

21918

STATE OF SOUTH CAROLINA

ORIGINAL

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

Clifton Newman, Circuit Court Judge

RECEIVED

JUN 24 2015

THE STATE,

SC Court of Appeals
RESPONDENT,

V.

JOSEPH CHARLES TICE,

APPELLANT

APPELLATE CASE NO. 2014-001957

RECORD ON APPEAL

WANDA H. CARTER
Deputy Chief 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

INDEX

INDEX.....i

PROBATION REVOCATION TRANSCRIPT 1

CONSENT ORDER IMPOSING ADDITIONAL CONDITIONS OF PROBATION
DATED NOVEMBER 11, 2011.....43

CONSENT ORDER IMPOSING ADDITIONAL CONDITIONS OF PROBATION
DATED JANUARY 22, 201344

PROBATION REVOCATION ORDER DATED MAY 24, 201345

PROBATION CITATION AND AFFIDAVIT DATED JULY 7, 2014.....46

REVOCATION ORDER DATED SEPTEMBER 5, 201448

COMMUNITY SUPERVISION RELEASE CERTIFICATE DATED AUGUST 30, 201350

COMPUTER/ INTERNET AGREEMENT DATED AUGUST 30, 201352

STANDARD SEX OFFENDER CONDITIONS DATED AUGUST 30, 201353

REVOCATION ORDER DATED SEPTEMBER 5, 201454

REOVATION ORDER DATED SEPTEMBER 5, 201455

INDCITMENTS56

SENTENCING SHEETS58

CERTIFICATE OF COUNSEL.....61

STATE OF SOUTH CAROLINA)	COURT OF GENERAL SESSIONS
)	
COUNTY OF RICHLAND)	Case No(s) .: 2011GS4002114,
)	2011GS4002115
State of South Carolina,)	
)	
Plaintiff,)	
)	
-VS-)	TRANSCRIPT OF RECORD
)	
Joseph Charles Tice,)	
)	
Defendant.)	
)	

September 05, 2014
Columbia, South Carolina

B E F O R E:

HONORABLE CLIFTON NEWMAN, Judge.

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

MATTHEW C. BUCHANAN, Esquire
Attorney for the Plaintiff

JOHN C. SHIPMAN, Esquire
Attorney for the Defendant

Recorded by: Maryann S. Nevers, CVR-M-CM
Circuit Court Reporter

Transcribed by: Teresa B. Johnson, CVR-M
Circuit Court Reporter

I N D E X

DIRECT CROSS REDIRECT RECROSS

Motions	4			
Certificate of Reporter	42			

EXHIBITS PAGE

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
------------	--------------------	-----------	-----------

PLAINTIFF EXHIBITS

(No exhibits offered.)

DEFENSE EXHIBITS

(No exhibits offered.)

COURT EXHIBITS

(No exhibits offered.)

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT: All right. This is Mr. Joseph Charles Tice, T-I-C-E?

MR. BUCHANAN: Yes, sir.

THE COURT: All right. Yes, sir.

MR. BUCHANAN: May it please the Court, Your Honor. We have Mr. Joseph Tice under community supervision for CSC with a Minor, two counts. His original sentence was 20 years suspended to five years probation. That probation was revoked and he was released on CSP.

Mr. Tice has been unemployed throughout supervision. He was forced to get Social Security benefits through our depart -- through Social Security. Basically, what's going on with him is on January 13th of this year during a home visit, I discovered that Mr. Tice was actively participating in social media. That's one of his conditions that the victim was under age at the time of the offense, he's not allowed to have any kind of social media contact or anything like that. We issued an in-house violation on him, just kind of a warning that said, hey, you need to remove all

1 your social media accounts and not have access
2 to that.

3 July 1st of this year, I had a sheriff from
4 the Richland County Sheriff's Department Sex
5 Offender Department saying that he was actively
6 in social media and possibly engaging in sexual
7 activities with his computer. That same date,
8 I discovered during a home visit that he did
9 have another Facebook account under an alias of
10 David Fox.

11 His computer was confiscated and he was
12 scheduled for court today for another violation
13 which we've already addressed. He hasn't been
14 in any kind of sex offender counseling as of
15 yet because he's such on a strict income.
16 That's why we take these very seriously.

17 **THE COURT:** All right.

18 **MR. TICE:** I'd like to add that --

19 **MR. SHIPMAN:** Wait. Wait. I'm sorry.

20 **THE COURT:** You cut him off, Mr. Shipman?

21 **MR. SHIPMAN:** I don't know what he is
22 going to say, Your Honor.

23 **THE COURT:** All right. Mr. Shipman, you
24 represent him. As to admitting or denying
25 willful violation, what is your position?

1 **MR. SHIPMAN:** We do deny a willful
2 violation, Your Honor for the reason we
3 outlined in our brief. We are happy to argue here
4 today.

5 **THE COURT:** All right. All right. Well,
6 who wants to go first, you or Mr. Buchanan?

7 **MR. SHIPMAN:** I suppose it is my motion,
8 Your Honor.

9 **THE COURT:** All right, Mr. Shipman.

10 **MR. SHIPMAN:** Your Honor, I argue first,
11 procedurally -- the statute that they are
12 drawing this requirement from, I can't remember
13 the number off the top of my head. But it
14 requires the imposition of an order not to be
15 on social media. I have looked through all of
16 the file at the clerk of court, all the orders,
17 the sentencing sheets, everything. I can't
18 find an order specifically banning him from
19 social media.

20 So, Your Honor, I would argue that without
21 that intermediate stuff, the condition hasn't
22 been applied to him. I would say that possibly
23 it was an incorrect sentence at the time it was
24 issued. The fact that it was never issued and
25 never appealed, I would say that is not a law

1 of the case in this matter. I think on the
2 statutory construction grounds if the General
3 Assembly intended for there to be an automatic
4 consequence of the social media ban, they could
5 have phrased this statute in such a way as to
6 make that happen. They simply didn't.

7 The judge sentencing must -- I think an
8 example that I drew is if there had intended to
9 be an automatic consequence, they could have
10 drawn something in a way that the DUI statute
11 automatically triggers a license suspension.
12 That statute says someone convicted of a DUI
13 would have his license suspended by the
14 Department of Motor Vehicles. Had the state
15 intended for the ban to be automatic on social
16 media, they could have said someone convicted
17 of the listed crimes will be ordered by
18 probation to refrain from social media. It
19 wasn't phrase that way. The first part of my
20 argument is that condition doesn't apply. You
21 can't violate a condition that does not apply.

22 If Your Honor does not agree with that, I
23 will also argue that the condition itself is
24 unconstitutionally broad First Amendment --
25 excuse me -- unconstitutionally broad and limit

1 the first amendment rights.

2 **THE COURT:** That he would have the
3 constitutional right to visit Internet porn
4 sites?

5 **MR. SHIPMAN:** I believe so, Your Honor.

6 **THE COURT:** Whether they are predators or
7 not?

8 **MR. SHIPMAN:** Your Honor, --

9 **THE COURT:** That is not the stronger of
10 your two arguments, I hope.

11 **MR. SHIPMAN:** Well, no, sir. He is not
12 visiting -- he is not alleged to visit porn
13 sites. He is alleged to visit Facebook, Your
14 Honor, which is --

15 **THE COURT:** He said that. But then he
16 thinks he was using it for, he said sex with
17 the computer.

18 **MR. SHIPMAN:** He said there is a
19 possibility of that.

20 **THE COURT:** Yeah.

21 **MR. SHIPMAN:** If he is engaging with
22 another adult on any kind of communication in
23 Facebook, he is certainly not prohibited from
24 engaging in a sexual relationship with an adult
25 that he meets in real life. I don't know how

1 that would apply to an adult that he meets on
2 the Internet as well, Your Honor. He is not
3 alleged to be visiting a porn site.

4 **THE COURT:** The statute says with other
5 persons or groups for the purpose of promoting
6 sexual relations with persons under the age of
7 18 ---

8 **MR. SHIPMAN:** Yes, sir, and I don't --

9 **THE COURT:** --- and communicate with a
10 person under the age of 18. We are not talking
11 about a relationship between consenting adults
12 as being the basis for the statute or your
13 constitutional argument, I wouldn't think.

14 **MR. SHIPMAN:** No, Your Honor. I don't
15 think there has been any allegations that he
16 has been engaging with minors via Facebook or
17 that he is engaging with other adults to
18 encourage minors to engage in intercourse. The
19 first, the way I see it, he is accused of
20 violating the first prong of that which says if
21 he is convicted of an offense involving a minor
22 under the age of 18, he can't use social media.
23 It goes on to say -- it says he can't use the
24 Internet to access social media. Then it says
25 to communicate with those under the age of 18

1 or to communicate to encourage those under 18
2 to have sexual intercourse. The way I see it,
3 there are three things that would be forbidden.
4 He is only accused of violating the first one
5 which is a strict ban on all social media.

6 **THE COURT:** He can have social media
7 unless a judge in the sentence says he can't.

8 **MR. SHIPMAN:** Right, Your Honor. I
9 believe he would have to be ordered to have
10 that on his sentencing sheet at some point by a
11 judge. That was never -- that order was never
12 in place. Again, that, notwithstanding if the
13 condition is found to apply to him through the
14 state's argument that it is incorporated in
15 their conditions, I would argue that the ban,
16 the total ban on social media is overbroad and
17 it bans a substantial amount of communication
18 with potentially millions of consenting adults.

19 **THE COURT:** Some of them says you can't
20 even have a computer in your house.

21 **MR. SHIPMAN:** Right. I don't think that
22 applies to this case, Your Honor.

23 **THE COURT:** When you are talking about
24 overbroad, I am telling you that some
25 conditions of probation on certain people are

1 that they cannot have access to computers.

2 **MR. SHIPMAN:** Right. I understand that.

3 **THE COURT:** Not just social media, but
4 computers.

5 **MR. SHIPMAN:** I believe that the ban could
6 be narrowly tailored but I don't believe that
7 this ban itself is narrowly tailored. In the
8 State's reply brief, they argue that
9 limitations on a convicted sex offender's
10 access to Internet or social media are valid
11 provided they are reasonably related to
12 individual offenses and history and
13 characteristics and are no more restrictive
14 than necessary to serve the purpose of the
15 sentencing. Even if the State's argument says
16 that the ban has to be narrowly tailored, if a
17 particular sex offender used computers in order
18 to engage in this crime or used the computer to
19 groom a minor in order to seduce them in some
20 sort of way, that would not be -- I don't
21 believe that would be an unconstitutional ban
22 as applies to that particular offender.

23 Mr. Tice's offense is alleged to have
24 occurred in 1988, Your Honor, which was 15
25 years before Facebook was founded. I don't

1 think there was any social media websites back
2 in '88 either. I would say as applied to Mr.
3 Tice's case, this total ban is
4 unconstitutional. I would say on its face, it
5 is unconstitutional because it is a total ban.

6 **THE COURT:** What does the Supreme Court
7 say about circuit judges ruling statutes
8 unconstitutional?

9 **MR. SHIPMAN:** I don't know, Your Honor. I
10 suppose this has to be -- it can be preserved
11 in some sort of way to get to the next level,
12 Your Honor. If you find it unconstitutional,
13 the State will appeal. If you find it is,
14 naturally, we will appeal, Your Honor.

15 **THE COURT:** All right. Let's move on.
16 Mr. Buchanan, yes sir.

17 **MR. BUCHANAN:** Thank you very much, Your
18 Honor. May it please the court.

19 **THE COURT:** Yes sir.

20 **MR. BUCHANAN:** Good morning.

21 **THE COURT:** Good morning.

22 **MR. BUCHANAN:** Well, what I would like to
23 do is first addressed Mr. Shipman's initial
24 claim that the statute is -- has been violated
25 because there was no court order in place for

1 Mr. Tice. That might be a case -- I think the
2 statute was referring to is 23-3-555.

3 **THE COURT:** Yes, sir.

4 **MR. BUCHANAN:** That refers to an
5 individual who is deemed to be placed on
6 probation or parole. Now, initially, Mr. Tice
7 was placed on probation. At one point, he
8 might be correct, when Mr. Tice was on
9 probation. Mr. Tice is now on community
10 supervision.

11 **THE COURT:** He is an inmate.

12 **MR. BUCHANAN:** He is an inmate and was
13 released on Community Supervision Program which
14 by statute requires the Department to set the
15 terms and condition of that supervision.

16 **THE COURT:** Okay.

17 **MR. BUCHANAN:** Therefore, the Department
18 has by virtue of the General Assembly's wisdom
19 of having that in place requiring judges, we
20 have also taken that to mean that for those
21 qualifying offenders that we will supervise, --

22 **THE COURT:** So his argument would be -- he
23 is arguing as if we are dealing with a regular
24 probation case as opposed to a person who is an
25 inmate in a CSP case?

1 **MR. BUCHANAN:** That is correct, Your
2 Honor.

3 **THE COURT:** Okay.

4 **MR. BUCHANAN:** Initially we would say that
5 the argument would require that he -- that
6 there needs to be a court order in place
7 denying him access to social media because he
8 is under community supervision and the
9 Department set those times and conditions.
10 Obviously as to violation, the community
11 supervision statute does require the court to
12 make a finding whether or not those conditions
13 are in fact fair and reasonable. That would be
14 one argument that potentially Mr. Tice would
15 make that those conditions are unreasonable.
16 But as far as being not valid because of the
17 statute --

18 **THE COURT:** Unreasonable because of his
19 client's constitutional rights or because of
20 using the computer for some legitimate purpose
21 other than trying to enjoy himself?

22 **MR. BUCHANAN:** I imagine that would be his
23 argument to make.

24 **THE COURT:** All right.

25 **MR. BUCHANAN:** Now, as far as the

1 condition that the denial of access of social
2 media would be unconstitutionally broad or
3 restrictive on a person's rights, we do have a
4 site in my brief a fairly recent case from the
5 United States District Court, Wagner v. Hampton
6 which examines the limitations on a convicted
7 sex offender's access to the Internet and
8 social media while the person's on supervision.
9 That has been discussed.

10 Actually, in the context of Wagner, this
11 person bought, in 1983, a claim saying that
12 they were denying his rights and were
13 essentially suing the US Probation office. The
14 analysis still stands that these are actually
15 permissible restrictions for individuals who
16 are under supervision. They are still being
17 punished. They are still being watched because
18 of their crimes.

19 In the case of Mr. Tice, he is not free, he
20 is not a free citizen. When he is finally
21 finished with community supervision and is no
22 longer under supervision, those restrictions of
23 not being allowed to be on Facebook would be
24 lifted. It is our position that these are
25 valid supervision -- supervising provisions

1 that we have two reduce recidivism and increase
2 public safety.

3 **THE COURT:** If he is on community
4 supervision, he is actually still doing time.
5 He is categorized as an inmate and he is out of
6 the institution as opposed to being in the
7 institution based on what?

8 **MR. BUCHANAN:** Well, he is under our
9 supervision. He is within our supervision
10 pursuant to statute, the community supervision
11 statute. 24-21-516.

12 **THE COURT:** All right.

13 **MR. BUCHANAN:** And essentially, we just
14 treat him as being an offender under our
15 supervision with an offense that places him
16 under the sex offender registry and, therefore,
17 be treated under higher scrutiny. We increase
18 the level of supervision.

19 **THE COURT:** Community supervision, the
20 condition of supervision must include the
21 requirement that the offender must commit to
22 search and seizure without a search warrant,
23 with or without cause of the offender's person
24 or any vehicle and any of the offender's
25 possessions. Mr. Shipman would say all of that

1 is unconstitutional.

2 **MR. SHIPMAN:** Your Honor, it is by way of
3 a waiver. That is not -- when you signed the
4 supervision agreement, you waive those rights.

5 **THE COURT:** All right.

6 **MR. SHIPMAN:** I would say he has not
7 waived his First Amendment right, Your Honor,
8 in order to participate in the community
9 supervision program.

10 **THE COURT:** All right. Your argument also
11 would be that a person in prison in a jail cell
12 has a constitutional right to a computer and
13 Facebook.

14 **MR. SHIPMAN:** No, Your Honor, I believe
15 that --

16 **THE COURT:** It is the same thing. He is
17 an inmate.

18 **MR. SHIPMAN:** No, Your Honor, I would say
19 in an actual jail or an actual prison, inmates
20 do have certain rights to expression and
21 literature and things of that nature. In the
22 actual prison itself, there are certain
23 concerns about safety and other things would
24 prevail.

25 However, Mr. Tice is sort of like a

1 parolee. He is out in the world with the rest
2 of us. So those concerns about safety and
3 regulation inside the prison itself are not
4 controlling in that circumstance.

5 **THE COURT:** All right.

6 **MR. BUCHANAN:** Your Honor, I would submit
7 that because Mr. Tice is in the community that
8 those restrictions on community supervision are
9 as important, if not more so, than being behind
10 the fence at the Department of Corrections.
11 Ultimately, the fact of limited freedoms, a
12 significant number of an individual's freedoms
13 are reduced because of the convictions that a
14 person has been found guilty of.

15 **THE COURT:** All right.

16 **MR. BUCHANAN:** Again, I would quote the
17 Wagner v. Hampton decision. The right of a
18 convicted sex offender to use social media and
19 be free of computer monitoring while on
20 supervised release if anything is clearly
21 established.

22 **THE COURT:** That is a US District Court
23 opinion?

24 **MR. BUCHANAN:** Yes, of South Carolina. It
25 was actually decided I believe July 30th of

1 this year.

2 **THE COURT:** Who is the judge on that?

3 **MR. BUCHANAN:** That was, uh, Judge Ross
4 Anderson, Jr.

5 **THE COURT:** US district judges are trial
6 judges just like circuit court judges. So it
7 is not an appellate opinion, it is a trial
8 court opinion just as Judge Cooper wrote this
9 sentence, Tom Cooper, and I may write a
10 sentence. It could be persuasive authority or
11 good information, but it is not binding
12 authority. But it sounds good. It is a good
13 analysis. But go ahead, your turn.

14 **MR. SHIPMAN:** Thank you, Your Honor. In
15 Wagner itself, it says the limitations are
16 valid if they are reasonably related to the
17 individual offense and history and
18 characteristics and are no more restrictive
19 than necessary to serve a purpose of this
20 state. Your Honor, that is narrowly tailoring
21 -- that is a narrowly tailoring argument. I
22 can see that the State has a significant
23 interest. I can see that this is content
24 neutral restriction. However, a total ban is
25 in no way -- in order for a total ban to be

1 considered narrowly tailored, everything that
2 falls under that ban must be appropriately
3 targeted.

4 **THE COURT:** When you filed your brief, did
5 you consider that he was on community
6 supervision versus probation? Or is your
7 argument based on an argument someone would
8 make who is on probation?

9 **MR. SHIPMAN:** I considered it, Your Honor.

10 **THE COURT:** You consider that he was on
11 community supervision?

12 **MR. SHIPMAN:** Yes, Your Honor. I know
13 that he has a certain level of rights as you
14 mentioned about Fourth Amendment. However
15 those operate by way of a waiver when he signs
16 up for the community supervision agreement. He
17 waives his Fourth Amendment interest in his
18 house to allow the agent to come in and search
19 whenever he likes. Nowhere in there is a First
20 Amendment waiver. I was still argue that any
21 ban on speech must be narrowly tailored. The
22 First Amendment applies to any person
23 regardless of their status in the community.
24 This means this changes the definition of what
25 is narrow.

1 **THE COURT:** The court shall determine
2 whether the terms of the program are fair and
3 reasonable. We are not -- this is not a
4 constitutional test. He is a prisoner. He is
5 an inmate. For the benefit of trying to get
6 people back into society and giving them an
7 opportunity to complete their sentence outside
8 of the institution, they developed this
9 program.

10 **MR. SHIPMAN:** Right.

11 **THE COURT:** His rights are limited. He
12 must comply with the terms and conditions of
13 the program. If the terms and conditions of
14 the program are fair and reasonable and he
15 violates them, he has violated the program and
16 could go back to the institution.

17 **MR. SHIPMAN:** Your Honor, I would argue
18 against that that that puts a great amount of
19 discretion in a bureaucratic body.

20 **THE COURT:** Oh, absolutely. The
21 Department of Corrections has a whole lot of
22 discretion when it comes to dealing with
23 inmates.

24 **MR. SHIPMAN:** Right, Your Honor. I don't
25 recall the case off the top of my head. There

1 is a lot of cases involving city managers and
2 people of that nature signing off on who can
3 have a break. It says notice restrictions has
4 to be -- his discretion has to be very narrow
5 in those cases. I would argue that the
6 Department of Corrections and Probation also
7 would have to have their discretion similarly.
8 I think a complete ban on social media issued
9 by a government administration agency would be
10 an abuse of their discretion.

11 **THE COURT:** And that type of setting. But
12 if you're dealing with someone who has been
13 convicted of CSC with a minor in the second
14 degree, those are, I deal with a lot of
15 sexually violent predator cases and hearings.
16 Most people who testify will say that if
17 someone is a pedophile, they can't be cured.
18 It is a lifetime condition. That is them. You
19 have got to do all that you can. You have to
20 be in the house during Halloween. They have
21 all kinds of things going on with people who
22 are in that situation.

23 To arguing his fairness that he should not
24 be given unfettered discretion on the Internet
25 and participate in social media, I understand

1 your argument that different people have
2 different understanding as to what you do on
3 Facebook. Some people go on it just to get the
4 news or to listen to music or just do various
5 things. I imagine some go on there to look at
6 little girls if that is who they like. I don't
7 know what his situation is. What is his
8 situation?

9 **MR. BUCHANAN:** Basically, I'm not sure
10 exactly what he was doing on the social media
11 accounts. I just know that according to our
12 conditions, he was not supposed to be in
13 possession of a social media account.

14 **THE COURT:** So they he got the social
15 media and tried to deceive you all that he did
16 not have the social media by getting a social
17 media under an assumed name.

18 **MR. BUCHANAN:** I would like to add though
19 that the first time we did find him in
20 possession of social media, in his private
21 messaging, I will quote one thing, "Oh, honey,
22 you look so good. All I can think is how I
23 would love to do a 69 with you. Is that the
24 kind of trouble you were looking for? If not,
25 sorry."

1 **THE COURT:** But you don't know who he was
2 communicating with.

3 **MR. BUCHANAN:** No, sir.

4 **THE COURT:** Just somebody. May be a
5 little girl, maybe -- who knows. But he is a
6 pedophile. Is he a pedophile?

7 **MR. TICE:** I was never deemed a pedophile.

8 **THE COURT:** All right.

9 **MR. TICE:** I am not a pedophile. My crime
10 happened one time back in 1988.

11 **THE COURT:** All right. I will retract the
12 word pedophile. You have been convicted of CSC
13 with a minor. A pedophile is a different
14 designation. You are absolutely correct.

15 **MR. TICE:** I'm sorry, sir.

16 **THE COURT:** No. That's okay.

17 **MR. TICE:** I have strong beliefs about who
18 I am. I am happy with who I am.

19 **THE COURT:** Yes, sir. I appreciate that.
20 I thank you for correcting me.

21 **MR. SHIPMAN:** Your Honor, I would like to
22 point out that the crime occurred in 1988,
23 which was 26 years ago. That was 15 years
24 before Facebook was ever created. There has
25 never been any allegation that he used any kind

1 of Internet or computer technology to commit
2 his crime. There has been no allegations that
3 he committed any new crimes using the Internet
4 or computer technology.

5 **THE COURT:** Yeah. Yeah. But you are
6 going to lose the argument with me that they
7 cannot set those terms and conditions for a
8 person under community supervision. Therefore,
9 your argument that the judge should have
10 written the sentence a different way does not
11 apply. I agree with Mr. Buchanan. It only
12 applies to if this was a regular probation
13 violation case, not a community supervision
14 case.

15 Once he goes into the Department of
16 Corrections, there is a different scenario
17 involved. That allows them to set fair and
18 reasonable terms of him being allowed out of
19 the institution. They can do that. I find
20 that it is fair and reasonable under this
21 circumstance. What does that mean as far as
22 what should happen to this case?

23 **MR. SHIPMAN:** Your Honor, I would object
24 to preserve the record on this.

25 **THE COURT:** You don't need to object to

1 preserve the record. The rule says you don't
2 have to do that. You have made your argument.
3 I have ruled against you. The record is clear
4 what your position is. You even have a brief
5 on file. I deny your motion to -- to dismiss
6 the probation violation.

7 **MR. SHIPMAN:** Your Honor, I suppose we
8 proceed on mitigation at this point.

9 **THE COURT:** All right.

10 **MR. BUCHANAN:** One additional thing, Your
11 Honor, I have shown Mr. Shipman is -- I
12 apologize for not having it in my motion. It
13 actually did --

14 **THE COURT:** I didn't even get your motion.
15 When did you send it? I see it on my laptop
16 now.

17 **MR. BUCHANAN:** I mailed it last night.

18 **THE COURT:** Last night? I was off duty.

19 **MR. BUCHANAN:** It is clocked in this
20 morning.

21 **THE COURT:** Okay.

22 **MR. BUCHANAN:** I want to include the
23 Computer Internet Use Agreement for Sex
24 Offenders which Mr. Tice signed when he was
25 placed on community supervision.

1 **THE COURT:** What does that say?

2 **MR. BUCHANAN:** I can pass up --

3 **THE COURT:** Just tell me about it. I'm
4 going to take a look at it. A group of
5 interested people in this issue just highlight
6 what it is all about. If you give me this
7 copy, you can't tell me about it. Can you tell
8 me about it and then hand it up? What is in
9 there, that Computer Internet Use Agreement?
10 Generally, what is it? All right. I see what
11 it is. Computer Internet Use Agreement for Sex
12 Offenders. He signed this you say, right?

13 **MR. BUCHANAN:** I have a copy that I have
14 shown to Mr. Shipman that he has signed it. We
15 can make a photocopy and add that to the
16 record, Your Honor.

17 **THE COURT:** If the victim was under the
18 age of 18, I will not use the Internet to
19 access social networking websites. That is it
20 right there, isn't it?

21 **MR. SHIPMAN:** Yes, Your Honor. This was
22 -- I did not see this until today.

23 **THE COURT:** Yeah.

24 **MR. SHIPMAN:** I would still say that it is
25 unfair use of discretion.

1 **THE COURT:** I hear you. You just have a
2 losing argument on this. It is a good sounding
3 argument that would apply perfectly to a
4 different scenario but it does not apply to
5 this one. So we are here for the violation
6 hearing at this point. That is why I asked you
7 did you assume that this was a probation case
8 and not a community supervision.

9 **MR. SHIPMAN:** Yes, sir. I was aware of
10 that. I still say --

11 **THE COURT:** You didn't have all the
12 details included in this form that he signed.

13 **MR. SHIPMAN:** Right. I would still say
14 that it is -- my argument would apply equally
15 to both.

16 **THE COURT:** All right.

17 **MR. BUCHANAN:** Your Honor, that is the
18 basis of his violations. Basically, like I
19 said we did the first in-house violation for
20 the first account. A couple of months later,
21 he created a new account under a new alias and
22 hoped that we didn't find it and then failure
23 to pay his monies which is why --

24 **THE COURT:** What do you want me to do with
25 him?

1 **MR. BUCHANAN:** As of today, with his CSP,
2 he has 6794 days left on his CSP.

3 **THE COURT:** 6000?

4 **MR. BUCHANAN:** Yes, sir. But he can
5 receive up to a one-year revocation and then he
6 will be re-released on CSP for an additional
7 two years.

8 **THE COURT:** All right. Mr. Shipman?

9 **MR. SHIPMAN:** Your Honor, I would argue
10 that a year is perhaps too stiff for this
11 violation. There is no allegation that he
12 committed a subsequent crime. He used the
13 Internet, which he has been told not to use.

14 **THE COURT:** He wants to 69 and this and
15 that with somebody.

16 **MR. SHIPMAN:** Your Honor, I believe that
17 was an adult female, Your Honor, which is
18 perfectly legal for him to be able to do and
19 talk about in other circumstances, perhaps not
20 over the Internet although we would not agree
21 with that version of the law. You know the
22 substance of his violation is that he is
23 engaging in --

24 **THE COURT:** Well, he is engaging in
25 deceptive activities with the folks who are

1 supposed to be supervising him. They agree and
2 acknowledge that he could not use social
3 networking. He used it, they called him, they
4 warned him and then he changed the name and
5 still tried to use it.

6 **MR. SHIPMAN:** Yes, Your Honor. I believe
7 that for the time being, he knows that it is
8 smarter to stay off of the Internet than to be
9 on it. While this appeal works his way through
10 the courts, I don't believe that it is a
11 substantial enough violation to warrant --

12 **THE COURT:** Don't waste your time on that
13 issue.

14 **MR. SHIPMAN:** Excuse me?

15 **THE COURT:** Don't waste your time on that
16 issue.

17 **MR. SHIPMAN:** I'm saying as far as the
18 allegation goes, I don't believe it rises to
19 the level to necessitate a full year. I would
20 ask for a short revocation, Your Honor.

21 **THE COURT:** All right. He is itching to
22 say something. Let me hear from him and then I
23 will come back to you.

24 Yes, sir.

25 **MR. TICE:** I would like to just -- I don't

1 know how the system works so I'm just going to
2 talk.

3 **THE COURT:** You don't know how the system
4 works?

5 **MR. TICE:** I mean how you are supposed to
6 talk in court. I don't know the titles and all
7 of that.

8 **THE COURT:** We are at the point in this
9 proceeding where you are facing up to one year
10 in prison and I have to decide whether to send
11 you to prison for one day, a week, whatever
12 time up to one year. That is where we are.
13 That's pretty simple. I need to hear what you
14 have to say.

15 **MR. TICE:** First of all, I need to tell
16 you why I'm on Facebook.

17 **THE COURT:** All right.

18 **MR. TICE:** Okay. My family, my family is
19 the biggest reason. Throughout my -- 1988, the
20 crime happened. I had children in between
21 that. I have three beautiful children. I have
22 had house fires and communications with my
23 family has stopped because I wasn't able to
24 take care of my kids. I am on Facebook to be
25 somewhere where my family can find me.

1 My brother just died. I would not have
2 known that if I was not on Facebook. Me and my
3 kids are starting to build a relationship
4 again. That can't happen if I am not there for
5 them. I am trying to be somewhere where my
6 family can find me. According to some of the
7 readings that I have done, you know, to take
8 away Facebook, there has to be other outlets to
9 use.

10 I was told I could go on Skype from
11 Probation which is also a social media. My
12 family won't talk to me on Skype. They won't
13 give me their phone numbers. There is no
14 communication if I am not in a place where they
15 can find me. All of my support system is gone.
16 I don't think I did anything wrong.

17 **THE COURT:** You acknowledge that you could
18 not be on social media. This form that you
19 signed here --

20 **MR. TICE:** Yes, sir.

21 **THE COURT:** Computer Internet Use
22 Agreement for Sex Offenders. First, you don't
23 think you are a sex offender, or do you?

24 **MR. TICE:** I -- let me say how I believe.
25 I committed a sex offense. Am I a sex

1 offender? Sex offense is past tense. Sex
2 offender is pretense. Today, am I a sex
3 offender?

4 **THE COURT:** Yeah.

5 **MR. TICE:** No. Am I guilty of a sex
6 crime?

7 **THE COURT:** Yeah.

8 **MR. TICE:** Yes.

9 **THE COURT:** So when you signed this paper,
10 you didn't think it really applied to you
11 because you are not a sex offender and the
12 paper says Internet use agreement --

13 **MR. TICE:** I didn't know what I was
14 signing away, sir. I did not realize I was
15 signing away my communication with family.

16 **THE COURT:** You didn't have to sign it.
17 But if you didn't sign it, you would have
18 stayed in the institution. It is not as if
19 they're going to negotiate with you.

20 **MR. TICE:** When I went to Judge Cooper,
21 the State came to me and asked me to take a
22 plea bargain so that I wouldn't take this to a
23 further court. There was no hard fact evidence
24 except her word that convicted me. I was a man
25 and I took the plea bargain. The plea bargain

1 was 20 years suspended to five years probation.
2 There was no stipulation within the court
3 saying I can't use social media -- I was
4 supposed to have -- that I was supposed to have
5 this. That was never stipulated.

6 **THE COURT:** There are many collateral
7 consequences of being convicted in court. You
8 don't get a chance to understand every one of
9 them when you stand there and plead guilty or
10 when you get found guilty. But we can't go
11 through all of that here today. Suffice it to
12 say that you, you stood up like a man, you
13 said, and pled guilty. And as a man, you
14 signed this paper that says I will not use the
15 Internet to access social networking websites.
16 Now you are saying you don't know what you
17 signed. That is tough.

18 Number one, if you didn't sign it, you
19 would not have gotten out of the institution.
20 Number two, whether you signed it or not, it is
21 still a condition that you are obligated to
22 follow. You are guilty of violating the
23 community supervision program that you are on.
24 You are an inmate. You're not a free man like
25 Mr. Shipman there. You are an inmate doing

1 time standing right there without any chains on
2 you. You are still an inmate as long as you
3 are on this community supervision program and
4 you will be until you exhaust that 6000
5 something days that he said you got to go.

6 **MR. TICE:** Okay. I would also like to
7 make a statement about community supervision.
8 I have an appeal in court for my last violation
9 which led me to where I am at right now. The
10 revocation was on failure to pay monies. I
11 have mental illnesses that are treated.

12 **THE COURT:** It is rare that anyone goes to
13 jail if they are poor and don't have the money.
14 It is rare that anyone gets violated if they
15 don't have the money with no possibility or no
16 -- they can't afford it and they're making an
17 effort, they would never get violated for that.
18 It is rare. If you have that situation, maybe
19 you will win that appeal. Let's not deal with
20 that appeal here. Let's deal with this
21 situation.

22 **MR. TICE:** The thing is that I would not
23 be on community supervision right now in front
24 of you if I wasn't violated the first time for
25 failure to pay. I have the transcript here

1 from that court. I also have an appeal in the
2 court. It would be unfair to say that I should
3 be on community supervision at this time --

4 **THE COURT:** Mr. Shipman is a vigorous
5 advocate. Maybe he is interested in seeing
6 those papers. I have to decide your sentence
7 here today.

8 **MR. TICE:** Sir, I am asking you to please
9 be lenient with me. I had no intention of
10 hurting nobody. My intention was trying to
11 keep my family together. If that is so wrong
12 -- I mean, that was my whole intention. Yes, I
13 violated --

14 **THE COURT:** Why did you try to deceive
15 them and then go -- you went under Mike Fox or
16 someone Fox --

17 **MR. TICE:** Under David Fox which is an
18 alias that is on my record already.

19 **THE COURT:** You are sometimes David Fox?
20 That is you?

21 **MR. TICE:** Yes.

22 **THE COURT:** You are David Fox?

23 **MR. TICE:** Yes. I took that name a long,
24 long time ago.

25 **THE COURT:** Joseph Charles Tice and you

1 are also David Fox?

2 **MR. TICE:** My alias is David Fox, yes,
3 sir.

4 **THE COURT:** All right. Well, your cover
5 has been blown now. Everyone knows that David
6 Fox is really --

7 **MR. TICE:** Joseph Tice.

8 **THE COURT:** Tice. All right.

9 **MR. TICE:** I do like to say -- I would
10 like to say that I am not the beast that --

11 **THE COURT:** What are you doing these days?
12 Nobody thinks that you are a beast. What are
13 you doing these days?

14 **MR. TICE:** I sit in my room most of the
15 time. Right now, I have a typewriter in front
16 of me writing up everything from ACLU laws,
17 advocates, I am trying to advocate for sex
18 offenders.

19 **THE COURT:** All right. You are spending
20 your full time working law related missions
21 dealing with people who are classified as
22 sexual offenders who are not really sex
23 offenders who are sometime miscalled
24 pedophiles?

25 **MR. TICE:** I am trying to set up a mission

1 where there is a support system for sex
2 offenders for somebody who can speak for us.

3 **THE COURT:** And that is a good thing, but
4 you can't do that under Facebook if he says you
5 can't have it.

6 **MR. TICE:** That is where our argument lies
7 within the First and Fourth Amendment. It says
8 that the government can't, the government can't
9 abridge --

10 **MR. SHIPMAN:** We've argued that under our
11 first argument.

12 **MR. TICE:** You said that already?

13 **MR. SHIPMAN:** Yeah, we have covered that.

14 **MR. TICE:** All right.

15 **THE COURT:** He's got it in all of these
16 papers he gave me too.

17 **MR. SHIPMAN:** Your Honor, if I may speak
18 on his behalf for a moment.

19 **MR. TICE:** Please let him speak for me.

20 **THE COURT:** All right. Sure.

21 **MR. SHIPMAN:** He is 50 years old and
22 disabled. He has lost his contact with most of
23 his -- all of his family. I believe he, as he
24 said, he is worried about this idea of people
25 having him of being a beast. I certainly don't

1 think he is a beast.

2 **THE COURT:** He seems like a nice guy.

3 **MR. TICE:** Thank you, sir.

4 **THE COURT:** Yes, sir.

5 **MR. SHIPMAN:** Your Honor, as he said, he
6 is on community supervision because he was
7 violated for -- the substance of his violation
8 is he did not have money coming in and he could
9 not pay for counseling.

10 **THE COURT:** He has got to get some
11 punishment. He has got to be punished for
12 willfully violating the terms and conditions of
13 this community supervision.

14 **MR. SHIPMAN:** I understand, Your Honor.

15 **THE COURT:** The question is how much.

16 **MR. SHIPMAN:** I would ask for 90 days. He
17 can do it in the county and come back and his
18 two-year clock will start all over again on
19 community supervision.

20 **THE COURT:** All right. That sounds pretty
21 reasonable. He can be there, do meditation and
22 it will go in a breeze. So I'm going to revoke
23 90 days and reinstate him and give him one more
24 opportunity to understand that he has no rights
25 to social networking and et cetera.

1 **MR. BUCHANAN:** Your Honor, the ruling on
2 Jesse's law?

3 **THE COURT:** Jesse's law? What is that all
4 about?

5 **MR. BUCHANAN:** Basically if you find that
6 his violations were willful, you can determine
7 whether or not he has to wear the monitor for
8 the remainder of his life.

9 **THE COURT:** Oh, goodness.

10 **MR. SHIPMAN:** Your Honor, I would say that
11 is premature. He has not been found a sexually
12 violent predator. There has been no findings
13 that he has had any other crimes with children
14 or that he would be a lifetime threat to
15 children.

16 **THE COURT:** I'm going to defer ruling on
17 that until his next encounter with the system.
18 Maybe there will be more details in those
19 emails that may be more information for a judge
20 to go on. I am referring any ruling on any of
21 that.

22 **MR. SHIPMAN:** Thank you, Your Honor.

23 **THE COURT:** All right.

24 **MR. TICE:** Am I allowed to take my legal
25 work with me?

1
2
3
4
5
6
7
8
9
10
11
12
13

THE COURT: Yeah, please let him have his legal work in the jail.

MR. TICE: All right. At this moment, I am taking the Fifth Amendment. I am not speaking to nobody or signing no more papers.

THE COURT: Sounds good to me.

MR. BUCHANAN: Thank you, Your Honor.

END OF PROCEEDING

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
STATE OF SOUTH CAROLINA
-VS-

RICHLAND COUNTY
FILED

IN THE COURT OF GENERAL SESSIONS
CASE NO. 11-GS-40-2114

2011 NOV 14 PM 12:51

Original Warrant #: C-136649

DEFENDANT
JOSEPH TICE
SID# 01925878

JEANETTE W. McBRIDE
C.C.P. & G.S.

CONSENT ORDER IMPOSING ADDITIONAL
CONDITIONS OF PROBATION

Based on the admission and consent below, this Court finds that the above named defendant has violated one (1) or more of the conditions of Probation ORDERED on 8/11/11 in cause number 11-GS-40-2114 by:
FAILING TO HAVE A SUITABLE RESIDENCE.

You are hereby advised that you do not have to consent to this court imposing additional conditions of probation. You are further advised that you do not have to proceed without a hearing on the described violations or without the assistance of counsel. There are dangers and disadvantages to self representation. An attorney may better understand this Order and may be able to present defenses to the violations described above. By signing this Order without an attorney you are acknowledging these dangers but are knowingly and voluntarily choosing to proceed without counsel.

I, JOSEPH TICE, having been duly informed of my right to a hearing on the above alleged violations and my right to have an attorney present at such hearing, do hereby waive my right to appear before the Court and waive my right to counsel at such appearance. I admit I have violated the conditions of Probation as indicated above and I am knowingly and voluntarily consenting to the jurisdiction of the Court and agree to comply with all additional conditions as stated in this ORDER.

Sworn to and subscribed
before me this 9 day of NOV 2011

Joseph Tice
Defendant

11/4/11
Date

Signature of Notary Public
My Commission expires 1-29-2017

L. Williams
Probation Agent

11/4/11
Date

Therefore it is ORDERED that the defendant:

BE PLACE ON GPS MONITORING FOR A PERIOD OF AT LEAST 6 MONTHS TO BE ACCEPTED INTO HOUSING AT THE CAMBRIDGE HOUSE. MR. TICE WILL BE RELEASED WHEN A BED IS AVAILABLE.

I consent:

Defendant: Joseph Tice Date: 11/4/11

Probation Agent: L. Williams Date: 11/4/11

Supervisor: [Signature] Date: 11-4-11

IT IS SO ORDERED
This 11 day of November, 2011
Columbia, South Carolina

[Signature]
Judge, Fifth Judicial Circuit S. Newman

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Jeanette W. McBride
C.C.P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS
CASE NO. 11-GS-40-2115

-VS-)

Original Warrant #: C-136650

DEFENDANT)

CONSENT ORDER IMPOSING ADDITIONAL
CONDITIONS OF PROBATION

SID# JOSEPH TICE)

Based on the admission and consent below, this Court finds that the above named defendant has violated one (1) or more of the conditions of Probation ORDERED on 08/17/11 in cause number 11-GS-40-2115 by:
FAILED TO PAY SUPERVISION FEES BY IN ARREARS \$845.00 WITH AN UNPAID BALANCE OF \$4920.00.
FAILED TO PAY COURT FINES BY BEING IN ARREARS \$80.00 WITH AN UNPAID BALANCE OF \$133.90.
FAILED TO PAY GPS FEES BY BEING IN ARREARS \$1930.00 WITH AN UNPAID BALANCE OF \$9610.00.
FAILED TO PAY DNA BY OWING A BALANCE OF \$250.00

You are hereby advised that you do not have to consent to this court imposing additional conditions of probation. You are further advised that you do not have to proceed without a hearing on the described violations or without the assistance of counsel. There are dangers and disadvantages to self representation. An attorney may better understand this Order and may be able to present defenses to the violations described above. By signing this Order without an attorney you are acknowledging these dangers but are knowingly and voluntarily choosing to proceed without counsel.

I, JOESPH TICE, having been duly informed of my right to a hearing on the above alleged violations and my right to have an attorney present at such hearing, do hereby waive my right to appear before the Court and waive my right to counsel at such appearance. I admit I have violated the conditions of Probation as indicated above and I am knowingly and voluntarily consenting to the jurisdiction of the Court and agree to comply with all additional conditions as stated in this ORDER.

Sworn to and subscribed
before me this 12 day of DEC 2012
S. Van Dyke
Signature of Notary Public
My Commission expires 9-20-2021

Joseph Tice
Defendant
[Signature]
Probation Agent

12-12-12
Date
12/12/12
Date

Therefore it is ORDERED that the defendant:
EXEMPT GPS BALANCE and monitoring requirement
EXEMPT SUPERVISION FEE ARREARS.
CONVERT COURT FINES TO A CIVIL JUDGEMENT. ✓
TRANSFER CASE TO LEXINGTON COUNTY.

I consent:

Defendant: Joseph Tice Date: 12-12-12
Probation Agent: [Signature] Date: 12/12/12
Supervisor: S. Van Dyke Date: 12-12-12

IT IS SO ORDERED
This 22 day of JANUARY, 2013
Columbia, South Carolina

[Signature]
Judge, Fifth Judicial Circuit Benjamin

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Jessie W. M. B. Bude
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA
 County of Lexington
 STATE VS.
Joseph Tice
 AKA:
 Race: W Sex: M
 DOB:
 SSN:
 SID#:

45

IN THE COURT OF GENERAL SESSIONS

Indictment Number: 2011-GS-40-02114

Probation C/W#: W-32-13-0090

Name of Original Offense: CSC Criminal Code
 Original A/W#: C13121A9
 Date of Original Offense: 8-1-08-10-31-08
 Conviction S.C. Code §: 16-03-0655(B)(1)
 Conviction CDR Code #: 0,3,9,1,6
 Original Sentence: 20 hrs to 5 yrs.

ORDER Prob.

The above named defendant has been charged with violating the conditions of probation ordered on 8/11/11 in the Court of General Sessions of Richmond County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 1-8-13, as set forth in the attached warrant(s) or citation(s) dated 4-10-13. 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)

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 6 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 (arrears) Civil judgment: Department fees
 Fines and other fees 0 (balance) Fines and other fees
 Restitution (and 20%) (percentage/balance) Restitution (and 20%)

Additional Conditions ordered by the Court:
WAIVE ALL SUPERVISION FEES PAST + FUTURE
CONTINUE SEX COUNSELING CONCURRENT

- 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 0 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 24 day of MAY, 2013
LEXINGTON, SC

[Signature]
 Presiding Judge
11th 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 each condition 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 _____

Witnessed by [Signature]

Signed this _____ day of _____, _____ at _____ City

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
[Signature]
 C.C.P.&G.S.
 RICHLAND COUNTY
 SOUTH CAROLINA SC

CITATION

Incident Number(s):
11-GS-40-02114, 11-GS-40-02115

No. C-40-14-0459

SOUTH CAROLINA V. JOSEPH CHARLES TICE	County RICHLAND	
	SCDC #	SID #
	Citation for Violation of <input type="checkbox"/> Parole <input type="checkbox"/> Emergency Powers Act Release <input type="checkbox"/> Supervised Re-entry Program <input checked="" type="checkbox"/> Community Supervision <input type="checkbox"/> Supervised Furlough	

TO: JOSEPH CHARLES TICE

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

Place	Room
	Date and Time

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

Violations Charged
Joseph Tice violated conditions 9 and 10 of his Community Supervision Release and condition 1 of the Computer /Internet Use Agreement for Sex Offenders as ordered and agreed to on 8/30/13.

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

List of Rights:
You have the right at the preliminary 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 at the hearing at your expense. An attorney may be appointed to represent you in extraordinary circumstances. 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.

COLUMBIA, South Carolina	Probation and Parole Agent	Agent #
Date 7/7/2014	Bruce C Garrick	0311

PROOF OF SERVICE

Date Served: 7/7/14	Place: Richland PPP
Served On: (Print Name) Joseph Tice	
Served By: (Print Name) Hunter Shaw	Title: Agent

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct

Executed on: 7/7/14	Signature of Server
Address of Server	City: Columbia State: SC Zip: 29201

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
JENNIFER WILSON
C.C.P. 303
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of RICHLAND

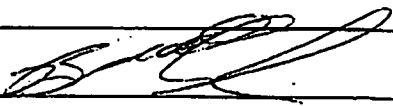
Personally appeared before me, Bruce C Garrick, who first being duly sworn, deposes and says that JOSEPH CHARLES TICE did within this county and State on the 7 day of July, 2014, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

Joseph Tice violated conditions 9 and 10 of his Community Supervision Release and condition 1 of the Computer /Internet Use Agreement for Sex Offenders as ordered and agreed to on 8/30/13.

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:

Joseph Tice has failed to follow the advice and instructions of his supervising Agent in that he: failed to refrain from using social media as evidenced by search of his computer resulting in agent finding Mr. Tice to have a Facebook account in the name of "David Fox"; failed to pay intensive supervision fees being in arrears \$500.00 with a balance of \$3,000.00; failing to pay Drug Test fee having an arrearage and balance of \$20.00. These violations are contrary to the conditions Mr. Tice agreed to on 8/30/13.



Affiant

Sworn to and subscribed before me this
7 day of July, 2014



Signature of Notary Public

1-27-2017

My Commission Expires

Created by the South Carolina Department of Probation, Parole and Pardon Services

State of South Carolina

County of Richland

IN THE COURT OF GENERAL SESSIONS

No. 11 -GS- 40 02114 / 1
Count

C-136649

Community Supervision

REVOCATION ORDER

C-40-14-0459

State

-VS-

Defendant Joseph Tice

SIR# SCDC# or DOE

This matter was brought before me on the 5 day of SEPT, 2014, pursuant to a ~~warrant~~/citation (strike one) charging the Defendant with violating the Defendant's Community Supervision Program and asking the Court to revoke the Defendant's community supervision. I find:

1. The terms of the Community Supervision Program are fair and reasonable;
2. The Defendant has not complied with all terms of the Community Supervision Program;
3. The Defendant has willfully violated terms of the Community Supervision Program;
4. The Defendant should not be continued in the Community Supervision Program under its current terms or under other terms and conditions.

RECEIVED
 SEP 17 2014
 14:08
 SC Court of Appeals
 PH: 19
 DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES

90 IT IS ORDERED that the Defendant be in the custody of the South Carolina Department of Corrections for a term of 90 days — months — year (total may not exceed one (1) year).

NO DISCRETIONARY GPS PER JESSIE'S LAW AT THIS TIME

This: 5 day of SEPT, 2014
COLUMBIA, SC

[Signature]
 Presiding Judge S/ Newman
 5TH Judicial Circuit

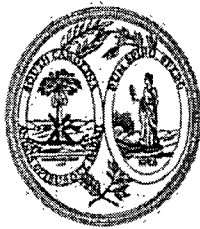
CERTIFIED TRUE COPY OF ORIGINAL FILED

I have received a copy of this order.

Offender's Signature <u>[Signature]</u>	Offender's Date <u> </u>
--	--

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

NIKKI R. HALEY
Governor



JERRY B. ADGER
Director

2221 DEVINE STREET, SUITE 600
POST OFFICE BOX 50666
COLUMBIA, SOUTH CAROLINA 29250
Telephone: (803) 734-9220
Facsimile: (803) 734-9440
www.state.sc.us/ppp

March 9, 2015

Wanda Carter, Deputy Chief Appellate Defender
SC Commission on Indigent Defense
PO Box 11589
Columbia, South Carolina 29211-1589

RE: State v. Joseph Tice

Dear Ms. Carter:

Please find enclosed copies of the matter we designated for inclusion in the Record on Appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew C. Buchanan".

Matthew C. Buchanan
General Counsel

MCB:dkn

cc: The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals



COMMUNITY SUPERVISION PROGRAM CERTIFICATE

Know all men by these presents:

It having been made to appear to the satisfaction of the SOUTH CAROLINA DEPARTMENT OF PROBATION PAROLE AND PARDON SERVICES that the offender mentioned below who was convicted of the offense(s) indicated below on said date(s) and in said County(ies) meets the requirements for Community Supervision Program as provided for in 524-21-560 of the South Carolina Code of Laws 1976, as amended.

It is therefore ORDERED that the said prisoner enter the Community Supervision Program at the end of his or her active sentence under supervision subject to the specific conditions listed below until the expiration of this Community Supervision Program as indicated below.

This release shall not prevent the delivery of the prisoner to authorities of the Federal Government or any state otherwise entitled to his or her custody.

In witness whereof, this Certificate bearing the approval of the South Carolina Department of Probation, Parole and Pardon Services is issued on the date below.

By Order of: South Carolina Department of Probation, Parole and Pardon Services

By: Katherine G. Moore, Coordinator, Community Release and Programs

Offender/Prisoner's Name: TICE, JOSEPH
Supervision Beginning Date: August 30, 2013
State Identification # (SID): 01925878
SC Dept. of Corrections # (SCDC): 00355542
Supervision Ending Date: August 29, 2015

Table with columns: Offense(s), CDR, Indictment #(s), Conviction Date(s), County of Conviction(s), Incarceration Termination Date, Restitution Ordered (\$), Probation to Follow. Row 1: Criminal sexual conduct with minor or Attempt - victim 11 to 14 yrs of age inclusive - Second deg. (SR unless...)

CONDITIONS OF SUPERVISION

Additional Offenses or Notes Page 2

Violation of any of these conditions may result in the immediate revocation of supervision.

- 1. I shall report in person to the South Carolina Department of Probation, Parole and Pardon Services' office on the day of my release or not later than 8:30 AM on the next business day...
2. I shall not change my residence or employment without the consent of my Agent.
3. I shall not use controlled substances, except when properly prescribed by a licensed physician...
4. I shall not possess or purchase any firearms, knives, or dangerous weapons...
5. I shall work diligently at a lawful occupation.
6. I shall not violate any Federal, State, or local laws...
7. I shall pay a supervision fee as determined by the Department.
8. I shall not leave the State without permission from my Agent.
9. I shall obey all conditions of supervision set forth in this order including the payment of fines, restitution, or other payments...
10. I shall follow the advice and instructions of my Agent...
11. Unless I was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year...

ADDITIONAL CONDITIONS:

- 26 Must have no contact with the Victim and/or Victim's family for duration of supervision.
07 GPS Monitoring Not Less than 6 Months. If I am unable to report on the day of release I understand that I will be confined to my home until I report to SCOPPPS at 8:30 AM the next business day.

23 Residence Plan Rejected.

I hereby certify that the conditions listed above have been read and explained fully to me and in agreement thereto, I attach my signature.

Offender Signature: Joseph A. Tice
Address: 100 Pleasant Lane, WEST COLUMBIA, SC, LEWINGTON, USA
2510 Laurel Str Columbia, SC 29104

8-30-13 Date
Phone: (803) 586-1941

I hereby certify that this Statement of Conditions has been read and explained to the offender and he/she has agreed to them.
Witness Signature: [Signature]

8/30/13 Date



South Carolina Department of Probation, Parole and Pardon Services
COMMUNITY SUPERVISION PROGRAM CERTIFICATE

Page 2

Offender/Prisoner's Name: TICE, JOSEPH
 Supervision Beginning Date: August 30, 2013
 State Identification # (SID): 01925878
 SC Dept. of Corrections # (SCDC): 00355542
 Supervision Ending Date: August 29, 2015

Offense(s)	CDR	Indictment #(s)	Conviction Date(s)	County of Conviction(s)	Incarceration Termination Date	Restitution Ordered (\$)	Probation to Follow
------------	-----	-----------------	--------------------	-------------------------	--------------------------------	--------------------------	---------------------

ADDITIONAL CONDITIONS:

31 Attend Sex Offender Counseling.

ADDITIONAL CONVICTIONS:

Convictions Concurrent to: 11GS4002114

Concurrent Conviction Indictment Number: 11GS4002115

Concurrent Conviction Offense Description: Criminal sexual conduct with minor or Attempt - victim 11 to 14 yrs of age inclusive - Second deg. (SR, unless ordered not by judge)

Computer/Internet Use Agreement for Sex Offender

Offender: Joseph Tice Supervising Agent/Designee: Agent C. Fordham

By signing below, the above named offender understands and agrees as follows: computer or other access to the internet may pose significant risk of triggering re-offense; access to the internet is a privilege not a right; and access to the internet may be prohibited by the Supervising Agent/Designee at any time. The offender specifically agrees to be fully compliant with the following conditions if allowed access to the internet.

1. If the victim of my offense was under the age of eighteen at the time of the offense, or I reasonably believed the victim was under the age of eighteen at the time of the offense, I will not: (1) use the internet to access social networking websites, (2) communicate with other persons or groups for the purpose of promoting sexual relations with persons under the age of eighteen, or (3) if I am over the age of eighteen, communicate with a person under the age of eighteen. See S.C. Code Section 23-3-555(D).
2. I will provide all personal/business phone records and credit card bills to the Supervising Agent/Designee upon request.
3. I will obtain prior written approval from the Supervising Agent/Designee before using an electronic bulletin board system, internet relay chat channel, DCC chat channel, newsgroup, usergroup, or any site-based email which provides some measure of anonymity (such as Hotmail or Gmail).
4. I will not use the computer for any purpose which might further sexual activity. Such activities include but are not limited to the following: possession of sexually explicit material in any manner; sexually related "chat" or email exchange; visiting or joining "chat rooms" which contain sexually explicit conversation; visiting/viewing sexually explicit material on web sites; downloading binary files; UUE files, MIME files, AVI files, MPG files, Real Player files, images in any format, text files, or multi-media material that is sexual in nature; or visiting and/or subscribing to usergroups or newsgroups which focus on sexual content.
5. I will not use any form of encryption, cryptography stenography, compression, password protected files and/or other method that might limit access to, or change the appearance of, data and/or images without prior written approval from the Supervising Agent/Designee.
6. I will not alter or destroy records of computer use, and will not use software designed to alter, clean or "wipe" computer media.
7. I agree that if, for work purposes, password protection is required on any system or files I use, I will provide the password upon request of the Supervising Agent/Designee. Login: _____ Password: _____
8. I will permit the announced or unannounced examination or search by the Supervising Agent/Designee of any computer, cell phone, and/or electronic devices to which I have access to verify my compliance with these special conditions of supervision. This includes examination of all data and/or images stored on hard disks, "Zip Disks", floppy diskettes, CD ROMs, optical disks, magnetic tape and/or any other storage media whether installed within a device or removable and separate from the actual computer or other electronic device: I understand and agree that any computer, cell phone, related equipment, and/or storage device are subject to seizure by the Supervising Agent/Designee.
9. I will provide the Supervising Agent/Designee with a list of all equipment used with my computer, including back-up systems. I will keep this list current.
10. I agree to install or allow to be installed at my expense, equipment and/or software to monitor or limit computer use, or remove any hardware device including modem, network card, and/or other device that may be used to provide access to another computer or computers.
11. I agree to be fully responsible for all material and information found on my computer at all times.

I have read, or had read to me, this Computer/Internet Use Agreement for Sex Offenders and understand its meaning. I have received a copy of this advisement, and understand that if I violate any condition restricting my computer or internet use, I may be brought before the Court, Parole Board or releasing authority for revocation of my supervision and reinstatement of my sentence.

Offender's Signature: Joseph Tice Date: 8-30-13 Supervising Agent's Signature: Alley Deuther Date: 8/31/13

Offender Name (printed): Joseph Tice Agent Name (printed): Monique Glover

South Carolina Department of Probation, Parole and Pardon Services
Standard Sex Offender Conditions

1. I will register as a sex offender as required by the Code of Laws of South Carolina and as described in the Department's *Notice of Sex Offender Registry*.
2. I will attend, actively participate in, not give cause to be terminated from, and successfully complete any counseling/treatment program, to which I am referred, by my agent, which may include polygraph or other treatment related testing, all at my own expense. I waive all rights to confidentiality between myself and my treatment provider, and authorize my treatment provider to disclose to my agent, the Court, the Parole Board, the releasing authority, and/or the hearing officer, information about my attendance and participation in the program. (Must complete Referral Form 1054).
3. I will not have any contact with the victim(s) of my crime, directly or indirectly. This includes but is not limited to physical or face to face contact, contact through letters or written notes, telephone calls, or electronic mail (e-mail), or any contact through a third party, unless such contact is approved in writing by the Court, the Parole Board, or the releasing authority, or the hearing officer. I also will not enter into, travel past, or loiter near a victim's residence or workplace.
4. I will not have any contact with a person under the age of 18, with the exception of my immediate family members and then may only have such contact if approved in advance under conditions set by my treatment provider and my agent. If I have incidental contact with any child, I will be civil and courteous and immediately remove myself from the situation. I will discuss the contact at my next treatment session and will immediately report this contact to my agent.
5. I will not enter into, loiter or work within one thousand (1,000) feet of any area or event frequented by people under the age of 18 including but not limited to: schools, day care centers, playgrounds, arcades, public swimming pools or beaches, shopping malls, theaters, or and festivals, unless approved in advance by my agent.
6. I will not purchase, possess, or use any sexually stimulating or sexually explicit material or device, nor enter into, loiter or work within one thousand (1,000) feet of any place where such material or device is sold or presented as entertainment. This includes but is not limited to adult book stores, sexually explicit internet sites, television services, or telephone services, sex shops, topless bars, strip clubs, and massage parlors.
7. I will permit my agent or a representative of the Department, without a warrant and with or without the assistance of any other law enforcement officer, to search my person, residence, any vehicle I own or have permission to use, and any of my possessions, including computers, cellular telephones, and other electronic devices, for the presence of sexually stimulating or sexually explicit materials or devices prohibited by these conditions, and to seize said materials. Such materials seized shall be considered property of the court, Parole Board, or releasing authority, and shall be safely kept by the Department or other law enforcement agency until any violations concerning the seized materials have been addressed.
8. I will abide by all curfews as directed by my agent. (5pm/7pm/ GPS).
9. I will at all times maintain a suitable residence, approved by my agent, which complies with all conditions of my supervision, which may not be within one thousand (1000) feet of any area frequented by people under the age of 18, including but not limited to schools, day care centers, playgrounds, arcades, public swimming pools or beaches, shopping malls, or theaters. I will obtain approval from my agent of my residence and employment and shall obtain prior approval from my agent before changing my residence or employment. I will stay at my approved residence every night and will not sleep or stay overnight anywhere else without prior approval of my agent.
10. I will not consume alcoholic beverages and will submit to alcohol testing as instructed by my agent or treatment provider. I agree that any test results may be used as evidence in any hearing for the violation of the conditions of my supervision and I waive any right to challenge the validity of such results.
11. I will comply with the Department's requirements for any electronic monitoring program/ gps which I am ordered to participate in by the Court, the Parole Board, the releasing authority, the hearing officer, or my agent, or as required by statute, all at my own expense.

I have read, or had read to me, the above conditions and I understand their meaning. I have received a copy of these conditions. I accept and agree to these conditions and understand that any violation could result in the Court, Parole Board, or releasing authority revoking my supervision and reinstating my sentence or returning me to prison. If I refuse to accept these conditions, I must immediately ask my agent to bring my case before the Court, Parole Board, or releasing authority where I will request that my term of supervision be revoked and my sentence be reinstated or that I be returned to prison. I understand that, if I have objections to any of the above conditions but fail to timely take the actions described above, I will waive any right I may have to challenge these sex offender conditions at any future proceeding.

Joseph Tice 8/30/13
 Offender Signature Date

Monique Glover 9/30/13
 Agent Signature Date

Joseph Tice
 Offender Name (printed)

Monique Glover
 Agent Name (printed)

A60C

Created by the South Carolina Department of Probation, Parole and Pardon Services

IN THE COURT OF GENERAL SESSIONS

State of South Carolina

No. 11 -GS- 40 02114 / 1 Count

County of Richland

C-136649

State

Community Supervision

-VS-

REVOCATION ORDER

C-40-14-0459

Defendant Joseph Tice

SID# 01925878 SCDC# or DOB 7-6-64

This matter was brought before me on the 5 day of SEPT, 2014, pursuant to a ~~warrant~~/citation (strike one) charging the Defendant with violating the Defendant's Community Supervision Program and asking the Court to revoke the Defendant's community supervision. I find:

1. The terms of the Community Supervision Program are fair and reasonable;
2. The Defendant has not complied with all terms of the Community Supervision Program;
3. The Defendant has willfully violated terms of the Community Supervision Program;
4. The Defendant should not be continued in the Community Supervision Program under its current terms or under other terms and conditions.

JEANETTE M. BRIDGES
C.C.P. & G.S.
14 SEP - 5 PM 2:19

90 IT IS ORDERED that the Defendant be in the custody of the South Carolina Department of Corrections for a term of 90 days 0 months 0 year (total may not exceed one (1) year).

NO DISCRETIONARY GPS PER JESSIE'S LAW AT THIS TIME.

ENTERED OJS 9-23-14
BY [Signature]

[Signature]
S. J. NEWMAN

This 5 day of SEPT, 2014
Richland SC

Presiding Judge S. J. NEWMAN
S. J. N. Judicial Circuit

I have received a copy of this order.
Offender's Signature _____ Offender's Date _____

AGDC

STATE OF SOUTH CAROLINA
COUNTY OF Richland

IN THE COURT OF GENERAL SESSIONS

No. 11 GS-40-02115 /
C-136650 Count:

Community Supervision
REVOCATION ORDER

C-40-14-0459

STATE

-vs-

Joseph Tice

Defendant

01-925878

SID #

7-6-64

SCDC# of DOB

This matter was brought before me on the 5 day of SEPT, 2014, pursuant to a charging the Defendant with violating the Defendant's Community Supervision Program and asking the Court to revoke the Defendant's community supervision. I find:

1. The terms of the Community Supervision Program are fair and reasonable;
2. The Defendant has not complied with all terms of the Community Supervision Program;
3. The Defendant has willfully violated terms of the Community Supervision Program;
4. The Defendant should not be continued in the Community Supervision Program under its current terms or under other terms and conditions;

IT IS ORDERED that the Defendant be in the custody of the South Carolina Department of Corrections for a term of 90 days — months — year (total may not exceed one (1) year).

NO DISCRETIONARY GPS PER JESSIE'S LAW AT THIS TIME

14 SEP - 5 PM 2014
CAREY
C.C.P. & G.S.
RIDE

ENTERED OIS 9-23-14
BY SA

This 5 day of SEPT, 2014

[Signature]
Presiding Judge S. NEUMAN
5TH Judicial Circuit

COLUMBIA S. C.

This is to certify that I have received this order.

Offender's Signature _____ Witnessed by _____

Signed this _____ day of _____ at _____ SC

REV
3/1
CRC

WITNESSES

(S) DALE JONES - Richland County Sheriff

Capt. J.S. Smith

S. FAUST

ARREST WARRANT NUMBER

C-136649

ACTION OF GRAND JURY

TRUE BILL

Mena H. Gardner

Foreperson of Grand Jury

Date: MAY 11 2011

VERDICT

SOUTH CAROLINA
RICHLAND COUNTY
C.C.C.P.S.
J. J. [Signature]

CERTIFIED TRUE COPY
OF ORIGINAL FILED

Foreperson of Petition
Date:

56

DOCKET NO. 2011-GS-40-02114

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

MAY TERM 2011

92

THE STATE

vs.

JOSEPH CHARLES TICE

**Indictment for
CRIMINAL SEXUAL CONDUCT WITH
MINOR, 2ND DEGREE (AGE 11-14)**

SC Code: 16-03-0655(B)(1)

CDR Code: 0396

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

WITNESSES

(S) DALE JONES - Richland County Sheriff

Capt J.S. Smith

S. FAUST

ARREST WARRANT NUMBER

C136650

ACTION OF GRAND JURY

TRUE BILL

Mena H. Gardner

Foreperson of Grand Jury
Date:

MAY 11 2011

VERDICT

Foreperson of Petit Jury
Date:

RICHLAND COUNTY
SOUTH CAROLINA

CERTIFIED TRUE COPY
OF ORIGINAL FILED
C.C.C.P. & G.S.
SPECIAL AGENT
MAY 11 2011

DOCKET NO. 2011-GS-40-02115

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

MAY TERM 2011

92

THE STATE

vs.

JOSEPH CHARLES TICE

Indictment for
CRIMINAL SEXUAL CONDUCT WITH
MINOR, 2ND DEGREE (AGE 11-14)

SC Code: 16-03-0655(B)(1)

CDR Code: 0396

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
 COUNTY OF Richland)
 STATE VS.)
Joseph Tice)
 AKA: _____)
 Race: W Sex: M Age: 47)
 DOB: 08-20-70)
 Address: _____)
 City, State, Zip: _____)
 DL#: _____ -SID#: _____)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS4002115
 A/W#: C136650
 Date of Offense: 8/1/2008 - 10/31/2008
 S.C. Code §: 16-03-0655(B)(1)
 CDR Code #: 0396

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO: Criminal Sexual Conduct with a Minor Second Degree

CONVICTED OF or PLEADS

in violation of § 16-03-0655(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0396
 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.

ATTEST:
Margaret Tice Boon 70937 Joseph Tice [Signature]
 Boon, Margaret Tent SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 20 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 _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 5

month/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: 8-22-11
 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: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____

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 \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund

Set by SCDCPPS Defendant to be held in
CUSTODY UNTIL SUITABLE HOUSING IS
 Recipient: Approved by P.P.P.

*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	\$
§ 44-53-450(C) (Conditional Discharge)	\$350	\$
3% to County (if paid in installments)		\$
TOTAL		\$

Offer: [Signature]
No contact w/ victim
 Condition Discharge, § 44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition
 Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Jeanette McBride/
 Court Reporter: K. Anderson/ J. Holston
 SCCA/217 (06/2010)

Presiding Judge [Signature]
 Judge Code: 2126
 Sentence Date: 8-22-11

County of Lexington
STATE VS.

Indictment Number: 2011-GS-40-02114
Probation C/W #: W-32-13-0090

Joseph Tice
AKA: _____
Race: W Sex: M
DOB: _____
SSN: _____
SID#: _____

Name of Original Offense: CSC Criminal Justice
Original A/W #: C13121A9
Date of Original Offense: 8-1-03-10-31-03
Conviction S.C. Code §: 16-03-0655(B)(1)
Conviction CDR Code #: 0,3,9,1,6
Original Sentence: 20 yrs to 5 yrs.

ORDER PROB.

The above named defendant has been charged with violating the conditions of probation ordered on 8/1/11 in the Court of General Sessions of Richmond County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 1-8-13, as set forth in the attached warrant(s) or citation(s) dated 4-10-13. 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)

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 6 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:
WAIVE ALL SUPERVISION FEES PAST + FUTURE
CONTINUE SEX COUNSELING CONCURRENT

- 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 0 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 24 day of MAY, 2013
LEXINGTON, SC

[Signature]
Presiding Judge
11th 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 _____

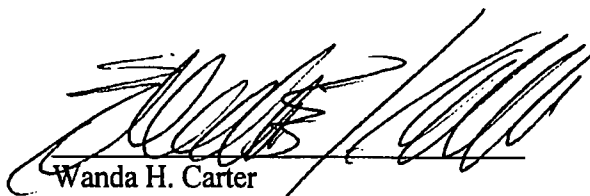
Witnessed by [Signature]
G.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA SC

Signed this _____ day of _____, _____ at _____ City

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 24, 2015



Wanda H. Carter
Deputy Chief Appellate Defender

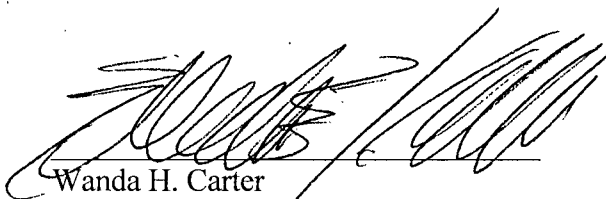
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

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."

June 24, 2015



Wanda H. Carter
Deputy Chief 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
JUN 24 2015
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Richland County

Clifton Newman, Circuit Court Judge

RECEIVED

JUN 24 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

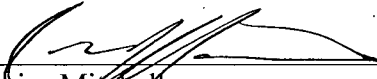
JOSEPH CHARLES TICE,

APPELLANT

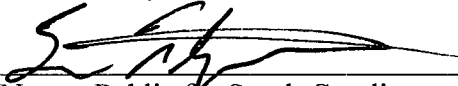
APPELLATE CASE NO. 2014-001957

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 South Carolina Department of Probation, Parole and Pardon Services, PO Box 50666, Columbia, SC 29250, this 24th day of June, 2015.


Cristie Mitchell
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 24th day of June, 2015.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: October 30, 2022.