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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Barnwell County

Courtney Clyburn-Pope, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JOSEPH RANDOLPH.,

APPELLANT.

APPELLATE CASE NO. 2020-001450

**Consent Motion to Hold Appeal in Abeyance and to
Remand to the Court of General Sessions for a Hearing on a
Motion for Resentencing**

I. Introduction

Appellant Joseph Randolph, by and through undersigned counsel and with the consent of undersigned counsel from the South Carolina Department of Probation, Parole, and Pardon Services, respectfully moves that this Court hold his appeal in abeyance and remand the case to the circuit court for a hearing on a motion for resentencing. This motion¹ is based on the discovery of an error wherein

¹ In support of this motion, Appellant includes the following documents as exhibits: Exhibit #1 (DVHAN Indictment); Exhibit #2 (DVHAN Sentencing Sheet); Exhibit #3 (Form 9 Order and warrant from 2017 Revocation); Exhibit #4 (Form 9 order and warrant from 2018 continuing Appellant on probation); Exhibit #5 (DV First Degree Indictment); Exhibit #6 (DV Second Degree sentencing sheet); Exhibit #7 (Form 9 order and warrant from 2018 revocation); Exhibit #8 (email from SCDC records management showing Appellant's entry and release date on 2018 revocation); Exhibit #9 (Form 9 order and warrant from 2020 DVHAN revocation); Exhibit #10

Appellant was mistakenly released onto standard probation when he should have been released into the Community Supervision Program (CSP) following his 2018 revocation and therefore his maximum sentencing exposure for the current revocation should have only been one year.

II. Procedural History and Relevant Facts

During the June 2016 Orangeburg Grand Jury term, Appellant was indicted for one count of Domestic Violence of a High and Aggravated Nature (DVHAN). Exhibit #1. On November 2, 2016, Appellant entered a plea pursuant to North Carolina v. Alford² to the DVHAN indictment. Exhibit #2. Appellant was sentenced to ten years imprisonment suspended to time served with five years of probation. Appellant was placed on house arrest with GPS monitoring³ and ordered to have no contact with the victim. Exhibit #2.

On November 29, 2017, Appellant appeared before the court for a hearing on a probation violation. Appellant was found to have violated his probation and was revoked for thirty days with credit for thirteen days' time served. Appellant was ordered to complete outpatient drug treatment as a new condition of his probation. Exhibit #3. As a result of being arrested for Domestic Violence first degree Appellant next appeared before the court for a probation violation hearing on March 21, 2018. Exhibit #4. At that time Appellant's bond on the Domestic Violence first degree charge was revoked pending an evaluation⁴ and he was continued on probation. Exhibit #4.

(Form 9 order and warrant from 2020 DV second degree revocation); Exhibit #11 (Transcript for 2020 revocation hearing); Exhibit #12 (SCDC Inmate Detail Report).

² 400 U.S. 25 (1970)

³ Appellant avers that he was subject to the house arrest order until February 6, 2018.

⁴ The nature and results of the court ordered evaluation are unknown from the lower court record.

Appellant was subsequently indicted for Domestic Violence first degree in April 2018. Exhibit #5. He entered a guilty plea to the lesser included charge of Domestic Violence second degree on October 25, 2018. Appellant was sentenced to three years imprisonment, suspended upon the service of ninety days with three years of probation. Exhibit #6. As a result of the guilty plea, Appellant was brought back before the court on November 8, 2018, for a probation violation hearing on his DVHAN probation. Exhibit #7. At that hearing Appellant's DVHAN probation was revoked for two years with credit for time served to be applied. Exhibit #7. Appellant was released onto standard probation from SCDC in April 2019. Exhibit #8.

When Appellant's DVHAN probation was revoked in 2018 he should have been required to served eighty-five percent of the two-year sentence. See S.C. Code Ann. §24-21-560. However, the records attached as exhibits to this motion show that SCDC did not calculate the 2018 probation revocation at eighty-five percent. Exhibit #7-8. Additionally, when Appellant was released from SCDC in April 2019 he was placed back onto regular probation when he should have been released into the statutorily mandated CSP.

On October 14, 2020, Appellant was again before the court for a violation of both the DVHAN and the DV second degree probation. Exhibit #9-10. At that hearing he was represented by Wallis Alves. Appellant was found to be in violation of his probationary terms and was sentenced to eighteen months incarceration on both the DVHAN and DV second probation, to run concurrently. Exhibit #11. Sometime after the revocation hearing Counsel Alves discovered that Appellant should have been on CSP following his 2018 revocation and brought the oversight to the attention of undersigned counsel.

Appellant is currently serving an eighteen months sentence in SCDC. SCDC is requiring that Appellant serve eighty-five percent of the DVHAN sentence, as mandated in the statute regarding no-parole offenses. Exhibit #12. When Appellant is released from SCDC he will be placed in the CSP.

III. Argument

Under S.C. Code § 24-13-100, a no-parole offense means a class A, B, or C felony which is punishable by a maximum term of imprisonment of twenty years or more. Individuals convicted of no-parole offenses are required to served eighty-five percent of the actual term of imprisonment imposed upon them. S.C. Code §24-13-150. Further, when an individual is released from incarceration on a no-parole offense they are required to enter onto the CSP. S.C. Code §24-21-560. One hundred and eighty days⁵ prior to the release of an inmate serving a sentence on a no-parole offense SCDC is required to inform SCDPPP of the offender's pending release to ensure they are placed into CSP. S.C. Code §24-21-560(F).

Appellant was convicted of DVHAN in 2016, a little over a year after the sweeping legislative changes to the South Carolina domestic violence laws. Prior to the change in the law DVHAN was not classified as a no-parole offense because it only carried a penalty of one to ten years. However, once the law changed the penalty for DVHAN became imprisonment for not more than twenty years, qualifying it as a no-parole offense under S.C. Code § 24-13-100. See S.C. Code §16-25-65(B). Therefore, at the time of Appellant's conviction, any sentence he served on the DVHAN charge, including revocations of his DVHAN probation, would be subject to the eighty-five percent

⁵ If an inmate is serving less than one hundred and eighty days on a no-parole offense, SCDC is required to immediately notify SCDPPP of the offender's release date and need for entry into CSP. See S.C. Code Ann. §24-21-560(F).

calculation applied to no-parole offenses. Additionally, upon being released from SCDC, Appellant would be required to enter into the CSP.

The accompanying exhibits show that when Appellant's probation was revoked in 2018, SCDC failed to require that Appellant serve eighty-five percent of his sentence and thus, when he was released, Appellant was not placed onto the CSP. Presumably, because SCDC was not counting the sentence as a no-parole offense, SCDPPP was never notified of the need to place Appellant on CSP upon his release in 2019.

While case law has held that standard probationary terms and mandatory CSP terms run concurrently, the law also establishes that any violation triggers a CSP revocation instead of a standard probation revocation. See, State v. Dawkins, 352 S.C. 162, 573 S.E.2d 783 (2002); State v. Picklesimer, 388 S.C. 264, 695 S.E.2d 845 (2010). This is true, in part, because "CSP is a more stringent, closely monitored form of supervision than normal probation" and "the legislature intended mandatory participation in the CSP to serve as a more rigorous term of probation for those convicted of no-parole offenses, in lieu of normal probation." State v. Dawkins, 352 S.C. 162, 167, 573 S.E.2d 783, 785 (2002). Further, CSP revocations control because once an offender successfully completes the CSP, the remainder of the offender's sentence, including any residual probation, is completely discharged. Id. Importantly, while a court may impose additional terms or conditions upon an offender who has violated their CSP, the court may only incarcerate an offender for up to one-year on a CSP violation. S.C. Code §24-21-560(C).

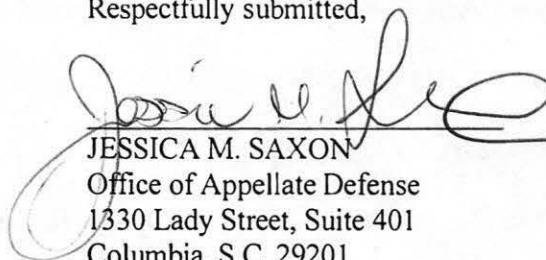
All parties recognize and agree that Appellant should have been on CSP following the 2018 revocation and that, at the time of the 2020 revocation hearing, Appellant's maximum sentencing exposure on the DVHAN probation should only have been up to one-year. Appellant, with consent from SCDPPP, is requesting that this case be remanded to the lower court for a hearing during which

Appellant would be resentenced on his current revocation within the CSP one-year maximum revocation sentence allowed by statute.

IV. Conclusion

WHEREFORE, counsel for Appellant Joseph Randolph, by and with consent from counsel for SCDPPP, respectfully requests that this Court hold his appeal in abeyance and remand this case to the Barnwell County Court of General Sessions for a hearing on a motion for resentencing.


Respectfully submitted,



JESSICA M. SAXON
Office of Appellate Defense
1330 Lady Street, Suite 401
Columbia, S.C. 29201
(803) 734-1330

ATTORNEY FOR APPELLANT

I SO CONSENT:



MATTHEW C. BUCHANAN
General Counsel
SC Department of Probation, Parole and Pardon Services

ATTORNEY FOR RESPONDENT

March 5, 2021

EXHIBIT NO. 1

WITNESSES

P Wood- Jones

Orangeburg County Sheriff

16-002412

ARREST WARRANT NUMBER

2016A381080013

Arrested: April 9, 2016

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date: June 15, 2016

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016GS38-0695

The State of South Carolina

County of ORANGEBURG

COURT OF GENERAL SESSIONS

June 20, 2016 TERM

THE STATE

vs.

Joseph T Randolph

Indictment for

**DOMESTIC VIOLENCE OF A HIGH AND
AGGRAVATED NATURE**

SC Code: 16-25-65

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

Joseph T. Randolph
Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

INDICTMENT
2016GS38-0695

At a Court of General Sessions, convened on June 15, 2016 the Grand Jurors of Orangeburg County present upon their oath:

DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE

That Joseph T Randolph did in Orangeburg on or about April 5, 2016 cause physical harm or injury to Renee Hardin, a household member or offer or attempt to cause physical harm or injury to with present ability under circumstances reasonably creating fear of imminent peril and the offense was committed under circumstances () manifesting extreme indifference to the value of human life and great bodily injury results, or the offense was committed, with or without accompanying battery, and under circumstances () manifesting extreme indifference to value of human life and would reasonably cause person to fear great bodily injury or death, or the defendant committed Domestic Violence in the First Degree () while violating a protection order, thereby violating Section 16-25-65, 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.



Phil Giese, Solicitor

EXHIBIT NO. 2

STATE OF SOUTH CAROLINA

COUNTY OF Orangeburg
STATE VS.
Joseph T Randolph

AKA:
Race: BLACK Sex: M Age: 33
DOB: SS#
Address: Kings Rd
City, State, Zip: Orangeburg, SC 29118
DL#: SID#

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Domestic Violence of a High and Aggravated Nature

in violation of 16-25-65 of the S.C. Code of Laws, bearing CDR Code # 3814
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.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Giese, Phil 100615 SC Bar# Defendant Joseph T Randolph Attorney for Defendant 74992 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 days/months/years of under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of 30 days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 5

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference. Defendant shall be on in-home arrest with GPS monitoring.
CONCURRENT or CONSECUTIVE to sentence on: May only leave home for medical treatment.
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. 4/9/16
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 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$3.75. TOTAL \$128.75

Clerk of Court/ Deputy Clerk V. Glenn
Court Reporter: Bonnie Keely
SCCA/217 (07/2016)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS38-0695
A/W#: 2016A3810800013
Date of Offense: 4/5/2016
S.C. Code § : 16-25-65
CDR Code #: 3814

SENTENCE SHEET

CONVICTED OF or PLEADS NC v. Alford

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: Zero tolerance: if Defendant violates any term/ requirement of probation, he shall be taken into custody pending a hearing. No contact with Renee Harden.
Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge
Judge Code: 2153
Sentence Date: 11/2/16

EXHIBIT NO. 3

STATE OF SOUTH CAROLINA
 County of ORANGEBURG
 STATE VS.
 AKA: JOSEPH RANDOLPH
 Race: B Sex: M
 DOB: [REDACTED]
 SSN: [REDACTED]
 SID# 01368904

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

16 - GS - 38 - 00695
 Probation C/W#: W-38-17-0205
DOMESTIC VIOLENCE
 Name of Original Offense: High + Aggravated Nature
 Original A/W#: 2016A3810800013
 Date of Original Offense: 4/5/16
 Conviction S.C. Code §: 16-25-65
 Conviction CDR Code #: 3 / 8 / 1 / 4
 Original Sentence: 10 YRS SS SVRS PROB.

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 11 / 2 / 16 in the Court of General Sessions of ORANGEBURG County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 11/17/17, as set forth in the attached warrant(s) or citation(s) dated 11/17/17. 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)*

3, 7, 9, 10 + Special Conditions

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

Additional Conditions ordered by the Court:
Complete OUT PATIENT DRUG TREATMENT
CREDIT FOR TIME SERVED SINCE NOVEMBER 17, 2017

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

This 29 day of November, 2017
Orangenburg, SC

Howard P. King
 Presiding Judge 1st
 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 Joseph T. Randolph
 Signed this 29 day of Nov 2017
 Day Month Year

Witnessed by [Signature]
 at Orangenburg SC
 City

Probation

STATE OF SOUTH CAROLINA

ARREST WARRANT

COUNTY OF ORANGEBURG

Indictment Number 16-GS-38-00695

Warrant Number W-38-17-0205

State Identification No. (SID) 01368904

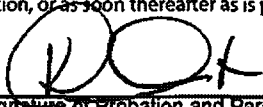
TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF ORANGEBURG, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that JOSEPH RANDOLPH, did on the 17 day of November, 2017 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

SUBJECT HAS VIOLATED CONDITIONS 3, 7, 9 & 10 ORDERED IN CAUSE NUMBER 16-GS-38-00695 BY THE ORANGEBURG COUNTY COURT OF GENERAL SESSIONS.

Now, therefore, you are empowered and directed to arrest the said defendant and bring JOSEPH RANDOLPH before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at ORANGEBURG, S. C. this 17 day of November, 2017.



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

County of ORANGEBURG

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Kendrick Clark, who, first being duly sworn, deposes and says that JOSEPH RANDOLPH did within this County and State on the 17 day of November, 2017, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

SUBJECT HAS VIOLATED CONDITIONS 3, 7, 9 & 10 ORDERED IN CAUSE NUMBER 16-GS-38-00695 BY THE ORANGEBURG COUNTY COURT OF GENERAL SESSIONS.

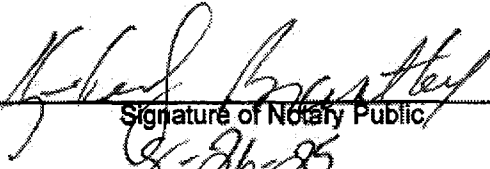
The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

BASED ON THE FOLLOWING FACTS: Specific Order Violation (SUBJECT WAS ORDERED ZERO TOLERANCE BY THE HONORABLE JUDGE EARLY ; IF DEFENDANT VIOLATED ANY TERM OF REQUIREMENT OF PROBATION, HE SHALL BE TAKEN INTO CUSTODY PENDING A HEARING); Unlawful use of controlled substance and/or intoxicants (SUBJECT ADMITTED TO USING THC AFTER AGENT CONDUCTED A HOMEVISIT AND FOUND REMAINS FROM SMOKED MARIJUANA NEXT TO A WINDOW SEAL IN HIS BED ROOM); Fail to pay (BEING \$20.00 IN ARREARS ON DRUG TEST FEE, \$25.00 IN ARREAR ON SURCHARGE, \$880.00 IN ARREARS ON ELECTRONIC MONITORING FEE, AND \$250.00 IN ARREAR ON REGULAR SUPERVISION). SUCH ACTIONS CONSTITUTE A VIOATION OF THE CONDITIONS OF PROBATION WHICH WERE SIGNED AND ACKNOWLEDGED.

Sworn to and Subscribed before me
this 17 day of November, 2017.



Affiant



Signature of Notary Public (L.S.)
My Commission Expires

Address: P.O. BOX 842
ORANGEBURG, SC 29116

(803) 533-6288

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF

ORANGEBURG

THE STATE

against

JOSEPH RANDOLPH

INFORMATION ON DEFENDANT

Name JOSEPH RANDOLPH

Address DOYLE STREET
ORANGEBURG, SC 29115

Phone 0683

Sex Male Race Black Height 511

Weight 155 Birth date

Social Security Number

INFORMATION ON WITNESSES

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

PRELIMINARY HEARING held by

Magistrate

on

with

Attorney for the Defendant.

Decision

BAIL

Date Set

Magistrate

Amount

Surety

Constable or Law Enforcement Officer

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

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 11/17/2017

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

Kendrick Clark

on the 17 day of Nov. 2017

Constable or Law Enforcement Officer

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

(L.S.)

Signature of Judge

Disposition

Sentence

Co-Defendants

EXHIBIT NO. 4

STATE OF SOUTH CAROLINA

County of Orangeburg

STATE vs.

AKA: Joseph Randolph

Race: B Sex: M

DOB: [REDACTED]

SSN: [REDACTED]

SID# 01308904

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

116 - GS - 38 - 000695

Probation C/W#s: _____

Name of Original Offense: Domestic Violence

Original A/W#: 2011A3810800013

Date of Original Offense: 4/5/16

Conviction S.C. Code §: 16-25-68

Conviction CDR Code #: 3181114

Original Sentence: 10yrs SS 5yrs Prob.

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 11/21/16 in the Court of General Sessions of Orangeburg County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 11/27/17, as set forth in the attached warrant(s) or citation(s) dated 2/7/18. 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)*

6, 10, and Special Conditions

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 electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first or third degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies:
 - Department fees (arrearage)
 - 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:
Revoke bond until evaluation; revisit case upon completion of evaluation

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

This _____ day of _____, SC

Jan K. Dault
Presiding Judge
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
Joseph Randolph
Signed this 9 day of March 18, _____ at _____ SC

Witnessed by
Ki Brantly
Orangeburg SC

Probation

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

ARREST WARRANT

Indictment Number 16-GS-38-00695

Warrant Number W-38-18-0024

State Identification No. (SID) 01368904

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

It appearing from the attached affidavit that there are reasonable grounds to believe that JOSEPH RANDOLPH, did on the 7 day of February, 2018 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

MR. RANDOLPH HAS VIOLATED CONDITIONS 6, 10, AND SPECIAL CONDITIONS ORDERED IN CAUSE NUMBER 16-GS-38-0695 BY THE ORANGEBURG COUNTY COURT OF GENERAL SESSIONS.

Now, therefore, you are empowered and directed to arrest the said defendant and bring JOSEPH RANDOLPH before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at ORANGEBURG, S. C. this 7 day of February, 2018.

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

County of **ORANGEBURG**

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Rashad I McDuffie, who, first being duly sworn, deposes and says that JOSEPH RANDOLPH did within this County and State on the 7 day of February, 2018, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

MR. RANDOLPH HAS VIOLATED CONDITIONS 6, 10, AND SPECIAL CONDITIONS ORDERED IN CAUSE NUMBER 16-GS-38-0695 BY THE ORANGEBURG COUNTY COURT OF GENERAL SESSIONS.

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

MR. RANDOLPH HAS FAILED TO FOLLOW THE ADVICE AND INSTRUCTIONS OF THE SUPERVISING AGENT BASED ON THE FOLLOWING FACTS: BY FAILING TO REFRAIN FROM VIOLATING STATE LAW (THERE IS PROBABLE CAUSE TO BELIEVE THAT MR. RANDOLPH DID COMMIT THE CRIME OF DOMESTICE VIOLENCE 1ST DEGREE BASED ON ORANGEBURG DEPT. OF PUBLIC SAFETY ARREST WARRANT #2018A3820800043, INCIDENT REPORT, AND A SIGNED AFFIDAVIT). SUCH ACTIONS CONSTITUTE AS A VIOLATION OF HIS PROBATION WHICH WAS ACKNOWLEDGED AND SIGNED.

Sworn to and Subscribed before me
this 7 day of February, 2018.


Affiant

 (L.S.)
Signature of Notary Public

Address: P.O. BOX 842
ORANGEBURG, SC 29116

(803) 533-6288

8-26-25
My Commission Expires

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF

ORANGEBURG

THE STATE

against

JOSEPH RANDOLPH

INFORMATION ON DEFENDANT

Name JOSEPH RANDOLPH

Address DOYLE STREET
ORANGEBURG, SC 29115

Phone 0683

Sex Male Race Black Height 511

Weight 155 Birth date

Social Security Number

INFORMATION ON WITNESSES

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

PRELIMINARY HEARING held by

Magistrate

on

with

Attorney for the Defendant.

Decision

BAIL

Date Set

Magistrate

Amount

Surety

2/7/18
Jan K. Smith

Constable or Law Enforcement Officer

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

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 2/7/2018

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

Rashad I McDuffie

Disposition

Sentence

Co-Defendants

on the 7 day of Feb 2018

Constable or Law Enforcement Officer

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

Signature of Judge

(L.S.)

EXHIBIT NO. 5

WITNESSES

John A Caddell

Orangeburg Police Department

ARREST WARRANT NUMBER
2018A3820800043

Arrested: February 6, 2018

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: April 11, 2018

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2018GS38-0433

The State of South Carolina
County of ORANGEBURG

COURT OF GENERAL SESSIONS

April 16, 2018 TERM

THE STATE
vs.

Joseph Thomas Randolph

Indictment for
DOMESTIC VIOLENCE--1ST DEGREE

SC Code: 16-25-20(B)

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

Joseph Randolph
Defendant

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

DV 2nd (class included)

Joseph Randolph
Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

INDICTMENT
2018GS38-0433

At a Court of General Sessions, convened on April 11, 2018 the Grand Jurors of Orangeburg County present upon their oath:

DOMESTIC VIOLENCE--1ST DEGREE

That Joseph Thomas Randolph did in Orangeburg County on or about February 1, 2018 cause physical harm or injury or offer or attempt to cause physical harm or injury, with the present ability to do so under circumstances reasonably creating fear of imminent peril, to Amanda Hughes, a household member and great bodily injury resulted or was likely to result, or the defendant committed Domestic Violence in the Second Degree while violating a Protection Order, or has 2 or more convictions of Domestic Violence within the last 10 years, or committed a Domestic Violence in the Second Degree, thereby violating Section 16-25-20(B), Code of Laws of South Carolina, 1976, as indicted.

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



Katherine R. Myers, Solicitor

EXHIBIT NO. 6

U 20 years
3

+ drug treatment + no contact

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF ORANGEBURG

STATE

INDICTMENT/CASE#: 2018-GS-38-0433

AKA: Joseph Thomas Randolph

AW#: 2018A3820800043

Race: Black Sex: male Age: _____

Date of Offense: 2-1-2018

DOB: _____ SS#: _____

S.C. Code §: 16-25-20(B)

Address: Doyle Street

CDR Code #: 3811

City, State, Zip: Orangeburg, SC 29115

SENTENCE SHEET

DL# _____ SID# _____

CONVICTED OF or PLEADS

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Domestic Violence - 2nd degree

In violation of § 16-25-20(B) of the S.C. Code of Laws, bearing CDR Code # 3812

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

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, J.R. (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Kathern Myers 101621 Joseph Randolph S. Holt 102741

Solicitor 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 3 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 90 days/months/years and or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 3

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 SCDOC.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED assist with fees for disability

Set by SCPPPS

Attend Voc. Rehab. Or Job Corp. disability

Recipient: _____

May serve W/E beginning _____

*Fine: _____ \$ _____

Substance Abuse Counseling

\$14-1-206 (Assessments 107.5%) _____ \$ _____

Random Drug/Alcohol Testing

\$14-1-211 (A)(1)(Conv. Surcharge) \$100 _____ \$ 100.00

Fine may be pd. in equal consecutive weekly/monthly

\$14-1-211 (A)(2)(DUI Surcharge) \$100 _____ \$ _____

prmts. of \$ _____ Beginning _____

\$56-5-2995 (DUI Assessment) \$12 _____ \$ _____

\$ _____ Paid to Public Defender Fund

\$56-1-286 (DUI Breath Test) \$25 _____ \$ _____

Other: Must stay in treatment for PTSD and other

Proviso (Public Def/Probation) \$500 _____ \$ _____

all recommendations of the prosecutor, probation

\$14-1-212 (Law Enforce. Funding) \$25 _____ \$ 25.00

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

\$14-1-213 (Drug Court Surcharge) \$150 _____ \$ _____

Frank J. Jordan

\$50-21-114 (BUI Breath Test Fee) \$50 _____ \$ _____

Presiding Judge _____

\$56-5-2942(J) (Vehicle Assessment) \$40/ea _____ \$ _____

Judge Code: 2112

3% to County (if paid in installments) _____ \$ 3.75

Sentence Date 10/6/18

TOTAL _____ \$ 128.75

Clerk of Court/Deputy Clerk V. Glenn

Court Reporter: Hilda Jordan

SCCA/217 (04/2018)
Must receive anger management, PTSD, drug counseling, and must contact with pain management doctor. Must be enrolled in mental health (CASH) within 10 days.

EXHIBIT NO. 7

STATE OF SOUTH CAROLINA
 County of Orangeburg
 STATE VS.
 AKA: Joseph Randolph
 Race: B Sex: M
 DOB: [REDACTED]
 SSN: [REDACTED]
 SID# 01368904

IN THE COURT OF GENERAL SESSIONS
 Indictment Number:
16 - GS - 38 - 0695
 Probation C/W#s: W-38-18-0095 + C-38-18-0234
 Name of Original Offense: DV High & Aggravated
 Original A/W#: 2016A381086013
 Date of Original Offense: 4/5/16
 Conviction S.C. Code §: 16-25-65
 Conviction CDR Code #: 3181114
 Original Sentence: 10yr SS 5yrs prob

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 11/2/16 in the Court of General Sessions of Orangeburg County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 3/2/18, as set forth in the attached warrant(s) or citation(s) dated 2/7/18. 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)*

10 & 11 and special conditions

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve ~~3~~ 2 months/years, the remainder of the original sentence, and/or pay \$ _____.
- RM X the suspended sentence be revoked and the above named defendant be required to serve 2 months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first or third degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies: Department fees (arrearage) Civil judgment: Department fees
 Fines and other fees (arrearage / balance) Fines and other fees
 Restitution (and 20%) (arrearage / balance) Restitution (and 20%)

Additional Conditions ordered by the Court:

Revoke and toll time from date of warrant until date of hearing.

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

This 8th day of Nov, 2018,
Orangeburg, SC

[Signature]
 Presiding Judge 151 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 [Signature]
 Signed this _____ day of Nov, 18 at _____ SC
 Day Month Year

Witnessed by [Signature]
Orangeburg SC
 City

Probation

STATE OF SOUTH CAROLINA

ARREST WARRANT

COUNTY OF ORANGEBURG

Indictment Number 16-GS-38-00695

Warrant Number W-38-18-0024

State Identification No. (SID) 01368904

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

It appearing from the attached affidavit that there are reasonable grounds to believe that JOSEPH RANDOLPH, did on the 7 day of February, 2018 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

MR. RANDOLPH HAS VIOLATED CONDITIONS 6, 10, AND SPECIAL CONDITIONS ORDERED IN CAUSE NUMBER 16-GS-38-0695 BY THE ORANGEBURG COUNTY COURT OF GENERAL SESSIONS.

Now, therefore, you are empowered and directed to arrest the said defendant and bring JOSEPH RANDOLPH before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at ORANGEBURG, S. C. this 7 day of February, 2018.

Signature of Probation and Parole Agent

(L.S.)

County of ORANGEBURG

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Rashad I McDuffie, who, first being duly sworn, deposes and says that JOSEPH RANDOLPH did within this County and State on the 7 day of February, 2018, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

MR. RANDOLPH HAS VIOLATED CONDITIONS 6, 10, AND SPECIAL CONDITIONS ORDERED IN CAUSE NUMBER 16-GS-38-0695 BY THE ORANGEBURG COUNTY COURT OF GENERAL SESSIONS.

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

MR. RANDOLPH HAS FAILED TO FOLLOW THE ADVICE AND INSTRUCTIONS OF THE SUPERVISING AGENT BASED ON THE FOLLOWING FACTS: BY FAILING TO REFRAIN FROM VIOLATING STATE LAW (THERE IS PROBABLE CAUSE TO BELIEVE THAT MR. RANDOLPH DID COMMIT THE CRIME OF DOMESTICE VIOLENCE 1ST DEGREE BASED ON ORANGEBURG DEPT. OF PUBLIC SAFETY ARREST WARRANT #2018A3820800043, INCIDENT REPORT, AND A SIGNED AFFIDAVIT). SUCH ACTIONS CONSTITUTE AS A VIOLATION OF HIS PROBATION WHICH WAS ACKNOWLEDGED AND SIGNED.

Sworn to and Subscribed before me
this 7 day of February, 2018.

Affiant

Signature of Notary Public

(L.S.)

8-26-25

My Commission Expires

Address: P.O. BOX 842
ORANGEBURG, SC 29116

(803) 533-6288

RETURN

STATE OF SOUTH CAROLINA
COUNTY OF
ORANGEBURG

THE STATE
against

JOSEPH RANDOLPH

INFORMATION ON DEFENDANT

Name JOSEPH RANDOLPH
Address DOYLE STREET
ORANGEBURG, SC 29115
Phone 0683
Sex Male Race Black Height 511
Weight 155 Birth date
Social Security Number

INFORMATION ON WITNESSES

Name
Address
Phone
Name
Address
Phone
Name
Address
Phone
Name
Address
Phone

PRELIMINARY HEARING held by

Magistrate
on
with
Attorney for the Defendant.

Decision
Date Set
Magistrate
Amount
Surety

BAIL

2/7/18
John P. [Signature]

Constable or Law Enforcement Officer

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

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 2/7/2018

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

Rashad I McDuffie

Disposition

Sentence

Co-Defendants

on the 7 day of Feb 2018

[Signature]
Constable or Law Enforcement Officer

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

(L.S.)
Signature of Judge

EXHIBIT NO. 8

From: [Vicky Lindler \(C056368\)](#)
To: [Saxon, Jessica](#)
Subject: RE: [External] RE: Joseph Randolph - SCDC #
Date: 00324049 Thursday, February 11, 2021 10:19:33 AM
Attachments: [image001.png](#)
[image002.png](#)

—	INCARCERATED	KIRKLAND	11/16/18	NEW ADMISSION
—	[REDACTED]			
—	PROBATION	ORANGEBURG CO	04/01/19	RELEASED TO PROBATION

Thank you,

Vicky Lindler
Records Management Supervisor
South Carolina Department of Corrections
Inmate Records Office
4444 Broad River Rd Columbia, SC 29210
Office: 803-896-1998
Fax: 803-896-2749
Lindler.vicky@doc.sc.gov

From: Saxon, Jessica <jsaxon@scoid.sc.gov>
Sent: Thursday, February 11, 2021 9:35 AM
To: Vicky Lindler (C056368) <Lindler.Vicky@doc.sc.gov>
Subject: RE: [External] RE: Joseph Randolph - SCDC # 00324049

*** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. ***

Good Morning Vicky,

Thank you for that information. I am actually looking for the records concerning Mr. Randolph's prior stay in SCDC during 2018 on a probation revocation for DVHAN. I'm trying to figure out how much time he served and when he was released from that. The probation citation and warrant that he was revoked on were:

W-38-18-0695 and C-38-18-0239

Thank you!

Jessica M. Saxon
Appellate Defender
SC Commission on Indigent Defense
1330 Lady Street, Suite 401
P.O. Box 11589
Columbia, SC 29201
Office: 803-734-1330

EXHIBIT NO. 9

STATE OF SOUTH CAROLINA

County of Bamberg
STATE VS.

AKA: Joseph Randolph
Race: Black Sex: Male
DOB: [REDACTED]
SSN: [REDACTED]
SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

Indictment Number: 116 - GS - 38 - 0695
Probation C/W#: W-05-20-0003
Name of Original Offense: DV High & Aggravated Natw
Original A/W#: 2016A-381080013
Date of Original Offense: 4/5/2016
Conviction S.C. Code §: 16-25-105
Conviction CDR Code #: 318114
Original Sentence: 10yrs ss to Sys Probation

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 11/02/16 in the Court of General Sessions of Orangeburg County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 4/1/17, 11/29/17, 3/1/18, 11/29/18 as set forth in the attached warrant(s) or citation(s) dated 05/28/2020. 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)*
1, 2, 6, 7, 9, 10, and Special Conditions

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 18 months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first or third degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies:
 - Department fees (arrearage)
 - 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: Concurrent to 18-GS-38-0433

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant is to be given credit for pretrial detention time served (N/A if defendant has served prior SCDC time).
- The defendant has served 2 days/months/years of prior revocations and/or initial SCDC time.
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 20 day of October, 2020,
Bamberg, SC
Presiding Judge: [Signature]
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: [Signature] Witnessed by: [Signature]
Signed this _____ day of _____ at _____ SC

Probation

ARREST WARRANT

Indictment Number: 16-GS-38-00695

Warrant Number: W-05-20-0003

State Identification No. (SID) 01368904

STATE OF SOUTH CAROLINA

COUNTY OF BAMBERG

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

It appearing from the attached affidavit that there are reasonable grounds to believe that JOSEPH RANDOLPH, did on the 28 day of May, 2020 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

The offender has violated conditions 1, 2, 6, 7, 9, 10, Special Conditions of the standard Department conditions associated with Section 24-21-430. The offender has also violated special conditions imposed by the General Sessions Court per order dated November 02, 2016. This warrant or citation is issued pursuant to section 24-21-450 or 300.

Now, therefore, you are empowered and directed to arrest the said defendant and bring JOSEPH RANDOLPH before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at BAMBERG, S. C. this 28 day of May, 2020.

Tehran Jones
Signature of Probation and Parole Agent

(L.S.)

County of BAMBERG

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Tehran Rene Jones, who, first being duly sworn, deposes and says that JOSEPH RANDOLPH did within this County and State on the 28 day of May, 2020, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE

The offender has violated conditions 1, 2, 6, 7, 9, 10, Special Conditions of the standard Department conditions associated with Section 24-21-430. The offender has also violated special conditions imposed by the General Sessions Court per order dated November 02, 2016. This warrant or citation is issued pursuant to section 24-21-450 or 300.

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

;by failing to refrain from violating the law (Mr. Randolph was arrested for domestic violence in Orangeburg County on 03/24/20); Several attempts have been made to contact the subject and the department has been unsuccessful. His whereabouts are unknown. ;by failing to notify his agent of law enforcement contact (Mr. Randolph was released from the Orangeburg County Detention on 04/27/20 and failed to notify the probation office) A letter was sent on 04/30/20 instructing Mr. Randolph to report on 05/04/20 and he failed to do so. ;by failing report a change in address (home visits were attempted on the address on file on 03/18/20 and 05/06/20. On 05/06/2020, residents of the address stated no one by the name lived there) ;by failing to pay supervision fees in the amount of \$1300.00 (being \$400.00 in arrears); by failing to pay court fines in the amount of \$128.75 (being \$20.00 on arrears); by failing to pay a one-time drug test fee of \$20.00; ;by failing to attend mental health counseling, anger management counseling, and substance abuse
Such actions constitute violation of conditions 1, 2, 6, 7, 9, 10, Special Conditions.

Sworn to and Subscribed before me
this 28 day of May, 2020.

Tehran Jones
Affiant

Melissa C. Cook (L.S.)
Signature of Notary Public

Address: P.O. BOX 946
BAMBERG, SC 29003

2-26-2024
My Commission Expires

(803) 245-2901

EXHIBIT NO. 10

STATE OF SOUTH CAROLINA
 County of Bamberg
 STATE VS.
 AKA: Joseph Randolph
 Race: Black Sex: Male
 DOB: [REDACTED]
 SSN: [REDACTED]
 SID#

IN THE COURT OF GENERAL SESSIONS
 Indictment Number:
18 -GS- 38 - 0433
 Probation C/W#: N-05-20-0004
 Name of Original Offense: Domestic Violence 2nd Degree
 Original A/W#: 2018A380800043
 Date of Original Offense: 02-01-2018
 Conviction S.C. Code §: 16-25-210
 Conviction CDR Code #: 3181112
 Original Sentence: 3yrs upon 90 days service
and 3yrs Probation

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 10/25/18 in the Court of General Sessions of Orangeburg County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on _____, as set forth in the attached warrant(s) or citation(s) dated 05/29/2020. 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)
1, 2, 6, 7, 9, 10 & Special Conditions

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 18 months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first or third degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies:

<input checked="" type="checkbox"/> Department fees (arrearage)	Civil judgment:	<input type="checkbox"/> Department fees
<input checked="" type="checkbox"/> Fines and other fees (arrearage balance)		<input type="checkbox"/> Fines and other fees
<input type="checkbox"/> Restitution (and 20%) (arrearage / balance)		<input type="checkbox"/> Restitution (and 20%)

Additional Conditions ordered by the Court: Inpatient Drug TX; Complete Anger Management; Complete Attend Mental Health; Permanent Restraining Order for Amanda Hughes

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant is to be given credit for pretrial detention time served (N/A if defendant has served prior SDC time).
- The defendant has served 90 days/months/years of prior revocations and/or initial SDC time.
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 30 day of October, 2020,
Fairfax, SC

[Signature]
 Presiding Judge
 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
Joseph T. Randolph
 Signed this _____ day of _____, _____ at _____ SC

Witnessed by
[Signature]
 _____ at _____ SC

Probation
ARREST WARRANT
Indictment Number: 18-GS-38-00433
Warrant Number: W-05-20-0004
State Identification No. (SID) 01368904

STATE OF SOUTH CAROLINA
COUNTY OF BAMBERG

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

It appearing from the attached affidavit that there are reasonable grounds to believe that JOSEPH RANDOLPH, did on the 28 day of May, 2020 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

The offender has violated conditions 1, 2, 6, 7, 9, 10, Special Conditions of the standard Department conditions associated with Section 24-21-430. The offender has also violated special conditions imposed by the General Sessions Court per order dated October 25, 2018. This warrant or citation is issued pursuant to section 24-21-450 or 300.

Now, therefore, you are empowered and directed to arrest the said defendant and bring JOSEPH RANDOLPH before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at BAMBERG, S. C. this 28 day of May, 2020.



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

County of **BAMBERG**

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Tehran Rene Jones, who, first being duly sworn, deposes and says that JOSEPH RANDOLPH did within this County and State on the 28 day of May, 2020, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

The offender has violated conditions 1, 2, 6, 7, 9, 10, Special Conditions of the standard Department conditions associated with Section 24-21-430. The offender has also violated special conditions imposed by the General Sessions Court per order dated October 25, 2018. This warrant or citation is issued pursuant to section 24-21-450 or 300.

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

Several attempts have been made to contact the subject and the department has been unsuccessful. His whereabouts are unknown. ;by failing to attend mental health counseling ;Mr. Randolph was released from the Orangeburg detention center on 04/27/20 and failed to notify the probation after his release. ;by failing to refrain from violating the law (Mr. Randolph was arrested for domestic violence in Orangeburg County on 05/24/20); by failing to report a change in address (home visits were attempted on the address on file on 03/18/20 and 05/06/20. On 05/06/2020, residents of the address stated no one by the name lived there) ;by failing to pay court fines in the amount of \$128.75 (being \$20.00 on arrears); by failing to pay a one-time drug test fee of \$20.00 by failing to report to the probation office (Mr. Randolph last reported on 02/04/2020. A letter was mailed instructing the subject to report on 05/04/2020 and he did not show up) by failing to attend anger management counseling, and substance abuse counseling
Such actions constitute violation of conditions 1, 2, 6, 7, 9, 10, Special Conditions.
Subject has also been threatening the victim (Amanda Hughes) via social media.

Sworn to and Subscribed before me
this 28 day of May, 2020.



Affiant



Signature of Notary Public (L.S.)

Address: P.O. BOX 946
BAMBERG, SC 29003

2-26-2024
My Commission Expires

(803) 245-2901

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF

BAMBERG

THE STATE

against

JOSEPH RANDOLPH

INFORMATION ON DEFENDANT

Name JOSEPH RANDOLPH

Address GENERETTE CT
DENMARK, SC 29042

Phone -4458

Sex Male Race Black Height 511

Weight 155 Birth date

Social Security Number

INFORMATION ON WITNESSES

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

PRELIMINARY HEARING held by

Magistrate

on

with

Attorney for the Defendant.

Decision

BAIL

Date Set

Magistrate

Amount

Surety

Constable or Law Enforcement Officer

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

Joseph Randolph

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 5/28/2020

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

Tehran Rene Jones

on the 15 day of Sept 2020

Signature of Constable or Law Enforcement Officer

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

Disposition

Sentence

Co-Defendants

Signature of Judge

(L.S.)

EXHIBIT NO. 11

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF BARNWELL

2016-GS-38-00695

2018-GS-38-00433

State of South Carolina)

) TRANSCRIPT OF RECORD

-vs-

)

) October 14, 2020

Joseph Randolph)

) Barnwell, South Carolina

) (Via WebEx)

B E F O R E:

The Honorable Courtney Clyburn-Pope, Judge

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

Walis Alves, Esquire
Attorney for the Defendant

Reported By:

Yvestre Torres, OCR
Circuit Court Reporter for the
First Judicial Circuit

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EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
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NO EXHIBITS INTRODUCED

1 THE COURT: Is anyone there from the
2 Bamberg Jail? All right. Good morning to you.
3 Is that Mr. Randolph?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Mr. Randolph, raise your right
6 hand where we can see it.

7 (Whereupon, Mr. Joseph Randolph was duly sworn.)

8 THE COURT: All right. Ms. Jones.

9 MS. ALVES: Judge, before we start,
10 I represent Mr. Randolph on this probation violation.
11 However, it would appear that a portion of his probation
12 violation involves a pending charge that he has
13 in Orangeburg. I don't represent him for the charge
14 in Orangeburg. I know nothing about the charge in
15 Orangeburg. I don't know who his attorney in Orangeburg
16 is, if he has one. And I would object -- and he's
17 not been convicted of those charges, but I would object
18 to going forward on anything referencing the charges
19 in Orangeburg.

20 The warrants do involve -- and he can't get
21 those charges resolved until this probation violation
22 is resolved. The warrants do reference violations other
23 than the Orangeburg charges, and we are prepared to
24 go forward on those. But, as I've said, I would object
25 to any consideration or any discussions of the charges

1 in Orangeburg.

2 THE COURT: Ms. Jones.

3 MS. JONES: Yes, ma'am. We violated him for
4 not reporting the arrest, not for -- because he hasn't
5 been convicted of those charges. So we only violated
6 him for not reporting the arrest.

7 THE COURT: Okay. All right. So,
8 Ms. Alves, it appears that these -- this violation
9 is based on not reporting, not necessarily the charges
10 in Orangeburg.

11 MS. ALVES: Judge, when he went to the
12 hearing for his probation violation, it was an
13 administrative hearing. The administrative hearing
14 report references details about the charges in
15 Orangeburg. And, in fact, the prior victim
16 statements -- the victims in the charges that he's on
17 probation for gave statements. And in those statements,
18 they referenced the fact that they believed that he was
19 still continuing the same behavior because of the
20 charges in Orangeburg.

21 My concern is that if there's consideration
22 of the charges in Orangeburg, I can't defend him on
23 those. I'm not even his attorney on those charges,
24 and that would unfairly prejudice Mr. Randolph. But,
25 as I've said, we are prepared to go forward on the other

1 violations that has nothing to do with the charges
2 in Orangeburg.

3 MS. JONES: Your Honor, I think I sent
4 you the paperwork, including the hearing -- the
5 administrative hearing, off of the notes.

6 MS. ALVES: And that recommendation was
7 based on details about the charges in Orangeburg on that
8 paperwork, and the comments from the victims referenced
9 the charges in Orangeburg. And, as I've said -- and
10 I don't know whether that's the reason for the
11 recommendation or not. Even though there is a reference
12 -- there is also the violation that he didn't report.

13 Also, Judge, I would note that one of the
14 violations alleged in the warrants, Ms. Jones says that
15 he failed to refrain from violating the law for being
16 arrested for domestic violence. So, I would just
17 ask that does not be considered -- be argued today
18 or considered.

19 THE COURT: All right. Can you all hear?

20 MS. ALVES: Yes, Your Honor.

21 MS. JONES: Yes.

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: All right. Ms. Alves, you're
24 asking that we don't have the probation violation
25 hearing at all, or just we only hear the parts that

1 are not referencing Orangeburg?

2 MS. ALVES: We only hear the parts that
3 are not referencing Orangeburg.

4 THE COURT: All right. Ms. Jones, we can
5 go forward on the other violations. But I do see in
6 the report there are some references to the violation --
7 to the charges in Orangeburg, and so I will not consider
8 any of that in the report. But I'm certainly willing
9 to consider the other aspects of the report.

10 MS. JONES: Okay. And also one of the
11 victims is also on, so that you're aware.

12 THE COURT: Okay.

13 MS. JONES: Our victim's advocate is on
14 the line from his probation case.

15 THE COURT: All right. Very good,
16 Ms. Jones. Does the victim wish to be heard?

17 MS. JONES: Ms. Hughes [ph.], does
18 the victim wish to be heard?

19 MS. HUGHES: I'm going to read two
20 statements. She was going to speak, but she asked
21 me to speak for her. I have two statements to read
22 from two victims.

23 THE COURT: All right. Very good,
24 Ms. Hughes. When it's appropriate we'll come back
25 to you.

1 MS. HUGHES: Thank you.

2 THE COURT: Ms. Jones.

3 MS. JONES: This is Joseph Randolph. He's
4 on probation for domestic violence, high and aggravated
5 nature. And he's also on for domestic violence, second
6 degree.

7 On the high and aggravated nature, he has
8 a ten-year sentence, suspended to time served and five
9 years probation. He was sentenced in November of 2016.
10 He has prior violations to include violating GPS
11 scheduling, being in arrears on his money, admitting
12 to using drugs, getting arrested for domestic violence,
13 first degree, having contact with his victim, which
14 it was ordered no contact when he was sentenced to
15 probation, by failing to attend treatment, and that
16 is all on the domestic violence, high and aggravated
17 nature.

18 On the domestic violence, second degree,
19 he has a prior violation of not paying his fees, failing
20 to report, failing to report when he was arrested in
21 December of 2019, and failing to do his mental health
22 treatment.

23 His current violations include failing
24 to report. Mr. Randolph last reported to Probation
25 in February. We did a home visit on May 4th --

1 I'm sorry, on May 6th. And the resident stated that he
2 did not live there. We also did a report on March 18th
3 of 2020, by being in arrears on his supervision fees
4 and court fines, by failing to pay his one-time drug
5 test fee, by failing to attend mental health counseling,
6 anger management, and substance abuse counseling.

7 THE COURT: And his last report date was
8 in February?

9 MS. JONES: Yes, ma'am.

10 THE COURT: Okay. Thank you, Ms. Jones.
11 Ms. Alves.

12 MS. ALVES: Your Honor, may it please
13 the Court. Mr. Randolph does admit the violations
14 of failing to report and not completing his counseling.
15 From what he tells me, Mr. Randolph does have a lot
16 of problems going on.

17 He tells me, to start, he was homeless.
18 He was arrested, and then after he was released from
19 the jail in Orangeburg, he went to stay with family.
20 He was evicted from their home. He was asked to leave,
21 and after that he was homeless. He has been staying at
22 the Oliver Gospel. He started staying there in April,
23 and stayed there up until he was arrested, so he has
24 been homeless.

25 I have talked to one of his family members,

1 and they confirmed what he told me. He said that his
2 mother died in November of last year. He was staying
3 with her. After that, he had no place to stay. He was,
4 like, staying here and there with different relatives,
5 but that didn't work out, obviously, since he was asked
6 to leave earlier this year.

7 Judge, Mr. Randolph is disabled. He was
8 shot in 2017 by someone in Orangeburg. He tells me
9 that he was shot 11 times, and that he has had his
10 kidney and his gall bladder and his spleen removed.
11 And he also tells me that at one point he had
12 a colostomy bag, but then he had surgery, and the bag
13 was removed. And he also, most recently, had surgery
14 scheduled -- he had surgery that was actually scheduled
15 for September, but that didn't happen before he was
16 incarcerated.

17 I did talk to his aunt, and she did confirm
18 that he does have all these medical problems. She also
19 shared with me that he's been unable to work because
20 he has limited use of one of his arms, and he has --
21 he can't stand for long periods of time. So he wasn't
22 able to do much work.

23 They did apply for disability; he was
24 denied. He was appealing, but then when he was living
25 on the streets and homeless, he didn't follow up.

1 So, I'm not sure what the status of any of that would
2 be at this point since he didn't follow up on some
3 paperwork that had to get in. She was trying to help
4 him, but when she wasn't able to get in touch with him,
5 there wasn't anything that could be done.

6 He was reporting -- as I've said, he did
7 report, as Ms. Jones said, in February. But then after
8 March is when everything happened, when he got arrested.
9 And then when he got out of jail, and then he wound
10 up going to the shelter.

11 Judge, when I'm talking to his aunt,
12 she says that she understands that he's had the problems
13 he's had. And then when his mother died, you know, she
14 understands that he was going through a hard time with
15 that, but she is concerned. I mean, I think it appears
16 that he may have a drug problem that he does need
17 to get help with. Mr. Randolph does want to get help.

18 His aunt, Theresa [sp.], she wasn't able --
19 she works two jobs, and she wasn't sure if she was able
20 to get off in time to be on the call today, and I didn't
21 see her on the list. So, I have to assume she wasn't
22 able. She told me that she would allow him to come
23 back and live with her so that he wouldn't be homeless.
24 He would have an address to report to the Court.
25 And her only condition would be that he's required,

1 you know, to get drug treatment.

2 So she said that she wants to help him.
3 She understands about the problems that he's had,
4 and she just wants to -- she just wants him to get help
5 for his drug problem. So, I would just ask for that.
6 What she wants is, she said that she thinks he probably
7 needs something intensive, like an inpatient, and we can
8 do an application for that, but -- that's what she just
9 said. But she said she would be willing to allow him
10 to live with her.

11 THE COURT: Ms. Alves.

12 MS. ALVES: Yes, sir -- yes, ma'am.

13 THE COURT: This is the aunt?

14 MS. ALVES: Yes. Her name is Theresa
15 Randolph.

16 THE COURT: Is she present today?

17 MS. ALVES: I do not see her on the
18 participant list, but I did send her the link to the
19 call, and I gave her the number to call in on. She said
20 she didn't know if she would be able to take a break
21 from work to get on. And, like I said, she works two
22 jobs. But I don't see her on the list, so. And she
23 hasn't called the office this morning to say she had
24 a problem, so might not have been able to get off work.

25 THE COURT: Okay.

1 MS. ALVES: Judge, I have also talked
2 with Mr. -- after I spoke with his aunt, I talked
3 to Mr. Randolph. And he admits that he was having
4 a problem last year, and that's the reason that he
5 was asked to leave his family's home because he was
6 self-medicating. He tells me he still has pain in his
7 elbow and his legs. He still has some other potential
8 surgeries to go through, and he knows that he needs help
9 for drugs. So, I would just ask for -- and he has been
10 incarcerated since the 15th of September.

11 THE COURT: And what are you proposing,
12 Ms. Alves?

13 MS. ALVES: I'm asking you to consider the
14 possibility of allowing him to continue on probation,
15 require him to get inpatient treatment, and then go
16 from there.

17 THE COURT: All right.

18 MS. ALVES: He still has to -- like I said,
19 he still has to face the charges in Orangeburg.
20 So depending on what happens there, that might change
21 what happens with his probation. But for this,
22 I'm asking you to continue him and allow inpatient
23 treatment.

24 THE COURT: Thank you, Ms. Alves.
25 Ms. Hughes, you have two statements to read to me?

1 MS. HUGHES: Yes, ma'am. Renee Harding
2 [ph.] was planning to be here yesterday and wasn't
3 able to take another day off from work. She wanted you
4 to know that she's attended every hearing for the past
5 five years, and feels that her input has made little
6 or no difference in the outcome. She stated that he was
7 arrested for violation of probation in Orangeburg County
8 before he transferred to Bamberg County and calls her
9 constantly from the jail, even though there's
10 a no-contact order in place.

11 "When Ms. Hughes had my number from the
12 jail, he started using a different person's phone to
13 text and call me. Even with these and all the other
14 times he violated probation, he was let out of jail
15 within a short time, and he hurt someone else or got
16 arrested. He hurt another woman in another CVD.
17 He gets put back in jail for a little while, gets back
18 out, and hurts another woman."

19 She stated that most of the DVs are with
20 different victims. She says it's a cycle, and no one
21 is ever going to stop him. "When will something -- when
22 will someone do something with J, when he kills the next
23 woman? Then everyone will say, if I had done something
24 five years ago. It's time for this to be over.
25 It's time for me to be able to go home or to work

1 and not look over my shoulder, worrying about whether
2 he or someone else is there to hurt me. I just need
3 for this to be over for peace in my life. I'm tired.
4 He will never stop hurting women. He has proven this."

5 And then the other statement is from Amanda
6 Hughes [ph.]. She is on line, but she said it would be
7 too difficult to read her statement. "My name is Amanda
8 Hughes in the state of South Carolina. I am the victim
9 of domestic violence at the hands of Joseph Thomas
10 Randolph. However, I view myself as a survivor.
11 Joseph has a severe addiction to the drug Molly.
12 He was under the influence of ---"

13 THE COURT: Ms. Hughes.

14 MS. HUGHES: Yes.

15 THE COURT: You turned away from the mike,
16 and now I can't hear you.

17 MS. HUGHES: I'm sorry. I'm sorry. "Joseph
18 has a severe addiction to the drug Molly. He was under
19 the influence of this drug when this incident between
20 us occurred, and he was most of the time. My daughter,
21 who was three at the time, and I were held in our home
22 that we shared for two days. He took my cell phone
23 and hid my car keys. We fought on and off the entire
24 time. As a result, I have permanent damage in my right
25 arm and shoulder. This man even held a gun to my head

1 while I was holding my daughter and threatened to kill
2 me. Joseph told me the only way you're leaving me
3 is through death. You will always be Randolph property.
4 During the time, Joseph was on house arrest, per his
5 terms and conditions for a prior CVD charge against
6 another victim, Ms. Renee Harding, five years probation
7 and house arrest with an ankle monitor. Although he
8 always uses being shot as an excuse and uses his medical
9 issues, that does not prevent him from hitting women.
10 Joseph is a habitual offender who has yet to receive
11 a sentence fitting of his charges. In my case, he was
12 charged with CDV, second degree, and sentenced to three
13 years in SCDC. This was suspended to 90 days and three
14 years probation. Looking back, this was a very light
15 sentence in my eyes as a victim. The terms of his
16 probation included CASA classes, anger management,
17 and drug classes, and he was ordered to see a healthcare
18 provider to get back on his medication and a few other
19 things. The judge told him in court that if he was
20 arrested for any other CDV or drug charges that he would
21 immediately be found in violation of this said probation
22 and be forced to spend the remainder in SCDC. This
23 never happened until now. He has not only another CDV,
24 but a drug charge as well. On 5/13/2019, Joseph was
25 arrested in Myrtle Beach and charged with drug

1 possession. On 8/18/19, he was arrested again in
2 Myrtle Beach and charged with public disorderly conduct.
3 And just earlier this year, in March, Joseph was charged
4 in Orangeburg County with yet another CDV first.
5 In reading the article published in the newspaper,
6 a gun was involved this time as well. I just wanted
7 to provide a little background ---"

8 MS. ALVES: Ms. Hughes.

9 MS. HUGHES: I'm sorry?

10 MS. ALVES: I'm objecting to any reference
11 to the Orangeburg charges.

12 MS. HUGHES: Okay, I'm sorry.

13 THE COURT: I know you're reading her
14 statement.

15 MS. HUGHES: Yeah. I will try to catch
16 it before I get to it. I apologize. "I just wanted
17 to provide a little background, although I'm sure the
18 Court is well aware of it. Now, I would like to touch
19 base on the current situation we are here. I've tried
20 to be friends with Joseph, as he requested, throughout
21 the entire ordeal. He, unfortunately, doesn't have many
22 people he can count on to be there for him. He has
23 awful mood swings that can happen at the drop of a dime.
24 It's more like a light switch being turned on and off.
25 We are here because he has violated probation; we are

1 here because he has threatened my life for the very
2 last time. Joseph was upset because of my green light
3 showing up as being active on a Facebook page. He had
4 a friend whose light apparently shined at the same time
5 as mine, and he assumed we were talking, which was
6 completely and utterly false. I provided more than
7 enough proof of this. He stated several times he
8 was going to kill me and take me out, spray my house,
9 murder me, et cetera. He goes on to tell me to show
10 the police, and he goes on to show his complete lack
11 of respect for them. In those threats, his exact words
12 were" -- and I'm not going to say what's on here.
13 "FU, you ain't about to F with nobody I know."

14 I'm going to step over that. Sorry. "It's
15 time someone in the court system proves him wrong before
16 he kills someone or someone kills him in self-defense.
17 I, for one, through all of this, am prepared to do
18 whatever it takes to keep my children from him by
19 whatever means necessary. In conversation, he has also
20 threatened my children as well. In closing, I ask that
21 Joseph Thomas Randolph be made to be held accountable
22 for all of his horrendous actions. It's time he gets
23 what he truly deserves and not just a slap on the wrist.
24 This just may save another potential victim from his
25 empty shell of a man. I have so much more to say,

1 but I feel as though I have wasted enough time and
2 energy on him already." And that's the end of her
3 statement.

4 THE COURT: All right. And I do understand
5 that Ms. Hughes is on the line. She does not have
6 to speak. I appreciate both statements. Ms. Alves,
7 does your client wish to address the Court? I have
8 some questions for him.

9 MS. ALVES: Yes, sir, I believe so -- yes,
10 ma'am, I believe he does. Also, Judge, I would just
11 note that Ms. Hughes referenced the allegation of
12 charges in Horry County. And, according to the rap
13 sheet that I have, I'm looking at -- the drug charges
14 in Horry County were dismissed in the end of 2019.
15 We don't deny that he was convicted of disorderly
16 conduct. And I believe there was a paraphernalia
17 charge, but the drug charges from last year are all
18 dismissed.

19 THE COURT: Mr. Randolph, you wanted to
20 address the Court?

21 THE DEFENDANT: Hello.

22 THE COURT: Mr. Randolph?

23 THE DEFENDANT: Yes, ma'am. In reference
24 to Ms. Hughes, I haven't seen here in, like, three
25 years. Our dealings have been over with. We both

1 moved on, and we haven't even been speaking. I haven't
2 seen her in, like, three years. In reference to her ---

3 THE COURT: What about ---

4 THE DEFENDANT: Ma'am?

5 THE COURT: What about Ms. Harding?

6 THE DEFENDANT: Ms. Harding, I haven't seen
7 her in years.

8 THE COURT: Have you been calling her from
9 the jail?

10 THE DEFENDANT: I had that time, that time
11 I did call her to check on her or whatever. I do admit
12 that I was wrong on that part. I had called her to
13 check on her one time when I was in jail to see if she
14 was okay.

15 THE COURT: You called her one time?
16 How many times did you call her?

17 THE DEFENDANT: I called her until I had
18 gotten her. But I called her -- I got connected with
19 her once.

20 THE COURT: So how many times did you call
21 her?

22 THE DEFENDANT: I spoke to her once.

23 THE COURT: How many times did you call her?

24 THE DEFENDANT: Maybe like -- maybe three
25 times until I got her, yes, ma'am.

1 THE COURT: All right.

2 THE DEFENDANT: And ---

3 THE COURT: Go ahead, Mr. Randolph.

4 THE DEFENDANT: I do got a problem.

5 For years now, I've been abusing drugs. I almost killed
6 myself a couple of times. I'm also an alcoholic,
7 and the combination is really messed up. I do cocaine
8 and a drug called Molly, and I drink liquor and beer.

9 Other than the drugs and the alcohol abuse,
10 I got shot a lot of times, and I suffer from PTSD,
11 paranoia, anxiety. I was kicked out on the streets
12 where I had my address registered at with Probation
13 because I couldn't help with bills or whatever.
14 So, I was staying at a shelter or whatever. I don't
15 have anybody ---

16 THE COURT: Let me ask you this,
17 and I understand that you were homeless at one point.
18 Your attorney' ---

19 THE DEFENDANT: I was going to get to ---

20 THE COURT: All right. But your attorney
21 did an excellent job. You've got one of the best
22 attorneys in the state. My question is this:
23 Why weren't you reporting?

24 THE DEFENDANT: After my last reporting
25 in February, I pretty much got kicked out because

1 I couldn't help with no bills and stuff like that.

2 THE COURT: All right. What about your
3 counseling? Why didn't you go to your counseling?
4 This is before February.

5 THE DEFENDANT: Pretty much due to no
6 stability and transportation. I wasn't really mentally
7 fit for it. I just was -- I don't think I was a good
8 candidate for it because of the way I was living.

9 THE COURT: Yeah. My question is -- because
10 I'm not sure you were such a great candidate for
11 probation.

12 THE DEFENDANT: Well, I think I was up
13 until the time where they kicked me out. Everything
14 was pretty much going okay. I spoke to the probation
15 officer last in February, you know, everything was
16 pretty much okay until they kicked me out. Went through
17 a lot of starvation and dehydration. I stayed in bed
18 at homes and old cars and stuff until somebody told
19 me about the mission in Columbia or whatever.
20 So, I started staying there for a little bit up until
21 the time where I went to visit my daughter and my son
22 in Orangeburg, you know.

23 THE COURT: How did you get to Oliver
24 Gospel?

25 THE DEFENDANT: Through Junior Shepard

1 [ph.], sheriff's officer. A girl named Keesha [ph.]
2 that I know, that's her brother, and they referred
3 me there.

4 THE COURT: All right. Ms. Jones,
5 is someone having some real issues getting into the
6 domestic violence -- what's the problem with that case?

7 MS. JONES: Well, if they're reporting
8 to us that they're having some type of difficulty --
9 can you hear me?

10 THE COURT: I can.

11 MS. JONES: Okay. If they report to us that
12 they're having trouble with transportation, we work it
13 out with the counseling center to try to provide another
14 way for them to get there. And when they have multiple
15 counseling with anger management, we try to do the
16 counseling in one day so they won't have to find
17 transportation for multiple days.

18 THE COURT: Did he attend counseling ever
19 at any point?

20 MS. JONES: From what I am looking
21 at in my notes, no, ma'am. He never made contact.

22 THE COURT: He never made contact to set
23 anything up?

24 MS. JONES: Never made contact to say he was
25 having any type of issue with transportation or with his

1 living situation.

2 THE COURT: Okay. All right. Mr. Randolph.

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Why didn't you tell anyone you
5 were having some issues getting to your counseling
6 sessions?

7 THE DEFENDANT: I think pretty much because
8 at the same time I was doing a lot of self-medicating.
9 I was utilizing drugs, and I just wasn't doing what
10 I was supposed to do.

11 THE COURT: All right. Anything else you
12 want to tell me, Mr. Randolph?

13 THE DEFENDANT: In Bamberg County, I don't
14 have any family down here. The only person I have is my
15 aunt. Whatever happens, I just would like -- she stays
16 in Orangeburg County. And I would just like to ask
17 whatever happens that my probation be switched to
18 Orangeburg County because I have no family or anything
19 at all up here. Only have my aunt. I lost my mother,
20 so really that's all I got.

21 THE COURT: Ms. Alves, anything further?

22 MS. ALVES: Your Honor, I would just say
23 that during the time that he was at the Oliver Gospel
24 Mission, Mr. Randolph tells me that he did -- that the
25 staff did work with him to help him accommodate PTSD

1 issues that he's had since he was shot. He did sign up
2 for mental health in Columbia. He was not able to get
3 there. And now he's been incarcerated, so he hasn't
4 gotten there.

5 It sounds like what his problem has been is
6 drugs. I mean, that's been clear from what Ms. Hughes
7 had in her letter, what his aunt told me, and from what
8 he said, and he does need help with that. So, I'm just
9 asking for him to get help with that.

10 Also as to the contact that he had with
11 Ms. Harding, it wasn't clear. But I believe that may
12 have been prior to -- that might have been while he was
13 incarcerated back when he was charged with the current
14 charges, not necessarily since he's been on probation
15 for this. It didn't sound like he had contact with
16 her from this jail. So, I'm not sure when he contacted
17 her, or when that contact occurred.

18 MS. JONES: Your Honor, if I may address
19 the Court?

20 THE COURT: Yes.

21 MS. JONES: Mr. Randolph had -- after he had
22 his administrative hearing this last month, he did have
23 a way to get in contact with Ms. Harding right after his
24 hearing. It was not direct contact, but he made a phone
25 call from the jail to someone in his family to contact

1 Ms. Harding, and she immediately contacted Ms. Hughes.

2 THE DEFENDANT: No, that's not true.

3 I can't even get through to nobody back here.

4 That's not true.

5 MS. JONES: The jail confirmed that ---

6 THE DEFENDANT: Who ---

7 MS. JONES: --- and made a phone call right
8 after ---

9 THE COURT: Repeat what you said, Ms. Jones.

10 MS. JONES: Right after his hearing, his
11 administrative hearing, he made a phone call to someone,
12 and that person made a phone call to Ms. Harding, the
13 victim of his domestic violence, high and aggravated
14 nature. She immediately called Ms. Hughes to report
15 that someone got in contact with her, stating that
16 he was the brother of Mr. Randolph. I checked with
17 the jail, and they did confirm that he used the phone
18 right after his hearing, calling someone. I'm not sure
19 if their calls are recorded, but they did say he made
20 some type of statement of getting contact with her
21 or something in that nature.

22 THE COURT: All right. Let me speak
23 to Mr. Randolph.

24 THE DEFENDANT: I haven't spoken
25 to Ms. Harding. No, that's make up right there.

1 Somebody made that up because I'm a very honest person.
2 I did not contact her. I haven't spoken to her in
3 years, since the last time I spoke with her in Horry
4 County. So that's make up right there. I don't do
5 dishonesty.

6 THE COURT: Here's the question. I'm not
7 concerned whether you spoke with her. Whether you
8 actually got in contact ---

9 THE DEFENDANT: I didn't contact her.
10 Period.

11 THE COURT: I'm sorry?

12 THE DEFENDANT: I didn't contact her.
13 Period. The one phone call that they gave me I spoke
14 to my brother. I haven't spoken to Ms. Harding at all
15 in this jailhouse. Period.

16 THE COURT: Okay ---

17 THE DEFENDANT: Somebody right there
18 is trying to ---

19 THE COURT: Mr. Randolph, let me talk.

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: That's what she's alleging.
22 It's not that you talked to her, is that your brother
23 spoke to her. But the point is ---

24 THE DEFENDANT: I understand.

25 THE COURT: --- I'm not even considering

1 that, Mr. Randolph.

2 THE DEFENDANT: Yeah, that's making me
3 feel creepy, though. It makes me feel like somebody
4 is trying to get me on something that I haven't done.
5 I really believe in honesty.

6 THE COURT: My concern is this ---

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: --- is that you didn't attend
9 some of these counseling classes, or any of the
10 counseling classes. I do think you have a drug issue.
11 Ms. Alves, has he been accepted to any inpatient program
12 at all?

13 MS. ALVES: He has not. We have not done
14 any application for him yet.

15 THE COURT: He has the pending charges
16 in Orangeburg.

17 MS. ALVES: He has the pending charges
18 in Orangeburg.

19 THE COURT: Is that why there's been no ---

20 MS. ALVES: No, I've only -- I've been
21 representing him for less than a month. And after
22 I found out what the whole story was and what all
23 the problems were, I found out within the past week,
24 I have not had an opportunity to get back to give him
25 an application.

1 THE COURT: Ms. Alves, your computer ---

2 MS. ALVES: I can't start that.

3 THE COURT: Ms. Alves, your computer
4 is speeding you up.

5 MS. ALVES: I've only been representing him
6 for a little less than a month. And after I talked to
7 his aunt and got the whole story about everything that
8 was going on with him, I have not had an opportunity
9 to do an application to get him into rehab. But we
10 can give him an application so he can apply to the
11 Overcomers, and he can also apply to Palmetto Center,
12 the 28-day program. And, of course -- the extended
13 program.

14 THE COURT: All right. This is what
15 I've decided to do. What I've decided to do, Ms. Alves,
16 is I'm going to revoke him in the amount of 18 months.
17 Once he is released from jail, he needs to finish the
18 balance of his probation, and he'll be required to do
19 inpatient treatment at that time, inpatient drug
20 treatment. And, Ms. Jones, once he's done with the
21 inpatient drug treatment, is it ordered that he have
22 anger management, those CASA classes?

23 MS. JONES: Yes, ma'am.

24 THE COURT: All right. That still stands.

25 MS. JONES: Anger management and mental

1 health.

2 THE COURT: That still stands. What is the
3 balance of his probation, Ms. Jones?

4 MS. JONES: He has until next year,
5 November.

6 THE COURT: November of 2021?

7 MS. JONES: Yes, ma'am.

8 THE COURT: Does this extend the probation,
9 or does that still run as he's incarcerated?

10 MS. JONES: No, ma'am. We toll the time,
11 so it will add extra on his probation.

12 THE COURT: All right. What I'm effectively
13 trying to do is to revoke in the amount of 18 months
14 for the balance he has now, which is roughly 12 months.

15 MS. JONES: Okay.

16 THE COURT: Is that right, Ms. Jones?
17 And so that will give him some time to get into that
18 inpatient treatment.

19 MS. JONES: Yes, ma'am.

20 THE COURT: And allow him to complete that
21 program while he's on probation. Does that make sense,
22 Ms. Alves?

23 MS. ALVES: Correct.

24 THE COURT: All right. Thank you.
25 Good luck to you.

1 MS. JONES: Judge, if you would like,
2 you can also (inaudible.)

3 THE COURT: I can't hear you.

4 MS. JONES: I was just going to add,
5 if you wanted to -- can you hear me now?

6 THE COURT: I'm losing you at the end of the
7 sentence. If you would like to...

8 MS. JONES: (Inaudible) more time to
9 complete all treatment.

10 THE COURT: One more time, Ms. Jones.

11 MS. JONES: You could extend his probation
12 an extra year to give him time to complete all
13 treatment.

14 THE COURT: Okay. I don't think that's
15 appropriate. I think he can complete that within one
16 year after he's released. I don't -- I only want him
17 the one year after he's released. Ms. Hughes?

18 MS. HUGHES: Yes. I'm sorry. I was
19 supposed to ask for a permanent restraining order.

20 THE COURT: Do we need to have a separate
21 hearing on that, Ms. Alves?

22 MS. ALVES: I don't think so, Your Honor.
23 I would have to explain to Mr. Randolph what that means.
24 But since he has said they've gone their separate ways
25 and they don't have any contact, they don't have

1 a relationship with each other, I don't have a problem
2 with it.

3 THE COURT: Yes, I think that's appropriate
4 in this case. And if you will explain to him everything
5 that a permanent restraining order requires of him
6 and the penalties with that. I do think that it's
7 appropriate in the case of Ms. Harding.

8 MS. HUGHES: Amanda Hughes. He already has
9 one on Ms. Harding.

10 THE COURT: All right. Yes, all right,
11 we'll give one to Ms. Hughes as well.

12 MS. HUGHES: Thank you, Your Honor.

13 THE COURT: All right. Thank you,
14 Ms. Alves. Thank you, Ms. Jones.

15 MS. ALVES: Thank you.

16 THE COURT: Is that all for Probation?

17 MS. JONES: That is all.

18 THE COURT: All right. Thank you.

19 (End of Transcript of Record)
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CERTIFICATE OF REPORTER

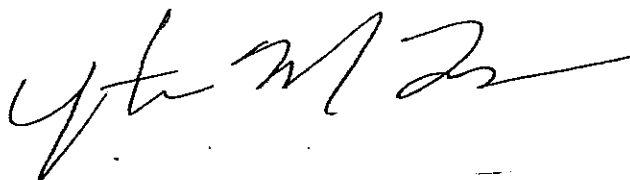
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State of South Carolina)
County of Barnwell)

I, the undersigned, Yvestre Torres, Circuit Court Reporter for the First 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 hearing of the captioned case, relative to appeal, in the Circuit Court for Barnwell County, South Carolina, on the 14th of October, 2020.

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

December 11, 2020

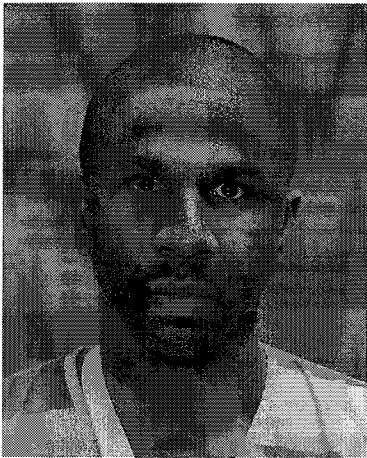


Yvestre Torres
Circuit Court Reporter

EXHIBIT NO. 12

INMATE SEARCH DETAIL REPORT

RANDOLPH, JOSEPH T (00324049)



INMATE DESCRIPTION		INMATE SENTENCE AND LOCATION	
SEX:	MALE	SCDC ID:	00324049
RACE:	BLACK	SID:	SC01368904
HEIGHT:	6' 00"	OFFENDER TYPE:	ADULT-STRAIGHT SENTENCE
WEIGHT:	180 lbs.	ADMISSION DATE:	10/21/2020
AGE:	37	LOCATION:	KIRKLAND
CITIZENSHIP:	CITIZEN - NATIVE BORN	DORM-ROOM-BUNK:	F3-0228-A
BUILD:	MEDIUM	EWC LEVEL:	
COMPLEXION:	MEDIUM BROWN	EEC LEVEL:	
HAIR COLOR:	BLACK	PROJECTED RELEASE DATE:	12/28/2021
EYE COLOR:	BROWN	PROJECTED PAROLE ELIGIBILITY:	NOT ELIGIBLE
PICTURE DATE:	11/16/2018	SUP. FURLOUGH ELIGIBILITY:	NOT ELIGIBLE
		SUP. RE-ENTRY DATE:	NOT ELIGIBLE

CURRENT OFFENSES

OFFENSE	SENTENCE TYPE	YRS	MOS	DYS	COUNTY	START DATE	V/NV	CAT	INDICT	STATUS
DVHAN	ADULT-STRAIGHT SENTENCE	0	18	0	ORANGEBURG	08/16/2020	V	4	16GS3806955	ACTIVE
DV, 2ND DEGREE	ADULT-STRAIGHT SENTENCE	0	18	0	ORANGEBURG	12/29/2019	N	3	18GS380433	ACTIVE

ESCAPES

NO ESCAPES DURING CURRENT INCARCERATION

DISCIPLINARY SANCTIONS SANCTIONS NOT AVAILABLE IN THE AUTOMATED SYSTEM PRIOR TO JANUARY 2009

NO DISCIPLINARIES DURING CURRENT INCARCERATION

MOVEMENT

MOVEMENT DATE	TO LOCATION	STATUS	REASON
10/21/2020	KIRKLAND	INCARCERATED	PROBATION VIOLATOR

EARNED WORK CREDITS

NO EARNED WORK CREDITS DURING CURRENT INCARCERATION

EARNED EDUCATION CREDITS

NO EARNED EDUCATION CREDITS DURING CURRENT INCARCERATION

RECEIVED

Jul 15 2021

SC Court of Appeals



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
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Columbia, South Carolina 29201-3332

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

July 15, 2021

The Honorable Jenny Abbott Kitchings
1220 Senate Street
Columbia, SC 29201

Re: The State v. Joseph T. Randolph
Appellate Case No. 2020-001450

Dear Ms. Kitchings:

It has come to our attention that personal identifiers were included in the Consent Motion to Hold Appeal in Abeyance and to Remand to the Court of General Sessions for a Hearing on a Motion for Resentencing filed with this Court on March 5, 2021. Since this case is closed and the documents remain in public view on C-Track, we are filing this redacted copy for the Court's records.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jessica M. Saxon', is written over the typed name.

Jessica M. Saxon
Appellate Defender

JMS/lmm

Enclosure

cc: Matthew Buchanan, Esquire