

RECEIVED

Jul 26 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM ANDERSON COUNTY
Court of General Sessions

R. Lawton McIntosh, Circuit Court Judge

Appellate Case No. 2024-000454

The State of South Carolina Respondents,
vs.
Conrad Kenneth Phillips.....Appellant.

RECORD OF APPEAL

Bruce A. Byrholdt
BYRHOLDT DRAWDY LLC
2315 N. Main Street, Ste. 117
Anderson, SC 29621
(864) 26103977
Attorney for Appellant Phillips

Matthew C. Buchanan
General Counsel
South Carolina Department of
Probation, Parole and Pardon
Services
P.O. Box 207
Columbia, SC 29202
Attorney for Respondent

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STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

STATE

VS.

RONRAD KENNETH PHILLIPS

KA: _____
Race: White Sex: M Age: 56
DOB: _____ SS#: _____
Address: _____
City, State, Zip: Belton, SC 29627-2130
DL#* _____ SID# SC00621806

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS0400743

AW#: 2018A0410102246
Date of Offense: 08/21/2017
S.C. Code §: 16-03-0655(C), 16-03-0655(D)(4)
CDR Code #: 3661

SENTENCE SHEET



*CDL Yes No CMV Yes No Hazmat Yes No

On disposition of the above indictment comes now the Defendant who was

CONVICTED OF or PLEADS

TO: Assault & Battery 1st Degree 5 yrs susp 5 yrs prob (credit 24 mos)

In violation of § 16-03-0600 C1 of the S.C. Code of Laws, bearing CDR Code # 3412 W PRO

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

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

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

ATTEST: Kristin W. Reeves 69673 SC Bar # _____ Defendant
Ben a. Bynold 1071 SC Bar # _____ Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 5 days/months/years Time Served Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of 5 days/months/years Time Served 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.

The sentence shall run 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 SCDOC. 24 days/months
 To include time spent on monitored house arrest prior to trial and sentencing.
 The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

TATE VS.

CONRAD KENNETH PHILLIPS

INDICTMENT/CASE#:

2019GS0400743

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

Substance Abuse Counseling

Completion of GED

Random Drug/Alcohol Testing

Attend Voc. Rehab. Or Job Corp

No Contact with Victim

Domestic Violence Intervention Program

Mental Health Counseling

May serve W/E beginning: _____

Sex Offender Registry pursuant to S.C. Code § 23-3-430

Public Service Employment _____ days/hours

Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Other: Defendant shall submit to a mental health evaluation within thirty (30) days and shall comply with all treatment recommendations. Evaluation to be done by Anderson / Oconee Dept of Mental Health. No Registry Required.

RESTITUTION: Deferred Def. Waives Hearing Ordered

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

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:	\$ _____	Beginning	_____	\$ _____
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____			\$ _____
§14-1-206 (Assessments 107.5%)	\$100			\$ 100.00
§14-1-211 (A)(1)(Conv. Surcharge)	\$100			\$ _____
§14-1-211 (A)(2)(DUI Surcharge)	\$12			\$ _____
§56-5-2995 (DUI Assessment)	\$25			\$ _____
§56-1-286 (DUI Breath Test)	\$25			\$ 25.00
§14-1-212 (Law Enforce. Funding)	\$150			\$ _____
§14-1-213 (Drug Court Surcharge)	\$41			\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$50			\$ _____
§50-21-114 (BUI Breath Test Fee)	\$40/ea			\$ _____
§56-5-2942(J) (Vehicle Assessment)	TBD			\$ 3.75
3% to County (if paid in installments)				
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500			\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD			\$ _____
	TOTAL			\$ 128.75

Clerk of Court/Deputy Clerk:
Court Reporter:

Richard A. Shirley
SCOTT

Presiding Judge:
Judge Code:
Sentence Date:

[Signature]
#2155
1-10-22

STATE OF SOUTH CAROLINA)
)
 COUNTY OF ANDERSON)
 Victim)
 [REDACTED] (DOB: [REDACTED] 2006))
 COMPLAINANT(S))
 vs.)
 [REDACTED])
 Conrad K. Phillips,)
 RESPONDENT(S).)

IN THE COURT OF GENERAL SESSIONS
 THE 10th JUDICIAL CIRCUIT
 CASE No.: 2019-GS-04-000743
 PERMANENT RESTRAINING ORDER

RESPONDENT IDENTIFIERS

SEX *	RACE *	DOB*	HEIGHT
M	W	[REDACTED]	5' 11"
WEIGHT	HAIR	EYES	STATE
190	Gray	Green	SC

And/or on behalf of minor family member(s) or other protected persons: (List name)

Relationship to Complainant: None

[REDACTED]
 Belton, SC 29627

Respondent's Address

*Indicates required information for entry into NCIC

CAUTION:

- Weapon Involved Weapon Present on Respondent's Property Access to weapons

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter.
 Respondent has been provided with reasonable notice and opportunity to be heard.
 Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

- That the above named Respondent be restrained from committing further acts of abuse or threats of abuse.
 That the above named Respondent be restrained from any contact with the Protected Person as set forth on the attached pages.

The terms of the this order shall be effective until Indefinitely / Permanently , [REDACTED]

WARNINGS TO RESPONDENT:

This order shall be enforced in any county of South Carolina and by the courts of any state, District of Columbia, any U. S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262). State and federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922). Only the Court can change this order.

For Additional Information Call:

864-260-4400 Sheriff

864-260-4053

Clerk of Court

Phone Number

Phone Number

The Court held a hearing on January 10, 2022. After hearing the evidence, and examining the supporting documentation, the Court has determined that the Complainant has/ has not proved by a preponderance of evidence the need for issuance of a Permanent Restraining Order.

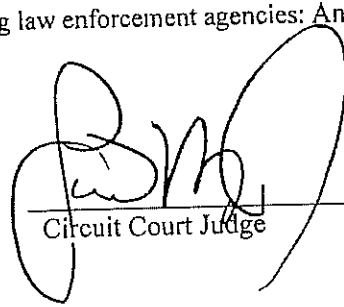
The Court makes the following finding of fact: (Check all that apply)

- 1. The Complainant resides in Anderson County, SC (State).
- 2. The Respondent lives at [REDACTED], Belton (Street Address) which is in Anderson County, SC (State).
- 3. The Respondent is employed at [REDACTED] which is located at [REDACTED].
- 4. The Respondent is a nonresident of this state or cannot be found.
- 5. The Respondent:
 - was convicted of a criminal offense (as defined in SC Code Ann. § 16-3-1900(3)) for which the victim was the subject of the crime.
 - was convicted of a criminal offense (as defined in SC Code Ann. § 16-3-1900(3)) for which the witness assisted the prosecuting entity/agency.
- 6. The conviction took place on this date January 10, 2022 in the General Sessions court. The prosecuting entity/agency was the 10th Circuit Solicitor's Office.
The qualifying conviction was: Assault and Battery 1st Degree.
- 7. A restraining order has expired, is set to expire, or is not available and the common pleas court is not in session for the complainant to obtain a permanent restraining order.

IT IS THEREFORE ORDERED THAT (Check all that apply):

- A. The Respondent is restrained, prohibited and forbidden from abusing, threatening to abuse, or molesting the Complainant or members of Complainant's family.
- B. The Respondent is restrained, prohibited and forbidden from entering or attempting to enter the Complainant's place of residence, employment, or education.
- C. The Respondent is restrained, prohibited and forbidden from communicating or attempting to communicate with the Complainant or members of the Complainant's family in any way that would violate Section 16-3-1910.
- D. Federal Firearms Prohibition, pursuant to 18 U.S.C § 922.
 - 1. Does this Order protect an intimate partner, a child of an intimate partner, or a child of the respondent? YES NO
 - 2. Did the person restrained have actual notice and an opportunity to participate in the hearing? YES NO
 - 3. Does the Order find the restrained person a credible threat or explicitly prohibit the use, attempted use, or threatened use of physical force? YES NO
- E. A copy of this Order shall be served on the following law enforcement agencies: Anderson County Sheriff's Office.

AND IT IS SO ORDERED.
Entered at 11:45 AM on 1-10-22
RLW



Circuit Court Judge

RETURN

Constable or Law Enforcement Officer

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

CONRAD PHILLIPS

on the 15 day of DECEMBER 2023

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

ANDERSON

THE STATE

against

CONRAD KENNETH PHILLIPS

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 12/15/2023

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

Stephen L Washburn

Disposition _____

Sentence _____

Co-Defendants _____

INFORMATION ON DEFENDANT

Name CONRAD KENNETH PHILLIPS

Address _____
BELTON, SC 29627

Phone _____

Sex Male Race White Height 511

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 _____

6

Probation
ARREST WARRANT
Indictment Number: 19-GS-04-00743
Warrant Number: W-04-23-0372
State Identification No. (SID) 00621806

24 FEB 14 PM 3:09:49
Anderson, SC 00621806

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

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

It appearing from the attached affidavit that there are reasonable grounds to believe that CONRAD KENNETH PHILLIPS, did on the 15 day of December, 2023
violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

The offender has violated conditions 4, 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 January 10, 2022. 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 CONRAD KENNETH PHILLIPS 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 ANDERSON, S. C. this 15 day of December, 2023.



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

County of **ANDERSON**

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Stephen L Washburn, who, first being duly sworn, deposes and says that CONRAD KENNETH PHILLIPS did within this County and State on the 15 day of December, 2023, violate the criminal laws of the State of South Carolina in the following particulars:


DESCRIPTION OF OFFENSE:

The offender has violated conditions 4, 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 January 10, 2022. This warrant or citation is issued pursuant to section 24-21-450 or 300.

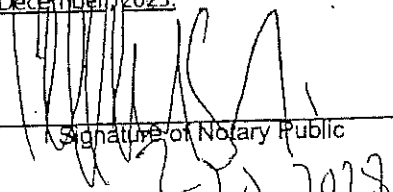
The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

Failing to follow the advice and instructions of his agent. Failing to refrain from entering establishments whose primary business is the sale and drinking of alcohol, having been found to at Sugar Hill Tap Room in Belton, SC, evidenced by Anderson County Sheriff's Office incident report# 2023-16682. Failing to refrain from having contact with the victim on his case as instructed by Judge McIntosh on 1/10/2022, evidenced by Anderson County Sheriff's Office incident report# 2023-16682.
Such actions constitute violation of conditions 4, 10, Special Conditions.

Sworn to and Subscribed before me
this 15 day of December, 2023.



Affiant



Signature of Notary Public (L.S.)
My Commission Expires 3-20-2028

Address: P.O. BOX 8002
ANDERSON, SC 29622

(864) 260-2230

COMMITMENT

South Carolina Department of Probation, Parole and Pardon Services

Violation Report - (Report 1106 B)

24 FEB 14 PM 3:09:51

Personal Information					
Name:	SID:	DOB:	SCDC#:	Supervision Level:	Agent Name:
CONRAD KENNETH PHILLIPS	00621806	[REDACTED]		Standard Supervision	04-OSS01-Elexis Clark

Sentencing Information					
Order: 1	Potential End Date: 1/27/2025	Adjusted End Date: 10/6/2025	DATE: 2/9/24		
Warrant/Citation Numbers: W-04-23-0372			JUDGE: McIntosh		
Sentence Date: 01/10/2022 County Name: ANDERSON			CT REPORTER: L Taylor		
Authority: Judge - McIntosh, R. Lawton			ATTY: B Birkhold		
			ORDER: revoke in full		

Indictment Information			
Indictment Number: 19-GS-04-00743	Offense Code: 3412 - Assault & Battery 1st Degree	Sup. End Date: 01/09/2027	
Supervision: Probation	Sup. Begin Date: 01/10/2022		
Sentence: Five yrs susp to five yrs prob; CFTS - 24 days; No contact; MHC			
Special Conditions: Fine - Fine/Costs and Assessments payable as directed by the Court. 2018A0410102246 \$128.75; MH - Mental Health Counseling; NC-Victim - No contact with Victim; Other1 - Def shall submit to a mental health evaluation within 30 days and shall comply with all treatment recommendations if any; Evaluation to be at Anderson/Oconee Dept of Mental Health; Other2 - No registry required			

Residence Summary & Address History			
Address:	Begin Date:	End Date:	Time at Residence:
[REDACTED] BELTON, SC, 29627	01/14/2022		2 YR, 0 MO, 15 DY

Employment History				
Employer:	Location:	Begin Date:	End Date:	Time at Employer:
Disabled		01/14/2022		2 YR, 0 MO, 15 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:
Drug Test Fee			\$20.00	\$20.00	\$20.00	\$0.00	\$0.00	0	\$0.00	02/25/2022
Regular Supervision			\$50.00	\$3,000.00	\$1,250.00	\$0.00	\$1,750.00	0	\$0.00	01/02/2024
Surcharge	101	19-GS-04-00743	\$3.00	\$128.75	\$128.75	\$0.00	\$0.00	0	\$0.00	02/25/2022
DNA Fee	101	19-GS-04-00743	\$5.00	\$250.00	\$40.00	\$0.00	\$210.00	0	\$0.00	01/02/2024

Violation History			
Violation:	Start Date:	Complete Date:	Disposition:

Current Violation(s) Summary	
Violations:	16.x
Condition:	Description:
4	I shall not possess or purchase any firearms or other 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.

South Carolina Department of Probation, Parole and Pardon Services

Violation Report - (Report 1106 B)

Personal Information					
Name:	SID:	DOB:	SCDC#:	Supervision Level:	Agent Name:
CONRAD KENNETH PHILLIPS	00621806	[REDACTED]		Standard Supervision	04-OSS01-Elexis Clark

Sentencing Information			
Order: 1	Potential End Date: 1/27/2025	Adjusted End Date: 10/6/2025	
Warrant/Citation Numbers: W-04-23-0372			
Sentence Date: 01/10/2022	County Name: ANDERSON	GPS Indicator:	
Authority: Judge - McIntosh, R. Lawton			

Indictment Number: 19-GS-04-00743	Offense Code: 3412 - Assault & Battery 1st Degree
Supervision: Probation	Sup. Begin Date: 01/10/2022
Sup. End Date: 01/09/2027	
Sentence: Five yrs susp to five yrs prob; CFTS - 24 days; No contact; MHC	
Special Conditions: Fine - Fine/Costs and Assessments payable as directed by the Court. 2018A0410102246 \$128.75; MH - Mental Health Counseling; NC-Vctm - No contact with Victim; Other1 - Def shall submit to a mental health evaluation within 30 days and shall comply with all treatment recommendations if any; Evaluation to be at Anderson/Oconee Dept of Mental Health; Other2 - No registry required	

Residence Summary & Address History			
Address:	Begin Date:	End Date:	Time at Residence:
[REDACTED] BELTON, SC, 29627	01/14/2022		2 YR, 0 MO, 15 DY

Employment History				
Employer:	Location:	Begin Date:	End Date:	Time at Employer:
Disabled		01/14/2022		2 YR, 0 MO, 15 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:
Drug Test Fee			\$20.00	\$20.00	\$20.00	\$0.00	\$0.00	0	\$0.00	02/25/2022
Regular Supervision			\$50.00	\$3,000.00	\$1,250.00	\$0.00	\$1,750.00	0	\$0.00	01/02/2024
Surcharge	101	19-GS-04-00743	\$3.00	\$128.75	\$128.75	\$0.00	\$0.00	0	\$0.00	02/25/2022
DNA Fee	101	19-GS-04-00743	\$5.00	\$250.00	\$40.00	\$0.00	\$210.00	0	\$0.00	01/02/2024

Violation History			
Violation:	Start Date:	Complete Date:	Disposition:

Current Violation(s) Summary	
Violations:	Description:
16.x	
4	I shall not possess or purchase any firearms or other 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.

South Carolina Department of Probation, Parole and Pardon Services

Violation Report - (Report 1106 B)

Condition:	Description:
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.
NC-Vctm	No contact with Victim

Description:

Failing to follow the advice and instructions of his agent. Failing to refrain from entering establishments whose primary business is the sale and drinking of alcohol, having been found to at Sugar Hill Tap Room in Belton, SC, evidenced by Anderson County Sheriff's Office Incident report# 2023-16682. Failing to refrain from having contact with the victim on his case as instructed by Judge McIntosh on 1/10/2022, evidenced by Anderson County Sheriff's Office Incident report# 2023-16682. Such actions constitute violation of conditions 4, 10, Special Conditions.

The State's Recommended Response(s) Summary:

Full revocation

***See Hearing Officer's Findings

End Of Violation Report

South Carolina Department of Probation, Parole and Pardon Services
Summary of Administrative Hearing

Probationer: Conrad Kenneth Phillips

SID#: 00621806

Location: Anderson County Probation Annex Anderson, South Carolina

Date: January 23, 2024

Time: 9:11 AM

Persons in Attendance

Name	Relationship
Stephen Shea	Administrative Hearings Officer
Stephen Washburn	Agent
Conrad Kenneth Phillips	Probationer
[REDACTED]	Victim
Kelly Hollingsworth	Victim Services Coordinator
Bruce Byrholdt	Victim's Attorney
Thomas Hite	Probationer's Attorney
[REDACTED]	Victim's mother
[REDACTED]	Victim's father

Hearing Officer's Findings:

I find that Conrad Kenneth Phillips violated conditions 3 and additional conditions as set forth in the affidavit dated December 15, 2023; such conditions having been contained in the Order of Probation accepted by Conrad Kenneth Phillips in writing on January 10, 2022.

I find that Conrad Kenneth Phillips failed to refrain from the use of controlled substances, consuming alcoholic beverages to excess; entering establishments whose primary business is the sale and drinking of alcoholic beverages; and submit to a urinalysis, blood test or provide forensic evidence as instructed by the Agent. Agent Washburn testified that Mr. Phillips failed to refrain from entering an establishment whose primary business is the sale of alcohol evidenced by Anderson County Sheriff's Office Incident Report 2023-16682. The aforementioned incident report indicates that Mr. Phillips's vehicle was located at the Sugar Hill Tap Room, and he was detained at the Sugar Hill Tap Room and placed in the back seat of Deputy West's patrol vehicle.

I find that Conrad Kenneth Phillips failed to comply with additional conditions. During his original sentencing on January 10, 2022, Mr. Phillips was ordered to have no contact with the victim or

South Carolina Department of Probation, Parole and Pardon Services
Summary of Administrative Hearing

the victim's family. Agent Washburn testified that Mr. Phillips had contact with the victim, [REDACTED], evidenced by Anderson County Sheriff's Office Incident Report 2023-16682. The incident report is summarized as follows: On December 14, 2023, Deputy Purdy responded to [REDACTED], Anderson, South Carolina in reference to a violation of a restraining order. Deputy Purdy spoke with victim, [REDACTED] who stated that Mr. Phillips violated the restraining order against him. Ms. [REDACTED] ^{VICTIM} indicated that Mr. Phillips is not supposed to be around her due to a sexual assault. She also indicated that she was scared. Per the incident report, Mr. Phillips was at the victim's location from approximately 4:50 PM to 5:45 PM. Daniel Cooley, a friend of Mr. Phillips, was interviewed. Mr. Cooley advised deputies that he met Mr. Phillips at [REDACTED] and while sitting in the establishment, Mr. Phillips began talking about the victim and staring at her. Mr. Phillips stated to his friend that if the victim was older than 17 years old, he would get with her. Mr. Cooley indicated that Mr. Phillips may be at Sugar Hill's Tap Room. While speaking with Deputy Purdy outside of the establishment, Mr. Cooley stated he and Mr. Phillips were having a conversation and Mr. Phillips kept saying something about "...that girl." Mr. Cooley stated that Mr. Phillips said, "she look good, but I don't know her age. You know these girls in Greenville look older but they are younger." Then Cooley stated Mr. Phillips said, "basically he kept saying if she was a little older....," then paused, and Deputy Purdy said, "he would get with her?" and Cooley said, "bingo." While detained and being questioned by Deputy Purdy, Mr. Phillips stated "I hadn't been around nobody." He indicated he would not have known them if he had seen them. He stated "does she work at [REDACTED]?" and later stated he had nothing to say to Deputy Purdy. Mr. Phillips' attorney testified that Mr. Phillips was at the [REDACTED] Restaurant and advised that Mr. Phillips did not know where the victim worked or lived. He indicated he reviewed the video footage and saw no actions toward the victim from Mr. Phillips. He stated that Mr. Phillips was in the wrong place at the wrong time. Mr. Hite presented an affidavit from Daniel Cooley indicating that he and Mr. Phillips met at [REDACTED] Restaurant and ordered beer. It indicated they were there for approximately one hour when the manager advised him that Mr. Phillips left due to a problem with one of the servers. The affidavit indicated that he was not aware of any problem while Mr. Phillips was at the restaurant. The affidavit stated that this is the same information he provided to the deputy on the day of the incident. The affidavit indicated that Mr. Cooley remained at the restaurant and another girl came into the restaurant. The other girl was talking to the server, and he noticed they were laughing about the incident and Mr. Phillips being arrested. This affidavit appears to be in conflict with information contained in the incident report. [REDACTED] ^{VICTIM MOTHER} testified that Mr. Phillips has tortured her and her family for years since her daughter was in elementary school. Mr. Byrholdt testified that Mr. Phillips has been around the victim and her family for years and indicated that

South Carolina Department of Probation, Parole and Pardon Services
Summary of Administrative Hearing

the victim was in Mr. Phillips' home for years in an in-home childcare setting. He indicated that the victim has been contacted by Mr. Phillips' son through Facebook Messenger posts.

I find that the aforementioned violations constitute a willful failure to follow the advice and instructions of the supervising agent. I base these findings on the evidence and testimony presented at the Administrative Hearing

Hearing Officer's Conclusions:

I conclude from the aforementioned violations and testimony provided during the hearing that Mr. Phillips' probationary sentence should be revoked. Although this is Mr. Phillips' first violation in this case, it involves contact with the victim after being ordered by the Court to have no contact with the victim and/or her family. For the Court's record, Mr. Phillips is on probation for Assault and Battery, 1st Degree which was pleaded down from Criminal Sexual Conduct with a Minor, 3rd Degree-Commit/Attempt Lewd Act, victim under 16 and actor over 14. In addition to having contact with the victim, Mr. Phillips chose to enter an establishment where the primary business is the sale and drinking of alcoholic beverages. Each of these violations are documented in the aforementioned incident report. While Mr. Phillips' attorney contends that his client was unaware the victim worked at [REDACTED] restaurant, Mr. Phillips remained in the establishment for approximately 50 minutes and had conversations about the victim with his friend, Daniel Cooley. Accordingly, a revocation is recommended.

Recommendation of the State:

Full revocation

Respectfully Submitted,

Stephen B. Shea
Administrative Hearings Officer

STATE OF SOUTH CAROLINA

County of ANDERSON

STATE VS.

CONRAD KENNETH PHILLIPS

AKA: _____

Race: White Sex: Male

DOB: _____

SSN: _____

SID#: 00621806

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

2019 - GS - 04 - 00743

Probation C/W#s & issuance dates: _____

W-04-23-0372 (Issued 12/15/2023)

Original Offense: Assault and Battery, 1st Degree

Original A/W#: 2018A0410102246

Date of Original Offense: 8/21/2017

Conviction S.C. Code §: 16-03-0600(C)(1)

Conviction CDR Code #: 3 / 4 / 1 / 2

Original Sentence: 5 years suspended to 5 years probation

24 FEB 14 PM 3:03:46
Anderson, SC DCJ: CP:988

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 1 / 10 / 2022 in the Court of General Sessions of ANDERSON County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on _____, 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 name defendant has violated the following condition(s) of probation: *(List by number or indicate special conditions as provided in the affidavit)*

4, 10, Special Conditions

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) 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 (Jail time credits should not be reported in this section):

No Admin Monitoring.

- The defendant is given credit for _____ days/months/years 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 24 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 9th day of February, 2024, at Anderson, SC. Presiding Judge [Signature] 10th 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

[Signature]

Signed this 9 day of February 2024 at Anderson City

A TRUE COPY

MAR 18 2024

C. Reena Thomason 14

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF ANDERSON

State,

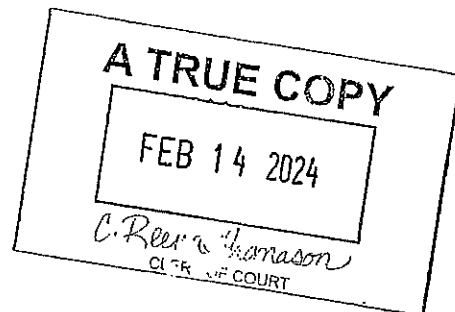
vs.

Conrad Phillips,

Defendant.

MOTION TO RECONSIDER

SID #00621806



TO: HON. LAWTON MCINTOSH AND PROBATION AGENT WASHBURN

Defendant Conrad Phillips, by and through her undersigned attorney, hereby moves the Court to reconsider its finding of a wilful violation of probation for violation of a permanent restraining order and revoking 36 months of Mr. Phillips' sentence at the hearing on Feb. 9, 2024. Mr. Phillips was revoked for being at bar and grill at Pine Lake Golf Course on December 14, 2023 where the victim in his original case was employed at a server. There was absolutely no evidence presented by probation that Mr. Phillips recognized or knew the victim was at the business establishment. Mr. Phillips was invited by Mr. Cooley to meet him at Pine Lakes. When Mr. Phillips arrived the victim was not on the premises. Apparently, when the victim arrived at work, she noticed Mr. Phillips but took no action to have him removed from the premises. Mr. Phillips had no interaction with the victim. The State offered no evidence that Mr. Phillips recognized the victim nor that he knew she worked at Pine Lake.

At the probation revocation hearing the victim mother argued repeatedly that Mr. Phillips had not been punished and the Court system and Judge had failed the victim and her family. Mr. Phillips entered a plea to A & B 1st with the knowledge and agreement of the victim and her family.

Had Mr. Phillips recognized the victim he would have left immediately. Mr. Phillips did leave the premises without being requested to do so.

We respectfully request the Court to reconsider finding Mr. Phillips in wilful violation of probation as there was no evidence presented that he knew the victim was at or working at the restaurant at Pine Lakes Golf Course on Dec. 14, 2013 and continue Mr. Phillips on Probation.

BYRHOLDT DRAWDY



Bruce A. Byrholdt
2315 N. Main Street
Suite 117
Anderson, SC 29621
(864) 261-3977
(864) 261-3978 fax
ATTORNEY FOR DEFENDANT

Feb. 14, 2024

PROCEEDINGS

1

2 Whereupon,

3

CONRAD KENNETH PHILLIPS

4 was called as a witness, having been first duly sworn, was
5 examined and testified as follows:

6 MR. BYRHOLDT: Your Honor, I'd have a motion.

7 THE COURT: Okay. What's your motion?

8 MR. BYRHOLDT: Your Honor, Mr. Phillips is here on a
9 probation violation. At the time, he was also charged with a
10 warrant for a violating a restraining order. That action is
11 pending, and we've got a preliminary in two weeks. This all
12 happened in December. There's probably -- maybe two hours'
13 worth of video surveillance in this business establishment.

14 We would ask the Court to continue this case, let us
15 complete all the discovery. He's been on probation since
16 January of 2022. This is his first violation, Your Honor.
17 There's also a mistake on charging paper. They said under the
18 consent --- back in 2022, he was given 5 years, suspended on
19 probation, credit for 24 days' service. He was given credit
20 for 24 months' service. But it's going to be a lengthy case,
21 and ---

22 THE COURT: Let me say this. Where I get -- where I have
23 a real concern is the allegation is -- and I know they're
24 allegations -- that this gentleman has violated the no contact
25 with the victim. That causes me great concern.

1 MR. BYRHOLDT: Your Honor, agree he was in a -- Pine Lakes
2 Golf Club.

3 THE COURT: Is he on GPS?

4 MR. BYRHOLDT: He's not. Hasn't been.

5 THE COURT: Well, if he wants to stay out, he might have
6 to go on it.

7 MR. BYRHOLDT: We'd have no problem with that, Your
8 Honor.

9 THE COURT: Is the victim here?

10 MRS. REEVES: Yes, sir.

11 OFFICER WASHBURN: Yes, sir.

12 THE COURT: Does she want to speak?

13 MRS. REEVES: Yes, sir. I have her, her mother and
14 father, and their attorney.

15 THE COURT: Come around, please. And I didn't mean to
16 cut you off, Mr. Byrholdt.

17 MR. BYRHOLDT: Your Honor, Mr. Hite represents him in a
18 civil case.

19 THE COURT: Hite?

20 MR. BYRHOLDT: Tombo Hite.

21 MRS. REEVES: Tombo Hite.

22 THE COURT: Okay.

23 MR. HITE: Hey, Judge.

24 THE COURT: Oh, there you are. How are you doing?

25 MR. HITE: Good morning.

1 THE COURT: How's your dad?

2 MR. HITE: He's doing good.

3 THE COURT: Good.

4 MR. HITE: Thank you.

5 THE COURT: How are you doing? What's your name?

6 MS. M : ^{VICTIM} [REDACTED].

7 THE COURT: What's your last name?

8 MS. M :

9 THE COURT: Okay. I'll be glad to hear anything you have
10 to say to me. If you want to pass it forward, I'll be glad to
11 read it.

12 MS. M. I can do it. Okay. I mostly don't even
13 know where to start. But, this has taken a toll on my life
14 for almost the entirety of it. And it seems like it's never
15 going to come to an end. I have never written out what I was
16 going to say when I have spoken about this, which has been a
17 lot more times than I ever would have thought. I've been so
18 overwhelmed with trying to come up with the right words to
19 say, because I have prayed that this would be the last time I
20 have ever have to do this.

21 But the more I thought about it, there are no right
22 things to say when talking about what was done to me. In
23 January of 2022, I was told that he was going to take a plea
24 deal and that we were just going to go with it because
25 apparently, a win is a win. Whenever I heard that, I broke

1 into tears, because to me that wasn't anything close to a win.
2 That's not what happened to me, and from that day forward, and
3 even before, the only thing that he has gotten is a slap on
4 the wrist and have to pay some bond money. And that's not the
5 equivalent to ruining my life.

6 Part of the plea deal was that he wouldn't get put on the
7 sex offender registry and brought down -- it was brought down
8 to just assault, not sexual assault. And he also wasn't
9 allowed to come around me. So, what did I even get out of it,
10 because he obviously wasn't phased by the last part,
11 considering why we are here today. I've been tortured by him
12 forever, and somehow, he is still finding ways to. I begged
13 the lady on the phone that day if there was anything else we
14 could do, because that's not what I went through.

15 Being forced to watch him pee in a public bathroom wasn't
16 assault and battery. And neither was being made to touch him
17 in ways he wanted before I even truly knew what that was.
18 Being picked up separately by him just so he could touch me or
19 making pit stops on the way home to car washes so that he
20 could take me to the backseat, him laying on top of me and
21 touching me while his wife was occupied by other children,
22 always making me go feed his dog so we'd be far enough away
23 from the house, so his wife couldn't see him putting my hands
24 down his pants.

25 Over the years, I've tried to forget things, but the one

1 thing I can't forget is the guilt I have that I let him keep
2 doing it to me. I've always wondered how you can look at an
3 elementary schooler and think about doing things like that to
4 her. But I hate myself even more, because when I was that
5 age, I didn't think it was that bad. But I'm sick to my
6 stomach thinking about it now. I pray this time it's
7 different from all the rest, because now at 18 years old, I
8 still have the same fear of him I did when I was 10. And I
9 hope after all this time, something will finally be done to
10 him. But if not, at least now all of you will know my story.

11 THE COURT: Officer, tell me the nature of his
12 communications with the victim in this case.

13 OFFICER WASHBURN: Nature of the communication -- despite
14 being ordered by Your Honor to have no contact with the
15 victim, on December 14th, 2023, it was discovered that he had
16 gone to her place of business at ██████'s restaurant -- and
17 also, he further violated, too, that by sitting at a bar,
18 which they are prohibited from doing. But he stayed there for
19 some time, and I do have the deputy here as well, who took the
20 statement from the friend. While there, he made statements
21 about pulling hair.

22 He said, after I bought Bo a beer, we were carrying on a
23 conversation, but then he kept saying something about that
24 girl. I asked Cooley which girl, and he stated the one with
25 the thing on top of her head, speaking about her hair pulled

1 up into a bun. Then me and Cooley looked inside the
2 restaurant through the glass door -- and Cooley was a witness'
3 friend. And [REDACTED] had turned around and was staring in our
4 direction and I asked if that was the one, and he stated yeah,
5 yeah. He kept saying something about her age.

6 Cooley stated that Phillips said she looked good, but I
7 don't know her age. You know, like these girls in Greenville
8 look older, but they are younger. Cooley kept stating that is
9 really the only thing he kept saying. Then Cooley stated
10 Phillips said -- basically he kept saying if she was a little
11 older, and then paused -- and I said he would get with her,
12 and he said bingo.

13 THE COURT: I'm a little confused on some of this. This
14 lady worked at this Cash restaurant or whatever it is. And
15 those comments he was directing towards her, is that what I
16 understand you to say?

17 OFFICER WASHBURN: Yes, Your Honor.

18 MR. BYRHOLDT: No, sir. There were no comments directed
19 to her at all. The comments were two guys talking.

20 THE COURT: Well, let me ask you this, Mr. Byrholdt.
21 When your client walked in there and he saw this girl sitting
22 in there working, why didn't he turn around and walk out? Why
23 did he stay?

24 MR. BYRHOLDT: He didn't even recognize her, Your Honor.

25 THE COURT: I don't believe that.

1 MS. 1 : Oh, my goodness.

2 THE COURT: I don't believe that at all.

3 MR. BYRHOLDT: Okay. All right.

4 THE COURT: You know, I know you're doing your thing, but
5 there's no way he did all this and didn't recognize that girl.
6 That's not -- that's malarky.

7 MR. BYRHOLDT: He has not had any contact since we were
8 in -- in court in '21, he did not even look. He looked
9 straight ahead at Your Honor, you know. Until we reviewed the
10 videotape with his wife, who is here today, she had trouble
11 picking out who it was, and she took care of this girl for
12 years. There is -- and I've got the affidavit from Mr.
13 Cooley, and there's no indication that he even -- in the
14 discussions they were having, said that this was somebody he
15 knew or anything. And I'll be happy to hand it up, you know.

16 THE COURT: I'll be glad -- anything you want me to look
17 at, I will.

18 MR. BYRHOLDT: And I'm about to provide you a copy of
19 this, if I -- provide you a copy of this at the admin hearing.

20 THE COURT: Officer, I want to hear from you in just a
21 minute.

22 OFFICER PURDY: Yes, sir.

23 MR. BYRHOLDT: And he left before -- I mean, had she said
24 something to the manager and they told her to leave -- he left
25 on his own, and then the manager came up to Mr. Cooley and

1 said, I'm glad he left because there was a problem. And, I
2 mean, the -- my understanding is the lady that was working
3 there -- and like I say, it's not a bar, it's the restaurant
4 at [REDACTED]. You know where it is -- and he was
5 there with a friend, and had somebody approached him, he would
6 have left immediately. He left on his own.

7 And you know, we would ask the Court to either continue
8 it, or if you want to put him on monitoring because we've got
9 an underlying case that we're going to have to deal with, I've
10 got no problem with that, like I say. Bo is not that stupid,
11 because I've told him, if he sees anybody in that family, to
12 go the other way, and he has. There's been no violations in
13 over two years. None whatsoever.

14 THE COURT: Thank you. Officer, would you state your
15 name and give me what you understand happened based on your
16 investigation?

17 OFFICER PURDY: Yes, sir. I am Heather Purdy. I work
18 for the sheriff's office in Anderson. On December 14, 2023, I
19 was called out to 410 [REDACTED], which is the [REDACTED]
20 Golf Course, in reference to a harassment. I got on the scene
21 and I spoke with the original complainant,
22 [REDACTED] VICTIM and she is a protected party for Conrad Kenneth
23 Phillips and a permanent restraining order in reference to an
24 incident that occurred a few years ago.

25 I spoke to [REDACTED], which is VICTIM'S mother,

1 and she stated that there was a permanent restraining order.
2 We got it in hand. I read it. He's not supposed to be around
3 her, her business, family, anything like that. Mr. Phillips
4 had already left. While I was speaking with VICTIM'S
5 manager, he stated that a witness that was sitting with Mr.
6 Phillips was a Daniel Cooley, and he was still in the
7 business. I went and spoke to Mr. Cooley, asked if he would
8 speak with me outside. He agreed. I asked ---

9 THE COURT: You talked to Mr. Cooley?

10 OFFICER PURDY: Yes. I did.

11 THE COURT: Okay.

12 OFFICER PURDY: And I had my Axon body-worn camera on.
13 It was recording. And he did state that Bo had called him and
14 asked if he wanted to go to the Taproom in Belton, and he said
15 no, I want to go to ████████ to eat dinner. And Bo said he
16 didn't have any money. And he said that's fine, you come with
17 me, I'll buy you a beer. So, Mr. Cooley stated that they sat
18 at the bar, had a beer. As soon as I VICTIM walked in, he
19 stated that he -- that Mr. Phillips immediately made eye
20 contact with her and said, you know, girls look a lot older
21 than what they really are.

22 He -- Mr. Cooley said, you know, sometimes we talk like
23 that as guys. He said I didn't think anything about it. He
24 said, but he kept on and kept on. VICTIM stated that it
25 was around 4:50 when she arrived at work. Mr. Phillips did

1 not leave until 5:45, so that's approximately 50 minutes that
2 he sat there at the bar. VICTIM stated that it was
3 numerous times that he made eye contact with her. He refused
4 to leave.

5 She never said anything to him. She's not supposed to
6 talk to him. She wasn't going to. She felt uncomfortable.
7 But while I was speaking with Mr. Cooley outside, I asked
8 where he thought Mr. Phillips would go. And he said the
9 Taproom in Belton. Another deputy went to the Taproom in
10 Belton, located Mr. Phillips, and he was sitting at the bar
11 consuming alcohol. He took him outside, spoke to him, and
12 placed him into investigative detention.

13 Mr. Cooley stated that Mr. Phillips kept talking about
14 girls, how they look older than what they really are, and how
15 he wanted to know this girl's name -- or I'm sorry, this
16 girl's age, and looked at VICTIM numerous times.

17 THE COURT: Say that again, please.

18 OFFICER PURDY: That he wanted to know her age, that he
19 did not know her age, speaking -- well, looking at the
20 direction of VICTIM. I asked Mr. Cooley while we were
21 outside if he could describe the female that Mr. Phillips was
22 talking about. And he stated, the thing on top of her head,
23 speaking about her hair being pulled up in a bun, and we
24 looked through the glass door at VICTIM. And she had
25 turned around at that time and was staring in our direction,

1 and I said, the one that is looking at us, and he stated yes.

2 When I arrived at the Taproom in Belton, Mr. Phillips was
3 already in custody in the back of the car because it was
4 freshly committed. I could smell a strong odor of an
5 alcoholic beverage coming from Deputy West's back seat.

6 THE COURT: Did Mr. Cooley indicate to you whether or not
7 this gentleman knew who this girl was at all? Because his
8 affidavit says no.

9 OFFICER PURDY: He did not state that he knew of her. I
10 did tell Mr. Cooley that Mr. Phillips was not supposed to be
11 around that female, and he said, oh, I didn't know.

12 THE COURT: All right.

13 OFFICER PURDY: And I said, I understand that.

14 THE COURT: That's consistent with what he was saying.

15 OFFICER PURDY: Yes, sir.

16 THE COURT: All right. Thank you.

17 OFFICER PURDY: Yes, sir.

18 THE COURT: What I'm going to do, I'm going to put you on
19 GPS monitoring and curfew ---

20 *Victim's mother*
~~MRS. [REDACTED]~~: Can I ---

21 THE COURT: --- and continue you on curfew -- what is his
22 work hours?

23 *VICTIM'S MOTHER*
MRS. [REDACTED]: Judge ---

24 MR. BYRHOLDT: 6:00 pm.

25 *VICTIM'S MOTHER* Judge, can I speak, please? I'm her

1 mother.

2 THE COURT: Yes, ma'am. You certainly may. What's your
3 name?

4 MRS. [REDACTED]: I'm [REDACTED] VICTIM'S MOTHER.

5 THE COURT: I'm sorry, I didn't mean to cut you off.

6 MRS. [REDACTED]: That's okay. I just feel like I need to
7 speak. For years, my daughter was subject to sexual and
8 mental torture, starting in elementary school through middle
9 school, when she was -- until she was brave enough to tell me.
10 Conrad Phillips -- who was just staring at my daughter, I
11 don't know if you saw that, but I had to intervene, so he
12 couldn't look at her -- took the opportunity to sexually
13 assault my daughter when he would pick her up from school for
14 his wife, which was our babysitter.

15 G: - had to go through every day wondering if it was
16 going to happen, and if he would be the one to pick her up
17 that day. No child at that age should ever even know about or
18 be exposed to sex, especially by someone who is an adult that
19 was supposed to take care of her and keep her from harm. We
20 entrusted his wife as our babysitter of both of our daughters.
21 My husband and I are supposed to keep our kids safe, and we
22 have had to live with the fact that ^{VICTIM} was never the same
23 because of the wrong people that we trusted.

24 To listen to the things that he forced her to do and then
25 ~~to~~ to watch her mentally spiral, to almost losing her in this

1 world because of him is something that no parent should ever
2 have to go through. The last time we were before you, I had
3 to hear my daughter cry and beg the solicitor's office,
4 Kristin, to not take the plea the night before, that it was
5 not assault and battery, that she would have rather had been
6 beaten. But she wasn't.

7 He wasn't even put on the sex offender registry because
8 that was part of the deal. ~~VICTIM~~ pleaded with her, saying
9 assault and battery and what happened. ~~VICTIM~~ was told by her
10 that she didn't have a choice, and that a win is a win. I
11 guess by her standards, it may have been a win as far as the
12 lawyer. But to my daughter, who was brave enough to tell me
13 what Conrad Phillips had forced her to do for years, it was
14 telling her that all the many years of mental, physical,
15 sexual torture and fear didn't matter to anyone and that he
16 was allowed to do that to her and continue to live his life
17 free.

18 I had to listen to her beg and cry to take that plea. I
19 won't forget that day for the rest of my life. I can't fix
20 that pain. ~~VICTIM~~'s the bravest person that I know. She saved
21 her sister from having to endure the same confused torture,
22 but no one in this justice system at that time cared to save
23 her. She started to self-harm, and her psychiatrist, who we
24 have to pay for out of pocket, and have for years, and will
25 continue to pay for because that's what we need to do, said

1 that we're in crisis mode.

2 She's had so much pain and hurt after that court date,
3 and we couldn't help her. All we could do is take her to the
4 psychiatrist, tell her we love her, and pray. We couldn't
5 move, and still can't, because our youngest daughter has
6 auditory processing disorder and dyslexia, and has to go to a
7 special school that's close by. Because of this, we have to
8 continue to worry about ~~victim's~~ safety. Conrad Phillips lives
9 within a very short walking distance from Belton Middle
10 School, which is where she attended once she told us.

11 We have to live in concern and fear he would get angry
12 and try to hurt her for telling, since that had been
13 threatened to her. We worried more when she started driving,
14 that she may run into him without us. Two years ago, at the
15 Belton Christmas parade, she was on a float with her cheer
16 team, and he was standing on the sidelines with his family and
17 grandchildren. He looked directly in her face and winked at
18 her. She called me terrified and fell to the floor of the
19 float out of just reaction and fear. I could do nothing
20 again. The crowd was thick and he was gone.

21 Then on December 14th, 2023, ~~victim~~ presented to work shift
22 as a waitress. She went to the bar area to speak with the
23 bartender, and at that point, she made eye contact with him,
24 with Conrad Phillips. She text me right then -- right there
25 after out of fear, again. And I'm in Abbeville at work. And

1 I again can't get to her. He was there with a friend,
2 according to statements, and he continued not to only stay for
3 50 minutes. He didn't leave, as his lawyer tries to state.
4 He stayed there to continue to torture her. As if she hasn't
5 been tortured long enough.

6 After seeing her, he stayed that 50 minutes, and made
7 comments to Daniel, his buddy, that he was sitting at the bar
8 with, where he's not even supposed to be, about ^{victim} that were
9 sexual in nature all over again. Since then, Daniel has
10 obviously been contacted by Conrad and his lawyer to modify
11 his statement, but it was only after he'd told the truth to
12 the officer the night of his arrest.

13 And if you read in his new statement, he states that some
14 girls were laughing in the back after Conrad was arrested, but
15 that's a lie, because I got there and he was no longer there,
16 and after the time I got there is when he finally was
17 arrested. So that's a lie. And that can be found as
18 incorrect. The truth was told the night when he didn't
19 realize that he had any association with ^{victim} and wasn't
20 supposed to be around ^{victim}. His buddy didn't know that he was
21 getting his friend in trouble and saying something that was
22 inappropriate.

23 That night, ^{victim} contacted me via text very terrified
24 because he was there and would not leave. She wanted to know
25 how she was supposed to continue to work and pretend like he

1 wasn't there. I couldn't send her dad, because it's been all
2 he could do -- and I could do, up to this point, not to take
3 justice into our own hands, because we don't feel it's ever
4 been done to him. He's had -- her dad has had to stand by and
5 watch a man destroy his daughter's life, her get to the point
6 where almost taking her own, take her childhood innocence, and
7 all because of him. And he was just expected to do nothing,
8 walk out of the courtroom that day. We both were, all three.

9 That night I drove as fast as I could to get to her after
10 she text me. I called the police on the way, because in her
11 text she said he wouldn't leave. Conrad Phillips has been
12 able to get away without punishment to this point, but I will
13 hope you see that she is not safe from him. He expressed his
14 continued desire for her to his friend and didn't even care
15 that he was in violation of the restraining order.

16 He continues to claim that he has brain damage to not
17 have to be held accountable, and somehow, this may have helped
18 his case before. But do we suddenly not hold stroke victims
19 accountable for their actions? They have brain damage, too.
20 But most of those patients fight to get better, go through
21 physical therapy, and do what they can to live a better life.
22 Conrad had a hunting license prior to this, so somehow -- and
23 not to mention that on that same land that he would hunt, he
24 took my daughter, that was near the middle school, to do as he
25 wished to her.

1 So, the government saw it fit that he -- at that time --
2 that he could make decisions with guns, which kill people and
3 animals. But somehow, he shouldn't be accountable for what he
4 did to my daughter. Currently, he holds a driver's license in
5 a vehicle that can kill, for which he was driving around after
6 drinking that night. We hold drivers accountable for their
7 decisions when they have a driver's license. So, South
8 Carolina evidently believes that he can drive as a free man
9 but shouldn't have to pay for what he did to my daughter.

10 If he was unable to make decisions or held accountable,
11 he should have had a Healthcare Power of Attorney, because
12 he's so disabled, he can't make healthcare decisions, but he
13 does not. He can't pick and choose what he can be held
14 accountable for regarding his decisions. My daughter couldn't
15 decide or choose regarding what he did to her. But somehow,
16 he feels he should be -- not be held accountable. But he was
17 the adult.

18 His adult son, Barrett has also decided to torture me and
19 my family. Barrett Facebook messaged me after this, after he
20 was arrested, saying me and my family need to leave his dad
21 the F alone, then saying his dad didn't have a f-ing crystal
22 ball, so why would he know where ~~victim~~ works. He may not have
23 known where ~~victim~~ works, but if he didn't desire to torture her
24 or feel the restraining order was valid or the court mattered
25 what they said, he would have upheld it and left

1 immediately. He would have -- he did not do that. He not
2 only stayed 50 minutes after, but then also talked about her
3 in a sexual manner.

4 His son the proceeded to message me to tell me that I'm a
5 piece of S mother to allow her to work in a place like that.
6 It's a restaurant. I worked as a waitress. I feel everybody
7 should have to work with the public. And I've been there with
8 my parents and my child -- my other child before. I would not
9 expose any of my children to a place that was bad, much less
10 let my daughter work there.

11 Judge, the reason why he wants to extend it and push it
12 and not go to jail today is because his lawyer knows that if
13 we go against the state, that Kristin is scared of her, and
14 that's who we have with the solicitor's office again. He has
15 not only violated my daughter for years and punished her, but
16 if you put him on an ankle bracelet, he's just going to go
17 ahead and do what he wants to do. He may not go around her,
18 but he'll have freedom. This man should not have freedom. He
19 not only did what he did to her for years, and I almost lost
20 her because of him, he has violated the restraining order, and
21 his lawyer knows that if we go with the state and don't make a
22 decision today to give him the five years in jail, that he
23 will get off again, because we will have the same lawyer who
24 told my daughter a win is a win. And it's not.

25 And you have the ability to make that difference today,

1 and I beg you, I plead with you. She asked me why should I
2 speak again, because every time I speak, it doesn't matter. I
3 have to tell strangers what he did to me. And I said, he can
4 make a difference today. He can go to jail today. Today, it
5 can matter. So again, she was brave, for you. Not for an
6 ankle bracelet. Not to let him go again. He violated two
7 things on his probation.

8 Please, please show ~~victim~~ that her life does matter and
9 that what he did to her for years was unacceptable and he
10 can't continue to go and punish. Please don't let her pleas
11 go unnoticed at this time. It was not assault and battery.
12 It was sexual assault and battery and he has proven our fear
13 that she is not safe with him in the community. Please.

14 THE COURT: Thank you, ma'am. Have a seat. Do you have
15 to go anywhere from your practice this morning?

16 MR. BYRHOLDT: I could stay here all day.

17 THE COURT: Do you? Okay. I want to ponder this a
18 little bit further. Have a seat. Don't you dare walk out.

19 MR. PHILLIPS: Yes, sir.

20 MR. BYRHOLDT: I'll have an opportunity to respond?

21 THE COURT: Absolutely.

22 (Recess.)

23 THE COURT: Mr. Byrholdt, you asked for time to respond

24 ---

25 MR. BYRHOLDT: Just briefly.

1 THE COURT: I'll be happy to hear from you.

2 MR. BYRHOLDT: Just briefly, Your Honor. Like I said,
3 it's an extreme situation. He goes in the restaurant at that
4 -- and, you know, he swears he didn't recognize her. My
5 concern is, ~~victim~~ could have told the manager and they
6 could have excused him immediately. They never asked him to
7 leave. He left on his own. Like I say, he was there a while.
8 He was there -- apparently, he was there when she came to
9 work. When she clocked in or whatever, she could have said,
10 hey, there was a problem and they could have escorted him out.
11 He would have left right away.

12 I know that's no excuse, but if you don't know where
13 people -- I mean, he stays away from her house. They don't go
14 to the Christmas parade anymore. And I want to say his wife
15 stayed with him throughout this. I understand all the
16 information the victim's family gave you. You took that plea.
17 At that day, everyone was satisfied with it. Hindsight's
18 always 20/20. You wish you'd have tried it or -- you know,
19 and I'd ask the Court not to consider that.

20 Like I say, we've got the underlying case coming up.
21 We're going to be dealing with this soon. If the Court sees
22 fit, I'd ask you to continue him right now, to put him on
23 monitoring. He doesn't work, so put him on a short curfew,
24 6:00 at night till 7:00 in the morning, you know, can't be
25 out. But there was not an intentional violation of his

1 probation in this case, Your Honor. Had her name been
2 mentioned during any of those interviews that I know this girl
3 is -- but there is not one shred of evidence that the State
4 has put forth to that effect, Your Honor. There isn't.

5 And had he told Mr. Cooley, hey, I know that lady, you
6 know, I've had problems with her in the past, it would be
7 different. I wouldn't be standing here. I'd ask the Court to
8 continue it this time. He's facing an additional five years
9 if he's convicted of the underlying criminal violation, and
10 like I say, I think that this -- justice goes both ways, Your
11 Honor.

12 THE COURT: I understand.

13 MR. BYRHOLDT: Thank you.

14 THE COURT: I do understand. And quite frankly, based on
15 the underlying facts of the plea that he did, I don't believe
16 for a second he didn't recognize that girl. It just doesn't
17 make any sense that he wouldn't. I think he was there, and
18 quite frankly, the fact that he was there doing what he was
19 doing was a violation of what he was supposed to be doing; and
20 then he went and violated again by going to Georgia. So, he
21 has some disregard for what he's supposed to be doing.

22 I'm going to revoke 30 months. I'm going to toll him
23 while he's in. I'm going to continue you when you get out.
24 That's going to be the order of the Court. All due respect.
25 You have ten days to appeal that. Good luck to you.

1 OFFICER WASHBURN: Your Honor, can I just say one thing
2 real quick? On the 30 months, he was initially given a five-
3 year sentence. With him having credit for 24 months, I don't
4 believe he'll have any time left over his head he can serve
5 when he comes out.

6 THE COURT: Then revoke him in full.

7 OFFICER WASHBURN: Thank you, Your Honor.

8 THE COURT: Thank you.

9 OFFICER WASHBURN: Time will satisfy all fees, Your
10 Honor?

11 THE COURT: Absolutely.

12 MRS. REEVES: Thank you, Your Honor.

13 OFFICER WASHBURN: Thank you, Your Honor.

14 MRS. M : Thank you, Your Honor.

15 MS..M : Thank you so much.

16 End of Transcript.

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)

CERTIFICATE OF REPORTER

I, THE UNDERSIGNED LESA D. TAYLOR, OFFICIAL COURT REPORTER FOR THE TENTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF ALL REQUESTED PROCEEDINGS RECORDED AND EVIDENCE INTRODUCED IN THE TRIAL OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE CIRCUIT COURT OF ANDERSON COUNTY, SOUTH CAROLINA, ON THE 9TH DAY OF FEBRUARY, 2024.

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

March 11, 2024

Lesia D. Taylor
LESA D. TAYLOR
COURT REPORTER

I honestly don't even know where to start. This has taken a toll on my life for almost the entirety of it, and it seems like its never going to come to an end. I have never written out what I was going to say when I have spoken about this, which has been more times than I ever would've thought. I have been so overwhelmed with trying to come up with the right words to say because I have prayed that this will be the last time I ever have to do this, ~~but~~ but the more I thought about it, there are no right things to say when talking about what was done to me. In January of 2022, I was told that he was taking a plea deal and that we were just going to go with it because ~~because~~ apparently a "win is a win". Whenever I heard that I broke into tears, because to me that wasn't anything close to a win. That is not what happened to me. And from that day forward, and even before the only thing he has gotten is a slap on the wrist and having to pay some bond money, and that is not the equivalent to ruining my life. Part of the plea deal was that he wouldn't get put on the sex offender registry, it was brought down to just assault, not sexual assault, and he also wasn't allowed to come around me. So what did I even get out of it? Because he obviously wasn't fazed by the last part considering why we are here today.

tortured by him forever, and somehow he is still
 finding ways to. I begged the lady on the phone
 that day if there was anything else we could do,
 because that's not what I went through. Being forced
 to watch him pee in a public bathroom wasn't assault,
 and neither was being made to touch him in ways ^{and battery}
 he wanted before I even truly knew what that
 was, being picked up separately by him just
 so he could touch me, or making pitstops
 on the way home to car washes so he could
 take me to the backseat, him laying on top of me
 and touching me while his wife was occupied by
 the other children, or always making me go feed
 his dogs with him so we'd be far enough from
 the house his wife couldn't see him putting my
 hands in his pants. Over the years I have tried to forget
 things, but one thing I can't forget is the guilt I have
 that I let him keep doing it to me. I have always
 wondered how you can look at an elementary schooler
 and think about doing things like that to her, but I
 hate myself even more because when I was that
 age I didn't think it was that bad, but I am sick to my
 stomach thinking about it now. I pray this time is
 different from all the rest, because now at 18 years
 I still have the same fear ^{of him} I did when it was 10. And I
 hope after all this time ^{something will finally be done to} I will finally be able to do something
 not at least am of you know my story.

For years my daughter was
subject to sexual and mental
abuse, starting in elementary
school ^{into} through middle school, when
she was brave enough to tell me.

Conrad Phillips took the opportunity to
sexually assault my daughter when

he would go pick her up from school for
his wife, our babysitter.

^{Great} She had to go through everyday
wondering if it was going to happen

and if he would be the one to pick

her up. No child at this age

Should ever even know ^{about} or be exposed
to sex, ^{especially by someone who was} ~~she should~~

~~and~~ an adult that was supposed to

take care of her and keep her from harm.

We entrusted his wife as our babysitter

of ~~not just~~ both of our daughters
My husband: I am supposed to keep our kids safe?
We have had to live with the fact

victim

~~she~~ will never be the same because

We trusted the wrong people. ~~the~~

~~last~~ To listen to the things he forced

her to do and then watch her mentally

spiral to almost losing her in this

life because of Conrad Phillips
is something no parent should have
to witness nor go through. The last
time we were before you I had to
hear my daughter cry and beg the
Solicitor's ^{Office} lawyer Kristin, ^{the night before last,} ~~to~~ not take
the assault and battery plea ^{even} & bring on
the sex offender registry. ~~At that time~~ ^{Victim} ~~she~~
pleaded with her ^{Sally} ~~to say~~ assault and
battery is NOT what happened. ~~she~~ ^{Victim}
was told ^{by Kristin after years of waiting,} she didn't have a choice
and a win is a win. I ~~guess~~ guess.

By her standards it may have been a win
but to my daughter who was brave
enough to tell me what Conrad Phillips
had forced her to do for years, it was
telling her that all the many years of
mental, physical, & sexual
torture and fear didn't matter to
anyone and he was allowed to do

that to her and live his life. ^{fr. I had to} ~~do~~
Victim ~~listen~~ ^{listens} to her big and cry not to take the plea. I won't forget
that day for the rest of my life. I can't fix or change the ^{then.}
~~do~~ is the bravest person I know. She

Saved her sister from having to

undergo the same ~~do~~ confused torture,

but no one in the justice system

^{at that time,} She started ~~to~~ self-harm and
Cared to save her. We both love her ~~and~~ ^{protection} ~~that~~ ^{said we}

in Belton. We couldn't move and ^{were in "crisis mode"} She

still can't because our youngest ^{had some pain and hurt often} ~~could~~

daughter has ~~an~~ autism ^{and we could not help her}

Processing disorder + dyslexia and ^{accept to continue} ~~to a~~

She was accepted into a special ^{to a} ~~psychiatrist~~ ^{love her and pray}

School that ~~teaches~~ teaches children

with dyslexia. Because of this, we

have ~~not~~ ^{contribute} to worry about ~~her~~ ^{victim's}

safety. Conrad Phillips lives a very

short ^{walking} distance from ^{Belton} the middle

school ^{which is where} she attended once ~~the~~ she

told us. We lived in ^{hate} concern & fear he
would get angry or try to hurt her
for telling, since this had been threatened
to her. We worried more when she
started driving that she may run
into him. ^{with us.} 2 years ago at the
Bellevue Christmas Parade she was
on a float on her team and they
made eye contact as he was on
the side ^{of the road watching} w/ his grandkids & he
worked at ~~the~~ ^{Victims}. She called me
terrified and fell in the bottom

of the float out of initial reaction &
fear. I could do nothing again.

The crowd was thick & he was gone.

December 14, 2023

Then on ~~the~~ ^{December 14, 2023} day ~~she~~ ^{she} ~~at~~ ^{at} her work

Victim

~~she~~ presented to her work shift as

a waitress. She went to the bar area

to speak with the bartender and at

that point she made eye contact with

Conrad "Bo" Phillips. He was there

with a friend according to statements

and he continued to not only stay for

Victim

50 minutes after seeing ~~her~~ but he

made comments to Daniel his friend

about Gray that were sexual in

nature. Since then ^{Daniel} he has obviously

been contacted by ~~the~~ Conrad and/or

his lawyer to modify his statement

since but this was only after he told

the truth to the officer the night of

~~the~~ his arrest. ^{That night, victim} ~~Conrad~~ contacted

me via text ^{from work} verified b/c ^{Conrad Bo. Phillips} he was there &

would not leave. I was at work in

Abbeville and again could not protect her.

I couldn't send her dad because

It's been all he could do ^{if I could do} to this
gent ^{for him} not to take justice into his
own hands. He has had to stand by
and watch a man destroy his
daughter's life, ~~and~~ take her
childhood innocence and then her
begin to harm herself because of
~~the~~ Conrad and he was expected
to do nothing? I drove as fast as
I could to get to her after she
text me at work. I called the
police on the way ~~in hopes they~~

~~Conrad Phillips~~

b/c in her text she said he would not
leave ^{the} ~~the~~ ^{Conrad Phillips} has been able to

get away without punishment

to this point but I hope you

will see she is not safe from him.

He expressed his continued desire

for her to his friend and did

not even care he was in violation

of the restraining order. He claims

brain damage to not have to

be held accountable and somehow

This may have helped his case

Initially but do we suddenly

not hold stroke victims accountable

for their actions? They have

'brain' damage.

~~Not~~ Stroke pt. I know fight to get
better & don't use it
as an
excuse
to harm
others

He had a hunting

license before being placed on

probation. - Some land he hunted

on ~~was~~ near the middle school

she attended was one of the

locations he forced ~~people~~ to

do unthinkable things with him.

So, the government saw him

fit at that time to make decisions

which kill animals/people

to guns but he should not

be held accountable ^{during that same time} for what he

did to my daughter? He currently

holds a drivers license and a

vehicle can kill - the drivers

and decisions of those drivers can

Not to mention he was drinking and driving through

kill. So SC believes he can drive

as a free man but shouldn't have

to pay for what he did to my

daughter? If he was unable

to make decisions or be held

Accountable he should have a health care
Power of attorney. - but he does not ^{bleh as he is disabled he can't make health care decision}

He can't pick and choose what
he can be held accountable for
regarding his decisions. My

daughters couldn't decide or

choose ~~for~~ ~~her~~ ~~best~~ ~~interests~~ regarding

what he did to her but somehow

he feels he shouldn't be accountable

but he was the adult. This

family continues to torture

~~the~~ ~~family~~ ~~members~~ ~~and~~ ~~for~~ ~~them~~ ~~to~~ ~~state~~

His adult son, Barnett, has also
decided to torture me and my family
^{Barnett} also by ^{FB} ^{messaging} me after this
last arrest ^{saw} ^{me & my family} ^{need to leave his dad's} ^{place} ^{where} saying his ^{FB} ^{was} ^{above}

Dad didn't have a ~~fixing~~ ^{fixing} crystal
Ball so no way he would know where ~~my~~ ^{victim}

works. ~~Plus~~ He may not have known but

if he didn't desire to torture ~~me~~ ^{victim} ~~me~~

or feel the restraining order was valid

or the court would uphold it, he would

have left immediately. He did not!

He not only stayed 50 min thereafter

but talked about her during that time

an a sexual manner. His son proceeded
to message me to tell me that I'm

a "piece of sxxx mother" to allow
her to work at a place like that. ~~D~~

~~have the car the road~~ It is
a restaurant that I have been to

with my parents and youngest child.

I would not expose any of my children
to a place that was bad. ~~on note app~~

Judge - I beg you to please

stop this torture of my family,

myself but most importantly ~~the~~ ^{victim}

victim

Please show ~~her~~ that her life does matter and what he did to her

for years is unacceptable and he cannot

Please don't let her

continue to go unpunished. ~~It was not~~

He has ~~proved~~ ^{OUR} fear that she is not safe with him in the community. ^{probation} Please revoke his ~~probation~~ and put him in jail to keep ~~her~~ safe.

He has

proved ~~our~~ fear that she is not

safe with him in the community.

probation

Please revoke his ~~probation~~ and put him in

victim

jail to keep ~~her~~ safe.

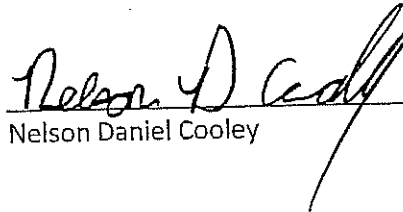
STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

AFFIDAVIT OF NELSON DANIEL COOLEY

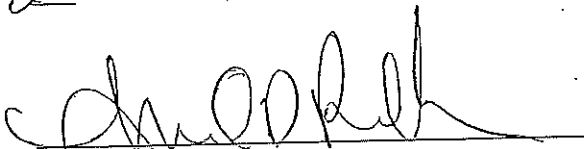
On December 14, 2023, I was talking on the phone with Conrad "Bo" Phillips. We decided to meet at [REDACTED] Restaurant at [REDACTED] Golf Course. We walked in together and sat down at the bar. The bartender waited on us. We ordered beer. We were in the restaurant about an hour before when the manager came to me and told me that he was glad Bo had left because there was a problem with one of the servers. At no time while Bo was there was I made aware of any problem or who worked at the restaurant. This is the same information I provided the deputy on the day of the incident.

While I stayed in the restaurant after deputy left, another girl came in and talked to the server and I noticed they were laughing about the incident and Bo being arrested.

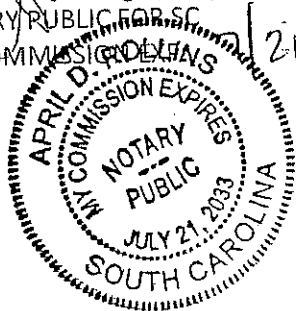


Nelson Daniel Cooley

SWORN TO BEFORE ME THIS
20 DAY OF DEC., 2023.



NOTARY PUBLIC FOR SC
MY COMMISSION EXPIRES 7/21/33



RECEIVED

Jul 26 2024

SC Court of Appeals

CERTIFICATE OF COUNSEL

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.

s/ Bruce A. Byrholdt

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June 20, 2024