

6

ANDERS
ORIGINAL

22515

STATE OF SOUTH CAROLINA

No Respondent's Brief Filed

In The Court of Appeals

APPEAL FROM SUMTER COUNTY

George C. James, Jr., Circuit Court Judge

NO DEFENDANT'S BRIEF

MAR 15 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

Jeffrey Bryan June,

APPELLANT

APPELLATE CASE #2015-002247

RECORD ON APPEAL

ROBERT M. PACHAK
Appellate Defender

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

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

(803) 734-9220

Attorney for Appellant

Attorneys for Respondent

INDEX

INDEX.....i

INDICTMENT1

PROBATION VIOLATION ARREST WARRANT.....3

PROBATION VIOLATION HEARING DATED AUGUST 14, 20155

MOTION FOR RECONSIDERATION15

RECONSIDERATION HEARING DATED OCTOBER 16, 2015.....17

ORDER DENYING MOTION FOR RECONSIDERATION.....32

CERTIFICATE OF COUNSEL.....34

DOCKET NO. 2010-GS-43-0624

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

MAY TERM 2010

THE STATE

vs.

JEFFREY JUNE

Indictment for

Distribution of Controlled Substance, Schedule I, II, III

C. KELLY JACKSON, SOLICITOR

WITNESSES

Trevor Brown Sumter County Sheriff

ARREST WARRANT NUMBER

M440310

ACTION OF GRAND JURY

True Bill

Ruby B. Thompson Jr.

Foreperson of Grand Jury

Date: 5-20-10

VERDICT

Foreperson of Petit Jury

Date:

2

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

INDICTMENT FOR

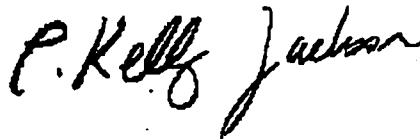
Distribution of Controlled Substance, Schedule I, II, III

At a Court of General Sessions, convened on May 20, 2010 the Grand Jurors of
SUMTER County present upon their oath:

COUNT ONE
DISTRIBUTION OF A SCHEDULE I, II, III, FLUNITRAZEPAM OR A CONTROLLED SUBSTANCE
ANALOGUE

That Jeffrey June did in Sumter County on or about December 20, 2009, distribute, dispense or deliver, or did aid, abet, attempt or conspire to distribute, dispense or deliver a quantity of Hydrocodone, a Schedule III controlled substance, under provisions of Section 44-53-0370, et seq., S. C. Code of Laws, 1976, as amended, such possession not being authorized by law, in violation of Section 44-53-0370(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

RETURN

Constable or Law Enforcement Officer

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

* Jeffrey June

on the 17 day of July, 2015
W.A. Duke
Constable or Law Enforcement Officer

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

Signature of Judge (L.S.)

STATE OF SOUTH CAROLINA

COUNTY OF

SUMTER

THE STATE

against

JEFFREY JUNE

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 11/1/2012

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

Thomas Alan Miller

Disposition _____

Sentence _____

Co-Defendants _____

INFORMATION ON DEFENDANT

Name JEFFREY JUNE

Address WOODBRIDGE, VA 22193

Phone _____

Sex Male Race Black Height 506

Weight 175 Birth date _____

Social Security Number _____

INFORMATION ON WITNESSES

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

PRELIMINARY HEARING held by

Magistrate _____

on _____

with _____

Attorney for the Defendant

Decision _____

BAIL

Date Set _____

Magistrate _____

Amount _____

Surety _____

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

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

Probation
ARREST WARRANT

Indictment Number 10-GS-43-00624
Warrant Number W-47-12-0130
State Identification No. (SID) 01922694

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 JEFFREY JUNE, did on the 1 day of November, 2012 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

By willfully violating conditions 3, 5, 6, 9, and 10 ordered in cause number 10-GS-43-00624 by the Sumter County Court of General Sessions dated 11/04/2010 and continuation order dated 12/20/2011.

Now, therefore, you are empowered and directed to arrest the said defendant and bring JEFFREY JUNE 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 November, 2012.


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

County of SUMTER

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Thomas Alan Miller, who, first being duly sworn, deposes and says that JEFFREY JUNE did within this County and State on the 1 day of November, 2012, violate the criminal laws of the State of South Carolina in the following particulars:

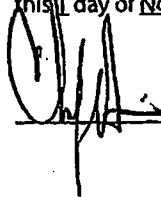
DESCRIPTION OF OFFENSE:

By willfully violating conditions 3, 5, 6, 9, and 10 ordered in cause number 10-GS-43-00624 by the Sumter County Court of General Sessions dated 11/04/2010 and continuation order dated 12/20/2011.

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:

As evidenced by the Offender Violation Report dated 10/23/2012 prepared and submitted by the state of Virginia, Jeffery June failed refrain from the use of controlled substances as evidenced by his arrest 8/09/12 for Distributing Marijuana; failed to work diligently at a lawful occupation, failed to refrain from the violation of Federal, State and Local laws. There is probable cause to believe he committed the offense of Robbery and Robbery Conspiracy on or about 8/07/12 in Prince William County, VA. He failed to pay his court ordered Fine by owing \$653.40. These violations constitute a willful failure to follow the advice and instructions of his supervising agent and a willful failure to abide by the conditions as signed on his Application for Interstate Compact Services dated 11/12/2010.

Sworn to and Subscribed before me
this 1 day of November, 2012.



Signature of Notary Public

(L.S.)

July 28, 2018
My Commission Expires


Affiant

Address: P. O. Box 50666
2221 Devine Street
COLUMBIA, SC 29250
RICHLAND
USA
(803) 734-9013

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

STATE OF SOUTH CAROLINA)
STATE,)

TRANSCRIPT OF RECORD
10-GS-43-00624

v.)
JEFFREY B. JUNE,)

DEFENDANT.)

August 14, 2015
Sumter, South Carolina

B E F O R E :

THE HONORABLE GEORGE C. JAMES, JR., JUDGE

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

WILLIAM SUMTER
Agent for Department of Probation, Parole
and Pardon Services

R. MARK JAMES, ESQ.
Attorney for Defendant

FRANCES BAKIS-RAY, RPR
Circuit Court Reporter

INDEX

	Page
History of the case	3
Remarks by Mr. James	6
Sentence of the Court	9

(There were no exhibits submitted.)

1 WHEREUPON,

2 **JEFFREY JUNE,**

3 having been duly sworn by the Clerk, testified
4 as follows.

5 THE COURT: All right, this is Jefferey
6 June. Mr. Sumter, this is your case. He was put on
7 probation by Judge Young in November 2010 for, it
8 looks like a, manufacture ---

9 PROBATION OFFICER: Yes, sir, drugs.

10 THE COURT: ---of a schedule drug?

11 PROBATION OFFICER: Yes, sir.

12 THE COURT: Five years, suspended to two
13 years probation.

14 PROBATION OFFICER: That's correct.

15 THE COURT: Mr. June, have you been served
16 with the arrest warrant?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And -- or there are two
19 warrants. Have you had a chance to discuss those
20 with your lawyer?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And do you understand that you
23 can testify today?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: You can offer other evidence?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Sir?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And you also have the right to
5 appeal my decision within ten days. Mr. Sumter is
6 gonna tell me what the alleged violations are and
7 present what he wants to present, and then y'all
8 have a chance to do the same thing. You understand
9 that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right.

12 Agent.

13 PROBATION OFFICER: Your Honor, I'd like
14 to give you the prior violations. 6/28/2011 he was
15 cited for testing positive for marijuana, on
16 3/28/2011, 5/10/2011, 6/21/2011, and failing to
17 report for drug testing on 4/9/2011 and 4/27/2011.
18 For that we issued a notice of violation in
19 response. Actually, our office didn't, the
20 Interstate Compact Office out of Columbia issued it
21 for ---

22 THE COURT: Where was he being supervised?

23 PROBATION OFFICER: In Virginia, in the
24 State of Virginia.

25 THE COURT: Okay.

1 PROBATION OFFICER: And Your Honor, the
2 present violation, there's actually two warrants.
3 Basically the meat of the violations are that he
4 failed to refrain from use of controlled substances.
5 Also he was arrested for distribution of marijuana,
6 failed to work lawfully at a, diligently at a lawful
7 occupation. There's probable cause to believe he
8 committed the act of robbery, and robbery and
9 conspiracy and on or about 8/7/2012 in Prince
10 William County of Virginia. He failed to pay his
11 court ordered fine owing \$653.40 due to the State of
12 South Carolina. And these are willful violations of
13 not only his supervision here, but also of the
14 Interstate Compact services dated 11/12/2010.

15 THE COURT: And the second warrant ---

16 PROBATION OFFICER: The second warrant ---

17 THE COURT: ---was done because of the
18 conviction?

19 PROBATION OFFICER: Exactly, Your Honor.

20 THE COURT: He was convicted of robbery?

21 PROBATION OFFICER: Of robbery, yes, sir.

22 THE COURT: He got a ten year sentence
23 suspended to three years and four months.

24 PROBATION OFFICER: That's correct, Your
25 Honor.

1 THE COURT: All right. Your
2 recommendation, if any?

3 PROBATION OFFICER: Revoke in full, Your
4 Honor.

5 THE COURT: All right, yes, sir.

6 MR. JAMES: Thank you, Your Honor. Agent
7 Sumter is correct, Mr. June here was convicted for
8 robbery in Virginia. He has served some active time
9 for that and still has the remainder of ten years
10 over his head from the State of Virginia. Based on
11 that, Your Honor, we would ask that you structure
12 some kind of punishment where he can go face the
13 sentence that he's facing in Virginia. Obviously
14 he's already been sentenced on those crimes up
15 there.

16 THE COURT: Let me ask you this, if he was
17 convicted and got, let's just say, suspended time of
18 three years and four months, how did y'all get him
19 back? Did he already do that time?

20 PROBATION OFFICER: I would imagine, Your
21 Honor.

22 MR. JAMES: Yes, sir, he's already served
23 three years and four months. When he was released
24 he was sent to Sumter, and then he tells me that if
25 he's able to get out of incarceration he'd have 24

1 hours to report to the probation agency in Virginia
2 to begin his supervision there.

3 THE COURT: All right.

4 MR. JAMES: And he's been here for, I
5 believe, a little over a month.

6 THE COURT: Okay. Before that did he
7 serve any time on this sentence?

8 PROBATION OFFICER: No, sir, Your Honor.

9 THE COURT: So he's, all the time he
10 served on this drug charge is what he's done since
11 this warrant was served July 17th?

12 PROBATION OFFICER: Yes, Your Honor.

13 THE COURT: All right, anything you'd like
14 to tell me, Mr. June?

15 THE DEFENDANT: Sir, I did not, I was
16 never convicted of any distribution charge in
17 Virginia.

18 THE COURT: Okay. You were convicted of
19 robbery though?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Did you plead guilty?

22 THE DEFENDANT: Yes, sir.

23 THE STATE: You admitted that you robbed
24 somebody?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: That's what you did?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And why would you do that if
4 you're on probation? Well, why would you do it at
5 all, I guess, is a better question?

6 THE DEFENDANT: Yeah.

7 THE COURT: You wanted money?

8 THE DEFENDANT: I don't know, sir. I had
9 a job at the time. I was working at Red Lobster
10 since March of 2010.

11 THE COURT: Why did you rob somebody?

12 THE DEFENDANT: Just a mistake. I was
13 with the wrong people.

14 THE COURT: All right. Okay, anything
15 else you'd like to tell me?

16 THE DEFENDANT: No, sir.

17 THE COURT: Anything else?

18 MR. JAMES: No, sir, Your Honor.

19 THE COURT: Agent Sumter, any response?

20 PROBATION OFFICER: No, sir, Your Honor.

21 THE COURT: All right, Mr. June, I do find
22 you're in violation of your probation. You're
23 represented by competent counsel, and you're aware
24 of the nature of these proceedings. What is the
25 other record, if any, other than what you've

1 recited? Anything before he was put on probation
2 five years ago here?

3 PROBATION OFFICER: Your Honor, may I
4 approach.

5 THE COURT: Yes, sir.

6 How old are you?

7 THE DEFENDANT: 25.

8 THE COURT: 25?

9 THE DEFENDANT: Yes, sir.

10 PROBATION OFFICER: Your Honor, I have a
11 second part to it as well.

12 THE COURT: A firearm conviction back in
13 2005?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And a trafficking conviction
16 in 2005 or another drug conviction in 2005?

17 THE DEFENDANT: No, sir.

18 THE COURT: No? All right, he'll get
19 credit for time he served on this warrant. I'm
20 gonna revoke four years. Probation will be
21 terminated.

22

23

24 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *

25

C E R T I F I C A T E O F R E P O R T E R

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 12th day of October, 2015.

S/Frances B. Ray

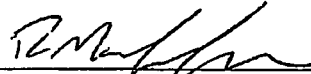
FRANCES B. RAY, RPR

release from incarceration in South Carolina.

WHEREFORE, the Defendant respectfully requests and prays that this Honorable Court do:

1. Allow Defendant to be heard by the Presiding Circuit Court Judge on the issues included herein, and
2. Reconsider the sentence imposed for a violation of the Defendant's probation based on the issues included herein.

Respectfully submitted,

By: 

R. Mark James
Attorney for the Defendant

Date: August 24, 2015

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

COURT OF GENERAL SESSIONS

Jeffrey Bryan June,)
)
PLAINTIFF,)
)
v.)
)
State of South Carolina,)
)
DEFENDANT.)
_____)

TRANSCRIPT OF HEARING
C/A No. 2010-GS-43-00624

Sumter County Courthouse
October 16, 2015

BEFORE:

HONORABLE GEORGE C. JAMES, JR., PRESIDING JUDGE.

APPEARANCES:

Mark James, Esquire
Attorney for Mr. Jeffrey Bryan June

Probation Agent: Mr. Sumter

TAKEN BY MELISSA R. SINGLETARY
CERTIFIED VERBATIM REPORTER

INDEX

Certificate of Service

PAGE

14

(There were no exhibits marked during this hearing)

JEFFREY BRYAN JUNE VS. STATE OF SOUTH CAROLINA

3

1 The Court: In the matter of the State of South
2 Carolina vs Jeffrey Bryan, with a "y", June. I suppose,
3 Mr. Sumter, you all work off the docket number of the
4 general sessions case?

5 Mr. Sumter: Yes, Your Honor.

6 The Court: 2010-GS-43-00624, on August 14, Mr. June
7 was in front of me on a probation violation warrant and I
8 revoked four years and he was to be given credit for pre-
9 revocation hearing detention time. Since July, I can't
10 read the date. July 14. July 17, 2015 and there's a
11 notation that he had previously served zero days on that
12 sentence. So Mr. James, it's your motion. I'll be glad
13 to hear from you. Of course, Mr. Sumter can respond
14 after that.

15 Mr. James: Yes sir, thank you very much. And thank
16 you very much for hearing us and Agent Sumter for working
17 with us to set a date and get this before you. I would
18 like to point out Mr. Tim and Mrs. Kim June, parents of
19 my client, he's at Walden Correctional Institute right
20 now. He knows that we are proceeding today but he's not
21 being transported for court. I appreciate them coming as
22 well. This is a matter that comes from a 2010
23 conviction. It was a January 2010 arrest date. My
24 client was 20 years old at the time of the offense. I
25 don't have the benefit of his NCIC report, I don't have

1 his record but when I look on his public index ...

2 (Mr. Sumter indicates he has NCIC)

3 The Court: You can give it to him.

4 (Mr. Sumter hands Mr. James the NCIC report)

5 Mr. James: ... there seems to be only two charges
6 from Sumter county and they stem from the same month and
7 I believe they are associated with the same case, Your
8 Honor. The arrest, and I just want to point out, on the
9 public index in March of 2010, it indicated that you
10 yourself, Your Honor, ordered a PR bond in the matter.
11 Obviously we don't know, we don't have witness reports or
12 evidence from the law enforcement but we can go on the
13 fact that he got a PR bond and a probationary sentence
14 from Judge Young, kind of an idea of what happened in the
15 case. This was transferred immediately to Virginia and
16 in Virginia, he was working at Red Lobster, I believe.
17 It says so in the probation violation report. But he has
18 a conviction for robbery up in Virginia, and that was a
19 2013 conviction. Again, we don't have any, we don't have
20 the benefit of any witness reports or statements or
21 victim reports but we know that he was on probation in
22 Virginia. He was being supervised by the state of
23 Virginia and when he was convicted of this charge, he was
24 sentenced to basically another probationary sentence. He
25 got ten years suspended to three years and four months.

1 He tells me that he has five years of probation left. So
2 when he is able to be released from South Carolina, he
3 basically has to report to Virginia probation within 24
4 hours. So they were supervising him and then when he
5 pled guilty, they thought it appropriate to put him back
6 on probation. And the reason I say that, Your Honor, is
7 because the four years that you sentenced him to,
8 basically is him getting more active time for the
9 violation that was caused by the conviction, for which he
10 only got three years active. So he's basically serving
11 more than double the sentence that the court that heard
12 the matter felt it necessary.

13 The Court: But less than he got originally was
14 sentenced to by Judge Young, almost exactly five years
15 ago.

16 Mr. James: Yes sir. It is less and we do appreciate
17 that. I've been talking to his parents, I talked to his
18 father yesterday and he tells me that this is kind of a
19 parental nightmare for him. His son has been going
20 through prison now for basically the same charge from
21 2010. He's 26 now. His max out date will have him 28
22 years old. He's going to spend the vast majority of his
23 20's in prison with this charge over his head.

24 The Court: What else has he been in prison for?

25 Mr. James: From what I can see...

1 The Court: The robbery.

2 Mr. James: Yes sir, and in the probation report, it
3 says stuff along the lines of guns but when I spoke to my
4 client, he says he was charged with and convicted of
5 strong arm robbery, which must indicate that there was no
6 gun or either there was no evidence of a gun.

7 The Court: Has the distribution of marijuana charge
8 from 2012 been disposed of?

9 Mr. James: He tells me that it was disposed of and
10 that he wasn't convicted of it.

11 The Court: Okay.

12 Mr. James: And then serving time for...

13 The Court: He did plead guilty to strong arm
14 robbery?

15 Mr. James: He did. And we do agree that that is a
16 violation. But the reason we're here again is because
17 that violation, the conviction resorted in basically a
18 three year sentence and because it violated his probation
19 here, it's a four year sentence. And obviously, you are
20 well aware of this and it depends on all of the factors
21 and the judge's discretion in all cases. But it's very
22 common for probation violation resulting from a
23 conviction in South Carolina it might have been something
24 that he could have served both concurrently, if it had
25 happened in South Carolina. It's not something...

JEFFREY BRYAN JUNE VS. STATE OF SOUTH CAROLINA

7

1 The Court: That's not a given.

2 Mr. James: It's not a given, Your Honor. I
3 understand that. But it's always something that could
4 happen and it very well could've happened. We may work
5 something out but ...

6 The Court: But it also may have resulted in more
7 time than three on the robbery and certainly more of than
8 four years on a probation revocation.

9 Mr. James: Yes sir.

10 The Court: We don't know.

11 Mr. James: It could have been both of them. But we
12 didn't have the option because of the state borders. I
13 would just like you to take into account that if,
14 whenever he is released, he is not going to be a free
15 man. He still has the five years probation from Virginia
16 and still has close to seven years over his head there.
17 So this isn't something where he just wants to walk and
18 be a free person. He still has responsibilities that
19 he's going to have to take care of or a substantial
20 amount of time.

21 The Court: Okay, Mr. Sumter.

22 Mr. Sumter: Your Honor, may I request the NCIC back
23 from Mr. James.

24 The Court: Yes.

25 (Mr. James hands Mr. Sumter the NCIC report)

1 Mr. Sumter: Your Honor, I would also like to show
2 Mr. James the warrant, the actual arrest warrants for the
3 charge that Mr. June picked up in Virginia, as well as
4 the sentencing order ...

5 The Court: What do those say?

6 Mr. Sumter: I would like to submit them to you as
7 well, Your Honor.

8 The Court: Okay, the sentencing order?

9 Mr. Sumter: Yes, Your Honor.

10 The Court: I'm not concerned about the warrants. I
11 just want to see ... because those are accusations. I
12 want to see what the sentencing orders says.

13 Mr. Sumter: Yes sir. Your Honor, that's a copy of
14 the sentencing order as well as the NCIC.

15 The Court: What does the NCIC have in it?

16 Mr. Sumter: It just shows his complete criminal
17 history, Your Honor.

18 The Court: Alright, Mr. Sumter, your response to Mr.
19 James is ...

20 Mr. Sumter: Here we have a gentleman that was given
21 five years in prison, suspended to two years probation.
22 The probationary sentence was then transferred to
23 Virginia. So that would tell the court that if this
24 person did what they were supposed to for a two year time
25 period, then probation would have been successfully

JEFFREY BRYAN JUNE VS. STATE OF SOUTH CAROLINA

9

1 completed. In that time period, he was then arrested and
2 charged with a new crime. Because of that new crime, he
3 was then given three years, four months in prison. That
4 clearly violates his outstanding probation. I believe
5 what Mr. James is asking for is that we reduce the
6 sentence, which he did not get a full revocation of what
7 was here in South Carolina, reduce the sentence in order
8 to help this gentleman be reiterated into the community
9 or either return to the state of Virginia. But my
10 department's argument would be, you can't reward someone
11 for doing wrong. He had five years suspended over his
12 head. He did not get a five year revocation, he only got
13 four years and he also got credit for time served while
14 on the time of the service of the warrant. So my
15 department's standpoint would be why should we ask or
16 agree for a sentence to be reduced when this man clearly
17 violated his probationary sentence by committing a new
18 crime, which gave him a split sentence; three years, four
19 months of active along with an associated probationary
20 sentence.

21 The Court: Okay, Mr. James. He's already done the
22 three years, four months in Virginia correct?

23 Mr. James: Yes sir, and they're waiting for him to
24 report if and when he is able to be released from South
25 Carolina.

1 The Court: Do you have any response to Mr. Sumter's
2 arguments?

3 Mr. James: I don't believe I have any additional
4 response. If Your Honor would allow it, his parents
5 would like to speak. I'm not sure...

6 The Court: Well, I will allow it. This is a motion
7 hearing, not an actual violation hearing. But I'll go
8 ahead and allow it. Your name sir?

9 Mr. Tim June: Timothy June.

10 The Court: Anything you would like to tell me?

11 Mr. Tim June: Well sir, basically first thank you
12 and thank him and thanks to everybody for serving. I am
13 a service man myself and both of us served in the Army.
14 I am an employee of the Federal Government for the last
15 44 years. I finally retired in June but however back to
16 what comes here is that in 2012, Jeffrey had a ...I mean,
17 I'm not trying to claim that he is the model child, but
18 he has served, you know, three years for this and I think
19 he has finally coming to understand how it should work in
20 life. I'm just asking if there is any mercy can be given
21 to him because all of his 20's, he has been in jail.
22 He's tied up until he is like 32. I mean, and everybody
23 deserves a chance. I understand fully what he said, but
24 I think the process has gone too far with the same person
25 when the other person that he was with in 2009 is still

JEFFREY BRYAN JUNE VS. STATE OF SOUTH CAROLINA

11

1 free.

2 The Court: Did the other person commit a robbery
3 that you know of?

4 Mr. Tim June: No I haven't talked to him about what
5 caused him to come back.

6 The Court: He's off probation.

7 Mr. Tim June: Right.

8 The Court: Mrs. June, anything you would like to
9 tell me?

10 Mrs. June: I just think compounding time on top of
11 time doesn't give them a chance. So they can't learn,
12 they can't learn to be part of society. And I think that
13 keeping him in jail, keeping him tied down ... he was
14 working and trying to maintain a job. He did very well
15 with it, but without society, things change. But
16 compounding just doesn't give them a chance.

17 The Court: Alright, when was he released in Virginia
18 Mr. James?

19 Mr. James: I believe he was immediately released and
20 transported to Sumter. So I believe, and I don't have
21 the exact date, but it would be around the same time,
22 June the 30th, is what his dad's said, the same time as
23 when the warrant was served.

24 The Court: Let me look at the motion. It
25 specifically says that the court did not take into

1 account the sentence from the state of Virginia where
2 he's already served over three years. The court did not
3 take fully into account the sentence in the state of
4 Virginia that the balance of ten years was suspended to
5 probation. The court did not take into account or fully
6 into account, that the sentence will require the
7 defendant to report to Virginia for probation upon his
8 release from incarceration in the State of South
9 Carolina. Mr. James, do you have anything to add to that
10 or to anything that you or Mr. and Mrs. June has said?

11 Mr. James: I don't believe I have anything else to
12 add.

13 The Court: I guess what ... the undercurrent of all
14 of this is that nobody wants to spend any substantial
15 part of a decade in prison. He's done approximately
16 three years and he will, according to the sentence or the
17 revocation that I imposed in August, serve whatever
18 balance of four years that the department of corrections
19 deemed appropriate under it's guidelines. The fact
20 remains that Mr. June was the one who committed the
21 offense of ... for which Judge Young gave him that
22 completely suspended sentence in 2010. It was Mr. June
23 who committed the robbery in Virginia that resulted in
24 the imposition of that sentence and the issuance of the
25 warrant here. In other words, while I realize that

JEFFREY BRYAN JUNE VS. STATE OF SOUTH CAROLINA

13

1 nobody wants to be in prison, and certainly people
2 finally learn from their actions, sometimes you can't
3 save somebody from themselves. He's the one that did all
4 this. He's the one that's got to learn and if none of
5 this time here was revoked, then that would send a signal
6 to him and to everyone else that, well, if I commit
7 another crime, I got to do it in another state then I can
8 make this argument. It just can't work that way. I've
9 got a son about his age and I certainly understand your
10 position. I wouldn't want him to be in prison for ten
11 minutes, but the fact remains that he's the one that
12 committed these crimes and he's got to answer for it. I
13 remember the hearing before and I remember the arguments
14 that were raised, but I continue to think that a four
15 year revocation is appropriate. I'm going to
16 respectfully deny your motion.

17 Mr. James: Yes sir.

18 The Court: I'll prepare an order stating that. You
19 will get a copy of that and you can appeal from it.

20 Mr. James: Yes sir. Thank you very much.

21 The Court: Thank you very much.

22 Mr. James: Thank you, Your Honor.

23 Mr. Sumter: Thank you, Your Honor.

24 Mr. James: Thanks for hearing us today.

25 The Court: Yes sir.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

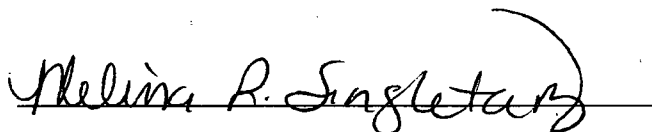
(End of Hearing)

CERTIFICATE

This is to certify that the transcript in the matter of Jeffrey Bryan June vs. State of South Carolina, consisting of Fourteen (14) pages is a true and correct transcript; said hearing was reported by the method of Stenomask with Backup.

I further certify that I am not employed by any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 9th day of November, 2015.

A handwritten signature in cursive script that reads "Melissa R. Singletary". The signature is written in black ink and is positioned above a horizontal line.

Melissa R. Singletary
Certified Court Reporter

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

RECORDED

2015 OCT 16 PM 12:42

IN THE COURT OF GENERAL SESSIONS
JUDICIAL COURT

THIRD JUDICIAL CIRCUIT

JAMES W. CAMPBELL
CLERK OF COURT
SUMTER COUNTY

INDICTMENT NUMBER 10-GS-43-00624

THE STATE OF SOUTH CAROLINA)

Plaintiff)

vs.)

JEFFREY BRYAN JUNE,)

Defendants.)

ORDER

CERTIFIED TRUE COPY
OF ORIGINAL FILED
James C. Campbell
CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

The court convened a hearing on this Motion for Reconsideration in Sumter County on October 16, 2015. The defendant Jeffrey Bryan June was represented by Mark James, Esq., and the South Carolina Probation Parole and Pardon Services (the Department) was represented by Agent William Sumter. The defendant's parents also appeared and spoke on his behalf.

The court has carefully considered arguments raised by the Department and the defendant, and the court concludes the motion must be denied. The defendant entered a guilty plea in 2010 before the Hon. Judge Jeffrey Young and was given sentence of five years suspended to two years of probation. While on probation, he was arrested and convicted in Virginia for robbery and was sentenced to ten years suspended to three years and four months followed by probation. The Department issued an arrest warrant alleging he was in violation of his South Carolina probation because of his Virginia conviction. At a hearing on August 14, 2015, the court revoked four years of the five year sentence and terminated probation. The defendant now moves for reconsideration for the reasons set forth in his motion. After carefully considering the arguments raised, the court thinks this motion should be denied.

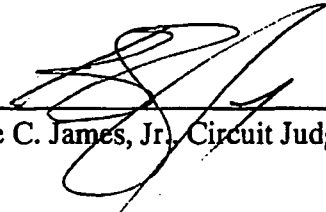
CONCLUSION

Based upon the foregoing, it is

ORDERED that the defendant's action is denied.

AND IT IS SO ORDERED.

October 16, 2015



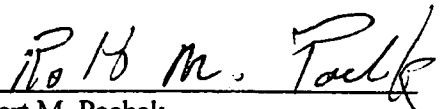
George C. James, Jr., Circuit Judge



CERTIFICATE OF COUNSEL FOR APPELLANT

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

This 15th day of March, 2016


Robert M. Pachak
Appellate Defender

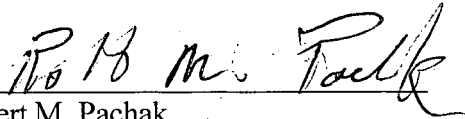
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

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

This 15th day of March, 2016



Robert M. Pachak
Appellate Defender

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

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Sumter County

George C. James, Jr., Circuit Court Judge

RECEIVED

MAR 15 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

JEFFREY B. JUNE

APPELLANT

APPELLATE CASE #2015-002247

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 Jeffrey Bryan June at the Walden Correctional Institution 4340 Broad River Road Columbia, SC 29210 this 15th day of March, 2016.



Cruise Mitchell
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this the 15th day of March, 2016 .

Christian Ford (L.S.)
Notary Public for South Carolina
My Commission Expires: March 1, 2026.