

 ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

Clifton Newman, Circuit Court Judge

RECEIVED
JUL 24 2013
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

BUTLER GATSON,

APPELLANT

APPELLATE CASE NO 2012-213214

RECORD ON APPEAL

KATHRINE H. HUDGINS
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

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(803) 734-3727

Attorneys for Respondent

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State of South Carolina) In the Court of General Sessions
County of Richland) Fifth Judicial Circuit
2007-GS-40-0489
2007-GS-40-0491

State of South Carolina,)
Plaintiff,)
vs.) Transcript of Record
Butler Gatson,)
Defendant.)
_____)

October 12, 2012
Columbia, South Carolina

B E F O R E:

The Honorable Clifton Newman, Judge

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

R. Branham, Agent for Probation

John Paul Carroll, Esquire
Attorney for the Defendant

Maryann S. Nevers, CVR-M-CM
Circuit Court Reporter

I N D E X

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EXHIBITS

<u>No.</u>	<u>Description</u>	<u>Page No.</u>
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No Exhibits Introduced.

TRANSCRIPT OF RECORD

(Whereupon, the proceeding was commenced at 9:35 a.m.)

BUTLER GATSON, having been first duly sworn,
testified as follows:

THE COURT: Mr. Gatson, you're here for a probation
revocation hearing?

DEFENDANT: Yes, sir.

THE COURT: And are represented by counsel, Mr. ---

MR. CARROLL: Carroll.

THE COURT: --- Carroll?

MR. CARROLL: Yes, Your Honor.

THE COURT: All right. And are you guilty or not
guilty of willfully violating probation?

DEFENDANT: Guilty.

THE COURT: All right. Mr. Agent?

MR. BRANHAM: Yes, Your Honor. May it please the
Court: This is the case of Butler Gatson. He's on
probation. It started 11/1/2010; end date of 10/31/2015.
His sentence was ten years, suspended to serve seven years
and five years probation. He was to pay fines and
restitution.

He currently reports as instructed. I'm not sure
about his employment right now. Said something about New
Life Consultant, but I'm not really sure if that's his
employment. His -- his problem today is strictly financial

1 issues and failing to complete public service. He's had
2 two prior violations: one financial citation in 2011 and a
3 consent order back in February 2012, where we have worked
4 with him to get his monies straightened out. And he still
5 continues not to pay.

6 THE COURT: You live on Shadowbrook?

7 DEFENDANT: Yes, sir.

8 THE COURT: Shadowbrook -- where is that located?

9 DEFENDANT: Off of Hardscrabble.

10 THE COURT: Off Hardscrabble. All right. Mr.
11 Carroll?

12 MR. CARROLL: Thank you, Your Honor. May it please
13 the Court: As my client, Mr. Gatson, has indicated, we
14 admit to our failure to comply with probation. We're
15 willing -- we're ready to accept those consequences.

16 But we are asking for a partial revocation in this
17 case, Your Honor. Despite my client's failures, he's
18 largely complied with the -- some of the supervision --
19 this -- some of the spirit of probation by never missing a
20 report date. He's managed to stay out of trouble after
21 serving seven years for his "assault and battery of a high
22 and aggravated nature" offense. And he's managed to stay
23 away from drugs.

24 I am happy to learn that the probation agent is also
25 asking for a partial revocation. And I -- I agree with the

1 -- with the probation agent that my client's -- my client's
2 compliance problems is largely financial in nature, and he
3 is doing what he can to remedy that. If -- if I could show
4 this to the probation agent, this is a certification that
5 my client's completed the Work Keys program. He's serious
6 about finding employment. He also has a -- may I approach,
7 Your Honor?

8 THE COURT: Sure.

9 MR. CARROLL: And he has also had meetings with the
10 South Carolina Department of Employment and Workforce. And
11 he's looked for employment at over 20 different locations.
12 And if I may approach again, Your Honor?

13 THE COURT: All right.

14 MR. CARROLL: And he is doing what he can to -- to
15 help remedy this. And so we're just asking for a -- a
16 mitigated partial revocation give to -- to allow him to
17 continue to -- to ---

18 THE COURT: What is ---

19 MR. CARROLL: --- seek employment ---

20 THE COURT: What is a "mitigated partial revocation"?

21 MR. CARROLL: In -- in my -- I -- I feel that, you
22 know, something such as 60 days revocation would be
23 appropriate here. That's just enough time for -- for him
24 to accept these -- accept the consequences and also get
25 back onto his feet so -- so that he can continue to seek

1 employment.

2 THE COURT: All right. Mr. Gatson?

3 DEFENDANT: Yes, sir.

4 THE COURT: What would you like to say?

5 DEFENDANT: I mean, I'm -- I'm -- Your Honor, I'm
6 trying. I -- you know, I'm -- it just hard, you know. I
7 got a record -- extensive record. And when I have went to
8 interviews, they was going give me the job. Then, when
9 they find out my background, they won't give me the job.

10 THE COURT: Now, what's a "V-New Life Consultant"?

11 DEFENDANT: That's -- it's, like, you go and
12 maintenance -- do the maintenance work and the
13 groundkeeping, the landscaping.

14 THE COURT: And now, what's this case about, assault
15 and battery?

16 DEFENDANT: Oh, I had -- I got in a fight and beat up
17 some people.

18 THE COURT: Beat up some people?

19 DEFENDANT: Yes, sir.

20 THE COURT: All right. And aside from this offense,
21 what's your other criminal history like?

22 DEFENDANT: I went -- I got a couple of, like --
23 couple charges back in the, like -- I got extensive, like,
24 problem -- malicious injury real property as -- and ---

25 THE COURT: He's looking at it over there. I'm just

1 asking you.

2 DEFENDANT: Okay. Then I got a auto-breaking -- you
3 know, that's what I'm on probation for, an auto-breaking.

4 THE COURT: An auto-break-in?

5 DEFENDANT: (Nods head up and down.)

6 THE COURT: When was that?

7 DEFENDANT: The same time the assault and battery
8 happened by. That's what they give me the probation for.
9 I -- I -- I think that's what they gave it to me for.

10 THE COURT: And if you're unemployed, why could --
11 haven't you completed public service?

12 DEFENDANT: I mean, I'm not -- I mean, I -- where I
13 stay at, I don't have no car so I have to walk. And -- and
14 the neighborhood I stay in, I -- it's too -- it'd take me
15 an hour and a half just to get to the place. And I have to
16 be there at seven o'clock. And when I was walking one
17 morning, they -- they turn me round and say I can't come
18 through this neighbor -- because I live out there by -- you
19 got to cut through Spring Valley. They don't -- they don't
20 allow you to cut through for Spring Valley.

21 THE COURT: All right. Mr. -- tell me your name
22 again.

23 MR. BRANHAM: Branham.

24 THE COURT: Mr. Branham, yes, sir.

25 MR. BRANHAM: We just been working with him since

1 2010, and he's paid zero dollars on restitution and pretty
2 much everything else here. He's paid a little bit on
3 supervision: \$725. We did public service to try to help
4 him out, and he didn't do it.

5 THE COURT: All right. He said it's -- he could -- he
6 had to walk seven -- (to the defendant) How many miles:
7 seven miles?

8 DEFENDANT: It was like -- it take -- it's like 4.8
9 miles.

10 THE COURT: --- 4.8 miles to get to public service,
11 wherever that was. Do you know anything about that?

12 MR. BRANHAM: Well, we have a PSC coordinator, and she
13 sets all that up. So I'm not sure exactly. I'm sure he --
14 she talked to him about location and transportation.

15 THE COURT: Where is your public service?

16 DEFENDANT: Sesqui Park.

17 THE COURT: Say again.

18 DEFENDANT: Sesqui Park.

19 THE COURT: Sesqui Park?

20 DEFENDANT: Yeah.

21 THE COURT: And so you have to move -- you have to get
22 from Clemson Road to Sesqui Park?

23 DEFENDANT: Yes, sir.

24 THE COURT: And you couldn't get there?

25 DEFENDANT: No, sir.

1 THE COURT: Realizing that to not get there would be a
2 violation of your probation?

3 DEFENDANT: Yes, sir. I -- I even tried to -- I even
4 called the lady and told her it was going to be a problem
5 with -- with the coordinator lady. She -- you know, she
6 said she couldn't switch it because ---

7 THE COURT: How'd you get here today?

8 DEFENDANT: I got a friend to bring me here.

9 THE COURT: And he gave me his history. What do you
10 have there?

11 MR. BRANHAM: I just have previous supervision: three
12 probations, all revoked; one parole, revoked.

13 THE COURT: I am revoking 18 months and terminating
14 probation.

15 MR. BRANHAM: Thank you, Your Honor.

16 THE COURT: Civil judgment for whatever is not paid.

17 MR. CARROLL: Thank you.

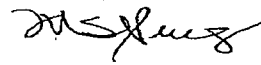
18 (Whereupon, the proceeding was concluded at 9:45 a.m.)

19 --- END OF TRANSCRIPT OF RECORD ---
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21
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25

CERTIFICATE

I, THE UNDERSIGNED MARYANN S. NEVERS, CERTIFIED
VERBATIM REPORTER - MASTER, OFFICIAL COURT REPORTER
FOR THE EIGHTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH
CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE, ACCURATE, AND COMPLETE EXCERPT OF TRANSCRIPT OF
RECORD IN THE HEARING OF THE CAPTIONED CAUSE, RELATIVE
TO APPEAL, IN THE CIRCUIT COURT FOR RICHLAND COUNTY,
SOUTH CAROLINA, ON THE 12TH DAY OF OCTOBER, 2012.

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



MARYANN S. NEVERS, CVR-M-CM

COLUMBIA, SOUTH CAROLINA

JANUARY 7, 2013

WITNESSES

(s) JA PUMPHREY CPD

ARREST WARRANT NUMBER

K195039

TRUE BILL

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

APR 18 2007

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2007-GS-40 489

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2007

102

THE STATE
vs.

BUTLER GATSON

Indictment for
ASSAULT AND BATTERY
OF A HIGH AND
AGGRAVATED NATURE

SC Code: 17-25-30 C/L

CDR Code: 0013

Class MIS/UNC

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

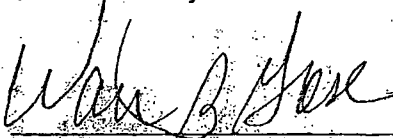
INDICTMENT

At a Court of General Sessions, convened on April 18, 2007 the Grand Jurors of Richland County present upon their oath:

ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE

That BUTLER GATSON did in Richland County on or about January 1, 2007, commit an assault and battery upon the victim, Katie McKinney, constituting an unlawful act of violent injury to the person of the said victim accompanied by circumstances of aggravation, to wit: serious bodily injury and/or use of a deadly weapon and/or difference in sexes, all in violation of §17-25-30 (Common Law), 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.



WARREN B. GIESE, SOLICITOR

WITNESSES

(s) JA PUMPHREY CPD

ARREST WARRANT NUMBER

K195041

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

APR 18 2007

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2007-GS-40 491

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2007

102

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SC Code: 17-25-30 C/L

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After being fully advised as to my
legal rights, I hereby waive presentment
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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 RICHLAND)

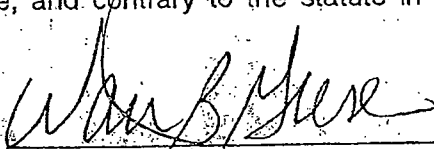
INDICTMENT

At a Court of General Sessions, convened on April 18, 2007 the Grand Jurors of Richland County present upon their oath:

ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE

That BUTLER GATSON did in Richland County on or about January 1, 2007, commit an assault and battery upon the victim, Tamara Ryan, constituting an unlawful act of violent injury to the person of the said victim accompanied by circumstances of aggravation, to wit: serious bodily injury and/or use of a deadly weapon and/or difference in sexes, all in violation of §17-25-30 (Common Law), 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.


WARREN B. GIESE, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE VS.Butler GatsonAKA: _____
Race: _____ Sex: _____ Age: _____
DOB: _____ SS#: _____
Address: _____
City, State, Zip: _____
DL# _____ SID# _____INDICTMENT/CASE#:
07 - GS - 40 - 489AW#: K195039
Date of Offense: 11/10/07
S.C. Code §: 17-25-30 C/L
CDR Code #: C21 01 113☐ CASE RESTORED
SENTENCE SHEET
☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who wa: ☐ CONVICTED OF or ☒ PLEADSTO: ABHAM
in violation of § 17-25-30 C/L of the S.C. Code of Laws, bearing CDR Code # 010 1113☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS (CSC) ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (Defendant initial)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Heather S. Weir Butler Gatson
Solicitor DefendantNicole L. Singletta
Attorney for DefendantWHEREFORE, 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 7 days/months/years and/or payment of
\$ _____, plus costs and assessments as applicable*, the balance is suspended with **probation** for 5 months/years
and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which
are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the
State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient: _____

*Fine: \$ _____
§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 \$ _____
§35.13 (Public Def/Prob) \$500 \$ _____
§73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____
§33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____
§50-21-114(BUI Breath Test Fee) \$50 \$ _____
§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
3% to County (if paid in installments) \$ _____
TOTAL \$ _____PTUP _____
days/hours Public Service EmploymentObtain 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: _____☒ Appointed PD or appointed other counsel, §35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: _____

Sentence Date: _____

Clerk of Court/ Deputy Clerk

Court Reporter: Sheppard

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

17

COUNTY OF Richland
STATE VS.Butler Gatson

AKA: _____

Race: _____

Sex: _____

Age: _____

DOB: _____

Address: _____

City, State, Zip _____

DL# _____

SID# _____

INDICTMENT/CASE#:

07 - GS - 40 - 491AW#: K195041Date of Offense: 11/10/07S.C. Code §: 17-25-30 c/LCDR Code #: 010113☐ CASE RESTORED

SENTENCE SHEET

☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was: ☐ CONVICTED OF or ☒ PLEADSTO: ABHANin violation of § 17-25-30 c/L of the S.C. Code of Laws, bearing CDR Code # 010113☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS (CSC ☐ §17-25-45 w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (Defendant initial)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Heather S. Weiss
SolicitorButler Gatson
DefendantNicole S. Fletcher
Attorney for Defendant

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 7 days/months/years and/or payment of \$ _____, plus costs and assessments as applicable*; the balance is suspended with probation for 5 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

SPECIAL CONDITIONS:

☒ RESTITUTION: ☐ Heard, ☐ Waived, ☐ OrderedTotal: \$ 3,824 plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPSRecipient: Office of Gov. Assistance

*Fine: _____

§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 _____

§35.13 (Public Def/Prob) \$500 _____

§73.3, 1B TP (Law Enforce. Funding) \$25 _____

§33.7, 1B TP (Drug Court Surcharge) \$100 _____

§50-21-114(BUI Breath Test Fee) \$50 _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea _____

3% to County (if paid in installments) _____

TOTAL _____

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 Fur

Other: _____

☒ Appointed PD or appointed other counsel, §35.13 TP

Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: _____

Sentence Date: 8/31/07

Clerk of Court/ Deputy Clerk

Court Reporter: Sheppard

18 South Carolina Department of Probation, Parole and Pardon Services Violation Report

Offender's Name: BUTLER GATSON

State of South Carolina, County of: RICHLAND

SID#:

Warrant#: C-40-12-0446

Date of Birth:

SCDC#:

Indictment Numbers:

07-GS-40-00489, 07-GS-40-00491

Offense and Offense Code:

13 - Assault and battery of a high and aggravated nature (ABHAN) (no longer used) (see 3411, 3412, 3413); 13 - Assault and battery of a high and aggravated nature (ABHAN) (no longer used) (see 3411, 3412, 3413)

Supervision Program: Probation

Begin Date: 11/1/2010 End Date: 10/31/2015

Supervision Level: Standard Supervision

Sentencing Judge: 0134 - Young, Roger

Sentencing County: RICHLAND

Sentencing Date: 8/7/2007

Location (Bold Response): Community

Sentence:

10 yrs ss upon service of 7 yrs. and 5 yrs probation.

Special Conditions:

Fine - Fine \$643.75; DACOR - Restitution in the amount of \$3,824.00 + 20%

Fine \$128.75

Current Address and Summary of Residence:

COLUMBIA, SC 29223, RICHLAND, USA,

ABSCONDED, COLUMBIA, SC 29201, USA, ; SCDC, COLUMBIA, SC 29210, USA, ; 5412 MAULDIN AVE, APT K, COLUMBIA, SC 29203, RICHLAND, USA, ; SCDC, COLUMBIA, SC 29210, USA, ; 5412 MAULDIN AVE, COLUMBIA, SC 29203, RICHLAND, USA,

Current address is

Reporting:

Reports as instructed.

Employment Records While Under Supervision:

Employer	Dates (from -to)	Reason(s) for Leaving	Earnings
UNEMPLOYED	2/1/2003 -		
INCARCERATED	9/15/2003 -		
V-NEW LIFE CONSULTANT	5/1/2012 -		\$700.00
	11/1/2010 - 5/1/2012		

Financial Conditions:

	Total Amount ordered	Pay Period	Total Paid	Date Last Paid	Arrearage	Balance Due
Fees						
Regular Supervision	\$3,000.00	\$50.00/M	✓\$725.00	5/8/2012	✓\$375.00	\$2,275.00
Fines						

South Carolina Department of Probation, Parole and Pardon Service
Violation Report

19

Offender's Name: BUTLER GATSON

Court Ordered Fines	\$128.75	\$5.00/M	✓ \$0.00		\$35.00	\$128.75
Court Ordered Fines	\$643.75	\$15.00/M	✓ \$0.00		\$105.00	\$643.75
Restitutions					1,120.00	
Dept. Admin. Ct. Ordered Re	\$4,588.80	\$140.00/M	✓ \$0.00		~~\$980.00~~	✓ \$4,588.80

Prior Violation Dates	Prior Violations	Prior Violation Disposition
5/24/2011	Failed to pay fees as ordered.	Financial Citation - Paperwork. rev. conducted and Judge Barber ordered case continued, restructure fees and have supv. fee current within 60 days.
1/24/2012	Failed to pay fees as ordered.	Consent order - On 2-8-12 Judge Cooper ordered \$700.00 of supervision fee arrears to Public Service Employment.

Details of the Present Violation:

Butler Gatson violated conditions 7, 9, 10 and 11 as ordered on Cause Numbers 07-GS-40-00489, 07-GS-40-00491 in the Richland County Court of General Sessions on 8-7-07, The Order of Continuation on 06-17-11, and Consent Order on 02-08-12.

Butler Gatson wilfully failed to follow the advice and instructions of his agent in that he: Failed to pay his supervision fee being \$275.00 in arrears with a balance of \$2,275.00; failed to pay fine(489) being \$75.00 in arrears with a balance of \$643.75; failed to pay fine(491) being \$25.00 in arrears with a balance of \$128.75; failed to pay restitution and 20% collection fee being \$700.00 in arrears with a balance of \$4,588.80; failed to complete Public Service Employment being that he was terminated for failing to report to the worksite since 5-5-12.

Agent's Recommendation:

Partial Revocation and continue. Restructure accounts. P-Rev satisfies supervision fee arrears.

Agent's Justification:

He has already had a citation with a Paperwork Review, and he has had a consent order issued and he still continues not to pay. He has was given PSE hrs so he could have a chance to work off his Supv. Fee arrears that were converted and he did not go to the worksite therefore working zero hrs. He has made statements that he will make payments but he fails to do so. As of this date he has paid zero on his restitution payment and he is supposed to pay \$140.00 a month.

Previous supervision: 3 Probations, all revoked; 1 Parole, revoked

R Branham

Agent

Date: 9/17/2012

Supervisor's Signature

[Signature]

Date: 9/28/12

18 mth
Terminal
CT

Did Zero of 140 hrs
of PSE.

20 STATE OF SOUTH CAROLINA

HSADU

IN THE COURT OF GENERAL SESSIONS

County of Richland
 STATE VS.
Butler Gatson
 AKA: _____
 Race: _____ Sex: _____
 DOB: _____
 SSN: _____
 SID#: _____

Indictment Number: 489
 Probation C/W#s: C-40-12-446
 Name of Original Offense: ABJAN
 Original A/W#: K-19-5039
 Date of Original Offense: 1-1-07
 Conviction S.C. Code §: 17-25-30
 Conviction CDR Code #: 0101113
 Original Sentence: 10 years to 7 years 6 months probation

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 8-17-07 in the Court of General Sessions of Richland County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 8-14-11 2-8-12, as set forth in the attached warrant(s) or citation(s) dated 7-16-12. 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 or indicate special conditions as provided in the affidavit)

7, 9, 10, 11

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 18 months/years, the remainder of the original sentence, and/or pay \$ XX Terminate Probation
- ☐ 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) ☐ Civil judgment: ☐ Department fees
☐ Fines and other fees (arrearage/balance) ☒ Fines and other fees
☐ Restitution (and 20%) (arrearage/balance) ☐ Restitution (and 20%)
- ☐ Additional Conditions ordered by the Court:

- ☒ 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 7 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 12 day of October, 2012
Columbia, SC

Presiding Judge

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

Witnessed by

Signed this _____ day of _____, _____ at Columbia SC
 Day Month Year City

STATE OF SOUTH CAROLINA

County of Richland
STATE VS.Butler Gatson

AKA: _____

Race: _____ Sex: _____

DOB: _____

SSN: _____

SID#: _____

ASGDC

IN THE COURT OF GENERAL SESSIONS

21

Indictment Number: 07-GS-40-491
Probation C/W#s: E-40-12-446Name of Original Offense: ABHIANOriginal A/W#: K125041Date of Original Offense: 1-1-07Conviction S.C. Code §: 17-25-30Conviction CDR Code #: 0101113Original Sentence: 10 yr. 5 mo. 7 yr. 5 mo. Probation

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 8-17-07 in the Court of General Sessions of Richland County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 6-14-11 2-8-12, as set forth in the attached warrant(s) or citation(s) dated 4-6-12. 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 or indicate special conditions as provided in the affidavit)

7, 9, 10, 11

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 18 months/years, the remainder of the original sentence, and/or pay \$ XX Terminate Probation
- ☐ 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) Civil judgment: ☐ Department fees
☐ Fines and other fees (arrearage/balance) ☒ Fines and other fees
☐ Restitution (and 20%) (arrearage/balance) ☒ Restitution (and 20%)
- ☐ Additional Conditions ordered by the Court:

☒ 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 7 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 12 day of October 2012
Columbia, SC

Presiding Judge

5th Newman
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

Witnessed by

Signed this _____ day of _____, _____ Year, at Columbia, SC.

2012 OCT 16 PM 1:16

CLERK OF COURT

204

PP

505

CAROLINA
Rockland

STATE
 V.

DEFENDANT Butler-Gordon

Hearing Date:
10.12.12

IN THE COURT OF GENERAL SESSIONS

NO. 07-GS-40-489

CIVIL JUDGMENT

K-195039

This matter came before me on the above mentioned date, pursuant to a motion to require the defendant to show cause why the defendant's default in paying fines and ~~restitution~~ (strike inapplicable) should not be treated as a civil judgment and a judgment lien attached. After hearing the evidence, I find that no cause was shown why judgment should not be entered for the unpaid balance of fines and ~~restitution~~ (strike inapplicable). I find the unpaid balance of the fine and ~~restitution~~ (Strike inapplicable) due and the payee to be as stated below.

It is therefore ordered adjudged and decreed that the payee, shall have judgment against the defendant in the sum stated below. It is further ordered that the clerk of court enter this judgment in the civil judgment records of the court. All of which is ordered pursuant to S. C. Code Ann. 17-25-323.

Payee's Name <u>Rockland County Coc</u>		
Payee's Address		
Street		
City	State	Zip

The Defendant is ordered to pay to the Payee the sum of
 \$ 643.75

ROCKLAND COUNTY
 CLERK OF COURT
 2012 OCT 15 PM 1:15
 EXECUTED W/ HONORARY
 C.C.P. & G.S.

Presiding Judge's Signature <u>[Signature]</u>	Date <u>10/12/12</u>
Judge's Name Printed <u>S. Newman</u>	<u>Columbia</u> S. C.

IN THE COURT OF GENERAL SESSIONS

SOUTH CAROLINA

CITY OF

Richland

STATE

V.

NO. 02-GS-40-491

DEFENDANT

Butler Gatson

CIVIL JUDGMENT

K-195041

Hearing Date:

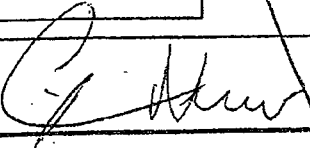
10, 12, 12

This matter came before me on the above mentioned date, pursuant to a motion to require the defendant to show cause why the defendant's default in paying fines and ~~restitution~~ (strike inapplicable) should not be treated as a civil judgment and a judgment lien attached. After hearing the evidence, I find that no cause was shown why judgment should not be entered for the unpaid balance of fines and ~~restitution~~ (strike inapplicable). I find the unpaid balance of the fine and ~~restitution~~ (Strike inapplicable) due and the payee to be as stated below.

It is therefore ordered adjudged and decreed that the payee, shall have judgment against the defendant in the sum stated below. It is further ordered that the clerk of court enter this judgment in the civil judgment records of the court. All of which is ordered pursuant to S. C. Code Ann. 17-25-323.

Payee's Name Richland County LOC		
Payee's Address		
Street		
City	State	Zip

The Defendant is ordered to pay to the Payee the sum of	
\$	648.75 128.75

Presiding Judge's Signature 	Date 10/12/12
Judge's Name Printed S/ Newman	Columbia S.C.

SOUTH CAROLINA
COUNTY OF

Richland

STATE
V.

DEFENDANT

Better Gatson

Hearing Date:

10/12/12

IN THE COURT OF GENERAL SESSIONS

NO. *07-GS-40-491*

CIVIL JUDGMENT

K-195041

This matter came before me on the above mentioned date, pursuant to a motion to require the defendant to show cause why the defendant's default in paying ~~fin~~ and restitution (strike inapplicable) should not be treated as a civil judgment and a judgment lien attached. After hearing the evidence, I find that no cause was shown why judgment should not be entered for the unpaid balance of ~~fin~~ and restitution (strike inapplicable). I find the unpaid balance of the ~~fin~~ and restitution (Strike inapplicable) due and the payee to be as stated below.

It is therefore ordered adjudged and decreed that the payee, shall have judgment against the defendant in the sum stated below. It is further ordered that the clerk of court enter this judgment in the civil judgment records of the court. All of which is ordered pursuant to S. C. Code Ann. 17-25-323.

Payee's Name <i>SADAPPS</i>		
Payee's Address		
Street		
City	State	Zip

The Defendant is ordered to pay to the Payee the sum of
\$ <i>917.76</i>

CLERK OF COURT
C.C.P. & G.S.
JUL 15 PM 1:16
COLUMBIA COUNTY

Presiding Judge's Signature <i>C Newman</i>	Date <i>10/12/12</i>
Judge's Name Printed <i>S/ Newman</i>	<i>Columbia</i> S.C.

IN THE COURT OF GENERAL SESSIONS

SOUTH CAROLINA
COUNTY OF RichlandSTATE
V.NO. 07-GS-40-491

DEFENDANT

Butler Gator

CIVIL JUDGMENT

K-195041

Hearing Date:

10, 12, 12

This matter came before me on the above mentioned date, pursuant to a motion to require the defendant to show cause why the defendant's default in paying ~~fine~~ and restitution (strike inapplicable) should not be treated as a civil judgment and a judgment lien attached. After hearing the evidence, I find that no cause was shown why judgment should not be entered for the unpaid balance of ~~fine~~ and restitution (strike inapplicable). I find the unpaid balance of the ~~fine~~ and restitution (Strike inapplicable) due and the payee to be as stated below.

It is therefore ordered adjudged and decreed that the payee, shall have judgment against the defendant in the sum stated below. It is further ordered that the clerk of court enter this judgment in the civil judgment records of the court. All of which is ordered pursuant to S. C. Code Ann. 17-25-323.

Payee's Name <u>SUDPPAR</u>		
Payee's Address		
Street		
City	State	Zip

The Defendant is ordered to pay to the Payee the sum of
\$ 3,671.04

ANETTE W. MCBRIDE
C.C.P. & G.S.

OCT 15 PM 1:16

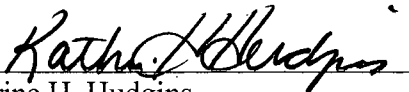
Presiding Judge's Signature <u>[Signature]</u>	Date <u>10/12/12</u>
Judge's Name Printed <u>S. Newman</u>	<u>Colindale</u> s.c.

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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."

July 24th, 2013



Kathrine H. Hudgins
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

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

Clifton Newman, Circuit Court Judge

RECEIVED

JUL 2 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

BUTLER GATSON,

APPELLANT

APPELLATE CASE NO 2012-213214

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 and also served upon Mr. Butler Gatson 096699 Evans Correctional Institution 610 Hwy. 9 West Bennettsville, SC 29512 this 24 th day of July, 2013.

Brandon Hall

Brandon Hall

Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 24th day of July, 2013.

Palal M. Key (L.S.)

Notary Public for South Carolina

My Commission Expires: July 24, 2022.