

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from York County

Honorable Daniel D. Hall, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CARLTON DENNIS SAUNDERS,

APPELLANT

APPELLATE CASE NO 2018-000176

RECORD ON APPEAL

RECEIVED

JUN 29 2018

SC Court of Appeals

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STATE OF SOUTH CAROLINA)
COUNTY OF YORK) IN THE COURT OF GENERAL SESSIONS

The State,)
-vs-) TRANSCRIPT OF RECORD
Carlton Dennis Saunders,) 2017-GS-46-00754
Defendant.) May 18, 2017
York, South Carolina

B E F O R E:

HONORABLE BRIAN M. GIBBONS, JUDGE

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

IVEY N. BLAIR, ESQUIRE
Attorney for the State

PHILIP L. SMITH, ESQUIRE
Attorney for the Defendant

Margaret A. Woods
Circuit Court Reporter

1 THE CLERK: Can I get you to raise your right hand, place
2 your left hand on Bible.

3 CARLTON DENNIS SAUNDERS, having
4 been first duly sworn, testified as follows:

5 THE COURT: Alright.

6 MS. BLAIR: May it please the Court, Your Honor. Before
7 you is Carlton Dennis Saunders, he's represented by Phil Smith
8 of public defender's office, he is here today to plead
9 guilty to domestic violence first degree Indictment Number
10 2017-GS-46-00754 which has been true billed by the grand jury.
11 We have agreed to a split sentence of 1 year, uh, of jail time
12 followed by 3 years of domestic violence probation, I would
13 leave the, uh, time hanging over his head, uh, to the
14 discretion of the Court and we have complied with the Victims'
15 Rights Act.

16 THE COURT: Mr. Smith, is that your understanding of the
17 negotiation?

18 MR. SMITH: It is, Your Honor.

19 THE COURT: And do you agree with client's decision to
20 plead guilty to the charge?

21 MR. SMITH: I do, Your Honor.

22 EXAMINATION BY THE COURT:

23 Q. Mr. Saunders, you understand what you're doin' in court
24 today?

25 A. Yes, sir.

1 Q. You understand the charge against ya ---

2 A. Yes, sir.

3 Q. --- and it carries up to 10 years in prison, do you know
4 that?

5 A. Yes, sir.

6 Q. Alright, understanding what the charge is as well as what
7 your possible punishment could be, how do you plead?

8 A. Guilty.

9 Q. Has anybody forced you do that?

10 A. No, sir.

11 Q. Anybody promise you anything other than the negotiated
12 deal of 1 year in jail followed by 3 years of domestic
13 violence probation?

14 A. No, sir.

15 Q. Okay. You understand that's the best you can do then if
16 I were to go along with it?

17 A. Yes, sir.

18 Q. Alright, you satisfied with your lawyer?

19 A. Yes, sir.

20 Q. Has he answer all your questions?

21 A. Yes, sir.

22 Q. Did you and he go over all your jury trial rights?

23 A. Yes, sir.

24 Q. You understand those rights?

25 A. Yes, sir.

1 Q. You give 'em up when you plead, you understand that?

2 A. Yes, sir.

3 Q. Is that what you wanna do?

4 A. Yes, sir.

5 Q. Listen carefully to what she tells me you did, I'll come
6 back to you.

7 A. Okay.

8 MS. BLAIR: On November 23rd 2016 officers responded to

9 Morgan Street, Rock Hill, South Carolina, York County.

10 Upon arrival the victim reported that her husband came home
11 intoxicated and came t -- into the residence irate and
12 screaming at everyone. The defendant sat down in the living
13 room continuing to become more irate. The victim called the
14 police. While she was on the phone with the police the
15 defendant grabbed a machete and a hatchet from underneath the
16 couch he was sitting on and threatened her, he threatened to
17 stab her. The defendant was arrested for domestic violence
18 first degree.

19 EXAMINATION BY THE COURT:

20 Q. Alright, hear what the State says ya did?

21 A. Yes, sir.

22 Q. Is that what happened? Well tell me your version a what
23 happened. You wanna tell your lawyer first? Te -- talk to
24 him.

25 A. Well, I already talked to my lawyer about it so but ---

1 Q. Di -- did did ya threaten your wife with severe bodily
2 injury?

3 A. No, sir.

4 Q. Okay, what did you do?

5 A. I just sat there listen to her fuss at me for a minute, I
6 got up and left out the house.

7 Q. Wha'd ya tell her?

8 A. I didn't say nothin', I just told her, I say, when she
9 called the police, I just walked out, I say, I say if anybody
10 come up I I got sumtin' for 'em, that's all I said but other
11 than that no weapons or nothin' like that.

12 THE COURT: Alright, plea withdrawn.

13 (Pause.)

14 THE CLERK: Sir, please raise your right hand.

15 CARLTON DENNIS SAUNDERS,
16 having been first duly sworn, testified as follows:

17 THE CLERK: Thank you.

18 MS. BLAIR: May it please the Court, Your Honor.

19 THE COURT: Yes.

20 MS. BLAIR: Before you is Carlton Dennis Saunders, he's
21 represented by Phil Smith of the public defender's office,
22 he's here today to plead to Indictment Number 2017-GS-46-00754
23 domestic violence first degree which has been true billed by
24 the grand jury. We have agreed to a split sentence of 1 year
25 of jail time followed by 3 years of domestic or domestic

1 violence probation, we have left the time to be held over his
2 head in the discretion of the Court, we have complied with the
3 Victims' Rights Act, we also, uh, do have a, uh, permanent
4 restraining order to be considered by the Court.

5 THE COURT: Alright, Mr. Smith, you agree with client's
6 decision plead guilt to this charge?

7 MR. SMITH: I do, Your Honor.

8 EXAMINATION BY THE COURT:

9 Q. Uh, Mr. Saunders, I don't think we swore ya in last time,
10 now we're sworn in so I can ask you some a the same questions
11 asked you last time, right?

12 A. Yes, sir.

13 Q. Okay. You understand what you're doin' in court today?

14 A. Yes, sir.

15 Q. You understand this charge against ya ---

16 A. Yes, sir.

17 Q. --- carries up to 10 years in prison, you understand?

18 A. Yes, sir.

19 Q. How you plead?

20 A. Guilty.

21 Q. Anybody force you do that?

22 A. No, sir.

23 Q. Anybody promise ya anything?

24 A. No, sir.

25 Q. You satisfied with your lawyer?

1 A. Yes, sir.

2 Q. Did ya'll go over all your trial rights?

3 A. Yes, sir.

4 Q. You understand you give those up when you plead guilty?

5 A. Yes, sir.

6 Q. You understand what the negotiation is?

7 A. Yes, sir.

8 Q. It's, uh, 1-year active time in prison. You understand
9 if I go go along with that deal that's the best that can
10 happen to you today?

11 A. Yes, sir.

12 Q. Now you'd be on probation for 3 years as I understand it
13 what they call "domestic violence probation," you understand?

14 A. Yes, sir.

15 Q. That what you want me to do?

16 A. Yes, sir.

17 Q. Alright, listen carefully to what the State says you did.
18 Madam Solicitor.

19 MS. BLAIR: On November 23rd 2016 officers responded to
20 Morgan Street, Rock Hill, South Carolina in York County.
21 Upon arrival the victim reported that her husband came home
22 intoxicated and came into the re -- residence irate and began
23 screaming at everyone. The defendant sat down in the living
24 room continuing to become more irate. The victim called the
25 police. While she was on the phone with police the defendant

1 grabbed a weapon from underneath the couch he was sitting on
2 and threatened to stab the victim. The defendant was arrested
3 for domestic violence first degree.

4 THE COURT: That what happened?

5 THE DEFENDANT: Yes.

6 THE COURT: Alright, Court accepts your plea. Mr. Smith.

7 MR. SMITH: Thank Your Honor, may it please the Court.

8 Um, Mr. Saunders is obviously emotional, Your Honor, it's a,
9 it's about a 3-decade marriage, um, in addition to bein'
10 married they've been in the same church congregation in about
11 that same period of time. Um, his issue that and biggest
12 concern with me has been with the, uh, restraining order, how
13 long length a that would be 'cause they've got kids who were
14 hopin' to get married, he was hopin' to see some, those kind
15 events and still at the church where he runs the soundboard,
16 those type things but but he certainly asks Your Honor to
17 accept the recommendation.

18 THE COURT: Alright, talk to me about a restraining
19 order. Thank you, Mr. Smith.

20 MS. BLAIR: The victim in this case has, um, requested a
21 restraining order of 5 years, there are several prior domestic
22 violence in, uh, convictions for this defendant, uh, one from
23 1990, 1992, 1994, 1995, 1997, 2008, 2012, 2015, uh, and so she
24 would like a 5-year permanent restraining order against the
25 victim, um, and that's, and that's only to herself, that's not

1 to their family, uh, he could go to the daughter's home, um,
2 any other children's home but, uh, that would prevent him, um,
3 coming near her when she's at the church but ---

4 THE COURT: Okay. Now, Mr. Saunders, anything you wish
5 to tell me before I impose a sentence?

6 THE DEFENDANT: Well I would say but like she was sayin'
7 well I I do meet but I, you you know, I involved in the church
8 a lot, you know, like I say I do soundboard, I do set-ups and
9 all that. Uh, we got, we have a daughter's gettin' ready to
10 get married in August and, uh, ---

11 THE COURT: This doesn't prevent you from missin'
12 anything unless you you still gonna be in jail, I don't
13 know ---

14 THE DEFENDANT: No, ---

15 THE COURT: --- what what, uh, you know, what your time's
16 gonna ---

17 THE DEFENDANT: --- no, ---

18 THE COURT: --- be.

19 THE DEFENDANT: --- I mean, and several times I know,
20 we, uh, we still got stuff, we we can least reconcile our
21 marriage ---

22 THE COURT: Well ---

23 THE DEFENDANT: --- some kinda way you, you know, 'cause
24 we mighta been together 30 years and we do have family,
25 grandkids and stuff and all that ---

1 THE COURT: I can't wave a magic wand, know what I mean?

2 THE DEFENDANT: --- and and accordin' to the Bible, you
3 know, I'm just go by, you know, I'm good on this, uh, I'd
4 like to say I I I go what the word of God, what the Bible
5 tells ---

6 THE COURT: Yes, ---

7 THE DEFENDANT: --- me, ---

8 THE COURT: --- sir.

9 THE DEFENDANT: --- yeah, so, uh, that, um, we, there's
10 no way that where we should be separated so long.

11 THE COURT: I got ya. Alright, here's what we're gonna
12 do, I I I do acce -- I've already accepted your plea and so
13 Indictment 17-GS-46-754 I'm gonna sentence ya to 6 years in
14 the South Carolina Department a Corrections, I'm gonna suspend
15 that however upon the service of 1 year, givin' ya credit for
16 whatever time you served, the balance'll be suspended, you'll
17 be on probation for 3 years, that's domestic violence
18 probation, I am gonna issue a permanent restraining order from
19 the victim. Good luck to ya.

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CERTIFICATE OF REPORTER

I, Margaret A. Woods, Court Reporter in and for the State of South Carolina at Large, hereby certify that I reported the preceding case on May 18, 2017 at the time and place heretofore set forth; and that the foregoing pages numbered from 2 through 10, inclusive, constitute a true and accurate transcription of my stenographic notes of the said proceeding.

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties connected to the action, nor am I financially interested in the action.

April 26, 2018

Margaret A. Woods

Margaret A. Woods, Court Reporter
in and for the State of South Carolina at Large.

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF YORK) SIXTEENTH JUDICIAL CIRCUIT
2018-GS-46-00262

STATE OF SOUTH CAROLINA)
vs.) TRANSCRIPT OF RECORD
CARLTON DENNIS SAUNDERS)
JANUARY 26, 2018
YORK, SOUTH CAROLINA

BEFORE THE HONORABLE DANIEL HALL

APPEARANCES:

IVEY BLAIR, ASSISTANT SOLICITOR
YORK, SOUTH CAROLINA

ATTORNEY FOR THE STATE

JEFFREY ZUSCHKE, ASSISTANT PUBLIC DEFENDER
YORK, SOUTH CAROLINA

ATTORNEY FOR THE DEFENDANT

AMBER BOYLE, PROBATION AGENT
YORK, SOUTH CAROLINA

SHIRLEY BROOM
16TH Circuit Court Reporter

I-N-D-E-X

WITNESSES: DIRECT CROSS RE-DIRECT RE-CROSS

(NO TESTIMONY TAKEN)

E X H I B I T SDESCRIPTION:ID.

EV.

NO EXHIBITS

1 MS. BLAIR - May it please the Court, Your Honor.

2 THE COURT - Yes, Solicitor.

3 MS. BLAIR - Before you is Carlton Dennis
4 Saunders. He is represented by Jeff Zuschke of the public
5 defender's office. He's here to enter into a plea for
6 violating a permanent restraining order and in addition, he
7 is here today on a violation of his probation.

8 THE COURT - What does a violation of permanent
9 restraining order -- what potential penalty does that
10 carry?

11 MS. BLAIR - Up to five years.

12 THE COURT - Up to five years.

13 MS. BLAIR - Yes, Your Honor. And he has spent
14 127 days in jail and that is what we have negotiated as
15 time served for ---

16 THE COURT - That's as far as the charge, ---

17 MS. BLAIR - Yes, Your Honor.

18 THE COURT - --- negotiated time served. All
19 right, thank you.

20 All right, Mr. Zuschke, do you represent Mr.
21 Saunders on these charges?

22 MR. ZUSCHKE - I do, Your Honor. My understanding
23 on the penalty range for the violation of a permanent
24 restraining order is that it matches the underlying offense

1 that the restraining order was granted on, meaning that it
2 would -- have to be three years or ---

3 MS. BLAIR - He was originally charged with
4 domestic violence first degree which carries up to ten
5 years.

6 MR. ZUSCHKE - So that it would carry ten in this
7 case ---

8 MS. BLAIR - I have -- carries up -- not more than
9 five years.

10 THE COURT - All right. I don't think that's --
11 surely not going to be an issue on a time-served case.

12 MR. ZUSCHKE - Yes, sir.

13 THE COURT - All right, Mr. Zuschke, how does Mr.
14 Saunders plead to the violation of a restraining order?

15 MR. ZUSCHKE - Pleads guilty.

16 THE COURT - And does he also understand that that
17 could very well be viewed as a willful and substantial
18 violation of his probation? It appears that he has a
19 sentence of six years suspended on one year's service and
20 then the balance which would be suspended on three years
21 probation that was imposed back in May of last year, and
22 this -- he could have the full six years revoked. Does he
23 understand that?

24 MR. ZUSCHKE - He does.

1 THE COURT - And are y'all prepared to go forward
2 with the probation matter today, as well?

3 MR. ZUSCHKE - We are prepared to go forward, Your
4 Honor.

5 THE COURT - Mr. Saunders, how old are you?

6 MR. SAUNDERS - 56.

7 THE COURT - How far did you go in school?

8 MR. SAUNDERS - Twelfth grade.

9 THE COURT - Have you ever been treated for any
10 mental or emotional disability?

11 MR. SAUNDERS - No, sir.

12 THE COURT - Do you understand what we're doing
13 here today?

14 MR. SAUNDERS - Yes, sir.

15 THE COURT - Mr. Saunders, I have an indictment
16 2018-0262 that alleges that on or about July the 6th of
17 this past year you violated a restraining order that was in
18 place and you could get up to at least five years in prison
19 for that. Do you understand that?

20 MR. SAUNDERS - Yes, sir.

21 THE COURT - How do you plead to that charge?

22 MR. SAUNDERS - Guilty.

23 THE COURT - That indictment has not been to the
24 grand jury. You're giving up the right for the grand jury
25 to hear the case, too?

1 MR. SAUNDERS - Yes, sir.

2 THE COURT - I have a plea waiver form. Did you
3 and Mr. Zuschke go over your rights in this plea waiver
4 form?

5 MR. SAUNDERS - Yes, we did.

6 THE COURT - And it appears that on -- two weeks
7 ago, Friday, January the 12th, you signed this stating you
8 understood your rights and you're giving those rights up to
9 plead. Is that correct?

10 MR. SAUNDERS - Yes, sir.

11 THE COURT - Do you have any questions about any
12 of your rights?

13 MR. SAUNDERS - No, sir.

14 THE COURT - In addition, you're here for a
15 probation matter. I'll hear that in just a moment, but
16 this in and of itself could be a condition of -- or a
17 violation of your probation. You could have your probation
18 revoked and you could receive a six-year sentence. Do you
19 understand that?

20 MR. SAUNDERS - Yes.

21 THE COURT - Well, you did one on six, so you, in
22 essence you have five left. Is that right?

23 MR. SAUNDERS - Yes.

1 THE COURT - All right, do you understand that
2 that would be -- that's a consequence of pleading guilty
3 today?

4 MR. SAUNDERS - Yes, sir.

5 THE COURT - Are you satisfied with your lawyer
6 and the way he's represented you?

7 MR. SAUNDERS - Yes, sir.

8 THE COURT - Are you pleading to this charge of
9 your own free will?

10 MR. SAUNDERS - Yes.

11 THE COURT - All right, solicitor.

12 MS. BLAIR - On July 8th of 2017 the defendant
13 attempted to communicate with the victim, Dora Saunders,
14 three separate times on her cell phone while she is at 217
15 Morgan Street, Rock Hill, South Carolina in York County.
16 He then threatened Dora's -- Dora Saunder's son, Ello --
17 Ellory Mobley when he called and left two messages on his
18 phone that said, you're going to die soon and you better
19 watch your back, someone's out to get you. Saunders was
20 convicted of domestic violence first degree on May 8th,
21 2017 and a permanent restraining order had been put in
22 place.

23 THE COURT - All right, anything -- well, let's do
24 it -- handle it this way, Mr. Zuschke. Anything you want
25 to say about the violation of the restraining order?

1 MR. ZUSCHKE - Yes, Judge. I wanted to address
2 the ---

3 THE COURT - All right, well, let's do this then,
4 because that may be intertwined with the probation. Let me
5 hear from Ms. Boyle on the probation.

6 MS. BOYLE - Mr. Saunders is before you on Warrant
7 W46170195. He was originally sentenced under Indictment
8 17-GS-46-754 for domestic violence first degree. This
9 occurred on May 18th, 2017 where he received a sentence of
10 six years upon one year, balance suspended to three years
11 probation. He has no prior violation, and his current
12 violation is that he failed to follow advice and
13 instructions of his supervising agent. He failed to
14 refrain from his violation of the order of protection,
15 having contacted the victim on numerous occasions. The
16 victim played a voicemail for me on July 20th, 2017 at 8:11
17 am. He failed to notify agent of a change in address
18 evident in a home visit conducted on July 20th, 2017 where
19 his turn (sic) subject gave the address of his victim. He
20 was actually living in North Carolina. Subject's
21 whereabouts are unknown at the time, so a warrant was
22 issued for absconding supervision, and he failed to report
23 on July 7th and July 18th of 2017 for his initial intake.
24 Such actions constitute a willful violation of conditions

1 1, 2 and 10 of the standard conditions of probation and 1,
2 3, 6, 8 and 9 of the domestic violence condition.

3 THE COURT - Okay, now has the State complied with
4 the victim -- Victim's Right's Act?

5 MS. BOYLE - She is listed as do not (inaudible) -

6 --

7 THE COURT - I'm sorry?

8 MS. BLAIR - She's ---

9 MS. BOYLE - She wishes not to be notified by
10 probation.

11 MS. BLAIR - We -- the solicitor's office has been
12 in communication with the victim and we've notified her of
13 what's going on, and she just wishes for him to ---

14 THE COURT - Okay. All right. All right, Mr.
15 Zuschke, I'll be glad to hear from you.

16 MS. ZUSCHKE - Your Honor, he is pleading guilty
17 here and is acknowledging that he has violated that
18 permanent restraining order and that was, in fact, a
19 violation of this probation. We'd like to set the record
20 straight on a couple of things about it. He was not
21 threatening her son. He was informing the son of an active
22 threat. He believed that someone at the community was --
23 it was over a drug deal -- right? ---

24 MR. SAUNDERS - Yeah.

1 MR. ZUSCHKE - --- was out to get him and was
2 trying to give him a warning. That has nothing to do with
3 the violation of restraining order as he's allowed to
4 contact the son. As for her, they were in contact with
5 each other. She's contacted him several times. He
6 understand that that is still illegal for him to contact
7 her in violation of a restraining order that affects him
8 and not her, but this was not a case of him harassing her
9 and trying to bother her, scare her. This was someone that
10 he'd had a long-standing relationship with in violation of
11 his restraining order, he was willing to communicate with,
12 wasn't communicating with him. We would ask the Court here
13 to consider the amount of time that he has spent in jail.
14 Besides that, here on the front-end on the original charge,
15 he has been in jail for 127 days now here. He spent five
16 days in North Carolina where he was picked up. He does
17 have an address waiting for him in North Carolina at his
18 brother's house whenever he can be released back to
19 probation if the Court were so inclined. We would ask you
20 to consider the time that he's served and allow him to
21 continue on his probation. He has three children who have
22 grown to be adults and have grandchildren who are members
23 of community now. He has family that are in support of
24 him. I've talked to numerous members of the family who
25 have called me. His pastor is here. I've also talked to

1 several of his family members; I'm not sure if any of them
2 are here now. If anyone could raise their hand that's here
3 for Calton Saunders. His pastor is here and would like to
4 speak for him at the appropriate time. You know, he's been
5 trying to plead on this case for quite a while now, but
6 probation has had to go back to the drawing board a few
7 times as far as deciding what they wanted to do about it.
8 What they've finally come to is asking to revoke the 24
9 months and to continue him on probation. He's not a young
10 man. He's not out there terrorizing the community. We
11 would ask that you let the months that he spent in jail be
12 enough to show him that the Court is serious about the
13 restraining order. He has no intention of contacting the
14 victim, and we would ask you to let him transfer his
15 probation to North Carolina and continue on probation.

16 THE COURT - All right, thank you.

17 MS. BOYLE - Your Honor, may I address the
18 voicemails that he left?

19 THE COURT - Let me do this and I'll come back to
20 that.

21 MS. BOYLE - Okay.

22 THE COURT - I find there is a willful,
23 substantial violation of his probation. Mr. Zuschke, let
24 me hear from anybody that wants to speak on his behalf.

25 Ms. Boyle, I'll come back to you.

1 MS. BOYLE - Yes, Your Honor.

2 MR. ZUSCHKE - And, Your Honor, I do believe Mr.
3 Saunders wants to speak.

4 MR. SAUNDERS - Yes.

5 THE COURT - Yes, sir, your name?

6 MR. BAXTER - Ronnie Baxter.

7 THE COURT - Yes, Mr. Baxter, I'll be glad to hear
8 from you.

9 MR. BAXTER - I've been Carlton's pastor for about
10 25 years. He's a good person, basically, he just sometime
11 -- none of us are perfect, so -- but, like I say, he's a
12 good person, a family man, and he's a good-hearted person,
13 and I know he and his wife for over 25 years.

14 THE COURT - How many times has he been in the
15 department of corrections in the last 25 years?

16 MR. BAXTER - Well, three or four times, I guess.

17 THE COURT - All right. Thank you. Thank you for
18 being here.

19 All right, Mr. Zuschke, anything else?

20 MR. ZUSCHKE - You have anything you want to say?

21 MR. SAUNDERS - Yes, sir. Me and my wife we had
22 been -- we had been married for 30 years and we do have our
23 ups and our downs. None of our arguments have been never
24 very serious. Uh, uh, is at the point that I had my
25 chances when I was doing my thing, she didn't -- she didn't

1 like the stuff I was doing when I was doing drugs and I
2 been clean for two years, which I'm trying to get myself --
3 I'm still working on getting myself back -- back together.
4 Right now, as moving back to North Carolina, being with my
5 family there. Maybe you could consider me (sic) that I can
6 go back to North Carolina and be with my family. I just
7 won't have anymore contact with my wife anymore, but it
8 just -- it's -- whatever we going to do, separate or
9 divorce or whatever. Our kids -- we don't have nothing
10 else in common no more.

11 THE COURT - All right, thank you. Ms. Boyle?

12 MS. BOYLE - Mr. Zuschke touched on the voicemails
13 not being directed toward the victim or people in the
14 community. The voicemail she played for me was actually
15 him telling her that he was going to commit suicide and
16 that he wasn't -- she wasn't going to have to hear from him
17 anymore and the entire voicemail was him, basically, making
18 her feel guilty for prosecuting him or bringing up the
19 charges of the domestic violence, and after this warrant
20 was issued for him absconding, he actually called and left
21 several voicemails to the solicitor's office where he said
22 that he was going to have his people handle Officer Chavis
23 who was part of the original arrest ---

24 THE COURT - All right, I read all that in the
25 report. Let me make sure that I'm clear on this, too. He

1 was sentenced on the -- on May the 18th, 2017, never
2 reported. Is that correct?

3 MS. BOYLE - He reported once, but when he
4 reported I was not in the office, so they rescheduled the
5 report and he never made it after that.

6 THE COURT - All right, and then the only contact
7 probation had with him after that was after he was arrested
8 in North Carolina.

9 MS. BOYLE - Prior to that I got a phone number
10 that I called him on that was given to me by one of his
11 family members, and he told me that he'd report the next
12 day, and instead he sent me text messages where he was
13 again threatening suicide telling me he couldn't come in,
14 um, and he never reported after that until he was picked up
15 in North Carolina by their violent crimes apprehension
16 team.

17 THE COURT - All right, thank you.

18 Anything else?

19 (WHEREUPON, NO RESPONSE)

20 THE COURT - All right, I find he's not a
21 candidate for probation. Sentence on the Indictment 2018-
22 262 is time served, his probation matter, revoke the
23 balance of his sentence. Thank you.

24 MS. BOYLE - Thank you, Your Honor.

25 (END OF TRANSCRIPT)

C E R T I F I C A T E

I, Shirley Broom, Official Court Reporter for the Sixteenth Judicial Circuit for the State of South Carolina, do hereby certify that the foregoing 15 pages is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the proceedings of State of South Carolina vs. Carlton Dennis Saunders as taken by me in The Court of General Sessions for the Sixteenth Judicial Circuit on January 26, 2018, and provided by me this the 2nd day of March, 2018.

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

/s/SHIRLEY G. BROOM

Shirley Broom, CVR-M
Official Court Reporter,
Certified Verbatim Reporter, In and
for the State of South Carolina

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF

YORK

THE STATE

against

CARLTON DENNIS SAUNDERS

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 7/24/2017

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

Amberelle Nichole Boyle

Disposition

Sentence

Co-Defendants

INFORMATION ON DEFENDANT

Name CARLTON DENNIS SAUNDERS

Address MORGAN STREET
ROCK HILL, SC 29730

Phone

Sex Male Race Black Height 511

Weight 216 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:

Carlton Saunders

on the 22 day of Sept. 2017

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 dealt with according to law.

(L.S.)

Signature of Judge

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

STATE OF SOUTH CAROLINA
COUNTY OF YORK

Probation

ARREST WARRANT

Indictment Number 17-GS-46-00754

Warrant Number W-46-17-0195

State Identification No. (SID) 00728452

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

It appearing from the attached affidavit that there are reasonable grounds to believe that CARLTON DENNIS SAUNDERS, did on the 24 day of July, 2017 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 above named Defendant has violated the conditions of his Probationary sentence imposed by Judge Gibbons in the 05/18/2017 term of General Sessions Court holden York County, York South Carolina

Now, therefore, you are empowered and directed to arrest the said defendant and bring CARLTON DENNIS SAUNDERS 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 YORK, S. C. this 24 day of July, 2017.

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

County of YORK

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Amberelle Nichole Boyle, who, first being duly sworn, deposes and says that CARLTON DENNIS SAUNDERS did within this County and State on the 24 day of July, 2017, violate the criminal laws of the State of South Carolina in the following particulars:

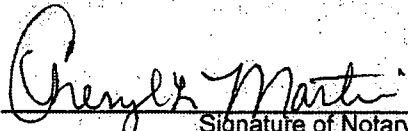
DESCRIPTION OF OFFENSE:

Probation violation concurrent to Section 24-21-430 in that the above named Defendant has violated the conditions of his Probationary sentence imposed by Judge Gibbons in the 05/18/2017 term of General Sessions Court holden York County, York South Carolina

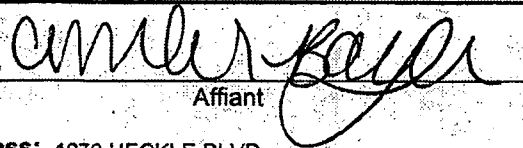
The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

Subject failed to follow the advice and instructions of his supervising Agent; failed to refrain from Violation of an Order of Protection having contacted the victim on numerous occasions. Subject left a voicemail on 07/20/2017 at 8:11 am on the victim's phone; failed to notify Agent of a change in address evident in the home visit conducted on 07/20/2017 where it was determined the subject gave the address of his victim. Subject's whereabouts are unknown, thereby, being considered absconded from supervision; failed to report on 07/07/2017 and 07/18/2017 for his initial intake; Such actions constitute a willful violation of conditions 1, 2, and 10 of the Standard Conditions of Probation and 1, 3, 6, 8, and 9 of the Domestic Violence Conditions of Probation.

Sworn to and Subscribed before me
this 24 day of July, 2017.

 (L.S.)
Signature of Notary Public

April 7, 2018
My Commission Expires

 Affiant
Address: 1070 HECKLE BLVD.
SUITE 201, BOX 14
ROCK HILL, SC 29732

(803) 909-7282

WITNESSES

RHPD

Witnessing Officer: Tripp

ARREST WARRANT NUMBER

2016A4620302227

ACTION OF GRAND JURY

TRUE BILL

E. Steed

Foreperson of Grand Jury

Date: 2-16-17

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2017-GS-46-00754

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

FEBRUARY 16, TERM 2017

THE STATE

VS.

CARLTON DENNIS SAUNDERS

INDICTMENT FOR

DOMESTIC VIOLENCE, 1ST DEGREE

SC Code: § 16-25-0020(B)

CDR Code: 3811

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury. 30

Defendant

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

Carlton Saunders

Defendant

Witness:

R. Pruitt - G. Spec.
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

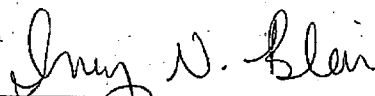
INDICTMENT

At a Court of General Sessions, convened on February 16, 2017, the Grand Jurors of York County present upon their oath:

DOMESTIC VIOLENCE, 1ST DEGREE

The defendant, Carlton Dennis Saunders, on or about November 23, 2016 in York County, South Carolina, did cause physical harm or injury to Dora Saunders, a household member, or did offer or attempt to cause physical harm or injury to said household member with apparent present ability under circumstances reasonably creating fear of imminent peril. In addition, the act resulted in great bodily injury to the household member or the act was accomplished by means likely to result in great bodily injury to the household member and/or the defendant has two or more prior convictions for domestic violence within ten years of the current offense. All in violation of 16-25-0020(B), *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.



IVEY N. BLAIR
ASSISTANT SOLICITOR

WITNESSES

RHPD

Witnessing Officer:

ARREST WARRANT NUMBER

2017A4620301252

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018-GS-46-00262

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JANUARY 18, TERM 2018

THE STATE

VS.

CARLTON DENNIS SAUNDERS

INDICTMENT FOR

**DOMESTIC / VIOLATION OF
PERMANENT RESTRAINING ORDER
(FELONY UNDERLYING CONVICTION)**

SC Code: § 16-03-1910

CDR Code: 3818

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury. 3

Carlton Saunders
Defendant

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

Carlton Saunders
Defendant

Witness:

Waylis Crt Supvr
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA

COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on January 18, 2018, the Grand Jurors of York County present upon their oath:

**DOMESTIC / VIOLATION OF PERMANENT RESTRAINING ORDER (FELONY
UNDERLYING CONVICTION)**

The defendant, Carlton Dennis Saunders, did on or about July 6, 2017 in York County, South Carolina, violate the terms of a permanent restraining order. All in violation of 16-03-1910, 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.

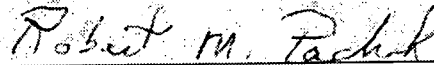


IVEY N. BLAIR
ASSISTANT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Robert M. Pachak
Appellate Defender

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

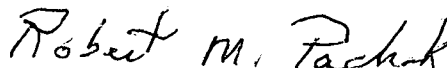
ATTORNEY FOR APPELLANT

This 29th day of June, 2018.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Robert M. Pachak
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 29th day of June, 2018.

RECEIVED

JUN 29 2018

SC Court of Appeals