

STATE OF SOUTH CAROLINA

COUNTY OF Aiken VS. STATE VS.

Joseph Lee Smith

AKA:

Race: White Sex: M Age: 32

DOB: SS#

Address:

City, State, Zip: North Augusta, SC 29841-2968

DL#: SID#: SC01450769

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS0200663

A/W#: 2017A0210200362

Date of Offense: 2/24/2017

S.C. Code §: 16-13-0110(A) (16-1-57)

CDR Code #: 2877

SENTENCE SHEET 0-10 years

CONVICTED OF or PLEADS

in violation of § 16-13-0110(A) (16-1-57) of the S.C. Code of Laws, bearing CDR Code # 2877

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

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

ATTEST: Ashley Agnew SC Bar# 80176 Defendant; Ashley Agnew SC Bar# 80176; Ola Johnson SC Bar# 68563 Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 7 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: 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 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

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

Table with 3 columns: Description, Amount, Total. Includes items like § 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 61.6 (Public Def/Probation) \$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, 3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

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Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk Angel Miles Court Reporter: Bethanie Creppon SCCA/217 (07/2016) Rec BTU

Presiding Judge Judge Code: 0136 Sentence Date: April 17, 2017

WITNESSES

North Augusta Dept. of Public Safety

Joseph B Rowland Jr

Law Enforcement Case #: 17-000590

DOCKET NO. 2017GS0200663

The State of South Carolina

County of Aiken

AAH

COURT OF GENERAL SESSIONS

ARREST WARRANT NUMBER

MAY TERM 2017

2017A0210200362

FILED April 17 2017

Robert L. White
C.C.P. & G.S.

Sherry L. Langley
Deputy Clerk

THE STATE

VS.

JOSEPH LEE SMITH

ACTION OF GRAND JURY

CDR #: 2877

Foreperson of Grand Jury

Date: May 18, 2017

Indictment for

VERDICT

SHOPLIFTING

§ 16-13-0110(A) (16-1-57)

Foreperson of Petit Jury

Date:

J. STROM THURMOND, SOLICITOR

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STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
SHOPLIFTING

§ 16-13-0110(A) (16-1-57)

At a Court of General Sessions, convened on May 22, 2017, the Grand Jurors of Aiken County present upon their oath:

That **JOSEPH LEE SMITH** did in Aiken County on or about February 24, 2017, take possession, carry away, transfer to another area of the store; alter, transfer or remove the price label or tag; transfer from its container to another container; and/or wilfully conceal certain merchandise valued at less than One Thousand Dollars, to wit: General merchandise, displayed, held, stored or offered for sale by Kroger, a store or retail mercantile establishment with the intention of depriving the merchant of the possession, use or benefit of the merchandise without paying the full retail value. The Defendant having previously been twice convicted of offenses for which the term of imprisonment was contingent upon the value of the property involved. All in violation of §16-13-110 of the Code of Laws of South Carolina (1976), as amended.

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Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA

County of Aiken

STATE vs.

AKA: Joseph Lee Smith

Race: W Sex: M

DOB: _____

SSN: _____

SID# 01450769

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

2014 -GS- 02 - 01178
Probation C/W#: CC-02-07-07

Name of Original Offense: Shoplifting

Original A/W#: 20140220100480

Date of Original Offense: 6-19-14

Conviction S.C. Code §: 16-13-0110(A)(16-1-57)

Conviction CDR Code #: 2 1 8 1 7 1 7

Original Sentence: 6 yrs SIS 5 yrs Probation

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SC Court of Appeals
ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 6 18 15 in the Court of General Sessions of Aiken County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on _____, as set forth in the attached warrant(s) or citation(s) dated 4-17-17. 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)
6 3 10

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 6 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 electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first or third 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: Revoke in full and terminate Probation; Run concurrent with Indictment # Recommended drug treatment in SCDC.

- The defendant is given credit for pre-arrest detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant is to be given credit for pretrial detention time served (N/A if defendant has served prior SCDC time).
- The defendant has served _____ days/months/years of prior revocations and/or initial SCDC time.
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 17 day of April, 2017,
Aiken, SC

[Signature]
Presiding Judge
2nd 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
[Signature]
Signed this _____ day of _____, _____ at _____, SC

Witnessed by [Signature]
Aiken City

PROBATION CITATION

No. CC-02-17-17

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SC Court of Appeals

SOUTH CAROLINA

COUNTY: AIKEN

SCDC # SID #
B3001450769

v.

Joseph Lee Smith

TO:

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

Place	Room	MAIN COURTROOM
AIKEN COUNTY JUDICIAL CENTER, 109 PARK AVE, AIKEN SC	Date and Time	

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

Violations Charged
The Defendant has willfully violated conditions #6 and #10 of his/her Probationary Agreement.

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 in 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.

Aiken, South Carolina	Probation and Parole Agent	
Date April 17, 2017	Shaynell P Favor	Agent # 592

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: Aiken County Judicial Center, 109 Park Ave, Aiken SC	Date and Time
	April 17, 2017 @ 3:40 PM
Sworn to and subscribed before me this 18th day of April, 2017	Serving Officer's Signature: Shaynell P Favor
Signature of Notary Public	My Commission Expires 7-14-25

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STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

IN THE COURT OF GENERAL SESSIONS)
FOR THE SECOND JUDICIAL CIRCUIT)

State of South Carolina,)

Warrant: 2017A0210200362

v.)

Joseph Lee Smith)

MOTION TO RECONSIDER)
SENTENCE)

Defendant.)
_____)

The Defendant in the above-captioned matter respectfully moves the Court to reconsider and reduce the sentence it imposed on the Defendant on Monday, April 17th, 2017.

As grounds for the reconsideration and reduction, the Defendant urges that the interests of justice will be served by the granting of this request. The Defendant will present further grounds as necessary, both in open court and *in camera* at such date and time as the Court deems appropriate to set such a hearing.

Respectfully submitted,



Ola Johnson
Attorney for Defendant

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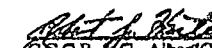
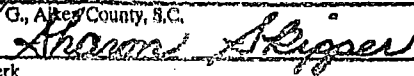
SC Court of Appeals

Aiken, South Carolina
April 17th, 2017

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

I, Robert J. Harle, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

APR 18 2017


C.S.C.P. & G., Aiken County, S.C.

Deputy Clerk

STATE OF SOUTH CAROLINA)
)
)
 vs.)
)
 Joseph Lee Smith)
)
)
 Defendant.)
 _____)

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Indictment #: 2017GS0200663
Probation Citation CC-02-17-17

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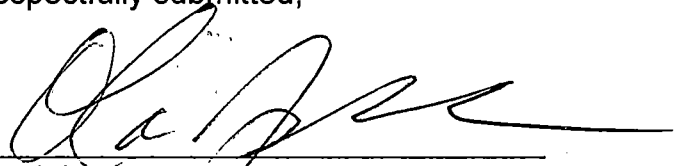
RULE 203(d)(1)(B)(iv) EXPLANATION SC Court of Appeals

Pursuant to Rule 203(d)(1)(B)(iv), the undersigned asserts that he does not have a good faith basis to believe that any issues are properly before the Court of Appeals, and the undersigned did not object to the sentence.

The undersigned attorney consulted with the client and after consultation the client requested that an appeal be filed.

The undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. See *Frazer v. South Carolina*, 430 F.3d 696, 706 (4th Cir. 2005) ("A defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate on behalf of his client.'") (quoting *Anders v. California*, 386 U.S. 738, 744 (1967)).

Respectfully submitted,



Ola Johnson
Attorney at Law
P.O. Box 549
Lexington, S.C.
29071

Aiken, South Carolina
April 24, 2017