

A60C

AS

State of South Carolina

County of Richland

State

-VS-

Defendant Joseph Tice

SIN#

SCDC# or DOE

IN THE COURT OF GENERAL SESSIONS

No. 11 -GS- 40 02/14 1
Count

C-136649

Community Supervision

REVOCATION ORDER

C-40-14-0459

This matter was brought before me on the 5 day of SEPT, 2014, pursuant to a ~~warrant~~/citation (strike one) charging the Defendant with violating the Defendant's Community Supervision Program and asking the Court to revoke the Defendant's community supervision. I find:

1. The terms of the Community Supervision Program are fair and reasonable;
2. The Defendant has not complied with all terms of the Community Supervision Program;
3. The Defendant has willfully violated terms of the Community Supervision Program;
4. The Defendant should not be continued in the Community Supervision Program under its current terms or under other terms and conditions.

JENNIFER L. BRIDGEMAN
 C.C.P. & G.S.
 RECEIVED
 SEP 17 2014
 5:19 PM
 SC Court of Appeals

IT IS ORDERED that the Defendant be in the custody of the South Carolina Department of Corrections for a term of 90 days — months — year (total may not exceed one (1) year).

NO DISCRETIONARY GPS PER JESSIE'S LAW AT THIS TIME

This 5 day of SEPT, 2014,
Columbia, SC

[Signature]
 Presiding Judge S. Newman

CERTIFIED TRUE COPY OF ORIGINAL FILED 5TH Judicial Circuit

I have received a copy of this order.

Offender's Signature

[Signature]
 C.C.C.P. & G.S.
 RICHLAND COUNTY
 SOUTH CAROLINA

Offender's Date

CITATION

Incident Number(s):
 11-GS-40-02114, 11-GS-40-02115

No. C-40-14-0459

SOUTH CAROLINA V. JOSEPH CHARLES TICE	County RICHLAND	
	SCDC #	SID #
	Citation for Violation of <input type="checkbox"/> Parole <input type="checkbox"/> Emergency Powers Act Release <input type="checkbox"/> Supervised Re-entry Program <input checked="" type="checkbox"/> Community Supervision <input type="checkbox"/> Supervised Furlough	

TO: JOSEPH CHARLES TICE

YOU ARE HEREBY NOTIFIED to appear in the above 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 Joseph Tice violated conditions 9 and 10 of his Community Supervision Release and condition 1 of the Computer /Internet Use Agreement for Sex Offenders as ordered and agreed to on 8/30/13.

YOU ARE HEREBY NOTIFIED that you have the rights listed below.

List of Rights: You have the right at the preliminary 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 at the hearing at your expense. An attorney may be appointed to represent you in extraordinary circumstances. 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.

COLUMBIA, South Carolina	Probation and Parole Agent	Agent #
Date 7/7/2014	Bruce C Garrick	0311

PROOF OF SERVICE

Date Served: 7/7/14	Place: Richland PPP
Served On: (Print Name) Joseph Tice	
Served By: (Print Name) Hunter Sha	Title: Agent

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct

Executed on: 7/7/14	Signature of Server		
DATE			
Address of Server	City	State	Zip
1221 Gray St	Columbia	SC	29201

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
C.C.C.R.C.S.
RICHLAND COUNTY
SOUTH CAROLINA

1 SEP - 5 PM 2:19
 RECEIVED
 C.C.C.R.C.S.
 RIDGE

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of RICHLAND

Personally appeared before me, Bruce C Garrick, who first being duly sworn, deposes and says that JOSEPH CHARLES TICE did within this county and State on the 7 day of July, 2014, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

Joësphtice violated conditions 9 and 10 of his Community Supervision Release and condition 1 of the Computer /Internet Use Agreement for Sex Offenders as ordered and agreed to on 8/30/13.

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:

Joësphtice has failed to follow the advice and instructions of his supervisiiong Agent in that he: failed to refrain from using social media as evidenced by seach of his computer resulting in agent finding Mr. Tice to have a Facebook account in the name of "David Fox"; failed to pay intensive supervision fees being in arrears \$500.00 with a balance of \$3,000.00; failing to pay Drug Test fee having an arrearage and balance of \$20.00. These violations are contrary to the conditions Mr. Tice agreed to on 8/30/13.

Affiant

Sworn to and subscribed before me this 7 day of July, 2014

Signature of Notary Public

1-27-2017
My Commission Expires

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL SESSIONS
Warrant Number: C40140459
Indictment Number:

The State of South Carolina,)

vs.)

Joseph Tice,)
Defendant.)

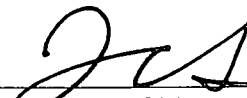
DEMAND FOR WRITTEN NOTICE OF
ALLEGATIONS AND DISCLOSURE OF
EVIDENCE AGAINST PROBATIONER

RECEIVED

SEP 17 2014

TO: MS. STEPHANIE GARRICK, AGENT IN CHARGE, RICHLAND COUNTY COURT HOUSE, 1000
OFFICE, DEPARTMENT OF PROBATION, PARDON, AND PAROLE SERVICES. **SC Court of Appeals**

The above-captioned probationer, by and through the probationer's attorney, hereby demands production within ten (10) days of this demand of (1) written notice of the allegations against the probationer; (2) disclosure of the evidence to be used against the probationer; and, (3) the date and time of the probationer's hearing in this regard. This demand includes but is not limited to the date and time of the hearing in this matter, written notice of the alleged violations, the violation report to be provided to the court pursuant to §24-21-450, and any other evidence that is intended to be introduced against the probationer at the probationer's hearing.



J. Christopher Shipman
Assistant Public Defender
Richland County Public Defender's Office
Post Office Box 192
Columbia, South Carolina 29202
(803) 765-2592
Attorney for Defendant

Columbia, South Carolina

This 25 day of July, 2014

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
The State of South Carolina,)

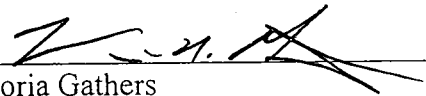
IN THE COURT OF GENERAL SESSIONS
Warrant Number: C40140459
Indictment Number:

vs.)

CERTIFICATE OF SERVICE

Joseph Tice,)
Defendant.)

I certify that on this date I served the Demand for Written Notice of Allegation Disclosure of Evidence Against Probationer in this case on The State of South Carolina by delivering a copy of this motion to the State's agent of record, by delivering said copy to her office located at the Richland County Department of Probation, Pardon and Parole Services, 1221 Greg Street, Columbia, South Carolina 29201, and leaving it with her clerk or other person of authority at said office.



Victoria Gathers
Paralegal

Richland County Public Defender's Office
P.O. Box 192
Columbia, South Carolina 29202
(803) 765-2592

Columbia, South Carolina

This 25 day of July, 2014

**RICHLAND COUNTY PUBLIC DEFENDER
RICHLAND COUNTY JUDICIAL CENTER**

1701 MAIN STREET
POST OFFICE BOX 192
COLUMBIA, SC 29201

PHONE (803) 929-6150
FAX (803) 929-6156
TDD # (803) 748-4999

July 10, 2014

Ms. Stephanie Garrick, Agent in Charge
Richland County Department of Probation, Pardon and Parole Services
1221 Gregg Street
Columbia, South Carolina 29201

Re: Joseph Tice;
Warrant Number: C40140459
Indictment Number:


Dear Ms. Garrick;

Enclosed please find a Demand for Written Notice of Allegations and Disclosure of Evidence Against Probationer in the above-referenced matter. I ask that you please respond within ten (10) days to this request, as I will be unable to adequately represent the above-mentioned probationer without access to this information.

Please forward all material in this regard to Mr. J. Christopher Shipman with our office. Mr. Shipman's phone number is 765-2592, and his office is located in our 1st floor offices at the Richland County Judicial Center.

Thank you in advance for your prompt attention to this matter.

Sincerely,


J. Christopher Shipman
Assistant Public Defender

cc: File
Clerk of Court

RECEIVED

SEP 17 2014

SC Court of Appeals

Joseph Tice has failed to follow the advice and instructions of his supervising Agent in that he: failed to refrain from using social media as evidenced by search of his computer resulting in agent finding Mr. Tice to have a Facebook account in the name of "David Fox"; failed to pay intensive supervision fees being in arrears \$500.00 with a balance of \$3,000.00; failing to pay Drug Test fee having an arrearage and balance of \$20.00. These violations are contrary to the conditions Mr. Tice agreed to on 8/30/13.

At the violation hearing before the Honorable Thomas W. Cooper, defense counsel for Mr. Tice raised the issue of the constitutionality of prohibiting offenders from engaging in social media such as Facebook. Judge Cooper continued the case to allow both sides to brief the issue.

MEMORANDUM

Community Supervision

In the instant case, Mr. Tice is under CSP, a statutorily mandated form of supervision. Under §24-21-560, all offenders released from incarceration on a "no parole offense" must complete a period of CSP. The Department oversees the CSP and sets the conditions. Should an offender violate those conditions, the General Sessions Court must first determine whether those conditions are fair and reasonable, and then whether the offender did willfully violate those conditions.

The Department has incorporated the requirements of S.C. Code Ann. §23-3-555(D) into the CSP conditions.

Section 23-3-555(D) provides that:

If a person commits a sexual offense in which the victim is under the age of eighteen at the time of the offense or the person reasonably believes is under the age of eighteen at the time of the offense, and the offender is required to register with the sex offender registry for the offense, then, upon conviction, adjudication of delinquency, guilty plea, or plea of nolo contendere, the judge must order as a

condition of probation or parole that the person is prohibited from using the Internet to access social networking websites...

Even though CSP is not probation or parole, the Department has incorporated the requirement into CSP if the same conditions are met. *See* Form 1402: Computer/Internet Use Agreement for Sex Offenders.

Even though a court may not have ordered the restriction on the use of the Internet, the Department is empowered to set the terms and conditions of CSP. That the Department has chosen to use the guidance of the General Assembly in its direction to the courts when fashioning a probationary sentence. Furthermore, the courts in South Carolina can make individual determinations as to the conditions of supervision in relation to each offender. Far from some all-encompassing finding that social media restrictions are *per se* unconstitutional – a finding unsupported by case law – the courts are free to examine on a case by case basis the reasonableness of the restriction and the relation to the underlying offense.

First Amendment

The Defendant claims that prohibiting an offender from using social media such as Facebook violates his First Amendment rights to free speech. To support this, he relies on the North Carolina Court of Appeals' reasoning in the case of *State v. Packingham*, 748 S.E.2d 146 (2013). However, the facts in *Packingham* can be distinguished from the case at bar.

In *Packingham*, the North Carolina Court of Appeals holds unconstitutional N.C. Gen.Stat. §14-202.5, which prohibits registered sex offenders from accessing any “commercial social networking Web site” that minor children can become members. In its analysis, the North Carolina court noted that the law applied to all registered sex offenders, not just those whose offenses

involved children. Furthermore, even those on the registry who were no longer under any form of supervision like probation or parole were subject to the prohibition.

Packingham also found the statute to be overly broad and unconstitutionally vague, in that it prohibited accessing any social media website, and given that major sites such as Google.com and Amazon.com have social networking links, a registered sex offender may run afoul of the law inadvertently by virtually any use of the internet.

Consider first that the North Carolina statute affects *all* individuals on the sex offender registry. The Defendant desires that the limited holding of the North Carolina Court of Appeals be expanded to state that all restrictions on social media is an unconstitutional abrogation of free speech. That sort of expansion ignores the fact that South Carolina's law, §23-3-555(D), only applies to those offenders who have committed offenses against minors under the age of eighteen, and only then while under supervision.

In the case at bar, this statute does not apply to Mr. Tice as he is not on probation or parole. Instead, this is a condition of Mr. Tice's Community Supervision Program. Restrictions on a sex offender's use of computers while under supervised release have been upheld in numerous courts, including recently the District Court for South Carolina in *Wagner v. Hampton*, 2014 WL 3799267 (D.S.C.).

In *Wagner*, the plaintiff brought an action pursuant to 42 U.S.C. §1983 alleging his free speech rights were violated because of restrictions on his use of social media while on federal probation for child pornography. Per the order of the court, Wagner was not allowed to access the internet during his three years of probation, although probation agents were allowed to restore some computer rights if appropriate. *Id.* During his supervision, the agents did allow him to use the

internet, but restricted him from social media and required monitoring software to be installed on his computer.

In rejecting his claim, the District Court held that restrictions could be imposed as long as the restrictions were reasonable in light of the offense, and that the “right of a convicted sex offender to use social media and be free from computer monitoring while on supervised release is anything but clearly established.” The court in *Wagner* lists numerous examples where computer use is restricted for those under supervision. *Id.*

Limitations on a convicted sex offender's access to the internet or social media are valid provided that they are reasonably related to the individual's offense and his history and characteristics and are no more restrictive than necessary to serve the purposes of sentencing. See 18 U.S.C. § 3583(d). Numerous courts, including the Fourth Circuit, have upheld various restrictions on the use of computers, the internet, and social media by convicted sex offenders on supervised release. *United States v. Miller*, 665 F.3d 114, 132 (5th Cir.2011) (upholding a 25–year restriction on a defendant's use of the internet); *United States v. Loflin*, 318 F. App'x 212, 213 (4th Cir.2009) (upholding a special condition of supervised release restricting a sex offender's use of a computer at work); *United States v. Granger*, 117 F. App'x 247, 248 (4th Cir.2004) (upholding the requirement that “[t]he defendant shall not possess or use any computer which is connected or has the capacity to be connected to any network” as a condition of supervised release for a defendant “convicted of transporting and shipping images of child pornography.”); *United States v. Rearden*, 349 F.3d 608, 619 (9th Cir.2003) (upholding restrictions on use of the internet and possession of sexually explicit materials and noting that “a defendant's right to free speech may be abridged to effectively address [his] sexual deviance problem.” (citations and quotation marks omitted)); see also *Doe v. Prosecutor, Marion Cnty. , Indiana*, 705 F.3d 694, 703 (7th Cir.2013) (“[A] court could conceivably limit a defendant's Internet access if full access posed too high a risk of recidivism. The alternative to limited Internet access may be additional time in prison, which is surely more restrictive of speech than a limitation on electronics.” (Citation omitted)).

Id.

Wagner and the cases it sites show that *Packingham* is distinguishable in that the unconstitutional law targeted all registered sex offenders, along with being overly vague in its prohibition against accessing social media sites.

CONCLUSION

Mr. Tice was convicted of Criminal Sexual Conduct with a Minor in the Second Degree. The Department's standard conditions for sex offenders prohibit the use of the internet for accessing social networking sites if the victim of the offense was under eighteen. Pursuant to a computer search, agents discovered that Mr. Tice had joined Facebook, a popular social networking website, under the alias "David Fox," and was communicating to females via the networking site. The information recovered by the agents is evidence of a less than innocent use of social media, something that the General Assembly recognized when it drafted §23-3-555(D).

In the instant case, Mr. Tice is being supervised on CSP – not on Probation – for an offense involving a minor child victim, so consequently the restriction is rationally related to the underlying offense and permissible pursuant to the Department's authority to set CSP conditions.

Furthermore, under South Carolina's rules for CSP, the Court must make a determination that the conditions of supervision are fair and reasonable. §24-21-560(C)(1). The Court, therefore, may make an individual finding of the reasonableness of the restriction.

Respectfully Submitted,

Matthew C. Buchanan
General Counsel
S.C. DPPPS
2221 Devine Street
Columbia, SC 29250

September 5, 2014

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL SESSIONS
Indictment No.: 2011-GS-40-02114, -02115
Citation No.: C-40-14-0459

STATE OF SOUTH CAROLINA,)
Plaintiff,)

Memorandum in Support of Probationer's Motion
To Dismiss Probation Violation

-vs-

JOSEPH CHARLES TICE)
Probationer.)

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SEP 17 2014

SC Court of Appeals

Factual Background

Joseph Charles Tice was indicted May 11, 2011, and convicted August 11, 2011, for two counts of criminal sexual conduct with a minor in the second degree. The events were alleged to have occurred between August 1, 1988, and October 31, 1988. Mr. Tice was sentenced to two concurrent 20 year terms suspended to 5 years of probation and subject to SCDPPPS's standard conditions of probation. Tice was also placed on the Central Registry of Child Abuse and Neglect, pursuant to S.C. Code Section 17-25-135, as well as ordered to be on the Sex Offender Registry and to have no contact with the victim.

JEANETTE W. WOODSIDE
C.C.P. & G.S.
2014 SEP 17 4 47 PM
RICHLAND COUNTY
FILED

On November 11, 2011, a consent order imposing additional conditions of probation was entered. It ordered Tice to be placed on GPS monitoring for at least 6 months and to be accepted at the Cambridge House. Another consent order was entered January 22, 2013, requiring Tice to exempt GPS balance and monitoring requirement, exempt supervision fee arrears, convert court fines to civil judgment, and transfer case to Lexington County.

CERTIFIED TRUE COPY
OF ORIGINAL FILED
Jeanette W. Woodside
C.C.P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA

Subsequently, Mr. Tice's probation was violated in ^{Lexington} ~~Aiken~~ County General Sessions. After a brief period of incarceration, Mr. Tice was released on community supervision. On August 30, 2013, Mr. Tice signed SCDPPPS's "Community Supervision Program Certificate"

which contains a number of conditions of supervision. On July 7, 2014, Mr. Tice was charged with violating the conditions of community supervision for using Facebook.

Notably, the program certificate does not mention a requirement to refrain from the use of social media in general or Facebook in particular. Condition 10 requires the supervisee to “follow the advice and instructions of [his] Agent” and to “agree to comply with any further conditions imposed by the Department or its’ Agents.” An “Additional [Condition]” requires the supervisee to have no contact with the victim or her family during the pendency of supervision. These are as close to banning the use of social media as the conditions which Mr. Tice signed come.

Section 23-3-555(D) of the South Carolina Code provides that:

If a person commits a sexual offense in which the victim is under the age of eighteen at the time of the offense or the person reasonably believes is under the age of eighteen at the time of the offense, and the offender is required to register with the sex offender registry for the offense, then, upon conviction . . . , the judge must order as a condition of probation or parole that the person is prohibited from using the Internet to access social networking websites, communicate with other persons or groups for the purpose of promoting sexual relations with persons under the age of eighteen, and communicate with a person under the age of eighteen when the person is over the age of eighteen.

However, there has been no evidence that such an order was actually issued.

Mr. Tice maintains, first, that without such an order the condition does not apply to him, and second, that even if the condition did apply, it is void under the first amendment to the United States Constitution and Article 1, Section 2 of the South Carolina Constitution.

Procedural Challenge

The first step in determining whether Mr. Tice violated a condition of his community supervision is to determine if the condition even applies to him. Mr. Tice maintains that the

condition of refraining from social media does not apply to him and that he therefore cannot have violated it.

The Supreme Court of South Carolina has recently held that when determining a sentence, SCDC, and by extension SCDPPPS, “is confined to an unambiguous sentencing sheet in determining an inmate’s sentence, but may consider the sentencing transcript if the sheet is ambiguous.” Tant v. S.C. Dept. of Corrections, No. 27392, Supreme Court of South Carolina (May 28, 2014). Sentencing sheets are “assumed to memorialize the judge’s intention no less than what was pronounced from the bench.” Id. An ambiguous sentence is one susceptible to two or more interpretations. Id. The Court further held that “ambiguity or doubts relative to a sentence should be resolved in favor of the accused.” Id. (citing State v. DeAngelis, 257 S.C. 44, 50, 183 S.E.2d 906, 909 (1971)).

Mr. Tice’s sentencing sheet never mentioned the added condition of refraining from social media. The sheet did mention that all the standard conditions of probation were incorporated by reference, but refraining from social media is not one of the standard conditions of probation. While Mr. Tice concedes that the sentencing judge was legally required to order no social media as a condition of probation, such a condition was never actually placed on him. Tice’s non-conforming sentence was never appealed by the state, and it is now law of the case. See Town of Mt. Pleasant v. Jones, 335 S.C. 295, 298-299 (Ct. App. 1999), (citing ML-Lee Acquisition Fund, L.P. v. Deloitte & Touche, 327 S.C. 238, 489 S.E.2d 470 (1997) (an unchallenged ruling, right or wrong, is the law of the case); Continental Ins. Co. v. Shives, 328 S.C. 470, 492 S.E.2d 808 (Ct. App. 1997) (a lower court’s unappealed ruling becomes the law of the case, and the appellate court must assume the ruling was correct)).

To the extent any ambiguity exists due to the statutory mandate that all judges sentencing defendants on CSC-2nd degree charges also place them under such a condition on probation, this ambiguity must be resolved in favor of the defendant. A plain reading of Section 23-3-555(D) shows clearly that the legislature intended for a judge to order a ban on social media for certain offenders while on supervision. The order from the sentencing judge is a necessary condition antecedent for the ban to apply to a supervisee. Without the order, the ban does not exist. The ban is not an automatic consequence of a CSC-2nd degree conviction. Had the legislature intended such an automatic triggering of the ban, it certainly had the power and the experience to frame it in such a way. See, for example, the automatic license suspension for a conviction of driving under the influence. S.C. Code Ann. Section 56-5-2990(A)(1) states explicitly that the Department of Motor Vehicles “shall suspend the driver’s license of a person convicted for a violation of Section 56-5-2930.”

The statutory mandate for an order applies only to judges, not to defendants. When the order is not made, it cannot be assumed (1) that the judge meant anything other than what he or she put on the sentencing sheet or (2) that the defendant should have been banned from social media without the requisite order. Not only would doing so resolve the ambiguity against the defendant, but such an interpretation would vitiate the legislature’s requirement for an order in these cases and make SCDPPPS, SCDC and every other agency charged with carrying out judicial orders censors of the judiciary, conflating two branches of government and violating the separation of powers doctrine. See Sanders v. MacDougall, 244 S.C. 160 (1964) (citing State v. White, 218 S.C. 130, 61 S.E.2d 754 (1950)) (parole board has no jurisdiction to revoke and activate a suspended sentence since this involves the exercise of judicial discretion and can only be done by a court of competent jurisdiction).

In sum, the plain language of the statute and a proper reading of the sentencing sheet, giving the defendant the benefit of any ambiguity, shows that Mr. Tice was never legally banned from using social media and that he cannot therefore have violated a condition which never applied to him.

Freedom of Expression and Overbreadth Challenge

The purported total ban on social media is an unconstitutional abridgment of Mr. Tice's rights to freedom of expression and association. As a preliminary matter, it must be acknowledged that Mr. Tice is currently on supervision through SCDPPPS. However, the South Carolina Supreme Court has acknowledged that certain conditions of probation may be overly broad, particularly when:

(1) the condition is so unreasonable or overly broad that compliance is virtually impossible and the burden imposed on the probationer is greatly disproportionate to any rehabilitative function the condition might serve; (2) the condition has no relationship to the crime of which the offender was convicted; (3) the condition requires or forbids conduct which is not reasonably related to future criminality; (4) the condition relates to conduct which is not in itself criminal unless the prohibited conduct is reasonably related to the crime of which the offender was convicted or to future criminality; (5) the condition violates due process because it is overly broad or void for vagueness; or (6) the condition unnecessarily or excessively tramples upon First Amendment rights of free association.

State v. Allen, 370 S.C. 88, 97-98 (2006).

Second, it must be noted that constitutional protections for speech fully extend to the internet. See Doe v. Nebraska, 898 F.Supp. 2d 1086, 1107, 2012 U.S. Dist. LEXIS 148770 (2012) (citing Reno v. ACLU, 521 U.S. 844, 870, 117 S.Ct. 2329 (1997)). Furthermore, "one is not to have the exercise of his liberty of expression in appropriate places abridged on the plea that it may be exercised in some other place." Doe v. Nebraska, *supra* at 1117 (citing Schneider v. New Jersey, 308 U.S. 147, 163, 60 S.Ct. 146 (1939)).

North Carolina has recently overturned a ban on social media similar to the one in question before this court. North Carolina v. Packingham, 748 S.E.2d 146, 2013 N.C. App. LEXIS 876 (N.C. App. 2013). Packingham is still pending review by the Supreme Court of North Carolina. See North Carolina v. Packingham, 753 S.E.2d 660, 2014 N.C. LEXIS 17 (N.C. 2014). Other bans have been overturned in Nebraska, Louisiana, and Indiana. See Doe v. Nebraska, 898 F. Supp.2d 1086, 2012 U.S. Dist. LEXIS 148770 (D. Neb., Oct. 17, 2012). See also Doe v. Jindal, 853 F.Supp.2d 596, 2012 U.S. Dist. LEXIS 19841 (M.D. La., Feb. 16, 2012). And see Doe v. Prosecutor, 705 F.3d 694, 2013 U.S. App. LEXIS 1528 (7th Cir. Ind. 2013).

The law in this arena is clear. Even in public fora, the government may impose reasonable time, place, and manner restrictions on speech if the restriction is (1) content neutral and (2) narrowly tailored, (3) designed to serve a significant government interest, and (4) leaves ample alternative channels for communication. See Doe v. Nebraska, supra, at 1107, and Packingham, 748 S.E.2d at 150 (citing Ward v. Rock Against Racism, 491 U.S. 781, 791, 109 S.Ct. 2746, 2753 (1989)).

Narrowly tailored restrictions need not be the least restrictive restrictions. The narrow tailoring requirement is satisfied so long as the regulation promotes a substantial government interest that would be achieved less effectively without the regulation. The regulation, however, may not burden substantially more speech than necessary to further the government's legitimate interests. And the government may not regulate speech in such a manner that a substantial portion of the burden on speech does not serve to advance its goals. See Doe v. Nebraska, supra, at 1107, and Packingham, supra, at 150 (citing Rock Against Racism, supra, at 799-800, 2758).

Correct
2/11

A statute is narrowly tailored if it targets and eliminates no more than the exact source of the "evil" it seeks to remedy. A complete ban can be narrowly tailored, but only if each and every activity within the ban's scope is an appropriately targeted evil. See Doe v. Nebraska, supra, at 1107, and Packingham, supra, at 150 (citing Frisby v. Schultz, 487 U.S. 474, 485, 101 L.Ed. 2d 420 (1988)). A law may be invalidated as overbroad if a substantial number of its applications are unconstitutional, judged in relation to the statute's plainly legitimate sweep. Doe v. Jindal, supra, at 604 (citing United States v. Stevens, 559 U.S. 460, 130 S.Ct. 1577 (2010)). Furthermore, the requirement for ample alternative channels is not an afterthought but a real constitutional safeguard protecting the freedom of expression. See Doe v. Nebraska, supra, at 1117 (citing Linmark Assoc., Inc. v. Willingboro Tp., 431 U.S. 85, 93, 97 S.Ct. 1614 (1977)).

See Frisby v. Schultz (1988)

South Carolina's total ban on social media for certain offenders is unconstitutional on its face and as applied. The ban is not narrowly tailored and does not leave open ample alternative channels of communication. The ban targets more people than necessary and more speech than necessary to achieve the government's significant interest. Similar to the ban overturned in Nebraska, South Carolina's ban purports to apply to all sex offenders whose victims were under 18 at the time of the offense or whom the defendant reasonably believed to be under 18. However, the ban makes no distinctions for individual offenders in that category or the time lapse between the incident and conviction and requires no individual findings of fact that the offender either used a computer to facilitate the offense, that the offender poses a recidivism risk, or that the offender is a sexually violent predator. Furthermore, the ban fails to take into account the possibility of legitimate needs a supervisee may have for social media, e.g. to keep up with distant family and friends, to carry on a legitimate business enterprise, to obtain news and

opinions about current events at home and abroad, to share news and opinions about current events at home and abroad, to engage in political or religious debate or advocacy, etc.

To understand the scope of the ban, generally and as applied, it is necessary to understand the pervasiveness of Facebook as a communication tool. According to the Pew Research Center, as of February 3, 2014, 57 % of all American adults use Facebook. Adult Facebook use is growing: 64% of Facebook users visit the site daily, up from 51% in 2010. Some of the primary reasons cited for using Facebook are (1) seeing photos or videos (Men: 39%, Women 54%), (2) sharing with many people at once (Men: 42%, Women 50%), (3) seeing entertaining or funny posts (Men: 35%, Women 43%), (4) learning about ways to help others (Men: 25%, Women, 35%), (5) receiving support from people in your network (Men: 16%, Women 29%), (6) receiving updates or comments (Men: 39%, Women: 39%), (7) keeping up with news and current events (Men: 31%, Women: 31%), and (8) getting feedback on content you have posted (Men: 16%, Women: 17%). See Pew Research Center, "6 new facts about Facebook," February 3, 2014 (<http://pewresearch.org/facts-tank/2014/02/03/6-new-facts-about-facebook/>) (last accessed September 1, 2014). By the end of 2013, Facebook had 1.23 billion active users worldwide, a 170 million increase from 2012. See theguardian DATABLOG, "Facebook: 10 years of social networking, in numbers," February 4, 2014 (<http://www.theguardian.com/news/datablog/2014/facebook-in-numbers-statistics>) (last accessed September 1, 2014).

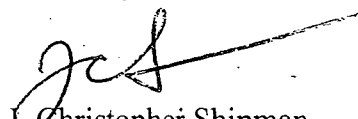
South Carolina's social media ban cuts off a probationer from millions of adults in the United States and hundreds of millions of adults abroad. It cuts him off from news, opinions, information, debate, music, art, literature, and other forms of expression often only accessible online. There have been no allegations that Mr. Tice has used Facebook for an illicit purpose,

and yet he is threatened with prison for using it to engage in other entirely legitimate purposes. He is forbidden from using Facebook to communicate with any of the hundreds of millions of adults using Facebook about any number of legitimate topics. No other network on earth comes close to allowing this kind of access to other adults. Social media is central to modern communication. No other service on earth gives a single user access to such a wide array of listeners, readers, and commenters. The very act of forbidding its use leaves no ample alternate channels of communication and burdens more speech than necessary to achieve the state's significant interest. There is simply no way in which forbidding the use of social media to engage in politics, religion, business, humor, friendship, or any other legitimate purpose serves to protect children. Moreover, a total ban of social media cannot be narrowly tailored. As demonstrated above, there are myriad legitimate uses for social media. For a total ban to pass constitutional muster, each and every activity banned must be an appropriately targeted evil.

CONCLUSION

For these and other reasons asserted in court, Mr. Tice maintains that the ban does not apply to him and that if it does, it is unconstitutional.

Respectfully submitted, this 5 day of September, 2014.


Christopher Shipman
Counsel for Supervisee
Richland County Public Defender
1701 Main St.
Columbia, SC 29201

DOCKET NO. 2011-GS-40-02114

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

MAY TERM 2011

92

**THE STATE
vs.**

JOSEPH CHARLES TICE

WITNESSES

(S) DALE JONES - Richland County Sheriff

Capt. J.S. Smith

S. FAUST

ARREST WARRANT NUMBER

C-136649

ACTION OF GRAND JURY

TRUE BILL

Maura F. Gardner

Foreperson of Grand Jury

MAY 11 2011

Date:

VERDICT

**CERTIFIED TRUE COPY
OF ORIGINAL FILED
JANETTE W. M...
C.C.C.P.&G.
RICHLAND COUNTY
SOUTH CAROLINA**

Foreperson of Petition
Date:

After being fully advised as to my legal rights, I hereby waive presentation to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

Indictment for
**CRIMINAL SEXUAL CONDUCT WITH
MINOR, 2ND DEGREE (AGE 11-14)**

SC Code: 16-03-0655(B)(1)

CDR Code: 0396

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

MAY TERM 2011

92

THE STATE vs.

JOSEPH CHARLES TICE

Indictment for CRIMINAL SEXUAL CONDUCT WITH MINOR, 2ND DEGREE (AGE 11-14)

SC Code: 16-03-0655(B)(1) CDR Code: 0396

WITNESSES

(S) DALE JONES - Richland County Sheriff

Capt J.S. Smith

S. FAUST

ARREST WARRANT NUMBER

C136650

ACTION OF GRAND JURY

TRUE BILL

Mewa H. Gardner Foreperson of Grand Jury

Date: MAY 11 2011

VERDICT

CERTIFIED TRUE COPY OF ORIGINAL FILED, Janelle W. McBride C.C.C.P.&G.S. RICHLAND COUNTY SOUTH CAROLINA

Foreperson of Petit Jury Date:

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE VS.

INDICTMENT/CASE#: 2011GS4002114

AKA: Joseph Tice

A/W#: C136649

Race: W Sex: M Age: 47

Date of Offense: 8/1/2008 - 10/31/2008

DOB: SS#

S.C. Code §: 16-03-0655(B)(1)

Address: City, State, Zip:

CDR Code #: 0396

DL#: SID#

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Criminla Sexual Conduct with a Minor Second Degree -

CONVICTED OF or PLEADS

in violation of § 16-03-0655(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0396

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or-Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Margaret Fent Bodman, Margaret Fent 70937 SC Bar#
Joseph Tice Defendant
Attorney for Defendant 70755 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 20 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 days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 5

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: 8-11-11
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 the 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:
Set by SCDPPS DEFENDANT IS TO BE HELD IN CUSTODY UNTIL SUITABLE HOUSING IS
Recipient: APPROVED BY P.P.P.
*Fine:

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

Table with 3 columns: Code, Description, Amount. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 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, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, § 44-53-450(C) (Conditional Discharge) \$350, 3% to County (if paid in installments), TOTAL

Other:
No consider w/ victim
Condition 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.

Clerk of Court/ Deputy Clerk: Janette McBride/ K. Ambrosezak J. Holston
Court Reporter:

Presiding Judge: [Signature]
Judge Code: 2126
Sentence Date: 8-11-11

STATE OF SOUTH CAROLINA)
 COUNTY OF Richland)
 STATE VS.)
Joseph Tice)
 AKA:)
 Race: W Sex: M Age: 47)
 DOB: 08.07.59)
 Address:)
 City, State, Zip:)
 DL#: SID#:)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS4002115
 A/W#: C136650
 Date of Offense: 8/1/2008 - 10/31/2008
 S.C. Code §: 16-03-0655(B)(1)
 CDR Code #: 0396

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO: Criminal Sexual Conduct with a Minor Second Degree CONVICTED OF or PLEADS

in violation of § 16-03-0655(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0396
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:
Margaret J. Bodman 70937 Joseph Tice [Signature]
 Bodman, Margaret Fent 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 20 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 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: 8-11-11
 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 the 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:
 Set by SCBPPPS Defendant to be held in
CUSTODY UNTIL SUITABLE HOUSING IS
 Recipient: Approved by P.P.P.
 *Fine:

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: SEX OFFENDER REGISTRY
NO CONTACT W/ VICTIM

Condition 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.

TOTAL \$
 Clerk of Court/ Deputy Clerk Jeanette McBride
 Court Reporter: K. Ambrose J. Holston
 Presiding Judge [Signature]
 Judge Code: 2126
 Sentence Date: 8-11-11

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of Lexington
STATE VS.

Indictment Number: 2011 GS 40 02114
Probation C/W #: W-32-13-0090

Joseph Tice
AKA:
Race: W Sex: M
DOB:
SSN:
SID#:

Name of Original Offense: CSC crim. road rage
Original A/W #: C13161A9
Date of Original Offense: 8-1-08 - 10-31-08
Conviction S.C. Code §: 16-03-0655(B)(1)
Conviction CDR Code #: 0 / 3 / 9 / 6
Original Sentence: 20 Mths 50 DYS
ORDER PROB.

The above named defendant has been charged with violating the conditions of probation ordered on 8/11/11 in the Court of General Sessions of Richmond County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 1-8-13, as set forth in the attached warrant(s) or citation(s) dated 4-16-13. 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)

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve _____ 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 6 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)
 - Fines and other fees (arrearage/balance)
 - Restitution (and 20%) (arrearage/balance)
 Civil judgment:
 - Department fees
 - Fines and other fees
 - Restitution (and 20%)

Additional Conditions ordered by the Court:
WAIVE ALL SUPERVISION FEES PAST + FUTURE
CONTINUE SEX COUNSELING CONCURRENT

- 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 24 day of MAY, 2013
LEXINGTON, SC

[Signature]
Presiding Judge
11th 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

CERTIFIED TRUE COPY OF ORIGINAL FILED
[Signature]
C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA SC

Signed this _____ day of _____, at _____ City

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
STATE OF SOUTH CAROLINA
-VS-

RICHLAND COUNTY
FILED

IN THE COURT OF GENERAL SESSIONS
CASE NO. 11-GS-40-2114

2011 NOV 14 PM 12:51

Original Warrant #: C-136649

DEFENDANT
JOSEPH TICE
SID# 01925878

JEANETTE W. McBRIDE
C.C.P. & G.S.

CONSENT ORDER IMPOSING ADDITIONAL
CONDITIONS OF PROBATION

Based on the admission and consent below, this Court finds that the above named defendant has violated one (1) or more of the conditions of Probation ORDERED on 8/11/11 in cause number 11-GS-40-2114 by:
FAILING TO HAVE A SUITABLE RESIDENCE.

You are hereby advised that you do not have to consent to this court imposing additional conditions of probation. You are further advised that you do not have to proceed without a hearing on the described violations or without the assistance of counsel. There are dangers and disadvantages to self representation. An attorney may better understand this Order and may be able to present defenses to the violations described above. By signing this Order without an attorney you are acknowledging these dangers but are knowingly and voluntarily choosing to proceed without counsel.

I, JOSEPH TICE, having been duly informed of my right to a hearing on the above alleged violations and my right to have an attorney present at such hearing, do hereby waive my right to appear before the Court and waive my right to counsel at such appearance. I admit I have violated the conditions of Probation as indicated above and I am knowingly and voluntarily consenting to the jurisdiction of the Court and agree to comply with all additional conditions as stated in this ORDER.

Sworn to and subscribed
before me this 4 day of NOV 2011

Joseph Tice
Defendant

11/4/11
Date

[Signature]
Signature of Notary Public
My Commission expires 1-29-2017

[Signature]
Probation Agent

11/4/11
Date

Therefore it is ORDERED that the defendant:

BE PLACE ON GPS MONITORING FOR A PERIOD OF AT LEAST 6 MONTHS TO BE ACCEPTED INTO HOUSING AT THE CAMBRIDGE HOUSE. MR. TICE WILL BE RELEASED WHEN A BED IS AVAILABLE.

I consent:

Defendant: Joseph Tice Date: 11/4/11

Probation Agent: [Signature] Date: 11/4/11

Supervisor: [Signature] Date: 11-4-11

IT IS SO ORDERED
This 11 day of November, 2011
Columbia, South Carolina

[Signature]
Judge, Fifth Judicial Circuit S. Newman

CERTIFIED TRUE COPY
OF ORIGINAL FILED
Jeannette W. McBride
C.C.P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF GENERAL SESSIONS
CASE NO. 11-GS-40-2115

STATE OF SOUTH CAROLINA)
-VS-)

Original Warrant #: C-136650

DEFENDANT)

CONSENT ORDER IMPOSING ADDITIONAL
CONDITIONS OF PROBATION

SID# JOSEPH TICE)

Based on the admission and consent below, this Court finds that the above named defendant has violated one (1) or more of the conditions of Probation ORDERED on 08/11/11 in cause number 11-GS-40-2115 by:
FAILED TO PAY SUPERVISION FEES BY IN ARREARS \$845.00 WITH AN UNPAID BALANCE OF \$4920.00.
FAILED TO PAY COURT FINES BY BEING IN ARREARS \$80.00 WITH AN UNPAID BALANCE OF \$133.90.
FAILED TO PAY GPS FEES BY BEING IN ARREARS \$1930.00 WITH AN UNPAID BALANCE OF \$9610.00.
FAILED TO PAY DNA BY OWING A BALANCE OF \$250.00

You are hereby advised that you do not have to consent to this court imposing additional conditions of probation. You are further advised that you do not have to proceed without a hearing on the described violations or without the assistance of counsel. There are dangers and disadvantages to self representation. An attorney may better understand this Order and may be able to present defenses to the violations described above. By signing this Order without an attorney you are acknowledging these dangers but are knowingly and voluntarily choosing to proceed without counsel.

I, **JOESPH TICE**, having been duly informed of my right to a hearing on the above alleged violations and my right to have an attorney present at such hearing, do hereby waive my right to appear before the Court and waive my right to counsel at such appearance. I admit I have violated the conditions of Probation as indicated above and I am knowingly and voluntarily consenting to the jurisdiction of the Court and agree to comply with all additional conditions as stated in this ORDER.

Sworn to and subscribed
before me this 12 day of Dec 2012
S. Van Dyke
Signature of Notary Public
My Commission expires 9-20-2021

Joseph Tice
Defendant
[Signature]
Probation Agent

12-12-12
Date
12/12/12
Date

Therefore it is ORDERED that the defendant:
EXEMPT GPS BALANCE and monitoring requirement
EXEMPT SUPERVISION FEE ARREARS.
CONVERT COURT FINES TO A CIVIL JUDGEMENT. ✓
TRANSFER CASE TO LEXINGTON COUNTY.

I consent:

Defendant: Joseph Tice Date: 12-12-12
Probation Agent: [Signature] Date: 12/12/12
Supervisor: S. Van Dyke Date: 12-12-12

IT IS SO ORDERED
This 22 day of JANUARY, 2013
Columbia, South Carolina
WB
Judge, Fifth Judicial Circuit Benjamin

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Joanette W. McEade
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA

COUNTY OF

Richland

STATE

v.

DEFENDANT

Joseph Tice

Hearing Date:

1-22-13

IN THE COURT OF GENERAL SESSIONS

NO.

11-GS-40-2115

C-136650

CIVIL JUDGMENT

106 Pleasant Ridge Lane
West Columbia SC

This matter came before me on the above mentioned date, pursuant to a motion to require the defendant to show cause why the defendant's default in paying finer and restitution (strike inapplicable) should not be treated as a civil judgment and a judgment lien attached. After hearing the evidence, I find that no cause was shown why judgment should not be entered for the unpaid balance of finer and restitution (strike inapplicable). I find the unpaid balance of the fine and restitution (Strike inapplicable) due and the payee to be as stated below.

It is therefore ordered adjudged and decreed that the payee, shall have judgment against the defendant in the sum stated below. It is further ordered that the clerk of court enter this judgment in the civil judgment records of the court. All of which is ordered pursuant to S.C. Code Ann. 17-25-323.

VERIFIED TRUE COPY
OF ORIGINAL FILED
JANET H. WILSON
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

Payee's Name	Richland County Clerk of		
Payee's Address	Court		
Street	PO BOX 2766		
City	State	Zip	
Columbia	SC	29202	

The Defendant is ordered to pay to the Payee the sum of
\$ 133 90

Presiding Judge's Signature	Date
<i>WB</i>	1-22-13
Judge's Name Printed	
ST Benjamin	Columbia s.c.

