

⑤

2017A02 10200362
2014A02 20100480

NOTICE OF INTENT TO APPEAL
THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
FROM AIKEN COUNTY
THE HONORABLE Doyet A. Early

April 24, 2017

Indictment 2017GS0200663 and Probation Citation No. CC-02-17-17

THE STATE OF SOUTH CAROLINA – Respondent

2014-GS-02-01178
(Copy)

VS.

Joseph Lee Smith – Appellant

NOTICE OF INTENT TO APPEAL

Joseph Lee Smith was convicted after entering a guilty plea to Shoplifting (Enhanced under 16-1-57) on April 17, 2017, before the Honorable Doyet A. Early in Aiken County General Sessions court. Mr. Smith was served with a probation citation No. CC-02-17-17 as a result of this guilty plea. Mr. Smith was sentenced on April 17, 2017 by the Hon. Doyet A. Early to 7 years incarceration and his previous suspended sentence of 6 years was revoked for the Probation Citation CC-02-17-17 to run concurrent with the 7 year sentence. A post trial motion (motion to reconsider sentence) was heard and denied by Judge Early on 4-19-17.

Joseph Lee Smith hereby gives notice of the appeal of his convictions and sentence.

RECEIVED



Ola Johnson
Attorney for Defendant

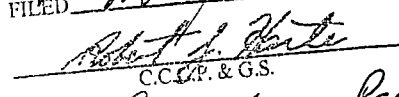
Other Counsel of record is:

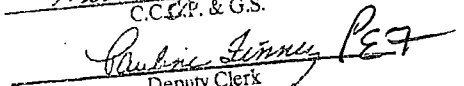
MAY 12 2017

SC Court of Appeals

2nd Circuit Solicitor's Office
Ashley Hammack, Ass't Solicitor
109 Park Ave. SE
Aiken, SC 29801

FILED May 9 20 17


C.C.P. & G.S.


Deputy Clerk

2017-GS-02-00663

NOTICE OF INTENT TO APPEAL
State of South Carolina
VS.

Joseph Lee Smith – Appellant

Indictment 2017GS0200663 and Probation Citation No. CC-02-17-17

CERTIFICATE OF SERVICE

I, Ola Johnson, do hereby certify that I have this day served the original of Appellate's Notice to Appeal upon the South Carolina Court of appeals, and copies of Appellate's Notice of Intent to Appeal to the Clerk of Court of Aiken County, and to Ashley Hammack, Asst. Solicitor, Second Judicial Circuit, by placing same in the United States Mail properly addressed and with correct postage affixed thereto:

South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

South Carolina Commission
On Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211

The Honorable Robert J. Harte
Clerk of Court for Aiken County
PO Box 583
Aiken, SC 29802

Second Circuit Solicitors Office
J. Strom Thurmond, Jr.
Post Office Drawer 3368
Aiken, SC 29802


Office of the Attorney General
Attn: Notice of Appeal (GS)
PO Box 11549
COLUMBIA, SC 29211-1549

RECEIVED

MAY 12 2017

SC Court of Appeals

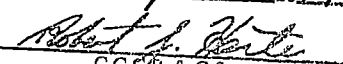
Dated this 24 day of April, 2017



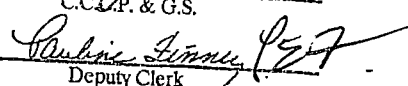
Ola Johnson
P.O. Box 549
Lexington, S.C. 29071

FILED

May 9 2017



C.C.P. & G.S.



Deputy Clerk

**OLA JOHNSON
ATTORNEY AT LAW**

2017 A02 102 00362

2014 A 02 201 00 480

Mailing Address:
P.O. Box 549
Lexington, SC
29071

Office Address:
201 West Main St.
Suite G
Lexington, SC
29072

e-mail: olajohnsonlaw@gmail.com

Telephone: (803) 360-8692
Fax: (803)-994-8279

May 5, 2017

The Honorable Robert J. Harte
Clerk of Court for Aiken County
PO Box 583
Aiken, SC 29802

RECEIVED

MAY 12 2017

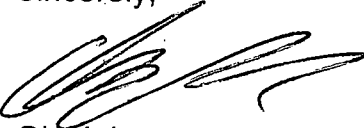
SC Court of Appeals

RE: NOTICE OF INTENT TO APPEAL
JOSEPH LEE SMITH
Indictment 2017GS0200663,
Probation Citation No. CC-02-17-17
(related to Indictment 2014-GS-02-01178)

Please find enclosed the Notice of Intent to Appeal on behalf of the Defendant in respect to Indictment 2017GS0200663 and Probation Citation No. CC-02-17-17 (related to Indictment 2014-GS-02-01178). It is anticipated that this appeal will be handled by the Office of Appellate Defense, in view of the indigent status of the Appellant/Defendant. I have enclosed the probation citation and order that contains the related Indictment number for that revocation (Indictment 2014-GS-02-01178) as well as the sentencing sheet and Indictment 2017GS0200663.

Copy A17
Civil Process
Probation

FILED May 9 2017
Robert J. Harte
C.C.P. & G.S.
Pauline Jimmy PGT
Deputy Clerk

Sincerely,

Ola Johnson

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken VS. STATE

INDICTMENT/CASE#: 2017GS0200662 A/W#: 2017A0210200362 Date of Offense: 2/24/2017 S.C. Code §: 16-13-0110(A) (16-1-57) CDR Code #: 2877

Joseph Lee Smith AKA: Race: White Sex: M Age: 32 DOB: SS#: 9 Address: City, State, Zip: North Augusta, SC 29841-2968 DL#: SID#: SC01450769

SENTENCE SHEET 0-10 years

*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)

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 2nd 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 Old 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 PTUP days/hours Public Service Employment

Total: \$ plus 20% fee: \$ Payment Terms: Set by SCDPPPS

Recipient:

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

RECEIVED MAY 12 2017 SC Court of Appeals. Includes checkboxes for 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, 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 Creppan SCCA217 (07/2016) Rec BTU

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

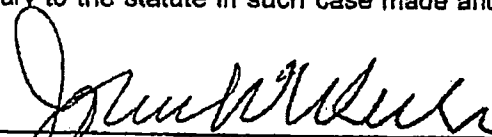
INDICTMENT FOR
SHOPLIFTING

§ 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.

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: 1-1-71

SSN: 014-50769

SID# 01450769

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

2014 - GS - 02 - 01178
Probation C/W#: CC-02-67-67

Name of Original Offense: Shoplifting

Original A/W#: 2014A0226100980

Date of Original Offense: 6-19-14

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

Conviction CDR Code #: 2181717

Original Sentence: 6 mos SIS 5 yrs Probation

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 orders(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)*
6310

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 hearing 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
R. N. [Signature]
Judicial Circuit

FILED
APR 19 2017
Sherrill P. Jarvie
Clerk of Court
CCDC & GS

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 _____, 2017 at _____ SC

Witnessed by
[Signature]
_____ SC
City

WITNESSES

North Augusta Dept. of Public Safety

Joseph B Rowland Jr

Law Enforcement Case #: 17-000590

AAH

ARREST WARRANT NUMBER

2017A0210200362

FILED April 17 2017

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

Sherry S. Langley
Deputy Clerk

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: May 18, 2017

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2017GS0200663

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

MAY TERM 2017

THE STATE

vs.

JOSEPH LEE SMITH

CDR #: 2877

Indictment for

SHOPLIFTING

§ 16-13-0110(A) (16-1-57)

J. STROM THURMOND, SOLICITOR

Indictment Number:
2014-CJS-02-01178

PROBATION CITATION

No. CC-02-17-17

SOUTH CAROLINA	COUNTY:	
	AIKEN	
v. <i>Joseph Lee Smith</i>	SCDC #	SID #
		13001450709

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 <i>April 17, 2017</i>	<i>Shaynell P. FAVOR</i> Agent # <i>592</i>

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
	<i>April 17, 2017 @ 3:40 PM</i>
Sworn to and subscribed before me this <i>18th</i> day of <i>April</i> , 2017	Serving Officer's Signature: <i>Shaynell P. FAVOR</i>
<i>[Signature]</i> Signature of Notary Public	My Commission Expires <i>7-14-25</i>

4

STATE OF SOUTH CAROLINA

County of Aiken

STATE

vs.

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

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

AKA: Joseph Keef Smith
Race: M Sex: M
DOB: _____
SSN: 5 _____ 9 _____
SID# 01450769

Name of Original Offense: Shoplifting
Original A/W#: 2014A0220100980
Date of Original Offense: 6-19-14
Conviction S.C. Code §: 16-13-0110(A)(16-1-57)
Conviction CDR Code #: R 1 8 1 7 1 7
Original Sentence: 6 mos 155 days Probation

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)
6310

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:

<input checked="" type="checkbox"/> Department fees (arrearage)	Civil Judgment:	<input type="checkbox"/> Department fees
<input type="checkbox"/> Fines and other fees (arrearage / balance)		<input checked="" type="checkbox"/> Fines and other fees
<input type="checkbox"/> Restitution (and 20%) (arrearage / balance)		<input type="checkbox"/> Restitution (and 20%)

Additional Conditions ordered by the Court: Revoke in full and terminate Probation; Run Concurrently with Indictment # Recommended drug treatment in SQDC.

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