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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DANDRE RAVON-LARENZ BLOOME,

APPELLANT

APPELLATE CASE NO. 2025-002510

INITIAL BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Whether the circuit court erred in revoking Appellant's probation where Appellant's "absconding" was due to his being homeless and where the court did not make a finding that Appellant's failure to pay was willful?

STATEMENT OF THE CASE

On March 22, 2022, Appellant appeared before the Honorable William P. Keesley to plead guilty to the offenses of third-degree burglary and grand larceny, \$2,000 to \$10,000. Tr. 3; R. (Violation Report dated 10/7/2025, p. 1). Appellant was sentenced to three years of incarceration as to each charge, suspended to three days' credit for time served and two years on probation, sentences to run concurrently. Appellant was ordered to pay restitution in the amount of \$2,640.78. R. (Violation Report dated 10/7/2025, p. 2).

On September 4, 2025, Appellant was arrested on probation violation warrant W-32-25-0338 for absconding by failing to update his residence and failing to respond to multiple telephone call attempts. Additionally, Appellant was in arrears on the restitution, court fines, and supervision fees. R. (Probation Warrant). On December 5, 2025, Appellant appeared with probation counsel Vanessa Ann Horsley for a revocation hearing before the Honorable Debra R. McCaslin. The state was represented by Solicitor S. Richard Hubbard, III. Tr. 1. At the conclusion of the hearing, Appellant's probation was revoked, and he was ordered to serve the original three years of his sentence. Tr. 5, ll. 16-17; R. (December 5, 2025 Probation Revocation Orders)

STANDARD OF REVIEW

The determination of whether to revoke probation in whole or part rests within the sound discretion of the trial court. State v. Allen, 370 S.C. 88, 94, 634 S.E.2d 653, 655–56 (2006) citing State v. Miller, 122 S.C. 468, 474–75, 115 S.E. 742, 745 (1923); State v. Proctor, 345 S.C. 299, 301, 546 S.E.2d 673, 674 (Ct.App.2001); S.C. Code Ann. § 24–21–460 (1989). The trial court must determine whether the State has presented sufficient evidence to establish that a probationer has violated the conditions of his probation. Id. citing State v. King, 221 S.C. 68, 73, 69 S.E.2d 123, 125 (1952); State v. White, 218 S.C. 130, 135, 61 S.E.2d 754, 756 (1950); State v. Hamilton, 333 S.C. 642, 648–49, 511 S.E.2d 94, 97 (Ct.App.1999). “While probation is a matter of grace, the probationer is entitled to fair treatment, and is not to be made the victim of whim or caprice.” Id. quoting White, 218 S.C. at 136, 61 S.E.2d at 756.

An appellate court will not reverse the trial court's decision unless that court abused its discretion. Id. citing White, 218 S.C. at 135, 61 S.E.2d at 756; Hamilton, 333 S.C. at 647, 511 S.E.2d at 96. An abuse of discretion occurs when the trial court's ruling is based upon an error of law, such as application of the wrong legal principle; or, when based upon factual conclusions, the ruling is without evidentiary support; or, when the trial court is vested with discretion, but the ruling reveals no discretion was exercised; or when the ruling does not fall within the range of permissible decisions applicable in a particular case, such that it may be deemed arbitrary and capricious. Id. citing Fontaine v. Peitz, 291 S.C. 536, 539, 354 S.E.2d 565, 566 (1987); S.E.C. v. TheStreet.Com, 273 F.3d 222, 229 n. 6 (2d Cir.2001).

ARGUMENT

The circuit court erred in revoking Appellant's probation where Appellant's "absconding" was due to his being homeless and where the court did not make a finding that Appellant's failure to pay was willful.

Relevant facts

At the start of the hearing Appellant admitted that he had violated his probation. Tr. 3, ll. 12-14. Counsel Horsley then explained that Appellant had "absconded" due to periods of homelessness that he experienced. He lacked a stable residence and a reliable phone until recently when his stepfather began to offer him support. She confirmed that Appellant was working. As of September 20, 2024, he was employed at Arby's, and as of February 6, 2025, he started a second job at Taco Bell. She further explained that Appellant had suffered a traumatic brain injury several years ago. Tr. 4, l. 22 – 5, l. 13; R. (Violation Report dated 10/7/2025, p. 2).

The circuit court, after confirming that the absconding/failure to pay was Appellant's fifth violation, revoked Appellant's probation in full. Tr. 5, ll. 14-17. The court neither made any factual findings regarding the absconding nor any findings regarding a willful failure to pay nor did the court consider how Appellant's homelessness impacted his ability to comply with the probation residency requirements. The violation report listed fourteen addresses for Appellant between placement on probation in March of 2022 and being served the violation warrant in September of 2025, with at least five of the residences being hotels or motels. Appellant's last reported address was a room at the American Inn in West Columbia, SC. R. (Violation Report dated 10/7/2025, pp. 1-2).

Appellant's prior violations included three financial citations, C-40-25-0076, C-32-24-0175, C-32-23-0001, and two positive drug screenings roughly a year apart, in August of 2023

and July of 2024. R. (Violation Report dated 10/7/2025, pp. 2-3). Appellant was alleged to have absconded as of July 16, 2025, when agents learned he was no longer living in the motel room listed in his file and they could not reach him through multiple telephone calls. The warrant for absconding was taken out on July 18, 2025, and served on Appellant on September 4, 2025. R. (Arrest Warrant W-32-25-0338). According to the state, Appellant was \$100 in arrears on his court ordered restitution and \$76 in arrears on his supervision fees at the time the affidavit for his violation was drawn up. Tr. 4, ll. 10-13.

Discussion

Appellate courts only sit to consider errors of law in relation to probation revocations and “[a] finding of fact by the court of general sessions as to a breach of the conditions of a suspended sentence is final.” State v. White, 218 S.C. 130, 135, 61 S.E.2d 754, 756 (1950). Therefore, “before revoking probation, the circuit judge must determine if there is sufficient evidence to establish that the probationer has violated his probation conditions.” State v. Hamilton, 333 S.C. 642, 648-49, 511 S.E.2d 94, 97 (Ct. App. 1999). “[T]he authority of the court of general sessions to revoke such suspension of sentence should always be predicted upon an evidentiary showing of fact tending to establish violations of the conditions.” White at 135, 61 S.E.2d at 756 (1950). The burden is on the state to present “sufficient evidence to establish that a probationer has violated the conditions of his probation.” State v. Allen, 370 S.C. 88, 94, 634 S.E.2d 653, 654 (2006).

Absconding

Appellant was violated for absconding, and he admitted that he had not kept his probation agent aware of his residence. However, this was because he neither had a residence with which to update his probation agent nor did he have regular access to a telephone. Appellant did not

abscond from supervision – he became homeless and the fourteen prior addresses he had provided to probation showed a good faith effort to find housing and to maintain contact with his probation agent. This Court should find the lower court abused its discretion in finding Appellant absconded probation where the state did not present evidence that Appellant became homeless through intentional acts, where he had made a good faith effort to comply, and had, as of the date of the hearing, secured stable housing with his stepfather.

“Abscond” means “[t]o go in a clandestine manner out of the jurisdiction of the courts, or to lie concealed, in order to avoid their process. To hide, conceal or absent oneself clandestinely, with the intent to avoid legal process.” State v. Snelgrove, 299 S.C. 290, 292, 384 S.E.2d 705, 706 (1989) citing Black's Law Dictionary 8 (5th Ed.1979). The more recent dictionary defines “abscond” as “[t]o depart secretly or suddenly, esp. to avoid arrest, prosecution, or service of process.” Black's Law Dictionary (12th ed. 2024). Thus, to abscond, an individual must *willfully* lie, hide, conceal or absent oneself from the jurisdiction of the courts to avoid arrest, prosecution or service of process. Inherent in the act of absconding is an intentional act of absenting oneself from the reach of the court. There is no evidence in the record to support a determination that Appellant intentionally or willfully lied, concealed, or absented himself from the jurisdiction of the courts or his probation agent. The evidence in the record supports a finding that Appellant was rendered homeless. At that point, the court should have inquired into the reason for his homelessness instead of presuming it was by choice.

While the appellate courts of this state have not directly addressed whether a probationer's forced homelessness is proper grounds for revocation, other states have held that forced homelessness is not a valid ground upon which to violate probation. See State v. Talbert, 221 N.C. App. 650, 653, 727 S.E.2d 908, 911 (2012) (Inability to find suitable housing

upon release was not grounds to revoke probation - fairness dictates that in some instances a defendant's probation should not be revoked because of circumstances beyond his control); Charles v. State, 209 So. 3d 32, 35 (Fla. Dist. Ct. App. 2016) (When a probationer becomes displaced from his/her residence with little notice and is made temporarily homeless, the probationer's failure to procure permission to change residences cannot be considered a willful violation of probation). White v. State, 311 So. 3d 1278, 1284 (Miss. Ct. App. 2021) (It is well-established that a court cannot “deprive [a] probationer of his conditional freedom simply because, through no fault of his own, he cannot pay” fines or restitution. Logically, the same rule would apply to a reporting requirement, and therefore a court also cannot revoke an offender's PRS or probation “simply because, through no fault of his own, he” is unable to report due to homeless or lack of transportation.) (internal citations omitted).

These cases rely on the principle that when a probationer is willing but unable to comply with a condition, that individual should not be penalized for circumstances beyond their control. This same premise underpinned the Supreme Court’s decision in Bearden v. Georgia, 461 U.S. 660 (1983) which ultimately held a probationer whose sole violation consists of nonpayment of fines or restitution, and who is willing but unable to pay, should not be penalized for being poor.

Here, Appellant was rendered homeless but there is no evidence in the record to support a finding that he intentionally became homeless to abscond from custody. His years of compliance with the address notification requirement was evidence of his repeated good faith attempt to keep probation informed of his location. Upon becoming homeless, he had no ability to comply with the reporting requirement and his inability to afford housing, much like an inability to pay restitution, should not be used as a ground to penalize him when he had otherwise complied with probation and had the desire to continue to comply with probation once he had secured housing.

This Court should find the circuit court abused its discretion in violating Appellant on this ground.

Failure to Pay

In the context of a probation revocation, a circuit judge is not required to make a finding that a violation of probation was willful unless the case involves the failure to pay fines or restitution. Then a circuit judge must, in addition to finding sufficient factual evidence of the violation, make an additional finding of willfulness. See Hamilton at 649; 511 S.E.2d at 97. “Willful failure to pay means a voluntary, conscious and intentional failure.” State v. Spare, 374 S.C. 264, 269, 647 S.E.2d 706, 708-709 (Ct. App. 2007) (internal citations removed). “A proper analysis should include an inquiry into the reasons surrounding the probationer’s failure to pay, followed by a determination of whether the probationer made a willful choice not to pay.” Id. “After making those determinations, if the court finds the probationer ‘could not pay despite sufficient bona fide efforts to acquire the resources to do so,’ the court should then consider alternatives to incarceration in accordance with Bearden.” Id. at 270, 647 S.E.2d at 709.

The circuit court abused its discretion in failing to make the requisite inquiry into Appellant’s ability to pay, the reasons for not being up to date on his payments, and whether his failure to pay was willful. The state alleged he was roughly \$176 in arrears at the time of his violation. The violation report indicates he may have had a higher amount of arrears than reported at the hearing. However, the violation report also shows that, even with arrears, Appellant had been making a bona fide effort to pay. Of the \$2,640.78 court ordered restitution, \$999.98 had been paid by Appellant, with \$799.98 being paid by a co-payer (presumably a co-defendant). Of his \$3,000 in supervision fees, more than half had been paid. A review of Appellant’s account showed that he consistently made a *bona fide* effort to pay his fines, fees,

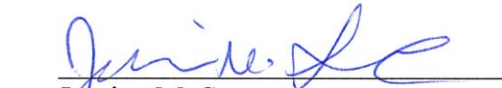
and restitution, despite not being able to secure stable housing. None of this was considered by the court in revoking Appellant's probation.

Much like in Spare, Appellant was making progress, albeit slow, towards his financial obligations. There is nothing in the record to show that Appellant, a homeless individual, had the ability to pay more towards his financial obligations but instead made a conscious decision to not pay – a necessary fact that must exist when revoking on financial grounds.

Both of Appellant's alleged violations in the case centered around his financial ability to comply with the terms of probation. These "violations" were not willful violations but resulted due to an inability to comply. Appellant could not provide an address for a home that did not exist and he was not willful in failing to pay more toward his financial obligations when he had been making steady progress on them for years. The circuit court's revocation of Appellant's probation is not supported by the evidence in the record. This Court should reverse Appellant's revocation and reinstate his probationary sentence.

CONCLUSION

Based on the foregoing argument, Appellant respectfully request this Court reverse his probation revocation and either find revocation was not proper in this instance or remand the matter back to the circuit court for a new probation hearing.



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Appellate Defender
ATTORNEY FOR APPELLANT

This 27th day of July, 2026.