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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Kristi Lea Harrington, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WILLIA JEAN FLOWERS,

APPELLANT

APPELLATE CASE NO 2016-002239

RECORD ON APPEAL

ROBERT M. PACHAK
Appellate Defender

MATTHEW BUCHANAN
General Counsel

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

South Carolina Department of Probation,
Parole and Pardon Services
P.O. Box 50666
Columbia, South Carolina 29250

ATTORNEY FOR APPELLANT

ATTORNEY FOR RESPONDENT

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STATE OF SOUTH CAROLINA)	
)	Court of General Sessions
COUNTY OF CHARLESTON)	Case No. 2014-GS-18-00645
)	and 2015-GS-10-05147
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STATE OF SOUTH CAROLINA)	
)	
vs.)	Transcript of Record
)	
WILLA JEAN FLOWERS,)	
)	
Defendant.)	
)	DATE: September 13, 2016
<hr/>		

B E F O R E:

The Honorable Kristi Lea Harrington

A P P E A R A N C E:

Tyler Whitaker
Attorney for the State

Peter Shahid
Attorney for the Defendant

Karen V. Andersen, RMR, CRR
Circuit Court Reporter

1 (Whereupon, the defendant is sworn.)

2 THE COURT: She's on probation? Recommendation is
3 concurrent with probation violation?

4 PROBATION OFFICER: Let me check.

5 MS. WHITAKER: Your Honor, I was under the
6 impression she was on probation.

7 MR. SHAHID: She's on probation in Dorchester
8 County, Your Honor.

9 THE COURT: Are we going to handle that matter
10 today?

11 MR. SHAHID: No, Your Honor. I think they have a
12 hold on her there to take her up there after this.

13 THE COURT: Do you know what the sentence is going
14 to be? I don't know how to run it concurrent because I don't
15 know what I'm running it concurrent to.

16 MR. SHAHID: Yes, Your Honor. We are going to ask
17 for time served for this so she can handle her matters in
18 Dorchester County. We have not waived jurisdiction in
19 Dorchester County. If we can handle this in Charleston
20 County today.

21 THE COURT: What does she face in Dorchester County?

22 Ma'am, what was your charge in Dorchester County and
23 how long are you on probation?

24 THE DEFENDANT: It was property enhancement and I
25 was on probation for two years. I did a year.

1 THE COURT: What was the original charge?

2 THE DEFENDANT: Property enhancement.

3 THE COURT: Property enhancement? Okay. Ma'am, you
4 are here to plead guilty on 2015-5147, which is a true-billed
5 indictment for shoplifting under the property crime
6 enhancement. You agree that you have two prior property
7 offenses?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: I can sentence you up to 10 years in the
10 Department of Corrections. Do you understand that?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Knowing that, do you still wish to go
13 forward here today?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: How long have you been in custody?

16 MR. SHAHID: 37 days, Your Honor.

17 PROBATION OFFICER: Correction, Judge. We've got
18 the paperwork. We are ready to move forward.

19 THE COURT: Are we ready to do this now?

20 THE DEFENDANT: Yes.

21 THE COURT: You understand this plea, in and of
22 itself, will violate your probationary sentence?

23 THE DEFENDANT: Yes.

24 THE COURT: Ms. Flowers, I was the one that
25 sentenced you in Dorchester County. Do you remember that?

1 THE DEFENDANT: I believe so. You look familiar.

2 Yes, ma'am.

3 THE COURT: And I sentenced you to 10 years
4 suspended upon three years probation. Do you remember that?

5 THE DEFENDANT: It was three years? Yes, ma'am.

6 THE COURT: But the 10 years were suspended. Do you
7 remember that?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: And have you obtained your GED?

10 THE DEFENDANT: Not yet.

11 THE COURT: Tell me about you. How old are you?

12 THE DEFENDANT: 35.

13 THE COURT: How far did you go in school?

14 THE DEFENDANT: 11th grade, but I am -- I was
15 working on my GED prior to me being arrested.

16 THE COURT: I sentenced you almost two years ago and
17 you haven't been able to get your GED since then?

18 THE DEFENDANT: No, ma'am, because I was working.
19 My two sons just went to college.

20 THE COURT: Tell me what kind of work you do.

21 THE DEFENDANT: I work at McDonald's.

22 THE COURT: And what do you do there?

23 THE DEFENDANT: I'm a cashier.

24 THE COURT: Which McDonald?

25 THE DEFENDANT: On Rivers Avenue off of Aviation.

1 THE COURT: Do you understand you do not have to
2 plead guilty? By pleading guilty, you are giving certain
3 rights, your right to a jury trial; your right to have a jury
4 determine your guilt beyond a reasonable doubt based upon the
5 evidence the State presents as well as any evidence you may
6 introduce; your right against self-incrimination; your right
7 to say nothing at all; your right to confront and be
8 confronted by the witnesses against you; as well as your
9 right to call witnesses on your behalf.

10 By pleading guilty here today, you give up any
11 defense you may have to this charge. Do you understand those
12 rights?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: And do you waive those rights at this
15 time?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Understanding the charge that you are
18 facing, the possible punishment, as well as the consequences
19 of this plea, how do you plead to shoplifting under the
20 property crime enhancement?

21 THE DEFENDANT: I plead guilty.

22 THE COURT: Are you pleading guilty because you, in
23 fact, are guilty?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Has anybody promised you anything,

1 threatened you, forced you to plead guilty here today?

2 THE DEFENDANT: No, ma'am.

3 THE COURT: Whose decision was it for you to plead
4 guilty?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Whose decision? Was it your decision?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Have you been satisfied with the
9 services of Mr. Shahid?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Any complaints about the way he's
12 handled this case?

13 THE DEFENDANT: No, ma'am.

14 THE COURT: You will have the right to appeal this
15 plea and the sentence that I will impose, but you or your
16 attorney must do so within 10 days. Do you understand?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Please listen onto the facts.

19 MS. WHITAKER: On February 28th, 2015, the defendant
20 entered the Sears at 2150 Northwoods Boulevard. She selected
21 several articles of clothing, concealed those items in her
22 purse. She then exited the store without paying for those
23 items. She was apprehended. Clothing was returned in
24 sellable condition. So there was no loss to Sears. I can
25 publish a record.

1 THE COURT: Please do.

2 MS. WHITAKER: Thank you, Your Honor. '99,
3 trespass; '04, criminal domestic violence; '09, two counts of
4 shoplifting; 2013, driving under suspension; and then the
5 most recent, property crime enhancement.

6 THE COURT: Any arrests since February of 2015?

7 MS. WHITAKER: None that I'm aware of, Your Honor.

8 THE COURT: Ms. Flowers, you heard the facts as
9 presented by the State. Are those facts true? Is that what
10 you did?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: I find there's a substantial factual
13 basis for your plea. Your decision to plead guilty has been
14 freely and voluntarily, knowingly and intentionally made.
15 You've indicated to the Court you've had the advice and
16 counsel of a competent attorney whom you told the Court you
17 are satisfied. I hereby accept your plea of guilty.

18 Mr. Shahid, happy to hear from you regarding
19 sentencing. Let me hear anything else, Mr. Davis, you need
20 to add.

21 PROBATION OFFICER: I would just like to emphasize
22 that she was considered absconded and that they made attempts
23 to contact her at her last residence, and she last reported
24 in October of 2015.

25 MR. SHAHID: Your Honor, I believe --

1 THE COURT: Hold on. I want to handle everything
2 together. I will keep interrupting here, Ms. Flowers. Do
3 you agree you have willfully and substantially violated the
4 term of your probationary sentence?

5 THE DEFENDANT: Yes, ma'am, but I did give him an
6 address. I told him that I didn't have transportation back
7 and forth. My address had changed to North Charleston County
8 (sic) and he said it would be good for me because I would be
9 able to take the bus to see my probation officer because I
10 didn't have a ride to Summerville.

11 THE COURT: When was the last time you reported?

12 THE DEFENDANT: October.

13 THE COURT: Happy to hear from you regarding both
14 matters.

15 MR. SHAHID: Yes, ma'am. Thank you, Your Honor. I
16 believe Ms. Flowers's point about her transportation that she
17 was getting to the probation office. Ms. Flowers is 35 years
18 old. As she told you, she does not have her GED, went to the
19 11th grade high school. She was working as a cashier at
20 McDonald off Rivers Avenue, but she was working shift 2 p.m.
21 to 11 p.m.

22 She was also raising four kids at the time. She has
23 a 20-year-old and 19-year-old, both attend college in
24 Columbia. She has two young girls, 15 and 14, freshman and
25 sophomore in high school. They are currently living with her

1 brother.

2 Your Honor, if you look at Ms. Flowers's record,
3 most of her arrests happened within the past eight to --
4 seven to eight years. And the reason for that is Ms. Flowers
5 has informed me that she left her relationship with her
6 husband, whom she was married to for 9 1/2 years, a couple
7 years ago. And her husband, she informed me, was very
8 abusive towards her.

9 She is the only breadwinner in the home. She's with
10 her four children, supporting the two in college and the two
11 girls in high school. And she's fallen on extremely rough
12 times.

13 Looking at her record, it's not a good fact for her
14 that most of her crimes are shoplifting that she's been
15 convicted of, but I believe those can be explained away as to
16 show that she was desperate in these times, desperate to
17 support her family and her children. Given that, we are
18 asking for leniency in her case.

19 I understand she has violated her probation. We are
20 not asking you to invoke in full. We're asking for a 90-day
21 revocation to run concurrent with her guilty plea and
22 revocation violation today.

23 THE COURT: Ms. Flowers, remind me what happened on
24 your property crime enhancement in Dorchester County. What
25 did you take? What did you shoplift there?

1 THE DEFENDANT: It was clothes.

2 THE COURT: What do you want to tell me?

3 THE DEFENDANT: Well, I left my husband after 9 1/2
4 years.

5 THE COURT: When did that happen?

6 THE DEFENDANT: It was -- I left about four years
7 ago.

8 THE COURT: Okay.

9 THE DEFENDANT: And I was basically by myself,
10 because my kids was -- had to go into counseling for two
11 years because they seen him beat me every day. I was in and
12 out of the hospital from that. So I tried to go on my own
13 and pay my own bills. At the time, I couldn't afford to pay
14 the bills. So I went and I shoplifted to get my kids'
15 clothes. I know that it was wrong. And I won't be coming in
16 front of you again after today.

17 THE COURT: Is that what you told me back in 2014?

18 THE DEFENDANT: I don't know. I can't remember.

19 THE COURT: Anything else?

20 MR. SHAHID: That would be it, Your Honor.

21 THE COURT: It's the order of the Court on --
22 anything else from the State?

23 MS. WHITAKER: No, ma'am.

24 THE COURT: Order of the court on 2015-GS-10-5147 is
25 that you be committed to the county detention center for a

1 term of 37 days. I will give you credit for 37 days.

2 I find that you have willfully and substantially
3 violated the terms and conditions of your probationary
4 sentence. Revoke in full, convert, waive all fees, fines and
5 costs. No administrative monitoring. Order ATU, if
6 necessary. Good luck to you.

7 (Whereupon, proceedings are adjourned.)


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CERTIFICATE OF REPORTER

I, Karen V. Andersen, Registered Merit Reporter,
Certified Realtime Reporter for the State of South Carolina
at Large, do hereby certify that the foregoing transcript is
a true, accurate and complete Transcript of Record of the
proceedings.

I further certify that I am neither related to nor
counsel for any party to the cause pending or interested in
the events thereof.


Karen V. Andersen
Registered Merit Reporter
Certified Realtime Reporter

COUNTY OF Dorchester
STATE VS.
Willia Jean Flowers

INDICTMENT/CA#: 2014GS180645
A/W#: 2014A1021000503
Date of Offense: 5/18/2014
S.C. Code §: 16-13-110(A)
CDR Code #: 2877

AKA: _____
Race: _____ Sex: F Age: 33
DOB: 1981 SS#: _____
Address: Cedar Grove Dr
City, State, Zip: North Charleston, SC 29420-8147
DL#: _____ SID#: _____

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
TO: Enhancement for 3rd or sub. offense. Value \$2000 or Less (See 16-01-0057)

in violation of § 16-13-110(A) of the S.C. Code of Laws, bearing CDR Code # 2877
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. W.F (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State:
ATTEST: Justin P. Justis SC Bar# _____ Defendant Willia J. Flowers Attorney for Defendant P. W. SC Bar# 101420

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 3

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. 14 days
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____
Total: \$ 24.00 plus 20% fee: \$ _____
Payment Terms: _____
 Set by SCDPPPS _____
Recipient: Fred's
*Fine: _____ \$ _____
§ 14-1-206 (Assessments 107.5 %) _____ \$ _____
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 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 \$ 500
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25
§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____
§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5
3% to County (if paid in installments) \$ 18.90
TOTAL \$ 648.90

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

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

Clerk of Court/ Deputy Clerk Cheryl Graham
Court Reporter: Mia Perrin
SCCA/217 (03/2011)

Presiding Judge _____
Judge Code: 251
Sentence Date: 11/3/14

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA

vs.

WILLIA JEAN FLOWERS,

Defendant

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

) Case No(s): 2015GS1005147
) Warrant No(s): 2015A1010201016; W18160018
) Charge(s): Shoplifting-Enhance; Probation
) Violation

) **MOTION TO WITHDRAW GUILTY PLEA
) AND IN THE ALTERNATIVE MOTION
) TO RECONSIDER SENTENCE**

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NOV 02 2018

SC Court of Appeals

PLEASE TAKE NOTICE that the above captioned defendant, WILLIA JEAN FLOWERS, by and through her undersigned attorney, moves this Honorable Court to withdraw the guilty plea to the charges of Shoplifting – Enhancement and Probation Violation entered before the Honorable Judge Kristi Lea Harrington on September 13, 2016. This Motion is made on the grounds that Ms. Flowers’ decision to plead guilty was not made knowingly and intelligently. Ms. Flowers relied on erroneous advice from counsel in forming her decision to plead guilty.

When Ms. Flowers’ entered her guilty plea, she was on probation from Dorchester County after pleading guilty to Indictment No. 14GS1800645 (offense: Shoplifting – Enhancement). Ms. Flowers was placed on probation on November 3, 2014, in Dorchester County. Judge Harrington sentenced Ms. Flowers to ten years in the South Carolina Department of Corrections, but that sentence was suspended to three years of probation, with the special conditions that she pay a fine and obtain her GED. Prior to Ms. Flowers’ guilty plea for Indictment No. 2015GS1005147, Warrant No. W18160018 was issued for Ms. Flowers on January 28, 2016, stating that she had violated the terms

JUL 21 11:53 AM '18
CLERK OF COURT
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of her probation. This warrant was served on Ms. Flowers on September 13, 2016 (Exhibit A). A subsequent violation report was issued as well. (Exhibit B).

On September 13, 2016, Ms. Flowers pled guilty to Indictment No. 2015GS1005147 (offense: Shoplifting – Enhancement) before Judge Harrington. The State recommended that Ms. Flowers' sentence should run concurrent with her sentence for violating her probation. Ms. Flowers was sentenced to thirty-seven days in the Charleston County Detention Center, and was given credit for thirty-seven days of time she had already served there. (Exhibit C). After sentencing Ms. Flowers on Indictment No. 2015GS1005147, Judge Harrington then conducted Ms. Flower's probation violation hearing pursuant to Warrant No. W18160018. Judge Harrington ruled that Ms. Flowers knowingly violated her probation and revoked her probationary sentence in full.

During the course of Ms. Flowers' representation with counsel she was advised that, because she was sentenced to probation in Dorchester County, her probation violation hearing would be conducted in Dorchester County. Counsel communicated the State's recommendation to Ms. Flowers, but wrongfully assumed that following the conclusion of her guilty plea for Indictment No. 2015GS1005147, she would be sent to Dorchester County where she would receive her sentence for her probation violation. Therefore, Ms. Flowers relied on unsound advice from counsel in deciding to plead guilty on Indictment No. 2015GS1005147, and her guilty plea was not made knowingly and intelligently.

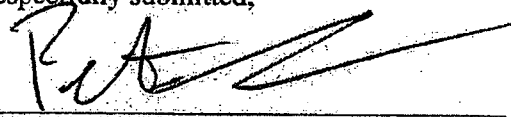
Furthermore, Ms. Flowers was served with her probation violation warrant at the time she entered her guilty plea on September 13, 2016. South Carolina law requires that a warrant be issued and then served on a defendant placed on probation before a probation can be revoked. See State v. Martin, 338 S.C. 401, 404 (2000) (stating that S.C. Code Ann. §§24-21-450, 460 "require a warrant to be issued and the probationer served with the warrant in order to revoke the probation.") Though

there is no time period prior to a probation hearing when a probationer must be served with a probation violation warrant, due process considerations for fairness should allow a probationer adequate time to develop either a defense or mitigation for their violation. Because Ms. Flowers was served with the warrant immediately after she was sentenced on her probation violation, she was granted neither. Therefore, we ask this court to withdraw Ms. Flowers' guilty plea for Indictment No. 2015GS1005147 and Warrant No. W18160018.

In the alternative, the defense moves for a reconsideration of the full revocation for Warrant No. W18160018. The defense reiterates the above grounds, and believes there are other mitigating circumstances the court did not hear that could have swayed the court to grant Ms. Flowers a lesser sentence. First, Ms. Flowers served as a mentor and de facto mother for many children in her neighborhood who are either runaways or homeless. She does not volunteer with an organization to do this work, she does it to help these children and to keep these children off the street and out of trouble. Furthermore, Ms. Flowers informed her probation agent that she had difficulty in making her monthly meetings with them because she did not own a car, so she requested that her probation be transferred to Berkeley County because it was easier for her to travel to the Berkeley County Probation office than to the Dorchester County Probation office. She was under the impression that her probation agent was in the process of transferring her probation, but he never did. Finally, Ms. Flowers has two daughters in high school who, if her current sentence is maintained, will not have their mother help them graduate school and potentially apply to and be accepted into college. Her daughters will likely stay with their grandmother while Ms. Flowers finishes her sentence, but their living situation is subject to change. Ms. Flowers' friends and family are available to address the court regarding these facts if need be.

Therefore, the defense respectfully requests a hearing on this matter where Ms. Flowers, as well as her friends and family, may address the court regarding these facts. Further, the defense requests Court to consider a partial revocation of five years, then continuing Ms. Flowers on intensive probation.

Respectfully submitted,



Albert Peter Shahid, III
Charleston County Public Defender's Office
101 Meeting Street, Sixth Floor
Charleston, SC 29401
(843) 958-1850
ATTORNEY FOR WILLIA JEAN FLOWERS

September 21, 2016

FILED
2016 SEP 22 AM 9:18
JULIE D. ARMSTRONG
CLERK OF COURT
BY J

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Form 16.1 - Arrest Warrant
Form Approved by
SC Attorney General
Section 17-13-160
March 15, 1978

NOV 02 2016

Exhibit
A

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

Probation
Court of Appeals
ARREST WARRANT

Indictment Number 14-GS-18-00645

Warrant Number W-18-16-0018

State Identification No. (SID) [REDACTED]

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

It appearing from the attached affidavit that there are reasonable grounds to believe that WILLIA JEAN FLOWERS, did on the 28 day of January, 2016 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

By violating conditions of probation 1, 2, 7, 9, 10 and Special Conditions as ordered in Cause Number 14-GS18-645 by the Dorchester County Court of General Sessions:

Now, therefore, you are empowered and directed to arrest the said defendant and bring WILLIA JEAN FLOWERS 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 SUMMERVILLE, S. C. this 28 day of January, 2016.

[Signature]
Signature of Probation and Parole Agent

(L.S.)

County of DORCHESTER

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Luther S. Brown, who, first being duly sworn, deposes and says that WILLIA JEAN FLOWERS did within this County and State on the 28 day of January, 2016, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

By violating conditions of probation 1, 2, 7, 9, 10 and Special Conditions as ordered in Cause Number 14-GS18-645 by the Dorchester County Court of General Sessions.

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:

Ms. Flowers has failed to follow the advice and instructions of her agent by failing to report. Last report 10.21.15.
By changing her address without consent. A home visit was attempted on 1.21.16 at [REDACTED] Nelson St (lot [REDACTED]) N. Chas. Agent advised subj. does not live at the residence. Anita Davis called after receiving HV card and advised subject does not live there.
Fail to pay S/P. Current arrears \$700.
Fail to pay DACOR. Current arrears \$23.80.
Fail to pay fine: current arrears \$300, DNA (\$180).

Sworn to and Subscribed before me
this 28 day of January, 2016.

[Signature]
Affiant

[Signature]
Signature of Notary Public

(L.S.)

Address: 422-A Industrial Road
SUMMERVILLE, SC 29483
DORCHESTER
USA

(843) 832-8340

My Commission Expires

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF

DORCHESTER

THE STATE

against

WILLIA JEAN FLOWERS

INFORMATION ON DEFENDANT

Name WILLIA JEAN FLOWERS

Address [REDACTED]

Phone [REDACTED]

Sex [REDACTED] Race [REDACTED] Weight [REDACTED]

Birth date [REDACTED]

Social Security Number [REDACTED]

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 _____

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 1/28/2016

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

Luther S. Brown

Disposition _____

Sentence _____

Co-Defendants _____

Constable or Law Enforcement Officer

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

on the 13 day of April 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 deal with according to law.

(L.S.)

Signature of Judge

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

Offender's Name: WILLIA JEAN FLOWERS

State of South Carolina, County of: DORCHESTER

SID#: [REDACTED]

Warrant#: W-18-16-0018

Date of Birth: [REDACTED]

SCDC#:

Indictment Numbers:

14-G5-18-00645

Offense and Offense Code:

2877 - Enhancement for 3rd or sub. offense.
Value \$2000 or less (see 16-01-0057)

Supervision Program: Probation

Supervision Level: Standard Supervision

Begin Date: 11/3/2014

End Date: 11/2/2017

Potential End Date: 2/8/2017

Adjusted End Date: 10/13/2017

Sentencing Judge: 2151 - Harrington, Kristi

Sentencing County: DORCHESTER

Sentencing Date: 11/3/2014

Location (Bold Response): Community

Sentence:

10 years suspended on 3 years probation.

Special Conditions:

FINE - \$648.90; GED - OBTAIN GED

Current Address and Summary of Residence:

[REDACTED] NELSON ST, LOT [REDACTED], NORTH CHARLESTON, SC 29418, CHARLESTON, USA,

[REDACTED] CEDAR GROVE DRIVE, NORTH CHARLESTON, SC 29420, DORCHESTER, USA,

Reporting:

Poor

Exhibit
B

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SC Court of Appeals

Employment Records While Under Supervision:

Employer	Dates (from -to)	Reason(s) for Leaving	Earnings
UNEMPLOYED	10/21/2015 -		\$0.00
HARDEES	1/13/2014 - 6/3/2015		\$1.00
EXPRESS CLEANING SERVICES	6/3/2015 - 10/20/2015		\$1.00

Financial Conditions:

	Total Amount ordered	Pay Period	Total Paid	Date Last Paid	Arrearage	Balance Due
Fees						
DNA Fee	\$250.00	\$20.00/M	\$0.00		\$160.00	\$250.00
Regular Supervision	\$1,800.00	\$50.00/M	\$50.00	12/19/2014	\$650.00	\$1,750.00
Fines						
Court Ordered Fines	\$648.90	\$20.00/M	\$0.00		\$280.00	\$648.90
Restitutions						
Dept. Admin. Ct. Ordered Re	\$28.80	\$5.00/M	\$5.00	12/19/2014	\$23.80	\$23.80

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

Offender's Name: WILLIA JEAN FLOWERS

Prior Violation Dates	Prior Violations	Prior Violation Disposition

Details of the Present Violation:

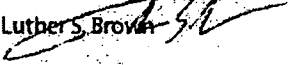
By violating conditions of probation 1, 2, 7, 9, 10 and Special Conditions as ordered in Cause Number 14-GS18-645 by the Dorchester County Court of General Sessions. - Ms. Flowers has failed to follow the advice and instructions of her agent by failing to report. Last report 10.21.15. By changing her address without consent. A home visit was attempted on 1.21.16 at [redacted] Nelson St (lot [redacted]) N. Chas. Agent advised subj. does not live at the residence. Fail to pay S/F. Current arrears \$700. Fail to pay DACOR. Current arrears \$23.80. Fail to pay fine: current arrears \$300, DNA (\$180).

Agent's Recommendation:

Revocation

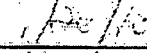
Agent's Justification:

Ms. Flowers has not reported since October 2015. her reporting history has been very sporadic and makes little efforts to comply. Her actions shows that she is not a suitable candidate for supervision.

Luther S. Brown 
Supervisor's Signature

Probation/Parole Agent

Date: 1/26/2016

Date: 

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON
STATE VS.

WILLIA JEAN FLOWERS

AKA:
Race: [redacted] Sex: [redacted]
DOB: [redacted] SS#: [redacted]
Address: [redacted]
City, State, Zip: [redacted]
DL# [redacted] SID# [redacted]

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Shoplifting- Enhancement
In violation of § 16-13-0110(A) of the S.C. Code of Laws, bearing CDR Code # 2877

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS

SENTENCE SHEET

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SC Court of Appeals

CONVICTED OF or PLEADS

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: [Signature] 74906 [Signature] [Signature] 102365
Tyler S. Whitaker, Assistant Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #
[Signature] [Signature] [Signature]

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of 37 days 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 Service 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. 37 days
 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 (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 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

*Fine:	\$	
§14-1-206 (Assessments 107.5%)	\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (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(I) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$ 3.75
TOTAL		\$ 128.75

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

Clerk of Court/Deputy Clerk: Christine Pawzy
Court Reporter: Faren Andersen

Presiding Judge: [Signature]
Judge Code: 25
Sentence Date: 9/13/16

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

STATE OF SOUTH CAROLINA)

v.)

WILLIA JEAN FLOWERS,)
Defendant.)

IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT
Case No.: 2015-GS-10-5147
Warrant No(s): 2015A1010201016; W18160018

ORDER

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SC Court of Appeals

2016 OCT 13 AM 11:28
JULIE J. ARMSTRONG
CLERK OF COURT

FILED

THIS MATTER IS BEFORE THE COURT on Defendant Willia Flowers's Motion to Withdraw Guilty Plea and in the Alternative Motion to Reconsider Sentence filed on September 22, 2016.

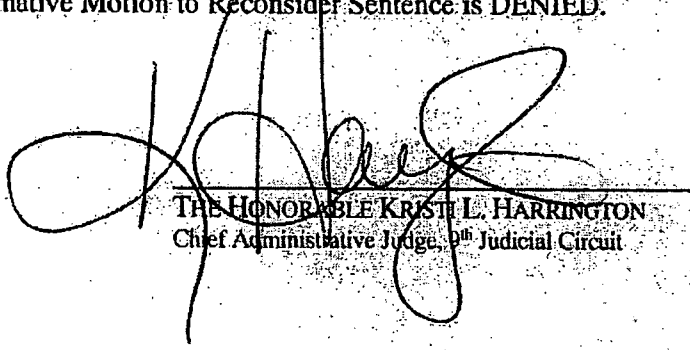
On September 13, 2016, the Defendant pled guilty to Indictment 2015-GS-10-5147, Shoplifting - Enhancement. At the time of the plea, Defendant Flowers was on probation in Dorchester County pursuant to her guilty plea on Indictment 2014-GS-18-0645. A probation warrant for failure to comply with the terms of the Dorchester County probation was issued on January 28, 2016, and served on Defendant Flowers on September 13, 2016. Defendant Flowers's plea of guilty was accepted, and the Court sentenced Defendant Flowers to thirty-seven days in the Charleston County Detention Center with credit for thirty-seven days of time served. Following sentencing on this indictment, the Court conducted Defendant Flowers's Dorchester County probation violation hearing pursuant to Warrant No. W18160018. The Court ruled that Defendant Flowers willfully violated her probation and revoked her probationary sentence in full.

Upon review of Defendant Flowers's Motion, the Court finds that the Defendant was advised of the effect of pleading guilty in regards to her probation, and the Defendant knowingly

and intelligently pled guilty on September 13, 2016. The Defendant has not alleged grounds sufficient to warrant withdrawal of the guilty plea or reconsideration of sentence.

THEREFORE, IT IS HEREBY ORDERED that Defendant Willia Flowers's Motion to Withdraw Guilty Plea and in the Alternative Motion to Reconsider Sentence is DENIED.

IT IS ORDERED!


THE HONORABLE KRISTI L. HARRINGTON
Chief Administrative Judge, 9th Judicial Circuit

October 12, 2016
Charleston, South Carolina

FILED
2016 OCT 13 AM 11:28
JILLIE J. ARMSTRONG
CLERK OF COURT
BY _____ *JA*

TSW/0244806/20150301482
WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER
2015-007031

ARREST WARRANT NUMBER
2015A1010201016

DATE OF ARREST
03/01/2015

ACTION OF GRAND JURY

TRUE BILL

SEP 15 2015

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-10-05147

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS
SEPTEMBER TERM 2015

THE STATE

VS.

WILLIA JEAN FLOWERS
B/F DOB: [REDACTED]-1981

Indictment for

PROPERTY CRIME ENHANCEMENT
(SHOPLIFTING)

SC Code: § 16-13-0110(A)
CDR Code: 2877

FILED

9/21/2015 4:39:50 PM
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON


INDICTMENT

At a Court of General Sessions, convened on September 14, 2015, the Grand Jurors of Charleston County present upon their oath:

PROPERTY CRIME ENHANCEMENT (SHOPLIFTING)

That in Charleston County, South Carolina, on or about February 28, 2015, the Defendant, Willia Jean Flowers, with the intent to deprive Sears of the possession, use, or benefit of merchandise without paying the full retail value, did take possession of, carry away, transfer from one person to another or from one area of a retail mercantile establishment to another area, or cause to be carried away or transferred merchandise displayed, held, stored, or offered for sale by a store or other retail mercantile establishment; or alter, transfer, or remove any label, price tag marking, indicia of value, or any other markings which aid in determining value affixed to any merchandise displayed, held, stored, or offered for sale in a store or other retail mercantile establishment and attempts to purchase the merchandise personally or in consort with another for less than the full retail value; or transfer merchandise displayed, held, stored, or offered for sale by a store or other retail mercantile establishment from the container in which it is displayed to any other container. That said merchandise was valued at Two Thousand Dollars or less and the Defendant has been previously convicted of at least two offenses for which the term of imprisonment is contingent upon the value of the property involved. This is in violation of Sections 16-13-110 and 16-1-57 of the South Carolina Code of Laws (1976) as amended.

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



TYLER S. WHITAKER
ASSISTANT SOLICITOR

WITNESSES

D Houston

North Charleston Police Department
2014-016808

ARREST WARRANT NUMBER
2014A1021000503

Arrested: May 20, 2014

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: October 8, 2014

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014GS180645

The State of South Carolina
County of DORCHESTER

COURT OF GENERAL SESSIONS

October 13, 2014 TERM

THE STATE
vs.

Willia Jean Flowers

Indictment for
SHOPLIFTING 3RD OFFENSE

SC Code: 16-3-110

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

Willia J. Flowers
Defendant

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

Defendant

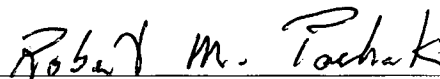
Witness:

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. Pachak
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 15th day of August, 2017.