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STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

SC Court of Appeals

Frank R. Addy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

STEVE FRANKLIN GRAYSON,

APPELLANT

APPELLATE CASE NO. 2013-002260

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)
)
 PLAINTIFF,)
)
)
 -VS-)
)
 STEVE FRANKLIN GRAYSON,)
)
 DEFENDANT.)
 _____)

13-GS-42-00381

TRANSCRIPT OF RECORD

 ORIGINAL

OCTOBER 8, 2013
SPARTANBURG, SOUTH CAROLINA

BEFORE:

THE HONORABLE FRANK R. ADDY, JR.

APPEARANCES:

ATTORNEY FOR PLAINTIFF:

BRITTANY SCOTT, ASSISTANT SOLICITOR

ATTORNEY FOR DEFENDANT:

JAMES CHEEK, ESQUIRE

TARA T. SCOTT, CVR
CIRCUIT COURT REPORTER

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EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
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(No exhibits were presented during this hearing)

1 MS. SCOTT: Standing before you is Mr. Steve Grayson.
2 He's with his attorney, Mr. James Cheek, on a true bill
3 indictment, failure to stop for a blue light. The
4 recommendation, Your Honor, is 90 days. He has two days
5 he's already spent in jail already.

6 THE COURT: Okay. Mr. Cheek, you're representing Mr.
7 Grayson?

8 MR. CHEEK: I am, Your Honor.

9 THE COURT: Apparently he wants to plea guilty to fail
10 to stop. That would carry between 90 days and three
11 years. The recommendation in this case is apparently a
12 straight 90 day sentence. Is that right?

13 MR. CHEEK: That's correct, Your Honor.

14 THE COURT: I notice the probation agent has stood up.
15 Apparently he's on probation. What's he on probation for,
16 if you don't mind me asking?

17 PROBATION OFFICER: Your Honor, he's on probation for
18 assault and battery of a high and aggravated nature which
19 is -- he's under our sex offender case load.

20 THE COURT: Okay. What's the sentence on that ABHAN
21 charge?

22 PROBATION OFFICER: It is ten years suspended to five
23 years and three years probation.

24 THE COURT: You have advised Mr. Grayson that this
25 penalty -- or the penalty range involved as well as all

1 his constitutional rights?

2 MR. CHEEK: I have, Your Honor.

3 THE COURT: Do you agree with his decision to plea
4 guilty?

5 MR. CHEEK: I do, Your Honor.

6 THE COURT: All right, Mr. Grayson, if you would just
7 raise your right hand, please.

8 STEVE FRANKLIN GRAYSON, having been first duly sworn,
9 testified as follows:

10 DIRECT EXAMINATION

11 BY THE COURT:

12 Q You are Steve Franklin Grayson?

13 A Yes, sir.

14 Q Mr. Grayson, I'm told you want to plea guilty to
15 failure to stop for a blue light first offense which
16 carries between 90 days and three years. You
17 understand that?

18 A Yes, sir.

19 Q They've worked out a 90 day sentence for you, but
20 that's probably the least of your worries because it
21 sounds like you got another five years hanging over
22 your head. You understand that?

23 A Yes, sir.

24 Q And this plea, if I accept it, would constitute a
25 violation of your probation. I can send you back to

1 prison. You understand that?

2 A Yes, sir.

3 Q Mr. Grayson, in the last 24 hours have you taken any
4 medication or any substance that affects your
5 thinking?

6 A No, sir.

7 Q And you do suffer from any emotional or nervous
8 problems that would keep you from understanding
9 what's going on?

10 A No, sir.

11 Q Mr. Grayson, are you guilty of failing to stop for a
12 blue light?

13 A Yes, sir.

14 THE COURT: Solicitor, if you'll give me the facts at
15 your leisure, please.

16 MS. SCOTT: On May 26, 2012 the defendant was driving
17 68 in a 50 mile-per-hour zone in Spartanburg County when
18 the officer of the Welford P.D. turned on his blue lights
19 and sirens. Defendant traveled one and one-half miles
20 before he finally stopped for the officer. Defendant had
21 an open container and was driving under suspension at the
22 time. His criminal history involves in '84 receiving
23 stolen goods, in '90 distribution of crack, and conspiracy
24 in '94, shoplifting in '95, shoplifting, contributing to
25 the delinquency of a minor. In 2001 driving without a

1 license. In 2004 possession of stolen vehicle and simple
2 possession of marijuana. In 2005 a CDVHAN, and in 2009 a
3 CDV second and ABHAN.

4

5 Q Mr. Grayson, you heard what the state alleges
6 happened on May 26th of last year. Is it true that
7 you failed to stop when properly signaled to do so by
8 a policeman?

9 A Yes, sir. I didn't stop.

10 Q I need to review with you briefly rights that you're
11 giving up by pleading guilty. You do understand that
12 you've got the right to a jury trial on this charge.
13 You don't have to plea guilty. You understand that,
14 sir?

15 A Yes, sir.

16 Q And at trial the state would have the burden of
17 proving your guilt beyond a reasonable doubt. They'd
18 do this by calling witnesses to testify against you.
19 And you and Mr. Cheek could confront and cross-
20 examine those witnesses. You understand, Mr.
21 Grayson?

22 A Yes, sir.

23 Q If you plea guilty, though, they don't have to
24 bring their witnesses into court and you won't have a
25 chance to ask them any questions. In a trial, if you

1 wanted to present to testimony you'd be free to do
2 that. You could call your own witnesses or testify.
3 If you didn't want to testify, though, I'd tell the
4 jury not to hold that against you. In a trial you
5 would be presumed innocent. You'd also have the
6 right to present any defenses or challenge any
7 evidence the State might have against you. If you
8 plead guilty, though, you waive your right to
9 do these things. You understand, Mr. Grayson?

10 A Yes, sir.

11 Q Are you sure you want to waive these rights?

12 A Yes, sir.

13 Q Mr. Grayson, are you happy with Mr. Cheek?

14 A I am.

15 Q Do you have any complaints to make against him, the
16 Solicitor, law enforcement or anyone involved in
17 this?

18 A No, sir.

19 Q And aside from the 90 day sentence, has anyone
20 promised you anything or held out any hope of reward
21 to get you to plead guilty?

22 A No, sir.

23 Q Has anyone tried to threaten you or force you to
24 plead guilty?

25 A No, sir.

1 Q So you are pleading guilty of your own free will
2 because you committed this offense?

3 A Yes, sir.

4 Q You understand that your driver's license, of course,
5 will be suspended for an additional period of time?
6 You understand?

7 A Yes, sir.

8 Q I do find there's a substantial factual basis for
9 this plea. It's freely, voluntarily, knowingly and
10 intelligently made. Mr. Grayson is happy with Mr.
11 Cheek. I'll accept his plea.

12 MR. CHEEK: Your Honor, I respectfully ask the Court
13 to take into consideration Mr. Grayson has been offered a
14 90-day sentence. We ask the court to consider that. Of
15 course, the State cannot recommend probation in this
16 incident because he was already on probation. He has
17 agreed to do the 90 days. We're hoping the Court
18 might consider revoking 90 days on the probation and
19 continuing him so he can satisfy that sentence on a more
20 serious charge, Your Honor. There was nothing aggravating
21 about this. Had it gone to trial he would have argued
22 that it was a dark location and he was trying to pull to a
23 lighted place, but over a mile and a half, Your Honor,
24 I've explained to him that's a pretty extreme length of
25 time to travel, Your Honor.

1 THE COURT: How long has he been in jail, Mr. Cheek?

2 MR. CHEEK: Just eight days, Your Honor.

3 THE COURT: All right. Let me hear about the
4 probation violation.

5 PROBATION OFFICER: Your Honor, Mr. Grayson was served
6 with warrant number W-42130132 on October 2nd of this year
7 for failing to report to his agent in that he missed his
8 scheduled report on March 15, '13, October 9, 2012. And
9 he last reported on September 11, 2012. He failed to
10 refrain from changing his address without consent of the
11 agent in that during a phone call to the subject on
12 February 28, 2013 he admitted to moving from his approved
13 residence. He informed the agent that he was, in fact,
14 living at [REDACTED] located in Welford, South
15 Carolina. He failed to pay his supervision fees by being
16 \$1,090 in arrears at the issuance of the warrant. And
17 having no disability, therefore he had the means to work
18 and to pay. He failed to pay the court cost by being
19 \$648.90 in arrears. Failed to follow advice and
20 instructions of the agent and the Court in continuing --
21 in a continuation hearing held before the Honorable Judge
22 Hazel. And he failed to comply with the court ordered
23 psycho sexual evaluation. The subject completed the first
24 portion of the evaluation, which consisted of the Abel
25 assessment. And he failed to follow through with the

1 second phase required by the treatment provided which
2 includes an issue of the specific polygraph. So, he
3 failed to take a polygraph.

4 Your Honor, he's referred to prior violations that
5 they had. They did a previous warrant on the defendant
6 for failing to refrain from changing his address. So
7 that's the second time he changed his address. He
8 failed to work at a lawful occupation. Failed to pay the
9 supervision fees. Failed to pay court costs. Failed to
10 follow the advice and instruction. And he failed to
11 comply with the treatment provided for the recommendation
12 of the Court -- sex offender registration. So and that --
13 when they had that hearing they just continued him on
14 probation and gave him a second chance and they ended up
15 having to issue a warrant on October -- serving a warrant
16 in October to address these violations.

17 THE COURT: Thank you, Madame Agent. Mr. Cheek,
18 anything in response to what the probation department has
19 said or anything that you'd care to tell me, Mr. Grayson?

20 MR. GRAYSON: Yes, sir. I was working at Hoover
21 Builders and I got fired and then I lost the place where I
22 was staying. And I didn't contact my agent. I don't know
23 why. I just didn't. And I was paying my supervision and
24 -- until I stopped going. You know, I did some
25 three years probation. Before I violated it, I did over

1 two-and-a-half years on it. And I just -- it's just been
2 hard on me, you know. I lost my house. And the little
3 car I had, I lost it also. So it's just been hard and I
4 couldn't find no work. No transportation to get to work
5 and back, you know. That was the problem. On the Able
6 assessment, the first part of it I did complete that and I
7 had to pay \$400 to get that out of my own pocket. And I
8 completed that and somehow the letter was to where it was
9 over with. The Court was not satisfied, so they wanted me
10 to take a polygraph. I didn't have \$300 to pay it, so I
11 couldn't pay it to take it, you know.

12 THE COURT: All right. Anything further from anyone,
13 then? It was ten years service suspended on five?

14 PROBATION OFFICER: Ten years providing upon the
15 service of five years and the balance was suspended to
16 three years probation.

17 MR. GRAYSON: Sir?

18 THE COURT: Yes, sir.

19 MR. GRAYSON: If I may?

20 THE COURT: Please.

21 MR. GRAYSON: On that ten, I did max that sentence
22 out. I had to max it out and on this previous probation I
23 did two-and-a-half on it before I messed up.

24 THE COURT: I understand, Mr. Grayson. I do
25 understand. All right. Sentence on the fail to stop

1 charge is 90 days. Credit eight days in jail. This will
2 be concurrent with the probation violation. Mr. Grayson,
3 I do find that you're in willful violation of your
4 probationary sentence not only because you got this
5 fail to stop charge, but also for failing to report,
6 failing to show up at the very least, and failing to do
7 overall what you were supposed to do. You've had several
8 different chances, several second chances on probation.
9 Sir, showing up is probably the easiest thing that a
10 person can do. Reporting is probably the easiest thing a
11 person can do. My hands are tied. I'm sorry. Revoke
12 five years. Terminate. Good luck to you, sir.

13 (End of requested transcript of record)

14

15

16

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23

24

25

1 Certificate of Reporter
2

3 I, the undersigned, Tara T. Scott, CVR, Official
4 Court Reporter for the Eighth Judicial Circuit of the
5 State of South Carolina, do hereby certify that the
6 foregoing is a true, accurate, and complete transcript of
7 record of all the proceedings had and evidence introduced
8 in the trial/hearing of the captioned case, relative to
9 appeal, in the Circuit Court for Spartanburg County, South
10 Carolina, on the 8th day of October 2013.

11 I do further certify that I am neither of kin,
12 counsel, nor interest to any party hereto.

13 February 14, 2014
14

15  ORIGINAL
16

17
18 Tara T. Scott

19 Tara T. Scott, CVR

20 Circuit Court Reporter
21
22
23
24
25

15

WITNESSES

1. SENTENCE MADE

2. REPORT FILED

Wellford Police Department

3. INDEXED

4. ISSUED WARRANTS

5. CHECKED SIGNATURE

6. ADJUDICATED

7. TRAFFIC STOP GROUP

Computer

ARREST WARRANT NUMBER

55024FD

ACTION OF GRAND JURY

JAN 16 2013

True Bill

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKETED

13-GS-42-0381

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JAN 24 2013

TERM

THE STATE
vs.

Steve F. Grayson

Indictment for

**FAILURE TO STOP MOTOR VEHICLE
WHEN SIGNALLED BY OFFICER**

SC Code: 56-5-750 (B)(1)

CDR Code: 0065

Class MIS/A

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2013 JAN 23 AM 11:06

M. HOPE BLACKLEY

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 AUG 16 AM 9:30
M. HOPE BLACKLEY

Failure to appear;
bench warrant to
remain active
Lindsey H. Ovelly
8/15/13

SCANNED

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

JAN 18 2013

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

**FAILURE TO STOP MOTOR VEHICLE WHEN
SIGNALLED BY A LAW ENFORCEMENT VEHICLE**

That Steve F. Grayson, did in Spartanburg County on or about May 26, 2012 willfully failed to stop the motor vehicle which he was driving on a road, street, or highway of the State of South Carolina when he was signaled by a law enforcement vehicle by means of a siren or flashing light, and refused and failed to stop in violation of §56-5-750 (b) (1), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

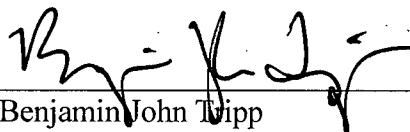
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Lindsey H. Overby
Assistant Solicitor

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."

July 30, 2014



Benjamin John Tipp
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 Spartanburg County
Frank R. Addy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.


STEVE FRANKLIN GRAYSON,

APPELLANT

APPELLATE CASE NO. 2013-002260

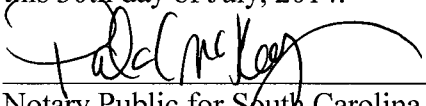
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Matthew Buchanan, Esquire, at South Carolina Department of Probation, Parole & Pardon Services, PO Box 50666, Columbia, SC 29250, this 30th day of July, 2014.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 30th day of July, 2014.



(L.S.)
Notary Public for South Carolina
My Commission Expires: July 24, 2022.

RECEIVED

JUL 30 2014

SC Court of Appeals