

 ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

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APPEAL FROM SUMTER COUNTY

Clifton Newman, Circuit Court Judge

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**RECEIVED**

JUL 31 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

DANIEL HARGADON,

APPELLANT

APPELLATE CASE NO. 2015-000575

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RECORD ON APPEAL

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WANDA H. CARTER  
Deputy Chief Appellate Defender

ALAN WILSON  
Attorney General

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

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

Attorney for Appellant

Attorneys for Respondent

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STATE OF SOUTH CAROLINA) )  
COUNTY OF SUMTER ) ) GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA)  
STATE, )

v. ) )  
DANIEL A. HARGADON, ) )  
DEFENDANT. ) )

TRANSCRIPT OF RECORD  
11-GS-43-1006  
11-GS-43-0768

March 6, 2015  
Sumter, South Carolina

**BEFORE :**

THE HONORABLE CLIFTON B. NEWMAN, JUDGE

**APPEARANCES:**

MELI'SA ISRAEL, ESQ.  
Probation agent

KATARZYNA TIMMONS, ESQ.  
Attorney for Defendant

FRANCES B. RAY, RPR  
Circuit Court Reporter

1                   PROBATION AGENT TISDALE: We call Daniel  
2 Hargadon.

3                   THE CLERK: Raise your right hand please.  
4 State your name.

5                   THE DEFENDANT: Daniel Hargadon.

6 WHEREUPON,

7                                   **DANIEL HARGADON,**

8 having been duly sworn by the Clerk, testified as  
9 follows:

10                   THE COURT: Ms. Israel, yes, ma'am.

11                   PROBATION AGENT ISRAEL: Please the Court,  
12 Your Honor, Mr. Hargadon is on probation for  
13 forgery, value less than ten thousand dollars and  
14 burglary second. He was sentenced back in May of  
15 2012. He stands before you today for failing to  
16 report, failing to pay on his financial obligations  
17 and he does has restitution, failing to complete  
18 public service employment, and being terminated from  
19 Court ordered drug court. Basically Mr. Hargadon  
20 has done nothing while he's been under supervision.  
21 Mr. Hargadon is just not a good candidate for  
22 probation. And we do have Judge Land representing  
23 for drug court.

24                   THE COURT: All right. Judge Land.

25                   JUDGE AMY LAND: Hi, Judge.

1 not gonna do what's ordered.

2 THE COURT: All right, thank you.

3 Mr. Hargadon, you're guilty or not guilty  
4 of willfully violating probation?

5 THE DEFENDANT: I'm guilty.

6 THE COURT: All right, I so find.

7 Yes, ma'am, Ms. Timmons.

8 MS. TIMMONS: Yes, thank you, Judge.

9 Mr. Hargadon, he was put on probation in 2012, May  
10 2012. He was -- well, he was reporting while he was  
11 on probation. His last time to report was  
12 August 2013 so he survived almost a year-and-a-half.  
13 This is when he got back on drugs, stopped taking  
14 his medicine to help him with his mental issues.  
15 The reason why he wasn't paying is he didn't work,  
16 and he was working for his landlord and he just  
17 didn't have enough money to pay. So he is -- I  
18 think what would be the best option for him would be  
19 at Palmetto Center, a recommendation of the Palmetto  
20 Center. He admits he has a drug problem and I think  
21 in-patient treatment with his -- when he's over  
22 there I think would help him the best. Also with  
23 him is his mother and grandmother, and his mother  
24 would like to speak on his behalf.

25 THE COURT: Yes, ma'am.

1 school; but I can take him to appointments to make  
2 sure he gets there.

3 THE COURT: All right. Anything further?

4 PROBATION AGENT ISRAEL: Yes, Your Honor.  
5 I see where the family is supporting him; that's  
6 fine. But it has to start with Daniel. Me and  
7 Daniel have had several conversations where he'll  
8 call, make up excuses why he can't come to  
9 probation, make up excuses why he can't come or go  
10 to drug court. The family will call as well and say  
11 that they're there to support him, but it has to  
12 start with Daniel. I mean, Daniel has to want help.  
13 We've offered Daniel help. I mean, if he can't go  
14 to drug court, what makes him think or that he can,  
15 complete Palmetto Center. I mean, it has to start  
16 with himself. I mean, we can give him another  
17 opportunity; but if he's not willing to do it, then  
18 we'll be here again.

19 THE COURT: Anything further, Judge Land?

20 JUDGE AMY LAND: Your Honor, that, in my  
21 opinion that was his opportunity. I mean, drug  
22 court to me is a great gift that is not offered to  
23 everybody, and he -- he is one of the most blatant I  
24 don't care that I've ever seen. I would ask that  
25 you revoke him in full.

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA )  
COUNTY OF FLORENCE )

I, FRANCES B. RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Third Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 28th day of May, 2015.

*S/Frances B. Ray*

FRANCES B. RAY, RPR

**WITNESSES**

T Herbert Sumter County Sheriff

**DOCKET NO. 2012-GS-43-0768**

**The State of South Carolina**

**County of SUMTER**

**COURT OF GENERAL SESSIONS**

**MAY TERM 2012**

**THE STATE**

vs.

**DANIEL ANTHONY RALPH HARGADON**

**ARREST WARRANT NUMBER**

M444953

**Indictment for**

**Burglary / Burglary (Non - Violent) (After June 20, 1985)  
- Second degree**

**ACTION OF GRAND JURY**

TRUE BILL

*Claude Hendrix*  
Foreperson of Grand Jury

Date: 5/17/2012

*Ernest A. Finney III*

**VERDICT**

**ERNEST A. FINNEY, III, SOLICITOR**

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA )  
COUNTY OF SUMTER )

INDICTMENT FOR

Burglary / Burglary (Non - Violent) (After June 20, 1985) -  
Second degree


At a Court of General Sessions, convened on May 17, 2012 the Grand Jurors of  
SUMTER County present upon their oath:

COUNT ONE  
BURGLARY, SECOND DEGREE  
(NON-VIOLENT)

That Daniel Anthony Ralph Hargadon did in Sumter County on or about March 26, 2012, enter without consent and  
with the intent to commit a crime therein, the dwelling of Wesley Hayden, located at [REDACTED] Sumter,  
South Carolina, in violation of Section 16-11-0312, S. C. 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.

Solicitor



WITNESSES

J Litaker

Sumter Police Dept.

ARREST WARRANT NUMBER

M003791

M003790

ACTION OF GRAND JURY

*True Bill*

Foreperson of Grand Jury

Date:

*7/21/2011*

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2011-GS-43-1006

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

JULY TERM 2011

THE STATE

vs.

DANIEL ANTHONY RALPH HARGADON

Indictment for

Banking / Federally chartered or insured financial institution crime

Forgery/ Forgery, value less than \$10,000

*Ernest A. Finney III*

ERNEST A. FINNEY, III, SOLICITOR

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SUMTER )

INDICTMENT FOR

Banking / Federally chartered or insured financial institution  
crime  
Forgery / Forgery, value less than \$10,000

At a Court of General Sessions, convened on July 21, 2011 the Grand Jurors of  
SUMTER County present upon their oath:

**COUNT ONE**

**BANK FRAUD**

That Daniel Anthony Ralph Hargadon did in Sumter County on or about October 26, 2010, knowingly execute a scheme or artifice to defraud or to obtain monies, funds, credits, assets, securities, or other property by means of false pretenses, representations or promises from Bank of America, a federally chartered or insured financial institution located at 670 West Liberty Street, Sumter, South Carolina, in violation of Section 34-03-0110(B), S. C. Code of Laws, 1976, as amended.

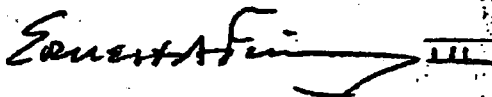
**COUNT TWO**

**FORGERY, VALUE LESS THAN \$10,000**

That Daniel Anthony Ralph Hargadon did in Sumter County on or about October 26, 2010, with intent to defraud, falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or utter and publish as true any false, forged or counterfeited writing or instrument of writing, or did willingly act or assist in any of the foregoing, to wit: defendant did utter check #915 drawn on the account of William Hill, Jr. at the Bank of America, located at 670 West Liberty Street, Sumter, South Carolina, and he did receive three-hundred dollars (\$300), all done with knowledge that the check was forged and with the intent to cheat and defraud, where the amount of the forgery was less than ten thousand dollars, in violation of Section 16-13-0010(B)(2), S. C. 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.

Solicitor



PROBATION CITATION

No. C-43-14-0184

SOUTH CAROLINA  V. DANIEL ANTHONY RALPH HARGADON	COUNTY: SUMTER	
	SCDC #	SID # 01919926

TO: DANIEL ANTHONY RALPH HARGADON

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

Place Sumter County Court House	Room
	Date and Time

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

**Violations Charged**  
By violating all or parts of conditions 1,7,9,10 and 11 ordered under cause numbers 11-GS-43-01006 and 12-GS-43-00768 by the Sumter County Court of General Sessions.

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

**List of Rights:**  
You have the right at the hearing to question any person who appears as a witness against you and to have witnesses appear on your behalf. You may present evidence on your behalf. You may have an attorney represent you. If you cannot afford an attorney, an attorney will be appointed for you. You must advise the agent or the court in writing of your desire for an attorney. It is your responsibility to make arrangements for your witnesses and your attorney to appear at the hearing.

IF YOU FAIL TO APPEAR AT THE TIME, DATE AND PLACE SHOWN ABOVE, THE HEARING WILL BE HELD IN YOUR ABSENCE AND YOU MAY BE INCARCERATED.

SUMTER, South Carolina	Probation and Parole Agent Melissa Israel	Agent # 0204
Date 12/9/2014	<i>M. Israel</i>	

A copy of the citation was served by the undersigned and given to the individual named therein at the time, date, and place indicated below.

Place <i>SLRDC</i>	Date and Time <i>12/12/14 1:40pm</i>
	Serving Officer's Signature <i>[Signature]</i>

Sworn to and subscribed before me this 12<sup>th</sup> day of December, 2014

*James M. Orshott III*  
Signature of Notary Public

My Commission Expires 1/30/2022

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of SUMTER

Personally appeared before me, Melissa Israel, who first being duly sworn, deposes and says that DANIEL ANTHONY RALPH HARGADON did within this county and State on the 9 day of December, 2014, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

By violating all or parts of conditions 1,7,9,10 and 11 ordered under cause numbers 11-GS-43-01006 and 12-GS-43-00768 by the Sumter County Court of General Sessions.

The Affiant states that there is probable cause to believe the defendant named committed the violations set forth and that such probable cause is based on the following facts:

By failing to report on 8-28-14.  
By being \$250.00 in arrears on Supervision Fee.  
By being \$200.00 in arrears on Court Fines.  
By being \$100.00 in arrears on Restitution.  
By failing to pay a \$20.00 Drug Test Fee.  
By failing to follow the advice and instructions of the Supervising Agent by being terminated from Public Service Employment having a balance of 93.00 hours.  
By being terminated from court ordered Drug Court.

Sworn to and subscribed  
before me this 9 day of  
December, 2014

Melissa Israel  
Affiant

[Signature]  
Signature of Notary Public

My Commission Expires: 3/2/2015

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of Sumter  
STATE VS.

Indictment Number: 12-GS-43-0768  
RECORDED  
Probation Order No: C-43-14-0184

Daniel Hargason  
AKA:  
Race: W Sex: M  
DOB:  
SSN:  
SID#:

2015 MAR-6 PM 1:56  
Name of Original Offense: Burglary 2nd  
Original A/W # M444953  
CDR # of Court Order: 3-26-12  
SUMTER COUNTY S.C. Code #: 10-11-312  
Conviction CDR Code #: 0101810  
Original Sentence: 3 yrs sus 3 yrs prob

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 5/29/12 in the Court of General Sessions of Sumter County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 6-12-14, as set forth in the attached warrant(s) or citation(s) dated 12-9-14. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)  
1, 7, 9, 10 + 11

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 17 months/years, the remainder of the original sentence, and/or pay \$ 0.
- 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: CTS since October 16, 2014. Time satisfies Court Fines and PSE balance.

- 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 1 Day months/years on this sentence. (split sentence time and/or prior partial revocation time)
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 6 day of March, 2015,  
Sumter, SC

Presiding Judge [Signature]  
3rd 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: James C Campbell

Witnessed by \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ SC

CERTIFIED TRUE COPY  
CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of Sumter  
STATE VS.

Indictment Number: 11-GS-43-1006

RECORDED #s: C-43-A-0184

Daniel Hargadon  
AKA:  
Race: W Sex: M  
DOB:  
SSN:  
SID#:

2015 APR-6 PM 1:56  
Name of Original Offense: Fornery  
Original AAV#: M003790  
Date of Court Offense: 10-26-10  
Sumter County S.C. Code #: 16-13-10  
Conviction CDR Code #: 3 1 4 1 3 1 6  
Original Sentence: 5 yrs ss 5 yrs prob

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 5/29/12 in the Court of General Sessions of Sumter County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 6-12-14 as set forth in the attached warrant(s) of citation(s) dated 12-9-14. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)  
1, 7, 9, 10 & 11

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 5 months/years, the remainder of the original sentence, and/or pay \$ 0.
- 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: CTS since October 16, 2014. Time satisfies Court Fines and PSE balance.

- 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 2 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 6 day of March, 2015,  
Sumter, SC

HON. CHITAO NEWMAN  
Presiding Judge 3rd 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 will receive a copy of this Court's order and all attachments.

Offender's Signature \_\_\_\_\_  
CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA

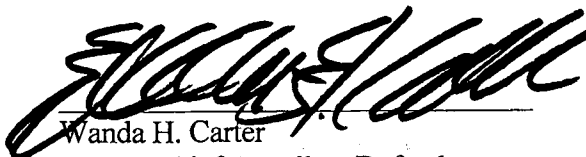
Witnessed by \_\_\_\_\_

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."

This 31<sup>st</sup> day of July, 2015



Wanda H. Carter  
Deputy Chief Appellate Defender

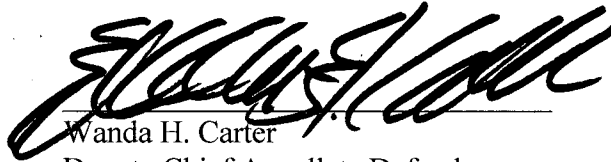
South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S. C. 29211-1589  
(803) 734-1330

ATTORNEY FOR APPELLANT

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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."

This 31<sup>st</sup> day of July, 2015



Wanda H. Carter  
Deputy Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Sumter County  
Clifton Newman, Circuit Court Judge

RECEIVED

JUL 31 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

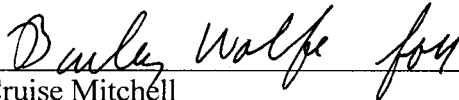
V.

DANIEL HARGADON,

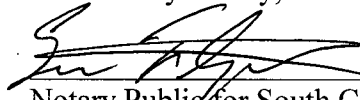
APPELLANT

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Matthew Buchanan, Esquire, at the South Carolina Department of Probation, Parole & Pardon Services, PO Box 50666, Columbia, SC 29250, and Mr. Daniel Hargadon #363287, at Kershaw Correctional Institution, 4848 Gold Mine Highway, Kershaw, SC 29067-8069, this 31st day of July, 2015.

  
Cruise Mitchell  
Administrative Specialist

SUBSCRIBED AND SWORN TO before me  
this 31<sup>st</sup> day of July, 2015.

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