

**ORIGINAL**

STATE OF SOUTH CAROLINA

In The Court of Appeals

---

APPEAL FROM LEXINGTON COUNTY

George C. James, Jr., Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

NICHOLAS A. SMITH,

APPELLANT

APPELLATE CASE NO. 2013-000986

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RECORD ON APPEAL

---

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**SC Court of Appeals**

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STATE OF SOUTH CAROLINA )  
COUNTY OF LEXINGTON )

COURT OF GENERAL SESSIONS  
2011-GS-32-03534

**ORIGINAL**

STATE OF SOUTH CAROLINA )  
PLAINTIFF)

vs. )

TRANSCRIPT OF RECORD

NICHOLAS A. SMITH )  
DEFENDANT)

April 26, 2013  
Lexington, South Carolina

B E F O R E:

THE HONORABLE GEORGE C. JAMES, JR., Judge.

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

LORENZO JONES, PROBATION AGENT

SARAH HAHN, ESQ.  
Attorney for the Defendant

APRIL HERRON  
Official Court Reporter

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NICHOLAS SMITH

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» > < «

There were no exhibits.

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1           NICHOLAS SMITH, after being duly sworn,  
2 testified as follows:

3           THE COURT: Today is the 26th?

4           MS. HAHN: Yes, sir.

5                           EXAMINATION

6 BY THE COURT:

7 Q       Nicholas Smith?

8 A       Yes, sir.

9 Q       Okay, Mr. Smith, you're here today pursuant to a  
10 warrant issued by the Department of Probation and  
11 Parole and Pardon Services after you were put on  
12 probation by Judge Keesley in November of 2011 for  
13 use of a firearm while under the influence of  
14 alcohol. Haven't seen that one before. He gave you  
15 two years provided upon the service of 90 days. You  
16 would be on probation for two years. Have you been  
17 served with the warrant?

18 A       Yes, sir.

19 Q       Had a chance to talk your lawyer about it?

20 A       Yes, sir.

21 Q       And speak up for me, okay?

22 A       Yes, sir.

23 Q       Do you understand that you can receive a revocation  
24 of your probation today?

25 A       Yes, sir.

1 Q All right, you can appeal my decision within 10 days.

2 A Yes, sir.

3 THE COURT: Okay.

4 All right, Mr. Jones.

5 MR. JONES: May it please the Court, Your Honor.  
6 Details of Mr. Smith's violations are that he failed to  
7 follow advice and instructions of the supervising agent.  
8 He did not report as directed on December -- October 25th,  
9 2012. He failed to report for November 11th, 2012,  
10 December of 2012 and January of 2013. He last reported  
11 October 4th of 2012. As evidenced by a January 23rd, 2013  
12 home visit, Mr. Smith has failed to provide the agent with  
13 a valid resident plan. He failed to maintain gainful  
14 employment under supervision. He failed to complete anger  
15 management counseling and was terminated from services on  
16 December 12th, 2012.

17 THE COURT: For not showing up?

18 MR. JONES: Yes, Your Honor.

19 He failed to continue to attend and complete  
20 substance abuse counseling. He failed to pay his drug  
21 test fees, Court ordered fines, intensive and regular  
22 supervision fees as required.

23 We are asking for a full revocation in this  
24 case, Your Honor. Two years less 90 days credit for time  
25 served and any pre-revocation jail credits.

1           Justification of Mr. Smith is began supervision  
2 in November 2011. Approximately five months later a  
3 violation of probation warrant was issued, charging  
4 Mr. Smith with failure to report and failure to complete  
5 any Court ordered conditions. By that time he had also  
6 been convicted of new offenses. May the 12th of 2012  
7 Mr. Smith was continued at the Preliminary Hearing under  
8 the original terms of his case. Thereafter, he  
9 participated in a supervision at a minimum level for  
10 approximately five months. Then he absconded.

11           Mr. Smith has failed to complete any Court  
12 ordered obligation since the original November 2011  
13 sentence. He does not report. He does not have a valid  
14 resident plan. He does not work. He's currently charged  
15 in a second new arrest while he's under supervision.

16           Since 2005 Mr. Smith has been arrested by  
17 Kershaw County Sheriff's Department, Richland County  
18 Sheriff's Department, South Congaree Police Department,  
19 Springdale Police Department, USC Police Department, Cayce  
20 Police Department and South Carolina Department of  
21 Probation and Pardon. In all likelihood, Mr. Smith does  
22 not want probation. But even if he does like the idea of  
23 supervision as an alternative to prison, Mr. Smith has  
24 proven time and time again to be a poor candidate for  
25 probation. Full revocation of the suspended sentence is

1 appropriate at this time.

2 THE COURT: I'm sorry, when was he first put on  
3 prohibition? In November '11, he didn't report then  
4 either?

5 MR. JONES: No, sir.

6 THE COURT: He was continued?

7 MR. JONES: Yes, sir. We had that hearing on  
8 May 21st of 2012.

9 THE COURT: And he went to that?

10 MR. JONES: Yes, sir.

11 THE COURT: I'm sorry, Mr. Jones, anything else?

12 MR. JONES: Since I had Mr. Smith, he's been  
13 pretty agitated anytime he comes to the office. Any  
14 attempts we have tried to make to help him, he just  
15 refuses. And I've tried to talk with him, visit his  
16 family the day before this hearing. I had to go to his  
17 house to get him to sign a note. His mother told me that  
18 he wasn't there, he didn't live there. When he comes to  
19 see me, I ask him to give me verification of where he's  
20 living, he never presents anything.

21 THE COURT: Okay.

22 Ms. Hahn.

23 MS. HAHN: Thank you, Your Honor.

24 THE COURT: Let's talk about the no reporting,  
25 okay.

1 MS. HAHN: Yes, sir.

2 THE COURT: All right.

3 MS. HAHN: As far as not reporting, he has  
4 reported some, you know, since he got locked up on the  
5 warrant in January. He's done 90 days in detention, then  
6 bonded out. I think that he's been reporting since then.  
7 I know that he made contact with Mr. Jones very recently  
8 because they had to correct the date that he was supposed  
9 to come to court for today's hearing. So I think he has  
10 been doing what he's supposed to since the days that he  
11 didn't report. The ones that were outlined in the  
12 violation report were the ones from back in October 2012  
13 to January of this year.

14 Your Honor, as far as the not having a steady  
15 place to live -- I won't address the allegation about what  
16 happened this week, that's the first I've heard about it.  
17 I'll let Mr. Smith answer that question. But as far as  
18 before that, he says that at one point before he did have  
19 a job. And went -- Mr. Jones came to his house, that he  
20 was not at the house that day but he was at work. The  
21 other part of the problem he had with the home situation,  
22 he was staying between his mother's house and a trailer  
23 that he owned very close by, living at one sometimes, one  
24 the other. I know that's probably not as stable a  
25 residence as he should have had but that's what he says

1 happened. That that's about a mile up the road. And very  
2 close to his mother's house.

3 I think the larger problem for him has been that  
4 he has really struggled finding a job. He's done some  
5 work but been -- (indiscernible.) job type work he said he  
6 did that in Bamberg. He also worked in a meat factory for  
7 a little while for a few months. He didn't have much  
8 coming in. And that I think that was part of the reason  
9 he wasn't reporting. That he made the mistake too many  
10 people make, they don't have the money and they're going  
11 to be violated for not having the money, even though the  
12 one thing the Judge is concerned about is reporting. So,  
13 he knows that he made a mistake. But I think that he has  
14 reported since he's gotten out of jail, kind of started  
15 over with that.

16 THE COURT: But he went to an administrative  
17 hearing last spring for the same thing. And assume the  
18 hearing officer said, Hey, you need to report.

19 MS. HAHN: They may have, Your Honor.

20 THE COURT: Did they tell him that?

21 MR. JONES: Yes, sir, Your Honor. Before we  
22 revoke we give them an opportunity to comply with the  
23 Order of the Court.

24 THE COURT: Okay.

25 MS. HAHN: All I can say is from the time of

1     October until January, that was the problem. He didn't  
2     have the money to pay is, essentially, what it was. It  
3     was the wrong decision on his part but that's what he did.  
4     As far as the counseling, his understanding was that he  
5     had to complete anger management counseling first. Then  
6     he's supposed to do drug and alcohol counseling after  
7     that. He said he went to five or six anger management  
8     meetings in Batesburg like he was supposed to. So, when  
9     he didn't have the money to pay for the alcohol and drugs  
10    classes, he stopped going. Again, that was the wrong  
11    thing to do. That's what he did since his understanding  
12    was he had to do alcohol and drug classes, he didn't go.

13             As far as his record, and Mr. Jones had made  
14    mention of that, he mentioned a lot of arrest warrants, he  
15    had those really since 2005. Mr. Smith was put on  
16    probation in 2011. He had one conviction. But when we  
17    reviewed the rap sheet last time we were here, I believe,  
18    that that new conviction was of disorderly conduct.  
19    Certainly, he shouldn't have had any charges but it wasn't  
20    anything related to firearms or anything related to  
21    anything he's on probation for. Certainly, not the  
22    pending conviction.

23             THE COURT: What was that for?

24             MS. HAHN: Disorderly conduct, Your Honor. He  
25    says that the charges was discharging a firearm when under

1 the influence. He says he doesn't own a gun. I think the  
2 more important thing is that he hasn't gotten in any new  
3 trouble with respect to that. That he basically followed  
4 the rules in that report, Your Honor. He knows he's in a  
5 bad position today. I think the biggest part of this has  
6 been that he just not really had much money. And I think  
7 that led him to make some bad decisions as far as how to  
8 deal with probation.

9 He would like to continue on probation if, Your  
10 Honor, would give him that opportunity. If not, we'd ask  
11 for a short revocation. He would ask for something on  
12 weekends. He does have a grandmother that's in poor  
13 health that if allow to do time on weekends, that other  
14 family members can fill in when he's not there.

15 THE COURT: What would you like to tell me?

16 MR. SMITH: Yes, sir, when I got revoked [sic]  
17 last time--

18 THE COURT: You didn't get revoked.

19 MR. SMITH: I went to a hearing. I did report  
20 to him when I first got out of jail.

21 THE COURT: Sir?

22 MR. SMITH: It's hard for me to talk. I did  
23 report to him when I first got put on probation. He told  
24 me--

25 THE COURT: You did report to?

1 MR. SMITH: When I first got put on probation.

2 THE COURT: Right.

3 MR. SMITH: He tried to tell me the whole time,  
4 probation, he been trying to tell me I can't see my kids.  
5 If see my kids, I'm going to go to jail. When we went to  
6 the hearing, they told him he couldn't do that. The only  
7 way he can do that if they get a Restraining Order. And  
8 the next time I report, they told him that since I have  
9 been removed from the anger management center, that I --  
10 (indiscernible) insights. And my last Court Order it's  
11 Court ordered for me to go to job corps or rehab. I was  
12 under the impression that I was supposed to be referred  
13 from him. I've had asked him every time I went in there.  
14 He tried to tell me -- the job corps, there's not even a  
15 job corps in South Carolina. There's one in Bamberg. I  
16 have two children. I just had that trailer that I-- my  
17 mom died a year and a half --

18 THE COURT: She died?

19 MR. SMITH: That was my grandmother that's 73  
20 years old, that she's not there, you know. I walked  
21 outside and he was out there telling my grandmother he was  
22 going to lock her up if she -- if she didn't know I was  
23 there. My grandmother lives a mile up the road from my  
24 trailer. I sold the trailer to the mother of my children  
25 for tax to take care of my grandma --

1 THE COURT: Why didn't you report when you were  
2 supposed to?

3 MR. SMITH: I work out of town sometimes. I  
4 call him -- the first time I talked to him I was scared to  
5 go into that day. He said if I would report he's going to  
6 have to get a warrant for me. So that's why I didn't even  
7 report. I haven't run from him. I live right in the  
8 same --

9 THE COURT: That's not his job to come look for  
10 you, it's your job to report.

11 MR. SMITH: Yes, sir. But, I mean, I asked for  
12 community service over and over. The money -- I do get to  
13 see my children and support even my grandma. I do my best  
14 when I go in there. One he took up all I had. I had like  
15 \$16.00 I put -- I didn't have enough to pay the whole drug  
16 test.

17 THE COURT: How much?

18 MR. SMITH: No, he asked how much I had, I  
19 pulled it out and gave it to him.

20 THE COURT: All right.

21 MR. JONES: Your Honor, may I address the Court?

22 THE COURT: Yes, sir.

23 MR. JONES: The situation with Mr. Smith about  
24 the money issue, I asked him how much money he had in his  
25 pocket to address one of the issues of his probation and

1 that drug test fee. He paid all of it but four dollars.  
2 I said take small steps to pay that money that you owe  
3 off. There was no pressure on Mr. Smith. The situation  
4 with his grandmother was I walked up to the front door and  
5 I told her who I was. I was dressed in my uniform.

6 I said, Ma'am, Is Nicholas here?

7 She said, No, he is not.

8 He walked right out the door within a second.

9 And I looked at her and said, Ma'am, it's not a  
10 good idea to lie to law enforcement. If he's here, all  
11 you have to do is tell me he's here.

12 She is very, very elderly. Simply, I did not  
13 try to intimidate her by no means.

14 Mr. Smith comes into my office, I have to  
15 constantly remind him of his obligations to the Court.  
16 And I made it very easy for him. I tell him and all the  
17 people that I have supervise, if you have a problem, pick  
18 up the telephone, call me, I will reschedule. I will do  
19 everything that I possibly can to help you. When we went  
20 to the administrative hearing, the hearing officer said  
21 for him to go to the drug treatment program. As I have  
22 explained to Mr. Smith, we're going to do this one thing  
23 at a time. When you finish one thing, then we would  
24 proceed to the other.

25 I have a -- substance abuse program that I refer

1 him to. It's the closest place, here in Lexington, Your  
2 Honor. It's not free, Your Honor, but the counselor will  
3 make it clear to everybody that the supervisors, they will  
4 work with them if they don't have the money to pay that  
5 they require to take the classes. If there's a problem at  
6 the end of their treatment, they don't give them the  
7 completion notice until the money is paid. But there's no  
8 pressure to come, to show up, to pay anything. They work  
9 with all the clients that we send to them. They send us a  
10 monthly list to let us know when they attend and what  
11 their progress is.

12 Mr. Smith has -- just would not comply. And I  
13 do believe what he says about him selling his trailer, the  
14 incident with his children. But as we explained to him,  
15 that was an incident or community complaint about him  
16 going to see the children. To avoid that I reminded him,  
17 Look don't go unless you get a Court Order. That will  
18 keep him out of trouble. That will keep the community  
19 complaints down. Mr. Smith is a young man. I don't have  
20 any grudges against him. I'm sure he will let the Court  
21 know I have tried to work with him. I've made every  
22 effort to provide him -- give him as much assistance and  
23 time as I possibly can.

24 THE COURT: What drug do you have a problem  
25 with?

1 MR. SMITH: I don't have a drug problem, sir. I  
2 smoked marijuana but I don't drink alcohol since I got---

3 THE COURT: Shows substance abuse treatment,  
4 drug treatment.

5 MR. SMITH: Well, they gave me both because is  
6 necessity of drug -- a drug charge with the--

7 THE COURT: When's the last time you smoked  
8 marijuana?

9 MR. SMITH: Like two and a half weeks ago.

10 THE COURT: That's a violation of your  
11 probation, too.

12 MR. SMITH: I mean, yes, sir. But he --

13 THE COURT: Doesn't make any sense to me.

14 MR. SMITH: I ask him every time I come in  
15 there--

16 THE COURT: But you don't.

17 MR. SMITH: Pretty rare, right. Because he told  
18 me he'd take me to jail.

19 THE COURT: Okay. Why did you quit reporting?

20 MR. SMITH: Because I was scared he was going to  
21 take me to jail.

22 THE COURT: Anything else, Ms. Hahn?

23 MS. HAHN: The only thing I point out in this  
24 report, he felt like there were new rules. Certainly,  
25 probation's allowed to add conditions like that.

1 THE COURT: But that was before the hearing  
2 officer, it was done.

3 MS. HAHN: Yes, sir.

4 MR. SMITH: It happened afterwards. That's why  
5 I didn't report this time. Because I went back in there,  
6 he told me that I was allowed to a -- one time around  
7 type, that's why I stopped reporting again. I had the  
8 same -- they had -- that he talked about I had that court  
9 date the last date he said I reported after that. He told  
10 me -- he says that I had to give him my address. I did.  
11 That letter that -- I got a letter at my address for Cayce  
12 courthouse for disorderly conduct. That's what he put on  
13 the copy or whatever because they had my address on it  
14 when I gave it to him. I didn't have the paper anymore.  
15 I lost it or something. I asked him what the court date  
16 for that because I don't know it. Because---

17 THE COURT: You asked him?

18 MR. SMITH: Yes, sir. The paper -- he looked up  
19 the paper and that court date had already passed. The  
20 court date I got to show up three days after that. Which  
21 I didn't miss the court date, he told me that. I gave him  
22 all the money that I could possibly give. I asked for the  
23 community service and I asked for permission to go to voc  
24 rehab. I mean, anything just so he can help me find a job  
25 or something. I've tried. I've reported. The --

1 (indiscernible) center, the reason I violated reporting,  
2 you have two times to miss classes before you get -- they  
3 call some record they say, but they say two times miss  
4 payments. You can sit in two payments but don't get  
5 credit for time until payment after that second time.

6 THE COURT: All right, let's talk about  
7 reporting, sir, that's what I'm concerned with. Did you  
8 report in November?

9 MR. SMITH: I don't know when I started  
10 reporting, sir.

11 THE COURT: So -- November, December, January  
12 and then they served the warrant on you in February?

13 MR. SMITH: No, sir. I just got -- the warrant  
14 was served in -- warrant right here. The last time I  
15 reported was October.

16 THE COURT: Okay. This warrant was served  
17 February 27th.

18 MR. SMITH: Yes, sir.

19 THE COURT: And have you seen him at all in the  
20 intervening time?

21 MR. SMITH: I talked to him.

22 THE COURT: Have you gone to make your visits?

23 MR. SMITH: I -- I didn't -- this is hard enough  
24 for me to get rides to get my kids groceries and stuff on  
25 EBT. I mean, it's not easy.

1 THE COURT: Your recommendation?

2 MR. JONES: Your Honor, first I'd like to  
3 address, again, one of the implications that he said. A  
4 special condition was that the substance abuse counseling,  
5 anger management counseling no contact with Daniel Sawyer.  
6 I would like to address the anger management and substance  
7 abuse counseling, Your Honor. At the Lance Center (ph),  
8 they address both of those special conditions. He  
9 finishes one then he can go into the other. As, he  
10 said -- center makes every effort for people who don't  
11 have the money to still participate in the class. They  
12 have a point which they will still provided services but  
13 they -- if you have a problem just let them know, they try  
14 to work with them. Mr. Smith just is not a good candidate  
15 for probation, Your Honor. He simply refuses to follow  
16 advice and instructions.

17 THE COURT: All right. Anything else?

18 MS. HAHN: Your Honor, only other thing I can  
19 say, we just ask for a short revocation if you're inclined  
20 to go that direction.

21 THE COURT: All right, I find that Mr. Smith is  
22 aware of the nature of these proceedings. Represented by  
23 competent counsel. He is in violation of his probation.  
24 Probation is a two-way street. You're lane is wide. You  
25 got to stay in it, you got to report. I understand --

1 well, I disagree with you. The easiest thing to do is to  
2 report. Then, you know, the agent will work with you.

3 MR. SMITH: Well, I called him, told him I  
4 didn't have a ride. He said I was going to have a  
5 warrant. Why would I go report if I'm going to jail  
6 still?

7 THE COURT: You got to report. It's your  
8 responsibility to report.

9 MR. SMITH: I'm not a bad person.

10 SENTENCING

11 THE COURT: I'm going to rule, okay. All right.  
12 I'm not going to revoke all the time you have remaining.  
13 I'm going to revoke -- your probation is going to end.  
14 I'm going to revoke 10 months and he's done. All right.

15 MR. JONES: Convert the balance of the  
16 obligations, Your Honor, to civil judgment?

17 THE COURT: Yes, sir.

18 MR. JONES: Thank you.

19 (WHEREUPON, the proceedings were concluded.)  
20  
21  
22  
23  
24  
25



WITNESSES

Lexington County Sheriffs Department

Billy R. Laney

Law Enforcement Case #: 11026708

KWJ

ARRÊST WARRANT NUMBER

M303046

ACTION OF GRAND JURY

Foreperson of Grand Jury  
Date:

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. 2011-GS-32-03534

The State of South Carolina  
County of Lexington

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2011

THE STATE  
vs.

Nicholas Alexander Smith

CDR #: 2506

Indictment for

Use of Firearm while under the Influence

§ 23-31-0400(C)

DONALD V. MYERS, SOLICITOR

I DO HEREBY WAIVE MY RIGHT TO GRAND JURY PRESENTMENT


*Nicholas Alexander Smith*  
DEFENDANT

11/02/11  
DATE

*[Signature]*  
WITNESS

Lex. Co. C.O.R., G.B. & F.O.

**A TRUE COPY**



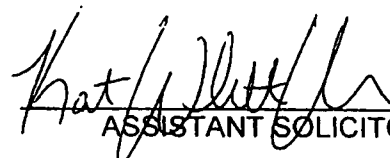
STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
 )

INDICTMENT FOR  
Use of Firearm while under the Influence  
§ 23-31-0400(C)

At a Court of General Sessions, convened on November 2011, the Grand Jurors of Lexington County present upon their oath:

That in Lexington County, South Carolina, on or about August 3, 2011, the Defendant, Nicholas Alexander Smith, did discharge a firearm while under the influence of alcohol or a controlled substance; in violation of Section 23-31-400 (B), and punishable under 23-31-400 (C) 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.

  
ASSISTANT SOLICITOR

up to 23 yrs  
or  
up to \$2,000

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington  
STATE VS.  
Nicholas Alexander Smith  
AKA:  
Race: White Sex: M Age: 23  
DOB: SS#: 2  
Address:  
City, State, Zip: West Columbia, SC 29172  
DL#: SID#:

INDICTMENT/CASE#: 2011-GS-32-03534  
A/W#: M303046  
Date of Offense: 8/3/2011  
S.C. Code §: 23-31-0400(C)  
CDR Code #: 2506

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
In disposition of the said indictment comes now the Defendant who was  
TO: Weapons / Use of firearm while under influence of alcohol or drugs

CONVICTED OF or  PLEADS

in violation of § 23-31-0400(C) of the S.C. Code of Laws, bearing CDR Code # 2506  
 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. NS (defendant's initials)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:  
Thad Whit Jr Solicitor 7/6/11 SC Bar# Nicholas Smith Defendant Attorney Attorney for Defendant 66261 SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of 2 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 90 days/months/years and/or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for 2

month/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 PTUP \_\_\_\_\_  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ days/hours Public Service Employment  
Payment Terms: \_\_\_\_\_ Obtain GED   
 Set by SCDPPPS \_\_\_\_\_ Attend Voc. Rehab. or Job Corp.

Recipient: \_\_\_\_\_  
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

\*Fine:

14-1-206 (Assessments 107.5%)	\$	
14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 0.00
14-1-211(A)(2) (DUI Surcharge)	\$100	\$
56-3-2995 (DUI Assessment)	\$12	\$
56-1-280 (DUI Breath Test)	\$25	\$
19-1-409 (Public Def/Prob)	\$500	\$ 500.00
14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
14-1-213 (Drug Court Surcharge)	\$150	\$
50-2-117 (BUI Breath Test Fee)	\$50	\$
56-5-2942(I) (Vehicle Assessment)	\$40/ea	\$
Provis. 90. (SCCJA Surcharge)	\$5	\$ 5.00
% to County (if paid in installments)	\$	\$
TOTAL		\$ 1030.00

Other: Anger mgmt. counseling; no  
contact w/ [redacted] Daniel Sawyer;  
def. cannot possess any firearm; consume  
no alcohol; pay P.D. fee of ct. cost @ \$50/mo.  
 Appointed PD or appointed other counsel, beginning  
§ 47.12 requires \$500 be paid to Clerk 1/5/12  
during probation.

Clerk of Court/Deputy Clerk: Beth A. Carver  
Court Reporter: S. Sheppard  
SCCA217 (03/2011)

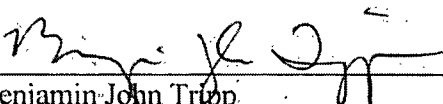
Presiding Judge: William P. Kinstler  
Judge Code: 2050  
Sentence Date: Nov. 2, 2011

Lex. Co. C. G. S. § 13-1-10

## 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."

January 6, 2014

  
Benjamin John Tripp  
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

RECEIVED  
JAN 06 2014  
SC Court of Appeals

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SC Court of Appeals

STATE OF SOUTH CAROLINA

ORIGINAL

IN THE COURT OF APPEALS

Appeal from Lexington County

George C. James, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

NICHOLAS A. SMITH,

APPELLANT

APPELLATE CASE NO. 2013-000986

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Matthew Buchanan, Esquire, at South Carolina Department of Probation, Parole & Pardon Services, PO Box 50666, Columbia, SC 29250, this 6th day of January, 2014.

*Brandon Hall*

Brandon Hall  
Administrative Specialist

SUBSCRIBED AND SWORN TO before me  
this 6th day of January, 2014

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

RECEIVED

JAN 06 2014

SC Court of Appeals