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ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Union County

Honorable John C. Hayes, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KEVIN LEE BOYTER,

APPELLANT.

RECEIVED

JUL 26 2017

SC Court of Appeals

APPELLATE CASE NO. 2016-002375

RECORD ON APPEAL

ROBERT M. DUDEK
Chief Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
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ATTORNEY FOR APPELLANT

MATTHEW BUCHANAN
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South Carolina Department of Probation, Parole,
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Columbia, SC 29250

ATTORNEYS FOR RESPONDENT

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State of South Carolina.,)
)
)
 County of Union.)
)
)
 South Carolina Probation.,)
 Parole and Pardon.,)
 Services.,)
)
 Plaintiff.,)
)
 -vs-)
)
 Kevin Lee Boyter.,)
)
 Defendant.)
 _____)

In the Court of General
 Sessions for Union

Case No.: 2010-GS-44-01199
 2010-GS-44-01200
 2010-GS-44-01094
 2010-GS-44-01095

Transcript of Record

November 14, 15, 2016
 Union, South Carolina

B E F O R E:

The Honorable John C. Hayes, III., Judge.

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

Agent Beth Belue
 Agent Andy Fowler
 South Carolina Probation Parole Pardon Services
 200 S. Mountain Street
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 For the Plaintiff

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 For the Defendant

ORIGINAL

Wanda S. Nelson, CVR-M
 Official Court Reporter
 To The Honorable John C. Hayes, III
 Sixteenth Judicial Circuit
 Union and York Counties

1

I-N-D-E-X

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E-X-A-M-I-N-A-T-I-O-N

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WITNESS

BY:

PAGE NO.

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No Witnesses were called.

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I-N-D-E-X

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD.</u>
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No Exhibits were received into the record.

1 (COURT IN SESSION IN THE MATTER OF PROBATION PAROLE
2 AND PARDON SERVICES VERSUS KEVIN LEE BOYTER MONDAY,
3 NOVEMBER 14, 2016 AT 02:10 PM.)

4 (DEFENDANT KEVIN BOYTER, WHITE MALE, ENTERS
5 COURTROOM.)

6 THE COURT: All right, you are Kevin Boyter?

7 MR. BOYTER: Yes, sir.

8 THE COURT: You're represented by Ms. Williams?

9 MR. BOYTER: Yes, sir.

10 THE COURT: Is this your attorney standing beside you
11 Ms. Williams?

12 MR. BOYTER: Yes, sir.

13 THE COURT: You been before me several times or at
14 least I've signed consent orders; I don't know how many
15 times you've actually been in front of me but Judge Alford
16 and I both had you missed reports. You are here on a
17 probation matter. Judge Alford - Well, first, you were
18 served here with an arrest warrant on November 2nd of this
19 year; is that correct?

20 MR. BOYTER: Yes, sir.

21 THE COURT: I beg your pardon?

22 MR. BOYTER: Yes, sir.

23 THE COURT: That arrest warrant says that you violated
24 the sentence that Judge Alford imposed. There are four
25 offenses. They were property offenses, a burglary, grand

1 larceny. You received a sentence of ten years suspended to
2 one year and probation for five years probation; is that
3 correct?

4 MR. BOYTER: Yes, sir.

5 THE COURT: The citation alleges that you violated
6 that sentence by not reporting since June 2016. Is that
7 true?

8 MR. BOYTER: No, sir.

9 THE COURT: You have reported?

10 MR. BOYTER: I reported June and July, August and
11 September. I quit - - I never report September but I left
12 with my charges that was pending. I had pending charges. I
13 didn't report September and October. I know in the first
14 but I reported June, July and August and September.

15 THE COURT: All right.

16 MR. BOYTER: I came and I signed that paper and I
17 talked to 'em and everything.

18 THE COURT: Ms. Belue, you signed this. What do you
19 know about it? He says -

20 AGENT BELUE: We do have a standard form that they can
21 sign if for some reason we're not in the office. The last
22 documentation on his case was that June report. I did not
23 have any of those forms entered into the computer for him
24 so.

25 MR. BOYTER: I signed 'em. I signed 'em they can look

1 'em up. She took a note up there. My momma. I went up
2 there June, July and August.

3 THE COURT: All right. I'm having a little trouble
4 understanding you. That's your mom you say?

5 MR. BOYTER: Yeah.

6 THE COURT: All right. Well I'll hear from her in
7 just a minute. All right, you're also behind in - you've
8 got all your monetary obligations. It's alleged that you
9 also have changed your residence without consent. Is that
10 true?

11 MR. BOYTER: No, sir. They pulled up at my momma's
12 and my momma friend she's staying with her sister cause she
13 had surgery and she ain't - she just told 'em that I wasn't
14 staying there. I was in the house.

15 THE COURT: Why didn't you come if they came to see
16 you and you were in the house why didn't you - - -

17 MR. BOYTER: Cause I had pending charges on me. They
18 just pending charges on me I was trying to get - - I got a
19 little six year old little girl I ain't never missed a
20 weekend. I was trying to get these pending charges
21 straighten out that way I could get all of it fixed. I had
22 two warrants left. I was supposed to get off probation
23 around the first.

24 THE COURT: All right. But you're telling me that you
25 were in the house when they came to do a home visit and you

1 laid low and didn't - -

2 MR. BOYTER: Oh, when the police come when I went to
3 the Probation Office when the police come I was one time.

4 THE COURT: You just told me that some lady told them
5 you didn't live there and that's why - -

6 MR. BOYTER: Yeah, her friend told 'em when they come.
7 One time when they pulled up she told 'em I wasn't living
8 there and that's when I guess that's why they got a change
9 of residence but I never changed resident.

10 THE COURT: All right. Ms. Belue, you know anything
11 about that?

12 AGENT BELUE: Mr. Fowler went out and done a home
13 visit on him on October 27th and he did say that a female
14 at that residence told him that he had not been at that
15 particular residence in like three to four months.

16 MS. BOYTER: She didn't know ---

17 AGENT BELUE: So -

18 MR. BOYTER: --- I mean she didn't know. She should a
19 told em --

20 THE COURT: But you're telling me you were in the
21 house when --

22 MR. BOYTER: No not at that time. When the police
23 come I was in the house. I was setting on the couch when
24 they knocked on the door.

25 THE COURT: Why are you not paying this money you

1 supposed to be paying?

2 MR. BOYTER: Cause I ain't had a job. I mean I been
3 in and out of prison all my life. I can't really get a job
4 because of my record.

5 THE COURT: Well you kind of answered my next
6 question. What kind of record does he have?

7 AGENT BELUE: He's got a burglary third degree from
8 back in 2001, a petit larceny. Possession of other
9 controlled substance. All this is in 2001. In 2002 he's
10 got a disturbing schools. Malicious injury to personal
11 property. Purchase possession of beer or wine. Public
12 disorderly conduct. Nothing again until 2006. These don't
13 have a disposition, your Honor.

14 THE COURT: All right. Don't go over those.

15 MR. BOYTER: I been straight for about five years and
16 I ain't caught no charges.

17 AGENT BELUE: And then in 2010 he's got a burglary
18 third. A property offense third or subsequent and a
19 failing to stop for a blue light.

20 THE COURT: Two of these you plead to are 2010
21 indictments so I don't know whether they are the same ones.
22 Neither of these show a failure to stop but they do show
23 property offenses.

24 All right, Ms. Williams.

25 MS. WILLIAMS: Thank you, your Honor. As you heard

1 Mr. Boyter say he is maintaining that he did report for
2 July and August. He did - He was charged with some new
3 charges recently. The initial appearance isn't scheduled
4 until January but from what he is reporting to me is it's a
5 new domestic violence charge and a burglary charge. We
6 don't have the file on those charges yet.

7 That's what he was telling you, he was trying to avoid
8 the police for those charges. And that's why he's saying
9 he did not report for I think he's saying October and
10 November he didn't report.

11 MR. BOYTER: Cause I didn't want to get caught.

12 MS. WILLIAMS: Cause he was trying to avoid those
13 charges. That - Mr. Boyter did tell me he has done some
14 landscaping work in the past. That's what he's been doing
15 for most of his life and he's saying that he could still
16 have - potentially have a job when ever he is to get out.

17 He's thirty-one years old. You heard he has a six
18 year old daughter that he sees on the weekends. He's
19 asking your Honor to consider in his violations somewhere
20 around three years. You know we understand he is exposed
21 here to nine years. He's asking you to consider three
22 years on this charge, on this violation, your Honor.

23 THE COURT: All right. I'll be glad to hear from his
24 mom and then from him again.

25 Yes, ma'am, your name?

1 Did you get that?

2 MADAM COURT REPORTER: No, sir.

3 THE COURT: Step up here and little bit.

4 A. Donna Ward.

5 THE COURT: Okay. What do you want to tell me about
6 him, Kevin?

7 A. MS. WARD: Yeah. He been - They been on the straight
8 and narrow for since his daughter's been born. And these
9 new charges is what they are is got to do with his daughter
10 and her momma. And all of that's in over at the DSS
11 office. They got her for a lot of stuff, taking over our
12 stuff and he was just trying to protect his kid. That's
13 all that was about because she was driving on the road with
14 the kids and puttin 'em in danger and he was just risking
15 his life. But as far as telling you he's been doing great
16 since his kid's been born.

17 THE COURT: Where has he been living?

18 MS. WARD: Sir?

19 THE COURT: Where has he been living?

20 MS. WARD: He's been living with me.

21 THE COURT: Where is that?

22 MS. WARD: Sweet water in Buffalo.

23 THE COURT: Who is this woman that told the police he
24 wasn't there?

25 MS. WARD: That's my friend. She stays up the road

-11-

1 with her sister. She's got some cats at my house. She
2 comes down to feed her cats. And they ask her if they seen
3 Kevin and she said she ain't seen him. But just because
4 she ain't seen him don't mean - that's what I was trying to
5 explain to her that she didn't know you know cause she
6 ain't lived there. Nobody was there but her. You know
7 what I'm saying if I'd been there I could a said yeah he
8 was here but he lives with me but he just ain't here.

9 It was a misunderstanding.

10 THE COURT: Why don't we do this? I'm gonna get this
11 lady who - the cat lady to come in and tell me what
12 happened so I'm gonna continue this and the obligation is
13 on Ms. Williams to get the cat lady here.

14 MS. WARD: I can get her here.

15 THE COURT: You can get her here and we'll see what
16 happens. I'm concerned that - A couple of things, one is I
17 don't believe you, Mr. Boyter. I believe you got - your
18 credibility is not very good so I'm convinced that you have
19 not reported since June. I'm concerned also that
20 regardless of whether you were hiding from Probation, you
21 were hiding from somebody, you tell me a different story
22 from your mom about --

23 MS. WARD: See he report. I took him to report that
24 last month. It was the last month I took him. He didn't
25 go cause he had them charges that deal with his daughter.

1 THE COURT: Well, my concern is that he's hiding out
2 and trying to avoid arrest for another offense whether he's
3 committed it or not but he's got an offense. I'm disturbed
4 by the whole situation but to bring some clarity to it I
5 want to hear from this lady and what she did and why she
6 did it.

7 MS. WARD: Okay.

8 THE COURT: So we'll continue this one. She'll have
9 to do it under oath. Thank you.

10 MS. WILLIAMS: Thank you, your Honor.

11 AGENT BELUE: Thank you.

12 (COURT AT EASE AT 02:22 PM.)

13 (COURT BACK IN SESSION IN THE MATTER OF SOUTH CAROLINA
14 PROBATION PAROLE AND PARDON VERSUS KEVIN BOYTER, TUESDAY,
15 NOVEMBER 15, 2016 AT 12:02 PM.)

16 (DEFENDANT KEVIN BOYTER, WHITE MALE, REENTERS
17 COURTROOM.)

18 THE COURT: We'll go back on the record with Kevin
19 Boyter. I think the last issue it wasn't a dispositive
20 issue; it was something I wanted to find out about the
21 information related to me by Mr. Boyter. Well, what it
22 boils down to is supposedly a lady who had come to the home
23 he resides in to feed cats told the police he was not there
24 when he was there. So I ask that that person come and
25 explain that if he's willing to do it.

1 MS. WILLIAMS: Yes, your Honor.

2 THE COURT: Come up and tell us your name.

3 A. Kimberly Ennis.

4 THE COURT: All right, raise your right hand.

5 (WHEREUPON, KIMBERLY ENNIS,
6 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

7 THE COURT: All right. What happened on the day that
8 you told the police that Mr. Boyter wasn't there?

9 MS. ENNIS: What it is is my sister's husband died
10 several months ago. He's from Mexico and I been staying on
11 and off with her, actually living with her. And I had came
12 down - she lives on the same street I do - and I had came
13 down that morning or afternoon to feed my cats. They call
14 me the crazy cat lady but I had come down there to take
15 care of my cats. And I stepped out on the porch and he was
16 just standing there.

17 THE COURT: He who?

18 MS. ENNIS: And startled me.

19 THE COURT: Who?

20 MS. ENNIS: The officer.

21 THE COURT: Oh, Mr. Fowler.

22 MS. ENNIS: Yes.

23 AGENT FOWLER: I was just getting ready to knock on
24 the side of the trailer, your Honor.

25 MS. ENNIS: Yeah. That's what it was. It just kind

1 of startled me.

2 THE COURT: All right. Let's go back to begin with.

3 Mr. Boyter says when the police came and this lady
4 told the police because I specifically ask - -

5 Yes she did. Don't shake your head. You told me and
6 I ask you several times yesterday and you kept saying it's
7 the police because I kept saying -- My understanding is -

8 MR. BOYTER: No. I said one time I was there when the
9 police come and knocked on the door.

10 THE COURT: All right. You'll get your turn but so
11 far we've found one place that you hadn't been honest with
12 is and I'm not surprised.

13 But go ahead, tell us what happened when you saw Mr.
14 Fowler.

15 MS. ENNIS: I just -- He ask me if he was there and I
16 told him he wasn't there. And he ask me if he was - - had
17 I seen him and I told you I hadn't seen him in a few months
18 and that I had been staying with my sister on and off and
19 the last time I had seen him he was cuttin grass with guy
20 that I think they was trying to get some work in Greenville
21 and he had been spending time in Janesville with his
22 father.

23 THE COURT: Mr. Boyter had?

24 MS. ENNIS: Yes. He had been spending time with his
25 father in Janesville. He got like a low rental apartment

1 there. And also Chastity H was there which is his
2 daughter. And he had been spending some time with his
3 father so he could be closer to his daughter and they gave
4 him time to see, you know, she let him come over there to
5 spend time with her. And -- But I hadn't seen him of
6 course cause I was going back and forth I seen him that one
7 -- a couple of times but it was just brief. And I didn't
8 know where he was staying actually. You know what I'm
9 saying? I just know -- He lived there but I don't see him,
10 I mean going. You know what I'm saying? I hadn't seen him
11 in a while.

12 THE COURT: But you didn't know whether he was or was
13 not there when you told Mr. Fowler?

14 MS. ENNIS: No, I just had got there to feed my
15 animals.

16 THE COURT: Okay. So you don't know whether he was in
17 the house or not?

18 MS. ENNIS: No.

19 THE COURT: Okay. All right, thank you.

20 Thank you. I appreciate you coming. You didn't have
21 to but I appreciate it.

22 MS. ENNIS: I appreciate it too. Thank you.

23 THE COURT: All right, Mr. Boyter.

24 Anything else you want to tell me, Ms. Williams?

25 MS. WILLIAMS: No, your Honor.

1 THE COURT: All right. Well I'm gonna revoke - -
2 Anything else you want to say?

3 MR. BOYTER: No, sir.

4 THE COURT: I find these are substantial violations.
5 I'm gonna revoke your probation and have you serve out
6 your time. Thank you.

7 AGENT FOWLER: Thank you, your Honor.

8 MR. BOYTER: How much time?

9 THE COURT: I don't know. Your lawyer can figure that
10 out.

11 MADAM CLERK: Nine years.

12 MR. BOYTER: Nine years?

13 (DEFENDANT KEVIN BOYTER TURNS TO HIS RIGHT, SWEARING
14 AND WITH SHACKLED HANDS LIFTS METAL TABLE NEXT TO COURT
15 REPORTER WITH HANDS; TOSSES IT UP AND BACKWARDS/CHAOS AND
16 MAYHEM ENSUES IN THE COURTROOM.)

17 MS. ENNIS: Nine years?

18 DEFENDANT'S SISTER: That is crazy.

19 Why would you do him like that?

20 (COURT ROOM DEPUTY CHIEF ROURKE, APPREHENDS DEFENDANT
21 IN ARM LOCK FALLING ACROSS COURTROOM ONTO THE FLOOR BETWEEN
22 JURY BOX AND SOLICITOR'S TABLE.) (MULTIPLE OFFICERS HELP
23 SUBDUE DEFENDANT ON THE COURTROOM FLOOR.)

24 DEFENDANT'S SISTER: He had been doing good. He was
25 not getting in no trouble. He was doing fine on probation.

1 I hope you can sleep at night knowing that his
2 daughter is --

3 MS. WARD: He is in this court is because his daughter
4 has been abused.

5 THE COURT: We will be at ease for a few minutes.

6 (MULTIPLE PERSONS IN COURTROOM SHOUTING, SCREAMING,
7 DISRUPTING THE COURT PROCEDURES.)

8 (COURT REPORTER LEAVES COURT REPORTER'S SEAT TO BENCH
9 NEAR JUDGE.)

10 (DEFENDANT'S FAMILY MEMBERS SHOUTING AND SCREAMING IN
11 COURTROOM.)

12 SOLICITOR GAULT: Call down to the Sheriff's office.

13 (MULTIPLE COURTROOM DEPUTIES APPREHENDING DEFENDANT IN
14 CORNER OF COURTROOM NEAR JURY BOX WHILE DEFENDANT'S FAMILY
15 CONTINUE TO SHOUT AND SCREAM.)

16 THE COURT: Those ladies, ladies, if you don't leave
17 right now I'm placing you in jail for ninety days.

18 All right. Take them out too. Take them out too.

19 (DEFENDANT'S FAMILY MEMBERS STILL SCREAMING AND
20 SHOUTING ATTEMPTING TO EXIT THE COURTROOM.)

21 COURTROOM DEPUTY: Do you want them in custody too?

22 THE COURT: No. Let them go out. If they will leave
23 right now otherwise they're going to jail for ninety days
24 for contempt of court.

25 All right. We'll be at ease.

1 (COURT AT EASE AT 12:09 PM.)

2 (COURT BACK IN SESSION AT 12:21 PM.)

3 THE COURT: Thank you, you may take your seats.

4 Briefly before we go on the record on the next thing.

5 On Mr. Boyter we had quite a violent outburst that may be
6 on the record because I understand that the record was not
7 shut off but I don't know whether or not I had put it on
8 the record before he had his outburst that I find that his
9 violations were substantial.

10 His lawyer is still present, Ms. Williams, but he is
11 not and I after his outburst I'm not going to subject any
12 of us to him again if I can avoid it. All right.

13 (ADAM WAYNE FISHER PLEA WITH JENNY WILLIAMS.)

14 THE COURT: Ms. Williams.

15 MS. WILLIAMS: Yes, sir.

16 THE COURT: I'm looking back over Mr. Boyter's, I did
17 not realize that his probation was supposed to end last
18 month but he was served with an arrest warrant. I do find
19 and am particularly concerned about the way he reacted but
20 I think I may -- In looking at the record he's had a lot of
21 prior violations but they all been monetary so I may have
22 been a little harsh but I'm gonna change that.

23 I'm gonna revoke four and a half year and serve the
24 full nine years.

25 MS. WILLIAMS: Thank you, your Honor.

1 THE COURT: I hate to do that based on the way he
2 reacted but I looked over the record again, I feel that
3 that's more appropriate.

4 MS. WILLIAMS: Thank you, your Honor.

5 (END OF TRANSCRIPT OF RECORD.)
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Form 16.1 - Arrest Warrant
Form Approved by
SC Attorney General
Section 17-13-160
March 15, 1978

Probation

STATE OF SOUTH CAROLINA
COUNTY OF UNION

ARREST WARRANT

Indictment Number 10-GS-44-01199, 10-GS-44-01200, 12-GS-44-01094,
12-GS-44-01095

Warrant Number W-44-16-0046

State Identification No. (SID) 01400024

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

It appearing from the attached affidavit that there are reasonable grounds to believe that KEVIN BOYTER, did on the 27 day of October, 2016 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Violation of probation conditions....

Now, therefore, you are empowered and directed to arrest the said defendant and bring KEVIN BOYTER 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 UNION, S. C. this 27 day of October, 2016.

Elizabeth A. Belue (L.S.)
Signature of Probation and Parole Agent

County of UNION

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Elizabeth A. Belue, who, first being duly sworn, deposes and says that KEVIN BOYTER did within this County and State on the 27 day of October, 2016, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

Violation of probation conditions....

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:

1. Failing to report as instructed having last reported in June of 2016;
2. Failing to pay DACOR by being \$5550 in arrears;
3. Failing to pay surcharges under Indictment 12-GS-44-1094 by being \$133.90 in arrears;
4. Failing to pay surcharges under Indictment 12-GS-44-1095 by being \$133.90 in arrears;
5. Failing to refrain from changing residences w/out the consent of the agent. Per home visit conducted on 10/27/2016, it was determined that the offender was no longer living at that residence.
6. Failing to follow the advice/instructions of the agent.

Sworn to and Subscribed before me
this 27 day of October, 2016.

Elizabeth A. Belue
Affiant

Anna C. Floyd (L.S.)
Signature of Notary Public

Address: P.O. BOX 1073
UNION, SC 29379
UNION
USA

11/9/2013
My Commission Expires

(864) 429-1645

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF

UNION

THE STATE

against

KEVIN BOYTER

INFORMATION ON DEFENDANT

Name KEVIN BOYTER

Address

Phone

Sex Male Race White Height 508

Weight 170 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

Constable or Law Enforcement Officer

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

Kevin Boyter

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 10/27/2016

on the 2 day of Nov. 2016

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

[Signature]
Constable or Law Enforcement Officer

Elizabeth A. Belue

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

Disposition _____

(L.S.)

Signature of Judge

Sentence _____

Co-Defendants _____

In Jail

**South Carolina Department of Probation, Parole and Pardon Services
Violation Report**

Offender's Name: **KEVIN BOYTER**,
State of South Carolina, County of: **UNION**
SID#: **01400024**

Warrant#: **W-44-16-0046**
Date of Birth:
SCDC#:

Indictment Numbers:
10-GS-44-01199, 10-GS-44-01200, 12-GS-44-01094, 12-GS-44-01095

Offense and Offense Code:
2367 - Property offense, 3rd or subsequent conviction, enhancement to Felony E (no longer used); 428 - Burglary (After June 20, 1985) - Third degree - 2nd offense; 80 - Burglary (Non - Violent) (After June 20, 1985) - Second degree; 3587 - Grand Larceny, value more than \$2,000 but less than \$10,000 (Enhancement per 16-1-57)

Supervision Program: **Probation**
Supervision Level: **Standard Supervision**

Begin Date: **11/1/2011** End Date: **10/31/2016**
Potential End Date: Adjusted End Date:

Sentencing Judge: **113 - Alford, Lee**
Sentencing Date: **5/12/2011**
Location (Bold Response): **Jail**

Sentencing County: **UNION**

Sentence:
10-GS-44-1199, 1200: 10 years suspended to 1 year and 5 years probation.....
12-GS-44-1094, 1095: 7 yrs, sdp; 3 yrs, sdp

P-16-042
DD# 44A16-4154

Special Conditions:

10-GS-44-1199: Restitution in the amount of \$4950 to Kenneth Edens. \$648.90 to the Clerk of Court. PTUP.

Current Address and Summary of Residence:

SWEETWATER DR., BUFFALO, SC 29321, UNION, USA,

SWEETWATER DRIVE, BUFFALO, SC 29321, UNION, USA, ; MAIN ST., CRISP TRAILER PARK, BUFFALO, SC 29321, UNION, USA, ;
SOUTH STREET, BUFFALO, SC 29321, UNION, USA,

The defendant's last reported residence was , Buffalo, SC.....however, a home visit was conducted on 10/27/2016 and it was determined that the defendant had not been at that residence in three months.

Reporting:

The defendant last reported in June of 2016.

Employment Records While Under Supervision:

Employer	Dates (from -to)	Reason(s) for Leaving	Earnings
Unemploy	5/9/2016 -		
DAVIS HOME REPAIR	12/6/2013 - 10/10/2014		\$800.00
OUTSOURCE - RENFRO BROS.	10/10/2014 - 12/1/2015		\$900.00
BETTER BUILT HOME REPAIR	3/1/2016 - 5/9/2016		

Financial Conditions:

Total Amount ordered	Pay Period	Total Paid	Date Last Paid	Arrearage	Balance Due

RECEIVED

NOV 28 2016

SC Court of Appeals

South Carolina Department of Probation, Parole and Pardon Services
Violation Report

Offender's Name: **KEVIN BOYTER,**

Fines						
Public Defender Fund	\$782.80	\$0.00/M	\$0.00		\$0.00	\$782.80
Surcharge	\$133.90	\$5.00/M	\$0.00		\$133.90	\$133.90
Surcharge	\$133.90	\$5.00/M	\$0.00		\$133.90	\$133.90
Restitutions						
Dept. Admin. Ct. Ordered Re.	\$5,940.00	\$170.00/M	\$225.00	10/10/2014	\$5,715.00	\$5,715.00

Prior Violation Dates	Prior Violations	Prior Violation Disposition
1/6/2014	1. \$220 fine arrearage; 2. \$1380 DACOR arrearage; 3. \$600 fee arrearage; 4. Advice/instructions of agent.	Order signed by Judge John C. Hayes, III: Continue on probation. Exempt supervision fee arrearage and all future fees. Convert fine balance to a civil judgment. Restructure restitution payments accordingly.
2/8/2013	1. PDF arrearage of \$140.00 2. DACOR arrearage of \$940.00 3. Fee arrearage of \$400.00 4. Advice/instructions of agent.	Consent Order signed by Judge John C. Hayes, III: Restructure DACOR payments to begin March of 2013. Restructure fine payments to begin March of 2013. Exempt fee arrearage to date.
8/8/2012	1. \$45 PDF arrearage; 2. \$380 DACOR arrearage; 3. \$450 fee arrearage; 4. Advice/instructions of the agent.	Consent Order signed by Judge Lee Alford; Continue on probation. Restructure DACOR payments to begin September of 2012. Restructure fine payments to begin October of 2012. Exempt supervision fee arrearage to date.
2/7/2012	1. \$375 DACOR arrearage; 2. \$45 PDF arrearage; 3. \$150 fee arrearage; 4. \$20 drug testing fee arrearage; 5. Advice/instructions of agent.	Per 1182: Restructure DACOR payments to begin April of 2012. Fine payments to begin April of 2012. Fee to be current no later than March 31, 2012. \$20 drug test fee to be paid in full by March 1, 2012.

Details of the Present Violation:

1. Failing to report as instructed having last reported in June of 2016;
2. Failing to pay DACOR by being \$5550 in arrears;
3. Failing to pay surcharges under indictment 12-GS-44-1094 by being \$133.90 in arrears;
4. Failing to pay surcharges under indictment 12-GS-44-1095 by being \$133.90 in arrears;
5. Failing to refrain from changing residences w/out the consent of the agent. Per home visit conducted on 10/27/2016, it was determined that the offender was no longer living at that residence.
6. Failing to follow the advice/instructions of the agent:

Agent's Recommendation:

REVOCATION.....

Agent's Justification:

South Carolina Department of Probation, Parole and Pardon Services
Violation Report

Offender's Name: **KEVIN BOYTER,**

The defendant has not reported in several months and the agent feels that a revocation is warranted.....

Beth M. Belue *Beth M. Belue* Agent

Date: 11/8/2016

Supervisor's Signature *[Signature]* Date: *11-8-16*

STATE OF SOUTH CAROLINA

County of Union

STATE VS.

Kevin Lee Boyter

AKA: _____

Race: W Sex: 2016 NOV 15

DOB: _____

SSN: _____

SID#: 1400024

FILED FOR RECORD
CLERK OF COURT
UNION, SC

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

12 - GS - 44 - 1094

Probation C/W#s: W-44-16-0046

Name of Original Offense: Burglary 3rd (NJ)

Original A/W#: 2012A 44 10100079

Date of Original Offense: 7/21/09 - 8/16/09

Conviction S.C. Code §: 16-11-312

Conviction CDR Code #: 0, 0, 17, 19

Original Sentence: 1 yr, SCP

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 5/16/13 in the Court of General Sessions of Union County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 10/27/16, as set forth in the attached warrant(s) or citation(s) dated 10/27/16. 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 4 1/2 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) 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 0 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 Nov, 2016
Union, SC

John C. Boyter III
Presiding Judge
16th 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 _____ SC
Day Month Year City

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Union

STATE

INDICTMENT/CASE# 2010 -GS- 44 - 1199

vs.

Kevin Lee Boyter

A/W#: K-393981

AKA:

Date of Offense: 07/26/2010

Race: W Sex: M Age:

S.C. Code §: 16-13-030/16-01-0057

DOB: SS#:

CDR Code #: 2 3 6 7

Address:

City, State, Zip:

DL# SID#

*CDL Yes No CMV Yes No Hazmat Yes No

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: 3RD PROPERTY OFFENSE / GRAND LARCENY

In violation of § 16-1-57 of the S.C. Code of Laws, bearing CDR Code # 2367

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, (def's initials)

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

ATTEST:

Blaine King 78406 Kevin Boyter Christopher P. Johnson 71255
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections or County Detention Center, for a determinate term of 10 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 5 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 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: \$ 4,950.00 plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

Obtain GED

Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

Recipient: Kenneth E. Davis

May serve W/E beginning Substance Abuse Counseling

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 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 (SCJA Surcharge) \$5, §44-53-450(C) (Conditional Discharge) \$350, 3% to County (if paid in installments) \$18.75, TOTAL \$648.75.

Random Drug/Alcohol Testing Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ Beginning \$ Paid to Public Defender Fund

Other:

Conditional Discharge, §44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition. Appointed PD or appointed other counsel, \$47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge Judge Code: Sentence Date

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Union

STATE

INDICTMENT/CASE#: 2010_GS_44_1200

VS. Kevin Lee Boyter

A/W#: K-393983

AKA: Race: W Sex: M Age:

Date of Offense: 07/26/2010

DOB: SS#:

S.C. Code §: 16-11-0313

Address:

CDR Code #: 0 4 2 8

City, State, Zip:

SENTENCE SHEET

DL# SID# *CDL Yes No CMV Yes No Hazmat Yes No

CONVICTED OF or PLEADS

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

TO: Burglary 3rd Degree (2nd Offense)

In violation of § 16-11-313 of the S.C. Code of Laws, bearing CDR Code # 0428

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, (def.'s initials) The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Blein P... 78406 Kevin Boyter Christopher P. Thomas 71255 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 10 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 5 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 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: \$ days/hours Public Service Employment

Payment Terms: Obtain GED

Set by SCDPPPS Attend Voc. Rehab. Or Job Corp.

Recipient: May serve WE beginning Substance Abuse Counseling

*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 \$ §58-1-286 (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 \$ §50-21-114 (BUI Breath Test Fee) \$50 \$ §56-5-2942(J) (Vehicle Assessment) \$40/ea \$ Proviso 90.5 (SCCA Surcharge) \$5 \$ 5.00 §44-53-450(C) (Conditional Discharge) \$350 \$ 350.00 3% to County (if paid in installments) \$ \$ TOTAL \$ 1335.00 Clerk of Court/Deputy Clerk Court Reporter: Will Z... WATF

Random Drug/Alcohol Testing Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ Beginning \$ Paid to Public Defender Fund

Other:

Conditional Discharge, §44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition Appointed PD or appointed other counsel, \$47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge Judge Code: Sentence Date

STATE OF SOUTH CAROLINA)
COUNTY OF UNION)

INDICTMENT

At a Court of General Sessions, convened on October 04, 2012, the Grand Jurors of Union County present upon their oath:

BURGLARY IN THE FIRST DEGREE (DWELLING)

That in Union County, South Carolina, between on or about July 31, 2009 and on or about August 16, 2009, Kevin Lee Boyter did willfully and unlawfully enter the dwelling of _____ at Stoney Circle, Union, without consent and with the intent to commit the crime of Larceny therein, and when in effecting entry or while in the dwelling or in immediate flight, he or another participant in the crime was armed with a deadly weapon, in violation of Section 16-11-311, 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.

Blaine Fleming
ASSISTANT SOLICITOR

WITNESSES

T. Humphries/UCSO

The State of South Carolina

County of Union

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

OCTOBER 08, TERM 2012

I hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2012A4410100078

Kevin Boyter
Defendant

THE STATE

vs.

KEVIN LEE BOYTER

Witness: *[Signature]*
C.C.C. PLS. AND G.S.

**ACTION OF GRAND JURY
TRUE BILL**

Paula Boyter
Foreperson of Grand Jury
Date: OCT - 4 2012

VERDICT

**Indictment for
BURGLARY FIRST DEGREE (DWELLING)**

SC Code: 16-11-311
CDR Code: 079

Foreperson of Petit Jury
Date:

DOCKET NO. 2012-GS-44-1095

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

WITNESSES

T. Humphries/UCSO

The State of South Carolina

County of Union

Defendant

COURT OF GENERAL SESSIONS

I hereby appear in my own proper person and plead guilty to the within indictment or to

OCTOBER 08, TERM 2012

ARREST WARRANT NUMBER

2012A4410100079

Kevin Boyter
Defendant

THE STATE

vs.

KEVIN LEE BOYTER

Witness: *W. P. J. J. J.*
C.C.C. PLS. AND G.S.

**ACTION OF GRAND JURY
TRUE BILL**

Paula Boyter
Person of Grand Jury
Date: OCT - 4 2012

VERDICT

**Indictment for
GRAND LARCENY**

SC Code: 16-13-0030
CDR Code: 3587

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of Union
STATE VS.

Indictment Number: 2012-GS-14-1005
Probation C/W#: C-44-13-0051
10/04/13
Name of Original Offense: Grand Larceny
Original A/W#: 2012-A44-101000-19
Date of Original Offense: 07/31/09-08/16/09
Conviction S.C. Code §: 16-13-30
Conviction CDR Code #: 3, 5, 8, 7
Original Sentence: 9 3yrp pending probation
ORDER

Kevin Lee Bayles
AKA: _____
Race: W. Sex: M
DOB: _____
SSN: _____
SID#: 01400024

The above named defendant has been charged with violating the conditions of probation ordered on 5/14/13 in the Court of General Sessions of Union County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 10/4/13, as set forth in the attached warrant(s) or citation(s) dated 10/4/13. 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)

10/4/13
Grand Larceny

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve _____ months/years, the remainder of the original sentence, and/or pay \$ _____.
- the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies: Department fees (arrearage) Civil judgment: Department fees
 Fines and other fees (arrearage/balance) Fines and other fees
 Restitution (and 20%) (arrearage/balance) Restitution (and 20%)
- Additional Conditions ordered by the Court: Exempt all supervision fee arrears to date and future fees.

- 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 _____ 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 6th day of January, 2014
Union, SC

John H. [Signature]
Residing Judge

FILED FOR RECORD
JAN 8 PM
WILLIAM F. DAVIS
CLERK OF COURT
UNION, SC

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: Kevin Bayles Witnessed by: Ima L. Stoyd
Signed this 6 day of Jan., 2014, at Union, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF UNION)

INDICTMENT

At a Court of General Sessions, convened on May 05, 2011, the Grand Jurors of Union County present upon their oath:

GRAND LARCENY

That in Union County, South Carolina, between on or about July 26, 2010 and on or about July 28, 2010, Kevin Lee Boyter did act together with another to feloniously take and carry away from the premises at Neal Shoals Rd., Union, goods valued at more than Ten Thousand Dollars, belonging to _____ and described as follows: four (4) motor bikes, one (1) bell, an assortment of tools and car parts, and a quantity of tires and rims, with the intent to deprive the owner permanently of such property, all in violation of Section 16-13-30 and Section 16-01-57, 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.

Blaine Fleming
ASSISTANT SOLICITOR

WITNESSES

T. Humphries/UCSO

ARREST WARRANT NUMBER

K393981

**ACTION OF GRAND JURY
TRUE BILL**

Kevin Lee Boyter
Foreperson of Grand Jury

Date: MAY - 5 2011

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2010-GS-44-1199
Amended Indictment

The State of South Carolina
County of Union

COURT OF GENERAL SESSIONS

MAY 9, TERM 2011

THE STATE

vs.

KEVIN LEE BOYTER

**Indictment for
GRAND LARCENY**

SC Code: 16-13-30/16-01-57
CDR Code: 2367

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Kevin Boyter
Defendant

Witness: *Will [Signature]*
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF UNION)

INDICTMENT

At a Court of General Sessions, convened on May 05, 2011, the Grand Jurors of Union County present upon their oath:

BURGLARY IN THE THIRD DEGREE
(BUILDING)

That in Union County, South Carolina, between on or about July 26, 2010 and on or about July 28, 2010, Kevin Lee Boyter did act together with another to wilfully and unlawfully enter several buildings belonging to located at Neal Shoals Road, Union, without consent and with the intent to commit a crime therein, to wit; Larceny, in violation of Section 16-11-313 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

T. Humphries/UCSO

) **ARREST WARRANT NUMBER**
K393983

ACTION OF GRAND JURY
TRUE BILL

Reuben Healy
Foreperson of Grand Jury

MAY - 5 2011

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2010-GS-44-1200
Amended Indictment

The State of South Carolina
County of Union

COURT OF GENERAL SESSIONS

MAY 09, TERM 2011

THE STATE

vs.

KEVIN LEE BOYTER

Indictment for

BURGLARY IN THE THIRD DEGREE
(BUILDING)

SC Code: 16-11-313
CDR Code: 428

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

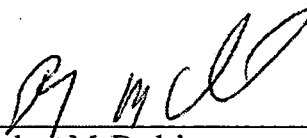
Kevin Boyter
Defendant

Witness: *W. O. F. [Signature]*
C.C.C. PLS. AND G.S.

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

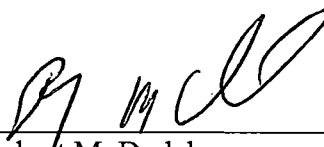
ATTORNEY FOR APPELLANT

This 26th day of July, 2017.

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 26th day of July, 2017.

RECEIVED

JUL 26 2017

SC Court of Appeals