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Jun 10 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Bamberg County

Honorable Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

COURTNEY EARNELL FOLK,

APPELLANT

APPELLATE CASE NO. 2021-001340

RECORD ON APPEAL

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I N D E X

(There were no witnesses called.)

E X H I B I T S

(There were no exhibits submitted.)

P R O C E E D I N G S

COURTNEY FOLK

1
2
3 after being duly sworn, testified as follows:

4 MR. MILLER: Your Honor, before the Court is Courtney
5 Earnell Folk. Mr. Folk is charged in indictment
6 2021-GS-05-00186 with burglary in the third degree and
7 indictment 2021-GS-05-190 with an enhanced petit larceny.

8 He is here today to plead guilty. He was on the trial
9 list for this term. Mr. Folk is currently on probation. We
10 have agreed that his criminal -- his sentences on these two
11 charges should be run concurrently. There is no other
12 sentencing recommendation and we have made no representation
13 or recommendation as to the probation violation that this
14 plea will -- that this plea will be a violation of.

15 THE COURT: Mr. Hayes.

16 MR. HAYES: Your Honor, I believe Mr. Miller has
17 recited that correctly. The only thing I would like to ask
18 the Court to consider is allow us to enter the plea this
19 morning. I've called his family. His father is at work and
20 won't be able to attend. He assured me that he was calling
21 Mr. Folk's mother to see if she could be here. And I'd like
22 to have her here for the mitigation phase.

23 THE COURT: All right.

24 Mr. Folk, you want to waive your right to a jury trial
25 and plead guilty to these two charges?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Are you guilty of these charges?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And do you understand that this guilty
5 plea, if not for other reasons, in and of itself constitutes
6 a willful violation of probation?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: What's his probation situation?

9 PROBATION AGENT: Good morning, Your Honor.

10 THE COURT: Good morning.

11 PROBATION AGENT: Courtney was sentenced on May 20th of
12 this year for malicious injury to property. He was
13 sentenced to ten years suspended to five years probation.
14 He was released to the Delancey Street Foundation, which was
15 supposed to be substance abuse treatment.

16 THE COURT: How did that work out for him?

17 PROBATION AGENT: He left the same night or the
18 following day. He left the following day.

19 THE COURT: He didn't stay?

20 PROBATION AGENT: No, sir. They reported it to
21 probation when he left. He just started these other crimes
22 that he's now pleading guilty to.

23 THE COURT: So is the guilty plea the violation or was
24 he already in violation?

25 PROBATION AGENT: He was already in violation when he

1 left Delancey Street.

2 THE COURT: We'll hear all the details when we get his
3 folks here about the violation.

4 Mr. Miller.

5 MR. MILLER: Thank you, Your Honor. Your Honor, on
6 July the 17th of 2021, at approximately 6:35 in the morning,
7 Mr. Robert Williams went into the Bamberg-Erhardt High
8 School. Whenever he walked in, he saw somebody inside the
9 building and they took off and ran out. At that point --
10 and he was there so early in the morning even though it was
11 in the middle of the summer because they were supposed to be
12 doing athletic physicals that day.

13 He called and -- called the police department. The
14 police department then got assistance from the county units.
15 They went through room-to-room clearing the building, but
16 they figured that the -- they found out that the suspect had
17 already left.

18 There was a window of an office that was raised near
19 where the coach had seen the person inside of the building.
20 They went and looked at the cameras and they saw on the
21 camera the subject, Mr. Folk, come out of the office and
22 walk around the corner and then walk back into another
23 office. Then he went into the secretary's office before
24 coming back out. At that time, the complainant opened the
25 back door and startled the subject, who fled through the gym

1 and out of the front of the school.

2 This is the first incident in the sequence. There were
3 a number of incidents, but this is the first burglary
4 conviction that the Defendant will have. It is a burglary
5 third in the first degree.

6 As to the petit larceny enhanced, on June the 15th of
7 2021, at about five o'clock in the afternoon, deputies
8 responded to a larceny at 13416 Char Augusta Road, which is
9 in Bamberg County. When they arrived on the scene, the
10 victim, Ms. Stephanie Jones, stated that she went to her
11 truck to get her purse and she found out it was missing.
12 Ms. Jones stated that she went into her office to see if she
13 had left it there, but it wasn't in the office. She stated
14 she looked in the classroom and she saw her purse in a
15 garbage can. Ms. Jones stated she looked through the purse
16 and it was missing her driver's license, credit cards and
17 \$140 in cash.

18 Ms. Jones said her colleagues advised her to check the
19 surveillance footage, so she did and she immediately
20 recognized the subject Courtney Folk entering the truck at
21 lunchtime and removing the purse from her vehicle. Ms.
22 Jones also stated the vehicle was parked in front of the
23 office building in direct view of the camera.

24 So, basically, these officers then looked at the video
25 surveillance and showed the video to another witness, Bart

1 Little, and he said that he knew the subject was Courtney
2 Folk entering the vehicle and removing the purse.
3 Basically, everybody realized that it was Courtney Folk that
4 had stolen the purse.

5 Your Honor, Mr. Folk is well known to law enforcement.
6 I believe his first larceny charge was in 1998, and this
7 will constitute -- if we count the ones he pled in front of
8 Judge Pope to earlier this year, I believe this will be 17
9 and 18 property offense convictions that he has. He's got
10 several convictions for breaking into motor vehicles or
11 tanks. He does not -- as I said before, he does not
12 actually have any burglary convictions, but, basically, if
13 it's not tied down, he's going to attempt to steal it.

14 As a matter of fact, Mr. Folk has become such a problem
15 to law enforcement and to the Bamberg community, Chief Smoak
16 from the Bamberg Police Department is here and I believe
17 would like to address the Court.

18 THE COURT: Yes, sir.

19 CHIEF SMOAK: Mr. Folk, he's been a menace to Bamberg
20 city, county, anywhere within the surrounding area, to
21 include stolen vehicles, breaking into vehicles. And there
22 are no convictions, as Mr. Miller, but he was a suspect on
23 video of another burglary here in town. I think we ended up
24 charging him with the lottery tickets that was part of that
25 case.

1 Your Honor, he's just a menace. Like Mr. Miller said,
2 if it's not tied down, he's going to steal it. And people
3 are tired of Mr. Folk.

4 If this was my son, I'd be here in court supporting
5 him, but being, I guess, it's such a routine for his father,
6 why bother? His mother does have some health issues, but,
7 Your Honor, he's just -- he needs to be an old man before he
8 leaves prison. Thank you.

9 THE COURT: Thank you.

10 Mr. Folk, what the solicitor said about these crimes
11 involving the purse and breaking into the school, the
12 burglary, were those facts true?

13 THE DEFENDANT: Not all of it is true, sir.

14 THE COURT: Sir?

15 THE DEFENDANT: Not all of it is true, sir. And what
16 he's saying is not all the way true either, sir.

17 THE COURT: I didn't ask you about what he said. I
18 said if what the solicitor said is the truth?

19 THE DEFENDANT: No, sir.

20 THE COURT: You didn't break into the school?

21 THE DEFENDANT: I didn't break into the school. I'm
22 being forced to plead guilty because --

23 THE COURT: No, I'm not accepting any forced guilty
24 plea.

25 THE DEFENDANT: What I'm saying, Your Honor --

1 THE COURT: No, my question is, is it true? Did you
2 burglarize the school, yes or no?

3 THE DEFENDANT: I did took the pocketbook. I did take
4 the driver's license. I admit to that, sir.

5 THE COURT: You admit to what?

6 THE DEFENDANT: Taking the license, sir.

7 THE COURT: That's a ten-year petit larceny, you
8 understand that?

9 THE DEFENDANT: I'm not trying to cause no problems,
10 sir.

11 THE COURT: Pardon?

12 THE DEFENDANT: I'm not trying to cause no problems. I
13 really did everything -- I want somebody to kill me. I'm
14 ready to die. I want somebody to kill me, Your Honor.

15 THE COURT: That's not going to happen right here right
16 now.

17 THE DEFENDANT: I'm a menace to society. I tried to
18 overdose, but I didn't die and they found me in my car.

19 THE COURT: I accept the guilty plea on the petit
20 larceny. Again, regarding the burglary third degree at the
21 school on July 17th, the coach was coming to the school and
22 discovered somebody was in there and they found you in
23 there. Is that right?

24 Did they find him in the building or did he leave?

25 MR. MILLER: When he first -- when the person first

1 came into the building, that's when the Defendant ran out,
2 ran through the gym and went out the other side of the
3 school. It was when they were watching the video --

4 THE COURT: Was that you?

5 THE DEFENDANT: No, it wasn't me.

6 THE COURT: It wasn't you, okay. So you're not guilty
7 of the larceny of the school?

8 THE DEFENDANT: I've been trying to fight it, Your
9 Honor, but it seems like --

10 THE COURT: I'm not going to accept the guilty plea if
11 you're not guilty. I can guarantee you that. I've accepted
12 the guilty plea of the petit larceny and probation
13 violation. If you didn't break in the school, if you
14 weren't in the school, as the song goes, it wasn't me, if it
15 wasn't you, then I'm not accepting that one.

16 Do you have the video available?

17 MR. MILLER: It's been provided to Mr. Hayes and we do
18 have it, Your Honor.

19 THE COURT: Yes, sir.

20 THE DEFENDANT: Tell you the truth, Your Honor, I'm
21 tired. I'm tired of every time --

22 THE COURT: Well, you're tired, the chief's tired, your
23 parents are tired, the probation is tired, everybody is
24 tried.

25 THE DEFENDANT: My parents aren't tired, Your Honor.

1 My mother is paralyzed. That's why she's not here right
2 now.

3 THE COURT: Well, we're going to hear from her if she
4 comes.

5 When are they coming, Mr. Hayes?

6 MR. HAYES: Your Honor, before court, he asked me to
7 contact his father. His father is at work, said he can't
8 come today. He would call his mother and see if she could
9 be here. I have not heard back yet.

10 THE COURT: We'll set the sentencing up for noon
11 tomorrow, how about that?

12 MR. HAYES: That would be great.

13 THE COURT: With regard to whether or not I actually
14 accept this guilty plea for burglary third degree, which
15 carries --

16 Is that a five-year sentence?

17 MR. MILLER: It is, Your Honor.

18 THE COURT: He's hemming and hawing about that, Mr.
19 Hayes, so let's just -- they provided the video?

20 MR. HAYES: Yes, sir. We reviewed and watching the
21 video on Friday morning. And I have it here.

22 THE COURT: So did he have a mask on, a hoodie on?

23 THE DEFENDANT: On the video, somebody -- somebody had
24 a mask on.

25 THE COURT: You don't believe that was you?

1 THE DEFENDANT: I know it wasn't me. Every time
2 somebody do something, it's me all the time.

3 THE COURT: Well, it was somebody. I'm getting ready
4 to look at it. I mean, I don't know you. I have no way of
5 knowing unless it looks just like you.

6 (The video was played for the Court.)

7 THE COURT: Walk over there and walk back and let's see
8 if he walks like you.

9 (Defendant complied.)

10 THE COURT: He walks like you. Same shape as you, same
11 height.

12 THE DEFENDANT: They have tattoos, I have tattoos.

13 THE COURT: What's on that shirt, LA or VA or what is
14 that?

15 THE DEFENDANT: I don't know.

16 THE COURT: You don't believe that's you walking
17 through that school?

18 THE DEFENDANT: No, sir.

19 THE COURT: Who you believe it is?

20 THE DEFENDANT: I don't know, sir. Just like the man
21 went in and stole some lottery tickets, I never was in the
22 store or nowhere around the man and --

23 THE COURT: We're not talking about that case. We're
24 talking about this case regarding the school. You can have
25 a jury trial on that one if you want to. I'll deal with the

1 first two, then maybe by tomorrow, if you change your mind,
2 we can deal with that one.

3 THE DEFENDANT: I'm not trying to cause no problem,
4 Your Honor. I'm not trying to do that. I'm just not going
5 to agree with a lie. It's a lie. I've been in prison all
6 my life.

7 THE COURT: What else do we need to talk about today?
8 We're going to do the sentencing at noon tomorrow.

9 MR. MILLER: Nothing from the State, Your Honor.

10 MR. HAYES: Nothing from the Defense, Your Honor.

11 THE COURT: The people that caught him in there -- or
12 he got arrested, but they didn't catch him?

13 MR. MILLER: They didn't catch him there, Your Honor.

14 THE COURT: Okay. I've accepted the other plea, but I
15 haven't accepted that one yet.

16 MR. MILLER: Yes, sir.

17 THE COURT: All right. We'll see you tomorrow at noon.
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF BAMBERG)

I, PENNY M. JOHNSON, Official Court Reporter for the Second Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the hearing of the captioned case, relative to appeal, in the Court of General Sessions for Bamberg County, South Carolina, on the 1st day of November 2021.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

January 23, 2022

Penny M. Johnson
Penny M. Johnson
Official Court Reporter

I N D E X

(There were no witnesses called.)

E X H I B I T S

(There were no exhibits submitted.)

P R O C E E D I N G S

COURTNEY FOLK

1
2
3 after being duly sworn, testified as follows:

4 THE COURT: All right. You've been sworn two days in a
5 row. You must really plan to tell the truth.

6 Mr. Miller.

7 MR. MILLER: Your Honor, this is Courtney Folk. Mr.
8 Folk is here today to be sentenced. He pled guilty
9 yesterday to a charge of enhanced petit larceny. He also
10 was signed up to plead to a burglary in the third degree and
11 there was some factual dispute about that. But that's where
12 we are, Your Honor.

13 As I understand it, the Court has accepted the plea as
14 to the larceny. The victim in that case, Ms. Stephanie
15 Jones, is here and would like to address the Court at the
16 appropriate time.

17 And, Your Honor, I don't know if we went through it in
18 any detail, but I would like to address the Defendant's
19 prior record if I could.

20 THE COURT: Let me ask him first about breaking into
21 the school.

22 MR. MILLER: Yes, sir.

23 THE COURT: What's the story, did you go in the school
24 or not?

25 THE DEFENDANT: I'm pleading guilty, sir.

1 THE COURT: That's not my question. Did you go in the
2 school or not?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Did you go in the school?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: So I accept that guilty plea as well.

7 MR. MILLER: Thank you, Your Honor.

8 Your Honor, Mr. Folk's record starts in 1998 with a
9 petit larceny. His next conviction was another petit
10 larceny in '99, then he had a financial transaction card
11 theft in '99, breaking into automobiles or tanks in '99.
12 His fourth property offense was a possession of a stolen
13 vehicle in '01. Then he had an aiding or escape from prison
14 with a noncapital offense. It was in 2003 and it was a
15 sheriff's office case. I assume it was at the Bamberg
16 County jail here. He got a year for that. He had a failure
17 to stop for a blue light in 2003.

18 His fifth property offense was possession of stolen
19 vehicle greater than \$5,000. He had three driving under
20 suspension convictions in 2003 as well. Unlawful carrying
21 of a weapon in 2005. And in 2005, another breaking into an
22 automobile or tanks. His sixth property offense was a
23 financial transaction card fraud.

24 Then he also had a malicious injury to personal
25 property, more than a thousand, but less than five,

1 possession of a stolen vehicle greater than \$5,000. Those
2 were number seven and eight property offenses and that was
3 in March of 2007. In July of 2007, he had two counts of
4 property offense third or subsequent. That's nine and ten.
5 He was sentenced to eight years suspended to six years and
6 probation for three years.

7 And then in 2011, he had a financial transaction card
8 fraud again and a new third or subsequent offense, property
9 offense. That was number 12. And he got nine years
10 suspended to six years and five years probation. So a
11 little bit more time there.

12 He had a breaking into a motor vehicle in 2017, a petit
13 larceny enhanced and a second petit larceny enhanced and a
14 malicious injury to personal property. All of those May
15 8th, 2017. That's 13, 14 and 15 on property offenses. He
16 had a petit larceny in 2017, June of 2017, that was his 16th
17 property conviction.

18 And May the 20th of this year, 2021, he had his 17th
19 and 18th property offenses. That was grand larceny, two to
20 ten, for stealing the car and a malicious injury to personal
21 property enhanced. At that point in time, back in May, he
22 had ten other charges dismissed. And he's got five pending
23 charges as of the time of this plea, three of those are
24 being dismissed as part of the plea.

25 THE COURT: Okay.

1 MR. MILLER: Your Honor, Ms. Jones would like to
2 address the Court as it regards her case. She's the woman
3 whose purse was stolen from the truck around her lunch break
4 time.

5 THE COURT: Okay. I'll be happy to hear from her.

6 MS. JONES: Hello, how are you? I'm Stephanie Jones.
7 I work at the same -- we worked together for one day.

8 THE COURT: You worked with who for one day?

9 MS. JONES: Courtney. He worked in our -- I manage a
10 small farm that is on a worksite that has other enterprises,
11 so he was hired on one of the crews onsite. So I met him
12 the morning that this happened. We didn't really interact
13 much. I didn't really think anything about my purse being
14 missing until the end of the day. I'm nervous.

15 So at lunchtime, I went into my office and I parked my
16 truck right in front of the office, which happens to be
17 where our surveillance camera is, and then I went back to
18 the farm, which is in the back of the property and finished
19 my day. I came back at 5:00, which is about the time that
20 everybody leaves. And I went into my truck to look for
21 something in my purse, maybe it was my phone. I don't
22 usually lock my truck when I'm at work because it's a small
23 crew and everyone is fairly trusting. And I couldn't find
24 my purse and I just assumed I had left it somewhere else
25 because I'm fairly absent-minded sometimes about my things.

1 I happened to see my purse in a trash can in the
2 classroom, which is across the hall from my office. We have
3 a small classroom on site. As soon as I said this to my
4 coworkers who were leaving, they said we know exactly who
5 did this. They stayed with me until our tech person came
6 and looked at our surveillance footage and verified -- and
7 lucky for me, I was parked in front of the surveillance
8 camera. I guess another coworker of mine had lost like a
9 few bucks from his car, which I don't think was brought up
10 with anything here, so.

11 So anyway, it was pretty obvious that he had done it.
12 And you can see in the video that he kind of like covers his
13 face toward the end of him taking my purse. It's hard for
14 me to believe that he didn't think he would be caught
15 because it was on camera and my purse was thrown away in the
16 trash can. So I'm very grateful because I was able to
17 recover everything. I was made whole with the cash that was
18 missing from my wallet.

19 I believe his father compensated. My employer is the
20 one who gave me my money back. Mr. Curtley, who's also my
21 neighbor, I live next door to Courtney's parents here in
22 Bamberg. And I think my boss was going to take the money
23 out of Courtney's check, I don't really know how it worked
24 out. But, eventually, I was able to get my driver's license
25 back and he didn't use my credit cards, I don't think. So

1 as far as losses, I didn't have a lot of loss.

2 And I actually feel quite fortunate that I'm the person
3 who was the victim of this because the following day, we
4 were preparing to have a large training at the farm and we
5 had many guests to do a farm training.

6 Being that many people after this happened came and
7 told me about his history, maybe he's a kleptomaniac or
8 something, that's a word that has been used. I'm kind of
9 glad it was me and not all of my guests who were coming from
10 all over.

11 THE COURT: Was he arrested the day that your purse was
12 stolen?

13 MS. JONES: No, he was arrested -- I don't know when he
14 was arrested.

15 THE COURT: He didn't get a chance to steal from the
16 guests?

17 MS. JONES: Yes, because he didn't come back to work.

18 THE COURT: Oh, he didn't come back.

19 MS. JONES: He didn't come back to work. And I knew
20 this area, but I didn't know if he had a violent history.
21 I'm friends with one of the people who is a teacher at our
22 workshop and she was staying in a hotel in Orangeburg. And
23 so my family -- or my baby and my partner and I went and
24 stayed with her in a hotel because I didn't know. And I
25 guess he stayed somewhere else that night, too.

1 So I don't know. I guess I should know that maybe
2 something could happen, but I'm grateful it wasn't worse.
3 Mr. Curtley is a very good neighbor and he's my coworker and
4 I'm glad that we're on good terms. I'm sad that this all
5 happened.

6 THE COURT: All right. Thank you.

7 MR. MILLER: Your Honor, that's all that the State has.

8 THE COURT: Mr. Hayes.

9 MR. HAYES: May it please the Court, Your Honor. Mr.
10 Folk is 42 years old. He does construction work. He was
11 working for John Cotton the day before he was arrested. He
12 attended Bamberg High School, went through the tenth grade.
13 I asked him why did he drop out and he said he went into the
14 streets and started doing stupid stuff; that he was at a
15 stage where he didn't care anymore. He tells me there were
16 some family issues.

17 Well, in digging a little more, he tells me that in
18 1995, his sister was -- I'm sorry, '85, his sister was
19 killed, one of his sisters was killed; that her significant
20 other and her had split. The boyfriend was made, upset
21 about it and he came to their house and he shot the house
22 up. During the process, before he started shooting, his
23 sister was going to the door to address him and one of the
24 shots came through the front door and killed her right in
25 front of him. He still has nightmares even though the guy

1 was arrested and got 15 years, but I believe witnessing
2 that, in '85, he would have been six years old, about six
3 years old at the time and it still greatly affected him.

4 In 2000, which should have been the year after
5 graduation, he should have graduated in '99, '98, he started
6 using drugs. He started with weed, marijuana and it
7 escalated and it grew to where he's pretty much tried and
8 done everything.

9 Talking with his dad -- he had told me that he's had
10 issues with attempting suicide and it sounds like severe
11 depression issues throughout his life that maybe have not
12 been addressed. Jumping out of a moving vehicle at one time
13 when he was young to having a firearm in his mouth and
14 having to be talked down. He admitted in court yesterday to
15 trying to overdose on drugs, but it didn't work and he was
16 arrested.

17 His mother is here and his father his here. His nephew
18 is here. They would like to address the Court.

19 We thank the Court for continuing the mitigation phase.
20 His father does still work. As you heard, he works with the
21 victim in the case. And he wasn't able to come yesterday.

22 THE COURT: Does anybody want to say anything?

23 (No response.)

24 THE COURT: All right. Thank you.

25 MR. HAYES: Judge, as you heard, he was before the

1 Court in May and was sentenced to go to the Delancey Street
2 program. I believe Mr. Miller and I actually met the
3 individual, Eric, he does a lot of the interviews if you go
4 and do the tour. We took a tour in February of last year.
5 You can go down and see the facility, see how it works. We
6 met a lot of the people running the program. Eric is one of
7 the individuals.

8 Once he got to the program, he was made aware that
9 another nephew was killed in a car wreck and during that
10 time, his house was shot, where his mom and dad reside, that
11 they were victims of a drive-by. He felt like he needed to
12 come home and address that. He was only there two days and
13 he tells me that he sat down and talked with Eric and that
14 he felt like he needed to go. And Eric told him as he told
15 Mr. Miller and I, if somebody walks out, I have to tell
16 probation, so if you leave, I'm going to call probation and
17 let them know. And, obviously, we're back before you here a
18 short period later.

19 I do believe a lot of this is drug-related, that he's
20 doing this to get money to support his habit. There may be
21 a klepto issue here, I don't know. And as I've indicated to
22 the Court, I believe there's some depression issues as well.

23 He's asked about why is this so fast. And I will
24 admit, this case has moved fairly fast. He was arrested
25 September 1st on multiple charges. And I went and met with

1 him, we discussed everything. He indicated at that time
2 that he wanted to try to resolve everything and/or do a bond
3 motion. I believe at that time, we had not gotten all the
4 discovery and we did a bond motion and it was denied.

5 Solicitor Miller and I worked on getting the discovery.
6 I got it, we received it. And I have to admit, this is an
7 easy case for the State. The video is a chip shot in my
8 opinion. He's on video. He goes to the car, has nothing in
9 his hands when he went in, when he comes out, he's got a
10 pocketbook. And the quality of the video, there is no
11 question as to identity.

12 So the answer for Mr. Folk's question why is it so
13 quick, this is a very simply case. It's a good back up to a
14 trial list docket that if it falls through, he could put
15 this up and try it and it would take longer to pick the jury
16 than it would to try the case. It's one witness to
17 authenticate the video, play the video. That's the answer
18 to why everything was so fast. As for the other charges,
19 yes, I still asked for the other stuff for the other charges
20 and reviewed it.

21 He also asked about trying to resolve everything. And
22 I believe what we've got here is a reasonable offer from the
23 State, plea to these two charges, run concurrently. As to
24 the probation, that, obviously, is up to Your Honor. We
25 don't have any say as to what probation wants to do. But I

1 would ask the Court to consider doing everything
2 concurrently and potentially no probation. I don't think
3 there's a situation where that actually benefits him or
4 anybody in the long run.

5 THE COURT: All right. How about that probation
6 violation?

7 PROBATION AGENT: Yes, sir. As you heard, he was
8 sentenced to probation --

9 THE COURT: He was sentenced to a certain number of
10 years suspended to probation.

11 PROBATION AGENT: Yeah, ten years suspended to five
12 years probation.

13 THE COURT: So he has that ten years, plus this ten
14 years, plus this five years. He's facing 25 years. What do
15 you want me to do with him as far as the probation
16 violation?

17 PROBATION AGENT: We're asking for a full revocation,
18 Your Honor. As you've heard, he has a history with
19 probation, most of them in revocation, if not all. He's
20 very familiar with what he needed to do while he was on
21 probation. He entered the Delancey Street Foundation on the
22 24th and left the 25th.

23 THE COURT: I heard from the police chief yesterday,
24 would you like to speak again today?

25 CHIEF SMOAK: Judge, I'm just looking out for the

1 citizens of Bamberg, Bamberg County, Orangeburg Court,
2 Barnwell County, this is the areas where he, I guess,
3 frequents when he's not in prison --

4 THE COURT: Sounds like he's made it up to Columbia by
5 me, too, and Orangeburg.

6 CHIEF SMOAK: It's just that we have so many unresolved
7 matters that we can pretty much say it's him --

8 THE COURT: We're not going to consider anything he
9 wasn't charged with.

10 CHIEF SMOAK: I understand. Thank you, sir.

11 THE COURT: Anything else?

12 MR. MILLER: Your Honor, Chief Smoak was able to
13 provide a Department of Corrections summary of all of the
14 disciplinary -- just, basically, Mr. Folk's history while
15 he was in the Department of Corrections or those times when
16 he was in the Department of Corrections. And it's only
17 relevant, for what it's worth, but it highlights something
18 that the chief said --

19 MR. HAYES: I object. I haven't been provided with
20 that and I don't know where he's going with that.

21 MR. MILLER: Well, let me get there and then you can
22 object.

23 Basically, Your Honor, he doesn't have any history of
24 stealing when he's in the Department of Corrections. And we
25 talked about the fact that the only way to keep him from

1 stealing is to keep him away from people's stuff. But he
2 doesn't steal from other inmates because there are
3 consequences for that that are severe. So he doesn't steal
4 from other inmates, he only steals when he's out in town.

5 And whenever we -- and to her credit, Judge Pope gave
6 him a probationary sentence because -- Ms. Martha Rivers was
7 his attorney that was appointed the last time. And she and
8 Mr. Folk made a compelling case for him to go to the South
9 Carolina Strong Program, the Delancey Street Program. She
10 gave him a chance and he lasted two days and then he's back
11 to stealing again.

12 And so I don't know of any better -- it's not a good
13 situation. It's not an easy situation in my mind, but,
14 realistically, something has to be done to keep Mr. Folk
15 away from people's stuff. And that's what we're asking for.

16 THE COURT: Yes, ma'am.

17 DEFENDANT'S SISTER: Yes, sir, I'm his sister. I just
18 listened to what he said, but I think you wrong on that.

19 THE COURT: You think he steals while he's in the
20 Department of Corrections?

21 DEFENDANT'S SISTER: Ever since he's been doing this,
22 he's been stealing. When he was incarcerated, he was
23 stealing.

24 MR. MILLER: Well, he doesn't have convictions on his
25 history.

1 DEFENDANT'S SISTER: I had a brother that was
2 incarcerated with my brother and he had to keep people off
3 of him because he stole their stuff.

4 THE COURT: He stole there, too? Wow.

5 DEFENDANT'S SISTER: Yes, sir. He just have a problem.

6 THE COURT: What you make of all that, Mr. Folk?

7 THE DEFENDANT: I don't know. Some of it false and
8 some of it true, Your Honor. I have a real bad drug problem
9 and I can't blame nobody but myself. I never hurt nobody,
10 none of that.

11 THE COURT: But you look normal, you look like you
12 might -- maybe you can be a preacher or something. How did
13 you turn out so bad?

14 THE DEFENDANT: Your Honor, just being in the streets
15 and doing drugs and messing with the wrong people, Your
16 Honor. My mother, I help -- when I'm home, she'll tell you,
17 I help my mother a lot.

18 THE COURT: But you look normal. Most people -- like
19 that last boy, he didn't look normal. He had tattoos all
20 over his face and eyes and everything.

21 THE DEFENDANT: I ain't got time for that, Your Honor.

22 THE COURT: You're just a thief?

23 THE DEFENDANT: Just got a problem with drugs.

24 MR. HAYES: Judge, I will say, I represented him in the
25 stuff that Ms. Rivers had until I ran into a legal conflict.

1 I like Mr. Folk. His personality is good. You get along
2 well with him. We had good conversations beyond the legal
3 realm. As to why, I --

4 THE COURT: I mean, like, if we were to turn our backs
5 on you right now, you would have that computer --

6 THE DEFENDANT: No, sir. No, sir. I wouldn't do that,
7 no, sir.

8 THE COURT: Why you want to kill yourself, what's that
9 about?

10 THE DEFENDANT: Sir, I just have a lot of stuff going
11 on, my past and stuff. The drugs seem like -- when I use
12 drugs, it don't help. I tried to overdose, but then I got
13 locked up, but I didn't. Eventually, I woke up going to
14 jail.

15 THE COURT: What do the drugs do for you?

16 THE DEFENDANT: Help me cope with a lot of things in my
17 personal life.

18 THE COURT: Maybe you should try to do like 200 pushups
19 a day. That would wear you out.

20 What else do you do while you're in prison or jail?

21 THE DEFENDANT: Nothing, Your Honor.

22 THE COURT: Well, one thing about it, when you're
23 locked up, you don't have to pay any bills. Who do you live
24 with?

25 THE DEFENDANT: With my mother.

1 THE COURT: How old are you now?

2 THE DEFENDANT: I'm 42.

3 THE COURT: All right. You don't have to pay any
4 bills, she doesn't have to feed you and you don't steal
5 anybody's stuff. So that's the setting where you apparently
6 need to be.

7 THE DEFENDANT: I don't have no problem being locked
8 up, Your Honor. I don't have any problem being locked up.

9 THE COURT: You okay being locked up?

10 THE DEFENDANT: No, I'm not okay being locked up
11 because I'm in a cage just like an animal, but at the same
12 time, I just --

13 THE COURT: Well, there's something about it if you
14 keep going back. I mean, you just got out. I mean, you
15 must be content being there.

16 THE DEFENDANT: I did a year for something I didn't
17 even do. It was really for something I didn't do. I did a
18 year in the county jail.

19 THE COURT: I'm going to revoke the probation in full.
20 I'm going to give you a ten-year sentence, the maximum
21 sentence for stealing her stuff. They gave you a job and
22 you went on the job stealing. So you're going to get ten
23 years on that and five years on the school, to run
24 concurrent with each other.

25 MR. MILLER: Thank you, Your Honor.

1 THE COURT: All your sentences will run concurrent.
2 How many days is he entitled to credit for?

3 MR. HAYES: 63 days, Judge.

4 THE COURT: And 63 days credit. And a civil judgment
5 --

6 MR. HAYES: And then on the probation violation, you
7 said revoke in full?

8 THE COURT: Yes.

9 MR. HAYES: There was 344 days on that.

10 THE COURT: Ten years is what the Judge -- which Judge
11 was that?

12 PROBATION AGENT: Judge Pope.

13 THE COURT: Judge Pope gave you ten years, but she
14 suspended it as long as you could handle this Delancey
15 Street. It's a great program. I follow that program.
16 That's a street in California, San Francisco.

17 THE DEFENDANT: They got a program up there, too.

18 THE COURT: I know. I'm saying that it started out on
19 Delancey Street in San Francisco, California. And it was
20 such a good program, they brought it all the way over here
21 to Charleston. They have rehabilitated many, many men, but
22 you have to have that desire, which you don't have. That's
23 just the way it is.

24 Okay, sir, you get credit for 63 days and the sentences
25 will run concurrent with each other and with the probation

1 violation. I wish you the best.

2 MR. MILLER: Thank you, Your Honor.

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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF BAMBERG)

I, PENNY M. JOHNSON, Official Court Reporter for the Second Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the hearing of the captioned case, relative to appeal, in the Court of General Sessions for Bamberg County, South Carolina, on the 2nd day of November, 2021.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

January 23, 2022

Penny M. Johnson
Penny M. Johnson
Official Court Reporter

WITNESSES

Bamberg Police Department

Ashley J Ratliff

Law Enforcement Case #: BPD 21-422

DWM

ARREST WARRANT NUMBER

2021A0510100141

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: 10/28/21

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2021GS0500186

The State of South Carolina
County of Bamberg

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2021

THE STATE
vs.

COURTNEY EARNELL FOLK

CDR #: 0427

Indictment for

BURGLARY - THIRD DEGREE

§ 16-11-0313

BILL WEEKS, SOLICITOR

FILED
BAMBERG COUNTY
2021 NOV -2 PM 2:41
JANNAL G. JOHNSON
CLERK OF COURT
BAMBERG, SC

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CLERK OF COURT
BAMBERG COUNTY, SC

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NOV 15 2021
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF BAMBERG)

INDICTMENT FOR
BURGLARY - THIRD DEGREE

§ 16-11-0313

At a Court of General Sessions, convened on November 1, 2021, the Grand Jurors of Bamberg County present upon their oath:

That **COURTNEY EARNELL FOLK** did in Bamberg County on or about July 17, 2021, unlawfully enter without consent, and with the intent to commit a crime therein, Bamberg Ehrhardt High School, a building located at 267 Red Raider Drive, Bamberg SC. All in violation of §16-11-313 of the Code of Laws of South Carolina (1976), as amended.

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


BILL WEEKS, SOLICITOR

A TRUE COPY

Attest: *[Signature]*
CLERK OF COURT
BAMBERG COUNTY, SC

FILED
BAMBERG COUNTY

2021 NOV -2 PM 2:41

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA
COUNTY OF Bamberg
STATE

INDICTMENT/CASE# 2021-GS-05-00186

VS.

JANNIE C. JONES
CLERK OF COURT
BAMBERG, SC

Courtney Earnell Folk
AKA: _____
Race: Black Sex: M Age: 41
DOB: _____ SS#: _____
Address: _____
City, State, Zip: _____
DL# _____ SID# _____

AW#: 2021A0510100141
Date of Offense: 7/17/2021
S.C. Code §: 16-11-0313
CDR Code #: 0427

SENTENCE SHEET

NOT MORE THAN 5 YEARS

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Burglary / Burglary (After June 20, 1985) - Third degree - 1st offense

In violation of § 16-11-0313 of the S.C. Code of Laws, bearing CDR Code # 0427

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:
David W. [Signature] 69553 [Signature]
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

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 ___ days/months/years/Time Served and or payment of \$____; plus costs and assessments as applicable*, the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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. 63 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.

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NOV 15 2021

SC Court of Appeals

STATE VS. Courtney Earnell Folk INDICTMENT/CASE# 2021 - GS - 05 - 00186

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: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

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

Payment Terms: _____ Set by SCDPPPS

Recipient _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly prmts. of	\$ _____	Beginning	_____	\$ _____
§14-1-206 (Assessments 107.5%)				\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)		\$100		\$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)		\$100		\$ _____
§56-5-2995 (DUI Assessment)		\$12		\$ _____
§56-1-286 (DUI Breath Test)		\$25		\$ _____
§14-1-212 (Law Enforce. Funding)		\$25		\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)		\$150		\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41		\$ _____
§50-21-114 (BUI Breath Test Fee)		\$50		\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$40/ea		\$ _____
3% to County (if paid in installments)		TBD		\$ <u>3.75</u>
<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				\$ <u>128.75</u>

Clerk of Court/Deputy Clerk: *Debra St. Dwight*
 Court Reporter: *Penny Johnson*

Presiding Judge: *Cf Wern*
 Judge Code: *2127*
 Sentence Date: *Nov 1, 2021*

WITNESSES

Bamberg County Sheriffs Office

Alonzo J Jenkins *Tamie Williams*

Law Enforcement Case #: BCSO 2021-0415

DWM

ARREST WARRANT NUMBER

2021A0510100109

ACTION OF GRAND JURY

True Bill

[Signature]

Foreperson of Grand Jury

Date: *10/28/21*

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2021GS0500190

The State of South Carolina

County of Bamberg

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2021

THE STATE

vs.

COURTNEY EARNELL FOLK

CDR #: 3596

Indictment for

PETIT LARCENY - ENHANCEMENT

§ 16-13-0030(A)

BILL WEEKS, SOLICITOR

FILED
BAMBERG COUNTY
2021 NOV -2 PM 2:42
JANINE C. JOHNSON
CLERK OF COURT
BAMBERG, SC

ATTEST
[Signature]
CLERK OF COURT
BAMBERG COUNTY, SC
A TRUE COPY

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NOV 15 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BAMBERG)

INDICTMENT FOR
 PETIT LARCENY ENHANCEMENT

§ 16-13-0030(A)

At a Court of General Sessions, convened on November 1, 2021, the Grand Jurors of Bamberg County present upon their oath:

TSUS 21 V014
 That **COURTNEY EARNELL FOLK** did in Bamberg County on or about June 15, 2021, feloniously take and carry away a purse containing a quantity of U.S. currency, a credit card, and other personal property valued at Two Thousand Dollars or less and belonging to Stephanie Jones with intent to deprive the owner permanently of such property. The Defendant having previously been twice convicted of offenses for which the term of imprisonment was contingent upon the value of the property involved. All in violation of §16-13-30, Code of Laws of South Carolina (1976), as amended.

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



BILL WEEKS, SOLICITOR

A TRUE COPY

FILED
BAMBERG COUNTY

Attest

CLERK OF COURT
BAMBERG COUNTY, SC

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

COUNTY OF Bamberg

2021 NOV -2 PM 2:42

STATE

VS.

JANNIE C. JOHNSON
CLERK OF COURT
BAMBERG, SC

INDICTMENT/CASE# 2021 - GS - 05 - 00190

Courtney Earnell Folk

A/W# 2021A0510100109

AKA: _____)

Date of Offense: 6/15/2021

Race: Black Sex: M Age: 41)

S.C. Code §: 16-13-0030(A)

DOB: _____ SS#: _____)

CDR Code #: 3596

Address: _____)

City, State, Zip: _____)

DL# _____ SID# _____)

SENTENCE SHEET

NOT MORE THAN 10 YEARS

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Larceny/Petit <2000-Enhancement

In violation of § 16-13-0030(A) of the S.C. Code of Laws, bearing CDR Code # 3596

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:

David W. [Signature] 69553 Courtney [Signature] 77834
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

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

for a determinate term of 10 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 _____ days/months/years/Time Served and or payment

of \$____; plus costs and assessments as applicable; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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.

63 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.

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NOV 15 2021

SC Court of Appeals

STATE VS. Courtney Earnell Folk INDICTMENT/CASE# 2021 - GS - 05 - 00190

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: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

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

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly prmts. of	\$ _____	Beginning	_____	\$ _____
§14-1-206 (Assessments 107.5%)				\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100			\$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100			\$ _____
§56-5-2995 (DUI Assessment)	\$12			\$ _____
§56-1-286 (DUI Breath Test)	\$25			\$ _____
§14-1-212 (Law Enforce. Funding)	\$25			\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150			\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41			\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50			\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea			\$ _____
.3% to County (if paid in installments)	TBD			\$ <u>3.75</u>
<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				\$ <u>128.75</u>

Clerk of Court/Deputy Clerk: Joyce St. Doughty
Court Reporter: Penney Johnson

Presiding Judge: G. News
Judge Code: 2127
Sentence Date: November 1, 2021

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Jun 10 2022

44

SC Court of Appeals

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Victor R Seeger
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 10th day of June, 2022.

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Jun 10 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Bamberg County

Honorable Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

COURTNEY EARNELL FOLK,

APPELLANT

APPELLATE CASE NO. 2021-001340

CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above-referenced case has been served upon Matthew C. Buchanan, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 3rd day of June, 2022.



Victor R Seeger
Appellate Defender

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

ATTORNEY FOR APPELLANT