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STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM Horry COUNTY

D. Craig Brown, Circuit Court Judge

ORIGINAL

RECEIVED

JUN 23 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

KATHRYN CHESTNUT KING

APPELLANT

APPELLATE CASE NO. 2014-001250

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA) **TRANSCRIPT OF RECORD**
COUNTY OF Horry) CASE NO: 2013-GS-26-02202
PLEA OF KATHRYN KING

March 11, 2014

BEFORE: The Honorable D. Craig Brown

STATE OF SOUTH CAROLINA,

Plaintiff,

vs.

KATHRYN KING,

Defendant.



APPEARANCES:

Thomas Terrell, Esq.
Attorneys for the State.

Melinda Knowles, Esq.
Attorneys for the Defendant.

Official Court Reporter
Natalie N. Dahl, RPR

P R O C E E D I N G S

1
2 (KATHRYN KING, having been duly sworn,
3 testified as follows:)

4 MR. TERRELL: This is the State of South
5 Carolina versus Kathryn Chestnut King, charged in True
6 Billed Indictment 2013-GS-26-2202, fraudulent check
7 value of \$1,000 or more, second or subsequent offense.
8 She's before you to plead guilty to that charge. The
9 State is making a recommendation of probation and
10 restitution, Your Honor

11 THE COURT: Restitution in the amount of how much
12 and to whom?

13 MR. TERRELL: There is a disagreement as to how
14 much, so I request that we have a restitution hearing
15 at some future date, if you are so inclined. The
16 State would contend that the amount of restitution is
17 \$14,147.63. I believe the Defense has a different
18 calculation.

19 THE COURT: What is the Defense's calculation?

20 MS. KNOWLES: We have documentation that would
21 reduce this amount to \$2,119.32. She has paid
22 substantially on this prior to today's date, and so,
23 Your Honor, as the Solicitor stated, there is a
24 disagreement as to the amount.

25 THE COURT: When does the State wish to proceed

1 on going forward on the restitution hearing?

2 MR. TERRELL: We would need enough time to be
3 able to call three people and get them here. I would
4 imagine we could do it next month, but whenever -- if
5 you would like it to be in front of Your Honor,
6 otherwise, we can do it in front of a local judge.

7 THE COURT: That's fine.

8 MR. TERRELL: I would say probably April, if
9 that's the case, Your Honor.

10 EXAMINATION

11 BY THE COURT:

12 Q You're Kathryn Chestnut King?

13 A Yes, sir.

14 Q Ever been treated for alcohol abuse, drug abuse
15 or mental illness?

16 A No, sir.

17 Q Within the last 24 hours have you taken any
18 medication, drugs or alcohol?

19 A No, sir.

20 Q Are you aware of any physical, emotional or
21 nervous problem that would prevent you or keep you from
22 understanding what is going on today?

23 A No, sir.

24 Q State indicates you're pleading guilty to
25 fraudulent check, thousand dollars or more, second or

1 subsequent offense; is that correct?

2 A Yes, sir.

3 Q You understand it carries a penalty of 30 days up
4 to ten years?

5 A Yes, sir.

6 Q State is recommending probation and restitution;
7 is that your understanding?

8 A Yes, sir.

9 Q You understand I don't have to go along with
10 that?

11 A Yes, sir.

12 Q You understand if I didn't go along with it, you
13 could not withdraw your plea?

14 A Yes, sir.

15 Q Still want to plead guilty to this charge?

16 A Yes, sir.

17 Q The State is requesting restitution; you
18 understand that?

19 A Yes, sir.

20 Q State is asking that a restitution hearing be set
21 at some time in the future, I believe he said in April.

22 THE COURT: Is that right, Mr. Terrell?

23 MR. TERRELL: Correct.

24 THE COURT: What week?

25 MR. TERRELL: First week.

1 THE COURT: When is your first week of court in
2 April?

3 MR. TERRELL: I'm sorry. That would be the 7th,
4 week of April 7th.

5 THE COURT: All right.

6 Q You understand that, Ms. King?

7 A Yes, sir.

8 Q Understanding I'm not required to go along with
9 the State's recommendation, and if I didn't, you would
10 not be allowed to withdraw your plea, you still want to
11 plead guilty to this charge?

12 A Yes, sir.

13 Q You understand when you plead guilty, you give up
14 certain important Constitutional rights, the right to a
15 jury trial. At a jury trial, I would tell the jury
16 that you are presumed innocent, that you are presumed
17 not guilty. The State would bear the burden of proving
18 your guilt beyond a reasonable doubt. You would have
19 the right to question any witnesses against you. You
20 would have the right to remain silent, and if you did
21 remain silent, I would tell the jury that they could
22 not hold that fact against you. You would have the
23 right to present any defense you may have to the charge
24 against you. If you made any incriminating statements,
25 you would have the right to challenge the admissibility

1 of those statements. Do you understand those rights?

2 A Yes, sir.

3 Q And do you understand when you plead, you give up
4 those rights?

5 A Yes, sir.

6 Q Understanding your rights and that you give them
7 up when you plead, how do you plead today, guilty or
8 not guilty?

9 A Guilty.

10 THE COURT: Ma'am, your name is Ms. Knowles?

11 MS. KNOWLES: Yes, sir.

12 Q (BY THE COURT) You are represented by
13 Ms. Knowles. Are you satisfied with her?

14 A Yes, sir.

15 Q Talked to her enough?

16 A Yes, sir.

17 Q Need any more time to talk to her?

18 A No, sir.

19 Q Understood your talks with her?

20 A Yes, sir.

21 Q Have any complaints, whatsoever?

22 A No, sir.

23 Q Anybody promise you anything or held out any hope
24 of reward to get you to plead guilty?

25 A No, sir.

1 Q Anybody use any threats, force, pressure or
2 intimidation to get you to plead?

3 A No, sir.

4 Q Anybody mistreat you, whether it is law
5 enforcement or the Solicitor's Office?

6 A No, sir.

7 Q Have you had enough time to make up your mind as
8 to whether you want to plead guilty or not guilty?

9 A Yes, sir.

10 Q What do you wish to do?

11 A Plead guilty.

12 Q Are you pleading guilty freely of your own
13 freewill?

14 A Yes, sir.

15 Q Understood my questions?

16 A Yes, sir.

17 THE COURT: Mr. Terrell.

18 MR. TERRELL: On July 18, 2012, in Horry County,
19 Ms. King drew Check No. 552 from Anderson Brothers
20 Bank in the amount of \$1,417.09. There was not enough
21 money in the bank account to cover that offense --
22 that check. She does have a prior record: 2004,
23 business license violation; 2008, fraudulent check
24 value less than \$500; 2012, fraudulent check between
25 \$500 and a thousand dollars; and 2013, fraudulent

1 check over \$1,000, and less than \$500.

2 Q (BY THE COURT) You heard those facts; do you
3 agree with them?

4 A Yes, sir.

5 Q Are you guilty of fraudulent check of a thousand
6 dollars or more?

7 A Yes, sir.

8 Q How do you plead, guilty or not guilty?

9 A Guilty.

10 THE COURT: I find there is a substantial factual
11 basis for this plea. I also find that the Defendant's
12 decision to enter this plea has been made freely,
13 voluntarily, knowingly and intelligently, that she has
14 had the advice and counsel of an attorney, a very
15 competent attorney, with whom she says she's
16 satisfied, and I'll accept the plea.

17 I'll hear from you, Ms. Knowles.

18 MS. KNOWLES: Ms. King is 51, married. She owns
19 her own business with her husband, JBK Trucking. Your
20 Honor, Ms. King is guilty of one thing, and that is
21 being a bad businesswoman. What happened is she would
22 sign these blank checks over to her truck drivers in
23 order for them to be able to purchase gas.
24 Unfortunately, they tended to spend more money than
25 she indicated that they had permission to spend and,

1 unfortunately, that put her in this position here
2 today. It reeked havoc on her financial situation.

3 I discussed the fact with her that we all make
4 mistakes, and the important thing when you make a
5 mistake is to learn a lesson. She tells me she
6 definitely learned her lesson. Since this has
7 happened, she changed her business practices and I
8 believe that her -- is it your son?

9 MS. KING: Uh-huh.

10 MS. KNOWLES: -- now oversees the books for the
11 business. We ask you to accept the recommendation by
12 the State.

13 THE COURT: Ms. Knowles, thank you. Ms. King.

14 MS. KING: Only thing I can say is I'm guilty of
15 making bad decisions. I would give blank checks to
16 pay for our fuel, and sometimes it didn't work out,
17 and I'm guilty of that. But since this has happened,
18 we've turned -- the county part of the business is
19 turned over to my son. We don't buy fuel from this
20 particular gentleman; we buy from somebody else. They
21 are paid every Friday. There has not been a problem
22 with them.

23 THE COURT: Anything from the State?

24 MR. TERRELL: No, sir.

25 THE COURT: How much time in jail, Ms. Knowles?

1 MS. KNOWLES: Two days, Your Honor.

2 THE COURT: On Indictment 2013-GS-26-2202,
3 Defendant is committed to the State Department of
4 Corrections for a period of three years, provided upon
5 the service of two days, balance suspended to
6 probation for 30 months, credit for two days, order
7 that a restitution hearing be heard by the presiding
8 judge in Horry County during the week of April 7,
9 2014.

10 (Whereupon, the proceedings concluded.)
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STATE OF SOUTH CAROLINA) TRANSCRIPT OF RECORD
COUNTY OF HORRY) CASE NO: 2013-CP-26-02202

B E F O R E: The Honorable George C. James, Jr.
May 12, 2014

STATE OF SOUTH CAROLINA,
Plaintiff,
vs.
KATHRYN KING
Defendant.

 ORIGINAL

APPEARANCES:

Thomas Terrell, Esq.
For the State.

Melinda Knowles, Esq.
For the Defendant.

Court Reporter:
Natalie Dahl, RPR

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EXHIBITS

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1 Copy of Check 5

2 Copy of Check 6

P-R-O-C-E-E-D-I-N-G-S

1
2 MR. TERRELL: This is a restitution hearing in
3 State of South Carolina versus Kathryn King who pled
4 guilty on Indictment 2013-GS-26-02202, fraudulent
5 check value more than \$1,000. There were four checks
6 that were bundled up into that plea, and we're here
7 for restitution on that amount, Your Honor.

8 THE COURT: Okay.

9 MR. TERRELL: The State calls Mr. BJ Tolani.

10 THE COURT: Do you have the plea sheets handy?

11 (BJ TOLANI, having been duly sworn, testified
12 as follows:)

13 THE WITNESS: BJ Tolani, T-O-L-A-N-I.

14 MR. TERRELL: I believe the Clerk should have the
15 sentencing sheets.

16 THE CLERK: Nobody let me know.

17 THE COURT: Give me the docket number again.

18 MR. TERRELL: 2013-GS-26-02202.

19 THE COURT: 02202?

20 MR. TERRELL: Yes, sir.

21 DIRECT EXAMINATION

22 BY MR. TERRELL:

23 Q Where do you work?

24 A Homewood Depot.

25 Q Where is that located?

1 A 2921 Highway 17 North.

2 Q We're here to discuss checks that were bounced by
3 Ms. King?

4 A Yes.

5 Q We're discussing two checks; are you aware of
6 that?

7 A Yes, sir.

8 Q The first check being Check 2907, do you remember
9 how much that was for?

10 A \$5,221.

11 Q The second check, 2908, do you remember how much
12 that was for?

13 A That is \$5,693.97.

14 Q To date, has any money been paid back on these
15 two checks to your company?

16 A No, sir.

17 Q What is your position at Homewood Depot?

18 A I'm the owner.

19 Q So you would be aware of any money that would
20 come into your store?

21 A Yes, sir.

22 Q You said that no money has been paid?

23 A Not on those checks.

24 MR. TERRELL: Answer any questions Ms. Knowles
25 has for you.

CROSS-EXAMINATION

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BY MS. KNOWLES:

Q Let me get you to take a look at what I have here? Exhibit 1 --

(Exhibit 1 marked.)

Q (MS. KNOWLES) Take a look and tell the Court what that is.

A That is the check; it is a cashier's check.

Q Right. Was that not -- what does that say there?

A Signed to Homewood Depot.

Q Did you not, in fact, receive payment?

A That is for the previous bill.

Q What previous bill?

A Bill that she owes from the previous -- monthly -- every 15 days. That is billing from before.

Q And what are you asking for -- do you know what month?

A Excuse me?

Q What month would that be for --

A She's got all of --

Q -- that you are asking for money?

A That is for checks she wrote me for the gas that she filled up at my gas station.

Q She tells me this is the payment.

A Not for those checks, ma'am. She owes me

1 \$14,000, over.

2 Q The 14,000, does that include this amount?

3 A No, ma'am.

4 (Exhibit 2 marked.)

5 MS. KNOWLES: May I approach?

6 Q (MS. KNOWLES) Take a look at that.

7 THE COURT: What is that?

8 MS. KNOWLES: Another check for payment.

9 Q (MS. KNOWLES) What is that?

10 A That is the cashier's check.

11 Q For?

12 A Gas bill from that account, from what she owed me
13 before. Every month when we bill her, every 15 days we
14 bill. This is for the check she owed me. I can give
15 you the bills. She should have all the bills.

16 Q She's telling me that this is the payment.

17 A Not for the checks that she bounced, ma'am. This
18 is the bill that she owed me from before for the gas
19 bill that we billed her.

20 Q What months of payment are you requesting for
21 here today?

22 A I didn't bring the bill file. It was the wrong
23 file. I can bring it. She has the bills, ma'am. The
24 bills were billed to her, the exact amount, those were
25 the bills from that amount.

1 Q I'm confused. What she's telling me is that
2 these documents that I've supplied to you are actually
3 the payments that she's made.

4 A Not for this bill, ma'am. The bill she owes, it
5 is for the bills she owed me from before from the
6 previous month.

7 Q Okay. So you are requesting payment for what
8 months of service?

9 A I don't remember the month, ma'am. I can look it
10 up and let you know.

11 THE COURT: For my purposes, since I know
12 absolutely nothing about this, I don't know from
13 direct what she pled to except, I guess, breach of
14 trust. I don't know if it was forgery, breach of
15 trust. He talks about -- you talk about bills,
16 somebody needs to clarify, because otherwise you will
17 have to come back later this week because I can't
18 figure out what anybody is talking about. Nobody
19 explained anything to me. He said she -- you say what
20 bills does she owe you for. This is not a civil case,
21 so if it is -- if she owes him for fraudulent checks,
22 you all need to couch it in those terms instead of
23 bills for gasoline or whatever, because I don't know
24 anything about it.

25 MS. ELDER: She pled to one count of fraudulent

1 check over a thousand dollars.

2 THE COURT: But she owes two?

3 MR. TERRELL: Two to this company, two to another
4 company. The confusion is that she also had a number
5 of charges that were not taken care of that were in
6 magistrate court because of the amount of the checks
7 that are not included in this prior judgment.

8 THE COURT: I understand all of that, but if
9 there is any confusion, since I have to rule on it,
10 somebody has to clarify the confusion or I'll have
11 to --

12 MS. KNOWLES: I might be able to help you out.
13 I'll explain the relationship that existed. My client
14 owns a trucking business. This man owns a gas
15 station.

16 THE COURT: All right.

17 MS. KNOWLES: What she would do is she would give
18 him checks. She would leave the amounts blank and
19 give these checks to her drivers so that whenever they
20 needed gas, they would have payment.

21 THE COURT: The driver would fill in the amount?

22 MS. KNOWLES: Yes, sir. She would tell them to
23 only spend so much money, but a lot of times they
24 would go over, so it ended up that she was left in a
25 situation where her account was insufficient funds,

1 basically, and that is the situation, Your Honor.

2 THE COURT: Okay. But she pled guilty, so she
3 admitted she was guilty of the crime. That clarifies
4 some things, but you are talking about -- what bills
5 are these checks for? I don't know what other bills
6 you are talking about. I don't know who has the
7 burden of proof. Right now I don't understand
8 anything.

9 MS. KNOWLES: Your Honor, I would argue that it
10 is a civil matter at this point.

11 THE COURT: Well, it's not a civil matter because
12 it is a restitution for a crime she pled guilty to.

13 MS. KNOWLES: She had four charges. There were
14 four checks. What her argument is is that she has
15 paid off at least two of the four checks, and they are
16 requesting the full amount, and that is where the
17 problem is.

18 THE COURT: I understand that, and aside from
19 typical fines, fees and penalties that somebody incurs
20 when they plead guilty, I don't think anybody should
21 pay more than they should, but it sounds like, to me,
22 quite frankly, that this might be a little trial we'll
23 have to have instead of people coming in and say,
24 well, this is not what she wrote bad checks for, this
25 is for other stuff. If I don't have everything, I'm

1 going to be throwing darts at a board, and I don't
2 know which number I'll hit. I don't think that is
3 fair to either side. Right now what you put up was he
4 said she owes roughly \$10,900?

5 MR. TERRELL: On these two checks, yes, sir.

6 THE COURT: I haven't heard any development of
7 why. I guess you'll take care of that on redirect,
8 but you can continue your cross. I hate to be
9 difficult, but you have to understand, I don't have
10 any knowledge of this at all.

11 MS. KNOWLES: I understand that, Your Honor.

12 THE COURT: Continue to question the witness.

13 MS. KNOWLES: We have nothing further at this
14 point.

15 THE COURT: Redirect?

16 MR. TERRELL: Briefly, Your Honor.

17 REDIRECT-EXAMINATION

18 BY MR. TERRELL:

19 Q Just so we're clear, your asking for \$10,914.97
20 on these two checks, specifically?

21 A Yes, sir.

22 Q The payments that Ms. Knowles was asking you
23 about, those were from previous checks from Ms. King
24 that were bounced?

25 A That's right, sir.

1 Q So nothing that she has paid to you has gone to
2 the payment of these two checks?

3 A No, sir.

4 MR. TERRELL: Thank you very much.

5 THE COURT: Okay. Anything else? Any further
6 questions of this witness?

7 MS. KNOWLES: Just one.

8 RE-CROSS-EXAMINATION

9 BY MS. KNOWLES:

10 Q You don't know the months of service that you are
11 requesting payment for, do you?

12 A Yes, ma'am, I know it, but I can bring it. I
13 didn't bring it with me. I know what months they were
14 for. They were in November -- October and November,
15 December.

16 Q But you don't have that with you?

17 A No, ma'am; I brought the wrong file.

18 MS. KNOWLES: No further questions.

19 THE COURT: Okay. Anything else?

20 MR. TERRELL: That is it.

21 THE COURT: You can step down. Any other
22 witnesses?

23 MR. TERRELL: The State calls Angela Roberts.

24 THE COURT: The same case?

25 MR. TERRELL: Yes, sir.

1 THE COURT: Same plea?

2 MR. TERRELL: Same set of facts.

3 THE COURT: Same vendor?

4 MR. TERRELL: No, sir. It is a different vendor.

5 (ANGELA ROBERTS, having been duly sworn,
6 testified as follows:)

7 THE WITNESS: Angela Roberts.

8 DIRECT-EXAMINATION

9 BY MR. TERRELL:

10 Q Where do you work?

11 A Wilco in Aynor.

12 Q I'll ask you to speak a little louder or into the
13 microphone.

14 A Wilco Hess 2949 Highway 501.

15 Q What is your position at Wilco Hess?

16 A General manager.

17 Q So you would have knowledge of the monies that
18 come in and out of your store; is that correct?

19 A Yes, sir.

20 Q And we're here discussing the two that Ms. King
21 has written to your company that were dishonored,
22 essentially?

23 A Right.

24 Q Check No. 552, do you remember what that amount
25 was for?

1 A The 552 was for \$1,638.09.

2 THE COURT: Sixteen what?

3 THE WITNESS: Thirty-eight dollars and nine
4 cents.

5 Q (MR. TERRELL) And Check No. 749, do you remember
6 how much that was for?

7 A \$1,594.57.

8 Q So if my math is right, that is -- the total of
9 that is approximately \$3,232.66; is that right?

10 A Right.

11 Q On these two checks in particular, not talking
12 about anything else that has been owed, but on these
13 two checks has Ms. King, to date, made any restitution
14 on those two checks?

15 A Not on these two.

16 Q So you are here asking the Court for that total
17 amount of \$3,232.66?

18 A Yes, sir.

19 MR. TERRELL: Answer any questions Ms. Knowles
20 has for you.

21 CROSS-EXAMINATION

22 BY MS. KNOWLES:

23 Q Ms. Roberts, for clarification, can you give me
24 the amounts of the two checks at issue here?

25 A \$1,638.09 and \$1,594.57.

1 Q The last check?

2 A \$1,594.57.

3 MS. KNOWLES: Okay. Hold on for one second.

4 Q (MS. KNOWLES) The check amounts that I have, the
5 first one is \$1,417.09; the second one was -- that was
6 552. The second one is for \$1,373.57. Where is the
7 extra money coming in?

8 A Well, there was other checks that she had wrote,
9 and those may have been it, that have already been
10 cleared.

11 Q We're only here for two?

12 A Right.

13 Q So what she owes, at this point, to you, should
14 be \$2,790.66, which is the amount of those two checks I
15 just mentioned?

16 A Right. Well, I have copies at my corporate
17 office. I can have them sent to you, of all the checks
18 that came back.

19 THE COURT: Does anybody have copies?

20 THE WITNESS: If he doesn't have them, I can.
21 Because all mine is tracked through corporate.

22 MS. KNOWLES: Hence the problem, which is why
23 we're here.

24 THE COURT: Well, doesn't the corporate office
25 want to be paid back?

1 THE WITNESS: They do, but I was under the
2 impression I didn't need any of that today.

3 THE COURT: How is she indicted if the State
4 didn't have a copy of the check?

5 MR. TERRELL: We do have a copy of the check; I'm
6 getting it right now.

7 THE COURT: Okay. I would assume that would have
8 been exchanged during discovery.

9 MS. KNOWLES: But the check amounts are not what
10 she's requesting.

11 THE COURT: I would have assumed you would have
12 gotten a copy of the check.

13 MS. KNOWLES: I do, but I have a different amount
14 than what she stated.

15 THE COURT: Do you have copies? Other than that,
16 is there any dispute that she owes restitution for
17 those two checks?

18 MS. KNOWLES: No dispute she owes them. It is a
19 matter of probably a few hundred dollars.

20 THE COURT: I would like to see those, because
21 that would -- State is not asking for anything
22 additional, is it?

23 MR. TERRELL: I -- looking at those checks, I may
24 have made a mistake, that is the amount that the
25 Solicitor -- which did include the additional fees.

1 You have in front of you the checks that were
2 dishonored.

3 THE COURT: So --

4 MR. TERRELL: Whether you would include the fees
5 that --

6 THE COURT: What fees?

7 MR. TERRELL: There is --

8 THE COURT: Additional bad checks, or
9 administrative fees?

10 MR. TERRELL: Administrative fees, Your Honor.
11 If I could approach?

12 THE COURT: \$221 on each one, looks like it to
13 me. \$221 on one, and \$221 on the other.

14 THE WITNESS: That is what was on the last ones
15 that she had to pay back.

16 THE COURT: Are there any other bad checks she
17 wrote other than these two that you are looking for
18 payment for?

19 THE WITNESS: I thought there was a total of six,
20 but I don't want to speak without knowing for sure.

21 MS. KNOWLES: As the Solicitor stated, there are
22 a number of checks that she's already paid off in
23 magistrate court, which would include the ones that
24 she's referencing.

25 THE COURT: But -- okay. Just make sure I

1 understand everything. \$221 is for her check for
2 what?

3 MR. TERRELL: Your Honor, there is a processing
4 fee of \$150 per check, plus cost of \$41 that brings
5 the amount up in each instance. I can approach with a
6 copy of the letter from the --

7 THE COURT: Is there anything in a statute or
8 somewhere that says that the victim, Wilco, is owed
9 that?

10 MR. TERRELL: No, sir, I don't believe that. I
11 think that was a mistake.

12 THE COURT: So it would be the amounts on the two
13 checks, the appropriate restitution as far as the
14 State is concerned?

15 MR. TERRELL: To the victim.

16 THE WITNESS: Plus \$30 for return check fee for
17 Wilco.

18 THE COURT: That brings it up to 221 from 191.
19 You just would want to be dealing with the amounts on
20 the checks plus the \$30 return fee?

21 MS. KNOWLES: Correct, Your Honor.

22 THE COURT: All right. I think that is pretty
23 clear. Any questions of this witness?

24 MR. TERRELL: Nothing further.

25 MS. KNOWLES: No, sir.

1 THE COURT: You may step down. Thank you.
2 \$1,447.09 plus \$1,403.57 will be the restitution on
3 this one. Okay. Next witness.

4 MR. TERRELL: That is it, Your Honor.

5 THE COURT: All right. Any witnesses for the
6 defense?

7 MS. KNOWLES: No, sir.

8 THE COURT: So how am I supposed to resolve the
9 checks to Homewood Depot? I haven't seen the
10 exhibits, haven't seen the checks.

11 MS. KNOWLES: Here are copies of payments made,
12 but he is saying it is for different months.

13 THE COURT: What is your position on what these
14 two checks are for, Exhibits 1 and 2?

15 MS. KNOWLES: My position is that those were
16 payments made.

17 THE COURT: On these two bad checks?

18 MS. KNOWLES: Yes, for services rendered.

19 THE COURT: So where is your evidence of that
20 other than what you say?

21 MS. KNOWLES: The problem is that he doesn't have
22 evidence of what months of service is at issue here,
23 so I don't know if those checks cover it or not.

24 THE COURT: Okay. How am I supposed to know?

25 MR. TERRELL: I have a printout from our

1 Worthless Check Unit showing what payments they
2 received. A number of them are paid off, however,
3 left are these four checks that still have the total
4 amount pending. The totals on this would include the
5 processing fee of \$150, \$41 dollars bad check fee and
6 the return check fee for the victim.

7 THE COURT: Okay. Okay. Do you have any
8 objection to this?

9 MS. KNOWLES: Oh, no, sir. That is what I'm
10 looking at, too.

11 THE COURT: What is JBK Trucking?

12 MS. KNOWLES: Her business. She signed over
13 payment of, I believe, one of those checks to
14 Mr. Tolani.

15 THE COURT: She didn't get any kind of
16 documentation that this was payment of "X" or "Y" --
17 she's raised her hand.

18 (Ms. Knowles and Ms. King confer.)

19 THE COURT: Yes, ma'am.

20 MS. KNOWLES: I answered her questions. The
21 exhibits that I handed you, can I take a peek?

22 THE COURT: Okay.

23 MS. KNOWLES: Your Honor, my position is that we
24 don't have proof or evidence of what months of service
25 that Mr. Tolani is talking about, and we have a

1 significant amount of money that has been paid to him,
2 and that is evidenced right here.

3 THE COURT: I know, but he said he left records
4 at his office.

5 MR. TOLANI: I can bring them in 30 minutes, 15
6 minutes.

7 THE COURT: That is all fine, but I'm trying to
8 figure out if you aren't ready to have a hearing, we
9 can postpone it until another time. Right now I have
10 all kinds of numbers written down \$5,221, \$5,693.97
11 minus, you say, those two checks, and then State
12 handed me this other exhibit that has Homewood Depot
13 down as a victim -- one, two, three, four, five, six,
14 seven times. Some of these numbers match up to what
15 you have given me, but some don't, and you say -- you
16 can't testify -- you say that those are such-and-such,
17 but that doesn't mean anything to me. It can't mean
18 anything to me; the witness denies it. I don't want
19 her to pay any more than she's obligated to pay. I
20 don't want him to get any less than he's entitled to
21 get. So I'm kind of like this (indicates).

22 MS. KNOWLES: Maybe we should postpone it until
23 he gets his records.

24 THE COURT: We've had restitution hearings before
25 that lasted a couple of days. It is just a trial, is

1 all it is. It is not anything earth shattering. It
2 is like a little civil trial. I mean, this is handed
3 to me with some stipulations, I can rule on it, but if
4 it is handed to me where I'm groping around -- except
5 Wilco Hess, we're clear on that.

6 MS. KNOWLES: Yes, sir.

7 MR. TERRELL: I think the confusion is there is a
8 number of checks that were taken care of in the
9 magistrate court.

10 THE COURT: Then those people have to testify, if
11 you all want it done correctly. If you want me to
12 give the correct dollar amount -- your witness was
13 very convincing that those two checks handed had
14 nothing to do with this. I can decide it based on
15 what I've got, if you want.

16 MR. TERRELL: That is the payment for these other
17 checks that were not transferred up to general
18 sessions.

19 THE COURT: Those numbers match up?

20 MS. KNOWLES: We agree to what is owed to that
21 victim.

22 THE COURT: Which one?

23 MS. KNOWLES: The second that testified.

24 THE COURT: I know you agree to that.

25 MS. KNOWLES: Yeah. Okay.

1 THE COURT: So I need these exhibits and these
2 exhibits. If anyone wants to present anything else,
3 I'll let you do it by the end of today, okay. All
4 right.

5 (Whereupon, a bench conference was had and the
6 proceedings concluded.)

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
)
 COUNTY OF HORRY) INDICTMENT NO: 2013GS2602202
)
 STATE)
)
 VS.) ORDER RE: RESTITUTION
)
 KATHRYN CHESTNUT KING)
)
 DEFENDANT.)

FILED
 HORRY COUNTY
 2014 MAY 15 PM 4:16
 MELANIE HUGGINS-WARD
 CLERK OF COURT


This matter came before the Court on May 12, 2014, for the purpose of determining the amount of restitution, if any, that the defendant is to pay in the above-captioned matter. The defendant, Kathryn Chestnut King, was present with her attorney, Melinda Knowles. The State was represented by Thomas Groom Terrell, III, Assistant Solicitor for the Fifteenth Judicial Circuit.

The Court heard testimony from Angela Roberts of Wilco Hess, who alleged a loss of Three Thousand Fifty Dollars and Sixty-Six Cents (\$3232.66). After hearing such testimony, the Court finds that restitution in the amount of Two Thousand Eight Hundred Fifty Dollars and Sixty-Six Cents (\$2850.66) is owed to the victim, Wilco Hess.

IT IS THEREFORE ORDERED THAT the defendant is required to pay a total restitution amount of Two Thousand Eight Hundred Fifty Dollars and Sixty-Six Cents (\$2850.66). Such payment shall be made under the following conditions: 1. payment of the restitution amount is made a condition of the defendant's probation; and 2. restitution is to be made on a monthly basis through the defendant's probation officer in South Carolina.

IT IS FURTHER ORDERED THAT the payees of the restitution shall be Katherine Chestnut King, [redacted] Highway 905, Conway, South Carolina 29526.

AND IT IS SO ORDERED.



 Honorable Judge James
 Circuit Court Judge
 Fifteenth Judicial Circuit

5/15 2014

 Conway, South Carolina.

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STATE OF SOUTH CAROLINA)	
)	Court of General Sessions
COUNTY OF HORRY)	Case No. 2013-GS-26-02202
<hr/>		
STATE OF SOUTH CAROLINA)	
)	Restitution Hearing
vs.)	Transcript of Record
KATHRYN CHESTNUT KING,)	
)	
Defendant.)	
<hr/>		
)	DATE: May 29, 2014

B E F O R E:

The Honorable Roger M. Young

A P P E A R A N C E:

Assistant Solicitor
For the State of South Carolina

Melinda Knowles
For the Defendant

Karen V. Andersen, RMR, CRR
Circuit Court Reporter

1 ASSISTANT SOLICITOR: Your Honor, we are here to
2 address the matter of restitution in the case of South
3 Carolina vs. Kathryn Chestnut King, who pled guilty to
4 Indictment 2013-GS-26-02202 for fraudulent check \$1,000 or
5 more, second or subsequent offense.

6 She pled guilty on March 11th, 2014, was given a
7 sentence of probation and restitution. We are here to
8 determine the final amount of restitution due for that.

9 THE COURT: Okay.

10 ASSISTANT SOLICITOR: Would you like the sentencing
11 sheet, Your Honor?

12 THE COURT: It's a check, right? I'm trying to
13 figure out.

14 ASSISTANT SOLICITOR: It's a couple of checks, Your
15 Honor.

16 THE COURT: All right. Not self-evident how much it
17 is? Y'all can't agree on it?

18 MS. KNOWLES: I wish we could.

19 ASSISTANT SOLICITOR: Apparently not.

20 MS. KNOWLES: I wish we could.

21 THE COURT: What do you want to tell me about it?

22 ASSISTANT SOLICITOR: Your Honor, this defendant
23 wrote -- we have four warrants, or had four warrants, for
24 indictments for fraudulent checks. She pled guilty to one of
25 those. And in exchange, the State dismissed the other --

1 nolle pros'd the other three warrants.

2 One of the -- there were two businesses involved.
3 One business and its victim has already been here and that
4 amount of restitution has been determined.

5 The other victim, V.J. Tolani, is here on behalf of
6 Home Wood Depot. That was the second company that these
7 checks -- these bad checks were written to. And he's here
8 ready to proceed, Your Honor.

9 THE COURT: Okay.

10 ASSISTANT SOLICITOR: Vijay Tolani.

11 THE COURT: Why don't you stand right there.

12 Vijay Tolani,

13 having been duly sworn, testifies as follows:.

14 THE COURT: What do you want to ask him?

15 DIRECT EXAMINATION

16 BY ASSISTANT SOLICITOR:

17 Q. Where do you work?

18 A. Homewood Depot.

19 Q. What's your position there?

20 A. I'm the owner.

21 Q. You have knowledge of the finances that go through?

22 A. Yes, sir.

23 Q. Are you familiar with this defendant?

24 A. Yes, sir.

25 THE COURT: Who do you know her?

1 MR. TOLANI: Her company filled gas at my station.

2 Q. What's her company?

3 A. JBK Trucking.

4 Q. Okay. I'm going to hand you -- should I mark this,
5 Your Honor, or can we just proceed on a copy?

6 THE COURT: Sure.

7 Q. I'm going to hand you that check. What check number
8 is that?

9 A. 2907.

10 Q. What is the amount of that check?

11 A. \$5,000.

12 Q. Is this one of the checks that was dishonored?

13 A. Yes, sir.

14 Q. What date was this written to you?

15 A. 12/14/2012.

16 Q. Do you remember what date you deposited this?

17 A. On the 21st of December, 2012.

18 Q. And when did you receive notice from the bank that
19 this check was no good?

20 A. December 27th.

21 Q. I hand you the second check. What check number is
22 that?

23 A. 2908.

24 Q. What's the amount on that check?

25 A. \$5,472.97.

1 Q. Was this another one of the -- the other check that
2 was dishonored?

3 A. That's right.

4 Q. What date is that written?

5 A. 12/18/2012.

6 Q. Do you remember what date you deposited this?

7 A. 21st of December.

8 Q. When did you learn this check was dishonored?

9 A. December 27th, 2012.

10 Q. Have any payments been made on these two checks?

11 A. No, Your Honor.

12 Q. And would you have knowledge if any amount was paid
13 toward these two checks?

14 A. Yes, sir.

15 Q. Please answer any questions Ms. Knowles has for you.

16 CROSS-EXAMINATION

17 BY MS. KNOWLES:

18 Q. Let me show you what has been provided to me by the
19 State. If you could, just take a look at that and tell me
20 what that is.

21 A. That's balance statement of hers.

22 Q. Okay. So everything as far as what she owes you
23 within the last six months, from the date, the final date
24 that's listed here, should be reflected on that balance
25 sheet?

1 A. Yes, ma'am. Yes, ma'am.

2 Q. All right. Now, let me show you what has been
3 marked previously as Defense Exhibit 1, and if you could tell
4 me what that is.

5 A. That's a cashier's check for \$3,985.38.

6 Q. And the account history that I just showed you,
7 which you just explained to me, would reflect your entire
8 business dealings with her?

9 A. Yes, ma'am. Yes, ma'am.

10 Q. Could you show me where on this that that check is
11 reflected?

12 A. Okay. That reflects the 4657 payment that she got,
13 and balance she's paid in different check. 4657, Invoice
14 Number 47, due 11/26, she paid me -- that goes towards that
15 check.

16 Q. What I'm asking you is, where in this balance cover
17 sheet of her entire account history, where is that check?

18 A. Ma'am, it reflects in the total amount of \$4,657.72.
19 You have the same thing.

20 Q. On this statement?

21 A. Yes, ma'am.

22 Q. Point it out to me.

23 A. 4,657.72, right here, ma'am, payment, it reflects in
24 that amount.

25 Q. Could you please state for the Court what amount is

1 listed here on this check?

2 A. 3,985.38.

3 Q. And what were you trying to point out on this?

4 A. 4,657.72, balance, she wrote a different check.

5 Q. Those are two different amounts?

6 A. Yes, ma'am. She wrote a different check for the
7 balance of 900-some dollars. \$694 she wrote a different
8 check for it, ma'am.

9 Q. If this is your entire account history --

10 A. Yes, ma'am.

11 Q. -- where is that reflected?

12 A. Ma'am, reflects on the 4,657.72. And the balance
13 she wrote a different check. I don't think you follow.

14 Q. I'm not following you.

15 A. Yes, ma'am. It reflects on the 4,657.72, the
16 balance she wrote a different check. For the balance of the
17 amount, she wrote a different check.

18 Q. Where is that check at?

19 A. It reflects total amount, ma'am.

20 Q. Okay. We will move on. Let me ask you what -- if
21 you could identify this, what's previously been marked as
22 Defense Exhibit 2.

23 A. Sure.

24 Q. Again, just tell the Court what that is.

25 A. Cashier's check of 2,676.99.

1 Q. Payable to whom?

2 A. Homewood Depot.

3 Q. Your business?

4 A. Yes, ma'am.

5 Q. And what's the date on that check?

6 A. 12/7/2012.

7 Q. Okay. And, again, reflecting on your account
8 history, where is that check amount and check number listed
9 on your account history here showing that the payment was
10 made?

11 A. Okay. That payment, she had a returned check. She
12 brought me cashier's checks for that amount, ma'am, for that
13 day from the previous returned check. In this amount,
14 7,474.42, she had given me three checks. One of the checks
15 came back, and she brought me a cashier's check to replace
16 that check.

17 Q. Why is that not reflected anywhere?

18 A. Ma'am, it reflects -- won't reflect it because shows
19 the total amount that she paid, because check came back. I
20 cannot put a double entry. I already made that entry for the
21 payment, so she brought me a cashier's check to replace that
22 check.

23 Q. Okay. So then this would not be an accurate
24 reflection --

25 A. That's an accurate reflection of the payment that

1 she paid, ma'am. It doesn't reflect the returned check that
2 she had returned previously...

3 Q. So then it's not an accurate --

4 A. It is accurate, ma'am. I have every invoice right
5 here. You want to see?

6 Q. Okay.

7 A. And even she could not make -- repay the cashier's
8 check. The gas I gave her was after she brought me the
9 cashier's check. She didn't even know what amount I was
10 going to bill her on the 21st of December that she wrote the
11 check for.

12 Q. I'm going to get this marked Defendant's Exhibit 3
13 and 4.

14 (Defendant's Exhibit No. 3, Cashier's check for
15 \$1,977.93, was marked for identification.)

16 (Defendant's Exhibit No. 4, was marked for
17 identification.)

18 Q. I'm going to hand you Defense Exhibit 3 and 4, 4
19 being the account, to reflect your entire business dealings
20 with her.

21 A. Yes, ma'am.

22 Q. And Number 3, asking you again if you could tell the
23 Court what this document is?

24 A. It's a 1977 -- it's a cashier's check for \$1,977.93.

25 Q. Payable to whom?

1 A. Home Depot.

2 Q. What date?

3 A. December the 17th.

4 Q. And it was cashed when?

5 A. On December the 18th.

6 Q. Okay. And let's go look at this Defendant's Exhibit
7 4.

8 A. Right here, ma'am, \$2,077.93, because she brought me
9 the cashier's check for 1,973.93 and gave me \$100 cash.

10 Q. Which is 1,977 --

11 A. It shows the whole thing, 2,077.93, 1,977.93, plus
12 \$100 cash. It shows -- she wrote the check for 1,977.93, a
13 cashier's check, and \$100 cash, total amount of 2,077.93.

14 Q. Okay. Where is the cash that she gave you reflected
15 on that account?

16 A. It shows total, ma'am, 2,077.93.

17 Q. So then it is not an accurate reflection of all --

18 A. It's an accurate reflection. If you add 1,977.93,
19 plus \$100, comes to \$2,077.93.

20 Q. I'm supposed to add numbers that I don't know about
21 then? Is that --

22 A. Your client should know. It shows the total amount
23 that she paid.

24 MS. KNOWLES: Okay. No further questions, Your
25 Honor.

1 THE COURT: You got anything else? What's the total
2 amount that he's claiming he's owed today?

3 MS. KNOWLES: Your Honor, she had a check for 13,199
4 for two of the checks which were not --

5 ASSISTANT SOLICITOR: Your Honor, the two checks for
6 this case total \$10,472.97. He's just asking for that money
7 to be repaid.

8 THE COURT: That amount is what's left over after
9 you were crediting her?

10 MS. KNOWLES: Yes, Your Honor. Yes, Your Honor.

11 THE COURT: Okay. All right. Anything else from
12 the State?

13 ASSISTANT SOLICITOR: That's the entirety of the
14 State's showing, Your Honor.

15 THE COURT: Do you want to call any witnesses?

16 MS. KNOWLES: We don't have any witnesses, but I
17 would like to say a few things in closing before you make a
18 ruling.

19 THE COURT: All right. Go ahead.

20 MS. KNOWLES: Your Honor, it all boils down to the
21 fact that the account history that has been provided to the
22 defense, it's not accurate. They had an ongoing
23 relationship, a business relationship in which her trucking
24 company would get fuel from Mr. Tolani. She would
25 periodically make payments. Apparently, she got behind. She

1 then tried to catch up. That's really neither here nor
2 there.

3 What it comes down to is the \$10,000 that he's
4 asking for does not include three payments that she has made.
5 It is clear that these checks were cashed. These come from
6 the bank.. It's not included at all anywhere on his
7 paperwork. She should not have to pay twice for one service.
8 And that's what he's asking her to do.

9 The difference between the two numbers that he is
10 asking her to pay here today in restitution and the numbers
11 that we have with regard to what her records reflect, the
12 difference is about \$4,361.69. We believe that that is an
13 accurate figure and it reflects the total amount of
14 restitution that is owed to this man, given the payments that
15 she has made. And we would ask that you order that amount.

16 THE COURT: What do you want to say?

17 ASSISTANT SOLICITOR: Your Honor, we are here
18 focused on the two checks, 5,000 and \$5,472.97. They did
19 have an ongoing relationship for their businesses. These,
20 the three checks that Ms. Knowles has --

21 MS. KNOWLES: It might be easier -- I'm sorry, Your
22 Honor. Maybe he has copies of this stuff, just so he knows
23 what you are talking about.

24 ASSISTANT SOLICITOR: The three checks, Your Honor,
25 the defense counsel inquired about as being made as payments

1 on these checks go toward previous balances that had existed
2 in their businesses as -- did you hand you up the balance
3 sheet?

4 MS. KNOWLES: Uh-huh.

5 ASSISTANT SOLICITOR: -- as his personal Quicken
6 balance book will show you. Both of -- all three of these
7 checks had been deposited by December 18th. The two checks
8 that are in question today were deposited December 21st.
9 Mr. Tolani didn't even know that they had been dishonored
10 until December 27th. There's no way that these three checks
11 could be payments for these two checks that are in question
12 that she was indicted for.

13 That's the reason we are here today, Your Honor. We
14 believe that the \$10,472.97 would be appropriate. That is
15 what the victim still has left remaining on his books, with
16 the exception of another charge that was not able to be
17 prosecuted because of a post-date issue, Your Honor. But we
18 would ask for that \$10,472.97, since that is what the victim
19 is still without, Your Honor.

20 THE COURT: All right. Well, it's kind of hard to
21 tell because we are using the defendant's statement and these
22 checks. But what I've gathered she made, there's two
23 dishonored checks total \$10,472.97. He was saying, from what
24 I understand, that she got credit for everything she made
25 that wasn't dishonored. So I find that the preponderance of

1 the evidence shows \$10,472.97 is what is owed. So I will
2 order that to be the amount of restitution to be paid.

3 ASSISTANT SOLICITOR: Thank you, Your Honor.

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
)
 COUNTY OF HORRY) INDICTMENT NO: 2013GS2602202
)
 STATE)
)
 VS.) ORDER RE: RESTITUTION
)
 KATHRYN CHESTNUT KING)
)
 DEFENDANT.)

14 MAY 30 PM 2:11
 CLERK OF COURT
 HORRY COUNTY

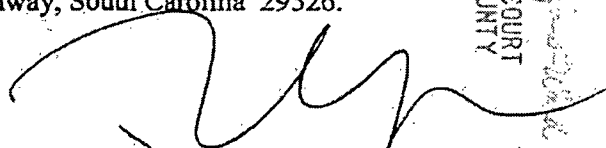
This matter came before the Court on May 29, 2014, for the purpose of determining the amount of restitution, if any, that the defendant is to pay in the above-captioned matter. The defendant, Kathryn Chestnut King, was present with her attorney, Melinda Knowles. The State was represented by Thomas Groom Terrell, III, Assistant Solicitor for the Fifteenth Judicial Circuit.

The Court heard testimony from Vijay Tolani of Homewood Depot, who alleged a loss of Ten Thousand Four Hundred Seventy-two Dollars and Ninety-seven cents (\$10,472.97). After hearing such testimony, the Court finds that restitution in the amount of Ten Thousand Four Hundred Seventy-two Dollars and Ninety-seven cents (\$10,472.97) is owed to the victim, Homewood Depot.

IT IS THEREFORE ORDERED THAT the defendant is required to pay a total restitution amount of Ten Thousand Four Hundred Seventy-two Dollars and Ninety-seven cents (\$10,472.97). This amount is in addition to the Two Thousand Eight Hundred Fifty Dollars and Sixty-Six Cents (\$2,850.66) previously ordered to be paid by the Defendant, Kathryn Chestnut King, to another victim, Wilco Hess. Such payment shall be made under the following conditions: 1. payment of the restitution amount is made a condition of the defendant's probation; 2. restitution is to be made on a monthly basis through the defendant's probation officer in South Carolina; and 3. each victim shall share equally in the monthly restitution payments.

IT IS FURTHER ORDERED THAT the payee of the restitution shall be Kathryn Chestnut King, [REDACTED], Conway, South Carolina 29526.

AND IT IS SO ORDERED.



Honorable Judge R. Young
 Circuit Court Judge
 Fifteenth Judicial Circuit

5/29/14
 Conway, South Carolina.

2014 JUN -6 AM 11:15

CERTIFIED COPY

 COPY

ARREST WARRANT

M-843860

STATE OF SOUTH CAROLINA

County/ Municipality of

Horry

THE STATE
against

Kathryn Chestnut King

Address:

Conway, SC 29526-6819

Phone: _____ SSN: _____
Sex: F Race: W Height: 5 10 Weight: 275
DL State: SC DL #: _____
DOB: _____ Agency ORI #: _____

Prosecuting Agency: _____
Prosecuting Officer: _____
Offense: Checks / Fraudulent check, or stop payment,
\$1000.00 or more - 1st offense
Offense Code: 0800
Code/Ordinance Sec: 34-11-0060, 0080

This warrant is CERTIFIED FOR SERVICE in the
 County/ Municipality of _____
The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant Kathryn King
on 4/11/13
DFC R Malchon
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Horry

Personally appeared before me the affiant Solicitor Worthless Check Unit
being duly sworn deposes and says that defendant Kathryn Chestnut King
did within this county and state on or about 3/13/2012 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Horry)
in the following particulars:

DESCRIPTION OF OFFENSE: Checks / Fraudulent check, or stop payment, \$1000.00 or more - 1st offense

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

That on July 18, 2012 in the city/county of Horry, one Kathryn Chestnut King did draw and utter check #552, drawn on Anderson
Brothers Bank, made payable to Wilco in the amount of \$1417.09 and from such check did receive cash, merchandise or other
consideration. The check was deposited within 10 days and was returned from the bank marked insufficient funds, unable to locate
account or account closed. A certified letter was mailed to the Defendant but there has been no response and restitution has not
been made. This check was presented to the court for a warrant within 180 days of the date the check was written.

Signature of Affiant

Shelley Anderson

STATE OF SOUTH CAROLINA

County/ Municipality of

Horry

Affiant's Address 1201 Third Avenue
Conway, SC 29526-

Affiant's Telephone _____

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 7/18/2012 defendant Kathryn Chestnut King
did violate the criminal laws of the State of South Carolina (or ordinance of
 County/ Municipality of Horry) as set forth below.

DESCRIPTION OF OFFENSE: Checks / Fraudulent check, or stop payment, \$1000.00 or more - 1st offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me

on 11/2/2013
Signature of Issuing Judge

Bradley Dwyer Myers
Judge Code: 508

(L.S.)

Judge's Address 1201 Third Avenue
Conway, SC 29526-5105

Judge's Telephone (843)915-5290

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

DOCKET NO. 2013-GS-26-02202

WITNESSES

Gerodie Livingston 15th Judicial Solicitor's Office

HORRY COUNTY

2014 JUN -6 AM 11:12

MELANIE HIGGINS-WARD
CLERK OF COURT

①

The State of South Carolina

CERTIFIED COPY

County of Horry

2014 JUN -6 AM 11:15

Thomas Groom Terrell, III
13H01750

Melanie Higgins-Ward

CLERK OF COURT
HORRY COUNTY

COURT OF GENERAL SESSIONS

MAY, 2013 TERM

ARREST WARRANT NUMBER

M843860
CDR: 0446 34-11-0060; 34-11-0080
DOA: 4/11/2013

THE STATE

VS.

ACTION OF GRAND JURY

TRUE BILL

Kathryn Chestnut King
W/F
[REDACTED]
Conway, SC 29526-6819
DOB [REDACTED]
SSN: [REDACTED]

ATTORNEY: Knowles, Melinda

Foreperson of Grand Jury
Date: [Signature] MAY 30 2013

VERDICT

Indictment for

Fraudulent Check, Value \$1000 or More

Jimmy A. Richardson, II, Solicitor

ORIGINAL

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

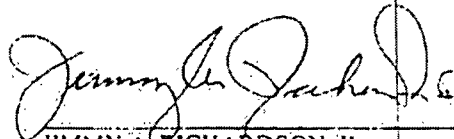
At a Court of General Sessions, convened on May 30, 2013, the Grand Jurors of Horry County present upon their oath:

FRAUDULENT CHECK
(More Than \$1,000)

CDR: 0446 34-11-60,90(b)

That Kathryn Chestnut King did in Horry County on or about July 18, 2012, with fraudulent intent, in his/her own name or in any other capacity, draw, make, utter, issue or deliver to another check, draft, or other written order on a bank or depository for the payment of money, or its equivalent, in an amount of more than one thousand (\$1000.00) dollars when at the time of drawing, making, uttering, issuing or delivering, the maker or drawer did not have an account in the bank or depository or did not have sufficient funds on deposit to pay the same on presentation, or the check, draft or other written order had an incorrect or insufficient signature on it to be paid upon presentation, in violation of S.C. Code of Laws, Section 34-11-60, 1976, as amended.

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



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

HORRY COUNTY
2013 JUN -6 AM 11:12
M. A. RICHARDSON, II
CLERK OF COURT

CERTIFIED COPY
2014 JUN -6 AM 11:15
M. A. RICHARDSON, II
CLERK OF COURT
HORRY COUNTY

COUNTY OF Horry
STATE VS.

Kathryn Chestnut King

INDICTMENT/CASE#: 2013GS2602202

A/W#: M843860

Date of Offense: 7/18/2012

S.C. Code § : 34-11-0060; 34-11-0080

CDR Code #: 0446

AKA:

Race: WHITE Sex: F Age: 51

DOB: SS#:

Address:

City, State, Zip: Conway, SC 29526-6819

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Checks / Fraudulent check, \$1000.00 or more - 2nd or sub.

CONVICTED OF or PLEADS

in violation of § 34-11-0060; 34-11-0080 of the S.C. Code of Laws, bearing CDR Code # 0446.

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

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. Prob.

ATTEST: Terrell, III, Thomas Groom SC Bar# SC100776 Defendant
Marilyn L. Knowles 7528- Rest. Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 3 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$ 2 ; provided that upon the service of 2 days/months/years and/or payment of \$ 30 ; plus costs and assessments as applicable*; the balance is suspended with probation for 30

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:
 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. 2 days
 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
Total: \$ plus 20% fee: \$
Payment Terms:
 Set by SCDPPPS

PTUP
days/hours Public Service/Employment
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 \$ 25.00 beginning 4/17/2014

Recipient:
*Fine:
§ 14-1-206 (Assessments 107.5%) \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§ 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 \$ 500.00
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ca \$
Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00
3% to County (if paid in installments) \$ 18.90
TOTAL \$ 688.90

\$ paid to Public Defender Fund
Other: - Restitution hearing to be heard by the presiding judge in Horry County during the week of April 7, 2014.

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Melanie Huguenot Ward
Court Reporter: Natalie Dahl
SCCA/217 (03/2011)

Presiding Judge: [Signature]
Judge Code: 260
Sentence Date: 3-11-14

2014 JUN -6 AM 11:2
MILLER COUNTY COURT CLERK OF COURT
2014 JUN -6 AM 11:15
CERTIFIED COPY

Date: November 13, 2013

Branch Banking and Trust

Page 1 of 1

Reference: 10000427184877:10000427185877:10000418302880

THIS DOCUMENT CONTAINS A TRUE WATERMARK. HOLD TO LIGHT TO VIEW.

OFFICIAL CHECK M15779 12044045

ISSUING BRANCH 2044104-CONWAY - NORTH CONWAY **5004958443**

DATE DECEMBER 05, 2012 68-236514

PAY TO THE ORDER OF JBK TRUCKING, INC. \$ **** \$3,985.38 ****

BB&T **BB&T 3985 01038** DOLLARS

MEMORANDUM BOBBS AUTHORIZED SIGNATURE *Celste Morris*

#5004958443#

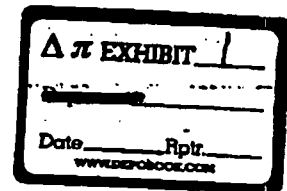
262770013500 12-05-2012 <053202318>
 Conway Nat'l Bank
 Conway, SC

00262770013500

JBK Trucking
 Signed to
 Homeoods Depot

Date 20121206
 Amount 398538
 Serial Number 5004958443

Account Number
 CR-DR D
 Transaction Link 013490290582705806





Anderson Brothers Bank
Molokai, SC 29574

164758

REMITTER: JBK TRUCKING

DATE: 12/07/12

HOMEROOD DEPOT

EXACTLY **2,676 AND 99/100 DOLLARS

\$ 2,676.99

THIS COPY IS BANK PROPERTY AND
MUST BE RETURNED BY THEM

CASHIER'S CHECK

ANDERSON BROTHERS BANK

AUTHORIZED SIGNATURE

NOT NEGOTIABLE

#164758#

20

Cashiers Check

0000164758

10:33:08

25

Trans:

12/07/12

19001

DOCUMENT

\$2676.99

7000010040 12-07-2012 <053206741>



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."

June 23rd, 2015



John H. Strom
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

 ORIGINAL

Appeal from Horry County
D. Craig Brown, Circuit Court Judge

RECEIVED

JUN 23 2015

RESPONDENT, SC Court of Appeals

THE STATE,

V.

KATHRYN KING,

APPELLANT

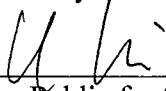
APPELLATE CASE NO. 2014-001250

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Susannah R. Cole, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 23rd day of June, 2015.


Cruise Mitchell
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 23rd day of June, 2015.



Notary Public for South Carolina (L.S.)

My Commission Expires: May 12, 2025.