

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM YORK COUNTY

John C. Hayes, III, Circuit Court Judge

RECEIVED

MAR 08 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CRYSTAL RENAE BAKER,

APPELLANT

APPELLATE CASE NO. 2015-002463

RECORD ON APPEAL

BENJAMIN JOHN TRIPP
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 & Pardon Services
PO Box 50666
Columbia, SC 29250

(803) 734-9220

Attorneys for Respondent

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CERTIFICATE OF COUNSEL19

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of York
STATE VS. FILED-RECEIVED

Indictment Number: 14 -GS- 46- 02624
Probation C/W#s: W-46-14-0216

Crysta I Baker
AKA: _____
Race: W Sex: F
DOB: _____
SSN: _____
SID#: 1631593

Name of Original Offense: Exploitation of Vulnerable Adult
Original A/W#: 2014 A 4610100007
Date of Original Offense: 5-3-14
Conviction S.C. Code §: 13-35-0085(D)
Conviction CDR Code #: 2161517
Original Sentence: 5yrs prov upon 90 days prob
ORDER 3yrs.

The above named defendant has been charged with violating the conditions of probation ordered on 8/27/14 in the Court of General Sessions of York County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on _____, as set forth in the attached warrant(s) or citation(s) dated 10/15/14. 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, 2, 7, 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 active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).

Financial Obligations: Order satisfies: Department fees (arrearage) 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:
If subject leaves treatment it is a willful violation
Extend Probation to 5yrs. Inpatient Treatment
Remain in jail for

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 90 days 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 11 day of Feb, 2015
York, SC

[Signature]
Presiding Judge
16th 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: Unable to sign

Witnessed by: [Signature]

Signed this 11th day of February, 2015, at York, SC

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF

YORK

THE STATE

against

CRYSTAL RENAE BAKER

INFORMATION ON DEFENDANT

Name CRYSTAL RENAE BAKER
Address
Phone
Sex Female Race White Height 506
Weight 120 Birth date
Social Security Number

Constable or Law Enforcement Officer

A copy of this Arrest Warrant was delivered by me to the following defendant:

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 10/15/2014

Officer and Agency: SC Department of Probation, Parole and Pardon Services

INFORMATION ON WITNESSES

Name
Address
Phone
Name
Address
Phone
Name
Address
Phone
Name
Address
Phone

Crystal Baker

on the 27 day of October 2014

Signature of Constable or Law Enforcement Officer

Shannon Prince Myers

This Warrant is certified for service in [County of warrant Certification] County. The accused is to be arrested and brought before me to deal with according to law.

Disposition

Sentence (L.S.)

Signature of Judge

Co-Defendants

PRELIMINARY HEARING held by

Magistrate on with Attorney for the Defendant.

Decision

BAIL

Date Set
Magistrate
Amount
Surety

Form 16.1-Arrest Warrant
Form Approved by
SC Attorney General
Section 17-13-160
March 16, 1978

STATE OF SOUTH CAROLINA
COUNTY OF YORK

Probation
ARREST WARRANT

Indictment Number 14-GS-46-02624

Warrant Number W-46-14-0216

State Identification No. (SID) 01631593

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

It appearing from the attached affidavit that there are reasonable grounds to believe that CRYSTAL RENAE BAKER, did on the 15 day of October, 2014 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Probation Violation concurrent to Section 24-21-430 in that the Defendant has violated the conditions of his/her probation sentence as imposed by Judge Alford in the August 27, 2014 term of General Sessions Court holden in York County, York South Carolina.

Now, therefore, you are empowered and directed to arrest the said defendant and bring CRYSTAL RENAE BAKER 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 ROCK HILL, S. C. this 15 day of October, 2014.

Shannon Myers (L.S.)
Signature of Probation and Parole Agent

County of YORK

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Shannon Prince Myers, who, first being duly sworn, deposes and says that CRYSTAL RENAE BAKER did within this County and State on the 15 day of October, 2014, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

Probation Violation concurrent to Section 24-21-430 in that the Defendant has violated the conditions of his/her probation sentence as imposed by Judge Alford in the August 27, 2014 term of General Sessions Court holden in York County, York South Carolina.

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:

Subject has failed to follow the advice and instructions of her Supervising Agent by failing to report for her initial appointment after being sentenced in General Sessions Court on August 27, 2014; subject failed to report on September 3, 2014, again on September 10, 2014, and September 26, 2014; failed to notify Agent in change of address thereby absconding supervision and making her whereabouts unknown as evidenced in a Home Visit conducted on September 29, 2014. Also, failed to pay supervision fees being \$50 in arrears; failed to pay surcharge fees being \$20 in arrears and failed to pay her drug test fee being \$20 in arrears. Such actions constitute willful violations of conditions 1, 2, 7, 9 and 10 of the probationary agreement.

Sworn to and Subscribed before me
this 15 day of October, 2014.

Shannon Myers
Affiant

Cresina Underwood (L.S.)
Signature of Notary Public

Address: 1070 HECKLE BLVD.
SUITE 201, BOX 14
ROCK HILL, SC 29732
YORK
USA
(803) 909-7282

9/27/17
My Commission Expires

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of York
STATE VS.

Indictment Number:
15-GS-28-0269
Probation C/W #: W-46-15-0352

AKA: Crystal Baker
Race: W Sex: F
DOB: [REDACTED]
SSN: [REDACTED]
SID#: 1631593

FILED 2015 DEC 21 PM 12:08
Name of Original Offense: THEFT Burglary 3rd degree
Original A/W #: 2013A2810101003
Date of Original Offense: 7/16/13
Conviction S.C. Code §: 16-11-0313
Conviction CDR Code #: 0141217
Original Sentence: 5yrs ss 30 months probahn

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 4/16/15 in the Court of General Sessions of Kershaw County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 14, 2015, as set forth in the attached warrant(s) or citation(s) dated Oct. 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, 7, 9, 10 and special conditions

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 5 months/years the remainder of the original sentence, and/or pay \$ _____.
- the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies:
 - Department fees (arrearage)
 - Fines and other fees (arrearage/balance)
 - Restitution (and 20%) (arrearage/balance)
 Civil judgment: Department fees
 Fines and other fees
 Restitution (and 20%)
- Additional Conditions ordered by the Court:

- 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 37 days 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 11th day of November, 2015, at York, SC
Presiding Judge [Signature] Judicial Circuit 16

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 [Signature]
Signed this 16 day of November, 2015, at York, SC

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of York
STATE VS.

Indictment Number: 15 -GS- 28 - 0270
Probation Order #: W-46-15-352

Christa Baker
AKA:
Race: W Sex: F
DOB: [REDACTED]
SSN: [REDACTED]
SID#: 1031593

2015 EC-21 PM 12:08
Name of Original Offense: Burglary 3rd degree 1st off
Original LAW#: 2013A 28104D1004
Date of Original Offense: 7/16/13
Conviction SIC Code §: 16-11-313
Conviction CDR Code #: 014 1 2 1 7
Original Sentence: 5 years SS 30 months probation

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 4/16/15 in the Court of General Sessions of York County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 14, 2015, as set forth in the attached warrant(s) or citation(s) dated Oct 14, 2015. 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, 7, 9, 10, and special conditions

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 5 months/years, the remainder of the original sentence, and/or pay \$ _____.
- the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies:
 - Department fees (arrearage)
 - Fines and other fees (arrearage/balance)
 - Restitution (and 20%) (arrearage/balance)
 Civil judgment: Department fees
 Fines and other fees
 Restitution (and 20%)
- Additional Conditions ordered by the Court:

- 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 37 days 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 14 day of November, 2015, York, SC

John A. [Signature]
Presiding Judge
York 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 Christa Baker Witnessed by [Signature]
Signed this 14 day of November, 2015, at York SC

STATE OF SOUTH CAROLINA

County of York
STATE VS.

AKA: Crystal Baker
Race: W Sex: F
DOB: [REDACTED]
SID#: 1131593

IN THE COURT OF GENERAL SESSIONS

Indictment Number: 14-GS-46-2024
Probation C/W #: W-46-15-0353

Name of Original Offense: Exploitation of Vulnerable Adult
Original A/W #: 20144616100507
Date of Original Offense: 5-3-14
Conviction S.C. Code §: 43-35-0085LD
Conviction CDR Code #: 2161517
Original Sentence: Suys upon 90 days bal. ss
ORDER 3yrs Probation

The above named defendant has been charged with violating the conditions of probation ordered on 8/27/14 in the Court of General Sessions of York County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on Feb. 11, 2015, as set forth in the attached warrant(s) or citation(s) dated Oct 14, 2015. 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, 7, 9, 10,

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 5 months/years, the remainder of the original sentence, and/or pay \$ _____.
- the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies:
 - Department fees (arrearage)
 - Fines and other fees (arrearage/balance)
 - Restitution (and 20%) (arrearage/balance)
- Additional Conditions ordered by the Court:

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant has previously served 90 days 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 16 day of November, 2015, at York, SC

John A. [Signature]
Presiding Judge
Judicial Circuit

20 NOV 23 PM 4:20
DAVID HANCOCK
CLERK OF COURT
YORK COUNTY, SC
CERTIFIED TRUE COPY

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: Crystal Baker Witnessed by: [Signature]

Signed this 16 day of November, 2015, at York, SC

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF

YORK

THE STATE

against

CRYSTAL RENAE BAKER

INFORMATION ON DEFENDANT

Name CRYSTAL RENAE BAKER

Address

Phone

Sex Female Race White Height 508

Weight 120 Birth date

Social Security Number

INFORMATION ON WITNESSES

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

PRELIMINARY HEARING held by

Magistrate

on

with

Attorney for the Defendant.

Decision

BAIL

Date Set

Magistrate

Amount

Surety

Constable or Law Enforcement Officer

A copy of this Arrest Warrant was delivered by me to the following defendant:

X [Signature]

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 10/14/2015

Officer and Agency: SC Department of Probation, Parole and Pardon Services

Alicia Devon Richardson

on the 14th day of October, 2015.

[Signature]
Constable or Law Enforcement Officer

Disposition

Sentence

Co-Defendants

This Warrant is certified for service in [County of warrant Certification] County. The accused is to be arrested and brought before me to deal with according to law.

(L.S.)

Signature of Judge

7

Form 16.1- Arrest Warrant
Form Approved by
SC Attorney General
Section 17-13-160
March 15, 1978

FILED FOR RECORD
Probation

STATE OF SOUTH CAROLINA
COUNTY OF YORK

2015 DEC 21 PM 12:08
ARREST WARRANT

JOYCE MESSING
CLERK OF COURT
KERSHAW COUNTY, S.C.
Misdemeanor Number 15-GS-28-00269, 15-GS-28-00270
Warrant Number W-46-15-0352

State Identification No. (SID) 01631593

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

It appearing from the attached affidavit that there are reasonable grounds to believe that CRYSTAL RENAE BAKER, did on the 14 day of October, 2015 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Probation violations concurrent to section 24-21-430 in that the defendant violated the conditions of his/her probation sentence as imposed by Judge Benjamin in the April 16, 2015 term of General Sessions court holden in Kershaw County, Kershaw, SC.

Now, therefore, you are empowered and directed to arrest the said defendant and bring CRYSTAL RENAE BAKER 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 ROCK HILL, S. C. this 14 day of October, 2015.

Richardson (L.S.)
Signature of Probation and Parole Agent

County of YORK

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Alicia Devon Richardson, who, first being duly sworn, deposes and says that CRYSTAL RENAE BAKER did within this County and State on the 14 day of October, 2015, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

Probation violations concurrent to section 24-21-430 in that the defendant violated the conditions of his/her probation sentence as imposed by Judge Benjamin in the April 16, 2015 term of General Sessions court holden in Kershaw County, Kershaw, SC.

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:

Subject failed to give complete and truthful reports; failure to complete in-patient treatment, having been terminated from treatment on 8/31/15; failure to report to the office after being terminated from in-patient treatment; failure to refrain from violation of federal, state, or local laws having been arrested for Shoplifting on 8/7/15; failure to pay supervision fees, by being in arrears \$240; failure to pay surcharge, by being in arrears \$25; failure to pay court fines, by being in arrears \$125; failure to comply with continuation order dated on 2/11/15 and probationary sentence ordered on 4/16/15, failure to follow the advice and instructions of agent "Such actions constitute a willful violation of sections 1,7,9,10, and special conditions of the original probationary agreement."

Sworn to and Subscribed before me
this 14 day of October, 2015.

Richardson
Affiant

Cesina L. Anderson (L.S.)
Signature of Notary Public

9/27/17
My Commission Expires

Address: 1070 HECKLE BLVD.
SUITE 201, BOX 14
ROCK HILL, SC 29732
YORK
USA
(803) 909-7282

State of South Carolina.,)
)
)
County of York.)

In the General Sessions
Court of York
Case No.: 2014-GS-46-02624
Warrant No.: W-46-15-0353

South Carolina Department.,)
 Probation Pardon and.,)
 Parole.,)
)
 Plaintiff.,)
)
 -vs-)
)
Crystal Renae Baker.,)
)
 Defendant.)
)

Transcript of Record

November 16, 2015
York, South Carolina

B E F O R E:

The Honorable John C. Hayes, III., judge.

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

Agent Alicia Richardson
South Carolina Department of Probation
Pardon and Parole
Moss Justice Center
1675-1F York Highway
York, South Carolina 29745-7428
803-628-3035
For the Plaintiff

Ms. Toni Johnson
Sixteenth Circuit Public Defender's Office
P.O. Box 691
1675-1E York Highway
York, South Carolina 29745
803-628-3031
For the Defendant

ORIGINAL

Wanda Nelson, CVR-M
Official Court Reporter
To the Honorable John C. Hayes, III

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WITNESS

BY:

PAGE NO.

No witnesses were called.

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I-N-D-E-X

E-X-H-I-B-I-T-S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD.</u>
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No Exhibits were received into the record.

1 (COURT IN SESSION/ON THE RECORD AT 10:18 AM./PROBATION
2 REVOCATION WITH CRYSTAL RENAE BAKER)

3 AGENT WILSON: Crystal Baker.

4 (WHITE FEMALE ENTERS THE COURTROOM FROM HOLDING CELL.)

5 THE COURT: All right. You are Crystal Renae Baker?

6 MS. BAKER: Yes, sir.

7 THE COURT: You're represented by Ms. Johnson; is that
8 correct?

9 MS. BAKER: Yes, sir.

10 THE COURT: I have two arrest warrants here; they were
11 served on you on the 14th day of October of this year; is
12 that correct?

13 MS. BAKER: Correct.

14 THE COURT: And they allege you violated the sentence
15 that Judge Alford imposed on the 27th of August of 2014 for
16 exploitation of a vulnerable adult. He sentenced you to
17 five years; you were to serve ninety days and then go on
18 probation for three years; is that correct?

19 MS. BAKER: Well I did - I was in here for like six
20 months. Is that all it says is ninety days?

21 THE COURT: Well I'm asking you what the sentence was.
22 It says that you had credit for fifty-nine days and this is
23 just one of the two. Let me go over the other one and see
24 if that helps clarify.

25 You also were sentenced by Judge Benjamin on the 16th

1 day of April of 2015 for burglary, third degree, first
2 offense; she sentenced you to five years suspended to
3 thirty months probation; this was in Kershaw Count; is that
4 correct?

5 MS. BAKER: Yes, sir.

6 THE COURT: So how does that tie into the sentence you
7 received a year earlier?

8 MS. BAKER: They run it concurrent.

9 THE COURT: The affidavits on the warrants allege that
10 you had failed to complete - give complete and truthful
11 reports.

12 MS. BAKER: That's not true.

13 THE COURT: All right. Let me go - Failed to complete
14 in-patient treatment.

15 MS. BAKER: I got discharged, your Honor. I had a
16 chronic cough when I went to the rehab and I couldn't stop
17 coughing and they was gonna medically discharge me but I
18 was like no I'm gonna stick it out; I'm gonna stick it out,
19 but they said I was disrupting the classes and they sent me
20 to their doctor and he wrote on the prescription no
21 smoking. And I give all my cigarettes away when ever - I
22 smoked twenty plus years but I was taking a draw off my
23 friend's cigarettes and the nurse told me I was getting
24 discharged for that.

25 THE COURT: All right. Also it says that you did not

1 report to probation after being terminated from inpatient.

2 MS. BAKER: I left messages with Ms. Richardson and
3 told her what was going on and I did report, yes, I did.

4 THE COURT: It says you were arrested for shoplifting
5 back in August. What happened to that charge?

6 MS. BAKER: Okay. That's the hand of one the hands of
7 all --

8 THE COURT: No, I didn't ask you that. I don't want a
9 legal explanation.

10 MS. BAKER: I gotcha. Well I'm saying I was with
11 somebody that smoked.

12 THE COURT: Well what happened to the charge?

13 MS. BAKER: Yeah, I did.

14 MS. JOHNSON: She pled guilty to that charge, your
15 Honor.

16 MS. BAKER: Yeah, I believe it was time served.

17 THE COURT: And you also hadn't been paying your
18 monies. Why is that?

19 MS. BAKER: Sir, when I got out of rehab my mom was
20 sick and my daughter lives there, my eight year old, she
21 had pneumonia and she didn't get out of bed for like a
22 month so I had to kind of take care of her and my daughter
23 so that's why I didn't, you know, find a job right then.
24 But when I get my taxes back in February I can pay it off.

25 THE COURT: Well I'm not gonan find the monetary to be

1 a willful violation but I am gonna find the other
2 violations to be substantial.

3 All right, Ms. Johnson.

4 MS. JOHNSON: Thank you, your Honor. Ms. Baker is
5 forty years of age, your Honor. She is not married; she
6 has three children, two under the age of majority. One is
7 eight the other is fifteen. The eight year old and the
8 fifteen year old are currently residing with her mother.
9 She tells me that her mother has had a heart transplant and
10 takes over fifty pills on a daily basis. And as she
11 stated, your Honor, her mother has been sick so she has
12 been trying to take care of her mother and her child as
13 well. She did indicate that she is not working at this
14 time and she indicated to me that she was supposed to have
15 an interview with KFC to try to get back out there and
16 start working so that she can pay off her probation, your
17 Honor.

18 Your Honor, she's already talked with you in reference
19 to the alleged violations in this case. She has been
20 incarcerated for thirty days, your Honor. I would ask that
21 you consider that as a partial and continue her on
22 probation at this time so that she can continue to try to
23 be there for her mother and her daughter, your Honor. If
24 your Honor is not inclined to do that we would ask for a
25 revocation that would allow her to remain in the county so

1 that she is close to her mother and her daughter.

2 THE COURT: Has probation complied with the Victim's
3 Rights Act?

4 AGENT RICHARDSON: Yes, sir, we have.

5 THE COURT: Who was the victim?

6 AGENT RICHARDSON: In the --

7 THE COURT: Vulnerable adult.

8 AGENT RICHARDSON: Douglas Barfield. That's for the
9 burglary; it's from that.

10 THE COURT: Any relation to --

11 AGENT RICHARDSON: No, sir. And if it will please the
12 court, your Honor, Ms. Baker said that she was discharged.
13 She was actually terminated for treatment by not complying
14 with the rules that was given to her. She can't go back to
15 treatment because we sent her to treatment several
16 different times and each time she's been actually
17 terminated from those treatments.

18 The two cases that we have, one in York and we have
19 the two that's in Kershaw; she also has another pending
20 probation case once she completed the one that's in York;
21 she has another probation case to follow, so she actually
22 has three probation cases.

23 THE COURT: Where's the other one?

24 AGENT RICHARDSON: The other one is also in - That one
25 is also gonna be in York. And that was a three-year

1 sentence suspended to five-years probation.

2 THE COURT: What was that for?

3 AGENT RICHARDSON: And that one's for possession of
4 crack cocaine.

5 THE COURT: Those are substantial violations.

6 Ms. Johnson, anything else?

7 MS. JOHNSON: Nothing further, your Honor.

8 THE COURT: Ms. Baker, anything else?

9 MS. BAKER: I want to just like to take and tell you
10 I'm sorry for my actions and please continue my probation.
11 I need to be home with my family.

12 THE COURT: You're using your family for an excuse to
13 live a life that you shouldn't be living. I feel sorry for
14 your family but you've spent a lot of time in jail over
15 your life time. I've looked at your prior record. You've
16 been in trouble off and on for a good while. I'm gonna
17 revoke both probationary sentences. I will run them
18 concurrent. These are substantial violations.

19 MS. JOHNSON: Thank you.

20 AGENT RICHARDSON: May it please, your Honor, can we
21 convert to civil judgment on financial obligations?

22 THE COURT: Yes.

23 (DEFENDANT EXITS COURTROOM.)

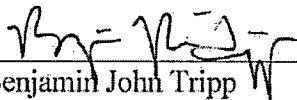
24 (END OF TRANSCRIPT OF RECORD)

25

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."

March 8th, 2016



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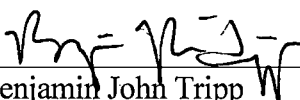
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SC Court of Appeals


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