

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Aiken County

Honorable Doyet A. Early, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHRISTOPHER DESHAWN ELMORE,

APPELLANT

APPELLATE CASE NO. 2016-001832

RECORD ON APPEAL

LANELLE CANTEY DURANT
Appellate Defender

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

ATTORNEY FOR APPELLANT

MATTHEW BUCHANAN

General Counsel
South Carolina Department of Probation,
Parole, and Pardon Services
Post Office Box 50666
Columbia, SC 29250

ATTORNEYS FOR RESPONDENT

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SC Court of Appeals

INDEX

INDEX	i
GUILTY PLEA TRANSCRIPT DATED AUGUST 13, 2015	1
STATEMENT OF FACTS	5
SENTENCING	12
PROBATION HEARING TRANSCRIPT DATED AUGUST 22, 2016	15
PROBATION VIOLATION REPORT DATED AUGUST 12, 2016.....	24
PROBATION ARREST WARRANT DATED MAY 31, 2016	25
ORDER BY JUDGE DOYET A. EARLY, III. DATED AUGUST 22, 2016	27
INDICTMENT.....	28
NOTICE OF APPEAL.....	30
CERTIFICATE OF COUNSEL	31

1 STATE OF SOUTH CAROLINA

CIRCUIT COURT

2 COUNTY OF AIKEN

2015-GS-02-00347

3
4 STATE OF SOUTH CAROLINA,

5 -vs-

TRANSCRIPT OF RECORD

6 CHRISTOPHER DESHAWN ELMORE,
7 Defendant.

8
9 HEARD ON THURSDAY, AUGUST 13, 2015

10
11
12 BEFORE:

13 THE HONORABLE EUGENE C. GRIFFITH

14
15
16 APPEARANCES:

17 Counsel on behalf of the State:

18 Samuel B. Grimes, Jr., Esq.

19 Counsel on behalf of the Defendant:

20 M. Bradley McMillian, Esq.

21
22 Cheri L. Young, RPR
23 Official Court Reporter
24 P O Box 5232
25 Aiken, SC 29803-5232

EXHIBIT INDEX

(NO EXHIBITS IDENTIFIED/INTRODUCED.)

1 ON THURSDAY, AUGUST 13, 2015 AT 12:01 P.M.:

2 MR. GRIMES: Christopher Elmore.

3 (Defendant placed under oath.)

4 THE COURT: Go ahead, Mr. Grimes, call your
5 case.

6 MR. GRIMES: Your Honor, this is Christopher
7 Elmore. He's represented by Bradley McMillian of
8 the public defenders office. He's before you on an
9 indictment for shoplifting less than \$2,000 with a
10 property enhancement.

11 THE COURT: Your name is Christopher Deshawn
12 Elmore?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: I got Indictment 15-GS-02-347 for
15 shoplifting third or more. It reads that you while
16 in Aiken County on the 22nd of January of '15, did
17 take away certain merchandise, some boots offered
18 for sale by Wal-Mart on Richland Avenue in Aiken,
19 without the benefit of paying the merchant for the
20 merchandise, having two prior convictions or more.
21 This being in violation of 16-13-110.

22 It's my understanding that you wish to plead
23 guilty on that indictment as presented; is that
24 correct?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Mr. McMillian, you represent
2 Mr. Elmore?

3 MR. McMILLIAN: I do, Your Honor.

4 THE COURT: Have you explained to him the
5 elements of this offense and his potential
6 punishment?

7 MR. McMILLIAN: I have, Judge.

8 THE COURT: Do you have a belief that he
9 would be convicted if he stood trial?

10 MR. McMILLIAN: Yes, sir.

11 THE COURT: And you agree with his decision?

12 MR. McMILLIAN: I do.

13 THE COURT: All right. Mr. Elmore, you're
14 under oath. In the last 24 hours have you taken
15 any alcohol, drugs or medications?

16 THE DEFENDANT: No, sir.

17 THE COURT: Are you clear headed?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you suffer from any
20 disabilities which would affect your understanding
21 of what you're doing here today?

22 THE DEFENDANT: No, sir.

23 THE COURT: You have a right to have a jury
24 trial on this matter. Do you understand?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: If you asked for a jury trial
2 you'd get one. The State would have the burden of
3 proving your guilt. They would call witnesses,
4 present evidence for the jury to consider the issue
5 of guilt or innocence. Do you understand?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Your attorney's allowed to cross-
8 examine those witnesses and challenge the State's
9 evidence. You don't have to say a word. You may
10 remain silent throughout as the State is not
11 allowed to call you as a witness. Do you
12 understand those rights?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: So understanding your rights to
15 defend yourself at trial, do you wish to waive
16 those rights here today in order to enter this
17 guilty plea?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Are you waiving those rights
20 freely and voluntarily?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: All right. Tell me what
23 happened, please, sir.

24 MR. GRIMES: Thank you, Your Honor.

25 This occurred back on January 22nd, 2015. An

1 officer with the Aiken Department of Public Safety
2 actually responded to Wal-Mart, saw Mr. Elmore.
3 One of the Wal-Mart loss prevention officers yelled
4 out that that's the person that they were after and
5 Mr. Elmore was pursued. I think after a brief
6 pursuit on foot he gave up and they placed him in
7 custody.

8 He actually had in his possession at that
9 time a pair of black boots at Wal-Mart and
10 indicated he took possession of and walked out of
11 the store with and didn't pay for. They also found
12 a watch on his person that appeared the same as the
13 watches that were sold in Wal-Mart as well as a
14 cell phone that appeared to be brand new.
15 Mr. Elmore indicated that he had been making calls
16 on the phone; however the phone was new and had
17 never been activated.

18 Wal-Mart indicated to loss prevention -- or
19 to law enforcement at that time that Mr. Elmore had
20 been there at the Wal-Mart that evening and had
21 earlier been attempting to go through vehicles and
22 actually opened the door on a vehicle which a
23 Wal-Mart employee was sitting in the vehicle at the
24 time.

25 The Defendant was taken into custody for

1 shoplifting. And Public Safety was called back out
2 to Wal-Mart. The Wal-Mart loss prevention
3 indicated that the sheriff's office had actually
4 found outside of Wal-Mart on the 421 Extension a
5 stash of other items that Mr. Elmore had hidden
6 including a cell phone, some other items that I
7 think totaled \$427. The 300 and -- I think it was
8 just a little over \$300 that they indicated on
9 their restitution order is what they're asking for
10 as far as restitution for this case, Your Honor.

11 The Defendant does have a prior criminal
12 domestic violence conviction in 2008; shoplifting
13 conviction in 2011; petty larceny in 2012 along
14 with giving false information, shoplifting
15 conviction in 2012; malicious injury to property in
16 2012, as well as in 2013; public disorderly conduct
17 in 2014, assault and battery third degree in 2014,
18 entering premises after warning in 2014, false
19 information in 2014, a CDV in 2014; and he has an
20 out-of-state record for, I believe, resistance of a
21 public officer and a larceny in 2012. And that's
22 in North Carolina.

23 He has an unrelated charge that's being
24 dismissed and honestly Mr. McMillian and I have
25 been waiting on that report and we just received it

1 and it may even not amount to the charge that he's
2 charged with, but we'll be dismissing it anyway
3 today.

4 THE COURT: All right. Mr. Elmore, the
5 summary of facts of the events at Wal-Mart accusing
6 you of shoplifting, is that what you were doing?

7 THE DEFENDANT: Yes, I did went in there and
8 tried to get a pair of non-slip work boots. I was
9 working for a Italian restaurant at the time. And
10 I went in there to try to get these work boots. It
11 was wrong. I'm sorry. It was wrong but that's
12 what I did do.

13 THE COURT: Okay. Have you been promised
14 anything to get you to plead guilty?

15 THE DEFENDANT: No, sir.

16 THE COURT: Other than pleading to the
17 shopliftings more than a second, so it's third or
18 more? There's a restitution order for \$300 which
19 is the boots and some other items. Do you agree to
20 pay that while on probation?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: You've had enough time to go over
23 your case and your defenses with Mr. McMillian?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Has he gone over everything with

1 you?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Have you understood your
4 conversations with him?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: You're pleading guilty freely and
7 voluntarily?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And because you are in fact
10 guilty of committing these shopliftings?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Regarding Indictment 15-GS-
13 02-347, I find that Christopher Deshawn Elmore has
14 made a free, knowing, intelligent plea of guilt to
15 the offense of shoplifting, third or more offense.
16 He's entered this plea with advice of counsel of
17 whom he states he's satisfied. All right.

18 Mr. Elmore, what's going on? Didn't get in
19 much trouble and then starting in 2011 you're
20 pretty steady over at the jail, aren't you?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: What's going on?

23 THE DEFENDANT: Just been getting into a
24 little bit of trouble. Been hanging with the wrong
25 people and stuff. But at the point in time now my

1 life really has changed because my mother has fell
2 disabled and to be honest with you, I'm her payee
3 representative over her care. It's sad to say but
4 I'm in jail. I am, and I've been helping taking
5 care of my mother since she fell ill.

6 THE COURT: How old is she?

7 THE DEFENDANT: She's just 47. She had a bad
8 back and bad knees and she can't get around.
9 That's why I help her out. I got a different
10 outlook on life now because I have to make sure of
11 my mother.

12 THE COURT: You don't want to be her bad son,
13 do you?

14 THE DEFENDANT: No, no.

15 MR. McMILLIAN: Judge, in talking with him, I
16 would just offer for Your Honor that -- you noticed
17 that his record started in 2011. He is 27 years
18 old. That is right after he acquired the legal
19 drinking age.

20 Quite frankly, Your Honor, in talking with
21 him, most of his convictions center around things
22 he was doing while he was intoxicated. We would
23 ask Your Honor to consider a probationary sentence
24 in this matter with some substance abuse
25 counseling. He's got to get off of the drinking,

1 Judge, frankly.

2 Every time I've met with him he is concerned
3 about his case, both when he was in the county
4 detention center and when he was out. He calls
5 regularly. I think this is the most serious --

6 THE DEFENDANT: Thing that I ever --

7 MR. McMILLIAN: -- group of charges that he's
8 ever been incarcerated on. And he tells me, and I
9 hope it's true, that this has scared him out of
10 this lifestyle, Judge.

11 THE DEFENDANT: Yes, it really has.

12 THE COURT: Anything the State wants to say?

13 MR. GRIMES: Nothing, Your Honor.

14 THE COURT: Have you ever been down the
15 road?

16 THE DEFENDANT: I've been, I've been down the
17 road one time before for resisting arrest.

18 THE COURT: How long were you down the road?

19 THE DEFENDANT: It was a turnaround.

20 THE COURT: Turnaround. You say you worked
21 in a restaurant or something?

22 THE DEFENDANT: Yes, before I got locked up
23 this time I was working at Golden Corral. I was a
24 dishwasher. And I lost that job prior to coming to
25 jail for the indecent exposure.

1 THE COURT: You got any children?

2 THE DEFENDANT: No, I don't have any kids,
3 not right now.

4 THE COURT: How long have you been in jail
5 this time, 20 days?

6 THE DEFENDANT: No, sir, I been --

7 MR. McMILLIAN: 20 days I believe is all he
8 would get credit for on the shoplifting, Judge.
9 He's been incarcerated on the related charge that's
10 being dismissed for 80 days as of today.

11 THE COURT: Exclusive of the 20 or inclusive
12 of 20?

13 MR. McMILLIAN: Exclusive of the 20, Judge.

14 I guess, just to be clear, he did
15 approximately 20 days on the shoplifting before
16 bonding out. When he was re-arrested he has since
17 done 80 days on the charge that's being dismissed.

18 THE COURT: All right. I accept the plea.
19 I've signed the restitution order. I've amended it
20 to \$300 flat. Restitution is ordered while he's on
21 probation.

22 Sentence of the Court is you're confined for
23 four years. That's suspended upon the service of
24 90 days. Probation for 30 months. Giving you
25 credit for the 20 days he's done on this. So you

1 have to do a little more time. But I think that's
2 going to be good for him. I'd like inpatient bed,
3 28-day version, one-month version. Pay the public
4 defenders assessment and restitution. Once he
5 meets all the conditions, if he's met them all he
6 can get off probation: Substance abuse; I want
7 inpatient; tested for drugs and alcohol; pay the
8 restitution; pay the public defender; and cost
9 assessments, and he can be done. Okay?

10 MR. McMILLIAN: Thank you, Your Honor.

11 THE COURT: Listen to his counsel. You're
12 old enough to start listening. Listen to the tools
13 they give you on the substance abuse counseling
14 program. They're going to give you some tools on
15 how to deal with things that cause you to --

16 THE DEFENDANT: Yes, sir.

17 THE COURT: -- do what you're doing. Okay?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Good luck to you.

20 END OF CASE: 12:15 P.M.

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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

I, Cheri L. Young, Registered Professional Reporter and Official Court Reporter for the State of South Carolina, Second Circuit-At Large, do hereby certify that the foregoing proceedings were written stenographically by me using computer-aided translation; further, that the foregoing is a true, accurate and complete record, to the best of my skill and ability, of all the proceedings had and evidence introduced in the hearing of the captioned case, relative to appeal, in the Court of General Sessions for Aiken County, on the 13th day of August, 2016.

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

I have hereunder set my hand this 19th day of December, 2016.



Cheri L. Young, RPR
Official Court Reporter

State of South Carolina
County of Aiken

Court of General Sessions

State	)	
	)	
	)	Transcript of Record
v.	)	2015-GS-02-00347
	)	
Christopher Deshawn Elmore)	)	
	)	
<u>Defendant.</u>	)	

August 22, 2016
Aiken, South Carolina

B E F O R E:

The Honorable Doyet A. Early, III, Judge.

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

Shynel Favor, Probation Agent
Probation, Parole and Pardon Services

Michael Routzong, Assist. Public Defender
Attorney for the Defendant

Bethanie K. Creppon
Circuit Court Reporter

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1 P R O C E E D I N G S

2 * * *

3 CHRISTOPHER DESHAWN ELMORE

4 being first duly sworn, testified as follows:

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: All right. Who is your lawyer,
7 Mr. Elmore?

8 THE DEFENDANT: Mr. Routzong.

9 MR. MCCARLEY: He's on his way, Your Honor.

10 THE COURT: Mr. Routzong, you represent
11 Mr. Elmore?

12 MR. ROUTZONG: Yes, sir.

13 THE COURT: Judge Griffith, in August of 2015,
14 on a drug charge, sentenced him to four years
15 suspended on 90 days and 30 months of probation.
16 He's had a prior violation in March of this year
17 where he was alleged to have been convicted of
18 violating -- what is DOC?

19 PROBATION AGENT: Disorderly conduct.

20 THE COURT: Disorderly conduct in Aiken,
21 possession of a dangerous weapon. He was continued
22 on probation, it looks like, and he has zero
23 tolerance of any further violations. He's now back
24 before me. That was in March.

25 It's alleged now he's failed to follow the

1 advice and instructions, failed to obtain consent
2 prior to changing residence addresses, failing to
3 pay restitution and other financial obligations. He
4 hasn't reported since April of 2016. Is that
5 correct?

6 PROBATION AGENT: Yes, sir.

7 THE COURT: So he was on a zero-tolerance and
8 now he's back not reporting.

9 Mr. Routzong?

10 MR. ROUTZONG: May it please the Court, Your
11 Honor. I went out to see his mom -- that's where he
12 was staying at or was supposed to be staying at --
13 and she told me that she had asked him to leave and
14 actually got a restraining order against him. I
15 came back and talked to the -- well, I had spoken to
16 Mr. Elmore many times on the phone. And he tells me
17 that the reason his mom was mad at him was that the
18 people that he was hanging out with -- and I believe
19 he says that she was upset that they're gay. That's
20 not what she told me.

21 On the other hand, Judge, I've spoken to other
22 witnesses that say to me that he was living there.
23 So I think the evidence kind of shows that probably
24 Mom kicks him out, Mom lets him back in. There's
25 some evidence of that and that corroborates -- his

1 witness corroborates with what he's been telling me.
2 So probably during the period of time that the
3 Department went out to see him there, he wasn't
4 there.

5 THE COURT: Well, that doesn't concern me near
6 as much as the zero tolerance and that he hasn't
7 been reporting.

8 THE DEFENDANT: I -- may I speak? Sir, I
9 reported. I reported.

10 THE COURT: Well, they tell me you haven't
11 reported. Who do I believe; you or them?

12 THE DEFENDANT: I have reported except for the
13 month of May because I had a charge pending, the
14 violation of restraining order. My mother was
15 claiming she was going to drop it. She wanted to
16 see me do good and continue my job at voc rehab
17 because I've been working at voc rehab. And that's
18 what she wanted to see me do, is work.

19 But then the situation came in with my gay
20 friends. And I left with them one night and I came
21 back and she was upset at me thinking that I had
22 left with them and I was gay and this, that, and the
23 third, and told me she wasn't going to drop the
24 charge.

25 THE COURT: Yes, ma'am? Anything you want to

1 tell me?

2 PROBATION AGENT: No, sir. Mr. --

3 THE DEFENDANT: And I wrote you-all a letter.

4 PROBATION AGENT: Mr. Elmore hasn't reported
5 since April the 6th and he was arrested on May the
6 31st.

7 THE COURT: I'm going to revoke two years, give
8 him credit for his time served, terminate and
9 convert to civil judgment.

10 MR. ROUTZONG: Thank you, Your Honor.

11 -- END OF TRANSCRIPT OF RECORD --

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C E R T I F I C A T E

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STATE OF SOUTH CAROLINA

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COUNTY OF LEXINGTON

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I, the undersigned, Bethanie K. Creppon, Circuit Court Reporter for the Second Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the hearing of the captioned cause, relative to appeal in the Criminal Court for Aiken County, South Carolina, on the 22nd of August, 2016.

16

17

18

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

19

December 18, 2016

20

21

s/Bethanie K. Creppon

22

23

Bethanie K. Creppon
Circuit Court Reporter

24

25

South Carolina Department of Probation, Parole and Pardon Services

Violation Report

Offender's Name: CHRISTOPHER DESHAWN ELMORE

State of South Carolina, County of: AIKEN

SID#: 01648037

Warrant#: W-02-16-0077

Date of Birth:

SCDC#:

Indictment Numbers:

15-GS-02-00347

Offense and Offense Code:

2877 - Enhancement for 3rd or sub. offense.

Value \$2000 or less (see 16-01-0057)

Supervision Program: Probation

Supervision Level: Inpatient

Begin Date: 8/13/2015

End Date: 2/12/2018

Potential End Date: 6/3/2017

Adjusted End Date: 1/23/2018

Sentencing Judge: 2154 - Griffith, Jr., Eugene

Sentencing County: AIKEN

Sentencing Date: 8/13/2015

Location (Bold Response): Jail

Sentence:

4 years provided upon the service of 90 days suspended to 30 months of Probation.

Special Conditions:

Restitution- \$300 + 20%

Fine- \$648.90

Substance Abuse Counseling - *Hold for bed for in-patient

Random Drug Alcohol Testing

Probation Terminated Upon Payment

Current Address and Summary of Residence:

AIKEN ROAD, AIKEN, SC, AIKEN, USA,

Reporting:

Mr. Elmore has not reported since 4/6/2016.

Employment Records While Under Supervision:

Employer	Dates (from -to)	Reason(s) for Leaving	Earnings
AIKEN VOCH REHAB. CENTER	3/2/2016 -		\$400.00

Financial Conditions:

	Total Amount ordered	Pay Period	Total Paid	Date Last Paid	Arrears	Balance Due
Fees						
DNA Fee	\$250.00	\$10.00/M	\$0.00		\$120.00	\$250.00
Drug Test Fee	\$20.00	\$20.00/M	\$0.00		\$20.00	\$20.00
Regular Supervision	\$2,000.00	\$50.00/M	\$0.00		\$600.00	\$2,000.00
Fines						
Court Ordered Fines	\$648.90	\$22.00/M	\$0.00		\$264.00	\$648.90
Restitutions						
Dept. Admin. Ct. Ordered Re	\$360.00	\$14.00/M	\$0.00		\$168.00	\$360.00

**South Carolina Department of Probation, Parole and Pardon Services
Violation Report**Offender's Name: **CHRISTOPHER DESHAWN ELMORE**

Prior Violation Dates	Prior Violations	Prior Violation Disposition
3/1/2016	Christopher Elmore has failed to follow the advice and instructions of his agent by: Failing to refrain from violating state or local laws by being convicted of DOC in Aiken Magistrate Court on 2/6/2016 and possession of a dangerous weapon.	Notice of Violation and Response: Must not violate any state or local laws; Must not be in possession of any dangerous weapon; Zero tolerance for any further violations.

Details of the Present Violation:

Christopher Elmore has failed to follow the advice and instructions of his agent by: Failing to obtain the consent of his agent prior to changing his residence from Aiken Road, Aiken, SC being confirmed by his mother on 5/12/16, making his whereabouts unknown; Failing to pay Restitution as ordered, arrearage \$112.00 balance \$360.00; Failing to pay the Court ordered Fine, arrearage \$176.00, balance \$648.90; Failing to pay supervision fees, arrearage \$400.00; Failing to pay the \$20.00 drug test fee which constitutes a violation of conditions 2, 7, 9, 10 and 11 of his probationary sentence.

Agent's Recommendation:

Revocation

Agent's Justification:

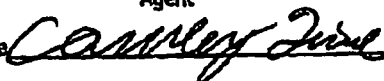
Christopher Elmore has shown a willful disregard to the conditions of his Probationary Sentence. He has failed to report as instructed and failed to gain the consent of his Agent prior to changing his residence from Aiken Road, Aiken SC as being confirmed by his mother on 5/12/2016. Due to the willful failure to abide by the conditions of his Probationary Sentence, Mr. Elmore should be required to serve a portion of his suspended sentence.

Shaynel P. Favor

Agent

Date: 8/12/2016

Supervisor's Signature



Date: 8/12/16

Form 10.1 - Arrest Warrant
Form Approved by
SC Attorney General
Section 17-13-180
March 18, 1978

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

Probation
ARREST WARRANT

Indictment Number 18-GS-02-00347

Warrant Number W-02-18-0077

State Identification No. (SID) 01848037

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

It appearing from the attached affidavit that there are reasonable grounds to believe that CHRISTOPHER DESHAWN ELMORE, did on the 12 day of May, 2016 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Christopher Elmore has violated conditions 2, 7, 9, 10 and 11 of his probationary sentence ordered in Aiken County General Sessions Court.

Now, therefore, you are empowered and directed to arrest the said defendant and bring CHRISTOPHER DESHAWN ELMORE 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 AIKEN, S. C. this 12 day of May, 2016.

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

County of AIKEN

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Donald E. Murphy, who, first being duly sworn, deposes and says that CHRISTOPHER DESHAWN ELMORE did within this County and State on the 12 day of May, 2016, violate the criminal laws of the State of South Carolina in the following particulars:

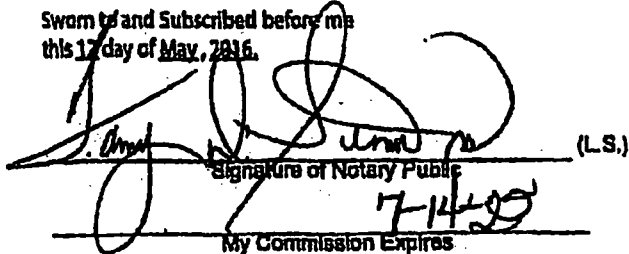
DESCRIPTION OF OFFENSE:

Christopher Elmore has violated conditions 2, 7, 9, 10 and 11 of his probationary sentence ordered in Aiken County General Sessions Court.

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:

Christopher Elmore has failed to follow the advice and instructions of his agent by: Failing to obtain the consent of his agent prior to changing his residence from Aiken Road, Aiken, SC being confirmed by his mother on 5/13/16, making his whereabouts unknown; Failing to pay Restitution as ordered, arrearage \$112.00 balance \$369.00; Failing to pay the Court ordered Fine, arrearage \$176.00, balance \$648.90; Failing to pay supervision fees, arrearage \$400.00; Failing to pay the \$20.00 drug test fee which constitutes a violation of conditions 2, 7, 9, 10 and 11 of his probationary sentence.

Sworn to and Subscribed before me
this 17 day of May, 2016.

 (L.S.)
Signature of Notary Public
7/14/20
My Commission Expires


Affiant

Address: P.O. BOX 2194
AIKEN, SC 29802-2194
AIKEN
USA
(803) 641-7690

RETURN

Constable or Law Enforcement Officer

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

Christopher Elmore

on the 31 day of May, 2014.

Ric C
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

STATE OF SOUTH CAROLINA
COUNTY OF

AIKEN

THE STATE
against

CHRISTOPHER DESHAWN ELMORE

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 5/12/2016

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

Donald E. Murphy
Disposition _____

Sentence _____

Co-Defendants

INFORMATION ON DEFENDANT
CHRISTOPHER DESHAWN ELMORE

Name _____
Address _____

Phone _____
Sex Male Race Black Height 608
Weight 165 Birth date _____
Social Security Number _____

INFORMATION ON WITNESSES

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 _____

STATE OF SOUTH CAROLINA

County of Aiken
STATE VS.AKA: Christopher Elmore
Race: NB Sex: Male
DOB: 11-11-1983
SSN: 111-11-1111
SID#: 011648037

IN THE COURT OF GENERAL SESSIONS

27

Indictment Number:

2015 - GS - 02 - 00347
Probation C/W#: W-02-16-0077Name of Original Offense: Shoplifting/Enhancement for 3rd
Original A/W#: 2015A022010077
Date of Original Offense: 1/22/2015
Conviction S.C. Code §: 16-13-0110(A)(16-1-57)
Conviction CDR Code #: 2 1 8 1 7 1 7
Original Sentence: 4 years suspended to 30 months of Probation.

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 8/13/15 in the Court of General Sessions of Aiken County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 5/12/16, as set forth in the attached warrant(s) or citation(s) dated 5/12/16. 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)

2, 7, 9, 10, and 11

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 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:Revoke 2 years and terminate Probation. Give Credit for time served. Civil Judgment for fines. and for spb

- ☒ 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 90 days 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 22 day of August, 2016, SCPresiding Judge 2nd Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature

Christopher Elmore

Witnessed by

Shayne P. LatorSigned this 22 day of August, 2016 at Aiken SC

STATE OF SOUTH CAROLINA)
)
 COUNTY OF AIKEN)
)

INDICTMENT FOR
 SHOPLIFTING

§ 16-13-0110(A) (16-1-57)

At a Court of General Sessions, convened on March 16, 2015, the Grand Jurors of Aiken County present upon their oath:

That CHRISTOPHER DESHAWN ELMORE did in Aiken County on or about January 22, 2015, take possession, carry away, transfer to another area of the store; alter, transfer or remove the price label or tag; transfer from its container to another container; and/or wilfully conceal certain merchandise valued at less than Two Thousand Dollars, to wit: boots, displayed, held, stored or offered for sale by Wal-Mart, located at 3603 Richland Avenue, Aiken, South Carolina, a store or retail mercantile establishment with the intention of depriving the merchant of the possession, use or benefit of the merchandise without paying the full retail value. The Defendant having previously been twice convicted of offenses for which the term of imprisonment was contingent upon the value of the property involved. All in violation of §16-13-110 of the Code of Laws of South Carolina (1976), as amended.

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

Elizabeth B. Thurmond
 J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken Department Of Public Safety

Alex P Musgrove

Law Enforcement Case #: 15-23595

SBG

ARREST WARRANT NUMBER

FILED 12 March 2015
2015A0220100077

Liz Godard
T.C.C.P. & G.S.
Angel Miles am
Deputy Clerk

ACTION OF GRAND JURY

True Bill

 Danny Quattrebaun
Foreperson of Grand Jury
Date: March 12, 2015

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2015GS0200347

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

MARCH TERM 2015

THE STATE
vs.

CHRISTOPHER DESHAWN ELMORE

CDR #: 2877

Indictment for

SHOPLIFTING

§ 16-13-0110(A) (16-1-57)

J. STROM THURMOND, SOLICITOR

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
FROM AIKEN COUNTY
THE HONORABLE Doyet A. Early III
September 1, 2016

Warrant # W-02-16-0077

THE STATE OF SOUTH CAROLINA DEPARTMENT OF PROBATION, PARDON
AND PAROLE SERVICES -- Respondent

VS.

Christopher Elmore - Appellant

NOTICE OF INTENT TO APPEAL

Christopher Deshawn Elmore was found to be in violation of his probation and was sentenced on August 22, 2016 before the Honorable Doyet A. Early III, in Aiken, South Carolina. He appeals his sentence.

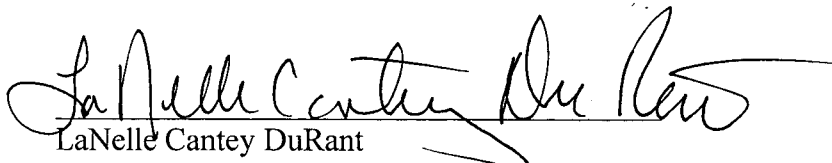


Michael D. Routzong
Attorney for Defendant

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,


LaNelle Cantey DuRant
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 30th day of May, 2017.

RECEIVED
MAY 30 2017
SC Court of Appeals