

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Dillon County

Honorable Roger E. Henderson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DANIEL ANTWAN ROGERS,

APPELLANT

APPELLATE CASE NO 2019-000704

RECORD ON APPEAL

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**RECEIVED**

**May 20 2020**

**SC Court of Appeals**

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STATE OF SOUTH CAROLINA )  
 ) COURT OF GENERAL SESSION  
 COUNTY OF DILLON ) 2016-GS-17-00445  
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 ) 2016-GS-17-00922

STATE OF SOUTH CAROLINA )  
 ) PLAINTIFF )  
 vs. ) TRANSCRIPT OF RECORD  
 )  
 DANIEL ANTWAN ROGERS )  
 ) DEFENDANT )

October 24, 2018  
 Dillon, South Carolina

B E F O R E:

THE HONORABLE ROGER E. HENDERSON, JUDGE.

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

SHIPP DANIEL, ASSISTANT SOLICITOR  
 Attorney for the State

NATHAN SCALES, PUBLIC DEFENDER  
 Attorney for the Defendant

CEDRIC T. DAVIS, Also Pled  
 NICHOLAS O. LAMPLEY, Also Pled

HATTIE O. GORDON  
 Circuit Court Reporter

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EXHIBITS

NO EXHIBITS WERE MARKED OR ADMITTED INTO THE RECORD

1

COLLOQUY

2

(WHEREUPON, ten defendants were sworn in at the same time.)

3

4

THE COURT: All right. The reason I have you

5

standing here is to explain to all of you as a group one

6

time certain rights that you have. I want you have to

7

understand that you have the right to a trial by a jury.

8

If you decide that you want to exercise that right to a

9

trial by jury then you can participate in the selection of

10

that jury. Are any of them represented by counsel?

11

MR. SCALES: All of mine are pro se.

12

THE COURT: Some of you represented by an attorney,

13

if so raise your right hand. They are all representing

14

yourself. You are all representing yourselves?

15

MULTIPLE DEFENDANTS: Yes, sir.

16

THE COURT: Okay. All right. As I said you can

17

participate in the selection of the jury. If you decide

18

to go to trial the burden is going to fall upon the State

19

of South Carolina to convince that jury of your guilt

20

beyond a reasonable doubt. And the State would have to

21

convince all 12 jurors. In other words, their verdict

22

would have to be unanimous before you could be found

23

guilty. If you decide to go to trial you have the right

24

to confront any witnesses that testify against you, and

25

that means you can cross-examine them or ask any questions

1 during the course of the trial. Pay attention, sir. Quit  
2 working your head around. Look at me.

3 This is important, you understand? Do you  
4 understand?

5 DEFENDANT: Yes, sir.

6 THE COURT: All right. You have the right to  
7 confront those witnesses. I said that means -- sir, you  
8 got a problem? Just stand him aside. I'm not going to  
9 mess with him right now. Stand him aside.

10 You have the right to confront any witnesses that  
11 testify against you. That means you can ask them  
12 questions and cross-examine them during the course of the  
13 trial.

14 Once you have completed -- once the State has  
15 completed their presentation of the case then you have the  
16 right to put forth a defense on your behalf. And you  
17 don't have to. Can't be made to. If you put forth a  
18 defense then you can call witnesses on your behalf if you  
19 want to. Or you yourself can testify if was want to. You  
20 can't be made to. You don't have to.

21 And if you decide to call witnesses to testify for  
22 yourself, that's fine. Or you can remain silent and  
23 exercise that right. If you do exercise the right to  
24 remain silent that cannot be held against you in any way  
25 whatsoever. The jury would be so informed. And under our

1 rules there are certain materials of evidence that you're  
2 entitled to see before the trial to help you prepare for  
3 your defense.

4 And if upon proper request you will receive that  
5 information. Now. I'm going to ask a question that  
6 requires a yes or no response. I'm going to point to each  
7 one of you, and I want you to answer me loudly and  
8 clearly. Do you understand these rights that I've just  
9 explained to you?

10 DEFENDANT: Yes, sir.

11 DEFENDANT: Yes, sir.

12 DEFENDANT: Yes, sir.

13 DEFENDANT: Yes, sir.

14 DEFENDANT: Yes, sir.

15 DEFENDANT: Yes, sir.

16 DEFENDANT: Yes, sir.

17 DEFENDANT: Yes, sir.

18 DEFENDANT: Yes, sir.

19 DEFENDANT: Yes, sir.

20 THE COURT: If you have any questions concerning that  
21 explanation of your rights please raise your right hand  
22 now. All right. Let the reflect that no one has raised  
23 their right hand and they all indicate that they  
24 understand my explanation of their rights. You may return  
25 to your seat.

1 MR. DANIEL: Thank you, Your Honor. Before you are  
2 three defendants, and these are again unrelated cases. On  
3 your far right is Cedric Davis, 2018-GS-17-526. It's an  
4 indictment for resisting arrest. He's pleading to the  
5 lesser included magistrate's level breach of peace.  
6 Thirty day offense.

7 In the middle is Nicholas Lampley. He's pleading to  
8 2018-GS-17-726, assault and battery second. That's a  
9 negotiated plea.

10 And then, finally, Daniel Rogers, who you heard from  
11 earlier in the day, bench warrant issued. We have worked  
12 out this. He's got several charges. He's plead to three  
13 of them. 2008-624, possession of a controlled substance;  
14 2016-445, possession of contraband; and 2018-922,  
15 distribution of drugs. That is also a negotiation. And  
16 two of these have not -- the two who are incarcerated did  
17 not hear their rights.

18 THE COURT: All right. Raise your right hand, all of  
19 you. That right one, yeah.

20 CEDRIC T. DAVIS, NICHOLAS O. LAMPLEY, DANIEL A.  
21 ROGERS, after being duly sworn, testified as follows:

22 THE COURT: All right. I want each one of you to  
23 understand that you have a right to a trial by a jury. If  
24 you decide you want a jury trial then you and your  
25 lawyer -- sir, are you representing yourself?

1           DEFENDANT: Yes, sir.

2           THE COURT: You are?

3           DEFENDANT: Yes, sir.

4           THE COURT: Okay. Those of you that have lawyers,  
5 you and you4 lawyer can participate in the selection of  
6 the jury. You can represent yourself. You can,  
7 obviously, participate in the selection of the jury as  
8 well. If you elect to go to trial the burden will fall on  
9 the State of South Carolina to convince that jury of your  
10 guilt beyond a reasonable doubt. And the State would have  
11 to convince all 12 jurors. In other words, their verdict  
12 would have to be unanimous before you could be found  
13 guilty.

14           If you decide to go to trial then your lawyer or you,  
15 if you represent yourself, can confront any witnesses who  
16 testify against you during the course of the trial. That  
17 means that you can ask questions or cross-examine  
18 witnesses. Once the State has completed the presentation  
19 of the case you have the right to put forth a defense.  
20 You don't have to. Can't be made to, but you have the  
21 right.

22           If you decide to go forth with a defense then you can  
23 call witnesses on your behalf or you can testify yourself  
24 or you have the right to remain silent and not a single  
25 word throughout the entire trial. If you exercise the

1 right to remain silent that cannot be held against you in  
2 any way whatsoever. The jury will be so informed.

3 Under our rules there are certain evidence or  
4 materials that you are entitled to review before you go to  
5 trial which would help you in the presentation of your  
6 defense. And upon proper request that information will be  
7 provided to you. Do you understand these rights that I've  
8 just given to you? Answer yes or no, please.

9 MR. LAMPLEY: Yes, sir.

10 MR. ROGERS: Yes, sir.

11 MR. DAVIS: Yes, sir.

12 THE COURT: Do any of you have any questions  
13 concerning those rights? If so raise your right hand.  
14 Let the record reflect that no one raised their right  
15 hand. They all indicate that they understand my  
16 explanation of their rights.

17 MR. DANIEL: Thank you, Your Honor. Mr. Davis was  
18 involved in a -- well, law enforcement was investigating a  
19 stolen cell phone. Went after him and had reason to  
20 arrest him, but he snatched away from law enforcement and  
21 ran.

22 He doesn't have a record. That's why we're going  
23 with breach of peace, a magistrate's level misdemeanor.

24 Nicholas Lampley we believe the evidence would have  
25 shown, had we gone to trial, that he was involved in an

1     altercation with someone else where shots were fired.

2             Daniel Rogers, you heard again from him earlier.

3     He's pleading to three separate incidents. One, he had

4     some cigarettes at the jail. That's his 30 day

5     contraband. The other, he had drugs on him when he was

6     arrested on this bench warrant that he's in on now. And

7     then back in 2016 he had a situation involving a

8     distribution of some drugs.

9             The offer there -- I'm sorry. The negotiation there

10    is 15 years suspended to the successful completion of drug

11    court, and he must report tomorrow to Bennettsville to

12    sign up for drug court.

13             And I neglected to say the recommendation on Mr.

14    Lampley is three years suspended to one year probation and

15    in addition to that my word that the feds are not coming

16    to pick up these charges. I've had zero conversation with

17    the feds about it. I've had a ton of conversations about

18    it with local law enforcement. Feds haven't been

19    mentioned at all.

20             But now this, he's going to plead to one. He's got

21    several charges. Pleading to this one. I'm dismissing

22    the rest of them so it will be over with for him.

23             THE COURT: And the recommendation on Davis?

24             MR. DANIEL: Oh, I'm sorry. Time served.

25             THE COURT: Time served?

1 MR. DANIEL: Yes, sir.

2 THE COURT: All right. Mr. Rogers, are you a  
3 resident of Dillon County?

4 MR. ROGERS: Yes, sir.

5 THE COURT: Did these offenses that you are pleading  
6 to all take place in Dillon County?

7 MR. ROGERS: Yes, sir.

8 THE COURT: Okay. Mr. Lampley, are you a residence  
9 of Dillon County? Do you live in Dillon County?

10 MR. LAMPLEY: Yes, sir.

11 THE COURT: Did this offense that you are offering a  
12 plea did it take place in Dillon County?

13 MR. LAMPLEY: Yes, sir.

14 THE COURT: Mr. Davis, do you live in Dillon County?

15 MR. DAVIS: Yes, sir.

16 THE COURT: And did your offense of breach of peace  
17 take place in Dillon County as well?

18 MR. DAVIS: Yes, sir.

19 THE COURT: With regards to the two negotiated  
20 sentences I would advise you that if for some reason I'm  
21 not able to accept that negotiated sentence I will allow  
22 you to withdraw your plea at the proper time. Do you  
23 understand that?

24 MR. LAMPLEY: Yes, sir.

25 MR. ROGERS: Yes, sir.

1 THE COURT: Okay. Mr. Davis, I want you to  
2 understand that the recommendation, I'm not bound by that  
3 recommendation. I can sentence you in my discretion after  
4 I've heard all the facts, circumstances and any record you  
5 might have. Do you understand that?

6 MR. DAVIS: Yes, sir.

7 THE COURT: Now, do you all three understand the  
8 charges that you are pleading to?

9 MR. DAVIS: Yes, sir.

10 MR. LAMPLEY: Yes, sir.

11 MR. ROGERS: Yes, sir.

12 THE COURT: Mr. Rogers, do you understand that the  
13 drug charge, the manufacturing charge, carries 15 years in  
14 prison?

15 MR. ROGERS: Yes, sir.

16 THE COURT: Do you understand that the charge for  
17 possession of a controlled substance carries up to six  
18 months.

19 MR. ROGERS: Yes, sir.

20 THE COURT: And that the possession of contraband  
21 carries up to 30 days?

22 MR. ROGERS: Yes, sir.

23 THE COURT: Knowing all these potential sentences how  
24 do you wish to plead to each one of them?

25 MR. ROGERS: Guilty.

1 THE COURT: Mr. Lampley, do you understand that your  
2 charge, the assault and battery second, carried up to  
3 three years in prison? Do you understand that?

4 MR. LAMPLEY: Yes, sir.

5 THE COURT: Knowing that how do you wish to plead?

6 MR. LAMPLEY: Guilty under A1 ---

7 THE COURT: I understand that you want to plead  
8 guilty under Alford; is that correct?

9 MR. LAMPLEY: Yes, sir.

10 THE COURT: Do you understand? Have you talked with  
11 Mr. Hobbs about this, correct?

12 MR. LAMPLEY: Yes, sir.

13 THE COURT: You understand what an Alford plea is?

14 MR. LAMPLEY: Yes, sir.

15 THE COURT: Okay. All right. I just want to make  
16 sure you understand. So you're telling me that you're not  
17 admitting any guilt. You're not saying, "I'm guilty in  
18 any way, but if I were to go to trial the jury in all  
19 likelihood would find me guilty." That's what you're  
20 telling me, correct?

21 MR. LAMPLEY: Correct.

22 THE COURT: But you're not admitting any guilt  
23 whatsoever? Freely and voluntarily on your own, correct?

24 MR. LAMPLEY: Correct.

25 THE COURT: Okay. Mr. Davis, you understand your

1 charge carries up to 30 days in jail?

2 MR. DAVIS: Yes, sir.

3 THE COURT: Knowing that how do you wish to plead?

4 MR. DAVIS: Guilty.

5 THE COURT: Okay. Now, has anybody threatened any of  
6 you in order to get you to plead?

7 MR. DAVIS: No, sir.

8 MR. LAMPLEY: No, sir.

9 MR. ROGERS: No, sir.

10 THE COURT: Anybody promised you anything to get you  
11 to plead guilty?

12 MR. DAVIS: No, sir.

13 MR. LAMPLEY: No, sir.

14 MR. ROGERS: No, sir.

15 THE COURT: Any of you under the influence of any  
16 alcohol or drugs today?

17 MR. DAVIS: No, sir.

18 MR. LAMPLEY: No, sir.

19 MR. ROGERS: No, sir.

20 THE COURT: Do you suffer from any kind of physical  
21 mental or emotional problems that would keep you from  
22 being able to understand things clearly?

23 MR. DAVIS: No, sir.

24 MR. LAMPLEY: No, sir.

25 MR. ROGERS: No, sir.

1 THE COURT: Okay. Good. You heard me explain your  
2 rights to you earlier, and you told me that you understand  
3 that explanation, correct?

4 MR. DAVIS: Yes, sir.

5 MR. LAMPLEY: Yes, sir.

6 MR. ROGERS: Yes, sir.

7 THE COURT: So you understand that by pleading guilty  
8 or under Alford that you give up those rights?

9 MR. DAVIS: Yes, sir.

10 MR. LAMPLEY: Yes, sir.

11 MR. ROGERS: Yes, sir.

12 THE COURT: So you freely and voluntarily waiving or  
13 giving up your rights in order to enter your plea?

14 MR. DAVIS: Yes, sir.

15 MR. LAMPLEY: Yes, sir.

16 MR. ROGERS: Yes, sir.

17 THE COURT: Okay. Now, Mr. Rogers, and you're  
18 represented by Mr. Scales, correct?

19 MR. ROGERS: Yes, sir.

20 THE COURT: And, Mr. Lampley, you're represented by  
21 Mr. Hobbs, correct?

22 MR. LAMPLEY: Correct.

23 THE COURT: Have you gentlemen both had enough time  
24 to talk to your attorney about this?

25 MR. LAMPLEY: Yes, sir.

1 MR. ROGERS: Yes, sir.

2 THE COURT: Your lawyer has answered all of your  
3 questions to your satisfaction?

4 MR. DAVIS: Yes, sir.

5 MR. LAMPLEY: Yes, sir.

6 THE COURT: Are you full satisfied with the services  
7 of your attorney?

8 MR. DAVIS: Yes, sir.

9 MR. LAMPLEY: Yes, sir.

10 THE COURT: You agree that your attorney has done  
11 everything that he can under the circumstances as your  
12 lawyer?

13 MR. DAVIS: Yes, sir.

14 MR. LAMPLEY: Yes, sir.

15 THE COURT: Mr. Davis, how far did you go in school?

16 MR. DAVIS: Eleventh grade.

17 THE COURT: Did you finish 11th grade?

18 MR. DAVIS: Yes, sir.

19 THE COURT: Okay. Are you employed? What's that?

20 MR. DAVIS: You talking about like a job?

21 THE COURT: You have a job?

22 MR. DAVIS: No, sir.

23 THE COURT: Have you had a job since you quit school?

24 MR. DAVIS: Yes, sir.

25 THE COURT: What kind of job?

1 MR. DAVIS: Harbor Freight.

2 THE COURT: What happened to that job?

3 MR. DAVIS: I missed too many days. I'm about to get  
4 back this week though.

5 THE COURT: You missed too many days?

6 MR. DAVIS: Yes, sir.

7 THE COURT: Okay. Who do you live with?

8 MR. DAVIS: Myself.

9 THE COURT: Yourself?

10 MR. DAVIS: Yes, sir.

11 THE COURT: You take care of all your own business  
12 and personal affairs?

13 MR. DAVIS: Yes, sir.

14 THE COURT: Handle you own finances?

15 MR. DAVIS: Yes, sir.

16 THE COURT: You're 20 years-old?

17 MR. DAVIS: Yes, sir.

18 THE COURT: You live by yourself?

19 MR. DAVIS: Yes, sir.

20 THE COURT: All right. I want you to listen  
21 carefully. At this time I'm going to have Mr. Daniel, the  
22 Solicitor, state to me the facts which support your  
23 various charges. Once that statement of facts has been  
24 made I'll have a couple more questions for you.

25 MR. DAVIS: Yes, sir.

1 THE COURT: Solicitor.

2 MR. DANIEL: Judge, Mr. Hayes was involved in the  
3 investigation. Law enforcement went to question him and  
4 he kind of snatched away and ran when they tried to arrest  
5 him.

6 Mr. Lampley was involved in an altercation which we  
7 believe involved someone else, and there was some shooting  
8 involved.

9 Mr. Rogers was involved in having cigarettes on his  
10 person at the jail, and he had either selling some drugs  
11 at another time, and he was caught with drugs on him in  
12 this latest arrest.

13 THE COURT: All right, gentlemen, do you agree that  
14 the statement of facts that has just been given to me is  
15 substantially true? Not word for word, but substantially  
16 true?

17 MR. DAVIS: Yes, sir.

18 MR. LAMPLEY: Yes, sir.

19 MR. ROGERS: Yes, sir.

20 THE COURT: All right. After hearing that statement  
21 of facts and after considering everything else that we  
22 discussed, Mr. Rogers and Mr. Davis, do you still wish to  
23 plead guilty to these charges?

24 MR. DAVIS: Yes, sir.

25 MR. ROGERS: Yes, sir.

1           THE COURT: Mr. Lampley, after hearing the statement  
2 of facts I don't expect you to admit or deny anything  
3 because you pled under Alford, but are you still willing  
4 to go forward with the Alford Plea?

5           MR. LAMPLEY: Yes, sir.

6           THE COURT: Okay. I find that the facts support each  
7 of the pleas. I find that the pleas have been entered  
8 freely, voluntarily and intelligently.

9           Mr. Rogers and Mr. Lampley have done so upon the  
10 advice of competent counsel with whom they indicate they  
11 are satisfied.

12           I'm going to accept Mr. Lampley's Alford Plea. I'm  
13 going to accept Mr. Roger's guilty plea.

14           With regard to Mr. Davis, he has not had the advise  
15 of counsel, but I find that his decision has been given  
16 and made freely, voluntarily, and intelligently. I find  
17 that he is competent enough to make decisions on his own,  
18 so I accept his guilty plea as well. Mr. Scales, do you  
19 believe that your client fully understands all of his  
20 rights?

21           MR. SCALES: Yes, Your Honor.

22           THE COURT: Do you concur with this decision to plead  
23 guilty based on the facts and circumstances presented?

24           MR. SCALES: Yes, sir.

25           THE COURT: Mr. Hobbs, do you believe that your

1 client understands all of his rights?

2 MR. HOBBS: I do, Your Honor.

3 THE COURT: Do you concur with his decision to enter  
4 an Alford Plea based on the facts and circumstances?

5 MR. HOBBS: Yes, sir.

6 THE COURT: Okay. Similarly, I find that the facts  
7 support all these pleas. I'm going to accept all their  
8 pleas. You gentlemen will have ten days to appeal any  
9 decision that I render. Mr. Scales, I'll be glad to hear  
10 from you.

11 MR. SCALES: Just briefly, Your Honor. First, as the  
12 Court is already aware of Mr. Roger's background. Just  
13 ask if you would accept the negotiation. I think he's,  
14 again, served 80 days for this, and I would ask the Court  
15 to lift that bench warrant.

16 THE COURT: Okay.

17 MR. HOBBS: Your Honor, I would just ask you to go  
18 along with the negotiated sentence. My client has been  
19 incarcerated since August 10th. That would be 65 days. I  
20 would ask for that credit to be indicated on the  
21 sentencing sheet.

22 THE COURT: Mr. Davis, you want to say anything on  
23 your behalf? You want to say anything?

24 MR. DAVIS: I apologize for the misunderstanding.

25 THE COURT: All right. Obviously, having accept the

1 Alford Plea and the guilty plea for Mr. Rogers I am going  
2 to accept the negotiated sentences in this particular  
3 case. Bear with me as I go through the sentencing sheets.

4 SENTENCE OF THE COURT

5 THE COURT: Bear with me as I go through the  
6 sentencing sheets. Mr. Rogers.

7 MR. ROGERS: Yes, sir.

8 THE COURT: Sentence of the Court for the indictment  
9 concerning the distribution or manufacture of drugs, the  
10 sentence of the Court is that you be committed to the  
11 State Department of Corrections for a term of 15 years.  
12 I'm going to suspend that and allow for drug court.

13 With regards to the indictment regarding possession  
14 of controlled substance, sentence of the Court is that you  
15 be committed to the State Department of Corrections for a  
16 term of six months. Again, I'm suspending that and  
17 allowing you to enter drug court. That runs concurrent  
18 with the first sentence.

19 And with regards to the contraband charge, sentence  
20 of the Court is that you be committed to the County  
21 Detention Center for a term of 30 days. Again, that's  
22 suspended and you're allowed to enter drug court. Again,  
23 that runs concurrent with the first one, the 15 year drug  
24 court sentence which is 15 years.

25 END OF TRANSCRIPT OF RECORD



State of South Carolina  
(Drug Court Termination Proceedings)

State of South Carolina,

V.

19-0001

Daniel Antwan Rogers,  
Defendant.

Tuesday, April 16, 2019  
103 East Market Street  
Bennettsville, South Carolina

Before: Honorable Judge Robert Stanton

For the State:  
Elizabeth Munnerlyn, Esq. (Assistant Solicitor)  
PO Box 1175  
Bennettsville, SC 29512

For the Defendant:  
Michael Stephens, Esq. (Public Defender)  
PO Box 1013  
Bennettsville, SC 29512

1                   The Court: Daniel Rogers. Daniel  
2 Antwan Rogers, go to court case number 17-9-- or  
3 19-0001. You went into drug court on October  
4 24th, 2018. You were referred by Judge Henderson.  
5 You were given a 15-year sentence for possession  
6 of controlled substance and manufacture and  
7 distribution of methamphetamines. Is there  
8 anything special you would like to say at this  
9 time concerning Mr. Rogers' case?

10                   Ms. Munnerlyn: Yes, Your Honor.  
11 First of all, he -- in November, November 28th,  
12 2018, he -- he entered drug court in October.  
13 Then in November of 2018, he was charged with a  
14 new charge of possession of a stolen vehicle. And  
15 thereafter -- and I'll talk a little bit more  
16 about that in just a minute. But thereafter, on  
17 January the 20th, a bench warrant was issued for  
18 that new charge. On February the 28th, he was  
19 released from Dillon County Detention Center back  
20 into drug court. On March 19th -- or -- or  
21 between March 4th and the 19th, he tested  
22 positive. He contested that and the results were  
23 given back to the lab and then returned confirmed  
24 positive. On March 19th, as of that date, he  
25 attended 60 percent of the training group sessions

1 since admission into the program. And then on  
2 that day, of course, he was incarcerated in the  
3 Dillon County Detention Center.

4 Your Honor, when he entered drug  
5 court, one of the conditions when he signed was  
6 that he understood that he was not to violate the  
7 law and any new arrest would be considered a  
8 violation and may result in termination from the  
9 drug court program. And that is on the waiver  
10 agreement that he signed upon his entering the  
11 program on October the 29th. The new charges of  
12 course for possession of a stolen vehicle -- and  
13 we do have a statement from the officer who  
14 actually witnessed the defendant driving the  
15 vehicle from which that charge is -- is made, Your  
16 Honor.

17 And so based on these multiple  
18 violations -- and apparently, also there is  
19 evidence that Mr. Rogers got another individual to  
20 present a false affidavit that he was actually the  
21 person in possession of the stolen vehicle and not  
22 Mr. Rogers. So considering all of those  
23 violations, we are recommending -- recommending  
24 that he be terminated from the drug court program.

25 The Court: Thank you, ma'am.

1 Anything from the defense at this time?

2 Mr. Stephens: Yes, sir. If it please  
3 the Court, Mr. Rogers tells me that he was  
4 originally sanctioned for two weeks for -- for 30  
5 days on possession of a stolen motor vehicle. And  
6 he denies that charge, Your Honor. And of course  
7 he has not been litigated or adjudicated in  
8 general sessions at -- at this time. So we would  
9 ask that that violation not be used to determine  
10 whether he should be terminated from drug court.  
11 He denies that -- he denies that he missed -- he  
12 says that the -- he did -- it says here he  
13 attended 60 percent of his training group  
14 sessions. He says any session he missed, he had a  
15 doctor's excuse. And he did test positive one  
16 time in March. And he tells me he was  
17 sanctioned -- I think that's what he was  
18 sanctioned for for two weeks. I don't have  
19 anything on here about any kind of false affidavit  
20 or anything as far as the allegation of what I  
21 have presented. The only thing I've been  
22 presented is possession of a stolen vehicle, a  
23 positive drug screen and the allegation that he  
24 has missed 40 percent of his training group  
25 sessions.

1                   And we would say that since the  
2 possession of stolen vehicle has not been  
3 adjudicated, it should not be used to determine  
4 whether he should be kicked out of this program  
5 and that he's been sanctioned for a positive test  
6 and that he -- he says that he -- the sessions he  
7 missed at Trinity were with a doctor's excuse. So  
8 we would ask you to keep him in the program.

9                   The Court: Mr. Rogers, is there  
10 anything you would like to say? You don't have  
11 to. That's entirely up to you.

12                  Mr. Rogers: Yes, sir.

13                  The Court: If you would like to speak  
14 on your behalf, I'll give you this opportunity.

15                  Mr. Rogers: I -- I mean, I just want  
16 to say the charge that -- the charge that the  
17 Court has filed against me, I'm not guilty of.  
18 And I will take that charge to trial and get found  
19 not guilty of that charge because they can't prove  
20 anything that he's saying and -- 'cause I -- I'm  
21 not guilty of it. As far as that -- the statement  
22 that was -- that was written up, I did not lie  
23 about anything. I did not ask anybody to write a  
24 statement. He did it on his own free will and did  
25 it in front of a notary. And this officer that's

1 sitting right here, his name is on that statement  
2 also. And he witnessed and signed -- right here  
3 signed this statement. I don't have anything to  
4 do with him doing that statement. So that right  
5 there -- part right there, I shouldn't be blamed  
6 for that. He did it on his own free will. I just  
7 know I'm not guilty and -- I'm not guilty of that  
8 charge. And I just want to be out to be able to  
9 take care of my family and my children. And  
10 that's all I would like to say.

11 The Court: All right. Anything the  
12 State would like to say in closing?

13 Ms. Munnerlyn: Your Honor, there --  
14 there just was question -- I -- I have a copy  
15 of -- of the affidavit. Apparently, they have  
16 questioned him about the affidavit from a Tyrone  
17 Bethea that was presented where he was alleging  
18 that he was in possession of the stolen vehicle  
19 and not Mr. Rogers. It's my understanding that  
20 Tyrone Bethea was in the jail at the same time  
21 that -- that Mr. Rogers was in the jail and this  
22 statement was given while Tyrone Bethea was in the  
23 jail and the Notary of course couldn't have  
24 notarized it because Mr. Bethea was in the jail at  
25 the time it was given. So we would just ask, for

1 all these reasons and all -- all the violations,  
2 that he be terminated from drug court.

3 The Court: Mr. Stephens.

4 Mr. Stephens: I think he wants to  
5 speak again.

6 Mr. Rogers: Your Honor, he witnessed  
7 the notary. They came -- Notary came to the  
8 visitation booth in -- inside the jailhouse and --  
9 and talked to him and asked him did he do  
10 everything. He agreed to it and signed it in  
11 front of a Notary. And the officer right here,  
12 you can ask him, sir. He's sitting right here.  
13 Because he had to witness it his self. So the  
14 Notary did witness -- see him witnessing right  
15 there that statement -- signed statement. And the  
16 officer witnessed it too, and so did I.

17 Ms. Munnerlyn: Your Honor, in  
18 addition, we do have a -- a letter from the Dillon  
19 Police Department from Corporal Jordan Buckton  
20 which indicates that this letter is in reference  
21 to the incident involving Daniel Antwan Rogers on  
22 November 28th, 2018 in which he was charged with  
23 possession of a stolen vehicle. On November 28th,  
24 2019, I, Corporal Jordan Buckton, did observe  
25 Mr. Rogers driving the vehicle. Mr. Rogers got

1 out of the suspect's vehicle and walked into  
2 Family Dollar. I confirmed that the vehicle was  
3 stolen by running a tag number. When Mr. Rogers  
4 exited the store, he was apprehended by myself and  
5 Sergeant Townsend. Mr. Rogers did contact his  
6 sister on scene to retrieve his belongings out of  
7 the suspect's vehicle. The letter that was  
8 written by Mr. Rogers' fellow inmate is completely  
9 false information.

10 The Court: Mr. Stephens.

11 Mr. Stephens: The only thing I would  
12 say is that possession of a stolen vehicle case  
13 hasn't been adjudicated and he hasn't been found  
14 guilty of it and we would ask you not to consider  
15 it.

16 Mr. Rogers: If I may, Your Honor, may  
17 I say one more thing, please?

18 The Court: You may.

19 Mr. Rogers: That at the time of  
20 that -- when the officer witnessed me coming out  
21 of the Family Dollar, he approached me and he --  
22 he asked me was that my vehicle and I told him no.  
23 He said he saw me driving the vehicle earlier that  
24 day. And I asked him if he saw me driving the  
25 vehicle, then why he didn't blue light me and pull

1 me over? And he couldn't answer that question.  
2 But I do want to make let you know that my brother  
3 has a vehicle the same -- exact same color, make  
4 and model. It's been registered at the D.M.V. for  
5 the last four or five years. If an officer seen  
6 me driving, it was my brother's car. And he still  
7 has that car to this day. And I can also prove  
8 that. If he saw me driving the car, he -- my  
9 brother has one exactly like it. That was a  
10 mistake on that officer's part.

11 The Court: Do you -- do you  
12 understand that you aren't on trial for that  
13 charge today, but we are here trying to make a  
14 decision on whether we're going to terminate you  
15 from the drug court?

16 Mr. Rogers: Yes, sir.

17 The Court: You understand that?

18 Mr. Rogers: Yes, sir.

19 The Court: Mr. Rogers, I'm going to  
20 terminate you from drug court. I'm going to let  
21 you go to the circuit court judge. I think you're  
22 going in front of a judge tomorrow. You're  
23 welcome to argue this and -- and I think you're  
24 actually going back in front of Judge Henderson.  
25 Is that correct? Tomorrow?

1                   Mr. Rogers: Yes, sir.

2                   The Court: I don't have a problem  
3 with if you're found not guilty of this charge and  
4 you're recommended back to drug court, I'll be  
5 glad to -- to let you come back into drug court.  
6 We'll talk about it as a group. Or our group will  
7 meet and we'll discuss your situation. But as of  
8 right now, we're going to terminate you from drug  
9 court.

10                  Mr. Rogers: Yes, sir.

11                  The Court: All right.

12                  Mr. Rogers: Thank you.

13                  Ms. Munnerlyn: Thank you, Your Honor.

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## 1 CERTIFICATE OF REPORTER

2 State of South Carolina

3 County of Florence

4

5 I, Erica Creel, Court Reporter and Notary  
6 Public for the State of South Carolina, do hereby  
7 certify that the transcript of the foregoing  
8 proceedings contains a true record of the hearing  
9 in the above-captioned cause.

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

14 Witness my hand at Florence, South Carolina,  
15 this the 17th day of January, 2020.

16

17

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Erica Creel

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MY COMMISSION EXPIRES:  
March 2, 2022

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I N D E X

WITNESSES

PAGE

(NO WITNESS WAS INTRODUCED DURING HEARING)



1           MR. DANIEL:     Your Honor, if it please, the Court?  
2           This is the last stuff we have to do for the week.  These  
3           are drug court sentence activations and as we deal with all  
4           the time I don't have anything to do with this.  These two  
5           individuals were terminated from drug court by the drug  
6           court judge I believe yesterday or last night or something.  
7           To your left is Daniel Rogers.  To your right is Ricky  
8           Summerford.  Daniel Rogers pled here before Your Honor back  
9           in October of last year.  Had a 15 year sentence.  Deferred  
10          to drug court.  And I'm reading straight from the drug  
11          court paperwork that they sent, he got a charge of  
12          possession of a stolen vehicle, which I am aware of, back  
13          in November so a month or so after - a month and four days  
14          after he was placed in drug court.  He got that charge  
15          which is still pending.  He, it's says, he tested positive  
16          which was confirmed by the lab in March for drugs.  He  
17          attended just sixty percent of the Trinity group sessions,  
18          he entered or since he entered the program.  So they have  
19          terminated him.

20          Ricky Summerford received a sentence from Your Honor  
21          in December of 10 years, deferred to drug court.  Says he  
22          was a no show for any intake assessments or any Trinity  
23          sessions.  He was declared absconded.  And he didn't go to  
24          any group sessions or anything.

25          So Mr. Rogers is a 15 year sentence.  Mr. Summerford

1 has a 10 year sentence. And as we do here I don't have --  
2 this is just for you to impose sentences that have already  
3 been signed off on back in 2018.

4 THE COURT: All right. Mr. Summerford and Mr.  
5 Rogers this matter has been, I'll call it, adjudicated by  
6 the drug court judge. He made the decision. He's made the  
7 finding that you did not comply and that you did not  
8 successfully complete drug court and he's issued his orders  
9 accordingly. Sending these matters back to me for  
10 imposition of the original sentences. Now, I'll be glad to  
11 hear from you Mr. Scales but as much as the solicitor's  
12 hands are tied, mine or tied to pretty well in a situation  
13 like this.

14 MR. SCALES: I understand, Your Honor.

15 THE COURT: I'll be glad to hear from you.

16 MR. SCALES: I would just like to speak on their  
17 behalf, briefly.

18 Mr. Summerford is 52 years old. Born and raised in  
19 Dillon. He has some significant health issues. He tells  
20 me he just suffered from a stroke. He was filling out the  
21 paperwork on that Friday that he was supposed to report to  
22 drug court. I spoke to the drug court coordinator and for  
23 whatever reason or another he didn't finish that paperwork.  
24 Came back Monday and continue to speak with the drug court  
25 coordinator, Morris Harrington. Mr. Summerford does have a

1 significant prior record. Mr. Harrington, apparently, told  
2 him that he shouldn't even be in the court. I think Mr.  
3 Summerford got spooked and that's why he absconded. He has  
4 served 160 days, Your Honor, and I asked that he be given  
5 credit for that.

6 As to Mr. Rogers I know his family would also like to  
7 speak as well as Mr. Rogers if you'll hear from him. Mr.  
8 Rogers is 37 years old. Born and raised in Dillon.  
9 Married with four children. Their ages are 17, 16, 9 and  
10 2. Work at Trees Are Us which is a landscaping business in  
11 Florence. He's worked there approximately 15 years. Does  
12 have his high school diploma. Your Honor, he has been in  
13 the program, as you heard, for some time. Judge Heath,  
14 though who is no longer a part of the program, handled some  
15 of the stuff, the failed drug test. Administratively, I  
16 believe he served two weeks for that. But since then Judge  
17 Stanton has taken over and I'll just turn it over to the  
18 family to say what they need to say. But as far as the  
19 Trinity, missed Trinity appointments, Mr. Rogers does tell  
20 me that he had doctors notes for each one of these.

21 THE COURT: Of course, I've already stated, the  
22 drug court judge has made the findings. He's discharged  
23 both of you from drug court. I'm not involved and not  
24 concern, quite frankly, about the facts and anything you  
25 want to argue as to why you did or you didn't do something.

1 He's already made that decision that you didn't comply with  
2 drug court and you were not successful. I'm here purely  
3 and you're here before me purely for imposition of the  
4 sentences. But I'll let you speak, Mr. Rogers. I've got a  
5 question, solicitor? You said the time of Mr. Rogers was  
6 how much?

7 MR. DANIEL: Fifteen years.

8 THE COURT: That must be another sentence -- I got  
9 six years on this one.

10 MR. DANIEL: Yeah, he had a few different sentencing  
11 sheets.

12 THE COURT: Is there another sentencing sheet?

13 MR. SCALES: He has served 29 days, Your Honor.

14 MR. DANIEL: He wants the other sentencing sheets  
15 from October.

16 THE COURT: I don't have but one on Mr. Rogers.

17 THE CLERK: They didn't bring all of them. They  
18 just brought one.

19 MR. DANIEL: They're over at the courthouse,  
20 apparently.

21 THE COURT: But the total time is 15 years?

22 MR. DANIEL: Yes, sir. Yes, sir. It was definitely  
23 15 years.

24 THE COURT: Okay.

25 MR. DANIEL: We might have copy of those in my

1 office. I can see if my secretary has them.

2 THE COURT: Mr. Scales, do you agree that his  
3 sentence was a total of 15 years?

4 MR. SCALES: Yes, Your Honor.

5 THE COURT: All right. That's no problem. Okay,  
6 good. All right, Mr. Rogers, if you want to say something  
7 go ahead, sir.

8 MR. ROGERS: Yes, sir, Your Honor. In November of  
9 last year I did catch the charge of possession of stolen  
10 vehicle. Judge Heath was in at that time and he told me he  
11 would allow me to stay out until I -- he said if I was  
12 found guilty of that charge I would have to deal with the  
13 termination consequences. But he say, if I beat the charge  
14 at trial that he would allow me to stay in the program.  
15 But he was switched out with Judge Stanton. And when Judge  
16 Stanton stepped in, Judge Stanton wanted to handle the  
17 situation different. So he looked at the charge and he  
18 told me that I would be sanction to 30 days in Dillon  
19 County jail for having that pending charge. And Judge  
20 Stanton sentence me to 30 days in jail. And I did those 30  
21 days. And I got out and he allowed me back in the program.  
22 As far as the drug test I was sanction two weeks for that  
23 which I also did in the county jail and was allowed back in  
24 the program. This pending charge with this car Judge  
25 Stanton told me his self and Mr. Harrington, the director,

1           that Shipp Daniels kept recommending that I be terminated  
2           from the program. He told me yesterday on record in court  
3           and also he told my wife outside just now that if you allow  
4           me back in drug court he would, they would happily allow me  
5           back in drug court. I was terminated for ---

6           THE COURT:       Who told you that?

7           MR. ROGERS:       Sir?

8           THE COURT:       Who told you that?

9           MR. ROGERS:       Judge Stanton.

10          THE COURT:       Where is he?

11          MR. ROGERS:       This on record. This is on record  
12          yesterday.

13          THE COURT:       Where is he did tell me that?

14          MRS. ROGER:       He tell us that yesterday in drug court  
15          and I seen him outside ---

16          THE COURT:       Well, he needs to stand here and tell  
17          me because he's already sent me a different order.

18          MR. ROGERS:       Well, Your Honor ---

19          THE COURT:       And I told you I'm not here to  
20          determine or lessen or increase or anything ---

21          MR. ROGERS:       Yes, sir.

22          THE COURT:       --- what took place. I don't have any  
23          control over that. He says you're out, you're out. I  
24          don't have any control. I didn't kick you out, he kicked  
25          you out.

1 MR. ROGERS: He stated on record yesterday in court.

2 THE COURT: Well, that record is not apart of what  
3 I got. He didn't give me an order. If he said that he  
4 should've submitted an order and given it to Mr. Daniel to  
5 present to me. And I don't have anything before me. And  
6 he knows how this works. If he told or changed things he  
7 could've let me know. He could let Mr. Daniel know. And  
8 he would have. He certainly let us know that you were out.

9 MR. ROGERS: Well, if you would give me a chance to  
10 get that information I can get it for you, Your Honor.

11 THE COURT: I'm not given anybody a chance to do  
12 anything. Y'all were brought before me on orders that say  
13 you have flunked out of drug court. That's it.

14 MR. DANIEL: I got a call yesterday from my boss,  
15 Solicitor Rogers, who said Mr. Daniel Rogers, no relation,  
16 had been terminated. I got a call yesterday from Judge  
17 Stanton who didn't mention one thing to me about Daniel  
18 Rogers, he was calling about a different case. And then I  
19 talked to Mr. Morris Harrington twice today who at no point  
20 has mentioned anything that Mr. Rogers just said. All he  
21 told me was the paperwork is being faxed to your office.  
22 The paperwork that I just hand to the clerk.

23 THE COURT: Okay. Mr. Summerford, did you want to  
24 say anything?

25 MR. SUMMERFORD: Yes, sir. I went on a Friday,

1 right, and I done some paperwork but I didn't get finished.  
2 I went back Monday and this man set here and tell me with  
3 my record and my charges I shouldn't be here. So I've got  
4 my wife over there and she's dying, throwing up blood so  
5 that's why didn't go back. I figured what they gonna do,  
6 lock me up.

7 THE COURT: I'm sure you told all this to the drug  
8 court ---

9 MR. SUMMERFORD: Yes, sir, I did.

10 THE COURT: He's the one who makes the decisions,  
11 not me. I've told you about three or four times, both of  
12 you, I have no control over what you say you did or didn't  
13 do, what he says you did or didn't do, all I do is act upon  
14 the order I have that says you both have been kicked out of  
15 drug court and you did not successfully complete it. We  
16 here to impose sentence and that's what I intend to do.

17 Mr. Summerford with regards to you, the sentence, it  
18 was my sentence, and I know I told you about how drug court  
19 worked because I tell people when they come before me  
20 you've got to do everything they say, when they say do it.  
21 I told you how difficult it would be and you didn't listen  
22 to me, apparently.

23 MR. SUMMERFORD: I want to be in the program.

24 THE COURT: There's no excuses when it comes to  
25 drug court. So the sentence of the court that I'm imposing

1 is a 10 year sentence to the State Department of  
2 Corrections.

3 Same thing with you Mr. Rogers. I know what I tell  
4 people when they get ready to go in drug court. I tell  
5 them how difficult it's gonna be and that you've got to do  
6 everything they tell you to and you did either. I'm tired  
7 of hearing excuses. Those excuses were given to the drug  
8 court judge. They fall on deaf ears with regards to me.  
9 The sentence of the court is that the 15 year sentence, to  
10 you, is imposed.

11 MR. DANIEL: Thank you, judge.

12 THE COURT: Thank you, y'all.

13 (CONCLUSION OF THE HEARING ON APRIL 17, 2019)  
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Client Name: **DANIEL ANTWAN ROGERS**

Date: **04/16/19**

Drug Court #...17-190001.... ENTRY DRUG COURT... 10/24/2018

REFERRAL 10/24/18 Judge HENDERSON .

Indictments #2018-GS-17-0624... AW2018A1720100403...44-53-0370(D)(2)POSS.CONT.SUB I-V

#2016-GS-17-0922....AW2016A1720100310... 44-53-0375(B)(1) MFG.DIST.METH

New Charge Issued #2018A1720100718 POSS STOLEN VEHICLE 11/28/2018— PENDING  
GENERAL SESSION

Sentence 15 yrs DEFERRED DRUG COURT

Violations and Sanctions

11/28/18 ....2018A1720100718 PENDING Informed of additional charge "Poss Stolen Vehicle"

01/20/19....19-W-DCDC007 Bench Warrant issued for "New Charge" 2018A1720100718

02/28/18....Released from DCDC back into DRUG COURT

03/19/19...3/04/19 TESTED POSITIVE contested; given to LAB returned confirmed-positive

03/19/19...Attended 60% of the TRINITY GROUP SESSIONS since he entered the Program.

03/19/19...INCARCERATED 03/19/19

04/16/19 **Drug Court Director, Trinity Behavioral Counselor and Staff**

**Recommend Termination from 4<sup>th</sup> Circuit Drug Court**

Daniel Rogers 4-16-19  
BW issued by Drug Court

Sanctioned for 2 weeks done 2 weeks  
30 days to PSMV

Denies missing Twenty Group Sessions

He denies he was in a  
stolen vehicle

---

Terminated 4-16-19  
STANTON —



## DILLON POLICE DEPARTMENT

401 WEST MAIN STREET • P.O. DRAWER 431  
DILLON, SOUTH CAROLINA 29536  
PHONE: 774-0051  
FAX: 774-0184 TDD: 841-3707



April 9, 2019

To Whom it May Concern:

This letter is in reference to the incident involving Daniel Antwan Rogers on November 28, 2018, in which he was charged with Possession of a Stolen Vehicle. On November 28, 2018 I, Cpl. Jordan Upton, did observe Mr. Rogers driving the vehicle. Mr. Rogers got out of the suspect's vehicle and walked into Family Dollar. I confirmed that the vehicle was stolen by running the tag number. When Mr. Rogers exited the store, he was apprehended by myself and Sgt. Townsend. Mr. Rogers did contact his sister on scene, to retrieve his belongings out of the suspect's vehicle. The letter that was written by Mr. Rogers fellow inmate is completely false information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jordan Upton", written over a horizontal line.

CPL Jordan Upton

INCIDENT TYPE				COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. 90Z - OBSTRUCTION OF JUSTICE				<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	15		<input type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst. <input type="checkbox"/> Government <input type="checkbox"/> Relig. Orgn. <input checked="" type="checkbox"/> Soc./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off.
2.				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			
3.				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)  
**DILLON COUNTY DETENTION CENTER, 1029 OLD LATTA HWY, DILLON SC**

ZIP CODE: **29536** WEAPON TYPE:

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART. TIME	LOCATION NO.
03/29/2019	0001		04/01/2019	2359	04/11/2019	0954	0957	1035	04

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE): **TURNER, LARRY JASON DETECTIVE**

RELATIONSHIP TO SUBJECT: #1 **AQ** #2 #3

RESIDENT: **J S O U** RACE: **W** SEX: **M** AGE: **44** ETH: **N**

DAYTIME PHONE: **(843) 774-0051** EVENING PHONE:

ADDRESS: **401 W MAIN ST** CITY: **DILLON** STATE: **SC** ZIP CODE: **29536** LOCATION NO.: **04**

VICTIM'S NAME (LAST, FIRST, MIDDLE): **SOCIETY/PUBLIC**

RELATIONSHIP TO SUBJECT: #1 #2 #3

RESIDENT: **J S O U** RACE: SEX: AGE: ETH: DAYTIME PHONE: EVENING PHONE:

HEIGHT: WEIGHT: HAIR: EYES: FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS: CITY: STATE: ZIP CODE: LOCATION NO.: **04**

VISIBLE INJURY (VICT. 1)  YES  NO EXPLAIN --

VICTIM (NO. 1) USING: ALCOHOL:  YES  NO  UNK. DRUGS:  YES  NO  UNK.

TWO-MAN VEH.  ONE-MAN VEH.  DETECTIVE/SPL.ASMT.  OTHER  ALONE  ASSISTED **J - This Jurisdiction S - State O - Out of State U - Unknown**

SUSPECT SUBJECT NAME (LAST, FIRST, MIDDLE): **ROGERS, DANIEL ANTWAN** RACE: **B** SEX: **M** AGE: **37** ETH: **N** DATE OF BIRTH: HEIGHT: **6-3** WEIGHT: **240** HAIR: **BLK** EYES: **BRO**

FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.: **TATTOO: LFT ARM, RT LEG**

ADDRESS: CITY: **DILLON** STATE: **SC** ZIP CODE: **29536** LOCATION NO.: **CTY**

SUBJECT (NO. 1) USING: ALCOHOL:  YES  NO  UNK. ARRESTED NEAR OFFENSE SCENE:  YES  NO DATE/TIME OF OFFENSE: **03/29/2019** 0001 DATE/TIME OF ARREST:

DRUGS:  YES  NO  UNK. TYPE: TOTAL # ARRESTED: **0**

Offenses: **OBSTRUCTION OF JUSTICE**

On the above date and originating time, I, J. Turner, received a phone call from Assistant Solicitor Shipp Daniel about an issue surrounding a case involving the City of Dillon Police Department. I went to the Judicial Center to meet about this issue. I learned that the Solicitor's Office received a document that states the witness #1 in this report was the person who should have been properly charged in City of Dillon Police Department Case # 2018-11217. This document was signed by the witness #1. Because law enforcement witnessed the subject #1 driving the stolen vehicle in that case number, the Assistant Solicitor wanted me to talk to the witness #1 about this information. I used my police issued iPhone to video tape the conversation with the witness #1.

This is a synopsis of that conversation:

I met with the witness #1 at the Judicial Center in the small jury room on the back hall. That room is not equipped with any audio or video recording devices. The witness #1 was brought into the room, and I asked the witness #1 if he would talk to me on camera, and he agreed to talk on camera. I activated my police issued iPhone and recorded the conversation. (any discrepancies between this report and the recording should be cleared by watching the actual recording)

The witness #1 states that while in custody at the Dillon County Detention Center along with the subject #1 in this report, he was approached by the subject #1 to take the blame for a stolen vehicle charge. The witness #1 states that the subject #1 was saying that he couldn't do fifteen (15) years for a stolen vehicle because of drug court. The witness #1 states that the subject #1 begged him to sign a statement saying that he was driving the vehicle in question, and that it was a misdemeanor and that he would only do 30 days and be done with it. The witness #1 states that the subject #1 promised him

Print Date: 04/11/2019 12:58:30 PM

TYPE (GROUP)				JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY				JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY			
Burned											TOTAL VALUE
Count./Forged											
Dest./Damaged											
Recovered											
Seized											
Stolen											
Unknown											

SUBJECT IDENTIFIED:  YES  NO SUBJECT LOCATED:  YES  NO  ACTIVE  ADM. CLOSED  ARRESTED UNDER 18  EX-CLEAR UNDER 18  UNFOUNDED  ARRESTED 18 AND OVER  EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1.  OFFENDER DEATH 2.  NO PROSECUTION 3.  EXTRADITION DENIED 4.  VICTIM DECLINES COOPERATION 5.  JUVENILE - NO CUSTODY

REPORTING OFFICER(S): **LT JASON TURNER** DATE: **04/11/2019** UNIT NUMBER: **204** APPROVING OFFICER: DATE: UNIT NUMBER:

FOLLOW-UP INVESTIGATION OFFICER: **LT JASON TURNER** DATE: **04/11/2019** UNIT NUMBER: **204**

INCIDENT REPORT

money on his books (canteen), promised him cigarettes, and promised to sneak in some weed for him while in custody. The witness #1 agreed to this and signed the document. The witness #1 also stated that as of today, 04/11/2019, the subject #1 has given him cigarettes as payment. The witness #1 states that it was NOT him driving the vehicle in question, and that the document was not written or designed by him (witness #1).

Print Date: 04/11/2019 12:58:30 PM		JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY	
TYPE (GROUP)					TOTAL VALUE
Burned					
Count./Forged					
Dest./Damaged					
Recovered					
Seized					
Stolen					
Unknown					
SUBJECT IDENTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		SUBJECT LOCATED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED <input type="checkbox"/> UNFOUNDED	
				<input type="checkbox"/> ARRESTED UNDER 18 <input type="checkbox"/> ARRESTED 18 AND OVER	
				<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE - NO CUSTODY					
REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER	
LT JASON TURNER		04/11/2019	204		
				FOLLOW-UP INVESTIGATION OFFICER	
				04/11/2019 204	

WITNESS INFORMATION

Case #: 2019-04083      Officer: LT JASON TURNER      Date Entered: 04/11/2019

Witness: TYRON BETHEA JR

Address: [REDACTED] ST

City: BENNETTSVILLE SC 29512

Phone: (404) 621-4536      Race: B      Sex: M      Birth Date: [REDACTED]      Height: 5 ft. 6 in.

Weight: 135      Hair: BLK      Eyes: BRO

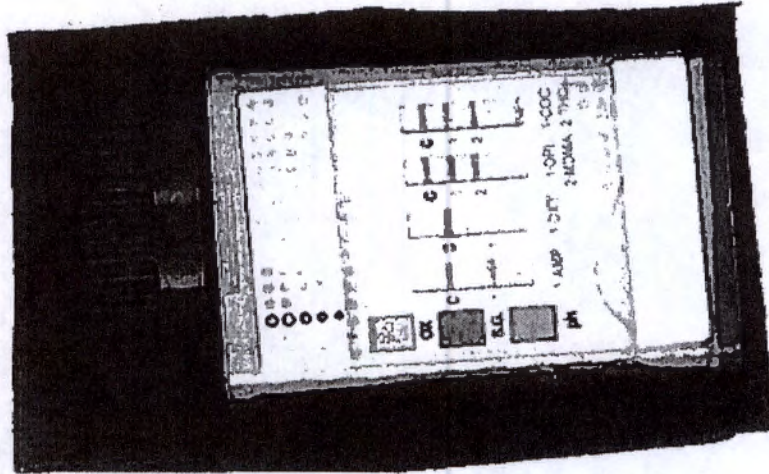
Witness see video interview at Judicial Center on 04/11/2019

Notes:  
Jason Turner

Choose a Better Life

Drug Court

Drug Court



NEGATIVE (✓)

POSTIVE ( )

- ( ) OPIATE
- ( ) MARIJUANA
- ( ) COCAINE
- ( ) METHAMPHETAMINE
- ( ) PCP

DONOR'S NAME: Daniel Rogers

DONOR'S SIGNATURE: Daniel Rogers DATE: 12-31-18

DONOR ADMITTED TO USING: \_\_\_\_\_

DONOR'S SSN: \_\_\_\_\_

COLLECTOR'S SIGNATURE: [Signature] DATE: 12/31/2018

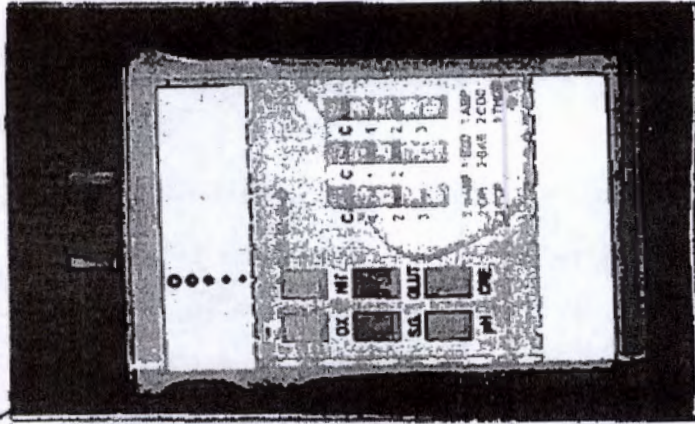
WITNESS'S SIGNATURE: \_\_\_\_\_

PARENTAL/GUARDIANS'S SIGNATURE: \_\_\_\_\_

SENT TO LAB: \_\_\_\_\_ LAB RESULTS: \_\_\_\_\_



Choose a Better Life



NEGATIVE (✓)

POSITIVE ( )

- ( ) OPIATE
- ( ) MARIJUANA
- ( ) COCAINE
- ( ) METHAMPHETAMINE
- ( ) PCP

DONOR'S NAME: Daniel A. Rogers

DONOR'S SIGNATURE: Daniel Rogers DATE: 3-8-19

DONOR ADMITTED TO USING: \_\_\_\_\_

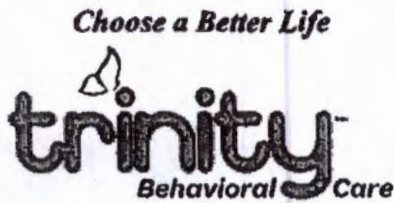
DONOR'S SS#: \_\_\_\_\_

COLLECTOR'S SIGNATURE: [Signature] DATE: 3/8/2019

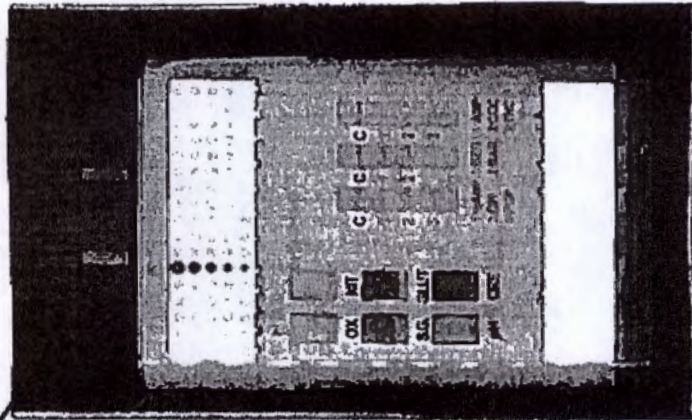
WITNESS'S SIGNATURE: \_\_\_\_\_

PARENT/GUARDIANS'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

SENT TO LAB: \_\_\_\_\_ LAB RESULTS: \_\_\_\_\_



DRUG COURT



NEGATIVE (  )

POSITIVE ( )

- ( ) OPIATE
- ( ) MARIJUANA
- ( ) COCAINE
- ( ) METHAMPHETAMINE
- ( ) PCP

DONOR'S NAME: Daniel Rogers

DONOR'S SIGNATURE: [Signature] DATE: 3-11-19

DONOR ADMITTED TO USING: \_\_\_\_\_

DONOR'S SSH: \_\_\_\_\_

COLLECTOR'S SIGNATURE: [Signature] DATE: 3/11/2019

WITNESS'S SIGNATURE: \_\_\_\_\_

PARENT/GUARDIANS'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

SENT TO LAB: \_\_\_\_\_ LAB RESULTS: \_\_\_\_\_

Client Number 17-190001

The Fourth Circuit Drug Court  
Waivers and Agreements

Defendant's Name: Daniel Antwan RogersAddress: [REDACTED] CourtPhone: (H) 843-632-1256 (W) TRUES-R-US (cell) 632-1286DOB: [REDACTED]SSN: [REDACTED]

In Case of Emergency Contact: Bobbie Jo Rivald (Fiancee) Phone: 978-894-4367  
Sister - Jennifer Rogers 843-319-6758 (Jonathan Owens)

Fourth Circuit Drug Court Participant Contract

I freely admit that I have a substance abuse problem and hereby request to be considered for the Fourth Circuit Drug Court Program. I understand that the opportunity to participate is a privilege, not a right. Understanding that accountability is an important aspect of the program, I acknowledge that if I am accepted, the following will apply to me as long as I am a participant in the program. DR 10/29/18

1. Before I can be accepted into the Fourth Circuit Solicitor's Office Drug Court Program, I must give up certain statutory and/or constitutional rights I have pertaining to my present criminal charge(s). I hereby voluntarily agree and consent to give up the following statutory and/or constitutional rights upon my acceptance into the Fourth Circuit Solicitor's Office Drug Court Program. I also understand that I must plead Guilty to ALL charges prior to acceptance in the Drug Court Program. I understand that if I enter the program as a result of a plea agreement, I must comply with the requirements of the program as well as all other conditions that are imposed by the judge. If I successfully complete the Fourth Circuit Drug Court Program, my case will be disposed of as I have agreed on my plea agreement with the State of South Carolina. DR 10/29/18
2. I do hereby release and forever discharge the complaining witnesses, victims, the Drug Court Judge, the Fourth Circuit Solicitor's Office, Police Department of each town, Marlboro County Sheriff's Office, Probation and Parole, Public Defender, and all Defense Attorneys, the Drug Court Staff and their respective heirs, successors, executors, administrators and assigns from any and all claims of any kind or nature whatsoever, either in law or in equity, arising out of my arrest, participation in, or termination from, the Drug Court Program, and do expressly release and forever hold them harmless from any criminal or civil action which I may have a right to bring as a result of my arrest or participation in the Drug Court Program. DR 10/29/18
3. I am entering this program at my own request and agree not to hold the Court liable for any loss and/or injury to person or personal property suffered by me while I am in or about the premises to include but not limited to the Fourth Circuit Solicitor's Office, Trinity Behavioral Care, Marlboro County Courthouse parking lot and surrounding grounds. DR 10/29/18
4. I understand that I have no legal right to participate in this program and waive any and all rights to appeal the Drug Court termination in the event I am dismissed from the program. DR 10/29/18

5. I understand that this program may not accept persons who have or have had violent offenses. Violent offenses include charges that are classified as violent of South Carolina Law. I understand that if I have not fully disclosed by criminal history or previous charges to the staff that I may not be allowed to enter the program or be terminated. DR 10/29/18
6. I understand that I can withdraw from the Drug Court Program at any time, after discussing this decision fully with the staff. If I do wish to withdraw, I understand my sentence will be activated immediately and I will be required to serve the sentence. 10/29/18
7. I understand there may be sanctions, including jail time, community service work, inpatient treatment, house arrest, electronic monitoring, and possible other appropriate measures determined by the Drug Court Judge for non-compliance with the Drug Court requirements. I agree to comply with any sanction imposed by the Drug Court Judge while participating in the Fourth Circuit Drug Court Program. DR 10/29/18
8. I understand that I will be required to submit to random drug testing at any time while I am in the Drug Court Program. Failure to provide a valid sample, one that is not diluted, abnormal, or missing a drug test is considered a positive test and will result in a Drug Court Sanction. Tampering with, or cheating on a drug test is grounds for termination from the Drug Court Program. DR 10/29/18
9. I understand that the Drug Court Staff may at any time request my termination from the Drug Court Program for non-compliance. Non-compliance means failure to follow the Program Requirements and Rules. I understand that all final decisions on termination will be determined by the Fourth Circuit Solicitor's Office, Drug Court Staff as presented to the Drug Court Judge. DR 10/29/18
10. I understand that there is no credit for time served for jail sanctions incurred during my participation in the Drug Court Program. DR 10/29/18
11. I will appear at all Drug Court group sessions and Court sessions as required. Failure to appear for group sessions or court sessions will result in the issuance of a bench warrant. Failure to turn myself in within 10 (ten) days of the absence from the Program will result in automatic termination. DR 10/29/18
12. I agree to complete a diagnostic evaluation for the development of my drug treatment program as ordered by the Court. I hereby authorize release of all treatment information by the provider (Trinity Behavioral Care Center) to the Court and the Fourth Circuit Drug Court Staff. Any information obtained can be used to determine eligibility for the program or to remain in the Fourth Circuit Drug Court Program. DR 10/29/18
13. I agree to keep scheduled appointments with the clinical counselor for the evaluation within 5 (five) days after your application and referral. DR 10/19/29
14. I agree to sign an individualized substance abuse treatment plan with the treatment counselor and to participate in the accomplishment of the goals and objectives as designated. Failure to make progress may result in increased treatment. If my treatment plan ultimately requires me to enter residential treatment, I understand that I may be required to pay some or all of the expenses related to residential treatment. DR 10/29/18
15. I consent to the disclosure and release of information concerning my admission and treatment in the Fourth Circuit Drug Court Program to the court. I consent to the disclosure of health information concerning medical history, mental or physical conditions and treatment received. This authorization is valid until there is an effective and formal termination from the Fourth Circuit Drug Court Program. I understand that the Fourth Circuit Drug Court Program is operated under Federal and State Confidentiality Regulations which prohibit unauthorized disclosure of information. DR 10/29/18
16. Treatment information is confidential under Federal guidelines as outlined in 42 CFR regulations. Criminal charges information is not protected under these guidelines and is a matter of public record. DR 10/29/18

Client Number \_\_\_\_\_

17. I hereby waive my right to privacy and confidentiality concerning information regarding my participation in the Fourth Circuit Drug Court Program and consent to allow this information and all other concerning me to be given to all Fourth Circuit Drug Court team members as needed to carry out the tasks of the Fourth Circuit Drug Court Program. I agree to sign the required Release of Information forms necessary for this information to be shared among team members to include the Drug Court Judge in open court. This includes, but is not limited to: drug test results, treatment group attendance, required Drug Court Office appointments, and overall program progress. DR 10/29/18
18. I agree to fully participate in the substance abuse treatment that will be required during my participation in the Fourth Circuit Drug Court Program. Advancement to a higher phase will be conditional upon the recommendation of the Fourth Circuit Drug Court team with final approval of the Drug Court Judge. DR 10/29/18
19. The Fourth Circuit Drug Court Program is a minimum of 12 (twelve) months but could last longer if the Drug Court Staff determines more time is needed. DR 10/29/18
20. I must attend all Fourth Circuit Drug Court sessions, treatment group sessions, remain drug and alcohol free as verified by drug screens and remove problems associated with and contributing to my addiction. I must reduce relapse risk factors as outlines in my treatment plan. I must pay all fines, fees, restitution, and indictment fees ordered. I must obtain and maintain employment during my participation. Failure to abide by this requirement could result in sanctions and/or termination from the program. DR 10/29/18
21. To verify my progress in the Fourth Circuit Drug Court Program, I will be required to attend weekly court sessions that will be informal and open to the public. If I do not complete the Fourth Circuit Drug Court Program, the Drug Court Judge will terminate me from the program and my sentence will be activated at an official and formal court proceeding. DR 10/29/18
22. I understand that NO time off will be given from Drug Court in ALL Phases, UNLESS it is an immediate medical emergency or death of a "CLOSE" family member (spouse, father, mother, grandmother, grandfather, brother, sister, or children) and permission is given by the Drug Court Program Director. DR 10/29/18
23. I must pay a participation fee of \$30.00 per week to the Trinity Behavioral Care Center on Monday of each week. I understand that I am required to pay the participation fee weekly. I also understand and agree to payment of drug testing when additional testing is needed and I have denied using drugs or alcohol. If the test is positive, I may be required to pay for the drug screen. Failure to pay weekly fees or drug testing fees will result in sanctions and/or termination. DR 10/29/18
24. I understand that I am not allowed to drink or otherwise ingest alcohol while I am a participant in the Fourth Circuit Drug Court Program. I am not allowed to associate with those who drink alcohol or use drugs. Violation of this requirement could result in sanctions and/or termination. DR 10/29/18
25. I will not use alcohol, illegal drugs, or medications prescribed to others. DR 10/29/18
26. I understand that I will not violate the law or associate with any person(s) I know is engaged in criminal activity. A new arrest is considered as a violation of the law and may result in termination from the Fourth Circuit Drug Court Program. DR 10/29/18
27. I understand that any threats of violence or act of violence towards any other participant in the Fourth Circuit Drug Court Program, treatment provider, any member of the Drug Court team, or the public will result in termination from the program and may result in additional criminal charges being filed against me. DR 10/29/18
28. I understand that I cannot bring any alcoholic beverages onto the property associated with the Fourth Circuit Drug Court Program (to include but not limited to the Solicitor's Office, County Courthouse, Trinity Behavioral Care, parking lots and surrounding grounds). I will not be on the property in a drug-

Client Number \_\_\_\_\_

- altered state and I understand that if I do, I will be asked to leave the premises, be sanctioned and/or terminated from the Fourth Circuit Drug Court Program. DR 10/29/18
29. I understand that no psychoactive prescription drugs are allowed such as Benzodiazepines, Amphetamines, Sedative-Hypnotics, Opiates, Barbiturates or psychiatric medications. All prescribed medication used must be cleared by the Fourth Circuit Drug Court Program Director before use. It is my responsibility to inform the Drug Court staff of any prescription I am given. I give my consent for the Drug Court staff to contact my physician and discuss any relevant information. DR 10/29/18
30. I must disclose all over the counter medications that I take to the Drug Court staff prior to taking the medication or as soon as possible thereafter. I also, must disclose to my doctor/dentist that I must receive non-narcotic medications when available. DR 10/29/18
31. I understand a curfew requirement exists for me during my participation in the Fourth Circuit Drug Court Program. The curfew is midnight (12:00am) daily and is only extended for work, which has to be verified and approved by the Fourth Circuit Drug Court Program Director. DR 10/29/18
32. *De late* I understand that I will be charged \$125 surcharge per conviction by the Clerk of Court and \$225 if the charges are drug charges. I will be given a total amount and a payment schedule will be arranged for the payment, within the first 30 days of my participation in the program, by the Fourth Circuit Drug Court Program Director. I understand that these fees are due before advancement into Phase 3. All fees and fines must be paid in full before completion of the program. DR 10/29/18
33. I understand that I must report any contact with Law Enforcement to the Drug Court Program Manager either in person or by phone within 24 hours of the contact. DR 10/29/18
34. I understand that I cannot participate in any type of undercover work or work as an undercover informant in collaboration with Law Enforcement during my participation in the Fourth Circuit Drug Court Program. This is a barrier to the treatment and recovery process and will be considered a violation. DR 10/29/18
35. I understand that I may be required to obtain a GED prior to completion of the Fourth Circuit Drug Court Program if I am not a high school graduate. DR 10/29/18
36. I understand that I must be employed or looking for employment prior to acceptance into the Fourth Circuit Drug Court Program. I will sign up with SC Vocational Rehabilitation Department within the first 30 days of my participation in the program as instructed by the Drug Court Program Director. The Drug Court Judge will be made aware at the first court appearance whether I am employed or not at the time of admission. Failure to obtain or maintain employment could result in sanctions and/or termination. DR 10/29/18
37. I agree to have my photograph taken for Fourth Circuit Drug Court Program; identification and acknowledge of this photograph will be maintained in my Drug Court legal file. DR 10/29/18
38. I understand that I must report a change of address and/or phone number to the Fourth Circuit Drug Court Program Director within 24 hours of the change. DR 10/29/18
39. I understand that I will be required to attend treatment group sessions on Mondays, Wednesdays, and Thursdays according to the phase. I also understand that I will be required to attend 2 (two) 12 step meetings per week and 1 (one) Spiritual Meeting per week and provide verification of attendance on Mondays to Trinity Behavioral Care. Failure to attend meetings or sessions will result in sanctions and/or termination. DR 10/29/18
40. I understand that I am responsible for all transportation required to participate in the Fourth Circuit Drug Court Program and lack of transportation is not an excuse for missing treatment sessions, meetings, drug screens, and/or court appearances. Failure to attend will result in sanctions and/or termination. DR 10/29/18

Client Number \_\_\_\_\_

- 41. I understand that should I fail to comply with any Fourth Circuit Drug Court Program requirements the Drug Court Judge can issue sanctions. Sanctions may include community service, jail time or other penalties as dictated by the Drug Court Judge. DR 10/29/18
- 42. I understand that when I successfully complete the Fourth Circuit Drug Court Program, I will be allowed to withdraw my guilty plea and have my record expunged. Drug Court expungements will be completed by the Drug Court Program Director within 90 days after successful completion of the Fourth Circuit Drug Court Program. DR 10/29/18
- 43. My participation in the Fourth Circuit Drug Court Program requires that I waive very important rights. I have fully understand my rights and have the right to discuss them with a lawyer before agreeing to enter the Fourth Circuit Drug Court Program. I am satisfied that I understand how the program will affect my rights. At the time of executing this document, my thinking is clear and I am not under the influence of any substance. The decision to waive my rights and enter the Fourth Circuit Drug Court Program is mine alone and made of my own free will. I expressly agree to accept and abide by all the terms and conditions of the Fourth Circuit Drug Court Program. DR 10/29/18
- 44. Have you every applied to the Fourth Circuit Drug Court Program or any other Drug Court Program? no yes or no
- 45. Have you ever participated in any Drug Court Program? no yes or no

Comments: \_\_\_\_\_

**CERTIFICATION OF WAIVER AND AGREEMENT:** I certify that I have read the above Waiver and Agreement and that it has been fully explained to me, and I am desirous of treatment services in accordance with the Fourth Circuit Solicitor's Office Drug Court Program. I understand that in all cases strict standards of confidentiality and professional ethics will be maintained.

David Rogers  
SIGNATURE OF DEFENDANT

10/29/18  
DATE

I HAVE REVIEWED THIS WITH THE DEFENDANT. HE/SHE UNDERSTANDS IT AND VOLUNTARILY AGREES TO PARTICIPATE IN THE FOURTH CIRCUIT SOLICITOR'S OFFICE DRUG COURT PROGRAM

William M. Hunter  
SIGNATURE OF DRUG COURT REPRESENTATIVE/PROGRAM DRECTOR  
LAC, MAC, CACII, MA, ET.

10/29/2018  
DATE

Attorney (If applicable) \_\_\_\_\_

DATE \_\_\_\_\_

DILLON COUNTY  
CLERK OF COURT



TRUE COPY  
CERTIFIED

<b>DOCKET NUMBER:</b> 2016-GS-17-0445
<b>The State of South Carolina</b>  County of Dillon
<b>COURT OF GENERAL SESSIONS</b>  Term: July 2016
<b>THE STATE</b>  vs. <b>Daniel Antwan Rogers</b>
<b>INDICTMENT FOR</b>  POSSESSION OF CONTRABAND §24-03-0965  CDR Code: 3322
<b>William B. Rogers, Jr., Solicitor</b>

<b>WITNESSES</b>  Cody Martin Dillon Police Department Law Enforcement Case #: 2016-05056
<b>WAIVER OF PRESENTMENT</b>  After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.
Defendant _____
I hereby appear in my own proper person and plead guilty to the within indictment or to: _____
Defendant _____
<b>ARREST WARRANT NUMBER</b> 2016AI720100257
ARRESTED ON: 2016-05-09
<b>ACTION OF GRAND JURY</b>
Grand Jury Foreperson _____
Date _____
<b>VERDICT</b>
_____
_____
_____
Grand Jury Foreperson _____
Date _____

STATE OF SOUTH CAROLINA } INDICTMENT FOR  
COUNTY OF DILLON } POSSESSION OF CONTRABAND  
§24-03-0965

At a Court of General Sessions, convened on July 28, 2016, the Grand Jurors of Dillon County present upon their oath:

POSSESSION OF CONTRABAND

CDR: 3322 24-03-0965

That Daniel Antwan Rogers, a prisoner of Dillon Detention Center, did in Dillon County on or about May 8, 2016, possess 7 cigarettes and 1 lighter, such items being declared as contraband by the Commissioner of the South Carolina Department of Corrections, in violation of Section 24-03-0965, S. C. 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.



WILLIAM B. ROGERS, JR.  
SOLICITOR

A CERTIFIED  
TRUE COPY  
Dillon County  
CLERK OF COURT

WITNESSES

Jordan L Upton

Dillon Police Department

Law Enforcement Case #: 2018-08090  
085

WAIVER OF PRESENTMENT

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

Defendant

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

Defendant

ARREST WARRANT NUMBER  
2018A1720100403

ARRESTED ON: 2018-08-10

ACTION OF GRAND JURY

Grand Jury Foreperson

Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:  
2018-GS-17-0624

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:  
September 2018

THE STATE

vs.

Daniel Antwan Rogers

INDICTMENT FOR

Drugs / Poss. of other controlled sub. in  
Sched. I to V - 1st offense

§44-53-0370(d)(2)

CDR Code: 0179

0-6A

COPY

ACERTIFIED

William B. Rogers, Jr., Solicitor

*William T. Hays*

CLERK OF COURT  
DILLON COUNTY

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF DILLON ) Drugs / Poss. of other controlled sub. in Sched. I to  
 V - 1st offense

§44-53-0370(d)(2)

At a Court of General Sessions, convened on September 27, 2018, the Grand Jurors of Dillon County present upon their oath:

POSSESSION OF ECSTASY  
(METHYLENEDIOXYMETHAMPHETAMINE)

CDR: 0179 44-53-0370(d)(2)

That Daniel Antwan Rogers did in Dillon County on or about August 10, 2018, knowingly and intentionally possess a quantity of Methylenedioxyamphetamine (Ecstasy), a Schedule I Narcotic under provisions of Section 44-53-370, et. seq., S. C. Code of Laws, 1976, as amended, such possession not having been authorized by law, in violation of Section 44-53-0370(d)(2), S. C. 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.

A CERTIFIED  
TRUE COPY

*L. T. Hester*

CLERK OF COURT  
DILLON COUNTY

*William B. Rogers, Jr.*

WILLIAM B. ROGERS, JR.  
SOLICITOR





2002-01-24-01

# The Supreme Court of South Carolina

Re: Fourth Circuit Drug Court Treatment Program

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ORDER

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Pursuant to the provisions of S. C. CONST. Art. v, § 4,

IT IS ORDERED that the Honorable Glynn B. Atkinson, Summary Court Judge for Darlington County, is hereby assigned to preside over the Darlington County Drug Court Treatment Program for the Fourth Judicial Circuit. Pursuant to this assignment, his duties shall include presiding over guilty pleas, bond hearings, probation revocations, motions and other proceedings related to the defendants participating in the adult Drug Court Treatment Program for the Fourth Judicial Circuit. He may impose sanctions for violations of the conditions of the drug court treatment program. Sanctions may include, but are not limited to, public service work, additional treatment, issuance of a bench warrant, incarceration, or termination of participation in the drug court treatment program.

This order takes effect immediately and remains in effect unless amended or rescinded by the Chief Justice.

s/Jean Hoefler Toal  
Jean Hoefler Toal, Chief Justice

January 24, 2002  
Columbia, South Carolina

## 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,

s/ Victor R. Seeger

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

**RECEIVED**  
**May 20 2020**  
SC Court of Appeals

This 20<sup>th</sup> day of May, 2020.