

STATE OF SOUTH CAROLINA )  
)  
)  
vs. )  
)  
)  
Christopher Deshawn Elmore, )  
)  
Defendant. )  
\_\_\_\_\_ )

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Warrant # W-02-16-0077

**RECEIVED**  
SEP 06 2016  
SC Court of Appeals

**RULE 203(B) EXPLANATION**

Pursuant to Rule 203(B)(2) of the South Carolina Rules of Appellate Practice, the undersigned asserts that she does not have a good faith basis to believe that any issues are properly before the Court of Appeals; and the undersigned did not object to the sentence or file a motion to reconsider the sentence. Nevertheless, the undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. See *Frazer v. South Carolina*, 430 F.3d 696, 706 (4<sup>th</sup> Cir. 2005) ("A defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate on behalf of his client.'") (quoting *Anders v. California*, 386 U.S. 738, 744 (1967)).

Respectfully submitted,



Michael Routzong  
2<sup>nd</sup> Circuit Assistant Public Defender  
Post Office Drawer 2247  
Aiken, SC 29802  
(803) 642-1732

Aiken, South Carolina  
September 1, 2016

STATE OF SOUTH CAROLINA

County of Aiken  
STATE VS.

AKA: Christopher Elmore  
Race: W Sex: Male  
DOB: 12/29/1977  
SSN: 217-4-1171  
SID#: 0061007

IN THE COURT OF GENERAL SESSIONS  
Inactment Number:

2016 - GS - 12 - 00217  
Probation C/W#: 16-12-11-0077  
Name of Original Offense: Aggravated Assault  
Original A/W#: 2016-00217  
Date of Original Offense: 11/21/15  
Conviction S.C. Code §: 16-11-1100  
Conviction CDR Code #: 2 1 1 1 7 1 7  
Original Sentence: 1 year 6 months 15 days

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ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 11/13/15 in the Court of General Sessions of Aiken County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 11/12/15, as set forth in the attached warrant(s) or citation(s) dated 11/12/15. After hearing the evidence and being duly advised, in the presence/absence of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

2, 3, 4, 10, 11

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 2 months/years, the remainder of the original sentence, and/or pay \$ \_\_\_\_\_.
- the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years of the original sentence and/or pay \$ \_\_\_\_\_; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first or third degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies:
  - Department fees (arrearage)
  - Fines and other fees (arrearage / balance)
  - Restitution (and 20%) (arrearage / balance)
- Civil judgment:
  - Department fees
  - Fines and other fees
  - Restitution (and 20%)
- Additional Conditions ordered by the Court:  
Revoke 2 year and 6 months 15 days probation. Credit for time served. Credit judgment for prior probation.
- 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 90 day months/years on this sentence.  
(split sentence time and/or prior partial revocation time)
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 22 day of August, 2016  
Aiken, SC

[Signature]  
Presiding Judge Judicial Circuit

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

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

Offender's Signature  
Christopher Elmore

Witnessed by  
[Signature]

Signed this 22 day of August at Aiken SC

Michael

642-1739

**Christopher Elmore**

**RECEIVED**

SEP 06 2016

SC Court of Appeals

On 08/22/2016, Judge Early revoked Two years and terminated offender's probation; exempt SF(Department Fee) arrearages; Civil Judgment ordered for fine balance(\$648.90) Give credit for time served(Indictment# 2015-GS-02-347)

Form 9 was hard to read  
Lisa (C)

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

Offender's Name: CHRISTOPHER DESHAWN ELMORE

State of South Carolina, County of: AIKEN

SID#: 01648037

Warrant#: W-02-16-0077

Date of Birth: 12/27/1987

SCDC#:

Offense and Offense Code:  
 2877 - Enhancement for 3rd or sub. offense.  
 Value \$2000 or less (see 16-01-0057)

Indictment Numbers:  
 15-GS-02-00347

Supervision Program: Probation  
 Supervision Level: Inpatient

Begin Date: 8/13/2015  
 Potential End Date: 6/3/2017

End Date: 2/12/2018  
 Adjusted End Date: 1/23/2018

Sentencing Judge: 2154 - Griffith, Jr., Eugene  
 Sentencing Date: 8/13/2015  
 Location (Bold Response): Jail

Sentencing County: AIKEN

**Sentence:**

4 years provided upon the service of 90 days suspended to 30 months of Probation.

**Special Conditions:**

- Restitution- \$300 + 20%
- Fine- \$648.90
- Substance Abuse Counseling - \*Hold for bed for in-patient
- Random Drug Alcohol Testing
- Probation Terminated Upon Payment

**Current Address and Summary of Residence:**

345 AIKEN ROAD, AIKEN, SC, AIKEN, USA,

**Reporting:**

Mr. Elmore has not reported since 4/6/2016.

**Employment Records While Under Supervision:**

Employer	Dates (from -to)	Reason(s) for Leaving	Earnings
AIKEN VOCH REHAB. CENTER	3/2/2016 -		\$400.00

**Financial Conditions:**

	Total Amount ordered	Pay Period	Total Paid	Date Last Paid	Arrearage	Balance Due
Fees						
DNA Fee	\$250.00	\$10.00/M	\$0.00		\$120.00	\$250.00
Drug Test Fee	\$20.00	\$20.00/M	\$0.00		\$20.00	\$20.00
Regular Supervision	\$2,000.00	\$50.00/M	\$0.00		\$600.00	\$2,000.00
Fines						
Court Ordered Fines	\$648.90	\$22.00/M	\$0.00		\$264.00	\$648.90
Restitutions						
Dept. Admin. Ct. Ordered Re	\$360.00	\$14.00/M	\$0.00		\$168.00	\$360.00

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

Offender's Name: **CHRISTOPHER DESHAWN ELMORE**

Prior Violation Dates	Prior Violations	Prior Violation Disposition
3/1/2016	Christopher Elmore has failed to follow the advice and instructions of his agent by: Failing to refrain from violating state or local laws by being convicted of DOC in Aiken Magistrate Court on 2/6/2016 and possession of a dangerous weapon.	Notice of Violation and Response: Must not violate any state or local laws; Must not be in possession of any dangerous weapon; Zero tolerance for any further violations.

**Details of the Present Violation:**

Christopher Elmore has failed to follow the advice and instructions of his agent by: Failing to obtain the consent of his agent prior to changing his residence from 345 Aiken Road, Aiken, SC being confirmed by his mother on 5/12/16, making his whereabouts unknown; Failing to pay Restitution as ordered, arrearage \$112.00 balance \$360.00; Failing to pay the Court ordered Fine, arrearage \$176.00, balance \$648.90; Failing to pay supervision fees, arrearage \$400.00; Failing to pay the \$20.00 drug test fee which constitutes a violation of conditions 2, 7, 9, 10 and 11 of his probationary sentence.

**Agent's Recommendation:**

Revocation

**Agent's Justification:**

Christopher Elmore has shown a willful disregard to the conditions of his Probationary Sentence. He has failed to report as instructed and failed to gain the consent of his Agent prior to changing his residence from 345 Aiken Road, Aiken SC as being confirmed by his mother on 5/12/2016. Due to the willful failure to abide by the conditions of his Probationary Sentence, Mr. Elmore should be required to serve a portion of his suspended sentence.

Shaynel P. Favor

Agent

Date: 8/12/2016

Supervisor's Signature

*Camille June*

Date: 8/12/16

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

Probation  
ARREST WARRANT

Indictment Number 15-GS-02-00347

Warrant Number W-02-16-0077

State Identification No. (SID) 01648037

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


It appearing from the attached affidavit that there are reasonable grounds to believe that CHRISTOPHER DESHAWN ELMORE, did on the 12 day of May, 2016  
violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:  
Christopher Elmore has violated conditions 2, 7, 9, 10 and 11 of his probationary sentence ordered in Aiken County General Sessions Court.

Now, therefore, you are empowered and directed to arrest the said defendant and bring CHRISTOPHER DESHAWN ELMORE before me forthwith to be dealt with  
according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at  
AIKEN, S. C. this 12 day of May, 2016.

County of AIKEN

STATE OF SOUTH CAROLINA

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

AFFIDAVIT

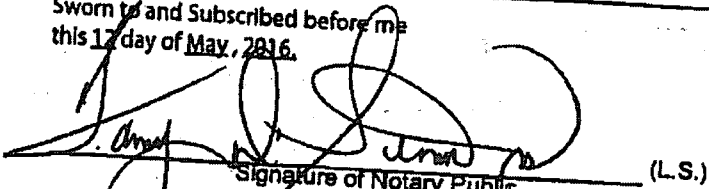
Personally appeared before me, one Donald E. Murphy, who, first being duly sworn, deposes and says that CHRISTOPHER DESHAWN ELMORE did within this County  
and State on the 12 day of May, 2016, violate the criminal laws of the State of South Carolina in the following particulars:

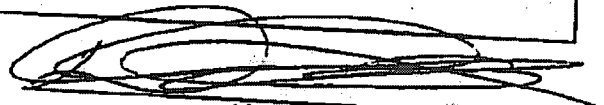
DESCRIPTION OF OFFENSE:  
Christopher Elmore has violated conditions 2, 7, 9, 10 and 11 of his probationary sentence ordered in Aiken County General Sessions Court.

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

Christopher Elmore has failed to follow the advice and instructions of his agent by: Failing to obtain the  
consent of his agent prior to changing his residence from 346 Aiken Road, Aiken, SC being confirmed by his  
mother on 5/12/16, making his whereabouts unknown; Failing to pay Restitution as ordered, arrearage \$112.00  
balance \$360.00; Failing to pay the Court ordered Pine, arrearage \$176.00, balance \$648.90; Failing to pay  
supervision fees, arrearage \$400.00, Failing to pay the \$20.00 drug test fee which constitutes a violation of  
conditions 2, 7, 9, 10 and 11 of his probationary sentence.

Sworn to and Subscribed before me  
this 12 day of May, 2016.

  
Signature of Notary Public (L.S.)  
My Commission Expires 7-14-2019

  
Affiant

Address: P.O. BOX 2194  
AIKEN, SC 29802-2194  
AIKEN  
USA  
(803) 641-7690

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF

AIKEN

THE STATE

against

CHRISTOPHER DESHAWN ELMORE

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 5/12/2016

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

Donald E. Murphy

Disposition

Sentence

Co-Defendants

INFORMATION ON DEFENDANT

Name CHRISTOPHER DESHAWN ELMORE

Address 345 AIKEN ROAD AIKEN, SC

Phone (803) 392-5019

Sex Male Race Black Height 509

Weight 165 Birth date 12/27/1987

Social Security Number 251-73-5179

INFORMATION ON WITNESSES

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

PRELIMINARY HEARING held by

Magistrate

on

with

Attorney for the Defendant

Decision

BAIL

Date Set

Magistrate

Amount

Surety

Constable or Law Enforcement Officer

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

Christopher Elmore

on the 31 day of May, 2016

[Signature]

Constable or Law Enforcement Officer

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

(L.S.)

Signature of Judge