

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM FLORENCE COUNTY

Thomas A. Russo, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MCIVER REMBERT FEAGIN,

APPELLANT

APPELLANT CASE NO. 2012-213695

RECORD ON APPEAL

ROBERT M. DUDEK
Chief Appellate Defender

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SC Court of Appeals

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF FLORENCE) TWELFTH JUDICIAL CIRCUIT

2010-GS-21-00681

State of South Carolina)
)
 Plaintiff,)
)
 v.) Transcript of Record
)
 McIver Rembert Feagin,)
)
 Defendant.)
)
)
)
)
)
)
)

December 10, 2012
Florence, South Carolina

B E F O R E:

The Honorable Thomas A. Russo, Judge

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

Probation Agent
Attorney for the State

William Grove, Esquire
Attorney for the Defendant

Hilda M. Jordan, CVR
Circuit Court Reporter

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I N D E X

WITNESS/DESCRIPTION PAGE NO.

Probation Revocation

EXHIBITS:

No exhibits were marked to this proceeding.

Certificate of Court Reporter 16

State v. Feagin 12/10/12

3

1 December 10, 2012

2 THE COURT: All right. Yes, sir.

3 PAROLE AGENT: Your Honor, may it please the Court.
4 This indictment 2010-GS-21-681. Before you is McIver
5 Feagin. Your Honor, he is here before you on a charge of
6 violation of probation. What I just passed up to you is the
7 violation packet to include Notice of Hearing, both a
8 warrant and a citation, a copy of the original court order
9 in this matter for the probation case. A copy was sent to
10 the victim, we hadn't heard anything back from her. Also a
11 copy of the new document for his current charges here in the
12 Department of Corrections.

13 THE COURT: All right, sir. Let me look through this
14 real quick.

15 PAROLE AGENT: Yes, Your Honor.

16 THE COURT: All right. Anything further from the
17 department?

18 PAROLE AGENT: Your Honor, I can go over some of the
19 background if you like?

20 THE COURT: All right, sir.

21 PAROLE AGENT: He was sentenced in this court and you
22 were the sentencing judge. He received a sentence of 15
23 years provided upon the service of 279 days, balance
24 suspended to five years probation. This was for the offense
25 of burglary second. After being sentenced he transitioned

1 to probation on October 22 of 2010. After that time there
2 was some problem as far as getting Mr. Feagin at the office.
3 He actually made a call to the Florence County office in
4 December and they took a report from him after that.
5 Following that he transferred to Williamsburg County. We
6 made contact with him in December of 2010. At that time we
7 lost contact with Mr. Feagin. He missed his next report the
8 following month of January. We had a report during that
9 time from the Williamsburg County Sheriff's Department that
10 he may have been a suspect in some burglaries. We since
11 found out he wasn't involved in that. We tried to locate
12 Mr. Feagin at the address he had given and we learned he
13 actually wasn't living at the address he had given Florence
14 County. It gave us some concern. We looked for Mr. Feagin.
15 We actually issued a warrant for Mr. Feagin, Your Honor,
16 January 2011. At that time he was charged with changing his
17 address without permission. We weren't sure we could locate
18 him. It also caused a problem where we couldn't verify a
19 home address or anything. He's never made a payment on his
20 case, Your Honor. Fees, surcharges, anything else.

21 Subsequently, we located Mr. Feagin with help from the
22 community. Talked to everybody in the area. We talked to
23 one of the local stores. We left a message he had to turn
24 himself March of 2011. He bonded out the next day, came
25 back to the office. We received notice from Florence County

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1 at the time saying that he was actually being questioned or
2 being sought for the original victim in this case. I should
3 backtrack. He had two special conditions, no contact with
4 the victim and mental health counseling. He's never been to
5 mental health counseling and we've only had contact with the
6 victim three times in the life of this probationary case.

7 After we received word from Lake City, which is in
8 Florence County, concerning Mr. Feagin activity. Shortly
9 after that the month of May 2011 I issued a warrant for Mr.
10 Feagin. I picked Mr. Feagin up. Actually the warrant was
11 for harassment. This involved the original victim in the
12 probationary case. He was subsequently arrested and taken
13 to the Florence County Detention Center and he stayed there
14 actually until October of last year, Your Honor. He actually
15 pled guilty to harassment and to resisting arrest. This was
16 on the same victim. The total charge Mr. Feagin has a new
17 general session conviction for harassment and resisting
18 arrest.

19 As I said earlier, he's never made a payment on his
20 case. He's violated the court order of no contact with the
21 victim, this being the original victim in the case itself.
22 He is currently serving a three year sentence and a one year
23 sentence in the Department of Corrections.

24 THE COURT: Thank you very much, sir.

25 PAROLE AGENT: Okay.

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1 THE COURT: Mr. Groom, you represent Mr. Feagin?

2 MR. GROOM: I do, Your Honor.

3 THE COURT: Have you reviewed with him these
4 allegations, sir?

5 MR. GROOM: I have.

6 THE COURT: All right. I'll be happy to hear from you
7 on his behalf.

8 MR. GROOM: Thank you, Your Honor.

9 Obviously, standing with me is McIver Feagin and here
10 on his behalf is Mr. Parker who is seated behind me. I'll
11 ask him to say a few words at the appropriate time, Your
12 Honor.

13 I'll start by telling you that McIver has been
14 incarcerated for about 589 days. I'm not sure -- I believe
15 that the warrant that he was served on for his violation of
16 probation proceeded that, but as of the May 2, 2011, that
17 was the day that he was arrested on harassment charges you
18 heard about and has not been released from custody since
19 then. Whatever your decision is today we hope that you will
20 take that under consideration, and obviously give him credit
21 for that one year seven months and nine days or so.

22 Another think, certainly, about McIver is there is the
23 no contact probation and therein Your Honor is inclined to
24 hear from Mr. Parker or Mr. Feagin in addition to me you'll
25 understand what McIver and I have wrestled with the last

1 little while I've represented him on the harassment charge
 2 as well, and now, obviously on the probation violation that
 3 followed in that this was not anything that was initiated by
 4 Mr. Feagin. It's not -- it's not something that I get the
 5 impression from him or Mr. Parker that would have happened
 6 but for the victim approaching him and trying to reconcile
 7 with him first.

8 THE COURT: He pled guilty to harassment.

9 MR. GROVE: And I understand that Judge. That was
 10 essentially an offer that he could not refuse. If I remember
 11 correctly it may have been under North Carolina versus
 12 Alford. It escapes me at this point. Regardless, he was
 13 looking at --

14 THE COURT: The sentencing sheet does not reflect that.
 15 He pled under Alford to the charge I had him on.

16 MR. GROVE: Okay.

17 THE COURT: A burglary charge.

18 MR. GROVE: That notwithstanding Judge, we're not
 19 disputing whether or not there's a violation here today.
 20 We're only presenting mitigation and hope that Your Honor
 21 will consider that in determining what an appropriate
 22 revocation would be. I do have a phone of McIver's that if
 23 Your Honor is so inclined, I would like to show you, at
 24 least, a handful of text messages from the victim after his
 25 initial arrest, after he'd been placed on probation for this

1 case.

2 THE COURT: Well, here's the thing, Mr. Grove, so
3 you'll understand, I remember Mr. McIver, Mr. Feagin when he
4 was before me, and I remember specifically telling him this
5 no contact order related to him, that I had no control over
6 her and if she tries to contact you or if she contacts you
7 you just need to ignore it, you need to not respond to it.
8 You're to have no contact with her.

9 So I don't know -- I'd be happy to look at any text
10 messages or whatever you've got, but I'm assuming he
11 responded.

12 MR. GROVE: And Your Honor, that's what he and I have
13 been wrestling with is that I have been explaining to him
14 all of these things that I have discussing with you now, but
15 he and I discussed at length in the past are all things for
16 the purpose of mitigation. None of them refute any sort of
17 violation and --

18 THE COURT: Why don't you --

19 MR. GROVE: -- and none of them suggest that he isn't on
20 some level responsible, but they do suggest that it might
21 not be nearly as one-sided as the victim might have you
22 believe after the fact.

23 THE COURT: I'm assuming the victim doesn't care. They
24 were notified and didn't bother to show up.

25 MR. GROVE: Correct. What I can tell you through my

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1 conversations with Mr. Parker, again, I hope that he will
2 have an opportunity to reiterate it as well, is that he
3 provided some employment for Mr. Feagin after he was
4 released out on probation under Your Honor's order and was
5 working almost, if not, seven days a week, so long as there
6 was work to do. Things were going good. They had set up a
7 little house for him to live in. They had put some running
8 water and lights out there, as well. One day, Fran, the
9 victim in the previous case, Your Honor, approached McIver
10 with a car full of clothes and essentially said, I don't
11 have anywhere to say, I'm homeless. Can you help me. I want
12 to get back together with you. I still love you.

13 THE COURT: The answer is no.

14 MR. GROVE: And again, I'm -- it's as though we're
15 having the same conversation that he and I have had. You
16 are playing my role and I'm playing his, but the position
17 that he was in is that a person that he loved, somebody that
18 he cared for was in tremendous need and he felt compelled to
19 offer assistance to her. I think he wishes he could now
20 take back.

21 THE COURT: Right. First of all, let's say this and
22 let's recognize this. He was before me September of 2010.
23 He began violating his probation fairly quickly. So it's
24 never been going well. It may have been going well in the
25 fact that he got a job and he was working, but he began

1 violating probation almost immediately. So it hasn't been
2 going well.

3 He has absconded supervision. He hasn't reported. He
4 gave bad addresses and wasn't living at those addresses. I
5 mean, I say this to you, Mr. Grove, because you seem to be
6 very focused, which I would understand, the contact with the
7 victim, but you know me, you've been around me long enough
8 to know that what I don't tolerate from people on probation
9 is just not showing up. So help me understand why he
10 decides I'm just not going to show up for probation.

11 MR. GROVE: I'll let him address that, Your Honor.

12 THE COURT: Sure.

13 MR. FEAGIN: Your Honor, my apologies. I know that
14 there's no -- going what I did. It wasn't my intention to
15 disregard the court order. I did try to go to -- I went but
16 they told me there was nothing wrong with me. I went on the
17 Lake City that I couldn't get the address -- but I did live
18 there. I had the other address to the other place.

19 THE COURT: Well, when they went and checked you
20 weren't there.

21 MR. FEAGIN: I was working.

22 THE COURT: Well, they said the people at the address
23 said that you weren't living there.

24 MR. FEAGIN: I was living there. Mr. Parker can verify
25 I was living there until he set up the other trailer so I

1 got the address.

2 THE COURT: Did you give them notification of that?

3 MR. FEAGIN: Yes, sir. Soon as I got in touch with
4 them.

5 THE COURT: There's several occasions here that you
6 failed to report.

7 MR. FEAGIN: I had no way, Your Honor, and the only
8 reason -- she would come take me to probation. I had nobody
9 else to help me. Mr. Parker here, he had issues himself. I
10 can't make everybody quit their live and handle my
11 responsibility. I even walked to probation one time. It's
12 like 30 miles from where I live. It's not that I willfully
13 neglected following my probation. What else am I supposed
14 to do. Both my parents are gone -- don't like it because I
15 have been somewhat -- in the past.

16 THE COURT: All right. Look here. I'm not trying to be
17 insensitive. I appreciate your comments. Here's the thing,
18 Mr. Feagin, and, again, I'm not trying to be insensitive,
19 but you were using the death of your father back in 2010
20 when you were in front of me pleading guilty then.

21 MR. FEAGIN: Yes, sir.

22 THE COURT: You've been using that as an excuse for
23 quite some time now.

24 MR. FEAGIN: Your Honor, back then that was no excuse,
25 but she told me she was going to help me. I couldn't find

1 nobody else to help me.

2 THE COURT: Well, here's what you're saying is I
3 ignored your order and I took her in.

4 MR. FEAGIN: I've been -- I told you I changed my life.
5 I did. I'm going to church with her every Sunday.

6 THE COURT: You weren't supposed to even have contact
7 with her.

8 MR. FEAGIN: I know that, Judge Russo.

9 THE COURT: Part of the reason I ordered no contact
10 with her is not because you're not good for her, she's not
11 good for you, either.

12 MR. FEAGIN: I'm just -- I really do realize that, but I
13 love her.

14 THE COURT: You don't know what love is.

15 MR. FEAGIN: Well, I'm trying to -- it's not me. I had
16 no intentions of talking to this woman, period. She had a
17 -- if she was worried about me being a threat to her life,
18 she paid my bills for seven months.

19 THE COURT: You pled guilty in front of Judge Nettles
20 two months ago.

21 MR. FEAGIN: Yes, sir.

22 THE COURT: For harassing her. So that's not the
23 situation where she's -- contacting you. That's a situation
24 where you're contacting her in violation of a restraining
25 order. When you're contacting her.

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1 MR. FEAGIN: She said she wanted to help me. One more
2 thing Your Honor, she picked me up when I turned myself in
3 and bonded me out on my probation violation. I asked her
4 not to. I said don't bond me. If you want to help me come
5 talk to the judge with me.

6 PAROLE AGENT: Your Honor, this is fifth time on
7 supervision. Two of those probation cases ended up in
8 revocation. He has a substantial record, Your Honor. This
9 is his fourth burglary.

10 THE COURT: Oh, I know. I know.

11 I find that the violation of probation to be willful.
12 I don't see Mr. Feagin as being a viable probation
13 candidate. He doesn't cooperate, he doesn't do the things
14 he's supposed to. Probation is not at the leisure of the
15 defendant but at the need of the probation office, and I
16 don't think he understands that. I don't think he
17 understands court orders and a court order is that. It's an
18 order. You're not to have contact with somebody and I don't
19 -- I think -- the order is don't have contact unless you
20 really love her and you can. It's just not that way.

21 I'm going to revoke this case in full and give him any
22 credit for time that he's entitled to on these charges.

23 PAROLE AGENT: Thank you, Your Honor. Your Honor, I
24 should ask as far as the time. He had initially 279 days
25 but since that time only two days time -- since the process

1 server, he was out the next day. The time he's serving at
2 the Department of Corrections is not a probation violation.
3 In fact, a new sentence itself.

4 THE COURT: Like I said, I don't calculate time, now.
5 The Department of Corrections calculates time. I'm going to
6 order that he is to be give time -- given credit for any
7 time that he's been incarcerated based on this probation
8 matter and he already got -- he's already received the
9 credit for the 279 -- and I want to make this clear, because
10 I've had this come back several times. When he came before
11 me he had served 279 days before he came before me. So when
12 I imposed sentence I gave him credit for the 279 days that
13 he served and then placed him on probation. So when he was
14 placed on probation he's been given credit for the 279 and
15 now he's serving whatever is left on the probation case. So
16 I want to make it clear. That credit has been given. On
17 this revocation he is to be given any credit that he has
18 been serving with relationship to either the warrants that
19 were served on him for this or for any time that he's been
20 in pursuant to those warrants.

21 Now, if he got served with these warrants and then
22 bonded out and then went in front of Judge Nettles or got
23 arrested on other charges and he was locked up he's locked
24 up on those other charges, not on the probation matter. But
25 I'm going to let the Department of Corrections work with

State v. Feagin 12/10/12

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1 Probation to determine how much time, but I am going to
2 order that he be given credit for any time that he's
3 entitled to.

4 MR. GROVE: Thank you, Judge.

5 THE COURT: All right.

6 PAROLE AGENT: Your Honor, civil judgment for the
7 unpaid --

8 THE COURT: Yes, sir.

9 PAROLE AGENT: Thank you, Your Honor.

10 THE COURT: Thank you.

11 (This proceeding was concluded.)
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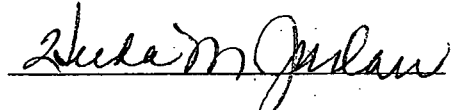
State v. Feagin 12/10/12

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C-E-R-T-I-F-I-C-A-T-E

I, THE UNDERSIGNED HILDA M. JORDAN, CVR-M, OFFICIAL COURT REPORTER FOR THE FIRST JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF THE HEARING IN THE CAPTIONED CAUSE, IN THE COURT OF GENERAL SESSIONS FOR FLORENCE COUNTY, SOUTH CAROLINA, ON THE 10 DAY OF DECEMBER, 2012.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST IN ANY PARTY HERETO.


Hilda M. Jordan, CVR-M

October 11, 2013

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WITNESSES

Roger Tilton Lake City Police Department

PATRICIA S. PARR

ARREST WARRANT NUMBER

1332506

ACTION OF GRAND JURY

Samuel Dale
Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2010-GS-21-0681

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

JUNE TERM 2010

THE STATE

vs.

MCIVER REMBERT FEAGIN JR.

Indictment for

BURGLARY 1ST DEGREE

Anna Taylor
CERTIFIED: A TRUE COPY
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

2010 JUN -3 PM 12:36
CONNIE REEL-SHEARIN
CCCP & GS
FLORENCE COUNTY MSC

FILED

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

INDICTMENT FOR
BURGLARY 1ST DEGREE

At a Court of General Sessions, convened on JUNE 3, 2010 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- BURGLARY 1ST DEGREE

That MCIVER REMBERT FEAGIN JR. did in Florence County on or about December 16, 2009, willfully and unlawfully attempt to enter the dwelling of Frances Worley without consent and with the intent to commit a crime therein, and the defendant has two or more convictions for burglary, in violation of the Common Law and Section 16-11-311, S. C. Code of Laws, 1976, as amended.

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



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

CERTIFIED: A TRUE COPY
Cynthia F. ...
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

STATE OF SOUTH CAROLINA
COUNTY OF Florence
STATE

IN THE COURT OF GENERAL SESSIONS

19

INDICTMENT/CASE#: 2010-GS-21-0681

AW#: 1332506

Date of Offense: 12/16/2009

S.C. Code §: 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

N.C. v. A. Ford

VS.
Mciver Rembert Feagin Jr

AKA:
Race: W Sex: M Age: 39

DOB: SS#:

Address:
City, State, Zip: Lake City, SC 29560

DL# 004316290* SID#
*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Burglary / Burglary (Non - Violent) (After June 20, 1985) - Second degree 0-15 m

In violation of § 16-11-0312 of the S.C. Code of Laws, bearing CDR Code # 0080
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury. (def.'s initials) 54 up
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] 4312 [Signature] [Signature]
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar # 15871

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 15 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 279 days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 5 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 (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:
 Set by SCDPPPS
Obtain GED
Attend Voc. Rehab. Or Job C.

Recipient:	
*Fine:	
§14-1-206 (Assessments 107.5%)	\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$ _____
§14-1-211 (A)(2)(DUI Surcharge)	\$ <u>100.00</u>
§56-5-2995 (DUI Assessment)	\$100
§56-1-286 (DUI Breath Test)	\$12
Proviso 47.9 (Public Def/Prob)	\$25
§14-1-212 (Law Enforce. Funding)	\$500
§14-1-213 (Drug Court Surcharge)	\$25
§50-21-114 (BUI Breath Test Fee)	\$25
§56-5-2942(J) (Vehicle Assessment)	\$150
Proviso 90.5 (SCCJA Surcharge)	\$50
§44-53-450(C) (Conditional Discharge)	\$40/ea
3% to County (if paid in installments)	\$5
TOTAL	\$ <u>5.00</u>
	\$ <u>315</u>
	\$ <u>108.15</u>

Clerk of Court/Deputy Clerk [Signature]
Court Reporter: [Signature]
SCCA217 (06/2010)

CERTIFIED TRUE COPY
Clerk of Court, C.P. & G.S.
FLORENCE COUNTY, S.C.
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: Mental Health Counseling
No Contact w/ victims

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. 15

Presiding Judge [Signature]
Judge Code: 2141
Sentence Date: 9-20-2010

Restraining order to be entered
with N.P.C.

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

STATE OF SOUTH CAROLINA
COUNTY OF WILLIAMSBURG

Probation
ARREST WARRANT

Indictment Number 10-GS-21-00681

Warrant Number W-45-11-0003

State Identification No. (SID) 00741106

FILED
11 MAR 30 AM 11:30
CLERK OF COURT
KINGSTREE, S.C.

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

It appearing from the attached affidavit that there are reasonable grounds to believe that MCIVER FEAGIN, MCIVER REMBERT FEAGIN, JR., did on the 20 day of January, 2011 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Wilfully violating conditions of Probation Pursuant to section 24-21-450

Now, therefore, you are empowered and directed to arrest the said defendant and bring MCIVER FEAGIN, MCIVER REMBERT FEAGIN, JR. before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at KINGSTREE, S. C. this 20 day of January, 2011.

Curtis Keels (L.S.)
Signature of Probation and Parole Agent

County of **WILLIAMSBURG**

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Curtis Keels, who, first being duly sworn, deposes and says that MCIVER FEAGIN, MCIVER REMBERT FEAGIN, JR. did within this County and State on the 20 day of January, 2011, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

Wilfully violating conditions of Probation Pursuant to section 24-21-450

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

By failing to make a complete and truthful report each month or as directed, offender will not report as ordered.
By failing to allow the agent to visit his residence in that he has failed to provide the correct address.
By failing to pay supervision fees as directed; has failed to make any payments.
By failing to pay court cost/surcharge; has failed to make any payments.
By failing to follow the advice and instructions of the agent in that he will not report nor follow directions from the agent.

Sworn to and Subscribed before me
this 20 day of January, 2011.

Curtis Keels
Affiant

Katie L. Mace (L.S.)
Signature of Notary Public

Address: P.O. BOX 527
KINGSTREE, SC 29556
WILLIAMSBURG
USA

11-3-2016
My Commission Expires

CERTIFIED - A TRUE COPY
Curtis Keels
CLERK OF COURT C.P. & G.S.
WILLIAMSBURG COUNTY, SC

RETURN

Constable or Law Enforcement Officer

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

Mc Iver Feagin

on the 28th day of March, 2011

[Signature]
Constable or Law Enforcement Officer

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

(L.S.)
Signature of Judge

STATE OF SOUTH CAROLINA

COUNTY OF

WILLIAMSBURG

THE STATE

against

MCIVER FEAGIN, MCIVER REMBERT FEAGIN, JR.

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 1/20/2011

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

Curtis Keels

Disposition _____

Sentence _____

Co-Defendants _____

INFORMATION ON DEFENDANT

Name MCIVER FEAGIN

Address _____
LAKE CITY, SC

Phone (843)

Sex Male Race White Height 509

Weight 145 Birth date _____

Social Security Number _____

INFORMATION ON WITNESSES

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

PRELIMINARY HEARING held by

Magistrate _____

on _____

with _____

Attorney for the Defendant.

Decision _____

BAIL

Date Set 3-28-11

Magistrate [Signature]

Amount \$2000.00

Surety [Signature]

CERTIFIED: A TRUE COPY
[Signature]
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

County of Florence
STATE VS.

Indictment Number: 2010-GS-21-681
Probation C/W#s: W-45-11-0003
C-45-12-0081

Mc Iver R. Feggin
AKA: _____
Race: W Sex: M
DOB: _____
SSN: _____
SID#: 00741106

Name of Original Offense: Burglary 2nd
Original A/W#: I 332506
Date of Original Offense: 12-16-2009
Conviction S.C. Code §: 16-11-0312
Conviction CDR Code #: 0 0 8 1 0
Original Sentence: 15 yrs. prob. w/m 279 days
Susp. 5 years Probation
ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 09/20/10 in the Court of General Sessions of Florence County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on _____, as set forth in the attached warrant(s) or citation(s) dated 1-20-2011. 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 of predicate special conditions as provided in the affidavit)
1, 2, 6, 7, 9, 10 + Special Condition

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 15 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:
Credit for anytime served on this case.
Warrant served 3-20-2011
- 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 279 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

This: 10 day of December 2012
Florence, SC

Presiding Judge Hon Thomas Russo
12th 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.

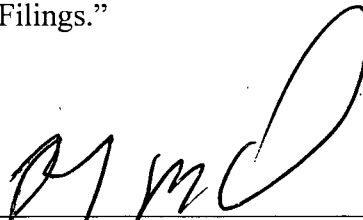
Offender's Signature Refused to sign
Signed this 10th day of December 2012 at _____ City SC

Witnessed by [Signature]
_____ City SC

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."

May 23rd, 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

Appeal from Florence County

Thomas A. Russo, Circuit Court Judge

THE STATE,

RESPONDENT,

V:

MCIVER REMBERT FEAGIN,

APPELLANT

APPELLANT #2012-213695

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 the South Carolina Department of Probation, Parole & Pardon Services, PO Box 50666, Columbia, SC 29250, and upon McIver Rembert Feagin, #266756 at Wateree River this 23rd day of May, 2014.

Brandon Hall
Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 23rd day of May, 2014..

[Signature] (L.S.)
Notary Public for South Carolina

My Commission Expires: August 21, 2023

RECEIVED

MAY 23 2014

SC Court of Appeals