

YORK COUNTY PUBLIC DEFENDER OFFICE

MOSS JUSTICE CENTER
1675-1E York Highway
York, SC 29745-0691
Telephone (803) 628-3031

RECEIVED

JAN 18 2013

SC Court of Appeals

FAX COVER SHEET
FAX (803) 628-3054

To: U. Claire Allen, Deputy Clerk SC3 734-1839

From: Amy Sikora

Re: Order being appealed, Darius Perry #2013-000067

Date: 1/18/13

NUMBER OF PAGES (Including cover sheet): _____

CONFIDENTIALITY NOTICE

The information in the telecopy is confidential and may be legally privileged. It is intended for the use of the person whom it is addressed. If the reader of this message is not the intended recipient, or an employee or agent of the intended recipient, you are instructed not to read, distribute, or copy these materials. If you have received this transmission in error, please notify the sender immediately and return the original telecopy to the Public Defender's Office by mail.
Thank you for your assistance.

ATTENTION:

Please see enclosed order as you requested in your letter of January 14, 2013. If you need anything else, please let me know. Thanks.

County of YORK
STATE VS. FILED-RECEIVED

Indictment Number: 2011 -GS- 46 3948
Probation C/W#: W 46-12-0122

DAVIUS MAURICE 3: 4
AKA: _____
Race: Black Sex: Male
DOB: 7-22-94
SSN: 248-95-4652
SID#: 2013422

Name of Original Offense: Failure to stop Blue Light
Original A/W#: J216699
Date of Original Offense: 8-2-11
Conviction S.C. Code #: 56-05-0750 (B)(1)
Conviction CDR Code #: 010 16 15
Original Sentence: 1 yr 55 1yr probation

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 11/28/11 in the Court of General Sessions of YORK County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 4/20/12, as set forth in the attached warrant(s) or citation(s) dated 7/31/12. 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, 5, 7, 9, 10 & special conditions

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 1 month^s/year^s, 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 active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).

Financial Obligations: Order satisfies: Department fees (arrearage) Civil judgment: Department fees
 Fines and other fees (arrearage/balance) Fines and other fees
 Restitution (and 20%) (arrearage/balance) Restitution (and 20%)

Additional Conditions ordered by the Court:
Allow credit for 54 days.
NO Administrative monitoring

- 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 has previously served _____ months/years on this sentence.
(split sentence time and/or prior partial revocation time)
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 7th day of January, 2013,
York, SC

[Signature]
Presiding Judge 16th 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
[Signature]

Witnessed by
[Signature]

Signed this 7th day of January, 2013, at York SC

Name of Original Offense: Resisting Arrest
Original A/W#: J216700
Date of Original Offense: 8-2-11
Conviction S.C. Code §: 16-9-320(A)
Conviction CDR Code #: 0131216
Original Sentence: 1 yr ss 1 yr prob

Darius Maurice Perry
AKA: _____
Race: Black Sex: Male
DOB: 7-22-94
SSN: 248-99-4652
SID#: 2013422

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 11/28/11 in the Court of General Sessions of York County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 4-20-12 as set forth in the attached warrant(s) or citation(s) dated 7-31-12. 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, 5, 7, 9, 10 & 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 active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first 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:
Allow credit for 54 days
NO Administrative monitoring

- 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 has previously served _____ months/years on this sentence.
(split sentence time and/or prior partial revocation time)
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 7th day of Jan, 2013,
York, SC

Presiding Judge 16th 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: Darius M Perry Jr Witnessed by: _____

Signed this 7 day of Jan, 2013 at York SC
Day Month Year City

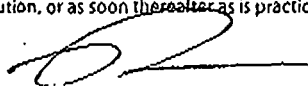
TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY, OR OF THE MUNICIPALITY OF ROCK HILL, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that DARIUS MAURICE, JR PERRY, did on the 31 day of July, 2012 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Probation violation concurrent to Section 24-21-430 in that the Defendant violated the conditions of his probation sentence as imposed by Judge John C. Hayes at the 11/28/2011 term of General Session Court held in York County SC and continuation order imposed by Judge John C. Hayes on 4/20/2012.

Now, therefore, you are empowered and directed to arrest the said defendant and bring DARIUS MAURICE, JR PERRY before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at ROCK HILL, S. C. this 31 day of July, 2012.



(L.S.)

Signature of Probation and Parole Agent

County of YORK

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Paul Forte, who, first being duly sworn, deposes and says that DARIUS MAURICE, JR PERRY did within this County and State on the 31 day of July, 2012, violate the criminal laws of the State of South Carolina in the following particulars:

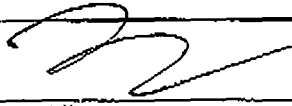
DESCRIPTION OF OFFENSE:

Probation violation concurrent to Section 24-21-430 in that the Defendant violated the conditions of his probation sentence as imposed by Judge John C. Hayes at the 11/28/2011 term of General Session Court held in York County SC and continuation order imposed by Judge John C. Hayes on 4/20/2012.

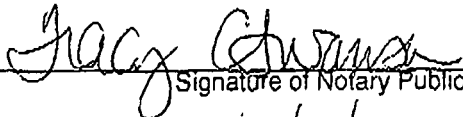
The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

Failure to follow the advice and instructions of supervising agent; Failed to report as directed by missing reports on 5/25/2012, 7/12/2012 and 7/13/2012. Failed to complete Public Service Employment as directed by completing 0 hours as of 7/31/2012. Failed to be gainfully employed. Failed to notify agent that he had been fired from Taco Bell (Indian Land location) during June 2012. Failed to pay supervision fees, and court costs as directed by being in arrears on all accounts as of warrant issue date. Such actions constitute the violation of sections 1, 5, 7, 9, 10 and special conditions of subjects probationary agreement signed and dated by offender on 11/28/2011.

Sworn to and Subscribed before me this 31 day of July, 2012.



Affiant



(L.S.)

Signature of Notary Public

10/13/16

My Commission Expires

Address: 1070 HECKLE BLVD.
SUITE 201, BOX 14
ROCK HILL, SC 29732
YORK
USA
(803) 909-7282

F-029
P0005
T-322
8036283054
01-18-'13 13:05 FROM - YORK CO. PUBLIC DEF,

RETURN

STATE OF SOUTH CAROLINA
COUNTY OF

YORK

THE STATE
against

DARIUS MAURICE, JR PERRY

INFORMATION ON DEFENDANT

Name DARIUS MAURICE, JR PERRY
Address 1720 BANKS ROAD
FORT MILL, SC 29715
Phone (803) 322-6488
Sex Male Race Black Height 509
Weight 150 Birth date 7/22/1984
Social Security Number 248-95-4652

Constable or Law Enforcement Officer

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

Darius M Perry Jr

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 7/31/2012

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

Paul Forte

on the 3 day of Dec, 2012

Larry Davis
Constable or Law Enforcement Officer

This Warrant is certified for service in [County of warrant
Certificate] County. The accused is to be arrested and brought
before court to deal with according to law.

Disposition _____

Signature of Judge (L.S.)

Sentence _____

Co-Defendants _____

INFORMATION ON WITNESSES

Name _____
Address _____
Phone _____

Name _____
Address _____
Phone _____

Name _____
Address _____
Phone _____

Name _____
Address _____
Phone _____

PRELIMINARY HEARING held by

Magistrate _____
on _____
with _____

Attorney for the Defendant.

Decision _____

BAIL

Date Set _____
Magistrate _____
Amount _____
Surety _____