

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Aiken County

Honorable Doyet A. Early, Circuit Court Judge

RECEIVED
GRT 29 2017
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

JOSEPH LEE SMITH,

APPELLANT

APPELLATE CASE NO 2017-001036

RECORD ON APPEAL

ROBERT M. PACHAK
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
SCPPPS
Post Office Box 50666
Columbia, SC 29250

ATTORNEYS FOR RESPONDENT

INDEX

INDEX i

GUILTY PLEA TRANSCRIPT DATED APRIL 17, 20171

SENTENCING14

RECONSIDERATION TRANSCRIPT DATED APRIL 19, 201716

MOTION TO RECONSIDER SENTENCE DENIED.....26

PROBATION CITATION.....28

MOTION TO RECONSIDER29

INDICTMENT.....30

CERTIFICATE OF COUNSEL32

State of South Carolina
County of Aiken

Court of General Sessions

The State)
)
)
v.)
)
Joseph Lee Smith)
)
Defendant.)

Transcript of Record
2017-GS-02-00663
2017-GS-02-01178

April 17, 2017
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:

Ashley Hammack, Assist. Solicitor
Attorney for the State

Ola Johnson, Esquire
Attorney for the Defendant

Bethanie K. Creppon
Circuit Court Reporter

I N D E X

WITNESS

PAGE

(No Witnesses.)

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
------------	--------------------	------------	-------------

(No Exhibits.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JOSEPH LEE SMITH

being first duly sworn, testified as follows:

THE COURT: Mr. Ola Johnson, you represent Joseph Lee Smith, there are two indictments, 17-663, enhanced shoplifting, and 16-2077, assault and battery third degree. Assault and battery has been true billed, enhanced shoplifting has not. Have you had an opportunity discuss these charges with your client?

MR. JOHNSON: Yes, sir.

THE COURT: It looks like the assault and battery third degree, he's allowed to plead to the lesser included, that being the lesser included of assault and battery in the first degree. Have you advised him of the charges and the amount of the potential sentence, his right to trial and his right to have this one indictment sent to the grand jury?

MR. JOHNSON: Yes, sir.

THE COURT: He wishes to plead guilty and waive presentment on the one?

MR. JOHNSON: Yes, sir.

THE COURT: All right. First of all, is he on probation?

PROBATION AGENT: Yes, sir.

THE COURT: What is he on probation for?

PROBATION AGENT: Shoplifting.

1' THE COURT: And when, where and what was the
2 sentence, please? Not necessarily the where, but the
3 date.

4 PROBATION AGENT: June 8th, 2015.

5 THE COURT: 6/8/15. And the sentence was?

6 PROBATION AGENT: Six years suspended to five years
7 of probation.

8 THE COURT: Six years suspended to five years?

9 PROBATION AGENT: Yes, sir.

10 THE COURT: Who was the judge?

11 PROBATION AGENT: You.

12 THE COURT: Me?

13 PROBATION AGENT: Yes, sir.

14 THE COURT: His record, please, ma'am.

15 MS. HAMMACK: Your Honor, he's got -- starting in
16 2003 -- he has a shoplifting from 2003. He has a
17 shoplifting, a possession of marijuana and a simple
18 assault from 2004. He's got a grand larceny, a
19 shoplifting third offense and a resisting arrest from
20 2005. He's got two possession of marijuanas and a
21 trespassing from 2007. He's got a CDV from 2008. He's
22 got a shoplifting third and a drug conspiracy from 2009.
23 That drug conspiracy was out of Georgia. He has a theft
24 by shoplifting, a forgery, a trespassing and an
25 obstruction conviction, all out of Georgia, from 2011.

1 He's got the shoplifting third offense from 2015 for which
2 he's on probation as well as a disorderly conduct from
3 2015. So that's six prior shopliftings.

4 THE COURT: In '05, he had a shoplifting times two or
5 three?

6 MS. HAMMACK: It was a third offense. He had a
7 shoplifting from 2003, 2004 and then the one in 2005 was a
8 third offense.

9 THE COURT: If I count correctly, this is his seventh
10 shoplifting?

11 MS. HAMMACK: That's correct, Your Honor.

12 THE COURT: And the last time -- on the sixth
13 shoplifting, I gave him six years suspended to five years
14 probation?

15 PROBATION AGENT: Yes, sir.

16 THE COURT: And that was 6/8/2015 and these charges
17 are February 24th, 2017, so not much time after that; is
18 that correct?

19 MS. HAMMACK: Your Honor, he actually was arrested
20 for shoplifting on October 21st of 2015. The State will
21 be dismissing that shoplifting as part of his plea to the
22 February 2017 shoplifting.

23 THE COURT: So we're nol-prossing another
24 shoplifting?

25 MS. HAMMACK: Yes, sir.

1 THE COURT: How has he done on probation?

2 PROBATION AGENT: He reports whenever we tell him to
3 report, but I'm looking at his violations now to see if he
4 had any. I think the only violation we do have is -- at
5 first, we had a pending warrant, which we don't have
6 anymore. And that was in reference to -- let me see, for
7 him not giving us his address. But we don't have any
8 pending violations right now.

9 THE COURT: Mr. Johnson, have you advised Mr. Smith a
10 plea will violate his terms of probation where he's
11 looking at six years?

12 MR. JOHNSON: Yes, sir.

13 THE COURT: All right. Mr. Smith, you're charged,
14 once again, with an enhanced shoplifting. That means this
15 is third or more, actually, it's about your seventh or
16 eighth. It carries up to 10 years in the Department of
17 Corrections. Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: You're also charged with assault and
20 battery in the first degree. The State is allowing you to
21 plead to the lesser included offense of assault and
22 battery in the third degree, which carries up to 30 days
23 and/or \$500. Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Understanding what you're charged with

1 and the potential sentences, sir, how do you wish to
2 plead, not guilty or guilty?

3 THE DEFENDANT: Guilty.

4 THE COURT: And Mr. Smith, when you plead guilty,
5 you'll give up your right to a jury trial, your right to
6 remain silent and you will violate the terms of your
7 probation where you're looking at six years. Do you
8 understand all that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Understanding that, do you still wish to
11 plead guilty?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Has anybody promised you anything to make
14 you plead guilty?

15 THE DEFENDANT: No, sir.

16 THE COURT: And you'll also give up your right to
17 have the shoplifting indictment sent to the grand jury.
18 Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Are you satisfied with your lawyer, Mr.
21 Johnson?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Are you today under the influence of
24 alcohol?

25 THE DEFENDANT: No.

1 THE COURT: Drugs?

2 THE DEFENDANT: Percocet.

3 THE COURT: Are you prescribed percocet?

4 THE DEFENDANT: No, sir.

5 THE COURT: When did you take your last Percocet?

6 THE DEFENDANT: Before I came into the courtroom.

7 THE COURT: Notwithstanding the fact that you're
8 taking Percocet today, which is a pain pill, have you
9 understood all of my questions?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Have you understood your conversations
12 you've had with your lawyer?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Has the ingestion of the Percocet in any
15 way hindered or hampered your ability to understand these
16 proceedings?

17 THE DEFENDANT: No, sir.

18 THE COURT: Are you pleading guilty of your own free
19 will?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Did you on February 24, 2017, here in
22 Aiken County shoplift at the Kroger store?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Did you on May 29, 2016, attempt to or
25 did, in fact, injure one William Deloach? It says you

1 attempted to strike him with your vehicle.

2 THE DEFENDANT: No, sir, I never attempted to do
3 that.

4 THE COURT: What happened on that day?

5 THE DEFENDANT: I sent my fiancée at the time out to
6 go the store, to take our dogs to the field. And she came
7 back like two hours later and I got mad. And she opened
8 up the car door and the dogs are in and out of the car.
9 And there was a group of people standing there drinking in
10 the campground we was at. We were living at Aiken RV.
11 And I went over there, got in the car and attempted to get
12 my dog back. And when I got out, there was some gentlemen
13 standing there and they was all drinking, yelling at me,
14 telling me to get the F off of their property. And I
15 grabbed my dog and me the guy had a couple words. And I
16 did, I went up there and I struck him in the mouth and
17 they charged me with assault third for that and I --

18 THE COURT: You knocked him in the mouth?

19 THE DEFENDANT: Yes, sir, I did. And I went to jail
20 for that. I didn't know nothing about the assault first
21 or striking anybody with any car. But I went to jail for
22 the assault third and paid \$1,200.

23 THE COURT: I will not take that. I will just set
24 that one aside and ask them to nol-pros that. But you did
25 shoplift, no question about it?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: I find your decision to plead guilty to
3 shoplifting to be freely and voluntary and I'll accept the
4 same.

5 You need to serve him?

6 PROBATION AGENT: Yes, sir.

7 (Defendant was served.)

8 PROBATION AGENT: Thank you.

9 THE COURT: Facts, please.

10 MS. HAMMACK: Thank you, Your Honor. On February
11 24th of 2017, officers with the North Augusta Department
12 of Public Safety responded to the Knox Avenue Kroger in
13 Aiken County in reference to a shoplifting. They spoke
14 with loss prevention, who indicated that they observed the
15 Defendant going through the Kroger. He picked out two
16 packs of steaks and two packs of beef brisket, put them
17 down his pants and walked out of the Kroger. Law
18 enforcement was able to stop him shortly down the road.
19 He did have the steaks and the brisket on him. He
20 admitted to the shoplifting. This occurred while he was
21 out on bond for the prior shoplifting and for the assault
22 and battery. You've heard his record. You've heard that
23 he is on probation for his last shoplifting.

24 MR. JOHNSON: Thank you, Judge. Basically, when I
25 first read the rap sheet, it's -- you know, as Your Honor

1 is well aware, it just looks like a drug addict's rap
2 sheet full of these shopliftings. It's not making him
3 rich. It's revolving around addiction to opiates he
4 developed 10 years ago.

5 It started with legal drugs. He was sick. He has
6 several medical problems that he has treatment for
7 regarding a stomach and digestive system thing, some
8 anxiety and other things, Crohn's. The medications --
9 he's had some surgeries, Judge. He just got in this
10 revolving door, which is what this courtroom is for him,
11 revolving in and out on these shopliftings.

12 I would ask the Court to recognize the fact that it
13 appears he really has no history of ever going to a
14 residential drug treatment. I don't think on this
15 previous shoplifting that he got that. I think he
16 desperately needs that or he's going to be dead. He's a
17 young man, but I don't think he's going to be -- if you
18 look at the report from this case he's pleading to now, it
19 talks about him telling the police that he just swallowed
20 methamphetamine and Xanax and just gobbled them down as
21 the police rolled up on his car. And I had a very honest
22 conversation and my opinion to him was that he's just not
23 going to be here if he keeps doing this. I don't see a
24 history of that serious treatment. If it's there, I'm
25 missing it. I could be wrong.

1 THE COURT: That last probation I gave him, I gave
2 him six years suspended to five years probation, did that
3 include any inpatient drug treatment?

4 PROBATION AGENT: No, sir. It was just 50 hours of
5 public service. It's like the -- well, not really like --
6 you would say substance abuse counseling, but we can send
7 him to the Aiken Center and do like outpatient for
8 something like that. You didn't send him to a long-term
9 or a short-term.

10 THE COURT: We've been doing that and some --

11 THE DEFENDANT: They did not accept me. I tried to
12 do that and they did not accept me. They denied me
13 treatment.

14 MR. JOHNSON: And we talked about drug court, he
15 brought that up and asked me about it. I told him, of
16 course, there are things you can do on probation that
17 monitor him, but he needs something with a lot of
18 structure. He's just simply not going to survive.

19 THE COURT: Well, I just gave him probation.

20 MR. JOHNSON: I know there's a good treatment center
21 in Greenwood. I had another client in Edgefield that
22 attended that. I can't remember the name of it, but
23 that's a residential, a live-in treatment center. I ask
24 the Court to please give him something like that. He's
25 simply not going to live through it, Judge. And he'll be

1 back here if he gets out with no treatment. This drug
2 problem is not going to just magically go away.

3 THE COURT: The problem I've got is it's just
4 continuing, continuing, continuing and I gave him a huge
5 break last time. I put him on probation and it was just a
6 scant amount of time and he's back in this situation. Out
7 on probation, out on bond, back into trouble.

8 The sentence of the Court is you be committed to the
9 Department of Corrections for seven years. I'm going to
10 revoke your probation in full. It will run concurrent
11 with the seven years. Terminate and convert to civil
12 judgment. I'm going to recommend the addiction treatment
13 unit. Good luck to you.

14 (End of proceedings)

15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

I, PENNY M. JOHNSON, Official 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 the proceedings had and the
evidence introduced in the trial of the captioned case,
relative to appeal, in General Sessions Court for Aiken
County, South Carolina, on the 17th day of April, 2017.

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

August 18, 2017

Penny M. Johnson

Penny M. Johnson Court Reporter

My Commission Expires: 06/16/2018

I N D E X

WITNESS

PAGE

(No Witnesses.)

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
------------	--------------------	------------	-------------

(No Exhibits.)

JOSEPH LEE SMITH

being first duly sworn, testified as follows:

THE DEFENDANT: Yes, ma'am.

THE COURT: We had him the other day, right?

MS. HAMMACK: Monday, Your Honor.

THE COURT: What's this all about?

MR. JOHNSON: Motion to reconsider, Your Honor. The client indicated he had something he wanted to state to Your Honor, that is filed with the clerk of court. They got a copy. If they don't, I have a copy right here.

THE COURT: All right. Joseph Smith.

What was his prior record?

MS. HAMMACK: Your Honor, he had a prior shoplifting from 2003. Shoplifting, possession of marijuana --

THE COURT: Hold on a second. Shoplifting, number three, possession of marijuana.

MS. HAMMACK: Another shoplifting and simple assault from 2004. He had a grand larceny, shoplifting third or subsequent and a resisting arrest from 2005, two separate convictions for possession of marijuana and trespassing from 2007, criminal domestic violence from 2008, fourth shoplifting third or subsequent and a drug conspiracy, the shoplifting out of South Carolina, the drug conspiracy out of Georgia from 2009, theft by shoplifting, forgery, trespassing, and obstruction out of Georgia from 2011,

another shoplifting third or subsequent and a disorderly conduct out of South Carolina from 2015, and assault and battery third out of South Carolina from 2016. He was convicted of his last shoplifting third or subsequent in June of 2015 where he received a six-year sentence suspended to five years probation. He was arrested four months later on another shoplifting, was arrested six months after that for filing false police report of a felony, was arrested a month after that for assault and battery first degree, and then was arrested in February for a shoplifting.

We pled him on Monday to his most recent shoplifting and dismissed the three other charges for which he was out on bond when that shoplifting occurred. Your Honor revoked his probation from the last shoplifting conviction and sentenced him to seven years at that time. This was a case --

THE COURT: To run concurrent?

MS. HAMMACK: Yes, sir. And this was a case that was on the trial docket Monday morning.

THE COURT: And you're asking me to reconsider that?

THE DEFENDANT: Yes, sir.

THE COURT: I'll be glad to. You know what reconsider means?

THE DEFENDANT: Means you can go either way, yes,

sir.

THE COURT: That's exactly right. What you want to tell me?

THE DEFENDANT: Your Honor, I was under a strong impression -- that's the only reason why I waived my grand jury right. I was under a strong impression that I can get a residential treatment facility.

THE COURT: Well, you were certainly under the wrong impression, that's correct, nobody promised you that. Go ahead.

THE DEFENDANT: And she -- the solicitor is bringing up all these charges that I wasn't guilty of, that I was going to go to trial with and that's why they dropped them because I wasn't guilty of them. And I want to apologize. I truly understand that -- since I've been sitting in the cell the past couple days, I understand that this is it. This is my last chance and I'm not going to get no more. And I don't want to live that life no more, Your Honor. I'm very truly sorry, Your Honor.

THE COURT: What are you telling me? You pled guilty, right?

THE DEFENDANT: Yes, sir. I pled guilty to what I was guilty of.

THE COURT: Shoplifting?

THE DEFENDANT: Yes, sir.

THE COURT: Tell me what his record shows that he has been convicted of once again, please.

MS. HAMMACK: Shoplifting 2003.

THE COURT: Is that correct?

THE DEFENDANT: Yes, sir.

MS. HAMMACK: Shoplifting, possession of marijuana and simple assault and battery from 2004.

THE COURT: Is that correct? It's on your rap sheet.

THE DEFENDANT: Yes, sir.

THE COURT: That's correct.

Go ahead. '05 was the grand larceny, right?

MS. HAMMACK: Grand larceny, shoplifting third or subsequent and resisting arrest.

THE COURT: Is that correct?

THE DEFENDANT: No, sir.

THE COURT: What's not correct about that?

THE DEFENDANT: The grand larceny, I never been convicted of a grand larceny.

THE COURT: Well, it's on your record.

THE DEFENDANT: It was dropped down to a misdemeanor.

MS. HAMMACK: He was arrested on October 2nd, 2004, for grand larceny \$1,000 to \$5,000. He was convicted on June 20th of 2005, and received a sentence of a YOA not to exceed five years --

THE DEFENDANT: No, sir, I never received that.

MS. HAMMACK: -- suspended upon two and a half years probation with \$100 restitution to be paid during probation.

THE DEFENDANT: I never was on probation. I never had a YOA.

THE COURT: So that's wrong?

THE DEFENDANT: Yes, sir.

THE COURT: All right. Let's take that one off.

MS. HAMMACK: When he pled to the shoplifting third or subsequent in 2005, it revoked his YOA status.

THE DEFENDANT: No, sir.

THE COURT: We'll take that one off. How about '07, was that your marijuana; is that correct?

MS. HAMMACK: He's got two counts of possession of marijuana from 2007 as well as a trespassing.

THE DEFENDANT: That's not true either, Your Honor. I've only had one possession of marijuana in my whole life.

THE COURT: Go ahead.

MS. HAMMACK: In 2008, he was convicted of criminal domestic violence.

THE COURT: That's correct, isn't it?

THE DEFENDANT: Yes, sir.

MS. HAMMACK: In 2009, he was convicted of a shoplifting third or subsequent in South Carolina, and

then he was convicted separately of drug conspiracy in Georgia in 2009.

THE DEFENDANT: I altered a prescription. I changed a number on a prescription. I have Crohn's disease and they wrote me a prescription at the hospital. I changed the number and I tried to get it filled. That was the drug conspiracy.

THE COURT: Well, you pled guilty to it, didn't you?

THE DEFENDANT: Yes, sir.

THE COURT: And you got a shoplifting in '09, South Carolina?

MS. HAMMACK: He was -- he pled guilty on September 14th, 2009, and received a four-year sentence suspended upon 90 days active and two years probation.

THE DEFENDANT: Did they say the drug conspiracy was in South Carolina?

THE COURT: No.

THE DEFENDANT: In Georgia? Yes, sir, it was in Georgia.

THE COURT: So you got another shoplifting, four years suspended and probation again?

THE DEFENDANT: Yes, sir.

THE COURT: 2011, what we got in 2011?

MS. HAMMACK: He was convicted of a theft by shoplifting, a forgery, a trespassing and an obstruction

of justice out of Georgia.

THE COURT: Is that correct?

THE DEFENDANT: Yes, sir. The forgery was the altering the prescription. That's what I was on probation for. They just --

THE COURT: 2015, I've got another shoplifting and disorderly conduct?

MS. HAMMACK: That's correct, Your Honor. That's the case for which he was on probation.

THE COURT: Got a six-year sentence suspended to five years of probation.

THE DEFENDANT: Yes, sir.

THE COURT: I know that's correct because you're on probation.

THE DEFENDANT: Yes, sir, I was on probation for two years.

THE COURT: Five years.

THE DEFENDANT: No, I mean, I completed like two years of it.

THE COURT: Three more to go. So you're on probation now. Now, you've got these new charges that you pled guilty to.

THE DEFENDANT: Yes, sir, I got that one new shoplifting.

THE COURT: One year shoplifting?

THE DEFENDANT: That one new shoplifting, yes, sir.

THE COURT: And that's what I sentenced you on.

THE DEFENDANT: Yes, sir.

THE COURT: All right. I will accept your recitation of your record, but it's still horrible and you're still on probation. And I revoked your probation in full, so that's the six years, and gave you one more year. I gave you a seven-year sentence on the new shoplifting to run concurrent. I can change it if you want me to, but it's going up, it ain't going down. I gave you a break. Anything else you want to tell me?

THE DEFENDANT: The only reason why I pled out is I was going under the impression I was going to get the residential treatment. That's the only reason I pled out and waived my grand jury right is because I was under that impression.

THE COURT: Your motion to reconsider has been considered. I respectfully deny it. I should be increasing it rather than leaving it the same, but I'll deny it. You're very fortunate to get that sentence.

(End of proceedings.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

I, PENNY M. JOHNSON, Official 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 the proceedings had and the evidence introduced in the hearing of the captioned case, relative to appeal, in General Sessions Court for Aiken County, South Carolina, on the 19th day of April, 2017.

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

August 18, 2017

Penny M. Johnson

Penny M. Johnson Court Reporter

My Commission Expires: 06/16/2018

PROBATION CITATION

No. CC-02-17-17

SOUTH CAROLINA	COUNTY: AIKEN	
	SCDC #	SID # 13001450769

V. *Joseph Lee Smith*

TO:

YOU ARE HEREBY NOTIFIED to appear in the above named case at the time, date and place specified below.

Place	Room	MAIN COURTROOM
AIKEN COUNTY JUDICIAL CENTER, 109 PARK AVE, AIKEN SC	Date and Time	

YOU ARE HEREBY NOTIFIED that you are charged with violating the conditions of your supervision as stated below.

Violations Charged

The Defendant has willfully violated conditions #6 and #10 of his/her Probationary Agreement.

YOU ARE HEREBY NOTIFIED that you have the rights listed below.

List of Rights:

You have the right at the hearing to question any person who appears as a witness against you and to have witnesses appear in your behalf. You may present evidence on your behalf. You may have an attorney represent you. If you cannot afford an attorney, an attorney will be appointed for you. You must advise the agent or the court in writing of your desire for an attorney. It is your responsibility to make arrangements for your witnesses and your attorney to appear at the hearing.

IF YOU FAIL TO APPEAR AT THE TIME, DATE AND PLACE SHOWN ABOVE, THE HEARING WILL BE HELD IN YOUR ABSENCE AND YOU MAY BE INCARCERATED.

Aiken, South Carolina	Probation and Parole Agent	
Date <i>April 17, 2017</i>	<i>Shayne P Favor</i>	Agent # <i>592</i>

A copy of the citation was served by the undersigned and given to the individual named therein at the time, date, and place indicated below.

Place: Aiken County Judicial Center, 109 Park Ave, Aiken SC	Date and Time <i>April 17, 2017 @ 3:40 PM</i>
Sworn to and subscribed before me this <i>18th</i>	Serving Officer's Signature: <i>Shayne P Favor</i>
<i>[Signature]</i> Signature of Notary Public	day of <i>April</i> , 2017
	My Commission Expires <i>7-14-25</i>

STATE OF SOUTH CAROLINA)
 COUNTY OF AIKEN)
)
 State of South Carolina,)
)
 v.)
)
 Joseph Lee Smith)
)
 Defendant.)

IN THE COURT OF GENERAL SESSIONS
 FOR THE SECOND JUDICIAL CIRCUIT

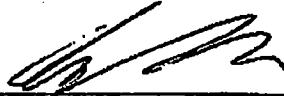
Warrant: 2017A0210200362

**MOTION TO RECONSIDER
 SENTENCE**

The Defendant in the above-captioned matter respectfully moves the Court to reconsider and reduce the sentence it imposed on the Defendant on Monday, April 17th, 2017.

As grounds for the reconsideration and reduction, the Defendant urges that the interests of justice will be served by the granting of this request. The Defendant will present further grounds as necessary, both in open court and *in camera* at such date and time as the Court deems appropriate to set such a hearing.

Respectfully submitted,




Ola Johnson
 Attorney for Defendant

Aiken, South Carolina
 April 17th, 2017

STATE OF SOUTH CAROLINA
 COUNTY OF AIKEN
 I, Robert J. Harte, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

APR 18 2017


 R. J. Harte
 C.S.C.P. & G., Aiken County, S.C.
 Deputy Clerk

WITNESSES

North Augusta Dept. of Public Safety

Joseph B Rowland Jr

Law Enforcement Case #: 17-000590

DOCKET NO. 2017GS0200663

The State of South Carolina

County of Aiken

AAH

COURT OF GENERAL SESSIONS

ARREST WARRANT NUMBER

MAY TERM 2017

2017A0210200362

FILED April 17 2017

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

Sherry L. Langley
Deputy Clerk

THE STATE

vs.

JOSEPH LEE SMITH

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date: May 18, 2017

VERDICT

Foreperson of Petit Jury

Date:

CDR #: 2877

Indictment for

SHOPLIFTING

§ 16-13-0110(A) (16-1-57)

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

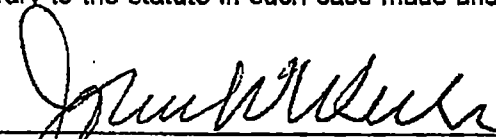
INDICTMENT FOR
SHOPLIFTING

§ 16-13-0110(A) (16-1-57)

At a Court of General Sessions, convened on May 22, 2017, the Grand Jurors of Aiken County present upon their oath:

That **JOSEPH LEE SMITH** did in Aiken County on or about February 24, 2017, take possession, carry away, transfer to another area of the store; alter, transfer or remove the price label or tag; transfer from its container to another container; and/or wilfully conceal certain merchandise valued at less than One Thousand Dollars, to wit: General merchandise, displayed, held, stored or offered for sale by Kroger, a store or retail mercantile establishment with the intention of depriving the merchant of the possession, use or benefit of the merchandise without paying the full retail value. The Defendant having previously been twice convicted of offenses for which the term of imprisonment was contingent upon the value of the property involved. All in violation of §16-13-110 of the Code of Laws of South Carolina (1976), as amended.

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


J. STROM THURMOND, SOLICITOR

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 23rd day of October, 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 23rd day of October, 2017.

RECEIVED

OCT 23 2017

SC Court of Appeals