



TENTH CIRCUIT PUBLIC DEFENDER OFFICE

ANDERSON AND OCONEE COUNTIES

Anderson County Office
301 Camson Road
Anderson, SC 29625
Tel. 864.260.4048
Fax 864.260.4134

HERVERY B. O. YOUNG
Circuit Public Defender

Oconee County Office
415 S. Pine Street
Walhalla, SC 29691
Tel. 864.638.3133
Fax 864.638.0228

October 28, 2015

Jenny Abbott Kitchings
SC Court of Appeals Clerk
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

OCT 30 2015

SC Court of Appeals

RE: State v. Alvin B. Smith, Appellate Case No: 2015-002071

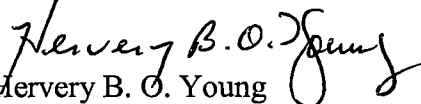
Dear Ms. Kitchings:

Please accept this letter as my written explanation pursuant to Rule 203(d)(1)(B)(iv) on the issue to be reviewed on appeal.

This appeal rises from a probation violation hearing. The only allegation of violation was that Mr. Smith did not pay the fees related to his supervision and restitution. Mr. Smith denied that his failure to pay was willful. The Agent for Probation did not present any information to show that Mr. Smith had the ability to pay and voluntarily chose not to pay. In fact, the agent informed the court of Mr. Smith transportation problems and of telephone calls Mr. Smith made to the agent stating he did not have the money and the agent excused him from reporting because of the same. Mr. Smith presented to the court a financial statement that showing no source of income and his monthly obligations. He also presented information and witnesses as to his search for a job and his limitations. This information was not refuted by the probation agent. Mr. Smith believes the court made its decision based solely on the victim's comments and that it the victim had appear previously on a similar alleged violation and therefore made an error in finding that the violation was willful.

If there are any questions, please do not hesitate to contact this office.

Sincerely,


Hervery B. O. Young

cc: Robert Dudek, Esq.
Matthew Buchanan, Esq.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

OCT 30 2015

SC Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of General Sessions

R. Lawton McIntosh, Circuit Court Judge

Case No(s): 2011-GS-04-01465

The State,

Respondent.

v.

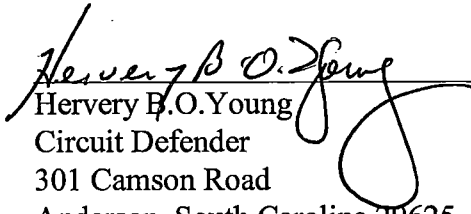
Alvin Bradley Smith,

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on The State, by depositing a copy of it in the United States Mail, postage prepaid, on September 30, 2015, addressed to its attorney of record, Matthew Buchanan, S.C. Department of Probation, Pardon & Parole, Post Office Box 50666, Columbia, SC 29250.

October 28, 2015


Hervery B.O. Young
Circuit Defender
301 Camson Road
Anderson, South Carolina 29625
Attorney for Appellant



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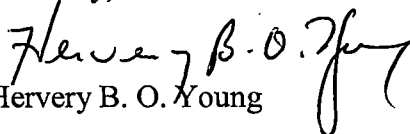
Dear Ms. Kitchings:

Pursuant your instructions, I have enclosed a corrected Proof of Service and a written explanation regarding the issue(s) in this appeal.

By copy of this letter, I am providing a copy of the same to the attorneys of record.

If there are any questions, please do not hesitate to contact this office.

Sincerely,


Hervery B. O. Young

cc: Robert Dudek, Esq.
Matthew Buchanan, Esq.

