

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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**Jul 20 2023**

S.C. SUPREME COURT

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Certiorari to Spartanburg County

Honorable Daniel D. Hall, Circuit Court Judge

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HAROLD JONES III,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-000152

\_\_\_\_\_

APPENDIX

\_\_\_\_\_

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P R O C E E D I N G S

THE COURT: Okay. And so, at this time, anyone who I have not qualified yet who is in the gallery, if you will come forward. We'll seat you in the Grand Jury box along with other folks that have not yet been qualified.

(WHEREUPON, a group of individuals was seated in the jury box at this time.)

THE COURT: Okay. Okay. What I'm going to do, if -- those of you that I qualified this morning, if you'll raise your right-hand for me?

(WHEREUPON, a group of individuals responds.)

THE COURT: Okay. And so one, two, three -- I qualified you this morning?

(WHEREUPON, an individual responds in the affirmative.)

THE COURT: Yes?

What -- what's your names?

THE DEFENDANT: Bryant Means.

THE COURT: Mr. Means, did I -- I don't think I qualified you.

Did I qualify him this morning?

MR. VIETH: He was not qualified. He was not here this morning.

THE COURT: Okay, Mr. Means.

All right. Thank you.

1           okay. so, I've already qualified, if you will in the  
2 corner, sir, just give me your name?

3           THE DEFENDANT: Delano.

4           THE COURT: Mr. Delano.

5           okay?

6           THE DEFENDANT: Pavelko.

7           THE COURT: Pavelko.

8           THE DEFENDANT: Pavelko, ma'am.

9           THE COURT: Yes.

10          okay. Yes, ma'am.

11          THE DEFENDANT: Hall, Lisa.

12          THE COURT: Yes, ma'am.

13          THE DEFENDANT: Quavedo.

14          THE COURT: Quavedo.

15          okay. so, the four of you don't need to -- and I  
16 qualified you.

17          okay. And your name?

18          THE DEFENDANT: Bennett.

19          THE COURT: Mr. Bennett.

20          okay. okay. so, the five of you don't need to  
21 respond. You can just remain seated.

22          All right. will there be any objection, officer, to  
23 Mr. Bennett switching seats with --?

24          THE OFFICER: with Hector.

25          THE COURT: with Hector.

1 THE OFFICER: Trade places.

2 THE COURT: Okay. All right. Now, if you will please,  
3 everyone else, if you will please stand and raise your  
4 right-hand.

5 (WHEREUPON, all parties comply.)

6 THE COURT: Okay. Our clerk is going to swear you in.

7 (WHEREUPON, the defendants were placed under oath at  
8 this time.)

9 THE COURT: Okay. Thank you.

10 If you don't mind, I'm going to ask you to remain  
11 standing for me. This will only take about three to four  
12 minutes and I think, unless that's an undue hardship --  
13 ma'am, are you all right to stand for three or four minutes?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: All right. So, I'm, I'm getting ready to  
16 go through a series of questions with you. But before I do,  
17 I'm gonna get you-all to identify yourselves. I'm gonna  
18 start in the back row with this gentleman right there.

19 Yes, sir, your name?

20 THE DEFENDANT: Douglas Underwood.

21 THE COURT: Mr. Underwood.

22 And who is your lawyer?

23 THE DEFENDANT: James Cheeks.

24 THE COURT: Okay. And next to you?

25 THE DEFENDANT: Hector Gonzalez.

1 THE COURT: Mr. Gonzalez.

2 And who's your lawyer?

3 THE DEFENDANT: Mr. Vieth.

4 THE COURT: Okay. Yes, sir.

5 THE DEFENDANT: Travis Williams.

6 THE COURT: Who's your lawyer?

7 THE DEFENDANT: James Cheek.

8 THE COURT: Okay. Yes, sir.

9 THE DEFENDANT: Harold Jones.

10 THE COURT: Mr. Jones?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: And who's your lawyer?

13 THE DEFENDANT: Suzanne White. Suzanne White.

14 THE COURT: Ms. White.

15 Okay. Yes.

16 THE DEFENDANT: Jasmine Rogers.

17 THE COURT: Jasmine --?

18 THE DEFENDANT: Rogers.

19 THE COURT: Who's your lawyer?

20 THE DEFENDANT: Andrea Price.

21 THE COURT: Yes, sir.

22 THE DEFENDANT: Christopher Bradley.

23 THE COURT: Your lawyer?

24 THE DEFENDANT: Suzanne White.

25 THE COURT: Yes, sir.

1 THE DEFENDANT: Bryant Means.

2 THE COURT: Your lawyer?

3 THE DEFENDANT: Richard Vieth.

4 THE COURT: Okay. And then we'll start here.

5 Yes, ma'am.

6 THE DEFENDANT: Krystal Pruitt. Chad Snyder.

7 THE DEFENDANT: Tyrone Dodd. Suzanne White.

8 THE COURT: Mr. Dodd?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT REPORTER: Judge, they've got to speak up. I  
11 can't hear them.

12 THE COURT: Okay. So, let's start again.

13 Krystal --?

14 THE DEFENDANT: Pruitt.

15 THE COURT: Ms. Pruitt and her attorney is Suzanne  
16 White.

17 THE DEFENDANT: No, ma'am.

18 THE COURT: Oh, sorry.

19 THE DEFENDANT: Chad, Chad Snyder.

20 THE COURT: Chad Snyder?

21 THE DEFENDANT: Yeah.

22 THE COURT: Okay. And next?

23 THE DEFENDANT: Tyrone Dodd. Suzanne White.

24 THE COURT: Tyrone Dodds (sic).

25 All right. Yes.

1 THE DEFENDANT: Jordan Stone. Mr. Boggs.

2 THE COURT: Yes, ma'am.

3 THE DEFENDANT: Melissa Greene. Andrea Price.

4 THE COURT: Yes, ma'am.

5 THE DEFENDANT: Melissa Blocker. Suzanne White.

6 THE COURT: Yes, ma'am.

7 THE DEFENDANT: Gwen Player. Andrea Price.

8 THE COURT: Ms.---

9 THE DEFENDANT: Price.

10 THE COURT: And your last name is Player?

11 THE DEFENDANT: Player.

12 THE COURT: Yes, ma'am.

13 THE DEFENDANT: Chanda Gray and my lawyer's Andrea  
14 Price.

15 THE COURT: Okay. Yes, sir.

16 THE DEFENDANT: Trevor Harvey. Andrea Price.

17 THE DEFENDANT: Jennifer Mcann. Andrea Price.

18 THE DEFENDANT: Mitzi Watts. Andrea Price.

19 THE COURT: Mitzi Watts?

20 THE DEFENDANT: Yes. Andrea Price.

21 THE COURT: Yes, ma'am.

22 Yes, sir.

23 THE DEFENDANT: Mark Panuelo. Andrea Price.

24 THE COURT: Okay. Yes, sir.

25 THE DEFENDANT: James Stevens.

1 THE COURT: And who's your lawyer?

2 who's your lawyer?

3 Mr. Snyder?

4 THE DEFENDANT: Yeah, him.

5 THE COURT: okay. All right. And so it's Mr. Stevens,  
6 James Stevens with an S. Mr. Snyder.

7 okay. Mr. Stevens, can you hear me okay?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Okay. If you need for me to speak up, you  
10 let me know.

11 All right?

12 THE DEFENDANT: okay.

13 THE COURT: I'm going to go over a series of questions  
14 with you all concerning your understanding of your  
15 constitutional rights, that you're waiving those rights,  
16 your satisfaction with legal counsel, and I'm going to try  
17 to confirm that you all understand what you're doing here  
18 today.

19 All right. If any anytime you don't understand, raise  
20 your hand and let me know.

21 All right. Do not answer verbally because it will be  
22 impossible for our court reporter to understand which one of  
23 you asked a question or replied verbally.

24 All right. So, do each of you understand that the  
25 purpose of your being here today is to enter a plea as

1 opposed to having a jury trial or a bench trial on the  
2 charge or charges against you?

3 If you understand that, I want you to remain standing.

4 (WHEREUPON, everyone remains standing.)

5 THE COURT: Thank you.

6 Now, do you understand that by entering a plea on the  
7 charge or charges against you you waive very important  
8 constitutional rights?

9 Not only are you waiving your right to a trial by jury,  
10 but you also waive your right to confront witnesses against  
11 you and your right to remain silent.

12 If you understand the waiver of those constitutional  
13 rights, I want you to remain standing.

14 (WHEREUPON, everyone remains standing.)

15 THE COURT: Thank you.

16 If you understand that if you were to go forward and  
17 have a trial on the charge or charges against you, the  
18 burden of proof would not be on you and your lawyer. The  
19 burden of proof is on the state, on the solicitor, to prove  
20 every element of every charge against you beyond a  
21 reasonable doubt. You are presumed to be innocent until  
22 proven guilty.

23 If you understand that, I want you to remain standing.

24 (WHEREUPON, everyone remains standing.)

25 THE COURT: Thank you.

1           Lastly, if you were to have a jury trial, every member  
2 of your jury, all 12, have to say that you're guilty for you  
3 to be found guilty.

4           If you understand that, I want you to remain standing.  
5           (WHEREUPON, everyone remains standing.)

6           THE COURT: Understanding all of those constitutional  
7 rights, do you still wish at this time to waive those rights  
8 in exchange for entering a plea or pleas on the charges  
9 against you?

10          If that is your wish, I want you to please remain  
11 standing.

12          (WHEREUPON, everyone remains standing.)

13          THE COURT: Thank you.

14          Now, on the next set of question, if they apply to you,  
15 I want you to sit down so I can get more information.

16          All right. Are you today under the influence of  
17 alcohol, drugs, or any intoxicant that would impair your  
18 judgment?

19          If you are, I need for you to have a seat at this time.

20          (WHEREUPON, everyone remains standing.)

21          THE COURT: If you suffer from any mental or physical  
22 infirmity that would affect your ability in understanding  
23 what you're doing today, I want you to have a seat at this  
24 time.

25          (WHEREUPON, everyone remains standing.)

1 THE COURT: If you take any prescribed medication, I  
2 would like for you to have a seat at this time and I will  
3 ask you more about that when I actually do your individual  
4 plea.

5 IS there anyone here that takes prescribed medications?  
6 (WHEREUPON, one defendant responds at this time.)

7 THE COURT: Okay. Yes, ma'am, you're Ms. --?

8 THE DEFENDANT: Blocker.

9 THE COURT: Ms. Blocker.

10 Okay. You -- okay. So we've got a note of that.  
11 Anybody else?

12 (WHEREUPON, one defendant responds at this time.)

13 THE COURT: Okay.

14 THE DEFENDANT: They're not narcotics though. So, does  
15 that matter?

16 THE COURT: Yes, I mean -- no, ma'am, if they're  
17 prescribed to you, I still need to know about it. So, let's  
18 just get -- okay.

19 So, Ms. Blocker, if you'll have a seat and you are?

20 THE DEFENDANT: Chanda Gray.

21 THE COURT: Ms. Gray?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay.

24 THE DEFENDANT: I just finished medication. I had  
25 surgery on Friday.

1 THE COURT: Well then yes, ma'am.

2 what's your name?

3 THE DEFENDANT: Mcann.

4 THE COURT: Ms. Mcann.

5 THE DEFENDANT: Yes.

6 THE COURT: All right. Have a seat.

7 And yes, ma'am.

8 THE DEFENDANT: I take narcotic medicine.

9 THE COURT: Yes, ma'am. So you take prescribed  
10 medications.

11 what's your name?

12 THE DEFENDANT: Mitzi Watts.

13 THE COURT: Ms. Watt.

14 Okay. Thank you, ma'am. If you'll sit down.

15 Does anybody else take any type of prescribed  
16 medication?

17 (WHEREUPON, there was no response.)

18 THE COURT: Thank you all. You can stand again.

19 (WHEREUPON, the defendants comply.)

20 THE COURT: If you are satisfied with the services of  
21 your legal counsel, please remain standing.

22 (WHEREUPON, everyone remains standing.)

23 THE COURT: Thank you.

24 Please be advised that in the event you wish to appeal  
25 any aspect of your plea hearing today you only have 10 days

1 to do so in writing to this Court. Not 20. Not 30. But  
2 10.

3 So, if you understand that, I want you to remain  
4 standing.

5 (WHEREUPON, everyone remains standing.)

6 THE COURT: Thank you.

7 And, lastly, if anybody has threatened you or coerced  
8 you or promised you anything to get you to enter your plea  
9 today, I want you to have a seat at this time.

10 (WHEREUPON, everyone remains standing.)

11 THE COURT: Okay. Thank you.

12 Those of you who were already up here, if you would  
13 have a seat please and then the rest of you can return to  
14 the gallery.

15 All right.

16 (WHEREUPON, other guilty pleas were completed at this  
17 time.)

18 SOLICITOR BARNETTE: Harold Jones.

19 THE COURT: We will be in recess for a few minutes.

20 (WHEREUPON, a short recess was taken at this time.)

21 SOLICITOR BARNETTE: May we approach, Your Honor?

22 (WHEREUPON, a bench conference was held at this time.)

23 (WHEREUPON, an affidavit was marked as Court's Exhibit  
24 No. 1 for identification purposes only at this time.)

25 THE COURT: okay. Thank you.

1 All right. So we're now on the record with regard to  
2 Harold Buster Jones, III.

3 Mr. Barnette.

4 SOLICITOR BARNETTE: May it please the Court, Your  
5 Honor.

6 He's pleading to seven counts, Your Honor.

7 The first one's 18-GS-42-61 -- no, 1661, Your Honor.  
8 It's driving under suspension third offense or subsequent,  
9 Your Honor.

10 Then 18-GS-42-1662, Your Honor, failure to stop first  
11 offense.

12 18-GS-42-1663, reckless driving and 18-GS-42-1664, Your  
13 Honor, is domestic violence of a high and aggravated nature.  
14 He's pleading on Count 1 of that indictment, Your Honor.  
15 Count 2 will be dismissed once the plea is done. All these  
16 have been true billed by the Grand Jury, Your Honor.

17 I do have three other counts. Ms. Kallam was gonna  
18 tell you that on the record but there is a negotiated  
19 sentence on these, Your Honor.

20 on the driving under suspension, which is 1661, Your  
21 Honor, it's six months in jail.

22 18-GS-42-1662, Your Honor, is failure to stop. It's  
23 three years suspended to seven months in jail with credit  
24 for time served and three years probation to follow.

25 And on the DV, we would like that to be the DV

1 probation as part of it, Your Honor.

2 Then 18-GS-42-1663, the reckless driving, be 30 days  
3 concurrent.

4 Then 18-GS-42-1664, Your Honor, domestic violence of a  
5 high and aggravated nature is 15 years suspended to seven  
6 months in jail with credit for time served, three years  
7 probation, which will be the DV probation. There's also  
8 gonna be a permanent restraining order from the victim in  
9 this case, Tina Gary, and there's also a STROPFA order  
10 that's being signed, Your Honor, in this case to. Make that  
11 part of the record, Your Honor. All those have been true  
12 billed.

13 These will run concurrent with his three drug charges  
14 and there's also a Court Exhibit with my presentation, Your  
15 Honor. Tina Gary has signed an affidavit not to prosecute.  
16 That's the reason for the negotiated sentence. We were not  
17 going to drop these charges. If I had to go to trial and  
18 try them I would of. But based on him pleading guilty to  
19 this, we've agreed to this.

20 THE COURT: Okay.

21 SOLICITOR KALLAM: Your Honor?

22 THE COURT: So first let me -- well, I'm sorry, Ms.  
23 Kallam. Go ahead.

24 SOLICITOR KALLAM: Your Honor, he is also pleading to  
25 true billed Indictment 2018-GS-42-2281 for the charge of

1 distribution of cocaine.

2 True billed Indictment 2018-GS-42-2282 to the charge of  
3 distribution of cocaine within one-half mile of a park.

4 2018-GS-42-2283, the charge of possession of cocaine  
5 base.

6 Your Honor, these are all running concurrent as  
7 Mr. Barnette has said and the negotiations are the same.

8 THE COURT: Okay. Thank you.

9 Okay. So, before we proceed, Mr. Jones, let me ask Ms.  
10 white.

11 Ms. white, do you have any objections to State's  
12 Exhibit No. 1, which I believe is the affidavit of the  
13 victim?

14 MS. WHITE: No, Your Honor. I actually got that from  
15 Ms. Gary and turned it over to Mr. Barnette. So, that is  
16 fine with us.

17 (WHEREUPON, Court's Exhibit No. 1 was received into  
18 evidence at this time.)

19 THE COURT: Okay. Okay. All right. Good afternoon,  
20 sir.

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: You are Harold Jones, III.  
23 Is that correct?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: All right. And, Mr. Jones, I, I think

1 you're a little soft spoken and I'm gonna ask you to try to  
2 be reminded to keep your voice up as we go through the  
3 hearing. There are a lot of people in the courtroom and a  
4 lot of noise.

5 All right?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: All right. So, first, Mr. Jones, let me  
8 again ask you, you were qualified by me earlier when we  
9 began the afternoon session.

10 Is that correct?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: And you were sworn at that time?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: And if I ask you those questions again  
15 right now, would your answers be the same?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: All right. So, Mr. Jones, I'm now going to  
18 go through the indictments with you and there are seven  
19 indictments.

20 These are all true billed indictments beginning with  
21 Indictment Number 18-GS-42-1664 for the offense of domestic  
22 violence of a high and aggravated nature, and there's a  
23 second count, possession of a firearm during the commission  
24 of a violent crime.

25 Now, with regard to the domestic violence of a high and

1 aggravated nature, sir, the potential penalty for this  
2 offense, and you're pleading as indicted, is up to 20 years,  
3 and, sir, this is -- also this offense is classified as  
4 being a violent offense and a serious offense.

5 And so let, let me first ask do you understand the  
6 offense that you're entering your plea to?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Do you further understand, from your  
9 discussions with Ms. White, that this is classified as a  
10 violent and serious offense?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Do you have any questions about the  
13 classification of the offense?

14 THE DEFENDANT: No, ma'am.

15 THE COURT: All right. And, sir, as part of any  
16 sentence that I issue, I will be issuing a restraining order  
17 between you and the victim, Ms. Tina Gary.

18 Do you understand that?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Do you have any questions about that?

21 THE DEFENDANT: No, ma'am.

22 THE COURT: And I have been presented with a permanent  
23 restraining order that you will, if you haven't already  
24 reviewed it, you will review it with counsel because they're  
25 required to serve it on you.

1           okay. But this restraining order will stay in  
2 effect -- well, the date on here says December the 31<sup>st</sup> of  
3 2118.

4           okay. So this is going to live much longer than we do.  
5 Do you understand that?

6           THE DEFENDANT: Yes, ma'am.

7           THE COURT: Do you have any questions about it?

8           THE DEFENDANT: No, ma'am.

9           THE COURT: All right. And I understand that, from the  
10 statements of counsel, that in exchange for your entering  
11 your plea, that the second count, the possession of firearm  
12 during commission of a violent crime, that that is going to  
13 be dismissed at the conclusion of the plea hearing today.

14           Do you understand that?

15           THE DEFENDANT: Yes, ma'am.

16           THE COURT: Do you have any questions about it?

17           THE DEFENDANT: No, ma'am.

18           THE COURT: I have Indictment 18-1663 and this is a  
19 traffic offense for reckless driving, and the potential  
20 penalty for this is not more than 30 days or a fine of --  
21 ranging from \$25.00 to \$250.00.

22           And I have Indictment 18-1662 which is failure to stop  
23 for blue light with no injury or death. This is a first  
24 offense and the potential penalty for this is not more than  
25 three years or not less than \$500.00.

1           Then I have Indictment 2018-1661 which is for driving  
2 under suspension and not DUI related third or subsequent  
3 offense, and the potential penalty for this is up to six  
4 months.

5           I have Indictment 18-2281 which is for distribution of  
6 cocaine and the potential penalty for this offense is zero  
7 to 15 years and/or a fine of up to \$25,000.

8           I have Indictment 18-2282 which is for distribution of  
9 cocaine within a half mile of school, and the potential  
10 penalty for this is zero to 10 years and/or a fine of up to  
11 \$10,000.

12           And Indictment 2283, which is for possession of cocaine  
13 base first offense with a potential penalty of up to three  
14 years and/or a fine of up to \$5,000.

15           And so let me first ask you, Mr. Jones, do you  
16 understand the offenses that you're entering these pleas to?

17           THE DEFENDANT: Yes, ma'am.

18           THE COURT: And do you understand the potential penalty  
19 for each offense?

20           THE DEFENDANT: Yes, ma'am.

21           THE COURT: All right. Now, this is a little bit  
22 unusual in that this is being presented to me today as a  
23 negotiated plea, and based upon the negotiations of counsel,  
24 the sentence that has been negotiated is 15 years suspended  
25 to seven months of active incarceration and probation -- a

1 probationary period for three years. There would be a  
2 permanent restraining order with Ms. Gary. There will be a  
3 STROPFA order prohibiting you from owning or possessing a  
4 firearm or ammunition ever in the future, and you would  
5 be -- under the probationary period, you would be required  
6 to comply with the domestic violence conditions of probation  
7 and basically all of the offenses would run concurrently  
8 with the probationary period also being concurrent.

9 Am I saying that correctly, counsel --

10 MS. WHITE: Yes.

11 THE COURT: -- without going through each one?

12 MS. WHITE: Yes, ma'am.

13 SOLICITOR BARNETTE: Yes.

14 THE COURT: Okay. All right. And so, Mr. Jones, do  
15 you understand the negotiated sentences as I have stated it?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Are you in agreement with it?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: And I'm assuming, under the negotiations,  
20 Mr. Jones would receive credit for time served which is --  
21 has been represented to me to be 271 days?

22 MS. WHITE: Your Honor, I think I made a -- I needed to  
23 correct that. It's actually 241 days.

24 THE COURT: Okay. well, he'll get credit for the time  
25 served under your negotiations?

1 MS. WHITE: Right.

2 THE COURT: All right.

3 MS. WHITE: Yes, ma'am.

4 SOLICITOR BARNETTE: That's right.

5 THE COURT: All right. So, do you understand that,  
6 Mr. Jones?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: All right. And so do you further  
9 understand, sir, that if I decide, while I'm hearing the  
10 facts that led to these charges and the communications from  
11 counsel during the plea, that I can not go along with this,  
12 I will allow you to stand down with your lawyer?

13 Do you understand that?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: So, basically, I can accept it or I can  
16 reject it but I'm not going to change it.

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Do you have any questions about that?

19 THE DEFENDANT: No, ma'am.

20 THE COURT: All right. So, sir, are you, at this  
21 time -- just give me one second.

22 (Pause.)

23 THE COURT: Okay. I think I misstated something, sir.  
24 on the offense of failure to stop for blue light with  
25 no injury or death first offense, there's a mandatory

1 minimum of 90 days and it's not more than three years.

2 Does that cause you any confusion?

3 THE DEFENDANT: No, ma'am.

4 THE COURT: Do you have any questions for me or for Ms.  
5 white about that?

6 THE DEFENDANT: No, ma'am.

7 THE COURT: All right. Thank you.

8 Okay. So now, Mr. Jones, are you ready to enter your  
9 plea at this time?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: And how do you plead on each of these  
12 indictments?

13 THE DEFENDANT: Guilty.

14 THE COURT: Are you doing so freely, knowingly, and  
15 voluntarily?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Okay. Thank you, sir.

18 If you will now direct your attention to the solicitor.

19 SOLICITOR BARNETTE: And, Your Honor, just for the  
20 record, I think the, the DVHAN is violent and I think it's  
21 serious. Just want to make sure that was part of the record  
22 and I believe one of the drug cases is also --

23 SOLICITOR KALLAM: Yes.

24 SOLICITOR BARNETTE: -- a serious offense.

25 SOLICITOR KALLAM: The half mile charge is a serious

1 offense, Your Honor.

2 THE COURT: Okay. Just one moment. I know that I  
3 questioned him about it on the DVHAN.

4 Okay. Mr. Jones, as to Indictment 18-2282, which is  
5 for distribution of cocaine within a half mile of school,  
6 that, that carries up to 10 years and/or a fine of, of up to  
7 \$10,000 and that is classified as a serious offense.

8 Do you understand that?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: Do you have any questions about it?

11 THE DEFENDANT: No, ma'am.

12 THE COURT: Have you talked to Ms. White about it?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: All right. And, and I, I did ask him about  
15 that.

16 MS. WHITE: You did, Your Honor.

17 THE COURT: okay. All right. okay. so, thank you.  
18 Anything else before I hear from Solicitor Barnette?

19 THE DEFENDANT: No, ma'am.

20 THE COURT: All right. Thank you.

21 Yes, sir.

22 SOLICITOR BARNETTE: Thank you, Your Honor.

23 May it please the Court.

24 The DVHAN and the failure to stop and the DUS and  
25 reckless driving all occurred on March 5<sup>th</sup> of 2018. It

1 started at ■■■ Harnett Drive here in Spartanburg, Your  
2 Honor.

3 Tiny Gary had called the Sheriff's Department there,  
4 Your Honor. Deputy Snyder responded.

5 when he arrived there, Your Honor, he advised there was  
6 a black chevy Tahoe leaving the apartment complex. The --  
7 they started following him. He went on and talked to Ms.  
8 Gary. He said her boyfriend, Mr. Jones, came over to the  
9 apartment.

10 They got in a fight, Your Honor. He threatened to kill  
11 her and pulled a knife out. There was a knife found at the  
12 scene. She did have a mark on her arm. Based off that is  
13 the, the DV and there's also a recording that she had  
14 concerning that argument.

15 They followed him and he failed (sic) to stop, Your  
16 Honor, and he was arrested after, after the chase, Your  
17 Honor, and he was also found to be driving under suspension  
18 and also charged with reckless driving in this case and this  
19 all occurred in Spartanburg County.

20 THE COURT: okay. So, Mr. Jones, let me ask you.

21 Is that what led to those charges?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Do you agree with the recitation of facts  
24 by the solicitor?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Okay. Thank you.

2 All right. Ms. Kallam.

3 SOLICITOR KALLAM: Thank you, Your Honor.

4 In regards to the distribution of cocaine, and the  
5 distribution of cocaine within a half mile, that occurred on  
6 August 22<sup>nd</sup>, 2017. Investigator Joya met with a CRI in  
7 reference to a controlled purchase from a Jarvis Jones. The  
8 CRI was searched with no contraband or weapons found. The  
9 CRI, CRI was equipped with audio, video recording device,  
10 and given recorded funds.

11 The CRI went to 100 Vanderbilt Lane, G building in  
12 Spartanburg County. Jarvis Jones was seen exiting the  
13 vehicle, entering the apartment, and then returning to the  
14 vehicle.

15 At that time Harold Jones was seen exiting the vehicle  
16 and meeting with the CRI. Harold Jones did exchange  
17 funds -- exchanged cocaine for the recorded funds. This  
18 exchange took place within a half mile of Hillendale Park.

19 Your Honor, for the possession of cocaine on  
20 November 15<sup>th</sup>, 2017, Investigator Lachika observed a vehicle  
21 with no tag following another vehicle too closely in  
22 Spartanburg County. Investigator Lachika initiated a  
23 traffic stop and Harold Jones was the driver. Harold Jones  
24 did not have a driver's license. A search of his person  
25 found cocaine base, Your Honor.

1 THE COURT: Okay. So, Mr. Jones, with regard to those  
2 charges, do you agree that those were the facts that led to  
3 you being charged?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Okay. Thank you.

6 I find there is a factual basis for the plea.

7 was discovery shared with Ms. white?

8 SOLICITOR KALLAM: Yes, Your Honor.

9 SOLICITOR BARNETTE: Yes, Your Honor.

10 THE COURT: Okay. Thank you.

11 Ms. white, did you have an opportunity to review the  
12 evidence with your client?

13 MS. WHITE: I did, Your Honor.

14 THE COURT: Okay. And, and, and I will accept the  
15 plea.

16 And so now I'm happy to hear from you, ma'am.

17 MS. WHITE: Thank you, Your Honor.

18 Being that this is a negotiated plea, I don't feel like  
19 I need to go into any of the details. I do want to let Your  
20 Honor know that we did discuss the, the consequences of  
21 these being pleas to two different serious charges and the  
22 effect that could have on him if he got additional charges  
23 later and we've discussed that and I feel like he  
24 understands that and wants to go forward. And we are just  
25 appreciative of the, the negotiations.

1 THE COURT: Okay.

2 SOLICITOR BARNETTE: And, Your Honor, for the record,  
3 we would not have made the offer for the DVHAN except for  
4 the victim did in -- the affidavit, the Court Exhibit No. 1.

5 THE COURT: Yes, sir. Yes, sir.

6 okay. So -- all right. And, Mr. Jones, before I hear  
7 from you, sir, if you-all want to give me the criminal  
8 history.

9 SOLICITOR BARNETTE: Again, Your Honor, 1994, unlawful  
10 carrying.

11 1996, resisting arrest.

12 1995, admissible -- unuse (sic) of vehicle, Your Honor.

13 1997, possession of stolen vehicle.

14 1998, CDV and firearm, Your Honor.

15 1999, forgery.

16 2000, CDV, giving false information.

17 2001, false information.

18 2002, forgery and common law robbery.

19 2008, ABHAN times two, failure to stop, and burglary  
20 second nonviolent, and pointing and presenting.

21 2014, DVHAN and pointing and presenting.

22 THE COURT: Okay. Thank you.

23 okay. Mr. Jones, is there anything you'd like to tell  
24 me, sir?

25 THE DEFENDANT: No, ma'am.

1           THE COURT: Okay. You-all bear with me just one  
2 moment.

3           (Pause.)

4           THE COURT: Okay. With regard to the matter of the  
5 State versus Harold Jones, III, and the indictments as  
6 previously stated on the record, it would be the order of  
7 the court that, based upon statements of counsel and the  
8 negotiations of counsel, I accept the negotiations and order  
9 that the defendant be committed to the State Department of  
10 corrections for 15 years. That will be suspended upon the  
11 service of seven months and probation for three years.

12           These are concurrent sentences. He will be given  
13 credit for 241 days of time served, which has been  
14 represented to the court to be his period of incarceration  
15 to date. Special conditions are that he will have no  
16 contact with the victim, Tina Gary. I have signed a  
17 permanent restraining order confirming that and he will  
18 comply with the DV rules of probation. I have signed an  
19 order prohibiting him from owning or possessing firearms or  
20 ammunition at any time in the future. The other conditions  
21 are that he will submit for random drug and alcohol testing  
22 and substance abuse counseling.

23           With regard to the other indictments, he has received  
24 the maximum sentence as to each one, which is less than the  
25 current sentence, and he will -- all of those will be

1 suspended to the seven months with the same credit for time  
2 served and the same conditions of probation.

3 Good luck to you, Mr. Jones.

4 THE DEFENDANT: Yes, ma'am.

5 SOLICITOR KALLAM: Thank you, Your Honor.

6 SOLICITOR BARNETTE: Thank you, Your Honor.

7 MS. WHITE: Thank you, Your Honor.

8 THE COURT: Thank y'all.

9

10 \* \* \*END OF REQUESTED TRANSCRIPT OF RECORD\* \* \*

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C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for 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 evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 31<sup>st</sup> day of October, 2018.

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

December 21<sup>st</sup>, 2021

\_\_\_\_\_  
PAMELA E. GREEN, Court Reporter

STATE OF SOUTH CAROLINA )  
 ) AFFIDAVIT  
COUNTY OF SPARTANBURG )  
\_\_\_\_\_ )

Personally appeared before me Tina Gary, who first being duly sworn states:

That on or about the date of 3-5-18, warrant(s) (2018A4210200797; 2018A4210200796) were signed against Harold Buster Jones III charging him with Weapons / Poss. Weapon During Violent Crime, If Not Also Sentenced To Life Without Parole Or Death; and Domestic / Domestic Violence Of A High And Aggravated Nature.

That Tina Gary, the victim in the above referenced case, wants this case dismissed; does hereby request that the Solicitor dismiss the warrants; has not been threatened nor promised anything to request the dismissal of these warrants.

Tina Gary  
PROSECUTING WITNESS

SWORN TO and subscribed before me  
this 23 day of October, 2018

Curt K  
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 4 Feb 21



WITNESSES

Spartanburg County Sheriff's Office

*[Handwritten Signature]*

ARREST WARRANT NUMBER

20182580017712

ACTION OF GRAND JURY

cor

MAR 23 2018

*[Handwritten Signature]*

Foreperson of Grand Jury  
Date:

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO.

18-GS-42-1661

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAR 26 2018

TERM

THE STATE  
v.

HAROLD BUSTER JONES, III

Indictment For  
DUS/DRIVING UNDER SUSPENSION

SC Code: 56-1-460  
CDR Code: 0174  
Class MIS-UNC

FILED  
COURT  
CLERK  
MAR 26 2018  
SPARTANBURG COUNTY

A

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SPARTANBURG )

## INDICTMENT

MAR 23 2018

At a Court of General Sessions, convened on \_\_\_\_\_ the  
 Grand Jurors of Spartanburg County present upon their oath:

**DUS/DRIVE UNDER SUSPENSION**

That the Defendant, Harold Buster Jones, III, did in Spartanburg County on or about March 5, 2018, drive a motor vehicle on a public highway of this State when his license to drive was canceled, suspended or revoked, all in violation of §56-1-460, *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.

  
 SOLICITOR

DOCKET NO. **18-GS-42-1662**

The State of South Carolina

County of Spartanburg

*Barry J Barnette, Solicitor*

COURT OF GENERAL SESSIONS

*MAR 20 2018*

**TERM**

THE STATE

v.

HAROLD BUSTER JONES, III

**WITNESSES**

Spartanburg County Sheriff's Office

*[Signature]*

**ARREST WARRANT NUMBER**

20182580017713

ACTION OF GRAND JURY

*CMR*  
MAR 23 2018

*[Signature]*  
Foreperson of Grand Jury  
Date:

**VERDICT**

Indictment for

**FAILURE TO STOP MOTOR VEHICLE  
WHEN SIGNALLED BY OFFICER**

SC Code 56-5-750  
CDR Code 2396  
Class M S/A

Foreperson of Petit Jury  
Date:

*[Handwritten mark]*

STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )

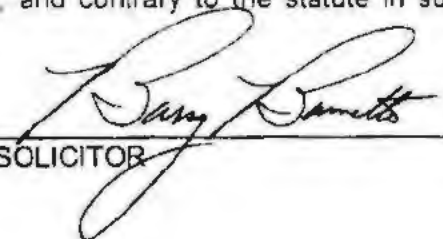
INDICTMENT

At a Court of General Sessions, convened on \_\_\_\_\_ the  
Grand Jurors of Spartanburg County present upon their oath:

**FAILURE TO STOP MOTOR VEHICLE WHEN  
SIGNALLED BY A LAW ENFORCEMENT VEHICLE**

That the Defendant, Harold Buster Jones, III, did in Spartanburg County on or about March 5, 2018, fail to stop the motor vehicle which he was driving on a road, street, or highway of the State of South Carolina when he was signaled by a law enforcement vehicle by means of a siren or flashing light, in violation of §56-5-750, *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.

  
SOLICITOR

WITNESSES

Spartanburg County Sheriff's Office

*[Handwritten Signature]*

ARREST WARRANT NUMBER

20182580017711

ACTION OF GRAND JURY

*COR*

MAR 23 2018

*[Handwritten Signature]*

Foreperson of Grand Jury  
Date:

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. -

**18-GS-42-1663**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAR 26 2018

TERM

THE STATE

v.

HAROLD BUSTER JONES, III

Indictment for

RECKLESS DRIVING

SC Code: 56-05-2920

CDR Code: 0857

Class MIS/UNC

*[Handwritten mark]*



WITNESSES

Spartanburg County Sheriff's Office

*[Handwritten Signature]*

ARREST WARRANT NUMBER

2018A4210200798  
2018A4210200797

ACTION OF GRAND JURY

**CNC**  
MAR 23 2018

*[Handwritten Signature]*  
Foreperson of Grand Jury  
Date

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO **18-GS-42-1664**

The State of South Carolina  
County of Spartanburg  
**Barry J. Barnette, Solicitor**

COURT OF GENERAL SESSIONS

MAR 20 2018

TERM

THE STATE  
v.

HAROLD BUSTER JONES, III

Indictment for

DOMESTIC VIOLENCE OF A HIGH  
AND AGGRAVATED NATURE (Count I)  
SC Code: 16-25-65 CDR Code: 3814

POSSESSION OF FIREARM  
DURING COMMISSION OF A VIOLENT CRIME  
(Count II)  
SC Code: 16-23-490 CDR Code: 549

COUNT TWO(2) - PWDVC - DISMISSED -  
DEFENDANT PLED TO DVHAN IN FRONT  
OF JUDGE KNIE ON 10-31-2018 AND  
RECEIVED A 15 YEARS SENTENCE SUC TO  
7 MONTHS IN JAIL + 3 YRS. PROBATION  
(UNDER DV PROBATION) + PRO FOR VICTIM,  
TINA GARY + ORDER TO NOT ~~BE~~ POSSESS  
ANY FIREARMS OR AMMO -  
*Ray Smith* - 10/31/2018. H

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )

INDICTMENT

At a Court of General Sessions, convened on \_\_\_\_\_, the Grand Jurors of Spartanburg County present upon their oath:

**COUNT I - DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE**

That the Defendant, Harold Buster Jones, III, did, in Spartanburg County on or about March 5, 2018, cause physical harm or injury or offer or attempt to cause physical harm or injury to Tina Gary, a household member, causing the victim to fear for her safety, to wit: by attempting to stab the victim with a knife; and/or

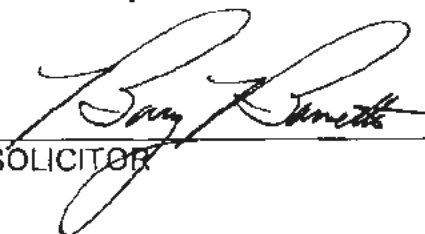
- (1) did commit the offense under circumstances manifesting extreme indifference to the value of human life and great bodily injury to the victim did result; and/or
- (2) did commit the offense, with or without an accompanying battery and under circumstances manifesting extreme indifference to the value of human life, and would reasonably cause a person to fear imminent great bodily injury or death; and/or
- (3) did violate a protection order and, in the process of violating the order, committed domestic violence in the first degree;

in violation of Section 16-25-65, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976) as amended.

**COUNT II - POSSESSION OF FIREARM DURING COMMISSION OF A VIOLENT CRIME**

That the Defendant, Harold Buster Jones, III, did in Spartanburg County on or about March 5, 2018, visibly display a knife during the commission or attempted commission of a violent crime, to-wit: Domestic Violence High and Aggravated, in violation of Code §16-23-490, *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.

  
SOLICITOR

WITNESSES

Spartanburg City PD

*[Handwritten Signature]*

ARREST WARRANT NUMBER

2017A4210103214

ACTION OF GRAND JURY

True Bill

*[Handwritten Signature]* MAY 4 2018

Foreperson of Grand Jury  
Date:

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET # 18-GS-42-2281

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JULY 14 2018

TERM

THE STATE  
vs.

Harold Jones III

Indictment for  
DISTRIBUTION OF COCAINE

SC Code 44-53-370

1

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )

INDICTMENT

MAY 24 2019

At a Court of General Sessions, convened on \_\_\_\_\_ the  
Grand Jurors of Spartanburg County present upon their oath:

**DISTRIBUTION OF COCAINE**

That Harold Jones III, did in Spartanburg County on or about August 22, 2017, did manufacture, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempt or conspire to manufacture, distribute, dispense, deliver or purchase, or possess with intent to manufacture, distribute, dispense, deliver, or purchase a quantity of Cocaine , a schedule II controlled substance or controlled substance analogue, in violation of § 44-53-370, *THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.*

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

  
\_\_\_\_\_  
ASSISTANT SOLICITOR

WITNESSES

Spartanburg City PD

ARREST WARRANT NUMBER

2017A4210103217

ACTION OF GRAND JURY

True Bill

MAY 4 2018  
Foreperson of Grand Jury  
Date:

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET **18-GS-42-2282**

The State of South Carolina

County of Spartanburg

*Barry J. Barnette, Solicitor*

COURT OF GENERAL SESSIONS

MAY 14 2018

TERM

THE STATE  
vs.

Harold Jones III

Indictment for

DISTRIBUTION OF COCAINE WITHIN  
ONE-HALF MILE OF SCHOOL  
SC Code 44-53-445

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SPARTANBURG )

## INDICTMENT

At a Court of General Sessions, convened on       AUG 24 2018       the

Grand Jurors of County present upon their oath:

**DISTRIBUTION OF COCAINE**  
**WITHIN ONE-HALF MILE**

That Harold Jones III did in Spartanburg County on or about August 22, 2017, distribute, sell, purchase, manufacture, or unlawfully possess with intent to distribute, a quantity of Cocaine a schedule II controlled substance, while in, on, or within a one-half mile radius of the grounds of a public or private elementary, middle or secondary school, a public playground or park, a public vocational or trade school or a technical educational center; or a public or private college or university, to wit: Hillandale Park, under provisions of §44-53-445 of *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended, such distribution not having been authorized by law.

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

  
 ASSISTANT SOLICITOR

DOCKET NO. **18-GS-42-2283**

The State of South Carolina  
County of Spartanburg  
*Barry J Barnette, Solicitor*

COURT OF GENERAL SESSIONS

MAY 14 2018

TERM

THE STATE  
vs.

Harold Jones III

Indictment for  
POSSESSION OF COCAINE BASE  
SC Code 44-63-375

WITNESSES

SCSO

*Jimmy W. Paine*

ARREST WARRANT NUMBER

2017A4210104170

ACTION OF GRAND JURY

*[Signature]*  
Foreperson of Grand Jury  
Date

MAY 4 2018

VERDICT

Foreperson of Petit Jury  
Date.

*[Handwritten marks]*

*[Handwritten mark]*

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )

INDICTMENT

JUL 04 2018

At a Court of General Sessions, convened on \_\_\_\_\_ the  
Grand Jurors of Spartanburg County present upon their oath:

**POSSESSION OF COCAINE BASE**

That Harold Jones III, did in Spartanburg County on or about November 15, 2017 possess or attempt to possess a quantity of Cocaine Base, a schedule II controlled substance, in violation of § 44-53-375, *THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.*

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

  
\_\_\_\_\_  
ASSISTANT SOLICITOR

48  
 STATE OF SOUTH CAROLINA )  
 COUNTY OF SPARTANBURG )  
 STATE VS. )  
 Harold Jones III )  
 AKA: )  
 Race: BLACK Sex: M Age: 40 )  
 DOB: [REDACTED] SS#: [REDACTED] )  
 Address: Southern Ave )  
 City, State, Zip: Spartanburg, SC 29303-2648 )  
 DL#: [REDACTED] SID#: [REDACTED] )

IN THE COURT OF GENERAL SESSIONS ✓  
 INDICTMENT/CASE#: 2018GS4201661  
 A/W#: 20182580017712  
 Date of Offense: 3/5/2018  
 S.C. Code §: ~~3798~~ 56-1-460 298  
 CDR Code #: ~~3798~~ 174 1898

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
 In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS  
 TO: DUS / Driving under suspension, license not suspended for DUI - 3rd or sub. offense

in violation of § ~~3798~~ ~~174~~ ~~2898~~ ~~56-1-460~~ of the S.C. Code of Laws, bearing CDR Code # ~~3798~~ ~~174~~ ~~1898~~  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC  §17-25-45  
 w/minor 1st or Lewd Act)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (defendant's initials)  
 The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence  Recommendation by the State.

ATTORNEY: Barnette, Barry SCB13039 SC Bar# Harold Jones Defendant Suzanne White Attorney for Defendant SCB78225 SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
 for a determinate term of 6 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
 and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment  
 of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_  
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,  
 which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_  
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 24 days  
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP \_\_\_\_\_  
 Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_  
 Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

*Fine:	\$	
§14-1-206 (Assessments 107.5 %)	\$	
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$ 3.75

TOTAL \$ 128.75

Obtain GED   
 Attend Voc. Rehab. or Job Corp. \_\_\_\_\_  
 May serve W/E beginning \_\_\_\_\_  
 Substance Abuse Counseling   
 Random Drug/Alcohol testing   
 Fine may be pd. in equal, consecutive weekly/monthly  
 pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
 \$ \_\_\_\_\_ paid to Public Defender Fund  
 Other: \_\_\_\_\_

Appointed PD or appointed other counsel,  
 Proviso requires \$500 be paid to Clerk  
 during probation and shall be collected before  
 any other fees.

Clerk of Court/ Deputy Clerk: KG McKinney  
 Court Reporter: Pam Green

Presiding Judge: [Signature]  
 Judge Code: 2260  
 Sentence Date: 10/31/18

STATE OF SOUTH CAROLINA )  
 COUNTY OF SPARTANBURG )  
 STATE VS. )  
 Harold Jones III )  
 AKA: )  
 Race: BLACK Sex: M Age: 40 )  
 DOB: [REDACTED] SS#: [REDACTED] )  
 Address: [REDACTED] Southern Ave )  
 City, State, Zip: Spartanburg, SC 29303-2648 )  
 DL#: [REDACTED] SID#: [REDACTED] )

IN THE COURT OF GENERAL SESSIONS )  
 INDICTMENT/CASE#: 2018GS4201662 )  
 A/W#: 20182580017713 )  
 Date of Offense: 3/5/2018 )  
 S.C. Code § : 56-05-0750(B)(1) )  
 CDR Code #: 0065 )

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
 In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS  
 TO: Traffic / Failure to stop for a blue light, no injury or death - 1st offense

in violation of § 56-05-0750(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0065  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC)  §17-25-45  
 3 Years sus 7 months + 3 Yrs. Probation w/minor 1st or Lewd Act

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (defendant's initials)  
 The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTORNEY: Barnette, Barry SCB13039 Harold Jones Suzanne White SCB78225  
 SC Bar# Defendant Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
 for a determinate term of 3 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
 and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of 7 days/months/years and/or payment  
 of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for 3  
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,  
 which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_  
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 24 days  
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.  
 Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25 65 (Domestic  
 Violence ) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PI'UP \_\_\_\_\_  
 Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_  
 Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

*Fine:		\$
§14-1-206 (Assessments 107.5%)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.15

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk: K.G. McKenna  
 Court Reporter: Lynn Green

Obtain GED   
 Attend Voc. Rehab. or Job Corp. \_\_\_\_\_  
 May serve W/E beginning \_\_\_\_\_  
 Substance Abuse Counseling   
 Random Drug/Alcohol testing   
 Fine may be pd. in equal, consecutive weekly/monthly  
 pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
 \$ \_\_\_\_\_ paid to Public Defender Fund  
 Other: \_\_\_\_\_

Appointed PD or appointed other counsel,  
 Proviso requires \$500 be paid to Clerk  
 during probation and shall be collected before  
 any other fees.

Presiding Judge: R  
 Judge Code: 2700  
 Sentence Date: 10/31/18

50  
STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG )  
STATE VS. )  
Harold Jones III )

AKA: )  
Race: BLACK Sex: M Age: 40 )  
DOB: [REDACTED] SS#: [REDACTED] )  
Address: [REDACTED] Southern Ave )  
City, State, Zip: Spartanburg, SC 29303-2648 )  
DL#: [REDACTED] SID#: [REDACTED] )

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was TO: Traffic / Reckless Driving

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS4201663 ✓  
A/W#: 20182580017711  
Date of Offense: 3/5/2018  
S.C. Code § 56-05-2920  
CDR Code #: 0657

SENTENCE SHEET

CONVICTED OF or  PLEADS

in violation of § 56-05-2920 of the S.C. Code of Laws, bearing CDR Code # 0657  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC  §17-25-45  
w/minor 1st or Lowd Act)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury, (defendant's initials)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: Barnette, Barry SCB13039 Harold Jones Suzanne White SCB78225  
BARNETTE, BARRY SC Bar# Defendant White, Suzanne SC Bar#  
Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of 30  day/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_  
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,  
which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_  
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc 24164  
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.  
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic  
Violence ) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP \_\_\_\_\_  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_  
 Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine:

§14-1-206 (Assessments 107.5 %)	\$	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 2.15

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk K.McKinney  
Court Reporter: Pam Green

Obtain GED   
Attend Voc. Rehab. or Job Corp. \_\_\_\_\_  
May serve W/E beginning \_\_\_\_\_  
Substance Abuse Counseling   
Random Drug/Alcohol testing   
Fine may be pd. in equal, consecutive weekly/monthly  
pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
\$ \_\_\_\_\_ paid to Public Defender Fund  
Other: \_\_\_\_\_

Appointed PD or appointed other counsel.  
Proviso requires \$500 be paid to Clerk  
during probation and shall be collected before  
any other fees.

Presiding Judge [Signature]  
Judge Code: 2760  
Sentence Date: 10/31/18

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG  
STATE VS.

Harold Jones III

INDICTMENT/CASE#: 2018GS4201664

A/W#: 2018A421020796

Date of Offense: 3/5/2018

S.C. Code § : 16-25-0065(A)

CDR Code #: 3814

AKA:

Race: BLACK Sex: M Age: 40

DOB: [REDACTED] SSN: [REDACTED]

Address: Southern Ave

City, State, Zip: Spartanburg, SC 29303-2648

DL#: [REDACTED] SID#: [REDACTED]

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was  
TO: Domestic / Domestic violence of a high and aggravated nature

CONVICTED OF or  PLEADS

SENTENCE SHEET

in violation of § 16-25-0065(A) of the S.C. Code of Laws, bearing CDR Code # 3814

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC)  §17-25-45  
15 YAS sus 7 months + 3 Years Probation (2018) + 100 Per Day GARY

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

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

ATTORNEY: Barnette Barry SCB13039 White, Suzanne SCB78225  
SC Bar# Defendant Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of 15 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of 7 days/months/years and/or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for 3  
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,  
which has incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 241 days

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP \_\_\_\_\_

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_

Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

*Fine:	\$	\$
§14-1-206 (Assessments 107.5%)	\$	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$ 500.00
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(f) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$ 18.75

TOTAL \$ 643.75

Clerk of Court/ Deputy Clerk Kim McKinney

Court Reporter: Pam Gagan

SCCA/217 (04/2018)

Obtain GED   
Attend Voc. Rehab. or Job Corp. \_\_\_\_\_  
May serve W/E beginning \_\_\_\_\_  
Substance Abuse Counseling   
Random Drug/Alcohol testing   
Fine may be pd. in equal, consecutive weekly/monthly  
pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
\$ \_\_\_\_\_ paid to Public Defender Fund  
Other: - No contact with victim?  
Tina Gary  
- PAO signed  
- comply with DV rules of probation  
- Firearms Order Signed  
 Appointed PD or appointed other counsel.  
Proviso requires \$500 be paid to Clerk  
during probation and shall be collected before  
any other fees.

Presiding Judge [Signature]  
Judge Code: 2760  
Sentence Date: 10/31/18

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG VS. STATE

Harold Jones III

AKA:

Race: BLACK Sex: M Age: 40

DOB: SS#:

Address: Southern Ave

City, State, Zip: Spartanburg SC 29303

DL#: SID#:

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

TO: Drugs / Distribution of Cocaine (0.15g anal or 0.25K)

in violation of § 44-53-0370(b)(1) of the S.C. Code of Laws, bearing CDR Code # 0183

[X] NON-VIOLENT [ ] VIOLENT [ ] SERIOUS [ ] MOST SERIOUS

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS4202281

A/W#: 2017A4210103214

Date of Offense: 8/22/2017

S.C. Code § 44-53-0370(b)(1)

CDR Code #: 0184

SENTENCE SHEET

[ ] CONVICTED OF or [X] PLEADS

Neg: 15 years susp 7 months + 3 years pro

Mandatory GPS(CSC) [ ] §17-25-45 winner 1st or Lowd Act)

The charge is: [X] As Indicted. [ ] Lesser Included Offense. [ ] Defendant Waives Presentment to Grand Jury (defendant's initials)

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

ATTEST: Kalli M. Sydnier SC Bar# SC102282 Defendant

White, Suzanne SC Bar# Attorney for Defendant

WHEREFORE, the Defendant is committed to the [X] State Department of Corrections, [ ] County Detention Center,

for a determinate term of 15 days/months/year or [ ] under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$ ; provided that upon the service of 7 days/months/years and/or payment

of \$ ; plus costs and assessments as applicable\*; the balance is suspended with probation for 3

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,

which are incorporated by reference.

[X] CONCURRENT or [ ] CONSECUTIVE to sentence on:

[X] 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

[ ] The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic

Violence ) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

[ ] RESTITUTION: [ ] Deferred [ ] Def. Waives Hearing [ ] Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:

[ ] Set by SCDPPPS

Recipient:

\*Fine: \$

§14-1-206 (Assessments 107.5 %) \$

§14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§14-1-211(A)(2) (DUI Surcharge) \$100 \$

§56-5-2993 (DUI Assessment) \$12 \$

§56-1-286 (DUI Breath Test) \$25 \$

Proviso (Public Def/Probation) \$500 \$

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$ 150.00

§50-21-114(BUI Breath Test Fee) \$50 \$

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$ 8.25

TOTAL \$ 283.25

Clerk of Court/ Deputy Clerk KG McKenney

Court Reporter Pam Green

Obtain GED [ ]

Attend Voc. Rehab. or Job Corp. [ ]

May serve W/B beginning [ ]

Substance Abuse Counseling [X]

Random Drug/Alcohol testing [X]

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

[ ] Appointed PD or appointed other counsel,

Proviso requires \$500 be paid to Clerk

during probation and shall be collected before

any other fees.

Presiding Judge

Judge Code: 2760

Sentence Date: 10/31/18

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS. Harold Jones III
AKA:
Race: BLACK Sex: M Age: 40
DOB: SS#
Address: Southern Ave
City, State, Zip: Spartanburg, SC 29303
DL#: SID#

INDICTMENT/CASE#: 2018GS4202282
A/W#: 2017A4210103217
Date of Offense: 8/22/2017
S.C. Code §: 44-53-0445(A)
CDR Code #: 0107

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Drugs / Distribute, sell, manuf. or pwid, of cont. sub., near school

CONVICTED OF or PLEAD!

in violation of § 44-53-04 4(A) of the S.C. Code of Laws, bearing CDR Code # 0107
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC) §17-25-45

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

ATTEST: KALAM, SYDNI D. SC102282 SC Bar#
Hull, Tins Defendant
White, Suzanne Attorney for Defendant SCB78225 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center.
for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of 2 days/months/years and/or payment
of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for 3
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 24 days
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred DeL Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:
Set by SCDPPPS

Recipient:

Table with 2 columns: Description and Amount. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211(A)(1) (Conv. Surcharge) \$100, §14-1-211(A)(2) (DUI Surcharge) \$100, §56-5-2995 (DUI Assessment) \$12, §56-1-286 (DUI Breath Test) \$25, Proviso (Public Def/Probation) \$500, §14-1-212 (Law Enforce. Funding) \$25, §14-1-213 (Drug Court Surcharge) \$150, §50-21-114 (HUI Breath Test Fee) \$50, §56-5 2942(j) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$ 825.

TOTAL: \$ 283 25

Clerk of Court/Deputy Clerk: Kim McKinney
Court Reporter: Pam Green

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge: [Signature]
Judge Code: 2762
Sentence Date: 10/31/18

54  
 STATE OF SOUTH CAROLINA )  
 COUNTY OF SPARTANBURG )  
 STATE VS. )  
 Harold Jones III )  
 AKA: )  
 Race: BLACK Sex: M Age: 40 )  
 DOB: [REDACTED] SS#: [REDACTED] )  
 Address: Southern Ave )  
 City, State, Zip: Spartanburg, SC 29303 )  
 DL#: [REDACTED] SID#: [REDACTED] )

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS4202283  
 A/W#: 2017A4210104170  
 Date of Offense: 11/15/2017  
 S.C. Code § 44-53-0375(A)  
 CDR Code #: 3009

SENTENCE SHEET

\*CDI. Yes  No  CMV Yes  No  Hazmat Yes  No   
 In disposition of the said indictment comes now the Defendant who was  
 TO: Drugs / Possession of less than one gram of cocaine base, 1st offense  
 CONVICTED OF or  PLEADS  
 in violation of § 44-53-0375(A) of the S.C. Code of Laws, bearing CDR Code # 3009  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC)  \$17-25-45 <sup>3 years</sup> Prob

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (defendant's initials)  
 The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence, Recommendation by the State.  
 ATTEST: Sydni Kallon SC102282 Headman Suzanne White SCB78225  
 KALLON, SYDNI D. SC Bar# Defendant White, Suzanne SC Bar#  
 Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
 for a determinate term of 3 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
 and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of 2 days/months/years and/or payment  
 of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for 3  
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,  
 which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_  
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 24 days  
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.  
 Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16 25-20 or 16-25 65 (Domestic  
 Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP \_\_\_\_\_  
 Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_  
 Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

*Fine:	\$	
§14-1-206 (Assessments 107.5%)	\$	
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforc. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$ 150.00
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/mt	\$
3% to County (if paid in installments)	\$	\$ 8.75

TOTAL: \$ 288.25

Clerk of Court/Deputy Clerk: K. M. Kinney  
 Court Reporter: Pam Grier

Obtain GED   
 Attend Voc. Rehab. or Job Corp. \_\_\_\_\_  
 May serve W/E beginning \_\_\_\_\_  
 Substance Abuse Counseling   
 Random Drug/Alcohol testing   
 Fine may be pd. in equal, consecutive weekly/monthly  
 pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
 \$ \_\_\_\_\_ paid to Public Defender Fund  
 Other: \_\_\_\_\_

Appointed PD or appointed other counsel,  
 Proviso requires \$500 be paid to Clerk  
 during probation and shall be collected before  
 any other fees.

Presiding Judge: [Signature]  
 Judge Code: 2760  
 Sentence Date: 10/31/18



The Court held a hearing on . 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 Spartanburg County, SC (State).
- 2. The Respondent lives at (Street Address) which is in Spartanburg County, SC (State).
- 3. The Respondent is employed at which is located at .
- 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 in the General Sessions court. The prosecuting entity/agency was 7th Judicial Circuit Solicitor's Office. The qualifying conviction was: Domestic Violence of a High and Aggravated Nature.
- 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: Spartanburg County Sheriff's Office.

AND IT IS SO ORDERED.

Entered at 3:15 A.M. on .

  
\_\_\_\_\_  
Circuit Court Judge

**VIOLATION OF THIS ORDER IS A FELONY CRIMINAL OFFENSE PUNISHABLE BY UP TO FIVE YEARS IN PRISON.**

**TO LAW ENFORCEMENT OFFICERS:**

Pursuant to S.C. Code Ann. § 16-3-1910, notwithstanding any other provision of law, the terms of this Order are enforceable throughout this State. Law enforcement officers shall arrest a respondent who acts in violation of this Order after service and notice of the Order have been provided. A respondent who is in violation of a permanent restraining order is guilty of a felony, if the underlying conviction that was the basis for the permanent restraining order was a felony and, upon conviction, must be imprisoned not more than five years. If the underlying conviction that was the basis for the permanent restraining order was a misdemeanor, a respondent who is in violation of an permanent restraining order is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than three years, or both.

COPY GIVEN TO COMPLAINANT BY \_\_\_\_\_ (initials)      COPY GIVEN TO RESPONDENT BY \_\_\_\_\_ (initials)



1 STATE OF SOUTH CAROLINA )  
 2 COUNTY OF SPARTANBURG ) COURT OF GENERAL SESSIONS

3  
 4 STATE OF SOUTH CAROLINA, ) TRANSCRIPT  
 5 )  
 6 ) PLAINTIFF, ) OF  
 7 ) vs. ) RECORD  
 8 ) HAROLD BUSTER JONES, III, ) W-42-20-0143  
 9 )  
 10 )  
 11 )  
 12 )  
 13 ) DEFENDANT. )

10 september 11<sup>th</sup>, 2020

12 B E F O R E :

13 THE HONORABLE R. KEITH KELLY, JUDGE.

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

15 BARRY BARNETTE  
 16 SOLICITOR  
 17 Attorney for the State

18 JIMMY HATCHER  
 19 ESQ.  
 20 Attorney for the Defendant

21  
 22 PAMELA E. GREEN  
 23 Circuit Court Reporter  
 24  
 25

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I N D E X   O F   W I T N E S S E S

(WHEREUPON, there were no exhibits marked or testimony taken during this hearing.)

## 1 P R O C E E D I N G S

2

3 THE COURT: Okay. Mr. Jones, can you hear me?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right. He, he has a lawyer.

6 who's his lawyer?

7 MR. HATCHER: Your Honor, this is Jimmy Hatcher. I'm

8 representing Harold.

9 THE COURT: Okay. Very good.

10 Mr. Jones, raise your right-hand.

11 (WHEREUPON, the defendant was placed under oath at this  
12 time.)

13 THE COURT: All right. Very good. Lower your hand.

14 Do you have any objection to doing this procedure by  
15 video?

16 THE DEFENDANT: No, sir.

17 THE COURT: All right. Mr. Jones, have you had a time  
18 to talk to Mr. Hatcher about your case?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Is it true what they say about you  
21 violating your probation?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: All right. Mr. Hatcher, he admits the  
24 violations. You have the floor, Mr. Hatcher.

25 MR. HATCHER: May it please the court, Your Honor.

1           We are asking Your Honor to actually continue this  
2 matter at this time. From my review of the violation  
3 report, which includes the administrative hearing summary,  
4 it, it appears to me that the meat of the violation revolves  
5 around an arrest from July of 2019 where Harold was charged  
6 with possession of a pistol -- unlawful possession of a  
7 pistol, Your Honor, and he was charged here in Spartanburg  
8 County.

9           I've been representing him on that. That case has been  
10 on the trial docket, Your Honor, up until the point where I  
11 was advised by the solicitor that that case had been assumed  
12 by the, by the feds. And so that case is now -- the state  
13 charges I understand has been dropped. The federal  
14 authorities have that case.

15           I've spoken to Harold's federal public defender. She  
16 advises me that that case will be going to trial in Federal  
17 Court. There -- of course, Harold is sitting in jail, Your  
18 Honor, and arraignment was postponed when they went up for  
19 arraignment a week or two back.

20           But in light of the fact that that charge is still  
21 outstanding, Harold's pleading not guilty to that charge,  
22 and I do think, from the summary report, that appears to be  
23 the, the real bulk of the violation, we would just ask that  
24 this matter be held in abeyance until the culmination of the  
25 prosecution on that charge.

1 THE COURT: Agent, what about that?

2 THE PROBATION AGENT: Thank you, Your Honor.

3 Mr. Jones, he -- he's been on probation quite a few  
4 times before. He knows the conditions to follow.

5 Yes, the firearm is what is still sticking on Mr. Jones  
6 currently, but, prior to that, he had four previous  
7 violations.

8 As you can tell by the violation report, we've issued  
9 five warrants on Mr. Jones for different things ranging from  
10 victim contact to new DV even though those were dropped I  
11 believe cause the victim died during a medical procedure.  
12 But those were, you know, four separate occasions where he  
13 violated his probation. He failed to report for an  
14 administrative hearing and then he was set to come to court  
15 earlier this year and failed to come to court then as well.

16 So, we're just asking that we go -- still go with the  
17 administrative hearing findings and enact a full revocation.

18 THE COURT: Mr. Hatcher, do you have a trial date in  
19 the Federal Court?

20 SOLICITOR BARNETTE: Judge, can I speak for a second?  
21 I'm sorry. This is Barry Barnette.

22 THE COURT: Yes, sir.

23 SOLICITOR BARNETTE: Judge, the federal, federal thing  
24 was continued based off this probation hearing. I talked to  
25 Max Cauthen and to Heather McClain about this.

1           They've put an advance to -- to let the probation  
2 violation to be heard, number one, and, number two, the case  
3 was -- the DVs were dismissed. It was the same victim that  
4 the DV is involved with this on the probation revocation.  
5 She passed away not related to this case. But she passed  
6 away for another reason. Mr. Hatcher let me know.

7           of course I dismissed that on there and he was released  
8 on bond at that point and later on was, you know -- and he  
9 ran and was actually caught. I get Brady Branson's -- was  
10 caught in Charleston in this case and the -- obviously we  
11 feel like it should go forward in this case.

12           I think both sides are just trying to delay it until,  
13 until some point. But obviously he's violated. He did not  
14 show up for his hearing like he was suppose to. He has a  
15 notorious record and I'll be glad to go through that with  
16 you too.

17           I understand what Mr. Hatcher's trying to do. I mean  
18 he's trying to do -- represent his clients but the problem  
19 is, I think it's time for Mr. Jones to face the music at  
20 this point because of his record, what he's done, and I can  
21 get Brady Branson on here for you. He was the officer that  
22 arrested him with the guns.

23           It is been sent to Federal Court. We have not  
24 dismissed the gun case yet but they're gonna adopt those and  
25 they will be dismissed. I'll represent that to the court.

1 They're FTA'd right now. But there was bench warrants  
2 issued. He did not appear for court on those charges. The  
3 bench warrants was issued on that as well as the probation  
4 violation he did not appear for.

5 So we'd ask to go forward on it too, Your Honor. I  
6 join with the agent on that.

7 THE COURT: Anything further, Mr. Hatcher?

8 MR. HATCHER: Your Honor, thank you.

9 I will continue to point out to the court though that  
10 the bulk of the written violations -- I know we can talk  
11 about Harold's past but the report that the request for  
12 violation is based on is -- seems to be centered on this  
13 allegation of Harold being put in possession -- unlawful  
14 possession of a pistol.

15 He has maintained his innocence on that from day one,  
16 and while it may be -- you know, in it -- we may all be in  
17 agreement that Harold's a bad person, I do think that the  
18 process should be respected here and that Harold should have  
19 his day in court with regard to the charge of unlawful  
20 possession of pistol.

21 The Feds are going to prosecute him. I have no doubt  
22 about that. The only thing procedurally that was delayed  
23 was the arraignment and I think that can still be addressed  
24 and I seriously doubt Harold will be given any bond or be  
25 able to get out. And, with that in mind, Your Honor, we

1 would just ask this matter be continued.

2 THE COURT: well, he's violated his probation,  
3 Mr. Hatcher, and he admits he has violated his probation and  
4 he hasn't come to court like he was suppose to and a bench  
5 warrant to be issued. so he's, he's revoked.

6 Good luck to you, sir.

7 THE PROBATION AGENT: Thank you, Your Honor.

8 SOLICITOR BARNETTE: Thank you, Your Honor.

9

10 \* \* \*END OF REQUESTED TRANSCRIPT OF RECORD\* \* \*

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C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for 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 evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 11<sup>th</sup> day of September, 2020.

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

June 15<sup>th</sup>, 2022

\_\_\_\_\_  
PAMELA E. GREEN, Court Reporter

STATE OF SOUTH CAROLINA

County of Spartanburg

STATE VS.

AKA: Harold Jones III

Race: B Sex: M

DOB: [REDACTED]

SSN: [REDACTED]

SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

18 - GS - 47 - 2731

Probation C/W#s: W-47-19-192, W-47-19-263  
W-47-19-796, W-47-19-441, W-17-20-143

Name of Original Offense: Distribution of Cocaine

Original A/W#: 2017A4210103714

Date of Original Offense: 3/22/17

Conviction S.C. Code §: 14-57-0370(b)(1)

Conviction CDR Code #: 0111513

Original Sentence: 15yrs 5mths + 3yrs prob

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 10/31/18 in the Court of General Sessions of Spartanburg County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on n/a, as set forth in the attached warrant(s) or citation(s) dated 10/11/18. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

1, 2, 4, 6, 7, 9, 10 and special conditions

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 1 months/years, the remainder of the original sentence, and/or pay \$ \_\_\_\_\_.
- the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years of the original sentence and/or pay \$ \_\_\_\_\_; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first or third degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies:
  - Department fees (arrearage)
  - Fines and other fees (arrearage / balance)
  - Restitution (and 20%) (arrearage / balance)
 Civil judgment:
  - Department fees
  - Fines and other fees
  - Restitution (and 20%)
- Additional Conditions ordered by the Court:

Terminated Probation

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant is to be given credit for pretrial detention time served (N/A if defendant has served prior SCDC time).
- The defendant has served 7 days/months/years of prior revocations and/or initial SCDC time.
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 11 day of September, 2018,  
Spartanburg, SC

A. Keith Kelly  
Presiding Judge

Judicial Circuit

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

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

Offender's Signature

Witnessed by

Signed this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ SC

County of Spokaneburg

STATE VS.

AKA: Harold Jones III

Race: D Sex: M

DOB: [REDACTED]

SSN: [REDACTED]

SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

18 - GS - 42 - 1664

Probation C/W#: W-42-19-0192, W-42-19-265  
W-42-19-276, W-42-19-441, W-42-20-143

Name of Original Offense: DV High and Aggravated

Original A/W#: 201714210200796

Date of Original Offense: 3-5-2018

Conviction S.C. Code §: 16-25-0065(A)

Conviction CDR Code #: 3 / 8 / 1 / 4

Original Sentence: 15y ST 7mbs 1.5y - prob.

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 10/31/18 in the Court of General Sessions of Spokaneburg County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on N/A, as set forth in the attached warrant(s) or citation(s) dated 4/11/18. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 12 months/years, the remainder of the original sentence, and/or pay \$ \_\_\_\_\_.
- the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years of the original sentence and/or pay \$ \_\_\_\_\_; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first or third degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies:
 

<input type="checkbox"/> Department fees (arrearage)	Civil judgment:	<input type="checkbox"/> Department fees
<input type="checkbox"/> Fines and other fees (arrearage / balance)		<input type="checkbox"/> Fines and other fees
<input type="checkbox"/> Restitution (and 20%) (arrearage / balance)		<input type="checkbox"/> Restitution (and 20%)
- Additional Conditions ordered by the Court:

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant is to be given credit for pretrial detention time served (N/A if defendant has served prior SCDC time).
- The defendant has served 7 days/months/years of prior revocations and/or initial SCDC time.
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 11 day of September, 2018,  
Spokaneburg, SC

A. Keith Kelly  
Presiding Judge  
Judicial Circuit

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

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

Offender's Signature

Witnessed by

Signed this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ SC

STATE OF SOUTH CAROLINA

County of Spartanburg

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

STATE VS.

18 - GS - 47 - 7152

AKA: Harold Jones III

Probation C/W#s: W-47-17-112, W-47-17-263,  
W-47-17-716, W-47-17-111, W-47-70-143

Race: B Sex: M

Name of Original Offense: FWD of ind. sub. school

DOB: [REDACTED]

Original A/W#: 2017A1210107017

SSN: [REDACTED]

Date of Original Offense: 8/2/17

SID#: [REDACTED]

Conviction S.C. Code §: 44-53-0415(1)

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

Original Sentence: 10 yrs ST 7 mths / 3/2 prob

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 10 / 31 / 18 in the Court of General Sessions of Spartanburg County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 12/20/18, 1/23/19, 2/20/19, as set forth in the attached warrant(s) or citation(s) dated 4/11/19, 5/21/19. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: *(List by number or indicate special conditions as provided in the affidavit)*  
1, 2, 4, 6, 7, 9, 10 and Special Conditions

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 10 months/years, the remainder of the original sentence, and/or pay \$ \_\_\_\_\_.
- the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years of the original sentence and/or pay \$ \_\_\_\_\_; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first or third degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies:
  - Department fees (arrearage)
  - Fines and other fees (arrearage / balance)
  - Restitution (and 20%) (arrearage / balance)
 Civil judgment:
  - Department fees
  - Fines and other fees
  - Restitution (and 20%)
- Additional Conditions ordered by the Court:

Term code Probation

- The defendant is given credit for pre-arrest detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant is to be given credit for pretrial detention time served (N/A if defendant has served prior SCDC time).
- The defendant has served 7 days/months/years of prior revocations and/or initial SCDC time.
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 11 day of September, 2020,  
Spartanburg, SC

R. Keith Kelly  
Presiding Judge  
R. Keith Kelly  
Judicial Circuit

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

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

Offender's Signature \_\_\_\_\_ Witnessed by \_\_\_\_\_  
Signed this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ SC  
Day Month Year City

County of Spartanburg

STATE VS.

AKA: Harold Jones III

Race: B Sex: M

DOB: [REDACTED]

SSN: [REDACTED]

SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

18 - GS - 42 - 1662

Probation C/W#s: W-42-19-0192, W-42-19-0263,

W-42-19-0796, W-42-19-0441, W-42-20-113

Name of Original Offense: Talk on Stop for Blue Light

Original A/W#: 20162330017713

Date of Original Offense: 3-5-18

Conviction S.C. Code §: 36-83-0750(B)(1)

Conviction CDR Code #: 0101615

Original Sentence: 30 days in jail - 1 yr - parole

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 10/31/18 in the Court of General Sessions of Spartanburg County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on N/A, as set forth in the attached warrant(s) or citation(s) dated 11/15/18. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: *(List by number or indicate special conditions as provided in the affidavit)*

4, 5, 6, 7, 9, 10 and special conditions

Therefore, IT IS ORDERED that:

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

<input type="checkbox"/> Department fees (arrearage)	Civil judgment:	<input type="checkbox"/> Department fees
<input type="checkbox"/> Fines and other fees (arrearage / balance)		<input type="checkbox"/> Fines and other fees
<input type="checkbox"/> Restitution (and 20%) (arrearage / balance)		<input type="checkbox"/> Restitution (and 20%)
- Additional Conditions ordered by the Court:

*Probation*

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant is to be given credit for pretrial detention time served (N/A if defendant has served prior SCDC time).
- The defendant has served 7 days/months/years of prior revocations and/or initial SCDC time.
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 11 day of November, 2018, SC

[Signature]  
Presiding Judge  
Judicial Circuit

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

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

Offender's Signature

Witnessed by

Signed this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ SC

STATE OF SOUTH CAROLINA

County of Spartanburg

STATE VS.

AKA: Harold Jones III

Race: B Sex: M

DOB: [REDACTED]

SSN: [REDACTED]

SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

18 - GS - 412 - 7783

Probation C/W#s: W-47-19-172, W-47-19-763, W-47-19-276, W-47-19-411, W-47-20-143

Name of Original Offense: Poss. of less than 1g cocaine

Original A/W#: 2017A4210101170

Date of Original Offense: 11/15/17

Conviction S.C. Code §: 44-53-D375(A)

Conviction CDR Code #: 3101017

Original Sentence: 3y 8 57 months of sup. prob.

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 10/31/18 in the Court of General Sessions of Spartanburg County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 1/24/19, as set forth in the attached warrant(s) or citation(s) dated 4/13/18, 5/2/19, 6/13/19, 7/26/19, 8/30/19. After hearing the evidence and being duly advised, in the (presence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: *(List by number or indicate special conditions as provided in the affidavit)*

1, 2, 4, 6, 7, 9, 10 and special conditions

Therefore, IT IS ORDERED that:

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

Terminated Probation

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant is to be given credit for pretrial detention time served (N/A if defendant has served prior SCDC time).
- The defendant has served 7 days/months/years of prior revocations and/or initial SCDC time.
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 11 day of September, 2020, at Spartanburg, SC

A. Keith Kelly  
Presiding Judge  
Judicial Circuit

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

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

Offender's Signature \_\_\_\_\_ Witnessed by \_\_\_\_\_  
Signed this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ SC  
Day Month Year City

FORM 5

STATE OF SOUTH CAROLINA )

County of Spartanburg )

Harold Buster Jones III )  
Full name and prison number (if any) of Applicant )

v. )

State of South Carolina )

IN THE COURT OF COMMON PLEAS

**2021-CP-42-03794**

APPLICATION FOR  
POST-CONVICTION RELIEF

**INSTRUCTIONS - READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Kirkland A&T Correctional Institution
2. Name and location of Court which imposed sentence Spartanburg General Sessions 7th Circuit Spartanburg SC
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 

(a)	<u>2019 G54201664</u>	<u>2018 G54262282</u>
(b)	<u>2018 G54 202283</u>	<u>2019 G54 201662</u>

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SOUTH CAROLINA

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(c) 2018G54202281

5. The date upon which sentence was imposed and the terms of the sentence:

(a) 10/31/18 10/31/18

(b) 10/31/18 10/31/18

(c) 10/31/18

6. Check whether a finding of guilty was made:

(a) after a plea of guilty

(b) after a plea of not guilty

(c) after a plea of nolo contendere

7. Did you appeal from the judgment of conviction or the imposition of sentence?

8. If you answered "yes" to (7), list:

(a) the name of each Court to which you appealed:

i. South Carolina Court of Appeals

ii. \_\_\_\_\_

iii. \_\_\_\_\_

(b) the result in each such Court to which you appealed:

i. the Matter were dismissed

ii. \_\_\_\_\_

iii. \_\_\_\_\_

(c) the date of each such result:

i. Feb 22, 2021

ii. \_\_\_\_\_

iii. \_\_\_\_\_

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. failed to provide a proof of service for

ii. the notice of appeal and proof that appeals

iii. was filed with Spartanburg County Clerk of Court

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) \_\_\_\_\_

(b) \_\_\_\_\_

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- (c) \_\_\_\_\_
- 10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
  - (a) Ineffective assistance of counsel
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_
- 11. State concisely and in the same order the facts which support each of the grounds set out in (10):
  - (a) He did not fulfill his obligations to do the
  - (b) things that I ask him to do that I AM worse
  - (c) in my best interest
- 12. Prior to this application have you filed with respect to this conviction:
  - (a) any petition in a State Court under South Carolina Law?  yes
  - (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? no
  - (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? no
  - (d) any other petitions, motions or applications in this or any other Court? \_\_\_\_\_
- 13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
  - (a) the specific nature thereof:
    - i. N/A
    - ii. \_\_\_\_\_
    - iii. \_\_\_\_\_
    - iv. \_\_\_\_\_
  - (b) the name and location of the Court in which each was filed:
    - i. The South Carolina Court of Appeals
    - ii. Columbia, SC
    - iii. \_\_\_\_\_
    - iv. \_\_\_\_\_

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 ATTN: VJ BOX

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(c) the disposition thereof:

- i. Dismissed
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(d) the date of each such disposition:

- i. Feb 22, 2021
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

(b) the proceedings in which each ground was raised:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

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16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? YES
- (b) your trial, if any? N/A
- (c) your sentencing? YES
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? \_\_\_\_\_
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?  
N/A

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
  - i. James Hatcher  
462 Oak Grove Rd, Spartanburg, SC 29301
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
- (b) the proceedings at which each such attorney represented you:
  - i. represented me for probation violation
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_

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19. State clearly the relief you seek in filing this application:

For My Sentence to be vacated; or reduced  
to an lower amount of time

20. Are you now under sentence from any other court that you have not challenged?

\_\_\_\_\_  
\_\_\_\_\_

STATE OF SOUTH CAROLINA )

County of Spartanburg )

VERIFICATION

I, Harold Jones (Harold Jones), being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Harold Jones

SWORN to and subscribed before me this 25  
day of October, 2021.

Samuel B. Light-Mosley (L.S.)  
Notary Public

My Commission Expires: 7/16/2028

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ALBY W. COX  
Revised 3/2003

APPLICATION TO PROCEED WITHOUT PAYMENT  
OF COSTS AND AFFIDAVIT  
IN SUPPORT THEREOF

I, Harold Buster Jones III, hereby apply for leave to  
proceed in this action without prepayment of fees or costs or security therefor. In support of my  
application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Harold Jones III  
Applicant

SWORN or affirmed to and subscribed before me this  
25 day of October, 2021.

Kenneth B. Taylor-Masley  
Notary Public

My Commission Expires: 7/16/2028

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The scattering sheet I'm asking for my violation of probation  
 that I had went to court on Sept 11th 2020, I only have  
 the ~~warrant~~ <sup>warrant</sup> numbers on the charges that I was on probation

For 2018 BS 420162 - 2018 7580017713

2018 BS 420164 - 2018 A4210200796

2018 BS 4202281 - 2017 A4210103214

2018 BS 4202282 - 2017 A4210103217

2018 BS 4202283 - 2017 A4210104120

These is all the indictment numbers I have, all I  
 know is that I went to court Sept 11th 2020, and I  
 caught a 15 year sentence's on a violation of probation  
 and that you let me go if that's a non-valent  
 sentence's please, but that's all the number I  
 have Thank you

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STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS  
FOR THE SEVENTH JUDICIAL CIRCUIT

Harold Jones III., #251347,  
Applicant,

Case No. 2021-CP-42-03794

v.

**RETURN AND MOTION FOR A  
MORE DEFINITE STATEMENT**

State of South Carolina,  
Respondent.

NOW COMES Respondent, moving for a more definite statement and making its return to the post-conviction relief (hereafter "PCR") application filed on November 8, 2021, by Harold Jones (hereafter "Applicant"). Respondent respectfully offers the following in support of its return:

**I. Procedural History**

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. In March 2018, the Spartanburg County Grand Jury indicted Applicant for failure to stop motor vehicle when signaled by an officer (2018-GS-42-1662), reckless driving (2018-GS-42-1663), domestic violence of a high and aggravated nature (count one) and possession of firearm during the commission of a violent crime (count two) (2018-GS-42-1664). In May 2018, the Spartanburg County Grand Jury indicted Applicant for distribution of cocaine within one-half mile of school (2018-GS-42-2282) and possession of cocaine base (2018-GS-42-2283). Suzanne White, Esquire represented Applicant. On October 31, 2018, Applicant pled guilty to a negotiated sentence before the Honorable Grace Gilchrist Knie. The weapons possession charge was *nolle prosequi* indicted. Applicant was sentenced to fifteen years' imprisonment, suspended upon successful completion of the sentence.

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with three years' probation for the domestic violence charge, ten years imprisonment for distribution of cocaine within one half mile of a school, three years' imprisonment for cocaine possession and failure to stop a motor vehicle, and thirty days' imprisonment for reckless driving.

Applicant filed a timely notice of appeal on September 30, 2020, which was dismissed by written order on February 8, 2021, for failure to provide proof of services for the notice of appeal and proof that the appeal was filed with the Spartanburg County Clerk of Court, as required by Rule 203 SCACR. Applicant filed a motion for rehearing, which was denied on March 30, 2021. The remittitur was issued on May 11, 2021.

***First PCR Action: (2021-CP-42-01206)***

Applicant subsequently filed his first PCR application on April 16, 2021, in which he alleged the following ground for relief:

1. "Ineffective assistance of Counsel."
  - a. He did not fulfill his obligations to do the things that I ask him to do that I felt were in my best interest."

Respondent made its return and motion to dismiss on May 4, 2021. On August 30, 2021, the Honorable J. Derham Cole, circuit court judge, issued the order of dismissal denying Applicant's PCR application without prejudice, because of the pendency of his direct appeal.

**II. Statement of Facts**

On March 5, 2018, the Sheriff's Department was called because there was a black Chevy Tahoe leaving the apartment complex. (Tr. 25-26). Officers began following Applicant and another officer talked to the victim, Applicant's girlfriend, about the incident. (Tr. 26). Applicant came over to the apartment, they got into a fight, and Applicant pulled a knife out.

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threatened to kill her. (Tr. 26). A knife was found on scene and the victim was found with a mark on her arm. (Tr. 26). The victim had a recording concerning the argument they had. (Tr. 26).

Officers followed Applicant, who refused to stop. (Tr. 26). Applicant was arrested after the chase and was found to be driving under suspension. (Tr. 26). He was also charged with reckless driving. (Tr. 26).

Concerning distribution of cocaine, Applicant was involved in a confidential informant buy on August 22, 2017, where Applicant exchanged cocaine for recorded funds within a half-mile of Hillandale Park. (Tr. 27). On November 15, 2017, Investigator Lachika observed a vehicle without tags following another vehicle too closely. (Tr. 27). The investigator initiated a stop and Applicant was the driver. (Tr. 27). His person was searched for driving without a license and cocaine base was found on his person. (Tr. 27). Applicant agreed with all the facts as stated by the prosecutor. (Tr. 26, 28).

### III. Current Action before the Court

In his *pro se* PCR application, Applicant alleges he is detained unlawfully for the following reasons (excerpts verbatim):

1. "Ineffective assistance of counsel."
  - a. "He did not fulfill his obligations to do the things that I ask[ed] him to do that I felt were in my best interest."

Attached to and incorporated herein are Applicant's Spartanburg County Clerk of Court Records, Applicant's South Carolina Department of Corrections Records, the plea transcript, direct appeal records, Applicant's first PCR action records, and the current PCR application. Respondent reserves the right to amend this return upon receipt of additional relevant information.

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#### IV. Argument

##### *Ineffective Assistance of Counsel*

In a PCR action, the applicant bears the burden of proving allegations contained in the application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Effective assistance of counsel does not mean perfect or mistake free representation. See *Weaver v. Massachusetts*, 137 S. Ct. 1899 (2017) (“[A] defendant has a right to effective representation, not a right to an attorney who performs his duties ‘mistake-free.’” (citation omitted)); *Burt v. Titlow*, 571 U.S. 12, 24 (2013) (“[T]he Sixth Amendment does not guarantee the right to perfect counsel; it promises only the right to effective assistance[.]”); *Yarborough v. Gentry*, 540 U.S. 1, 8 (2003) (“The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight.”). Instead, it simply means assistance that was objectively reasonable under prevailing professional norms. *Strickland*, 466 U.S. at 687-688.

When an applicant asserts ineffective assistance of counsel as a ground for relief, the applicant must show “counsel’s conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result.” *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. Ineffective assistance of counsel is governed by the Sixth Amendment, as explained by the United States Supreme Court in *Strickland v. Washington*.

Pursuant to the first prong of the *Strickland* analysis, the applicant must prove defense counsel’s performance was deficient. *Id.* at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). To show deficiency, the applicant must prove by a preponderance of the evidence that counsel’s actions fell outside of the zone of “reasonableness under prevailing professional norms.” *Strickland*, 466 U.S. at 688. See also Rule 71.1(e). The applicant

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has the burden of establishing his entitlement to relief by a preponderance of the evidence.”). Reasonableness is determined by the “variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how to best represent a criminal defendant,” and the scope of the reasonableness inquiry is limited to facts counsel had available at the time of representation. *Id.* at 689. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” *Yarborough v. Gentry*, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690); see *Dunn v. Reeves*, 141 S. Ct. 2405, 2410 (2021) (noting counsel’s strategic decisions are to be afforded “‘strong presumption’ of reasonableness that the defendant must overcome); *Cullen v. Pinholster*, 563 U.S. 170, 189 (2011) (explaining a defendant must show defense counsel failed to act reasonably considering all the circumstances in order to overcome the presumption of adequate representation). Judicial scrutiny of counsel’s performance remains highly deferential towards defense counsel with a strong presumption that counsel acted competently, because competent representation may be executed in virtually “countless” ways. *Strickland*, 466 U.S. at 688-89.

Second, counsel’s deficient performance must have prejudiced the applicant so that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Cherry*, 300 S.C. at 117-18. “A reasonable probability is a probability sufficient to undermine confidence in the outcome ” *Strickland*, 466 U.S. at 694. The court makes this determination based upon the totality of the evidence. *Id.* at 695. Importantly, “[t]he likelihood of a different result must be *substantial*, not just conceivable.” *Harrington v. Richter*, 562 U.S. 86, 112 (2011).

The standards do not establish mechanical rules; the ultimate responsibility must be on

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the fundamental fairness of the proceeding whose result is being challenged. *Strickland*, 466 U.S. at 696. A court need not first determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. *Id.* at 696-97.

In the context of a guilty plea, the applicant must show there is a reasonable probability that, but for ineffective assistance of counsel, he or she would not have pled guilty but, instead, would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985). Applicant's right to contest the validity of a plea is usually, but not invariably, foreclosed because of the inherent solemnity and truthfulness included in the guilty plea process. See *Blackledge v. Allison*, 431 U.S. 63, 73-74 (1977) ("Solemn declarations in open court carry a strong presumption of verity. The subsequent presentation of conclusory allegations unsupported by specifics is subject to summary dismissal, as are contentions that in the face of the record are wholly incredible."). Absent valid reasons why the applicant is entitled to depart from previous judicial admissions made at the plea hearing, statements made during the original proceeding remain conclusive. *Dalton v. State*, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing *Crawford v. United States*, 519 F.2d 347, 350 (4th Cir. 1975)).

For a plea to be valid, the applicant must have been aware of the nature and crucial elements of the offense, the maximum and minimum penalties, and the rights he is waiving by accepting the plea. *Boykin v. Alabama*, 395 U.S. 238 (1969); *Roddy v. State*, 339 S.C. 29 (2000). A plea is not knowing or voluntary if a defendant "lacks knowledge of material evidence in the prosecution's possession." *Gibson v. State*, 334 S.C. 515, 523, 514 S.E.2d 330 (2000).

A defendant's knowing and voluntary waiver of statutory or constitutional rights must be

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established by a complete record, and “may be accomplished by colloquy between the court and defendant, between the court and defendant's counsel, or both.” *Roddy v. State*, 339 S.C. at 34, 528 S.E.2d at 421 (citing *State v. Ray*, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). “[T]he voluntariness of a guilty plea is not determined by an examination of the specific inquiry made by the sentencing judge alone but is determined from both the record made at the time of the entry of the guilty plea and the record of the post-conviction hearing.” *Dalton*, 376 S.C. at 138, 654 S.E.2d at 874 (quoting *Harres v. Leeke*, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984)). Further, “guilty pleas, freely and voluntarily entered, act as a waiver of all non-jurisdictional defects and defenses, including claims of a violation of a constitutional right prior to the plea.” *Whetsell v. State*, 276 S.C. 295, 297, 277 S.E.2d 891, 892 (1981).

Applicant has failed to state with any specificity what he thought Counsel did that was ineffective. Accordingly, a more definite statement is needed. Still, the ineffective assistance of counsel allegations probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent respectfully requests an evidentiary hearing to fully resolve this issue. *See Sharper v. State*, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (“Where an application for post-conviction relief alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court, a question of fact is raised which can only be resolved by an evidentiary hearing.”).

#### V. Motion for a More Definite Statement

Respondent moves for a more definite statement regarding Applicant’s allegations. Applicant alleges that plea counsel was constitutionally ineffective. However, he does not explain exactly what Counsel did that constituted ineffective assistance of counsel. He fails to set forth with specificity any facts and circumstances upon the claim is based. The

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Uniform Post Conviction Procedure Act requires that applicants must “specifically set forth the grounds upon which the application is based.” Section 17-27-50 of the Code of Laws of South Carolina (1976). In a PCR application, it is incumbent upon applicants to make at least a *prima facie* showing which would entitle him to relief before an evidentiary hearing will be scheduled and held. *Welch v. MacDougall*, 246 S.C. 258, 143 S.E.2d 455 (1965); *Blandshaw v. State*, 245 S.C. 385, 140 S.E.2d 784 (1965). The Supreme Court of South Carolina has provided that:

[M]ere allegations of incompetency or ineffectiveness of counsel will not ordinarily suffice as grounds for a new trial under the Post-Conviction Procedure Act. The bare assertion by the appellant that he was deprived of counsel is insufficient.

*Coardes v. State*, 262 S.C. 493, 497, 206 S.E.2d 264, 265 (1974).

Furthermore, Rule 8(a), SCRPC, requires all civil pleadings include “a short and plain statement of the facts showing that the pleader is entitled to relief.” Respondent moves pursuant to Rule 12(e), SCRPC, to require Applicant to provide a more definite statement of his claims. Respondent moves to require Applicant to file an additional amended application well in advance of any evidentiary hearing concerning this matter. If Applicant fails to file a timely and responsive amended application setting forth specific allegations for relief, Respondent reserves the right to move to dismiss the allegation.

#### **VI. Other Allegations Denied**

Each and every other allegation in Applicant’s PCR application not explicitly admitted, qualified, or explained in this return is hereby denied by the Respondent.

#### **VII. Assertion of Rights to Notice of Amendments, Experts**

Applicant should raise any claims he intends to raise at the PCR evidentiary hearing well in advance of the hearing. Here, Applicant’s court appointed attorney is the only person authorized to file amendments to this application, given his representative capacity. Rule 17(a),

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SCRCP and *pro se* filings will not be considered at the PCR hearing. *State v. Devore*, 416 S.C. 115, 123, 784 S.E.2d 690, 694 (Ct. App. 2016) (*Pro se* filing is a nullity where person was represented by counsel); *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010) (“Since there is no right to ‘hybrid representation’ that is partially *pro se* and partially by counsel, substantive documents, with the exception of motions to relief counsel, filed *pro se* by a person represented by counsel are not to be accepted unless submitted by counsel.”).

Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent or, in the alternative, continue the matter to permit adequate time to investigate and address the claims. *See Mangal v. State*, 421 S.C. 85, 805 S.E.2d 568 (2017) (“In most PCR cases . . . we have refused to excuse the pleading and issue-preservation requirements that apply in all civil cases.”); *Love v. State*, 428 S.C. 231, 242, 834 S.E.2d 196, 201 (2019) (“When analyzing the substance of a proposed amendment and any prejudice the State might suffer, a PCR court should consider all relevant circumstances, including, but not limited to, the timing of the motion, the complexity of the new issue, the degree of surprise to the State, the need for and availability of necessary witnesses to defend against the claim, and whether the substance of the proposed amendment is readily apparent from the underlying plea or trial record.”); *see also* Rules 15(a)-(b), SCRCP (explaining how to amend a pleading). Pursuant to Section 17 27 150 of the South Carolina Code of Laws, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless the Court grants leave upon good cause shown. Furthermore, Respondent requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent well in advance of the evidentiary hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits with

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until the last minute resulting in undue prejudice to Respondent.

**VIII. Conclusion**

WHEREFORE, Respondent requests that the Court require Applicant to provide a more definite statement and then hold an evidentiary hearing regarding Applicant's allegations.

Respectfully submitted,

ALAN WILSON  
Attorney General

W. JEFFREY YOUNG  
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON  
Senior Assistant Deputy Attorney General

CHELSEY F. MARTO  
Assistant Attorney General

By: *Cheley F. Marto*  
ATTORNEYS FOR RESPONDENT

Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
Telephone: (803) 734-0386

May 25, 2022

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STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )

IN THE COURT OF COMMON PLEAS )  
FOR THE SEVENTH JUDICIAL )  
CIRCUIT )

Harold Jones, III., #251347 )

Case No.: 2021-CP-42-03794 )

Applicant, )

Certificate of Service by Mail )

v. )

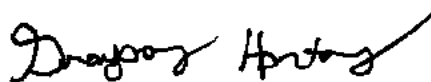
State of South Carolina )

Respondent, )  
\_\_\_\_\_ )

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return and Motion for a More Definite Statement in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

**Susannah C. Ross, Esquire**  
**Ross & Enderlin, PA**  
**330 East Coffee St.**  
**Greenville, SC 29601**

DATED this 25<sup>th</sup> day of May 2022.



\_\_\_\_\_  
Grayson Horton, Legal Assistant  
For Respondent

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STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

Harold Jones III., #251347,  
Applicant,

v.

State of South Carolina,  
Respondent.

IN THE COURT OF COMMON PLEAS  
FOR THE SEVENTH JUDICIAL CIRCUIT

Case No. 2021-CP-42-03794

**AMENDED RETURN AND  
PARTIAL MOTION  
TO DISMISS**

NOW COMES Respondent, moving for a more definite statement and making its return to the post-conviction relief (hereafter "PCR") application filed on November 8, 2021, by Harold Jones (hereafter "Applicant"). Respondent respectfully offers the following in support of its return:

**I. Procedural History**

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. In March 2018, the Spartanburg County Grand Jury indicted Applicant for failure to stop motor vehicle when signaled by an officer (2018-GS-42-1662), reckless driving (2018-GS-42-1663), domestic violence of a high and aggravated nature (count one) and possession of firearm during the commission of a violent crime (count two) (2018-GS-42-1664). In May 2018, the Spartanburg County Grand Jury indicted Applicant for distribution of cocaine within one-half mile of school (2018-GS-42-2282) and possession of cocaine base (2018-GS-42-2283). Suzanne White, Esquire represented Applicant. On October 31, 2018, Applicant pled guilty to a negotiated sentence before the Honorable Grace Gilchrist Knie. The weapons possession charge was *nolle prosequi* indicted. Applicant was sentenced to fifteen years' imprisonment, suspended upon seven months

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with three years' probation for the domestic violence charge, ten years imprisonment for distribution of cocaine within one half mile of a school, three years' imprisonment for cocaine possession and failure to stop a motor vehicle, and thirty days' imprisonment for reckless driving.

On September 11, 2020, Applicant had a probation violation hearing before the Honorable R. Keith Kelly, circuit court judge. Elected Solicitor Barry Barnette was the prosecutor for the State and Applicant was represented by James Hatcher, Esquire. Applicant's probation was revoked in full.

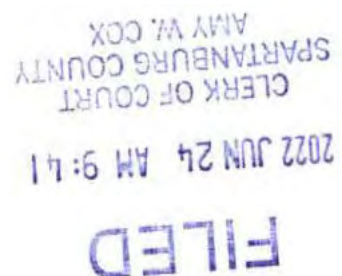
Applicant filed a timely notice of appeal on September 30, 2020, which was dismissed by written order on February 8, 2021, for failure to provide proof of services for the notice of appeal and proof that the appeal was filed with the Spartanburg County Clerk of Court, as required by Rule 203 SCACR. Applicant filed a motion for rehearing, which was denied on March 30, 2021. The remittitur was issued on May 11, 2021.

***First PCR Action: (2021-CP-42-01206)***

Applicant subsequently filed his first PCR application on April 16, 2021, in which he alleged the following ground for relief:

- I. "Ineffective assistance of Counsel."
  - a. He did not fulfill his obligations to do the things that I ask him to do that I felt were in my best interest."

Respondent made its return and motion to dismiss on May 4, 2021. On August 30, 2021, the Honorable J. Derham Cole, circuit court judge, issued the order of dismissal denying Applicant's PCR application without prejudice, because of the pendency of his direct appeal.



## II. Statement of Facts

On March 5, 2018, the Sheriff's Department was called because there was a black Chevy Tahoe leaving the apartment complex. (Plea Tr. 25-26). Officers began following Applicant and another officer talked to the victim, Applicant's girlfriend, about the incident. (Plea Tr. 26). She stated Applicant came over to the apartment, they got into a fight, and Applicant pulled a knife out and threatened to kill her. (Plea Tr. 26). A knife was found on scene and the victim was found with a mark on her arm. (Plea Tr. 26). The victim had a recording concerning the argument they had. (Plea Tr. 26).

Officers followed Applicant, who refused to stop. (Plea Tr. 26). Applicant was arrested after the chase and was found to be driving under suspension. (Plea Tr. 26). He was also charged with reckless driving. (Plea Tr. 26).

Concerning distribution of cocaine, Applicant was involved in a confidential informant buy on August 22, 2017, where Applicant exchanged cocaine for recorded funds within a half-mile of Hillandale Park. (Plea Tr. 27). On November 15, 2017, Investigator Lachika observed a vehicle without tags following another vehicle too closely. (Plea Tr. 27). The investigator initiated a stop and Applicant was the driver. (Plea Tr. 27). His person was searched for driving without a license and cocaine base was found on his person. (Plea Tr. 27). Applicant agreed with all the facts as stated by the prosecutor. (Plea Tr. 26, 28).

At his probation violation hearing, Applicant admitted to the violations and his probation was revoked in full.

## III. Current Action before the Court

In his *pro se* PCR application, Applicant alleges he is detained unlawfully for the following reasons (excerpts verbatim):

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1. "Ineffective assistance of counsel."
  - a. "He did not fulfill his obligations to do the things that I ask[ed] him to do that I felt were in my best interest."

Attached to and incorporated herein is the probation violation transcript. Respondent reserves the right to amend this return upon receipt of additional relevant information.

#### IV. Partial Motion to Dismiss

Respondent submits that all allegations beyond ineffective assistance of probation counsel should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160. Specifically, the Act requires as follows:

An application for relief . . . must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision on appeal, whichever is later.

S.C. Code Ann. § 17-27-45(A).

The South Carolina Supreme Court has held the statute of limitations applies to all applications filed after July 1, 1996. *Peloquin v. State*, 321 S.C. 468, 469 S.E.2d 606 (1996). A motion for summary judgment may be used to raise the statute of limitations defense. *McDonnell v. Consolidated School District of Aiken*, 315 S.C. 487, 445 S.E.2d 638 (1994). Additionally, South Carolina Code Annotated Section 17-27-70(c) authorizes this Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings . . . that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law."

Applicant pled guilty to all charges on October 31, 2018, and Applicant did not file a direct appeal from that plea. An application alleging ineffective assistance of plea counsel was therefore due on November 1, 2019. This application was filed on November 8, 2021, well

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SOUTH CAROLINA

beyond the statutory filing period. Therefore, all allegations beyond those alleging ineffective assistance of probation counsel should be summarily dismissed for untimeliness.

**V. Ineffective Assistance of Probation Counsel**

Applicant's allegations of ineffective assistance of probation revocation counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland*. First, Applicant must prove that counsel's performance was deficient. *Strickland*, 466 U.S. at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Id.* (citing *Strickland*, 466 U.S. at 690). Applicant must overcome this presumption to receive relief. *Cherry*, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different."

*Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to probation revocation counsel, though an Applicant has no Sixth Amendment right to counsel in a probation revocation proceeding, the same analysis for ineffectiveness that applies in other PCR proceedings involving claims against counsel apply in PCR proceedings against probation revocation counsel. *Turner v. State*, 384 S.C. 451, 455-56, 682 S.E.2d 792, 794 (2009).

Applicant claims that probation counsel was ineffective for not “fulfilling his obligations.” Respondent contends that Applicant likely cannot meet his burden of proof on this claim. Still, the ineffective assistance of counsel allegations probably raise questions of fact that the record does not conclusively refute. Accordingly, Respondent respectfully requests an evidentiary hearing to fully resolve this issue. *See Sharper v. State*, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (“Where an application for post-conviction relief alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court, a question of fact is raised which can only be resolved by an evidentiary hearing.”).

#### VI. Other Allegations Denied

Each and every other allegation in Applicant’s PCR application not explicitly admitted, qualified, or explained in this return is hereby denied by the Respondent.

#### VII. Assertion of Rights to Notice of Amendments, Experts

Applicant should raise any claims he intends to raise at the PCR evidentiary hearing well in advance of the hearing. Here, Applicant’s court-appointed attorney is the only individual authorized to file amendments to this application, given his representative capacity, Rule 11(a), SCRPC and *pro se* filings will not be considered at the PCR hearing. *State v. Devore*, 416 S.C. 115, 123, 784 S.E.2d 690, 694 (Ct. App. 2016) (*Pro se* filing is a nullity where person was

represented by counsel); *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010) (“Since there is no right to ‘hybrid representation’ that is partially *pro se* and partially by counsel, substantive documents, with the exception of motions to relief counsel, filed *pro se* by a person represented by counsel are not to be accepted unless submitted by counsel.”).

Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent or, in the alternative, continue the matter to permit adequate time to investigate and address the claims. *See Mangal v. State*, 421 S.C. 85, 805 S.E.2d 568 (2017) (“In most PCR cases . . . we have refused to excuse the pleading and issue-preservation requirements that apply in all civil cases.”); *Love v. State*, 428 S.C. 231, 242, 834 S.E.2d 196, 201 (2019) (“When analyzing the substance of a proposed amendment and any prejudice the State might suffer, a PCR court should consider all relevant circumstances, including, but not limited to, the timing of the motion, the complexity of the new issue, the degree of surprise to the State, the need for and availability of necessary witnesses to defend against the claim, and whether the substance of the proposed amendment is readily apparent from the underlying plea or trial record.”); *see also* Rules 15(a)-(b), SCRPC (explaining how to amend a pleading). Pursuant to Section 17-27-150 of the South Carolina Code of Laws, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless the Court grants leave upon good cause shown. Furthermore, Respondent requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent well in advance of the evidentiary hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits withheld until the last minute resulting in undue prejudice to Respondent.

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**VIII. Conclusion**

WHEREFORE, Respondent requests that the Court summarily dismiss all allegations beyond ineffective assistance of probation counsel for untimeliness and hold an evidentiary hearing concerning the ineffective assistance of probation counsel claims.

Respectfully submitted,

ALAN WILSON  
Attorney General

W. JEFFREY YOUNG  
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON  
Senior Assistant Deputy Attorney General

CHELSEY F. MARTO  
Assistant Attorney General

By:/s Chelsey F. Marto  
ATTORNEYS FOR RESPONDENT

Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
Telephone: (803) 734-0386

June 20, 2022

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STATE OF SOUTH CAROLINA )  
 COUNTY OF SPARTANBURG )  
 Harold Jones, III., #251347 )  
 Applicant, )  
 v. )  
 State of South Carolina )  
 Respondent, )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 FOR THE SEVENTH JUDICIAL  
 CIRCUIT


Case No.: 2021-CP-42-03794

Certificate of Service by Mail

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Amended Return and Partial Motion to Dismiss in the above-captioned matter on the following person by depositing the same in the United States mail, postage prepaid:

**Susannah C. Ross, Esquire**  
**Ross & Enderlin, PA**  
**330 East Coffee St.**  
**Greenville, SC 29601**

DATED this 20<sup>th</sup> day of June 2022.

  
 \_\_\_\_\_  
 Grayson Horton, Legal Assistant  
 For Respondent

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG	)	SEVENTH JUDICIAL CIRCUIT
	)	
HAROLD JONES,	)	AMENDED APPLICATION
APPLICANT.	)	
v.	)	
THE STATE OF SOUTH CAROLINA,	)	CASE # 2021-CP-42-03794
RESPONDENT.	)	

This matter comes before the Court by way of application of post conviction relief filed November 8, 2021, alleging ineffective assistance of trial counsel. A Return and Motion for a More Definite Statement was made on June 20, 2022. This application is intended to incorporate the allegations of the original application and add the following allegations:

I. Ineffective assistance of trial counsel for:

1. failure to contact his Federal lawyer and inform of probation hearing;
2. failure to prepare for hearing and failure to obtain continuance as promised;
3. failure to object to reference to allegations that were not convictions;
4. failure to argue the violation was 85% .

Respectfully submitted,

  
 Susannah Ross  
 Attorney for the Applicant  
 330 E. Coffee St,  
 Greenville, SC 29601  
 (864) 242-0029

Greenville, South Carolina  
 This 4 day of August 2022

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STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

COMMON PLEAS  
7th JUDICIAL CIRCUIT

ORIGINAL

HAROLD JONES, III,  
Applicant,

vs.

CASE NO. 2021-CP-42-03794

STATE OF SOUTH CAROLINA,  
Respondent.

HEARING BEFORE: HONORABLE DANIEL D. HALL  
DATE: August 9, 2022  
TIME: 1:35 PM  
LOCATION: Spartanburg County Judicial Center  
180 Magnolia Street  
Spartanburg, SC 29306  
REPORTED BY: LORA L. McDANIEL,  
Registered Professional Reporter

APPEARANCES:  
ATTORNEYS FOR THE APPLICANT  
SUSANNAH ROSS, ESQ.  
ATTORNEYS FOR THE RESPONDENT  
CHELSEA MARTO, ESQ.

:21:07 1

I N D E X

2

DIRECT CROSS REDIRECT RECROSS

3

WITNESS/EXAMINATION

4

HAROLD JONES, III

5

BY MS. ROSS

6

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11

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6

BY MS. MARTO

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JAMES HATCHER

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BY MS. MARTO

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BY MS. ROSS

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12

CERTIFICATE OF REPORTER Page 17

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14

:21:07 15

E X H I B I T S

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(No Exhibits Proffered)

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25

HAROLD JONES, III vs. STATE OF SOUTH CAROLINA

:21:07 1 THE COURT: Ms. Ross, ready to proceed?  
2 MS. ROSS: Yes, Your Honor.  
3 THE COURT: Ms. Marto, call your case.  
4 MS. MARTO: Good afternoon, Your Honor. May it  
5 please The Court. We are here today in the case of Harold  
6 Jones versus State of South Carolina, docket number  
7 2021-CP-42-03794. My name is Chelsea Marto, and I'm here on  
8 behalf of the Respondent. Ms. Susannah Ross represents the  
9 Applicant in this matter, presently confined in the Department  
10 of Corrections, March 2018.

11 He was indicted for failure to stop motor vehicle  
12 when signaled to do so by an officer, reckless driving,  
13 domestic violence of a high and aggravated nature, and  
14 possession of a firearm.

:37:45 15 The Spartanburg County Grand Jury indicted him May  
16 2018 for distribution of cocaine within one half mile of a  
17 school, possession of cocaine base. Represented by Ms. Suzanne  
18 White. October 31, 2018 he pled guilty to a negotiated  
19 sentence before the Honorable Grace Gilchrist Knie.

20 The weapons possession charge was dropped, and he  
21 was sentenced to 15 years imprisonment, suspended upon five  
22 months with three years probation. For the domestic violence  
23 charge, ten years imprisonment. For distribution of cocaine  
24 within one half mile of school, three years. For cocaine  
25 possession and failure to stop motor vehicle, and 30 days

138:26 1 imprisonment for reckless driving.

2 September 11, 2020, he had a probation violation  
3 hearing before the Honorable R. Keith Kelly and elected  
4 Solicitor Barry Barnette prosecuted the case. He was  
5 represented by Mr. James Hatcher. And the probation was  
6 revoked in full.

7 He filed a Notice of Appeal September 30, 2020, and  
8 this was dismissed by written Order, February 8, 2021, for  
9 failure to prove proof of service for the Notice of Appeal.  
10 And the proof of appeal was filed with the Spartanburg County  
11 Clerk of Court.

12 He then filed a motion for rehearing, which was  
13 denied March 30, 2021 and a remitter issued May 11, 2021.

14 He filed his first PCR application, and that was  
:39:14 15 dismissed without prejudice because of the pendency of his  
16 direct appeal.

17 And then he filed this application November 8,  
18 2021. And the Return was made May 25, 2022 and then amended  
19 June 20, 2022. With that I'll turn it over to Ms. Ross.

20 THE COURT: Thank you. Ms. Ross.

21 MS. ROSS: Thank you, Your Honor. May it please  
22 The Court. I filed an amended application. Basically what has  
23 happened here is the weapons charge that you heard was dropped  
24 in the plea negotiations with his original plea. That charge  
25 has gone to the feds.

HAROLD JONES, III vs. STATE OF SOUTH CAROLINA

:39:51 1           At this point, he is in a place where he would like  
2 to go and do his time in federal custody. And it's looking  
3 like, because of the way things panned out, he will have to do  
4 this 15-year, 85 percent sentence in state custody first. It  
5 has really messed with the way he serves his time.

6           In a sense, that's water under the bridge because  
7 the plea actually occurred more than a year prior to his filing  
8 of the application for PCR. So we can only now address really  
9 the probation violation itself.

10           In that, he's alleging ineffective assistance of  
11 counsel. I believe he retained counsel and his understanding  
12 was that counsel told him he was going to get a continuance in  
13 the hearing. That did not happen; the hearing was not  
14 continued. If it had been, that would've allowed the federal  
:40:54 15 charges to proceed prior to the state charge. As you know,  
16 that can be important for individuals who are facing sort of  
17 the two jurisdictions.

18           He also -- the probation violation counsel failed  
19 to contact Mr. Jones' federal public defender, who was willing  
20 to come to the probation hearing and explain the situation to  
21 the judge. But she was not contacted and told to do so.

22           Also, we have failure to object to references to  
23 allegations there were convictions and allow the violation to  
24 be based on allegations that did not amount to the convictions.

25           And then also probation counsel failed to argue

HAROLD JONES DIR BY MS. ROSS

:41:43 1 that this was an 85 percent charge. 15 years is 85 percent.  
2 That was never pointed out to the judge. So it ended up in a  
3 pretty harsh sentence from a negotiated sentence where someone  
4 gets 15 years suspended to probation. And then the violation  
5 of that parole is 15 years, particularly harsh for Mr. Jones.

6 At this point call him to the stand and ask him to  
7 testify.

8 THE COURT: Mr. Jones, place your left hand on the  
9 Bible, raise your right hand.

10 HAROLD JONES, III

11 being first duly sworn, testified as follows:

12 THE COURT: Thank you. You may be seated.

13 DIRECT EXAMINATION

14 BY MS. ROSS:

:42:41 15 Q. Mr. Jones, you just heard my attempt to explain the  
16 situation to The Court. Can you briefly, if there's anything  
17 that you need to distinguish from that, or just explain to the  
18 Judge what happened in your case.

19 A. I was going to court. My federal lawyer had asked  
20 my paid lawyer to get in touch with her so she can come to  
21 court with me and try to get my case continued. He never did  
22 that. And --

23 Q. Who was your federal lawyer?

24 A. Erica Soderdahl. A friend girl of mine paid him --  
25 well, he told her to bring him some money and he would get it

HAROLD JONES DIR BY MS. ROSS

:43:23 1 held off. And she took the money up there. He didn't get it  
2 held off.

3 Q. That's where, in the transcript of your probation  
4 violation, your lawyer asked for a continuance and that was not  
5 granted by the court?

6 A. Yes, ma'am.

7 Q. Did you feel when you were hiring him, that was the  
8 continuance? He would be able to get a continuance?

9 A. Yes, ma'am.

10 Q. Why did you feel that way?

11 A. 'Cause he said he was going to get me one.

12 Q. Okay. So that's what he said.

13 Now, as far as the reference to allegations that  
14 were not convictions, can you briefly explain that to The  
:44:02 15 Court.

16 A. What do you mean?

17 Q. During your probation violation, what were your  
18 violations for probation?

19 A. Gun charge. Drug charge. And I had a CDV on my  
20 victim, but she passed. And they still violated me for it.

21 Q. Now, was there a new gun charge, or was that the  
22 old charge?

23 A. Same one.

24 Q. You were violated for the original gun charge that  
25 was dismissed --

HAROLD JONES DIR BY MS. ROSS

:44:31 1

A. Yes, ma'am.

2

Q. -- when you were put on probation; is that what you're saying?

3

4

A. Yes, ma'am.

5

Q. Okay. That was an old gun charge from before you were on probation?

6

7

A. Yes, I caught it while I was on probation.

8

Q. Okay. It was caught while on probation. That charge was dismissed. That's what you're saying?

9

10

A. No, 'cause I'm in federal custody right now.

11

THE COURT: You need to speak up a little more, Mr. Jones, so I can hear you.

12

13

THE WITNESS: Yes, sir.

14

BY MS. ROSS:

:44:58 15

Q. I'm a little confused so I'm being confusing.

16

So when you were on probation, you caught a gun charge that was dismissed by the State but picked up by the feds?

17

18

A. Yes, ma'am.

19

Q. That is what you're currently facing right now?

20

21

A. Yes, ma'am.

22

Q. Can you go ahead and just do your time in the federal system?

23

24

A. Yes, ma'am.

25

Q. You can, or is this state --

HAROLD JONES CROSS BY MS. MARTO

:45:22 1

A. The State's holding me.

2

Q. And that is basically -- is that your main issue here?

3

4

A. Yes, ma'am.

5

6

Q. You can't be released to the Bureau of Prisons if the State is holding you to make you complete this 15-year probation violation?

7

8

A. Yes, ma'am.

9

Q. All right. What was the 85 percent issue?

10

A. I think it was on CDV, high, aggravated.

11

12

Q. Did your lawyer point out to the judge, if you revoke this time, he's going from probation to 85 percent of 15 years?

13

14

A. No, ma'am.

:45:55 15

Q. And you would've preferred that he did that?

16

A. Yes, ma'am.

17

18

Q. Is there anything else you would like to tell The Court at this time?

19

A. No, ma'am.

20

MS. ROSS: I have no further questions.

21

THE COURT: Thank you. Ms. Marto.

22

CROSS-EXAMINATION

23

BY MS. MARTO:

24

Q. Good afternoon, sir.

25

So your complaint with Mr. Hatcher, in part, is not

HAROLD JONES CROSS BY MS. MARTO

:46:22 1 that he didn't request a continuance, that he failed to ensure  
2 that it was granted; correct?

3 A. Yes, ma'am.

4 Q. And the gun charge you're discussing is a federal  
5 offense that you're being charged with; correct?

6 A. Yes, ma'am.

7 Q. Not a state offense; correct?

8 A. No, ma'am.

9 Q. And your charges are running concurrently; right?

10 A. I don't know yet.

11 Q. You're more just upset that you're not in a  
12 different institution; correct?

13 A. No, ma'am. My lawyer had asked for a continuance.  
14 He didn't get it. He said he was going to get me one.

:47:04 15 Q. Is that your primary grievance against Mr. Hatcher?

16 A. Yes, ma'am.

17 Q. He made mention of the probation hearing that you  
18 had federal charges pending; correct?

19 A. Ma'am?

20 Q. Did he tell The Court you had federal offenses  
21 pending?

22 A. Yes, ma'am.

23 Q. In your initial sentence, you weren't being  
24 represented by Mr. Hatcher; correct?

25 A. Say what now?

HAROLD JONES REDIR BY MS. ROSS

:47:36 1 Q. When you pled initially, Mr. Hatcher wasn't your  
2 attorney; correct?

3 A. No, ma'am.

4 Q. So your sentence wasn't given when Mr. Hatcher was  
5 representing you; correct?

6 A. No, ma'am.

7 MS. MARTO: One moment, Your Honor.

8 (A pause transpired.)

9 MS. MARTO: Nothing further.

10 REDIRECT EXAMINATION

11 BY MS. ROSS:

12 Q. Just briefly, do you have a copy of your  
13 transcript?

14 A. (Witness moves head from side to side.)

:48:08 15 Q. On page five, it's talking about your violation.  
16 And at line five, he's saying: It's the firearms charge that's  
17 the main part of your violation; correct?

18 A. (Witness moves head up and down.)

19 Q. Did he say you had contact with -- there was a new  
20 domestic violence that was dropped?

21 A. Yes, ma'am.

22 Q. At the time of your probation violation, you hadn't  
23 been convicted of the firearms, and the domestic violence had  
24 already been dropped?

25 A. Yes, ma'am.

HAROLD JONES RECROSS BY MS. MARTO

:48:41 1 Q. So that left the violation of missing an admin  
2 hearing was essentially all that was left of your violation?

3 A. Yes, ma'am.

4 Q. That's where you got the 15 years?

5 A. Yes, ma'am.

6 MS. ROSS: Thank you.

7 THE COURT: Anything further?

8 MS. MARTO: Just one question, Your Honor.

9 RECROSS-EXAMINATION

10 BY MS. MARTO:

11 Q. Do you recall why the domestic violence charge was  
12 dismissed?

13 A. Do I recall?

14 Q. Yes.

:49:11 15 A. She passed away.

16 MS. MARTO: Nothing further.

17 THE COURT: Thank you.

18 You can step down, Mr. Jones.

19 Ms. Ross, call your next witness.

20 MS. ROSS: Mr. Jones is our only witness today.

21 THE COURT: Ms. Marto.

22 MS. MARTO: Yes, Your Honor. We would call  
23 Mr. James Hatcher.

24 THE COURT: Mr. Hatcher. Raise your right hand.

25 JAMES HATCHER

JAMES HATCHER DIR BY MS. MARTO

:49:36 1 being first duly sworn, testified as follows:

2 THE COURT: Please be seated.

3 DIRECT EXAMINATION

4 BY MS. MARTO:

5 Q. Good afternoon, sir.

6 A. Afternoon.

7 Q. You represented Mr. Jones on his probation  
8 violation hearing; correct?

9 A. I did.

10 Q. Did you meet with him to discuss it beforehand?

11 A. I did.

12 Q. What did y'all generally discuss?

13 A. Primarily what Harold has already laid out, which  
14 was his concern of the pending federal charge. And certainly  
:50:22 15 from my experience, I understood the significance of that. So  
16 that's -- most of our focus was on the fact that he had this  
17 pending federal charge, and that it would certainly behoove us  
18 to try to get the state probationary continued.

19 Q. Did you promise him that he would be granted a  
20 continuance?

21 A. I promised him I would try.

22 Q. Did you request a continuance?

23 A. I did.

24 Q. What happened to that request?

25 A. Judge Kelly denied the request.

JAMES HATCHER DIR BY MS. MARTO

:51:03 1 Q. Did you contact his federal lawyer before the  
2 hearing, by chance?

3 A. I did.

4 Q. Did you tell him about the probation hearing?

5 A. I told her. I spoke with Erica Soderdahl, his  
6 federal public defender, by phone. And, again, she was  
7 describing to me where things stood with the pending federal  
8 charge. And I was telling her where things stood with the  
9 State probation case.

10 And we agreed, certainly, that it would be best if  
11 the State case could be continued. And we discussed that I  
12 would make that request.

13 Q. Did you argue at the hearing that the violation was  
14 an 85 percent offense?

:51:59 15 A. Not in so many words, no. It was obviously  
16 apparent from the charge itself that it was 85 percent.

17 Q. So you figured the judge knew that it was going to  
18 be 85 percent?

19 A. Yes.

20 Q. Do you recall his charges running concurrently, by  
21 chance?

22 A. If which charges?

23 Q. His charges between the federal and State. Do you  
24 have any awareness of the sentencing or anything of that?

25 A. No. I've had additional contact with his federal

JAMES HATCHER CROSS BY MS. ROSS

:52:34 1 public defender in the past few months. And I know she was  
2 seeking to do whatever she could do to achieve an outcome that  
3 would allow Harold to be housed federally. And she asked if I  
4 would be willing to approach the solicitor about that sort of  
5 an arrangement or agreement.

6 I did that. The solicitor declined our request. I  
7 contacted Ms. Soderdahl back and let her know the solicitor  
8 wasn't willing to do that.

9 Q. You requested what was asked of you by your client;  
10 correct?

11 A. Yes.

12 MS. MARTO: Nothing further.

13 THE COURT: Ms. Ross.

14 CROSS-EXAMINATION

:53:34 15 BY MS. ROSS:

16 Q. Off your head, do you realize the cost of housing  
17 someone at the Department of Corrections for South Carolina  
18 Department of Corrections on a yearly basis is?

19 A. I'm sure it's expensive.

20 MS. MARTO: Objection; irrelevant.

21 THE COURT: I'll sustain the objection.

22 BY MS. ROSS:

23 Q. Did you bring that to the attention of the  
24 probation violation judge?

25 MS. MARTO: Objection, Your Honor.

JAMES HATCHER CROSS BY MS. ROSS

:54:00 1 THE COURT: That's all right. I'll overrule the  
2 objection. I'll allow that question. Go ahead.

3 BY MS. ROSS:

4 Q. Did you bring that to the attention of the judge  
5 who was violating the probation?

6 A. No, I did not.

7 MS. ROSS: I have no further questions.

8 THE COURT: Anything further?

9 MS. MARTO: Nothing further.

10 THE COURT: Mr. Hatcher, you can step down.

11 (The witness exited the stand.)

12 THE COURT: Any other witnesses?

13 MS. MARTO: No further witnesses, Your Honor.

14 THE COURT: I'll take it under advisement, and I'll  
:54:24 15 notify you of my ruling within two weeks.

16 (The hearing was concluded at 1:53 p.m.)

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JAMES HATCHER CROSS BY MS. ROSS

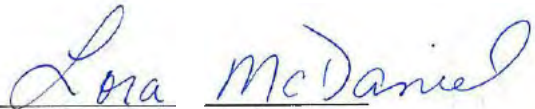
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I, Lora McDaniel, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to, nor counsel for, any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 21st day of February, 2023 at Spartanburg, Spartanburg County, South Carolina.

  
Lora L. McDaniel,  
Registered Professional Reporter  
My Commission expires:  
August 9, 2026

STATE OF SOUTH CAROLINA )  
 COUNTY OF SPARTANBURG )  
 )  
 Harold Jones III., #251347, )  
 Applicant, )  
 )  
 v. )  
 State of South Carolina, )  
 Respondent. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 FOR THE SEVENTH JUDICIAL CIRCUIT

Case No.: 2021-CP-42-03794

**ORDER OF DISMISSAL**

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 AMY W. COX

This matter comes before this Court by way of Applicant's post-conviction relief application filed November 8, 2021. Respondent made its return on May 25, 2022, and amended on June 20, 2022, requesting an evidentiary hearing be convened. An evidentiary hearing was held on August 9, 2022, at the Spartanburg County Courthouse. Susannah Ross, Esquire, represented Applicant. Assistant Attorney General Chelsey Marto represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Counsel James Hatcher also testified. After reviewing all records and evidence before this Court, this Court finds Applicant cannot meet his requisite burden of proof of establishing he is entitled to post-conviction relief and denies and dismisses this application with prejudice. Findings of fact and conclusions of law are set forth below.

**Procedural History**

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. In March 2018, the Spartanburg County Grand Jury indicted Applicant for failure to stop motor vehicle when signaled by an officer (2018-GS-42-1662), reckless driving (2018-GS-42-1663), domestic violence of a high and aggravated nature (count one) and possession of firearm during the commission of a violent crime (count two) (2018-GS-42-1664). In May 2018, the Spartanburg

County Grand Jury indicted Applicant for distribution of cocaine within one-half mile of school (2018-GS-42-2282) and possession of cocaine base (2018-GS-42-2283). Suzanne White, Esquire represented Applicant. On October 31, 2018, Applicant pled guilty to a negotiated sentence before the Honorable Grace Gilchrist Knie. The weapons possession charge was *nolle prosequi* indicted. Applicant was sentenced to fifteen years' imprisonment, suspended upon seven months with three years' probation for the domestic violence charge, ten years imprisonment for distribution of cocaine within one half mile of a school, three years' imprisonment for cocaine possession and failure to stop a motor vehicle, and thirty days' imprisonment for reckless driving.

On September 11, 2020, Applicant had a probation violation hearing before the Honorable R. Keith Kelly, circuit court judge. Solicitor Barry Barnette was the prosecutor for the State and Applicant was represented by James Hatcher, Esquire. Applicant's probation was revoked in full.

Applicant filed a timely notice of appeal on September 30, 2020, which was dismissed by written order on February 8, 2021, for failure to provide proof of services for the notice of appeal and proof that the appeal was filed with the Spartanburg County Clerk of Court, as required by Rule 203 SCACR. Applicant filed a motion for rehearing, which was denied on March 30, 2021. The remittitur was issued on May 11, 2021.

***First PCR Action: (2021-CP-42-01206)***

Applicant subsequently filed his first PCR application on April 16, 2021, in which he alleged the following ground for relief:

- 1. "Ineffective assistance of Counsel."
  - a. He did not fulfill his obligations to do the things that I ask him to do and he felt were in my best interest."

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AMY W. COX

Respondent made its return and motion to dismiss on May 4, 2021. On August 30, 2021, the Honorable J. Derham Cole, circuit court judge, issued the order of dismissal denying Applicant's PCR application without prejudice, because of the pendency of his direct appeal.

**Summary of Relevant Facts**

On March 5, 2018, the Sheriff's Department was called because there was a black Chevy Tahoe leaving the apartment complex. (Plea Tr. 25-26). Officers began following Applicant and another officer talked to the victim, Applicant's girlfriend, about the incident. (Plea Tr. 26). She stated Applicant came over to the apartment, they got into a fight, and Applicant pulled a knife out and threatened to kill her. (Plea Tr. 26). A knife was found on scene and the victim was found with a mark on her arm. (Plea Tr. 26). The victim had a recording concerning the argument they had. (Plea Tr. 26).

Officers followed Applicant, who refused to stop. (Plea Tr. 26). Applicant was arrested after the chase and was found to be driving under suspension. (Plea Tr. 26). He was also charged with reckless driving. (Plea Tr. 26).

Concerning distribution of cocaine, Applicant was involved in a confidential informant buy on August 22, 2017, where Applicant exchanged cocaine for recorded funds within a half-mile of Hillandale Park. (Plea Tr. 27). On November 15, 2017, Investigator Lachika observed a vehicle without tags following another vehicle too closely. (Plea Tr. 27). The investigator initiated a stop and Applicant was the driver. (Plea Tr. 27). His person was searched for driving without a license and cocaine base was found on his person. (Plea Tr. 27). Applicant agreed with all the facts as stated by the prosecutor. (Plea Tr. 26, 28).

At his probation violation hearing, Applicant admitted to the violations and his probation was revoked in full.

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**Current Action Before this Court**

In his current PCR application, Applicant alleges he is being held in custody unlawfully because of ineffective assistance of counsel in that:

- 1. "Ineffective assistance of counsel."
  - a. "He did not fulfill his obligations to do the things that I ask[ed] him to do that I felt were in my best interest."

At the PCR hearing, Applicant proceeded forward on the following allegations:

- 1. Ineffective Assistance of Probation Counsel for:
  - a. Failure to ensure the requested continuance was granted.
  - b. Failure to object to the mention of Applicant's pending charges.
  - c. Failure to ensure Applicant could serve his time in federal custody.
  - d. Failure to inform the Court he would have to serve eighty-five percent of his sentence.

All other allegations raised in his initial application and amendments are deemed waived and abandoned and, accordingly, will not be addressed in this order.

**Summary of the Testimony**

***Applicant Testimony***

Applicant stated that he was going to court, and he stated that his federal lawyer told Counsel to continue the case. He stated the case was never continued. He stated that Counsel told him he would get the case continued. Applicant also stated that Counsel was ineffective for failure to object to the reference of charges he was not convicted of. He stated that a criminal domestic violence and a gun charge were both brought up, even though the woman failed the lie detector test. He stated that he picked up a federal gun charge when out on probation. He stated his main issue was that the State was holding him in State custody, not federal custody. Applicant stated that Counsel did not argue that he had to serve eighty-five percent of the sentence to become parole eligible.

On cross-examination, Applicant testified that Counsel failed to ensure the continuance was granted. He stated that the gun charge was a federal offense, not a state offense. He stated he

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was unsure whether his sentences were running concurrently. He stated that his federal charges were mentioned at the probation hearing. He stated that Counsel did not represent him in his underlying criminal proceedings. He stated he was not represented by Counsel when his sentence was imposed.

On redirect, he stated that the firearms offense was his primary probation violation. On recross, he testified that the domestic violence charge was dismissed because the victim passed away.

*Counsel Testimony*

Counsel testified that he met with Applicant and discussed Applicant's pending federal charge. He stated that Applicant understood the significance of the pending charge and stated that he wanted the probation revocation hearing to be continued until the federal charge was resolved. He told Applicant he would try to secure a continuance. He stated he requested a continuance, but the request was denied. He stated he spoke with Applicant's attorney handling the federal case and that attorney explained to him where everything stood in that case. He stated that they agreed it would be best if the probation hearing was continued. He stated he did not tell Applicant he would have to serve eighty-five percent of the sentence, but that it was apparent from the charge itself. He stated he attempted to get Applicant housed in a federal institution. He stated he spoke to the solicitor about this, but the request was denied by the solicitor. He stated he informed Applicant's federal public defender accordingly. He stated he did whatever his client requested.

**Findings of Fact and Conclusions of Law**

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. Before this Court are the

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County Clerk of Court Records, Applicant's South Carolina Department of Corrections Records, the plea and probation revocation transcripts, direct appeal records, the prior PCR action records, and this PCR action's records. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusion of law as required by South Carolina Code Annotated Section 17-27-80 (2003).

***Ineffective Assistance of Counsel***

Applicant's allegations of ineffective assistance of probation revocation counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland*. First, Applicant must prove that counsel's performance was deficient. *Strickland*, 466 U.S. at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional

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judgment.” *Id.* (citing *Strickland*, 466 U.S. at 690). Applicant must overcome this presumption to receive relief. *Cherry*, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced Applicant such that “there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different.” *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to probation revocation counsel, though an Applicant has no Sixth Amendment right to counsel in a probation revocation proceeding, the same analysis for ineffectiveness that applies in other PCR proceedings involving claims against counsel apply in PCR proceedings against probation revocation counsel. *Turner v. State*, 384 S.C. 451, 455-56, 682 S.E.2d 792, 794 (2009).

***Failure to Secure Continuance***

Applicant alleges Counsel was ineffective for failure to obtain a continuance of the probation matter until his federal charges were resolved. Counsel requested a continuance until after his federal charges were resolved, and this request was denied. (Tr. 4). Accordingly, Counsel was not ineffective because a continuance was, in fact, requested, and Applicant failed to show what more Counsel could have done to secure a continuance or how that continuance would have impacted the results of the proceedings. Thus, this Court finds the allegation without merit and relief is denied on this ground.

***Failure to Inform Court of Parole Eligibility***

Applicant claims Counsel was ineffective for failure to inform the Court that he would have to serve eighty-five percent of the sentence to be parole eligible. Counsel credibly testified that this fact was not brought up at the hearing because it was obvious, given the charge. Applicant has failed to show that this was not also obvious to the probation violation hearing judge. Accordingly, relief is denied on this ground.

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***Failure to Object to Mention of Prior Charges***

Applicant claims Counsel was ineffective for failure object to the mention of prior charges. Whether failure to object constitutes deficient performance generally hinges on if a valid trial strategy was utilized. *See Thompson v. State*, 423 S.C. 235, 241, 814 S.E.2d 487, 490 (2018) (finding Counsel was deficient because the failure to object was not related to an otherwise valid trial strategy); *Stokes v. State*, 308 S.C. 546, 548, 419 S.E.2d 778, 779 (1992) (where “counsel articulates a valid reason for employing certain strategy, such conduct will not be deemed ineffective assistance of counsel”).

Applicant failed to show why they were objectionable, particularly in light of the fact the subsequent charges were the basis of both the violation and the request for continuance Applicant requested Counsel make. Thus, relief is denied on this ground.

***Failure to Ensure Applicant was Remanded to Federal Custody***

Applicant claims Counsel was ineffective for failure to ensure Applicant could serve out his time in federal, not state, custody. Counsel credibly testified that he requested Applicant be permitted to serve time in federal prison, but this was rejected by the Solicitor. Counsel is not ineffective for failure to procure a favorable outcome upon request. Thus, relief is denied on this ground.

**Conclusion**

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this PCR application must be denied and dismissed with prejudice.

This Court notifies Applicant that he must file and serve a notice of appeal within thirty days of receipt by counsel of the judgment entry’s written notice to secure appropriate appellate

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review. See Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has the right to appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCR provides that if the Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate appellate procedures.

**IT IS THEREFORE ORDERED:**

1. The PCR application be denied and dismissed with prejudice; and
2. Applicant be remanded to the custody of Respondent.

AND IT IS SO ORDERED this 22<sup>nd</sup> day of December, 2022.

Daniel D. Hall  
 DANIEL D. HALL  
 Presiding Judge  
 Seventh Judicial Circuit

Yosk, South Carolina.

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STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG  
IN THE COURT OF COMMON PLEAS

Harold Jones III, #251347

Applicant,

v.

STATE OF SOUTH CAROLINA,

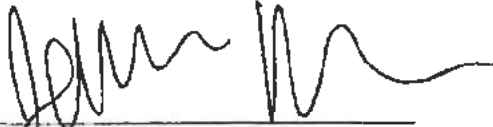
Respondent.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the Order of Dismissal has been served upon the applicant by mailing one copy in the United States mail, postage prepaid, addressed to his counsel of record:

**Ms. Susannah Conyers Ross  
Ross & Enderlin, PA  
330 East Coffee St.  
Greenville, SC 29601**

This 4<sup>th</sup> day of January 2023.

  
\_\_\_\_\_  
Jordan Hickman  
Legal Assistant for Respondent