

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable R. Keith Kelly, Circuit Court Judge

RECEIVED

OCT 21 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JAMES CHADWICK LYDA,

APPELLANT

APPELLATE CASE NO 2016-000315

RECORD ON APPEAL

ROBERT M. DUDEK
Chief 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 BUCHANAN
General Counsel
S.C. DPPPS - P. O. Box 50666
Columbia, SC 29250

ATTORNEYS FOR RESPONDENT

ATTORNEY FOR APPELLANT

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

3 The State,) TRANSCRIPT OF RECORD
4) 2013-GS-42-4480, -4483, -4485,
5 -vs-) -4486
6 James Chadwick Lyda,)
7 Defendant.) February 12, 2016
Spartanburg, South Carolina

8
9
10 B E F O R E:

11 HONORABLE R. KEITH KELLY, JUDGE
12
13

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

15 AGENT PRICE
16 Spartanburg County Probation Office

17 ROBERT B. HALL, ESQUIRE
18 Attorney for the Defendant
19
20
21

22 Margaret A. Woods
23 Circuit Court Reporter
24
25

1 PROBATION AGENT: James Lyda.

2 (Whereupon, the defendant came forward.)

3 THE CLERK: Sir, please raise your right hand.

4 JAMES CHADWICK LYDA, having been
5 first duly sworn, testified as follows:

6 THE COURT: We see each other again.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Have you gone over the 1106 with your lawyer?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Is it true what they say?

11 THE DEFENDANT: All but one of 'em.

12 THE COURT: Okay, which one's not true?

13 THE DEFENDANT: Uh, leaving the county goin' to Florida.

14 THE COURT: Okay, that's not true?

15 THE DEFENDANT: No, sir.

16 THE COURT: But everything else they say is true.

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Okay, and a course, uh, I know that I told
19 you, uh, back in, uh, June the 2nd 2014, I mean, I know that
20 I, that I told you there no second chances, did I not?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Okay. Alright, Mr. Hall.

23 MR. HALL: Please the Court, Your Honor. He tells me
24 that last about a year ago, uh, he had to have surgery on his
25 shoulder I believe it was and, uh, his real downslide started,

1 uh, when a tree fell on his house, uh, and that's, he was, uh,
2 tryin' to do some repairs on that and missed the court date,
3 missed to report and basically I think just panicked like a
4 lotta people do at that point, scared to go in and kinda get
5 that the catch-22. Your Honor, he ju -- he says he has filed
6 his tax returns, his wife was supposed to get the records, uh,
7 show how much he was gonna get but he would have more than
8 enough I think to pay everything off, uh, but, I -- Judge,
9 that's, I have no idea when that's gonna come in, uh, Your
10 Honor, so he's askin' for a chance to be able to pay
11 everything off instead a the revocation, uh, based on that tax
12 refund.

13 THE COURT: An -- sir, anything you'd like to say?

14 THE DEFENDANT: Uh, it wasn't intentionally the missed
15 court date, I haven't never missed a court date or report and
16 I'm askin' for your mercy.. I have a newborn and . . .

17 THE COURT: Sir, one of, one a your warrants was four
18 general sessions bench warrants, one of 'ems for
19 non-compliance with weekend time. He's revoked. Good luck
20 to.

21
22
23
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25

CERTIFICATE OF REPORTER

I, Margaret A. Woods, Court Reporter in and for the State of South Carolina at Large, hereby certify that I reported the preceding case on February 12, 2016 at the time and place heretofore set forth; and that the foregoing pages numbered from 2 through 3, inclusive, constitute a true and accurate transcription of my stenographic notes of the said proceeding.

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties connected to the action, nor am I financially interested in the action.

March 10, 2016

Margaret A. Woods, Court Reporter

in and for the State of South Carolina at Large.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT.

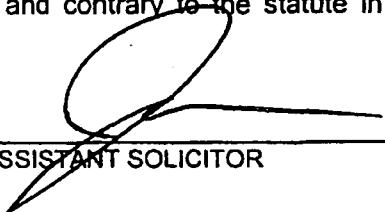
At a Court of General Sessions, convened on SEP 27 2012 the

Grand Jurors of Spartanburg County present upon their oath:

DISTRIBUTION OF ALPRAZOLAM

That James Chadwick Lyda , did in Spartanburg County on or about February 15, 2012 manufacture, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempt or conspire to manufacture, distribute, dispense, deliver or purchase, or possess with intent to manufacture, distribute, dispense, deliver, or purchase a quantity of Alprazolam , a schedule IV controlled substance or controlled substance analogue, in violation of § 44-53-370, *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.


 ASSISTANT SOLICITOR

WITNESSES

SPTBG CO SHERIFF'S OFFICE

1. COUNTY CLERK

2. CLERK OF COURT

3. JUDGE

4. JURY

5. COUNTY CLERK

6. COUNTY CLERK

7. RETURN TO COURT

ARREST WARRANT NUMBER

TRAFFIC VIOLATIONS COPY

N156094

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

SEP 27 2013

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

13-GS-42-4485

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

OCT 07 2013

TERM

THE STATE

vs.

JAMES CHADWICK LYDA

Indictment for

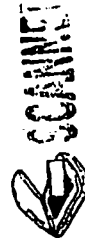
DISTRIBUTION OF ALPRAZOLAM

SC Code: 44-53-370

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2013 OCT -2 AM 9:40

M. HOPE BLACKLEY



STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

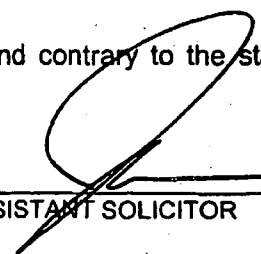
At a Court of General Sessions, convened on SEP 27 2013 the

Grand Jurors of Spartanburg County present upon their oath:

DISTRIBUTION OF HYDROCODONE AND ACETAMINOPHEN

That James Chadwick Lyda , did in Spartanburg County on or about February 16, 2012 manufacture, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempt or conspire to manufacture, distribute, dispense, deliver or purchase, or possess with intent to manufacture, distribute, dispense, deliver, or purchase a quantity of Hydrocodone and Acetaminophen , a schedule III controlled substance or controlled substance analogue, in violation of § 44-53-370, *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.



ASSISTANT SOLICITOR

WITNESSES

SPTBG CO SHERIFF'S OFFICE

1. JURY MADE

2. RETURNED

3. CAPTIONED

4. INDEXED

5. FILED

6. OPENED

7. ASSESSED AND

TRAFFIC VIOLATIONS COPY
N156040

ARREST WARRANT NUMBER

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

SEP 27 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO
13-GS-42-4483

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

OCT 07 2013

TERM

THE STATE
vs.

JAMES CHADWICK LYDA

Indictment for

DISTRIBUTION OF HYDROCODONE AND
ACETAMINOPHEN

SC Code: 44-53-370

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 OCT -2 AM 9:40
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

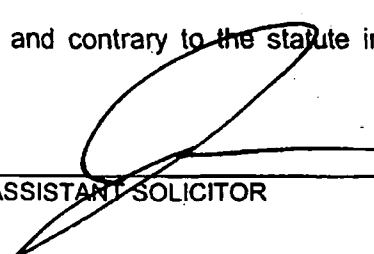
INDICTMENT

At a Court of General Sessions, convened on SEP 21 2012 the
 Grand Jurors of Spartanburg County present upon their oath:

DISTRIBUTION OF ALPRAZOLAM

That James Chadwick Lyda , did in Spartanburg County on or about February 15, 2012 manufacture, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempt or conspire to manufacture, distribute, dispense, deliver or purchase, or possess with intent to manufacture, distribute, dispense, deliver, or purchase a quantity of Alprazolam , a schedule IV controlled substance or controlled substance analogue, in violation of § 44-53-370, *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.


 ASSISTANT SOLICITOR

WITNESSES

SPTBG CO SHERIFF'S OFFICE

1. JUDGE

2. PROSECUTOR

3. DEFENSE ATTORNEY

4. WITNESS

5. COURT REPORTER

6. COURT CLERK

7. ASSESSMENT AND

FILE CARD MADE
ARREST WARRANT NUMBER
TRAFFIC VIOLATIONS COPY

N156041

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

SEP 27 2013

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. **13-GS-42-4486**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

OCT 9 / 2013

TERM

THE STATE

vs.

JAMES CHADWICK LYDA

Indictment for

DISTRIBUTION OF ALPRAZOLAM

SC Code: 44-53-370

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 OCT -2 AM 9:40
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

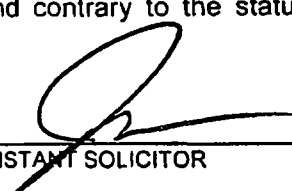
INDICTMENT

At a Court of General Sessions, convened on SEP 17 2012 the Grand
Jurors of Spartanburg County present upon their oath:

PETIT LARCENY

That James Chadwick Lyda did in Spartanburg County on or about December 10, 2012, feloniously take and carry away seven radiators belonging to Pinson Auto Salvage, of the value of less than Two Thousand Dollars, in violation of §16-13-0030 (A), of *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.



ASSISTANT SOLICITOR

WITNESSES

SPARTANBURG COUNTY SHERIFF'S OFFICE

2. REPORTED BY

3. CREDITED

4. CHECKED

5. CHECKED FOR REPORTS

6. CHECKED SIGNATURE

7. ASSESSMENT FINE CARD MADE

TRAFFIC VIOLATIONS COPY

2012A4210201699

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

SEP 27 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-4480

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

OCT 07 2013

TERM

THE STATE
vs.

JAMES CHADWICK LYDA

Indictment for
PETIT LARCENY

SC Code: 16-13-0030 (A), 16-1-57
CDR Code: 3419, 2367
Class FEL/E

RECEIVED

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2013 OCT -2 AM 9:40

M. HOPE BLACKLEY

SOUTH CAROLINA

SPARTANBURG

VS.

James Chadwick Lyda

IN THE COURT OF GENERAL SESSIONS 13

INDICTMENT/CASE#: 2013GS4204480

A/W#: 2012A4210201699

Date of Offense: 12/10/2012

S.C. Code §: 16-13-0030(A)

CDR Code #: 3596

SENTENCE SHEET

Race: WHITE Sex: M Age: 38

DOB:

Address:

City, State, Zip: Spartanburg, SC 29301

DL#: 004443722 SID#: 29301

*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: Larceny / Petit or Simple Larceny - \$2,000 or less (Enhancement per 16-1-57) (0 - 10 years)

in violation of § 16-13-0030(A) of the S.C. Code of Laws, bearing CDR Code # 3596

☒ 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:

HOLLIS HAYES

SC Bar# 79791

Defendant Chad Lyda

Attorney for Defendant US Wall

SC Bar# 100383

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 1 years

and/or to pay a fine of \$ 90; provided that upon the service of 90 days/months/years and/or payment

of \$ 2 years; plus costs and assessments as applicable*; the balance is suspended with probation for 2 years

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 4483, 4485 & 4486☒ 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 ☒ OrderedPTUP ☒ upon payment in full all fees, costs and restitution AND on violations.

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)	\$50 \$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
Proviso 90.5 (SCCJA Surcharge)	\$5 \$ 5.00
3% to County (if paid in installments)	\$ 13.50
TOTAL	\$ 1248.90

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: D. Daniel

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date: 2 June 2014

14
Spartanburg
COUNTY OF SPARTANBURG
VS.
James Chadwick Lyda
Race: WHITE Sex: M Age: 38
DOB:
Address:
City, State, Zip: SPARTANBURG, SC 29301
DL#: 004443722 SID#:
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was
TO: Distribution of Alprazolam 1st (0 - 3 years &/or up to \$3,000)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS4204485
A/W#: N156094
Date of Offense: 2/15/2012
S.C. Code § : 44-53-0370(a)
CDR Code #: 0189

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 44-53-0370(a) of the S.C. Code of Laws, bearing CDR Code # 0189
☒ 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: HOLLIDAY, HAYES SC Bar# 3771 Chad Lyda Defendant US Hall 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 3 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

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: 4400, 4483 & 4486
☒ 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 (Original 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 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
§ 14-1-213 (Drug Court Surcharge) \$150 \$ 150.00
§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
Proviso 90.5 (SCCA Surcharge) \$5 \$ 5.00
3% to County (if paid in installments) \$ 8.40
TOTAL \$ 288.40

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: C. L. Smith
Court Reporter: P. Fausch
SCCA/217 (03/2011)

Presiding Judge: R. Keith Kelly
Judge Code: 2165
Sentence Date: 2 June 2014

Spartanburg)
County)
OF)
SOUTH CAROLINA)
VS.)
SPARTANBURG)
James Chadwick Lyda)
CA:)
Race: WHITE Sex: M Age: 38)
DOB:)
Address:)
City, State, Zip: Spartanburg, SC 29301)
DL#: 004443722 SID#:)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS4204483
A/W#: N156040
Date of Offense: 2/15/2012
S.C. Code §: 44-53-0370(b)(2)
CDR Code #: 0186

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was
TO: Distribution of Hydrocodone 1st (0 - 5 years &/or up to \$5,000)

☐ CONVICTED OF or ☒ PLEADS

in violation of § 44-53-0370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0186
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

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: HOLLIDAY HAYES SC Bar# 79791 Chad Lyda Defendant MS Wall 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 — days/months/years and/or payment
of \$ —; plus costs and assessments as applicable*; the balance is suspended with probation for —

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: 4480, 4485 & 4486
☐ 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 PTUP —
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
§ 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
§ 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 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$298.00

— 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 —
Other: —

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

Clerk of Court/ Deputy Clerk: P. Dancette
Court Reporter: —
SCCA/217 (03/2011)

Presiding Judge: A. Keith Kelly
Judge Code: 2165
Sentence Date: 2 June 2014

STATE OF SOUTH CAROLINA

County of Spartanburg
STATE vs.James Chadwick Lyda

AKA:

Race: WDOB: [REDACTED]SSN: [REDACTED]SID#: 010931042

IN THE COURT OF GENERAL SESSIONS

Indictment Number: 13 -GS- 42 - 4480
Probation C/W#s: W-42-13-0263Name of Original Offense: Petit Larceny \$2,000
Original A/W#: 2012A421020499
Date of Original Offense: 12/10/12
Conviction S.C. Code §: 110-13-0030 (A)
Conviction CDR Code #: 3, 5, 9, 10
Original Sentence: 5 yrs ss to 90 days 3 2 yrs probate

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 10/21/14 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 11/9/15, as set forth in the attached warrant(s) or citation(s) dated 11/3/15. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)
1, 2, 7, 9, 10, 31

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 5 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:

- ☒ The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- ☒ The defendant has previously served 90 days 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 12th day of February, 2016,
Spartanburg SCR. Keith Kelly
Presiding Judge
Honorable R. Keith Kelly, Jr. Judicial Circuit

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

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

Offender's Signature

Witnessed by

Signed this _____ day of _____, _____ at Spartanburg SC

km

STATE OF SOUTH CAROLINA

County of Spartanburg
STATE VS.James Chadwick Oyola
AKA: _____
Race: W Sex: M
DO: _____
SSI: _____
SID#: 01693642

IN THE COURT OF GENERAL SESSIONS

Indictment Number 42-4483
Probation C/Ws: N-42-15-0263Name of Original Offense: Distribution of Hydrocodone
Original A/W#: N156040
Date of Original Offense: 2/15/12
Conviction S.C. Code §: 44-53-0370(b)(2)
Conviction CDR Code #: 0171816
Original Sentence: 5 yrs & during probation

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 10/21/14 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 11/13/15, as set forth in the attached warrant(s) or citation(s) dated 11/13/15. After hearing the evidence and being duly advised, in the presence 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, 2, 7, 9, 10, 311

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 3 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:

- ☒ The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- ☒ The defendant has previously served 90 days 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 12th day of February, 2016,
Spartanburg, SCPresiding Judge R. Keith Kelly
Hon. R. Keith Kelly Judicial Circuit

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

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

Offender's Signature _____

Witnessed by _____

Signed this _____ day of _____, _____, at Spartanburg, SC

KM

STATE OF SOUTH CAROLINA

County of Spartanburg
STATE VS.James Chadwick LydaAKA: 112Race: MDOB: [REDACTED]SSN: [REDACTED]SID#: 01493642

IN THE COURT OF GENERAL SESSIONS

Indictment Number: 13 -GS- 42-4486
Probation C#s: W-42-15-0263Name of Original Offense: Dist. of Alprazolam 1st
Original A/W#: N156041
Date of Original Offense: 2/15/12
Conviction S.C. Code §: 44-53-0370(a)
Conviction CDR Code #: 011819
Original Sentence: 3yrs ss during probation

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 10/2/14 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 10/9/15, as set forth in the attached warrant(s) or citation(s) dated 11/3/15. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit) 1, 2, 4, 9, 10, 371

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 3yrs 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 the 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:

- ☒ The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- ☒ The defendant has previously served 90 days 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 12th day of February, 2016,
Spartanburg, SCR. Keith Kelly
Presiding Judge
Tim P. Roth Kelly Judicial Circuit

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

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

Offender's Signature

Witnessed by

Signed this _____

Day

day of _____

Month

Year

At _____

City

SC

Kw

STATE OF SOUTH CAROLINA

County of Spokaneburg
STATE VS.AKA: James Chadwick LyolaRace: [REDACTED]DOB: [REDACTED]SSN: [REDACTED]SID#: 01093692

IN THE COURT OF GENERAL SESSIONS

Indictment Number 13 GS- 42 4485
Probation CDR #s: W-42-15-0263Name of Original Offense: Dist. of Alprazolam 1stOriginal AWW #: N156094Date of Original Offense: 2/15/12Conviction S.C. Code §: 44-33-0370(a)Conviction CDR Code #: 0, 1, 8, 9Original Sentence: 3yrs SS drinking probation

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 01/2/14 in the Court of General Sessions of Spokaneburg County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 01/9/13, as set forth in the attached warrant(s) or citation(s) dated 1/15/15. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

1, 2, 7, 9, 10, 31

Therefore, IT IS ORDERED that:

☒ the suspended sentence be revoked and the above named defendant be required to serve 3 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)
☒ 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:

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

☒ The defendant has previously served 90 days 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 12th day of February, 2016.

Spokaneburg, SC

R. Keith Kelly
Presiding Judge
Don R. Kelly Judicial Circuit

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

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

Offender's Signature _____

Witnessed by _____

Signed this _____ day of _____, _____ Year

at _____

Spokaneburg
City

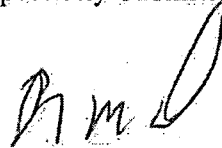
SC

KIM

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. Dudek
Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

This 21st day of October, 2016.

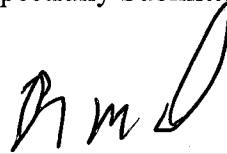
RECEIVED 20

OCT 21 2016

CERTIFICATE OF COUNSEL FOR APPELLANT
SC Court of Appeals

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. Dudek
Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

This 21st day of October, 2016.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

RECEIVED

OCT 21 2016

SC Court of Appeals

Appeal from Spartanburg County
Honorable R. Keith Kelly, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES CHADWICK LYDA,

APPELLANT

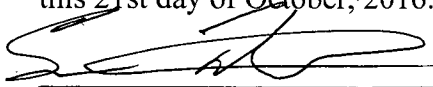
CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above-referenced case has been served upon Matthew Buchanan, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and James Chadwick Lyda, #328523, at Tyger River Correctional Institution, 200 Prison Road, Enoree, SC 29355 this 21st day of October, 2016.



George Vlasis
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 21st day of October, 2016.



(L.S.)

Notary Public for South Carolina
My Commission Expires: October 30, 2022.