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**Feb 24 2026**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

---

Appeal from Greenville County

Honorable G.D. Morgan, Jr., Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

MATTHEW DALE BARTON,

APPELLANT

APPELLATE CASE NO. 2025-001490

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RECORD ON APPEAL

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STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	2023-GS-23-06874
COUNTY OF GREENVILLE	)	
	)	
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
MATTHEW DALE BARTON,	)	
DEFENDANT.	)	
_____	)	

July 11, 2025  
Greenville, South Carolina

B E F O R E:

THE HONORABLE G.D. MORGAN, JR., JUDGE

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

PAUL KRESWELL NEELY, ESQ.  
Attorney for the Defendant

A L S O P R E S E N T:

Probation Agent Gregory  
Probation Agent Dye

CHERYL A. SMITH  
Circuit Court Reporter

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INDEX

(SW) - Denotes State's Witness  
(DW) - Denotes Defense Witness  
(IC) - Denotes In Camera

PAGE

There were no witnesses called.

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD</u>
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There were no exhibits introduced.

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P R O C E E D I N G S

(WHEREUPON, proceedings commenced at 11:49 AM.)

THE COURT: All right. You are Matthew Barton?

DEFENDANT BARTON: Yes, sir.

THE COURT: Raise your right hand.

WHEREUPON,

MATTHEW BARTON

After having been duly sworn, testified as follows:

THE COURT: All right. Have you had a chance to read the violations in the report?

DEFENDANT BARTON: Yes, sir.

THE COURT: You agree with those violations?

MR. NEELY: Your Honor, if I can jump in here for a moment.

THE COURT: All right.

MR. NEELY: We agree with the fact that he was convicted or that he committed the offense of petit larceny and he was convicted in September of last year. As far as the other allegations go, we deny those at this time.

THE COURT: All right. Let me hear from probation, then I'll go to you and then I'll come back since they're denying some of the violations. Let me hear from you.

PROBATION AGENT GREGORY: Thank you, Your Honor. May it please the Court.

1 Mr. Barton had an administration hearing on June 4,  
2 2025, and these are the hearing officer conclusions.  
3 Matthew Dale Barton was convicted in Greenville County  
4 November 14th of 2023 for assault and battery first  
5 degree. Mr. Barton's father is also on supervision.

6 A home visit was conducted on December 13th of last  
7 year. Mr. Barton's father advised the agent that his son  
8 keeps a weapon in his bedroom. Pictures were provided of  
9 an AR-style firearm laying on top of the clothes in a  
10 laundry basket. The firearm was directly beside a Pack  
11 'n Play that babies sleep in. The firearm was pointed  
12 towards the Pack 'n Play. The other firearm was located  
13 in the kitchen closet. There was also a loaded magazine  
14 with an AR-style firearm in Mr. Barton's bedroom and  
15 ammunition in the shotgun located in the kitchen.

16 Mr. Barton was in jail in Pickens County on  
17 December 9th of 2024 for failure to appear and a warrant  
18 for petit larceny charged with -- and he was convicted on  
19 September 18th of 2024.

20 Mr. Barton stated his girlfriend stays at the  
21 residence with their child and she brought the guns for  
22 their protection while he was in jail. He stated that  
23 his girlfriend is afraid of his father.

24 Mr. Barton stated that he was released from Pickens  
25 County on December 11th of 2024 and went to his cousin's

1 for a few hours. He was not home at the time of the home  
2 visit when the firearms were located. Mr. Barton's  
3 girlfriend had two days between his release and the home  
4 visit to remove the weapons from the residence.

5 The State's recommendation is activate his youthful  
6 offender sentence and convert his restitution to a civil  
7 judgment.

8 THE COURT: All right. When was the home visit?  
9 That was December 13th?

10 PROBATION AGENT GREGORY: Yes, sir. Of last year.

11 THE COURT: All right. Mr. Neely?

12 MR. NEELY: Thank you, Your Honor. May it please  
13 the Court.

14 Your Honor, I'm going to start at the end with the  
15 fact that he has not -- that they're alleging that he  
16 hasn't enrolled in anger management or mental health  
17 classes, and that's one of their justifications for  
18 revoking his probation. He was placed back on probation  
19 in November of '23. His supervision doesn't end until  
20 '26, until November of '26, so a full 15 months from now.  
21 So I think it's premature to revoke him halfway through  
22 his probation for not complying with the condition of his  
23 probation when he's got another 15 months.

24 Even if it were prudent to do that now, his  
25 grandmother is in the courtroom with him here today. And

1 what they tell me, Your Honor, and if you place her under  
2 oath she will tell you the same thing is that for the  
3 last eight or nine weeks, he's been enrolled at Solid  
4 Foundations and it's an anger management course. They  
5 should have been providing documentation. Solid  
6 Foundations should have been providing documentation to  
7 the department. I don't know if they are. But she can  
8 tell you that he -- that she is the one that's paying for  
9 him to go over there. So he is actively enrolled in  
10 anger management at this time. So I don't think that  
11 would constitute a willful violation of his probation.

12 Now, the most serious thing that we have, Your  
13 Honor ---

14 THE COURT: It's the guns.

15 MR. NEELY: --- is the weapons charge. Absolutely.

16 THE COURT: Tell me about that.

17 MR. NEELY: Now, what I think the violation would be  
18 were that he was in possession of firearms. I think the  
19 concern when you are on probation is that your Second  
20 Amendment rights are suspended because you are on -- or  
21 lessened, anyway, while you are out and you are not  
22 allowed to possess firearms. The allegations before the  
23 Court are not that he was in possession of firearms. I  
24 think, again, if you were to place his grandmother under  
25 oath and question her yourself, what she would tell you

1 is that in speaking with the girlfriend, what Matthew  
2 told the administrative hearing officer is what the  
3 girlfriend has told the grandmother. And she would tell  
4 you that, that in conversation that the guns belong to  
5 the girlfriend and her Second Amendment rights aren't  
6 suspended at this point. I think that would be an  
7 infringement upon her Second Amendment rights.

8 Now, I do think were it not so serious, it would be  
9 a little bit humorous that probation conducts a home  
10 visit with somebody who's on probation whose house it is,  
11 there's two firearms in the residence and it being a  
12 violation to be in possession of firearms, he goes, oh,  
13 those aren't my guns, those belong to somebody else who's  
14 in the house and they take his word for it. So I do have  
15 a problem with saying that the shotgun in the homeowner's  
16 pantry is going to be credited to Matthew and ask to  
17 revoke his probation.

18 As far as the firearm in the bedroom, all of the  
19 evidence seems to point to the fact that the gun belongs  
20 to a girlfriend who is afraid of a man who she's staying  
21 in the house with a newborn while he's in custody, is  
22 afraid of the man who's addicted to methamphetamine and  
23 is on probation and she's got it there for her own  
24 protection. I don't think we get to pick who our parents  
25 are, and it certainly is very hard to do probation if you

1 are homeless. And so I think the lesser of two evils is  
2 for Matthew to be staying in this residence with his  
3 father. It's not an ideal situation, but certainly,  
4 homelessness is not and that would make probation even  
5 harder.

6 Your Honor, I would ask that you find that there is  
7 no willful violation for possession of a firearm because  
8 there is no evidence before the Court that he was  
9 actually in possession, constructive or actual.

10 THE COURT: Well, he's living there, though, isn't  
11 he?

12 MR. NEELY: That doesn't make him in possession,  
13 Your Honor.

14 THE COURT: Well, what -- the girlfriend's saying  
15 she needs protection from his dad so he has an AR with  
16 40 rounds?

17 MR. NEELY: It's her ---

18 THE COURT: An AR with 40 rounds?

19 MR. NEELY: Well, you know, that's her gun, Your  
20 Honor.

21 THE COURT: But he lives there, though.

22 MR. NEELY: Well, let me back up.

23 THE COURT: What's the proof?

24 MR. NEELY: Let me back up for a second. And I  
25 understand it. And I understand where probation is

1 coming from.

2 He was charged in the fall with the petit larceny in  
3 Pickens County, and then I think he received a fine as  
4 part of that plea agreement. He didn't pay the fine and  
5 so he was ruled in by the clerk of court in the  
6 magistrate court. He was ruled in and placed in jail on  
7 a bench warrant for not satisfactorily paying the fines,  
8 and so he was in the Pickens County jail when she brought  
9 the guns into the house. He wasn't at the residence. He  
10 was in the Pickens County jail when she brought the guns  
11 into the house.

12 Probation's contention is that -- and what everybody  
13 seems to agree on is that there's a 48-hour window when  
14 she did not dispose of the guns, get the guns out of the  
15 house when he moved back in. If he had moved the guns  
16 himself, he would have been in violation because then he  
17 would have been in actual possession of those guns.  
18 Should she have gotten rid of the guns? Probably. Is it  
19 concerning that she had an assault rifle? Sure. Is it  
20 her constitutional right to have a firearm of that  
21 caliber? The United States Supreme Court seems to say  
22 yes.

23 THE COURT: He doesn't have that right.

24 MR. NEELY: He doesn't and he didn't. He was not in  
25 possession. I think that's the distinction here.

1           THE COURT: Well, let me ask you this, Mr. Neely.  
2 Are you saying that possession has to be found in his  
3 hands, in his arms? He's living at the house. The guns  
4 -- and it's not a pistol. It's an AR with 40 rounds.  
5 That's one of the guns. He's living in the house with an  
6 AR in a room where there is a baby. Now, he's been  
7 there. He's in jail on December the 9th. The home visit  
8 is December 13th. He's released on December the 11th so  
9 he's been in the house for two days and there's an AR  
10 with 40 rounds in a room with a baby. Now, in those two  
11 days in that house and there's an AR sitting out, just  
12 out front, he's not in possession of that?

13           MR. NEELY: No. I -- no.

14           THE COURT: So it's got to be found in his arms?

15           MR. NEELY: Constructive possession, maybe. But you  
16 have to show dominion and you have to show control. And  
17 the case law ---

18           THE COURT: He's living there, isn't he?

19           MR. NEELY: Your Honor, we try cases all the time  
20 where you've got a -- where in closer proximity you've  
21 got a car full of people and you've got narcotics and  
22 it's sitting out on the floorboard. And the case law was  
23 very clear about what constructive possession is, that  
24 there has to be actual dominion and control and your  
25 ability to control the movements of the gun. He doesn't

1 have a right to control those movements of those guns.  
2 There's nothing in the paperwork that says that he's got  
3 the right to control the gun. Everybody seems to agree.  
4 The testimony seems to be that the gun belongs to her.  
5 Could he have asked? Sure.

6 But if you look at the 1106, Your Honor, if you look  
7 at the 1106 that the Court has, under Standard Condition  
8 Number 4, it says, "I shall not possess or purchase any  
9 firearm or other dangerous weapon." It doesn't say I  
10 shall not be in a house with somebody who has a firearm  
11 or somebody -- be around somebody who is in possession of  
12 a firearm. It says "I shall not possess." None of the  
13 paperwork that's before the Court says that Matthew was  
14 in possession of a firearm. I understand he was in a  
15 bedroom with the firearm. I understand the situation  
16 pointing at the Pack 'n Play. Now, there's also no --  
17 and that sounds bad, but there's no evidence that that  
18 gun was pointed at the Pack 'n Play when the baby was in  
19 there. Certainly, if that were the case ---

20 THE COURT: What's the evidence that it wasn't?

21 But it's pointed at a Pack 'n Play?

22 MR. NEELY: I don't know how it was set on the bed.  
23 I don't think he knows how it was set on the bed. He --  
24 again, he was not in possession of the firearm, and I  
25 think that's my point. And if there were something that

1 were that serious, and I understand where the Court's  
2 coming from with those questions, but an unlawful neglect  
3 charge could have been made if a child was actually in  
4 danger at that point, and none of those charges were  
5 made. The allegation that they're making is that he was  
6 in possession of a firearm when none of the evidence  
7 tends to support that. And the way our case law reads on  
8 constructive possession, I don't believe that any -- if  
9 you were to ask the grandmother that the gun -- that he  
10 was in constructive possession of the firearm.

11 Your Honor, you know, maybe it's closer than I want  
12 to think it is. Maybe the call is closer than I want to  
13 think it is. He's got another year and a half. He's  
14 doing the anger management. I think the girlfriend is  
15 very aware at this point that he can get in serious  
16 trouble and the father of her child can go to prison if  
17 she has firearms in the house.

18 THE COURT: The Pack 'n Play is his child's Pack 'n  
19 Play; is that correct?

20 MR. NEELY: Yes, sir. It's his child's Pack 'n  
21 Play.

22 THE COURT: His child's Pack 'n Play in the house  
23 that he lives in and an AR that has 40 rounds sitting  
24 around it is pointed at the Pack 'n Play.

25 MR. NEELY: There's no child in ---

1 THE COURT: That's not a concern?

2 MR. NEELY: There's no child in the Pack 'n Play.  
3 There's no child in it.

4 THE COURT: How do you know that child might have  
5 been there a little while ago?

6 MR. NEELY: Again, if the child was there, if the  
7 child was there and the child was in danger, law  
8 enforcement could have charged anybody, any of the  
9 parties with unlawful neglect. They certainly didn't do  
10 that. The allegation is that they put it in there  
11 because it's sensational and it's having the exact effect  
12 that it's designed to have.

13 THE COURT: Yes, ma'am.

14 PROBATION AGENT GREGORY: Thank you, Your Honor.

15 Mr. Barton knows that he's not allowed to live in a  
16 residence where there is firearms. He also signed his  
17 project cease fire November 14, 2023. And I do believe  
18 that he knew that firearms were already at the residence  
19 because Deputy Rey from Greenville County Sheriff's  
20 Office contacted the department on September 8th of 2024  
21 and stated that the subject was found at the residence  
22 with multiple firearms. They were called out there  
23 because they were called for a discharge at the  
24 residence. They found the shotgun and a pistol to be  
25 claimed to be his girlfriend's but were found in the

1 defendant's room.

2 THE COURT: Anything else from the defendant?

3 MR. NEELY: That's new. And that's not, you know,  
4 provided to me, so I would have due process issues with  
5 that allegation.

6 And, again, what is in the paperwork that's provided  
7 to me, it says, "I shall not possess." It doesn't say  
8 I've signed the paperwork.

9 PROBATION AGENT GREGORY: And, Your Honor, we also  
10 have the agent here to testify and read his incident  
11 report if you want to.

12 THE COURT: All right.

13 WHEREUPON,

14 HOWARD DYE

15 After having been duly sworn, testified as follows:

16 PROBATION AGENT DYE: Agent Howard Dye on behalf of  
17 the State.

18 On December 13, 2024, another agent, Agent Johnson,  
19 asked me to assist him with a home visit. At 3:30 PM, we  
20 arrived at [REDACTED] Road, Greenville, South  
21 Carolina 29611 to talk to an Allen Daniel Barton who is  
22 Matthew Barton's father. And he's on Agent Johnson's  
23 caseload.

24 During this incident, Mathew Barton was not home.  
25 When we arrived at the address, we observed a friend of

1 Allen Barton named Little John knocking on the front  
2 door. He reported that he -- he reported that Allen was  
3 home asleep and he was just trying to see him. We  
4 advised that we needed to take care of some business and  
5 for him to step aside until we are done.

6 After a couple minutes of knocking, the offender  
7 answered the front door. Agent Johnson started to talk  
8 to the offender about his drug use and other home visit  
9 progress audit points. Agent Johnson then instructed  
10 Allen to give us a walk-through of the house. Allen has  
11 three dogs that like to bark, would run away from agents  
12 once we step into the house. Allen reported that no one  
13 else was home.

14 We eventually made our way back to Allen's room.  
15 While Agent Johnson talked to him there, I continued my  
16 walk-through of the rest of the house to confirm that no  
17 one else was home.

18 During the first walk-through, I did not come across  
19 anyone or any contraband. I then went back to Allen's  
20 room while Agent Johnson finished talking to him. Agent  
21 Johnson asked if there were any drugs or weapons in the  
22 House. Allen said "no" at first, but then I asked again  
23 due to him not giving a confident answer. Allen then  
24 pulled out a small white plate with a line of white  
25 powdery substance which he stated was meth. I instructed

1 him to place it down on the bed so Agent Johnson could  
2 document it.

3 We then asked again if there were any firearms in  
4 the house. Allen reported that his son has guns and was  
5 told to get them out of the room -- or out of the house.  
6 I asked if he had done that to which Allen reported he  
7 was not sure.

8 Agent Johnson then stayed with the offender while I  
9 went across the hall to Matthew's room. The room smelled  
10 heavily of urine and feces. There was trash and dirty  
11 diapers everywhere.

12 On the floor next to the dresser and TV I observed a  
13 pair of black earmuffs that one would wear while shooting  
14 guns. I noticed that a blanket on top of the laundry  
15 basket next to the earmuffs had an odd-shaped bulge on  
16 top of it under a red and black blanket. I pulled off  
17 the blanket and found a Del-Ton, Incorporated Model TI-15  
18 5.56 millimeter AR-style pistol loaded with 40 rounds of  
19 5.56 millimeter green tip ammunition pointed towards the  
20 baby crib in the corner of the room.

21 I called out to Johnson that I found a gun. I then  
22 unloaded the weapon and then went back into the bedroom  
23 with Agent Johnson and Allen. I informed Allen that he  
24 was being detained at this time for everyone's safety and  
25 that he was not being arrested. Allen understood and was

1 very compliant with the agents. I handcuffed Allen  
2 behind his back and double locked the cuffs while  
3 checking for tightness.

4 He reported that it belonged to his son Matthew. I  
5 patted Allen down for weapons and then sat him down on  
6 the bed. I then went back to Matthew's bedroom and  
7 searched it. During the search I found a Ziploc bag  
8 containing a green leafy substance that gave off the odor  
9 of marijuana. Allen also reported that was Matthew's and  
10 that he does not smoke weed.

11 During my search, Agent Johnson informed me that a  
12 20 gauge shotgun may also be in the house that belongs to  
13 Matthew.

14 At this time, we moved Allen from the bedroom to the  
15 kitchen table so that Agent Johnson could keep an eye on  
16 the driveway and front door in case Matthew came home. I  
17 called my supervisor and office duty to inform them of  
18 the situation and what was going on. I sent pictures to  
19 my supervisor at that point.

20 I then searched Matthew's bedroom again and did not  
21 find the shotgun but found two buckshot shells. Allen  
22 then reported he sometimes keeps it under the house or in  
23 his shed in the backyard where they store lawn equipment.

24 Before I exited the house, I checked the closet in  
25 the kitchen. When I opened it, I found a Savage Arms

1 Model 320 20 gauge shotgun loaded with three Hornady slug  
2 rounds. I secured the firemen and unloaded it. As I  
3 pulled the ammunition out, I gave it to Agent Johnson. I  
4 then double-checked the firearm was unloaded. I then  
5 notified office duty and my supervisor that we had found  
6 a shotgun.

7 And the rest of the incident report, Your Honor, is  
8 just about us transporting it to our evidence locker in  
9 Columbia.

10 THE COURT: All right. Anything else from  
11 probation?

12 PROBATION AGENT GREGORY: No, sir, Your Honor.

13 THE COURT: All right. Mr. Neely?

14 MR. NEELY: Before the agent walks away ---

15 PROBATION AGENT DYE: Yes, sir.

16 MR. NEELY: Yes, sir.

17 THE COURT: No. State vs. Pollen [phonetic] doesn't  
18 allow you to cross-examine the witnesses now.

19 MR. NEELY: We're now at an evidentiary hearing.

20 THE COURT: Well, it's a probation.

21 MR. NEELY: I mean, if they're presenting testimony,  
22 I think I do have the right.

23 THE COURT: I don't believe you do.

24 MR. NEELY: All right. Well, just based on that,  
25 what you just heard -- what you just heard, there's no

1 forensics done on any of these guns, right? There is no  
2 fingerprints. There are no DNA. So there is no actual  
3 evidence before the Court that he has ever handled these  
4 firearms. There is no evidence that he was ever in  
5 constructive or actual possession of these guns.

6 What that agent just read to the Court was that at  
7 the time that these weapons were found, this client, this  
8 probationer was not at the house. This probationer was  
9 not at the house. His father who is also on probation  
10 was at the house. And the reason that they did such a  
11 thorough search at that point was when they asked him a  
12 question, that man lied to the agent, and then they did a  
13 follow-up because they thought that he was lying. And so  
14 that man has credibility issues. And then when  
15 confronted with his own violations of probation, the  
16 drugs, the drug use and all the other stuff, they asked  
17 him about the weapons, he then puts the blame on his son.

18 Now, again, the weapon is found in his bedroom that  
19 he shares with the mother of his child, but there is no  
20 evidence, they didn't do any forensics, they didn't call  
21 for the forensic unit out there to see if this man has  
22 ever handled these weapons.

23 Number 4 says, "I shall not possess or purchase any  
24 firearms." There's no evidence that he was ever in  
25 constructive possession. I understand the concern about

1 him being around them, but that says, "I shall not  
2 possess." There is no evidence that he is in  
3 constructive possession of that gun. There is no  
4 evidence that he's in constructive possession. The  
5 evidence, I think -- and, again, if you would ask the  
6 grandmother -- is that that girl brought those guns into  
7 the home because she was scared of the other man,  
8 Matthew's father who was on probation and who, when these  
9 guns were found, they were talking to him about his drug  
10 use and they found methamphetamine in his pocket.

11 It probably is a very scary situation for a mother  
12 who is a single mother at that point in time. Should she  
13 have gotten rid of the guns? Probably. Would we have  
14 been here if she had? No. But what's before the Court  
15 is that there is no evidence that he was in actual or  
16 constructive possession of those firearms. And so I  
17 would ask the Court to not find that there's a willful  
18 violation. Now ---

19 THE COURT: It has to be a willful violation except  
20 as to restitution.

21 MR. NEELY: I think there has to be ---

22 THE COURT: Also got to be facts tending to show  
23 that there was a violation. That's all the evidentiary  
24 -- that's the standard of the evidentiary basis.

25 MR. NEELY: Then I ask the Court of find that

1 there's no violation because he's not in constructive or  
2 actual possession.

3 THE COURT: You do agree that as long -- the  
4 standard on the case law is in a probation revocation  
5 hearing, is there any evidence tending to show the  
6 violation. It's not a willful. Only as to money.

7 MR. NEELY: If Your Honor says that's what the  
8 standard is, I trust your judgment on the law on that.  
9 And I would have to go -- I would have to go back and  
10 read it.

11 THE COURT: That's what the Supreme Court says.

12 MR. NEELY: I would have to go back and read that,  
13 Your Honor.

14 And then I'd ask that you find there's no violation  
15 because their condition says that he has to be in  
16 possession.

17 Your Honor, he is sentenced under the Youthful  
18 Offender Act, and so I don't know that we've got the same  
19 options that we normally have under a typical probation  
20 revocation. I think your options that are before the  
21 Court are to continue him on probation or activate his  
22 YOA sentence. Given the fact there are so many questions  
23 around here he is enrolled in anger management I would  
24 ask that you continue him on supervision.

25 THE COURT: I do agree with you on one point is that

1       there are so many questions here. And the biggest  
2       question is that someone who is on probation has an AR --  
3       loaded AR with 40 rounds of ammunition and another gun in  
4       the house that he lives in, in the house that he lives in  
5       with his child, in the house he lives in with the mother  
6       of the child, and that weapon that is loaded is found to  
7       be pointing at the Pack 'n Play where the defendant's  
8       child sleeps and spends a lot of time. That's the  
9       question that I have is why would someone allow that to  
10      happen?

11             And I do find that -- and I consider your argument  
12      and I appreciate your argument, understand your argument.  
13      But I do find there is a violation. I do find that the  
14      condition of him being in possession of a firearm is met  
15      by the testimony of the agent here. And based on the  
16      testimony and the evidentiary record here, I do find  
17      there's a violation. The youthful offender sentence is  
18      hereby activated. All the restitution is converted to a  
19      civil judgment. And that will be the order of the Court.

20             PROBATION AGENT GREGORY: Thank you, Your Honor.  
21      And what would you like for me to do with the weapons?  
22      Destroy them?

23             THE COURT: Get rid of them. Take those weapons. I  
24      mean, I'll leave that up to probation.

25             PROBATION AGENT: You want us to do an order to

1 dispose of them?

2 THE COURT: Dispose of those weapons. There is a  
3 child in that house.

4 (WHEREUPON, proceedings concluded at 12:12 PM.)  
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA            )  
COUNTY OF GREENVILLE            )

I, CHERYL A. SMITH, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 11th day of July, 2025.

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

October 2, 2025

Cheryl A. Smith

Cheryl A. Smith, CVR-M

Court Reporter

Form 16.1- Arrest Warrant  
Form Approved by  
SC Attorney General  
Section 17-13-160  
March 15, 1978

Probation

**ARREST WARRANT**

Indictment Number: 23-GS-23-06874

Warrant Number: W-23-24-0748

State Identification No. (SID) 02478672

**STATE OF SOUTH CAROLINA**

COUNTY OF GREENVILLE

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

It appearing from the attached affidavit that there are reasonable grounds to believe that MATTHEW DALE BARTON, did on the 13 day of December, 2024 violate the criminal laws of the State of South Carolina as set forth below:

**DESCRIPTION OF OFFENSE:**

The offender has violated conditions 1, 4, 6, 7, 9, 10, Special Conditions of the standard Department conditions associated with Section 24-21-430. The offender has also violated special conditions imposed by the General Sessions Court per order dated November 14, 2023. This warrant or citation is issued pursuant to section 24-21-450 or 300.

Now, therefore, you are empowered and directed to arrest the said defendant and bring MATTHEW DALE BARTON 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 GREENVILLE, S. C. this 13 day of December, 2024.

Signature of Probation and Parole Agent

(L.S.)

County of GREENVILLE

**STATE OF SOUTH CAROLINA**

**AFFIDAVIT**

Personally appeared before me, one Courtney Richardson, who, first being duly sworn, deposes and says that MATTHEW DALE BARTON did within this County and State on the 13 day of December, 2024, violate the criminal laws of the State of South Carolina in the following particulars:

**DESCRIPTION OF OFFENSE:**

The offender has violated conditions 1, 4, 6, 7, 9, 10, Special Conditions of the standard Department conditions associated with Section 24-21-430. The offender has also violated special conditions imposed by the General Sessions Court per order dated November 14, 2023. This warrant or citation is issued pursuant to section 24-21-450 or 300.

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

By failing to refrain from violating Federal, State, and Local laws having been convicted of Larceny/Petit or Simple Larceny \$2k/Less on 9/18/2024. This offense did occur on 8/23/2024 which was during his period of supervision. By failing to refrain from being in possession of a weapon as evidenced by home visit done on 12/13/2024 at [redacted] where a black AR style weapon (SN: 5272075) was retrieved from the offender's bedroom along with one magazine containing 40 rounds of .556. Also located in the kitchen closet was a black shotgun (SN: [redacted]) and 5 rounds of Federal Premium Ammunition, Buckshot. By failing to give truthful reports to Agent as evident by the offender stating that he was on the waiting list for both anger management and mental health counseling and then states that he completed counseling but failed to provide proof. By failing to comply with anger management counseling and mental health counseling as directed by the court on 11-14-2023. By failing to pay supervision fees being in arrears \$50.00. By failing to pay court surcharge being in arrears \$72.00 with an unpaid balance of \$128.75. By failing to pay court ordered restitution, being in arrears \$29.00 with an unpaid balance of \$498.55. By failing to pay public defender fund, being in arrears \$55.00 with an unpaid balance of \$390.00. By failing to pay DNA fee owing a balance of \$250.00. By failing to follow the advice and instructions of supervising Agent. Such actions constitute violation of conditions 1, 4, 6, 7, 9, 10, Special Conditions.

Sworn to and Subscribed before me  
this 13 day of December, 2024.

Notary Public State of South Carolina  
My Commission Expires September 24, 2029

My Commission Expires

Affiant

Address: 350 HALTON ROAD SUITE 100  
GREENVILLE, SC 29607

(864) 282-4540

RETURN

STATE OF SOUTH CAROLINA  
COUNTY OF  
GREENVILLE

THE STATE  
against

MATTHEW DALE BARTON

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 12/13/2024

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

Courtney Richardson

Disposition

Sentence

Co-Defendants

INFORMATION ON DEFENDANT

Name MATTHEW DALE BARTON

Address

Phone

Sex Male Race White Height 508

Weight 280

Birth date

Social Security Number

INFORMATION ON WITNESSES

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

PRELIMINARY HEARING held by

Magistrate

on

with

Attorney for the Defendant.

Decision

BAIL

Date Set

Magistrate

Amount

Surety

Constable or Law Enforcement Officer

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

Matthew Dale Barton

on the 20 day of February 2025

J. Gregory

Constable or Law Enforcement Officer

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

(L.S.)

Signature of Judge

Jail

Gregory 23 AG 27

STATE OF SOUTH CAROLINA

County of GREENVILLE

STATE VS

Matthew Dale Barton

AKA:

Race: White Sex: Male

DOB:

SSN:

SID#:

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

23 - GS - 23 - 06874

Probation C/W#s & issuance dates:

W-23-24-0748 12/13/2024

Name of Original Offense: ASSAULT & BATTERY 1ST

Original A/W#: 2023A2330200909

Date of Original Offense: 01/26/2023

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

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

Original Sentence: 6 YRS YOA SUSP TO TS WITH 3 YRS PROB CTS 51 DAYS

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 11 / 14 / 23 in the Court of General Sessions of Greenville County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on Greenville, as set forth in the attached warrant(s) or citation(s). After hearing the evidence and being duly advised, in the presence/absence of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit) 1, 4, 6, 7, 9, 10, Special Conditions

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve the remainder of the original sentence.
the suspended sentence be partially revoked and the above named defendant be required to serve days/months/years of the original sentence; and
Terminate the balance of probation.
Continue/reinstate probation, subject to the conditions set forth in the original sentence and not inconsistent with this order.
the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
the above named defendant is placed on electronic monitoring pursuant to §23-3-540.
Financial Obligations: Order satisfies: Department fees (arrears) Fines and other fees (arrears / balance) Restitution (and 20%) (arrears / balance) Civil judgment: Department fees Fines and other fees Restitution (and 20%)

Additional Conditions ordered by the Court (Jail time credits should not be reported in this section): Activate YOA sentence. Probation to dispose of the weapons, in relation to W-23-24-0748. No Admon

- The defendant is given credit for days/months/years of 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 days/months/years of Hayes credit (N/A if defendant has served prior SCDC time).
No pre-revocation hearing detention time to be awarded because a citation was issued.
The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 11 day of July, 2025, Greenville, SC

Residing Judge Hon G.D Morgan Jr. 13th 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 day of Month Year at Greenville SC

**WITNESSES**

Patrick M Farrell

Greenville County Sheriff's Office

1/28/2023

**ARREST WARRANT NUMBER**

2023A2330200909

**ACTION OF GRAND JURY**

*Foreperson of Grand Jury*

**VERDICT**

*Foreperson of Petit Jury*

*Date:*

DOCKET NO. 2023-GS-23-  
MMO

6874

**The State of South Carolina**

**County of Greenville**

**COURT OF GENERAL SESSIONS**

**TERM 2023**

**THE STATE**

**vs.**

**MATTHEW DALE BARTON**

RECEIVED  
JUL 24 2025  
SC Court of Appeals

**Indictment for**

**3411**

**ASSAULT AND BATTERY  
OF A HIGH AND AGGRAVATED NATURE**

VIOLATION § 16-03-0600

ENTERED ACCT  
AW

I certify this and any  
attachments to be complete,  
exact, and true copy(s)  
of the original document(s).

*[Signature]*  
Clerk of Court C.P. & G.S.  
Greenville, SC

Dated 5-2-25

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
ASSAULT AND BATTERY  
OF A HIGH AND AGGRAVATED NATURE

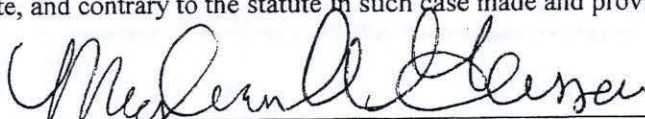
At a Court of General Sessions, convened on \_\_\_\_\_ the Grand Jurors of Greenville

County present upon their oath:

That MATTHEW DALE BARTON did in Greenville County, on or about the 26th day of January, 2023, unlawfully injure KAYA BARTON whereby the victim suffered great bodily injury or the act was accomplished by means likely to produce death or great bodily injury. This is in violation of §16-03-0600 of the South Carolina Code of Laws (1976) as amended.

RECEIVED  
JUL 24 2025  
SC Court of Appeals

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

  
SOLICITOR BAR # 100822-  
104134

0-10  
years

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville

STATE

VS.

INDICTMENT/CASE#: 23-6874

Matthew Dale Barton

A/W#: 2023A2330200909

AKA:

Date of Offense: 1/26/2023

Race: WHITE Sex: M Age: 18

S.C. Code § 16-03-0600(B)(1)

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

CDR Code #: 3411

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DL#: \_\_\_\_\_ ID#: \_\_\_\_\_

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

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

TO: Assault/Assault and Battery in the First Degree

in violation of § 16-03-0600(C)(1) of the S.C. Code of Laws, bearing CDR Code # 3412

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

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

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

ATTEST: Meghan Gasser 104134 SC Bar # Matthew Barton Defendant Seth Holcomb 104908 SC Bar #  
Gasser, Meghan SC Bar # Defendant HOLCOMB, SETH Attorney for Defendant

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

for a determinate term of \_\_\_\_\_ days/months/years/Time Served  Youthful Offender Act not to exceed 6 years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of 15 days/months/years/Time Served 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.

RECEIVED

JUL 24 2025

SC Court of Appeals

The sentence shall run

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

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc. 51 (days) months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

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

STATE VS. Matthew Dale Barton INDICTMENT/CASE#: 23-6874

**SPECIAL CONDITIONS:**

- PTUP after \_\_\_\_\_ months/years
- And Other Terms Listed Below:**
- Substance Abuse Counseling       Completion of GED       Random Drug/Alcohol Testing
- Attend Voc. Rehab. or Job Corp       No Contact with Victim       Domestic Violence Intervention Program
- Mental Health Counseling       May serve W/E beginning: \_\_\_\_\_
- Sex Offender Registry pursuant to S.C. Code § 23-3-430       Public Service Employment \_\_\_\_\_ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: Anger Management  
for forfeiture of fire arm. - consent order to be provided

**RESTITUTION:**       Deferred       Def. Waives Hearing       Ordered

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ per order.

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

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

\*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of	\$ _____	Beginning	_____	\$ _____
§14-1-206 (Assessments 107.5 %)				\$ _____
§14-1-211(A)(1) (Conv. Surcharge)		\$100		\$ <u>100.00</u>
§14-1-211(A)(2) (DUI Surcharge)		\$100		\$ _____
§56-5-2995 (DUI Assessment)		\$12		\$ _____
§56-1-286 (DUI Breath Test)		\$25		\$ _____
§14-1-212 (Law Enforce. Funding)		\$25		\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)		\$150		\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41		\$ _____
§50-21-114(BUI Breath Test Fee)		\$50		\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$40/ea		\$ _____
3% to County (if paid in installments)		TBD		\$ <u>18.75</u>
<input checked="" type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.		\$500		\$ <u>500.00</u>
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD		\$ _____
<b>TOTAL</b>				\$ <u>643.75</u>

Clerk of Court/ Deputy Clerk: Brian Coates  
 Court Reporter: Hessner

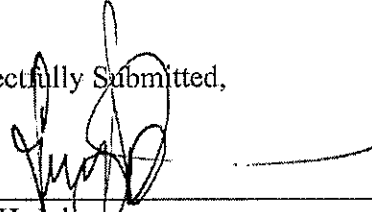
Presiding Judge: [Signature]  
 Judge Code: 2755  
 Sentence Date: 11-14-23

*prob begins today*

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,



---

Gary H. Johnson  
Appellate Defender  
SC Bar #8898

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

ATTORNEY FOR APPELLANT

This 24th day of February 2026.