

**ORIGINAL**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from York County

Honorable Daniel D. Hall, Circuit Court Judge

**RECEIVED**  
SEP 07 2016  
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

SHANNON HENDERSON

APPELLANT

APPELLATE CASE NO 2016-001222

RECORD ON APPEAL

ROBERT M. PACHAK  
Appellate Defender

ALAN WILSON  
Attorney General

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

MATTHEW C BUCHANAN  
General Counsel  
S.C. Department Probation, Parole &  
Pardon Services  
P.O. Box 50666  
Columbia, SC 29250

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

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1 STATE OF SOUTH CAROLINA )  
2 COUNTY OF YORK ) IN THE COURT OF GENERAL SESSIONS

3  
4 THE STATE )  
5 -vs- ) TRANSCRIPT OF RECORD  
6 SHANNON HENDERSON, ) 2015-GS-46-01913  
7 DEFENDANT. ) MAY 27, 2016  
YORK, SOUTH CAROLINA

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9

10 B E F O R E:  
11 THE HONORABLE DANIEL HALL, JUDGE.  
12

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16 A P P E A R A N C E S:  
17 DANIEL PORTER, ASSISTANT SOLICITOR  
ATTORNEY FOR THE STATE  
18  
19 WALTER DUSKY, ASSISTANT PUBLIC DEFENDER  
ATTORNEY FOR THE DEFENDANT  
20  
21 SHERESE WILSON, PROBATION AGENT  
APPEARING FOR THE DEPARTMENT OF PROBATION

22  
23  
24  
25

MICHAEL R. WATTS  
CIRCUIT COURT REPORTER

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WITNESSES

PAGE

(NO WITNESSES CALLED)

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EXHIBITS

NO.	DESCRIPTION	ID.	EV.
(NO EXHIBITS MARKED)			

1 (PROCEEDINGS, MAY 27, 2015)

2 THE COURT: Yes, ma'am.

3 PROBATION AGENT WILSON: May it please the court,  
4 Your Honor, we are here on behalf Ms. Shannon Henderson.

5 She is currently on probation for felony driving  
6 under the influence with great bodily jury, Indictment  
7 Number 2015-GS-46-1913.

8 She was sentenced to probation for ten years, upon  
9 the service of ninety days. The balance was suspended for  
10 thirty-six months probation.

11 Ms. Henderson has no prior violations.

12 The details of her present violation is shown in  
13 Warrant W-46-16-106.

14 The subject -- her prior report was failure by  
15 notifying authorities on April 4th, 2016. The subject  
16 failed to refrain from violating federal, state, or local  
17 law by being arrested on April 2nd, 2016, for DWI, which is  
18 driving while intoxicated, in Brevard, North Carolina.

19 She failed to refrain from using alcohol to  
20 excess, having a BAC level of .13.

21 She failed to follow special conditions of  
22 subject's probationary agreement having been found to be  
23 driving on April 2nd, 2015.

24 She failed to complete ninety days on her SCRAM  
25 monitor successfully.

1           She failed to complete substance abuse counseling  
2           in a timely manner and failed to pay monetary obligations,  
3           having paid nothing since she's been placed on probation.

4           Such actions constitute a willful violation of  
5           conditions 3, 6, 7, 9 and 10.

6           Ms. Henderson had a preliminary hearing in front  
7           of our administrative hearing officer on May 9th, 2016,  
8           which is included in your packet. The hearing officer has  
9           prepared his findings and recommendation.

10           We also have the victims here in this case and the  
11           solicitor's office would like to speak when appropriate.

12           THE COURT: All right.

13           Mr. Dusky, do you represent Ms. Henderson in this  
14           matter?

15           MR. DUSKY: Yes, Your Honor..

16           THE COURT: All right. You have heard -- have you  
17           had a chance -- have you received a copy of the violation  
18           report?

19           MR. DUSKY: I have, Your Honor, and before we go  
20           any further I would like to go ahead and ask for a  
21           continuance. All of us had met in your chambers prior to  
22           the start of court today, but I wanted to renew my motion  
23           for a continuance.

24           She -- the DWI, as they say in North Carolina, her  
25           court date is scheduled for June 16th of this year. I would

1 respectfully ask the court to continue this violation of  
2 probation hearing until at least that date.

3 THE COURT: All right. Thank you, Mr. Dusky.

4 We did -- I did meet with Mr. Dusky and the  
5 probation agent in chambers. He discussed his request to  
6 continue the case and I told him then in chambers that I  
7 would not continue and I will -- that would be the ruling on  
8 your motion here in court, but I deny that.

9 MR. DUSKY: Yes, Your Honor.

10 THE COURT: All right. What do you want to say  
11 about the alleged violation?

12 MR. DUSKY: Your Honor, Ms. Henderson admits to  
13 doing this. The facts are what they are.

14 She has indicated to me she has multiple  
15 sclerosis, which is a debilitating disease.

16 She also is under a very expensive medication  
17 that -- and I'll allow her to explain that part of it, but  
18 the premise is that it's -- it's not -- she can't think  
19 clearly when she's on it. That doesn't excuse in any shape  
20 or form what she did and why she did what she did, but it's  
21 one of those things, Your Honor, where the facts are what  
22 they are.

23 She does have three kids that she takes care of.

24 Her husband, Mr. Carl Mitchell, III is here and he  
25 would also like to address the court at the appropriate

1 time.

2 We just ask Your Honor -- the agency is  
3 recommending a full revocation. We would ask Your Honor for  
4 a partial revocation and continue her on probation.

5 Thank you, Your Honor.

6 THE COURT: All right. Thank you.

7 Let me hear from whoever wants to speak on behalf  
8 of the State.

9 PROBATION AGENT WILSON: If I may have our victim?  
10 State your full name for the court.

11 DENNIS BERIGAN: Dennis Berigan, B-E-R-I-G-A-N.

12 Thank you, Your Honor --

13 THE COURT: Yes. Mr. Berigan, thank you.

14 DENNIS BERIGAN: -- for allowing me to address the  
15 court.

16 I'm here on behalf of my wife, who was the victim,  
17 that is in the courtroom, but asked me to read her statement  
18 at this time.

19 THE COURT: I'll be glad to hear that.

20 DENNIS BERIGAN: "Your Honor, on February 3rd,  
21 2015, I was involved in a car accident when the vehicle Ms.  
22 Henderson was driving crossed into my lane. As a result of  
23 this accident my car was totaled and I suffered multiple  
24 contusions, but my mother took the brunt of the accident  
25 fracturing her spine and sternum. Her life will never be

1 the same as a result of this accident. It was just a few  
2 months ago that we were in court listening to Ms. Henderson  
3 say she took responsibility for her actions causing the  
4 accident and she vowed to make positive lifestyle changes in  
5 her future. We left the courtroom feeling confident that  
6 she would make better decisions to become a more responsible  
7 individual. After such a short period of time to have  
8 broken those promises is more than disappointing. Ms.  
9 Henderson made bad health decisions driving against doctors  
10 orders, bad legal decisions breaking the conditions of her  
11 probation by once again driving under the influence and bad  
12 personal decisions driving while impaired and having yet  
13 another accident. Thankfully no one else was harmed. It's  
14 been eighteen months and my family and I still live daily  
15 with the repercussions of this accident. At this point in  
16 her life Ms. Henderson is not capable of making good  
17 decisions on her own. Therefore, we are asking the court to  
18 hold her accountable for her actions, to prevent her from  
19 hurting herself or others for the remainder of her  
20 sentence."

21 THE COURT: All right. That you.

22 DENNIS BERIGAN: Thank you, Your Honor.

23 THE COURT: Ms. Wilson, anything?

24 PROBATION AGENT WILSON: No, Your Honor.

25 THE COURT: All right, Mr. Porter?

1 MR. PORTER: Yes, sir, Your Honor.

2 Just briefly, I just want to make the court aware  
3 of the facts that was surrounding the original violation.  
4 The defendant did strike Ms. Berigan's car. She had a blood  
5 alcohol concentration of .08. She tested positive for  
6 cocaine. Multiple witnesses witnessed her cross over the  
7 center line and hit the victims.

8 Your Honor, while out on bond she had multiple  
9 violations of her alcohol monitoring that were not reported  
10 to the solicitor's office until the day of the plea.

11 Your Honor, then in addition we find that not even  
12 ninety days after her home incarceration sentence is over  
13 she has multiple violations that the home incarceration  
14 people have been trying to notify us of. Our office  
15 received no notification of that, of those violations, of  
16 the conditions of her SCRAM monitoring, and she has again  
17 crashed the car with a .13 blood alcohol concentration.

18 Your Honor, she's not capable of being outside in  
19 public with cars accessible.

20 Judge Mark Hayes had a very clement sentence and  
21 offered her the opportunity to do better. She had a  
22 specific instruction not to drive. She failed to even  
23 complete that simple instruction, Your Honor, and we would  
24 ask for a full revocation.

25 THE COURT: All right. Thank you.

1 Anything else, Ms. Wilson?

2 PROBATION AGENT WILSON: No, Your Honor, just I  
3 wanted to refer to the recommendation from our  
4 administrative hearing officer, which is in your packet.

5 THE COURT: All right. Thank you.

6 I find that there is a willful substantial  
7 violation of her probation.

8 Mr. Dusky, I'll be glad to hear from anybody else  
9 that you have.

10 MR. DUSKY: Yes, Your Honor.

11 Mr. Mitchell?

12 THE COURT: Yes, sir, if you would state your  
13 name?

14 CARL MITCHELL: Carl Mitchell.

15 THE COURT: Mr. Mitchell, I'll be glad to hear  
16 from you.

17 CARL MITCHELL: We just got mattered. I have  
18 known her my whole life, every since we are babies, and we  
19 were raised together. And she -- I have watched since she's  
20 been diagnosed with this disease that's killing her. I'm  
21 with her every day.

22 I find her in the bathroom sometimes on the floor  
23 passed out. She has seizures and stuff. It doesn't excuse  
24 anything that she's done, but I got three kids and it's the  
25 only -- she is the only mother that they know since she's

1 come into their lives and their grades are better.

2 I don't -- I mean, it's going to be really hard  
3 for me to try to raise these kids by myself and ten years is  
4 a long time. Even on the outside ten years is long. Some  
5 people -- this disease is bad. I watch it every day. I  
6 just ask that you just please have some empathy, maybe.

7 THE COURT: All right. Thank you for being here.

8 CARL MITCHELL: Yeah, and thank you for your time.

9 THE COURT: All right.

10 CARL MITCHELL: Thank you for listening to me.

11 THE COURT: All right. Thank you.

12 CARL MITCHELL: Yes, sir.

13 MR. DUSKY: Your Honor, we have one other. It's  
14 her mother Rosalee Tomlin.

15 THE COURT: Yes, ma'am, if you would state your  
16 name.

17 ROSALEE TOMLIN: Rosalee Tomlin.

18 THE COURT: Yes, ma'am.

19 ROSALEE TOMLIN: As my son-in-law had earlier  
20 stated, but I would like to elaborate a little more.

21 Shannon has been dealing with the MS severely for  
22 the last two years and just got diagnosed about six months  
23 ago. And during that time I have seen her mental --

24 THE COURT: Hold on a minute.

25 (Off the record)

1 (Back on the record)

2 THE COURT: Okay.

3 ROSALEE TOMLIN: I have seen her mental state  
4 decline. I have seen her become seriously and severely  
5 depressed and suicidal. And due to the MS and the lesions  
6 in her brain and the areas that they are located at, I have  
7 seen personality changes. I have seen behavior changes.  
8 This.

9 Is a horrible disease and most people don't  
10 understand because you can't see it on the outside, and it's  
11 affected every aspect of her life and affected her decision  
12 making, her cognitive thinking.

13 She is currently going to her drug and alcohol  
14 classes and she is -- they had put her on medication for her  
15 MS and she had a severe reaction to that and was having  
16 psychotic episodes. And she has scars all over her body  
17 from the medication and the disease, and there are days she  
18 can't get out of bed.

19 And she -- like I said, she is willing to own her  
20 responsibility for her actions, but I just ask that you show  
21 some mercy.

22 And she is trying to do better with the drug and  
23 alcohol classes and I think she would also benefit from  
24 maybe an in-patient treatment. And I'm terrified that if  
25 she goes to jail, that she won't get the medical treatment

1 for her MS that she needs.

2 THE COURT: All right. Thank you, ma'am.

3 ROSALEE TOMLIN: Thank you.

4 THE COURT: Anything else, Mr. Dusky?

5 MR. DUSKY: No, Your Honor.

6 THE COURT: Ms. Henderson, anything that you want  
7 to say?

8 THE DEFENDANT: I would just like to apologize for  
9 my actions and I take full responsibility. I completely  
10 understand the impact that it's caused on everyone. And, of  
11 course, if I could take it back, I would do it, in hopes  
12 of --

13 I am trying to better myself. I am going to my  
14 classes. I'm on house arrest now and I have -- currently I  
15 have no problems with that. I have no violations on that,  
16 and understand, especially the victims about family, that I  
17 have been active and not on the house arrest. I'm not a  
18 danger to society because I stay at home. I take care of my  
19 children and that's -- I would just ask that you would  
20 please that into consideration.

21 THE COURT: All right. Thank you, Ms. Henderson.

22 THE DEFENDANT: Yes, sir.

23 THE COURT: What -- I think what's been presented  
24 to the court today on -- by -- on both sides is that  
25 obviously you have a -- you have some physical issues.

1       However, treatment with alcohol has been your choice of one  
2       way to deal with it and obviously that is clearly improper  
3       and, in fact, you are a danger to yourself, a danger to the  
4       community, a danger to your family, and it appears that you  
5       have -- up until this point you have not been able to abide  
6       by the probation that was given to you by Judge Hayes. So  
7       what we are going to do is going to revoke six years, order  
8       ATU treatment.

9                 We will continue you on probation, once you  
10       complete the six year sentence. Thank you.

11                 (END OF REQUESTED TRANSCRIPT OF RECORD)

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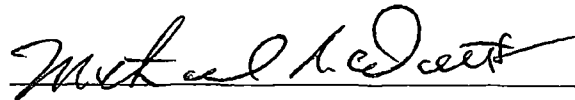
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CERTIFICATE

I, the undersigned, Michael R. Watts, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for YORK County, South Carolina, on the 27th day of May, 2016.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

JUNE 26, 2016



Michael R. Watts  
Circuit Court Reporter

WITNESSES

SCHP

Witnessing Officer: *Shank*

ARREST WARRANT NUMBER

Direct Indictment *2015GS46 01913*

ACTION OF GRAND JURY

~~TRUE BILL~~

*Shirley Sanders*  
Foreperson of Grand Jury  
Date: *6/18/15*

VERDICT

Foreperson of Grand Jury  
Date:

Direct Indictment  
DOCKET NO. 2015-GS-46-01913

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JUNE 18, TERM 2015

THE STATE

VS.

SHANNON RENEE HENDERSON

INDICTMENT FOR

FELONY DUI, GREAT BODILY INJURY

SC Code: § 56-05-2945(A)(1)  
CDR Code: 0406

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I  
hereby appear in my own proper person and plead guilty to the within indictment or to

*[Signature]*  
Defendant

Witness:

*L Bonfield Court*  
C.C.C. PLS. AND G.S. *Specialist*

STATE OF SOUTH CAROLINA  
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on June 18, 2015, the Grand Jurors of York County present upon their oath:

**FELONY DUI, GREAT BODILY INJURY**

The defendant, Shannon Renee Henderson, did on or about February 3, 2015, in York County, while driving a motor vehicle under the influence of alcohol, drugs, or a combination thereof do an act forbidden by law or did neglect a duty imposed by law in driving of said vehicle, by failing to operate vehicle in a safe and reasonable manner and failed to maintain proper control of vehicle, which act or neglect proximately caused injury to a person other than the defendant, to wit: the defendant did cause great bodily injury to Carmen Thompson, the passenger in the vehicle driven by Brenda Berigan, all in violation of Section 56-05-2945(A)(1), *Code of Laws of South Carolina* (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



---

DANIEL K. PORTER  
ASSISTANT SOLICITOR

COUNTY OF YORK  
STATE VS.

SHANNON RENEE HENDERSON

INDICTMENT/CASE#: 2015GS4601913  
A/W: Direct Indictment from ticket H102092  
Date of Offense: 02/03/2015  
S.C. Code §: 56-05-2945(A)(1)  
CDR Code #: 0406

AKA: \_\_\_\_\_  
Race: White Sex: F Age: 37  
DOB: 02/24/1978 SS#: \_\_\_\_\_  
Address: 19538 Green Hill Drive 150 Bird Haven Ln.  
City, State, Zip: Charlotte, NC 28278  
DL# 9848944 SID# SC985620

**ORIGINAL**  
**SENTENCE SHEET**

\*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: Felony DUI, Great Bodily Injury

In violation of § 56-05-2945(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0406

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45  
(CSC w/minor 1<sup>st</sup> or Lewd Act)

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury,  (def.'s initials)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

Daniel K. Porter 101574 Shannon R. Henderson 68307  
Daniel K. Porter, Assistant Solicitor 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 10 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 90 days/months/years and or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for 36  
months/years and subject to South Carolina Department of Probation, Parole and Pardon Service 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. 1 day  
 The Defendant is to be placed on 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: \$ Open for later \$ \_\_\_\_\_ days/hours Public Service Employment  
Payment Terms: \_\_\_\_\_ Obtain GED

Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

*Fine:		\$
§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ <u>100.00</u>
§56-5-2995 (DUI Assessment)	\$12	\$ <u>12.00</u>
§56-1-286 (DUI Breath Test)	\$25	\$ <u>25.00</u>
Proviso 47.9 (Public Def/Prob)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§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 (SCCA Surcharge)	\$5	\$
3% to County (if paid in installments)	\$	\$
<b>TOTAL</b>		\$ <u>132.00</u>

Attend Voc. Rehab. Or Job Corp. \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling Final/Partial

Random Drug/Alcohol Testing

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_

\$ \_\_\_\_\_ Paid to Public Defender Fund

Other: Compliance with ALB's Order related to M.S., no driving, if in the DOC provide ATU.

\_\_\_\_\_

\_\_\_\_\_

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

Clerk of Court/Deputy Clerk: David Hamilton  
Court Reporter: Aminah Hardy  
SCCA/217 (03/2011)

Presiding Judge: \_\_\_\_\_  
Judge Bar ID: \_\_\_\_\_ Judge Code: 2132  
Sentence Date: 1/27-16

RETURN

\_\_\_\_\_

Constable or Law Enforcement Officer

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

*X [Signature]*

\_\_\_\_\_

on the 12 day of April, 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 dealt with according to law.

\_\_\_\_\_  
(L.S.)  
Signature of Judge

STATE OF SOUTH CAROLINA

COUNTY OF

YORK

THE STATE

against

SHANNON R HENDERSON

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 4/7/2016

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

Amberelle Nichole Boyle

Disposition \_\_\_\_\_

Sentence \_\_\_\_\_

Co-Defendants \_\_\_\_\_

INFORMATION ON DEFENDANT

Name SHANNON R HENDERSON  
Address 150 BIRD HAVEN LANE  
BREVARD, NC 28712  
Phone (828) 556-9033  
Sex Female Race White Height \_\_\_\_\_  
Weight \_\_\_\_\_ Birth date 2/24/1978  
Social Security Number 244-27-7260

INFORMATION ON WITNESSES

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_

PRELIMINARY HEARING held by

Magistrate \_\_\_\_\_  
on \_\_\_\_\_  
with \_\_\_\_\_

Attorney for the Defendant

Decision \_\_\_\_\_

BAIL

Date Set \_\_\_\_\_  
Magistrate \_\_\_\_\_  
Amount \_\_\_\_\_  
Surety \_\_\_\_\_

Form 10.1-Arrest Warrant  
Form Approved by  
SC Attorney General  
Section 17-13-160  
March 16, 1978

**STATE OF SOUTH CAROLINA**  
COUNTY OF YORK

Probation  
**ARREST WARRANT**

Indictment Number 15-GS-46-01913

Warrant Number W-46-16-0108

State Identification No. (SID) 01935620

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

It appearing from the attached affidavit that there are reasonable grounds to believe that SHANNON R HENDERSON, did on the 7 day of April, 2016 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Probation violation concurrent to Section 24-21-430 in that the above named Defendant has violated the conditions of her Probationary sentence imposed by Judge Mark Hayes in the 01/27/2016 term of General Sessions Court holden York County, York South Carolina.

Now, therefore, you are empowered and directed to arrest the said defendant and bring SHANNON R HENDERSON 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 YORK, S. C. this 7 day of April, 2016.

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

County of YORK

**STATE OF SOUTH CAROLINA**

**AFFIDAVIT**

Personally appeared before me, one Amberelle Nichole Boyle, who, first being duly sworn, deposes and says that SHANNON R HENDERSON did within this County and State on the 7 day of April, 2016, violate the criminal laws of the State of South Carolina in the following particulars:

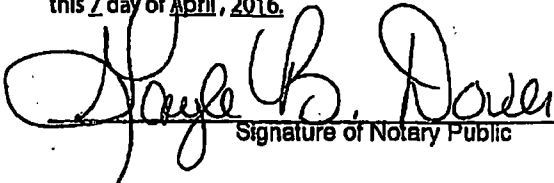
DESCRIPTION OF OFFENSE:

Probation violation concurrent to Section 24-21-430 in that the above named Defendant has violated the conditions of her Probationary sentence imposed by Judge Mark Hayes in the 01/27/2016 term of General Sessions Court holden York County, York South Carolina.

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:

Per the Progress Report prepared by the NC Authorities on 04/04/2016 subject has failed to refrain from violating Federal, State, or Local Law being arrested on 04/02/2016 for DWI in Brevard, NC; failed to refrain from using alcohol to excess having a BAC of .13; failed to follow special conditions of subject's probationary agreement having been found to be driving on 04/02/2016; failed to complete 90 days on her SCRAM Monitor successfully; failed to complete Substance Abuse Counseling in a timely manner; failed to pay monetary obligations having paid nothing since being placed on probation; Such actions constitute a willful violation of conditions 3, 6, 7, 9, 10, and special conditions of the subject's probationary agreement.

Sworn to and Subscribed before me  
this 7 day of April, 2016.

 (L.S.)  
Signature of Notary Public

  
Affiant

Address: 1675-1F YORK HIGHWAY  
ROOM 2034  
YORK, SC 29745-7428  
YORK  
USA  
(803) 628-3035

My Commission Expires 4-27-2025

## CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,

*Robert M. Pachak*

Robert M. Pachak  
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 7th day of September, 2016.

**RECEIVED**

SEP 07 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

ORIGINAL  
RECEIVED

SEP 07 2016  
SC Court of Appeals

\_\_\_\_\_  
Appeal from York County  
Honorable Daniel D. Hall, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

v.

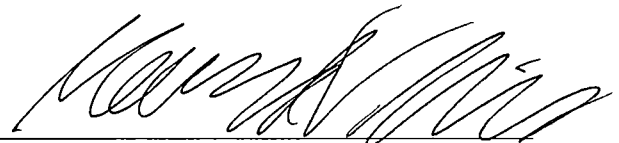
SHANNON HENDERSON

APPELLANT

APPELLATE CASE NO. 2016-001222

\_\_\_\_\_  
CERTIFICATE OF SERVICE  
\_\_\_\_\_

I certify that a copy of the Record on Appeal in the above-referenced case has been served upon Matthew C Buchanan, Esquire, at S.C. Department of Probation, Parole, and Pardon Services, PO Box 50666, Columbia, SC 29250; and upon Shannon Henderson, #368459, at Leath Correctional Institution, 2809 Airport Road, Greenwood, SC 29649, this 7th day of September, 2016.



George Vlasis  
Administrative Specialist

SUBSCRIBED AND SWORN TO before me  
this 7th day of September, 2016.

Christian Ford (L.S.)

Notary Public for South Carolina

My Commission Expires: March 1, 2026