

ORIGINAL

225261

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

Roger L. Couch, Circuit Court Judge

THE STATE,

V.

CLARENCE KEITH THOMAS,

APPELLANT

APPELLATE CASE NO. 2015-002508

RECORD ON APPEAL

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Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
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ANDERS
ANDERS RESPONSE BRIEF

No Respondent's Brief Filed

RECEIVED

FEB 26 2016

SC Court of Appeals

RESPONDENT,

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF SPARTANBURG) COURT OF GENERAL SESSIONS

3
4 STATE OF SOUTH CAROLINA,)
5 PLAINTIFF,)
6 VS.)
7 CLARENCE THOMAS,)
8 DEFENDANT.)

TRANSCRIPT
OF
RECORD
C-42-15-783

9
10 November 20th, 2015
11 Spartanburg, South Carolina
12

13 B E F O R E:

14 THE HONORABLE ROGER L. COUCH, Judge.

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

16 AGENT PRICE
17 Probation Agent

18
19 SUZANNE WHITE
20 ASSISTANT PUBLIC DEFENDER
Attorney for the Defendant

21
22
23 PAMELA E. GREEN
24 Circuit Court Reporter
Seventh Judicial Circuit

25

I N D E X O F W I T N E S S E S

(There were no exhibits marked during this hearing.)

1 P R O C E E D I N G S

2
3 THE PROBATION AGENT: Clarence Thomas.

4 (WHEREUPON, Mr. Thomas was placed under oath at this
5 time.)

6 THE COURT: Sir, your name is Clarence K. Thomas?

7 MR. THOMAS: Yes, sir.

8 THE COURT: Mr. Thomas, you're in front of me on
9 allegations that you have violated your probation.

10 MR. THOMAS: Yes, sir.

11 THE COURT: Now, sir, I see that you have a lawyer, Ms.
12 White.

13 Is that right?

14 MR. THOMAS: Yes, sir.

15 THE COURT: And are you satisfied with her?

16 MR. THOMAS: Yes, sir.

17 THE COURT: Do you need to talk with her any further?

18 MR. THOMAS: No, sir.

19 THE COURT: You need for her to do anything else for
20 you?

21 MR. THOMAS: No, sir.

22 THE COURT: Are you able to handle this matter today?

23 MR. THOMAS: Yes, sir.

24 THE COURT: Do you believe that Ms. White has the
25 ability to speak on your behalf in this case?

1 MR. THOMAS: Yes, sir.

2 THE COURT: When we get to the, to the point after I
3 talk to your lawyer I'm gonna give you a chance to speak
4 with me freely. So listen carefully to what we talk about
5 and then, if you think there's something else I need to be
6 aware of, then I'll -- then you can let me know at that
7 time.

8 You are able to handle this hearing today?

9 Is that correct, Mr. Thomas?

10 MR. THOMAS: Yes, sir.

11 THE COURT: Okay. Counselor, have you talked with Mr.
12 Thomas about this?

13 MS. WHITE: Yes, Your Honor. We had a prior hearing
14 last month that---

15 THE COURT: Okay.

16 MS. WHITE: ---was continued. So we had met prior.

17 THE COURT: I see.

18 There are some allegations that he's been violating his
19 probation.

20 Mr. Thomas, did you get served with a copy of these
21 papers?

22 MR. THOMAS: Yes, sir.

23 THE COURT: Okay. Counselor, does he admit to some
24 violations?

25 MS. WHITE: I believe he does admit to some, meeting --

1 missing office visits, but he also denies some of the drug
2 use allegations.

3 THE COURT: I'll hear from you on all of them, and, of
4 course, if there's been some violation, then that would be a
5 violation and you'd be speaking in mitigation on that.

6 MS. WHITE: Thank you, Your Honor.

7 THE COURT: Yes, ma'am.

8 MS. WHITE: Mr. Thomas -- we had a prior hearing and
9 one of the, the reasons I believe it was continued was, was
10 kind of twofold. One is he had a disability hearing
11 scheduled the very next week that he had been waiting I
12 think two years for. So he had that scheduled to determine
13 disability benefits and then also had a pending assault and
14 battery charge that he ended up receiving an offer on, and I
15 believe Agent Price asked me if -- they've offered Transfer
16 Court, but, as of yet, they have not scheduled him for
17 Transfer Court. So he is not gone down on that charge, Your
18 Honor. So that is still pending right now.

19 But he's had a lot of health issues and I know that,
20 that that is what, what is led to a lot of his issues, Your
21 Honor. He did miss some office visits, but, otherwise, he
22 was attending. He is obviously trying to get disability,
23 which is why he's not been able to pay on the money. He is
24 not been able to work and has not had any income that he can
25 pay.

1 Mr. Thomas had denied -- I know that there had been
2 some positive tests for drug reports. He has denied that,
3 that there were positive tests. I think he disagrees with
4 the, the findings of those.

5 THE COURT: Has he had any independent tests done
6 himself?

7 MR. THOMAS: Yes, sir, I---

8 THE COURT: Do you have the results with you?

9 MR. THOMAS: No, sir.

10 THE COURT: Oh, okay.

11 MS. WHITE: So, Your Honor, we would just ask that you
12 consider he is having major health issues, and we would just
13 ask that you consider continuing him on so that he can
14 continue with receiving the disability and handle his other
15 charge.

16 THE COURT: All right, sir. This is your opportunity
17 to speak to me.

18 I'll be happy to hear from you.

19 Anything you want to tell him?

20 MR. THOMAS: I'm all right.

21 THE COURT: Okay. I'll hear from the agent.

22 AGENT PRICE: If it pleases the Court, Your Honor.

23 Mr. Thomas has been on my caseload from the beginning
24 of his probation which was back in July of last year.

25 THE COURT: All right.

1 AGENT PRICE: Prior to him being able to have his
2 intake, he was arrested on an assault and battery charge for
3 hitting someone with a tiki torch about the head and face.
4 I have the affidavit signed from the victim as well as the
5 incident report if you were so inclined to see that.

6 We subsequently issued---

7 THE COURT: Is that the A&B that's still pending?

8 MS. WHITE: That is, Your Honor. He's not been---

9 THE COURT: Okay.

10 MS. WHITE: ---convicted yet on that.

11 THE COURT: All right.

12 AGENT PRICE: We issued a warrant due to the violent
13 nature and took pictures of the, the victim and it, it
14 required a warrant.

15 After that, Mr. Thomas has not -- he has passed one
16 drug test in the last almost---

17 THE COURT: Out of how many?

18 AGENT PRICE: Out of seven.

19 THE COURT: So if he were saying that there were
20 problems with the testing, it would have had to have
21 occurred six times?

22 AGENT PRICE: Correct, and it would of most likely
23 occurred with the cocaine bracket because he has tested
24 positive for cocaine every single time but one time that
25 I've tested him.

1 THE COURT: I see.

2 AGENT PRICE: Initially I referred him I believe --
3 after the second drug test I referred him to NA and AA. He
4 didn't go. After the fourth time I ordered him to go to
5 free substance abuse counseling, which was less than
6 two miles from his home.

7 THE COURT: Uh-huh. (Affirmative).

8 AGENT PRICE: He never showed up. Couple that with the
9 failure to report, he reports whenever he feels like it or
10 if I issue or threaten to issue a warrant for his arrest and
11 come get him at his home. To the extent that I've actually
12 had to---

13 THE COURT: Well, you know, sometimes, if you have
14 problems passing drug tests, that means you don't want to
15 come in.

16 AGENT PRICE: Sure. Sure.

17 In all honesty, Your Honor, I actually had to go out to
18 his home to have him sign a notice of hearing because he
19 refused to come into the office. That hearing he did not
20 show up for when I called him that morning and advised him
21 hey, you're late. He said he was still sleeping.

22 The administrative hearing officer on that note then
23 referred or, I'm sorry, recommended that he be revoked in
24 full. And if I could just speak to a couple of other
25 things.

1 THE COURT: Yes, ma'am.

2 AGENT PRICE: As far as his monetary obligations go, he
3 has paid zero dollars toward any of his required fines and
4 fees. However, again, he has been able to afford marijuana
5 a minimum of four times, cocaine six times, and
6 Benzodiazepines that I've never seen a prescription for in
7 the 17 months that he's been on probation.

8 THE COURT: Do you have a prescription for that one?

9 MR. THOMAS: Yeah, I got a prescription for everything
10 she's talking about.

11 THE COURT: Marijuana?

12 MR. THOMAS: No, not the marijuana. I got a
13 prescription---

14 THE COURT: Cocaine?

15 MR. THOMAS: I got a prescription for the---

16 MS. WHITE: The Benzo.

17 MR. THOMAS: Yeah.

18 MS. WHITE: I believe he's---

19 THE COURT: Have you ever shown those to her?

20 MR. THOMAS: Yeah, I brung all my medicine in there.

21 THE COURT: Have you seen his prescriptions for those?

22 AGENT PRICE: I have seen prescriptions for Oxycodone,
23 which coincidentally he has never tested positive for, but I
24 have never seen a prescription from Benzodiazepine.

25 THE COURT: Okay.

1 MR. THOMAS: I got a prescription for it.

2 THE COURT: All right. Anything else, Ms. White?

3 MS. WHITE: Well, Your Honor, they do allege that he

4 did test positive for Oxycontin, Oxycodone too. So he does

5 have a prescription for that.

6 THE COURT: Well, I'm gonna ignore that allegation.

7 MS. WHITE: Okay. Thank you, Your Honor.

8 THE COURT: You're welcome.

9 MS. WHITE: I think that's it, Your Honor.

10 THE COURT: The recommendation from the hearing

11 officer, I don't have his report, it must of been handed up

12 the last time.

13 AGENT PRICE: I had both of them actually, both of the

14 pending ones.

15 THE COURT: If you don't mind passing that up please.

16 AGENT PRICE: I apologize for that, Your Honor.

17 THE COURT: That's okay.

18 All right. I'm gonna revoke the probation in full.

19 I'll recommend him to the ATU while he's in.

20 Good luck to you, sir.

21 Convert all of the---

22 AGENT PRICE: Civil judgments?

23 THE COURT: Everything to civil judgments.

24 AGENT PRICE: Thank you, Your Honor.

25

1 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *
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C E R T I F I C A T E

I, Pamela E. Green, 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 evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 20th day of November, 2015.

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

December 28th, 2015



PAMELA E. GREEN, Court Reporter

WITNESSES

SPTBG. PUBLIC SAFETY DEPT.

[Signature]

ARREST WARRANT NUMBER

2013A4210201326

ACTION OF GRAND JURY

True Bill

JUL 19 2013

[Signature]
Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-3304

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 22 2013

TERM

THE STATE

vs.

CLARENCE KEITH THOMAS

Indictment for

SHOPLIFTING

SC Code: 16-13-110 (B)(1); 16-1-57

CDR Code: 2877

Class: FEL/E

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 JUL 23 AM 11:23
M. HOPE BLACKLEY

1325

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

JUL 19 2013

At a Court of General Sessions, convened on _____, the

Grand Jurors of Spartanburg County present upon their oath:

SHOPLIFTING

That Clarence Keith Thomas did in Spartanburg County on or about April 17, 2013, take possession of or carry away merchandise displayed, held, stored or offered for sale by any store or other retail mercantile establishment with the intention of depriving the merchant of the possession, use or benefit of the merchandise without paying the full retail value, being less than Two Thousand Dollars, to-wit: miscellaneous merchandise, said merchandise being a rug, offered for sale by Wal-Mart located at 141 Dorman Centre Drive, Spartanburg, South Carolina, in violation of §16-13-0110 (B) (1), §16-1-57, *THE 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.

Lindsey Kate Robinson
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

STATE VS.

Clarence Keith Thomas

AKA:

Race: Black Sex: M Age: 48

DOB: SS#

Address:

City, State, Zip: Spartanburg, SC 29304 29303

DL#: SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057) (Not more than 10 years)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS4203304

A/W#: 2013A4210201326

Date of Offense: 4/17/2013

S.C. Code §: 16-13-110, 16-1-57

CDR Code #: 2877

SENTENCE SHEET

Alford

☐ CONVICTED OF or ☒ PLEADS

In violation of § 16-13-110, 16-1-57 of the S.C. Code of Laws, bearing CDR Code # 2877

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The 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: Kate Robinette 100773 SC Bar# Defendant Attorney for Defendant SC Bar# 07913

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 2 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 days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 18 mos

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

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)	\$30 \$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
Proviso 90.5 (SCJA Surcharge)	\$5 \$ 5.00
3% to County (if paid in installments)	\$ 18.90
TOTAL	\$ 648.90

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

\$ paid to Public Defender Fund

Other:

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

STATE OF SOUTH CAROLINA

County of

Spartanburg

STATE

VS.

Clarence Keith Thomas

AKA:

Race:

DOB:

SSN:

SID#:

966783

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

13

-GS-

423304

Probation C/W#s:

N-42-15-783W-42-14-262Name of Original Offense: Shoplifting 2000 or lessOriginal A/W#: 2013A4210204326Date of Original Offense: 4/17/13Conviction S.C. Code §: 16-13-110, 16-1-57Conviction CDR Code #: 2, 8, 7, 7Original Sentence: 2 yrs SS to 18 months probation

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 7/13/14 in the Court of General Sessions of Spartanburg County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 7/10/15, as set forth in the attached warrant(s) or citation(s) dated 8/7/14. 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)

6310; 1, 3, 7, 9 310

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 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 (arraignment)
☒ Fines and other fees (arrest/balance)
☐ Restitution (and 20%) (arrest/balance)

Civil Judgment:

☐ Department fees
☐ Fines and other fees
☐ Restitution (and 20%)

☒ Additional Conditions ordered by the Court:

Revoke in full 2 years and terminate probation.ATU while incarcerated. Convert Pdn to Civil Judgment.

☒ The defendant is given credit for pre-arrest hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.

☒ The defendant has previously served 0 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 20 day of November, 2015.Spartanburg

SC

Presiding Judge

Hon. Judge Roger Couch

7th Judicial Circuit

You are hereby advised that under the law this 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 attachments.

Offender's Signature

Witnessed by

Signed this

day of

Day

Month

Year

at

Spartanburg

City

SC

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

Offender's Name: **CLARENCE K. THOMAS**State of South Carolina, County of: **SPARTANBURG**SID#: **00466783**Warrant#: **C-42-15-0783, W-42-14-0262**Date of Birth: **[REDACTED]**

SCDC#:

Indictment Numbers:

13-GS-42-03304

Offense and Offense Code:

2877 - Enhancement for 3rd or sub. offense.**Value \$2000 or less (see 16-01-0057)**Supervision Program: **Probation**Supervision Level: **High Supervision**Begin Date: **7/23/2014**End Date: **1/22/2016**Potential End Date: **12/21/2015**Adjusted End Date: **1/22/2016**Sentencing Judge: **2165 - Kelly, R.**Sentencing Date: **7/23/2014**Sentencing County: **SPARTANBURG**Location (Bold Response): **Community****Sentence:**

Shoplifting \$2,000 or less: 2 years suspended to 18 months probation

Special Conditions:

Fine-\$648.90

Current Address and Summary of Residence:

, SPARTANBURG, SC 29303, SPARTANBURG, USA,

The offender has reported the same address since beginning probation, however agent was advised by offender's girlfriend Tina Scott, (also on agent's caseload,) that offender has been staying with his father.

Reporting:

The offender reports at his convenience, not as he is directed. The offender did not report to his administrative hearing, stating he was sleeping.

Employment Records While Under Supervision:

Employer	Dates (from -to)	Reason(s) for Leaving	Earnings
Unemploy	8/12/2014 -		
PILOT TRAVEL CENTER	2/23/2012 - 8/12/2014		\$1,120.00

The offender reports receiving disability, but has yet to provide the agent with proof.

Financial Conditions:

	Total Amount ordered	Pay Period	Total Paid	Date Last Paid	Arrearage	Balance Due
Fees						
Drug Test Fee	\$20.00	\$20.00/M	\$0.00		\$20.00	\$20.00
Regular Supervision	\$900.00	\$50.00/M	\$0.00		\$750.00	\$900.00
Fines						
Court Ordered Fines	\$648.90	\$45.00/M	\$0.00		\$648.90	\$648.90

The offender has made no attempt or effort to pay his financial obligations, however seems able to afford his costly drug habit.

Prior Violation Dates	Prior Violations	Prior Violation Disposition

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF GENERAL SESSIONS

Indictment No. ____ - GS - ____ -

Probation/Community Supervision Program
Violation

Warrant/Citation # ____ - ____ - ____ -

State of South Carolina

V. Clarence Thomas

**NOTICE OF PROBATION/CSP
VIOLATION HEARING AND
ACKNOWLEDGMENT OF NOTICE**

You are hereby directed to appear at a Probation/CSP Violation Hearing in General Sessions Court on 11/20/15 at 8:30am in the Spartanburg County Courthouse, Spartanburg, South Carolina.

You may have an attorney at your expense represent you at this hearing. If you cannot afford an attorney and you desire the representation of the Spartanburg County Public Defender, you must apply for an appointed attorney with that office. If you choose to appear at the hearing without an attorney, you may be required to represent yourself. You are hereby advised there are dangers and disadvantages to self-representation. An attorney may better understand courtroom procedure and may be better able to think of and present defenses to your violations. By appearing without an attorney, you are acknowledging these dangers but are knowingly and voluntarily choosing to proceed without counsel.

At the violation hearing you will have the opportunity to speak, and you may present witnesses or documentary evidence on your behalf. If requested, you will also have the opportunity to confront and cross-examine any witnesses called to testify against you; however, the Department may elect to present affidavits of witnesses or police officers in lieu of testimony. State v. Pauling (Ct. App. 2006). It is your responsibility to have your witnesses and attorney present. If you are released on bond prior to your hearing date, you must report to the Probation Office immediately upon your release.

You are required to be at the hearing as scheduled above. If you do not appear, a bench-warrant or failure to appear warrant will be issued for your arrest. Furthermore, the Court may choose to proceed with the hearing in your absence. This directive remains in effect until you are granted leave by the Court.

This directive has been read to me and I have been provided with a copy. I was also given an opportunity to ask questions about this directive before it was signed.

Date: 10/27/15

Report to Agent Puize
Immediately upon your release
Phone Number (864) 596-2582

Form 1364 (Template) 6/26/2007

Clarence Thomas
Offender's Signature

[Signature]
Agent's Signature

Form 18.1- Arrest Warrant
Form Approved by
SC Attorney General
Section 17-13-180
March 18, 1978

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

Probation

ARREST WARRANT

Indictment Number 13-GS-42-03304

Warrant Number W-42-14-0262

State Identification No. (SID) 00488783

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

It appearing from the attached affidavit that there are reasonable grounds to believe that CLARENCE K. THOMAS, did on the 5 day of August, 2014 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Violation of probation conditions 6 and 10 as ordered under 13-GS-42-03304 in the Spartanburg County Court of General Sessions.

Now, therefore, you are empowered and directed to arrest the said defendant and bring CLARENCE K. THOMAS 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 SPARTANBURG, S. C. this 5 day of August, 2014.

County of SPARTANBURG

STATE OF SOUTH CAROLINA

Hannah Price
Signature of Probation and Parole Agent

(L.S.)

AFFIDAVIT

Personally appeared before me, one Hannah Price, who, first being duly sworn, deposes and says that CLARENCE K. THOMAS did within this County and State on the 5 day of August, 2014, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

Violation of probation conditions 6 and 10 as ordered under 13-GS-42-03304 in the Spartanburg 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:

There is probable cause to believe the offender failed to refrain from the violation of Federal, State or Local Law by causing physical harm or injury to Sonya Junge. On August 4th, 2014, per affidavit from Ms. Junge and incident report (14080200) obtained from the Sheriff's Office, the offender swung a tiki torch at her striking her on the neck then "punched her in the mouth with a closed fist" "two or three times". Failing to follow the advice and instructions of the agent and Court by being aware of all the conditions in that the offender signed the order on 7/23/14 after having the conditions explained to him.

Sworn to and Subscribed before me
this 5 day of August, 2014.

[Signature]
Signature of Notary Public

(L.S.)

9-25-2022

My Commission Expires

Hannah Price
Affiant

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SPARTANBURG, SC 29306
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USA

(864) 596-2582

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 26th day of February, 2016


Robert M. Pachak
Appellate Defender

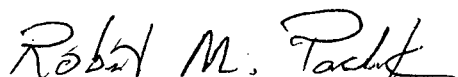
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

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This 26th day of February, 2016



Robert M. Pachak
Appellate Defender

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ATTORNEY FOR APPELLANT

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