

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Oconee County

Thomas L. Hughston, Jr., Circuit Court Judge

THE STATE,

RECEIVED  
MAR 08 2018  
SC Court of Appeals  
RESPONDENT,

V.

CHARLES LESLIE DAVIS, JR.,

APPELLANT

APPELLATE CASE NO. 2017-001268

RECORD ON APPEAL

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

3  
 4 State of South Carolina, )  
 5 ) 2006-GS-37-00862  
 6 -vs- ) May 18, 2017  
 7 Charles Leslie Davis, Jr., )  
 8 Defendant. )  
 9 ) Transcript of Record  
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B E F O R E:  
 The Honorable Thomas L. Hughston, Jr., Judge

A P P E A R A N C E S:  
 Jim Manley, Probation Officer  
 South Carolina Department of Probation,  
 Parole and Pardon Services  
 For the State  
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 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 10:31 a.m.)

4 PROBATION OFFICER MANLEY: Your Honor, we have  
5 before the court today Charles Leslie Davis, Jr. We  
6 have a community supervision program case on that and  
7 also a probation case I think Your Honor has been  
8 provided with.

9 THE COURT: I'm looking at a package you put up  
10 here, you know, showing Mr. Davis' name. Is he on  
11 probation for lewd act on a person and then -- well,  
12 lewd act; is that right?

13 PROBATION OFFICER MANLEY: Yes, sir, lewd act on a  
14 minor.

15 THE COURT: Looks like that was sentenced back  
16 May 7, 2007. And I believe, according to this, the  
17 sentence was 15 years in the penitentiary suspended on  
18 the service of ten years in the penitentiary with five  
19 years probation. So how long has he been out on  
20 probation?

21 PROBATION OFFICER MANLEY: Okay. He got released  
22 on community supervision program. He had to do  
23 85 percent of his time.

24 THE COURT: Go ahead. When did that start?

25 PROBATION OFFICER MANLEY: That started on

1 July 1st, 2015.

2 THE COURT: '15?

3 PROBATION OFFICER MANLEY: Yes, sir.

4 THE COURT: This is a point of information. I'm  
5 just curious. How did that work when somebody comes  
6 out on community supervision and then they have got  
7 probation as part of their sentence, original sentence,  
8 how do those two work?

9 PROBATION OFFICER MANLEY: Okay. They run  
10 simultaneously. They go together. And so --

11 THE COURT: On the probation side, I could revoke  
12 and have him serve five years. But on the community  
13 supervision side, you know, I believe it's just one  
14 year, right?

15 PROBATION OFFICER MANLEY: Yes, sir. That's  
16 correct.

17 THE COURT: I could choose to do either one?

18 PROBATION OFFICER MANLEY: Yes, sir.

19 THE COURT: I could choose to do either one. I'm  
20 not sure I was aware of that, you know. Okay. All  
21 right. So tell me what he's here for as far as the  
22 violation.

23 PROBATION OFFICER MANLEY: Your Honor, we have got  
24 four legal processes on Mr. Davis that we need to  
25 present to the court. And if you want to instruct me

1 on -- do you want to do one at a time or do you want me  
2 to read all the violations and do you want to read them  
3 and proceed?

4 THE COURT: Let me read what you have given me and  
5 see where we go from there. Okay? It's going to take  
6 me a couple minutes to read this.

7 (Pause in proceedings.)

8 THE COURT: All right. I've read the report which  
9 tells me about the background, somewhat about the  
10 background, and the reasons we're here as far as  
11 possible violations are concerned. And I'm looking  
12 down here now.

13 The lady right there, look up, tell me your name.

14 MS. EARLE: It's Suzanne Earle, E-a-r-l-e.

15 THE COURT: And are you an attorney?

16 MS. EARLE: Yes.

17 THE COURT: You represent Mr. Davis?

18 MS. EARLE: Yes, Your Honor.

19 THE COURT: Okay. Have you been furnished with a  
20 copy of the report from probation?

21 MS. EARLE: I have, Your Honor.

22 THE COURT: Okay. And you've read it?

23 MS. EARLE: Yes, Your Honor.

24 THE COURT: Have you discussed it with your  
25 client?

1 MS. EARLE: Your Honor, the most recent report and  
2 citations that were provided to me were only given to  
3 me last week, and I have not had an opportunity to go  
4 over those with my client, but we have discussed the  
5 other charges.

6 THE COURT: Well, I'm -- Mr. -- what other  
7 charges? What do you mean by that?

8 MS. EARLE: He has several different warrants and  
9 citations. He had a citation that was served on him on  
10 the 15th of this month, and that one I have not had an  
11 opportunity to discuss with him, Your Honor.

12 THE COURT: 15th? And today is the what?

13 MS. EARLE: 18th.

14 THE COURT: Three days ago. But you hadn't talked  
15 with him about it?

16 MS. EARLE: No, sir, Your Honor, I had not.

17 THE COURT: Anyway, all right. Well, let's just  
18 go over this. Let's see what we've got here.

19 Mr. Davis, you understand why you're here?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: All right. Well, this is not your  
22 typical case. So as I said, you were originally  
23 convicted of lewd act on a child. Looks like you  
24 received a sentence of 15 years suspended on the  
25 service of ten years, five years probation.

1           When did you get out of prison?

2           THE DEFENDANT: July 1st, 2015.

3           THE COURT: '15?

4           THE DEFENDANT: Yes, sir.

5           THE COURT: All right. Now, the problem comes up.  
6 They say you have had contact -- and I must admit that  
7 I'm not the best person to understand all this social  
8 media stuff -- but apparently through Facebook on  
9 March 9, 2016, or thereabouts, that you contacted the  
10 victim in that case where you were sentenced to prison,  
11 a person by the name of Ms. Hartman.. Do you know who  
12 that is?

13          THE DEFENDANT: Yes, sir.

14          THE COURT: All right. That you contacted her  
15 through social media in violation of restraining order,  
16 permanent restraining order, in March of 2016. Perhaps  
17 other dates, I'm not sure. Do you understand that?

18          THE DEFENDANT: Yes, sir.

19          THE COURT: Do you admit that you were told and  
20 ordered not to contact her?

21          THE DEFENDANT: Yes, sir. I did not contact her.

22          THE COURT: Well, so you deny that you contacted  
23 her through Facebook some way in March of 2016?

24          THE DEFENDANT: Yes, sir.

25          THE COURT: All right. Who is -- I'm not sure.

1 Maybe I can kind of understand. Who is Evonee,  
2 E-v-o-n-e-e, Craig?

3 THE DEFENDANT: Evonee Craig is my wife.

4 THE COURT: That's the new -- okay. So apparently  
5 you have entered into some relationship with this  
6 person, Ms. Craig, and she has how many, two children,  
7 two minor children?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Is that right?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: How old are the children?

12 THE DEFENDANT: Five and seven.

13 THE COURT: How does it come about that -- I'm  
14 just trying to understand what orders have been given  
15 and that sort of thing. I can understand an order not  
16 to have any contact with the alleged victim back years  
17 and years ago, but is there some -- is there an order  
18 that says he can't have contact with any children ever  
19 or whatever? What is there about that?

20 PROBATION OFFICER MANLEY: Yes, sir, according to  
21 the standard conditions of probation.

22 THE COURT: Have you got something there that you  
23 told him and that he's got a copy of?

24 PROBATION OFFICER MANLEY: Yes, sir, I do have  
25 that copy.

1 THE COURT: Take your time and look for it. I  
2 want to see what it says.

3 PROBATION OFFICER MANLEY: Okay. Your Honor, I've  
4 got this.

5 THE COURT: Do you want to mark it for me, show me  
6 where it is. She's got a pen.

7 All right. I'm looking here under the standard  
8 sex offender conditions, and this is July 1st of 2015,  
9 and it's supposedly signed by you. There is a  
10 signature there and your name written below it.

11 Do you want to look at that and see if that's your  
12 signature?

13 THE DEFENDANT: It's mine. I signed it.

14 THE COURT: What it says, "I will not have any  
15 contact with a person under the age of 18 with the  
16 exception of my immediate family members and then may  
17 only have such contact if approved in advance under  
18 conditions set by my treatment provider and my agent.  
19 If I have incidental contact with any child, I will be  
20 civil and courteous and immediately report myself --  
21 remove myself from the situation. I will discuss the  
22 contact at my next treatment session and will  
23 immediately report this contact to my agent."

24 Did you know that was a condition of your  
25 supervision, your release from prison and probation?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you agree that you violated that?

3 THE DEFENDANT: I did not violate that.

4 THE COURT: You don't think so?

5 THE DEFENDANT: I have had no contact with her  
6 children whatsoever.

7 THE COURT: I just want to understand what the  
8 situation is. I'll hear about whatever they claim  
9 happened later. I just want to make sure you  
10 understand what the charge is, so to speak.

11 Then we have money problems and some advice  
12 problems, follow advice and instructions problems.

13 Anything other than these two things we have  
14 talked about that constitute his failure to follow  
15 advice?

16 PROBATION OFFICER MANLEY: That's all.

17 THE COURT: Let's go back and look at the  
18 situation involving contact with Evonee Craig. Tell me  
19 how y'all -- why y'all think that he contacted her  
20 through however it is that y'all say he contacted her.  
21 Again, now, don't assume that I know anything about  
22 this social media stuff, you know. Y'all are going to  
23 have to educate me about what y'all claim as far as  
24 that's concerned.

25 PROBATION OFFICER MANLEY: Okay, Your Honor. Just

1 for the record, just so we can go on record, if he  
2 is -- I'm required to tell you that this is a mandatory  
3 GPS for life if he is revoked today.

4 THE COURT: I'm sorry?

5 PROBATION OFFICER MANLEY: Under Jessie's Law, if  
6 he is revoked today, he is a GPS for life. I need to  
7 make you understand that.

8 THE COURT: I'm glad you told me that. But  
9 because of the fact that now that is in effect but  
10 didn't used to be, it wasn't in effect back when he was  
11 convicted and all, but now it would apply to him and he  
12 would have to comply that with for the rest of his  
13 life, is that what you're telling me?

14 PROBATION OFFICER MANLEY: That's right. And also  
15 I'd like to notify the court that the victim,  
16 , is present.

17 THE COURT: Be glad to hear from her. Have her  
18 come on up.

19 PROBATION OFFICER MANLEY: Do you want her up here  
20 at the front?

21 THE COURT: Yes, if you don't mind. If you want  
22 to stay back there, you can. You just have to talk  
23 real loud so I can hear you.

24 Tell me your name.

25 Victim :

1 THE COURT: Raise your right hand, if you don't  
2 mind, please.

3 (WHEREUPON, the witness was sworn in.)

4 THE COURT: You have got a real soft voice. I'm  
5 going to have to ask you to kind of shout at me, if you  
6 don't mind. I'm talking pretty loud. Do you think you  
7 can match me?

8 Victim : I can try.

9 THE COURT: Got to do better than that.

10 Victim : I'm just going to read from this.

11 THE COURT: However you want to do it.

12 Victim : A little over ten years ago, I was  
13 not given a voice. Someone else spoke for me. Now  
14 that I have the chance to speak out against the  
15 predator in this room, he was someone my family in this  
16 county thought that they could trust, but that was soon  
17 shown not to be the case.

18 The offender in this room decided he would take  
19 advantage of an innocent child for six years. Once the  
20 news finally broke, he went to jail where he belonged.  
21 But roughly ten years later, he was released from  
22 prison. A former police officer who raped a child for  
23 six years was not deemed a predator and given a second  
24 chance to be on the streets.

25 But that has proven to be the worst decision that

1 could have been made. He has since violated probation  
2 multiple times.

3       One, when he was released, my sense of security  
4 and safety was stripped from me. Two, the fact he was  
5 allowed to move within five miles of my family so the  
6 security I had visiting my family was also taken. And  
7 third, if he can violate probation and simply not care,  
8 which is evident, then who is to say I'm truly safe. I  
9 do not trust him or his actions. I do not feel safe  
10 with him on the streets. He is a predator. He goes  
11 after people and things that cannot protect themselves  
12 such as children and easily manipulated individuals.

13       Truthfully, when asked what I want, all I want is  
14 a sense of safety and my sense of security to be given  
15 back to me. The only way for this to happen is for him  
16 to be returned to prison where he belongs which, as  
17 seen by his violations, that he cannot be trusted and  
18 has no respect for the rules.

19       I would also like a break from this mess. Every  
20 few months I have to relive what happened to me, I have  
21 to miss work to be here and to prepare for court and  
22 meetings. It also is not as simple as waking up and  
23 coming in. Facing this man is the most difficult thing  
24 for me to do. I may be strong, but it is  
25 gut-wrenchingly difficult to continuously have to face

1 this man to fight for my safety and security that I  
2 deserve.

3 THE COURT: I appreciate you coming and telling me  
4 that. And I can well understand and hopefully  
5 appreciate, as I said, what you've told me.

6 The issue that I'm involved with today is -- what  
7 I have to decide today, one of the things I have to  
8 decide, is has he contacted you in any way since he's  
9 been out of prison. Can you tell me -- what can you  
10 tell me about his contacting you in any way?

11 Victim : His Facebook profile that he  
12 created, which there were pictures of it. I think you  
13 have them.

14 THE COURT: Not that I know of. Maybe it's in  
15 here somewhere, but I haven't seen it. Is that in here  
16 somewhere?

17 PROBATION OFFICER MANLEY: No, sir. Let me  
18 explain that to you. That came through the sheriff's  
19 office. The Oconee County Sheriff's Department found  
20 that out. They're still in the process of  
21 investigating that crime. It has not gone to court.  
22 It's not been litigated.

23 THE COURT: What do you mean? What crime is that?

24 PROBATION OFFICER MANLEY: Okay. Violating the  
25 permanent restraining order.

1 THE COURT: I thought that's what I was dealing  
2 with here today.

3 MS. EARLE: Your Honor, he also has a criminal  
4 charge pending for that.

5 THE COURT: Okay. So that's some sort of -- that  
6 is a separate charge or separate criminal charge of  
7 some sort that's somehow in the works?

8 MS. EARLE: That's correct, Your Honor.

9 THE COURT: I wasn't aware of that.

10 But I need to know about -- I need to prove or  
11 whatever, in order for me to find that he should go to  
12 prison for violating the order, part of his probation,  
13 I guess part of the -- it is part of the -- let's see.  
14 I'm not sure I have -- yeah, it is item three on the  
15 standard conditions also, no contact with the victim  
16 directly and indirectly.

17 So I need whatever proof. I need somebody to tell  
18 me how it is that y'all think that he contacted her  
19 through Facebook. Who can do that?

20 This young lady here, can you help me?

21 MS. BOTTOMS: I'm a victim advocate at the  
22 sheriff's office, Your Honor.

23 THE COURT: Oh, no. Anyway --

24 MS. BOTTOMS: Your Honor, I did sign the warrant  
25 for that.

1 THE COURT: Tell me your name.

2 MS. BOTTOMS: Vicki Bottoms.

3 THE COURT: Raise your right hand.

4 (WHEREUPON, the witness was sworn in.)

5 THE COURT: Tell me what you know about his  
6 contacting the victim,

7 MS. BOTTOMS: He did create a Face page. And on  
8 the Face page, it does say that he was looking for  
9 Victim and one of her cousins.

10 THE COURT: And what?

11 MS. BOTTOMS: One of her cousins.

12 THE COURT: So I just want to make sure I  
13 understand. So he posted, if that's correct, wrote  
14 something, put it on the Internet under the Facebook  
15 application or whatever, what you just told me; is that  
16 right?

17 MS. BOTTOMS: That's correct, Your Honor.

18 MS. EARLE: And, Your Honor --

19 THE COURT: Who -- how did y'all find out about  
20 that? How did you find out about it?

21 MS. BOTTOMS: The victim brought that to my  
22 attention.

23 THE COURT: I'm looking to her.

24 How did you find out about it?

25 Victim : One of my family members looked to

1 see if he had created a Facebook since he had been out  
2 because they knew he couldn't be trusted, and she  
3 contacted Vicki.

4 THE COURT: And somebody contacted you?

5 Victim : Yes. We discussed it.

6 THE COURT: And you looked?

7 Victim : Yes.

8 THE COURT: What did it say?

9 Victim : It said my full name,  
10 , and then my cousin's full name or maiden name.  
11 She's now married. Where he had put those together to  
12 look for the two of us.

13 THE COURT: And it said, "I want to contact them,"  
14 or what did it say?

15 Victim : It was just our full names. When he  
16 first went to prison, Facebook was not a thing. So he  
17 apparently didn't know how to use it. So you would  
18 normally search -- he put in the status, where you talk  
19 about what you're doing or who you're with or whatever.  
20 So to me it's the same. He wanted to find me somehow  
21 so he was looking.

22 THE COURT: Does anybody have a picture of that or  
23 anything?

24 MS. BOTTOMS: I do, but it's in my vehicle. I'll  
25 be glad to get it for you.

1 THE COURT: Go get it.

2 MS. EARLE: Your Honor, I would like to go on  
3 record as saying that has never been provided to his  
4 defense attorney.

5 THE COURT: I'm sorry?

6 MS. EARLE: That --

7 THE COURT: It may not have been provided. I  
8 don't know if they have to provide it to you under the  
9 rules or anything and all. But just looking at this  
10 condition as far as contact, I mean, that's one of the  
11 things alleged in the probation warrant and underlying  
12 things. I don't know that they have to provide the  
13 proof of the crime to you. But, anyway, we'll make a  
14 note that you say you were not notified of that, but I  
15 don't know if you have to be. Do you think you do?

16 MS. EARLE: Well, Your Honor, he has a pending  
17 criminal charge based on that, and I did file a motion  
18 of discovery in that, and that has never been provided  
19 to me.

20 THE COURT: Well, it may not have been, but we're  
21 not dealing with the charge of that in terms of the  
22 crime that's been charged, but we are dealing with it  
23 in terms of possible probation violation or community  
24 supervision violation.

25 MS. EARLE: That's correct, Your Honor.

1 THE COURT: But I don't know that the State is  
2 obligated to provide you proof of the crime. They're  
3 obligated to provide you, under the constitutional  
4 laws, case law and so forth, anything to prove that  
5 he's not guilty, but I don't know if they're obligated  
6 to prove that he's guilty. That may be that they  
7 generally do, but under the constitution of laws, I  
8 don't know that they're obligated to prove his guilt.  
9 Right?

10 MS. EARLE: Well, Your Honor, it makes it very  
11 difficult to defend when you have no idea what evidence  
12 they have.

13 THE COURT: I've been out there representing  
14 people too, and I know it does make it difficult, but I  
15 don't know that they're obligated to prove his guilt to  
16 you.

17 PROBATION OFFICER MANLEY: Your Honor, just for  
18 your information, this particular -- this warrant that  
19 was issued for this particular issue dealing with the  
20 Facebook, we carried that to an administrative hearing  
21 officer. And Your Honor has been provided with a copy  
22 of that as well. And the hearing officer makes a  
23 recommendation, and he makes a --

24 THE COURT: I haven't seen that before. Let me  
25 look and see if I can find that. What did he say? I

1 haven't seen that.

2 PROBATION OFFICER MANLEY: Yes, sir. You should  
3 have a copy of it.

4 THE COURT: I have got the agent's recommendation  
5 and the justification, but I may have that other, but I  
6 haven't seen it yet. I don't see that in here.

7 Here we go. Here we go. Here we go. Well, he  
8 does reach that conclusion, but I need to reach it  
9 based on what I know. Okay? I do see that in his. I  
10 need to make my own determination about that. Okay?

11 So we'll wait just a few minutes. Y'all stay in  
12 place. We'll wait a few minutes on that. Excuse me.  
13 Just stay right there, though. Okay? All right.

14 Now, let's go to the second one. We can start  
15 trying to deal with the second one, which is the  
16 contact with the children. Weird situation.

17 PROBATION OFFICER MANLEY: Your Honor, based on  
18 that, I was notified by Evonee Craig's father that he  
19 had -- I'm sorry. He had gone down -- Mr. Davis had  
20 gone down to Evonee Craig's house, and that he,  
21 Ms. Craig's father, had gone down to the residence, and  
22 Mr. Davis was in there while one of the children were  
23 in that residence. And he called. And he was very  
24 upset in the fact that there was a convicted sexual  
25 offender that was at his daughter's residence with a

1 child.

2 And also the Department of Social Services is  
3 currently conducting an investigation. And they have  
4 gone out and talked with the children. And Your Honor  
5 has been provided with a copy of a report from the  
6 Department of Social Services where the social worker  
7 went out and interviewed the child, and she identified  
8 Mr. Davis and said that he had, in fact, been at her  
9 residence.

10 THE COURT: I'm looking for that.

11 PROBATION OFFICER MANLEY: It's in that same  
12 stack.

13 THE COURT: That's what I'm looking for.

14 Here is the report from Catherine Collins. That's  
15 who you're talking about?

16 PROBATION OFFICER MANLEY: No, sir. That is the  
17 sex offender counselor. The other is from Susan  
18 Copeland Yates.

19 THE COURT: Here it is. I'm sorry.

20 We do have this affidavit from Susan Copeland  
21 Yates with DSS dated March 29, 2017, talking about what  
22 she learned about that.

23 And, Ms. Earle, you have seen that?

24 MS. EARLE: Yes, Your Honor.

25 THE COURT: I'm looking at one page that has

1 "Chuck Davis" at the top, and it has a picture. It's  
2 apparently you. Do you agree with that?

3 THE DEFENDANT: Yes.

4 THE COURT: Have you seen this?

5 THE DEFENDANT: Yes.

6 THE COURT: Are you familiar with it?

7 THE DEFENDANT: Yes.

8 THE COURT: And then the second piece of paper  
9 again has your name, and then under your name, there it  
10 has Victim , I guess this young lady over  
11 here. Do you know what I'm talking about?

12 THE DEFENDANT: I have not seen that.

13 THE COURT: Hand this down there to him, Madam  
14 Clerk.

15 (Document handed to defendant.)

16 (Off-the-record discussion between Ms. Earle and  
17 the defendant.)

18 THE COURT: You look at it. Is that what you're  
19 talking about? Is that what you saw when you went on  
20 the Internet or whatever, Ms. Hartman?

21 MS. HARTMAN: Yes, sir.

22 THE COURT: So do you admit that you put that on  
23 there, Mr. Davis?

24 THE DEFENDANT: No, sir.

25 MS. EARLE: And, Your Honor, if I may, the date on

1 that is August of 2015. The copy of the permanent  
2 restraining order that I was provided is November 16,  
3 2015. So even if Mr. Davis had done this, that is not  
4 a violation of the permanent restraining order because  
5 it was not in place at that time.

6 THE COURT: I appreciate you pointing that out to  
7 me. But on the sentence sheet of this case, under the  
8 other terms of probation, it says no contact with the  
9 victim.

10 MS. EARLE: And, Your Honor, I would point out  
11 that the victim was not contacted.

12 THE COURT: Okay. I appreciate you making that  
13 point to me. Whether I agree with you or not is  
14 another matter. Okay? All right.

15 So this is the only -- is this the only contact  
16 that you're talking about?

17 PROBATION OFFICER MANLEY: Yes, sir. That's the  
18 only --

19 THE COURT: Victim advocate and the victim.

20 PROBATION OFFICER MANLEY: I'm sorry, Your Honor.

21 MS. BOTTOMS: Yes, Your Honor.

22 THE COURT: Now, let's go to the next one, then,  
23 about the children. Do you want to explain anything,  
24 y'all want to try to explain -- I'm looking to the  
25 lawyer, Ms. Earle, and to Mr. Davis. You don't have

1 to, but it seems -- well, I certainly have the  
2 affidavit saying that you have had contact with this  
3 lady's two children. I accept that as proof that you  
4 have, you know. At least at this point. Y'all want to  
5 say anything that is contrary to that or try to explain  
6 that in some lawful fashion?

7 MS. EARLE: Your Honor, I would say that in the  
8 sex offender conditions where it says, "If there is  
9 incidental contact with a child, I will be civil and  
10 courteous and immediately remove myself from the  
11 situation," and in looking at the affidavit, it appears  
12 that when he realized the children were in the home,  
13 that he spoke with them and left. And I would argue  
14 that that satisfies the conditions of the sex offender  
15 conditions that he was courteous to them and departed.

16 Now, he tells me that they do not -- he and his  
17 wife do not live together and they are never together  
18 when the children are present in the home. And in this  
19 instance, he had apparently been out with his wife, and  
20 then when they came home and he realized the children  
21 were there, as I said, he left. And I believe that the  
22 fact that the child does not know his name would  
23 indicate that he has not spent substantial time around  
24 the children at all.

25 THE COURT: You don't have to tell me anything.

1 Your lawyer has made a statement about this situation,  
2 Mr. Davis. You don't have to say anything to me about  
3 it, but if you want to say anything about contact with  
4 these two children or anything, you can. But it's up  
5 to you and your lawyer as far as whether you want to  
6 say anything about this.

7 THE DEFENDANT: I haven't had contact with the  
8 children. I never have contact with the children. We  
9 keep our relationship separate from the children  
10 because of this, and that's all I can say.

11 THE COURT: Well, what this affidavit says -- have  
12 you read it?

13 THE DEFENDANT: No.

14 THE COURT: Well, this is an affidavit from Susan  
15 Copeland Yates of DSS, and it says that she interviewed  
16 Aaliyah, A-a-l-i-y-a-h, D at Elementary  
17 School who is six years old, and she didn't recognize  
18 your name but she recognized your picture and  
19 identified you as mama's friend. She stated that she  
20 met him at her mother's place of employment which is  
21 the Bountyland Quick Stop and had seen him there a few  
22 times. She also stated that he brought her mother home  
23 one evening, came into her house. She and her brother  
24 were home, and he talked to them for a time and then  
25 left.

1 THE DEFENDANT: Yes, sir, Your Honor.

2 THE COURT: Do you want to tell me anything about  
3 that?

4 THE DEFENDANT: She works at the Bountyland Quick  
5 Stop. And before we started dating, her mother works  
6 there also and introduced me to her and her children  
7 there at the store. I spoke with them briefly and I  
8 left. I have taken her home from work and --

9 THE COURT: On how many occasions?

10 THE DEFENDANT: Twice. And if the children were  
11 there, I did not go inside. I would walk her to the  
12 door and the kids would be running around. I would  
13 leave. And we both understood that I could not be  
14 around them, and I would always remove myself from  
15 that.

16 THE COURT: All right. Now, anything you want to  
17 tell me as far as your relationship with her? I mean,  
18 again, you don't have to, but if you want to explain to  
19 me what's going on or whatever as far as if you married  
20 this woman or anything like that or how y'all are  
21 looking at how you plan on handling this situation or  
22 whatever. Again, you don't have to tell me anything,  
23 but if you want to explain any of this, you know, you  
24 are certainly free to do so.

25 THE DEFENDANT: Yes, sir. We are married, but we

1 are living separate. And we had planned to live  
2 separate until my supervision was over with, which was  
3 supposed to be July 1st of this year.

4 THE COURT: All right. Anything else from  
5 anybody?

6 Anybody over here on the State's side? Anything  
7 else anybody wants to say?

8 PROBATION OFFICER MANLEY: Yes, sir. I'd like to  
9 inject, Your Honor, if I may, that he was given clear  
10 instructions not to have any contact with Evonee Craig.  
11 And the reason that I instructed him to have no  
12 contact --

13 THE COURT: That's the woman that's he's married  
14 to?

15 PROBATION OFFICER MANLEY: Yes, sir. That's the  
16 woman that he's married to. At the time they weren't  
17 married when I told him not to have contact. The  
18 reason that I instructed him, which I'm allowed to do  
19 under standard conditions number four, tell him who he  
20 cannot have contact with, my concern is the fact that  
21 Ms. Craig has two minor children in the home. If it  
22 was just Ms. Craig, then we wouldn't be here under this  
23 violation at all. There is a resemblance, and I see a  
24 resemblance of what happened before with his violating  
25 Victim , about the same age, having a young girl in

1 the residence like that. And it appears to me, looking  
2 at what I'm seeing, that he may be setting things up  
3 again for that to reoccur. That's speculation. That  
4 hasn't happened. That's only speculation, but I have  
5 to look at that.

6 THE COURT: I can understand why you would be  
7 concerned.

8 PROBATION OFFICER MANLEY: Yes, sir. I was very  
9 concerned about that. And I brought him into my  
10 office, and I had a sit-down with him. And I told him,  
11 I said, "Charles, if you are around Ms. Craig, if I  
12 find out" --

13 THE COURT: How did you find out about his  
14 relationship with her or any of this?

15 PROBATION OFFICER MANLEY: Yes, sir. Her father,  
16 Billy Craig, called me. And he was very upset that he  
17 was having contact with his daughter and especially  
18 with his grandchildren. Very upset. So I brought him  
19 in and asked him about this relationship, and he said  
20 that it was true that he was -- you know, that he had  
21 been seeing Ms. Craig, that he loved her, and that they  
22 were planning on marrying.

23 I instructed him not to have any contact and  
24 explained to him very clearly why he was to have no  
25 contact with her was because she has sole custody of

1 her two minor children. And I wanted to prevent  
2 another incident from taking place, so I told him that.  
3 I gave him those instructions. And even told him, Your  
4 Honor, that if he had contact with her, that I would be  
5 staffing his case with my supervisor, and if I had my  
6 way, I would issue a warrant and put him in jail. So I  
7 made it as clear as I possibly could.

8 He intentionally disobeyed the verbal order I gave  
9 him not to have contact with Ms. Craig, and that day or  
10 the day after, he went to Anderson and got married to  
11 her. And then I found out about that, and then I  
12 issued the warrant on him at that time. And then we  
13 read in the warrant and told him, "You cannot have  
14 contact with Evonee Craig." He goes to the jail, and  
15 we have recorded phone conversations where he just got  
16 locked up for that violation. He's down at the jail  
17 and he's calling her. He's making further contact with  
18 her after he just got locked up for that. So it was  
19 just a blatant violation, a willful violation of not  
20 have contact, and it was explained the reason why.

21 THE COURT: I'm looking over here to the victim  
22 advocate. You know, I've got these two pieces of paper  
23 here. I want to keep these and make them part of the  
24 record, but I don't want to take something away from  
25 you that you need. So is it okay if I keep these and

1 make them part of the record?

2 MS. BOTTOMS: You may, but I would like a copy of  
3 them.

4 THE COURT: Let's get somebody to make a copy of  
5 of them, then.

6 Again, anything that either Ms. Earle or  
7 Mr. Davis, anything you want to say in response to --  
8 after what you just heard what Mr. Manley told me?

9 MS. EARLE: Your Honor, it is our position that  
10 Mr. Manley, even though he is his probation agent, does  
11 not have the right to tell him who he can and cannot  
12 marry. I understand his concerns, but he -- I just  
13 don't believe that the State can tell someone, "You're  
14 not allowed to marry the person that you love." It's  
15 just a violation of every -- of everything sanctified  
16 about marriage for the State to decide who you can't  
17 marry.

18 There has been no allegations that there has been  
19 any harm to any of her children. That would be a  
20 family court matter. If there is an issue as far as  
21 custody goes, that's a family court matter to be  
22 handled. He tells me that they have made arrangements  
23 to live separate and apart while her children are young  
24 because he knows that's a violation. And everything  
25 that has been brought forth today seems to me to

1 indicate that he has done his best to abide by the  
2 conditions by removing himself from this situation if  
3 the children were present, by being civil and courteous  
4 to them. And, yes, sir, he did marry someone he was  
5 told not to. But, again, I just don't believe that the  
6 State has the ability to tell him he's not allowed to  
7 get married. I think that's beyond the purview of a  
8 probation agent.

9 And, Your Honor, I also have a letter from  
10 Mr. Davis's mother from 2016 regarding the Facebook  
11 page.

12 THE COURT: Be glad to read anything you want me  
13 to look at.

14 PROBATION OFFICER MANLEY: Your Honor, at some  
15 point in time, I would like to reply to the statement  
16 she just made.

17 THE COURT: Let me read this first. I'd like to  
18 rather read this and digest this.

19 All right. We'll make this part of the record  
20 also. I've read this from her. And basically what she  
21 says is she's the one who did this, not him. At least  
22 that's the way I read it. Have y'all seen this?

23 PROBATION OFFICER MANLEY: I've seen that.

24 THE COURT: But I want to tell the victim advocate  
25 and Victim , basically his mother is saying she did

1 it. Whether I believe it or not is another question,  
2 but it basically says she did this and not him. But  
3 I'll just leave it at that.

4 Anything else you want to say? You got that? You  
5 want to give it back to me now or whatever?

6 MS. BOTTOMS: I've got it.

7 THE COURT: Anything, Mr. Manley, that you want to  
8 say in response?

9 PROBATION OFFICER MANLEY: Yes, sir. I would like  
10 to make a reply back to what Ms. Earle just stated.  
11 The standard conditions of probation says that, "I will  
12 not associate with any person who has a criminal record  
13 or any person who my agent instructs me to avoid." And  
14 I would want to make it very clear that I never told --

15 THE COURT: Which one is that?

16 PROBATION OFFICER MANLEY: That's the standard  
17 conditions of probation number four, which would also  
18 be the same thing as community supervision, would be  
19 the same standard conditions.

20 THE COURT: This is not what you gave me earlier.

21 PROBATION OFFICER MANLEY: No, sir. That's the  
22 sex offender conditions. We have got two separate  
23 conditions.

24 I never at any time told him that he could not  
25 marry her. That was absolutely a false statement. I

1 never told him, "You cannot marry Ms. Craig." I told  
2 him that he could not have any contact with Ms. Craig  
3 and explained to him the reason why. So that's  
4 miscommunication, the fact that I told him he could not  
5 marry her. That was never said.

6 THE COURT: I appreciate you bringing that up and  
7 explaining that. All right.

8 Anything else? Anybody want to say anything else?

9 PROBATION OFFICER MANLEY: Your Honor, are we  
10 going to proceed through the charges?

11 THE COURT: That's what I'm dealing with now.

12 PROBATION OFFICER MANLEY: Well, there are some  
13 other ones.

14 THE COURT: I saw the other ones. One of them is  
15 a financial thing where he's \$200 in arrears, \$200 in  
16 arrears on his supervision fees and \$94 in arrears on  
17 his GPS fees. He's on GPS now?

18 PROBATION OFFICER MANLEY: Yes, sir. He's still  
19 on GPS.

20 THE COURT: You say still on it. That would be as  
21 part of his probation but not for life?

22 PROBATION OFFICER MANLEY: That was part of his  
23 release from community supervision program, and he's  
24 still on that.

25 THE COURT: But what you had told me earlier was

1 if he gets revoked in any way, that that would be on  
2 there for life. But you're telling me that that was  
3 already a condition of his probation and/or community  
4 supervision.

5 PROBATION OFFICER MANLEY: Let me clarify that,  
6 Your Honor. The reason he's on the GPS right now has  
7 nothing to do with Jessie's Law. That has nothing to  
8 do with that.

9 THE COURT: The reason he is on it?

10 PROBATION OFFICER MANLEY: Yes, sir. It's an  
11 order on his release that he be on the monitor no less  
12 than six months. And we never staffed him to take it  
13 off because we felt that he was a risk.

14 The other thing I want to bring --

15 THE COURT: These things get complicated. I'm  
16 glad you told me that. Go ahead.

17 PROBATION OFFICER MANLEY: The only other issue  
18 that I would like to bring out is the fact that  
19 recently, as of May the 1st, we were notified again  
20 from the Department of Social Services that he had law  
21 enforcement contact and he never -- he never responded  
22 and let me know about that law enforcement contact.

23 THE COURT: When was that?

24 PROBATION OFFICER MANLEY: And also being in  
25 possession of a weapon --

1 THE COURT: What was that?

2 PROBATION OFFICER MANLEY: That was on May --

3 THE COURT: What was the law enforcement contact?

4 PROBATION OFFICER MANLEY: I'm going to explain  
5 that to you. In fact, I don't know if you may have a  
6 copy of that. We'll get you one.

7 He had contact with law enforcement in the fact  
8 that he was riding by Ms. Craig's residence, and her  
9 ex-husband was at the residence. And he was, according  
10 to the incident report and according to what was  
11 reported on him, that he was using racial slang  
12 language towards this guy, hollering across the road to  
13 him. And at the end of the day, what had happened was  
14 the ex-husband and the father of Evonee Craig hemmed  
15 him in on a one-way street. They got out there. There  
16 was a gun involved. He was, Mr. Davis, was hit in the  
17 head with a gun by Billy Craig, Evonee Craig's father.  
18 And him and the ex-husband had a physical altercation  
19 at which time Mr. Davis took out some mace. He's not  
20 supposed to have any dangerous weapons on him. And  
21 based on his -- him telling the sheriff's department  
22 that he had mace, he sprayed Mr. -- well, Evonee  
23 Craig's ex-husband.

24 So he is required to notify me of law enforcement  
25 contact. And I brought him in to serve the citation.

1 THE COURT: Was he arrested?

2 PROBATION OFFICER MANLEY: No, sir. He was not  
3 arrested. He was not charged, and there haven't been  
4 any charges at all. But, again, according to his  
5 supervision, he is to report any law enforcement  
6 contact to his agent immediately if he's questioned, if  
7 he's arrested. And where there is a gun involved and  
8 where there is dangerous weapons involved and where  
9 there's already bad blood between this family where the  
10 father even told me that he was going to do him  
11 physical bodily harm, you know, it would appear to me  
12 that it would be only in his best interest, Mr. Davis'  
13 interest, to come and let me know what was going on.

14 THE COURT: When was that?

15 PROBATION OFFICER MANLEY: That incident, Your  
16 Honor, took place on May 1st of this year.

17 THE COURT: Has he reported to you since then?

18 PROBATION OFFICER MANLEY: Yes, sir, he has.

19 THE COURT: Didn't tell you anything then?

20 PROBATION OFFICER MANLEY: Well, I had a citation.  
21 I had issued a citation dealing with that violation.

22 THE COURT: You thought he should have come in  
23 before then and told you about it?

24 PROBATION OFFICER MANLEY: He should have called  
25 me on May 1st and told me. I've got the incident

1 report.

2 THE COURT: No. I accept that, what you told me,  
3 as being accurate. I just wanted to make sure what it  
4 was as far as why you were saying that he was in  
5 violation of that.

6 PROBATION OFFICER MANLEY: Sure.

7 THE COURT: All right. Okay. Anything else?

8 PROBATION OFFICER MANLEY: Your Honor, just the  
9 fact that there's just a continuation of violations,  
10 and the fact that we're having to renotify the victim  
11 over and over again to get her under this kind of a  
12 situation, the fact that he has been in noncompliance  
13 over and over again, that we feel the only recommendation  
14 that the State can make is that there be a total  
15 revocation of his probation and that he be revoked also  
16 one year on his community supervision and be released  
17 and come back out on supervision and try it again.

18 THE COURT: So I want to again make sure I  
19 understand the situation as far as what I'm dealing  
20 with here today. When he was released on July 1st of  
21 2015, as I understand it, he was released on community  
22 supervision.

23 PROBATION OFFICER MANLEY: Yes.

24 THE COURT: And that would last for?

25 PROBATION OFFICER MANLEY: That would last for two

1 years.

2 THE COURT: We're within that two-year range,  
3 then?

4 PROBATION OFFICER MANLEY: Yes.

5 THE COURT: So he's on community supervision.  
6 That lasts for two years. And, of course, all this  
7 that we're talking about has happened in that two  
8 years.

9 My options under community supervision are just to  
10 continue him on community supervision, or I can order  
11 that he serve up to one year; is that correct?

12 PROBATION OFFICER MANLEY: Yes, sir. You're  
13 correct.

14 THE COURT: Okay. And then as far as when he came  
15 out on, again, July 1st, 2015, you know, did his  
16 probation start also at that point?

17 PROBATION OFFICER MANLEY: Yes. It was running  
18 alongside that.

19 THE COURT: And on that, I could revoke up to five  
20 years for him to serve on that?

21 PROBATION OFFICER MANLEY: That's correct, Your  
22 Honor.

23 THE COURT: I just want to make sure what the  
24 situation was as far as all that is concerned.

25 Anything else anybody wants to say on either side

1 of this? Anything else anybody wants to say?

2 MS. EARLE: Your Honor, as far as --

3 THE COURT: Ms. Earle.

4 MS. EARLE: As far as the most recent citations  
5 involving contact with law enforcement, actually the  
6 citation says he was in violation in that he was in  
7 possession of a weapon, mace, and failed to notify his  
8 agent that he had law enforcement contact. I'm not  
9 sure when you're put on probation if law enforcement  
10 contact is explained as you calling the officers, you  
11 being the victim. It would appear to me that if you're  
12 the victim in a case, that notifying probation that you  
13 have had law enforcement contact -- it may not appear  
14 necessary because you're not the subject of any  
15 investigation at that point.

16 As far as the being in possession of a weapon, our  
17 position on that is that mace is not a weapon, and  
18 under the Concealed Weapons Permit Act, the Law Abiding  
19 Citizens Self-Defense Act of 1996, it specifically  
20 states that carrying a self-defense device generally  
21 considered to be nonlethal, including the substance  
22 commonly referred to as pepper gas, is not something  
23 that you're required to have a permit for. And I would  
24 strenuously object to mace being defined as a weapon  
25 when the State has defined it as a self-defense device

1 that is considered to be nonlethal.

2 THE COURT: All right. I appreciate that, and  
3 that's a good point that you can make there.

4 All right. I'm glad you brought that to my  
5 attention.

6 All right. Anything else anybody wants to say?  
7 That includes Mr. Davis.

8 Anything else you want to say, Mr. Davis?

9 THE DEFENDANT: Yes, sir, Your Honor. I've been  
10 out almost two years, and I've almost made it through  
11 this program up until now. The program is supposed to  
12 be over with July 1st of this year. I've done  
13 everything they have asked me to do. I work seven days  
14 a week. I pay my bills. I work and I go home. I do  
15 nothing else. I don't do drugs. I don't go to bars.  
16 I do nothing. All I want is a life after this.

17 I've started my own company recently, and I work  
18 hard, and all I'm trying to do is have a second chance  
19 at a life.

20 THE COURT: All right. I appreciate that.

21 PROBATION OFFICER MANLEY: Your Honor, if I may  
22 just respond to Mrs. Earle's interpretation of the  
23 standard conditions of probation, if it's okay with the  
24 court, it's very short. It just simply states that, "I  
25 should not violate any federal, state, or local law,

1 and I shall immediately contact my agent if I'm ever  
2 arrested or questioned by a law enforcement official  
3 for any reason whatsoever." I think that's very clear,  
4 and anybody on probation that can understand that, if  
5 they have law enforcement contact, that they're to  
6 notify their agent of that.

7         So I would just want to go on record as saying  
8 that and also go on record in saying that if we go out  
9 to a residence and we get attacked with mace, then  
10 we're disabled. Any law enforcement person would be  
11 totally disabled with mace. If I went out to do a  
12 residence verification and he put mace on me, then it  
13 would be, you know, for a normal person to walk around  
14 with mace, that's one issue. But when you do it when  
15 you're on supervision, law enforcement is coming to  
16 your residence, they're coming into an office, they're  
17 carrying mace, then we would certainly, certainly see  
18 that and classify that mace as a weapon that could be  
19 used against us.

20         THE COURT: I appreciate that.

21         All right. As I said, I believe, earlier, this is  
22 certainly not your usual case, and I'm glad that we  
23 have devoted the time that we have to it. But I do  
24 find based on the evidence presented to me that you are  
25 in violation of Section 3 and Section 4 Item 3 and Item

1 4 of the standard sex offender conditions under which  
2 you were released under the community supervision  
3 program, and I do order that he be returned to the  
4 South Carolina Department of Corrections for one year  
5 revocation or however it's properly termed for him to  
6 return to serve one year for violating the terms of his  
7 community supervision in that I find that he did have  
8 at least indirect contact with the victim through the  
9 Facebook page, Facebook posting that was made, and also  
10 that he had unauthorized contact with children under  
11 the age of 18. Although under very unusual  
12 circumstances, I still think that what he did is in  
13 violation of that provision of his release, and so I  
14 order that he be returned to South Carolina Department  
15 of Corrections for a period of one year.

16 Good luck to you.

17 MS. EARLE: Your Honor.

18 THE COURT: Yes, ma'am.

19 We'll make this also a part of the record.

20 MS. EARLE: As far as the probation violation --

21 THE COURT: I hadn't dealt with that. We're going  
22 to hold that in abeyance. We're going to, whatever you  
23 call it, suspend it or hold it in abeyance. When he  
24 comes back from serving this one year, he'll still be  
25 on probation.

1 MS. EARLE: Your Honor, does this dispose of all  
2 the citations and warrants in regard to the community  
3 supervision?

4 THE COURT: As far as I know.

5 MS. EARLE: All right. Thank you, Your Honor.

6 PROBATION OFFICER MANLEY: Thank you, Your Honor.

7 (WHEREUPON, the proceedings concluded at 11:32 a.m.)

8 \*\*\*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 Oconee County, South Carolina, on the 18th day of May 2017.

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

August 8, 2017

Diane L. Marcengill  
Diane L. Marcengill, RPR, CRR  
Circuit Court Reporter

DOCKET NO. 2006-GS-37- 862

**The State of South Carolina,**

County of OCONEE

FILED OCONEE, SC  
SALLIE C. SMITH  
CLERK OF COURT

2006 JUN 20 P 2:33

WITNESSES

OCSD/HAWK

*Mike Cashaw*

COURT OF GENERAL SESSIONS

JUN 20 2006 TERM 2006

THE STATE

vs.

CHARLES LESLIE DAVIS

ARREST WARRANT NO. H984481

ACTION OF GRAND JURY

*True Bill*

*6-20-06*

*Carolyn Stroman*

Foreman of Grand Jury

**Indictment for**

CRIMINAL SEXUAL CONDUCT WITH  
MINOR 11 TO 14 YEARS OF AGE  
INCLUSIVE (SECOND DEGREE)

16-3-655(B)

(396)

DAVID R. WAGNER, JR., DEPUTY SOLICITOR

VERDICT

44 Foreman of Petit Jury

Date:



STATE OF SOUTH CAROLINA )  
COUNTY OF OCONEE )

INDICTMENT FOR

CRIMINAL SEXUAL CONDUCT WITH  
MINOR 11 TO 14 YEARS OF AGE  
INCLUSIVE (SECOND DEGREE)  
16-3-655(B) (396)

At a Court of General Sessions, convened on JUN 20 2006

the Grand Jurors of OCONEE County present upon their oath:

THAT CHARLES LESLIE DAVIS DID IN OCONEE COUNTY, SOUTH CAROLINA, BETWEEN AUGUST 1, 2005 AND SEPTEMBER 3, 2005, WILLFULLY AND UNLAWFULLY COMMIT THE CRIME OF CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE SECOND DEGREE BY ENGAGING IN SEXUAL BATTERY WITH A MINOR DOB /1990) WHO WAS FOURTEEN (14) YEARS OF AGE OR LESS, BUT AT LEAST ELEVEN (11) YEARS OF AGE, THIS IN VIOLATION OF SECTION 16-3-655(B) [FORMERLY SECTION 16-3-655(2)], 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.

  
SOLICITOR

5/16

46 STATE OF SOUTH CAROLINA )  
 COUNTY OF Oconee )  
 STATE VS. )  
 Charles Davis )  
 AKA: )  
 Race: W Sex: M Age: 36 )  
 DOB: -1971 SS# )  
 Address: )  
 DL#: SID#: )

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2006GS370862  
 A/W#: H984481  
 Date of Offense: 9/3/2005  
 S.C. Code § : 16-03-0655(2)  
 CDR Code #: 0396

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: CRIMINAL SEXUAL CONDUCT WITH A MINOR 2ND DEGREE

in violation of § 16-03-0655(2) of the S.C. Code of Laws, bearing CDR Code # 0396  
 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. (Defendant initial)  
 The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: [Signature] Solicitor: [Signature] Defendant: [Signature] Attorney for Defendant: [Signature]

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 15 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 10 days/months/years and/or payment of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for 5 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation; which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_  
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.  
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135

SPECIAL CONDITIONS:

RESTITUTION:  Heard,  Waived,  Ordered  
 Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
 Payment Terms: \_\_\_\_\_  
 set by SCDPPPS \_\_\_\_\_

PTUP \_\_\_\_\_  
 \_\_\_\_\_ 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: No Contact w/ Victim

Recipient: \_\_\_\_\_  
 \*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	\$
§ 35.13 (Public Def/Prob)	\$500	\$
§ 73.3, 1B TP (Law Enforce. Funding)	\$25	\$ 25.00
§ 33.7, 1B TP (Drug Court Surcharge)	\$100	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea	\$	\$
3% to County (if paid in installments)	\$	\$ 3.75
<b>TOTAL</b>		<b>\$ 128.75</b>

Appointed PD or appointed other counsel, §35.13 TP Requires \$500 be paid to Clerk during probation.

[Signature]  
[Signature]  
 Clerk of Court/ Deputy Clerk  
 Court Reporter: Donna Brady

PRESIDING JUDGE [Signature]  
 Judge Code: 01141  
 Sentence Date: May 7, 2007  
 SCCA/217 (9/2006)

COPY

Form 10.1 - Arrest Warrant  
Form Approved by  
SC Attorney General  
Section 17-13-160  
March 15, 1978

**STATE OF SOUTH CAROLINA**  
COUNTY OF OCONEE

Community Supervision  
**ARREST WARRANT**

Indictment Number 06-GS-37-00862

Warrant Number W-37-16-0073

State Identification No. (SID) 00720052

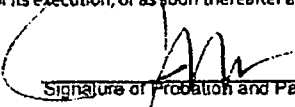
TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF WALHALLA, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that CHARLES LESLIE, JR DAVIS, did on the 17 day of June, 2016 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

VIOLATION OF COMMUNITY SUPERVISION PURSUANT SECTIONS 24-21-560 OF THE SOUTH CAROLINA CODE OF LAW.

Now, therefore, you are empowered and directed to arrest the said defendant and bring CHARLES LESLIE, JR DAVIS 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 WALHALLA, S. C. this 17 day of June, 2016.

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

County of OCONEE

**STATE OF SOUTH CAROLINA**

**AFFIDAVIT**

Personally appeared before me, one James M Manley, who, first being duly sworn, deposes and says that CHARLES LESLIE, JR DAVIS did within this County and State on the 17 day of June, 2016 violate the criminal laws of the State of South Carolina in the following particulars:

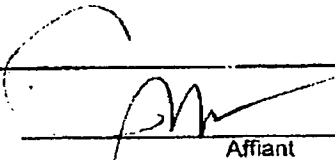
DESCRIPTION OF OFFENSE:

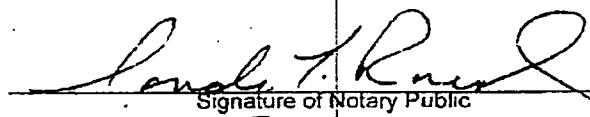
VIOLATION OF COMMUNITY SUPERVISION PURSUANT SECTIONS 24-21-560 OF THE SOUTH CAROLINA CODE OF LAW.

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:

MR. DAVIS IS IN VIOLATION OF HIS PROBATION IN THAT HE HAD A FACEBOOK ACCOUNT; THERE IS PROBABLE CAUSE TO BELIEVE HE ATTEMPTED TO CONTACT THE VICTIM IN THE CASE THROUGH FACEBOOK BASED ON THE ARREST WARRANT 2016A3710100066; \* THAT ON MARCH 9, 2016, THE COUNTY OF OCONEE, ONE CHARLES LESLIE DAVIS DID COMMIT THE CRIME OF VIOLATION OF A PERMANENT RESTRAINING ORDER FOR AN UNDERLYING FELONY CONVICTION, IN THAT HE DID ATTEMPT TO COMMUNICATE WITH VIA FACEBOOK, AND DID ALSO TRY TO A CONTACT A FAMILY MEMBER OF VIA FACEBOOK. \* SUCH ACTIONS CONSTITUTE WILLFUL VIOLATION OF CONDITION 10 IN HIS PROBATION IN CAUSE # 2006GS370862.

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

  
\_\_\_\_\_  
Affiant

  
\_\_\_\_\_  
Signature of Notary Public (L.S.)

  
\_\_\_\_\_  
My Commission Expires

Address: 203 Booker Dr.  
WALHALLA, SC 29691  
OCONEE  
USA  
(864) 638-4255

COPY

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

**STATE OF SOUTH CAROLINA**  
COUNTY OF OCONEE

Community Supervision

**ARREST WARRANT**

Indictment Number 06-GS-37-00862

Warrant Number W-37-17-0018

State Identification No. (SID) 00720052

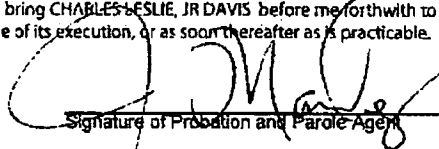
TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF WALHALLA, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that CHARLES LESLIE, JR DAVIS, did on the 10 day of March, 2017 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Violation of the Community Supervision pursuant to sections 24-21-560 of the South Carolina Code of Laws.

Now, therefore, you are empowered and directed to arrest the said defendant and bring CHARLES LESLIE, JR DAVIS 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 WALHALLA, S. C. this 10 day of March, 2017.

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

County of OCONEE

**STATE OF SOUTH CAROLINA**

**AFFIDAVIT**

Personally appeared before me, one James M Manley, who, first being duly sworn, deposes and says that CHARLES LESLIE, JR DAVIS did within this County and State on the 10 day of March, 2017, violate the criminal laws of the State of South Carolina in the following particulars:

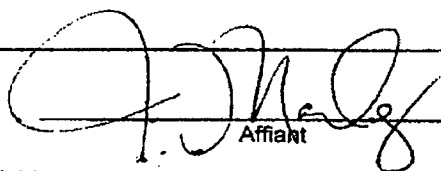
DESCRIPTION OF OFFENSE:

Violation of the Community Supervision pursuant to sections 24-21-560 of the South Carolina Code of Laws.

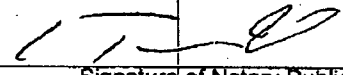
The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

By failing to follow the advice and instructions of Agent By having contact with \_\_\_\_\_ on 3/7/17 after specifically being told not to; By having contact with minor Children under the Agent of 18 years of age on 3/1/17; By failing to pay Supervision Fee as evident by being \$200.00 in arrears; By failing to pay GPS Fee as evident by being \$94.00 in arrears. These actions constitute violation of sections 4, 7 and 10 of the Conditions of Probation and section 4 of the Standard Sex Offender Conditions.

Sworn to and Subscribed before me  
this 10 day of March, 2017.

  
\_\_\_\_\_  
Affiant

Address: 293 Booker Dr.  
WALHALLA, SC 29691

  
\_\_\_\_\_  
Signature of Notary Public (L.S.)

4-24-2023  
My Commission Expires

(864) 638-4255

STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE

STATE

-vs-

Charles L. Davis Jr.

Defendant

00720052

SID #

03/15/2017

SCDC# or DOB

IN THE COURT OF GENERAL SESSIONS

No. 2006 -GS- 37 - 00862

H984481

Count

Community Supervision  
REVOCATION ORDER

FILED OCONEE, SC  
BEVERLY H. WHITFIELD  
CLERK OF COURT

2017 MAY 18 P 6:45  
RECEIVED

JUN 02 2017

SC Court of Appeals

COPY

This matter was brought before me on the 18 day of May, 2017, pursuant to a [warrant or citation] charging the Defendant with violating the Defendant's Community Supervision Program and asking the Court to revoke the Defendant's community supervision. I find:

1. The terms of the Community Supervision Program are fair and reasonable;
2. The Defendant has not complied with all terms of the Community Supervision Program;
3. The Defendant has willfully violated terms of the Community Supervision Program;
4. The Defendant should not be continued in the Community Supervision Program under its current terms or under other terms and conditions;

IT IS ORDERED that the Defendant be in the custody of the South Carolina Department of Corrections for a term of \_\_\_\_\_ days \_\_\_\_\_ months 1 year (total may not exceed one (1) year).

A TRUE COPY  
MAY 18 2017  
JB  
CLERK OF COURT - OCONEE COUNTY

This \_\_\_\_\_ day of 5/17/17  
W. K. HALL

S. C.

T. L. Hightower  
Presiding Judge  
10th Judicial Circuit

This is to certify that I have received this order.

Offender=s  
Signature

Witnessed by

Signed this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_, SC

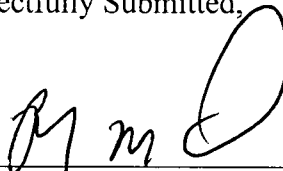
Cent Copies Jo: Det  
Prudo Box  
PD Box

ENTERED  
JB  
COMPUTER

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



---

Robert M. Dudek  
Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

This 8th day of March, 2018.

**RECEIVED**  
MAR 08 2018  
SC Court of Appeals

9

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Oconee County  
Thomas L. Hughston, Jr., Circuit Court Judge

RECEIVED

MAR 08 2018

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

CHARLES LESLIE DAVIS, JR.,


APPELLANT

CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above-referenced case has been served upon Matthew Buchanan, Esquire; at the South Carolina Department of Probation, Parole, and Pardon Services, Post Office Box 50666, Columbia, SC 29250, this 8th day of March, 2018.

  
\_\_\_\_\_  
Scott Leverett  
Administrative Specialist

SUBSCRIBED AND SWORN TO before me  
this 8th day of March, 2018.

 (L.S.)  
Notary Public for South Carolina  
My Commission Expires: May 2, 2027.