

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable J. Derham Cole, Circuit Court Judge

RECEIVED

SEP 26 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

THOMAS MARETT,

APPELLANT

APPELLATE CASE NO. 2015-002407

RECORD ON APPEAL

LARA CAUDY
Appellate Defender

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

ATTORNEY FOR APPELLANT

MATTHEW BUCHANAN
General Counsel

South Carolina Department of Probation,
Parole, and Pardon Services
P.O. Box 50666
Columbia, SC 29250
(803) 734-9220

ATTORNEY FOR RESPONDENT

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1

1 STATE OF SOUTH CAROLINA)
 2 COUNTY OF SPARTANBURG) IN THE GENERAL SESSIONS COURT
 3)
 4 The State,)
 5 -vs-) TRANSCRIPT OF RECORD
 6 Thomas Marett,) C-42-14-0409
 7 Defendant.) October 16, 2015.
) Spartanburg, South Carolina

8

9

10 B E F O R E :

11 HONORABLE J. DERHAM COLE, JUDGE

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

15 CHARLES WILLIAM SNYDER, III, ESQUIRE
 16 Attorney for the Defendant

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Linda D. Moffitt
 Circuit Court Reporter

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Probation hearing -- page 3.

No sworn testimony; no exhibits entered into evidence.

1 THE COURT: Thomas Marett. All right. We're here on
2 citation 42-14-409 alleging that Mr. Marett has failed to
3 comply with the conditions of probation, failing to pay his
4 supervision fees, court costs and restitution and drug test
5 fee.

6 You discussed those allegations with Mr. Snyder?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Mr. Snyder.

9 MR. SNYDER: Thank you, Judge.

10 As we discussed in the back hallway, Mr. Marett's
11 case, probation case, was held in abatement to see what
12 happened with his case on appeal. In that case an order
13 was issued denying the appeal April 3rd.

14 PROBATION AGENT SCRUGGS: April 3rd of this year.

15 MR. SNYDER: He -- his appellate defender told him
16 that he should ask that his case be held in abatement until
17 a P.C.R. is addressed, and he just wants clarification from
18 Your Honor about how to proceed going forward.

19 THE COURT: Okay. What do you want to tell me,
20 Mr. Marett?

21 THE DEFENDANT: Yes, sir.

22 The deputy appellate defender advised me to -- she
23 said that obviously there wasn't issues of law, as the
24 appellate court did rule, and that she did not think she
25 should appeal to the Supreme Court but instead I should

1 file a post conviction relief.

2 She sent me the form, Your Honor, and I did fill it
3 out and filed it. And they were to appoint me an attorney,
4 and I learned this morning that they had appointed an
5 attorney, Savannah [sic] Ross of Greenville.

6 And so the two things that the deputy appellate
7 defender told me to do today was to have a motion for
8 continual abatement while the post conviction is being
9 heard and also for rest -- I mean, for a restitution
10 hearing since I never had one. And she said based on the
11 documentation that I should do that and she believed the
12 Court would dismiss the case, you know. And so, Your
13 Honor, I would like for that to be a motion.

14 And the hearing officer when -- the first probation
15 agent I had, Eston -- I mean, I can't remember his -- I
16 believe his name was Weston -- Ethan Weston, right -- and
17 he had told me not to pay anything until these matters were
18 heard.

19 And then Agent Scruggs came, and she had a different
20 disposition. And so then we had a hearing officer that
21 said that, well, I should come here for clarification.

22 So I believe the restitution hearing would give us
23 clarification. And if I have to pay it, I have to pay it,
24 and I will pay it, Your Honor, and --

25 THE COURT: well, has restitution previously been

1 ordered to be paid?

2 THE DEFENDANT: Yes, sir. But we didn't have -- we
3 didn't have a hearing.

4 THE COURT: Well, I understand, but restitution was
5 ordered to be paid?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And how was that amount determined?

8 THE DEFENDANT: That was determined based on a -- an
9 exterior air conditioning unit that was supposed to be
10 installed according --

11 THE COURT: I mean, how did the Court determine the
12 restitution amount?

13 THE DEFENDANT: That was the amount that was on that
14 invoice for what I was supposed to have gotten.

15 THE COURT: All right.

16 THE DEFENDANT: But instead they installed something
17 else, which would have been much less. And since then the
18 city code department picked this up, and the guy came over,
19 and they said you can't sell him one thing and install
20 something else, and said you didn't get a permit. And he
21 said, well, he can just have it.

22 So, anyway, I haven't received any paperwork from him
23 to that effect. But the city code department, their people
24 were witnesses to his statement, Your Honor.

25 THE COURT: All right. When your case came to court

1 the judge ordered a certain amount of restitution to be
2 paid?

3 THE DEFENDANT: Yes, sir, based on the invoice --

4 THE COURT: I understand.

5 THE DEFENDANT: -- for something that I bought that I
6 didn't get, but I got something lesser, which this guy
7 admits.

8 THE COURT: At the time that your case was disposed of
9 in court did you request a restitution hearing?

10 THE DEFENDANT: No, sir, we didn't. And that's the
11 reason the lady said to do --

12 THE COURT: All right. So the Court set the
13 restitution at some amount.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And you appealed that decision.

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And that decision has been affirmed by the
18 appellate court.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: All right. That's the end of it.

21 The restitution is due. Whatever the Court ordered is
22 what's due, because the case is over now.

23 THE DEFENDANT: Okay. So there will be no continual
24 abatement.

25 THE COURT: There will be no abatement, no, sir.

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THE DEFENDANT: Okay.

PROBATION AGENT SCRUGGS: Thank you, Your Honor.

MR. SNYDER: Thank you, Your Honor.

THE DEFENDANT: Thank you, Your Honor.

END OF REQUESTED TRANSCRIPT OF RECORD

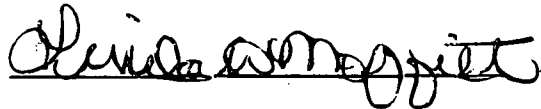
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CERTIFICATE

I, the undersigned Linda D. Moffitt, 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 all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 16th day of October 2015.

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

February 19, 2016



Linda D. Moffitt
Circuit Court Reporter

WITNESSES

Spartanburg County Sheriff's Office

Kevin [Signature]

of

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

Harold [Signature]
Foreperson of Grand Jury
Date: FEB 22 2013

VERDICT

Guilty

G. Gale [Signature] 9/11/13
Foreperson of Petit Jury
Date:

DOCKET NO:

13-GS-42 1003

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

TERM

THE STATE

vs.

Thomas Marett

Indictment for
OBTAINING PROPERTY BY
FALSE PRETENSES

SC Code: 16-13-0240 (2)
CDR Code: 3470
Class Fel/F

FILED
COURT OF COURTS
SPARTANBURG COUNTY

2013 MAR - 1 PM 4:08

M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on 1 FEB 22 2013, the
Grand Jurors of Spartanburg County present upon their oath:

OBTAINING SIGNATURE OR PROPERTY BY FALSE PRETENSES

That Thomas Marett did in Spartanburg County on or about July 14, 2011, by false pretense or representation and with the intent of cheating and defrauding the victim, Refrigeration Services, obtain a signature of a person to a written instrument or did obtain from a person a chattel, money, valuable security, or other property (real or personal) valued at more than \$2,000 but less than \$10,000, in violation of §16-13-240(2), *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.

Brittany Scott
ASSISTANT SOLICITOR

TH CAROLINA

SPARTANBURG

VS.

Thomas Maret

IN THE COURT OF GENERAL SESSIONS

11 ✓

INDICTMENT/CASE#: 2013GS4201003

A/W#: 2013GS4201003 - DI

Date of Offense: 7/14/2011

S.C. Code § : 16-13 0240

CDR Code #: 3470

Race: W Sex: M Age: 70

DOB: [redacted] SS#: [redacted]

Address: [redacted] City, State, Zip: Spartanburg, SC 29303

DL#: [redacted] SID#: [redacted]

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Breach / Obtain signature or prop. under false pretenses, value more than \$2,000 but less than \$10,000 10-5 yrs OR disc.

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-13-0240 of the S.C. Code of Laws, bearing CDR Code # 3470

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: Brittany Scott 78989 SC Bar# [redacted] Defendant; [redacted] Attorney for Defendant; 100383 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 5 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 6 days/months/years and/or payment of \$ ___; plus costs and assessments as applicable*; the balance is suspended with probation for 5 years

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: \$ 2321.40 plus 20% fee: \$

Payment Terms: _____

Set by SCDPPPS _____

Recipient: Refrigeration Services

*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 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 18.90
TOTAL		\$ 1188.90

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: [Signature]
Court Reporter: [Signature]
SCCA/217 (03/2011)

Presiding Judge: [Signature]
Judge Code: 2165
Sentence Date: 11 September 2013

Paid Check # 177

RSI
Refrigeration Services, Inc.
 P. O. Box 2533 • Greer, SC 29652
 (864) 292-0092 • Fax (864) 292-0611

WORK ORDER / INVOICE

DATE OF ORDER 9-14-11	ORDER TAKEN BY	No 99771
PHONE		
JOB NAME/NUMBER A/C		
MODEL NUMBER	SERIAL NUMBER	
BEGINNING MILEAGE 31134	ENDING MILEAGE 31156	
TRAVEL TIME IN 6:15	TRAVEL TIME OUT	
WORK TIME IN	WORK TIME OUT	
WORK TIME IN	WORK TIME OUT	

To: Tom M. Galt Job Complete Job Incomplete

Service Technician Sparksburg, SC DAY WORK WEEKEND OTHER

WORK DESCRIPTION: Sale & Install of Tom Payne R-22 heat pump outdoor unit. R-22

QTY.	PART NO.	PART DESCRIPTION	UNIT PRICE	AMOUNT
		LABOR-TECH		
		LABOR-HELPER		
		TRUCK CHARGE		
		RECOVERY USAGE		
		SOLDER SUPPLY		
		LEAK DETECTOR		
		VAC PUMP USAGE		
1	615 MR99101	Payne outdoor unit Model # P113NR02400G Serial # 1811 X 75454 R-22 36 x 36 x 3 psd 20 amp 2 pole contactor		

TERMS: TOTAL DUE UPON RECEIPT, 1.5% SERVICE CHARGE WILL BE ADDED TO ALL PAST DUE BALANCES.

CUSTOMER SIGNATURE Tom M. Galt
 I hereby acknowledge the satisfactory completion of the above described work

TAX	
FREIGHT	
TOTAL	→ \$2,321.40

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF GENERAL SESSIONS
SEVENTH JUDICIAL CIRCUIT

STATE

v.

Tom Marette

DEFENDANT.

ORDER OF RESTITUTION

Upon Motion of the Solicitor of the Seventh Judicial Circuit, it appears South Carolina Code of Laws Section 17-25-322 requires the Court to hold a hearing to determine the amount of restitution due the victim(s) of the defendant's criminal acts which have resulted in pecuniary damage or loss. Further, Section 17-25-322 provides that "in addition to any other sentence which it may impose, the Court shall order the defendant make restitution or compensate the victim for any pecuniary damages" unless the Court finds a substantial and compelling reason not to order restitution.

The Court upon conducting a Restitution Hearing, or upon waiver and consent of the defendant, hereby finds:
() Restitution should not be ordered for the following substantial and compelling reasons: _____

Restitution should be paid by the defendant as a condition of his/her sentence to the designated victims in the following court-ordered amounts:

<p>1. Indictment # <u>2013 GS 420 1003</u> Warrant <u>n/a direct indictment</u> VICTIM: <u>Solicitor's Worthless Check Unit / Refrigeration Sves Inc</u> Address: <u>180 Magnolia Street Sptbg, SC 29306</u> Phone: <u>(864) 596-2233</u> RESTITUTION: \$ <u>2,321.40</u></p>	<p>2. Indictment # _____ Warrant # _____ VICTIM: _____ Address: _____ Phone: _____ RESTITUTION: \$ _____</p>
<p>3. Indictment # _____ Warrant _____ VICTIM: _____ Address: _____ Phone: _____ RESTITUTION: \$ _____</p>	<p>4. Indictment # _____ Warrant # _____ VICTIM: _____ Address: _____ Phone: _____ RESTITUTION: \$ _____</p>

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 SEP 11 PM 4:44
M. HOPE BLACKLEY

These amounts are to be paid Joint and Several with co-defendant(s): n/a

AND IT IS SO ORDERED THIS 11 DAY OF September, 2013, Spartanburg, South Carolina.

I SO MOVE:
Barry Barnette, Solicitor, Seventh Judicial Circuit

R. Keith Kelly
PRESIDING JUDGE,
SEVENTH JUDICIAL CIRCUIT

I WAIVE MY RIGHT TO A RESTITUTION HEARING AND CONSENT TO THE ABOVE:

DEFENDANT

PROBATION CITATION

No. C-42-14-0409

SOUTH CAROLINA v. THOMAS RAYNES MARETT	COUNTY: SPARTANBURG	
	SCDC # 00277607	SID # 00380594

TO: THOMAS RAYNES MARETT

YOU ARE HEREBY NOTIFIED to appear in the above named case at the time, date and place specified below.

Place Spartanburg County Courthouse	Room TBA
Date and Time	

YOU ARE HEREBY NOTIFIED that you are charged with violating the conditions of your supervision as stated below.

Violations Charged By willfully violating conditions 7,9,10, and 11 of his probation ordered under cause number 2013-GS-42-1003 by the Spartanburg County Court of General Sessions on 09/11/2013.
--

YOU ARE HEREBY NOTIFIED that you have the rights listed below.

List of Rights: You have the right at the hearing to question any person who appears as a witness against you and to have witnesses appear on your behalf. You may present evidence on your behalf. You may have an attorney represent you. If you cannot afford an attorney, an attorney will be appointed for you. You must advise the agent or the court in writing of your desire for an attorney. It is your responsibility to make arrangements for your witnesses and your attorney to appear at the hearing.
--

IF YOU FAIL TO APPEAR AT THE TIME, DATE AND PLACE SHOWN ABOVE, THE HEARING WILL BE HELD IN YOUR ABSENCE AND YOU MAY BE INCARCERATED.

SPARTANBURG , South Carolina	Probation and Parole Agent Ethan Weston <i>Ethan Weston</i>	Agent # 0162
Date 7/9/2014		

A copy of the citation was served by the undersigned and given to the individual named therein at the time, date, and place indicated below.

Place	Date and Time 10/13/14 10:05 AM
Serving Officer's Signature <i>[Signature]</i>	

Sworn to and subscribed before me this 13 day of October, 2014

Signature of Notary Public <i>[Signature]</i>	My Commission Expires <u>5.14.2024</u>
--	--

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of SPARTANBURG

Personally appeared before me, Ethan Weston, who first being duly sworn, deposes and says that THOMAS RAYNES MARETT did within this county and State on the 9 day of July, 2014, violate certain conditions of release in the following particulars:

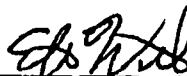
DESCRIPTION OF VIOLATION

By willfully violating conditions 7,9,10, and 11 of his probation ordered under cause number 2013-GS-42-1003 by the Spartanburg County Court of General Sessions on 09/11/2013.

The Affiant states that there is probable cause to believe the defendant named committed the violations set forth and that such probable cause is based on the following facts:

- 7. Failing to pay on his supervision fees by being \$250 in arrears at the issuance of this citation.
- 9. Failing to pay on his court costs by being \$90 in arrears and having an unpaid balance of \$648.90 having never made a payment.
- 9. Failing to pay on his restitution by being \$300 (6 payments) in arrears at the issuance of this citation having never made a payment and having an unpaid balance of \$2,785.68.
- 10. Failing to pay his \$20 drug test fee.
- 10. By failing to follow the advice and instruction of his agent.

Sworn to and subscribed
before me this 9 day of
July 2014



Affiant

Signature of Notary Public

My Commission Expires:

12/29/21

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Thomas Marett, Appellant.

Appellate Case No. 2013-002017

Appeal From Spartanburg County
R. Keith Kelly, Circuit Court Judge

Unpublished Opinion No. 2015-UP-149
Submitted February 1, 2015 – Filed March 18, 2015

AFFIRMED

Deputy Chief Appellate Defender Wanda H. Carter, of
Columbia, for Appellant.

Attorney General Alan McCrory Wilson and Assistant
Attorney General Mark Reynolds Farthing, both of
Columbia; and Solicitor Barry Joe Barnette, of
Spartanburg, for Respondent.

PER CURIAM: Thomas Marett appeals his conviction of obtaining property by
false pretenses, arguing the trial court erred in (1) denying his motion to dismiss or

quash the indictment, (2) denying his motion for a directed verdict, and (3) not charging the jury that a post-dated check is a promise to pay at a future date. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to whether the trial court erred in denying Marett's motion to dismiss or quash the indictment: *State v. Tumbleston*, 376 S.C. 90, 96-97, 654 S.E.2d 849, 852 (Ct. App. 2007) ("[T]he [trial] court should evaluate the sufficiency of the indictment by determining whether (1) the offense is stated with sufficient certainty and particularity to enable the court to know what judgment to pronounce, and the defendant to know what he is called upon to answer and whether he may plead an acquittal or conviction thereon; and (2) whether it apprises the defendant of the elements of the offense intended to be charged."); *id.* at 94, 654 S.E.2d at 851 ("The trial court's factual conclusions as to the sufficiency of an indictment will not be disturbed on appeal unless so manifestly erroneous as to show an abuse of discretion.").
2. As to whether the trial court erred in denying Marett's motion for a directed verdict: *State v. Barksdale*, 311 S.C. 210, 215, 428 S.E.2d 498, 501 (Ct. App. 1993) ("In considering [a] motion for directed verdict, this court is concerned only with the existence of evidence and not its weight."); *State v. Odems*, 395 S.C. 582, 586, 720 S.E.2d 48, 50 (2011) (providing this court must view the evidence in the light most favorable to the State); *id.* (providing this court must find the case was properly submitted to the jury "if there is any direct or substantial circumstantial evidence reasonably tending to prove the guilt of the accused" (emphasis omitted)); *State v. Bostick*, 392 S.C. 134, 139, 708 S.E.2d 774, 776-77 (2011) ("Unless there is a total failure of competent evidence as to the charges alleged, refusal by the trial [court] to direct a verdict of acquittal is not error." (citation and internal quotation marks omitted)).
3. As to whether the trial court erred in not charging the jury that a post-dated check is a promise to pay at a future date: Rule 20(b), SCRCrimP ("Notwithstanding any request for legal instructions, the parties shall be given the opportunity to object to the giving or failure to give an instruction before the jury retires, but out of the hearing of the jury. Any objection shall state distinctly the matter objected to and the grounds for objection. Failure to object in accordance with this rule shall constitute a waiver of objection."); *State v. Stone*, 285 S.C. 386, 387, 330 S.E.2d 286, 287 (1985) ("[A] defendant's failure to object to the charge as made or to request an additional charge, when an opportunity has been afforded to do so, results in a waiver of his right to complain about the charge on appeal.").

AFFIRMED.¹

FEW, C.J., and HUFF and WILLIAMS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of Spartanburg
STATE VS.

Indictment Number: 13-GS-47-01000 RECEIVED
Probation C/W #: C-42-14-0409

Thomas Haynes Marett
AKA:
Race: W Sex: Male
DOB:
SSN:
SID#: 00 80594

Name of Original Offense: Breach NOV 16 2015
Original A/W#: 2013 G.S. 4701.003 SC Court of Appeals
Date of Original Offense: 7/14/2011
Conviction S.C. Code #: 16-13-0740
Conviction CDR Code #: 3, 4, 7, 10
Original Sentence: 5 yrs. Susp. to 6 months & 5 yrs pro
ORDER bation.

The above named defendant has been charged with violating the conditions of probation ordered on 9/11/13 in the Court of General Sessions of Spartanburg County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 7/19/2014, as set forth in the attached warrant(s) or citation(s) dated 7/19/2014. 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) 1, 9, 10, and 11

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 _____ 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) Civil Judgment: Department fees
 Fines and other fees (arrearage/balance) Fines and other fees
 Restitution (and 20%) (arrearage/balance) Restitution (and 20%)

Additional Conditions ordered by the Court:
Must pay restitution as previously ordered without fail as instructed by the agent.

- 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 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 16 day of October, 2015
Spartanburg, SC

[Signature]
Presiding Judge
Hon. Judge Cole 7th Judicial Circuit

FILED
CLERK OF COURT
SPARTANBURG COUNTY
OCT 16 PM 4:20
P. HOPE BLACKBURN

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation or 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.

[Signature]
Signed this 16 day of October, 2015

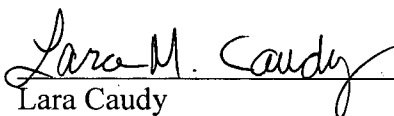
Witnessed by [Signature]

Signed this 16 day of October, 2015, at Spartanburg 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 South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully submitted,



Lara Caudy
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 26th day of September, 2016.

RECEIVED

SEP 26 2016

SC Court of Appeals

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County
Honorable J. Derham Cole, Circuit Court Judge

RECEIVED

SEP 26 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

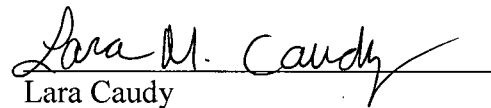
V.

THOMAS MARETT,

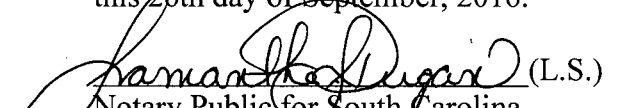
APPELLANT

CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above referenced case has been served upon Matthew Buchanan, Esquire, at the South Carolina Department of Probation, Parole and Pardon Services, Post Office Box 50666, Columbia, South Carolina 29250, this 26th day of September, 2016.


Lara Caudy
Appellate Defender

SUBSCRIBED AND SWORN TO before me
this 26th day of September, 2016.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: April 27, 2026.