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Mar 16 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Anderson County

Honorable R. Lawton McIntosh, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHRISTOPHER DAVID SIMPSON,

APPELLANT

APPELLATE CASE NO. 2025-001574

ANDERS BRIEF OF APPELLANT

WANDA H. CARTER
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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STATEMENT OF ISSUE ON APPEAL

The circuit court judge erred in allowing appellant to admit to the probation violation allegations before the state presented sufficient evidence establishing its case against appellant.

STATEMENT OF THE CASE

Appellant Christopher David Simpson pled guilty to criminal domestic violence during the July 2018 term of the Anderson County General Sessions Court and was sentenced to imprisonment for a period of ten years, suspended upon the service of eighteen months and five years probation. On July 18, 2025, appellant appeared at the Anderson County General Sessions Court before Judge R. Lawton McIntosh for a probation violation hearing whereinafter his probation was revoked in full. Attorney Matthew Bradley appeared on behalf of appellant at the hearing.

Appellant appealed This brief follows.

STANDARD OF REVIEW

The appellate court's authority to review a decision revoking probation is confined to correcting errors of law unless the lack of a legal or evidentiary basis indicates that the circuit court judge's decision was arbitrary and capricious. State v. Hamilton, 333 S.C. 642, 511 S.E.2d 94 (S.C. Ct. App. (1999)).

ARGUMENT

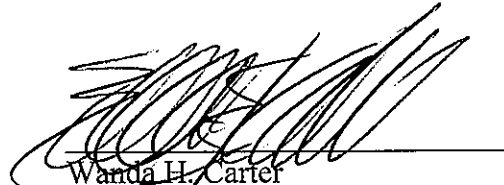
The circuit court judge erred in allowing appellant to admit to the probation violation allegations before the state presented sufficient evidence establishing its case against appellant.

In the case at bar, the probation revocation hearing began with appellant admitting to willfully violating the terms of his probation, which included a failure to report and an arrest on a new domestic violence charge. R. 3, lines 1-18. Thereafter, the probation agent presented the case against appellant in the matter. R. 4, l. 6 – p. 7, l. 16.

Although probation violation proceedings are not criminal trials; nonetheless, such proceedings must provide limited liberty interests and some minimum due process protections at the very least. State v. Hill, 368 S.C. 649, 630 S.E.2d 274 (2006), citing to Gagnon v. Scarpelli, 411 U.S. 778 (1973) and Morrissey v. Brewer, 408 U.S. 471 (1972). Therefore, in the same manner that a judge cannot accept a plea of guilty unless there is a factual basis for the plea (see LoPiano v. State, 270 S.C. 563, 243 S.E.2e 448 (1978)), a probationer's probation should not be revoked without an initial showing first of sufficient evidence to establish proof from the state on the alleged probation violation allegations. The trial court must determine whether the state has presented sufficient evidence to establish that a probationer has violated the conditions of his probation. State v. Hamilton, 333 S.C. 642, 511 S.E.2d 94 (Ct. App. 1999). The reverse scenario occurred in the case at bar. As a result, the circuit court judge erred in allowing appellant to admit to the probation allegations before the state first submitted its case with respect to evidence regarding whether appellant violated the condition of his probation.

CONCLUSION

Based on the foregoing argument, the undersigned counsel would request a new probation proceeding in the case.



Wanda H. Carter
Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 16th day of March, 2026.

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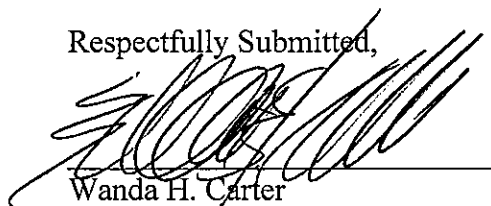
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Christopher Simpson states that:

1. She is Chief Appellate Defender for the South Carolina Office of Appellate Defense and was appointed to represent appellant.
2. She has reviewed the record of appellant's trial before Judge R. Lawton McIntosh, which was held on July 18, 2025, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She has, pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, she asks the Court to relieve her as counsel for Christopher Simpson.

Respectfully Submitted,



Wanda H. Carter
Chief Appellate Defender

This 16th day of March, 2026.

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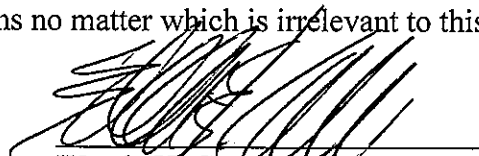
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**DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

- (1) Probation Revocation Hearing
- (2) Indictment
- (3) Sentence Sheet
- (4) Order
- (5) Arrest Warrant
- (6) Notice of Appeal

I certify that this designation contains no matter which is irrelevant to this appeal.



Wanda H. Carter
Chief Appellate Defender

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ATTORNEY FOR APPELLANT

This 16th day of March, 2026.

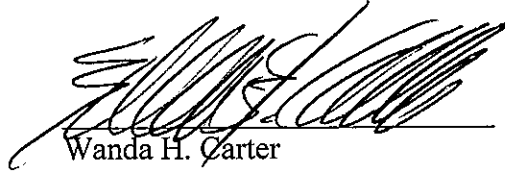
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CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Anders Brief of Appellant complies with Rule 211(b), SCACR, and 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."



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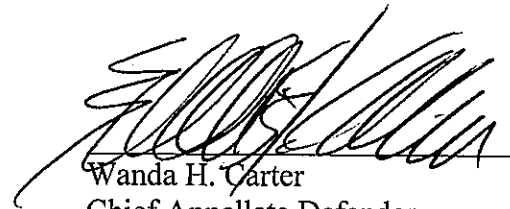
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APPELLATE CASE NO. 2025-001574

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Anders Brief of Appellant and Designation of Matter in the above-referenced case has been served upon Matthew C. Buchanan, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Christopher Simpson, #360166, at MacDougall Correctional Institution, 1516 Old Gilliard Road, Ridgeville, SC 29472, this 16th day of March, 2026.



Wanda H. Carter
Chief Appellate Defender

ATTORNEY FOR APPELLANT