

RECEIVED

Mar 05 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable R. Keith Kelly, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RYAN GIST,

APPELLANT

APPELLATE CASE NO 2024-001157

RECORD ON APPEAL

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ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF SPARTANBURG) FOR THE SEVENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,) **Motion for an Order to Convert a**
) **Home Detention Sentence to an Active**
v.) **SC Department of Corrections Sentence**

Ryan O. Gist,) Ind. Nos.: 15-GS-42-3653 and 3654
) Warrant Nos.: 2015A4210101570 and
) 2015A4210101576

Defendant.)

The State would request that the Defendant's Home Detention Sentence on this case be converted to an active SC DOC sentence.

On December 22, 2022, the Defendant was resentenced on a motion of reconsideration by the Defendant and was sentenced as follows:

INDICTMENT	CHARGE	SENTENCE
Ind. No.: 15-GS-42-3653-	Common Law Robbery-	15 years sus to 5 years of Home Detention under the Spartanburg County Sheriff's Office Home Detention Program if the Defendant violates Home Detention, he shall be sentenced to 15 years.
Ind No.: 15-GS-42-3654-	Common Law Robbery-	15 years sus to 5 years of Home Detention under the Spartanburg County Sheriff's Office Home Detention Program if the Defendant violates Home Detention, he shall be sentenced to 15 years.

The defendant was given the opportunity to serve the five (5) year sentence on home detention (HD) monitored through the Spartanburg County Detention Facility (SCDF) on Indictment Nos.: 15-GS-42-3653 and 3654 by the Court's Order on the Motion to Reconsider.

Please see attachment #1 (Spartanburg County Home Detention Reports on 5-6-24) where the defendant was asked about Marijuana found during a search of his HD residence at █ Allen St., Enoree, South Carolina. He was asked if he could pass a drug test and admitted that he could not pass one. He also began to "stall" by making different excuses not to go to jail and so he could see his wife. After several minutes had passed by the defendant was finally secured in the back seat of a patrol vehicle to be transported to the detention center. He then became irate and started banging his head into the car's partition. He had to receive medical attention at SRMC before being taken to the detention center.

The defendant has violated his home detention sentence and the State would ask this Honorable Court to sentence this defendant to fifteen (15) years in the South Carolina Department of Corrections as stated in the original Order.

Under S.C. Code Ann. § 24-13-40, the defendant will be given credit for the time he spent in custody prior to his plea as indicated on his sentencing sheet, jail credit while on home detention as part of his sentence and time in jail on the current home detention violation. The State would ask that all remaining conditions of his sentences remain in full force and effect.



Barry J. Barnette
Solicitor
Seventh Judicial Circuit

Spartanburg, South Carolina
May 29, 2024

RECEIVED
CLERK OF COURT
JULY 30 AM 09:03
CLERK OF COURT

ATTACHMENT #1

05/28/24
11:03

Spartanburg County Home Detention
Incident Report for 24050283

Page: 778
1

Case Numbers:

Nature: Violation HD
Location: 36

Address: ALLEN ST
ENOREE, SC 29335

Offense Codes: HDVI
Statute Codes:

Received By: How Received: Agency: SCSO

Responding: Black K, Watkins J A
Responsible: Pretlove D Disposition: CAA 05/06/24

When Reported: 16:05:14 05/ Occurred Between: 16:05:14 05/06/24 and 16:05:15 05/

Assigned To:
Status:

Detail:
Status Date: **/**/**

Date Assigned: **/**/**
Due Date: **/**/**

Complainant:

Last: HOME DETENTION First: Mid:
Height: ' " Weight: 0 Eyes: Hair:
DOB: **/**/** DL #: Address: CALIFORNIA AVE
Race: Sex: Phone: City: SPARTANBURG, SC 29303
Work Phone: Other Phones:

OFFENSE CODES

Reported:
Observed:

Additional Offense: HDVI Home Detention Violation

STATUTE CODES

Additional Statute:

Circumstances

LT20 LOC-Residence or Home
VTR23 Vict Relationship Unknown: RU
BM99 Unknown Bias
WNONE W-No Weapon Used

Responding Officers:

Black K Unit:
Watkins J A

Responsible Officer: Pretlove D

Received By:

How Received:

When Reported: 16:05:14 05/06/24

Judicial Status:

Misc Entry:

Agency: SCSO

Last Radio Log: **:**: **/**/**

Clearance: CRO Cleared by Respon

Disposition: CAA Date: 05/06/24

Occurred between: 16:05:14 05/06/24
and: 16:05:15 05/06/24

Modus Operandi:

Description:

Method:

Involvements

Date Type Description Relationship

SEARCHED
SERIALIZED
INDEXED
MAY 28 2024
SPARTANBURG, SC
CLEAR

05/28/24
11:03

Spartanburg County Home Detention
Incident Report for 24050283

Page: 778
2

Narrative

On Monday, 05/06/2024, I, Corporal D Pretlove, conducted a home detention compliance check at the HD residence of Ryan Gist located at █ Allen St in the Enoree Community of Spartanburg County. Ryan was sentenced to Spartanburg County Home Detention via adjudication of two counts of Armed Robbery. This check was in reference to recent HD rule and curfew violations Ryan committed. Documentation of these violations is attached to this report.

Upon arrival we made contact with Ryan and a search of the premises was conducted in accordance with the terms of Ryan's HD contract. Deputy Black located a cigar wrapper containing green plant material (GPM) identical in appearance and smell to marijuana. Ryan was questioned about this and stated it was left by a friend, but admitted he knew it was marijuana. Ryan was asked about his ability to pass a drug test and admitted that he could not pass one because he smoked marijuana approximately two weeks ago while confined to Home Detention.

Ryan was informed that his HD was violated for drug use and I secured him in handcuffs. Deputy Watkins transported Ryan to the Detention Center to be booked on a HD violation.

BWC active.

Responsible LEO _____

Approved by _____

Date _____

SPARTANBURG COUNTY
CORPORAL D PRETLOVE
MAY 28 2024 11:03 AM
24050283

Spartanburg County Home Detention

Supplemental for Incident

DETAILS

Incident Number: 24050283
Sequence Number: 1

Name: Clevenger D
Date: 16:32:58 05/06/24

NARRATIVE

SUPPLEMENTAL REPORT:

On 05-06-2024 I, Sgt. Clevenger, assisted with a house check on Ryan Gist. While pulling up to the house Cpl. Pretlove radioed that Ryan was on the porch and had walked in the house and closed the door. I then pulled up to the front of the house and began to walk up to the front door. Deputy Watkins was able to make contact with Ryan at the front door and I advised him to have a seat in the living room. I then entered the home and began to search the living room of the home and no contraband was found.

I then entered the kitchen and located alcohol in the refrigerator. I then asked Ryan about the alcohol and he stated that it was not his. I continued to search the house and then heard that Ryan admitted to smoking marijuana and was placed in handcuffs.

Ryan was then escorted out to Deputy Watkins car and he then began to transport him and I heard him call over the radio to notify the jail that he was going to need medical attention due to banging his head on the partition of the patrol car. I then called Deputy Watkins and questioned him about what was happening and he advised me that he had a cut on his forehead. Deputy Watkins was then advised that he would need to go to Spartanburg regional and seen by staff there before the jail would accept him.

I then met Deputy Watkins at Spartanburg Regional and placed Ryan in a set of full restraints due to not knowing how he would behave in the hospital. I then could see that he had two small cuts on his forehead and minor swelling around it. He was then checked in to the hospital and seen by staff. Mr. Gist forehead was then glued and he was released from the hospital. He was then transported to the jail and booked for the violation.

BWC was active.

SPARTANBURG COUNTY
SHERIFF'S OFFICE
30-16-107 05/28/24
C. J. [Signature]

Spartanburg County Home Detention

Supplemental for Incident

DETAILS

Incident Number: 24050283
Sequence Number: 2

Name: Black K
Date: 16:47:35 05/06/24

NARRATIVE

INVESTIGATIVE REPORT
Spartanburg County Sheriff's Department

On 05/06/2024 at 1548 hours, I Deputy Black assisted in conducting a Spartanburg County Detention Facility Home Detention check on Ryan Gist at █ Allen Street in the County of Spartanburg (Enoree), South Carolina.

Upon arrival I activated my body worn camera and approached the front of the residence. I observed that Ryan seemed to be attempting to cover the cup holder of the chair he was sitting in on the front porch. I asked Ryan to enter the residence with Corporal Pretlove. I looked inside the cup holder and observed a cigar package inside. I could smell an odor consistent with marijuana coming from the package, but the cigar inside did not seem to be filled with a green leafy substance. I took the cigar package inside the residence. I showed the package to Corporal Pretlove, then showed the package to Ryan. Ryan stated that he knew what was in the package, and that a friend left it. I asked Ryan if he could pass a drug test. Ryan advised me that he would fail a drug screen due to using marijuana within the last two weeks. I then cleared the scene.

SEARCHED
SERIALIZED
INDEXED
MAY 28 2024
05/28/24

Spartanburg County Home Detention

Supplemental for Incident

DETAILS

Incident Number: 24050283

Name: Watkins J A

Sequence Number: 3

Date: 18:09:55 05/06/24

NARRATIVE

SUPPLEMENTAL REPORT:

On Monday, 5/6/2024, I Deputy Watkins, responded to █ Allen St., located within Spartanburg County, in reference to conducting a home detention house check on Ryan Gist.

Upon my arrival at the residence, I made contact with Mr. Gist on the front porch. I explained our reasoning for being there and he allowed us entry inside of the residence. Once inside I began searching around in Mr. Gist's bedroom, in accordance with his home detention contract, and did not observe any apparent violations. I then observed Mr. Gist come back inside of the residence and he was instructed to have a seat on the couch. He continued to get up and move around after being instructed several times to have a seat. I was later informed that Mr. Gist had several containers of alcohol in the refrigerator discovered by Sgt. Clevenger and he asked Mr. Gist about it. He stated the alcohol was not his.

I then could hear Mr. Gist speaking with Cpl. Pretlove and Deputy Black and he admitted to smoking marijuana approximately two weeks ago. Cpl. Pretlove then informed Mr. Gist that he can't use any drugs while on home detention and his contract has been violated. He was informed that he will be getting transported back to the Spartanburg County Detention Center.

Cpl. Pretlove then placed Mr. Gist in handcuffs (double locked & checked for fit) and attempted to get him to go to my patrol vehicle. Mr. Gist then started to "stall" by making different excuses to not go to jail and so he could see his wife. After several minutes had passed by Mr. Gist was finally secured in the back seat of my patrol vehicle and I began to transport him to the detention center. He then became irate and started banging his head into my partition. Mr. Gist then said he will need medical attention. I observed his forehead bleeding and I notified Spartanburg Communications to alert the detention center. Spartanburg Communication then advised me that I would need to take Mr. Gist to Spartanburg Regional Hospital.

Once I arrived at the hospital with Mr. Gist, he was escorted to the emergency center and received medical attention. Once he was cleared from the hospital, I transported him to the detention center, under sheriff's Office Policy, to undergo the booking process. He was then left in good condition with detention center staff.

BWC active.

SPARTANBURG COUNTY
SHERIFF'S OFFICE
305 W. 66th Street
05/28/24
11:21

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

3 The State,)
4 -vs-) TRANSCRIPT OF RECORD
5 Ryan Gist,) 2015-GS-42-03653
6 Defendant.) June 28, 2024
7) Spartanburg, South Carolina

8
9
10 B E F O R E:

11 HONORABLE R. KEITH KELLY, JUDGE

12
13
14 A P P E A R A N C E S:

15 BARRY JOE BARNETTE, ESQUIRE
16 Attorney for the State

17 DANIEL J. MACDONALD, IV, ESQUIRE
18 Attorney for the Defendant

19
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21 Linda D. Moffitt
22 Circuit Court Reporter

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Motion -- page 4.
No sworn testimony.

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EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
S-1	Copy of order	4	5
S-2	Home detention records	4	5

1 (Proceedings June 28, 2024)

2 (Copy of order marked State's Exhibit No. 1 for
3 Identification; home detention records marked State's
4 Exhibit No. 2 for Identification.)

5 THE COURT: Solicitor.

6 MR. BARNETTE: May it please the Court, Your Honor.

7 This is our motion to convert a sentence, a home
8 detention sentence, to an active South Carolina department
9 sentence, Your Honor.

10 Your Honor, I have two exhibits I've shared with the
11 defense. Your Honor, State's Exhibit 1 is actually an
12 order that was granting defendant's motion for
13 reconsideration in a case involving Mr. Gist. It was heard
14 by Judge Casey Manning at that time.

15 He had pled guilty on August 5th of 2015 to nine armed
16 robberies, two common-law robberies, possession of a weapon
17 during a violent crime times nine, and then one event had
18 20 charges.

19 Your Honor, he was given a total of a 20-year sentence
20 at that time.

21 Your Honor, the motion for reconsideration was filed
22 timely that week by Mr. James Cheek. At a later date on
23 December 22nd of 2022 Judge Manning ruled that he was going
24 to convert his sentence to a ten-year active sentence, but
25 he did run it consecutive. The common-law robbery is

1 consecutive 15 years suspended to five years home
2 detention. However, our position is that he violated the
3 home detention, that he had to serve that 15 years back in
4 the D.O.C. and it was ran consecutive to the ten-year
5 sentence that Judge Manning had redone it to or under
6 reconsideration, had resentencing too.

7 Your Honor, we do have State's Exhibit 2. Your Honor,
8 this is what's been brought to me by home detention. It as
9 a timeline as well as instances involved with it.

10 I'd like to enter both of these into evidence at this
11 time or for purposes of this hearing, Your Honor.

12 MR. MACDONALD: Without objection.

13 THE COURT: Without objection.

14 (Copy of order marked State's Exhibit No. 1; home
15 detention records marked State's Exhibit No. 2.)

16 MR. BARNETTE: May I pass them up to Your Honor? May
17 I approach the bench?

18 THE COURT: Yes, sir. Thank you.

19 MR. BARNETTE: And, Your Honor, I do have Ms. Nancy
20 Vinson here. She's going to go through the violations with
21 you. And that way we'll have them on the record, Your
22 Honor. And I'll probably speak after that.

23 There's two common-law-robbery cases. 15-GS-42-3653
24 and 3654, they were five years suspended to five years home
25 detention. If he violates home detention he shall be

1 sentenced to 15 years, is what he's sentenced according to
2 the order.

3 I'll let her take over from here, Your Honor.

4 THE COURT: First sergeant.

5 THE OFFICER: Thank you, Your Honor.

6 Mr. Gist was placed on home detention on
7 September 29th of 2023.

8 On October 27th of 2023 a house check was conducted
9 and he passed his drug test.

10 On 11/20/23 he had interaction with law enforcement of
11 a possible domestic disturbance. There was signs of one of
12 the parties drinking. It wasn't proved that he was
13 drinking though, and no charges were filed.

14 MR. MACDONALD: Your Honor, I'm just going to object
15 to this. The basis for the violation was for an admission
16 of testing positive for marijuana, which is the basis for
17 his violation. So, I would argue that that would be --
18 should be the only thing that should be considered today,
19 Judge.

20 THE COURT: well, I'm going to consider all of it.
21 Go ahead.

22 THE OFFICER: Thank you, Your Honor.

23 That was the first time he interacted with law
24 enforcement after being placed on home detention.

25 On February 8th of 2024 he was called because he was

1 not properly charging his bracelet. It was at 31 percent.

2 Then on February 9th he was called again. He was
3 warned about constantly driving and turning around, told
4 the officers that he admitted that he was looking for
5 houses to move into.

6 On 2/23 of '24 he did fail a drug test for T.H.C., but
7 we did send it to Spartanburg Regional where they came back
8 negative with the result. So, he was placed back on home
9 detention.

10 On March 18th of 2024 he had another interaction with
11 law enforcement where they were called out for another
12 domestic disturbance, but charges were not filed.

13 On 3/26 of '24 he went to a Li'L Cricket multiple
14 times -- three times -- in a row within just a two-hour
15 period. And he was called. He did not have a reason for
16 this happening.

17 On 4/2 of 2024 there was a third domestic issue. He
18 did call into the office. The reason he called in, as law
19 enforcement wasn't called, but he'd left the house and was
20 walking around in the Enoree area around the church and was
21 giving the excuse for him not being at his home.

22 On 4/18 of '24 he was called and told to charge his
23 bracelet before he died. This was 4/18. He had not
24 charged it since April the 15th. They're supposed to
25 charge an hour every day. He had charged 13 minutes in

1 three days.

2 On 4/18 again, second issue of the day, he was
3 questioned or they had a writeup from his officer of him
4 leaving his work, going to an Exxon, then goes to a Sonic,
5 then a Bojangles but only for minutes at a time.

6 He then goes home to get his charger because he needed
7 to charge his bracelet.

8 Then he goes to a post office. Back to work. Leaves
9 again for another Exxon from work. Then he goes to a
10 residential area, stops at ■■■ Beauregard Street in Clinton
11 at 4:14 p.m. Goes to Family Dollar in Clinton. Then goes
12 back to the residential area but stops at ■■■ Beauregard
13 Street in Clinton. Stays there from 4:57 to 4:05 [sic],
14 and then he goes back home.

15 He called in and stated that what had happened was
16 that the gentleman that was driving the car stopped and saw
17 his baby mama and was not wanting to leave the residence so
18 he took the gentleman's car. He does not have a driver's
19 license in the State of South Carolina. Drove it home and
20 stated that him and the gentleman got in a fistfight at his
21 house based on that. Law enforcement was not called out
22 for this incident.

23 On 4/23 he was questioned about stopping at Laurel
24 Apartments. He stated he did not go inside the apartments.
25 Officer said you definitely went inside, it shows on G.P.S.

1 He then admitted that he went inside those apartments
2 to check on his mom and did admit to going into the
3 apartments.

4 4/2/24, he was hanging out up the street again by the
5 mailboxes. This was actually he called back and said that
6 that was due to his dog.

7 The dog had issues again on May 6th going up the
8 street. He was hanging out again for 10 to 12 minutes,
9 said the dog is now secured. But then also on the -- it
10 was the 2nd, 3rd and 6th of May he was hanging out in the
11 road again from his house.

12 So, we go back out again on May the 7th. He admitted
13 to marijuana use. Alcohol was found in the house after
14 being warned previously. And he had several movement
15 curfew violations, what I stated before in the notes that I
16 have read.

17 When we were putting him in the car he did stall with
18 the officers. They did not charge him with resisting
19 arrest, but he would not go ahead and get into the vehicle.

20 Officers finally got him into the vehicle. After we
21 got him in the vehicle and was driving down the road he
22 began to bang his head -- head on the partition in the
23 patrol car causing it to split open and told the officer
24 now you've got to take me to get medical attention.

25 We then had to divert from going to the jail, drive to

1 Spartanburg Regional and have his head glued back shut
2 where he had busted it open hisself.

3 Thank you, Your Honor.

4 THE COURT: Okay. Solicitor, anything else?

5 MR. BARNETTE: No, Your Honor. That'd be the state's
6 showing at this time.

7 THE COURT: Yes, sir.

8 MR. MACDONALD: Thank you, Judge.

9 Judge, Mr. Gist has been in jail on this violation for
10 two months now.

11 What we're asking Your Honor to do is to reinstate his
12 home detention and to hold him in contempt for the
13 admission of testing positive for marijuana.

14 Judge, he complied with law enforcement when they
15 showed up to his address. He told them that he would test
16 positive, so they were not required to test him at that
17 time.

18 Before this he was on home detention for eight months
19 and he had not been picked up on any violations up until
20 that point.

21 He was working at two jobs. He was working one job
22 full time and then he was -- before this event happened he
23 just been accepted to work a second job.

24 He has a child that is in Spartanburg County that he
25 pays child support for and he loves and cares for dearly.

1 This child relies on him, his income, for support.

2 His wife, Megan Cox, is here. His brother also wished
3 to attend but was unable to make it -- Mr. Mark Mandigo --
4 but Ms. Cox does wish to address the Court. And Mr. Gist
5 does wish to address the Court at this time.

6 Judge, but what we're asking for is that based off of
7 Mr. Gist's compliance with home detention, admission and
8 working with home detention being his first violation,
9 we're asking that you hold him contempt and not consider
10 this a violation and to hold him in contempt for 30, 60 or
11 90 days and then allow him to serve the remainder of his
12 home detention sentence.

13 Judge, in the alternate, if you find that because this
14 is a violation that you shall and must convert his home
15 detention to an active sentence, we would ask that his
16 active sentence be the five years that his home detention
17 sentence was.

18 His sentence was a -- it was a consecutive 15-year
19 suspended to five years of home detention. Judge, so, we
20 would argue that the amount of time that can be converted
21 to an active sentence would be the five-year home detention
22 sentence that he was given.

23 So, we would ask that if you decide to convert him
24 that he be converted for five years, Judge.

25 And at the appropriate time Ms. Cox is present. His

1 wife would like to address Your Honor, and then Mr. Gist
2 also would like to address Your Honor.

3 THE COURT: I'm happy to hear from them.

4 MEGAN COX: Hi, Your Honor. My name is Megan Cox.

5 THE COURT: Yes, ma'am.

6 MEGAN COX: I understand that Ryan made quite a few
7 bad decisions, as we all do. I really hope that you can
8 find it in your heart to not send him back to prison for 15
9 years for those mistakes he made.

10 I am completely confident that if he is able to return
11 home he'll do better. He'll do what's needed of him for
12 him to continue to be a productive citizen and to get his
13 life back on track and be there for his daughter and our
14 family that we've created.

15 THE COURT: Thank you, ma'am.

16 MEGAN COX: That's all.

17 THE COURT: Yes, sir. Would you like to speak?

18 THE DEFENDANT: I understand I did wrong and I made a
19 few mistakes. I'm just asking you please. I'm trying my
20 hardest to do what I need to do to say out.

21 I was working. I have made multiple family members
22 more proud of me in these last few months than I have made
23 my whole life. These last few months I've actually felt
24 proud of myself for being able to be a man and provide for
25 my wife with an honest job and take care of what needs to

1 be taken care of like a grown, responsible man.

2 All I'm asking is if you'll give me -- I understand
3 the charge. Y'all have given me a chance, but please. I'm
4 not trying to give up on myself, and I'm asking, like my
5 family said, depending on me.

6 Let me go back out and continue. All I want to do is
7 continue to go to work, church. And I'll be at home.
8 Don't even have to even worry about me coming out, your
9 Honor, unless it's going to work or going to church. I
10 won't even go to the grocery store.

11 THE COURT: Mr. MacDonald.

12 MR. MACDONALD: That's our presentation, Judge.

13 THE COURT: Mr. Gist, the problem that I have is the
14 problem that you have, is the same problem I have,
15 Mr. MacDonald has. He did a great job for you, but I am
16 without authority to change another judge's order.

17 I'm also without authority to deviate from a state
18 statute, and the statute says I shall convert. So, it's
19 converted. The motion is granted. It's converted, and
20 it's the 15-year that he agreed to. It was a negotiated
21 sentence.

22 MR. MACDONALD: And, Your Honor, just for the record
23 preservation, I just wanted to object for the record.

24 THE COURT: Yes, sir. You're protected, Mr.
25 MacDonald.

1 MR. MACDONALD: Thank you, Judge.

2 MR. BARNETTE: And, Your Honor, for the record, it was
3 not a negotiated sentence. That's what Judge Manning did
4 on the reconsideration.

5 THE COURT: That's what Judge Manning ordered. Okay.
6 I thought it might be negotiated.

7 MR. BARNETTE: It was not negotiated.

8 THE COURT: But it's what Judge Manning ordered. I'm
9 powerless to change it.

10 MR. BARNETTE: Yes, Your Honor.

11 MR. MACDONALD: Thank you, Judge.

12 MR. BARNETTE: Thank you, Your Honor.

13 END OF REQUESTED TRANSCRIPT OF RECORD

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CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 28th day of June 2024.

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

September 26, 2024

s/Linda D. Moffitt

Linda D. Moffitt
Circuit Court Reporter

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

IN THE GENERAL SESSIONS COURT
SEVENTH JUDICIAL CIRCUIT

JB

**MOTION OF RECONSIDERATION OF
SENTENCE**

TJ

State of South Carolina)
Plaintiff)

Charge(s): Robbery / Armed Robbery, robbery while armed or allegedly armed with a dead (9 Counts) Robbery / Common law robbery, strong arm robbery (2 Counts)

vs.)

Indictment(s): 2015A4210201427;
2015A4210201428; 2015A4210101567;
2015A4210101568; 2015A4210101570;
2015A4210101573; 2015A4210101574;
2015A4210101564; 2015A4210101579;
2015A4210101580; 2015A4210101576

Ryan Oneil Gist)
Defendant)

Date of Arrest: May 04, 2015

To: Barry Barnette, Solicitor, Seventh Judicial Circuit

YOU WILL PLEASE TAKE NOTICE, that the undersigned attorney for the Seventh Judicial Circuit Public Defender Office, on behalf of the aboved-named Defendant, will move immediately before Judge Casey Manning during the week of November 2, 2015 or as soon thereafter as counsel may be heard, for a reconsideration of the sentence handed down on August 5, 2015 on indictment(s): .

Respectfully submitted,

James Cheek / Makisha Rosemond

James Cheek, Assistant Public Defender
Seventh Judicial Circuit Public Defender Office
Spartanburg, South Carolina

Date: 8/16/15

Service Accepted by:
[Signature]
Solicitor's Office, Seventh Judicial Circuit

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2015 AUG -6 PM 4:00
M. HOPE BLACKLEY

FILED

2023 JAN -4 PM 12:04

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

State of South Carolina)
 County of Spartanburg)
)
 State of South Carolina,)
)
 vs.)
)
 Ryan O. Gist,)
)
 Defendant.)

In the Court of General Sessions
 For the Seventh Judicial Circuit

Warrants: 2015A4210101565-1580
 2015A4210201427-1428

**ORDER GRANTING DEFENDANT'S
 MOTION FOR RECONSIDERATION**

This matter came before the Court on December 15, 2022, on the motion of the Defendant, seeking reconsideration of the Defendant's sentence. The hearing was held by consent of all parties. Present at the hearing were the Defendant, James Cheek, Attorney for Defendant, and Solicitor Barry Barnette for the State.

The Defendant pled guilty on August 5, 2015, in front of the Honorable L. Casey Manning, to Armed robbery x 9, Common law robbery x 2, and Possession of a weapon during a violent crime x 9. For Common law robbery under warrant number 2015A4210101567, the Defendant was sentenced to 20 years, concurrent. For Common law robbery under warrant number 2015A4210101576, the Defendant was sentenced to 15 years, concurrent. For Armed robbery x 9, the Defendant was sentenced to 20 years, concurrent. For Possession of a weapon during a violent crime x 9, the Defendant was sentenced to 5 years, concurrent.

After hearing both sides as well as letters from the Defendant and victim, the Court ordered that the Defendant's motion for reconsideration shall be granted. The sentence for Possession of a weapon during a violent crime x 9 of 5 years, concurrent, shall not be altered. For Armed robbery x 9, the Defendant shall be sentenced to 10 years, concurrent. For Common law robbery x 2, the Defendant shall be sentenced to 15

years suspended to 5 years, consecutive. The Defendant may serve the 5 years on Home Detention monitored by the Spartanburg County Sheriff's Office Home Detention Program, and if the Defendant violates Home Detention, he shall be sentenced to 15 years. The Court hereby issues a permanent restraining order on the Defendant with any of the victims, victim locations, and any CVS pharmacies.

The Court finds that the motion to reconsider the Defendant's sentence shall be granted.

IT IS SO ORDERED!


Presiding Judge

December 22, 2022

2023 JAN -4 PM 12:04
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

FILED

DOCKET NO. **2015-GS-42-3653**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

August 3, 2015 TERM

THE STATE
v.

RYAN O'NEIL GIST
AKA
RYAN O'NEAL GIST

Indictment for
STRONG ARMED ROBBERY

SC Code: 16-11-325
CDR Code: 0137
Class FEL-D

WITNESSES

Spartanburg County Sheriff's Office

ARREST WARRANT NUMBER

2015A4210101576

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA

30 COUNTY OF SPARTANBURG VS. STATE Ryan Oneal Gist

AKA: Race: BLACK Sex: M Age: 29 DOB: -1986 SS#: Address: Edwards Blvd City, State, Zip: Spartanburg, SC 29301 DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Robbery / Common law robbery, strong arm robbery

in violation of § 16-23-0490

of the S.C. Code of Laws, bearing CDR Code # 0549-137 § 17-25-45

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

ATTEST: BARNETTE, BARRY SC Bar# 13039 Defendant Ryan Gist Attorney for Defendant SC Bar# 1207

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

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered Total: \$ plus 20% fee: \$ Payment Terms: Set by SCDPPPS

PTUP days/hours Public Service Employment 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:

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 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$39, TOTAL \$133.90

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

Clerk of Court/ Deputy Clerk K. Armo Court Reporter M. Rivera SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS4203653 A/W#: 2015A4210101576 Date of Offense: 4/13/2015 S.C. Code §: 16-23-0490 CDR Code #: 0549-137 8-5-15

SENTENCE SHEET

CONVICTED OF or PLEADS

Presiding Judge Judge Code: 2007 Sentence Date: 8/5/15

DOCKET NO. **2015-GS-42-3654**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

August 3, 2015 TERM

THE STATE
v.

RYAN O'NEIL GIST
AKA
RYAN O'NEAL GIST



Indictment for
STRONG ARMED ROBBERY

SC Code: 16-11-325
CDR Code: 0137
Class FEL-D

WITNESSES

1. SENTENCE MADE

2. REPORT ENDED **COMPUTER**

3. CARD PULLED

Spartanburg County Sheriff's Office

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

7. ASSESSMENT AND FINE CARD MADE **COMPUTER**

8. TRAFFIC VIOLATION COPY

ARREST WARRANT NUMBER

2015A4210101570

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on July 29, 2015, the Grand Jurors of Spartanburg County present upon their oath:

STRONG ARM ROBBERY

That the Defendant, Ryan O'Neil Gist, (aka Ryan O'Neal Gist) did in Spartanburg County on or about March 22, 2015, feloniously take from the person or presence of Maria Serna-Hitt, a cashier at Kangaroo Express, including but not limited to U.S. Currency, by means of force, violence, and/or intimidation with the intent to deprive the owner permanently of such property, in violation of §16-11-325, *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

COUNTY OF SPARTANBURG VS. STATE Ryan Oneal Gist

INDICTMENT/CASE#: 2015GS4203654 A/W#: 2015A4210101570 Date of Offense: 3/22/2015 S.C. Code §: 16-11-0325 CDR Code #: 0137

AKA: Race: BLACK Sex: M Age: 29 DOB: -1986 SS# Address: Edwards Blvd City, State, Zip: Spartanburg, SC 29301 DL#: SID#

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No In disposition of the said indictment comes now the Defendant who was TO: Robbery / Common law robbery, strong arm robbery

CONVICTED OF or PLEADS

in violation of § 16-11-0325 of the S.C. Code of Laws, bearing CDR Code # 0137 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

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

ATTEST: BARNETTE, BARRY SC Bar# 13039 Defendant Ryan Gist Attorney for Defendant SC Bar# 1307

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

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered Total: \$ plus 20% fee: \$ Payment Terms: Set by SCDPPPS

PTUP days/hours Public Service Employment 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:

Table with columns for description, amount, and total. 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 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$3.90, TOTAL \$133.90

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

Clerk of Court/ Deputy Clerk Court Reporter: SCCA/217 (03/2011)

Presiding Judge Judge Code: Sentence Date:

STATE OF SOUTH CAROLINA)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF SPARTANBURG)	FOR THE SEVENTH JUDICIAL CIRCUIT
STATE OF SOUTH CAROLINA,)	Order to Convert a
)	Home Detention Sentence to an Active
v.)	Department of Corrections Sentence
)	
Ryan O. Gist,)	
)	Indictment Nos.: 2015-GS-42-3653 and 3654
Defendant.)	Warrant Nos.: 2015A4210101576 and
)	2015A4210101570

This matter was brought to the Court's attention by the Motion of the State seeking to convert a home detention sentence on the above-referenced indictment to an active prison sentence on June 28, 2024. The defendant was represented by Dan MacDonald, Esq. of the 7th Circuit Public Defender's Office. Barry Barnette, Solicitor for the 7th Circuit, represented the State. Linda Moffit was the Court Reporter.

On December 22, 2022, a motion for reconsideration of sentencing was heard by Judge Casey Manning and the motion was granted by Judge Manning. He resentedenced the Defendant to HD sentences on the following two (2) charges:

<u>INDICTMENT</u>	<u>CHARGE</u>	<u>SENTENCE</u>
2015-GS-42-3653	Common Law Robbery	fifteen (15) years sus to five (5) years on home detention (HD) monitored by the Spartanburg Co. Facility (SCDF). If the Defendant violates Home Detention, he shall be sentenced to fifteen (15) years Consecutive.
2015-GS-42-3654	Common Law Robbery	fifteen (15) years sus to five (5) years on home detention (HD) monitored by the Spartanburg Co. Facility (SCDF). If the Defendant violates Home Detention, he shall be sentenced to fifteen (15) years Consecutive.

The defendant was given the opportunity to serve his sentence on home detention (HD) monitored through the Spartanburg County Detention Facility (SCDF).

The State entered the Order granting the reconsideration by Judge Manning as Exhibit #1 and entered the information on of the Defendant's home detention violations as Exhibit #2. Sgt. Nancy Vinson spoke to the Court on the HD matters at the hearing. The Defendant's wife and the Defendant spoke at the hearing and admitted that the Defendant has made mistakes but asked for another chance on home detention. The Defendant's attorney, Dan MacDonald, asked for the defendant to held in contempt of court for

2024 JUL 09 AM 9:23
 CLERK OF COURT
 SPARTANBURG COUNTY
 FILED

days and allow the Defendant to be released on home detention. In the alternative, Mr. MacDonald asked, if the Court would not hold the Defendant in contempt of court, for the Court to only convert the five (5) years of home detention instead of the fifteen (15) years. The State argued for the full fifteen (15) years to be converted on the sentence based on Judge Manning's Order.

After considering the information provided to the Court, the Court finds that the Defendant did violate his home detention sentence and IT IS THEREFORE ORDERED that the sentence imposed on December 22, 2022, by the Order for Reconsideration by the Honorable Casey Manning be carried out and that the defendant is to be sentenced to fifteen (15) active years in the SC Department of Corrections as stated in the Order (please see Exhibit #1). He will receive credit for the time that he served in the Spartanburg County Detention Center and the Home Detention violation (52 days in the Spartanburg County Detention Center and 219 days in the Spartanburg County Home Detention Program for a total of 271 days) on these two charges. As indicated in the December 22, 2022, Order, these sentences are consecutive to his sentences on Armed Robbery (9 counts) and PWDVC (9 counts). All remaining conditions of his sentences remain in full force and effect.

IT IS SO ORDERED.

R. Keith Kelly
Judge R. Keith Kelly
Chief Administrative Judge
Seventh Judicial Circuit

June 28, 2024
Spartanburg, South Carolina

FILED
2024 JUL -1 AM 9:23
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

FILED

2023 JAN -4 PM 12:04

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. FOX

State of South Carolina
County of Spartanburg

State of South Carolina,

vs.

Ryan O. Gist,

Defendant.

) In the Court of General Sessions
) For the Seventh Judicial Circuit

) Warrants: 2015A4210101565-1580
) 2015A4210201427-1428

) **ORDER GRANTING DEFENDANT'S**
) **MOTION FOR RECONSIDERATION**

This matter came before the Court on December 15, 2022, on the motion of the Defendant, seeking reconsideration of the Defendant's sentence. The hearing was held by consent of all parties. Present at the hearing were the Defendant, James Cheek, Attorney for Defendant, and Solicitor Barry Barnette for the State.

The Defendant pled guilty on August 5, 2015, in front of the Honorable L. Casey Manning, to Armed robbery x 9, Common law robbery x 2, and Possession of a weapon during a violent crime x 9. For Common law robbery under warrant number 2015A4210101567, the Defendant was sentenced to 20 years, concurrent. For Common law robbery under warrant number 2015A4210101576, the Defendant was sentenced to 15 years, concurrent. For Armed robbery x 9, the Defendant was sentenced to 20 years, concurrent. For Possession of a weapon during a violent crime x 9, the Defendant was sentenced to 5 years, concurrent.

After hearing both sides as well as letters from the Defendant and victim, the Court ordered that the Defendant's motion for reconsideration shall be granted. The sentence for Possession of a weapon during a violent crime x 9 of 5 years, concurrent, shall not be altered. For Armed robbery x 9, the Defendant shall be sentenced to 10 years, concurrent. For Common law robbery x 2, the Defendant shall be sentenced to 15

years suspended to 5 years, consecutive. The Defendant may serve the 5 years on Home Detention monitored by the Spartanburg County Sheriff's Office Home Detention Program, and if the Defendant violates Home Detention, he shall be sentenced to 15 years. The Court hereby issues a permanent restraining order on the Defendant with any of the victims, victim locations, and any CVS pharmacies.

The Court finds that the motion to reconsider the Defendant's sentence shall be granted.

IT IS SO ORDERED!

December 22, 2022

L. Casey Manning
Presiding Judge

FILED
2023 JAN -4 PM 12:04
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

Ryan Gist

On December 22, 2022, Judge Manning ordered for Common Law Robbery x2, the Defendant shall be sentenced to 15 years suspended to 5 years consecutive. The Defendant may serve the 5 years on Home Detention monitored by the Spartanburg County Sheriff's Office Home Detention Program, and if the Defendant violates Home Detention, he shall be sentenced to 15 years.

Defendant placed on Home Detention 9/29/23.

10/27/23 House check, passed drug test.

Interaction with Law Enforcement 11/20/23

Called into the office to advise he had contact with law enforcement this weekend. Stated he called because his girlfriend and him got into a verbal argument and he didn't want to get in trouble so he was going to have the officers rehome him to the jail but when they got there the girlfriend had settled down and they worked things out (nobody was charged).— After hanging up the phone I read the report and attempted to call him back (he was at work and unable to answer.) Was going to talk to him about possible other locations for him to live at based on what the report stated with the girlfriend cheating.

2/8/24

Called for not charging bracelet properly, at 31%.

2/9/24

Called due to movement - warned about the constant turn arounds - informed he was lost but then finally admitted he looked at a few houses to move into - Informed of proper way to go about looking at houses - warned about movement.

2/23/24 to 2/28/24

Failed drug test for THC, sent to Spartanburg Regional and results for THC were negative, so he was placed back on HD.

3/18/24 **Interaction with Law Enforcement**

Called to inform the police were called to his residence in reference to a domestic disturbance on Friday. Spillman Law Incident 24030780.

3/26/24 leave and going back and forth to Lil' Cricket, did not have reason.

3/25 - Lil' Cricket 1159a-1204; Scotchman 230p-232p; Lil Cricket again 408p-411p - excessive - left vm

4/2/24 **Third Domestic Issue**

He called into the office and stated that he and Meagan got into an argument and he had walked to the church to get out of the house, informed him he can not just walk to the church, but if he needs to find a new place then we have a list of hotels he can call and see if they have a room available, he then states that Megan told him he can stay there until he gets a job and on his feet.

4/18/24

HE WAS CALLED AND TOLD TO CHARGE BEFORE BATTERY DIES. HE HAS ONLY CHARGED 13 MINUTES SINCE 4/15, HE HAS TO LEAVE WORK BEFORE BRACELET DIES.

4/18/24 2nd issue on this day

4/18 - leaves work at 1230 goes to Exxon 1234p-1247p - Goes to Sonic 1249 and Bojangles 1253 (not really long enough to order) - back to work at 1255 until 135p then goes home (probably to get charger because he was told multiple times to charge between 1258p & 134p by this office and the Sentinel office. Leave home at 200p then stop at post office from 201-205p. Goes back to work by 226p. Leaves work at 400p, stops at Exxon again 402p-408p. Drives to residential area and stops at ■■■ Beauregard St Clinton at 414p then goes to family Dollar in Clinton 420p-449p just to go back to the residential area but stops at ■■■ Beauregard St Clinton 457p-505p then goes home 525p.

4/18/24 His excuse was he drove off in guy's car without a DL and then got into a fist fight.

Called and stated it was a situation and he got into a fist fight. I asked him to explain further and stated his ride was stopping at places and he was telling his ride that he could not go to these places. He stated his ride ignored his requests and stopped at his baby mother house (assuming the ■■■ Beauregard St). Ryan stated he waited in the car while his ride was inside the house. Ryan then said a few minutes went by, so he went and knocked on the door and said he needed to leave. Stated his ride brushed him off so he decided to go back to the car that was still on and drive it home. Then informed me that the ride came to his house to get his car back and they got into a fist fight. Ryan was asked if he had a driver's licenses and he stated he did not.

4/23/24 Went to residences again and lied.

4/22 - Stops at The Laurel Apts ■■■ Bethpage Drive 521p - 536p - Definitely goes inside an apt. Drives by both plasma donation centers in Spartanburg but does not stay long enough to donate at either - called and stated he did not go inside the apt and i informed him I know he went in the apt because I could tell on the map he did. He finally admitted he was checking on his mom. Informed her knew he couldn't do that. Told him next resident he comes back to jail due to this being the 3rd resident he has stopped at this month.

5/2/24 Hanging out up the street

5/2 - hanging out up the street from his house. Mailbox is on main road away from home but goes to mailbox multiple times and was in between the house and the mailbox 739p-755p - left vm

excuse****he called back and and previous note was addressed and states that he went to get mail and dog got attached to another dog and he and 3 other people tried to get them apart. He was told that he needed to do be better with movement.*****

Also dog again

posted on 5/6/2024 8:29:40 AM

Called in and stated that Friday, his dog got off his chain Friday night, he walked to the mailbox to call for him for 10-12 minutes, the dog is secured now.

Also Dog again

5/3 - hanging out up the road again 155p-217p

5/7/24

Admitted to marijuana use. Alcohol found in house after warnings. Movement/curfew violations. SCSO case 24050283.

When putting him in car he stalled and would not get in the car and it took several minutes for officers to get him in the car. After he was in car and during transport he began to bang his head on the patrol vehicle stating he now needed medical attention and had to be rerouted to the hospital to get his head glued where he split it open.

06/27/24
11:46

Spartanburg County Home Detention
Incident Report for 24030780

Page: 778
1

Case Numbers:

Nature: Domestic Non
Location: 36

Address: ALLEN ST
ENOREE, SC 29335

Offense Codes: DOME

Statute Codes:

Received By: How Received: Agency: SCSO

Responding:

Responsible: McCombs B Disposition: UNF 03/16/24

When Reported: 02:14:41 03/ Occurred Between: 01:00:00 03/16/24 and 02:00:00 03/

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant:

Last: COX First: MEGAN Mid: DAWN
Height: 4'11" Weight: 180 Eyes: HAZ Hair: BRO
DOB: /88 DL #: Address: ALLEN ST
Race: W Sex: F Phone: City: ENOREE, SC 29335
Work Phone: () -
Other Phones:

Alert Codes:

DUSR Drug User

OFFENSE CODES

Reported:

Observed: DOME Domestic Dispute Non Violent

Additional Offense: DOME Domestic Dispute Non Violent

STATUTE CODES

Additional Statute:

Circumstances

BM88 No Bias
WNONE W-No Weapon Used
LT20 LOC-Residence or Home
VTR01 Victim was Spouse: SE

Responding Officers:

Unit:

Responsible Officer: McCombs B

Agency: SCSO

Received By:

Last Radio Log: **/**/**

How Received:

Clearance: CRO Cleared by Respondi

When Reported: 02:14:41 03/16/24

Disposition: UNF Date: 03/16/24

Judicial Status:

Occurred between: 01:00:00 03/16/24

Misc Entry:

and: 02:00:00 03/16/24

Modus Operandi:

Description:

Method:

Involvements

Date	Type	Description	Relationship
------	------	-------------	--------------

06/27/24
11:46

Spartanburg County Home Detention
Incident Report for 24030780

Page: 778
2

Narrative

On 03/16/2024, I, Deputy McCombs, responded to ■ Allen St, in Spartanburg County, in reference to a domestic disturbance.

Upon arrival, I spoke with Megan Cox. Megan advised that herself and her boyfriend Ryan Gist were involved in a verbal altercation that never escalated to physical violence. She stated that this argument was in reference to alleged infidelities' on her part, with a common friend of theirs. She stated that after the verbal altercation, Ryan allegedly grabbed a firearm, went outside and fired off several rounds. He then allegedly returned inside, put the gun away and was in a more calm state. I asked Megan if things ever became physical and she stated no and advised that she had no injuries from the incident.

Megan did however advise several times that Ryan was on home detention and was not allowed to have a gun and advised that he had been smoking marijuana.

While speaking to Megan I noted an overwhelming odor of alcohol coming from her person. Further I observed her to be slurring her words and that she had difficulty's walking.

I then approached Ryan and asked if he had any weapons on him, he stated that he did not and advised he was on home detention, I patted Ryan down and located no weapons on his person. I then spoke with Ryan. Ryan stated that himself and his wife Megan were involved in a loud verbal altercation that never became physical. He stated that they've been married for nine years and that while they may have gotten loud, he did not believe that the incident amounted to an argument, but that it was regarding personal things, between the two. Ryan stated that the incident never became physical and that he was not injured.

I looked around the back yard area of the residence and did not observe any shell casings, on Circle St or in the grass along the back side of the property.

I will note that I did not observe the odor of any alcohol or marijuana coming from Ryan's person.

Ryan and Megan do qualify as household members as they have been married for approximately nine years.

At this time, I found no probable cause to make any arrests or seek any warrants in reference to this case.

BWC was active.

Responsible LEO

Spartanburg County Home Detention

Supplemental for Incident

DETAILS

Incident Number: 24030780

Name: Welsh J

Sequence Number: 1

Date: 02:37:09 03/16/24

NARRATIVE

INVESTIGATIVE REPORT

Spartanburg County Sheriff's Department

Case Number: 24030780

Incident Type: Domestic Non

Victim: Megan Cox/Ryan Gist

Location: ■ Allen St

Incident Date: 03/16/24

Patrol Officer: J Welsh

Synopsis:

On 03/16/24 Deputy McCombs and I responded to ■ Allen Street, located in Spartanburg County, in reference to a report of a Domestic.

Interview of Suspect/Victim: Ryan Gist

Gist advised he did not know why law enforcement was at his residence. He stated nothing happened and he did not want to talk to law enforcement, because he is on home detention and he does not want to get sent back to prison. Gist said at one point he and his wife, Megan Cox, might have gotten loud on the front porch, but still he did not know what was going on because there was no fight. Then Gist admitted to Deputy McCombs, that he and Cox argued verbally, but nothing happened and everything was fine.

Interview of Victim/Suspect: Megan Cox

Cox stated she and an acquaintance were sending text messages about repairs that needed to be done to her vehicle. Cox said Gist found out about the messages and thought she was cheating. She advised she is not cheating and nothing like that was happening. Cox stated Gist went out to the back yard and fired off a "clip" into the trees. She said he came back in and put the gun away. She advised Gist did not point the gun at anyone or threaten anyone, but he is not allowed to be in possession of a firearm while on home detention. She advised she was not in fear of Gist and she did not want to leave the residence or stay anywhere else for the night.

Officer's Actions/Observations:

Upon my arrival, I met with and interviewed both parties. I gathered all pertinent information regarding this incident. I noticed Cox was extremely intoxicated. She was slurring her words, having difficulty walking or standing, and she had a strong odor of alcohol emanating from her person. I observed Gist appeared annoyed with the situation, but he did not appear to be under the influence of any alcohol or at least not to the point of impairment. I did not observe any injuries to either party and neither party advised of any injuries and they both declined treatment from EMS. I offered resources to Cox in case she needed to stay somewhere else or leave the residence and she declined any assistance. Deputy McCombs and I were not able to locate any evidence at this time to corroborate Cox's story of

what had transpired. The proper notifications will be made to home detention, in case there were any violations that occurred.

BWC - Activated

06/27/24
11:46Spartanburg County Home Detention
Incident Report for 23110886Page: 778
1

Case Numbers:

Nature: Domestic Non
Location: 36Address: ALLEN ST
ENOREE, SC 29335

Offense Codes: DOME

Statute Codes:

Received By:

How Received:

Agency: SCSO

Responding:

Responsible: Chrobak J

Disposition: UNF 11/19/23

When Reported: 04:42:03 11/ Occurred Between: 00:00:00 11/19/23 and 00:50:00 11/

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant:

Last: GIST First: RYAN Mid: ONEIL
 Height: 5'07" Weight: 218 Eyes: BRO Hair: BLK
 DOB: /86 DL #: Address: ALLEN ST
 Race: B Sex: M Phone: City: ENOREE, SC 29335
 Work Phone: () -
 Other Phones: OTHER -

OFFENSE CODES

Reported:

Observed: DOME Domestic Dispute Non Violent

Additional Offense: DOME Domestic Dispute Non Violent

STATUTE CODES

Additional Statute:

Circumstances

BM88 No Bias
 LT20 LOC-Residence or Home
 WNONE W-No Weapon Used
 VTR17 Vict was Boyfriend/Girlfrie:BG

Responding Officers:

Unit:

Responsible Officer: Chrobak J

Agency: SCSO

Received By:

Last Radio Log: **:**:** **/**/**

How Received:

Clearance: CRO Cleared by Respondi

When Reported: 04:42:03 11/19/23

Disposition: UNF Date: 11/19/23

Judicial Status:

Occurred between: 00:00:00 11/19/23

Misc Entry:

and: 00:50:00 11/19/23

Modus Operandi:

Description:

Method:

Involvements

Date	Type	Description	Relationship
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06/27/24
11:46

Spartanburg County Home Detention
Incident Report for 23110886

Page: 778
2

Narrative

On 11/19/23 I, Deputy Chrobak responded to ■ Allen St located in Spartanburg County in reference to a Domestic Disturbance.

Upon my arrival, I made contact with Ryan Gist. He advised that he was apart of the Home Detention program and showed me his monitor. I asked him what happened. He stated that his girlfriend, that lives with him, began yelling at him due to unfaithfulness on her behalf. He wanted to talk things out, but the conversation turned into an argument where both parties began screaming at each other. He stated at no time did the argument turn physical. I observed no manifestation of injuries on his person nor did he claim of any.

I then attempted to speak to the girlfriend, Megan Cox. She stated the she and Ryan got into an argument, but refused to elaborate what occurred. I asked what happened multiple times, but Megan refused to cooperate. The only information she would provide was that the disturbance did not turn physical at any time. I observed no manifestation on injuries on her person nor did she claim of any.

Ryan Gist and Megan Cox are considered Household Members under SC Domestic Violence Law due to the following reasons:

- They currently cohabitate together in a romantic relationship.

I do not see Probable Cause at arrest either party for Domestic Violence at this time due to the following reasons:

- No manifestation of injuries on either party
- Lack of cooperation from Megan
- Both parties claiming no physical violence.

BWC was Active

Responsible LEO

Approved by

Date

Approved by _____

Date _____

05/28/24
11:03

Spartanburg County Home Detention
Incident Report for 24050283

Page: 778
1

Case Numbers:

Nature: Violation HD
Location: 36

Address: ALLEN ST
ENOREE, SC 29335

Offense Codes: HDVI

Statute Codes:

Received By: Responding: Black K, Watkins J A How Received: Agency: SCSO

Responsible: Pretlove D Disposition: CAA 05/06/24

When Reported: 16:05:14 05/ Occurred Between: 16:05:14 05/06/24 and 16:05:15 05/

Assigned To:
Status:

Detail:
Status Date: **/**/**

Date Assigned: **/**/**
Due Date: **/**/**

Complainant:

Last: HOME DETENTION First: Mid:
Height: ' " Weight: 0 Eyes: Hair:
DOB: **/**/** DL #: Address: CALIFORNIA AVE
Race: Sex: Phone: City: SPARTANBURG, SC 29303
Work Phone:
Other Phones:

OFFENSE CODES

Reported:
Observed:

Additional Offense: HDVI Home Detention Violation

STATUTE CODES

Additional Statute:

Circumstances

LT20 LOC-Residence or Home
VTR23 Vict Relationship Unknown: RU
BM99 Unknown Bias
WNONE W-No Weapon Used

Responding Officers:

Black K
Watkins J A

Unit:

Responsible Officer: Pretlove D

Received By:
How Received:
When Reported: 16:05:14 05/06/24
Judicial Status:
Misc Entry:

Agency: SCSO
Last Radio Log: **/**/**
Clearance: CRO Cleared by Respon
Disposition: CAA Date: 05/06/24
Occurred between: 16:05:14 05/06/24
and: 16:05:15 05/06/24

Modus Operandi:

Description:

Method:

Involvements

Date Type Description Relationship

05/28/24
11:03

Spartanburg County Home Detention
Incident Report for 24050283

Page: 778
2

Narrative

On Monday, 05/06/2024, I, Corporal D Pretlove, conducted a home detention compliance check at the HD residence of Ryan Gist located at █ Allen St in the Enoree Community of Spartanburg County. Ryan was sentenced to Spartanburg County Home Detention via adjudication of two counts of Armed Robbery. This check was in reference to recent HD rule and curfew violations Ryan committed. Documentation of these violations is attached to this report.

Upon arrival we made contact with Ryan and a search of the premises was conducted in accordance with the terms of Ryan's HD contract. Deputy Black located a cigar wrapper containing green plant material (GPM) identical in appearance and smell to marijuana. Ryan was questioned about this and stated it was left by a friend, but admitted he knew it was marijuana. Ryan was asked about his ability to pass a drug test and admitted that he could not pass one because he smoked marijuana approximately two weeks ago while confined to Home Detention.

Ryan was informed that his HD was violated for drug use and I secured him in handcuffs. Deputy Watkins transported Ryan to the Detention Center to be booked on a HD violation.

BWC active.

Responsible LEO _____

Approved by _____

Date _____

Spartanburg County Home Detention

Supplemental for Incident

DETAILS

Incident Number: 24050283

Name: Clevenger D

Sequence Number: 1

Date: 16:32:58 05/06/24

NARRATIVE

SUPPLEMENTAL REPORT:

On 05-06-2024 I, Sgt. Clevenger, assisted with a house check on Ryan Gist. While pulling up to the house Cpl. Pretlove radioed that Ryan was on the porch and had walked in the house and closed the door. I then pulled up to the front of the house and began to walk up to the front door. Deputy Watkins was able to make contact with Ryan at the front door and I advised him to have a seat in the living room. I then entered the home and began to search the living room of the home and no contraband was found.

I then entered the kitchen and located alcohol in the refrigerator. I then asked Ryan about the alcohol and he stated that it was not his. I continued to search the house and then heard that Ryan admitted to smoking marijuana and was placed in handcuffs.

Ryan was then escorted out to Deputy Watkins car and he then began to transport him and I heard him call over the radio to notify the jail that he was going to need medical attention due to banging his head on the partition of the patrol car. I then called Deputy Watkins and questioned him about what was happening and he advised me that he had a cut on his forehead. Deputy Watkins was then advised that he would need to go to Spartanburg regional and seen by staff there before the jail would accept him.

I then met Deputy Watkins at Spartanburg Regional and placed Ryan in a set of full restraints due to not knowing how he would behave in the hospital. I then could see that he had two small cuts on his forehead and minor swelling around it. He was then checked in to the hospital and seen by staff. Mr. Gist forehead was then glued and he was released from the hospital. He was then transported to the jail and booked for the violation.

BWC was active:

Spartanburg County Home Detention

Supplemental for Incident

DETAILS

Incident Number: 24050283

Name: Black K

Sequence Number: 2

Date: 16:47:35 05/06/24

NARRATIVE

INVESTIGATIVE REPORT

Spartanburg County Sheriff's Department

On 05/06/2024 at 1548 hours, I Deputy Black assisted in conducting a Spartanburg County Detention Facility Home Detention check on Ryan Gist at ■ Allen Street in the County of Spartanburg (Enoree), South Carolina.

Upon arrival I activated my body worn camera and approached the front of the residence. I observed that Ryan seemed to be attempting to cover the cup holder of the chair he was sitting in on the front porch. I asked Ryan to enter the residence with Corporal Pretlove. I looked inside the cup holder and observed a cigar package inside. I could smell an odor consistent with marijuana coming from the package, but the cigar inside did not seem to be filled with a green leafy substance. I took the cigar package inside the residence. I showed the package to Corporal Pretlove, then showed the package to Ryan. Ryan stated that he knew what was in the package, and that a friend left it. I asked Ryan if he could pass a drug test. Ryan advised me that he would fail a drug screen due to using marijuana within the last two weeks. I then cleared the scene.

Spartanburg County Home Detention

Supplemental for Incident

DETAILS

Incident Number: 24050283

Name: Watkins, J A

Sequence Number: 3

Date: 18:09:55 05/06/24

NARRATIVE

SUPPLEMENTAL REPORT:

On Monday, 5/6/2024, I Deputy Watkins, responded to █ Allen St., located within Spartanburg County, in reference to conducting a home detention house check on Ryan Gist.

Upon my arrival at the residence, I made contact with Mr. Gist on the front porch. I explained our reasoning for being there and he allowed us entry inside of the residence. Once inside I began searching around in Mr. Gist's bedroom in accordance with his home detention contract, and did not observe any apparent violations. I then observed Mr. Gist come back inside of the residence and he was instructed to have a seat on the couch. He continued to get up and move around after being instructed several times to have a seat. I was later informed that Mr. Gist had several containers of alcohol in the refrigerator discovered by Sgt. Clevenger and he asked Mr. Gist about it. He stated the alcohol was not his.

I then could hear Mr. Gist speaking with Cpl. Pretlove and Deputy Black and he admitted to smoking marijuana approximately two weeks ago. Cpl. Pretlove then informed Mr. Gist that he can't use any drugs while on home detention and his contract has been violated. He was informed that he will be getting transported back to the Spartanburg County Detention Center. Cpl. Pretlove then placed Mr. Gist in handcuffs (double locked & checked for fit) and attempted to get him to go to my patrol vehicle. Mr. Gist then started to "stall" by making different excuses to not go to jail and so he could see his wife. After several minutes had passed by Mr. Gist was finally secured in the back seat of my patrol vehicle and I began to transport him to the detention center. He then became irate and started banging his head into my partition. Mr. Gist then said he will need medical attention. I observed his forehead bleeding and I notified Spartanburg Communications to alert the detention center. Spartanburg Communication then advised me that I would need to take Mr. Gist to Spartanburg Regional Hospital.

Once I arrived at the hospital with Mr. Gist, he was escorted to the emergency center and received medical attention. Once he was cleared from the hospital, I transported him to the detention center, under sheriff's Office Policy, to undergo the booking process. He was then left in good condition with detention center staff.

BWC active.