

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Jul 10 2020

Appeal from Spartanburg County

SC Court of Appeals

Grace Gilchrist Knie, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

THOMAS RAYNES MARETT,

APPELLANT

APPELLATE CASE NO. 2019-001385

RECORD ON APPEAL

JOANNA K. DELANY
Appellate Defender

South Carolina Commission on Indigent
Defense
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Services

ATTORNEYS FOR RESPONDENT

ATTORNEY FOR APPELLANT

INDEX

INDEX i

TRANSCRIPT OF HEARING HELD JULY 23, 2019 1

ORDER TERMINATING PROBATION DATED AUGUST 1, 2019.....10

INDICTMENT.....11

SENTENCE SHEET.....13

CERTIFICATE OF COUNSEL14

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

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

The State,)
-vs-) TRANSCRIPT OF RECORD
Thomas Raynes Maret,) 2013-GS-42-01003
Defendant.) July 23, 2019
Spartanburg, South Carolina

B E F O R E:
HONORABLE GRACE GILCHRIST KNIE, JUDGE

A P P E A R A N C E S:
CHARLES WILLIAM SNYDER, III, ESQUIRE
Attorney for the Defendant

Linda D. Moffitt
Circuit Court Reporter

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INDEX

Defendant sworn -- page 4.

No exhibits entered into evidence.

1 THE COURT: Okay. Go ahead.

2 PROBATION AGENT: Thank you.

3 This is the probation case of Thomas Raynes Maret.
4 We're brought here today mainly for some financial issues
5 that have been ongoing, Mr. Maret not paying his
6 restitution.

7 Just some background on his case for you, Your Honor,
8 he began probation January 3rd of 2014. His case is
9 scheduled to close January 2nd of 2019. He was given a
10 sentence of five years suspended to six months, costs and
11 assessments and five years probation.

12 This is on a charge of obtaining signature of property
13 under false pretenses.

14 He was ordered restitution in the amount of \$2,321.40,
15 plus the 20 percent department collection fee. And as of
16 now that still remains unpaid. He's not paid any money on
17 that account, and he's also in arrears on his other
18 accounts.

19 THE COURT: Okay. And when is the last time a payment
20 has been made?

21 PROBATION AGENT: He's not ever paid on his
22 restitution. He's not ever paid on any of his accounts.

23 THE COURT: Okay. Sir, are you Thomas Raynes Maret?

24 THE DEFENDANT: Well, Tom Rayne Maret. I'm not
25 Thomas or Raynes. They -- they misspelled my name, ma'am.

1 THE COURT: Okay. So your name is T-O-M.

2 THE DEFENDANT: T-H-O-M, and my middle name is
3 R-A-Y-N.

4 THE COURT: Okay.

5 THE DEFENDANT: Rayn. It's not Raynes.

6 THE COURT: And your last name?

7 THE DEFENDANT: Is Marett.

8 THE COURT: M-A-R-E-T-T?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: Okay. All right. So, Mr. Marett, have
11 you been sworn, sir?

12 THE DEFENDANT: No, ma'am.

13 MR. SNYDER: Not yet.

14 (Whereupon, the defendant was duly sworn.)

15 THE COURT: Okay. Mr. Marett, sir, before I hear from
16 Mr. Snyder let me ask.

17 Sir, do you admit that you have not complied with the
18 financial obligations of the probationary sentence that was
19 issued to you by Judge Kelly on Indictment
20 No. 13-GS-42-1003 on or about September the 11th of 2013?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Okay. All right. Thank you, sir. Let me
23 hear from Mr. Snyder.

24 Mr. Snyder.

25 MR. SNYDER: Thank you, Judge.

1 As you can see from the 1106, in 2015 Mr. Marett was
2 in front of Judge Cole where he was ordered to comply with
3 the restitution order.

4 He -- he was -- he was found guilty after a jury
5 trial -- correct me if I'm wrong on any of this. He was
6 represented at the time by Mary Stewart Shealy. The -- I
7 think there was some dispute as to the amount of
8 restitution that was ordered.

9 THE DEFENDANT: Correct.

10 MR. SNYDER: I told Mr. Marett that he had the
11 opportunity for a restitution hearing at the time. One was
12 never requested, one was never held; and therefore that was
13 the order of the Court.

14 He did appeal that sentence, that conviction, and he,
15 I think -- I believe when we were in front of Judge Cole he
16 was -- he was under the opinion that he didn't have to pay
17 anything while there were certain appeals and other post
18 conviction --

19 THE DEFENDANT: Correct. Yes, sir.

20 MR. SNYDER: -- that were taken.

21 THE COURT: Okay. All right. So Mr. -- just so we're
22 clear, Mr. Marett has not paid. But, now, the violation
23 report that I'm reviewing is referring to an indictment
24 from 2013, and the sentencing judge was Judge Kelly. I
25 don't have anything referencing Judge Cole's order with

1 regard to restitution. So I'm dealing with --

2 MR. SNYDER: Okay. I was just referencing the prior
3 violation that is in my report.

4 THE COURT: Okay. And so Mr. Marett has been in front
5 of Judge Cole since he was in front of Judge Kelly and has
6 still not paid anything towards his financial obligations.
7 Is that what has happened?

8 MR. SNYDER: That's correct, Judge. He's been --

9 THE COURT: Okay. Would it help to restructure the
10 financial obligations and extend the probation?

11 MR. SNYDER: At this point it's expired. He has
12 already done the five years. You can't extend it any
13 further.

14 PROBATION AGENT: That's correct, Your Honor. His
15 case is overdue for closure. It should have closed January
16 of this year at the five-year maximum.

17 THE COURT: Okay. And so, Mr. Snyder, what -- what is
18 your suggestion?

19 MR. SNYDER: The agent -- I have spoken with the
20 agent. She has requested that the case be terminated and
21 that the restitution be ordered as a civil judgment.

22 THE COURT: Have you talked to the victim?

23 PROBATION AGENT: It's the worthless check unit with
24 the solicitor's office. They've not responded. I'm sure
25 they would like their money.

1 THE COURT: Okay. All right. Mr. Marett, sir, you're
2 retired, is that correct?

3 THE DEFENDANT: Yes, ma'am, 76 years old Sunday.

4 THE COURT: This past Sunday?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Okay. Yes, sir. And what -- do you agree
7 with the statements of Mr. Snyder?

8 THE DEFENDANT: Yes, ma'am, I do.

9 The -- Judge Cole had said that not to do anything
10 because we appealed his order also.

11 And you had to ask for a restitution hearing at the
12 time of the trial. I didn't know that, so the South
13 Carolina Appellate Defender when they went before the Court
14 of Appeals, that's what they were told, that we should have
15 asked for it then, and we didn't get it.

16 And the so-called victim didn't install what he agreed
17 to install according to my statement and the -- but yet
18 Ms. Shealy did not introduce the statement at the trial,
19 and so Judge Cole said it was too late since we didn't ask
20 for it at the trial either. And then the Court of Appeals
21 said the same thing. So the -- the civil judgment, I
22 believe, is the way to go.

23 THE COURT: Who is the victim?

24 PROBATION AGENT: Your Honor, the victim is
25 Refrigeration Services, and we are paying back the

1 worthless check unit. I'm assuming they must have covered
2 the cost.

3 THE COURT: Okay. Mr. Maret, I, unless there's
4 anything further --

5 MR. SNYDER: Nothing further, Your Honor.

6 PROBATION AGENT: No, ma'am.

7 THE COURT: Okay. Mr. Maret, I am going to take this
8 under advisement, sir. I will issue instructions or an
9 order to Mr. Snyder and to our probation representative.
10 And you look to Mr. Snyder to give you some guidance as to
11 my ruling. All right?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: All right. Thank you, sir. Thank you
14 all.

15 END OF REQUESTED TRANSCRIPT OF RECORD

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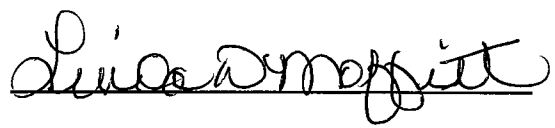
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CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 23rd day of July 2019.

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

January 3, 2020



Linda D. Moffitt
Circuit Court Reporter

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of Spartanburg
STATE VS.

Indictment Number: 13 -GS- 42 01003
Probation C/W#s: C-42-16-0197

AKA: Thomas Raynes Marett
Race: W Sex: M
DOB: [REDACTED]
SSN: [REDACTED]
SID#: 00380594

Name of Original Offense: Obtain property under false preten
Original A/W#: 2018G54701003
Date of Original Offense: 7-14-2011
Conviction S.C. Code §: 16-13-0240
Conviction CDR Code #: 3, 4, 7, 0
Original Sentence: 5yrs SUSP to 6mths 3 5 yrs probati

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 9/11/13 in the Court of General Sessions of Spartanburg County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 10-16-15, as set forth in the attached warrant(s) or citation(s) dated 4-19-16. 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) 7, 9, and 10

2019 AUG - 1
CLERK OF COURT
SPARTANBURG COUNTY
10:00

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve _____ months/years 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 0 (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.

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AUG 16 2019
SC Court of Appeals

This 31 day of July, 2019
Spartanburg, SC

Presiding Judge Grace G. Brice 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

WITNESSES

Spartanburg County Sheriff's Office

[Signature]

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

[Signature]
Foreperson of Grand Jury

Date: FEB 22 2013

VERDICT

Guilty

G. Hope Blackley
Foreperson of Petit Jury
Date: 9/11/13

DOCKET NO. **13-GS-42** 1003

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

FEB 22 2013

TERM

THE STATE
vs.

Thomas Marett

Indictment for
OBTAINING PROPERTY BY
FALSE PRETENSES

SC Code: 16-13-0240 (2)
CDR Code: 3470
Class Fel/F

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAR -1 PM 4:08
M. HOPE BLACKLEY

rk

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

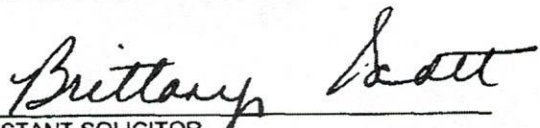
INDICTMENT

At a Court of General Sessions, convened on FEB 22 2011 , the
Grand Jurors of Spartanburg County present upon their oath:

OBTAINING SIGNATURE OR PROPERTY BY FALSE PRETENSES

That Thomas Marett did in Spartanburg County on or about July 14, 2011, by false pretense or representation and with the intent of cheating and defrauding the victim, Refrigeration Services, obtain a signature of a person to a written instrument or did obtain from a person a chattel, money, valuable security, or other property (real or personal) valued at more than \$2,000 but less than \$10,000, in violation of §16-13-240(2), *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.



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA)
 COUNTY OF SPARTANBURG)
 STATE VS.)
 Thomas Marett)
 AKA:)
 Race: W Sex: M Age: 70)
 DOB: [REDACTED] SS#: [REDACTED])
 Address: [REDACTED])
 City, State, Zip: Spartanburg, SC 29303)
 DL# [REDACTED] SID#: [REDACTED])

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS4201003
 A/W#: 2013GS4201003 - DI
 Date of Offense: 7/14/2011
 S.C. Code §: 16-13-0240
 CDR Code #: 3470

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
 TO: Breach / Obtain signature or prop. under false pretenses, value more than \$2,000 but less than \$10,000 (0-5 yrs OR diset. fine)
 in violation of § 16-13-0240 of the S.C. Code of Laws, bearing CDR Code # 3470
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
 ATTORNEYS: Brittany Scott 78989 Thomas Marett Neural 100383
 SCOTT, BRITTANY D SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed years
 and/or to pay a fine of \$; provided that upon the service of 6 days/months/years and/or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 5 years

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.
 CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
 Total: \$ 2321.90 plus 20% fee: \$
 Payment Terms:
 Set by SCDPPPS

PTUP
 days/hours Public Service Employment
 Obtain GED
 Attend Voc. Rehab. or Job Corp.
 May serve W/E beginning
 Substance Abuse Counseling
 Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning
 \$ paid to Public Defender Fund
 Other:

Recipient: Refrigeration Services

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100 \$
§ 56-5-2995 (DUI Assessment)	\$12 \$
§ 56-1-286 (DUI Breath Test)	\$25 \$
Proviso 47.9 (Public Def/Prob)	\$500 \$ <u>500.00</u>
§ 14-1-212 (Law Enforce. Funding)	\$25 \$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150 \$
§ 50-21-114(BUI Breath Test Fee)	\$50 \$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
Proviso 90.5 (SCCJA Surcharge)	\$5 \$ <u>5.00</u>
3% to County (if paid in installments)	\$ <u>18.90</u>
TOTAL	\$ <u>1678.90</u>

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: [Signature]
 Court Reporter: [Signature]
 SCCA/217 (03/2011)

Presiding Judge: [Signature]
 Judge Code: 2165
 Sentence Date: 11 September 2013

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/ Joanna K. Delany

Joanna K. Delany
Appellate Defender

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Jul 10 2020

SC Court of Appeals

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

ATTORNEY FOR APPELLANT

This 10th day of July, 2020.