

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED

Appeal from Richland County

FEB 06 2017

Honorable DeAndrea G. Benjamin, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ANTWAN ADAMS,

APPELLANT

APPELLATE CASE NO 2016-000836

RECORD ON APPEAL

LAURA R. BAER
Appellate Defender

THOMAS W. NICHOLSON
Legal Counsel

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

SC Dept. of Probation, Parole, and Pardon
Services
Post Office Box 50666
Columbia, SC 29250
(803) 734-9220

ATTORNEY FOR APPELLANT

ATTORNEY FOR RESPONDENT

INDEX

INDEX.....	i
PROBATION CITATION, NOVEMBER 15, 2011	1
ARREST WARRANT, JULY 18, 2012	3
TRANSCRIPT OF FIRST REVOCATION HEARING, MAY 5, 2014.....	5
FIRST REVOCATION ORDER, MAY 5, 2014.....	16
ARREST WARRANT, FEBRUARY 11, 2015.....	17
TRANSCRIPT OF SECOND REVOCATION HEARING, APRIL 15, 2016	19
SECOND REVOCATION ORDER, APRIL 15, 2016	24
CERTIFICATE OF COUNSEL	25

PROBATION CITATION

No. C-40-11-0877

SOUTH CAROLINA V. ANTWAN ADAMS	COUNTY: RICHLAND	
	SCDC #	SID [REDACTED] 01609494

TO: ANTWAN ADAMS

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

Place TBD	Room TBD
	Date and Time

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

Violations Charged

Antwan Adams has violated conditions 1, 2, 3, 7, 9, 10 and 11 as ordered in Cause Number 10GS40-6478 in the Richland County Court of General Sessions on 11-8-2010.

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.

COLUMBIA , South Carolina	Probation and Parole Agent Troy Deon Smith	Agent # 0111
Date 11/10/2011		

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 Richland PPP	Date and Time 11/15/11 @ 11:05 am
	Serving Officer's Signature [Signature]

Sworn to and subscribed before me this 15 day of November, 2011

[Signature]
Signature of Notary Public

My Commission Expires 09-20-2021

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of RICHLAND

Personally appeared before me, Troy Deon Smith, who first being duly sworn, deposes and says that ANTWAN ADAMS did within this county and State on the 10 day of November, 2011, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

Antwan Adams has violated conditions 1, 2, 3, 7, 9, 10 and 11 as ordered in Cause Number 10G540-6478 in the Richland County Court of General Sessions on 11-8-2010.

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:

Antwan Adams has failed to follow the advice and instructions of his supervising agent by: Failing to report on August 2, 2011 or any report thereafter until November 8, 2011; failing to gain consent to move from 3245 Lucius RD Apt F-4 Columbia, SC to Charleston County, SC, by his own admission; failing to refrain from the use of controlled substance by testing positive for Marijuana (THC) on 11/8/2011; failing to pay supervision fee, being \$550.00 in arrears with an unpaid balance of \$1150.00; failing to pay DACOR plus 20% collection fee, being \$1308.00 in arrears with an unpaid balance of \$2160.00; failing to pay fine to Richland County Clerk of Court, being \$336.00 in arrears with an unpaid balance of \$648.90. These actions are contrary to the agreement signed by Mr. Adams on 11/8/2010.

Sworn to and subscribed
before me this 10 day of
November 2011

Troy D Smith
Affiant

[Signature]
Signature of Notary Public

My Commission Expires: 8/12/2021

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF

RICHLAND

THE STATE

against

ANTWAN ADAMS

Constable or Law Enforcement Officer

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

Antwan Adams

on the 27 day of March 2014

Constable or Law Enforcement Officer

This Warrant is certified for service in [County of warrant Certification] County. The accused is to be arrested and brought before me to dealt with according to law.

Signature of Judge

(L.S.)

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 7/18/2012

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

Troy Deon Smith

Disposition

Sentence

Co-Defendants

INFORMATION ON DEFENDANT

Name ANTWAN ADAMS

Address 3245 LUCIUS ROAD APT F-4
COLUMBIA, SC 29201

Phone (803) 000-0000

Sex Male Race Black Height 506

Weight 220 Birth date

Social Security Number

INFORMATION ON WITNESSES

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

PRELIMINARY HEARING held by

Magistrate

on

with

Attorney for the Defendant.

Decision

BAIL

Date Set

Magistrate

Amount

Surety

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Probation

ARREST WARRANT

Indictment Number 10-GS-40-06478

Warrant Number W-40-12-0262

State Identification No. (SID) 01609494

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

It appearing from the attached affidavit that there are reasonable grounds to believe that ANTWAN ADAMS, did on the 18 day of July, 2012 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Antwan Adams has violated conditions 1, 2, 6, 7, 9, 10 and 11 as ordered in Cause Number 10GS40-6478 in the Richland County Court of General Sessions on 11-8-2010.

Now, therefore, you are empowered and directed to arrest the said defendant and bring ANTWAN ADAMS 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 COLUMBIA, S.C. this 18 day of July, 2012.

Signature of Probation and Parole Agent

(L.S.)

County of **RICHLAND**

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Troy Deon Smith, who, first being duly sworn, deposes and says that ANTWAN ADAMS did within this County and State on the 18 day of July, 2012, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

Antwan Adams has violated conditions 1, 2, 6, 7, 9, 10 and 11 as ordered in Cause Number 10GS40-6478 in the Richland County Court of General Sessions on 11-8-2010.

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:

Mr. Adams has failed to follow the advice and instructions of his supervising agent by: failing to report on December 6, 2011 or any report there after; failing to notify agent of address change to an unknown location thus absconded supervision; failing to notify agent of contact with Law Enforcement when he was arrested for Forgery on May 16, 2012 by Lexington County Sheriff Department; failing to pay DACOR plus 20% collection fee, being \$2160.00 in arrears with a unpaid balance of the Same; failing to pay supervision fee being \$950.00 in arrears with an unpaid balance of \$1150.00; failing to pay fine being \$560.00 in arrears with an unpaid balance of \$648.00; failing to pay drug test fee being \$20.00 in arrears with an unpaid balance of the same. These actions are contrary to the agreement signed by Mr. Adams on 11/8/2010

Sworn to and Subscribed before me
this 18 day of July, 2012.

Affiant

Signature of Notary Public

(L.S.)

Address: 1221 GREGG STREET
COLUMBIA, SC 29201
Out Of State
USA

(803) 734-6320

My Commission Expires

1 STATE OF SOUTH CAROLINA)

2 COUNTY OF RICHLAND)

COURT OF GENERAL SESSIONS
2010-GS-40-06478

3
4 State of South Carolina,)

5 Plaintiff,)

6 vs.)

7 Jerome Antwan Adams,)

8 Defendant.)

TRANSCRIPT OF RECORD

9 May 5, 2014
10 Columbia, South Carolina

11
12
13 B E F O R E:

14 THE HONORABLE DEANDREA G. BENJAMIN, JUDGE.
15
16

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

18 SOUTH CAROLINA DEPARTMENT OF
19 PROBATION, PAROLE AND PARDON SERVICES
Appearing for the Plaintiff

20 J. CHRISTOPHER SHIPMAN, ASSISTANT PUBLIC DEFENDER
21 Attorney for the Defendant
22
23
24

25 DEBORAH M. McCURDY, RPR
Official Court Reporter

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

(WHEREUPON, no witnesses were called
during these proceedings.)

E X H I B I T S

(WHEREUPON, no exhibits were introduced
during these proceedings.)

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MAY 5, 2014

THE PROBATION AGENT: Antwan Adams.

THE CLERK: Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth, so help you God?

THE DEFENDANT: Yes.

THE COURT: All right. Sir, do you have an attorney?

THE DEFENDANT: No, ma'am.

THE COURT: Would you like to have an attorney?

THE DEFENDANT: Yes, ma'am.

THE COURT: Sir?

THE DEFENDANT: Yes, ma'am.

THE COURT: And have you been screened for the Public Defender?

THE DEFENDANT: No, ma'am.

THE COURT: Go have a seat and one of the attorneys will speak with you.

(Pause.)

THE PROBATION AGENT: Thank you, Your Honor.
May it please the Court? Antwan Adams is under supervision for the offense of use of vehicle without permission with intent to deprive. He was

1 sentenced on 11/8/2010. His ending date was set to
2 be 11/7/2012. He was given three years YOA,
3 suspended to two years' probation, probation to
4 terminate upon payment.

5 He was served with a citation on
6 November 15th, 2011, at which time he stopped
7 reporting. And that is why there is a warrant. So
8 we are actually here for a citation and a warrant
9 today.

10 On the citation, he failed to report on
11 December 6, 2011, or any report thereafter. He
12 failed to notify -- I'm sorry, that is the warrant
13 that I'm talking about right now. It was written
14 because he failed to report on December 6, 2011, or
15 any report thereafter. He failed to notify his
16 agent of his address change. Failed to notify
17 agent of contact with law enforcement. He was
18 arrested for forgery on May 16, 2012, by Lexington
19 County Sheriff's Department. He failed to pay any
20 of his accounts with -- as far as Dacor he still
21 owes a balance of \$2,160.00. The only thing he has
22 paid on is supervision, which is \$50. So he still
23 owes his drug test fee and two court fines.

24 And then on the citation, he failed to report
25 August 2nd, 2011, or any report thereafter. Failed

1 to gain consent to move, once again. He actually
2 moved that time to Charleston County, by his own
3 admission to his agent. Failed to refrain from the
4 use of controlled substances by testing positive
5 for marijuana on 11/8/2011. And again failing to
6 pay the supervision fees, restitution, and court
7 fines.

8 THE COURT: All right.

9 MR. SHIPMAN: Thank you, Your Honor. May it
10 please the Court?

11 Mr. Adams is 26 years old. He has got two
12 children, ages two and one. Their mother is
13 currently doing an active sentence. I believe she
14 is projected to be released next October -- or is
15 it this October?

16 THE DEFENDANT: Next October.

17 MR. SHIPMAN: Next October. Those children
18 are currently staying with their -- or her aunt,
19 and he is also helping care for the children as
20 well.

21 He was arrested in Georgia -- I think this was
22 when the warrant was served on him -- on
23 December 9th. He was incarcerated from
24 December 9th until the March 29th. So he has got
25 about three months and a half or so, or three

1 months and two-thirds. He is on a YOA probation,
2 Your Honor. We would just ask that you convert
3 that to an adult sentence and revoke in an amount
4 of the time that he has served.

5 His pastor is also here from New Beulah
6 Church. I have been speaking with him briefly.

7 Mr. Adams has just started a job at Hardee's.
8 I think he started last Tuesday. He has also been
9 active in the church. And he is going to ministry
10 school, so he is trying to, I think, turn over a
11 new leaf in his life.

12 I believe Pastor Bell would like to address
13 you, if you see fit. And I don't know
14 if Mr. Adams -- would you like to address her or
15 not?

16 THE DEFENDANT: Yes, ma'am.

17 MR. SHIPMAN: And so they both would like to
18 address you at the appropriate time, if you see
19 fit, Your Honor.

20 THE COURT: What is he going to do about his
21 restitution? How much money do you have to pay on
22 your restitution?

23 MR. SHIPMAN: I'm not certain of the dollar
24 amount, but the pastor did say that the church was
25 willing to help him with the restitution.

1 THE COURT: No, how much does he have to pay?
2 How much does he have today?

3 THE DEFENDANT: No, ma'am, I just started
4 working last week. I got \$30 on me.

5 THE COURT: Has he picked up new charges?

6 THE PROBATION AGENT: Other than the two that
7 he failed to notify Agent Smith of. The forgery in
8 May of 2012, I think that is the only one -- that
9 we know of, at least.

10 MR. SHIPMAN: Your Honor, I don't know what
11 the disposition of that charge was. Mr. Adams says
12 that nothing came of it, but I haven't verified
13 that myself, Your Honor. And he was arrested in
14 Georgia. However, those charges have been dropped
15 when he was transported to South Carolina.

16 THE PROBATION AGENT: Yes, there is nothing on
17 the rap sheet showing a conviction or a dismissal
18 or anything for that forgery.

19 THE COURT: Okay. I will be glad to hear from
20 anybody.

21 MR. SHIPMAN: Pastor Bell, would you like to
22 address the Court?

23 MR. BELL: Do I need to come down there to
24 talk?

25 MR. SHIPMAN: Your Honor, would you like --

1 THE COURT: As long as I can hear you.

2 MR. BELL: With the fee, I can pay something
3 tomorrow morning, like maybe around \$400 for him,
4 if he have to pay the fee.

5 THE COURT: All right. Thank you, sir.

6 How much is the restitution, \$2,160.00?

7 THE PROBATION AGENT: Yes, ma'am.

8 THE COURT: All right, this is what I am going
9 to do. I am going to revoke six months, suspended
10 upon payment of \$2,160.00 within 120 days. During
11 that time, six months, he still needs to report.
12 If he has any missed reports, he is to -- a bench
13 warrant should be issued for his arrest. And he
14 needs to be brought back before the Court. You can
15 bring him back before me. And once he pays the
16 money, the case can terminate. And convert the
17 fees and fines to a civil judgment.

18 Sir, you understand that during the time
19 period that I am giving you -- I said six months...
20 120 days -- during the time period that you have to
21 pay that money, you are to report to probation. If
22 you do not report, they are going to issue a bench
23 warrant for you. Do you understand that, sir?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: All right. You have to come up

1 with \$2,160.00 within 120 days. If you do not do
2 that, sir, you will have six months in jail. Do
3 you understand that?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: All right.

6 MR. SHIPMAN: Thank you, Your Honor.

7 THE COURT: And you can waive the fees,
8 because I want him to pay restitution.

9 MS. DAIS: Your Honor, may it please the
10 Court?

11 THE COURT: Yes, ma'am.

12 MS. DAIS: We just have to get on record, in
13 the event he doesn't do it within six months, do
14 you want to convert that to a 6-month straight
15 adult time?

16 THE COURT: Yes. Yes.

17 MS. DAIS: Thank you, Your Honor.

18 MR. SHIPMAN: So the YOA is still in place
19 until -- unless and until it is revoked in 120
20 days; is that correct?

21 THE COURT: No. No. I'm revoking six months.
22 You are asking to convert it to an adult sentence.

23 MR. SHIPMAN: Okay. Thank you, Your Honor.

24 THE COURT: Revoking six months, suspending it
25 upon payment. So if he doesn't make the payment,

1 he will have to do six months.

2 MR. SHIPMAN: Thank you, Your Honor.

3 THE COURT: And if he doesn't show up, then he
4 will have to come back before the Court.

5 MR. SHIPMAN: All right. Thank you, Your
6 Honor.

7 (WHEREUPON, the proceedings were concluded.)
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(END OF TRANSCRIPT)

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

I, Deborah M. McCurdy, Official Court Reporter for the Fifth 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 Richland County, South Carolina, on the 5th day of May, 2014.

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

July 21, 2016

s/Deborah M. McCurdy, RPR

Deborah M. McCurdy, RPR
Fifth Circuit Court Reporter

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of Richland
STATE VS.

AKA: Anthony Adams
Race: Black Sex: Male
DOB: [REDACTED]
SSN: [REDACTED]
SID#: [REDACTED]

Indictment Number: 2010 GS-40-0478
Probation C/W #: W-40-12-0202
C-40-11-0877
Name of Original Offense: Use of vehicle w/o permission
Original A/W #: K612859
Date of Original Offense: 11-5-2009
Conviction S.C. Code #: 16-21-0060(A)
Conviction CDR Code #: 0 / 7 / 5 / 6
Original Sentence: YOA NTE 3 yrs, Svs to 2 yrs Prob

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 11/8/10 in the Court of General Sessions of Richland County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 11-10-11 as set forth in the attached warrant(s) or citation(s) dated 7-18-12. 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)

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 6 months of the original sentence, and/or pay \$ 0.
- ☐ the suspended sentence be revoked and the above named defendant be required to serve 6 months of the original sentence and/or pay \$ 0; 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%)

Waive & Wave Sup Fees

Additional Conditions ordered by the Court: Revocation suspended upon DACOR being paid
1 Full within 120 days; During 120 days Subject must Report monthly, Any
Issued Reports Issue BW) failure to pay w/in 120 day Issue BW

- ☒ 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 1 day on this sentence. subject is to serve Rev. Convert YOA
(split sentence time and/or prior partial revocation time) nte 3 yrs to straight 6mth
Adult sentence.
- ☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 5 day of May 2014
Columbia SC

Presiding Judge [Signature] 5th Judicial Circuit Jamir

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: [Signature]

Witnessed by: [Signature]

Signed this 5th day of May 2014 at Columbia SC

LK
1021

RETURN

Constable or Law Enforcement Officer

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

Antwan Adams

on the

26 Day of Feb 2016

[Signature]
Constable or Law Enforcement Officer

This Warrant is certified for service in [County
of warrant Certification] County. The
accused is to be arrested and brought before
me to be dealt with according to law.

Signature of Judge

(L.S.)

STATE OF SOUTH CAROLINA

COUNTY OF
Richland

THE STATE

against

Antwan Adams

ARREST WARRANT

Offense: Violation of Conditions of Probation
Supervision

Offense Section: 24-21-450

Date: 02/11/2015

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

John Zachary Allen

Disposition

Sentence

Co-Defendants

INFORMATION ON DEFENDANT

Name Antwan Adams

Address

Phone

Sex M Race B Height 506

Weight 220 Birth date

Social Security

Number

INFORMATION ON WITNESSES

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

PRELIMINARY HEARING held by

Magistrate

on

with

Attorney for the Defendant.

Decision

BAIL

Date Set

Magistrate

Amount

Surety

STATE OF SOUTH CAROLINA
COUNTY OF Richland

Probation

ARREST WARRANT

Indictment Number 2010-GS-40-06478
 Warrant Number W-47-15-0025
 State Identification No. (SID) [REDACTED]

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

It appearing from the attached affidavit that there are reasonable grounds to believe that Antwan Adams, did on the 11 day of February, 2015 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Antwan Adams has violated conditions 1 & 10 of Probation as ordered in Cause Number 2010-GS-40-06478 in the Richland County Court of General Session on 11/08/2010.

Now, therefore, you are empowered and directed to arrest the said defendant and bring Antwan Adams 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 Columbia, S. C. this 11 day of February, 2015

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

County of Richland

STATE OF SOUTH CAROLINA

Personally appeared before me, one John Zachary Allen, who, first being duly sworn, deposes and says that Antwan Adams did within this County and State the 11 day of

February, 2015, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

Antwan Adams has violated conditions 1 & 10 of Probation as ordered in Cause Number 2010-GS-40-06478 in the Richland County Court of General Session on 11/08/2010.

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:

Antwan Adams failed to follow the advice and instructions of his agent by the following; by failing to report on 08/19/2014 as instructed by agent.

Sworn to and Subscribed before me this 11 day of February, 2015

Nakesha Jacobs (L.S.)
 Signature of Notary Public

08-01-2024
 My Commission Expires

Affiant

Address: 1221 Gregg St
 Columbia SC, 29201
 803-734-6320

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

GENERAL SESSIONS COURT
2010-GS-40-06478

THE STATE,)

PLAINTIFF,)

vs.)

TRANSCRIPT OF RECORD

JEROME ANTWAN ADAMS,)

DEFENDANT.)

April 15, 2016
Columbia, South Carolina

B E F O R E :

THE HONORABLE DEANDREA G. BENJAMIN, JUDGE.

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

Agent RUNNING, ESQ.
Attorney for the Plaintiff

JONATHAN COMISH, ESQ.
Attorney for the Defendant

CRYSTAL HOLMES
Circuit Court Reporter

I N D E X

(There were no witnesses called.)

E X H I B I T S

(There were no exhibits introduced.)

P R O C E E D I N G S

THE COURT: Next case, please.

AGENT RUNNING: The State calls number three, Antwan Adams.

THE CLERK: Please raise your right hand.

THEREUPON,

ANTWAN ADAMS,

After having been duly sworn, testified as follows:

THE CLERK: Thank you.

THE COURT: Yes, ma'am. I think this is one that I did the same thing with him that I just did with her.

MR. COMISH: Your Honor, I have the sentencing sheet right here that you ordered if you would like to see it.

THE COURT: Yes, ma'am, go ahead.

AGENT RUNNING: Your Honor, may it please the Court. Antwan Adams was given probation in 2010 to 2012, three years YOA sentence, two years probation. It does say that per you, he was given 120 days May 5th, 2014, to pay his restitution in full and then his case would close. He was also instructed to not miss any reports or a bench warrant would be issued per your ruling. Also, financial allegations were waived. He failed to report on August 19th, 2015, or any time thereafter.

THE COURT: Yes, sir.

MR. COMISH: What we're asking here, Your Honor, you

1 suspended a six-month revocation. He's been now in Alvin
2 S. Glenn for 53 days, that means he's looking at doing a
3 few more months. He just wants to see if there's any way
4 he could do those months at -- rather than having to spend
5 them at Kirkland.

6 THE COURT: He had a YOA, I think I converted.

7 MR. COMISH: That's right.

8 THE COURT: He has three years hanging over his head.
9 He didn't do what he was supposed to do.

10 All right. Revoke 18 months, terminate and convert
11 fees and fines to a civil judgment.

12 MR. COMISH: So we're not going with your old order,
13 Your Honor?

14 THE COURT: No. I gave him a chance.
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

I, PENNY M. JOHNSON, Official Court Reporter for the
Second Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate, and
complete Transcript of Record of the proceedings had and the
evidence introduced in the hearing of the captioned case,
relative to appeal, in Court of General Sessions for
Richland County, South Carolina, on the 15th day of April,
2016.

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

June 20, 2016

Penny M. Johnson

Penny M. Johnson Court Reporter

My Commission Expires: 06/16/2018

STATE OF SOUTH CAROLINA

County of Richland
STATE VS.

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

2010 -GS- 40 - 6478
Probation C/W #: W-47-15-0025Name: Antwan Adams
AKA: _____
Race: B Sex: M
DOB: _____
SSN: _____
SID#: _____Name of Original Offense: use of vehicle w/o permission
Original A/W #: K612859
Date of Original Offense: 11/6/09
Conviction S.C. Code #: 10-21-0060 (A)
Conviction CDR Code #: 0171516
Original Sentence: YOA NTE 3yrs SS 2yrs
ORDER Probation

The above named defendant has been charged with violating the conditions of probation ordered on 11/8/10 in the Court of General Sessions of Richland County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 5/5/11, as set forth in the attached warrant(s) or citation(s) dated 2/11/15. 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. § 10

Therefore, IT IS ORDERED that:

☒ the suspended sentence be revoked and the above named defendant be required to serve 18 months/years, the remainder of the original sentence, and/or pay \$ TERMINAL CONVERT YOA TO ADULT STRAIGHT SENTENCE

☐ 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:

Convert YOA to adult Sentence revoke 18 months & terminate
VACATE BENCH WARRANT

☐ 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 1 day 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 15 day of April, 2016
Columbia, SCPresiding Judge WFS Fifth Benjamin
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

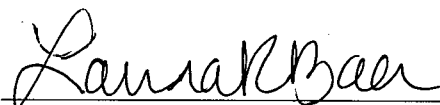
Witnessed by

Signed this _____ day of _____, 2016, at Columbia, SC

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,



Laura R. Baer
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 6th day of February, 2017.

RECEIVED

FEB 06 2017

SC Court of Appeals