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22058

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM FLORENCE COUNTY

D. Craig Brown, Circuit Court Judge

THE STATE,

V.

AUSTIN SYNTELL MCKEVER,

APPELLANT

APPELLATE CASE NO. 2014-002707

RECORD ON APPEAL

TIFFANY L. BUTLER
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

MATTHEW BUCHANAN
General Counsel
South Carolina Department of
Probation, Parole & Pardon Services
PO Box 50666
Columbia, SC 29250

(803) 734-9220

Attorneys for Respondent

ANDERS
ANDERS RESPONSE BRIEF
RESPONDENT'S BRIEF
ORIGINAL
RECEIVED
AUG 05 2015
SC Court of Appeals
RESPONDENT,

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INDEXi

INDICTMENT 1

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DOCKET NO. 2013-GS-26- 02041

WITNESSES

William Dietzel Horry County Police Department

**The State of South Carolina
County of Horry**

W. Keith Powell

12H04191

COURT OF GENERAL SESSIONS

May, 2013 TERM

ARREST WARRANT NUMBER

2013GS2602041

CDR: 0756 16-21-0060(A)

DOA: 9/8/2012

THE STATE

vs.

**Austen Syntell Mckeever
/ M
3735 Block House Way
Myrtle Beach, SC 29577
DOB: 1986-09-18
SSN: 251656293**

ATTORNEY: Wilson, Kia T.

ACTION OF GRAND JURY

Indictment for

Use of Vehicle Without Owner's Consent

Jimmy A. Richardson, II, Solicitor

ORIGINAL

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry
STATE VS. Austen Syntell Mckeever

INDICTMENT/CASE#: 2013GS2602041
A/W#: 2013GS2602041
Date of Offense: 9/7/2012
S.C. Code §: 16-21-0060(A)
CDR Code #: 0756

AKA:
Race: Sex: M Age: 26
DOB: SS#:
Address:
City, State, Zip:
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: Vehicle / Use of vehicle without permission with intent to d [] CONVICTED OF or [X] PLEADS max 3 yrs

in violation of § 16-21-0060(A) of the S.C. Code of Laws, bearing CDR Code # 0756
[X] 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, [X] Defendant Waives Presentment to Grand Jury.
The plea is: [] Without Negotiations or Recommendation, [] Negotiated Sentence, [X] Recommendation by the State.

ATTEST: Powell, W. Keith SCB04523 SC Bar#
Austen Mckeever Defendant
Kia Wilson 69441 Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the [X] 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 \$ 90; provided that upon the service of 90 days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended 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:
[X] 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:

[X] RESTITUTION: [] Deferred [] Def. Waives Hearing [] Ordered
Total: \$ 332.55 plus 20% fee: \$
Payment Terms:
[] Set by SCDPPPS

PTUP payment in full of restitution + fees
days/hours Public Service Employment

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100.00, § 14-1-211(A)(2) (DUI Surcharge) \$100.00, § 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 (DUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$18.90, TOTAL \$648.90

Obtain GED []
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning 5-10-13 at 5:00 PM
Substance Abuse Counseling []
Random Drug/Alcohol testing []
Fine may be pd in equal, consecutive-weekly/monthly
pmts. of \$ 25.00 beginning 6/7/13
\$ paid to Public Defender Fund
Other:

Clerk of Court/ Deputy Clerk Melanie Huggins Ward
Kay Richardson

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

Presiding Judge Judge Code: 2152
5-7-13

3 yrs s/s 90 days + prob + rest (weekend o.k.)

STATE OF SOUTH CAROLINA)	COURT OF GENERAL SESSIONS
)	TWELFTH JUDICIAL IRCUIT
COUNTY OF FLORENCE)	CASE NO. 2013-GS-26-02041
)	(FORMERLY HORRY COUNTY)
)	
STATE OF SOUTH CAROLINA,)	
)	
Plaintiff,)	
)	
- vs -)	TRANSCRIPT OF RECORD
)	
)	
AUSTEN S. MCKEVER,)	
)	
Defendant.)	
)	

December 5, 2014
 Florence, South Carolina

B E F O R E:

THE HONORABLE D. CRAIG BROWN, Judge

A P P E A R A N C E S:

DEIRDRE MACK, Agent
 Probation and Parole

EMILY CRAYTON, Esquire
 Attorney for the Defendant

KRYSTAL J. SMITH
 Court Reporter

I N D E X

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
C-1	Form 1106		6.

1 DECEMBER 5, 2014

2 (WHEREAS this matter was scheduled for a probation
3 violation hearing, the defendant appeared along with his
4 counsel of record. The hearing began at 11:12 a.m.)

5 THE PROBATION AGENT: Austen McKeever.

6 THE COURT: Yes, ma'am?

7 THE PROBATION AGENT: May it please the Court. This is
8 Austen McKeever. He was originally sentenced by Judge Hyman on
9 May the 7th, 2013, for use of vehicle without permission. He
10 received a sentence of three years, suspended to 90 days
11 weekend time and five years' probation.

12 Pretty much why we're here today, Judge, he had a -- he
13 went -- he came before you May 5th, 2014, and at that time you
14 revoked 90 days and it was to be served on the weekend
15 beginning 5/12/2014. And you ordered that if he missed a
16 weekly payment to bring back before him and also that he was
17 to pretty much do his weekend time consecutively.

18 The violation is for him failing to complete his weekend
19 time pretty much as ordered by the Court, and he missed -- he
20 hasn't reported since July pretty much and that's what we're
21 here today for, strictly the weekend time issue. And Ms.
22 Mamie Hanna has a statement that she wants to relay to the
23 Court in reference to the victim at the appropriate time.

24 THE COURT: Yes, ma'am, Ms. Mamie?

25 MS. HANNA: Your Honor, the victim in this case, Ms.

1 Stuckus I believe, asked me --

2 THE COURT: Yes. I remember them.

3 MS. HANNH: -- to inform you that she is terminally ill.
4 She has a short time to live. Her doctor informed her she
5 wouldn't live to see Christmas. She wants the restitution to
6 be paid. All monies that's been paid thus far goes to her
7 charity. She says that, you know, it was sad that this case
8 outlived her, but the reason behind why she was pushing to get
9 that money is because of her charity and what, you know, he
10 has done. Mr. McKeever needs to pay for, you know, his crimes.

11 THE COURT: Okay.

12 MS. HANNA: And she just wanted you to know that's why
13 she's not here today because she's been on chemo for the past
14 months.

15 THE COURT: Okay. Anything further, Ms. Mack?

16 THE PROBATION AGENT: That's it at this time.

17 THE COURT: Ms. Crayton, how are you this morning?

18 MS. CRAYTON: Wonderful. How are you doing, Judge?

19 THE COURT: I'm doing well. You represent Mr. McKeever?

20 MS. CRAYTON: Yes, Your Honor.

21 THE COURT: You received and reviewed the 1106 Violation
22 Report with him?

23 MS. CRAYTON: Yes, Your Honor.

24 THE COURT: Do you need any more time to talk to him
25 about it?

1 MS. CRAYTON: No, Your Honor.

2 THE COURT: Does he admit willfully violating his
3 probation?

4 MS. CRAYTON: Yes, Your Honor.

5 THE COURT: All right. Sir, if you will, raise your
6 right hand. Do you swear to tell the truth, the whole truth,
7 and nothing but the truth, so help you God?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: You are Austen Sentell [phonetic] McKeever?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Have you talked with your lawyer about this
12 Violation Report?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you need any more time to talk to her?

15 THE DEFENDANT: No, sir.

16 THE COURT: Do you admit willfully violating your
17 probation?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: All right. Any objection, Ms. Mack, Ms.
20 Crayton, to the 1106 being made part of the record?

21 THE PROBATION AGENT: No, sir.

22 MS. CRAYTON: No, Your Honor.

23 (Whereupon, the Form 1106 Violation Report is marked and
24 entered as Court's Exhibit Number 1.)

25 THE COURT: All right. Based upon what I've heard here

1 today, I do find the defendant has willfully violated the
2 terms and conditions of his probation as stated by Ms. Mack
3 and more specifically set forth in the 1106 which is being
4 made part of the record without objection. Therefore, I will
5 be happy to hear from you, Ms. Crayton, regarding any
6 mitigation.

7 MS. CRAYTON: Thank you, Your Honor. This is sort of an
8 unusual situation. Mr. McKeever came to the probation office
9 in -- I believe it was August when he stopped doing his -- his
10 weekend time at that -- at that point. Ms. -- Agent Mack and
11 I actually spoke with Mr. McKeever. She called me down to her
12 office. We met with him. He had informed us at that time
13 that he was enrolling in Florence-Darlington Tech and his
14 classes were going to interfere with his weekend time.

15 Up until that point, it looks like he's -- he had done
16 his weekend time. It looks like he didn't miss. I don't -- I
17 haven't actually looked at every single weekend, but looking
18 at the report it looks like he had not missed at that point.

19 When he came and spoke with us, you were actually in
20 Marion I believe at that time, was he not?

21 THE PROBATION AGENT: Right.

22 MS. CRAYTON: We didn't know how to fix the situation at
23 that point without bringing him back in front of you to change
24 his weekend time. He was due to be -- to do weekend time that
25 specific day. He came in on a Monday and he was due to do it

1 that afternoon. I advised him that he needed to go and do it
2 because if he didn't, it would be seen as him missing his
3 weekend time.

4 He has been taking classes Monday through Friday since
5 that point. He does also work. He -- if you remember, Your
6 Honor, you gave him the option of what days to do and he did
7 choose Monday and Tuesday because, if you remember, he works
8 at Olive Garden. So the weekend was not actually a good
9 opportunity for him to do weekend time given his schedule.

10 He had applied for a scholarship through Olive Garden and
11 was given that scholarship, surprisingly actually to himself,
12 to pay for his classes and his books, which is why he enrolled
13 in the Florence -- with Florence-Darlington Tech. He still
14 works at Olive Garden. That's why he's -- you know, he's
15 dressed in sort of their uniform. This is -- he was recently
16 promoted to a service professional so he wears a little
17 different uniform than the normal people at Olive Garden.

18 He's working in Columbia, but he's still living here with
19 his mom and his sister's children, who are ages eleven and
20 ten. He had had joint custody of them.

21 He tells me his finals will be done December 9th, which is
22 next week, and he starts school back December -- January 13th.
23 He informed me that he would be able to do his hours -- his --
24 I'm calling them hours, but his weekend time on Wednesday and
25 Thursday starting next week. His finals are over I believe on

1 Tuesday and he would be able to start back with his hours
2 Wednesday and Thursday. And his classes next semester do not
3 conflict with those days; so he would be able to continue
4 that.

5 He only -- he has 25 days left of the weekend time is
6 what the jail printout has that I see.

7 THE PROBATION AGENT: I thought it was 27.

8 MS. CRAYTON: I'm sorry?

9 THE PROBATION AGENT: You've got 25?

10 MS. CRAYTON: That's what they --

11 THE PROBATION AGENT: Okay.

12 MS. CRAYTON: Is that wrong?

13 THE PROBATION AGENT: That's right. Okay.

14 MS. CRAYTON: I'm going by the little math that they had
15 on my sheet. It says he has 25 days left. I don't know if
16 that's exactly right or not. Ms. Mack would have to tell us.

17 But he -- he graduated from South Florence High School.
18 He completed two years at Florence -- at Francis Marion
19 University and he's trying to complete his education now with
20 Florence-Darlington Tech, Your Honor.

21 Mr. McKeever is -- has tried to make strides to make his
22 -- his life better and -- and improve himself. He tells me he
23 can't be a waiter forever; so he's trying to set up his
24 future.

25 He has been making his payments. I don't think we're

1 here for a monetary issue. All of that restitution is going
2 back to the -- I think you ordered that all the money go to
3 the restitution and he -- I believe he has been paying as he
4 should and that money is going straight to restitution.

5 We would ask that you allow him to continue his weekend
6 time on Wednesday and Thursday so that he can continue his
7 schooling and his working. I did inform him that he would be
8 -- you know, Wednesday and Thursday of this year, he would be
9 missing Christmas, he would be missing New Year's, and I did
10 inform him of that and those are the days he -- he has to do
11 it. So he is willing to do that if Your Honor would allow
12 him.

13 THE COURT: Thank you, Ms. Crayton. Mr. McKeever,
14 anything you want to tell me, sir?

15 THE DEFENDANT: Yes, sir, if I am allowed to speak.

16 THE COURT: Yes, sir.

17 THE DEFENDANT: Your Honor, when I came in August for
18 this situation, we didn't know what exactly to do without
19 issuing a citation to me to bring me back in front of you.
20 Agent White was given my school schedule. I was just informed
21 a few minutes ago that she's no longer with the Department of
22 Probation. I didn't know that.

23 I have been working diligently. I feel like for the past
24 two years my life has been like a barrel and I'm like a
25 lobster trying to get out, and finally I have a ladder being

1 slid down the barrel, and I've been making my payments
2 diligently while every week on time. There is just concern or
3 conflict with the weekend time. They won't allow me to do it
4 unless I am given those specific dates to do and that's --

5 Your Honor, and I apologize for my negligence in the
6 matter, so to speak, but I -- my options to better my future
7 were there also and I also made the attempt to change the
8 dates. We didn't know that it would go to this extent.

9 THE COURT: Ms. Mack, you reference in here going back as
10 far as October 23rd of 2013 about the defendant violating
11 certain conditions, 7, 9, 10, 11, on his 1106. Do you see
12 that on the back?

13 THE PROBATION AGENT: Yes, sir.

14 THE COURT: And then November 7 -- excuse me -- January
15 17, 2014; violated conditions 1, 7, 9, 10, and 11. Do you
16 have that sheet with those conditions on it or is it in my
17 packet and I'm just overlooking it here?

18 THE PROBATION AGENT: I should have it.

19 THE COURT: Sometimes it's attached and somehow I don't
20 see it on this particular --

21 THE PROBATION AGENT: It should be in this file. Let me
22 just -- just bear with me for a minute to look at those.

23 (Whereupon, there is a pause in the proceedings.)

24 THE COURT: Thank you.

25 THE PROBATION AGENT: That's the January as far as what

1 you --

2 THE COURT: Well, that doesn't have the numbered -- do
3 y'all have your probation sheet that they sign that's got all
4 the conditions?

5 MS. CRAYTON: Is that what you're looking for?

6 THE COURT: That's what I want right there.

7 THE PROBATION AGENT: Oh, the conditions of probation.
8 Oh, okay.

9 THE COURT: Yeah. That's what I said. On the
10 violations, it says violated condition number 7, 9, 10, and
11 11.

12 THE PROBATION AGENT: Oh, okay. Yeah, I got a copy of
13 that report.

14 THE COURT: Can I see it, please?

15 THE PROBATION AGENT: I thought you was talking about --

16 THE COURT: Thank you, Ms. Crayton.

17 THE PROBATION AGENT: -- the actual violation. I'm
18 sorry.

19 MS. CRAYTON: And you're welcome to look at my copy if
20 you --

21 THE PROBATION AGENT: I got it.

22 MS. CRAYTON: Okay.

23 THE COURT: Give me -- do you have a copy of his rap
24 sheet?

25 THE PROBATION AGENT: Yes.

1 THE COURT: If he has one. Let me see.

2 (Whereupon, there is a pause in the proceedings.)

3 THE COURT: Now, I want to see the citation that was
4 served back in January of this year for the second violation.
5 The first violation back in October of 2013, 7, 9, 10, and 11,
6 dealt with monetary obligations. In January, condition number
7 1 was a failure to report, in addition to violating monetary
8 obligations, and it says citation served, see comments. I
9 want to see that January citation, please. Thank you.

10 THE PROBATION AGENT: His rap sheet isn't in here, Judge,
11 but we can have one ran if you want it.

12 THE COURT: That's good enough. I see.

13 MS. CRAYTON: And, Your Honor, if you remember, in that
14 January date we brought him back in April. At that time, you
15 ordered that we do a financial -- I think a financial
16 declaration and provide you with some bills, and we came back
17 before you I believe in May with that documentation for you.

18 THE COURT: You came back with some documentation. I
19 remember him having that smart phone on his side and me saying
20 something about that.

21 MS. CRAYTON: That is correct.

22 THE COURT: I mean he wasn't paying his money.

23 MS. CRAYTON: That's exactly right.

24 FINDINGS

25 THE COURT: Well, as stated previously, I do find the

1 defendant has willfully violated the terms and conditions of
2 his probation. Mr. McKeever, here's what -- what it amounts
3 to. You have your priorities out of order.

4 I ordered weekend time back in May of this year and after
5 I ordered weekend time, you did it for a while, but then you
6 took it upon yourself to get registered for class. I admire
7 you for trying to further your education, but probation is
8 your number one responsibility.

9 THE DEFENDANT: Yes, sir.

10 THE COURT: It just is. And what you've -- what the
11 perception of the Court is is you want to do it at your
12 convenience, that probation just is inconvenient for you.
13 It's inconvenient. And whether that's the truth or not,
14 that's the appearance. Did he ever do any of the public
15 service work?

16 THE PROBATION AGENT: No, sir. We -- what we did was
17 Agent White was trying to allow him to finish the weekend time
18 first before she started the -- reinstated his public service
19 work.

20 THE COURT: So probation is supposed to be inconvenient
21 to a certain extent, Mr. McKeever, because it's supposed to try
22 to get you --

23 THE DEFENDANT: Structure.

24 THE COURT: -- on the right path where you won't --

25 THE DEFENDANT: Yes, sir.

1 THE COURT: And you just --

2 THE DEFENDANT: May I?

3 THE COURT: No, sir.

4 THE DEFENDANT: Yes, sir. I'm sorry.

5 THE COURT: Now, I've given you the opportunity at this
6 point and I'll give you an opportunity to speak when I finish
7 talking.

8 THE DEFENDANT: Okay. Yes, sir.

9 THE COURT: But probation is not supposed to be fun.
10 It's not supposed to be done at your convenience when you want
11 to. It's just not. And anyway, go ahead. You want to tell
12 me something?

13 THE DEFENDANT: Yes, sir. I'm willing to help also the
14 charity. I will up my weekly payments because I'm making more
15 money now. I have to travel, but I'm making more money now
16 too. I had no clue she was terminally ill. I knew nothing.
17 And I -- just to continue to advance in my -- instead of
18 stepping back how I had been previous times. I --

19 THE COURT: Well, you're going to have the opportunity to
20 advance, but I'm revoking three years and you'll have that
21 opportunity after you've served your three years. Good luck
22 to you, sir.

23 THE PROBATION AGENT: Terminate the probation?

24 THE COURT: Terminate the probation. Convert all --

25 THE PROBATION AGENT: Civil judgment?

1 THE COURT: -- fines, fees, restitution to a judgment.

2 THE PROBATION AGENT: Okay.

3 THE COURT: Probation tried to work with you, Mr.

4 McKeever. I've tried to work with you and that's why I

5 retained jurisdiction over this matter and, hopefully, you

6 will learn from this and move on once you are released from

7 the Department of Corrections. Good luck to you, sir.

8 MS. CRAYTON: Thank you, Your Honor.

9 THE PROBATION AGENT: Thank you, Judge.

10 THE COURT: Thank you.

11 (Whereupon, the proceedings end at 11:30 a.m.)

12

13 --- END REQUESTED TRANSCRIPT ---

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STATE OF SOUTH CAROLINA)
) CERTIFICATE
COUNTY OF FLORENCE)

I, the undersigned, Krystal J. Smith, Notary Public and Official Court Reporter for the Twelfth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing pages, numbered 1 through 16 constitute a true, accurate, and complete Transcript of Record of all the proceedings had and evidence introduced in the hearing of the above captioned case, relative to appeal, in the Court of General Sessions for Florence County, South Carolina, on the 5th day of December, 2014.

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

s/ Krystal J. Smith

Court Reporter

Florence, South Carolina

February 5, 2015

PROBATION CITATION

No. C-21-14-0229

SOUTH CAROLINA V. AUSTEN SYNTELL MCKEVER	COUNTY: FLORENCE	
	SCDC # 00335195	SID # 01558398

TO: AUSTEN SYNTELL MCKEVER

YOU ARE HEREBY NOTIFIED to appear in the above named case at the time, date and place specified below.

Place Florence County Complex	Room 11th Floor
	Date and Time

YOU ARE HEREBY NOTIFIED that you are charged with violating the conditions of your supervision as stated below.

Violations Charged Offender violated condition 10 under cause 2011-GS-21-2031 by the Horry County Court of General Sessions.
--

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

List of Rights: You have the right at the 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. If you cannot afford an attorney, an attorney will be appointed for you. You must advise the agent or the court in writing of your desire for an attorney. 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.

FLORENCE , South Carolina	Probation and Parole Agent Tyra White	Agent # 0169
Date 9/3/2014	<i>Tyra White</i>	

A copy of the citation was served by the undersigned and given to the individual named therein at the time, date, and place indicated below.

Place SC DPPPS	Date and Time 9-11
	Serving Officer's Signature <i>[Signature]</i>

Sworn to and subscribed before me this 11th day of September 2014

Signature of Notary Public <i>[Signature]</i>	My Commission Expires <u>11/24/2015</u>
--	--

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of FLORENCE

Personally appeared before me, Tyra White, who first being duly sworn, deposes and says that AUSTEN SYNTELL MCKEVER did within this county and State on the 3 day of September, 2014, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

Offender violated condition 10 under cause 2011-GS-21-2031 by the Horry County Court of General Sessions.

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:

10- Offender has failed to follow the advice and instructions of his Agent and the courts. The offender failed to complete his weekend time, week of August 4, 2014, August 11, 2014, August 18, 2014 and August 25, 2014.

Sworn to and subscribed
before me this 3 day of
September, 2014

Tyra White
Affiant

Dennis M. Gordon
Signature of Notary Public

My Commission Expires: November 7, 2021

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

Offender's Name: **AUSTEN SYNTELL MCKEVER**

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

SID#: **01558398**

Warrant#: **C-21-14-0229**

Date of Birth: **[REDACTED]**

SCDC#: **00335195**

Indictment Numbers:

13-GS-26-02041

Offense and Offense Code:

756 - Use of vehicle without permission with intent to deprive

Supervision Program: **Probation**

Begin Date: **5/7/2013**

End Date: **5/6/2018**

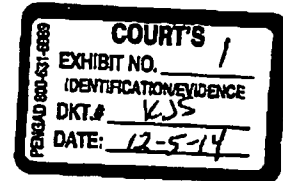
Supervision Level: **Standard Supervision**

Sentencing Judge: **2152 - Hyman, Larry**

Sentencing County: **HORRY**

Sentencing Date: **5/7/2013**

Location (Bold Response): **Community**



Sentence:

USE OF MV W/O PERMISSION - 3 YRS SS 90 DAYS WEEKEND TIME & 5 YRS PROBATION

WARRANT# 2013GS2602041

10/23/13 Consent Order Per Judge D. Brown: Restructure and restart Sur beg 11/7/13. Restart DT to beg 1/7/14. Restitution payment end date to be extended to the end of Supv to allow for payments. restructure and restart restitution payment beg 11/7/13. Convert SF arrearage to PSE hours.

1/17/14 Form 9 Per Judge D. Brown: Restructure court cost as originally ordered by the judge to begin payments 5/1/14. SF to be held in abeyance until 5/01/14. Judge brown retain jurisdiction, if offender fails to pay restitution payments as ordered by the courts bring back before Judge Brown in the april term of court.

05/05/14 Form 9 Per Judge D. Brown: Revoke 90dys thereupon to be Reinstated on Prob; 90dys to be Served on the W/E's Beg 5/12/14 @ 9am. Pay \$50 wkly on restitution payments. Exempt SF arrears & future fees. If offender miss a wkly payment, bring back before Judge Brown for Revocation. Reinstate PSE hrs.

C-21-14-0134 withdrawn Per AIC ac 06/23/14

Special Conditions:

DACOR - DACOR / Department Administered Court Ordered Restitution in the amount of \$5352.55; Fine - Fine / Fine/Costs and Assessments payable as directed by the Court. 648.90 @ 25.00 A MONTH; Other1 - 90 DAYS WEEKEND TIME BEGINNING 5/10/13 @ 5:00

Current Address and Summary of Residence:

[REDACTED] SC 29501, FLORENCE, USA,

[REDACTED] SC 29505, FLORENCE, USA, ; [REDACTED] SC 29505, FLORENCE, USA,

Offender resides with his mother at [REDACTED] SC.

Reporting:

Offender has not reported as ordered.

Employment Records While Under Supervision:

Employer	Dates (from -to)	Reason(s) for Leaving	Earnings
OLIVE GARDEN	5/5/2014 -		\$2,000.00
MELLOW MUSHROOM	3/15/2011 - 10/11/2013		\$1,000.00
OLIVE GARDEN	1/20/2014 - 5/5/2014		\$1,000.00

Offender is employed by Olive Garden in Horry County.

Financial Conditions:

Total Amount ordered	Pay Period	Total Paid	Date Last Paid	Arrearage	Balance Due

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

Offender's Name: **AUSTEN SYNTELL MCKEVER**

Fees						
Regular Supervision	\$2,450.00	\$50.00/M	\$0.00		\$250.00	\$2,450.00
Fines						
Court Ordered Fines	\$648.90	\$20.00/M	\$0.00		\$100.00	\$648.90
Restitutions						
Dept. Admin. Ct. Ordered Re	\$6,423.06	\$120.00/M	\$1,710.00	10/3/2014	\$0.00	\$4,713.06

Offender is in arrears in terms of his Supervision Fees and PSE hours.

Prior Violation Dates	Prior Violations	Prior Violation Disposition
6/23/2014	Offender violated condition # 10	C-21-14-0134 withdrawn Per AIC ac 06/23/14
5/5/2014	MCKEVER, AUSTEN SYNTELL HAS WILLFULLY VIOLATED THE CONDITIONS OF PROBATION PURSUANT TO CAUSE NUMBER 2013-GS-26-2041 AS ORDERED BY THE HORRY COUNTY GENERAL SESSIONS COURT ON 05/07/2013 BY VIOLATING CONDITIONS 1, 9, 10 AND SPECIAL CONDITIONS.	Citation Approved 05/05/14 Form 9 Per Judge D. Brown: Revoke 90dys thereupon to be Reinstated on Prob; 90dys to be Served on the W/E's Beg 5/12/14 @ 9am. Pay \$50 wkly on restitution payments. Exempt SF arrears & future fees. If offender miss a wkly payment, bring back before Judge Brown for Revocation. Reinstate PSE hrs.
1/17/2014	By violating conditions 1,7,9,10, and 11.	Citation Served/SEE COMMENTS
10/23/2013	Offender violated conditions # 7, 9, 10 and 11	See Comments

Details of the Present Violation:

Offender violated condition 10 under cause 2011-GS-21-2031 by the Horry County Court of General Sessions. - 10- Offender has failed to follow the advice and instructons of his Agent and the courts. The offender failed to complete his weekend time, week of August 4, 2014, August 11, 2014, August 18, 2014 and August 25, 2014.

Agent's Recommendation:

Revocation

Agent's Justification:

Offender was in court on 05/05/2014 and appeared before Judge Brown. The offender was ordered to complete 90 days weekend time and public service employment hours. The offender failed to complete his PSE hours and failed to report for weekend time on 08/04/2014 or anytime thereafter. The offender is not complying with his guidelines and is proven that he is not a candidate for Probation.

T.White

Agent

Date: 10/8/2014

Supervisor's Signature

Dudman

Date:

10/10/14

PROBATION CITATION

No. C-21-14-0229

SOUTH CAROLINA V. AUSTEN SYNTELL MCKEVER	COUNTY: FLORENCE	
	SCDC # 00335195	SID # 01558398

TO: AUSTEN SYNTELL MCKEVER

YOU ARE HEREBY NOTIFIED to appear in the above named case at the time, date and place specified below.

Place Florence County Complex	Room 11th Floor Date and Time
----------------------------------	--------------------------------------

YOU ARE HEREBY NOTIFIED that you are charged with violating the conditions of your supervision as stated below.

Violations Charged Offender violated condition 10 under cause 2011-G5-21-2031 by the Horry County Court of General Sessions.
--

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

List of Rights: You have the right at the 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. If you cannot afford an attorney, an attorney will be appointed for you. You must advise the agent or the court in writing of your desire for an attorney. 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.

FLORENCE , South Carolina Date 9/3/2014	Probation and Parole Agent Tyra White <i>Tyra White</i>	Agent # 0169
--	---	-----------------

A copy of the citation was served by the undersigned and given to the individual named therein at the time, date, and place indicated below.

Place SC DPPPS	Date and Time 9-11
Serving Officer's Signature <i>[Signature]</i>	

Sworn to and subscribed before me this 11th day of September 2014

Signature of Notary Public <i>[Signature]</i>	My Commission Expires <u>11/24/2020</u>
--	---

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of FLORENCE

Personally appeared before me, Tyra White, who first being duly sworn, deposes and says that AUSTEN SYNTELL MCKEVER did within this county and State on the 3 day of September, 2014, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

Offender violated condition 10 under cause 2011-GS-21-2031 by the Horry County Court of General Sessions.

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:

10- Offender has failed to follow the advice and instructions of his Agent and the courts. The offender failed to complete his weekend time, week of August 4, 2014, August 11, 2014, August 18, 2014 and August 25, 2014.

Sworn to and subscribed before me this 3 day of September, 2014

Tyra White
Affiant

Dennis M. Gordon
Signature of Notary Public

My Commission Expires: November 7, 2021

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF FLORENCE)

Indictment No. 13-GS-26-2041

Probation Violation
Warrant/Citation #

State of South Carolina,)

v.)

Austen McKeever)

Defendant.)

NOTICE OF PROBATION VIOLATION
HEARING AND ACKNOWLEDGMENT
OF NOTICE

- You are hereby directed to appear at a Probation Violation Hearing in General Sessions on 12-5-14 at 8:30 am / pm in the 11th Floor Courtroom, County Courthouse, Florence, South Carolina.

You may have an attorney represent you at this hearing. If you cannot afford an attorney and you desire the representation of the Florence County Public Defender, you must apply for an appointed attorney at the Clerk of Court's Office, Room B-6. If you fail to contact the Clerk of Court's Office to apply for a public defender, the hearing may be heard without an attorney. If you choose to appear at the hearing without an attorney, you may be required to represent yourself. You are hereby advised that there are dangers and disadvantages to self representation. An attorney may better understand courtroom procedure and may be better able to think of and present defenses to your probation violations. By appearing without an attorney you are acknowledging these dangers but are knowingly and voluntarily choosing to proceed without counsel.

At the violation hearing you will have an opportunity to speak, and you may present witnesses or documentary evidence on your behalf. If requested, you will also have an opportunity to confront and cross-examine any witnesses called to testify against you. It is your responsibility to have your witnesses and attorney present. If you are released on bond prior to your hearing date, you must report to the Probation Office immediately upon your release.

You are required to be present at your hearing as scheduled above. If you do not appear, a bench warrant or a failure to appear warrant will be issued for your arrest. Furthermore, the Court may choose to proceed with the hearing in your absence. This directive remains in effect until you are granted leave by the Court.

This directive has been read to me and I have been provided with a copy. I was also given an opportunity to ask questions about this directive before it was signed.

10-17-14
Date

Austen McKeever
Probationer's Signature
[Signature]
Probation Agent's Signature

STATE OF SOUTH CAROLINA

COUNTY OF Horry VS. STATE

Austen Syntell Mckever

AKA:

Race: Sex: M Age: 26

DOB: SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Vehicle / Use of vehicle without permission with intent to d

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS2602041

A/W#: 2013GS2602041

Date of Offense: 9/7/2012

S.C. Code §: 16-21-0060(A)

CDR Code #: 0756

SENTENCE SHEET

CONVICTED OF or PLEADS

MAX 3 yrs

in violation of § 16-21-0060(A) of the S.C. Code of Laws, bearing CDR Code # 0756

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. AM (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] SCB04523 [Signature] SC Bar# [Signature] SC Bar# [Signature] 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 \$ _____; provided that upon the service of 90 days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended probation for 5 months/year 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.
 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: \$ 5,352.50 plus 20% fee: \$ _____
Payment Terms: _____
 Set by SCDPPPS _____

PTUP payment in full of restitution + fees
_____ days/hours Public Service Employment

Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning 5-10-13 at 5:00 PM
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly payments of \$ 25.00 beginning 10/7/13
\$ _____ paid to Public Defender Fund
Other: _____

*Fine:	\$
§ 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
3% to County (if paid in installments)	\$
TOTAL	\$ <u>64840</u>

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

Clerk of Court/Deputy Clerk Melanie Huggins Ward
Kay Richardson

Presiding Judge [Signature]
Judge Code: 2152
5-7-13

5 yrs sjs 70 days + prob + TEST (weekend v.t.)

169 29
(Mack)

State of South Carolina
Department of Probation, Parole and Pardon Services

NIKKI R. HALEY
Governor



KELA E. THOMAS
Director

S. C. Department of Probation,
Parole and Pardon Services
City-County Complex
180 N. Irby Street, Room 204, 2nd Floor
Florence, SC 29501
Telephone: 843-665-3063
Fax: 843-665-3029

November 4, 2014

GEORGIAN STUKAS
1415 Sharon Road
Florence, SC 29506

RE: Probation Violation

Offender: Austen Mckeever
Offense: Use of vehicle with/out permission with intent to deprive
Date of Sentence: 05/07/2013
Indictment #: 2013-GS-26-02041

Dear Georgian Stukas:

Please be advised that the above named offender is scheduled for a violation hearing. This hearing is scheduled for Dec. 5, 2014 at 08:30 am. The location of the hearing is Florence County General Sessions Court, 180 N. Irby Street, Florence, SC.

You are welcome to attend this hearing, or you may submit a written statement to this office if you prefer not to attend. You are under no legal obligation to respond in any manner and may totally disregard this notice if you desire. However, if you elect to attend the hearing, or have any questions, please call me at 843-665-3063. If I am unavailable, please leave a message and I will return your call.

It is necessary for you to notify us in writing of any future changes of address and phone number if you wish continued notification of impending actions in this case. If you have any questions or concerns regarding this case, please feel free to call me at 843-665-3063 or write to me at the above address. Thank you for your interest in this matter.

Sincerely,

Mamie Hannah

Mamie Hannah
Victim Services Coordinator

P.006/008

Print Date/Time: 11/18/2014 8:48:50 AM

AUSTON MCKEVER

Booking Date/Time	Release Date/Time	Released By	Release Reason
05/12/2014 08:15:33	05/13/2014 16:39:48	J805 - BROWN	WEEKENDER 2
05/19/2014 08:58:02	05/20/2014 16:47:14	J858 - PERKINS	WEEKENDER 2
05/26/2014 09:19:46	05/27/2014 16:33:36	J832 - BLACK	WEEKENDER 2
06/02/2014 09:14:50	06/03/2014 16:51:37	J858 - PERKINS	WEEKENDER 2
06/09/2014 09:52:45	06/10/2014 10:34:27	J832 - BLACK	TRANSFER OUT TO OTHER AGENCY 2
06/16/2014 09:24:36	06/17/2014 16:10:00	J558 - SINGLETARY	WEEKENDER 2
06/30/2014 09:29:50	07/01/2014 16:00:00	J558 - SINGLETARY	WEEKENDER 2
07/07/2014 09:09:24	07/08/2014 16:20:25	J805 - BROWN	WEEKENDER 2
07/14/2014 09:19:24	07/15/2014 16:28:19	J858 - PERKINS	WEEKENDER 2
07/21/2014 10:17:38	07/22/2014 17:08:12	J882 - Bethea	WEEKENDER 2

Total Rows: 10

(FAX)

90
- 45

45
- 20 reported

25 Days left

11/18/2014 09:20

County of Horry
STATE vs.

FILE

Indictment Number: 2013-GS-36-08041
Probation C/W #: C-21-14-0053

AKA: Austen Syntell McK. 2014 MAY -6 PM 3:40
Race: [REDACTED]
SSN: [REDACTED]
SID#: [REDACTED]

Name of Original Offense: Use of Vehicle Without Permit
Original AW#: 2013-GS-36-08041
Date of Original Offense: 9-18-1986
Conviction S.C. Code §: 16-21-0060(A)
Conviction CDR Code #: 0171516
Original Sentence: 5 yrs. upon rev. 90 days 2009
ORDER 5 yrs probation

The above named defendant has been charged with violating the conditions of probation ordered on 5/17/13 in the Court of General Sessions of Horry County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on [REDACTED], as set forth in the attached warrant(s) or citation(s) dated [REDACTED]. 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)
1, 3, 9 - special conditions

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 90 days 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) 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: 10 days to be served on the weekends by 5-12-14 at 4:00am. Pay 750 weekly on probation payments. Exempt supervisor fees on all future fees. If offender has a work amount like work before trial bring for revocation. Release PSE hours.

- 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 90 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 §23-3-540.

This 5th day of May, 2014
Florence, SC

[Signature]
Presiding Judge
12th 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: [Signature]
Signed this 5th day of May, 2014 at Florence City

Witnessed by: [Signature]
CLERK OF COURT
FLORENCE COUNTY, SC

FILED

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

STATE

VS.

AUSTEN S. MCKEVER,
Defendant.

2014 DEC -8) PM 4:10
GENERAL SESSIONS COURT
TWELFTH JUDICIAL CIRCUIT
FLORENCE COUNTY, SC

MOTION TO RECONSIDER


Citation Number: C-21-14-0229

2014 DEC 17 PM 4:07
CLERK OF COURT
12-18-16-0229

The Defendant, moves before this court with a motion to reconsider its decision in probation violation citation number C-21-14-0229. The Defendant plead guilty on May 7, 2013 and was sentenced to three (3) years suspended upon service of ninety (90) days weekend time and probation for five (5) years. Appellant appeared in front of the Honorable D. Craig Brown on December 5, 2014 for the above referenced probation violation. The defendant admitted that he had willfully violated his probation by failing to complete his court ordered weekend time. After hearing from Probation Agent Mack, the defendant and the undersigned defense attorney, Judge Brown revoked the defendant's probation in full. The defendant has requested that this motion be filed on his behalf.

The Defendant asks this court to schedule a hearing regarding the above motion.

Respectfully submitted,



Emily M. Crayton
Assistant Public Defender
12th Circuit Public Defender's Office
180 North Irby Street, MSC-N
Florence, SC 29501
(843) 665-3055
Fax: (843) 665-4041

December 8, 2014

STATE OF SOUTH CAROLINA)
)
 COUNTY OF FLORENCE)
)
)
 STATE)
)
 VS.)
)
 AUSTEN S. MCKEVER,)
 Defendant.)

GENERAL SESSIONS COURT
 TWELFTH JUDICIAL CIRCUIT

ORDER DENYING DEFENDANT'S
 MOTION TO RECONSIDER
 Citation Number: C-21-14-0229

FILED
 2014 DEC 15 PM 4:22
 FLORENCE COUNTY, SC

This matter comes before the court upon Defendant Austen S. McKeever's Motion to Reconsider his Probation Revocation. Defendant originally appeared in court on May 7, 2013 and pled guilty to Use of a Vehicle Without Permission With Property Damage. Defendant was sentenced to three (3) years suspended upon service of ninety (90) days weekend time and probation for five (5) years. Defendant was also ordered to pay restitution to the victim, Georgian Stukas.

After the original plea, the Defendant appeared in front of this court again due to his failure to pay restitution and probation charges, as ordered by the court. The court agreed to restructure Defendant's payment and continued him on probation.

Defendant again appeared in front of this court on December 5, 2014 for the above referenced probation violation. At the hearing, defendant admitted that he had willfully violated his probation by failing to complete his court ordered weekend time, having last reported in July 2014. Agent Mack further conveyed to the court that she, along with Defendant's attorney, instructed Defendant to continue his weekend time, but that the Defendant declined to do so. After hearing from Probation Agent Mack, the Defendant and the undersigned defense attorney, the court revoked the Defendant's probation in full.

DRB
12/14/2

Defendant submitted a Motion to Reconsider Probation Revocation to this court, through his attorney, on December 8, 2014. After reviewing the motion and the case, the court's decision remains unchanged. Accordingly, the court respectfully DENIES Defendant's Motion to Reconsider.


The Honorable D. Craig Brown

12-15, 2014
Florence, South Carolina

FILED
2014 DEC 15 PM 4:22
CLERK OF COURT
FLORENCE COUNTY, SC

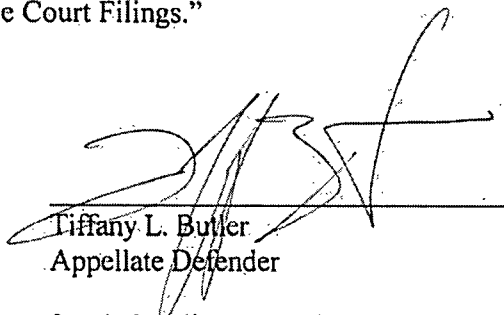
2014 DEC 17 PM 4:07
CLERK OF COURT

Dec
P 2012

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."

August 5, 2015

A handwritten signature in black ink, appearing to read "T. Butler", is written over a horizontal line. The signature is stylized and somewhat cursive.

Tiffany L. Butler
Appellate Defender

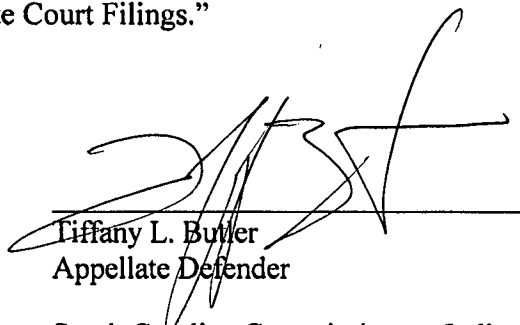
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

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."

August 5, 2015



Tiffany L. Butler
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

RECEIVED
AUG 05 2015
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

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

RECEIVED

AUG 05 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

AUSTEN S. MCKEVER,

APPELLANT

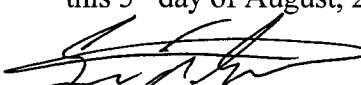
APPELLATE CASE NO. 2014-002707

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, P.O. Box 50666, Columbia, SC 29250 and to Mr. Austen McKeever, Palmer Pre-release Center, 2012 Pisgah Road, Florence, SC 29501, on this 5th day of August, 2015.


Cruise Mitchell
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 5th day of August, 2015.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: October 30, 2022.