

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

Honorable L. Casey Manning, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CEDRICT HOPKINS,

APPELLANT

RECEIVED

SEP 13 2019

SC Court of Appeals

APPELLATE CASE NO 2018-002060

RECORD ON APPEAL

JOANNA K. DELANY
Appellate Defender

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

ATTORNEY FOR APPELLANT

MATTHEW BUCHANAN
General Counsel

South Carolina Department of Probation, Parole,
and Pardon Services
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Columbia, SC 29250
(803) 734-9220

ATTORNEYS FOR RESPONDENT

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State of South Carolina)
County of Richland)
In the Court
Of General Sessions

Indictment Number: 2013GS4002374
2013GS4002378

State of South Carolina,)
Plaintiff.)
vs.) Transcript of Record
Cedric Hopkins,)
Defendant.)

October 19, 2018
Columbia, South Carolina

B E F O R E:

The Honorable L. Casey Manning, Judge.

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

Agent Duckett, Department of Pardon and Parole Services
Agent for the State

Alice M. Phillips, Esquire
Attorney for the Defendant

Brenda J. Sigwald, Circuit Court Reporter
To The Honorable Doyet A. Early III
P.O. Box 206, Jackson, South Carolina 29831

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(REPORTER'S NOTE: There were no exhibits
entered during this hearing.)

1 AGENT DUCKETT: State would like to call Number 19,
2 Cedrick Hopkins.

3 THE COURT: All right.

4 CEDRICK HOPKINS, was duly sworn

5 THE COURT: Do you represent Mr. Hopkins?

6 MS. PHILLIPS: Yes, Your Honor, I'm sorry.

7 THE COURT: That's okay. The recommendation seems
8 fair to me. So what's your position.

9 MS. PHILLIPS: Your Honor, we're asking if you
10 would please convert his YOA to an adult sentence and
11 sentence him to 90 days and terminate. His Y would send
12 him --

13 THE COURT: His Y would what?

14 MS. PHILLIPS: His Y would be for 46 months and our
15 position is he has not performed perfectly on probation.

16 THE COURT: Well, that's a gross under statement,
17 isn't it?

18 MS. PHILLIPS: Your Honor, he -- all of his
19 violations are low or of medium severity. He completed 41
20 and a half of his public service hours. He is very close
21 to passing his GED. He has passed three of the four
22 sections. He's three points shy of passing the math
23 section. If Your Honor would like to see the results I
24 have them with me.

25 He has picked up no new general sessions charges.

1 It's a far from perfect performance, but he has made an
2 effort and I believe that converting his sentence to an
3 adult sentence, 90 days and terminating would be fair in
4 light of the fact that he has made some effort. Not a
5 perfect performance, but --

6 THE COURT: I disagree, but Agent Duckett, what's
7 your position?

8 AGENT DUCKETT: My position is, Your Honor --

9 THE COURT: What?

10 AGENT DUCKETT: I'm asking for a revocation, Your
11 Honor. Mr. Hopkins said out of his mouth back in September
12 that he's not going to be able to do anything on probation
13 because he can't leave his house and he's only done -- he
14 had to do over 100 hours and he's been on probation for
15 five years. I mean --

16 THE COURT: I find he's in violation. I'm going to
17 revoke the recommendation, YOA. I'm going to recommend
18 shock. Call the next case.

19 AGENT DUCKETT: Thank you, Your Honor.

20 * * * * * END OF TRANSCRIPT * * * * *

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State of South Carolina)
County of Aiken) **Certificate of Reporter**

I, Brenda J. Sigwald, Official Court Reporter for the Second 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 in and for the State of South Carolina on the 19th day of October 2018.

I FURTHER CERTIFY that I am neither kin, counsel, nor of interest to any party hereto.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at Aiken County, this 15th day of February, 2019.

Brenda J. Sigwald

Brenda J. Sigwald,
Court Reporter and Notary Public
For the State of South Carolina
My commission expires
January 4, 2020.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL SESSIONS
Indictment Number: 2013GS4002374
2013GS4002378
Warrant Number: C40180250

The State of South Carolina,)

MOTION TO RECONSIDER SENTENCE

vs.)

Cedric Hopkins,)
Defendant.)

TO: HONORABLE L. CASEY MANNING
CC: PROBATION AGENT SHREE DUCKETT AND COURT LIASION AGENT AMANDA KING

FILED
2018 OCT 26 PM 2:28
JEANE W. HOBBS
Clerk of Court
S.C. & G.S.

YOU WILL PLEASE TAKE NOTICE that Alice Phillips, Assistant Public Defender will move before this Court requesting reconsideration of the sentence imposed on the defendant, Mr. Cedric Hopkins. Counsel has identified extraordinary circumstances in Mr. Hopkins's case that require urgent attention.

It appears that on October 19, 2018 Mr. Hopkins was before this Court for a violation of probation. Judge Manning found that Mr. Hopkins willfully violated the terms and conditions of his Youthful Offender Act (YOA) probation and revoked his probation, activating his YOA sentence. The warrant for this violation was issued by Probation Agent Duckett on August 3, 2018.

Mr. Hopkins was originally sentenced on June 6, 2013 to a YOA sentence not to exceed 6 years suspended upon service of 3 years of probation, with credit for 72 days of time served. On May 18, 2016, Probation Agent Cheeseboro issued a citation for violation of terms and conditions of probation. At Mr. Hopkins's hearing on September 23, 2016, Judge Frank Addy, Jr. extended Mr. Hopkins's probation 2 years. There is no indication from Mr. Hopkins's September 23, 2016 DPPPS Form 9 that Judge Addy tolled Mr. Hopkins's supervision as a result of that proceeding.

Counsel has identified extraordinary circumstances in Mr. Hopkins's case that require immediate consideration. Pursuant to S.C. Code Ann. § 24-21-440, Mr. Hopkins's probation was required to terminate no later than June 6, 2018, five (5) years after he was originally sentenced to probation. His period of probation could not exceed five years and could only be continued or extended within that five year limit. See S.C. Code Ann. § 24-21-440. Probation Agent Duckett issued her recent probation warrant on August 3,

2018, almost two months after that statutory expiration date. Counsel takes responsibility for failing to identify this issue in time for Mr. Hopkins's hearing on October 19, 2018. Counsel nevertheless submits these circumstances for Judge Manning, as sentencing judge, to consider on the record at this time. To the extent that Counsel and others involved in this system failed to recognize that it was unlawful for Mr. Hopkins to remain on probation past June 6, 2018, Counsel asserts that it would be a grave injustice not to grant Mr. Hopkins immediate relief at this juncture.

In spite of Counsel's delayed discovery of this issue, the untimely issuance of the probation warrant in Mr. Hopkins's case implicates the trial court's subject matter jurisdiction, which is an issue that can be raised at any time. *See State v. Crouch*, 355 S.C. 355, 359, 585 S.E.2d 288, (S.C. 2003) (citing *State v. Hutto*, 252 S.C. 36, 45-46, 165 S.E.2d 72, 76 (1968)). S.C. Code Ann. § 24-21-450 "authorizes the court to issue or cause the issuing of a warrant only during the period of probation and, in the absence of the timely issuance of such warrant, the court is without the authority to revoke the probation after the probationary period has passed" *See id.* (quoting *State v. Hutto*, 252 S.C. 36, 45-46, 165 S.E.2d 72, 76 (1968)). Mr. Hopkins's probationary period passed on June 6, 2018, five years after his original sentencing date, and because the probation warrant was issued almost two months after that expiration date, the Court therefore lacked subject matter jurisdiction to hear the charge or revoke Mr. Hopkins's probation. *See id.* The South Carolina Supreme Court has vacated probation revocations where a probationary sentence expired prior to the issuance of the probation arrest warrant, on the grounds that the judge did not have subject matter jurisdiction to hear the revocation. *See id.* ("A decision 'to revoke probation generally rests within the circuit court's discretion [however] an appellate court should reverse when that decision is based on an error of law"). "[S]ubject matter jurisdiction may not be waived, even by the consent of the parties." *State v. Richburg*, 304 S.C. 162, 403 S.E.2d 315, 317 (S.C. 1991).

During the five year term of supervision, Mr. Hopkins made efforts to complete his G.E.D., falling short only 3 points. He maintained employment from November 2016 and October 2017, and then from November 2017 until July 12, 2018, after his five year period of supervision expired. Mr. Hopkins reported regularly as instructed. While Mr. Hopkins did not complete all hours of PSE required, he did complete 41.50 hours. Despite not completing all of his required hours, Counsel contends that Mr. Hopkins substantially complied with the terms of his supervision.

Mr. Hopkins's Counsel respectfully requests that a hearing be scheduled to address this matter.

Respectfully submitted,

Alice Phillips

Alice Phillips
Assistant Public Defender, Richland County
Counsel for Cedric Hopkins
P.O. Box 192
Columbia, S.C. 29202
(803) 765-2592

Columbia, South Carolina
This 26 day of October, 2018

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF GENERAL SESSIONS
FIFTH JUDICIAL CIRCUIT

RECEIVED

NOV 16 2018

SC Court of Appeals
Plaintiff,

The State of South Carolina,

2013GS4002374

2013GS4002378

vs.

Cedric Hopkins,

Defendant.

**ORDER DENYING DEFENDANT'S
MOTION TO RECONSIDER SENTENCE**

On June 6, 2013, Cedric Hopkins was sentenced to a YOA sentence not to exceed 6 years suspended upon service of 3 years' probation, with credit for time served of 72 days. On September 23, 2016, Defendant appeared before Judge Frank Addy Jr. on a probation violation at which time Judge Addy Jr. extending his probation 2 years. Defendant's probation was violated by Probation Agent Duckett on August 3, 2018.

Subsequently, on October 19, 2018 the Court found Mr. Hopkins in willful violation of the terms and conditions of his Youthful Offender Act probation. In her motion, Defense Counsel for Mr. Hopkins, Assistant Public Defender Alice Phillips raises "extraordinary circumstances" and asserts that Mr. Hopkins case was required to terminate no later than June 6, 2018. DPPS has provided the court with a copy of the Form 9 from the probation hearing with Judge Addy Jr. and asserts that Defendant's case was extended two years from the date of that probation hearing and further that the defendant is not entitled to any YOA pretrial time.

On October 26, 2018, counsel for Defendant filed a Motion to Reconsider Sentence based on the above sentences. The Court reviewed the charges and accompanying sentences and considered the defendant's request. Having fully considered Defendant's request, the Court finds

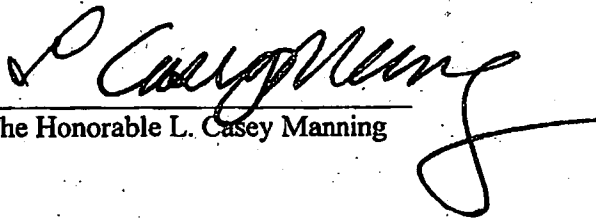
that the sentence imposed is not improper or excessive. *See, e.g., Brooks v. State of South Carolina*, 325 S.C. 269, 271-72, 481 S.E.2d 712, 713 (1997) (citing *Garrett v. State*, 320 S.C. 353, 465 S.E.2d 349 (1995); *State v. Sidell*, 262 S.C. 397, 205 S.E.2d 2 (1974)) (finding that a trial judge is allowed broad discretion in sentencing and that sentence is not excessive if it is within statutory limits and isn't based on prejudice).

IT IS THEREFORE ORDERED that Defendant's Motion to Reconsider Sentence is **DENIED**.

IT IS SO ORDERED.

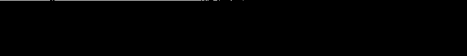
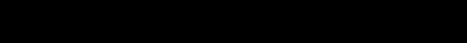
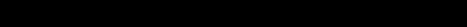
Nov 8, 2018

Columbia, South Carolina


The Honorable L. Casey Manning

STATE OF SOUTH CAROLINA

County of Richland
STATE VS.

Cedrick Hopkins
AKA:
Race: B Sex: M
DOB: 
SSN: 
SID#: 

IN THE COURT OF GENERAL SESSIONS
Indictment Number:

13 -GS- 420 - 02378
Probation CW#: C-02-16-0354
Name of Original Offense: Burglary 2nd Degree
Original AWW#: K690795
Date of Original Offense: 12/04/2011
Conviction S.C. Code §: 16-11-03A
Conviction CDR Code #: 0101810
Original Sentence: YOA 6 YRS 00 MRS PROB

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 06/06/13 in the Court of General Sessions of Richland County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 12/02/14, as set forth in the attached warrant(s) or citation(s) dated 05/12/16. 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) 3, 5, 6, 7, 9, and 10

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve _____ 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: 100 PSE hours every month he does not have 300. instruct fines detain. EFD Extend Probation 2 years
- 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 _____ months/years on this sentence. (split sentence time and/or prior partial revocation time)
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 23rd day of September, 2016 SC

[Signature]
Presiding Judge
Addy
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]
Signed this 23rd day of September 2016 at _____ SC

Witnessed by
[Signature]
_____ SC

STATE OF SOUTH CAROLINA

County of Richland

STATE VS.

Robert Hopkins

AKA: _____

Race: N Sex: M

DOB: _____

SSN: _____

SID#: _____

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

13 -GS- 40 - 02374

Probation CW#: 2-40-16-0354

Name of Original Offense: Burglary 2nd Degree

Original A/W#: K690973

Date of Original Offense: 6/05/2012

Conviction S.C. Code §: 16-11-0312

Conviction CDR Code #: 6 10 18 10

Original Sentence: YOA 2 YRS & 3 YRS PROB

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 10/1/13 in the Court of General Sessions of Richland County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 10/2/13, as set forth in the attached warrant(s) or citation(s) dated 10/2/13. 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: (1) & (2) & (3) & (4) & (5) & (6) & (7) & (8) & (9) & (10)

Therefore, IT IS ORDERED that:

the suspended sentence be revoked and the above named defendant be required to serve _____ 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) Civil judgment: Department fees
 Fines and other fees (arrearage / balance) Fines and other fees
 Restitution (and 20%) (arrearage / balance) Restitution (and 20%)

Additional Conditions ordered by the Court: 100 PSE hours and additional 30 PSE hours every month. He does not have a job. Restitution & all other obligations. Extend Probation 2 years.

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 _____ months/years on this sentence.
(split sentence time and/or prior partial revocation time)

The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 23rd day of September, 2014 at _____, SC

Presiding Judge: [Signature] Andy
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, this 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: [Signature]

Signed this 23rd day of September, 2014 at Columbia, SC

ASGDC

STATE OF SOUTH CAROLINA

County of Richland

STATE vs.

AKA: Cedrick Hopkins

Race: ISV Sex: M

DOB: [Redacted]

SSN: [Redacted]

SID# [Redacted]

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

13 -GS- 40 - 02378

Probation C/W#s: C-40-18-0250

Name of Original Offense: Burglary 2nd degree

Original A/W#: XL90795

Date of Original Offense: 12-4-11

Conviction S.C. Code §: 16-11-0312

Conviction CDR Code #: 0 / 0 / 8 / 0

Original Sentence: YOA nte 4 yrs SS 3 yrs Probation

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 6/6/13 in the Court of General Sessions of Richland County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 12-2-14, 9-23-16, as set forth in the attached warrant(s) or citation(s) dated 8-3-18. 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) 3, 5, 7, 9 and 10

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve VOLUNTARY months/20 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/20 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) Civil judgment: Department fees Fines and other fees (arrearage / balance) Fines and other fees Restitution (and 20%) (arrearage / balance) Restitution (and 20%)

2018
AUG 15 11:51 AM

Additional Conditions ordered by the Court:

Revoke YOA nte 4 yrs. and terminate probation. Civil Judgment for fines. Recommend Shock program. No admin monitoring.

- 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 is to be given credit for pretrial detention time served (N/A if defendant has served prior SCDC time).
- The defendant has served _____ 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 19 day of Oct 2018 at Columbia, SC

Presiding Judge: [Signature] Manning Fifth 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 _____ Month Year at _____ City SC

15

PROBATION CITATION

No. C-40-16-0354

SOUTH CAROLINA v. CEDRICT DE HOPKINS	COUNTY: RICHLAND	
	SCDC #	SID # 02033535

TO: CEDRICT DE HOPKINS

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

Place TBA	Room TBA
	Date and Time

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

Violations Charged Cedric Hopkins has violated conditions 3, 5, 6, 7, 9 and 10 as ordered in Cause Numbers 13-GS-40-02374 and 13-GS-40-02378 by the Richland County Court of General Sessions and Consent Order dated 12/4/14.

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.

COLUMBIA, South Carolina	Probation and Parole Agent Camilla E. Cheeseboro	Agent # 0625
Date 5/18/2016		

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 SCDPPPS Richland	Date and Time 5-18-16 @ 4:45pm
	Serving Officer's Signature <i>[Signature]</i>

Sworn to and subscribed before me this <u>18</u> day of <u>May</u> <u>2016</u>	My Commission Expires <u>5/19/25</u>
<u>[Signature]</u> Signature of Notary Public	

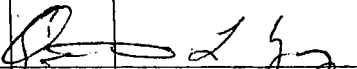
Addendum

to obtain his GED as ordered by Judge Benjamin on 6/6/13.

Sworn to and Subscribed before me
this 18 day of May, 2016.



Affiant



Signature of Notary Public

5/19/25

My Commission Expires

PROBATION CITATION

SOUTH CAROLINA V. CEDRICT DE HOPKINS	COUNTY: RICHLAND	
	SCDC #	SID # 02033535

TO: CEDRICT DE HOPKINS

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.

<p>Violations Charged Cedrick Hopkins has violated conditions 3, 5, 7, 9 and 10 as ordered in Cause Numbers 13-GS-40-02374 and 13-GS-40-02378 by the Richland County Court of General Sessions on 6/6/13, Consent Order dated 12/4/14 and Orders of Continuation dated 9/23/16.</p>
--

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

<p>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.</p>
--

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.

RICHLAND, South Carolina	Probation and Parole Agent - Agent # Shree M Duckett - 0502
Date 08/03/2018	

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 Richland County Probation	Date and Time 8/8/18 11:50AM
	Serving Officer's Signature <i>[Signature]</i>

Sworn to and subscribed before me this <u>8th</u> day of <u>August</u> , <u>2018</u>	
<u>[Signature]</u> Signature of Notary Public	<u>10-31-2027</u> My Commission Expires

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of RICHLAND

Personally appeared before me, Shree M Duckett, who first being duly sworn, deposes and says that CEDRICT DE HOPKINS did within this county and State on the 03 day of August, 2018, violate certain conditions of release in the following particulars:


DESCRIPTION OF VIOLATION

Cedric Hopkins has violated conditions 3, 5, 7, 9 and 10 as ordered in Cause Numbers 13-GS-40-02374 and 13-GS-40-02378 by the Richland County Court of General Sessions on 6/6/13, Consent Order dated 12/4/14 and Orders of Continuation dated 9/23/16.

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:

Cedric Hopkins has willfully failed to follow the advice and instructions of his Agent in that he has; failed to refrain from any illegal drug use by testing positive for Marijuana on 7/12/18; failed to work diligently at a lawful occupation or provide proof of employment to Agent while on supervision; failed to pay supervision fees by being in arrears \$990, with a balance of \$1,190.00 at the issuance of process; failed to pay supervision fees by being in arrears \$525, with a balance of \$525 at the issuance of process; failed to Court Fees (101) by being in arrears \$525, with a balance of \$623.90 at the issuance of process; failed to pay Court Fees (102) by being in arrears \$88.90, with a balance of \$88.90 at issuance of process; failed to pay DNA Fee by being in arrears \$250, with a balance of \$250 at the issuance of process; failed to pay PSE fee by being in arrears \$25, with a balance of \$25 at the issuance of process; failed to attend and complete PSE as Court ordered; failed to obtain his GED as ordered on 6/6/13.

Sworn to and subscribed before me this 03 day of August, 2018


Affiant


Signature of Notary Public

08-07-2024
My Commission Expires:

WITNESSES

(S) F.S. Bryant - CPD

ARREST WARRANT NUMBER

K690533

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

APR 12 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2013-GS40-2374

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2013

119

THE STATE
vs.

CEDRICT HOPKINS

Indictment for
BURGLARY 2nd DEGREE
(NON-VIOLENT)

SC Code: 16-11-0312
CDR Code: 0080

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

Cedrick Hopkins

hereby appear in my own proper person and plead guilty to the within indictment or to

X Cedrick Hopkins
Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on APRIL 10, 2013, the
Grand Jurors of Richland County present upon their oath:

BURGLARY 2nd DEGREE (NON-VIOLENT)

That CEDRICT HOPKINS did in Richland County on or about January 6,
2012, enter without consent and with the intent to commit a crime therein,
the dwelling of STEPHEN BROWN, located at [REDACTED]
in violation of Section 16-11-0312, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the
statute in such case made and provided.



DAN JOHNSON, SOLICITOR

WITNESSES

(S) S.A. Walker - CPD

ARREST WARRANT NUMBER

K690795

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: **APR 12 2013**

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2013-GS40-2378

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2013

119

THE STATE

vs.

Cedric De Hopkins

**Indictment for
BURGLARY 1ST DEGREE**

SC Code: **16-11-0311**

CDR Code: **0079**

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on APRIL 10, 2013, the
Grand Jurors of Richland County present upon their oath:

BURGLARY 1ST DEGREE

That Cedric De Hopkins did in Richland County on or about December 4,
2011, enter the dwelling of SARAH SCOTT located at [REDACTED]
[REDACTED] without consent and with the intent to commit a crime therein and
when, in effecting entry or while in the dwelling or in immediate flight, the
entering or remaining occurred in the nighttime, in violation of Section 16-
11-0311(A), 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.



DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE VS.

INDICTMENT/CASE#: 2013GS4002374

AKA: Cedric Hopkins

A/W#: K690533

Race: BLACK Sex: M Age: 19

Date of Offense: 1/6/2012

DOB: [Redacted] SS# [Redacted]

S.C. Code §: 16-11-0312

Address: [Redacted]

CDR Code #: 0080

City, State, Zip: COLUMBIA, SC 29204

DL#: SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

CONVICTED OF or PLEADS

In disposition of the said indictment comes now the Defendant who was TO: Burglary / Burglary (Non-Violent) - Second degree

in violation of § 16-11-0312 of the S.C. Code of Laws, bearing CDR Code # 0080

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

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

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

ATTEST: Tobin, Saquisha SC Bar# 77521 Cedric Hopkins Defendant Attorney for Defendant 16081 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of days/months/years or under the Youthful Offender Act not to exceed 6 years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 3

months 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. 72 days The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms: Obtain GED 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:

Recipient:

Table with 2 columns: Description and Amount. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Janette W. McBride Court Reporter: [Redacted]

Presiding Judge: [Signature] Judge Code: 2161 Sentence Date: 6-6-13

STATE OF SOUTH CAROLINA)
 COUNTY OF Richland)
 STATE VS.)
Cedrick De Hopkins)
 AKA: _____)
 Race: BLACK Sex: M Age: 19)
 DOB: _____ SS#: _____)
 Address: _____)
 City, State, Zip: COLUMBIA, SC 29204)
 DL#: _____ SID#: _____)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS4002378 ✓
 A/W#: K690795
 Date of Offense: 12/4/2011
 S.C. Code § : 16-11-0311
 CDR Code #: 0079

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 (Non - Violent) (After June 20, 1985) - Second degree

in violation of § 16-11-0312 of the S.C. Code of Laws, bearing CDR Code # 0080
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

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

ATTEST: Tobin, Saquisha SC Bar# 77521 Cedrick Hopkins Defendant [Signature] Attorney for Defendant 76081 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of _____ days/months/years or under the Youthful Offender Act not to exceed 6 years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 3
 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. 72 days
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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. _____
 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: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$

Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

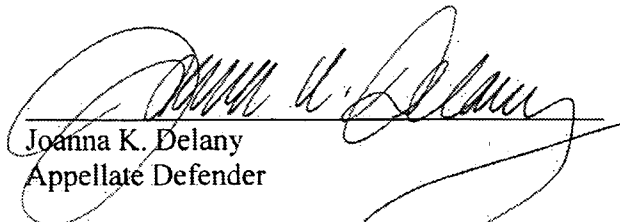
Clerk of Court/ Deputy Clerk Jannette Will Brindoff
 Court Reporter: [Signature]
 SCCA/217 (03/2011)

Presiding Judge [Signature]
 Judge Code: 2161
 Sentence Date: 6-6-13

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,



Joanna K. Delany
Appellate Defender

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

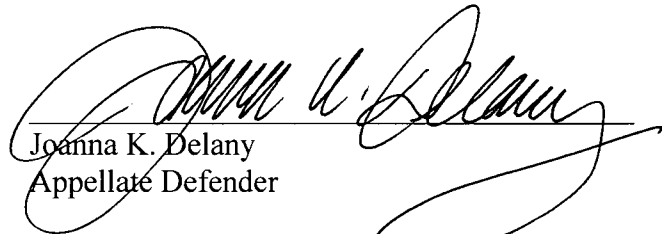
ATTORNEY FOR APPELLANT

This 13th day of September, 2019.

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,



Joanna K. Delany
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 13th day of September, 2019.

RECEIVED
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SC Court of Appeals