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JUL 15 2015

ORIGINAL Appeals

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

Gordon G. Cooper, Circuit Court Judge

RECEIVED

JUL 15 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RASHONDRE MONTESE BOOZER,

APPELLANT

APPELLATE CASE NO. 2014-002536

RECORD ON APPEAL

ROBERT M. DUDEK
Chief Appellate Defender

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

Attorney for Appellant

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General Counsel
South Carolina Department of
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Columbia, SC 29250
(803) 734-9220

Attorneys for Respondent

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF SPARTANBURG) COURT OF GENERAL SESSIONS
3
4 STATE OF SOUTH CAROLINA,)
5 PLAINTIFF,)
6 VS.)
7 RASHONDRE BOOZER,)
8 DEFENDANT.)
9
10 November 14th, 2014
11 Spartanburg, South Carolina
12
13 B E F O R E:
14 THE HONORABLE GORDON G. COOPER, Judge.
15
16 A P P E A R A N C E S:
17 MARY F. DASSEL
18 ASSISTANT PUBLIC DEFENDER
19 Attorney for the Defendant
20
21
22 PAMELA E. GREEN
23 Circuit Court Reporter
24 Seventh Judicial Circuit
25

I N D E X O F W I T N E S S E S

(There were no exhibits marked or testimony taken
during this hearing.)

P R O C E E D I N G S

THE COURT: All right.

THE PROBATION OFFICER: Yes, Your Honor.

Before you today is Rashondre, Rashondre Boozer on Citation C-42-14-0628 which was issued on October the 20th of 2014 and was served that same day, on October the 20th of 2014.

THE COURT: Counsel.

MS. DASSEL: Thank you, Your Honor.

As you can see from the 1106, the main violation that is alleged today is the failure to complete the weekend time sentence imposed by Judge Couch, Your Honor. Mr. Boozer admits to missing the days, but he said it is not a willful violation, Your Honor.

As you can see, the first weekend he was to report was the weekend of September 27th. He did appear and serve that weekend, Your Honor. The next two weekends, Your Honor, he was sick and did turn in a doctor's excuse to the jail. I have a copy of that if Your Honor would like to see that.

THE COURT: All right.

MS. DASSEL: Thank you.

And, Your Honor, the next weekend he was to report was December or October 17th, Your Honor. On that morning he

1 was actually robbed and shot three times in the abdomen. He
2 was taken immediately to Spartanburg Regional where he
3 stayed until October 29th, and he was transferred to jail
4 upon his discharge.

5 I do have his discharge summary, Your Honor, if you
6 would like to see that.

7 THE COURT: All right. This says the patient is
8 Rashondre Gonzales.

9 MS. DASSEL: Your Honor, I believe that---

10 THE COURT: Who is that?

11 MS. DASSEL: His family is here and they can explain
12 that. They said that it was entered as an alias.

13 THE PROBATION OFFICER: I haven't seen it, Your Honor.

14 THE COURT: Show this to her.

15 MS. DASSEL: Your Honor, he states that because of the
16 nature of the events leading up to his hospitalization,
17 that's why the hospital entered his name as an alias so
18 that -- because he was a victim of the, the shooting, and he
19 does still have his hospital bracelet on that, that has the
20 same name, Your Honor.

21 THE PROBATION OFFICER: Your Honor, if I may.

22 In the 1106 it states between the second -- first and
23 second weekend date which was suppose to begin on 10/4. He
24 was accused at that time of the kidnapping and robbery that
25 occurred at the USC-Upstate campus. Per the doctor's excuse

1 that was provided on October the 6th, the excuse was for the
2 6th, 7th, 8th, and 9th, and could return on the 13th.

3 So, the Department feels that he didn't show for the
4 weekend time due to the, due to the fact that he had an
5 outstanding warrant for his arrest due to the fact he was a
6 suspect in the kidnapping and robbery.

7 THE COURT: That's that -- is -- that is a letter
8 signed by an LPN. It's not a doctor signed that as I've
9 read it.

10 Is that correct?

11 THE PROBATION OFFICER: That's what I---

12 THE COURT: Nor does it give me the -- why he was
13 treated.

14 THE PROBATION OFFICER: Uh-huh. (Affirmative).

15 THE COURT: Okay.

16 All right. Counsel.

17 MS. DASSEL: Your Honor, I would just ask that these
18 violations are not willful and to continue him on probation.

19 THE PROBATION OFFICER: And, Your Honor, just to let
20 you know, he is not in jail on our warrant. We're -- he's
21 here on the pending charges that he was arrested for. We
22 currently have him on a citation.

23 THE COURT: And those -- the pending charges aren't in
24 the 1106---

25 THE PROBATION OFFICER: No, sir.

1 THE COURT: ---are they?

2 Counsel, anything further?

3 MS. DASSEL: Nothing further, Your Honor.

4 THE COURT: And that order, was that the
5 September 19th---

6 THE PROBATION OFFICER: September the 19th he was
7 revoked 30 days to be served on weekends, and, at that time,
8 restructure all financial obligations.

9 THE COURT: All right. Mr. Boozer -- all right.
10 Which, which name do we have him---

11 THE PROBATION OFFICER: We have him as Rashondre
12 Boozer.

13 THE COURT: Okay. All right. Mr. Boozer, based on the
14 matters in the 1106, specifically your failure to complete
15 the time as set out or as required, I'm going to revoke your
16 probation on the grand larceny charge, that's in full, and
17 then that will satisfy the other two, the robbery and the
18 burglary.

19 Do you understand what I'm doing?

20 THE PROBATION OFFICER: Revoke five years and then---

21 THE COURT: I've revoked five on the common law robbery
22 and the burglary, but that -- the five years -- he was
23 sentenced to five years on a grand larceny charge.

24 THE PROBATION OFFICER: Yes.

25 THE COURT: I'm revoking that one in full.

1 THE PROBATION OFFICER: And then the other two you want
2 revoked five years---

3 THE COURT: And that was---

4 THE PROBATION OFFICER: ---and then terminate?

5 THE COURT: Right.

6 THE PROBATION OFFICER: And convert civil -- the
7 restitution to a civil judgment?

8 THE COURT: Exactly.

9 THE PROBATION OFFICER: Thank you.

10 MS. DASSEL: Thank you, Your Honor.

11

12 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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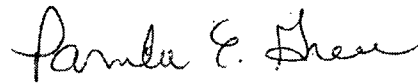
25

C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the Seventh 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 proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 14th day of November, 2014.

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

December 11th, 2014



PAMELA E. GREEN, Court Reporter

WITNESSES**Spartanburg County Sheriff's Office**

1. SENTENCE MADE

2. REPORT ENTERED

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANTS

ARREST WARRANT NUMBER

6. CHECKED SIGNATURE

7. ASSESSMENT AND

FINE CARD MADE

M420611 8. TRAFFIC VIOLATION COPY**ACTION OF GRAND JURY**Foreperson of Grand Jury
Date.**VERDICT**Foreperson of Petit Jury
Date.

DOCKET NO.

10-GS-42-3806**The State of South Carolina****County of Spartanburg****Trey Gowdy, Solicitor****COURT OF GENERAL SESSIONS**

JUN 14 2010

TERM**THE STATE
VS.****RASHONDRE MONTESE BOOZER****Indictment for****ARMED ROBBERY**

SC Code: 16-11-330 (A)

CDR Code: 139

Class FEL/A

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2010 JUN 16 PM 5:11
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

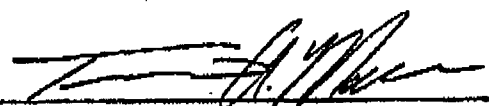
JUN 11 2010

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

ARMED ROBBERY

That Rashondre Montese Boozer in Spartanburg County on or about December 1, 2009, while armed with a knife, did feloniously take from Eugene Wiggins, by means of force, violence, and/or intimidation, one Play Station, a cell phone, and five hundred fifty dollars (\$550.00) belonging to Eugene Wiggins, with the intent to deprive the owner permanently of such property, in violation of §16-11-330 (A), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


ASSISTANT SOLICITOR

South Carolina Department of Probation, Parole and Pardon Services
Violation Report

MFD 11

Offender's Name: **RASHONDRE MONTESE BOOZER**

State of South Carolina, County of: **SPARTANBURG**

SID#: **01887021**

Warrant#: **C-42-14-0628**

Date of Birth: **3/25/1992**

SCDC#:

Indictment Numbers:

10-GS-42-03806, 09-GS-42-03949, 09-GS-42-03950

Offense and Offense Code:

137 - Common law robbery, strong arm robbery; 80 - Burglary (Non - Violent) (After June 20, 1985) - Second degree; 478 - Grand Larceny, value over \$1,000 but less than \$5,000 (no longer used)(see 3420)

Supervision Program: **Probation**

Begin Date: **6/16/2010**

End Date: **6/15/2015**

Supervision Level: **High Supervision**

Sentencing Judge: **132 - Hayes, J.**

Sentencing County: **SPARTANBURG**

Sentencing Date: **6/16/2010**

Location (Bold Response): **Community**

Sentence:

COMMON LAW ROBBERY - 10 Years suspended to 210 DAYS, Cost/Assessments and 5 Years Probation.

BURGLARY 2ND NV-10 Years suspended to 210 DAYS, Cost/Assessments and 5 Years Probation.

GRAND LARCENY-5 Years suspended to 210 DAYS, Cost/Assessments and 5 Years Probation.

Special Conditions:

CONTACT - NO CONTACT WITH VICTIM. NO CONTACT WITH PRIOR CO-DEF OR FRIENDS AS DIRECTED BY MOTHER.

CURFEW - 8:00 PM

Fine - \$648.90 Cost and Assessments and Public Defender Fund

GED

PSE - Complete 200 hours Public Service Employment If Not Employed

Random Alcohol/Drug Testing;

Substance Abuse Counseling

Fine - \$133.90

Fine - \$133.90

Current Address and Summary of Residence:

[REDACTED], SPARTANBURG, USA,

Address was unknown.

Reporting:

Did not report as instructed.

Employment Records While Under Supervision:

Employer	Dates (from -to)	Reason(s) for Leaving	Earnings
SUPERIOR TRUCK WASH	6/13/2014 -		\$9.00

Reported having employment.

Financial Conditions:

	Total Amount ordered	Pay Period	Total Paid	Date Last Paid	Arrearage	Balance Due
Fees						
DNA Fee	\$250.00	\$50.00/M	\$30.00	2/15/2011	\$0.00	\$220.00
Regular Supervision	\$1,550.00	\$50.00/M	\$1,050.00	9/25/2014	\$50.00	\$500.00

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of Spartanburg
STATE VS

Indigent Number: CO -GS- 42 2806
Probation C/W#s: C-42-14-428

AKA: BRANDON BOZEMAN
Race: W Sex: M
DOB: [REDACTED]
SSN: [REDACTED]
SID#: [REDACTED]

Name of Original Offense: ROBBERY / KIDNAP LAW
Original A/W#: 4420611
Date of Original Offense: 12-1-09
Conviction S.C. Code §: 16-11-0325
Conviction CDR Code #: 01 1 3 17
Original Sentence: 1040.5410 7.210 DAYS 10/4 '59' PM

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 6/16/10 in the Court of General Sessions of Spartanburg County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 10/19/11 10/5/12 4/10/14, as set forth in the attached warrant(s) or citation(s) dated 04/10/2014. 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)

7.9110.6.6

Therefore, IT IS ORDERED that:

☒ the suspended sentence be revoked and the above named defendant be required to serve 5 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 lawd 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:

Terminate probation.

☒ 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 210 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 14 day of November 2014
Spartanburg, SC

H. Judge Cooper Presiding Judge
Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper, or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of the Court's order and all attachments.

Offender's Signature

Witnessed by

Signed this 14 day of November 2014 at Spartanburg, SC

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of Spencer
STATE VS

Indictment Number:

09-GS-42-3449Probation C/W#s: 642-M-0628AKA: Lashonda BrownName of Original Offense: Burglary 2ndRace: B Sex: MOriginal A/W #: M13586DOB: [REDACTED]Date of Original Offense: 4-24-09SSN: [REDACTED]Conviction S.C. Code §: 16-11-2512SID#: [REDACTED]Conviction CDR Code #: 010 1F 10Original Sentence: 10 years to 210 days 14 545 (2008)

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 4-14-10 in the Court of General Sessions of Spencer County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 07-19-10 07-19-10 as set forth in the attached warrant(s) or affidavit(s) dated 7-19-10. After hearing the evidence and being duly advised, in the presence (absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (list by number or indicate specific 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 5 months years the remainder of the original sentence, and/or pay \$ [REDACTED]
- ☐ 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 herein 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 §23-5-530 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 (attorneys) Civil judgment: ☐ Department fees
☐ Fines and other fees (attorneys) ☐ Fines and other fees
☐ Restitution (and 20%) (reimbursement) (if any) ☐ Restitution (and 20%)

☒ Additional Conditions ordered by the CourtTerminate probation.☒ The defendant is given credit for pre-arrest hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.☒ The defendant has previously served 20 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 §23-5-540.This 14 day of November, 2014
Spencer SCPresiding Judge: [Signature] Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation, including any special 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 sentence or fine imposed.

This is to certify that I have read, or caused to be 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 order and all attachments.

Offender's Signature: _____

Witnessed by: _____

Signed this _____ day of _____, at _____ SC

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

Indictment Numbers

44-GS-42 3450

Probation C/W#s: C 47 14 62 E

Name of Original Offense: Child Sexual Abuse

Original AWP#: 4145 EY

Date of Original Offense: 4-28-64

Conviction S.C. Code §: 13-00301A

Conviction CDR Code #: 0 / 4 / 7 / 1

Original Sentence: 5 yrs. sent to Federal Prison - 1st - 1st

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 4/16/15 in the Court of General Sessions of Catawba County, and/or the additional conditions ordered by the Court in probation continuation orders issued on 10/16/15 while on probation, as set forth in the attached warrant(s) or complaint(s) dated 01/20/2015. After hearing the evidence and being duly advised, in the presence 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 5 months year the remainder of the original sentence, and/or pay \$ 1000.00.

- ☐ 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 §24-3-546 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, obscenity or convicted of any other applicable sex offense as a juvenile).

Financial Obligations:

Order 8812118:

☐ Registration fees (average)
☒ Tuition and other fees (average) \$1,000
☐ Registration and 20% (average) \$200

Girly judgement:

[illegible]

Additional Conditions ordered by the Court:

Terminate pollution

The defendant is given credit for pre-arrest detention time on current probation violation to be calculated and applied by the SC Department of Corrections.

The defendant has previously served 210 months on this sentence.
(split sentence time and/or prior parole revocation time)

The defendant was previously placed on active electronic monitoring pursuant to 18 USC 3543(b)(1)(B).

This 19 day of November 1964

President Nixon

Administrative Circular

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation, impose any additional conditions if deemed 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.

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 attachments.

Offender's Signature

Witnessed by

Signed this _____ day of _____, at _____, 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."

July 15, 2015



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

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 15, 2015



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

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County
Gordon G. Cooper, Circuit Court Judge

**ORIGINAL
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JUL 15 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

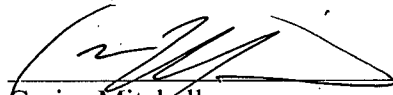
RASHONDRE MONTESE BOOZER,

APPELLANT

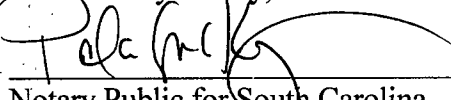
APPELLATE CASE NO. 2014-002536

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, this 15th day of July, 2015.


Cruise Mitchell
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 15th day of July, 2015.

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