

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

Robert E. Hood, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

NATHAN TYRONE TELFORD,

APPELLANT

APPELLATE CASE NO. 2015-002665

RECORD ON APPEAL

BENJAMIN JOHN TRIPP
Appellate Defender

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

Attorney for Appellant

MATTHEW BUCHANAN
General Counsel
South Carolina Department of
Probation, Parole & Pardon Services
PO Box 50666
Columbia, SC 29250

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Attorney for Respondent

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SC Court of Appeals

INDEX

INDEX.....i

TRANSCRIPT OF JULY 24, 2015 HEARING 1

ARREST WARRANT 12

PROBATION VIOLATION REPORT..... 14

TRANSCRIPT OF OCTOBER 30, 2015 HEARING 16

PROBATION VIOLATION ORDER27

CERTIFICATE OF COUNSEL28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) COURT OF GENERAL SESSIONS
2013-GS-40-05476

State of South Carolina,)
Plaintiff,)
vs.) TRANSCRIPT OF RECORD
Nathan Tyrone Telford,)
Defendant.)

July 24, 2015
Columbia, South Carolina

B E F O R E :

THE HONORABLE DEANDREA G. BENJAMIN, JUDGE.

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

MEGHAN L. WALKER, ASSISTANT SOLICITOR
Attorney for the Plaintiff

TIVIS C. SUTHERLAND, IV, ESQ.
Attorney for the Defendant

DEBORAH M. McCURDY, RPR
Official Court Reporter

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I N D E X O F W I T N E S S E S

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

E X H I B I T S

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

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JULY 24, 2013

MS. WALKER: Nathan Telford.

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

THE DEFENDANT: Yes, ma'am.

THE CLERK: Thank you.

THE COURT: Yes, ma'am?

MS. WALKER: Thank you, Your Honor. This was on the afternoon docket. It was a motion to revoke this Defendant's bond. However, this has turned into a plea.

Standing before you is Nathan Telford. He is with his attorney, Tivis Sutherland, of the private bar.

He is here today to plead guilty, Your Honor, to one count of distribution of crack cocaine first offense.

THE COURT: Is that correct, Mr. Sutherland?

MR. SUTHERLAND: Yes, it is, Your Honor.

THE COURT: Have you explained to your client the charges contained in the indictment, the possible punishment, and his constitutional rights?

MR. SUTHERLAND: Yes, I have, Your Honor.

THE COURT: Have you explained to him the

1 right to have the Grand Jury consider this case,
2 and does he wish to waive that right?

3 MR. SUTHERLAND: Yes, he does.

4 THE COURT: How does he wish to plead?

5 MR. SUTHERLAND: Guilty, Your Honor.

6 THE COURT: And do you agree with his decision
7 to plead guilty?

8 MR. SUTHERLAND: Yes, I do, Your Honor.

9 THE COURT: And you are Nathan Telford?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: And, sir, you are pleading guilty
12 to distribution of crack cocaine?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: And how old are you, sir?

15 THE DEFENDANT: Forty-six.

16 THE COURT: How far did you go in school?

17 THE DEFENDANT: Four years of college.

18 THE COURT: Are you married?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Do you have children?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Minor children?

23 THE DEFENDANT: No. Grandchildren.

24 THE COURT: All right. Within the last 24
25 hours, have you taken any medication, drugs, or

1 alcohol?

2 THE DEFENDANT: No, ma'am.

3 THE COURT: Listen closely to the Solicitor as
4 she states the facts.

5 MS. WALKER: Your Honor, this Defendant wasn't
6 arrested until March 5th of this year. However,
7 the offense occurred on April 19, 2012, at 119
8 Ballington Road here in Richland County.

9 Nathan Telford was videotaped providing drugs,
10 approximately .3 grams of crack cocaine to an
11 undercover Richland County sheriff's deputy in
12 exchange for marked U.S. currency. As I said, the
13 buy was captured on a recording device. The
14 Defendant was positively identified at a photo
15 line-up from the narc and was arrested on March 5th
16 of 2013.

17 It is my understanding, Your Honor, from
18 speaking with not only Mr. Sutherland, but the
19 Public Defender that he had prior to Mr. Sutherland
20 that this Defendant has a drug habit in selling to
21 support that habit. That is why the State is
22 recommending probation in this case with drug and
23 alcohol treatment and for probation to terminate
24 upon his successful completion of a drug and
25 alcohol treatment program.

1 He does have a prior record, Your Honor, which
2 includes a simple possession of marijuana from
3 2012.

4 THE COURT: Sir, do you agree with the facts
5 as stated by the Solicitor?

6 THE DEFENDANT: Say it again?

7 THE COURT: Do you agree with the facts as
8 stated by the Solicitor?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: And is that what you are pleading
11 guilty to?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: You understand it carries up to
14 ten years in jail?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Knowing that, you still wish to
17 plead guilty?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: You also understand it carries
20 what we call an enhanced penalty provision. If you
21 were to get another drug offense at a later date,
22 the penalty and the fines increase. Do you
23 understand that?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Knowing that, do you still wish to

1 plead guilty?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Sir, you also have the right to
4 have the indictment presented to the Grand Jury.
5 Do you wish to waive your right to have it
6 presented to the Grand Jury?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Also, sir, you have the right to a
9 jury trial. At a jury trial the State would have
10 to prove you guilty beyond a reasonable doubt. You
11 and your attorney would have the opportunity to
12 cross-examine any witnesses that they would
13 present. You, yourself, would not have to testify.
14 The burden would be solely upon the State to prove
15 you guilty beyond a reasonable doubt. But by
16 pleading guilty, you waive your right to a jury
17 trial. Is that what you wish to do?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: And, sir, you have been
20 represented by Mr. Sutherland. Are you satisfied
21 with his representation?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Do you need any more time to speak
24 with him?

25 THE DEFENDANT: No, ma'am.

1 THE COURT: And has he done everything for you
2 that you feel he could have done or should have
3 done?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Are you completely satisfied with
6 his services?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Is anyone forcing you to plead
9 guilty today?

10 THE DEFENDANT: No, ma'am.

11 THE COURT: Are you pleading guilty of your
12 own free will?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: Are you pleading guilty because
15 you are guilty of this charge?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Have you understand my questions?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: Have you answered them truthfully?

20 THE DEFENDANT: Every last one.

21 THE COURT: All right. You understand you
22 have a right to appeal your guilty plea and
23 sentence of this Court within ten days of today's
24 date?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: I find there is a substantial
2 factual basis for the plea. I also find that the
3 Defendant's decision to plead guilty is freely,
4 voluntarily, knowingly, and intelligently made.
5 That he is represented by counsel to whom he has
6 indicated to me that he is completely satisfied
7 with. I will accept the plea.

8 All right. You gave me his priors already.

9 Yes, sir, Mr. Sutherland?

10 MR. SUTHERLAND: Briefly, Your Honor.

11 Mr. Telford is a good fellow. He is self-employed.
12 He does home improvement.

13 As the Solicitor indicated, you know, there is
14 a drug issue there. With respect to this
15 particular offense, they were going after his
16 brother and he got wrapped up in this business with
17 his brother.

18 I wouldn't expect -- he has got a very
19 marginal prior record, and I wouldn't expect to see
20 him wrapped up in this business at any point in the
21 future.

22 And he does want to go get a little bit of
23 counseling and, you know, get back to his
24 grandchildren and get back to work, Your Honor.

25 Oh, he spent seven days in jail. Sorry.

1 THE COURT: All right. On Indictment
2 2013-GS-40-5476, sir, you will be sentenced to the
3 State Department of Corrections for six years. The
4 sentence is suspended with probation for two years.
5 You will be given credit for the seven days that
6 you served. You are to attend random -- submit to
7 random drug and alcohol testing with substance
8 abuse counseling. And your probation may be
9 terminated upon successful treatment -- completion
10 of drug treatment.

11 Do you understand your sentence, sir?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Are you appointed or retained?

14 MR. SUTHERLAND: Appointed, Your Honor.

15 THE COURT: You have to pay \$500 for your
16 court-appointed attorney. Do you understand?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Thank you.

19 MR. SUTHERLAND: Thank you, Your Honor.

20 MS. WALKER: Thank you, Judge.

21 THE COURT: Thank you.

22 (WHEREUPON, the proceedings were concluded.)
23
24

25 (END OF TRANSCRIPT)

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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

I, Deborah M. McCurdy, Official Court Reporter for the Fifth Judicial Circuit of 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 Richland County, South Carolina, on the 24th day of July, 2013.

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

January 18, 2016

s/Deborah M. McCurdy, RPR

Deborah M. McCurdy, RPR
Fifth Circuit Court Reporter

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF

RICHLAND

THE STATE

against

NATHAN TYRONE TELFORD

INFORMATION ON DEFENDANT

Name NATHAN TYRONE TELFORD
Address
Phone
Sex Male Race Black Height 510
Weight 221 Birth date
Social Security Number

12

Constable or Law Enforcement Officer

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

Nathan Tyrone Telford

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 7/1/2015

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

on the 18 day of Sept 2015
Constable or Law Enforcement Officer

Camilla E. Cheeseboro

INFORMATION ON WITNESSES

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

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

Disposition

Sentence

Co-Defendants

PRELIMINARY HEARING held by

Magistrate
on
with
Attorney for the Defendant.

(L.S.)
Signature of Judge

Decision

BAIL

Date Set
Magistrate
Amount
Surety

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

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Probation
ARREST WARRANT

Indictment Number 13-GS-40-05476

Warrant Number AW-40-15-0004 B

State Identification No. (SID) 00900480

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

It appearing from the attached affidavit that there are reasonable grounds to believe that NATHAN TYRONE TELFORD, did on the 1 day of July, 2015 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Nathan Telford has violated conditions 1, 6, 7, 9, and 10 as ordered in Cause Number 2013-GS-40-05476 by the Richland County Court of General Sessions.

Now, therefore, you are empowered and directed to arrest the said defendant and bring NATHAN TYRONE TELFORD before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at COLUMBIA, S. C. this 1 day of July, 2015.


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

County of **RICHLAND**

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Camilla E. Cheeseboro, who, first being duly sworn, deposes and says that NATHAN TYRONE TELFORD did within this County and State on the 1 day of July, 2015, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

Nathan Telford has violated conditions 1, 6, 7, 9, and 10 as ordered in Cause Number 2013-GS-40-05476 by the Richland County Court of General Sessions.

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

Nathan Telford has failed to follow the advice and instructions of his Agent, in that he: failed to report as instructed on 4/15/2015 or anytime thereafter, having last reported on 1/21/2015; failed to notify Agent of contact with Law Enforcement, having been ticketed for Driving under Suspension 1st offender on or about 3/31/15; failed to pay supervision fees, being in arrears \$1,150, having never made a payment; failed to pay court ordered fine, being in arrears \$803.40, having never made a payment; failed to pay one-time drug testing fee of \$20; failed to pay DNA fee; failed to comply with any further conditions imposed, by failing to complete Substance Abuse Counseling as ordered by Judge Benjamin on 7/24/13.

Sworn to and Subscribed before me
this 1 day of July, 2015.


Signature of Notary Public (L.S.)

5/21/2024
My Commission Expires


Affiant

Address: 1221 GREGG STREET
COLUMBIA, SC 29201
RICHLAND
USA

(803) 734-6320

South Carolina Department of Probation, Parole and Pardon Services
Violation Report

PD
10/30

Offender's Name: **NATHAN TYRONE TELFORD,**
 State of South Carolina, County of: **RICHLAND**
 SID#: **00900480**

Warrant#: **W-40-15-0004**
 Date of Birth: **12/21/1967**
 SCDC#:

Indictment Numbers:
13-GS-40-05476

Offense and Offense Code:
112 - Manufacture, distribution, etc., ice, crank, crack cocaine - 1st offense (retired 6/7/05) (use 3014 or 3198)

Supervision Program: **Probation**
 Supervision Level: **Standard Supervision**

Begin Date: **7/24/2013** End Date: **7/23/2015**
 Potential End Date: **7/3/2015** Adjusted End Date: **7/3/2015**

Sentencing Judge: **2161 - Benjamin, DeAndrea** Sentencing County: **RICHLAND**
 Sentencing Date: **7/24/2013**
 Location (Bold Response): **SCDC**

Sentence:

6YRS 7 DYS T/S SS 2YRS PROBATION

Special Conditions:

Fine - Fine / Fine/Costs and Assessments payable as directed by the Court. \$803.40; PTUP - AFTER SUCCESSFUL COMPLETION OF DRUG COUNSELING; RADT - RADT / Random Alcohol/Drug Testing; SAC - SAC / Substance Abuse Counseling

Current Address and Summary of Residence:

233 TELFORD LN, COLUMBIA, SC 29203, RICHLAND, USA,

Reporting:

Nathan Telford is required to report to the Department every three months having last reported 1/21/15.

Employment Records While Under Supervision:

Employer	Dates (from -to)	Reason(s) for Leaving	Earnings
SELF-EMPLPYED	7/24/2013 -		

Financial Conditions:

	Total Amount ordered	Pay Period	Total Paid	Date Last Paid	Arrearage	Balance Due
Fees						
DNA Fee	\$250.00	\$250.00/Y	\$0.00		\$250.00	\$250.00
Drug Test Fee	\$20.00	\$20.00/M	\$0.00		\$20.00	\$20.00
Regular Supervision	\$1,200.00	\$50.00/M	\$0.00		\$1,200.00	\$1,200.00
Fines						
Court Ordered Fines	\$803.40	\$40.00/M	\$0.00		\$803.40	\$803.40

Prior Violation Dates	Prior Violations	Prior Violation Disposition

South Carolina Department of Probation, Parole and Pardon Services
Violation Report

Offender's Name: NATHAN TYRONE TELFORD,

Details of the Present Violation:

Nathan Telford has violated conditions 1, 6, 7, 9, and 10 as ordered in Cause Number 2013-GS-40-05476 by the Richland County Court of General Sessions.

- Nathan Telford has failed to follow the advice and instructions of his Agent, in that he: failed to report as instructed on 4/15/2015 or anytime thereafter, having last reported on 1/21/2015; failed to notify Agent of contact with Law Enforcement, having been ticketed for Driving under Suspension 1st offender on or about 3/31/15; failed to pay supervision fees, being in arrears \$1,150, having never made a payment; failed to pay court ordered fine, being in arrears \$803.40, having never made a payment; failed to pay one-time drug testing fee of \$20; failed to pay DNA fee; failed to comply with any further conditions imposed, by failing to complete Substance Abuse Counseling as ordered by Judge Benjamin on 7/24/13.

Agent's Recommendation:

Revocation at Judge's Discretion and terminate, civil judgment for financial obligations.

Agent's Justification:

Mr. Telford has been on Probation since July 2013 and has basically done nothing. Telford has reported being self-employed but has NEVER paid anything towards his financial obligations. Mr. Telford has ceased all contact with the Department.

Keiffer Horlback

Date: 10/26/2015

Supervisor's Signature

[Handwritten Signature]
Agent

Date: *10/26/15*

STATE OF SOUTH CAROLINA)	GENERAL SESSIONS
)	
County of Richland)	2013-GS-40-05476
)	
STATE OF SOUTH CAROLINA,)	
)	
)	
vs.)	TRANSCRIPT OF RECORD
)	
NATHAN TYRONE TELFORD,)	
)	
DEFENDANT,)	

October 30, 2015
Columbia, South Carolina

BEFORE:

THE HONORABLE ROBERT E. HOOD, JUDGE.

APPEARANCES:

DEPARTMENT OF PROBATION, PARDON AND PAROLE

JOHN TATE, Assistant Public Defender
Attorney for the Defendant

KAREN AMBROZIAK
Official Court Reporter

C O N T E N T S

INDEX OF EXHIBITS:

(There were no exhibits introduced.)

INDEX OF WITNESSES:

(There were no witnesses called.)

1 NATHAN TELFORD, after being duly sworn,
2 testified as follows:

3 PROBATION AGENT: May it please the Court, Your
4 Honor. Mr. Nathan Telford was sentenced to six years,
5 seven days, was given credit, time served, suspended to
6 two years probation with special conditions PTUP upon
7 successful complete-ment [sic] of drug treatment for the
8 offense of manufacturing, distribution of ICE and crack
9 cocaine by the Honorable Judge Benjamin on July of 2013.

10 Legal process was issued and subsequently served
11 September 18th of this year for the following violations:
12 Failed to follow the advice and instructions of his agent
13 and that he failed to report as instructed on April of
14 this year or any time thereafter having last reported in
15 January of this year.

16 He failed to notify his agent that he had contact
17 with law enforcement. He was ticketed for driving under
18 suspension, you know for the first, and he hadn't paid any
19 money, but the big thing is he hasn't been reporting and
20 he hasn't been notifying his agent and contacting the
21 Department in our office.

22 THE COURT: Did he do his drug counseling?

23 PROBATION AGENT: No, he didn't, Your Honor.

24 THE COURT: All right. Mr. Telford, do you agree you
25 violated the terms and conditions of your probation?

1 THE DEFENDANT: No, ma'am -- no, sir.

2 THE COURT: You don't agree with that?

3 THE DEFENDANT: No, sir.

4 THE COURT: Okay.

5 MR. TATE: Your Honor, as an initial matter, my
6 client's wife's grandmother passed the night before last
7 and --

8 THE DEFENDANT: That's right.

9 MR. TATE: -- he would ask to have this continued so
10 that he can go back to Atlanta for the service.

11 THE COURT: When is the service?

12 THE DEFENDANT: I'm not sure, probably be on Monday.

13 THE COURT: And it's your wife's what?

14 THE DEFENDANT: Grandmother.

15 THE COURT: And why haven't you been reporting since
16 January?

17 THE DEFENDANT: No, I did report. I reported on
18 April 15th, and then my agent was no longer there. And I
19 called Ms. Cheeseboro. She told me to go back down every
20 month. I go every month. July 15th I did that.

21 THE COURT: Why didn't you do your drug treatment?

22 THE DEFENDANT: I never got none. They said they
23 were going to contact me. I gave Ms. Stocker my number
24 and nobody never contacted me.

25 On drugs, she told me but had never contacted me. I

1 gave her my number. She had all the information on the
2 little form, but they never contacted me about doing no
3 drug program.

4 PROBATION AGENT: Your Honor.

5 THE DEFENDANT: Never did, never have.

6 PROBATION AGENT: As I stated, Your Honor, like he --
7 as Mr. Telford just said he just came back -- went back to
8 Atlanta --

9 THE DEFENDANT: Oh, we --

10 PROBATION AGENT: -- and he has done that without
11 notifying his agent leaving the State --

12 THE DEFENDANT: I just --

13 PROBATION AGENT: -- which he will need to get a
14 travel permit to do that. So that's -- that would be
15 another violation to have on top of that.

16 We don't have any documentation of him reporting to
17 the office. If his agent wasn't there, there is a sign-in
18 sheet that he signs up, and the agent will see him. There
19 is no record of him reporting to the office.

20 He was contacted, all the numbers that were listed in
21 there were amiss. He didn't return any of the calls, you
22 know, messages. You know, attempts were made to contact
23 him. So --

24 THE COURT: What else, Mr. Tate?

25 Your motion for a continuance is denied.

1 MR. TATE: Thank you, Your Honor. As to the merits,
2 Your Honor, before you is Nathan Telford. He is an
3 intelligent, pleasant gentlemen, and I've enjoyed
4 representing him.

5 He understood his probation expired on July 23rd. He
6 did take one drug test which he passed. He tells me he
7 went in on April 15th. He stayed until five. He sat in
8 the lobby. He told them he was there.

9 Ms. Stocker, as we know, has moved on to other things
10 in the agency, no longer supervises probationers, and he
11 stayed until 5:10. He went back. His next report date
12 was July 15th. He talked with the receptionist and stayed
13 until 5:05 that afternoon.

14 I have found that Mr. Telford has an incredible
15 memory. He owns his own business. He is a graduate of
16 Midlands Tech with a degree in accounting and another in
17 business management.

18 He assumed his probation ended on July 23rd, and
19 that's why he hadn't gone in since. He went in -- both
20 times he was required to report.

21 Your Honor, as to the drug class for what was or
22 wasn't understood, Mr. Telford tells me he is prepared to
23 take a drug test this afternoon or this morning, and that
24 he would pass that. We certainly will know if probation
25 worked or not.

1 THE COURT: So I mean, why - how are these people
2 saying they're sitting there until five o'clock and no one
3 has any record of it?

4 THE DEFENDANT: He's talking to me?

5 PROBATION AGENT: We don't have any record. That's
6 telling us that he didn't report.

7 THE DEFENDANT: I signed in.

8 PROBATION AGENT: That's the evidence I have that he
9 didn't report, and Mr. Telford is reporting that he's been
10 employed, self-employed. He has never made a payment
11 throughout his entire probation.

12 So he is willfully, you know, not making any
13 payments, not reporting. I mean, it's showing he is not a
14 good candidate for the probation.

15 THE DEFENDANT: Okay. Your Honor.

16 THE COURT: Go ahead.

17 THE DEFENDANT: And Ms. Stocker told me, she was
18 like, "Mr. Telford, as long you pay it before, you know,
19 just pay something, something," right.

20 Okay, like I said, I never knew. This is the first
21 time I've ever been on probation, Your Honor. She didn't
22 know -- I never knew how much I had to pay. They never
23 gave -- they gave me a sheet for \$804 for everybody.
24 That's for drugs, drug course. No. That's for the court
25 costs and the lawyer fee, right, \$804.

1 Okay, and I never did -- she never did say nothing
2 about paying nothing once I go in. She never said, "Mr.
3 Telford, you have to pay a certain amount" or do a certain
4 amount.

5 THE COURT: Everybody else on probation knows what
6 they're supposed to pay --

7 THE DEFENDANT: Judge, that's what I --

8 THE COURT: -- except for you.

9 THE DEFENDANT: No. I know I'm supposed to pay
10 something, but they never give me like a set amount. My
11 fault, you know what I'm saying. Like, I wasn't supposed
12 to be paying no money. I really didn't have a job. I was
13 just starting my job, my own company.

14 I mean, I don't -- I ain't got no strong, not feeling
15 like probation or nothing like that. I'm not trying to
16 disrespect the probation system or nothing like that, no,
17 sir.

18 THE COURT: Did you report after you got arrested in
19 September?

20 THE DEFENDANT: I never -- I never got arrested.
21 September when? This year?

22 THE COURT: Yes.

23 THE DEFENDANT: No, I wasn't supposed to. When they
24 came down here and they gave me my release form with my
25 warrant and then later on gave me the warrant, on Saturday

1 they said call when you get out. It was late. I got it
2 Friday, said, "Call when you get out."

3 I got out Saturday morning. I called Monday. I
4 didn't know who my probation officer was. I called up
5 somebody there. I called and left a message on his
6 machine three times. That's all I could say. I said on
7 the telephone, "Please give me a call. I got released
8 Saturday, Saturday morning."

9 I never heard -- I ain't heard from him since. I
10 don't even know who he is. I never met him.

11 PROBATION AGENT: Your Honor, when he signed this --
12 issued this piece of paper, he was told not to report, not
13 call the office.

14 THE DEFENDANT: No.

15 PROBATION AGENT: So --

16 THE DEFENDANT: I'm sorry.

17 PROBATION AGENT: -- where he is getting a call in to
18 report, I don't know where that came from --

19 THE DEFENDANT: That came --

20 PROBATION AGENT: -- and he called. He did leave a
21 message, and when I called back, all the numbers listed
22 that we have on record, none he returned a call, so I did
23 call him, you know.

24 His wife actually -- his wife called, and I returned
25 a call to the number and didn't get a response.

1 THE COURT: All right. Revoke two years, terminate
2 and convert. I find that you willfully violated the terms
3 and conditions of his probation. Good luck.

4 THE DEFENDANT: What happened?

5 (Pause).

6 PROBATION AGENT: Okay.

7 THE DEFENDANT: Your Honor, Your Honor, you know what
8 I'm saying? You know what I'm saying? It's -- I
9 couldn't --

10 MR. TATE: I'll come talk to you.

11 (Whereupon, the proceedings were concluded.)
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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

27 ^{AS}

County of Richland
STATE VS.

Indictment Number: 13 -GS- 40 - 05476
Probation C/W#s: AW-40-15-00046

AKA: Nathan Telford

Name of Original Offense: Manufacture, distribution, ice, crack

Race: BI Sex: M

Original A/W #: 2013A4010600143

DOB: [REDACTED]

Date of Original Offense: 4-19-12

SSN: [REDACTED]

Violation S.C. Code §: 0112

SID#: 00900480

Conviction Code #: 0111112

Original Sentence: 6 yrs 7 days TS SS 2 yrs probation

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ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 7/24/13 in the Court of General Sessions of Richland County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on _____, as set forth in the attached warrant(s) or citation(s) dated 7-1-15. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)
1, 6, 7, 9, and 10

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 2 months/years, the remainder of the original sentence, and/or pay \$ _____.
- the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies:
 - Department fees (arrearage)
 - Fines and other fees (arrearage/balance)
 - Restitution (and 20%) (arrearage/balance)
- Civil judgment:
 - Department fees
 - Fines and other fees
 - Restitution (and 20%)
- Additional Conditions ordered by the Court:

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C.P. & G.S.

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant has previously served 7 days months/years on this sentence.
(split sentence time and/or prior partial revocation time)
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 30th day of October, 2015,
Columbia, SC

Re Hood
Presiding Judge 5th
Fifth Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature _____


Witnessed by _____

Signed this _____ day of _____, _____ at _____ SC

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."

March 17th, 2016



Benjamin John Tripp
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
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ATTORNEY FOR APPELLANT