

5

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Anderson County

Honorable R. Lawton McIntosh, Circuit Court Judge

RECEIVED
JUN 18 2018
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

PATRICK TODD SMITH,

APPELLANT

APPELLATE CASE NO 2018-000414

RECORD ON APPEAL

ROBERT M. PACHAK
Appellate Defender

ALAN WILSON
Attorney General

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

MATTHEW BUCHANAN
General Counsel
South Carolina Department of Probation, Parole
and Pardon Services
Post Office Box 50666
Columbia, SC 29250

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

KATHERINE HUDGINS
Appellate Defender

INDEX

INDEX	i
TRANSCRIPT (Dated February 23, 2018)	1
PROBATION CITATIONS.....	18
CERTIFICATE OF COUNSEL	24

State of South Carolina
County of Anderson

Court of General Sessions

State of South Carolina	)	
	)	
	)	Transcript of Record
v.	)	2011-GS-04-00552
	)	
Patrick Todd Smith	)	
	)	
<u>Defendant.</u>	)	

February 23, 2018
Anderson, South Carolina

B E F O R E :

The Honorable Lawton McIntosh, Judge.

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

Victoria Gurney, Assistant Public Defender
Attorney for the Defendant

Lisa Scott
Circuit Court Reporter

I N D E XWITNESSPAGE

No Witnesses.

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
------------	--------------------	------------	-------------

No Exhibits.

1 P R O C E E D I N G S

2 * * * * *

3 MS. ALEWINE: Patrick Todd Smith. Patrick Todd
4 Smith, come around, please.

5 THE DEFENDANT: (Complying.)

6 THE CLERK: Sir, if you will please raise your
7 right hand.

8 THE DEFENDANT: (Complying.)

9 THE CLERK: Do you solemnly swear or affirm to
10 tell the truth, the whole truth, and nothing but the
11 truth?

12 THE DEFENDANT: Yes, ma'am.

13 THE CLERK: Thank you.

14 THE COURT: All right. You're Patrick Todd
15 Smith?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Mr. Smith, have you read or had
18 read to you the reports of your alleged probation
19 violations?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you have them with you?

22 MS. GURNEY: I -- I believe I do, Your Honor,
23 but we have a motion.

24 THE COURT: Okay.

25 MS. GURNEY: Mr. Smith was recently screened

1 for drug court. We -- we found that out recently
2 and accepted. However, drug court in Anderson
3 doesn't run with probation, so we're just requesting
4 a continuance in order to hopefully try to work
5 something out and -- and see what we can do.

6 THE COURT: Was he served the warrant in this
7 matter?

8 PROBATION OFFICER: Your honor, they're all
9 citations and a ---

10 THE COURT: They're all citations?

11 PROBATION OFFICER: Yes, sir.

12 THE COURT: I'm really not inclined to continue
13 him if he's got three cases and he picked up three
14 more arrests.

15 MS. GURNEY: And he is in the detention center.

16 THE COURT: And we've got a victim over here.
17 I'm not really inclined to do that. I'll take that
18 under advisement. I want to hear.

19 Mr. Smith?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Asking you earlier, have you read
22 or had read to you the reports of your alleged
23 probation violation?

24 THE DEFENDANT: Yes, sir. Mr. McCormick here,
25 he's -- he's had lots of information for me.

1 THE COURT: The question was, have you read
2 them or had them read to you? That's the only
3 question I asked.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you agree or do you disagree
6 that you willfully violated the terms of your
7 probation?

8 MS. GURNEY: Your Honor, he agrees with
9 some ---

10 THE COURT: He's going to talk to me about it.

11 THE DEFENDANT: Yes, sir. I -- yes, sir. I
12 did violate some of the conditions.

13 THE COURT: Okay. Tell me what you did to
14 violate these.

15 THE DEFENDANT: I was hanging around the wrong
16 crowd and caught some more charges, driving under
17 suspension.

18 THE COURT: Basically, it says, Mr. Smith, that
19 you failed to report to your initial entry on
20 April 17 -- of 2017 or June of 2017; is that
21 correct?

22 THE DEFENDANT: Mr. McCormick, I always
23 reported.

24 THE COURT: Talk to me.

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Okay.

2 THE DEFENDANT: I always reported to my thing.
3 I failed to pay my rest -- some of my restitution,
4 but I always reported to Mr. McCormick.

5 THE COURT: Well, let me stop you right there.
6 And I'm going to let you speak.

7 Tell me about it, please, sir.

8 PROBATION OFFICER: Yes, sir. He's in -- he
9 currently has four probation cases that are active.
10 He's only in violation of three of those.

11 Since that he -- his last probation violation
12 hearing was on February 6, 2017. And since then,
13 he's been arrested ---

14 THE COURT: Three times?

15 PROBATION OFFICER: --- ten times.

16 THE COURT: Ten?

17 PROBATION OFFICER: Yes, sir. I have a list
18 through Anderson, Oconee, and all over. And
19 sometimes he was arrested in Anderson and then
20 transported to Oconee and vice versa.

21 And he's -- since that last probation violation
22 hearing, he's received two more probation --
23 probation sentences. He's in -- he owes restitution
24 on all of them except for the newest one, and he
25 hasn't made a payment on his restitution since

1 August of 2016.

2 THE COURT: Sir, what is your name?

3 THE VICTIM: Darrell Whobrey, W-h-o-b-r-e-y.

4 THE COURT: I'll be glad to hear anything you
5 have. How much money have you received? I assume
6 that you're owed restitution.

7 THE VICTIM: \$10,900.

8 THE COURT: Have you been paid anything?

9 THE VICTIM: Less than \$10.

10 THE COURT: Less than \$10?

11 THE VICTIM: Yes, sir.

12 THE COURT: Since 2016?

13 THE VICTIM: Yes, sir.

14 THE COURT: Have you been working?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Why haven't you been paying the
17 restitution?

18 THE DEFENDANT: After I was -- see, I believe
19 that case was like 2015 when that happened.

20 THE COURT: Sir, you need to direct your
21 comments to me.

22 THE DEFENDANT: I'm sorry. I'm sorry.

23 I believe it was in 2015 when I -- when that
24 particular case happened. I went to prison for a
25 year, 18 months I believe. I came home. I went to

1 work for Pickens Construction. I worked for Pickens
2 Construction for about ten months, and then I went
3 and switched over to Moseley Bros. Construction.
4 Went to work for Wesley Moseley.

5 THE COURT: That's fine and well and I'm glad
6 you're working. The question was, however, why
7 haven't you paid your restitution?

8 THE DEFENDANT: I just wasn't being
9 responsible. I failed -- I failed to be -- to do
10 my -- pay my duties and I just wasn't being
11 responsible.

12 THE COURT: All right. Ms. Gurney, I cut you
13 off two times now. Go ahead.

14 MS. GURNEY: That's all right. What -- what we
15 would ask if you're not inclined to grant the
16 continuance ---

17 THE COURT: I'm not going to grant the
18 continuance. He got arrested ten times. He's a
19 menace.

20 MS. GURNEY: --- would be to revoke time on
21 HIP. While he's on HIP, I believe he could
22 participate in drug court which would hopefully
23 address the underlying situation of his addiction.

24 And then once is that completed, then he would
25 be -- continue on these probation cases.

1 THE DEFENDANT: Your Honor, may I speak?

2 THE COURT: Yes, sir.

3 THE DEFENDANT: I was released last June, June
4 of 2016.

5 THE COURT: From?

6 THE DEFENDANT: From SCDC. I went to work. I
7 did -- I stayed clean until December, Christmas Eve
8 of 2016.

9 I went back. I stayed working until January,
10 and I got pulled over on my way to work. I mean, I
11 know this, but I got pulled ---

12 THE COURT: What were you saying?

13 THE DEFENDANT: I went -- I got pulled over. I
14 went to jail for driving under suspension, and I had
15 a Lortab in my vehicle. I went to jail for a
16 controlled substance.

17 I caught four more driving under suspensions
18 like in a month and a half. And I got told by
19 the -- it was a burglary or prevention team that the
20 county had put together. They told me that I was
21 put on a target list. The police would come up to
22 my house, run the numbers on everything in the
23 house.

24 And this -- and it became where, I mean, I
25 couldn't go to the store without getting pulled over

1 or -- and so five of these -- five of these arrests
2 that I had was driving under suspension.

3 After I lost my job, I couldn't get my truck
4 out of the impound anymore. I couldn't no longer
5 because I was ---

6 THE COURT: How did you lose your job?

7 THE DEFENDANT: Because I -- I couldn't get
8 back and forth to work. I had -- it was five
9 driving under suspensions.

10 I went to -- one of the times I was at the --
11 at the store, I had got a little side job. I bought
12 me a pressure washer and I was pressure washing.
13 Well, I stopped at the store to fill up and was
14 putting gas and all in my little pressure washers.
15 And a deputy rolls in, sees my truck, locks me up
16 for driving under suspension again.

17 I had a previous warrant from 2015. This was
18 before I ever got put on the probations that I was
19 on currently. It was a charge -- I wrote the
20 counties -- Oconee County -- it was from Oconee
21 County General Sessions bench warrant for an old
22 charge from 2015 at the same time this charge --
23 this man's stuff here.

24 And anyway, I had a bench warrant on me, and I
25 went to the court. Judge Maddox gave me 15. He put

1 me on ten years, suspended to five years probation
2 for the charge, but it was a charge from all this --
3 before all this occurred that I'm on.

4 You put me on probation and gave me three
5 probations. You run them all consecutive so I could
6 pay the restitution back for this man right here.

7 THE COURT: You didn't bother doing it. Paid
8 him less than \$10 in two years.

9 THE DEFENDANT: Yes, sir. And I -- and they
10 knew what it was. I got caught back up in my drug
11 addiction. And I just -- and, you know, when I got
12 the extra money instead of paying my bills, my power
13 got cut off at my house, my water got cut off at my
14 house. You know what I mean?

15 And then I'm not blaming anybody. It's my
16 fault. I should've took responsibility, but I lost
17 my vehicle. So I turned to what I knew next, and
18 that was going back into a life of crime.

19 When I go to -- when I've been in prison, I
20 mean, I'm not saying prison is easy, but prison --
21 go to prison, I stay clean. I don't do any drugs.
22 I get healthy. I go in there. I work, you know, so
23 I can get my mind right. I get back. I'm a
24 Christian. You know, I put my faith in God and --
25 but when I get out, I go three or four months and

1 then I'm -- it's just like the stress builds up, and
2 then I'm right back where I'm at.

3 I mean, I'm not a -- I'm not a bad person. I
4 don't go out just taking people's stuff. I don't do
5 that ---

6 THE COURT: Well, you might realize that ---

7 THE DEFENDANT: --- just to -- just to -- just
8 to make my -- to support my drug habit.

9 But I go three -- I go three -- I've went six
10 months. My mother is here in court today, and I
11 have went -- I have -- I just celebrated a year. I
12 forget. How long ago was that? I mean, it's just
13 here recently I celebrated a year.

14 After I celebrate a year, okay, I -- I'm
15 gonna -- I can do it one more time, you know,
16 because I pat myself. I guess a pat on my back, and
17 then next thing I know here we are.

18 Nikki -- Nikki Lindsey came and talked to me
19 because I wrote the judge at the time, and I told
20 her, "Look, I've been going three or four months all
21 my life. I stay out and I stay clean, and then I go
22 right back to drugs.

23 And then this time I got some receiving stolen
24 good charges on me. And instead of stealing, I
25 justified, well, I'm not stealing it. It's like

1 I -- I would buy it from somebody.

2 THE COURT: Don't tell me about your underlying
3 charges.

4 THE DEFENDANT: I'm just -- I'm just being
5 honest with you. I mean, regardless, it don't
6 matter. I'm being honest with this man.

7 And I would -- and I would -- I would wheel and
8 deal with stuff. And then that's how I justify,
9 well, I'm not stealing it, so I'd -- I would, you
10 know -- you understand what I'm -- you understand
11 what I'm trying to say?

12 THE COURT: Yes, sir, I do.

13 THE DEFENDANT: And, well, anyway,
14 Ms. Lindsey -- Nikki Lindsey came and talked to me
15 Wednesday from the drug court, and I told her my
16 situation. We talked several hours at the jail.

17 And that's -- that -- I should've been put in
18 this program a long time ago, I mean, because it's
19 a -- it's a -- I can go down and go to prison. I
20 can -- I can go to prison. I can do this. They've
21 got programs in there and everything, but it don't
22 mean diddly-squat until I'm out here on the street
23 actually put in front of life. You know what I'm
24 saying?

25 It's like a -- it's so many times, you know, I

1 just had that little bit of accountability. That's
2 three drug tests a week in that program. They tell
3 you -- you have to call and check in with them every
4 day. You have so many things you have to do. It's
5 almost like a structure, a prison structure outside
6 of prison. That's what I need.

7 And, I mean, I -- I mean, I'll take
8 responsibility. If you send me to prison, I'll --
9 I'll -- I'll go to prison.

10 THE COURT: Well, let me just tell you right
11 now, I am going to send you to prison. I find that
12 you willfully violated your probation. It purports
13 you've been arrested. You didn't pay any monies.
14 Then you had -- you willfully didn't pay any monies.

15 So I'm going to revoke 40 months. I'm going to
16 toll him while he's in.

17 When he comes out, I want him drug tested for
18 the first year intensely. That way we can monitor
19 you.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Okay, sir?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And you'll continue on and get this
24 gentleman paid once you get out.

25 THE DEFENDANT: Yes, sir.

1 THE COURT: You seem like you actually have the
2 ability to be a decent person.

3 THE DEFENDANT: Yes, sir.

4 THE COURT: All right. I'm going to give you
5 40 months. Give him credit for time served. Good
6 luck to you.

7 MS. GURNEY: Thank you, Your Honor.

8 THE COURT: All right. Thank you. Let the
9 time satisfy arrears.

10 PROBATION OFFICER: Yes, sir.

11 (The proceedings concluded at 10:44 a.m.)

12 * * * * *

13

14

15

16

17

18

19

20

21

22

23

24

25

1 C E R T I F I C A T E O F R E P O R T E R

2
3 STATE OF SOUTH CAROLINA
4 COUNTY OF ANDERSON
5

6 I, the undersigned, Lisa Scott, Circuit Court
7 Reporter for the Tenth Judicial Circuit of the State
8 of South Carolina, do hereby certify that the
9 foregoing is a true, accurate and complete
10 transcript of record of all the proceedings had and
11 the evidence introduced in the hearing of the
12 captioned cause, relative to appeal in the Criminal
13 Court for Anderson County, South Carolina, on the
14 23rd day of February, 2018.

15 I do further certify that I am neither of kin,
16 counsel, nor interest to any party hereto.
17

18 April 19, 2018
19

20 /s/Lisa Scott

21 *Lisa Scott*
22 *Circuit Court Reporter*
23
24
25

PROBATION CITATION

Indictment Number:

11-GS-04-00552, 11-GS-04-00553, 11-
GS-04-00554

No. C-04-18-0042

SOUTH CAROLINA V. PATRICK TODD SMITH	COUNTY: ANDERSON	
	SCDC # 290802	SID # 01118538

TO: PATRICK TODD SMITH

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

Place	Room
	Date to Appear: Time to Appear:

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

Violations Charged
Violation of Probation as ordered in Indictment Number 2011-GS-04-00552, 2011-GS-04-00553, 2011-GS-04-00554 by Judge Maddox at the January 10, 2012 term of General Sessions Court held in Anderson County, Anderson, 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.

ANDERSON, South Carolina	Probation and Parole Agent - Agent # Cal C McCormick - 0869
Date 01/31/2018	

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 <i>Anderson, SC</i>	Date and Time <i>01/31/18 @ 1620</i>
	Serving Officer's Signature <i>[Signature]</i>

Sworn to and subscribed before me this 31 day of January, 2018

K. Wood

Signature of Notary Public

10-9-2024

My Commission Expires

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of ANDERSON

Personally appeared before me, Cal C McCormick, who first being duly sworn, deposes and says that PATRICK TODD SMITH did within this county and State on the 31 day of January, 2018, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

Violation of Probation as ordered in Indictment Number 2011-GS-04-00552, 2011-GS-04-00553, 2011-GS-04-00554 by Judge Maddox at the January 10, 2012 term of General Sessions Court held in Anderson County, Anderson, 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:

By failing to notify the agent of contact with police on 4/20/17. By failing to notify the agent of contact with police as evident by the offender's arrest on 7/21/17 and release on 8/24/17. By failing to notify the agent of contact with police as evident by the offender's arrest on 9/14/17 and release on 9/21/17. By failing to notify the agent of contact with police as evident by the offender's arrest on 10/26/17 and release on 10/30/17. By violating federal, state or local law, offender plead guilty to Grand Larceny and Breaking into Motor Vehicle on 3/28/17 in Laurens County and sentenced to 10 yrs ss serv 8 months & 5 yrs prob. By violating federal, state or local law being convicted of Receiving Stolen Goods and sentenced to 10 years ss to 5 years probation in Oconee County by Judge Maddox on 8/22/17. By failing to pay supervision fee being \$450 in arrears. By failing to pay fine being \$459 in arrears still owing a balance of \$916.70. By failing to follow the advice and instruction of the agent. By failing to pay restitution being \$1,575 in arrears still owing a balance of \$3,131.20 and having not made a payment since 08/17/16. These actions constitute violation of conditions 6, 7, 9, 10 and 11 of the probationary agreement.

Sworn to and subscribed before me this

31 day of January, 2018

Cal C McCormick
Affiant

[Signature]
Signature of Notary Public

4-24-2025
My Commission Expires:

Financial PROBATION CITATION

Indictment Number: 16-GS-04-00016, 15-GS-04-01021, 16-GS-04-00015

Citation #: C-04-17-0241

SOUTH CAROLINA		COUNTY: ANDERSON
V.		SID # 01118538
PATRICK TODD SMITH		SCDC # 290802
TO: PATRICK TODD SMITH		
YOU ARE HEREBY NOTIFIED to appear in the above 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 The above named defendant has failed to comply with the Court's probation order and the defendant's agreement to pay a fine, restitution and supervision fees.		
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.		
ANDERSON, South Carolina		Probation and Parole Agent - Agent #
Date 06/22/2017		Cal C McCormick - 0869
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 <i>Anderson, SC</i>	Date and Time <i>01/31/18 @ 1620</i>	Serving Officer's Signature <i>Devin R. [Signature]</i>
Sworn to and subscribed before me this <i>31</i> day of <i>January</i> , <i>2018</i>		
Signature of Notary Public <i>K. [Signature]</i>		My Commission Expires <i>10-9-2024</i>

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of ANDERSON

Personally appeared before me, Cal C McCormick, who first being duly sworn, deposes and says that PATRICK TODD SMITH did within this county and State on the 22 day of June, 2017, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

The above named defendant has failed to comply with the Court's probation order and the defendant's agreement to pay a fine, restitution and supervision fees.

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:

The above named defendant agreed in writing, as a part of his/her probation agreement, to pay a fine, restitution and supervision fees. The defendant has not complied with his/her written agreement. As of the date of this affidavit, the defendant's arrearage and unpaid balance on the agreed payment schedule is as follows:

	<i>Fine</i>	<i>Restitution</i>	<i>Supervision Fees</i>	<i>DNA Fees</i>
Arrearage	\$209.00	\$3,673.45	\$120.00	
Unpaid Balance	\$1,071.20	\$16,852.77	\$3,020.00	

The matter needs to be reviewed by the court pursuant to Section 24-21-430. The defendant should be required to show the Court why he/she has not kept his/her probation agreement to pay. The Court should determine whether or not the defendant has willfully violated the condition to pay fines, and/or restitution and whether or not the condition to pay fines, restitution should be modified.

Sworn to and subscribed before me this

22 day of June, 2017Heather M. Baird

Signature of Notary Public

Cal C McCormick

Affiant

4-17-2027

My Commission Expires:

PROBATION CITATION

No. C-04-18-0043

SOUTH CAROLINA V. PATRICK TODD SMITH	COUNTY: ANDERSON	
	SCDC # 290802	SID # 01118538

TO: PATRICK TODD SMITH

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

Place	Room
	Date to Appear: Time to Appear:

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

Violations Charged

Violation of Probation as ordered in Indictment Number 2015-GS-30-00694, 15-GS-30-00697 by Judge Addy, Jr. at the March 28, 2017 term of General Sessions Court held in Laurens County, Laurens, 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.

ANDERSON, South Carolina	Probation and Parole Agent - Agent # Cal C McCormick - 0869
Date 01/31/2018	

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 <i>Anderson, SC</i>	Date and Time <i>01/31/2018 @ 1620</i>
	Serving Officer's Signature <i>[Signature]</i>

Sworn to and subscribed before me this 31 day of January, 2018
K. [Signature] 10-9-2024
Signature of Notary Public My Commission Expires

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of ANDERSON

Personally appeared before me, Cal C McCormick, who first being duly sworn, deposes and says that PATRICK TODD SMITH did within this county and State on the 31 day of January, 2018, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

Violation of Probation as ordered in Indictment Number 2015-GS-30-00694, 15-GS-30-00697 by Judge Addy, Jr. at the March 28, 2017 term of General Sessions Court held in Laurens County, Laurens, 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:

By failing to report for initial entry on 4/4/17 and 6/15/17. By failing to notify the agent of contact with police on 4/20/17. By failing to notify the agent of contact with police as evident by the offender's arrest on 7/21/17 and release on 8/24/17. By failing to notify the agent of contact with police as evident by the offender's arrest on 9/14/17 and release on 9/21/17. By failing to notify the agent of contact with police as evident by the offender's arrest on 10/26/17 and release on 10/30/17. By failing to pay supervision fee being \$450 in arrears. By failing to pay fine being \$18 in arrears. By failing to pay \$25 PSE fee. By failing to pay \$20 drug test fee. By failing to follow the advice and instruction of the agent. By failing to pay restitution being \$450 in arrears on case 115 having never made a payment and owing a balance of \$3,600. By failing to pay restitution being \$450 in arrears on case 116 having never made a payment and owing a balance of \$2,400. By failing to show for PSE appointment on 9/1/17 and still owing a balance of 80 hours PSE. These actions constitute violation of conditions 1, 6, 7, 9, 10, 11 and Special Condition of the probationary agreement.

Sworn to and subscribed before me this

31 day of January, 2018

Cal C McCormick
Affiant

[Signature]
Signature of Notary Public

4-24-2025
My Commission Expires:

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the 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."

Respectfully Submitted,



Robert M. Pachak
Appellate Defender

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

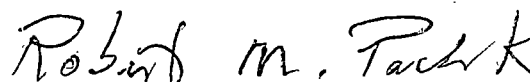
ATTORNEY FOR APPELLANT

This 18th day of June, 2018.

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."

Respectfully Submitted,



Robert M. Pachak
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 18th day of June, 2018.

RECEIVED
JUN 18 2018
SC Court of Appeals