

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Florence County

Honorable Thomas A. Russo, Circuit Court Judge

RECEIVED

JAN 02 2020

SC Court of Appeals
RESPONDENT,

THE STATE,

v.

NIKKI GIOVANNI ECHOLS,

APPELLANT

APPELLATE CASE NO 2019-000561

RECORD ON APPEAL

VICTOR R SEEGER
Appellate Defender

ALAN WILSON
Attorney General

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

MATTHEW BUCHANAN
General Counsel
SCPPPS
Post Office Box 50666
Columbia, SC 29250

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

INDEX

INDEX i

HEARING TRANSCRIPT DATED MARCH 20, 20151

 FINDINGS AND ORDER.....10

HEARING TRANSCRIPT DATED MARCH 22, 201913

 SENTENCING20

INDICTMENT.....23

CERTIFICATE OF COUNSEL26

State of South Carolina)	Court of General Sessions
)	Twelfth Judicial Circuit
County of Florence)	Case No. 2013-GS-21-00953
)	
)	
The State of South Carolina,)	
)	
Plaintiff,)	
)	
-vs-)	Transcript of Record
)	
)	
Nikki Giovanni Echols,)	
)	
Defendant.)	
)	

March 20, 2015
 Florence, South Carolina

B E F O R E:

The Honorable D. Craig Brown, Judge

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

William Grove, Esquire
 Attorney for the Defendant

Krystal J. Smith
 Circuit Court Reporter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

<u>WITNESS/DESCRIPTION</u>	<u>PAGE NUMBER</u>
Probation Violation.....	4
Findings and Sentence.....	10
Court Reporter Certification.....	12

E X H I B I T S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
C-1	Form 1106		11

COURT REPORTER LEGEND

dashes -- intentional or purposeful interruption
or change in thought

ellipses . . . trailing off

[ph] phonetically written

[sic] written as said

1 MARCH 20, 2015

2 (WHEREUPON, the proceedings began at 10:07 a.m.)

3 THE PROBATION AGENT: Nikki Echols.

4 THE COURT: Yes.

5 THE PROBATION AGENT: May it please the Court. I have
6 before you Nikki Giovanni Echols. She was sentenced here in
7 Florence County by Judge Jefferson under Indictment Number
8 2013-GS-21-00953 for the offense of financial transaction
9 card fraud, value \$500 or less in a six-month period, and
10 financial transaction card theft.

11 She was sentenced to one year, suspended to time served,
12 and five years' probation, concurrent with the other case
13 received on 9/9/2014, which was two years, suspended to time
14 served and five years' probation, concurrent with the other
15 case received. Special -- special conditions were Day Corps
16 Department [ph] and court-ordered restitution in the amount
17 of \$2,705 to be paid to John C. Wilson for the Estate of
18 Dorothea Dockery [ph], fine and assessments by the Court
19 \$623.15, surcharge \$108.15, PDF \$515. Special conditions of
20 random alcohol and drug testing, fines, surcharges.

21 Current address was [REDACTED] Road. She was
22 currently unemployed as of this date. To this date, she has
23 paid nothing on any of the accounts whatsoever.

24 She is -- let's see. Her violations -- by violating
25 condition number 7, 9, 10, and 11 as ordered in Cause Number

1 2013-GS-21-00953 by the Florence County Court of General
2 Sessions.

3 Number 7: Subject is \$200 in arrears on supervision
4 fees as of January 12th, 2015.

5 Number 9: Subject is \$60 in arrears on surcharge as of
6 January 12th, 2015.

7 Number 10: Subject failed to follow advice and
8 instructions of supervising agent.

9 Number 11: Subject is \$280 in arrears on Day Corp as of
10 January 12th, 2015.

11 Per subject's request, she wants to get back before the
12 judge about the restitution that was ordered in her case.
13 She has not paid any money toward any of her accounts as of
14 this date.

15 This is -- the recommendation is left to the discretion
16 of the judge's justifications because the subject has
17 expressed since her first day on supervision she didn't feel
18 that she should have to pay restitution. It is per her
19 request that the matter be brought back before the judge.

20 She has been on supervision since 9/9/2014 and hasn't
21 paid anything in any of her financial obligations, including
22 the \$3,246 balance on restitution that is owed to the victim
23 in the case.

24 THE COURT: All right. Mr. Grove, you represent Ms.
25 Echols?

1 MR. GROVE: I do, Your Honor.

2 THE COURT: Have you talked with her about this
3 violation report?

4 MR. GROVE: I have.

5 THE COURT: Does she admit willfully violating her
6 probation?

7 MR. GROVE: She does not, Your Honor.

8 THE COURT: Let me hear from -- well, ma'am, if you'll
9 raise your right hand?

10 (WHEREUPON, the defendant complied.)

11 THE COURT: Do you swear to tell the truth, the whole
12 truth, and nothing but the truth, so help you God?

13 THE DEFENDANT: Yes.

14 THE COURT: You're Nikki Giovanni Echols?

15 THE DEFENDANT: Yes, I am.

16 THE COURT: Have you talked with your lawyer about this
17 1106 Violation Report?

18 THE DEFENDANT: Yes, I have.

19 THE COURT: Do you need any more time to talk to him
20 about it?

21 THE DEFENDANT: No, I don't.

22 THE COURT: Let me hear from you, Mr. Grove.

23 MR. GROVE: Thank you, Your Honor, if it please the
24 Court.

25 In talking with Ms. Echols this morning, she brings to

1 my attention that -- essentially, you heard from Agent --
2 Agent Bennett that this is her idea to come up in front of
3 Your Honor in regards to this restitution.

4 She has an uncle by the name of Paul Graves, who lives
5 in Patterson, New Jersey, who is the executor over the estate
6 for Dorothea Dockery, who is the listed victim in this case..
7 That was her great-aunt that she was living with for a time
8 last year. The restitution is ordered to be paid to a Joanne
9 Wilson, who is a different relative of hers who lives in this
10 community.

11 Ms. Echols was hopeful that Mr. Graves would have had an
12 opportunity to get down here from New Jersey with the
13 paperwork showing that he is the executor over the estate.
14 To my understanding in talking with her that he doesn't want
15 any restitution paid to the estate, that he would rather a
16 civil judgment be issued. I don't know that he would have
17 put it in those terms, but that he didn't want any money
18 paid.

19 He hasn't had an opportunity to get down here. I
20 believe he also owns a home in Marion. She said that is
21 where the -- the relevant paperwork is showing that he is
22 over this estate and not Ms. Wilson, who has been listed as
23 the executor.

24 THE COURT: Who -- who represented her at the time of
25 her plea?

1 MR. GROVE: Ms. Crayton represented her. Both Mr.
2 Jordan and Ms. Crayton have signed this sentencing sheet, and
3 I was going to get to that as well, Your Honor, that she was
4 arrested in early 2013, I believe. Then she was picked up
5 last year and sat for 36 days on a bench warrant. She turned
6 herself in on a bench warrant and sat for 36 days. They
7 couldn't get the paperwork together at that time either.

8 She pled knowing that it was listing Ms. Joanne Wilson
9 as the victim, hoping that by now she would have been able to
10 straighten out this paperwork issue regarding the dispute
11 between Mr. Graves and Ms. Wilson. That hasn't been
12 possible. She --

13 THE COURT: It's been possible. It just hasn't been
14 done.

15 MR. GROVE: I misspoke, Your Honor.

16 She has been trying to find work. She had a job lined
17 up at Dixie Cup. Based on these convictions being on her
18 record, they, I guess, essentially changed their mind about
19 hiring her there.

20 She's got an 18-year-old child and a 20-year-old child,
21 both of whom live in this community. She was born in
22 Florence but says that she was kind of raised all over. Her
23 father was in the military; so they traveled and lived in a
24 lot of different places.

25 Lately, Your Honor, she's been living with her mother.

1 Her 1106 form lists a 411 Church Street and a Chinaberry Road
2 address. One of them is her mother's address and the other
3 one is hers.

4 She's been suffering from fainting spells lately. She's
5 waiting on Medicaid approval so that she can go see a
6 specialist, but she tells me that's not going to stop her
7 from working so long as she can find a job.

8 THE COURT: Hold on just a minute, please.

9 MR. GROVE: Certainly.

10 (WHEREUPON, there was a pause in the proceedings, after
11 which the proceedings resumed as follows.)

12 THE COURT: I'm sorry. Go ahead, Mr. Grove.

13 MR. GROVE: That's all right, Your Honor.

14 At the -- I'm not going to ask for Your Honor to -- to
15 issue a civil judgment without any sort of paperwork, but I
16 would ask Your Honor to give her an additional -- a little
17 additional time. She tells me that her -- her uncle, Mr.
18 Graves -- there was some issues with weather and his travel
19 to get down here for today's hearing. So he certainly hasn't
20 had -- he hasn't been able to do that.

21 I do think that, obviously, if there's paperwork that
22 shows that Mr. Graves is the executor of this estate, that
23 would clear everything up very quickly. We don't have that
24 paperwork with us today. I'd ask that you give her a little
25 additional time to come up with -- with that paperwork and

1 that will certainly settle this one way or the other.

2 THE COURT: Thank you, Mr. Grove.

3 Ms. Echols, anything you want to tell me?

4 THE DEFENDANT: No, sir.

5 THE COURT: All right. Well, here's the deal. She pled
6 guilty back in September of 2014. She's had six months to
7 get that stuff together.

8 FINDINGS AND ORDER

9 THE COURT: She is in -- I do find that she has
10 willfully violated the order of Judge Jefferson, who
11 sentenced her on September 9 -- September 9, 2014, wherein it
12 was ordered that she pay \$2,705 in restitution. At that
13 point in time, if there was a dispute as to who it was owed,
14 it was her responsibility, through her lawyer, to bring that
15 to the Court's attention.

16 I have heard absolutely nothing here today that she is
17 unable to make these payments. All I've heard is that she's
18 got a dispute as to who owed -- who is owed what.

19 Therefore, I do find that she's willfully violated the
20 terms and conditions of her probation. I'm going to revoke
21 60 days and continue her on probation. She willfully
22 violated a court order.

23 MR. GROVE: Thank you, Your Honor.

24 THE COURT: If they want to get it straight on the back
25 end after that, so be it, but I see her sitting there today

1 holding a Michael Kors pocketbook.

2 THE DEFENDANT: This is my daughter's purse.

3 THE COURT: I don't care whose it is. It's a Michael
4 Kors pocketbook, which is more than anything that any of my
5 -- I mean you've got the ability to pay. I've heard nothing
6 that says you don't have the ability to pay. You just have a
7 disagreement as to who you're supposed to pay and that should
8 have been dealt with beforehand. Now, if there's some
9 financial stuff that needs to be done that shows she can't
10 pay it, that's a whole different ball of wax.

11 Next case, please.

12 THE PROBATION AGENT: Your Honor, as just restructuring
13 on the --

14 THE COURT: Restructure it. Start it over.

15 THE PROBATION AGENT: Thank you, sir.

16 (WHEREUPON, the Form 1106 was marked as Court's Exhibit
17 Number 1.)

18 (WHEREUPON, the proceedings ended at 10:17 a.m.)

19

20 --- END REQUESTED TRANSCRIPT ---

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

State of South Carolina)
) Certificate
County of Florence)

I, the undersigned, Krystal J. Smith, Notary Public and Official Court Reporter for the Twelfth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing pages, numbered 1 through 11, constitute a true, accurate, and complete Transcript of Record of all the proceedings had and evidence introduced in the hearing of the above captioned case, relative to appeal, in the Court of General Sessions for Florence County, South Carolina, on the 20th day of March, 2015.

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

s/Krystal J. Smith

Court Reporter

Florence, South Carolina
June 23, 2019

The State of South Carolina v. Nikki Giovanni Echols
Case Number 2013-GS-21-00953

State of South Carolina)	Court of General Sessions
)	Twelfth Judicial Circuit
County of Florence)	Case No. 2013-GS-21-00953
)	
)	
The State of South Carolina,)	
)	
Plaintiff,)	
)	
-vs-)	Transcript of Record
)	
)	
Nikki Giovanni Echols,)	
)	
Defendant.)	
)	

March 22, 2019
Florence, South Carolina

B E F O R E:

The Honorable Thomas A. Russo, Judge

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

Daniel Jordan, Esquire
Attorney for the Defendant

Krystal J. Smith
Circuit Court Reporter

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WITNESS/DESCRIPTION	PAGE NUMBER
Probation Violation.....	4
Sentence.....	8
Court Reporter Certification.....	10

1 MARCH 22, 2019

2 (WHEREUPON, the proceedings began at 10:12 a.m.)

3 THE PROBATION AGENT: Nikki Echols.

4 (WHEREUPON, there was a pause in the proceedings as the
5 Court reviewed the Form 1106 Violation Report provided
6 by the probation agent.)

7 THE COURT: All right. Anything else regarding Ms.
8 Echols?

9 THE PROBATION AGENT: No, sir.

10 THE COURT: All right. Mr. Jordan, do you represent Ms.
11 Echols?

12 MR. JORDAN: I do, Your Honor.

13 THE COURT: Have you reviewed with her these
14 allegations?

15 MR. JORDAN: I have.

16 THE COURT: I'll be happy to hear from you, sir.

17 MR. JORDAN: Your Honor, in regard to the allegations, I
18 mean Ms. Echols admits that she has not reported since March
19 of 2016. Your Honor, at that time, Ms. Echols says, you
20 know, she had had some conversations with Jo Wilson, who was
21 the victim in the case. She understood that -- from Ms.
22 Wilson that Ms. Wilson wasn't pushing restitution and didn't
23 want to go back to court, and Ms. Echols thought that meant
24 that everything was -- was over. Obviously, she was mistaken
25 on that, Your Honor.

1 THE COURT: So she and the victim got together and
2 decided she didn't have to pay the restitution?

3 MR. JORDAN: Well --

4 THE COURT: Is that -- I don't know. Is that what
5 you're saying?

6 MR. JORDAN: Just based -- based on that conversation,
7 it would seem that they weren't pushing it and there was --
8 there was a misunderstanding, Judge. I'm not making an
9 excuse. I'm just telling you that was -- that was the
10 understanding.

11 But in any event, she has not reported since March of
12 2016. She does not have any idea as to why her father gave
13 the agent the impression she did not live at the address
14 given to Probation. She has lived there, I believe, the
15 entire time, Your Honor.

16 As her financial -- her Declaration of Financial Ability
17 states, she's -- she's got great family support and she's
18 basically supported entirely by her family. So she was
19 there.

20 Your Honor, I'm not, you know, and Ms. Echols is not
21 here before the Court to ask you to continue her on probation
22 or give her a second chance. She has been before the Court
23 on a violation before. She had 60 days revoked back in 2015.
24 Judge, she initially did about 30 days on the charge.

25 Your Honor, other than a bench warrant for a Family -- a

1 Family Court matter, I believe it was a Family Court child
2 support matter, I mean Ms. Echols has been out of trouble. I
3 don't believe she was ever in trouble before these charges
4 arose.

5 She does -- she's just got -- she'd been working at
6 White Swan. She'd been working there for about a month and a
7 half and then things got slow and they let her go. These
8 things came up and, in the meantime, she's gotten a job out
9 at FedEx and she'd be working there Monday through Friday.

10 Your Honor, I would ask that you be lenient with Ms.
11 Echols. I would ask that you consider -- you know, she
12 understands that you're likely going to revoke her here today
13 and so I would ask that you consider a stint at the County
14 Detention Center or otherwise a short period of time in the
15 Department of Corrections and convert -- excuse me --
16 anything outstanding into a civil judgment.

17 THE COURT: Thank you, sir.

18 Ms. Echols, it didn't dawn on you to tell your -- ask
19 your probation agent I'm done with this; right? I don't have
20 to do this; right? You didn't bother to do that?

21 THE DEFENDANT: No, I didn't. When I spoke to my cousin
22 -- the case was about my great-aunt. When I spoke to my
23 cousin, who was receiving the restitution for my great-aunt,
24 she said that she wasn't coming to court anymore, it was
25 dropped, and it was just over. I wasn't --

1 THE COURT: So your cousin tells you it's over and you
2 think --

3 THE DEFENDANT: It was --

4 THE COURT: -- that means it's over?

5 THE DEFENDANT: No. And the only thing I ever received
6 was something saying that I was going to have my tax returns
7 taken for supervision. That's no excuse. I was wrong.

8 And I wasn't just sitting at home all during that time
9 because during that time, you know, like, I guess it was
10 2016. I was with my aunt at the hospital and hospice when
11 she died. In 2017, with my brother up until he died, you
12 know, at the hospital and spent the night at the facility
13 that he was sent to every night until he died. I wasn't just
14 sitting at home doing nothing.

15 THE COURT: I didn't say you were sitting at home doing
16 nothing.

17 THE DEFENDANT: I mean I'm not -- you know, I'm just
18 saying --

19 THE COURT: I've never -- I didn't say you're worthless.
20 I just said you're not going to do your -- you haven't done
21 your -- you're not doing your probation.

22 THE DEFENDANT: Yeah.

23 THE COURT: Here's the -- here's the bottom line. And I
24 don't know anything about the case back whenever it was, but
25 the bottom line is you stole a little over \$3,200 from

1 people, and you can say you didn't. That's what you pled
2 guilty to.

3 THE DEFENDANT: No. When I pled guilty to it, I thought
4 it was \$862 in charges. It was \$862.

5 THE COURT: Well, that's not -- that's not true. It's
6 written right here.

7 THE DEFENDANT: Yeah, I know.

8 THE COURT: The restitution is \$2,705, plus 20 percent
9 fee. It's \$3,246.

10 THE DEFENDANT: Yeah.

11 THE COURT: So you stole \$2,700 and paid back 100 and
12 got placed on probation and had a conversation with your
13 cousin and decided you didn't have to be on probation
14 anymore. I don't think I have any option.

15 SENTENCE

16 THE COURT: I'm going to revoke this --

17 THE DEFENDANT: I didn't think I --

18 THE COURT: -- matter in full --

19 THE DEFENDANT: -- was not on probation. That's not
20 what I was saying.

21 THE PROBATION OFFICER: Civil judgments for the
22 restitution?

23 THE COURT: Civil judgment for the restitution.

24 THE PROBATION AGENT: And this order satisfies all other
25 money?

1 THE COURT: It does. Yes, sir.

2 THE PROBATION AGENT: No AM. Thank you.

3 (WHEREUPON, the proceedings ended at 10:19 a.m.)

4

5 --- END REQUESTED TRANSCRIPT ---

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 State of South Carolina)
2) Certificate
3 County of Florence)
4

5 I, the undersigned, Krystal J. Smith, Notary Public and
6 Official Court Reporter for the Twelfth Judicial Circuit of
7 the State of South Carolina, do hereby certify that the
8 foregoing pages, numbered 1 through 9, constitute a true,
9 accurate, and complete Transcript of Record of all the
10 proceedings had and evidence introduced in the hearing of the
11 above captioned case, relative to appeal, in the Court of
12 General Sessions for Florence County, South Carolina, on the
13 22nd day of March, 2019.

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

16

17

s/Krystal J. Smith

18

Court Reporter

19

20 Florence, South Carolina

21 June 23, 2019

22

23

24

The State of South Carolina v. Nikki Giovanni Echols

25

Case Number 2013-GS-21-00953

WITNESSES

George Clark Florence Police Department

Catherine Anderson Wyse

ARREST WARRANT NUMBER

2012A2120200605	2012A2120200606
2012A2120200623	2012A2120200624
2012A2120200625	2012A2120200626

ACTION OF GRAND JURY

TRUE BILL

Catherine Anderson Wyse
 Foreperson of Grand Jury
 Date: 7/19/13

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2013-GS-21-00953

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

JULY TERM 2013

THE STATE

vs.

NIKKI GIOVANNI ECHOLS

Indictment for

FINANCIAL TRANSACTION CARD THEFT
 AND
 FINANCIAL TRANSACTION CARD FRAUD
 (FIVE COUNTS)

FILED

2013 JUL 18 AM 10:49

CONNIE REEL-SHEARIN
 CCRP # 105 213
 FLORENCE COUNTY, SC

STATE OF SOUTH CAROLINA)
)
 COUNTY OF FLORENCE)

INDICTMENT FOR
 FINANCIAL TRANSACTION CARD THEFT
 AND
 FINANCIAL TRANSACTION CARD FRAUD
 (FIVE COUNTS)

At a Court of General Sessions, convened on JULY 18, 2013, the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- FINANCIAL TRANSACTION CARD THEFT

That Nikki Giovanni Echols did in Florence County, between the dates of August 18, 2012 and August 31, 2012, take, obtain or withhold a financial transaction card or number, to wit: Wells Fargo bank card from the person, possession, custody or control of another, namely the cardholder, Dorothea Dockery, without the cardholder's consent and with the intent to use it, or that he or she with knowledge that said financial transaction card had been so taken, obtained or withheld, received the financial transaction card with the intent to use it, sell it, or transfer it to a person other than the issuer or the cardholder, to wit: by withdrawing eight hundred and sixty dollars (\$860.00) with the stolen ATM card, this being in violation of Section 16-14-20, S. C. Code of Laws, 1976, as amended.

COUNT TWO- FINANCIAL TRANSACTION CARD FRAUD

That Nikki Giovanni Echols did in Florence County on or about August 17, 2012, use a financial transaction card, namely: Wells Fargo bank card issued to Dorothea Dockery, that was illegally obtained or retained or received with knowledge that it was illegally obtained or retained or which he/she knew to be forged, altered, expired, or obtained as a result of a fraudulent application, with the intent to defraud the issuer or anyone else of something of value in the amount of five hundred dollars or less in a six-month period, to wit: by stealing the victims ATM card and withdrawing two hundred dollars (\$200.00), this being in violation of Section 16-14-0060, S. C. Code of Laws, 2003, as amended.

COUNT THREE - FINANCIAL TRANSACTION CARD FRAUD

That Nikki Giovanni Echols did in Florence County on or about August 18, 2012, use a financial transaction card, namely: Wells Fargo bank card issued to Dorothea Dockery, that was illegally obtained or retained or received with knowledge that it was illegally obtained or retained or which he/she knew to be forged, altered, expired, or obtained as a result of a fraudulent application, with the intent to defraud the issuer or anyone else of something of value in the amount of five hundred dollars or less in a six-month period, to wit: by stealing the victims ATM card and withdrawing two hundred dollars (\$200.00), this being in violation of Section 16-14-0060, S. C. Code of Laws, 2003, as amended.

ATTACHED TO AND BECOMING A PART OF THE ORIGINAL INDICTMENT FOR FINANCIAL TRANSACTION CARD THEFT AND FINANCIAL TRANSACTION CARD FRAUD (5 COUNTS) WITH THE AFORESAID NAMES OF NIKKI GIOVANNI ECHOLS SHOWN THEREON:

COUNT FOUR- FINANCIAL TRANSACTION CARD FRAUD

That Nikki Giovanni Echols did in Florence County on or about August 18, 2012 use a financial transaction card, namely: Wells Fargo bank card issued to Dorothea Dockery, that was illegally obtained or retained or received with knowledge that it was illegally obtained or retained or which he/she knew to be forged, altered, expired, or obtained as a result of a fraudulent application, with the intent to defraud the issue or anyone else of something of value in the amount of five hundred dollars or less in a six-month period, to wit: by stealing the victims ATM card and withdrawing one hundred dollars (\$100.00), this being in violation of Section 16-14-0060, S. C. Code of Laws, 2003, as amended.

COUNT FIVE- FINANCIAL TRANSACTION CARD FRAUD

That Nikki Giovanni Echols did in Florence County on or about August 19, 2012 use a financial transaction card, namely: Wells Fargo bank card issued to Dorothea Dockery, that was illegally obtained or retained or received with knowledge that it was illegally obtained or retained or which he/she knew to be forged, altered, expired, or obtained as a result of a fraudulent application, with the intent to defraud the issue or anyone else of something of value in the amount of five hundred dollars or less in a six-month period, to wit: by stealing the victims ATM card and withdrawing one hundred and sixty dollars (\$160.00), this being in violation of Section 16-14-0060, S. C. Code of Laws, 2003, as amended.

COUNT SIX- FINANCIAL TRANSACTION CARD FRAUD

That Nikki Giovanni Echols did in Florence County on or about August 31, 2012 use a financial transaction card, namely: Wells Fargo bank card issued to Dorothea Dockery, that was illegally obtained or retained or received with knowledge that it was illegally obtained or retained or which he/she knew to be forged, altered, expired, or obtained as a result of a fraudulent application, with the intent to defraud the issue or anyone else of something of value in the amount of five hundred dollars or less in a six-month period, to wit: by stealing the victims ATM card and withdrawing two hundred dollars (\$200.00), this being in violation of Section 16-14-0060, S. C. Code of Laws, 2003, as amended.

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

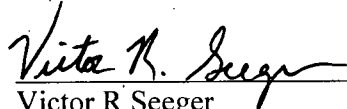


E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

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,



Victor R Seeger
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 2nd day of January, 2020.

RECEIVED
JAN 02 2020
SC Court of Appeals