finds that the original sentence encompasses both the suspended and unsuspended portions of the sentence, coupled with our pronouncement in Dawkins that CSP and normal probation run concurrently, then a defendant will either successfully complete his CSP, or continue in CSP due to violation revocations until the end of the original sentence, at which time the sentence will have been fulfilled.

Picklesimer at 271. (Emphasis added).

This Court first ruled on Mr. Lambert’s alleged violations on May 15, 2020. The Court, having heard the allegations, ordered that Mr. Lambert be continued on Community Supervision and allowed “case to close on original close date of 7/31/2020.” Had the Court elected to revoke Mr. Lambert’s supervision, it could have returned him to the Department of Corrections for a term not to exceed one year, triggering an additional two-year term of Community Supervision upon his release. S.C. Code § 24-21-560(D). Further, if the Department believed he committed violations after May 15, 2020, they would have been required to issue new process prior to the expiration of his term of supervision on July 31, 2020:

If the department determines that a prisoner has violated a term of the community supervision program and the community supervision should be revoked, a probation agent must initiate a proceeding in General Sessions Court. The proceeding must be initiated pursuant to a warrant or a citation issued by a probation agent setting forth the violations of the community supervision program.

S.C. Code § 24-21-560(C).

The Department allowed Mr. Lambert’s case to close “on original close date” as per this Court’s previous order, thereby satisfying his entire sentence per S.C. Code § 24-21-560 and as interpreted by Picklesimer. Instead of issuing a new citation or warrant for new allegations, the Department chose instead

impose a five-year term of probation after Mr. Lambert completed a two-year term of Community Supervision. Counsel for Mr. Lambert struggles to find legal justification for this decision in light of the fact that the concept of probation following the completion of Community Supervision for a single "no parole" offense was effectively eliminated by the ruling in Picklesimer. This is the same position the Department itself held after the Picklesimer ruling:

This decision effectively voids any trailing probation case stemming from the same "no parole offense" conviction. Since the decision requires that an offender either: (1) successfully complete his term of CSP supervision (2 years max) (State v. Dawkins); or (2) complete an aggregate period of "service time" equal to the "original sentence" (State v. Picklesimer), the sentence would necessarily be satisfied prior to the start of probation, even if the offender never successfully completes a term of CSP.


Because the court denied the State's Petition for Rehearing, the opinion is final as of August 5, 2010. The Department has been aggressively identifying affected offenders and recalculating their "service time" to determine who should no longer be under supervision.

PPP Legislative Update, Case Law Update & Determining Parole Eligibility, 9-11. (2010) See Attachment 10.

CONCLUSION

For the aforementioned reasons, Mr. Lambert has completed his original sentence, in its entirety, upon the expiration of his two-year term of Community Supervision on July 31, 2020. The Department, therefore, has no authority to further supervise or issue warrants or citations for the above captioned case.

Respectfully Submitted,


Makenzie Thomas
Counsel for Mr. Lambert
SC BAR #: 105337

This 5 day of December, 2022
Columbia, SC.

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL SESSIONS
FIFTH JUDICIAL CIRCUIT
Warrant No. W40210310

Re Indictment Number: 2013-GS-40-05309

State of South Carolina,)
)
Plaintiff,)
)
v.)
)
David Lambert,)
)
Defendant.)
_____)

STATE'S MEMORANDUM OF LAW

Procedural History

As recited in Defendant's Memorandum of Law, Defendant was sentenced by the Honorable Robert E. Hood on October 1, 2015 for the offense of voluntary manslaughter. Judge Hood sentenced him to twelve years provided upon the service of seven, with the balance suspended to five years of probation. As a condition of that probation, Defendant was required to pay \$9,400.00 in restitution.

Defendant was released from the Department of Corrections on August 1, 2018, and started a term of community supervision program (CSP), pursuant to the mandatory requirements of S.C. Code 24-21-560. Per the authorization of Section 24-21-560(B) and Judge Hood's restitution order, the Department of Probation, Parole and Pardon Services (the Department) imposed restitution payments as a condition of CSP.

Defendant's CSP ended unsuccessfully on July 31, 2020, due to his failure to pay his restitution amount in full. Consequently, Defendant's probation began on August 1, 2020.

Legal Argument

Defendant cites to *State v. Picklesimer*, 388 S.C. 64, 695 S.E.2d 845 (2010), in his assertion that his sentence should be considered to be satisfied pursuant to Section 24-21-560(E). However, the more appropriate case is *State v. Dawkins*, 352 S.C. 162, 573 S.E.2d 783 (2002).

In *Dawkins*, a similar set of facts was before the Supreme Court as the instant case. Dawkins was released to CSP, completed it, and then began his ordered term of probation. Under the clear terms of Section 24-21-560(E), (“A prisoner who successfully completes a community supervision program pursuant to this section has satisfied his sentence and must be discharged from his sentence.”), the Court held that Dawkins’ sentence, and any residual probation, was completed upon the successful completion of CSP.

The distinguishable fact is that Dawkins successfully completed his CSP. The Defendant, however, failed to pay his ordered restitution in full by the end of his CSP. Even though he did not violate the conditions of CSP, the terms were not met by the time the period of supervision expired. Without full payment of restitution, Defendant’s CSP was not *successfully* completed.

The term “successfully” is not to be ignored. The Supreme Court in *Dawkins* chose to emphasize that word when it said, “Accordingly, Dawkins’ sentence, including probation, is discharged upon *successful* completion of the CSP.” *Id.* at 167, 573 S.E.2d at 785 (emphasis in original).

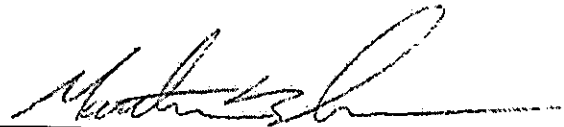
Defendant also makes the argument that the Department should have issued a warrant or citation at the conclusion of his CSP in order to address the failure to pay restitution in full. While that certainly is an option, the court’s ability to properly address the failure to pay is limited at

best. Without a willful violation for nonpayment, the court is not able to revoke even a portion of the CSP. See *State v. Hamilton*, 333 S.C. 642, 511 S.E.2d 94 (Ct. App. 1999).

Judge Hood ordered a five-year term of probation. Defendant had the opportunity to end his sentence early by successfully completing CSP and paying the restitution amount owed in full. In failing to do so, his CSP was not completed successfully, after which his ordered probation was required to begin.

For the above-stated reasons, the Department respectfully requests that this Court determine that Defendant is properly on probation and proceed with his violation hearing.

Respectfully submitted,



Matthew C. Buchanan
General Counsel

South Carolina Department of Probation,
Parole and Pardon Services
P.O. Box 207
Columbia, South Carolina 29202
(803) 734-9220

Columbia, South Carolina
December 5, 2022

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 The State of South Carolina,)
)
 vs.)
)
 David Lambert)
)
Defendant.)

IN THE COURT OF GENERAL SESSIONS
 Warrant Number: W40210310
 Indictment Number: 13GS400539
 DEFENDANT'S RESPONSE TO DEPARTMENT
 MEMORANDUM OF LAW

2023 JAN -5 AM 10:35
 FILED
 RICHLAND COUNTY
 S.C.C.P., G.S. § 17-13-100
 & F.C.

Argument

In their memorandum, the Department asserts that *State v. Dawkins*, 352 S.C. 162, 573 S.E.2d 783 (2002) is more appropriately applied to Mr. Lambert's case than *State v. Picklesimer*, 388 S.C. 64, 695 S.E.2d 845 (2010); however, this is not the case. The facts of *Dawkins* and *Picklesimer* are nearly identical. *Picklesimer* simply expands on and clarifies the *Dawkins* holding. One cannot rely solely on *Dawkins* without the interpretation and explanation by the Court in *Picklesimer*.

The Department focuses its argument on the term "successful." It is the Department's position that Mr. Lambert's failure to pay his ordered restitution in full by the end of his community supervision program made his completion of CSP unsuccessful. Although the Department is correct in the fact that the Court decided to emphasize the word "successful" in *Dawkins* when it said, "Accordingly, Dawkins's sentence, including probation, is discharged upon *successful* completion of the CSP," *Id.* At 167, 573 S.E.2d at 785 (emphasis in original), the Department fails to note that the Court defined "successful completion" in regards to CSP in *Picklesimer* as "the completion of a maximum of two continuous years of CSP, as mandated by section 24-21-560(B), without any violations or revocations, or a determination by the Department that a defendant has fulfilled his CSP responsibilities prior to two years service in the program." *Id.* at 264, 695 S.E.2d

845. Mr. Lambert's CSP case was closed in 2020 without the Department issuing any final violations or the Court ordering any revocations. The Department admits in its memo that Mr. Lambert did not violate the conditions of his CSP by not paying restitution in full before his CSP case closed. *State's Memorandum of Law*, page 2. Thus, the Department is incorrect when it states that "[w]ithout full payment of restitution, [Mr. Lambert]'s CSP was not *successfully* completed." *Id.*

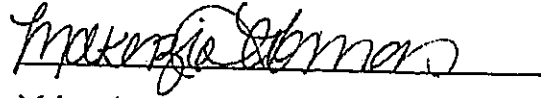
Next, the Department asserts that because the court is not able to revoke an offender's CSP without a willful violation for nonpayment under *Hamilton*, it was not required to bring Mr. Lambert before the court to address his failure to pay restitution in full in order to consider his CSP not successfully completed. *Id.* 333 S.C. 642, 511 S.E.2d 94 (Ct. App. 1999). The Department errs in this assertion. Financial violations and willfulness are determinations for the court to make. *State v. Spare*, 647 S.E.2d 706, 374 S.C. 264 (S.C. App. 2007). The Department chose not to bring the nonpayment to the court's attention; thus, the case closed without violation.

Finally, the Department asserts that Mr. Lambert's suspended probationary sentenced was required to begin after his CSP case closed. *Dawkins* and *Picklesimer* say this is not the case. The Department is ignoring the fact that under S.C. Code § 24-21-560, *Dawkins*, and *Picklesimer*, it is not possible to close a CSP case without either successful completion of 2 years CSP or the offender maxing out the original sentence.

CONCLUSION

For the aforementioned reasons, Mr. Lambert has completed his original sentence, in its entirety, upon the expiration of his two-year term of Community Supervision on July 31, 2020. The Department, therefore, has no authority to further supervise or issue warrants or citations for the above captioned case.

Respectfully Submitted,



Makenzie Thomas

Counsel for Mr. Lambert

SC BAR #: 105337

This 8 day of December, 2022
Columbia, SC.

RICHLAND COUNTY
FILED
2023 JAN -5 AM 10:35
JEROME L. ...
C.C.P., G.S., & F.C.



COMMUNITY SUPERVISION PROGRAM CERTIFICATE

Know all men by these presents:

It having been made to appear to the satisfaction of the SOUTH CAROLINA DEPARTMENT OF PROBATION PAROLE AND PARDON SERVICES that the offender mentioned below who was convicted of the offense(s) indicated below on said date(s) and in said county(ies) meets the requirements for Community Supervision Program as provided for in § 24-21-560 of the South Carolina Code of Laws 1976, as amended.

It is therefore ORDERED that the said prisoner enter the Community Supervision Program at the end of his or her active sentence under supervision subject to the specific conditions listed below until the expiration of this Community Supervision Program as indicated below.

This release shall not prevent the delivery of the prisoner to authorities of the Federal Government or any state otherwise entitled to his or her custody. In witness whereof, this Certificate bearing the approval of the South Carolina Department of Probation, Parole and Pardon Services is issued on the date below.

By Order of: South Carolina Department of Probation, Parole and Pardon Services

By: _____

Offender/Prisoner's Name: LAMBERT, DAVID
Supervision Beginning Date: August 1, 2018
State Identification # (SID): 00858198
SC Dept. of Corrections # (SCDC): 00365629
Supervision Ending Date: July 31, 2020

Table with columns: Offense(s), COR, Indictment # (s), Conviction Date(s), County of Conviction(s), Incarceration Termination Date, Restitution Ordered (\$), Probation to Follow. Row 1: Voluntary manslaughter, 217, 13GS4005309, 10/1/2015, RICHLAND, 8/1/2018, No.

CONDITIONS OF SUPERVISION

Violation of any of these conditions may result in the immediate revocation of supervision.

- 1. I shall report in person to the South Carolina Department of Probation, Parole and Pardon Services' office on the day of my release, not later than 8:30 AM on the next business day, and as instructed by the Department; and I shall make complete and truthful reports to the Agent. Please report to the office in the County of: RICHLAND Phone: (803) 734-6320
2. I shall not change my residence or employment without the consent of my Agent. Further, I shall allow my Agent to visit me in my home, at my place of employment, or elsewhere at any time.
3. I shall not use controlled substances, except when properly prescribed by a licensed physician, nor consume alcoholic beverages to excess nor enter establishments whose primary business is the sale and drinking of alcoholic beverages. Further, I shall submit to a urinalysis, blood test or provide forensic evidence when instructed by Agents of the Department, and I agree that any of these test results may be used as evidence in any hearing.
4. I shall not possess or purchase any firearms, knives, or dangerous weapons, and I shall not associate with any person who has a criminal record, or any other person whom my Agent has instructed me to avoid.
5. I shall work diligently at a lawful occupation. Further, I shall notify my Agent if I become unemployed.
6. I shall not violate any Federal, State, or local laws and I shall contact my Agent if I am ever arrested or questioned by a law enforcement official for any reason whatsoever.
7. I shall pay a supervision fee as determined by the Department.
8. I shall not leave the State without permission from my Agent. Further, if I am ever arrested in another state for violating these conditions, I hereby irrevocably waive all extradition rights I may otherwise be entitled to and agree to return to South Carolina when directed by my Agent, the cost to be paid by a warrant.
9. I shall obey all conditions of supervision set forth in this order including the payment of fines, restitution, or other payments, and the service of my period of incarceration. I will make all child support payments as ordered by the court.
10. I shall follow the advice and instructions of my Agent and I agree to comply with any further conditions imposed by the Department or its Agent.
11. Unless I was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year, I shall be subject to search or seizure, without a search warrant, with or without cause, of my person, any vehicle I own or am driving and any of my possessions by: (1) any probation agent employed by the Department; or (2) any other law enforcement officer.

ADDITIONAL CONDITIONS:

- 1a. Must have no contact with the Victim and/or Victim's family for duration of supervision
1b. Must make restitution in an amount and at a rate to be determined by the Agent
2) CSP Calculations Total sentence is 12 years and incarceration start date is 08-25-2012

I hereby certify that the conditions listed above have been read and explained fully to me and in agreement thereto, I attach my signature:

Offender Signature: [Signature] Address: 1501 CONGRESS RD, EASTOVER, SC 29044, RICHLAND, USA

I hereby certify that this Statement of Conditions has been read and explained to the offender and he/she has agreed to them.

Witness Signature: [Signature]

Date: 7-30-18 Phone: (803) 776-4527

Date: 7/30/18

MOVI220D

SCDC OFFENDER MANAGEMENT SYSTEM
INMATE TRANSFER AND COUNT
TRANSFER HISTORY

12/01/22
C057846

SCDC # 365629

LAMBERT, DAVID M

LEGAL NAME:

OFFENDER TYPE: ADULT-STRAIGHT

OFF TYPE ENTRY DATE: 10/08/15

ASSNMT:

STG:

CURR LOC: UNK

VIC/WIT: Y

SPEC ED: N TABLET ELIG: Y

CURR DORM:

0000

SCRD CUST: POP: MI

SERIOUS MENTAL ILLNESS: N

CHANGE REASON

CHG DATE

07/31/20

EXPIRATION OF SENTENCE

08/01/18

COMMUNITY SUPERVISION

12/07/15

ADMINISTRATIVE

10/08/15

NEW ADMISSION

STATUS

LOCATION

RELEASE

UNK

COMMUNITY SUPERVISION

RICHLAND CO

INCARCERATED

ALLENDALE

INCARCERATED

KIRKLAND

→

← released
by
scdc

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PF3=> TRANSFER INMATE PF4/PF5/PF6=> MODIFY (HQ ONLY) PF7/PF8>BACK/FORWARD

Certificate of Appellant

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

March 21, 2024



Makenzie Thomas
1701 Main St. #103
Columbia, SC 29201
(803) 765-2592
Attorney for Appellant

RECEIVED

MAR 20 2024

SC Court of Appeals