

STATE OF SOUTH CAROLINA

 ORIGINAL

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

R. Knox McMahon, Circuit Court Judge

RECEIVED

MAY 18 2015

SC Court of Appeals

JASHAWN LIVINGSTON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELATE CASE NO. 2015-000245

RECORD ON APPEAL

ROBERT M. PACHAK  
Appellate Defender

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

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I N D E X   O F   W I T N E S S E S

(WHEREUPON, no witnesses were called during these proceedings.)

E X H I B I T S

(WHEREUPON, no exhibits were introduced during these proceedings.)

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FEBRUARY 6, 2015

THE PROBATION OFFICER: Jashawn Livingston.  
Agent Shaw.

THE CLERK: Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth, so help you God?

THE DEFENDANT: Yes, ma'am.

THE COURT: Mr. Jashawn Livingston; is that correct?

THE DEFENDANT: Yes, sir.

THE COURT: The Department of Probation, Parole and Pardon Services allege you have willfully and intentionally violated the terms and conditions of your probation.

How do you plead to that, guilty or not guilty?

THE DEFENDANT: Not guilty.

THE COURT: All right. Madam Clerk, would you swear in our agent, please?

THE CLERK: Raise your right hand.

(Complies.)

THE CLERK: Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth, so help you God?

THE PROBATION AGENT: I do.

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THE COURT: All right, Agent Shaw.

THE PROBATION AGENT: Your Honor, if it may please the Court? We have Jashawn Livingston, who was convicted of two counts of burglary second and strong arm robbery, in Richland County on 6/12/14, sentenced to 10 years, suspended upon the service of 30 months, and 3 years' probation. The sentence was ordered on all indictments, and all indictments are to run concurrent.

Supervision began on 10/1/14. It was reported unemployment since beginning of supervision. He hadn't made a payment on any of his accounts.

As far as the present violation, Mr. Livingston failed to follow the advice and instructions of his agent; he failed from being in possession of firearms as evidenced by the warrants issued on 11/19/14 by Columbia Police Department; failed to work diligently at a lawful occupation and provide verification of employment since being placed on probation; failed to refrain from violating federal, state or local laws without conviction; there is probable cause to believe that Jashawn Livingston committed the offense of murder and three counts of attempted murder during his active period of probation; failed to pay

1 supervision fees; failed to pay restitution; failed  
2 to pay court fines; failed to pay drug test fee;  
3 and failed to attend the Columbia Center as  
4 referred to obtain his GED for employment services;  
5 and he also failed to comply with the Court's order  
6 to obtain his GED.

7 THE COURT: Thank you. Thank you very much,  
8 Agent Shaw.

9 Yes, ma'am, I will be glad to hear from you.

10 MS. GOOD: Thank you, Your Honor. As you  
11 heard, supervision began on October 1st of this  
12 past year. And this warrant was taken out on  
13 November 20th.

14 If you look at the report, he actually did  
15 show up to his initial report and then he showed up  
16 again for a subsequent visit. He did pass a drug  
17 test, Your Honor.

18 Regarding the GED, he was sent to go to  
19 orientation at the Columbia Center. He did not  
20 have a ride so he could not get there to go to  
21 that. He did go to the unemployment office and was  
22 trying to get a job with Stipend, but that had not  
23 come through obviously in the month and a half  
24 between October 1st and when they served the  
25 warrant on November 20th.

1           Regarding the subsequent charges, he obviously  
2 has not been convicted of those, Your Honor. He is  
3 incarcerated. He waived his bond on those at this  
4 point. I cannot intelligently speak on that as I  
5 have not gotten discovery on that case yet, so I  
6 would ask that you not take that into consideration  
7 when determining what to do.

8           It is our position he willfully did not  
9 violate the conditions of the bond. I believe the  
10 only reason the warrant was served on him is  
11 because he got these new warrants. Otherwise, they  
12 would have continued him to try to see if he could  
13 get the job and his GED as he was reporting to the  
14 probation officer as he was asked to do.

15           THE COURT: Anything you would like to say,  
16 Mr. Livingston?

17           THE DEFENDANT: I didn't have a chance to do  
18 the things that I was supposed to do because I  
19 ended up getting arrested.

20           THE COURT: Mr. Agent, do you have the  
21 incident report from the Columbia Police  
22 Department?

23           THE PROBATION AGENT: I have the copy of the  
24 warrant.

25           THE COURT: May I see it, please?

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THE PROBATION AGENT: Yes, sir.

(Complies.)

THE COURT: All right. As to Jashawn Livingston, I find that he has willfully and intentionally violated the terms and conditions of his probation by failing to pay as directed by the Court; by failing to attend the Columbia Center as instructed by a probation order; and failed to comply with the Court order to obtain his GED.

I further find that he willfully and intentionally violated the terms and conditions of his probation by having been presented with probable cause to believe that he has committed or participated in the commission of criminal activities on or about 8 November 2014 as evidenced by the testimony of the agent and four warrants issued by Judge Russell T. Spencer, of Columbia, South Carolina, charging the Defendant with three counts of murder and one count -- excuse me -- one count of murder and three counts of attempted murder.

For that proposition I cite State v. Williamson, 356 S.C. 508 and 589 S.E.2d 789(2003), that indicates criminal activity may serve as a basis for revocation where the offender has not

1           been convicted of the charge. And also State v.  
2           Clough, 220 S.C. 390, 68 S.E.2d 334, a 1951 case,  
3           as long as there is sufficient evidentiary basis to  
4           support the alleged violation.

5           Under State v. Williamson, the law is clear  
6           that probation is a matter of grace. Revocation is  
7           the means to enforce the conditions of probation.  
8           The authority of the Court to revoke probation may  
9           not be capriciously or arbitrarily exercised, but  
10          always should be predicated upon an evidentiary  
11          showing of fact leading to establish violation of  
12          the conditions.

13          Before revoking probation, a circuit judge  
14          must determine if there is sufficient evidence to  
15          establish that the probationer has violated his  
16          probation conditions.

17          At this hearing, at this revocation hearing,  
18          the State has explained that Mr. Livingston has  
19          been arrested on additional charges. They have  
20          provided an evidentiary basis and probable cause  
21          issued warrant by a neutral and independent  
22          magistrate charging him with those.

23          Although he has not proclaimed his innocence,  
24          he does not have to. He has a right to remain  
25          silent in that regard. Although Williamson did

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proclaim his innocence, that is not a decisive factor.

Therefore, I am revoking Mr. Livingston's probation in full. Convert fines and restitution to civil judgment.

Good luck to you, Mr. Livingston.

THE DEFENDANT: Thank you, Your Honor.

MS. GOOD: Thank you, Your Honor.

THE COURT: Here is a copy of the warrants, Mr. Agent.

(WHEREUPON, the proceedings were concluded.)

(END OF TRANSCRIPT)



<b>1</b>	between [1] 5/24 bond [2] 6/3 6/9 burglary [1] 4/4	evidentiary [3] 8/3 8/10 8/20 excuse [1] 7/19 exercised [1] 8/9 exhibits [1] 2/13 explained [1] 8/18
10 [1] 4/6 10/1/14 [1] 4/10 11/19/14 [1] 4/17 14 [3] 4/5 4/10 4/17 16 [1] 10/19 1907,7974 [1] 1/2 1951 [1] 8/2 1st [2] 5/11 5/24	<b>C</b> called [1] 2/4 cannot [1] 6/4 capriciously [1] 8/9 captioned [1] 10/13 CAROLINA [7] 1/1 1/4 1/9 7/18 10/4 10/10 10/14 cause [3] 4/22 7/13 8/20 Center [3] 5/3 5/19 7/7 CERTIFICATE [1] 10/1 certify [2] 10/10 10/16 chance [1] 6/17 charge [1] 8/1 charges [2] 6/1 8/19 charging [2] 7/18 8/22 circuit [3] 8/13 10/9 10/23 cite [1] 7/22 civil [1] 9/5 clear [1] 8/5 Clerk [1] 3/18 Clough [1] 8/2 Columbia [7] 1/9 4/17 5/3 5/19 6/21 7/7 7/17 come [1] 5/23 commission [1] 7/14 committed [2] 4/23 7/13 complete [1] 10/11 Complies [2] 3/21 7/2 comply [2] 5/5 7/9 concluded [1] 9/11 concurrent [1] 4/9 conditions [7] 3/14 6/9 7/5 7/11 8/7 8/12 8/16 consideration [1] 6/6 continued [1] 6/12 Convert [1] 9/4 convicted [3] 4/4 6/2 8/1 conviction [1] 4/22 copy [2] 6/23 9/9 correct [1] 3/9 counsel [1] 10/17 count [2] 7/19 7/20 counts [4] 4/4 4/24 7/19 7/20 COUNTY [4] 1/2 4/5 10/5 10/14 Court's [1] 5/5 criminal [2] 7/14 7/24	<b>F</b> fact [1] 8/11 factor [1] 9/2 failed [11] failing [2] 7/6 7/7 far [1] 4/13 February [3] 1/9 3/1 10/15 federal [1] 4/21 fee [1] 5/2 fees [1] 5/1 Fifth [2] 10/9 10/23 find [2] 7/4 7/10 fines [2] 5/2 9/4 firearms [1] 4/16 follow [1] 4/14 foregoing [1] 10/10 four [1] 7/16 full [1] 9/4 further [2] 7/10 10/16
<b>2</b> 2003 [1] 7/23 2013-GS-40-1907,7974 [1] 1/2 2014 [1] 7/15 2015 [4] 1/9 3/1 10/15 10/19 20th [2] 5/13 5/25 220 [1] 8/2		<b>G</b> GED [5] 5/4 5/6 5/18 6/13 7/9 GENERAL [2] 1/1 10/14 getting [1] 6/19 glad [1] 5/9 God [2] 3/6 3/24 GOOD [2] 1/20 9/6 gotten [1] 6/5 grace [1] 8/6 GS [1] 1/2 guilty [3] 3/15 3/16 3/17
<b>3</b> 30 [1] 4/7 334 [1] 8/2 356 [1] 7/23 390 [1] 8/2		<b>H</b> hadn't [1] 4/12 half [1] 5/23 hand [1] 3/20 have [10] 3/12 4/3 5/20 6/5 6/12 6/17 6/20 6/23 8/19 8/24 having [1] 7/12 he [24] hear [1] 5/9 heard [1] 5/11 hearing [2] 8/17 8/17 help [2] 3/6 3/24 hereby [1] 10/10 hereto [1] 10/17 HONORABLE [1] 1/14
<b>5</b> 508 [1] 7/23 589 [1] 7/23		<b>I</b> incarcerated [1] 6/3 incident [1] 6/21 independent [1] 8/21 indicates [1] 7/24 indictments [2] 4/8 4/8 initial [1] 5/15 innocence [2] 8/23 9/1 instructed [1] 7/8 instructions [1] 4/15 intelligently [1] 6/4 intentionally [3] 3/13 7/5 7/11 interest [1] 10/17 into [1] 6/6 introduced [2] 2/13 10/12 is [13] issued [3] 4/17 7/17 8/21 it [4] 4/2 4/10 6/8 6/25
<b>6</b> 6/12/14 [1] 4/5 68 [1] 8/2 6th [1] 10/15		
<b>7</b> 789 [1] 7/23		
<b>A</b> accounts [1] 4/12 accurate [1] 10/11 active [1] 4/25 activities [1] 7/15 activity [1] 7/24 actually [1] 5/14 additional [1] 8/19 advice [1] 4/14 affirm [2] 3/4 3/22 again [1] 5/16 agent [9] 1/18 3/3 3/19 4/1 4/15 5/8 6/20 7/16 9/10 allege [1] 3/12 alleged [1] 8/4 Although [2] 8/23 8/25 always [1] 8/10 am [2] 9/3 10/16 ANNA [1] 1/20 appeal [1] 10/13 Appearing [1] 1/19 arbitrarily [1] 8/9 arm [1] 4/5 arrested [2] 6/19 8/19 ask [1] 6/6 asked [1] 6/14 at [6] 4/18 5/14 5/19 6/3 8/17 8/17 attempted [2] 4/24 7/20 attend [2] 5/3 7/7 Attorney [1] 1/20 authority [1] 8/8	<b>D</b> DEBORAH [4] 1/24 10/8 10/21 10/23 decisive [1] 9/1 Defendant [3] 1/8 1/20 7/18 Department [4] 1/18 3/11 4/17 6/22 determine [1] 8/14 determining [1] 6/7 did [6] 5/14 5/16 5/19 5/21 6/8 8/25 diligently [1] 4/18 directed [1] 7/6 discovery [1] 6/5 does [1] 8/24 drug [2] 5/2 5/16 during [3] 2/5 2/14 4/24	
<b>B</b> basis [3] 7/25 8/3 8/20 began [2] 4/10 5/11 beginning [1] 4/11	<b>E</b> employment [2] 4/19 5/4 END [1] 9/24 ended [1] 6/19 enforce [1] 8/7 ESQ [1] 1/20 establish [2] 8/11 8/15 evidenced [2] 4/16 7/15	

J	P	
<p>Jashawn [6] 1/7 3/2 3/8 4/3 4/23 7/3  job [2] 5/22 6/13  judge [3] 1/14 7/17 8/13  judgment [1] 9/5  Judicial [1] 10/9</p>	<p>Pardon [2] 1/18 3/12  Parole [2] 1/18 3/12  participated [1] 7/14  party [1] 10/17  pass [1] 5/16  past [1] 5/12  pay [5] 4/25 5/1 5/2 5/2 7/6  payment [1] 4/12  period [1] 4/25  placed [1] 4/20  Plaintiff [2] 1/5 1/19  plead [1] 3/15  point [1] 6/4  Police [2] 4/17 6/21  position [1] 6/8  possession [1] 4/16  predicated [1] 8/10  present [1] 4/13  presented [1] 7/12  probable [3] 4/22 7/13 8/20  probation [16]  probationer [1] 8/15  proceedings [4] 2/5 2/14 9/11 10/12  proclaim [1] 9/1  proclaimed [1] 8/23  proposition [1] 7/22  provide [1] 4/19  provided [1] 8/20</p>	<p>should [1] 8/10  show [1] 5/15  showed [1] 5/15  showing [1] 8/11  silent [1] 8/25  since [2] 4/11 4/19  SOUTH [7] 1/1 1/4 1/9 7/18 10/4 10/9 10/14  speak [1] 6/4  Spencer [1] 7/17  Stipend [1] 5/22  strong [1] 4/5  subsequent [2] 5/16 6/1  sufficient [2] 8/3 8/14  supervision [4] 4/10 4/11 5/1 5/11  support [1] 8/4  supposed [1] 6/18  suspended [1] 4/6  swear [3] 3/4 3/19 3/22</p>
<b>K</b>		<b>T</b>
<p>kin [1] 10/16  KNOX [1] 1/14</p>		
<b>L</b>		
<p>law [1] 8/5  lawful [1] 4/18  laws [1] 4/21  leading [1] 8/11  Livingston [10] 1/7 3/2 3/8 4/3 4/14 4/23  6/16 7/4 8/18 9/6  Livingston's [1] 9/3  local [1] 4/21  long [1] 8/3  look [1] 5/14  luck [1] 9/6</p>	<p>Raise [1] 3/20  RAWL [1] 1/20  reason [1] 6/10  RECORD [2] 1/6 10/11  referred [1] 5/4  refrain [1] 4/20  regard [1] 8/25  Regarding [2] 5/18 6/1  relative [1] 10/13  remain [1] 8/24  report [3] 5/14 5/15 6/21  reported [1] 4/10  Reporter [4] 1/25 10/1 10/8 10/23  reporting [1] 6/13  restitution [2] 5/1 9/4  revocation [3] 7/25 8/6 8/17  revoke [1] 8/8  revoking [2] 8/13 9/3  RICHLAND [4] 1/2 4/5 10/5 10/14  ride [1] 5/20  robbery [1] 4/5  RPR [3] 1/24 10/21 10/23  run [1] 4/9  Russell [1] 7/17</p>	<p>taken [1] 5/12  terms [3] 3/13 7/5 7/11  test [2] 5/2 5/17  testimony [1] 7/16  Thank [5] 5/7 5/7 5/10 9/7 9/8  that [22]  there [4] 4/22 5/20 8/3 8/14  Therefore [1] 9/3  they [3] 5/24 6/11 8/19  things [1] 6/18  this [5] 5/11 5/12 6/3 8/17 8/17  three [3] 4/24 7/18 7/20  through [1] 5/23  TRANSCRIPT [3] 1/6 9/24 10/11  trial [1] 10/12  true [1] 10/11  truth [6] 3/5 3/5 3/5 3/23 3/23 3/23  try [1] 6/12  trying [1] 5/22</p>
<b>M</b>	<b>R</b>	<b>U</b>
<p>Madam [1] 3/18  magistrate [1] 8/22  March [1] 10/19  matter [1] 8/6  McCURDY [4] 1/24 10/8 10/21 10/23  MCMAHON [1] 1/14  means [1] 8/7  month [1] 5/23  months [1] 4/7  Mr [2] 8/18 9/6  Mr. [6] 3/8 4/14 6/16 6/20 9/3 9/10  Mr. Agent [2] 6/20 9/10  Mr. Jashawn [1] 3/8  Mr. Livingston [2] 4/14 6/16  Mr. Livingston's [1] 9/3  much [1] 5/7  murder [5] 4/23 4/24 7/19 7/20 7/21  must [1] 8/14</p>	<p>S  S.C [2] 7/23 8/2  S.E.2d [2] 7/23 8/2  s/Deborah [1] 10/21  say [1] 6/15  second [1] 4/4  sent [1] 5/18  sentence [1] 4/7  sentenced [1] 4/6  serve [1] 7/24  served [2] 5/24 6/10  service [1] 4/6  services [2] 3/12 5/4  SESSIONS [2] 1/1 10/14  SHAW [4] 1/18 3/3 4/1 5/8</p>	<p>Under [1] 8/5  unemployment [2] 4/11 5/21  upon [2] 4/6 8/10</p>
<b>N</b>		<b>V</b>
<p>neither [1] 10/16  neutral [1] 8/21  new [1] 6/11  nor [1] 10/17  nothing [2] 3/5 3/23  November [3] 5/13 5/25 7/15  November 2014 [1] 7/15  November 20th [2] 5/13 5/25</p>		<p>verification [1] 4/19  very [1] 5/7  violate [1] 6/9  violated [4] 3/13 7/5 7/11 8/15  violating [1] 4/21  violation [3] 4/13 8/4 8/11  visit [1] 5/16</p>
<b>O</b>		<b>W</b>
<p>obtain [3] 5/4 5/6 7/9  obviously [2] 5/23 6/1  occupation [1] 4/18  October [2] 5/11 5/24  offender [1] 7/25  offense [1] 4/23  office [1] 5/21  officer [1] 6/14  Official [2] 1/25 10/8  on [16]  only [1] 6/10  order [3] 5/5 7/8 7/9  ordered [1] 4/8  orientation [1] 5/19  Otherwise [1] 6/11  our [2] 3/19 6/8</p>		<p>waived [1] 6/3  warrant [5] 5/12 5/25 6/10 6/24 8/21  warrants [4] 4/16 6/11 7/16 9/9  was [10] 4/4 4/8 4/10 5/12 5/18 5/21 6/10  6/13 6/14 6/18  We [1] 4/3  what [1] 6/7  WHEREUPON [3] 2/4 2/13 9/11  whole [2] 3/5 3/23  will [1] 5/9  willfully [4] 3/13 6/8 7/4 7/10  Williamson [3] 7/23 8/5 8/25  without [1] 4/21  witnesses [1] 2/4  work [1] 4/18</p>
		<b>Y</b>
		<p>year [1] 5/12</p>

**Y**

years [1] 4/6  
years' [1] 4/7  
yet [1] 6/5  
you [19]

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

**STATE OF SOUTH CAROLINA**

COUNTY OF RICHLAND

Probation

**ARREST WARRANT**

Indictment Number 13-GS-40-01907, 13-GS-40-07874, 14-GS-40-00484

Warrant Number W-40-14-0501

State Identification No. (SID) 02032248

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

It appearing from the attached affidavit that there are reasonable grounds to believe that JASHAWN O LIVINGSTON, LIVINGSTON O JASHAWN, did on the 20 day of November, 2014 violate the criminal laws of the State of South Carolina as set forth below:

**DESCRIPTION OF OFFENSE:**

Jashawn Livingston violated conditions 4, 5, 6, 7, 9, 10, 11, and the Special Conditions as ordered in Cause Numbers 2014-GS-40-00464, 2013-GS-40-07974, and 2013-GS-40-01907 in the Richland County Court of General Sessions on 6/12/14.

Now, therefore, you are empowered and directed to arrest the said defendant and bring JASHAWN O LIVINGSTON, LIVINGSTON O JASHAWN 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 COLUMBIA, S. C. this 20 day of November, 2014.

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

County of RICHLAND

**STATE OF SOUTH CAROLINA**

**AFFIDAVIT**

Personally appeared before me, one Hunter Shaw, who, first being duly sworn, deposes and says that JASHAWN O LIVINGSTON, LIVINGSTON O JASHAWN did within this County and State on the 20 day of November, 2014, violate the criminal laws of the State of South Carolina in the following particulars:

**DESCRIPTION OF OFFENSE:**


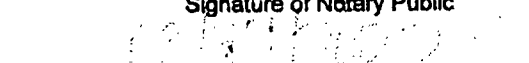
Jashawn Livingston violated conditions 4, 5, 6, 7, 9, 10, 11, and the Special Conditions as ordered in Cause Numbers 2014-GS-40-00464, 2013-GS-40-07974, and 2013-GS-40-01907 in the Richland County Court of General Sessions on 6/12/14.

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:

Jashawn Livingston willfully failed to follow the advice and instructions of his Agent in that he: failed to refrain from being in possession of a firearm as evidence with arrest Warrants issued on 11/19/14 by the Columbia Police Department; failed to work diligently and or provide verification of employment since being placed on probation; failed to refrain from violating Federal, State, or Local laws. Without conviction, there is probable cause to believe Jashawn Livingston committed the offense of Murder (Warrant #2014A4021602789 with CPD) and three counts of Attempted Murder (Warrant #78 2014A4021602794; 95; 96 with CPD) during his active period of Probation; failed to pay supervision fee by being in arrears \$50.00, with a balance of \$1,800.00; failed to pay restitution (13-1907) by being in arrears \$160.00, with a balance of \$5,700.00; failed to pay court fine (13-1907) by being in arrears \$10.00, with a balance of \$133.90; failed to pay court fine (13-7974) by being in arrears \$10.00, with a balance of \$133.90; failed to pay court fine (14-0464) by being in arrears

Sworn to and Subscribed before me  
this 20 day of November, 2014.

  
\_\_\_\_\_  
Affiant

  
\_\_\_\_\_  
Signature of Notary Public (L.S.)  
  
\_\_\_\_\_  
My Commission Expires

Address: 1221 GREGG STREET  
COLUMBIA, SC 29201  
RICHLAND  
USA  
(803) 734-6320

RETURN

\_\_\_\_\_  
Constable or Law Enforcement Officer

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

Jashawn Livingston

on the 20 day of Nov 2014  
[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 dealt with according to law.

\_\_\_\_\_  
Signature of Judge (L.S.)

STATE OF SOUTH CAROLINA  
COUNTY OF

RICHLAND

THE STATE  
against

JASHAWN O LIVINGSTON, LIVINGSTON O JASHAWN

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 11/20/2014

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

Hunter Shaw

Disposition \_\_\_\_\_

Sentence \_\_\_\_\_

Co-Defendants \_\_\_\_\_

INFORMATION ON DEFENDANT

Name JASHAWN O LIVINGSTON  
Address 504 SOUTH BELTLINE BOULEVARD 26A  
COLUMBIA, SC 29205  
Phone (803) 529-5814  
Sex Male Race Black Height 511  
Weight 135 Birth date 10/22/1994  
Social Security Number 250-95-0104

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

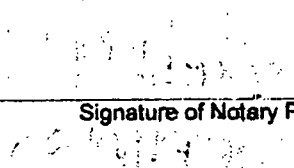
Date Set \_\_\_\_\_  
Magistrate \_\_\_\_\_  
Amount \_\_\_\_\_  
Surety \_\_\_\_\_

### Addendum

\$10.00, with a balance of \$133.90, failed to pay drug test fee by being in arrears \$20.00, with a balance of \$20.00; failed to attend the Columbia Center as instructed by failing to attend Orientation on 10/23/14 as scheduled; failed comply with the Court order to obtain GED. These violations are contrary to the Conditions of Supervision signed on 6/12/14.

Sworn to and Subscribed before me  
this 20 day of November, 2014.

  
\_\_\_\_\_  
Affiant

  
\_\_\_\_\_  
Signature of Notary Public  
\_\_\_\_\_  
My Commission Expires

STATE OF SOUTH CAROLINA

ASGDC

IN THE COURT OF GENERAL SESSIONS

17 A

County of Richland  
STATE VS.

AKA: Jashawn Livingston  
Race: Black Sex: Male  
DOB: \_\_\_\_\_  
SSN: \_\_\_\_\_  
SID#: 2022246

Indictment Number:  
2014-GS-40-0464  
Probation C/W #s: \_\_\_\_\_  
V-40-14-0501  
Name of Original Offense: Burglary 2nd (Non-Violent)  
Original A/W #: 2013A402M00047  
Date of Original Offense: 1/3/13  
Conviction S.C. Code §: 16-11-312  
Conviction CDR Code #: 0101810  
Original Sentence: 10 yrs Suspended to 30 months + 3 yrs of probate

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 6/12/14 in the Court of General Sessions of Richland County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on \_\_\_\_\_, as set forth in the attached warrants) or citation(s) dated 11/20/14. 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)  
4, 5, 6, 7, 9, 10, 11, & the special conditions

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 10 months/years, the remainder of the original sentence, and/or pay \$ \_\_\_\_\_. **FULL REVOCATION**
- the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years of the original sentence and/or pay \$ \_\_\_\_\_; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies:
  - Department fees (arrearage)
  - Fines and other fees (arrearage/balance)
  - Restitution (and 20%) (arrearage/balance)
 Civil judgment:
  - Department fees
  - Fines and other fees
  - Restitution (and 20%)
- Additional Conditions ordered by the Court:  
**Revocation in Full, Convert Fines & Restitution to Civil Judgment**

JEANETTE HOBBS  
CLERK OF COURT  
COURT OF GENERAL SESSIONS  
RICHLAND COUNTY  
COLUMBIA, SOUTH CAROLINA  
5 FEB - 9 AM '15

- 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 30 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 6th day of February, 2015, at Columbia, SC

[Signature]  
Presiding Judge STJ McMahon  
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 \_\_\_\_\_  
Signed this 6th day of February, 2015, at Columbia, SC

975  
2

ASGDC

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of Richland  
STATE VS.

Indictment Number:  
13 -GS- 40 - 7924  
Probation CW#s: \_\_\_\_\_

Jashawn Livingston

Name of Original Offense: Strong Arm Robbery / Common Law Rob

AKA: \_\_\_\_\_  
Race: Black Sex: Male

Original AW#: 2013A402600237

DOB: \_\_\_\_\_

Date of Original Offense: 12/26/12

SSN: \_\_\_\_\_

Conviction S.C. Code §: 16-011-325

SID#: 7072246

Conviction CDR Code #: 0111319

Original Sentence: 10 yrs SS to 30 months + 3y2 of prob

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 6/12/14 in the Court of General Sessions of Richland County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on \_\_\_\_\_, as set forth in the attached warrant(s) or citation(s) dated 11/20/14. 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)  
4, 5, 6, 7, 10, 11, & the special conditions

Therefore, IT IS ORDERED that:  
 the suspended sentence be revoked and the above named defendant be required to serve 10 months/years, the remainder of the original sentence, and/or pay \$ \_\_\_\_\_.

- the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years of the original sentence and/or pay \$ \_\_\_\_\_; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first-degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies:
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  - Fines and other fees (arrearage/balance)
  - Restitution (and 20%) (arrearage/balance)
 Civil judgment:
  - Department fees
  - Fines and other fees
  - Restitution (and 20%)

Additional Conditions ordered by the Court:  
Revocation in Full, Convert Fines + restitution to Civil Judgment.

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 70 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 6<sup>th</sup> day of February, 2015, at Charleston, SC

[Signature]  
Presiding Judge SC McMahon  
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 \_\_\_\_\_

Signed this 6<sup>th</sup> day of February, 2015, at Charleston, SC

875  
6

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

May 18 th, 2015



Robert M. Pachak  
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."

May 18 th, 2015

  
Robert M. Pachak  
Appellate Defender

**RECEIVED**  
MAY 18 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

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Richland County

R. Knox McMahon, Circuit Court Judge

JASHAWN LIVINGSTON,

PETITIONER

v.

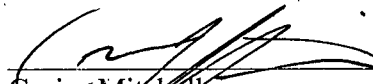
STATE OF SOUTH CAROLINA,

RESPONDENT

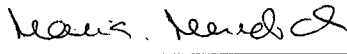
RECEIVED  
MAY 18 2015  
SC Court of Appeals

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, South Carolina Department of Probation, Parole & Pardon Services, P. O. Box 50666, Columbia, SC 29250, this 18<sup>th</sup> day of May, 2015.

  
Cruise Mitchell  
Administrative Specialist

SUBSCRIBED AND SWORN TO before me  
this 18<sup>th</sup> day of May, 2015.

 (L.S.)

Notary Public for South Carolina  
My Commission Expires: July 3, 2023.