

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

MAY 25 2016

SC Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Doyet A. "Jack" Early, III, Circuit Court Judge

Case Number: 2016-000140

The State of South Carolina.....Respondent,

v.

Julie Ann Getson, Defendant, Christy Nimau, Georgia-Carolina Enterprises, Inc., Surety,
and Accredited Insurance Co., Insurance Company,
Of which Georgia-Carolina Enterprises, Inc. is the.....Appellant

RECORD ON APPEAL

Aaron G. Walsh, Esq.
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Aiken, SC 29802
(803) 642-9700
SC Bar# 71222
Attorney for Appellant

OTHER COUNSEL OF RECORD:

V. Henry Gunter
Assistant Attorney General
P.O. Box 11549
Columbia, S.C. 29211

J. Strom Thurmond, Jr.
Second Circuit Solicitor
PO Drawer 3368, Aiken SC 29802

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BAIL PROCEEDING FORM II

STATE OF SOUTH CAROLINA COUNTY OF Aiken

IN THE General Sessions

STATE OF SOUTH CAROLINA

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

Getson, Julie Ann

NAME OF DEFENDANT

Offense Charged: Forgery / Possession of Counterfeit Currency-[2014A0210200244]

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- The release of the defendant on recognizance will not reasonably assure his appearance as required.
The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact:

Nature of Circumstances of Offense; Must Notify Court Immediately of Change of Address

[Considerations: Nature and Circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition; the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

- 1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
2. That the above named defendant be released from custody provided as follows (check all that apply):

CASH IN LIEU OF BOND

The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of \$ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of \$, his release to be obtained by payment to the court of % (not to exceed 10%) of the full amount of the bond, deposits \$ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the state.

APPEARANCE RECOGNIZANCE WITH SURETY

The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of \$

3. That the defendant shall appear at (check one):

[X] the term of COURT OF GENERAL SESSIONS beginning on May 05, 2014 at 9:00 o'clock, A.M. at General Sessions - P.O. Box 583/109 Park Avenue/Aiken, SC 29802 / (803) 642-1715.

and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

[] the session of [] MAGISTRATE COURT [] MUNICIPAL COURT beginning on at o'clock,

at If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

Bond Amount(s): \$5,000.00 (CS) or \$5,000.00 (SB)

INITIALS OF DEFENDANT

Handwritten initials of the defendant.

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described hereinafter in the Order.

SIGNATURE OF JUDGE

Handwritten signature of the judge.

DATE

Handwritten date: 3/9/14

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

124 Golf Course Rd
 ADDRESS
 Warrenville, SC 29851-3604
 CITY/STATE/ZIP
 264-61-1506 TELEPHONE
 0101847771 (SC)
 SOCIAL SECURITY NUMBER DRIVER'S LICENSE OR ID NUMBER
 DATE 3/9/14
 SIGNATURE OF DEFENDANT
 ATTORNEY REPRESENTING ACCUSED (IF KNOWN)

SPECIAL CONDITIONS OF RELEASE

a. Placement in custody. The defendant is placed in the custody of _____
 NAME OF PERSON OR ORGANIZATION

ADDRESS CITY/STATE ZIP TELEPHONE
 who agrees (1) to supervise the defendant as set forth by the court, (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.
 SIGNATURE OF CUSTODIAN (IF APPROVED) DATE

b. Restrictions on Travel, Association or Residence. The defendant will comply with each of the following conditions: _____

c. Part-time Release. The defendant will be released from custody from _____ of clock, _____ to _____ of clock, _____
 on _____ on condition that he return to the custody of _____
 DATE(S) NAME OF PERSON OR ORGANIZATION

iii _____ as designated.
 LOCATION

d. Other conditions. The defendant will comply with the following other conditions of release: _____
 2ND APP: TBA

APPEARANCE RECOGNIZANCE WITH SURETY

On the 13th day of March, 2014, personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of \$ 5000.00, such sum to be levied on his real and personal property for the use of the State, should named defendant fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

Georgia-Carolina Enterprises, Inc.
 NAME OF SURETY BONDSMAN TELEPHONE
 Aiken, SC 29801
 ADDRESS OF SURETY BONDSMAN
 CITY/STATE/ZIP
 Agent For
 NAME OF SURETY BONDSMAN
 4798 New Broad Street, Suite 200
 ADDRESS OF SURETY BONDSMAN
 Orlando, FL 32814
 CITY/STATE/ZIP
 SIGNATURE OF SURETY BONDSMAN
 SIGNATURE OF JUDGE
 DATE 3/13/14

STATE OF SOUTH CAROLINA
 COUNTY OF AIKEN
 Clerk of Court of General Sessions and General
 Sessions for Aiken County, South Carolina do hereby certify
 that the foregoing constitutes a true and correct copy of the
 original documents which have been filed in my office.

IN THE COURT OF GENERAL SESSIONS
 SECOND JUDICIAL CIRCUIT

COUNTY OF AIKEN) SEP 29 2015

STATE OF SOUTH CAROLINA

[Signature]
 CCCP, & G. A. Aiken County, SC
 Deputy Clerk

FINAL ORDER FOR
 ESTREATMENT OF BOND

VS

JULIE ANN GETSON

Defendant,

CHRISTY NIMAU,
 GEORGIA-CAROLINA ENTERPRISES, INC.,
 Surety,

ACCREDITED INSURANCE COMPANY
 Insurance Company.

Indictment Number: 2014GS0200826

CP Case Number: 2015CP0201621

FILED

[Signature]
 CCCP, & G. A.
[Signature]
 Deputy Clerk

This matter comes before the Court on a Conditional Order to Estreat Bond and a Notice of Forfeited Recognizance as to why the bond posted by the above-named Surety should not be estreated in whole or in part. A Conditional Order estreating the entire bond has been issued. It appears that the above-named Surety signed a Five Thousand And No/100 (\$5,000.00) Dollar surety bond filed in the Clerk of Court's Office, the conditions of which having not been complied with.

Said defendant did fail to appear in the Court of General Sessions when duly summoned or did not comply with the provisions of good behavior as required by the bond.

Upon a hearing held September 8, 2015 it further appears that no lawful cause exists for said non-compliance.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the State has judgment against the above named defendant and surety in the sum of Five Thousand And No/100 (\$5,000.00) Dollars.

4 Cert. Sci. *[Signature]*
 1 Cert. G.S. *[Signature]*
 1 Clerk of Court *[Signature]*
 1 Accounting *[Signature]*

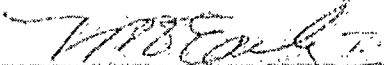
[Signature]
 #1

It is further ORDERED, this Judgement shall be satisfied by payment of Two Thousand Five Hundred And No/100 (\$2,500.00) Dollars immediately to the Aiken County Clerk of Court's Office.


It is further ORDERED that if the defendant is not in custody within Ninety (90) days from the date of this order that another payment of Two Thousand Five Hundred And No/100 (\$2,500.00) Dollars shall be due and payable to the Aiken County Clerk of Court's Office.

It is further ORDERED that this is the final judgment against the defendant, surety and the insurance company herein.

IT IS SO ORDERED


DOYET A. EARLY III
Chief Administrative Judge
Second Judicial Circuit

9-29-15
Date

, South Carolina

STATE OF SOUTH CAROLINA)
 AIKEN COUNTY)
)
 STATE OF SOUTH CAROLINA)
 vs.)
)
 JULIE ANN GETSON)
 Defendant,)
)
 CHRISTY NIMAU,)
 GEORGIA-CAROLINA ENTERPRISES,)
 INC.,)
 Surety,)
)
 ACCREDITED INSURANCE CO.)
 Insurance Company)

COURT OF GENERAL SESSIONS
 SECOND JUDICIAL CIRCUIT
 MOTION TO RECONSIDER
 9.29.15 FINAL ORDER FOR
 ESTREATMENT OF BOND
 Indictment No.: 2014GS0200826
 CP Case Number: 2015CP0201621

COPY/mc
 ORIGINAL FILED
 OCT 09 2015
J. J. O'Brien
 AIKEN COUNTY
 CLERK OF COURT

PLEASE be advised that Surety Georgia Carolina Enterprises, by and through their attorney, pursuant to rule 59(e) of the South Carolina Rules of Civil Procedure and appropriate South Carolina Statutory and Case Law will move before the Honorable Doyet A Early, III, within ten (10) days, or as soon thereafter as this Court will allow, Requesting his Honor his Final Order for Estreatment of Bond, by which the entire Five Thousand Dollar (\$5000.00) surety bond in the above captioned matter was estreated. The Order was entered and boxed September 29, 2015; a copy is attached to this Motion. The grounds for this Motion are:

1. The matter was before the Court on September 8, 2015 for hearing on the attached Conditional Order to Estreat Bond (Conditional Order) and Notice of Forfeited Recognizance, each dated July 9, 2015 and attached hereto.

2. After hearing, the Court Ordered payment of the entire bond amount, with half due immediately and half due in Ninety (90) days. No amount of the bond was remitted by the Court.
3. By the terms of the Conditional Order, the hearing was to be held pursuant to S.C. Code Ann. § 17-15-180, which holds "that upon cause, when a recognizance is forfeited from....unavoidable impediment and not from willful default, the court...may remit the whole or any part of the forfeiture as may be deemed reasonable."
4. The Code Section for the forfeiture of bond is S.C. Code Ann. § 38-53-70, which reads in part:

At any time before execution is issued on a judgment of forfeiture against a defendant or his surety, the court may direct that the judgment be remitted in whole or in part, upon conditions as the court may impose, if it appears that justice requires the remission of part or all of the judgment. In making a determination as to remission of the judgment, the court shall consider the costs to the State or a county or municipality resulting from the necessity to continue or terminate the defendant's trial and the efforts of law enforcement officers or agencies to locate the defendant."

5. The Appellate Courts have consistently insisted that trial courts determine the costs to the State, see
Ex Parte: Polk v. Bartinicki, 354 S.C. 8,12; 579 S.E.2d 329 (Ct.App.2003);

"Unquestionably...bond was forfeited and the trial court properly entered judgment on the bond. However, § 38-53-70 unambiguously provides that the trial court must consider the costs to the State in determining remission of the judgment on a forfeited bond. Therefore, the trial judge abused his discretion in failing to consider the costs to the State. We note, however, that in determining whether any remission of the judgment is warranted, the trial court is not limited to considering only the actual cost to the State. Our courts have held the following factors, at the least, should be considered in determining whether, and to what extent, the bond should be remitted: (1) the purpose of the bond; (2) the nature and willfulness of the default; (3) any prejudice or additional expense resulting to the State."


State of South Carolina v. Hinojos; 393 S.C. 517; 713 S.E.2d 351 (Ct.App.2011), where the Court estreated one third of a \$200,000.00 appearance bond, the Court held:

"We agree with the Appellants. As noted by this court in *Polk*, section 38-53-70 unambiguously provides that the trial court must consider the costs to the State in determining remission of the judgment on a forfeited bond.. The trial court should also examine, at the least, the purpose of the bond and the nature and willfulness of the default. We believe Hinojos's bond was forfeited and the trial court properly entered judgment on the bond. However, because the trial court failed to address, at a minimum, the three factors set forth in *Polk*, we find it abused its discretion in ordering the estreatment of Hinojos's bond in the amount of \$66,666.66. Accordingly, we reverse the trial court's estreatment amount determination and remand to the trial court to consider the *Polk* factors in

its reconsideration of the estreatment amount." (Internal citations omitted).

6. At the hearing, Surety presented uncontroverted information for the Court detailing the steps taken to apprehend the Defendant, up to and including locating her in multiple states, hiring recovery agents in other states, and even hiring counsel in California to pursue the convoluted statutory requirements to recover a fugitive from that State, and asked the Court to consider the amount of money Surety had expended thereon.
7. The State of South Carolina did not suggest any of that presentation was not accurate, except for disputing Surety's allegation that Surety had offered to pay the State for the costs of recovery through extradition.
8. It was admitted as uncontroverted at the hearing that the State had entered the fugitive's bench warrant into the N.C.I.C system as a "non-extradition" warrant.
9. Surety believes it was error not to consider the actual costs to the State of the default, and also to not consider the lack of efforts of law enforcement to locate or apprehend Defendant, and respectfully seeks the Court to reconsider and amend its Judgment and Order.

October 9, 2015
Aiken, SC



Aaron G. Walsh

SC Bar ID: 71222
WALSHLAW, PA
118 Laurens Street, Suite C (29801)
PO Box 639
Aiken, South Carolina 29802
803-642-9700; fax 803-644-6933
Attorney for Surety Georgia-Carolina
Enterprises, Inc.

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF Aiken) SECOND JUDICIAL CIRCUIT

vs. ~~STATE OF SOUTH CAROLINA~~)
~~County of Aiken~~)
1. Its Order, Court of Court of General)
Sessions for Aiken County, South Carolina, to)
that the foregoing constitutes a true and correct copy of the)
original documents which have been filed in my office this)
Indictment Number: 2014-GS-02-00826
CP Case Number: 2015-CP-02-01621

Julie Ann Getson, DEC 28 2015

Defendant: ~~Julie Ann Getson~~
~~Christy Nimaya Georgia-Carolina Enterprises, Inc.,~~
Surety,
Accredited Insurance Co.,
Insurance Company

ORDER DENYING SURETY'S MOTION FOR RECONSIDERATION

12.28.15
[Signature]
Deputy Clerk

This matter comes before the Court upon Surety Georgia Carolina Enterprises' (hereinafter referenced as "Surety") Motion for Reconsideration of this Court's Final Order for Estreatment of Bond, dated September 29, 2015. This motion was made pursuant to Rule 59(e), SCRCPP.

By way of background, Notice of Forfeited Recognizance was filed by the State on July 9, 2015, following the Defendant's failure to appear at the March 16, 2015 Term of General Sessions Court. In accordance with S.C. Code Ann. § 17-15-150, this Court issued a Conditional Order to Estreat Bond on July 9, 2015. On September 8, 2015, a hearing was convened before this Court for consideration of the Conditional Order to Estreat Bond and Notice of Forfeited Recognizance. At that time, this Court ordered payment of the entire bond amount, the first half due immediately and the second half due ninety (90) days thereafter.

In its Motion for Reconsideration, Surety now asserts (1) that this Court erred in failing to consider the actual costs to the State; (2) that this Court erred in failing to consider the efforts of law enforcement, or lack thereof, to locate or apprehend the Defendant; and (3) that this Court erred in failing to consider the efforts of Surety to recover the Defendant. In making these assertions, Surety relies, in substantial part, upon *Ex Parte Polk*, 354 S.C. 8, 579 S.E.2d 329 (2003).

December 28 2015
[Signature]
Deputy Clerk

[Signature]
101

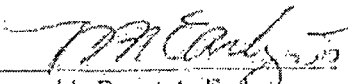
In *Polk*, the Court held that the trial court had erred in failing to consider the cost to the State of Henry Bartinicki, the Defendant, failing to appear in court in ordering the estreatment of his bond. *Id.* at 10, 579 S.E.2d at 329. Citing S.C. Code Ann. § 38-53-70, the Court held that the Defendant's bond had been forfeited and judgment on the bond entered properly. *Id.* at 12, 570 S.E.2d at 331. However, the Court continued that it was error for the trial court to not consider the costs to the State in determining remission of the judgment on a forfeited bond. In determining whether and to what extent bond should be remitted, at a minimum, the trial court should consider (1) the purpose of the bond; (2) the nature and willfulness of the default; and (3) any prejudice or additional expense resulting to the State. *Id.*

In the instant case, the Court considered all three of the above listed factors at both the hearing for the Final Order of Estreatment of Bond and at the hearing of Surety's Motion for Reconsideration. The Court found that the purpose of bond was to assure the Defendant's appearance in court, that the Defendant's failure to appear in court was willful, that Surety presented no mitigation or explanation justifying the Defendant's failure to appear at the March 16, 2015 Term of General Sessions Court, and that while there may not have been expense to the State at this time, that fact does not foreclose the possibility of future expense. Likewise, the Court considered the extensive efforts made by the Surety to recover the Defendant, but found remission proper regardless.

As to Surety's second argument that the Court erred in failing to consider the lack of effort by law enforcement to locate the Defendant, the Court finds that law enforcement bore no responsibility for insuring the Defendant's appearance at the March 16, 2015 Term of General Sessions Court and has entered information in the National Crime Information Center (NCIC) to alert law enforcement nationwide of her pending bench warrant.

It is therefore ordered that Surety's Motion for Reconsideration is DENIED.

IT IS SO ORDERED this 8 day of December, 2015 at Barnwell South Carolina.


The Honorable Doyet A. Early
Circuit Court Judge

JULIE GETSON - EXPENSES	
DATABASE REPORTS:	\$250.00
TRIP TO NORTH CAROLINA: Man-Hours	\$1,000.00
TRIP TO NORTH CAROLINA: Food / Drinks / Gas	\$100.00
BAIL SKIP RECOVERY:	\$1,519.53
(Cost for Hotel, Rental, Fuel, Labor & Filing of Affidavit & Order for Authorizing Apprehension of Defendant in Tulare County, California)	
ATTORNEY FEES:	
Estreatment Hearing	\$225.00
Motion & Reconsideration Hearing	\$750.00
ESTREATMENT PAYMENT MADE TO CLERK OF COURT:	\$2,500.00
TOTAL EXPENSES INCURRED:	\$6,344.53

COURT'S
EXHIBIT
11-10-15

33663 Petunia St
Murrieta Ca 92563

P: 6193338588
E: bailskiprecovery@gmail.com

*Pd
6-8-15
8655
[Signature]*

Invoice

BAIL SKIP RECOVERY

Bill To: Georgia Carolina bail bonds

Invoice No: 59
Date: Jun 7, 2015
Terms: NET 7
Due Date: Jun 14, 2015

Description	Quantity	Rate	Amount
Bryan Hapner / Julie Getson expense for furor locate. Hotel	1.00	\$300.00	\$300.00
Bryan Hapner / Julie Getson expense for furor locate. Rental	1.00	\$406.98	\$406.98
Bryan Hapner / Julie Getson expense for furor locate. Fuel	1.00	\$412.55	\$412.55
Bryan Hapner / Julie Getson expense for furor locate. Labor (4 hunters)	1.00	\$400.00	\$400.00

* Indicates non-taxable item

Subtotal \$1,519.53
Tax 1 (0.00%) \$0.00
Total \$1,519.53
Paid \$0.00

Balance Due \$1,519.53

GEORGIA CAROLINA, INC.
245 WIRE ROAD
AIKEN, SC 29801
803-649-1013

8655

67-604/539
1990

11/8/15

Date

Pay to the
Order of

Basil Step Recovery

\$ 1519.53

One Thousand, Five Hundred and Nineteen and No/100ths

Dollars

First Citizens

For

Expenditure for Property

⑆05390604⑆⑆051004490201⑆ 08655

VAN
40980

VAN
41248

KANGAROO EXP 3974
2106 N CHESTER ST
ROSTONIA, NC

KangarooExpress 3135
100 YAUPON DR
OAK ISLAND, NC 28465
910-278-5749
XXXX

Original -
Receipt # 67723
Date 05/14/15 16:02
MasterCard
Acct#
XXXXXXXXXXXX7836
Pump Gallons PPG
04 10.982 \$ 2.459
Product Amount
UNLEADED \$ 27.00
Approved 00
Approval # 39106J
Refer # 98000810162
Batch: 81
Seq : 16
Banknet Ref ID:

Dealer#:
00000126755-04

Thanks for
visiting Kangaroo
Express #3974

DATE 05/14/15 22:21
PUMP # 04
SERVICE LEVEL: SELF
PRODUCT: REG
GALLONS: 9.692
PRICE/G: \$ 2.579
FUEL SALE \$ 25.00

MASTERCARD
XXXXXXXXXXXXXXXX7836
Auth #: 37855J
Ref: 5J661029
Resp Code: 000
Term ID: 00004
Stan: 0259790940

SITE ID: 6751382

Earn rebates
with BP Visa
Take application
and Apply Today

Thanks for shopping
at the Roof!!

Kangaroo Express 3135
 100 YOUNG
 OAK ISLAND, NC 28465
 810-278-5749
 6751382

Tulia Wilson

Description	Qty	Amount
PNTRY HOT CUP-MED.	1	1.49
.200Z MT DEW VLTGE	1	1.89
Subtotal		3.38
Tax		0.23
TOTAL		3.61
CASH \$		5.00
Change \$		-1.39

Thank you for shopping at Kangaroo!
 * 3135 TILL XXXX DR# 1 TRAN# 1027665
 05/14/15 22:27:56

***** FLPRT#1 PRINTER *****

**** DINE-IN ****

Terminal : 07/FRT CNTR2
Bojangles' #386
 1601 East Main St, Lincolnton, NC
 Phone 704-732-1523

General comments or suggestions?
 Call Customer support at 1-888-300-4265

Store: 386 - BOJANGLES'
 #: 1094 05/14/15 4:39PM
 ac/Tracie

QTY	ITEM	U/PRICE	SUBTOTL
1	SUPREMES COMBO HONEY MUSTARD. IND-SEAS FRIES PEPSI.		6.19
1	SUPREMES COMBO HONEY MUSTARD. IND-SEAS FRIES PEPSI.		6.19

SubTotal = 12.38
 Tax = 0.84
GRAND TOTAL = 13.22

Get a FREE Sausage Biscuit with
 any purchase! Go to TalkToBo.com
 and tell us about your visit.

Validation Code: _____

5/14/15

CIRCLE K #3099
 (803) 657-6681
 57 546 570201
 SHELL
 1697 OLD 96 INDIAN T
 BATESBURG
 SC 29006

Invoice # 228064
 Date 05-15-15
 Time 02:33AM
 Auth # 07205J

MASTERCARD ACCT #
 XXXX XXXX XXXX 7836
 WILSON/EDUIE

Pump Gallons Price
 03 10.173 \$2.359
 Product Amount
 UNL REG 87 \$24.00
 Total Sale \$24.00

THANKS FOR SHOPPING
 AT CIRCLE K!
 PLEASE COME AGAIN!

1 VINCENT SHIELDS
33663 Petunia St
2 Murrieta, California 92563
3 (760) 622-5187

4 SUPERIOR COURT OF CALIFORNIA
5 COUNTY OF TULARE

6 THE STATE OF South Carolina,)

7)
8 Plaintiff,)

9 vs.)

9 Julie A. Getson)

10 Defendant,)

11 PETITIONERS: Accredited Surety,)
12 Georgia Carolina Bail Bonds Real Parties in Interest)

) AFFIDAVIT; EX PARTE REQUEST FOR ISSUANCE OF
) WARRANT AND AFTER HEARING ISSUANCE OF
) WARRANT; ORDER AUTHORIZING AFFIANT TO
) RETURN FUGITIVE TO THE AIKEN COUNTY
) SOUTH CAROLINA COURT PURSUANT
) TO CALIFORNIA PENAL CODE 847.5

13
14 AFFIDAVIT INTRODUCTION

15
16 I, Vincent Shields, swear as follows:

17 01. I make this Affidavit based on my personal knowledge, and, if called, I can competently
18 testify as to the matters contained herein.

19
20 02. I am licensed by the State of California Department of Insurance to transact bail as a Bail
21 Agent, in accordance with Ca. Penal Code 1299.(Refer to Exhibit "A" contained herein)

22 03. I am appointed as an 'Agent' of Georgia Carolina Bail Bonds.(Refer to Exhibit "B"
23 contained herein)

24
25 04. I am qualified to investigate, surveil, locate, arrest and surrender California bail fugitives to
26 the proper authorities, in accordance with Ca. Penal Code 1299.

27 05. On 03-13-14, the following bail bond #5159790 was posted for Julie Ann Getson (hereafter
28 called "Julie") by and through Georgia Carolina Bail Bonds.

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06. Julie was freed from the custody of the Aiken County Sheriff Department, subsequent to the above referenced bail bond being posted.

07. I have obtained and am in possession of copies of the above application and South Carolina criminal history of Arrestee.

08. On or about 05-05-14, Julie failed to appear in open court in the county Aiken State of South Carolina, resulting in the aforementioned bond to forfeit as the result of Julie's failure to appear.

REPORTED DEFENDANT INFORMATION

NAME:	Julie Ann Getson
AKA:	Misty Dean
SEX:	female
DATE OF BIRTH:	09-14-72
HEIGHT:	5'04"
WEIGHT:	155 lbs.
ETHNICITY:	Caucasian

WHEREABOUTS

09. According to Bail Application records, and Criminal History records and reports collected during our investigation, Julie has personal associations within Tulare County. And it is believed that she (Julie) is currently within Tulare County, residing in a motel 6 located at

1 1111 North Blackstone St Tulare California with her boyfriend Bryan K. Hapner. Bryans
2 Father and daughter have confirmed her living in the Motel with Bryan Hapner. It is believed
3 they are running a counterfeit money operation. We have made contact with Austin an agent
4 for the US Secret Service located in Fresno at (559)487-5204 just in case counterfeit money
5 and printing equipment is found. Through our investigation we have located the Silver Dodge
6 Durango with Tennessee License Plate H1536Y Located at the Motel 6. Bryan's daughter has
7 a friend who is assisting with the investigation. He works for the Red Roof Inn located at
8 1183 north Blackstone St Tulare Ca he has also confirmed Bryan living at the Motel 6 as
9 recent as of June 2nd 2015. We were able to recover a receipt from the motel 6 proving Julie
10 Getson was checked in from the 1st to the 2nd of June the clerk told us Julie and Bryan return
11 to the motel every couple days. (Refer to Exhibit "C" contained herein)
12
13

14 **OFFENSES**

- 15
16 10. Julie failed to appear after allegedly committing the following violations in the
17 State of South Carolina:
18
19 Count 1 Forgery possession of counterfeit currency
20

21 **TIME AND PLACE**

- 22
23
24 11. Julie is reportedly residing at 1111 North Blackstone St, in the city of Tulare, this has been
25 confirmed by the sighting of her by the confidential informant working at the Red Roof Inn
26 located at 1183 North Blackstone st Tulare Ca. Also the vehicle she has been known to drive
27 has been spotted in the parking lot of the Motel 6 located at 1111 North Blackstone St Tulare
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Ca; moreover, Petitioners pray that this Court grants latitude in order to expand the investigation into the whereabouts of Julie within the County of Tulare to the extent that bail bond investigations often result in learning of possible 'new' locations by and through contact at known addresses.

DETAILS OF VIOLATION OF BAIL

- 12. Julie violated the conditions of her bond, totaling \$5,000.
- 13. Julie failure to comply with the conditions of the South Carolina Court is a direct violation of the undertaking of bail; consequently and pursuant to California Penal Code 847.5,

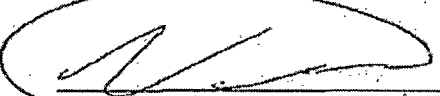
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Petitioners, absent an Order from this Court, cannot lawfully arrest Julie in the State of California.

EX PARTE REQUEST FOR ORDER

WHEREFORE, it is respectfully requested, pursuant to California Penal Code 847.5, real party in interest Georgia Carolina Bail Bonds, and Vincent Shields, are moving this Court to issue a warrant for the arrest of Julie; furthermore, it is requested that this Court issue an order and an issuance after hearing authorizing the affiant, Vincent Shields, to transport Julie to the jurisdiction from where she (Julie) escaped bail.

Dated this 3 day of June, 2015

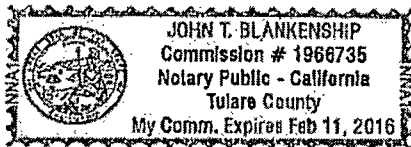

VINCENT SHIELDS

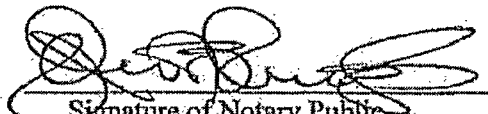
JURAT

State of CALIFORNIA
County of TULARE ss

Subscribed and sworn to (or affirmed) before me

This 3 day of June, 2015 by




Signature of Notary Public

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ORDER AFTER HEARING

Having found that there is probable cause for believing that the above-described defendant is that person (Julie) alleged to be a fugitive, this court hereby orders that a warrant for the arrest of JULIE ANN GETSON is hereby ordered, pursuant to California Penal Code 847.5, and that said fugitive, upon arrest by Petitioners or Petitioners lawfully appointed agent(s) within the meaning of California Penal Code 1299.01(d), shall be delivered into the custody of the Sheriff of Tulare County within the meaning of California Penal Code 1301 from where said fugitive shall be brought before the Superior Court of Tulare County for the purpose of allowing the Tulare County District Attorney to investigate and determine if said fugitive has been properly identified, and, if so properly identified, the Superior Court of Tulare County may issue an order authorizing affiant to return JULIE ANN GETSON to the South Carolina County Court from where JULIE ANN GETSON escaped bail-at affiants own cost.

IT IS SO ORDERED:



Dated this 30 day of June, 2015.

Gary L. Paden
SUPERIOR COURT JUDGE

GARY L. PADEN


The document to which this certificate is affixed is a full true and correct copy of the original on file and of record in my office.

Witness: 10-3-15
Barayne Clegg, Clerk of the Superior Court of the State of California in and for the County of Tulare.



By _____ Deputy

PERSONAL INFORMATION

	BIRTHDATE	10-26-1988
	HEIGHT	5'11"
	WEIGHT	160

CALIFORNIA

	EXPIRES	10/26/2015
	ISSUES	10/26/2015

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

EXHIBIT A

Sacramento Regional
Public Safety Training Center
Certificate of Completion

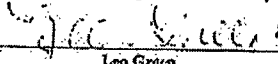
Vincent M. Shields

has satisfactorily completed a course in

PC832 Arrest, Search & Seizure

POST Certification #2970-80102-12004
STC Certification #0218-007898

consisting of 40 hours of instruction
dated this 19th day of October, 2012


Leo Green
Training Program Coordinator

American River College / Los Rios Community College District

Bail Resource Center and Career Academy

CDI Provider #33888 / BPPE #6002651 / BSIS #1-2816 / BOS #803874
356 N. Lodi Ave. St., P.O. Box 8742, Camarillo, CA 93010-8742
(805) 388-0587 * (877) 722-8408 * Fax: (805) 384-9057 * www.bailschool.com

BA Insurance License #: BA 1948311

Certificate of Completion/Compliance

20-Hr. FUGITIVE RECOVERY AGENT CERTIFICATION

Live classroom education pursuant to Insurance Code Section §1610.7/Fugitive Recovery Persons Act §1258.04(3)


8-Hours: Apprehension, Forfeiture and Bail Law CDI Course #291830

September 28, 2014 at the Mission Inn Hotel & Spa
3849 Mission Inn Avenue, Riverside, California 92501

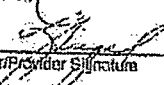
12-Hours: BRC Bail Pre-licensing September 23, 2012 at the DoubleTree Club Hotel & Spa
7 Hutton Centre Drive, Santa Ana, California 92707

Vincent Michael Shields Sr

Has successfully completed the above course(s).


Student Signature
Vincent Michael Shields Sr.
Student Name (Printed)

Date


Instructor/Provider Signature
J. Corey Friedman / L.M. Siegel
Instructor/Provider Name (Printed)
September 28, 2014
Date



California's Insurance Code Section 1749.2, 1749.7 requires the student receive the certificate of completion for five years.
Pursuant to PC §1258.04(3) Fugitive Recovery Persons shall not complete a 20-hour course of instruction by the Commission on Peace Officers' Recruitment and Training (PC-821) Act.
Pursuant to PC §1258.04(3) Fugitive Recovery Persons shall carry certificates of completion (both courses) with him or her at all times in the course of performing his or her duties.

EXHIBIT B

Motel 6 - Tulare #0264
1111 North Blackstone Drive
Tulare 93274
USA

GETSON Julie
124 GOLF COURSE RD
Warrenville SOUTH CAROLINA 29851
USA

Guest Bill # 125858 of the 06/02/2015

Stay of: . GETSON Julie

From 06/01/2015 To 06/02/2015

Ref: Folio ID - 135590 : Conf No. - 0264103335 : Guest No. - 86204 : Clerk - AL (06/01/2015)

PO/Ref#:

Page 1 / 1

Date	Department	Room	QTY	Charges	Total
6/1/15	Cash	0	0	0.00	(50.76)
6/1/15	IBA - One Bed Accessible [06/01]	113	1	45.99	45.99
6/1/15	City Tax [06/01]	113	1	4.60	4.60
6/1/15	CA Tourism Assessment [06/01]	113	1	0.17	0.17
				Net	45.99
				Total tax	4.77
				Total Charges	50.76
				Total Credit	50.76
				Balance	0.00

Thanks for staying with Us and Please Come Back Again! For Future Reservations Please Call 800-4-MOTEL6 (800-466-8356) or Go to motel6.com.

State of South Carolina
County of Aiken

Court of Common Pleas

State of South Carolina)
)
) Plaintiff,)
) v.)
))
) Julie Ann Getson,)
) Christy Nimau,)
) Georgia-Carolina)
) Enterprises, Inc.,)
) Accredited Insurance)
) Company)
)
)
) Defendants.)

Transcript of Record
2015-CP-02-01621

September 8, 2015
Aiken, South Carolina

B E F O R E:

The Honorable Doyet A. Early, III, Judge.

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

John William Weeks, Esquire
Attorney for the Plaintiff

Aaron G. Walsh, Esquire
Attorney for Defendant Georgia-Carolina
Enterprises, Inc.

Bethanie K. Creppon
Circuit Court Reporter

1 (The following proceedings were held September
2 8, 2015.)

3 MR. WEEKS: Next one is Julie Ann Getson.

4 THE COURT: All right. Tell me about Julie Ann
5 Getson.

6 MR. WEEKS: Your Honor, this is a bond for
7 Georgia-Carolina. Mr. Walsh represents the surety.

8 THE COURT: \$5,000 bond on forgery, 2014 March
9 with the arrest, bond same, 2014, indicted June of
10 2014, bench warrant March 16, 2015, still missing.

11 MR. WEEKS: Well, she's apparently in
12 California.

13 THE COURT: But she's not here.

14 MR. WEEKS: But she's not here.

15 THE COURT: Very well.

16 MR. WEEKS: She's been --

17 THE COURT: Mr. Walsh.

18 MR. WALSH: Thank you, Your Honor. To fill in
19 the facts just a little bit: So March 13 bond for
20 \$5,000. On February 6th of 2015, we became aware
21 that the Detective Harris in Crossville, Tennessee
22 was looking for this defendant. She was passing
23 counterfeit bills in Tennessee. Tennessee
24 subsequently issued a warrant or warrants for that
25 charge.

1 For whatever reason, the district attorney has
2 declined to put those warrants into NCIC and did not
3 extradite. The NCIC entry here on these warrants,
4 to my understanding, is an extradition only from
5 Georgia, North Carolina, or South Carolina; the
6 three-state extradition order. They will not
7 extradite from California.

8 A little bit of facts: March 16th, that bench
9 warrant gets issued here. April 24th of 2015, we
10 got information that the defendant was in Carson
11 City, Nevada, confirmed that information, tried to
12 locate that, she had skipped town.

13 Next, in May 2015, information came in that she
14 was in a motel or a residence in Lincolnton, North
15 Carolina; went to that residence, found she was no
16 longer there. Next learned that she's in Phoenix,
17 Arizona; pulled the Arizona statutes. That's one of
18 those statutes that had they gone to Phoenix to get
19 her, they would have exposed themselves to an arrest
20 for probably kidnapping. And I say that -- granted,
21 I don't have an Arizona law license, Your Honor, but
22 there are some states like that. Next confirmed
23 that they were in a place called Tulare, California.
24 If that pronunciation is wrong, I apologize. That's
25 where we believe that she still is.

1 Now, this is when, really, my clients did
2 everything that's possible: In California there's a
3 procedure by which you have to take your bond,
4 submit an affidavit to a magistrate, get an order
5 from a magistrate to enforce that bond. All of that
6 was done, Your Honor, there in that county of
7 Tulare, at relatively significant expense.

8 We did obtain a July 3rd, 2015 order in Tulare
9 County, California that calls for this lady to be
10 arrested and subject to recovery; however, the
11 sheriff's office in that county, as of this point,
12 has yet to do anything with that warrant, Your
13 Honor.

14 What I would say is that entire process, from
15 the filing of the affidavit to obtaining that
16 warrant there, that was all -- none of that happened
17 outside of the efforts of my client. And by
18 California law, that's what you have to do. So
19 we're stuck in a bit of an impossible situation that
20 we've done what we can do in California. Mr. Wilson
21 or his agents can't simply just go in there and
22 recover this lady. They've got to get this warrant,
23 which they've done.

24 And South Carolina, for the reasons that are
25 not mine to say, has not put into the NCIC to

1 extradite this lady from California. It's my
2 understanding that Mr. Wilson informed folks here
3 that if they would do that and there were costs
4 involved with that extradition, that he would cover
5 those costs.

6 And, again, although we certainly can't -- we
7 can't put that NCIC entry in to get her back on
8 extradition from California, but it -- we're in a
9 position that it seems that if really it was the
10 recovery of Ms. Getson that was paramount, you know,
11 that that entry might be made and that we could be
12 talking about paying the costs to bring her back
13 instead of just simply estreating the cash when we
14 know where she is, we've obtained a warrant to
15 arrest her.

16 Recognizing that she is not standing here, you
17 know, I can't avoid that fact. But there's nothing
18 legally within our power to do that I'm aware of
19 that we haven't done, Your Honor.

20 THE COURT: That's the risk they take. I'm
21 going to -- \$2,500 today and \$2,500 in 90 days. If
22 you produce her within the 90 days, that \$2,500 on
23 the back end will be waived; if not, another 25-
24 Understand? \$2,500 today, that's 50 percent; 50
25 percent in 90 days if she's not here. And if she's

1 here, that other 50 will be --

2 MR. WEEKS: That's fine. And for the record,
3 what you're saying he told somebody, he ain't told
4 me. They called me and said, we're just appealing
5 any bond estreatments because we're not liable.
6 That's the only thing I've been told, that I'm aware
7 of. So I just want to say, if there's something I
8 can do to help extradite those people, I'm here and
9 I'll do it.

10 THE COURT: Thank you.

11 -- END OF TRANSCRIPT OF RECORD --

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1 (The following proceedings were held November
2 10, 2015.)

0:15:44 3 THE COURT: Mr. Walsh, you've filed a motion to
0:15:48 4 reconsider the estreatment of the \$5,000 bond that
0:15:51 5 we did back in September, and you say that I should
0:15:54 6 have considered the Polk case. Polk sets out an
0:16:02 7 analysis that the Court must make -- Court should,
0:16:12 8 at a minimum, consider the cost to the State, as
0:16:16 9 well as the purpose of the bond and the nature and
0:16:18 10 willfulness of the default to determine whether and
0:16:23 11 to what extent a bond forfeiture should be remitted.

0:16:24 12 What does it mean, cost to the State?

0:16:28 13 MR. WALSH: There's -- it's a little unclear,
0:16:31 14 although in the later case that cited the Hinojos
0:16:36 15 case --

0:16:36 16 THE COURT: H-I-N-O-J-O-S.

0:16:41 17 MR. WALSH: Yes, sir, 713 SE 2d 351.

0:16:43 18 Essentially what they say in the later case
0:16:46 19 interpretation is the actual cost to the State --

0:16:49 20 THE COURT: Well, what cost to the State are we
0:16:52 21 talking about?

0:16:53 22 MR. WALSH: In candor, Your Honor, we'd assert,
0:16:58 23 in fact, the State has had none.

0:17:00 24 THE COURT: Okay. What if they haven't had
0:17:03 25 any? What do we do then?

0:17:03 1 MR. WALSH: Looking at the -- essentially what
0:17:03 2 I think you've got between the statute and the cases
0:17:03 3 is a three-factor test. There's the bondsman's
0:17:03 4 efforts and costs that was gone into, although --

0:17:13 5 THE COURT: Where does it say the bondsman's
0:17:16 6 efforts and costs?

0:17:17 7 MR. WALSH: Well, the nature and willfulness of
0:17:20 8 the default, Your Honor, is exactly what you're
0:17:24 9 looking at there.

0:17:25 10 THE COURT: Who is defaulting?

0:17:25 11 MR. WALSH: By the order --

0:17:28 12 THE COURT: Default meaning the fact that the
0:17:29 13 defendant doesn't show up for court?

0:17:33 14 MR. WALSH: The defendant is present in court,
0:17:33 15 that's right, Your Honor. What some of these cases
0:17:38 16 look at, Polk, going back, and then Hinojos, is how
0:17:43 17 that applies when you look at a case like this one
0:17:44 18 where we assert that the bondsman has done
0:17:46 19 everything possible.

0:17:47 20 And then third prong, we think, is very
0:17:47 21 important. And I'll be candid, I probably didn't
0:17:52 22 argue it very well at our previous hearing, so I'll
0:17:54 23 take responsibility for that. But the efforts of
0:17:56 24 the State to assist in that apprehension are cited
0:18:00 25 as something we're supposed to look at. And what

0:18:01 1 we've got here, it's not disputed that this
0:18:05 2 defendant, this -- in the NCIC, what would allow
0:18:09 3 the -- you know, the database, this person is only
0:18:12 4 to be extradited from neighboring states. If they
0:18:16 5 were put in to be extradited, the default statute --
0:18:21 6 if the bondsman here -- and he hired bounty agents
0:18:24 7 in California, if he could put her into jail under a
0:18:29 8 hold, that would work. But he can't put her into
0:18:30 9 jail in California --

0:18:30 10 THE COURT: I know. But where does it say that
0:18:34 11 in this case law? It says I shall consider, at a
0:18:39 12 minimum, the cost to the State. Well, let's assume
0:18:41 13 there's no cost to the State --

0:18:41 14 MR. WALSH: Yes, sir.

0:18:42 15 THE COURT: -- as well as the purpose of the
0:18:43 16 bond -- the purpose of the bond was to ensure the
0:18:45 17 appearance of the defendant -- and the nature and
0:18:49 18 willfulness of the default. Well, the default is
0:18:52 19 the person not showing up for court, is it not?

0:18:56 20 MR. WALSH: The default here is actually the
0:18:58 21 bondsman's failure to be able to have that person in
0:19:02 22 court, specifically. And that -- this -- and
0:19:05 23 38-53-70 is that third prong, the efforts of law
0:19:08 24 enforcement agencies to locate this defendant. And
0:19:10 25 what this comes down to, Your Honor, we've got a

0:19:11 1 situation that --

0:19:12 2 THE COURT: Well, what agencies are we talking
0:19:15 3 about and what law enforcement are we talk about?

0:19:16 4 MR. WALSH: The agency at issue here would be
0:19:19 5 the agency, we assert, that has issued a warrant on
0:19:22 6 her for counterfeiting here in South Carolina where
0:19:26 7 she would, presumably, need to come for trial. But
0:19:29 8 because -- and, essentially, whether they should or
0:19:32 9 not, I guess, is the argument.

0:19:33 10 But I don't think it's disputed if South
0:19:37 11 Carolina entered this fugitive -- I'm going to call
0:19:40 12 it flipping a switch, Your Honor -- in the NCIC and
0:19:43 13 if they would say extradite this fugitive, that
0:19:47 14 would allow my client to -- he's located her, so
0:19:53 15 far, in North Carolina, Arizona, Nevada, and
0:19:56 16 California. And each of these places, he has, at
0:20:01 17 pretty significant expense to himself or associated
0:20:05 18 agents, located this defendant.

0:20:07 19 But in each of these states, there's nothing --
0:20:09 20 you know, they look in the computer, they don't have
0:20:11 21 a warrant for it, they can't do anything. In
0:20:15 22 California, he goes a step further and actually --

0:20:16 23 THE COURT: Your client has made a lot of
0:20:21 24 effort. You concede that, don't you?

0:20:23 25 MR. WEEKS: Absolutely.

0:20:24 1 THE COURT: How does that factor in?

0:20:27 2 MR. WALSH: Essentially, Judge, what you've got

0:20:28 3 going back, Toal, in one of these cases, granted --

0:20:31 4 says this is not supposed to be a revenue matter;

0:20:32 5 what it goes to, it's supposed to ensure people's

0:20:37 6 appearance for trial. The bondsman can't do more

0:20:41 7 than what he's done.

0:20:43 8 THE COURT: I agree with you.

0:20:46 9 MR. WALSH: Yes, sir. And --

0:20:47 10 THE COURT: But what difference does that make?

0:20:49 11 MR. WALSH: Your Honor, I think if we fail to

0:20:53 12 look at the lack of costs to the State in

0:20:54 13 determining here's this \$5,000, do I, as the Judge,

0:20:58 14 in an order or the procedure that the initial

0:21:00 15 estreatment gets entered, but then it says shall

0:21:04 16 remit upon evidence -- that's a directive.

0:21:07 17 And in looking at remittance, we look at three

0:21:10 18 things: As the bondsman -- you can have a case and

0:21:14 19 I'm sure I can think of some -- the bondsman would

0:21:15 20 come in and say, we called a couple times, they

0:21:21 21 left, I can't bounty-hunt in California, what do you

0:21:21 22 want me to do? I -- we would never take that

0:21:22 23 position and argue that that in some way was

0:21:27 24 sufficient. So the first is what has been done,

0:21:28 25 what can be done; the second --

0:21:28 1 THE COURT: He's done everything. Your client
0:21:30 2 has done everything.

0:21:32 3 MR. WALSH: Yes, sir.

0:21:33 4 THE COURT: But what difference does that make?
0:21:36 5 Listen, the statute says: If a defendant fails to
0:21:39 6 appear at a court proceeding -- the defendant has
0:21:42 7 failed to do so in here -- to which he's been
0:21:44 8 summoned, the Court must issue a bench warrant for
0:21:46 9 the defendant. If the surety fails to surrender the
0:21:50 10 defendant or place a hold on the defendant where he
0:21:53 11 has been incarcerated or committed or
0:21:55 12 institutionalized within 30 days of issuance of the
0:21:59 13 bench warrant, the bond shall be forfeited. At any
0:22:03 14 time before execution is issued on a judgment of
0:22:06 15 forfeiture against your client, the defendant, or
0:22:08 16 his surety, the Court may direct that the judgment
0:22:12 17 be remitted in whole or in part, like I did here.
0:22:16 18 I'm reading from 38-53-70.

0:22:16 19 MR. WALSH: Yes, sir.

0:22:19 20 THE COURT: In whole or in part upon conditions
0:22:21 21 as the Court may impose. If it appears that justice
0:22:28 22 requires the remission of part or all of the
0:22:30 23 judgment in making the determination as to the
0:22:34 24 remission of the judgment, the Court shall consider
0:22:38 25 the cost to the State or any county or municipality

1:22:44 1 resulting from the necessity to continue or
1:22:44 2 terminate the defendant's trial -- that is not
1:22:47 3 applicable here, there is no trial -- and the
1:22:48 4 efforts of law enforcement or agencies to locate the
1:22:51 5 defendant -- I don't think there was any cost
1:22:54 6 involved in that, Mr. Weeks, was there?

1:22:56 7 MR. WEEKS: Not at this point, other than just
1:22:59 8 responding to --

1:23:01 9 THE COURT: And the Court may, in its
1:23:02 10 discretion, commit the surety to pay the
1:23:04 11 estreatments in installments for a period of up to
1:23:07 12 six months, which I did. If at any time during the
1:23:08 13 period in which installments are to be paid the
1:23:13 14 defendant is surrendered to the appropriate
1:23:14 15 detention facility and the surety complies with the
1:23:17 16 recommitment procedures, the surety shall be
1:23:19 17 relieved of any further liability. Like in this
1:23:22 18 case, the bound is within such and such time, but
1:23:26 19 the extra 2,500, he'd be relieved of that.

1:23:34 20 And that case which we're talking about, Polk
1:23:42 21 and the hardware case, Hinojos, says that I shall
1:23:51 22 consider that, but I have discretion in everything
1:24:00 23 else. So I don't know -- I mean, your argument of
1:24:00 24 what all your client has gone through, it's
1:24:01 25 admirable, and I gave him time to get him back in

1:24:05 1 here so we could cut it in half, but if loss -- the
1:24:10 2 courts have said I should only consider the purpose
1:24:14 3 of the bond, the nature of the willfulness, and any
1:24:16 4 prejudicial or additional expenses resulting to the
1:24:17 5 State.

1:24:19 6 Mr. Weeks, what is your position?

1:24:21 7 MR. WEEKS: Several things: Number one, I
1:24:24 8 don't think her default in appearing for court was
1:24:29 9 accidental. It was not. It was willful. She left.
1:24:33 10 She only left because she got let out of jail, and
1:24:33 11 she only got let out of jail because the bonding
1:24:33 12 company took a risk --

1:24:33 13 THE COURT: That's exactly right.

1:24:33 14 MR. WEEKS: -- by paying down or agreeing to
1:24:44 15 pay \$5,000 to let her out of jail on a
1:24:45 16 counterfeiting charge. She took off. They, as in
1:24:49 17 all their cases, try to keep up with their people,
1:24:53 18 but it's a cost of doing business when people run.
1:24:57 19 They take an approach with those people that are in
1:25:00 20 jail, they assess them, they evaluate, and they take
1:25:03 21 the risk, and that's what they did in this case.
1:25:04 22 There's no question this woman has avoided
1:25:10 23 apprehension and she's beyond the practical cost
1:25:14 24 range of the State trying to get her. If she was
1:25:17 25 locked up in California, it cost us more than

1:25:19 1 \$5,000, probably, to go get her in California.

1:25:23 2 But that's why they put the limitations -- and
1:25:26 3 it's a good-faith limitation -- on a \$5,000 bond or
1:25:34 4 on a \$200 counterfeiting case of the adjoining
1:25:38 5 states. If she got arrested in Georgia, we'd go get
1:25:42 6 her; if she got arrested in North Carolina, we'd go
1:25:44 7 get her. And that's after just years of having
1:25:48 8 people locked up in other places, it costs more to
1:25:52 9 go get them than the case is worth from that
1:25:54 10 standpoint.

1:25:54 11 But should she get locked up, there will be a
1:25:55 12 bench warrant for a little while. But the supremes
1:25:59 13 have managed to change that too by doing that 545
1:26:03 14 day list, and after this case gets a little age on
1:26:07 15 it, it will probably go away at some point. But the
1:26:10 16 risk they take is not something you should be
1:26:14 17 considering in revoking bond, because they assess
1:26:17 18 that risk when they take it, when they sign her out.

1:26:20 19 And the portion of the bond as to the cost to
1:26:24 20 the State, I'm just not sure what that would mean in
1:26:27 21 any situation unless we were in the middle of trial
1:26:31 22 or unless this particular trial were to require a
1:26:37 23 bunch of expert testimony or something else was
1:26:40 24 linked to it. I just don't understand and never
1:26:43 25 really have understood why the cost to the State was

1:28:05 1 has been on them like a dog on a bone, but they
1:28:10 2 haven't found them yet. And I appreciate their
1:28:13 3 efforts. And it's good for their business and it's
1:28:16 4 good for, I think, their relationship to us. But,
1:28:18 5 financially, I don't know that it matters to the
1:28:20 6 State in that regard, because if it was different,
1:28:23 7 then every single bond out there that the person is
1:28:27 8 not apprehended on is excusable. And what's the
1:28:33 9 purpose of having a bond estreatment is that was the
1:28:36 10 case? And so --

1:28:36 11 THE COURT: Mr. Walsh, I'll give you 10 days or
1:28:42 12 15 days or two weeks to get me cases or a case that
1:28:46 13 says that I have to consider the expenses incurred
1:28:49 14 by the bonding company in trying to locate the
1:28:53 15 missing defendant. I don't think they're out there.
1:28:56 16 But if there are, I will be more than happy to
1:28:59 17 consider that and reopen this hearing.

1:29:02 18 But what you're arguing to me this morning, and
1:29:08 19 if I were sitting down there, I'd be arguing the
1:29:10 20 same thing, it's the efforts, which I commend your
1:29:13 21 client of doing. They've gone beyond the call of
1:29:18 22 duty in this case. I'm glad it's not a \$50,000 bond
1:29:22 23 for them. But I don't know of any case law or
1:29:26 24 statutory requirements that I have to, in my
1:29:29 25 discretion, consider the costs and efforts by the

1:26:46 1 at issue there. It's not the cost to the bondsman
1:26:50 2 because, to me, that is no issue. So the three
1:26:53 3 factors that they keep implying and keep stating in
1:26:56 4 these --

1:26:57 5 THE COURT: Other two cases.

1:26:59 6 MR. WEEKS: The decisions are, one, it wasn't
1:27:03 7 an excusable default. I mean, she didn't forget the
1:27:09 8 court time and not show up. The second one was --

1:27:09 9 THE COURT: Cost to the State as well as the
1:27:09 10 purpose of the bond and the nature and willfulness
1:27:23 11 of the --

1:27:23 12 MR. WEEKS: Yeah. And, obviously, the purpose
1:27:23 13 of the bond is a no-brainer too; it is to ensure
1:27:29 14 that she will be back when we call her case for
1:27:33 15 trial.

1:27:33 16 And the third one, the cost to the State, if
1:27:37 17 she was locked up in California and we had to get
1:27:39 18 her, I could give you some costs. But she's not
1:27:42 19 locked up anywhere. She was locked up somewhere,
1:27:44 20 she was locked up at the Doris Gravat Detention
1:27:49 21 Center until they posted surety.

1:27:49 22 So I just think that the State has done all it
1:27:53 23 can do in a bond estreatment matter by telling you
1:27:55 24 that it wasn't an inadvertent missing of court, it
1:28:02 25 was a deliberate missing of court, and the bondsman

0:29:35 1 surety company. And if you can find me that, I will
0:29:38 2 reopen this hearing.

0:29:38 3 MR. WALSH: I don't think -- can I argue for
0:29:38 4 just a moment, Your Honor?

0:29:38 5 THE COURT: Absolutely.

0:29:39 6 MR. WALSH: Well, I didn't want to --
0:29:39 7 initially, with the State's -- this has been given
0:29:46 8 to Bill Weeks. And we can add these through
0:29:47 9 testimony, but I'd like to add these to the record.
0:29:53 10 One is a summary by Mr. Wilson of his expenses, and
0:29:57 11 there are documents --

0:29:57 12 THE COURT: We don't deny Mr. Wilson has gone
0:30:02 13 through expenses.

0:30:02 14 MR. WEEKS: We don't, and I will stipulate to
0:30:04 15 those documents.

0:30:04 16 MR. WALSH: Okay. And the last, just so the
0:30:04 17 Court knows, is the order in California that he went
0:30:06 18 and got that at least allowed his bounty hunters to
0:30:09 19 try to get the lady. And then that matches this
0:30:14 20 bill and --

0:30:14 21 THE COURT: And in fairness to your client and
0:30:15 22 you, I'll give you an additional two weeks to find
0:30:18 23 me any case law that says that those expenses have
0:30:24 24 to be taken into consideration in deciding on the
0:30:29 25 estreatment of the bond.

0:30:31 1 MR. WALSH: Thank you, sir. And again, if I
0:30:32 2 could -- just going back to that Polk case --
0:30:32 3 THE COURT: All right. I have Polk in my hand.
0:30:39 4 MR. WALSH: Yes, sir. And looking down at that
0:30:42 5 law analysis which starts on the second page --
0:30:57 6 THE COURT: Polk asserts the trial court erred
0:31:01 7 in failing to consider the cost to the State.
0:31:04 8 MR. WALSH: And it strikes me, though I don't
0:31:07 9 have that trial record, that the absence was the
0:31:09 10 same. In reading that, it appears that the State
0:31:13 11 did not assert that they had costs. And in that
0:31:17 12 estreatment on Polk, which I believe -- and they go
0:31:22 13 in some length as to, you know, we have to construe
0:31:26 14 it in its plain meaning, that it strikes me that the
0:31:29 15 cost to the State, that everyone here, Your Honor,
0:31:34 16 perhaps myself included, has said I'm not certain
0:31:35 17 what exactly that may mean.
0:31:37 18 But this order says -- as the people involved,
0:31:41 19 we've got to figure that out and take it into
0:31:42 20 consideration. I'll just raise that. Your Honor,
0:31:44 21 if we have an order that says we don't know what
0:31:44 22 that it, we didn't consider it, I just think that's
0:31:51 23 going to be against Polk, Your Honor.
0:31:51 24 THE COURT: Well, we all agree that it is no
0:31:53 25 cost to the State.

1:31:54 1 MR. WEEKS: Not at this point. Only if she
1:31:59 2 were locked up somewhere and we had to get her.

1:32:03 3 THE COURT: I've considered that.

1:32:03 4 And in reading that, Mr. Walsh, it says:
1:32:03 5 Further, we hold the Court erred in refusing to
1:32:05 6 consider the State's costs. The overriding purpose
1:32:09 7 of requiring a criminal defendant to post bond
1:32:14 8 before his release from custody is to ensure his
1:32:15 9 appearance at trial.

1:32:17 10 As guarantor, the surety on an appearance bond
1:32:19 11 undertakes the risk of forfeiture in the event that
1:32:24 12 the defendant does not appear for trial, thus the
1:32:29 13 possible forfeiture of bond is incentive for
1:32:29 14 sureties to insure the appearance of the defendant.

1:32:33 15 The issue of whether a bond forfeiture should
1:32:35 16 be remitted and, if so, to what extent, is vested in
1:32:39 17 the discretion of the trial judge. And for me not
1:32:43 18 to abuse my discretion, it says that I have to
1:32:44 19 consider the cost to the State and those other two
1:32:47 20 factors that we've already talked about this morning
1:32:51 - 21 as set out in these cases.

1:32:51 22 Fifteen days to give me something additional;
1:32:55 23 otherwise, the motion is denied.

1:32:57 24 MR. WALSH: Thank you, Your Honor. May I
1:33:00 25 please note one more thing that I think may --

0:33:00 1 THE COURT: Certainly.

0:33:02 2 MR. WALSH: I would just note that this was a

0:33:03 3 March 2014 warrant, and the failure to appear did

0:33:08 4 not occur until March of 2015.

0:33:12 5 THE COURT: Okay.

0:33:12 6 MR. WALSH: Thank you, sir.

0:33:12 7 THE COURT: Now, I assume what you're doing is

0:33:15 8 making a record for some further review of this

0:33:19 9 case, so I would --

0:33:20 10 MR. WALSH: I don't know, Your Honor. I --

0:33:20 11 yes, sir.

0:33:21 12 THE COURT: If you due -- I'm not assuming

0:33:21 13 that -- let's mark these so you'll be protected and

0:33:25 14 have them in the record.

0:33:25 15 (Court's Exhibit No. 1 marked for

0:33:30 16 identification.)

0:33:30 17 MR. WALSH: Yes. Thank you.

0:33:35 18 THE COURT: Good morning, sir.

0:33:35 19 MR. WILSON: Good morning, sir. Sir, may I

0:33:35 20 address you for a moment, please?

0:33:35 21 THE COURT: You may.

0:33:35 22 MR. WILSON: My main concern right now is not

0:33:38 23 to the cost to the State, it's not that we didn't do

0:33:38 24 our job or anything of that nature. The main

0:33:46 25 concern right now is other states is prohibiting us

0:33:49 1 from coming into the state and apprehending these
0:33:55 2 people and bringing them back.

0:33:57 3 THE COURT: I can understand your frustration.
0:34:04 4 I don't know how I can handle that.

0:34:04 5 MR. WILSON: You can't, sir.

0:34:04 6 THE COURT: Something must be through the
0:34:06 7 Legislature or -- I mean, gosh almighty, that does
0:34:06 8 seem frustrating.

0:34:08 9 MR. WALSH: I think the issue is, Judge, if the
0:34:11 10 Court were to rule, well, you spent in addition of
0:34:11 11 the bond trying to get this person, and in equity
0:34:17 12 I'm going to hold it, perhaps that incentivizes the
0:34:20 13 spending of the money to try to get people.

0:34:23 14 That's --

0:34:23 15 THE COURT: I understand.

0:34:24 16 MR. WALSH: Thank you, sir.

0:34:27 17 THE COURT: But, you know, I practiced law for
0:34:28 18 30 years. The cost of doing business is paying
0:34:31 19 experts and doing all that. You can sit right there
0:34:32 20 and try a case and you got \$100,000 tied up in your
0:34:36 21 case and the jury brings back a defense verdict,
0:34:37 22 sometimes I wish I could get my money back. That
0:34:41 23 happened to me a couple times and, believe me, it
0:34:45 24 hurts.

0:34:46 25 MR. WALSH: I'd go for the risk of the hourly

1:34:50 1 rate with no chance of windfall because I'm risk
1:34:54 2 averse.

3 THE COURT: Thank you all.

4 -- END OF TRANSCRIPT OF RECORD --

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Doyet A. "Jack" Early, III, Circuit Court Judge

Case Number: 2016-000140

The State of South Carolina Respondent,

v.

Julie Ann Getson, Defendant; Christy Nimau, Georgia-Carolina Enterprises, Inc., Surety,
and Accredited Insurance Co., Insurance Company,
Of which Georgia-Carolina Enterprises, Inc. is the.....Appellant

CERTIFICATE OF COUNSEL

The undersigned hereby certifies this Record on Appeal conforms to Rule 210, and
that this record contains no matter which is irrelevant to this appeal.

May 5, 2016



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