



COUNTY COUNCIL OF BEAUFORT COUNTY

OFFICE OF THE PUBLIC DEFENDER

Human Services Building • 1905 Duke Street (Room 210) • P.O. Box 525

Beaufort, South Carolina 29901-0525

Phone: (843) 255-5805 Fax: (843) 255-9494

November 25th, 2013

Ms. V. Claire Allen
1015 Sumter Street
PO Box 11629
Columbia, SC 29211

Re: The State v. Tonja Mcallister
Appellate Case No. 2013-002401

Dear Ms. Allen,

I have corrected the deficiencies noted in your letter dated November 14th, 2013. Enclosed please find a corrected and clocked Notice of Intent to Appeal with a proper caption listing opposing counsel and the missing order(s) and/or judgment(s) challenged on appeal.

I will no longer be handling Ms. Mcallister case once the Notice of Intent to Appeal has been properly filed. It is my understanding that the family has hired Ms. Kate Brobston of the private bar to handle the appeal. Ms. Brobston is an attorney with The Law Offices of Jim Brown and can be reached at (843)-470-0003.

If there is anything further required of me, please do not hesitate to call.

Kindest Regards,

Jessica M. Saxon
Assistant Public Defender
Beaufort County
843-255-5810
jsaxon@bcgov.net

RECEIVED
NOV 27 2013
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM BEAUFORT COUNTY
COURT OF GENERAL SESSIONS
CARMEN T. MULLEN, CIRCUIT COURT JUDGE
INDICTMENT NO. 2008GS07-00248

TONJA MCALLISTER,.....APPELLANT

v.

STATE OF SOUTH CAROLINA,.....RESPONDENT

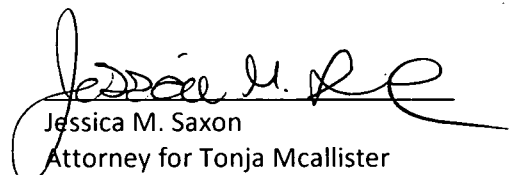
NOTICE OF INTENT TO APPEAL

Jessica M. Saxon, Esquire
Beaufort County Public Defender's Office
P.O. Box 525
Beaufort, SC 29907
(843)-255-5810
Initial Counsel for Defendant

Attorney General's Office
Appellate Division
The Honorable Alan Wilson
P.O. Box 11549
Columbia, S.C. 29211
(803)-734-3970
Attorney for Respondent

2013 NOV 25 PM 1:09
JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

TONJA MCALLISTER appeals from her probation revocation and sentence on October 24, 2013 before the Honorable Carmen T. Mullen, Presiding Judge, Fourteenth Judicial Circuit; Tonja Mcallister appeals the Denial of her Motion to Reconsider Sentence on October 31, 2013 before the Honorable Carmen T. Mullen, Presiding Judge, Fourteenth Judicial Circuit.


Jessica M. Saxon
Attorney for Tonja Mcallister
Beaufort, SC 29901
(843)255-5805

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NOV 27 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

FOURTEENTH JUDICIAL CIRCUIT
IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA)

ORDER DENYING MOTION
TO RECONSIDER
PROBATION REVOCATION

vs.)

TONJA MCALLISTER,)

WARRANT NO(s): I260686
INDICTMENT NO(s): 2008GS0700248
CITATION NO(s): C-07-13-0023

DEFENDANT.)

Defendant, Tonja Mcallister, through her undersigned attorney, moved before this Honorable Court to reconsider the probation revocation and sentence imposed on the Defendant on October 24th, 2013.

This Honorable Court declined to hear the motion, as no new evidence became available at the time of the Motion to Reconsider that warrants the Court make an alternative finding.

THUS, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant's Motion to Reconsider Probation Revocation is DENIED.

2013 NOV - 1 PM 1:25
CARMEN T. MULLEN
CLERK OF COURT
BEAUFORT COUNTY, S.C.



The Honorable Carmen T. Mullen
Fourteenth Circuit Judge

10 - 31, 2013
Beaufort, South Carolina

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NOV 27 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

THE STATE)

vs.)

TONJA MCALLISTER)

DEFENDANT.)
_____)

FOURTEENTH JUDICIAL CIRCUIT
IN THE COURT OF GENERAL SESSIONS

MOTION TO RECONSIDER
PROBATION REVOCATION

WARRANT NO(s): I260686

INDICTMENT NO(s): 2008GS0700248

2013 OCT 31 AM 9:31
JERRI ANN ROSENE
CLERK OF COURT
BEAUFORT COUNTY, S.C.

This matter comes before the Court on Defendant's Motion to Reconsider probation Revocation and sentence imposed on October 24th, 2013, pursuant to Rule 29 of the South Carolina Rules of Criminal Procedure and based on both Federal and State case law. The Defendant pled guilty before the Honorable Carmen Mullen on October 27th, 2008 to one count of Breach of Trust with Fraudulent Intent Value \$5,000 or more. The Court sentenced the Defendant to three year suspended upon five years probation and restitution in the amount of \$58,097.50 plus supervision fees and court cost.

At the time of her sentencing the Defendant was employed, earning roughly \$2400.00 a month. Based on the Defendant's income, her initial repayment amount was \$750 a month. The payment was restructured in August 2010 to \$500 a month after the Defendant had lost her job and was on unemployment. Through the five year probationary period the Defendant was required to pay between 30% and 60% of her monthly income towards restitution and was able to repay \$17,525 of the restitution she owed, averaging a payment of \$292 a month over 5 years. The Defendant's probation was set to expire on October 26th, 2013 and because she had not been able to fully repay her restitution the case was brought back before the Honorable Carmen Mullen to be reviewed on October 24th, 2013.

Based on the court ordered repayment plan the Defendant was not expected to repay the total restitution back in the five year period and the Defendant is currently only four months in

arrears (\$2030.00) on a sixty month sentence. The Defendant has had no violations during her five-year probationary period and the amount that she did repay reflects a bona fide effort on her part to meet her restitution obligation. However, based on her arrearage and her inability to pay the restitution in whole the Defendant was revoked two days before her probation was set to terminate and sentenced to two years in the South Carolina Department of Corrections with the remainder of restitution converted to a civil judgment.

CASE LAW/ANALYSIS

It is well established, in both Federal and South Carolina case law, that probation may not be revoked solely on the ground that the probationer failed to pay fines or to make restitution.¹ Before probation can be revoked solely on financial grounds the judge must determine on the record that the probationer failed to make a bona fide effort to pay.² Depriving someone of their conditional freedom without the finding of willful violation to pay directly contravenes the Fourteenth Amendment's due process requirement.³

In *State v. Spare*⁴ the South Carolina Court of Appeals provided a roadmap for making the findings required under *Bearden* and *Barlet*.⁵ The Court of Appeals held that "the circuit court may not revoke probation solely on the basis of a failure to pay money unless the record reflects the court made the following findings:

1. The State has presented sufficient evidence to establish that a probationer has violated the conditions of his probation;⁶

¹ See *Bearden v. Georgia*, 461 U.S. 660, 103 S.Ct. 2064, 76 L.Ed.2d 221 (1983); *Barlet v. State*, 288 S.C. 481, 343 S.E.2d 620 (1986); *Nichols v. State*, 308 S.C. 334, 417 S.E.2d 860 (S.C. 1992)

² *Id.*

³ *Id.*

⁴ *State v. Spare*, 374 S.C. 264, 647 S.E.2d 706 (S.C.App. 2007)

⁵ *State v. Coker*, 397 S.C. 244, 723 S.E.2d 619 (S.C.App. 2010) citing *State v. Spare*, 374 S.C. 264, 647 S.E.2d 706 (S.C.App. 2007)

⁶ *State v. Coker*, 397 S.C. 244, 723 S.E.2d 619 (S.C.App. 2010) citing *State v. Spare*, 374 S.C. at 268, 647 S.E.2d at 708

2. The probationer made a willful choice not to pay in that the probationer had the funds to pay and chose not to do so or lacked the funds to pay and did not make a bona fide effort to acquire the funds;⁷
3. If the court finds the probationer could not pay despite sufficient bona fide efforts to acquire the resources to do so the court may not imprison the probationer unless it also finds that alternate measures are not adequate to meet the State's interests in punishment and deterrence."⁸

None of the required findings from *Spare* were made in the case at hand. The only determination made on the record in this case was a blanket finding of willfulness not to pay which was not supported by factual evidence. The State, represented by the Department of Probation, did not offer evidence of a violation as no such violation existed. At the hearing it was the position of the Defendant's probation agent that probation be terminated and the remainder of the restitution be converted to a civil judgment. The Defendant's probation agent stated that the Defendant had done her best to pay considering her financial situation, and that while the payments were not always timely and not necessarily always full, they did occur. The Defendant's situation is similar to that of the defendant in *Spare* – in that case the court noted that from all indications the defendant was making progress, albeit slowly, toward paying his restitution and that although frustrating, that evidence alone did not support the court's finding of willfulness.

At no time during her probation did the Defendant willfully fail to pay her restitution. The Defendant struggled finding and maintaining employment but never stopped making a

⁷ *State v. Coker*, 397 S.C. 244, 723 S.E.2d 619 (S.C.App. 2010) citing *State v. Spare*, 374 S.C. at 268-69, 647 S.E.2d at 708-09.

⁸ *State v. Coker*, 397 S.C. 244, 723 S.E.2d 619 (S.C.App. 2010) citing *State v. Spare*, 374 S.C. at 268 n. 2, 647 S.E.2d at 708 n. 2, 709 (quoting *Bearden*, 461 U.S. at 672, 673 [103 S.Ct. 2064]).

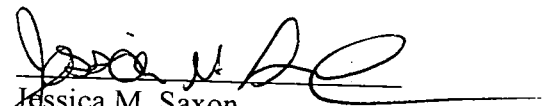
bona fide effort to pay her restitution and fees. The sentence of the Court to revoke her probation has caused the Defendant to lose her current job and will most certainly lead to the loss of her home. The State did not seek to have her probation revoked but merely terminated. The Defendant, aside from financial issues, did not violate any conditions of her probation.

CONCLUSION

Based on the above facts and in light of the case law on this matter, the Defendant respectfully requests that the Court reconsider the sentence imposed in this matter. The Defendant respectfully requests that the Court terminate the Defendants probation without any revocation as there is no evidence of a violation or willful failure to pay and convert the remainder of the restitution to a civil judgment.

Respectfully submitted,

October 30th, 2013
Beaufort, SC


Jessica M. Saxon
Attorney for Defendant
Beaufort County Public Defender's Office
P. O. Box 525
Beaufort, SC 29901
Telephone: (843) 255-5810

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of Beaufort
STATE VS.

Indictment Number: 2008 -GS- 07 - 248
Probation C/W#: C-07-13-0023

Tonja McAllister PM 4:53

AKA: _____
Race: Blk Sex: Female
DOB: 03-13-1980 BEAUFORT COUNTY, S.C.
SSN: 93-12-13-9201
SID#: 01765061

Name of Original Offense: BOT w/ Fraud Intent
Original A/W#: I 260686
Date of Original Offense: 8-2-2007
Conviction S.C. Code §: 16-13-0230(B)(3)
Conviction CDR Code #: 0141211
Original Sentence: 3yrs Susp, 5yrs Probation

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 10/27/2008 in the Court of General Sessions of Beaufort County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 11-29-09 and 8-20-10, as set forth in the attached warrant(s) or citation(s) dated 7-9-10 and 10-20-09. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 2 months (years) the remainder of the original sentence, and/or pay \$ CJ.
- 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:
Revoke 2yrs with CJ.

- 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.

Certified - A True Copy

[Signature]
Clerk of Court

This 24th day of October, 2013,
Beaufort, SC

Presiding Judge [Signature]
14th 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]
Signed this 24th day of October, 2013, at _____ SC

Witnessed by [Signature]
City

[REDACTED]

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STATE OF SOUTH CAROLINA)
 COUNTY OF BEAUFORT)
 State of South Carolina)
 Plaintiff,)
 -vs-)
 Tonja Kerrin Mcallister)
 Defendant Juvenile.)

IN THE COURT OF GENERAL SESSIONS
 14th JUDICIAL CIRCUIT
 CASE NO.: I260686 – 2008GS0700248
 APPOINTMENT OF COUNSEL
 (Select one.)

ORDER
 AMENDED ORDER

Offense(s): Breach / Breach of trust with fraudulent intent, value \$5,000 or more

It appears that the above named person is entitled to court-appointed counsel or a guardian ad litem.

It further appears that: (Select only one.)

- the public defender now represents another person involved herein and that a conflict would arise if that office represents the above-named individual.
- the public defender has indicated a possible conflict of interest or other good cause warranting the appointment of counsel based on:
- the public defender or court-appointed counsel has indicated that the named individual has now retained private counsel and is no longer entitled to appointed counsel.
- court-appointed counsel has claimed an exemption or has demonstrated good cause pursuant to Rule 608 warranting the appointment of new counsel based on:
- court-appointed counsel has obtained substitute counsel named below pursuant to Rule 608(h)(2); only the member who originally received the appointment and who sought substitute counsel shall receive credit for the appointment.

X Appointed By Judge Carmen T. Mullen

Therefore, it is ordered that Jessica Saxton Esquire hereby is appointed as (Select only one.)

counsel lead counsel (if capital PCR case)

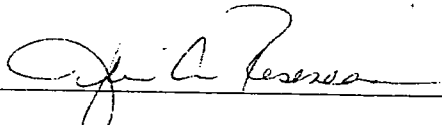
for the above-named person. Counsel previously appointed is/are hereby relieved as counsel.

(If Death Penalty PCR Case) It is further ordered that , Esquire, is hereby appointed as second counsel in this capital case.

The clerk of court is directed to forward a copy of this order to all persons entitled to notice.

IT IS SO ORDERED

October 24, 2013


 Circuit Judge Clerk of Court

Plaintiff Attorney:

Solicitor	

Defendant Attorney:

Jessica Saxton	
PO Box 525	
Beaufort, SC 29901	

NOTICE: SC Supreme Court Order of September 29, 2006, requires appointed counsel entitled to payment from the Office of Indigent Defense (OID) to register the case online with OID within fifteen (15) days of this appointment at www.sccid.sc.gov, and further directs that reimbursement vouchers be submitted directly to SCCID and not to the trial judge or clerk of court. See SCCID website for further details.

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

IN THE COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT

2008 GS-7-248

The State of South Carolina,)

vs.)

AFFIDAVIT OF INDIGENCY

Tony Kevin McAllister)

Defendant.)

I HEREBY SWEAR AND ATTEST that I have been incarcerated in the Beaufort County Detention center for ten (10) days or longer. As a result of indigency, I request appointed counsel.

Tonya McAllister by Jessica Lane
Signature of Affiant by Attorney for Affiant

Appt. in Court 10/24/2013
By Judge Mueller

Dated: 10/24/, 2013
Beaufort, South Carolina

SWORN to and subscribed before me
this 24th day of Oct, 2013.

L. Ann... B. Perry
Notary Public for South Carolina
My Commission Expires: 1/24/2013

Financial PROBATION CITATION

Indictment Number: 08-GS-07-00248

Citation #: C-07-13-0023

SOUTH CAROLINA V. TONJA MCALLISTER	COUNTY: BEAUFORT
	SID # 01765061
	SCDC #

TO: TONJA MCALLISTER

YOU ARE HEREBY NOTIFIED to appear in the above case at the time, date and place specified below.

Place Beaufort County Court of General Sessions	Room 1, 2 or 3
Date and Time 10/24/2013 9:00 AM	

YOU ARE HEREBY NOTIFIED that you are charged with violating the conditions of your supervision as stated below.

Violations Charged
The above named defendant has failed to comply with the Court's probation order and the defendant's agreement to pay a fine, restitution and supervision fees.

YOU ARE HEREBY NOTIFIED that you have the rights listed below.

List of Rights:
You have the right at the hearing to question any person who appears as a witness against you and to have witnesses appear on your behalf. You may present evidence on your behalf. You may have an attorney represent you. If you cannot afford an attorney, an attorney will be appointed for you. You must advise the agent or the court in writing of your desire for an attorney. It is your responsibility to make arrangements for your witnesses and your attorney to appear at the hearing.

IF YOU FAIL TO APPEAR AT THE TIME, DATE AND PLACE SHOWN ABOVE, THE HEARING WILL BE HELD IN YOUR ABSENCE AND YOU MAY BE INCARCERATED.

BEAUFORT, South Carolina	Probation and Parole Agent Nicole Albany	Agent # 0234
Date 10/15/2013		

A copy of the citation was served by the undersigned and given to the individual named therein at the time, date, and place indicated below.

Place South Carolina Dept. of Probation - Parole, Pardon Services	Date and Time 10-15-13
Serving Officer's Signature <i>[Signature]</i>	

Sworn to and subscribed before me this 15 day of Oct. 2013

[Signature]
Signature of Notary Public

My Commission Expires April 25, 2022

South Carolina Department of Probation, Parole and Pardon Services
 Violation Report

Atley

Offender's Name: **TONJA MCALLISTER**
 State of South Carolina, County of: **BEAUFORT**
 SID#: **01765061**

*State v. Stev
 or
 Jpre*

Warrant#: **C-07-13-0023**
 Date of Birth: **3/13/1965**

SCDC#:

Indictment Numbers:
08-GS-07-00248

Motion to Reconsider

Offense and Offense Code:
421 - Breach of trust with fraudulent intent, value \$5,000 or more (no longer used)(see 3424)

Supervision Program: **Probation**
 Supervision Level: **Standard Supervision**

Begin Date: **10/27/2008** End Date: **10/26/2013**

Sentencing Judge: **142 - Mullen, Carmen**
 Sentencing Date: **10/27/2008**
 Location (Bold Response): **Community**

Sentencing County: **BEAUFORT**

*Revised for 2 yrs
 + ~~prob~~ converted
 to civil judgement
 if can pay balance*

Sentence:

3 years suspended to 5 years probation

Special Conditions:

-DACOR in the amount of \$58,097.50 - plus and additional 20% fee added=\$69,717.00
 -PTUP

*11,019.50 1 year
 908.20 1 month*

Current Address and Summary of Residence:

3128 PALOMINO DRIVE, BEAUFORT, SC 29906, BEAUFORT, USA

*413,943.41 1 year
 1,161.95 / month*

Reporting:

Offender reported as instructed.

58,097.50

Employment Records While Under Supervision:

Employer	Dates (from -to)	Reason(s) for Leaving	Earnings
CARUSTAR RECYCLING CENTER	9/4/2012 -		\$1,600.00 <i>12.25%</i>
HEALTH SERVICES	7/16/2008 - 6/8/2010	Laid Off	\$2,400.00 <i>12%</i>
UNEMPLOYMENT BENEFITS	9/21/2010 - 2/1/2012	Empolyment	\$1,304.00 <i>7%</i>
HEALTH CARE PRODUCTS, LLC.	2/1/2012 - 9/4/2012	Employment @ Carustar	\$800.00 <i>36.5%</i>

Offender is currently employed at Carustar Recycling Center. She has been employed since September 2012.

Financial Conditions:

	Total Amount ordered	Pay Period	Total Paid	Date Last Paid	Arrearage	Balance Due
Fees						
DNA Fee	\$250.00	\$250.00/Y	\$0.00		\$0.00	\$250.00
Fines						
Court Ordered Fines	\$133.90	\$10.00/M	\$0.00		\$0.00	\$133.90
Restitutions						
Dept. Admin. Ct. Ordered Re	\$58,884.14	\$505.00/M	\$17,525.00	10/23/2013	\$2,030.00	\$41,359.14

*11,776.83 - yr
 981.40 / month*

*3,505 / yr
 292 / month*

3911 / year

South Carolina Department of Probation, Parole and Pardon Services
Violation Report

Offender's Name: **TONJA MCALLISTER**

Offender is in arrears on Restitution, last paying \$400 June 2013.

Prior Violation Dates	Prior Violations	Prior Violation Disposition
3/12/2013	Failed to pay monetary obligations. Failed to follow the advice and instruction of her agent.	1182: Offender is in arrears on her restitution account. Her restitution account will be restructured to begin on 4-1-2013.
7/5/2012	Failure to pay restitution.	1182: In arrears on court ordered restitution \$2850. Offender's last payment was \$150 on 4-30-2012. Restructure restitution acct. to begin on 8/14/12. If offender does comply case will be forward to G/S.
8/26/2010	Tonja McAllister is in violation of Probation as ordered in Cause#s 2008-GS-07-00248 by the Honorable Judge Mullen of the Beaufort County Court of General Sessions. In violation of Condition#s: 10 and 11.	Per Judge Mullen, continue case- Pay \$500.00 per month on Restitution, Do not miss any payments, failure to pay, bring back before the courts, revocation in full.
10/29/2009	Tonja McAllister is in violation on his Probation as ordered in Cause#s 2008-GS-07-00248 by the Honorable Judge Mullen of the Beaufort County Court of General Sessions. In violation of Condition#s: 7, 10 and 11.	Per Judge Mullen, pay \$750.00 a month to Restitution beg 11/15/2009 for 5 months. Waive 20% to SCDPPPS. Waive all supervision fees and fines PTUP.

Details of the Present Violation:

The above named defendant has failed to comply with the Court's probation order and the defendant's agreement to pay a fine, restitution and supervision fees. The above named defendant agreed in writing, as a part of his/her probation agreement, to pay a fine, restitution and supervision fees. The defendant has not complied with his/her written agreement. As of the date of this affidavit, the defendant's arrearage and unpaid balance on the agreed payment schedule is as follows:

Arrearage Fine: \$0.00, Arrearage Restitution: \$2,480.00, Arrearage Supervision Fees: \$0.00, Unpaid Balance Fine: \$133.90, Unpaid Balance Restitution: \$41,809.14, Unpaid Balance Supervision Fees: \$0.00.

Agent's Recommendation:

Judicial Review

Agent's Justification:

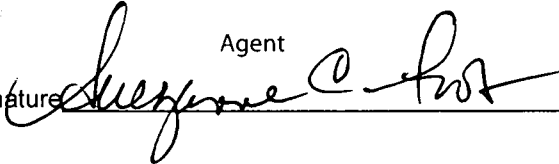
Ms. McCallister case closes on 10-26-13 and she still owes restituion.

Nicole J. Albany

Agent

Date: 10/22/2013

Supervisor's Signature



Date:

10/22/13

STATE OF SOUTH CAROLINA)
)
COUNTY OF Beaufort)

IN THE COURT OF GENERAL SESSIONS

Indictment No. 2008-GS-07-C248

Probation/ Community Supervision
Program (CSP) Violation
Warrant/Citation # I260686

State of South Carolina,)
)
v.)
Tanya McAllister)
)
Offender.)

**NOTICE OF PROBATION /CSP VIOLATION
HEARING AND ACKNOWLEDGMENT
OF NOTICE**

You are hereby directed to appear at a Probation/CSP Violation Hearing in General Sessions Court on October 24th at 9:00 (am / pm) in the Beaufort County Courthouse, Beaufort, South Carolina.

You may have an attorney represent you at this hearing. If you cannot afford an attorney and you desire the representation of the Beaufort County Public Defender, you must apply for an appointed attorney with that office. If you choose to appear at the hearing without an attorney, you may be required to represent yourself. You are hereby advised that there are dangers and disadvantages to self representation. An attorney may better understand courtroom procedure and may be better able to think of and present defenses to your violations. By appearing without an attorney you are acknowledging these dangers but are knowingly and voluntarily choosing to proceed without counsel.

At the violation hearing you will have an opportunity to speak, and you may present witnesses or documentary evidence on your behalf. If requested, you will also have an opportunity to confront and cross-examine any witnesses called to testify against you; however, the Department may elect to present affidavits of witnesses or police officers in lieu of testimony. State v. Pauling (Ct. App. 2006). It is your responsibility to have your witnesses and attorney present. If you are released on bond prior to your hearing date, you must report to the Probation Office immediately upon your release.

You are required to be present at your hearing as scheduled above. If you do not appear, a bench warrant or a failure to appear warrant will be issued for your arrest. Furthermore, the Court may choose to proceed with the hearing in your absence. This directive remains in effect until you are granted leave by the Court.

This directive has been read to me and I have been provided with a copy. I was also given an opportunity to ask questions about this directive before it was signed.

10/14/2013
Date

Tanya McAllister
Offender's Signature

Nicole J. G...
Agent's Signature

State of South Carolina
Department of Probation, Parole and Pardon Services

NIKKI R. HALEY
Governor



KELA E. THOMAS
Director

SCDPPPS
PO Box 66
Hampton, SC 29924
Telephone: (803) 914-2274
Facsimile: (803) 943-7120

October 15, 2013

CAPA
P.O. Box 531
Beaufort, SC 29901
Attention: Susan Cato, Director

RE: Probation Violation Hearing

Offender: Tonja McAllister
Offense: Breach of Trust
Date of Sentence: October 27, 2008
Indictment #: 08-GS-07-00248

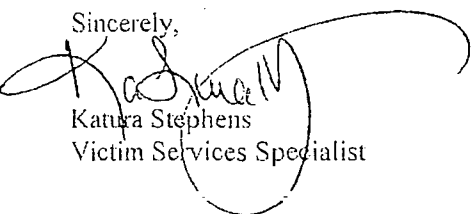
To Whom It May Concern:

Please be advised that the above named offender is scheduled for a violation hearing. This hearing is scheduled for October 24, 2013 @9:00 AM. The location of the hearing is Beaufort County Courthouse General Sessions, 100 Ribaut Road, Beaufort SC, 29902.

You are welcome to attend this hearing, or you may submit a written statement to this office if you prefer not to attend. You are under no legal obligation to respond in any manner and may totally disregard this notice if you desire. However, if you elect to attend the hearing or wish to be notified of the outcome if you are unable to attend, please call me at 803-914-2274. If I am unavailable, leave a message and I will return your call.

It is necessary for you to notify us in writing of any future changes of address and phone number if you wish continued notification of impending actions in this case. If you have any questions or concerns regarding this case, feel free to call me at 803-914-2274 or write to me at the above address. Thank you for your interest in this matter.

Sincerely,


Katura Stephens
Victim Services Specialist

Offender: MCALLISTER, TONJA (SID: 01765061)

Current Address History Address Domestic Violence Current Employment History Employment Family Contact Income & Expense General Information

Monthly Net Income

Public Assistance: No

Salary and Wages: 1,600.00

Spouse's Income:

Social Security/Disability:

Unemployment Compensation:

AFDC:

Anticipated Income:

Other Income:

Specify:

Total Income: 1,600.00

Monthly Expense

Rent/Mortgage: 500.00

Food: 225.00

Utilities: 350.00

Telephone: 0

Child Support: 0

Auto Loan: 0

Credit Cards: 0

Child Care: 0

Other Expenses: 554.00

Specify: House Insurance/GAS

Total Expenses: 1,629.00

Total Net Monthly Income Available: -29.00

Bank of America 

Your checking account 

Account number: 2230 1703 7801

Your MyAccess Checking

TONJA MCALLISTER / 3120 PHOENIX DRIVE, BEAUFORT SC 29906

Account summary

Beginning balance on September 6, 2013	\$530.25
Deposits and other additions	1,693.56
ATM and debit card subtractions	-1,736.54
Other subtractions	-378.74
Checks	-0.00
Service fees	-16.00
Ending balance on October 7, 2013	\$92.53

Deposits and other additions

Date	Description	Amount
09/13/13	Bkofamerica Atm 09/12 #000006942 Deposit Jean Ribaut Squa Beaufort Sc	436.15
09/19/13	Bkofamerica Atm 09/19 #000009217 Deposit Jean Ribaut Squa Beaufort Sc	410.63
09/26/13	Bkofamerica Atm 09/26 #000002510 Deposit Jean Ribaut Squa Beaufort Sc	425.21
10/03/13	Bkofamerica Atm 10/03 #000005296 Deposit Jean Ribaut Squa Beaufort Sc	421.57
Total deposits and other additions		\$1,693.56