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DATE: 3/2/15

TO: Christina

FAX #: 803-734-1496

FROM: Dayne Phillips

FAX #: 803.785.1443

RE: _____

TOTAL NO. OF PAGES: _____

NOTES: _____

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February 9, 2015

The Honorable Jenny Kitchings,
Clerk, S.C. Court of Appeals
1015 Sumter Street
Columbia, SC 29201

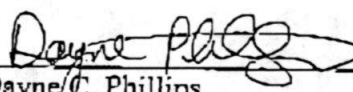
Re: **The State vs. Joseph Tice**

Dear Ms. Kitchings:

Pursuant to Rule 203 of the South Carolina Appellate Court Rules, I have enclosed the order challenged on appeal with this letter. Thank you for your assistance in this matter.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,


Dayne C. Phillips
Assistant Public Defender
407 ½ West Main Street
Lexington, SC 29072
(803) 785-8873

enclosure

cc: Matthew C. Buchanan
General Counsel for Probation
P.O. Box 50666
Columbia, SC 29250

Robert Michael Dudek
Chief Appellate Defender
P.O. Box 11589
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STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

State of South Carolina)

v.)

Joseph Charles Tice,)

Defendant.)

IN THE COURT OF GENERAL SESSIONS
FOR THE ELEVENTH JUDICIAL CIRCUIT

2011-GS-40-2114

2011-GS-40-2115

ORDER

THIS MATTER comes before the Court upon a Remittitur from the Court of Appeals (Appellate Case 2013-001161). Defendant and his attorney, Dayne Phillips appeared and the South Carolina Department of Probation, Parole and Pardon Services (the Department) with its attorney, Matthew Buchanan and Agent Lisa Baker presented on behalf of the State.

The Defendant was on probation for two counts of Criminal Sexual Conduct with a Minor in the Second Degree when he appeared in Lexington General Sessions Court on May 24, 2013 for a violation hearing, the Honorable Judge R. Markley Dennis, Jr., presiding. The Court revoked the Defendant six months for certain financial violations, but failed to make a finding on the record pursuant to the requirements in *State v. Coker*, 397 S.C. 244, 723 S.E.2d 619 (Ct. App. 2012). The Court of Appeals reversed and remanded on Nov. 5, 2014.

After the Defendant was released from the Department of Corrections, he started a period of Community Supervision pursuant to S.C. Code 24-21-560.

Because of the Court of Appeals overturning this Court's revocation on May 24, 2013, this Court now rules that it is appropriate for the Defendant to be returned to supervision under his original probation sentence, imposed on August 11, 2011.

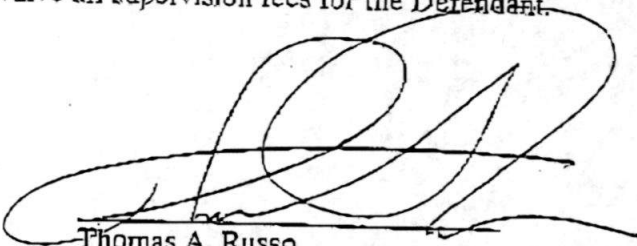
This Court makes no finding regarding GPS monitoring which was imposed by the Department as a condition of Community Supervision. The Court does not add GPS or electronic monitoring as a special condition of probation at this time.

Therefore, it is now ORDERED that the Defendant Joseph Charles Tice is returned to probation, subject to all the standard conditions of probation, the sex offender conditions, and special conditions set forth in the original sentence.

Furthermore, it is ORDERED that the Defendant Joseph Charles Tice must as a condition of probation or parole be prohibited from using the Internet to access social networking websites, and communicate with a person under the age of 18 who is not a child or grandchild of the Defendant, pursuant to the requirements of 23-3-555(D).

It is ORDERED that the Department waive all supervision fees for the Defendant.

AND IT IS SO ORDERED.



Thomas A. Russo
Presiding Judge, 11th Circuit

February 3rd
~~January 27~~, 2015
Lexington, South Carolina