

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM FLORENCE COUNTY

Deadra L. Jefferson, Circuit Court Judge

 ORIGINAL

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JENNIFER LORENE HATFIELD GRIFFIN,

APPELLANT

APPELLATE CASE NO. 2014-002042

RECORD ON APPEAL

ROBERT M. DUDEK
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

Attorney for Respondent

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| |) | TWELFTH JUDICIAL CIRCUIT |
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| |) | CASE NO. 2014-GS-21-01173 |
| |) | CASE NO. 2011-GS-10-05359 |
| |) | CASE NO. 2011-GS-10-05360 |
| |) | CASE NO. 2013-GS-21-1260 |
| |) | CASE NO. 2014-GS-21-903 |
| |) | |
| STATE OF SOUTH CAROLINA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| -vs- |) | TRANSCRIPT OF RECORD |
| |) | |
| JENNIFER HATFIELD GRIFFIN, |) | |
| AKA JENNIFER SHAW, |) | |
| |) | |
| Defendant. |) | |
| |) | |

September 11, 2014
 Florence, South Carolina

B E F O R E:

THE HONORABLE DEADRA L. JEFFERSON, Judge

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

CATHERINE WYSE, Esquire
 Attorney for the Plaintiff

SCOTT FLOYD, Esquire
 Attorney for the Defendant

KRYSTAL J. SMITH
 Court Reporter

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DESCRIPTION

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(No Exhibits Presented)

1 SEPTEMBER 11, 2014

2 (WHEREAS this matter was scheduled for a term of General
3 Sessions court, the defendant appeared along with her
4 counsel of record. The hearing began at 3:05 p.m.)

5 THE COURT: Jennifer Shaw. AKA Jennifer Shaw. Any
6 recommendations or negotiations?

7 MS. WYSE: Yes, Your Honor. I told Mr. Floyd and Ms.
8 Shaw that I would go along with whatever probation was
9 recommending, whatever time she was looking at for her
10 probation violation. And the probation agent just informed me
11 that that's four years and 335 days.

12 THE COURT: Four years and how much?

13 MS. WYSE: And 335 days.

14 THE COURT: Left on the sentence?

15 MS. WYSE: Yes.

16 PROBATION: Yes, ma'am.

17 MS. WYSE: I think -- Judge, may we approach just a
18 minute?

19 THE COURT: Sure.

20 (Whereupon, a bench conference is held as follows.)

21 MS. WYSE: I want to make sure that I handed this up to
22 you.

23 THE COURT: Yeah. I have it.

24 MS. WYSE: Okay.

25 THE COURT: I read it.

1 (Whereupon, the bench conference ends.)

2 THE COURT: Ms. Shaw is also on probation in Cases 2011-
3 GS-10-5359 and 5360, financial transaction card theft,
4 financial transaction card fraud, out of Charleston by Judge
5 Harrington, 8/8 of '12. Five years suspended to two years
6 with PTUP and restitution, and one year suspended to two
7 years' probation respectively.

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

9 THE COURT: Does she have any record?

10 MS. WYSE: Yes, Your Honor, she does. Back in 1997, she
11 was arrested for shoplifting, convicted. Petit larceny in
12 1998, driving under suspension in 1999, shoplifting again in
13 2002, false information in 2003, obtaining prescription drugs
14 by fraud, first offense, 2004. Let's see. Obtaining prep of
15 drugs by fraud, first again. She had a probation violation
16 for that in -- October 1st of 2004. Petit larceny in 2008,
17 malicious injury to personal property in 2009, burglary third
18 degree 2009, perjury in 2009, possession of meth or cocaine
19 base in 2009, DUI in 2009, driving under suspension in 2009,
20 giving false information in 2009, petit larceny in 2011,
21 entering premises after warning in 2011, unlawful use or fraud
22 -- fraudulent application for a license in 2012, and that's
23 the conclusion of her record, Your Honor.

24 THE COURT: All right. Mr. Floyd, you represent Ms.
25 Shaw?

1 MR. FLOYD: I do, Your Honor.

2 THE COURT: Have you explained to her the charges
3 contained in the indictments, the possible punishment, and her
4 constitutional rights?

5 MR. FLOYD: Yes, Your Honor.

6 THE COURT: Do you believe she understands the charge,
7 the punishment, and her rights?

8 MR. FLOYD: Yes, Your Honor.

9 THE COURT: Does she wish to plead guilty or not guilty?

10 MR. FLOYD: Guilty, Your Honor.

11 THE COURT: Do you agree with that decision?

12 MR. FLOYD: I do.

13 THE COURT: To your knowledge, has she ever had to be
14 evaluated to determine her competency?

15 MR. FLOYD: No, Your Honor.

16 THE COURT: Now, have you explained to her her right to
17 have Indictment 2014-1173 presented to the grand jury?

18 MR. FLOYD: Yes, Your Honor.

19 THE COURT: Does she wish to give up that right?

20 MR. FLOYD: She does.

21 THE COURT: Ma'am, raise your right hand to be sworn.

22 (Whereupon, the defendant complies.)

23 THE COURT: Do you swear or affirm the testimony you give
24 will be the truth?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: You can put your right hand down. State your
2 full name for the record.

3 THE DEFENDANT: Jennifer Hatfield Griffin. I recently
4 married. Jennifer Charles Shaw.

5 THE COURT: How old are you?

6 THE DEFENDANT: Thirty-six.

7 THE COURT: How far have you gone in school?

8 THE DEFENDANT: A Master's in college.

9 THE COURT: You said a Master's?

10 THE DEFENDANT: Yes.

11 THE COURT: In what subject?

12 THE DEFENDANT: Human psychology.

13 THE COURT: What do you do for a living?

14 THE DEFENDANT: Nothing right now.

15 THE COURT: What was your last job?

16 THE DEFENDANT: I was working at San Jose. I was working
17 at Terranise [phonetic] as a contractor and administrative
18 associate.

19 THE COURT: Are you married?

20 THE DEFENDANT: I am now, yes.

21 THE COURT: Do you have any children?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: What are their ages?

24 THE DEFENDANT: Three, ten -- ages are ten, two, and
25 seven months.

1 THE COURT: Are you currently on probation or parole?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Do you understand that as a result of this
4 plea your probation could be revoked?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Have you ever been treated for the abuse of
7 alcohol, drugs or mental illness?

8 THE DEFENDANT: Yes.

9 THE COURT: What were you treated for and when?

10 THE DEFENDANT: I was ongoing substance abuse counseling
11 on probation.

12 THE COURT: Say that for me one more time?

13 THE DEFENDANT: Ongoing substance abuse counseling on
14 probation.

15 THE COURT: Okay.

16 THE DEFENDANT: Is that what you're referring to?

17 THE COURT: Yes, ma'am. Well, in general, have you ever
18 been treated for the abuse of alcohol, drugs or mental
19 illness?

20 THE DEFENDANT: That's it. That's the only time.

21 THE COURT: Okay. And what program were you going --
22 were you in?

23 THE DEFENDANT: I was in Circle Park.

24 THE COURT: Did you complete that program?

25 THE DEFENDANT: I was undergoing completion.

1 THE COURT: Have you had any drugs or alcohol or
2 medication in the last 72 hours?

3 THE DEFENDANT: No, ma'am.

4 THE COURT: Are you aware of any physical, emotional or
5 nervous problem that would keep you from understanding where
6 you are right now or what you are doing?

7 THE DEFENDANT: No, ma'am.

8 THE COURT: On two counts of property crime enhancement,
9 how do you plead?

10 THE DEFENDANT: Guilty, ma'am.

11 THE COURT: Do you understand that each carries a maximum
12 penalty of ten years?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: On grand larceny, how do you plead?

15 THE DEFENDANT: Guilty.

16 THE COURT: Do you understand that that carries a maximum
17 of five years or a fine in the discretion of the Court?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: Has your lawyer explained to you your right
20 to have your indictment presented to the grand jury?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Do you wish to give up that right?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: I want you to listen carefully to the facts.
25 You may proceed.

1 MS. WYSE: Thank you, Your Honor.

2 THE COURT: You're welcome.

3 MS. WYSE: May it please the Court.

4 THE COURT: Yes, ma'am.

5 MS. WYSE: As it regards Indictment Number 13-GS-21-1260,
6 grand larceny, the defendant stole a gold necklace, a gold
7 ring, and a solid gold Liberty coin pendant from the victim,
8 Ms. Mary Lou Yaken. She stole it from her home. She was
9 inside the residence with a plumber and she was -- she was
10 supposedly helping the plumber do work. She -- after she and
11 the plumber left the house, the victim noticed that the items
12 were missing. She did file a police report. She gave the --
13 she said that the jewelry was worth about \$450.

14 As it regards to Indictment Number 2014-GS-21-903,
15 shoplifting, Your Honor, she went to Belk here in the city of
16 Florence and she took a purse and some shoes and then she went
17 to customer service. She returned the items and received a
18 gift card for return of those items. They did at that point
19 in time catch her and apprehend her and called the police.

20 On -- as to the last indictment, Number 2014-GS-21-1173,
21 on July 22nd, 2014, she went to Kmart and she took two sheet
22 sets and one toilet seat and presented it to the service desk
23 for a refund in the amount of 119.85. They also tried to give
24 her a -- or they gave her a store credit. They also caught
25 her on video.

1 Your Honor, there is a letter from the victim on the
2 first case, the grand larceny case. I'm not sure if I gave
3 this to Mr. Floyd or not to let him read it.

4 I did contact Belk and I contacted Kmart. They -- they
5 did not wish to be present for this plea. They did ask that
6 the defendant not frequent their stores again.

7 And as far as informing Ms. Mary Lou Yaken, she's
8 appeared in court before, Your Honor, when Ms. Griffin has
9 come up and she finally told us that she didn't want to be
10 contacted anymore. She -- but we do have the letter that I'm
11 letting Mr. Floyd read right now, and as long as he doesn't
12 mind, I'd like to hand it up to the judge.

13 THE COURT: Was there any restitution that anybody is
14 seeking?

15 MS. WYSE: Your Honor, Ms. Mary Lou Yaken says that the
16 jewelry that is gone is worth \$500.40. I told her that, you
17 know, most likely Ms. Griffin was looking at some jail time
18 and, therefore, would not be able to make restitution, but
19 that that would be ultimately up to you to decide.

20 THE COURT: \$500 and how much.

21 MS. WYSE: Forty cents, Your Honor.

22 THE COURT: Okay. What's the letter? Oh, I'm sorry. I
23 didn't realize you had already handed it up.

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

25 THE COURT: Okay. Ms. Yaken -- and that's, for the court

1 reporter, Yaken, Y-a-k-e-n -- indicates she got her jewelry
2 back in this letter.

3 MS. WYSE: Your Honor, when I was looking at the victim
4 impact statement, I was looking at the amount that she wrote
5 down --

6 THE COURT: Mm-hmm.

7 MS. WYSE: -- as being a total of \$500.40.

8 THE COURT: Mm-hmm.

9 MS. WYSE: And she says -- indicates here that property
10 loss damage was \$45 and then she has an other amount here of
11 455.40.

12 THE COURT: That's the amount for the security system --

13 MS. WYSE: Okay.

14 THE COURT: -- according to this letter. She said that
15 she put a security system in her house, which cost 455.50,
16 with Central Security. She says even though God allowed me to
17 obtain my jewelry back.

18 MS. WYSE: Okay. Well, that's what she wrote down on her
19 victim impact statement.

20 THE COURT: So she wants 455.40 back for the security
21 system? Is that what you understand the restitution to be?

22 MS. WYSE: Yes, ma'am. Now, I understand that to be what
23 it is.

24 THE COURT: Ma'am, do you agree or disagree with the
25 facts?

1 THE DEFENDANT: Agree.

2 THE COURT: Do you feel anything needs to be changed or
3 added to the facts?

4 THE DEFENDANT: Neither.

5 THE COURT: Are you pleading guilty because you're
6 guilty?

7 THE DEFENDANT: I'm guilty.

8 THE COURT: Listen carefully. When you plead guilty, you
9 give up certain important constitutional rights.

10 Those rights include your right to a jury trial. At a
11 jury trial, you're entitled to a presumption that you're
12 innocent. The State has the burden of proving your guilt
13 beyond a reasonable doubt. You would have the right to
14 confront and cross examine the State's witnesses, call your
15 own witnesses, present any defenses that you may have,
16 challenge any statements you may have made, as well as remain
17 silent and your silence cannot be used against you. Do you
18 understand your rights?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: And do you understand that you're giving up
21 those rights?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Other than what has been stated for the
24 record, have there been any other plea negotiations made on
25 your behalf?

1 (Whereupon, the defendant and counsel confer.)

2 THE COURT: He can't answer that question for you. I'm
3 trying to determine if there's something you're relying on
4 that I've not been told in pleading guilty.

5 THE DEFENDANT: No, ma'am.

6 THE COURT: Have you been satisfied with your lawyer's
7 services?

8 THE DEFENDANT: Yes, ma'am.

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

10 THE DEFENDANT: Yes.

11 THE COURT: Done all you've asked or expected?

12 THE DEFENDANT: Yes.

13 THE COURT: Any complaints about his services?

14 THE DEFENDANT: No.

15 THE COURT: Has anyone promised you anything or held out
16 any hope of a reward to cause you to plead guilty?

17 THE DEFENDANT: No.

18 THE COURT: Has anyone used threats, coercion, force,
19 pressure, intimidation or duress to cause you to plead guilty?

20 THE DEFENDANT: No.

21 THE COURT: Are you pleading guilty freely and
22 voluntarily and of your own will?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Have you understood my questions?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Do you need to ask me about anything we've
2 been over?

3 THE DEFENDANT: No, ma'am.

4 THE COURT: Have you been truthful in your answers?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Do you understand that you have the right to
7 appeal this guilty plea and sentence of the Court, but that
8 you must do so in writing within ten days of today?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: Do you understand that if you cannot afford
11 an attorney for that process that one will be appointed to you
12 at no cost?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: And have you had enough time to make up your
15 mind about pleading guilty?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: I find there's a substantial factual basis
18 for the plea. That the defendant has entered the plea freely,
19 voluntarily, knowingly, and intelligently. That she has had
20 the advice and assistance of counsel with whom she's indicated
21 she's satisfied. And I will accept the plea.

22 Does probation need to add anything to the report? The
23 report will be made a part of the record.

24 PROBATION: Your Honor, if it pleases the Court, ma'am --

25 THE COURT: I'm sorry. I can't hear you.

1 PROBATION: If it pleases the Court, Your Honor --

2 THE COURT: Yes, sir.

3 PROBATION: I'd just like to put on record that there is
4 nine victims involved in her probation case --

5 THE COURT: Mm-hmm.

6 PROBATION: -- of actually three separate probation
7 cases.

8 THE COURT: Mm-hmm.

9 PROBATION: That's dating back to 1999 as far as her
10 probation. We tried to contact the only victim that we had a
11 contact number for to let them know that the hearing was
12 scheduled for today. The other victims are roughly larger
13 corporations. So you just mail letters to the main offices
14 and hope for a response back and, of course, from time for
15 that, but that we've never had any victims show here in court
16 for any other hearings that we've scheduled and no responses
17 from them before and --

18 THE COURT: It looks like one of these's restitution is
19 over \$12,000.

20 PROBATION: Right. All total, Ms. Griffin Shaw has paid
21 \$225 out of a possible \$21,314.21.

22 THE COURT: Mm-hmm. Say that one more -- for me one more
23 time?

24 PROBATION: Has paid a total of \$225 out of a possible
25 \$21,314.21. I think the other violation facts speak for

1 themselves.

2 THE COURT: I'll be glad to hear from you, Mr. Floyd.

3 MR. FLOYD: Thank you, Your Honor.

4 THE COURT: You're welcome.

5 MR. FLOYD: Your Honor, Ms. Shaw, of course, has these
6 three different probation cases. She's done various amounts
7 of time on each one of these. I think she had 120 that she
8 served on one, 93 on another, and then 30 on another.

9 In addition to that, she also did another 30 days on all
10 of these warrants this year from March to April until she was
11 released on a PR bond that Judge Brown signed and released her
12 on. So she did do an additional 30 days in addition to what's
13 on her probation report.

14 Your Honor, certainly Ms. Shaw expresses regret for being
15 here. She does have three children. She's got -- her two
16 oldest ones are living, from what she tells me, with their
17 father. The youngest child has a different father than the
18 oldest two, and that youngest child is living with apparently
19 a trusted family friend of hers.

20 Your Honor, she went, you know, sometime after being
21 placed on probation without, you know, accumulating any real
22 violations other than monetary with the probation office. I
23 think most of her non-report dates and that sort of thing and
24 failed drug tests have come into play from basically the
25 beginning of this year, and certainly that's why she, you

1 know, finds herself here. I think she's certainly had a long-
2 term addiction, mainly to prescription drugs is her -- I guess
3 poison of choice.

4 She tells me she struck up a relationship with an ex-
5 boyfriend along this time, Your Honor, when she started
6 missing reports and so forth, and not that she's blaming it on
7 him because she's not. She's taking responsibility for what
8 she did, but sometimes, you know, two individuals just
9 generate negative energy for one another, and I believe that
10 was one of those relationships.

11 But certainly, Your Honor, she wants to -- to get this
12 behind her and just get out as soon as possible and return to
13 her family, and we would ask if you could be as merciful as
14 possible for her, Your Honor, and make sure that she gets the
15 appropriate credit for the -- for the time that she served.

16 And, Your Honor, on the actual guilty pleas, she served
17 -- she was arrested at different times and so I think on the
18 grand larceny charge she served five days on that. The
19 shoplifting from February of this year, my records show she
20 served two days on that. And then also the final shoplifting
21 from July, my records show she served six days on that. And
22 I'm sorry to be hurling all those numbers, Your Honor, but we
23 ask that --

24 THE COURT: Yeah. They're going -- they'll send the
25 reports and calculate it because I'm -- yeah. I don't -- I --

1 the only time I write any time is when I know they're going to
2 the county detention center and there may be some question
3 about how much time they have served, but other than that,
4 they'll get her stuff at reception and evaluation, and they'll
5 go over it and determine what she's entitled to from what
6 she's not entitled to. Okay. Anything further from the
7 State?

8 MS. WYSE: Nothing further from the State.

9 THE COURT: Anything further from probation?

10 PROBATION: No, Your Honor. Thank you.

11 THE COURT: You're welcome. What's your client's
12 position on the 450.20 -- 455.40 that Ms. Yaken is seeking
13 regarding the 455.40 for the security system she claims that
14 she should be reimbursed for?

15 MR. FLOYD: Your Honor, I -- I mean from the way I read
16 that letter, I read it as that was a voluntary decision on her
17 part to -- to get a security system after this arrest. I mean
18 Ms. Shaw was in the house with her permission; so I'm not real
19 sure what the security system --

20 THE COURT: She listed it on her victim impact statement.

21 MR. FLOYD: Right.

22 THE COURT: And so I need to know what your position is
23 on that.

24 MR. FLOYD: I mean I just -- I don't think it's a valid
25 debt for Ms. Shaw under the circumstances, Your Honor.

1 THE COURT: Okay. What's the State's position?

2 MS. WYSE: Your Honor, I did explain to the victim that
3 Ms. Griffin was looking at some serious time hanging over her
4 head and that most likely she would not receive a split
5 sentence and that because of that she probably would not
6 receive any money.

7 THE COURT: Okay.

8 MS. WYSE: So I did warn her of that possibility.

9 THE COURT: Okay. (Coughs.) Excuse me. What's the most
10 active time your client has ever served, Mr. Floyd, at the
11 Department of Corrections? Or has she never gone to the
12 Department of Corrections?

13 (Whereupon, the defendant and counsel confer.)

14 MR. FLOYD: Your Honor, she tells me her longest stint
15 has been about 120 days.

16 THE COURT: At the -- at the detention center?

17 THE DEFENDANT: In the Department of Corrections.

18 PROBATION FINDINGS

19 THE COURT: On the probation, I find you've willfully
20 violated the following terms and conditions of your probation,
21 that being 2011-GS-10-5359 and 2011-GS-10-535 -- 60:

22 Failing to report as instructed, having absconded from
23 supervision.

24 Failing to maintain a stable residence.

25 Failing to work diligently at a lawful occupation,

1 although testifying that you were employed previously.

2 However, the Court's observation is that you're able-bodied
3 and capable of employment.

4 Failing to refrain from the use of illegal controlled
5 substances, having admitted to the use of Subutex, S-u-b-u-t-
6 e-x, and also being tested and found positive for cocaine,
7 benzodiazepine, and amphetamines.

8 By failing to refrain from associating with people with a
9 known criminal record, having been with Heath Hamilton Clark.
10 Is that your new husband?

11 THE DEFENDANT: No. That was --

12 THE COURT: Oh.

13 THE DEFENDANT: -- the baby's father.

14 THE COURT: Shaw, okay, is your new last name. I
15 apologize. That's your seven-month-old's father?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Okay. Failing to work diligently at a lawful
18 occupation.

19 And having pled guilty today to the charges of grand
20 larceny and property crime enhancement, failing to refrain
21 from violation of state law.

22 Failing to pay your restitution, again although able-
23 bodied and capable of employment.

24 Failing to make any substantial strides toward that
25 restitution, having paid only 225,000 -- \$225 of a 21 -- of an

1 over \$21,000 debt.

2 And failing to comply with substance abuse counseling,
3 having failed to successfully complete Circle Park, having
4 left your last session on February 27th of 2014 before
5 following through with drug testing.

6 THE DEFENDANT: I've been back since then.

7 THE COURT: Okay.

8 THE DEFENDANT: That's just -- since that report's been
9 done, I've been back since then.

10 THE COURT: Okay.

11 THE DEFENDANT: I went I believe all of May, all of June,
12 and all of July.

13 THE COURT: Okay. The other cases -- I only have these
14 two cases that you're seeking a revocation. These other cases
15 that have the restitution, you're not seeking a revocation on
16 those; correct?

17 PROBATION: Well, they're -- actually, there is
18 revocation on all of them.

19 THE COURT: Okay.

20 PROBATION: The one for the failure to repair warrants, I
21 could not do that because, one, the case has actually expired.

22 THE COURT: Okay. What's the one that has the 21 -- is
23 that a total amount of restitution? Because I only have two
24 cases.

25 PROBATION: That's a total of all the fines, fees,

1 restitution.

2 THE COURT: On these two cases that I have, which is the
3 cases out of Charleston? Or are there other cases?

4 PROBATION: That's other cases. She has three active
5 probation cases and --

6 THE COURT: Is there a reason those aren't listed on this
7 report?

8 PROBATION: Oh, they are. There's three different
9 reports.

10 THE COURT: Oh, it's three different reports, three
11 different counties.

12 PROBATION: And different indictment numbers, different
13 --

14 THE COURT: So those aren't before me today is what
15 you're telling me?

16 PROBATION: They are.

17 THE COURT: They are?

18 PROBATION: On all of them.

19 THE COURT: Okay. I'm confused then because I don't have
20 any of that unless I'm missing it somewhere.

21 PROBATION: But all three were in the report.

22 THE COURT: Because the only one I have a report for are
23 the two I just said, the Charleston County cases, and that's
24 what I just read from in terms of the violation. Let's see
25 here. Oh, I see. I got to go back through something because

1 I didn't see that this was all clipped together.

2 Okay. Mr. Floyd, have you gone over -- for the record,
3 2013-GS-21-1187, which is false statement on application for
4 Medicaid assistance, and 2012-GS-21-1366 and 1657, unlawful
5 neglect of a child and property crime enhancement, both out of
6 Florence, Judge Brown. 195 -- 2013 -- the other two -- 123-
7 2013, five years suspended to 120 days, three years'
8 probation, five years suspended to 120 days, three years'
9 probation, and three years suspended to 93 days and five
10 years' probation?

11 MR. FLOYD: Yes, Your Honor. We went over these as well.

12 THE COURT: Okay. And you believe she understands those?

13 MR. FLOYD: Yes, Your Honor.

14 THE COURT: And, ma'am, do you agree or disagree that
15 you've willfully violated the terms and conditions on those
16 cases as well?

17 THE DEFENDANT: Yes, ma'am. From what I was told, if you
18 violate one, you violate all.

19 THE COURT: Well, that's a qualified answer. I need to
20 know whether, in fact, you have violated -- whether you've
21 gone over the reports and the allegations of how you violated
22 and --

23 THE DEFENDANT: Yes, ma'am, I have.

24 THE COURT: -- whether you agree or disagree that you've
25 willfully violated those terms and conditions as they have

1 been placed in these reports?

2 THE DEFENDANT: Yes, ma'am. I have violated my
3 probation. So it really doesn't matter if I violate one or
4 ten. Violating is violating.

5 THE COURT: Not necessarily because each of them have
6 different things that they say you've done wrong. So --

7 THE DEFENDANT: There's things I can argue, but I'm still
8 standing firm that I violated my probation.

9 THE COURT: Okay. On 2012-GS-21-1366 and 1657, I find by
10 her own admission she's willfully violated the following terms
11 and conditions of her probation:

12 By failing to follow the advice and instructions of her
13 agent.

14 Failing to report for her revocation hearing on August 1st
15 of 2014.

16 Failing to maintain a stable residence.

17 Failing to work diligently at a lawful occupation.

18 Testing positive for illicit substances.

19 Failing to refrain from associating with people with a
20 criminal record.

21 Failing to work diligently.

22 Failing to pay her restitution.

23 And failing to refrain from violating state or federal
24 law, having pled guilty today to two counts of property crime
25 enhancement and grand larceny.

1 And I make the same findings regarding 2013-GS-21-1187.

2 Okay. Anything further, Mr. Floyd? I apologize that I
3 did not include those earlier. Is there anything further you
4 need to state in mitigation regarding those cases?

5 MR. FLOYD: No. No, Your Honor.

6 THE COURT: Okay. Anything further from probation --
7 (coughs) excuse me -- regarding those cases?

8 PROBATION: Not towards those, Your Honor. I think
9 there's one more though.

10 THE COURT: Pardon me?

11 PROBATION: I think there's one more.

12 THE COURT: If there is, I don't have it. I just went
13 through everything that I have.

14 PROBATION: Well, we have the 5359, the 5360 --

15 THE COURT: I had just went -- I already did those.

16 PROBATION: Right. And 165 -- make sure we had three
17 cases.

18 THE COURT: I had 2011-GS-10-5359 and 5360.

19 PROBATION: Right.

20 THE COURT: I had 2012-GS-21-1366.

21 PROBATION: Correct.

22 THE COURT: And 1657.

23 PROBATION: Correct.

24 THE COURT: And 2013-GS-21-1187. Was that all of them?

25 PROBATION: That's all of them.

1 THE COURT: Okay.

2 PROBATION: Yes, Your Honor.

3 THE COURT: Okay. Based on what the Court represented by
4 email, are you asking for any consideration regarding that?

5 MS. WYSE: Your Honor, I just ask that you take into
6 consideration whatever sentence you decide to hand down.

7 THE COURT: Okay.

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

9 SENTENCE BY THE COURT

10 THE COURT: On 2012-GS-21-1366 and 1657, four years of
11 your active sentence is revoked on each of those. You'll be
12 given credit for any time that you've served to be calculated
13 and applied by probation or by the Department of Corrections
14 collectively, and any restitution on that and fines will be
15 reduced to a civil judgment. I'm ordering the ATU if it's
16 available.

17 On 2013-GS-21-1187, two years revoked and, of course, all
18 of these will be terminated and all obligations reduced to a
19 civil judgment.

20 2011-GS-10-5359 and 5360, the financial transaction card
21 fraud, one year is revoked and terminated. Financial
22 transaction card theft, four years is revoked and terminated.
23 All of the obligations reduced to civil judgments, as well as
24 the fines, and the case will be terminated.

25 On both of the property crime enhancements, you're

1 sentenced to the State Department of Corrections for a period
2 of two years, and I've ordered the ATU if it's available.

3 On the grand larceny, you're sentenced to four years in
4 the State Department of Corrections.

5 All these sentences are concurrent with one another.
6 You'll get credit for any time that you've served to be
7 calculated and -- and applied by the Department of
8 Corrections, and again I've ordered the ATU if it's available.

9 PROBATION: Thank you, Your Honor.

10 THE COURT: You're welcome.

11 MS. WYSE: Thank you, Judge.

12 THE COURT: You're welcome.

13 MS. WYSE: I think I also handed up an order --

14 THE COURT: And I rescinded the bench warrant already.

15 MS. WYSE: Great. Thank you, Judge.

16 THE COURT: You're welcome.

17 PROBATION: Your Honor?

18 THE COURT: Yes?

19 PROBATION: And that's the civil judgments on the fees,
20 fines --

21 THE COURT: Everything.

22 PROBATION: Fees, fines, restitution?

23 THE COURT: Yeah, because she's never going to pay it.

24 PROBATION: Okay. Thank you, ma'am. And we ask that
25 probation will be lifted also?

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THE COURT: Yeah. That's fine.

(Whereupon, the proceedings end at 3:43 p.m.)

--- END REQUESTED TRANSCRIPT ---

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STATE OF SOUTH CAROLINA)
) CERTIFICATE
COUNTY OF FLORENCE)

I, the undersigned, Krystal J. Smith, Notary Public and Official Court Reporter for the Twelfth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing pages, numbered 1 through 29 constitute a true, accurate, and complete Transcript of Record of all the proceedings had and evidence introduced in the hearing of the above captioned case, relative to appeal, in the Court of General Sessions for Florence County, South Carolina, on the 11th day of September, 2014.

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

S/ Krystal J. Smith

Court Reporter

Florence, South Carolina

November 11, 2014

South Carolina Department of Probation, Parole and Pardon Services

Violation Report

Offender's Name: JENNIFER HATFIELD GRIFFIN, JENNIFER HATFIELD GRIF

| Prior Violation Dates | Prior Violations | Prior Violation Disposition |
|-----------------------|---|-----------------------------|
| 2/6/2014 | By violating Conditions of Probation numbers 7, 9 and 11. | 1182 |

Details of the Present Violation:

- 10- Offender failed to follow the advice and instructions of his Agent by not reporting for Revocation Hearing on August 01, 2014. - Jennifer H. Griffin failed to report for Revocation Hearing on August 01, 2014 at 08:30AM. She was advised of the Court proceeding in writing and signed as acknowledgment of this notification on July 17, 2014. Bench Warrants were issued for this same date.; By violating Conditions of Probation numbers 1, 2, 3, 4, 5, 6, 7, 9, 10 and 11 as ordered in cause number 2013-GS-21-01187 by the Florence County Court of General Sessions. - 1- Offender failed to report as instructed to the Florence County Probation Office on March 14, 2014, March 19, 2014 and March 21, 2014, having last reported on February 03, 2014. Offender repeatedly calls and wants to reschedule report dates or just does not report at all. She further failed to give a truthful report regarding drug usage, residence, and SAC compliance.
- 2- Offender failed to remain at stable residence.
- 2- Offender failed to work diligently at a lawful occupation and has not notified Agent of any change in employment status.
- 3- By failing to refrain from the illegal use of controlled substances. Offender admitted to using her prescribed Subutex excessively. She was drug tested and found to be positive for cocaine, benz, and amp. Offender submitted to a drug test at the Florence County Probation Office, but while in route to the Florence County Detention Center, offender admitted to Agents of trying to adulterate the sample and falsify the drug test, by using a device filled with someone else's urine. Device was found by Agents, in lobby trash can of the Florence County Probation Office, in which offender stated as the location she discarded the said device .
- 4- By failing to refrain from associating with people with a criminal record. She admitted to being with Heath Hamilton Clark. She admits to buying pills from Brandon Tedder.
- 5- By failing to work diligently at a lawful occupation. She has never verified her employment.
- 6- Offender failed to refrain from violating Local, State or Federal Law by being arrested by the Florence Police Department on February 18, 2014, for Shoplifting/ Enhancement 3rd or Sub \$1000 or less. There is probable cause to believe this crime took place as indicated in Incident Report number 2014-001323.
- 7- Offender failed to pay towards supervision fees. This account is 12 payments in arrears.
- 7- Offender failed to pay Drug test fee.
- 9- Offender failed to pay towards fines and surcharges associated with this case, having paid nothing at all on this account as of this date.
- 10- Offender failed to follow the advice and instructions of her Agent by not complying with Substance Abuse Counseling, having been considered for termination from the Circle Park program on March 17, 2014, after not following through with appointments and leaving her last session on February 27, 2014 before following through with drug testing.
- 11- Offender failed to pay towards Restitution account associated with this case, having paid nothing at all on this ac

Agent's Recommendation:

Full Revocation

Agent's Justification:

Offender failed to appear for Court- Bench Warrant issued.; She failed to report as instructed, she failed to remain at a stable residence, she failed to be lawfully employed, she continues to use drugs, she tried to adulterate a urine sample to falsify a drug test, she continues to associate with persons having a criminal record, she has several pending charges, she has failed to pay fees, fines and restitution and she has failed to follow the advice and instructions of her Agent as is evident by the violations contained herein, as well as by not complying with Substance Abuse Counseling.

Wilson Bennett Jr

Agent

Date: 9/10/2014

Supervisor's Signature



Date: 9/10/14

Addendum

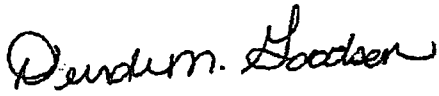
Offender submitted to a drug test at the Florence County Probation Office, but while in route to the Florence County Attention Center, offender admitted to Agents of trying to adulterate the sample and falsify the drug test, by using a device filled with someone else's urine. Device was found by Agents, in lobby trash can of the Florence County Probation Office, in which offender stated as the location she discarded the said device.

- 4- By failing to refrain from associating with people with a criminal record. She admitted to being with Heath Hamilton or Clark. She admits to buying pills from Brandon Tedder.
- 5- By failing to work diligently at a lawful occupation. She has never verified her employment.
- 6- Offender failed to refrain from violating Local, State or Federal Law by being arrested by the Florence Police Department on February 18, 2014, for Shoplifting/ Enhancement 3rd or Sub \$1000 or less. There is probable cause to believe this crime took place as indicated in Incident Report number 2014-001323.
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- 7- Offender failed to pay Drug test fee.
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- 10- Offender failed to follow the advice and instructions of her Agent by not complying with Substance Abuse Counseling, having been considered for termination from the Circle Park program on March 17, 2014, after not following through with appointments and leaving her last session on February 27, 2014 before following through with drug testing.
- 11- Offender failed to pay towards Restitution account associated with this case, having paid nothing at all on this account as of this date.

Sworn to and Subscribed before me
 this 27 day of March, 2014.



 Affiant



 Signature of Notary Public

My Commission Expires
November 7, 2021

Form 16.1 - Arrest Warrant
Form Approved by
SC Attorney General
Section 17-13-10
March 15, 1978

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

Probation
ARREST WARRANT

Indictment Number 13-GS-21-01187
Warrant Number W-21-14-0055
State Identification No. (SID) 01041040

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF FLORENCE, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that JENNIFER HATFIELD GRIFFIN, JENNIFER HATFIELD GRIFFIN, did on the 22 day of March, 2014 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

By violating Conditions of Probation numbers 1, 2, 3, 4, 5, 6, 7, 9, 10 and 11 as ordered in cause number 2013-GS-21-01187 by the Florence County Court of General Sessions.

Now, therefore, you are empowered and directed to arrest the said defendant and bring JENNIFER HATFIELD GRIFFIN, JENNIFER HATFIELD GRIFFIN before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at FLORENCE, S. C. this 27 day of March, 2014.



Signature of Probation and Parole Agent (L.S.)

County of FLORENCE

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one William D. Bird, who, first being duly sworn, deposes and says that JENNIFER HATFIELD GRIFFIN, JENNIFER HATFIELD GRIFFIN did within this County and State on the 27 day of March, 2014, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

By violating Conditions of Probation numbers 1, 2, 3, 4, 5, 6, 7, 9, 10 and 11 as ordered in cause number 2013-GS-21-01187 by the Florence County Court of General Sessions.

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

- 1- Offender failed to report as instructed to the Florence County Probation Office on March 14, 2014, March 19, 2014 and March 21, 2014, having last reported on February 03, 2014. Offender repeatedly calls and wants to reschedule report dates or just does not report at all. She further failed to give a truthful report regarding drug usage, residence, and SAC compliance.
- 2- Offender failed to remain at stable residence. After questioning her, she states she has been living in Latta for 3 weeks and at different hotels.
- 2- Offender failed to work diligently at a lawful occupation and has not notified Agent of any change in employment status.
- 3- By failing to refrain from the illegal use of controlled substances. Offender admitted to using her prescribed Subutex excessively. She was drug tested and found to be positive for cocaine, benz., and amp.

Sworn to and Subscribed before me
this 27 day of March, 2014.



Affiant



Signature of Notary Public (L.S.)

Address: BOX M
CITY-CTY COMPLEX
FLORENCE, SC 29501
FLORENCE
USA
(843) 665-3063

My Commission Expires
November 7, 2021

RETURN

STATE OF SOUTH CAROLINA
COUNTY OF

FLORENCE

THE STATE
against

JENNIFER HATFIELD GRIFFIN, JENNIFER HATFIELD GRIFFIN

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 3/27/2014

Officer and Agency: SC Department of Probation,
Parole and Pardon Services

William D. Bird

Disposition

Sentence

Co-Defendants

INFORMATION ON DEFENDANT

Name JENNIFER HATFIELD GRIFFIN
Address unknown
FLORENCE, SC 29505
Phone (000) 000-0000
Sex Female Race White Height 507
Weight 145 Birth date
Social Security Number

INFORMATION ON WITNESSES

Name
Address
Phone
Name
Address
Phone
Name
Address
Phone
Name
Address
Phone

PRELIMINARY HEARING held by

Magistrate
on
with

Attorney for the Defendant.

Decision BAIL
Date Set
Magistrate
Amount
Surety

Constable or Law Enforcement Officer

A copy of this Arrest Warrant was delivered by me to the following defendant.

Jennifer H. Griffin

on the 27th day of March 2014

Signature of Constable or Law Enforcement Officer

This Warrant is certified for service in [County of warrant Certification] County. The accused is to be arrested and brought before me to deal with according to law.

(L.S.)

Signature of Judge

Form 16.1 - Arrest Warrant
Form Approved by
SC Attorney General
Section 17-13-160
March 15, 1978

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

Probation
ARREST WARRANT

Indictment Number 13-GS-21-01187

Warrant Number W-21-14-0165

State Identification No. (SID) 01041040

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF FLORENCE, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that JENNIFER HATFIELD GRIFFIN, JENNIFER HATFIELD GRIFFIN, did on the 18 day of August, 2014 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

10- Offender failed to follow the advice and/or instructions of his Agent by not reporting for Revocation Hearing on August 01, 2014.

Now, therefore, you are empowered and directed to arrest the said defendant and bring JENNIFER HATFIELD GRIFFIN, JENNIFER HATFIELD GRIFFIN before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at FLORENCE, S. C. this 18 day of August, 2014.

Signature of Probation and Parole Agent

(L.S.)

County of **FLORENCE**

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Wilson Bennett, who, first being duly sworn, deposes and says that JENNIFER HATFIELD GRIFFIN, JENNIFER HATFIELD GRIFFIN did within this County and State on the 18 day of August, 2014, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

10- Offender failed to follow the advice and/or instructions of his Agent by not reporting for Revocation Hearing on August 01, 2014.

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

Jennifer H. Griffin failed to report for Revocation Hearing on August 01, 2014 at 08:30AM. She was advised of the Court proceeding in writing and signed as acknowledgment of this notification on July 17, 2014. Bench Warrants were issued for this same date.

Sworn to and Subscribed before me
this 18 day of August, 2014.

Signature of Notary Public

(L.S.)

4-26-2020

My Commission Expires

Affiant

Address: BOX M
CITY-CITY COMPLEX
FLORENCE, SC 29501
FLORENCE
USA
(843) 665-3063

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF

FLORENCE

THE STATE

against

JENNIFER HATFIELD GRIFFIN, JENNIFER HATIFIELD GRIFFIN

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 8/18/2014

Officer and Agency: SC Department of Probation, Parole and Pardon Services

Wilson Bennett

Disposition

Sentence

Co-Defendants

INFORMATION ON DEFENDANT

Name JENNIFER HATFIELD GRIFFIN

Address DRIVE FLORENCE, SC 29505

Phone (843) 000-0000

Sex Female Race White Height 507

Weight 145 Birth date

Social Security Number

INFORMATION ON WITNESSES

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

PRELIMINARY HEARING held by

Magistrate

on

with

Attorney for the Defendant

Decision

BAIL

Date Set

Magistrate

Amount

Surety

Constable or Law Enforcement Officer

A copy of this Arrest Warrant was delivered by me to the following defendant:

Jennifer H. Griffin

on the 9 day of 08, 2014.

OFC [Signature]

Constable or Law Enforcement Officer

This Warrant is certified for service in [County of warrant Certification] County. The accused is to be arrested and brought before me to deal with according to law.

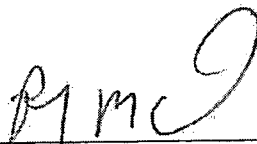
(L.S.)

Signature of Judge

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."

July 8 th, 2105



Robert M. Dudek
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."

July 8 th, 2105



Robert M. Dudek
Chief Appellate Defender

RECEIVED

JUL 08 2015

SC Court of Appeals

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

ATTORNEY FOR APPELLANT