

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM YORK COUNTY

John C. Hayes, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

PATRICIA DAVIS,

APPELLANT

APPELLATE CASE NO. 2012-212241

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

ALAN WILSON
Attorney General

J. RUTLEDGE JOHNSON
Assistant Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211
(803) 734-3970

Attorneys for Respondent

State of South Carolina.,)	In the General Sessions
)	Court of York
)	
County of York.)	Case No.: 2010-GS-46-04129
South Carolina Probation.,)	
Pardon & Parole.)	
)	
Plaintiff.,)	
)	
-vs-)	Transcript of Record
)	Probation Violation
Patricia Davis.,)	
)	
Defendant.)	
)	

May 21, 2012
York, South Carolina

B E F O R E:

Honorable John C. Hayes, Judge.

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

Agent Barbara Adkins
Probation, Pardon and Parole
York, South Carolina
For the Plaintiff

Ms. Melissa Inzerillo
Attorney at Law
Sixteenth Judicial Circuit
Public Defender's Office
Moss Justice Center
1675-1E York Hwy.
York, South Carolina 29745
803-628-3031
For the Defendant

Wanda Nelson, CVR-M
Circuit Court Reporter
Sixteenth Judicial Circuit

I-N-D-E-X

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No Exhibits were received into the record.

Court Reporter Certificate P.7

1 (ON THE RECORD MONDAY, MAY 21, 2012 AT 10:30 A.M..)

2 PROBATION AGENT: Patricia Davis.

3 (DEFENDANT, WHITE FEMALE, ENTERING COURTROOM.)

4 THE COURT: Are you Patricia Davis?

5 MS. DAVIS: Yes, sir.

6 THE COURT: Are you represented by Ms. Inzerillo?

7 MS. DAVIS: Yes, sir.

8 THE COURT: I have in front of me an arrest warrant,
9 it looks like you were arrested on this warrant on May 11th
10 of this year; is that correct?

11 MS. DAVIS: Yes, sir.

12 THE COURT: It alleges that you violated the sentence
13 imposed by myself on the 28th day of February 2011 for a
14 drug offense. I sentenced you to three years suspended to
15 two years probation; is that correct?

16 MS. DAVIS: Yes, sir.

17 THE COURT: The warrant alleges that you violated that
18 sentence by - it appears that you were being handled out of
19 North Carolina and it's alleged that - their report that
20 you were out of state and came back to South Carolina and
21 picked up new drug charges on March 30. That on May 13,
22 2011 you tested positive for a drug screen, were sent to a
23 substance abuse program and terminated for non compliance.
24 On June 9th you failed to report; this of course June 9th,
25 October 7th you were not at your residence on the date you

1 were supposed to be there. That you tested positive
2 admitting using marijuana, positive for Percocet not
3 prescribed for you on April - on April and June of last
4 year. That you drank a pint of liquor and had to be taken
5 to the hospital around Thanksgiving of last year; that you
6 moved from your residence without notifying your agent
7 thereby being absconded. Are all those things true?

8 MS. DAVIS: Yes, sir.

9 THE COURT: All right. These are substantial
10 violations. I'll be glad to hear from your attorney and
11 then from you.

12 MS. INZERILLO: Thank you, Your Honor, may it please
13 the Court.

14 Your honor, Ms. Davis explained to me that she was
15 living in a house in North Carolina and had to move from
16 that house. She had to move I think on a rather quick
17 notice. That sort of snowballed and led to some other
18 issues. She did not successfully complete the drug program
19 and she began missing reports because she didn't have
20 transportation and she didn't have a place to live.

21 She did - was arrested on the charge back here in York
22 County but that charge has since been dismissed. It was
23 dismissed in January of this year.

24 THE COURT: She didn't have transportation but she
25 some how crossed the state line and some how got somewhere

1 to buy a pint of liquor. But she doesn't have
2 transportation?

3 MS. INZERILLO: That's correct, Your Honor.

4 THE COURT: Go ahead.

5 MS. INZERILLO: Your Honor, she again did miss one
6 report, the home check on the resident. She was helping a
7 friend move and that ran over and she was unable to make it
8 back to where she was supposed to meet her agent.

9 Your Honor, in speaking with Ms. Davis she explained
10 to me that this was sort of a rough patch that she got off
11 to a very good start on probation. She is now got her
12 living situation taken care of. She has a home now in
13 Bryson City, she takes care of an elderly gentleman there
14 and another lady. They pay her Four Hundred Dollars a
15 month to do that so that situation has normalized which I
16 hope will help again the snowball effect. They're hoping
17 everything else normalizes on probation. Your Honor, she
18 is asking the court to continue her on probation. She is
19 willing to do some house arrest with this new address in
20 Bryson City. We're asking the Court for any mercy the
21 court can give.

22 THE COURT: Anything you want to say, Ms. Davis?

23 MS. DAVIS: I apologize for not doing what I was
24 supposed to do but I did have a rough year but now I've
25 found the Lord and I'm doing better.

1 THE COURT: All right. Well I - these are substantial
2 violations. And I hope you're right. I don't know exactly
3 what found the Lord means but I hope now you will stay out
4 of trouble. But I'm not going to take a chance because
5 you've got a tremendous - well tremendous is not the right
6 word. You've got a substantial record for the last few
7 years, a lot of it involves around drugs. So I'm going to
8 revoke your probationary sentence and have you serve your
9 three years. Thank you.

10 MS. INZERILLO: Thank you, Your Honor.

11 - END OF TRANSCRIPT OF RECORD -
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CERTIFICATE OF REPORTER

State of South Carolina)
)
County of York)

I, Wanda Nelson, Official Court Reporter for the Sixteenth Judicial Circuit for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for York County, South Carolina, on the 21st day of May, 2012.

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

Wanda Nelson
Wanda Nelson, CVR-M
Certified Verbatim Reporter,
Official Court Reporter,
Notary Public, in and for
The State of South Carolina.

My Commission Expires: 1/21/2021

DATE: 9-7 1 2012

STATE OF SOUTH CAROLINA
COUNTY OF YORK

Probation
ARREST WARRANT

Indictment Number 10-GS-46-04129

Warrant Number W-46-12-0038

State Identification No. (SID) 01944179

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

It appearing from the attached affidavit that there are reasonable grounds to believe that PATRICIA HULL DAVIS, did on the 5 day of March, 2012 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Violation of sections 24-21-430 and 24-21-450 as ordered by Judge Hayes at the February 28 2011 term of General Sessions Court held in York County, York, SC.

Now, therefore, you are empowered and directed to arrest the said defendant and bring PATRICIA HULL 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 ROCK HILL, S. C. this 5 day of March, 2012.

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

County of YORK

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Kelley Adkins, who, first being duly sworn, deposes and says that PATRICIA HULL DAVIS did within this County and State on the 5 day of March, 2012, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

Violation of sections 24-21-430 and 24-21-450 as ordered by Judge Hayes at the February 28 2011 term of General Sessions Court held in York County, York, SC.

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:

Per NC Violation report dated 2-7-12:
3-30-11 On or about 3-30-11 the offender went out of state without permission from her agent, resulting in a new arrest for Possession of Meth or Cocaine Base in York County, SC.
5-13-11 Offender referred to TASC program due to positive drug screens. She was terminated from this program unsatisfactorily for non-compliance.
6-9-11 Offender did not report as instructed by missing scheduled reports for : 6-9-11 and 10-7-11. Offender was instructed to be at her residence on 2-5-12 and was not there.

Sworn to and Subscribed before me
this 5 day of March, 2012.

Kelley Adkins
Affiant

Cheryl L. Marti (L.S.)
Signature of Notary Public

April 7, 2018
My Commission Expires

Address: 1070 HECKLE BLVD.
SUITE 201, BOX 14
ROCK HILL, SC 29732
YORK
USA
(803) 909-7282

RETURN

STATE OF SOUTH CAROLINA
COUNTY OF YORK

THE STATE
against

PATRICIA HULL DAVIS

INFORMATION ON DEFENDANT

Name PATRICIA HULL DAVIS
Address CHEROKEE, NC 28719
Phone (000) 000-0000
Sex Female Race White Height 506
Weight 160 Birth date
Social Security Number

Constable or Law Enforcement Officer

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

X Patricia H. Davis

INFORMATION ON WITNESSES

Name
Address
Phone
Name
Address
Phone
Name
Address
Phone
Name
Address
Phone

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 3/5/2012

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

Kelley Adkins

PRELIMINARY HEARING held by

Magistrate
on
with
Attorney for the Defendant.

Decision
BAIL
Date Set
Magistrate
Amount
Surety

on the 1th day of May 2012
Crescencia Henderson
Constable or Law Enforcement Officer

This Warrant is certified for service in [County of warrant Certification] County. The accused is to be arrested and brought before me to deal with according to law.

Disposition

Sentence (L.S.)

Co-Defendants

Signature of Judge

10

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of York
STATE VS.

Indictment Number: 12-GS-46-4129

Patricia Davis 2012 JUN 15 AM 9:50
AKA:
Race: W Sex: F
DOB: _____
SSN: _____
SID#: 01944179

Probation C/W#: W-46-12-38
Name of Original Offense: Dist. Math 1st
Original A/W#: M400155
Date of Original Offense: 5-20-10
Conviction S.C. Code #: 44-53-375
Conviction CDR Code #: 311918
Original Sentence: 3 y 05 m 2 y prob

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 2/28/11 in the Court of General Sessions of York County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on _____ as set forth in the attached warrant(s) or citation(s) dated _____. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number & indicate special conditions as provided in the affidavit)
1, 2, 3, 6, 9, 10, 11

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 3 months/years the remainder of the original sentence, and/or pay \$ _____ + terminate
- the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies:
 - Department fees (arrearage)
 - Fines and other fees (arrearage/balance)
 - Restitution (and 20%) (arrearage/balance)
 Civil judgment:
 - Department fees
 - Fines and other fees
 - Restitution (and 20%)

Additional Conditions ordered by the Court: Revoke in full + terminate

This order satisfies violations in W-46-12-38

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant has previously served _____ months/years on this sentence.
(split sentence time and/or prior partial revocation time)
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 21st day of May, 2012
York, SC

John C. Hays
Presiding Judge 10th Judicial Circuit

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

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

Offender's Signature: Patricia H. Davis
Signed this 21st day of May, 2012, at York City, SC

Witnessed by: Kelley Atkins

PAGE 05/05

CLERK OF COURT

8036283133

10/17/2012 12:36

WITNESSES

DEU Allen

rk

ARREST WARRANT NUMBER

M-600155

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury 11-11-10

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2010-GS-46-04129

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

November 11, Term 2010

THE STATE

vs.

PATRICIA HULL DAVIS

Indictment for

TRAFFICKING IN METHAMPHETAMINE

SC Code: §44-53-375
CDR Code: 0450

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

Defendant

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

MUD meth 1st offense

x Patricia H Davis
Defendant

Witness:

[Signature]
C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on November 11, 2010, the Grand Jurors of York County present upon their oath:

TRAFFICKING IN METHAMPHETAMINE

That on or about May 20, 2010, in York County, South Carolina, the Defendant, Patricia Hull Davis, did knowingly sell, manufacture, deliver, purchase, or bring into this State, or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or was knowingly in actual or constructive possession or knowingly attempted to become in actual or constructive possession of 10 grams or more of methamphetamine, as defined and otherwise limited in Sections 44-53-110, 44-53-210(b)(4), 44-53-210(d)(1), or 44-53-210(d)(2), all in violation of Section 44-53-375, 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.

Justin Meines
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF York
STATE VS. Patricia Davis
AKA:
Race: W Sex: F Age: 49
DOB: SS#:
Address:
City, State, Zip: Whittier, NC 28789
DL#: SID#:

INDICTMENT/CASE#: 2010GS4604129
A/W#: M600155
Date of Offense: 5/20/2010
S.C. Code §: 44-53-0375(C)(1)(a)
CDR Code #: 0450

AL FURCO

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: DRUGS/ MANUFACTURE, DISTRIBUTION, ETC. OF METHAMPHETAMINE, 1ST

in violation of § 44-53-0375 (B) (1) of the S.C. Code of Laws, bearing CDR Code # 3198
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: Maines, Justin D SC Bar# 700603 Defendant Attorney for Defendant SC Bar# 09416

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 3 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 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 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

PTUP days/hours Public Service Employment

Table with 2 columns: Description and Amount. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, § 44-53-450(C) (Conditional Discharge) \$350, 3% to County (if paid in installments) \$, TOTAL \$ 730

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 prnts. of \$ beginning \$ paid to Public Defender Fund

Other: Transfer to North Carolina (Jackson County)

Conditional Discharge, § 44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition
Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation:

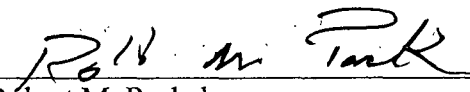
Clerk of Court/ Deputy Clerk David Hamilton
Court Reporter: Janet Rich

Presiding Judge Judge Code: 2049 Sentence Date: 2-28-11

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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

November 9, 2012


Robert M. Pachak
Appellate Defender

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

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County
John C. Hayes, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

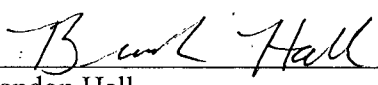
PATRICIA DAVIS,

APPELLANT

APPELLATE CASE NO. 2012-212241

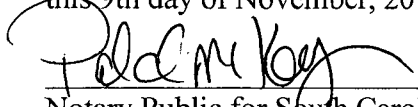
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon J. Rutledge Johnson, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 9th day of November, 2012.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 9th day of November, 2012.



(L.S.)
Notary Public for South Carolina
My Commission Expires: July 24, 2022.

RECEIVED
NOV 09 2012
COURT OF APPEALS