

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY

Clifton Newman, Circuit Court Judge

RECEIVED

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JONATHAN MALLORY,

APPELLANT

APPELLATE CASE NO. 2013-000811

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF LEXINGTON	—)	2010-GS-32-00935
		2011-GS-32-00545

STATE OF SOUTH CAROLINA	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
JONATHAN MALLORY	)	
DEFENDANT	—)	

April 12, 2013
Lexington, South Carolina

B E F O R E:

THE HONORABLE CLIFTON NEWMAN, JUDGE.

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

STATE OF SOUTH CAROLINA
DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES
Appearing for the State

DAVID M. MAULDIN, ASSISTANT PUBLIC DEFENDER
Attorney for the Defendant

CAROL M. THUEME, RPR
Official Court Reporter

I N D E X

DEFENDANT:	PAGE
JONATHAN MALLORY	3

EXHIBITS

(There were no exhibits marked.)

1 THE PROBATION AGENT: Jonathan Mallory.

2 THE CLERK: Raise your right hand, please.

3 JONATHAN MALLORY, after being duly sworn,
4 testified as follows:

5 THE COURT: Yes, ma'am, Ms. Lyons.

6 THE PROBATION AGENT: Yes, sir.

7 This is Jonathan Mallory, Your Honor. He was
8 sentenced by Judge Cothran for burglary, actually two
9 burglaries.

10 Mr. Mallory, we have attempted to help him with
11 his financial obligations, which is part of the violation
12 for today, a total of eight times. We're still in the
13 same situation as far as his money goes.

14 He also is here today for failure to report for
15 four visits in a row, failing to work public service hours
16 that we had given him in an attempt to help him with his
17 supervision fee arrearage, and that's the total of today's
18 violation.

19 I had previously felt that we may still be able
20 to help Mr. Mallory. He had come to me and told me he was
21 having problems within his family that was causing these
22 financial issues for him; however, at this point
23 Mr. Mallory is now incarcerated for some significant
24 charges.

25 THE COURT: All right. Mr. Mauldin.

1 MR. MAULDIN: Thank you, Your Honor.

2 Mr. Mallory is 37. He's been self-employed
3 since 1997. He has mainly done floor covering
4 installation for a period of about ten years, and when
5 that business kind of went downhill, or the demand for it
6 went downhill, he started doing a scrap metal business,
7 learned how to do some P.C. repair and has been doing that
8 through Craig's List.

9 He's got three children -- four children, Your
10 Honor. There are twin girls that are 18 and 17 from a
11 prior relationship, and from a current relationship he has
12 a 19-month-old child.

13 If you go through the violation, Your Honor, the
14 four reports are one week after the other. Technically,
15 he missed one month of reporting. He said that he did
16 attempt to contact Ms. Lyons several times on the phone,
17 and by the time he caught up with her, she said come in
18 the next Wednesday, which was his next report date, and he
19 did.

20 She instructed him that if he happened to miss
21 one Wednesday, it's the best policy that you come in the
22 next Wednesday as that is your report date and catch up on
23 that. So basically he missed one report. He does admit
24 that he missed that.

25 He has paid some monies, Your Honor, apparently

1 \$725 that has been paid toward supervision fees and \$330
2 towards the restitution. He says when he brings money he
3 bring it and tells them to put it where they need to put
4 it. And so he's paid over a thousand dollars for the time
5 that he's been on probation.

6 The family problems she's been talking about, he
7 said there's a period of time when his -- the mother of
8 his child left with the vehicle and he was at home with
9 the child alone, he didn't have transportation to go to
10 PSC, but he would still, except for that one month, make
11 it to the probation office if he had to hitchhike or trade
12 somebody something to give him a ride over there.

13 He would like to be continued on probation, Your
14 Honor.

15 THE COURT: What's he in jail for?

16 MR. MAULDIN: Well, he's in jail for a
17 manufacturing meth charge and unlawful conduct toward a
18 child charge. The bond's set at 100,000 on that, but
19 they're not violating him for that.

20 I asked the agent about that, and they said they
21 were going to wait until the disposition of that case to
22 decide whether or not they would serve process on him.
23 That's not before the Court, although obviously Your Honor
24 would be interested in it.

25 THE COURT: All right.

1 MR. MAULDIN: But, Your Honor, we do think that
2 he has made sincere efforts towards the payment. The one
3 missed date, we would hope that Your Honor would overlook
4 that.

5 That's about all I have, unless Mr. Mallory has
6 anything to say.

7 THE COURT: Mr. Mallory, is there anything you'd
8 like to say?

9 THE DEFENDANT: I hope you will continue my
10 probation, at least until the disposition of this case. I
11 wasn't even in the home then. I'm sorry.

12 MR. MAULDIN: I've instructed Mr. Mallory not to
13 make any statements regarding his new charges. I'm just
14 being his lawyer.

15 THE DEFENDANT: I've tried to pay it off, and
16 when my wife's at home, my vehicle was there, my payments
17 were made. I did get behind several times, they'd work
18 with me.

19 I tried to keep things paid up, \$1,030 has been
20 paid total, and 1800 is the total amount to be paid, and I
21 will get it paid. I pray the Court will at least continue
22 this until -- continue my supervision until disposition of
23 this new charge.

24 THE COURT: Anything further, Ms. Lyons?

25 THE PROBATION AGENT: No, sir, except for the

1 fact that he was in -- our charges were just the citation,
2 and they do not include the current pending charges for
3 him, so if at all possible I'd like to try to at least
4 dispose of just our citation today and we can -- if you
5 continue him, when he comes forward on the new charges, we
6 can violate him at that time for that. Like I said, it's
7 mostly monetary. If we can just even get that part
8 settled today.

9 I do have a copy of his current police report,
10 if you're interested at all.

11 THE COURT: What's his prior record?

12 THE PROBATION AGENT: His prior record, Your
13 Honor, is --

14 MR. MAULDIN: Your Honor, may I look at it with
15 her? She has not provided me a copy.

16 THE PROBATION AGENT: He has in 2009 a bunch of
17 fraudulent check charges.

18 MR. MAULDIN: Those appear to be arrests, Your
19 Honor. I don't see any convictions yet.

20 It appears in South Carolina, the two charges
21 that he's on probation for.

22 THE PROBATION AGENT: He's also wanted out of
23 state on a non-extradition worthless check issue.

24 1995, he has a grand theft conviction in
25 Florida.

1 I apologize, Your Honor. Florida rap sheets are
2 rather difficult to read at times.

3 He has a guilty conviction from 1995 for a
4 burglary 3rd in Florida. He has a guilty conviction in
5 2001 for forgery, and a swindling, depriving innkeeper at
6 the same time.

7 He has a guilty conviction in 2002 for
8 fraudulent use of credit cards. He had a probation
9 violation in Florida.

10 In 2003, a conviction for smuggling contraband
11 into a prison, an insufficient check conviction. Another
12 check charge in 2002 in Florida, a traffic violation, and
13 a 2005 grand theft.

14 Then that's all, Your Honor.

15 THE COURT: All right. What's the last thing
16 you said? The last one you said was what?

17 THE PROBATION AGENT: I apologize.

18 MR. MAULDIN: She said a 2005 grand theft.

19 THE PROBATION AGENT: Grand theft.

20 THE COURT: Okay. Anything else?

21 MR. MAULDIN: No, Your Honor, not from me.

22 THE COURT: Based on the willful violation, I am
23 revoking his probation and imposing a five-year sentence.

24 THE PROBATION AGENT: Convert his restitution,
25 Your Honor, to civil judgment?

1 THE COURT: Yes.

2 THE PROBATION AGENT: Thank you.

3 (The proceedings were concluded.)

4 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

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4 CERTIFICATE OF REPORTER5
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7
8 STATE OF SOUTH CAROLINA)
9)
10 COUNTY OF LEXINGTON)
11
1213
14 I, CAROL M. THUEME, RPR, Official Court Reporter for
15 the 11th Judicial Circuit of the State of South Carolina,
16 do hereby certify that the foregoing is a true, accurate
17 and complete Transcript of Record of the proceedings had
18 and evidence introduced in the trial of the captioned
19 case, relative to appeal, in the Court of General Sessions
20 for Lexington County, South Carolina, on the 12th day of
21 April, 2013.
2223 I do further certify that I am neither of kin,
24 counsel nor interest to any party hereto.
25

August 19, 2013

23 CAROL M. THUEME, RPR
24 Circuit Court Reporter
25

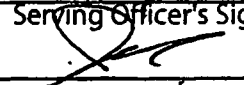
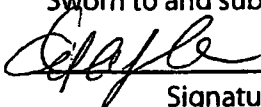
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11

Indictment Number:
10-GS-32-00935, 11-GS-32-00545

PROBATION CITATION

No. C-32-12-0296

SOUTH CAROLINA V. JONATHAN MALLORY		COUNTY: LEXINGTON	
		SCDC #	SID # 01907765
TO: JONATHAN MALLORY			
YOU ARE HEREBY NOTIFIED to appear in the above named case at the time, date and place specified below.			
Place		Room	Date and Time
YOU ARE HEREBY NOTIFIED that you are charged with violating the conditions of your supervision as stated below.			
Violations Charged Violation of probation concurrent to Section 24-21-430 in that Jonathan Mallory has violated the conditions of his probationary sentence as imposed by the Honorable Judge Cothran at the March 2, 2011 term of General Sessions Court holden in Lexington County, Lexington, SC.			
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.			
LEXINGTON, South Carolina		Probation and Parole Agent Angela Lyons	Agent # 0411
Date 12/18/2012			
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 PPP		Date and Time 12/19/12 1700	
		Serving Officer's Signature 	
Sworn to and subscribed before me this 19 day of Dec, 2012			
 Signature of Notary Public		My Commission Expires 1-23-18	

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of LEXINGTON

Personally appeared before me, Angela Lyons, who first being duly sworn, deposes and says that JONATHAN MALLORY did within this county and State on the 18 day of December, 2012, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

Violation of probation concurrent to Section 24-21-430 in that Jonathan Mallory has violated the conditions of his probationary sentence as imposed by the Honorable Judge Cothran at the March 2, 2011 term of General Sessions Court holden in Lexington County, Lexington, SC.

The Affiant states that there is probable cause to believe the defendant named committed the violations set forth and that such probable cause is based on the following facts:

Jonathan Mallory has failed to follow the advice and instructions of his agent in the following particulars: By failing to report 11/21/12, 11/28/12, 12/5/12 and 12/12/12; By being \$225.00 in arrears on supervision fees; By being \$70.00 in arrears on court fine; By failing to complete public service employment hours as directed in lieu of a previous supervision fee arrearage having been terminated for failure to report to the worksite. The above does constitute a willful violation of standard conditions 1,7,9,10,11 and special conditions of supervision as agreed to in writing by the offender.

Sworn to and subscribed
before me this 18 day of
December, 2012

Angela Lyons
Affiant

Clara Wilson
Signature of Notary Public

My Commission Expires:

May 29, 2018

STATE OF SOUTH CAROLINA
COUNTY OF Lexington
STATE

VS
Jonathan Ray Mallory

AKA:
Race Sex M Age 34
DOB SS#
Address
City, State, Zip Gaston, SC 29053-8418
DL# SID#
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2010GS3200935

AW# M300307
Date of Offense 2/26/2010
S C Code § 16-11-0311
CDR Code # 0079

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was
TO Burglary third

☐ CONVICTED OF or ☒ PLEADS

In violation of § 16-11-313 of the S C Code of Laws, bearing CDR Code # 0427

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or Lewd Act)

The charge is ☐ As indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury (def's initials)
The plea is ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State

ATTEST

[Signature] Solicitor SC Bar # *[Signature]* Defendant *[Signature]* Attorney for Defendant SC Bar # 2047

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ 1500, provided that upon the service of 90 days/months/years and or payment
of \$ 0, plus costs and assessments as applicable, the balance is suspended with probation for 2
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
incorporated by reference

☐ 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 the State
Department of Corrections

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S C Code §17-25-135

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

SPECIAL CONDITIONS:

☒ RESTITUTION ☐ Deferred ☐ Def Waives Hearing ☐ Ordered PTUP _____

Total \$ 1500 plus 20% fee \$ _____ days/hours Public Service Employment

Payment Terms _____

☐ Set by SCDPPPS _____

Obtain GED ☐

Attend Voc. Rehab Or Job Corp _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐

Fine may be pd in equal consecutive weekly/monthly

pmts of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other _____

☐ Conditional Discharge, §44-53-450(C) requires
\$350 be paid to the Clerk prior to case disposition

☐ Appointed PD or appointed other counsel,
§47-12 requires \$500 be paid to Clerk
during probation

Presiding Judge *[Signature]*

Judge Code 2144

Sentence Date 3-2-11

Recipient _____

*Fine		\$	
\$14-1-206 (Assessments 107.5%)		\$	
\$14-1-211 (A)(1)(Conv Surcharge)	\$100	\$	100.00
\$14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	
\$56-5-2995 (DUI Assessment)	\$12	\$	
\$56-1-286 (DUI Breath Test)	\$25	\$	
Proviso 47-9 (Public Def/Prob)	\$500	\$	
\$24-1-212 (Law Enforce Funding)	\$25	\$	25.00
\$14-1-213 (Prob Court Surcharge)	\$150	\$	
\$56-1-11 (DUI Breath Test Fee)	\$50	\$	
\$56-1-2942 (Vehicle Assessment)	\$40/ea	\$	
Proviso 90-5 (SCJA Surcharge)	\$5	\$	5.00
\$44-53-450(C) (Conditional Discharge)	\$350	\$	
3% County fee paid in installments)		\$	
TOTAL		\$	11030.00

Clerk of Court/Deputy Clerk *[Signature]*Court Reporter *[Signature]*

SCCA/217 (06/2010)

STATE OF SOUTH CAROLINA
COUNTY OF Lexington
STATE

VS

Jonathan Mallory

AKA

Race

Sex

M

Age:

34

DOB

SS#

Address

City, State, Zip West Columbia, SC 29172

DL#

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
TO Burglary / Burglary (After June 20, 1985) - Third degree - 1st offense

In violation of § 16-11-0313 of the S.C. Code of Laws, bearing CDR Code # 0427

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or Lewd Act)The charge is ☐ As indicted, ☐ Lesser Included Offense,☒ Defendant Waives Presentment to Grand Jury

(def's initials)

The plea is ☒ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation of the State

ATTEST

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,

for a determinate term of 4 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of 1.5 days/months/years and or payment

of \$ _____, plus costs and assessments as applicable*, the balance is suspended with probation for 2

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference

☒ 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 the State Department of Corrections

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total \$ _____ plus 20% fee \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab Or Job Corp _____

Recipient: _____

May serve W/E beginning _____

*Fine

\$

Substance Abuse Counseling ☐

\$14-1-206 (Assessments 107.5%)

\$

Random Drug/Alcohol Testing ☐

\$14-1-211 (A)(1)(Conv Surcharge)

\$100

\$

Fine may be pd in equal consecutive weekly/monthly

pmts of \$ _____ Beginning

\$14-1-211 (A)(2)(DUI Surcharge)

\$100

\$

\$ _____ Paid to Public Defender Fund

\$56-5-2995 (DUI Assessment)

\$12

\$

Other _____

\$56-1-286 (DUI Breath Test)

\$25

\$

\$14-1-212 (Law Enforce Funding)

\$25

\$

\$14-1-212 (Drug Court Surcharge)

\$150

\$

\$56-2-114 (DUI Breath Test Fee)

\$50

\$

\$56-2-2942 (Vehicle Assessment)

\$40/ea

\$

Pay \$ 90 (S.C.J.A. Surcharge)

\$5

\$

\$44-53-450 (C) (Conditional Discharge)

\$350

\$

3% of Court (if paid in installments)

\$

\$

TOTAL

\$

\$

Clerk of Court Deputy Clerk

\$

\$

Clerk Reporter

\$

\$

SCOA/217 (06/2010)

\$

\$

☐ Conditional Discharge, §44-53-450(C) requires

\$350 be paid to the Clerk prior to case disposition

☐ Appointed PD or appointed other counsel,

\$47.12 requires \$500 be paid to Clerk

during probation

Presiding Judge

Judge Code

Sentence Date

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

15

County of Lexington
STATE VSIndictment Number
2011 -GS- 32 00545
Probation C/W #s. 0132-12-0876AKA Jonathan Hallway
Race W Sex M
DOB [REDACTED]
SSN [REDACTED]
SID# CT101765Name of Original Offense burg 3d 1st offense
Original A/W# M301850
Date of Original Offense 10/14/2010
Conviction S C Code § 16-11-0313
Conviction CDR Code # 0, 4, 2, 7
Original Sentence 4 yrs SS [REDACTED] 2 yrs probation
ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 02/02/11 in the Court of General Sessions of Lexington County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 10/31/11 7/1/12, as set forth in the attached warrant(s) or citation(s) dated 12/18/12. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation (List by number or indicate special conditions as provided in the affidavit)
1, 2, 3, 4, 11 - Special Conditions

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 4 months/years, the remainder of the original sentence, and/or pay \$ _____
- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date
- ☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor)
- ☐ Financial Obligations. Order satisfies. ☐ Department fees (arrearage) ☐ 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
tax court

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

This 12 day of April, 2013
Lexington, SCPresiding Judge 11th

Judicial Circuit

ENTERED

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 of _____, _____ at _____ SC
Day Month Year City

16
STATE OF SOUTH CAROLINA

County of Lexington
STATE VS

AKA Jonathan Mallory
Race W Sex M
DOB [REDACTED]
SSN. [REDACTED]
SID# 11071165

IN THE COURT OF GENERAL SESSIONS

Indictment Number 2010-GS-32-0795
Probation C/W#s C32-12-0876
Name of Original Offense Burg 3rd
Original A/W# M300307
Date of Original Offense 02/26/10
Conviction S C Code § 16-11-313
Conviction CDR Code # 0141814
Original Sentence Exp 55 70 days 55 4/10

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 03/02/11 in the Court of General Sessions of Lexington County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 10/24/11 9/17/12, as set forth in the attached warrant(s) or citation(s) dated 12/18/10. 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, 9, 10, 11 & Special Conditions

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 90 months months/years, the remainder of the original sentence, and/or pay \$ _____
- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____, thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date
- ☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor)
- ☒ Financial Obligations Order satisfies ☐ Department fees (arrearage) 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.
Copy attached

- ☐ 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 90 days 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

ENTERED

This 12 day of April, 2013
Lexington, SC

Presiding Judge

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 of _____, at _____ SC
Day Month Year City

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

IN THE COURT OF GENERAL SESSIONS

-GS-

STATE

-VS-

Count

Jonathan R. Malloy
STANDARD CONDITIONS OF PROBATION

- 1 I shall report in person to the South Carolina Department of Probation, Parole and Pardon Services' office on the day of my sentencing or release, and as instructed by the Department; and I shall make complete and truthful reports to the Agent
- 2 I shall not change my residence or employment without the consent of my Agent. Further, I shall allow my Agent to visit me in my home, at my place of employment, or elsewhere, at any time
- 3 I shall not use controlled substances, except when properly prescribed by a licensed physician, nor consume alcoholic beverages to excess, nor enter establishments whose primary business is the sale and drinking of alcoholic beverages. Further, I shall submit to a urinalysis, blood test or provide forensic evidence when instructed by Agents of the Department, and I agree that any of these test results may be used as evidence in any hearing for the violation of the conditions of my supervision
- 4 I shall not possess or purchase any firearms or other dangerous weapons, and I shall not associate with any person who has a criminal record, or any other person whom my Agent has instructed me to avoid
- 5 I shall work diligently at a lawful occupation. Further, I shall notify my Agent if I become unemployed
- 6 I shall not violate any Federal, State, or Local Law, and I shall immediately contact my Agent if I am ever arrested or questioned by a law enforcement official for any reason whatsoever
- 7 I shall pay a supervision fee and any other fees as determined by the Department
- 8 I shall not leave the State without permission from my Agent. Further, if I am ever arrested in another state for violating these conditions, I hereby irrevocably waive all extradition rights I may otherwise have been entitled to and agree to return to South Carolina when directed by my Agent, the Court or by a warrant
- 9 I shall obey all conditions of supervision set forth in this order including the payment of fines, restitution or other payments, and the service of any period of incarceration
- 10 I shall follow the advice and instructions of my Agent and I agree to comply with any further conditions imposed by the Department or its Agents
- 11 I agree to pay restitution and a statutory collection fee payable to the Department of Probation, Parole, and Pardon Services as directed by Agents of the Department (20% collection fee charged)
- 12 Unless I was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year, I shall be subject to a search or seizure, without a search warrant, based on reasonable suspicions, of my person, any vehicle I own or am driving, and any of my possessions by: (1) any probation agent employed by the Department, or (2) any other law enforcement officer.

I hereby certify that this statement of Conditions has been read and explained to the Probationer listed above and he/she has agreed to them.

I hereby certify that the Conditions above have been explained fully to me and in agreement thereto, I attach my signature

This 2nd day of March, 200

Dy
Agent

605 W Main St. Lexington, SC 29072

Agent's Address

803-359-2551

Agent's Phone Number

x 9/4
Offender

[Redacted]
Offender's Address

Gaston, SC 29053

Offender's Address

(803) 403-5460

Offender's Phone Number



Lexington County Eleventh Judicial Circuit Public Index



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Switch View

The State of South Carolina VS Jonathan Ray Mallory					
Case Number:	53074GC	Court Agency:	Bond Court	Filed Date:	03/24/2013
Case Type:	Criminal	Case Sub Type:			
Status:	Transferred	Assigned Judge:	Out Of County	Disposition Judge:	Out Of County
Disposition:	Transferred from Bond/Other Court				
Disposition Date:	03/24/2013	Date Received:		Arrest Date:	03/23/2013
Law Enf. Case:		True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:		Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Mallory, Jonathan Ray	2579-Traffic / Operating vehicle in unsafe mechanical condition	2579-Traffic / Operating vehicle in unsafe mechanical condition		03/24/2013		

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Switch View

The State of South Carolina VS Jonathan Ray Mallory					
Case Number:	53074GC	Court Agency:	Bond Court	Filed Date:	03/24/2013
Case Type:	Criminal	Case Sub Type:			
Status:	Transferred	Assigned Judge:	Out Of County	Disposition Judge:	Out Of County
Disposition:	Transferred from Bond/Other Court				
Disposition Date:	03/24/2013	Date Received:		Arrest Date:	03/23/2013
Law Enf. Case:		True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:		Waiver Date:	
Probation Case:					

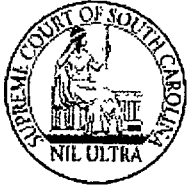
Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Bond Information								
Bond Id	Set Date	Amend Date	Set By	Type	Amount	Type	Amount	Condition
2013BD3210202366	03/24/2013		Whittle	Cash Bond	\$237.50	Surety Bond	\$237.50	Must Notify Court Immediately of Change of Address

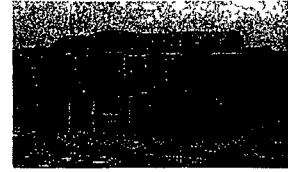
Post Information				
Bond Id	Bond Type	Amount	Date Posted	Posted By
2013BD3210202366	Surety Bond	\$237.50	03/25/2013	A Plus Bonding Co/ Kellie A Dodd

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Switch View

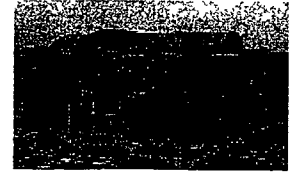
The State of South Carolina VS Jonathan Ray Mallory					
Case Number:	53073GC	Court Agency:	Bond Court	Filed Date:	03/24/2013
Case Type:	Criminal	Case Sub Type:			
Status:	Transferred	Assigned Judge:	Out Of County	Disposition Judge:	Out Of County
Disposition:	Transferred from Bond/Other Court				
Disposition Date:	03/25/2013	Date Received:		Arrest Date:	03/23/2013
Law Enf. Case:		True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:		Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Mallory, Jonathan Ray	0624-DUS / Driving under suspension, license not suspended for DUI - 1st offense	0624-DUS / Driving under suspension, license not suspended for DUI - 1st offense		03/25/2013		

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The State of South Carolina VS Jonathan Ray Mallory

Case Number:	53073GC	Court Agency:	Bond Court	Filed Date:	03/24/2013
Case Type:	Criminal	Case Sub Type:			
Status:	Transferred	Assigned Judge:	Out Of County	Disposition Judge:	Out Of County
Disposition:	Transferred from Bond/Other Court				
Disposition Date:	03/25/2013	Date Received:		Arrest Date:	03/23/2013
Law Enf. Case:		True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:		Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Bond Information

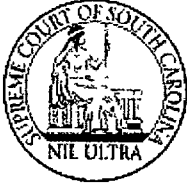
Bond Id	Set Date	Amend Date	Set By	Type	Amount	Type	Amount	Condition
2013BD3210202366	03/24/2013		Whittle	Cash Bond	\$652.50	Surety Bond	\$652.50	Must Notify Court Immediately of Change of Address

Post Information

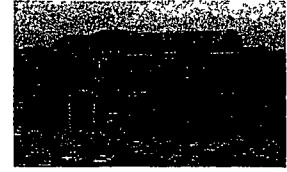
Bond Id	Bond Type	Amount	Date Posted	Posted By
2013BD3210202366	Surety Bond	\$652.50	03/25/2013	A Plus Bonding Co/ Kellie A Dodd

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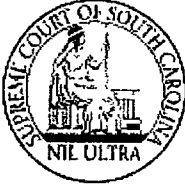
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Switch View

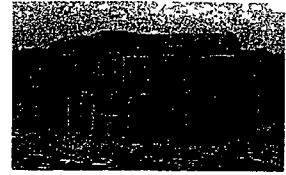
The State of South Carolina VS Jonathan Ray Mallory					
Case Number:	2013A3210900047	Court Agency:	General Sessions	Filed Date:	04/08/2013
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor / Master In Equity G S And C P
Disposition:	Nolle Prosequi				
Disposition Date:	07/10/2013	Date Received:	04/08/2013	Arrest Date:	04/03/2013
Law Enf. Case:	13005292	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2013GS3202059	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Mallory, Jonathan Ray	2481-Children / Legal custodian, unlawful neglect of child or helpless person	2481-Children / Legal custodian, unlawful neglect of child or helpless person		07/10/2013		

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The State of South Carolina VS Jonathan Mallory

Case Number:	2013A3210200624	Court Agency:	Bond Court	Filed Date:	04/04/2013
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Transferred	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Clerk Of Court C P, G S, And Family Court
Disposition:	Transferred from Bond/Other Court				
Disposition Date:	04/04/2013	Date Received:		Arrest Date:	04/04/2013
Law Enf. Case:	13005292	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	0000GS32	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Mallory, Jonathan Ray	3014-Drugs / Manufacturing methamphetamine	3014-Drugs / Manufacturing methamphetamine	04/04/2013

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The State of South Carolina VS Jonathan Ray Mallory

Case Number:	2013A3210200624	Court Agency:	General Sessions	Filed Date:	04/08/2013
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Cottingham, Edward B
Disposition:	Pled Guilty				
Disposition Date:	07/10/2013	Date Received:	04/08/2013	Arrest Date:	04/04/2013
Law Enf. Case:	13005292	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2013GS3202058	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Mallory, Jonathan Ray	0049-Conspiracy / Criminal Conspiracy, Common Law conspiracy defined	3014-Drugs / Manufacturing methamphetamine	07/10/2013

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The State of South Carolina VS Jonathan Ray Mallory

Case Number:	2013A3210900047	Court Agency:	Bond Court	Filed Date:	04/04/2013
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Transferred	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Clerk Of Court C P, G S, And Family Court
Disposition:	Transferred from Bond/Other Court				
Disposition Date:	04/04/2013	Date Received:		Arrest Date:	04/04/2013
Law Enf. Case:	13005292	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	0000GS32	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Bond Information								
Bond Id	Set Date	Amend Date	Set By	Type	Amount	Type	Amount	Condition
2013BD3210202655	04/04/2013	04/04/2013	Jeffcoat	Cash Bond	\$50,000.00	Surety Bond	\$50,000.00	Must Notify Court Immediately of Change of Address No Contact with Victim Must Follow all DSS safety plans

Post Information

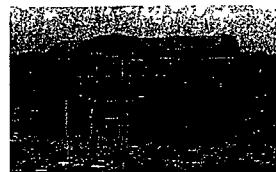
None

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The State of South Carolina VS Jonathan Ray Mallory

Case Number:	2013A3210200624	Court Agency:	General Sessions	Filed Date:	04/08/2013
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Cottingham, Edward B
Disposition:	Pled Guilty				
Disposition Date:	07/10/2013	Date Received:	04/08/2013	Arrest Date:	04/04/2013
Law Enf. Case:	13005292	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2013GS3202058	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

And/Or	Description	Amount	Units	Begin Date	End Date	Completion Date	Consecutive or Concurrent
	4 years						

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STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
BURGLARY, FIRST DEGREE

§ 16-11-0311

At a Court of General Sessions, convened on APRIL 2010, the Grand Jurors of Lexington County present upon their oath:

That **Jonathan Ray Mallory** did in Lexington County, South Carolina on or about February 26, 2010 did knowingly and willfully enter a dwelling, to wit: [REDACTED], Gaston, SC being the dwelling of Sherry Hubbard, without consent and with the intent to commit a crime therein and caused physical injury to a person who is not a participant in the crime and/or the entering or remaining occurred in the nighttime, in violation of § 16-11-311 of the Code of Laws of South Carolina, 1976, as amended.

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


ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department

B Travis

Law Enforcement Case # 10018497

JAG

ARREST WARRANT NUMBER

M300307

ACTION OF GRAND JURY

TRUE BILL

M. Hearn
Foreperson of Grand Jury
Date *4/5/10*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2010GS3200935

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

APRIL TERM 2010

**THE STATE
vs.**

Jonathan Ray Mallory

CDR #: 0079

Indictment for

BURGLARY FIRST DEGREE

§ 16-11-0311

DONALD V. MYERS, SOLICITOR

A TRUE COPY

[Signature]
Lex. Co. C.O.P., C.S. & F.C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

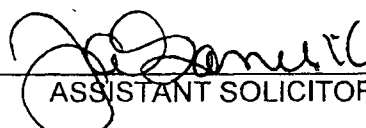
INDICTMENT FOR
BURGLARY THIRD DEGREE

§ 16-11-0313

At a Court of General Sessions, convened on MARCH 2011, the Grand Jurors of Lexington County present upon their oath:

That Jonathan Mallory did in Lexington County, South Carolina, on or about October 14, 2010, did enter the building of Burkett, Burkett & Burkett located at 2988 Sunset Blvd , West Columbia, SC, without consent and with the intent to commit a crime therein, in violation of Section 16-11-313 of the Code of Laws of South Carolina, (1976, as amended).

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



ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Traci M Barr

Law Enforcement Case # 10094755

JAG

ARREST WARRANT NUMBER

M301850

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date

VERDICT

Foreperson of Petit Jury
Date

DOCKET NO. 2011GS3200545

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

MARCH TERM 2011

THE STATE
vs.

Jonathan Mallory

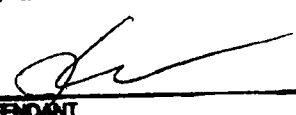
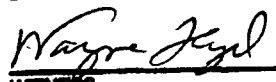
CDR #: 0427

Indictment for

BURGLARY THIRD DEGREE

§ 16-11-0313

DONALD V. MYERS, SOLICITOR

HEREBY WAIVE MY RIGHT TO GRAND JURY PRESENTMENT	
	
DEFENDANT	
3/3/11	
DATE	
	
WITNESS	

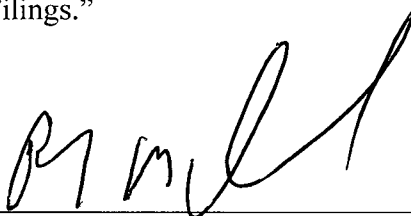
A TRUE COPY

Lex. Co. C.C.P., G.S. & F.C.

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."

19th of May, 2014



Robert M. Dudek
Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED

MAY 19 2014

Appeal from Lexington County

Clifton Newman, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

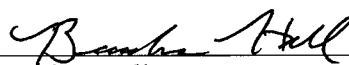
JONATHAN MALLORY,

APPELLANT

APPELLATE CASE NO. 2013-000811

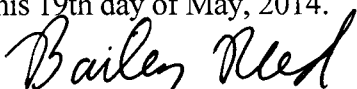
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Matthew Buchanan, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 19th day of May, 2014.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 19th day of May, 2014.

 (L.S.)
Notary Public for South Carolina

My Commission Expires October 24, 2021