

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY

Clifton Newman, Circuit Court Judge

RECEIVED

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JONATHAN MALLORY,

APPELLANT

APPELLATE CASE NO. 2013-000811

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF LEXINGTON	)	2010-GS-32-00935
	)	2011-GS-32-00545

STATE OF SOUTH CAROLINA	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
JONATHAN MALLORY	)	
DEFENDANT	)	

April 12, 2013  
 Lexington, South Carolina

B E F O R E:

THE HONORABLE CLIFTON NEWMAN, JUDGE.

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

STATE OF SOUTH CAROLINA  
 DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES  
 Appearing for the State

DAVID M. MAULDIN, ASSISTANT PUBLIC DEFENDER  
 Attorney for the Defendant

CAROL M. THUEME, RPR  
 Official Court Reporter

I N D E X

DEFENDANT:	PAGE
JONATHAN MALLORY	3

EXHIBITS

(There were no exhibits marked.)

1 THE PROBATION AGENT: Jonathan Mallory.

2 THE CLERK: Raise your right hand, please.

3 JONATHAN MALLORY, after being duly sworn,  
4 testified as follows:

5 THE COURT: Yes, ma'am, Ms. Lyons.

6 THE PROBATION AGENT: Yes, sir.

7 This is Jonathan Mallory, Your Honor. He was  
8 sentenced by Judge Cothran for burglary, actually two  
9 burglaries.

10 Mr. Mallory, we have attempted to help him with  
11 his financial obligations, which is part of the violation  
12 for today, a total of eight times. We're still in the  
13 same situation as far as his money goes.

14 He also is here today for failure to report for  
15 four visits in a row, failing to work public service hours  
16 that we had given him in an attempt to help him with his  
17 supervision fee arrearage, and that's the total of today's  
18 violation.

19 I had previously felt that we may still be able  
20 to help Mr. Mallory. He had come to me and told me he was  
21 having problems within his family that was causing these  
22 financial issues for him; however, at this point  
23 Mr. Mallory is now incarcerated for some significant  
24 charges.

25 THE COURT: All right. Mr. Mauldin.

1 MR. MAULDIN: Thank you, Your Honor.

2 Mr. Mallory is 37. He's been self-employed  
3 since 1997. He has mainly done floor covering  
4 installation for a period of about ten years, and when  
5 that business kind of went downhill, or the demand for it  
6 went downhill, he started doing a scrap metal business,  
7 learned how to do some P.C. repair and has been doing that  
8 through Craig's List.

9 He's got three children -- four children, Your  
10 Honor. There are twin girls that are 18 and 17 from a  
11 prior relationship, and from a current relationship he has  
12 a 19-month-old child.

13 If you go through the violation, Your Honor, the  
14 four reports are one week after the other. Technically,  
15 he missed one month of reporting. He said that he did  
16 attempt to contact Ms. Lyons several times on the phone,  
17 and by the time he caught up with her, she said come in  
18 the next Wednesday, which was his next report date, and he  
19 did.

20 She instructed him that if he happened to miss  
21 one Wednesday, it's the best policy that you come in the  
22 next Wednesday as that is your report date and catch up on  
23 that. So basically he missed one report. He does admit  
24 that he missed that.

25 He has paid some monies, Your Honor, apparently

1 \$725 that has been paid toward supervision fees and \$330  
2 towards the restitution. He says when he brings money he  
3 bring it and tells them to put it where they need to put  
4 it. And so he's paid over a thousand dollars for the time  
5 that he's been on probation.

6 The family problems she's been talking about, he  
7 said there's a period of time when his -- the mother of  
8 his child left with the vehicle and he was at home with  
9 the child alone, he didn't have transportation to go to  
10 PSC, but he would still, except for that one month, make  
11 it to the probation office if he had to hitchhike or trade  
12 somebody something to give him a ride over there.

13 He would like to be continued on probation, Your  
14 Honor.

15 THE COURT: What's he in jail for?

16 MR. MAULDIN: Well, he's in jail for a  
17 manufacturing meth charge and unlawful conduct toward a  
18 child charge. The bond's set at 100,000 on that, but  
19 they're not violating him for that.

20 I asked the agent about that, and they said they  
21 were going to wait until the disposition of that case to  
22 decide whether or not they would serve process on him.  
23 That's not before the Court, although obviously Your Honor  
24 would be interested in it.

25 THE COURT: All right.

1 MR. MAULDIN: But, Your Honor, we do think that  
2 he has made sincere efforts towards the payment. The one  
3 missed date, we would hope that Your Honor would overlook  
4 that.

5 That's about all I have, unless Mr. Mallory has  
6 anything to say.

7 THE COURT: Mr. Mallory, is there anything you'd  
8 like to say?

9 THE DEFENDANT: I hope you will continue my  
10 probation, at least until the disposition of this case. I  
11 wasn't even in the home then. I'm sorry.

12 MR. MAULDIN: I've instructed Mr. Mallory not to  
13 make any statements regarding his new charges. I'm just  
14 being his lawyer.

15 THE DEFENDANT: I've tried to pay it off, and  
16 when my wife's at home, my vehicle was there, my payments  
17 were made. I did get behind several times, they'd work  
18 with me.

19 I tried to keep things paid up, \$1,030 has been  
20 paid total, and 1800 is the total amount to be paid, and I  
21 will get it paid. I pray the Court will at least continue  
22 this until -- continue my supervision until disposition of  
23 this new charge.

24 THE COURT: Anything further, Ms. Lyons?

25 THE PROBATION AGENT: No, sir, except for the

1 fact that he was in -- our charges were just the citation,  
2 and they do not include the current pending charges for  
3 him, so if at all possible I'd like to try to at least  
4 dispose of just our citation today and we can -- if you  
5 continue him, when he comes forward on the new charges, we  
6 can violate him at that time for that. Like I said, it's  
7 mostly monetary. If we can just even get that part  
8 settled today.

9 I do have a copy of his current police report,  
10 if you're interested at all.

11 THE COURT: What's his prior record?

12 THE PROBATION AGENT: His prior record, Your  
13 Honor, is --

14 MR. MAULDIN: Your Honor, may I look at it with  
15 her? She has not provided me a copy.

16 THE PROBATION AGENT: He has in 2009 a bunch of  
17 fraudulent check charges.

18 MR. MAULDIN: Those appear to be arrests, Your  
19 Honor. I don't see any convictions yet.

20 It appears in South Carolina, the two charges  
21 that he's on probation for.

22 THE PROBATION AGENT: He's also wanted out of  
23 state on a non-extradition worthless check issue.

24 1995, he has a grand theft conviction in  
25 Florida.

1 I apologize, Your Honor. Florida rap sheets are  
2 rather difficult to read at times.

3 He has a guilty conviction from 1995 for a  
4 burglary 3rd in Florida. He has a guilty conviction in  
5 2001 for forgery, and a swindling, depriving innkeeper at  
6 the same time.

7 He has a guilty conviction in 2002 for  
8 fraudulent use of credit cards. He had a probation  
9 violation in Florida.

10 In 2003, a conviction for smuggling contraband  
11 into a prison, an insufficient check conviction. Another  
12 check charge in 2002 in Florida, a traffic violation, and  
13 a 2005 grand theft.

14 Then that's all, Your Honor.

15 THE COURT: All right. What's the last thing  
16 you said? The last one you said was what?

17 THE PROBATION AGENT: I apologize.

18 MR. MAULDIN: She said a 2005 grand theft.

19 THE PROBATION AGENT: Grand theft.

20 THE COURT: Okay. Anything else?

21 MR. MAULDIN: No, Your Honor, not from me.

22 THE COURT: Based on the willful violation, I am  
23 revoking his probation and imposing a five-year sentence.

24 THE PROBATION AGENT: Convert his restitution,  
25 Your Honor, to civil judgment?

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THE COURT: Yes.

THE PROBATION AGENT: Thank you.

(The proceedings were concluded.)

\*\*\* END OF REQUESTED TRANSCRIPT OF RECORD \*\*\*



Served

11

Indictment Number:  
10-GS-32-00935, 11-GS-32-00545

### PROBATION CITATION

No. C-32-12-0296

SOUTH CAROLINA V. JONATHAN MALLORY	COUNTY: LEXINGTON	
	SCDC #	SID # 01907765

TO: JONATHAN MALLORY

YOU ARE HEREBY NOTIFIED to appear in the above named case at the time, date and place specified below.

Place	Room
	Date and Time

YOU ARE HEREBY NOTIFIED that you are charged with violating the conditions of your supervision as stated below.

**Violations Charged**  
Violation fo probation concurrent to Section 24-21-430 in that Jonathan Mallory has violated the conditions of his probationary sentence as imposed by the Honorable Judge Cothran at the March 2, 2011 term of General Sessions Court holden in Lexington County, Lexington, SC.

YOU ARE HEREBY NOTIFIED that you have the rights listed below.

**List of Rights:**  
You have the right at the hearing to question any person who appears as a witness against you and to have witnesses appear on your behalf. You may present evidence on your behalf. You may have an attorney represent you. If you cannot afford an attorney, an attorney will be appointed for you. You must advise the agent or the court in writing of your desire for an attorney. It is your responsibility to make arrangements for your witnesses and your attorney to appear at the hearing.

IF YOU FAIL TO APPEAR AT THE TIME, DATE AND PLACE SHOWN ABOVE, THE HEARING WILL BE HELD IN YOUR ABSENCE AND YOU MAY BE INCARCERATED.

LEXINGTON , South Carolina	Probation and Parole Agent Angela Lyons	Agent # 0411
Date 12/18/2012		

A copy of the citation was served by the undersigned and given to the individual named therein at the time, date, and place indicated below.

Place PPP	Date and Time 12/19/12 1700
	Serving Officer's Signature 

Sworn to and subscribed before me this 19 day of Dec, 2012  
  
 Signature of Notary Public My Commission Expires 1-23-18

MAY01201

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of LEXINGTON

Personally appeared before me, Angela Lyons, who first being duly sworn, deposes and says that JONATHAN MALLORY did within this county and State on the 18 day of December, 2012, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

Violation fo probation concurrent to Section 24-21-430 in that Jonathan Mallory has violated the conditions of his probationary sentence as imposed by the Honorable Judge Cothran at the March 2, 2011 term of General Sessions Court holden in Lexington County, Lexington, SC.

The Affiant states that there is probable cause to believe the defendant named committed the violations set forth and that such probable cause is based on the following facts:

Jonathan Mallory has failed to follow the advice and instructions of his agent in the following particulars: By failing to report 11/21/12, 11/28/12, 12/5/12 and 12/12/12; By being \$225.00 in arrears on supervision fees; By being \$70.00 in arrears on court fine; By failing to complete public service employment hours as directed in lieu of a previous supervision fee arrearage having been terminated for failure to report to the worksite. The above does constitute a willful violation of standard conditions 1,7,9,10,11 and special conditions of supervision as agreed to in writing by the offender.

Sworn to and subscribed before me this 18 day of December, 2012

Angela Lyons  
Affiant

[Signature]  
Signature of Notary Public

My Commission Expires: May 29, 2018

STATE OF SOUTH CAROLINA )  
 COUNTY OF Lexington )  
 STATE )  
 VS )  
 Jonathan Ray Mallory )  
 AKA: )  
 Race Sex M Age 34 )  
 DOB: [redacted] SS# [redacted] )  
 Address [redacted] )  
 City, State, Zip Gaston, SC 29053-8418 )  
 DL# [redacted] SID# [redacted] )  
 \*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2010GS3200935  
 AWW# M300307  
 Date of Offense 2/26/2010  
 S C Code § 16-11-0311  
 CDR Code # 0079

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was TO Burglary third

CONVICTED OF or  PLEADS

In violation of § 16-11-313 of the S C Code of Laws, bearing CDR Code # 0427  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45  
 (CSC w/minor 1<sup>st</sup> or Lewd Act)

The charge is  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury (def's initials)  
 The plea is  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State

ATTEST  
 [Signature] Solicitor SC Bar # [redacted] Defendant [Signature] Attorney for Defendant SC Bar # 2047

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center,  
 for a determinate term of 5 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  
 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 Neglected 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 \$ 1500.00 plus 20% fee \$ \_\_\_\_\_ days/hours Public Service Employment

Payment Terms \_\_\_\_\_

Set by SCDPPPS \_\_\_\_\_

Recipient \_\_\_\_\_

*Fine		\$	_____
§14-1-206 (Assessments 107.5%)		\$	_____
§14-1-211 (A)(1)(Conv Surcharge)	\$100	\$	100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	_____
§56-5-2995 (BUI Assessment)	\$12	\$	_____
§56-1-286 (DUI Breath Test)	\$25	\$	_____
Priso 479 (Public Def/Prob)	\$500	\$	_____
§21-212 (Enforce Funding)	\$25	\$	25.00
§14-1-13 (Court Surcharge)	\$150	\$	_____
§56-1-14 (BUI Breath Test Fee)	\$50	\$	_____
§56-2942 (Vehicle Assessment)	\$40/ea	\$	_____
Priso 905 (SCJA Surcharge)	\$5	\$	5.00
§44-33-450 (Conditional Discharge)	\$350	\$	_____
3% County fee paid in installments)		\$	_____
TOTAL		\$	11030.00

Clerk of Court/Deputy Clerk [Signature]  
 Court Reporter [Signature]  
 SCCA217 (06/2010)

Obtain GED

Attend Voc. Rehab Or Job Corp \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd in equal consecutive weekly/monthly

pmts of \$ \_\_\_\_\_ Beginning \_\_\_\_\_

\$ \_\_\_\_\_ Paid to Public Defender Fund

Other \_\_\_\_\_

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

Presiding Judge [Signature]

Judge Code 2144

Sentence Date 3-2-11

STATE OF SOUTH CAROLINA  
COUNTY OF Lexington  
STATE

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2011GS3200545

Jonathan Mallory  
AKA  
Race Sex M Age: 34  
DOB SS#  
Address  
City, State, Zip West Columbia, SC 29172  
DL# SID#

AW# M301850  
Date of Offense 10/14/2010  
S C Code § 16-11-0313  
CDR Code # 0427

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 Burglary / Burglary (After June 20, 1985) - Third degree - 1st offense

In violation of § 16-11-0313 of the S.C. Code of Laws, bearing CDR Code # 0427

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45  
(CSC w/minor 1<sup>st</sup> or Lewd Act)

The charge is  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury (def's initials)  
The plea is  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State

ATTEST

*James O. G. 064062* Solitor SC Bar # *Wayne Floyd* Defendant Attorney for Defendant SC Bar # 2047

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center,  
for a determinate term of 4 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 1.5 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 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	
*Fine	\$ _____
§14-1-206 (Assessments 107.5%)	\$ _____
§14-1-211 (A)(1)(Conv Surcharge)	\$100 \$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100 \$ _____
§56-5-2995 (DUI Assessment)	\$12 \$ _____
§56-1-286 (DUI Breath Test)	\$25 \$ _____
§14-1-212 (Law Enforce Funding)	\$25 \$ <u>35.00</u>
§14-1-212 (Drug Court Surcharge)	\$150 \$ _____
§56-1-14 (DUI Breath Test Fee)	\$50 \$ _____
§56-1-2942 (Vehicle Assessment)	\$40/ea \$ _____
§14-1-211 (CJA Surcharge)	\$5 \$ <u>5.00</u>
§44-5-450 (C) (Conditional Discharge)	\$350 \$ _____
3% Court Cost (if paid in installments)	\$ _____
TOTAL	\$ <u>130.00</u>

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 \_\_\_\_\_

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

Presiding Judge *[Signature]*

Judge Code 2144

Sentence Date 3-2-11

Clerk of Court Deputy Clerk *Beth A. C...*  
Court Reporter *Carol Th...*  
SCCA/217 (06/2010)

County of Lexington  
STATE VS

Indictment Number 2011 -GS- 33 - 00545  
Probation C/W #s. 0132-12-0876

AKA Jonathan Halloway  
Race W Sex M  
DOB: [REDACTED]  
SSN [REDACTED]  
SID# 01101765

Name of Original Offense burg 3d 1st offense  
Original A/W# M301850  
Date of Original Offense 10/14/2010  
Conviction S C Code §: 16-11-0313  
Conviction CDR Code # 0, 4, 5, 7  
Original Sentence 4 yrs SS [REDACTED] 2 yrs probation

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 02/10/11 in the Court of General Sessions of Lexington County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 10/31/11 7/1/11, as set forth in the attached warrant(s) or citation(s) dated 12/18/12. 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) 1, 4, 5, 7 - Special Conditions

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 4 months/years, the remainder of the original sentence, and/or pay \$ \_\_\_\_\_
- 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  
pay 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 0 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

ENTERED

This 17 day of April, 2013  
Lexington, SC

Presiding Judge [Signature]  
11th 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 \_\_\_\_\_ SC



STATE OF SOUTH CAROLINA

COUNTY OF Lexington

IN THE COURT OF GENERAL SESSIONS

-GS-

Count

STATE

-VS-

STANDARD CONDITIONS OF PROBATION

Jonathan R. Malloy

- 1 I shall report in person to the South Carolina Department of Probation, Parole and Pardon Services' office on the day of my sentencing or release, and as instructed by the Department; and I shall make complete and truthful reports to the Agent
- 2 I shall not change my residence or employment without the consent of my Agent. Further, I shall allow my Agent to visit me in my home, at my place of employment, or elsewhere, at any time
- 3 I shall not use controlled substances, except when properly prescribed by a licensed physician, nor consume alcoholic beverages to excess, nor enter establishments whose primary business is the sale and drinking of alcoholic beverages. Further, I shall submit to a urinalysis, blood test or provide forensic evidence when instructed by Agents of the Department, and I agree that any of these test results may be used as evidence in any hearing for the violation of the conditions of my supervision
- 4 I shall not possess or purchase any firearms or other dangerous weapons, and I shall not associate with any person who has a criminal record, or any other person whom my Agent has instructed me to avoid
- 5 I shall work diligently at a lawful occupation. Further, I shall notify my Agent if I become unemployed
- 6 I shall not violate any Federal, State, or Local Law, and I shall immediately contact my Agent if I am ever arrested or questioned by a law enforcement official for any reason whatsoever
- 7 I shall pay a supervision fee and any other fees as determined by the Department
- 8 I shall not leave the State without permission from my Agent. Further, if I am ever arrested in another state for violating these conditions, I hereby irrevocably waive all extradition rights I may otherwise have been entitled to and agree to return to South Carolina when directed by my Agent, the Court or by a warrant
- 9 I shall obey all conditions of supervision set forth in this order including the payment of fines, restitution or other payments, and the service of any period of incarceration
- 10 I shall follow the advice and instructions of my Agent and I agree to comply with any further conditions imposed by the Department or its Agents
- 11 I agree to pay restitution and a statutory collection fee payable to the Department of Probation, Parole, and Pardon Services as directed by Agents of the Department (20% collection fee charged)
- 12 Unless I was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year, I shall be subject to a search or seizure, without a search warrant, based on reasonable suspicions, of my person, any vehicle I own or am driving, and any of my possessions by: (1) any probation agent employed by the Department, or (2) any other law enforcement officer.

I hereby certify that this statement of Conditions has been read and explained to the Probationer listed above and he/she has agreed to them.

I hereby certify that the Conditions above have been explained fully to me and in agreement thereto, I attach my signature

This 2<sup>nd</sup> day of March, 200

[Signature]  
Agent

605 W Main St. Lexington, SC 29072  
Agent's Address

803-359-2551  
Agent's Phone Number

[Signature]  
Offender

[Redacted]  
Offender's Address

Gaston, SC 29053  
Offender's Address

(803) 403-5460  
Offender's Phone Number



# Lexington County Eleventh Judicial Circuit Public Index



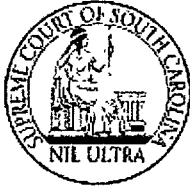
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[South Carolina Judicial Department Home Page](#)
[SC.GOV Home Page](#)

Switch View

<b>The State of South Carolina VS Jonathan Ray Mallory</b>					
<b>Case Number:</b>	53074GC	<b>Court Agency:</b>	Bond Court	<b>Filed Date:</b>	03/24/2013
<b>Case Type:</b>	Criminal	<b>Case Sub Type:</b>			
<b>Status:</b>	Transferred	<b>Assigned Judge:</b>	Out Of County	<b>Disposition Judge:</b>	Out Of County
<b>Disposition:</b>	Transferred from Bond/Other Court				
<b>Disposition Date:</b>	03/24/2013	<b>Date Received:</b>		<b>Arrest Date:</b>	03/23/2013
<b>Law Enf. Case:</b>		<b>True Bill Date:</b>		<b>No Bill Date:</b>	
<b>Prosecutor Case:</b>		<b>Indictment Number:</b>		<b>Waiver Date:</b>	
<b>Probation Case:</b>					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
<b>Name</b>	<b>Charge Code - Charge Description</b>	<b>Original Charge Code - Original Charge</b>		<b>Disposition Date</b>		
Mallory, Jonathan Ray	2579-Traffic / Operating vehicle in unsafe mechanical condition	2579-Traffic / Operating vehicle in unsafe mechanical condition		03/24/2013		

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# Lexington County Eleventh Judicial Circuit Public Index



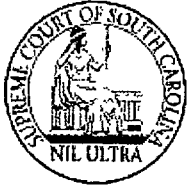
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Switch View

The State of South Carolina VS Jonathan Ray Mallory					
<b>Case Number:</b>	53074GC	<b>Court Agency:</b>	Bond Court	<b>Filed Date:</b>	03/24/2013
<b>Case Type:</b>	Criminal	<b>Case Sub Type:</b>			
<b>Status:</b>	Transferred	<b>Assigned Judge:</b>	Out Of County	<b>Disposition Judge:</b>	Out Of County
<b>Disposition:</b>	Transferred from Bond/Other Court				
<b>Disposition Date:</b>	03/24/2013	<b>Date Received:</b>		<b>Arrest Date:</b>	03/23/2013
<b>Law Enf. Case:</b>		<b>True Bill Date:</b>		<b>No Bill Date:</b>	
<b>Prosecutor Case:</b>		<b>Indictment Number:</b>		<b>Waiver Date:</b>	
<b>Probation Case:</b>					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds		
<b>Bond Information</b>								
Bond Id	Set Date	Amend Date	Set By	Type	Amount	Type	Amount	Condition
2013BD3210202366	03/24/2013		Whittle	Cash Bond	\$237.50	Surety Bond	\$237.50	Must Notify Court Immediately of Change of Address
<b>Post Information</b>								
Bond Id	Bond Type	Amount	Date Posted	Posted By				
2013BD3210202366	Surety Bond	\$237.50	03/25/2013	A Plus Bonding Co/ Kellie A Dodd				

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# Lexington County Eleventh Judicial Circuit Public Index



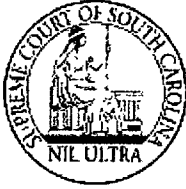
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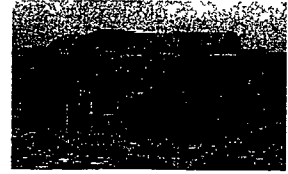
The State of South Carolina VS Jonathan Ray Mallory					
<b>Case Number:</b>	53073GC	<b>Court Agency:</b>	Bond Court	<b>Filed Date:</b>	03/24/2013
<b>Case Type:</b>	Criminal	<b>Case Sub Type:</b>			
<b>Status:</b>	Transferred	<b>Assigned Judge:</b>	Out Of County	<b>Disposition Judge:</b>	Out Of County
<b>Disposition:</b>	Transferred from Bond/Other Court				
<b>Disposition Date:</b>	03/25/2013	<b>Date Received:</b>		<b>Arrest Date:</b>	03/23/2013
<b>Law Enf. Case:</b>		<b>True Bill Date:</b>		<b>No Bill Date:</b>	
<b>Prosecutor Case:</b>		<b>Indictment Number:</b>		<b>Waiver Date:</b>	
<b>Probation Case:</b>					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
<b>Name</b>	<b>Charge Code - Charge Description</b>	<b>Original Charge Code - Original Charge</b>		<b>Disposition Date</b>		
Mallory, Jonathan Ray	0624-DUS / Driving under suspension, license not suspended for DUI - 1st offense	0624-DUS / Driving under suspension, license not suspended for DUI - 1st offense		03/25/2013		

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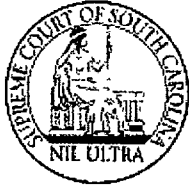
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Switch View

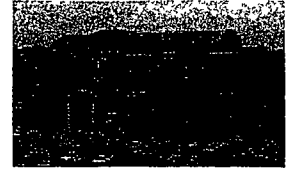
The State of South Carolina VS Jonathan Ray Mallory					
<b>Case Number:</b>	53073GC	<b>Court Agency:</b>	Bond Court	<b>Filed Date:</b>	03/24/2013
<b>Case Type:</b>	Criminal	<b>Case Sub Type:</b>			
<b>Status:</b>	Transferred	<b>Assigned Judge:</b>	Out Of County	<b>Disposition Judge:</b>	Out Of County
<b>Disposition:</b>	Transferred from Bond/Other Court				
<b>Disposition Date:</b>	03/25/2013	<b>Date Received:</b>		<b>Arrest Date:</b>	03/23/2013
<b>Law Enf. Case:</b>		<b>True Bill Date:</b>		<b>No Bill Date:</b>	
<b>Prosecutor Case:</b>		<b>Indictment Number:</b>		<b>Waiver Date:</b>	
<b>Probation Case:</b>					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds		
<b>Bond Information</b>								
Bond Id	Set Date	Amend Date	Set By	Type	Amount	Type	Amount	Condition
2013BD3210202366	03/24/2013		Whittle	Cash Bond	\$652.50	Surety Bond	\$652.50	Must Notify Court Immediately of Change of Address
<b>Post Information</b>								
Bond Id	Bond Type	Amount	Date Posted	Posted By				
2013BD3210202366	Surety Bond	\$652.50	03/25/2013	A Plus Bonding Co/ Kellie A Dodd				

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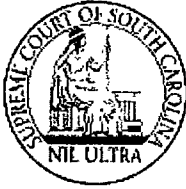
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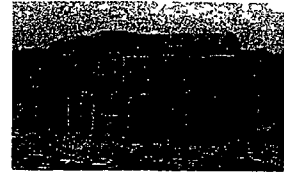
The State of South Carolina VS Jonathan Ray Mallory					
Case Number:	2013A3210900047	Court Agency:	General Sessions	Filed Date:	04/08/2013
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor / Master In Equity G S And C P
Disposition:	Nolle Prosequi				
Disposition Date:	07/10/2013	Date Received:	04/08/2013	Arrest Date:	04/03/2013
Law Enf. Case:	13005292	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2013GS3202059	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Mallory, Jonathan Ray	2481-Children / Legal custodian, unlawful neglect of child or helpless person	2481-Children / Legal custodian, unlawful neglect of child or helpless person		07/10/2013		

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The State of South Carolina VS Jonathan Mallory					
<b>Case Number:</b>	2013A3210200624	<b>Court Agency:</b>	Bond Court	<b>Filed Date:</b>	04/04/2013
<b>Case Type:</b>	Criminal-Clerk	<b>Case Sub Type:</b>			
<b>Status:</b>	Transferred	<b>Assigned Judge:</b>	Clerk Of Court C P, G S, And Family Court	<b>Disposition Judge:</b>	Clerk Of Court C P, G S, And Family Court
<b>Disposition:</b>	Transferred from Bond/Other Court				
<b>Disposition Date:</b>	04/04/2013	<b>Date Received:</b>		<b>Arrest Date:</b>	04/04/2013
<b>Law Enf. Case:</b>	13005292	<b>True Bill Date:</b>		<b>No Bill Date:</b>	
<b>Prosecutor Case:</b>		<b>Indictment Number:</b>	0000GS32	<b>Waiver Date:</b>	
<b>Probation Case:</b>					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds			
Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Mallory, Jonathan Ray	3014-Drugs / Manufacturing methamphetamine	3014-Drugs / Manufacturing methamphetamine	04/04/2013

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Switch View

The State of South Carolina VS Jonathan Ray Mallory					
Case Number:	2013A3210200624	Court Agency:	General Sessions	Filed Date:	04/08/2013
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Cottingham, Edward B
Disposition:	Pled Guilty				
Disposition Date:	07/10/2013	Date Received:	04/08/2013	Arrest Date:	04/04/2013
Law Enf. Case:	13005292	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2013GS3202058	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Mallory, Jonathan Ray	0049-Conspiracy / Criminal Conspiracy, Common Law conspiracy defined	3014-Drugs / Manufacturing methamphetamine		07/10/2013		

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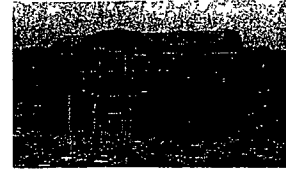
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The State of South Carolina VS Jonathan Ray Mallory					
Case Number:	2013A3210900047	Court Agency:	Bond Court	Filed Date:	04/04/2013
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Transferred	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Clerk Of Court C P, G S, And Family Court
Disposition:	Transferred from Bond/Other Court				
Disposition Date:	04/04/2013	Date Received:		Arrest Date:	04/04/2013
Law Enf. Case:	13005292	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	0000GS32	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds		
<b>Bond Information</b>								
Bond Id	Set Date	Amend Date	Set By	Type	Amount	Type	Amount	Condition
2013BD3210202655	04/04/2013	04/04/2013	Jeffcoat	Cash Bond	\$50,000.00	Surety Bond	\$50,000.00	Must Notify Court Immediately of Change of Address No Contact with Victim Must Follow all DSS safety plans
<b>Post Information</b>								
None								



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Switch View

The State of South Carolina VS Jonathan Ray Mallory					
Case Number:	2013A3210200624	Court Agency:	General Sessions	Filed Date:	04/08/2013
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Cottingham, Edward B
Disposition:	Pled Guilty				
Disposition Date:	07/10/2013	Date Received:	04/08/2013	Arrest Date:	04/04/2013
Law Enf. Case:	13005292	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2013GS3202058	Waiver Date:	
Probation Case:					

Case Parties    Charges    Sentencing    Associated Cases    Actions    Financials    Bonds							
And/Or	Description	Amount	Units	Begin Date	End Date	Completion Date	Consecutive or Concurrent
	4 years						

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STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF LEXINGTON )  
 )

INDICTMENT FOR  
 BURGLARY, FIRST DEGREE

§ 16-11-0311

At a Court of General Sessions, convened on APRIL 2010, the Grand Jurors of Lexington County present upon their oath:

That **Jonathan Ray Mallory** did in Lexington County, South Carolina on or about February 26, 2010 did knowingly and willfully enter a dwelling, to wit: [REDACTED], Gaston, SC being the dwelling of Sherry Hubbard, without consent and with the intent to commit a crime therein and caused physical injury to a person who is not a participant in the crime and/or the entering or remaining occurred in the nighttime, in violation of § 16-11-311 of the 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

WITNESSES

Lexington County Sheriffs Department

B Travis

Law Enforcement Case # 10018497

JAG

ARREST WARRANT NUMBER

M300307

ACTION OF GRAND JURY

**TRUE BILL**

*M. Hew*

Foreperson of Grand Jury

Date 4/5/10

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2010GS3200935

**The State of South Carolina**

**County of Lexington**

COURT OF GENERAL SESSIONS

APRIL TERM 2010

THE STATE

vs.

Jonathan Ray Mallory

CDR #: 0079

Indictment for

BURGLARY FIRST DEGREE

§ 16-11-0311

DONALD V. MYERS, SOLICITOR

**A TRUE COPY**

*Boch*  
Lex. Co. C.C.P., G.S. & F.C.



WITNESSES

Lexington County Sheriffs Department

Traci M Barr

Law Enforcement Case # 10094755

JAG

ARREST WARRANT NUMBER

M301850

ACTION OF GRAND JURY

Foreperson of Grand Jury  
Date

VERDICT

Foreperson of Petit Jury  
Date

DOCKET NO. 2011GS3200545

The State of South Carolina  
County of Lexington

COURT OF GENERAL SESSIONS  
MARCH TERM 2011

THE STATE  
vs.

Jonathan Mallory

CDR #: 0427

Indictment for

BURGLARY THIRD DEGREE

§ 16-11-0313

DONALD V. MYERS, SOLICITOR

HEREBY WAIVE MY RIGHT  
TO GRAND JURY PRESENTMENT

*[Signature]*  
DEFENDANT

3/3/11  
DATE

*[Signature]*  
WITNESS

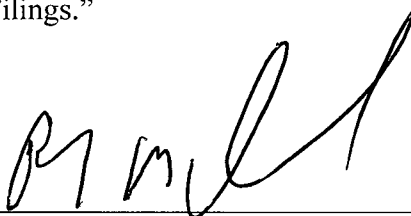
A TRUE COPY

*[Signature]*  
Lex. Co. C.C.P., G.S. & F.C.

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

19<sup>th</sup> of May, 2014



Robert M. Dudek  
Chief 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

RECEIVED

MAY 19 2014

Appeal from Lexington County

SC Court of Appeals

Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

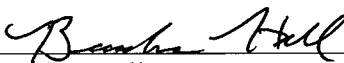
JONATHAN MALLORY,

APPELLANT

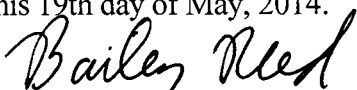
APPELLATE CASE NO. 2013-000811

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 Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 19th day of May, 2014.

  
\_\_\_\_\_  
Brandon Hall  
Administrative Specialist

SUBSCRIBED AND SWORN TO before me  
this 19th day of May, 2014.

  
\_\_\_\_\_  
(L.S.)  
Notary Public for South Carolina

My Commission Expires: October 24, 2021