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ANDERS

ORIGINAL

NO DEF. BRIEF

STATE OF SOUTH CAROLINA

In The Court of Appeals

No Respondent's Brief Filed  
**RECEIVED**

APPEAL FROM COLLETON COUNTY

Carmen T. Mullen, Circuit Court Judge

APR 29 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

LARRY COUNCIL,

APPELLANT

APPELLATE CASE NO. 2015-002622

RECORD ON APPEAL

WANDA H. CARTER  
Deputy Chief Appellate Defender

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

Attorney for Appellant

MATTHEW BUCHANAN  
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South Carolina Department of  
Probation, Parole & Pardon Services  
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Columbia, SC 29250

(803) 734-9220

Attorneys for Respondent

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STATE OF SOUTH CAROLINA  
14TH JUDICIAL CIRCUIT  
COUNTY OF COLLETON  
COURT OF GENERAL SESSIONS  
CASE NUMBER 2010-GS-15-00380

STATE OF SOUTH CAROLINA

PLAINTIFFS

VERSUS

DECEMBER 11, 2015

TRANSCRIPT OF PROBATION HEARING

WALTERBORO, SOUTH CAROLINA

LARRY COUNCIL

DEFENDANT

---

B E F O R E:

HON. CARMEN T. MULLEN, JUDGE

WANDA H. ROWE, CVR-M  
OFFICIAL COURT REPORTER

APPEARANCES

ON BEHALF OF PROBATION AND PAROLE:

AGENT ANTHONY TOMLINSON  
AND AGENT LISA BOLTON

ON BEHALF OF DEFENDANT  
LARRY COUNCIL:

HON. DAVID S. MATHEWS  
COLLETON COUNTY PUBLIC  
DEFENDERS OFFICE  
115 BENSON STREET  
WALTERBORO, SOUTH CAROLINA 29488  
843-549-1633

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EXHIBITS

No exhibits were admitted.

1 BEGINNING 10:20 A.M.

2 BY THE COURT:

3 AGENT TOMLINSON: Larry Council.

4 MR. MATHEWS: Your Honor, I'm going to have to wing  
5 it on some of these. I did not get -- I've got a  
6 transport list, and he was not included on my transport  
7 list. But I'll do the best I can. I know Larry.

8 THE COURT: Thank you.

9 AGENT BOLTON: Your Honor, the victims are here. I  
10 don't think they actually want to come forward, but they  
11 are in agreement with the recommendation.

12 AGENT TOMLINSON: Mrs. Janice Hedden and Rhoda  
13 Manigo.

14 MR. MATHEWS: Your Honor, Mr. Council is very hard  
15 of hearing, so we may have to talk loudly.

16 THE COURT: Thank you. All right. It's my  
17 understanding that the greatest concern that Probation  
18 has is his contact with his children?

19 MR. MATHEWS: Yes, ma'am. And he informs me, or  
20 did inform me, when I talked to him a couple of weeks  
21 ago, that he had bought some -- these were his children,  
22 and he bought clothes for them. And he was told, I  
23 don't know if it was by one of the victims, but he was  
24 told where they would be, so that he could go and see  
25 them in the clothes. So, the one -- I don't know if

1       it's one of the complaining witnesses -- but told him,  
2       come on out; you can see the children in their clothes.  
3       And when he did so, it was reported as a violation.

4           AGENT TOMLINSON: Yes, your Honor, we've got Larry  
5       Council on Indictment 10-GS-15-00380, for the crime of  
6       CSC, third Degree. He was sentenced by Judge Buckner to  
7       ten years, suspended to time served with five years'  
8       probation. His special conditions include no contact  
9       with the victim, direct or indirect; and then, standard  
10      sex offender conditions, as well. Current address. And  
11      no contact with any children, per the sex offender  
12      conditions, whatsoever, whether it's --

13           THE COURT: And he's been revoked once before, for  
14      having contact with his children. Is that correct?

15           AGENT TOMLINSON: Yes, your Honor.

16           THE COURT: And how much time does he have hanging  
17      over his head? The sentence, originally, was ten years,  
18      suspended to time served and five years' probation. And  
19      he's been revoked before, so.

20           AGENT TOMLINSON: Yes. Six months was the prior  
21      revocation, your Honor.

22           THE COURT: So, how much time does he have hanging  
23      over his head?

24           AGENT BOLTON: Nine-and-a-half years.

25           THE COURT: How much time were you asking for, for

1 a revocation?

2 AGENT BOLTON: It's at your discretion. But we do  
3 want to make sure that, once again, he understands. The  
4 issue is, is there are ways for them to see their  
5 children, but they have to be compliant, and they have  
6 to have the chaperones. Mr. Council has never been  
7 compliant in the sex offender program.

8 THE COURT: Okay.

9 AGENT BOLTON: And he does have a large disability  
10 payment each month, so, affordability is not an issue  
11 any longer.

12 AGENT TOMLINSON: His current violations include --

13 THE COURT: I can read it. I've seen it.

14 AGENT TOMLINSON: Okay.

15 THE COURT: I find he's in violation of his  
16 probation.

17 AGENT TOMLINSON: Thank you, your Honor.

18 THE COURT: I don't want to terminate his case,  
19 though, Ms. Bolton.

20 AGENT BOLTON: I understand.

21 THE COURT: I know you probably want to, but you  
22 know, I'm going to revoke him, but I'm not terminating  
23 him, because he needs to be under supervision.

24 AGENT BOLTON: I understand.

25 THE COURT: Okay? Okay. What I am going to do is

1       this, sir, I am going to revoke you two years, and then  
2       continue you. Okay? Can we extend it, Ms. Bolton? His  
3       probation?

4             AGENT BOLTON: Yes, your Honor. He's on the  
5       maximum amount, but we'll stop and re-start until he is  
6       -- I think we only have a few more months left once he  
7       comes back out.

8             THE COURT: Okay.

9             AGENT BOLTON: It'll probably be about five months  
10       or so.

11            THE COURT: Mr. Council, you cannot see your  
12       children unless it's supervised.

13            MR. COUNCIL: I can't hear you.

14            MR. MATHEWS: Your Honor, he says he can't hear.  
15       Your Honor, if I need to get a sign -- I don't know if  
16       he does sign language. I don't know what it is. He  
17       says he can't hear. I don't know how to do a hearing if  
18       he can't hear. I don't know what to do about it.

19            THE COURT: Okay. Well, I'm revoking him two  
20       years. And then, we're going to continue him. He's  
21       been told a number of times. He knows better than this.

              END PROCEEDING 10:26 A.M.

## CERTIFICATE OF REPORTER

DECEMBER 11, 2015 TRANSCRIPT OF HEARING

STATE OF SOUTH CAROLINA

COUNTY OF COLLETON

I, Wanda H. Rowe, CVR-M, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing December 11, 2015 Transcript of Hearing is a true, accurate, and complete record of the proceedings had on said dates, in the case of State versus Larry Council, Colleton County, South Carolina, Court of General Sessions, Case Number 2010-GS-15-00380; that no exhibits were admitted; that I am of neither kin, counsel, nor interest to any party hereto.

THIS CERTIFICATE OF REPORTER ATTACHED TO THIS TRANSCRIPT CONTAINS MY DIGITAL SIGNATURE. THIS EMAILED TRANSCRIPT IS FOR USE BY SCCID ONLY. PURSUANT TO SCACR 607, REQUESTS FOR COPIES OF THIS TRANSCRIPT MUST BE MADE TO THE COURT REPORTER. UNAUTHORIZED COPYING OF THIS TRANSCRIPT IS PROHIBITED.

Witness my signature February 29, 2016.

S/Wanda H. Rowe  
Wanda H. Rowe, CVR-M  
Official Court Reporter

WITNESSES

Christi Green, CCSO J Taylor

DOCKET NO. 2010GS1500380

The State of South Carolina  
County of Colleton

COURT OF GENERAL SESSIONS

June Term 2010

ARREST WARRANT NUMBER

M102903

April 21, 2010

ACTION OF GRAND JURY

Steve Bill

Marion G. Williams

Foreperson of Grand Jury

Date: 6/24/2010

VERDICT

Foreperson of Petit Jury

Date:

INDICT

THE STATE

vs.

Larry Council

Indictment for

Sex / Criminal sexual conduct - Third degree

SC Code: 16-03-0654

CDR Code:0162

Colleton County  
GENERAL SESSIONS COURT  
2010 JUN 24 PM 2:36

STATE OF SOUTH CAROLINA )  
 COUNTY OF Colleton )  
 STATE VS. )  
 Larry Council )  
 AKA: )  
 Race: Sex: Age: )  
 DOB: SS#: 2 )  
 Address: )  
 City, State, Zip: )  
 DL#: SID#: )  
 \*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
 In disposition of the said indictment comes now the Defendant who was  
 TO: Sex / Criminal sexual conduct - Third degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2010GS1500380  
 A/W#: M102903  
 Date of Offense: 11/27/2009  
 S.C. Code § : 16-03-0654  
 CDR Code #: 0162

SENTENCE SHEET

CONVICTED OF or  PLEADS

in violation of § 16-03-0654 of the S.C. Code of Laws, bearing CDR Code # 0162  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: Althuda Hudson, Ashley SC Bar# 17224 Larry Council Defendant [Signature] Attorney for Defendant 11924 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 TIME SAVED days/months/years and/or payment  
 of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for 5

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered  
 Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
 Payment Terms: \_\_\_\_\_  
 Set by SCDPPPS \_\_\_\_\_

PTUP \_\_\_\_\_ days/hours Public Service Employment  
 Obtain GED   
 Attend Voc. Rehab. or Job Corp. \_\_\_\_\_  
 May serve W/E beginning \_\_\_\_\_  
 Substance Abuse Counseling   
 Random Drug/Alcohol testing   
 Fine may be pd. in equal, consecutive weekly/monthly  
 pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_

Recipient: \_\_\_\_\_  
 \*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$ 500.00
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ 5.00
§ 44-53-450(C) (Conditional Discharge)	\$350	\$
3% to County (if paid in installments)		\$ 18.90
TOTAL		\$ 648.90

\$ \_\_\_\_\_ paid to Public Defender Fund  
 Other: SEX OFFENDER REGISTRY  
SEX OFFENDER COUNSELING SUCCESS  
NO CONTACT WITH VICTIM

Condition Discharge, § 44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition  
 Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Patricia C. Grant  
 Court Reporter: Rebecca Hill  
 SCCA/217 (06/2010)

Presiding Judge [Signature]  
 Judge Code: 022  
 Sentence Date: 11/15/10

Form 18.1- Arrest Warrant  
Form Approved by  
SC Attorney General  
Section 17-13-180  
March 16, 1978

**STATE OF SOUTH CAROLINA**  
COUNTY OF COLLETON

Probation  
**ARREST WARRANT**

Indictment Number 10-GS-16-00380

Warrant Number W-15-15-0089

State Identification No. (SID) 00461246

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

It appearing from the attached affidavit that there are reasonable grounds to believe that LARRY COUNCIL, did on the 7 day of October, 2015 violate the criminal laws of the State of South Carolina as set forth below:

**DESCRIPTION OF OFFENSE:**

Subject violated numbers 7, 9, 10 and special conditions of his standard conditions of probation and Sex Offender condition numbers 4 and 5 as ordered in Cause Number 10-GS-15-00380 by the Colleton County Court of General Sessions.

Now, therefore, you are empowered and directed to arrest the said defendant and bring LARRY COUNCIL 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 WALTERBORO, S. C. this 7 day of October, 2015.

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

County of COLLETON

**STATE OF SOUTH CAROLINA**

**AFFIDAVIT**

Personally appeared before me, one Lisa H. Boltin, who, first being duly sworn, deposes and says that LARRY COUNCIL did within this County and State on the 7 day of October, 2015, violate the criminal laws of the State of South Carolina in the following particulars:

**DESCRIPTION OF OFFENSE:**

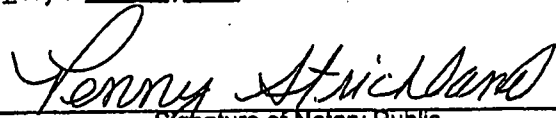
Subject violated numbers 7, 9, 10 and special conditions of his standard conditions of probation and Sex Offender condition numbers 4 and 5 as ordered in Cause Number 10-GS-15-00380 by the Colleton County Court of General Sessions.

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:

Subject violated his supervision based on the facts: By failing to follow the advice and instructions of his agent; By failing to refrain from having contact with anyone under the age of 18; By failing to refrain from entering a school and/or daycare; (Based on an investigation conducted by AIC Boltin, subject entered LCAA Burn Hill Head Start on 08/17/2015. Subject entered the Cottageville Elementary School on 09/22/2015 and requested to speak with his son. The staff was unaware subject was a convicted sex offender and that subject was not to have contact with the child. Subject was given direct contact with the child. On September 29, 2015, subject went to 1959 Featherbed, Walterboro, and attempted to take the children (Age 11 and 4) from the residence. He had direct contact with the children after being told he could not take the children. Subject has since threatened that he will return and take the children with him.) By failing to pay his \$20 drug test fee; by failing to pay his \$648.90 court ordered fine by being \$138 in arrears. Subject actions constitute the willful

Sworn to and Subscribed before me  
this 7 day of October, 2015.

  
\_\_\_\_\_  
Affiant

  
\_\_\_\_\_  
Signature of Notary Public (L.S.)  
3-11-19  
My Commission Expires

Address: 115 BENSON STREET  
WALTERBORO, SC 29488  
COLLETON  
USA  
(843) 549-5333

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF

COLLETON

THE STATE

against

LARRY COUNCIL

INFORMATION ON DEFENDANT

Name LARRY COUNCIL
Address [REDACTED]
Phone [REDACTED]
Sex [REDACTED] Race [REDACTED] Height [REDACTED]
Weight 149 Birth date [REDACTED]
Social Security Number 249-25-3970

Constable or Law Enforcement Officer

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

Larry Council

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 10/7/2015

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

Lisa H. Boltin

INFORMATION ON WITNESSES

Name
Address
Phone
Name
Address
Phone
Name
Address
Phone
Name
Address
Phone

on the 7th day of Oct 2015

[Signature]
Constable or Law Enforcement Officer

PRELIMINARY HEARING held by

Magistrate
on
with
Attorney for the Defendant.

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.

Disposition

Sentence

Co-Defendants

Decision

BAIL

Date Set
Magistrate
Amount
Surety

Signature of Judge

(L.S.)

# Addendum

violation of his original conditions of probation, continuation orders and sex offender conditions:

Sworn to and Subscribed before me  
this 7 day of October, 2015.

*Leah Bels*  
Affiant

*Lenny Strickland*  
Signature of Notary Public

3-11-19  
My Commission Expires

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

Offender's Name: **LARRY COUNCIL**

State of South Carolina, County of: **COLLETON**

SID#: **00461246**

Warrant#: **W-15-15-0089**

Date of Birth: **[REDACTED]**

SCDC#:

**Indictment Numbers:**

**10-GS-15-00380**

**Offense and Offense Code:**

**162 - Criminal sexual conduct - Third degree**

Supervision Program: **Probation**

Supervision Level: **Jail**

Begin Date: **11/15/2010**

Potential End Date :

End Date: **1/22/2016**

Adjusted End Date:

Sentencing Judge: **122 - Buckner, Perry**

Sentencing Date: **11/15/2010**

Location (Bold Response): **Jail**

Sentencing County: **COLLETON**

**Sentence:**

10 years ss to time served and 5 years probation.

**Special Conditions:**

A&D - Substance Abuse Counseling.; Fine - \$648.90 fine payable to the Clerk of Court Colleton County.; Other 1 - Sex Offender Registration, Sex Offender counseling. Successful completion.; Other 2 - No Contact with victim. Direct or indirect.; Testing - Random Drug/Alcohol testing.

**Current Address and Summary of Residence:**

~~1280 RHODE DRIVE, COLLETONVILLE, SC 29525, COLLETON, USA;~~

~~1950 [REDACTED] COLLETONVILLE, SC 29525, COLLETON, USA;~~

~~1910 [REDACTED] COLLETONVILLE, SC 29525, COLLETON, USA;~~

**Reporting:**

Subject reports as instructed.

**Employment Records While Under Supervision:**

Employer	Dates (from -to)	Reason(s) for Leaving	Earnings
SSI	11/5/2013 -		\$1,322.00
CONE LOGGING	4/1/2011 - 11/5/2011		

**Financial Conditions:**

	Total Amount ordered	Pay Period	Total Paid	Date Last Paid	Arrearage	Balance Due
Fees						
DNA Fee	\$250.00	\$10.00/Y	\$0.00		\$0.00	\$250.00
Drug Test Fee	\$20.00	\$20.00/M	\$0.00		\$20.00	\$20.00
Fines						
Court Ordered Fines	\$648.90	\$23.00/M	\$445.00	8/15/2014	\$161.00	\$203.90

Prior Violation Dates	Prior Violations	Prior Violation Disposition

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

Offender's Name: **LARRY COUNCIL**

1/23/2015	By failing to follow the advice and instructions of his Agent; by failing to actively participate in Sex Offender Counseling; by failing to refrain from having contact with minors.	Form 9 dated 1/23/15 Judge Perry Buckner partial revoked 6 months. Waive all future supervision fees.
8/11/2014	By failing to follow the advice and instructions of his agent: by failing to refrain from having contact with children under the age of 18 yrs of age; By failing to attend sex offender counseling.	Form 9 dated 8/11/14 Judge Perry Buckner ordered continued on probation. Exempt Department fees arrearage. Must pay and attend Sex Offender. No contact with children under 18 yrs of age including his children, unless counselor has trained the chaperone.
12/31/2012	In arrears on all accounts.	Consent Order/1182; exempt supv. fee arrearage, restructure all other accts. Mr. Council is awaiting his disability and is in financial hardship and unable to pay.
6/28/2012	By willfully violating conditions of probation 10, and Special Conditions ordered in cause number 00-GS-15-380 by the Colleton County Court of General Sessions.	Per Judge Harrington reinstate sex offender treatment.

**Details of the Present Violation:**

Subject violated numbers 7, 9, 10 and special conditions of his standard conditions of probation and Sex Offender condition numbers 4 and 5 as ordered in Cause Number 10-GS-15-00380 by the Colleton County Court of General Sessions. - Subject violated his supervision based on the facts: By failing to follow the advice and instructions of his agent; By failing to refrain from having contact with anyone under the age of 18; By failing to refrain from entering a school and/or daycare; (Based on an investigation conducted by AIC Boltin, subject entered LCAA Burn Hill Head Start on 08/17/2015. Subject entered the Cottageville Elementary School on 09/22/2015 and requested to speak with his son. The staff was unaware subject was a convicted sex offender and that subject was not to have contact with the child. Subject was given direct contact with the child. On September 29, 2015, subject went to 1959 Featherbed, Walterboro, and attempted to take the children (Age 11 and 4) from the residence. He had direct contact with the children after being told he could not take the children. Subject has since threatened that he will return and take the children with him.) By failing to pay his \$20 drug test fee; by failing to pay his \$648.90 court ordered fine by being \$138 in arrears. Subject actions constitute the willful violation of his original conditions of probation, continuation orders and sex offender conditions.

**Agent's Recommendation:**

Revocation and terminate.

**Agent's Justification:**

Mr. Council has once again had contact with his children. He has violated a serious condition by having contact with children under the age of 18 while being a Sex Offender. He knows this is a violation he was warned by courts on 08/11/2014 after previous warnings from his agent and AIC Boltin. He was revoked 6 months in 1/23/2015 for continuing to have contact with his children. This time he boldly entered a school to request to speak with his son. The school was unaware that he is a registered sex offender. His son's chart only reflected that he could not take his son from school grounds, it did not reflect he could not speak with his son. PPP was contacted by a concerned citizen who observed Mr. Council on school grounds. He is not attending sex offender counseling because he reports he has suffered hearing loss. He is under medical care for hearing loss; however, at times he has no trouble hearing. Mr. Council needs to be held accountable for these actions.

Anthony H. Tomlinson

Agent

Date: 11/4/2015

Supervisor's Signature

*Lisa K. [Signature]*

Date:

11/4/15

STATE OF SOUTH CAROLINA

County of Colleton  
STATE VS.

IN THE COURT GENERAL SESSIONS

Indictment Number: 10 -GS- 15 - 00380  
Probation C/W#s: W-15-15-0089

AKA: Larry Council  
Race: [redacted] Sex: [redacted]  
DOB: [redacted]  
SSN: [redacted]  
SID#: 00461246

Name of Original Offense: CSC - 3rd  
Original AAW#: M102905  
Date of Original Offense: 11/27/2009  
Conviction S.C. Code §: 16-03-0654  
Conviction CDR Code #: 0111612  
Original Sentence: 10 Y 5-5 to 5 Y 15 Prob

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 11/15/10 in the Court of General Sessions of Colleton County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on [redacted], as set forth in the attached warrant(s) or citation(s) dated 11/15/10. 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)  
7, 9, 10 and Special Conditions and 4, 5 or sex offense (16-03-0654)

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ 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 2 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 active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first 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:  
Toll Probation from date of warrant until release from SCDC.

- 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. Oct 1, 2015
- The defendant has previously served 6 (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 11 day of December, 2015  
Walter SC

Presiding Judge [Signature] Judicial Circuit 14

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 Larry Council

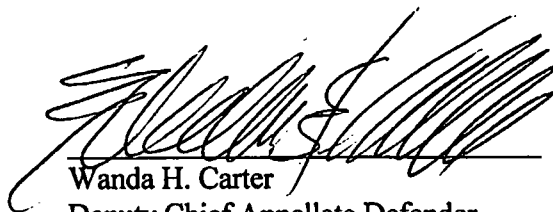
Witnessed by [Signature]

Signed this 14 day of Dec, 2015 at Walter SC

## CERTIFICATE OF COUNSEL FOR APPELLANT

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

This 29<sup>th</sup> day of April, 2016.

A handwritten signature in black ink, appearing to read "Wanda H. Carter", is written over a horizontal line.

Wanda H. Carter  
Deputy Chief Appellate Defender

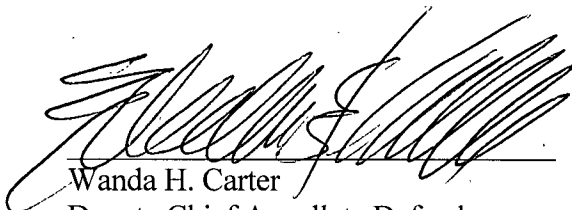
South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S. C. 29211-1589  
(803) 734-1330

ATTORNEY FOR APPELLANT

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This 29<sup>th</sup> day of April, 2016.



Wanda H. Carter  
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense  
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ATTORNEY FOR APPELLANT

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