

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Orangeburg County

Honorable James R. Barber, Circuit Court Judge

RECEIVED

JUN 25 2018

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

WILL ROGERS MITCHUM,

APPELLANT

APPELLATE CASE NO 2018-000225

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

ATTORNEYS FOR RESPONDENT

INDEX

INDEX i

REVOCATION TRANSCRIPT (Dated February 7, 2018) 1

PROBATION CITATION 21

INDICTMENT 25

CERTIFICATE OF COUNSEL 27

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF ORANGEBURG) FIRST JUDICIAL CIRCUIT

2014-GS-38-1596

| | | |
|--------------------------|---|----------------------|
| State of South Carolina, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Transcript of Record |
| |) | |
| Will Rogers Mitchum, |) | |
| |) | |
| Defendant. |) | |
| |) | |
| _____ |) | |

February 7, 2018
Orangeburg, South Carolina

B E F O R E:

The Honorable James Barber, Judge

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

Ashley Cornwell, Esquire
Attorney for the Plaintiff

Minh Lee-Wyman, Esquire
Attorney for the Defendant

Hilda M. Jordan, CVR-M
Circuit Court Reporter

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

I N D E X

Plea

WITNESS/DESCRIPTION

PAGE NO.

EXHIBITS:

NO EXHIBITS WERE MARKED TO THIS PROCEEDING

Certificate of Court Reporter 20

State v Mitchum

2/7/18

3

1 MS. CORNWELL: The State calls Will Mitchum. May
2 it please the Court, Your Honor? Before you is Will Mitchum
3 with his attorney Ms. Minh Wyman. He's here to plead guilty
4 under waived indictments 2018-GS-38-0102 and 0103. And that
5 is for forgery, no dollar amount and financial transaction
6 fraud.

7 (WHEREUPON, Will Mitchum was duly
8 sworn)

9 THE COURT: All right. Mr. Mitchum --

10 DEFENDANT MITCHUM: Yes, sir.

11 THE COURT: -- you're twenty-five years of age?

12 DEFENDANT MITCHUM: Yes, sir.

13 THE COURT: You're from Orangeburg?

14 DEFENDANT MITCHUM: Yes, sir.

15 THE COURT: And what kind of work you do?

16 DEFENDANT MITCHUM: I'm a roofer.

17 THE COURT: A roofer?

18 DEFENDANT MITCHUM: Yes, sir.

19 THE COURT: And how long you been in jail?

20 DEFENDANT MITCHUM: Since November the 25th.

21 THE COURT: All right. And how far you go in
22 school?

23 DEFENDANT MITCHUM: I got my GED. I graduated
24 from a military school in West Columbia.

25 THE COURT: Is that Gray Academy?

1 DEFENDANT MITCHUM: Yes, sir. Will Lou Gray
2 Opportunity School.

3 THE COURT: Will Gray?

4 DEFENDANT MITCHUM: Uh-huh. (Affirmative response)

5 THE COURT: All right. And who you live with.

6 DEFENDANT MITCHUM: Me and my wife.

7 THE COURT: I thought you told me you weren't
8 married.

9 DEFENDANT MITCHUM: Well, I'm not married. I just
10 -- well, she my girlfriend. We been together for a while.

11 MS. WYMAN: Common law wife.

12 THE COURT: Huh?

13 MS. WYMAN: Common law wife.

14 THE COURT: Well, that's a wife. That's as much a
15 wife as you're going to get. Do you have any children?

16 DEFENDANT MITCHUM: Two kids.

17 THE COURT: How old are they?

18 DEFENDANT MITCHUM: One of them is one, the other
19 is three.

20 THE COURT: All right. And where does your wife
21 live here in Orangeburg?

22 DEFENDANT MITCHUM: Yes, sir.

23 THE COURT: And you're charged with financial
24 transaction card fraud, more than five hundred dollars. You
25 can get up to a year in the department of corrections. Do

State v Mitchum

2/7/18

5

1 you understand that?

2 DEFENDANT MITCHUM: Yes, sir.

3 THE COURT: And you're charged with forgery. No
4 dollar amount, which you can get up to three years in the
5 department corrections. You understand that?

6 DEFENDANT MITCHUM: Yes, sir.

7 THE COURT: And you want to enter guilty pleas on
8 these charges, right?

9 DEFENDANT MITCHUM: Yes, sir.

10 THE COURT: Neither one of them's been before the
11 Grand Jury. In order for you to plead guilty you'd have to
12 waive presentment to the Grand Jury. You have indicated you
13 want to waive presentment by initialing the sentence sheet
14 and signing the indictment. Is that, in fact, what you want
15 to do?

16 DEFENDANT MITCHUM: Yes, sir.

17 THE COURT: All right. Did you talk to your
18 lawyer about that?

19 DEFENDANT MITCHUM: Yes, sir.

20 THE COURT: All right. Ms. Wyman you concur with
21 your client waiving presentment on these two charges and
22 going forward the guilty pleas?

23 MS. WYMAN: Yes, sir.

24 THE COURT: You think it's in his best interest to
25 plead guilty on the two charges?

1 MS. WYMAN: Yes, sir.

2 THE COURT: You think State would prevail if he
3 went forward with a trial on these two charges?

4 MS. WYMAN: Yes, sir.

5 THE COURT: All right. Mr. Mitchum, do you
6 understand you do not have to plead guilty? You're presumed
7 to be innocent. The State will have to prove you guilty
8 beyond a reasonable doubt, but by pleading the State doesn't
9 have to prove you're guilty. Do you understand that?

10 DEFENDANT MITCHUM: Yes, sir.

11 THE COURT: By pleading guilty you're waiving some
12 of your constitutional rights. You have a constitutional
13 right to a jury trial if you'd like one, but you give that
14 up with a plea. Do you understand that?

15 DEFENDANT MITCHUM: Yes, sir.

16 THE COURT: You have a constitutional right to
17 confront any witnesses the State may have, but you waive
18 that right with your plea too; you understand?

19 DEFENDANT MITCHUM: Yes, sir.

20 THE COURT: And you have a constitutional right to
21 not have to testify, say anything, help the State in any.
22 You have a right to remain silent. But, again, you waive
23 that right with these pleas; you understand that?

24 DEFENDANT MITCHUM: Yes, sir.

25 THE COURT: And, of course, if you did elect not

State v Mitchum

2/7/18

7

1 to testify the Court would instruct the jury they couldn't
2 even consider that fact during the course of their
3 deliberations. You understand that?

4 DEFENDANT MITCHUM: Yes, sir.

5 THE COURT: All right. Now, also by pleading
6 guilty you give up your right to a trial and you give up
7 your right to testify at that trial, to tell your side of
8 the story; you understand?

9 DEFENDANT MITCHUM: Yes, sir.

10 THE COURT: In giving up your right to a trial,
11 you give up your right to put up any defenses you may have
12 to these charges and to contest any evidence the State may
13 have; you understand that?

14 DEFENDANT MITCHUM: Yes, sir.

15 THE COURT: Knowing all of that, you still wish to
16 go forward with the guilty plea?

17 DEFENDANT MITCHUM: Yes, sir.

18 THE COURT: There's no recommendation on this; is
19 that correct.

20 MS. CORNWELL: There's not, other than I believe
21 he is on probation. This is going to be a violation of his
22 probation. So when he's sentenced the Court deems
23 appropriate, we'd simply recommend concurrent sentences.

24 THE COURT: Well, --

25 MS. CORNWELL: It's only a recommendation, Your

1 Honor.

2 THE COURT: All right.

3 DEFENDANT MITCHUM: Your Honor --

4 THE COURT: You're on probation?

5 DEFENDANT MITCHUM: Yes, sir. And I had wanted to
6 ask you, you know, could you please, you know, just --

7 (Ms. Wyman confers with client, Mr.
8 Mitchum, off the record)

9 DEFENDANT MITCHUM: All right.

10 THE COURT: All right. What you on probation for?

11 DEFENDANT MITCHUM: Distribution, methamphetamine.

12 THE COURT: You understand this is going to
13 constitute a violation of your probation?

14 DEFENDANT MITCHUM: And that's what I wanted to
15 talk to you about to see if we could reinstate it.

16 THE COURT: Are we going to have a probation
17 hearing this morning, violation or --

18 PROBATION AGENT: Your Honor, I'll just serve a
19 citation on that that he plead. If he do plea, I'll serve a
20 citation on him for violation of probation.

21 THE COURT: All right. Do y'all want to do the
22 probation violation here today or --

23 MS. WYMAN: Mr. Mitchum wishes to do it today,
24 Your Honor.

25 THE COURT: All right. All right. You understand

State v Mitchum

2/7/18

9

1 there's no recommendation in this case? Well, I guess
2 they're asking that any --

3 DEFENDANT MITCHUM: I'm --

4 THE COURT: -- whatever I do in this case run --
5 well --

6 DEFENDANT MITCHUM: I'm asking can you please
7 reinstate me?

8 THE COURT: They're asking that whatever the -- I
9 do on the probation it run concurrent to any sentence I give
10 you here today. Do you understand that?

11 DEFENDANT MITCHUM: Yes, sir.

12 THE COURT: That's the only recommendation they're
13 making; you understand that?

14 DEFENDANT MITCHUM: Yes, sir.

15 THE COURT: And I don't have to accept any
16 recommendation. I can do as I deem appropriate under the
17 facts and under the law?

18 DEFENDANT MITCHUM: Yes, sir.

19 THE COURT: All right. Now, have you -- other
20 than that recommendation the State's making -- y'all not
21 dismissing any charge are you, Madam Solicitor?

22 MS. CORNWELL: Your Honor, we are going to dismiss
23 a breaking and entering in a motor vehicle and a driving
24 under a suspended license.

25 THE COURT: All right. Well, that would come into

1 play --

2 MS. CORNWELL: Yes, Your Honor.

3 THE COURT: Also, the State is dismissing some
4 charges they've just indicated in addition to what they've
5 said. Do you understand that?

6 DEFENDANT MITCHUM: Yes, sir.

7 THE COURT: All right. Now, other than the
8 recommendation the State's making and they're dismissing
9 three charges, has the State or anyone else offered or
10 promised you anything to get you to plead guilty?

11 DEFENDANT MITCHUM: No, sir.

12 THE COURT: Anybody threaten you, coerce you, or
13 pressure you into pleading guilty?

14 DEFENDANT MITCHUM: No, sir.

15 THE COURT: You're pleading freely and
16 voluntarily?

17 DEFENDANT MITCHUM: Yes, sir.

18 THE COURT: And you're pleading guilty because you
19 are guilty?

20 DEFENDANT MITCHUM: Yes, sir.

21 THE COURT: Have you had any alcoholic beverages
22 in the last twenty-four hours?

23 DEFENDANT MITCHUM: No, sir.

24 THE COURT: Taken any drugs or had any medication
25 in the last twenty-four hours?

State v Mitchum

2/7/18

11

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

DEFENDANT MITCHUM: No, sir.

THE COURT: Are you under the influence of any kind of substance here today?

DEFENDANT MITCHUM: No, sir.

THE COURT: Are you being treated by a psychiatrist or other professional for any mental illness?

DEFENDANT MITCHUM: No, sir.

THE COURT: Do you have any complaints with the Solicitor's office?

DEFENDANT MITCHUM: No, sir.

THE COURT: Any complaints with law enforcement?

DEFENDANT MITCHUM: No, sir.

THE COURT: Any complaints with anybody at the jail?

DEFENDANT MITCHUM: No, sir.

THE COURT: You understand when I sentence you here today, you'll have ten days to appeal any sentence I impose?

DEFENDANT MITCHUM: Yes, sir.

THE COURT: Have you understood all my questions?

DEFENDANT MITCHUM: Yes, sir.

THE COURT: Have your answers been truthful and complete?

DEFENDANT MITCHUM: Yes, sir.

THE COURT: All right. Mr. Mitchum, as to

1 indictment 20??-GS-38-0102, which says you did in
2 Orangeburg, South Carolina on or about May 23, 2017
3 knowingly and with intent to defraud use a financial
4 transaction card issued to the cardholder, Carmen
5 Stillinger, to obtain goods, money or services by presenting
6 the financial transaction card fraud without the
7 authorization or permission of the cardholder. How do you
8 plead?

9 DEFENDANT MITCHUM: Guilty.

10 THE COURT: As to indictment 2018-GS-38-0103,
11 which says you did in Orangeburg County, South Carolina on
12 or about May 23, 2017 the intent to defraud the victim,
13 Carmen Stillinger, falsely make, forge, counterfeit, or did
14 cause or procure falsely to be -- falsely made, forge, or
15 counterfeited or did utter and publish as true a forged,
16 altered or counterfeited writing or you did assist and in
17 the foregoing --

18 What did he do?

19 MS. CORNWELL: Your Honor, he assisted in breaking
20 in a motor vehicle of Ms. Carmen Stillinger's. Her purse
21 was stolen out of that vehicle and they used the credit of
22 hers as well as a check at various locations throughout
23 Orangeburg County.

24 THE COURT: This doesn't say that they used a
25 check. It says and that the Defendant did blank.

State v Mitchum

2/7/18

13

1 MS. CORNWELL: I apologize, Your Honor. He
2 assisted in the false making of a stolen check, 1570, dated
3 6/22/17 that was drafted from the South State Bank Account
4 ending in account number 8388, which did belong to the
5 victim Carmen Stillinger.

6 THE COURT: All right. And how do you plead to
7 that charge?

8 DEFENDANT MITCHUM: Guilty.

9 THE COURT: I find this Defendant to be
10 represented by competent counsel. He's satisfied with the
11 services of his attorney. I further find the Defendant
12 pleaded guilty freely and voluntarily and a guilty plea was
13 entered knowingly and intelligently and I will accept his
14 plea.

15 All right. What you want to tell me anything?

16 MS. CORNWELL: Your Honor, as we just stated, this
17 incident actually occurred on May 23, 2017. The victim's
18 car was parked at a McDonald's parking lot here in
19 Orangeburg County. She indicated that when she was walking
20 into the McDonald's, this Defendant -- well, she didn't know
21 this Defendant, but there was an African American male and
22 Caucasian male hanging around her car and saying things to
23 her and asking her for money. She ignored them and walked
24 into McDonald's. When she came back out she noticed that
25 her car had been broken into and her purse or wallet had

1 been stolen out of her car, including her credit cards and
2 her check. . Later on, this Defendant was shown to obtain
3 goods at Walmart using her credit card and also did cash a
4 check drafted on her account at various locations throughout
5 Orangeburg County. The co-defendant in this case was
6 Herbert Porter. He did plead guilty back on September 14th
7 of 2017. He received a youthful offender act, not to exceed
8 three years, suspended to three years probation and was also
9 ordered to pay back restitution in the amount of three
10 hundred thirty dollars and fifty cents. That was going to
11 be joint and several with this Defendant once he pled.
12 Unfortunately, this Defendant failed to appear for his court
13 appearance on August 31st of 2017. There was a bench
14 warrant out. I believe that he was picked up on his bench
15 warrant and served with the DUS and forgery warrants on
16 11/25.

17 THE COURT: The DUS?

18 MS. CORNWELL: He had a DUS, which we are
19 dismissing that charge.

20 THE COURT: All right. So you're dismissing a DUS
21 and what else?

22 MS. CORNWELL: And breaking and entering in a
23 motor vehicle.

24 THE COURT: And that's on this, as a result of
25 this.

State v Mitchum

2/7/18

15

1 MS. CORNWELL: That's a result of that. Yes, sir.

2 THE COURT: Anything else? What's the third one?

3 MS. CORNWELL: Just those two, Your Honor.

4 THE COURT: So there's only two.

5 MS. CORNWELL: He does have a prior record and
6 that is why there's a difference.

7 THE COURT: All right. He's got a distribution of
8 meth. What else you got?

9 MS. CORNWELL: He's got from 2011, he's got a DUI
10 and a DUS. He also has in 2011 a receiving stolen goods. In
11 2013 he was violated on his probation based on another DUI
12 and a failure to stop for a blue light as well as use of
13 vehicle without permission. 2013 -- 2015 is when he got the
14 distribution of methamphetamine, for which he was sentenced
15 to six years suspended on one year and four years probation.
16 In 2016 he pled guilty to a domestic violence third degree.
17 And then in 2016 again he pled guilty to driving under
18 suspension and uninsured motor vehicle.

19 THE COURT: All right. What y'all want to tell
20 me; you want to serve the citation on him?

21 PROBATION AGENT: He has to plead guilty in order
22 for us to serve the citation.

23 THE COURT: Pardon me?

24 PROBATION AGENT: Got to plead guilty in order for
25 us to serve the citation.

1 THE COURT: He's already pled guilty.

2 PROBATION AGENT: All right.

3 THE COURT: To two charges.

4 PROBATION AGENT: Whatever. Well, basically, he
5 violated his probation with his guilty plea.

6 THE COURT: All right. Do you have some written
7 citation you're serving on him.

8 PROBATION AGENT: Yes, Your Honor.

9 THE COURT: You want to hand it to him.

10 PROBATION AGENT: (Serves citation on Defendant)

11 THE COURT: And he's got -- how much -- he's got
12 five years hanging over his head?

13 PROBATION AGENT: Yes, sir. He had six years
14 suspended to one-year and four years probation. So he has
15 about five years to make.

16 THE COURT: Who sentenced him?

17 PROBATION AGENT: I'm not sure, Your Honor. I
18 don't have that with me and my internet isn't working, Your
19 Honor.

20 THE COURT: I just wondered who would put somebody
21 on probation that's already violated probation.

22 All right. What you want to tell me?

23 MS. WYMAN: Your Honor, Mr. Mitchum is twenty-
24 five. He and his wife have two young kids, ages one and
25 three. He has been an Orangeburg resident all of his life.

State v Mitchum

2/7/18

17

1 He has his GED. He works as a roofer for the Wright Roofing
2 Company. While he's been in jail since November 25th, he is
3 here owning up to all he did wrong and is ready to face the
4 consequences. We ask for the mercy of the Court.

5 MS. CORNWELL: Your Honor, Judge Murphy is the one
6 who previously sentenced him.

7 THE COURT: What date.-- when did you get
8 arrested?

9 DEFENDANT MITCHUM: November the 25th.

10 THE COURT: December 25th, January 25th. That's
11 sixty-one days and then there's seven days, and then there's
12 days -- seventy-two -- that's seventy-four days.

13 All right. Does your client want to say something to
14 me. Do you want him to say anything or --

15 MS. WYMAN: May I have one moment, Your Honor.
16 (Confers with client) . Yes, sir.

17 THE COURT: All right.

18 DEFENDANT MITCHUM: I'm just asking, you know,
19 could you please reinstate --

20 THE COURT: No, sir. I'm not. You've been on
21 probation twice. You've violated every time you've been on
22 it. Why would I reinstate you?

23 DEFENDANT MITCHUM: Well, can you just work
24 something out to where I can pay some money.

25 THE COURT: I'm going to work something out, but

1 unfortunately it's going to be in the department of
2 corrections. I mean, you have not been a model citizen
3 since -- what, does it go back to 2011?

4 MS. CORNWELL: Yes, Your Honor.

5 DEFENDANT MITCHUM: I, I --

6 THE COURT: If you were interested in your wife
7 and two children, you wouldn't be behaving like this. I
8 never -- if somebody's on probation and violates, I never
9 put them on probation again because they've shown me they
10 can't do probation.

11 DEFENDANT MITCHUM: It's my first time I violated
12 though.

13 THE COURT: No, sir. You violated one time
14 before.

15 DEFENDANT MITCHUM: I wasn't on probation when I
16 caught those driving charges, Your Honor.

17 THE COURT: Did you tell me that he had a
18 probation violation?

19 MS. CORNWELL: Yes, Your Honor.

20 DEFENDANT MITCHUM: For failure to stop a blue
21 light. That's when they just first put me on probation.

22 THE COURT: And you violated it.

23 DEFENDANT MITCHUM: Huh-uh. (Negative response)
24 That's what I got probation for, for the driving under
25 suspension and failure to stop for a blue light.

State v Mitchum

2/7/18

19

1 THE COURT: You got probation and then violated
2 it.

3 DEFENDANT MITCHUM: And this is my first time
4 violating right here.

5 THE COURT: It doesn't take but one.

6 All right. On the financial transaction card fraud,
7 it's the sentence of this Court you be committed to the
8 department of corrections for a term of one year, provided
9 upon the service of time served plus costs and assessments
10 as applicable, his balance is suspended.

11 On the charge of forgery, no dollar amount, the
12 sentence of this Court you be committed to the department of
13 corrections for the term of two years provided upon the
14 service of time served plus cost and assessments as
15 applicable the balance is suspended.

16 I'm going to find that you violated your probation.
17 Your probation violation is willful and having these pleas
18 here today, I'm going to revoke thirty months and terminate.

19 MS. WYMAN: Thank you, Your Honor.

20 MS. CORNWELL: Thank you, Your Honor.

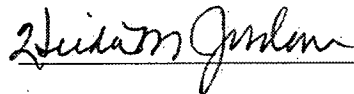
21 (This proceeding was concluded.)
22
23
24
25

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

C-E-R-T-I-F-I-C-A-T-E

I, THE UNDERSIGNED HILDA M. JORDAN, CVR-M, OFFICIAL COURT REPORTER FOR THE FIRST 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 PROCEEDING IN THE CAPTIONED CAUSE, IN THE COURT OF GENERAL SESSIONS FOR ORANGEBURG COUNTY, SOUTH CAROLINA, ON THE 7 DAY OF FEBRUARY, 2018.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST IN ANY PARTY HERETO.



Hilda M. Jordan, CVR-M

April 22, 2018

Indictment Number:

14-GS-38-1596

PROBATION CITATION

No. CC-38-18-0013

| | | |
|----------------|--------------------|----------------|
| SOUTH CAROLINA | COUNTY: Orangeburg | |
| | SCDC # | SID # 01986546 |

v.

Will Mitchell

TO: *Will Mitchell*

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

| | | |
|-------|---------------|--|
| Place | Room | |
| | Date and Time | |

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

Violations Charged

Subject has violated conditions 6 and 10 as ordered in cause number 14-GS-38-1596

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.

| | |
|----------------------------|---|
| Orangeburg, South Carolina | Probation and Parole Agent |
| Date <u>2-7-18</u> | <i>Kim Brantley</i> Agent # <u>0038</u> |

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 | Date and Time <u>2/7/18 @ 12:01pm</u> |
| | Serving Officer's Signature <i>[Signature]</i> |

Sworn to and subscribed before me this

[Signature]

Signature of Notary Public

ATTEST: TRUE COPY
 My Commission Expires 2/8/21
 day of Feb, 2018
 CLERK OF COURT
 ORANGEBURG COUNTY, SC

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of Orangeburg

Personally appeared before me, Kim Brantley, who first being duly sworn, deposes and says that Will McFarland did within this County and

State on the 7 day of Feb, 2018, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

Subject has violated conditions 6 and 10 as ordered in cause number 14-GS-38-01596

The Affiant states that there is probable cause to believe the defendant named committed the violations set forth and that such probable cause is based on the following facts:

Subject has violated his/her supervision based on the following facts: By failing to follow the advice and instructions of the supervising agent; By failing to refrain from violating state law, by being found guilty or pleading guilty to Felony less than \$10,000 on indictment(s) 18-GS-38-0102 in the Orangeburg County Court of General Sessions.

Sworn to and subscribed

before me this 7 day of Feb, 2018

Kim Brantley
Affiant

Jamara Wabert
Signature of Notary Public

My Commission Expires: 2/8/21

RECEIVED
FEB 15 2018
APPELLATE DEFENSE

Indictment Number:
14-GS-38-1596

PROBATION CITATION

No. CC-38-18-0013

RECEIVED

FEB 15 2018

SC Court of Appeals

SOUTH CAROLINA

COUNTY:

Orangeburg

v.

SCDC #

SID #

Will Mitchell

01986546

TO:

Will Mitchell

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

| | | |
|-------|---------------|--|
| Place | Room | |
| | Date and Time | |

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

Violations Charged

Subject has violated conditions 6 and 10 as ordered in cause number 14-GS-38-1596

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.

Orangeburg, South Carolina

Probation and Parole Agent

Date 2-7-18

Kim Brantley

Agent # 0038

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

Date and Time

2/7/18 @ 12:01pm

Serving Officer's Signature

[Signature]

Sworn to and subscribed before me this

[Signature]

Signature of Notary Public

ATTEST: TRUE COPY
[Signature]
CLERK OF COURT
ORANGEBURG COUNTY, SC
Feb 2018

My Commission Expires 2/8/21

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of Orangeburg

Personally appeared before me, Jim Brantley, who first being duly sworn, deposes and says that Will Mitchell did within this County and

State on the 7 day of Feb, 2018, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

Subject has violated conditions 6 and 10 as ordered in cause number 14-GS-38-01596

The Affiant states that there is probable cause to believe the defendant named committed the violations set forth and that such probable cause is based on the following facts:

Subject has violated his/her supervision based on the following facts: By failing to follow the advice and instructions of the supervising agent; By failing to refrain from violating state law; by being found guilty or pleading guilty to Felony less than \$10,000 on indictment(s) 18-GS-38-0102 in the Orangeburg County Court of General Sessions.

Sworn to and subscribed before me this 7 day of Feb, 2018

Jim Brantley
Affiant

Janeen Walters
Signature of Notary Public

My Commission Expires: 2/8/21

WITNESSES

Ken Pifer

Orangeburg Police Department

ARREST WARRANT NUMBER
2014A3810700930

Arrested: October 28, 2014

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: December 3, 2014

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014GS38-1596

The State of South Carolina
County of ORANGEBURG

COURT OF GENERAL SESSIONS

December 1, 2014 TERM

THE STATE
vs.

Will Rogers Mitchum Jr

Indictment for

MANUFACTURING
METHAMPHETAMINE-1ST OFFENSE

SC Code: 44-53-375

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

[Signature]
Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

INDICTMENT
2014GS38-1596

At a Court of General Sessions, convened on December 3, 2014 the Grand Jurors of Orangeburg County present upon their oath:

MANUFACTURING METHAMPHETAMINE-1ST OFFENSE

That in Orangeburg County, South Carolina, on or about October 13, 2014, the Defendant, Will Rogers Mitchum Jr, knowingly and intentionally manufacture, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempts or conspire to manufacture, distribute, dispense, deliver, purchase, or possess with intent to distribute dispense, or deliver methamphetamine. The said offense being in violation of Section 44-53-375 (B) of the South Carolina Code of Laws, (1976 as amended).

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

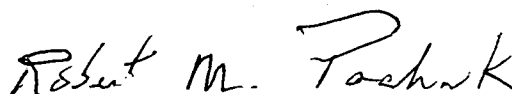


Joshua A. Edwards, Solicitor

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 25th day of June, 2018.

RECEIVED

JUN 25 2018

SC Court of Appeals

5

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Orangeburg County
Honorable James R. Barber, Circuit Court Judge

RECEIVED
JUN 25 2018
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

WILL ROGERS MITCHUM,

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 Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 25th day of June, 2018.

Courtney Powers for
Tyler Cheney
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 25th day of June, 2018.

Matthew Buchanan (L.S.)

Notary Public for South Carolina

My Commission Expires: May, 12, 2027.