

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Pickens County

Honorable Letitia H. Verdin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BOYCE DEREK LOWRANCE,

APPELLANT

APPELLATE CASE NO 2017-001070

RECORD ON APPEAL

RECEIVED
SEP 21 2018
SC Court of Appeals

DAVID ALEXANDER
Appellate Defender

ALAN WILSON
Attorney General

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

J. BENJAMIN APLIN
Senior Assistant Deputy Attorney General
P.O. Box 11549
Columbia, SC 29211

ATTORNEY FOR APPELLANT

W. WALTER WILKINS, III
Solicitor, Thirteenth Judicial Circuit
305 East North Street, Suite 325
Greenville, South Carolina 29601
(864) 467-8282

INDEX

INDEX i

TRANSCRIPT OF GUILTY PLEA HELD MARCH 29, 2017.....1

TRANSCRIPT OF HEARING HELD MARCH 31, 2017.....33

TRANSCRIPT OF HEARING HELD APRIL 17, 2017.....41

 MOTION TO RECONSIDER44

 COURT’S RULING50

INDICTMENT.....53

SENTENCING SHEET55

CERTIFICATE OF COUNSEL56

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF PICKENS)	
)	
State of South Carolina,	)	TRANSCRIPT OF RECORD
)	
Plaintiff,	)	Case No(s) .: 2016GS3902408
)	
-VS-)	
)	
Nigel Jordan,)	
)	
Defendant.)	
<hr/>		
State of South Carolina,)	
)	
Plaintiff,	)	Case No(s) .: 2017GS3900784
)	
-VS-)	
)	
Kristopher Parker,)	
)	
Defendant.)	
<hr/>		
State of South Carolina,)	
)	
Plaintiff,	)	Case No(s) .: 2016GS3901879,
	)	2016GS3901881
-VS-)	
)	
Tommy Timms,)	
)	
Defendant.)	
<hr/>		
State of South Carolina,)	
)	
Plaintiff,	)	Case No(s) .: 2017GS3900138,
	)	2017GS3900140,
-VS-	)	2017GS3900141
)	
Ayman Hmeidan,)	
)	
Defendant.)	
<hr/>		
State of South Carolina,)	
)	
Plaintiff,	)	Case No(s) .: 2017GS3900815,
	)	2017GS3900816
-VS-)	
)	
Boyce Lowrance,)	
)	
Defendant.)	
<hr/>		
State of South Carolina,)	

Plaintiff,	)	Case No(s)::2016GS3901204,
	)	2016GS3901205
-VS-)	
Jameel Chalmers,)	
)	
<u>Defendant.</u>)	

State of South Carolina,)	
)	
Plaintiff,	)	Case No(s)::2016GS3901179
)	
-VS-)	
Bartholomew Blanding,)	
)	
<u>Defendant.</u>)	

State of South Carolina,)	
)	
Plaintiff,	)	Case No(s)::2016GS3900691
)	
-VS-)	
Stanley Trammell,)	
)	
<u>Defendant.</u>)	

March 29, 2017
Pickens, South Carolina

B E F O R E:

HONORABLE LETITIA H. VERDIN, Judge.

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

BAKER CLEVELAND, Esquire
GRAHAM BUCKNER, Esquire
Attorneys for the Plaintiff

JAMES H. "CHIP" PRICE, III, Esquire
Attorney for Defendant Jordan and Defendant Parker

FRANK L. EPPES, Esquire
Attorney for Defendant Timms

DAVID R. HARRISON, Esquire
Attorney for Defendant Hmeidani

RICHARD WARDER, Esquire
ROBERT RAY, Esquire
Attorneys for Defendant Lowrance

IVAN TONEY, Esquire
Attorney for Defendant Chalmers and Defendant Blanding

BRUCE A. BYRHOLDT, Esquire
Attorney for Defendant Trammell

I N D E X

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Recitation of Facts				
of Nigel Jordan	14			
of Kristopher Parker	15			
of Tommy Timms	16			
Of Ayman Hmeidan	18			
of Boyce Lowrance	25			
of Jameel Chalmers	27			
of Bartholomew Blanding	28			
of Stanley Trammell	29			
Certificate of Reporter	32			

EXHIBITS PAGE

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

PLAINTIFF EXHIBITS

(No exhibits offered.)

DEFENSE EXHIBITS

(No exhibits offered.)

COURT EXHIBITS

(No exhibits offered.)

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

P R O C E E D I N G S

(Proceedings begin on the 29th day of March,
2017 at approximately 12:32 p.m.)

THE CLERK: 2017-GS-39-138, Ayman Hmeidan,
pleading to Assault and Battery in the second
degree. 2017-GS-39-140, pleading to Simple
Possession of Marijuana. 2017-GS-39-141,
pleading to Failure to Stop for a Blue Light.

2017-GS-39-815, the State versus Boyce
Lowrance, pleading to Failure to Stop for a
Blue Light. 2017-GS-39-816, pleading to
Domestic Violence third degree.

2016-GS-39-1205, the State versus Jameel
Chalmers, pleading to Failure to Stop for a
Blue Light. 2016-GS-39-1204, pleading to
Resisting Arrest.

2016-GS-39-1179, the State versus
Bartholomew Blanding, pleading to Possession of
a Controlled Substance.

2016-GS-39-691, the State versus Stanley
Trammell, pleading to Possession of
Methamphetamine.

Raise your right hands please.

(Each defendant is first duly sworn.)

THE COURT: Mr. Jordan, you are here today

1 to plead to Burglary second degree violent. It
2 carries up to 15 years. Is that your understanding?

3 **MR. JORDAN:** Yes, ma'am.

4 **THE COURT:** Mr. Parker, you are here today
5 to plead to Possession of Methamphetamine. It
6 carries up three years. Is that your understanding?

7 **MR. PARKER:** Yes, ma'am.

8 **THE COURT:** Mr. Timms, you are here today to
9 plead to Possession of Marijuana that carries up to
10 30 days and Possession of Methamphetamine that
11 carries up to three years. Is that your
12 understanding?

13 **MR. TIMMS:** Yes, ma'am.

14 **THE COURT:** Mr. Hmeidan, is that right?

15 **MR. HMEIDAN:** Yes, ma'am.

16 **THE COURT:** You are here today to plead to
17 Assault and Battery in the second degree that
18 carries up to three years, possession -- Simple
19 Possession of Marijuana that carries up 30 days and
20 Failure to Stop for a Blue Light carries up to
21 three years. Is that your understanding?

22 **MR. HMEIDAN:** Yes, ma'am.

23 **THE COURT:** And Mr. -- is it Lowrance?

24 **MR. LOWRANCE:** Lowrance.

25 **THE COURT:** You are here today to plead to

1 Failure to Stop for a Blue Light that carries up to
2 three years and Domestic Violence first degree
3 carries up to 10. Is that your understanding?

4 **MR. LOWRANCE:** Yes, ma'am.

5 **THE COURT:** Okay. Mr. Chalmers, you are here
6 today to plead to Failure to Stop for a Blue Light
7 that carries up to three years and Resisting Arrest
8 that carries up to one. Is that your understanding?

9 **MR. CHAMBERS:** Yes, ma'am.

10 **THE COURT:** Mr. Blanding, you are here today
11 to plead to Possession of Marijuana second offense.
12 It carries up to a year. Is that your
13 understanding?

14 **MR. BLANDING:** Yes, ma'am.

15 **THE COURT:** Okay. And Mr. Trammell, you are
16 here today to plead to Possession of
17 Methamphetamine that carries up to three years.
18 Your attorney has worked out a conditional
19 discharge. Is that your understanding?

20 **MR. TRAMMELL:** Yes, ma'am.

21 **THE COURT:** Have you discussed these
22 charges with your lawyer, Mr. Jordan?

23 **MR. JORDAN:** Yes, ma'am.

24 **THE COURT:** Mr. Parker?

25 **MR. PARKER:** Yes, ma'am.

1 **THE COURT:** Mr. Timms?

2 **MR. TIMMS:** Yes, ma'am.

3 **THE COURT:** Mr. Hmeidan?

4 **MR. HMEIDAN:** Yes, ma'am.

5 **THE COURT:** Mr. Lowrance?

6 **MR. LOWRANCE:** Yes, ma'am.

7 **THE COURT:** Mr. Chalmers?

8 **MR. CHAMBERS:** Yes, ma'am.

9 **THE COURT:** Mr. Blanding?

10 **MR. BLANDING:** Yes, ma'am.

11 **THE COURT:** Mr. Trammell?

12 **MR. TRAMMELL:** Yes, ma'am.

13 **THE COURT:** Are you happy with what your

14 lawyer has done for you, Mr. Jordan?

15 **MR. JORDAN:** Yes, ma'am.

16 **THE COURT:** Mr. Parker?

17 **MR. PARKER:** Yes, ma'am.

18 **THE COURT:** Mr. Timms?

19 **MR. TIMMS:** Yes, ma'am.

20 **THE COURT:** Mr. Hmeidan?

21 **MR. HMEIDAN:** Yes, ma'am.

22 **THE COURT:** Mr. Lowrance?

23 **MR. LOWRANCE:** Yes, ma'am.

24 **THE COURT:** Mr. Chalmers?

25 **MR. CHAMBERS:** Yes, ma'am.

1 **THE COURT:** Mr. Blanding?

2 **MR. BLANDING:** Yes, ma'am.

3 **THE COURT:** Mr. Trammell?

4 **MR. TRAMMELL:** Yes, ma'am.

5 **THE COURT:** Are you under the influence
6 of drugs or alcohol here today, Mr. Jordan?

7 **MR. JORDAN:** No, ma'am.

8 **THE COURT:** Mr. Parker?

9 **MR. PARKER:** No, ma'am.

10 **THE COURT:** Mr. Timms?

11 **MR. TIMMS:** No, ma'am.

12 **THE COURT:** Mr. Hmeidan?

13 **MR. HMEIDAN:** No, ma'am.

14 **THE COURT:** Mr. Lowrance?

15 **MR. LOWRANCE:** No, ma'am.

16 **THE COURT:** Mr. Chalmers?

17 **MR. CHAMBERS:** No, ma'am.

18 **THE COURT:** Mr. Blanding?

19 **MR. BLANDING:** No, ma'am.

20 **THE COURT:** Mr. Trammell?

21 **MR. TRAMMELL:** No, ma'am.

22 **THE COURT:** Has anybody forced you to
23 plead guilty or promised you anything to get
24 you to plead guilty, Mr. Jordan?

25 **MR. JORDAN:** No, ma'am.

1 **THE COURT:** Mr. Parker?
2 **MR. PARKER:** No, ma'am.
3 **THE COURT:** Mr. Timms?
4 **MR. TIMMS:** No, ma'am.
5 **THE COURT:** Mr. Hmeidan?
6 **MR. HMEIDAN:** No, ma'am.
7 **THE COURT:** Mr. Lowrance?
8 **MR. LOWRANCE:** No, ma'am.
9 **THE COURT:** Mr. Chalmers?
10 **MR. CHAMBERS:** No, ma'am.
11 **THE COURT:** Mr. Blanding?
12 **MR. BLANDING:** No, ma'am.
13 **THE COURT:** Mr. Trammell?
14 **MR. TRAMMELL:** No, ma'am.
15 **THE COURT:** When you plead guilty, you
16 give up certain constitutional rights. One is
17 your right to remain silent about these
18 charges. Do you know that, Mr. Jordan?
19 **MR. JORDAN:** Yes, ma'am.
20 **THE COURT:** Mr. Parker?
21 **MR. PARKER:** Yes, ma'am.
22 **THE COURT:** Mr. Timms?
23 **MR. TIMMS:** Yes, ma'am.
24 **THE COURT:** Mr. Hmeidan?
25 **MR. HMEIDAN:** Yes, ma'am.

1 **THE COURT:** Mr. Lowrance?

2 **MR. LOWRANCE:** Yes, ma'am.

3 **THE COURT:** Mr. Chalmers?

4 **MR. CHAMBERS:** Yes, ma'am.

5 **THE COURT:** Mr. Blanding?

6 **MR. BLANDING:** Yes, ma'am.

7 **THE COURT:** Mr. Trammell?

8 **MR. TRAMMELL:** Yes, ma'am.

9 **THE COURT:** You also give up your right
10 to a jury trial. At that trial, your attorney
11 could call witnesses for you, cross-examine
12 witnesses against you, and the State would have
13 to prove your guilt beyond a reasonable doubt.
14 But when you plead guilty, you give up your
15 right to a jury trial. You know that,
16 Mr. Jordan?

17 **MR. JORDAN:** Yes, ma'am.

18 **THE COURT:** Mr. Parker?

19 **MR. PARKER:** Yes, ma'am.

20 **THE COURT:** Mr. Timms?

21 **MR. TIMMS:** Yes, ma'am.

22 **THE COURT:** Mr. Hmeidan?

23 **MR. HMEIDAN:** Yes, ma'am.

24 **THE COURT:** Mr. Lowrance?

25 **MR. LOWRANCE:** Yes, ma'am.

1 **THE COURT:** Mr. Chalmers?
2 **MR. CHAMBERS:** Yes, ma'am.
3 **THE COURT:** Mr. Blanding?
4 **MR. BLANDING:** Yes, ma'am.
5 **THE COURT:** Mr. Trammell?
6 **MR. TRAMMELL:** Yes, ma'am.
7 **THE COURT:** Mr. Timms, Hmeidan and
8 Lowrance, you're pleading to charges that have
9 not yet been indicted by the grand jury. You
10 want to give up that right and plead guilty
11 today anyway, Mr. Timms?
12 **MR. TIMMS:** Yes, ma'am.
13 **THE COURT:** Mr. Hmeidan?
14 **MR. HMEIDAN:** Yes, Your Honor.
15 **THE COURT:** And Mr. Lowrance?
16 **MR. LOWRANCE:** Yes, ma'am.
17 **THE COURT:** How do you plead, guilty or
18 not guilty, Mr. Jordan?
19 **MR. JORDAN:** Guilty.
20 **THE COURT:** Mr. Parker?
21 **MR. PARKER:** Guilty.
22 **THE COURT:** Mr. Timms?
23 **MR. TIMMS:** Guilty.
24 **THE COURT:** Mr. Hmeidan?
25 **MR. HMEIDAN:** Guilty.

1 **THE COURT:** Mr. Lowrance?

2 **MR. LOWRANCE:** Guilty.

3 **THE COURT:** Mr. Chalmers?

4 **MR. CHAMBERS:** Guilty.

5 **THE COURT:** Mr. Blanding?

6 **MR. BLANDING:** Guilty.

7 **THE COURT:** Mr. Trammell?

8 **MR. TRAMMELL:** Guilty.

9 **THE COURT:** Each of you has 10 days from
10 today's date to appeal this plea, if you so
11 choose, but you must do so in writing to this
12 court.

13 Yes, sir.

14 **MR. CLEVELAND:** Thank you, Your Honor.
15 Regarding Mr. Jordan, on September 7th, 2016,
16 officers responded to a 911 call hang up. When
17 they entered the residence, they heard the
18 defendant yell from the bathroom that he was
19 armed with a gun. The defendant admitted that
20 he did not live in the residence and the
21 firearm belonged to the homeowner. The
22 defendant entered through an unlocked door and
23 broke a window from inside the residence. This
24 occurred in Pickens County. We're recommending
25 probation with inpatient treatment, but we're

1 not requiring him to be held for a bed.

2 **THE COURT:** Mr. Price, it sounds like
3 you've worked him out a good deal. I'm happy to
4 go along with it.

5 **MR. PRICE:** That sounds fine, Your Honor.
6 We thank you.

7 **THE COURT:** Six years provided upon the
8 service of 207 days. Credit for time served.
9 The balance is suspended with probation for 30
10 months to follow. Inpatient substance abuse
11 counseling. Random drug and alcohol testing. I
12 just put a note here, do not hold for bed
13 space..

14 **MR. PRICE:** Thank you, ma'am.

15 **THE COURT:** Good luck to you.

16 **MR. CLEVELAND:** Thank you, Your Honor.

17 Regarding Mr. Parker, on April 19th, 2016,
18 on Calhoun Memorial Highway in Easley, at the
19 Quality Inn, law enforcement responded after
20 reports of suspicious activity at the motel
21 involving the defendant and two co-defendants.
22 Law enforcement saw the defendant pull back
23 into the hotel. Driver was the co-defendant.
24 Defendant Parker and the passenger
25 (Indiscernible.)

1 Law enforcement attempted to make contact
2 with them immediately, but all three got out of
3 the car and started walking away from law
4 enforcement. The defendants got out of the car.
5 All had a bag on their person. Law enforcement
6 temporarily lost sight of them. When they
7 reemerged, none of the bags were with them. Law
8 enforcement made contact with the defendants.
9 All appeared under the influence.

10 Found the bags hidden under the stairwell,
11 where they lost sight of them. Law enforcement
12 searched the bags and found meth and glass
13 pipes for smoking. All denied it was theirs.
14 The recommendation is probation, reduced the
15 possession of meth first offense.

16 **THE COURT:** Mr. Price, I'll certainly go
17 along with this as well.

18 **MR. PRICE:** Thank you, ma'am.

19 **THE COURT:** Three years suspended with
20 probation for two. Substance abuse counseling
21 and random drug and alcohol testing. Good luck
22 to you, sir.

23 **MR. CLEVELAND:** Thank you, Your Honor.

24 Regarding Mr. Timms, this occurred on April
25 22nd, 2016. An officer doing a property check

1 at a business in Pickens County approached a
2 parked vehicle with two occupants, and
3 identified the defendant as the driver. Officer
4 observed in plain view needles and plastic
5 baggies containing crystal-like substance in
6 the middle console.

7 Both occupants were removed from the
8 vehicle and patted down. A gun was located in
9 the defendant's back pocket. While searching
10 the vehicle, other methamphetamine was located.
11 He admitted that some, but not all was his.
12 Recommendation is three years backdated to
13 March 15th, 2017.

14 **THE COURT:** I certainly will go along with
15 that.

16 **MR. EPPES:** Thank you, Your Honor.

17 **THE COURT:** Time served on the Possession
18 of Marijuana and three years concurrent with
19 his SCDC sentence. Credit for 234 days, with a
20 sentence start date of 3/15/17.

21 **MR. EPPES:** Your Honor, the 234 days, that
22 includes the 3/15.

23 **THE COURT:** Oh.

24 **MR. EPPES:** I really don't think it
25 matters.

1 **THE COURT:** Probably not, but they'll call
2 me. I'll mark out the sentence start date and
3 just give him credit for the time he's served.
4 Good luck to you.

5 **MR. CLEVELAND:** Thank you, Your Honor.

6 Mr. Hmeidan. This occurred on April 8th,
7 2016. The defendant went to the victim, Ron
8 Galloway's home in Easley, Pickens County, for
9 the purpose of buying some shoes. There was a
10 disagreement about money. The victim asked the
11 defendant to leave.

12 The defendant re-entered the home to
13 receive some of his money back. The argument
14 continued. At which point, the defendant ran up
15 some stairs to a room where the shoes were
16 located and attempted to take them. The victim
17 followed. During the scuffle, the defendant
18 pushed the defendant down the stairs causing
19 moderate bodily injury. The victim received
20 surgery for his injuries.

21 The defendant fled empty-handed, drove
22 away. And when the police attempted to stop
23 him, he kept driving for a little while, but
24 eventually stopped. They found a roach of
25 marijuana on his person when they did.

1 We dismissed the burglary first degree
2 charges. No recommendation, other than
3 dismissal of that charge, Your Honor. The
4 victim is present and would like to address the
5 Court at the appropriate time.

6 **THE COURT:** All right. Yes, sir.

7 **VICTIM:** Yes, ma'am. Thank you for
8 allowing me to speak here today. I've had five
9 back surgeries, including my spine. As a result
10 of Ayman's actions, I now am having more
11 trouble with my back than I've had in quite
12 some time.

13 As a result of being pushed down the
14 stairs, I suffered a couple -- a complete tear
15 of the left rotator cuff and a third of bicep
16 was also torn. I had two surgeries, one in May,
17 one on September 16th. Now, I have anchors in
18 my rotator cuff, and they had to clip and
19 reattach the bicep muscle with another anchor.

20 After each surgery, I sustained
21 approximately seven weeks, 24 hours, uh, seven
22 days. I could not sleep in bed because it was
23 too painful to lie down. I had to sleep in the
24 recliner from April to November 16th and had
25 very limited use of the shoulder arm during

1 this time. Even after November, I was still
2 having trouble sleeping in bed because if I
3 rolled over on my left shoulder, I awaken in
4 pain.

5 I've gotten 97 physical therapy sessions
6 since May 2016. I hope to complete these within
7 a couple of weeks. I'll have to continue home
8 therapy once the office sessions are complete.
9 These sessions last approximately one hour and
10 45 minutes. They've been very painful therapy,
11 one of the most painful recoveries I've had to
12 experience.

13 This not only affected my physical -- me
14 physically, but it also affects my family. I
15 have a grandson that was three years old at the
16 time and didn't understand why Papa couldn't
17 play with him or hold him. This is time I've
18 lost with my grandson that I can't get back. We
19 also had to cancel our family vacation to
20 Disney World to take him.

21 It's also affected my wife. She works full
22 time. She had to take time away from work in
23 order to take care of me and support
24 responsibilities of our household. This whole
25 situation has caused a high level of stress for

1 myself and my family.

2 Because of his actions, I feel Ayman should
3 be held responsible to the fullest extent of
4 the law. I'm fortunate that I didn't break my
5 neck or back or something close. I feel like he
6 should not only pay for my losses, but also for
7 my disability to my shoulder and time spent in
8 doctors appointments, MRIs at the hospital and
9 numerous physical therapy sessions.

10 This year has completely changed my
11 family's life and mine. I'm not sure if it has
12 impacted his much at all. If all goes as
13 scheduled, I should complete physical therapy
14 next Thursday, April 6th, which will be one day
15 shy of a year since this incident occurred. So,
16 basically, this ordeal has taken away a year of
17 my life. In my opinion, his actions were
18 premeditated because he threatened me, and then
19 he proceeded to act upon his statement. Again,
20 thank you for the opportunity to speak on my
21 behalf.

22 **THE COURT:** I'm so sorry that he did this
23 to you. I appreciate you being here.

24 Yes, sir.

25 **MR. HARRISON:** Please the Court, Your

1 Honor.

2 **THE COURT:** Yes, sir.

3 **MR. HARRISON:** I just would note that
4 we're sorry for what happened. It was a
5 scuffle. It wasn't an intention to throw this
6 individual down the stairs. The discussion over
7 it was they had dealt with some shoes before.
8 My client says that he had paid for shoes in
9 advance, \$1000. They took his money. He says
10 there's some texts to that event, that they
11 were arguing over a deal from the past.

12 Nonetheless, I would like to point out that
13 since this has occurred, that he has entered a
14 rehabilitation -- drug rehabilitation program,
15 which he successfully completed. He is living
16 at home with his mother. He's got a job. He's
17 working in a detail shop.

18 We'd like -- I think he said we don't have
19 any kind of prior record here. He has a
20 marijuana charge from some time in the past
21 that has now since been resolved as well
22 through his treatment.

23 He lives in North Carolina. I don't think
24 he represents a threat to the general public. I
25 think it was just something that got out of

1 hand. It certainly wasn't the consequences that
2 he was looking for or sought to cause, Your
3 Honor. I think he is a good young man. It was
4 just an accident. Then, he panicked, following
5 that accident.

6 I would hope the Court would see fit to
7 grant him a probationary sentence, Your Honor.
8 Of course, we signed a restitution order to
9 make a restitution for the bills. His mother is
10 here with him as well, Your Honor.

11 **THE COURT:** In light of all the
12 circumstances -- of course, this could have
13 gone very, very badly. It went very badly.

14 Yes, sir.

15 **VICTIM:** Ma'am, I would like to add one
16 thing. We weren't scuffling when I went down
17 the steps. I left the room. He followed me and
18 pushed me from behind.

19 **THE COURT:** I understand. You know, this
20 could have gone even worse than it did, which
21 certainly had a huge impact on this man. In
22 light of the fact that you've gone through
23 treatment, I do take that into consideration.
24 The fact that you're now in North Carolina, I
25 take that into consideration too.

1 Three years suspended with probation for
2 two. Credit for the day you served. Restitution
3 per the restitution order. Absolutely no
4 contact with the victim, direct or indirect.
5 Transfer your probation to North Carolina.
6 Continue substance abuse counseling. Random
7 drug and alcohol testing, and a year and 30
8 days suspended during probation.

9 **MR. HARRISON:** Your Honor, one little
10 issue in terms of that. There is difficulty in
11 transferring. I spoke with Probation and Parole
12 about this. To transfer it up there, there's
13 difficulty with North Carolina because of the
14 charges and they mentioned to me that they
15 could do a phone contact. He would still have
16 to -- he has to report to South Carolina but
17 the probation keep him here.

18 **PROBATION AGENT:** North Carolina usually
19 doesn't accept ICOTS cases if it's a
20 misdemeanor charge. So what we do, we do have a
21 misdemeanor reporting out-of-state. He
22 telephone contacts us and we supervise him from
23 here.

24 **THE COURT:** All right. Thank you.

25 **MR. HARRISON:** Thank you, Your Honor.

1 **THE COURT:** I understand with it being a
2 misdemeanor, that's tough.

3 **MR. HARRISON:** Thank you, Your Honor.

4 **THE COURT:** Yeah. Thank you.

5 **MR. CLEVELAND:** Thank you, Your Honor.

6 Regarding Mr. Lowrance, Your Honor,
7 September 15th, 2016, defendant assaulted the
8 mother of this children, Christy Cowart, who
9 lived with him at the time, in the early
10 morning hours. He awoke her, had a knife, and
11 struck her in the face. She suffered a deep cut
12 in her arm during the assault.

13 The couple's five-year-old son was present
14 in the room, but asleep during the assault. The
15 victim subdued the defendant and left with the
16 five-year-old son a few hours later after the
17 defendant left for work. She took the child and
18 went and lived with her parents.

19 She did not report the assault immediately,
20 but approximately 10 days later, she had
21 allowed the defendant to pick up their son from
22 school and the defendant refused to bring him
23 back. She also talked to him in person.

24 She called the police, reported the assault
25 and missing child. When he arrived at her

1 parents' house where she had been staying,
2 police attempted to stop his car with sirens
3 and blue lights, but he sped away refusing to
4 stop. He was apprehended a few hours later.
5 This occurred in Pickens County.

6 We're dismissing an assault and battery
7 first on an officer and an indecent exposure
8 from a prior charge. Recommendation is 10 years
9 suspended to three years, 18 months in SCDC and
10 then 18 months on HIP -- so split in half --
11 followed by probation and no victim contact.

12 **THE COURT:** I certainly will go along with
13 what you've worked out.

14 **MR. WARDER:** Thank you, Your Honor.

15 **THE COURT:** Ten years provided upon the
16 service of three, 18 months at the Department
17 of Corrections, 18 months on HIP. Credit for
18 the 186 days you've already served. The balance
19 is suspended with probation for two years to
20 follow. Random drug and alcohol testing. No
21 contact with the victim and 18 months on the
22 HIP. Good luck to you.

23 **MR. WARDER:** Thank you.

24 **MR. CLEVELAND:** Thank you, Your Honor.

25 I'm going to let Mr. Buckner handle the

1 next one, Your Honor.

2 **THE COURT:** Okay.

3 **MR. BUCKNER:** Thank you, Judge. Judge,
4 this is actually a plea off the trial docket
5 with no recommendation. On December 31st, 2015,
6 law enforcement initiated a traffic stop for
7 swerving into oncoming traffic on the
8 defendant. He almost caused a wreck in the
9 process. The defendant then accelerated and
10 attempted to flee. He passed several cars in
11 the process, Your Honor. Once he eventually did
12 stop, he exited the car and fled on foot. Those
13 are the facts, Your Honor. As I said, there is
14 no recommendation.

15 **THE COURT:** Yes, sir.

16 **MR. TONEY:** The misdemeanor resisting was
17 not actually struggling with the officer; it
18 was when he fled. She eventually told him to
19 stop. He stopped.

20 **THE COURT:** Okay.

21 **MR. TONEY:** I know him. He's wonderful.
22 He's one of the best people I know. He's a good
23 family man. He's been working at the chicken
24 farm, House of Raeford, over on Rutherford Road
25 for three and a half years. For the last year

1 and a half, he's been a supervisor. He's a good
2 family man. I know his mother. I would ask for
3 some kind of house arrest. He could do house
4 arrest, maybe six months. He will successfully
5 complete, Your Honor.

6 **THE COURT:** Three years provided upon the
7 service of one-year home incarceration. The
8 balance is suspended with probation for a year
9 to follow that. Random drug and alcohol testing
10 and one year of HIP. Credit for the day you
11 served on the other. Good luck.

12 **MR. TONEY:** Yes, ma'am. Thank you.

13 **MR. BUCKNER:** Thank you, Judge.

14 **MR. CLEVELAND:** Regarding Mr. Blanding,
15 Your Honor; December 8th, 2015, Clemson P.D.
16 went to a house on Allee Street in Clemson due
17 to a dog barking complaint. Once they arrived,
18 they smelled marijuana from the front porch and
19 called narcotics.

20 After a knock and talk, the defendant and
21 co-defendant, Kadesha Smith, and the homeowner,
22 Carol Cuttwright, were found inside the house.
23 Cuttwright consented to a search after Blanding
24 handed officers several containers containing
25 marijuana, additionally some money and some

1 scales and empty baggies were found in the
2 house. We're reducing this to Possession of
3 Marijuana second offense. Recommending 18
4 months probation.

5 **MR. TONEY:** Your Honor, I would ask you to
6 consider a fine, PTUP or something like that or
7 maybe time served. I think it's -- I'm not
8 minimizing marijuana, but I have to bring to
9 the Court's attention the fact that it was
10 personal use and I think that should be taken
11 into account. A small amount was found.

12 **THE COURT:** One year suspended with
13 probation for 18 months. Substance abuse
14 counseling. Random drug and alcohol testing.
15 Probation will terminate ---

16 **MR. TONEY:** Thank you.

17 **THE COURT:** --- as quick as you complete
18 counseling.

19 **MR. TONEY:** Yes, ma'am.

20 **THE COURT:** I couldn't read what I wrote.

21 **MR. TONEY:** Thank you.

22 **MR. CLEVELAND:** Thank you, Your Honor.

23 Mr. Trammell, October 6th, 2016, officer
24 initiated a lawful traffic stop on a motorcycle
25 driven by the defendant. A check of his license

1 revealed that he was DÚS. He gave consent to
2 search his person, and they found a glass pipe
3 in his pocket. He also told the officer he had
4 some meth in his shirt where they located a
5 small quantity of meth in a cigarette pack.
6 We're recommending a conditional discharge.

7 **THE COURT:** I certainly will go along with
8 that.

9 **MR. BYRHOLDT:** No problem, Judge.

10 **THE COURT:** You've got an outstanding
11 attorney. I know he's gone over this with you
12 in detail, but I put you on probation for 12
13 months. I'm not going to order any community
14 service. Random drug and alcohol testing.
15 Substance abuse counseling. You'll have to pay
16 for \$350 at some point while you're on
17 probation. When you successfully complete, this
18 will be wiped off your record. Of course, if
19 you do, you have to come back in front of the
20 judge and be sentenced. But I think you'll do
21 real well. Good luck to you.

22 **MR. BYRHOLDT:** Thank you, Judge.

23 **THE COURT:** Thank you.

24 **MR. CLEVELAND:** Thank you, Your Honor.

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

(Proceedings conclude at approximately
12:53 p.m.)

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
)	
COUNTY OF PICKENS	)	Case No(s) : 2017GS3900815,
	)	2017GS3900816
State of South Carolina,)	
)	
Plaintiff,)	
)	
-VS-	)	TRANSCRIPT OF RECORD
)	
Boyce Derek Lowrance,)	
)	
Defendant.)	
)	

March 31, 2017
Pickens, South Carolina

B E F O R E:

HONORABLE LETITIA H. VERDIN, Judge.

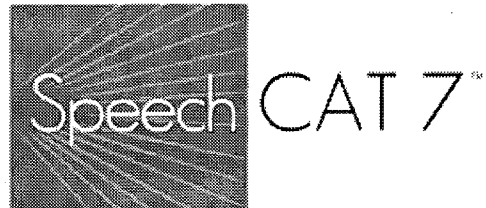
A P P E A R A N C E S:

BAKER CLEVELAND, Esquire
Attorney for the Plaintiff

RICHARD WARDER, Esquire
Attorney for the Defendant

Teresa B. Johnson, CVR-M, CM
Certified Court Reporter
P.O. Box 2812
Greenville, S.C. 29602

Records are
taken and
produced via



I N D E XDIRECT CROSS REDIRECT RECROSS

Motion	4			
Certificate of Reporter	8			

EXHIBITS PAGE

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

PLAINTIFF EXHIBITS

(No exhibits offered.)

DEFENSE EXHIBITS

(No exhibits offered.)

COURT EXHIBITS

(No exhibits offered.)

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

P R O C E E D I N G S

(Proceedings begin on the 31st day of March,
2017 at approximately 10:07 a.m.)

MR. CLEVELAND: Your Honor, this is Boyce Lowrance. He's before you today on a motion of the State to reconsider his sentence. Your Honor sentenced him two days ago to Criminal Domestic Violence first degree and Failure to Stop for Blue Light. That's on indictments 2017-GS-39-0816 and 0815. The State has received some new information directly from the defendant since his sentencing. We would like to present that to the Court at the appropriate time and ask that his sentence be reconsidered.

He was -- just for the record, he was sentenced to 10 years suspended upon the service of 3 years, 18 months in SCDC, 18 months house arrest followed by probation for two years, random drug and alcohol testing, no victim contact.

THE COURT: All right. First, I find for the record that this motion to reconsider was timely made within the term of court in which the defendant was sentenced. I've been provided with some materials that, to my understanding,

1 has been very recently provided to defense
2 counsel, including a disk of some sort that, I
3 think, has a recording of the call.

4 **MR. CLEVELAND:** That's correct.

5 **THE COURT:** I have not had an opportunity
6 to review that, but I do see that there is some
7 substance of the call. There's a transcription
8 of it in some form or fashion.

9 **MR. CLEVELAND:** The transcript is for
10 other calls, but yes.

11 **THE COURT:** Okay.

12 **MR. CLEVELAND:** A basic synopsis of the
13 calls in jail, Your Honor.

14 **THE COURT:** So anything you'd like to say,
15 Mr. Warder?

16 **MR. WARDER:** No, sir. I would like to, of
17 course, make sure I have a copy of all of that
18 stuff. I need some time to do some research --
19 There's some question as to -- there was
20 another lawyer involved and how their role in
21 all that will play out. We, certainly, need
22 more time to prepare. We would urge the Court
23 to hold this matter in abeyance.

24 **THE COURT:** Mr. Lowrance, I don't want you
25 to say anything at this point because -- well,

1 I just don't want you to say anything. But I
2 will tell you I'm going to set this for April
3 17th when I'm back in Pickens County. I'm going
4 to have you transferred to the Department of
5 Corrections now to begin serving your sentence.
6 That -- however, I'm going to reconsider your
7 sentence. I'm going to have to take into
8 consideration all of these things that you've
9 done.

10 I want to give you some unsolicited advice.
11 Here it is: if I knew that I were coming back
12 in a couple of weeks to see a judge who had
13 sentenced me about reconsideration of my
14 sentence, I would do everything I could to be
15 on my very best behavior between now and the
16 17th. I hope that -- from what I've seen of
17 these calls that you've made, I hope that you
18 were just talking and acting very stupid.

19 But I want you to be very clear, they are
20 going to be monitoring you from here on out.
21 You say the kind of things you say in these
22 calls, they are monitored.

23 **MR. LOWRANCE:** I understand that.

24 **THE COURT:** All right. I'm going to set it
25 for April the 17th. If there's some reason that

1 needs to be continued at some point, we can
2 take that up once you've had an opportunity to
3 speak with Mr. Ray as well. All right. Thank
4 you.

5 **MR. CLEVELAND:** Thank you, Your Honor.

6

7 (Proceedings conclude at approximately

8 10:12 a.m.)

9

10

11

12

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
)	
COUNTY OF PICKENS	)	Case No(s) : 2017GS3900816
)	
State of South Carolina,)	
)	
Plaintiff,)	
)	
-VS-	)	TRANSCRIPT OF RECORD
)	
Boyce Derek Lowrance,)	
)	
Defendant.)	
)	

April 17, 2017
Pickens, South Carolina

B E F O R E:

HONORABLE LETITIA H. VERDIN, Judge.

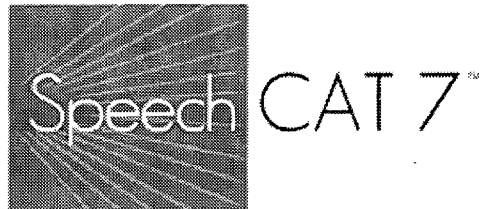
A P P E A R A N C E S:

BRANDI B. HINTON , Esquire
Attorney for the Plaintiff

RICHARD WARDER, Esquire
ROBERT RAY, Esquire
Attorney for the Defendant

Teresa B. Johnson, CVR-M, CM
Certified Court Reporter
P.O. Box 2812
Greenville, S.C. 29602

Records are
taken and
produced via



I N D E XDIRECT CROSS REDIRECT RECROSS

Motion to Reconsider 4

Certificate of Reporter 12

EXHIBITS PAGE

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

PLAINTIFF EXHIBITS

(No exhibits offered.)

DEFENSE EXHIBITS

(No exhibits offered.)

COURT EXHIBITS

(No exhibits offered.)

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

P R O C E E D I N G S

(Proceedings begin on the 17th day of April, 2017 at approximately 10:00 a.m.)

THE COURT: All right. This is Mr. Lowrance. It looks like on March the 29th of this year, I sentenced him, followed the recommendation from the State of three years of active time, 18 months at the Department of Corrections and 18 months home incarceration. I split the time.

I had a brief conference in chambers before I left that week with the Solicitor and defense counsel with regard to Mr. Lowrance. The fact that it appears that he attempted, if my memory serves me right, attempted to make contact with the victim, also in some jail recordings, made threats regarding the prosecutor in this case, Baker Cleveland, is that right?

MS. HINTON: That's correct, Your Honor. I'm Brandi Hinton, who's here on behalf of the State. Because of those threats and the fact that there is an active SLED investigation going on by Agent Michael Collins, our office felt it be appropriate that Mr. Cleveland not be handling this resentencing. That's why I'm

1 here today.

2 **THE COURT:** Remind me the nature of the
3 conversations, the jail calls that were
4 intercepted.

5 **MS. HINTON:** Regarding Mr. Cleveland?

6 **THE COURT:** In general.

7 **MS. HINTON:** Okay. Your Honor, almost
8 initially after sentencing --.

9 **MR. WARDER:** Your Honor, for the record,
10 certainly, I object to just -- I object to the
11 proceeding to begin with.

12 **THE COURT:** Okay.

13 **MR. WARDER:** Certainly, the recitation of
14 what the evidence would be all that, I think
15 that --

16 **THE COURT:** I was given the disk. I'm just
17 afraid I don't have it with me right now. I've
18 listened to it. But I was given a disk and you
19 were in chambers when I was --

20 **MR. WARDER:** I object to that because they
21 haven't provided me with a disk.

22 **THE COURT:** Furthermore, you were provided
23 on that -- you were provided with that. And
24 furthermore, I made the note that it was still
25 during a term of court when the motion was made

1 by the State to have this case reviewed and we
2 set it for this date. I found that that was
3 proper and it was still within the term of
4 court when the motion was made.

5 **MR. WARDER:** Your Honor, that is --

6 **THE COURT:** To that extent, your objection
7 is noted for the record, and it's overruled.

8 **MR. WARDER:** Well, let's make it a little
9 more specific then. For the record then, Your
10 Honor, I object. It's double jeopardy. You can
11 not do it. Second of all, there's no case
12 precedent anywhere for subsequent conduct of
13 the defendant after sentencing to be the
14 grounds to set aside the sentence. So it's,
15 first, double jeopardy. It's absolutely
16 prohibited. It's --

17 **SPEAKER:** I would agree with this, Your
18 Honor. They are trying to add onto a sentence
19 that's already been made. If they want to bring
20 some other charge --

21 **THE COURT:** I have -- I have absolute
22 jurisdiction to reconsider any sentence within
23 the term of court in which I sentence someone,
24 period. Okay? I'm reconsidering this sentence
25 based on information that I found out during

1 that term of court that Mr. Lawrence directly
2 violated my order with regard to no contact
3 with the victim. I can reconsider that
4 sentence. Your objection is noted. I'm happy
5 for you to make your full record that you need
6 to make. But I want to be clear, I have
7 jurisdiction to reconsider this sentence and
8 I'm going to. All right.

9 **MS. HINTON:** Thank you, Your Honor. Almost
10 immediately after sentencing, the first call
11 that Mr. Lawrence made was to his mother and
12 asked her to contact the victim for him. She
13 repeatedly said, "I'm not going to do that. You
14 were ordered not to do that." There was a
15 discussion about whether or not he was allowed
16 to contact her. Again, he used his mother to
17 contact her.

18 That has been a pattern, Judge. Ms. Cowart,
19 who is the victim in this case, her number has
20 been blocked. He can not call her. He used her
21 to call him. Subsequently, he did it again and
22 had his mother contact her again.

23 It's our understanding from the victim that
24 due to her not wanting to cause any more
25 issues, she will kind of pacify them by saying

1 whatever, okay, if he wants to call his son,
2 that's fine. I will give him, you know, the
3 benefit of knowing that. However, it's
4 consistent contact.

5 I understand that, obviously, threatening
6 the prosecutor was not part of your sentence,
7 but I did want the Court to be aware that there
8 is an active SLED investigation as to the
9 threats that he made. And I have spoken to
10 Agent Collins. He said that he's taking those
11 very seriously and does think that there could
12 potentially be charges from that.

13 **THE COURT:** All right. Yes, sir. Without
14 waiving any objection that you have to these
15 proceedings, without waiving it in any way, is
16 there any argument you would like to make on
17 behalf of your client?

18 **MR. WARDER:** Your Honor, my client asked
19 me to pass up a letter to you that he had
20 written. Certainly, I think all of the
21 testimony that we've put in about SLED
22 investigations and what they'd find about her
23 interpretation of the tapes are wrong and is
24 not properly before the Court. Overwhelmingly,
25 I believe it to be double jeopardy. I would ask

1 that you make that part of the record.

2 **THE COURT:** All right. I will.

3 **MR. RAY:** Your Honor, if I could add
4 something else.

5 **THE COURT:** Yes, sir.

6 **MR. RAY:** Mr. Lowrance is bipolar, has
7 been ever since he was very young. I've spoken
8 to his mother at length about this. He has
9 asked for the personnel at the jail here in
10 Pickens to get him the medicine he needs for
11 his bipolar condition. When he -- he hasn't had
12 any medicine, I understand now, for about six
13 or -- how many months has it been?

14 **MR. LOWRANCE:** About seven months.

15 **MR. RAY:** Seven months. They have denied
16 him any of the medicine that he would have been
17 taking during that time. When he doesn't take
18 his medicine, he says things that he doesn't
19 remember saying. I think all of this was simply
20 about him trying to get in touch with his
21 children, the younger child who is about six
22 years old. That's what he was trying to do. It
23 didn't really have anything to do with the
24 wife, except that the child, I believe, may
25 have been in her house or something. But he has

1 been denied this medicine for seven months now,
2 even though we have asked and asked them to
3 give him medicine.

4 **THE COURT:** All right. Here's what I'm
5 going to do. He was originally sentenced to 10
6 years provided with the service of three years,
7 the balance suspended with probation for two
8 years to follow and given credit for 186 days.
9 That three years, I said 18 months in the
10 Department of Corrections and 18 months on home
11 incarceration. I'm amending my sentence to say
12 three years without the benefit of the HIP.

13 However, I'm going to put a caveat on here
14 that after 18 months at SCDC, this Court may
15 reconsider your sentence. In other words, I
16 will consider reinstating HIP based upon your
17 behavior while you are at the Department of
18 Corrections. I don't know what's going to
19 happen. That's not taking into account in any
20 way whether or not you're going to have
21 additional charges that come out of this.

22 But you go down there, you behave, I'll
23 reconsider it. I'll reconsider it again to give
24 you HIP for that last 18 months. But you need
25 to know they're listening. Okay. You need to

1 understand that. They're listening. All right.

2 **MR. RAY:** Your Honor, could you put
3 something on there where he can get this
4 medicine that he's been denied all this time
5 for the bipolar condition?

6 **THE COURT:** Well, I can -- here's what I'm
7 going to do, I'm going to -- I'm going to put
8 on here for SCDC to -- I don't know what he was
9 taking or even if it's appropriate.

10 **MR. RAY:** We can get that -- the mother
11 can get that to the jail.

12 **THE COURT:** I'm going to have SCDC to
13 determine what medications are appropriate
14 and ---

15 **MR. LOWRANCE:** I told them. I told them.

16 **THE COURT:** --- when it needs to be
17 administered. All right. Thank y'all.

18 **MR. WARDER:** Thank you.

19 **MR. RAY:** Thank you.

20

21 (Proceedings conclude at approximately

22 10:09 a.m.)

23

24

25

WITNESSES

J. Wallace

Pickens County Sheriff's Office

9/26/2016

ARREST WARRANT NUMBER

2016A3910101113

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2017-GS-39-0816
JBC

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

TERM 2017

THE STATE

vs.

BOYCE DEREK LOWRANCE

Indictment for

3814

**DOMESTIC VIOLENCE OF A HIGH AND
AGGRAVATED NATURE**

VIOLATION § 16-25-0065(A)

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED
NATURE

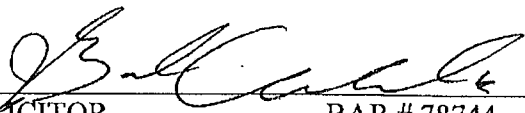
At a Court of General Sessions, convened on

the Grand Jurors of Pickens

County present upon their oath:

That BOYCE DEREK LOWRANCE did in Pickens County on or about the 15th day of September 2016, did unlawfully cause physical harm or injury to CHRISTY COWART, a household member or did unlawfully offer or attempt to cause physical harm or injury to CHRISTY COWART, a household member, with apparent present ability under circumstances reasonably creating fear of imminent peril and BOYCE DEREK LOWRANCE committed the offense with or without an accompanying battery and under circumstances manifesting extreme indifference to the value of human life, and would reasonably cause a person to fear imminent great bodily injury or death. This is in violation of § 16-25-0065 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.



SOLICITOR BAR # 78744

COUNTY OF Pickens
STATE VS.
Boyce Derek Lowrance
AKA:
Race: WHITE Sex: M Age: 36
DOB: SS#:
Address:
City, State, Zip:
DL#: SID#:

INDICTMENT/CASE#: 2017-GS-39-0816
A/W#: 2016A3910101113
Date of Offense: 9/15/2016
S.C. Code §: 16-25-0065(A)
CDR Code #: 3814

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Domestic / Domestic Violence 1st Degree

0-11
CONVICTED OF or PLEADS

in violation of § 16-25-0020(A) of the S.C. Code of Laws, bearing CDR Code # 3811
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.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Cleveland, Baker 78744 SC Bar# Boyce Lowrance Defendant Richard Warden 05727 Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 10 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 3 days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 2

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. Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-60 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes fees for assessments, DUI surcharges, and probation costs. TOTAL: \$ 128.75

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 WITH VICTIM

Appointed PD or appointed other counsel. Proviso 61.6 requires \$500 be paid to clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk: Harold P. Welborn, Jr.
Court Reporter: Teresa Johnson

Presiding Judge: [Signature]
Judge Code: 2162
Sentence Date: 3/29/17

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 21st day of September, 2018.

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 21st day of September, 2018.

RECEIVED
SEP 21 2018
SC Court of Appeals