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SC Court of Appeals

21966

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHEROKEE COUNTY

R. Keith Kelly, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

MICHAEL DOUGLAS CAMP,

APPELLANT

APPELLATE CASE NO. 2014-002074

RECORD ON APPEAL

BENJAMIN JOHN TRIPP  
Appellate Defender

ALAN WILSON  
Attorney General

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
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Attorneys for Respondent

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STATE OF SOUTH CAROLINA

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STATE,

Plaintiff,

Case No.

-against-

2014-GS-11-694

MICHAEL D. CAMP,

Defendant.

-----x

September 18, 2014

Cherokee, S.C.

B E F O R E:

HONORABLE R. KEITH KELLY, Judge.

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

KIM LESKANIC, Esquire

Assistant Solicitor

MICHAEL BERRY, Esquire

Attorney for the Defendant

Aileen Butler

Official Court Reporter

1 MS. LESKANIC: May it please the Court. Before  
2 you is Michael Douglas Camp. He is pleading guilty on  
3 two Indictments; 2014-GS-11-694 is a True Bill  
4 Indictment for breaking into motor vehicle, and  
5 2014-GS-11-695 is a True Bill Indictment for burglary,  
6 third degree, first offense.

7 The pleas have a recommendation of current  
8 sentencing and he is represented by Mr. Berry.

9 THE COURT: Sir, you are Mr. Michael Camp?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Mr. Camp, you are in custody. Have  
12 you taken any me medication or any substance that  
13 affects you reasoning or thinking ability?

14 THE DEFENDANT: No, sir.

15 THE COURT: You are of clear mind and know what  
16 you are you doing?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: 2014-0695 alleges that you did in the  
19 County of Cherokee, State of South Carolina on or about  
20 October 10 of 2013, willfully and unlawfully entered  
21 without consent and with the intent to commit a crime  
22 therein, an out building belonging to Michael Louis  
23 Foster located within this county and this State in  
24 violation of state law. That matter has been True  
25 Billed by the Grand Jury. It is non-violent by

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definition. Burglary third, first offense, carries with it up to five years. There is a recommendation of concurrent sentencing.

Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: 2014-0694, alleges that you did in County of Cherokee, State of South Carolina, on or about October 10 of 2013 break into a motor vehicle belonging to Amber Renee Painter with intent to steal something or something of value therefrom all in violation of South Carolina law.

This matter has been True Billed by the Grand Jury. It is non-violent by definition. It carries with it up to five years and a fine of up to one thousand dollars.

It is the same recommendation by the government. Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: There are certain rights you have to give up in order to plead guilty. One of them is a right to remain silent. Do you waive and give up that right as to both Indictments?

THE DEFENDANT: Yes, sir.

THE COURT: You have a right to a trial by jury. Put 12 folks in the box over here (indicating) to try

1 your cases. Do you waive or give up that right as to  
2 each Indictment?

3 THE DEFENDANT: Yes.

4 THE COURT: You have a right to call and confront  
5 witnesses against you. Do you waive and give up that  
6 right as to each Indictment?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Understanding what I told you, how do  
9 you offer to plead on 2014-0694; guilty or not guilty?

10 THE DEFENDANT: Guilty.

11 THE COURT: On 2014-0695?

12 THE DEFENDANT: Guilty.

13 THE COURT: Do you plead guilty to both  
14 Indictments because you are guilty of both offenses?

15 THE DEFENDANT: Because I'm guilty.

16 THE COURT: Do you plead guilty freely,  
17 intelligently and voluntarily?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Did anybody make you come here to  
20 plead guilty?

21 THE DEFENDANT: No, sir.

22 THE COURT: Have you had plenty of time to speak  
23 with your lawyer?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Has he answered all of your questions?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Has he gone over that file with you?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you need any time to look at the  
5 file any more or ask him any questions.

6 THE DEFENDANT: No, sir.

7 THE COURT: Are you completely satisfied with with  
8 the legal representation of you.

9 THE DEFENDANT: Yes, sir.

10 THE COURT: You have ten days from today's date to  
11 file an appeal of guilty plea and or the sentence of the  
12 Court, but have to do that by filing in the clerk's  
13 office. Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Please listen to the solicitor.

16 MS. LESKANIC: Thank you, Your Honor.

17 These incidents occurred on October 10th of 2013.

18 The breaking into motor vehicle occurred at 200 Pine  
19 Street here in Cherokee County when a vehicle owned by  
20 Amber Painter was broken into by breaking out a window  
21 and her ipad and her Garmin GPS was stolen out of her  
22 vehicle.

23 On the same night an outbuilding belonging to  
24 Michael Crawford was broken in to. That was located at  
25 328 Thompson Street here in Cherokee County. What

1 happened is, Your Honor, there was a check point here in  
2 Cherokee County. The vehicle being occupied by this  
3 defendant and initially his co-defendant, Kendrick  
4 Lipscomb who plead guilty before Your Honor earlier in  
5 the week. They are coming upon the checkpoint and Mr.  
6 Lipscomb was driving the vehicle and they have stolen  
7 property from the building inside of the car. Mr.  
8 Lipscomb jumps out of the car and runs. The police  
9 officers walk up to the car. Mr. Camp is walking away  
10 from the vehicle. They are able to link both of them to  
11 the burglary and breaking into the motor vehicle.

12 Mr. Lipscomb gave a statement that both he and Mr.  
13 Camp, who I believe they are cousins, were together for  
14 both of these incidents; the breaking into a motor  
15 vehicle and the burglary third degree.

16 THE COURT: All right. Prior history?

17 MS. LESKANIC: 1994 an armed robbery, 1998 driving  
18 under the influence and driving without a license. In  
19 2000, possession of marijuana, 2002 domestic violence  
20 and shoplifting. That was the South Carolina record,  
21 Your Honor, and then it looks like in Georgia in 2004 a  
22 simple battery and also a probation violation and 12  
23 counts of breaking into a motor vehicle, in 2006  
24 possession of less than one ounce of marijuana. In 2009  
25 shoplifting, 2010 shoplifting; two counts.

1                   Those appear to be the convictions, Your Honor.

2                   THE COURT: Is he on probation?

3                   MR. BERRY: No, sir.

4                   THE COURT: Okay.

5                   Sir, did you hear what the solicitor told me about  
6 your criminal history as well as the facts of these  
7 cases?

8                   THE DEFENDANT: Yes.

9                   THE COURT: Is that true?

10                  THE DEFENDANT: Yes, sir.

11                  THE COURT: The Court accepts both the pleas,  
12 being freely, intelligently and voluntarily given and  
13 with the sound advice of an excellent lawyer, Mr. Berry.

14                  MR. BERRY: Thank you, Your Honor. May it please  
15 the Court.

16                  As the solicitor indicated, Mr. Lipscomb plead  
17 guilty earlier in the week.

18                  Judge, if this case had gone to trial he would be  
19 -- there would have been some issues in the case,  
20 obviously. Pretty much the only thing they have is Mr.  
21 Camp in the car and then the statement of Mr. Lipscomb  
22 which ties him.

23                  Judge, he's admitting his involvement on what went  
24 on with these incidents.

25                  I would just point out to the Court, Mr. Lipscomb

1 again plead guilty earlier in the week. He had a pretty  
2 significant criminal record as well. The solicitor  
3 pulled his criminal record and Your Honor issued a  
4 sentence -- a pretty hefty sentence on him of ten years  
5 suspended down to ninety days and five years of  
6 probation.

7 Judge, I am going to ask you to do something  
8 similar to that for Mr. Camp. The only difference  
9 between the two of them is that Mr. Lipscomb bonded out  
10 pretty soon after he was arrested. Mr. Camp had \$2,500  
11 bond on both these charges but has been unable to make  
12 bond and as of today been be in jail for 309 days since  
13 he was arrested.

14 One other interesting thing about this case is,  
15 Mr. Lipscomb was initially arrested on this offense,  
16 questioned by officers and then was let go. They didn't  
17 actually file the warrant. He was let go the next. The  
18 next day they picked up Mr. Lipscomb. Mr. Lipscomb  
19 gave a statement that he did, again on the record and  
20 then they came back and arrested Mr. Camp from his job.  
21 Tells me he works at Jones detailing which is over in  
22 Spartanburg. Had been doing that for some time and was  
23 working when they came and arrested him on these  
24 charges. Judge, he does want to come in here and accept  
25 responsibility today. As the solicitor mentioned this

1 was a bond motion initially. We were going to ask the  
2 Court for a PR bond but he just wants to get it wrapped  
3 up and get it put behind him.

4 So I am going to ask the Court to consider a  
5 sentence that is similar to the sentence that the Court  
6 issued for Mr. Lipscomb. Again, I think it would be  
7 appropriate to ask and I don't hesitate to ask for that  
8 given their similar criminal records and the nature of  
9 offenses.

10 THE COURT: How much probation did Mr. Lipscomb  
11 get?

12 MR. BERRY: Five years judge.

13 MS. LESKANIC: And Your Honor, just for complete  
14 candor with the Court, Mr. Lipscomb also had a more  
15 recent forgery charge. He is the one that went in to  
16 Wells Fargo Bank and tried to present a check on a  
17 deceased man's account. When they came out to his  
18 vehicle he had a quantity of crack cocaine in the door  
19 of his car and he also plead to possession with intent  
20 to distribute crack cocaine from those more recent  
21 incidents and I had filed a motion to revoke his bond  
22 and he ended up pleading guilty on these charges.

23 THE COURT: Sir, anything you want to say?

24 THE DEFENDANT: No, sir.

25 THE COURT: Any restitution?

1 MS. LESKANIC: No, sir. Everything was recovered  
2 in the vehicle that night.

3 THE COURT: 309 days?

4 MR. BERRY: Yes.

5 THE COURT: Mr. Camp, you get one shot right here.  
6 You understand what happens if you violate your  
7 probation?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Okay, I don't have to talk about it  
10 then. 2014-0695 State Department of Correction for a  
11 period of five years provided upon the service of time  
12 served. Balance is suspended with probation for five  
13 years. It is concurrent with the other Indictment and  
14 309 days credit, \$500 public defender's fund. 2014-06  
15 94 State Department of Correction five years provided  
16 upon the service of time served. Balance is credited  
17 for 309 days.

18 Good luck to you.

19 MR. BERRY: Thank you so much, Your Honor.

20 \* \* \*

21 (END OF TRANSCRIPT)

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## C E R T I F I C A T E

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3 I, the undersigned Aileen Butler, Official Court Reporter  
4 for the 16th Judicial Circuit of the State of South Carolina, do  
5 hereby certify that the foregoing is a true, accurate, and  
6 complete transcript of record of all the proceedings in the  
7 captioned case, in the Circuit Court for Cherokee County, South  
8 Carolina, on the 18th day of September, 2014

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

11 January 12, 2015

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14 Aileen Butler  
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STATE OF SOUTH CAROLINA.

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STATE,

Plaintiff,

Case No.

-against-

2014-GS-11-694/695

MICHAEL D. CAMP,

Defendant.

-----x

September 19, 2014

Cherokee, S.C.

B E F O R E:

HONORABLE R. KEITH KELLY, Judge.

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

KIM LESKANIC, Esquire  
Assistant Solicitor

MICHAEL BERRY, Esquire  
Attorney for the Defendant

Aileen Butler

Official Court Reporter

1 THE COURT: Mr. Camp, I asked that you be brought  
2 here today. The Court sua sponte is reconsidering  
3 your sentence that was handed down this week and for  
4 the record, it is 11:33 a.m. on Friday. This Court  
5 has not risen. This Court is still in session and  
6 your sentence was handed down earlier this week and  
7 this Court has reconsidered that sentence after a  
8 mature reflection. So just give us a minute to get  
9 your file.

10 Sir, you were previously before the Court actually  
11 yesterday according to the sentencing sheets that I am  
12 now holding on 2014-0695 and 2014-0694.

13 The Court has now amended your sentence;  
14 2014-GS-0695, you are confined to the State Department  
15 of Corrections for a period of five years. It's  
16 concurrent with the other Indictment, 2014-0694.  
17 Credit for 309 days.

18 On Indictment 2014-0694 you are confined to the  
19 State Department of Corrections for a period of five  
20 years. That's concurrent with the other Indictment  
21 2014-0695. Given credit for three 309 days.

22 Good luck to you, sir.

23 MR. BERRY: Judge, I would actually object to the  
24 re-sentencing and I would ask to be heard on that.

25 THE COURT: Yes.

1 MR. BERRY: Judge, Mr. Camp was again before the  
2 Court yesterday on these charges. The Court had all  
3 of the information that was relaid by the State.  
4 Judge, there has been no additional information that  
5 has been provided to the Court.

6 I would -- I would just like to put all of the  
7 information that I have on the record just to cover  
8 Mr. Camp and myself. Judge, when I came to Court this  
9 morning I was made aware by the Court that Mr. Camp  
10 had actually been re-arrested on a new charge. At  
11 that point it was not relayed to me that it was  
12 related to anything that the Court did not have  
13 yesterday, just that he had been re-arrested on a new  
14 charge.

15 I would just simply object to the resentencing  
16 because I believe that the Court is basing that on Mr.  
17 Camp's rearrest. The State presented no new evidence  
18 or no additional facts from what the State did present  
19 yesterday after the Court did in fact sentence Mr.  
20 Camp. So I would just object based on those grounds.

21 THE COURT: Yes, ma'am, anything further.

22 MS. LESKANIC: Nothing further from the State,  
23 Your Honor.

24 THE COURT: Anything, Mr. Allen?

25 Mr. Allen: Well, certainly it is my understanding

1 that we haven't had the opportunity to look into any  
2 of the new allegations. My understanding that those  
3 were mentioned in a chambers conference with Your  
4 Honor and solicitor and Mr. Berry. We don't know  
5 where the information came or how the Court was made  
6 aware of that, but we understand it was not from the  
7 solicitor, but, so ---

8 THE COURT: Well, the Court is going to take that  
9 into consideration. The Court has reconsidered. It  
10 is the Court's motion and the Court is issuing a new  
11 sentence.

12 Anything else.

13 MR. ALLEN: No, sir.

14 THE COURT: Good luck to you.  
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## C E R T I F I C A T E

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2  
3 I, the undersigned Aileen Butler, Official Court Reporter  
4 for the Seventh Judicial Circuit of the State of South Carolina,  
5 do hereby certify that the foregoing is a true, accurate, and  
6 complete transcript of record of all the proceedings in the  
7 captioned case, in the Circuit Court for Cherokee County, South  
8 Carolina, on the 19th day of September, 2014

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

11 January 23, 2015

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14 Aileen Butler  
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WITNESSES

Gaffney Police Dept.

*Kevin Blatz*

ARREST WARRANT NUMBER

2013A1120200819

ACTION OF GRAND JURY

**TRUE BILL**

*Wayne Atkins*  
Foreperson of Grand Jury  
Date: 8-7-14

VERDICT

Foreperson of Petit Jury  
Date:

14-GS-11-00694

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 07 2014

TERM

THE STATE

vs.

Michael Douglas Camp

Indictment for

BREAKING INTO MOTOR VEHICLE

SC Code: 16-13-0160 (A) (1) (B)

CDR Code: 258

Class FEL/F

FILED IN OFFICE OF  
CLERK OF COURT  
CHEROKEE COUNTY, S.C.  
2014 AUG 7 AM 10 35  
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA

INDICTAMENT

COUNTY OF CHEROKEE

AUG 27 2014

At a Court of General Sessions, convened on \_\_\_\_\_, the  
Grand Jurors of Cherokee County present upon their oath:

**BREAKING INTO MOTOR VEHICLE**

That Michael Douglas Camp, did in Cherokee County, on or about October 10, 2013, break into a motor vehicle, belonging to [REDACTED], with the intent to steal the same or anything of value therefrom, in violation of §16-13-160 (A)(1)(B), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

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

  
ASSISTANT SOLLICITOR

WITNESSES

Gaffney Police Dept.

*Wanda Blant*

ARREST WARRANT NUMBER

2013A1120200820

ACTION OF GRAND JURY

TRUE BILL

*Wayne Atkins*

Foreperson of Grand Jury

Date: 8-7-14

VERDICT

Foreperson of Petit Jury

Date:

14-GS-11-00695

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 07 2014

TERM

THE STATE

vs.

Michael Douglas Camp

Indictment for

BURGLARY, THIRD DEGREE  
(BUILDING)

SC Code: 16-11-0313

CDR Code: 427

Class FEL/E

FILED IN OFFICE OF  
CLERK OF COURT  
CHEROKEE COUNTY, C.

2014 AUG 7 AM 10 1

BRANDY W. MCBEE

STATE OF SOUTH CAROLINA

INDICTMENT


COUNTY OF CHEROKEE

At a Court of General Sessions, convened on AUG 07 2014, the  
Grand Jurors of Cherokee County present upon their oath:

**BURGLARY, THIRD DEGREE****(BUILDING)**

That Michael Douglas Camp, did in Cherokee County, on or about  
October 10, 2013, willfully and unlawfully enter without consent and with the  
intent to commit a crime therein, an outbuilding belonging to [REDACTED]  
[REDACTED], located at [REDACTED], Gaffney, South Carolina, in violation  
of §16-11-0313, THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

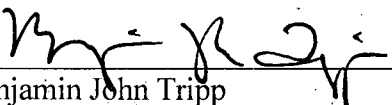
Against the peace and dignity of the State, and contrary to the statute in  
such case made and provided.

  
ASSISTANT SOLICITOR

## 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."

May 20th, 2015

  
\_\_\_\_\_  
Benjamin John Tripp  
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 Cherokee County  
R. Keith Kelly, Circuit Court Judge

RECEIVED

MAY 20 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

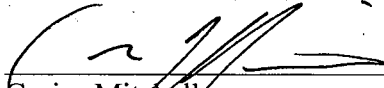
MICHAEL D. CAMP,

APPELLANT

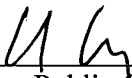
APPELLATE CASE NO. 2014-002074

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Megan Harrigan Jameson, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 20th day of May, 2015.

  
Cruise Mitchell  
Administrative Specialist

SUBSCRIBED AND SWORN TO before me  
this 20th day of May, 2015.

  
\_\_\_\_\_  
Notary Public for South Carolina (L.S.)

My Commission Expires: May 12, 2025.