

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED

JUL 12 2017

SC Court of Appeals

Appeal from Anderson County

Honorable R. Ferrell Cothran, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TIMOTHY B. CASON,

APPELLANT

APPELLATE CASE NO 2016-001737

RECORD ON APPEAL

ROBERT M. PACHAK
Appellate Defender

ALAN WILSON
Attorney General

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

ATTORNEYS FOR RESPONDENT

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1 State of South Carolina
 2 County of Anderson In the Court of General Sessions

3
 4 State of South Carolina,)
 5) 2014-GS-04-02087
 6 -vs-) August 11, 2016
 7 Timothy B. Cason,)
 8 Defendant.)
 9) Transcript of Record
 -----)

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B E F O R E:
 The Honorable R. Ferrell Cothran, Judge

A P P E A R A N C E S:
 Agent Sears
 Department of Probation, Parole and Pardon Services
 Attorney for the State
 Wendy D. Hallford, Esquire
 Tenth Circuit Public Defender's Office
 Attorney for Defendant

Diane L. Marcengill, RPR, CRR
 Circuit Court Reporter

1 (WHEREUPON, court convened with all parties
2 present and the following proceedings were had
3 commencing at 2:14 p.m.)

4 PROBATION OFFICER: Tim Cason.

5 (WHEREUPON, the defendant was sworn.)

6 OFFICER SEARS: Your Honor, Tim Cason was placed
7 on probation by Judge Sprouse on March 24th of 2015.
8 He pled guilty to possession of methamphetamine. He
9 was given a three-year sentence suspended upon the
10 service of 16 days with 18 months probation.

11 He's had one prior violation on this case which
12 occurred May 22nd of 2015 where he failed to refrain
13 from using controlled substances and that he tested
14 positive for methamphetamine as well as amphetamine.
15 At that time his agent referred him to substance abuse
16 counseling.

17 The last time Mr. Cason reported to us was on
18 September 9th of 2015, and he was supposed to report
19 back on November 18th of 2015. He failed to report.
20 He's missed that report. He gave his agent a false
21 address as evident by home visit that was conducted on
22 2/29 of '16. He failed to pay his supervision fees,
23 and he failed to pay his public defender fund.

24 This warrant was issued on March 4th of 2016 and
25 served on him on July 8th of 2016, and our department

1 is asking for a revocation on this case and terminate
2 the probation.

3 THE COURT: Okay.

4 Yes, ma'am.

5 MS. HALLFORD: Your Honor, my client is a meth
6 user. He's been using since he was 22. He is 54 now,
7 so a long time. He tells me that he called several
8 times up to probation and was not able to talk to his
9 agent and says he hasn't had a job since September of
10 last year.

11 As far as the address goes, he says that he called
12 up to probation to change the address and talk to his
13 agent who said, "Oh, yeah. That's the place with the
14 dogs." And that's why he remembers having told the
15 agent about that.

16 And we would like Your Honor to consider 90 days
17 in inpatient treatment, and he's been in for 35 days.

18 THE COURT: I know you know probation is not a
19 call-in service. You've got to report. It's not like
20 making reservations at the hotel.

21 THE DEFENDANT: When I completed the behavioral
22 health, I got a certificate, and I did go up to report
23 and my officer wasn't there that day. They got me down
24 for giving a false address. I was living in a little
25 white house owned by Graceview Baptist Church at [REDACTED]

1 Centerville Road --

2 (Off-record discussion between defendant and his
3 counsel.)

4 THE DEFENDANT: Okay. My father passed away in
5 October. My car tore up, and I lost my job because I
6 didn't have transportation. They foreclosed on my home
7 I had in November -- I mean in December. But I have
8 been basically living in Belton without a home to live
9 in. But I'd be more than willing to go to rehab.

10 I did go talk to Chase about when I left [REDACTED]. I
11 said I moved back in with my girlfriend and he said, "I
12 don't remember that." I said, "Old Mace Road." He
13 said, "Oh, yeah. The place with all the dogs." He has
14 eight dogs there. He remembered that. He may have
15 changed it.

16 THE COURT: Okay. I will revoke and terminate.
17 Nine months and terminate.

18 When you get out, you have got to stay out of
19 trouble. Quit using meth. It will kill you.

20 OFFICER SEARS: Thank you, Your Honor.

21 (WHEREUPON, proceedings concluded at 2:18 p.m.)

22 ***END OF REQUESTED TRANSCRIPT OF RECORD***
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Certificate of Reporter

I, Diane L. Marcengill, Official Court Reporter for the Tenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of a portion of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Anderson County, South Carolina, on the 11th day of August 2016.

This transcript may contain quoted material. Such material is reproduced as read by the speaker.

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

May 15, 2017



Diane L. Marcengill RPR, CRR
Circuit Court Reporter

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 ANDERSON

ARREST WARRANT

Indictment Number 14-GS-04-02087

Warrant Number W-04-16-0097

State Identification No. (SID) 00422022

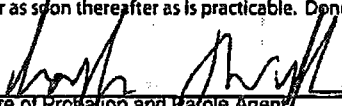
TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF ANDERSON, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that TIMOTHY BRIAN CASON, did on the 4 day of March, 2016 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Probation violation in that the offender has violated the terms of his probation as set forth by Judge Sprouse on March 24, 2015 in Anderson County, Anderson, S. C.

Now, therefore, you are empowered and directed to arrest the said defendant and bring TIMOTHY BRIAN CASON 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 ANDERSON, S. C. this 4 day of March, 2016.



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

County of **ANDERSON**

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Charles Webber, who, first being duly sworn, deposes and says that TIMOTHY BRIAN CASON did within this County and State on the 4 day of March, 2016, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

Probation violation in that the offender has violated the terms of his probation as set forth by Judge Sprouse on March 24, 2015 in Anderson County, Anderson, S. C.

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:

By failing to report as instructed as evident by not reporting on 11/18/2015; By giving the agent a false address as evident by a home visit conducted on 02/29/2016; By failing to pay his supervision fee as evident by being \$200.00 in arrears; By failing to pay Public Defender Fund as evident by being \$405.00 in arrears; By failing to follow the advice and instructions of the agent. These actions constitute violations of sections #1, #2, #7, #9 and #10 of the conditions of probation.

Sworn to and Subscribed before me
this 4 day of March, 2016.



Affiant



Signature of Notary Public (L.S.)

Address: P.O. BOX 8002
ANDERSON, SC 29622
ANDERSON
USA

(864) 260-2230

10-9-2024
My Commission Expires

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF

ANDERSON

THE STATE

against

TIMOTHY BRIAN CASON

INFORMATION ON DEFENDANT

Name TIMOTHY BRIAN CASON
Address CENTERVILLE ROAD ANDERSON, SC 29625
Phone
Sex Male Race White Height 509
Weight 175 Birth date 1/1962
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:

Timothy Cason

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 3/4/2016

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

Charles Webber

on the 8 day of July, 2016.
Cal [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.

Disposition

Sentence

Co-Defendants

(L.S.)
Signature of Judge

WARRANT ENTERED IN SCW/NCIC
Date entered: 3-11-16
Date served: 7-28-16
FIOS notified: 7-28-16 by [Signature]

DOCKET NO. 2014GS04 02087

WITNESSES

Danny Mccown, Anderson Police Dept.

The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

DEC 16 2014

Term

ARREST WARRANT NUMBER

2014A0420700701

THE STATE

vs.

Timothy Bryan Cason

ACTION OF GRAND JURY

TRUE BILL

DEC 16 2014

[Handwritten Signature]

Foreperson of Grand Jury
Date:

AGM

Indictment for

**Drugs/ Possession of Methamphetamine with
intent to distribute**

SC Code: 44-53-0375(B)(2)
CDR Code: 3199

VERDICT

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF Anderson)

INDICTMENT

At a Court of General Sessions, convened on _____, the Grand Jurors of Anderson County present upon their oath:

Drugs/ Possession of Methamphetamine with intent to distribute

That Timothy Bryan Cason on or about July 20, 2014, in Anderson County, South Carolina, did possess with intent to distribute, dispense, or deliver Methamphetamine, a schedule II controlled substance under provisions of Section 44-53-110, et seq., Code of Laws of South Carolina (1976), as amended, such distribution not having been authorized by law, all in violation of Section 44-53-375, Code of Laws of South Carolina (1976), as amended.

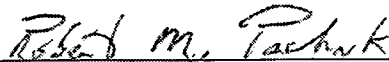
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

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

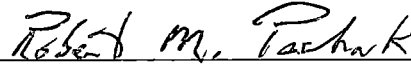
ATTORNEY FOR APPELLANT

This 12th 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. 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 12th day of July, 2017.

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SC Court of Appeals