

 ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM SUMTER COUNTY

William Jeffrey Young, Circuit Court Judge

RECEIVED

FEB 12 2013

SC COURT OF APPEALS

THE STATE,

RESPONDENT,

v.

THOMAS JUSTIN WOOTEN,

APPELLANT

APPELLATE CASE NO. 2012-213519

RECORD ON APPEAL

ROBERT M. PACHAK
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
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Attorney for Appellant

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Attorneys for Respondent

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STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF SUMTER)	
)	
The State of South Carolina)	2012-GS-43-00371
)	
Plaintiff)	
)	Probation Revocation
Versus)	
)	
Thomas Justin Wooten)	November 16, 2012
)	
Defendant)	
<hr/>		

BEFORE

THE HONORABLE WILLIAM JEFFREY YOUNG

Probation Agent Sumter

Tiffany Butler, Esquire
Attorney for the Defendant

Pamela Ozment-Cartee
Circuit Court Reporter

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THE STATE VERSUS THOMAS WOOTEN

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1 (Whereupon, this hearing began at 10:19 a.m. on
2 Friday, November 16, 2012.)

3 BAILIFF: State your name, please.

4 MR. WOOTEN: Thomas Wooten.

5 WHEREUPON, THOMAS WOOTEN

6 AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

7 MR. WOOTEN: Yes, sir.

8 AGENT SUMTER: Your Honor, the victim in this case was
9 here earlier today. May I ask if the victim is still here or
10 not?

11 THE COURT: You may.

12 (PAUSE.)

13 AGENT SMITH: She is here, but she does not wish to
14 address the Court.

15 Your Honor, this is the case of Thomas Wooten, he was
16 sentenced under Indictment 2012-GS-43-00371 for the offense of
17 indecent exposure.

18 His present violations, Your Honor, Mr. Wooten violated
19 condition number four by having contact with his girlfriend's
20 minor children. Mr. Wooten has admitted that he has had
21 contact with his girlfriend's minor children. He violated
22 condition number nine by not staying at his approved residence
23 every night. He has been staying with his girlfriend --

24 THE COURT: -- He was around her minor children?

25 AGENT SUMTER: Yes, sir. For the last five months. And

THE STATE VERSUS THOMAS WOOTEN

1 then, Your Honor, violated condition number four, computer use
2 agreement by using a computer to further his sexual activity.
3 He sent a photograph of a picture of himself by email to a
4 female on September 3, 2012, and that picture is in your
5 package, Your Honor.

6 THE COURT: Yes.

7 MS. BUTLER: Yes, Your Honor. Mr. Wooten is currently
8 engaged. His fiancé does have children. He says he is never
9 around the children without her being present. And she also
10 wrote a letter. She wanted to be here today, but she wrote a
11 letter to have you read instead.

12 He does not live with his girlfriend. He has his own
13 residence. He admits to maybe staying there a couple of nights
14 a week. But he has his own separate address.

15 As far as the picture, Mr. Wooten says, he did send the
16 picture by email. It was in his email. However, he does not
17 belong to any chat-rooms, he is not on Facebook, and he is --

18 THE COURT: -- He sent that picture to a person under
19 eighteen?

20 MS. BUTLER: Your Honor. It was part of a email, but he
21 wasn't on any pron sites, he wasn't on any chat-rooms, or
22 Facebook or anything. He has been reporting, and other than
23 that this, I believe, is his only violation.

24 THE COURT: What was he thinking? He knew he was not
25 suppose to be around kids. He knew that. Judge Cothran

THE STATE VERSUS THOMAS WOOTEN

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1 actually cut him a break in the beginning, and then he goes and
2 shares this picture on the internet of him. What am I suppose
3 to do? I do not have a choice in this matter. You are a
4 convicted sex offender, and you are still offending. I have no
5 choice but to revoke you. You are revoked.

6 (Whereupon, this hearing was concluded at 10:24
7 a.m. on Friday, November 16, 2012.)

8 -- END OF TRANSCRIPT --

CERTIFICATE OF REPORTER

I, the undersigned, Pamela Ozment-Cartee, official Court Reporter for the Fourth Judicial Circuit of South Carolina, do hereby certify, that the foregoing is a true, accurate and complete Transcript of Record in the above captioned case, relative to appeal, in The Court of General Sessions in Sumter County, South Carolina, on the 16th day of November 2012.

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

December 12, 2012

Pamela Ozment-Cartee

Pamela Ozment-Cartee
Circuit Court Reporter

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF

SUMTER

THE STATE

against

THOMAS WOOTEN

INFORMATION ON DEFENDANT

Name THOMAS WOOTEN

Address

Phone

Sex Male Race White Height 057

Weight 178

Birth date

Social Security Number

INFORMATION ON WITNESSES

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

PRELIMINARY HEARING held by

Magistrate

on

with

Attorney for the Defendant.

Decision

BAIL

Date Set

Magistrate

Amount

Surety

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 10/15/2012

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

William Sumter

Disposition

Sentence

Co-Defendants

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

Thomas Wooten

on the

15 day of October 2012

William Sumter
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 dealt with according to law.

(L.S.)

Signature of Judge

Form 16.1- Arrest Warrant
Form Approved by
SC Attorney General
Section 17-13-160
March 15, 1978

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

Probation

ARREST WARRANT

Indictment Number 12-GS-43-00371

Warrant Number W-43-12-0100

State Identification No. (SID) 02007998

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

It appearing from the attached affidavit that there are reasonable grounds to believe that THOMAS WOOTEN, did on the 15 day of October, 2012 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Violation of probation pursuant to section 24-21-430.

Now, therefore, you are empowered and directed to arrest the said defendant and bring THOMAS WOOTEN 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 SUMTER, S. C. this 15 day of October, 2012.

William Sumter
Signature of Probation and Parole Agent (L.S.)

County of SUMTER

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one William Sumter, who, first being duly sworn, deposes and says that THOMAS WOOTEN did within this County and State on the 15 day of October, 2012, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

Violation of probation pursuant to section 24-21-430.

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

Mr. Wooten violated condition # 4 by having contact with a person under the age of 18. Mr. Wooten admitted that he has had contact with his girlfriend's minor children. Mr. Wooten violated condition # 9 by not staying at his approved residence everynight. Per his own admission he has been staying with his girlfriend at in Elgin, SC for the last 5 months. Mr. Wooten violated condition # 4 of the computer use agreement by using a computer to further his sexual activity. Mr. Wooten sent a pornographic picture of himself by way of e-mail to a female on 9/3/2012.

Sworn to and Subscribed before me
this 15 day of October, 2012.

William Sumter
Affiant

[Signature]
Signature of Notary Public (L.S.)

Address: P.O. BOX 1322
SUMTER, SC 29151
SUMTER
USA

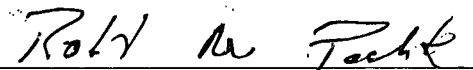
(803) 778-5185

02/02/2017
My Commission Expires

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."

February 12, 2013



Robert M. Pachak
Appellate Defender

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Division of Appellate Defense
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(803) 734-1330

ATTORNEY FOR APPELLANT