

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Clarendon County

Honorable Howard P. King, Circuit Court Judge

RECEIVED

JUL 22 2016

RESPONDENT, SC Court of Appeals

THE STATE,

V.

KALVEN TERRY PEARSON

APPELLANT

APPELLATE CASE NO. 2015-002040

RECORD ON APPEAL

TIFFANY L. BUTLER
Appellate Defender

MATTHEW BUCHANAN
General Counsel

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

S.C. DPPPS
PO Box 50666
Columbia, SC 29250
(803)734-9220

ATTORNEY FOR APPELLANT

ATTORNEY FOR RESPONDENT

INDEX

INDEX..... i

HEARING TRANSCRIPT DATED SEPTEMBER 11, 2015 1

TESTIMONY

 KALVEN PEARSON

 Examination by the Court..... 4

 SUSAN RUCKER

 Examination by the Court..... 5

 SCOTT ROBINSON FOR THE APPELLANT

 Examination by the Court..... 6

 KALVEN PEARSON

 Examination by the Court..... 8

RULING BY THE COURT 9

INDICTMENTS..... 14

SENTENCE SHEETS 16

DRUG COURT LETTER DATED MAY 27, 2015 18

PROBATION CITATION DATED JUNE 30, 2015..... 19

ORDER REVOKING APPELLANT’S PROBATION DATED SEPTEMBER 11, 2015 21

CERTIFICATE OF COUNSEL 22

STATE OF SOUTH CAROLINA)
)
COUNTY OF CLARENDON)

COURT OF GENERAL SESSIONS

Kalven Perry Pearson,)
)
PLAINTIFF,)
)
v.)
)
State of South Carolina,)
)
DEFENDANT.)
_____)

TRANSCRIPT OF HEARING
C/A No. 2013-GS-14-00111

Clarendon County Courthouse
September 11, 2015

BEFORE:

HONORABLE HOWARD P. KING, PRESIDING JUDGE.

APPEARANCES:

Scott Robinson, Esquire
Attorney for Mr. Kalven Terry Pearson

Probation Agent: Susan Rucker

TAKEN BY MELISSA R. SINGLETARY
CERTIFIED VERBATIM REPORTER

INDEX

Certificate of Service

PAGE
13

(There were no exhibits marked during this hearing)

KALVEN TERRY PEARSON VS. STATE OF SOUTH CAROLINA

3

1 The Court: Alright. The next matter before the
2 Court is a probation violation report, a probation
3 violation hearing on Kalven K-A-L-V-E-N Pearson. The
4 court has a copy of the 1106 of the Department of
5 Probation and Parole Pardon Services violation report in
6 case number 13-GS-14-00111. The 1106 has been made a
7 part of the record as court's exhibit number one and
8 indicates that the defendant was sentenced by Judge
9 Cothran on September 11, 2013 exactly two years ago today
10 here in Clarendon County for malicious injury to real
11 property and burglary 2nd non-violent. The matter is
12 before the court on a probation citation dated 6/30/15
13 and served on 6/30/15. The Court also has a copy of the
14 sentencing sheet of Judge Cothran and the two charges
15 that are involved as well as a statement from Third
16 Circuit Drug Court Judge Amy Land, whereby he was ordered
17 to participate in drug court and Judge Land has certified
18 that he did not complete, satisfactorily complete drug
19 court and has recommended a full revocation.

20 Alright Mr. Pearson, the matter is before the court
21 on a probation citation as I have indicated, indicating
22 that you are in violation of your probation for having
23 failed to report, last reported on January 27, 2015. You
24 haven't paid your supervision fees, you haven't paid your
25 fine, and you failed to attend and complete the drug

1 court program having been terminated by Judge Land on
2 5/27/15, which you acknowledged on 9/11/15. Do you
3 understand the things the department says you did to
4 violate the terms and conditions of your probation?

5 Mr. Pearson: Yes, can I continue to speak sir?

6 The Court: I am going to give you a chance in just a
7 minute to present anything to me that you wish to
8 present. Okay?

9 Mr. Pearson: (No response).

10 The Court: Do you understand the charges?

11 Mr. Pearson: I don't understand the charge about
12 malicious. I don't understand ...

13 The Court: The charges of the citation are that you
14 didn't report since January 27, 2015, you haven't paid
15 your supervision fees...

16 Mr. Pearson: Yes sir, I understand.

17 The Court: ...you haven't paid your fine, you
18 haven't paid your surcharge, and you didn't complete drug
19 court. Those are the things they said you didn't.

20 Mr. Pearson: Yes sir.

21 The Court: And you will have the right to present
22 any testimony or evidence to me that you wish to present
23 in just a few minutes, you understand that?

24 Mr. Pearson: Yes sir.

25 The Court: And you have the right to be represented

KALVEN TERRY PEARSON VS. STATE OF SOUTH CAROLINA 5

1 by counsel and I see that you are here with Mr. Robinson
2 and have you had a chance to talk with him about this
3 matter?

4 Mr. Pearson: I haven't had the chance to talk to
5 him, sir.

6 The Court: Alright, stand aside and talk to him.
7 (Mr. Robinson and Mr. Pearson have off the record
8 discussion)

9 The Court: With regards of the State vs Mr. Pearson,
10 Mr. Pearson have you now had a chance to talk to Mr.
11 Robinson about this matter?

12 Mr. Pearson: Yes sir.

13 The Court: And do you understand that you will have
14 the right to appeal from my decision and you must do so
15 within ten days? Do you understand that?

16 Mr. Pearson: Yes sir.

17 The Court: Ms. Rucker, is there anything you would
18 like to add to it?

19 Ms. Rucker: Yes sir, Your Honor, he is currently in
20 jail on the drug court bench warrant so whatever decision
21 you make, we will ask for that bench warrant to be
22 lifted.

23 The Court: Alright, I was wondering, because it was
24 a citation, I was wondering why he was in jail. But he's
25 in jail on a bench warrant per the drug court.

1 Ms. Rucker: That's correct, Your Honor.

2 The Court: Okay, Mr. Robinson.

3 Mr. Robinson: Thank you, Your Honor. Mr. Pearson is
4 49 years old and I apologize for the confusion earlier.
5 We've talked several times previously. We had not spoken
6 specifically today about addressing this issue and he was
7 just concerned that perhaps I had forgotten what we had
8 previously talked about. Your Honor, Mr. Pearson is 49
9 years old and he and I have talked about this; he has a
10 terrible drug problem, a terrible drug problem. I know
11 you've probably heard other attorneys say that. The
12 reason I understand that is I have represented Mr.
13 Pearson a number of times. When he is clean and sober,
14 he truly, honestly is a really nice person, responsible
15 person. He had a great job when I first met him, got
16 into a little bit of a drug habit. Took some stuff from
17 his mother-in-law's house. We worked through that. He
18 did great for a little while. He got back on drugs and
19 it's kind of been that cycle. My honest hope, and
20 obviously Judge Cothran's hope, in this particular
21 instance, was because of that problem, he would do a
22 little bit of time, get dried out, come out of the drug
23 court, and that would help him keep the wheels on.
24 Unfortunately, that did not work out for Mr. Pearson.
25 His request, Your Honor, the only thing that I'm aware of

1 that he has not done is long term inpatient drug
2 treatment. And that's what he would like the court to
3 consider. He has been working with the minister and I've
4 talked with him a couple of times at the, I think it's
5 the Baptist or Methodist church in Summerton. I don't
6 remember which one it is. But I have spoken with that
7 preacher personally. He was trying to help Mr. Pearson
8 get into one of those programs, but obviously because of
9 the bench warrant situation and this violation matter not
10 being taken care of, he was not in a position to get him
11 enrolled anywhere. That is Mr. Pearson's request, quite
12 frankly, Your Honor, that he go into some sort of long
13 term treatment program and what he proposes is that you
14 not revoke his probation. But continuing on, he's been
15 in there for some time on this bench warrant and that he
16 would remain incarcerated until he can get into this
17 program, go straight in there with a requirement of his
18 probation be that he successfully complete it. If he
19 does not, the honestly the court hasn't really lost
20 anything. He still has the same six year sentence
21 hanging over his head, but it's kind of a last ditch
22 attempt to save Mr. Pearson from himself, quite frankly.
23 Because he's not appeared to blame anyone else, to blame
24 society. It's his fault. He realizes that, he
25 understands that. He needs a lot of help and a lot of

1 people have been trying to give it to him and he has
2 screwed that up. This is his last stop before a long
3 term commitment in the department of corrections so he
4 would ask, Your Honor, that you consider that. He's not
5 trying to make a promise and walk out of here today.
6 He's willing to remain incarcerated until we can arrange
7 placement and have probation still in place so that if he
8 does not get cleaned up, that the Department of
9 Corrections is still waiting for him.

10 The Court: Alright, thank you Mr. Robinson. Alright
11 Mr. Pearson, let me hear from you.

12 Mr. Pearson: Yes, sir. Like he said, I am 49 and I
13 really apologize to the court for all of my back and
14 forth. I do have a drug problem, a crack cocaine
15 problem. I'm willing to go to this program and try to
16 learn all I can learn.

17 The Court: Why didn't you do that while you were in
18 drug court? Before you failed out of drug court and come
19 up here and now your ox is in the ditch and all of a
20 sudden, you want this long term treatment? You could've
21 gotten this long term treatment a long time ago.

22 Mr. Pearson: Yes sir, I understand what you're
23 saying. I did try. When I went back to doing drugs I
24 called drug court. I was already doing drugs and I was
25 trying to work with them so I can go in this program and

KALVEN TERRY PEARSON VS. STATE OF SOUTH CAROLINA

1 to my knowledge, they finally disagreed or whatever.

2 The Court: You could have done both. You didn't
3 have to do...you didn't have to wait on drug court's
4 permission to get into a long term program.

5 Mr. Pearson: I couldn't go into the drug program
6 until the agreement because I was still on probation.

7 The Court: Well, if I go along with what Mr.
8 Robinson says, you're still going to be on probation,
9 trying to go into a long term program so probation is
10 still going to prevent you from getting in, isn't it? I
11 mean, you're not getting off probation, at the very
12 least, you're not getting off probation. How's that
13 going to help you?

14 Mr. Robinson: Your Honor, I think if this order is a
15 term of the probation, I know that Judge Land in the past
16 has had, quite frankly, and I'm not saying that this is
17 the case with Mr. Pearson, but that she has had people
18 try to go into inpatient treatment to avoid her. That
19 sometimes they're easier on them in rehab than she is so
20 she is, she does like to have approval over that. But
21 obviously, if you make it a part of the court order and
22 I'm not asking you to put him back in drug court.

23 The Court: Alright, the court does find that the
24 defendant in this case understands the nature of these
25 proceedings. The Court also finds the matter properly

1 before the court on a probation citation and the Court
2 does find that he is in violation of the terms and
3 conditions of his probation as imposed by Judge Cothran.
4 Specifically, that he has not completed, attended and
5 completed the drug court program having been terminated
6 by Judge Land. Her recommendation that the probation be
7 terminated. I'm not making any finding with regards to
8 the financial obligations because that requires a finding
9 of wilfulness under the *Spare* case, but it's simply
10 enough of a violation in this case for him not to have
11 reported to probation since January of this year and also
12 for not having done the matters of the drug court program
13 by Judge Land. So, he is in violation of the terms and
14 conditions of his probation. In my view, the state's
15 done about all it can do. He's also had the opportunity
16 to get private treatment. He just came into court today
17 with no concrete treatment plan or any proof of a program
18 that he wants or could get into or that he has planned or
19 that that plan is willing to accept him. Just
20 unsubstantiated statements about a long term program from
21 a church in Summerton and no evidence of a program or
22 that he would be accepted. I'm also concerned that he
23 doesn't seem to have any real support here or anyone that
24 has been trying to get him into any kind of treatment
25 program or that he's made any concrete attempts to enroll

KALVEN TERRY PEARSON VS. STATE OF SOUTH CAROLINA 11

1 in any type of a treatment program. There has to be a
2 reckoning when the law has been violated and the State's
3 done all it can to help someone who refuses to help
4 himself. He had the drug court before Judge Land, he
5 didn't take advantage of it. He's now asking for another
6 chance but not giving to the court any proof of anything
7 that he really is going to do except these
8 unsubstantiated statements that he wants to get into a
9 long term program. I think he's had that chance before
10 now.

11 As a result of which, The Court does find a
12 violation in terms of conditions of probation revokes the
13 probationary sentence requiring him to serve the
14 remainder of the sentences as imposed by Judge Cothran,
15 ATU at the South Carolina Department of Corrections and
16 terminate probation.

17 Mr. Robinson: Your Honor, I understand, Your Honor,
18 has already ruled, Mr. Pearson asked me while you were
19 announcing the ruling of the Court, if I could call the
20 gentleman at the church I talked to to verify that he has
21 in fact done some of the matter or just not here to be
22 presented.

23 The Court: I understand that but I take the
24 position. I just feel like that he's had the chance to
25 do that before today and come in with some concrete

1 program or that he's had a chance to even apply for it in
2 sometime in the past. I think we are just prolonging the
3 inevitable. The ruling of The Court will stand.

4 Ms. Rucker: Your Honor, did you want to do a civil
5 judgement for the fines and the surcharges?

6 The Court: Civil judgement for any matters that can
7 be converted to a civil judgement.

8 Ms. Rucker: Okay, thank you.

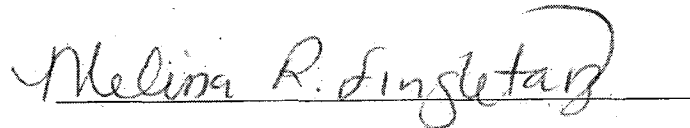
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

This is to certify that the transcript in the matter of Kalven Terry Pearson vs. State of South Carolina, consisting of Twelve (12) 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, reading "Melissa R. Singletary", is written over a horizontal line.

Melissa R. Singletary
Certified Court Reporter

WITNESSES

Barney Dozier Clarendon
County Sheriff

DOCKET NO. 2013-GS-14-0111

The State of South Carolina

County of CLARENDON

COURT OF GENERAL SESSIONS

May TERM 2013

THE STATE

vs.

KALVEN PEARSON

ARREST WARRANT NUMBER

2013A1410200002 DIR00046

Indictment for

BURGLARY, 2ND DEGREE (NON-VIOLENT)

MALICIOUS INJURY TO REAL PROPERTY

ACTION OF GRAND JURY

True Bill

Jonathan Wilh

Foreperson of Grand Jury

Date: *02 May 2013*

Ernest A. Finney III

VERDICT

ERNEST A. FINNEY, III, SOLICITOR

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CLARENDON)

INDICTMENT FOR
 BURGLARY, 2ND DEGREE (NON-VIOLENT)
 MALICIOUS INJURY TO REAL PROPERTY

At a Court of General Sessions, convened on May 2, 2013 the Grand Jurors of
 CLARENDON County present upon their oath:

COUNT ONE - BURGLARY, 2ND DEGREE (NON-VIOLENT)

That Kalven Pearson did in Clarendon County on or about January 4, 2013, enter without consent and with the intent to commit a crime therein, the dwelling of Mildred Martin, located at 1382 Bill Davis Rd, Summerton, in violation of Section 16-11-0312, S. C. Code of Laws (1976), as amended.

COUNT TWO - MALICIOUS INJURY TO REAL PROPERTY

That Kalven Pearson did in Clarendon on or about January 4, 2013, willfully and maliciously cut, mutilate, deface, or otherwise injure the house of Mildred Martin, including any fixtures, the injury to the property or the property loss being equal to or greater than \$2,000 but less than \$10,000, all in violation of Section 16-11-520(B) 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

Emanuel F. III

COUNTY OF Clarendon
 STATE VS.
Kalven Pearson
 AKA:
 Race: 2 Sex: M Age: 47
 DOB: -1966 SS#: -11-6848
 Address: Jessica Street
 City, State, Zip: Summerton, SC 29148
 DL#: SID#:

INDICTMENT/CASE#: 2013-GS-14-0111
 A/W#: DIR00046
 Date of Offense: 1/4/2013
 S.C. Code §: 16-11-0520 (B) (2)
 CDR Code #: 3600

SENTENCE SHEET 103

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
 TO: Malicious Injury to Real Property, 2d-101a (3rd or subsequent) (0-10 years)

is violation of § 16-11-520 of the S.C. Code of Laws, bearing CDR Code # 3600
 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's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Ch. Ryan 78080 Kalven Pearson [Signature] 8651
 Durant, Christopher Ryan 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 8 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 2 days/months/years and/or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 2

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.
 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 PTUP
 Total: \$ plus 20% fee: \$ days/hours Public Service Employment
 Payment Terms:
 Set by SCDPPPS

Recipient:
 *Fine:

§ 14-1-206 (Assessments 107.5 %)		\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$	<u>100.00</u>
§ 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	\$	<u>25.00</u>
§ 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	\$	<u>5.00</u>
3% to County (if paid in installments)		\$	<u>3.90</u>
TOTAL		\$	<u>133.90</u>

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

Clerk of Court/ Deputy Clerk D. Roberts
 Court Reporter: Melanie Singleton
 SCCA/217 (03/2011)

Presiding Judge [Signature]
 Judge Code: 2144
 Sentence Date: 9/11/2013

COUNTY OF Clarendon
 STATE VS.
Kalven Pearson
 AKA: _____
 Race: 2 Sex: M Age: 47
 DOB: _____ SS#: 1-6848
 Address: Jessica Street
 City, State, Zip: Summerton, SC 29148
 DL#: _____ SID#: _____

INDICTMENT/CASE#: 2013-GS-14-0111
 A/W#: 2013A1410200002
 Date of Offense: 1/4/2013
 S.C. Code § : 16-11-0312
 CDR Code #: 0080

SENTENCE SHEET 164

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
 TO: Burglary - 2nd Degree (non-violent) (0-10 years)

in violation of § 16-11-312 of the S.C. Code of Laws, bearing CDR Code # 0080
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The 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: Ch Durant 78080 Kalven Pearson Scott P. ... 8651
 Durant, Christopher Ryan 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 8 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 2 days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 2

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.
 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 PTUP _____
 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	\$ 100.00
§ 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	\$ 500.00
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 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	\$ 5.00
3% to County (if paid in installments)		\$ 18.90
TOTAL		\$ 648.90

_____ 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: Drug C.
ATU
 Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: B. Roberts
 Court Reporter: M. Siefert
 SCCA/217 (03/2011)

Presiding Judge: R. ...
 Judge Code: 2149
 Sentence Date: 7/11/2013

THIRD CIRCUIT DRUG TREATMENT COURT
Clarendon County Judicial Center
102 South Mill Street
P. O. Box 396
Manning, South Carolina 29102
803-435-4254

Amy A. Land, Judge

May 27, 2015

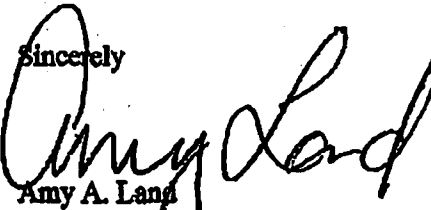
To Whom It May Concern:

Kelvin Pearson was ordered to participate in the Third Circuit Drug Court as a condition of his probation in March, 2014. Mr. Pearson signed an agreement indicating that he understood the rules of the program. Most importantly, that he attend court weekly, refrain from the use of drugs and alcohol, submit to random drug screens and follow all the rules of probation. Mr. Pearson until April 16, 2014. He stopped attending at this time and also missed a hair follicle on April 23, 2014. A bench warrant was issued and he was arrested. On May 20, 2014 he was brought back before this court and reported that he had been at work during his extended absence and unable to attend. He assured me that he would report to Sumter on May 22 to make up his missed hair follicle test. I released him for this reason. He was sanctioned to three months in jail on June 4, 2014, for missing the second test. He was released early on August 26, 2014 because of the death of his brother. He attended court regularly until February 4, 2015. He also had a negative hair follicle test in October, 2014. He has not returned since February 4, 2015 and missed a hair follicle test on February 18, 2015.

I recommend a full revocation for Mr. Pearson. The Third Circuit Drug Court was put into place to aid offenders who have drug and alcohol addictions. It is an alternative to incarceration and intended to rehabilitate participants so that they can function in society as law abiding citizens. Mr. Pearson has shown that he no longer has the desire or the intention of getting off drugs or participating in the drug court program.

Please feel free to contact me at 803-435-4254 if you have any questions.

Sincerely



Amy A. Land
Third Circuit Drug Court Judge

PROBATION CITATION

No. C-14-15-0022

SOUTH CAROLINA V. KALVEN PEARSON	COUNTY: CLARENDON	
	SCDC # 00311205	SID # 00579254

TO: KALVEN PEARSON

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

Place Will Notify	Room Will Notify
	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 conditions of probation numbers 1, 7, 9, 10 and Special Conditions as ordered in Cause Number 13-GS-14-0111 by the Clarendon County Court of General Sessions dated 9-11-13.

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.

MANNING , South Carolina	Probation and Parole Agent Susan K. Rucker	Agent # 0299
Date 6/30/2015		

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>Clarendon Co. Detention Center</i>	Date and Time <i>10:00 6-30-15</i>
	Serving Officer's Signature <i>Suzanne Talbot, Jr.</i>

Sworn to and subscribed before me this 30 day of June, 2015

<u><i>Susan Rucker</i></u> Signature of Notary Public	My Commission Expires <u>4-2-25</u>
--	-------------------------------------

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of CLARENDON

Personally appeared before me, Susan K. Rucker, who first being duly sworn, deposes and says that KALVEN PEARSON did within this county and State on the 30 day of June, 2015, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

By violating conditions of probation numbers 1, 7, 9, 10 and Special Conditions as ordered in Cause Number 13-GS-14-0111 by the Clarendon County Court of General Sessions dated 9-11-13.

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:

Failed to report having last reported on 1-27-15; failed to pay supervision fees being \$600.00 in arrears; failed to pay fine being \$272.00 in arrears; failed to pay surcharge being \$80.00 in arrears; failed to attend and complete Drug Court program by being terminated on 5-27-15. Such actions constitute a violation of his probation agreement which he signed and acknowledged on 9-11-13.

Sworn to and subscribed before me this 30 day of June, 2015

Susan Rucker
Affiant

[Signature]
Signature of Notary Public

My Commission Expires: 5-14-2025

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of Charleston
VS.

Judgment Number
13 GS 17 111
Probation C/W # C-14-15-0093

Name of Original Offense Buy 2nd Degree
Original A/W # 2013 614182 00003
Date of Original Offense 1-4-13
Conviction S.C. Code S 16-4-0310
Conviction CDR Code # 0101810
Original Sentence 3 yrs Prob upon arrest
but as a 2 yr ORDER Prob

Name of Defendant Michael Terry Pearson
Age W/A
Sex M
SSN 11-6848
00529254-104

The above named defendant has been charged with violating the conditions of probation ordered on 9-11-13 in the Court of General Sessions of Charleston County and/or the additional conditions ordered by the Court in probation order number 13-17-111 as set forth in the attached warrant(s) or citation(s) dated 9-11-13.
After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, the Court finds that the named defendant has violated the following condition(s) of probation: (1) 2, 9, + 10

- the suspended sentence be revoked and the above named defendant be required to serve 10 months/years 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 probation 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 hereinafter, 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 any other applicable 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) Civil Judgment Other (specify) _____
 Fines and other fees (arrearage/balance) Restitution (at 13/20%) (arrearage/balance)

Additional Conditions ordered by the Court:
CTS since 5/22/15 on Drug Court SW - Drug Court
now lifted attend ATU.

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 months/years on this sentence.
(Full sentence time and/or for partial revocation time)

The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This is the 11 day of Sept 2015
Manning SC
 Presiding Judge: Wendell P. King

I, the undersigned, being duly sworn, certify that I have read to the defendant the order and the conditions set out herein. I agree to comply with such conditions and the conditions of the original sentence. I have received a copy of this Court's order and all attachments.

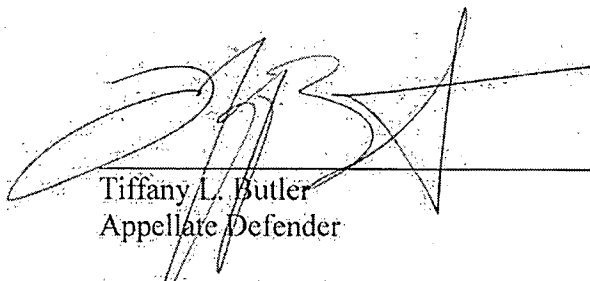
Defendant's Signature: Michael Terry Pearson
 Witnessed by: Susan Rucker

Signed this 11 day of Sept 2015 at Manning 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 South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully submitted,



Tiffany L. Butler
Appellate Defender

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

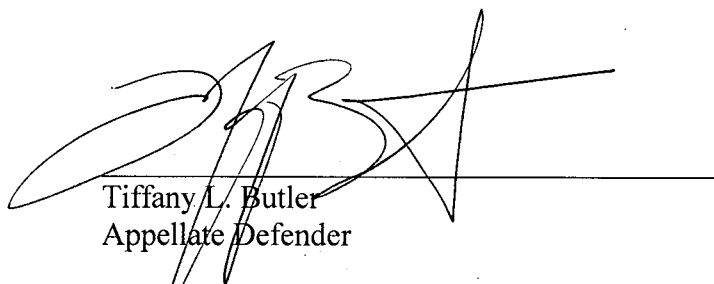
ATTORNEY FOR APPELLANT

This 22nd day July, 2016.

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 South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully submitted,



Tiffany L. Butler
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 22nd day July, 2016.