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ORIGINAL
NO DEF. BRIEF

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JUN 24 2016
SC Court of Appeals

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM AIKEN COUNTY

R. Keith Kelly, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JUSTIN CAMERON HARDEN,

APPELLANT

APPELLATE CASE NO. 2016-000217

RECORD ON APPEAL

LAURA R. BAER
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 C. BUCHANAN
General Counsel
South Carolina Department of Probation, Parole and
Pardon Service
P.O. Box 11589
Columbia, SC 29211-1589
(803) 734-1343

Attorneys for Respondent

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INDEXi

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STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

CIRCUIT COURT
2008-GS-02-01172 &
2012-GS-02-01073

STATE OF SOUTH CAROLINA,

-vs-

TRANSCRIPT OF RECORD

JUSTIN CAMERON HARDEN,
Defendant.

Heard on Monday, January 25, 2016

Aiken, South Carolina

BEFORE:

THE HONORABLE R. KEITH KELLY

APPEARANCES:

Counsel on Behalf of the Defendant:
M. Bradley McMillian, Esq.

Cheri L. Young, RPR
Circuit Court Reporter
P O Box 5232
Aiken, SC 29804-5232

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EXHIBIT INDEX

(NO EXHIBITS IDENTIFIED/INTRODUCED.)

1 ON MONDAY, JANUARY 25, 2016 AT 9:43 A.M.:

2 THE PROBATION OFFICER: If it please the
3 Court. We'll present our first probation
4 violation case. Justin Harden.

5 (Defendant placed under oath.)

6 THE COURT: Sir, you are Mr. Justin Cameron
7 Harden?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Mr. Hardin, you are in
10 custody. Have you taken any prescription
11 medication, drugs or any substance that affects
12 your thinking ability?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: You are clear minded, know what
15 you're doing here today?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Okay. Agent, tell us what's
18 going on.

19 THE PROBATION OFFICER: Yes, sir, Your
20 Honor.

21 This is Justin Cameron Harden. He's on
22 probation on two separate orders. The first is
23 Indictment 08-GS-02-1172, possession of meth
24 first and a 12-GS-02-1073, unlawful carrying of a
25 pistol. The original meth charge was three years

1 suspended to three years of probation and the
2 unlawful carrying was one year suspended to three
3 years of probation.

4 The current violations, very similar
5 between the two case files for Mr. Harden. The
6 money's the only thing that will be different
7 between the two. The present violation:
8 Mr. Harden failed to follow the advice,
9 instructions of the agent by failing to report
10 since October 21st, 2015, as instructed in
11 November 4th, 2015; failing to refrain from
12 violating state and local laws, being convicted
13 of shoplifting second and failure to comply on
14 12-1-15; failing to notify his agent of his
15 arrest for possession of meth second on 11-15-15;
16 and failing to pay his financial obligations.

17 THE COURT: Mr. Harden, did you hear what
18 the agent told me?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Is that true?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Okay. The Court finds a
23 violation. Yes, sir.

24 MR. McMILLIAN: Thank you, Your Honor.

25 Mr. Harden is 25 years old. He works

1 mainly doing odd jobs. When we talked about his
2 violations, Your Honor, he's been very
3 forthcoming, very outright with me about them,
4 that these are violations, that he did commit
5 them, just like he told you.

6 Judge, he's been incarcerated for 56 days
7 on these. I believe the money is something Your
8 Honor could consider converting to a civil
9 judgment. I just don't think he's a probation
10 candidate and we'd ask Your Honor to consider 90
11 days and terminate him.

12 THE COURT: Okay. Sir, is there anything
13 you'd like to say?

14 THE DEFENDANT: I'm sorry about wasting
15 everybody's time this morning, Your Honor. I
16 wish I coulda did things a little bit different,
17 you know. I -- honestly, Your Honor, I messed
18 up. I don't know what to say and I apologize and
19 I'm sorry for wasting your time.

20 THE COURT: Okay. Sir, well, the money is
21 converted to civil judgments and he's revoked in
22 full. Good luck to you.

23 THE PROBATION OFFICER: Thank you, Your
24 Honor.

25 END OF PROCEEDINGS: 9:47 A.M.

RECEIVED

PPPS

01/27/2016 16:29

803-734-3273

STATE OF SOUTH CAROLINA FEB 08 2016

IN THE COURT OF GENERAL SESSIONS

County of Aiken SC Court of Appeals

Indictment Number: 2008 -GS- 02 - 01172
Probation C/W#: W-02-18-0994

Justin Cameron Harden
AKA: _____
Race: White Sex: Male
DOB: _____
SSN: _____
SID#: 01800377

Name of Original Offense: Poss. of less than one gram of met
Original A/W#: K 206892
Date of Original Offense: 1-10-08
Conviction S.C. Code §: 44-53-375 A
Conviction CDR Code #: 3101019
Original Sentence: 3yrs ss to 3yrs probation

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 7/11/08 in the Court of General Sessions of Aiken County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 9/15/14, as set forth in the attached warrant(s) or citation(s) dated 10/16/15. 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, 6, 7, 9, 10

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 3 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 (arrears); Civil Judgment: Department fees
 Fines and other fees (arrears/balance); Fines and other fees
 Restitution (and 20%) (arrears/balance); Restitution (and 20%)
- Additional Conditions ordered by the Court: Revoke in Full & Terminate

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant has previously served 0 months/years on this sentence.
(split sentence time and/or prior partial revocation time)
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 25 day of Jan, 2016,
Aiken, SC

R. Keith Kelly
Presiding Judge 2nd 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 Justin Harden

Witnessed by Cashley Linn

Signed this 25 day of Jan, 2016, at _____
Day Month Year

Aiken SC
City

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of Aiken
STATE vs.

Indictment Number:
2012-GS-02-01073
Probation C/W#: W-02-15-0238

Justin Cameron Harden
AKA:
Race: White Sex: Male
DOB: [REDACTED]
SSN: [REDACTED]
SID#: 018003111

Name of Original Offense: Unlawful Carrying of Pistol
Original A/W#: M-026768
Date of Original Offense: 5-9-2012
Conviction S.C. Code §: 16-23-0020
Conviction CDR Code #: 0101414
Original Sentence: 1 yr SS to 56 days CRTS
37r Probation

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 1/9/2016 the Court of General Sessions of Aiken County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 12/16/15, as set forth in the attached warrant(s) or citation(s) dated 12/16/15. 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, 6, 7, 10

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 1 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: Revoke in Full & Terminate

- 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 56 Days months/years on this sentence.
(sp) sentence time and/or prior partial revocation time)
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 25 day of Jan, 2016, at Aiken, SC

[Signature]
Presiding Judge
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 25 day of Jan, 2016, at Aiken, SC

Witnessed by
[Signature]
City

Form 18.1 - Arrest Warrant
Form Approved by
SC Attorney General
Section 17-13-160
March 18, 1979

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

ORIGINAL

Probation
ARREST WARRANT

Indictment Number 08-GS-02-01172

Warrant Number W-02-15-0237

State Identification No. (SID) 01800377

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

It appearing from the attached affidavit that there are reasonable grounds to believe that JUSTIN CAMERON HARDEN, did on the 16 day of December, 2015 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Justin Cameron Harden has violated conditions 1, 6, 7, 9 and 10 of his Probationary Sentence as ordered in Indictment#08-GS-02-01172 on July 18, 2008 in Aiken County General Sessions Court.

Now, therefore, you are empowered and directed to arrest the said defendant and bring JUSTIN CAMERON HARDEN 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 AIKEN, S. C. this 16 day of December, 2015.

Charles Ashley Finch (L.S.)
Signature of Probation and Parole Agent

County of AIKEN

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Charles Ashley Finch, who, first being duly sworn, deposes and says that JUSTIN CAMERON HARDEN did within this County and State on the 16 day of December, 2015, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

Justin Cameron Harden has violated conditions 1, 6, 7, 9 and 10 of his Probationary Sentence as ordered in Indictment#08-GS-02-01172 on July 18, 2008 in Aiken County General Sessions Court.

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:

Justin Cameron Harden has failed to follow the advice and instructions of his Agent by: Failing to report since 10/21/15 and as instructed on 11/04/15; Failing to refrain from violating State/Local laws by being convicted of Shoplifting, 2nd and Failure to Comply on 12/01/15; Failing to notify Agent of his arrest for... Possession of Meth, 2nd on 11/17/15; Failing to pay Supervision Fees as instructed, current arrearage being \$950.00; Failing to pay Fine as instructed, leaving a balance of \$236.90 which constitutes a violation of conditions 1, 6, 7, 9 and 10 of his Probationary Sentence.

Sworn to and subscribed before me
this 16 day of December, 2015.

Notary Signature (L.S.)
Signature of Notary Public
7-14-2025
My Commission Expires

Charles Ashley Finch
Affiant

Address: P.O. BOX 2194
AIKEN, SC 29802-2194
AIKEN
USA
(803) 641-7690

RETURN

STATE OF SOUTH CAROLINA
COUNTY OF

AIKEN

THE STATE
against

JUSTIN CAMERON HARDEN

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 12/16/2015

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

Charles Ashley Finch

Disposition

Sentence

Co-Defendants

INFORMATION ON DEFENDANT

Name JUSTIN CAMERON HARDEN

Address [REDACTED]
NORTH AUGUSTA, SC 29841

Phone [REDACTED]

Sex Male Race White Height 510

Weight 145 Birth date [REDACTED]

Social Security Number [REDACTED]

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 12-18-15

Magistrate [Signature]

Amount \$ 15,000.00

Surety

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

[Signature]

on the

day of

17th December 2015

[Signature]
Constable or Law Enforcement Officer

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

Form 18.1 - Arrest Warrant
Form Approved by
SC Attorney General
Section 17-13-160
March 18, 1978

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

ORIGINAL

Probation
ARREST WARRANT

Indictment Number 12-GS-02-01073

Warrant Number W-02-15-0238

State Identification No. (SID) 01800377

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

It appearing from the attached affidavit that there are reasonable grounds to believe that JUSTIN CAMERON HARDEN, did on the 16 day of December, 2015 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Justin Cameron Harden has violated conditions 1, 6, 7, 9 and 10 of his Probationary Sentence as ordered in Indictment#12-GS-02-01073 on July 19, 2012 in Aiken County General Sessions Court.

Now, therefore, you are empowered and directed to arrest the said defendant and bring JUSTIN CAMERON HARDEN 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 AIKEN, S. C. this 16 day of December, 2015.


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

County of AIKEN

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Charles Ashley Finch, who, first being duly sworn, deposes and says that JUSTIN CAMERON HARDEN did within this County and State on the 16 day of December, 2015, violate the criminal laws of the State of South Carolina in the following particulars:

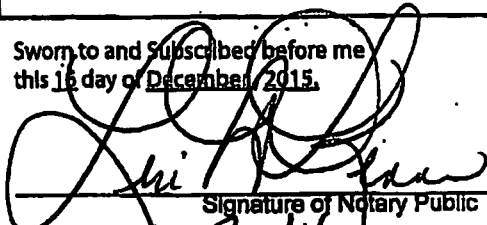
DESCRIPTION OF OFFENSE:

Justin Cameron Harden has violated conditions 1, 6, 7, 9 and 10 of his Probationary Sentence as ordered in Indictment#12-GS-02-01073 on July 19, 2012 in Aiken County General Sessions Court.

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:

Justin Cameron Harden has failed to follow the advice and instructions of his Agent by: Failing to report since 10/21/15 and as instructed on 11/04/15; Failing to refrain from violating State/Local laws by being convicted of Shoplifting, 2nd and Failure to Comply on 12/01/15; Failing to notify Agent of his arrest for Possession of Meth, 2nd on 11/17/15; Failing to pay Supervision Fees as instructed, current arrearage being \$950.00; Failing to pay Fine as instructed, leaving a balance of \$648.90 which constitutes a violation of conditions 1, 6, 7, 9 and 10 of his Probationary Sentence.

Sworn to and Subscribed before me
this 16 day of December, 2015.


Signature of Notary Public
7-14-2025
My Commission Expires

(L.S.)


Affiant

Address: P.O. BOX 2194
AIKEN, SC 29802-2194
AIKEN
USA
(803) 641-7690

RETURN

STATE OF SOUTH CAROLINA
COUNTY OF

AIKEN

THE STATE
against

JUSTIN CAMERON HARDEN

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 12/16/2015

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

Charles Ashley Finch

Disposition

Sentence

Co-Defendants

INFORMATION ON DEFENDANT

Name JUSTIN CAMERON HARDEN

Address [REDACTED]
NORTH AUGUSTA, SC 29841

Phone [REDACTED]

Sex Male Race White Height 510

Weight 145 Birth date [REDACTED]

Social Security Number [REDACTED]

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

Date Set

Magistrate

Amount

Surety

BAIL

12-18-15
[Signature]
\$ 75,000.00

Constable or Law Enforcement Officer

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

Justin Harden

on the

day of

17th December 2015

Constable or Law Enforcement Officer

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

WITNESSES

G. Benfield, A.C.S.O.

FILED

July 18 2008

J. Hodard
CCP&GS
Pauline Finney
Deputy Clerk

ARREST WARRANT NUMBER

K-206892

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: August 7, 2008

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008-GS-02--

1172

The State of South Carolina
County of Aiken

COURT OF GENERAL SESSIONS

AUGUST 11, TERM 2008

THE STATE
vs.

JUSTIN CAMERON HARDEN

Indictment for
POSSESSION OF METHAMPHETAMINE

SC Code: 44-53-375(A)
CDR Code: 3009
Class MIS/A

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken
STATE

INDICTMENT/CASE#: 2008 GS- 02-1172

vs.
Justin Cameron Harden

AW#: K206892

AKA:

Date of Offense: 1/10/08

Race: W Sex: M Age: 17

S.C. Code §: 17-53-375(A)

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 3009

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL# [REDACTED] SID# [REDACTED]

SENTENCE SHEET

Not more than
3 yrs. AND/OR
\$5000

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

TO: Possession of Methamphetamine, First Offense

in violation of § 17-53-375(A) of the S.C. Code of Laws, bearing CDR Code # 3009

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

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. JH (defendant initial)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State. YOR - Shock

ATTEST: Elizabeth B. Hany Solicitor Justin Harden Defendant [Signature] Attorney for Defendant 05444 SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 3 days/months/years or under the Youthful Offender Act not to exceed 3 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.
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

Payment Terms: _____ Obtain GED
 set by SCDPPPS _____ Attend Voc. Rehab. or Job Corp. _____

Recipient: _____ May serve WE beginning _____
Substance Abuse Counseling

*Fine: \$ _____ Random Drug/Alcohol Testing
\$14-1-208 (Assessments 107.5%) \$ _____ Fine may be pd. in equal, consecutive weekly/monthly
\$14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00 pmts. of \$ _____ Beginning _____
\$14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____ \$ _____ paid to Public Defender Fund
\$56-5-2995 (DUI Assessment) \$12 \$ _____
\$35.13 (Public Def/Prob) \$500 \$ _____
\$73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00
\$33.7, 1B TP (Drug Court Surcharge) \$100 \$ 100.00
\$50-21-114(BUI Breath Test Fee) \$50 \$ _____
\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
3% to County (if paid in installments) \$ 6.90
\$80.11 TP (SCCJA Surcharge) \$5 \$ 5.00
TOTAL \$ 236.90

Other: [Signature] [Signature]
 Appointed PD or appointed other counsel, \$35.13 TP
 Requires \$500 be paid to Clerk during probation.

[Signature]
Clerk of Court Deputy Clerk

Court Reporter: Cheri Yang PRESIDING JUDGE [Signature]
Judge Code: _____
Sentence Date: 2/18/08

WITNESSES

Aiken County Sheriff

M. Hickson

Law Enforcement Case #: 12-026994

JAS

ARREST WARRANT NUMBER

M026768

FILED: July 19 2012
[Signature]
C.C.P. & G.S.
[Signature]
Deputy Clerk

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: August 2, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0201073

The State of South Carolina
County of Aiken

COURT OF GENERAL SESSIONS

AUGUST TERM 2012

THE STATE
vs.

JUSTIN CAMERON HARDEN

CDR #: 0044

Indictment for

UNLAWFUL CARRYING OF A PISTOL

§ 16-23-0020

J. STROM THURMOND, SOLICITOR



STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
UNLAWFUL CARRYING OF A PISTOL

§ 16-23-0020

At a Court of General Sessions, convened on August 6, 2012, the Grand Jurors of Aiken County present upon their oath:

That JUSTIN CAMERON HARDEN did in Aiken County, on or about May 9, 2012 unlawfully carry about his/her person a pistol. All in violation of §16-23-20, 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.

Elizabeth B. Young
FOR J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
 COUNTY OF Aiken)
 STATE)
 VS.)
 Justin Cameron Harden)
 AKA:)
 Race: 1 Sex M Age: 21)
 DOB: 1 SS#:)
 Address:)
 City, State, Zip: NORTH AUGUSTA, SC 29841)
 DL# SC01800377)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0201073
 A/W#: M026768
 Date of Offense: 5/9/2012
 S.C. Code §: 16-23-0020
 CDR Code #: 0044

SENTENCE SHEET NMT 1 YEAR

In disposition of the said indictment comes now the Defendant who was TO: Weapons / Unlawful carrying of pistol

CONVICTED OF or PLEADS NO CONTEST +/OR NMT \$1,000

In violation of § 16-23-0020 of the S.C. Code of Laws, bearing CDR Code # 0044
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS \$17-25-45

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

ATTEST: J.A. Smith 100236 Justin Harden Chris Smith 80294
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of 1 day/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 56 TIME SERVED 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. TOLL PROBATION WHILE INCARCERATED ON YOUR CHARGE. (W/AS)
HOLD IN JAIL UNTIL YOU MAKE HEARING & AS

CONCURRENT or CONSECUTIVE to sentence on: PROMISE BELOW ONCE YOU SERVED 30 DAYS
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-85 (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. IF DEEMED APPROP. BY SC DPTTS

Recipient		
*Fine:	\$	
§14-1-208 (Assessments 107.5%)	\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§58-5-2995 (DUI Assessment)	\$12	\$
§58-1-288 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$ 500.00
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§58-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$ 18.90

TOTAL \$ 648.90

Clerk of Court/Deputy Clerk Shannon D. Rosenkranz

Court Reporter: Risa H. Davenport
SCCA217 (03/2011)

May serve W/E beginning _____
Substance Abuse Counseling SEE BELOW
Random Drug/Alcohol Testing

Fine may be pd. in equal consecutive weekly/monthly
pmts. of \$ _____ Beginning
\$ _____ Paid to Public Defender Fund

Other: Def. is to be held in jail until he appears in court at an in-patient residential drug addiction treatment center, approved by SC DPTTS, & successfully complete that program, with following treatment:
 Appointed PD or appointed other counsel, \$47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge William P. Dandridge

Judge Code: 205D

Sentence Date July 19, 2012

throughout probation; no contact w/ Billy Nash; pay P.D. fee & court costs @ \$15/mo. beginning 6/1/13

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."

June 24th, 2016



Laura R. Baer
Appellate Defender

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

ATTORNEY FOR APPELLANT

RECEIVED

JUN 24 2016

SC Court of Appeals