

STATE OF SOUTH CAROLINA

In The Court of Appeals

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FEB 29 2016

John C. Hayes, III, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ROBERT DALE HUGHES,

APPELLANT

APPELLATE CASE NO. 2015-001073

RECORD ON APPEAL

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State of South Carolina.,)
)
)
 County of York.)

In the General Sessions
 Court of York
 Case No.: 2015-GS-46-00272

State of South Carolina.,)
)
 Plaintiff.,)
)
)
 -vs-)
)
 Robert Dale Hughes.,)
)
 Defendant.)
)

Transcript of Record
 Bench Trial

April 23, 2015
 May 12, 2015
 York, South Carolina

B E F O R E:

The Honorable John C. Hayes, III., judge.

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Wanda Nelson, CVR-M
 Official Court Reporter
 To the Honorable John C. Hayes, III

I-N-D-E-X

E-X-A-M-I-N-A-T-I-O-N

WITNESS

BY:

PAGE NO.

No witnesses were called.

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Ct.1	Indictment 1994-GS-32-00232	P.5 . . .	P.5
Ct.2	Sex Offender Pre-Registry Form		P.9
Ct.3	DOC Record - Inmate Search		P.9
Ct.4	2001-GS-46-02645 Conviction		
	(10/12/2001)		P.15
Ct.5	2007-GS-46-00434 Conviction		
	(01/16/2008)		P.15
Ct.6	2007-GS-46-00495 Conviction		
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Reporter's Note: All Exhibits were filed with the York
County Clerk of Court's Office.

1 (COURT IN SESSION THURSDAY, APRIL, 23, 2015 AT 09:55
2 A.M..)

3 (ROBERT TAYLOR BOND MODIFICATION WITH ATTORNEY JIM
4 BOYD)

5 (ELIZABETH TIDWELL ENFORCE PLEA DEAL WITH ATTORNEY
6 MELISSA INZERILLO.)

7 (JOSEPH HUCKEBA BOND MODIFICATION WITH ATTORNEY PHIL
8 SMITH.)

9 (ON THE RECORD IN THE MATTER OF STATE V. ROBERT HUGHES
10 WITH SOLICITOR ERIN JOYNER, ATTORNEY PHIL SMITH AT 10:30
11 A.M..)

12 (DEFENDANT ROBERT HUGHES, WHITE MALE, ENTERS
13 COURTROOM.)

14 THE COURT: Yes, ma'am.

15 SOLICITOR JOYNER: Thank you, Your Honor.

16 The next matter for the court is *State of South*
17 *Carolina versus Robert Dale Hughes*. He's charged in
18 Indictment 2015-GS-46-00272 for Failure to Register as a
19 Sex Offender third offense.

20 Your Honor, he's represented today by his Counsel Phil
21 Smith of the Public Defender's Office. Mr. Smith has
22 several motions he would like to address to the Court, I
23 guess in the nature of pretrial legal motions that may
24 resolve the case.

25 THE COURT: All right.

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1 MR. SMITH: Thank you, your Honor, may it please the
2 Court. As the Solicitor indicated I represent Mr. Hughes
3 and he was charged with a Failure to Register third
4 offense, your Honor. Through the course of my
5 representation Mr. Hughes began requesting information
6 concerning his original conviction. Back in - I'm sorry --

7 I believe you handed a copy of the original to me?

8 SOLICITOR JOYNER: No.

9 MR. SMITH: Okay. Sorry.

10 (WHEREUPON, COURT'S EXHIBIT NUMBER ONE PREMARKED FOR
11 IDENTIFICATION.)

12 SOLICITOR JOYNER: I'm gonna pass up Court's Exhibit
13 One which was what was provided to the State by the
14 Lexington County Clerk of Court's Office.

15 THE COURT: Thank you.

16 (WHEREUPON, COURT'S EXHIBIT NUMBER ONE IDENTIFIED AND
17 MARKED, RECEIVED INTO THE RECORD.)

18 MR. SMITH: And, your Honor, the Solicitor provided us
19 copies and as your Honor can see he was charged with a CSC
20 with a minor first degree but it indicates that he entered
21 a plea to a charge of CSC with a minor third degree.

22 I do not know that charge and Mr. Hughes raises two
23 issues in asking the Court to dismiss the current
24 indictment against him. One: When he was originally
25 arrested for this charge he was convicted of the charge for

1 which your Honor has the paperwork now. The Registry did
2 not exist and so he makes an argument that the additional
3 punishments that now are being imposed upon him are ex post
4 facto and should not be allowed. Additionally he now gets
5 these enhanced penalties because of repetitive violations
6 of what he believes to be an ex post facto law.

7 And then his other issue is that, your Honor, the 1994
8 Act 23-3-430 list the charges that in South Carolina would
9 require one to register. They list CSC first, second, and
10 third.

11 THE COURT: All right. What's that Code Section again
12 real quick?

13 MR. SMITH: 23-3-430.

14 THE COURT: Okay.

15 MR. SMITH: Under Section C they do list Criminal
16 Sexual Conduct first degree, Criminal Sexual Conduct second
17 degree and Criminal Sexual Conduct third degree.

18 And then it also list Criminal Sexual Conduct with a
19 minor in the first and second degrees but there is no
20 listing for Criminal Sexual Conduct with a minor in the
21 third degree which is what he believes he pled to.

22 There is a Section 14 which talks about comparable
23 courts from other jurisdictions, if the elements match
24 those, then that individual would be required to register
25 under this statute, but our position is plain reading of

1 the statute if the court of some other jurisdiction are
2 comparable these would be the same in South Carolina
3 courts. So based upon those two different reasons Mr.
4 Hughes ask that the charge - that the indictment against
5 him be quashed.

6 SOLICITOR JOYNER: Your Honor, if we could - I think
7 that and just for the purposes of the ex post facto
8 argument and just for a moment to assume the validity of
9 the underlying conviction I think the court's have
10 addressed the ex post facto argument and rejected it -
11 rejected that argument.

12 That would be one of the cases, *State versus Walls* and
13 which was at 348 S.C. 26 from the South Carolina Supreme
14 Court in 2002. They dealt with the argument that the
15 imposition or the requirement that people register for
16 offenses that occurred prior to the enactment of the Sex
17 Offender Registry did not constitute an ex post facto
18 violation because while they were - was retroactive the
19 statute is not penal and criminal in nature.

20 And, your Honor, I believe that's the law of South
21 Carolina. I don't think that there's any ex post facto
22 violation under the circumstances.

23 As to the second - the second motion, the motion to
24 dismiss, I think essentially is that he's - should not be
25 required to register because he does not have a predicate

1 offense which would require the registry.

2 I'll tell the court that I completely agree with Mr.
3 Smith, back in 1994 there was not an offense that was
4 titled Criminal Sexual Conduct with a Minor in the third
5 degree. That is the statute that replaced the Lewd Act,
6 did not come into existence until 2012 with that specific
7 name. At the time that he pled guilty, the time that he
8 was charged and then at the time that he later pled guilty
9 the offense - the offenses regarding criminal sexual
10 conduct with a minor were first degree and second degree.

11 Additionally additional criminal sexual conduct
12 charges were the traditional criminal sexual conduct first,
13 criminal sexual conduct second, criminal sexual conduct in
14 the third degree.

15 Your Honor, Mr. Hughes was sentenced on March 3rd of
16 1994, he received a ten-year sentence which is the maximum
17 allowed under the Criminal Sexual Conduct Third Degree, and
18 it's the State's position that while Mr. Hughes was
19 originally indicted for criminal sexual conduct with a
20 minor in the first degree, that what he actually pled to
21 was criminal sexual conduct third degree; in that the
22 notation plea to CSC with minor third degree, that with
23 minor was merely the surplusage, it was following an
24 explanation to note the age of the victim but that the only
25 thing - the only way to construe this sentence is to

1 construe it according to what the law for at the time.
2 There was a law CSC third degree as the law is today CSC
3 third degree.

4 Your Honor, --

5 THE COURT: Isn't there a general penalty statute that
6 makes offenses which have no penalty ascribed to them have
7 a penalty of ten years?

8 SOLICITOR JOYNER: I'm sorry, Your Honor?

9 THE COURT: Isn't there a statute - and we will
10 certainly check on it - that says where any offense has no
11 specific sentence connected therewith that the sentence
12 would be up to ten years?

13 SOLICITOR JOYNER: I do believe there is that statute,
14 your Honor, but I believe the sentence in this case that
15 was handed down by the court is for a CSC third. And I can
16 tell the court I have two additional exhibits to mark on
17 this point.

18 (WHEREUPON, COURT'S EXHIBIT TWO AND THREE, IDENTIFIED
19 AND MARKED, RECEIVED INTO THE RECORD.)

20 SOLICITOR JOYNER: Your Honor, I'm handing up what's
21 been marked as Court's Exhibit Two and Three.

22 Court's Exhibit Two, your Honor, is the
23 Preregistration Form that is completed with the Department
24 of Corrections when Mr. Hughes was preparing to leave the
25 Department of Corrections. He completed that

1 Preregistration or that first Registration on June 30th of
2 1998. So, when Mr. Hughes went into prison there was no
3 registry but when he came out there was a sex offender
4 registry.

5 You will notice on the second page of the registration
6 form it is circled that Mr. Hughes - that the Department of
7 Corrections note had Mr. Hughes classified as having been
8 convicted of CSC third degree violation of 16-3-654. That
9 was the registration form that Mr. Hughes completed and
10 signed when he was released from the Department of
11 Corrections.

12 Your Honor, Court's Exhibit Three is a printout that
13 was sent to us by the Department of Corrections, their
14 inmate records which shows they did classify Mr. Hughes or
15 construed his sentence as a criminal sexual conduct third
16 degree again in violation of 16-3-654, that he received a
17 ten year sentence and also an adult straight sentence.

18 Your Honor, I think that the way that the Department
19 of Corrections construed the sentence is the only way to
20 understand the sentence. I think that there is a
21 presumption of regularity in General Session proceedings,
22 and while I was not able to find a case that addressed
23 these exact facts, there is that presumption of regularity
24 that attaches to General Session proceedings absent
25 evidence to the contrary.

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1 When you look at Court's Exhibit One the final
2 indictment or the third indictment in the stapled set,
3 shows the name Fullwood at the top. That was Mr. Hughes'
4 public defender. So I just want to point out to the court
5 that - that if the presumption of regularity attaches to
6 General Session proceedings; you have the judge, the
7 solicitor, and a public defender all in a courtroom and we
8 have to - I think we have to presume absent evidence to the
9 contrary that there was a plea colloquy in order for this
10 plea to have gone through and been accepted, and that
11 certainly there was a discussion of the elements of the
12 offense and a waiver of his rights and so forth.

13 And I think to say that because there's two extra
14 words "with minor" included in the conviction record that -
15 that Mr. Hughes was essentially standing in a court of
16 General Sessions and pleading to an offense that didn't
17 exist kind of flies in the face of presumption of
18 regularity that would attach to the proceedings.

19 I think the only way --

20 THE COURT: Well I don't see where - I don't follow
21 your argument that this has anything to do with presumption
22 of regularity. The proceedings could have been a hundred
23 percent regular and ended up - I mean we got to look at
24 taking the presumption that the proceedings were regular
25 that's fine. I can presume that but still we got a piece

1 of paper here that says that the court must rely on. It's
2 a document of the court. I can't just say that Judge Eppes
3 that this with minor has no meaning. I mean it's put on
4 there by somebody for a purpose and that's what Judge Eppes
5 sentenced him to.

6 SOLICITOR JOYNER: Well, your Honor, but that offense
7 didn't exist and so that's the State's point.

8 THE COURT: I understand the State's point but --
9 Go ahead.

10 SOLICITOR JOYNER: Well, your Honor, going back to
11 what the proceedings would have been like, he was
12 represented by an attorney, there was a solicitor in the
13 courtroom, and there was a judge; certainly a plea colloquy
14 included representation of what the state would have to
15 prove. He would have had to have an attorney say yes I
16 have explained the elements of the offense of which he's
17 pleading and to believe that he could have stood in a
18 courtroom and plead to an offense that simply did not exist
19 I don't know how that could happen.

20 That's why I'm saying that I think that the Department
21 of Corrections when they looked at the sentencing
22 paperwork, they looked at the sentence that was handed
23 down, they could correctly construed the sentence to be
24 that of CSC third degree. There was no CSC third with a
25 minor at that time and so there is no other interpretation

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1 of the sentence other than to believe that a court, while
2 he was represented by counsel and a solicitor stood by he
3 pled guilty to an offense that doesn't exist.

4 I don't know how that could happen. And this is not a
5 situation where he - There is a caption of an offense that
6 had been since repealed, I can see in that scenario how you
7 could have people standing in a room and all listen to
8 facts and have an attorney attest that she'd explained
9 elements maybe not realizing that the offense had been
10 repealed, but that's not the situation here.

11 If this is - I think that it would be - I don't know
12 how a plea could go through under those circumstances with
13 the plea colloquy and being represented by an attorney and
14 have three lawyers in a room pleading somebody to an
15 offense that simply doesn't exist.

16 I think that we often have scribblers errors, we often
17 have documents that have surplusage and it doesn't render
18 something completely invalid. And this isn't directly on
19 point, but because this is such a unique situation, it was
20 difficult to find cases that were on all fours but I think
21 that - and again it's not directly on point - and then I've
22 - But I think it does show that where there is a scribblers
23 error it doesn't necessarily invalidate a conviction as in
24 *State versus Sosbee* which is 371 S.C. 104, and that was
25 decided by the Court of Appeals in 2006, and it is not

1 directly on point but - but in that case in Soseby the
2 sentencing sheets he was convicted at a jury trial and the
3 sentencing sheets erroneously indicated that he was charged
4 with assault with intent to commit criminal sexual conduct
5 first degree with that code section and the corresponding
6 CDR Code when - when in fact he was convicted of assault
7 with intent to commit criminal sexual conduct with a minor
8 in the first degree.

9 And again, not directly on point but it does go to
10 show that the court looked at that and said, you know, if
11 there's a record, there's the trial record, we know what
12 you were convicted of and we know what verdict the jury
13 handed down, these are scribblers errors on the sentencing
14 sheet. And again I know in this particular case we don't
15 have that record to fall back on, but I think Soseby can
16 stand for the proposition that scribbler's errors don't
17 invalidate an otherwise valid sentence.

18 Also I want to point out to the court as Mr. Smith
19 indicated, Mr. Hughes has pled guilty a number of times to
20 failure to register as a sex offender. And he's been - He
21 has past convictions and I don't know that he was - I think
22 one he was convicted after a trial. I don't know the
23 others so I don't want to attempt to use any out of state
24 convictions to make the point. But in the State of South
25 Carolina he's pled guilty on three different occasions for

1 separate offenses for failure to register.

2 So the first --

3 (WHEREUPON, COURT'S EXHIBIT NUMBER FOUR IDENTIFIED AND
4 MARKED, RECEIVED INTO THE RECORD.)

5 SOLICITOR JOYNER: The first one I'm handing up, your
6 Honor, is a Court's Exhibit Four. That's his 2001
7 conviction. Mr. Hughes was not represented in that case
8 but he did enter a guilty plea. And the date of that
9 guilty plea was October 12th, 2001.

10 The next two, your Honor, I'm handing up are Court's
11 Exhibit Five and Six.

12 (WHEREUPON, COURT'S EXHIBIT NUMBER FIVE AND SIX,
13 IDENTIFIED AND MARKED, RECEIVED INTO THE RECORD.)

14 SOLICITOR JOYNER: These are convictions from the same
15 day January 16th of 2008. State's Exhibit Five is
16 Indictment 2007-GS-46-04434. And the alleged incident date
17 in that indictment was April 4th of - or April 6th of 2004.
18 State's Exhibit Six is 2007-GS-46-04433. The incident date
19 alleged in the indictment was March 6th of 2003, and he
20 entered guilty pleas.

21 He was arrested that same day on both warrants,
22 entered his plea on January 16th of 2008. And in this
23 instance he did have the benefit of an attorney. He was
24 represented by Gary Lemel.

25 And then finally --

1 (WHEREUPON, COURT'S EXHIBIT NUMBER SEVEN, IDENTIFIED
2 AND MARKED, RECEIVED INTO EVIDENCE.)

3 SOLICITOR JOYNER: Your Honor, finally Court's Exhibit
4 Seven is a conviction from 2013. It's Docket 2013-GS-46-
5 00495 with an incident date of June 1st, 2008 through
6 August of 2008 and he was at that point represented by B.J.
7 Barrowclough of the Public Defender's Office.

8 So I think, your Honor, there - beyond the fact that I
9 think that it might be a different scenario if Mr. Hughes
10 had merely been told that he had to register and, you know,
11 had not ever been convicted of failing to register, pled
12 guilty before to that offense, and now is coming into the
13 courtroom and saying I contest this predicate offense.

14 But I think that we're in a situation now where he
15 with the benefit of counsel on two prior occasions has
16 entered guilty pleas to the offense of failure to register
17 one of those elements being that he is in fact required to
18 register.

19 Now, I don't suggest to the court that means that he
20 should never be allowed to challenge the fact that he's on
21 the registry. If he feels that that is unjust I think that
22 he is free to file a declaratory judgment action as to
23 having his name removed from the registry and have - Mr.
24 Smith's motion today. But on the point of the motion to
25 just basically dismiss the case or quash the indictment I

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1 think that what the court would disrespectfully ask him
2 that the court might not make a finding of a matter of law
3 that he's not required to register at the very least allow
4 this to be something that goes forward perhaps as a jury
5 issue.

6 Because I do think that there is - I believe that the
7 term with minor reflected on the indictments in the
8 arraignment form, which I think was serving as a sentencing
9 sheet as well, was either a scribbler's error mirrors a
10 plumage it was not meant that he was pleading guilty to an
11 offense that did not exist, it was meant to be an
12 additional description of what he had committed or what he
13 was pleading to which was CSC third.

14 There is - And again I'm not suggesting that he not
15 ever be able to challenge it in the context of the offense
16 which is again this is - I'm handing up *State versus*
17 *Hewins*. That is 409 S.C. 93 that was decided by the South
18 Carolina Supreme Court in 2004. This was a case on
19 collateral estoppel.

20 And essentially the defendant in that case had an
21 underlying - they had a magistrate charge and a general
22 sessions charge predicated upon the same arrest. The
23 defendant first went to trial on the magistrate charge,
24 didn't raise a search issue in the magistrate case; then
25 came to court in the general sessions case and wanted to

1 raise a search issue. And this case addresses whether it
2 was proper to prohibit him from raising that issue pretrial
3 because he had already been found guilty in magistrate
4 court.

5 And the South Carolina Supreme Court they went back
6 and they distinguished the Snowmen case which is the
7 pleading guilty in magistrate court would - you know would
8 collaterally estop the defendant from then questioning the
9 validity of the arrest.

10 And they went into a long analysis and they talked
11 about the offense of the use of collateral estoppel that is
12 used by the State in a criminal proceeding, noted that a
13 lot of court's don't allow it at all, but they were
14 addressing the very narrow issue of whether a prior -
15 whether a prior conviction may be used against a defendant
16 at a pretrial motion to suppress.

17 In this particular case said that it did not apply to
18 prevent him from raising his issue but that they were not
19 ever going to say that it could not come into play in the
20 course of criminal cases in the course of pretrial motions.
21 And I guess - Well this also is not directly on point, I am
22 asking the court to consider the fact that he has
23 previously in prior cases pled guilty to the offense and
24 simply asking the court not - not to dismiss the case based
25 upon what I think is probably either a scribbler's error or

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1 surplusage. Something that the court's back then would
2 have no way of knowing, would have - be so detrimental in
3 the future and allow us to go to the jury. And if he
4 somehow wishes to contest his obligation to register in
5 front of a jury that perhaps that could be a jury issue,
6 but I think that at this point that you actually look at
7 the elements of collateral estoppel and the issues in the
8 two proceedings must be identical must face the same charge
9 for.

10 The party estopped must have had a sufficient
11 incentive to litigate the issue fully and vigorously, which
12 certainly he's pled guilty to crimes before in the same or
13 similar penalties, party estopped must have been a party to
14 the previously litigation which he was. The applicable law
15 must be identical in both proceedings. I think that the
16 law on sex offender registry has changed in small amounts
17 over time but the far substance of the law has not.

18 And then the final proceeding must have resulted in a
19 final judgment such that the defendant has sufficient
20 incentive not to - appeal.

21 I think that just - I think from a policy standpoint a
22 person who is continuously pled guilty and pled guilty and
23 pled guilty two times at the very least should not be able
24 to have their case dismissed five times later and based
25 upon argument and they've had the opportunity to contest it

1 in the past and had chosen not to.

2 But going back to the state's original point, I think
3 this is the only way to construe the conviction is of a CSC
4 third. There was - There was that - Based upon the
5 wording, based upon the sentence that he received which was
6 a ten year sentence which was the maximum penalty that was
7 allowed for CSC third then and now. He signed State's
8 Exhibit or Court's Exhibit Two. Clearly the Department of
9 Corrections construed it as a CSC third. He was on notice
10 of that back then as he signed it and indicated.

11 And I would point out to the court, I could not find
12 any record of Mr. Hughes ever filing an appeal from any of
13 his convictions in South Carolina or a PCR action from any
14 of his - these convictions that we mentioned today. I'm
15 not aware of any other action that might have been filed in
16 Civil Court. I don't think there are any that contest or
17 go to the underlying conviction or his obligation to
18 register.

19 So I just respectfully ask the court to deny the
20 motion to quash the indictment or dismiss the case. And
21 then deny the motion on ex post facto grounds.

22 THE COURT: Mr. Smith, I'll probably have to take a
23 look at this anyway but how does this get before me on a
24 motion to quash the indictment because in looking at the
25 four corners of the indictment the indictment alleges that

-21-

1 he had been convicted of an offense for which he's required
2 to register as a sex offender? It's a matter of proof.

3 And two: That he failed to register as a sex offender
4 as required. That's a matter of proof. The indictment
5 states that and puts him on notice and can I look beyond
6 the four corners of the indictment to determine this issue
7 or is this more accurate an issue of to suppress the
8 evidence at the trial or for a directed verdict?

9 MR. SMITH: I agree a motion to quash does not fit in
10 that reading. I don't know if I would be allowed a
11 pretrial probable cause hearing with this court because I
12 do think it's just a matter of law that exist as to whether
13 or not what he has plead to would equate to what is
14 required for them to go forward. But as the four corners
15 of the indictments stand I do agree that --

16 THE COURT: Well, I think the state's made a good
17 presentation but I do have concerns but I think this is -
18 I'm not gonna comment on the factual situation although if
19 we always work very hard diligently to make sure we get the
20 right CDR Codes and we got a CDR Code 159 on the CSC first
21 indictment but unlike what we do now they don't have one on
22 the sentencing sheet.

23 MR. SMITH: Yes, sir.

24 THE COURT: That would have been very very helpful.
25 I'm gonna deny the motion to quash because I don't see that

1 there is any defect in the indictment. And I think the
2 issue is a good one and I just don't think it's right to be
3 viewed by the court under this motion.

4 MR. SMITH: Thank you, Your Honor.

5 THE COURT: Thank you. All right, let's take a little
6 break.

7 (COURT IN RECESS AT 10:59 A.M..)

8 (COURT IN SESSION TUESDAY, MAY 12, 2015 AT 02:33
9 P.M..)

10 (RICHARD FEKETE PLEA WITH ATTORNEY GARY LEMEL; JAMIL
11 SIMPSON AND BRANDY SMITH PLEAS WITH ATTORNEY PHIL SMITH.)

12 (ON THE RECORD IN THE MATTER OF STATE V. ROBERT DALE
13 HUGHES AT 02:45 P.M..)

14 (DEFENDANT ROBERT HUGHES, WHITE MALE, REENTERS
15 COURTROOM.)

16 (WHEREUPON, STATE'S EXHIBIT NUMBERS ONE THROUGH THREE
17 AND COURT'S EXHIBIT NUMBER EIGHT, PREMARKED FOR
18 IDENTIFICATION.)

19 THE COURT: You ready to call the case?

20 SOLICITOR JOYNER: Yes, sir, your Honor.

21 THE COURT: All right.

22 SOLICITOR JOYNER: May it please the Court. The State
23 is calling the case of *State of South Carolina versus*
24 *Robert Dale Hughes*, True Bill Indictment 2015-GS-46-00272
25 for failure to register as a sex offender.

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1 This is a bench trial, Your Honor. The State and the
2 defense have agreed that - has entered into some
3 stipulations which I've had marked as Court's Exhibit
4 Eight. It's been signed by Mr. Smith and myself.

5 (WHEREUPON, STATE'S EXHIBIT NUMBER ONE THROUGH THREE
6 AND COURT'S EXHIBIT NUMBER EIGHT RECEIVED INTO THE RECORD.)

7 SOLICITOR JOYNER: Your Honor, we would like to do
8 this bench trial without testimony.

9 THE COURT: All right. Well, before we get there.

10 Number One: I have had some experience with this
11 trial in the past and have also received communications
12 from Mr. Hughes and have forwarded them on to his attorney.

13 And, Mr. Hughes, are you waiving your right to have a
14 trial by jury and allowing the Court to try this case is
15 what's called a Bench Trial without a jury?

16 MR. HUGHES: Can I stand up, if it please the Court?

17 THE COURT: Yes, sir.

18 MR. HUGHES: Your Honor, I was - The last time I was
19 here I came three weeks early and registered. I been
20 working in Georgia. They extradited me back from Georgia
21 from Clayton County on the charge, the same charge, they
22 gave me a year. Okay, they dropped the charge when I got
23 here because I was incarcerated there. They let me out of
24 jail here; I registered like I was supposed to.

25 I was contacted and had a job to go back to in

1 Georgia. Okay. I came up here three weeks early and
2 registered. Mr. Cornwell there - the officer that was
3 there took my register form. I told him, I said, you know
4 I'm going back to Georgia probably next week or so to work.
5 He said, well you know you have to register and all.

6 I go up there I registered in Clayton County, Georgia.
7 I registered there three or four times.

8 He can't seem to find the register. I wrote 'em
9 myself. Your Honor, could you look at this?

10 THE COURT: You can hand it up.

11 MR. HUGHES: I wrote 'em myself and ask them to send
12 me my register information. Okay. They sent me this paper
13 back said that I would have to send them money to get it.
14 I don't have the money because I'm incarcerated. They have
15 the records there. I was arrested there for pedestrian in
16 the roadway and for soliciting. Both times I was in jail,
17 no warrants showed up for me here. I signed temporary
18 register when I got out of jail both times and I'd signed
19 'em before that.

20 They came to the Interstate Lodge where I was staying
21 and I also give 'em Clayton County. They came up there and
22 seen where I was staying and also I was living in a - it
23 was out of Clayton County, it was in Forest part of
24 Georgia, a city constable, they came and seen where I was
25 living. I was registered.

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1 My brother passed I came back down here and I went to
2 a funeral. I went - My cousin said when I seen him at the
3 funeral said you know they got a warrant on you for rape.
4 And I said for what? He said for registration violation.
5 I said well let me check. I told my brother, he said, well
6 you can't stay here, they come up here they'll gonna get
7 you for housing a criminal fugitive and all this. I said,
8 okay.

9 I went to the Rock Hill City Police station, I said
10 they sent out a warrant from York County but I been
11 arrested in Georgia. They contacted here they didn't show
12 a warrant but I had a warrant for a unpaid traffic ticket.
13 They bring me up here on a unpaid traffic ticket that's
14 when they come out with this warrant. I been here ever
15 since trying to do the right thing. I been in this jail
16 every since. I was registered in Georgia, sir.

17 THE COURT: All right. Well, at this point you're up
18 for a trial.

19 MR. HUGHES: I don't' want to go to trial, I want to
20 wait until they get this information cause he don't have
21 nothing to fight with. He's fighting for something - Okay.
22 He's fighting because - I don't mean to be rude to the
23 Court. I apologize but I been set in here eight months
24 trying to have my say. And, sir, he's fighting for
25 something that's saying that they didn't have, they didn't

1 even have a third degree CSC where they charged me. That's
2 what he's fighting with. My real weapons is that I was
3 already registered in Georgia.

4 THE COURT: Well this letter, Ms. Wills, from the
5 Clerk of Superior Court, actually it's from.--

6 MR. HUGHES: The only thing - Go ahead, sir.

7 THE COURT: It's dated May 1st so I don't know when
8 you got in touch with them.

9 MR. HUGHES: I got that back - I got that in the mail
10 last Thursday.

11 THE COURT: I know. But when did you contact them
12 about getting this information?

13 MR. HUGHES: I went and got that information myself.
14 I been trying to get him to get it since the first time I
15 talked to him. I been here six or seven months before I
16 saw my lawyer.

17 THE COURT: Well, I guess my point is, you should have
18 written earlier so you would have this.

19 MR. HUGHES: I figured that he would get - I didn't
20 even - I figured he would have the information when I
21 finally saw him. He's saying they don't have the
22 information there. I know I signed the register. I know
23 the officer came and seen where I was living. I told him
24 if he would call the motel they would verify I was staying
25 there and they would verify the officers came there because

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1 they kept calling and saying was Mr. Hughes living there.

2 I was arrested there three times, if I would have had
3 a - if I had a prior they would already - if I hadn't been
4 registered they would a locked me up and charged me. They
5 said that they would call me if I wasn't registered and
6 they wanted to give me - trying to give me six years the
7 last time I was there and I fought them the same way I'm
8 trying to tell him I didn't plead to no registration. Why
9 I plead I plead to a zero to ten there was no registry.

10 THE COURT: Okay.

11 MR. HUGHES: And now I was twenty-nine years old then.
12 I'll be fifty-five my birthday I been dealing with this for
13 forty - thirty - almost thirty years.

14 THE COURT: What do you know about this Georgia deal,
15 Mr. Smith?

16 MR. SMITH: Yes, Your Honor. Mr. Hughes made me aware
17 and I began looking on the Georgia site to see if he was
18 registered; looked two different ways, one to see if anyone
19 by his name was registered in Georgia. Did that search,
20 there are not. Then looked in the county which he claimed
21 he was registered to see if it was under some other name
22 for any reason. I have both those searches should Your
23 Honor wish to see them but he's not registered there.
24 There is only one Hughes; that's a Vincent Raymond Hughes
25 registered. And then in Clayton County I have the list of

1 registers; there is no one there by his name.

2 I also made the solicitor aware. She contacted the
3 Georgia Sex Offender Registration Office. They gave her
4 copies where Mr. Hughes was in fact told he needed to
5 register and the forms that he received that he signed when
6 he got out but there is no record that he was registered.

7 As his attorney I thought his better argument is the
8 argument concerning ex post facto concerning the actual
9 crime for which he's on the registry not being the listed
10 offense. I don't think that there is a valid defense for
11 him having registered.

12 THE COURT: Mr. Hughes, we're gonna go forward with
13 the trial today and if you can obtain at some point
14 information that does confirm what you're telling me that
15 you did register in Georgia there may be grounds for
16 reopening this case if you are convicted based on after
17 discovered or newly discovered evidence.

18 MR. HUGHES: Your Honor.

19 THE COURT: Do you consent to a bench trial or do you
20 want a jury trial?

21 MR. HUGHES: Your Honor, every time I was arrested
22 there they made me sign a temporary registry. I went there
23 as soon as I got there. I worked for the state legislator
24 of Georgia Mr. Winfred Dukes when I was there and I'm sure
25 I was registered. Why he can't find the information is

1 beyond me. It's either they're not - He's - Where he
2 searched on the web he hasn't went to Clayton County
3 Sheriff's Office. He hadn't talked to that Clerk of Court
4 cause the records are there.

5 THE COURT: Well, my question now is, do you want to
6 go forward with a bench trial and have me try the --

7 MR. HUGHES: Not until I get this information because
8 he don't have - Well, okay, what will happen if I'm found
9 guilty today, sir?

10 THE COURT: If you're found guilty I'll sentence you
11 and then you can appeal that and if you find information
12 that confirms that you registered you can present that to
13 the court and ask - and I can't make any promise what the
14 court will do - and I say the court, it could be me or it
15 could be another judge - you could bring any newly
16 discovered information before the Court and ask for this
17 case to be - the verdict in this case to be set aside based
18 on what's called newly discovered evidence.

19 So, we can go forward today and if I find you guilty
20 and sentence you you certainly have the right to obtain
21 that material or you have the right to appeal.

22 MR. HUGHES: Well, sir, whatever happens today at
23 least I did get my say in court. And I apologize for since
24 you let me. When I wrote them back and ask for them to
25 send me my registration the only evidence I had was a fax

1 for this court and that's the fax number I gave him to fax
2 the information to. I honestly think that they will send
3 'em back. I mean I don't see why. He went on line he
4 didn't go to the Clayton County Justice Center to get this
5 information. I don't know where he went on line to get it.

6 I'm not saying he's not doing his job but I know that
7 I signed these registers. I signed a full time register
8 when I got this here. I went back I went to see that
9 woman, she had me fill out a thing saying where I live.
10 It's a temporary register. I used my permanent register
11 here. And when I came back I honestly thought so I'd get
12 in touch with 'em and we'll figure it out.

13 What it is the tracking system is not - the last time
14 when he brought me up here the last time they wasn't
15 showing any warrants on me in Georgia neither cause when I
16 first went to prison I told my case worker she checked it
17 and she said you don't have no warrants on you or nothing
18 you're good. Okay. Two days before I thought I was gonna
19 get out they come up and said they had a warrant on me from
20 South Carolina. She told me she said I don't know, she
21 said I checked and I had 'em. But evidently between
22 Georgia and South Carolina their tracking or something is
23 up.

24 THE COURT: Let me ask you this, Mr. Smith, this.

25 Mr. Smith, I did not research whether or not there is

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1 any such thing as a temporary registration. If your
2 permanent address is in South Carolina are there any
3 provisions of law that allow you to while out of state
4 register in another state and toll your ability or your
5 requirement to register in this state?

6 MR. SMITH: My understanding of our statute is if his
7 permanent residence is here he would have to register here.
8 He upon release was indicated he would have to register
9 from Georgia but I have no indication that he registered
10 there or that was his permanent domicile.

11 THE COURT: Do you want to go forward today and have a
12 trial with me without a jury or do you want to have a jury
13 trial at a later time?

14 MR. HUGHES: I'll go ahead and do the trial today.

15 THE COURT: Okay. All right, then I find that Mr.
16 Hughes is freely voluntarily knowingly and intelligently
17 waiving his right to go forward with the trial and so we'll
18 go forward with the bench trial.

19 Now do you want to followup with your stipulations?

20 Have you gone over all of them yet?

21 SOLICITOR JOYNER: Yes, sir, Your Honor. I believe I
22 handed up the stipulations. The only addition - additional
23 stipulation that Mr. Smith and I discussed briefly before
24 we began is that I failed to mention the stipulation that
25 we agreed that we will stipulate that at that last

1 registration in June of 2013 he did list he was registered
2 in fact virtue of residence listing his residence here at
3 York County.

4 And that was a - he had listed - A last listed address
5 in June of 2013 was an address of
6 McConnell, is within York County.

7 MR. SMITH: And that does show on his Georgia Form of
8 Notification as the address listed there as well, Your
9 Honor.

10 THE COURT: All right. Mr. Hughes, the State has
11 presented stipulations and your attorney has agreed upon.
12 Do you want to go under oath and testify or do you want to
13 stand on what you've already related to the court?

14 MR. HUGHES: I just soon stand on what I related to
15 the court.

16 THE COURT: All right. Well let me ask you then,
17 do you swear that the information that you related to the
18 Court earlier during this hearing and entirely during this
19 hearing has been the truth, the whole truth, and nothing
20 but the truth so help you God?

21 MR. HUGHES: Yes, sir.

22 THE COURT: All right. Anything else?

23 SOLICITOR JOYNER: Your Honor, I did, I did present
24 these as Court's Exhibits previously on April 23. I did
25 ask the court reporter to mark State's Exhibit One which

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1 will be the underlying offenses with the State's position
2 as these are the triggering offenses from Lexington County
3 from 1994.

4 Also marked State's Exhibit Three, the Department of
5 Corrections Information Sheet and the State can construe
6 this conviction as a CSC third.

7 Also, State's Exhibit Two which was the corresponding
8 Court's Exhibit Two shows this was the preregistration from
9 the Department of Corrections in 1998.

10 And additionally, Your Honor, a new exhibit which is
11 State's Exhibit Eight is the June 26, 2013 registration of
12 Mr. Hughes.

13 THE COURT: Any closing arguments?

14 SOLICITOR JOYNER: Your Honor, the State respectfully
15 would ask that the Court find Mr. Hughes guilty. He was
16 convicted in 1994, your Honor, of three counts, those are
17 1994-GS-32-232, 233 and 234. He was originally charged in
18 the Indictments with Criminal Sexual Conduct with a Minor
19 in the First Degree. He pled to a lesser offense, your
20 Honor. And your Honor's previously heard some argument
21 regarding what the nature of that offense would be, but it
22 is captioned on the indictment as a plea to CSC with minor
23 in the third degree, and that is on each indictment and
24 each arraignment form.

25 We'd ask the Court to construe that as a conviction

1 for CSC third. We'd ask - submit to the court that that
2 was the intention of the judge and the only sentence or the
3 only charge that makes sense.

4 Your Honor, at the time that Mr. Hughes pled guilty in
5 March of 1994, he was sentenced to ten years at the
6 Department of Corrections at that time and there was not a
7 sex offender registry in place. The Sex Offender Registry
8 was passed or put into law on July 1st of 1994.
9 Accordingly was in place when Mr. Hughes was released from
10 the Department of Corrections. On June 30th of 1998 he
11 completed a pre-registration at the Department of
12 Corrections. Your Honor, that's State's Exhibit Two.

13 And you will see on - I believe the second page - that
14 it is circled, that plea offense, which warrants
15 registration. It was the 16-3-654, it's circled criminal
16 Sexual Conduct third degree. Mr. Hughes signed that form.
17 He began or he previously registered with York County. And
18 I will tell the Court that his - for purpose of
19 registration the Sheriff's office has always incorrectly
20 captioned his predicate offenses as CSC with minors. And I
21 think that he would be entitled to relief and have that
22 corrected to reflect the CSC third degree.

23 But we would simply ask the Court to find that he -
24 with all the stipulations establish everything short of
25 whether the underlying offenses from Lexington County

1 trigger his registration and we'd ask the court to rule
2 that they do trigger his registration.

3 In looking at what the law was at the time when Mr.
4 Hughes was convicted, there was no offense called criminal
5 sexual conduct in third degree with a minor. There was
6 criminal sexual conduct in the first degree with a minor
7 and a second degree with a minor. There was criminal
8 sexual conduct first, criminal sexual conduct second,
9 criminal sexual conduct in the third degree.

10 Those were all the offenses on the books which
11 involved a sexual battery triggers the presumption of
12 regularity that attaches to the general Sessions
13 proceedings. My understanding of the defense's argument is
14 simply that he shouldn't be required to register there,
15 based upon the addition of these with a minor in the
16 indictments as to what he pled to we'd ask the court to
17 find it as a CSC third.

18 The presumption of regularity attaching to these
19 proceedings I think that the Department of Corrections
20 correctly determined this was a CSC third and that simply
21 what would make sense that that - at the time. There was
22 no CSC third with a minor that existed, there had never an
23 offense entitled that that I'm aware of that the court
24 could have been confused or incorrect regarding. I think
25 that when Judge Eppes wrote CSC third, including the

1 language with a minor, I think that that could be construed
2 as a scribblers error simply inadvertently narrowing the
3 language of the indicted offense. Or I think that it could
4 be construed as a finding of fact. I think at the time
5 that Mr. Hughes pled although there was not a registry in
6 place certainly there was a movement nation wide for
7 establishing sex offender registries with the aim of
8 tapping a particular children. And I think --

9 THE COURT: Judge Eppes.

10 SOLICITOR JOYNER: I'm sorry.

11 THE COURT: Judge Eppes.

12 SOLICITOR JOYNER: I'm sorry.

13 THE COURT: Go ahead.

14 SOLICITOR JOYNER: And I would just note that there is
15 a history of sex offender registry was discussed in
16 *Hendricks versus Taylor* and certainly all that would have
17 been going on at the time that he pled. So I think that it
18 could fairly be construed as a finding of fact. I think it
19 could also be construed as simply a scribbler's error. I
20 think the common sense - the common sense reading of Judge
21 Eppes' notation on both the indictment and the arraignment
22 form is that he was sentencing him to a CSC third. And I'd
23 ask the court to find the defendant guilty.

24 THE COURT: All right.

25 MR. SMITH: Thank you, your Honor, may it please the

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1 Court. Your Honor, I don't understand the application of a
2 presumption of regularities as how it would apply here in
3 this case and I don't think that that's applicable. Nor do
4 I think that that would lead the court to believe or to a
5 conclusion that something that is clearly written both on
6 the indictment --

7 THE COURT: Well the Court doesn't have to - We're not
8 gonna go into any presumption. We can go on what the
9 record --

10 MR. SMITH: Thank you, your Honor.

11 THE COURT: I might have to interpret what I see as
12 far as what the record reflects. But go ahead.

13 MR. SMITH: Yes, your Honor. The defense position is
14 that twenty plus years ago client entered the court was
15 given an indictment and on that indictment it clearly said
16 what he was pleading to and on that sentence sheet it was
17 written what he was pleading to and that was CSC third with
18 a minor.

19 And that was the plea that was taken in the court; we
20 have the records of that. There's no mention in it of a
21 registry. Certainly in part because registry didn't exist
22 then. He's then in the Department of Corrections, upon
23 release they tell him to be released you got to sign this
24 form. The State then adopts that as the notification that
25 he's given and is somehow then action by the Department of

1 Correction then changes what the original sentence was by
2 the court.

3 I simply do not agree with that and in part you can
4 see the problem that that poses when the Sheriff's office
5 looks back at the indictment and all of a sudden they're
6 classifying it as a charge with minors which now the
7 State's saying this charge should be listed as a charge
8 with minors. I think there is some obvious difficulties
9 that the State is happy with what to call this charge when
10 what he plead to didn't exist.

11 And I would point to the fact that under 23-3-430 our
12 Sex Offender Registry changed to be labeled an offender
13 which is what the status requiring one to register would
14 be. There are a number of ways that someone could get
15 there, in excess of twenty ways but the potential
16 applicable one's here would be to plead to a criminal
17 sexual conduct charge. That would have to be CSC first
18 degree, CSC second degree, or CSC third degree which none
19 of these are that he pled to.

20 The other way would be CSC with a minor. They're
21 listed in the statute as only CSC first and CSC second.
22 Again, not the charge he pled to. There is a Subsection 14
23 which indicates that a person who pleas in another
24 jurisdiction of the United States to a similar charge, one
25 which would have the elements as we do here, but I would

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1 argue he didn't do that, he pled in our jurisdiction, so
2 therefore, the only sections that would apply in enumerated
3 two plus subsections none of them apply to the charge for
4 which he pled in court and therefore he should not be
5 required to register.

6 I would also for the record make the argument that
7 this law of registry was created ex post facto for him when
8 he entered that plea, was obviously not advised that that
9 could cause him to have to register for the rest of his
10 life and, or, be imprisoned if he failed to do so for some
11 period or the rest of his life assuming those offenses
12 added up, and would argue therefore it violates his
13 constitutional rights to due process.

14 THE COURT: All right. Now I do understand - and I
15 have not read it - but there is a case that South Carolina
16 has already dealt - the *Henson* case - South Carolina has
17 already dealt with the ex post facto?

18 MR. SMITH: That is correct, your Honor.

19 THE COURT: Well I have to admit that I have a
20 distaste for what falls into ex post facto area because I
21 don't believe anyone ought to be punished for something or
22 required to do something connected with an offense that was
23 not coupled with that offense at the time that they
24 actually plead. I don't like that but I think it's up to
25 the legislature or a higher court to correct that. I just

1 have a distaste for that. We have that also with serious
2 and most serious, three and two strikes, two strikes or
3 three strikes you're out, it disturbs me, but that's a
4 philosophical disturbance.

5 So I think the ex post facto, while properly raised,
6 does not apply. The nature of the underlying offense is at
7 the first blush problematic but I really find that it is
8 not. The court accepted a plea to a criminal sexual
9 conduct. Judge Eppes or someone wrote on there with a
10 minor. Whether that was a scribbler's error or whether
11 surfaces it's still a criminal sexual conduct offense, and,
12 the court could not accept - and I'm sure did not accept -
13 and this sort of borders on the presumption of regularity
14 but not exactly - a plea by anyone to a final offense.
15 That is, there had to be a real offense underlying the
16 charge and a real offense for what you were sentencing for,
17 a real offense for which he served time and is required to
18 register.

19 So the fact that the word with a minor are in there
20 and the fact it's listed in the records is not controlling.
21 The controlling aspect of the registration requirement is
22 that he was required to register based on a criminal sexual
23 conduct plea, so I find Mr. Hughes guilty.

24 And, Mr. Hughes, I'm gonna sentence you to five years
25 but I'm gonna suspend it to three years.

1 Now I will tell you a couple of things that are
2 probably gratuitous. One of course you know you have a
3 right to appeal and Mr. Smith does not handled the appeal
4 so you can posture that as we talked about earlier.

5 You also, if you obtain the things from Georgia, may
6 have an opportunity to request a new trial based on after
7 discovered evidence. I can't rule on that at this point but
8 at least that door would be open.

9 The third thing, and I don't know whether or not - I'm
10 gonna give you credit for the time you've served as your
11 attorney can compute for me.

12 If you appeal and are released on an appeal bond that
13 appeal would not be heard any time within the next twelve
14 or probably eighteen months, so, another time to register
15 may pop up if you get out on an appeal bond. And you're
16 entitled to an appeal bond I believe. I'll look at that
17 later but I think the sentence you receive you will be
18 entitled to an appeal bond if you appeal - I think. Again
19 I think --

20 MR. HUGHES: Can I --

21 THE COURT: Yes, sir.

22 MR. HUGHES: Well, when I pled to this charge it
23 started off saying I molested this kid but after further -
24 after an investigation and all they kept going the kids
25 weren't bothered, they weren't messed with. They changed

1 the warrant. They first stated it happened on September
2 14th. The way they got there they had a party at my house
3 and I told my wife I didn't want 'em there. The girl's
4 momma - the girl got took from her. Her son got beat and
5 was put in a comma and we would take - I took care of them
6 kids for almost three years and nothing never happened and
7 nothing never came up.

8 I sat in jail in Lexington County seventeen months
9 fighting that charge and I finally pled to it because I was
10 tired of fighting. I sat in here this time eighteen -
11 eight months sitting here just to have my day in court and
12 I still doing the same thing. You know it says in Romans
13 19 that all government authorities are of God and all
14 appointed governing authorities are appointed of God. But
15 I just can't see the right in this. I can't see right
16 because I wasn't guilty to start with.

17 My lawyer told me to plead to this third degree CSC.
18 Said if I got anything less than ten years I'd be in the
19 right straight to work release. I was sitting in county
20 jail seventeen months. The social services department had
21 my wife and let her come to see me and was threaten to take
22 my child from me so she gave up on me. I just basically -
23 I just basically gave up and signed the plea but I'm not
24 guilty of anything they say on these papers. You know I
25 put it in God's hands. I just don't see the right. If you

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1 don't keep sentencing no matter what it says it'll be a
2 life sentence. That's what they did and I might as well be
3 in there for the rest of my life.

4 THE COURT: Well that's not exactly true. If there is
5 some error at some point if you --

6 MR. HUGHES: I didn't plead guilty. I plead no
7 contest. I mean it's the same thing I guess.

8 THE COURT: The sentencing sheet somebody. The
9 sentencing sheet.

10 MR. HUGHES: But I never - I had never been into any
11 trouble when I got these charges and if you'll look the
12 only trouble I'm in is because of these charges. And again
13 all my life has been to try to make a living from the time
14 I was twenty-nine and got out of jail. I've had a job now
15 they find out this and phewwww. I've had a place to live
16 they find out I'm a sex offender phewwww. It's just I'm
17 tired of fighting.

18 I mean I didn't plead guilty to it to start with. I
19 plead no contest. I had a lawyer - my lawyer had a stack -
20 they had the children through all kinds places trying to
21 find out and none of 'em say anything but the baby's momma
22 that started it all and then they come to find out she had
23 my child along with some more. I had three children. She
24 would use his social security on for the lights and had a
25 phone on and my kids and I think they stopped the whole

1 mountain from coming to my house. And it was basically a
2 thing that it was just it wasn't - it was a bunch of made
3 up is what it was, man.

4 I mean I put it in God's hands and I just can't see
5 the right in it. I mean if it's meant for me to go if I
6 did something to do it it would be different I would take
7 it and wouldn't say nothing about it. But I've sat here
8 eight months now and I've tried to do everything I could
9 and I had him do everything.

10 I know for a fact that I've signed register's in
11 Georgia. He's got one thing but it's got my name typed in
12 the top and none of my signatures on none of them that I
13 put in is here. I know I signed 'em. I know I went up
14 there. I know I was arrested there and anytime you arrest
15 a sex offender you have to sign one when you get out of
16 jail. Where are they at?

17 THE COURT: All right. How long have you been in
18 jail?

19 MR. HUGHES: In Georgia I was up there two or three
20 times.

21 THE COURT: No, I mean on this charge.

22 MR. SMITH: Here I show an arrest date of September
23 17th which would total two hundred and forty-one days, Your
24 Honor.

25 THE COURT: All right. The sentence is five years

1 suspended to three years. Give you credit for two hundred
2 and forty-one days. Thank you.

3 MR. SMITH: Thank you, Your Honor.

4 MR. HUGHES: Thank you, Your Honor.

5 THE COURT: Yes, sir.

6 We'll take a short break.

7 (COURT IN RECESS AT 03:25 P.M..)

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CERTIFICATE OF REPORTER

State of South Carolina)
)
County of York)

I, Wanda Nelson, Official Court Reporter for the Sixteenth Judicial Circuit for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for York County, South Carolina, on the 23rd day of April, 2015 and the 12th day of May, 2015.

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

Wanda Nelson
Wanda Nelson, CVR
Certified Verbatim Reporter,
Official Court Reporter,
Notary Public, in and for
The State of South Carolina.

My Commission Expires: 1/21/2021

DATE:

August 14 / 2015

47

WITNESSES

LCSD, Singleton

ARREST WARRANT NO. D-685436

ACTION OF GRAND JURY
TRUE BILL*Glynda T. Hickerson*
Foreman of Grand Jury 1-10-94

VERDICT

Foreman of Petit Jury

Date:

DOCKET NO.

94 - 232
The State of South Carolina,County of Lexington

COURT OF GENERAL SESSIONS

January TERM 1994

THE STATE

vs.

ROBERT DALE HUGHES

*plea to CSC with minor
3rd degree*

CDR 159

Indictment forCRIMINAL SEXUAL CONDUCT WITH A MINOR,
1st Degree

Donald V. Myers, Solicitor



A TRUE COPY
[Signature]
 Lex: Co: G.O.P., G.B. & T.O.

FORM 32 (12/87)

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON) INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR, 1st Degree

At a Court of General Sessions, convened on January 10, 1994

the Grand Jurors of Lexington County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, 1st DEGREE

That ROBERT DALE HUGHES did in Lexington County during the month beginning September 1, 1993, engage in sexual battery, to wit: did touch and rub the vagina underneath the clothing of one Minor, age 8, and one occasion did penetrate her vagina with his finger, ~~without her consent~~, in violation of § 16-3-652 of the Code of Laws of South Carolina, 1976, as amended.

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

Michael L. Pitt
SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

CSC w/minor 1st

IN THE COURT OF GENERAL SESSIONS

IND# 94 -GS-32- 232)
A.W.# D685436)

ARRAIGNMENT

THE DEFENDANT

Robert Dale Hughes

IS PUT TO THE

BAR AND ARRAIGNED, AND UPON HIS/HER ARRAIGNMENT PLEADS GUILTY AS CHARGED.

ATTEST:

Thomas H. Comerford

THOMAS H. COMERFORD, CLERK OF COURT
LEXINGTON COUNTY

CSC w/minor 3rd degree

R D Hughes
DEFENDANT

DATE SIGNED

3-31-94

... SENTENCE ...

THE DEFENDANT

Robert Dale Hughes

IS COMMITTED TO

THE STATE DEPT. OF CORRECTIONS/COUNTY FOR A TERM OF Ten 10 MONTHS/YEARS

AND/OR TO PAY A FINE OF \$ _____; PROVIDED UPON THE SERVICE OF _____

MONTHS/YEARS AND/OR PAYMENT OF \$ _____ PLUS PAY/WAIVE COST AND

ASSESSMENTS AS APPLICABLE*, THE BALANCE IS SUSPENDED WITH PROBATION FOR

_____ MONTHS/YEARS.

RESTITUTION

FOR PHYSICAL INJURY \$ _____

YES / NO

PROPERTY DAMAGE \$ _____

TO BE PAID _____

TO THE CLERK OF COURT FOR _____

OTHER CONDITIONS _____

DATE 3/31/94

*COST AND ASSESSMENTS

NON-WAIVABLE \$ _____

NOT WAIVED \$ _____

TOTAL

\$ 0

**PAY TO VICTIM'S COMPENSATION FUND IF SUBROGATED.

SAB

DATE

3-31-94

WHITE (CLERK OF COURT)

YELLOW (JAIL)

PINK (PROBATION)

GOLD (DEFENDANT)

LCF 652

A TRUE COPY

Lex. Co. C. D. R. G. B. E. C.

PRESIDING JUDGE

Thomas H. Comerford

THOMAS H. COMERFORD, CLERK OF COURT
LEXINGTON COUNTY

DOCKET NO. 94 233

The State of South Carolina,

County of LEXINGTON

COURT OF GENERAL SESSIONS

January TERM 1994

THE STATE

vs.

ROBERT DALE HUGHES

*plea to CSC 3rd with
minor*

CDR 159

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A
MINOR, 1st Degree

Donald V. Myers, Solicitor

WITNESSES

LCSD, Singelton

ARREST WARRANT NO. D-685437

ACTION OF GRAND JURY
TRUE BILL

Blynda T. Hickman
Foreman of Grand Jury 1-10-94

VERDICT

50 Foreman of Petit Jury Date:

A TRUE COPY

Lex. Co: G.D.H., G.D., G.D.

FORM 32 (12/87)

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON) INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR, 1st Degree

At a Court of General Sessions, convened on January 10, 1994
the Grand Jurors of Lexington County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, 1st DEGREE

That **ROBERT DALE HUGHES** did in Lexington County during the month beginning September 1, 1993, engage in sexual battery, to wit: did touch and rub the vagina of one Minor 2, Age 8, with his hand and penis and on one occasion did penetrate her vagina with his finger, as well as ejaculate on the victim's stomach, ~~XXXXXXX~~ ~~XXXXXXX~~ in violation of § 16-3-652 of the Code of Laws of South Carolina, 1976, as amended.

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

Geoffrey J. Smith
SOLICITOR

STATE OF SOUTH CAROLINA)
 COUNTY OF LEXINGTON)

CSC w/minor 1st

IN THE COURT OF GENERAL SESSIONS

IND# 94 GS-32- 233

ARRAIGNMENT

A.W.# D685437

THE DEFENDANT

Robert Dale Hughes

IS PUT TO THE

BAR AND ARRAIGNED, AND UPON HIS/HER ARRAIGNMENT PLEADS GUILTY AS CHARGED.

ATTEST:

CSC w/minor 3rd degree

Thomas H. Comerford

RD Hughes

THOMAS H. COMERFORD, CLERK OF COURT
 LEXINGTON COUNTY

DEFENDANT

DATE SIGNED

3-31-94

... SENTENCE ...

THE DEFENDANT

Robert Dale Hughes

IS COMMITTED TO

THE STATE DEPT. OF CORRECTIONS/COUNTY FOR A TERM OF Ten 10 ~~MONTHS~~ YEARS

AND/OR TO PAY A FINE OF \$ _____; PROVIDED UPON THE SERVICE OF _____

MONTHS/YEARS AND/OR PAYMENT OF \$ _____ PLUS PAY/WAIVE COST AND

ASSESSMENTS AS APPLICABLE*, THE BALANCE IS SUSPENDED WITH PROBATION FOR

_____ MONTHS/YEARS.

RESTITUTION

FOR PHYSICAL INJURY \$ _____

YES / NO

PROPERTY DAMAGE \$ _____

TO BE PAID _____

TO THE CLERK OF COURT FOR _____

OTHER CONDITIONS _____

DATE

3/31/94

*COST AND ASSESSMENTS

NON-WAIVABLE \$ _____

NOT WAIVED \$ _____

TOTAL

\$ 0

PRESIDING JUDGE

Thomas H. Comerford
 THOMAS H. COMERFORD, CLERK OF COURT
 LEXINGTON COUNTY

**PAY TO VICTIM'S COMPENSATION FUND IF SUBROGATED.

SAB

DATE

3-31-94

WHITE (CLERK OF COURT)

YELLOW (JAIL)

PINK (PROBATION)

GOLD (DEFENDANT)

LCF 652

TRUE COPY

Lex. Cir. Cl. R. 1.1, 1.18 & 1.19

DOCKET NO. 94 234

The State of South Carolina,

County of LEXINGTON

COURT OF GENERAL SESSIONS

January TERM 1994

THE STATE

vs.

53 **ROBERT DALE HUGHES** W

plea to CSC 3rd with
minor

CDR 159

Indictment for

**CRIMINAL SEXUAL CONDUCT WITH
A MINOR, 1st Degree**

Donald V. Myers, Solicitor

53

Fullwood

WITNESSES

LCSD, Singleton

ARREST WARRANT NO. D-685438

ACTION OF GRAND JURY

TRUE BILL

Glenda T. Hickerson
Foreman of Grand Jury 1-10-94

VERDICT

Foreman of Petit Jury

Date:

A TRUE COPY
LEX. CO. C.C.R., G.S. & F.C.

FORM 32 (12/87)

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR
1st DegreeAt a Court of General Sessions, convened on January 10, 1994,the Grand Jurors of Lexington County present upon their oath:**CRIMINAL SEXUAL CONDUCT WITH A MINOR, 1st DEGREE**

That ROBERT DALE HUGHES did in Lexington County during the month beginning September 1, 1993, engage in sexual battery, to wit: did touch and rub the vagina of one Minor 3, Age 9, with his hand and penis and on one occasion did penetrate her vagina with his finger, as well as ejaculate on the victim's stomach, ~~XXXXXXX~~ ~~with her consent~~, in violation of § 16-3-652 of the Code of Laws of South Carolina, 1976, as amended.

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

Guenter V. Ball
AST. SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
IND# 94 -GS-32- 234)
A.W.# D685438)

CSC w/minor 1st

IN THE COURT OF GENERAL SESSIONS

ARRAIGNMENT

THE DEFENDANT Robert Dale Hughes IS PUT TO THE
BAR AND ARRAIGNED, AND UPON HIS/HER ARRAIGNMENT PLEADS GUILTY ~~AS CHARGED~~ ^{TO}

ATTEST: CSC w/minor 3rd degree

Thomas H. Comerford
THOMAS H. COMERFORD, CLERK OF COURT
LEXINGTON COUNTY

R. D. Hughes
DEFENDANT
DATE SIGNED 3-31-94

... SENTENCE ...

THE DEFENDANT Robert Dale Hughes IS COMMITTED TO
THE STATE DEPT. OF CORRECTIONS/COUNTY FOR A TERM OF Ten 10 ~~months~~ MONTHS/YEARS
AND/OR TO PAY A FINE OF \$ _____; PROVIDED UPON THE SERVICE OF _____
MONTHS/YEARS AND/OR PAYMENT OF \$ _____ PLUS PAY/WAIVE COST AND
ASSESSMENTS AS APPLICABLE*, THE BALANCE IS SUSPENDED WITH PROBATION FOR
_____ MONTHS/YEARS.

RESTITUTION FOR PHYSICAL INJURY \$ _____
YES / NO PROPERTY DAMAGE \$ _____
TO BE PAID _____

TO THE CLERK OF COURT FOR _____
OTHER CONDITIONS _____

A TRUE COPY
Lex. Co. C.C.F., G.S. & F.C.

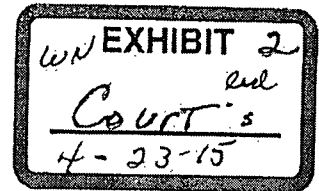
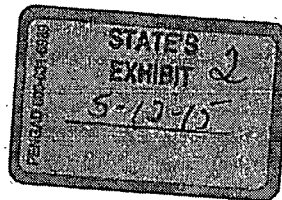
DATE 3/31/94
*COST AND ASSESSMENTS
NON-WAIVABLE \$ _____
NOT WAIVED \$ _____
TOTAL \$ 0

Frank Egges
PRESIDING JUDGE
Thomas H. Comerford
THOMAS H. COMERFORD, CLERK OF COURT
LEXINGTON COUNTY

**PAY TO VICTIM'S COMPENSATION FUND IF SUBROGATED.

AB DATE 3-31-94

WHITE (CLERK OF COURT) YELLOW (JAIL) PINK (PROBATION) GOLD (DEFENDANT)
LCF 652



SEX OFFENDER REGISTRY INFORMATION FORM

(To be completed by convicted sex offenders (Section A, B, C, D))

SECTION A: Personal Information

Hughes Robert Date
 Last Name First Name Middle Name
 Primary address at which offender may be located (if telephone):
Rock Hill SC 29730
 City State Zip Code
 Secondary address (if required):

W M 6' 3" 225 SC Blk Blue
 Race Sex Height (ft/in) Weight (lbs) State Hair Color Eye Color
 Home Telephone Number 914/60
 Date of Birth _____ Driver's License Number _____ Div. Lic. State _____ Expiration Date _____
 Identifiable Scars, Marks, Tattoos (Describe in Detail):

Rose Left Shoulder, Woman face chest, Right Shoulder
H.I.D. motor cycle with skulls

SECTION B: Next of Kin

Syddie T. Owens Mother Rock Hill S.C.
 Name Co. City State Zip Code 29730

Telephone Number _____

SECTION C: Offender's Employer

Complete Name of Business _____

Complete Address _____

Telephone Number _____

SECTION D: Offender Vehicle Information (Vehicle registered to offender or vehicle most often driven by offender)

Make Model Year Style Color
 Vehicle Identification Number _____ License Plate Number _____ License State _____ Type of License Plate _____ Year/Month _____

SECTION III: To be Completed by Sheriff's Department

State ID Number _____

PIN Number _____

Other ID Number _____

Fingerprints Obtained: _____

Photograph Obtained: _____

I am providing this information in accordance with the provisions 23-3-430 of the South Carolina Code of Laws, which requires all individuals convicted of criminal offenses set forth in Section 23-3-430. I understand this information will only be disseminated to law enforcement law enforcement agencies and those authorized by this court in accordance with section 23-3-490. I further understand that I am required to register annually for a period of life. (See back of form for more specific instructions regarding registration.)

Robert Dale Hughes
 Signature of Offender

Joe L. Lample
 Signature of Person Receiving Information

6-30-98
 Date

6-30-98
 Date

NOTICE OF SEX OFFENDER REGISTRY

Pursuant to § 23-3-430 of the Code of Laws of South Carolina, any person who has been convicted of offenses deemed sexual in nature must register with the Sheriff's Office in their county of residence. All offenses described in § 23-3-430 or similar offenses from other jurisdictions are included.

Persons being released from the Department of Corrections at the completion of their sentence, to an early release program, to extended work release, or upon parole must register with the Sheriff's Office in their county of residence within 24 hours of release.

Persons sentenced to probation or now residing in all the state who must be supervised by the Department of Probation, Parole and Pardon Services must register with the Sheriff's Office in their county of residence within 10 days of sentencing.

Any person required to register under this program shall be required to register annually for life.

A person must send written notice of a change of address to the County Sheriff's Office where he resides or used to reside within 10 days of establishing a new residence.

Failure to register is a felony and is punishable by:

- 1) 90 days and \$1,000 for a first or second failure to register.
- 2) 1 to 5 years and \$1,000 for a third or subsequent failure to register.

I, Robert Hughes, understand that if I was convicted of an sex offense pursuant to § 23-3-430 of the Code of Laws of South Carolina, I must abide by the registry conditions set forth in Title 23, Chapter 3, Article 7. I have received notice of this requirement both orally and in writing.

My address will be:

Street Rock Hill
City Rock Hill State SC
County York

Zip 29730

Witness

Date

Offender's Signature

SCDC/SHD #

OFFENSES WHICH WARRANT REGISTRATION

16-3-1131	Criminal Sexual Conduct 1st Degree	16-15-333	Unlawful to Hire, Employ, Use or Permit any Person Under 18 to do Anything Defined in Statutes as Obscene
16-3-1132	Criminal Sexual Conduct 2nd Degree	16-15-343	Unlawful to Disseminate Obscene Material to Any Person Under the Age of 18 Years
16-3-1134	Criminal Sexual Conduct 3rd Degree	16-15-353	Additional Penalty for Disseminating Obscene Material to any Minor 12 Years or Younger
16-3-1135	Criminal Sexual Conduct With Minors	16-15-363	Dissemination of Obscene Material to Minors is Unlawful
16-3-1136	Criminal Sexual Conduct: Assault With Intent to Commit	16-15-383	Employing Person Under 18 to Appear in a Public Place in a State of Sexual Explicit Nudity
16-3-1110	Employing a Child For Sexual Performance	16-15-393	Sexual Exploitation of a Minor 1st Degree
16-3-1120	Producing, Directing, or Promoting Sexual Performance By a Child	16-15-403	Sexual Exploitation of a Minor 2nd Degree
16-3-1110	Kidnapping	16-15-410	Sexual Exploitation of a Minor 3rd Degree
16-3-1120	Conspiracy to Kidnap	16-15-415	Promoting Prostitution of a Minor
16-15-30	Incen	16-15-425	Participating in the Prostitution of a Minor
16-15-120	Hogbery	16-17-470	Harassment or Peeping
16-15-130	Indecent Exposure		
16-15-140	Committing or Attempting Lewd Act Upon Child Under Thirteen		

NOTE: All "attempts to commit" offenses enumerated above would be included. Accrues before the fact in any other circumstance.

58

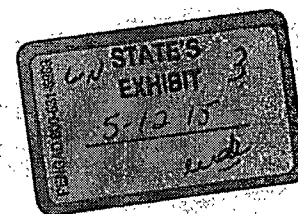
SCDC | Internal Inmate Search

Page 1 of 1

Internal Inmate Search

March 26, 2015

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- [Search](#)
- [?](#)

[Secured Applications Logout](#)

ROBERT DALE HUGHES (00210373)

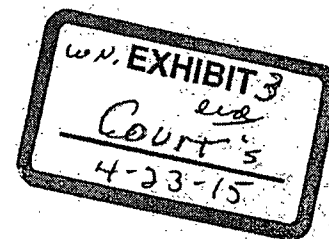
Search Results [+/-]

Identification	Personal	Case History	Movement	Escapes	Credits	Programs
Transfer Requests						
Sentence: Offender Type: ADULT-STRAIGHT SENTENCE Offense: CRIMINAL SEX CONDUCT 3RD CII Sex Offender Registry: YES Offense County: LEXINGTON Projected Release Date: 07/21/1998 Sentence Start Date: 12/10/1992 Projected Parole Date: 07/02/1999 Sentence Length: 10 YRS, 0 MOS, 0 DYS Supervised Furlough Eligibility: Admission Date: 04/04/1994 Accomplices: None. Detainers: None.						

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[Version: 3.1.9 Built: 02/03/2015 11:36:07 AM Time: 02:51:11 PM]

INMATE RECORDS OFFICE
S.C. DEPT. OF CORRECTIONS
P.O. BOX 21787
COLUMBIA, S.C. 29221-1787



STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)

INDICTMENT

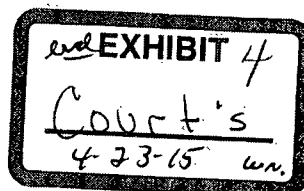
CERTIFIED TRUE COPY

2014 OCT 14 PM 12:28

At a Court of General Sessions, convened on October 18, 2001 the Grand Jurors
 of York County present upon their oath: YORK COUNTY, SC

FAILURE TO REGISTER AS A SEX OFFENDER

The Defendant, Robert Dale Hughes, did on or about July 7, 2001, wilfully and unlawfully fail to register as a sex offender. The defendant is convicted sex offender and is required to register yearly as a sex offender and the last date he registered was July 7, 1999 with the York County Sheriff's Department. Said incident having occurred within York County, South Carolina, which is the county within which the Defendant resides. All in violation of Section 23-3-470 of the Code of Laws of South Carolina, (1976 as amended).



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

Lawrence
 ASSISTANT SOLICITOR

2645

YCSDA TOLSON

_jlw

G - 255847

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

County of York

COURT OF GENERAL SESSIONS

OCTOBER 18th, TERM 2001

THE STATE

vs.

ROBERT DALE HUGHES

Indictment for

FAILURE TO REGISTER AS A SEX OFFENDER

SC Code: 23-3-470
CDR Code: 2606

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

Robert Dale Hughes
Defendant

1 Robert Dale Hughes

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

Robert Dale Hughes
Defendant

Witness:

Witness: Tracy Childers Clark II
C.C.C. PLO. AND G.S.

66.

CERTIFIED TRUE COPY

2014 OCT 14 PM 12:28

DAVID HAMILTON
CLERK OF COURT
GENERAL SESSION DOCKET REPORT FOR YORK COUNTY
YORK COUNTY, SC

REPORT RUN DATE - 10/15/2001

INDICTMENT NUMBER: 2001GS4602645

DEFENDANT NAME: HUGHES, ROBERT DALE AKA:

ADDRESS: CITY: MCCONNELLS STATE: SC ZIP 29730

SOCIAL SECURITY NUMBER: SEX: 1 MALE RACE: 1 WHITE

DATE OF BIRTH: DRIVERS LICENSE STATE / NO.: SC /

MARITAL STATUS:

WARRANT OR TICKET NUMBER: 0255847 COUNTS: 01 OFFENSE CODE: 2606

NO WARRANT? 0 NAME OF OFFENSE: SEX/OFFENDER RE

DATE OF ARREST: 10/05/2001 DATE RECD BY CLERK: 10/06/2001 SUMMARY JUDGE:

DISP DATE: 10/12/2001 DISP TYPE: 1 GUILTY PLEA

DISP TYPE EXPLANATION:

JUDGE CODE/NAME: 104 KITTREDGE, JOHN W COURT REPORTER: HOLLIE JENKIN

CONVICTION: CTS: 01 OFFENSE: 2606 SEX/OFFENDER RE

SENTENCE:

90 DAYS CONC

DEFENSE ATTORNEY: REJECTED

PROSECUTING ATTORNEY: LARRY GRANT

Tail

CERTIFIED TRUE COPY

2014 OCT 14 PM 12:28

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

GENERAL SESSIONS DOCKET REPORT FOR YORK COUNTY

REPORT RUN DATE - 10/09/2001

INDICTMENT NUMBER: ~~20010046~~ 01-2645

DEFENDANT NAME: HUGHES, ROBERT DALE AKA:

ADDRESS: CITY: MCCONNELLS STATE: SC ZIP: 29730

SOCIAL SECURITY NUMBER: SEX: 1 MALE RACE: 1 WHITE

DATE OF BIRTH: DRIVERS LICENSE STATE / NO.: SC /

MARITAL STATUS:

WARRANT OR TICKET NUMBER: 0255347 COUNTS: 01 OFFENSE CODE: 2605

NO WARRANT? 0 NAME OF OFFENSE: SEX/OFFENDER RE

DATE OF ARREST: 10/05/2001 DATE RECD BY CLERK: 10/08/2001 SUMMARY JUDGE:

DISP DATE: ^{10/13/01} ~~10/08/2001~~ DISP TYPE: 01

DISP TYPE EXPLANATION:

JUDGE CODE/NAME: 104 Kittredge

COURT REPORTER: Holly Jenkins

CONVICTION: CTS: ²⁶⁰⁶ ~~01~~ OFFENSE: ~~0000~~ Fair to Reg Sex Offender

SENTENCE: 90 day conc

Su: \$100

DEFENSE ATTORNEY: REJECTED

PROSECUTING ATTORNEY:

pro se

JE Pope / Lang Shant

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:

63

COUNTY OF
STATE

VS.

YORK
Robert DALE Hughes

AKA:

Race:

Sex:

Age:

DOB:

SS#:

Address:

DL#

SID#: S.C. 00200146

2001-GS-46-2645 ✓
AW# G-255847 ✓
Date of Offense: 7/7/01
S.C. Code §: 23-3-470
CDR Code #: 2161016
K OF COURT
YORK COUNTY, SC

McCONNELL, S.C. 29730

DL#

SID#: S.C. 00200146

CASE RESTORED

SENTENCE

PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: FAILURE to Register AS SEX OFFENDER

in violation of § 23-3-470 of the S.C. Code of Laws, bearing CDR Code # 2161016

☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ 17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury.The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☒ County Detention Center, for a determinate term of 90 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 _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ The Defendant is to be given credit for _____ days/months jail time.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: with current incarceration

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:\$ _____

\$14-1-206 (Assessments 100%).....\$ _____

\$14-1-211(A)(1) (Surcharge)\$ 100

\$14-1-211(A)(2) (Surcharge)\$ _____

\$56-5-2995 (DUI Assessment).....\$ _____

3% to County (if paid in installments)....\$ _____

TOTAL\$ 100

David Hamilton

Clerk of Court/ Deputy Clerk

Court Reporter: Holly Jenkins

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

SCCA/217 (1/2001)

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc Rehab. or Job Corps _____

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.

Other: _____

PRESIDING JUDGE

Judge Code: 0111014

Sentence Date: 10-12-01

ARREST WARRANT

G- 255847

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
YorkTHE STATE
against

Robert Dale Hughes

Address: _____

McConnells

Phone: _____ SSN: _____

Sex: M Race: W Height: 6'3" Weight: 225DL State: SC DL #: _____DOB: _____ Agency ORI #: SC0460000Prosecuting Agency: YCSOProsecuting Officer: Beth TolsonOffense: Failure to Register as SexOffender Offense Code: _____Code/Ordinance Sec. 23-3-480This warrant is **CERTIFIED FOR SERVICE** in the☐ County/ ☐ Municipality of _____The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge

(L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant Robert Dale Hughes
on 10-05-01Shannon B. Estep
Signature of Constable/Law Enforcement OfficerRETURN WARRANT TO:
General Sessions
0000020415

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
YorkPersonally appeared before me the affiant Beth Tolson who
being duly sworn deposes and says that defendant Robert Dale Hughes
did within this county and state on 07-07-00 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____)
in the following particulars:**DESCRIPTION OF OFFENSE:** Failure to Register as Sex Offender
Violation Section 23-3-480I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That the defendant did wilfully and unlawfully violate the criminal laws of this
State by failing to comply with the notification of sexual offender registry.
Robert D. Hughes is a convicted sex offender and is required to register yearly
as such. Hughes last registered with the YCSO on 07-07-99 and was due to reregister
on or before 07-07-2000. Hughes has failed to register as of this date. Hughes
last known address is 4630 McConnells Hwy., which is in York County. All against
the peace and dignity of the State and all such laws so made and provided.
Probable cause is based upon affiant's personal knowledge of Hughes's failure to
comply.

Sworn to and subscribed before me

on 8-11-00
Lynne Berfield (L.S.)
Signature of Issuing Judge

Signature of Affiant

Affiant's Address 1675-2A York Hwy.York, SCAffiant's Telephone 628-3059

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
York

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 07-07-2000 defendant Robert Dale Hughes
did violate the criminal laws of the State of South Carolina (or ordinance of _____)
☐ County/ ☐ Municipality of _____ as set forth below:**DESCRIPTION OF OFFENSE:** Failure to Register as Sex Offender
Violation Section 23-3-480Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her 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.Lynne Berfield (L.S.)
Signature of Issuing JudgeJudge Code: 806Judge's Address 1675 York Hwy.York, SCJudge's Telephone 628-3029Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

Form Approved by
S.C. Attorney General
July 26, 1990
SCCA 518

64

CERTIFIED FOR SERVICE
2014 OCT 14 PM 2:28
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

DOCKET NO. 2007-GS-46-04434

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

Robert D. Heyn
Defendant

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

Robert D. Heyler
Defendant

Witness: Richard A. Gifford
G.C.C. PLS. AND G.S. Special

W.N. EXHIBIT 5
end
COURT'S
4-23-15

WITNESSES

YCSO / Patterson

SS

ARREST WARRANT NUMBER

J152121

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

COURT OF GENERAL SESSIONS

December 6, Term 2007

THE STATE

vs.

ROBERT DALE HUGHES

Indictment for

FAILURE TO REGISTER AS A SEX OFFENDER

SC Code: 23-3-470
CDR Code: 2606

STATE OF SOUTH CAROLINA)
COUNTY OF YORK

INDICTMENT

CERTIFIED TRUE COPY
2014 OCT 14 PM 12:26

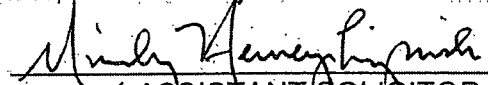
At a Court of General Sessions, convened on December 6, 2007, the Grand Jurors of York County present upon their oath

DAVID H. HARRIS
CLERK OF COURT
YORK COUNTY, SC

FAILURE TO REGISTER AS A SEX OFFENDER

The Defendant, Robert Dale Hughes, did on or about April 6, 2004, knowingly fail to register as a sex offender with the York County Sheriff's Department after being instructed to do so, as required by Section 23-3-400, et. seq. of the Code of Laws of South Carolina, (1976, as amended). All in violation of Section 23-3-470 of the Code of Laws of South Carolina, (1976, as amended).

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


ASSISTANT SOLICITOR

General Sessions Tracking Sheet
Indictment # 0000GS46

67

Name: Hughes, Robert Dale

AKA:

Addr: Rock Hill, SC 29730

SSN#

Sex: M Race: W

DOB:

DL# SC/002522040

Warrant/Ticket # J152121

Date of Arrest: 10/30/2007

Date of Offense: 04/06/2004

Date Rcv by Clerk 10/31/2007

Magistrate: Clerk Of Court

Counts: Code: 2606/Sex / Sex Offender Registry
Violation, fail to register - 1st offense

Indictment # 0000GS46

CERTIFIED TRUE COPY

2014 OCT 14 PM 12:26

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

Disposition Information

1. Transmitted to SOL & SCCA:
2. Disp Received by Clerk:
3. Date of Disposition: 1-10-08

- Disposition
1. Guilty plea
 2. Trial - guilty
 3. Trial - not guilty
 4. Dism/Not Pros/Pros Ended
 5. Judicial Commitment
 6. Judicial Dismissal
 7. Remanded
 8. Dismissed at Prelim
 8. No Bill
 9. Failure to Appear
 10. Other

Explain:

Explain:

Explain:

Explain:

Explain:

Judge:

2113 Alford

Court Reporter:

Michael Lewis

Defense Atty:

Gregory W. Wain

Solicitor:

Minh Henry Hopinski

Counts:

1 Code: 2606 - Sex Offender Registry

Sentence:

Time Served none CETS 95 day

York

VS.

Robert Hughes

INDICTMENT/CASE#: 2007654604434

A/W#: J152121

Date of Offense: 4/6/2004

S.C. Code §: 23-03-0470(B)(1)

CDR Code #: 2606

AKA:

Race: W

Sex: M

Age: 47

DOB:

SS#:

Address:

Rock Hill, SC 29730

DL#:

SID#:

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Sex / Sex Offender Registry Violation, fail to register - 1st offense

in violation of § 23-03-0470(B)(1) of the S.C. Code of Laws, bearing CDR Code # 2606

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45 w/minor 1st or Lewd Act)The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Marilyn H. Hargis
SolicitorRobert D. Hughes
DefendantGary L. Lennel
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☒ County Detention Center, for a determinate term of 110 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 _____ months/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: _____☒ 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. 95 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv Surcharge) \$100 \$ 100

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 35.13 (Public Def/Prob) \$500 \$ _____

§ 73.3. 1B TP (Law Enforce. Funding) \$25 \$ 25

§ 33.7. 1B TP (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

TOTAL \$ 125⁰⁰David Hamilton
Clerk of Court/ Deputy Clerk

Court Reporter: _____

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

Other: _____

☐ Appointed PD or appointed other counsel § 35.13 TP Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: _____

Sentence Date: 1-11-08

SCCA/17 (9/2006)

ARREST WARRANT

69

J-152121

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

York

THE STATE
against

Robert Dale Hughes

Address:

Rock Hill, SC 29730-

Phone: SSN:

Sex: M Race: W Height: 6 3 Weight: 200

DL State: SC DL #:

DOB: Agency ORI #: SC0460000

Prosecuting Agency: York County Sheriff

Prosecuting Officer: D.k. Patterson - P4352

Offense: Sex / Sex Offender Registry Violation, fail to register - 1st offense

Offense Code: 2606

Code/Ordinance Sec: 23-03-0470(B)(1)

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant: ROBERT DALE HUGHES
on 10/30/07Signature of Constable/Law Enforcement Officer:
DOUGLAS R. PATTERSON

RETURN WARRANT TO:

York County General Sessions
1675 York Hwy
York, SC 29745.

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

York

Personally appeared before me the affiant D.k. Patterson who

being duly sworn deposes and says that defendant Robert Dale Hughes

did within this county and state on or about 04/06/2004 violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of York)

in the following particulars:

DESCRIPTION OF OFFENSE Sex / Sex Offender Registry Violation, fail to register - 1st offense

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

Defendant did willfully and unlawfully fail to register as required per his status as a convicted sex offender. Defendant did this by failing to complete an annual registration with law enforcement. Defendant last registered with the York County Sheriff's Office on 3/6/03. He was required to register again within 30 days of 3/6/04. Defendant has failed to register with the York County Sheriff's Office or any other law enforcement agency since 3/6/03. Probable cause based on records and documents maintained at the York County Sheriff's located at 1675-2A in York County, SC. All against the peace and dignity of the State and each laws made and provided.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

York

Affiant's Address Moss Justice Center

York, SC 29745-7428

Affiant's Telephone (803)628-3059

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY
It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 4/6/2004 defendant Robert Dale Hughes

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of York) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Sex Offender Registry Violation, fail to register - 1st offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her 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

Sworn to and subscribed before me

on 10/30/2007

Signature of Issuing Judge: Lynne Horton Benfield (L.S.)

Judge's Address Moss Justice Center

York, SC 29745-7423

Judge's Telephone (803)628-3029

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

RECEIVED
2007 OCT 14 AM 1:14
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

2007 OCT 14 PM 2:27
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF YORK)

CERTIFIED TRUE COPY

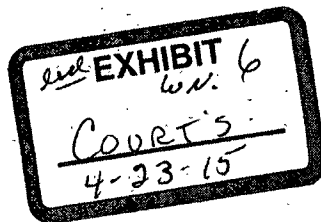
2014 OCT 14 PM 12:27

At a Court of General Sessions, convened on December 6, 2007, the Grand Jurors of York County present upon their oath

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

FAILURE TO REGISTER AS A SEX OFFENDER

The Defendant, Robert Dale Hughes, did on or about March 6, 2003, wilfully and unlawfully give false information when registering as an offender with the York County Sheriff's Department. Said incident having occurred within York County, South Carolina, which is the county within which the Defendant resides. All in violation of Section 23-3-470 of the Code of Laws of South Carolina, (1976 as amended).



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

Mindy M. L. L...
ASSISTANT SOLICITOR

11
7
YCSO \ Patterson

WITNESSES

SS

ARREST WARRANT NUMBER

F916022

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2007-GS-46-04433

The State of South Carolina
County of York

COURT OF GENERAL SESSIONS

December 6, Term 2007

THE STATE

vs.

ROBERT DALE HUGHES

Indictment for
FAILURE TO REGISTER AS A SEX OFFENDER

SC Code: 23-3-475
CDR Code: 2608

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

Robert D. Hughes
Defendant

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

Robert D. Hughes
Defendant

Witness:
Robert D. Hughes
C.C.C. PLS. AND G.S. Special

York

VS.

Robert Hughes

INDICTMENT/CASE#: 2007654604433

A/W#: F916022

Date of Offense: 3/6/2003

S.C. Code §: 23-03-0475(B)(1)

CDR Code #: 2608

AKA:

Race: W

Sex: M

DOB: SS#:

Address: Rock Hill, SC 29730

DL#: SID#:

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Sex / Sex Offender Registrv. give false information when registering - 1st offen

in violation of § 23-03-0475(B)(1) of the S.C. Code of Laws, bearing CDR Code # 2608

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)The charge is: ☐ As Indicted. ☐ Lesser Included Offense. ☒ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☒ Without Negotiations or Recommendation. ☐ Negotiated Sentence. ☐ Recommendation by the State.

ATTEST:

Mindy Hemenway Luper
Solicitor:Robert D. Hughes
Defendant[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☒ County Detention Center, for a determinate term of ~~90~~ 95 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 _____ months/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: _____☒ 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. 95 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv Surcharge) \$100 \$100

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 35.13 (Public Def/Prob) \$500 \$

§ 73-3, 1B TP (Law Enforc. Funding) \$25 \$25

§ 33-7, 1B TP (Drug Court Surcharge) \$100 \$

§ 50-21-114(BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$

TOTAL \$125⁰⁰

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

Other: _____

☐ Appointed PD or appointed other counsel. §35.13 TP

Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE [Signature]

Judge Code: 2111185

Sentence Date: 1-10-08

73

ARREST WARRANT

F- 916022

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
York

THE STATE

against

Robert Dale Hughes

Address: _____

Phone: _____ SSN _____

Sex: M Race: W Height: 603 Weight: 200

DL State: _____ DL #: _____

DOB: _____ Agency ORI #: 0460000Prosecuting Agency: York County Sheriff's OfficeProsecuting Officer: Det. Doug PattersonOffense: Registering With False Information

Offense Code: _____

Code/Ordinance Sec. 23-3-475This warrant is **CERTIFIED FOR SERVICE** in the

☐ County/ ☐ Municipality of

The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge (L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant Robert Dale Hughes

on 10-29-07

[Signature]
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

003000019178

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
York

AFFIDAVIT

Form Approved by
S.C. Attorney General
July 26, 1990
SCCA 518

Personally appeared before me the affiant Det. Doug Patterson who
being duly sworn deposes and says that defendant Robert Dale Hughes
did within this county and state on March 6th, 2003 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of York)
in the following particulars:

DESCRIPTION OF OFFENSE: Registering With False Information

23-3-475

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

Defendant did knowingly and willfully provide false information when registering as a sex offender. Defendant
did this by providing York County, SC as his residential address. On the date that the
defendant registered, this was not his address. The defendant did provide this information at the Moss Justice
Center which is located at 1675-2A Hwy 5 in York County, SC. Probable cause based upon documentation
maintained by the York County Sheriff's Office and police investigation. All against the peace and dignity of the
State and such laws as made and provided.

Sworn to and subscribed before me

on 10-30-07

[Signature] (L.S.)
Signature of Issuing Judge

Signature of Affiant

Affiant's Address 1675-2A Hwy 5York, SC 29745Affiant's Telephone 803-628-3167

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
York

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on March 6th, 2003 defendant Robert Dale Hughes
did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of York) as set forth below:

DESCRIPTION OF OFFENSE: Registering With False Information

23-3-475

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her 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.

[Signature] (L.S.)
Signature of Issuing Judge

Judge's Address 1675-1A Hwy 5York, SC 29745Judge's Telephone 803-628-3029Judge Code: 804Judge's Address 1675-1A Hwy 5York, SC 29745Judge's Telephone 803-628-3029Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

General Sessions Tracking Sheet

Indictment # 0000GS46 07-4433

Jaw
Name: Hughes, Robert Dale

Address: Rock Hill, SC 29730

Warrant/Ticket # F916022 ✓

Date of Arrest: 10/29/2007

Date of Offense: 03/06/2003

Date Rcv by Clerk 10/31/2007

Magistrate: Clerk Of Court

Counts: Code: 2608/Sex / Sex Offender Registry, give false information when registering - 1st offense

CERTIFIED TRUE COPY

2014 OCT 14 PM 12:27

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

SSN#

Sex: M Race: W

DOB:

DL# SC/ 002522040

Indictment # 0000GS46

Disposition Information

1. Transmitted to SOL & SCCA:
2. Disp Received by Clerk:
3. Date of Disposition: 1-16-08

Disposition	☒ 1. Guilty plea	
	☐ 2. Trial - guilty	
	☐ 3. Trial - not guilty	
	☐ 4. Dism/Not Pros/Pros Ended	Explain: _____
	☐ 5. Judicial Commitment	Explain: _____
	☐ 6. Judicial Dismissal	
	☐ 7. Remanded	Explain: _____
	☐ 8. Dismissed at Prelim	
	☐ 8. No Bill	
	☐ 9. Failure to Appear	Explain: _____
	☐ 10. Other	Explain: _____

Judge: 2113 Alford

Court Reporter: Michael Watts

Defense Atty: Barry Lerner

Solicitor: Marilyn Murray Liguori

Counts: 1 Code: 2608-Sex offender Registry

Sentence: _____

Time Served Done OFTS 95 days

STATE OF SOUTH CAROLINA)
COUNTY OF YORK) CERTIFIED TRUE COPY
2014 OCT 14 PM 12:26

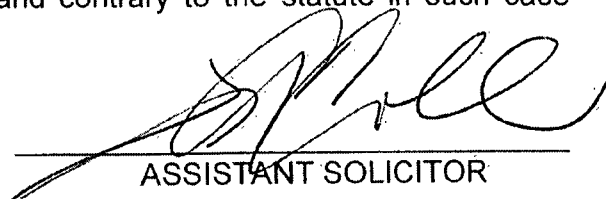
At a Court of General Sessions, convened on February 21, 2013, the Grand Jurors of York County present upon their oath: DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

FAILURE TO REGISTER AS A SEX OFFENDER
(THIRD OR SUBSEQUENT OFFENSE)

That on or about or during the time period of June 1, 2008 through August 11, 2008, the Defendant Robert Dale Hughes (DOB: _____), a resident of York County, South Carolina, did knowingly fail to comply with the requirements to register as a sex offender with the York County Sheriff's Department as required by law and after being instructed to do so, in that said Defendant did fail to notify the York County Sheriff's Department of a change in his residential address within the time frame mandated by law, as required by Sections 23-3-400 et. seq. of the Code of Laws of South Carolina (1976, as amended). Defendant is required by law to register on the Sexual Offender Registry pursuant to the provisions of Section 23-3-400 et. seq. Said Defendant first began registering with the York County Sheriff's Office in June of 1998. The current violation occurred in York County, South Carolina. All in violation of Sections 23-3-400 et. seq. of the Code of Laws of South Carolina (1976, as amended). Such being the third or subsequent offense of said Defendant for failing to register on the Sex Offender Registry as required, in violation of Section 23-3-400 et seq., Code of Laws of South Carolina (1976, as amended), in that said Defendant has been convicted on two (2) prior occasions of Failure to Register as a Sex Offender in violation of S.C. Code 23-3-400 et. seq. on the following dates: October 12, 2001 and January 16, 2008.

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




ASSISTANT SOLICITOR

WITNESSES

YCSD /F. Moore

lgc

ARREST WARRANT NUMBER

J159036

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2013-GS46- 00495

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

February 21st Term 2013

THE STATE

vs.

ROBERT DALE HUGHES

Indictment for
FAILURE TO REGISTER AS SEX
OFFENDER
(THIRD OR SUBSEQUENT OFFENSE)

SC Code: 23-03-0470

CDR Code: 2435

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

Robert D. Hughes
Defendant

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

Failure to Register as Sex
offender / Failure to comply with
SC Registry Law First offense

Robert D. Hughes
Defendant

Witness:

Debra J. Gibbs Court
C.C.C. PLS AND G.S. Specious

General Sessions Tracking Sheet

77

Indictment # 0000GS46

2013 GS46 00495

Warrant/Ticket # J159036

Name: Hughes, Robert Dale

AKA:

Addr:

Mc Connells, SC 29726

CERTIFIED TRUE COPY

2014 OCT 14 PM 12:25

Date of Arrest: 11/30/2012

Date of Offense: 08/11/2008

Date Rev by Clerk: 12/04/2012

SSN#

Sex: M Race: W

DOB:

DL#

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

Magistrate: Clerk Of Court

Counts:

Code: 2435/Sex / Sex Offender Registry
Violation, fail to register - 3rd & sub. offense

Indictment #

0000GS46

2013 GS46 00495

Disposition Information

1. Transmitted to SOL & SCCA:
2. Disp Received by Clerk:
3. Date of Disposition: 1-30-13

Disposition

- ☒ 1. Guilty plea
- ☐ 2. Trial -- guilty
- ☐ 3. Trial -- not guilty
- ☐ 4. Dism/Not Pros/Pros Ended
- ☐ 5. Judicial Commitment
- ☐ 6. Judicial Dismissal
- ☐ 7. Remanded
- ☐ 8. Dismissed at Prelim
- ☐ 8. No Bill
- ☐ 9. Failure to Appear
- ☐ 10. Other

Explain:

Explain:

Explain:

Explain:

Explain:

Judge: 2113 Axford

Court Reporter: Mike Watts

Defense Atty: BJ Barrowclough

Solicitor: Lisa Collins

Counts: 1 Code: 21006 - Sex off reg. Violation - 1st off.

Sentence:

90 days

CETS 61 days

SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

York

VS.

ROBERT DALE HUGHES

INDICTMENT/CASE#: 2013GS46 00495

A/W#: J159036

Date of Offense: 8/11/2008

S.C. Code § 23-03-0470(B)(3)

CDR Code #: 2435

AKA:

Race: WHITE

Sex: M

Age: 52

DOB:

SS#:

Address:

City, State, Zip: Mc Connells, SC 29726

DL#:

SID#:

SC 00200146 OF COURT

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ HAZMAT Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Sex / Sex Offender Registry Violation, fail to register - 1st offense

in violation of § 23-03-0470(A) of the S.C. Code of Laws, bearing CDR Code # 2606

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSCw/minor 1st or Lewd Act) ☐ §17-25-45The 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:

Clerk, Lisa G.

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 90 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 _____

months/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:☒ 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. 61 days☐ 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:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5%) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$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 \$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 \$5 -

3% to County (if paid in installments) \$

TOTAL \$130 -

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

Other: _____

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

David Hamilton

Court Reporter:

Mike Watts

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2113

Sentence Date: 1-30-13

ARREST WARRANT

J-159036

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

York

THE STATE

200800027723

against

Robert Dale Hughes

Address:

Mc Connells, SC 29726-

Phone: SSN:

Sex: M Race: W Height: 6 3 Weight: 210

DL State: SC DL #:

DOB: Agency ORI #: SC0460000

Prosecuting Agency: York County Sheriff

Prosecuting Officer: Fred W Moore - M8272

Offense: Sex / Sex Offender Registry Violation, fail to register - 3rd & sub. offense.

Offense Code: 2435

Code/Ordinance Sec: 23-03-0470(B)(3)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Date:

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to defendant Robert D. Hughes on 11/30/12

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

York County General Sessions
1675 York Hwy
York, SC 29745

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

York

AFFIDAVIT

ORIGINAL

I am authorized by
S.C. Attorney General
April 21, 2003
SCCA 518

Personally appeared before me the affiant Fred W Moore

who

being duly sworn deposes and says that defendant Robert Dale Hughes

did within this county and state on or about 08/11/2008

violate the criminal laws of the

State of South Carolina (or ordinance of

☒ County/☐ Municipality of

York

in the following particulars:

DESCRIPTION OF OFFENSE Sex / Sex Offender Registry Violation, fail to register - 3rd & sub. offense

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

The defendant, Robert Dale Hughes did willfully and unlawfully violate the laws of this state by failing to comply with the requirements of the sex offender registry. Hughes is a convicted sex offender and is required to register as such with the Sheriff's Office in the county which he resides. Hughes last registered address was McConnells, SC in York County. Hughes is no longer residing at his last registered address and has failed to notify the York County Sheriff's Office of this charge. The defendant has previously been charged and convicted on two occasions for Failure to Register as a Sex Offender in York County General Sessions Court on October 12, 2001 and January 16, 2008. All against the peace and dignity of this State and all such laws so made and provided. Probable cause is based upon police investigation and records obtained from the York County Sheriff's Office Sex Offender Registry.

Signature of Affiant

Fred W. Moore

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

York

Affiant's Address York County Sheriff's

York, SC 29745-7428

Affiant's Telephone (803)628-3059

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 8/11/2008: defendant Robert Dale Hughes

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of York

) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Sex Offender Registry Violation, fail to register - 3rd & sub. offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her 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.

Sworn to and subscribed before me on 08/21/2012

(L.S.)

Signature of Issuing Judge
Lynne Horton Benfield

Judge Code: 5806

Judge's Address Moss Justice Center

York, SC 29745-7423

Judge's Telephone (803)628-3029

Issuing Court:

☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA IN THE COURT OF GENERAL SESSIONS
COUNTY OF YORK COUNTY

CERTIFIED TRUE COPY

STATE OF SOUTH CAROLINA 2014 OCT 14 PM 12:26

VS

DAVID HAMILTON **[RDB]** = defendant's initials required
CLERK OF COURT

ROBERT DALE HUGHES

YORK COUNTY, SC Total Time Served (days): **60 days** **7C RDB**

I want to plead guilty, no contest, or enter a plea under N.C. v. Alford to the charges listed below. I understand that the minimum and maximum penalties as well as some of the collateral consequences for the charges to which I am pleading are listed below:

Truebilled ☐ Waiver ☒

Indictment #: **2013GS4600495**

CDR: **2435** Statute #: **23-03-0470**

Original Charge: **Failure to Register as a Sex Offender, 3rd or subsequent offense**

Pleading To: **Failure to Register as a Sex Offender, 1st offense** CDR: **2606** Statute # **23-03-0470**

Misdemeanor ☒ Felony ☐

Penalty: **90 days mandatory**

☒ Non-Violent ☐ Violent ☐ Serious ☐ Most Serious ☐ No Parole ☐ Sex Offender Registry** **[RDB]**

☐ Mandatory GPS ☒ Increased Punishment for Future Offenses ☐ Murder Day for Day

****Note – Sex Offender Registry already required for this Defendant by prior conviction**

List General Sessions Charges Being Dismissed: **None**

List Pending General Sessions Charges not being resolved: **None**

YOA: ☐ Eligible ☒ Ineligible due to: ☒ Age ☐ Offense ☐ Other:

List Prior Convictions: **2012 – Failure to Comply with Sex Offender Law/False Info – Felony (GA.); 2011 – Giving False Info. To Law Enf. – misd.; 2011 – Failure to Appear for Fingerprintable Charge – misd.; 2008 – Failure to Register as a Sex Offender 1st offense – misd.; Giving False Information at time of Registration – misd.; 2009 – Assault causing Bodily Injury to Family Member – misd.; 2007 – “Simple” Assault and Battery – misd.; 2006 – Domestic Assault – misd.; 2001 – Failure to Register as a Sex Offender 1st offense – misd. (Note – was not represented by defense attorney for this plea and served jail time; no attorney waiver on file); 1999 – Driving Under Suspension – misd.; 1999 – Improper Vehicle License – misd.; 1995 – Driving Under Suspension, 3rd or subsequent – misd.; 1994 – Criminal Sexual Conduct with a Minor (2 counts) – felony; 1991 – Attempt to Possess Crack Cocaine – misd.; 1991 – Tampering with Auto – misd.; 1989 – Driving Under Suspension more than 1st offense – misd.; 1989 – Unlawful Use of Driver's License – misd.; 1989 – Failure to Register Vehicle – misd.; Operating Uninsured Vehicle – misd.; 1987 – Criminal Domestic Violence – misd.; 1983 – Distribution of Imitation Controlled Substance; 1982 – Simple Possession of Marijuana – misd.; 1980 – Shoplifting; 1979 – Disorderly Conduct – misd.; Resisting Arrest – misd.**

Currently on Probation? ☐ Yes ☒ No Is this plea a violation of the probation? ☐ Yes ☐ No

[RDB] I have agreed to plead guilty, no contest, or enter a plea under N.C. v. Alford as part of a plea arrangement. The Solicitor, my lawyer, and I have informed the court that the following contains all of the terms of conditions of my plea:

Type of Plea ☒ Guilty ☐ N.C. v. Alford ☐ Nolo
Recommendation ☐ Negotiated ☒ Without Recommendation ☐

☒ ~~P/A~~ State is recommending or the negotiation is: **Sentence exposure is mandatory 90 day sentence as required by law in 2008 which was date of offense. The State is allowing Defendant to plead to Failure to Register as a Sex Offender 1st offense rather than original charge of Failure to Register as a Sex Offender 3rd offense. Defendant was not represented by defense attorney for 2001 plea and served jail time for that conviction; no attorney waiver is on file. The State has negotiated plea to First Offense with mandatory 90 day sentence.**

☒ ~~P/A~~ This plea is not the product of any other promises or any threats whatsoever, except as indicated below:

☒ ~~N/A~~ I understand that, upon entering a plea under N.C. vs. Alford, I will be treated as being guilty whether or not I admit that I am in fact guilty.

☒ ~~N/A~~ I understand that a no contest plea is treated by the Court the same as a plea of guilty.

☒ ~~N/A~~ The Solicitor is making a recommendation to the judge, as listed above. I understand the Judge is not required to accept the recommendation given by the Solicitor and the Judge may accept it, may go below the recommendation, or may go above the recommendation.

☒ ~~P/A~~ This plea is a negotiated plea and the negotiation is listed above. I understand the Judge may refuse to accept the negotiation and that if the Judge refuses, the plea will not go forward.

☒ ~~N/A~~ This plea is without negotiation and I understand I could receive from the minimum to the maximum sentence on each charge to which I am pleading guilty and that those sentences could also be run consecutive to other.

☒ ~~P/A~~ I am not currently under the influence of any intoxicants, drugs, or narcotics.

☒ ~~N/A~~ I currently DO take the following prescribed medications:

☒ ~~P/A~~ I am entering my plea today freely, voluntarily, knowingly, and intelligently.

☒ ~~N/A~~ I understand that I have the right to be represented by a lawyer at all stages of the proceedings. I can hire my own lawyer, or the court will appoint a lawyer for me if I cannot afford one. I understand an attorney would be of benefit to me, and since I am not an attorney, there is a danger in my representing myself. Understanding this, I give up this right.

☒ ~~P/A~~ I understand that I have the right to plead not guilty and be tried by a jury, and that I am presumed innocent until such time as the jury is convinced of my guilty beyond a reasonable doubt. Understanding this, I give up that right.

☒ ~~P/A~~

I understand I have the right to have the Court issue subpoenas to bring my witnesses and evidence to a trial at no cost to me. Understanding this, I give up that right.

☒ I understand I have the right to testify or remain silent at trial. Understanding this, I give up this right.

☒ My lawyer has reviewed with me all the factual and legal issues surrounding my case, including any defenses I may have and he or she has done everything I have asked him to do. I am satisfied with his or her services.

☒ I understand that I have the right to remain silent, that is, the right against self-incrimination. Understanding this, I give up this right.

☒ I understand that in a jury trial I have the right to see and hear all witnesses called to testify against me and to confront, cross-examine, and question them.

☒ I give up, for each of the charges listed above, my right to a jury trial, my right to a bench trial (trial by Judge with no jury), my right to confront and cross examine witnesses, my right to remain silent and not incriminate myself, and my right to produce evidence and to present a defense, including my right to testify on my own behalf.

☒ I understand that by my pleading to each charge, I am waiving all defenses, including, but not limited to the right to challenge any evidence the State may have used in its case against me and the voluntariness of any statements made to law enforcement.

☒ I understand that upon my conviction I may be ordered to pay restitution to any persons directly and proximately injured as a result of my commission of these crimes and that a civil judgement in favor of each person may be docketed against me and will be a lien against any real estate I own now or may own in the future.

☒ I understand that if I am not a citizen of the United States, my plea of guilty, no contest, or my plea under N.C. v. Alford may result in my deportation, exclusion from re-entry to the United States, and denial of naturalization and amnesty.

☒ I understand that I have 10 days within which to appeal this guilty plea.

☒ I understand that I am pleading guilty, no contest, or under N.C. v. Alford to the charges shown above.

☒ I now personally plead ☒ guilty; () under N.C. v. Alford; () no contest to the charges above.

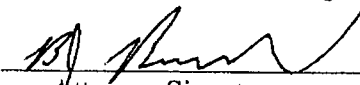
Acknowledgement

I have read or have had read to me this form and have initialed each of the items that applies to my case. If I have an attorney, I have discussed each item with my attorney. By putting my initials next to the items in this form, I am indicating that I understand and agree with what is stated in each item that I have initialed. The nature of the charges, possible defenses, the effects of any prior convictions and enhancements, have been explained to me. I understand each of the rights outlined above, and I give up each of them to enter my plea.

Defendant's Signature: Robert D. Hughes Date: 1/29/13

Defense Counsel's Statement

I, the attorney for the defendant in the above entitled case, personally read and explained to the defendant the entire contents of this plea form and any addendum thereto. I discussed all charges, all discovery provided by the State, and possible defenses with the defendant and the consequences of the plea, including any immigration consequences. I personally observed the defendant fill in and initial each item, or read and initial each item to acknowledge his or her understanding and waivers. I observed the defendant date and sign this form and any addendum. I concur in the defendant's plea and waiver of constitutional rights.

Print Name: B.J. Barrowclough  Bar # 9297
Attorney Signature

Date: 1/29/13

Circle One: ☒ PD

☐ Retained

☐ Appointed

Solicitor's Review

I have reviewed this form as completed by the Defendant or by the Defendant with his Defense Attorney for completeness and accuracy.

Solicitors Signature: _____

Bar # 07892Date: 1-30-13

Judge's Confirmation

Upon consideration of the record, evidence or factual presentation offered, answers of defendant, and statements of the lawyer for the defendant and the prosecutor and the contents of this plea and waiver form, the undersigned finds that:

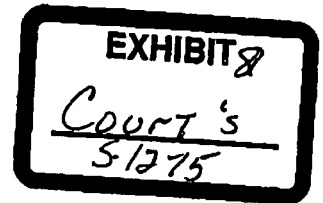
1. There is a factual basis for the entry of the plea,
2. The defendant is satisfied with his/her lawyer's legal services,
3. The defendant is competent to stand trial, and
4. The plea is the informed choice of the defendant and is made freely, voluntarily, knowingly, and intelligently.

The defendant's plea is hereby accepted by the Court.

Judge's Signature

Judge's Code: 2113Date: 1/30/13

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF YORK) SIXTEENTH JUDICIAL CIRCUIT
STATE OF SOUTH CAROLINA)
) STIPULATIONS
))
))
))



V

2015-GS-46-0272

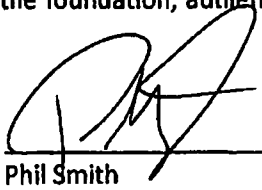
Failure to Register as Sex Offender, 3rd Offense

Robert Dale Hughes,
Defendant.

Stipulations by the State of South Carolina, represented by Assistant Solicitor Erin Joyner, and the Defendant, represented by Phil Smith of the Public Defender's Office:

- 1) The Defendant last registered with the York County Sheriff's Office during the month of June 2013 and received notice that he was required to register again during the month of September 2013. A copy of this paperwork, marked as State's Exhibit 8, will be entered by the State. The State and the Defense stipulate to the admissibility of State's Exhibit 8 without testimony.
- 2) The Defendant, Robert Dale Hughes, did, between September 1, 2013, through September 17, 2014, fail to register as a Sex Offender with the York County Sheriff's Office and/or fail to notify the York County Sheriff's Office of his change of address.
- 3) The State and the Defendant agree that the only prior convictions that could potentially trigger the sex offender registry are his 1994 Lexington County, South Carolina, convictions -94-GS-32-232, 94-GS-32-233, and 94-GS-32-234.
- 4) A hearing was held on April 23, 2015, at which the State entered the following as Court's Exhibits: 1) Certified Copies of Indictments and Arraignment/Sentencing Sheets for 1994-GS-32-232, 94-GS-32-233, and 94-GS-32-234; 2) Sex Offender Pre-Registration Form from the Department of Corrections; 3) Department of Corrections Inmate Search Form; 4) Certified Conviction 2001-GS-46-2645; 5) Certified Conviction 2007-GS-46-434; 6) Certified Conviction 2007-GS-46-433; and 7) Certified Conviction 2013-GS-46-0495. For the purposes of this bench trial, the State will mark these as State's Exhibits corresponding to the Court's Exhibit Numbers. The State and the Defense stipulate to the foundation, authenticity, and admissibility of State's Exhibits 1-7 without testimony.


Erin Joyner
Assistant Solicitor


Phil Smith
Attorney for Defendant

5-12-15
Date

5-12-15
Date

WITNESSES

LCSD, Singleton

ARREST WARRANT NO. D-685436

ACTION OF GRAND JURY
TRUE BILL

Blenda T. Hickson
Foreman of Grand Jury 1-10-94

VERDICT

Foreman of Petit Jury

Date:

DOCKET NO. 94 232

The State of South Carolina,

County of Lexington

COURT OF GENERAL SESSIONS

January TERM 1994

THE STATE

VS.

ROBERT DALE HUGHES

*plea to CSC with minor
3rd degree*

CDR 159

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR,
1st Degree

Donald V. Myers, Solicitor

FORM 32 (12/87)

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON) INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR, 1st Degree

At a Court of General Sessions, convened on January 10, 1994
the Grand Jurors of Lexington County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, 1st DEGREE

That ROBERT DALE HUGHES did in Lexington County during the month beginning September 1, 1993, engage in sexual battery, to wit: did touch and rub the vagina underneath the clothing of one Minor age 8, and one occasion did penetrate her vagina with his finger, ~~ALL THESE WITHOUT HER CONSENT~~, in violation of § 16-3-652 of the Code of Laws of South Carolina, 1976, as amended.

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

James H. H. H.
SOLICITOR

STATE OF SOUTH CAROLINA)
 COUNTY OF LEXINGTON)

CSC w/minor 1st

IN THE COURT OF GENERAL SESSIONS

IND# 94 -GS-32- 232)
 A.W.# D685436)

ARRAIGNMENT

THE DEFENDANT Robert Dale Hughes IS PUT TO THE
 BAR AND ARRAIGNED, AND UPON HIS/HER ARRAIGNMENT PLEADS GUILTY AS CHARGED.
 ATTEST: CSC w/minor 3rd degree

Thomas H. Comerford
 THOMAS H. COMERFORD, CLERK OF COURT
 LEXINGTON COUNTY

x R D Hughes
 DEFENDANT
 DATE SIGNED 3-31-94

... SENTENCE ...

THE DEFENDANT Robert Dale Hughes IS COMMITTED TO
 THE STATE DEPT. OF CORRECTIONS/COUNTY FOR A TERM OF Ten 10 MONTHS/YEARS
 AND/OR TO PAY A FINE OF \$ _____; PROVIDED UPON THE SERVICE OF _____
 MONTHS/YEARS AND/OR PAYMENT OF \$ _____ PLUS PAY/WAIVE COST AND
 ASSESSMENTS AS APPLICABLE*, THE BALANCE IS SUSPENDED WITH PROBATION FOR
 _____ MONTHS/YEARS.

C F J T

RESTITUTION

FOR PHYSICAL INJURY \$ _____

YES / NO

PROPERTY DAMAGE \$ _____

TO BE PAID _____

TO THE CLERK OF COURT FOR _____

OTHER CONDITIONS _____ **

DATE 3/31/94

*COST AND ASSESSMENTS

NON-WAIVABLE \$ _____

NOT WAIVED \$ _____

TOTAL \$ 0

**PAY TO VICTIM'S COMPENSATION FUND IF SUBROGATED.

SAB DATE 3-31-94

WHITE (CLERK OF COURT) YELLOW (JAIL) PINK (PROBATION) GOLD (DEFENDANT)

LCF 652

Frank Eggers
 PRESIDING JUDGE

Thomas H. Comerford
 THOMAS H. COMERFORD, CLERK OF COURT
 LEXINGTON COUNTY

WITNESSES

LCSD, Singelton

ARREST WARRANT NO. D-685437

ACTION OF GRAND JURY
TRUE BILL*Blenda T. Hickson*
Foreman of Grand Jury 1-10-94

VERDICT

Foreman of Petit Jury

Date:

DOCKET NO.

94

233

The State of South Carolina,

County of LEXINGTON

COURT OF GENERAL SESSIONS

January

TERM

1994

THE STATE

vs.

ROBERT DALE HUGHES

*plan to CSC 3rd with
minor*

CDR 159

Indictment forCRIMINAL SEXUAL CONDUCT WITH A
MINOR, 1st Degree

Donald V. Myers, Solicitor

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~~XXXXXX~~ in violation of § 16-3-652 of the Code of Laws of South Carolina, 1976, as amended.

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

Attorney General
SOLICITOR

STATE OF SOUTH CAROLINA)
 COUNTY OF LEXINGTON)

CSC w/minor 1st

IN THE COURT OF GENERAL SESSIONS

IND# 94 -GS-32- 233)

ARRAIGNMENT

A.W.# D685437)

THE DEFENDANT Robert Dale Hughes IS PUT TO THE
 BAR AND ARRAIGNED, AND UPON HIS/HER ARRAIGNMENT PLEADS GUILTY AS CHARGED.

ATTEST:

CSC w/minor 3rd degree

Thomas H. Comerford

THOMAS H. COMERFORD, CLERK OF COURT
 LEXINGTON COUNTY

RD Hughes

DEFENDANT

DATE SIGNED

3-31-94

... SENTENCE ...

THE DEFENDANT Robert Dale Hughes IS COMMITTED TO
 THE STATE DEPT. OF CORRECTIONS/COUNTY FOR A TERM OF Ten 10 ~~MONTHS~~ YEARS
 AND/OR TO PAY A FINE OF \$ _____; PROVIDED UPON THE SERVICE OF _____
 MONTHS/YEARS AND/OR PAYMENT OF \$ _____ PLUS PAY/WAIVE COST AND
 ASSESSMENTS AS APPLICABLE*, THE BALANCE IS SUSPENDED WITH PROBATION FOR
 _____ MONTHS/YEARS.

RESTITUTION

FOR PHYSICAL INJURY \$ _____

YES / NO

PROPERTY DAMAGE \$ _____

TO BE PAID _____

TO THE CLERK OF COURT FOR _____

OTHER CONDITIONS _____

DATE 3/31/94

*COST AND ASSESSMENTS

NON-WAIVABLE \$ _____

NOT WAIVED \$ _____

TOTAL \$ 0

**PAY TO VICTIM'S COMPENSATION FUND IF SUBROGATED.

SAB

DATE 3-31-94

Frank Egger
 PRESIDING JUDGE

Thomas H. Comerford
 THOMAS H. COMERFORD, CLERK OF COURT
 LEXINGTON COUNTY

WHITE (CLERK OF COURT)

YELLOW (JAIL)

PINK (PROBATION)

GOLD (DEFENDANT)

LCF 652

Jullwood

WITNESSES

LCSD, Singleton

ARREST WARRANT NO. D-685438

ACTION OF GRAND JURY

TRUE BILL

Stepda T. Hickson
Foreman of Grand Jury 1-10-94

VERDICT

Foreman of Petit Jury

Date:

DOCKET NO. 94 234

The State of South Carolina,

County of LEXINGTON

COURT OF GENERAL SESSIONS

January TERM 1994

THE STATE

vs.

53 ROBERT DALE HUGHES W

plea to CSC 3rd with
minor

CDR 159

Indictment for

CRIMINAL SEXUAL CONDUCT WITH
A MINOR, 1st Degree

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the Grand Jurors of Lexington County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, 1st DEGREE

That ROBERT DALE HUGHES did in Lexington County during the month beginning September 1, 1993, engage in sexual battery, to wit: did touch and rub the vagina of one Minor 3 Age 9, with his hand and penis and on one occasion did penetrate her vagina with his finger, as well as ejaculate on the victim's stomach, ~~XXXXXXX~~ ~~with her consent~~, in violation of § 16-3-652 of the Code of Laws of South Carolina, 1976, as amended.

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

Guendolen V. Barlet
Asst. SOLICITOR

STATE OF SOUTH CAROLINA)
 COUNTY OF LEXINGTON)

CSC w/minor 1st
 IN THE COURT OF GENERAL SESSIONS

IND# 94 -GS-32- 234
 A.W.# D 685 438

ARRAIGNMENT

THE DEFENDANT Robert Dale Hughes IS PUT TO THE
 BAR AND ARRAIGNED, AND UPON HIS/HER ARRAIGNMENT PLEADS GUILTY AS CHARGED.
 ATTEST: *CSC w/minor 3rd degree*

Thomas H. Comerford
 THOMAS H. COMERFORD, CLERK OF COURT
 LEXINGTON COUNTY

R. D. Hughes
 DEFENDANT
 DATE SIGNED 3-31-94

... SENTENCE ...

THE DEFENDANT Robert Dale Hughes IS COMMITTED TO
 THE STATE DEPT. OF CORRECTIONS/COUNTY FOR A TERM OF Ten 10 ~~MONTHS~~ MONTHS/YEARS
 AND/OR TO PAY A FINE OF \$ _____; PROVIDED UPON THE SERVICE OF _____
 MONTHS/YEARS AND/OR PAYMENT OF \$ _____ PLUS PAY/WAIVE COST AND
 ASSESSMENTS AS APPLICABLE*, THE BALANCE IS SUSPENDED WITH PROBATION FOR
 _____ MONTHS/YEARS.

RESTITUTION

FOR PHYSICAL INJURY \$ _____

YES / NO

PROPERTY DAMAGE \$ _____

TO BE PAID _____

TO THE CLERK OF COURT FOR _____ **

OTHER CONDITIONS _____

DATE 3/31/94

*COST AND ASSESSMENTS

NON-WAIVABLE \$ _____

NOT WAIVED \$ _____

TOTAL \$ 0

**PAY TO VICTIM'S COMPENSATION FUND IF SUBROGATED.

AB DATE 3-31-94

WHITE (CLERK OF COURT) YELLOW (JAIL) PINK (PROBATION) GOLD (DEFENDANT)
 LCF 652

Frank Egges
 PRESIDING JUDGE

Thomas H. Comerford
 THOMAS H. COMERFORD, CLERK OF COURT
 LEXINGTON COUNTY

WITNESSES

YCSO / Strait

ARREST WARRANT NUMBER

2013A4610101095

ACTION OF GRAND JURY*Shirley Bowman Sanders*

Foreperson of Grand Jury

Date: 1/22/15

**BENEFICIAL
VERDICT***Guilty**John H. ...*

Foreperson of Grand Jury

Date:

5/12/15

*(Jury Trial waived by
Defendant)*

DOCKET NO. 2015-GS-46-00272

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JANUARY 22, TERM 2015

THE STATE

VS.

ROBERT DALE HUGHES**INDICTMENT FOR****VIOLATION OF SEX OFFENDER
REGISTRY- FAIL TO REGISTER**

SC Code: § 23-03-0470(A)

CDR Code: 2435

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

DefendantI
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 YORK

CERTIFIED TRUE COPY
2015 MAY 12 PM 4:36

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

At a Court of General Sessions, convened on January 22, 2015, the Grand Jurors of York County present upon their oath:

VIOLATION OF SEX OFFENDER REGISTRY- FAIL TO REGISTER

The defendant, Robert Dale Hughes, having been convicted of an offense for which he is required to register as sex offender, did on or about September 1, 2013, through September 17, 2014, in York County, South Carolina, fail to register as a sex offender with the York County Sheriff's Office and/or fail to notify the York County Sheriff's Office of his change of address. All in violation of 23-03-0470(A), *South Carolina Code of Laws* (1976, as amended).

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


ERIN M. JOYNER
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK

STATE VS.

ROBERT DALE HUGHES

AKA: Robert D Hughes

Race: White

Sex: M

Age: 54

DOB: _____

SS#: _____

Address: _____

City, State, Zip: _____

DL# _____

SID# _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Violation Of Sex Offender Registry- Fail To Register

In violation of § 23-03-0470(A) of the S.C. Code of Laws, bearing CDR Code # 2435

INDICTMENT/CASE#: 2015GS4600272

A/W: _____

Date of Offense: _____

S.C. Code §: _____

CDR Code #: _____

2013A4610101095

10/08/2013

2435

SENTENCE SHEET

RECEIVED

MAY 18 2015

SC Court of Appeals

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☐ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, _____ (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

Erin M. Joyner, Assistant Solicitor

69419
SC Bar #

Defendant

Attorney for Defendant

66593
SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 5 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 3 days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 3 months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ 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. 241☐ The Defendant is to be placed on 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

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____

☐ Ordered PTUP _____

_____ days/hours Public Service Employment

Obtain GED ☐☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 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 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ca \$ _____

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5

3% to County (if paid in installments) \$ \$ _____

TOTAL \$ 130

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

Other: _____

☐ Appointed PD or appointed other counsel,

§47.12 requires \$500 be paid to Clerk

during probation.

Clerk of Court/Deputy Clerk: David HamiltonCourt Reporter: Wanda Nelson

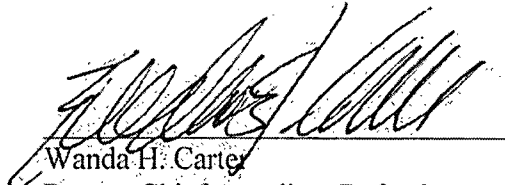
SCCA/217 (03/2011)

Presiding Judge: John C. HaysJudge Bar ID: 2862Sentence Date: 5-13-15Judge Code: 20495-13-15

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."

February 29th, 2016



Wanda H. Carter
Deputy Chief Appellate Defender

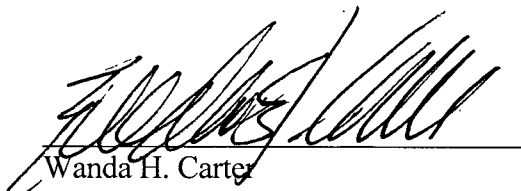
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

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February 29th, 2016



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ATTORNEY FOR APPELLANT

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FEB 29 2016
SC Court of Appeals