

STATE OF SOUTH CAROLINA)
)
IN THE COURT OF APPEALS)

State of South Carolina)
)
-vs-)
)
Crystal Renae Baker)
)
Defendant.)
_____)

Indictment No.: 2014-GS-46-2624
2015-GS-28-0269
2015-GS-28-0270

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SC Court of Appeals

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DAVID HAMILTON
C.C.P. & G.S.
YORK COUNTY, SC

RULE 203(B) EXPLANATION

Pursuant to Rule 203(B) (iv), the issue to be raised on appeal is whether the trial court abused its discretion when it imposed the Revocation of Probation, in full, of five (5) years at her probation hearing held on November 16, 2015.

The undersigned does not have a good faith basis to believe that this issue is properly before the Court of Appeals, and the undersigned did not object to the sentence or file a motion to reconsider the sentence. Nevertheless, the undersigned consulted with the Appellant about his right to appeal, and after consultation, the undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. *See Frazer v. South Carolina*, 430 F.3d 696, 705 (4th Cir. 2005) ("A defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate on behalf of his client.'") (quoting *Anders v. California*, 386 U.S. 738, 744 (1967)).

Respectfully submitted,

Jessica M. Benson for
Toni L. Johnson Toni Johnson
P.O. Box 691
York, South Carolina 29745
(803) 628-3031
Attorney for Crystal Renae Baker

York, South Carolina

November 24, 2015

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of York
STATE VS.
AKA: Chystal Baker
Race: W Sex: F
DOB: 11/17/75
SSN: [REDACTED]
SID#: 1031593

Indictment Number: 15-GS-28-0270
Probation C/W#s: W-46-15-352
Name of Original Offense: Burglary 3rd degree 1st off
Original A/W#: 2013A 2810401004
Date of Original Offense: 7/16/13
Conviction S.C. Code §: 16-11-313
Conviction CDR Code #: 0141217
Original Sentence: 5 years SS 30 months probation
ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 4/16/15 in the Court of General Sessions of Kershaw County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 14, 2015, as set forth in the attached warrant(s) or citation(s) dated Oct 14, 2015. 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, 7, 9, 10, and special conditions

- Therefore, IT IS ORDERED that:
- the suspended sentence be revoked and the above named defendant be required to serve 5 months/years, the remainder of the original sentence, and/or pay \$ _____.
 - the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
 - the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
 - probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
 - the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or 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:

- 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 37 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 16 day of November, 2015
York, SC
John H. [Signature]
Presiding Judge
John 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: Chystal Baker Witnessed by: [Signature]
Signed this 16 day of November, 2015, at York SC
Day Month Year City

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of York
STATE VS.

Indictment Number: 14 -GS- 46 - 2024
Probation C/W#: W-46-15-0352

AKA: Crystal Baker
Race: W Sex: F
DOB: [REDACTED] 75
SSN: [REDACTED]
SID#: 1131593

Name of Original Offense: Exploitation of Vulnerable Adult
Original A/W#: 2014A 46 101000507
Date of Original Offense: 5-3-14
Conviction S.C. Code §: 43-35-0085LD
Conviction CDR Code #: 2161517
Original Sentence: Suys upon 90 days bal. SS
ORDER 34rs Probation

The above named defendant has been charged with violating the conditions of probation ordered on 8/27/14 in the Court of General Sessions of York County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on Feb. 11, 2015, as set forth in the attached warrant(s) or citation(s) dated Oct 14, 2015. 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, 7, 9, 10,

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 5 months/years, the remainder of the original sentence, and/or pay \$ _____.
- the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or 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:

- 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 16 day of November, 2015,
York, SC

[Signature]
Presiding Judge
10
Judicial Circuit

20 NOV 23 PM 4:20
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC
CERTIFIED TRUE COPY

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 Crystal Baker

Witnessed by [Signature]

Signed this 16 day of November, 2015, at York SC

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of York
STATE VS.
Crystal Baker
AKA:
Race: W Sex: F
DOB: 1/75
SSN: [REDACTED]
SID#: 1631593

Indictment Number:
15-GS-28-0269
Probation C/W#: W-46-15-0352
Name of Original Offense: 7/11/13 Burglary 3rd degree
Original A/W#: 2013A2810161003
Date of Original Offense: 7/16/13
Conviction S.C. Code §: 16-11-0313
Conviction CDR Code #: 0141217
Original Sentence: 5yrs ss 30 months probation

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 4/16/15 in the Court of General Sessions of Kershaw County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on _____, as set forth in the attached warrant(s) or citation(s) dated Oct 14, 2015. 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, 7, 9, 10 and special conditions

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 5 months/years the remainder of the original sentence, and/or pay \$ _____.
- the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or 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:

- 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 37 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 11th day of November, 2015,
York, SC. [Signature]
Presiding Judge 16 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] Witnessed by: [Signature]
Signed this 16 day of November, 2015, at York SC
Day Month Year City