

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY

William P. Keesley, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BABY RAY PADGETT,

APPELLANT

Appellate Case No. 2012-212559

RECORD ON APPEAL

ROBERT M. DUDEK
Chief Appellate Defender

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

Attorney for Appellant

TOMMY EVANS, JR.
Legal Counsel

South Carolina Department of
Probation, Parole & Pardon Services
PO Box 50666
Columbia, SC 29250
(803) 734-9220

Attorney for Respondent

RECEIVED

FEB 25 2013

SC Court of Appeals

INDEX

INDEX.....i

PROBATION REVOCATION TRANSCRIPT..... 1

INDICTMENT DATED NOVEMBER 8, 200425

ORIGINAL SENTENCING ORDER DATED OCTOBER 29, 200427

PROBATION CITATION DATED MARCH 27, 2012.....28

PROBATION REVOCATION AFFIDAVIT DATED FEBRUARY 4, 2010.....29

REVOCATION OF PROBATION ORDER DATED MAY 11, 2012.....30

CIVIL JUDGMENT FORMS.....31

CERTIFICATE OF COUNSEL.....34

1 State of South Carolina Court of General Sessions
2 County of Lexington

3
4
5 State)
6)
7 v.) Transcript of Record
8 Babe Ray Padgett) 09-GS-32-0682, et al.
9 Defendant.)

10
11 May 11, 2012
12 Lexington, South Carolina

13 B E F O R E:
14 The Honorable William P. Keesley, Judge.

15
16 A P P E A R A N C E S:
17 Department of Probation, Pardon and Parole Services
18 For the State
19 Bennett E. Casto, Assist. Public Defender
20 Attorney for the Defendant

21
22
23
24
25 Stacy L. Sheppard, RPR
Circuit Court Reporter

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

I N D E X

WITNESSES DIRECT CROSS REDIRECT RECROSS

(There were no witnesses.)

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

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
------------	--------------------	------------	-------------

(There were no exhibits.)

1 (The following proceedings were held on May
2 11, 2012.)

3 BABE RAY PADGETT,

4 having been duly sworn, testified as follows:

5 **THE COURT:** Mr. Padgett, do you want another
6 judge to hear this?

7 **DEFENDANT:** No, sir, I'll go on with you.

8 **THE COURT:** You sure?

9 **DEFENDANT:** Yes, sir.

10 **THE COURT:** Didn't I represent you some years
11 ago?

12 **DEFENDANT:** Yes, sir.

13 **THE COURT:** And I probably handled some of your
14 cases over the years as a judge, right?

15 **DEFENDANT:** Yes, sir.

16 **THE COURT:** I don't remember ever having a
17 problem with you, but I know we had a lot of contact
18 in the past. And if I ever recused myself before, I
19 wanted to offer that to you again.

20 **DEFENDANT:** I'll go on with it.

21 **THE COURT:** You sure?

22 **DEFENDANT:** Yes, sir.

23 **THE COURT:** Okay. How old are you now?

24 **DEFENDANT:** Fifty-one.

25 **THE COURT:** Don't you think you're getting too

1 old for this stuff?

2 **DEFENDANT:** I already have, sir, yes, sir.

3 **THE COURT:** What are you in on now?

4 **DEFENDANT:** Prior to my knowledge, it's a
5 probation violation.

6 **THE COURT:** You're in the department of
7 corrections?

8 **DEFENDANT:** Yes. I came from Newberry,
9 received a four-year sentence.

10 **THE COURT:** You got four years in Newberry?

11 **DEFENDANT:** Yes, sir. I'm in R&E right now.

12 **THE COURT:** What's the four years for?

13 **DEFENDANT:** I got it here in black and white.

14 It was the same --

15 **THE COURT:** Just what charge is it?

16 **DEFENDANT:** They say common law robbery, but,
17 to my knowledge, they got strong arm on here.

18 **THE COURT:** Same thing. It's just two
19 different names for the same crime.

20 **DEFENDANT:** Yes, sir.

21 **THE COURT:** All right. Mr. Padgett, I've got
22 four sets of papers here, one indicates that Judge
23 Cottingham sentenced you in July of 2009 for breach
24 of trust with fraudulent intent. Judge Hayes
25 sentenced you in Newberry County on May the 7th,

1 2007, for third offense or greater property crimes,
2 three of them. And Judge Early sentenced you -- you
3 must have been one of the first people he sentenced
4 -- November 2004 for impersonating a police officer.

5 He gave you a sentence of five years suspended
6 on 200 days time served with five years probation,
7 ordered restitution. Judge Hayes gave you five
8 years on 18 months served with five years probation
9 concurrent. And Judge Cottingham gave you 18 months
10 suspended on seven months time served with 18 months
11 probation. And then you went in front of Judge
12 Lloyd also -- I said it was three sets of papers,
13 it's four -- for purse snatching and that was in
14 October of 2004. And he gave you three years
15 suspended with three years probation.

16 Basically, the allegations are that you haven't
17 reported as directed and that you continue to
18 violate laws and haven't paid your money as
19 directed.

20 **DEFENDANT:** If I can speak on that, Your Honor.

21 **THE COURT:** Let me get through this part first.

22 **DEFENDANT:** Yes, sir.

23 **THE COURT:** Do y'all have anything else on him?

24 **PROBATION AGENT:** No, sir, Your Honor. I think
25 the violation reports pretty much explain anything,

1 but if you have any questions, I have several notes
2 to document how we've gotten to this point on these
3 four separate cases.

4 **THE COURT:** Mr. Padgett, if I just revoke
5 everything and run it concurrent, is that okay with
6 you?

7 **DEFENDANT:** What I'm already doing?

8 **THE COURT:** Yes, sir.

9 **DEFENDANT:** Yes, sir.

10 **THE COURT:** What you just got from Newberry.

11 **DEFENDANT:** Yes, sir.

12 **THE COURT:** How much time have you done on the
13 Newberry case?

14 **DEFENDANT:** I done did 27 months already.

15 **THE COURT:** All right. So you've done 27
16 months on a four-year sentence?

17 **DEFENDANT:** Well, I was locked up before I went
18 to court. I was in, you know, in jail. And when I
19 went to Newberry, they gave me four years. So they
20 gave me 741 day credit for that. So that's probably
21 two years and plus with the couple of months I done
22 been at R&E, so that's 27 months.

23 **THE COURT:** What do you want to tell me,
24 Mr. Casto?

25 **MR. CASTO:** I think that the Court has an

1 excellent grip on what's going on. I think that
2 we're speaking to things that --

3 **THE COURT:** Mr. Padgett knows more about the
4 law than anybody else in this room including me.

5 **MR. CASTO:** It's my understanding, you know,
6 before -- I met him -- I had the pleasure of meeting
7 him today and he said that y'all knew each other.

8 **THE COURT:** I know his whole family, I think.

9 **MR. CASTO:** And I've had the, you know, the
10 special privilege of meeting good 'ol Johnny down
11 there in Saluda and so I'm sort of making the rounds
12 somewhat, but my understanding is there are some
13 very, very interesting stories that involve the
14 Padgetts.

15 Your Honor, we would just ask that we terminate
16 his case and that it would run concurrent with the
17 time that he's already doing. I don't think that
18 that would have any affect on his max out date if
19 the Court was to backdate his sentence. He has not
20 stepped out of incarceration since February 3rd of
21 2010.

22 **THE COURT:** When did y'all serve him with a
23 warrant?

24 **PROBATION AGENT:** It's actually citations, Your
25 Honor. I have tracked Mr. Padgett since the

1 original -- or since the sentencing date in
2 Lexington County, 2009. The problem with serving
3 the process on him, since 2009, he has been on the
4 street just over a month and I had two contacts with
5 Mr. Padgett during that time.

6 **THE COURT:** When did you serve the citation?

7 **PROBATION AGENT:** We served those citations on
8 him while he was incarcerated at SCDC.

9 **THE COURT:** How long ago was that?

10 **PROBATION AGENT:** The citations were served on
11 him on March 27th, 2012.

12 And if I may address just -- we are asking for
13 a revocation, Your Honor. And as far as backdating
14 the time to run concurrent with the February 3rd,
15 2010, I have spoke -- there's 13 separate victims in
16 these four cases.

17 **THE COURT:** Well, that's what I was about to
18 ask you, about the victims.

19 **PROBATION AGENT:** We have had -- there's 13
20 victims. Three of them did not wish to be notified.
21 We made contact with -- or mailed notification to
22 ten. Three of them were returned undeliverable.

23 I did speak with two of the victims and they're
24 actually victims of the earliest cases. One of the
25 victims, Mr. Gerald Amick, he felt like Mr. Padgett

1 has not taken advantage of opportunities that have
2 been afforded to him by the Court or by probation.

3 And then a second victim in the Edgefield case,
4 her state -- actually the victim, Ms. Dorothy
5 Whitlock, has passed away. I spoke to a family
6 member of Ms. Whitlock. She -- her statement was
7 that she would be opposed to any leniency. They
8 are -- they are -- they're still upset about the
9 crime, Mr. Padgett having impersonating himself as
10 an officer and taking advantage of Ms. Whitlock. In
11 addition to their opposition to leniency, they are
12 fearful that -- Mr. Padgett being released and
13 possibly retaliating against them.

14 Mr. Padgett does have holds at SCDC for
15 offenses that he committed during the time that he
16 was released.

17 He was released from incarceration on January
18 14th, 2010. The Newberry case that he -- I spoke
19 with him for the first time on January 19th, 2010,
20 scheduled him to come in for an intake appointment.

21 After he pled guilty to the Lexington County
22 case, we became aware that he also had this -- these
23 previous -- this Edgefield case and the Aiken case,
24 that he should have reported following his release
25 from incarceration back in September of 2008. He

1 didn't report.

2 The cases were not started until he pled guilty
3 to the cases here in Lexington County. When we
4 realized, we started it. And I was trying to work
5 with Mr. Padgett to get everything all worked and
6 wrapped up and continue him under supervision.

7 I mailed him a letter -- he was incarcerated at
8 Saluda County. He went from Lexington County to
9 Greenwood County to Saluda County. I mailed the
10 letter to him in August of 2009 instructing him to
11 report to our office immediately upon his release.
12 He was released on January 10th, 2010. He made his
13 first contact with me on January 14th of 2010, gave
14 him instructions to come in on the 25th. We were to
15 take care of everything at that time.

16 He called me on that day to tell me that his
17 mom had passed away, so we were working with
18 Mr. Padgett in trying to extend some leniency to
19 him. He never made any contact with us after that
20 day. Then we -- he was absconded. His whereabouts
21 were unknown until he was arrested again February
22 3rd, 2010.

23 During that short break, he committed the new
24 offense that he was -- he is now serving, the
25 Newberry offense. He committed that on January 26th

1 of 2010. He also has a hold with the South Carolina
2 Department of Corrections for offenses he committed
3 on January 20th of 2010, a carjacking and assault
4 and battery high and aggravated nature.

5 **DEFENDANT:** Your Honor, that's not true, sir.

6 **THE COURT:** Well, it doesn't look like I'm
7 going to be able to do anything to shorten this
8 hearing. So my suggestion about trying to run
9 everything together is --

10 **DEFENDANT:** Can I say something, Your Honor?

11 **THE COURT:** Yes. Sure. I'm going to hear from
12 you. I'm just saying I don't -- I thought maybe we
13 could run everything together and just be done with
14 it because -- I mean, I've been a judge over 20
15 years. As long as I've been around the legal
16 system, 35 years, I've known you.

17 **DEFENDANT:** On those charges she's talking
18 about from Aiken and Edgefield County, Your Honor, I
19 been -- they waited -- why wait eight years and
20 never told me I violated those charges? Nobody
21 never talked to me, never came to me, never gave me
22 no citation.

23 I admitted about the one in Lexington County,
24 Your Honor, that when I got locked up in Newberry,
25 and I admitted that when I pled to the charge and

1 they gave me a violation. But one with the
2 Edgefield and Newberry and Aiken County, no one
3 never talked to me, never seen me, never sent me no
4 papers. They know my mother stay two jail -- from
5 the jail in Saluda. I got them charge transferred
6 from Aiken from Edgefield from Saluda to Newberry.

7 The last time I talked to you was January 14,
8 2010, when you was in Saluda. The man pre-state on
9 the record asked me that I was on probation in
10 Newberry. I told him I was on no probation. All of
11 a sudden a few years later, they're going to tell me
12 that I'm violated.

13 I just left Newberry County. They never told
14 me I was on probation there. All of a sudden now
15 Lexington County going to come up with a violation
16 from Newberry. Newberry did not gave me no warrant,
17 did not gave me no violation, no citation or
18 anything, tell me I'm -- that I violated. All of
19 the sudden she came up and tell me I'm violated. I
20 mean, it doesn't make sense. All these years,
21 they're just telling me now that I'm violation, that
22 I violated. I just left Newberry. They never told
23 me I went on probation there. It's in the system.

24 **THE COURT:** Mr. Casto.

25 **MR. CASTO:** In fairness to Mr. Padgett, that is

1 our understanding as well. And I think that what we
2 would ask the Court to consider is to -- a partial
3 revocation and run everything concurrent and
4 backdate the sentence.

5 In taking into account what the victims
6 request, you know, he is incarcerated. And it kind
7 of sounds like that, based on what the agent states,
8 that, that he's not done. That, ultimately, on the
9 completion of what he's serving in SCDC, that he may
10 well be transported to a different county to speak
11 to some type of hold there.

12 So, you know, it doesn't look like he will be
13 released real soon if the Court was to give a
14 partial revocation and take care of these cases.
15 And very respectfully, that's what we would ask the
16 Court to consider. I think that that would maybe
17 further things along and he could speak to what he
18 needs to speak to. And I believe it's Laurens, Your
19 Honor.

20 **DEFENDANT:** Your Honor, one other question.
21 What I was saying here about the probation, in 2004,
22 I was in Aiken. They gave me probation down there
23 and then I left there and went to Edgefield on the
24 same year. Then I got the probation transferred
25 there to Saluda. Then I moved to Newberry and

1 that's when I was continued on probation there. And
2 he never -- then I left there, I got locked up in
3 Edgefield. I stayed there for two and a half years.

4 They never told me that I violation probation.
5 No one ever seen me, never gave me a citation,
6 anything. All of the sudden, five or six years
7 later, Ms. Sandra Young tell me that I violated it,
8 but they never seen me, they never came and talked
9 to me, tell me I violated for no other county. Why
10 this one?

11 **PROBATION AGENT:** Your Honor, if I may, to
12 clarify maybe what Mr. Padgett is saying with -- as
13 pertains to the Edgefield and Aiken County case, why
14 those cases were not violated. He was out of jail
15 roughly two months, from September 2008 until he was
16 arrested here in Lexington in 2008.

17 **DEFENDANT:** Well, they should have know where I
18 was. It's in the system.

19 **PROBATION AGENT:** He failed to report to the --
20 these cases started in 2004. They were transferred
21 to Newberry County in 2005. He committed new
22 offenses there in 2007. May of 2007, he picked up
23 an 18-month active sentence and the two probation
24 cases were partial revocations of 18 months, 18
25 months and continue. I have copies of those Form 9s

1 where he signed with the understanding that the
2 cases were being continued.

3 When he was released from incarceration in
4 2008, he was obligated to report to the Newberry
5 County office. He failed to do that. They were not
6 aware that he had been released until he is arrested
7 here in Lexington, November 2008, that's when -- he
8 pled guilty to those offenses in 2009. That's when
9 I became involved in it and tracked Mr. Padgett all
10 the way through 2010 where he does make the two
11 phone contacts. And we're try -- at that time,
12 we're trying to work all of this out and get
13 everything worked out and continue the probation.
14 The problem is he never reported in 2010 and was
15 absconded until he was arrested again, February 3rd,
16 2010.

17 I guess the greatest point of contention is we
18 are asking for a revocation, but we're asking that
19 you not backdate it to the February 3rd, 2010, and
20 that is in the interest of the victims. They're
21 feeling that he never complied with probation, he's
22 continued to violate the law, he's picked up
23 numerous convictions, and the one victim being
24 fearful of Mr. Padgett's retaliation.

25 **DEFENDANT:** Your Honor.

1 **THE COURT:** Yes, sir.

2 **DEFENDANT:** I just left Newberry County. She
3 done said it one time, I just left Newberry County.
4 If I were on probation, why didn't they tell me I
5 violated? I just left Newberry County. They told
6 me I wasn't on no probation there, sir. I just left
7 there. That's where I got the four-year sentence
8 from. They looked it up, didn't see it nowhere on
9 the -- inside the computer or anything, so I don't
10 understand how can I be on probation. I just left
11 there February the 21st -- I mean, February 14.

12 And when I got tried, I came here February the
13 21st, talked with the Solicitor, my attorney. They
14 didn't see no probation, whatever. All of a sudden
15 when I got here, then I received a note saying I'm
16 violating probation for Newberry County, Aiken and
17 Edgefield. All them years nobody never told me or
18 came to see me, anything, that I violation
19 probation. Now, all of a sudden they tell me I
20 violation.

21 I remember the one from Lexington. I pled
22 guilty when I went to Newberry, but with Newberry
23 County and Edgefield and Aiken County, nobody never
24 told me that I was on probation or violation or
25 anything. All of the sudden then she's going to get

1 some papers tell me I'm violated.

2 **THE COURT:** Anything else from anybody?

3 **MR. CASTO:** No, sir, Your Honor.

4 **DEFENDANT:** One more other question, Your
5 Honor, sir.

6 **THE COURT:** Yes, sir.

7 **DEFENDANT:** Your Honor, if I would have been on
8 probation in Newberry County, I would have went and
9 report --

10 **THE COURT:** Well, you couldn't.

11 **DEFENDANT:** Well, I'm saying -- I'm just saying
12 that if I was on probation.

13 I remember one time before a while back I was
14 on probation, I have an excellent record by paying,
15 by reporting and all of that. I'm sure Jimmy
16 Richard could verify that. But now she's saying in
17 2010, that I been locked up ever since February the
18 3rd, 2010, that's how these violation got to be
19 occurred, you know, come to me that I violated.

20 But I have not violation of probation in
21 Newberry County or Edgefield or either Aiken County.
22 I violate the one in Lexington County, Your Honor,
23 because I pled guilty in Newberry County a few
24 months ago, but with them other ones, I can't see
25 how in the world that I violation them because I

1 been locked up.

2 **THE COURT:** I think the biggest part of the
3 problem, Mr. Padgett, is that you're constantly
4 getting locked up and you're constantly getting in
5 trouble in numerous counties and it's hard to keep
6 up with you.

7 **DEFENDANT:** No. I got those transferred from
8 Saluda and then I went to Newberry. And then a
9 while back, I went to see my probation agent and
10 everything. And when I went to court, the judge
11 talked to me and everything. I guess he did away
12 with the probation. I don't understand while I'm
13 still on probation because they never told me that I
14 was on probation a few months ago. They never
15 stated that to me. They looked it up and
16 everything. They didn't see it in the computer, but
17 all of a sudden she tell me I was on probation here.

18 **THE COURT:** All right. If there's nothing
19 further. The purse snatching offense from 2004 in
20 Aiken County, he had three years suspended with
21 three years probation. He was given a partial
22 revocation of 18 months in 2007. Terminate him from
23 supervision on that charge and enroll the financial
24 obligations to civil judgments.

25 The Newberry County charges, he had five years

1 suspended on 18 months with five years probation
2 concurrent on the three charges. So he would have
3 three and a half years left on that case. He has
4 served 18 months. Terminate him from supervision on
5 that case, enroll any financial obligations to civil
6 judgments.

7 On the Lexington County case -- well, let me go
8 back to the Edgefield County. On the Edgefield
9 County case, he got a sentence of five years
10 suspended on 200 days time served with five years
11 probation. He was ordered to pay restitution. He
12 had 18 months of that revoked in 2007. So he has
13 five years minus 18 months minus 200 days left
14 hanging over his head on that sentence.

15 And on the Lexington case, which is from 2009,
16 he got a sentence on breach of trust to 18 months,
17 provided on the service of seven months, he was
18 suspended and placed on probation. He's done seven
19 months on the 18-month sentence. Terminate him from
20 supervision on the Lexington case.

21 The Edgefield case, I find that he has violated
22 the terms of probation by failing to refrain from
23 violation of federal, state or local laws having
24 been convicted of breach of trust with fraudulent
25 intent in Lexington County, failing to pay -- I'm

1 sorry -- failing to follow the advice and
2 instructions of the agent. Revoke that in full, run
3 it concurrent, give him credit from January the
4 27th, 2012, enroll the financial obligations to
5 civil judgments.

6 So three of the four I'm ending. The one from
7 Edgefield is revoked.

8 **DEFENDANT:** Excuse me, Your Honor.

9 **THE COURT:** Yes, sir.

10 **DEFENDANT:** Your Honor, I've been locked up
11 since February the 3rd, 2010.

12 **THE COURT:** I know, Mr. Padgett, that's the
13 problem. You keep getting out and you get locked up
14 and -- I don't even know what you're facing.
15 They're talking about all these holds you've got on
16 you. I don't --

17 **DEFENDANT:** I talked with -- I talked with, you
18 probably know him, Solicitor Jerry Peace. I talked
19 with him when I was in Newberry. He told me he
20 going to do away with that charge. Coming to find
21 out they -- I talked to him in person. You can
22 check with him. He told me he going to do away with
23 that charge.

24 **THE COURT:** All right, sir. Well, if you want
25 to appeal this, you can tell Mr. Casto to file an

1 appeal.

2 **DEFENDANT:** So what do I got now?

3 **THE COURT:** I'm sorry?

4 **DEFENDANT:** So what -- I mean, what you saying
5 to me?

6 **THE COURT:** Five years minus 18 months minus
7 200 days minus the time from March 27, 2012, run
8 concurrent. So I don't know how much extra time
9 you'll have to do, if any, because it's going to run
10 concurrent with whatever you're doing right now.

11 **DEFENDANT:** So I'm saying with the credit I
12 already done got, you ain't giving me credit when I
13 locked up and --

14 **THE COURT:** I just said the credit that I think
15 is attributable to you and that's the best I can do.
16 Good luck.

17 **MR. CASTO:** Your Honor, may I approach?

18 (Whereupon, a bench conference was held off
19 the record.)

20 **THE COURT:** All right. Your lawyer's telling
21 me that you wanted to ask about backdating it and
22 I've already ruled on that. I've said you -- I
23 suspended the Edgefield case in full. You've done
24 18 months of it. You did 200 days of it. And
25 you've done -- you're given credit for time from

1 March 27, 2012, when this citation was issued to
2 you. Good luck.

3 **MR. CASTO:** Thank you, Your Honor.

4 **PROBATION AGENT:** Thank you, sir.

5

6

END OF PROCEEDINGS

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

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

I, the undersigned, Stacy L. Sheppard, Circuit Court Reporter for the Eleventh 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 the evidence introduced in the hearing of the captioned cause, relative to appeal in the Criminal Court for Lexington County, South Carolina, on the 11th of May, 2012.

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

August 12, 2012



Stacy L. Sheppard, RPR
Circuit Court Reporter

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

INDICTMENT

At a Court of General Sessions, convened on November 8, 2004, the Grand Jurors of Aiken County present upon their oath:

PURSE SNATCHING

That BABY RAY ^{P. Ray} ADGETT _A did in Aiken County on or about February 29, 2004, willfully and unlawfully snatch and carry away from the person of Alma Williams, a purse or other thing of value with intent to deprive the owner thereof. All in violation of §16-13-150 of the Code of Laws of South Carolina (1976), as amended.

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


BARBARA R. MORGAN, SOLICITOR

DOCKET NO. 2004-GS-02-1799

WITNESSES

The State of South Carolina
County of Aiken

COURT OF GENERAL SESSIONS

NOVEMBER 8, TERM 2004

ARREST WARRANT NUMBER

THE STATE
VS.

P.W.
BABY RAY ADGETT
Adgett

DIVISION OF GRAND JURY

Indictment for
PURSE SNATCHING

SC Code: 16-13-150
CCH Code: 119
Class: MIS A

VERDICT

CMC 28
2/19/12

PROBATION CITATION

H271754

No. C-32-10-0094

SOUTH CAROLINA v. RAY PADGETT	COUNTY: LEXINGTON	
	SCDC # 117977	SID # [REDACTED]

TO: RAY PADGETT

YOU ARE HEREBY NOTIFIED to appear in the above named case at the time, date and place specified below.

Place Call to Court	Room Call to Court
	Date and Time

YOU ARE HEREBY NOTIFIED that you are charged with violating the conditions of your supervision as stated below.

Violations Charged
Violation of Probation pursuant to Statute 24-21-430 in that the defendant has willfully violated the conditions of probation sentence as imposed by Judge Lloyd at the 10/29/2004 term of General Sessions Court holden in Aiken County, Aiken, SC.

YOU ARE HEREBY NOTIFIED that you have the rights listed below.

List of Rights:
You have the right at the hearing to question any person who appears as a witness against you and to have witnesses appear on your behalf. You may present evidence on your behalf. You may have an attorney represent you. If you cannot afford an attorney, an attorney will be appointed for you. You must advise the agent or the court in writing of your desire for an attorney. It is your responsibility to make arrangements for your witnesses and your attorney to appear at the hearing.

IF YOU FAIL TO APPEAR AT THE TIME, DATE AND PLACE SHOWN ABOVE, THE HEARING WILL BE HELD IN YOUR ABSENCE AND YOU MAY BE INCARCERATED.

LEXINGTON, South Carolina	Probation and Parole Agent Sandra E. Young	Agent # 0812
Date 2/4/2010	TRUE COPY	

A copy of the citation was served by the undersigned and given to the individual named therein at the time, date, and place indicated below.

Place SCDC Kinkland	Date and Time 9:15 3-27-12
Serving Officer's Signature [Signature]	

Sworn to and subscribed before me this 27 day of March 2012

Signature of Notary Public
[Signature]
My Commission Expires 4/28/2014

copy
FILED
June 8
[Signature]
J.C.P.&G.S.
[Signature] PE7

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of LEXINGTON

Personally appeared before me, Sandra E. Young, who first being duly sworn, deposes and says that RAY PADGETT did within this county and State on the 4 day of February, 2010, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

Violation of Probation pursuant to Statute 24-21-430 in that the defendant has willfully violated the conditions of probation sentence as imposed by Judge Lloyd at the 10/29/2004 term of General Sessions Court holden in Aiken County, Aiken, SC.

The Affiant states that there is probable cause to believe the defendant named committed the violations set forth and that such probable cause is based on the following facts:

Ray Padgett failed to report to SCDPPPS authorities as instructed following his release from incarceration on 9/12/2008. Mr. Padgett failed to refrain from the violation of State and Local laws, having been convicted of Breach of Trust with Fraudulent Intent value more than \$1000 but less than \$5000, Ind. #09-GS-32-2243 in Lexington County General Sessions Court on 7-28-09. Mr. Padgett has failed to pay the court ordered fine, restitution and probation supervision fees. These actions constitute a willful failure to follow the advice and instructions of his Agent. Subject was notified in writing of the Standard Conditions of Probation as evidenced by his signature of this document on 10/29/2004. The above actions constitute willful violations of probation conditions 1, 6, 7, 9 and 10 of the original Probation Order signed by the defendant, dated 10/29/2004 and conditions of Continuation Order dated 5-7-09.

Sworn to and subscribed
before me this 4 day of
February, 2010

Linda Kaye Hunter
Signature of Notary Public

Sandra E. Young
Affiant

My Commission Expires: 4-24-2017

B1230 CW 4/12

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of LEXINGTON
STATE VS.

Indictment Number: 04 -GS- 02 - 1799
Probation C/W#s: C-32-10-0094

BOBBY RAY PADGETT
AKA: _____
Race: _____ Sex: M
DOB: _____
SSN: _____
SID#: _____

Name of Original Offense: PURSE SNATCHING
Original A/W#: H 271754
Date of Original Offense: 2/29/04
Conviction S.C. Code §: 16-13-150
Conviction CDR Code #: 1 1 2 19
Original Sentence: 3x 55 3y PWA

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 10/29/04 in the Court of General Sessions of Riker County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 5/7/07, as set forth in the attached warrant(s) or citation(s) dated _____. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

Therefore, IT IS ORDERED that:

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

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant has previously served 18 months/years on this sentence. (split sentence time and/or prior partial revocation time)
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

June 8 2012
FILED
W. P. Hodard
Clerk of Court
W. P. Hodard
Presiding Judge

This 11 day of May, 2012,
LEXINGTON, SC

W. P. Hodard
Presiding Judge
11th 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 _____ Witnessed by _____

Signed this _____ day of _____, at _____ SC
Day Month Year City

*can
6/1/12*

H 271754

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

STATE
V.

DEFPDANT Baby Ray Padgett

Hearing Date: 5.11.12

IN THE COURT OF GENERAL SESSIONS

2012-CP-02-01391
NO. 04-GS-02-1799

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON
CIVIL JUDGMENT

JUN 08 2012

[Signature]
Deputy Clerk

This matter came before me on the above mentioned date, pursuant to a motion to require the defendant to show cause why the defendant's default in paying fines and restitution (strike inapplicable) should not be treated as a civil judgment and a judgment lien attached. After hearing the evidence, I find that no cause was shown why judgment should not be entered for the unpaid balance of fines and restitution (strike inapplicable). I find the unpaid balance of the fine and restitution (Strike inapplicable) due and the payee to be as stated below.

It is therefore ordered adjudged and decreed that the payee, shall have judgment against the defendant in the sum stated below. It is further ordered that the clerk of court enter this judgment in the civil judgment records of the court. All of which is ordered pursuant to S. C. Code Ann. 17-25-323.

Payee's Name	<u>Aiken County Clerk of Court</u>		
Payee's Address	<u>Court</u>		
Street	-----		
City	State	Zip	
<u>Aiken</u>	<u>SC</u>		

The Defendant is ordered to pay to the Payee the sum of
<u>\$ 535.75</u>

FILED 6-8-12
[Signature]
C.C.C.P.&G.S.
Deputy Clerk

Presiding Judge's Signature	Date
<i>[Signature]</i>	<u>5/11/12</u>
Judge's Name Printed	<u>LEXINGTON S.C.</u>
<u>William P. Keesley</u>	

*Copy
4/11/12*

H 271754

IN THE COURT OF GENERAL SESSIONS

2012-CP-02-01391
NO. 04-GS-02-1799

STATE OF SOUTH CAROLINA
COUNTY OF Lexington

STATE
V.

DEFENDANT
Bobby Ray Padgett

STATE OF SOUTH CAROLINA
COUNTY OF Aiken
IN THE COURT OF GENERAL SESSIONS
FOR THE JUDICIAL DISTRICT OF Aiken County
CIVIL JUDGMENT

JUN 08 2012

Hearing Date:
5, 11, 12

[Signature]
C.C.P. & G.S.
Deputy Clerk

This matter came before me on the above mentioned date, pursuant to a motion to require the defendant to show cause why the defendant's default in paying fines and restitution (strike inapplicable) should not be treated as a civil judgment and a judgment lien attached. After hearing the evidence, I find that no cause was shown why judgment should not be entered for the unpaid balance of fines and restitution (strike inapplicable). I find the unpaid balance of the fine and restitution (Strike inapplicable) due and the payee to be as stated below.

It is therefore ordered adjudged and decreed that the payee, shall have judgment against the defendant in the sum stated below. It is further ordered that the clerk of court enter this judgment in the civil judgment records of the court. All of which is ordered pursuant to S. C. Code Ann. 17-25-323.

Payee's Name
Sandra Mize
Payee's Address
SCDPPPS
Street
PO Box 50666
City State Zip
Columbia, SC 29250

The Defendant is ordered to pay to the Payee the sum of
\$ 154.93

FILED 6-8-12
[Signature]
C.C.P. & G.S. 8:30 am
[Signature]
Deputy Clerk

Presiding Judge's Signature
[Signature]
Date
5/11/12
Judge's Name Printed
William P. Keesley
LEXINGTON S.C.

H 271754

CMW
6/8/12

STATE OF SOUTH CAROLINA

COUNTY OF

Lexington

STATE

V.

DEFENDANT

Baby Ray Padgett

Hearing Date:

5, 11, 12

IN THE COURT OF GENERAL SESSIONS

2012-CP 02-01391

NO. 04-GS-02-1799

STATE OF SOUTH CAROLINA
COUNTY CLERK
I, the Clerk of Court of Common Pleas and General Sessions, do hereby certify that the foregoing is a true and correct copy of the original document filed with me on this date.

CIVIL JUDGMENT

JUN 08 2012

[Signature]
Deputy Clerk

This matter came before me on the above mentioned date, pursuant to a motion to require the defendant to show cause why the defendant's default in paying fines and restitution (strike inapplicable) should not be treated as a civil judgment and a judgment lien attached. After hearing the evidence, I find that no cause was shown why judgment should not be entered for the unpaid balance of fines and restitution (strike inapplicable). I find the unpaid balance of the fine and restitution (Strike inapplicable) due and the payee to be as stated below.

It is therefore ordered adjudged and decreed that the payee, shall have judgment against the defendant in the sum stated below. It is further ordered that the clerk of court enter this judgment in the civil judgment records of the court. All of which is ordered pursuant to S. C. Code Ann. 17-25-323.

Payee's Name	SCDPPPS
Payee's Address	
Street	P.O. Box 50666
City	Columbia, S.C.
State	SC
Zip	29250

The Defendant is ordered to pay to the Payee the sum of
\$ 31.07


FILED 6B 2012
[Signature]
Deputy Clerk
8:30am

Presiding Judge's Signature	Date
<i>[Signature]</i>	5/11/12
Judge's Name Printed	LEXINGTON S.C.
WILLIAM P. KEESLEY	

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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

February 22, 2013



Robert M. Dudek
Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

February 22, 2013



Robert M. Dudek
Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

William P. Keesley, Circuit Court Judge

THE STATE,

RESPONDENT,

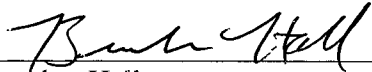
V.

BABY RAY PADGETT,

APPELLANT

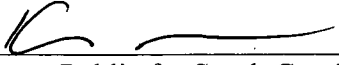
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Tommy Evans, Jr., Esquire, at the South Carolina Department of Probation, Parole & Pardon Services, PO Box 50666, Columbia, SC 29250, and on Baby Ray Padgett, #218929 at Lee Correctional Institution, this 22nd day of February, 2013.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 22nd day of February, 2013.



Notary Public for South Carolina (L.S.)

My Commission Expires: October 2, 2013.

RECEIVED
FEB 25 2013
SC Court of Appeals