

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable R. Markley Dennis, Circuit Court Judge

ORIGINAL

THE STATE,

RESPONDENT,

v.

CHARLES JOSEPH BUNTON,

APPELLANT.

APPELLATE CASE NO 2019-000491

RECORD ON APPEAL

RECEIVED
JAN 08 2020
SC Court of Appeals

LARA M. CAUDY
Appellate Defender

MATTHEW BUCHANAN
General Counsel

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

South Carolina Department of Probation, Parole
and Pardon Services
Post Office Box 50666
Columbia, SC 29250
(803) 734-9012

ATTORNEY FOR APPELLANT

ATTORNEY FOR RESPONDENT

INDEX

INDEX i

PROBATION VIOLATION HEARING TRANSCRIPT DATED MARCH 5, 20191

PROBATION VIOLATION HEARING TRANSCRIPT DATED MARCH 15, 20196

PROBATION ARREST WARRANT22

ORDER REVOKING PROBATION24

INDICTMENT25

SENTENCE SHEET27

CERTIFICATE OF COUNSEL28

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

COURT OF GENERAL SESSIONS
2019-GS-10-01878

STATE OF SOUTH CAROLINA)

-vs-

JOSEPH BUNTON,
Defendant.

) TRANSCRIPT OF RECORD
)
) March 5, 2019
)
) Charleston, South Carolina
)

B E F O R E:

The Honorable R. Markley Dennis, Jr., Judge.

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

Teela Fleming
For the South Carolina Department of Probation,
Parole, and Pardon Services

Robert Lewis Wehrman, Esquire
For the Defendant

Reported By:

Amanda Kelly Haffenden, RPR, CRR
Circuit Court Reporter for the
Ninth Judicial Circuit

1 (March 5, 2019.)

2 THE COURT: Mr. Bunton? Nice to see you
3 again.

4 I've been advised and informed and provided
5 with that suggest that you didn't complete the STRONG
6 program. You walked away, correct?

7 THE DEFENDANT: There was more to it than
8 that, Your Honor.

9 THE COURT: Well, why are we here,
10 Mr. Wehrman?

11 MR. WEHRMAN: Your Honor, obviously, this has
12 been a pretty short notice thing. I haven't had a chance
13 to talk to him.

14 THE COURT: Talk to him, absolutely. He
15 left?

16 AGENT FLEMING: Yes, sir.

17 THE COURT: All right. Tell you what: So
18 you can hear what they prepared, Mr. Wehrman, why don't I
19 go ahead and place her under oath and let her tell me
20 what's transpired, because all I know is this has
21 occurred, and I remember the case because we went to
22 great lengths to talk about the order which was attached
23 to the sentencing sheet.

24 (Probation agent duly sworn.)

25 THE COURT: If you would give us your full

1 name, please, and then tell me what occurred.

2 AGENT FLEMING: Teela Fleming.

3 THE COURT: Yes, Ms. Fleming?

4 AGENT FLEMING: Mr. Bunton was sentenced on
5 March 1st. A special condition of that sentence was to
6 complete the STRONG program, and if he did not complete
7 the program that he would be revoked. And he was
8 admitted to the program on 3/1/19, walked away from the
9 program on 3/3/19, failed to make any contact with the
10 probation office following his unsuccessful discharge
11 from the program by violating condition ten in that he
12 failed to follow advice and instruction of the agent.

13 We looked for him, got some tips on his
14 location, and he was arrested today.

15 THE COURT: Okay. So he didn't report to
16 you? You went to him?

17 AGENT FLEMING: Yes, sir.

18 THE COURT: All right. Mr. Wehrman, if you
19 want to take a moment and talk to him, we'll be at ease
20 for a second.

21 (Recess taken.)

22 THE COURT: This is back on the Bunton case.

23 MR. WEHRMAN: Given the situation he's in, I
24 think it's probably best if we take it until next week,
25 if that's all right? Are you available next week?

1 THE COURT: Yes, I am. I'll be delighted to
2 work it in at your convenience and at y'all's convenience
3 too. Ya'll agree we can do it next week?

4 AGENT FLEMING: Yes, Your Honor.

5 THE COURT: Because I'm here doing pleas, if
6 that's okay, but he's --

7 MR. WEHRMAN: Anything you need --

8 THE COURT: Whatever you need me to do for
9 that, I'll be happy to.

10 Mr. Bunton, your lawyer has had a chance to
11 speak with you. I'm going to be here next week holding
12 court here, and he's requested some additional time to
13 talk with you about this, so I'm going to give him that.
14 We'll postpone this hearing until next week, but right
15 now, there will be no bond, but I'll be here next week,
16 and he'll be talking with you.

17 Thank you, sir. You'll be held until we can
18 have a hearing.

19 - - -

20 (Whereupon, the proceedings were concluded.)

21 - - -

22

23

24

25

I, the undersigned, Amanda Kelly Haffenden, RPR, CRR, Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Charleston County, South Carolina, on the March 5, 2019.

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

June 21, 2019

Amanda Haffenden

Circuit Court Reporter

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA

vs.

CHARLES JOSEPH BUNTON

Defendant

COURT OF GENERAL SESSIONS

DOCKET NO. 2019-GS-10-1878

TRANSCRIPT OF RECORD

March 15, 2019

Charleston, South Carolina

B E F O R E:

THE HONORABLE R. MARKLEY DENNIS, JR., JUDGE

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

ROBERT WEHRMAN, ESQ.
Attorney for the Defendant

AGENT C. AULBACH
SC DEPARTMENT OF PROBATION, PAROLE AND PARDON

JOYCE C. RUEGER, CVR-M
Circuit Court Reporter

INDEX TO PROCEEDINGS

	PAGE
PROCEEDINGS	3
PROBATION VIOLATION HEARING	3
CERTIFICATE OF THE COURT REPORTER	16

INDEX TO EXHIBITS

No exhibits were introduced.

Charles Joseph Bunton
Probation Violation Hearing
March 15, 2019

PROCEEDINGS

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

THE COURT: All right. Thank you very much. We were together when we had Mr. Bunton picked up concerning the alleged violation of his probation that I imposed when I sentenced him. And you now have had an opportunity, Mr. Wehrman, to discuss the matter with him?

MR. WEHRMAN: I have, Your Honor.

THE COURT: All right. I'll be happy to hear from you.

MR. WEHRMAN: Your Honor ---

THE COURT: --- excuse me, the record just briefly, the issue was that he walked out from Strong and didn't complete the Strong program and that was an order, a consent order that was a part of the plea incorporated that he would complete that as being a condition of his probation, a mandatory condition.

MR. WEHRMAN: That's correct, Your Honor.

THE COURT: Excuse me for interrupting you; I apologize.

MR. WEHRMAN: No apology necessary, Your Honor. Thank you. So, what has happened here and really the order itself doesn't leave much room for much to happen. But there is an issue that in talking with Mr. Bunton he would like me to raise here that I need to give sort of a chronology of what happened. But we would be asking Your

Charles Joseph Bunton
Probation Violation Hearing
March 15, 2019

1 Honor to let him withdraw the plea. And we went through
2 a lot in colloquy certainly on that Friday but this would
3 have been an issue that would not have come up. And I
4 did try to investigate this the best I could but it
5 unfortunately wasn't any recording of the conversations
6 in question.

7 But the story is basically that obviously Mr. Bunton
8 had discussions with the Strong program to even get
9 accepted. In the course of those discussions his
10 recollection of those discussions is certainly that he
11 was told he would have to work ten to twelve hours.

12 He was also notified of the fact that because he had
13 previously been enrolled in the Strong program it would
14 be quote unquote made harder for him. When he arrived at
15 Strong on Friday he tells me that he was then given this
16 idea that there would be a contract.

17 And this is something that I understand that Strong
18 does when people are sort of re-entering the program that
19 the contract laid out the details of how it would be
20 harder. But one of those particular details Your Honor
21 is apparently that he would be required to do not twelve
22 hours of work but up to seventeen hours of work.

23 Your Honor that apparently is not something that Mr.
24 Bunton was able to do. He tells me that he did stay for
25 a day or two and try. He determined that he wasn't going

Charles Joseph Bunton
Probation Violation Hearing
March 15, 2019

1 to be able that and he did leave. Now on the back end of
2 this he knows he has made some serious mistakes and I'm
3 sure the Probation officer would make this quite clear.
4 But he tells me he left on a Sunday evening.

5 When he woke up on Monday he had learned that the
6 police had already looked for him and he had gone to I
7 believe a friend's house and he -- at that point he
8 panicked Your Honor. And he tells me that he did, and
9 there are some text messages that indicate that he
10 basically panicked and recognized that he had left and
11 was in a bad state, Your Honor.

12 And you know we understand that if we are allowed to
13 withdraw this plea he probably is not going to get any
14 sort of bond or anything like that. And we understand
15 and we've talked about that he might be biting off a
16 little more than he can chew by doing that.

17 But we would make that request, Your Honor. And I
18 think that certainly a withdrawal of a plea is a
19 discretionary decision for Your Honor and I think it
20 would be within your discretion to do that if you see fit
21 under the circumstances.

22 So, we certainly want to recognize that he did make
23 some mistakes following his leaving of Strong. He
24 regrets that and he understands that he is not really in
25 a state to be out in the world just yet and he's going to

Charles Joseph Bunton
Probation Violation Hearing
March 15, 2019

1 need some help. And I do want to say to Your Honor that
2 I truly believe that the initial desire to seek out help
3 in this case was legitimate. I do not think this is a
4 situation where he had this grand plan all along to get
5 out on Friday and leave on a Sunday.

6 And I understand the circumstances might indicate
7 otherwise but I do want to put that on the record Your
8 Honor that I do think that he does genuinely want to
9 change his life. Unfortunately, things obviously went
10 south in this situation.

11 And we would ask Your Honor to consider that as a
12 possible option for him to sit some more time in County
13 and hopefully revisit this issue on a later date.

14 THE COURT: All right. Anything you want to say,
15 Mr. Bunton?

16 MR. BUNTON: Yes, sir. I had every intention of
17 doing this program. I obviously did not know about the
18 contract until I got there. And I should have handled it
19 better and I should have told them at the get on when
20 they mentioned the contract just go ahead and take me
21 back so I can discuss this with Probation.

22 I should have reported straight to Probation Monday
23 morning. When I found out that he was already looking for
24 me I should have called him and told him to come pick me
25 up; I'm here. To be completely honest at that point I

Charles Joseph Bunton
Probation Violation Hearing
March 15, 2019

1 just had a physical craving desire to just get high and
2 hide from reality. And honestly the last few years of my
3 life have been about getting high and hiding from
4 reality. Aulbach has been nothing but patient with me.
5 I can't blame him for his position right now.

6 He's told me before that if I just had been honest
7 at the get go with Probation and asked for help and told
8 him what was going on that he could have done something
9 for me; that Probation could have found an option for me.
10 And I haven't done that this entire time until SC Strong
11 because it was offered to me.

12 I don't know what I've done with my life. I don't
13 like who I have become. I don't like the things that
14 I've done. I remember as a teenager I was eleven years
15 old and I was learning how to build websites from
16 scratch. At fifteen I could build computers from scratch
17 -- and at the same time at fifteen I started getting high
18 and got expelled from school for the first time.

19 From there it went to shooting up to smoking crack
20 in and out of jail and in and out of prison. I've got to
21 stop this. I've got a six year old kid out there that I
22 haven't seen for his birthday for the last three years.
23 His mother is in Alaska. My Mom and stepfather are out
24 there raising my son because I can't keep my life
25 together. If y'all are willing to help me I'm willing to

Charles Joseph Bunton
Probation Violation Hearing
March 15, 2019

1 take it.

2 THE COURT: Mr. Bunton, all of that has been said.

3 MR. BUNTON: I understand.

4 THE COURT: And I spent a good bit of time because
5 I've been down this road with people that have gone there
6 and didn't like it. And that's why I spent the extra
7 time to go through just what you're just saying. It is
8 not for everybody. I tell -- I think it's a fabulous
9 program even the 17 hours. So what?

10 In the real world my wife still talks about some of
11 the jobs that she had because they picked up the phone
12 and called her at the drop of a hat. On Saturday she
13 would get computer work and they had a crisis. She came
14 home to take a shower one Sunday and went right back.
15 That wasn't in the contract either. But that's life.
16 That's the way it works.

17 And you don't just get to say well gosh, this is not
18 fair. And you haven't figured that out yet. And I
19 understand you; I hope you're at the threshold where
20 you're going to do something about it.

21 Refresh my -- is this the one that he was -- had a
22 probation revocation and it was Judge Dickson I think
23 that sentenced him and he had eight years on that
24 sentence.

25 AGENT AULBACH: That's correct, Your Honor. There

Charles Joseph Bunton
Probation Violation Hearing
March 15, 2019

1 was a distribution of meth and property crime ---

2 THE COURT: --- correct ---

3 AGENT AULBACH: --- and Judge Dickson ---

4 THE COURT: --- and so the eight years was just
5 merely transferred.

6 AGENT AULBACH: That's correct.

7 MR. WEHRMAN: It is, Your Honor. And I maybe
8 should have put this out there before. Just to put on
9 the record that his position as to why he couldn't do the
10 seventeen as opposed to the twelve is there is a medical
11 condition that ---

12 THE COURT: --- I don't care what it is ---

13 MR. WEHRMAN: --- I understand, Your Honor ---

14 THE COURT: --- Mr. Wehrman; I don't care. I mean
15 seriously. I don't -- and I'm not being harsh I just
16 don't care. You chose it. You asked me for it. And you
17 got it. But from the standpoint of where we are the
18 violation was this charge, correct, of Judge Dickson's
19 probation. And you were going to ask me to revoke him in
20 full.

21 AGENT AULBACH: Your Honor, I actually offered
22 Strong to Mr. Bunton ---

23 THE COURT: --- oh, I know you did. I understand.
24 But the option was to take Strong or get the full
25 revocation.

Charles Joseph Bunton
Probation Violation Hearing
March 15, 2019

1 AGENT AULBACH: Absolutely, Your Honor.

2 THE COURT: And I get that.

3 AGENT AULBACH: And if I -- I'm sorry.

4 THE COURT: No, that's fine. So we're just
5 postponing the inevitable because I guarantee you what
6 I'm going to do. I mean there is no question about that.
7 He needs to go to jail again so he can get it in his head
8 that just what he said when he gets out nobody ought to
9 have to go to him. He ought to be knocking doors down to
10 get help. And I hope he does.

11 But the same scenario is going to happen again until
12 you choose to do that. You're going to say oops, it's
13 time to get high again because I'm in a mess. That's the
14 way you get rid of your mess because when you're high
15 hey, everything is good; I'm good.

16 We all do it. I don't do it with drugs. Sometimes
17 I go home and the first thing I want is to get a drink.
18 I don't do it every day but I'll confess that. I just
19 need to take the edge off. That's an addiction. There's
20 no question about that. I acknowledge that to you.

21 Thank God it hasn't gone any further than that. But
22 there is no question that's why I have this compulsion to
23 do that because I do. When I take that drink I'm fine;
24 everything's good. Well, that's not me making it fine.
25 That's alcohol making it fine. And therein lies the

Charles Joseph Bunton
Probation Violation Hearing
March 15, 2019

1 problem. And I'm just that step away. Look, I'll never
2 forget. Years ago I was very rude. A fellow came and
3 talked to a program I was involved with, the Sertoma
4 Club, and he was with the Head Start Program or Get Smart
5 Program I think; the Get Smart Program. And he was
6 convicted of manslaughter.

7 And I remember we were in a small room and a friend
8 of mine was sitting across the table. We were on two
9 sides of the table and we were rudely talking during his
10 remarks. I mean he was there to go to the high school to
11 talk. And thank goodness he was kind enough not to call
12 us out straight up. He said this; I'll never forget it
13 as long as I live because I can guarantee it stuck with
14 me and I wasn't that rude again.

15 And it also brought to mind something else. He said
16 I know what you all are thinking. That's not you; I'll
17 never be there. He said there is a very thin line
18 separating you and me. And we don't think about it
19 enough.

20 He said I was a CPA. I made my CPA on the first test
21 and there aren't many people that can do that. I was
22 building my own business and I got involved one afternoon
23 and went to a bar. I started drinking and I met this
24 person. We got to be good friends she and I. And I went
25 to her house. The thing she didn't tell me was she was

Charles Joseph Bunton
Probation Violation Hearing
March 15, 2019

1 married and her husband came home and caught us. And I
2 woke up on Saturday morning in jail and there is blood on
3 my shoes. He came in and I killed him. He said that's
4 how quick it can happen. And then he hit me, he hit us
5 with the biggest one. We're going through some tough
6 times now.

7 I watched the Watergate every hearing. I was
8 working in the Senate and I watched it. Do you think
9 anybody ever thought the Attorney General of the United
10 States of America would go to jail?

11 So understand something; I get it and I hope you do
12 too. But you've got to do something with your life. And
13 I hope you'll do it as soon as you finish your sentence.
14 I'll be happy to let him withdraw the plea to this but
15 when we do we reinstate the -- we go back to square one.

16 And I'm going to tell you what I'm going to do. I'm
17 going to give you credit for time served on that and
18 revoke you in full on this or give you the eight years on
19 this. It doesn't make any difference. I'm not going to
20 increase it. I'll do that for you.

21 But you're going to do the eight years. So it's up
22 to you. You can postpone it if you want to if you don't
23 want to -- if you want to let's go back we can do it and
24 I will revoke him in full and we'll do it under that or
25 we just simply impose his sentence; whatever you want to

Charles Joseph Bunton
Probation Violation Hearing
March 15, 2019

1 do. But you're going to jail for eight years with credit
2 for time served. That I promise. You want to talk to
3 him?

4 [Whereupon, Mr. Wehrman confers with the Defendant]

5 MR. WEHRMAN: Your Honor, I think we can go forward
6 today.

7 THE COURT: That's fine. Let's just activate this
8 sentence and give him the Probation and give him credit
9 for any time that he served from the time including any
10 time he served on the previous one as well. Was he
11 arrested -- he was arrested on this charge so credit for
12 all time that he served on this charge.

13 MR. WEHRMAN: On this charge?

14 THE COURT: Yes.

15 MR. WEHRMAN: Yes.

16 THE COURT: Okay. Sir, Mr. Bunton, you said
17 something that you weren't in here when the gentleman I
18 sentenced this morning talked. And he, like you, has
19 been dealing with drugs all of his life.

20 But he finally decided because he met somebody and
21 they have a child and he found out that he apparently has
22 a thing for trees. And he is a step away from becoming
23 an arborist and opening his own business.

24 And the passion in that man's voice he may have
25 fooled me but I don't think so. He realized he could be

Charles Joseph Bunton
Probation Violation Hearing
March 15, 2019

1 somebody. He said I'm smart enough to do this. You just
2 said something. You said at fifteen I could build a
3 computer. Is that what you said?

4 MR. BUNTON: Yes, sir.

5 THE COURT: Do you know how many of us could even --
6 I don't -- I barely know how to just turn the son of a
7 gun on. But the bottom line is if you've got that kind
8 of capability man you can make a ton of -- you can do
9 something in your life that the sky is the limit. And I
10 hope you'll get yourself straight so you can accomplish
11 that because you deserve it. You really do. So, good
12 luck to you sir.

13 AGENT AULBACH: Your Honor, I'm sorry to interject.
14 If counsel isn't opposed would you be -- the ATU program
15 while he is incarcerated. I think he would benefit from
16 that ---

17 THE COURT: --- yes, I think the eight years he
18 should be able to pick it up. I think you can start in
19 there and that's at least one program they have; they
20 need tons more. And I'm hopeful that things are going to
21 change in that regard too. But, I would recommend the --
22 put it as recommend the ATU.

23 AGENT AULBACH: Yes, sir.

24 THE COURT: Okay. That's the addiction treatment
25 unit, okay? Thank you, Mr. Wehrman.

Charles Joseph Bunton
Probation Violation Hearing
March 15, 2019

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

MR. WEHRMAN: Thank you, Your Honor.
AGENT AULBACH: Thank you, Your Honor.
THE COURT: Thank you, Mr. Bunton.
*****END OF TRANSCRIPT OF RECORD*****

Charles Joseph Bunton
Certificate of the Court Reporter
March 15, 2019

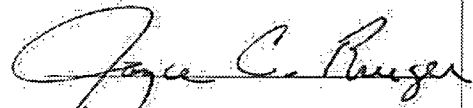
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 15th day of March, 2019.

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

May 15, 2019


Joyce C. Rueger, CVR-M
Court Reporter

Form 19.1 - Arrest Warrant
Form Approved by
SC Attorney General
Section 17-1-100
March 18, 1978

Probation
ARREST WARRANT
Indictment Number: 19-GS-10-01878
Warrant Number: WA-10-19-0116
State Identification No. (SID) 01778832

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

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

It appearing from the attached affidavit that there are reasonable grounds to believe that CHARLES JOSEPH BURTON, did on the 4 day of March, 2019 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

By violating all or parts of conditions 10 and special conditions as ordered under IND #19-GS-10-01878 by the Charleston County Court of General Sessions:

Now, therefore, you are empowered and directed to arrest the said defendant and bring CHARLES JOSEPH BURTON 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 NORTH CHARLESTON, S. C. this 4 day of March, 2019.

County of CHARLESTON

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

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Christian Aubach, who, first being duly sworn, deposes and says that CHARLES JOSEPH BURTON did within this County and State on the 4 day of March, 2019, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

By violating all or parts of conditions 10 and special conditions as ordered under IND #19-GS-10-01878 by the Charleston County Court of General Sessions:

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:

By violating the court ordered special condition of completing the SO STRONG (Delaney Street) Program, the offender was admitted into the program on 3/1/19 and chose to walk away from the program on 3/3/19. The offender failed to make any contact with the Probation Office following his unsuccessful discharge from the program. By violating condition #10, the offender has failed to follow the advice and instructions as noted on his conditions of probation.

Sworn to and Subscribed before me
this 4 day of March, 2019.

Chaubach
Affiant

[Signature] (L.S.)
Signature of Notary Public
7/31/19
My Commission Expires

Address: 4050 BRIDGE VIEW DRIVE
SUITE 100
NORTH CHARLESTON, 29405-7464
(843) 740-1559

RETURN

STATE OF SOUTH CAROLINA
COUNTY OF
CHARLESTON

THE STATE
against

CHARLES JOSEPH BUNTON

INFORMATION ON DEFENDANT

Name CHARLES JOSEPH BUNTON

Address [REDACTED]

Phone [REDACTED]

Sex [REDACTED] Race [REDACTED] Height [REDACTED]

Weight [REDACTED] 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 3/15/19 BAIL

Magistrate Judge [Signature]

Amount 20,000

Surety _____

Constable or Law Enforcement Officer

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

Charles Joseph Bunton

on the 5 day of March, 2019.

Constable or Law Enforcement Officer

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

Signature of Judge

(L.S.)

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 3/4/2019

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

Christian Aulrich

Disposition _____

Sentence _____

Co-Defendants _____

RECEIVED

MAR 25 2019

SC Court of Appeals

STATE OF SOUTH CAROLINA
 County of Charleston
 STATE vs. Charles Burton
 AKA: _____
 Race: _____ Sex: _____
 DOB: _____
 SSN: _____
 SID# _____

IN THE COURT OF GENERAL SESSIONS

Indictment Number: _____
19 - GS - 10 - 01878
 Probation C/W#: W-10-19-0115
3-5-19
 Name of Original Offense: Simplifying Enhancement
 Original A/W#: 2018A1010205787
 Date of Original Offense: 10-9-18
 Conviction S.C. Code §: 16-13-0110(A)
 Conviction CDR Code #: 2 1 8 1 1 7
 Original Sentence: 8 yrs ss 5 yrs prob

ORDER RECEIVED

The above named defendant has been charged with violating the conditions of probation ordered on 1/1/19 in the Court of General Sessions of Charleston County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on _____, as set forth in Warrant or citation(s) dated 3-4-19. 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: 10 and special conditions (List the number of violation(s) and the conditions as provided in the affidavit)

- Therefore, IT IS ORDERED that:
- the suspended sentence be revoked and the above named defendant be required to serve 8 months/years, the remainder of the original sentence, and/or pay \$ _____
 - the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
 - the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
 - probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
 - the above named defendant is placed on electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first or third degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies: Department fees (arrearage) Civil judgment: Department fees
 Fines and other fees (arrearage / balance) Fines and other fees
 Restitution (and 20%) (arrearage / balance) Restitution (and 20%)

Additional Conditions ordered by the Court:
Revoke in full. Recommend ATU. Credit for 10 daytime served per order

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant is to be given credit for pretrial detention time served (N/A if defendant has served prior SCDC time).
- The defendant has served _____ days/months/years of prior revocations and/or initial SCDC time.
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 15 day of March, 2019 at Charleston SC

 Presiding Judge 914 Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature Unable to sign Witnessed by Amback
 Signed this 15 day of March, 2019 at Charleston SC

TSW/0348430
WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER
2018-030538

ARREST WARRANT NUMBER
2018A1010205787

DATE OF ARREST
10/12/2018

ACTION OF GRAND JURY

Foreperson of Grand Jury Date:

VERDICT

Foreperson of Petit Jury Date:

DOCKET NO. 2019-CS-10-01878

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS
FEBRUARY TERM

THE STATE

VS.

CHARLES JOSEPH BUNTON

Indictment for

SHOPLIFTING- ENHANCEMENT

SC Code: § 16-13-0110(A)
CDR Code: 2877

RECEIVED

MAR 25 2019

SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened February 2019, the Grand Jurors of Charleston County present upon their oath:

SHOPLIFTING- ENHANCEMENT

That in Charleston County, South Carolina, on or about October 9, 2018, the Defendant, Charles Joseph Bunton, with the intent to deprive Walmart of the possession, use, or benefit of merchandise without paying the full retail value, did (1) take possession of, carry away, transfer from one person to another or from one area of a retail mercantile establishment to another area, or cause to be carried away or transferred merchandise displayed, held, stored, or offered for sale by a store or other retail mercantile establishment; or (2) alter, transfer, or remove any label, price tag marking, indicia of value, or any other markings which aid in determining value affixed to any merchandise displayed, held, stored, or offered for sale in a store or other retail mercantile establishment and attempts to purchase the merchandise personally or in consort with another for less than the full retail value; or (3) transfer merchandise displayed, held, stored, or offered for sale by a store or other retail mercantile establishment from the container in which it is displayed to any other container. That said merchandise was valued at Two Thousand (\$2,000.00) Dollars or less and the Defendant has been previously convicted of at least two (2) offenses for which the term of imprisonment is contingent upon the value of the property involved. This is in violation of Sections 16-13-110 and 16-1-57 of the South Carolina Code of Laws (1976) as amended.

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


TYLER S. WHITAKER
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
STATE VS.

CHARLES JOSEPH BUNTON

AKA: [Redacted]
Race: [Redacted] Sex: [Redacted]
DOB: [Redacted] SS#: [Redacted]
Address: [Redacted]
City, State, Zip: [Redacted]
DUI#: [Redacted] SID#: [Redacted]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019-GS-(C)-0187A
A/W: 2018A1010205787
Date of Offense: 10/09/2018
S.C. Code §: 16-13-0110(A)
CDR Code #: 2877

RECEIVED

SENTENCE SHEET MAR 25 2019

SC Court of Appeals

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Shifting-Enhancement
In violation of § 16-13-0110(A) of the S.C. Code of Laws, bearing CDR Code # 2877

CONVICTED OF or PLEADS

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

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

ATTEST:

Tyler S. Whitaker, Assistant Solicitor 74906 SC Bar # [Redacted] Defendant
Charles Bunton
Robert [Redacted] Attorney for Defendant SC Bar # [Redacted]

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of 8 days/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 _____ days/months/years and or payment
of \$ _____ plus costs and assessments as applicable*; the balance is suspended with probation for 5
months/years and subject to South Carolina Department of Probation, Parole and Pardon Service 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. 143 days
 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 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP 3 years
Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment
Payment Terms: _____ Obtain GED

Set by SCDPPPS

Recipient:

*Fine:	\$	
§14-1-206 (Assessments 107.5%)	\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$ 500.00
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§58-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(1) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$ 18.75
TOTAL	\$	\$ 143.75

Attend Voc. Rehab. Or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol Testing
Fine may be pd. in equal consecutive weekly/monthly
pmts. of \$ _____ Beginning _____
\$ _____ Paid to Public Defender Fund.
Other: Must complete the SC Storey
program (Delaware SI) that is a
mandatory condition as set
forth in the attached Order; any
counseling deemed necessary
 Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before any other fees.

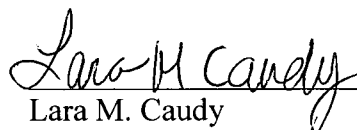
Clerk of Court/Deputy Clerk: [Signature]
Court Reporter: Joyce Bugar

Presiding Judge: [Signature]
Judge Code: 2019
Sentence Date: 3/11/19

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,



Lara M. Caudy
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 8th day of January, 2020.

RECEIVED
JAN 08 2020
SC Court of Appeals