

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Sumter County

Honorable George M. McFaddin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MIKEL TERRELL FRANCIS,

APPELLANT

APPELLATE CASE NO. 2018-001415

RECORD ON APPEAL

RECEIVED
JUL 29 2019
SC Court of Appeals

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Chief Appellate Defender

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South Carolina Commission on Indigent
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ATTORNEY FOR APPELLANT

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1 STATE OF SOUTH CAROLINA)
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3
 4 STATE OF SOUTH CAROLINA,) TRANSCRIPT
 5 PLAINTIFF,) OF
 6 vs.) RECORD
 7 MIKEL FRANCIS,) 1999-GS-43-294
 8 DEFENDANT.)

9
 10 July 20th, 2018
 11 Sumter, South Carolina

12
 13 B E F O R E :

14 THE HONORABLE GEORGE M. MCFADDIN, Judge.

15
 16 A P P E A R A N C E S :

17 JASON BRIDGES
 18 ASSISTANT PUBLIC DEFENDER
 19 Attorney for the Defendant

20
 21 DIGITAL COURTROOM RECORDER PROJECT

22
 23
 24 Transcribed by Pamela E. Green, Circuit Courter Reporter

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I N D E X O F W I T N E S S E S

(WHEREUPON, there were no exhibits marked during this hearing.)

P R O C E E D I N G S

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THE PROBATION AGENT: Judge, we would like to recall the case of Mikel Francis.

Agent Sumter.

THE COURT: Do you have an attorney, sir?

THE DEFENDANT: Yes, I have one of them.

THE PROBATION AGENT: Mr. Bridges.

THE DEFENDANT: Mr. Bridges.

(Pause.)

THE COURT: Ready, Mr. Bridges?

MR. BRIDGES: Yes, sir. My apologies, Your Honor.

THE COURT: All right. Yes, sir.

THE PROBATION AGENT: Your Honor, this is the case of Mikel Francis here for sentencing on Indictment Number 1999-GS-43-00294 for attempted armed robbery. He was sentenced by Judge Dennis who gave him 20 years, provided upon the service of five years, and payment of \$103.00 court costs, balance suspended with four years probation. Credit for jail time of four months.

Your Honor, he had some special conditions. Alcohol and drug counseling. Obtain his GED. And the first six months of probation were to be intensive.

Your Honor, he has never reported to this probation hearing case. He never reported upon release, and I'll go

1 into detail of that shortly, but the warrant, which was
2 issued December 31st, 2009, charges him with failing to
3 report. He was released, released from prison on
4 November 19th, 2009, and was told to report to the Sumter
5 County South Carolina Probation Office.

6 Failed to work diligently at a lawful occupation having
7 never reported employment.

8 He left the state without permission. He was arrested
9 in Cincinnati, Ohio on December 21st, 2009, and he's failed
10 to notify his agent of arrest.

11 He violated Condition Number 8 by leaving the state
12 without permission as evidenced by that arrest.

13 Failed to pay his Court surcharge.

14 Failed to follow the advice and instruction of his
15 agent by failing to ever report to Sumter County, South
16 Carolina.

17 Now, Your Honor, I said that I would chronicle some
18 things in his, in his violation packet. Your Honor, if you
19 take a look through the packet, you actually have the facts
20 of the original offense where he pled guilty to armed
21 robbery by robbing the victim over on -- here in Sumter also
22 in Huntington -- over near Huntington Apartments. It says
23 he was armed with a, with a .38 handgun.

24 And, basically, it was pled down to attempted armed
25 robbery cause he didn't get anything. The victim didn't

1 have anything in his pockets.

2 Okay. Upon his release from Department of Corrections,
3 he was released to community supervision. Released to
4 community supervision, and, at that time, apparently he
5 didn't have very much time left on his community supervision
6 cause a warrant was issued, and his body was later located
7 in Florida.

8 Okay. If you look through your packet, my former agent
9 in charge, Sharon Hollins, found him through inmate search,
10 and wrote him a letter that said that the -- he, he had
11 actually written her a letter that requested that the
12 community supervision warrant be withdrawn. Her letter
13 dated August 3rd, 2008, addressed to him, states that the,
14 the detainer, the detainer dated 2/12/2008 had been
15 requested to be relieved. It tells him that (indiscernible)
16 supervision on 3/1/2006, and basically the detainer that we
17 requested was on community supervision only. Not on the
18 probation case.

19 This letter then says this letter is to advise you
20 that, upon your release from Florida Department of
21 Corrections, you are required to report to the South
22 Carolina Probation Office on 115 North Harvin Street,
23 Sumter, South Carolina. Our record indicate a release date
24 of November 19th, 2009. If you have not reported or made
25 contact by November 25th, 2009, a warrant will be issued for

1 your arrest.

2 well, Your Honor, I remember this -- I actually
3 remember this occurring, and I asked my boss then. I said
4 well, if he's just coming out of prison, will he have the
5 money to get back to Sumter, South Carolina?

6 She said he should. Everybody should have some
7 (indiscernible) family.

8 well, if you look at the day of the warrant that I
9 issued for arrest, it wasn't until December 31st, which is
10 clearly a month later. We issued that -- we issued that
11 warrant, Your Honor, because we found that he had been in
12 Cincinnati, Ohio. And, if you take a look at his, at his
13 rap sheet, Your Honor, he's doing crime spree ever since his
14 release.

15 He's actually wanted now for parole violation. And, if
16 you take a look at his rap sheet, you'll find that he's
17 committed, and been convicted of several robberies. So, in
18 reference to this probationary sentence that he received
19 here back in 1999, Your Honor, he's just never complied with
20 it, and we're seeking a full revocation just based on the
21 severity of the charge, and carrying him in absconded
22 status, and though he was up in Cincinnati, Cincinnati on a
23 crime spree, he did a little stint in jail here, a little
24 stint in prison here, that should not -- we don't see that
25 that should -- that he should get any credit for doing

1 wrong, you know.

2 He was here and he was to be here in South Carolina,
3 and neglected to do what Judge Dennis originally sentenced
4 him to. So, we're seeking a full revocation based on the
5 fact that he's really and truly rejected the conditions of
6 probation.

7 THE COURT: Mr. Bridges.

8 MR. BRIDGES: Thank you, Your Honor.

9 This is a rather complex situation due to the age of
10 the case, and also the factors involved here.

11 It's my best understanding, Mr. Francis pled guilty in
12 1998 for this original offense that put him on probation.
13 He had a split sentence of a five year active sentence
14 followed by four years probation. He served those five
15 years. He was on community supervision, and then, in
16 Florida I believe, then he, he ended up in the Florida
17 Correctional system.

18 The -- in the packet, there is a letter addressed to
19 Mr. Francis on August 3rd saying that he has to report
20 upon his release. Mr. Francis, in my discussion with him,
21 says he, he had not seen this letter. He said he had never
22 seen that letter before. The letter doesn't have a -- it's
23 not a certified letter. There's not a signature of him
24 being served with citation that he acknowledged that he had
25 to report.

1 So, our contention would be that he did not have
2 adequate notice that he needed to report. That seems to be
3 the only thing in this packet saying that he was still -- he
4 still had probation obligations because the sentence was
5 19 -- the sentence -- his five year sentence would of
6 expired in 2003. I don't see anything further in the
7 documents saying that his probation has been tolled or is --
8 continue after his -- after the end of his five year
9 sentence.

10 I think his community supervision was terminated in
11 2008 according to this letter, but I don't see any other
12 documents about when he was required to report or other
13 citations other than this letter. And I don't, without an
14 acknowledgment from Mr. Francis on that day that he needed
15 to report -- is that his original -- when did you sign that?

16 THE PROBATION AGENT: Your Honor?

17 THE COURT: Yes, sir.

18 THE PROBATION AGENT: Can we approach?

19 THE COURT: Yes, sir.

20 (WHEREUPON, a bench conference was held at this time.)

21 MR. BRIDGES: And just to clarify what's on there,
22 he -- his notice was in 1999 when he pled guilty, and when
23 he agreed to be on probation.

24 My contention would just be the letter, in 2008, it
25 doesn't show that he's received it other than it being

1 addressed to him, and my client contends that he was not
2 aware of this letter. He was not aware of his probationary
3 status at the time.

4 For that to request -- I don't really know if he can be
5 held accountable for things that happened after 2009 if he
6 wasn't aware of his obligation to report, Your Honor.

7 And he served 51 days total on this warrant. And we,
8 we would just like that credit to be added.

9 THE COURT: All right. So, he was sentenced to 20
10 years suspended to five years active and four years
11 probation, right?

12 THE PROBATION AGENT: Correct.

13 THE COURT: And your contention is he was not on
14 probation?

15 MR. BRIDGES: Oh, no, that he wasn't aware of his
16 obligation to report on his release from Florida because
17 that was in 2008. That would of been more than ten years
18 after him entering that, that guilty plea in 1999.

19 THE COURT: So, when he signed the standard conditions
20 of probation back in April of 1999, number one, talking
21 about he shall report to -- in person to the South Carolina
22 Department of Probation & Parole, et cetera, that didn't
23 matter then?

24 Is that what he's saying?

25 MR. BRIDGEMAN: His main contention is, due to the

1 amount of time and the events that happened in-between then,
2 that he wasn't aware of his obligations to report in 2008.

3 THE COURT: Anything else, sir?

4 THE PROBATION AGENT: No.

5 THE COURT: I find---

6 THE PROBATION AGENT: Your Honor---

7 THE COURT: I find that there's been no substantial
8 compliance with his condition of parole. To me, it's a very
9 clear disregard of his obligations and requirements under
10 parole -- under probation. I'll revoke him in full.

11 THE PROBATION AGENT: Thank you, Your Honor.

12 THE COURT: Thank you.

13

14 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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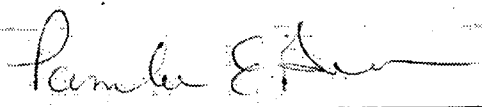
C E R T I F I C A T E

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I, Pamela E. Green, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 20th day of July, 2018.

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

October 29th, 2018



PAMELA E. GREEN, Court Reporter



South Carolina Department of Probation, Parole and Pardon Services

COMMUNITY SUPERVISION PROGRAM CERTIFICATE

Know all men by these presents:

It having been made to appear to the satisfaction of the South Carolina Department of Probation, Parole and Pardon Services that the offender mentioned below who was convicted of the offense(s) indicated below on said date(s) and in said county(ies) meets the requirements for Community Supervision Program as provided for in §24-21-690 of the South Carolina Code of Laws 1976, as amended.

It is therefore ORDERED that the said prisoner enter the Community Supervision Program at the end of his or her active sentence under supervision subject to the specific conditions listed below until the expiration of this Community Supervision Program as indicated below.

This release shall not prevent the delivery of the prisoner to authorities of the Federal Government or any state otherwise entitled to his or her custody.

In witness whereof, this Certificate bearing the approval of the South Carolina Department of Probation, Parole and Pardon Services is issued on the date below.

By Order of
South Carolina Department of Probation, Parole and Pardon Services
[Signature]
Theodore W. Kelly, Jr., Administrator for Field Supervision Programs

Offender/Prisoner's Name: **Mihai Francis**
Supervision Beginning Date: **December 1, 2003**
State Identification# (SID): **[Redacted]**
SC Dept. of Corrections# (SCDC): **[Redacted]**
Supervision Ending Date: **November 30, 2005**

DEC 5 2003

Offense(s)	CDR Code	Indictment #(s)	Conviction Date(s)	County of Conviction(s)	Incarceration Termination Date	Restitution Ordered (\$)	Probation to Follow
Attempted Armed Robbery	028	00-08-43-294	4/20/99	Sumter	12/1/03	None	Four Years

CONDITIONS OF SUPERVISION:

Violation of any of these conditions may result in the immediate revocation of supervision.

- I shall report in person to the South Carolina Department of Probation, Parole and Pardon Services' office on the day of my release or not later than 8:30 AM on the next business day, and as instructed by the Department, and I shall make complete and truthful reports to the Agent.
Please report to the office in the County of: **[Redacted]** Phone: 803-435-8865
- 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 any place of employment, or elsewhere at any time.
- I shall not use controlled substances, except when properly prescribed by a licensed physician, not consume alcoholic beverages to excess nor enter establishments whose primary business is the sale and serving 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.
- I shall not possess or purchase any firearms, knives, 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.
- I shall work diligently at a lawful occupation. Further, I shall notify my Agent if I become unemployed.
- I shall not violate any Federal, State, or local laws, and I shall contact my Agent if I am ever arrested or questioned by a law enforcement official for any reason whatsoever.
- I shall pay a supervision fee and any other fees as determined by the Department.
- 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.
- I shall obey all conditions of supervision set forth in this order including the payment of fines, restitution, or other payments, and the services of any period of incarceration. I will make all child support payments as ordered by the courts.
- 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.

ADDITIONAL CONDITIONS:

Intensive Supervised with Electronic Monitoring or Home Detention, as determined by Agent, not to exceed 66 days.

I hereby certify that these conditions of supervision have been read and explained fully to me and in agreement thereto, I attach my signature.

Offender Signature: *Mihai Francis* Date: 12/1/03
Address: 2220 Jerro Rd., Manning, S. C. 29102 Phone: 473-5557

I hereby certify that these conditions of supervision have been read and explained to the offender and he/she has agreed to them.
Witness Signature: *[Signature]* Date: DEC 1 2003

South Carolina Department of Probation, Parole, & Pardon ServicesAdministrative Hearing Summary

Releasee Mikel Francis SID# [REDACTED]
 Location Clarendon County Office, Manning, SC
 Date February 28, 2005 Time 11:10 AM Tape# CC022805

PERSONS IN ATTENDANCE:

Holly Foxworth, Agent
Charles Coleman, Administrative Hearing Officer

FINDINGS:

I find that Mikel Francis has violated conditions 1, 3, 7, and 10 as set forth in the affidavit dated 01-19-2005; such conditions having been contained in the Community Supervision Program Certificate accepted by the defendant in writing on 12-01-2003.

I find that Mikel Francis failed to report to the agent as instructed. Agent Foxworth testified that Francis was instructed on 01-10-2005 to report specifically for drug testing on 01-13-2005, and he failed to do so.

I find that Mikel Francis has used controlled substances illegally. Agent Foxworth testified that Francis tested positive for use of marijuana in a urine screen for unlawful drugs conducted on 01-18-2005. Agent Foxworth testified that Francis admitted after the positive results that he had smoked marijuana approximately three weeks prior.

I find that Mikel Francis failed to submit to a urinalysis or blood test when instructed by agents of the Department. Agent Foxworth testified that on 01-06-2005 Francis attempted three times to provide a urine sample for testing in view of AIC Laney, but he was unable to do so. Agent Foxworth testified that Francis provided a sample after AIC Laney left the restroom, but the sample was not accepted because no agent observed Francis providing the same. Agent Foxworth testified that Francis was instructed to remain at the probation office until he provided a valid urine sample for testing, but Francis left the office without providing the same.

I find that Mikel Francis willfully failed to pay the statutorily required supervision fee. Agent Foxworth testified that Francis's supervision fee account was \$160.00 in arrears at the issuance of legal process on 01-19-2005, but Francis's stepfather paid the balance of that account on 01-21-2005.

South Carolina Department of Probation, Parole, & Pardon Services
Administrative Hearing Summary

Re: Francis, Mikel
p. 2

FINDINGS, cont.:

I find that Mikel Francis failed to provide proof of his claim of a doctor's appointment as ordered. Agent Foxworth testified that Francis claimed during a telephone interview on 01-10-2005 that he left the probation office early on 01-06-2005 in order to attend a doctor's appointment. Agent Foxworth testified that Francis was ordered to produce a document from his physician in order to prove his claim, and he failed to do so.

I find that the aforementioned violations constitute a willful failure to follow the advice and instructions of the supervising agent. I base these findings solely on the testimony and evidence submitted by Agent Foxworth.

CONCLUSIONS:

Mikel Francis's actions prove his willingness to resort to deceit and subterfuge to hide his continued involvement in criminal activities. Once he finally admitted to violating the terms and conditions of his release by using marijuana, Francis also admitted to another criminal offense- Possession of Marijuana. He is a high risk for continued community supervision, and revocation is justified.

RECOMMENDATION:

REVOICATION.

Respectfully submitted,

Charles Coleman
Administrative Hearing Officer

FOR THE COURT'S INFORMATION: Francis was given due and timely written notice of this hearing, but he did not appear.



South Carolina Department of Probation, Parole and Pardon Services Broad River

COMMUNITY SUPERVISION PROGRAM CERTIFICATE

Know all men by these presents:

It having been made to appear to the satisfaction of the South Carolina Department of Probation, Parole and Pardon Services that the offender mentioned below who was convicted of the offense(s) indicated below on said date(s) and in said county(ies) meets the requirement for Community Supervision Program as provided for in §24-21-550 of the South Carolina Code of Laws 1976, as amended.

It is therefore ORDERED that the said prisoner enter the Community Supervision Program at the end of his or her active sentence under supervision subject to the specific conditions listed below until the expiration of his Community Supervision Program as indicated below

This release shall not prevent the delivery of the prisoner to authorities of the Federal Government or any state otherwise entitled to his or her custody.

In witness whereof, the Certificate bearing the approval of the South Carolina Department of Probation, Parole and Pardon Services is issued on the date below.

RECEIVED

By Order of: South Carolina Department of Probation, Parole and Pardon Services

Deputy Director

MAR 3 2006

CLARENDON COUNTY

By: [Signature], Coordinator, Community Relations and Programs

Offender/Prisoner's Name: Mikal Francis
Supervision Beginning Date: March 1, 2006
State Identification# (SID): [Redacted]
SC Dept. of Corrections# (SCDC): [Redacted]
Supervision Ending Date: February 29, 2008

Table with 8 columns: Offense(s), CDR, Indictment #(s), Conviction Date(s), County of Conviction(s), Incarceration/Companion Date, Restitution Ordered (\$), Probation to Follow. Row 1: Attempted Armed Robbery, 0026, 05-05-43-294, 3/17/06, Sumter, 3/1/06, N/A, 4 Years

CONDITIONS OF SUPERVISION:

Violation of any of these conditions may result in the immediate revocation of supervision

- 1. I shall report in person to the South Carolina Department of Probation, Parole and Pardon Services' office on the day of my release or not later than 8:30 AM on the next business day, and as instructed by the Department, and I shall make complete and truthful reports to the Agent.
Please report to the office in the County of: Clarendon Phone: (803) 435-8885
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, not 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 a sample of sweat 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, knives, 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 laws, and I shall 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 established 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 services of any period of incarceration. I will make all child support payments as ordered by the courts.
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.

ADDITIONAL CONDITIONS:

PM or GPS not less than 90 days. No contact with victim(s).

I hereby certify that these conditions of supervision have been read and explained fully to me and in agreement thereto, I attach my signature

[Signature of Mikal Francis]

Offender Signature

2225 Jero Rd, Menaing, SC 29102 (803) 473-5667

2-28-06
Date

I hereby certify that these conditions of supervision have been read and explained to the offender and he/she has agreed to them.

[Signature of Witness]

Witness Signature

2-28-06
Date

APPROVED 8/1

Please submit transfer packet within 15 business days
 Forward notice of departure ASAP
 (Revised 08/1/05)

REQUEST FOR REPORTING INSTRUCTIONS

To: Florida Date: 07/26/06 Type of supervisor: Prob Probation Other (Conn. Sup. Control) Is this case: Sex offender Victim sensitive

From: South Carolina Phone #: 803 734-9925 Fax #: 803 734-9969

Offender's full name (last, first, MI): Francis, Michel Offender number: [redacted]
 Sending state #: [redacted] Receiving state #: [redacted]

AKA:

DOB (if available): [redacted] FBI#: (if available): [redacted] Sex: Male Race: Black DOB: [redacted]

REASON FOR REQUESTING REPORTING INSTRUCTIONS

- 1. Probationer living in receiving state at time of sentencing.
- 2. Transferred offender returning to sending state.
- 3. Military member.
- 4. Lives with family who are military members
- 5. Employment transfer of family member to another state
- 6. Reported, explicit

Justification:
 The offender was released from confinement to a Mandatory Release Program on 03/01/06. SC sent a transfer packet on 04/05/06. On 04/17/06, SC received verification that FL had received the packet and that it was forwarded to their field office for investigation. On 06/14/06, SC followed up by email because no response had been received, and we were advised that the FL office did not receive the packet. We were requested to send a duplicate copy, which we did on 07/10/06. The offender has no employment in South Carolina and he has a job waiting for him in Florida, and he will be residing with his father. We are requesting that due to the lapse of time throughout this process that reporting instructions be issued for the offender to proceed to FL.

RESIDENCE (Must be Verified)

Offender will reside with: Michael Francis Relationship: Father Telephone #: (850) 294-7377
 Address: 2721 Crawfordville City: Tallahassee State: FL Zip: 32303
 Verified by: Sonya Whack Date: 04/08/06

EMPLOYMENT (Must be Verified)

Offender's Employment: Able Body Shop
 Address: City: Tallahassee State: FL Zip: 32303 Telephone: (850) 365-0963
 Offender's Employment Supervisor: Michael Francis Offender's Job Title: Mechanic
 Verified by: Sonya Whack Date: 04/08/06

Request for Reporting Instructions

2

OFFENSE INFORMATION

<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other:		
Description of instant offense(s) Attempted Armed Robbery	Description(s) Mikel Francis did in Sumter County on December 21, 1998 while armed with deadly weapon: Rem-38 caliber revolver, attempt to take from Marlowe McCutchen by means of force or intimidation words or actions of Marlowe McCutchen; such goods being carrying Cash.	Length of Sentence: 20 years
Supervision start date 03/01/05	Supervision expiration date (s) 02/29/08	
Special Conditions: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	List Conditions: Random drug and alcohol testing	

HISTORICAL INFORMATION

History of arrest: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	History of Sex Offense: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Please explain all "Yes" checks:		
Supervising Officer/Location: Sonya White/Clermont	Date: 07/24/06	Compact Administrator/Designer: Date:

RESULTS

Reporting instructions are: <input checked="" type="checkbox"/> ACCEPTED <input type="checkbox"/> DENIED	Reason for Denial:
Date to Report: on or before 8/8/06	Offender to report: <input type="checkbox"/> by phone <input checked="" type="checkbox"/> in person <input type="checkbox"/> within _____ hours of arrival <input type="checkbox"/> immediately upon arrival
Report to Address: 1240-A Blountstown Highway	City: Tallahassee State: FL Zip: 98803
Report to: <input checked="" type="checkbox"/> Officer of the Day <input type="checkbox"/> Other	Phone #: 850-488-9576
Comments/special instructions:	
Receiving Compact Administrator/Designer: Sandra Clayton	Date: 8/1/06

STATE OF SOUTH CAROLINA

COUNTY OF Sumter

STATE

VS.

Mikel Francis

CERTIFIED TRUE COPY OF ORIGINAL FILED

Angelia P. Redding

DEPUTY CLERK OF COURT SUMTER COUNTY SOUTH CAROLINA

AKA:

Race: E

Sex: M

DOB: [REDACTED]

Age: 18

SSN: [REDACTED]

DL#:

SID#:

IN THE COURT OF GENERAL SESSIONS

INDICEMENT/CASE#:

99-GS-43-294 101

A/W#:

F-706823

Date of Offense:

12-21-98

S.C. Code § :

16-11-330(B)

CDR Code #:

0101216

SENTENCE

PLEA

TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Attempted Armed Robbery

in violation of § 16-11-330(B) of the S.C. Code of Laws, bearing CDR Code # 0101216

NON-VIOLENT

VIOLENT

SERIOUS

MOST-SERIOUS

17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 20 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 5 days/months/years and/or payment of \$ _____ plus costs and assessments as applicable*; the balance is suspended with probation for 24 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The Defendant is to be given credit for 4 days/months/jail time.

CONCURRENT or CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

RESTITUTION Heard, Waived, Ordered

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

Payment Terms: _____

set by SCDPPPS _____

Recipient: _____

*Fine:\$

§ 14-1-206 - Assessments 100%.....\$

§ 14-1-211 - Surcharge.....\$ 100.00

(Exceptions: See § 14-1-211)

§ 56-5-2995 (DUI).....\$

County (3%).....\$ 3.00

TOTAL.....\$ 103.00

Clerk of Court/Deputy Clerk Angelia P. Redding

Court Reporter: Karen Eason

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

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SC Court of Appeals

PTUP _____ days/hours Public Service Employment

Obtain GED

Attend Voc Rehab. or Job Corps

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: sent to max is in prison

PRESIDING JUDGE SR M. [Signature]

Judge Code: 0101610

Sentence Date: 04.20.99

Form 18.1 - Arrest Warrant
Form Approved by
SC Attorney General
Section 17-13-160
March 15, 1978

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STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

Probation
ARREST WARRANT

Indictment Number 89-G8-43-00294

Warrant Number W-43-08-0173

State Identification No. (SID) [REDACTED]

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

It appearing from the attached affidavit that there are reasonable grounds to believe that MIKEL TERRELL FRANCIS, did on the 31 day of December, 2009 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Violation of Probation pursuant to section 24-21-430

Now, therefore, you are empowered and directed to arrest the said defendant and bring MIKEL TERRELL FRANCIS before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at SUMTER, S.C. this 31 day of December, 2009.

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

County of **SUMTER**

STATE OF SOUTH CAROLINA

AFFIDAVIT.

Personally appeared before me, one William Sumter, who, first being duly sworn, deposes and says that MIKEL TERRELL FRANCIS did within this County and State on the 31 day of December, 2009, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

Violation of Probation pursuant to section 24-21-430

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

Mr. Francis violated condition # 1 by failing to report. He was released from prison in Florida on 11-19-09 and has failed to report to the Sumter County Probation Office. Mr. Francis violated condition # 5 by failing to work diligently at a lawful occupation, having never reporting employment since his release. Mr. Francis violated condition # 6 by failing to refrain from the violation of Federal, State, & Local Laws. He was arrested in Cincinnati, Ohio on December 21, 2009 & has failed to notify his agent of this arrest. Mr. Francis violated condition # 8 by leaving the state without permission. Mr. Francis was in the state of Ohio on December 21, 2009 without the permission of his supervising agent. Mr. Francis violated condition # 9 by failing to pay his court ordered surcharge. He has an arrearage of \$40 with a balance of \$1236. Mr. Francis violated condition # 10 by failing to follow the advice & instructions of his agent. Mr. Francis was instructed to report to the Sumter County Probation office upon his release from prison in Florida.

Sworn to and Subscribed before me
this 31 day of December, 2009.

William Sumter
Affiant

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

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

[Signature]
My Commission Expires

(803) 778-5185

STATE OF SOUTH CAROLINA
County of Sumter

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

STATE

VS.

RECORDED 1999

-GS- 43 294

AKA:

Mikel Francis

2018 JUL 20 PM 2:50

Probation C/W#s: W-43-09-0173

Race:

Black

Sex:

Male

Name of Original Offense: Attempted Armed Robbery

DOB:

[REDACTED]

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY

Original Offense #: F 906823

SSN:

[REDACTED]

Date of Original Offense: 12-21-98

SID#

[REDACTED]

Conviction S.C. Code §: 16-11-330 (B)

Conviction CDR Code #: 0101216

Original Sentence: 20 years upon 5 yrs bal ss w/4 yrs prob

James C. Campbell

CLERK OF COURT
SUMTER COUNTY

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 4, 20, 99 in the Court of General Sessions of Sumter County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 12/31/09, as set forth in the attached warrant(s) or citation(s) dated 12/31/09.

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, 3, 6, 8, 9, & 10

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 20 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 electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first or third 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: Terminate Probation this date

- The defendant is given credit for pre-arrest hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections. Since June 6, 2018
- The defendant is to be given credit for pretrial detention time served (N/A if defendant has served prior SCDC time).
- The defendant has served 5 days/months/years of prior revocations and/or initial SCDC time.
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This Sumter day of _____, SC Presiding Judge [Signature] 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.

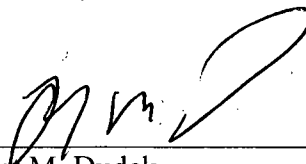
This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature [Signature] Witnessed by William Sumter
Signed this 20 day of July 2018 at Sumter SC

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. Dudek
Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

This 29th day of July, 2019.

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